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PROCEEDINGS AND DEBATES OF THE *101st* CONGRESS, SECOND SESSION

SENATE—*Friday, April 20, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 8:30 a.m., and was called to order by the Acting President pro tempore [Mr. LIEBERMAN].

The ACTING PRESIDENT pro tempore. Today's prayer will be offered by the Reverend Richard C. Halverson, Jr., pastor, Chesterbrook Presbyterian Church, Falls Church, VA.

PRAYER

The Reverend Richard C. Halverson, Jr., pastor, Chesterbrook Presbyterian Church, Falls Church, VA, offered the following prayer:

Let us pray together:

Father in Heaven, this is a prayer for the wonderful gift of the Holy Spirit. You have written in Your Word that "If earthly fathers who are evil, know how to give good gifts to their children, how much more will the Heavenly Father give the Holy Spirit to those who ask Him."

And so this morning as one of Your little children among other of Your children, I would ask for this gift of the Spirit. Even though we do not understand Him and sometimes even resist Him, we pray for this favor now.

Lord, it is impossible for anyone to know the deeds that are represented by the people here in the Senate and those who work in this body, but we know that someone is lonely, someone is struggling in a relationship, someone is looking for direction or healing, for comfort or strength or courage, someone is just looking for how to pray. All of these things we know, Lord, are gifts that come to us by Your Holy Spirit.

So now together we stand on the threshold of Heaven, as we now knock on Heaven's door and ask, as we begin this very busy day, that when that door opens, You will be there.

We pray these things in the name of Christ Jesus. Amen.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved. Also under the previous order, there will now be a period for the transaction of morning business not to exceed 1 hour, to be under the control of the Senator from Georgia [Mr. NUNN].

Mr. NUNN. Mr. President, I yield to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, I thank the distinguished chairman of the Armed Services Committee for yielding.

SPARKY MATSUNAGA

Mr. SYMMS. Mr. President, I take the floor this morning to express my sympathy for our departed colleague and to the Matsunaga family.

I might just say to the distinguished Presiding Officer and to my colleagues, I had the privilege of first being exposed to Hawaii via James Michener, like I am sure many Americans were. Little did I know when I read the book, "Hawaii," that later on I would become personally acquainted with some of the fictional characters that Michener presented in his book. Those people, two of whom were U.S. Senators since I have been in this body, one who was a U.S. Senator previously, Senator Fong, when I was in the House, were part of the makeup of the young Japanese community in Hawaii that acclaimed so much glory and so much real good, who stood for what America is about, and were good examples to the rest of the Nation.

When I was first elected to Congress, in the 93d Congress, I was assigned to the Ag Committee and that is where I first personally met Sparky Matsunaga, who had been in the Congress for several years at the time. He was a leader in the Democratic Party in the House, obviously a young Congressman who was still out to accomplish much in his legislative career. He had a really profound interest in one major agriculture crop, which was sugar. We also grow a great deal of sugar in my State, so we became friends on the Ag Committee. And he was a member of the Rules Committee, where I gained a great deal of respect for him.

After I came to the Senate in 1980, I had the opportunity, with Senator Matsunaga, to go to Minneapolis to look at some of the downtown area. It really pertained to the business of the Finance Committee, on which we both served. We were to look at the development of the St. Paul-Minneapolis area through financial revenue bonds, historical tax credits, and some other methods. We had a very interesting trip.

On that trip I had the opportunity, Mr. President, to really hear firsthand from Sparky the story about his experiences as a young Hawaiian. At dinner he told me the story about when he was a young officer and had gone on active duty and they were sent up to defend a small island in Hawaii. It was a heart-plucking story. He very sincerely told me how his company was on the defense of one of the islands in Hawaii. I am sorry, I cannot remember which one, but they actually captured some Japanese submarines that came in to bring Japanese troops ashore during the Pearl Harbor attack. These were all young Japanese soldiers of the 100th Battalion which later became part of the 442d Regiment.

Then, when the Japanese forces did not invade, later on all of the troubles broke out in California. We all know the story, which led ultimately to one of Sparky's most important legislative accomplishments—not one of the biggest but certainly one of the most important to him personally—namely, passage of the Japanese-American Reparations Act. But as a U.S. soldier in Hawaii, he had to make his rifle company stack arms, disarm himself and turn his own weapons over to the commanding officer. Then they were all sent to Minneapolis to an army post.

It was there that the first job they were given was to guard some Japanese prisoners who had been captured

in the Hawaiian Islands, who had come in by submarine. These were the very troops he captured. At that point some of the young troops started a petition to President Roosevelt. Senator Matsunaga, then Captain Matsunaga, and all 1,500 members of the battalion signed and sent to the President a petition to have service in a theater where they could disprove the public skepticism about their patriotism.

We all know the story of the great valor and the decorations that were awarded to many members of the NISI regiment, the 100th battalion, which went to North Africa. Senator Matsunaga was part of that group. He not only received one Battle Star for the Pacific Theater for the defense of Pearl Harbor and the Hawaiian Islands, but he then went on and gained four Battle Stars, two Purple Hearts, and other decorations in the European Theater. He then came back and attended law school.

I found out a lot about Senator Matsunaga on that trip. We all knew him as a wonderful, kind man and will all miss him. But he also had a great appreciation for what makes people and what drives human motivation, incentives. In addition, he testified before a House committee about statehood when he was a young Harvard student. It was so appropriate because of his personal experience and background.

But then Senator Matsunaga told me a story about the Kona coffee. I am sure we have all tasted some of that wonderful coffee grown in the United States, in Hawaii. The reason there is a Kona coffee industry is that a young State legislator, Sparky Matsunaga, passed a bill granting an 8- to 10-year tax exemption for anyone starting a coffee business. And that is what started the industry.

I know as a member of the Finance Committee he had a very keen appreciation of human behavior, of responding through incentives. I shall miss him. I think we all miss him. Again, my thoughts and my prayers are with his family. And I just say aloha Sparky, wherever you are. God bless you.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Georgia [Mr. NUNN].

(Mr. WIRTH assumed the chair.)

IMPLEMENTING A NEW MILITARY STRATEGY: THE BUDGET DECISIONS

Mr. NUNN. Mr. President, Congress is about to begin the debate on the levels in the budget resolution for national defense for fiscal year 1991. In my remarks on March 22, I outlined the problems that the blanks in the Defense Department's threat assessment, strategy review, and budget pose for our committee and the Congress as a whole in making these decisions.

In remarks to the Senate on March 29, I provided my own assessment of the threat environment I believe we will face in the 1990's, based on the testimony before our committee and a number of other conversations. In my remarks on April 19, I outlined a new military strategy to relate the key missions our military forces must accomplish to the resource levels that are realistically available for defense in the years ahead.

SUMMARY OF THE NEW STRATEGY

The key elements of my suggested new strategy are:

First, although nuclear deterrence will provide the critical underpinning of our military strategy for now and for the foreseeable future, it should be achievable at significantly lower levels of weaponry, and with a much higher degree of stability, that is, with reduced incentives for either side to strike first with strategic nuclear weapons.

Second, our forward deployed forces should be reduced consistent with the changes in the threat while placing greater emphasis on increased specialization among allied nations and much greater reliance on reinforcement with deployable U.S. combat forces to support our allies.

Third, more of our forces should be put in the reserves, and specifically structured for a reinforcement mission.

Fourth, we should employ a concept of flexible readiness—high readiness for certain forces and adjustable readiness for others.

Fifth, our defense management and resource strategy should be guided by the phrase suggested by former Ambassador David Abshire: "think smarter, not richer."

Under this approach I would include greater emphasis on flying before buying; reduced costs of procuring and maintaining weapons, including improving existing platforms and reducing new starts; innovative research to preserve our technological superiority; and preserving a viable defense industrial base.

IMPLEMENTING THE NEW STRATEGY

Today I will highlight the policy and budget implications that flow from the threat assessment and the new military strategy I have suggested. This task is complicated by the fact that the Pentagon still has not filled in the major program and dollar blanks in their own budget plan. The President's overall defense budget request for fiscal year 1991 and the associated 5-year defense plan required Secretary Cheney to cut $167 billion from the previous 5-year plan. To date, Secretary Cheney has publicly identified $72 billion of his needed $167 billion in cuts.

I remain hopeful that our committee will receive the Defense Department's 5-year defense plan in the near future. Without that plan, it is very difficult to make logical choices about the 1991 budget level, and even more difficult to determine appropriate priorities.

Congress, however, is now faced with fundamental decisions on the defense budget level. Using the essential elements of my strategy recommendations as a starting point, I will discuss the implications for defense budget levels, both in fiscal year 1991 and over the next 5 years.

IMPACT IN FISCAL YEAR 1991

Taking the fiscal year 1991 budget level first: A new military strategy cannot be implemented overnight, and if we reduce the budget responsibly, the outlay savings in fiscal year 1991 will not be as substantial as many expect and demand. There are, however, savings we can and should make in the fiscal year 1991 budget request.

The budget authority target I recommend is derived from the reduced threat and the new strategy. Budget authority is what Congress actually authorizes and appropriates in a given fiscal year. It is essentially permission to spend money, often over a period of several years. Outlays are the actual dollars spent in a given fiscal year and are based on current and prior year appropriations. I believe it is critical that we establish a sensible budget authority target and let the outlays flow logically from the cuts in 1991 and in future years. Managing defense budgets by outlays increases inefficiencies and also increases outyear budget deficits.

The reductions I propose are measured in terms of the CBO baseline which is used by the two Budget Committees as the starting point for the budget resolutions. The CBO baseline is last year's defense appropriation level adjusted for inflation.

In my judgment, implementation of the new military strategy I outlined yesterday will permit a budget authority reduction of $25–$27 billion in fiscal year 1991, with an associated outlay reduction of $9–$10 billion. In other words, I recommend a fiscal year 1991 defense budget of $289–$291 billion in budget authority and $297–$298 billion in outlays.

FIVE-YEAR IMPACT

Over a 5-year period, the savings from implementing this strategy would be far more substantial. A determined yet practical implementation of this new strategy could save approximately $225–$255 billion in budget authority and $180–$190 billion in outlays from fiscal year 1991 through 1995.

I believe this range is a realistic and responsible target for the Armed Services Committee mark up of the defense authorization bill. It will be

tough to meet and will require many difficult decisions. I emphasize that this is not a number pulled out of the air for fiscal year 1991. It represents the first installment on a 5-year plan that is consistent with the reduced threat and with a new strategy.

Many in the Senate will not agree with all the specific reductions I suggest. Undoubtedly, the give and take of committee mark up and floor action will produce many changes in these suggestions, but it is time for the debate to begin.

I want to stress that these are my own thoughts and suggestions which I hope that each of the Armed Services Committee subcommittees will consider during their hearings and during the mark up process. They will have their own views and the final product will be a collective judgment of our Committee, as modified and ultimately approved by the full Senate.

I. ELEMENT NO. 1: MAINTAINING NUCLEAR DETERRENCE AT LOWER LEVELS AND WITH GREATER STABILITY

Mr. President, the first element of the new military strategy—maintaining nuclear deterrence at lower levels and with greater stability—is necessarily a complex subject. I intend to offer more detailed comments at a later date about our strategic modernization programs and arms control objectives, but the basic strategic principles I have suggested have some direct implications for the budget.

I(A) SDI

Budgeting for SDI must be based on a sensible plan and not on political rhetoric. Assuming SDI is redirected into a coherent and rational research program, I believe it should be funded at roughly the current appropriated level. Restructuring SDI to respond to sensible goals is a prerequisite this year if Congress is to approve even this level of funding.

I(B) INTERCONTINENTAL BALLISTIC MISSILE (ICBM) MODERNIZATION

We cannot afford to continue the two mobile ICBM programs in accordance with the Administration's current funding profile. Procurement of the Rail Garrison MX basing system should be slowed due to excessive concurrency between the procurement of the missile trains and the test program for launching missiles from the trains. At the same time, the United States and the Soviet Union should continue to discuss a ban on rail-based MIRV'd ICBM systems as an initial step toward a ban on all land-based MIRV'd missiles.

The Small ICBM, or Midgetman, should be continued, but with an eye toward deploying the missiles initially in existing Minuteman ICBM silos, with mobile basing on Hard Mobile Launchers preserved as a later option, depending on Soviet strategic developments and on arms control outcomes. Both these approaches would produce substantial savings.

I(C) BOMBER MODERNIZATION

The B-2 bomber program must be made more affordable, both in terms of total program costs and annual costs over the course of the 5-year defense plan. I believe this is one of the key issues facing the Air Force and Secretary Cheney. It will likely be addressed in the results of the Major Aircraft Review which he will present to the Committee next Thursday. I will await these results before making my judgment on the appropriate B-2 funding level.

The B-2 must be adequately tested before we commit to increase the production rate above the two to three production aircraft per year that the Congress has authorized in the past.

I(D) SHORT RANGE NUCLEAR FORCES

As I stated in my remarks on strategy yesterday, "I do not believe there is a role in a new military strategy for land-based nuclear weapons whose range is so limited that they could only detonate on the soil of our allies or the newly emerging democracies in Eastern Europe." Accordingly, I think there is no reason to proceed with development of a replacement to the Lance missile system, and I seriously doubt that a sound case can be made for production of new nuclear artillery rounds.

Air-delivered weapons allow significantly greater flexibility for military planners, permit basing of nuclear capabilities in several NATO countries, and do not pose the significant security and political problems that accompany systems whose range is far more limited. With these considerations in mind, I think we should give priority to development of the nuclear tactical air-to-surface missile, or TASM.

I(E) OTHER ISSUES

In addition, there are practical acquisition questions that need to be raised with respect to other strategic programs. Many of the Department of Energy facilities that build our nuclear bombs and warheads are currently shut down for repairs and/or safety modifications. This means that nuclear warheads for the Trident D-5 missile are in short supply, which raises the question of how many Trident missiles we should buy in fiscal year 1991. We also need to review whether we should continue to buy a new Trident submarine each year if they cannot be armed with the most modern missiles.

I(F) NUCLEAR MODERNIZATION FUNDING

In the first element of the new military strategy—nuclear deterrence—these and other actions could save on the order of $3.0-$3.5 billion in fiscal year 1991 and between $20 and $30 billion over the next 5 years.

II. ELEMENT NO. 2: REINFORCEMENT STRATEGY—REDUCE FORWARD DEPLOYED FORCES, INCREASE SPECIALIZATION AND EMPHASIZE REINFORCEMENT

The second element of my suggested strategy is to reduce forward-deployed U.S. forces, increase specialization among allied nations, and emphasize a reinforcement capability, including the use of reserves to augment the remaining forward-deployed forces. This element applies primarily in Europe and to a certain extent in Korea.

In locations where the United States does not have prepositioned equipment and stationed forces, the Services will need to field lighter, more flexible and deployable projection forces with enhanced firepower and survivability.

II(A) REDUCTIONS OF OVERSEAS FORCES

The greatly lengthened warning time of a Soviet attack against NATO allows the United States to reduce the size of our standing forces defending well forward in Europe, and to emphasize reinforcement instead. Reducing the number of U.S. troops stationed in Europe to a level of 75,000-100,000 over the next 5 years, as I have recommended, could save between $10 and $15 billion over 5 years, depending on the pace of deactivation and developments in Europe.

II(B) EMPHASIS ON RECEPTION FORCES

As forward deployed forces are reduced, we should retain the ability to rebuild conventional forces in forward locations if reinforcement becomes necessary. Our residual forward-deployed forces should be lead elements of combat units and combat support forces structured in large part to support reinforcing combat units. These residual forces would include such elements as tactical planning units, intelligence and surveillance units, command and control forces, and "reception" forces along the lines suggested by former Army Chief of Staff Gen. "Shy" Meyer. Since these elements already exist in the services, there would be no significant budget impact for retaining them.

II(C) AUSTERE FORWARD STATIONING

In some areas, we will need to retain forward-deployed forces. We should emphasize temporary assignment of forces, including periodic rotation of Guard and Reserve units, which do not require large installations built to house military personnel and dependents for multiyear tours.

As but one example, the Air Force, after being asked to leave Spain, plans to move the 401st Tactical Fighter Wing to Italy. Building a new base in Italy will cost almost $900 million, with the U.S. share capped at $360 million. If we believe the new base continues to be necessary, we could rotate squadrons on temporary deployments, rather than permanently base 72 aircraft in Italy with all of the ex-

pensive facilities needed for families and dependents. This would avoid the extensive costs of a large installation and offer valuable training opportunities to stateside active and reserve tactical aircraft squadrons.

II(D) EMPHASIS ON LIGHTER, MORE LETHAL FORCES

Current U.S. capabilities for intervention at a distance, where there are few bases and a limited infrastructure, are not adequate for the likely threats of future years. Army light forces are rapidly deployable but lack sufficient firepower, sustainability and ground mobility. Army heavy forces are too heavy and too slow to deploy. For example, last fall in Panama the Army was forced to borrow light armored vehicles from the Marines, and it airlifted 25-year-old Sheridan tanks there because it didn't have any other light vehicles with sufficient firepower. In recent years, Marine Corps forces have allowed their increase in equipment to outstrip their already inadequate amphibious lift.

The Army and the Marine Corps need to go on a diet. We have the technological potential to permit the Army and the Marine Corps to get the weight of their combat forces back to 1980 levels by the year 2000, and with improved firepower and survivability.

Certain existing R&D programs should be redirected away from heavy new systems toward lighter, more lethal advanced technology systems. Some additional funding in this area could be required, but the payoff in capabilities would be significant. For planning purposes I have assumed that we may need to add between $2 and $3 billion over 5 years for programs to expedite promising new technologies for our contingency and expeditionary forces, and to continue the improvements to our special operations forces. Some of these needs could be met by offsetting reductions in heavy programs.

The Services also need to continue to give high priority to the new generation of sophisticated sensors and "smart" munitions. This includes programs like the Joint Surveillance and Target Acquisition Radar System [JSTARS] that will greatly improve tactical intelligence. The services also need to accelerate the development of standoff munitions that will improve the survivability of older platforms and their lethality against ground forces.

II(E) EMPHASIS ON MOBILITY FORCES

Mobility forces are a key component in a strategy that emphasizes the ability to reinforce allies where needed, or deploy forces to areas where forcible entry is required. In this regard, the Department must pay special attention to the proper mix of air, sea, and amphibious lift. I believe we need a more vigorous sealift program. But before major commitments are made for new lift programs, the Defense Department needs to update the now outdated 1981 congressionally mandated mobility study.

II(F) REEVALUATE BATTLEGROUP DEPLOYMENTS

As I noted in my March 29 threat analysis, Admiral Kelso testified to our committee that the Soviet Navy has reduced its "out-of-area" operations substantially in the last few years, and has adopted a defensive posture. Based on similar conclusions, former Secretary of the Navy John Lehman recently said "the sacred 6 month deployment should be dropped. * * * There is no need for back-to-back deployments unless there is a crisis."

I agree. We should retain and exercise the capability to send carrier battle groups where we need them, but that does not mean that the Navy needs to operate 6-month-long carrier deployments or must maintain continuous deployments in traditional operating areas.

A modest reduction in deployments and operational patterns could save between $12 and $15 billion over the next 5 years in operating costs alone. Such a policy would also relieve the punishing demands on personnel and equipment required to sustain 6-month deployments. These demands may have been justified in past years, but are not necessary now and are increasingly unaffordable.

II(G) RETIRE OLDER, SINGLE PURPOSE COMBAT SYSTEMS

The services have continued to operate increasingly obsolete hardware, often to sustain force structure of uncertain combat value. We can no longer afford to operate old, high-maintenance, single-purpose or tactically obsolete combat systems with the attendant force structure.

There is a long list of older combat systems that should be carefully examined to determine whether or not they should be eliminated or retired earlier than planned. This list includes:

Army systems:
OH-58 helicopters;
UH-1 helicopters;
CH-54 helicopters;
M-60 tanks;
M901 Improved TOW vehicles;
Eight-inch howitzers;
Vulcan air defense guns; and
OV-1 surveillance aircraft.

Navy/Marine Corps systems:
F-4 aircraft;
A-4 aircraft;
KA-6 tankers;
OA-4 observation aircraft;
A-7 strike aircraft;
RF-4 reconnaissance aircraft;
OV-10 observation aircraft;
CH-53A model helicopters;
Nuclear guided missile cruisers;
P-3A/B model patrol aircraft; and
SH-3H helicopters.

Air Force systems:
RF-4 reconnaissance aircraft;
OA-37B observation aircraft;
OV-10 observation aircraft;
C-22 transports;
C-140 transports;
HH-1 helicopters;
CH-3 helicopters;
B-52 bombers; and
Minuteman II missiles.

There are several key questions that should be asked in determining whether these older systems should be retained in operational units, either in the active or reserve force structure.

Is the mission essential or merely marginal?

Is the system still responsive to the projected threat?

Does the system need to be updated to meet the projected threat and are such modifications feasible and cost effective?

If the system is deactivated, how will the mission be accomplished?

As active force structure is reduced, will more modern replacements become available?

Is a replacement system, or approach, more or less cost effective than continuing to operate the older systems?

With regard to the strategic systems, will the system have to be eliminated under the terms of the START treaty?

Each system will have to be evaluated on a case-by-case basis. I am not suggesting that these systems have no military utility. But, as budgets and forces shrink, the least valuable military equipment should be scrapped, and more valuable equipment retained. I do not believe, for example, that it is cost effective to keep CH-54's, Vulcan air defense guns, KA-6 tankers, P-3A patrol aircraft, SH-3H helicopters, OA-37 observation aircraft and CH-3 helicopters operational in today's fiscal environment.

Since many of these systems are currently operated only in reserve component units, those units will need to be given modern equipment from the active units that will be deactivated as part of force structure reductions.

These older systems and their associated force structure cost billions every year. Retiring half of the systems on my list over the next 5 years could save approximately $15 billion.

This also applies to specialized force structure. For example, the Air Force maintains nine squadrons of dedicated reconnaissance aircraft, whereas the Navy has adapted F-14 aircraft to carry a reconnaissance pod, and eliminated the need for single purpose reconnaissance aircraft. A similar approach in the Air Force could save between $2 and $3 billion over the next 5 years for this mission alone.

The Department and the Congress needs to review all specialized force structure to determine which should be retained and which could be retired.

II(H) ROLES AND MISSIONS COMPETITION

I believe one of the best ways to meet the challenges of a tight budget and to redirect the efforts of the Services consistent with my suggested new strategy is to encourage the military departments to engage in a constructive competition for roles and missions. Such a competition could be organized and evaluated by the Chairman of the Joint Chiefs of Staff based upon a thorough analytical and operational assessment.

Promoting a roles and mission competition has several important goals.

First, such a competition would break out of the pattern of looking at problems in traditional ways. Must we do this job as we have in the past? Can we do it in a more cost-effective manner?

Second, a competition would help to integrate the various capabilities of the Services and eliminate unnecessary redundancy. Why should one Service spend tens of billions of dollars to accomplish a mission if another Service need spend only a fraction as much to provide substantially the same capability?

Third, a competition would foster greater coordination among the Services in accomplishing a joint task.

For example, when the United States decided to escort tankers through the Persian Gulf and Navy and Marine Corps helicopters were not suited to fighting Iranian gunboats or operating quietly to detect mine laying, Army helicopters operating from barges and U.S. Navy ships were called in to perform those tasks, which proved to be an effective, if unorthodox, solution.

I have in mind the following areas for constructive competition, but I believe the JDCS Chairman and the Services themselves could add others:

A sea control competition between the Navy's carrier battlegroups and the Air Force's long range bombers and tankers;

A force projection competition between the Army and Air Force on the one hand and maritime-based Marine and Navy forces on the other;

A close air support competition between the Army with attack helicopters and the Air Force with fixed wing aircraft;

A competition between active and reserve component squadrons to provide close air support, battlefield air interdiction, air superiority, tactical airlift, and antisubmarine warfare patrol coverage;

A competition between the Air Force with its preference for large satellites launched by massive and expensive launch vehicles, and the Defense Advanced Research Projects Agency, the Navy and other government organizations that are advocating constellations of smaller satellites electronically linked together and launched by numerous inexpensive, on-demand launch vehicles;

A competition between the services over which should provide certain training and education functions, for example helicopter flight training, basic instrument qualification training and skill training;

A competition between the service depots for ongoing modifications and support of fielded weapon systems;

A competition between the services and Defense agencies over who can best provide central services and support;

A competition between stealthy Air Force aircraft and Navy fleet air defense systems to test the advertised performance and capabilities of the systems;

I want to emphasize that the outcome of these and other competitions need not necessarily be an "either one or the other" outcome, though that might be the result. Indeed, keen competition among the services will lead to a refinement of the capabilities that each service has to offer and a better integration of those capabilities at lower cost.

III. ELEMENT NO 3: GREATER UTILIZATION OF THE RESERVES

The third element of my strategy is greater utilization of the Reserves. When we were facing a huge Warsaw Pact conventional threat and a short warning of an attack, most of the tooth of our combat capability was appropriately kept in the active components because we felt we had to be ready to go to war in a matter of days. To lower overall costs, much of the support or tail was put in Reserve component units. Increased warning times now permit placing more of the tooth in the Reserves as well.

The Assistant Secretary of Defense for Reserve Affairs, Mr. Stephen Duncan, recently summed it up well when he testified:

I believe that for cost reasons alone, a rebuttable presumption should exist that missions should be considered for assignment to the Reserve forces unless there are sound and apparent military reasons for assigning the missions to the Active forces. If the presumption can't be easily rebutted, then a particular mission would seem to be a prime candidate for assignment to the Reserve forces.

III(A) RESERVE ACCESSIBILITY

At the outset there is an important issue that must be resolved if we are to depend more heavily on Guard and Reserve Forces, and that is the issue of accessibility. Accessibility means the availability of Reserve personnel to conduct operational missions in times of emergency.

Under current law, the President has the authority to mobilize up to 200,000 members of the Selected Reserve for operational missions for 90 days. This period may be extended by the President for an additional 90 days. The President can exercise this authority without declaring a national emergency.

Presidents have been reluctant to use that authority, and the Department of Defense and the services have been reluctant to recommend that they exercise the authority. Such political reticence to selectively mobilize Reserves has led military planners justifiably to question the accessibility of forces that depend on reserve personnel.

For example, at the time of the recent escorting of reflagged tankers in the Persian Gulf, almost all of the Navy's minesweeper ships were in the Naval Reserve. When it became necessary to deploy the minesweepers to the Persian Gulf, the Navy took the Reserve crews off the ships and replaced them with active duty crews. This delayed the deployment of the ships. It also sent the wrong message to both the Active and Reserve Forces. It told the Reserves that their skills and training would not be used in a contingency, and it told the Active Forces that "we can't afford to rely on the Reserves."

The Department must find ways to exercise the mobilization system—within the existing legal authority—to reassure military planners that Reserve units will be available when needed.

The following items are ways to place greater emphasis on reserve forces.

III(B) INCREASE NUMBER OF AIRCRAFT IN RESERVE UNITS

Reserve squadrons consistently are assigned fewer aircraft than comparable active duty squadrons. It would save money to increase the number of aircraft within existing Reserve squadrons.

Tactical air wings, when returned from Europe, should be deactivated, with equipment not required under the CFE Treaty to be destroyed distributed to existing Guard and Reserve units. For example, deactivating four active wings of fighters, and distributing those aircraft to existing Air National Guard and Air Force Reserve squadrons could save between $3 and $5 billion over the next 5 years.

III(C) TRANSFER MISSIONS TO GUARD/RESERVE UNITS

In some instances, entire missions could be transferred to the Reserve component. The tactical airlift mission could be transferred to the Reserves, though the Air Force might have to assign active duty pilots to Reserve units so that aircraft in that squadron are available for unanticipated missions or emergencies. Overseas deployments of tactical airlift, which will be considerably reduced as forward stationed forces are reduced, could be carried out on a rotational basis. This alone could save as much as $1 billion over the next 5 years.

Countermine warfare could be assigned to the Navy Reserve. Minesweepers and minesweeping helicopters rarely deploy, do not operate with battlegroups, can train and operate independently of other ships, and do not have multiple tactical missions for which operational training varies.

III (D) EXPAND THE USE OF NAVY RESERVES

With the reduction in the Soviet naval threat and the increased warning time associated with a major conflict with the Soviet Union, the United States Navy policy that virtually all deployable ships have to either be at sea or be able to get underway within days becomes increasingly unnecessary and unaffordable. A change in this policy would permit greater use of Navy Reserve forces. Should the Soviet Navy return to a more threatening posture, there would be time to augment manning of the ships to shorten any mobilization period.

I understand the Navy is currently studying an idea called nested ships which would apply to the ships in the Navy that do not routinely deploy with battlegroups, such as antisubmarine warfare frigates. Under this new concept, the Navy would station nondeploying ships together into small groups of from four to five ships of the same class. One of the ships in the small group would be a mother ship and would be manned 100 percent by active duty personnel. Reserve personnel would be assigned to the remaining three to four ships. The active crew on the mother ship would be responsible for essential maintenance on all five ships and, if called on in a major emergency, would be responsible for getting the Reserve crews up to combat proficiency standards.

In terms of Navy aviation, currently a third of the P-3 fleet is operated by Reserve units. By most accounts, they perform the ASW mission very well, even though they are given the oldest and least capable aircraft. Transferring modern P-3's to Navy Reserve P-3 squadrons and deactivating some active squadrons could save between $1.5 and $1.8 billion over 5 years.

These various alternatives—increasing the percentage of reservists on Navy Reserve ships, adopting the so-called "nested" approach, and transferring modern P-3's to Navy Reserve squadrons—could save between $9 and $12 billion over the next 5 years.

These are by no means the only opportunities to transfer missions to our Guard and Reserve Forces. Again, paraphrasing recent testimony by Assistant Secretary Duncan, the presumption should rest with placing as much capability into Reserve component forces as possible in this new era.

IV. ELEMENT NO. 4: FLEXIBLE READINESS

A fourth element of my suggested new strategy is based on a policy for our forces that I call "flexible readiness." I define flexible readiness as the adjustment of the readiness status of various forces based on the threat; the amount of warning time; the likelihood these forces will go into action; and the availability of lift to transport them to the battle.

The reduction in the conventional threat and the severe fiscal pressures present the military services with two alternatives:

They can have a relatively larger force structure, but with the readiness of those forces based on the threat, the warning time, the likelihood of use, and the ability to get to the battle.

If the services are reluctant to move in the direction of flexible readiness, then they will face a substantially smaller force structure than is currently being discussed in the Pentagon.

I believe the flexible readiness alternative is the better approach for our future requirements. The military services would keep certain high priority forces—strategic forces, expeditionary forces, forward deployed forces, and early deployable forces, special operations forces, and selected intelligence units—at the high readiness levels. Forces that are not in these categories can be sustained at adjusted readiness levels. Most importantly, they should be maintained so that their readiness can be quickly increased if we observe increase in the threat.

Adjusting the readiness of combat and support units could save between $20 and $30 billion over the next 5 years.

IV (A) MAJOR INVESTMENT IN SIMULATORS

To ensure combat proficiency at adjusted readiness and reduced operational tempos, the Department of Defense should launch a major program to invest in simulators to permit enhanced proficiency training without employing expensive field training. Third and fourth generation simulators now permit sophisticated training that was not possible 5 years ago.

For example, it is now possible to link tank crews in simulators in Kentucky with artillery units in New England and helicopter pilots in simulators in Texas to train together as a combined force, and even to fight against similar combinations of simulated enemy forces linked electronically from various locations around the country. In the past, such sophisticated training was possible only by putting battalions into the field in expensive exercises.

Similar opportunities exist for maintenance and logistics personnel, and for simulating shipboard operations.

The services have gradually increased their use of simulators, but a major expansion in the use of simulators is now necessary. For planning purposes, I have assumed that we may have to spend between $2 and $3 billion more on simulators than is currently planned in order to fully implement a flexible readiness approach. However, this investment would be offset by the substantial savings noted above.

V. RESOURCE STRATEGY: "THINK SMARTER, NOT RICHER"

Mr. President, a new resource strategy is long overdue. The defense budget has been on a roller coaster. During the first half of the decade, the budget shot up very quickly. The Department developed 5-year plans with huge funding increases in the so-called "outyears." These unrealistic outyear projections distorted the defense budget by letting the services start many more programs than they could actually afford to buy. The services created a bow wave of procurement plans that were very doubtful at the outset and that now cannot be accommodated in shrinking budgets. This is the primary reason why cuts today, even in light of a reduced threat, are so difficult and painful.

Faced with shrinking defense budgets, it is critical that we have stable long-term budgets and that we squeeze the maximum amount of defense capability out of each dollar invested. I believe the following policies are important to getting better management of scarce defense resources.

V (A) "FLY BEFORE BUY"

The Packard Commission recommended we return to the "fly before buy" concept. Let us make sure we know what it is we are getting before we commit to the procurement of major new weapon systems.

In the 1980's, DOD virtually abandoned this principle. The services feared the pace of Soviet weapons developments and felt an urgency to field technologically superior weapons to counter numerically superior Soviet/Warsaw Pact forces. This resulted in excessive concurrency—starting procurement in most weapon systems before all the bugs were worked out in development.

The B-1 bomber is a classic example. All 100 B-1 bombers were under construction in some form before initial operational test and evaluation was started. The sad results are testimony as to how not to do business. The taxpayers will have to spend nearly $1 billion for "fixes" required for the B-1 which, if they work—and we are not assured of that yet—will not even meet the originally advertised capabilities.

The reduction of the Soviet/Warsaw Pact threat means we do not have to rush to buy a weapon system. We can wait until we know it works.

This approach should be applied to the following major new weapon programs:

Light helicopter (Army);

Armored systems modernization;

Advanced air-to-air missile;
Advanced tactical fighter;
B-2 bomber;
C-17 transport aircraft;
Rail garrison MX;
A-12 attack aircraft;
T-45 training system;
SSN-21 submarine;
P-7 antisubmarine patrol aircraft;
Bigeye bomb;
SRAM II;
Tactical air-to-surface missile [TASM];
Advanced launch system;
Milstar satellite system; and
Small ICBM.

Greater use of prototyping and deferring full rate production until operational testing is substantially completed could save over $40 billion if applied to these programs. A uniform and inflexible application of this guideline is not practical, since individual programs will vary, as will the urgency of fielding. Nonetheless, a very heavy burden of proof must be put on any service request to buy before we fly. We now have time to make sure equipment is affordable and works as promised.

V(B). EMPHASIZE PRODUCT IMPROVEMENTS OVER NEW STARTS

The Packard Commission emphasized product improvements to existing weapon systems as an alternative to designing new generations of weapons. Despite this recommendation, the pending budget request continues most of the major new weapon development programs while terminating existing weapons, some of which could be updated at far less expense.

We must continue to modernize our forces, but in some cases we can skip one generation of weapons. We now have an opportunity to weigh the relative merits of continuing and upgrading existing weapons versus launching major replacement programs. The following list of weapons illustrate some of the alternatives we should consider.

Current system	Replacement system
F-15 fighter	
F-16 fighter	Advanced tactical fighter.
AH-64 helicopter	
AHIP helicopter	Light helicopter [LH].
SSN-688 submarine	SSN-21 submarine.
AMRAAM missile	
Phoenix missile	AAAM missile.
M1 tank	
M2 fighting vehicle	Armored system modernization.

In each instance, the Defense Department needs to carefully evaluate the tradeoffs between product improvements for current systems and proceeding with a new replacement program. In making these tradeoffs, we need to ask the following key questions:

How has the threat changed from that postulated at the time the services launched the new starts?

Are product improvements possible with existing systems and how well would they meet the revised threat?

Which technological developments can be retrofitted into current systems and which can be included only on a newly-designed weapon?

What production rate assumptions are incorporated in the estimates of cost for new systems and are those assumptions valid? Do more realistic assumptions make a difference in cost-effectiveness?

Are new weapons cost-effective if the needed quantity is substantially reduced because of smaller force structure?

In many instances, it is possible to fit older weapon platforms with modern smart munitions to dramatically improve the overall effectiveness of current weapon systems. For example, 30 year old B-52's can launch swarms of small cruise missiles that each have an independent capability of hunting out and destroying enemy radars. In this instance, an obsolete system can be fitted with a state of the art munition to make it a powerful weapon system well into the next century.

As the Packard Commission indicated, that burden of proof should rest with those who advocate the start of a new system rather than an upgrade of existing weapons.

V(C). MAINTAIN TECHNOLOGICAL SUPERIORITY

United States technological superiority helped us offset numerically superior Soviet/Warsaw Pact forces. We must continue to maintain this superiority by maintaining a viable technology base and reinvigorating our laboratories and our research universities.

Senator BINGAMAN, who chairs the Defense Industry and Technology Subcommittee has been a leader in this area. He has outlined the key questions that we have to address as a country.

What are the critical technologies that we will need to support our forces and implement our strategy in the future?

Who in DOD is responsible for identifying and promoting those critical technologies?

How will we transfer those critical technologies from the laboratories to industry to insure they are fielded promptly in new generations of weapons systems?

How can we promote technologies that have a useful application in commercial industry as well as in defense applications, so the overall cost of new technology is affordable for both sectors?

These are the right questions, which must lead to concrete goals and objectives. We must establish concrete achievable resource allocation goals for insuring U.S. technological superiority at the turn of the century. This may require real increases in funding for the technology base.

V(D). ELIMINATE EXCESSIVE OVERHEAD IN PRIME CONTRACTORS

During the first half of the decade, the Department spent substantial sums to expand the production capacity of prime contractors, and in many instances established competitive sources to produce the same weapon system. While competition is a good thing when procurement quantities are large, the Department finds it now must pay for excessive production capacity, to include facilities and tools. Today almost every weapon system is being produced at only a fraction of the production capacity initially established, with enormous waste in useless overhead.

The Department should develop an approach to eliminate excessive production capacity if the production rate falls to inefficient levels. For example, DOD could require a military Department to conduct a winner-take-all competition between two producers any time that the proposed production rate falls below 25 percent of combined production capacity of the two producers.

To its credit, the Army recently held a competition between the two producers of the Hellfire antitank missile. That competition led to a 19-percent reduction in unit costs. All the services need to carefully review acquisition strategies to eliminate burdensome overhead.

V(E). STREAMLINE HEADQUARTERS ORGANIZATIONS

During the cold war decades, the services built up multiple layers of headquarters organizations and commands. These include the service component headquarters as well as the development, acquisition and management headquarters. A comprehensive review by the DOD inspector general several years ago called for fundamental streamlining. The Department should make this a priority when it implements its defense management review. Otherwise, the Congress will have to mandate reductions in funding of the various headquarters and organizations.

V(F). PRODUCTION RATE STRETCHOUTS

Historically, the services project unrealistically high production rates in order to advertise lower per-unit costs for new weapon systems under development. Program managers buy the production capacity needed to produce weapons at those unrealistic rates. Subsequent budget pressures hold down production rates to a much lower, inefficient percentage of capacity, resulting in high overhead rates and soaring unit prices. Forced optimism at the outset of a program always returns to haunt procurement later when programs enter a negative

spiral of higher unit costs and shrinking annual buys.

Systematically, the services have started more programs than they can afford to buy because they assumed these unrealistic high production rates and artificially low per-unit costs. Year by year, production rates across the board are lowered because of funding limitations, and program costs increase. We must change this way of doing business.

For weapon systems that are still in development, the services must not build excess production capacity based on unrealistically high production rates. The Under Secretary of Defense for Acquisition must ensure that the services do not continue to create grossly excessive production capacity.

Unfortunately, DOD is now locked into an entire generation of weapon systems that have substantial excess production capacity and low annual production rates. Our choices are limited for those programs currently in production. Some of the systems in low production will have to be canceled. For other weapon systems, inefficient production rates may be the only way to preserve essential production capabilities required in American industry.

The following are typical systems that preserve key technologies, but which do not need to be produced at high production rates because of reduced force structure.

F-16 fighter;

F-18 fighter;

SH-60 helicopters;

E-2 early warning aircraft;

MLRS rockets and launchers;

M2 fighting vehicles; and

AMRAAM, HARM and tacit rainbow missiles.

Selective stretchouts for these programs could save between $9 and $14 billion over the next 5 years, even though regrettably unit costs and total program costs would be increased.

V(G). COOPERATIVE RESEARCH AND DEVELOPMENT

Cooperative research and development between the United States and its NATO and major non-NATO allies could yield common military equipment and hence improve combat capabilities. Moreover, each country's share of a collaborative project's cost will be far less than the cost that each country would have incurred if it had undertaken the project itself. The progress to date under this program has been uneven, but nonetheless encouraging. As United States and allied defense budgets shrink, cooperative research and development is even more essential.

CONCLUSION

As I indicated at the outset of this presentation, implementation of this strategy, I believe, will permit a budget authority reduction of $25-$27 billion in fiscal year 1991, with associated outlay reductions of $9-$10 billion. Over a 5-year period, the savings would reach approximately $225-$255 billion in budget authority and $180-$190 billioin in outlays. I ask unanimous consent to have printed in the RECORD two summary tables on these savings.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ESTIMATED SAVINGS FROM IMPLEMENTING THE NEW STRATEGY

[In billions]

	Fiscal year 1991 savings	5-yr savings (fiscal years 1991-95)
I. Nuclear Deterrence at lower levels	$3-$3.5	$20-$25
II. Reduce forward deployments and emphasize deployable forces	1-1.5	20-25
III. Shift more to reserves		12-15
IV. Employ flexible readiness	1.5-2.5	20-30
V. "Think Smarter, Not Richer"	10.5	30-35
Total savings	16-18	100-130
Total estimated savings from the President's budget:		
Budget authority	16-18	100-130
Estimated Outlay Savings	6-7	90-100
Estimated savings when compared to the CBO baseline:		
Budget Authority	25-27	225-255
Outlays	9-10	180-190

Source: Savings are listed in budget authority and are from President Bush's fiscal year 1991 Defense budget and 5 yr Defense spending levels.

RECOMMENDED DEFENSE BUDGET LEVELS AND SAVINGS BASED ON REASSESSED THREAT AND NEW MILITARY STRATEGY

[In billions]

	Fiscal year 1991	5-yr total (fiscal years 1991-95)
I. Recommended level for national defense function:		
Budget authority	$289-$291	$1,456-$1,486
Outlays	297-298	1,463-1,473
II. Reduction compared to CBO baseline: [1]		
Budget authority	25-27	225-255
Outlays	9-10	180-190
III. Reductions compared to President's fiscal year 1991 budget request:		
Budget authority	16-18	100-130
Outlays	6-7	90-100

[1] The CBO baseline is used by the Budget Committees in developing the budget resolution. The baseline is the fiscal year 1990 level adjusted for inflation.

Mr. NUNN. Mr. President, when the Armed Services Committee prepares to mark up the Defense authorization bill, I believe this represents a realistic and responsible target. It represents the first installment on a 5-year plan that is consistent with a new strategy.

Mr. President, a recent CSIS study summed up our current situation very well: "Building up without a strategy is foolish; building down without one could be disastrous." In my remarks over the last few weeks, I have offered a number of suggestions intended to help us avoid that disaster. I look forward to working with my colleagues to develop the best defense program we can consistent with the remarkable changes that have and are occurring in our world.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m, with Senators permitted to speak therein not to exceed 5 minutes each.

REDUCED FUNDING FOR THE MX RAIL GARRISON MISSILE SYSTEM

Mr. LEVIN. Mr. President, let me congratulate the chairman of the Armed Services Committee for the most extraordinarily coherent and comprehensive series of speeches that he has made on a subject which is of immense importance to the Nation. There is nobody in this body that could do what he has done for us and for the Nation and I am grateful for it and all the members of the committee are grateful for it and I believe the country is grateful for it.

Mr. NUNN. I thank the Senator.

Mr. LEVIN. He recently addressed one part of a presentation, and I wish to just comment very briefly on it and that has to do on the MX rail garrison system. The chairman has indicated that he believes that the funding for this system should now be slowed principally because of a concurrency problem. We are acquiring these trains prior to the completion of the testing of these trains. It is on that subject that I shall briefly make some remarks.

Senator JEFFORDS and I are introducing today a bill to eliminate all of the procurement funds and all of the military construction funds for the MX rail garrison system.

The Levin-Jeffords bill cuts $1.614 billion in procurement and military construction funds from $2.162 billion that has been requested for the program by the administration and that $1.614 billion represents all of the procurement and military construction funds in the President's request. It keeps the MX rail garrison in the development phase by providing $548 million for R&D.

The administration request is a perfect example of wasting Government funds. The Pentagon wants to purchase large numbers of MX trains before the system is fully tested. There are other reasons why the system is wasteful.

The MX rail garrison request is an example of wasting Government funds in two respects. First, the Pentagon wants to purchase large numbers of MX trains before the system is fully tested, and second, we simply do not need the MX rail garrison system to improve our nuclear deterrent capability.

By requesting over $2 billion for MX rail garrison this year, including a thirteenfold increase in procurement funds and over double the amount of military construction funds appropriated in fiscal year 1990, the administration is asking the Congress to approve of a fiscally irresponsible plan. What the chairman has pointed out is the concurrency problem. What that means is that there is a significant overlap between the development and the production phases of the MX rail garrison system. It is known as concurrency.

For the last 2 years the GAO has been reporting to the Congress that the MX rail garrison program has a significant overlap between its development and production phases. This overlap, known as concurrency, has been cited by GAO as a significant factor in excessive weapon system cost, schedule delays, and performance problems. Concurrent weapon programs can and should be scaled back to save money.

In fact, the GAO has pointed out four unique characteristics of the MX rail garrison program that they say require testing before we purchase large numbers of MX trains. These include: First, the capability of the train to withstand missile launch; second, the launch effects on commercial railroad trackbeds and the ability of the train to resume mobile operation after launch; third, the capability of the guidance and control system to recover specified levels of accuracy following rail transit; and fourth, the effects of horizontal basing and rail movement on MX missile performance and reliability.

The GAO very strongly urges us not to proceed with the procurement at this time, and this Levin-Jeffords bill will strike all the money for procurement development.

The DOD has concurred with GAO on their assertion that the "unique operational effectiveness characteristics associated with mobility on the rail network must be fully evaluated and demonstrated before the effectiveness of the—rail garrison—operational concept can be confirmed." However, the Air Force as recently as last month continued to tell the SASC that in spite of the danger, "we regard the concurrency as not an issue."

The MX rail garrison funding plan is a classic example of the flawed "buy before you fly" policy that has cost this country so much money in recent years. It is a policy that in many cases has required the U.S. taxpayer to put up the money for costly repairs of weapons systems that were rushed into production before being adequately tested. The B-1B strategic bomber is one example of a concurrent program that continues to cost the U.S. taxpayer hundreds of millions of dollars to fix.

But, the Pentagon has not learned its lesson from the B-1B fiasco. It continues to rush forward with the MX rail garrison system, despite the risks posed by concurrency.

The President's Blue Ribbon Commission on Defense Management, known as the Packard Commission, pointed out the importance of subjecting new weapons systems to rigorous operational test and evaluation 4 years ago. In its report titled "A Quest for Excellence," the Commission made the following recommendation:

> That operational testing began early in advanced development and continue through full-scale development, [and] the first units to come off the limited-rate production line should be subjected to intensive operational testing and the systems should not enter high-rate production until the results from these tests are evaluated.

The Pentagon acquisition plan for the MX rail garrison is completely at odds with the Packard Commission recommendation. The Air Force proposes to purchase 65 percent of the MX trains before the operational test and evaluation of the system is completed. In other words, the Air Force wants to purchase 16 of the 25 MX trains before we know whether the MX rail garrison system will work under operational conditions.

In this period of shrinking resources we cannot commit to procuring large numbers of MX trains before this missile program has been rigorously tested.

The Packard Commission and the GAO both recommend that we "fly before we buy" and I agree with that advice.

Besides fiscal concerns, there are a number of other reasons why this Nation should slow down the MX rail garrison system. The primary one is that our current strategic nuclear systems are survivable and robust. Even if the Soviets launched a nuclear attack today with no warning we would have over 4,000 surviving nuclear warheads on our aircraft and ballistic missile submarines with which to retaliate. And if the number of warheads that the Soviets targeted on United States nuclear weapons were doubled, we would still have about 4,000 strategic nuclear weapons for retaliatory purposes because our alert aircraft and ballistic missile submarines at sea would still survive the attack. That is the key—if the Soviets increase their strategic forces, the number of our survivable retaliatory forces is not significantly affected.

So why are we fixated on maintaining exact numerical parity with the Soviets? Just as a purely static bean count of weapons made no sense when evaluating the level of conventional defense in Europe—it makes no sense when evaluating the level of nuclear deterrence. The key to evaluating nuclear deterence, is not determining whether the United States or Soviets have more nuclear warheads—the United States does at the moment. It is the number of survivable warheads that determines the robustness of your deterrence.

The MX rail-garrison system is a perfect example of the ongoing overemphasis on nuclear weapons that is wasting billions of dollars while adding little to our existing robust level of nuclear deterrence.

In the President's proposal, billions will be spent to move our 50 existing MX missiles from the hardened silos in which they are currently deployed, and placed on unhardened trains. In this new configuration, the MX missiles and the rail road cars on which they will sit will be significantly more vulnerable to surprise attack than in current silos.

In a recent letter to me, the Congressional Research Services [CRS] stated that the MX missile deployed on trains and sitting in the open was hardened to about 5 to 10 pounds per square inch [PSI]. In its garrison the PSI would only be slightly higher the CRS said. By comparison, the MX in silos is estimated to be hardened to 2,200 PSI. So, in its silo, the MX is presently 220 times as hard as—that is, 220 times as survivable—as it will be in the rail-garrison configuration that the President is proposing.

The issue of vulnerability is especially important for those who believe the strength of the MX lay in its mobility. In fact, the MX will rarely be mobile. It will not be able to survive a surprise attack. Stability comes from survivability and the MX in rail-garrison will be less survivable than it is now, except in those rare cases when our forces are generated. Yet, its destructive potential actually makes MX an especially inviting target for a surprise attack. The reason is that the four trains, each carrying two missiles with 10 warheads, are all deployed in unhardened shelters within a one-quarter mile area. As a result of this configuration, a few enemy warheads could eliminate 80 of ours—4 times 2 times 10. That is a very inviting target—a 40:1 ration that is very destabilizing.

In current silos, each 10-warhead MX missile is no closer than 3 miles apart. It would take two attacking warheads to destroy 10 of ours. This is a 5:1 ratio which is much more stabilizing. The status quo is more stable than the change that is proposed because the proposed mobility only rarely exists and during all the other times the MX is a more vulnerable, more attractive target than it is now.

The MX proponents argue that MX rail garrision will survive in times of crisis when our nuclear forces are generated. At this time, the MX train is supposed to pull out of the station and

leave its vulnerability behind. What exactly is a time of crisis? Thirty years ago, the United States created the DEFCON or defense condition system. Since then, on three occasions worldwide U.S. nuclear forces were placed on a high state of alert. These events occurred in May 1960 during the Paris Summit Conference; October 1962 during the Cuban missile crisis; and October 1973 during the war in the Middle East.

But it is in those rare times of crisis we need the MX least—because our airplanes and submarines are generated, are deployed, in a time of crisis and we have more than twice as many survivable warheads available as in times of calm. The numbers here are important. In normal times, as I have pointed out, some 4,000 of our nuclear warheads could survive a surprise attack on the United States. In times of crisis, more than 8,000 warheads would be survivable after our forces were put on a higher state of alert.

The fact is that for either a surprise attack or an attack that came during a crisis, the United States has more than enough nuclear weapons to launch a totally devastating counterattack against any enemy. This is the essence of deterrence, and every military official that has testified before the Armed Services Committee in past years has stated that we have sufficient nuclear deterrence. And, this scenario of a potential attack on our ICBM's does not include the nuclear weapons possessed by our allies, or our nuclear-tipped cruise missiles on ships at sea.

As generals and administration officials have testified, it would be totally irrational for a Soviet leader to launch a nuclear attack when faced with such certain and potent retaliation. It would be irrational to launch a surprise attack against us when we would have 4,000 survivable warheads and irrational to launch a nuclear attack against us after we have generated 8,000 warheads capable of retaliation. By the way, just one of the 192 survivable warheads on one Trident submarine has about 6.5 times the destructive power of the Hiroshima bomb and each Trident sub has 192 warheads.

Some argue that we need to build more modern nuclear systems because the Soviets continue to modernize their nuclear forces. But the approach that we should take is to put the brakes on Soviet modernization through the arms control process. I am pleased to see that the President suggested to the Soviets a mutual ban on all land-based mobile MIRV'd missiles. It is unfortunate that the Soviets have responded coolly to this offer, although one news report indicated that the door has not been slammed shut on this issue by the Soviets.

However, some will point to the Soviet resistance to bargain away land-based mobile MIRV'd missiles as a reason to move full speed ahead with the MX rail garrision system, but we must be fiscally prudent and not overfund this highly concurrent system. If we decide to buy this weapon, though we shouldn't for the reasons I have outlined, at least we should make certain that it will perform the way it is supposed to.

At a time when the defense budget is going to be reduced at a minimum of 2 to 3 percent per year, we cannot afford to waste money. We will need to manage defense reductions wisely and apply the savings in a way that strengthens our Nation's security by meeting the challenges of tomorrow.

Mr. President, I ask unanimous consent that a copy of our bill and the GAO reports and testimony on the MX system and a series of quotations by U.S. military and political leaders regarding the MX rail garrison system be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. FUNDING LIMITATION.—No funds appropriated after the date of the enactment of this act may be obligated or expended for procurement or military construction for the MX rail garrison missile system. Delete $1.614 billion in procurement and military construction funds from the $2.162 billion requested for the MX rail garrison system.

[U.S. General Accounting Office, Report to the Secretary of Defense]

ICBM MODERNIZATION—RAIL GARRISON PRODUCTION DECISION AND LAUNCH CAR ACQUISITION SHOULD BE DELAYED

NATIONAL SECURITY
INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, December 7, 1989.

Hon. RICHARD B. CHENEY,
The Secretary of Defense.

DEAR MR. SECRETARY: As part of our periodic reviews of the Air Force's intercontinental ballistic missile (ICBM) modernization efforts, we evaluated the current and planned land-based ICBM force structure. During our review you announced that the 50 Peacekeeper missile force will be rebased from the silos at F.E. Warren Air Force Base, Wyoming, to rail garrisons at various Air Force installations. This report dicusses how your announcement provides an opportunity for the Air Force to revise its missile launch car acquisition schedule and more fully consider operational test and evaluation results before deciding to begin initial and full production of the system.

RESULTS IN BRIEF

Initial operational capability [1] for the rebased Peacekeeper missiles is planned for 1992, and full operational capability of all 50 missiles is expected to be achieved in 1994. To meet these milestones, an initial low-rate production decision for the missile launch cars is scheduled for April 1990, and a final full-rate production decision is scheduled for March 1992. The final production decision will be supported by the results of a completed operational test and evaluation program, but no operational test and evaluation of the complete weapon system (missiles and rail cars) will have been conducted prior to the initial production decision. Additionally, the Air Force plans to purchase about 73 percent of the missile launch cars in connection with the initial production decision. Such a large purchase would, in effect amount to a full-rate production decision in the absence of any operational test and evaluation of the complete weapon system.

Since the missiles to be rebased on rail cars are already on alert in silos, your announcement provides an opportune time for the Air Force to reassess its Rail Garrison acquisition strategy and restructure the production program. The restructure should provide for (1) delaying the initial production decision until after some operational test and evaluation of the complete weapon system has been conducted and (2) procuring most basing hardware after the operational test and evaluation program has been completed.

BACKGROUND

The Rail Garrison concept involves placing a force of 50 missiles on 25 trains, each carrying two Peacekeeper missiles. The trains will be parked inside train alert shelters in secure garrisons at Air Force bases throughout the continental United States. The missiles will be kept on the trains in continuous strategic alert. In the event of national need, the missiles will move onto the nation's railroad network. If necessary, the missiles can be promptly launched from within the train alert shelters.

The Air Force's 1988 Selected Acquisition Report estimates Rail Garrison basing acquisition costs to be about $6.8 billion in then-year dollars. This estimate includes costs to develop and procure trains and other basing hardware, facility construction, land acquisition, and five basing verification flight test missiles. It does not include the cost of the 50 missiles in silos that were purchased for the Peacekeeper program.

RAIL GARRISON PRODUCTION DECISIONS WILL PROCEDE OPERATIONAL TESTING

According to the Air Force's current acquisition milestones, no operational test and evaluation of the complete Rail Garrison weapons system will have been conducted at the time the initial production decision is scheduled to be made. Also, current program office plans indicate that the majority of missile launch cars will be purchased in connection with the initial production decision rather than after the final full-rate production decision, as intended by Department of Defense directives.

Opportunity to delay production decision

The Department of Defense's policy on major weapon system acquisition stresses the importance of minimizing the time to develop, produce, and deploy major systems for use by operational forces. However, we have maintained that even in expedited programs, as is the case with Rail Garrison, decisionmakers should have some information to assess a weapon system's operational performance before production begins.

[1] Initial operational capability for the Rail Garrison conecept has been defined as one train on alert with two missiles plus one train for use in training.

Therefore, we have stated that, at a minimum, some operational test and evaluation should be performed before proceeding into production.

Operational test and evaluation assesses a weapon system's effectiveness and suitability when operated and maintained by military personnel and in environment that is as operationally realistic as possible and practical. Operational test and evaluation results are required to be available before major decisions regarding production are made, even though the necessary corrective actions identified through operational test and evaluation may be undertaken after production begins. In a prior report,[2] we recommended that the Director, Operational Test and Evaluation, ensure that sufficient operational test results are available to warrant production start-up. The Department of Defense concurred with the recommendation.

In the case of Rail Garrison, the initial production decision is scheduled for April 1990. At that time about 2 years of the scheduled 4-year test program will have been completed. Most of the testing that is scheduled to be completed and used to support the April 1990 decision will be developmental testing of preliminary designs of individual subsystems.

The April 1990 initial produciton decision is to be supported by an early operational assessment prepared by the Air Force Test and Evaluation Center. However, an Air Force Operational Test and Evaluation Center official advised us that, in the absence of systems level operational testing, the scope of the early operational assessment will be limited and that the primary thrust of that document will be an appraisal of the schedule for providing operationally respresentative systems for the operational testing required to support the March 1992 full-rate production decision.

The Air Force considers the Rail Garrison program as a low technical risk because it views the program as basically an engineering effort to integrate proven missile systems into the existing rail industry. However, the Rail Garrison Test and Evaluation Master Plan identifies unique characteristics of the Rail Garrison program that require testing. These include:

The capability of the train to withstand missile launch effects (e.g., impact of ejection from the missile canister and pressures, shock, and heat from first stage ignition),

The launch effects on commercial railroad trackbeds and the ability of the train to resume mobile operations after launch,

The capability of the guidance and control system to recover specified levels of accuracy following rail transit, and

The effects of horizontal basing and rail movement on Peacekeeper missile performance and reliability.

According to the Test and Evaluation Master Plan, flight testing to demonstrate the capabilities is scheduled to begin during the third quarter of calendar year 1991.

Until now, the Air Force's Rail Garrison acquisition strategy has been based on a Peacekeeper force of 100 missiles: 50 based in silos and 50 based on rail cars. However, your recent announcement reflects a 50 missile force all of which will be based on rail cars. Because there currently exists a 50 missile force based in silos, which was declared to be fully operational by the Strategic Air Command on December 31, 1988, there may not be a need to expedite the rebasing process. Therefore, we believe this is an opportune time for the Air Force to reassess its Rail Garrison acquisition strategy with a view toward restructuring the production program. This restructure should provide for (1) conducting some operational test and evaluation of the complete weapon system before the initial production decision is made and (2) procuring most of the Rail Garrison basing hardware after the operational test and evaluation program has been completed and the final production decision has been made.

Delaying the initial production decision until some operational test and evaluation of the weapon system has been completed would ensure that decisionmakers are more fully informed on the operational effectiveness of the system before starting production. A delay in the production decision from April 1990 to the third quarter of calendar year 1991, when the first flight test of the complete weapon system is currently scheduled, could result in a comparable delay in initial operational capability. However, the delay could help preclude potential cost growth, schedule slippages, and performance shortfalls that weapons systems have historically experienced during the later years of program development. Our concerns in this regard are increased by the fact that, as discussed in the next section, the Air Force currently plans to contract for the majority of missile launch cars in connection with the initial production decision.

Need to reassess missile launch car acquisition schedule

Department of Defense directives state that low-rate initial production is the production of a system in limited quantity to be used in operational test and evaluation for verification of production engineering and design maturity and to establish a production base.

According to the program office's current preliminary acquisition plans, 38 of the 52 operational missile launch cars to be procured (includes 2 spare cars), or 73 percent, will be contracted for in connection with the initial production decision. Under this plan, the Air Force plans to request about $2.6 billion of the $3.5 billion budgeted for Rail Garrison hardware procurement before the March 1992 full-rate production decision. All of the launch cars acquired with procurement funds are for operational trains; launch cars for developmental and operational test and evaluation are being acquired through research and development contracts. We believe that buying 73 percent of the operational launch cars in connection with the initial production decision would exceed the "limited quantity" intended by Department of Defense directives. These directives clearly state that the commitment of the majority of a program's procurement funds should be predicated upon a full-rate production decision supported by the results of adequate operational test and evaluation.

The former Secretary of Defense stated in May 1988 that the number of trains to be acquired on the initial production contract would be an issue for the Defense Acquisition Board to discuss when it meets in April 1990 to authorize the initial production.

RECOMMENDATIONS

We recommend that you delay the April 1990 initial Rail Garrison production decision until the Air Force has conducted some operational test and evaluation of the complete weapon system. We recommend also that the Air Force's current acquisition schedules be revised so that the majority of the operational launch cars are not procured until after a final production decision, based on a completed operational test and evaluation program, has been made.

SCOPE AND METHODOLOGY

This report is based on our continual monitoring of the Air Force's efforts to sustain and modernize the land-based ICBM force. We accumulated and analyzed information on the history of the Rail Garrison and Peacekeeper in silos acquisition programs, including applicable regulations, Air Froce and Department of Defense documents issued during the planning and development of the systems, test plans and results, and the rationale behind management decisions.

We performed our work at the Ballistic Systems Division, Norton Air Force Base, California; the Office of the Secretary of Defense, Air Force Headquarters, and the Federal Railroad Administration, Washington, D.C.; and the Strategic Air Command, Offutt Air Force Base, Nebraska. We did not obtain written agency comments on this report. However, we discussed the details of the report with officials from your office, Air Force Headquarters, and the Ballistic Systems Division and incorporated their comments as appropriate. We conducted our review from October 1988 to October 1989 in accordance with generally accepted government auditing standards.

As you know, 31 U.S.C. 720 requires the head of a federal agency to submit a written statement on actions taken on our recommendations to the House Committee on Government Operations and the Senate Committee on Governmental Affairs not later than 60 days after the date of the report. A written statement must also be submitted to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

We are sending copies of this report to the Chairmen, House Committees on Government Operations and on Armed Services and Senate Committees on Governmental Affairs and on Armed Services; the Secretary of the Air Force; and the Director, Office of Management and Budget. We will also make copies available to others upon request.

Please contact me at (202) 275-4268 if you or your staff have any questions concerning this report. Other major contributors to this report are Steven F. Kuhta, Assistant Director, and John J. Klotz, Evaluator, National Security and International Affairs Division, Washington, D.C.; and James Dinwiddie, Evaluator-in-Charge, Los Angeles Regional Office.

Sincerely yours,

NANCY R. KINGSBURY,
Director, Air Force Issues.

[U.S. General Accounting Office, Report to the Chairman, Committee on Armed Services, U.S. Senate]

DEFENSE ACQUISITION PROGRAMS—STATUS OF SELECTED SYSTEMS, DECEMBER 1989

APPENDIX III—AIR FORCE PROGRAMS

PEACEKEEPER RAIL GARRISON

The Peacekeeper Rail Garrison concept emerged in 1988 as DOD's highest priority basing mode for intercontinental ballistic missiles (ICBMs). Under the concept, a force of 50 Peacekeeper missiles will be placed on 25 trains, each carrying two mis-

[2]Production of Some Major Weapon Systems Began With Only Limited Operational Test and Evaluation Results (GAO/NSIAD-85-68, June 19, 1985).

siles. The Air Force remains confident that it can achieve a successful system by integrating existing missile and railroad technology. System performance, however, will not be demonstrated until the system progresses through the developmental cycle. The Air Force estimates that rail basing will cost $6.8 billion (escalated dollars).

Whether the Rail Garrison concept retains its high priority status is uncertain—congressional approval to deploy Peacekeeper missiles in Rail Garrison basing has not been given and the program's acquisition pace has been slowed. Also, the Air Force has extended the Rail Garrison program's initial and full operational capability dates by 6 months, to June 1992 and June 1994, respectively, because of budget constraints. These dates could change further based on the pending decision by the Congress. Thus, the cost, schedule, and performance goals of the program are subject to change and the following assessment of status should be viewed within that context.

Background

The principal mission of the Peacekeeper Rail Garrison weapon system is to deter nuclear and conventional attacks against the United States, its allies, and any nation whose security is vital to U.S. interests. The weapon system is intended to combine the capabilities of the Peacekeeper missile, such as payload, range, and accuracy, with the survivability and flexibility inherent in the Rail Garrison basing approach. DOD believes that rail basing of the Peacekeeper will enhance the U.S. strategic posture significantly by providng a more survivable land-based system.

The Peacekeeper Rail Garrison basing system will consist of a train having two locomotives; two missile launch cars; one launch control car; two security, personnel, and support cars; one maintenance car; and a fuel car. (See fig. III.1) The Air Force may add more rail cars, as required, for operations. The train's external appearance will resemble commercial freight rail equipment as much as possible.

[Figures not reproducible in RECORD.]

The trains will be parked inside secure garrisons at the main operating base at F.E. Warren Air Force Base, Wyoming, and at yet to be selected Air Force bases throughout the continental United States, with up to four trains at each garrison. Each garrison will include train alert shelters for housing the trains and a maintenance area/facility that will provide the capability to remove/replace the missile guidance and control set and the reentry system. All Peacekeeper missiles will be on continuous alert and will move onto the nation's railways only in the event of national need. If necessary, the missiles can be rapidly launched from within the train alert shelters while in the garrisons. Figure III.2 shows a typical Rail Garrison layout.

The program office divided Rail Garrison development into three major contracts. The first contract, a basing test and system support contract, was awarded to Boeing Aerospace Company in September 1987. The contract's purpose is to (1) design, develop, and fabricate unique transportation and handling equipment, test facilities, test support equipment, and maintenance car, (2) modify the train's locomotive to provide some protection against certain threats, and (3) design the operational garrison. The second contract was awarded to Westinghouse Electric Corporation in May 1988 to develop the missile launch car. The third contract was awarded to Rockwell International in May 1988 to develop the launch control and security cars, the launch control and communication systems, and the train security system.

Requirements

The President instructed DOD on December 19, 1986, to begin the development of a Rail Garrison basing system for the Peacekeeper missile. The Congress had limited Peacekeeper missile deployment in Minuteman silos to 50 missiles and had instructed DOD and the Air Force to develop more survivable concepts for Peacekeeper basing. The Rail Garrison concept will enable the Air Force to deploy 50 Peacekeeper missiles on rail cars and accomplish survivability through dispersal onto the commercial railroad network in time of national need.

OSD and the Air Force believe that Rail Garrison will meet the requirements for additional warheads in a survivable basing mode. The requirement for the system was validated when Air Force Headquarters approved the Strategic Air Command's formal statement of operational requirements document, dated June 1988.

Schedule

On May 13, 1988, the Secretary of Defense approved the advancement of the Peacekeeper Rail Garrison Program into full-scale development. The program office completed its system design review process, which was made to assure that it and the three contractors agreed upon the basic system requirements, in September 1988. On the basis of this review, all three contractors were authorized to proceed toward the preliminary design review phase. This represents the next key design phase during which the program office plans to refine the system design further. Preliminary design reviews started in February 1989 and ran through June 1989.

The initial operational capability and full operational capability dates were each extended by 6 months, to June 1992 and June 1994, respectively, to accommodate budget constraints. The dates of selected major program milestones, scheduled as of February 1989, are listed in table III.1.

TABLE III.1.—APPROVED PROGRAM MILESTONES AS OF FEBRUARY 1989

Milestone	Date
Start of full-scale development	May 1988.
System design reviews	September 1988.
Preliminary design reviews	February to June 1989.
Critical design reviews	December 1989 to March 1990.
Initial production decision	April 1990.
Basing verification missile tests	July 1991 to May 1992.
Full-rate production decision	March 1992.
Initial operational capability [1]	June 1992.
Full operational capability	June 1994.

[1] Initial operational capability is defined as one train on alert with two missiles, plus one training train available to the Strategic Air Command.

Previously, we reported that the schedule was optimistic and that concurrency—the overlap of developmental and production phases—existed in the program. For example, at the time of the full-scale development decision in May 1988, the program office believed that achieving a December 1991 initial operational capability date required an ambitious schedule to perform all the activities to support deployment of Peacekeeper missiles on trains. To meet that challenge, the program office developed an acquisition schedule that provided for the start of production 2 years before development contracts were complete—train car development contracts extend into mid-1992, even though a production decision was scheduled for early 1990. As demonstrated in other Air Force acquisition programs, unless concurrency is well planned and controlled, it can cause cost, schedule, and performance problems.

The program office expects that the results of developmental testing of preliminary designs of individual subsystems will provide adequate information to support an April 1990 initial production decision. However, by then the Air Force will have completed only about 2 years of the 4-year test program planned at the beginning of full-scale development. At that time, the Air Force will not have conducted most systems' integration testing, all basing verification missile flight tests, and most of the operational test and evaluation effort. Program officials believe that Rail Garrison's low technical risk combined with the planned sequential testing and evaluation program represent a reasonable risk in achieving the initial operational capability date.

As previously discussed, dates for initial and full operational capabilities have been extended by 6 months, but the program milestones preceding these two dates have remained basically unchanged.

Additionally, the fiscal year 1990 funding request was reduced from about $2.4 billion to about $1.2 billion due to competing demands from other Air Force programs. Taken collectively, these issues make it unclear how the overall program schedule will be affected.

PERFORMANCE

The Rail Garrison involves requirements not common to silo-based ICBM systems such as stabilization and land navigation. However, the Air Force believes that the Rail Garrison option offers a low-risk program that is principally an integration effort taking advantage of existing (1) equipment and technology, (2) rail network infrastructure, and (3) Strategic Air Command bases and ICBM infrastructure, such as nuclear weapons storage areas and strategic command, control, and communications systems.

The Rail Garrison concept entered the full-scale development phase in May 1988, and any conclusive assessment of its technical performance must await the results of planned testing. In particular, certain unique operational effectiveness characteristics associated with mobility on the rail network, such as the capabilities to restore missile accuracy in a specified time frame and to launch from the missile launch car, must be fully evaluated and demonstrated before the effectiveness of the operational concept can be confirmed. These issues are discussed below.

Missile accuracy restoration

If the weapon system is moved from secured garrisons onto the rail network before missile launch, it will be necessary to plot precisely each train's new location so that the accuracy required to destroy designated targets can be maintained. The Air Force has established time frames within which system accuracy must be restored. To facilitate accuracy restoration, the Air Force will establish presurveyed locations from which the missiles' guidance systems can be recalibrated. On the basis of studies and analyses and initial rail tests, the Air Force is confident that accuracy can be restored within the time frames at the presurveyed launch locations. However, the tests indicate that additional techniques may be required to plot the trains' new locations within the time frames if missiles are launched from

locations other than those that have been presurveyed. The program office plans to conduct a series of tests during 1989 and 1990 to continue to define the effects of movement on system accuracy and to evaluate the means to restore accuracy from anywhere on the rail network.

Missile launch from a rail car

When analyzing and evaluating the capability to launch a missile from a rail car and resume mobile operations after launch, the program office has to consider such factors as the train's ability to withstand the effects of missile launch and subsequent first-stage ignition and the launch effects on commerical railroad trackbeds. The program office believes that 18 developmental flight tests of the Peacekeeper silo program[1] have provided confidence that the pressures, shock, heat, and noise of first-stage ignition will not create difficulties in the Rail Garrison program. In addition, on the basis of tests conducted during March and July 1988 that used a developmental model of the missile launch car, the program office concluded that the car, track, and roadbed can sustain launch loads. Additional testing is planned during fiscal years 1989, 1990, and 1991 to evaluate, demonstrate, and confirm the capability to launch from a rail car either from the train alert shelter or while dispersed on the rail network.

Railroad interface

To ensure the mobility necessary for survivability, the Air Force must be confident that enough track to meet the size requirements of the missile train is available. Survivability also depends upon the ability of the Peacekeeper train to operate safely on the available rail network in conjunction with commercial rail traffic.

Preliminary estimates identified about 120,000 milies of 148,000 miles of main line track surveyed that are available for Rail Garrison deployment based on its present size and weight specifications. The Air Force is further refining this estimate by reviewing track segments that may have restrictions and by surveying short line railroads and other connecting segments.

We reported in January 1989 that the current Rail Garrison train car dimensions meet railroad standards. We also reported, however, that the potential for growth does exist—particularly with respect to the weight of the missile launch ear—and that increases in rail ear dimensions could reduce the amount of suitable track mileage available for deployment. The Air Force is closely managing this issue and believes it will be able to design the system within the railroad standards.

The ultimate goal for interface between Rail Garrison and the commercial rail network is a system that will operate under formal agreements with railroad companies and that will comply not only with railroad companies and that will comply not only with railroad operational policies and practices but with government regulations imposed on the railroad industry. The program office expects to finalize formal agreements with the railroad companies between mid-1990 and mid-1991.

Cost

The Air Force's preliminary 1988 Selected Acquisition Report (SAR) estimates Rail Garrison basing program acquisition costs to be $6.8 billion in escalated dollars. This estimate includes costs to develop and procure train cars and other basing hardware, facility construction, land acquisition, and five based verification flight test missiles. This estimate is $600 million less than the $7.4 billion estimated in January 1988 and the program office attributed the decrease to better cost estimates. Table III.2 shows the program office's acquisition cost estimate by cost category.

TABLE III.2.—PEACEKEEPER RAIL GARRISON ACQUISITION COSTS—ESCALATED DOLLARS

[In billions of dollars]

Cost category	January 1988	April 1989	Changed
Research and development	2.9	2.6	−0.3
Procurement	3.6	3.5	−0.1
Construction	0.9	0.7	−0.2
Total	7.4	6.8	−0.6

The Congress appropriated $1.02 billion for the Rail Garrison basing program—$90 million, $332 million, and $600 million in fiscal years 1987, 1988, and 1989, respectively, for research and development. In authorizing the fiscal year 1989 research and development funds, the Congress stipulated that authorization did not constitute a commitment or express an intent by the Congress to provide funds to deploy any Peacekeeper missiles in a Rail Garrison basing mode. In addition, the Congress stipulated that only $250 million of the $600 million could be obligated before February 15, 1989. Furthermore, the Congress requested the President to submit a report to the Committees on Armed Services and on Appropriations between January 21, 1989, and February 15, 1989, on how funds for ICBM modernization would be obligated for the remaining amount. In February 1989 the President advised the Congress that the administration was reviewing various ICBM modernization options and would report its findings to the Congress when completed. Later, the President released all the Rail Garrison funding and decided to redeploy the 50 Peacekeeper missiles currently in silos to trains. The President, however, requested that $100 million of Rail Garrison funds be reprogrammed to the small ICBM program.

The Air Force reduced its fiscal year 1990 Rail Garrison request for research, development, and procurement funds from about $2.4 billion to about $1.2 billion to accommodate needs in other programs. According to program officials, the reduced amount for procurement has resulted in Rail Garrison hardware being bought in fiscal year 1991 rather than in fiscal year 1990. Only advanced procurement of materials is planned in fiscal year 1990 to support later production.

RECENT GAO REPORTS—

"ICBM Modernization: Availability Problems and Flight Test Delay in Peacekeeper Program" (GAO/NSIAD-89-105, Mar. 9, 1989).

"ICBM Modernization: Status of the Peacekeeper Rail Garrison Missile System" (GAO/NSIAD-89-64, Jan. 12, 1989).

"ICBM Modernization: Selected Funding Options for the Small ICBM" (GAO/NSIAD-88-193, July 7, 1988).

"DOD Acquisition Programs: Status of Selected Systems" GAO/NSIAD-88-160, June 30, 1988).

"Procurement: Delivery Problems With Ineritial Measurement Units" (GAO/NSIAD-87-74BR, Dec. 18, 1987).

"ICBM Modernization: Status, Survivable Basing Issues, and Need to Reestablish a National Consensus" (GAO/NSIAD-86-200, Sept. 19, 1986).

"Status of the Intercontinental Ballistic Missile Modernization Program" (GAO/NSIAD-85-78, July 8, 1985).

[U.S. General Accounting Office, Report to Congressional Requesters]

ICBM MODERNIZATION—STATUS OF THE PEACEKEEPER RAIL GARRISON MISSILE SYSTEM

NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION

Washington, DC, January 12, 1989.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives.

Hon. LES ASPIN,
Chairman, Committee on Armed Services, House of Representatives.

Intercontinental Ballistic Missile (ICBM) modernization continues to be a controversial topic after several years of debate. Because of the high level of congressional interest in the Peacekeeper Rail Garrison basing concept, we have reviewed the progress being made in developing that concept as part of our periodic reviews of the Air Force's ICBM modernization efforts.

BACKGROUND

The Peacekeeper Rail Garrison concept emerged during 1988 as the Department of Defense's (DOD) highest priority basing mode for ICBMs. Under the concept, a force of 50 missiles will be placed on 25 trains, each carrying two Peacekeeper missiles. The trains will be parked inside train alert shelters in secure garrisons at Air Force bases throughout the continental United States. The missiles will be kept on the trains in continuous strategic alert. In the event of national need, the missiles will move onto the nation's railroad network. If necessary, the missiles can be promptly launched from within the train alert shelters.

The Rail Garrison basing mode will use the Peacekeeper missile with no changes except for software. The missiles would be launched in the same manner Peacekeeper missiles are launched from a silo.

The Congress has made it clear that its authorization of research and development funds does not constitute a commitment to procure and deploy Peacekeeper missiles in a Rail Garrison basing mode.

ACQUISITION SCHEDULE IS OPTIMISTIC

On May 13, 1988, the Secretary of Defense approved the advancement of the Peacekeeper Rail Garrison Program into full-scale development. An initial operational capability (IOC) date of December 1991 was directed by the President. IOC is defined as one train on alert with two missiles plus one train for use in training.

Developing the system by the IOC date requires an ambitious schedule, and all costs, testing, and delivery schedules have been developed to meet this date. Any trade-offs necessary in the future will be made with the primary objective of maintaining the IOC date without degrading mission objectives. To meet this objective, the program office has developed an acquisition

[1] The first 8 of those 18 tests were launched from ground level sites and the last 10 were launched from a silo.

schedule with concurrent development and production activities.

The program acquisition schedule is optimistic. The acquisition strategy provides for the start of production 2 years before development contracts are complete—train car development contracts extend into mid-1992, even though a production decision is scheduled for early 1990. This overlap between development and production is referred to as concurrency. Unless concurrency is well planned and controlled, it can cause cost, schedule, and performance problems, as demonstrated in other Air Force acquisition programs.

Program officials agree that concurrency exists, but they believe that Rail Garrison's low technical risk combined with the planned sequential testing and evaluation program represents a reasonable risk in achieving the IOC date.

The initial decision to begin production of Rail Garrison basing hardware is scheduled for March 1990. The program office expects that the results of developmental testing of preliminary designs of individual subsystems will provide adequate information to support that decision. However, by March 1990 only about 2 years of the 4-year test program planned to begin after the start of full-scale development will have been completed. Most systems integration testing, all basing verification missile flight tests, and most of the operational test and evaluation effort will remain to be done.

COST ESTIMATES

The Air Force estimates Rail Garrison basing program acquisition costs to be about $7.4 billion in then-year dollars. This estimate includes costs to develop and procure train cars and other basing hardware, facility construction, land acquisition, and five basing verification flight test missiles. It does not include costs associated with developing and acquiring Peacekeeper missiles. All missile costs are included in the original plan to deploy 100 Peacekeeper missiles in Minuteman silos. The Rail Garrison concept has many characteristics that distinguish it from the silo-based program. These differences could require as many as 108 additional Peacekeeper missiles for testing to provide confidence that the rail-based system is as capable as the silo-based system. DOD currently has 17 test missiles (5 for basing verification flight tests and 12 for operational test and evaluation) programmed for Rail Garrison.

In addition to the need to determine the number of operational test and evaluation missiles, the final cost of deploying 100 Peacekeeper missiles—50 in silos and 50 in Rail Garrison—is dependent on several factors: (1) the effect of funding restrictions imposed by the Congress in fiscal year 1989, which could stretch out the program and delay IOC, (2) the congressional funding actions related to annual procurement of Peacekeeper missiles as they affect economical production rates and operational deployment milestones, and (3) the impact of the planned concurrency between development and production of basing system components.

EVALUATION OF TECHNICAL PERFORMANCE AWAITS TESTING

The Rail Garrison basing program is in the early stages of its full-scale development phase, and it is too early for any assessment of its technical performance. Certain unique characteristics, such as the capability to restore missile accuracy in a specified time frame and to launch from the missile launch car, remain to be fully evaluated and demonstrated before the effectiveness of the operational concept can be confirmed.

SITE SELECTION WILL DETERMINE LAND ACQUISITION REQUIREMENTS

Peacekeeper missile trains will be deployed initially at F.E. Warren Air Force Base, Wyoming, and at up to 10 other candidate Air Force installations. Depending on the siting alternatives selected, the Air Force may need to acquire 31 to 639 acres of land adjacent to 7 installations for Rail Garrison facilities or relocate existing base facilities to accommodate Rail Garrison facilities. For three of the siting alternatives under consideration, almost all the garrison facilities will be located on land to be acquired off base.

AGENCY COMMENTS

DOD reviewed a draft of this report and concurred with GAO's findings (see app. III). DOD stated that it did not believe the characteristics of the silo and rail launches would be sufficiently different to require a large separate test program for the rail mode. DOD believes that the 17 test missiles programmed for Rail Garrison will be sufficient.

We performed our work at the Ballistic Missile Office, Norton Air Force Base, California; the Office of the Secretary of Defense, Air Force Headquarters, the Federal Railroad Administration, the Association of American Railroads, Washington, D.C.; Strategic Air Command, Offutt Air Force Base, Nebraska; Boeing Aerospace Company, Seattle, Washington; and several commercial railroad companies. We conducted our review from September 1987 to October 1988 in accordance with generally accepted government auditing standards.

This report was prepared under the direction of Harry R. Finley, Senior Associate Director. Other major contributors are listed in appendix IV. Copies of our report are being provided to appropriate congressional committees; the Secretaries of Defense and the Air Force; the Director, Office of Management and Budget; and other interested parties.

FRANK C. CONAHAN,
Assistant Comptroller General.

APPENDIX I—PEACEKEEPER RAIL GARRISON BASING PROGRAM STATUS AND ISSUES

COSTS

In January 1988 the program office estimated the Rail Garrison basing program cost to be about $5.2 billion in 1982 dollars (referred to as base-year dollars), or about $7.4 billion adjusted for inflation (referred to as then-year dollars). This estimate includes costs to develop and procure train cars and other basing hardware, facility construction, land acquisition, and five basing verification flight test missiles. Table I.1 shows the program office's acquisition cost estimate for the basing program.

TABLE I.1.—ESTIMATED RAIL GARRISON BASING PROGRAM ACQUISITION COSTS

[Dollars in billions]

Cost category	Base-year dollars	Then-year dollars
Research and development	$2.2	$2.9
Procurement	2.3	3.6
Construction	.7	.9
Total	5.2	7.4

Rail Garrison basing program acquisition cost estimate is not directly comparable to acquisition cost estimates for the Peacekeeper in Minuteman Silo program or the Small Intercontinental Ballistic Missile (ICBM) program. The estimate is for the new basing mode and five basing verification test flight missiles. It does not include procurement costs for the 50 deployment missiles or missiles required for operational test and evaluation (OT&E). All such missile costs are included in the Air Force's plan to deploy Peacekeeper missiles in Minuteman silos and are reported in that program's Selected Acquisition Report. Table I.2 shows the number of missiles planned for procurement under the Peacekeeper in Minuteman silo program.

Table I.2.—Missiles planned for procurement under the Peacekeeper in Minuteman Silo Program

Description	*Number*
Missiles for development, test, and evaluation	20
Missiles for silo deployment (currently capped at 50 missiles by the Congress)	100
Missiles for OT&E (based on Joint Chiefs of Staff guidance)	108
Missiles for aging and surveillance testing	15
Missiles for Rail Garrison OT&E (added in fiscal year 1988)	[1]12
Total	255

[1]The Rail Garrison basing program includes five basing verification flight test missiles.

As indicated above, the Air Force is currently planning to procure 12 OT&E missiles to support the Rail Garrison basing program. However, if the Rail Garrison mode is approved by Congress, the actual number required for OT&E could range from 0 to 108 depending upon OT&E results and decisions on the number of missiles that may eventually be deployed in the Rail Garrison mode. The following shows the different number of missiles that may be needed.

According to preliminary Strategic Air Command (SAC) calculations, 24 missiles would be needed for the first 3 years of SAC's Rail Garrison OT&E program—12 more missiles than the Air Force is planning to procure. SAC calculated the number of needed OT&E missiles by applying the same methodology used in determining the number of missiles needed for the Peacekeeper in Minuteman Silo OT&E program, which complies with guidelines provided by the Joint Chiefs of Staff.

SAC used the same methodology cited above to calculate that an additional 84 OT&E missiles would be needed for a follow-on 12-year test phase if the first 3 years of testing shows differences in Peacekeeper performance when launched from a rail launch car versus a silo. Current costs are based on deploying 50 missiles in silos and 50 in the Rail Garrison mode. If the Air Force decides to deploy all 100 Peacekeeper missiles in Rail Garrison basing by transferring 50 missiles from silo basing, as suggested by the Secretary of Defense, then the 12 OT&E missiles may not be necessary. According to an Air Force official, under this plan the 108 missiles planned to be procured for the Peacekeeper in Minuteman Silo OT&E program could be used to support the Rail Garrison test program. Under this scenario, however, there would be additional costs associated with deploying 25 additional trains.

Program officials stated that it is up to the Office of the Secretary of Defense to choose the desired OT&E scenario and the corresponding number of test missiles to be procured.

In commenting on a draft of this report, the Department of Defense (DOD) stated that it did not believe that the characteristics of the Rail Garrison program would be sufficiently different from the silo-based program to require a large, separate test program. DOD believes that the 5 development and 12 operational test missiles programmed for Rail Garrison will be sufficient.

In late 1986 the Secretary of Defense recommended and the President directed the development of the Rail Garrison basing concept for Peacekeeper deployment with an initial operational capability (IOC) date of December 1991. (IOC is defined as deployment of one operational train with two missiles and one training train.) According to the program office, achieving the December 1991 IOC date required an ambitious schedule, with 5 years to design, develop, and test the basing system; begin basing system procurement; begin land acquisition and facility construction; and perform all the other activities necessary to support deployment of Peacekeeper missiles on trains. To meet this challenge, the program office has developed an acquisition schedule containing concurrent development and production activities.

In May 1988 the Secretary of Defense recommended the initiation of full-scale development of the Peacekeeper Rail Garrison basing program. According to the program office acquisition plan, the IOC is the primary driver of the overall Rail Garrison program schedule. Cost, performance requirements, and contract delivery schedules have been developed to meet this date, and any trade-offs necessary in the future will be made with the primary objective of maintaining it without degrading mission objectives. Table I.3 shows selected approved program milestones as of May 1988.

TABLE I.3.—APPROVED PROGRAM MILESTONES

Milestone	Date
Start of full-scale development	May 1988.
System design reviews	September 1988.
Preliminary design reviews	February to May 1989.
Critical design reviews	December 1989 to March 1990.
Initial production decision	March 1990.
Basing verification missile tests	June 1991 to May 1992.
Initial operational capability	December 1991.
Full-rate production design	March 1992.
Full operational capability	December 1993.

In our view, the program acquisition schedule for the basing system is optimistic for the following reasons.

The contractually required functional configuration audit intended to validate that the development of a weapon system component has been completed satisfactorily is scheduled to start in January 1991, about 9 months after the initial production decision, and continues through September 1991, about 3 months before the IOC date.

The initial production decision for the basing system is scheduled some 15 to 19 months before the first of five scheduled basing verification flight tests, which are to demonstrate the compatibility of Rail Garrision basing and Peacekeeper missile hardware and software.

The initial production decision is currently scheduled for March 1990. On the basis of a program office plan, at least 30 of the 50 operational missile launch cars could be put on contract and 13 cars delivered before the full rate production decision in March 1992.

It should be noted, however, that in authorizing full-scale development in May 1988, the Secretary of Defense stated that the number of trains to be acquired on the initial production contract had not been decided. He stated that a determination on production rates would be an issue for the Defense Acquisition Board when it meets to authorize the initial production.

CONCURRENCY

The Rail Garrison acquisition strategy provides for the start of production 2 years before the completion of development contracts—the train car development contracts extend into mid-1992, even though a production decision is scheduled for early 1990. This overlap between development and production is referred to as concurrency. Concurrency can be an effective technique to expedite the development and production of weapon systems, provided the practice is well planned and controlled. Although program officials acknowledge that concurrency exists, they believe that Rail Garrison's low technical risk combined with the planned sequential testing and evaluation program represents a reasonable risk approach to achieving the IOC date. Our past reviews, however, have regularly identified concurrency as one cause of cost, schedule, and performance problems in weapon system acquisition programs. Therefore, we believe concurrent Rail Garrison basing development and procurement activities will warrant continued management attention.

Rail garrison testing overlaps production and deployment activities

According to the program office, the results of developmental testing of preliminary designs of individual subsystems will provide adequate information to support an initial production decision scheduled for March 1990. However, at that time only about 2 years of the 4-year test program planned at the beginning of full-scale development will be completed, and most systems integration testing, all weapon systems testing including 5 basing verification missile flight tests, and most of the operational test and evaluation effort will remain to be done. At the outset of full-scale development, the Peacekeeper Rail Garrison test and evaluation effort is a combined development, test and evaluation and operational test and evaluation program. The emphasis at the beginning of full-scale development will be on development testing, with a gradual shift in the emphasis to operational testing after the production decision. The combined test program involves three phases: development testing, integration testing (development integration and system integration testing), and weapon system testing. Most of the operational test and evaluation testing are planned to be conducted during the system integration and weapon system testing phases, during the calendar year period 1990 to 1992.

Development tests and development integration tests will be conducted on preliminary designs of mechanical and electrical hardware subsystems to provide data for Critical Design Reviews and to support the initial production decision planned for March 1990. In general, Critical Design Reviews are formal technical reviews of components or subsystems to determine whether their designs meet specifications before the commitment of those designs to production. The Ballistic Missile Office plans to conduct these reviews from December 1989 through March 1990.

Systems integration testing is scheduled to begin in January 1990. This testing is designed to (1) integrate the electrical, mechanical and software systems in the respective locomotive, missile launch car, launch control car, maintenance car, and security car and (2) evaluate the performance of entire systems. The testing is to continue until July 1992, overlapping operational hardware production.

Weapon system testing to demonstrate and confirm system performance in specified operating environments is to begin in January 1991. This final test phase includes both ground and flight testing to demonstrate and confirm the compatibility of the complete weapon system hardware and software. The first of five basing verification missile flight tests is scheduled for the third quarter of calendar year 1991, about 15 to 19 months after the scheduled initial production decision. The final three flight tests are scheduled after the IOC date of December 1991, and the final flight is scheduled for no later than June 1992.

The program office does not consider the overlap among testing, production, and deployment to be an issue for the Rail Garrison program because it is not developing and testing new technology; rather, it is conducting engineering efforts to integrate proven missile systems into the existing rail industry. Although a considerable amount of testing will be done before the production decision, most of this testing is to be conducted on preliminary designs of individual subsystems and is intended to evaluate the performance of individual subsystems rather than demonstrate weapon system operational effectiveness.[1]

FUNDING

The Congress approved $440 million for the Rail Garrison basing program—$90 million and $350 million in fiscal years 1987 and 1988, respectively, for research and development. The Congress stated that authorization of Rail Garrison research and development funds for fiscal year 1988 did not constitute a commitment or express an intent by the Congress to provide funds to deploy any Peacekeeper missiles in a Rail Garrison basing mode. The Congress appropriated $600 million in fiscal year 1989 for research and development. However, only $250 million can be obligated before February 15, 1989. Furthermore, the Congress requested the President to submit a report to the Committees on Armed Services and Appropriations between January 21, 1989, and February 15, 1989, on how funds for ICBM modernization would be obligated for the remaining amount.

Availability of procurement funds

The availability of sufficient procurement funds to support attainment of initial and full operational capability dates, as currently scheduled, is uncertain because of the following.

DOD stated that all 12 Peacekeeper missiles, for which fiscal year 1989 procurement funds were being requested, would be used for Peacekeeper OT&E and aging and surveillance tests. None was planned for use on the Rail Garrison program. The unavailability of fiscal year 1989 missile procurement

[1] Operational effectiveness is defined as the ability of a system to accomplish its mission when placed in use in the planned operational environment.

funds reduces the time available to procure missiles for Rail Garrison deployment before the IOC date from about 39 to 27 months, assuming fiscal year 1990 missile procurement funds are appropriated for Rail Garrison. Since it takes about 32 months to acquire parts and manufacture a Peacekeeper guidance and control system, achieving the IOC date with missile systems procured specifically for Rail Garrison deployment will be a challenging task.

In 1986, 1987, and 1988, the Congress authorized the procurement of 12 Peacekeeper missiles each year for silo deployment and OT&E—36 missiles in total. During the 3-year period, DOD had requested funds for 90 missiles. In keeping with this pattern, DOD reduced its fiscal year 1989 missile procurement request from 21 to 12. Table I.4 shows current missile procurements, deliveries, and test plans.

TABLE I.4.—MISSILE PROCUREMENTS, DELIVERIES, AND SCHEDULED TESTS

Fiscal year	Actual/ planned procure-ments	Actual/ planned deliveries	Scheduled OT&E tests
1986 and before	54	6	
1987	12	24	
1988[1]	12	17	
1989	12	12	3
1990	21	12	8
1991	21	12	8
1992	21	17	8
1993	21	(2)	7
Subtotal	174	100	34
Beyond 1993	61	135	74
Total	235	235	108

[1] Missile procurements and deliveries through fiscal year 1988 are actual.
[2] Unknown.

As indicated in table I.4, DOD plans to request 21 missiles a year in future years. DOD will need 134 missiles by the end of December 1993: 50 missiles for the silo program, 34 missiles for OT&E, and 50 missiles to achieve full operational capability for Rail Garrison. To ensure that the 134 missiles are delivered by December 1993, DOD will have to procure more than the currently planned 21 missiles in fiscal year 1990 and 1991 or use some of the Peacekeeper OT&E missiles for Rail Garrison operations.

All missiles procured through fiscal year 1989 have been for the Peacekeeper in Minuteman Silo Program (50 missiles for deployment and 40 missiles for operational test and evaluation). Since it takes about 3 years to manufacture a Peacekeeper missile, any missile procured after fiscal year 1989 would not be available in time to support Rail Garrison initial deployment planned for December 1991. Therefore, some missiles purchased for the Peacekeeper in Minuteman Silo program will have to used for Rail Garrison. Program officials stated that a sufficient number of Peacekeeper missiles are being acquired to support deployment if congressional approval is provided to use some OT&E missiles for Rail Garrison operations.

PERFORMANCE

Although Rail Garrison invovles requirements uncommon to silo-based ICBM systems, the Air Force believes that the Rail Garrison option offers a low-risk program that is principally an engineering effort taking advantage of existing equipment and technology, existing rail network infrastructure and existing SAC bases and ICBM infrastructure, such as nuclear weapons storage areas and strategic command, control, and communications systems.

The Rail Garrison basing program entered the full-scale development phase in May 1988, and any conclusive assessment of its technical performance must await the results of planned testing. In particular, certain unique operational effectiveness characteristics associated with mobility on the rail network, such as the capability to restore missile accuracy in a specified time frame and to launch from the missile launch car, must be fully evaluated and demonstrated before the effectiveness of the operational concept can be confirmed. In addition, the viability of the Rail Garrison concept is predicated upon sufficient rail availability and establishing acceptable working relationship with the railroads.

Missile accuracy restoration

If Rail Garrison is to place time-urgent, time-sensitive hard targets at risk the Air Force must develop the means to restore the guidance and control system accuracy within specified time frames after the train has been moved. On the basis of studies and analyses and an initial rail test, the Air Force is confident that accuracy can be restored within specified time frames. This test involved moving the guidance and control system's inertial measurement unit in a van on a rail car between El Paso, Texas, and Santa Ana, California, to characterize navigation and accuracy updating associated with rail mobility. The test indicated that guidance and control instruments remained stable, but that navigation aids may be required for launch from non-presurveyed benchmark locations.

The program office plans to continue to define the effects of movement on system accuracy and evaluate the means to restore accuracy from anywhere on the rail network through a series of tests, including the following.

Rail van tests on commerical rail networks scheduled for late 1988, mid-1989, and 1990 will be performed to further define navigation and accuracy updating associated with rail mobility.

Vibration tests planned for late 1988 are being performed to evaluate alignment recovery models for vibration tolerances.

Land navigation sled tests scheduled for early 1989, late 1989, and late 1990 will be performed to evaluate alternative methods for velocity, heading, altitude, and position determination.

Missile launch from a rail car

In analyzing and evaluating the capability to launch a missile from a rail car (as opposed to a silo) and resume mobile operations following launch, the program office has many factors to consider such as the train's ability to withstand the effects of missile launch and subsequent first-stage ignition and the launch effects on commercial railroad trackbeds. The program office believes that the 17 Peacekeeper flight tests have provided confidence that the pressures, shock, heat, and noise of first-stage ignition will not create difficulties. In addition, simulated effects of launch ejection reaction loads on a developmental model of the car, track, and roadbed led the program office to conclude that these elements can sustain launch loads.

These tests were performed in March and July 1988. Information from these tests will also be used to define launch point conditions and to develop the test objectives for a canister assembly launch test program. Additional testing is planned to further evaluate, demonstrate, and confirm the capability to launch from a rail car either from the train alert shelter or while dispersed on the rail network. These tests include the following.

A canister assembly launch test program to be conducted between mid-1989 and early 1990 will continue the development of the launch conditions, define the launch constraints, and refine the test objectives for the final phase of launch capability development during the flight test program.

In April and May 1991 the capability of the missile launch car to perform canister erection through the train alert shelter roof opening will be tested. The capability to actually launch from a train alert shelter will be part of the basing verification flight test program unless other test results prove this launch is not required.

An evaluation of the capability of the missile launch car to reconfigure for mobility will be done as part of basing verification flight test program.

Railroad interface

To ensure the mobility necessary for survivability, the Air Force must be confident that enough track to meet the size requirements of the missile train is available. Survivability also depends upon the ability of the Peacekeeper train to operate safely on the available rail network in conjunction with commercial rail traffic.

To facilitate the planning and evaluation of the Rail Garrison basing concept, the Air Force entered into an interagency agreement with the Federal Railroad Administration in August 1987 to have that agency provide technical assistance and counsel. The Federal Railroad Administration identified the Association of American Railroads, through its member operating rail companies, as the organization best qualified to evaluate railroad network restrictions and requirements that might affect the development of the Rail Garrison basing concept. Consequently, the Federal Railroad Administration contracted with the Association to provide technical assistance in vehicle dynamics, track structure, railroad operations, and an assessment of the available rail network.

Rail Availability for Peacekeeper Operations

Based on the size and weight specifications for Rail Garrison, the Federal Railroad Administration and the Association of American Railroads estimate that at least 120,000 miles of track is available for Rail Garrison deployment. This estimate represents the preliminary results of assessments being done by the railroads under contract to the Association of American Railroads. Further track assessments and analyses are scheduled during full-scale development to determine more precisely what track is available. Table I.5 shows train car size dimensions that were used in calculating the availability of suitable track.

TABLE I.5.—PEACEKEEPER RAIL GARRISON TRAIN CAR DIMENSIONS

Train cars	Weight	Length	Height	Width
Security/personnel car	300,000 lbs	90'	15'9"	9'5"
Launch control car	300,000 lbs	90'	15'9"	9'5"
Maintenance car	200,000 lbs	90'	15'9"	9'5"
Missile launch car	580,800 lbs	90'	15'9"	9'5"

Program officials stated that the rail car dimensions listed in table I.5 meet design

standards established by the Association of American Railroads, and they are confident that rail cars of these dimensions can be developed and manufactured. The Federal Railroad Administration, the Association of American Railroads, and several railroad companies advised us that they believe the Air Force will have no problems in developing Peacekeeper rail cars that meet railroad car dimension standards. Nevertheless, as the Rail Garrison concept matures, the potential for growth does exist, and increases in rail car dimensions could reduce the amount of suitable track mileage available for deployment. In this regard, we noted the following.

The physical characteristics of the rail system constrain missile launch car size, e.g., tunnel and bridge clearances, the distance between parallel tracks, and the degree of track curvature.

Current Air Force specifications require the missile launch car not to exceed 550,000 pounds, including the weight of the missile. Program officials do not expect the launch car weight to exceed specifications. However, past experiences in developing mobile launch vehicles for the Peacekeeper missile and Small ICBM suggest the potential for missile launch car weight growth; for example, the initial design concept for Small ICMB's hard mobile launcher weighed about 120,000 pounds, and, as the design matured, the weight of the launcher grew to between 180,000 and 195,000 pounds. Also, the original design concept of the missile launch car has changed to allow greater weight. The initial concept restricted missile launch car weight to 526,000 pounds, but, by increasing the diameter of the wheels and making other changes to the chassis, a total weight of 630,000 pounds is now allowable.

Joint Operations With Commercial Railroads

The ultimate goal for interface between Rail Garrison and the commercial rail network is a system that will operate under formal agreements with railroad companies in compliance with railroad operations policies and practices and with government regulations already imposed on the railroad industry. Based on preliminary talks with the railroad companies, the Ballistic Missile Office anticipates no problems in defining agreements for track usage. Also, during our discussions with the railroad companies, they indicated that they did not expect problems in negotiating Rail Garrison operations.

An interoperability working group composed of representatives from the Federal Railroad Administration, the Association of American Railroads, Air Force Systems Command, SAC, the Ballistic Missile Office, and Air Force Headquarters has been formed to ensure that (1) smooth system interface takes place with the nations's railroads, (2) the railroad interoperability studies and analyses address the concerns and meet the requirements of all parties involved in eventual system operation, (3) a forum exists for the exchange of ideas between the Air Force and commerical railroad companies, which fosters cooperative efforts, and (4) these ideas are integrated and coordinated with minimum duplication of effort. The Ballistic Missile Office expects to be finalizing formal agreements with the railroad companies between mid-1990 and mid-1991.

SELECTION OF DEPLOYMENT AREAS

F. E. Warren Air Force Base, Wyoming, is the designated main operating base and the first garrison deployment installation for the Peacekeeper Rail Garrison system. The system is planned to be deployed at up to 10 other candidate Air Force installations. The following Air Force installations, listed in alphabetical order, were identified by the Air Force as having the greatest potential to support the Peacekeeper Rail Garrison system.

TABLE I.6.—POTENTIAL PEACEKEEPER RAIL GARRISON INSTALLATIONS

Installation	State
Barksdale Air Force Base	Louisiana.
Eaker Air Force Base	Arkansas.
Dyess Air Force Base	Texas.
Fairchild Air Force Base	Washington.
Grand Forks Air Force Base	North Dakota.
Little Rock Air Force Base	Arkansas.
Malmstrom Air Force Base	Montana.
Minot Air Force Base	North Dakota.
Whiteman Air Force Base	Missouri.
Wurtsmith Air Force Base	Michigan.

The Air Force is preparing an environmental impact statement to aid in the final selection of deployment installations, the siting of facilities, and the development of appropriate mitigation measures. This process formally started in February 1988 with a draft environmental impact statement being issued in June 1988 for public comment and a final statement planned to be filed in December 1988. In early 1989, after the final statement is filed, deployment installations for the Peacekeeper Rail Garrison system, in addition to F.E. Warren Air Force Base, will be selected. In March 1989 the Air Force plans to begin land acquisition for the second, third, and fourth deployment locations. Currently, the Air Force projects that the missile assembly building and the garrison at F.E. Warren Air Force Base and at bases, 2, 3, and 4 will be funded to begin construction in fiscal year 1990. The Air Force is discussing several issues and related mitigating issues in the draft environmental impact statement. Most candidate installations have at least one issue of significance that requires mitigation. The following are examples of these issues.

While the Air Force would have preferred bases where garrison facilities and explosive safety zones could be contained within base boundaries, that was not possible in all instances. Land may need to be acquired adjacent to seven installations (Eaker, Fairchild, F.E. Warren, Grand Forks, Malmstrom, Minot, and Whiteman Air Force Bases) for Rail Garrison facilities or to relocate existing base facilities to accommodate Rail Garrison facilities. The amount of land needed for Rail Garrison or relocated facilities ranges from 31 acres at Malmstrom Air Force Base to 639 acres at F.E. Warren Air Force Base (south site option). At three installations (Eaker/off-base option, Minot, and F.E. Warren/south site option), almost all the garrison facilities would be sited on land to be acquired off base. The acquisition of off-base land for garrison facilities at F.E. Warren and Eaker Air Force Bases would be for alternative siting plans that have been developed to mitigate other environmental issues.

A special area of concern is a 70-acre major archaeological village site at Eaker Air Force Base. This site contains Native American artifacts and remains and is being studied for eligibility of inclusion on the National Register of Historic Places. An alternative site is being considered that would place the entire garrison off base and require the acquisition of 371 acres of agricultural land. There have also been some archaeological finds at this site, but not to the same degree as at the other site.

At Barksdale Air Force Base, long-term impacts of biological resources would be high, according to the Air Force, because the program would affect large areas, cause disturbances in surrounding wetland habitats, affect sensitive wildlife populations, and result in the degradation of local and regional biological communities. The Air Force stated that similar conditions exist at Fairchild, Whiteman, and Wurtsmith Air Force Bases; however, the long-term impacts would be moderate.

The final acceptability of the Air Force's siting proposals and related mitigating measures will not be known until after the public has an opportunity to comment on the draft environmental impact statement.

APPENDIX II—PEACEKEEPER RAIL GARRISON OPERATIONAL CONCEPT AND WEAPONS SYSTEM DESCRIPTION

OPERATIONAL CONCEPT

The principal mission of the Peacekeeper Rail Garrison weapon system is to deter nuclear and conventional attacks against the United States, its allies, and any nation whose security is vital to the U.S.' interests. The weapon system is intended to combine the capabilities of the Peacekeeper missile, such as payload, range, and accuracy, with the survivability and flexibility inherent in the Rail Garrison basing approach. The Air Force believes that the survivability associated with the dispersal of trains over a large geographical area will strongly contribute to Soviet uncertainty in achieving their war aims without receiving unacceptable damage in return.

The Peacekeeper Rail Garrison weapon system consists of Peacekeeper missiles deployed in a Rail Garrison basing mode, together with operational and maintenance support equipment and facilities. A force of 50 missiles will be placed on 25 trains, each carrying 2 Peacekeeper missiles. The trains will be parked inside train alert shelters in secure garrisons at the main operating base at F.E. Warren Air Force Base, Wyoming, and at existing Air Force bases throughout the continental United States, with up to 4 trains at each garrison. About 2,600 SAC personnel will be needed to operate and maintain the system.

Within the garrisons, the trains and missiles will be protected by double fences, perimeter detection systems, and entry control procedures. The missiles will be kept on the trains in continuous strategic alert, and, if necessary, the missiles can be promptly launched from within the train alert shelters.

In the event of national need, the Peacekeeper missiles will move onto the nation's railroad network. One potential Air Force operational scenario calls for the first train to be deployed from each garrison within 15 minutes after receiving and authenticating a dispersal directive. Remaining trains would be deployed at 2-hour intervals and dispersed within 12 hours. Each train would be staffed with a 29-person crew consisting of 1 train commander, 3 train crew members, 4 combat crew personnel, 15 security personnel, and 6 maintenance personnel. According to the program office, Peacekeeper trains from 7 garrisons can be dispersed within 24 hours to any point in the continental United States rail network having suitable track. Once dispersed, the trains will be self-sufficient and can remain oper-

ational indefinitely with resupply and maintenance. Outside the garrisons, the trains will use their own security systems and security personnel to prevent unauthorized access to the missile and its nuclear warheads. Security elements on the train consist of entry control, various electronic sensors, and devices to delay or deny access to the nuclear warhead.

Missiles can be launched from the dispersed rail cars when an execution directive is received and authenticated and all guidance updates have been completed. The rail cars will be stopped and the missile's targets updated while the missile launch cars are stabilized. Then, the missile guidance system will perform the necessary alignment and estimate initial conditions before the system is readied for missile launch. Once a missile is launched, the train can be prepared to resume movement.

MISSILE DESCRIPTION

The Rail Garrison basing mode will use the Peacekeeper missile with no changes except for software. The Peacekeeper is a four-stage ICBM designed to deliver ten Mark 21 reentry vehicles to independent targets. The missile is approximately 71 feet long and 92 inches in diameter and weighs 195,000 pounds. The first three stages are fueled by solid propellants; the fourth stage uses liquid propellant. The missile's guidance and control system keeps the missile on the proper flight path and provides target accuracy.

GARRISON DESCRIPTION

Garrison designs may vary slightly to accommodate base-specific requirements and constraints, but the basic complement of facilities will be standard throughout the system. Each garrison will have up to four train alert shelters that consist of structures about 1,200 feet long and 30 feet high. Each garrison will also have maintenance facilities to provide the capability to remove or replace the missile guidance and control set and the reentry system and to provide other missile and train maintenance. Design of the operational garrison is part of a $236 million contract awarded to the Boeing Aerospace Company in September 1987, which also provides for the design, development, and fabrication of unique transportation and handling equipment, test facilities, test support equipment, maintenance car, and modification to the train locomotive.

TRAIN DESCRIPTION

Each train will consist of two locomotives, two missile launch cars, two security cars, one launch control car, and one maintenance car. The train's external appearance will resemble commercial freight rail equipment as much as possible.

The locomotive and the chassis for each train car will be commercially available equipment, modified as necessary to support the Rail Garrison design.

The Peacekeeper missile, the canister, and the operational support equipment will be housed in the missle launch car. A launch eject gas generator providing pressurized gas below the first stage will eject the missile from the canister, and the first stage will ignite after ejection. This manner of launch is referred to as "cold launch" and is the way in which Peacekeeper missiles are launched from a silo. In May 1988 the program office awarded a $167 million contract to Westinghouse Electric Corporation for development of the missile launch car.

The launch control car will contain all the functional capabilities of a Peacekeeper in Minuteman silo stationary launch control center such as a launch control system and a communication system. Communications between the launch control car and higher authority will be available, and a full complement of communications links is planned between the system and SAC elements. The launch control system performs critical functions of targeting, launch authorization, and launch, as well as status monitoring. Targeting operations and launch control processing will be essentially identical to Peacekeeper in silos. In May 1988 the program office awarded a $162 million contract to Rockwell International for developing the launch control and security cars, as well as the train security system.

APPENDIX III—COMMENTS FROM THE DEPARTMENT OF DEFENSE

DIRECTOR OF DEFENSE
RESEARCH AND ENGINEERING,
Washington, DC, December 5, 1988.

Mr. FRANK C. CONAHAN,
Assistant Comptroller General, U.S. General Accounting Office, National Security and International Affairs Division, Washington, DC.

DEAR MR. CONAHAN: This is the Department of Defense (DoD) response to the General Accounting Office (GAO) draft report, "ICBM Modernization: Status of the Peacekeeper Rail Garrison Missile System," dated Oct. 11, 1988 (GAO Code 392364, OSD Case 7795).

The Department has reviewed the report and concurs with the findings. Additional comments on the findings are provided in the enclosure. The Department appreciates the opportunity to comment on this draft report.

Sincerely,

ROBERT C. DUNCAN.

[GAO Draft Report—Dated Oct. 11, 1988, (GAO Code 392364) OSD Case 7795]

"ICBM MODERNIZATION: STATUS OF THE PEACEKEEPER RAIL GARRISON MISSILE SYSTEM"

DEPARTMENT OF DEFENSE COMMENTS

Findings

Finding A: The Peacekeeper Rail Garrison Missile System.—The GAO reported that the Peacekeeper Rail Garrison Weapon System consists of Peacekeeper missiles deployed in a rail garrison basing mode, together with operational and maintenance support equipment and facilities, including a force of 50 missiles to be placed on 25 trains (each carrying two Peacekeeper missiles). According to the GAO, the Air Force estimated the Rail Garrison Basing Program acquisition to cost about $7.4 billion in then-year dollars. The GAO found that, on May 13, 1988, the Secretary of Defense approved the advancement of the Peacekeeper Program into full-scale development. The GAO concluded that an ambitious schedule will be required to meet the initial operational capability (IOC) December 1991 date. The GAO reported that the Congress approved $440 million for the Rail Garrison Basing Program in FY 1987 and FY 1988 and $837.3 million is being requested for FY 1989. The GAO further reported that, although the Rail Garrison Basing Program involves different requirements from those of silo-based ICBM systems, the Air Force has concluded that the Rail Garrison option offers a low risk program, which is principally an engineering effort, taking advantage of existing equipment and technology. According to the GAO, the Peacekeeper missile trains will be deployed initially at F.E. Warren Air Force Base, Wyoming, and eventually at up to ten other Air Force installations, yet to be selected.

DoD Response: Concur.

Finding B: The Cost of the Peacekeeper Rail Garrison Basing Program.—As indicated, the GAO reported that the Air Force estimated that the Rail Garrison Basing Program acquisition will cost about $7.4 billion in then-year dollars, including costs to develop and procure train cars, facility construction, land acquisition and five basing verification flight test missiles. The GAO noted that the estimate does not include costs associated with developing and acquiring Peacekeeper missiles, which were included in the original plan to deploy 100 Peacekeeper missiles in Minuteman silos. The GAO observed that the rail garrison concept has many characteristics that distinguish if from the silo-based programs. According to the GAO, these differences could require as many as 108 additional Peacekeeper missiles for testing in order to provide confidence that the rail-based system is as capable as the silo-based system. The GAO concluded that, in addition to the need to determine the number of operational test and evaluation missiles, the final cost of deploying 100 Peacekeeper missiles—50 in silos and 50 in rail garrison—is dependent on several factors, as follows: the impact of any reduction in the FY 1989 budget request; the congressional funding actions related to annual procurements of Peacekeeper missiles, as they affect economical production rates and operational deployment milestones; and the impact of the planned concurrency between development and production of basing system components.

DoD Response. Concur. It is the DoD view that the characteristics of the silo and rail launches will not be sufficiently different to require a large, separate test program for the rail mode. It is also the DoD view that the five development and twelve operational test missiles programmed for the rail mode will be sufficient.

Finding C: Peacekeeper Program Acquisition Schedule Is Optimistic.—The GAO reported that (as previously noted), on May 13, 1988, the Secretary of Defense approved the advancement of the Peacekeeper Rail Garrison Program into full-scale development. The GAO again observed that developing the system by the initial operational capability (IOC) date will require an ambitious schedule. The GAO observed that all costs, testing, and delivery schedules will need to be developed to meet this date. The GAO concluded that, in order to meet this objective, the program office needs to develop an acquisition schedule with concurrent development and production activities. The GAO reported that, while program officials agree concurrency exists, they maintain that the rail garrison low technical risk, combined with the planned sequential testing and evaluation program, represents a reasonable risk in achieving the December 1991 IOC date. The GAO nevertheless concluded that the program acquisition schedule is optimistic because the acquisition strategy provides for the start of production two years before development contracts are complete. While noting the overlap between development and production (referred to as concurrency) can be an effecitve technique to expedite fielding weapon systems, the GAO concluded that, unless concurrency is well planned and controlled, it can cause cost, schedule, and performance problems.

DoD Response: Concur.

Finding D: Funding For The Peacekeeper Rail Garrison Basing Program.—The GAO reported that the Congress approved $440 million for the Rail Garrison Basing Program in FY 1987 and FY 1988 for research and development; and for FY 1989, about $837.3 million was requested ($792.9 million for research and development and $44.4 million for construction). According to the GAO, the availability of sufficient procurement funds to support the attainment of initial and full operational capability dates, as currently scheduled, is uncertain because the DoD stated that all 12 Peacekeeper missiles, for which FY 1989 procurement funds were being requested, would be used for Peacekeeper operational test and evaluation and for aging and surveillance tests, while none were planned for use in the Rail Garrison Basing Program. Since it takes about 32 months to acquire parts and manufacture a Peacekeeper guidance and control system, the GAO concluded that achieving the IOC date with missile systems procured specifically for rail garrison deployment will be challenging. The GAO also cited another uncertainty—i.e., that in FY 1986, FY 1987, and FY 1988, the Congress authorized the procurement of 12 Peacekeeper missiles each year for silo deployment and OT&E while, at the same time, the DoD requested funds for 90 missiles. The GAO estimated that the DoD will need 134 missiles by the end of December 1993, including 50 missiles for the Rail Garrison Basing Program. The GAO concluded that, to ensure the 134 missiles are delivered by December 1993, the DoD will have to procure more than the currently planned 21 missiles in FY 1990 and FY 1991. The GAO reported, however, that DoD Program Officials were confident that a sufficient number of Peacekeeper missiles are being acquired to support deployment, if Congressional approval is provided to use some OT&E missiles for rail garrison operations.

DoD Response: Concur.

Finding E: Evaluation of Technical Performance Awaits Testing.—The GAO reported that, although the Rail Garrison Basing Program involves requirements different from the silo-based ICBM systems, the Air Force maintains that the rail garrison option offers a low risk program—i.e., principally an engineering effort taking advantage of existing equipment and technology. The GAO observed that the Rail Garrison Basing Program just entered the full-scale development phase in May 1988; therefore, any conclusive assessment of technical performance must await the results of planned testing. The GAO noted that certain unique operational effectiveness characteristics associated with mobility on the rail network (such as the capability to restore missile accuracy in a specified time frame and to launch from the missile launch car) must be fully evaluated and demonstrated before the effectiveness of the operational concept can be confirmed. The GAO also observed that the viability of the rail garrison concept is predicated upon sufficient rail availability and establishing acceptable working relationships with the railroads. The GAO concluded that the Rail Garrison Basing Program is still in the early stages of its technical performance.

DoD Response: Concur.

Finding F: Site Selection Will Determine Land Acquisition Requirements.—The GAO reported that Peacekeeper missile trains will be deployed initially at F.E. Warren Air Force Base, Wyoming, and subsequently at up to ten other candidate Air Force installations. According to the GAO, depending on the siting alternatives selected, the Air Force may need to acquire 32 to 639 acres of land adjacent to seven installations for the rail garrison facilities or relocate existing base facilities to accommodate rail garrison facilities. The GAO found that, for three of the siting alternatives under consideration, almost all the garrison facilities will be located on land to be acquired off base. The GAO observed that the Air Force is preparing an environmental impact statement to aid in the final selection of deployment installations, the siting of facilities, and the development of appropriate mitigation measures. The GAO concluded that the final acceptability of the Air Force siting proposals and related mitigating measures will not be known until after the public has had an opportunity to comment on the draft environmental impact statement.

DoD Response: Concur.

Recommendations

None.

APPENDIX IV—MAJOR CONTRIBUTIONS TO THIS REPORT

NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION, WASHINGTON, D.C.

Paul L. Jones, Associate Director (202) 275-4265; Joseph C. Bohan, Group Director; John J. Klotz, Evaluator

LOS ANGELES REGIONAL OFFICE

James F. Dinwiddie, Evaluator-in-Charge; Gary W. Kunkle, Evaluator; Judith E. DuPaul, Evaluator.

[U.S. General Accounting Office, Testimony]

DEFENSE BUDGET AND PROGRAM ISSUES IN THE FISCAL YEAR 1991 BUDGET, March 1, 1990

(Statement of Charles A. Bowsher, Comptroller General, of the United States)

Rail Garrison.—Initial operational capability for the rebased Peacekeeper missiles is planned for 1992, and the full operational capability of all 50 missiles is planned to be achieved in 1994. To meet these milestones, an initial low-rate production decision for the missile launch cars is scheduled for February 1991.

At the time the initial production decision is scheduled to be made, no operational test and evaluation of the complete weapon system (including the missiles and rail launch cars) will have been conducted. Additionally, the Air Force plans to purchase about 73 percent of the launch cars after the initial production decision. Such a large purchase would, in effect, amount to full-rate production without any operational test or evaluation of the complete weapon system.

The Air Force considers the Rail Garrison to be a low technical risk because it views the program as basically an engineering effort to integrate proven missile systems into the existing rail industry. However, the Rail Garrison Test and Evaluation Master Plan identifies unique characteristics of the program that require testing. These include (1) the capability of the train to withstand missile launch, (2) the launch effects on commercial railroad tracks beds and the ability of the train to resume mobile operation after launch, (3) the capability of the guidance and control system to recover specified levels of accuracy following rail transit, and (4) the effects of horizontal basing and rail movement on Peacekeeper missile performance and reliability. We have recommended that the initial production decision be deferred until the Air Force has conducted some operational test and evaluation of the complete weapon system. While the Air Force has delayed the initial production decision from April 1990 to February 1991, the first flight test of the complete weapon system is not scheduled until the third quarter of fiscal year 1992. Therefore, we believe that the $1.62 billion in the fiscal year 1991 budget for the procurement of the rail launch cars ($1.35 billion) and construction of the garrisons ($269 million) should be deferred pending completion of operational tests and evaluation of the test results. We also believe that the $102.6 million in advanced procurement funding and the $104.8 million in military construction funding, which was appropriated in fiscal year 1990, should be rescinded.

[Council for a Livable World]

MX RAIL GARRISON: A MISSILE WHOSE TIME HAS GONE

In 1989, Congress appropriated funds to continue both the MX rail garrison program and Midgetman, the two-missile deal.

This year, support for both systems, and particularly the MX rail garrison, is fading at a pace comparable to the deterioration of communism in Eastern Europe. Key Congressional leaders, high ranking former military leaders and ex-cabinet officials now question whether Congress should or will appropriate $2.2 billion for MX rail garrison and $202 million for Midgetman in the next fiscal year.

Significantly, most officials have been MX supporters in the recent past.

Defense Appropriations Committee Chairman John Murtha predicts two missiles will be placed on hold:

"The influential chairman of the House's military spending panel Thursday identified the MX and Midgetman mobile missile programs as prime targets for cuts, predicting both will be put on hold pending the outcome of arms control talks with the Soviet Union."—Los Angeles Times, February 9, 1990.

Senate Armed Services Chairman Sam Nunn drops support for two-missile deal:

"I sold a lot of people—and there are people on both sides of this issue, no doubt about it—on the basis that I thought a ban on mobile MIRVs was going to be forthcoming from the White House in terms of a proposal. There is no way that I could support two missiles this year with the current position we have, and we are all going to have to think through it together."—Senate Armed Services Committee hearing, February 2, 1990.

Former JCS Chairman David Jones opposes going ahead with both missiles now:

"Within the strategic offensive forces, my lowest priority is in the modernization of the ICBM force. That doesn't mean we ought to go to a dyad, but I just don't see the great need for the modernization of that element right now, particularly with the uncertainty of arms control and so forth. I'm not saying cancel the programs 100 percent, but I would move down more the R&D route, at a very modest level."—Senate Armed Services Committee hearing, February 2, 1990.

Former JCS Chief of Staff John Vessey agrees with Jones:

"I too would cancel the two mobile missiles . . . I think the idea that somebody's going to attack our siloed missile base forces to get around 20 percent of our warheads is

just not reasonable."—Senate Armed Services Committee hearing, February 2, 1990.

So too does former JCS Chief Admiral William Crowe:

"I would associate myself with General Vessey's comments. We have a mobile missile. We have a mobile missile in the field, and that's in the seaborne mobile missile." (N.B. All three former JCS Chiefs agreed with Senator Nunn that they would prefer to trade these missiles at the START talks for Soviet mobile missiles.)—Senate Armed Services Committee hearing, February 2, 1990.

Senate Majority Leader George Mitchell says no chance that both missiles will be funded:

In response to a question from Garrick Utley on "Meet the Press," Mitchell stated: "I don't think there's any chance that the administration proposal to fund both will be enacted. I think that the former Joint Chiefs are right. It's wasteful, unnecessary, and, further, destabilizing."—"Meet the Press," February 4, 1990.

House Speaker Thomas Foley questions the two missiles:

"House Speaker Thomas S. Foley, D-Wash., told reporters the same day that to Democrats, Bush's requests for 'heavy increases in spending for things like star wars and for two new missiles systems, and so on, are highly questionable in today's environment.' "—Congressional Quarterly, February 10, 1990, p. 398.

House Armed Services Chairman Les Aspin questions whether one or both missiles will ever be built:

"Our START position allows the fielding of two mobile missiles—the MX in rail garrison and the small ICBM. It looks increasingly as if we are more likely to have one or none rather than two. In fact, three former chairmen of the Joint Chiefs said last week that they liked the small missile, but basically said they could get by without either."—House Armed Services Committee hearing, February 6, 1990.

Former Defense Secretary Harold Brown opposes rail mobile MX:

"Go ahead and develop Midgetman and deploy it in silos . . . Where I then come out is no rail mobile MX . . . I think that rail mobile MX is not stabilizing simply because it is so vulnerable to a bolt out of the blue attack."—Senate Armed Services Committee hearing, February 6, 1990.

Former Reagan Pentagon official Richard Perle says no to both missiles:

"I would not proceed with either the Midgetman or the rail mobile MX: the current generation of ICBM's should prove adequate and the next generation—for we will need a strategic deterrent as far as the mind can see—will benefit from further research and development if it is delayed for a few years."—Senate Armed Services Committee hearing, January 24, 1990.

Moderate Democratic Congressman John Spratt continues to question MX:

"Our rail mobile system isn't comparable to their's because ours will not be on the rail all the time. It won't be mobile. It will be immobile most of the time, and indeed we'll be clustering missiles in one location, those earthen igloos, and it really creates a vulnerability during the time that they are in those locations."—House Armed Services Committee hearing, February 6, 1990.

FEBRUARY 1990.

Mr. JEFFORDS. Mr. President, I am pleased to join with my colleagues from Michigan in the introduction of legislation to reduce fiscal year 1991 funds for the MX rail garrision system. I also appreciate the comments of the chairman of the Armed Services Committee, the gentleman from Georgia.

Mr. President, debate about the basing modes, merits and purposes of the MX missile has spanned the better part of this decade. There remains considerable disagreement on these issues, even though 50 missiles have been procured and placed in old Minuteman silos. While the majority of my colleagues have disagreed with my stand against the MX missile, I assume most of them would agree that if we are going to proceed with the MX rail garrision system, we must be reasonably sure it's going to work.

After considerable research into alternatives, the Air Force finally settled upon the rail garrision basing mode. Extensive research and development has been conducted over the last few years. The Department of Defense now claims it is ready to move to production of the rail garrision system and has requested $1.6 billion for procurement and related military construction funding for the coming year. Yet the system level operational test and evaluation process is far from complete. According to the General Accounting Office, the rail garrision test plan calls for evaluating the capability of the trains to withstand missile launch effects, the ability of the trains to resume mobile operations after launch, the system's ability to recover its accuracy following transit and the effects of horizontal basing and rail movement on the missile's performance and reliability. These are fundamental questions that have a direct bearing on the performance of the entire system. Yet this request would have us procure 73 percent of the missile launch cars before the test data is even available. This does not seem like a fiscally responsible way to proceed.

The legislation we are introducing today is very straightforward. It simply deletes $1.3 billion in rail garrision procurement funds and $269 million in associated military construction monies. Our legislation would leave intact the $556 million requested for continuation of research, development and testing at current levels. Passage of this legislation would merely ensure that we don't launch into major production until we are sure that the system will work.

Mr. President, I am well aware that there is considerable discussion over the usefulness of the MX as a bargaining chip in the START negotiations with the Soviet Union. I have my own opinion on this issue. However, I would hope that, no matter what my colleagues position on this question, we can agree that prudence dictates a little more patience in moving to production. We have an obligation to our men and women in uniform and to the Nation's taxpayers to ensure that our resources are buying us the strongest defense possible.

UNANIMOUS-CONSENT AGREEMENT—PACKWOOD AMENDMENT TO H.R. 1594

Mr. NUNN. Mr. President, on behalf of the majority leader, I ask unanimous consent that with respect to the Packwood logging amendment to H.R. 1594, on which there is a 1-hour time limitation, that any second-degree amendment thereto be relevant to the first-degree and be limited to 50 minutes of debate, equally divided in the usual form.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection? Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection.

EARTH DAY 1990

Mr. WIRTH. Mr. President, I want to spend a few minutes this morning commenting on Earth Day 1990, and what the long-term implications are for us in the U.S. Congress, for our Government, and for the country.

As we all know, Earth Day 1970 set off debate of environmental action by Congress and by our Government. Certainly, I think we all hope that the Earth Day II will start a new decade of environmental action. Never have the challenges been greater.

In addition to the problems of air and water pollution that we addressed in the seventies, we are now facing problems on a global scale, including global warming, destruction of the stratospheric ozone and destruction of the world's biological diversity. We face a world of an ever-growing number of people seeking economic development. The developing world in Eastern Europe and the Soviet Union, now undergoing radical restructuring, need examples of how to build a strong economy with a clean environment. The United States must endeavor to set such an example and to provide world leadership in the effort to protect our environment.

Never has the need for leadership been greater. We, in the United States, need to show the world our determination to provide environmental quality for our people and leadership for the whole of the globe. We need to be a working model for the world of how to integrate environmental protection and economic growth.

It is my hope that Earth Day 1990 will rekindle the United States' resolve to provide this sort of leadership in the area of environmental protection.

It is by setting an example of environmentally responsible action that we can gain that leadership.

That leadership should begin right here in the Senate. This year the Senate will have a number of opportunities to demonstrate its leadership and to provide this kind of model. I wish to discuss several of these opportunities that we have before us.

The first is clean air. We in the Senate have just passed amendments to the Clean Air Act which set up a program to control acid rain, required automobiles to cut their emissions of pollutants and set up new programs to control toxic air pollutants.

These Clean Air Act amendments are a crucial test of our leadership on the environment. They reflect more than a decade of experience with Clean Air Act legislation that we last passed in 1977. They represent our willingness to learn from the successes and failures of that past legislation, our recommitment to the important environmental goal of providing healthy air for all of our citizens, and our willingness to move off the status quo in order to achieve our goals.

The strengthening of the Clean Air Act is of crucial importance to the health of our citizens, the majority of whom live in cities where the air is a threat to healthy productivity. It is also of critical importance to the health of our natural environment which more and more is subject to damage from these same pollutants.

But the Clean Air Act also represents an important watershed in the Congress' approach to environmental problems. The amendments passed by the Senate include an acid rain control program that is revolutionarily different from the pollution control program that we instituted in the seventies.

Rather than dictating uniform application of a particular control technology, the so-called "command and control" regulatory scheme on which most of our environmental programs have been built in the past, the Senate's clean air bill creates a market for pollution permits.

In the market created by the legislation, the same strong forces which drive our competitive economy motivate utilities to find the most cost effective mix of different technologies, and also motivates them to find strategies for pollution reduction that are going to be the cheapest for the consumer.

This system provides the maximum of flexibility for those utilities to find ways to meet the pollution reduction goals set by the Senate. At the same time, it meets those goals at the least overall cost to the Nation. This permit trading system was championed by President Bush, who was kind enough to give credit to Senator HEINZ and me for setting forth this idea in Project '88, a study we commissioned to examine ways to put economic forces to work in greater levels of environmental protection.

As we face a future full of new and even more daunting environmental challenges than we dealt with in the 1970's, and as we look at old problems that have persisted despite legislative solutions we put into place in the last decade, we need to rethink our approaches to solving these problems. We are going to have to be open to new ways of thinking like in Project '88 and the acid rain solution, which it seems to me is a good first step for us in taking a fresh look at how to solve many of these vexing problems.

Obtaining final passage of the strong Clean Air Act which retains this bold new approach to environmental abuse, as well as including needed improvements in many other areas, should be one of our highest priorities for this year.

Going beyond air pollution to global warming links us to this other monumental challenge, perhaps the greatest environmental threat of them all, global warming. As we have seen in this week's newspaper, people around the world believe that we need to act with greater urgency to slow emissions of so-called "greenhouse gases." Despite the lack of urgency demonstrated by the current administration, we in the Senate must be leaders in the effort to reduce the risks of runaway global warming.

Again, this process will be a major test of our leadership. Global warming is a complicated scientific issue. It presents enormous political and economic challenges. And most dauntingly, the global warming issue will require us to take the long view, to think less about tomorrow's headline and more about fundamental health, about the life-support systems we leave to our children and grandchildren.

On the global warming issue, we cannot wait for the crisis to develop before we act. If we do, the costs of our inaction will be enormous. Instead, taking the long view, we should be taking out an international insurance policy to hedge against global warming, and the components of this insurance policy should be based on policies that make sense for other reasons.

First, and foremost, we should be searching out and realizing energy efficiency opportunities in every sector of our economy. Energy efficiency is good energy policy, good economic policy, good environmental policy and good trade policy.

We should be marching out more smartly in the quest for new alternative sources of energy, ranging from more extensive programs on solar energy, hydrogen and more familiar resources, to a more focused program on the potential of nuclear power. We currently have a kind of nuclear neuralgia in this country for good reason. Are we going to be able to jump a generation or two and again see if nuclear power can be made to work?

We should be developing legislative initiatives to seek to expand markets for our abundant, and the cleanest domestic resource, natural gas. Natural gas has enormous benefits for clean air and produces significantly less carbon dioxide than its sister fuels.

Earlier in this session I introduced legislation, S. 324, to do many of these things. That legislation, the so-called global warming bill, has been cosponsored by 34 of our colleagues in the Senate and was referred to the Committee on Energy and Natural Resources, which held a number of hearings on the legislation in this Congress, in addition to having had extensive hearings on the topic of global warming and our Nation's energy policy in the 100th Congress.

I am very hopeful that the Energy Committee will soon markup and report this bill to the Senate for debate and vote, so that we will all have an opportunity to address the challenge presented by global warming, and to act on it.

Finally, I must bring up an important element of the global warming problem that which, while it was addressed in S. 324, will probably not be part of the bill reported to the Senate. That is the accelerating growth of the world's population.

Any insurance policy we create to protect us against global climate change has to address the basic issue of population. All of the world's environmental problems are going to be exacerbated by the soaring global population. It took all of human history for the global population to grow to 1 billion people early in the 1800's. It took just a century and some to reach the 2 billion mark, in the 1930's. But we reached 3 billion in the 1960's, 4 billion in the 1970's, and we just recently topped 5 billion people.

The pace of this population growth is overwhelming our capacity to understand and manage the effects on the global commons. We simply must recommit ourselves to a position of world leadership on population. It is unquestionably the single environmental issue that threatens to undo all of our best intentions.

We used to be leaders in the population field—developng the first international program, contributing to the foundation of important multilateral agencies. But we have abdicated our responsibilities in this area during the past decade. We are contributing less to population programs now than we did in 1973, more than 17 years ago, when population was established as a separate line item in the Federal budget. It is my hope that we will reestablish our leadership and help the

nations of the world help themselves to slow the growth of the world's population.

The global warming issue, Mr. President, is severe and important. It is not appropriate for the White House and this administration to drag its feet on this to say that the only thing that we have to do is more research. The overwhelming scientific evidence is that the world is going to get warmer. The question is not if, it is how much, how fast. And even the doubters in this area say that there is at least a 15-percent chance that the world is going to warm. Mr. President, 25 percent odds are pretty great. If you made a reservation at a restaurant and knew that there was a 25-percent chance that you would get botulism by going to that restaurant what would you do? We have changed our way of thinking. That is absolutely imperative.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. WIRTH. Mr. President, I ask unanimous consent to proceed for an additional 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC LANDS

Mr. WIRTH. Mr. President, a more local but just as important challenge involves how we use the public lands managed by the Federal Government. How can I say that this is just as important as global warming legislation? Because the world is watching us, and how we manage our public lands is an important test of our environmental credibility, and an important example to the developing nations which own most of the world's forest resources.

We know that how Brazil and other tropical nations manage and conserve their tropical forests can significantly affect the climate of the globe, even to the point of affecting the weather on which our own farmers depend. These tropical forests are also the greatest reservoir of biological diversity on our planet. The vast majority of all the species of animals and plants that exist live in these rain forests.

But how can we expect to influence these nations to pursue conservation, to take a long-term view of the environmental consequences of their policies, and not to simply attempt to maximize economic uses in the short-term, if we do not do so ourselves?

The use of America's national forests is now a matter of great controversy. We face real choices between different paths of development.

Nowhere is there a greater need to restructure our attitudes and our policies toward our forests than in the Tongass National Forest in southeast Alaska.

In that forest, the United States has subsidizing logging that is quickly destroying environmental resources that are also important economic assets for this region. For in Alaska, the salmon fishing industry is a major employer and a major contributor to the economy. But this industry depends salmon spawing streams in the forest that can be and have been significantly harmed by logging activities. In Alaska, hunting and fishing are also an important part of local economies—both in terms of providing fish and game for local residents, and in terms of promoting tourism and recreation, another major element in the economy of southeast Alaska. These resources, too, have been compromised by logging activities.

Does this logging of public trees return dollars to the U.S. Treasury? No. Adding insult to injury, this logging costs the taxpayer. This logging, which is endangering southeast Alaska's salmon fishing industry, fish and game resources, and recreation and tourism industry, cost U.S. taxpayers $350 million over the past decade.

This is bad economics and bad environmental policy. Early last year, I introduced legislation to change this situation. I am gratified that 52 Senators have joined me in cosponsoring that bill, S. 346.

A version of that bill was reported by the Senate Energy Committee several weeks ago. The bill will cancel the permanent appropriation which now funds the Tongass Timber Program, modifies the 50-year timber contracts which are unique to this forest, cancels the unrealistically high and inflexible legislated timber harvest goal Congress set for this forest in 1980, and prohibits timber harvest in certain key fish and wildlife areas in the forest.

It is my belief that these sorts of reforms are needed to correct what is now an unbalanced, timber-only approach to the management of this forest, an approach which by focusing too tightly on one industry has threatened the sustainability of other resources of this forest which are important to the local economy as well as to the local environment.

I am hopeful that very shortly the Senate will have an opportunity to debate this bill, to vote for it, and to vote for amendments to strengthen it.

It is imperative that we in the United States address our own public lands, our own timber program. How in the world can we say to the Brazilians, "take care of your rain forest when they are turning and pointing the finger to us saying how can you wantonly destroy a last great rain forest in North America and turn around and tell us to tend to our backyard?"

RECYCLING AND A NEW ECONOMICS

Congress will soon turn its attention to the reauthorization of the Resource Conservation and Recovery Act [RCRA]—the Federal statute regulating waste disposal.

We are currently facing a crisis in waste management. A simple fact that makes clear the scope of the problem is that 74 percent of existing landfills will close by the end of the decade. To replace them, we will have to site new landfills and incinerators—but the siting of these facilities will be far more expensive than it has been in the past, and far more politically difficult as well.

An important part of the solution to this problem is to reduce the amount of waste we produce, and to recycle as much of our waste as possible. Two fundamental obstacles stand in the way of these objectives. First, while the cost of disposal has risen, those costs are not paid by those who sell these materials—they are paid by the taxpayer, the consumer. The result is that the producers and sellers of these materials have no stake in whether the materials are recycled, or simply thrown away.

Second, the market for recycled materials has been both weak and unstable. Recycled materials, still cost more than virgin materials—depressing demand for them.

Senator HEINZ and I recently introduced three bills aimed at overcoming these obstacles for significant segments of the waste we are now producing. To do this, we have proposed going beyond Congress dictating what people must do with waste. Instead, these bills create a market for recycled materials which will put the strong economic forces of the marketplace to work to overcome the obstacles to waste reduction and recycling.

Our legislation will require producers or importers of motor oil (S. 1181), newsprint (S. 1763), and tires (S. 2462) to utilize recycled materials. Rather than requiring each producer or importer to comply in the same manner, however, the bills require only that each producer or importer accumulate "recycling credits."

This is a rather ingenious and again Project '88 model for using the marketplace, Mr. President, and we think this is just the beginning of a number of opportunities that we have to realize in rethinking the way in which we approach a number of environmental problems and use economic forces which can be used not just for the destruction of the environment but can be used positively to conserve the environment.

A producer can generate credits by using recycled materials as part of their products or they can buy credits from other firms that recycle more than their share. These bills allow producers to find their own ways to recycle, or to pay others to recycle for them. This creates strong financial incentives for people to find new and more cost-efficient ways to recycle materials, and allows producers maxi-

mum flexibility in meeting the goal—getting used materials reused, rather than disposed of.

Most important to the success of recycling, this approach provides a steady and stable base market for recycled commodities.

Used lubricating oil, newsprint, and tires all enter the waste stream in enormous amounts. In the case of used oil, more than 35 *Exxon Valdez* oil-spills are every year poured into sewers or placed in landfills. Because this occurs just a few quarts at a time it escapes media attention. This oil is being disposed simply because it is cheaper and easier to throw it away than to recycle. We can change this—and we must.

Newsprint comprises 6 percent of the solid waste generated in America—28 pounds per household per month, which adds up to an astonishing 9.5 million tons a year. It costs taxpayers at least $250 million a year to bury that paper in landfills.

Tires comprise 1 percent of the solid waste generated in our country. We throw away 279 million tires a year.

For each of these products, using virgin materials is less expensive than using recycled materials. But that cost advantage fails to factor in the cost of the disposal of the unrecycled materials. The real product cost should include the fast-rising cost of landfill space, the costs to the environment, and even to the public health. Our bills shift part of the cost of recycling of these materials back to their producers, and that is only fair, given that without recycling, society as a whole would be paying a high and rising price for throwing these materials away.

In the spirit of Earth Day, we have to commit to look at initiatives like these—initiatives to change the way things are done, and to substitute a better way.

I noted in some detail a few initiatives we have to undertake and there are many others.

For example, we are going to have to explore the relationship between tax policy, energy, and the environment.

For example, in a few days the Congressional Budget Office will be completing a first study of a carbon tax, a study I requested in order to open the debate on changing our thinking on the way we reward or punish various strategies through the Tax Code.

Second, arms control, while viewed exclusively as a defense priority, obviously has enormous importance for our environment, with implications ranging from global security to proliferation to control technologies to cleanup. The environmental consequences of our nuclear commitment, now just beginning to be understood, certainly will be pursued in this coming decade even more carefully.

Debt relief in relationship to the developing world is emerging I believe of great importance particularly to the Western Hemisphere. It is imperative that we understand the relationship between the economics of our relationship with developing countries and the power of our debt to depress area economies and to depress their capability to deal with their environmental issues.

We are going to see a great commitment to international cooperation, Mr. President. The best example of this is focusing on energy issues with China and India. If we were to go through the most complete energy conservation program and stop, almost stop, producing carbon dioxide altogether, Mr. President, we would still find the burgeoning economies of India and China moving right past us and increasing more dramatically the movement of carbon dioxide in the atmosphere. It is imperative we develop control technologies with the developing countries, for example, with Central and Eastern Europe, where I hope we will find ourselves thinking about an environmental Marshall plan.

Soil, water, ozone depletion, ocean dumping, pesticides, all of these will be on the list of environmental issues moving to the top of the agenda here in the U.S. Senate, in the Government, and across the country.

In conclusion, Mr. President, some have portrayed environmental issues as a special interest. The most cynical among us have labeled concern about the environment as a luxury, a fad that we in the developed world can ponder, but which most of the world—and perhaps not even we—cannot afford.

Mr. President, the environment is neither a fad nor a luxury. In my view protecting our environment is a necessity and how we do it comprises the most fundamental and important set of issues for our future. As my colleague, Senator BENNETT JOHNSTON, succinctly stated in a hearing 2 years ago—"we only have one planet, if we screw it up, we have no where else to go." That blunt message summarizes the concern that is being expressed as we approach Earth Day 1990.

Fundamental questions are being raised about the health and integrity of our most important environmental systems. Can any nation afford not to strive to protect the Earth's environment? What is the cost of not acting? The human race undoubtedly now has the power to utterly destroy our planet, to make the air unfit to breathe, to remove the marvels of the natural heritage we have inherited from the Earth, and to change the basic environmental parameters on which our culture, our society and our economic systems are based—the weather, our climate, the level of the seas, and the ability of our atmosphere to provide a filter to protect life on Earth from harmful radiation.

On the local, regional, and global levels, environmental issues are emerging as central to our security. In fact, the redefinition of what comprises our national and international security is now unfolding in front of our eyes. The Berlin Wall has come down—and taking the place of that shameful image are new ones: images of the rampant destruction of rain forests; of the pall of pollution that hangs over cities around the world; of forests dying in the United States, Germany, Canada, and the Soviet Union; of rising temperatures and rising seas; and of a giant hole in the ozone layer over Antarctica and being found in the Arctic as well.

Our constituents are worried—and they should be. We are blindly testing the limits of the Earth's natural systems. Will we exercise caution, and demonstrate that we care about leaving our children and theirs a livable world?

Mr. President, I think we must. We must live up to our responsibility to the future, and to do that we in the United States must take on the responsibility to lend this effort. The world is looking to us for leadership. We must sow the seeds of change and make our Nation the pioneer on a global frontier.

America has accomplished great things in its short history, Mr. President. The winds of change now sweeping the world are a testament to the power of America's example in changing the world. We should not let the size of the challenge to the Earth's environment daunt us. Ten years ago, who would have predicted the dismantling of the Berlin Wall, or the radical reform of politics and economics now taking place in the Soviet Union and Eastern Europe.

America's leadership must now take on this challenge of protecting a threatened environment. I have laid out some of the opportunities before us. There will be many more. It is my hope, Mr. President, that all of my colleagues in the Senate will join in embracing the challenge of defending our planet, for our own sakes, for our children's sake, and for the benefit of all of us who share this planet Earth.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

SOCIAL SECURITY

Mr. MOYNIHAN. Mr. President, I rise as the chairman of the Subcommittee on Social Security of the Committee on Finance to discuss a development reported in this morning's Washington Post, regarding a letter to the chairman of the Appropriations Committee from a group of us—my distinguished colleagues, the Senator from Michigan [Mr. RIEGLE]; the Senator from Arkansas [Mr. PRYOR]; the Senator from Michigan [Mr. LEVIN]; the chairman of the Budget Committee, Mr. SASSER of Tennessee; Senator MIKULSKI of Maryland; Mr. SARBANES of Maryland; and myself.

It is a request for additional funds for the Social Security Administration in 1991. It is not the first time the request has been made, but it was accompanied by a memorandum written last month by the then Deputy Social Security Commissioner for Operations, Hebert A. Doggette, Jr., a distinguished public servant, one of those in the long line of public servants who have dedicated themselves to the Social Security Administration and made it in so many ways, at one point, a model agency of the Federal Government.

It is no longer that, sir. Indeed, Mr. Doggette warned, in a departing memorandum, about the serious deterioration in levels of service in that giant Social Security System caused by the loss of 17,000 workers who were cut from the agency during the Reagan administration, under the orders of the Office of Management and Budget—nearly a quarter of the roster.

I would like to discuss this in a general context. Some time ago, the first day of the present session of the Congress, I introduced legislation calling for a return of the Social Security System to a pay-as-you-go basis, on the grounds that the trust funds, rising in extraordinary numbers, are not being saved but, rather, are being used as if they were general revenues. This, I said, was a violation of trust. The proposal was a result of a well-documented series of developments including GAO and National Economic Commission reports, public hearings, and statements over the preceding year, 1989, in which we said that if this money will not be saved we should return it to the contributors, go back to pay-as-you-go, and restore the integrity of the system.

There has been much attention paid to this matter. Support has been found in various circles, but not wide support in the Congress.

There have been huge, quite fierce denunciations from the executive branch, which, seeing these funds rising at $1 billion a week, soon to be $2 billion, and by the end of this decade, sir, $4 billion a week, has clearly planned to use the money to finance Government, to maintain its "read my lips" rule about new revenues, although these are clearly new revenues and a new rate of contribution. The new rate of contribution commenced on January 1.

In the memorable words of Mr. George Will, they have decided "to use the Social Security surpluses to rent the White House for Republicans for the rest of the century and beyond." I cannot blame them if they are allowed to do it. It would come under the rules of the game of politics, but not under the rules of responsibility and trust, which Social Security requires.

Having said that, let me move now for a moment to a continuation of the same subject. Just as the Social Security trust funds are being plundered, the Social Security Administration is being degraded. That is a strong term, sir, and I would hope I am sparing enough in such terms. But I will give an example.

In the early 1980's, the Social Security Administration wrongfully terminated the benefits of hundreds of thousands of disability recipients. Disability benefits are paid by the trust fund. The pensions of a half-million disabled workers were cut off and those disabled Americans who had the resources and the access to information took the Social Security Administration to court.

The time came, Mr. President, when grounds for rejection had become so flagrant that U.S. attorneys across this land ceased to defend the Government. They would not take the Government's case. It was indefensible.

It was an extraordinary event. I do not know in the history of public administration where all of a sudden this U.S. attorney, then that U.S. attorney, becoming familiar with the egregious nature of the case, would say "Sorry, I willl not defend the Government. It is my professional judgment there is no case here and this event involves Government wrongdoing and not an excessive claim by the petitioner."

I do not wish to characterize the precise legal judgments of these U.S. attorneys, but the outcome is clear.

The pattern has been to use Social Security revenues as a source for the payment of general Government expenses, thereby masking the deficit and avoiding any movement toward more progressive taxation. This payroll contribution is by definition the most regressive we would have.

We had an example of that, Mr. President, yesterday. The trustees of the Social Security trust funds, the managing trustee, the Secretary of the Treasury—the others are the Secretary of Labor and the Secretary of Health and Human Services—issued the annual report of trustees. Three names were there. Two names were missing: the public trustees, not appointed. By statute they are required. We created them by statute, but we cannot make the President send us names. And in consequence of which—although Senator BENTSEN, chairman of the Finance Committee, and I, and Mr. ROSTENKOWSKI, the chairman of the Ways and Means Committee, all recommended a most able person, by letter, to the President, in our case in June, a year ago—no nomination, no real response.

I have asked on this floor before, are they worried that public trustees might go public about the plundering of the trust funds?

I recall the statement of my friend from Pennsylvania, Senator HEINZ, when asked did he agree with an editorial characterization in the Rochester Democrat & Chronicle, that what was going on was thievery; he said, "Certainly not. It is not thievery. It is embezzlement."

Well, embezzlement might be called to the attention of the public by public trustees, but there are no public trustees.

I was offering a sense-of-the-Senate resolution just before we went out for the Easter recess to ask the President to send us names. I regret to say that there was an objection on the other side of the aisle. It was a fair-minded one. They had been informed names were forthcoming. Here we are back in session, Mr. President. We have no names.

Then we go on to the subject of the internal management. Morale in the Social Security Administration has never been worse. At the time, the Doggette memorandum, a parting cry of the heart from someone who cared, said the viability of this organization is at risk. Mr. Spencer Rich, who follows these matters as no other figure in American journalism, notes that the number of persons was cut from 80,000 to about 63,000. We feel a minimum of 70,000 is necessary.

I should mention in this respect the U.S. Supreme Court's decision last February in the Zebley case. The Court struck down the agency's overly restrictive regulations for determining supplemental security income for poor disabled children. Happily, the decision obviated the need for legislation I introduced last year, S. 1718, to clarify this matter. As a result of the Court's decision, the agency will have to reexamine the cases of 250,000 disabled children, and will need the resources to do so.

As chairman of the subcommittee, I have introduced a comprehensive piece of legislation that would create an independent Social Security Administration. It would bring it back to the condition in which it began.

In the 1930's, under President Roosevelt, it seemed self-evident that this should be an independent agency; that

a three-person board would be the trustees of the system.

President Roosevelt was determined that everybody have their own Social Security account, just as you have a bank account. You would know what was in it; keep it; it was yours. Your name was on it. It was your contribution that entitled you to your benefits. He was very explicit on that matter.

We need to restore the independence of the agency; make it bipartisan; make it such that someone can say no to the Office of Management and Budget when it says we will get some money for whatever program over here by denying benefits to disabled people over there. We need to get an agency that can say no to slashing employment. Overall government employment went up during the 1950's, but not in the Social Security Administration. We need an agency that can get back the legendary energy and innovativeness of the past.

I call the attention of the Chair to the fact that a very ominous and worrisome charge is being made that Social Security discriminates against minorities in this country by virtue of birth rates, death rates, and such like. I do not think that is the case. I find my friend Robert Ball does not think it is the case. I cannot prove it. If it were the case, I certainly would want to do something about it.

But I will tell you why we will never learn whether it is so or is not. The Social Security Administration will never find out. An institution once fabled for research capacity has near to none. What you do not know will not bother you. Just as the public trustees not appointed will not challenge you. The disabled who do not know their rights will not cost you any money. Their money, their benefits, but your money if you use it as general revenue.

Mr. President, I have offered this legislation, and I hope the Finance Committee will address it. I would like to close with one observation. If the Democratic Party has so lost interest in the workings of Government that we cannot find time to attend to the workings of this agency, then we are something other than what we have been. We created this agency. It has full support of both bodies.

There is no man who knows more about the subject and cares more about it and who is more responsible for its preservation in the Social Security Amendments of 1983 than Senator DOLE of Kansas. Over on the House side, Barbera Conable of New York, formerly the ranking Republican member of Ways and Means, was incomparably informed and concerned.

But it is on our side where the first responsibility resides. Do we not care about half a million disabled, rejected under instructions from OMB to save money such that U.S. attorneys would not even defend the Government.

When the Deputy Commissioner of the organization leaves, saying morale is in a crisis; do we not care? The money is being used to debauch through general revenue the trust funds; do we not care? Research capacity disappears; do we not care? Public trustees not appointed; do we not care?

The very able chief actuary Harry Ballantyne reported in the report that came out yesterday that income patterns are changing. They had to cut back the future revenue estimates because more and more of the growth of income is taking place in wages above $51,300 where you do not tax for Social Security purposes. You tax the first dollar, not, after that point, the last dollar.

At least we have the actuaries, and their projections—the actuary's office is still sacred. Robert J. Myers left that intact, God bless him. A fine Republican, a fine man.

Would we not like to know what is happening to our country? Do we care about this agency? If we do not, why should anybody care about us, I say to the Chair? If we who brought about Social Security cannot bother to find the energy to say, "What have they done to the agency we created," then irrelevancy awaits us.

Social Security is very important to the 40 million people who now receive benefits and to the 132 million who pay contributions. We used to care. We did create and we did nurture and we did find bipartisan support.

You will not find a stronger supporter of Social Security than my colleague, the distinguished junior Senator, Mr. D'AMATO. But it is over here, in the majority, if we will not govern, that judgment will be made about us.

Mr. President, I thank you for your great courtesy for allowing me more time in morning business than would be necessary. I see my colleague on the floor.

I ask unanimous consent to print in the RECORD a set of excerpts from the documents which I have mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 20, 1990]

WARNING SIGNS AT SOCIAL SECURITY

(By Spencer Rich)

A memorandum drafted last month by retiring Deputy Social Security Commissioner Herbert R. Doggette Jr. warned that there are signs of a serious "deterioration in levels of service" and that the giant Social Security system could be "overwhelmed" because 17,000 agency workers were cut during the Reagan administration.

Doggette said the time it takes to process many types of Social Security claims increased during 1989 and the number of pending claims also rose. "The possibility clearly exists that at some point workload growth could overwhelm our ability to respond, given our limited resources," he said.

A number of senators who saw Doggette's memorandum wrote the Senate Appropriations Committee recently asking $120 million in fiscal 1991 for "an additional 4,000 staff for the Social Security Administration." The House Aging Committee earlier sent a similar request to the House Appropriations Committee.

Doggette, who declined to discuss his memo, recently told associates he believes at least 70,000 full-time workers are needed to guarantee good service.

Doggette's memo said longer processing times and a buildup of unsettled cases is a standard pattern when service begins to decline, and "there are signs of this early warning pattern developing in all areas of SSA's basic operations. Key service delivery indicators now show these symptoms in each area of our basic operations."

Social Security Commissioner Gwendolyn S. King, to whom Doggette's memo was addressed, said in an interview that she is "grateful" to Doggette "for candidly assessing the situation in March." Now that a hiring freeze is over, she said, she is moving "aggressively" to fill crucial jobs with $50 million from a contingency fund.

"We must get these backlogs under control," King said.

But she said there is no need for another $120 million, because the $4.2 billion administration request for Social Security administration for fiscal 1991 will provide an adequate work force of about 63,500, one that is slightly bigger than the current work force. "If I find we need more people, I will be the first to ask for them," she said.

Among the senators signing the letter requesting an additional $120 million in 1991 for Social Security were Donald W. Riegle Jr. (D-Mich.), David Pryor (D-Ark.), Carl Levin (D-Mich.), Senate Budget Committee Chairman Jim Sasser (D-Tenn.), Barbara Mikulski (D-Md.), Paul S. Sarbanes (D-Md.), and Daniel Patrick Moynihan (D-N.Y.), chairman of the Senate Finance Social Security subcommittee.

In their letter, the senators said a deterioration in service "can be devastating to our most vulnerable citizens, such as poverty-stricken elderly, blind and disabled" persons for whom every day of delay on an application means a day without income.

There has been a long-running dialogue over the "downsizing" of the Social Security Administration that was insisted upon by the Reagan administration. The work force has declined from 80,000 full-time employees in 1984 to 63,000 today. Reagan officials argued that new computer systems would permit employee cuts without hurting service to the 40 million people who receive monthly Social Security checks or the 4 million low-income, aged and blind persons who receive monthly Supplemental Security Income welfare benefits.

To: Ms. Gwendolyn S. King.

Subject: Trends in SSA's Operational Workloads—Information.

DOWNSIZING AND SERVICE DELIVERY

Throughout the course of SSA's downsizing, Operations has been able to maintain steady levels of service in all our basic service-delivery indicators. We have been able to maintain steady levels of service by hard work, skillful management, systems modernization and the judicious use of the limited resources available (such as overtime).

Frankly, the effort to maintain service levels despite dwindling resources has not been easy, and the possibility clearly exists that at some point workload growth could overwhelm our ability to respond, given our limited resources. As I discussed with you during the preparations for the 3/8/90 congressional hearing, we may be seeing early signs that this point has been reached.

EARLY WARNINGS

When workloads begin to be out of control this is indicated by a standard pattern:

The volume of pending workloads begins to grow

The processing time for items cleared from pendings increases

The age of items in the pendings increases, which in turn, leads to even greater increases in processing times once these items clear

When this pattern appears, it is an early warning of deterioration in levels of service. This is followed by a decline in client satisfaction and by unfavorable scrutiny from our higher monitoring authorities, including Capitol Hill.

There are signs of this early warning pattern developing in all areas of SSA's basic operations. Key service delivery indicators now show these symptoms in each area of our basic operations. Since the beginning of this Fiscal Year we have seen increases in pendings and increases in processing times in many areas as well, compared to where we were on these measures at the comparable time last year. (Some sample measures are attached from the most recent month for which we have complete data.)

TRENDS AND WORKLOAD REPORTING

These figures provide a current snapshot of our workloads, revealing trends which may continue to worsen during the course of the Fiscal Year. For example, prior to the contingency tap, our projection for PSC workloads was that total pending would exceed 1.6 million items by June—which would cause corresponding increases in processing times and in the age of pending items. Due to the outreach effort, our SSI workloads are also up (7% over last year) and we expect this growth to continue throughout the remainder of the year.

SSA is also reporting these basic workload indicators to the Congress through regular reports to the House and Senate Appropriations Committees. The next report will be delivered to the Committees this month and it will be the first one to indicate a noticeable decline in the key service delivery indicators.

I am sending you these data as an alert to suggest we may be heading for difficulty in some of SSA's basic workloads.

The recent release of a portion of the contingency reserve, and the allocation of workpower to process the Catastrophic Medicare workloads, will certainly help. And the efforts of the Strike Teams should alleviate acute problems in a limited number of offices. But the broad, systematic growth in workloads may continue. I believe we will most likely need to secure the remaining $50 million in contingency funds, and we will need to consider the possibility of additional resources for Operations.

HERBERT R. DOGGETTE, Jr.

WORKLOAD FACTSHEET

FIELD OFFICES

The volume of claims pending in field offices is about 4% higher this year than last, and this has led to increased processing times for three out of four of our claims workloads. Our SSI claims have shown the largest increase in processing times.

	December 1988	December 1989	Change
Field Offices			
Total pending claims	471,941	485,872	[1] +3.9
Claims processing times (days):			
RSHI	18.6	14.8	−3.8
DI	79.0	80.9	+1.9
SSI Aged	12.9	16.4	+3.5
SSI blind/disabled	83.3	89.1	+5.8

[1] Percent.

PSC'S

The Program Service Centers (PSCs) have been particularly hardhit. Overall pendings are up almost 15%, which has led to the full pattern of problems, including older pendings and increased processing times.

	December 1988	December 1989	Change
PSC's			
Total pending items	932,733	1,088,207	[1] 14.3
Average age of pending	[2] 17.6	25.6	[1] +32
Items 30 days old or older	[1] 18.6	[1] 32.4	[1] +13.8
Average processing time	[2] 15.7	16.7	+1.0

[1] Percent. [2] Days.

ODO AND OCRO

In the Office of Disability Operations (ODO), claims processing times have almost doubled and in the Office of Central Records Operations (OCRO) pendings are up by 12.

	December 1988	December 1989	Change
ODO processing times	[1] 6.2	12.0	+5.8
OCRO total pending items	465,569	527,504	[2] +12

[1] Days. [2] Percent.

[From the New York Times, Apr. 5, 1990]

HIDDEN CRISIS IN SOCIAL SECURITY

(By Walter F. Wouk)

CENTRAL BRIDGE, N.Y.—The Social Security Administration is in crisis. The needy are being penalized. Only Congress can solve the problem.

An agency study that found that thousands of Social Security recipients were mistakenly dropped from the rolls last year uncovered only a fraction of the problems. The public can expect service to deteriorate further.

The study found that benefits should not have been suspended for 84 percent of the poor aged, blind and disabled who were dropped from the rolls. It concluded that the problem was related to a diminishing staff and increasing workload.

The Social Security Administration has gone downhill since 1981, when Ronald Reagan became President. He endorsed a plan to reduce the staff from 80,000 to 65,000 by 1990. While his Administration promised that benefits were sacrosanct, President Reagan, Congress and Social Security Commissioner Dorcas Hardy reduced services as part of the policy to balance the Federal budget.

Ms. Hardy dictated that the agency's operations become more "business-orientated." Beneficiaries and claimants became "customers." Face-to-face services were dramatically reduced, and some were eliminated.

Ms. Hardy said the public "preferred to do business by telephone"; in fact, the public did not, but she did. Contact stations, which serviced rural areas, were shut. Field representatives, who traveled to meet with individuals too ill or infirm to visit a Social Security office, were phased out.

Computers were purchased to perform duties handled by employees, and a toll-free number was installed to accommodate those who could not visit an office. Ms. Hardy insisted that these technological advances would compensate for staff reductions and improve overall service. But a Government Accounting Office study concluded that the agency's computer capacity was overestimated by 75 percent.

The toll-free service has damaged the agency's credibility. Phone-service centers replaced, rather than complemented, local call-in service. In most cities, the public cannot reach a local office by phone; calls are routed to a service center often hundreds of miles away.

The agency assigned untrained, inexperienced personnel to handle the phones during busy periods. The phones get answered, but the quality of the answers leaves a lot to be desired.

An agency study indicated that callers who asked about the Supplemental Security Income program had only a 20 percent chance of getting a correct answer. A question about Social Security benefits was answered correctly only 60 percent of the time.

Employee morale has plunged. The agency admits that its employees are underpaid by 30 percent. In most offices, labor-management relations are bitter. Employees who cannot keep up with the increased workload are harassed by supervisors and subject to financial penalties or dismissal. More than 87 percent of the work force believes the agency doesn't have enough staff to provide proper service.

Gwendolyn King, the new commissioner, has neither the power nor funding to breathe life back into the moribund agency. It is up to Congress to fund the personnel and resources it requires to provide the service Americans deserve—service they have paid for.

S. RES. 267

SEC. 1. FINDINGS.—The Senate finds that—

(1) In the Social Security Amendments of 1983, Public Law 98-21, Congress made provision for two members of the public, one Democrat and one Republican, to serve on the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds for four-year terms;

(2) In September 1984, President Reagan nominated the first public trustees, and these nominees were confirmed by the Senate the same month. The statutory terms of the first public trustees expired in September 1988, and subsequent recess appointments by President Reagan of the same individuals to the same posts expired on November 22, 1989;

(3) President Bush has not so far nominated any individuals to fill the posts of public trustees, and the posts remain vacant;

(4) The Social Security Act requires the Social Security Board of Trustees to report to the Congress not later than the first day of April of each year on the operation and status of the Trust Funds; and

(5) April 1 has passed and the Board of Trustees has not submitted the required report on the status of the Trust Funds by the required due date.

SEC. 2. SENSE OF THE SENATE.—It is the sense of the Senate that the President

should send to the Senate nomination for two public trustees to fill the current vacancies on the Social Security Board of Trustees, and upon confirmation such Trustees should be afforded full participation in the preparation of this year's Trustee Report.

LETTER OF TRANSMITTAL

BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE AND DISABILITY INSURANCE TRUST FUNDS.

Washington, DC, April 18, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.
Hon. DAN QUAYLE,
President of the Senate Washington, DC.

GENTLEMEN: We have the honor of transmitting to you the 1990 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund (the 50th such report), in compliance with section 201(c)(2) of the Social Security Act.

Respectfully,

NICHOLAS F. BRADY
Secretary of the Treasury and Managing Trustee of the Trust Funds.
ELIZABETH DOLE,
Secretary of Labor, and Trustee.
LOUIS W. SULLIVAN, M.D.,
Secretary of Health and Human Services, and Trustee.
GWENDOLYN S. KING,
Commissioner of Social Security, and Secretary, Board of Trustees.

[From the Washington Post, Mar. 22, 1990]

IT'S A MATTER OF TRUST, ROSTY

(By Daniel Patrick Moynihan)

There are two words missing from Dan Rostenkowski's March 11 article, "Cold Turkey: How to End the Deficit in 5 Years" [Outlook]. The words are: Trust Funds. Social Security Trust Funds, now being used as general revenue. It is my view that if this keeps up, the one thing missing from American government will be trust.

I raised this issue in January by proposing to return to pay-as-you-go financing for Social Security. There are obvious attractions to such a measure. Take-home pay rises by as much as $1,200 a year in many households. A fierce excise tax on labor is cut for employers. The rate remains fixed for a quarter-century. The tax code bcomes more progressive. But it happens, and you'll just have to take my word for this, that what concerned me most was the integrity of the Trust Funds. I was not alone. When I quoted the view of the Rochester Democrat & Chronicle that what is now going on is "thievery," Sen. John Heinz (R-Pa.) was asked if he agreed. "Certainly not," he replied. "What is going on is not thievery. It is embezzlement." (Of note: The American Academy of Actuaries has endorsed the proposal.)

My view is not widely held—here in Washington—and just possibly not generally understood. When I broached it, the director of the Office of Management and Budget said it was "the most irresponsible idea of the decade." With enviable economy, the Secretary of the Treasury dismissed it as "goofy."

It is hard to blame them. They had a good thing going. The Social Security Trust Fund surplus, now at $1 billion a week and shortly rising to $3 billion, would enable them to grow out of the federal deficit by the end of the decade. No new taxes. A few less aircraft carriers. Presto.

Which ensured a welcome by them of Mr. Rostenkowski's proposal, which essentially does the same. Over five years he raises $200 billion in revenue, cuts $250 billion in outlays, but mostly he takes from the Trust Funds. All told some $553 billion. This includes $48 billion from a proposed Social Security benefit cut that would cost the average retired couple $3,200 over five years. The cut would also push 400,000 Social Security recipients into poverty.

I am chairman of the subcommittee on Social Security. We have oversight responsibility. And this is the sort of thing we have been looking at for the past five years. The deliberate misappropriation of the Trust Funds; a sustained practice of Treasury abuse. At one point in 1985, $28 billion (sic) in Trust Fund securities were secretly "disinvested" to obtain cash for the rest of government. No apologies. For the most part denials.

This got us going. Our case—if we have one—is about as follows. Contrary to a general impression, Social Security has been quite a stable system. Current benefit rates were set in 1972. Current contribution rates were set in 1977. Granted, in the 1970s we did not foresee the budget deficits of the 1980s and 1990s that would make the surplus an irresistible object of prey on the part of the treasury. But in almost half a century the integrity of the Trust Funds had never been breached. Perhaps we were too trusting. Well, I, for one, am no longer so.

The dirty little secret in Washington just now is that we are using the surpluses as general revenue. I argue that the Funds are not the government's money. The Funds belong to the contributors. Is that so "goofy"?

The secretary of the Treasury, incidentally, is the managing trustee for the Funds. There are also two other Cabinet officials and two public trustees. The public trustee positions, one Republican, one Democrat, are vacant. Last June Sen. Lloyd Bentsen (D-Tex.) and I wrote to the president asking that he nominate Alicia Munnell, senior vice president and director of research at the Federal Reserve Bank of Boston, to the Democratic slot. We have not heard a word.

Obviously, if we take away the Social Security surplus, new revenues will have to be found. And why not? Not hard. Chairman Rostenkowski has pointed to the most obvious. But to continue to debauch the Trust Funds is to put in peril the single most important domestic program we have.

In all truth, Social Security is already an endangered operation. Efficient in its way, earnest, unassuming, the Social Security Administration has become just too unassuming. Originally independent, it no longer is and has got lost in the bureaucracy. On its own, the SSA would have a budget second only to that of the Department of Defense. But it scarcely ranks in the Department of Health and Human Services. In the current Congressional Directory the name of the commissioner comes 318 names after that of the secretary. (Actually, the former commissioner. There have been 10 in the 14 years I have been on the Finance Committee.)

Absent status, the agency is simply minded by Treasury and OMB. In the last decade the number of employees was cut by almost a quarter. Disability benefits were denied to the point where U.S. Attorneys started refusing to defend the government when challenges were made. The idea began to get around that the system is unfair to minorities. (I cannot believe this, but cannot disprove it. SSA doesn't ask such questions about its 132 million contributors and 39 million beneficiaries.)

I have a bill: The Social Security Restoration Act of 1990. Restore the original status of an independent agency. Three-member bipartisan board. Restore the reserve to 1½ year's outlays. Send an annual personal earning and benefits statement to every contributor. (Banks do it monthly!) Issue a permanent Social Security card. Restore staff levels. Resume a research program. Get due process back into the appeals process.

There is no federal program that in any way touches the lives of so many Americans in so fundamental a matter. If the people can't trust us on this, then what? FDR understood this. In the summer of 1941, Columbia professor Luther H. Gulick advised President Roosevelt that it might be time to give up the separate payroll levy that financed Social Security, then as now, FDR replied:

"I guess you are right on the economics, but those taxes were never a problem of economics. . . . We put those payroll contributions there so as to give the contributors a legal, moral and political right to collect their pension . . . benefits. With those taxes in there, no damn politician can ever scrap my Social Security program."

Rosty, don't let them slide you into that slot!

Mr. MOYNIHAN. I thank the Chair, and I yield the floor.

Mr. D'AMATO. Mr. President, it is always a great honor and pleasure to hear from my distinguished senior Senator. Certainly no one, in the area of Social Security, I think, has a greater breadth of experience and is more caring.

I certainly think that the issue he raises is one that commands our attention and our energies, hopefully in a manner that would be most beneficial to this country, whether it be a commission—and I know sometimes that is a way of moving things in an area that escapes our responsibility. But oftentimes, or at least sometimes, these commissions have resulted in some rather positive work.

I think we should focus on this area as it relates to Social Security and the so-called trust funds and how we should deal with them, because this is certainly something that is important, not only to the future beneficiaries, but I think the very health and economic vibrance of this Nation.

I think we can do better and can define in such a manner that does not lead to misconceptions as to what we are doing or where we are traveling.

I want to commend Senator MOYNIHAN for his leadership in this area. He deserves accolades from us as a body, and even those who may disagree with the proposition.

But we certainly should study it and look into it. If we follow a path, it

should be because we understand the complexities we are dealing with and it is well charted. I want to commend my colleague.

Mr. MOYNIHAN. I thank my friend.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. I thank the Chair.

(The remarks of Mr. D'AMATO pertaining to the introduction of S. 2480 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. D'AMATO. Thank you Mr. President. I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

THE MIDDLE EAST

Mr. METZENBAUM. Mr. President, I had the pleasure of joining the minority leader and other colleagues on a recent trip to the Middle East. It was a good trip. We worked well together, and I think each of us learned from our experiences. We came back even more convinced than before we left that there is hope for peace in the Middle East. We met with leaders of five key countries in the Middle East, and our exchanges were frank and forthright.

Mr. President, I return from the Middle East as an optimist on some areas of current concern. But I must admit, that my discussions with Middle East leaders left me with a deep sense of fear and foreboding on a majority of pressing issues.

On terrorism, on arms proliferation, on regional stability, and with some exceptions, on human rights, the picture is grim. I would say that on the peace process, there is some hope. I say this not because of a particular statement or commitment from the leaders with whom we met. I say this because of the general recognition in Middle East capitals of the need for regional stability.

The Middle East probably needs peace more than any other area, and it could mean so much to the people there. They all sacrifice too much for military preparedness. They have nothing left with which to address basic human needs.

But frankly this is not the first time that belligerent states like Iraq and Syria have made pronouncements about peace. More than once, they have called for peace while planning for war. Hopefully, times may be changing. In the past, some Middle East countries counted on political and material support for making war from the Soviet bloc. This may no longer be the case.

Mr. President, it is my hope that, with the Soviet bankroll shrinking, leaders in hostile Arab states will recognize once and for all the futility of destroying Israel. Since the former Egyptian leader, Gamal Abdel Nasser, issued a call to "drive the Jews into the sea," over 25 years ago, this has been the refrain in Arab capitals. I should note that the single exception to this policy is Egypt itself from whence Nasser came. Nasser's successor, Anwar Sadat, had a vision of peace for his region, a vision which could do much if others in the Middle East would adopt it.

This source of conflict, the Arab expectation that Israel can be destroyed, continues to be the single greatest stumbling block on the road to peace. Israel has waged wars for survival, not for conquest: It has never called for the destruction of its neighbors. We should not forget that Israel, not its neighbors, is the only Middle East state which gave up territory for the sake of peace.

You cannot expect a nation to make peace with enemies who continue to oppose its very existence. But Israel seeks that peace, and so do millions of Americans, as well as millions of others throughout the world.

Mr. President, it is ironic that at a time when the potential for peace is great, the potential for war may also be increasing.

Like others, I have been particularly concerned about the spread of chemical, nuclear, and biological weapons in the Middle East. The missiles which carry these weapons are of equal concern. I must confess that this trip did not allay my concerns.

There have been numerous reports about Iraq's drive to acquire an unconventional arsenal of weapons, weapons of mass destruction. We met with Iraqi President Saddam Hussein. We met with him for nearly 3 hours.

Mr. President, I am frank to tell my colleagues that this meeting left me deeply troubled. Saddam Hussein, like the other leaders we met with, expressed a desire for peace in the region. However, unlike the others, he has been aggressively stockpiling new weapons, and has engaged in vicious anti-Western and anti-Israel rhetoric.

President Hussein flatly denied that his government is stockpiling biological weapons. He said there is only scientific research in Iraq. As my colleagues know, President Hussein admitted to possessing chemical weapons and threatened to use them against Israel if attacked. Mr. President, it seems to me that the difference between chemical and biological weapons is, in reality, a distinction without difference as far as war is concerned. He made similar denials regarding nuclear weapons, and regarding the alleged super cannon confiscated by Great Britain. Yesterday, British authorities said they were convinced that the tubes they seized were intended to be assembled as a gigantic gun. As we all know, Iraq already possesses medium-range missiles.

Our discussions left me feeling that Saddam Hussein's emphasis as a leader is on military readiness rather than on going to the peace table.

Saddam Hussein clearly continues to harbor a passionate antipathy toward the State of Israel. Hussein may say that his intentions are peaceful, and that his laboratories conduct only scientific research. But I believe that Hussein's thoughts are vastly different from his words, and I think that we need to take this possibility more seriously. Simply repeating the assurances of a man who gassed to death 5,000 of his own citizens is not an adequate way to approach Middle East stability.

My colleagues and I were appreciative that President Hussein agreed to meet with us, and on short notice. However, our visit to Iraq must not be interpreted as a gesture of reconciliation. The purpose of our visit was to express the deep concern that American people have about war in the Middle East. This Senator is not opposed to regular, earnest dialog with President Hussein. Nothing gets accomplished when opposing parties do not even talk to one another. But good relations with the United States have a price tag: Continued belligerence and contempt for the peace process will be an impediment to continued Iraqi-United States relations. In order that there be no question about our message, we left a letter with President Hussein which I ask unanimous consent be printed in the RECORD at this point.

There being no objection, the letter was ordered to printed in the RECORD, as follows:

U.S. SENATE DELEGATION,
April 12, 1990.

His Excellency Saddam Hussein,
President of the Republic of Iraq, Baghdad.

DEAR MR. PRESIDENT: We appreciate your willingness to receive us during your holy month of Ramadan, particularly on such short notice.

We come to Baghdad, as a bipartisan delegation of the United States Senate, because of our belief that Iraq plays a key role in the Middle East. We would also like to see improved bilateral relations between our nations.

It is clear to us that we can never resolve the serious differences between our nations if we ignore them, or fail to take advantage of opportunities to communicate with each other clearly and candidly. For that reason, we believe it is important that you hear our very deep concerns about certain policies and activities of your Government, which stand as a major barrier to improved relations.

Your nation has just emerged from a long and costly war, which has generated concerns about your own security. But we cannot stress too firmly our conviction that your efforts to develop a nuclear, chemical and biological capability seriously jeopardize—rather than enhance—your security, potentially threaten other nations of the region, and provoke dangerous tensions

throughout the Middle East. Your recent statements threatening to use chemical weapons against Israel have created anxiety among nations throughout the world. In your own interest and in the interest of peace in the Middle East, we urge you to reconsider pursuit of these dangerous programs and provocative assertions.

We must also express our profound distress at the alleged activities which led to the expulsion of an official of your diplomatic mission in the United States on charges that he was involved in a conspiracy to murder. We repeat: if our two nations are to have better relations, such activities as those alleged to have occurred must never happen again.

Finally, we urge you to become actively and constructively engaged in the peace process now underway involving Egypt, Israel, representatives of the Palestinian people, and the United States.

Mr. President, we thank you again for receiving us. We look forward to our exchange of views.

Sincerely yours,

JAMES A. MCCLURE.
BOB DOLE.
ALAN K. SIMPSON.
HOWARD M. METZENBAUM.
FRANK H. MURKOWSKI.

Mr. METZENBAUM. Mr. President, it has often been said that the peace treaty between Israel and Egypt ended the possibility that the Arabs would seek to destroy Israel ever again. One could not destroy Israel, the experts said, without an Egyptian front. There is something my colleagues must know in this regard. A so-called Egyptian front may be necessary to conquer Israel. But the weapons and missiles spreading across the Middle East now make it possible to devastate Israel, without the involvement of Egypt.

Mr. President, I offer this observation to illustrate the contradictory situation we found on our trip. A solid new potential for peace alongside the ever-present hair trigger threat of war.

I felt that the potential for peace was greatest in Egypt, and in Israel.

Egyptian President Hosni Mubarak made clear his desire to work closely with the United States to facilitate peace. Mubarak has devoted much of his time and energy to the peace process, and I believe I speak for all in our delegation when I commend him for it. There is one point which I hope President Mubarak will consider.

I think that many of us were taken aback by Mubarak's unwillingness to meet with Prime Minister Shamir. Shamir has made clear his willingness to meet Mubarak at any time, and in any place. In fact, when Shamir and Mubarak were in Washington at the same time last year, I personally urged President Mubarak to meet Shamir, if only briefly. Mubarak declined. This is one area of the peace process where Mubarak could easily do more, and I urge him, to reconsider his position.

Mr. President, in Israel, so much time and energy has been expended on peace in recent months that the Government collapsed under the weight of the issue. Israel is a democracy, and as we know here in the United States, democracy can be paralyzing. No one questions Israel's right to choose its own government through whatever system Israelis choose. However, the increasing frequency of Israeli Government paralysis certainly would suggest the urgent need for reform.

Mr. President, peace is the single most important issue on the agenda of Israeli officials, and of every individual Israeli citizen. Let's face it, Israel is more in need of peaceful security than just about any other nation on Earth. Amidst all the noise surrounding the Palestinian uprising, people have forgotten the simple military situation in which Israel must exist: One diplomatic or strategic mistake, and the end will be in sight. For those who need an update on the balance of power in the Middle East—and how much Israel remains outweighed.

Mr. President, I ask unanimous consent that a table containing information from London's International Institute for Strategic Studies be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

THE MILITARY BALANCE IN THE MIDDLE EAST 1988–89

Country	Population (millions)	GNP 1987 (billions)	Defense 1987 (billions)	Armed Forces		Planes	Tanks
				Active	Reserves		
Syria	11.35	$20.05	$3.95	404,000	272,500	600	4,050
Jordan	2.43	$4.1	0.83	85,250	35,000	140	980
Iraq	16.28	17.7	11.58	1,000,000	650,000	500	6,250
Saudi Arabia	13.1	82.4	16.23	72,300		182	550
Libya	4.3	18.8	1.29	71,500	40,000	525	1,980
Algeria	23.76	69.1	1.24	139,000	150,000	320	950
Total	71.22	212.6	35.12	1,772,050	1,147,500	2,267	14,760
Israel	4.46	33.5	5.14	141,000	504,000	650	3,850
Ratio	1:16	1:6.4	1:7	1:12.6	1:2.3	1:3.5	1:4

Sources: The Military Balance 1988–1989, International Institute for Strategic Studies, London.

Mr. METZENBAUM. We know that Israel's defense forces are well-equipped, and highly motivated. But the fact of the matter is that Israel is not the Middle East superpower that some say it is. The numbers tell the story. Wars are won these days with planes and tanks. Israel has slightly less than 700 modern combat aircraft; five of the more bellicose Arab nations possess nearly 2,000 such aircraft. In main battle tanks, Israel can field 3,850. These same Arab armies, on the other hand, have 13,810 combat tanks. That is better than a 3.5 to 1 ratio.

Israelis want peace, but they cannot ignore growing Arab arsenals of modern tanks, planes, and more exotic weapons.

Mr. President, our delegation discussed the peace process at length with Israel leaders, and we emphasized the importance of moving forward once a new government is formed. Israelis have paid a high toll over the years for their security, and no one wants peace more than they do. They continue to pay a high toll today. The Palestinian uprising is exacting a severe price from Israel in resources, in political consensus, and in casualties. The Israelis, as much as anyone else, want an equitable end to the uprising.

Obviously, Palestinians are also paying a price, and also want an end to the uprising. We met with Palestinian leaders during our trip, and they made their case for Palestinian statehood, and against Israel's occupation.

Mr. President, I listened patiently to what the Palestinians had to say, and I appreciate the depth of their views. While I share their desire for peace, I was concerned about their willingness to ignore the history of their struggle.

After all, it was not the Israelis who rejected the U.N.'s partition plan for Palestine, it was the Arab world. It was not the Israelis who precipitated six wars in less than 50 years. And it was not the Israelis who waged a relentless campaign of terrorism against innocent civilians.

I shared a personal experience with the Palestinians with whom we met, and it bears repeating now.

In 1972, the Black September Palestinian terror organization took hostages, and eventually murdered, the Israeli Olympic team during the Munich Olympic Games. Among the murdered Israelis was a young man, originally from Cleveland, OH, my hometown. I knew him well. He grew up two doors from my own home. He

was a friend of my children. My wife and I were watching the crisis unfold on television with his parents, our neighbors and good friends, at the point the gunmen killed—I should say "executed"—their son, and the rest of the Israeli athletes.

This is my personal experience with terrorism. Fortunately for Americans, there are few like me who have had such intimate exposure to this horror.

The situation is different in Israel. Without exception, every single Israeli family has paid the price of continued war. I am sure there are many stories such as mine.

I do not suggest that we become hung up on the past—if everyone in the Middle East focuses on past crimes we will get nowhere with peace. Nevertheless, the past shapes our views of the future. Our meetings with Palestinian representatives left me concerned about the way they expect Israelis to sit down with them amicably with no peaceful gesture on their own part.

I raised a point with the Palestinians and I will repeat it here today. Throughout the long campaign of terror against Israeli civilians by Palestinian and Arab groups, there has never once been a word of genuine criticism from Palestinian or Arab officials about to that terrorism. The world has been ready and willing to criticize Israeli soldiers in the West Bank. In fact, Jewish groups and distinguished Jewish leaders have been among the strongest critics of human rights problems in Israel and elsewhere. I am proud to count myself among them.

Yet, we are still waiting for some acknowledgment of past crimes from the Palestinian and Arab leadership. Parenthetically, I should note that increasingly, the few Palestinians with courage enough to speak out find themselves the victims of brutal assassination. To date, nearly 200 Palestinians have been killed by fellow Palestinians. Some simply had the temerity to advocate a less extreme attitude toward peace than that held by the PLO.

Palestinians need to make their own peace with Israel, regardless of what other Arab nations want, and regardless of PLO machinations. Our meeting left me less-than-encouraged about the chances for free and fair elections in the West Bank, but I hope that obstacles in this area can be overcome.

I thought it important that the Palestinians made clear their desire for peace, regardless of the seperate agendas and concerns of Arab nations. They want peace for themselves with the Israelis, and I hope the day will not be too distant when it is achieved.

Mr. President, during our trip disturbing alleged evidence of the PLO's negative attitude toward peace came to light. I want to state for the record that the evidence that I am submitting for the RECORD has not yet been confirmed and is thought by some to be of questionable reliability. The item I am talking about is a report of a secret speech delivered by Yasir Arafat to a group of intifada and PLO leaders. The speech raises concern even before its authenticity can be confirmed.

Arafat is quoted as saying:

I want you to shoot from the ground or the air on every immigrant that believes that immigrating to our country is a picnic trip.

Continuing on, he said:

Don't say that the political process prevents us from carrying out military activity against the immigrants, whether they live in Jaffa or Jericho. My words are a direct command to you to open fire in order to stop the swarm of immigrants. * * *

Mr. President, I ask unanimous consent that the entire article from the Arabic-language publication Al-Muharar be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. Mr. President, I want my colleagues to understand, and I emphasize this point that this Arafat speech cannot be considered completely reliable at this time. I cannot vouch for it, but it has been published and I believe the American people are entitled to know about it. I think my colleagues are entitled to know about it.

Mr. President, I have one final observation about my meetings in the Middle East. It is news to no one that Palestinian-Israeli and that Arab-Israeli relations are at a critical juncture. The coming year could hold great changes for the better in the Middle East. In the past, the United States has been a catalyst for positive change in the Middle East. Until recently, I believe that the United States has continued to play a positive role.

However, Members of Congress and the administration have recently raised the U.S. profile in Middle East politics. The moment calls for patience and understanding, not criticism. Leaders all over the Middle East have varying sensitivities. Israel's leaders must maintain the confidence of Israeli voters. Anyone in Washington certainly knows about the sensitivities created by this situation.

Mr. President, the time has come for U.S. officials to pursue America's role as a facilitator of peace in a more subtle way. This statement is a criticism of no one, and I state this categorically. I am not looking to stir up another battle; I have no intention of starting another public dispute over policy. My goal is to promote progress, to see that the United States does everything possible to further the Middle East peace process.

At this sensitive point in the process, let us lower the volume, and let events develop without injecting our commentary every step of the way.

Mr. President, our trip was a good one. I do not know whether we helped the peace process. I hope we did. I am one who believes that getting people to sit down and negotiate, head to head, can prove beneficial even if they start off in total disagreement. But I know of no place in the world that calls more urgently for a peace settlement. I hope that it will not be long in coming.

I yield the floor.

EXHIBIT 1

ARAFAT SPEECH TO A SECRET MEETING OF THE PALESTINIAN UPRISING LEADERSHIP, BAGHDAD, IRAQ, LATE MARCH 1990

(Source: "Al Muharar" Lebanon/Paris, October 4, 1990)

The Lebanese weekly "Al Muharar" reported on a speech given by Arafat in a secret working meeting of uprising leaders of the Fatah organization and the cadres of the Western sector. The meeting was held under Arafat's chairmanship about a fortnight ago.

In this meeting, Arafat revealed serious political facts after having given definite orders for the escalation of the military activity in the occupied lands.

The tone of Arafat's speech from the start of the meetings until the end shocked the participants, who numbered over 150 leaders and cadres who arrived to Baghdad from the various Western arenas. The most significant were three members of the PLO Central Committee, Abu Al Houl, in charge of the Palestinian National Security, Abass Zaki, the controller of the uprising leadership and Mohammed Jihad, the military leader of the Western sector.

Also present were Zouhir Menasra, Mahmoud El Aloul and other members from the Fatah Revolutionary Council who have been activists on the subject of the occupied territories for many years.

The reporter of "Al Muharar" was present at the meeting and reported the following:

Arafat criticized the majority of the participants and said: "I want a working meeting and not an assembly of speeches. I asked to meet with a small number of leaders and not with all the cadres dealing with the uprising and the Western sector apparatus. The purpose of the meeting as I wanted, was to discuss the best method of strengthening the uprising and increasing the efficiency of the uprisers in order for them to be able to reach a new quality phase. I would like to state before I begin my main speech, you must open fire on the new Jewish immigrants whether they are Russians or Falashas. It is shameful for us to see these immigrants taking over our country and settling our lands without us interfering.

I want you to shoot from the ground or the air on every immigrant that believes that immigrating to our country is a picnic or a trip. From today onwards, the ball is in your court and don't say that the political process prevents us from carrying out military activity against the immigrants, whether they live in Jaffa or Jericho.

My words today are a direct command to you to open fire in order to stop the swarm of immigrants which a resolution of the security council or any political activity on

our part with the Americans, Soviets and Europeans will not stop this swarming to our lands.

I instruct you today as the successors of the Palestinian revolution, I have turned into an old man, I have another year or two of activity left and then my day will arrive and you will receive the flag after me.

The Palestinian problem is still complicated. The discussions and negotiations will not result in one inch of land. Your revolution does not derive from a decision of the powers so that it can be ended by another decision of those powers. Your revolution derived from a Palestinian decision and popular demand that should not be stopped until the realization of victory.

Today I present to you my orders to use violence against the immigrants and whoever fails, I will put him in prison. Do not treat my words as a mere threat, it is the truth. From now onwards, I will settle accounts with you and I will put in prison anyone who fails to carry out my orders. I have already put in prison Palestinian Ambassadors, revolutionary council members and religious leaders who erred in their ways.

My decision and that of the Fatah to use violence must be conducted in a real manner in order that the immigrants will know, and also the Americans and Soviets who stand behind them, that our political and military policy depends on our will and not that of others.

Our chance to get our lands back and establish our independent Palestinian state, with Jerusalem as its capital is not dependent on the coming or going of Shamir or Peres, the desire of the Soviets and the anger of the Americans.

Note this down: May my right hand be cut off if I will sign any peace treaty which does not include Jerusalem, as Jerusalem is our glory and the capital of our state, without it there will be no peace however long it takes and however many sacrifices it takes.

We know that the Americans are liars and our talks have reached a deadlock, mainly due to their arrogance following the reduction in the Soviet position and Washington's control of the world arena. We know very well the hostile policy of the Americans towards us, and their support of Israel, but it seems that you do not know that the reduction of Soviet support towards us did not begin with Gorbachev and the perestroika game, but at the end of Brezhnev's rule and more precisely during the Israeli invasion of Lebanon and the blockade of Beirut in 1982.

In those days, we were shocked by the Soviet defeatist attitude to the invasion and the blockade. Moscow gave us nothing during the invasion and did not condemn the aggression and U.S. connection to this action.

At the end of the blockade, friendly international elements revealed to us that Alexander Haig, the U.S. Secretary of State at the time, promised the Soviet Union modern technology for renewing the Soviet gas pipeline to Western Europe in exchange for the assurance of Moscow's silence regarding the massacre against us in Lebanon.

When Andropov assumed power, we were optimistic since he promised to change the Soviet policy, but he died. His successors conducted an undercover strategy which was openly implemented by Gorbachev who replaced interests with principles and surrounded himself or was surrounded by a group who were in favor of closer relations with the United States and Zionism, and the opening of the gates of Jewish immigration to occupied Palestine. Generally, the withdrawal in the Soviet position and the U.S. attack effected us and our struggle. However, we are a revolution which was established so that it should remain and depend on itself, its people and nation.

We do not function by an electronic remote control like the fighters in Afghanistan, who were used by the United States during the period of the cold war to counter the Soviets in Afghanistan. The U.S. gave the Afghan fighters the most modern weapons and urged Pakistan to stand alongside the Afghans and provide them with a geographical base. They also hinted to a number of Arab States on the importance of their financial aid which reached 18.5 billion dollars whereas the Arab financial aid to the PLO since its establishment reached only 2.5 billion dollars. However, the Americans will now abandon the Afghan fighters as they no longer needs them strategically. See how the American press and political elements in Washington are describing them as drug merchants and gang leaders whose function is to kill and rape (here Arafat looked at the of the female members of Fatah and apologised for his words and stated that due to his anger he forgot that they were present)."

Arafat continued "even Nizrat Bhutto (the mother of the Pakistani Prime Minister) told me in our last meeting that these Afghan fighters are wild men who have lost the initiative and are out of control.

The lady here reminded me of the results of the negotiations which I held over a year ago between the fighters and the Kabul government.

Kabul gave me a proposal for the fighters which stated that an Afghan national unity government should be established with 80 percent of the seats going to the fighters and only 20 percent to the Communists. The fighters rejected the proposal according to American advice. Thus they lost a golden historical opportunity since they were dependent on a U.S. decision and not on their own free will.

I wish to reiterate that our political and military policy depends on our own will and not on anybody elses. In this respect I would like to ask: what is the purpose of those who "inflate" the "Hamas" movement so that it can compete with Fatah and the PLO?

This is only a question and I leave the answer for the future when it will be revealed what is hidden from us today. I don't want you to understand from my words that we wish to take a rival stand against "Hamas". This is not our goal and it never will be, since we only seek unity inside the occupied lands and the rallying round of the uprising population there.

I am holding continuous contacts with the leaders of the Moslem Brotherhood in the Arab world in order to strengthen the friendly ties with "Hamas" so that we shouldn't cause the enemy to realize its hope of dividing the ranks of the uprising.

I will soon be visiting Jordan and I will try to meet the leaders of the brotherhood for renewed discussions regarding our relations with "Hamas".

By the way, I wish to warn the Jordanian brotherhood members of the plot to cause friction between the Jordanians and the Palestinians.

I have received copies of secret pamphlets signed by fictional Palestinian organizations and factions which attack the Jordanian Government and people.

I am certain that the mossad is responsible for this in order to damage the regional sensitivity and national unity and to interfere with the democratic experience.

You must understand very well that Fatah's decision not to interfere in Jordanian affairs whether regarding the parliamentary elections or the establishment of political parties is still in effect. We did not become involved in the elections and Fatah will not be a party inside Jordan, I directed the Fatah members in Jordan to curtail their public activity including in the Palestinian camps, and to desist from carrying out assemblies or lectures there in order not to create any friction between the Jordanians and Palestinians or to transfer the inter-palestinian conflicts to the Jordanian arena.

Our relations with Jordan are excellent and are based on a joint perception of the Israeli danger. We are very satisfied with the democratic attempt in Jordan and are interested in its enhancement since it will assist our problems and our people's revolution as to the future of the Jordanian people. We know well that this rapprochement is dislike by the Israels and they will try to stop it either by threatening Jordan or by damaging the national unity priciples there. Prior to the Parliamentary elections, Ali Abed Alrazark Al Hihye (the PLO representative in Jordan) asked me to state my position regarding participation in the elections. I told him that we have no interest to become involved positively nor negatively.

It appears that Abed Alrazak misunderstood me and returned to Amman and published together with Abu Samach a number of declarations which could be interpreted as calling to people in Jordan not to participate in the elections, a fact which angered our friends. The truth is that non-interference does not mean that we opposed the participation of Palestinians in the Jordanian elections but we permitted them to feel free in their position according to their understanding.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Connecticut.

EXTENSION OF MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the time for morning business be extended until 11 a.m., under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARTH DAY 1990

Mr. LIEBERMAN. Mr. President, I rise to say a few words about Earth Day which we will all be celebrating this Sunday. Earth Day is a day in part of celebration but also really more a day of recognition. It is a day of celebrating the good Earth which God gave us, and of recognizing the fact that if we continue to degrade it and dishonor it it will not be what we want it to be for our children.

Mr. President, I cannot honestly recall how I spent Earth Day in 1970. I suspect I share that lack of memory with most of my fellow Americans.

The truth is that most of us were not genuinely concerned about environmental protection in 1970. Those who organized and participated in Earth Day activities around the country 20 years ago were in the vanguard of what has become a remarkable, widespread grass roots movement that has gone on to transform the very nature of the world around us.

Twenty years ago environmentalists were dismissed as hippies, as tree huggers. They were a loose coalition of students and good old Teddy Roosevelt conservationists. Today there is no more genuinely grass roots political movement than the environmental movement. If there is anything to celebrate it is that on this Earth Day 1990. We are unfortunately, however, in many ways a dirtier planet than we were in 1970, but we are not nearly so dirty as we would have been had environmental protection not emerged as a priority of citizens and their Government.

Mr. President, while there is a remarkable consensus today among many people about the need for strong controls on pollution, there still exists a vocal minority out of step with the majority that expresses doubt about the links between chemicals and health, between waste and destruction, between our own behavior and the future of our planet. Unfortunately, some members of that dissident minority occupy important positions of authority in our Government. Some are even in the White House. They put on the brakes when they should be going forward. They talk when they should be acting.

I think it is important for us to remind them that they will not have to live with the consequences of their indifference. My 2-year-old granddaughter, and her children, and all of our children, and their grandchildren will have to live with the consequences of our action or inaction on the environment today.

Mr. President, this year amidst all the hype and hoopla of Earth Day we have to find ways not to talk about but to act to achieve our goal of a cleaner and healthier planet. The will of the people is with us and that is the good news.

The people, in fact, are ahead of the politicians when it comes to environmental protection. In my opinion they are willing to go much farther than we have been willing to take them. So I say we must commit ourselves on this Earth Day 1990 to exercise the leadership and the power with which we are entrusted by moving out boldly in new directions and taking protection of the environment down paths we have never gone before.

For example, we must use Government's role as a consumer of energy to promote the development of model energy conservation measures; we must use Government's role as a purchaser and a venture capitalist to promote the testing and marketing of fuel cells; we have to use the tax system to encourage businesses to adopt innovative pollution prevention measures, to reduce the amount of waste that gets into their smokestacks and pipelines in the first place, rather than worrying about how we are going to handle it and who we are going to punish once it gets out.

We are going to encourage the development of a "green" market of products that are better for our environment, so consumers can use their dollars and their ideals in tandem to make the market work for a cleaner world; which is just what most of the people in America want to do.

Mr. President, Government, business, consumers, citizens, we have all to work together as we have rarely done before to promote cleanliness in our homes, in our economy, and in our environment conserving resources, protecting the natural world around us. These are not unnatural actions for us; these are traditional American values. They are a way of living to which we must now urgently return.

The truth is that all of us are responsible for the degradation of our environment. All of us have been irresponsible and all of that must change. I believe it is changing, as I go through the neighborhoods of my State and see people so willing to bring their newspapers out, to stack them, to separate the garbage, as I see people willing to pick up litter, as people understand that their actions are what results in an a dirtier environment.

I have been heartened by a series of steps that I have seen recently from the business community, a recognition that change must come. A week ago, I held a hearing in Hartford, CT, on pollution prevention. We had some executives there from Connecticut businesses, one of which was Union Carbide. They described the measures that that company is taking to reduce pollution. I asked the gentleman:

Why are you doing this? All of this runs against the conventional logic that business will continue to do what is least expensive and most convenient unless they are forced to do otherwise.

He said to me:

Senator, the truth is that we only do well in our business so long as we enjoy the respect and support of our community. And if we are identified as a polluter, that will not happen and our business will suffer.

We have seen Conoco, a major shipping line, announce that it voluntarily is going to build double-hulled oil tankers. We have seen the largest manufactureres and sellers of tuna fish in our country say that they are not going to buy tuna fish from companies that use the purse seine method which has destroyed and killed literally thousands of precious dolphins in our world.

So an environmental ethic is being adopted by individuals and businesses. Now it is up to us to adopt that ethic in the laws that we put forward. The law ideally exists as an expression of the best values of our society. People in America are looking for us to lead through the law to a better world so that when we celebrate Earth Day 2010, we will not wring our hands in remorse at the filth of the planet but we will be able to genuinely celebrate what we have accomplished in preserving and protecting and advancing the good Earth which God has given us.

EARTH DAY EVERY DAY

Mr. PELL. Mr. President, it has been said that the most important objective of our worldwide celebration of Earth Day 1990 is a public demonstration so overwhelming that it literally moves people everywhere to join a cooperative effort to stop the deterioration of the planet and begin the restoration.

I share the hope that, as we celebrate on the 20th anniversary of the original Earth Day, we will motivate millions of people across the country and around the world to devote every day to reversing the environmental degradation that we have caused through shortsighted management practices.

As chairman of the Foreign Relations Committee and as a former chairman of its Subcommittee on Arms Control, Oceans and International Environment, I have consistently pushed for environmental issues to occupy a central place on the committee's agenda. My own environmental work dates back beyond the Stockholm Conference, to which I was a delegate, and includes my active role in supporting the formation of the U.N. Environment Programme.

Speaking as one who has been working to promote environmental protection, long before the issue became popular, I am gratified to see public support growing along with the opportunities to accomplish real gains for the environment. Public support is essential if we are to meet the very real needs highlighted by Earth Day 1990.

I recently addressed the Global Forum on Environment and Development for Survival in Moscow. In that address, I focused on the catastrophic threats to the world's environment—including global warming, ozone depletion, and a host of problems that require international cooperation.

What I would like to share with my colleagues today, as we approach the 20th anniversary of Earth Day, is a proposal that I made in my address for a method of paying the heavy costs of correcting the environmental problems that we have created over dec-

ades of despoiling our Earth, water, and air on a global scale.

We must be prepared to come forward with the resources to protect our environment, because the consequences of failure would be comparable in scope—if not in immediacy—to global war. We should keep that analogy in mind when we review current expenditures. The United States spends $296.6 billion on defense and $5.6 billion at the Federal level, or about one-fifteenth as much, on protecting our environment.

It is not realistic to expect these proportions to be reversed, but they must be changed. The end of the cold war is already leading to cuts in military spending. This trend should be accelerated as we conclude agreements to reduce strategic and conventional arms. These will save substantial money for both the countries of NATO and those linked to the Warsaw Pact.

I suggested in Moscow, and I repeat my suggestion here, that a meaningful percentage—perhaps 15 percent—of our prospective peace dividend be dedicated to the environment. And I would propose that the upcoming agreements on strategic and conventional forces explicitly earmark 15 percent of the resultant savings for additional environmental protection to be expended either within the country where the savings are made or internationally.

Some political commentators have ridiculed, with some merit, the concept of politicians spending far more than the savings from a peace dividend long before we have received it. My proposal, however, addressed both the need for resources and the method of capturing them from the peace dividend by making the expenditures part of international agreements.

Under our domestic law such funds would have to be appropriated under our constitutional process. I am sure that the same would be true for other countries that would participate in such an agreement. However, the inclusion of an environmental peace dividend in an arms control treaty will create an obligation and a goal for both East and West.

It would also set an important precedent for future East-West agreements, one where we agree not only on measures to reduce the risk of mutual destruction but also on major measures of mutual cooperation.

I also proposed that we direct the earmarked environmental expenditures largely to those problems which are international or global in nature. In Europe this would mean spending to clean up shared rivers, to prevent air pollution, and to neutralize acid rain, which is destroying the forests, lakes, and monuments of Europe.

Under my proposal, I would recommend that a great part of our environmental dividend in North America be used to develop energy conservation technologies as well as alternatives to fossil fuels. As a bonus, the effort would help reduce emission of pollutants linked to acid rain.

I cannot state the amount of new environmental funds that would be generated by my proposal, but it is possible to make some projections. Experts have predicted that the end of the cold war might lead to a 50-percent reduction in U.S. defense spending by the end of this century.

If 15 percent of this saving went to the environmental peace dividend, the annual new environmental expenditure in the United States would equal $22 billion, or four times our present Federal effort. Comparable sums should be generated by reductions in European and Soviet defense expenditures.

With this level of financial commitment, we might truly begin to have an impact on the mammoth environmental problems before us.

After we celebrate Earth Day 1990—including the soaring rhetoric of speakers calling for a unified attack on global problems—I hope we will join in a concerted effort to secure the financial resources to provide what we all want: a safer, healthier world for ourselves and for future generations.

FOREST PRODUCT TRADE NEGOTIATIONS WITH JAPAN AND SUPER 301

Mr. BAUCUS. Mr. President, as we debate the trade legislation today, our trade negotiators are preparing to leave for Japan. One hour ago, I spoke with Ambassador Lynn Williams, the chief negotiator of the United States in the pending trade negotiations, to get an update on the progress of those negotiations. Next week, Ambassador Williams and his team will attempt to convince the Japanese Government to open its markets to United States forest product exports.

These negotiations are an attempt to resolve the last of the three Super 301 cases initiated against Japan in 1989.

The objective of this Super 301 case is to eliminate the many trade barriers that Japan imposes to block United States forest product exports to Japan. The trade barriers involved include tariffs, tariff misclassification, discriminatory standards and building codes, and subsidies.

The forest products case has been the most difficult of the three Super 301 cases to resolve; the other two being supercomputer sales and satellite technology sales. The forest products case involves a very complex set of barriers. If the barriers are removed, that is if Japan were to knock down those barriers so the United States would have free and fair access to Japan, the United States exports to Japan of processed forest products would expand by $1 billion to $2 billion each year. That would create about 10,000 to 20,000 new jobs in the United States, as well.

In other words, the issues are complex and the stakes are quite high.

The trade barriers involved are designed to block exports of finished forest products to Japan and at the same time encourage export of raw forest products.

The barriers have worked. About 70 percent of United States forest product exports to Japan are unprocessed products. For comparison, only about 10 percent of U.S. forest product exports to Europe are raw products.

In other words, these barriers not only deprive the United States of billions of dollars in lost exports they also have the effect of taking jobs from United States lumber mills and transferring them to Japanese lumber mills.

This is clearly unfair and clearly unacceptable. The United States forest products industry is the most efficient in the world—far more advanced than the Japanese industry.

We Americans sometimes are criticized for producing products that are not sufficient in high quality. Some people think that Japanese products are of high quality and American products sometimes are not as good as their products.

Mr. President, I have visited Japanese auto plants. I have visited Japanese semiconductor plants. It is true they are very efficient and they produce very high quality products. I have visited American semiconductor plants and American automobile plants. Although our American plants are not as efficient, do not have quite the mechanization, it is clear that our American plants are getting much better. In fact, they are quite good.

I have also visited Japanese forest products mills, plywood plants, and I have visited American plywood plants. Just as Japanese automobile plants and semiconductor plants are very efficient and highly mechanized, the Japanese forest products plants are equally inefficient. They are dirty and have very low productivity. It is amazing to me how inefficient they are. American plants in American plywood and American process forest products are undeniably the best in the world and highest quality in the world and yet still Japan does not take our products.

So in the face of a $50 billion annual trade deficit, these Japanese barriers are simply inexcusable.

I have great faith in our trade negotiators, particularly in Ambassador Williams—the leader of our delegation.

But I hope there is no doubt in the minds of the Japanese that we in Con-

gress will demand real results from these negotiations.

If the negotiations are not successful I will continue to press for sanctions against Japan in retaliation for its unfair trade practices.

Certainly, if the forest product negotiations are not successfully resolved there should be no doubt that Japan will be identified as a target of the super 301 provision of the 1988 Trade Act. In fact, if the administration failed to take this step I would immediately press for legislation to require it.

Beyond that, the United States will not continue to serve as a raw material colony for Japan. I understand Senator PACKWOOD is preparing to offer some limits on exports of logs from Federal and State land to keep jobs in the United States.

But if the Japanese barriers remain in place, that will be only a first step.

I do not approve of trade negotiations yielding half solutions. And in this case, that is dealing with the processed forest products in Japan, a half solution would not be enough. We have to get more than half of what we deserve.

The United States forest products industry deserves real access to the Japanese forest products market. I will do everything in my power to see that they get it.

Mr. President, I yield the floor.

A TRIBUTE TO JIM SCOGGINS, JR., BUILDER OF BLUEBIRD HOMES, DEFENDER OF THE ENVIRONMENT

Mr. FOWLER. Mr. President, I bring to your attention today the work of a young man in Bremen, GA, who has shown how one person can make a difference in preserving our environment. Jim Scoggins, Jr., a 12-year-old Boy Scout pursuing an Eagle Scout badge, originally set a goal to build 100 bluebird boxes. After building almost 600 bluebird boxes, he has set a new goal of 1,000. In further evidence of this exemplary young man's selfless attitude and concern for the environment, he has spent a significant amount of his time talking about bluebirds to people in almost every civic and age group in his area.

Mr. President, Jim Scoggins, Jr., is the kind of Georgian we are especially proud of. Please join me in recognizing this outstanding American for his steadfast concern for the preservation of the environment.

I submit to you an article from the Atlanta Journal-Constitution that details more fully this fine young man's outstanding accomplishments, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal and Constitution, Apr. 17, 1990]

BREMEN YOUTH GIVES BLUEBIRDS FRESH REASON TO SING

(By Bob Harrell)

BREMEN, GA.—Some residents of this Haralson County town are betting that bluebirds by the hundreds will soon be winging here, where they will find the housing situation something to sing about.

And the bird songs should be dedicated to 12-year-old Jim Scoggins.

Jim began building bluebird nesting boxes in January, as part of requirements to become an Eagle Scout. He planned to build 100. At last check, he was sawing and nailing on No. 572. His revised goal is 1,000.

"If you think Jim's project is affecting the lifestyle of bluebirds, you ought to look in on his family sometime," said his father, also Jim Scoggins. "Our phone rings off the hook, his mother keeps his public speaking schedule up to date, and me and my car have a difficult time finding room to rest in the carport and living room because of the Western cedar packed all over the place. My radial-arm saw is worn out, too."

Jim gives the birdhouses away—no charge. The recipient has only to show an interest in bluebirds.

Bluebird box building has not been without costs. Jim's father estimates that he has spent $1,000 so far on materials.

Minister Sanford Willard approved a bluebird fund-raising breakfast at First United Methodist Church, the home base for Boy Scout Troop 259.

"We didn't know what would happen with the breakfast," Jim said. "I was going to stop building boxes if I couldn't get more money somehow." The event raised $1,500 toward his birdhouse project.

Though he's an acknowledged bluebird expert now, Jim didn't know one from a buzzard last December.

"I was in John Tanner State Park, working on my Eagle Scout requirements, when I saw this bird and asked my dad what it was," he said.

Jim asked scoutmaster Glenn Hoobler whether a 100-bluebird-box-building project might meet Eagle Scout requirements. It would.

He began by reading all he could on bluebirds and then he heard about Darrell Rush, superintendent of James H. Floyd State Park, near Summerville.

Mr. Rush, sometimes called "Mr. Bluebird," started the Department of Natural Resources' year-old "Save the Bluebird" program, building more than 4,000 nesting boxes himself.

"Mr. Rush showed me how to build a box and wished me good luck with my 100 boxes," Jim said. "After 100 boxes, the project sort of got out of hand because everybody wanted one."

Jim goes before his Board of Review soon to be judged on his Eagle Scout requirements. He has given his memorized, 15-minute bluebird talk to more than 600 people in almost every civic and age group in the area and, in several instances, remained 30 more minutes to answer questions on the bird.

"Jim gave the Rotary Club a professional talk on bluebirds and all 36 of us left with bluebird boxes," club member and Chamber of Commerce director Bill Nunis said.

RHODE ISLAND'S DEM DIRECTOR BOB BENDICK—AN ENVIRONMENTAL PROFESSIONAL

Mr. PELL. Mr. President, Bob Bendick recently announced his resignation as director of Rhode Island's Department of Environmental Management—a position he has held for 8 years as he served under both Republican and Democratic administrations.

Bob will be leaving in mid-May for New York State, where he will supervise more than 3 million acres of State-owned land as deputy commissioner of the Department of Environmental Conservation.

I have known and worked with Bob for many years. In fact, I am proud to say that my executive assistant, former Mayor John A. Cummings, Jr., of Woonsocket, recognized Bob's potential and brought him from New York to head the city's Department of Planning and Development nearly 20 years ago.

In this case, clearly our loss will be New York's gain and I wish Bob and his family all the best. He has left Rhode Island with a legacy of new and beautiful parks and conservation areas, as well as a heightened awareness and commitment to environmental protection.

We owe him congratulations for a job that has been truly well done.

Mr. President, I ask unanimous consent that an article from the Providence Journal of April 17 and an editorial from the Woonsocket Call of April 17 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Providence (RI) Journal, Apr. 17, 1990]

DEM CHIEF RESIGNS FOR NEW YORK JOB

PROVIDENCE.—Robert I. Bendick Jr. resigned yesterday after heading the state Department of Environmental Management for eight years and playing a key role in molding and shaping Rhode Island's environment, from its northern woodlands to its southern beaches.

Bendick is leaving for New York State, where he will supervise more than 3 million acres of state-owned land as deputy commissioner of the Department of Environmental Conservation.

Governor DiPrete announced that Michael Annarummo, DEM deputy director, will take over as acting director when Bendick leaves in mid-May.

Bendick said yesterday that he is sad to be leaving Rhode Island, where he has served for 20 years in local and state government. It's especially tough, he said, because Rhode Island's environment is faring better than ever.

"The biggest second thoughts I had were why are you doing this now when things seem to be getting better," he said. But the New York job appeared "perfect for me at this time in my life," he said. "It allows me to focus on a narrower range of opportunities that are of interest to me."

DiPrete praised Bendick for helping Rhode Island become a national leader in

waste recycling, open space preservation and ground-water protection.

Bendick's tenure at DEM is one of the longest of art department director in the state or of any environmental chief nationally. He has drawn high marks from environmentalists but grumbling from some business interest.

BUSINESS GROUPS PLEASED

One of them, developer Richard Baccari, president of the Downing Corporation, said yesterday that he is delighted Bendick is leaving.

He said: "I think it's about time they get someone who can really manage the agency; someone who can be more objective in carrying out the laws and not be of the obstructionist attitude that Mr. Bendick had."

Told of those remarks, Bendick replied, "I'm not embarrassed about that. My job is to protect the environment of the state."

He added that despite his reputation, he does not believe he is as anti-business as some critics would portray him.

Business groups have complained of unacceptable delays at DEM.

Developers who wanted to build in wetlands had to wait so long for a DEM ruling that last year they won a court decision ordering the agency to speed its review. The Quonset Point trash incinerator took more than a year to review and ended with an environmental permit so tough the developers aren't sure they can build the plant.

Developers of the Newbay power plant in East Providence accused Bendick last year of bias after he criticized them for trying to influence a DEM staff decision.

HELPED SAVE OPEN SPACE

But Bendick's biggest achievement may have been in helping to save open space and scenic sites throughout Rhode Island.

During his tenure the state upgraded several state parks, created the new Bay Island Park in Narragansett Bay, and acquired hundreds of acres on Block Island, two major beaches and thousands of acres of woodlands. He has also been a leader in creating a 40-mile linear park along the Blackstone River in Rhode Island and Massachusetts.

He also created a tough new investigative unit that has brought thousands of charges against alleged environmental polluters. And a staff is continuing to study and learn how to keep Narragansett Bay clean.

Environmentalists, while supportive, criticized Bendick for not working harder to build up his staff and not being tougher on polluters.

For instance, one of the biggest criminal investigations centered two-years ago on illegal dumping of PCB-contaminated waste at a Cranston landfill by two trash haulers, Jack and Daniel Capuano. The problem occurred because DEM failed between 1985 and 1988 to conduct routine inspections of the dump.

WORRIES FOR STATE'S FUTURE

Bendick said yesterday that his biggest concern is how the state is going to solve its future solid waste problems. "I stay awake at night thinking about it", he said.

As he leaves DEM, the state is studying a plan to reorganize the department and split its duties between the two departments, one to oversee resources and one to oversee regulation and enforcement. Bendick was among the plan's early advocates, maintaining that the job has become too big for one person.

Annarummo, who takes over as acting director, headed the study commission that recommended the reorganization.

Bendick currently makes $82,764 a year. His new position will pay $90,000 a year.

In his new position he will be one of five deputies answering to an executive director and he will be responsible for all state-owned lands in New York, including the Adirondack and Catskill State Parks. Other duties will include land acquisition, marine resources, fish and game responsibilities and mineral resources.

Bendick has indicated in the past that he far prefers the natural resources duties at DEM to the regulatory responsibilities.

A native of New York, Bendick, 43, was director of the Woonsocket Department of Planning and Development from 1971 to 1978. He also was a member of the city Planning Board for several years.

He came to DEM in 1978 as assistant director for administration and planning and was named director by Gov. J. Joseph Garrahy in May 1982. He lives in Woonsocket with his wife and three children.

He said he plans to retain a summer home in Jamestown and help on a volunteer basis with projects affecting Narragansett Bay and the Blackstone River park.

[From the Woonsocket (RI) Call, Apr. 17, 1990]

ROBERT BENDICK: A NATURAL RESOURCE

In his nearly 20 years in Woonsocket, Robert L. Bendick Jr. has made an impact like few others. When he returns to his native state of New York this summer, he will be sorely missed in this city and certainly in all of Rhode Island.

Bendick, as was speculated in Saturday's Call and was confirmed yesterday, has been named to the position of New York deputy commissioner of natural resources. The Woonsocket resident will leave his job as director of the Rhode Island Department of Environmental Management next month.

Besides the nearly $20,000 raise he will receive, the $90,000 job was too good for Bendick to pass up. It is perfectly suited to his conservational interests—he will be responsible for the vast land and forests of the state, as well as fish and wildlife, marine resources and minerals. He will oversee the beautiful state parks in the Adirondacks and Catskills.

Bendick will also be involved in pushing for passage of the most ambitious state open space bond issue in the nation's history. One of the proudest accomplishments of his eight-year reign as DEM director was the open space he has preserved for this state through bond issues and programs.

Bendick can also boast of many other fine feats, including helping to establish the Blackstone Valley National Heritage Corridor, which will be tremendously important to Greater Woonsocket communities in years to come, and the Narragansett Bay Project, which will protect the state's water quality well into the 21st century.

To his credit, Bendick has told Gov. Edward D. DiPrete he would like to offer long-distance help on the two projects.

Bendick ruled over DEM in a difficult period, with a building boom taking place for several years. But he skillfully used all available resources as he fought for preservation of the land while keeping developers from running rampant.

He tried to stay away from the political game and in so doing, earned the respect of his bosses. He was appointed by a Democratic governor and then served for the past six years under a Republican head of state.

Bendick's job has grown into such an enormous undertaking that in the future, the DEM will likely be restructured. Besides land conservation and air and water quality, Bendick oversaw the state's parks and recreational facilities and programs. All of those tasks together are too much for any one person.

But then, hard work never bothered Bendick, who came to Rhode Island in 1971 to serve as Woonsocket's city planner. He then headed the city's planning department until 1978, displaying great vision and establishing an outstanding reputation.

Even while working in Providence, he has continued to contribute immeasurably to his home city. Until a year ago when he stepped down, his expertise was invaluable on the Planning Board. And he has helped the city behind the scenes in ways that aren't obvious to most.

We wish Bendick and his family the best of luck as they head to Albany in the coming months. He has been one of Woonsocket's and Rhode Island's greatest natural resources.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to speak as in morning business for a time not to exceed 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARTH DAY'S 20TH ANNIVERSARY

Mr. LAUTENBERG. Mr. President, as we prepare for Earth Day's 20th anniversary, it is important to consider what it is we are talking about when we look at this auspicious anniversary. If I had to sum up Earth Day's meaning with a few words I would say it is about action, it is about empowering and motivating citizens, and those in government, to work for a cleaner environment.

That is also what the right to know data released by EPA just yesterday is all about. Yesterday marked the second annual release by EPA of the national emissions data required by the law.

When I worked to put the right to know provisions into the 1986 Superfund amendments, I had a simple goal in mind and that goal was to give citizens the truth and knowledge about the environmental condition of this country. And, as it is said, knowledge is power: Power to work for and power to demand a cleaner environment.

That is the mandate of this information.

Like last year's data, the new information from EPA tells us we are continuing to suffocate in pollution. We see air emissions of 2.3 billion pounds of pollutants including, in my own State, 36.5 million pounds of noxious material in the State of New Jersey. We see water releases of 361 million pounds of pollutants including, in my own State of New Jersey, 1 million pounds of material.

We see land disposal of 561 million pounds of contaminants including, in the State of New Jersey, 2.9 million pounds.

These numbers continue to show unacceptable amounts of pollution. The data continues to cry out for action.

As a result of a new awareness across the country and across the globe, it is obvious that we need to enact tough environmental legislation. We just passed a clean air bill in the U.S. Senate that would do much to reduce air toxics emissions. I would like to make it even tougher in conference with the House.

Over a 20-year period, we have regulated only seven air toxics and the right to know data shows us the consequences of this action. It is time for a tough new law.

These emissions also cry out for the passage of pollution prevention legislation. We have to stop pollution from being created. We need to make use of our current prevention technologies and develop new ones.

I have introduced a bill that would get prevention techniques into the hands of businesses that need them. It is time to make pollution prevention programs a top national priority, and this bill would attempt to do that.

The right to know data also shows the need for action on coastal pollution. I introduced legislation to create programs to reduce coastal pollution from industrial plants, storm water pollution, nonpoint and other sources. It is time to get tougher with coastal pollution, and this bill will do that.

It is worth noting that EPA has reported that new data shows some decreases in emissions. If these decreases show real prevention of emissions by industry, we ought to be happy. It would mean that right to know, through public disclosure, has created incentives to reduce pollution. Public disclosure and the new information can motivate industry to come clean.

But it is not clear yet what these lower emissions figures mean. EPA indicates that these decreases could reflect new techniques to estimate emissions. The agency also suggests the decreases could be due to companies changing from a toxic chemical on the right to know list to a toxic chemical not on the list.

These could be real reductions in pollution or they could be caused by other factors. The point is we do not yet know.

More importantly, these decreases only scratch the surface of what we must achieve. If we can get emissions down somewhat without a strong, clean air program, think of what we can achieve with a tough new air bill. Think of what we can do with a new coastal pollution and pollution prevention effort. Right to know is getting the truth out.

It may be providing an incentive to reduce pollution but the bottom line is right to know gives us more information, and the more we know, the more we can do.

The environment, as everyone knows, is in deep trouble and it is up to us to lead that rescue attempt.

I hope, after 20 more years of Earth Days, we, our children, and our grandchildren, will look back and know that we fought the good fight, that we won the battle to save the environment of the Nation and the world.

Mr. President, I hope that will be the legacy of Earth Day and the public's right to know.

TRIBUTE TO RHODE ISLAND LETTER CARRIER PATRICK COYLE

Mr. PELL. Mr. President, I would like to pay tribute today to Rhode Island letter carrier Patrick Coyle who on a biting cold day this winter with the wind chill factor below zero, averted a potential tragedy by assisting an elderly man who had fallen outside his home and was unable to get back on his feet.

I would like to share with my colleagues an article which appeared in the February issue of the Postal Record, the monthly magazine of the National Association of Letter Carriers, describing the quick action of Patrick Coyle, a Wakefield, RI, branch 3662 member.

Our Nation's army of letter carriers provides services which go far beyond the delivery of mail. Letter carriers take an active interest in the individuals encountered on their daily routes—an interest which can often lead to saved lives.

Letter carriers regularly check on elderly and disabled patrons along their routes. Often, a letter carrier is the only daily contact these individuals have with the outside world. Letter carriers also perform an important public service by being on the constant lookout for missing children. There are many stories that I could recount which have happy endings because of the action of a letter carrier like Patrick Coyle. Patrick Coyle examplifies the fine letter carrier tradition of outstanding service to the public and I am proud to recognize his efforts here today.

Mr. President, I ask that the text of the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LUCKY TIMING AVERTS WINTER TRAGEDY

It was a bitter cold day, with a wind chill below zero degrees—so letter carrier Patrick Coyle was startled to see an elderly patron kneeling on the ground outside his house, dressed only in a t-shirt.

About ten minutes before, Mr. Nichols had fallen while taking out the garbage and was unable to get back on his feet or crawl into the house.

When the Wakefield, Rhode Island Branch 3662 member reached his customer, Nichols was pale and cold. The 150-lb. Coyle was unable to lift the burly Nichols, but unfortunately no one else was around to assist him.

Coyle finally was able to carefully pull Nichols back into his home. He placed his customer in a chair in front of a heater and waited for the color to return to his face and hands. He also dialed 911 for assistance.

Since Nichols lives alone and has no local relatives, Coyle checks on him daily when he delivers the mail.

Nichols is doing fine now, and, Coyle said, "I was glad to assist. I've made a new friend."

The PRESIDING OFFICER (Mr. SHELBY). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to introduce a bill and I need about 6 minutes. I ask unanimous consent to extend morning business for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 2481 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EARTH DAY

Mr. DASCHLE. Mr. President, I rise today to add my voice to those of my colleagues in recognition of Earth Day 1990. Sunday, April 22, is as significant a day as any the Senate has ever recognized. It represents a renewed commitment to our planet, and a chance to reflect on past successes and failures, as well as new opportunities.

In the 20 years since Earth Day in 1970, tremendous progress has been made. Many major pieces of legislation, including the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Superfund amendments, the Federal Land Management Planning Act, and the Marine Mammal Protection Act, among others, have been enacted. Cars have been made cleaner; many rivers that were once open sewers now thrive with life; and some wildlife species, like the bald eagle, have been pulled from the brink of extinction.

But for every step forward we took, too often there was another step back.

Cecil Andrus was replaced by James Watt at the Department of the Interior. Lead was phased out of gasoline, only to be replaced by toxic benzene. Renewable energy and conservation programs that looked so promising in the late 1970's had the rug pulled out from under them, and there have been attempts to decrease the automobile efficiency standards. The bald eagle recovers, while the dusky seaside sparrow goes extinct and worldwide elephant populations plummet. The ravages of acid rain are finally recognized, while America retreats on action to stem global climate change.

We cannot afford to backslide any more. The longer we avoid action, and forget the lessons of the past, the more difficult the future will be. The cost of prevention pale in comparison to the costs of remedial action.

The Congress has before it both opportunities and obstacles. The Clean Air Act, recently passed by the Senate, marks a significant strengthening of current law. But the legislation will face many attempts to weaken it in the House of Representatives. Such attempts must be defeated. The Resources Conservation and Recovery Act, the Nation's principal law governing waste management and recycling, will soon come before Congress for reauthorization, and it will affect the lives of every American. Several pieces of legislation governing global climate change are before the Congress and deserve prompt consideration.

One of the themes of Earth Day is that the actions of every person make a difference. America, and Americans, must lead the fight and set an example for the rest of the world. From actions as simple as switching off a light or the recycling of newspapers, individual citizens help their environment send a signal to policymakers who must meet the environmental challenges facing us.

In South Dakota, there is a recycling drive going on in the State's capital of Pierre, and in Sioux Falls, students from Sioux Falls College are trying to clean up litter along the Big Sioux River. Students from Befesford are challenging other students across the country in matching them in planting trees. Similar efforts are occurring all over South Dakota and America. These are not major steps in the overall global environmental scene, but the collective small actions of many make a huge difference, and everyone who makes an effort deserves credit.

The Earth and the environmental issues facing the planet have received a great deal of attention in the last year. This attention, while welcome and long overdue, means nothing if it cannot penetrate the apathy of the citizenship and their policymakers. This is what Earth Day is all about—individuals making an effort to make life better for all of us, and for our grandchildren. We can no longer wait for problems to correct themselves; we must effect that change every day.

ANNIVERSARY OF EARTH DAY—1990

Mr. KERRY. Mr. President, 20 years ago, 20 million of us took to the streets to tell anyone who would listen that we were outraged at what was happening to our environment.

As a veteran having just returned from the Vietnam war, I was sensitive to how modern technology was effecting our lives. From the other side of the globe I had witnessed how man and his technology could turn Asian farm land into wasteland. There I saw soldiers exposed to toxic chemicals like agent orange. And when I traveled back home what I found was millions of Americans being exposed to filth in our air—carcinogenic wastes in our waters—and radioactive toxins in our earth.

When I came home, I joined thousands of veterans in asking our Government to stop the mistake of the war in Vietnam. And I joined millions of Americans asking their Government to put an end to the environmental disaster resulting from a decade of industrialization without recognition of the environmental consequences. It was time to put an end to this great environmental mistake of 100 years of pollution and waste—and to start cleaning it up.

On Earth Day, 1970, together all around the country we stood up to say we had had enough. We declared then that we were going to take back our air—take back our water—and take back our land—from those who were polluting them.

Nature walks, lectures, parades and cleanup efforts were carried out nationwide. The U.S. Congress stood in recess so that Members could devote the day to discussing environmental issues with their constituents at home. The wave of environmental support from the first Earth Day is credited with raising people's consciousness about the environment. That celebration resulted in the creation of the Environmental Protection Agency and brought us new laws such as the Clean Air Act and the Clean Water Act.

Now it is time to renew that commitment. It is clear that today we face increase international environmental challenges that demand the attention not only of Americans, but of citizens of every nation.

Consider for a moment the following:

It took 130 years for the world population to grow from one billion to two billion, and today we have reached a world population of over five billion. It will take a mere decade to climb from 5 to 6 billion, thus placing undue stress on our already fragile planet.

Despite what the administration thinks, the preponderance of the worlds scientist believe that the average temperature of the globe is expected to increase between 3 and 8 degrees by the middle of the next century, causing sea levels to rise and fertile farm land to become arid dessert.

In 1983, 10 percent of Germany's forests were damaged from acid rain, today a short 6 years later, the estimate is over 50 percent.

In Krakow, Poland the lead contamination in locally grown apples and lettuce is 10 times higher than the limit set by the world health organization.

In Hungary 5 million tons of hazardous waste materials are improperly disposed of each year.

Every night Taiwanese, Japanese and South Korean fishing boats set out more than 30,000 miles of nearly invisible driftnets, left to ensnare and kill dolphins, sea birds and any other suspecting marine life.

But we do not have to look overseas. Each year Americans throw away 16 billion disposable diapers, 16 billion pens, 2 billion razors, and 220 million tires.

Each year Americans throw away enough aluminum to completely rebuild the U.S. commerical airline fleet every 3 months.

From nuclear war to acid rain to global warming to radioactive wastes, the Earth—our Earth—is threatened by nightmares undreamed of by early conservationists.

Alone no country can stem the tide of ocean pollution, put at end to acid rain or protect the Earth's ozone layer. For that reason, Earth Day 1990 transcends international boundaries and seeks to build alliances across the globe.

Today here and now we are presented with stark choices. And any further delay will only make the decisions that ultimately must be made that much harder.

Consider for a moment that we have a depleting upper ozone level caused primarily by chlorofluorocarbons being emitted into the air. The upper ozone level acts as a protective shield which reduces harmful ultraviolet rays from the sun from reaching the earth. If this depletion continues a visit to the beach will not mean bathing suits and tan but moon suits to prevent skin cancer.

Problems of water pollution are also widespread. Pesticides and fertilizers from agricultural lands poison ground water, rivers, and estuaries. Oil, plastics, and litter foul our oceans and coasts. Sewage pours into our rivers and harbors carrying waterborne diseases such as typhoid, cholera, and hepatitis. In less developed nations inadequate sewage treatment has led to millions of deaths.

One thing we learned very clearly from the *Exxon Valdez* and other recent events is that the best way to protect waters resources is to keep pollutants from ever entering waters. Once present, treatment is difficult, if not impossible.

In many areas around the world, freshwater is an increasingly scarce resource due to population growth and the increasing demands of urbanization, industrialization, and irrigation. In the arid regions of the Middle East competition for water has strained relations between neighboring countries.

Examples of water mismanagement are numerous and too easy to find. Perhaps, the most dramatic example is that of the disappearing Aral Sea in Russia. Or the Vistula River in Poland, once a haven for fishermen, it is now so polluted from coal runoff that in many areas, it is not even fit for industrial use.

But we can look right here in America where acid rain has destroyed life in many of New England's rivers, lakes and streams, the Ogalla Aquifer, a vast ground water reserve that stretches from South Dakota to Texas has been depleted by half in some areas due to excessive withdrawals for irrigation to crops.

Faced with problems of pollution and decreasing supplies, nations must work together toward better management and conservation of the world's existing resources. It is shared responsibility to preserve our planet and keep it at peace. And that is why Earth Day 1990 is so important. What we need is a clear message to our world's leadership.

Here in the United States our own Presidential leadership needs to be reached. The opportunities have presented themself to President Bush, but sadly they have too often been missed.

Just recently, half of the National Academy of Science members joined with 49 Nobel Laureates to urge President Bush to take the threat of global climate change seriously and begin to take action. Some of the President's own policy advisers have suggested a greater need for action. Unfortunately, however, President Bush hosting his own international global warming conference just this week called for more studies and continuing debate instead of action. By doing so, he missed an opportunity to reassert our Nations leadership in this vital area so critical to the whole world. By doing so, the President fell far short of his campaign promise to use the "White House effect" to deal with the "green house effect."

When it really comes to protecting the environment the President offers proposals that sound good rhetorically yet fall short in reality. They are more often symbolic than really getting at the root causes degrading our Earth.

For example, the President talks about global warming, but what he proposes are more studies and tree planting—great symbols but short on substance, short on action. He does not talk about capping CO_2 emissions or ending subsidies for logging—in fact, he fights against such efforts.

While the President talks about clean air, he fails to provide proper funding or steadfast leadership. Instead his White House emissaries came to Capitol Hill and sat in negotiations attempting to whittle away at a strong Clean Air Act proposal.

During the Presidential campaign, then Vice President Bush visited Boston Harbor and made it a symbol of environmental neglect, but now President Bush provides zero funding to help in the cleanup effort—powerful symbolism, little or no substance.

President Bush failed yet another test to really become the environment President when he backed off his "no net loss" promise for wetlands. Like global warming, the President talked tough during the campaign, only to retreat when it came time to implement his promises. Once again, the losers are the public and the environment.

Fortunately, in the U. S. Senate we do have environmental leadership that is willing to stand up to the administration and bring environmental issues to the Senate floor for debate. We have passed a clean air bill, are close to sending a tough oilspill bill to the President, have passed a global warming research bill, and will soon take up automobile fuel efficiency legislation.

It is critical that the Congress and the President break new ground in the area of environmental safety not only here in America, but throughout the world. The United States and other western nations must realize that in order to provide credibility, we must not only clean up our own mess but also may have to compensate developing nations for preserving environmental resources to the benefit of all of us. We cannot forget that developing nations want nothing more than to prosper like the first world.

Private businesses must also do their part. Today we are witnessing a "greening" of American businesses. As we enter the nineties which have quickly garnered the label as the "decade of the environment" we see a new kind of work ethic, with a new kind of businessperson—the eco-entrepreneur.

Corporate responsibility toward the environment no longer carries with it the stigma of fiscal irresponsibility. Many companies trying to use environmental ethic are finding that consumers are prepared to put their money where their philosophy is. And a growing number of polls show that ecology is on the minds of American consumers.

Consider for a moment a recent Gallup survey: When consumers were asked "Would you make a special effort to buy products from companies trying to protect the environment" 94 percent answered affirmatively. When they were asked. "Would you give up some convenience, such as disposibility of items in return for environmentally safer products or packaging?", 95 percent said that they would. And when asked "Would you be willing to pay more for products or packaging made environmentally safer", 89 percent said yes they would. In essence if 90 percent of consumers are encouraging eco-responsibility, then companies would be crazy not to participate in this new environmental opportunity.

Richard Mahoney the chairman of the Monsanto Chemical Co. expressed the situation accurately when he recently said: "The torch of environmentalism—if not yet bursting into flame is at least being lit in corporate America."

And underscoring that point we can look to a number of companies. 3M for example, has gained national recognition by encouraging employees to not only develop programs that prevent pollution, but that save money too, and they have been successful. In the past several years the company has backed roughly 2,500 environmental projects worldwide. They have involved such efforts as recycling the trimmings from their "post it" pads to changing from chemical- to water-based coatings for adhesive tape.

Polaroid Corp. in my home State of Massachusetts is another example. They have a program to deal with toxic use and waste reduction, recycling, as well as product and packaging design to enhance recyclability. Each division in the company is encouraged to come up with environmental ideas and incorporate them into the daily operation of the plant.

Another Massachusetts company, Veryfine uses 100 percent recyclable materials such as glass, aluminum and paper. 98 percent of the solid waste they generate is recycled and put to use. They transport their organic waste to nearby farms. In 1986 Veryfine won the Associated Industries of Massachusetts' ecology award for outstanding achievement in environmental protection and conservation.

Procter and Gamble is spending millions on earth friendly consumer products. They are trying to halve the weight of disposable diapers, and are testing recycling programs to turn plastic products into park benches, insulation and other reusable items.

In Leominster, MA, Mobil Corp. and Gen-Pak are doing their part. They have established a recycling center that collects styrofoam trays and cups from school cafeterias and McDonalds and recycles it back into reusable plas-

tic being used to make Rubbermaid trays and combs for your hair.

Corporate environmentalism goes far beyond the actual manufacturing companies themselves. Banks and mutual funds are stepping into the environmental arena, too. Wary lenders concerned about responsibility if companies are not environmentally sound, are requiring environmental audits before making loans.

The Securities and Exchange Commission now requires corporations to list potential environmental liabilities in annual reports.

Numerous mutual funds are basing their investment decisions on a company's social and environmental ethic. In Boston for example, the Franklin Research and Development Corp. stays away from companies who are not environmentally sound.

In fact the newly formed Coalition for Environmentally Responsible Economies, a group of institutional investors with control over $150 billion in pension funds, and other assets, claims that they may withdraw money from companies that do not adhere to the so-called Valdez Principles. The Valdez principles named after the Exxon oil disaster last year in Alaska, adopts guidelines in which companies are asked to reduce waste, use resources prudently, market environmentally safe products, and take responsibility for their past damage.

In addition to companies doing better environmentally, we are also witnessing companies becoming more environmentally responsible and aware. There is a growing need for the technology and equipment necessary to solve the environmental crisis.

New eco-businesses will flourish with the need to meet new regulations from the recently passed Clean Air Act, or the demands to dispose of toxic waste, the race to search for viable energy alternatives and the quest to come up with a land fill solution.

As industries seek solutions, new technologies can and must be on hand. Throughout the Clean Air debate, industries complained that they could not achieve the toxic air reductions, could not build automobiles that were fuel efficient and utilities would go bankrupt because they could not afford technologies to reduce acid rain.

This nay sayer attitude is unacceptable when we are talking about what's at stake. The globe and our human health are nothing to give up on, particularly when the price of inaction is so high.

America's businesses are not alone in the effort to find answers to environmental problems. Japan is leading the way on a number of energy projects worldwide.

In West Germany private industry is also doing its part. Companies have agreed to invest in new technologies to end the damage caused by acid rain which has literally destroyed their nation's heritage—the Black Forest.

And in Canada, industries are doing their part. They have made a financial commitment to ending the pollution being emitted from smelters which cause acid rain.

Although there is much to do overseas, we can and simply must do far more at home. We should start with a simple proposition that industry will save enormous financial resources if they adhere to the following: that the air coming out of our factories must be air we can breath—that the water we expel from our factories and our homes must again become water we can use. These are not only our birthright—which no one has the right to deny, but they also represent the fiscally sound response to the "greening" of corporate America.

But sometimes, rights must be fought for. Rights are not self-protecting. Just as our Nation has fought for freedom, we must fight for our environment. And each of us must be a soldier in this war. We must all get our hands dirty in order to clean up the environment.

Earth Day 1990 gives us the chance. I am a member of the board of Earth 1990 and cochair New England's Earth Day. As I travel across the Nation I feel and hear about the current renaissance to protect our planet earth and know that we can achieve even more of a success than was accomplished in 1970.

Through massive educational efforts, activities, and events; Earth Day will both teach citizen's what they can do to save our planet, as well as put pressure on governments around the globe to enact responsible and necessary policies.

What can be done? Industries and businesses can use their networks to encourage education and environmental awareness. Environmental curricula can be institutionalized in our schools. Businesses can provide choices to their consumers who depend on their products and services. But in addition individuals are really the ones who can make a difference.:

In Massachusetts several individuals have and continue to make a difference.

Isabella Halstead from Cambridge, MA, convinced the Metropolitan Government to close Memorial Drive in Cambridge on Sundays from April through September so that urban families can use the space for recreation. In essence she helped create a traffic-free river front.

And Russell Smith from Martha's Vineyard has made a difference, he works with local companies particularly small businesses to help them understand how to dispose of their hazardous waste properly.

Mary Toomey, a retired school teacher has made a difference. She is chairperson of the Back River Committee in Weymouth and Hingham, MA, and has been responsible for 1,000 acres of park land being established along the Back River, where now we have bird sanctuaries and walking trails.

And we also can point to Ed Cooper, the president of the Urban Gardners in Boston. He is a committed individual who has worked to turn ghetto areas into urban gardens.

And one final individual I would like to highlight who has made a difference is Novella Taylor, a jazz vocalist from Roxbury who has been using public transit as her primary source of transportation since 1930. By using transit for 60 years Novella saved the environment over 2,000 pounds of dirty automobile emissions.

So individuals can and do make a difference in saving our environment. What can be done?

We can start with energy audits and take the steps to lessen our dependence on fossil fuels, by promoting energy efficiency in our work place and in our homes, in our schools and government buildings.

It is estimated that 50 to 70 percent of the energy use in the average American home is devoted to heating and cooling. We can take the steps to weatherize our homes through adequate insulation.

We can take public transportation when we can leave our cars at home.

We can take shorter showers and conserve water in our homes.

We can stop buying nonrecycled packaging materials.

We can become more aware of the environmental impact of using chemical fertilizers on our lawns, some of which emit the greenhouse gas nitrous oxide.

We can participate in recycling in our homes and businesses and encourage recycling drives in our towns and cities.

We can stop pollution at the source by convincing our policymakers to enact tough laws.

When you go to the grocery store ask for your food to be packed in paper bags not plastic bags. Try to buy items that are packaged in reusable materials like glass and paper.

If you are buying an automobile buy a fuel efficient car. Aim for 35 miles per gallon, and remember heavier cars use more fuel.

Hold neighborhood cleanups of parks and streets.

All of these are things that individuals can do. But of equal importance, we as individuals must let our concern for the environment be known to the politicians. Because politicians react to the felt need of their constituents. We can begin today as we start to cele-

brate Earth Day 1990. The need today for an environmental grassroots effort is more important than ever. Like the grassroots effort that halted the Vietnam war, we need a new grassroots effort to combat the toxics war, the air pollution war, the waste war, and the global warming war.

In the 1990's we must redefine what the terms "citizen" and "patriot" mean. For in this day and age these terms can only be applied with meaning to those in their everyday lives recognize and fulfill their responsibility to the earth which we all share and which sustains our very lives.

The single most important element to saving our future planet, for future generations is for us all to become involved, involved with Earth Day 1990, involved with daily environmentally sensitive activities, and involved with educating others on what they too can do.

EARTH DAY 1990

Mr. GLENN. Mr. President, I rise today to commemorate the first Earth Day of 1970 and to call attention to Earth Day, April 22, 1990.

Twenty-eight years ago it was my privilege to be the first American to orbit the Earth and see it as a beautiful blue-green ball silhouetted against the vastness of space. I have never forgotten that sight nor the experience of seeing our planet as a delicately balanced spacecraft Earth which must be kept healthy, whole, and unharmed if we are to have a future in the universe.

We have come a long way since the first Earth Day in 1970. The environmental movement has grown in stature, scope, and public support during those years, but the greatest challenge still lies ahead. With our advanced technologies and information management systems we command enormous power for altering the soil, forests, water, atmosphere, and ecosystems of the planet. These powers can be used either to preserve or destroy our Earth—and the choices are ours.

The great value of Earth Day celebrations is that they prepare us to make those choices. Across my State of Ohio, individuals, students, businesses, environmental groups, and others are participating in a range of activities to highlight ways to find solutions for the environmental problems we face and to make the choices that will preserve our environment for future generations.

Mr. President, 20 years ago Congress created the Environmental Protection Agency as a response to what was perceived as a serious and growing pollution problem that threatened the health and well-being of the American people. On January 23 of this year, I introduced legislation to transform the Environmental Protection Agency into a new Cabinet-level department, the Department of the Environment. I believe that this measure, like the thousands of Earth Day participants in Ohio and across the land, affirms our commitment to the environment.

I believe that our commemoration of Earth Day 1990 demonstrates that we have the energy and the resources to imagine—and the determination to achieve—new and better ways of living on and caring for our priceless legacy, Planet Earth.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,861st day that Terry Anderson has been held in captivity in Beirut.

I would also ask unanimous consent that a New York Times article concerning the Islamic Jihad for the Liberation of Palestine's reported pledge to free one of the hostages be reprinted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 20, 1990]

MILITANTS DELAY HOSTAGE'S RELEASE

(By Thomas L. Friedman)

WASHINGTON, April 19.—Pro-Iranian kidnappers in Beirut announced today that they had postponed the freeing of an American hostage because the Bush Administration refused to meet their demand to dispatch a senior Middle East policymaker to Syria to coordinate the release.

The kidnappers, who had promised to free one captive by Friday, did not set a new deadline. But Foreign Minister Farouk al-Sharaa of Syria, which has been involved in negotiations to free the hostages, said after the postponement that he was confident that the release will be completed by Sunday.

President Bush justified his decision not to send the Assistant Secretary of State for Near Eastern Affairs, John Kelly, to the Middle East by saying that that would have been tantamount to giving in to the demands of kidnappers and could have enmeshed the United States in a negotiation with hostage takers, which his Administration has categorically prohibited.

"The United States does not knuckle under to demands," said Mr. Bush, speaking with reporters at a news conference in Florida after his talks with President François Mitterrand, whose Government bargained with Libya last week for the freedom of three French nationals held captive in Beirut. "We have a perfectly capable, accredited diplomat on the scene in Syria to work toward the release if it comes to that."

The American Ambassador to Syria, Edward Djerejian, was ordered back to Damascus on Wednesday from Bonn, where he was attending a meeting with the American diplomats, including Mr. Kelly.

In a statement on Wednesday, the group, the Islamic Holy War for the Liberation of Palestine, demanded that Mr. Kelly fly to Damascus "to coordinate some final steps to guarantee success" of the handing over of one of the three Americans it holds hostage.

STATEMENT AND CAPTIVE'S PICTURE

The group did not specify what kind of coordination it had in mind or identify which hostage would be released. Officials said those too were important factors in the Administration's decision on Wednesday not to dispatch Mr. Kelly.

In its statement today, the kidnappers said: "All arrangements to free the American hostage were set to be finalized. But Kelly's failure to respond has so far frustrated the release, which made us postpone this operation until the picture is cleared."

Reports from Beirut said the statement, handwritten in Arabic and delivered to a Beirut newspaper, was accompanied by a Polaroid picture of Robert Polhill, 55 years old, who along with Jesse Turner, 42 and Alann Steen, 50, was abducted from the grounds of Beirut University College on Jan. 24, 1987. Wednesday's statement, declaring that a hostage would be released as a "good will" gesture and in response to appeals from Iran, was accompanied by a picture of Mr. Turner.

The postponement by the kidnappers raised the question of whether in its effort to avoid even the appearance of negotiating with terrorists, the Administration was missing an opportunity to free one of the eight Americans believed held hostage in Lebanon.

WE DO NOT MEET DEMANDS

As top officials in the Reagan Administration during the arms-for-hostages Iran-contra scandal, President Bush and Secretary of State James A. Baker 3d were made well aware of the political costs of negotiating with hostage takers.

Yet, last month, it was disclosed that the President took a phone call from a man asserting to be President Hashemi Rafsanjani of Iran, even though he knew it might be a hoax, because he thought it might lead to the release of hostages. It is possible that lingering embarrassment over that hoax has left the Administration twice as reluctant to be drawn into another encounter with kidnappers.

"We shouldn't be put on the defensive, the kidnappers should be," an Administration official said. "They are holding human beings against their will. They could let them go at any time. Who knows, we could have sent Kelly and the minute he gets over there, they would say, 'Sorry, you don't have on green shoes.' Whether it is Kelly or ammunition, you don't negotiate with hostage takers."

In his remarks in Florida today, President Bush said: "I think the U.S. position is clear. We do not meet demands. We've been disappointed before—hopes raised—only to have them dashed by excessive speculation. I would add that we are not talking to the hostage holders."

Some analysts said they believed that it is quite possible that the hostage takers never intended to release a captive—at least not without conditions—and may have intended from the beginning to embarrass the Bush Administration or simply bring the hostage issue back into the headlines in order to increase public pressure on the White House to negotiate.

There may have also been a dispute among the kidnappers in the last 24 hours, or between the hostage takers and Iran, over the decision to free a captive.

SYRIA EXPECTS A SHORT DELAY

DAMASCUS, SYRIA, April 19.—Senior Syrian officials acknowledged today that the prom-

ised release of an American hostage had been postponed by "a day or two," but the Syrian Foreign Minister expressed confidence that at least one American hostage will be freed by Sunday.

"We have been exerting a great deal of effort with the Iranians to secure the release of the American hostages by Saturday or Sunday," Mr. Sharaa said tonight after meeting with the American Ambassador here, Mr. Djerejian.

Mr. Djerejian declined to comment on the meeting, or on assertions by a Palestinian official that American officials met here secretly this month with the brother of President Rafsanjani of Iran and agreed on the release of the hostages.

The assertions were made earlier today in Amman by a senior Palestinian official who asked not to be identified. They were carried by several news agencies.

The official said the deal includes the release of Palestinian prisoners held in Israel from the Islamic fundamentalist movement known as Hamas.

Syrian officials, who asked not to be identified, described the assertions as baseless.

EARTH DAY CELEBRATIONS

Mr. SANFORD. Mr. President, I rise today in the spirit of Earth Day to make some brief comments about the progress we have made in protecting the health and the environment in the 20 years since the first Earth Day, and more importantly about the progress that will be needed in the next 20 years. I wanted to touch briefly on the critical importance of scientific information both in setting proper environmental policies and in helping to implement them. I also wanted to thank all of the individuals who are making this Earth Day a success. Their work helps us recognize threats, set priorities to meet threats, and go about solving problems once priorities have been set.

On Sunday, millions of people will be joining together, not only in Washington, but in cities and towns all over the country—in fact, all over the world—to reflect on, celebrate, and advocate a simple proposition: That each and every one of us must help serve as a steward for the natural environment of the Earth.

Earth Day is both a celebration and a time for somber reflection. It represents both the spiritual and the practical. More than anything, it is a call to action. This 20th anniversary of the first momentous Earth Day is both an observance of the great strides we have made in awareness of the natural environment, and a reminder that our work has only barely begun.

Mr. President, there is a great idea embodied in the spirit of Earth Day: The idea that we have an absolute obligation to protect the natural environment of our fragile planet, and to pass on to our children and grandchildren an environment that is as healthy as that which we inherited. Sadly, we are falling short of that obligation in many ways.

But there is even more to Earth Day than that proposition. Earth Day is a call to action, because we are learning that the responsibility for good stewardship cannot fall on any one set of shoulders. That responsibility cannot be borne by government alone; it cannot be borne by industry alone; it cannot be borne by the scientific community alone; and it cannot be borne by any nation alone. We all live together on this planet, and more than ever before, we must all do out part to instill an ethic of environmental sustainability, and to live by that ethic. That is the message of Earth Day, and that is the challenge before us.

Mr. President, it is true that considerable progress has been made in environmental protection since 1970. We now have major laws in the United States covering nearly every area of environmental policy, and most of those laws have been strengthened and fine tuned since their original enactment. Most of the developed world has followed suit.

We no longer see rivers catching fire; we have a pretty good idea of what downtown Pittsburgh looks like; and for the most part, we are no longer simply putting hazardous chemicals in a hole in the ground when we grow tired of using them. Great progress has been made in restoring the health of our Nation's waters. Emissions of some air pollutants, such as lead, have decreased dramatically. Pollution control technology has grown by leaps and bounds. And progress has been made in removing certain chemicals, at least some of the really bad actors, from the environment.

We have learned the value of proper environmental planning through the National Environmental Policy Act and other procedural statutes. And we have learned the value of setting aside wilderness areas, parks, and forests for future generations.

Finally, our scientific knowledge has advanced considerably so that we know a great deal more about the mechanisms by which manmade chemicals can harm health and the environment; about which types of pollution pose the greatest risks; and about how that pollution can be reduced.

Fine, you say. So what's the bad news? With all this progress, what is the big deal that may require new sacrifices?

Well, put simply, the bad news is that the same science that has helped us begin to solve the old problems has discovered new ones. And it is quite possible that, for all the strides we have made, the environmental health of our planet may be threatened as never before.

Mr. President, we have discovered that many environmental problems do not fit neatly within international borders. And, looking at the planet as a whole, here is what we see:

Biological diversity is being depleted at an unprecedented, with species becoming extinct at a record pace.

We are committed to several decades of severe ozone depletion, which could pose very serious risks to both human and ecological health.

We are threatened by the specter of global climate change, which could result in very profound problems affecting health and the environment—and we do not even know all the questions to ask, much less the answers.

World population if growing in absolute terms at an unprecedented rate, and there is legitimate concern that we may be sacrificing the natural resources that will be needed to feed, clothe, and house the next generation.

Clean water is in short and diminishing supply in many areas of the world; valuable topsoil is being lost; and forest resources are being lost both from forest clearing and from intensive pollution.

Mr. President, in this country, we still have nearly half the population living where the air does not meet Federal health standards; toxic air pollution is still virtually unregulated; new and massive threats to groundwater supplies are discovered every day; and more and more coastal waters are being closed to fishing and swimming.

The point is that there is no room for complacency. That there are many environmental threats to human health, and ecological health, is abundantly clear. And we must redouble our efforts in public policy, in scientific research, and in individual lifestyles, to address these problems. That is the call to action.

Mr. President, the Government must continue to do its part, both with respect to the domestic environmental problems that have been recognized for some time and the relatively new international issues. Industry must do much more, especially in the area of pollution prevention. Industry is also beginning to recognize that simple compliance with the laws is no longer adequate, and it is encouraging to see many companies beginning to take voluntary actions to go beyond the letter of the law.

Individuals can make a difference, and must make a difference. I will not dwell on this at great length today, but will make a few brief points:

The United States uses an enormous amount of the world's natural resources, especially in terms of energy. We probably waste more energy than any other nation uses. In fact, we manage somehow to use twice as much energy to produce a dollar of national product as the Japanese and the Europeans. That energy use has enormous environmental consequences. Every

American can take action to reduce unnecessary energy consumption, whether by weatherizing their home, minimizing driving, installing more efficient lighting and appliances, or even turning lights off and turning the thermostat a notch or two.

The Japanese manage to recycle almost half their solid waste. We are still down around 10 percent. There has been a recent explosion of community-based recycling programs in the United States, and nearly every American will soon have the opportunity to recycle.

Mr. President, these are just two of many areas where we will need individuals to act along with Government and industry if we are to make the kind of progress we need. It will do little good, for example, to ban offshore oil drilling as long as Americans insist on driving big cars and driving them often. If we don't get the oil from this country, we will continue to import more and more, and the net result will be just as much air pollution from motor vehicles, and just as much—probably more—damage from oilspills from tankers.

It will likewise do little good to ban landfills and promote recycling if Americans are not willing to take a little time to separate their trash and ensure that it goes to the recyclers.

Mr. President, I happen to believe that Americans will be willing to make these kind of modest changes, and that they will respond to the message of Earth Day. There are many skeptics, but we can work together to prove them wrong.

There are some out there who blame science for the mess that we are in in the first place. Science created all these chemcials that we worry about, and all these technologies that exploit our natural resources. And some would say that we cannot trust the scientists to fix the problems that result as technology advances, so we ought to stop spending so much time trying to advance technology.

Well, I am here to tell you that genie is not going back in the bottle. Technology will continue to advance, economies will continue to grow, and most Americans will continue to insist on that progress. Most of us cannot go back to a simpler time, if there ever was such a thing. And, while there are many things we can do for the environment that do not depend on science and technology, we will be relying on science more than ever before to help us return to good stewardship for our planet.

Mr. President, we are making great progress in understanding the risks associated with various chemicals and pollutants; the mechanisms by which those substances may cause harm; the best means of helping to obviate risk; and even the science, or art, of risk assessment itself. All those areas are critical as a foundation for public policy. Without the kind of information that science provides, the agencies and the Congress cannot possibly set proper priorities and direct limited resources where they are most needed. Without this kind of information, we could not even recognize some threats to health, much less begin to address them.

I might want to finish up here by touching on a topic that the Senate has recently spent much time on, and which may serve to illustrate some of the things we are talking about. That is the clean air legislation. It is now pending in the House.

Mr. President, the clean air bill passed by the Senate was the first rewrite of that law in 13 years. The clean air legislation obviously will have important health consequences. It is an enormously complex bill, some 700 pages long, and it was and may continue to be enormously controversial. We had over 100 floor amendments on some of the most technical subject matter you can imagine. The task was to figure out why the old bill had failed in many areas and fix those flaws; set very tough environmental and health standards and try to make sure they will be achieved; and do all that at the least possible cost to the economy. That is obviously no simple matter.

One area that was particularly controversial was air toxics. The current law has failed almost completely in that area. There are literally hundreds of toxic chemicals emitted into the air in sufficient quantities to pose health risks. EPA has been able to regulate just eight of them in 20 years, and a great many sources are still virtually uncontrolled.

Mr. President, as you probably know well, the basic problem is that the old law is somewhat vague in its requirements. That is not a problem if you happen to be a lawyer. The language, which is very simple and quite noble, says EPA must "protect public health with an adequate margin of safety." Those nine words have made fortunes for an awful lot of lawyers. But if you are interested in protecting public health, those nine words haven't done much for you.

It has proven very difficult to determine what those words mean in the real world, especially when carcinogens are involved. If they mean elimination of all risk, that may mean zero emissions since we cannot establish a threshold for many chemicals below which no harm will result. But zero emissions is often impractical in the real world, so EPA has been reluctant to take action that might shut down whole industries—especially when risk could be reduced to a very small level with feasible controls.

Mr. President, even if EPA was not reluctant to make such decisions, the experience has been that almost anything they do will get them sued from one side or the other. So public health has to wait on the sidelines until the lawyers get done. And even from a congressional perspective, lawyers can take a long time.

The Senate chose to address the problem by mandating stringent technology-based standards for nearly 200 substances taken from a list provided by EPA. These standards are expected to greatly reduce risks from air toxics, and to reduce emissions from industrial sources by about 90 percent. Other provisions require reductions in toxic emissions from motor vehicles.

However, we did not want to make the level of health protection contingent on whatever control technology happened to be available. So we needed a second round of health-based standards, which will generally be issued about 5 years after the first round. This second phase is residual risk. This section of the bill, which started out to be just a few pages, turned out to be one of the two or three most controversial areas of the bill.

Mr. President, the Environment Committee thought we ought to guarantee that no individual would be exposed to a risk of greater than 1 in 1 million, although 1 in 10,000 would be temporarily allowed in limited cases. The President thought we ought to leave things to the EPA to decide if risks were unreasonable.

The debate was protracted and heated on this very technical matter. The White House said these provisions were among the most costly in the bill, and that we would expend enormous resources on minimal risks. Numerous industries claimed they would be shut down for little environmental benefit, and there was convincing evidence to back some of the claims that shutdowns would be likely.

Mr. President, some said that we should be trying to reduce overall population risks—the number of expected cancers—rather than the risk to a "most exposed individual." Others argued that EPA, and I suppose by reference others, use unrealistic assumptions in assessing risks. This would include high-dose to low-dose extrapolation and assumptions about the relative sensitivity to pollutants of humans and test animals.

It was also argued that unrealistic exposure assumptions were used, such as the assumption that a most exposed individual lived at a fence line, 24 hours a day, for 70 years. In the real world, they said, we know no one is ever exposed to such conditions. On the other hand, environmentalists argued that such assumptions were minimally necessary to help guard against the combined effects of multiple pollutants. These may be questions

that some of you grapple with every day, but they were highly complex issues that Congress had to learn to address with a great deal at stake.

We finally arrived at a consensus position. It may not be the best solution, but everyone seemed to be willing to live with it. First, we recognized that there are still great uncertainties and differences of opinion about risk assessment, so we asked the National Academy of Sciences to do a comprehensive review to EPA's risk assessment procedures for air toxics. Second, we provided for a blue-ribbon panel to take a broader, more policy-oriented look at the whole risk assessment and management issue for air pollution. Both these groups will report back to Congress before residual risk regulations must be issued.

Mr. President, Congress would be given an opportunity to revisit the issue under expedited floor procedures. But if Congress does not act, there is a fallback procedure. EPA must set the new standards based on a 1-in-1-million or 1-in-10,000 individual risk. The more stringent standard will be the goal, but it will be somewhat easier to qualify for the 1-in-10,000 standard. EPA's current assumptions on risk would be required in the areas where there is most uncertainty—meaning the "unit risk factors" must be used. But, with respect to exposure assumptions only, sources would have an opportunity to prove that the most exposed actual person was further away than the fence line, or that the person would be exposed less than 24 hours a day.

So what we basically did was took three steps back and punted to the Commissions, recognizing that more information might be important. But we ensured that there would be a fallback position in place if the new information did not result in changes. The fallback position includes fairly stringent standards, certainly in comparison with the current situation. It also attempts to come as close as possible to actual risks, while using conservative assumptions where there is uncertainty.

Mr. President, this legislation is an example of the influence and importance of the issues of Earth Day. As Earth Day approaches, I want to encourage everyone to keep up the good work and to say that we are fortunate to have dedicated people like the individuals behind Earth Day. However, there is still an enormous task in front of us, but I hope that the next 20 years will be remembered not as the time when the Earth's natural resources were destroyed, but the time when people drew together to protect them.

SENATOR SPARK MATSUNAGA

Mr. BIDEN. Mr. President, it has often been said that the individual who has known war will work the hardest to achieve peace. Our colleague Spark Matsunaga epitomized that idea.

During his 28 years in the Congress, Spark Matsunaga was not only our good friend and respected colleague; he was often our conscience. For in so many ways, he reminded us of what America is all about.

At the end of 1941, when war passions were running high and the loyalties of Japanese-Americans were being unfairly questioned, Spark, along with DAN INOUYE and hundreds of others, volunteered to fight for this country on the battlefields of Europe. Their unit, the famed 442d Infantry, was the most decorated military unit in American history, and Spark Matsunaga brought back a Bronze Star, two Purple Hearts, and numerous other commendations for his gallantry.

After the war, Spark played an important role in the Hawaiian statehood effort, and in 1962, the people of Hawaii sent him to the House of Representatives when his friend DAN INOUYE moved over to the Senate. From the beginning, Spark was the war hero working tirelessly for peace. For 22 years, both in the House and later in the Senate, Spark lobbied tirelessly for the creation of a Federal institution dedicated to teaching our future leaders strategies for peace, just as our military academies teach them the strategies of war. In 1984, Congress established the U.S. Peace Institute, a lasting legacy to Spark's efforts.

While Spark Matsunaga and DAN INOUYE were putting their lives on the line for this country, too many American citizens of Japanese descent were unfairly rounded up and kept in concentration camps for the duration of the war. For four decades those actions were a blight upon our heritage as a nation that values freedom and equality under the law. But while everyone talked about how terrible those incarcerations were, few were willing to make an attempt at amends.

It was the kind of cause that perhaps only a Spark Matsunaga would be willing to take up, not because he was a Japanese-American, but because the concentration camps were such a miscarriage of all those principles for which he had fought. In 1988, after another long struggle that required all of Spark's legislative skills, the Congress passed legislation that not only compensated the victims for that miscarriage of justice, but told the America people and the people of the world that those actions were not in the spirit of America's heritage, and that neither we nor future generations of Americans will ever tolerate that again.

Having played an important role at a time of crisis in America's history, Spark Matsunaga went on to provide us with a legacy of peace and justice for generations to come.

We will all miss him very much.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FAVORED-NATION STATUS FOR HUNGARY

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having passed, the Senate will resume consideration of H.R. 1594, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the Peoples' Republic of Hungary for 3 years.

The Senate resumed consideration of the bill.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, are we on the trade bill at the moment?

The PRESIDING OFFICER. We are.

UNANIMOUS-CONSENT AGREEMENT VITIATED

Mr. PACKWOOD. There was a unanimous-consent agreement entered into yesterday and I, perhaps unwisely, have taken some people by surprise. I certainly did not intend that because I had been in meetings and had been telling them I thought I was going to do this.

So I ask unanimous consent that the unanimous-consent agreement entered into yesterday on an amendment that I was going to offer on log exports and any second-degree amendments that would be offered to it be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1491

(Purpose: To correct the Harmonized Tariff Schedule of the United States as it applies to parts of ionization smoke detectors)

Mr. DIXON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 1491.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, after line 12, insert the following new section:

SEC. . PARTS OF IONIZATION SMOKE DETECTORS.

(a) IN GENERAL.—Chapter 90 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description in subheading 9022.90.60:

"9022.90.70	Of smoke detectors, ionization type.	2.7%	Free (A, B, E, IL) 2.1% (CA).	35%".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(2) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law to the contrary, upon a request filed with the appropriate customs officer after September 30, 1990 and before April 1, 1991, any entry or withdrawal from warehouse for consumption of goods to which the amendment made by this section applies and that was made—

(A) after December 31, 1988; and

(B) before October 1, 1990;

and with respect to which there would have been a lower duty if the amendment made by this section had applied to such entry or withdrawal, shall be liquidated or reliquidated as though such entry or withdrawal had occurred on October 1, 1990.

Mr. DIXON. Mr. President, this is a very simple amendment. It merely corrects an inequity created by the new harmonized tariff schedule. Until recently, ionization smoke detectors and ionization smoke detector components were classified at the same rate of duty. The new harmonized tariff schedule, however, neglected to include a separate provision for smoke detector components. The result is that now ionization smoke detector components are placed in a classification that carries a higher rate of duty.

This oversight results in a sigificant handicap for American producers of ionization smoke detectors. If a U.S. firm wants to do the bulk of the work here in the United States, using some imported parts, they have to pay more duty on those parts than for the duty on fully assembled ionization smoke detectors.

Preliminary reports from the International Trade Commission, the agency responsible for converting the old tariff schedules to our present harmonized tariff schedules of the United States, and the Department of Commerce show that this amendment is noncontroversial and is simply redressing an omission.

This legislation simply maintains the status quo to provide an opportunity to pursue administrative relief through the U.S. Trade Representative and the Department of Commerce.

Mr. President, this is a meritorious amendment. I urge its adoption by the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I make the following statement on behalf of Senator BENTSEN, chairman of the Finance Committee and the manager of the bill.

The amendment offered by the Senator from Illinois would correct a tariff problem on smoke detector parts resulting from the conversion of the harmonized tariff system. While this provision has not been the subject of public comment in the Finance Committee, I am willing to accept it on the understanding that if we learn that it is controversial, I would be inclined to drop it in conference with the House; but with that understanding, I would accept the amendment.

Mr. PACKWOOD. The amendment is cleared on this side, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 1491) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, it is my intention later to offer an amendment on the subject of log exports, which we have vitiated the unanimous consent on. So there is no limit on debate and no limit on amendments at this stage.

I want to lay a little background, and then to make sure no one feels badly, I am not trying to inordinately rush this, but I advised people yesterday that I was going to put it on the Caribbean Basin bill. I laid some other groundwork that I will explain.

The bill that I will introduce would prohibit the export of logs off of Federal public lands, U.S. Forest Service, Bureau of Land Management, Department of Defense. It does not prohibit or touch exports off of State lands. It does not in any way affect private lands.

I want to thank initially both Senator RIEGLE and Senator SARBANES, who were very generous. There was a hearing held in the Banking Committee, specifically the Subcommittee on International Finance and Monetary Affairs that Senator SARBANES chairs, on November 7, and it was a very full and fair hearing. He conducted it impartially, and I think he found the subject of much greater interest and more controversial than he thought.

I talked with him, and he indicated that he preferred not to add the issue of log exports to the markup on the Export Control Act, and I am perfectly willing to observe that. I might read a letter that I sent to him first on February 28:

DEAR PAUL: Can you tell me if you think it likely you will go to mark up at some stage in the near future and consider the Log Export Limitation Bills, S. 754 and S. 755, I introduced. Paul, I ask this because the problem of timber supply is becoming increasingly critical in my state and log exports are a portion of that problem. If you could let me know soon what your plans are, I would greatly appreciate it. I would like to hear from you even if the answer is, "Bob, I don't think we're going to move on these bills this year."

I sent that February 28. Subsequently, Jonathan Stephens of my staff talked with Marty Gruenberg of Senator SARBANES' staff, and that is when Mr. Gruenberg indicated they would prefer not to put these on the markup of the Export Control Act, and that markup is somewhat, not problematical, but it is in the future, and our timber supply situation is getting worse.

I sent the following letter to Senator SARBANES.

DEAR PAUL: Jon Stephens of my staff talked with Marty Gruenberg of your staff about S. 754 and S. 755—my log export bills. He told Jon that you would prefer that we not make an effort to have these bills added in markup in committee, but would rather have them offered as amendments on the floor. That's fine with me. Lord knows I don't want to complicate your work, plus I don't want to do anything to jeopardize the Export Control Act. It's too important.

Therefore, assuming what my staff member told me Marty Gruenberg told him is accurate, I'll look around for some other vehicle to attach the log export bills to on the floor.

Thanks for all of your consideration and help. I deeply appreciate it.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 28, 1990.
Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR PAUL: Can you tell me if you think it likely you will go to mark up at some stage in the near future and considrer the Log Export Limitation Bills, S. 754 and S. 755, I introduced. Paul, I ask this because the problem of timber supply is becoming increasingly critical in my state and log exports are a portion of that problem. If you could let me know soon what your plans are, I would greatly appreciate it. I would like to hear from you even if the answer is, "Bob, I don't think we're going to move on these bills this year."

Sincerely,

BOB PACKWOOD.

U.S. SENATE,
Washington, DC April 6, 1990.
Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR PAUL: Jon Stephens of my staff talked with Marty Gruenberg of your staff about S. 754 and S. 755—my log export bills. He told Jon that you would prefer that we not make an effort to have these bills added in markup in committee, but would rather have them offered as amendments on the floor. That's fine with me. Lord knows I don't want to complicate your work, plus I don't want to do anything to jeopardize the Export Control Act. It's too important.

Therefore, assuming what my staff member told me Marty Gruenberg told him is accurate, I'll look around for some other vehicle to attach the log export bills to on the floor.

Thanks for all of your consideration and help. I deeply appreciate it.

Sincerely,

BOB PACKWOOD.

Mr. PACKWOOD. He has been a model of fairness on that, and I do not want to complicate his life. I am moving on this bill now because we have had a recent report by the Interagency Scientific Committee headed by Jack Ward Thomas of the Fish and Wildlife Service involving the spotted owl and timber supply that came out 10 days ago that has further worsened the timber supply problem.

There is no question, Mr. President, but that we are in short supply of timber in this country. We today import about 30 percent of our lumber from Canada—the same species we grow here, by and large, spruce, fir, and hemlock, ironically very much the same species we export in the form of logs, not quite in the same proportion but the same species.

The irony is that if you compare species for species, fir for fir, hemlock for hemlock, of the same age, we pay more money to buy the imported lumber from Canada than we get for selling the unprocessed log overseas. You have to be careful, species for species. A 300-year-old Douglas-fir log is worth more than a 50-year-old hemlock in lumber. If you compare hemlock to hemlock, or fir to fir, we lose money on the exchange. That is understandable. Processing adds value.

Canada has strict regulations on the export of logs. British Columbia, their principal exporting Province, has a 100 percent tax on the difference between the value of timber sold domestically and exported. So you can export it if you choose, and you pay all of the difference to the Provincial Government. It is somewhat of a disincentive there to sell overseas.

I will read a letter from the Chief of the Forest Service:

DEAR SENATOR PACKWOOD: The purpose of this letter is to follow-up on your conversation with Dr. David Darr of my staff regarding the possible effects of banning U.S. softwood log exports on softwood lumber imports. In 1988, we imported 30 percent of our softwood lumber, almost all from Canada. If softwood log exports from public lands were to be banned and if all the logs were to be processed into lumber and the lumber substituted one-for-one with imports, imports would be reduced to 26 percent of consumption. If exports from public and private lands were to be banned, processed into lumber, and the lumber substituted one-for-one with imports, imports would be reduced to 16 percent of consumption.

This analysis was discussed with you by Dr. Darr on May 12. Please feel free to call him at 382-8052 if you would like further information.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 12, 1989.

DEAR SENATOR PACKWOOD: The purpose of this letter is to follow-up on your conversation with Dr. David Darr of my staff regarding the possible effects of banning U.S. softwood log exports on softwood lumber imports. In 1988, we imported 30 percent of our softwood lumber, almost all from Canada. If softwood log exports from public lands were to be banned and if all the logs were to be processed into lumber and the lumber substituted one-for-one with imports, imports would be reduced to 26 percent of consumption. If exports from public and private lands were to be banned, processed into lumber, and the lumber substituted one-for-one with imports, imports would be reduced to 16 percent of consumption.

This analysis was discussed with you by Dr. Darr on May 12. Please feel free to call him at 382-8052 if you would like further information.

Sincerely,

F. DALE ROBERTSON,
Chief of the Forest Service.

Mr. PACKWOOD. I want to emphasize the relevance of this. We were 30 percent short of producing our lumber needs in this country on the day of that letter last year. That was before the new Forest Service plans had come out from the Northwest, and the Northwest still, as a region, is the single largest lumber producer. That was before the new Forest Service plans came out, which apparently will reduce land available for timber harvest off the public forests to on an average of 15, maybe 20 percent, not exactly the same on every forest, but average them all together, a further reduced cut.

Second, since the issue of the spotted owl has arisen, the Forest Service has indicated they are going to withhold further sales, and more areas will be set aside to ensure the continued existence of the spotted owl. I am not sure how many, but it appears to be 0.7 million board feet to 1 million board feet reduction beyond which the Forest Service plans may have further reductions. So this is a top-of-the-head guess. When the spotted owl plan is in effect, when the new Forest Service plans are out, assuming lumber consumption in this country continues at roughly the same level it has continued in the past, we will end up importing 35 to 40 percent of our lumber from Canada.

Therefore, given that circumstance, it does not, in my judgment, Mr. President, make any sense to be exporting raw logs from the United States when we do not have enough logs to run through our mills here; and when we do export them, we lose money on the exchange when we buy lumber of the same kind and quality from another country. We lose jobs, endanger our environment and worsen the balance of payments. There is no argument.

If I had my druthers, I would ban the export of logs off private lands also. I am not touching that in this bill. The reason I would do it is that statement in the Chief of the Forest Service's letter. If we got rid of the ban on all Federal lands, public lands, Federal and State lands, instead of purchasing 30 percent of our lumber from another country; that is, Canada, we purchase 26 percent. The reason for that is, Mr. President, that of all the log exports in this country, only about one-quarter are off public lands.

Three-quarters are off private land and of those, far and away the biggest exporter is Weyerhaeuser. As a matter of fact, Weyerhaeuser exports more logs alone than all of the other log exporters in the country, including all the private companies put together, off all of the public lands of the Federal Government, all of the public lands of the State governments.

Weyerhaeuser is very opposed to this amendment, although it does not touch private lands. I think what they fear is that the nose in the tent is a harbinger of something that might happen and, indeed, we would have the power to ban the export off of private lands if we chose to do so.

You may recall in 1973–74 President Nixon banned the export of soybeans all of which, to the best of my knowledge, were growing on private lands. I do not recall much public outcry over the ban of soybeans as they were in short supply in this country.

Do we have the power to do so? Yes. I emphasize this bill does not touch this.

Here is one of the environmental arguments I will make and the argument I will make on this is they are not just jobs; they are principally environment.

Canada has terrible environmental laws in terms of reforestation, in terms of cutting and they have unlimited forests, they think. No forests are unlimited. When you go in the Province of British Columbia, it looks like what I assume much of the country in the United States looked like 100 years ago, mile upon mile, mile upon mile, of good timber. And they are perfectly willing to cut it down.

Likewise, Quebec Province, although they do not have the quantity of lumber that British Columbia does. They are willing to cut it down. They will happily worsen the Earth environment.

If we choose not to cut trees in this country, they will cut trees in that country and send this timber here to fill our lumber needs.

Mr. President, I ask unanimous consent that the article that appeared in the Oregonian, April 17, 1990, by Timothy Egan of the New York Times News Service, entitled, "Battle Over Old Growth Erupts in British Columbia" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Oregonian, Apr. 17, 1990]

BATTLE OVER OLD GROWTH ERUPTS IN BRITISH COLUMBIA

(By Timothy Egan)

VICTORIA, BRITISH COLUMBIA.—The biggest trees in Canada, some more than 300 feet high, cling to the spongy depths of the forest floor in the Carmanah Valley just north of Victoria.

They were ignored for centuries, but now the Sitka spruce in the isolated basin are being treated like the last bison herds of the West.

As on the U.S. side of the border, all but a handful of the valleys in North America's only temperate rain forest have lost their original tree cover to the advance of loggers.

Until recently, the fight over the swath of ancient evergreens hugging the Pacific had been fought mainly in Washington and Oregon. But the battle has moved north.

As massive logging at an ever faster pace has cut up the Canadian domain of thousand-year-old Cedars and towering firs, British Columbia has been accused of waste and hypocrisy.

Hundreds of thousands of acres of the old-growth forests have never been replanted, which has prompted some forest ecologists to label British Columbia "the Brazil of the north."

In the United States, a federal scientific panel recently recommended setting aside a network of habitat reserves totaling 8.4 million acres of national forests to assure the survival of the imperiled northern spotted owl, which lives in the Northwest's shrinking old-growth Douglas fir forests. If federal agencies follow the panel's recommendations, logging could be barred from as much as 3 million acres of timberland, and thousands of forest products jobs could be at risk.

But in Canada, the battle is just beginning.

"I tell my guys if they see a spotted owl to shoot it," said Jack Munro, Canadian president of the International Woodworkers of America, which represents 50,000 loggers.

On Tuesday, after years of protests by environmentalists and threats by mill owners to shut down plants if tree-cutting is slowed, the British Columbia government of Premier William Vander Zalm decided to allow logging in half the Carmanah Valley, while setting aside the other half as a park.

The land is publicly owned, but logging rights were sold long ago. In making the decision, government officials lashed out at critics, some from as far away as New Zealand and England, who had urged preservation of what is left of Canada's once-vast rain forest.

In British Columbia, timber companies cut nearly 600,00 acres last year, more than was logged in all the national forests of the United States.

Nowhere have the woods been so depleted as on Vancouver Island, where miles of land appear barren, a stumpland where 250-high-trees used to stand.

The Carmanah Valley, a relatively small 16,500-acre breach in the west side of Vancouver Island, has become the symbol of resistance to the oldest and the most dominant industry in western Canada.

Preserving even half the valley, which holds the world's biggest spruce trees, would cost several hundred jobs, industry officials say.

But even some loggers, alarmed by a loss of both trees and jobs, say they are outraged by the overall pace of tree-cutting in the province.

"The world is going to need our wood, and we just aren't managing it properly," said Munro of the loggers union. "Most of the old-growth trees have been cut from the states, so now the pressure is on us.".

British Columbia's economy is booming, creating nearly half of all the new jobs in Canada last year, and polls show a majority of the province's 3 million people want new restrictions on logging.

"We're witnessing a very radical change in the way the public views forest management," said John Cuthbert, the chief forester for British Columbia.

"In the good old days, there was lots of room to operate," he said. "The province was still being developed. Now the timber supply has shrunk."

What has changed, he said, is that the coastal evergreens are now considered to be part of a forest of global significance.

As North American political leaders have criticized tropical deforestation, the shearing of this continent's temperate rain forest has provoked cries of hypocrisy and short sightedness.

No matter how many trees are planted for replacement, foresters say it will be impossible to duplicate the network of redwoods, cedars, and sitka spruce that support one of the richest ecosystems on earth.

"They are cuting these coastal old-growth trees at a rate that simply cannot be sustained," said Peter Pearse, a forestry professor at the University of British Columbia who headed a royal commission on logging.

"This forest is unique in all the world, and it is diminishing in the same sense that tropical forests are disappearing.

While the amount of trees cut here is a long way from the 25 million acres of tropical rain forest removed every year, environmentalists say that at that rate most of the remaining forest will be gone within a generation.

Cuthbert said that logging was excessive and careless up until the mid-1980s, but that reforms are under way. A new law has gone into effect requiring companies to reforest.

Recent debate has centered on the environmental value of the anicent forests. The trees wring moisture from the clouds and help keep the coastal climate cool.

When large sections are leveled and the debris is burned—a practice known as clear-cutting and slash-burning—it can cause flooding in the winter and air pollution in the summer and may contribute to global warming, according to forestry experts.

Canadian logging practices are wide open. In the United States, for example, clear-cuts in the national forests are limited to 20 acres, but in Canada there is no such limit.

Throughout this province, hundreds of square miles have denuded and are littered with rotting debris.

Peter McAllister, president of the Sierra Club of Western Canada, said Canadian timber companies are "plundering the province" in a race to cut wood while prices remain at an all-time high.

As in Washington and Oregon, much of these public lands are being leveled to feed a growing appetite for lumber in Japan. Environmental groups in British Columbia, as well as in Washington and Oregon, say much of the ancient forest could be saved if overseas buyers were forced to get wood from second-growth tree farms rather than the centuries-old forest.

But timber industry officials say that would require costly overhauling of mills and years of commitment to reforestation. As long as there are still several million acres of virgin forest in this province, there is little economic incentive to raise trees here as they do in eastern Canada, industry leaders say.

Critics say the provincial government's stand on the forest is contradictory. British Columbia has stepped up promotion for a booming tourist trade built on the natural wonders of the province, but at the same time it has allowed its forests to be cut as never before.

"I used to hear people in the states say that when their forests are cut, there will always be Canada," said Joe Foy, a leader of the conservation movement in British Columbia. "But that isn't true.

"We aren't taking very good care of our piece of the globe. We have a small population, but the whole world grazes here. So it's important for us to preserve the blueprint and spare parts of the forests of the future."

Mr. PACKWOOD. Mr. President, this article lays out the forestry practices in British Columbia, and I do not think there is a practice in any State in the United States, let alone practice in Federal forest lands, as bad as that of British Columbia.

Next I address myself to the issue of whether or not an export limitation violates the General Agreement on Tariffs and Trade, GATT, because I am, by and large, a free trader, and I like to lower tariff barriers. But there is a provision in GATT—it is article XX, subsection (g)—which reads as follows:

ARTICLE XX
GENERAL EXCEPTIONS

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in the Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:

(g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;

There is no question we are involved in a tremendous conservation battle. It splits parties that happened to be allied on the particular issue of log export ban. I do not think anybody can make an argument we are not doing something to try to preserve old growth and reduce cut and follow conservation matters. Given that, we are clearly within the parameters of the General Agreement on Tariffs and Trade if we attempt to limit or ban the export of logs when we are in short supply anyway.

As a matter of fact, we were recently involved in a debate with West Germany on the export of copper scrap. They claim that copper scrap was in short supply and, therefore, invoking this section of GATT, they did not want to export it. We sued them under the GATT. Our contention was that it was not in short supply. We did not attack the premise of their ban, the premise being short supply, because we knew if we attacked the premise and failed under GATT, they could ban export.

What we attacked was the fact. We said it was not in short supply. The cause was held mainly because Germany and the European Community could not prove that copper scrap was in short supply, so the case was settled. In essence we won. They could not prove the short supply situation.

There is no one, however, who can conceivably contend we are in short supply of timber in this country and we are going to be in shorter supply of timber barring normal use of lumber. As I said, I would estimate if we have both all of the spotted owl limitation on forest use put in effect and in the Forest Service plans I would say 45 or 40 percent will come from Canada.

Next there is an issue involving State versus Federal lands and export policy. I have introduced two bills. One would ban the export of logs on Federal public lands; the other would ban the export of logs on State public lands. The reason I separated them was this: the State of Washington has a problem unique to that State in terms of State public lands. They export great quantities of logs off their State lands and the money goes to their school funds. There is tremendous pressure in Washington to continue the export of the logs. In addition, Weyerhaeuser is headquartered in Tacoma, WA, and opposed to any limitation on any export, anyway. The State of Washington in terms of their own log export has a unique problem and that is why I separated the bill into two. Logic would tell you I would lose some votes when I separated them. Logic will tell you when you have a Federal policy that says you should not export logs, you should not have a contrary State policy that says you cannot export logs.

Indeed, Congress has the power under the commerce clause to regulate commerce, and we should not have conflicting Federal and State policies. That is one argument to unify the two bills in one bill and had I unified the two bills in one bill, I frankly would have picked up another sponsor or two who though it was illogical to allow conflicting export policies on wood. But had I put the two bills together, then I would lose some supporters who said I an treading on State rights and State sovereignty. States have the right to set their own policy on their own public lands. On balance I separated the two bills.

The reason the State of Washington is really unique in this sense is that California, Alaska, and Oregon, and these are the only States of any consequences that export logs off State public lands, all have laws prohibiting the export of logs off of State public lands. Those State bans, however, have been challenged in court and have been found to be unconstitutional because only the Congress has the power to set international trade policy. So even though the States want to ban the export of logs off their own land they cannot.

I emphasize again, if they had their way, California, Alaska, and Oregon would prohibit export of logs off their State lands. Congress could delegate to the States the power to decide for themselves whether or not they want to export logs off the State lands, and one of the bills that I introduced would undertake to give that power to the States.

But to emphasize again today I am not tempting to involve myself in the issue of State log exports.

As we talk today our staffers are meeting, staffs of the Oregon and Washington congressional delegation, Republican, Democrat, Senate and House, trying to see if language could be worked out involving the State export of logs that would not only be satisfactory to the parties but satisfactory to the administration as well. While the administration supports the ban on the export of logs off of Federal lands they do not support the delegation to the States of the right to set their own log export policy.

I do not know what the outcome of those negotiations are going to be of the delegations and their staffers of the States of Oregon and Washington and eventually whether it will get the approval or disapproval of the administration. For that reason when I later will propose an amendment on the subject of log exports, I will not touch the State land issue at all nor will I touch the private log export issue at all. The amendment that I will propose will relate only to the export of logs off of Federal lands.

The amendment that I will propose is very similar to S. 754, the bill that I introduced to prohibit the export of logs from Federal lands last year and the bill upon which Senator SARBANES and his subcommittee held the hearing last November. The only difference in this bill is that since then the technical language involving substitution, and I will explain what that is, has been drafted and sharpened and will be in the bill. But I emphasize again it is only Federal lands.

The bill would do the following. It is a rather relatively simple bill. One, you cannot export logs off of Federal lands; two, what you cannot do directly you cannot do indirectly and by that I mean this: You have private logs; you sell them overseas.

You then turn around and buy public logs off of public land to run them through your mill because you do not have enough logs because you sold your private logs overseas. That is called direct substitution. My bill would prohibit direct substitution. It, in addition, prohibits indirect substitution. Indirect substitution is simply a variation of direct. In the direct substitution, you are a mill owner and you sell your logs overseas and you buy public logs to make up the difference. Indirect substitution is you are a mill owner and you sell your logs overseas and you buy your logs off a third party who has brought off public land, that is indirect substitution. That is prohibited under this bill.

There is no justification in terms of national trade policy why we should prohibit the export of logs off of Federal lands and then turn around and say, "However, but you can do it indirectly." If we are short of timber in this country—and there is no question but what we are and are going to be—and if it is a matter of Federal policy we are going to say you should not export logs off Federal lands, then you should not be allowed to export those logs off of Federal lands directly or indirectly or in any other fashion. So my bill will prohibit direct or indirect substitution.

Mr. President, as I said, this bill has an unusual coalition of support. It is supported by environmental groups, for obvious reasons. This is a significant environmental issue. We harvested about 16 billion board feet of timber in the Northwest last year, 16

billion board feet and 4.2 billion of this was exported. Almost one log in four that is cut in the Northwest is sent overseas. This at the very time when we are talking about setting aside an additional million to million and a half acres of Forest Service land previously eligible for cut, that I think may no longer be available for cut, and another 700 million board feet to 1 billion board feet be set aside for the protection of the spotted owl. So is this a conservation measure? Clearly, it is.

If we are going to reduce the amount of timber available for cut to protect our forest and to protect owls, then every stick of timber we can also reduce from going overseas aids this conservation effort and that is why this bill has extraordinary environmental support.

It has labor support, and that is understandable. Jobs in the timber indusrtry are good-paying jobs and many of them are unionized. The normal figure we use on employment is that for each billion board feet of timber you are talking about 9,000 direct jobs and another 9,000 indirect jobs. So if you are talking about the export of 4 billion board feet of timber, public and private, that could otherwise be used in the United States, you are talking about 36,000 direct jobs and 36,000 indirect jobs in the States of Oregon and Washington. And I emphasize that if you include private timber. Even if you did not include private timber, which I am not trying to ban—I think we should; I am not trying to ban it—you are still talking about anyplace from a low estimate of 10,000 to 15,000 jobs to a high estimate of 35,000 to 40,000 jobs lost in the States of Oregon and Washington because of exports off of public lands.

Now I might say, Mr. President, those are not evenly spread around the State. Seattle and Portland are not as nearly directly hurt as Sweet Home, Lebanon, Oak Ridge, Sutherlin, Roseburg, Grants Pass, smaller towns, mill towns that are going to be ghost towns if they are not mill towns. There is going to be severe unemployment in those sections of the State which already have a higher than average rate of unemployment for the State. And I emphasize again there will be a loss of good jobs, jobs that pay a sufficient wage that a one-family earner can support a family. In most of the areas they are not going to be replaced with other jobs. If they are, the jobs are not going to be as well paid as the jobs that are lost. So it is understandable why labor supports this.

Although, I must say, there is almost a humorous contradiction to this. The national AFL-CIO supports my amendment. The national AFL-CIO is opposing an amendment I am going to offer also to this bill involving the import of shoes from the Caribbean Basin. So I wish staff would listen to what I am saying. When the AFL-CIO calls and says oppose the Packwood amendment, make sure you understand it is the shoe amendment. Because another arm of the AFL-CIO is calling today saying please support the Packwood amendment and they mean the timber amendment.

I cannot think of a better illustration to use than when you have at the same time an organization opposing you with the right hand and supporting you with the left hand. And I understand why. To them, it is jobs in both cases.

Here is the list of Senators who cosponsored S. 754. Now I have not had time to contact them to see if they are cosponsors of the amendment but the amendment is so insignificantly different that I doubt that there is any problem. I might say Senator BENTSEN indicated he will support the amendment also.

The following Democrats support the amendment: Senators BAUCUS, BRYAN, HEFLIN, LIEBERMAN, METZENBAUM, PRYOR, and SANFORD.

The following Republicans: BURNS, DURENBERGER, COHEN, JEFFORDS, HATCH, MCCLURE, MURKOWSKI, PACKWOOD, ROTH, STEVENS, SYMMS, WALLOP, and WILSON.

That is hardly a list of all hard-shell conservatives from the West, hardly a list of all Republicans. I do not think anyone will confuse Senator METZENBAUM with a conservative Republican from the Northwest or Senator LIEBERMAN.

This bill has widespread support.

In addition to those, here is just a partial list of the environmental groups nationally that support this amendment: The National Audubon Society, and the Wilderness Society.

From the labor side: AFL-CIO, the Association of Western Pulp & Paper Workers, the United Brotherhood of Carpenters & Joiners of America, the International Woodworkers of America, and the Industrial Union Department of AFL-CIO.

From the trade association: Western Building Material Association, the National Lumber & Building Material Dealers Association, North American Wholesale Lumber Association, and Southeastern Lumber Manufacturers Association.

Then, in Oregon, I will read a few:

The Audubon Society; Headwaters, Inc. of Medfore; Izaak Walton League Oregon Division; Lane County Audubon Society; National Wildlife Federation; Oregon Natural Resources Council; Rogue Valley Audubon Society; Sierra Club; and the Wilderness Society.

Among the groups relating to workers, of course, the Oregon AFL-CIO and interestingly, the Oregon Education Association supports this initiative.

I will not read the entire list of businesses, but it is those in the timber industry: The Alder Creek Lumber Co., of Portland, Barclay Logging Co., Boise Cascade, Georgia-Pacific, and so on.

Mr. President, I ask unanimous consent that the list of Oregon Groups and businesses that support this amendment be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OREGON GROUPS AND BUSINESSES SUPPORTING LOG EXPORT RESTRICTIONS, July 19, 1989

Honorable Neil Goldschmidt, Governor of Oregon.

ENVIRONMENTALISTS

1. Audubon Society.
2. Headwaters, Inc. of Medford.
3. Izaak Walton League Oregon Division.
4. Lane County Audubon Society.
5. National Wildlife Federation.
6. Oregon Natural Resources Council.
7. Rogue Valley Audubon Society.
8. Sierra Club.
9. The Wilderness Society.

LABOR

1. Oregon AFL-CIO.
2. Oregon Education Association.
3. Eugene Education Association.
4. Western Council of Industrial Workers.

BUSINESS

1. Alder Creek Lumber Company, of Portland.
2. Astoria Plywood.
3. Banks Lumber.
4. Barclay Logging Company, of Sisters.
5. Bohemia, Inc., of Eugene.
6. Boise Cascade.
7. Brand S Corporation, of Corvallis.
8. Eugene F. Burrill Lumber Co., of Medford.
9. C & D Lumber Co., of Riddle.
10. Clear Lumber Manufacturing, of Sweet Home.
11. Fort Vancouver Plywood.
12. Frank Lumber Company, of Mill City.
13. Friesen Lumber Company, of St. Helens.
14. Hanel Lumber Company, of Hood River.
15. Linnton Plywood, of Portland.
16. Medford Corporation.
17. Montmore Timber Products, of Coos Bay.
18. Mountain Fir Lumber Company, of Salem.
19. Multnomah Plywood, of St. Helens.
20. Bob Ridgley, President, Northwest Natural Gas.
21. Oregon Association of Relators.
22. Oregon Home Builders Association.
23. Oregon Overseas Timber Co., Inc. of Bandon.
24. Oregon Rubber Company of Eugene.
25. Pope & Talbot Inc., of Portland.
26. Portland General Corporation.
27. Rogge Forest Products, Inc. of Bandon.
28. Roseburg Forest Products of Roseburg.
29. SDS Lumber Company, of Bingen, Washington.
30. Second Growth Forest Management, Inc. of Eugene.
31. Seneca Sawmill Company of Eugene.
32. South Coast Lumber Co. of Brookings.
33. Stevenson Co-Ply, of Stevenson, Washington.

34. Stimson Lumber Company, of Forest Grove.
35. Sun Studs, Inc., of Roseburg.
36. Swanson Brothers Lumber Company of Noti.
37. Taylor Lumber & Treating, of Beaverton.
38. Marsha Congdon, Vice President/CEO, U.S. West Communications of Oregon.
39. Willamette Industries, Inc. of Portland.
40. Willamina Lumber Company.

CIVIC ORGANIZATIONS

1. Eugene Chamber of Commerce.
2. Grants Pass Chamber of Commerce.
3. Medford Chamber of Commerce.
4. Portland Chamber of Commerce.
5. Roseburg Chamber of Commerce.

TIMBER ASSOCIATIONS

1. Douglas Timber Operators & Roseburg.
2. Northwest Timber Association of Eugene.
3. Northwest Forestry Association of Portland.
4. Northwest Independent Forest Manufacturers of Tacoma, Washington.
5. Portland Wholesale Lumber Association.
6. Siuslaw Timber Operators.
7. Small Business Forest Products Association, of Artois, California.
8. Southern Oregon Resource Alliance.
9. Southern Oregon Timber Industries Assoc. of Medford.
10. Western Forest Industries Association.
11. Western Wood Products Association.

OREGON COUNTIES

1. Clackamas.
2. Columbia.
3. Coos.
4. Crook.
5. Curry.
6. Douglas.
7. Hood River.
8. Jackson.
9. Jefferson.
10. Josephine.
11. Klamath.
12. Lake.
13. Linn.
14. Morrow.
15. Polk,
16. Yamhill.
17. Wasco.
18. Washington.

OREGON CITIES

1. Baker.
2. Boardman.
3. Brookings.
4. Cave Junction.
5. Central Point.
6. Coos Bay.
7. Cottage Grove.
8. Depoe Bay.
9. Dundee.
10. Echo.
11. Elkton.
12. Estacada.
13. Eugene (Mayor only).
14. Forest Grove.
15. Gearhart.
16. Gold Beach.
17. Grants Pass.
18. Imbler.
19. Irrigon.
20. Island City.
21. Jacksonville.
22. Medford.
23. Milwaukie.
24. Myrtle Creek.
25. Nehalem.
26. Oregon City.
27. Paisley.
28. Pendleton.
29. Pilot Rock.
30. Portland.
31. Port Orford.
32. Prairie City.
33. Prineville.
34. Rogue River.
35. Roseburg.
36. Salem.
37. Seaside.
38. Sheridan.
39. Silverton.
40. Sweet Home.
41. Talent.
42. Waldport.
43. Wasco.
44. Wood Village.
45. Yoncalla.

OTHER OREGON GOVERNMENT AGENCIES

1. Port of Coos Bay.
2. Port of St. Helens.

So, in an unusual coalition, you have business, labor, environmentalists, and the administration supporting the ban on the export of logs from Federal land and a ban including limitations on substitution. This coalition, I will be very frank, is not going to hold together forever because the debate will come as to whether or not, once we have determined how many logs are going to be left in the United States, how much standing timber is going to be harvested or how the remaining part of that standing timber should be managed. Should it be managed strictly for jobs and perpetual timber cutting? And by this I mean sustained yield. Nobody is talking about cutting and running. But should a portion of it be timbering or planning or a sustained yield basis? Or should a larger portion of it than desired by those who want to manage it on a sustained yield basis for timber be set aside for nontimber purposes, fish and wildlife, recreation, wilderness?

At that stage the coalition will fracture. In fact, it has fractured, and we will find the unions and business on one side and the environmentalists on the other. But at this stage they all make common cause on supporting this bill.

And, as I say, the administration, and to its credit, has reversed its position. A year ago, in the first President Bush budget—it was a carryover of the old President Reagan budget—the administration came out to eliminate the ban on the export of logs from Federal lands. We had a ban, but we had been operating from year to year in the committee and the ban was operating from year to year. As long as Senator HATFIELD remains in the Senate and Congressman AUCOIN remains in the House, I think we could succeed in doing that, although there were loopholes in it in terms of substitution. Any number of companies were grandfathered. This was passed in 1973 and, if they were exporting then, they were allowed to continue to export, and they still do. And there were some other exceptions for direct and indirect substitution.

But the administration wanted to eliminate that ban and sell off the logs overseas that they could sell. That was in 1989.

In their budget message this year, they changed their position 180 degrees. They said they now realize from the standpoint of conservation and protection of the resource, we should have a ban on the sale of logs off of Federal public lands. They took no stand on the issue of the State bill. I emphasize again my amendment, when offered, will not touch State lands.

So, not only have we had the administration change position, we have all of these other groups, that are often disparate and often fighting, come together on this issue and an aggregation of sponsors in the Senate that covers the spectrum, probably, from far left to far right and geographically from Connecticut to California.

Who opposes the bill? It does have opponents. The Pacific Rim Trade Association. The Pacific Rim Trade Association is a collection of companies—I am generalizing this—a collection of smaller companies and larger companies, some of them involved in the export of logs personally, their own companies. I understand their interests.

Ports who export logs are opposed, stevedores, longshoremen, exporters, and importers. These are all people who have a direct interest in the export of logs, and their opposition is perfectly honorable and understandable, although to Georgia Pacific's credit, although a member of the Pacific Rim Trade Association, when they took a position against this bill, Georgia Pacific sent me a letter and said, "In this case they do not speak for us and we support a ban on the export of logs."

Then, of course, we have Weyerhaeuser, and Weyerhaeuser is in a class by itself on this issue. I will have them correct me if I misstate myself on this, but I think they sold $300 to $400 million worth of logs overseas last year, logs that could be sold here and processed here, logs that we need here. I will say again, if their lobbyist is listening, if I have given the wrong figure I will correct the Record, but I can say without any fear of contradiction that Weyerhaeuser exports more logs by themselves than all of the exporters in the country put together: all the companies, all the State lands, all the public lands. So, clearly, do they have an interest? They have a direct interest.

As I say, I have not touched the issue of State lands. There is a difference between my bill and those from the State of Washington on the issue of substitution of the logs on Federal

lands. I would make the case that, if we are short of timber in this country, we should not be exporting logs directly or indirectly off of Federal lands. And in drafting this bill I had to step on some toes, in Oregon, of people who would support a log export ban if I would make an exception for them, in essence, because they were involved in direct or indirect substitution.

I said, no, in good conscience, if we are going to say it is not in the interests of this country to export an item that is in such short supply that we cannot take care of our own needs, it is not fair to say: But for those few companies that are directly or indirectly substituting public timber for their timber, we will make an exception. If the policy is good, an exception should not be made.

So I did not. It caused me some grief in the State of Oregon. Those from the State of Washington would like to have broader substitution exceptions that I think wise, broader substitution exceptions than organized labor or the environmentalists or the others in the aggregation of supporters on this bill think is wise.

The purpose of debate in the Senate is to debate those issues. I would expect, when I offer the amendment, that those from the State of Washington may have amendments to offer to it in terms of allowing substitution so that they can continue to sell their own private timber overseas and buy public timber in some cases. That is a fair debate, but I do not think it is good public policy.

I will say again in closing, Mr. President, I do not think it is good public policy, either, to be exporting logs off of private lands. I simply chose not to engage this battle at this time because it buys me a passel of opponents that are not at the moment involved in the export of logs and may never be involved in the export of logs. But when we start to say we are going to affect private rights, they tremble. So, for the sake of getting some good, I am ready to give up the perfect.

In conclusion, I say I will apologize to anyone that I blindsided on this by asking for the unanimous-consent agreement, and that is why I was willing to vitiate the agreement. I have told them personally and told them in staff meetings where their staff was present, and I was at the staff meeting with the staff, that I was going to go on this bill with a Federal ban.

All along my position is there should be no substitution. We will fight out that battle. I am pleased to say I do not very often get to have a battle in which I have allied with me the AFL-CIO, the Audubon Society, and the Wilderness Society, and almost all of the timber industry, save Weyerhaeuser, and an aggregation of cosponsors that is as disparate, geographically and philosophically, as you can get.

The PRESIDING OFFICER (Mr. SIMON). Who seeks recognition?

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, in listening with care to the remarks of the Senator from Oregon, I find myself able to agree with some 90 percent of what he has said and simply wish to remark that it is to a very considerable degree irrelevant to the amendment which he proposes to introduce. The Pacific Northwest and particularly the States of Washington and Oregon are, indeed, subjected to devastating and unexpected changes in timber management practices with respect, primarily, to Federal timberlands and the national forests under the Bureau of Land Management.

With the possible addition of impacts on both State-owned and privately owned land, as well by reason of the imminent listing of the spotted owl as either a threatened or endangered species on all, or on large parts of the national forests of those two States, that devastation is difficult to justify in any set of remarks on the floor of the U.S. Senate with respect to the impact it will have on individuals, on families, and on communities in the rural and forested portions of both the States of Washington and Oregon.

I believe that, if anything, the distinguished Senator from Oregon was too modest in his description of the percentage loss of cut in the two States which is likely to result from that listing and from the so-called Thomas report. Rather than 10 to 15 percent, at least in certain areas it is likely to be 40 or 50 percent. At least that on the Olympic Peninsula in the Olympic National Forest, much of which has already been set aside as wilderness and for other purposes inconsistent with timber production.

As a consequence, the challenges with which we are faced literally, in order to save the forest products industry as a viable part of the economies of our two States, is a daunting one, indeed. It is one on which I wish I could speak here today with the confidence that I spoke for a united delegation of not only Senators but Congressmen from both the States of Washington and Oregon. By reason of the proposal of Senator PACKWOOD, however, I am unable to do that and must report he is dividing rather than uniting those delegations.

He is correct in stating, as well, that there are a number of aspects to the problem of timber supply. The one affected primarily by Federal policies, of course, is Federal timber supply on Federal lands. There are State lands in each of the States of the Northwest, even those other than Washington and Oregon. There is a greater acreage of State lands in Washington than Oregon primarily due, I suspect, to the fact that Washington is a younger State and entered the Union under somewhat different circumstances and with a large grant of Federal lands which were to be managed for the benefit of its schools and its education system.

There is in each State, of course, large acreage of privately owned timberlands. In the case of the State of Washington, at least, larger in acreage and much larger in production than those Federal and State lands combined.

The debate over log exports is hardly a new one, Mr. President. It has been going on with, I must say, two sides speaking past one another for a longer time than I have been a Member of the Senate, and I suspect for a longer time than ever the Senator from Oregon has been a Member of this body. Generally speaking, there have only been two sides and no middle ground on that debate, at least as it respects State lands; one which would ban totally the export of raw logs from State lands and one which would allow the market to determine prices and to make decisions about the destination for such logs.

The Senator from Oregon is right in saying with respect to State lands that the other States—California, Oregon, Idaho, and Alaska—all have policies which would prohibit the export of logs from State lands. Because of the way in which most State lands came into the title of the State of Washington, however, its statewide policies have always been profoundly different. Those State lands, in the most part, are managed for the benefit of the public schools, particularly the public school construction fund. The constitution of the State of Washington requires that they be sold to the highest bidder because the State is acting in a trust relationship and must get as much for its schools as it possibly can.

Attempts have been made to change that State constitution. They have uniformly been defeated. Nonetheless, the crisis which began to grow some 2 years or so ago over additional tremendously wide set-asides of Federal forest lands for spotted owls and for other conservation purposes has caused a change of heart on the part of many in the State of Washington, including this Senator and including I believe, and we will hear shortly, on the part of the senior Senator from the State of Washington. Each of us has historically taken the position that the market should govern where logs from State lands are sold because of the impact that the sale of those logs has on the public school system. Each of us has come to the point in the course of the last 6 or 8 months in which we think there should clearly, however, be some restrictions in spite

of that trust relationship in order to help alleviate, at least in some small part, the devastation caused by various Federal court decisions based, I must hasten to add, on statutes passed by the Congress of the United States with respect to the management of State timber.

There are, of course, as the Senator from Oregon pointed out, two other sources of the export of raw logs. One is overwhelmingly the largest exporter of raw logs, from privately owned odd timberlands in both States and, for that matter, in other States. The desirability of local pressure, a lot of impact on private owners of logs to prohibit them selling where the market was best would be an extraordinary interference in the free market to say, at the very least. As the Senator from Oregon has pointed out, in spite of his support for such a ban, he does not here propose it.

The third source of logs which historically has been exported is, of course, from the margins of Federal lands. For some 20 years or more, there has been a general prohibition of the export of logs from Federal lands—the National Forest Service and the Bureau of Land Management primarily—amounting to a subsidy for the timber products industry in the Pacific Northwest because, of course, it means that forest timber sales are at a lower price than would likely be the case if they were to be bid on for any purpose. The rest of the Congress has been generous to the Pacific Northwest in this connection; necessarily generous because most of our small mills, unlike large companies like Weyerhaeuser, have no land base themselves and must bid on publicly owned timber in order to keep operating and keep their employees and communities in work, at work, and prosperous.

So each year the appropriations bill has included a rider for 1 more year prohibiting the export of raw logs from Federal lands with some exceptions. It is those exceptions which I gather are the subject of an amendment which the Senator from Oregon has not yet offered. That subject is the smallest by far of all of the sources of logs, either for domestic processing or for export. It is a number which is significant, of course, but it pales in significance when compared with the bulk of timber from Federal lands, with the amount of timber from privately owned lands and with the amount of timber available, at least from the State of Washington, from State-owned lands.

The exceptions which have been included in these annual appropriations bills passed almost automatically in this body, due to the senior Senator from Oregon, are in the field which the Senator from Oregon has correctly described as substitution. Some so-called direct substitution and some so-called indirect substitution. Direct substitution is relatively rare. I am not sure it exists in Oregon at all. It existed in Washington for one mill. Incidentally, a Weyerhaeuser mill, 40 years ago entered into a sustained yield management program and signed a contract with the Federal Government under which it could make a certain amount of direct substitution.

Indirect substitution we can discuss later and is somewhat more complicated. Each amounts at least in the State of Washington, I think perhaps in the two States combined, to less than 100 million board feet per year. The amendment proposed by the Senator from Oregon would cancel those direct substitution contracts and prohibit indirect substitution as well without any real exceptions.

This Senator has not the slightest objection to the Senator from Oregon establishing such policies with respect to the national forests in Oregon. They would however be highly disruptive of the market in the State of Washington, much more disruptive than their constructive changes in timber management would indicate.

Because of this historic difference between Washington and Oregon, because most of the Washington congressional delegation has traditionally not favored a ban on the export of logs from the State land, our congressional delegation which meets together, Senators and House Members, at least monthly, authorized this Senator and the distinguished Congressman from our northwestern district, Congressman SWIFT, to meet the proposal for a middle ground covering both the subject of exports from State lands and Federal substitution to that delegation.

It was a difficult task. We were faced with great conflict within the State but with a sentiment on the part of our delegation that a middle ground not only was appropriate but was reachable. Interestingly enough, perhaps curiously enough, a meeting, at which the two of us reported to our congressional delegation, took place yesterday morning under the chairmanship of the distinguished senior Senator from my State.

The delegation itself authorized the two of us to go forward on a concept which is approved and to attempt to negotiate with Oregon so that we could have a united front on this field.

In summary of course it was our view that policies with respect to Oregon should be decided by the Oregon congressional delegations. They would almost certainly include a total ban on the export off raw logs from the State lands of Oregon and of the kind of Federal substitution which I gather is to be the subject of this amendment.

In the case of the State of Washington, because it is of a different historic background, and recognizing the terrible devastation about to be imposed on the timber industry in many of our communities by these various spotted owls and other environmental decisions, the delegation moved a long way, and now proposes to ban the export of roughly half of the production of our State lands and a considerable tightening of the restrictions on substitution on Federal lands.

The Congressman from the Second Congressional District, I believe—I cannot make this as an unequivocal statement at this point but will be able to inform the Senate later—in whose district the Simpson bill lies, I believe wishes however to continue that particular 40-plus-year-old contract which has worked very well in stabilizing not only timber production but employment in one of the principal economies of his district.

There are other much less significant indirect substitutions in the State, which are of help to small mills, and of help to mills other than the Wayerhaeuser Co. which we believe also should be excepted. I find it regrettable that the Senator from Oregon has not been willing to consider the views of the Washington congressional delegation on this subject, and therefore have either to delay the debate on this subject for some considerable period of time or to prepare—and I am in the process of preparing—a State of Washington amendment which would reflect the views of our congressional delegation to introduce as a second-degree amendment.

My own strongly held view is that the use of the regular process, the condemnation of the bill that deals both with State log exports and with Federal substitution, would be a vastly preferable way in which to go. I know of no substantive difference which now separates the Washington and Oregon congressional delegations with respect to State timber.

I think we have only a drafting problem to make certain that our views are clearly stated in that matter. I regret to say it does seem to be a difference here, and it is a difference which I would ask this body to deal with by permitting the Washington delegation to determine these policies with respect to Washington, and the Oregon delegation and those of the other States impacted to make the decisions with respect to Oregon.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Washington is recognized.

Mr. ADAMS. Mr. President, really this morning is a bit of tragedy of jumping the gun. I do not say this critically of the Senator from Oregon because of course he can place the

amendment in at any time that he wishes. But as chairman of the Washington delegation and a senior Senator we have met under my auspices once a month, sometimes twice a month—I think we met as recently as Thursday—on this specific timber problem.

We have shifted our traditional position. I am probably one of the few here who was actually in Congress when the ban on export of Federal logs from Federal lands was put in place. We used to call it the "Julia Butler Hanson" amendment because it was put in the Interior appropriations bill. At times it was called the Morse amendment. But here has been a ban on any logs from Federal lands being exported for many, many years as stated by Senator PACKWOOD and as stated by Senator GORTON.

I am in support of that being made permanent. I have no objection at all. In fact, I think we are long overdue to place what Senator PACKWOOD has suggested as the substantive committees' putting on such a ban rather than being done year by year in the Appropriations Committee. I advocated it. I testified for it in front of the House. I testified for it in front of the Senate. I am hopeful that type of ban will occur.

The same thing applies, Mr. President, to the substitution issue. But it is as stated by the junior Senator from the State of Washington, more complicated in the State of Oregon than in the State of Washington. And the same is true of public lands. The reason for the original ban on Federal lands was to protect smaller mills and others in the State so that they could have a supply of timber that did not own it themselves as the timber giants did.

But a desperate economic situation hit the Northwest, once early in the seventies and again early in the eighties. I know the Senator from Oregon remembers this. Log exports were not a major factor in the Northwest timber industry until the very recent last 25 years.

My family grew up in the timber business. We had people in my family who logged Queen Anne Hill in Seattle. We had one brother who was in New England who sold the timber and the lumber products there. But during the course of many, many years, Mr. President, the markets from Canada, and the Southern United States, flowed into the middle part of the United States and into New England, and gradually the Northwest market began to shrink for finished products internally.

We were moved back first to Chicago, later to Butte. We finally had a rather limited market, and our problem was to sell logs or to sell finished products. We were selling to Hawaii, to the State of Washington, and some to California. That was about it. So the industry was not prosperous. But then an even worse disaster befell us. A storm blew down an enormous number of logs, logs that must be harvested within a fairly limited period of time. Otherwise, the bugs and climate and everything else destroys them. Later, we had the Mount St. Helens' disaster, which had the same effect. It was an enormous, what we call, a "blowdown."

At this point, the idea was struck that, well, maybe the international market would like logs or like timber. We wanted to get rid of an economic problem. It was a question of getting them off the ground, getting them sold in any way possible, or having them rot. So, gradually, an export market was built.

This export market became, suddenly, in the eighties, very popular. The Japanese liked receiving these logs. The Chinese began to like to receive these logs. They were beautiful straight line, straight grain timber. They used them in their type of construction. Then we got into a very complex attempt in the Northwest to cut to Japanese standards, which are very different than ours. They do not tilt up their houses. They sell the interior part in a little package with a blue ribbon in it, and they use the beams without anything on them across the tops of their houses, because of the clear grain. It is a very complicated business.

But logs began to be a valuable item. And some of our people converted. All of this in the early eighties meant that our timber industry—which a lot of these small mills had gone out of business, and a lot of the others were in terrible trouble—began to export logs more and more. Then it became overwhelming, because as our market came back in the United States, then at that point companies were selling both logs and finished products, and then began to say to the Japanese, and rightly so, "we do not want to send our resource over there. We want you to take our finished product."

That is a terrible debate going on right now, and I hope we win it, and that is why I am in favor of holding our logs in the United States from Federal lands and not letting people substitute.

In the course of doing this, as we banned them from Federal lands, substitution became necessary. I think the Senator from Oregon and the Senator from Washington, who have spoken, know this very well. I do not know how many of the other Members know why substitution became a problem and indirect substitution became a problem.

When you cut a section of timber, you get all kinds of product out of it. You get some very large trees, some very small trees, and the substitution and indirect substitution became methods whereby people who cut a series of timber and could not handle it in their mills, would take and swap back and forth. Also, certain companies—and I think this is what Senator PACKWOOD has directed a great deal of his emphasis in the second part of his amendment toward—certain of the mills had a grandfather right. In other words, they had been logging in the Federal lands, and so they were given the right that if they took their timber from private lands—there was Weyerhaeuser or Crown Zellerbach, or whatever company you want to name—and they would substitute in their timber, they could use Federal logs for either export or for cutting. The reason for it was that the location of the mills and the location of the timber very often did not match. So they would substitute into the market a certain amount of timber. But this was limited.

There was a limited right to do this substitution. There also became a right of indirect substitution where somebody who had a little mill was cutting, and they could not use part of it, so they would swap off with the big mills, and this was called indirect substitution.

I do not say any of this was right or a long-planned thing. It was the way the market grew up. Oregon is very different than Washington in this effect. We have cutting circles in the State of Washington, many of them contractual, and one of them was mentioned by the junior Senator from the State of Washington, whereby a town had a 100-year contract with a mill which had, in turn, a 100-year contract with the surrounding forest area to cut a certain amount per year for that many years for jobs, to stabilize the market. We have to undo that contract. I think it should be undone. I think that we should be out of that business.

So what the tragic part about this is we are in support—this Senator is—of many, many of the provisions that are being proposed by Senator PACKWOOD, but we have not had a chance to negotiate with him to handle our specific problems; and that is why we are trying to draft a substitute amendment that would accomplish the two parts: ban making permanent on Federal lands—and all of us are agreeable on that—ban log exports; and ban indirect substitution.

But we have contractual things that we have to handle first. We have gone much farther, and as was explained by the junior Senator from Washington, what I attempted to do as we had our delegation together was to take those who were of greatest interest, who had these forests and had spent the time on them, like Representative SWIFT and others, and put them on committees with Senator GORTON to draft a

plan that will come up later this year, regardless of whether we pass this, that would begin to deal with timber supply for these little towns, because of the effect of the fish and wildlife decision of protection of species within the forests, the fact that the forest plans will not allow as much timber to be cut.

In other words, the whole delegation realizes that the cut must go down, that old growth must be protected, that there are various ways of new selective timber cutting that must be done.

I congratulate Senator PACKWOOD for leaving that portion out, and we hope to put it in the Export Administration Act, because he is absolutely right. The Federal Government said that, through the Supreme Court, individual States could not make foreign policy of what logs they would export or not export. That has to be taken care of, and we are going to do it in that act. If we were not to do the Packwood amendment at all today, this matter would be up in that act. I have talked with Senator SARBANES about it, and he understands we have that problem before us.

What is concerning us is that we picked two small pieces out of this, and we would even go along with that if we had a little voice in those two small pieces, so that we could take care appropriately of banning the log exports and providing a supply of timber for our smaller mills.

There are several ways you can do this, and I think they are constitutional; which is to say, for example, off the sale of State lands that the first $400 million board feet could not be exported; that it would keep the foreign buyers from coming in and bidding up the price but would still leave a marketplace for logs above that. That is one suggestion.

I am saying that this matter is going to come before the whole body. What Senator PACKWOOD is doing is taking two small pieces out of this which, if we had a little time to go through it with him, I think we could agree, and we could handle the substitution problem through either a grandfather clause or through some type of statement as to what the rights of these people would be. Because as I understand it, the Senator is only talking about direct substitution and a ban on Federal lands. And if we could get a substitute amendment to do that, we would be very pleased to vote for this bill.

I would personally vote to table it in the form it is in now because I have never seen it. I have not had a chance to go through the pieces of it. We have not finished drafting the substitute. I have told the people get it over here so that we have an orderly transition and you do not have to make it perfect because we are going to have a second shot at this in the Export Administration Act.

I agree with Senator PACKWOOD. I think that at some point in that act we are going to have to do it on private lands, too. I do not yet know how to do it, whether you do it with a tax or do it in another fashion, but you cannot have individual States with individual policies.

So what I am pleading for this morning is that if this were to come up immediately I would have to request that it be tabled, not because I am opposed to what he is doing, but because we have not had the time to flush out and correct the bill and we know it is coming up in another part later. We have not had a chance to negotiate it out. We need to have that time.

I want to close by saying this, because I know the occupant of the Chair at the present time is interested in what I am most deeply interested in, one of the major problems here is we are going to reduce that cut even after we finish with the exports and they are kept in the United States. There is not going to be enough timber. So mills are going to close. They have already closed. They started closing 2 years ago, even though we put in a special bill, Senator HATFIELD and myself, and the Appropriations Committee—it was later carried in the House—that allowed a system for dealing with the spotted owl and for dealing with these timber contracts. That runs out and they have not been able to complete it. New forest plans are coming in. So towns have closed. When you talk about what happened to the miners in the Clean Air Act, I can state to you that as the exports stop, the longshoremen will go out of business and the loggers will go out of business, a lot of them, and this is going to be something that we are going to be coming to all of you and saying we need help for people to readjust for their jobs, we need assistance to communities so they can retrain and revitalize.

We know that this is going to have to happen. That is why we are here this morning, with Senator PACKWOOD, saying give us a little opportunity to take this piece by piece.

I will vote for your Federal ban on export of logs from Federal lands. I am for that. I think we should do that. I am for shutting down the export market and doing something about the direct substitution. You just caught us a little too fast to know what all the effects are in our State.

I close by saying this—and I hope I have the attention of the Senator from Oregon, because I think it is very important, and the Senator from Texas, too—we are going to have to deal with State lands at a later point here, and in our State, the school construction comes from the State lands, $147 million of it. We have to correct that problem in the next bill. So we have no choice but to do that.

So I am hopeful that we will have an opportunity today to—if the Senator insists—do the things that we are already in agreement on, not cause ourselves to be boxed so that we cannot move forward further in planning for reduced cut and protection of the species and the old growth and the other portions of the forests and help our towns out there through this very difficult period of time.

If that can be done, we, of course, will withdraw our objections to it. But this came on us too fast. I think with a few minor changes we could get it accepted and go through it.

So, I hope, Mr. President, that not only the history but the very deep problems that we have are understood by our colleagues, and if we cannot get the substitute amendment that they will table this with the assurance we will do the whole thing in the Export Administration Act because we are for stopping this export of large old growth timber to Japan. We want to stop that. We are all looking for the ways to stop it within the abilities of Congress and the State to deal with the other problems that we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I told the distinguished ranking member of the Finance Committee that although I support his amendment I believe that a proper definition of what it really does is like putting vasoline on a cancer. I suppose if you have no other medicine and you have cancer maybe vasoline is better than nothing, but the reality is in my opinion that the Japanese buying logs is not the threat to the lumber mills of the Pacific Northwest, that the real threat is ourselves, our own Government ownership policies where we now have 3,000 lawsuits against the U.S. Forest Service to stop the harvesting of U.S. trees.

As I said, I am generally supportive of prohibitions on the export of logs off Federal forests. Generally speaking, I would say it is not a bad concept so we can have value added to these logs and produce a product where we can export overseas where American workers can produce it. We know our forest products industry is efficient, modern, and much superior to that of the Japanese. The Japanese are imposing very restrictive tariffs and other mechanisms to keep United States finished lumber out of their markets so they can develop their own industry. Those are given facts.

But I do think that this is a Band-Aid solution. I understand, appreciate, am sympathetic, and I hope the Washington State problem can be worked out. I say to my two colleagues from Washington State they they will be

able to resolve this issue, but in my opinion the timber is out there to meet the needs of the American mills. The problem is we just cannot seem to get to it.

The questions need to be resolved: roadless area questions, the failure of the forest planning process, the legal challenges, delays, cumbersome appeals process, the long, lengthy time it takes. If it were not for these obstacles there would be a lot less hue and cry from local mills about log export bans, which is really a Band-Aid solution, as I mentioned.

In the long run, I think we all need to recognize that prohibiting logs leaving the Northwest will not compensate for a steady decline in Forest Service sales. No amount of trade policy adjustment or environmental policies are going to compensate for the basic management flaws in the Government.

This is our problem; this is a United States problem. I realize that the Congress of the United States and the body politic of the United States are not on an enlightened enough level today that they would be willing to go out and help privatize larger sections or the management at least of some of those national forests as is done in Sweden so they can continue to farm and grow trees.

It just so happens that my personal background is one of tree growing, and in all reality the harvesting of timber is like a gardener, except the harvesting takes 60 years in some cases or 80 years in other cases or 40 years in other cases instead of an annualized crop. All too often people in the name of the environment, and they want to do good, are protecting the harvest of trees that should be harvested so that we can plant new trees and continue to have a new growth of forest that will grow much faster.

I think it is very interesting that yesterday there was an article in the Washington Times about the differences in the areas of the United States. I paraphrase from that article.

What is intriguing about the growth of wood supply in the United States is that the mainly federally owned and "preserved" West, the national forest where the big bulk of our mature softwood timber supplies are in Oregon, Washington, Idaho, and Alaska, the bulk of that forest's production is actually going down, decreased by 9.7 percent; but in the North it is up by 79 percent; in the South it is up by 66 percent. This is since 1952 where the private forest ownership was 80 to 90 percent private. This is really what the problem is.

I believe personally that we would not have to do anything even as radical as completely privatizing the national forests if we just manage the national forests as Theodore Roosevelt and Gifford Pinchot suggested, so we have a wise use of resources and not get confused by spotted owls and timber wolves and red line and blue line forests so we could preserve the old trees and we could preserve the spotted owls and other species, but go ahead and harvest the older trees and replant them as is being done in other places in the world. We would do two things.

We would do two things. No. 1, we would supply the adequate timber that is necessary for the pulp and paper and fiber of this country, for the housing of this country, and for the jobs of the people in this country. We would grow new forest, which would consume carbon.

As a matter of fact, no thanks to the national forest system, but it is interesting that a major new study by the Goddard Space Institute and Columbia University shows that young forests actually sink the carbon levels and consume it. James Hansen, of NASA, told the National Academy of Sciences workshop in January that, because of our growing forest volume, the United States now is actually consuming carbon and sinking the surplus in the world. And we are doing it, we are where we are, growing more wood and fiber for the use of the people, and that is in the South and in the North where the trees are being managed as a farmer, a true conservationist, would harvest the old and dead or dying slow-growth trees and replant them with younger forest that can continue to grow, and then the next generation can do it again.

Mr. President, although I support the Senator from Oregon's amendment, because there is no question that we feel the pressure in my State as the Oregon bidders come over and bid on the forest, but I still think that those of us in the Senate should look at this from the long-range view. This is only a stopgap measure, a temporary measure.

What we should do in this Senate is have a long view of where we are going with the management of these national forests.

I say to the distinguished Presiding Officer, coming from the southern part of the State of Illinois, one of the truly great farming areas of the world, deep soil, lots of rainfall, good growing season, massive production in crops like soybeans and corn and other grain products, some of the best in the world, I would suggest to the distinguished Presiding Officer that, if we were to take his State and the rest of the breadbasket States from the Midwest and the Mississippi Valley and have two-thirds of them in Government ownership and then set up a department called the U.S. Feedgrains Department, like we have the U.S Forest Service, then I would ask the Presiding Officer, I wonder, rhetorically, how many bushels of corn and soybeans and wheat we would have to sell if the Federal Government were managing and they would have to go in and have 3,000 lawsuits, when they did have a manager who was trying to come up with a plan to grow soybeans or corn and they had someone come in and sue them for the management policies and say you cannot do that because you are interfering with the future of the spotted owl or whatever it might be or the gray mouse or whatever would interfere with the growing of these crops. This is what the problem is.

The sooner we start addressing the long, permanent problem, as long as we are going to insist that the Federal Government own all of these forests or at least have some kind of a massive participation on the management of it by the people who are not the professionals, not based on sound science, not based on the reality of producing wood and fiber, not based on the reality of when a forest gets old and stops growing and starts dying—it is burning slowly, when that happens, that is the ecological process, that is a biological process that is taking place. We are not producing any new wood. We are not producing any new growth. We are only producing carbon in those old forests. That is not good sound environmental policy. It also hurts people, Mr. President.

So, the Senator from Oregon is reacting and responding, as he should, to the sawmill workers and the loggers in his native State of Oregon. We have the same problem in Idaho. The problem is somewhat different in Washington State.

But I would say this. If you go back and look at the history of the last 50 years, we have cut hard on the private lands, on the State lands, in the Pacific Northwest, waiting for the time when we would then start using the national forest lands to fulfill the need for wood fiber and wood products in this Nation. Now the trees are old. They have stopped growing. They need to be harvested in many cases so new trees can be replanted and new forest restored, new growth restored, and we are stopped. We are stymied. We are buried in bureaucracy. We are buried in lawsuits. We are buried in litigation. And we are not really carrying out our responsibilities.

I would shudder to think what Gifford Pinchot would think if he were alive today to see the stalemate that has been produced in the Pacific Northwest when all you have to do is get in an airplane and, in my own State, start flying at the Salmon River and fly north to the Canadian border and you fly over forests almost the entire way, forestland of soft white pine, forest owned by the Federal Government where, in most instances, if

you do have a forest plan and a harvest management plan in effect, there is probably a lawsuit going on and it is being stopped and tied up in court over some endangered species, some watershed area, or some other reason, whatever you can think of, many of them very noble causes, but under the guise of stopping those forest plans.

It is like one of the leading environmentalists in the West said—and I do not recall the gentleman's name, but I could find it for the record. But his statement was, if we did not have the spotted owl, we would have to conjure up one or find some other species on which we could stop these pillaging foresters from harvesting these trees. It is as though it is some kind of a sin to harvest a tree that has stopped growing. If we had the same attitude over our gardens, we would find we would have no vegetables to eat.

Mr. President, I think this is really where we need to focus our attention. I hope that we can work out a substitution that is satisfactory to the unique situation with Washington State. I say to the Senator from Oregon, I think that there is no other choice than to do what he is trying to do at this point. But, in reality, the problem is a much bigger problem, and it is about time that the U.S. Senate and the Congress and the administration sit back and take a look at the hole card of where we are going and think that we who have the technology, 20 to 25 years ago have had people on the Moon, you would think we would have the good common sense to be able to sit down and come up with a management plan that would allow us to have a reasonable harvest level of those old trees in the Pacific Northwest that would actually in the long run make a healthier environment, not a worse environment.

Mr. President, I also say that we should recognize the fact that it is a pretty well proven fact worldwide that freedom works and government controls and oppression do not work. We are having hearings today in the Joint Economic Committee and they are talking about the economy in the Soviet Union. Just in summary of what the witnesses have said to the Joint Economic Committee thus far today is that the Soviet Union is broke, their economy is dead, they are not producing anything. They are worse off than they even imagined they were. There really has been no perestroika. There has been no reform. There has been no unleashing of human energy and unleashing of the natural resources for the people over there. They still are stultified, stagnated by Government ownership, bureaucracy that is massive and impedes the production of the foods and services that their people want.

Basically that is the problem we have here. So while we have no choice now for today but to try to do what we can to help keep the mills alive in the Pacific Northwest and keep people working, I say again that in the long run, I think it is time that we have a long look at this. Maybe our forest management plans in the 1976 Forest Planning Act are not working. Maybe it cannot be done. If it cannot be done, then we need to take a relook at how we can make the multiple use concept work.

Put some lines around some of those forests, leave some of that area to satisfy the needs and wants of the spotted owl and other species. And with the rest of it, get on with a reasonable, rational, careful, environmentally sound harvesting policy so we can have the jobs, supply the mills, produce the lumber for the houses of the people in America. That will allow people an opportunity to be happier and at the same time do something that is good for sound environmental policy in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. I would say to the Senator from Idaho I saw an example of that Sunday. I spent several hours going through what is called the Tillamook Forest in Oregon. It used to be called the Tillamook Burn. It burned tremendously in 1933, 1939, and 1945, a total of about 340,000 acres.

As we look at pictures from that era it looks like the Mount St. Helens explosion. It is hillside upon hillside bare, nothing. No trees. A few snags. Just bare land.

In 1948 the State of Oregon passed a bond issue to reforest the area. We have been reforesting ever since, some in the late forties, some in the fifties, some in the sixties.

In Oregon, the State forests are not managed on multiple use. The paramount use is timber production. There are some campsites but the paramount use is timber production. It is planted on an 80-year cycle. You plant them every 30 years; do precommercial bedding. Some do not grow as well as others. You take out the ones that do not grow very well and they are not big enough for lumber and you chip them and give more room for the other trees to grow.

Then about age 45 to 50 years you go through in what we call the commercial thinning and take out more trees that are big enough for lumber. Then in about 80 years on average, maybe 60 in some places, 100 in others, take out the remainder of the trees and replant them again. You can do so on a 80-year cycle.

As you drive down from Portland, down the Oregon coast, you drive through the Tillamook Burn. The highway just divides it and you can look on either side. What you see are hillside upon hillside upon hillside of trees. I would defy most people to be able to tell that that area was ever burned. It will be in harvest forever, well managed, on principally a timber basis. So, it is perfectly possible to manage things on that basis.

Second, I would say to my friend from Washington, I, too, wish we could go back to the era he wishes about, or as he has indicated, if we could just let Washington take care of the State of Washington and let Oregon take care of the State of Oregon, we could have a happy compromise. That is the way we operated on public land in the Senate until about 1975, as I recall. I might be off a year. That is when we passed the Alaska lands bill.

We set aside great portions of Alaska in wilderness areas, over the initial objection of the Alaska Senator, the Alaska Governor, the Alaskan legislature, the Alaskan press and, I assume, the Alaskan people. But we simply said that is Federal land. It is so pristine, it is unique, so that even through the local citizens want to handle it in one fashion, we are going to override them.

Ever since that day, for better or for worse, the idea that each of us in our State can say this is the way we manage our U.S. Forests, our U.S. Bureau of Land Management lands, has been gone.

So, consequently, I now vote if the issue comes up on the management of the Cape Cod National Seashore, and Senator KENNEDY votes on the management of the Siuslaw National Forest, and they are national properties and we vote on them nationally.

So, when the issue comes as to whether or not we should have direct or indirect substitution in the State of Washington, although it is unfortunately no longer possible, I would be willing to make that trade. I would be willing to give them that if the alternative was that henceforth the Oregon delegation on all management of public forests would have the final say as to how they are managed.

Having said that, I understand the situation that they have in the State of Washington with one mill in the Olympic forests with its contract and cutting cycle. If something would be worked out for that mill I would be amenable.

AMENDMENT NO. 1492

(Purpose: To restrict the export of unprocessed timber from certain Federal lands)

Mr. PACKWOOD. Mr. President, I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD] proposes an amendment numbered 1492.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert:

TITLE V—FEDERAL TIMBER EXPORT RESTRICTIONS

SEC. 501. SHORT TITLE.

This title may be cited as the "Federal Timber Export Restriction Act of 1990".

SEC. 502. PURPOSES.

The purposes of this Act are—

(1) to make permanent the current Federal policy of restricting the export of unprocessed timber from Federal lands;

(2) to review and revise Federal policy with respect to the ability of timber operators to acquire and mill Federal logs in lieu of exported private logs;

(3) to promote the conservation of forest resources consistent with Federal resources management plans;

(4) to help relieve the critical short supply conditions in industries which rely on an adequate timber supply; and

(5) to effect measures aimed at meeting these objectives in conformity with the obligations of the United States under the General Agreement on Tariffs and Trade.

Subtitle A—Federal Lands

SEC. 511. RESTRICTIONS ON EXPORTING OF UNPROCESSED TIMBER.

Notwithstanding the act of April 12, 1926 (16 U.S.C. § 616.44 Stat. 242), and except as permitted by section 513 or 514 of this Act, no person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands shall—

(1) export such timber from the United States;

(2) sell, trade, exchange, or otherwise convey such timber to any other person for the purpose of exporting such timber from the United States: or

(3) use, or assist or conspire with any other person to use, such timber in substitution for unprocessed timber originating from private lands exported or to be exported from the United States.

SEC. 512. INFORMATION GATHERING.

(a) REQUIREMENTS OF PERSONS ACQUIRING UNPROCESSED TIMBER.—In accordance with regulations issued under section 523, each person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands shall report the disposition of such timber to the Secretary concerned on a quarterly basis.

(b) REQUIREMENTS OF PERSONS CONVEYING UNPROCESSED TIMBER.—

(1) IN GENERAL.—In accordance with regulations issued under section 523, each person who sells, trades, exchanges, or otherwise conveys to another person unprocessed timber originating from Federal lands shall identify in writing the original of such timber to that other person.

(2) ACKNOWLEDGEMENT.—The person to whom such timber is conveyed under this section shall submit to the Secretary concerned, in such manner as the Secretary may prescribe—

(A) written acknowledgment of receipt of the written identification of the origin of such timber under paragraph (1), and

(B) a written agreement to comply with all of the prohibitions in section 511.

(c) REPORTS BY SECRETARIES TO CONGRESS.—The Secretary concerned shall, on the basis of the information received under subsection (a) and (b), report annually to the Congress on the disposition of unprocessed timber originating from Federal lands administered by that Secretary. The Secretary of Agriculture may meet this requirement by including such information pertaining to the National Forest system as part of the annual report required by section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (17 U.S.C. 1606(c), 88 Stat. 478).

SEC. 513. EXCLUSIONS.

(a) EXEMPTION FROM PROHIBITION ON SUBSTITUTION.—The prohibitions contained in section 511 shall not apply to a person if, before the unprocessed timber otherwise subject to the prohibitions is obtained—

(1) that person applies to the Secretary concerned, in such form as is prescribed in regulations issued by such Secretary, for an exemption of the prohibitions contained in section 511:

(2) that person demonstrates in such application that the Federal lands from which the unprocessed timber will be obtained are not located in the same geographic area—

(A) from which that person exports any other unprocessed timber from private lands; or

(B) from which that person has exported unprocessed timber from private lands in the preceding 5-year period; and

(3) the Secretary concerned grants the exemption.

(b) DETERMINATION OF GEOGRAPHIC AREAS.—The Secretary concerned shall determine the boundaries of geographic areas for purposes of subsection (a)(2) in accordance with the procedures of rulemaking set forth in section 553 of title 5, United States Code. The Secretary shall consider whether persons other than the applicant for the exemption engage in commerce in unprocessed logs between the two geographic areas involved. Such commerce shall be sufficient to deny the exemption. Any such determination shall be reviewed at least once in each 2-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

SEC. 514. SURPLUSES.

(a) DETERMINATIONS BY SECRETARIES.—The prohibitions contained in section 511 shall not apply to specific quanities of grades and species of unprocessed timber from Federal lands which the Secretary of Agriculture or the Secretary of the Interior determines to be surplus to domestic manufacturing needs.

(b) PROCEDURES.—Any determination under subsection (a) shall be made in regulations issued in accordance with section 553 of title 5, United States Code. Any such determination shall be reviewed at least once in every 3-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

Subtitle B—Sanctions; Definitions; Effective Dates

SEC. 521. PENALTIES.

(a) IN GENERAL.—Any person who violates this title or an implementing regulation, or counsels, procures, solitics, or employs any other person to take an action in violation of this title or such regulation, shall be assessed a civil penalty by the Secretary concerned of not more than $10,000 for each violation.

(b) KNOWING VIOLATIONS.—Any person who knowingly violates this Act, or any implementing regulation, shall be assessed a civil penalty by the Secretary concerned of not more than $1,000,000 or three times the gross value of the unprocessed timber involved in the violation, whichever is greater.

SEC. 522. DEBARMENT.

If the Secretary concerned finds, after notice and an opportunity for a hearing on the record, that a person has violated this Act or any regulation issued to carry out this Act, such Secretary shall issue an order prohibiting that person from entering into any contract for the purchase of unprocessed timber from any Federal lands for a period of not more than 5 years. Such person shall also be precluded from taking delivery of Federal timber purchased by another party for the period of debarment. Such an order shall be subject to review in an appropriate District Court of the United States.

SEC. 523. REGULATIONS.

Within 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall, in consultation, each prescribe new coordinated and consistent regulations to implement this Act on lands which they administer.

SEC. 524. DEFINITIONS.

When used in this title, the term—

(1) "acquire" means to come into possession of, either directly or indirectly, through a sale, trade, exchange, or other transaction;

(2) "affiliate" of another person described in paragraph (4) of this section is a person that—

(A) controls or has the power to control such other person,

(B) is controlled by or is subject to control by such other person, or

(C) when such other person is controlled by, or is subject to control by, a third person,

except that in determining whether persons are affiliates, all appropriate factors shall be considered including, but not limited to, common ownership, common management, and contractual relationships;

(3) "Federal lands" means lands administered by the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense, and located west of the 100th meridian in the contiguous 48 States, excluding lands held in trust by the United States for the benefit of any Indian tribe or Indian individual;

(4) "person" means an individual, partnership, corporation, association, or other legal entity and shall include subcontractors and any subsidiary, parent company, or other affiliate;

(5) "private lands" means lands held or owned by a person but does not include lands held or owned by the United States, a State or political subdivision thereof, or any other public agency;

(6) "Secretary concerned" means the Secretary administering the Federal lands from which the unprocessed timber is removed;

(7) "substitution" is the practice of purchasing or otherwise obtaining timber from Federal lands west of the 100th meridian in the contiguous 48 States while at the same time exporting, or selling for export, timber from private lands west of the 100th meridian in the contiguous 48 States; and

(8) "unprocessed timber" means timber as defined by the regulations prescribed pursuant to section 523 of this Act.

SEC. 525. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of the enactment of this Act, but shall not apply with respect to timber removed pursuant to timber sale contracts entered into before the date of enactment of this Act.

(b) EXEMPTION FROM SUBSTITUTION.—Section 511(3) shall take effect 1 year after the date of the enactment of this Act. During such 1-year period, section 511(3) shall not apply with respect to the acquisition of unprocessed timber from Federal lands by a person who, in accordance with regulations of the Department of Agriculture and the Department of the Interior in effect on the date of enactment of this Act, demonstrates to the appropriate official that the Federal lands are in a tributary area as defined by the current regulations.

Mr. PACKWOOD. Mr. President, I have talked with the chairman of the committee, Senator BENTSEN. I told him I would put this in and I would be willing to go into a quorum call and see what we can work out for the State of Washington on this one mill, or I would be willing to temporarily set this aside if there are other amendments. I do not know if there are other amendments to come up, acceptable amendments or unacceptable amendments or any other amendments, that are ready to come up this afternoon. I would like to take care of th's harmoniously, if we can.

So, for the moment, I suggest the absence of a quorum and we will see what we can work out.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, the Packwood amendment is based on legislation introduced by the Senator and referred to the Senate Banking Committee. The issue addressed by the amendment is one of controls on the export of logs, a matter covered by the authority of the Export Administration Act and within Banking Committee jurisdiction.

The International Finance Subcommittee held a hearing on the issue last November in anticipation of further consideration of the legislation, as part of the debate on reauthorizing the Export Administration Act.

The committee has now begun hearings on reauthorization of EAA, and will shortly prepare comprehensive legislation for consideration by the Senate. This issue should be considered by the committee and the Senate as part of the EAA debate.

The opportunity to do so will be provided by early summer. It is inappropriate to adopt this amendment without full consideration by the committee of jurisdiction, which has already begun, and by the Senate as part of the appropriate legislative vehicle, the Export Administration Act.

So, while taking no stand whatsoever on the amendment today on substance, I do feel with the jurisdiction belonging to the Senate Banking Committee and the fact that we are proceeding to consider this legislation, that it is inappropriate for us to do it in this forum and, therefore, I do oppose the amendment and will vote against it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, if I might respond very briefly to the Senator from Utah, I would agree with him under normal procedures. But as I said when I started this debate, I sent a letter on February 28 to Senator SARBANES, the chairman of the subcommittee, asking if he planned any action on this. Or, if he was not just let me know. I was not complaining. I just wanted to know one way or the other what he was going to do and I put that letter in the RECORD earlier.

I printed that letter in the RECORD earlier. Then on April 6, following a conversation between Jon Stephens of my staff and Marty Gruenberg of Senator SARBANES' staff, Mr. Gruenberg indicated that the committee did not want to consider this in markup and would prefer it be offered as an amendment on the floor. Therefore, I sent Senator SARBANES a letter. I will quote the last part of it: "Therefore, assuming what my staff member told me Marty Gruenberg told him is accurate, I'll look around for some other vehicle to attach the log export bills to on the floor."

It was not my intention to circumvent their jurisdiction. When I was told they did not want to handle it in markup and would prefer a floor amendment, and I wrote to the chairman of the committee and said I will look around for some other vehicle, I thought I covered that base.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I respond, with all due respect, that there are many members of the Banking Committee and with all due respect for Senator SARBANES who is chairman of that subcommittee, it certainly has not been the intent of this Senator that it not be considered. I was unaware of that correspondence and it is certainly my intent and the intent of the Republicans and the Republican staff members who have addressed this issue to do as I have outlined.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, the Senator from Alaska is very interested in the legislation that was proposed by my colleague from Oregon regarding his amendment to prohibit the export of logs from western federally owned lands. One might wonder why, since Alaska does not apparently have a dog in this fight, we have an interest. Alaska is in the unique position of being exempted from the discretionary approach toward the issue of round log export from Federal lands. We have it in statute that round log export is prohibited as a consequence of mandating primary manufacturing.

It is fair to say the State of Alaska would virtually have no primary manufacturing of timber if, indeed, we did not have this existing prohibition which, if applied to the balance of western forest lands, Federal lands, would simply ensure, as the Senator from Oregon intends, that there is no administrative flexibility nor administrative loophole that would allow the export of logs from Federal lands.

The Senator from Alaska has seen, if you will, the transition associated with market fluctuations and the effect that it has on primary manufacture when there is an increased output of logs from private land. For almost a decade and a half, when we were developing our markets in the Pacific rim, our timber production was from Federal land. During that time, we developed the sawmills in Ketchikan, in Metlakatla, in Wrangell, in Haines, in Petersburg, and developed a very healthy economy. In addition to that activity, there was the associated longshore payrolls and we built up, if you will, a substantial tax base in many of these small communities that were previously dependent solely on the fishing industry.

Then Congress enacted the Alaska Native Claims Settlement Act which resulted in the transfer of some 40 million acres of Federal lands in Alaska to the private sector. So we had a transfer, if you will, of land from Federal ownership to ownership by some of our Native corporations and village corporations and they, obviously, in southeastern Alaska, selected rich timber lands. That land then went from Federal oversight into private hands and we saw the development of an export market almost overnight.

The development of this growing export market greatly enhanced the logging industry, but at the same time it reduced the manufacture in those areas that had developed small sawmills. What we had was a declining market in the Pacific rim countries, and so the sawmills began to diminish as the export market maintained a decline not nearly proportional to the saw and timber. The point being that the export market was demanding entire logs. They were readily available from private sector timber hold-

ings, and, so, we saw the decline of primary manufacture in southeast Alaska. We saw mills in Ketchikan shut down, mills in Wrangell shut down and mills in Haines shut down. We probably saw the actual volume of primary manufacture drop approximately two-thirds during that time. Coupled with the complexities of what has been happening in the Pacific rim countries over the last several years, we have seen that their production costs have come up, and now they are looking more favorably on primary manufacture products from the United States, from Alaska and the Pacific northwest.

And the transition continues, Mr. President. We see market prices going up, the cost of labor going up in the Pacific rim countries and, as a consequence, the economics are changing. But clearly, had Alaska had the flexibility of exporting round logs from Federal lands, we would have virtually no sawmill industry in our State today.

So, as we look at the merits of the amendment of the Senator from Oregon, I think the experience that Alaska has had is meaningful, and I think there are a couple of other considerations that we should recognize. There is going to be more and more pressure on the timber base, the available timber in the United States, and particularly from the west coast. We have seen evidence that the concern over the spotted owl might reduce the volume by some 30 percent in Washington and Oregon, areas where currently the cut is in the area of 6 to 7 billion board feet a year.

The situation in Alaska is a little different. Our cut is much less. We are taking about 450 million board feet from Federal lands and about 500 million from private lands. It is fair to say that the large portion of the timber from private lands is exported. The rest, the inferior timber, goes into pulp.

But if we look at the merits of this type of legislation, I think there is a parallel, Mr. President. The question is, Is it in the interest of the United States, as we experience a reduction in our timber base, to continue to export not only from State lands—and this is a question that we should address, at a later time and I understand that the Senator from Oregon is reluctant to get into it at this time or he would have pursued it—but clearly we are going to have to take a look at the issue of export from State and private lands as our timber base decreases. While it may be certainly profitable to those who have private holdings, reality dictates that we have to look at our own domestic interests. The issue of exporting jobs has always been associated with round log export. Our costs have not gone up as fast as they have gone up overseas. Our market now can be competitive for dimensional lumber.

If my colleagues think that there is not a parallel to this argument, I simply ask them to consider the merits of the prohibition on oil export from Alaska. There is a prohibition, of course, that mandates that no oil that is produced on the North Slope can be exported. That is a protectionist type law but it is certainly applicable and the justification for it speaks for itself because we are a Nation that is not energy independent.

We are dependent on foreign sources. We are importing 54 percent of our crude oil now and the justification that Alaska oil should be consumed in the United States speaks for itself, let alone the interests of the maritime unions and others who have built U.S.-flag vessels. But the premise is the same.

If we look at the merits of whether we should encourage the primary manufacturing of our timber products within our Nation and within our west coast and Alaskan cities, we can see that it proves worthy of discussion.

We can be competitive. The market will accept our primary manufactured products if we reduce or eliminate round log export. Make no mistake about it, no longer will we be exporting our jobs. We have been increasing our sawmill capability. We will be increasing employment in our west coast States of Washington, Oregon, California, and potentially Alaska.

While I agree with my colleague that there is not the time to get into the issue of exporting round logs from State or private lands, that is a discussion for another day, but it is a discussion that will come.

I support the position of my colleague from Oregon, and my expression of support is based on substantial experience and knowledge of just what it means to have a system where there is no allowable export from Federal lands—and then seeing the competitive posture as timber from private lands are exported and what happens when the market fluctuates.

I thank the Chair. I thank my colleague from Oregon who is the author of the amendment.

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Packwood amendment No. 1492.

Mr. SHELBY. I would like to inquire of the Senator from Oregon if it is possible to temporarily set aside his amendment in order to bring up an amendment that we do not believe we will have any trouble with.

Could I get the attention of the Senator from Oregon?

Mr. PACKWOOD. Yes. I apologize.

Mr. SHELBY. I was inquiring about the possibility of temporarily setting aside the pending business which is the Senator's amendment in order to bring up an amendment I understand there is no objection to.

Mr. PACKWOOD. Yes. I would like to make a quick 30-second announcement. In talking with the Senators from Washington in the cloakroom and with Senator HATFIELD, I think we are momentarily going to set this amendment aside and reach an agreement on a time agreement on Tuesday, to which Senators ADAMS, GORTON, BENTSEN, I, and Senator HATFIELD are agreeable, and we will not be on this amendment again until Tuesday. So for the moment I will temporarily set it aside. I think we are going to permanently set it aside until Tuesday.

The PRESIDING OFFICER. Without objection, the Senator's request to temporarily set aside the Packwood amendment is agreed to.

The Senator from Alabama is recognized.

AMENDMENT NO. 1481

(Purpose: Outer garments treated as water resistant for purposes of Tariff Schedules)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 1481.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Part 1 of subtitle A of title I of the bill is amended by adding at the end the following new section:

SEC. . GARMENTS TREATED AS WATER RESISTANT.

The Additional United States Note 2 to chapter 62 is amended by striking ", lining or inner lining".

Mr. SHELBY. Mr. President, I rise today to offer an amendment which will correct a loophole that exists in the tariff treatment of certain garments entering the United States.

Because of the wording found in additional note 2 to chapter 62 of the harmonized tariff schedule, foreign garment manufacturers are able to import their garments at a 7.6-percent duty compared to a 29.5-percent rate by simply adding an inexpensive water resistant lining to their garments. As a result, American manufacturers are not able to compete with foreign manufacturers, and over 1,000 jobs are in jeopardy in Alabama alone.

This amendment changes the language presently found in the harmonized tariff schedule by striking the words "lining, or inner lining" and ending the note after the words "outer shell".

This simple change should eliminate the loophole that that exists because of the current wording. Foreign garment manufacturers have exploited the tariff and taken advantage of the loophole. This legislation has the interests of all American garment manufacturers in mind.

An example of the inequity that exists is explained in a letter I received from an American garment manufacturer. For example, ladies garments made in America of 30 percent wool and 70 percent synthetic fibers have, in the past, directly competed with similar garments manufactured and imported from foreign countries with 29.5 percent duty rates. However, because of the loophole in the HTS, foreign manufacturers are inserting an inexpensive water resistant lining in their garments to qualify for the 7.6-percent rate. Essentially, these water resistant linings serve no practical purpose other than to qualify the garments for a 21.9-percent quota reduction.

The International Trade Commission has historically had problems classifying products in garment tariffs. While I favor maintaining a separate tariff series for coated fabric items, the application of the existing language to determine quota classifications is impractical. Consequently, a large sector of the garment industry is being threatened.

The International Trade Commission has stated, "it appears the words 'lining or inner lining' are not necessary." The letter goes on to describe the original intention of additional note 2, which was to allow garments made "wholly or almost wholly of fabrics which are coated or filled, or laminated with rubber or plastics" to receive a lower duty rate than those garments not water resistant. This clearly establishes that garments with cheap polyurethane linings are not intended to be given the preferential tariff treatment they are receiving.

Time is a crucial factor. The longer this language remains in the harmonized tariff schedule, the more devastating the effect on the American garment industry. I ask my colleagues to support this legislation and correct the existing inequity.

Mr. President, I have cleared this amendment with the floor managers, with the distinguished chairman of the Finance Committee. I understand it has been cleared with the ranking Republican manager, Mr. PACKWOOD. This basically would eliminate a loophole in the customs regulations which allows foreign manufacturers to receive a 7.6-duty instead of a 29.5-duty by simply adding an inexpensive waterproof lining to the clothes they produce.

[S20AP0-532]BENTSEN.....

Mr. BENTSEN. Mr. President, as the manager of the bill on this side, I see no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Alabama.

The amendment (No. 1481) was agreed to.

[S20AP0-533]SHELBY.....

Mr. SHELBY. I move to reconsider the vote by which the amendment was agreed to.

[S20AP0-534]BENTSEN.....

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

[S20AP0-535]BENTSEN.....

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. LOTT. I ask unanimous consent that I be allowed to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed.

DEFENSE EXPENDITURES

Mr. LOTT. Mr. President, I think things are out of control. I see a stampede abounding in the Congress and hysteria sweeping through the Pentagon. If there has ever been a disorderly retreat, I fear we are seeing it at the Pentagon right now.

I have been among the Members of Congress over the past few weeks and the last 2 or 3 months who have been saying: Yes, the world has changed. It is different. We do need to look at the defense posture of our country. We need to assess the threat, the new and hopefully reduced threat, and decide what we really need, not just in this fiscal year but in the next 3 years, the next 5 years. I indicated very strongly I thought we could get by with less spending for defense.

I do not like to call it a peace dividend because I do not necessarily feel that the word "peace" is what we are looking for. What we are looking for is freedom, because peace without freedom is still not worth very much. Let us call it a freedom dividend.

I felt there would be some savings in the defense area below what we thought we would have to spend just a very few months ago.

I also felt strongly, as a member of the Armed Services Committee, that it should be a thought-out process, a careful, orderly caution, and while we could not save that much in the first year, in outyears we could save billions of dollars. There are those who were quick to move in and say, great, we will spend that here and this someplace else.

As a matter of fact we do not have anything to spend. It would just mean that we would have an opportunity to substantially reduce the deficit without raising taxes. Or if we did have the need to concentrate in certain key areas like drugs, fighting crime, and education, yes, maybe there would be some extra money.

But, Mr. President, in recent weeks and recent days, shrill calls for draconian cuts in defense have become increasingly frequent. I think it is getting out of hand; it is a stampede. These calls have taken on the characteristics of a high-stakes poker game with one big difference. Instead of players raising each other, they are cutting each other. The competition boils down to who can make the most outrageous proposal to cut the defense budget.

I recognize, that the international environment is in the midst of great change, and a large part of this change is a result of what is happening with the Warsaw Pact and the reduction of the conventional threat.

When I was home during the Easter recess period in the State of Mississippi, one thing that surprised me was that the people down there seemed to be more in tune with what is actually happening in the world than I think we are here sometimes. I had people come up to me and say, "Wait a minute, you guys are letting this thing get out of control. You know how dangerous the world is. Now, do you really believe everything the Soviets have been saying? Have they really changed? Have they really reduced this much? They are making some slow changes, but in most crucial areas there has been little change, particularly in the strategic area."

We have seen what is going on right now in the Baltic Republic of Lithuania as Soviet-armored columns rumble through the streets of the capital city of Vilnius by night and Soviet paratroopers occupy selected government buildings by day. Simultaneously, ultimatums designed to create fear are issued almost daily by Moscow to the political leadership in this small republic. Just the day before yesterday, I believe it was, Moscow declared virtual economic war on Lithuania by cutting off oil and gas supplies. Does anybody doubt Gorbachev's willingness to take the next step and use the full power of the Soviet Armed Forces to impose his will if necessary? Other recent signals from the Soviet Union, such as backing away from previously agreed START negotiating positions and raising obstacles to our INF verifi-

cation teams, increased uncertainty within the Soviet leadership itself. This should remind us that change is a two-way street in a system like that in the Soviet Union, and U-turns remain a possibility. Our most important responsibility is to provide for the common defense. If we err, it must be on the side of safety. Remember, our most important social program is to keep our citizens alive and secure.

How all this will play out is anybody's guess right now. My point is that we still live in an uncertain world and we must take care in how we adjust to it. I still think it has to be a fine tuning, a tuning down, but not something where we lose control.

History confirms over and over again that in our euphoria after wars, we disarm unilaterally. We disbanded after World War I, the war to end all wars. We took down our Armed Forces too much and too quickly. It was an irresponsible act that cost us much life and treasure in World War II. We repeated the same mistake and paid a similar price after our Korean involvement. Some people say, the cold war is over. I think the status of the cold war is still in question. But now we see this same irresponsible attitude beginning to develop. Worse yet, it seems like this mentality is catching on with a lot of Members of Congress.

It would appear that all reason and sensibility is being lost. The Halls of Congress are being flooded with budget proposals. I would like to take a look at some of them. The chairman of the House Ways and Means Committee has advocated cutting $150 billion over 5 years in defense, $10 billion in the first year.

The Senate Budget Committee chairman's proposal would reduce our defense effort by $15.2 billion in fiscal year 1991 and a whopping $232.4 billion over 5 years.

And this week, the most unbelievable of all, although I guess I have come to expect it from the House Budget Committee, we received their most outragous defense spending plan. The House budget Committee said that they would reduce the defense effort by $11.5 billion in fiscal year 1991 and an incredible $250.7 billion over 5 years.

If any of you here have personnel or members of your family in the military or have military installations in your State, hold your hat because they are fixing it so that it will all be blown away if we start talking about these kind of numbers. This is 2.8 times more of a cut than the President proposed.

I thought that the President's package really was a reasonable reduction. But as circumstances change, we could come down a few more hundred million. We could do that. But the present euphoria goes way beyond that.

This very morning I heard a proposal from the chairman of the Armed Services Committee, a very respected gentleman, and admired in the committee. He suggested $7 billion in the first year, and over 5 years, a reduction of $130 billion. I think that is closer to where we need to be, but even that number causes me great concern.

I ask my colleagues here, how can we expect our young men and women to make sacrifices in the armed services, to make sacrifices when the Congress fails to lead in this critical area of restructuring. We owe much to these men and women.

Last week I visited Keesler Air Force Base and looked at 2,500 young men and women in the Air Force. They were some of the best looking military people I have ever seen. They had great morale, good attitude, and high quality. Are we now going to be in a position of breaking our commitments to them?

What about the young men and women in our military whose numbers are being reduced, and we are talking about breaking our contracts with them. What about our ROTC graduates and people who want to make a career of the military? We are now saying: "I am sorry about that. We have changed our minds. Get out."

There are those who are always anxious to take money from defense and spend it over in social programs. Do any of us really properly evaluate the training and education that our young men and women receive when they are in the Armed Forces? We are going to lose this if we start talking about cutting our Army back to 540,000 people, which would make the Army basically dysfunctional.

So I think that this slash and burn attitude I see sweeping through the beltway is one that we better stop and take a very careful look at. I think both the services and the Congress are getting a little carried away. The world has changed, but it has not changed that much yet. I hope that our Joint Chiefs, our service secretaries, the Congress, including the Armed Services Committees, will do their best to do what is right and have a plan for the future.

The Budget Committees seem to have a little different attitude. I hope our colleagues will be very careful as we begin this serious process of identifying defense numbers in the Budget Committee and then following with the authorization in Armed Services and Appropriations.

We cannot afford to cut $7 billion more this year for defense. We cannot afford a $250 billion cut in defense over the next 5 years. So I hope that others will join me in hoisting the red flag. This thing needs to be cooled down. Let us be careful how we go forward.

The question is, Are we up to the task in meeting our most important responsibility? We must adequately provide for the common defense as we move toward the 21st century.

Mr. President, does yesterday's House proposal meet this essential test? I think not.

Mr. President, I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I thank the Senator from Mississippi very much.

VISIT TO THE SENATE BY SENATOR JANUSZ ZIOLKOWSKI OF POLAND

Mr. JOHNSTON. Mr. President, we are pleased to have visiting with us today, Senator Janusz Ziolkowski, chairman of the Foreign Relations Committee of the Senate of Poland; member of the Presidium of the Senate; Vice President of the Civic Parliamentary Club—Solidarity bloc in the Polish Parliament—leader of the Polish delegation to the Parliamentary Assembly of the Council of Europe; leader of the Polish Parliamentary Group for Cooperation With the European Parliament.

The Senator is indeed a distinguished Senator.

We are glad to have him here and I hope our colleagues will have a chance to shake his hand.

I thank my colleagues for yielding.

Mr. LOTT. I was certainly glad to yield. Maybe we could ask this distinguished leader from Poland what he thinks about the Soviet Union and how much we can rely on the changes that may occur.

FAVORED-NATION STATUS FOR HUNGARY

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1493

(Purpose: To suspend temporarily the duty on pigment red 178)

AMENDMENT NO. 1494

(Purpose: To suspend temporarily the duty on certain acid black powder and presscake)

AMENDMENT NO. 1495

(Purpose: To suspend temporarily the duty on pigment red 149 dry and pigment red 149 presscake)

AMENDMENT NO. 1496

(Purpose: To suspend temporarily the duty on isoindolenine red pigment)

Mr. JOHNSTON. Mr. President, I send 4 amendments to the desk and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Does the Senator also wish to request that the pending amendment, Packwood amendment No. 1492, be temporarily set aside?

Mr. JOHNSTON. Yes, I so request.

The PRESIDING OFFICER. Is there objection to the Senator's request? Hearing none, it is so ordered.

Mr. JOHNSTON. Mr. President, these four amendments which I have asked to be considered en bloc. I understand they have been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes amendments numbered 1493, 1494, 1495 and 1496.

Mr. JOHNSTON. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1493

On page 59, after the matter preceding line 1, insert the following:

SEC. . PIGMENT RED 178.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"9902.32.10	Pigment red 178 (CAS No. 3049-71-6) (provided for in subheading 3204.17.10).	No change...	No change...	Free...	On or before 12/31/92".

AMENDMENT NO. 1494

On page 59, after the matter preceding line 1, insert the following:

SEC. . ACID BLACK POWDER AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"9902.32.05	Acid black 210 powder and acid black 210 presscake (CAS No. 112484-44-3) (provided in subheading 3204.12.40).	Free...	No change...	No change...	On or before 12/31/92".

AMENDMENT NO. 1495

On page 52, after the matter preceding line 1, insert the following:

SEC. . PIGMENT RED 149 DRY AND PIGMENT RED 149 PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"9902.32.50	Pigment red 149 dry and pigment red 149 presscake (CAS No. 4948-15-6) (provided for in subheading 3204.17.50).	Free...	No change...	No change...	On or before 12/31/92".

AMENDMENT NO. 1496

On page 59, after the matter preceding line 1, insert the following:

SEC. . ISOINDOLENINE RED PIGMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"9902.32.30	Isoindolenine red pigment (CAS No. 71552-60-8) (provided for in subheading 3204.17.30).	Free...	No change...	No change...	On or before 12/31/92".

Mr. JOHNSTON. Mr. President, these are amendments to suspend the duty on four different chemicals used by one of my constituents, BASF, a chemical company.

Amendment No. 1: Pigment red 178 is used in automotive coatings to provide bright red colors, similar to the popular bright reds found on many European and Japanese cars. Use of this pigment by U.S. auto producers will enhance their competitive position in the domestic market and allow them to produce cars for export that have the same consumer color appeal as foreign-produced automobiles.

There is no U.S. production of pigment red 178.

Amendment No. 2: Acid black powder and acid black presscake is used to produce both liquid and powder forms of dyestuffs for use in dyeing leather for applications in shoes, upholstery, and garments.

Acid black powder and acid black presscake provide for more rapid uptake and fixation of the dye on the leather and has certain economic and environmental advantages. This material assists domestic leather producers to compete with imported products.

There are no U.S. producers of acid black powder and acid black presscake.

Amendment No. 3: Red pigment 149 is used for coloring synthetic fibers and certain engineering plastics. It offers significant environmental benefits as a replacement for cadmium-based pigments.

U.S. producers of nylon fiber require this type of pigment in order to compete on a world-basis with other non-U.S. producers. Pigment red 149 is also used for coloring ABS resins.

All pigment red 149 dry and presscake is imported from European Economic Community countries. There is no U.S. production of this material.

Amendment No. 4: Isoindolenine red pigment is used as a replacement for molybdenum reds which, as a metal poses some potential environmental risks.

Isoindolenine red pigment is preferred for coating trucks sold into the European market. Use of this pigment could help United States truck and car manufacturers compete in the European truck market.

There is no U.S. production of isoindolenine red pigment.

Mr. BENTSEN. Mr. President, we have examined the amendments here, staff and myself, and do not find any domestic production of the chemicals that he is seeking to enter without duty.

Mr. PACKWOOD. Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to amendments numbered 1493, 1494, 1495, and 1496.

The amendments (Nos. 1493, 1494, 1495, and 1496) were agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the amendments were agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I thank my colleagues.

AMENDMENT NO. 1497

Mr. KASTEN. Mr. President, on behalf of Senator INOUYE, I send an amendment to the desk and ask for its immediate consideration, and I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] on behalf of Mr. INOUYE proposes amendment numbered 1497.

At the end of H.R. 1594 insert the following: Any country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 shall cease to be considered designated a "beneficiary developing country" for purposes of receiving benefits under the Generalized System of Preferences [GSP].

Mr. KASTEN. Mr. President, Senator INOUYE is not here and I am proposing the amendment on his behalf. The amendment is self-explanatory after it has been read. I believe the amendment has been cleared by both sides.

● Mr. INOUYE. Mr. President, this is an amendment prohibiting any terrorist country from receiving benefits under the Generalized System of Preferences [GSP]. The revocation of GSP status has the effect of depriving nations of the ability to export duty-free goods into the United States. This ends, in effect, a direct subsidy by the American taxpayer to nations long associated with support for international terrorism.

The reason for this action should be clear to every American. As a nation we can no longer sit quietly as foreign governments, answerable to no law, use our free and open trading system to advance their sinister ends. Today, for instance, Syria receives approximately $84,000 in GSP benefits from the United States taxpayer. This is a paltry sum by comparison to the benefits which most other nations receive, but for a country committed to the support of international terrorism, it

represents a tidy windfall, enabling it to purchase a cache of weapons, place an order for plastic explosives, and support individuals in the commission of heinous crimes.

Mr. President, I am under no illusions about the impact of my amendment on the future of international terrorism. Unfortunately acts of barbarity like the bombing of Pan-Am flight 103 and the hijacking of the *Achille Lauro* will continue. But they will occur without the unwitting support provided by the good people of the United States. My amendment is but a small gesture, nevertheless, I believe it to be a highly visible and symbolic one. It represents a reaffirmation of the principal that the fight against the scourge of international terrorism must be waged on all fronts—political, military, diplomatic and economic. As a nation, as a free people, as the victims of silent killers from Damascus to Tripoli, we are making the statement that GSP benefits are a privilege, not a right. A economic program designed to assist peaceful nations to develop strong, free market economies, should not be used to insidious ends.

Mr. President, I believe my amendment makes an important contribution toward this goal.●

Mr. PACKWOOD. Mr. President, the amendment is cleared on this side.

Mr. BENTSEN. Mr. President, the amendment is cleared on this side. We have no objection.

The PRESIDING OFFICER. Is there futher debate. Hearing none, the question is on agreeing to the amendment.

The amendment (No. 1497) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1498

Mr. KASTEN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. I ask unanimous consent that this amendment be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself and Mr. KERRY, proposes amendment numbered 1498.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 78, at line 14, strike "The Commissioner of Customs" and all that follows through "(2)" at line 24.

On page 79, after line 24, insert the following new paragraph:

"(2) In determining where to establish the operation described in paragraph (1), the Commisioner of Customs and the Commissioner of Immigration and Naturalization shall first determine the viability of establishing such operations in Jamaica. If the Commissioners determine, after full consultations with the Government of Jamaica, that it is not viable to establish pre-clearance operations in Jamaica, they shall so report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, including an explanation of how this determination was reached. Such report shall be submitted to those Committees within six months of the enactment of this Act. Following the submission of such a report, negotiations may be undertaken to establish such operations in another country.".

Mr. KASTEN. Mr. President, I rise today in support of the Kasten-Kerry amendment to the CBI-II bill. This important piece of legislation will help to expand the economic boom in both the Caribbean and in several port cities in the United States generated by the CBI. Our amendment is another of the many ways that through these enhancements to the Caribbean Basin Initiative we hope to tailor it to the specific appropriate needs of the Caribbean.

Our amendment is specifically designed to assist one of the key countries in the Caribbean, Jamaica. Throughout the 1980's and now into the 1990's, Jamaica has been a strong friend of the United States, and an important democratic and free market model for the region. Since the election of Michael Manley as Jamaica's Prime Minister last year, our countries have worked closely together in the war on drugs, and Jamaica has worked closely with us on other initiatives. But, because of reductions in total foreign aid levels, United States aid to Jamaica was slashed in fiscal year 1990. We need to find ways to make up for those losses to Jamaica.

Let me remind my colleagues about Jamaica's contributions in the drug war. Michael Manley has taken the lead in the drug war among countries in the Caribbean, and indeed as far as I know Jamaica is the only country in the Western Hemisphere other than the United States that has developed a comprehensive national antidrug strategy. Jamaica's ganja eradication program is, with United States help, better than ever, even in the face of increased sophistication among the growers and traffickers. Mr. Manley and his Government have worked closely with the United States in trying to stop the flow of drugs into the United States, and we are jointly cooperating to stop the use and dealing of drugs within Jamaica.

This is exactly the kind of effort we need to support. In days when foreign aid continues to decline, we need to find new and creative ways to help.

Our amendment today is designed to do precisely that. This amendment would direct the United States Customs Service to study the viability of establishing the pilot customs preclearance station in Jamaica. The House originally included a restricted preclearance provision in CBI-II, restricting the program only to small countries in the Caribbean, where the impact would be minimal. We propose a more flexible provision which gives the administration and the Customs Service the option to test the preclearance concept in Jamaica, where some of the strictest security measures to guard against drug trafficking have been implemented and where the program would have a significant economic impact on Jamaica.

If preclearance operations are implemented widely in the Caribbean, they will have a major beneficial economic impact on the Caribbean as it seeks to expand American tourism to the region. Customs preclearance stations will also help to give American businessmen an incentive to increase their investment in the tourism sector in the Caribbean—bringing needed jobs to the region. This kind of investment is also important policy goal of the United States. Starting this program first in Jamaica will demonstrate the American investors the enormous potential for investment of a broader program.

I urge my colleagues to support this amendment. I believe it is a small but important step that we can take to help our good friend Jamaica and to increase American investment in the Caribbean.

Mr. KERRY. Mr. President, I rise today in support of this amendment offered by my distinguished colleague, Mr. KASTEN. The amendment will encourage the establishment of a pilot customs preclearance station in Jamaica. Section 2009 of this bill encourages that the Customs Service establish a customs preclearance center in the Caribbean for 2 years as a test, in order to determine if such a center will have a beneficial impact on the economies of countries in the region. This amendment simply encourages the Customs Service to negotiate conditions for this test center with the Government of Jamaica.

Such a preclearance station would potentially have major economic benefits for the country in which it will be placed, and it would have the most beneficial impact for the United States if established in Jamaica. That country is cooperating with us greatly in the war on drugs, and needs strong U.S. support. Prime Minister Michael Manley of Jamaica has proven a strong friend of the United States, and we should be supporting his Govern-

ment. Instead, in fiscal year 1990, Jamaica's foreign aid from the United States was dramatically reduced. We need to find new ways to help Jamaica's weak economy, and this seems to me to be the perfect way to do it.

I would certainly expect that such a center would have a dramatic impact on tourism in the Caribbean, since getting in and out of crowded customs facilities in the United States is probably the worst aspect of travel to the Caribbean.

Some of my colleagues in the Senate have criticized CBI–II for allowing the Caribbean countries to receive trade concessions. The critics said that CBI would give the Caribbean a competitive advantage over American manufacturers and cost American jobs. It seems to me that the opposite has indeed occurred. CBI has created a boom in the U.S. apparel manufacturing trade and has created jobs in both the service sector and in light manufacturing. Such a pilot preclearance station would give us another opportunity to constructively implement the Caribbean Basin Initiative for the benefit of both the Caribbean and the United States. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Texas [Mr. BENTSEN] is recognized.

Mr. BENTSEN. Mr. President, in examining the amendment I think it is a good pilot program and I see no objection to it.

Mr. PACKWOOD. Mr. President, I support the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1498) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I ask unanimous consent the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so orderd.

AMENDMENT NO. 1499

(Purpose: To extend the temporary duty suspension on cyclosporine)

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] proposes an amendment numbered 1499.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 21 and 22, insert:

( ) Heading 9902.29.88 (relating to cyclosporine)

Mr. DURENBERGER. Mr. President, this amendment would extend until January 1, 1993, the current duty suspension on the drug cyclosporine that is due to expire at the end of this year.

Cyclosporine is an immunosuppressant drug that has proven to be very important in helping patients survive organ transplant operations and is only available from a foreign drug manufacturer.

Mr. President, I understand this amendment has been cleared on both sides and urge its immediate adoption.

Mr. BENTSEN. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I have no objection.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 1499) was agreed to.

Mr. DURENBERGER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, if the Senator would withhold, I ask unanimous consent that I may proceed as in morning business for 9 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for the purpose of speaking as in morning business for 9 minutes.

TONGASS NATIONAL FOREST

Mr. MURKOWSKI. Mr. President, I noted this morning during the discussion on Earth Day, a statement from my friend and colleague, the Senator from Colorado, regarding the Tongass National Forest which is located in my State of Alaska.

I appreciate my colleague's concern with global warming. I share that concern. However, I do not appreciate the continuing misstatements of fact associating the sustained yield logging in the Tongass with the deforestation practices of Third World countries.

Some of my colleagues would have us believe that the entire 17 million acres of the Tongass Forest is in danger of being lost to logging. Nothing could be further from the truth.

Frequent assertions that the entire Tongass is in danger of being clearcut are misleading and false. One-third of the harvestable old growth timber in the Tongass Forest is designated as wilderness in perpetuity. Another one-third of the forest is off limits to any timber management and is reserved exclusively for fish and wildlife habitat and wilderness recreation, leaving only one-third of the harvestable timber in the forest, less than 10 percent of the total land base, that is available for harvest, and that is scheduled to be harvested over a 100-year period.

This is forest that is so fertile that reforestation takes place naturally, unlike the Third World nations, where deforested lands are turned into agricultural land for farming. In Alaska, it remains forested land which can then be harvested again. This means, Mr. President, that 90 percent of the forest or some 15 million acres will not be subject to timber harvest of any kind.

I think it is important to also note that the Energy Committee recently voted out a bill by a 19-to-0 vote, that is designed to correct any existing forest management problems. The committee bill permanently withdraws 673,000 acres from timber harvest, requires changes to existing contracts, and prescribes no harvest zones along fish streams. It also repeals the $40 million Tongass timber supply fund and the 4.5-billion-board-foot timber supply requirement which were an integral part of the 1980 Tongass wilderness bill.

Since my colleague from Colorado voted with me for the committee bill, he and others are well aware that I am working with all the members of the committee to take action to insure that we have exemplary forest management practices in the Tongass.

Mr. President, I ask the floor leaders if there is anyone else that cares to speak at this time?

Mr. BENTSEN. Mr. President, I have a couple of amendments I would like to present.

Mr. MURKOWSKI. Mr. President, I ask that I be recognized after the floor leader.

FAVORED-NATION STATUS FOR HUNGARY

The Senate continued with the consideration of the bill.

Mr. BENTSEN. Mr. President, I ask the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1500

Mr. BENTSEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 1500.

Beginning with page 81, line 8, strike all through page 83, line 20.

Redesignate sections 2012 and 2013 as sections 2011 and 2012, respectively.

Mr. BENTSEN. Mr. President, this amendment strikes section 2011 of the bill which is one that establishes a scholarship program for students from CBI countries. It is a worthy objective. It passed through the committee. But the Foreign Relations Committee has objected to it because it relates to matters within their jurisdiction. I appreciate their position, as I have objected to other committees acting on things that were within the jurisdiction of the Finance Committee. Therefore I am offering an amendment to strike the provision.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1500) was agreed to.

AMENDMENT NO. 1501

(Purpose: Technical Amendment)

Mr. BENTSEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 1501.

Mr. BENTSEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, strike lines 16 and 17, and insert:

Subheading 6702.90.40 is amended by striking out "Artificial flowers, of" in the article description and inserting in lieu thereof "Of".

Mr. BENTSEN. Mr. President, this is a technical correction. It regards an error that was found in section 1108 of the bill. The wording of that section, which relates to artificial flowers and foliage is not consistent with the bill that was approved in the Finance Committee and therefore I propose this technical amendment to make the bill consistent with the committee's action.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1501) was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the pending amendment be set aside and I may be allowed to proceed as in morning business for a statement that I anticipate will be about 10 minutes.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

MIDEAST TRIP

Mr. MURKOWSKI. Mr. President, I had the pleasure last week of accompanying a number of my colleagues to the Mideast on a Codel led by Senator DOLE, accompanied by Senator SIMPSON, Senator MCCLURE, and Senator METZENBAUM. It was an extraordinary opportunity to meet with leaders of four Arab nations, as well as leaders of Israel and many Palestinian spokesmen.

As a consequence of some confusion surrounding our trip, I would like to highlight my observations very briefly.

When we went into Syria, into Damascus we met with President Assad. I think, to sum up that experience, it can be stated that Syria wants a comprehensive peace process to occur, and it is the opinion of President Assad that all of the Arab nations must join in the process. It was his opinion that the negotiations that resulted in the Camp David accord some time ago with Israel and Egypt were not in the interest of the Arab nations. He pointed out that it had not led to peace and stability in the region. As evidence, he pointed out, the Iran-Iraq war, the tremendous tensions, the continued import of high-technology weapons in that part of the world. I think it fair to say also that President Assad gave us the impression he wants a closer working relationship with the United States.

In our discussions, he pointed out the assistance of Syria in the TWA terrorism release effort, of that plane that had been held. We pressed hard as a group on the issue of the hostages. President Assad indicated that he would be doubling his efforts to relieve the hostage situation. As a consequence of what we have seen in the last day or two, there is reason to have hope that at least a hostage may be released. Our discussion may have had some impact on initiating even a greater effort by Syria in that regard. We hope so.

I think it fair to say, nevertheless, he did make the statement that he had expended some of his military personnel in this effort and some had been lost as a consequence. I share that with my colleagues simply to communicate the conversation of the leader of Syria.

Our next stop was in Egypt, Mr. President, where we met with President Mubarak and he, too, indicated his support for an international conference, some type of a build-down to reduce the tensions in the Mideast. It was interesting to hear his general statements concerning his belief that Arafat had abandoned terrorism, but yet there were factions associated with the PLO that would basically do anything for money.

It is kind of interesting, in retrospect, as we later traveled on to Israel and met with the leaders in Tel Aviv, to contrast their assessment of Arafat's true intentions. I recall one meeting where Prime Minister Shamir passed over to us an alleged speech that has been entered into the RECORD by my friend and colleague, the Senator from Ohio [Mr. METZENBAUM]—truly, an outrageous terrorist-type speech that, if factual, certainly represents Arafat as one who fosters terrorism.

The caution I would like to share with my colleagues is that we still do not know if, indeed, that speech is factual or, as pointed out by our State Department, a piece of yellow journalism that may not have any foundation. Nevertheless, it raises legitimate questions that should be addressed by this body as to whether or not that particular series of statements by Arafat early in March is representative of him and his PLO group. Also the reality is that we have to judge these leaders by their actions and deeds, not necessarily by their words.

In any event, I think it fair to say President Mubarak was most hospitable and most reassuring in his commitment toward the development of a window of peace in the Mideast. Clearly, the activities that are occurring in Eastern Europe at this time are not going unnoticed in the Mideast and the question, of course, is whether this feeling of progress toward a window of peace can be transferred to the Mideast countries.

It was at the suggestion of our leader, in conversations that we had with our President, that we attempted to go into Iraq. President Mubarak was very supportive of that and made a personal call to President Saddam Hussein in Iraq arranging the meeting. We met with President Saddam Hussein having traveled to Baghdad initially and then were advised he wanted to see us in Mosul. We had to depart in President Hussein's airplane and fly up there. During that time, we had an opportunity to have an extended dialog with the Foreign Minister. It was a rather interesting side trip that we had not anticipated, and we feel there was a direct effort to have us exposed to the Foreign Minister for an hour or thereabouts on the flight up.

At first, our aircraft was not allowed to go up to Mosul. Later, there was a recommendation that the runway would be able to accommodate our airplane. So, as a consequence, our airplane did later follow us. During the time we were meeting with President Saddam Hussein, we made our points loud and clear over the concern about the concentration of weaponry that Iraq had, and with regard to their harsh rhetoric toward Israel. I think we had a very open conversation discussing all aspects of our concerns.

President Saddam responded by saying he felt there was some type of a conspiracy between the United States, the United Kingdom, and Israel, coupled with the western media, to basically undermine him. The offer that he gave us that we all take a separate helicopter and go out throughout the land and see for ourselves was one that we declined preferring, rather, to stay in the extended discussion and get a better idea and a better feel for just what was going on in Iraq.

It is fair to say they have just come off an extended conflict with Iran that, in the peace process, is far from resolved, and they are still in a state of war.

However, the point that he had made that alarmed all members of the Western World on the first of April that if Iraq were attacked by any nation with a nuclear device or by Israel, he would respond with a chemical capability, and, if he were incapacitated, his field commanders would have the authority to initiate a chemcial attack.

Obviously, that is a great concern, and we should not look lightly on it by any means. But then he followed up with an extended statement with regard to concerns that we had stated, one being the whereabouts of an alleged 125- or 130-foot artillery piece that had been sighted on the docks of Great Britain. Also, he raised the issue of the arrest of a United States-Iraqi citizen.

It is fair to state that upon coming back to the United States and investigating the status of the response of Saddam Hussein, the Senator from Alaska questions the adequacy of Saddam Hussein's response. And I cite for the record an article from the Wall Street Journal on April 19, commenting on the fact that these giant pipes bound for Iraq were for a big gun. According to the Government of Great Britain, the Trade and Industry Secretary readily states that he is now "entirely satisfied" that the pipes were part of a gun. Further, the article goes on to say that experts believe that the 132-foot-long pipes, which have a bore of almost 40 inches, could be pieced together to form the barrel of a gun capable of lobbing chemicals several hundred miles. The explanation offered by Iraq's Deputy Foreign Minister is that his government already has long-range missiles and a powerful Air Force and has recently launched a space rocket, and what is the need for that gun.

My purpose in bringing this to the attention of my colleagues is that the President of Iraq, Saddam Hussein, specifically stated to our five-member codel that this was not a gun, that this indeed was part of their oil supply requirements. I think that is significant because one can hardly believe that Saddam Hussein did not know, indeed, what type of equipment this was, and his rationale for misleading five Senators from the United States I think deserves some further examination.

I think it is fair to say that we collectively have severe reservations about the intentions of the leadership in Iraq based on the inadequacy of the explanation, and it is just not the alleged artillery piece, Mr. President; it is other issues such as the explanation offered for the alleged nuclear triggering devices that were picked up by U.K. Customs in violation of U.S. law which prohibits the exportation of these materials.

I would submit for the RECORD the explanation offered by Saddam Hussein, which was a rather lengthy volume of telexes indicating that the materials were to be shipped to the Baghdad Technical University, and I think it would be appropriate for an examination of those documents to determine, indeed, whether these triggering devices were to be utilized for nuclear purposes or simply experiments associated with a university. I dwell on this at some length, Mr. President, for obvious reason.

I ask unanimous consent that those documents be inserted in the RECORD.

CLARIFICATION POINTS ON THE CASE OF CAPACITORS

1. To fulfill the needs of the University of Technology/Baghdad for a power supply to the CO_2 laser system, different companies were contacted by the Ministry of Industry for high voltage capacitors to be used in this unit. An offer was accepted from a British-based company (Euromac) in May, 1989 and an official order was placed in June, 1989 (Annex 1) for a total of 85 of these capacitors at a total cost of U.S. $10,500.

2. These H.V capacitors, in addition to their capability to be used as detonation devices as has been alleged, have many scientific and industrial applications such as:

Power supply for laser systems (ground or airborne).

Power supply for plasma metal cutting machines.

Separation of missile stages for satellite launching. However, our sole purpose as has been confirmed in the end-user certificate (Annex 2) is for the CO_2 laser system (ground and airborne usage).

3. Many open telexes were exchanged with the supplier (Euromac) and the subsupplier (CSI) regarding technical details and follow-up of the order.

4. By doing so, the Iraqi side did not break any contract or regulations regarding the export of prohibited materials or goods, and has fulfilled its obligations by signing the end-user certificate and providing the supplier and his sub-supplier with all the technical information requested by them openly.

5. It is also well-known that it is the supplier's responsibility (in accordance with the 1980 Incoterm as amended and issued by the I.C.C. of Paris) to provide the export license and perform all the formalities required for the shipment of goods to their destination.

6. However, it would seem clear from the review of some of the telexes by (CSI) that a deliberate attempt was made by official American authorities to frame the Iraqi side in an illegal position, as is explained below:

A request by (CSI) to meet our specialists in London where the specifications of the items were agreed upon, and later confirmed by us in a telex upon CSI request (Annex 3), but approaches were made by Mr. Saunders (allegedly from CSI who appears to be an F.B.I. agent as the American sources confirmed) to inquire about the need for other materials such as switches and special triggering devices which relate to nuclear detonation devices.

A telex dating January 11, 1990 stating the possibility to offer EBW's and neutron generators (allegedly in response to a request from the supplier on our behalf) with reference to problems of exposure to U.S. authorities and the necessity for protection and safety in handling these materials and asking for U.S. delivery point which was in fact overstressed (Annex 4).

The Iraqi side was shocked by the contents of the above telex and protested to the supplier by the telephone. When (CSI) received no answer, another telex was followed by (CSI) to the Iraqi side which dealt on the 23rd of January 1990 (Annex 5) with the subject of capacitors as in the order this time but referring at the end to an offer (of other equipment) and warning exposure to U.S. authorities.

This telex was answered routinely regarding the capacitors, but it was also stated "if we are going to buy anything from you, we will do so according to your ordinary formalities" (Annex 6).

ANNEX 1

DEAR SIRS: We have the pleasure to inform you that your offer by TLX 1273 dated 1/1989 is hereby accepted for the items indicated in the attached list on the following conditions:

1. Order value: USD 10,500.

2. Prices: A. Baghdad by trucks Via Turkey fixed and for subject to fluctuation.

B. F.O.B. supplier airport and dispatch by Iraqi airways and not subject to fluctuation.

3. Delivery period: Immediately after receipt of amount.

4. Payment: A. 100% by remittance in advance from our Embassy in London.

B. 100% by remittance after receiving the goods in our stores within 60 days from the date.

5. Inspection: Testing of goods will be done in our est. if they are found not according to our specification they will be rejected and the supplier must replace with the accepted ones. . . . we remain.

Encl. B. General conditions.

List. C. Special terms for shipment.

AL QAQAA STATE ESTABLISHMENT

Description	Unit	Qty	Unit price	Total price
High voltage capacitors total FOB London airport, USD 10500.	PCS	100	USD 105	USD 10,500.

ANNEX 2

End user certificate

To whom it may concern:

This is to certify that (H.V. capacitors) purchased from (CSI capacitors) located in USA is for the sole use of (CO_2 laser System) for University of Technology, Department of Applied Physics, Baghdad, Iraq.

Yours Faithfully

Dr. ALA. AL MHAIMI
Chairman.

ANNEX 3

Sub/order No. 989/55/226 Pls be informed that we confirm the following new items and specifications according to the minute signed by our representative with CSI Co. on 11th of Sep.

Item	Cost/ unit	Qty.	Desc.	Total cost U.S.D.
1	55	15	3UF–3.5 KV (less or) 30 x 63.5 x 108mm.	825
2	55	15	5.5UF–5.0 KV (less or) 30 x 63.5 x 95.3mm.	825
3	55	15	1.0UF–3.5 KV (less or) 33 x 55 x 64mm.	825
4	200	40	1.0UF–5.0KV	8,000
(Less or) 51 x 76 mm.				10,475
Total NID. shipment				10,500

Terms: 25% down, 75% upon shipment.

Items 1–J. Low inductance (below 40NH desirable), 25,000 amps peak, bushing, ground lug/stud.

Item 4. As low inductance as possible, coaxial connectors, CSI to supply male and female connectors, 25,000 amps peak, high reliability single shot application, 10KM altitude, 25 vibration. All capacitors to meet military specifications for humidity, shock and vibration.

FOB: San Diego, CA to Euromac (London).

Delivery: 6–8 weeks ARO.

Best regards,

AL-QAQAA ST. EST.

ANNEX 4

Thanks for your invitation and quick response. Ali Daghir has instructed us to export capacitor order to Euromac which we will do.

Based on info provided me by Ali I have obtained several high speed switches as described in literature provided to you earlier. I have also made inquiries and could offer other similar/related devices to you such as EBW's HV cables and neutron generators if our prices are OK. However, I would need a U.S. based delivery method to do business safely. As I explained to Ali I must return the switches etc. To my source by Jan 25 as he has another customer asking for them. As I have already expended much time and money on this project obviously I would prefer to finalize the deal with you.

My travel to Iraq is tentatively scheduled for late Feb. Many recent newspaper and press stories have appeared in the U.S. which are of concern to me. Protecting myself from any undue exposure to problems here is my main concern and is to our mutual benefit. Thus, since I have made great efforts to safely obtain the equipment, in turn I would ask that you meet me half way by providing a safe and acceptable method of delivering these items to you via a U.S. delivery point. Ali has informed us that you can make such arrangements. I am willing to assist in any manner that would minimize risks to me and my business.

I do hope to be of further assistance and service in the future and await your reply.

Best regards,

DAN SAUNDERS,
CSI Capacitors.

ANNEX 5

The president of CSI has just returned from a long business trip and I have just been able to discuss in person with him the changes in shipping instructions for your capacitor order which were provided to us by Mr. Ali Daghir.

Mr. Daghir had previously assured CSI that an acceptable U.S. delivery contact and means of export would be arranged by you. He promised us that all the required shipping directions and an acceptable U.S. delivery contact would be provided by your representatives when they visited our factory. CSI has already incurred 2,000 USD in excess charges and costs because of the delays in waiting for your engineers' visit. Based upon Mr. Daghir's suggestion, the president of CSI has agreed to store your order in a safe warehouse here until you provide us with a U.S. delivery contact.

The president of CSI is somewhat discouraged because we have delayed other business awaiting your engineers' visit to observe a test of the capacitors as you required. Additional delays have been incurred while we waited for the U.S. delivery instructions. To date we have done everything that Mr. Daghir, your representative, has requested and required. CSI's president deems this to be a very sensitive order and insists that it be handled in a confidential and delicate manner as we are sure you understand.

Based on his many years of experience in electronics, you may be assured that the president of CSI and I, too, understand the specific application for these capacitors in your program and we are most willing to assist you in your endeavors. To achieve this, though, we do need your cooperation and assistance for our mutual protection and success.

With regards to the other equipment which I personally may offer in addition to the CSI capacitors, my offer still stands as before—but I do agree with the president of CSI that our protection and safety from exposure to U.S. authorities is our concern. We would like to believe that that concern is shared by you. The president of CSI believes that this requirement necessitates shipment of this order (due to licensing restrictions) to a safe U.S. contact who can be trusted by us all and who, in turn, could be trusted to safely deliver the parts to you. While the president of CSI has taken this position, let's talk if it presents insurmountable problems to you.

DAN SAUNDERS.

ANNEX 6

Sorry for what happened with the shipment instructions, but it was not our fault as you may be know that we need such capacitors. To be used in a "CO_2 Laser System" project which we construct for the benefit of University of Technology in Baghdad, so we asked Euromac Co. to provide us the materials needed to complete this project, and we told Mr. Ali that if he need an end user certificate we can provide him directly. If we intend to buy anything from you, we will do that according to your ordinary formalities.

Appreciating yr. co. op.

With best regards,

AL-QUAQAA.

Mr. MURKOWSKI. Mr. President, to continue a bit further if I may. In addition to visiting to Syria, Egypt, Iraq, and Jordan we spent, of course, a good deal of time in Israel. We met with Prime Minister Shamir. We discussed the Baker plan, which to me is the most promising hope for the Mideast.

There are differences of opinion among the Israel leadership, and, of course, there is concern over the Palestinian question. To resolve that was very paramount in the discussions. I think it is fair to say that Prime Minister Shamir felt that the Baker plan was too responsive to the Palestinian interests, and that perhaps Perez was more supportive of the Baker plan. The other discussions basically left us with a feeling that in order to take advantage of the window of opportunity that may be in existence in that part of the world, it is certainly in the best interests of Israel to form their new government as soon as possible.

The meeting with the Palestinians was extremely interesting. It occurred in our consulate in Jerusalem. The dialog was very open. In response to a question which I posed, the response of the Palestinians was that the PLO is the only group that can speak for Palestine. They indicated that they would support and accept the Baker plan. I might add that they indicated a concern over their interpretation of Shamir's unwillingness to be flexible.

I think it is fair to say that the Palestinians also indicated that while they wanted the PLO to speak on their behalf, it was not necessary that it be Arafat but could be other spokesmen for the PLO.

Looking at the scene in the Midwest, one finds that looking backward into the history, the religious hatred, really does not lead one to anything progressive. We must look ahead.

Now, there are some other matters that I think bear a general overview. It is the opinion of the Senator from Alaska that the region is a powderkeg. While I feel optimistic that there is an opportunity for peace, the realization that we are increasing the weaponry in that part of the world is evident. NATO is providing, as a consequence of reduction in Europe, some 700 tanks will be going into Egypt to replace their old tanks.

As we look at our foreign assistance program, the FMS, we find more concentration of weapons going to our friends throughout the Mideast, and

clearly with that kind of capability, the reality that we have seen chemical warfare used in the Iran-Iraqi war makes it even more important that they work collectively towards a resolve and the peace process.

I think it is fair to say that all parties want a close relationship with the United States. All are in agreement on a U.S. involvement in the peace process. The Arab leaders want an international conference, a comprehensive settlement involving input from all the countries; they talked about a build-down, of reducing weaponry proportionally.

I think that we have to encourage a real effort for peace before the window closes. I think the best opportunity is aggressive pursuit of the Baker plan. But clearly the United States must seek to get the players together.

We have been told, of course, as I have stated, that the Palestinians are willing to participate. I think we should put them to the test. One of the concerns is that the inability of the Israeli Government to function could be disadvantageous in taking advantage of this window; That is of great concern. I think that was universal in our collective evaluation. Certainly in a new era of peace and security that is breaking out in Europe, the opportunity to apply that in the Mideast is challenging to us all.

A couple of other points, Mr. President. The Senate resolution that has been discussed earlier today by some of my colleagues and was discussed in a letter that came over from four House Republicans to the leader of our delegation, Senator DOLE, merits some observations at this time.

Mr. President, as one who accompanied the delegation in all the discussions, I can say that the resolution that was passed by this body, some 84 or so, including the Senator from Alaska, to address specifically the naming of Jerusalem as the capital of Israel, was not considered from the standpoint of how it would be received in that part of the world.

It is not my intention to debate the merits of that resolution, but it is my intention to focus on the point that indeed we should reflect on these resolutions because oftentimes they are taken much more seriously than we here in the Senate take them, and this is no exception. For example, it is my understanding that there was another recent resolution for which the Soviets have taken us to task.

Clearly, as we see the interpretation of these resolutions throughout the world, it is fair that we give them the debate they deserve. As we look at the contribution that we all want to make toward stability in the Mideast and the role that the revolution plays in that process. I think one can conclude that the intent of the resolution and the issue of, indeed, the capital of Israel, being Jerusalem, is something that is going to have to be negotiated. This was brought out in our meetings in Israel—more specifically with the mayor of Jerusalem, Mayor Kollek—and I quote that portion which I think is significant to clear up any doubts my colleagues may have. I asked the question: "Is there a graceful way to deal with this issue, recognizing its divisiveness, as we try to achieve the peace process, and recognizing the concern, the very legitimate concern, of Israel, the concern of the Palestinians," and, of course, the focusing in of the Arab world on this particular issue.

The mayor of Jerusalem said that he had argued, discussed with one of our colleagues, the merits. He stated that in a few months the substance will not have the significance that it has now, but right now it doesn't help anyone, and it doen't help make Jerusalem the capital at this time, and that it is basically ill-timed.

I want to emphatically state, however, that Mayor Kollek supports Jerusalem being the capital but found the resolution to be simply an ill-timed one.

I want my friends in the support of Israel to recognize this is not a criticism of the issue but simply the realities associated with resolutions of this nature. What we are attempting to do is to bring about some basis for a peace process to begin.

I think the administration is to be commended because of that peace process, as we look at something as definitive as the Baker plan. And that plan, of course, is before the entire Mideast to evaluate and study, and it is going to take discussions. But I think it is fair to say that the criticism directed at Senator DOLE on the manner in which he tried to explain the action that he had been taken is unfounded. I think the general terms that are stated in the article which I have seen, and the letter of which I have a copy does not reflect the sensitivity of the leader, Senator DOLE, from Kansas, in trying to keep a balance with the objective which is a peace process, and the contribution that we might make, as opposed to the interpretation in that letter. As one of five who was there, I know what was said. I know the spirit in which it was said, and the letter to Senator DOLE by our House colleagues does not reflect understanding of what the delegation attempted to contribute.

Let me conclude, Mr. President, by focusing in primarily on where I think the concern has to focus at this time; that is with Iraq. I think it is fair to say that the Iraqis have assumed the lead role in the military defense of the Arab world against Israel. There is exception to that. Obviously, Egypt is an exception. But I think we must remember that Iraq has just emerged from a successful, long and bloody war with Iran in which it demonstrated the will, the ability to use chemical weapons on a large scale. Rightly or wrongly, President Saddam Hussein apparently believes he and the rest of the Arab world to some extent are facing a nuclear armed Israel. In response, he appears to be determined to develop whatever array of modern weapons he can, including ballistic missiles, chemical and biological agents, and evidently huge artillery pieces, and perhaps nuclear weapons.

As I have indicated, the statements from Britain indicate that the pipes seized by the British Government were indeed intended for use in construction of the gigantic gun. The Senator from Alaska intends to get more documentation, but I think it is fair to say that, after coming back and examining sources, I am satisfied that is indeed what it is. I might say I am very disappointed to learn that.

It is very difficult under the best of circumstances to control a shipment of sensitive technology and equipment to avoid an increase in chemical, biological, and nuclear warfare capability concentrated in that part of the world. But unfortunately, there appears to be growing evidence that private firms, some governments, have been willing to provide Iraq with the know-how, and the equipment for advanced weaponry. It is imperative for the security of all mankind that we work collectively to stop this trade in what potentially is a threat of mass destruction for the Mideast.

Mr. President, I am concluding my remarks with the general reference that I think our State Department, our Secretary of State, and President Bush are not only keenly interested in, but absolutely committed to take advantage of this window of opportunity. This is going to take compromise, however. Like all compromises, this will not be entirely satisfactory to anyone.

As a consequence of some of the misunderstanding that has occurred as a result of our trip, particularly with regard to the ticklish issue of the resolve of the capital of Israel, I think it is fair to say that our group is very proud of our leader, Senator DOLE. He attempted to achieve a balance.

To have quotes taken out of context, to have found that an interview that took place here in Washington several weeks ago appeared in the paper in Israel the same day that he was giving statements in Israel obviously, is an effort by some to take advantage not only of the good nature of Senator DOLE but his commitment to support what Israel is attempting to do and the extraordinary achievement of that nation—the gratification of seeing the Israelis accommodate 7,000 to 8,000 Soviet Jews that are emigrating, per

month and the manner in which they are taken care of. I visited that country on a previous occasion, and I stand behind a commitment to the security of Israel. It must be maintained.

Is is our hope that the contribution we might have made will get those leaders to talk to one another again. We had the opportunity to address our concerns in frank and open discussions. Like many of my colleagues, it is fair to say that in the five countries we visited we did not leave with an unspoken thought.

That leaves the Senator from Alaska at a point where I have no further thoughts to convey to my colleagues.

I wish the President a good day.

I yield the floor.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Who seeks recognition?

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, last November, I introduced S. 1915, a bill which sought to end the discriminatory application of section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) to U.S.-flag LASH barges, and to eliminate the unfair, oppressive assessment of double duty under that statute on vessel spare parts necessarily imported by U.S.-flag vessel operators from abroad.

These proposals were unanimously supported by all segments of the U.S. merchant marine before the Senate Finance Committee, and with certain modifications to the spare parts section proposed by Senator MOYNIHAN, they were approved by the administration and are now embodied in section 1707 of the bill presently before the Senate for consideration.

I fully support section 1707 of the bill as reported by the Finance Committee, and I urge the Senate to do likewise. I would, however, like to clarify one provision of that section which is not specifically discussed in the Senate Finance Committee report. In this regard, subsection (b)(1) of section 1707 makes the two amendments to section 466 of the Tariff Act of 1930 contained in subsection (a) of the bill applicable to "any entry made before the date of enactment of this Act." Substantially, this provision was also contained in my bill, S. 1915. The word "liquidated" as used in this context is intended to mean "finally liquidated." Thus, the two amendments to section 466 embodied in subsection (a) of section 1707 are intended to apply to any entry made prior to the date of enactment of H.R. 1594 which is not finally liquidated when the bill becomes law. Under established law, an entry is not finally liquidated if it is still the subject of administrative proceedings before the Customs Service or judicial proceedings in the Court of International Trade or some other court of appropriate jurisdiction. For example, Customs Service regulations provide that liquidations are suspended while administrative applications for relief or petitions for review are pending.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 1492

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate resume consideration of the Packwood amendment, No. 1492, on Tuesday, April 24, at 10 a.m.; that there be 1 hour for debate on that amendment; and that any second-degree amendment thereto be relevant to the first degree and be limited to 1 hour equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I have cleared this on this side and there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, we have been trying for the past few hours to obtain an agreement that would identify and specify the remaining amendments to this bill. Unfortunately we have been unable to obtain unanimous consent for such an agreement and therefore I will not propound any such agreement.

The Senate will be in session on Monday beginning at 2 for further debate on the pending bill. As I previously announced, there will be no rollcall votes on Monday. It is my expectation that the managers will take up several of these amendments that will be acceptable without rollcall votes.

Beginning with the Packwood amendment, No. 1492, on Tuesday, there will be votes and further consideration of this bill. It had been my hope that we could have made more progress today, but because of disputes surrounding the amendment that was offered, we have been unable to make substantial progress.

Accordingly, Senators should be aware, and I now place them on notice, that it is my intention that we complete action on this bill on Tuesday, which means that we are likely to be in for a very long session on Tuesday. Senators should be aware of that. It is my intention that we will remain in session Tuesday until we finish this bill. We have important matters pending.

It is my hope that, thereafter, if we can clear up some other matters, we will be able to proceed to the Panama-Nicaragua bill and move on that next week, as soon as we finish action on this bill, hopefully not later than Wednesday. I think it unlikely that we will complete action on this bill to permit us to proceed any earlier than that to that other bill.

So there will be no further rollcall votes today. The Senate will be in session on Monday beginning at 2 p.m. for further debate and consideration on this bill, with amendments being accepted at that time and further debate.

We will go back to the bill at 10 o'clock, begin with a controverted amendment, one which will require at least one rollcall vote, and if there is a second-degree amendment to it, why, of course, two rollcall votes. And we will continue in session on Tuesday until we complete action on this bill. Hopefully, if other matters are worked out that permit us to proceed in that fashion, we would be in a position to go to the Panama-Nicaragua aid bill on Wednesday morning.

Mr. President, I note the presence of the distinguished Republican leader. I was unaware he was present; otherwise I would have waited.

Mr. President, I yield to him for any comment he may have on this subject.

Mr. DOLE. Let me underscore what the majority leader has said. Hopefully, on Monday we will come in at 2. That afternoon there are 20 or 30 amendments, most of which might be accepted. We will put out a hotline on this side, or at least call personally each of those people who may have amendments that are acceptable so we can do all of that on Monday afternoon.

As the majority leader said, and I concur, we need to finish this bill on Tuesday if we have any hope at all of passing the supplemental that week. It is going to take 1 day in any event. We might be lucky and finish in 1 day.

So I urge my colleagues on this side or members of their staffs who might be listening to determine either from Senator PACKWOOD or Senator BENTSEN, or both, whether or not their amendments are going to be accepted. If any has been cleared on both sides, then plan on being here Monday afternoon between 2 and whatever to offer the amendment. That would leave us only with a few amendments, as I understand, that would have to be voted on on Tuesday.

Mr. MITCHELL. Mr. President, I am advised by staff that 11 amendments were adopted today, so some consider-

able progress was made, although we did not have any rollcall votes. As I indicated in my remarks before the distinguished Republican leader came in, I have been working with him and others in an effort to resolve other matters which will permit us to proceed to the Panama/Nicaragua supplemental on Wednesday, and I hope we could complete action on that on that day.

But that points up the need for completing action on this bill on Tuesday.

So I repeat, so there can be no misunderstanding by Senators with respect to their schedules, on Tuesday it is our intention and I hope very much we will be able to complete action on this bill, which could mean a lengthy session on Tuesday with several votes, and Senators should be prepared for that; votes into the evening, if necessary, to complete action on this bill on Tuesday.

I thank the distinguished Republican leader and, Mr. President, I now yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MOYNIHAN). Without objection, it is so ordered.

TRIBUTE TO SPARK MATSUNAGA

Mr. RIEGLE. Mr. President, with the passing of Spark Matsunaga, the Senate has lost one of its great Members.

I served with Sparky for 10 years in the House of Representatives and we both came to the Senate in 1977. During the past 2½ years I had been honored to serve on the Senate Finance Committee with him.

His work to establish the U.S. Institute for Peace, the peaceful exploration of space, and his efforts on behalf of the people of Hawaii and the United States are well known. Because he worked so hard for peace, talk of his record in combat during World War II was not as prominent. It is hard to believe that this warm, goodhearted, and smiling man was also a combat hero who earned the Bronze Star Medal and two Purple Hearts.

Spark Matsunaga contributed so much to this institution. He was a man who knew how to quietly accomplish many things. He was known for the excellent staff he maintained. He will long be remembered by me as someone whom I genuinely looked forward to working with on many of the great issues of our day. I will miss him, and our country will miss him.

IN CELEBRATION OF EARTH DAY, 1990

Mr. McCLURE. Mr. President, I rise to join with my colleagues in the celebration of Earth Day this coming Sunday, April 22.

I come from a State whose people feel pretty close to the Earth all year round. In Idaho we have many Earth days, and we mark them quietly, in very personal ways: from the farming family giving thanks at the table for God's blessings and nature's bounty, to the logger silently dedicating the fall of a living tree to the betterment of mankind and the improvement of the forest. In Idaho we understand Earth Day very well. We are happy to join in its celebration with our kin and neighbors across this Nation and the world.

Mr. President, this week others in this great body will doubtless talk of tasks that remain before us in the preservation of the Earth. They will portray an urgent need for action to avoid catastrophe and, I fear, some may paint a gloomy picture of the state of our Earth. But we need only recall the predictions of disaster surrounding Earth Day, 1970 to suspect that all is not so bleak. In that year Time magazine told us that 1 million acres of forest land were being paved over every year. Life magazine warned us that, by 1985, the amount of sunlight reaching the Earth would be halved by pollution and that in the early eighties, urbanites would wear gas masks to survive air pollution. Those predictions never came true, fortunately. Their authors, extremists though they were, did help to awaken us to the need for greater efforts to protect the Earth. Such is the value of extremists in any movement. They may spur us to valuable action, if we maintain a reasoned and intelligent course, and if we do not adopt their apocalyptic views as our own.

On this Earth Day let us concede, Mr. President, that we still have much to do to improve our environment. But let us also look beyond the extremists' baleful view to the real and much more hopeful picture of our future, built upon a foundation of man's awakening care and responsibility for the Earth. Let us look upon the many and impressive accomplishments of the last 20 years, since the first formal Earth Day observance. A look at some of what has been done will give us perspective for our future.

America's forests are one place which show our progress. Today our country has 20 percent more trees growing than it did in 1970, because our forest products industry plants an average of 6 million trees a day. That is more wood than is cut and lost to disease or fire. The industry has brought 8 billion dollars' worth of capital equipment for environmental protection since 1970, and it has donated more than 1 million acres of forest land to conservation groups and municipalities. Today, nearly 40 percent of all newspapers and half of the corrugated packaging we use in the United States is recovered for recycling. By 1995, the industry intends to recycle 40 percent of all paper consumed in the United States.

Mining companies operating in America today are the best in the business. They have to be. They have pioneered ways of balancing product demand with environmental values. When I speak of demand, I mean the 40,000 pounds of new minerals needed every year for every single person in America to maintain the lifestyle we enjoy. I mean sheetrock for building, sand and gravel, iron ore, coal, even gold for computer circuitry, and medicines. Opening a mining operation today requires comprehensive studies, reviews, and manpower committed to determining environmental effects. Those studies have sometimes led companies not to open major mineral deposits because of the impact on the natural setting or the surrounding area. In many areas, mining company studies are the first or only comprehensive assessment of the status of flora and fauna. Over the past 20 years, former mining projects have been revegetated, and now play host to bands of deer, elk, and other wildlife. And, of course, many former mining projects now provide us with lakes, recreation areas, and wildlife refuges. Some even hold municipal wastes safely and effectively.

Mr. President, American industry spends more than $32 billion every year to control air pollution. Nearly 75 percent of our Nation's rivers, lakes, estuaries, and coastal waters are now swimmable and fishable, thanks to pollution reduction and control. Industrial sewage discharges declined 71 percent between 1976 and 1981, while municipalities reduced their discharges 46 percent. Cars and other new vehicles emit 96 percent less carbon monoxide and hydrocarbons than they once did. In order to keep pace with the country's energy demand our electric utilities have increased their use of coal by 85 percent since the 1970's, yet sulfur dioxide emissions are down 21 percent. In the past 18 years alone, Mr. President, American industry has spent more than $1.1 trillion—those are current dollars, mind you—on pollution abatement and control. Hundreds of businesses have reduced their output of wastes, not because of Government controls, but because it makes good business sense. These industries have shown the very best kind of corporate citizenship, and they have become environmental leaders by rolling up their sleeves and doing the hard work.

There are many individual examples of pollution reduction, more than I will take time to enumerate. Many shine forth from my own State of Idaho. Such success stories show that it is no accident that Americans have organized and promoted the Earth Day celebration. Few other nations have the time and the resources for a celebration such as this. That luxury is directly the product of a great free-market economy and of our long and proud history of technological progress. Thanks to them, we can point to our record as a world leader in controlling pollution. Our technological prowess now allows us to measure pollution in parts per billion, or even parts per trillion.

One most important fact refutes the alarmist arguments spread by those who would have us retreat to the Stone Age to protect the environment. It is this:

The human animal is the first in history to think about the consequences of its actions, the first to plan for the preservation of our Earth, turning the full force of intellect and, yes, technology to that design. Mankind is a part of nature, as much as any tree or animal. Let us not listen to those who value trees above mankind; those who wish to make a soulless museum of our Earth. On this Earth Day, mankind may take some time to be proud of our accomplishments, and we may look forward to further environmental challenges knowing that we are equal to them. We have proved it, Mr. President. We are proving it every day.

I thank my colleagues for their attention.

WOOD PRODUCTS TALKS WITH JAPAN

Mr. GORTON. Mr. President, last week, another round of wood products market access negotiations with Japan ended without significant progress. The continued stalemate is unacceptable. Achievements have been won in negotiations with Japan on structural impediments, satellites and supercomputers, but the wood products talks lag far behind.

A web of trade barriers preclude American companies from selling wood products in Japan. Those barriers include sky-high tariffs, overly restrictive building codes and a closed distribution system. The deck definitely is stacked against American wood products.

For almost a decade, the United States has sought to eliminate Japanese trade barriers in the wood products industry. In the mid-1980's, market oriented, sector specific negotiations—more commonly known as the "MOSS talks"—achieved only limited success. Last May, the administration designated Japanese wood products trade barriers to be a subject for super 301 negotiations.

Those trade talks are now reaching a critical stage. Just 1 month ago, Japan and the United States were far apart on a series of trade issues relating to wood products, supercomputers, satellites, and broad structural impediments. Significant progress has been made in all but the wood products talks. The deadline for resolving those bilateral trade issues is fast approaching.

The potential gains from successful wood products talks may significantly exceed those from the other sectoral negotiations, especially in terms of American jobs. The elimination of existing Japanese barriers could increase our exports of wood products by more than $1 billion a year and create or maintain thousands of American jobs.

While many of those jobs would be in my home State of Washington, others would be generated across the country. Wood products manufacturing accounts for more than 40,000 jobs in Washington State alone, and exports are an increasingly important element in the changing American economy.

Japanese trade barriers represent the continued triumph of special interests over the welfare of the Japanese consumer.

Those barriers have long protected uncompetitive Japanese businesses from competition by a more efficient and advanced United States wood products industry.

Mr. President, Japanese barriers to American wood products must come down.

The cumulative effect of the intricate web of trade barriers has kept our wood products out of the Japanese market. The U.S. Trade Representative has wisely worked to eliminate the entire range of trade barriers rather than merely one or two of the most egregious practices.

Mr. President, the administration must decide by the end of this month whether to redesignate Japan as a super 301 priority country. The status of the wood products negotiations will be an important consideration in that decision. The American public and Congress are no longer willing to be content with excuses and cosmetic concessions. We demand results.

THE 20TH ANNIVERSARY OF EARTH DAY

Mr. GORTON. Mr. President, on Sunday we will celebrate the 20th anniversary of Earth Day. We know that we are the stewards of the Earth's resources. Only with thoughtful use of these resources can we preserve the opportunity for a bright future for our grandchildren and their grandchildren. That has always been my primary goal during my life in public service.

I am proud to be from a State that realizes how valuable natural resources are, and also is aware of the importance of using and reusing these resources. By proper management of our resources in the Pacific Northwest we have maintained a strong economy and clean environment which guarantees a bright future for our region. An example of Washington's thoughtful stewardship has made the Puget Sound region the most effective recycling area in the country. I commend the people of these communities, who carefully separate their household refuse so it may be used again and again. Washingtonians understand that the future depends on our actions.

This year, Congress will reauthorize the Resource Conservation and Recycling Act. I intend to introduce additional legislation that will further encourage recycling practices. And, I will work to create broader markets for recycled products.

We should consider the 20th anniversary of Earth Day as an opportunity to enhance our effort to preserve this planet for a better future. Wise stewardship of our resources will allow future generations to enjoy the same benefits we have enjoyed.

EARTH DAY

Mr. KOHL. Mr. President, I would like to say just a few words about Earth Day, which takes place this Sunday, April 22. I am very happy to see all the attention which is being focused on the environment in connection with Earth Day. If nothing else, this event provides us all with an opportunity to learn more about what ails the environment around us, and what we can do to make it better. Education is half the battle, and media attention to Earth Day will help us learn more about the numerous environmental problems plaguing the Earth.

But that being said, I just want to express my sincere hope that Earth Day won't be forgotten as soon as it's over. Officially, Earth Day is April 22. But in reality, Earth Day should be every day. Earth Day shouldn't be a one-day celebration, a short holiday. Earth Day should be a state of mind, a way of life for all Americans. Each individual can make a contribution to a cleaner, safer environment.

I think it's encouraging to note that a recent Newsweek poll conducted by Gallup found that while 82 percent of Americans have chosen to recycle newspapers, glass, aluminum, and other materials, 73 percent of Americans don't plan to participate in Earth Day events. That shows me that people in this country really do care

about the environment, and are willing to put up with a little inconvenience to make the Earth a better place. That doesn't mean we shouldn't also recognize Earth Day—it's a wonderful celebration of the environment. But we have to back up our words and slogans with action, each and every day. It's easy to attend an Earth Day rally, but it's not so easy to sort your trash every day, organize a car pool, or maintain a lush lawn and garden without fertilizers and chemicals.

Individual efforts alone, however, aren't enough. A clean environment will require a concerted effort at all levels of government, including international cooperation, and it will take a great deal of help from private industry.

For example, we must be willing to change the Federal Government's spending priorities in a way that helps, rather than hurts, the environment. If we can reduce spending on weapons systems, we can divert those funds to State and local grants for recycling programs to reduce the dangers posed by landfills. Or we can spend the money on sewer construction projects to keep our water resources clean. Or we could invest the dollars in better mass transportation systems, to reduce the amount of automobile pollution and ease traffic congestion. All of those expenditures would create vast numbers of new jobs, helping to replace jobs lost in defense industries. And the dollars we spend now to prevent environmental problems will save us money in the long run, by preventing expensive cleanups of our air, water, and land resources.

State and local governments must do their part, with help from the Federal Government. Our local officials must be willing to mandate strong environmental controls, and be willing to allocate resources to environmental protection. A good example is legislation recently passed by the Wisconsin State Legislature establishing a comprehensive recycling program, which will require the cooperation of local governments throughout the State.

States can also do a great deal to promote energy conservation. State utility commissions can provide economic incentives for individuals and companies to conserve energy, saving consumers' dollars and protecting the environment at the same time. But much more can be done.

But no matter what Government does to protect the environment, and no matter what individuals may hope to accomplish, none of our efforts will be meaningful without help from the private sector. Business and industry are a necessary part of the equation. We can't buy environmentally benign products, unless companies manufacture them, and provide us with accurate, honest information on which we can base our choices. We can't buy ultra-clean cars until the companies invest in the research and development needed to produce them at competitive prices. Many companies are already doing their part, including many in Wisconsin. But more can be done.

Altruism aside, I think corporate efforts in the nineties to protect the environment will yield financial as well as environmental dividends. Consumer knowledge and awareness will continue to expand the market for so-called green products. Finally, the need for more and better environmental technologies has already created new industries and new jobs. Entirely new industries are being created to produce emissions control systems, recycling technologies, and energy conservation systems.

In sum, I hope that the celebration of Earth Day will prompt each and every one of us to alter our daily activities in ways which will improve the environment. That's well and good. We can choose environmentally safe products, in order to encourage their production. And we can recycle, conserve energy, and use public transportation and bicycles. Many will go beyond what is required, to do what is right. But in general, we all need inspiration. We need leadership—from the President, Congress, our Governors and State legislatures, our local governments, and from our corporate leaders. These are the people who can make the biggest difference in the fate of our planet.

So I would just say: let's do what we can in our daily lives to protect the environment. But let's not forget about our ability to change things at the polls, in local, State, and Federal elections. And let's not forget about our ability to influence corporate America with our pocketbooks. Politicians and corporations will respond when the public demands action, and I think the environment deserves nothing less than our very best, on Earth Day and 365 days a year.

A TRIBUTE TO SPARKY

Mr. KERRY. Mr. President, this Easter Sunday, we lost a man who was many things to many people. He was a friend, first and foremost; a peace advocate, a poet, a war hero, a humanitarian, a citizen, and a patriot. That man, of course, was our colleague, Spark Matsunaga. From his beginnings as the son of a poor immigrant family to his final days as a Senator, Spark Matsunaga made a difference for America.

Spark had a very special way of making that which inspired Spark Matsunaga and his personal goals into common goals that benefited all of us. Perhaps it was that this strong and humble man shared the values of most Americans deep down in his soul. In 1984, he established the U.S. Institute of Peace which awards graduate degrees to those who help settle disputes within and among nations, an accomplishment that took 19 years. In 1986 he succeeded in establishing an American poet laureate, a very special deed that was close to his heart, Spark truly believed that poetry was a window of the soul. And, in 1988, he succeeded in passing into law reparations for the interned Japanese-Americans of World War II. That act of decency was long overdue and I'm very happy that I was able to cast my vote for it.

No one should forget that Spark was also a war hero, earning two Purple Hearts and a Bronze Star for his valor in World War II. While he fought for a country that he loved and would have died for, that same country imprisoned his family and neighbors—now that is an extraordinary demonstration of patriotism.

Sparky lived a rich life, rich in good deeds and services to his constituents and our Nation. It is both easier and harder to mourn someone who lived a life as Spark lived his. Easier knowing that this country is better off for his existence, harder because someone with such a rare and good heart should live on and on. Personally I was particularly touched and grateful to Sparky when a few days before the Easter recess he made the painful effort to come to the floor to cast his vote for cleaner air and better health for all Americans in an amendment I had offered to the Clean Air Act. And, I am very happy that I was able to shake his hand and say thank you Sparky that last time.

I would like to extend my deepest sympathy to Spark's wife, Helene and his five children—Karen, Diane, Merle, Keene, and Matthew. Though Spark's physical presence is gone, his spirit remains strong in our hearts and minds.

IN HONOR OF SENATOR SPARK MATSUNAGA

Mr. LIEBERMAN. Mr. President, I rise today in honor of Senator Spark Matsunaga of Hawaii, a great leader and respected colleague. I regret that I had but a short period of time in which to know Sparky Matsunaga. But in that time, I came to know him as a wonderful human being, full of compassion, spirit and love. It is no wonder that he was widely considered to be the most respected and beloved Member of this great body. It was a privilege to learn from him.

My first contact with Sparky Matsunaga was shortly after my election in 1988. Most of my new colleagues were kind enough to call or write and congratulate me, and I appreciate that. But Sparky did them all one—or two—better. First, there was the box of

macadamia nuts, a treat I did not expect, but which I certainly enjoyed. And then there came in the mail a book, named "The Mars Project," written by Senator Matsunaga, and dedicated by him to the memory of his father, Kingoro Matsunaga. The book exists as a testament to Sparky Matsunaga's vision; he saw in Space an opportunity for humankind to advance civilization on Earth. Space-based surveillance represent an opportunity for avoiding conflicts between nations, he wrote. Joint explorations of space represent an opportunity to advance the tide of democracy. Writing about the exploration of other worlds, Sparky said, "Perhaps one of their discoveries, springing from a seed that an earlier generation dared to plant, would be a triumphant awareness of their common humanity."

His eyes were fixed on the stars, and his ears were closely attuned to the concerns of people here on Earth. He was a remarkable public servant, whose life enriched us all. I will miss him.

EARTH DAY

Mr. DOMENICI. Mr. President, as one of the cosponsors of the Senate resolution that designated April 22, 1990 as Earth Day, I rise today to celebrate the 20th anniversary of this great event.

In 1970, an estimated 20 million Americans participated in the original Earth Day, showing their support for protecting the environment.

In 1990, Earth Day is an international event, uniting millions around the globe in recognition that environmental protection is an international issue.

The first Earth Day increased the awareness of all Americans about the need to protect and preserve our environment. It brought about a fundamental change in the way we treat our environment.

In the 20 years since then the Congress has passed 33 major environmental initiatives—including laws to protect the air we breathe and the water we drink, laws to ensure the safe disposal of waste, laws setting aside more open space, laws to protect our fish and wildlife, and a law to protect our archaeological resources, which I authored.

This year, in a fitting reaffirmation of the effort to ensure a clean environment, the Congress has been working on a reauthorization of the Clean Air Act. I was actively involved in 1977 clean air bill and became equally involved in the bill that passed the Senate earlier this month. That is landmark legislation. It is the first clean air bill in 13 years and is a tough measure that will aggressively tackle our remaining air pollution problems—including acid rain, air toxics, and urban smog.

Mr. President, I am fortunate to live in a State of magnificant natural beauty. New Mexicans have a special appreciation of the land. Perhaps because so much of our livelihood is derived from the land, we have been wise stewards of our natural heritage. It is a tribute to the people of New Mexico that so many want to preserve the resources of the State so that future generations can enjoy the New Mexico that we know and love today.

During my time here in the Senate, I have been involved in preserving almost 1 million acres throughout New Mexico as wilderness, in designating El Malpais National Monument and Chaco Culture National Historical Park in New Mexico, and in protecting several of New Mexico's waterways as wild and scenic rivers. Most recently, I introduced legislation in the Senate to create the Petroglyph National Monument and the Organ Mountains National Conservation Area in New Mexico.

I am pleased to have had the opportunity to help protect and preserve the environment of my State, our Nation, and our world. Much has been done, yet more needs to be done.

Protection of the Earth not only requires laws, but also requires citizen involvement of the type we will see this weekend as thousands of New Mexicans are linked with millions of others across the Nation and the globe. We must encourage each individual to take responsibility for protection and preservation of the environment.

A major challenge over the next decade—and for the foreseeable future—will be to find ways to maintain and increase the world's standard of living while at the same time preserving and protecting the world's environment.

Our world is inhabited by 5 billion people today. Within the next generation, the world's population may increase to as many as 10 billion people. Every one of those 10 billion people will seek a better standard of living than exists today.

Our challenge, Mr. President, as Americans and as members of the world community, is to do everything that we can to promote prosperity without pollution.

Furthermore, the environmental problems in Eastern Europe that are now becoming known to us, point out the need to not only worry about future growth, but to also instill in those countries the same environmental ethic that exists among Americans.

On this Earth Day, let each of us commit ourselves to confronting these challenges and making the Earth a better place to live.

IN HONOR OF EARTH DAY—TRIBUTE TO GAYLORD NELSON

Mr. BOREN. Mr. President, This has been a special week in Washington and across the Nation as we join in the celebration of the 20th anniversary of Earth Day. Oklahoma has planned several exciting events for the occasion and I applaud the leaders in our State who have recognized the importance of the day.

Without great leaders, the environmental concerns of my State, our Nation, and the world would often be lost in the sea of issues that confront the Senate daily. My colleagues and I in the Senate were able to pass the Nation's first clean air bill in over a decade thanks in large part to the leadership of Senator GEORGE MITCHELL. I am also very pleased that President Bush recognized the need for leadership and called the international environmental conference that was held this week in Washington. I joined several of my colleagues this past year in writing letters to the White House urging such a conference, and I am greatly encouraged by the commitment made by the administration in hosting this world conference.

Leadership is the answer to our global environmental problems, and I rise today in recognition of a great man and a former colleague who gave us the important leadership we needed to first focus our Nation's attention on the needs of the environment. Senator Gaylord Nelson was the original founder of Earth Day in 1970, and he continues his commitment to the environment today as a national spokesman for the environmental movement and as a senior counselor for the Wilderness Society.

Gaylord Nelson gave a voice to the environmental movement 20 years ago when few other political leaders knew or cared about the dangers posed to a world that continued to rapidly develop without regard for the future. He knew that the central problem would be the question of leadership. In 1963, 7 years before he energized the Nation for the first Earth Day, Senator Nelson was able to convince President Kennedy that a new emphasis was needed on environmental issues. In a letter to the President, Senator Nelson stated:

> Americans in all walks of life are interested in natural resources. However, up to now there has not been any sustaining strong, central organization or leadership. Nevertheless, this interest is amazingly widespread. It cuts across political party lines, economic classes and geographical barriers.

Gaylord Nelson was asking the White House to provide the leadership needed for the environmental movement and President Kennedy responded with several important initiatives, but it was the continuing commitment of the Senator from Wisconsin that

sustained the movement. As President Jimmy Carter wrote in a letter to Gaylord on April 21, 1980:

On April 22, 1970, the environmental movement came of age with that remarkable event called Earth Day. * * * Many of the achievements of the first environmental decade are the result of your personal vision and hard work. You certainly deserve the thanks and gratitude of the entire Nation for your efforts on behalf of a cleaner and more beautiful environment.

Mr. President, I ask unanimous consent to print in the RECORD a brief history of the original Earth Day as described by Gaylord in 1989.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRIEF HISTORY OF EARTH DAY

(By Gaylord Nelson)

In February, 400,000 gallons of crude oil spewed out into the waters near Huntington Beach, California. Pelicans, ducks, sea lions, and other wildlife were coated with oil and died. An oily "mousse" washed up onto the area's exceptional beaches.

For many, particularly Southern Californians, it was impossible not to be reminded of the famous 1969 spill just up the coast near Santa Barbara. I visited Santa Barbara in the summer of 1969 to speak at a water conference, and then flew north to Berkeley to speak at a conservation conference. On the plane I read an article about the use of campus anti-war teach-ins to educate students about the Vietnam War. Suddenly the idea occurred to me: Why not devote a day to a nationwide teach-in on the environment?

Thus was born Earth Day. Eight months later, on April 22, 1970, 20 million people, 2,000 colleges and universities, 10,000 grammar and high schools and 1,000 communities mobilized for the first nationwide demonstrations on environmental problems. Congress adjourned for the day so members could attend Earth Day events in their districts. The response was nothing short of remarkable, and the modern American environmental movement took off.

My major objective in planning Earth Day 1970 was to organize a nationwide public demonstration so large it would, finally, get the attention of the politicians and force the environmental issue into the political dialogue of the nation. It worked. By the sheer force of its collective action on that one day, the American public forever changed the political landscape respecting environmental issues.

The politicians got the message. They responded with a series of major legislative initiatives that have begun to move us in the right direction. There are even glimmers of hope that we, as a society, may be starting to develop a conservation ethic and that the next generation may turn out to be the conservation generation so vital to our future.

Perhaps the most important advance since Earth Day is one of attitude and understanding—the recognition, finally, that human activities have created a global environmental crisis that urgently demands our attention. This is a giant leap forward.

The time has come to stop the arms race and begin the race to preserve the planet.

Mr. BOREN. Mr. President, now, 20 years later, Gaylord Nelson carries on as an inspiring leader in the environmental movement. For his continuing efforts to teach the world about our precious natural resources, for his constant belief in doing what is right rather than what is most popular, and for his determination to see results rather than just discuss global environmental problems, I join my colleagues in saluting our good friend the Honorable Gaylord Nelson of Wisconsin.

NAVAJO URANIUM MINERS

Mr. DOMENICI. Mr. President, last month, I traveled to Shiprock, NM, which is part of the Navajo Nation Indian Reservation. I went there for a hearing on the health problems of the Navajo who worked in the uranium mines of the Southwest from the 1940's to the 1970's.

I became involved in this issue when the problem of lung cancer among uranium miners was brought to my attention by the Navajo Nation 12 years ago. Since then, I have sought to obtain compensation for the Navajo and other uranium miners.

Although mine conditions improved greatly after Federal regulation of the uranium mines was imposed in 1971, many miners who worked in the mines prior to that time were exposed to unacceptably high levels of radiation.

As I looked into the issue, I discovered that many uranium miners, both Indian and non-Indian, suffered from lung cancer and other illnesses that could be related to their exposure to radiation in the uranium mines.

Therefore, in 1978, I introduced the Uranium Miners Compensation Act, the first bill to attempt to provide compensation for uranium miners who contracted radiation-related illnesses. Since that time, I have taken an active role in attempting to provide compensation to those who suffer from radiation-related illnesses.

Mr. President, the U.S. Government has an obligation to provide compensation to the uranium miners. During the time that these miners worked in the uranium mines, the U.S. Government was the sole purchaser of uranium in this country. In effect, the miners were producing uranium for the U.S. Government.

The U.S. Government has a special obligation to provide compensation to Navajo uranium miners because of the trust relationship between the U.S. Government and the Indian people. Under this trust relationship, the U.S. Government has a special duty of care to protect Native Americans and provide for their health care.

The uranium miners performed a service for our Nation. Now many of them have become ill because of that service. It is now time for the U.S. Government to perform a service for the miners.

Just as I have sought to provide compensation to the uranium miners, my distinguished colleague from Utah, Senator HATCH, has sought to obtain compensation for those citizens who lived downwind of the atmospheric atomic testing sites. Senator HATCH has done a tremendous job in leading the effort to show that this Nation can be compassionate and recognize when it has committed a wrong. Over the course of the last several years, he has repeatedly sought through legislation to remedy this wrong.

Recently, Senator HATCH and the Senior Senator from Massachusetts, Senator KENNEDY, led the Labor and Human Resources Committee to draft a bill to provide compensation for both uranium miners and downwind victims of the atmospheric atomic testing program.

Yesterday, the Labor and Human Resources Committee introduced that bill, the National Atmospheric Nuclear Testing Compensation Act (S. 2466). I am pleased to be a cosponsor of this legislation.

The National Atmospheric Nuclear Testing Compensation Act includes findings that uranium miners were exposed to radiation that produced lung cancer and other respiratory diseases and that the U.S. Government has a special trust responsibility to provide care and assistance to Native American uranium miners. The bill includes an apology from the Congress to the uranium miners and their families.

Under the bill, a $100 million trust fund would be established to provide compensation. A Special Master in the 10th Circuit would hear claims and award compensation.

Miners, or their beneficiaries, would be entitled to $100,000 in compensation if they: First, worked in the uranium mines in New Mexico, Arizona, Colorado, or Utah between 1947 and 1971; second, were exposed to 200 or more working level months of radiation; and third, contracted lung cancer or another serious respiratory disease.

Individuals who lived downwind of the atmospheric atomic testing sites, or their beneficiaries, would receive $50,000 if they: First, lived at least 1 year in a downwind area during the times of the atmospheric testing program or lived in the downwind area between June 30 and July 31, 1962; and second, developed leukemia—except chronic lymphatic leukemia—multiple myeloma, or cancer of the bile duct, breast, colon, esophagus, gall bladder, liver—except where cirrhosis or hepatitis B is present—lung, pancreas, pharynx, small intestine, stomach, thyroid, or urinary tract.

An estimated 1,100 to 1,300 downwinders and 250 to 350 uranium miners or their beneficiaries would receive compensation under this bill.

Mr. President, I support compensation for the uranium miners because they performed a service for our Nation. In the course of that service, a number of them suffered grievous injury. Our Government has an obligation to these people, an obligation that it has yet to fulfill. It is time that we recognized that fact and set to work righting the wrong that began over 40 years ago. These men served this Nation well, and it is time for this Nation to serve them well.

Mr. President, the cause of the Navajo uranium miners has been championed for the past 12 years by a man of tremendous integrity and compassion, former Secretary of the Interior Stewart Udall. Secretary Udall, who now lives in New Mexico, has forgone a lucrative career as a Washington lawyer or lobbyist and has instead devoted more than a decade to helping arouse the national conscience and correcting this injustice.

The Washington Post recently published a lengthy tribute to Secretary Udall's quest for justice for the Navajo uranium miners. I ask unanimous consent that the article be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 18, 1990]

STEWART UDALL'S WAR OF THE WEST

(By Cynthia Gorney)

SHIPROCK, NM.—At the table of dignitaries he wears a string tie and a forest green corduroy suit, and perhaps some of the Navajo people notice this as they watch from the folding chairs and risers of the Shiprock High School gym: the senators in their sober gray, the tribal officials in their plaid flannel shirts, and the Anglo man in the green corduroy suit. His hair falls sideways across his forehead and covers the back of his collar. His string tie is pinched in by a silver Zuni dancer. He sits with his fingers intertwined and his head slightly bowed, waiting through the soft tongue-sliding sounds of the spoken Navajo that opens the proceedings, and when the microphone is handed to him he looks into the crowd and says white people have an expression that seems to him suitable to repeat. "It's a long road that doesn't have a turn," he says.

He says 40 years have passed since government-ordered uranium mining first came to Navajo land, and that 11 years have passed since he first began trying to sue on behalf of the men who died of lung disease after going to work in the mines. He says that for a long time he was ashamed of the American system of justice. He says he was unable to explain to his Navajo clients why the government had done what it did and then declined to assume either financial or moral responsibility for it, but that perhaps the Congress will do something now to make that right. "I think there is a turn in the road," he says.

He is 70 years old, which makes him of roughly the same generation as many of the men and women gathered before him in the gymnasium, and when the testimony is over, these are the people who press forward and ask him to write down their names. "If you want me to help you, I'll send you a letter," says the man in the corduroy suit, slowly at first, and then faster as he says it again and again; old women hand him driver's licenses, or death certificates smoothed and preserved in small plastic wrappers, and the man in the corduroy suit scrawls on the back of a manila envelope the notes that will enter the file cabinets at home. Died last summer. Died 1964. Cell carcinoma, silicosis, pulmonary fibrosis. "Living," he writes alongside the address of Seymour Tso Sr., from Cameron, Ariz., and Seymour Tso takes back his driver's license, but does not move away.

"You a senator?" asks Seymour Tso.

"No," says the man in the corduroy suit. He smiles a little. His eyes do not lift from the manila envelope he is writing on. "I'm just a lawyer," he says. "I'm just an old man. Just a lawyer."

In the Kennedy and Johnson years, when the newspapers and magazines ran photographs of Stewart Udall hiking or testifying to Congress or swinging his children up onto his shoulders, he wore his hair in a crew cut. "Urges adding more seashore acreage to our national recreation lands," the caption would read, or "On his climb up Mount Fuji in Japan," and always there was the arresting brush of clipped dark hair above the heavy eyebrows and long straight nose. He says now that he wore his hair short because it was a good basketball-player-and-Army-bomber style that he had never bothered to change, but it is hard not to read broader gesture into the abandoning of the crew cut as Stewart Udall, the three-term congressman from Arizona and eight-year secretary of the interior, lets himself into the small study behind his house in Santa Fe to address the morning's work.

His forest green corduroy was fancy wear, for the congressional hearing; today he is in bluejeans and old brown shoes and a mud-colored muffler that covers the shag at the back of his neck. He looks like a mildly rebellious graduate student, except for the lines around his eyes, and at intervals he sounds rather like one too: His last book described Ronald Reagan as "the first overtly anti-conservation president of this century," and the book before that observed with lavish illustrations that Spanish explorers crossed the American West more than 250 years before the Lewis and Clark expedition and were widely ignored in histories favored by what Udall called the "Eastern WASPs."

His next book, which uses terms like "myths" and "cruel irony" and "outright lies," will assail the development of the American atomic age. "You can't believe the simplicity of the lifestyle, when they lived in their hogans, and lived in the traditional Navajo way,' Udall says, using the Navajo word for the rounded houses made of earth "And here the United States government, with this urgency of building a uranium stockpile and [developing] domestic sources—suddenly they find uranium. It's some of the first uranium that was found. And they just crashed through the door. And here's the Cold War, and here's the American industrial system—and these Navajo people don't understand anything."

Since 1978, when Stewart Udall first learned about what appeared to be unusual rates of cancer among Utah families who lived downwind of the 1950s nuclear test sites, he has brought four separate lawsuits against the United States government. Three of the suits were beaten back at the trial or appellate level, and one is scheduled for trial in Las Vegas, Nev., in June. They are complicated lawsuits, full of physicians' reports and epidemiological studies and conflicting accounts of what government officials did or did not do, but in each of the suits Udall and his partner attorneys have argued that the government sacrificed the health of its own citizens—uranium miners, atomic weapons plant workers and the families now referred to as "downwinders"—to the rush for atomic weapons development.

He has written magazine articles while preparing these cases, and taught classes while preparing these cases, and held fundraisers and given lectures and juggled grant money that was paid out as quickly as it came in. He earns some money coordinating environmental conferences for a Robert Redford outfit called the Institute for Resource Management. "I've been just kind of scrambling around, trying to make a living, but there were a couple of bleak years, I'll tell you," Udall says. "You gamble your time, and the money you have to spend for expenses, and it's a drain. I had a couple of years there when I had an income—I was doing things—but I didn't pay any income tax. That will tell you something."

This spring, for the first time since New Mexico Sen. Pete Domenici first introduced a similar measure 12 years ago, the Congress may finally move toward approval of legislation that would offer monetary payments to uranium miners and downwinders—"partial restitution to these individuals," in the wording of one of the bills, "for the burdens they have borne for the Nation as a whole." The legislation has powerful sponsorship now, including Sens. Orrin Hatch (R-Utah) and Ted Kennedy (D-Mass.), and if it is signed into law it will establish a fund to provide compensation to the families of people who died or became ill from what was believed to be disease induced by the radiation of nuclear testing or uranimum mines. Like the Atomic Veterans Act and the U.S. compact that offered reparations in the Micronesian islands where Americans tested nuclear weapons, the law would work by presuming, for people who could prove they lived or worked in the affected areas, that certain kinds of illnesses were caused by radiation exposure.

For the families of uranium miners who suffered or died from these illnesses, the payment is now set at $100,000. For the families of down-winders the payment is set at $50,000. The House and Senate bills include provisions for attorneys' fees too, but after 11 years Udall is not exactly waiting for Washington to start flinging money at the lawyers who brought these suits in the first place. "I've lived with this so long, I'm kind of numb," he says. "The more I go through these old files, the more the pathos just seeps into you. I just feel that it's good for the people and good for the country to say, 'Well, we did recognize a wrong,' and they were paid something, even thought it's modest. And as far as the lawyers and all the rest of us are concerned, we don't go home emptyhanded. And that's right too."

The prospect of actually earning income from the uranium cases seems mostly to bemuse Udall, who is "going through these old files," as he puts it, because he has no legal secretary who might go through the files for him. The closest he keeps to a formal office is one smallish room at the Archaelogical Conservancy, a nonprofit organization that acquires sites for archaelogical exploration; Udall serves as chairman of the Conservancy's board, and his big cluttered Conservancy desk confronts a massive photograph of North Cascades National Park,

which was created out of 500,000 acres of Washington state forest while Udall was secretary of the interior. There is a black-and-white of Redwoods National Park too, and a coffee table ordered up by President Johnson in 1968. Beneath the coffee table's surface, immobilized under glass, are 80 of the fountain pens Johnson used to sign other Interior Department-promoted legislation into law while Udall was the secretary.

Each pen is labeled—*Wilderness Bill, Endangered Species Act, Air Pollution Funds, Federal Coal Mine Safety Act*—but it takes some maneuvering to read the labels, since the table is piled with memorandums and books about radiation and the American Southwest. "My thesis is, you can go home again, and that's what I've done," Udall says. "I think it's sad that so many congressmen and senators and Cabinet members don't go home."

That they occasionally stay behind while satisfying certain standards of tangible recompense—this is not lost on Udall either, and in fact he recently attended a Washington dinner at which he found himself seated among former government officials who now maintain offices somewhat fancier than his. Very nice jobs they have too, Udall say consultants and professors and attorneys with handsome hourly fees. "But I'm the only one who hangs around with Robert Redford and Jacqueline Onassis," Udall says, the half-smile meant to make sure one understands he is making fun of himself; Onassis was the editor on Udall's Spanish explorers book,. "Instead of material rewards, you take what you can get."

AMONG THE ROCKS

On a winding dirt road that has temporarily vanished under snow and scattered red rocks, a Navajo mining official named Perry Charley is bouncing a muddy four-wheel-drive over land his mining maps call Tsetah, which is Navajo for "among the rocks." When he pulls to a stop, the four-wheeler heaving up to a small plateau that is not road at all, Charley climbs from the driver's seat and stands for a moment in the snow. He is a long way from anything that makes any noise, but when Charley leans down and flicks a small switch, a clicking starts up: steady at first, and then more rapid as Charley steps forward over the rocks. What he is holding is called a scintillometer, Charley says; most people know this kind of device in the form that was more commonly used a decade ago. Then it was called a Geiger counter.

And as the clicking accelerates below Charley's hand, he swings the scintillometer in the direction of a man-sized opening in the rock face before him. It has been 20 years since anyone worked this mine, but at the entrance to the tunnel lies an empty Fritos bag. "When it's cold, they still bring sheep in here, and put something over the entrance," Charley says. "And you have a pretty well-in sulated shelter. Unfortunately, it's radioactive."

Although he had served as titular supervisor of the federal bureaus that oversee both mines and Indian reservations, Stewart Udall says it was 1978 when he first began examining reports of disease among men who had worked the uranium mines carved in this fashion from the rock of the four-state Colorado Plateau. Udall was a private citizen then, an attorney and lecturer who occasionally worked with Navajo businesses, and on a visit to the reservation he began talking to tribal officials about what appeared to be uranium miners' spectacularly high rates of lung cancer and other debilitating illness. "It was a horror story," he says. "And I said, 'They have a lawsuit.' "

Udall insists he was not inspired by a conviction that he ought to have resolved the miners' problems while he was interior secretary; he says nobody ever alerted him to the radiation in the mines. He says he did not begin learning the details of radiation disease and the American atomic weapons program until 1978, when at the urging of some Southwestern relatives, he joined forces with a Tucson attorney named Dale Haralson and began background research on behalf of the Utah families who believed their cancers had been set off by nuclear test fallout. "The thing that was quite clear from the beginning was that there had been a coverup, and there had been a lot of lying going on," he says. "All of us in those first months were kind of grouping our way in. We didn't see the enormity of it for quite a while."

He was living in Washington then, still settled with his family into their contemporary McLean place that overlooked the Potomac, but every time he flew west to gather material for his lawsuits, Udall was coming home. The Phoenix telephone directory lists 26 Udalls, and all of them are related to Stewart; the wildly complicated family tree goes back to a 19th-century Mormon settler and includes ranchers, doctors, lawyers, church elders, polygamists, judges, mayors and the occasional congressmen, like Stewart Udall himself, whose seat was vacated in 1961 with his Interior Department appointment and promptly filled by his younger brother, Morris. "The Udalls and the Goldwaters—we were sort of the first families, politically," Udall says. "That's what they used to write in the 1960s."

Udall's father was an Arizona judge who served on the state Supreme Court, and his mother an outspoken woman with an abiding interest in Indian culture. He had grown up in a small dry town near the Arizona-New Mexico border, completed the two years' missionary work expected of young Mormon adults, and flown in bombers over Italy during World War II; by the time he ran for Congress he was championing liberal causes like aggressive school desegregation, and in his years at Interior Udall built a reputation as an unabashed ally of what would come to be called the environmental movement. "Henry Thoreau would scoff at the notion that the Gross National Product should be the chief index to the state of the nation," Udall wrote in his 1963 bestseller "The Quiet Crisis," "or that automobile sales or figures on consumer consumption reveal anything significant about the authentic art of living."

So it was startling but not at all unimaginable, he says, to find himself a decade later compiling interviews and memorandums that suggested to Udall a massive moral failing on the part of the government he had once served. "I saw the government through a different lens by the end of the 1970s than I did when I was a fresh young congressman, with all the patriotism of World War II," Udall says. "I was bitter that the government wouldn't admit that gross mistakes were made, and people were sacrified."

Accompanied by longtime friend Bill Mahoney, a Phoenix attorney who had played high school basketball against the young Stewart's team, Udall began visiting the Navajo reservation chapter houses where men like Perry Charley would translate into English the accounts of uranium miners or their widows. Charley's own mother was one of the widows; he says his father, who died in 1986, was ordered 20 years earlier to stop working in uranium mines after company doctors told him he had disabling lung disease. "They didn't tell him he was eligible for worker compensation, they didn't tell him he was eligible for a lot of insurance," Charley says. "They just cleared him out."

As a boy Charley watched the miners line up outdoors when the green Public Health Service vans came to the reservation now and then to measure and make notes. "I remember standing out there as a little kid, giggling, because there they were stripped to the waist," he says. His father received no warning diagnosis during his working years, Charley says; it was not until he was fired that mining company doctors named for him the diseases Perry Charley says eventually killed him. "Radiation fibrosis, lung fibrosis," Charley says, with the facility of someone who has spent a lot of time navigating the old linguistic passage between Navajo and the English of the post-Atomic Age. "Both caused by exposure to radioactivity."

The very concept of "radioactivity" was difficult to work into Navajo; both Charley and Albert Hale, a bilingual Navajo attorney who joined Udall in early work in the case, tried to use the image of steam to explain in Navajo how an invisible substance might have entered a person's body. Hale would describe a kind of steam carrying particles, particles that might lodge for many years in the lungs and then wake and cause cancer, lo doo naa zhihii, which translates out of Navajo as "the sore that never heals." "You saw how little people knew," Udall says. "And the extent to which they were utterly dependent on the government and the mining companies to tell them."

His office files fattened with interview notes and printed studies and copies of correspondence dating back to 1950, and gradually Udall began piecing together the angry thesis he would lay out in court. The letters and memorandums described for Udall a drama he thought bore the weight of Greek tragedy: Here were field experts for the United States government writing urgent warnings 40 years ago that the Southwestern uranium mines contained dangerous levels of radon gas, which as it decays attaches to dust particles that can settle in a miner's lungs. "Such high concentrations are almost certain to cause serious trouble," a U.S. Public Health Service engineer named Duncan Holaday wrote in 1951 to the head of a mining company, "even though ten years or more may have to elapse before it develops."

In the postwar United States, large-scale uranium mining was new business, rushed into the Colorado Plateau by government officials eager to build the American atomic weapons program without reliance on imported uranium. No American studies correlated long-term uranium mine work with lung disease, but scientists had known since the 19th century that lung cancer killed many of the miners who had worked central European mines later found to contain high levels of radon. What Udall and Mahoney intended to show was that Atomic Energy Commission officials knew from the start that the Southwest uranium mines were dangerous—but that in the Cold War quest for American uranium, the miners were never warned about these dangers, even as Public Health Service doctors examined the men and monitored their lungs for scientific data.

The mines were privately owned, Udall says, but they were under the supervision of government agencies that both purchased the uranium and knew what safety measures would have lowered the radon levels inside. And by the time adequate safety standards were mandated at the mines, Udall says, it was 1967 and the uranium mining was on its way to shutting down. "The real tragedy was that mine ventilation was widely used technology," Udall says. The most dramatic improvements might have come from relatively simple installations, he says: "Hell, it was just *fans*."

Navajo surnames accumulated in Udall's lists of prospective plaintiffs: Yazzie, Begay, Charley, Nahkai. By the time of the 1983 U.S. District Court trial in Phoenix, Udall and Mahoney had gathered the health records of more than 200 former Navajo uranium miners who had been killed or disabled by lung disease. They had the accounts of men who drank the water that ran through uranium mines, who had eaten lunch in the mines and breathed facefuls of dust and come home at the end of the day to strip off their radioactive clothes and lay them atop the family laundry. "He used to hang his clothes by our beds, and all the dust would fall down into our clothes," the widow Pearl Nahkai was to testify at the congressional field hearing in Shiprock, her voice rising to a wail as Perry Charley translated into English from the rapid Navajo in which she described the work days of her miner husband. "We never knew the dust he was covered with was dangerous."

The Navajos' records were particularly striking, since lung cancer rates on the Navajo reservation had been unusually low before the onset of uranium mining, but Udall had also begun representing in a separate case the widows of 30 white miners who had mined uranium in Utah. Public Health Service surveys estimated that about 15,000 white and Indian miners worked the Southwest uranium pits through the mid-1960s, and among the 4,200 examined from the 1950s on in the PHS miners study, the death rate from lung cancer was five times higher than the expected average.

Government attorneys argued that some of the miners smoked cigarettes, that the link between their mining and the lung diseases remained unproven, that the government was legally exempt from this kind of lawsuit.

They argued that medical studies of the miners were part of a government effort to learn whether their health might actually be imperiled, and how appropriate safety standards might be determined. And when U.S. District Judge William Copple handed down his ruling in 1984, he found for the government and dismissed the Navajo miners' case. If a private citzen is harmed by the actions of government employees who were using their "discretion" in the execution of public policy, Copple ruled, the citizen cannot sue the government.

Udall had a phrase of considerable bitterness for this doctrine: "The king can do no wrong." His downwinders lost to it too; in 1986, two years after a U.S. district judge in Utah set national precedent by finding that some of the downwinders' cancers had been caused by goverment negligence in the nuclear testing program, an appellate court reversed the decision and said the government was immune from lawsuit over its actions in the tests.

And the white miners' widows from Utah, who did receive a settlement from the private mining companies they had sued, were also turned away in their effort to sue the government. Only this year's Las Vegas suit, which Dale Haralson will try with Udall on behalf of atomic test site workers who contracted cancer, remains to be litigated; every one of the other suits had by the late 1980s been thoroughly defeated in court. "This wasn't just losing cases," Udall says. "When you have put years of your life into something—when you've made that kind of commitment—it's a devastating experience, that's all."

He found it both heartening and frustrating that the trial judges who studied his evidence agreed with him that radiation had caused some of the cancers—that the government's quest for atomic superiority had indeed claimed American lives. "This tragedy of the nuclear age . . . cries out for redress," Copple wrote in his ruling dismissing the Navajos' suit. "Such relief should be addressed by the Congress."

The Congress appears to be paying attention; this month the Senate Judiciary Committee approved one version of the legislation that would provide lump sum payments to families of both miners and downwinders. It is not perfect legislation, from Udall's perspective, and the Justice Department has argued against some versions of the bills on the grounds that they might offer money to people whose illnesses could not definitively be linked to radiation exposure. But if the bills were signed into law, then some Southwestern families would receive both money and a kind of apology from the United States, and that is more than Udall has been able to wrest from the government in 11 years of trying.

"You have this old thing in athletics about character building," Udall says. "But if Congress would, in its—"

He hesitates for a moment; the word does not come to him. "If it would do something," Udall says. He is up from his chair, hands in his jeans pockets, pacing the living room. "It would be a good ending. Not the best ending. The best ending would have been that this would never have happened in the first place. And the second best would be that our system of justice would work. And the third ending, which at least will take a little of the bad taste away, would be to have a 'compassionate payment'."

Udall does not imagine his life might change much even if Congress does vote the way he hopes; he and his wife moved to Santa Fe last year from Phoenix, and they are living in an adobe rental while plans begin on a house an architect is designing for them. The site abuts a mountaintop, a grand sweep of Santa Fe and the mountains off to the west and north, and when they move, Udall plans to walk the two miles to and from his office as often as he can. He likes walking in Santa Fe, with the adobe walls and the narrow curving streets and the luminous air that makes painters put wild colors on their canvases, "People live simple lives here," he says. "It's wonderful. They're so glad to be here, they get by on much less. I'd rather make $30,000 and live here than $60,000 and live in New York or Washington.

And it is also possible, Udall observes, that even now the long road has no turn. "I'm not sitting here assuming this is done," Udall says. "this whole thing is going to land on the President's desk. It looks to me like that's where the final decision will be made, and we may all go home empty-handed, still. I try to be optimistic. But I've had so many disappointments, it's hard to keep your optimism up."

AN OPEN LETTER TO PRESIDENT BUSH

Mr. MOYNIHAN. Mr. President, Earth Day 1990 is almost upon us. Especially in light of that fact, I rise today to recognize a group of students from the Carrie E. Tompkins School in Croton-on-Hudson, NY, who have brought to my attention their serious concerns for the environment. These fourth-grade ecologists have made their concerns known by producing a 7-minute videotape entitled "An Open Letter to President Bush," a copy of which I have also forwarded to the White House.

While the open letter is an impressive achievement, the depth of knowledge that it evidences is just as significant. For these children have clearly mastered one of the difficult concepts of environmentalism. It is an international issue, a global imperative. How we behave at home affects both neighboring communities and neighboring nations. The students' efforts are most inspiriting.

To provide a framework for their efforts, they founded YES, the Young Ecologists' Society. They have raised money through recycling to purchase an acre of rain forest in Belize, and have adopted a whale. Indeed, their efforts were featured on Soviet television.

Mr. President, I commend the students and their teachers. And, of course, their parents. I do feel confident that we shall be leaving the environment to a responsible generation. And the ethic of responsibility is what best defines environmentalism. I urge all of my colleagues to view this videotape, and would be most pleased to provide it to them.

I thank the Chair.

EARTH DAY

Mr. MOYNIHAN. Mr. President, as we all know, this Sunday marks the second observance of Earth Day. This is a day for us to reflect on what we mean by "environmentalism." The first and best modern exposition of this idea was written by Aldo Leopold in "A Sand County Almanac": "an ethic dealing with man's relation to land and to the plants and animals that grow on it."

Two decades have passed since the first Earth Day of April 22, 1970. Much has happened in the intervening years. The Environmental Protection Agency was established in 1970 by President Nixon—and was ravaged during the early 1980's by President Reagan. But the EPA has survived and is slowly maturing. It seems near to certain that later this year, the Congress will elevate the EPA to a Cabinet level agency—The U.S. Department of the Environment.

Also in the two preceding decades, the Congress has enacted major environmental legislation. These laws have had as their goal the protection of the public health, and the preservation of the air, water, and soil.

In the two decades since the first Earth Day, we have learned much about what we call "the environment." The recent debate on the Senate floor over amendments to the Clean Air Act has shown that many problems are as yet unsolved. Clearly, the scope of our environmental awareness has expanded—from local issues, to regional and national problems, to global concerns. Citizens are no longer only concerned about the river running through their town or the local landfill although these are often issues that arouse strong emotions. Modern environmentalism is as much concerned with the stratosphere and the global climate.

I have said before that environmentalism is, above all, an ethic of responsibility. We are responsible for providing to posterity an environment to sustain and succor future generations as it does us. In the modern age, this can be among the most demanding of responsibilities. There are costs to be borne if we are to act responsibly. And of course, the costs are all too easily put off. It is not uncommonly argued that no price is too high for the protection of the environment. Try telling that to the coal miner, or auto worker who may lose his or her job as a result. Nevertheless, the costs, whether monetary or human, must be borne.

This ethic of responsibility led me to sponsor legislation to establish a national policy for the conservation of the Earth's biological diversity. The bill S. 2368 is a companion to a similar bill which has been introducted in the House by my good friend Congressman JAMES SCHEUER.

The bill recognizes that the plants and animals that grow on the earth are necessary for man's survival. Humanity uses these resources for food, clothing, and shelter. We must conserve these resources for those who follow us.

It is estimated that 25 to 50 percent of the Earth's species may become extinct during the next 30 years. Sadly, many of the losses may go unnoticed. The bill should help us understand the magnitude and impact of such loss.

It would establish a National Center for Biological Diversity and Environmental Research. This Center would be the focal point for research, data compilation, and dissemination of information on biodiversity. The bill would also create an interagency working committee to develop a coordinated Federal strategy for the conservation of biological diversity. A National Scientific Advisory Committee would oversee the implementation of the national strategy.

I would not argue that all extinctions of plant and animal species are preventable, or that we should make an effort to do so without limit. Extinction is a natural phenomenon. Ecological systems are dynamic—they are always evolving and changing. But the things we do, we should do knowingly. Only recently have we begun to recognize the often subtle impacts of our activities—how human activity can unintentionally upset delicate ecological balances.

The ecosystem in which we live is dynamic and resilient. Poke it here, and it bulges out somewhere else. It can take much of our abuse and show little sign of wear. But we have been surprised. Since 1975, it has been theorized that chlorofluorocarbons could harm the stratospheric ozone layer. But no one had expected the first manifestations to occur over the polar regions as is now suspected.

Clearly, there is still much to be learned—both about the Earth and the atmosphere, and about the plants and animals that inhabit it. About 1.4 million species of plants and animals have been identified and given scientific names. But there may be between 5 million and 80 million species all told. We do not yet know the true diversity of the Earth's biological community to the nearest order of magnitude. And we are losing many of these plants and animals even before we can learn their potential value or how they fit into the ecological niche.

As an ethic of responsibility, environmentalism must be founded on facts. Rhetoric should be based on knowledge, not emotion. Science—understanding—must guide policy. We must understand, and be able to explain, the effects of our actions to protect the environment—and, when challenged, we must be able to prove it. We must be able to account for the costs and to measure the benefits. We must not fear the facts—we must welcome them—for they are the basis for responsible actions.

But the technical issues are complex, and our understanding is incomplete. Knowledge is a long-term investment. The understanding of man's relation to land and the plants and animals that grow on it is never complete. It evolves. This is the scientific method, where theories are advanced, tested, refined and retested.

Continuing support for environmental research, environmental monitoring, data collection, and analysis is just one of the costs of our acting responsibly.

Indeed, I have included in the recent clean air bill an amendment to require economic impact analyses of the clean air requirements. That effort contemplates analysis on a scale never before performed. It may take decades—even generations—to develop the needed methodology, and to collect and analyze the necessary data. We mean to be around, worrying about such matters for a long time.

Earth Day 1990 is a cause for celebration. But it is a cause for work and for reflection as well. We must not only talk about preserving the environment, we must act—and act responsibly. The ethic of responsibility demands that we go beyond rhetoric. We must all take action to preserve and protect our environment—as individuals, as legislators, and as a nation and a world.

The theme for this Earth Day is to "think globally, act locally." To do so, we must know the facts. The consequences of our actions are often complex, but this should not lead to indecision and inaction. We must take responsible actions, based upon the science as we understand it. And we must continue to invest in expanding our knowledge. As knowledge grows, actions can be adapted.

Twenty years from now, we may have a third Earth Day. I hope those who look back on today will say that we have acted and invested well. An ethic of responsibility requires nothing less.

I yield the floor.

JIM WHITTAKER AND MOUNT EVEREST EARTH DAY 20—THE INTERNATIONAL PEACE CLIMB

Mr. KENNEDY. Mr. President, as we commemorate Earth Day this Sunday, a team of American, Soviet, and Chinese mountain climbers is making its way up Mount Everest and hopes to reach the summit next month.

The expedition, called the "International Peace Climb," is being led by Jim Whittaker, who in 1963 became the first American ever to climb Mount Everest. This current ascent is a demonstration of the international cooperation, commitment and teamwork that can be achieved when people of different nations and ideologies work together.

On April 22, we celebrate the 20th anniversary of the first Earth Day. In nations around the world, citizens will meet in their communities to seek better solutions to the myriad environmental problems that pose increasingly serious threats to the future of our planet.

Jim Whittaker and the International Peace Climb remind us that environmental problems know no political, geographical or cultural boundaries. They can only be overcome if all of us work together. In their journey to the peak, Jim Whittaker's team is collecting trash and debris that previous Everest expeditions have left behind on the slopes. From the highest mountain to the lowest valley to the deepest sea,

the worldwide environmental cleanup is beginning.

I commend Jim Whittaker and the entire international team for their extraordinary effort. May their example inspire each of us to climb the Mount Everests in our own lives and nations, and make our planet safe for future generations. I ask unanimous consent that the members of the team and an article about the climb may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOUNT EVEREST EARTH DAY 20
INTERNATIONAL PEACE CLIMB TEAM MEMBERS

UNITED STATES

Jim Whittaker, Warren Thompson, Stephen Gall, Robert Link, Edmund Viesturs, Ian Wade, LaVerne Woods, Thomas Armstrong, Timothy O'Brien, Mark Tucker, Patricia Riley, Matt Krogh, Keren Su, Kurt Papenfus, M.D., Barbara Fromm, George Johnson, Egil Krogh, Jr., Ray Nichols, Michael Weidman, Laszlo Pal, Stephen Marts, John Yeager, Paul Thorndike, J. Daniel Bariault, Rusty Brennan, Matthew Krogh, Dianne Roberts.

SOVIET UNION

Vladimir Shatayev, Ervand Ilyinsky, Mistislav Gorbenko, Ekaterina Ivanova, Anatoly Moshnikov, Alexander Tokarev, Andrei Tselischev, Victor Volodin, Vitaly Medvedev, Edward Lipen.

CHINA

Losang Dawa, Luo Ze, Gyal Bu, Da Qimi, Ren Na, Gui Sang, Lou Tse, Ying Dao Shui, Losang Xue Deng, Wang Chia.

[From the Christian Science Monitor, Mar. 1, 1990]

MOUNTAINEERS GEAR UP FOR SUMMIT

(By Laura Van Tuyl)

Sometime on April 22—Earth Day, 1990—the top leaders of the Soviet Union, the United States, and China will receive an unusual phone call.

Crackling over the radio-to-satellite connection will come the voices of a Soviet, a Chinese, and an American mountain climber perched atop the world's highest peak—Mt. Everest.

Their message? Only by international friendship and cooperation can the highest goals on Earth be reached: world peace and a clean environment.

If the weather stays clear and the climbers' strength holds out, Jim Whittaker's dream will come true. After five years of planning, the world will witness the first international "Peace Climb," coinciding with the 20th anniversary of Earth Day.

"We'd be lucky if we could do it, but it's a good goal," says Mr. Whittaker with an air of modesty. The world-renowned mountaineer, and leader of the expedition, admits the extreme dangers of such a feat. He climbed to the summit in 1963—the first American to do so. But the very fact that these citizens will "rope up" together and form a team of people whose lives depend on one another is a symbolic act worth striving for, he says.

Under Whittaker's guidance, five teams will each have a chance to reach the 29,000-foot summit. Each three-person team will consist of one Soviet, one Chinese, and one American climber.

The 50-member, 3-month expedition will also "clean the world from the highest point down," says the ruddy Whittaker in an interview. "We've got big duffel bags we're going to fill with garbage that's been left there by previous expeditions—I left it there in 1963! That was the ethic back then—we didn't care about the environment."

Mt. Everest, on the border of Nepal and Tibet, is a veritable "junkyard," he says, with more than two tons of debris—old tents, cooking gear, empty oxygen bottles—scattered across its snowy slopes. Workers will load the refuse on yaks and haul it down to about 17,000 feet, where the Chinese have given them permission to bury it in specified areas.

Whittaker shuns the idea that the Peace Climb has lost any of its relevance due to *perestroika* and the sudden crumbling of communism in the East bloc.

"I think the timing is turning out to be fantastic," he says excitedly. "What about China? Everyone's still terrified about what's happening over there. My feeling is we don't want to have another Cold War with them like we've had with the Soviets."

Last summer, a practice climb on Mt. Rainier in Washington was almost canceled because of the Tiananmen Square crackdown. The shakedown climb was crucial to test equipment, build teamwork, and train the Chinese, who are less experienced in climbing technique than the Soviets and Americans.

Fortunately, the climbers (some from Beijing, some from Tibet) were able to leave, though the delay cut one week off the shakedown climb. A few months later, a second climb on Mt. Elbrus in the Soviet Caucasus went ahead as planned.

During training, an important lesson was overcoming language barriers. It was decided that English would be used for climbing commands and words such as "avalanche" and "falling."

"One of the Soviet climbers had an English translation book," says Whittaker, laughing, "but it was all nautical terms, so he said things like, 'Where do we drop anchor?' "

While communication is key, "on a mountain, you've got high winds, and you're 100 feet away from each other on a rope, so it's mostly grunts and signals. . . . If there's any really technical thing, they can radio down to an interpreter."

The practice climbs also let climbers sort out what food to bring. Tibetans live on yak-butter tea and a gruel-like substance made from wheat and legumes, says Whittaker. "They'll eat some of our food, but they prefer their own, which will be provided for them." The Soviets, however, "are more in tune with our style of eating," he adds. The 15,600 meals provided by the Americans for the expedition include potatoes and rice, dried fruit and nuts, fish, beef stew (in aluminum pouches), and 2,000 pounds of Kool-Aid.

Organizing the Peace Climb was not easy for Whittaker, who donned the robes of a diplomat to persuade the Soviet and Chinese governments to go along with the idea. Initially, the Chinese thought the project had merit, explains Whittaker, "but they said, 'We haven't had Soviets here for 30 years! We don't want to invite them if they don't want to come.' "

The Soviets didn't want to lose face either, he adds. "They said, "We don't want to invite ourselves unless we're sure the Chinese will have us.' " After months of shuttle diplomacy, Whittaker finally persuaded each country of the other's good faith.

Engendering enthusiasm and cooperation are among Whittaker's strong points, says Dr. Barry Bishop, who ascended Mt. Everest with Whittaker in 1963, and now heads the committee for research and exploration at the National Geographic Society. In addition, he says, "he has a dynamic personality to go with sound physical and technical abilities."

While the Peace Climb has already prompted good feelings among its participants, there have been practical benefits as well:

The Americans have educated the Soviet and Chinese teams about the ethic of "leaving only your footprints behind," says Whittaker, including throwing paper and wrappers inside one's tent rather than on the ground. And in meetings with Chinese officials, it was agreed that all future expeditions to Mt. Everest will leave a "damage deposit" for the mountain. "If they don't clean up their debris, then the monies they've put down will be used to pay the Tibetans to clean up."

With the political conflict behind China and Tibet, it was significant that Chinese officials asked the Tibetans to climb and worked with them to carry the project forward, Whittaker says.

The Peace Climb demonstrates grass-roots activism. "Any good political movement starts with the citizens," says Whittaker. "That's how the Berlin Wall came down."

FIFTY TONS OF FALLING SNOW AND ICE

Getting down Mt. Everest is just as tough as climbing to the top. Jim Whittaker, the first American to reach the summit and leader of the upcoming Mr. Everest International Peace Climb, recalls one moment during his historic 1963 climb.

After 20 minutes on the summit, Whittaker and Nawang Gombu, his Sherpa guide, started down over a cornice of snow and ice with a 70-degree slope and a 10,000-foot drop.

"I was anchor man for Gombu who was 60 feet in front of me, going down the track I laid on the way up. The rope was almost taut. Suddenly, the cornice broke off right in front of me and took half the track out and came out right behind Gombu—50 tons of snow and ice dissolved in a roar on the Kangshung face!"

In a stupor from lack of oxygen, "I simply looked down and thought 'Gee, I better move over a foot.' Two days later down at base camp, I got goose flesh. If we'd gone down that thing, no one would ever know what had happened to us."—L.V.T.

THE ANTICS OF A MISGUIDED DESPOT

Mr. PELL. Mr. President, many of my fellow Senators have been disappointed, if not surprised, by the drumbeat of disclosures in recent weeks indicating that Iraq's thoroughly unpleasant leader, Saddam Hussein, seems determined to make that nation a full-fledged outlaw.

We have all read recent press reports regarding Iraqi efforts in the fields of chemical, biological, and nuclear weapons. Saddam Hussein has lent credence to it all by mouthing vile threats to use chemical weapons

against Israel. Since Iraq already has used chemical weapons repeatedly against Iran, in clear violation of international law, and has felt free to gas its own citizens, the Kurds, these recent threats have to be taken seriously.

We also must treat seriously apparent efforts to get parts for nuclear devices and other weapons, no matter how bizarre the reports may sound.

Unfortunately, Saddam Hussein's rantings have struck a responsive chord in some quarters of the Arab world. I would urge those in that part of the world to beware the siren song of this fellow, for his is not the way to a fair peace but to conflict and continued suffering.

Frankly, I believe that responsible Arab leaders will see through Saddam Hussein and recognize him for what he is—a murderous despot lacking common sense, who is leading his nation along a very risky course in which the lightest penalty he can expect is ostracism by much of the civilized world.

Mr. President, the world is becoming increasingly aware of and disgusted by Saddam Hussein's activities. In this connection, I would like to bring to the attention the text of a resolution approved earlier this month by the European Parliament. I ask unanimous consent that the text of the resolution be printed in the RECORD following my remarks.

Thank you, Mr. President.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

The European Parliament,

A. Having regard to the genocide policy ruthlessly and consistently applied by the Iraqi regime against the Kurdish people and recalling the chemical bomb attacks carried out by the Iraqi Air Force on the civilian population of Halabja on 17 March 1988, causing 5,000 deaths,

B. Having regard to the responsibility that lies with the foreign states which have equipped and are still equipping the Iraqi Army with deadly offensive weapons for its genocide policy against the Kurdish people, unclassified,

C. Deeply shocked at the barbarous decree issued by the Iraqi Revolutionary Command Council on 28 February 1990, abolishing all forms of punishment for men who kill female members of their family—mothers, daughters, sisters, aunts, nieces or cousins—who have committed adultery,

D. Recalling execution on 15 March 1990 of Mr. Farzad Bazoff, a British journalist, on the orders of Saddam Hussein and on a false conviction of espionage,

E. Taking a serious view of the Iraqi attempt to import nuclear weapon components, as reported in London on 28 March 1990, which confirms the Iraqi regime's intention of equipping itself with nuclear weapons, despite having signed the International Nuclear Non-Proliferation Treaty,

F. Denouncing the statement on 2 April 1990 in which Saddam Hussein put into words the threat to deploy chemical weapons against the population of the state of Israel,

G. Recalling its many previous resolutions on human rights violations in Iraq,

(1) Condemns Saddam Hussein's regime for its aggressive attitude to foreign countries and the Iraqi population and in particular for the massacres perpetrated against the Kurdish people;

(2) Insists that it is imperative that member states, through the foreign ministers meeting in European political cooperation, consider ways of preventing Iraq from acquiring nuclear weapons in defiance of its obligations under the Nuclear Non-Proliferation Treaty, and submit proposals to this end at the review of the working of the treaty in August 1990;

(3) Calls on all member states immediately to impose a ban on the export and delivery to Iraq of all material essential for the production of weapons of mass destruction;

(4) Calls on the Secretary-General of the United Nations to make the necessary arrangements for the convening of the U.N. Security Council as soon as possible so that consideration may be given to an appropriate response by the international community to the treaty posed by the Iraqi regime to world security;

(5) Urges in this context the member states to promote cooperation with other states, especially with permanent members of the Security Council, willing to consider joint measures to prevent Iraq from acquiring more weapons of mass destruction;

(6) Calls on the Council and the foreign ministers meeting in European political cooperation to take the appropriate measures vis-a-vis Iraq;

(7) Instructs its President to forward this resolution to the Commission, the Council, the foreign ministers meeting in European political cooperation, the governments of the member states, the Secretary-General of the United Nations and the Iraqi Government.

STUDENTS PLEAD FOR THE ENVIRONMENT BEFORE INTERNATIONAL COURT OF JUSTICE

Mr. MOYNIHAN. Mr. President, I rise today to commend a group of ambitious, scholarly high school students, five of whom are from New York State.

Today, at the International Court of Justice in The Hague, Netherlands, a group of 15 high school students, 5 each from Northport High School in Northport, NY, Antwerp International School, Antwerp, Belgium, and School No. 1129, Moscow, U.S.S.R., will present "A Treaty to Decrease the Deforestation and to Encourage the Reforestation of the Globe." This is truly an historic occasion, the first time that high school students have made such a presentation before the International Court of Justice.

I take great comfort in the accomplishments of these students. First, I would cite the students' recognizance of the fact that we are speaking of global issues, topics worthy of international attention. Even as the administration continues to resist participation in international efforts to address global warming, these students have chosen an international arena in which to discuss the plight and protection of our forests. Which leads me to my second point, one of international law.

I have spoken of international law many times on this floor. And of how our Nation seems to have lost sight of its longstanding, well-conceived commitment to international law. I have tried to impress—admittedly, often without effect—upon my colleagues in this body and the administration that international law is in fact useful and can in this post-cold war era help to establish the more normal world order we are seeking, an order similar to the one Woodrow Wilson envisioned at the beginning of this century. These young students are doing the same. Quite possibly with more effect.

They are applying international norms of conduct to an issue which may ultimately be resolved only through such norms. Remarkably prescient. I do hope their work will set some sort of example for our Government and like governments around the world, all of whom would do well to be as cognizant of international law and as mindful of environmental issues as these fine youngsters are.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 644. An act to amend the Wild and Scenic Rivers Act by designating segments of the East Fork of the Jemez and Pecos Rivers in New Mexico as components of the National Wild and Scenic Rivers System.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 644. An act to amend the Wild and Scenic Rivers Act by designating segments of the East Fork of the Jemez and Pecos Rivers in New Mexico as components of the National Wild and Scenic Rivers System.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 20, 1990, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 242. Joint resolution designating the week of April 22 through April 28, 1990, as "National Crime Victims Rights Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2821. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's third special impoundment message for 1990; jointly referred pursuant to order of January 30, 1975, as modified by order of April 11, 1986, to the Committee on Appropriations, the Committee on Budget, and the Committee on Armed Services.

EC-2822. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation entitled "The Fiscal Agent Reimbursement Act of 1990"; to the Committee on Appropriations.

EC-2823. A communication from the Acting Director of the Defense Security Assistance Agency, Department of Defense, transmitting, pursuant to law, information concerning the Department of the Navy's proposed letter(s) of Offer and Acceptance to Turkey for Defense Articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-2824. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on Allied Contributions to the Common Defense; to the Committee on Armed Services.

EC-2825. A communication from the Principal Deputy Comptroller of the Department of Defense, transmitting, pursuant to law, a contract award report for the period May 1, 1990 to June 30, 1990; to the Committee on Armed Services.

EC-2826. A communication from the Deputy Assistant Secretary of the Department of the Air Force, transmitting, pursuant to law, notice of the conversion of the Security Police and Fire Operations at Indian Springs Air Force Auxiliary Field, NV, to performance by contract; to the Committee on Armed Services.

EC-2827. A communication from the Secretary of Defense, transmitting, pursuant to law, the unclassified version of the 1990 Joint Military Net Assessment reflecting conditions as of the end of January 1990; to the Committee on Armed Services.

EC-2828. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report of the Department of Defense Reserve Forces Policy Board for fiscal year 1989; to the Committee on Armed Services.

EC-2829. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Alternative Methods of Funding Public Housing Modernization"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2830. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on the Rural Housing Demonstration Housing Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2831. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Electric and Hybrid Vehicles Program for fiscal year 1989; to the Committee on Commerce, Science, and Transportation.

EC-2832. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notification of an extension of time for issuing a final decision in Finance Docket No. 31387, Canadian National Railway Company—Lease from Grand Truck Western Railroad Company; to the Committee on Commerce, Science, and Transportation.

EC-2833. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to reauthorize and amend the Coastal Zone Management Act of 1972, as amended, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2834. A communication from the Deputy Under Secretary of Commerce (Travel and Tourism), transmitting, pursuant to law, the fiscal year 1991 marketing plan of the U.S. Travel and Tourism Administration; to the Committee on Commerce, Science, and Transportation.

EC-2835. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayment of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2836. A communication from the Secretary of Energy, transmitting a draft of proposed legislation entitled the "Waste Isolation Pilot Plant Land Withdrawal Act"; to the Committee on Energy and Natural Resources.

EC-2837. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2838. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2839. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Office of Surface Mining Reclamation and Enforcement for 1988 and 1989; to the Committee on Energy and Natural Resources.

EC-2840. A communication from the Director of the Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a draft environmental assessment of the proposed North Las Vegas land transfer; to the Committee on Energy and Natural Resources.

EC-2841. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences at licensed nuclear facilities for the fourth calendar quarter of 1989; to the Committee on Environment and Public Works.

EC-2842. A communication from the Chairman and Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the Authority for fiscal year 1989; to the Committee on Environment and Public Works.

EC-2843. A communication from the Under Secretary of Commerce (Oceans and Atmosphere), transmitting, pursuant to law, the report of the National Oceanic and Atmospheric Administration report entitled "Stratospheric Ozone: The State of the Scence and the NOAA's Current and Future Research"; to the Committee on Environment and Public Works.

EC-2844. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, an amended report of building project survey for the consolidation of the Internal Revenue Service national office in suburban Maryland; to the Committee on Environment and Public Works.

EC-2845. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the 1990 annual report of the Board; to the Committeee on Finance.

EC-2846. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the recommendations for Medicare Volume Performance Standard rates for fiscal year 1991; to the Committee on Finance.

EC-2847. A communication from the Secretary of State, transmitting, pursuant to law, a report on the activities of the United Nations Educational, Scientific and Cultural Organization since the United States withdrawal on December 31, 1984; to the Committee on Foreign Relations.

EC-2848. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to April 12, 1990; to the Committee on Foreign Relations.

EC-2849. A communication from the Secretary of State, transmitting, pursuant to law, a Presidential determination and certification to permit United States contributions to the International Fund for Ireland and Northern Ireland; to the Committee on Foreign Relations.

EC-2850. A communication from the Director of the Peace Corps, transmitting a draft of proposed legislation to authorize appropriations for activities under the Peace Corps Act for fiscal year 1991, and for other purposes; to the Committee on Foreign Relations.

EC-2851. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the first annual report of the Endowment under the Inspector General Act Amendments; to the Committee on Governmental Affairs.

EC-2852. A communication from the Secretary of the Commission of Fine Arts, transmitting, pursuant to law, the annual report of the Commission under the Inspector General Act Amendments; to the Committee on Governmental Affairs.

EC-2853. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Attracting and Selecting Quality Applicants for Federal Employment"; to the Committee on Governmental Affairs.

EC-2854. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-190 adopted by the Council on March 27, 1990; to the Committee on Governmental Affairs.

EC-2855. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-191 adopted by the Council on March 27, 1990; to the Committee on Governmental Affairs.

EC-2856. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: Federal Crop Insurance Corporation's Fiscal Year 1988 Financial Statements"; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 2479. A bill to reduce funding for the MX rail-garrison missile system; to the Committee on Armed Services.

By Mr. D'AMATO (for himself, Mr. MACK, and Mr. WILSON):

S. 2480. A bill to restrict United States assistance for the Republic of Iraq until that country opens to international inspection sites suspected of being involved in the production of nuclear, chemical and biological weapons and ratifies the Convention on Biological Weapons; to the Committee on Foreign Relations.

By Mr. THURMOND:

S. 2481. A bill to amend title 18, United States Code, with respect to possession of materials involving sexual exploitation of minors; to the Committee on the Judiciary.

By Mr. CRANSTON (by request):

S. 2482. A bill to clarify the eligibility of certain minors for burial in national cemeteries and to authorize use of flat grave markers in a section of Florida National Cemetery.

S. 2483. A bill to amend title 10 and title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

S. 2484. A bill to amend title 38, United States Code, to improve the housing loan program for veterans by reducing administrative regulation, enhancing the financial solvency of such program and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 2485. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ARMSTRONG (for himself and Mr. SYMMS):

S. 2486. A bill to amend the Internal Revenue Code of 1986 to provide civil damages for certain unauthorized determinations of income tax; to the Committee on Finance.

By Mr. HARKIN:

S. 2487. A bill to provide for the establishment of a program to provide incentives and assistance to agricultural producers to reduce the potential for contamination for degradation of surface water and ground water, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOSCHWITZ:

S. 2488. A bill for the relief of Michelle Ellen Prusinski; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. BOSCHWITZ, Mr. HARKIN, Mr. PRYOR, Mr. FOWLER, Mr. DASCHLE, Mr. CONRAD, Mr. KERREY, Mr. BAUCUS, Mr. MITCHELL, Mr. SASSER, Mr. DECONCINI, and Mr. FORD):

S. 2489. A bill to improve the nutritional health of needy Americans, to provide emergency food assistance, to authorize several vital nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR:

S. 2490. A bill entitled the "Pesticide Safety Improvement Act of 1990"; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH (for himself, Mr. BOND, Mr. DOLE, and Mr. WALLOP):

S.J. Res. 295. A joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 296. A joint resolution designating August 7, 1990, as "National Neighborhood Crime Watch Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 2479. A bill to reduce funding for the MX rail-garrison missile system; to the Committee on Armed Services.

(The statement of Mr. LEVIN and the text of the legislation appear earlier in today's RECORD.)

By Mr. D'AMATO (for himself, Mr. MACK, and Mr. WILSON):

S. 2480. A bill to restrict United States assistance for the Republic of Iraq until that country opens to international inspection sites suspected of being involved in the production of nuclear, chemical and biological weapons and ratifies the Convention on Biological Weapons; to the Committee on Foreign Relations.

RELATING TO THE PRODUCTION OF NUCLEAR, CHEMICAL, AND BIOLOGICAL WEAPONS BY THE REPUBLIC OF IRAQ

Mr. D'AMATO. Mr. President, I rise to introduce with my good friend, Senator MACK, a bill to impose economic sanctions against Iraq. These sanctions will remain in place until Iraq opens to international inspection sites suspected of developing or producing nuclear, chemical, and biological weapons. Until that happens, we should call upon all nations to join us in imposing economic sanctions against Iraq.

In the last 2 weeks, the press has reported on: First, the arrest of six men attempting to smuggle nuclear triggers to Iraq, second, the seizure of the components of a super cannon being smuggled to Iraq under the guise of oil equipment, third, the development of biological weapons by Iraq, and fourth, President Hussein's—the Butcher of Baghdad's—threat to wage chemical warfare against Israel.

Mr. President, when I talk about a cutting off and imposing economic sanctions with Iraq, people may say, "Well, what does the United States do with Iraq? Why should we do this?" I will try to answer those two questions.

First of all, last year and continuing into this year, this country purchased, on an average, almost a half-million barrels, 500,000 barrels of oil a day from Iraq. That is more than $2 billion worth of oil that we purchase from Iraq every year. OPEC is flooded. Let them put that oil on the market. Why should we be subsidizing a madman who threatens the use of chemical warfare, who has used chemical warfare against his own people, who has used it against the Kurds, who has used it in the Iranian conflict, and who threatens to use it again? It does not make sense.

So here we are, last year, 447,000 barrels of oil per day, to be precise. We do not have to have them compete and put that on the oil markets of the world for bringing down the cost of energy. I suggest that is not a bad thing. But if we are importing over $2 billion worth of oil from the Butcher of Baghdad, I think it is outrageous. Let me tell you how much further we have gone. I do not know if the American people know this.

We are talking about terrorists, being benevolent, and maybe allowing some hostages out, and who is behind this thing? The Iraqis, Syrians, where on bended knee are the Iranians. I wonder what kind of policy we have. The news media of the world is focusing in on this. We are being played along with that family and all of those hostages. Maybe we will get one out. That would be nice. What about the others? Does that minimize what is taking place?

Take a look at it. Last year we provided $700 million in loan guarantees and insurance to Iraq—$500 million was used for loans to purchase grain here in this country. I think that is outrageous. I think it is inexcusable. We are subsidizing a terrorist nation.

We have been given to understand that this year he is looking for a $1 billion loan guarantee—$1 billion.

So while we talk about the problems that we are having with the terrorist nation, while we are living in fear that he is building chemical warfare plants, that he is looking for a delivery system now, where he is looking to hold Israel hostage and has made the threats that he has, he is looking to develop nuclear capabilities, what do we do? We look to assistance.

This bill would put an end to this. It would halt all assistance, defined as "any assistance which is provided by grant, sale, loan, lease, credit, guaranty, or insurance" provided by the United States Government to Iraq.

It would require all United States directors sitting on boards of all multilateral lenders to vote against assistance to Iraq.

It would suspend trade preferences and apply additional duties on goods.

I think it is time that this country used every influence it has against Hussein to halt the deadly course which he is set upon.

Yes, economic pressure is one of those ways. Our Nation should be in the forefront letting him know that he cannot have our benefits and be a terrorist nation because that is what he is. Let him sell his oil and ply his trades elsewhere. We should make it absolutely clear that his activities cannot and will not be tolerated.

As Hussein has claimed, the press has maligned him, and he should be eager to open the suspected sites to international inspection, ratify the Convention on Biological Weapons, and contribute to peace in a meaningful way.

Mr. President, I ask unanimous consent that the text of my bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2480

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) indisputable evidence exists that Iraq used chemical weapons both in its war with Iran and against its own Kurdish minority;

(2) Iraq has sought through means legal and illegal to acquire the technology necessary to develop and build nuclear weapons;

(3) Iraq has flaunted its obligations under the Geneva Convention and the Nuclear Non-Proliferation Treaty;

(4) Iraq has failed to ratify the Convention on Biological Weapons and may be developing such weapons; and

(5) President Hussein has threatened, without provocation, to destroy the State of Israel by using chemical weapons.

SEC. 2. RESTRICTION ON ASSISTANCE FOR IRAQ.

(a) RESTRICTION ON ASSISTANCE.—Unless the President certifies to the Congress that the Government of Iraq has opened suspect sites to international inspection and ratified the Convention on Biological Weapons, no United States assistance (including funds appropriated before the date of enactment of this Act) may be furnished for Iraq.

(b) DEFINITION.—For the purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guaranties under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(5) financing under the Export-Import Bank Act of 1945.

SEC. 3. SUSPENSION OF MULTILATERAL ASSISTANCE.

Unless the President makes the certification described in section 2(a), the Secretary of the Treasury shall instruct the United States executive directors of the International Monetary Fund, the International Bank for Reconstruction and Development, and the International Development Association to vote against any loan or other utilization of the funds of their respective institutions to or for Iraq.

SEC. 4. SUSPENSION OF AIR TRAVEL.

(a) IN GENERAL.—Unless the President makes the certification in section 2(a)—

(1) the President shall direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of Iraq under the air transportation agreement between the United States and that country to provide service pursuant to that agreement;

(2) the Secretary of State shall terminate that agreement in accordance with the provisions of that agreement;

(3) upon termination of that agreement, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by the Government of Iraq or by nationals of that country from engaging in air transportation with respect to the United States; and

(4) the Secretary of Transportation shall provide for such exceptions from the prohibition contained in paragraph (3) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(b) DEFINITION.—For purposes of this section, the terms "aircraft", "air transportation", and "foreign air carrier" have meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

SEC. 5. DENIAL OF TRADE PREFERENCES AND IMPOSITION OF ADDITIONAL DUTY.

Notwithstanding any other provision of law, unless the President makes the certification described in section 2(a)—

(1) the President shall terminate, withdraw, or suspend any portion of any trade agreement or treaty to the extent the agreement or treaty requires the provision of nondiscriminatory (most-favored-nation) trade treatment to Iraq,

(2) Iraq shall be denied nondiscriminatory (most-favored-nation) trade treatment by the United States and the products of Iraq shall be subject to the rates of duty set forth in rate of duty column number 2 of the Harmonized Tariff Schedule of the United States,

(3) the provisions of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) shall not apply with respect to the products of Iraq,

(4) the products of Iraq that do not receive duty-free treatment on the day before the date of enactment of this Act shall be subject to an additional duty at the rate of 50 percent ad valorem.

By Mr. THURMOND:

S. 2481. A bill to amend Title 18, United States Code, with respect to possession of material involving sexual exploitation of minors; to the Committee on the Judiciary.

ANTI-CHILD PORNOGRAPHY POSSESSION ACT OF 1990

Mr. THURMOND. Mr. President, I rise today to introduce legislation which will greatly enhance our Nation's efforts to eradicate child pornography. The Anti-Child Pornography Possession Act of 1990 prohibits the possession or viewing of child pornography.

In the 100th Congress, the Senate passed the Child Protection and Obscenity Enforcement Act of 1988 by a unanimous vote of 97 to 0. Shortly thereafter, it was enacted into law. This important legislation, which I introduced with 44 cosponsors, was carefully drafted to give Government a strong weapon for fighting child pornography and obscenity. Although pleased that this act was signed into law, it is now vitally important that our past legislative success be strengthened.

Mr. President, protecting our children from the heinous crime of sexual exploitation must be undertaken with strong resolve. There are no assets more precious than the youth of our Nation. Yet, our children face a constant threat of becoming victims of this heinous crime. When children are used for illicit pornography, no stone should be left unturned to ensure these acts do not recur and that those who commit and further them are severely punished. We cannot ignore the harm to these innocent victims as the harm to them and loss to their families is immeasurable.

Congress, in order to insure that our children are protected from further harm, must continue to reexamine our laws as the child pornography industry constantly undertakes efforts to circumvent them. We must continue to strengthen our Nation's criminal laws in order to stamp out this vice at all levels in the distribution chain. Since the child pornography market has, in large part, been driven underground, we cannot solve the problem by only attacking the production or distribution of child pornography.

This bill meets this challenge by expanding the scope of prohibited activities relating to child pornography.

Under current law, it is a crime to knowingly transport, distribute, receive or reproduce any child pornography which has traveled in interstate or foreign commerce. Unfortunately, those who simply possess or view this material are not covered by current law. This bill addresses this insufficiency because those who possess and view child pornography encourage its continual production and distribution. The "Anti-Child Pornography Possession Act of 1990" makes it a Federal offense to knowingly view or possess sexually explicit conduct involving minors. Violators of this legislation would be subjected to as much as 10 years imprisonment.

Mr. President, this should not be a controversial measure. Nineteen States have found it necessary to proscribe the possession of this heinous material. It is time the Federal Government did so as well.

In fact, there can be no question about the constitutionality of this legislation. On April 18, the U.S. Supreme Court ruled, in the case of Osborne versus Ohio, that given the seriousness of child pornography, the possession and viewing of such material may be proscribed. The Court noted that the compelling interests of protecting the physical and mental well being of minors and in destroying the market for child pornography certainly outweigh the de minimis value of this material. In fact, the Court noted that such laws encourage possessors to destroy the illicit material which, available evidence suggests, may be used by pedophiles to seduce other children for production of child pornography.

In closing, the sexual exploitation of a child is one of the most heinous crimes any person can commit. Those who posses and view this material comprise the market for this underground industry. Frankly, I am at a loss to find acts which are more despicable, heinous, and deserving of such serious penalties than the sexual exploitation of our young people. This measure is crucial to stemming the flow of vicious crimes against children and the exploitation of them. Tough penalties for the possession, viewing, and dissemination of this material will be a deterrent to those who would use children to produce this illicit material. Those who steal the innocence away from our children must face harsh punishment. I urge Members of this body to support this legislation and any Senator who wishes to cosponsor this legislation can contact either my staff or the committee.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 2481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Anti-Child Pornography Possession Act of 1990".

SECTION 1. That section 2252(a) of Title 21, United States Code, is amended—

(1) by striking "or" after the end of paragraph (1);

(2) by inserting "or" after the ";" at the end of paragraph (2); and

(3) by adding at the end of paragraph (2) the following new paragraph:

"(3) knowingly possesses or views any visual depiction that has been transported or shipped in interstate or foreign commerce, or has reason to know that such visual depiction will be transported or shipped in interstate or foreign commerce, by any means including by computer or mail, if—

"(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(B) such visual depiction is of such conduct;".

By Mr. CRANSTON (by request):

S. 2482. A bill to clarify the eligibility of certain minors for burial on national cemeteries and to authorize the use of flat grave markers in a section of Florida National Cemetery; to the Committee on Veterans' Affairs.

NATIONAL VETERANS CEMETERIES

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2482, a bill to clarify the eligibility of veterans' children for burial in national veterans' cemeteries and to authorize flat markers in a portion of one such cemetery. The Secretary of Veterans Affairs submitted this legislation by letter dated April 13, 1990, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 13, 1990, transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That paragraph (5) of section 1002, title 38, United States Code, is amended by adding the following to the end thereof:

For purposes of this paragraph, a "minor child' is a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution.

SEC. 2. Notwithstanding section 104(c)(2) of title 38, United States Code, the Secretary may provide for flat markers in that section of the Florida National Cemetery in which, as of July 29, 1988, pre-placed graveliners had been installed.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, April 13, 1990.

HON. DAN QUAYLE,
President of the Senate, Room 212, the Capitol,
Washington, DC.

DEAR MR. PRESIDENT: I am forwarding draft legislation to clarify the eligibility of veterans' children for burial in our national cemeteries, and to authorize flat markers in a portion of one such cemetery. I respectfully request its introduction and enactment.

Among those authorized interment under 38 U.S.C. § 1002 of title 38, United States Code, are the minor children of veterans and certain others eligible for national-cemetery burial. The term "minor child" is not further defined statute, a situation we seek to remedy.

When Congress enacted the National Cemeteries Act of 1973, transferring from the Department of Army to VA the responsibility for operating national cemeteries, it reenacted without change the prior title 24 provisions regarding eligibility. The Department of Army, in exercising its authority, had interpreted title 24's "minor child" provision as including children under age 21. Because Congress indicated an intent that similar eligibility rules should apply under VA's stewardship of the cemetery system, this Department employs in its regulation (38 C.F.R. § 1.620(g)) the same definition as had Army, with one exception. Our regulation permits recognizing as minor children others under age 23 while they are attending approved educational institutions, in keeping with the general definition of "child" for title 38 purposes.

We request that this definition be codified in order to avoid confusion. The title 38 definition of "child" (38 U.S.C. § 101(4)) is in one significant respect more restrictive than our definition of "minor child" for purposes of burial eligibility. Under section 101(4) an individual is generally not considered a "child" after reaching age 18 unless, as indicated above, pursuing an education (in which case age 23 is the upper limit). We do not believe Congress intended to so limit burial eligibility.

Because enactment of our proposal would effect only a technical clarification of the law as currently being applied, there would be no attendant costs or savings.

The second purpose for our bill is to address a situation involving a portion of only one of our cemeteries, Florida National Cemetery. This cemetery, which opened in 1988, was designed before legislation requiring upright grave markers went into effect. As part of the construction project, preplaced graveliners were installed in a large section of the cemetery. These are for graves measuring three feet by eight feet, an insufficient size to accommodate upright markers. The original plan had been to employ flat markers throughout the new cemetery. Between one and two million dollars was invested in the pre-placed graveliners.

Because of current law requiring the use of upright markers, VA is not burying in this section of the cemetery. Our legislation would provide authorization to employ flat markers in only that portion so that the land and the existing graveliners can be used. Veterans' families would be offered the option of burials in that section, or in the remainder of the cemetery where upright markers would continue to be used.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.

By Mr. CRANSTON (by request):

S. 2483. A bill to amend title 10 and title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2483, the proposed Veterans' Educational Assistance Improvements Act of 1990. The Secretary of Veterans Affairs submitted this legislation by letter dated April 12, 1990, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 12, 1990, transmittal letter and enclosed section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Educational Assistance Improvements Act of 1990".

(b) REFERENCES TO TITLE 38.—Except as otherwise specifically provided, whenever in the Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; references to title 38, United States Code; table of contents.

TITLE I—EDUCATIONAL ASSISTANCE AND VOCATIONAL REHABILITATION PROGRAM IMPROVEMENTS

Sec. 101. Accepting Alternate Secondary School Credentials For Montgomery GI Bill Eligibility.

Sec. 102. Vocational Rehabilitation for Disabled Servicepersons Pending Discharge.

Sec. 103. Extension of the Period Preceding Automatic Disenrollment Under Chapter 32.

Sec. 104. Provision for Certain Individuals to Eliminate an Overpayment by Performing Work-Study Services.

TITLE II—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 201. Clarification that an Honorable Discharge is a Requirement for Chapter 30 Participants.

Sec. 202. Elimination of Rehabilitation Subsistence Allowance Advance Payment.

Sec. 203. Deletion of Provision for Advance Payment of the Work-Study Allowance.

Sec. 204. Clarification of Education Programs for Which Expenses Incurred by State Approving Agencies Will be Reimbursed.

TITLE I—EDUCATIONAL ASSISTANCE AND VOCATIONAL REHABILITATION PROGRAM IMPROVEMENTS

SEC. 101. ACCEPTING ALTERNATE SECONDARY SCHOOL CREDENTIALS FOR MONTGOMERY GI BILL ELIGIBILITY.

(1) Section 1411(a)(2) is amended by striking out "(or an equivalency certificate)" and inserting in lieu thereof "(or the equivalent as determined pursuant to regulations prescribed by the Secretary concerned)".

(2) Section 1412(a)(2) is amended by striking out "(or an equivalency certificate)" and inserting in lieu thereof "(or the equivalent as determined pursuant to regulations prescribed by the Secretary concerned)".

(3) Section 1418(b)(4) is amended by striking out "(or an equivalency certificate)" and inserting in lieu therof "(or the equivalent as determined pursuant to regulations prescribed by the Secretary concerned)".

(4) Section 2132(a)(2) of title 10, United States Code, is amended by striking out "(or an equivalency certificate)" and inserting in lieu thereof "(or the equivalent as determined pursuant to regulations prescribed by the Secretary concerned)".

SEC. 102. VOCATIONAL REHABILITATION FOR DISABLED SERVICEPERSONS PENDING DISCHARGE.

Section 1502(1)(B) is amended by striking out "for a service-connected disability" and all that follows through "determines" and inserting in lieu thereof "or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that—

"(i) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment either is doing so under contract or agreement with the Secretary concerned or is under the jurisdiction of the Secretary concerned; and

"(ii) the person is suffering from a disability which".

SEC. 103. EXTENSION OF THE PERIOD PRECEDING AUTOMATIC DISENROLLMENT UNDER CHAPTER 32

Section 1632(b)(1) is amended by inserting before the comma "and at the end of one year thereafter has not filed a claim for utilizing such entitlement".

SEC. 104. PROVISION FOR CERTAIN INDIVIDUALS TO ELIMINATE AN OVERPAYMENT BY PERFORMING WORK-STUDY SERVICES.

(a) IN GENERAL.—(1) Section 1685 is amended by adding at the end the following new subsection:

"(e)(1) Subject to paragraph (2) of this subsection, the Secretary may, notwithstanding any other provision of this title or of any other law, enter into or modify an agreement made under this section with an individual whereby the individual agrees to perform services of the kind described in clauses (1) through (5) of subsection (a)(1) of this section and agrees that the Secretary shall deduct the work-study allowance otherwise payable for such services, as provided in subsection (a) of this section, from the amount which the individual has been determined to be indebted to the United States by virtue of such individual's participation in a benefit program under this chapter, chapter 30, 31, 32, 35, or 36 (other than an education loan under subchapter III) of this title, or chapter 106 of title 10, United States Code.

"(2)(A) Subject to subparagraph (B) of this paragraph, the provisions of this section (other than those provisions which are determined by the Secretary to be inapplicable to an agreement under this subsection) shall apply to any agreement authorized under paragraph (1) of this subsection.

"(B) For the purposes of this subsection, the Secretary may—

"(i) waive, in whole or in part, the limitations in subsection (a) of this section concerning the number of hours and periods during which services can be performed by the individual and the provisions in subsection (b) of this section requiring the individual's pursuit of a program of rehabilitation, education, or training;

"(ii) waive or defer charging interest and administrative costs pursuant to section 3115 of this title on the indebtedness to be satisfied by performance of an agreement under this subsection, which charges otherwise would accrue during the pendency of the agreement, in accordance with such terms and conditions as may be specified by the Secretary in the agreement; and

"(iii) notwithstanding the indebtedness offset provisions of section 3114 of this title, waive, adjust, or defer until the termination of an agreement entered into by an individual under this subsection the deduction of all or any portion of the amount of indebtedness covered by the agreement from future payments to the individual as described in section 3114 of this title.

"(3)(A) Subject to the provisions of subparagraphs (B) and (C) of this paragraph, an agreement authorized under this subsection shall terminate in accordance with the provisions of this section and the terms and conditions expressed in the agreement which are consistent with this subsection.

"(B) In no event shall an agreement under this subsection continue in force after the total amount of the individual's indebtedness described in paragraph (1) of this subsection has been recouped, waived, or otherwise liquidated.

"(C) Notwithstanding the provisions of subparagraphs (A) and (B) of this para-

graph, if the Secretary finds that such individual was without fault and was allowed to perform services described in the agreement after its termination, the Secretary shall, as reasonable compensation therefor, pay the individual at the applicable hourly minimum wage rate for such services as the Secretary determines were satisfactorily performed.

"(4) The Secretary shall promulgate regulations to carry out this subsection.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—(1) Section 1685(a) is amended in paragraph (2) by inserting "and subsection (e) of this section" after "subsection";

(2) Section 1685(b) is amended by inserting before "utilize" in the first sentence ", subject to the provisions of subsection (e) of this section,";

(3) Section 3114(a) is amended by inserting before the comma "and section 1685(e) of this title"; and

(4) Section 3115(a) is amended by striking out "section 3102" and inserting in lieu thereof "sections 1685(e) and 3102".

TITLE II—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 201. CLARIFICATION THAT AN HONORABLE DISCHARGE IS A REQUIREMENT FOR CHAPTER 30 PARTICIPANTS.

Section 1411(a)(3) is amended—

(1) by redesignating subclause (C) as subclause (D); and

(2) by striking out subclauses (A) and (B) and inserting in lieu thereof the following:

"(A) continues on active duty;

"(B) is discharged from service with an honorable discharge;

"(C) is released after service on active duty characterized by the Secretary concerned as honorable service and is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list; or".

SEC. 202. ELIMINATION OF REHABILITATION SUBSISTANCE ALLOWANCE ADVANCE PAYMENT.

(a) IN GENERAL.—Section 1508 is amended by striking out subsection (i) in its entirety.

(b) Conforming Amendments.—Section 1780 is amended by—

(1) striking out in the subheading for subsection (d) "or subsistence";

(2) striking out in subsection (d)(1) "or subsistence";

(3) striking out in subsection (d)(2) "or subsistence allowance, as appropriate,"; and

(4) striking out in subsection (e) "or subsistence".

SEC. 203. DELETION OF PROVISION FOR ADVANCE PAYMENT OF THE WORK-STUDY ALLOWANCE.

Section 1685(a)(1) is amended by striking out the last sentence thereof.

SEC. 204. CLARIFICATION OF EDUCATION PROGRAMS FOR WHICH EXPENSES INCURRED BY STATE APPROVING AGENCIES WILL BE REIMBURSED.

Section 1774(a)(1) is amended by striking out "chapters 106 and 107" and inserting in lieu thereof "chapter 106".

SECTION-BY-SECTION ANALYSIS

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

NOTE: The terminology in the draft bill reflects the conversion of the Veterans Administration to the Department of Veterans Affairs (VA) pursuant to Public Law 100-527. This bill assumes that appropriate technical and conforming amendments to title 38, United States Code, mandated by section 14 of Public Law 100-527 have been made.

Section 1

Subsection (a) provides that the draft bill may be cited as the "Veterans Educational Assistance Improvements Act of 1990."

Subsection (b) provides that, unless otherwise specified, whenever in the draft bill an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

Subsection (c) sets forth the table of contents for the draft bill.

TITLE I—EDUCATIONAL ASSISTANCE AND VOCATIONAL REHABILITATION PROGRAM IMPROVEMENTS

Section 101

This section would amend the Montgomery GI Bill secondary school completion requirements (sections 1411(a)(2), 1412(a)(2) and 1418(b)(4) of title 38 and section 2132(a)(2) of title 10) by eliminating the reference to an equivalency certificate. Instead, an individuals would have to have certain alternate school credentials accepted by the Armed Forces, pursuant to regulations promulgated by the Secretary of the military department concerned.

The current law provides that, to be considered eligible for the Montgomery GI Bill, an individual must have a secondary school diploma or an equivalency certificate. We believe that the secondary school requirement was intended to assist the military in obtaining high caliber personnel and, therefore, the requirement should conform to the standards acceptable to the Armed Forces.

Section 102

This section would amend section 1502(1)(B) of title 38, United States Code, to expand eligibility for chapter 31 training and rehabilitation for certain persons being treated for service-connected disabilities pending discharge from active duty, to include persons who—

1. are receiving care, services or treatment on an outpatient basis, and

2. are being treated at Department of Defense (DOD) expense in facilities not controlled by that Department.

Under existing law, a service-disabled person who, pending discharge from active duty, is being treated in either a private facility or a government facility other than one operated by DOD, such as a PHS clinic or VA hospital, is not eligible for chapter 31 benefits. However, such person would be eligible for authorized vocational rehabilitation services under this amendment.

Since the affected individuals are on active duty, it is usual and appropriate for DOD to be responsible for all medical care costs incurred. Thus, even in the case of treatment by another Federal agency, DOD would either directly pay for those costs or enter into some kind of sharing or mutual exchange of services agreement. This assures that each agency is ultimately responsible only for the costs of its own clients.

The unique nature of various disabilities may require DOD to obtain assistance from specialized facilities of other agencies or from private facilities. Frequently, servicepersons placed in those facilities are among the most in need of vocational rehabilitation, and early consideration of that assistance is essential to assure reasonable success of rehabilitation. This amendment will enable VA to extend the advantages of such early consideration to service-disabled persons who are otherwise eligible but who, due to their geographical location or nature of disability, are receiving medical care in a non-DOD facility on an inpatient or outpatient basis.

Section 103

This section would amend chapter 32 of title 38 to extend by 1 year the date on which certain eligible veterans are automatically disenrolled under that subsection. This would make allowance for situations involving pending claims.

Currently, section 1632(b)(1) requires automatic disenrollment of a veteran from the contributory GI Bill at the end of his or her applicable delimiting period if the veteran has not used any or all of his or her entitlement by that date. This requirement has been construed to bar payment of chapter 32 benefits to a veteran who files a claim for such benefits after his or her delimiting date, for education or training pursued before such date, even when the claim otherwise would be considered timely filed under other provisions of law and regulation.

This amendment would correct this situation by deferring the date of automatic disenrollment until the expiration of the latest date on which a veteran in such circumstances could timely file a claim.

Section 104

This section would amend section 1685 to add a new subsection (e) which would permit an individual to enter into an agreement to perform work-study services and have the allowance otherwise payable therefor credited to his or her outstanding overpayment of VA administered education, rehabilitation, or training benefits. The Secretary would be authorized to waive certain of the work-study program eligibility requirements and limitations, as well as certain title 38 debt collection requirements, consistent with the objective of eliminating the individual's indebtedness. The amendment will enable individuals, even those who are no longer eligible for or entitled to such benefits, to perform needed, worthwhile services in repayment of their debts. This would benefit both the Government and the individual since many such individuals have the time, but not the money, to provide for this purpose.

TITLE II—ADMINISTRATIVE PROVISIONS

Section 201

This section would amend the Montgomery GI Bill service separation conditions for chapter 30 entitlement purposes (section 1411(a)(3)(A)) by clarifying that a release from active duty service characterized by the Secretary concerned as honorable service is a requirement for individuals placed on the retired list, transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or placed on the temporary disability retired list.

Current law does not expressly specify that honorable service is rquired for the above-mentioned categories. Terminology clarifying congressional intent in this area would avoid administrative complexities.

Section 202

This section would amend provisions of sections 1508 and 1780 of title 38 to eliminate the Secretary's authority to make advance payments of subsistence allowances under chapter 31.

Under current law, certain veterans who are eligible to receive educational assistance allowances under various VA programs, or rehabilitation subsistence allowances under

chapter 31 of title 38, United States Code, may, upon request, be provided an advance payment equal to as much as 2 months' educational assistance allowance or subsistence allowance, respectively, prior to actual entry into a program of education or vocational rehabilitation. These advance payments are intended to assist veterans in paying a portion of tuition and fees which many schools require prior to the commencement of training and to meet living expenses during initial periods of training.

In view of the fact that the VA pays all of a chapter 31 participant's training costs, advance payment of subsistence allowance is not warranted. In addition, since chapter 31 participants are eligible to recieve advances from the Revolving Fund under section 1512 of title 38, there is little need for the current statutory authorization for advance payments.

Section 203

This section would amend section 1685 of title 38, United States Code, by eliminating a provision in subsection (a)(1) which requires the advance payment of a portion of the work-study allowance payable to an individual participating in the veteran-student services program authorized under that section.

Under current law, in return for a veteran's promise to perform a specified number of hours or work under a work-study agreement, an amount equal to 40 percent of the total payable under the agreement is paid to the veteran-student prior to the performance of any services. Remaining amounts become payable on an incremental basis once the individual has completed performance of the number of hours of work which formed the basis for the advance payment.

Overpayments in the work-study program totaled $447,785 during Fiscal Year 1988 creating liability for some 2,170 new debtors. In Fiscal Year 1989, overpayments equaled $326,728 with 1,682 new debtors. In many of these cases, the debtor dropped out of school so that administrative collection by offset is not feasible. Moreover, since the average work-study overpayment is relatively small, recovery through enforced collection generally is not cost-effective.

Enactment of this proposal would virtually eliminate accounts receivable in this program and would result in limited administrative cost savings for the Department; i.e., less than $100,000 in any fiscal year.

Section 204

This section would delete the erroneous reference to chapter 107 of title 10 found in section 1774(a)(1) of title 38.

Currently, VA will reimburse State approving agencies for the payment of reasonable and necessary expenses incurred by such agencies in ascertaining the qualifications of educational institutions under certain listed education benefit programs. Chapter 107 is listed as one of these programs.

Chapter 107 includes the authority for the test program commonly identified as the "Section 901 Program." This program is not subject to title 38 course approval criteria since chapter 107 specifically provides for payment of benefits for pursuit of accredited courses regardless of whether they are so approved. Consequently, the State approving agencies have no course approval responsibility for purposes of the chapter 107 program for which they may be reimbursed.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, April 12, 1990.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 10 and title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes." I request that this measure be referred to the appropriate committee and promptly enacted.

This measure, entitled the "Veterans' Educational Assistance Improvements Act of 1990," would make a number of amendments to the education and vocational rehabilitation programs administered by the Department of Veterans Affairs, to facilitiate the administration of the programs and make certain provisions more equitable.

Title I of the draft bill would amend the Montgomery GI Bill (MGIB) to broaden the secondary school credentialing requirements necessary for entitlement; expand availability of vocational rehabilitation services for certain disabled servicepersons pending discharge; extend the automatic disenrollment period under chapter 32 to 1 year following the end of the delimiting period in certain circumstances; and permit certain veterans to eliminate an education benefit overpayment by performing work-study services.

Title II of the draft bill contains administrative provisions that would clarify that an honorable discharge or release from active duty is a requirement for all chapter 30 MGIB participants; remove VA's authority to make advance payments of chapter 31 rehabilitation subsistence allowances; modify the title 38 work-study program by eliminating the authority to make advance payments; and remove an erroneous reference to chapter 107 from the list of education benefit programs for which State approving agencies receive reimbursement of certain expenses.

The cost or savings implications of these proposals are estimated to be insignificant for VA.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.

By Mr. CRANSTON (by request):

S. 2484. A bill to amend title 38, United States Code, to improve the housing loan program for veterans by reducing administrative regulation, enhancing the financial solvency of such program, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS HOUSING AMENDMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2484, the proposed Veterans' Housing Amendments Act of 1990. The Secretary of Veterans Affairs submitted this legislation by letter dated April 12, 1990, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 12, 1990, transmittal letter and enclosed section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Housing Amendments Act of 1990".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

REVISION OF LOAN FEE

SEC. 2. (a) Section 1829(a) (as amended by Public Law 101-237, § 303), is amended by—

(1) Striking out paragraph (2) in its entirety, and inserting in lieu thereof,

"(2) The amount of such fee shall be

"(A) 1.75 percent of the total loan amount; or

"(B) in the case of a loan made under section 1811 or 1833(a) of this title, or for the purpose specified in section 1812(a)(1)(F) of this title, 1 percent of the total loan amount."

(2) Striking out paragraphs (3) and (4) in their entirety; and

(3) Redesignating paragraph (5) as paragraph (3).

(b) Section 1829(c) (as amended by Public Law 101-237, § 303), is amended by—

(1) Inserting "for a service-connected disability, or combination of disabilities, rated as 30 percent or more," in paragraph (1) immediately after "compensation)" and

(2) Striking out in paragraph (2) "and subsection (a)(3) of this section".

(c) Section 1825(c)(2)(D) (as added by Public Law 101-237, § 302) is amended by—

(1) Striking out "subsections (a)(3) and" and inserting in lieu thereof, "subsection"; and

(2) Striking out "subsections (a)(4) and" and inserting in lieu thereof, "subsection".

(d) Notwithstanding any other provision of law, with respect to any loan closed on or after January 1, 1990, but before October 1, 1990, there shall be credited to the Guaranty and Indemnity Fund established by section 1825 of title 38, United States Code, the amounts specified in subsection (c)(2)(A) of such section and section 1829(c)(3) of such title. Those credits shall represent the only government credits to that fund with respect to such loans, without regard to the amount of any downpayment made by the veteran.

SUNSET FOR MANUFACTURED HOME LOAN PROGRAM AND REVISION OF CLAIM PAYMENT PROCEDURES

SEC. 3. (a) Section 1812 is amended by—

(1) Striking out subsection (1) in its entirety, and redesignating subsection (m) as subsection (1);

(2) inserting after subsection (1), as redesignated by subsection (a) of this Act, following new subsection:

"(m)(1) Except as provided in paragraph (2) of this subsection, the Secretary may not guarantee a loan under this section unless such loan was closed

"(A) before October 1, 1990; or

"(B) pursuant to a guaranty commitment issued by the Secretary before October 1, 1990.

"(2) Paragraph (1) of this subsection shall not apply to a loan to refinance, pursuant to subsection (a)(1)(F) of this section, an existing loan guaranteed, insured, or made under this section.";

(3) Striking out the second sentence of paragraph (3) of subsection (c); and

(4) Inserting at the end of subsection (c) the following new paragraph:

"(6) A holder of a loan guaranteed under this section shall have the election of submitting a claim under such guaranty to the Secretary based upon:

"(A) the value of the property securing the loan, as determined by the Secretary, upon receiving the Secretary's valuation; or

"(B) the actual proceeds from the liquidation sale of the property securing the loan.".

(b) Section 1811 is amended by—

(1) Striking out "or 1812(a)(1)(F)" in subsection (b);

(2) In subsection (d)(2)—

(A) Striking out subparagraph (B) in its entirety; and

(B) Striking out "(A) Except for any loan made under this chapter for the purpose described in section 1812 of this title, the" and inserting in lieu thereof "The";

(3) Striking out "or 1812" each place it appears in subsections (a), (b), (c), and (g);

(4) Striking out "or manufactured home loans, as appropriate," in subsections (c)(1) and (d)(1); and

(5) Striking out ", as appropriate" at the end of subsections (c)(1) and (g).

TECHNICAL CORRECTION REGARDING PROPOSED CONSTRUCTION

SEC. 4. Section 1085(a) is amended by striking out "approved" both places it appears, and inserting in lieu thereof, "appraised".

EXTENSION OF LENDER REVIEW OF APPRAISALS

SEC. 5. Section 1831(f)(3) is amended by striking out "1990" and inserting in lieu thereof, "1991".

PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS

SEC. 6. Section 1804 is amended by—

(a) striking out subsection (e) in its entirety; and

(b) redesignating subsection (f) as subsection (e).

TIME LIMIT FOR HOUSING DEBT WAIVER

SEC. 7. Section 3102(b) is amended by inserting at the end thereof, "An application for relief under this subsection must be made (1) within 180 days from the date of notification of the indebtedness by the Secretary to the debtor, or within such longer period as the Secretary determines is reasonable in a case in which the payee demonstrates to the satisfaction of the Secretary that such notification was not actually received by such debtor within a reasonable period after such date; or (2) September 30, 1992, if notice of such debt was provided before October 1, 1990.".

PROCEDURES ON DEFAULT AND PROPERTY MANAGEMENT

SEC. 8. (a) Section 1832(a)(4) is amended by striking out clause (C) in its entirety.

(b) Section 1832(c) is amended by—

(1) Inserting in paragraph (1)(C)(ii) "(including losses sustained on the resale of the property)" immediately after "resale"; and

(2) Striking out paragraph (11) in its entirety.

(c) Section 1833(a) is amended by—

(1) Striking out paragraph (6) in its entirety; and

(2) Redesignating paragraph (7) as paragraph (6).

DIRECT LOAN REVOLVING FUND

SEC. 9. (a) Subchapter III of chapter 37 is amended by striking out section 1823 in its entirety.

(b) Section 1824 is amended by—

(1) Striking out "chapter," in the first sentence of subsection (b), and inserting in lieu thereof, "chapter and direct loan operations under section 1811 of this title,"; and

(2) Inserting after "chapter" in clause (3) of subsection (c), "and direct loan operations under section 1811 of this title (including all moneys in the revolving fund established by section 513 of the Servicemen's Readjustment Act of 1944 on the effective date of the Veterans' Housing Amendments Act of 1990)".

(c) Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall have no liability to repay to the Secretary of the Treasury any sums, or interest on any such sums, advanced to the Secretary of Veterans Affairs (formerly known as the Administrator of Veterans Affairs) for purposes of the revolving fund established by section 513 of the Servicemen's Readjustment Act of 1944, except as provided by section 1824(d) of title 38, United States Code.

(b) Section 1811(k) is amended by striking out "and section 1823 of this title" both places it appears.

OFFSET OF FEDERAL TAX REFUNDS AND SALARIES FOR HOUSING LOAN DEBTS

SEC. 10. Section 1826 is amended by—

(a) Striking out "No" and inserting in lieu thereof:

"(a) Except as provided in subsection (b) of this section, no"; and

(b) Inserting at the end thereof the following new subsection:

"(b) This section shall not apply to the reduction of a refund of Federal taxes by the Secretary of the Treasury pursuant to section 3720A of title 31, United States Code, or a deduction from the current pay account of an employee of the United States or member of the Armed Forces or Reserve of the Armed Forces pursuant to section 5514 of title 5, United States Code.".

CERTIFICATES OF VETERAN STATUS FOR NATIONAL HOUSING ACT BENEFITS

SEC. 11. Subchapter III of chapter 37 is amended by inserting at the end thereof the following new section:

"§ 1835. Certificates of veteran status under the National Housing Act

"(a) For purposes of this section, the term "HUD Secretary" shall mean the Secretary of Housing and Urban Development.

"(b) The Secretary shall, at the request of the HUD Secretary, without any reimbursement, certify to the HUD Secretary whether an applicant for assistance under the National Housing Act or any other law administered by the HUD Secretary is a veteran.".

EXEMPTION FROM LOBBYING REPORTING REQUIREMENTS

SEC. 12. Subchapter III of chapter 37 is amended by inserting after section 1821 the following new section:

"§ 1822. Exemption from lobbying reporting requirements

"The application for or obtaining of a loan guaranteed, insured, or made under this chapter shall not be deemed as the requesting or receipt of a Federal contract, grant, loan, loan guaranty, loan insurance, or cooperative agreement for purposes of any other law that requires persons requesting or receiving a Federal contract, grant, loan, loan guaranty, loan insurance, or cooperative agreement to report or declare payments made to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a member of Congress.".

DOWNPAYMENT REQUIREMENT

SEC. 13. Section 1810(b)(5) is amended by—

(1) Inserting "the lesser of (i)" immediately after "exceed"; and

(2) Striking out "title;" and inserting in lieu thereof, "title, or (ii) the actual amount to be paid by the veteran for the purchase, construction, repair or alteration of the property, minus an amount equal to four one-hundredths of the difference obtained by subtracting $25,000 from the actual amount to be paid by the veteran for the purchase, construction, repair or alteration of the property;".

TABLE OF SECTIONS

SEC. 14. The table of sections for subchapter III of chapter 37 is amended by—

(a) striking out the items relating to sections 1822 and 1823 and inserting in lieu thereof:

"1822. Exemption from lobbying reporting requirements.

"1823. [Repealed.]"; and

(b) inserting at the end thereof the following new item:

"1835. Certificates of veteran status under the National Housing Act.".

EFFECTIVE DATES

SEC. 15. (a) The amendments made by sections 2(a), 2(b) and 13 of this Act shall apply to all loans closed on or after October 1, 1990.

(b) The amendments made by section 8(b)(1) of this Act shall apply to all liquidation sales conducted on or after October 1, 1990.

(c) The amendments made by sections 3, 6, 9, and 10 of this Act shall take effect October 1, 1990.

SECTION-BY-SECTION ANALYSIS

DRAFT BILL—VETERANS' HOUSING AMENDMENTS ACT OF 1990

TECHNICAL NOTE: Unless otherwise clearly indicated, all references to sections, chapters, etc., in the bill and this analysis are deemed to refer to provisions in title 38, United States Code.

Section 2—Revision of Loan Fee

Subsection (a) would increase the fee imposed by section 1829 on veterans obtaining loans guaranteed, insured or made by the Department of Veterans Affairs (VA) for conventionally built houses to 1.75 percent of the loan amount. The fee discount currently provided for veterans making downpayments would be repealed. The fees on

vendee loans, manufactured housing loans, and loan assumptions would not be altered.

Subsection (b) would restrict the exemption from the fee now granted to veterans eligible to compensation for a service-connected disability to only those veterans rated 30 percent or more disabled.

Subsection (c) would make conforming amendments.

Subsection (d) would restrict the government credit to the Guaranty and Indemnity Fund (GIF) for loans guaranteed by VA between January 1, 1990, and October 1, 1990, to the two credits, each one being equal to 0.375 percent of the loan amount, as required by section 1825(c)(2)(A), plus the amount of any fee waived for disabled veterans. No additional credit would be made for veterans who made a downpayment of 10 percent or greater.

Section 3—Sunset for Manufactured Home Loan Program and Revision of Claim Payment Procedures

Subsection (a) would not permit VA to guarantee loans for manufactured homes under section 1812 after October 1, 1990, except pursuant to a commitment issued by VA before that date. An exception is made for loans to refinance, at a lower interest rate, existing VA manufactured housing loans.

This subsection would also repeal the restriction that claims on VA guaranteed manufactured housing loans can only be paid after the liquidation of the security property. The loan holder would be granted the election of using the current procedures, of filing a claim immediately after receiving VA's valuation of the security property.

Subsection (b) would make conforming amendments.

Section 4—Technical Correction Regarding Proposed Construction

Would clarify section 1805(a), which requires a limited warranty from builders on loans for newly constructed homes purchased with VA financing, by changing the term VA "approved" to VA "appraised" construction.

Section 5—Extension of Lender Review of Appraisals

Would extend the sunset for section 1831(f), which authorizes lenders to review the appraisal report, from October 1, 1990, to October 1, 1991.

Section 6—Public and Community Water and Sewerage Systems

Would repeal section 1804(e) which prohibits VA from guaranteeing loans for newly constructed residences in areas not served by public or community water and sewerage systems where local officials certify that the establishment of such systems is feasible. It would also make a perfecting change.

Section 7—Time Limit for Housing Debt Waiver

Would amend section 3102(b) to impose a time limit of 180 days after receiving notice of a housing loan debt for a veteran to request that VA waive that debt. Veterans who received notice of debts before October 1, 1990, would have until September 30, 1992, to request waiver.

Section 8—Procedures on Default and Property Management

Subsection (a) would make permanent the foreclosure information and counseling requirements contained in section 1832(a)(4), now set to expire March 1, 1991.

Subsection (b) would make permanent the claim payment and property acquisition provisions (the so-called "no-bid" formula) contained in section 1832(c). The current sunset for these provisions is October 1, 1991.

This subsection would also revise the definition of "net value" to require VA to take into account the losses sustained on the resale of properties in determining whether or not to acquire a foreclosed property.

Subsection (c) would make permanent the vendee loan and property management provision contained in section 1833(a). The current sunset for these provisions is December 31, 1990.

Section 9—Direct Loan Revolving Fund

Subsection (a) would repeal section 1823 which provides for a Direct Loan Revolving Fund (DLRF).

Subsection (b) would amend section 1824 to provide that the existing Loan Guaranty Revolving Fund (LGRF) would pay for direct loan operations. The balance in the DLRF would be transferred to the LGRF. Future directional proceeds would be deposited into the LGRF.

Subsection (c) would write off any obligation VA has to repay moneys previously advanced by the Treasury to the DLRF.

Subsection (d) notes a perfecting amendment.

Section 10—Offset of Federal Tax Refunds and Salaries for Housing Loan Debt

Would amend section 1826 to permit VA to collect all debts arising out of the housing loan program by offsetting the debtor's Federal tax refund or Federal salary.

Section 11—Certificates of Veteran Status for National Housing Act Benefits

Would add a new section 1835 which provides that VA will, at the request of the Secretary of Housing and Urban Development (HUD), issue certificates of veteran status to persons seeking benefits under the National Housing Act or other programs administered by HUD. VA will not be reimbursed by HUD for performing this function.

Section 12—Exemption from Lobbying Reporting Requirements

Would add a new section 1822 which provides that persons applying for or obtaining loans guaranteed, insured or made by VA will not become subject to requirements contained in 31 U.S.C. § 1352 that persons obtaining loans exceeding $150,000 which are guaranteed, insured or made by a federal agency must disclose their lobbying activities.

Section 13—Downpayment Requirement

Would require most veterans obtaining VA guaranteed loans for the purchase, construction, repair or alteration of a property to make a downpayment. The downpayment would be 4 percent of the amount by which the actual costs for such purchase, construction, repair or alteration exceeds $25,000.

Section 14—Table of Sections

Would make conforming amendments to the table of sections for subchapter III of chapter 37.

Section 15—Effective Dates

Subsection (a) would make sections 2(a) (increasing the loan fee), 2(b) (restricting the fee exemption to veterans 30 percent or more disabled), and 13 (downpayment requirements) of this bill apply to all loans closed on or after October 1, 1990.

Subsection (b) would make section 8(b)(1) (revised definition of "net value") of this bill apply to all liquidation sales conducted on or after October 1, 1990.

Subsection (c) would make sections 3 (manufactured home loan amendments), 6 (water and sewerage systems), 9 (Direct Loan Revolving Fund) and 10 (offset for housing loan debts) of this bill effective October 1, 1990.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, April 12, 1990.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To amend title 38, United States Code, to improve the housing loan program for veterans by reducing administrative regulation, enhancing the financial solvency of such program, and for other purposes." I request that this measure be referred to the appropriate committee and promptly enacted.

This omnibus measure, entitled the "Veterans' Housing Amendments Act of 1990," would make a number of amendments to the Department of Veterans Affairs (VA) Housing Loan Guaranty Program to reduce administrative regulation, reduce the risk and costs of this program, and enhance revenues.

The Congress recently enacted the Veterans' Benefits Amendments of 1989, Public Law 101-237. Title III of that measure made a number of changes to the home loan program, including the creation of a new fund, known as the Guaranty and Indemnity Fund (GIF), which finances operations, other than administrative expenses, for all housing loans guaranteed under 38 U.S.C. § 1810 on or after January 1, 1990. That statute also revised the fees veterans pay, and provided for a government credit to the GIF for each loan guaranteed.

The intent of Public Law 101-237 was to provide a financing mechanism that would improve the solvency of the VA home loan program. Current projections indicate that appropriations will be required by 1995 to sustain operations. In light of that recognition, we urge that the initiatives contained in this draft bill be enacted. Combined, these initiatives will obviate the need for appropriations well beyond Fiscal Year 1995.

Section 2 of the draft bill would amend section 1829 of title 38, United States Code, to increase the loan fee to 1.75 percent of the loan amount. At present, that section imposes a fee of 1.25 percent for most veterans who obtain housing loans guaranteed by VA. Veterans who make a 5 percent downpayment pay a fee equal to 0.75 percent of the loan amount, and veterans who make a downpayment of 10 percent or more pay a fee of 0.5 percent. This proposal would eliminate the discounts for downpayments. (As discussed below, section 13 of the draft bill requires a downpayment be made by most veterans.)

Under current law, service-connected disabled veterans receiving compensation, or who would be entitled to compensation but for the receipt of retirement pay, are exempt from paying this fee. The draft bill would limit this exemption to those veterans rated at least 30 percent disabled. Currently, approximately 57 percent of compensation eligible veterans are rated as less than 30 percent. We are not proposing to alter the fee exemption currently granted to surviving spouses of veterans who died from a service-connected disability.

Under current law, persons who receive vendee loans from the VA in connection with the purchase of real property from the VA pay a fee of 1 percent, and persons who

assume loans under 38 U.S.C. § 1814 pay a fee of 0.5 percent. VA is not proposing to change those fees.

As we discuss below, section 3 of the draft bill would curtail the VA manufactured home loan program. Since that section would still permit manufactured housing interest rate reduction refinancing loans, section 2 of the draft bill continues the 1 percent fee for such loans.

The fee is collected at the time of loan closing, and may be financed with the loan. Proceeds from the fee for most new loans are deposited into the GIF. The fees on manufactured housing loans and some vendee loans are deposited into the Loan Guaranty Revolving Fund (LGRF), 38 U.S.C. § 1824.

Public Law 89-358, which originally granted VA home loan benefits to post-Korean conflict veterans, required collection of such a fee. That provision was repealed by Public Law 91-506 in 1970. The Omnibus Budget Reconciliation Act of 1982, Pub. L. No. 97-253, § 406, reimposed a fee of one-half of 1 percent for loans to veterans closed after September 30, 1982. The Deficit Reduction Act of 1984, Pub. L. No. 98-369, § 2511, increased the fee to 1 percent. The Veterans' Benefits Amendments of 1989, Pub. L. No. 101-237, § 302, enacted the present fee structure.

The VA home loan program has been and continues to be of great importance to present and former members of the Nation's Armed Forces who seek to become homeowners. We are mindful that the cost to the taxpayers of operating the program and paying claims on loans resulting in foreclosure are significant. Since the loan guaranty program provides a unique benefit for a select group of beneficiaries, we believe that this group should bear a portion of the cost of providing the benefit through a modest, one-time fee. In view of our estimate regarding the future needs of the new GIF, we believe an increase in the fee is appropriate.

Enactment of section 2 of the draft bill would product collections of 109.5 million in Fiscal Year 1991, and a total 5-year savings of approximately $529 million. The 5-year projection is as follows:

Savings

[In thousands of dollars]

Fiscal year:	*Amount*
1991	109,527
1992	102,437
1993	102,383
1994	105,816
1995	108,758

Section 3 of the draft bill would prohibit VA from guaranteeing most manufactured housing loans closed on or after October 1, 1990, unless VA issued a commitment before such date. The only exceptions would be loans to refinance existing VA guaranteed manufactured housing loans at a lower interest rate pursuant to 38 U.S.C. § 1812(a)(1)(F), and loans for manufactured housing permanently affixed to the lot which are considered real property pursuant to 38 U.S.C. § 1810(a)(9).

For the past decade, the default rate on VA guaranteed manufactured home loans has been 28.8 percent, as compared to 7.6 percent on VA loans for conventionally built houses. Although manufactured home loans generally have represented 3 percent of new loan activity, in the last fiscal year they represented 11 percent of the total number of claims paid, or 6.5 percent of the dollar amount of claims paid. This high rate of foreclosures in the VA manufactured housing loan program has adversely affected the solvency of the loan guaranty program, and has resulted in substantial debts being established against veterans. We have concluded that, on balance, this program is not providing a viable benefit to veterans and its continuation is not justified in view of its substantial costs.

Terminating manufactured housing loans as proposed by section 3 of the draft bill would produce savings of $300,000 in Fiscal Year 1991, and a 5-year savings of over $19 million as follows:

Savings

[In thousands of dollars]

Fiscal year:	*Amount*
1991	300
1992	1,700
1993	3,800
1994	5,700
1995	7,600

Veterans wishing to purchase manufactured homes which are permanently affixed to the site and treated as real estate under State law will still be able to obtain guaranteed loans through VA's regular home loan program. Those who wish to purchase manufactured homes which are not eligible for VA financing will still be able to finance the purchase through the HUD program or with a conventional loan. Also, veterans who have already obtained VA guaranteed manufactured home loans would still be able to obtain VA guaranteed interest rate reduction loans.

Paragraphs (3) and (4) of section 3(a) of the draft bill would alter the claim payment procedure for existing manufactured housing loans. Currenty, 38 U.S.C. § 1812(c)(3) prohibits VA from paying a claim under the guaranty on a manufactured home loan until after the security property has been resold by the loan holder. The holder must credit the account indebtedness with the proceeds of the resale of the unit or with the minimum resale price provided by VA, whichever is greater. (If the difference between the account indebtedness and the amount to be credited is greater than VA's guaranty liability, a maximum claim is payable.)

The draft bill would repeal the requirement that the holder must wait until the security is liquidated before filing its claim with VA. Rather, the bill would give holders the option of filing a claim immediately upon receipt of VA's valuation. Holders electing that option would assume the risk of loss if they are unable to sell the security property for the amount of VA's value estimate. They would also retain any profit obtained from selling the security for more than VA's valuation.

VA experience in reviewing manufactured home loan terminations indicates that repossessed homes are not always disposed of in a prompt and efficient manner. Lenders must rely on dealers to sell these homes in most areas. The dealers have many such homes to sell and little financial incentive to sell the VA loan repossessions, since a larger profit is obtained in their sale of new homes.

Our experience also shows that VA's minimum resale price, which represents the estimated value of the home at repossession, generally equals or exceeds the eventual resale price. Field stations sometimes review and lower this minimum resale price in response to reports that holders are unable to sell the unit for that value. Such reductions are currently appropriate if the holder can provide documentation to show that the value VA has placed on the unit is greater than actual market value.

If lenders were permitted to file their claims upon receipt of VA's resale price, these problems would be avoided. This procedure will reduce the size of claims since VA would not reimburse lenders for costs incurred after repossession, including accrued interest and sales commission. Adoption of this modification would generally result in an unchanged or reduced VA claim payment and veteran's liability to the Government. It should also reduce lender losses on repossessions.

Although VA believes that loan holders will find this simplified procedure to be attractive, under the draft bill holders would retain the option of using the present procedure which provides them with some protection against further loss on the resale of the security.

VA estimates the following savings to VA from the enactment of this revision in the manufactured home loan claim payment procedure:

[In thousand of dollars]

Fiscal year	Outlay savings	Budget authority savings
1991	$4,500	$4,500
1992	3,600	3,600
1993	3,000	3,000
1994	1,900	1,900
1995	600	.....

The estimates assumed 50 percent of lenders will elect to file their claims upon receipt of VA's resale price. If fewer lenders choose the new option, savings will decline. Also, the savings to VA from paying lender claims up to 1 year earlier than is currently done would be partially offset by Treasury's increased borrowing costs for that period.

Section 4 of the draft bill would make a clarifying change to 38 U.S.C. § 1805(a). Section 1805 currently provides for VA review of the plans and specifications of new homes prior to construction, and requires the builder to provide the veteran with a limited warranty. That section refers to properties being "approved" by VA. The draft bill would change the term "approved" to "appraised." VA values the proposed construction, but does not actually approve the plans and specifications. Rather, VA generally relies on the appropriate unit of the State or local government to ensure that newly constructed homes comply with local building codes. VA believes that referring to VA "approved" construction is misleading.

Enactment of this proposal will not result in any additional costs or savings.

Section 5 of the draft bill would extend for 1 year; i.e., until October 1, 1991, the sunset for VA's authority to permit lender review of appraisals. Public Law 100-198, enacted December 21, 1987, authorized VA to permit lenders, under certain conditions, to review appraisals. In implementing this authority, VA is aware of, and most concerned with appraisal abuses that have been uncovered in other federally insured lending and banking programs. VA, therefore, took great care to study this issue, and carefully drafted the guidelines for this lender review of appraisals.

Proposed regulations were published for public comment in the Federal Register on May 11, 1989. Comments received have been thoroughly reviewed, and final regulations

to implement this program should be issued shortly. Since lenders will not be able to begin to use this new authority until later this year, we are proposing to extend the sunset until October 1, 1991, in order to give this new program a fair test.

Section 6 of the draft bill would repeal the requirement for a statement of local officials regarding the feasibility of public or community water and sewerage systems as a condition to the VA guaranty of loans for the purchase of newly constructed homes.

Currently, under 38 U.S.C. § 1804(e), the VA may not guarantee loans for newly constructed residences in areas where local officials certify that the establishment of public or community water and sewerage system is economically feasible unless the dwellings are served by such systems. Since enactment of this section in 1965, conditions have changed significantly. Federal, State, and local laws now adequately address the subject of individual water and sewerage systems as an alternative to public and community water systems. These certification requirements place an additional burden on local officials and program participants without materially benefiting the veteran.

Enactment of this proposal would result in administrative savings of less than $100,000 in any fiscal year.

Section 7 of the draft bill would impose a time limit during which a veteran may request waiver of a loan guaranty debt. Generally, a veteran would have 180 days from the date of the notice of the debt to file a waiver request. This amendment is consistent with subsection (a) of section 3102 of title 38 which imposes the same limit on requesting waivers of all other debts to VA. Under subsection (b) of that section, however, no time limit is imposed on requesting waiver of a home loan debt. This creates several problems, especially when a request for waiver is made on a loan program debt after it has been referred for collection through litigation. If such a waiver request is filed, all collection action must be stopped until a decision is made on the waiver request. If the request for waiver is subsequently denied, then we must go through the time-consuming and costly process of referring the case a second time for collection.

To reduce hardship and prejudice to veterans who may have relied on the current law, any veteran who received notice of a home loan debt prior to October 1, 1990, would have until September 30, 1992, to request a waiver.

Enactment of this proposal would result in insignificant administrative benefits savings of less than $1 million in any fiscal year and insignificant administrative savings of less than $100,000 in any fiscal year.

Section 8 of the draft bill would make permanent the foreclosure information and counseling requirements contained in 38 U.S.C. § 1832(a)(4), the claim payment and property acquisition provisions contained in 38 U.S.C. § 1832(c), and the property management and vendee loan provisions contained in 38 U.S.C. § 1833(a). It would also make one modification in the so-called "no-bid" formula.

Subsection 8(a) of the bill would remove the March 1, 1991, sunset for the provisions requiring VA to provide veterans in default with information and, to the extent feasible, counseling regarding alternatives to foreclosure and what the veteran's liabilities may be following foreclosure. Foreclosure should always be a last resort. Where various alternatives exist, VA believes the veteran should be made aware of these options. We, therefore, believe the requirement of the law for VA to provide notice and, when possible, counseling, should be made permanent.

VA also urges that the sunset be removed from the provisions originally added by section 2512 of the Deficit Reduction Act of 1984 (DRA), Public law 98-369, which determine the VA's claim liability under a home loan guaranty, when the VA may acquire the property which secured the loan, and the conditions under which VA would sell properties it acquired. Since that time, a number of modifications have been made to these provisions.

Section 1832(c) of title 38 requires the VA to establish a net value for the security property. "Net value" is the fair market value minus costs the VA would incur, if it acquired the property, to acquire, manage, and dispose of such property. Generally, the VA may acquire the property if the net value exceeds the unguaranteed portion of the loan, and the loan holder acquires the property for the lesser of net value or the veteran's total indebtedness. In such cases, net value also represents a minimum amount the loan holder must credit to the veteran's indebtedness in determining the VA's guaranty liability. This provision has provided a useful framework to determine when it is cost-effective either to acquire a VA guaranteed property at foreclosure or to pay the full guaranty amount. The provisions of 38 U.S.C. § 1832(c) are currently set to expire on October 1, 1991.

The Administration believes, however, that one significant cost factor which is not now being considered in computing the net value of a property should be added. This is the loss VA sustains on the resale of acquired properties that result from market forces, such as a decline in resale value.

In making the determination as to whether or not property should be acquired, all potential costs of acquisition and disposition need to be considered. VA currently only takes estimated out of pocket cash expenditures and administrative costs into consideration.

At the time the DRA was enacted, it was believed acquired property would be resold for full market value, and VA would recover its costs plus the amount paid for the property. Experience has shown, however, that this is not always the case. VA has incurred substantial losses in the resale of some acquired properties. During FY 1989, VA resold 35,865 acquired properties, with an average loss of $6,538 per property.

These additional losses on property resale can be projected from VA's property resale experience. VA must take such losses into account in order to obtain a true picture of the costs of acquiring and disposing of a property. This amendment will allow VA to assess more accurately the cost-effectiveness of acquiring a property.

Revising the definition of net value as proposed will produce a total outlay savings of $80.5 million in Fiscal Year 1991, and a total 5-year outlay savings of $446 million as follows:

Fiscal year	LGRF outlay savings	GIF outlay savings	Total outlay savings
1991	$76,300	$4,200	$80,500
1992	13,200	33,200	46,400
1993	11,000	62,700	73,700
1994	5,000	117,700	122,700
1995	−10,100	132,100	122,000

The DRA amendments were enacted to reduce the Government's losses on foreclosure of VA guaranteed loans and the subsequent resale of VA acquired properties and ensure that the VA home loan program would continue to provide a viable benefit for veterans and lenders. Experience has shown that these procedures have worked well. The basic framework created by DRA, as amended, and now codified at section 1832(c), is sound and should be continued and made permanent with the modification we are recommending.

Section 1833(a) of title 38, United States Code, regulates the management and sale of properties VA acquires from loan holders following foreclosure. The statute requires VA to sell at least 35 percent of such properties, but not more than 50 percent, for cash. The remainder are sold with VA providing seller financing which is generally referred to as a "vendee loan." The statute also requires the sale of vendee loans. Beginning October 1, 1990, if VA sells vendee loans without recourse, they must be sold for 100 percent of par. There are no restrictions on the sale of vendee loans with recourse. VA is now selling such loans to a trust which securitizes the loans. Since our sale to the trust involves limited recourse, the without recourse limitations do not apply.

This subsection also generally requires a 5 percent downpayment on vendee loans. VA may waive the downpayment requirement in areas where higher loan amounts are necessary in order to market the properties competitively. Further, VA is permitted to include in a vendee loan an additional amount for property rehabilitation. The downpayment requirements do not apply in rehabilitation loan cases. Finally, VA is authorized to make vendee loans at below market interest rates where market conditions justify such action.

Section 1833(a) currently has a sunset of December 31, 1990. VA believes these provisions should also be made permanent.

Section 9 of the proposed legislation would terminate the Direct Loan Revolving Fund (DLRF), and merge it into the LGRF. The DLRF was established to fund VA's program of making direct loans to veterans under 38 U.S.C. § 1811. Direct loans were generally made to veterans living in rural areas or small cities and towns where housing credit for guaranteed loans was not generally available. Beginning with Fiscal Year 1981, the Congress has placed severe limits on the direct loan program in the VA's annual appropriation act. VA has been permitted to only make direct loans to disabled veterans in connection with specially adapted housing, pursuant to 38 U.S.C. § 1811(i). VA has been further limited to making no more than $1 million in such loans per fiscal year.

In addition, the moneys in the DLRF have been transferred over the years to the LGRF to help cover the large losses sustained by the latter fund. At present, the DLRF has a balance of approximately $2.5 million. The only source of revenue for this fund is the repayment of principal and interest on outstanding direct loans or the proceeds from the sale of such loans. VA estimates the outstanding principal on such loans to be $57 million.

In view of the low volume of direct loan activity and the low balance in the DLRF, VA believes there is no purpose to maintaining a separate direct loan fund. Not having to maintain two separate accounts will reduce administrative workload and reduce accounting errors.

Merging these two funds would have the following budget impact on the LGRF:

[In thousands of dollars]

Fiscal year	Obligation costs	Outlay savings	Budget authority savings
1991	$1,900	$14,100	$26,700
1992	1,600	10,900	10,700
1993	1,300	8,300	8,200
1994	1,000	6,300	6,200
1995	700	4,800	...

Section 9(c) addresses another issue related to the DLRF. Over the years, the Secretary of the Treasury has been authorized to advance to the DLRF moneys for the operation of the VA direct loan program. As originally enacted, the direct loan program was to expire June 30, 1951. After that, as loans were paid off, VA was to repay the Treasury the moneys which had been advanced. The program was extended a number of times, until 1970 when the VA home loan program, including the direct loan program, was made permanent. During the 1980s, as explained above, the direct loan program was limited by the Congress, and the DLRF balances were used to cover shortages in the LGRF. For all intents, and purposes, the DLRF is depleted. There still exists on the books, however, an "unpaid loan" of over $1.7 billion from the Treasury to VA.

The Department of the Treasury has advised us they consider the unpaid advances to the DLRF to be a debt owing to the United States that they cannot waive. Since the direct loans funds have already been used as a substitute for direct appropriations to the LGRF, there is no way VA can satisfy this "debt" without either an appropriation of $1.7 billion, or a congressionally mandated write-off. Section 9(c) of the draft bill contains such a write-off.

Section 10 of the proposed legislation would amend section 1826 of title 38, United States Code, to expand VA's authority to collect housing loan debts by offsetting a debtor's Federal tax refund or Federal salary. Currently, section 1826 prohibits offset by any non-VA Federal payment to satisfy an indebtedness to VA arising out of the loan guaranty program unless the debtor consents in writing, or a court has determined that the debtor is liable to the VA. Since a significant number of VA guaranteed loans are foreclosed nonjudicially, these requirements are often not met.

Under section 3720A of title 31, United States Code, which was enacted by the Deficit Reduction Act of 1984, Pub. L. No. 98-369, § 2653, past-due debts to Federal agencies may be referred to the Secretary of the Treasury for collection by offsetting against refunds of Federal taxes due the debtor.

The Debt Collection Act of 1982, Pub. L. No. 97-365, § 5, amend section 5514 of title 5, United States Code, to authorize Federal agencies to offset debts to Federal agencies from the pay account of Federal employees and members of the Armed Forces, including the Reserves.

VA believes these enactments established a policy of collecting Federal debts in this manner. Therefore, conforming amendments should be made to section 1826 of title 38.

VA estimates that enactment of this proposal would generate collections of approximately $28 million in Fiscal Year 1991, and produce administrative costs of less than $100,000 in any fiscal year.

Section 11 of the draft bill would authorize VA to process, without reimbursement, requests for certificates of veteran status for persons seeking benefits under the National Housing Act. That Act, which is administered by the Department of Housing and Urban Development (HUD), provides lower downpayment requirements for veterans. Pursuant to a 1966 agreement between VA and HUD, VA has been issuing these certificates. The agreement called for HUD to reimburse VA $1.25 per certificate for VA's processing costs. In recent years, however, HUD has declined to reimburse VA for these costs. As a service to veterans, VA has continued to issue these certificates.

Technically, VA should not be administering statutes other than title 38, United States Code, for other agencies without reimbursement. We recognize, however, that VA personnel have the knowledge and expertise to determine veteran status, and it is a logical extension of VA's mission to aid veterans to continue to certify veteran status to HUD. We believe we can continue to perform this function with current staffing levels. Further, in view of the relatively small sums involved, we do not believe it is cost-effective to gather data from field stations and prepare and transmit quarterly vouchers to HUD.

Enactment of this section would not result in significant costs.

Section 12 of the draft bill would exempt housing loans guaranteed, insured, or made by VA from the lobbying reporting requirements of 31 U.S.C. § 1352 which was added by section 319 of Public Law 101-121. That law prohibits certain government contractors or recipients of government assistance from using appropriated moneys for lobbying, and requires certain lobbying disclosures from those persons. That statute does not apply to loans which are $150,000 or less. The conference report (House Report 101-264) stated that the $150,000 threshold "serves to exempt . . . individuals who seek Federally-insured loans (for the purchase of personal residences, for example) from these provisions."

There is no statutory or VA-imposed regulatory ceiling on the amount of a loan VA will guarantee. For all intents and purposes, however, custom and practice in the lending industry and secondary market limits VA guaranteed loans to four times the guaranty amount. Until recently, the maximum guaranty was $36,000. Therefore, VA guaranteed loans rarely exceeded $144,000. In enacting Public Law 101-237, the Congress recognized that in certain high cost areas of the Nation $144,000 was not sufficient for many veterans to purchase satisfactory housing. Therefore, that enactment increased the guaranty to 25 percent on loans exceeding $144,000 to a maximum guaranty of $46,000. This new guaranty will support loans of up to $184,000.

VA supports the concept behind the lobbying restrictions and disclosures mandated by Public Law 101-121. The Congress recognized, however, that the purchase of a single family home with a federally guaranteed loan has not been the subject of abuse that lead to the enactment of that statute. Therefore, the Congress expressed an intent to exempt such borrowers from the burdens imposed by the law. We see no reason why certain veterans should now be subject to those burdens simply because they reside in areas with high housing costs.

Section 13 of the draft bill would require veterans to make a modest downpayment on VA guaranteed home loans having an initial principal balance above $25,000.

Currently, VA loans for the purchase or construction of a home do not require any downpayment so long as the loan amount does not exceed the reasonable value of the property as determined by VA. VA is proposing to requre a downpayment of 4 percent of the amount of the housing cost that exceeds $25,000. For example, if a veteran is purchasing a home for $75,000, the veteran would be required to make a $2,000 downpayment, as follows:

$75,000
−25,000
50,000
×.04
2,000

Assuming the property has a reasonable value of at least $73,000, the veteran could obtain a loan for $73,000. That figure may, however, be increased by the amount of the loan fee if the veteran elects to finance such fee.

Generally, loans involving downpayments are more secure; this is particularly true in periods of low housing appreciation, as is projected for the next decade. In view of the high costs to the Government of loan foreclosures, we believe requiring such a modest downpayment is a reasonable measure to reduce the risks associated with VA housing loans while still providing the most generous Federal housing guarantee program. Veterans will have more equity in their properties and will be less likely to default. Thus, the proposal would not only reduce long-term Federal liabilities; it would also assist veterans in retaining their homes during periods of low housing appreciation.

VA estimates that requiring this downpayment would produce the following savings:

Savings

[In thousand of dollars]

Fiscal year	*Amount*
1991	$473
1992	6,063
1993	22,017
1994	31,784
1995	43,742

A section by section analysis of the draft bill is also enclosed.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 2485. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and for other purposes; to the Committee on Veterans Affairs.

VETERANS CEMETERY PARTNERSHIP ACT

● Mr. CHAFEE. Mr. President, today, I am introducing legislation that aims to use existing funds to expand the State Cemetery Grant Program.

The Veterans Cemetery Partnership Act will expand the State Veterans

Cemetery Grant Program, in order for State cemeteries to receive Federal grants to defray the cost of up to 50 percent of their expenses for operation, maintenance, and initial equipment.

It also eliminates the $150 plot allowance that the Department of Veterans Affairs now pays directly to State veterans cemeteries each time a veteran is buried there—only for those State cemeteries that receive grants under my legislation.

The State Cemetery Grant Program, which was established in 1978, is designed to assist any State in establishing, expanding or improving State-owned cemeteries for veterans. Currently, States may apply for grants to cover up to 50 percent of these costs, which primarily involve land acquisition and construction.

Unfortunately, the Federal Government cannot realistically assume the full burden of providing veterans cemeteries for all veterans who wish to be buried with their comrades-in-arms. As a result, there are 12 States, including Rhode Island, that do not have a national veterans cemetery, and 5 more whose national cemeteries are closed to new interments. In addition, there are nine large States whose national cemeteries are too far away from the homes of many veterans and their families. As a result, State veterans cemeteries play a critical role in serving the needs of veterans.

Since the State Cemetery Grant Program was created, only 18 States have applied for 38 grants to establish new cemeteries or expand or improve existing ones. These grant awards have averaged about $600,000.

Many States are reluctant to take advantage of this program because they will not be able to afford the full cost of establishing new cemeteries, and may be forced to abandon or sell State-owned veterans cemeteries because of the inability to maintain them. Thus, there is money left over in the State Cemetery Grant Program budget that we can put to good use.

My bill does not call for the expenditure of any additional funds. Of the funds available to the State Cemetery Grant Program since its inception, almost $4 million has remained unspent. I believe this leftover money should be used to help State veterans cemeteries pay for their operation and maintenance.

Elimination of the plot allowance paid to State Veterans cemeteries would consolidate all Federal aid to State cemeteries into one account. Right now, part of the assistance State cemeteries receive come from the State Cemetery Program, while another part, the plot allowances, comes out of the Department of Veterans Benefits—two different offices at the Department of Veterans Affairs.

It would also eliminate a technicality in the current law governing the payment of death benefits. At present, this technicality in effect prevents State veterans cemeteries from getting reimbursed for the burial of veterans whose deaths are attributed to service-connected causes.

Perhaps most important, this provision transforms an entitlement into a grant. Although the end result—Federal assistance to State veterans cemeteries—is the same, changing an entitlement into a grant is philosophically very important: it bolsters the Federal-State partnership that was created by the State Cemetery Grant Program. Instead of the Federal Government giving the State a handout, the two are working together to ensure that veterans' needs are met.

In any year that a State does not receive a grant for the maintenance and operation of its veterans cemeteries, it would continue to receive plot allowances from the DVA's Department of Veterans Benefits. Burial benefits that are now paid directly to the surviving families of veterans will remain unaffected by my legislation.

The Federal Government stands to benefit from an extension of the State Cemetery Grant Program partnership as well. First, such an extension encourages the States to assume a responsibility that the Federal Government cannot. Second, the States are historically more cost efficient in their construction and administration of facilities such as veterans benefits. Thus, perhaps the Federal Government would be able to learn something from the State through the Veterans Cemetery Partnership Act.

I believe many veterans have the perception that the Federal Government has forgotten them and their fine service to their country. Perhaps the simplest and most important thing we can do to ensure that veterans are remembered is to provide places where we can go to reflect on their heroism and sacrifice in the name of freedom—places where our veterans will be honored by us forever.

If the Federal Government cannot do this itself, it must ensure that the States are able and willing to provide and maintain these resting places of honor.

I urge all Senators to join me in supporting the Veterans Cemetery Partnership Act.●

By Mr. ARMSTRONG (for himself and Mr. SYMMS):

S. 2486. A bill to amend the Internal Revenue Code of 1986 to provide civil damages for certain unauthorized determinations of income tax; to the Committee on Finance.

UNAUTHORIZED DETERMINATIONS OF INCOME TAX

● Mr. ARMSTRONG. Mr. President, think back over some of the cases of Internal Revenue Service abuse of a taxpayer that have come to your attention. How often has the abuse occurred while the taxpayer and the Service were attempting to determine the tax actually owed and how often has it occurred when the Service is trying to collect the tax? If your constitutents are like mine, a large number of cases arise in the determination stage of a tax dispute.

How often have your constituents said they feel cheated because they have no recourse for IRS wrongdoing? As part of the taxpayer bill of rights passed in 1988, the Senate took a great step toward giving the taxpayers a fair play by granting them the right to sue the Federal Government in Federal district court for damages if in connection with the determination or collection of any Federal tax an IRS employee carelessly, recklessly, or intentionally disregards any provision of or regulation promulgated under the Internal Revenue Code.

A tax case essentially goes through two stages. In the first stage, the Service, the taxpayer and, sometimes, the courts determine the amount of tax owed. Once it is established that additional tax is owed, the case moves on to the second stage in which the Service attempts to collect the tax.

Unfortunately, the conference report deleted the reference to acts taken in determing the amount of tax, leaving taxpayers with no recourse in a great many instances. I find this unacceptable, and so I am introducing as part of my series called fair play for taxpayers a bill extending a taxpayer's right to sue to include IRS acts that occur in the determination of any Federal tax.●

By Mr. HARKIN:

S. 2487. A bill to provide for the establishment of a program to provide incentives and assistance to agricultural producers to reduce the potential for contamination or degradation of surface water and ground water, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL WATER QUALITY INCENTIVE ACT OF 1990

● Mr. HARKIN. Mr. President, I am today introducing the Agricultural Water Quality Incentive Act of 1990 which will establish a voluntary program providing incentives to encourage agricultural producers to implement, improve, and maintain agricultural production practices designed to protect water quality. The program will emphasize the use of cost-effective, proven practices that will, in addition to helping prevent pollution of our water resources, enhance farm profitability and productivity. The bill will also allow the entry of land pre-

senting water quality problems into the Conservation Reserve Program.

The incentive program established in this legislation will be the first full-scale program focusing on agricultural production practices in order to help producers address water quality problems associated with agriculture. Federal water quality efforts related to agriculture have thus far almost exclusively sought to bring about changes in land use patterns, primarily through taking land out of crop production and devoting it to vegetative cover.

While land use change can be an effective means of addressing water quality problems, and indeed a part of this bill provides for using the Conservation Reserve Program for water quality problems, taking land out of production is fairly expensive proposition. In any event, the vast majority of farmers have established land use patterns that are unlikely to change significantly any time soon.

This legislative will establish a broadly based program of incentives available to a wide range of agricultural producers in order to encourage and assist them in implementing, improving, and maintaining practices on land in production that will achieve major reductions in the potential for contamination or degradation of surface water and ground water. The program will emphasize the use of practices that improve farm profits and productivity.

These are the major features of this legislation:

Water quality management plans.—Producers participating in the Agricultural Water Quality Incentive Program will develop and carry out farm water quality mangement plans containing specific goals and objectives that will ensure major reductions in the potential for contamination or degradation of surface water or ground water by sediment, fertilizers and other crop nutrients, agricultural chemicals, salts, animal wastes, or other pollutants associated with agricultural production. Plans may cover all or a part of a farm.

The program should be administered by USDA to facilitate compliance with, or significant progress toward attainment of, environmental quality objectives established by State and Federal laws. However, it is not my intention that the program would be administered in order only to meet minimum water quality standards established by law or that the program would be available only where water quality problems currently exist according to water quality standards. The program has a broader purpose of achieving major reductions in the potential for contamination or degradation of surface water or ground water.

Technical assistance.—Technical assistance for developing and carrying out the plans will be provided by the Soil Conservation Service, the Extension Service, and, where determined appropriate by USDA, private agricultural consultants.

Incentive payments.—Producers participating in the program will receive annual incentive payments over a period of 3 to 5 years on a per acre basis for implementing, improving, or maintaining agricultural production practices in accordance with approved farm water quality management plans. In establishing the level of the incentive payments, USDA will consider the cost and effort involved in implementing, improving, or maintaining the practices for which incentive payments are made. USDA will provide incentive payments at levels sufficient to cause enrollment in the program sufficient to reach the specified acreage goals. The available information from a similar Iowa program indicates that moderate levels of incentive payments are sufficient to encourage enrollment.

Contracts.—Producers will enter contracts which describe the agricultural production practices that will be implemented, improved, and maintained, as well as any practices that are to be avoided, in order to carry out and achieve the goals and objectives specified in the farm water quality management plan. The contracts will include schedules and standards for implementing, improving and maintaining the practices described in the contracts, and will specify the obligations of USDA, including the payment of incentive payments.

Emphasis on farm profitability and productivity.—A key element of the incentive program is it emphasis on practices that improve the bottom line for farmers. To the maximum extent possible, contracts under the program will include the use of agricultural production practices that enhance farm profitability and productivity through reducing waste and inefficiency in the management and use of fertilizer and crop nutrients, animal wastes, and other organic materials, and agricultural chemicals.

Examples of practices that might be included in the program are soil testing, crop and field monitoring, and scouting for weeds and pests, improved management practices for the application and use of fertilizer and other crop nutrients, agricultural chemicals, animal wastes and other materials, changes in tillage operations, and improved recordkeeping. Farmers in Butler County, Iowa participating in Iowa's Integrated Farm Management Demonstration Program averaged $15 to $20 more an acre in net profit by lowering their production costs using the kinds of practices included within the incentive program established by this bill.

TERM OF CONTRACTS

Contracts under the program will require the producer to continue and maintain any practice for which an incentive payment is made for a period of not less than 5 crop years. Contracts may be revised as the circumstances may warrant.

ACREAGE LEVELS

USDA will enter into contracts with producers to place not less than 3 million acres of cropland in the program during the 1991 crop year with annual increases to a total enrollment of not less than 50 million acres of cropland during the 1995 crop year.

PRIORITY FOR PROGRAM ENROLLMENT

USDA will give priority to including in the program lands identified by USDA, in consultation with EPA and State water quality officials, as land on which agricultural production creates the potential for contamination or degradation of surface water or ground water. USDA will also give priority to enrolling land in the program in order to facilitate the participation by producers in demonstration or model farm programs designed to demonstrate and provide education on the practical application of agricultural production practices included in the Agricultural Water Quality Incentive Program.

USE OF COMMODITY CREDIT CORPORATION

The facilities, services, authorities and funds of the Commodity Credit Corporation will be used to carry out the program.

Use of conservation reserve for water quality objectives.—Cropland on which agricultural production creates the potential for contamination or degradation of ground water or surface water, such as land containing drainage wells, sinkholes, or related features, may be enrolled in the Conservation Reserve Program if the land cannot be adequately managed under the Agricultural Water Quality Incentive Program. USDA may purchase easements on land placed in the Conservation Reserve Program for water quality purposes.

Mr. President, this bill directly addresses the most serious environmental issue facing agriculture, and it deals with the problem through incentives rather than placing additional burdens on farmers. Moreover, the program established in this legislation can be carried out at a reasonable cost in relation to the seriousness and scope of the concern over agriculture's impact on water quality. I ask unanimous consent that the text of my bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Water Quality Incentive Act of 1990".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) PRODUCER.—The term "producer" has the same meaning given such term in the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(2) PROGRAM.—The term "Program" means the Agricultural Water Quality Incentive Program established under section 3.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary shall establish and implement a program to be known as the "Agricultural Water Quality Incentive Program" to encourage agricultural producers to implement, improve and maintain agricultural production practices that are designed to achieve major reductions in the potential for contamination or degradation of surface water or ground water as a consequence of agricultural production, with emphasis given to practices that enhance farm profitability and productivity.

(b) FARM WATER QUALITY MANAGEMENT PLANS.—A producer participating in the Program shall develop and implement a Farm Water Quality Management Plan that shall contain specific goals and objectives that will ensure that a major reduction is achieved in the potential for contamination or degradation of surface water or ground water by sediment, fertilizers and other crop nutrients, agricultural chemicals, salts, animal wastes or other pollutants associated with agricultural production.

(c) TECHNICAL ASSISTANCE.—The Soil Conservation Service, the Extension Service, and, where determined appropriate by the Secretary, private agricultural consultants shall provide technical assistance for the development and implementation of Farm Water Quality Management Plans under subsection (b).

(d) INCENTIVE PAYMENTS.—The Secretary shall provide incentive payments to a producer under section 6 for the implementation, improvement and maintenance of agricultural production practices in accordance with the approved Farm Water Quality Management Plan of the producer.

SEC. 4. CONTRACTS.

(a) REQUIREMENT.—The Secretary shall enter into contracts with producers to place acreage in the Program.

(b) GENERAL TERMS.—Contracts entered into under this section shall—

(1) incorporate the Farm Water Quality Management Plan prepared by the producer under section 3(b) and approved by the Soil Conservation Service;

(2) specifically describe the agricultural production practices that will be implemented, improved and maintained, as well any practices that are to be avoided, in order to carry out and achieve the goals and objectives that are described in the Farm Water Quality Management Plan prepared for the farm;

(3) provide for the use by the producer, to the maximum extent possible and consistent with ensuring that major reductions are achieved in the potential for contamination or degradation of surface water or ground water, of agricultural production practices that enhance farm profitability and productivity through reducing waste and inefficiency in the management and use of fertilizers and crop nutrients, animal waste and other organic materials, and agricultural chemicals;

(4) establish a schedule of deadlines for the implementation, improvement, or other modification of agricultural production practices as described under paragraph (2);

(5) establish a schedule for the performance of the maintenance activities described under paragraph (2);

(6) specify performance standards that shall enable the parties to the contract to determine whether the producer is performing satisfactorily under the contract; and

(7) specify the obligations of the Secretary under the Program.

(c) TERM OF CONTRACT.—A contract entered into under the Program with a producer shall require such producer to continue and maintain any practice for which an incentive payment is made under section 6 for a period of not less than 5 crop years.

(d) CONTINUING ELIGIBILITY.—

(1) IN GENERAL.—To remain eligible for incentive payments under section 6, a producer shall—

(A) continue to implement, improve or maintain practices as required in the contract entered into under this section, and continue to avoid using any practices prohibited in such contract, for the period described in subsection (b); and

(B) remain in compliance with the conservation provisions of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.).

(2) REFUNDS.—A producer that does not comply with the requirements of paragraph (1) shall be required to refund to the Secretary any incentive payments received under section 6 concerning the contract to which the noncompliance applies, plus interest.

(e) REVISIONS.—A producer may obtain a revision of the contract entered into under this section on such terms as the Secretary determines to be reasonable if—

(1) natural causes prevent the implementation, improvement or maintenance of practices as required under such contract;

(2) such contract no longer accurately reflects the production patterns or circumstances pertaining to the farm;

(3) the contract cannot be carried out without severe economic losses that threaten the viability of the farming operation; or

(4) the producer and the Secretary agree on contract modifications that will not compromise the water quality goals and objectives in the existing contract and that will be no less effective or timely in achieving such goals and objectives than the existing contract.

SEC. 5. ACREAGE LEVELS.

The Secretary shall enter into contracts with producers to place in the Program agricultural land—

(1) during the 1991 crop year, that equals not less than 3,000,000 acres;

(2) during the 1992 crop year, that equals a total of not less than 10,000,000 acres;

(3) during the 1993 crop year, that equals a total of not less than 20,000,000 acres;

(4) during the 1994 crop year, that equals a total of not less than 35,000,000 acres; and

(5) during the 1995 crop year, that equals a total of not less than 50,000,000 acres.

SEC. 6. INCENTIVE PAYMENTS.

(a) IN GENERAL.— A contract entered into under the Program shall provide for annual incentive payments to be made by the Secretary to the producer on a per acre basis in amounts sufficient to encourage producers to participate in the program in sufficient numbers to achieve the acreage levels described in section 5.

(b) TERMS, AMOUNTS, LIMITATION, MANNER.—

(1) TERMS.—Payments shall be made under this section for a period of not less than 3 nor more than 5 years, as determined appropriate by the Secretary, and as specified in the contract entered into under the Program.

(2) AMOUNTS.—In determining the amount and number of payments to be made to a producer under this section, the Secretary shall consider the cost and effort involved in implementing, improving and maintaining the practices for which incentive payments are made.

(3) LIMITATION.—Payments to a producer under this section shall not exceed $3,500 for any crop year. Payments under this section shall not be subject to, or considered in applying, limitations on payments under any other program administered by the Secretary, except that incentive payments for a practice or practices shall not be made under this section if payments or assistance is provided for such practice or practices under any other Federal program.

(4) MANNER.—The Secretary may make a lump sum payment to a producer of the annual incentive payments required under a contract entered into under the Program, as reduced to present value, if such lump sum payment is necessary to enable the producer to pay the initial costs of implementing a practice required under such contract.

SEC. 7. ADMINISTRATION.

(a) WATER QUALITY AREAS.—In entering into contracts under this Act, the Secretary shall give priority to producers that will place in the Program lands determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency and State officials having responsibility for monitoring and protecting water quality, to be land on which agricultural production creates the potential for contamination or degradation of surface water or ground water.

(b) DEMONSTRATION AND MODEL FARM PROGRAMS.—To the maximum extent practicable and consistent with the requirements of the Program and the priority described in subsection (a), the Secretary shall enter contracts under this Act with producers to facilitate the participation by such producers in demonstration or model farm programs that are sponsored by governmental or private non-profit entities and designed to provide education on, disseminate information about, and demonstrate the practical application of agricultural production practices that reduce the potential for contamination or degradation of surface water or ground water while emphasizing practices that enhance farm profitability and productivity.

SEC. 8. COMMODITY CREDIT CORPORATION.

(a) USE.—The Secretary shall use the facilities, services, authorities, and funds of the Commodity Credit Corporation to carry out this Act.

(b) AUTHORITY.—The authority provided under this Act shall be in addition to, and not in place of, any other authority granted to the Secretary and the Commodity Credit Corporation.

SEC. 9. CONSERVATION RESERVE PROGRAM.

Section 1231(c) of the Food Security Act of 1985 (16 U.S.C. 3831(c)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Secretary shall permit cropland that is not highly erodible to be placed in the program established under this subtitle if—

"(i)(I) agricultural production on the cropland creates the potential for contamination or degradation of ground water due to the presence of agricultural drainage wells, naturally occurring sinkholes or geologic formations and soil that may allow direct entry of contaminants into ground water; or

"(II) the cropland is otherwise determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency and State officials having responsibility for monitoring and protecting water quality, to be land on which agricultural production creates the potential for contamination or degradation of surface water or ground water; and

"(ii) it is determined by the Secretary that there is little or no potential for a major reduction in the potential for contamination or degradation of surface water or ground water through placing such cropland in the Program established under the Agricultural Water Quality Incentive Act of 1990.

"(B) The Secretary may permit less than an entire field of such land to be placed in the program under this paragraph.

"(C) The Secretary may acquire easements on land placed in the program under subparagraph (A) that limit or prohibit agricultural production on such land to minimize the potential for contamination or degradation of surface water or ground water through agricultural drainage wells, sinkholes or similar geologic formations, or as a consequence of agricultural production practices, and may, in order to acquire such easements, make payments under the program, notwithstanding section 1234, in the form of a lump sum payment based on the net present value of bids accepted by the Secretary for the placement of land in the program.

"(D) The Secretary shall provide cost share assistance to producers under this paragraph to share the costs incurred by such producers for the establishment of any permanent vegetative cover that may be required under the contract or easement entered into or created under this paragraph.

"(E) As used in this subtitle, the term 'highly erodible land' includes land described in this paragraph.".●

By Mr. LEAHY (for himself, Mr. BOSCHWITZ, Mr. HARKIN, Mr. PRYOR, Mr. MCCONNELL, Mr. DASCHLE, Mr. FOWLER, Mr. CONRAD, Mr. KERRY, Mr. MITCHELL, Mr. SASSER, Mr. BAUCUS, Mr. DECONCINI, and Mr. FORD):

S. 2489. A bill to improve the nutritional health of needy Americans, to provide emergency food assistance, to reauthorize several nutritional programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT

Mr. LEAHY. Mr. President, I am pleased to introduce the Mickey Leland Memorial Domestic Hunger Relief Act. It honors a friend of the hungry and the needy.

It is, as Congressman LEON PANETTA said on introducing the House version of this bill, "a living memorial to Mickey and his work. By providing more food to the millions of American children living in poverty and by preventing some of those children and their families from being thrown into the ranks of the homeless, we can help Mickey Leland's spirit to live on."

I share those views and the views of Congressman BILL EMERSON, the ranking minority member on the Domestic Marketing, Consumer Relations, and Nutrition Subcommittee of the House Agriculture Committee. He said: "I firmly believe that in our Nation of abundance, it is a tragedy for any child, elderly person, or anyone to go hungry."

I want to thank LEON PANETTA, BILL EMERSON, and CHARLIE HATCHER for their hard work on this bill. I know they have spent many hours working on the details of this living tribute to Mickey Leland.

This tribute to Mickey Leland also enjoys bipartisan support in the Senate. I am very proud to have Senator BOSCHWITZ as an original sponsor of this bill. He is the ranking minority member of the Nutrition and Investigation Subcommittee and a key leader regarding the nutrition programs. His vital support of programs to help needy children, the elderly, the disabled, and handicapped sets an outstanding example to us all. In a major book on the struggle against hunger, "Living Hungry in America," he and Senator LUGAR were singled out for well-deserved praise for their history of support for the nutrition programs.

I need to also especially mention Senators SASSER and DOMENICI. At its hearing on February 27, 1990, the Committee on Agriculture, Nutrition, and Forestry was honored to have JIM SASSER and PETE DOMENICI as the lead-off witnesses.

They vividly described the need for significant nutrition legislation. As the chairman and ranking minority members of the Senate Budget Committee, their support is crucial to the success of this effort.

I was pleased to hear JIM SASSER state: "I intend to work hard to push antihunger legislation through the Congress this year and to provide the funds in the 1991 budget resolution we are now preparing in my committee. I intend to make this initiative one of my highest priorities this year."

Similarly, PETE DOMENICI eloquently described the need for legislation this year and his commitment to that end. Their early, and strong, support for a major nutrition initiative this year deserves the praise of every Senator.

Senators SASSER and DOMENICI set forth the blueprint for a broad nutrition initiative which I strongly endorse. Their support enabled the Agriculture, Nutrition and Forestry Committee to begin work immediately to achieve those broad objectives.

Our plan is to include a major nutrition title in the 1990 farm bill—that title will be the heart and soul of the farm bill. This bill, the "Mickey Leland Memorial Domestic Hunger Relief Act" will become that title.

Hunger is not a political issue. It is a moral issue. It gnaws at the inner fiber of our Nation's health. It jeopardizes the future of our entire Nation.

One in every fifth child in America lives in poverty. The poverty rate for children under 6 is more than double the rate for adults.

When kids go to school with empty bellies, they simply cannot learn.

If our Nation's children are not learning, our Nation's future is seriously at risk. We must not surrender our future.

It is important to remember that the Food Stamp Program is a crucial child nutrition program—over 80 percent of all food stamp assistance goes to families with children.

Nutrition programs are a test of the conscience of this Nation. The farm bill can not be complete until the needs of the hungry are met.

America is the richest, most self-sufficient Nation on Earth.

Yet each year 40,000 infants die before their first birthday. At a recent Senate hearing Dr. Buford Nichols, of the Baylor College of Medicine, testified that 20,000 infant deaths can be prevented each year by improving prenatal nutrition and care.

Think about that—20,000 infants can be saved.

Millions of Americans go to bed hungry. This problem is not limited to the homeless living on our street corners. It is much worse.

It's time to shatter the stereotype of the hungry.

Millions of Americans work day in and day out, but still do not earn enough to make ends meet. They work hard, but often they do not earn enough to adequately feed and clothe their children.

Eight million Americans who work live in poverty. The working poor are one of the fastest growing segments in our society. They are my neighbors. They are your neighbors.

Let's look at the hard facts. Housing costs are skyrocketing; 45 percent of poor renters spend 70 percent of their family income on housing. Many of these families must often choose between paying their rent or feeding their children.

Farmers, storekeepers, factory and steel workers across this country are sending their sons and daughters to school hungry every day. Millions of Americans are two, or three, paychecks away from hunger.

A 1988 Carnegie Foundation study in my home State of Vermont, found that 81 percent of Vermont teachers reported that undernourished children were a problem in their schools. In the world's wealthiest Nation, this is truly a disgrace.

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It's time to get our priorities straight.

I also want to make a commitment not to leave out Puerto Rico in this nutrition effort. In the early 1980's, USDA food assistance to Puerto Rico was greatly reduced. Fairness requires that American citizens everywhere be treated equally. Puerto Ricans have died defending American's freedoms in all our wars during this century—we must not treat them unfairly.

I am very proud that this committee has established a grand bipartisan tradition on nutrition legislation. I have already mentioned the ranking minority member, Senator DICK LUGAR, and the ranking member on the Nutrition Subcommittee, Senator RUDY BOSCHWITZ, who deserve a great deal of praise. It is important to note that Senator BOB DOLE played a major role in establishing this bipartisan tradition.

Senator HARKIN, the chairman of the Nutrition Subcommittee, has fought for years to help the hungry. He is a true friend to the needy. He has pushed to include critical provisions in this act. I especially want to note his role regarding the child care provisions.

He has worked to increase the child care reimbursements provided under the act. This helps needy parents who want to seek work, or stay employed, who have young children. I know he is also working on a separate bill to assist the Commodity Supplemental Food Program and I applaud his efforts to help that program.

I would like to also especially thank Senator PRYOR. He has been the leader in getting provisions in this bill that will greatly help elderly and disabled Americans. Several sections of this act are the result of his efforts. These provisions will also help remove barriers to participation in rural areas.

I appreciate the assistance of Senator HEFLIN on the quality control provision of this bill. He has worked closely with me in developing this section. Without this provision, States would be put under severe financial pressures likely forcing them to reduce the quality and efficiency of services provided to needy Americans.

The committee has joined together in recent years to enact major nutrition legislation. The Hunger Prevention Act of 1988 represented the most significant commitment to alleviating hunger in over 10 years. It was hailed by Time magazine as "landmark" legislation.

The Commodity Distribution Reform Act and WIC Amendments of 1987, approved 97 to 0, and the Child Nutrition and WIC Reauthorization Act of 1989, approved by voice vote, also made major improvements in child nutrition programs. The nutrition title of the McKinney Homeless Assistance Act also was broadly supported by the Agriculture Committee.

These four laws indicate the strong support of Democrats and Republicans alike, on this committee, to America's children and America's future.

The nutrition title of the farm bill will demonstrate their continuing commitment.

I want to thank others for their help. I was pleased to receive a detailed set of recommendations for improving the Food Stamp Program from the American Public Welfare Association [APWA]. The APWA Food Stamp Reauthorization Task Force was composed of over 70 State officials.

Their recommendations are extremely important. They represent the views of those who administer the food stamp and other human services programs at the State level. They have hands on experience that is invaluable in properly understanding how to improve nutrition programs.

The detailed and comprehensive recommendations were adopted in December 1989 by the APWA National Council of State Human Service Administrators. These recommendations for congressional action in 1990 were based on the work of the APWA Food Stamp Reauthorization Task Force chaired by Veronica Celani, commissioner of the Vermont Department of Social Services.

I am proud of her efforts. Over the last several years Veronica Celani has provided valuable advice on food stamp matters.

I also want to mention the efforts of Sue Hall, Michigan Department of Social Services, in chairing task force meetings; Larry Goolsby, APWA policy associate, who greatly helped in these efforts; Tim Grace, Illinois Department of Public Aid, who ably presented the recommendations to the Agriculture Committee; and Ed Price, of the Vermont Department of Social Welfare.

Their work laid the foundation for this bill.

I also want to acknowledge the early support of the National Farmers Union for including a major nutrition title in the farm bill. All of their food assistance recommendations, made in September, 1989, have been included in the bill I am introducing today. I appreciate their early and continuing commitment to America's children, to America's farmers and to America's future.

I also received valuable guidance last year from Fran Czajkowski, director of the Vermont Foodbank. Their annual Vermont Food and Hunger Conferences have assisted me in designing legislation. I am concerned, as is Fran, that the Central Vermont Community Action Council's food shelf has seen a 20-percent rise in demand for food recently.

I want to thank Ellen Haas, executive director, Public Voice for Food and Health Policy, and Patti McGrath Morris, director of research, for their exhaustive, and very timely, work on an important issue.

They reported preliminary findings, at a recent Agriculture Committee hearing, on the costs of food in persistently poor counties in the United States. They concluded that retail food prices are significantly higher in many stores in persistently poor rural counties. This has significant adverse effects on the food stamp families living in those areas.

For example, it was explained that a family of four gets a maximum of around $75 in food stamps per week. However, in 269 persistently poor rural counties it can cost an average of $102 to buy the same foods USDA says can be purchased with $75. I am anxious to examine the full report upon its completion.

Also, the National Governor's Association, American Association of Retired Persons, the National Conference of State Legislatures, Families USA, Second Harvest and the National Association of Counties provided me with excellent suggestions for this bill.

Many other groups have provided tremendous help in this effort. I would like to single two out for special attention. The Center on Budget and Policy Priorities and the Food Research and Action Center have consistently provided the Congress with excellent advice and counsel on important nutrition issues.

Mr. President, I would like to briefly mention a few technical points about the bill to clarify some issues. Section 136 on reducing paperwork for homeless households provides the Secretary with broad discretion to issue rules to provide for a standard allowance for shelter costs for homeless households that have some shelter expenses per month.

It is important that broad discretion be provided here since there are a number of good ways to handle this issue. The Secretary could provide for variations based on household size, based on urban-rural distinctions, or such other factors as the Secretary determines appropriate.

Another section requires that participants in the Commodity Supplemental Food Program be referred to, and be given information regarding, the Medicaid Program. That provision is taken from requirements already imposed on WIC, a companion program to CSFP. That new section is not intended to be in any manner burdensome on State agencies. Existing materials already printed and used by the WIC Program should be used to satisfy these requirements.

Mr. President, I need to make one additional point. I recognize that the

budget resolution for 1991 has not yet been adopted by Congress. That budget resolution will govern what we can do this year in our efforts to address the important matters I have just discussed.

In this regard, I am very pleased with the commitments made by the chairman and ranking minority members of the Senate Budget Committee. I am very pleased that Mr. PANETTA, the chairman of the House Budget Committee, made similar commitments.

Mr. President, the following represents a brief summary of some of the key provisions of the Mickey Leland Memorial Domestic Hunger Relief Act of 1990. Over the next couple of weeks the committee will work together to craft the committee reported version. I look forward to that process.

Mr. President, at this point I would ask unanimous consent to have printed in the RECORD the text of the bill and a short summary of some of the key provisions of this act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Mickey Leland Memorial Domestic Hunger Relief Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. References to the Food Stamp Act of 1977.

TITLE I—REDUCING CHILDHOOD HUNGER

Subtitle A—Eliminating the Excess Shelter Deduction Cap

Sec. 111. Households with high shelter expenses.

Subtitle B—Adequacy of Food Stamp Benefits

Sec. 121. Basic benefit level.
Sec. 122. Continuing benefits to eligible households.

Subtitle C—Protecting Households in Special Circumstances

Sec. 131. Emergency food for disaster victims.
Sec. 132. Clothing allowances.
Sec. 133. Protection for participants in demonstration projects.
Sec. 134. Alternative method of issuance.
Sec. 135. Improving assistance to the homeless.
Sec. 136. Reduced paperwork for homeless households.

TITLE II—PROMOTING SELF-SUFFICIENCY

Sec. 201. Child support disregard.
Sec. 202. Limitation on resources.
Sec. 203. State option to reduce unnecessary paperwork.
Sec. 204. Expanding the availability of employment and training opportunities.
Sec. 205. Helping low-income students achieve self-sufficiency.
Sec. 206. Families in transitional housing.

TITLE III—SIMPLIFYING PROGRAM ADMINISTRATION

Sec. 301. Relatives living together.
Sec. 302. Simplifying resource determinations.
Sec. 303. Simplifying eligibility determinations for recipients of supplemental security income and aid to families with dependent children.
Sec. 304. Simplified application signing requirements.
Sec. 305. Categorical eligibility for recipients of State general assistance.
Sec. 306. State flexibility in assisting households in dire need.

TITLE IV—HUNGER IN RURAL AMERICA

Sec. 401. Simplified issuance procedures in rural areas.

TITLE V—PROMOTING ACCESS FOR THE ELDERLY AND DISABLED

Sec. 501. Clarifying amendment concerning simplified procedure for claiming excess medical deduction.
Sec. 502. Value of minimum benefit.
Sec. 503. Optional issuance procedures for low food stamp allotments.
Sec. 504. Applicants for supplemental security income.
Sec. 505. Demonstration projects to improve participation of groups with the lowest participation rates.

TITLE VI—PROGRAM ADMINISTRATION BY STATE AGENCIES

Sec. 601. Quality control sanctions with respect to disallowances before fiscal year 1991.

TITLE VII—PROGRAM INTEGRITY

Sec. 701. Authorization of wholesale food concerns.
Sec. 702. Required submission of Social Security numbers.
Sec. 703. Improved collection of information from retail food stores.
Sec. 704. Increased fines for coupon trafficking.
Sec. 705. Permanent disqualification for certain abuses.
Sec. 706. Fines for retail food stores and wholesale food concerns that accept loose coupons.
Sec. 707. Fines for unauthorized third parties that accept food stamps.
Sec. 708. Computer fraud penalties.
Sec. 709. Employer identification and social security numbers.
Sec. 710. Fraud claims repayment.

TITLE VIII—REAUTHORIZATION OF PROGRAMS

Sec. 801. Reauthorization of food stamp program.
Sec. 802. Reauthorization of nutrition assistance program for Puerto Rico.
Sec. 803. Food Stamp Act provisions.
Sec. 804. Reauthorization of temporary emergency food assistance program.
Sec. 805. Soup kitchens and food banks.
Sec. 806. Reauthorization of food donation to selected groups.
Sec. 807. Processing agreements.
Sec. 808. Nutrition education authorization.
Sec. 809. Referrals to other programs for women, infants, and children.

TITLE IX—MISCELLANEOUS

Sec. 901. Food bank projects.
Sec. 902. Food distribution program-advance funding for State option contracts (SOCs).
Sec. 903. Study of feasibility of providing allotments to residents of board and care homes.
Sec. 904. Food distribution program on Indian reservations.
Sec. 905. Nutrition education.
Sec. 906. Increase in WIC program authorization.

TITLE X—INDIAN NUTRITION GARDENING PROGRAM

Sec. 1001. Purposes.
Sec. 1002. Definitions.
Sec. 1003. Indian subsistence farming grant program.
Sec. 1004. Extension Service.
Sec. 1005. Training and technical assistance.
Sec. 1006. Tribal consultation.
Sec. 1007. Use of grants.
Sec. 1008. Amount and term of grant.
Sec. 1009. Other requirements.
Sec. 1010. Authorization for appropriations.

TITLE XI—EFFECTIVE DATES

Sec. 1101. Effective dates.

SEC. 2. REFERENCES TO THE FOOD STAMP ACT OF 1977.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), except to the extent otherwise specifically provided.

TITLE I—REDUCING CHILDHOOD HUNGER

Subtitle A—Eliminating the Excess Shelter Deduction Cap

SEC. 111. HOUSEHOLDS WITH HIGH SHELTER EXPENSES.

(a) REMOVAL OF CAP.—The fourth sentence of section 5(e) (7 U.S.C. 2014(e)) is amended by striking ": *Provided*, That the amount" and all that follows through "June 30".

(b) TRANSITIONAL CAP.—Effective for the period beginning on the date of enactment of this Act through September 30, 1992, section 5(e), as amended by subsection (a), is amended by inserting after the fourth sentence the following new sentence: "The excess shelter expense deduction, during the 15-month period ending December 31, 1990, shall not exceed $177 a month in the 48 contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $308, $253, $215, and $131 a month, respectively, during the 9-month period ending September 30, 1991, shall not exceed $250 a month in the 48 contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $434, $357, $303, and $184 a month, respectively, and during the 12-month period ending September 30, 1992, shall not exceed $270 a month in the 48 contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $469, $385, $328, and $199 a month, respectively.".

Subtitle B—Adequacy of Food Stamp Benefits

SEC. 121. BASIC BENEFIT LEVEL.

Section 3(o) (7 U.S.C 2012(o)) is amended by striking "(4) through" and all that follows through the end of the subsection and inserting the following: "(4) on October 1, 1990, adjust the cost of the diet to reflect

103 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (5) on October 1, 1991, adjust the cost of the diet to reflect 103⅓ percent of the cost of the thrifty food plan in the preceding June (without regard to the adjustment made under clause (4)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (6) on October 1, 1992, adjust the cost of the diet to reflect 103⅔ percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4) and (5)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (7) on October 1, 1993, adjust the cost of the diet to reflect 104 percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4), (5) and (6)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, and (8) on October 1, 1994, and on every October 1 thereafter, adjust the cost of the diet to reflect 105 percent of the cost of the thrifty food plan in the preceding June, (without regard to any previous adjustments made under clauses (4), (5), (6), (7) or this clause) as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size.".

SEC. 122. CONTINUING BENEFITS TO ELIGIBLE HOUSEHOLDS.

Section 8(c)(2)(B) (7 U.S.C. 2017(c)(2)(B)) is amended by inserting after "such program," the following: "or, at the option of the State agency, the first month for which an allotment is issued to a household following any period of more than 1 month during which the household was not participating in the food stamp program after previous participation in the program".

Subtitle C—Protecting Households in Special Circumstances

SEC. 131. EMERGENCY FOOD FOR DISASTER VICTIMS.

Section 5(h) (7 U.S.C. 2014(h)) is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary shall provide, by regulation, for emergency allotments to eligible households to replace food destroyed in a disaster.

"(B) The regulations shall provide for replacement of the value of food actually lost up to a limit approved by the Secretary of not greater than the applicable maximum monthly allotment for the household size.

"(C) The Secretary shall adjust reporting and other application requirements to be consistent with what is practicable under actual conditions in the affected area. In making this adjustment, the Secretary shall consider the availability of the State agency's offices and personnel and any damage to or disruption of transportation and communication facilities.".

SEC. 132. CLOTHING ALLOWANCES.

Section 5(d)(5) (7 U.S.C. 2014(d)) is amended by inserting after the comma at the end of the paragraph the following: "except that any allowance a State provides no more frequently than annually to families with children at the time a child enters or returns to school, or for child care, for the purpose of obtaining clothes shall be excluded,".

SEC. 133. PROTECTION FOR PARTICIPANTS IN DEMONSTRATION PROJECTS.

(a) COMPENSATION FOR SALES TAX.—Section 17(b)(1) (7 U.S.C. 2026(b)(1)) is amended by adding at the end the following new sentences: "No waiver or demonstration program shall be approved, and no waiver or demonstration program shall be continued, under this paragraph after September 30, 1991, unless (A) any household whose food assistance is issued in a form other than coupons has its allotment increased to the extent necessary to compensate for any State or local sales tax that may be collected in all or part of the area covered by the demonstration project, and (B) the State agency conducting the demonstration project pays the cost of the increased allotments. The foregoing sentence shall not apply if the waiver or demonstration project already provides a household with assistance that exceeds that which the household would otherwise be eligible to receive by more than the estimated amount of any sales tax on the purchases of food that would be collected from the household in the project area in which the household resides.".

(b) CONFORMING AMENDMENT.—Section 8(b) (7 U.S.C. 2017(b)) is amended—

(1) by inserting after "of the allotment" the following: "(or benefits issued in lieu of the allotment)"; and

(2) by inserting after "of an allotment" the following: "(or benefits issued in lieu of an allotment)".

SEC. 134. ALTERNATIVE METHOD OF ISSUANCE.

(a) IN GENERAL.—Section 7 (7 U.S.C. 2016) is amended by adding at the end the following new subsection:

"(i)(1)(A) On or after April 1, 1992, any State agency may, with the approval of the Secretary, implement an on-line electronic benefit transfer system in which household benefits determined under section 8(a) are issued from and stored in a central data bank and electronically accessed by household members at the point-of-sale.

"(B) No State agency may implement or expand an electronic benefit transfer system without prior approval from the Secretary.

"(2) The Secretary shall issue regulations that establish standards for the approval of such a system. The regulations shall be made effective prior to the approval of any new or expanded systems for which application is made after April 1, 1991. The standards shall include—

"(A) determining the cost-effectiveness of the system to ensure that its operational cost, including the cost of capital expenditures, does not exceed, in any one year, the operational cost of issuance systems in use prior to the implementation of the on-line electronic benefit transfer system;

"(B) defining the required level of recipient protection regarding privacy, ease of use, training, accommodation for the physically and mentally handicapped and persons not literate in English, and access to and service in retail food stores (including the protections set out in paragraph (3));

"(C) the terms and conditions of retailer and financial institution participation;

"(D) system security;

"(E) system transaction interchange, reliability and processing speed standards;

"(F) financial accountability;

"(G) standards for the required testing of system operations prior to implementation; and

"(H) standards for the analysis of the results of system implementation in a limited project area prior to expansion.

"(3) In the case of delivery or use systems in which participation is not optional for certified households, the Secretary shall not approve such a system unless—

"(A) a sufficient number of eligible retail food stores, including those stores able to serve minority language populations, have agreed to participate in the system throughout the area in which the system will operate to ensure that eligible households will not suffer a significant reduction in the choice of retail food stores or a significant increase in the cost of food or transportation to participating food stores; and

"(B) any special equipment necessary to allow households to purchase food with the benefits issued under this Act is operational at all registers or check-out lines in each participating store.

"(4) Administrative costs incurred in connection with activities under this subsection shall be eligible for reimbursement in accordance with section 16, subject to the limitations in section 16(g) concerning administrative costs eligible for 75 percent funding.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—Section 17(f) (7 U.S.C. 2026(f)) is amended—

(1) by striking "(f)(1)" and inserting "(f)"; and

(2) by striking "section 7(g)(2)," and inserting "paragraphs (2) and (3) of section 7(g),".

SEC. 135. IMPROVING ASSISTANCE TO THE HOMELESS.

(a) DEFINITION OF MEALS.—Section 3(g)(9) (7 U.S.C. 2012(g)(9)) is amended by striking "a public" and all that follows through the end of the paragraph and inserting "private establishments that contract with the appropriate agency of the State to offer meals for the households at concessional prices.".

(b) CONFORMING AMENDMENT.—Section 11002(f)(3) of the Homeless Eligibility Clarification Act (Public Law 99-570; 7 U.S.C. 2012 note) is amended by striking "subsection (b)" and inserting "subsections (a) and (b)".

SEC. 136. REDUCED PAPERWORK FOR HOMELESS HOUSEHOLDS.

Section 11(e)(3)(E) (7 U.S.C. 2020(e)(3)(E)) is amended by inserting before the final semicolon a period and the following: "Under rules prescribed by the Secretary, a State agency shall develop standard estimates of the shelter expenses that may reasonably be expected to be incurred by households in which all members are homeless but that are not receiving free shelter throughout the month. A State agency shall use the estimates in determining the allotments of the households, unless a household verifies higher expenses".

TITLE II—PROMOTING SELF-SUFFICIENCY

SEC. 201. CHILD SUPPORT DISREGARD.

Section 5 (7 U.S.C. 2014) is amended—

(1) in subsection (d)(13)—

(A) by striking "at the option of a State agency and subject to subsection (m)," and inserting "(A)"; and

(B) by inserting after the comma at the end of the paragraph the following: "and (B) in the case of a household in which some or all members do not receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), a disregard for child support equal to the amount that would be disregarded if the household members were receiving assistance under such part A,"; and

(2) by striking subsection (m).

SEC. 202. LIMITATION ON RESOURCES.

(a) VEHICLES.—Section 5(g) (7 U.S.C. 2014(g)) is amended—

(1) by designating the first, second, third, and fourth sentences as paragraphs (1), (2), (4), and (5), respectively;

(2) in paragraph (2) (as so designated), by striking "$4,500" and inserting "the maximum vehicle value determined under paragraph (3)"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) For purposes of paragraph (2), the maximum vehicle value shall be—

"(A) $4,500 through December 31, 1990;

"(B) $4,750 from January 1, 1991, through September 30, 1991;

"(C) $5,000 from October 1, 1991, through September 30, 1992;

"(D) $5,250 from October 1, 1992, through September 30, 1993;

"(E) $5,500 from October 1, 1993, through September 30, 1994;

"(F) the amount determined for the preceding fiscal year, as adjusted on October 1, 1994, and on each October 1 thereafter, to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for new cars, for the 12 months ending the preceding June 30 and rounded to the nearest $50.".

(b) DEMONSTRATION PROJECTS.—Section 17 (7 U.S.C. 2026) is amended by adding the following new subsection:

"(h) The Secretary shall conduct a sufficient number of demonstration projects to evaluate the effects, in both rural and urban areas, of counting the fair market value of licensed vehicles to the extent the value of each vehicle exceeds $4,500, but excluding the value of—

"(1) any licensed vehicle that is used to produce earned income, necessary for transportation of a disabled member, or used as the home of the household;

"(2) one licensed vehicle used to obtain, continue, or seek employment (including travel to and from work), used to pursue employment-related education or training, or used to secure food or the benefits of the food stamp program.".

SEC. 203. STATE OPTION TO REDUCE UNNECESSARY PAPERWORK.

Section 6(c) (7 U.S.C. 2015(c)) is amended—

(1) in paragraph (2)(C), by striking "forms approved by the Secretary" and inserting "State agency designed forms"; and

(2) in the first sentence of paragraph (3)—

(A) by striking ", in accordance with standards prescribed by the Secretary,"; and

(B) by striking "to enable the State agency to determine household eligibility and allotment levels" and inserting "specified by the State agency that is relevant to eligibility and benefit determinations".

SEC. 204. EXPANDING THE AVAILABILITY OF EMPLOYMENT AND TRAINING OPPORTUNITIES.

(a) LITERACY TRAINING.—Section 6(d)(4)(B)(v) (7 U.S.C. 2015(d)(4)(B)(v)) is amended by inserting after "basic skills" the following: "and literacy,".

(b) DEMONSTRATION PROJECT EXPANDING STATE FLEXIBILITY.—

(1) AUTHORITY FOR STATES.—Section 6(d)(4) (7 U.S.C. 2015(d)(4)) is amended by adding at the end the following new subparagraph:

"(O) Through September 30, 1995, four State agencies may, on application to the Secretary, give priority in the provision of services under this paragraph to voluntary participants, including both exempt and nonexempt participants, except that giving priority to the participants shall not excuse the State agency from compliance with the performance standards set forth in subparagraphs (K) and (L). Voluntary participation in an employment and training program under this subparagraph shall not affect the requirements of the Job Opportunities and Basic Skills Program under Title IV of the Social Security Act.".

(2) EVALUATION.—The Secretary of Agriculture shall conduct a study of the number and characteristics of voluntary participants receiving priority under section 6(d)(4)(O) of the Food Stamp Act of 1977 (as added by paragraph (1)), evaluate the priority given the voluntary participants, and report the results of the study and evaluation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) PROGRAMS THAT FOCUS ON SELF-EMPLOYMENT OPPORTUNITIES.—

(1) AUTHORIZATION FOR PROGRAMS.—Section 6(d)(4)(B) (7 U.S.C. 2015(d)(4)(B)) is amended—

(A) by redesignating clause (vi) as clause (vii); and

(B) by inserting after clause (v) the following new clause:

"(vi) Programs designed to increase the self-sufficiency of recipients through self-employment, including programs that provide instruction for self-employment ventures.".

(2) EXEMPTION FOR RESOURCES USED IN PROJECTS.—The third sentence of section 5(g) (7 U.S.C. 2014(g)) is amended by inserting before the period the following: "and nonliquid resources necessary to allow the household to carry out a plan for self-sufficiency approved by the State agency that constitutes adequate participation in an employment and training program under section 6(d)".

(d) EXPENSES FOR EMPLOYMENT, JOB SEARCH, AND OTHER EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) DEPENDENT CARE DEDUCTION.—Clause (1) of the fourth sentence of section 5(e) (7 U.S.C. 2014(e)) is amended by striking "$160 a month for each" and inserting "$200 a month for a child under age 2 and $175 a month for any other".

(2) REIMBURSEMENTS TO PARTICIPANTS.—Section 6(d)(4)(I)(i) (7 U.S.C. 2015(d)(4)(I)(i)) is amended—

(A) in subclause (I), by striking "$25" and inserting "$75"; and

(B) by striking subclause (II) and inserting the following:

"(II) the actual costs of such dependent care expenses as are determined by the State agency to be necessary for the participation of an individual in the program (other than an individual who is the caretaker relative of a dependent in a family receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in a local area where an employment, training, or education program under title IV of such Act is in operation or was in operation on September 19, 1988) up to a limit established by the State agency, but in no event shall the payments or reimbursements exceed the applicable local market rate (as determined by the State under procedures consistent with those under section 402(g)(1)(C)(ii) of the Social Security Act (42 U.S.C. 602(g)(1)(C)(ii)). The State agency shall not establish a limit on the reimbursements that is less than the limit for the dependent care deduction under section 5(e).

Individuals subject to the program under this paragraph may not be required to participate if the expenses of the individuals exceed the limit established by the State agency under this paragraph (unless the excess expenses are reimbursed with funds that are not provided under this Act).".

(3) REIMBURSEMENTS TO STATE AGENCIES.—Section 16(h)(3) (7 U.S.C. 2025(h)(3)) is amended—

(A) by striking "$25" and inserting "the payment made under section 6(d)(4)(I)(i)(I), but not more than $75 per participant per month,"; and

(B) by striking "$160 per month per dependent" and inserting "the payment made under section 6(d)(4)(I)(i)(II), but not more than the applicable local market rate,".

SEC. 205. HELPING LOW-INCOME STUDENTS ACHIEVE SELF-SUFFICIENCY.

(a) ELIGIBILITY FOR LOW-INCOME STUDENTS.—Subsection (e) of section 6 (7 U.S.C. 2015(e)) is amended to read as follows:

"(e) No individual who is a member of a household otherwise eligible to participate in the food stamp program under this section shall be eligible to participate in the food stamp program as a member of that or any other household if the individual is enrolled at least half time in an institution of higher education, unless the individual—

"(1) is under 18 years of age or is age 50 or older;

"(2) is not physically and mentally fit;

"(3) is attending or assigned to an institution of higher education through or in compliance with the requirements of—

"(A) a program established under the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

"(B) an employment and training program established under this section;

"(C) a program established under section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or

"(D) another program for the purpose of employment and training operated by a State or local government;

"(4) is employed a minimum of 20 hours per week or participating in a State or federally financed work study program during the regular school year;

"(5) is—

"(A) a parent with responsibility for the care of a dependent child under the age of 6;

"(B) a parent with responsibility for the care of a dependent child above the age of 5 and under the age of 12 for whom adequate child care is not available to enable the individual to attend class and satisfy the requirements of paragraph (4); or

"(C) a single parent with responsibility for the care of a dependent child above the age of 5 and under the age of 12 who is enrolled in a full-time course of study;

"(6) is receiving aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

"(7) is so enrolled as a result of participation in the work incentive program established under title IV of the Social Security Act or its successor programs.".

(b) TREATMENT OF EDUCATIONAL EXPENSES.—Section 5(d) (7 U.S.C. 2014(d)) is amended—

(1) in paragraph (3)—

(A) by striking "on which payment is deferred"; and

(B) by striking "and the like" and all that follows through "insurance premiums";

(2) in paragraph (4), by striking "other than educational loans on which repayment is deferred"; and

(3) in paragraph (5), by striking ", no portion of any non-Federal" and all that follows through "mandatory school fees,".

(c) CLARIFYING AND TECHNICAL AMENDMENT.—The fourth sentence of section 5(e) (7 U.S.C. 2014(e)) is amended by inserting after "third party" the following: ", amounts made available and excluded for the expenses under subsection (d)(3),".

SEC. 206. FAMILIES IN TRANSITIONAL HOUSING.

Section 5(k)(2) (7 U.S.C. 2014(k)(2)) is amended by striking subparagraph (F) and inserting the following new subparagraph:

"(F) housing assistance payments made to a third party on behalf of a household residing in transitional housing (as defined in section 422(12)(A) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(12)(A))); or".

TITLE III—SIMPLIFYING PROGRAM ADMINISTRATION

SEC. 301. RELATIVES LIVING TOGETHER.

Section 3(i) (7 U.S.C. 2012(i)) is amended—

(1) in the first sentence—

(A) by striking "(2)" and inserting "or (2)"; and

(B) by striking ", or (3) a parent of minor children and that parent's children" and all that follows before the period of the end of the sentence; and

(2) by inserting after the first sentence the following new sentence: "Parents and their minor children who live together shall be treated as a group of individuals who customarily purchase food and prepare meals together for home consumption, even if they do not so.".

SEC. 302. SIMPLIFYING RESOURCE DETERMINATIONS.

Section 5(g) (7 U.S.C. 2014(g)) is amended by adding at the end the following new sentence: "The Secretary shall promulgate rules by which State agencies shall develop standards for identifying kinds of resources that the household is unlikely to be able to sell for any significant return because the interest of the household is so slight or because the cost of selling the interest of the household would be excessive in relation to the value of the interest. Resources so identified shall be excluded as inaccessible resources.".

SEC. 303. SIMPLIFYING ELIGIBILITY DETERMINATIONS FOR RECIPIENTS OF SUPPLEMENTAL SECURITY INCOME AND AID TO FAMILIES WITH DEPENDENT CHILDREN.

Section 5(j) (7 U.S.C. 2014(j)) is amended—

(1) by striking "a household in which all members of the household receive" and inserting "the resources of a household member who receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or who receives"; and

(2) by striking "have satisfied the resource limitations prescribed under subsection (g)" and inserting "be exempt for purposes of satisfying the resource limitations prescribed under subsection (g) if the resources have been found exempt for purposes of such title by the agency administering the benefit program".

SEC. 304. SIMPLIFIED APPLICATION SIGNING REQUIREMENTS.

Section 11(e)(2) (7 U.S.C. 2020(e)(2)) is amended by striking the sentence beginning "One adult member" and inserting the following new sentences: "The State agency shall require that an adult representative of each household that is applying for food stamp benefits shall certify in writing, under penalty of perjury, that the information contained in the application is true and that all members of the household are either citizens or are aliens eligible to receive food stamps under section 6(f). The signature of the adult under this section shall be deemed sufficient to comply with any provision of Federal law requiring household members to sign the application or statements in connection with the application process.".

SEC. 305. CATEGORICAL ELIGIBILITY FOR RECIPIENTS OF STATE GENERAL ASSISTANCE.

The second sentence of section 5(a) (7 U.S.C. 2014(a)) is amended—

(1) by striking "or aid" and inserting "aid"; and

(2) by inserting before "shall be eligible" the following: "or a State or local general assistance program that serves a population appropriate to be categorically eligible for assistance under this Act (as defined in standards established by the Secretary) because (among other factors) it is required to meet criteria similar to those found in sections 6(f)(1) and 16(e)(1),".

SEC. 306. STATE FLEXIBILITY IN ASSISTING HOUSEHOLDS

Paragraph (3) of section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)(3)) is amended to read as follows:

"(3) A State agency may provide that an eligible household applying after the 15th day of the month shall receive, in lieu of its initial allotment and its regular allotment for the following month, an allotment that is the aggregate of the initial allotment and the first regular allotment, which shall be provided in accordance with paragraphs (3) and (9) of section 11(e). A State agency that does not elect to provide aggregate allotments under this paragraph shall provide any household that applies after the 15th day of the month and that is entitled to expedited service under section 11(e)(9) with the allotment of the household for the month after the month of application not later than the first business day of the month.".

TITLE IV—HUNGER IN RURAL AMERICA

SEC. 401. SIMPLIFIED ISSUANCE PROCEDURES IN RURAL AREAS.

Section 11(e) (7 U.S.C. 2020(e)) is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting a semicolon;

(3) by striking "and" at the end of paragraph (23);

(4) by striking the period at the of paragraph (24) and inserting "; and"; and

(5) by adding at the end the following new paragraph:

"(25) a procedure for designating project areas or parts of project areas that are rural and in which low-income persons face substantial difficulties in obtaining transportation. The State agency shall designate the areas according to procedures approved by the Secretary. In each area so designated, the State agency shall provide for the issuance of coupons by mail to all eligible households in the area, except that any household with mail losses exceeding levels established by the Secretary shall not be entitled to such a mailing and the State agency shall not be required to issue coupons by mail in those localities within the area where the mail loss rates exceed standards set by the Secretary.".

TITLE V—PROMOTING ACCESS FOR THE ELDERLY AND DISABLED

SEC. 501. CLARIFYING AMENDMENT CONCERNING SIMPLIFIED PROCEDURE FOR CLAIMING EXCESS MEDICAL DEDUCTION.

The last sentence of section 5(e) (7 U.S.C. 2014(e)) is amended by inserting before the period at the end the following: ", shall rely on reasonable estimates of the member's expected medical expenses for the certification period (including changes that can be reasonably anticipated based on available information about the member's medical condition and the current verified medical expenses incurred by the member), and shall not require further reporting or verification of a change in medical expenses if such a change has been anticipated for the certification period".

SEC. 502. VALUE OF MINIMUM BENEFIT.

Section 8(a) (7 U.S.C. 2017(a)) is amended by inserting before the period the following: "for year ending September 30, 1990, and shall be adjusted on each October 1 thereafter to reflect the percentage change in the thrifty food plan for the period beginning June 30, 1989, and ending the previous June, with the result rounded to the nearest $5".

SEC. 503. OPTIONAL ISSUANCE PROCEDURES FOR LOW FOOD STAMP ALLOTMENTS.

Section 8(a) (7 U.S.C. 2017(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2) A State agency may establish procedures that allow a household whose regular food stamp benefits does not exceed $20, at the option of the household, to receive, in lieu of the food stamp benefits of the household for the initial period under subsection (c) and their regular allotment in following months, and at intervals of up to 3 months thereafter, aggregate allotments not to exceed $60 and covering not more than 3 months' benefits. The allotments shall be provided in accordance with paragraphs (3) and (9) of section 11(e) (except that no household shall begin to receive combined allotments under this paragraph until the household has complied with all applicable verification requirements of subsection 11(e)(3)) and (with respect to the first aggregate allotment so issued) within the time provided for allotments under section 7(h).".

SEC. 504. APPLICANTS FOR SUPPLEMENTAL SECURITY INCOME.

Section 11(j)(1) (7 U.S.C. 2020(j)(1)) is amended by inserting after "recipient of" the following: "supplemental security income or".

SEC. 505. DEMONSTRATION PROJECTS TO IMPROVE PARTICIPATION OF GROUPS WITH THE LOWEST PARTICIPATION RATES.

Section 18 (7 U.S.C. 2027) is amended by adding at the end the following new subsection:

"(g)(1) The Secretary shall make grants totaling $1,000,000 in fiscal year 1991 and $2,000,000 in each of the fiscal years 1992 and 1993, to public and private nonprofit organizations or agencies to conduct demonstration projects designed to improve the effectiveness of the food stamp program in delivering food assistance to homeless individuals and families, low-income working families with children, and elderly and disabled persons. The projects shall be designed to determine effective and feasible methods of outreach and of improving access to the

program. The Secretary shall conduct an evaluation of the demonstration projects.

"(2)(A) During fiscal years 1994 and 1995, the Secretary shall conduct in States that agree to participate, and may permit States, on their initiative, to conduct, pilot projects that test changes in, and new food stamp program administrative and eligibility determination procedures designed to increase participation in rural areas.

"(B) Projects under subparagraph (A) shall be carried out over a 2-year period and shall test changes in administrative and eligibility determination procedures suggested by research on barriers to participation in rural areas and State agency experience, including—

"(i) increased availability of in-home and telephone interviews and mail applications;

"(ii) increased flexibility in office hours and more accessible sites for eligibility certification and benefit issuance;

"(iii) expanded provision of program information;

"(iv) outstationing of State agency staff;

"(v) State agency processing of social security numbers;

"(vi) reduced verification and reporting requirements; and

"(vii) coordination with and use of expanded food and nutrition education program personnel, community action agencies, and other local resources in providing program information, screening applicants, and providing transportation.

"(3) In carrying out pilot projects under this subsection, the Secretary shall give priority to projects encompassing more than one substantial change in administrative and eligibility determination procedures and may pay up to 60 percent of the administrative costs related to implementation of pilot projects authorized under this subsection.".

TITLE VI—PROGRAM ADMINISTRATION BY STATE AGENCIES

SEC. 601. QUALITY CONTROL SANCTIONS WITH RESPECT TO DISALLOWANCES BEFORE FISCAL YEAR 1991.

No disallowance or other similar action shall be applied to any State for any fiscal year before fiscal year 1991 under section 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)) or any predecessor statutory or regulatory provision relating to disallowances for erroneous issuances made in carrying out a State plan under the Food Stamp Act of 1977.

TITLE VII—PROGRAM INTEGRITY

SEC. 701. AUTHORIZATION OF WHOLESALE FOOD CONCERNS.

Section 9(b)(1) (7 U.S.C. 2018(b)(1)) is amended by inserting after the first sentence the following new sentence: "No colocated wholesale-retail food concern may be authorized to accept and redeem coupons as a retail food store, unless (A) the concern does a substantial level of retail food business, or (B) the Secretary determines that failure to authorize such a food concern as a retail food store would cause hardship to food stamp households.".

SEC. 702. REQUIRED SUBMISSION OF SOCIAL SECURITY NUMBERS.

Section 9(c) (7 U.S.C. 2018(c)) is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second and third sentences as paragraph (2); and

(3) by adding at the end the following new paragraph:

"(3) Regulations issued pursuant to this Act shall require that an applicant retail food store or wholesale food concern provide social security numbers of the officers, owners (except in the case of publicly-held corporations), and on-site managers of the applicant retail food store or wholesale food concern.".

SEC. 703. IMPROVED COLLECTION OF INFORMATION FROM RETAIL FOOD STORES.

Section 9(c) (7 U.S.C. 2018(c)) (as amended by section 702 of this Act) is further amended by adding at the end the following new paragraph:

"(4) The Secretary is authorized to issue regulations providing for improved collection of information from retail food stores and wholesale food concerns, including periodic reporting of information needed to ensure the integrity of the program.".

SEC. 704. INCREASED FINES FOR COUPON TRAFFICKING.

Section 15(c) (7 U.S.C. 2024(c)) is amended by striking "$10,000" each place it appears and inserting "$20,000".

SEC. 705. PERMANENT DISQUALIFICATION FOR CERTAIN ABUSES.

Section 12(b)(3) (7 U.S.C. 2021(b)(3)) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(C) a finding of the sale of firearms, ammunition, explosives, or controlled substances (as the term is defined in section 802 of title 21, United States Code) for coupons, except that the Secretary shall have the discretion to impose a civil money penalty of up to $20,000 in lieu of disqualification under this subparagraph if the Secretary determines that there is substantial evidence that the store or food concern had an effective policy and program in effect to prevent violations of this Act.".

SEC. 706. FINES FOR RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS THAT ACCEPT LOOSE COUPONS.

Section 12(e) (7 U.S.C. 2021(e)) is amended by adding at the end the following new paragraph:

"(3) The Secretary may impose a fine against any retail food store or wholesale food concern that accepts food coupons that are not accompanied by the corresponding book cover, other than the denomination of coupons used for change-making as specified in regulations issued under this Act. The amount of any such fine shall be established by the Secretary and may be assessed and collected in accordance with regulations issued under this Act in combination with any fiscal claim established by the Secretary. The Attorney General of the United States may institute judicial action in any court of competent jurisdiction against the store or concern to collect the fine.".

SEC. 707. FINES FOR UNAUTHORIZED THIRD PARTIES THAT ACCEPT FOOD STAMPS.

Section 12 (7 U.S.C. 2021) is amended by adding at the end the following new subsection:

"(f) The Secretary may impose a fine against any firm or individual not approved by the Secretary to accept and redeem food coupons that violates any provision of this Act, including violations concerning the acceptance of food coupons. The amount of any such fine shall be established by the Secretary and may be assessed and collected in accordance with regulations issued under this Act in combination with any fiscal claim established by the Secretary. The Attorney General of the United States may institute judicial action in any court of competent jurisdiction against the store or concern to collect the fine.".

SEC. 708. COMPUTER FRAUD PENALTIES.

(a) USE OF AN ACCESS DEVICE.—Section 15(b) (7 U.S.C. 2024(b)) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "or authorization cards" the first time it appears and inserting ", authorization cards, or an access device"; and

(B) by inserting after "a value of $100 or more," the following: "or if the item used, transferred, acquired, altered, or possessed is an access device,"; and

(2) by adding at the end the following new paragraph:

"(3) As used in this section, the term 'access device' means any card, plate, code, account number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds under this Act.".

(b) CONFORMING CHANGE.—The first sentence of section 15(g) (7 U.S.C. 2024(g)) is amended by striking "or authorization cards" and inserting ", authorization cards, an access device, or anything of value obtained by use of an access device,".

SEC. 709. EMPLOYER IDENTIFICATION AND SOCIAL SECURITY NUMBERS.

Section 9(c) (7 U.S.C. 2018(c)) (as amended by section 703 of this Act) is further amended by adding at the end the following new paragraph:

"(5) Regulations issued under this Act shall require an applicant retail food store or wholesale food concern to provide the employer identification number assigned to the store or concern by the Internal Revenue Service and the social security numbers of the officers, owners, and on-site managers of the store or concern.".

SEC. 710. FRAUD CLAIMS REPAYMENT.

The last sentence of section 13(b)(1)(A) (7 U.S.C. 2022(b)(1)(A)) is amended by striking "thirty" and inserting "15".

TITLE VIII—REAUTHORIZATION OF PROGRAMS

SEC. 801. REAUTHORIZATION OF FOOD STAMP PROGRAM.

Section 18 (7 U.S.C. 2027) (as amended by section 505 of this Act) is further amended—

(1) in subsection (a)(1)—

(A) by striking the first and second sentences and inserting the following new sentence: "There are authorized to be appropriated, on a calendar year basis, such sums as may be necessary to carry out the program authorized by this Act, which shall remain available until expended, except that funds appropriated for the first calendar year following the date of enactment of this sentence shall include funds for a transition quarter."; and

(B) by striking the last two sentences;

(2) by striking subsection (b); and

(3) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively.

SEC. 802. REAUTHORIZATION OF NUTRITION ASSISTANCE PROGRAM FOR PUERTO RICO.

(a) POLICY OF CONGRESS.—It is the policy of Congress that United States citizens of the Commonwealth of Puerto Rico should be safeguarded against hunger on an equitable and fair basis with other citizens under Federal nutritional programs.

(b) FUNDING LEVELS.—Except as provided in section 1101(c) of this Act, subparagraph (A) of section 19(a)(1) (7 U.S.C. 2028(a)(1)(A)) is amended to read as follows:

"(A) From the sums appropriated under this Act, the Secretary shall, subject to this subsection and subsection (b), pay to the Commonwealth of Puerto Rico $997,000,000 for fiscal year 1991, $1,044,000,000 for fiscal year 1992, $1,094,000,000 for fiscal year 1993, $1,146,000,000 for fiscal year 1994, and $1,200,000,000 for fiscal year 1995, to finance 100 percent of the expenditures for food assistance provided to needy persons, and 50 percent of the administrative expenses related to the provision of the assistance.".

(c) STUDY OF NUTRITIONAL NEEDS OF PUERTO RICANS.—The Comptroller General of the United States shall conduct a study of—

(1) the nutritional needs in the Commonwealth of Puerto Rico, including—

(A) the adequacy of the nutritional level of the diets of households receiving assistance under the nutrition assistance program and other households not currently receiving the assistance;

(B) the incidence of inadequate nutrition among children and the elderly residing in the Commonwealth;

(C) the nutritional impact of restoring the level of nutritional assistance to needy households in the Commonwealth to that provided to other United States citizens; and

(D) such other factors as the Comptroller General considers appropriate;

(2) the means of providing nutritional assistance in the Commonwealth of Puerto Rico, including—

(A) restoration of the Commonwealth to the food stamp program; or

(B) increasing the benefits provided under the nutrition assistance program to the aggregate value of food stamp coupons that would be distributed to households in the Commonwealth if the Commonwealth were to participate in the food stamp program;

(3) the usefulness of adjustments to standards of eligibility and other factors appropriate to the circumstances of the Commonwealth comparable to those adjustments made under the Food Stamp Act of 1977 (7 U.S.C. 2011 et. seq.) for Alaska, Hawaii, Guam, and the Virgin Islands of the United States.

(d) REPORT OF FINDINGS.—The Comptroller General shall submit a final report on the findings of the study required in subsection (c), no later than August 1, 1992, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate.

SEC. 803. FOOD STAMP ACT PROVISIONS.

(a) ALLOCATION FOR JOB TRAINING PROGRAM.—Effective October 1, 1990, paragraph (1) of section 16(h) (7 U.S.C. 2025(h)(1)) is amended to read as follows:

"(1) The Secretary shall allocate among the State agencies in each fiscal year, from funds appropriated for the fiscal year under section 18(a)(1), the amount of $75,000,000 for each of the fiscal years 1991 through 1995 to carry out the employment and training program under section 6(d)(4), except as provided in paragraph (3), during the fiscal year.".

(b) EXTENSION OF PILOT PROJECTS.—The last sentence of section 17(b)(1) (7 U.S.C. 2026(b)(1)) is amended by striking "1990" and inserting "1995".

SEC. 804. REAUTHORIZATION OF TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended—

(1) by striking the title and inserting the following:

"TITLE II—EMERGENCY FOOD ASSISTANCE ACT OF 1983";

(2) in section 201, by striking "Temporary";

(3) in section 204—

(A) by striking subsections (a) and (b);

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively; and

(C) in subsection (a)(1) (as so redesignated), by striking "ending September 30, 1986, through September 30, 1990," and inserting "1991 through 1995";

(4) in section 210, by striking subsection (c) and inserting the following new subsection:

"(c)(1) With respect to the commodity distribution program under this Act in effect during the period ending on the date specified in section 212, the Secretary shall as early as feasible but not later than the beginning of each of the fiscal years during the period, publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available during the fiscal year.

"(2) The actual types and quantities of commodities made available by the Secretary under this Act may differ from the estimates made under paragraph (1).";

(5) in section 212, by striking "1990" and inserting "1995"; and

(6) in section 214—

(A) in subsection (a), by striking "1989 and 1990" and inserting "1989 through 1992"; and

(B) by striking subsection (e) and inserting the following new subsection:

"(e) AMOUNTS.—During each of the fiscal years 1991 and 1992, the Secretary shall spend $120,000,000 to purchase, process, and distribute additional commodities under this section. Subject to appropriations, the Secretary shall spend $140,000,000 for fiscal year 1993, $165,000,000 for fiscal year 1994, and $190,000,000 for fiscal year 1995 to purchase, process, and distribute additional commodities under this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 220 of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note) is amended by striking "Temporary" each place it appears.

(2) Section 3(a)(2)(F) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note) is amended—

(A) by striking "temporary"; and

(B) by striking "Temporary".

(3) Section 13(3)(E) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note) is amended by striking "Temporary".

(4) Section 4(c) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking "Temporary or the".

(5) Section 675 of the Community Services Block Grant Act (42 U.S.C. 9904(c)(5)) is amended by striking "Temporary".

SEC. 805. SOUP KITCHENS AND FOOD BANKS.

Section 110 of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note) is amended—

(1) in subsection (a), by striking "1991" and inserting "1995"; and

(2) in subsection (c), by striking "in fiscal year 1991" and inserting "during each of the fiscal years 1991 through 1995".

SEC. 806. REAUTHORIZATION OF FOOD DONATIONS TO SELECTED GROUPS.

The Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended—

(1) in section 4(a), by striking "1986, 1987, 1988, 1989, and 1990" and inserting "1991 through 1995"; and

(2) in section 5(a)(2)—

(A) by striking "1986 through 1990" and inserting "1991 through 1995"; and

(B) by striking "15 per centum" and all that follows through "and (B)" and inserting the following: "the sum of (A) 20 percent of the amount appropriated for the commodity supplemental food program and (B) 15 percent of".

SEC. 807. PROCESSING AGREEMENTS.

Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended by striking "1990" and inserting "1992".

SEC. 808. NUTRITION EDUCATION AUTHORIZATION.

Section 1588(a) of the Food Security Act of 1985 (7 U.S.C. 3175e(a)) is amended by striking "$5,000,000" and all that follows through the period at the end of the subsection and inserting "$8,000,000 for each of the fiscal years 1991 through 1995.".

SEC. 809. REFERRALS TO OTHER PROGRAMS FOR WOMEN, INFANTS AND CHILDREN.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsection:

"(h) Each State agency administering the commodity supplemental food program shall—

"(1) ensure that written information concerning food stamps, the program for aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and the child support enforcement program under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) is provided on at least one occasion to each adult participant in and each adult applicant for the commodity supplemental food program;

"(2) provide each local agency with materials showing the maximum income limits, according to family size, applicable to pregnant women, infants, and children up to age 6 under the medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (hereinafter referred to in this section as the 'medicaid program') which materials may be identical to those provided under section 17(e)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(e)(3)); and

"(3) provide to individuals applying to the commodity supplemental food program, or reapplying, written information about the medicaid program and referral to the program or to agencies authorized to determine presumptive eligibility for the program, if the individuals are not participating in the program and appear to have family income below the applicable maximum income limits for the program.".

TITLE IX—MISCELLANEOUS

SEC. 901. FOOD BANK PROJECTS.

Section 4 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 4. COMMUNITY FOOD BANKS.";

(2) in subsection (a)—

(A) by striking the subsection heading and inserting the following: "IN GENERAL.—"; and

(B) by striking "demonstration project" both places it appears and inserting "project";

(3) in subsection (b), by striking "demonstration projects" and inserting "projects";

(4) in subsection (d), by striking "and ending on December 31, 1990"; and

(5) by striking subsection (e) and inserting the following new subsection:

"(e) REPORTS.—On July 1, 1990, the Secretary shall submit a report to Congress on each project carried out under this section. Thereafter, the Secretary shall submit reports to Congress on such projects as the Secretary determines appropriate.".

SEC. 902. FOOD DISTRIBUTION PROGRAM—ADVANCE FUNDING FOR STATE OPTION CONTRACTS (SOCs).

The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note) is amended—

(1) by redesignating section 14 as section 15; and

(2) by inserting after section 13 the following new section:

"SEC. 14. STATE OPTION CONTRACTS FOR COMMODITIES.

"(a) PAYMENT BY SECRETARY.—The Secretary may use the funds of the Commodity Credit Corporation and the funds available to carry out section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) to pay for all or a portion of the cost of food or the processing or packaging of food on behalf of a State distribution agency.

"(b) REIMBURSEMENT BY STATE DISTRIBUTION AGENCY.—In such cases, the State distribution agency shall reimburse the Secretary for the agreed-on cost. Any funds received by the Secretary as reimbursement shall be deposited to the credit of the Commodity Credit Corporation or the appropriation originally charged for the food, processing, or packaging, as appropriate. If the State distribution agency fails, within 150 days of delivery, to make the required reimbursement in full for all such foods that have been delivered to the State, the Secretary shall, within 30 days, offset any outstanding amount against the appropriate account.".

SEC. 903. STUDY OF FEASIBILITY OF PROVIDING ALLOTMENTS TO RESIDENTS OF BOARD AND CARE HOMES.

(a) IN GENERAL.—The Secretary of Agriculture shall study the feasibility of permitting elderly and disabled residents of licensed board and care homes to receive allotments under the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et. seq.) under procedures comparable to those applied to narcotics addicts or alcoholics who live under the supervision of a private nonprofit institution or a publicly operated community mental health center.

(b) ASSESSMENT OF IMPACT.—The study shall include an assessment of the likely impact of providing allotments on the nutritional status of the residents of the homes and recommendations for any procedures necessary to facilitate and simplify the interaction between the food stamp program and other public programs serving the residents and for any measures necessary to preserve the integrity of the food stamp program.

(c) RESULTS.—The results of the study shall be delivered to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate not later than October 1, 1992.

SEC. 904. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.

(a) INCREASE IN FOOD PACKAGES.—The food packages provided to participants in the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)) shall be increased by approximately 10 percent to provide a greater amount of foods to needy participants.

(b) INCREASE IN VARIETY.—The Secretary of Agriculture, in consultation with participants, the Indian Health Service, and participating tribal organizations that administer the food distribution program on Indian reservations, shall increase the variety of foods, or develop procedures to increase the variety of foods, provided to participants in the program to better address the nutritional problems faced by participating tribal members, including the problems of hypertension, diabetes and the malabsorbtion of certain nutrients.

(c) DEADLINE.—The Secretary shall carry out this section not later than 1 year after the date of enactment of this Act.

SEC. 905. NUTRITION EDUCATION.

(a) RESPONSIBILITY.—Section 11(f) (7 U.S.C. 2020(f)) is amended by striking the first sentence and inserting the following new sentence: "To encourage the purchase of nutritious foods, the Secretary is authorized to assign responsibility for the nutrition education of people eligible for food stamps to the Cooperative Extensive Service, in cooperation with the Human Nutrition Information Service.".

(b) GRANTS FOR NUTRITION EDUCATION.—Section 18 (7 U.S.C. 2027) (as amended by sections 505 and 801 of this Act) is further amended by adding at the end the following new subsection:

"(g)(1) Of sums appropriated pursuant to this section, not more than $2,000,000 in any fiscal year may be used by the Secretary to make 2-year competitive grants that will—

"(A) enhance interagency cooperation in nutrition education activities; and

"(B) develop cost effective means of informing people eligible for food stamps about nutrition, resource management, and community nutrition education programs, such as the expanded food and nutrition education program.

"(2) The Secretary shall award grants under this subsection to three or more state cooperative extension services, which shall administer the grants in coordination with State or local agencies serving low-income people.

"(3) Each project shall include an evaluation component and shall develop an implementation plan for replication in other States.

"(4) The Secretary shall—

"(A) report to the appropriate committees of Congress on the results of the demonstration projects; and

"(B) disseminate the results through the cooperative extension service system and to regional offices of the Food and Nutrition Service, State welfare offices, local food stamp program offices, and other entities serving low-income households.".

SEC. 906. INCREASE IN WIC PROGRAM AUTHORIZATION.

Section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)) is amended—

(1) by inserting after "fiscal year 1990" the following: "$2,361,000,000 for fiscal year 1991,"; and

(2) by striking "years 1991," and inserting "years".

TITLE X—INDIAN NUTRITION GARDENING PROGRAM

SEC. 1001. PURPOSES.

The purposes of this title are to—

(1) provide technical assistance and training through the Extension Service in the Department of Agriculture to Indian tribes and Alaska Natives for the development and operation of gardening programs to improve the nutritional health of Indians living on or near Indian reservations;

(2) establish the Indian and Alaska Native Gardening Grant Program within the Department of Agriculture; and

(3) provide a supplemental source of fresh produce for Indians and Alaska Natives who—

(A) have special dietary needs;

(B) are eligible individuals (as defined in section 507(1) of the Older Americans Act of 1965 (42 U.S.C. 3056e(1)); or

(C) are participating in—

(i) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et. seq.);

(ii) the food distribution program on Indian reservations established under section 4(b) of such Act (7 U.S.C. 2013(b)); or

(iii) the special supplemental food program for women, infants and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

SEC. 1002. DEFINITIONS.

For the purposes of this title:

(1) ELIGIBLE RECIPIENT.—The term "eligible recipient" means an Indian who—

(A) is identified by the Secretary as having special dietary needs;

(B) is an eligible individual (as defined in section 507(1) of the Older Americans Act of 1965 (42 U.S.C. 3056e(1)); or

(C) is participating in—

(i) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et. seq.);

(ii) the food distribution program on Indian reservations established under section 4(b) of such Act (7 U.S.C. 2013(b)); or

(iii) the special supplemental food program for women, infants and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(2) INDIAN.—The term "Indian" means a person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation (as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(3) INDIAN RESERVATION.—The term "Indian reservation" has the same meaning given to the term "reservation" under section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)).

(4) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community (including any Alaska Native village, Regional Corporation, or Regional Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

(5) INTER-TRIBAL CONSORTIUM.—The term "inter-tribal consortium" shall mean a partnership between—

(A) an Indian tribe or tribal organization on an Indian reservation; and

(B) one or more Indian tribes or tribal organizations of other Indian tribes.

(6) PROGRAM.—The term "program" means any gardening program funded or assisted under this title.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 1003. INDIAN SUBSISTENCE FARMING GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish an Indian gardening grant program that provides grants to any Indian tribe, or intertribal consortium, for the establishment on Indian reservations of gardening operations that grow fresh produce for distribution to eligible recipients.

(b) APPLICATION.—Any Indian tribe or tribal consortium may submit to the Secretary an application for a grant under this title. Any such application shall—

(1) be in such form as the Secretary may prescribe;

(2) be submitted to the Secretary on or before the date designated by the Secretary; and

(3) specify—

(A) the nature and scope of the gardening project proposed by the applicant;

(B) the number of Indians to be employed in the project;

(C) the extent to which the project plans to use or incorporate existing resources and services available on the reservation; and

(D) the number of Indians who are projected as eligible recipients of produce grown on for the project.

SEC. 1004. EXTENSION SERVICE.

The Secretary shall provide technical assistance and training through the Extension Service to Indian tribes and intertribal consortia for the development and operation of gardening projects designed to improve the nutritional health of participating tribal members. The extension service shall provide—

(1) appropriate training and educational programs;

(2) equipment, tools, and materials needed for gardening; and

(3) seeds, seedlings, or plants, fertilizer, soil enhancers, or other gardening supplies to assist Indian tribes and intertribal consortia in the development of gardening projects.

SEC. 1005. TRAINING AND TECHNICAL ASSISTANCE.

The Extension Service shall conduct, with respect to the projects established under this title, site surveys, workshops and short courses on such topics as spacing, depth of seed placement, soil types, and other aspects of gardening operations.

SEC. 1006. TRIBAL CONSULTATION.

An Indian tribe participating in any gardening program established under this title shall consult with appropriate tribal and Indian Health Service officials regarding the specific dietary needs of the population to be served by the operation of the Indian gardening project.

SEC. 1007. USE OF GRANTS.

Funds provided under this title may be used for—

(1) the purchase or lease of agricultural machinery, equipment, and tools for the operation of the program;

(2) the purchase of seeds, fertilizers, and such other resources as may be required for the operation of the program;

(3) the construction of greenhouses, fences, and other structures or facilities;

(4) accounting and distribution of produce grown under the program; and

(5) the employment of persons for the management and operation of the program.

SEC. 1008. AMOUNT AND TERM OF GRANT.

(a) AMOUNT.—The maximum amount of any grant awarded under this title shall not exceed $500,000.

(b) TERM.—The maximum term of any grant awarded under this title shall be 3 years.

SEC. 1009. OTHER REQUIREMENTS.

Each recipient of a grant awarded under this title shall—

(1) furnish the Secretary with such information as the Secretary may require to—

(A) evaluate the program for which the grant is made;

(B) ensure that the grant funds are expended for the purposes for which the grant was made; and

(C) ensure that the produce grown is distributed to eligible recipients on the reservation; and

(2) submit to the Secretary at the close of the term of the grant a final report that shall include such information as the Secretary may require.

SEC. 1010. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $8,000,000 for fiscal year 1991, $8,000,000 for fiscal year 1992, $10,000,000 for fiscal year 1993, and $10,000,000 for fiscal year 1994.

TITLE XI—EFFECTIVE DATES

SEC. 1101. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective and be implemented on October 1, 1990.

(b) SPECIAL EFFECTIVE DATES.—Except as provided in subsection (c):

(1) Sections 201, 203, and 301 shall become effective and be implemented on January 1, 1991.

(2) Sections 122, 131, 135, 136, 202, 205, 206, 302, 303, 304, 305, 401, 402, 501, 503, 504, and 809 shall become effective and be implemented on April 1, 1991.

(c) EFFECTIVE DATES IF SEQUESTRATION OCCURS.—If a final order is issued under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(b)) for fiscal year 1991 to make reductions and sequestrations specified in the report required under section 251(a)(3)(A) of such Act (2 U.S.C. 901(a)(3)(A)), and such order is not subsequently rescinded:

(1) Sections 111, 121, 122, 201, 202, 203(a), 205(d), 206, 207, 301, 402, 505 and 601, shall become effective and be implemented on October 1, 1991.

(2) Subparagraph (A) of section 19(a)(1) (7 U.S.C. 2028(a)(1)(A)) is amended by striking "$997,000,000" and inserting in lieu thereof "$974,000,000".

SUMMARY OF THE BILL

STRENGTHEN THE TEFAP PROGRAM

Background: 12 million to 15 million persons a month depend on the Temporary Emergency Food Assistance Program (TEFAP). It now provides surplus foods (from USDA stockpiles of wheat, corn, butter, or other surplus commodities) and foods with high nutrient density (such as peanut butter, canned meats and beans) purchased by USDA under the Hunger Prevention Act.

This year 450 million pounds of commodities will be distributed to the needy under TEFAP. In fiscal 1990, USDA will purchase 72 million pounds of peanut butter, 30 million pounds of canned pork, 38 million pounds of beans and 7 million pounds of raisins.

These commodities will be distributed along with the distribution of surplus commodities: 144 million pounds of flour, 48 million pounds of cornmeal, 72 million pounds of butter and 41 million pounds of honey.

Need: TEFAP is a vital safety net—families may have to wait up to 30 days for food stamps. The need for emergency food assistance has increased dramatically since 1980.

Almost half of TEFAP families contain children. Sixty percent of TEFAP participants are not on food stamps, many elderly and rural residents don't apply for food stamps.

15,000 sites nationwide distribute these TEFAP commodities.

The bill continues and improves this vital TEFAP program.

UNCAP THE FOOD STAMP EXCESS SHELTER COST DEDUCTION

Background: Under current law, households may deduct shelter expenses that exceed 50% of their incomes, but only up to $177 a month. This "cap" of $177 is way too low and may force families to choose between paying rent and eating. (This "cap" of $177 does not apply to households containing an elderly and disabled person.)

Need: The most significant new problem faced by the poor is soaring housing costs. Homelessness among poor families with children has dramatically increased in recent years.

Forty five percent of all poor renters in the U.S. were spending at least seventy percent of their income for housing costs (including rent and utilities).

Two-thirds of all poor renters were spending at least half of their income for housing. Yet in 1988, only 29 percent of all poor renter households received federal, state, or local housing assistance.

The bill thus increases the food stamp excess shelter cost deduction for 1991 and 1992 for families with children, and "uncaps" it beginning in 1993.

IMPROVE INCENTIVES FOR CHILD SUPPORT

Background: A major cause of poverty among children is the low level of child support provided by many absent fathers.

For 1987, child support payments were received for only 14 percent of the families with children on AFDC.

Need: Increased collections can reduce child poverty, and reduce the dependence on AFDC (and, thus, reduce federal costs). Increasing these collections could result in net savings to the government through reduced AFDC payments.

A key to tracking down absent fathers is often the efforts of the mother in helping authorities. Under current AFDC law, the first $50 in child support, per month, can be kept by the mother (instead of just reducing her AFDC by $50). However, that first $50 counts against her food stamp assistance, thus reducing her family's food stamps so that the overall net gain for helping track down the father can be reduced to $27.50, per month.

The bill makes the food stamp treatment the same as AFDC by disregarding from income the first $50 of child support. This should act as an incentive to encourage cooperation in tracking down absent spouses.

INCREASE BASIC FOOD STAMP LEVELS TO COVER INFLATION

Background: Food stamp benefits are based on the cost of purchasing a theoretical "market-basket" of foods for one month

called the "Thrifty Food Plan." Since the creation of that plan in 1977 food price inflation has eroded the ability of food stamp recipients to buy the Thrifty Food Plan worth of food each month.

Need: The Hunger Prevention Act, of course, helped in that it based food stamp benefits on 103 percent of the cost of the "Thrifty Food Plan," starting in FY 1991.

Even that increase is not enough. Under current law, the cost of that plan in June of the previous fiscal year is used to determine benefits for each of the twelve months in the current year.

Over the 13 year history of the thrifty plan, the average cost of the plan in the last half of the fiscal year has exceeded the cost in the previous June by an average of 5.4 percent.

Using the cost of 105 percent of the Thrifty Food Plan, for June of the previous year, as the basic benefit level will normally assure that participants have benefits based on the cost of the Thrifty Food Plan for the month they receive the benefits.

The bill gradually increases the basic benefit level to 105% of the cost of the Thrifty Food Plan in the previous year.

INCREASE EMPLOYMENT AND TRAINING INCENTIVES

Additional employment and training incentives are provided to help assist in getting persons off food stamps and into the workforce. The amount of the child care reimbursement is increased in the bill.

INCREASE THE AUTOMOBILE DEDUCTION FOR FOOD STAMPS

President Reagan's Task Force of Food Assistance (1984) recommended that the automobile deduction for the food stamp program be increased to $5,500. They noted that it had not been increased since 1977 and that it was too low.

The Task Force pointed out that the limit of $4,500 denied benefits to some legitimately needy households. The limit is a "market value" limit rather than an "equity" limit, which means that a household can be disqualified for food stamps even if it has little equity in its car and would get little for selling it.

The bill gradually increases the deduction to $5,750, and indexes it to inflation.

IMPROVE THE DEFINITION OF A FOOD STAMP HOUSEHOLD

The current household definition is extremely complex, one and a half pages long, an obvious source of casework errors, and may contribute to homelessness.

The act simplifies the definition of a household and reduces the chances that its application will increase homelessness.

ELIMINATE THE GAP IN BENEFITS FOR HOUSEHOLD REAPPLYING

A June 1989 GAO report identified an unfair source of hardship in the food stamp program. Elderly, ill, disabled, or handicapped persons, otherwise eligible for food stamps, can unintentionally reapply after the deadline contained in the notice stating that the certification period is expiring.

If they reapply late they lose benefits for that period of time. That is unfair and administratively complex in that it requires States to calculate benefits based on prorations for parts of months.

The bill provides, for States choosing this option, that persons who reapply within 30 days of the expiration of the certification period, and who are eligible for benefits during that period, will get their food stamps for that whole period.

INCREASE MINIMUM ALLOTMENT

One and two-person household now receive an minimum $10 per month food stamp allotment. That has not been increased in 12 years.

The bill would index the minimum benefit to inflation. This will help the elderly and disabled since households containing them constitute 82% of all those receiving the minimum benefit.

IMPROVE ACCESS TO PROGRAM IN RURAL AREAS

Food stamp participation is low in many impoverished rural areas. The bill contains several provisions designed to reduce barriers to participation in rural areas.

ALLOW HOMELESS TO USE FOOD STAMPS IN RESTAURANTS APPROVED TO PROVIDE THEM MEALS AT CONCESSIONAL PRICES

Since homeless persons do not normally have cooking facilities it would be helpful to allow them to use food stamps at restaurants that contract with the state to provide low-cost nutritious meals. The bill sets up such a program.

Mr. BOSCHWITZ. Mr. President, today I am pleased to join with my distinguished colleague, the chairman of the Senate Agriculture Committee, Senator PAT LEAHY, in proposing the Mickey Leland Memorial Domestic Hunger Relief Act.

Nutrition programs have a strong bipartisan tradition here in the Senate. Another Minnesotan—Hubert Humphrey—was the founder of WIC, and worked on nutrition programs with George McGovern and BOB DOLE. I am pleased that this bipartisan coalition continues with the introduction of this bill today.

As the senior Republican on the Senate Nutrition Subcommittee, I have been a strong supporter of Federal nutrition programs such as food stamps, WIC, school lunch and breakfast, the Commodity Supplemental Food Program [CSFP], and the Temporary Emergency Food Assistance Program [TEFAP].

Our bill makes several improvements to the food stamp program. The bill phases out the cap on the shelter deduction for food stamp households, raises the vehicle exclusion limit from $4,500 to $5,500 for food stamp households, and increases basic food stamp benefits.

We also make several changes in the food stamp program to make it more consistent with AFDC. For example, the first $50 of child support received by a family participating in the food stamp program would not be counted as income, such as is the practice for AFDC. I've long believed that we need to work to better coordinate and simplify assistance programs for low-income individuals and families.

Our bill also continues the Temporary Emergency Food Assistance Program [TEFAP]. This program, begun by the Reagan administration in 1981, has been very popular. Over 5 billion pounds of commodities worth more than $5 billion have been distributed to those in need. We also extend a provision I authored in the Hunger Prevention Act of 1988 requiring that 32 million dollars' worth of commodities be provided to soup kitchens and food banks that primarily serve the homeless.

Part of the huge success of TEFAP has been its reliance on the network of volunteers who help distribute the commodities. I have always been supportive of private sector efforts and believe they have an important role in our continued fight against hunger. I've long believed that the private sector has an important role in helping to allevaite hunger in our country, and I'll continue to lend my support to initiatives that encourage still greater public-private cooperation and interaction in reducing hunger and malnutrition in America.

Because WIC is a proven program, we've been able to increase spending significantly over the last few years. Many studies have documented the effectiveness of WIC—higher birth weights of babies, fewer premature births, better diets for infants and WIC moms, and less anemia in low-income children. Our bill raises the authorization for WIC funding by $150 million over increases for inflation. We need to continue steady growth in WIC funding to reach more women and children eligible for this effective and efficient program.

As part of the 1990 farm bill, several nutrition programs must be reauthorized. This bill will serve as our basis in strengthening these important programs. I look forward to working with my colleagues on the Nutrition Subcommittee and the full Agriculture Committee in formulating the nutrition title of the 1990 farm bill.

Earlier this year I was pleased to join Senators SASSER and DOMENICI in introducing the Hunger Prevention Act of 1990. Indeed, the bill we are introducing today contains several of their proposals.

I am glad to take part in this bipartisan tribute to Mickey Leland. We need to continue to work together to alleviate hunger within our Nation. This bill will go a long way toward ensuring that those in need receive vital nutritional assistance.

By Mr. LUGAR:

S. 2490. A bill entitled the "Pesticide Safety Improvement Act of 1990"; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE SAFETY IMPROVEMENT ACT

● Mr. LUGAR. Mr. President, today I am introducing the Pesticide Safety Improvement Act of 1990. This bill makes important amendments to the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] and the Federal Food, Drug, and Cosmetic Act [FFDCA]. I believe its passage will significantly improve the Government's

ability to assure American consumers of a continued supply of safe, wholesome, and affordable food.

This past October, President Bush announced a seven-point plan to improve Federal regulatory control over pesticides. The plan suggested specific changes to FIFRA and FFDCA with the fundamental goal of restoring consumer confidence in the U.S. food supply. The legislation I introduce today reflects the seven points of the President's plan and is intended to restore not only consumer confidence but also the confidence of American farmers in the safety of the pesticides they use.

The purpose of this bill is to solve some longstanding problems related to the regulatory control of pesticides. This bill can be considered the next logical step to important amendments made to FIFRA in 1988, which I cosponsored.

The events of the past year and a half demonstrate the fragile nature of consumer confidence in the Government's ability to ensure a safe food supply. Therefore, appropriate and measured action must be taken now. Action is imperative for two reasons. First, Americans should never have to wonder about the safety of their food. And second, American farmers should never have to randomly suffer market losses due to consumer uncertainty about pesticide safety.

Pesticide regulation under FIFRA and FFDCA has a long history of inefficiency and inconsistency. The Pesticide Safety Improvement Act of 1990 will address these problems in several ways. First, changes in FIFRA cancellation and suspension provisions will expedite removal from the marketplace of pesticides found to be dangerous. Second, the bill requires the continuous updating of the scientific data used to determine that pesticides meet certain standards of safety, and requires the collection of information on pesticide usage and on food residues, so that informed decisions can be made promptly. Third, pesticide users will receive improved and updated trainng for safe pesticide application, especially where such applications concern worker safety or ground water contamination. Fourth, pesticide residue tolerances will be established using standards that are more specific, consistent, and protective, and that are reflective of changing science. And fifth, inconsistencies between FIFRA and FFDCA will be eliminated.

Under current law, the cancellation of pesticide registrations has too often been a very protracted process, with an average time for cancellation in excess of 4 years. Such delays in decisionmaking are the result of: First, the absence of current data showing the amount, frequency, and location of pesticide use and the actual residue levels on food that ordinarily result from such use; second, EPA's slow pace in conducting administrative reviews; and third, the requirement in current law that final decisions be made by means of a time-consuming adjudicatory hearing process.

My bill addresses all of these problems. It would require ongoing reports to the EPA of pesticide use information and actual pesticide residue levels, so that when a risk is discovered, an informed risk-benefit decision can be reached. It would replace the adjudicatory hearing provision with a simpler, shorter procedure that requires cancellation actions to be completed within 18 months of initiation. In expediting the cancellation process however, my bill allows affected parties to participate in cancellation decisions through a traditional administrative notice and comment procedure followed by the opportunity for judicial review. My bill also requires proper oversight of scientific issues related to cancellation actions.

Authority to suspend pesticide registrations is an infrequently used but vitally important authority under FIFRA. While this authority has been effective in the past to control the most dangerous pesticides and used only three times in EPA's history, there has been criticism concerning the definition of imminent hazard. The criticism is most profound with regard to the extent benefits should be weighed against risks in deciding that removal of a pesticide is necessary to avoid an imminent hazard. My sincere feeling is that benefits considerations should be included in all decisions to suspend or cancel pesticide registrations, but that there should be flexibility in the degree of certainty about benefits. There are clearly some situations where the level of risk is such that unreasonable delays related to the consideration of benefits are not warranted. No one benefits when high risk pesticides remain in the marketplace, and therefore, the need to consider benefits should be commensurate with the need to take prompt action. At the same time, suspension decisions must be based on sound scientific facts and rational scientific policy.

The President's plan clearly indicated a need to improve or clarify the definition of imminent hazard. My bill maintains the standard of suspension as in current law, and provides an improved definition of imminent hazard. This new definition is intended to clarify: First, what constitutes an imminent and substantial risk; second, the consideration to be made in determining that such risks exist; third, the types of benefits considered; and fourth, the degree of certainty about such benefits. The requirement for the routine collection of data on pesticide used is intended to help reduce delays in gathering and analyzing benefit information.

In 1988, the Congress made important changes to FIFRA. Among the most important was the requirement that over 600 pesticide active ingredients used in over 35,000 products be reregistered in order to ensure that these ingredients meet modern scientific standards of safety. In many ways, the reregistration provision of the 1988 FIFRA amendments can be viewed as the beginning of the food safety movement since without updated scientific data, informed and reasonable decisions about pesticides cannot be made. The reregistration provision is a one-time updating requirement to reflect modern scientific standards in determining the safety of a particular product. Recognizing that science is always evolving, however, the Pesticide Safety Improvement Act of 1990 will institutionalize the improvements made in 1988 by requiring a continuous updating and review of the scientific data used to determine pesticide safety.

Part of the great debate on pesticide safety includes the issue of water quality and the prevention of ground water contamination. Previous attempts to address the agricultural water quality issue have focused primarily on coordinating the Federal Government's activities and on increased research. While these efforts may have an important place in an overall ground water protection strategy, they must be accompanied by an effective approach to training actual pesticide users how to guard against ground water contamination. This legislation requires upgrading of the pesticide training and certification program administered by States. It increases minimum training standards and training methods, and requires pesticide applicators to periodically obtain refresher training in order to ensure the more careful application of pesticides that pose ground water concerns. Improved training programs should be the first line of defense for preventing ground water contamination. These provisions also focus on farm worker safety, integrated pest management, and integrated crop management.

Other provisions of this legislation improve the enforcement-related authorities of FIFRA. Better recordkeeping by persons in the pesticide business is required, and improvements are made to EPA's inspection authority. Penalties for violations of FIFRA would be increased substantially.

In addition, my bill would strengthen and improve current law concerning the export of pesticides. Specifically, my bill requires pesticide exporters to comply with pesticide export and control provisions that are developed through international consensus. My

bill would also permit the Administrator of the EPA to prohibit the export of any pesticide if the Government of the importing country has requested such a prohibition and has itself prohibited the importation, sale, and use of the pesticide.

My bill also proposes to remove the annual caps on pesticide registration maintenance fees so that such fees do not pose a regressive burden on the industry, unfairly hurting smaller businesses.

Assuring American consumers that pesticides are safe is, for the most part, accomplished under the registration and reregistration requirements of FIFRA. The other key component of this assurance is the establishment of safe maximum residue tolerance levels under the authority of the FFDCA. Current law, however, provides inconsistent standards for establishing tolerances for raw agricultural commodities and processed foods. For pesticide residues on raw agricultural commodities, risk and benefits are balanced—as they are in FIFRA—in determining an acceptable tolerance level. This approach allows EPA to determine what level of risks are acceptable and to set tolerance levels accordingly. Such an approach is reasonable and scientifically defensible. Balancing risks and benefits is a fundamental component in any decisionmaking process, whether it concerns pesticides or any other product in the marketplace.

Processed foods, on the other hand, face a zero-risk standard which applies to pesticides found to be carcinogenic in animal studies. The language of the risk-only Delaney clause appears to prohibit setting a tolerance for residues of a pesticide, even if that same pesticide has an established tolerance on the raw or preprocessed form of the food, no matter how low the estimated risk might be. This risk-only standard is inconsistent with the risk-benefit standard of FIFRA, and with other FFDCA provisions. Moreover, in trying to reach sensible decisions despite the strictness of the clause, EPA and FDA have developed various complicated exceptions to the prohibition. The clause sets up a paradoxical situation for the EPA which has probably contributed to the recent decline in consumer confidence in the safety of the food supply.

In 1987, the National Academy of Sciences concluded that such inconsistency in the FFDCA standards may actually increase the net risk to public health, given that newer, safer pesticides—which could be substituted for older, more hazardous pesticides—are prevented from being approved for use. The NAS suggested that a uniform, negligible risk standard be established for all tolerance decisions, and that the regulatory standards of FIFRA and FFDCA be made consistent.

To implement the NAS recommendations, this legislation amends FFDCA in two important ways. Tolerances established for processed foods and raw agricultural commodities will be governed by the same risk-benefit balancing standard. Second, my bill establishes negligible risk standards to be used when determining an acceptable and safe exposure level to pesticide residues. This new standard would also be incorporated into the FIFRA registration criterion, to harmonize the two laws.

I realize that in previously introduced bills, others have attempted to draft a narrowly defined definition of negligible risk. I am concerned, however, that the definition of negligible risk provides for two distinct kinds of risks—threshold and nonthreshold.

Scientists agree that most kinds of toxic effects from dietary exposure occur only if such exposure is higher than a so-called threshold level. This simply means that there is a known dose level at which toxic effects are not observed in test animals. Current practice at EPA is to take into account this known no-observed effect level [NOEL] when setting pesticide residue tolerances by ensuring that the total dietary exposure to the pesticide residue allowed by all tolerances is lower than the NOEL by a generally accepted margin of safety. My bill would expressly require that this current practice of EPA, which has broad scientific support, be continued. Variations in exposure levels due to differences in consumer food consumption patterns be considered in setting tolerances.

Scientists have not yet been able to demonstrate that there is a no effect or threshold level for substances that have been shown to cause cancer in laboratory animal tests. Accordingly, scientists make the prudent assumption that some potential for cancer may result from dietary exposure at any level, although the potential becomes very small as the exposure level approaches zero. My bill takes the position that if the possible cancer risks from a pesticide are low enough, there should be a residue level which presents a negligible risk. Such a level should be considered acceptable and thus a tolerance should be obtainable.

The President's plan proposes that an acceptable level of risk be in the range of 10^{-6}. Setting a risk range of 10^{-6} as negligible rather than an absolute number like one in a million is not an attempt to weaken the standard of public health; it simply acknowledges that the science of risk assessment is not precise and continually evolving.

My bill also specifies a precise method for determining whether a pesticide residue poses a risk greater than a range of 10^{-6}. In order to set a tolerance level that is protective of public health, some assumption must be made about the amount of a particular food that will be eaten by consumers. It must be recognized that some persons eat much more of a particular food than do other persons; it is equally important to avoid needless overregulation that could ban many pesticides with no significant decrease in population risk. Again following the NAS report's recommendations, my proposal would focus on the risk posed by a particular pesticide residue on a particular crop. My bill, would apply the 10^{-6} range standard to 90th percentile consumers, that is, persons whose consumption of a particular food is such that they eat more of it than 90 percent of the population. Setting tolerances in this manner directly addresses the concern about protecting high-consumption population subgroups. In my opinion, this approach will be more protective of public health than use of a standard that EPA would have to apply simultaneously to all consumers of all crops. Furthermore, setting tolerances on a per crop basis will not discriminate against producers of so-called minor crops, since the risk from residues on each crop will be evaluated independently.

A 10^{-6} negligible risk range standard is very useful as a guideline since there is no reason to absolutely forbid the use of a product merely because it poses a risk that is slightly higher than an arbitrarily chosen absolute number like one in a million. For example, a two in a million risk is not appreciably greater than a one in a million risk. In establishing pesticide residue tolerances, risks that are within an acceptable negligible range should be considered for approval, as long as there is an acceptable balance between risks and benefits. Moreover, in the production, distribution, and consumption of food there are certain significant kinds of risk that can be avoided by use of pesticides. For example, food shortages or drastically higher food prices caused by the unavailability of a critical pesticide should be considered a risk that could dramatically affect human health. Clearly this kind of risk should be balanced against long-term cancer risks that are not greatly in excess of negligible.

My bill deals with the stark reality that must be acknowledged: While pesticides sometimes pose risks, they are used because they provide the benefit of allowing other less desirable risks to be avoided. Some of these risk avoidance benefits should be considered in tolerance setting decisions, but only those that can be balanced against dietary health risks from the pesticide. Such benefits would include avoidance of greater risks associated with not using a pesticide, using an alternative pesticide, or the reduced ade-

quacy, wholesomeness and affordability of food.

The bill also contains the President's recommendation for establishment of the controversial plan for Federal preemption of State's authority to set residue tolerances on pesticides that have been registered and reregistered using modern health and safety standards. The arguments on this issue boil down to a fundamental battle between interstate commerce, international trade, and States rights.

I chose to retain this provision of the President's plan as part of my bill in order to generate some debate over a dramatically different and strengthened EPA and their ability today to protect the interests of all citizens of this country. I believe it is difficult to compare the mission of the EPA in the 1990's to the one of earlier decades. Indeed, with the passage of this bill enforcement will be tougher, and tolerances will be set with a greater emphasis on protecting public health. I believe all of these points at least should generate some debate on establishing uniform Federal tolerances.

I hope this body will give its considered attention to the bill I offer today. I am willing to work with others, including the Labor Committee members who have primary jurisdiction over some of the bill's provisions, to help enact legislation that will serve the long-term interests of our Nation's food consumers and food producers.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section summary of the bill be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pesticide Safety Improvement Act of 1990.".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
TITLE I—AMENDMENTS TO FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT
Sec. 101. References to Federal Insecticide, Fungicide, and Rodenticide Act.
Sec. 102. Definitions.
Sec. 103. Tolerance reevaluation as part of reregistration.
Sec. 104. Maintenance fees.
Sec. 105. Cancellation after five years.
Sec. 106. Cancellation or modification of registration.
Sec. 107. Suspension.
Sec. 108. Burden of persuasion.
Sec. 109. Periodic update of information supporting registration.
Sec. 110. Records.
Sec. 111. Inspections.
Sec. 112. Data disclosure to States.
Sec. 113. Certification and training for pesticide applicators.
Sec. 114. Unlawful acts.
Sec. 115. Penalties.
Sec. 116. Imports and exports.
Sec. 117. Scientific Advisory Panel and Pesticide Advisory Board.
Sec. 118. Cooperation with Secretary of Agriculture.
Sec. 119. Collection of exposure information.
Sec. 120. Technical amendments.
Sec. 121. Conforming amendments.
Sec. 122. Conforming amendments to table of contents.
TITLE II—AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT
Sec. 201. References to Federal Food, Drug, and Cosmetic Act.
Sec. 202. Definitions.
Sec. 203. Prohibited acts.
Sec. 204. Adulterated food.
Sec. 205. Tolerances and exemptions for pesticide chemical residues.
Sec. 206. Authorization of appropriations for increased monitoring.
TITLE III—AMENDMENTS TO POULTRY PRODUCTS INSPECTION ACT
Sec. 301. Definitions.
TITLE IV—AMENDMENTS TO FEDERAL MEAT INSPECTION ACT
Sec. 401. Definitions.
TITLE V—AMENDMENTS TO EGG PRODUCTS INSPECTION ACT
Sec. 501. Definitions.

TITLE I—AMENDMENTS TO FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SEC. 101. REFERENCES TO FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), except to the extent otherwise specifically provided.

SEC. 102. DEFINITIONS.

Section 2 (7 U.S.C. 136) is amended—

(1) by striking subsection (e) and inserting the following new subsection:

"(e) COMMERCIAL APPLICATOR, ETC.—

"(1) COMMERCIAL APPLICATOR.—

"(A) Except as provided in subparagraph (B), the term 'commercial applicator' means a person who—

"(i) uses or supervises the use of any pesticide that is classified for restricted use;

"(ii) uses or supervises the use of any pesticide for hire as the principal part of the business or work of the person; or

"(iii) as an employee of a person described in clause (ii), uses or supervises the use of any pesticide.

"(B) The term does not include a person when the person is using or supervising the use of a pesticide as described in paragraph (2).

"(2) PRIVATE APPLICATOR.—The term 'private applicator' means a person who uses or supervises the use of any pesticide that is classified for restricted use for purposes of producing any agricultural commodity—

"(A) on property owned or rented by the person or the employer of the person; or

"(B) on other property if applied without compensation (other than trading of personal services between producers of agricultural commodities).

"(3) CERTIFIED APPLICATOR.—The term 'certified applicator' means a commercial or private applicator who is certified under section 11.

"(4) UNDER THE DIRECT SUPERVISION OF A CERTIFIED APPLICATOR.—Unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under direct supervision of a certified applicator if the pesticide is applied by a person acting under the instructions and control of a certified applicator who is available if and when needed, even though the certified applicator is not physically present at the time and place the pesticide is used.";

(2) by striking subsection (l);

(3) in subsection (bb)—

(A) by inserting "(1)" after "means"; and

(B) by inserting before the period at the end the following: ", or (2) a human dietary risk from residues that result from use of a pesticide and that generally occur in or on any food above the level the Administrator determines will protect the public health within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) (as in effect on the date of enactment of the Pesticide Safety Improvement Act of 1990)"; and

(4) by adding at the end the following new subsection:

"(hh) PESTICIDE TESTING FACILITY.—The term 'pesticide testing facility' means any place where any person conducts any test, study, survey, or investigation of the properties, effects, or behavior of any pesticide (or any ingredient, metabolite, or degradation product thereof), device, or container or packaging of any pesticide or device, on the person's own behalf or on behalf of any registrant, applicant for registration, or other person who distributes or sells the pesticide. The term does not include any place solely on account of the participation of an agricultural producer as a cooperator in field testing of a pesticide.".

SEC. 103. TOLERANCE REEVALUATION AS PART OF REREGISTRATION.

Section 4(g)(2) (7 U.S.C. 136b(g)(2)) is amended by adding at the end the following new subparagraph:

"(E) Any time after the Administrator has sufficient information with respect to the dietary risk of a particular active ingredient, but in any event no later than the time the Administrator makes a determination under subparagraph (C) or (D) with respect to pesticides containing a particular active ingredient, the Administrator shall—

"(i) reassess each associated tolerance and exemption from the requirement for a tolerance issued under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a);

"(ii) determine whether the tolerance or exemption meets the requirements of such Act;

"(iii) determine whether additional tolerances or exemptions should be issued;

"(iv) publish in the Federal Register a notice setting forth the determinations made under this subparagraph; and

"(v) commence promptly such proceedings under this Act and section 408 of the Federal Food, Drug, and Cosmetic Act as are warranted by the determinations.".

SEC. 104. MAINTENANCE FEES.

Section 4(i)(5) (7 U.S.C. 136a-1(i)(5)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 105. CANCELLATION AFTER FIVE YEARS.

Section 6(a) (7 U.S.C. 136d(a)) is amended—

(1) in the first sentence, by striking "shall" and inserting "may"; and

(2) in the second sentence, by inserting after "canceled" the following: "or suspended".

SEC. 106. CANCELLATION OR MODIFICATION OF REGISTRATION.

(a) IN GENERAL.—Subsection (b) of section 6 (7 U.S.C. 136d(b)) is amended to read as follows:

"(b) CANCELLATION OR MODIFICATION OF REGISTRATION.—

"(1) IN GENERAL.—

"(A) The Administrator may issue a final order under this subsection to ensure that—

"(i) a pesticide, its labeling, or other material required to be submitted to the Administrator complies with the requirements of this Act; and

"(ii) the pesticide, when used in accordance with its labeling or widespread or commonly recognized practice, will not generally cause unreasonable adverse effects on the environment.

"(B) A final order under this subsection may—

"(i) cancel the registration of a pesticide (or the registrations of a group of pesticides containing a common active or inert ingredient) and prohibit the future registration of such a pesticide;

"(ii) prescribe requirements regarding the composition, packaging, or labeling of any such pesticide, or any other conditions of registration, state that the registration of any such currently-registered pesticide is to be canceled if its registration is not modified to comply with the requirements, and prohibit the future registration of any pesticide that does not comply with the requirements; or

"(iii) classify the pesticide for restricted use or change the classification of the pesticide.

"(2) INITIATION.—

"(A) The Administrator may initiate a proceeding in accordance with this subsection if the Administrator determines, on the basis of criteria regarding data and information on adverse effects and exposure set forth in regulations published by the Administrator, that there are prudent concerns that a pesticide may cause unreasonable adverse effects to man or to the environment.

"(B) Except as provided by paragraphs (3) and (13)(e)(ii), a proceeding under this subsection may not be initiated unless the Administrator first makes the determination described in subparagraph (A).

"(C)(i) Prior to issuing an advance notice or a proposed order to cancel or change the classification of a pesticide, the Administrator shall notify the Secretary of Agriculture and, if the proposed action is based on potential adverse effects to human health, the Secretary of Health and Human Services, of the proposed action and the bases for the action.

"(ii) No advance notice or proposed order shall be issued until after—

"(I) notice has been provided to the Secretary of Agriculture and, if appropriate, the Secretary of Health and Human Services; and

"(II) the Secretary of Agriculture and the Secretary of Health and Human Services have had an adequate opportunity to submit written comments and consult effectively with the Administrator on the proposed order and the bases for the order, and on any scientific, agricultural, health, and economic issues (including, if appropriate, the consideration of whether agricultural practices such as integrated pest management, crop rotation, or other alternative practices are being used or could be used to decrease the exposure to the pesticide, to the extent the information is available) or other matters related to the advance notice or proposed order.

"(D) The Administrator shall enter into a written memorandum of understanding with the Secretary of Agriculture and the Secretary of Health and Human Services that shall specify the points in the process at which consultation provided for in this subsection shall occur and stipulate how the consultation shall be accomplished.

"(3) EXCEPTIONS.—

"(A) Paragraphs (2)(B), (5), and (10)(G) shall not apply to a proceeding under this subsection if—

"(i) the proceeding and any proposed order or final order—

"(I) concern only general requirements for labeling and packaging of pesticides;

"(II) relate to the chemical properties or effects of a group of pesticides; and

"(III) do not unconditionally prohibit the use of any pesticide or group of pesticides on any crop or site; or

"(ii) the proceeding and any proposed order or final order are limited to questions relating to—

"(I) whether a pesticide is misbranded within the meaning of section 2(q) (other than subparagraph (F) or (G) of section 2(q)(1)); or

"(II) whether material required to be submitted does not comply with the requirements of this Act.

"(B) The Administrator may waive the requirements of paragraph (5) if the Administrator issues a suspension order under subsection (c).

"(4) ADMINISTRATIVE RECORD.—

"(A) The Administrator shall establish an administrative record for each proceeding initiated under paragraph (1). The administrative record shall be made available to the public consistent with the requirements of section 10 and shall include a copy of—

"(i) any advance notice or determination published under paragraph (5);

"(ii) any proposed order published under paragraph (6);

"(iii) each comment received under paragraph (5) or (6);

"(iv) the transcript of any hearing conducted pursuant to paragraph (7);

"(v) any report submitted by the Scientific Advisory Panel under paragraph (8);

"(vi) the transcript of any meeting conducted by the Science Advisory Panel under paragraph (8);

"(vii) any decision by the Administrator to withdraw a proposed order published under paragraph (10); and

"(viii) any final order issued under paragraph (10).

"(B) The person who submits a document for inclusion in the administrative record shall also submit a copy of any study or information on which the document is based, unless—

"(i) it is already a part of the record; or

"(ii) it is widely available to the public without restriction.

"(5) ADVANCE NOTICE.—

"(A) Except as provided in paragraph (3), the Administrator may initiate a proceeding under this subsection only by publishing in the Federal Register an advance notice.

"(B) An advance notice shall contain—

"(i) a statement of the basis and purpose of the decision by the Administrator to initiate the proceeding;

"(ii) a summary of the factual data on which the advance notice is based;

"(iii) a statement of any significant scientific assumptions, legal interpretations, policy considerations on which the advance notice is based, and the manner in which any risk calculations were performed; and

"(iv) any comments that the Administrator has received from the Secretary of Agriculture or the Secretary of Health and Human Services as a result of a consultation described in paragraph (2)(C) and the response of the Administrator to the comments.

"(C) The Administrator shall provide a period for public comment of not less than 60 days after the date of the publication of the advance notice described in subparagraph (A).

"(D)(i) After the comment period described in subparagraph (C) and after considering any comments received, the Administrator may issue a proposed order in accordance with paragraph (6) or may determine not to issue a proposed order.

"(ii) The Administrator shall publish a notice in the Federal Register setting forth any determination not to issue a proposed order made under clause (i) and the basis for the determination.

"(6) PROPOSED ORDER.—

"(A) After publishing any advance notice required by this subsection and considering any comments on the notice, the Administrator may publish a proposed order in the Federal Register.

"(B) A proposed order shall—

"(i) set forth the factual and legal bases and purpose of the proposed order;

"(ii) summarize the relevant scientific data and studies that the Administrator considered in developing the proposed order;

"(iii) provide a summary of the methods used to estimate risk;

"(iv) if the pesticide is used to produce an agricultural commodity, a general analysis of the impact of the proposed action on consumers, retail food prices, production of agricultural commodities, and otherwise on the agricultural economy;

"(v) summarize the available information on the risks and the benefits of the pesticides, including any benefit and use data, an analysis of the data, or any other comments submitted by the Secretary of Agriculture or the Secretary of Health and Human Services, as appropriate, and the response of the Administrator to the comments;

"(vi) include an analysis and preliminary conclusions by the Administrator concerning the balancing of the risks and benefits of use of the pesticide; and

"(vii) a summary of comments received under paragraph (5)(C).

"(C) The Administrator shall provide a period for public comment of not less than 90 days after the date of publication of the proposed order.

"(D)(i) The Administrator shall send a copy of a proposed order to cancel or change the classification of a pesticide to the Secretary of Agriculture and, if the proposed order to cancel or change classification is based on potential adverse effects on human health, to the Secretary of Health and Human Services.

"(ii) Unless the opportunity to comment is waived by the appropriate Secretary, the Administrator shall allow—

"(I) the Secretary of Agriculture and, in the case of a proposal based on potential adverse effects on human health, the Secretary of Health and Human Services, at least 90 days from receipt of a proposed order to cancel or change classification to submit written comments on the proposed order; and

"(II) in the case of the Secretary of Agriculture and the Secretary of Health and Human Services, to consult with the Administrator on the proposed order.

"(E) If no comments opposing the proposed order are timely received, the Administrator may issue a final order identical to the proposed order. The final order shall be effective on its publication in the Federal Register, and shall not be subject to judicial review. In such a case, paragraphs (7) and (8), and subparagraphs (B) through (E) of paragraph (10), shall not apply.

"(7) INFORMAL HEARING.—

"(A) Any person may, not later than 10 days after the end of the comment period described in paragraph (6)(C), request that the Administrator hold an informal hearing for the purpose of discussing significant issues with regard to the order published under paragraph (6).

"(B)(i) If the Administrator receives any timely requests for a hearing under subparagraph (A), the Administrator shall make a determination concerning the questions raised by the requests.

"(ii) If the Administrator determines that any such question is significant, the Administrator shall schedule an informal hearing and designate a presiding officer to conduct the hearing, schedule presentations, and ensure the completion of the hearing in accordance with clauses (i) and (ii) of subparagraph (C).

"(iii) The Administrator shall publish a notice of the hearing in the Federal Register that includes information concerning the time, place, and purpose of the hearing.

"(C) A hearing conducted under this paragraph—

"(i) shall not exceed 20 days in duration;

"(ii) shall terminate not later than 45 days after the end of the comment period described in paragraph (6)(C); and

"(iii) shall be limited in scope to addressing the significant issues raised in any request for hearing.

"(D) For each hearing conducted under this paragraph, the Administrator may designate not less than one employee of the Environmental Protection Agency for the purpose of participating in the hearing. Any person who requests a hearing may present evidence or argument in oral or written form on issues within the scope of the hearing. A transcript shall be made of any oral presentation.

"(8) REVIEW BY SCIENTIFIC ADVISORY PANEL.—

"(A) After the close of the comment period and following any hearing conducted under paragraph (7), the Administrator shall—

"(i) transmit to the Scientific Advisory Panel established under section 25(d) all of the material contained in the administrative record and a summary of the significant scientific issues raised by the comments; and

"(ii) request the Panel to prepare a report concerning the comments, evaluations, and recommendations of the Panel on any scientific issues identified by the Administrator in the summary of comments, other scientific issues of significance as determined by the Administrator, or by the Panel.

"(B) The Panel may hold a public meeting to discuss the issues raised in subparagraph (A)(ii) and shall include a transcript of any such meeting in the report to the Administrator.

"(C) The Panel shall file any report to the Administrator not later than 60 days after the request of the Administrator for the comments of the Panel, unless the Administrator provides additional time for filing the report. If the report is not filed within the 60-day period or any extension of the period, the Administrator may proceed to issue a final order in accordance with paragraph (10).

"(9) SUPPLEMENTAL INFORMATION.—After a proceeding under this subsection has commenced, if the Administrator determines that further information is needed in order to reach a decision in the proceeding, the Administrator shall take such steps as are necessary to collect all such needed information as promptly as possible and to avoid delays in the timely completion of the proceeding, including the issuance of requests as appropriate under section 3(c)(2)(B) for various items of needed information as soon as possible. The Administrator shall also carefully monitor the responses to the requests and to the extent possible avoid sequential requests.

"(10) FINAL ACTION.—

"(A) After considering all material in the administrative record, the Administrator shall publish in the Federal Register either a final order or a withdrawal of the proposed order. A final order shall state any requirements, classifications, or prohibitions imposed by the order, and shall contain a summary of the provisions of paragraph (11). The action of the Administrator shall be consistent with paragraph (1).

"(B) If a final order to cancel or change classification differs significantly from a proposed order, the Administrator shall (prior to issuing the final order)—

"(i) notify the Secretary of Agriculture and, if the proposed order to cancel or change classification was based on potential adverse effects on human health, the Secretary of Health and Human Services, of the significant differences; and

"(ii) provide the Secretary of Agriculture and the Secretary of Health and Human Services with an additional opportunity to submit written comments and consult with the Administrator.

"(C) A final order or a withdrawal of a proposed order shall include a statement that—

"(i) explains the reasons for the action;

"(ii) responds to any comments made by the Secretary of Agriculture or the Secretary of Health and Human Services, and responds to any report of the Scientific Advisory Panel submitted in accordance with paragraph (8); and

"(iii) responds to each significant comment contained in the administrative record.

"(D) A final order shall also include a statement that—

"(i) explains the reasons for any major differences between the final order and the proposed order;

"(ii) analyzes the effect of the final order on consumers, the production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy;

"(iii) explains any significant disagreements the Administrator may have with the report of the Scientific Advisory Panel under paragraph (8) or the comments of the Secretary of Agriculture and the Secretary of Health and Human Services under paragraph (6)(D); and

"(iv) with respect to any agricultural use of the pesticide, considers whether agricultural practices such as integrated pest management, crop rotation, or other alternative practices are being used or could be used to decrease the exposure to the pesticide to an acceptable level, to the extent the information is available.

"(E) In issuing a final order under this subsection, the Administrator shall—

"(i) allow a registrant to apply to amend the terms and conditions of a registration as an alternative to cancellation, if the Administrator determines that such an amendment will ensure that the pesticide, when used in accordance with its labeling or widespread or commonly recognized practice, will not generally cause unreasonable adverse effects on the environment;

"(ii) take into account the effect of the action on production and prices of agricultural commodities, retail food prices, and otherwise on agricultural economy; and

"(iii) take into account any significant differences in risk between agricultural and nonagricultural pesticides.

"(F) A final order issued under this subsection shall become effective on the date of the publication of the order in the Federal Register or on such later date as is stated in the order.

"(G) The Administrator may issue a final order under this Act whenever the registration of a pesticide is cancelled to allow the continued sale or use of existing stocks of the pesticide, subject to such conditions and limitations as the Administrator considers appropriate to satisfy the purposes of this Act.

"(H)(i) Except as provided by clause (ii), the Administrator shall take such steps as are reasonably necessary to allow final action to be taken under subparagraph (A)—

"(I) within a period of 18 months after the publication of the advance notice under paragraph (4); or

"(II) if no such advance notice was published, within a period of 12 months after the publication of the proposed order under paragraph (6).

"(ii) If the Administrator is unable to take action under subparagraph (A) within the period, the Administrator shall at the end of the period, and every 6 months thereafter until final action is taken, publish in the Federal Register a report stating the reasons for the delay and describes actions being taken to ensure that a final action will be taken within 180 days from the date of the publication of the report. The report shall also be submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate prior to publication in the Federal Register.

"(11) MODIFICATION OR CANCELLATION OF REGISTRATION.—

"(A) A registrant whose registration is affected by a final order published under paragraph (10) may, during the 30-day period beginning on the date of the publication in the Federal Register of the final order—

"(i) apply for an amendment to the registration to make the registration comply with the order; or

"(ii) request voluntary cancellation of the registration.

"(B) If a final order unconditionally prohibits all uses of a pesticide, the order may provide that the cancellation of the registration of the pesticide is effective on the effective date of the order.

"(C) Notwithstanding any other provision of this Act, if an application for an amendment to the registration to make the registration comply with an order issued under subparagraph (A) is not submitted within the 30-day period, the Administrator may publish in the Federal Register a notice that the registration of the pesticide has been canceled, effective on the date of publication of the notice.

"(12) EFFECT OF ORDER ON CERTAIN APPLICATIONS.—If a final order has been issued under paragraph (10) and is in effect, an application for initial or amended registration of any pesticide under section 3 or 24(c) may not be approved by the Administrator if the final order prohibits the registration of such a pesticide.

"(13) PETITION TO ISSUE, MODIFY, OR REVOKE ORDER.—

"(A) Any interested person may petition the Administrator to initiate a proceeding to—

"(i) issue a new order under this subsection; or

"(ii) amend or revoke a final order that has been issued under this subsection.

"(B) A petition submitted under subparagraph (A) shall describe the factual material and argument that form the basis for the petition.

"(C) On receipt of a petition described in subparagraph (A), the Administrator shall publish a notice of receipt of the petition in the Federal Register.

"(D) The Administrator shall provide a period for public comment of not less than 60 days after the date of the publication of the notice described in subparagraph (C).

"(E)(i) Not later than 180 days after the date of publication of the notice described in subparagraph (C), the Administrator shall determine what action to take on the petition and publish the determination and the basis for the action in the Federal Register.

"(ii) In the case of a petition to issue a new order, the Administrator shall either deny the petition utilizing the standard set forth in paragraph (2)(A) (and state the basis for denial) or commence a proceeding in accordance with this subsection.

"(iii) In the case of a petition to amend or revoke an existing order, the Administrator shall either deny the petition (and state the basis for denial) or initiate a proceeding to amend or revoke the order. If the Administrator initiates such a proceeding, the proceeding shall be conducted in accordance with this subsection, except that paragraphs (2) and (5) shall not be applicable to such a proceeding. In determining whether to deny a petition to amend or revoke an existing order, the Administrator shall give due regard to the desirability of finality, to the opportunity that the petitioner had to present the factual material and argument in question in the prior proceeding, and to any substantial new evidence submitted by the petitioner.

"(D) A denial of a petition under this paragraph shall be judicially reviewable as provided in paragraph (14).

"(14) JUDICIAL REVIEW.—

"(A) A decision not to issue a proposed order published under paragraph (5)(D), a final order or a withdrawal of a proposed order published under paragraph (10), or a denial of a petition issued under paragraph (13) shall be judicially reviewable under section 16(b)(2).

"(B) Nothing in this section relating to the provision of notice to other Federal agencies and the opportunity for consultation with other Federal agencies shall be construed as creating any right or benefit, substantive or procedural, enforceable at law by a party against the United States, or an agency or officer of the United States, or any person.

"(C) No court of the United States shall have jurisdiction to review any challenge to any action or failure to take action by the agency pursuant to this section if the challenge is based on an assertion that the agency failed to notify or consult with, or improperly notified or consulted with, any other Federal agency.".

(b) IMPLEMENTATION.—

(1) PUBLIC INTERIM ADMINISTRATIVE REVIEW PROCEEDING.—If the Administrator of the Environmental Protection Agency, on or before the date of enactment of this Act, has published a document instituting a public interim administrative review proceeding or has issued a notice under sections 3(c)(6), 6(b) or 6(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(6), 136(b), or 136(d)) (as those sections were in effect on the day before the date of enactment of this Act) with respect to a particular pesticide or active ingredient thereof, in order to avoid delay or duplication of effort, the Administrator may, in lieu of proceeding under section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by subsection (a) of this section), elect to continue the review proceeding and, on its completion, take action as warranted in accordance with sections 3(c)(6), 6(b), 6(c), and 6(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (as those sections were in effect on the day before the date of enactment of this Act).

(2) CRITERIA IN EXISTING REGULATIONS.—For purposes of implementing section 6(b)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by subsection (a) of this section), the Administrator shall deem the criteria for initiating a special review set forth in the regulations appearing in part 154 of title 40, Code of Federal Regulations, to be "criteria regarding data and information on adverse effects and exposure set forth in regulations published by the Administrator", unless and until the regulations are modified or revoked.

SEC. 107. SUSPENSION.

Subsection (c) of section 6 (7 U.S.C. 136d(c)) is amended to read as follows:

"(c) SUSPENSION.—

"(1) AUTHORITY.—

"(A) If the Administrator determines that a pesticide poses an imminent hazard within the meaning of paragraph (5), the Administrator may issue an order suspending registration of the pesticide and forbidding or limiting the distribution, sale, or use of the pesticide.

"(B) The suspension order shall include—

"(i) an explanation of the reasons of the Administrator;

"(ii) a statement of the uses and geographic areas to which the order applies; and

"(iii) appropriate instructions regarding distribution, sale, and use of the pesticide for purposes that are not affected by the order.

"(C) The order may allow the use of existing stocks of the pesticide to the extent the Administrator finds that the use would be consistent with the purposes of this Act.

"(D) The order shall become effective on the date of the publication of the order in the Federal Register.

"(2) RELATION TO OTHER PROCEEDINGS.—The Administrator may issue a suspension order under this subsection before issuing a proposed order under subsection (b).

"(3) PROCEDURE.—

"(A)(i) Prior to issuing a suspension order or an exception to a suspension order under paragraph (8), the Administrator shall notify the Secretary of Agriculture and, if the proposed suspension is based on potential adverse effects to human health, the Secretary of Health and Human Services, of the proposed suspension and the bases for the suspension.

"(ii) No proposed suspension order shall be issued until the Administrator has provided the Secretary of Agriculture and, if appropriate, the Secretary of Health and Human Services, an adequate opportunity, consistent with the need to take prompt action, to consult effectively with the Administrator on the proposed suspension and the bases for the suspension, and on any scientific, agricultural, health, and economic issues or other matters related to the proposed suspension.

"(B) The Administrator shall enter into a written memorandum of understanding with the Secretary of Agriculture and the Secretary of Health and Human Services that shall specify the points in the process at which consultation provided for in this subsection shall occur and stipulate how the consultation shall be accomplished.

"(C) As soon as possible after the Administrator issues an order under paragraph (1), the Administrator shall furnish each affected registrant of the pesticide a notice that includes a copy of the order. The order shall afford any person who is adversely affected by the order the opportunity to request an expedited public hearing before the Administrator on the question of whether and to what extent the suspension order is justified under this subsection.

"(D) If no request for a hearing is submitted to the Administrator within 15 days of the date of the receipt of the notice by the registrant, or the date of publication of the order, whichever is later, or if each request for a hearing that has been submitted is withdrawn, the suspension order shall not be reviewable by any court.

"(E)(i) If a hearing is requested within the time provided, the hearing shall commence within 15 days of the receipt of the request unless the Administrator and the person requesting the hearing agree that it shall commence at a different time.

"(ii) The presentation of evidence in the hearing shall conclude not later than 60 days after the hearing commences, and the administrative law judge shall issue such rulings regarding the conduct of the hearing as are necessary for the completion of the hearing within the limits.

"(iii) The administrative law judge shall have 10 days from the conclusion of the presentation of evidence to submit recommended findings and conclusions to the Administrator, who shall then have 7 days to render a final order on whether the suspension order should be revoked, modified, or left unchanged.

"(iv) In all other respects, the hearing shall be held in accordance with sections 551 and 554 through 559 of title 5, United States Code, and subsection (d).

"(4) DURATION.—A suspension order issued under paragraph (1) shall terminate—

"(A) if a proposed order regarding the pesticide in question and the risks that are the basis for the suspension order is not issued in accordance with subsection (b) within 180

days after the date of publication of the order;

"(B) if and to the extent that the Administrator revokes the order;

"(C) if and to the extent that a reviewing court revokes the order; or

"(D) on cancellation of the registration of the pesticide.

"(5) IMMINENT HAZARD.—

"(A) For the purposes of this subsection, the term 'imminent hazard' means an imminent and substantial risk that unreasonable adverse effects on human health or the environment will be caused by the continued distribution, sale, or use of a pesticide for one or more purposes.

"(B) For the purposes of this paragraph:

"(i) The Administrator may determine that a risk is imminent only if the risk could not be regulated adequately by cancellation of the registration without prior suspension, taking into account (to the extent information is or can be made readily available) the exposure to the pesticide that may occur during the period likely to be required for a cancellation proceeding under subsection (b), whether or not the adverse effects from the exposure would be manifested during the period.

"(ii) In deciding whether a risk is substantial, the Administrator shall take into account (among other relevant factors)—

"(I) the nature of the potential adverse effects;

"(II) the pertinence of any relevant study results to risk to humans or other species of concern;

"(III) the magnitude and scope of the risk to humans or other species of concern, based on the information that is or can be made readily available concerning the expected actual exposure to the pesticide, except that in predicting nondietary exposure levels under this section, the Administrator may, as appropriate, take into account both data from any relevant studies concerning the application or use of the pesticide in question and available data from relevant studies that concern the application or use of other pesticides in a manner similar to the use of the pesticide in question and therefore are predictive of the levels of nondietary exposure to the pesticide in question; and

"(IV) the nature of the information on which the risk assessment is based and the degree of confidence or certainty that the risk actually exists.

"(iii)(I) An imminent and substantial risk shall be considered unreasonable within the meaning of this subsection if the Administrator finds, on the basis of reasonably available information, that the benefits of use of the pesticide that would be foreclosed by the suspension order do not clearly outweigh the risks that would be avoided by the order. In determining whether a risk is unreasonable within the meaning of this subsection, the Administrator shall take into account both the potential severity of the risk that may result from continued use of the pesticide during the course of a cancellation proceeding and the reliability and sufficiency of the information characterizing the risk.

"(II) The Administrator shall consider, consistent with the need to take prompt action, the information that is or can be made readily available on the benefits of the various uses of the pesticide that would be affected by a suspension order (including, where relevant, the continued availability of a wholesome, adequate, economical, and dependable aggregate domestic supply of any affected food).

"(III) The Administrator need not otherwise gather additional information regarding the benefits to the extent that the action might unreasonably delay the issuance of the suspension order.

"(IV) A risk posed by a pesticide shall not be considered unreasonable within the meaning of this subsection, if the Administrator determines that a greater risk to human health or the environment would be caused by suspending the use of a pesticide than by not suspending the use.

"(6) JUDICIAL REVIEW.—

"(A) A final order issued by the Administrator following a hearing under paragraph (3) shall be reviewable immediately in accordance with section 16(b)(1), even if any related proceedings under subsection (b) have not been completed.

"(B) Nothing in this section relating to the provision of notification to other Federal agencies and the opportunity for consultation with other Federal agencies shall be construed as creating any right or benefit, substantive or procedural, enforceable at law by a party against the United States, or any agency or officer of the United States, or any person.

"(C) No court of the United States shall have jurisdiction to review any challenge to any action or failure to take action by the agency pursuant to this section where the challenge is based on an assertion that the agency failed to notify or consult with, or improperly notified or consulted with, any other Federal agency.

"(7) PETITIONS.—

"(A) Any person may file with the Administrator a written petition to suspend the registration of a pesticide under this subsection. Such a petition shall set forth the factual basis for the petition and an explanation of why the criteria for suspension have been met.

"(B) The Administrator shall publish a summary of the petition in the Federal Register.

"(C) If the Administrator does not take action on the petition within 180 days after receiving the petition, the petition shall be deemed denied. The petitioner may obtain judicial review of the denial of a petition in accordance with section 16(a).

"(8) EXCEPTION.—

"(A) A State may request an exception from a suspension order issued or to be issued in accordance with this subsection for a particular pesticide use in the State or an area of the State if severe economic dislocation in the State will result from the suspension order. The application shall contain—

"(i) the justification for the claim of severe economic dislocation;

"(ii) a certification that there are no known practical alternatives to the pesticide use;

"(iii) conditions for the use of the pesticide, including methods and plans for reducing the rate of application to reduce the risk of adverse effects and any other conditions to be imposed by the State to reduce the risk of adverse effects;

"(iv) the estimated volume of the pesticide to be applied and acreage to be treated;

"(v) provisions for reporting the sales and use volumes of the pesticide; and

"(vi) research that is being or will be conducted to develop alternative methods to perform the function for which the suspended pesticide use was intended.

The Administrator shall promptly act on the application. The Administrator may grant such an exception only if the Administrator determines that the use of the pesticide under the exception, together with all other uses of the suspended pesticide that remain in effect or for which the Administrator has granted an exception in accordance with this subparagraph, do not pose an imminent hazard as defined in paragraph (5).

"(B) An exception for a pesticide use granted in accordance with subparagraph (A) shall expire not later than 1 year after the exception was granted. If a subsequent application is submitted in accordance with subparagraph (A) for the pesticide use, the application shall contain details regarding compliance with the conditions for the previously granted exception. An exception shall not allow a use of a pesticide to occur after 36 months after the suspension order was published.".

SEC. 108. BURDEN OF PERSUASION.

Subsection (h) of section 6 (7 U.S.C. 136d(h)) is amended to read as follows:

"(h) BURDEN OF PERSUASION.—Notwithstanding any other provision of law, with respect to any proceeding under subsections (b), (c), and (d), the party contesting the decision by the Administrator to deny, suspend, classify, or otherwise modify or restrict the registration of a pesticide, or the party contesting a decision by the Administrator to modify or restrict the distribution, sale, or use of a pesticide, has the burden of persuasion.".

SEC. 109. PERIODIC UPDATE OF INFORMATION SUPPORTING REGISTRATION.

Section 6 (7 U.S.C. 136d) is amended by adding at the end the following new subsection:

"(i) PERIODIC UPDATE OF INFORMATION SUPPORTING REGISTRATION.—

"(1) REQUIREMENT TO PERIODICALLY UPDATE INFORMATION SUPPORTING REGISTRATION.—Every registrant of a pesticide registered under this Act shall, in accordance with the schedule established in paragraph (3), update the information supporting each pesticide registration held by the registrant in order to ensure that the Administrator has the same level of information supporting the registration as is required at the time of new applicants for registration. In determining what information shall be required to be submitted by registrants pursuant to this subsection, the Administrator shall consider whether additional information would be duplicative of information previously submitted to the Administrator.

"(2) NOTIFICATION TO REGISTRANTS OF REQUIREMENTS.—The Administrator shall provide to registrants notification of the specific items of information required to be submitted by registrants or classes of registrants pursuant to this subsection. No order of suspension may be issued pursuant to paragraph (6) for failure to submit an item of information unless the registrant has received notification of the requirement to submit the information at least 2 years before issuance of such an order, except that if the Administrator routinely allows registrants more than 2 years to develop a particular piece of information, no order of suspension shall be issued with respect to a failure to submit the information unless a registrant received notification of the requirement to submit the information and was afforded at a minimum the amount of time routinely allowed by the Administrator to submit the information.

"(3) TIME PERIODS.—

"(A) A registrant of a pesticide product containing an active ingredient contained in

any pesticide first registered before November 1, 1984, shall initially be required to supply the information required by paragraph (1) by the later of—

"(i) 20 years after the date on which the first product containing the active ingredient was first registered; or

"(ii) 10 years after the date on which the Administrator determines, pursuant to section 4(g)(2)(A), that pesticide products containing the active ingredient are eligible for reregistration.

Thereafter, a registrant of a pesticide product containing the active ingredient shall be required to supply the information required by paragraph (1) every 10 years after the date on which the information was first required pursuant to this paragraph.

"(B) A registrant of a pesticide product containing an active ingredient contained in a pesticide first registered after October 31, 1984, shall initially be required to supply the information required by paragraph (1) 10 years after the date on which the first product containing the active ingredient was first registered. Thereafter, a registrant of a pesticide product containing the active ingredient shall be required to supply the information required by paragraph (1) every 10 years after the date on which the information was first required pursuant to this paragraph.

"(4) PUBLICATION OF DATES IN FEDERAL REGISTER.—The Administrator shall publish in the Federal Register the dates by which registrants are initially required to supply the information required by paragraph (1).

"(5) EXTENSIONS OF TIME.—The Administrator, at the discretion of the Administrator or on application by a registrant, may extend the time period required for submitting any portion of the information required to be submitted pursuant to this subsection if circumstances beyond the control of the registrant prevent the registrant from submitting data within the prescribed period. If an extension is granted pursuant to this paragraph, the Administrator shall establish a reasonable deadline for the submission of the information.

"(6) ORDER OF SUSPENSION.—

"(A) If a registrant fails to submit the information required by this subsection within the time period required by this subsection, the Administrator may issue an order suspending the registration, except that, if the Administrator determines that a registrant made a good faith effort to submit the required information, the Administrator shall provide the registrant with a reasonable additional period of time to submit the information before issuing an order suspending the registration.

"(B) The Administrator may make such provisions concerning the sale or use of existing stocks of a pesticide that has had its registration suspended pursuant to this paragraph as the Administrator considers appropriate to carry out this Act.

"(C) A suspension order issued pursuant to this paragraph shall be sent to the registrant and shall be effective on receipt by the registrant.

"(D) The order shall include a statement of the factual and legal basis for the suspension, and shall include any provisions the Administrator has made concerning the sale and use of existing stocks.

"(E) A registration suspended under this paragraph shall be reinstated by the Administrator if the Administrator determines that the registrant has complied fully with the requirements that served as the basis for the suspension of the registration.

"(F) Nothing in this paragraph shall be construed as preventing the Administrator from initiating cancellation or suspension action under the appropriate provisions of this section if the Administrator determines that the action is warranted based on the information submitted by a registrant pursuant to this subsection.

"(7) CANCELLATION AFTER 3 YEARS.—If a registration remains suspended for more than 3 years after an order of suspension has been issued pursuant to paragraph (6), the Administrator may issue an order cancelling the registration. The cancellation order shall be published in the Federal Register and sent to the registrant. A cancellation order issued pursuant to this paragraph shall be effective on publication in the Federal Register.

"(8) FEES.—

"(A) On or after September 31, 1997, the Administrator is authorized to issue regulations to assess fees from registrants reasonably calculated to cover the costs (or some portion of the costs) associated with the periodic review of registrations pursuant to this subsection.

"(B) If any fee prescribed by regulations issued pursuant to this paragraph with respect to the registration of a pesticide is not paid by the time prescribed by the regulations, the Administrator, by order and without hearing, may cancel the registration.

"(9) EFFECT ON AUTHORITY OF ADMINISTRATOR TO REQUIRE INFORMATION.—Nothing in this subsection shall be construed as limiting in any way the authority of the Administrator to require, pursuant to subsection (c)(2)(B), registrants to submit data to maintain in effect an existing registration of a pesticide.".

SEC. 110. RECORDS.

Section 8 (7 U.S.C. 136f) is amended to read as follows:

"SEC. 8. RECORDS.

"(a) IN GENERAL.—The Administrator, by regulation, may require any producer, importer, or exporter of a pesticide, registrant, applicant for registration, applicant for or holder of an experimental use permit, owner or operator of a pesticide testing facility, or any holder of a pesticide that is the subject of a regulation or order issued under subsection (a) or (b) of section 19—

"(1) to prepare, and to maintain for reasonable periods of time, such records as the Administrator finds to be necessary for the effective implementation or enforcement of the Act;

"(2) to furnish to the Administrator reports stating the location where the records are maintained; and

"(3) to furnish a copy of any such record to the Administrator on written request.

"(b) RECORDS OF COMMERCIAL APPLICATORS.—The Administrator, by regulation or request, may require any commercial applicator—

"(1) to prepare, and to maintain for reasonable periods of time, records of each pesticide application, including the identity and quantity of pesticide applied and the date and location of the application;

"(2) to furnish to the Administrator reports stating the location where the records are maintained; and

"(3) to furnish a copy of any such record to the Administrator on written request.

"(c) RECORDS OF PESTICIDE DEALERS.—

"(1) IN GENERAL.—The Administrator, by regulation, shall require each pesticide dealer to prepare and maintain a record of each sale or distribution of—

"(A) a pesticide classified for restricted use; or

"(B) any other pesticide designated for purposes of this subsection by the Administrator by regulation that states why such a designation is necessary to carry out this Act.

"(2) CONTENTS.—The records shall include the identity of the pesticide sold or distributed, the identity of the person to whom the pesticide was distributed or sold, the date of the distribution or sale, and the quantity of the pesticide distributed or sold.

"(3) DURATION.—A pesticide dealer shall maintain the records required under this subsection for at least 3 years after the date of the distribution or sale.

"(4) DEFINITION.—For the purposes of this subsection, the term 'pesticide dealer' means any person who, in the ordinary course of business, distributes or sells any pesticide that is classified for restricted use or designated under paragraph (1)(B).

"(d) LIMITATIONS.—

"(1) IN GENERAL.—Except as provided in this section, the Administrator may not require any person to prepare, maintain, or submit any records that consist of—

"(A) financial data, pricing data, or sales data other than shipment data;

"(B) personnel data, except for data concerning exposure of employees to pesticides or ingredients of pesticides, or concerning health effects on employees that could reasonably be attributable to the exposure; or

"(C) research or test data, other than data relating to—

"(i) a registered pesticide;

"(ii) any pesticide for which an application for registration or for an experimental use permit has been filed;

"(iii) a pesticide for which an exemption pursuant to section 18 has been requested;

"(iv) a pesticide for which a regulation has been promulgated in accordance with section 3(a);

"(v) testing at a pesticide testing facility; or

"(vi) the storage or disposal of a pesticide whose registration has been suspended or canceled.

"(2) PRIVATE APPLICATORS.—Except as provided by this section, this Act shall not be construed to require, or to authorize the Administrator to require, any private applicator to prepare, maintain, or submit records or reports.".

SEC. 111. INSPECTIONS.

Section 9 (7 U.S.C. 136g) is amended to read as follows:

"SEC. 9. INSPECTIONS.

"(a) AUTHORITY.—An officer or employee of the United States or of any State, duly designated by the Administrator, is authorized—

"(1) to enter and inspect—

"(A) any place where any pesticide, active ingredient, or device is produced, packaged, distributed, or sold;

"(B) any place where any records required under this Act are maintained, or any place reported under section 8 as a place where the records are maintained;

"(C) any pesticide testing facility; or

"(D) any place where the officer or employee has reason to believe that this Act has been or is being violated; and

"(2) to obtain, in connection with the entry or inspection—

"(A) samples of any pesticide (or any ingredient, metabolite, or degradation product thereof), of any device, of any container or packaging of any pesticide or device, or of

any label or labeling of a pesticide, active ingredient, or device;

"(B) copies of any records required by or under this Act;

"(C) copies of any data, or samples of any specimens, involved in the testing of any pesticide (or of any ingredient, metabolite, or degradation product thereof), or in the testing of any device, at any pesticide testing facility; and

"(D) samples of any things in or on which pesticide residues may be found, including, without limitation, agricultural commodities, animals, pests, soil, or water.

"(b) WARRANTS.—

"(1) ENTRY BY CONSENT OR PURSUANT TO WARRANT.—This section shall not be construed to authorize any entry or inspection of a place not open to the general public unless—

"(A) the person who holds the current possessory interest in the place, or the person in charge of the place, has consented to the entry and inspection; or

"(B) the entry and inspection is authorized by a warrant issued in accordance with this section.

"(2) OBTAINING WARRANTS.—

"(A) An officer or employee of the United States or of any State, duly authorized by the Administrator, is empowered to obtain from a court of competent jurisdiction and execute a warrant authorizing—

"(i) entry, inspection, and obtaining of evidence, in accordance with subsection (a);

"(ii) inspection and copying of records required by or under this Act; and

"(iii) seizure of any pesticide, device, active ingredient, labeling, or packaging that is in violation of this Act.

"(B) An officer or employee of the United States or of any State, duly designated by the Attorney General, may obtain and execute a warrant in accordance with rule 41 of the Federal Rules of Criminal Procedure, if a court or magistrate determines under the rule that there is probable cause to believe that—

"(i) a criminal violation of this Act has occurred or is occurring on the place to be entered or searched; or

"(ii) evidence of a criminal violation of this Act will be found on the place.

"(c) PROCEDURE.—

"(1) CREDENTIALS AND STATEMENTS.—Before any entry or inspection of any place not open to the general public is made under this section, the person conducting the inspection shall present to the person in charge of the place appropriate identifying credentials and a written statement of the reason for the entry and inspection and whether a violation of this Act is suspected, unless the entry is made pursuant to a warrant that authorizes entry without the presentation of credentials and statement.

"(2) PROMPTNESS.—Each entry or inspection shall be commenced and completed with reasonable promptness.

"(3) SAMPLES.—If the person conducting the entry or inspection obtains any samples as authorized by subsection (a)(2), before leaving the place the person shall give to the person in charge of the place a receipt describing the sample and, if requested and practicable, a portion of each such sample equal in volume or weight to the portion retained. If an analysis is made of any such sample, a copy of the results of the analysis shall be furnished on request to the person in charge of the place.

"(d) COORDINATION.—The Administrator shall coordinate actions taken under this section with actions taken under other Federal laws for the purpose of avoiding unnecessary duplication of inspections.".

SEC. 112. DATA DISCLOSURE TO STATES.

Section 10 (7 U.S.C. 136h) is amended by adding at the end the following new subsection:

"(h) DISCLOSURE TO STATES.—The Administrator shall, on request by a State, disclose to the State any data or information acquired under this Act if the State ensures the Administrator, and the Administrator determines, that—

"(1) the submitter of the data or information will receive no less protection with respect to the disclosure and use of the data or information by the State than is otherwise provided by this Act; and

"(2) the law of the State allows the submitter of the data or information to recover just compensation in a civil action against the State for losses resulting from the disclosure or use of the data or information by the State or its employees or agents in a manner inconsistent with this Act.".

SEC. 113. CERTIFICATION AND TRAINING FOR PESTICIDE APPLICATORS.

(a) IN GENERAL.—Section 11 (7 U.S.C. 136i) is amended—

(1) by striking subsection (d);

(2) by redesignating subsection (e) as subsection (l); and

(3) by inserting after subsection (c) the following new subsections:

"(d) USE BY COMMERCIAL APPLICATORS.—

"(1) IN GENERAL.—It shall be a violation of this Act for any person to use any pesticide as a commercial applicator unless the person is—

"(A) a certified commercial applicator; or

"(B) a registered commercial applicator under the direct supervision of a certified commercial applicator.

"(2) CERTIFIED COMMERCIAL APPLICATORS.—To be considered to be a certified commercial applicator, a person, at a minimum, shall—

"(A) have met the standards prescribed under subsection (a) and have received training—

"(i) prescribed by the State agency, including training in the material referred to in subsection (g);

"(ii) conducted by a trainer who has met the requirements prescribed under subsection (h); and

"(iii) that satisfies the minimum standards for training programs prescribed under subsection (h);

"(B) have had field, institutional, or industrial experience in pesticide use and application;

"(C) have passed an examination prescribed by the State agency; and

"(D) possess a valid commercial applicator certification issued by the State agency.

"(3) REGISTERED COMMERCIAL APPLICATORS.—

"(A) To be considered to be a registered commercial applicator, a person, at a minimum, shall—

"(i) have received training—

"(I) prescribed by the State agency, including training in the material referred to in subsection (g); and

"(II) conducted by a trainer who has met the requirements prescribed under subsection (h); and

"(ii) possess a valid registration issued by the State agency.

"(B) A person may obtain a registration by providing to the State agency a report, signed and dated by the trainer and by the person who received the training, stating that the prescribed minimum training has been provided and received.

"(e) USE BY PRIVATE APPLICATORS.—

"(1) IN GENERAL.—A restricted use pesticide shall be considered to have been applied by, or under the direct supervision of, a certified private applicator only if the pesticide is applied by a person who is either—

"(A) a certified private applicator; or

"(B) a supervised private applicator who uses the pesticide under the direct supervision of a certified private applicator.

"(2) CERTIFIED PRIVATE APPLICATORS.—To be considered to be a certified private applicator, a person, at a minimum, shall—

"(A) have met the standards prescribed under subsection (a) and have received training—

"(i) prescribed by the State agency, including training in the material described in subsection (g);

"(ii) conducted by a trainer who has met the requirements prescribed under subsection (h); and

"(iii) that satisfies the minimum standards for training prescribed under subsection (h); and

"(B) possess a valid private applicator certification issued by the State agency.

"(3) SUPERVISED PRIVATE APPLICATORS.—

"(A) To be considered to be a supervised private applicator, a person, at a minimum, shall have received basic instruction—

"(i) prescribed by the State agency or based on material prescribed by the State agency, including basic instruction material concerning the use of appropriate pesticide application and safety procedures, appropriate clothing and protective equipment for pesticide applications, the detection of common symptoms of pesticide poisoning, the means of obtaining emergency medical treatment, hazards posed by pesticides to workers, the public health, and the environment, and the requirements of applicable laws, regulations, and labeling; and

"(ii) given by a certified private applicator, a commercial applicator who is certified in the pest control category appropriate for the instruction being provided, or a trainer who has met the requirements prescribed under subsection (h).

"(B) The State agency may require the employer of a supervised private applicator to confirm that the basic instruction described in subparagraph (A)(i) has been received.

"(f) RECERTIFICATION AND REREGISTRATION.—

"(1) IN GENERAL.—Each certified applicator and each registered commercial applicator within a State shall undergo refresher training and be recertified or reregistered within a period established by the State agency of the State of not more than 5 years.

"(2) TRAINING MATERIAL.—The refresher training shall be prescribed by the State agency and shall include training in the materials referred to in subsection (g) and in the relevant requirements of other subsections of this section and sections 3(d), 12, and 14.

"(3) RECERTIFICATION.—To be recertified, an applicator, at a minimum, shall meet—

"(A) the requirements of subparagraphs (A), (B), and (D) of subsection (d)(2); or

"(B) the requirements of paragraphs (1) and (2) of subsection (e).

"(4) REREGISTRATION.—To be reregistered, a commercial applicator, at a minimum, shall meet the requirements of subsection (d)(3).

"(g) TRAINING MATERIAL.—

"(1) DEVELOPMENT.—The Administrator, in consultation with the Secretary of Agriculture, shall develop training material on the use of appropriate procedures for the application of pesticides (including integrated pest management and integrated crop management), safety procedures for pesticide application (including prevention of surface and ground water contamination), clothing and protective equipment for pesticide application, the detection of common symptoms of pesticide poisoning, the means of obtaining emergency medical treatment, hazards posed by pesticides to workers, the public health, and the environment, specific commercial application categories, and the requirements of applicable laws, regulations, and labeling.

"(2) REVISIONS.—Within 12 months after the effective date of this section, the Administrator, in consultation with the Secretary of Agriculture, shall revise and make current the material and thereafter shall update the material as appropriate.

"(h) MINIMUM STANDARDS FOR TRAINERS AND TRAINING PROGRAMS.—

"(1) TRAINING OF COMMERCIAL APPLICATORS.—

"(A) The Administrator shall establish within 1 year after the effective date of this section—

"(i) minimum standards of competency, and experience or expertise, for trainers referred to in subsection (d); and

"(ii) minimum standards for the training programs referred to in subsection (d).

"(B)(i) Training programs prescribed by any State under subsection (d) shall comply with the minimum standards established by the Administrator under subparagraph (A) not later than 2 years after the effective date of the standards.

"(ii) If on the expiration of the 2-year period the training program of a State fails to meet the minimum standards, or if a State fails to prescribe such a program, the Administrator shall notify the State of the failure.

"(iii) After receipt of a notice, a State shall have 90 days to bring the training program of the State into compliance with the standards.

"(iv) If on expiration of the 90-day period, the training program of the State does not meet the standards, the Administrator shall prescribe the training programs referred to in subsection (d) for use in the State.

"(2) TRAINING OF PRIVATE APPLICATORS.—

"(A) The Administrator shall establish within 2 years after the effective date of this section—

"(i) minimum standards of competency, and experience or expertise, for trainers referred to in subsection (e); and

"(ii) minimum standards for the training programs referred to in subsection (e).

"(B)(i) Training programs prescribed by any State under subsection (e) shall comply with the minimum standards established by the Administrator under subparagraph (A) not later than 2 years after the effective date of the standards.

"(ii) If on the expiration of the 2-year period the training program of a State fails to meet the minimum standards, or if a State fails to prescribe such a program, the Administrator shall notify the State of the failure.

"(iii) After receipt of a notice, a State shall have 90 days to bring the training program of the State into compliance with the standards.

"(iv) If on expiration of the 90-day period the training program of the State does not meet the standards, the Administrator shall prescribe the training programs referred to in subsection (e) for use in the State.

"(i) PRIVATELY ADMINISTERED TRAINING PROGRAMS.—A State agency may approve any privately administered training program that the Administrator determines meets the more stringent of—

"(1) requirements established under this section; or

"(2) requirements established by the State agency.

"(j) ENFORCEMENT OFFICER TRAINING.—Federal and State field personnel responsible for on-site observations and inspections of pesticide use shall have training that, at a minimum, includes training covering materials specified in subsection (g) for the commercial application categories for which the personnel are assigned enforcement responsibility.

"(k) DEFINITION OF STATE AGENCY.—For purposes of this section, the term 'State agency' means the agency of a State that is designated under subsection (a)(2)(A) if the State has primary enforcement responsibility for pesticide use violations, as provided for by section 26. In the case of a State that does not have the primary enforcement responsibility or that does not have an agency designated under subsection (a)(2)(A), a reference to a State agency shall be considered a reference to the Administrator.".

(b) EFFECTIVE DATES.—

(1) COMMERCIAL APPLICATORS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), subsection (d) of section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (a)) shall become effective in a State on the expiration of the period prescribed by subsection (h) of such section within which training programs of the State under subsection (d) are required to be in compliance with minimum standards prescribed by the Administrator of the Environmental Protection Agency under subsection (h).

(B) CERTIFIED COMMERCIAL APPLICATORS.—If an applicator in a State is certified as a commercial applicator under subsection (a) of section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act before the effective date prescribed by subparagraph (A) and the Administrator has determined that the previous certification or recertification requirements in that State do not conform to the requirements of subsection (d) of such section, the applicator shall be recertified—

(i) within 2 years after the date the training programs of the State under subsection (d) comply with the minimum standards of the Administrator; or

(ii) within such earlier time as the State may prescribe.

(C) REGISTERED COMMERCIAL APPLICATORS.—The requirements of subsection (d) of section 11 for registered commercial applicators shall become effective 1 year after the expiration of the period prescribed by subsection (h) of such section within which training programs of the State under subsection (d) are required to be in compliance with minimum standards prescribed by the Administrator of the Environmental Protection Agency under subsection (h).

(2) PRIVATE APPLICATORS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), subsection (e) of section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (a)) shall become effective in a State on the expiration of the period prescribed by subsection (h) of such section within which training programs of the State under subsection (e) are required to be in compliance with minimum standards prescribed by the Administrator of the Environmental Protection Agency under subsection (h).

(B) CERTIFIED PRIVATE APPLICATORS.—If an applicator in a State is certified as a private applicator under subsection (a) of section 11 before the effective date prescribed by subparagraph (A) and the Administrator has determined that the previous certification or recertification requirements in the State do not conform to the requirements of subsection (d) of such section, the applicator shall be recertified—

(i) within 2 years after the date the training programs of the State under subsection (e) comply with the minimum standards of the Administrator; or

(ii) within such earlier time as the State may prescribe.

(C) SUPERVISED PRIVATE APPLICATORS.—The requirements of subsection (e) of section 11 for supervised private applicators shall become effective 1 year after the expiration of the period prescribed by subsection (h) of such section within which training programs of the State under subsection (e) are required to be in compliance with minimum standards prescribed by the Administrator of the Environmental Protection Agency under such subsection.

(3) ENFORCEMENT OFFICER TRAINING.—The requirements of subsection (j) of section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (a)) shall become effective 1 year after the Administrator issues the training materials specified in subsection (g) of such section.

SEC. 114. UNLAWFUL ACTS.

(a) IN GENERAL.—Section 12(a)(2) (7 U.S.C. 136j(a)(2)) is amended—

(1) by striking subparagraphs (M) and (N) and inserting the following new subparagraph:

"(M) to knowingly make any false material statement, false representation, or false certification in—

"(i) any application filed under this Act;

"(ii) any data or information submitted under this Act to support the issuance or continuation in effect of any registration, permit, or exemption;

"(iii) any record required to be maintained by this Act; or

"(iv) any report filed under this Act;

"(N) to fail to file any report required by this Act;";

(2) by striking "or" at the end of subparagraph (O);

(3) by striking the period at the end of subparagraph (P) and inserting a semicolon;

(4) by striking "or" at the end of subparagraph (R); and

(5) by striking subparagraph (S) and inserting the following new subparagraphs:

"(S) to violate any regulation issued under section 3(a), 17(c), or 19, or any order issued under section 17(d); or

"(T) who is a registrant, to violate any term or condition of a registration issued pursuant to this Act.".

(b) TECHNICAL AMENDMENTS.—Section 12 is amended by adding at the end the following new subsection:

"(c) ACTS OF OFFICERS, AGENTS, ETC.—When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person shall in every case be also deemed to be the act, omission, or failure of the person as well as that of the person employed.".

SEC. 115. PENALTIES.

Section 14 (7 U.S.C. 1361) is amended to read as follows:

"SEC. 14. PENALTIES.

"(a) CIVIL PENALTIES.—

"(1) IN GENERAL.—If any person who is (or who is acting for or employed by) a registrant, applicant for registration, producer, pesticide testing facility, seller or distributor of pesticides or devices, commercial applicator, or holder of a pesticide that is subject to an order or regulation under section 19(b) violates any provision of this Act, the Administrator may assess a civil penalty against the person of not more than $25,000 for each violation. If such a person violates any provision of this Act after having been issued a warning or citation under this section for violating the same or a similar provision of this Act, the Administrator may assess a civil penalty against the person of not more than $50,000 for each such subsequent violation.

"(2) PRIVATE APPLICATOR.—Any private applicator who violates any provision of this Act may be assessed a civil penalty by the Administrator of not more than $1,000 for each offense. If the applicator violates any provision of this Act after violating the same or similar provision of this Act, the Administrator may assess a civil penalty of not more than $2,000 for each subsequent violation.

"(3) OTHER PERSONS.—Any other person not included in paragraph (1) or (2) who violates any provision of this Act subsequent to receiving a written warning from the Administrator or following a citation for a prior violation may be assessed a civil penalty by the Administrator of not more than $1,000 for each offense. If the person violates any provision of this Act after violating the same or similar provision of this Act, the Administrator may assess a civil penalty of not more than $2,000 for each subsequent violation. The Administrator may waive the requirements for a warning or citation for a first offense if the Administrator determines that the violation was intentional or caused (or had the potential to cause) significant harm to health or the environment.

"(4) HEARING.—No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing in accordance with section 6(d) at a time and place that is reasonably convenient for the person to attend.

"(5) DETERMINATION OF PENALTY.—In determining the amount of the civil penalty to be assessed under this subsection, the Administrator shall consider the appropriateness of the penalty to the size of the business of the person charged, the effect of the penalty on the ability of the person to continue in business, the economic gains that resulted from the violation, and the gravity of the violation. If the Administrator finds that the violation occurred despite the exercise of due care and the violation did not cause significant harm to health or the environment, the Administrator shall consider issuing a warning in lieu of assessing a penalty.

"(6) REFERENCE TO ATTORNEY GENERAL.—If a person fails to pay the full amount of a civil penalty the Administrator shall refer the matter to the Attorney General, who shall recover any unpaid amount by action in the appropriate United States district court.

"(b) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Any person who is (or who is acting for or employed by) a registrant, applicant for registration, producer, pesticide testing facility, seller or distributor of a pesticide or device, commercial applicator, or a holder of a pesticide that is subject to an order or regulation under section 19(b), and who knowingly violates any provision of this Act, shall on conviction be fined not more than $50,000 or imprisoned for not more than 3 years, or both.

"(2) DISCLOSURE OF INFORMATION.—Any person who, with intent to defraud, uses or reveals information relative to the formula of a pesticide product acquired under section 3 shall be fined not more than $10,000 or imprisoned for not more than 3 years, or both.

"(3) KNOWING ENDANGERMENT.—

"(A) Any person who knowingly commits any violation described in section 12 and who knows at the time of the violation that the violation places another person in danger of death or serious bodily injury shall, on conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 15 years, or both, except that any such person that is an entity (such as a corporation or partnership) shall be subject to a fine of not more than $1,000,000.

"(B) If the conviction of a person that is an entity is for a violation committed after a first violation under this paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

"(C) For purposes of this paragraph, the term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ, or mental facility.

"(4) OTHER PERSONS.—Any person not included in paragraph (1), (2), or (3) who knowingly violates any provision of this Act shall on conviction be fined not more than $5,000 or imprisoned for not more than 1 year, or both.

"(c) WARNING IN LIEU OF PENALTY.—Nothing in this Act shall be construed as requiring the Administrator to institute or recommend the institution of civil or criminal penalty proceedings if the Administrator believes that the public interest will be adequately served by a suitable written notice of warning.".

SEC. 116. IMPORTS AND EXPORTS.

Section 17 (7 U.S.C. 136o) is amended—

(1) in subsection (a), by striking "and 8 of this Act" and inserting "8, and 19 (a) and (e) of this Act";

(2) by redesignating subsections (c) through (e) as subsections (f) through (h), respectively; and

(3) by inserting after subsection (b) the following new subsections:

"(c) COMPLIANCE WITH INTERNATIONAL PESTICIDE NOTIFICATION AND CONTROL AGREEMENTS.—

"(1) REGULATIONS.—The Administrator may issue regulations requiring persons who export any pesticide from the United States to comply with international pesticide notification and control provisions—

"(A) adopted by an international agency, if the United States is a member of the international agency and—

"(i) has consented to the adoption of the provisions; or

"(ii) has not officially disapproved the adoption of the provisions; or

"(B) reached through an international agreement—

"(i) to which the United States is a signatory; or

"(ii) under which the United States has not officially disapproved the adoption of the provisions.

"(2) EQUIVALENT INFORMATION.—If the Administrator determines that the provisions referred to in paragraph (1) provide equivalent information to foreign countries, the Administrator may exempt persons complying with the provisions from the requirements of subsection (a)(2).

"(3) VOLUNTARY COMPLIANCE.—If the Administrator has not issued regulations requiring compliance with the pesticide notification provisions referred to in paragraph (1), but has published in the Federal Register a notice of determination that voluntary compliance by an exporter with the provisions would provide notice equivalent to that provided by subsection (a)(2), an exporter who complies fully with the provisions need not comply with subsection (a)(2).

"(d) CONFIDENTIALITY OF EXPORT INFORMATION.—Notwithstanding sections 7(d) and 10(b), the Administrator shall make the following information concerning exports of pesticides available to the public on request without restriction:

"(1) The fact that an exporter has submitted a notice under subsection (a)(2) or subsection (c).

"(2) The active ingredients in an exported pesticide product.

"(3) The name of an exported pesticide product.

"(4) The countries to which a pesticide product is exported, including the country of final destination.

"(e) RESTRICTIONS ON EXPORTS OF CERTAIN PESTICIDES.—

"(1) ORDERS.—Notwithstanding subsection (a), the Administrator may issue an order prohibiting persons from exporting a pesticide to a foreign country that has indicated to the Administrator or to an international agency of which the United States is a member that the country does not wish to import the pesticide.

"(2) LIMITATIONS.—The Administrator may prohibit the export of a pesticide described in paragraph (1) to a specific country—

"(A) only if—

"(i) the country has indicated that it does not wish to import the pesticide pursuant to an international system of pesticide export and import controls—

"(I) adopted by an international agency, if the United States is a member of the international agency and has consented to the adoption of the system; or

"(II) reached through an international agreement to which the United States is a signatory; or

"(ii) all registrations of the pesticide, or the registrations for a significant number of the uses of the pesticide, have been suspended, cancelled, or denied by the Administrator, or cancelled by the registrant voluntarily, on the basis of the Administrator's concerns about the health or environmental effects of the pesticide; and

"(B) unless the country has certified that the country—

"(i) is not producing and will not produce the pesticide for use in the country; and

"(ii) is not importing and will not import the pesticide from any other country.".

SEC. 117. SCIENTIFIC ADVISORY PANEL AND PESTICIDE ADVISORY BOARD.

Section 25(d) (7 U.S.C. 136w(d)) is amended—

(1) by striking "(d) SCIENTIFIC ADVISORY PANEL.—The Administrator shall" and inserting:

"(d) SCIENTIFIC ADVISORY PANEL.—

"(1) IN GENERAL.—The Administrator shall";

(2) by aligning the remainder of paragraph (1) (as so redesignated) two ems to the right; and

(3) by adding at the end the following new paragraphs:

"(2) PESTICIDE ADVISORY BOARD.—There is established a Pesticide Advisory Board to consist of up to 30 members appointed by the Administrator who shall be available as individuals to advise the Administrator or the Scientific Advisory Panel on matters under this Act involving special expertise. Members of the Board shall be compensated in the same manner as members of the Panel.

"(3) CONFLICTS OF INTEREST.—Within 18 months after the date of enactment of this paragraph, the Administrator shall develop and issue regulations governing the participation of members of the Science Advisory Panel and members of the Pesticide Advisory Board in matters under this Act. In developing the regulations, the Administrator shall—

"(A) consider the general availability of members with specific needed expertise; and

"(B) consider information that is necessary to determine the financial or other interests or activities of members that may constitute an actual or apparent conflict of interest, and provide for the proper disclosure of the information.".

SEC. 118. COOPERATION WITH SECRETARY OF AGRICULTURE.

Section 28 (7 U.S.C. 136w-3) is amended to read as follows:

"SEC. 28. COOPERATION WITH SECRETARY OF AGRICULTURE.

"(a) IN GENERAL.—The Administrator, working with the Secretary of Agriculture, shall identify those pests that must be brought under control and the chemical, biological, and alternative control measures available to control the pests. The Secretary shall provide the Administrator with an annual report—

"(1) detailing the pests and measures and shall identify areas of concern where the number of currently-registered pesticides and other pest control alternatives is small enough to pose a risk to continued effective pest control or where pest resistance to current pest control measures has been detected; and

"(2) containing a description of research and extension efforts underway to develop pest control methods for those areas where effective pest control is threatened, including those pesticide uses for which an exception in accordance with section 6(c)(8) has been approved.

"(b) DEVELOPMENT OF METHODS.—The Administrator shall coordinate and cooperate with the research and implementation programs of the Secretary of Agriculture to develop and improve the safe use and effectiveness of chemical, biological, and alternative methods to combat and control pests that reduce the quality and economical production and distribution of agricultural products to domestic and foreign consumers.".

SEC. 119. COLLECTION OF EXPOSURE INFORMATION.

This Act is amended—

(1) by redesignating sections 29, 30, and 31 (7 U.S.C. 136w-4, 136x, and 136y) as sections 30 through 32, respectively; and

(2) by inserting after section 28 the following new section:

"SEC. 29. PESTICIDE USE AND DIETARY EXPOSURE INFORMATION.

"(a) USE INFORMATION.—The Secretary of Agriculture shall establish and operate a program to gather, organize, report, and furnish to the Administrator on an ongoing basis, information on the extent of use of pesticides in commercial-scale agricultural production, and in the storage, transportation, and processing of food and food items. The Administrator shall notify the Secretary of Agriculture in a timely manner of specific needs regarding information on pesticides and food items.

"(b) RESIDUE INFORMATION.—The Secretary of Agriculture and the Secretary of Health and Human Services shall establish and operate programs to gather, organize, report, and furnish to the Administrator on an ongoing basis, information on the representative actual levels of residues of pesticide chemicals on food items.

"(c) OPERATION.—The programs established under subsections (a) and (b) shall be designed and operated in such a manner as to ensure to the extent possible that information on the approximate actual level of human dietary exposure to pesticides will be readily available to the Administrator on an ongoing basis in order to avoid delays in reaching sound decisions by the Administrator under subsections (b) and (c) of section 6. The Administrator shall consult with the Secretary of Agriculture and the Secretary of Health and Human Services regarding the types and amounts of information needed for the purposes.

"(d) STORAGE.—The Administrator shall establish and operate a program for the efficient storage, management, retrieval, and utilization of information obtained by the Administrator concerning pesticide use and on levels of dietary exposure to pesticide chemical residues, including the information from the programs established under subsections (a) and (b). The Administrator shall use the information if available in reaching decisions under subsections (b) and (c) of section 6 and in other actions as appropriate under this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

"(e) ASSUMPTION BY ADMINISTRATOR.—On or after January 1, 1993, if appropriate information regarding actual extent of use and actual residue levels has not been made available to the Administrator under subsections (a) and (b) or otherwise, the Administrator shall assume, for purposes of subsections (b) and (c) of section 6, that a pesticide used in the production, storage, transportation, or processing of a food results in dietary residues on each article of the food at the highest level permitted by a tolerance or exemption in effect under the Federal Food, Drug, and Cosmetic Act.

"(f) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated for each of the 1991 and subsequent fiscal years $8,200,000 to carry out subsection (a) and $15,800,000 to carry out subsection (b).".

SEC. 120. TECHNICAL AMENDMENTS.

(a) Section 2(gg) (7 U.S.C. 136(2)(gg) is amended—

(1) by inserting after "The term 'distribute or sell' " the following: "(or any grammatical variation thereof, such as 'distributes or sells', 'distribution or sale', or 'distributes, sells')"; and

(2) by inserting after "offer to deliver" the following: "(or grammatical equivalents thereof)".

(b) Section 4(f) (7 U.S.C. 136b(f)) is amended by aligning the margin of paragraph (3) to correspond to that of paragraph (2).

(c) The heading of section 11 (7 U.S.C. 136i) is amended by striking "APPPLICATORS" and inserting "APPLICATORS".

SEC. 121. CONFORMING AMENDMENTS.

(a) Paragraph (6) of section 3(c) (7 U.S.C. 136a(c)(6)) is amended to read as follows:

"(6) DENIAL OF REGISTRATION.—

"(A) Except as provided in subparagraph (B), if the Administrator proposes to deny an application for registration because it does not satisfy the requirements of paragraph (5), the Administrator shall notify the applicant of the denial and the reasons for the denial (including the factual basis for the denial). Unless the applicant makes the necessary corrections to the application and notifies the Administrator during the 30-day period beginning with the day after the date the applicant receives the notice, or during such period the applicant submits a request for a hearing, the Administrator may issue an order denying the application. The order shall be published in the Federal Register and shall not be subject to judicial review. If during such period, the Administrator receives a request for a hearing, a hearing shall be conducted under section 6(d). If the hearing is held, a decision after completion of the hearing shall be final and shall be subject to judicial review under section 16(b)(1).

"(B) The Administrator shall deny an application for registration if the application does not comply with the requirements of a final order issued under section 6(b). The Administration shall notify the applicant of the denial. The notice shall explain why the application does not comply with the requirements and shall state that the applicant may petition to amend or revoke the rule under section 6(b)(13).".

(b) Section 3(c) (7 U.S.C. 136a(c)) is amended by striking paragraph (8).

(c) Section 3(d) (7 U.S.C. 136a(d)) is amended—

(1) in paragraph (1)(A), by striking "on the initial classification and registered pesticides" and inserting "under section 6(b). Registered pesticides"; and

(2) in paragraph (2), by striking all that follows "on the environment," and inserting "the Administrator may initiate a proceeding under section 6(b).".

(d) Section 4(e)(3)(B)(iii)(III) (7 U.S.C. 136b(e)(3)(B)(iii)(III)) is amended—

(1) by striking "section 6(d), except that the" and inserting "section 6(d). The"; and

(2) by inserting after the first sentence the following new sentence: "If a hearing is held, a decision after completion of the hearing shall be final.".

(e) Section 6(d) (7 U.S.C. 136d(d)) is amended—

(1) by striking the first sentence and inserting the following new sentence: "If a hearing is requested pursuant to section 3(c)(2)(B)(iv), 3(c)(6), 4(e)(3)(B)(iii)(III), 6(c)(3), 6(e)(2), or 17(d) the hearing shall be held for the purpose of receiving evidence and material relevant to the issues raised by the request for a hearing."; and

(2) by striking all that follows the eighth sentence and inserting the following: "A hearing under this subsection shall be held in accordance with sections 551 and 554 through 559 of title 5, United States Code. As soon as practicable after the completion of the hearing, the Administrator shall issue a final order setting forth the decision of the Administrator. The order and decision shall be based only on substantial evi-

dence of record of the hearing shall set forth detailed findings of fact on which the order is based, and shall be subject to judicial review under section 16(b)(1).".

(f) The first sentence of section 11(c) (7 U.S.C. 136i(c)) is amended by striking ", but such plans may not require" and all that follows through the period at the end of the sentence and inserting a period.

(g) Section 15(a) (7 U.S.C. 136m(a)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) IN GENERAL.—Except as otherwise provided in this section, if—

"(A) the Administrator publishes a suspension order under section 6(c);

"(B) the registration in question thereafter is canceled under section 6(b), 6(d), or 6(f); and

"(C) any person who owned any quantity of the pesticide immediately before the publication of the suspension order suffered losses by reason of suspension or cancellation of the registration,

the Administrator shall make an indemnity payment to the person.".

(h) Section 15(b) (7 U.S.C. 136m(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) END USERS.—If—

"(A) the Administrator publishes a suspension order under section 6(c);

"(B) the registration in question thereafter is canceled under section 6(b), 6(d), or 6(f); and

"(C) any person who, immediately before the publication of the suspension order, owned any quantity of the pesticide for purposes of applying or using the pesticide as an end user, rather than for purposes of distributing or selling the pesticide or further processing the pesticide for distribution or sale, suffered a loss by reason of suspension or cancellation of the registration,

the person shall be entitled to an indemnity payment under this subsection for the quantity of the pesticide.";

(2) in paragraph (2)(B), by striking clauses (i) and (ii) and inserting the following:

"(i) the Administrator publishes a suspension order under section 6(c);

"(ii) the registration in question thereafter is canceled under section 6(b), 6(d), or 6(f);"; and

(3) in paragraph (2)(B)(iii) by striking "notice to the registrant under clause (i)" and inserting "publication in the Federal Register".

(i) Section 15(c)(1) (7 U.S.C. 136m(c)(1)) is amended by striking "issuance of the notice to the registrant" and inserting "publication of the suspension order".

(j) Subsection (a) of section 16(a) (7 U.S.C. 136n(a)) is amended to read as follows:

"(a) DISTRICT COURT REVIEW.—Except as otherwise provided in this Act, any final action of the Administrator is judicially reviewable by the district courts of the United States unless the action is—

"(1) reviewable under subsection (b); or

"(2) committed to the discretion of the Administrator by law.".

(k) Section 16(b) (17 U.S.C. 136n(b)) is amended—

(1) by striking "(b) REVIEW BY COURT OF APPEALS.—In the case of" and inserting the following:

"(b) REVIEW BY COURT OF APPEALS.—

"(1) REVIEW OF CERTAIN ORDERS.—In the case of";

(2) by aligning the remainder of paragraph (1) (as so redesignated) two ems to the right; and

(3) by inserting after "following a public hearing," the following: "other than any action that is reviewable under paragraph (2),";

(4) by striking the fifth sentence of paragraph (1) (as so redesignated) and inserting the following new sentences: "If a party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce the evidence in the proceeding before the Administrator, the court may order that the additional evidence (and evidence in rebuttal thereof) shall be taken before the Administrator. The Administrator may modify prior findings as to the facts by reason of the additional evidence so taken and may modify the order accordingly. The Administrator shall file with the court any such modified finding or order. The standard of review shall be that set forth in section 706 of title 5, United States Code.";

(5) by striking "under this section" wherever it appears in such subsection and inserting "under this paragraph"; and

(6) by adding at the end the following new paragraph:

"(2) REVIEW OF CERTAIN DECISIONS UNDER SECTION 6(b).—

"(A) In the case of an actual controversy as to the validity of any final order issued by the Administrator under section 6(b)(10), any decision by the Administrator under section 6(b)(4) or 6(b)(10) not to issue a proposed order or to withdraw a proposed order, or any denial under section 6(b)(13) of a petition to issue, revoke, or amend a final order, any person who will be adversely affected by the order, decision, or denial may obtain judicial review by filing a petition in the United States court of appeals for the circuit in which the person resides or has a place of business, within 60 days after the publication in the Federal Register of the order, decision, or denial.

"(B) A copy of the petition shall be immediately transmitted to the Administrator or any officer designated by the Administrator for the purpose. On receipt, the Administrator shall file in court the record of the proceedings on which the Administrator based the order, decision, or denial, as provided in section 2112 of title 28, United States Code.

"(C) If a party applies to the court for permission to supplement the administrative record with additional factual information, and shows to the satisfaction of the court that the additional information is material and that there were reasonable grounds for the failure to submit the information in the proceeding before the Administrator, the court may order that the additional information (and evidence in rebuttal thereof) shall be added to the administrative record by the Administrator in the manner and on the terms and conditions the court considers proper.

"(D) The Administrator may modify prior findings as to the facts by reason of the additional information and may modify the order, decision, or denial accordingly.

"(E) The Administrator shall file with the court any such modified order, decision, or denial.

"(F) On the filing of the petition, the court shall have exclusive jurisdiction to affirm or set aside the order, decision, or denial in whole or in part.

"(G) The standard of review shall be that set forth in section 706 of title 5, United States Code, except that section 706(2)(E) of such title shall not apply.

"(H) The judgment of the court under this paragraph shall be final, subject to review by the Supreme Court on certiorari or certification, as provided in section 1254 of title 28, United State Code.

"(I) The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order, decision, or denial.".

(l) Section 25(a) (7 U.S.C. 136w(a)) is amended by adding at the end the following new paragraph:

"(5) EXCEPTION.—The requirements of this subsection shall not apply to any action or proceeding under section 6(b).".

(m) Section 25(d)(1) (7 U.S.C. 136w(d)) (as amended by section 117 of this Act) is further amended—

(1) in the first sentence by striking "in notices of intent issued under subsection 6(b) and"; and

(2) in the second sentence—

(A) by striking "notices of intent and"; and

(B) by striking "section 6(b) or".

SEC. 122. CONFORMING AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) (7 U.S.C. prec. 121) is amended—

(1) by striking the items relating to subsection (e) of section 2 and inserting the following new items:

"(e) Commercial Applicator, Etc.
"(1) Commercial applicator.
"(2) Private applicator.
"(3) Certified applicator.
"(4) Under the direct supervision of a certified applicator.";

(2) by striking the item relating to subsection (l) of section 2;

(3) by adding at the end of the items relating to section 2 the following new item:

"(hh) Pesticide testing facility.";

(4) by striking the item relating to paragraph (8) of section 3(c);

(5) by striking the items relating to subsections (b) and (c) of section 6 and inserting the following new items:

"(b) Cancellation or modification of registration.
"(1) In general.
"(2) Initiation.
"(3) Exceptions.
"(4) Administrative record.
"(5) Advance notice.
"(6) Proposed order.
"(7) Informal hearing.
"(8) Review by Scientific Advisory Panel.
"(9) Supplemental information.
"(10) Final action.
"(11) Modification or cancellation of registration.

"(12) Effect of order on certain applications.
"(13) Petition to issue, modify, or revoke order.
"(14) Judicial review.
"(c) Suspension.
"(1) Authority.
"(2) Relation to other proceedings.
"(3) Procedure.
"(4) Duration.
"(5) Imminent hazard.
"(6) Judicial review.
"(7) Petitions.
"(8) Exception.";

(6) by striking the item relating to subsection (h) of section 6 and inserting the following new items:

"(h) Burden of persuasion.
"(i) Periodic update of information supporting registration.
"(1) Requirement to periodically update information supporting registration.
"(2) Notification to registrants of requirements.
"(3) Time periods.
"(4) Publication of dates in Federal register.
"(5) Extensions of time.
"(6) Order of suspension.
"(7) Cancellation after 3 years.
"(8) Fees.
"(9) Effect on authority of Administrator to require information.";

(7) by striking the items relating to sections 8 and 9 and inserting the following new items:

"Sec. 8. Records.
"(a) In general.
"(b) Records of commercial applicators.
"(c) Records of pesticide dealers.
"(1) In general.
"(2) Contents.
"(3) Duration.
"(4) Definition.
"(d) Limitations.
"(1) In general.
"(2) Private applicators.
"Sec. 9. Inspections.
"(a) Authority.
"(b) Warrants.
"(1) Entry by consent or pursuant to warrant.
"(2) Obtaining warrants.
"(c) Procedure.
"(1) Credentials and statements.
"(2) Promptness.
"(3) Samples.
"(d) Coordination.";

(8) by adding at the end of the items relating to section 10 the following new item:

"(h) Disclosure to States.";

(9) by striking the items relating to subsections (d) and (e) of section 11 and inserting the following new items:

"(d) Use by commercial applicators.
"(1) In general.
"(2) Certified commercial applicators.
"(3) Registered commercial applicators.
"(e) Use by private applicators.
"(1) In general.
"(2) Certified private applicators.
"(3) Supervised private applicators.
"(f) Recertification and reregistration.
"(1) In general.
"(2) Training material.
"(3) Recertification.
"(4) Reregistration.
"(g) Training material.
"(1) Development.
"(2) Revisions.
"(h) Minimum standards for trainers and training programs.
"(1) Training of commercial applicators.
"(2) Training of private applicators.
"(i) Privately administered training programs.
"(j) Enforcement officer training.
"(k) Definition of State agency.
"(l) Separate standards.";

(10) by adding at the end of the items relating to section 12 the following new item:

"(c) Acts of officers, agents, etc.";

(11) by striking the items relating to section 14 and inserting the following new items:

"Sec. 14. Penalties.
"(a) Civil penalties.
"(1) In general.
"(2) Private applicator.
"(3) Other persons.
"(4) Hearing.
"(5) Determination of penalty.
"(6) Reference to Attorney General.
"(b) Criminal penalties.
"(1) In general.
"(2) Disclosure of information.
"(3) Knowing endangerment.
"(4) Other persons.
"(c) Warning in lieu of penalty.";

(12) by striking the item relating to subsection (d) of section 15 and inserting the following new item:

"(d) Scientific Advisory Panel.
"(1) In general.
"(2) Pesticide Advisory Board.
"(3) Conflicts of interest.";

(13) by striking the item relating to subsection (b) of section 16 and inserting the following new items:

"(b) Review by Court of Appeals.
"(1) Review of certain orders.
"(2) Review of certain decisions under section 6(b).";

(14) by striking the items relating to subsections (c) through (e) of section 17 and inserting the following new items:

"(c) Compliance with pesticide notification and control agreements.
"(1) Regulations.
"(2) Equivalent information.
"(3) Voluntary compliance.
"(d) Confidentiality of export information.
"(e) Restrictions on exports of certain pesticides.
"(1) Orders.
"(2) Limitations.
"(f) Importation of pesticides and devices.
"(g) Cooperation in international efforts.
"(h) Regulations.";

(15) by adding at the end of the items relating to section 25(a) the following new item:

"(5) Exception.";

and

(16) by striking the items relating to sections 28 through 31 and inserting the following new items:

"Sec. 28. Cooperation with Secretary of Agriculture.
"(a) In general.
"(b) Development of methods.
"Sec. 29. Pesticide use and dietary exposure information.
"(a) Use information.
"(b) Residue information.
"(c) Operation.
"(d) Storage.
"(e) Assumption by Administrator.
"(f) Authorization for appropriations.
"Sec. 30. Annual report.
"Sec. 31. Severability.
"Sec. 32. Authorization for appropriations.".

TITLE II—AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT

SEC. 201. REFERENCES TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, or refers to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

SEC. 202. DEFINITIONS.

(a) PESTICIDE CHEMICAL.—Subsection (q) of section 201 (21 U.S.C. 321(q)) is amended to read as follows:

"(q)(1) The term 'pesticide chemical' means—

"(A) any substance that is a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or

"(B) any active or inert ingredient of a pesticide within the meaning of such Act.

"(2) The term 'pesticide chemical residue' means a residue in or on any agricultural commodity or processed food of—

"(A) a pesticide chemical, or

"(B) any other added substance that is present in or on the commodity or food primarily as a result of the metabolism or other degradation of a pesticide chemical.

"(3) Notwithstanding paragraphs (1) and (2), the Administrator may by regulation exempt a substance from the definition of 'pesticide chemical' or 'pesticide chemical residue' if—

"(A) the Administrator determines that the occurrence of the substance as a residue

on a raw agricultural commodity or processed food is attributable primarily to—

"(i) human activities not involving the use of any substance for a pesticidal purpose in the production, storage, processing, or transportation of any raw agricultural commodity or processed food, or

"(ii) natural causes (which shall not include the result of the prior use of any substance for such a pesticidal purpose), and

"(B) the Administrator, after consultation with the Secretary of Health and Human Services, or the Secretary of Agriculture, or both, as appropriate, also determines that the substance more appropriately should be regulated under one or more provisions of this Act other than sections 402(a)(2)(B) and 408.".

(b) FOOD ADDITIVE.—Section 201(s) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) a pesticide chemical residue in or on a raw agricultural commodity or processed food, or

"(2) a pesticide chemical, or".

(c) ADDITIONAL DEFINITIONS.—Section 201 is amended by adding at the end the following new subsections:

"(bb) The term 'processed food' means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration, or milling.

"(cc) The term 'Administrator' means the Administrator of the United States Environmental Protection Agency.".

SEC. 203. PROHIBITED ACTS.

Section 301(j) (21 U.S.C. 331(j)) is amended by inserting before the period at the end the following: ", or the violation of section 408(h) or any regulation or order issued under such section".

SEC. 204. ADULTERATED FOOD.

Paragraph (2) of section 402(a) (21 U.S.C. 342(a)(2)) is amended to read as follows:

"(2)(A) If it bears or contains any added poisonous or added deleterious substance (other than a substance that is a pesticide chemical residue in or on a raw agricultural commodity or processed food, a food additive, a color additive, or a new animal drug) that is unsafe within the meaning of section 406.

"(B) If it bears or contains a pesticide chemical residue that is unsafe within the meaning of section 408(b).

"(C) If it is or if it bears or contains—

"(i) any food additive that is unsafe within the meaning of section 409, or

"(ii) a new animal drug (or conversion product thereof) that is unsafe within the meaning of section 512.".

SEC. 205. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

Section 408 (21 U.S.C. 346a) is amended to read as follows:

"SEC. 408. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

"(a) DEFINITION OF FOOD.—For the purposes of this section, the term 'food', when used as a noun without distinguishing modification, shall mean a raw agricultural commodity or processed food.

"(b) REQUIREMENT FOR TOLERANCE OR EXEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or (3), any pesticide chemical residue in or on a food shall be deemed unsafe for the purpose of section 402(a)(2)(B) unless—

"(A) a tolerance for the pesticide chemical residue in or on the food is in effect under this section and the concentration of the residue is within the limits of the tolerance, or

"(B) an exemption from the requirement of a tolerance is in effect under this section for the pesticide chemical residue in or on the food.

"(2) PROCESSED FOOD.—Notwithstanding paragraph (1)—

"(A) if a tolerance is in effect under this section for a pesticide chemical residue in or on a raw agricultural commodity, a pesticide chemical residue that is present in or on a processed food because the food is made from that raw agricultural commodity shall not be considered unsafe within the meaning of section 402(a)(2)(B), despite the lack of a tolerance for the pesticide chemical residue in or on the processed food, if the concentration of the pesticide chemical residue in or on the processed food when ready for consumption or use is not greater than the tolerance prescribed for the pesticide chemical residue in or on the raw agricultural commodity, and

"(B) if an exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue in or on a raw agricultural commodity, a pesticide chemical residue that is present in or on a processed food because the food is made from that raw agricultural commodity shall not be considered unsafe within the meaning of section 402(a)(2)(B).

"(3) RESIDUES OF DEGRADATION PRODUCTS.—If a pesticide chemical residue is present in or on a food because it is a metabolite or other degradation product of a precursor substance that itself is a pesticide chemical or pesticide chemical residue, such a residue shall not be considered to be unsafe within the meaning of section 402(a)(2)(B), despite the lack of a tolerance or exemption from the need for a tolerance for the residue in or on the food, if—

"(A)(i) a tolerance is in effect under this section for residues of the precursor substance in or on the food, and the combined level of residues of the precursor substance and each metabolite or other degradation product in or on the food is at or below the stoichiometrically equivalent level that would be permitted by the tolerance if the residue consisted only of the precursor substance rather than the combination of the precursor substance and any metabolite or other degradation product thereof, or

"(ii) an exemption from the requirement for a tolerance is in effect under this section for residues of the precursor substance in or on the food, and

"(B) the tolerance or exemption from the requirement of a tolerance for residues of the precursor chemical in or on the food—

"(i) does not state that it applies only to residues of the precursor chemical, and

"(ii) does not state that it does not apply to the metabolite or degradation product.

"(4) EFFECT OF TOLERANCE OR EXEMPTION.—While a tolerance or exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue with respect to any food, the food shall not by reason of bearing or containing any amount of such a residue be considered to be adulterated within the meaning of section 402(a)(1).

"(c) AUTHORITY AND STANDARD FOR TOLERANCES.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Administrator may issue regulations establishing, modifying, or revoking a tolerance for a pesticide chemical residue in or on a food—

"(i) in response to a petition filed under subsection (e), or

"(ii) on the initiative of the Administrator under subsection (f).

"(B) EXPIRATION DATE.—A regulation establishing or modifying a tolerance for a pesticide chemical residue or pesticide chemical may contain a provision stating an expiration date for the tolerance.

"(2) STANDARD.—

"(A) IN GENERAL.—A tolerance may not be established for a pesticide chemical residue in or on a food at a level that is higher than a level that the Administrator determines will protect the public health, based on the information available to the Administrator.

"(B) MODIFICATION OR REVOCATION.—The Administrator shall modify or revoke a tolerance if the tolerance is at a level higher than the level that the Administrator determines will protect the public health.

"(C) FACTORS.—In making a determination under this paragraph, the Administrator shall take into account (among other relevant factors)—

"(i) the validity, completeness, and reliability of the available data from studies of the pesticide chemical residue,

"(ii) the nature of any adverse effects shown to be caused by the pesticide chemical in the studies,

"(iii) available information and reasonable assumptions concerning the relationship of the results of the studies to human risk,

"(iv) available information and reasonable assumptions concerning the dietary exposure levels of food consumers to the pesticide chemical residue (and variations in the exposure levels), and

"(v) other factors, to the extent required by subparagraph (E).

"(D) NEGLIGIBLE RISKS.—For purposes of subparagraphs (A) and (B), a tolerance level for a pesticide chemical residue in or on a food will protect the public health if the dietary risk posed to food consumers by the level of the pesticide chemical residue is not greater than negligible. Such a risk shall be considered negligible—

"(i) with regard to a type of adverse human health effect that the Administrator determines would not be caused by dietary exposure to the pesticide chemical residue below an identifiable exposure level, if the level of dietary exposure allowed by the tolerance and all other tolerances in effect for the pesticide chemical will result in a total level of dietary exposure to residues of the pesticide chemical that is lower by a generally accepted margin of safety than the identifiable exposure level, and

"(ii) with regard to carcinogenic risk, if the level of dietary exposure to a residue in or on a particular food to a person in the 90th percentile of consumption of that food is at or below a level that the Administrator has determined will present at most a negligible increase in the lifetime risk to such a person of experiencing such an adverse human health effect.

For purposes of clause (ii), an increased risk shall be considered negligible if the Administrator determines that the upper bound increase in risk to such a person from lifetime dietary exposure to the residue, determined by reasonable methods, does not exceed a range of 10^{-6}.

"(E) CONSIDERATION OF BENEFITS.—For purposes of subparagraphs (A) and (B), the Administrator may establish a tolerance for a pesticide chemical residue that results in a greater than negligible risk if the Administrator determines that the risk is not unreasonable because—

"(i) use of the pesticide chemical that produces the residue protects humans or the environment from adverse effects that would, directly or indirectly, result in greater risk to humans or the environment than the dietary risk from the pesticide chemical residue,

"(ii) use of the pesticide chemical avoids risks to workers, the public, or the environment that would be expected to result from the use of another pesticide chemical on the same food and that are greater than the dietary exposure risk from the pesticide chemical residue, or

"(iii) the unavailability of the pesticide chemical would reduce the availability to food consumers of an adequate, wholesome, and economical domestic supply of the food, and the adverse economic or health effects to food consumers from the reduction would outweigh the dietary risk from the pesticide chemical residue.

"(3) LIMITATIONS.—

"(A) OTHER CONSIDERATIONS.—A tolerance may not be issued on the basis of paragraph (2)(E), and a petition to revoke an existing tolerance may not be denied on the basis of paragraph (2)(E), unless—

"(i) the Administrator has assessed the extent to which efforts are being made to develop either an alternative method of pest control (including modified use of the pesticide chemical) or an alternative pesticide chemical for use on the commodity or food that would meet the requirements of paragraph (2)(D),

"(ii) the tolerance is limited in duration to a period of 5 years or less from the date of the issuance or denial, unless the tolerance is reissued in accordance with this section, and

"(iii) the Administrator has proposed the issuance or denial in accordance with subsection (f) and has allowed not less than 60 days for comment thereon.

"(B) METHOD OF DETECTION OR MEASUREMENT.—A tolerance for a pesticide chemical residue in or on a food shall not be established by the Administrator unless the Administrator determines, after consultation with the Secretary of Health and Human Services or the Secretary of Agriculture, as appropriate, that there is a practical method for detecting and measuring the levels of the pesticide chemical residue in or on the food.

"(C) MINIMUM LEVEL.—A tolerance for a pesticide chemical residue in or on a food shall not be established at a level lower than the limit of detection of the method for detecting and measuring the pesticide chemical residue specified by the Administrator under subparagraph (B).

"(d) AUTHORITY AND STANDARD FOR EXEMPTIONS.—

"(1) AUTHORITY.—The Administrator may issue a regulation establishing, modifying, or revoking an exemption from the requirement for a tolerance for a pesticide chemical residue in or on a food—

"(A) in response to a petition filed under subsection (e), or

"(B) on the initiative of the Administrator under subsection (f).

"(2) STANDARD.—

"(A) IN GENERAL.—An exemption from the requirement for a tolerance for a pesticide chemical residue in or on a food may be established only if the Administrator determines that a tolerance is not needed to protect the public health, in view of the levels of dietary exposure to the pesticide chemical residue that could reasonably be expected to occur.

"(B) REVOCATION.—An exemption from the requirement for a tolerance for a pesticide chemical residue in or on a food shall be revoked if the Administrator, determines that the exemption does not satisfy the criterion of subparagraph (A).

"(C) FACTORS.—In making a determination under this subparagraph, the Administrator shall take into account, among other relevant factors, the factors set forth in subsection (c)(2)(C).

"(e) PETITION FOR TOLERANCE OR EXEMPTION.—

"(1) PETITIONS AND PETITIONERS.—Any person may file with the Administrator a petition proposing the issuance of a regulation—

"(A) establishing, modifying, or revoking a tolerance for a pesticide chemical residue in or on a food, or

"(B) establishing, modifying, or revoking an exemption from the requirement of a tolerance for such a residue.

"(2) PETITION CONTENTS.—

"(A) IN GENERAL.—A petition under paragraph (1) to establish a tolerance or exemption for a pesticide chemical residue shall be supported by such data and information as are specified in regulations issued by the Administrator, including—

"(i)(I) an informative summary of the petition and of the data, information, and arguments submitted or cited in support of the petition, and

"(II) a statement that the petitioner agrees that the summary or any information the summary contains may be published as a part of the notice of filing of the petition to be published under this subsection and as part of a proposed or final regulation issued under this section,

"(ii) the name, chemical identity, and composition of the pesticide chemical residue and of the pesticide chemical that produces the residue,

"(iii) data showing the recommended amount, frequency, method, and time of application of the pesticide chemical,

"(iv) full reports of tests and investigations made with respect to the safety of the pesticide chemical, including full information as to the methods and controls used in conducting the tests and investigations,

"(v) full reports of tests and investigations made with respect to the nature and quantity of the pesticide chemical residue that is likely to remain in or on the food, including a description of the analytical methods used,

"(vi) analytical methods for detecting and measuring the levels of the pesticide chemical residue in or on the food, or a statement why such a method is not needed,

"(vii) a proposed tolerance level for the pesticide chemical residue, if a tolerance is proposed,

"(viii) reports of investigations conducted using the processing methods associated with the food, if the tolerance is for residues in or on a processed food,

"(ix) such information as the Administrator may require to make the determination under subsection (c)(2)(E), and

"(x) such other data and information as the Administrator requires to support the petition.

If information or data required by this subparagraph is available to the Administrator, the person submitting the petition may cite the availability of the information or data in lieu of submitting the information or data. The Administrator may require a petition to be accompanied by samples of the pesticide chemical with respect to which the petition is filed.

"(B) MODIFICATION OR REVOCATION.—The Administrator may by regulation establish the requirements for information and data to support a petition to modify or revoke a tolerance or to revoke an exemption from the requirement for a tolerance.

"(3) NOTICE.—A notice of the filing of a petition that the Administrator determines has met the requirements of paragraph (2) shall be published in the Federal Register by the Administrator within 30 days after the determination. The notice shall announce the availability of a description of the analytical methods available to the Administrator for the detection and measurement of the pesticide chemical residue with respect to which the petition is filed or shall set forth the statement of the petitioner of why such a method is not needed. The notice shall include the summary required by paragraph (2)(A)(i).

"(4) ACTIONS BY THE ADMINISTRATOR.—The Administrator shall (after giving due consideration to a petition filed under paragraph (1) and any other information available to the Administrator)—

"(A) issue a final regulation (which may vary from the regulation sought by the petition) establishing, modifying, or revoking a tolerance for the pesticide chemical residue or an exemption of the pesticide chemical residue from the requirement of a tolerance,

"(B) issue a proposed regulation under subsection (f), and thereafter either issue a final regulation under subsection (f) or an order denying the petition, or

"(C) issue an order denying the petition.

"(5) EFFECTIVE DATE.—A final regulation issued under paragraph (4) shall take effect on the date of the publication of the final regulation in the Federal Register.

"(6) FURTHER PROCEEDINGS.—

"(A) OBJECTIONS.—Within 60 days after the date of publication in the Federal Register of a final regulation or order issued under paragraph (4), subparagraph (A) or (B) of subsection (f)(1), or subsection (g), any person may file objections to the regulation or order with the Administrator, specifying with particularity the provisions of the regulation or order considered objectionable and stating reasonable grounds for the objection. If the regulation or order was issued in response to a petition under subsection (e)(1), a copy of each objection filed by a person other than the petitioner shall be served by the Administrator on the petitioner. The Administrator shall publish a summary of the objections in the Federal Register and allow a period of not less than 30 days for comment.

"(B) ISSUANCE OF ORDER.—As soon as practicable after the comment period has closed, the Administrator shall publish in the Federal Register an order stating the action taken on each such objection and setting forth any revision to the regulation or prior order that the Administrator has found to be warranted.

"(C) EFFECTIVE DATE OF ORDER.—An order issued under this paragraph ruling on an objection shall not take effect before the 90th day after the publication of the order, unless the Administrator finds that emergency conditions exist necessitating an earlier effective date, in which event the Administrator shall specify in the order the findings of the Administrator as to the conditions.

"(7) JUDICIAL REVIEW.—

"(A) FILING OF PETITION.—In a case of an actual controversy as to the validity of any

order issued under paragraph (6) or any regulation that is the subject of such an order, any person who will be adversely affected by the order or regulation may obtain judicial review by filing in the United States Court of Appeals for the circuit in which the person resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within 60 days after publication of the order, a petition praying that the order or regulation be set aside in whole or in part.

"(B) RECORD.—A copy of the petition shall be immediately transmitted by the clerk of the court to the Administrator, or any officer designated by the Administrator for the purpose. On receipt, the Administrator shall file in the court the record of the proceedings on which the Administrator based the order or regulation, as provided in section 2112 of title 28, United States Code.

"(C) JURISDICTION.—On the filing of such a petition, the court shall have exclusive jurisdiction to affirm or set aside the order or regulation complained of in whole or in part.

"(D) ADDITIONAL EVIDENCE.—If a party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce the evidence in the proceeding before the Administrator, the court may order that the additional evidence (and evidence in rebuttal to the additional evidence) shall be taken before the Administrator. The Administrator may modify prior findings as to the facts by reason of the additional evidence so taken and may modify the order or regulation accordingly. The Administrator shall file with the court any such modified finding, order, or regulation.

"(E) FINALITY.—The judgment of the court affirming or setting aside, in whole or in part, any order under paragraph (6) and any regulation that is the subject of such an order shall be final, subject to review by the Supreme Court of the United States as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court to the contrary, operate as a stay of a regulation or order.

"(F) REVIEW.—Any issue that was or could have been reviewed under paragraph (6) and this paragraph shall not be the subject of judicial review under any other provision of law.

"(f) ACTION ON ADMINISTRATOR'S OWN INITIATIVE.—

"(1) IN GENERAL.—The Administrator may issue a regulation—

"(A) establishing, modifying, or revoking a tolerance for a pesticide chemical or a pesticide chemical residue, or

"(B) establishing or revoking an exemption of a pesticide chemical residue from the requirement of a tolerance,

"(2) EFFECTIVE DATE.—A final regulation issued under paragraph (1) shall become effective on the date of the publication of the regulation in the Federal Register and shall on publication be subject to subsection (e)(6).

"(3) NOTICE.—Before issuing a final regulation under paragraph (1), the Administrator shall issue a notice of proposed rulemaking and provide a period of not less than 60 days for public comment on the proposed regulation, except that a shorter period for comment may be provided if the Administrator for good cause finds that it would be contrary to the public interest to do so and states the reasons for the finding in the notice of proposed rulemaking.

"(g) SPECIAL DATA REQUIREMENTS.—

"(1) ADDITIONAL DATA.—If the Administrator determines that additional data or information are reasonably required to support the continuation of a tolerance or exemption that is in effect under this section for a pesticide chemical residue in or on a food, the Administrator shall—

"(A) issue a notice requiring the persons holding the pesticide registrations associated with the tolerance or exemption to submit the data or information under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(2)(B)), or

"(B) publish in the Federal Register, after first providing notice and an opportunity for comment of not less than 90 days' duration, an order—

"(i) requiring the submission to the Administrator by one or more interested persons of a notice identifying the person or persons who will submit the required data and information,

"(ii) describing the type of data and information required to be submitted to the Administrator and stating why the data and information could not be obtained under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act,

"(iii) describing the reports to the Administrator required to be prepared during and after the collection of the data and information,

"(iv) requiring the submission to the Administrator of the data, information, and reports referred to in clauses (ii) and (iii), and

"(v) establishing dates by which the submissions described in clauses (i) and (iv) must be made.

"(2) ERRORS.—The Administrator may revise any order issued under paragraph (1) to correct an error.

"(3) NONCOMPLIANCE.—If a submission required by a notice issued in accordance with paragraph (1)(A), or an order issued under paragraph (1)(B), is not made by the time specified in the notice or order, the Administrator may by order published in the Federal Register modify or revoke the tolerance or exemption in question or suspend the tolerance or exemption until the submission has been made. The order shall become effective on the date of the publication of the order in the Federal Register or on such later date as is stated in the order.

"(4) REVIEW.—An order issued under this subsection shall be effective on the date of the publication of the order in the Federal Register and shall be subject to review in accordance with paragraphs (6) and (7) of subsection (e).

"(h) CONFIDENTIALITY OF DATA.—

"(1) IN GENERAL.—Data and information that are submitted to the Administrator under this section, and are also submitted to the Administrator to support an application for a registration under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) or to maintain such a registration in effect, shall be entitled to confidential treatment for reasons of business confidentiality to the same extent provided by section 10 of such Act (7 U.S.C. 136h). Disclosure of data and information submitted under this section otherwise shall be governed by section 552 of title 5, United States Code.

"(2) EXCEPTIONS.—Data that are entitled to confidential treatment under paragraph (1)—

"(A) shall on request be disclosed to either House of Congress and, to the extent of matter within its jurisdiction, to any committee or subcommittee and to any joint committee or any subcommittee of a joint committee,

"(B) may be disclosed under such security arrangements as the Administrator may by regulation or order provide—

"(i) to any officer or employee of the United States or of any State, in connection with the official duties of the officer or employee under any law for the protection of health or the environment, or for specific law enforcement purposes,

"(ii) to contractors with the United States and employees of the contractors, if, in the opinion of the Administrator, the disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States for performance of work in connection with this section or with other Federal laws intended to protect the public health,

"(iii) to other persons, to the extent the Administrator determines disclosure is necessary to protect public health, or

"(iv) when relevant in any proceeding under this section, except that disclosure in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

"(3) SUMMARIES.—Notwithstanding any provision of this subsection or other law, the Administrator may publish the informative summary required by subsection (e)(2)(A)(i) and may, in issuing a proposed or final regulation or order under this section, publish an informative summary of the data relating to the regulation or order.

"(i) STATUS OF PREVIOUSLY ISSUED REGULATIONS.—

"(1) REGULATIONS UNDER SECTION 406.—Regulations affecting pesticide chemical residues in or on raw agricultural commodities promulgated, in accordance with section 701(e), under the authority of section 406(a) on the basis of public hearings instituted before January 1, 1953, shall be deemed to be regulations issued under this section and shall be subject to modification or revocation under subsections (e) and (f).

"(2) REGULATIONS UNDER SECTION 409.—Regulations that established or modified tolerances or exemptions from the requirement for a tolerance for substances that are pesticide chemical residues on or in processed food, or that otherwise stated the conditions under which the pesticide chemicals could be safely used, and that were issued under section 409 on or before the date of the enactment of this section, shall be deemed to be regulations issued under this section and shall be subject to modification or revocation under subsection (e) or (f).

"(3) REGULATIONS UNDER THIS SECTION.—Regulations that established or modified tolerances or exemptions under this section that were issued on or before the date of the enactment of this section shall remain in effect unless modified or revoked under subsection (e) or (f).

"(j) TRANSITIONAL PROVISION.—If, on the day before the date of the enactment of this section, a substance that is a pesticide chemical was, with respect to a particular pesticidal use of the substance and any resulting pesticide chemical residue in or on a particular food—

"(1) regarded by the Administrator or the Secretary of Health and Human Services as generally recognized as safe for use within

the meaning of subsection (b) or section 201(s) as then in effect, or

"(2) regarded by the Administrator, the Secretary of Health and Human Services, or the Secretary of Agriculture, as appropriate, as a substance described by section 201(s)(4),

such a pesticide chemical residue shall be regarded as exempt from the requirement for a tolerance, as of the date of enactment of this section. The Administrator shall by regulation indicate which substances are described by this subsection. An exemption under this subsection may be revoked or modified as if it had been issued under subsection (d).

"(k) HARMONIZATION WITH ACTION UNDER OTHER LAWS.—

"(1) LIMITATION.—Notwithstanding any other provision of this Act, a final rule under this section that revokes, modifies, or suspends a tolerance or exemption for a pesticide chemical residue in or on a food may be issued only if the Administrator has taken any necessary action under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) with respect to the registration of the pesticide whose use results in the residue to ensure that any use of the pesticide authorized by this Act in producing, storing, processing, or transporting food that occurs after the issuance of the final rule under this section will not result in pesticide chemical residues on the food that are unsafe within the meaning of subsection (b).

"(2) REVOCATION OF TOLERANCE OR EXEMPTION FOLLOWING CANCELLATION OF ASSOCIATED REGISTRATIONS.—

"(A) IN GENERAL.—If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act, cancels the registration of each pesticide that contains a particular pesticide chemical and that is labeled for use on a particular food, or requires that the registration of each such pesticide be modified to prohibit the use of the pesticide in connection with the production, storage, processing or transportation of the food, due in whole or in significant part to dietary risks to humans posed by residues of the pesticide chemical in or on the food, the Administrator shall revoke any tolerance or exemption that allows the presence of the pesticide chemical, or any pesticide chemical residue that results from its use, in or on the food.

"(B) PROCEDURES.—The Administrator shall use the procedures set forth in subsection (f) in taking action under this paragraph.

"(C) EFFECTIVE DATE.—A revocation under this paragraph shall become effective not later than 180 days after—

"(i) the date by which each such cancellation of a registration has become effective, or

"(ii) the date on which the use of the canceled pesticide becomes unlawful under the terms of the cancellation, whichever is later.

"(3) SUSPENSION OF TOLERANCE OR EXEMPTION FOLLOWING SUSPENSION OF ASSOCIATED REGISTRATIONS.—

"(A) IN GENERAL.—If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), suspends the use of each registered pesticide that contains a particular pesticide chemical and that is labeled for use on a particular food, due in whole or in part to dietary risks to humans posed by residues of the pesticide chemical in or on the food, the Administrator shall suspend any tolerance or exemption that allows the presence of the pesticide chemical, or any pesticide chemical residue that results from its use, in or on the food.

"(B) PROCEDURES.—The Administrator shall use the procedures set forth in subsection (f) in taking action under this paragraph.

"(C) EFFECTIVE DATE.—A suspension under this paragraph shall become effective not later than 120 days after the date by which each such suspension has become effective.

"(D) TERM.—The suspension of a tolerance or exemption under subparagraph (A) shall be effective as long as each associated registration of a pesticide is suspended under the Federal Insecticide, Fungicide, and Rodenticide Act.

"(E) EFFECT OF SUSPENSION.—While a suspension of a tolerance or exemption is effective the tolerance or exemption shall not be considered to be in effect. If the suspension of the associated registration of the pesticide under such Act is terminated, leaving the registration of the pesticide for the use in effect under such Act, the Administrator shall rescind any associated suspension of a tolerance or exemption.

"(4) TOLERANCES FOR UNAVOIDABLE RESIDUES.—

"(A) IN GENERAL.—In connection with action taken under paragraph (2) or (3) or taken with respect to pesticides whose registrations were canceled prior to the effective date of this section, if the Administrator determines that a residue of the canceled or suspended pesticide chemical will unavoidably persist in the environment and be present in or on a food, the Administrator may establish a tolerance for the pesticide chemical residue at a level that permits the unavoidable residue to remain in the food and will not pose an unreasonable dietary risk. In establishing such a tolerance, the Administrator shall use the procedures set forth in subsection (f).

"(B) REVIEW.—The Administrator shall review any such tolerance periodically and modify the tolerance as necessary so that the tolerance allows only that level of the pesticide chemical residue that is unavoidable.

"(5) DELAY OF EFFECTIVE DATE.—

"(A) LOWER LEVEL.—The Administrator shall delay the effective date of a modification or revocation of a tolerance or exemption from the requirement of a tolerance for a pesticide chemical residue in or on a food under this section if the modification or revocation would require a lower level of the pesticide chemical residue in or on the food than the level in effect under the tolerance or exemption immediately before the date the modification or revocation would otherwise take effect.

"(B) SAME LEVEL.—The Administrator shall delay the effective date, to permit the tolerance or exemption to remain at the level in effect immediately before the date the modification or revocation would otherwise take effect, for the period of time that the Administrator determines is necessary to allow foods that could contain the pesticide chemical residue as a result of lawful application of the pesticide chemical prior to the date the modification or revocation would otherwise take effect to be sold to consumers in the course of the usual practice for the production, processing, transportation, storage, and distribution of that type of food.

"(C) ORDER.—The Administrator shall designate the delayed effective date and describe the determinations supporting the selection of the date in the order modifying or revoking the tolerance or exemption.

"(D) SHORTER PERIOD OR NO DELAY.—Notwithstanding subparagraph (A), the Administrator may, in the order modifying or revoking the tolerance or exemption, establish a shorter period of time for delay of the effective date, or provide for no delay of the effective date, for the modification or revocation, if the Administrator determines that the shorter period, or no delay of the effective date, is necessary to protect the public health during the period of the delay that would be required under subparagraph (A).

"(l) FEES.—The Administrator shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the functions of the Administrator under this section. Under the regulations, the performance of the services or other functions of the Administrator under this section, including—

"(1) the acceptance for filing of a petition submitted under subsection (e),

"(2) the promulgation of a regulation establishing, modifying, or revoking a tolerance or establishing or revoking an exemption from the requirement of a tolerance under this section, or

"(3) the acceptance for filing of objections under subsection (e)(6),

may be conditioned on the payment of the fees. The regulations may further provide for waiver or refund of fees in whole or in part when in the judgment of the Administrator such a waiver or refund is equitable and not contrary to the purposes of this subsection.

"(m) NATIONAL UNIFORMITY.—

"(1) PREEMPTION OF STATE AND LOCAL LIMITS.—

"(A) STANDARD.—Except as provided in paragraph (2), no State or political subdivision of a State may establish or enforce any limit on a pesticide chemical residue in or on a particular food, unless the limit is identical to the tolerance or exemption from the requirement of a tolerance established by the Administrator for the pesticide chemical residue in or on the food under this section, including any modification of the tolerance or exemption, if either—

"(i) the tolerance or exemption is established or modified by the Administrator for the pesticide chemical residue in or on the food after the date of enactment of this section, based on a complete data set for the pesticide chemical as of the date the tolerance or exemption is established or modified, or

"(ii) in the case of any other tolerance or exemption established by the Administrator, or modified, for the pesticide chemical residue in or on the food the Administrator has determined, after the date of enactment of this section, that the tolerance or exemption, or modification, complies with subsection (c) or (d), based on a complete data set for the pesticide chemical as of the date of the determination.

"(B) DEFINITION.—For purposes of clauses (i) and (ii) of subparagraph (A), a 'complete data set' means a set of data that the Administrator determines would meet all of the requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), in effect at the time of the determination, for unconditional registration of pesticide products containing the pesticide chemical, the use of which results in the pesticide chemical residue.

"(C) PROCEDURE.—

"(i) IN GENERAL.—In establishing a tolerance or exemption from the requirement of a tolerance, or a modification, described in subparagraph (A)(i) for a pesticide chemical residue in or on a food, the Administrator shall, in establishing the tolerance or exemption, or modifying the order, state that the tolerance or exemption is established or modified based on a data set that the Administrator has determined is a complete data set and that the tolerance or exemption has the effect of preempting any limit on the pesticide chemical residue in or on the food established by any State or political subdivision of a State.

"(ii) ORDER.—To make the determination described in clause (i) for a tolerance or exemption from the requirement of a tolerance for a pesticide chemical residue in or on a food, or a modification of the tolerance or exemption, the Administrator shall issue an order (after notice and an opportunity for comment)—

"(I) stating that the tolerance or exemption, or modification, complies with subsection (c) or (d) based on a data set that the Administrator has determined is a complete data set; and

"(II) amending the order that established or modified the tolerance or exemption to state that the tolerance or exemption has the effect of preempting any limit on the pesticide chemical residue in or on the food established by any State or political subdivision of a State.

"(iii) COMBINED ACTION.—The procedure for issuing the orders described in this subparagraph may be combined with any other action the Administrator is undertaking with respect to the pesticide chemical or pesticide chemical residue.

"(2) WAIVER.—

"(A) PETITION.—Any State may petition the Administrator for authority to establish in the State a limit for a pesticide chemical residue in or on a food that is more stringent than the tolerance or exemption from the requirement of a tolerance established by the Administrator for the pesticide chemical residue in or on the food.

"(B) STANDARD.—The Administrator may, by order, after public notice and an opportunity for comment, grant the State petition if the Administrator determines that—

"(i) the limit proposed by the State would be more stringent than the tolerance or exemption established by the Administrator under this section, and

"(ii) the State limit is warranted by special local circumstances in the State.

"(C) EFFECTIVE DATE.—If the Administrator grants a petition under this paragraph, the State limit shall go into effect no earlier than 6 months from the date of the publication in the Federal Register of the determination of the Administrator, unless the Administrator determines, in the order, that the special local circumstances in the State warrant allowing the State limit to go into effect in less than 6 months.

"(D) RULES.—The Administrator shall, by regulation, establish procedures and requirements for filing petitions under this paragraph and criteria for acting on petitions under this paragraph.

"(3) ALTERNATIVE ACTION.—In lieu of any action authorized under paragraph (2)(B), the Administrator may treat a petition under paragraph (2)(A) as a petition to revoke or modify a tolerance or to revoke an exemption, if the Administrator determines that the action is consistent with protection of public health. If the Administrator elects to treat a petition under paragraph (2)(A) as a petition to revoke or modify a tolerance or to revoke an exemption, the Administrator shall thereafter act on the petition pursuant to subsection (e).".

SEC. 206. AUTHORIZATION OF APPROPRIATIONS FOR INCREASED MONITORING.

There are authorized to be appropriated $12,000,000 for each of the 1991 and subsequent fiscal years, in addition to any other amounts authorized to be appropriated, for increased monitoring by the Secretary of Health and Human Services of pesticide residues in imported and domestic food.

TITLE III—AMENDMENTS TO POULTRY PRODUCTS INSPECTION ACT

SEC. 301. DEFINITIONS.

(a) ADULTERATED.—Section 4(g)(2) of the Poultry Products Inspection Act (21 U.S.C. 453(g)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) if it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one that is (i) a pesticide chemical or pesticide chemical residue in or on a raw agricultural commodity or processed food, (ii) a food additive, or (iii) a color additive) that may, in the judgment of the Secretary, make the article unfit for human food;

"(B) if it is, in whole or in part, a raw agricultural commodity or processed food and the raw agricultural commodity or processed food bears or contains a pesticide chemical or pesticide chemical residue that is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a).

(b) REFERENCE TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Subsection (y) of section 4 of such Act (21 U.S.C. 453(y)) is amended to read as follows:

"(y) The terms 'pesticide chemical', 'pesticide chemical residue', 'food additive', 'color additive', raw agricultural commodity', and 'processed food' shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

TITLE IV—AMENDMENTS TO FEDERAL MEAT INSPECTION ACT

SEC. 401. DEFINITIONS.

(a) ADULTERATED.—Section 1(m)(2) of the Federal Meat Inspection Act (21 U.S.C. 601(m)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) if it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one that is (i) a pesticide chemical or pesticide chemical residue in or on a raw agricultural commodity or processed food, (ii) a food additive, or (iii) a color additive) that may, in the judgment of the Secretary, make the article unfit for human food;

"(B) if it is, in whole or in part, a raw agricultural commodity or processed food and the raw agricultural commodity or processed food bears or contains a pesticide chemical or pesticide chemical residue that is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a);".

(b) REFERENCE TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Subsection (r) of section 1 of such Act (21 U.S.C. 601(r)) is amended to read as follows:

"(r) The terms 'pesticide chemical', 'pesticide chemical residue', 'food additive', 'color additive', raw agricultural commodity', and 'processed food' shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

TITLE V—AMENDMENTS TO EGG PRODUCTS INSPECTION ACT

SEC. 501. DEFINITIONS.

(a) ADULTERATED.—Section 4(a)(2) of the Egg Products Inspection Act (21 U.S.C. 1033(a)(2)) is amended by striking subparagraphs (A) and (B) of paragraph (2) and inserting the following new subparagraphs:

"(A) if it bears or contains any added poisonous or added deleterious substance (other than one that is (i) a pesticide chemical or pesticide chemical residue in or on a raw agricultural commodity or processed food, (ii) a food additive, or (iii) a color additive) that may, in the judgment of the Secretary, make the article unfit for human food;

"(B) if it is, in whole or in part, a raw agricultural commodity or processed food and the raw agricultural commodity or processed food bears or contains a pesticide chemical or pesticide chemical residue that is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a);".

(b) REFERENCES TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Subsection (u) of 4 of such Act (21 U.S.C. 1033(u)) is amended to read as follows:

"(u) The terms 'pesticide chemical', 'chemical residue', 'food additive', 'color additive', raw agricultural commodity', and 'processed food' shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

SECTION-BY-SECTION ANALYSIS OF THE PESTICIDE SAFETY IMPROVEMENT ACT OF 1990

Sec. 1—Short title—The Pesticide Safety Improvement Act of 1990.

Title 1—Amendments to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Sec. 101—References to FIFRA.

Sec. 102—Definitions. Adds a dietary risk element to FIFRA's definition of "unreasonable adverse effects on the environment"; establishes a definition for a "pesticide testing facility"; and redefines the terms "commercial applicator", "private applicator", "certified applicator" and "under the direct supervision of a certified applicator".

Sec. 103—requires EPA to reevaluate tolerances under the Food, Drug and Cosmetic Act no later than the time at which it makes a reregistration decision for a pesticide under FIFRA.

Sec. 104—removes existing annual caps on fees to maintain pesticide chemical registrations. Such caps are currently established at $20,000 and $35,000.

Sec. 105—modifies existing Section 6(a) to give the Administrator discretionary authority to cancel a registration of a pesticide chemical every 5 years. Current law mandates cancellation every 5 years.

Sec. 106—Streamlines existing procedures for cancellation of a pesticide's registration by eliminating the formal adjudicatory hearing and replacing it with a shorter, nonadjudicatory informal hearing.

Establishes a three step process for cancellation: (1) advance notice; (2) proposed order and (3) final order.

Requires consultation with USDA and HHS prior to issuing advance notice, proposed order.

Provides for public notice and comment on EPA's advance notice and proposed order of cancellation.

Requires the Scientific Advisory Panel to review the administrative record on cancellation actions and addresses significant scientific issues.

Requires a cancellation action to be completed within 18 months of initiation.

Permits registrants to modify their registration to avoid cancellation.

Allows any person to petition Administrator to cancel a pesticide registration or amend or revoke an existing cancellation order.

Allows ongoing EPA "special reviews" of pesticide chemicals to proceed under existing law.

Provides for judicial review in U.S. Court of Appeals.

Sec. 107—simplifies existing procedures for suspension of a pesticide's registration by providing flexibility for EPA to consider the benefits of a pesticide commensurate with the need to take prompt action to suspend registration.

Establishes specific risk and benefit factors which EPA must consider in determining whether a pesticide creates an imminent hazard and when such hazard is unreasonable.

Requires EPA to consult with USDA and HHS before taking action on suspension.

Requires EPA to issue cancellation notices within 180 days of suspension.

Allows any person to petition EPA to suspend a pesticide's registration.

Permits any affected person to request a hearing to review suspension order.

Allows any state to request an exemption from a suspension order if any severe economic dislocation in the state would result from the suspension order.

Provides for judicial review in U.S. Court of Appeals

Sec. 108—places the burden of persuasion on parties who oppose EPA's action against a pesticide.

Sec. 109—requires Administrator to periodically request and reevaluate data to support a pesticide registration.

Sec. 110—gives EPA broad authority to require pesticide producers, registrants, importers/exporters, and others connected with the pesticide industry to keep records and provide them to EPA upon request.

Gives EPA authority to require recordkeeping by commercial pesticide applicators and dealers.

Sec. 111—increases EPA's authority under FIFRA to conduct inspections pursuant to warrant.

Sec. 112—directs EPA to disclose FIFRA data to States under certain conditions.

Sec. 113—establishes certification and training requirements for commercial pesticide applicators and for private applicator who use restricted use pesticides, and requires recertification/reregistration after refresher training at least every five years.

Requires EPA, in consultation with USDA, to develop and periodically update training material and to set minimum standards for trainers and training programs.

Sec. 114—broadens EPA's definition of unlawful acts to include violation of regulations pertaining to the export of pesticides.

Sec. 115—increases civil and criminal penalties for FIFRA violations.

Civil Penalties—increase penalty for first violations of a provision of act to $25,000. Permits a $50,000 fine for subsequent violations of same provision; for private applicators establishes a $1,000 penalty and $2,000 for subsequent violations; for other reasons requires Administrator to first issue a warning prior to establishing fines similar to private applicators.

Criminal Penalties—For persons covered by the Act who knowingly violate a provision of Act not more than $50,000 or not more than 3 years imprisonment or both. For persons covered by Act knowing endangerment that places another person in danger of death or serious bodily injury not more than $250,000 or partnerships or other entity the penalty increases to $1,000,000. For second knowing endangerment violation the penalties may be doubled. All other persons subject to $5,000 fine or one year imprisonment or both.

Sec. 116—allows EPA to require compliance by U.S. exporters with notification procedures established by an international agency or agreement involving the U.S.

Permits the Administrator to prohibit the export of certain pesticides under certain conditions.

Sec. 117—establishes a Pesticide Advisory Board to advise the Scientific Advisory Panel and EPA.

Requires the Administrator to develop and issue regulations regarding actual or apparent conflicts of interest by members of the Pesticide Advisory Board and Science Advisory Panel.

Sec. 118—directs USDA and EPA to work together to identify pests and control measures.

Sec. 119—directs USDA and HHS to collect information on pesticide use and on actual pesticide residue levels, and to provide such information to EPA.

Provides that in the absence of such use and residue information, the Administrator may assume for purposes of cancellation and/or suspension that the dietary residues on food are at the highest level permitted by an existing tolerance.

Sec. 120—technical amendments.

Sec. 121—conforming amendments.

Sec. 201—states that Title II amends the Federal Food, Drug and Cosmetic Act (FFDCA).

Sec. 202—amends FFDCA definition of "pesticide chemical," specifically including inert ingredients, and adds definitions of "pesticide chemical residue" and "processed food".

Sec. 203—expands the list of "prohibited acts" to cover disclosure of certain confidential information.

Sec. 204—modifies definition of "adulterated food" in accordance with other provisions of Title II.

Sec. 205—establishes a new Section 408 to cover all pesticide tolerances, eliminating the differential treatment of potentially carcinogenic pesticide residues in raw commodities and processed foods by not treating pesticides as food additives under section 409.

Generally requires EPA to set tolerances at a level which poses no more than a negligible risk to public health;

(a) Establishes separate negligible risk standards for threshold and oncogenic risks for the purpose of setting residue tolerances.

(b) Defines negligible for threshold risks as the level of dietary exposure allowed by the tolerance and all other tolerances in effect that will result in a total dietary exposure to the pesticide which is lower by a generally accepted margin of safety than an identifiable "no-effect" exposure level.

(c) Defines negligible for cancer risks as the level of dietary exposure to a pesticide in or on a particular food that is at or below a level which poses a risk which does not exceed the range of a 10^{-6} upper bound increase in lifetime risk, using the 90th percentile consumer of the particular food as the basis of exposure.

(d) Allows EPA to consider benefits in setting tolerances posing greater than negligible risks, good for five years or less, in certain limited circumstances;

Sets forth standards for granting tolerance exemptions;

Establishes a procedure whereby any person may petition EPA to establish, modify, or revoke a tolerance or exemption;

Requires EPA to revoke or suspend tolerances consistent with, and following, the cancellation or suspension of a pesticide's registration under FIFRA;

Provides for national uniformity of tolerances as to those pesticides which have complete sets of health and environmental data; a state could set its own tolerances only if it can show that they are necessary to protect public health because of special local circumstances.

SEC. 206—authorizes an annual increase of $12 million for FDA monitoring of pesticide residues on imported and domestic food.

Titles III, IV, and V contain conforming amendments to the Poultry Products Inspection Act, the Federal Meat Inspection Act, and the Egg Products Inspection Act, respectively to reflect changes made to FIFRA and FFDCA by the Pesticide Safety Improvement Act of 1990.●

By Mr. DANFORTH (for himself, Mr. BOND, Mr. DOLE, Mr. WALLOP, and Mrs. KASSEBAUM):

S.J. Res. 295. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes; to the Committee on the Judiciary.

COURT-ORDERED IMPOSITION OF TAXES

Mr. DANFORTH. Mr. President, last Wednesday, in the case of Missouri versus Jenkins, the U.S. Supreme Court held that a Federal court has power to order the imposition of taxes. That decision flatly contradicts a fundamental premise of American democracy which predates the Constitution itself. The Supreme Court's holding cannot be allowed to stand.

I am today introducing with Senator BOND a constitutional amendment which would overturn the Supreme Court's decision. The text of the proposed amendment is:

Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to lay or increase taxes.

It is my hope that this proposed amendment receives the careful attention of the Judiciary Committee at an early date.

Mr. BOND. Mr. President, the constitutional amendment that I am proposing today with my colleague from Missouri is simple and straightforward. In fact, I am surprised that it

has even become necessary to offer it because I believe the Constitution is clear on this point. Unfortunately, however, the Supreme Court in a ruling earlier this week, issued an opinion which calls for a clarification such as the one we are proposing today.

The proposed amendment would simply clarify the powers of the individual branches of Government by explicitly stating that unelected Federal judges do not have power to impose taxes.

Personally, I do not now see any ambiguity in the Constitution. Article I, section 8 states that "Congress shall have Power To lay and collect Taxes." Article III, which sets forth the powers of the Federal courts, makes no mention of taxes. And the 10th amendment clearly reserves for the individual States all powers not clearly delegated or prohibited in the Constitution. Thus, it seems obvious that Congress is the only branch of the Federal Government given power to impose taxes.

Despite the clear language of the Constitution, the Supreme Court Wednesday upheld a decision of the Eighth Circuit Court of Appeals which imposed a tax increase on the people of Kansas City. Though the Court made clear that a Federal judge may not directly increase taxes, it then undercut that ruling by saying that a judge could force local and State governments to raise taxes. As Justice Anthony Kennedy said in his dissent, "Any purported distinction between direct imposition of a tax increase by the Federal court and an order commanding the school district to impose the tax is but a convenient formalism."

Our system is a representative democracy—based on the principle that our leaders are directly elected by, and therefore accountable to, the people. Federal judges, appointed for life, have no such accountability. And as Justice Kennedy said in his dissent, giving them the power to levy taxes "disregards fundamental precepts for the democratic control of public institutions."

Certainly communities have a responsibility to ensure that they adhere to constitutional tenets in public education and in the provision of other public services. But the desire to see improvements made should not be used as an excuse to abandon one of the precepts that constitute the foundation of our democracy.

I am amazed that we've come to a point where we need to reaffirm that the courts cannot tax the American people. No, taxation without representation is not a slogan, it's a fundamental American right.

Our forefathers fought for this right and preserved it in the Constitution. We should not abandon it now.

Ceding the power to tax to the courts doesn't steal that power from the Congress, but from the American people with whom it belongs.

The amendment we are offering today will clarify the intent of the drafters of the Constitution. It deserves support not only in Congress, but in the States as well.

Mr. President, I seldom agree with the Washington Post editorial board. This morning, however, the Post ran an editorial on this subject which I believe frames the issue very well. I ask unanimous consent that it be included in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 20, 1990]

COURT-ORDERED TAXATION

The taxpayers of Kansas City, Mo., must be wondering if they have for years completely misunderstood all the civics courses they took in high school: the ones where they learned about the separation of powers and the inequity of taxation without representation. Here they have been going along innocently believing that elected officials—people whose positions must be in some measure responsive to the views of their constituents and whose tenure in office is dependent on those constituents' approval—are the ones who set and impose taxes. But in a case involving school desegregation in their city, a series of federal courts has insisted that these principles are flexible and can be disregarded by a judge who assumes ultimate authority for raising and allocating this burden. This week five justices of the U.S. Supreme Court agreed that the Kansas City judge could order local authorities to double property taxes.

This case is unprecedented in two respects. The first is the scope of the remedies ordered by the judge. He ruled that in order to overcome the effects of previous segregation the Kansas City schools had to be made so exemplary that suburban youngsters would choose to return to the inner city to school. All schools were required to be completely renovated and air-conditioned. Every classroom was to be equipped with 15 microcomputers. Swimming pools, a planetarium and a temperature-controlled art gallery were mandated. And extras such as a broadcasting system, a 25-acre farm, movie studios and a model U.N. with simultaneous translation facilities were found to be necessary to vindicate constitutional rights. The judge, of course, didn't have to consider the cost—hundreds of millions of dollars—or the competing demands for city money for health, social services or law enforcement.

The second astonishing aspect of the case is the expansion of judicial power into an area understood to be the prerogative of a representative body of elected officials. As Justice Anthony Kennedy and three colleagues protested, "[The court's] casual embrace of taxation imposed by the unelected, life-tenured federal judiciary disregards fundamental precepts for the democratic control of public institutions." The precedent for court-ordered tax increases to provide all sorts of services when constitutional rights are asserted is ominous. Imagine, for example, three separate federal judges in this city resolving cases involving St. Elizabeths, Lorton and Cedar Knolls ordering massive tax increases without regard to overall budget priorities, necessary expenditures not before the courts or even the cumulative impact of these three separate orders.

It is very hard to understand how the Supreme Court could have refused to review the fantastic remedies ordered by the Kansas City judge and why a majority of justices has approved the concept of judicially mandated taxes. There are other ways for a court to compel compliance with even an order like this without imposing a tax to pay for it.

By Mr. SPECTER:

S.J. Res. 296. Joint resolution designating August 7, 1990, as "National Neighborhood Crime Watch Day"; to the Committee on the Judiciary.

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

Mr. SPECTER. Mr. President, today I introduce a joint resolution which commends the Nation's Neighborhood Crime Watch groups and designates August 7, 1990, as "National Neighborhood Crime Watch Day."

One such group, the National Association of Town Watch [NATW], has made significant contributions in helping neighborhoods throughout the country in their fight against crime. The association's sixth annual National Night Out crime prevention project, which was held on August 8, 1989, involved citizens and police in 7,600 communities in all 50 States. Two years ago, I joined then-Vice President Bush and NATW's executive director, Matt Peskin, for the kick-off ceremony in Philadelphia.

During National Night Out, residents in neighborhoods across the Nation will sit on lighted porches, enjoy visits from local police, and participate in a variety of special events such as block parties, cookouts, and parades.

Nationally, 20.2 million Americans participated in National Night Out in 1989. This unique anticrime effort heightens crime prevention awareness and reunites communities and local law enforcement agencies. Many communities in your State are dedicated National Night Out supporters.

The National Association of Town Watch is a unique organization, serving as liaison among thousands of communities involved in crime prevention programs and representing the entire spectrum of programs concerned with the serious problem of crime in our neighborhoods. As such, it helps coordinate the anticrime efforts of, and provide information and assistance to, the many communities involved in organized crime prevention programs.

Under the leadership of Mr. Matt Peskin, NATW received the prestigious National Constituency Organization Award in 1986 and 1988, presented by the National Crime Prevention Council, the Crime Prevention Coalition, and the U.S. Department of Jus-

tice, for the association's extraordinary efforts in fighting crime.

In association with other anticrime organizations, NATW works to reduce the neighborhood crime rate and to enhance the police-community relationship. Nearly obsolete in the 1960's and 1970's, the notion of the police and the community cooperating with each other now is being institutionalized. No longer are people as afraid to call the police, and law enforcement organizations now recognize the citizens' role in fighting crime.

In correspondences with my office, the U.S. Department of Justice noted that "NATW has done exemplary work and has made significant contributions to the overall national crime prevention effort." The Department also indicated that "National Night Out is an excellent program and should be continued."

As a former district attorney, current member of the Senate Judiciary Committee and cochairman of the Congressional Crime Caucus, I have actively pursued initiatives to fight street crime. Accordingly, I commend the efforts of NATW and all the participants in National Night Out.

Mr. President, I urge my colleagues to join in supporting this important resolution to recognize the active involvement of neighborhood organizations in the ongoing national fight against crime and to designate August 7, 1990, as National Neighborhood Crime Watch Day.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 296

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness of, and participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the national war on drugs by helping to prevent their communities from becoming markets for drug dealers;

Whereas citizens across the United States will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 8 to 10 o'clock p.m. on August 7, 1990, with their neighbors in front of their homes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 7, 1990, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe National Neighborhood Crime Watch Day with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. SANFORD, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 416

At the request of Mr. DOMENICI, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 513

At the request of Ms. MIKULSKI, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 513, a bill to amend chapters 83 and 84 of title 5, United States Code, to extend certain retirement provisions of such chapters which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service.

S. 685

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 685, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify the applicability of rules relating to fiduciary duties in relation to plan assets of terminated pensions plans and to provide for an explicit exception to such rules for employer reversions meeting certain requirements.

S. 1108

At the request of Mr. STEVENS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1108, a bill to provide another opportunity for Federal employees to elect coverage under the Federal employees' retirement system; to provide that the recently enacted Government pension offset provisions of the Social Security Act shall not apply to Federal employees who take advantage of the new election period; and for other purposes.

S. 1557

At the request of Mr. ROTH, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1557, a bill to amend title 17, United States Code, to permit the unlicensed viewing of videos under certain conditions.

S. 1933

At the request of Mr. HEINZ, the names of the Senator from Virginia [Mr. WARNER], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1933, a bill to provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin and to enact a fireservice bill of rights and programs to fulfill those rights.

S. 1974

At the request of Mr. HARKIN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1974, a bill to require new televisions to have built in decoder circuitry.

S. 2166

At the request of Mr. HATCH, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2166, a bill to amend 42 U.S.C. 1981 in regard to the formation and implementation of contracts, and title VII of the Civil Rights Act of 1964 to protect against discrimination in employment, and for other purposes.

S. 2250

At the request of Mr. DECONCINI, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2250, a bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes.

S. 2427

At the request of Mr. LEAHY, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2427, a bill to provide for the establishment of a coordinated and cooperative Federal, State, and local forest program for the management and enhancement of forest lands, and for other purposes.

SENATE JOINT RESOLUTION 153

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 153, a joint resolution designating the third week in May 1990 as "National Tourism Week."

SENATE JOINT RESOLUTION 240

At the request of Mr. SYMMS, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Missouri [Mr. DANFORTH], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 240, a joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multiple-Use Sustained-Yield week."

SENATE JOINT RESOLUTION 265

At the request of Mr. DODD, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 265, a joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

SENATE JOINT RESOLUTION 284

At the request of Mr. BYRD, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Kansas [Mr. DOLE], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 284, a joint resolution to designate the week beginning September 16, 1990 as "National Give the Kids a Fighting Chance Week."

AMENDMENTS SUBMITTED

NONDISCRIMINATORY TREATMENT OF PRODUCTS OF THE PEOPLE'S REPUBLIC OF HUNGARY

DIXON AMENDMENT NO. 1491

Mr. DIXON proposed an amendment to the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the People's Republic of Hungary, as follows:

On page 71, after line 12, insert the following new section:

SEC. . PARTS OF IONIZATION SMOKE DETECTORS.

(a) IN GENERAL.—Chapter 90 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description in subheading 9022.90.60:

"9022.90.70	Of smoke detectors, ionization type.	2.7%	Free (A, B, E, IL) 2.1% (CA).	35%".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(2) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law to the contrary, upon a request filed with the appropriate customs officer after September 30, 1990 and before April 1, 1991, any entry or withdrawal from warehouse for consumption of goods to which the amendment made by this section applies and that was made—

(A) after December 31, 1988; and

(B) before October 1, 1990;

and with respect to which there would have been a lower duty if the amendment made by this section had applied to such entry or withdrawal, shall be liquidated or reliquidated as though such entry or withdrawal had occurred on October 1, 1990.

PACKWOOD AMENDMENT NO. 1492

Mr. PACKWOOD proposed an amendment to the bill H.R. 1594, supra, as follows:

At the end of the bill, insert:

TITLE V—FEDERAL TIMBER EXPORT RESTRICTIONS

SEC. 501. SHORT TITLE.

This title may be cited as the "Federal Timber Export Restriction Act of 1990".

SEC. 502. PURPOSES.

The purposes of this Act are—

(1) to make permanent the current Federal policy of restricting the export of unprocessed timber from Federal lands;

(2) to review and revise Federal policy with respect to the ability of timber operators to acquire and mill Federal logs in lieu of exported private logs;

(3) to promote the conservation of forest resources consistent with Federal resources management plans;

(4) to help relieve the critical short supply conditions in industries which rely on an adequate timber supply; and

(5) to effect measures aimed at meeting these objectives in conformity with the obligations of the United States under the General Agreement on Tariffs and Trade.

Subtitle A—Federal Lands

SEC. 511. RESTRICTIONS ON EXPORTING OF UNPROCESSED TIMBER.

Notwithstanding the act of April 12, 1926 (16 U.S.C. § 616.44 Stat. 242), and except as permitted by section 513 or 514 of this Act, no person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands shall—

(1) export such timber from the United States;

(2) sell, trade, exchange, or otherwise convey such timber to any other person for the purpose of exporting such timber from the United States: or

(3) use, or assist or conspire with any other person to use, such timber in substitution for unprocessed timber originating from private lands exported or to be exported from the United States.

SEC. 512. INFORMATION GATHERING.

(a) REQUIREMENTS OF PERSONS ACQUIRING UNPROCESSED TIMBER.—In accordance with regulations issued under section 523, each person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands shall report the disposition of such timber to the Secretary concerned on a quarterly basis.

(b) REQUIREMENTS OF PERSONS CONVEYING UNPROCESSED TIMBER.—

(1) IN GENERAL.—In accordance with regulations issued under section 523, each person who sells, trades, exchanges, or otherwise conveys to another person unprocessed timber originating from Federal lands shall identify in writing the original of such timber to that other person.

(2) ACKNOWLEDGEMENT.—The person to whom such timber is conveyed under this section shall submit to the Secretary concerned, in such manner as the Secretary may prescribe—

(A) written acknowledgment of receipt of the written identification of the origin of such timber under paragraph (1), and

(B) a written agreement to comply with all of the prohibitions in section 511.

(c) REPORTS BY SECRETARIES TO CONGRESS.—The Secretary concerned shall, on the basis of the information received under subsection (a) and (b), report annually to the Congress on the disposition of unprocessed timber originating from Federal lands administered by that Secretary. The Secretary of Agriculture may meet this requirement by including such information pertaining to the National Forest system as part of the annual report required by section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (17 U.S.C. 1606(c), 88 Stat. 478).

SEC. 513. EXCLUSIONS.

(a) EXEMPTION FROM PROHIBITION ON SUBSTITUTION.—The prohibitions contained in section 511 shall not apply to a person if, before the unprocessed timber otherwise subject to the prohibitions is obtained—

(1) that person applies to the Secretary concerned, in such form as is prescribed in regulations issued by such Secretary, for an exemption of the prohibitions contained in section 511:

(2) that person demonstrates in such application that the Federal lands from which the unprocessed timber will be obtained are not located in the same geographic area—

(A) from which that person exports any other unprocessed timber from private lands; or

(B) from which that person has exported unprocessed timber from private lands in the proceding 5-year period; and

(3) the Secretary concerned grants the exemption.

(b) DETERMINATION OF GEORGRAPHIC AREAS.—The Secretary concerned shall determine the boundaries of geographic areas for purposes of subsection (a)(2) in accordance with the procedures of rulemaking set forth in section 553 of title 5, United States Code. The Secretary shall consider whether persons other than the applicant for the exemption engage in commerce in unprocessed logs between the two geographic areas involved. Such commerce shall be sufficient to deny the exemption. Any such determination shall be reviewed at least once in each 2-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

SEC. 514. SURPLUSES.

(a) DETERMINATIONS BY SECRETARIES.—The prohibitions contained in section 511 shall not apply to specific quanities of grades and species of unprocessed timber from Federal lands which the Secretary of Agriculture or the Secretary of the Interior determines to be surplus to domestic manufacturing needs.

(b) PROCEDURES.—Any determination under subsection (a) shall be made in regulations issued in accordance with section 553 of title 5, United States Code. Any such determination shall be reviewed at least once in every 3-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

Subtitle B—Sanctions; Definitions; Effective Dates

SEC. 521. PENALTIES.

(a) IN GENERAL.—Any person who violates this title or an implementing regulation, or counsels, procures, solicits, or employs any other person to take an action in violation of this title or such regulation, shall be assessed a civil penalty by the Secretary concerned of not more than $10,000 for each violation.

(b) KNOWING VIOLATIONS.—Any person who knowingly violates this Act, or any im-

plementing regulation, shall be assessed a civil penalty by the Secretary concerned or not more than $1,000,000 or three times the gross value of the unprocessed timber involved in the violation, whichever is greater.

SEC. 522. DEBARMENT.

If the Secretary concerned finds, after notice and an opportunity for a hearing on the record, that a person has violated this Act or any regulation issued to carry out this Act, such Secretary shall issue an order prohibiting that person from entering into any contract for the purchase of unprocessed timber from any Federal lands for a period of not more than 5 years. such person shall also be precluded from taking delivery of Federal timber purchased by another party for the period of debarment. Such an order shall be subject to review in an appropriate District Court of the United States.

SEC. 523. REGULATIONS.

Within 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall, in consultation, each prescribe new coordinated and consistent regulations to implement this Act on lands which they administer.

SEC. 524. DEFINITIONS.

When used in this title, the term—

(1) "acquire" means to come into possession of, either directly or indirectly, through a sale, trade, exchange, or other transaction;

(2) "affiliate" of another person described in paragraph (4) of this section is a person that—

(A) controls or has the power to control such other person,

(B) is controlled by or is subject to control by such other person, or

(C) when such other person is controlled by, or is subject to control by, a third person,

except that in determining whether persons are affiliates, all appropriate factors shall be considered including, but not limited to, common ownership, common management, and contractual relationships;

(3) "Federal lands" means lands administered by the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense, and located west of the 100th meridian in the contiguous 48 States, excluding lands held in trust by the United States for the benefit of any Indian tribe or Indian individual;

(4) "person" means an individual, partnership, corporation, association, or other legal entity and shall include subcontractors and any subsidiary, parent company, or other affiliate;

(5) "private lands" means lands held or owned by a person but does not include lands held or owned by the United States, a State or political subdivision thereof, or any other public agency;

(6) "Secretary concerned" means the Secretary administering the Federal lands from which the unprocessed timber is removed;

(7) "substitution" is the practice of purchasing or otherwise obtaining timber from Federal lands west of the 100th meridian in the contiguous 48 States while at the same time exporting, or selling for export, timber from private lands west of the 100th meridian in the contiguous 48 States; and

(8) "unprocessed timber" means timber as defined by the regulations prescribed pursuant to section 523 of this Act.

SEC. 525. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of the enactment of this Act, but shall not apply with respect to timber removed pursuant to timber sale contracts entered into before the date of enactment of this Act.

(b) EXEMPTION FROM SUBSTITUTION.—Section 511(3) shall take effect 1 year after the date of the enactment of this Act. During such 1-year period, section 511(3) shall not apply with respect to the acquisition of unprecessed timber from Federal lands by a person who, in accordance with regulations of the Department of Agriculture and the Department of the Interior in effect on the date of enactment of this Act, demonstrates to the appropriate official that the Federal lands are in a tributary area as defined by the current regulations.

JOHNSTON AMENDMENTS NOS. 1493 THROUGH 1496

Mr. JOHNSTON proposed four amendments to the bill H.R. 1594, supra, as follows:

AMENDMENT NO. 1493

On page 59, after the matter preceding line 1, insert the following:

SEC. . PIGMENT RED 178.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"9902.32.10	Pigment red 178 (CAS No. 3049–71–6) (provided for in subheading 3204.17.10).	No change...	No change...	Free...	On or before 12/31/92".

AMENDMENT NO. 1494

On page 59, after the matter preceding line 1, insert the following:

SEC. . ACID BLACK POWDER AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"9902.32.05	Acid black 210 powder and acid black 210 presscake (CAS No. 112484–44–3) (provided in subheading 3204.12.40).	Free...	No change...	No change...	On or before 12/31/92".

AMENDMENT NO. 1495

On page 52, after the matter preceding line 1, insert the following:

SEC. . PIGMENT RED 149 DRY AND PIGMENT RED 149 PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"9902.32.50	Pigment red 149 dry and pigment red 149 presscake (CAS No. 4948–15–6) (provided for in subheading 3204.17.50).	Free...	No change...	No change...	On or before 12/31/92".

AMENDMENT NO. 1496

On page 59, after the matter preceding line 1, insert the following:

SEC. . ISOINDOLENINE RED PIGMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"9902.32.30	Isoindolenine red pigment (CAS No. 71552–60–8) (provided for in subheading 3204.17.30).	Free...	No change...	No change...	On or before 12/31/92".

INOUYE AMENDMENT NO. 1497

Mr. KASTEN (for Mr. INOUYE) proposed an amendment to the bill H.R. 1594, supra, as follows:

At the end of H.R. 1594 insert the following: Any country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 shall cease to be considered designated a "beneficiary developing country" for purposes of receiving benefits under the Generalized System of Preferences (GSP).

KASTEN (AND KERRY) AMENDMENT NO. 1498

Mr. KASTEN (for himself and Mr. KERRY) proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 78, at line 14, strike "The Commissioner of Customs" and all that follows through "(2)" at line 24.

On page 79, after line 24, insert the following new paragraph:

"(2) In determining where to establish the operation described in paragraph (1), the Commisioner of Customs and the Commissioner of Immigration and Naturalization shall first determine the viability of establishing such operations in Jamaica. If the Commissioners determine, after full consultations with the Government of Jamaica, that it is not viable to establish pre-clearance operations in Jamaica, they shall so report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, including an explanation of how this determination was reached. Such report shall be submitted to those Committees within six months of the enactment of this Act. Following the submission of such a report, negotiations may be undertaken to establish such operations in another country.".

DURENBERGER AMENDMENT NO. 1499

Mr. DURENBERGER proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 17, between lines 21 and 22, insert:

( ) Heading 9902.29.88 (relating to cyclosporine)

BENTSEN AMENDMENTS NOS. 1500 AND 1501

Mr. BENTSEN proposed two amendments to the bill H.R. 1594, supra, as follows:

AMENDMENT No. 1500

Beginning with page 81, line 8, strike all through page 83, line 20.

Redesignate sections 2012 and 2013 as sections 2011 and 2012, respectively.

AMENDMENT No. 1501

On page 12, strike lines 16 and 17, and insert:

Subheading 6702.90.40 is amended by striking out "Artificial flowers, of" in the article description and inserting in lieu thereof "Of".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing is scheduled to take place on Thursday, May 3, 1990, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony concerning applications received by the Department of Energy for authority under section 3 of the Natural Gas Act to import Canadian natural gas to serve markets in the Northeastern United States and applications received by the Federal Energy Regulatory Commission for authority under section 7 of the Natural Gas Act to construct and operate natural gas pipeline facilities in the United States to deliver such gas to markets in the Northeast.

Those wishing to submit written statements for the hearing record should deliver them to the Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, room 364, Washington, DC 20510. For further information, please contact Don Santa of the committee staff at (202) 224-4820.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, April 20, 1990, on reforming the Federal Employees Health Benefits Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, April 20, at 10 a.m., for a hearing on the Health Objectives 2000 Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee's Subcommittee on Innovation, Technology and Productivity be authorized to meet during the session of the Senate on Friday, April 20, 1990, at 9:30 a.m. The subcommittee will hold a hearing on the barriers to the sale of United States auto parts to Japanese auto companies located in the United States and abroad.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, April 20, 1989, 11 a.m., for a hearing to receive testimony from Thomas L. Sansonetti, nominee for Solicitor of the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, April 20, 1990, at 9:30 a.m., to hold a hearing on Senate Joint Resolution 280, a joint resolution approving the findings of the Comptroller General of the United States contained in the General Accounting Office [GAO] report, dated March 29, 1990, regarding employer sanctions and S. 2446, a bill to take measures to improve the employment verification system under the Immigration and Nationality Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Armed Services Committee's Subcommittee on Readiness, Sustainability and Support be authorized to meet in open session on Friday, April 20, 1990, at 9:30 a.m., to receive testimony on Department of Defense military construction programs in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUD INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the HUD Investigations Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Friday, April 20, 1990, at 10 a.m., to hold hearings on staffing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EARTH DAY 1990

● Mr. JOHNSTON. Mr. President, the eyes of the world will focus on the Nation's Capitol on Sunday, April 22, 1990, as thousands of people gather to observe the 20th anniversary of Earth Day and to commemorate the Nation's commitment to the protection of the environment that sustains all life on Earth.

The Committee on Energy and Natural Resources wishes to congratulate the sponsors of this extraordinary event and to join the celebrants in renewing our commitment to the goals of a healthy planet.

The committee has long been a leader in environmental concerns since the passage two decades ago of the National Environmental Policy Act of 1969 which was signed into Public Law 91-190 on January 1, 1970, under the jurisdiction of our predecessor, the Committee on Interior and Insular Affairs, chaired by Senator Henry M. Jackson.

Enactment of the National Environmental Policy Act in 1970 [NEPA] provided a statement of a national environmental policy and a declaration of national goals, requiring all Federal agencies to consider the environmental impact of their actions. It was a remarkable first step in environmental activism not only in the United States but throughout the world. Its purpose:

To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation.

Ultimately, in the 1970's, a new concept of environmental management came to be an accepted Federal policy concern.

The act also established the Council on Environmental Quality [CEQ] as an advisory group in the Executive Office of the President. Because many energy issues have strong environmental considerations, CEQ has acquired a coordinating role in a number of energy related studies.

The annual report from the Council on Environmental Quality for 1990 will contain a chapter on the National Environmental Policy Act including the historical background of the legislation, its early implementation and Federal decisionmaking. Carl Bausch, Assistant General Counsel for CEQ, states that the report will also pay tribute to Senator Jackson, the author of the bill, as follows:

What was to become the national environmental policy was prepared at the direction of Senator Henry Jackson of Washington, who considered the policy a means of establishing priorities and giving expression to "our national goals and aspirations • • • [serving] a constitutional function in that people may refer to it for guidance in making decisions where environmental values are found to be in conflict with other values." According to Senator Jackson:

"A properly drafted Congressional statement of national environmental policy, along with a requirement for official statements of environmental findings in federal decisions and legislative proposals, will effectively make the quality of the environment everyone's responsibility. No agency will then be able to maintain that it has no mandate or no requirement to consider the environmental consequences of its actions."

Thus, each person has a responsibility to contribute to the preservation and enhancement of the environment.

As we approach the last decade of the 20th century and look forward to the 21st century, the Committee on Energy and Natural Resources pays tribute to the memory of our former chairman, Senator Henry M. Jackson, who helped awaken our environmental consciousness and pioneered the landmark legislation that established environmental quality as a national priority. Today, the committee reaffirms its commitment to carry on the legacy of Senator Jackson and to continue its responsibility in addressing our national and global goals of clean air, clean water and safe, efficient energy.●

THE ROLE OF THE NATIONAL GUARD

● Mr. BOND. Mr. President, since the introduction of the Total Force concept in the early 1970's, the role of the National Guard has changed significantly. While the National Guard remains the primary and early mobilization force in the event of local and State emergencies, it has grown to become a critical segment in our Nation's front line defense forces. The most recent illustration of this was in the key roles played by Army and Air National Guards units in "Operation Just Cause" in Panama.

Fifty-six members of the Ohio Air National Guard 180th Tactical Air Group were participating in routine training exercises in the Canal Zone at Howard Air Force Base when United States forces invaded Panama. These Air National Guard pilots played a critical part in the invasion by providing air-to-ground support for Just Cause ground troops. They flew missions daily against Gen. Manuel Noriega's Panamanian forces, flying A-7 Corsairs equipped with 20 mm cannons and bombs. The 180th Tactical Air Group successfully completed its mission in Panama with professionalism and competence proving to all America the readiness and willingness of the United States National Guard in the Total Force concept.

Fifty members of the Army and Air National Guard from my home State of Missouri also participated in "Operation Just Cause" as well. The Missouri guardsmen in Panama included 16 members from the 139th Tactical Airlift Group and 34 members from 1138th Military Police Co. The 16 airmen from the 139th Tactical Airlift Group and their C-130 four engine transport aircraft were assigned to Howard Air Force Base to provide tactical airlift support for the United States troops stationed throughout Central and South America. The 1138th Military Police Co. was the only unit of its kind in Panama. The Pentagon, therefore, specifically assigned the 34 military policemen from Missouri to design, build, and guard a compound for military prisoners. The assignments performed by these two Missouri units proved to be so critical that the Pentagon arranged for an extension of the units' 2-week rotation. My friend and colleague, Gov. John Ashcroft, promptly approved the agreement, and the Missouri guardsmen remained in Panama to continue their important work.

Missouri and Ohio National Guard troops were not the only Guard units to participate in "Operation Just Cause." Companies from 16 other States also played key roles in the invasion. The successful completion of every mission assigned to the National Guard in "Operation Just Cause" illustrates once again that guardsmen are not simply weekend warriors, but a vital segment in our Total Force concept. As cochairman of the National Guard Caucus, I commend the National Guard for their participation in "Operation Just Cause" and ask to submit two news releases into the RECORD that accurately describe the critical roles played by the Ohio Air National Guard 180th Tactical Fighter Group and the New York Air National Guard 105th Military Airlift Group in the successful implementation of "Operation Just Cause."

The releases follow:

THE 180TH IN ACTION IN "JUST CAUSE"

The 180th Tactical Fighter Group is the first Air National Guard unit in the Tactical Air Command to experience combat since the Vietnam War, said Master Sergeant Steven Stearns, Air National Guard Historian. The 180th A-7D's dodged hostile fire and provided close air support throughout Operation Just Cause, the American military operation to oust Panamanian strongman Manuel Noriega.

Fifty-six members of the 180th were deployed to Howard Air Force Base for "Coronet Cove," a normally scheduled annual training assignment, when President Bush ordered the military strike against Noriega. Under the direction of the Southern Command, the Guard unit flew more than 20 sorties.

"We never failed to meet a mission," said Col. John Smith, group commander, who monitored the operation from his office at the Toledo Air Base.

"We have always talked about Total Force and the readiness of the Guard and Just Cause proved that readiness," said Col. Smith. "Our aircraft were ready. Our people were ready. We accomplished the mission."

Col. Smith is confident in the training the 180th personnel have been receiving. "We could have had a whole different cast of people in Panama and the result would have been the same. The job would get done, and done well."

No flights were missed because of maintenance problems, said Maj. John Boggs, Coronet Cove liaison officer, attesting to the caliber of the Guard training. Boggs, in an interview with Air Force Times, said there was small arms fire directed at the A-7's, but there were no hits.

Lt. Col. Charles Vaughn, the 180th Detachment Commander, said there was a very professional feeling among the guardmembers. "There was a natural transition from training to combat," he said. "We were able to get into the air within 15 minutes of being alerted by the Southern Command."

Lt. Col. Vaughn has been a jet fighter pilot for more than 20 years. Just Cause was his first taste of actual combat.

"There was a feeling of excitement during the first flight, but after that it became rather routine. We felt very prepared and very confident. I think that's because we train under very realistic conditions."

Lt. Col. Vaughn said familiar sight of the A-7's in the air ended resistance. "The Panamanians know and respect the A-7. We have been flying there since 1978, when Coronet Cove began."

In Coronet Cove, Air National Guard A-7 units from ten states and Puerto Rico provide close air support for the Panama Canal from Howard Air Force Base.

"Coronet Cove has always been advertised as a real-world situation," said Maj. Boggs. "There has been no doubt that if hostilities were to break out, the Guard would be utilized."

The 180th is scheduled to participate in Coronet Cove again in February 1991.

NEWS RELEASE

New York state is the home base for an Air National Guard unit that has airlifted more than two million pounds of cargo into Panama during Operation Just Cause.

New Yorkers from large cities and small towns around the state—New York City, Pine Bush, Brooklyn, Maybrook, Syracuse, Cohoes, Schenectady, Saugerties, Newburgh, Yonkers, etc.—who are members of the New York Air National Guard's 105th Military Airlift Group volunteered to fly missions into the canal zone during the first days of the invasion and throughout the Hanukkah, Christmas and New Years holidays.

Based at Stewart Air National Guard Base in Newburgh, N.Y., the unit's C-5A Galaxies, the largest operational aircraft in the free world, also carried 637 passengers into Panama and flew over 56,000 miles in support of Operation Just Cause.

"Beginning on the first day of the invasion, our men and women played a vital role right here in the United States," said Col. Paul A. Weaver Jr., of Ballston Lake, N.Y., 105th MAG commander. "The southeastern states were experiencing unexpected severe weather conditions. Without our deicing equipment and people to operate it, the timing of the launching of the first and

second wave of the invasion force at Pope AFB, N.C., would have been seriously jeopardized. A few days after that, 105th aircraft and aircrews were flying missions into Howard AFB, Panama, with equipment, military passengers and supplies in direct support of the combat operation. Those crews worked 24 hour days. Maintenance and support people put in many 12-to-16 hour days for nearly two weeks. They've done a superb job."

Maj. Gen. Philip Killey, director of the Air National Guard, said of the 105th, "I want to express my heartfelt appreciation for the extraordinary efforts of the 105th MAG during this contingency. Your outstanding contributions in a nonmobilized status once again clearly demonstrates your patriotism, willingness and sense of duty as citizen soldiers to fully contribute to the defense of democracy and freedom, not only in the United States, but throughout the world. I am extremely proud of the personnel of the 105th MAG. Your actions document the capability of the Air National Guard to be a viable partner in the total military structure of the United States."

The 105th is one of only two Air National Guard strategic airlift units in the country to fly missions into the canal zone on this operation and the only ANG unit in the nation flying the C-5A.●

CASE OF SOVIET REFUSENIKS LEV AND LIA MILMAN

● Mr. GRAHAM. Mr. President, as an honored participant in the Congressional Call to Conscience Vigil, I would like to present the case of Mr. and Mrs. Lev Milman who are Soviet Jewish refuseniks living in Moscow.

Vladimir and Lia, 77 and 68 years old, respectively, are both seriously ill and in need of medical attention and the constant care only family can provide. Vladimir is nearly blind and suffers from cardiac arrythmia; Lia suffers from urolithiasis and spleen lymphoma.

They have been denied permission to join their daughter in the United States because of Vladimir's employment at the research institute. Although Vladimir retired in 1975, the Soviet government alleges that he possesses state secrets. They refuse to consider his application until 1995.

This refusal violates international agreements to which the Soviets are signatories, including the final document of the Helsinki Review, ratified in January 1989. Moreover, their refusal is an arbitrary measure which contradicts recent Soviet moves toward a more liberal and rational emigration policy.

Refusing exit visas as a form of punishment for openly expressing dissatisfaction with the Soviet system cannot be called glasnost. It can only be called unjust and repressive. By engaging in this type of action, the Soviet Union reveals how far it must go before it can join the ranks of democratic governments.

The real risk that the Milmans will not live to see 1995 is too great to deny them the opportunity to be cared for by their family during their declining years. Allowing the Milman's to emigrate is neither a political or a security issue; it is a humanitarian decision.

Mr. President, their frail health makes the Milman's case urgent. I hope our colleagues will join me in urging the Soviet Government to take the humanitarian action which this situation calls for, by allowing the Milmans to live out their lives under the loving care of their family.●

MINNEAPOLIS URBAN LEAGUE HONORS LOCAL HEROES

● Mr. DURENBERGER. Mr. President, I would like to talk today about some special residents of Minneapolis who were recently honored by the Minneapolis Urban League. These fine men and women come from many walks of life, but also share some basic values.

Each has contributed to this community, often on a voluntary basis, their work in the arts, social services and schools, to bring experiences and opportunities to the area's minority youth.

In this country, we are blessed with thousands of "silent" volunteers who contribute to society out of a sincere and steady desire to serve others. Some work in hospitals and nursing homes; others do their best work listening to and counseling young people who have no family on which to rely. I am fortunate to personally know one of these silent volunteers. He is warm and genuine, and truly has a heart of gold.

The Minneapolis Urban League recognized Horace and Mary Hill as the "Family of the Year," for the work they have done over the years providing support to the needy. Horace is employed in the Plymouth Building, the site of my Minneapolis office, and has an endless supply of cheer and good humor. I admire Horace and Mary for their enduring commitment to helping others as they experience life—like all of us, raising kids, working and meeting the many challenges of life.

At this point, I would like to submit to the RECORD an article about the Urban League Awards Dinner that appeared in the Minneapolis Spokesman on April 5, 1990. It reads as follows:

MUL ANNOUNCES AWARD RECIPIENTS

The Minneapolis Urban League will convene its 64th Annual Dinner Meeting on Thursday, April 5 at 6:30 pm.

During the meeting the Urban League will award community members who have exemplified the principles of the organization.

In addition to the traditional awards, the MUL has instituted a Special Achievement Award for those persons who have overcome obstacles and are positive role models in the community.

The following is a description of the awards and their recipients.

SPECIAL ACHIEVEMENT AWARD

Jimmy "Jam" Harris and Terry Lewis of FlyteTyme Productions in recognition of their success in the music industry.

VOLUNTEER SERVICE AWARD

Ernest Owens who, for the past three years has volunteered his services to the Minneapolis Urban League Street Academy.

FAMILY OF THE YEAR

Horace and Mary Hill family. The Hills have been married for 33 years and have six children, all of whom are high school graduates and all but one of whom went on from there. The family is active in the church and Mrs. Hill has ministered shut-ins and conducted a prison ministry.

The Hill children are all involved in civic affairs. The Hills were named the Church of God In Christ Family of the Year in 1978.

SPEICAL RECOGNITION AWARD

Ronald James, vice president and CEO for US West Communications. James serves on the boards of directors of the United Way, the Olympic Festival, Dunwoody Industrial Institute, the Guthrie Theatre and Doane College. He is also a member of the Minnesota Black Managers' Association, Tri-State Black Managers' Association and US West Black Alliance Association. He is also a member of the Urban League Board.

OUTSTANDING CIVIC AND SERVICE AWARD

Joyce Lake, vice-principal at Washburn High School, president of the Minnesota Alliance of Black School Educators, Chair of the NAACP Back to School/Stay in School Program, Co-Chair of the W. Harry Davis Foundation Education Committee, member of Jack and Jill, Zion Baptist Church and the Minneapolis Black Principals Association.●

TRIBUTE TO JULIUS B. KURIANSKY

● Mr. LIEBERMAN. Mr. President, it is with great pleasure that I bring to the attention of the Senate a very special individual from my home State of Connecticut, Mr. Julius B. Kuriansky. Mr. Kuriansky recently celebrated his 80th birthday. These 80 years have been full of achievement and service to the community by Julius Kuriansky.

Mr. Kuriansky has practiced law in the State of Connecticut since his admission to the Connecticut bar in 1934. He joined the firm of Wofsey, Rosen, Kweskin & Kuriansky, and has also served as assistant prosecuting attorney for the city court of Stamford, and as a State of Connecticut attorney trial referee. In addition to his distinguished career in law, Mr. Kuriansky also served in the U.S. Air Force from 1943 to 1946. While serving overseas, he received a direct commission as second lieutenant.

But what is truly special about Julius Kuriansky is his dedication to his family and his faith. In Stamford, Mr. Kuriansky has been a member of the Congregation Agudath Shalom all his life. In fact, his father helped to build the synagogue at the turn of the century. He brings enthusiasm and dedication to his congregation, instill-

ing in the younger generation the values of dedication and conviction.

After over 50 years of hard work, Mr. Kuriansky is now retiring. I would like to take this opportunity to commend him for his professional and military service, and for his spiritual guidance to his community. His presence has provided a sense of continuity to the city of Stamford; his dedication must be continued now by his children and the other younger members of the community. Mr. President, I hope that my colleagues will join me in paying tribute to this wonderful man.●

HISTORIC PRESERVATION IN RED WING, MN

● Mr. DURENBERGER. Mr. President, I want to share with my colleagues the excellent record of historic preservation by the city of Red Wing, MN. This record was noted by Office of Management and Budget Director Richard Darman in the 1991 budget. Darman recognized that the city and Red Wing Shoe Co., one of the cities oldest and most famous employers, utilized Federal rehab tax credits to renovate several blocks of historic downtown buildings. These efforts not only beautify this historic city on the banks of the Mississippi River, but preserve for future generations glimpses of our history. Having personally visited these beautifully renovated structures, I want to share with my colleagues the success story that has taken place in this Minnesota community.

I applaud the efforts of the Red Wing Shoe Co. and the citizens of Red Wing, MN. These efforts were recognized in the March 1990 issue of Preservation News, the newspaper of the National Trust for Historic Preservation, and I request that this article be printed in the RECORD at this time.

The article follows:

[From the Preservation News, March 1990]

"A REMARKABLE CHANGE" IN RED WING

In the midst of the budget's abstract notions and endless detail stands Red Wing, Minn.—a town of 14,000 people on the Mississippi river that OMB director Richard Darman praises for its use of the federal rehab tax credits.

The project Darman notes was carried out last year by the Red Wing Shoe Company, one of the town's oldest and most prominent employers. The company spent more than $4 million to renovate a row of five vacant Victorian commercial buildings into Riverfront Center, which now houses the company's offices and a ground-floor shopping mall. Developed in conjunction with the city, which built an adjacent park, the project made use of the 20 percent rehab tax credit. "It's quite a remarkable change; you'd hardly recognize the old place," says Red Wing Shoe Company President Bill Sweasy, pleased to be a part of the President's budget.

In combination with the shoe company's 1979 restoration of the St. James Hotel across the street and the city's planned restoration of the 1905 Chicago, Milwaukee and St. Paul Railroad depot down the street, Riverfront Center is sparking the rebirth of downtown Red Wing. Charles Nelson, historical architect for the state historic preservation office, lauds Red Wing's recent rehab as "an ultra-high-quality project."●

HONORING THE TOWN OF WEBSTER'S 150TH BIRTHDAY

● Mr. D'AMATO. Mr. President, I rise today to pay recognition to the town of Webster as they celebrate their 150th birthday.

The town of Webster, which was discovered in 1669 by the French explorer LaSalle and became a township in 1840, has prospered in many diverse industries. As did most Monroe County towns, Webster flourished in the earlier days through the use of its land for farming. The staple crop was fruit: apples, peaches, pears, cherries, and cider. Then, in the later part of the 19th century several other industries came to Webster. Through the use of the willow, elm, and oak trees which were prevalent in Webster, a basket factory was established and continued to operate until 1969. There was also a brief period of time when Webster was a producer of silk.

As time has passed and technology has changed dramatically, so too has the town of Webster's prospering economy. Today, two thriving industries which are located in Webster are the Xerox Corp. and Lawyers Cooperative Publishing Co. Both have found a welcoming atmosphere in Webster.

Mr. President, I wish to send my greetings and best wishes to the citizens of the town of Webster as ceremonies take place to celebrate its century and a half existence. I look forward to the town's continuing prosperity and to another 150 years of good fortune.●

THE 50TH ANNIVERSARY OF FELLOW FIREFIGHTER, GERALD CRAMER, SR., HAGAMAN VOLUNTEER FIRE DEPARTMENT, INC.

● Mr. D'AMATO. Mr. President, I rise today to pay recognition to Gerald Cramer, Sr., of the Hagaman Volunteer Fire Department, Inc., who has been an active member for 50 years.

Mr. Cramer has been a dedicated, reliable, and trustworthy member since 1940. Along with being a ready volunteer, he has held the position of treasurer for 13 years which is vital to the running of the company.

Volunteer firefighters are essential to every community. With limited funding available for professional firefighters, the all-volunteer staff becomes increasingly more valuable. Not only has Mr. Cramer given his unselfish time to the fire department but he has been active in other community programs. Mr. Cramer has served as village trustee for 8 years as well as being a member of the Village Youth Commission. It's always a pleasure to salute a fellow firefighter for his community service.

I would like to congratulate this fine volunteer on his 50 years of service and wish him continued good luck for the future.●

MEETING THE NEW CHALLENGES OF THE 1990'S

● Mr. BOSCHWITZ. Mr. President, what a difference a decade makes.

At the beginning of the 1980's, the United States was being challenged around the globe. We faced multiple tests, many of which, I might say, we were not handling very well. We seemed unable to sustain a consistent foreign policy and provide the leadership demanded by our allies and friends. Freedom and democracy seemed to be in retreat almost everywhere.

In Europe, the Soviets were installing a new generation of missiles, the intermediate range SS-20's, in an effort to intimidate NATO and compel our European allies to loosen their ties with the United States. In the Middle East, 52 Americans had already been held hostage for more than a year by Iran's hostile revolutionary government. In Afghanistan, more than 100,000 Soviet troops were brutally attempting to consolidate in power a Marxist puppet government.

In Africa, tens of thousands of Cubans were fighting in Ethiopia and Angola in support of openly avowed Marxist regimes. And in Asia, unrest was brewing in the Philippines and South Korea, while the Communist regimes of Vietnam, Laos, and Cambodia further tightened their grips. Closer to home, the most extreme left-wing elements of a popular revolution in Nicaragua were consolidating their power while supporting leftist guerrillas in neighboring El Salvador, where a violent civil war, accompanied by outrageous brutalities by both sides, was under way.

Our responses to most of these events were perceived to be largely weak and ineffective. Our prestige was at low ebb, and our self-confidence as a nation was in doubt.

The American people responded to these events by voting overwhelmingly for a new President, giving him a mandate to redress our failings. President Reagan seized this opportunity to reinvigorate our national commitment to the causes of freedom and democracy, and to a resurgence of American leadership. He at once set about to restore America's defenses, and Congress responded. Our common determination to rebuild America's armed strength

that took place under his leadership was, I believe, fundamental in convincing the Soviets to bargain seriously about arms control.

Without our new found resolve, I am sure that we would not have achieved either the agreement to eliminate all intermediate range nuclear missiles or the substantial progress we have made to date in moving toward other weapons' reduction agreements. Nor would the incredible march toward democracy occurring almost daily around the world have been possible. The revival of the American spirit and American ideals since 1981 has, in fact, been so successful that a number of the challenges we stand to face in the 1990's will have been caused by our successes in the 1980's.

NEW CHALLENGES

Today, at the beginning of a new decade, we are entering a new era. The postwar period that lasted since 1945 has finally ended. The world is witnessing more change, and more demands for change, than at any time I can recall in my lifetime. A week—sometimes a day—does not go by without news of a development in the U.S.S.R. or Eastern Europe which would have been unthinkable as recently as last summer. As a result, much of the generally accepted conventional wisdom that guided us for 45 years no longer seems applicable.

The Soviet empire is in a state of disarray at the same time that the military threat it poses is receding. Popular discontent in the Communist nations is widespread, as are calls for radical change. The responses to date have produced an unmistakeable trend. Except for Albania, all of the countries of Eastern Europe are in the process of a remarkable and stunning transformation, jettisoning with unprecedented speed the heavy loads of both Communist economic dogma and its totalitarian political system. The Soviet Union itself has set out on a course whose final destination remains uncertain.

Economically, Western Europe and the Asian tigers—Japan, Taiwan, South Korea, Singapore, and Hong Kong—pose immense challenges to us, a situation totally unlike that of much of the postwar past. By the end of 1992, the European Community will be transformed into one megamarket, as national borders become transparent to the movement of capital, labor, goods, and services: one huge free trade zone with a GNP greater than that of the United States. As a result, the Community, with tremendous economic and political clout, will be vying for advantage with us and with the still-booming Asian economies.

Our other major economic concerns in the new era will center around debt and trade. Our own trade deficit, which was almost $119 billion in 1988, comes from our insatiable appetite for imported goods—two-thirds of this deficit is with those Asian tigers.

There is a natural resentment felt by some Americans as we allow these countries' goods to flow freely, in most cases, into the United States, while in many cases our goods are restricted from entering their markets or face anticompetitive practices. For some, the answer has been to call for tightening our own barriers to trade. But I believe that could easily result in higher priced goods for everyone and a shrinking export market for American products. In considering barriers to trade, it can't be forgotten that the United States wins both championships: yes, we are the world's largest importers, but we are also the world's largest exporters. Restraining either will vitally and quickly impact our people.

Our basic trade policy should be based on the strong pursuit of free and fair trade among all nations. It's so often a frustrating pursuit. Yet, there simply should be no artifical barriers to trade. We must continue to demand that other countries open up their economies to American goods, giving us a fair chance to compete. Free trade encourages economic expansion and interdependence, both of which are welcome in today's world. If Third and Fourth World economies are ever to rise above poverty for their people they must begin with the ability to trade, and if America doesn't stand for lowering barriers, no one will.

As for foreign investment here in the United States, much of the fear of foreign ownership is somewhat misplaced. Foreign investments in the United States are really a sign of confidence in our economic health. The net assets of the United States were recently estimated at $15 trillion; that's after the national debt has been subtracted. All foreigners combined own only $0.3 trillion in American real estate and have portfolio investments—stocks, bonds, et cetera—of about $1.5 trillion, about the same as our investments abroad as currently valued. So we're not really in much danger of being taken over. In fact, we have much less foreign ownership here than do many of our trading partners.

For decades—continuing to this day—American firms have invested overseas just as foreign firms now do in the United States. And when these foreign firms come here, they bring new capital, expand our own economy, pay taxes, and provide new jobs. Those are a lot of benefits we shouldn't forego.

If we should have an area of concern, it ought to be over foreign ownership of key industries with national security implications, such as computers and defense manufacturing. Congress recognizes the dangers of this and has already passed laws preventing some of these industries from being sold to foreigners.

If we have problems, they're nothing compared to those of the Third World countries. Debt is the Sword of Damocles hanging over the hopes of the underdeveloped nations. The amounts they owe are simply staggering—$1.2 trillion overall, according to the World Bank. The total debt service of the developing countries—that part of their export earnings that is used to pay off their foreign debt—equals about 47 percent of those earnings. By some calculations, they are actually transferring more money to the developed nations than they are receiving in return. This severely restricts their ability to invest in their own infrastructure and industry—in their own futures. In effect, it pushes them further into poverty and raises the spectre of more instability.

It also curtails their ability to buy foreign—including American—goods, harming our own ability to expand trade. Coordinated multilateral initiatives addressing the investment, financing, and economic problems of these nations are needed to help create the conditions for real growth. The first step should be to constructively rearrange and refinance the bank debt of those Third World countries making market reforms. In return, the banks could receive a form of international guarantees on the remaining amounts owed.

Many of these economic challenges are unprecedented. So are the challenges we face in other fields. Among the most important before us in the 1990's are the global proliferation of nuclear, biological, and chemical weapons; the spread of ballistic missiles and the technology to produce them; terrorism; drugs; and environmental degradation.

DANGERS AND OPPORTUNITIES

The end of one era and the onset of a new one always brings with it both dangers and opportunities. The dangers are in acting in a piecemeal manner to change, without an underlying philosophy that marries strategy to goals. The opportunities lie in having a unifying philosophy and then taking advantage of the always-amorphous shape of the future to move events in directions that benefit stability, freedom, and a more peaceful world.

In the new era, as in the old, the most important specific challenge facing us will come from Soviet Union. But in the 1990's the U.S.S.R. probably could well be considerably less threatening to the West than has historically been true. I am sure that our relationship with the U.S.S.R. will remain central to our national security interests—it will still be the only power on Earth with the potential to

destroy us—but I interpret developments in Moscow as pointing to Mikhail Gorbachev's desire to concentrate on the many internal problems he faces as he attempts to restructure and reform his country's failed economic and political systems.

A Soviet Union primarily looking inward over the next decade would indeed be welcome. It will increase the chances for meaningful arms control across a broad spectrum of issues—nuclear arms, conventional forces, and chemical and biological weapons.

But one must not move to conclusions about the Soviet Union too quickly. It is entirely possible that their turmoil could lead to new leadership and a reversion in policy to confrontation and internal repression. It is even arguable that letting down our guard could hasten or contribute to such a result. So our continuing resolve and preparedness—that did so much to bring us to this point—should not be relaxed.

As we move on these fronts we must decide how to continue our prudent defense in a period of apparent relaxation of tensions. How should we respond to the enormous changes in the Soviet Union and Eastern Europe? How do we keep America engaged in the world?

For starters, we must remember how we arrived at this moment. We did not come to such a period of dynamic possibilities by weakness, but rather through strength and strength of purpose.

NATO is 40 years old and is now at middle age. Like many individuals who reach that milestone, it is assessing both its past and its future. As for the past, NATO's success in securing the freedom of the West since its inception in 1949 in the face of a menacing Soviet Union is undeniable. Its performance in the 1980's was spectacular. This group of 16 nations, operating on the basis on unanimity, stood up to formidable Soviet threats and tactics in the early 1980's, voting bravely and prudently to put new intermediate-range missiles on their soil and pursue disarmament negotiations. This decision led to a treaty that entirely banned these missiles on both sides.

With the great changes of the 1990's, however, especially the perception of decreased from the Soviet Union, the alliance will need to find a way to sustain popular support for its continuing mission. I strongly hope—and expect—that we will succeed in negotiating reductions in the level of conventional forces between NATO and the Warsaw Pact, and in placing both alliances in strictly defensive postures. Yet if that is followed—or preceded—by a mindless orgy of defense budget cuts in the West, our very success in creating a new and safer stability in Europe would be undercut. Let's remember that the Soviets are still spending upwards of one-fifth of their gross national product on defense—more than three times as large a portion of their economy as we are. They haven't disarmed and are continuing to modernize their nuclear forces.

The pressures to cut defense spending are always great and could become political imperatives in the years ahead. Some reduction in spending will be possible if NATO and Warsaw Pact forces are cut, but we should hedge our bets about the permanence of changes in Eastern Europe, at least for some time to come. We'll still have to maintain well-armed and highly trained forces prepared to fight on battlefields that will be dominated by high-technology weapons.

A major lesson of the 1980's was that by investing in defense we can bring about real progress in helping to make the world a safer place. The bipartisan commitment by Congress and President Reagan early in the decade to restore our country's defenses was the major reason that the U.S.S.R. eventually returned to the bargaining table and negotiated the treaty banning all intermediate range nuclear missiles. Without that commitment, I truly doubt whether that historic pact would have been achieved and the process of actually reducing our nuclear arsenals could have begun.

There are those who argue that the likelihood of reduced superpower tensions and new arms reduction treaties are reason enough for dramatically reduced defense spending. Without concluded, ratified, and verifiable treaties that would be a very shortsighted view. But clearly, the question of paying for and maintaining militarily required bases should be a central topic of discussion as we explore further additional burden-sharing with our allies and a reassignment of alliance obligations in meeting our joint responsibilities.

Not all of our allies spend as much on our common defense as they should. Many, in fact, spend half or less of the percentage of their gross national product on defense than does the United States—which spends about 6 percent of GNP on defense. While the allies provide many tangible and intangible assets—such as conscripted soldiers, buildings, land for exercises, and air apace for training—I believe that at a time of general economic growth we should insist that GNP levels allocated to defense be about equal, or that contributions to the United States in return for the presence of our forces bring about that equality.

I say this not only because I beleive it is right to do so, but also because it needs to be done if the United States is to be able to sustain the political will to provide for the adequate defense of our allies. The demand for fairer burden-sharing is a political rallying point that spans the political spectrum in our country. It is a demand that will become ever sharper in the 1990's.

The American people have the right to expect this. As we search for dollars to aid the Third and Fourth World countries and the emerging democracies, much of our expenditures abroad are for the common defense of the United States and the developed nations of Europe and the Far East who must bear more of the burden. They are, in addition, our principal economic competitors. No wonder that they can save more and spend more on research and development. We underwrite their defense costs. This simply cannot continue.

HELPING THE SOVIET UNION AND EASTERN EUROPE

Another issue, one already before us, is the extent to which the West should help to finance reform in the Soviet Union and its former satellites. Overall, I believe it is in our national interest to support the reform effort. As new measures are implemented, the demands for more reform will increase. And the more change that is actually made the more difficult it will be to go back.

The U.S. economy will benefit from increased trade with the reforming nations. The Soviet Union, for example, is a vast, almost untouched market for our goods. Opening it up will result in the creation of enormous new opportunities for our businesses and thousands upon thousands of new jobs here at home.

This doesn't meant that we should respond indiscriminately. We will want our visible support for reform to be tied to visible actions—for example, specific evidence that resources are being shifted from the military to the consumer goods and light industrial sectors of their economy, and shifts in Soviet foreign policy in such areas as Central America—something that, despite all their public rhetoric, the Soviets have yet to do. Greatly expanded opportunities for private enterprise and a realistic price system are other actions that would provide real indications that Gorbachev intends to fundamentally recast the Soviet Union, and would provide the firmest foundation for expanded United States involvement. In short, we shouldn't act to prop up the Soviet system but to help it evolve toward pluralism and open markets.

Providing aid to Eastern European nations which adopt major reforms is also a step we should willingly undertake—and one which we've already started to act upon. In conjunction with our allies, we need to devise programs laying out specific markers for these countries, with the explicit understanding that if repression returns

or centralized economic controls are reasserted the aid would stop.

AN ISOLATIONISM FUTURE?

A potentially less threatening Soviet Union raises the possibility that there may be a resurgence of isolationism in the United States. In practical terms, this would come about by large congressional cuts in both the defense and foreign assistance budgets.

Historically, we Americans have been attracted by arguments advocating our withdrawal or aloofness from foreign affairs. There was a time earlier in our history when such arguments had some merit. But that time is long past. Nevertheless, they have had a great impact even in this century.

After World War I, isolationist arguments succeeded in preventing us from joining the League of Nations. In the long-term, this crippled the League and removed us from active participation in efforts to promote global stability. Without an active American presence in world affairs, the long slide toward World War II came about all the more easily.

Today, in the age of intercontinental missiles and economic and political interdependence, we can't afford to dissasociate ourselves from the world around us—doing so can jeopardize our freedom. In the 1980's, the United States reasserted itself as an active player on the world scene. Now, with the international situation more complex than at any time I can remember since 1945, it is imperative that we remain actively engaged and spend the money on international affairs that must be appropriated, despite the political unpopularity of such a stance. To do otherwise means removing our weight from the international scales, inevitably leading once again to increased global unrest.

One way we stay involved in world affairs is by supporting the spread of democratic governments and free economic institutions. Freedom made a roaring comeback during the 1980's. Its triumphs have been truly startling, its attractions universal. During the decade, not one country—not a single one—was lost to dictatorship. The list of new democracies that emerged—other than in Eastern Europe—is remarkable. It includes virtually all of South America—Brazil, Argentina, Peru, Bolivia, Ecuador, Uruguay, Paraguay, and Chile—most of Central America—Nicaragua, Honduras, El Salvador, Guatemala, Belize, Panama, and Grenada—and other significant countries such as Turkey, Korea, Pakistan, Taiwan, and the Philippines. Many of these victories would not have been possible without American support.

The appeal of the free enterprise system has been just as successful. The incredibly vibrant free market economies of the world look more attractive now than ever before. It's no surprise that those countries making the most progress in improving the lives of their people have also allowed the greatest amount of individual initiative and private enterprise and the greatest measure of civil and political liberty.

While American support can not guarantee that efforts to extend freedom's reach will succeed, the absence of our support may very well cause such efforts to fail.

A WORD ABOUT BACK HOME

Dealing with the substantive issues of foreign policy will, of course, be crucially important to our success in the 1990's. But the process by which that policy is made can be just as important. The greatest task facing Congress and the President in this regard is to reestablish the bipartisan consensus that served us so well in the two decades following World War II. This consensus, which led to the creation of NATO and the Marshall Plan, broke down under the strains of Vietnam and Watergate.

Ever since, Republicans and Democrats have been engaged in that contentious bickering and wrangling over foreign policy that has continued, with only a few notable exceptions, to this day. One major result of the breakdown was that Congress became, and remains, as assertive and willing to take the lead in foreign affairs as at any time in our history.

The President and Congress need to establish a new bipartisan compact, one respecting the interests and prerogatives of both branches of Government. The administration should commit itself to talks with Congress early enough in the policymaking process so that the latter's concerns can be taken into account before policy is finalized. Otherwise, legislative action interfering in or refusing to pay for the policy could result.

For its part, Congress should commit itself, in return for close consultations, to significantly reduce the amount of meddling and micromanagement it currently engages in.

President Bush has committed himself to a bipartisan exploration of the issues and he has made substantial efforts to include Congress in the formation of foreign policy. I look forward to continuing—and participating in—this process.

IN CONCLUSION

The 1990's will present us with extraordinary challenges and opportunities in international affairs. Our ingenuity and wisdom will be tested during the decade to an extent not seen since the late 1940's. I am optimistic about our ability to respond in ways that attain our objectives and further peace and stability. Maintaining our commitments to freedom and democracy and building a bipartisan foreign policy will be among the keys to our success. If we stay on this course—and I deeply believe we must—we will be able to meet the future with confidence in ourselves and our ability to reach our goals as a united people.

ADDENDUM

My first job in politics was as Richard Nixon's State chairman in his Presidential campaign of 1968. His opponent was Hubert Humphrey and I have often said that as a relative newcomer to Minnesota, I arrived in October 1963, I was the only person the Republicans could find. In any event, from never having attended a political meeting, I was suddenly catapulted to a State chairmanship.

I freely admit that I stuck with Nixon too long. As I tried to rebuild our party throughout Minnesota in the 1970's I attended scores and scores of meetings thinly attended because of Watergate. It was a hard time that did not endear him to me.

But he was—and remains—a keen and shrewd observer of the world scene, and the attached speech that he gave about Gorbachev is very much worth reading. I ask that it be printed at the conclusion of my remarks.

The speech follows:

[From the Washington Times, Jan. 31, 1990]

BY WHAT HONORIFIC IN THE YEAR 2000?

(By Richard Nixon)

(Comments by former President Richard Nixon at Time Magazine's recent Man of the Year dinner, which this year celebrated the selection of Mikhail Gorbachev as Man of the Decade.)

Since this is Time's Man of the Year dinner, I would like to share with you my evaluation of Time's Man of the Decade—Mikhail Gorbachev.

Because my views differ in several respects from the conventional wisdom reflected in Time's excellent cover story, I would first like to indicate the areas where we agree.

Gorbachev is the most enlightened Russian leader of this century and possibly in Russian history. He is the best-educated Soviet leader since Lenin. He earned a bachelor's degree in law. He was born with a master's degree in public relations.

He is by far the most popular leader in Europe, and among America's elite intellectuals, those with postgraduate training, he is even more popular than George Bush—one of America's most popular presidents.

Let me now turn to areas where I do not share the conventional Beltway wisdom. One highly respected major publication tells us what Gorbachev's goal for the Soviet Union is "an economically and politically liberal regime without any expansionist ambitions." You might reach that conclusion from some of the things he has said and done. But we should always bear in mind three hard facts in appraising his actions.

Gorbachev is a true-believing communist. His goal is not to abandon communism, but to save it.

He is a proud Russian nationalist with the same goals for his country that Russian leaders have had for centuries before Lenin.

He is a brilliant, pragmatic political leader who likes power, knows how to use it and will do what is necessary to keep it.

With these facts in mind, let us examine what he has done. His political reforms, glasnost and democratization, have been an enormous success abroad and have produced a less repressive society for many people in the Soviet Union. While inadequate by Western standards, they are revolutionary when compared with what the Russian people had before.

Where there was no freedom to criticize the government, now there is some.

Where there was no freedom of the press, now there is some.

Where there were no free elections, now there are some. We must keep that in context, however. Two-thirds of the recent elections were rigged. While some communist officials lost their positions, Gorbachev strengthened his. He is now the most powerful Soviet leader since Stalin. He has replaced all of the Politburo members appointed by Brezhnev. He has replaced 80 percent of the members of the Central Committee. He has changed 15 of the 16 heads of the Soviet republics.

In my Kitchen Debate with [Nikita] Khrushchev in 1959, the man standing next to Khrushchev was Leonid Brezhnev. Five years later, Brezhnev led the coup which removed Khrushchev from office. That won't happen to Gorbachev. [British Prime Minister William] Gladstone once said that the first requisite of a prime minister is to be a good butcher. Gorbachev is a good butcher.

While Gorbachev's political reforms would have to be rated as a success, his economic reforms, perestroika, have been an abject failure. The rhetoric has been impressive: support for joint ventures, cooperatives, decentralized controls and even some kind words for a market economy. The results have been dismal. For example, in the 10 years of the economic reforms of Deng Xiaoping, Time's Man of the Year in 1978 and 1985, the per capita income of the Chinese people doubled. In the three years since Gorbachev initiated his perestroika reforms, the per capita income of the Soviet people has gone down and the prospects for the future are no better.

While his economic reforms have been a failure, Gorbachev's foreign policy has been a brilliant success. He withdrew the Red Army from Afghanistan and played a role in getting the Cubans out of Angola and the Vietnamese out of Cambodia. He has announced major cuts in his defense budget and in his Warsaw Pact forces. Most significant, he has renounced the Brezhnev Doctrine and has stood aside while his Soviet clients in Poland, Hungary, Czechoslovakia, East Germany and Bulgaria have been driven from office.

Rather than just applauding what he has done, let us examine why. In 1985 in Beijing, I asked General Secretary Hu Yaobang if he thought Gorbachev would follow Deng's example and reform the Soviet economy. He smiled and said, "I don't think so. But if he doesn't, the Soviet Union will disappear as a great power in the 21st century." He was right, and Gorbachev knows it.

Look at what Gorbachev confronted when he moved into the Kremlin five years ago. Everywhere he looked he saw communism in crisis. His Third World clients were all losers. Cuba, Nicaragua, Angola, Ethiopia and Vietnam cost him billions of dollars in subsidies. Afghanistan was costing lives as well as money.

All over Eastern Europe, sullen, explosive dissent was boiling beneath the surface. Communism had produced stagnation, not progress. And as a result of the communications revolution, the people in Eastern Europe knew how much better life was in Western Europe.

Most ominous, the Soviet economy was a disaster area plagued with corruption, inefficiency, shortage and alcoholism and was falling further behind the West at an alarming rate.

Abroad, Gorbachev found that all of the great industrial powers in Europe and Asia were aligned against him. Most disturbing, he saw that his major potential adversary, the United States, had recovered from the malaise of the late '70s and the recession of the early '80s, had a booming economy, a stronger military, a stronger foreign policy and a new initiative, SDI [the Strategic Defense Initiative], which would cost the Soviet Union billions of dollars it did not have just to keep up. Gorbachev is a true-believing communist, but he is no fool. His pragamatic side took over from his ideological side. He decided that he had no choice but to reform at home and retrench abroad.

We have examined what he has changed. Let us see what he has not changed.

His much-publicized cuts in defense have had a dramatic effect in reducing the Western fear of Soviet aggression. But he is still spending 20 percent of his GNP on defense, compared with 6 percent in the United States. He has modernized all three legs of his nuclear triad with new weapons on land, sea and air. His superiority, after his cuts, in conventional and chemical weapons is still overwhelming. The Soviet military is leaner but stronger today than when Gorbachev came to power five years ago.

In foreign policy, he received great credit for withdrawing the Red Army from Afghanistan. But his puppet communist government in Kabul is still in power and receives $4 billion a year from the Soviet Union to keep it in power. His Soviet clients still rule Angola, Ethiopia and Cambodia. He provides arms to North Korea and Libya, who threaten their neighbors with aggression and who along with Iran are the major exporters of terrorism in the world.

He provides $6 billion in arms and aid to [Cuba's Fidel] Castro, who ships Soviet arms to Nicaragua who in turn supply arms to the communist rebels fighting against an elected non-communists government in El Salvador. For Gorbachev to claim that he does not know this is happening is ludicrous. The Soviet Union has its weaknesses. But it would be stupid to assume that the KGB is as impotent as our CIA in finding out what is going on in communist countries.

The conventional wisdom is that Gorbachev deserves the primary credit for inspiring and encouraging the revolts against communists regimes in Eastern Europe. The truth is that it was Western values, contrasted with the failure of communist ideas Gorbachev still upholds, which brought millions into the streets of the great cities of Eastern Europe.

Gorbachev had a choice. He could implement the Brezhnev Doctrine and try to keep his clients in power by force, as Khrushchev did in Budapest in 1956 and Brezhnev did in Prague in 1968, or he could take credit for developments he might not have liked but could not contain.

Again, the pragmatic politician took over from the Communists Party ideologue. To do what was necessary to keep unpopular puppets in power in Eastern Europe, he would have aborted his brillant diplomatic blitzkrieg to psychologically disarm his potential adversaries in Western Europe. In a nutshell, he had to choose between Eastern Europe and Western Europe, and he chose Western Europe. He decided that developing better relations with Western Europe and the United States whose assistance and cooperation he needed to rebuild his shattered economy, was more important than trying to hold on to the rebellious populations of Eastern Europe.

What we are seeing under Gorbachev is a profound shift in Soviet priorities. For almost 70 years, Soviet domestic policy served Soviet foreign policy. Now Soviet foreign policy must serve Soviet domestic policy. Whether it is defense, arms control, Eastern Europe or the Third World, Gorbachev's first priority is to do what is necessary to rescue the Soviet economy from terminal illness.

By disarming the West psychologically he removed the fear—the glue that holds the Western alliance together and that provides the justification for adquate defense budgets. This enables him to safely reduce his huge defense budget and to apply the proceeds to desperate domestic needs. By projecting a being image abroad, he increases his chance to get the credits, aid and technology he needs to revive a sick economy.

This brings us to the crucial question: Should we help him? The answer is yes, but only if it serves our interests as well as his. Gorbachev has changed since the days when he routinely supported Brezhnev's policies. But it is a change of the head, not the heart. At a time he is using his head, we should not lose ours. As long as his ultimate goal is to make life better for the Soviet people, we should help him, provided his reforms go far enough to work. But if ultimately as a result of successful reforms we will face an economically stronger Soviet Union pursuing the same traditionally aggressive Soviet foreign policy, we should not help him. We would, in effect, be subsidizing our own destruction.

Let's look at some specific examples.

Gorbachev's current reforms will not work unless they are radically expanded. Trying to bail out a fatally flawed policy does Gorbachev no favor just as a banker does a borrower no favor by making him a bad loan. If you doubt that, ask Mr. Campeau. As Andrei Sakharov put it, "In the absence of radical reforms, credit and technological aid will only prop up an ailing system and delay the advent of democracy."

Even if the reforms go far enough to work, the success of perestroika is not in our interest unless Soviet foreign policy becomes less aggressive. For example, continued Soviet support for anti-American regimes in Cuba and Nicaragua and for communist rebels in El Salvador is not acceptable. Gorbachev must be made to understand that Central America, for us, is a neuralgic issue. Our policy should be absolutely uncompromising. Any sale of arms to an anti-American regime in the Western Hemisphere will not be tolerated.

Unsubsidized trade in non-military goods serves both our interest. Subsidized trade does not. Providing credits for the purchase of consumer goods would, in effect, help finance perestroika. It is in our interests and in Gorbachev's interest that he have no choice but to finance perestroika by cutting his swollen defense budget and the costs of his foreign adventures.

Arms control that contributes to stability serves both our interests. Our first priority should be the mutual reduction in conventional arms for two reasons. First, the Soviet superiority in conventional arms is

the major reason we need nuclear arms. Second, reductions in conventional arms will save far more money than reductions in nuclear arms. Under no circumstances should we make unilateral cuts in our defense forces. Gorbachev can afford to do so because he still has superiority. We should seek to negotiate mutual agreements which will eliminate that superiority.

Will Gorbachev last? In view of the failure of his economic reforms and his current problems in the Baltics and Azerbaijan, speculation is increasing that he cannot survive in power. I disagree. Gorbachev may not be an ordinary communist or an ordinary Russian nationalist, but he most certainty is an extraordinary politician. I believe that as a pragmatic politician, he will do what is necessary to survive. Ironically, this could mean that he will last not because his reforms succeed but because he will back away from them if carrying them out threatens his power.

Let us put the momentous events of 1989 in historical perspective. We are entering the most exciting decade of the 20th century—more exciting even than the two decades in which the bloodiest wars in history, World War I and World War II, were fought. We can be thankful that we will be waging peace, not war. But we must recognize that the challenge of winning the peace will be even greater than the challenge of winning a war. On all sides, we hear the Cold War is over. It would be more accurate to say that the Soviets have lost the Cold War but the West has not yet won it.

1989 was a heady year of victory without war for the forces of freedom without war. 1990 will be a much tougher year because, as history tells us, waging a successful revolution, while difficult, is not nearly as difficult as governing after winning a revolution. Revolutionary leaders are seldom good nation builders. Revolutionary leaders must destroy. Those who govern must build.

Our historic challenge is to join with our allies in the Free World in doing what is necessary to make sure that the high hopes of the millions in Eastern Europe who cast their lot with freedom in 1989 are not dashed when they encounter the hard realities of building free democratic societies in 1990.

In his book "Great Contemporaries," Winston Churchill observed that Lord Roseberry, a 19th century British prime minister, had the misfortune to live in a time of great men and small events. World leaders today have the good fortune to live in a time of great events. They have a historic opportunity to rise to the level of those events.

This brings us back to Gorbachev. He faces superhuman challenges. But if he has the courage, the wisdom and the will to lead his people away from aggression abroad and enables them to enjoy the blessings of freedom at home, TIme's cover story in the year 2000 will hail him not just as the Man of the Year or the Man of the Decade. He could be the Man of the Century.●

NATIONAL VOLUNTEER WEEK

● Mr. GRASSLEY. Mr. President, I rise today in recognition of extraordinary men, women, and children across this Nation who decide to give something back to their communities. Volunteers who devote their time and energy toward the simple ideal of making a difference where they live deserve our recognition and gratitude. National Volunteer Week, which is April 22 to 28, 1990, is an excellent opportunity for Americans who live in a far too often "me-oriented" society to say thanks to those who instead think of "we."

"Volunteers Shine On" is this year's theme to National Volunteer Week. With pride, 80 million civic-minded Americans can look to their collective efforts and say unequivocally that they have made this a better country. Their work rarely captures headlines, but quietly and effectively volunteers are continuing the American tradition of caring for others. They are fighting crippling diseases, spending important time with our youth, joining in the war on drugs, keeping neighborhoods safe, and helping needy veterans, homeless, disabled, and elderly. These are but a few of the many diverse ways that volunteers serve their fellow man in this country.

Without profit or recognition, volunteers give of themselves. It would be easier for them to do as others do and look to the Government to solve every problem. But, volunteers know that is impractical and uncaring. Government alone cannot solve all of our society's problems because of their magnitude and nature. We need volunteers to help where Government cannot, to be there after Government agencies have closed for the day, and to provide the love and caring that Government can never provide. America needs volunteers and, thankfully, many have answered the call to service. Hopefully, many more will see that they, too, are needed and will volunteer in the future.

Heroes do exist in America in 1990. While we are too often bombarded by tales of greed, volunteers are shining on across America and making this a better place to live. People helping people is what America is really about. I am pleased that 80 million Americans have not forgotten that. I am proud to add my support to National Volunteer Week. Volunteers shine on.●

EXCLUSION OF ISRAEL FROM NAMIBIAN INDEPENDENCE CEREMONY

● Mr. INOUYE. Mr. President, on March 21, 1990 the new nation of Namibia gained its independence after over 70 years of rule and administration by South Africa. The United States played a substantial role both diplomatically and financially in obtaining independence for Namibia. We provided the lion's share of funding for U.N. peacekeeping forces which administered the election process under U.N. Resolution 435. We spent years focusing on the independence of Namibia as a priority in our foreign policy in Africa.

We are very pleased to know that the election process went smoothly and was certified free and fair by the United Nations. The Namibian people have enacted a constitution which is perhaps the most democratic in all of Africa and their economic and political future looks bright.

However, many of us in the Congress were surprised and saddened to see Yasir Arafat promoted as a head of state in the independence ceremonies. Even more disturbing is the fact that the only country in the world which was not invited to the independence ceremony was Israel.

As Namibia is seeking substantial foreign assistance funds from the United States, many of us in the Congress will be watching and assessing how Namibia treats our allies and other democracies. Our priorities will need to be focused on assisting countries which espouse democratic ideals and policies in their foreign policy as well as at home.●

THE 20TH ANNIVERSARY OF EARTH DAY

● Mr. DODD. Mr. President, I rise today to express both my concerns about the state of our environment and my optimism about Earth Day 1990.

First, I extend my compliments to those persons—numbering in the thousands—who have donated their talents and time to the various Earth Day events taking place across the Nation this weekend. The anticipation here in Washington on the eve of Earth Day is palpable, and with good reason. The original Earth Day precipitated landmark legislation and yielded positive long-term results. If scale is any indication of success, the benefits reaped from this year's celebration should be unprecedented.

But let us not rest on laurels which have yet to be earned. The environmental situation facing us today is critical. We have, in the past two decades, been confronted with a global warming trend known as the greenhouse effect. We have witnessed an alarming number of oilspills, including the tragedy which continues to unfold in Prince William Sound, AK. Automobiles, and the toxins which they emit, have proliferated over the past 20 years. And we have watched significant portions of rain forests decrease and, with them, our overall supply of oxygen.

It is fitting, then, that the scope of Earth Day is as vast as the problems which we have left to solve. While we can point to substantial new legislation to further cleanse the air and provide compensation in the event of oilspills, we must redouble our efforts to write the laws—and enforce the laws—that will safeguard our environment.

Yet congressional measures are not enough. We must heighten public awareness on these issues and the actions each individual must take to preserve our planet. All citizens should be mindful of the importance of recycling glass, paper, and aluminum; the need to conserve precious resources such as trees, water, and fossil fuels; and the pressing need to make corporations accountable for environmental abuses.

Finally, we must accept the reality of our environmental interdependence within the world community. Unless we persuade our international neighbors to tackle their own environmental issues, phenomena such as the greenhouse effect, acid rain, and a shrinking supply of oxygen will continue to worsen. Thus, I advocate the development of international organizations to foster greater environmental cooperation, including technology transfers, among nations.

Mr. President, I am optimistic that we can reverse the environmental degradation of the 20th century, so that our descendants might survive the 21st century. As has been previously said: "We do not inherit the land from our parents, we borrow it from our children." Let that be the motto of Earth Day 1990.●

ST. BARNABAS MEDICAL CENTER

● Mr. BRADLEY. Mr. President, St. Barnabas Medical Center, in Livingston, NJ, is celebrating the 125th year of its founding. I ask my colleagues to join me in congratulating St. Barnabas for its many years of service to the people of New Jersey.

St. Barnabas has long been at the forefront of medical science. The first kidney transplant in New Jersey was performed at St. Barnabas, and the medical center is nationally recognized as a leader in the treatment of end-stage renal disease and transplantation. St. Barnabas Medical Center has become one of the five leading gynecologic oncology centers in the Northeast, and its radiation oncology department is recognized throughout the region for its treatment, training, and research programs. St. Barnabas Burn Center is New Jersey's certified burn unit, and has provided care, comfort, and cure to burned residents from throughout the State.

Since 1880, St. Barnabas had educated young physicians. Generations of physicians have benefited from the state-of-the-art technology and expertise that is available at St. Barnabas Medical Center.

But most importantly, St. Barnabas provides thousands of New Jerseyans each year with the highest quality of medical care. All New Jerseyans can take great pride in the many achievements of St. Barnabas, and great comfort in the knowledge that one of our Nation's premier medical centers is available to all of our citizens.●

AILTON KRENAK AND UNION OF INDIAN NATIONS OF BRAZIL RECEIVE ONASSIS INTERNATIONAL PRIZE FOR MAN AND SOCIETY

● Mr. WIRTH. Mr. President, as we are now celebrating Earth Week, I think it appropriate that I draw to the attention of my colleagues the award last week, in Athens, Greece, of a major international prize to a remarkable champion of the environment, Ailton Krenak of Brazil, and the Union of Indian Nations.

I should explain, Mr. President, that every year the Onassis International Prizes Committee awards four prizes, of $100,000 each, for achievement in several fields.

This year the Onassis Prizes, made possible through the generosity of the Alexander S. Onassis Public Benefit Foundation, were given to four worthy recipients: United Nations Secretary General Javier Perez de Cuellar, the Goulandris Museum of Natural History in Greece, the city of Warsaw, and the Brazilian Indian leader, Ailton Krenak, and the Union of Indian Nations.

The city of Warsaw, Poland, was honored for its brick-by-brick reconstruction of the city center, devastated in World War II; United Nations Secretary General Javier Perez de Cuellar, for his leadership in reinvigorating the United Nations; and the Goulandris Museum of Natural History, Athens, for helping preserve the natural environment of Greece.

Mr. President, I draw particular attention to the award of the Aristotelis Prize for Man and Society to Ailton Krenak, a 36-year-old Brazilian Indian, and the Union of Indian Nations, which he helped found, and now leads, for their extraordinary work to protect both the indigenous Indian peoples of the Amazon region of Brazil and the rain forests in which they live.

I note also, Mr. President, that the Aristotelis Prize was awarded on this occasion, April 5, 1990, in the Old Parliament Building in Athens, by our distinguished former colleague in the House of Representatives and now president of New York University, Dr. John Brademas.

Mr. President, I ask that the text of Dr. Brademas' statement followed by the text of Mr. Krenak's statement be printed in the RECORD.

The statements follow:

LAUDATION OF AILTON KRENAK AND THE UNION OF INDIAN NATIONS—ONASSIS PRIZE FOR MAN AND SOCIETY—ARISTOTELIS 1990

(By Dr. John Brademas, Athens, Greece, Apr. 5, 1990)

LIFE OF AILTON KRENAK

You have been a resourceful, courageous leader in the effort to protect both the indigenous peoples of the Amazon region of Brazil and the rainforests that are their homes.

The story of your tribe—the name of which you have taken as your own—is one of struggle for survival. Late nineteenth century wars against native peoples decimated your tribe until only 600 were left. In the 1960s, German colonists cut down the forests, built sawmills and began to pasture cattle, driving your parents from their traditional home on the border between the States of Espirito Santo and Minas Gerais.

Undaunted, you then went to Sao Paulo to get an education, learn the language of white Brazil—Portuguese—and to study graphics.

Understanding that the tragedy of your people was common to other Indian tribes, in 1981 you became a founder, and then leader, of a movement to empower the 180 indigenous tribes of your vast country. These tribes occupy a region nearly as large as the United States. Separated by culture, language and social organization from the larger Brazilian society, they have lived a history of oppression at the mercy of explosive demands for economic growth and development. Many native peoples continue to be threatened with loss of their lands, resources and their basic rights; many others, with annihilation.

ACHIEVEMENTS OF AILTON KRENAK

Under such circumstances, and despite lack of support from government, business and mining interests, you have become the first indigenous leader in Brazilian history to unite Indian nations and gain them their political rights.

With eloquence and vision, you have brought to international attention the plight of indigenous peoples and the fragile ecosystem in which they live. You have thereby earned respect for your cause both within Brazil and around the world.

You were the only Indian leader invited to address the constitutional convention that in 1988 drafted the new, democratic Constitution of Brazil. With great skill, you were able to persuade the drafters to include language demarcating land and resource rights for native peoples. Knowing that in order to be effective, constitutional provisions require enabling legislation, you founded the Nucleus for Indigenous Peoples—a consortium of jurists, educators and scholars—to draft and promote the legislation to ensure these rights.

THE UNION OF INDIAN NATIONS

Your accomplishments, and those of the union you lead, are inseparable.

An articulate spokesman for the aspirations of the Indian peoples, translator of their hopes into an effective political force, you insist that rights and protection for indigenous tribes can come only from an independent national effort. Although others have spoken on behalf of native tribes, the organization you now head is the first in Brazilian history to be led by indigenous people themselves.

With the recently assassinated leader Francisco "Chico" Mendes Filho and his group of rubber tappers—inhabitants of the rainforest who have had a bloody, adversarial relationship with the Indians—you and your union have formed an Alliance to work on issues affecting the use of the land and resources of the Amazon. The Alliance of the Peoples of the Forest, established in 1985, has become a significant political advocate for protection of the region.

Arguing that your people have been deprived of access to the science and technology necessary to preserve the Amazonian area, you and your organization have set up a Special Program to teach Law and Biology and a Center for Indian Research and Training on Resource Management.

You have attracted technical assistance from both government and universities for a project to reclaim degraded lands through production and marketing of fruit, ranching of wildlife and farming of fish. The project will join native resource management with scientific and technical expertise both to enhance the Indian community and preserve the fragile environment.

Training Indians to develop and protect their culture, lands and other natural resources is essential to the survival of the native peoples and of the forests they inhabit.

AWARDING OF THE ARISTOTELIS PRIZE TO KRENAK

The Aristotelis Prize of the Onassis Foundation is awarded annually to "individuals or institutions who have made a notable contribution to the solution of crucial problems of contemporary society."

It is now widely understood that the degradation of unprotected land in countries like Brazil has an impact far beyond national borders—disrupting normal patterns of weather, ocean levels and the biological genetic pool. Saving the Amazon rainforest from mass destruction has become a critical issue to persons all over the world.

You once said:

"We have lived in this place for a long time, a very long time, since the time when the world did not yet have this shape. We learned with the ancients that we are a tiny part of this immense universe, fellow travellers with all the animals, the whole, we cannot neglect or destroy our home. And now we want to talk to those who cannot yet manage to see the world in this way, to say to them that together we have to take care of the boat in which we all are sailing."

It is for your many personal accomplishments as well as those of your organization in protecting both the indigenous peoples and the rainforests of Brazil that the Aristotelis Prize for 1990 is awarded to Ailton Krenak and the Union of Indian Nations.

ACCEPTANCE SPEECH OF AILTON KRENAK

Prime Minister, Ladies and Gentlemen, the Onassis Foundation award is timely in the sense that it helps to project a work being developed in the past decade involving thousands of people from all the regions of Brazil. I thank you for understanding and recognizing the work of the Union of Indian Nations and of Ailton Krenak. I believe that it is crucial to bring to public knowledge the fact that we were able to build an alliance to confront the aggressive and predatory type of development oriented to our regions, and more particularly to the Amazon rainforest, where most Indians in Brazil live. Ten years ago, a group of us went to all Indian regions to talk to the chiefs and shamans about our preoccupation with the violence our people were having to confront. From these conversations the Union of Indian Nations was born, uniting the struggle of a population of about 300,000 Indians spread throughout the large Brazilian territory. These groups have diverse stages of contact with the Brazilian society, ranging from 500 years to 2 years or no contact at all.

PROBLEMS FACING INDIGENOUS PEOPLE IN BRAZIL

For a long time, neither the environmental question, nor the human rights issues known today were problems that concerned our people. Both questions began to gain significance as we were faced with increasing violence and an occupation that was foreign to the traditional peoples' ways. The so called progress that we have seen has meant constant aggressions to nature and the habitat of thousands of small communities that had nothing to do with the national market or the global economy. They had their own economy sustained by a practice of taking from nature and giving back to it—essential elements for a balanced relationship.

SAVING THE AMAZON

Until the 60s, the Amazon was a region occupied by traditional people: Indians, riverine communities, rubbertappers and other groups who lived exclusively from the forest. In the last 30 years the concepts of development and progress were transformed into a national campaign to integrate this region of the world, the Amazon, to the international market and the modern economy. It is clear that to integrate the Amazon into the international market, one had to think about the people who lived there. And this was forgotten. It didn't occur to the Brazilian government, to the planning institutions, to the World Bank, to the European Economic Community, to the private banks and corporations that there were people living in the Amazon for thousands of years. Disregarding that, they planned and carried out policies along 20 years that resulted in a huge social tragedy.

It is very difficult to find anyone in the Amazon today who knows exactly where he is. You find farmers burning ecological reserves, gold miners extracting gold from Indian areas, Indians kicked out into the cities, rubbertappers living in the slum peripheries, and governments implementing dams, roads, and railroads in the middle of the forest. What you do not see at all is a problem directed to the population, a program which admits that human beings exist, that a great cultural diversity exists, that there is a tremendous wealth in the habitats of rivers, forests, and mountains that cannot receive a homogenous treatment. And there are no programs that comprehend this diversity.

UNION OF INDIAN NATIONS ACTIVITIES IN AMAZON

What the traditional populations of the Amazon are doing today is seeking to express their own projects. They are counterposing these projects with the global strategy of development—the one that includes hydroelectric dams, mining companies, railroads and highway construction companies, but that always excludes the local population, in the name of whom these things are being done.

Up until now, the access to technological knowledge has been denied to our people. The techno-scientific practices imposed by the western society have been one-sided, excluding cultural exchange and dialogue. As a consequence, Indian people and the other forest people have watched the destruction and abuse of their homelands, unable to attend to the urgency with the same intensity. Only by having access to this new technology, combined with our traditional knowledge of our territories, we can hope to build a strong front to stop the devastation and reverse the process.

UNI's priority today is to provide this opportunity to Indian people, so that they can better control the resources of their territories and become economically independent, while maintaining the forest resources intact. UNI has founded, in 1989, the Special Program for training Indian people in Law and Biology. It has also implemented the Center for Indian Research and Training on Resource Management, the Nucleus of Indian Rights in Brasilia and continues to develop the Nucleus of Indian Cultures and the Indian Radio Program functioning at the recently inaugurated Embassy of the Forest Peoples in Sao Paulo.

NEED FOR CONCERTED ACTION TO SAVE THE AMAZONIAN FORESTS AND PEOPLES

The efforts to find answers must not exclude the population of the large urban centers. It is their demands that determine the speed of consumption of the remaining natural resources of the planet, frequently only found in areas far removed from their immediate reality. If the population of the world's metropolises became involved in the search for alternatives to the destruction of natural resources, we would have a much better chance to reverse this process that has been destroying the sources of life.

All of us have the memory of one day when the world could support all of its population. To feed us, to care for us, to put us to sleep with the songs of the birds, the rivers, the waterfalls, the forests and the seasons. When each season taught us the right time for each activity. Were we an underdeveloped world then? Was it for this that the international institutions were created, to silence the birds, to cut down the forests and to destroy the rivers? Is that the perspective that we have for future? Can it be that the day we are able to transform the planet into a large desert we will be developed?

This is the concern that I bring, not as my personal preccupation, but as the feeling of my people, of the communities that are dreaming and struggling to live in a better world. We don't want to survive. To survive is not enough. Either you live or you don't live. A surviver is someone who is between the dead and the living. We want life. We want to fight for life, we want to work for life. When a people experiences life and holds the memory of life it will not accept to survive.●

UTAH STATE UNIVERSITY WILDERNESS SYMPOSIUM

● Mr. HATCH. Mr. President, while there are countless positive efforts being taken across the Nation to celebrate the 20 anniversary of Earth Day, one in my State is particularly noteworthy.

Utah State University, in Logan, is the official sponsor of a 2-day symposium. The topic is "Wilderness Areas: Their Impacts." The dual sponsors for this event are the USU College of Natural Resources and the Cooperative Extension Service.

The effort to address this controversial issue is important. Wilderness affects the lifestyle of Americans today and those who will live in our country in the future.

The two sponsoring entities have made major efforts to bring together

nationally recognized wilderness researchers, administrators, and interest groups with a variety of perspectives on April 19 and 20.

There are and will continue to be polarized views about wilderness, but the Utah State University Natural Resources Week symposium provides an important opportunity for the airing of carefully gathered and interpreted information and a setting where legitimate questions can be raised and answered. Out of this worthy effort, perhaps those affected, both positively and negatively, can come to understand the views of others regarding wild lands of western America.

I commend Utah State University for undertaking this important Earth Day symposium and other activities during the Utah Natural Resources Week designated by Utah's Gov. Norm Bangerter.●

TRIBUTE TO REV. RALPH DAVID ABERNATHY

● Mr. WIRTH. Mr. President, I would like to take a moment to pay tribute to the Reverend Ralph Abernathy, the renowned civil rights leader who, along with the Reverend Martin Luther King, Jr., led the crusade for integration in America. A pioneering spirit in the fight against discrimination, Abernathy became a major force in advancing the cause of racial equality. His devotion to the dream of integration of all mankind guided his life efforts.

Few people can equal the courage and conviction of Reverend Abernathy, himself the grandson of a slave. Despite adversity, harrassment, personal attacks and numerous arrest, Reverend Abernathy continued to lead the struggle against ignorance and hatred. Ours is a better world because of his tenacious efforts. I mourn the passing of this inspirational leader and the legacy he leaves behind. Let us not forget his significant contributions but continue to work to see them fulfilled.●

THE FOUNDATION OF WESLEY HOMES HONORS DEAN RUSK

● Mr. FOWLER. Mr. President, I want to commend the Foundation of Wesley Homes, now celebrating its 25th anniversary, for its extraordinary service and commitment to the elderly citizens of Georgia.

Wesley Homes is a not-for-profit organization that runs 10 residential facilities thoughout Georgia offering services to seniors. The foundation also operates the only free standing geriatric hospital in the country, conducting research on Alzheimer's and Parkinson's diseases, and making other important contributions to the quality of long life.

The foundation will soon hold a "heroes, saints, and legends" dinner at the Atlanta Botanical Gardens to honor older Georgians whose vigorous and productive lives have enhanced our community. Among the honorees are Eleanor Richardson, now retiring from a valuable career in public service in the Georgia House of Representatives; painter, Constantine Chatov, who came from the Soviet Republic of Georgia to become one of the leading artists of the southern State of Georgia; and Judge Elbert Tuttle, retired from the 11th Circuit Court of Appeals.

All of these Georgians deserve our thanks and praise. However, I was asked to speak at the dinner about the remaining honoree, Dean Rusk. As we all know, Dean Rusk has done Georgia proud. He has returned to Georgia and now holds a chair at the University of Georgia Law School. He has also provided many years of faithful service, with the greatest of humility, to our Nation. That is why I wanted to share my thoughts on one of our most valuable citizens with my colleagues.

I ask to include my remarks in the RECORD.

The remarks are as follows:

TRIBUTE TO DEAN RUSK

In an age in which selfishness and greed have actually been promoted as positive values, Dean Rusk stands out as a paragon of the classic values of loyalty and dedication to a larger cause.

His service to his country in some of the most dangerous and difficult times, from the Cuban Missile Crisis to the Vietnam War, is well known to all Americans. During his tenure as Secretary of State, guiding this nation's foreign policy under two presidents, he revealed himself a man of rare character—who put public service first, even above himself, and who believed that the nation must be guided by a sound and steady moral compass.

In keeping to these principles at all costs, Dean Rusk demonstrated extraordinary endurance and unmatched personal integrity. All of us who have followed Dean Rusk in the path of public service owe a debt—in fact, all citizens of a self-sustaining republic owe a debt to his example. I know I do.

Dean Rusk is fond of saying that this is a wonderful country that would allow a freckle-faced boy from Cherokee County to be its Secretary of State. All I can say is that we are fortunate to have him back in Georgia, and I want to thank all of you at the Foundation of Wesley Homes for giving me this opportunity to extend my regards to one of my personal heroes.●

JUDGE CLARKSON S. FISHER

● Mr. BRADLEY. Mr. President, Judge Clarkson S. Fisher is one of New Jersey's great jurists. This year marks Judge Fisher's 20th year on the Federal bench. I ask my colleagues to join me in commending Clarkson S. Fisher for his contributions to the people of New Jersey and to the Federal judiciary.

Judge Fisher is entering his fifth decade of service to New Jersey's legal system. Admitted to the bar in 1951, he began his career in private practice. In 1964, he was appointed to the Monmouth County Court, and in 1970, Judge Fisher was appointed to the Federal bench. Judge Fisher has heard and decided almost every kind of case—civil and criminal. In 1979 Judge Fisher became the chief judge of the U.S. District Court for the District of New Jersey, and has served longer in this position than any other judge in the recent history of the court.

But Judge Fisher's contributions to New Jersey extend beyond the law. He has a long history of involvement in community and religious affairs.

Judge Fisher has answered the question "What do I owe another human being?" with the most generous response. I join his family, and friends and colleagues in congratulating him for his years of service to the people of New Jersey, and in wishing him continued success in the future.●

LEXINGTON HERALD-LEADER ENDORSES TERM LIMITATION

● Mr. HUMPHREY. Mr. President, I would like to share with my colleagues an editorial that recently appeared in the Lexington Herald-Leader, that endorses the concept of term limitation.

The editorial mentions the fact that Americans to Limit Congressional terms encourages a State-called constitutional convention, in the absence of congressional action, to ratify a constitutional amendment to limit congressional terms. Mr. President, we have never witnessed a State-called constitutional convention. Neither the Lexington Herald-Leader, nor I, nor anyone hopes for such a convention.

That is why Congress must act, and adopt a term limitation amendment. A recent Gallup poll found that 70 percent of the American public favors term limitations. It is a fact that State legislators are close to their constituencies. If we, inside the beltway, continue to ignore our constituents' desires, we may be faced with a constitutional convention, believed by many to be the least favorable route to constitutional change.

Yet there is no need for such an occurrence. The bill that proposes such an amendment, Senate Joint Resolution 235 has been introduced by Senator DECONCINI and me. Ten others from both sides of the aisle have cosponsored. All that remains is for the Senate and House to adopt it. Then, we would begin to see greatly needed political courage, intellectual honesty, and we would go a long way toward restoring public confidence in Congress.

I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the Lexington Herald-Leader, Feb. 19, 1990]

LIMIT CONGRESSIONAL TERMS? IT'S AN IDEA WORTH PONDERING

A group called Americans to Limit Congressional Terms has an idea to improve Congress: Tell senators and representatives that they can serve no more than 12 years in each chamber.

The group's co-chairman, former Rep. James K. Coyne of Pennsylvania, says it would prompt "a reinvigoration of our Congress by restoring the citizen legislature envisioned by our founders."

The idea is simple enough, even if putting it into action isn't. The U.S. Constitution places no limit on the number of terms that members of the House and Senate can serve. Coyne's group thus must change the Constitution to limit service. And they propose an unacceptable way of doing that: a constitutional convention.

As we've said before, a constitutional convention in the service of any cause is a terrible idea. It is not at all clear that such a convention's work can be limited in scope. Any such convention surely would become a battleground for competing, single-issue groups pushing their own narrow agendas. The result could be disastrous.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Oklahoma [Mr. BOREN] and the distinguished Republican leader, Senator DOLE, be recognized to address the Senate and that upon conclusion of their remarks the Senate stand in recess until 2 p.m. on Monday, April 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, is it in order to speak as in morning business?

The PRESIDING OFFICER. It is, and the Senator may proceed as he wishes.

SOUTH AFRICA

Mr. BOREN. Mr. President, I rise today to discuss recent developments in South Africa. All of us have watched with deep and abiding interest events in South Africa since early February. President de Klerk's opening speech to the current session of parliament, followed by the release of Nelson Mandela were heralded around the world as positive steps, and have highlighted the possibility of a peaceful process to end apartheid and bring nonracial democracy to South Africa. Speeches and interviews by Mr. Mandela and Mr. de Klerk showed a rare degree of reasonableness and leadership. We in the United States appreciated these developments, and the president responded by extending invitations to each of these leaders to come to the United States to pay a visit. Members of the Senate introduced Senate Concurrent Resolution Resolution 94. A bipartisan group of 13 Senators and I sponsored this resolution which remarked on these important events and encouraged a continued peaceful process.

However, recent events are of concern. Specifically, in two speeches this week before the parliament, President de Klerk struck themes that appear to many to be backsliding on his commitment to change. With the current high level of expectations held by a cross-section of South Africans, and with press reports earlier this week that President de Klerk would commit himself to repealing the pillars of apartheid this year, these most recent comments and press reports have been very troubling to me and I am sure to many others. In the process of negotiations that has already begun, time is of the essence.

With each passing week of delay, each week which passes without some constructive movement forward, the hands of extremists on both sides are strengthened and the opportunities for these two reasonable leaders to negotiate a peaceful compromise become diminished. We must seize the opportunity. The negotiations must go forward and progress must not be delayed.

The international community is watching closely. Especially in light of developments from Central America to Eastern Europe over the last year, anything less than universal suffrage in a united nonracial democratic South Africa would be unacceptable.

While there is a role for legitimate protection for individuals rights, such as those protected in our Bill of Rights, such protections must not allow the majority to be thwarted from making major policy decisions. That must not undermine the actual underlying content of majority rule on a nonracial basis. I believe recent events have proved that our policy of not prematurely lifting sanctions was justified.

We will all be watching very carefully the pace of progress as our position about the future release of sanctions is determined.

I would also like to comment on an idea that has been discussed a great deal lately. A large number of people, from policymakers in Washington to major newspapers, such as the New York Times, have endorsed a quick lifting of the sanctions against landing rights for South African Airways in this country.

It has been urged that this action be taken as a symbolic gesture of support for actions that Mr. de Klerk has indicated he will undertake. I believe we must keep in mind the perceptions which many South Africans might have of this gesture. South African Airways is a parastable company, a company with a relationship to the Government, with a very poor employment record. Jobs in the airline are prized by South Africans, yet a fraction of 1 percent of the airline's employees in the areas of stewards, stewardesses, pilots, and agents are nonwhite. While South African Airways is scheduled for privatization as part of the South African Transport Association, I believe that the Government should make a good-faith effort by announcing a commitment to end discrimination by the airline in employment practices. Progressive implementation of an affirmative action plan that would see more nonwhites actually placed in positions of responsibility in the airlines, especially in the flight groups, would be accepted here as a strong indication that the South African Government is prepared to back up its past words with actions. So I think that we should insist that the Government should make a good-faith effort to take actions to end this discrimination before the United States decides to lift the landing rights prohibition.

Mr. President, the world's eyes are on South Africa, and all of us look forward to the upcoming discussions beginning on May 2 as another milestone. I hope that the high expectations which we have will be justified by new positive gestures by the South African Government.

So again, Mr. President, let me simply summarize by saying expectations are high that success will be achieved. It will be severely disappointing if progress is not made on May 2. We can only hope that some of the recent remarks by President de Klerk are aimed at positioning the Government for negotiations, but will not stand ultimately, as these negotiations begin, as any roadblock toward moving ahead rapidly with the process of actually dismantling apartheid and toward moving the country toward universal suffrage on a nonracial basis and true majority rule, albeit with the legitimate protection of individual rights that should be protected just as we protect them under our own constitutional system. We must not delay. This is no time for backsliding. I would repeat, Mr. President, that our policy of not rushing into a premature lifting of sanctions has been proven correct especially until the remarks made by President de Klerk this week have been clarified in the course of negotiations and until concrete actions have been undertaken.

SENATOR SPARK MATSUNAGA

Mr. BOREN. Mr. President, I add my voice to that of many of our colleagues who have come to this floor to pay tribute to Senator Spark Matsunaga, of Hawaii. Spark Matsunaga was a person who was beloved by every single person who served in the Senate and in the House of Representatives with him. It is often said that those who serve in public office under the pressure of time, the pressure of events, the need sometimes to take positions on highly controversial matters, find it difficult to continue a relationship of mutual trust and respect with those with whom they work in the legislative process and the political process, especially with whom they might have a difference of opinion on the issues of the day.

Spark Matsunaga's life and career prove that it is absolutely possible to maintain that kind of relationship, of friendship, civility, courtesy, and trust with all with whom one comes in contact, even with those with whom one has the most serious differences of opinion on matters of public policy.

Of all the Members with whom I have served in the Senate, none has been more beloved than Spark Matsunaga. He was the kind of person who took the time to render that gesture of friendship and kindness to those around him when they needed it most.

I remember when I first became a Member of the Senate and we came to Washington with our two children, who were very small at that time. We came out to the Senate dining room on many occasions when we were in evening sessions. Spark Matsunaga was one of those people who always took the time to come over and visit with the children, to share a story with them, tell them some story about his home State of Hawaii, that both entertained and educated them. I remember when my son was getting ready to celebrate his sixth or seventh birthday and we were asking him which ones of his friends he would like to invite to his birthday party. He not only listed several of his own contemporaries, but he said, "Do you think Sparky could also come to my birthday party, because he is my real friend." He was the kind of man who in the midst of all his responsibilities took the time to be kind to a 7-year-old boy. He took time to be kind to members of the staff in the Senate dining room or the Capitol policemen on the beat or anyone else who needed his help or his advice.

Mr. President, we will all miss Spark Matsunaga, not only because he was a fine public servant, not only because he fought for justice for all of the people of this country, not only because he fought for the cause of peace in the world and supported efforts to research concepts to bring about peaceful resolution of settlements, not only because he was an effective fighter in many areas of public policy in the legislative process; we will miss him most of all because he was an example of human possibility, of kindness, of courage, of love and compassion for others, that really stands as an example of moral courage and kindness for all of us. He was a great Senator but, above all, he was a great human being. The lives of each and every one of us who were privileged to know him and to work with him have been made forever better because our lives were touched by the personality, kindness, the spirit, and the good humor of our friend, Senator Spark Matsunaga.

I thank the Chair. I yield the floor.

Mr. D'AMATO. Mr. President, notwithstanding the previous order, I ask unanimous consent that I might be permitted to proceed as if in morning business.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

SOVIET AGGRESSION IN LITHUANIA

Mr. D'AMATO. Mr. President, the Soviet Union today has embarked upon a course of aggression. Some may say it is not military aggression. Some may say that this is not a matter with which the United States should be concerned. But I believe that as we embark on historic negotiations with the Soviets, if we are to keep ourselves true to the principle of freedom, then we cannot keep our eyes closed to what is taking place in Lithuania.

The aggression today may be economic, but it is aggression just as surely as if Soviet tanks had closed off the supplies of food, the supplies of clothing, the supplies of essentials causing starvation of the people. It is aggression when the Soviets deny them fuel and energy necessary to keep their people employed, to meet their sustenance, and to make it possible for them to live their lives. So what we see is aggression. It may be economic, but nonetheless it is a war being waged against the Lithuanian people.

I find it difficult to believe that the United States and our free world allies have been so quiet, so deafeningly quiet, while this aggression is taking place. Freedom is under siege in Lithuania, and the question is where does the United States stand? The question is, have we closed our eyes to Lithuania? What happens if there is a cry for freedom in another part of the world, or, yes, Mr. President, in another part of the Soviet Union?

We give Mr. Gorbachev reason to believe that somehow we link his success and, indeed, his survival, with his ability to deal with the problem of people who seek freedom and independence from Soviet domination. I say it is a problem for him, because there are people who seek freedom. I would think that is a linkage that certainly the United States should not adopt. We must stand for freedom, not for the personal success of any foreign leader.

I think we have an obligation to stand with the Lithuanian people and against the Soviet's maintenance by force of its illegal annexation of this Nation of 3.9 million people.

Mr. President, what can we do? I think we can do a number of things. That is to say to the Soviets quite clearly that you will not get the economic benefits that you are looking for, you are not going to get the flow of American technology, nor the flow of American credits you seek to help restore your battered economy if you engage in economic aggression against people who seek freedom, peace, and democratic self-determination.

I think the United States and the Western allies should come to the aid of Lithuania in a tangible way, not only by saying to the Soviets that the aid they are looking for will be denied, but also by saying we will make available the credit necessary for the people of Lithuania to purchase the energy supplies they are now being denied by the Soviets. Yes, Mr. President. This is a tangible way of showing our dedication to the cause of freedom. We will not use military force in this situation, but certainly we have the moral obligation to help the Republic of Lithuania with more than mere words.

Norway has already announced that it will sell fuel to Lithuania. That alone is not the answer to the problem. The question is, how does Lithuania pay? Where should we be? I think we should line up on the side of people who yearn for freedom and, yes, give them that opportunity by extending credit to them. Hopefully others who have freedom—and who may take it for granted—will join in this effort.

We should stand with Lithuania, and against the Soviet maintenance by force of its illegal annexation of the Baltic States.

Mr. President, this is an issue that is not going to go away. This is an issue that is going to draw more and more support. Although we hope we will not have to take a position—we can pass all the resolutions we want here in this body—eventually it is going to come down to the leadership of this Nation and the leadership of the free world saying to the Soviets you cannot have it two ways. You cannot have the benefits of democracy and freedom—and Western economic aid—and yet deny it, deny it by force to Lithuania. That is what is taking place.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

THE MIDDLE EAST

Mr. DOLE. Mr. President, I want to say just a few words about the trip to the Middle East which I recently completed. I will be making a fuller report to the Senate in the near future, hopefully sometime early next week.

My remarks will also compliment those of Senators METZENBAUM and MURKOWSKI who gave some of their own views on our trip earlier today. In an addition to those two Senators, Senators SIMPSON and MCCLURE were also part of the delegation, and they will certainly offer their comment later.

It was a fascinating trip, during which we had the opportunity to touch base with the leaders of the five countries whose involvement—or noninvolvement—in the peace process is critical: Syria, Egypt, Jordan, Iraq, and Israel.

We had a full agenda. Certainly at the top of that agenda, as far as we were concerned, was the peace process—where it is, and the prospects for moving it along.

We went with the conviction that we are at an important juncture in the evolution of the peace process—several of us, and in fact several of the leaders we met, used the same term: That we now have a "window of opportunity" to make progress toward peace.

Speaking for myself, I came back even more convinced that there is a great opportunity to make progress now—but there are also formidable barriers to moving ahead.

I certainly agree with the general proposition put forth by Senator METZENBAUM: In its basic commitment to peace, and to negotiations leading to peace—Israel need take a back seat to no country. Over the years, Israel has demonstrated that commitment, while—all too often—extremists in the Palestinian community, and various combinations of Arab States, have turned their backs on negotiations and peace.

Israel has a right to be proud of that record, and to have its statements of desire for a fair peace taken at face value.

And every one of the Israeli national leaders we met—Shamir, Peres, Arens, and Rabin—reaffirmed their commitment to the idea of a negotiated settlement, which would meet Israel's basic security needs, and simultaneously respond to the legitimate concerns of the Palestinian people and Israel's Arab neighbors.

So in that sense Israel and its leaders deserve commendation and understanding.

On the other hand, I do not think anyone—including Israel's own leaders—would deny that one big, immediate obstacle to moving forward with the peace process is the fact that Israel has no effective government.

We all urged every Israeli leader to make every possible effort to "get their act together" before this "window of opportunity" for peace closes. As friends of Israel—and very member of our delegation has a strong record of support for Israel, over many years—as friends, we also told Israel's leaders frankly that it would not help Israel if the preception grew that somehow Israel was letting this opportunity slip away.

I think it is fair to say that Egypt's President Mubarak is anxious to move ahead, as soon as an effective Israeli Government is in place.

In candor, at the same time, I cannot say we found much new in the attitudes toward the peace process of Syria's President Assad, who basically repeated his longstanding position of interest only in the so-called comprehensive settlement under the umbrella of an international conference. He repeated that a number of times during our 2 hour and 45 minute visit.

Iraq's President Hussein's anti-Israel rhetoric was distasteful to all of us. But here again, I would stress that we told President Saddam Hussein, as the President told us the night before, and as we set forth in a letter we delivered to President Hussein, so that nobody would distort what had been said, that we want to improve our relations with Iraq.

We asked Hussein a number of very difficult questions. I think we came away with the feeling that here is an intelligent man; here is a man whose country has just ended a 7-year war with its neighbor Iran; it has its own problems, including a $50 billion debt; but at the same time it is a country that cannot be ignored. It produces the second largest quantity of oil in the region. It is the second biggest country, population wise, in the area.

So it is important to the peace process, even though it is not a frontline state. It does not border on Israel. It is important if we are going to have, hopefully, sometime soon, not only a basic settlement among the frontline states but also settlement which includes all those states that now indicate they are at war with Israel.

So from the standpoint of improving relations with the United States, we indicated to President Hussein that the American people needed answers; needed answers, whether or not there were any plans for germ warfare, as reported on one of the networks about 10 days ago. He denied the network report that he was about to engage in germ warfare or that he could engage in germ warfare. We needed to know about what some are calling the long gun, big cannon, this pipe that Hussein said was for oilfield use.

He did indicate he had chemical weapons. His country had chemical weapons. He indicated those would only be used—and he stressed this, and we asked him again, I remember asking him myself—only if there is a first strike, and if it were a nuclear strike from Israel.

He asked us rhetorically, what would you do in the United States if you were attacked by the Soviet Union? Would you do nothing? What do you expect me to do, nothing?

So the point was made that, notwithstanding what he said in his April speech, there would only be an action on his part if there was a first strike—if that strike was nuclear, then he would respond with chemical weapons in an effort to preserve his country, as he said.

I think it was a very significant visit. We had a seasoned delegation of Senators.

We traveled to Baghdad thinking we would see President Hussein there. We were then flown in the Iraqi plane, his plane, to Mosul, which is up in the Kurdistan area.

We had a 2½-hour visit; I think all of us left believing the visit was worthwhile. We said, as we started, "We want to improve relations between our two countries, but before that is possible, certain actions and statements have to be laid to rest and certain reports have to be laid to rest." Now I guess it is fair to say that we will have to wait and see what happens.

During our visit with President Assad of Syria—another very important country, which is going to be important to the peace process, another country you cannot eliminate, a country very important to the future of Lebanon—we raised two very important issues, and some are in the news today. We talked about the great importance of hostages, American hostages, and all the others being held in Lebanon and the broader political and military issue of Lebanon itself.

I pointed out that our majority leader was Lebanese, and Lebanon was a matter of great importance to many of us in the United States Senate. We are sickened by stories from Lebanon almost daily—yesterday, for example, I think 11 children were killed in Beirut. Every day you watch a newscast, or pick up a newspaper, there are some other senseless killings in that poor war torn and ravaged country.

Without going into the details, I can certainly say that each one of us pressed Assad very hard on the question of hostages. We made it clear that nothing could do more to set the stage for improved United States-Syrian relations than forward movement on the hostages.

Assad said he personally abhored hostage taking, had worked to win the release of hostages, and would renew

those efforts in response to our request. There is no way to know what factors have led to the moderately hopeful news on hostages we have had in the past couple of days.

It does behoove all of us who have the opportunity to communicate with Assad, or anyone else in the position to be helpful, to tell them how important this issue is to the United States, and to other countries whose citizens are being held hostage. I do believe that we got that message through to Assad.

I should say that I personally asked President Assad to do everything he could to provide us a definitive accounting for Col. William Higgins, the Marine officer who was kidnaped and reportedly later executed in Lebanon. Again, Assad promised to do all he could.

On Lebanon, Assad did not move past his standard position, which is that Syria supports and will abide by the so-called Taif accord. I pressed him on unconfirmed reports that Syria might have covertly aided Christian General Aoun—Syria's long time enemy—in a Machiavellian attempt to keep the Christian-against-Christian fighting going. Assad denied these reports.

As I noted in earlier remarks on the Senate floor, one issue that came up repeatedly in our discussion was the so-called Jerusalem resolution—S. Con. Res. 106—passed by the Senate several weeks ago. I have already had my say on that, but I wanted to note it again for this brief summary record of our trip.

It may not have been very important here; I did not read anything about it in the paper the next day in Washington, but it was in all the papers in the Arab countries. Whether they really took it seriously is a matter left to one's own conjecture. But, it provided a diversion in each one of those countries, an excuse not to talk about the peace process and sitting down with representatives from Israel and others.

Another issue of deep concern in the Arab States, and for different reasons to Israel, is that of the immigration of large numbers of Soviet Jews to Israel. Most of the Arab leaders accepted or did not dispute the right of Soviet Jews to emigrate to Israel. In various degrees of intensity, though, they did express concern over the possibility that large numbers of the immigrants might settle in the occupied territories, which they said would severely complicate already complex questions surrounding those territories.

In Israel, of course, the issue looks very different. We toured an absorption center where newly arriving Soviet and Ethiopian Falasha Jews are assisted in the processing of adjusting to life in Israel. This is an impressive program made more impressive by an appropriate tilt toward allowing the private sector and private individuals, rather than the state, provide needed help to the new arrivals.

It is clear that this process, which will involve hundreds of thousands of new arrivals over the next couple of years will cost a lot of money. Undoubtedly, the United States is going to provide some assistance. That is a matter we will debate and decide in the Senate, probably next week.

Mr. President, we had other visits which I will comment on later, including with moderate Palestinians who met with us at the Consul General's home in Jerusalem, had about a 2-hour meeting. There was some discussion early on in that meeting that was not particularly helpful or enlightening. But after we felt each other out and understood where we were coming from, we had a good discussion.

The thing what struck me was a statement by one member of the group that there are extremists, extremists on their side, who do not want to see anything happen. I guess there are extremists on every side. There always are. The Palestinians we met indicated they might represent 60 to 70 percent of the Palestinians, and they felt they had a window of opportunity, but it would not be open long.

In other words, the extremists were putting on the pressure, saying, we told you we could not negotiate with Israel.

Again, it seemed to us that there are moderates nearly every place we visited, with one or two exceptions, who really want to see the process start. We asked the question, if peace is breaking out everywhere else in the world, why not the Mideast? I think Senator METZENBAUM said if we go to these countries and talk about yesterday, we are never going to settle anything. We cannot do much about yesterday, or last year, but we can do something about tomorrow.

I conclude by saying that is the point we made. The United States has an interest in peace in the Mideast. We have a commitment in the Mideast. We are going to stick by that commitment in the Mideast.

In the final analysis, it is in our interest and their interest, and in the interests of people throughout the Mideast and the world, to have some peaceful solution of their differences. So I am hopeful, as I believe my colleagues are, that we may have contributed something. We did our best to make a difference, and we can only wait and see what the future will hold.

ORDER FOR RECESS UNTIL 2 P.M., MONDAY, APRIL 23, 1990

Mr. MITCHELL. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in recess until 2 p.m. on Monday, April 23, and that following the time for the two leaders there be a period for morning business not to extend beyond 2:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 23, 1990, AND TUESDAY, APRIL 24, 1990

RESUME CONSIDERATION OF H.R. 1594

Mr. MITCHELL. Mr. President, on Monday at 2:30 the Senate will resume consideration of H.R. 1594, the miscellaneous tariff bill. As I previously announced, there will be no rollcall votes on Monday; any rollcall votes which may be ordered on Monday will be stacked to occur during Tuesday's session.

RECESS UNTIL 9:30 A.M. TUESDAY

Mr. President, I further ask unanimous consent that when the Senate recesses on Monday, it stand in recess until 9:30 a.m. on Tuesday, April 24; that following the time for the two leaders there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

RECESS FROM 1 UNTIL 3 P.M. TUESDAY

I further ask unanimous consent that on Tuesday, the Senate stand in recess from 1 to 3 p.m., in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE FOR TUESDAY

Mr. MITCHELL. Mr. President, on Tuesday the Senate will resume consideration of the tariff bill at 10 a.m., with the Packwood amendment, No. 1492, to be considered under a 1-hour time limitation as provided for in the unanimous-consent agreement previously entered into today.

As I mentioned just a few moments ago, Tuesday's session will be a long one and we expect to complete action on this legislation.

RECESS UNTIL MONDAY, APRIL 23, 1990, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m., Monday, April 23, 1990.

There being no objection, the Senate, at 3:58 p.m., recessed until Monday, April 23, 1990, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 20, 1990:

DEPARTMENT OF STATE

JAMES KEOUGH BISHOP, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EX-

TRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOMALI DEMOCRATIC REPUBLIC.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

DANIEL H. CARTER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1994. (REAPPOINTMENT)

FEDERAL HOUSING FINANCE BOARD

THE FOLLOWING-NAMED PERSONS TO BE DIRECTORS OF THE FEDERAL HOUSING FINANCE BOARD FOR THE TERMS INDICATED:

FOR A TERM OF 3 YEARS:

LAWRENCE U. COSTIGLIO, OF NEW YORK (NEW POSITION).

FOR A TERM OF 7 YEARS:

DANIEL F. EVANS, JR., OF INDIANA (NEW POSITION).

IN THE COAST GUARD

REAR ADM. MARTIN H. DANIELL, JR. AS VICE COMMANDANT, U.S. COAST GUARD WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

REAR ADM. A. BRUCE BERAN AS COMMANDER, PACIFIC AREA, U.S. COAST GUARD WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. LEON A. EDNEY, U.S. NAVY, xxx-xx-xxxx

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR TRANSFER INTO THE REGULAR MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 531:

To be captain

MATTHEW J. BAKER, xxx-xx-xxxx
STEVEN L. BEAUVAIS, xxx-xx-xxxx
PAUL R. BOUGHMAN, xxx-xx-xxxx
MATTHEW P. BRAGG, xxx-xx-xxxx
JAMES D. BRENNER, xxx-xx-xxxx
STEVEN D. CAHN, xxx-xx-xxxx
JOHN D. CARNIVAL, xxx-xx-xxxx
TROY S. CAUDILL, xxx-xx-xxxx
WILLIAM T. COLLINS, xxx-xx-xxxx
GEORGE D. COPELAND, xxx-xx-xxxx
JEFFREY B. CROCKETT, xxx-xx-xxxx
DANIEL C. DEAMON, xxx-xx-xxxx
GARY D. DEAN, xxx-xx-xxxx
JULIAN V. DEES, xxx-xx-xxxx
ANTHONY P. DEVITA II, xxx-xx-xxxx
AMY V. DUNNING, xxx-xx-xxxx
ALEX J. DURR, JR., xxx-xx-xxxx
EDWARD J. FINN, xxx-xx-xxxx
JEFFREY T. FYLE, xxx-xx-xxxx
STEVEN C. GABERT, xxx-xx-xxxx
CHRISTOPHER V. GADDIS, xxx-xx-xxxx
EDWARD O. GRIFFITHS, xxx-xx-xxxx
STEPHEN J. GUILFOYLE, xxx-xx-xxxx
STEVEN C. GULOTTA, xxx-xx-xxxx
WAYNE J. HALLEM, xxx-xx-xxxx
DETLEF HOFFMANN, xxx-xx-xxxx
JOHN J. HOLBROOK, xxx-xx-xxxx
JOSEPH G. HOULIHAN, xxx-xx-xxxx
MATTHEW D. JONES, xxx-xx-xxxx
CHARLES W. KAUSE, xxx-xx-xxxx
WALTER J. KIMBERLY, xxx-xx-xxxx
STEFAN E. KRISTEN, xxx-xx-xxxx
JEFFREY S. KVAMME, xxx-xx-xxxx
MICHAEL K. LAMBERT, xxx-xx-xxxx
KATHI J. LAUDA, xxx-xx-xxxx
ROBERT E. LEE, xxx-xx-xxxx
ANDREW C. MACLACHLAN, xxx-xx-xxxx
MICHAEL J. MASON, xxx-xx-xxxx
ROGER D. MATHENY, xxx-xx-xxxx
MARK S. MCCLUSKEY, xxx-xx-xxxx
BRIAN E. MCGANN, xxx-xx-xxxx
CALVIN E. MCGOWAN, xxx-xx-xxxx
DONALD F. MEISNER, xxx-xx-xxxx
GLEN E. MELIN, xxx-xx-xxxx
ROGER D. MILLER, xxx-xx-xxxx
HOWARD R. MORRIS, xxx-xx-xxxx
CHRISTOPHER J. MULLIN, xxx-xx-xxxx
JOHN G. MURPHY, JR, xxx-xx-xxxx
MYRON E. NOVAK, xxx-xx-xxxx
EDWARD G. OBRIEN, xxx-xx-xxxx
THOMAS R. OCONNELL, xxx-xx-xxxx
JAMES W. ORR, xxx-xx-xxxx
EUGENE P. PHILLIPS, xxx-xx-xxxx
MARK S. PROVENZO, xxx-xx-xxxx
ROBERT C. RAWDON, JR, xxx-xx-xxxx
KEVIN J. REGAN, xxx-xx-xxxx
WILLIAM F. REYES, xxx-xx-xxxx
LAWRENCE R. ROBERTS, xxx-xx-xxxx
STEVE B. RODRIQUES, xxx-xx-xxxx
JOHN W. ROELSE, xxx-xx-xxxx
JOHN K. ROLLOW, xxx-xx-xxxx
HENRY T. ROYE, JR, xxx-xx-xxxx
DANIEL J. SANDERS, xxx-xx-xxxx
BENNY L. SHORT, xxx-xx-xxxx
ANNETTE R. SIERACKI, xxx-xx-xxxx
DAVID A. SOBYRA, xxx-xx-xxxx
JOHN E. SPEARS, xxx-xx-xxxx
ROBERT L. STEPHENSON, JR, xxx-xx-xxxx
CHRISTOPHER H. SULLIVAN, xxx-xx-xxxx
DWIGHT H. SULLIVAN, xxx-xx-xxxx
FRANK B. SUPER, xxx-xx-xxxx
PAUL J. SWEENEY, xxx-xx-xxxx
JEFFREY T. SWITZER, xxx-xx-xxxx
MICHAEL J. TAYLOR, xxx-xx-xxxx
SCOTT R. TAYLOR, xxx-xx-xxxx
PATRICK J. UETZ, JR, xxx-xx-xxxx
ROBERT B. VAUGHN, xxx-xx-xxxx
SUSAN L. WARDEN, xxx-xx-xxxx
DENNIS M. WHITE, xxx-xx-xxxx
JEFFREY R. WHITE, xxx-xx-xxxx
HOWARD A. WILLIAMS, xxx-xx-xxxx

To be lieutenant

MICHAEL L. ARTBAUER, xxx-xx-xxxx
GREGGORY R. BEMBENEK, xxx-xx-xxxx
MARY A. BLAIR, xxx-xx-xxxx
MICHAEL J. BROWNE, xxx-xx-xxxx
MICHAEL P. BRUEN, xxx-xx-xxxx
KEITH D. BUCHANAN, xxx-xx-xxxx
MICHAEL H. BURT, xxx-xx-xxxx
JEFFREY J. BUTLER, xxx-xx-xxxx
JOHN M. BUTTERWORTH, xxx-xx-xxxx
DAVID BYRNES, xxx-xx-xxxx
MICHAEL D. CAMBER, xxx-xx-xxxx
KENNETH W. CLARK, xxx-xx-xxxx
CARMEN K. CLEMANS, xxx-xx-xxxx
HARRY G. CONSTANT, JR, xxx-xx-xxxx
MADISON H. CRUM, JR, xxx-xx-xxxx
EUGENE J. DAFOE, xxx-xx-xxxx
NEWELL B. DAY, II, xxx-xx-xxxx
THOMAS D. DICKEN, III, xxx-xx-xxxx
THOMAS E. DOLAN, JR, xxx-xx-xxxx
CHRIS A. EDWARDS, xxx-xx-xxxx
MICHAEL J. ELMES, xxx-xx-xxxx
HENRI A. ERKELENS, xxx-xx-xxxx
DOUGLAS M. FETSKO, xxx-xx-xxxx
DAVID M. FINN, xxx-xx-xxxx
DAVID W. FRENCH, xxx-xx-xxxx
DANNY G. FRESHWATER, JR, xxx-xx-xxxx
GREGORY W. GAFF, xxx-xx-xxxx
JEFFREY M. GALIARDI, xxx-xx-xxxx
DAVID P. GARNISH, xxx-xx-xxxx
CARLENE S. GRIFFITH, xxx-xx-xxxx
DOUGLAS C. GRIFFITH, xxx-xx-xxxx
JOSEPH GUADAGNO, xxx-xx-xxxx
ANDREW D. HALL, xxx-xx-xxxx
CLIFTON C. HAMNER, xxx-xx-xxxx
RICHARD M. HANCOCK, xxx-xx-xxxx
THOMAS J. HARTSHORNE, xxx-xx-xxxx
ROBERT M. HEIDENREICH, xxx-xx-xxxx
DANIEL C. HERBERT, xxx-xx-xxxx
JOSEPH M. HINES, xxx-xx-xxxx
JONATHAN B. HOLMBERG, xxx-xx-xxxx
JOHN T. HORNEY, xxx-xx-xxxx
PHILIP J. HUBEN, xxx-xx-xxxx
JOSEPH A. ISAAC, JR, xxx-xx-xxxx
PETER J. KEATING, xxx-xx-xxxx
SCOTT T. KELLER, xxx-xx-xxxx
MICHAEL E. KELLERMAN, xxx-xx-xxxx
WILLIAM KENNEKE, xxx-xx-xxxx
JAMES C. KING, II, xxx-xx-xxxx
JOSEPH H. KNAPP, xxx-xx-xxxx
GERALD L. LARGHE, xxx-xx-xxxx
PAUL K. LEBIDINE, xxx-xx-xxxx
WILLIAM M. LEVISON, xxx-xx-xxxx
JON K. LOWREY, xxx-xx-xxxx
PERRY A. MAAS, xxx-xx-xxxx
JOHN R. MAHONEY, xxx-xx-xxxx
JEFFERY L. MATTHEWS, xxx-xx-xxxx
RUSSELL O. MCGEE, xxx-xx-xxxx
DANNY S. MCQUAY, xxx-xx-xxxx
BRUCE D. MERCER, xxx-xx-xxxx
HOUSTON MILLS, JR, xxx-xx-xxxx
JEFFREY A. MUNSHAUR, xxx-xx-xxxx
MICHAEL L. MURPHY, xxx-xx-xxxx
MICHAEL J. OUZTS, xxx-xx-xxxx
RANDY PARKER, xxx-xx-xxxx
WILLIAM R. PAYNE, JR, xxx-xx-xxxx
ROGER L. PEARSON, JR, xxx-xx-xxxx
WALTER D. PITTS, xxx-xx-xxxx
STEPHEN C. PUCKETT, xxx-xx-xxxx
DAVID R. PUTZE, xxx-xx-xxxx
MARK R. REILLY, xxx-xx-xxxx
ERIC A. ROBBINS, xxx-xx-xxxx
CHARLES B. SAGEBIEL, xxx-xx-xxxx
CALLISTUS T. SCHWEIGER, xxx-xx-xxxx
JOHN R. SHAFER, xxx-xx-xxxx
HUGH C. SMITH, xxx-xx-xxxx
TIMOTHY H. SPRADLEY, xxx-xx-xxxx
ROBERT S. STARBUCK, xxx-xx-xxxx
DAVID R. STORR, xxx-xx-xxxx
SHERRY A. TOMLEY, xxx-xx-xxxx
NORBERT J. TORRES, xxx-xx-xxxx
PETER L. VENOIT, xxx-xx-xxxx
ARTHUR E. VERNON, JR, xxx-xx-xxxx
JAMES W. WARD, JR, xxx-xx-xxxx
TERRY V. WILLIAMS, xxx-xx-xxxx

To be warrant officer

BRIAN J. GRANIERO, xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—*Monday, April 23, 1990*

The House met at 12 noon.

The Very Reverend Father Khajag Barsamian, vicar general of the diocese of the Armenian Church of America, New York, NY, offered the following prayer.

Almighty God, Lord of hosts and creator of all things, we stand before you in this Chamber of justice and thank you for the privileges we enjoy in this land of liberty where people of many nationalities live and work in peace.

In this month of April and on the 75th anniversary of the genocide perpetrated on the Armenians—an ancient, diligent, and peaceful people with an advanced civilization, we thank You for providing a safe haven for the survivors of that genocide and their descendants in this land of justice and liberty for all. For they have found here every possible opportunity to advance themselves and become useful members of American society.

Be mindful, O Lord, and have mercy and compassion on your servants, the images of your likeness. Grant wisdom to the leaders of the world so that the genocide experienced by the Armenian people may never again be repeated anywhere on the face of this Earth. Fill the hearts of our Congressmen with divine love so that they champion the cause of all politically, socially, and economically oppressed people throughout the world.

Establish, O Lord, Your peace in all parts of the world so that wars, racial tensions, discrimination and all kinds of violations of human rights would end and brotherhood prevail among men everywhere. You, who has called this Nation to the responsibility of world leadership, bless this country so that in turn it may be a blessing to the world. And all men and women everywhere may bless and praise You, now and forever.

Blessed is the name of the Father, and of the Son, and the Holy Spirit. Amen.

May the name of the Lord always be blessed. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentlewoman from New York [Ms. MOLINARI] will please come forward and lead the House in the Pledge of Allegiance.

Ms. MOLINARI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had agreed to the following resolution:

S. RES. 271

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Spark M. Matsunaga, late a Senator from the State of Hawaii.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 7) "An act to amend the Carl D. Perkins Vocational Education Act to improve the provision of services under such act and to extend the authorities contained in such act through fiscal year 1995, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. Matsunaga, Mr. DODD, Mr. SIMON, Ms. MIKULSKI, Mr. HATCH, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. JEFFORDS, and Mr. THURMOND to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1630. An act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

THE VERY REVEREND FATHER KHAJAG BARSAMIAN, VICAR GENERAL OF THE DIOCESE OF THE ARMENIAN CHURCH OF AMERICA

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, the opening prayer today was offered by the Very Reverend Father Khajag Barsamian, vicar general of the diocese of the Armenian Church of America, a position he has held for the past 5 years.

Born in Arapkir, Turkey, on July 4, 1951, he was ordained a deacon in 1969, and as a priest in 1971. His early ecclesiastical education was at the seminary of the Armenian Patriarchate of Jerusalem.

In February 1977, he continued his education at Saint Vladimir's Theological Seminary in Crestwood, NY. He earned his master of divinity in the spring of 1980.

He has studied at Saint John's University, Minnesota, and has attended institutes at Oxford, England, and Rome. Prior to his current position as vicar general, he was the acting pastor of the Worchester, MA, parish and served as canon sacrist of St. Vartan Cathedral.

I would like to take this brief moment to thank the vicar general for today's prayer, which is on the eve of the 75th commemoration of the Armenian genocide. Traditionally, among the Armenian people, this date is revered as Armenian Martyr's Day.

INTRODUCTION OF DUAL BASING ACT OF 1990

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation that would bring our uniformed personnel back home while ensuring that we continue to meet our worldwide security commitments and responsibilities. It would give us forward presence without forward basing.

The concept is called "dual basing" and is simple: Dual basing means that, unless there is some operational requirement for stationing a unit abroad, all Army, Air Force, and Marine Corps units should be stationed in the United States. These units would then be sent out on short-term assignments, of perhaps as little as a week or as long as 6 months, for exercises, training, meeting United States obligations to other countries, and for carrying out worldwide security responsibilities. Meanwhile, all the

overhead operations and dependents would remain in the United States.

There are at least four major advantages of this method of doing business. First, deploying troops to overseas locations on a short-term basis provides enormous flexibility. If American interests become threatened in one region of the world, we can increase our deployments as a show of force. If budget resources become constrained, we can reduce our deployments. Dual basing permits the Pentagon to be much more flexible and responsive.

Second, short-term deployments exercise the full range of activities necessary to send troops to conflict. Such deployments use sealift and airlift. They require logistics and supply. They involve coordination and joint activities with the host nation. So, these exercises will heighten wartime readiness in a way that permanently forward deployed troops cannot. And, dual basing forces light, mobile forces.

Third, dual basing allows us to escape from the foreign base morass into which we have gotten ourselves. Countries around the world force us to link foreign aid to base rights and spiral up the rent payment with each new base negotiation. As I have observed in visits with heads of state from Singapore, Turkey, Oman, and other countries, many governments find it much easier to permit rotational deployments, even back-to-back rotational deployments, as opposed to permanent bases. Such deployments compromise the nation's sovereignty to a much smaller degree than do permanent bases.

Fourth, dual basing is cheaper. Sure, deployments cost money. But, keeping dependents at home, retaining the administrative and overhead operations at home, and eliminating the need to hire foreign nationals will all save money. Since the size of the force will come down anyway, there will be no additional cost to stationing these troops back at bases in the United States. Moreover, I envision these short-term forward deployments as being too austere, bare-boned bases, which will be provided and maintained by the host government. In this way, the burden will be shared much more fairly than it is now.

The legislation does not include the Navy. For the most part, the Navy has a form of dual basing already. Shore assignments are primarily in the United States; ship deployments take forces to foreign nations.

The bill tells the Secretary of Defense to prepare and implement by 1994 a plan to dual base all units for which it is appropriate. Clearly, for certain units—such as intelligence and foreign nation liaison—dual basing is not appropriate. Therefore, the bill provides the Secretary of Defense with the authority to exclude certain units from the requirement for dual basing.

When Secretary Cheney released his list of base closures on January 29, many people were shocked that so few foreign bases were on it. The passage and implementation of this legislation would permit the closure of the vast majority of the 86 major and 37 minor overseas installations.

This bill responds both to our budgetary problems and to the changing nature of the threat in the world. Yet, my belief in dual basing stems from the fact that it will produce a more mobile, more ready, better motivated force. Enactment of this legislation will lead to a tighter and mightier military.

MARYLAND JUDGE RELEASES MURDER SUSPECT

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute.)

Mr. DORGAN of North Dakota. Mr. Speaker, last week a district judge in Prince Georges County released on $75,000 bail a 16-year-old boy who was charged with the recent murder of Carl Krogmann, who was delivering a Domino's pizza.

Mr. Krogmann was shot and killed as he delivered a pizza to a bogus address called in by the two men who apparently intended to rob him.

According to reports, the young triggerman in the murder case was released on $75,000 bail last week by the judge.

The family of the victim is outraged, and so am I. How can anyone feel safe when individuals who are accused with commiting a violent act of murder are released on bail. What on Earth is going on in our judicial system? What kind of judgment, or lack of it, is being exercised by those in positions of public trust?

Who thinks it makes sense to allow somebody who allegedly shot and killed a young man delivering pizza to be free to walk the streets until his trial begins?

Yes, I understand the presumption of innocence in our system—but I also understand the obligation to protect the public in cases where there is substantial evidence that an individual has committed a violent crime.

I know it is easy to second guess and, yes, I am operating without all of the facts and circumstances that the judge has. But frankly, I do not think I need a lot of facts or circumstances to know that a person who has been charged with this killing ought not be walking our streets tonight. The family of the murder victim is upset with the judicial system, and they should be.

□ 1210

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. MOLINARI) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 60 minutes, on April 23, 24, 25, 26.

Mr. BURTON of Indiana, for 60 minutes, on April 24, 25.

Mr. GINGRICH, for 60 minutes, on April 24, 25, 26.

Mr. PASHAYAN, for 60 minutes, April 24.

Mr. BEREUTER, for 5 minutes, on April 24.

(The following Members (at the request of Mr. DORGAN of North Dakota) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DE LA GARZA, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. MOLINARI) and to include extraneous matter:)

Mr. FAWELL.

Mr. MCEWEN.

Mr. MACHTLEY in 10 instances.

Mr. CLINGER.

(The following Members (at the request of Mr. DORGAN of North Dakota) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. MAZZOLI.

Mr. CARDIN.

Mr. ACKERMAN.

Mr. DURBIN.

Mr. ROE.

Mr. LANTOS in two instances.

Mr. KANJORSKI.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On April 20, 1990:

H.R. 2334. An act to redesignate the post office located at 300 East Ninth Street in Austin, TX, as the "Homer Thornberry Judicial Building."

ADJOURNMENT

Mr. DORGAN of North Dakota. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 24, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3032. A letter from the Deputy Assistant Secretary (Logistics), Department of the Air Force transmitting notification of the decision to convert to contractor performance the commissary resale warehouse function at David-Monthan Air Force Base, AZ, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

3033. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notification of emergency munitions disposal, pursuant to 50 U.S.C. 1512(4) and 1518; to the Committee on Armed Services.

3034. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notification of emergency munitions disposal, pursuant to 50 U.S.C. 1512(4) and 1518; to the Committee on Armed Services.

3035. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's fiscal year 1989 annual report of its activities, pursuant to 42 U.S.C. 2000e-4(e); to the Committee on Education and Labor.

3036. A letter from the Secretary of Health and Human Services, transmitting a report on the implementation of title IV—the Health Care Quality Improvement Act of 1986, pursuant to Public Law 99-660, section 432(c) (100 Stat. 3794); to the Committee on Energy and Commerce.

3037. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting a report from the National Oceanic and Atmospheric Administration entitled "Stratospheric Ozone: The State of the Science and NOAA's Current and Future Research," pursuant to Public Law 95-95, section 126 (91 Stat. 725); to the Committee on Energy and Commerce.

3038. A letter from the Assistant Secretary of State for Inter-American Affairs, transmitting a written statement from the Secretary General of the United Nations pertaining to ending the armed conflict between the Government of El Salvador and the FMLN; to the Committee on Foreign Affairs.

3039. A letter from the U.S. Commissioner, Susquehanna River Basin Commission, transmitting a report pursuant to the Inspector General Act Amendments of 1988; to the Committee on Government Operations.

3040. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3041. A letter from the Acting Assistant Attorney General, transmitting a draft of proposed legislation entitled the "Forfeiture Act of 1990"; to the Committee on the Judiciary.

3042. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve the housing loan program for veterans by reducing administrative regulation, enhancing the financial solvency of such program, and for other purposes; to the Committee on Veterans' Affairs.

3043. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the Federal Crop Insurance Corporation's financial statements for the fiscal year ended September 30, 1988 (GAO/AFMD-90-43, April 1990), pursuant to 31 U.S.C. 9106(a); to the Committee on Agriculture and Government Operations.

3044. A letter from the Secretary of Labor, transmitting the Employee Retirement Income Security Act annual report for calendar year 1988, pursuant to 29 U.S.C. 1143(b); jointly, to the Committees on Education and Labor and Ways and Means.

3045. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 10 and title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; jointly, to the Committees on Veterans' Affairs and Armed Services.

3046. A letter from the Attorney General, Department of Justice, transmitting the 1989 annual report on the number of applications that were made for orders and extension of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act, pursuant to 50 U.S.C. 1807; jointly, to the Committees on Intelligence (Permanent Select) and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PANETTA: Committee on the Budget. House Concurrent Resolution 310. A concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, (Rept. 101-455). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLEMENT (for himself, Mr. COOPER, Mr. DUNCAN, Mr. FORD of Tennessee, Mr. GORDON, Mrs. LLOYD, Mr. QUILLEN, Mr. SUNDQUIST, and Mr. TANNER):

H.R. 4581. A bill to amend title 28, United States Code, to provide for the appointment of an additional bankruptcy judge for the Middle District of Tennessee; to the Committee on the Judiciary.

By Mrs. SCHROEDER:

H.R. 4582. A bill to provide for the dual basing of units of the Armed Forces; to the Committee on Armed Services.

By Mrs. SCHROEDER (for herself, Ms. SNOWE Mr. STARK, Mr. FRANK, Mr. LEACH of Iowa, Mr. AUCOIN, Ms. PELOSI, Mrs. BOXER, Mr. FRENZEL, Mr. OWENS of New York, Mr. FAZIO, Mr. GEJDENSON, Mr. BERMAN, Mr. GREEN, Mr. ATKINS, Mr. MEYERS of Kansas, Mrs. SAIKI, Mr. MRAZEK, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FUSTER, Ms. SCHNEIDER, Mr. MORRISON of Washington, Mr. MOODY, Mrs. MORELLA, Mr. TOWNS, Mrs. LOWEY of New York, Ms. SLAUGHTER of New York, Mr. SCHUMER, Mr. BEILENSON, Mr. RANGEL, Mr. YATES, Mrs. UNSOELD, Mr. SOLARZ, Mr. CROCKETT, Mrs. JOHNSON of Connecticut, Mr. PAYNE of New Jersey, Mrs. KENNELLY, Mrs. COLLINS, Mr. EVANS, Mr. JOHNSTON of Florida, Mr. KOSTMAYER, Ms. LONG, Mr. WHEAT, Mr. STUDDS, Mr. MATSUI, Mr. WISE, Mrs. ROUKEMA, Mr. GIBBONS, Mr. MARKEY, Mr. CONYERS, Mr. PORTER, Mr. MORRISON of Connecticut, Mr. NAGLE, Mr. FISH, Mr. WYDEN, Mr. LEVINE of California, Mr. SHAYS, Mr. SCHEUER, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. SKAGGS, Mr. BATES, Mr. ROSE, Mr. LEVIN of Michigan, Mr. SABO, Mr. CLAY, Mr. BRENNAN, Mr. BROWN of California, Mr. MCHUGH, Mr. SMITH of Florida, Mr. WOLPE, and Mr. CAMPBELL of Colorado):

H.R. 4583. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FAZIO (for himself and Mr. MICHEL):

H.J. Res. 553. Joint resolution to make technical changes in the Ethics Reform Act of 1989; jointly, to the Committees on the Judiciary, Ways and Means, House Administration, Post Office and Civil Service, and Rules.

By Mrs. SCHROEDER (for herself, Ms. SNOWE, Mr. STARK, Mr. FRANK, Mr. LEACH of Iowa, Mr. AUCOIN, Ms. PELOSI, Mrs. BOXER, Mr. FRENZEL, Mr. OWENS of New York, Mr. FAZIO, Mr. GEJDENSON, Mr. BERMAN, Mr. GREEN, Mr. ATKINS, Mrs. MEYERS of Kansas, Mrs. SAIKI, Mr. MRAZEK, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FUSTER, Ms. SCHNEIDER, Mr. MORRISON of Washington, Mr. MOODY, Mrs. MORELLA, Mr. TOWNS, Mrs. LOWEY of New York, Mr. OLIN, Mr. SCHUMER, Mr. BEILENSON, Mr. RANGEL, Mr. YATES, Mrs. UNSOELD, Mr. SOLARZ, Mr. CROCKETT, Mrs. JOHNSON of Connecticut, Mr. PAYNE of New Jersey, Mrs. KENNELLY, Mr. FROST, Mrs. COLLINS, Mr. EVANS, Ms. KAPTUR, Mr. KOSTMAYER, Mr. SANGMEISTER, Ms. LONG, Mr. WHEAT, Mr. STUDDS, Mr. MATSUI, Mr. WISE, Mrs. ROUKEMA, Mr. GIBBONS, Mr. MARKEY, Mr. CONYERS, Mr. PORTER, Mr. MORRISON of Connecticut, Mr. NAGLE, Mr. WYDEN, Mr. LEVINE of California, Mr. SHAYS, Mr. SCHEUER, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. SKAGGS, Mr. BATES, Mr. ROSE, Mr. LEVIN of Michigan, Mr. CLAY, Mr. BRENNAN, Mr. BROWN of California,

Mr. SABO, Mr. SMITH of Florida, Mr. WOLPE, and Mr. CAMPBELL of Colorado):

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with respect to contraception and infertility; to the Committee on Energy and Commerce.

H. Con Res. 310. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995.

MEMORIALS

Under clause 4 of rule XXII,

366. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to commemorating Community Development Week, April 7-14, 1990; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 529: Mr. FLAKE and Mr. MOODY.

H.R. 530: Mr. FLAKE, Mr. MOODY, and Mr. FORD of Michigan.

H.R. 1733: Mr. WILSON.

H.R. 2096: Mr. DELLUMS.

H.R. 2098: Mr. COYNE, Mrs. KENNELLY, and Mr. GALLEGLY.

H.R. 3460: Mr. ESPY.

H.R. 3520: Mr. WEISS.

H.R. 3673: Mr. STUMP, Mr. RANGEL, Mrs. MARTIN of Illinois, Mr. LEACH of Iowa, Mr. BROOMFIELD, Mr. SMITH of New Hampshire, Mr. DEWINE, Mr. SHUSTER, Mr. WALKER, and Mrs. MEYERS of Kansas.

H.R. 3735: Mr. WEISS.

H.R. 4003: Mr. PENNY.

H.R. 4369: Mrs. MEYERS of Kansas.

H.R. 4492: Mr. BATES, Mr. BONIOR, and Mr. OWENS of New York.

H.R. 4520: Mr. AKAKA, Mr. MCCLOSKEY, Ms. LONG, Mr. LAGOMARSINO, Mr. ROBINSON, Mr. MRAZEK, and Mr. SLATTERY.

H.J. Res. 463: Mr. STUMP, Mr. STAGGERS, Mr. RAHALL, and Mr. LEWIS of California.

H.J. Res. 519: Mr. SPENCE.

H.J. Res. 540: Mr. PARKER, Mr. RAHALL, Mr. STAGGERS, Mr. MCNULTY, Mr. ORTIZ, Mr. SLATTERY, Mr. WYDEN, and Mrs. BENTLEY.

H. Con. Res. 23: Mr. BORSKI, Mrs. BOGGS, Mr. FRANK, Mr. FRENZEL, Mr. GREEN, Mr. HAYES of Illinois, Mr. HAMILTON, Mr. MORRISON of Washington, Mr. MCDADE, Mr. MURPHY, Mr. MCCOLLUM, Mr. MAZZOLI, Mr. NATCHER, Mr. NAGLE, Mr. ORTIZ, Mr. PERKINS, Mr. RHODES, Mr. ROBINSON, Mr. RUSSO, Mr. STUDDS, Mr. SISISKY, Mr. WEISS, Mr. YATES, Mr. GRANT, Mr. OWENS of Utah, Mr. FASCELL, Mr. GALLEGLY, Mr. NIELSON of Utah, Mr. POSHARD, Mr. PANETTA, Mr. SOLARZ, and Mr. EMERSON.

H. Con. Res. 290: Mr. BEILENSON, Mr. MARKEY, Mr. MORRISON of Connecticut, Mr. RINALDO, and Mr. UDALL.

Senate—*Monday, April 23, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 1:59 p.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The heavens declare the glory of God; and the firmament sheweth his handiwork.—Psalm 19:1.

Today a layman's prayer from church yesterday:

"Father, it is vanity for us to think that we can invoke Your presence when, in fact, we cannot escape it. But we can and we do ask that You make us more aware of the fact that You are always with us and are, in deed, privy to our innermost thoughts and actions. We walk this path but once, and it is our blessing that we do so in freedom and plenty while others endure lives of oppression and want. Help us, Father, to appreciate the abundance of our blessings, not only the glorious gift of life itself, but the rich quality of our particular lives. In such appreciation lies the obligation of love; that we give more of ourselves to others who stand in need of our help. Help us to think and act on that also.

"On this Earth Day, Father, please give to us a deeper understanding of the atrocities we commit against the purity and bounty of the natural world which has been bequeathed to us by Your grace and generosity. We ask that You impel us to make restitution and to husband the blessings of nature for our posterity. We submit our prayer in the name of Jesus Christ who taught us to know You as a personal and benevolent God who hears and responds to our needs and our entreaties. Amen."

(Invocation, by Walter Guntharp, Chesterbrook Presbyterian Church, Earth Day, April 22, 1990.)

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 23, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

THE JOURNAL

Mr. PRYOR. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. PRYOR. Mr. President, following the time reserved for the two leaders today, there will be a period for morning business, not to extend beyond 2:30 p.m., with Senators permitted to speak therein for up to 5 minutes each. At 2:30 today, the Senate will resume consideration of H.R. 1594, the miscellaneous tariff bill.

On Friday, the majority leader indicated that there would be no rollcall votes today. Any votes ordered today relative to amendments offered will be stacked to occur at some point during tomorrow's session.

RESERVATION OF LEADERS' TIME

Mr. PRYOR. Mr. President, I ask unanimous consent that the time for the two leaders be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 2:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

QUORUM CALL

Mr. PRYOR. Mr. President, seeing no Senators desiring the floor, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

LAWN CHEMICAL PRODUCT LABELING

Mr. REID. Mr. President, my subcommittee, the subcommittee that is part of the Committee on the Environment and Public Works, held hearings last month dealing with the regulation of lawn chemicals. We learned a number of things in those daylong hearings. One is that lawn chemicals can be dangerous.

Following the reports of the General Accounting Office, we learned there are a number of things that are not being done in the industry. The advertising that is taking place is not factual. There is no regulation of that, especially as it relates to safety and health risks. Some people who are exposed to lawn chemicals are more susceptible than others; just like any allergy, for example, some people are affected more than others. The reaction to lawn chemicals can be very serious and, in the estimation of some, deadly.

We have to be concerned about what took place in this hearing, especially as it relates to the labeling of these products.

Mr. President, it was interesting to learn that this past week in a city in Japan they recognized that there are problems with lawn chemicals. In fact, as recently as the 8th day of April of this year, the Daily Yomiuri newspaper in Japan indicated that a golf course in Hamamatsu is going to ban lawn chemicals on its golf course. In fact, they are doing so for a number of reasons, not the least of which is that not only are they concerned about what is happening to the people that play golf on the golf course, but also that the pesticides and herbicides that

are used on that golf course are flowing into areas where people are growing other things and it makes it dangerous.

They have indicated that this golf course will use a product that will be imported from the United States, a product called Tifton turf.

I ask unanimous consent that this news article from Hamamatsu in Japan be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Daily Yomiuri Sun, Apr. 8, 1990]

HAMAMATSU GOLF COURSE SAYS NO TO CHEMICALS

HAMAMATSU, SHIZUOKA.—For the first time in Japan, something other than liberal dosings of agricultural chemicals will be used to keep pests from ruining pristine greens and fairways on a golf course. Japan's first chemical-free golf course, to be built near Lake Hamana in Hamamatsu, Shizuoka-ken, will be protected by heat-treating the soil using organic farming technology, it was reported Friday.

Environmental pollution caused by agricultural chemicals used on golf courses has become a serious problem, especially when it was learned that pesticides and herbicides were contaminating drinking water sources.

Alarmed by the situation, Shigesu Oka, president of Lake Hamana Development in Hamamatsu, decided to develop a chemical-free 18-hole golf course. Construction begins in October with the course scheduled to open in the spring of 1995.

"We developed the method to control the garden pests by bacterium all by ourselves, following the instructions of a university researcher," said Oka.

He said the soil will be treated at 80 C to kill harmful bacteria and enhance the natural ability of the soil to fight pests.

"We decided to plant Tifton turf imported from the United States on the green, because we learned that it has the strongest resistance against garden pests." (Tifton turf is usually used on fairways, instead of putting greens.)

Oka expects the sod to sustain damage from insects, but says the turf will simply be peeled off and replanted.

The specially treated soil will be spread over the entire golf course, and even in the rough.

The number of greenskeepers will be increased to 50 from 25 and the course will periodically announce environmental status reports to local residents.

As well, the quality of the water draining into Lake Hamana from the course will be checked regularly, Oka says.

The Kasegawa Riverside Golf Club, which opened in Saga-ken last October, drew the first spate of media attention when it started to maintain the course without using agricultural chemicals.

A Tokyo resort development company first proposed the building of a low-agricultural-chemical golf course by Lake Hamana three years ago, evoking strong protests from local residents who cultivate oysters and seaweed in the lake.

Lake Hamana Development also encountered protests from local residents, when it announced its plan to develop the golf course last July.

Mr. REID. It indicates, among other things, Mr. President, the quality of the water draining in Lake Hamana will be checked regularly.

One interesting aspect that we do not take into consideration, Mr. President, is the cost of herbicides and pesticides, these so-called lawn chemicals. They are very expensive. One reason that the American people are willing to spend the money, is that it is less labor intensive to regulate the growth of our lawns and shrubs with chemicals. The people in Japan, however, are going in the opposite direction. Quoting from the article: "The number of greenskeepers on this Japanese golf course will be increased to 50 from 25 and the course will periodically announce environmental status reports to local residents."

The reason this change took place in Japan is because local residents complained. I think, recognizing that we just had Earth Day yesterday, the American public should look forward to the fact that they, too, have a say in what takes place in the environment.

CAMPAIGN REFORM

Mr. REID. Mr. President, I just returned from the State of Nevada. Other Senators have returned in recent days and weeks from their States. Most of us would like to report that we spent all of our time holding townhall meetings at which we got the views of our constituents and told our constituents about our various concerns about what is happening in our State, our country, and the rest of the world.

Most of us would have liked to have spent that entire time talking to students on the elementary, secondary and college level, talking to them about some of the problems dealing with drugs, urging them perhaps to get involved in governmental service and talk about the environment which they like to talk about a lot.

Perhaps we would have liked to have spent more of our time visiting factories or other businesses, listening to workers and managers to gain an insight into their concerns, and even maybe would have liked to have spent a little more time with our families.

The fact, though, Mr. President, is we probably did not spend as much time as we should have. Why? Because we were concerned about raising campaign money. U.S. Senators, by virtue of the fact that the average senatorial race costs over $4 million, spends a great deal of time raising money for campaigns. This is something that we simply cannot continue.

We, of course, do the best we can to balance our various responsibilities, but that ugly campaign spending is always part of our vocabulary. We have to always be involved with making sure that we are going to be competitive the next time.

The last time campaign reform passed in this Chamber, Mr. President, was almost 20 years ago. It is time that we did something to update these campaign laws. It simply is not right that the campaign law passed some 20 years ago is what is governing us, especially when we keep in mind that the law that we passed then was just the minimum, just enough to get by. We always hoped that there would be some improvement. It simply has not taken place.

Since that time the cost of running a campaign has risen out of sight. There are all kinds of new loopholes which have been discovered, not the least of which is independent expenditures.

The Federal Election Commission has done the best it can, but it is a toothless tiger. The FEC simply does not have the ability to do as much as it should do and as much as it wants to do.

I have talked about independent expenditures. There are other abuses that the Federal Election Commission certainly is aware of but does not have the manpower resources to do anything about.

The noteworthy columnists Germond and Witcover recently said:

> There is little reason for any campaign to worry itself over cutting corners in dealing with the campaign finance laws. Until the FEC can really punish violators in a timely fashion, candidates will continue to be scofflaws.

Mr. President, the FEC has suggested legislative action time and time again. They have asked us to give them some teeth to make them more than the toothless tiger that they are. But we have refused. We simply have not given them that power.

I am confident and hopeful and optimistic even that this body will address campaign spending reform this year. I commend the majority leader for recognizing that this is an issue that we must address. I hope that we as a body will fall in behind the majority leader recognizing that it is time that we did something about campaign reform. We owe it to our constituents, we owe it to our families, and we owe it to ourselves.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Missouri is recognized.

THE POWER TO TAX

Mr. DANFORTH. Mr. President, last Friday I introduced a constitutional amendment resolution addressing an issue which was decided by the U.S. Supreme Court last Wednesday. Last Wednesday, the Supreme Court held that a Federal district judge in Kansas City had the power to order local authorities to impose a tax. The purpose of the tax was to fund a plan that the district court in Kansas City had devised to create magnet schools in the Kansas City, MO, school district.

The theory of the magnet schools was that they would be so attractive that they would attract people from other school districts into those schools.

The judge's plan for creating the magnet schools was quite generous and some say went further than any school district has gone in the country. For example, the judge ordered the creation of a 25-acre farm. The judge ordered the creation of a U.N. General Assembly room wired for simultaneous translation and the like.

But the point that I call to the attention of the Senate is not whether or not the judge had a good idea in his mind when he created this particular plan for the creation of magnet schools.

Rather, the question that was decided by the Supreme Court had nothing to do with the advisability of the judge's program, but only with the broader question of whether or not a Federal judge has the power to direct local officials to put in place a tax.

I think, Mr. President, that this is a matter of very fundamental significance, and it is because it is of fundamental significance that I introduced the constitutional amendment last Friday.

The fundamental constitutional issue, of course, going way back to our Founding Fathers, is where does power reside in our governmental structure; what is the appropriate power of each of the various branches of the Federal Government; and what limitations, if any, exist for the exercise of those powers?

I had believed that it was fundamental to the American Constitution that the imposition of taxes was reserved for the legislative branch. Taxes are matters that particularly pertain to the people. And as a matter of fact, in our constitutional scheme, the system is that tax bills must originate in the House of Representatives, which is that House of the Congress which is elected every 2 years and, before 1913, was the only House of Congress which was directly elected by the people.

So it is my view that it is absolutely basic that this is a legislative function and that it could not be a judicial function. The Supreme Court has decided that, at least in certain instances, a court can order the levying of a tax, and the constitutional amendment that I introduced last Friday says very directly that courts cannot order States or subdivisions of States or their officials to levy or collect taxes.

Mr. President, whether a particular Senator or a particular American agrees or disagrees with the wisdom of the plan of the judge in Kansas City is irrelevant to the matter now before the country. The question is not whether it is a good thing or a bad thing to, say, have a form within a school district or have a model U.N. General Assembly within a school district. That is not really the issue.

The issue is the more basic question of the taxing power of this country. It was assumed by our Founding Fathers that taxation was something that could only be done by those who were elected. As a matter of fact, every school child learns in second or third grade that the principle of no taxation without representation was one of the fundamental principles over which the American Revolutionary War was fought.

If we review in our own minds the history of our country, the reaction of the colonists to the Stamp Act, the Boston Tea Party, and the like, the issue was whether or not the taxing authority could be exercised by somebody who we did not elect, in that case Parliament across the sea.

Federal judges are elected by nobody. Federal judges are appointed and they serve for life, and the whole design of the Federal judiciary is that Federal judges should be insulated from the political give and take of the life of elected officials. And, therefore, it is my view that what the Supreme Court did last Wednesday can simply not be allowed to stand. It has to be changed.

Some people believe it can be changed by statute. I do not know. We have tried that before. People have come up with ideas to try to limit the remedies that could be imposed by Federal judges, and to do so through statute.

My own view is that the issue that was raised last Wednesday goes to the more basic question of where power resides, and because of that, it truly is the kind of issue that is in the Constitution already and that should be in the Constitution.

If a Federal court is to have the power to levy taxes or, what to me is the same power, to direct others to levy taxes, it seems to me that that is a decision that should itself go through the constitutional process; that we should debate that in the context of a constitutional amendment resolution. That is why I introduced the amendment resolution last Friday.

I mention it again today and I am going to continue to mention it on the floor of the Senate in the days ahead, simply to ventilate the idea.

It is not an easy matter to amend the Constitution of the United States and it should not be an easy matter to amend the Constitution. It should be something that calls for a great amount of discussion, a great amount of reflection and contemplation. It should be dealt with by the Senate Judiciary Committee, by the Members of the Senate on the floor; it should be something that columnists and law professors and the American people in general weigh in on in the weeks and months ahead.

My intention is going to be to at least call attention to this issue in the hopes that the constitutional amendment issue is something that receives a great deal of attention and thought and debate by the American people themselves.

If we allow the proposition to stand that a Federal judge can increase taxes or that a Federal judge can order somebody else to increase taxes, then the American people have lost control over something that is a very, very important power of Government. Then the American people have ultimately lost control over the taxing power.

It is a serious matter. I call it to the attention of the Senate and my hope is that other Senators and that the public at large will join in this debate and that we can have a very lively debate on the location of the taxing power in the weeks and months ahead.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ONE OF EIGHT HOSTAGES RELEASED

Mr. MOYNIHAN. Mr. President, Terry Anderson has now been in captivity in Beirut for 1,864 days. Until yesterday, seven other Americans had also been held hostage there. That made eight, all of whom had been detained against their will for at least 3 years.

The number was reduced yesterday to seven. Robert Polhill, who was kidnaped by the Islamic Jihad for the Liberation of Palestine on January 24, 1987, was released. He had spent 39 months—1,183 days, to be exact—in captivity.

Professor Polhill is the first American hostage to be released since November 2, 1986. We must all acknowl-

edge the significance of his freedom. Today is indeed a day of victory for humanitarianism and the rule of law. But the victory is not near complete. Seven others do remain in captivity in Lebanon. We must know—and I am certain that Professor Polhill and his family would agree—that we cannot rest soundly until they, too, are free.

Mr. President, I ask unanimous consent that a series of items which appeared in today's New York Times and Washington Post be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 23, 1990]

BEIRUT KIDNAPPERS FREE AMERICAN, 55, A HOSTAGE 3 YEARS

(By Youssef M. Ibrahim)

DAMASCUS, SYRIA, April 22.—Robert Polhill, a 55-year-old American taken hostage more than three years ago in Beirut by pro-Iranian kidnappers, was released into the custody of Syrian Army officers in Beirut today.

Mr. Polhill, who was immediately driven to Damascus, appeared relieved but very pale and gaunt as he spoke at a news conference in the Syrian capital. "I want to tell you I am very happy to be here," he said.

Struggling to keep a smile, he said, "I am sorry I kept you waiting so long. Thirty-nine months is a long time."

LONG INTERIM FOR AMERICANS

Although a number of French and West German hostages have been freed in recent years, Mr. Polhill, an accounting professor at Beirut University College, was the first American captive to be released in Lebanon in nearly three and a half years and the first during the Bush Administration.

The last American freed was David Jacobsen, former director of the American University Hospital in Beirut, who was set free on Nov. 2, 1986 as an outgrowth of the Iran-contra affair. Mr. Polhill's release leaves 17 Westerners, including 7 Americans, missing and believed held by kidnappers in Lebanon.

President Bush, speaking in Florida, welcomed Mr. Polhill's release, saying, "This mission is completed." But he added, "I do not have forgiveness in my heart as long as one American is held against his will."

AMERICAN INSISTENCE

United States officials said the release followed months of messages conveyed to the Iranians through Japan and Switzerland. The messages tied better relations with Washington to the unconditional release of all hostages.

Security officials in Beirut said that Iran gave Muslim fundamentalists in Lebanon weapons and financial assistance to persuade them to release American hostages.

Mr. Polhill was seized with two other American educators who remain captives, Jesse Turner and Alann Steen, on Jan. 24, 1987 by a group calling itself Islamic Holy War for the Liberation of Palestine. His release ended five days of suspenseful and extremely delicate diplomacy, in which Syria had a prominent role.

The United States Ambassador to Syria, Edward Djerejian, expressed thanks to Syria's President, Hafez al-Assad, and its Foreign Minister, Farouk al-Sharaa, lauding the "effort undertaken by the Government of Syria" to being about Mr. Polhill's release.

The Syrian Foreign Minister said his country's efforts and the freeing of Mr. Polhill "will be just the beginning of the release of the rest of the hostages." He emphasized that Syria "worked closely with Iran" to bring Mr. Polhill out of captivity.

Syrian, United States and other foreign officials here said a principal factor in the success of these talks was the apparent new orientation guiding Syrian foreign policy, a process that many Syrians refer to as "our perestroika."

Over the last few months, Syria has made a palpable effort to reinsert itself in Arab politics, mending fences with Egypt and speaking favorably about the possibility of pursuing a peaceful solution to the Mideast crisis after two decades of advocating a policy of military confrontation with Israel.

The Syrian Government has also pressed radical Arab organizations, including terrorist groups it used to support to cease their activities.

The sharp decline of Soviet control in Eastern Europe has also sent a clear message, felt keenly here, that confrontational policies with the West will have little support from Moscow.

DETAILS OF THE RELEASE

Mr. Polhill gained his freedom in West Beirut at 5:15 P.M. today. Witnesses told The Associated Press that a car "screeched to a halt about 50 yards from the entrance to the Summerland Hotel" in the heavily battered Lebanese capital, let Mr. Polhill out and then sped away.

He was picked up minutes later by a bulletproof Mercedes carrying Brig. Gen. Ghazi Kenaan, the chief of military intelligence for the Syrian Army in Lebanon. The Syrian officer drove with him to Damascus, escorted by an armed motorcade along a heavily protected road, and brought him to the Foreign Ministry, where Mr. Djerejian greeted him.

Syrian television footage showed Mr. Polhill, a diabetic, being driven through Beirut, sitting in the back of a car and puffing heavily on a cigarette.

In the Syrian TV interview, the freed hostage said he played cards with other captives during his time in Lebanon and tried to keep his mind off the possibility of freedom.

"I strived to continue to be angry, knowing at all times that if I began to lose that anger I would just sort of become a vegetable, and I didn't want that to happen," he said in the interview.

He said that although he was grateful for his release, "I'm still deeply concerned about my two friends and others who are still held in the conditions I was held in."

American and Syrian officials were tight-lipped about the details of the negotiations that led to Mr. Polhill's release, which faltered at least twice. But Syrian officials had repeatedly expressed their confidence that the kidnappers would let one American hostage go by the weekend.

The delicate process began with an announcement on Wednesday by the Islamic Holy War group that it would free one of the three Americans it held in response to "urgent appeals by the leaders of the Islamic Republic in Iran for a good-will initiative in order to close that hostage file."

MULTISIDED DIPLOMACY

No details were revealed about the diplomacy involving Iran, Syria and the United States that led to Mr. Polhill's release, but the United States Ambassador pointedly said tonight that "we will keep open lines of communications with all parties that can influence" the hostage situation.

The comment was widely interpreted as confirming that indirect contacts with Iran and the hostage takers would continue through the Syrians.

Today, the Syrian Foreign Minister, Mr. Sharaa, met with the Iranian Ambassador, Mohammed Hassan Akhtari, and then the American Ambassador, Mr. Djerejian, who emphasized on leaving the Foreign Ministry that the United States is "working very closely with the Syrian Government."

The United States Ambassador said it was up to Mr. Polhill to decide if he wanted to leave immediately for an American hospital in Wiesbaden, West Germany, where he will undergo medical tests.

Syrian officials tonight said it was not clear whether Mr. Polhill would leave Syria today or tomorrow, adding that he underwent a preliminary medical checkup at the ambassadorial residence, where he was joined by his Lebanese wife, Feryal.

[From the Washington Post, Apr. 23, 1990]

"I STRIVED TO CONTINUE TO BE ANGRY . . ."

DAMASCUS, SYRIA, April 22.—*Following are excerpts from a Syrian state television interview with released American hostage Robert Polhill.*

HOW DO YOU FEEL AFTER BEING RELEASED?

I'm very happy and grateful to all the people who spent time on my case. I'm still deeply concerned about my two friends and others who are still held in the conditions I was held in. Some of them have been held longer than me. My happiness tonight is a bit toned down that they're not with me. I'm looking forward that we'll be together again, all of us. . . .

I don't know where I'm going. I think it's better you ask me specific questions. I'm not sure. I can't summarize 39 months of my life. It's a little bit difficult at this moment. I didn't have time to begin reflecting yet on those 39 months of my life.

HOW WAS YOUR FIRST DAY IN CAPTIVITY?

I remember my first day in captivity more than the rest of my days in captivity. . . . It was boring.

We were not allowed to speak loudly. We had something to read, but we were deprived of materials that gave any news about us.

As to our specific conditions, I can tell you it could have been a lot worse. We were not maltreated, thanks to those who guarded us, who tried to give us things within the limits of the restrictions on them. We played cards. . . .

We were very much in the dark about our status. We didn't know where we stood. That was the worst. We didn't know . . . when or whether we were ever going to be released. In fact, I know that those left behind and others still in captivity in places I'm not aware of . . . quite possibly don't know that I've been released. But I guess they'll have hope if they know I've been released.

WHAT DOES FREEDOM MEAN TO YOU?

Freedom is something that, believe it or not, neither me nor my two associates spent a lot of time thinking about. It's a bit like you wish you had a T-bone steak in front of you. Knowing you were not going to get it right away makes you more hungry, makes you want that steak more. So we didn't spend time thinking or talking about when we'd be freed.

Our most difficult assignment was to find things to think about. To keep our minds active so we didn't begin to vegetate. I don't know what psychologists say about this. My belief is that part of the symptom of a mind beginning to stray and go bad to the point of danger, is the loss of anger. I was angry at what was done to me, at being taken away from my wife and family, my friends and students. And so I strived to continue to be angry, knowing at all times that if I began to lose that anger I would just sort of become a vegetable, and I didn't want that to happen.

WHAT DO YOU WANT TO SAY TO THE WORLD?

One thing I probably should say is that I was a little bit surprised to find out that the specific demand these men [the kidnappers] are making and want the world to know seems to be precisely the same they made about two weeks after our kidnapping, when Alann Steen made the videotape—releasing the 400 prisoners held in Israeli jails. We seem right back at ground zero.

One of the last words I heard today from one of them as they went out was that was still their demand. I don't know if it's still the same 400 prisoners or others.

Besides that, I don't think I have any other messages that I'm supposed to be carrying to the people or governments of the world or the United Nations. . . . As I say, this is rather surprising. I'd have thought things would have changed over the three years, that some of those prisoners got released, I don't know.

WHAT ARE YOUR PLANS FOR THE FUTURE?

I really don't have any plans for the future yet, except to see my wife, mother, sons and friends and family—people I haven't seen in three years, or 39 months, and together talk about things like that. About the future.

[From the Washington Post, Apr. 23, 1990]

IN LOVE WITH A TROUBLED COUNTRY

(By Eleanor Randolph and Howard Kurtz)

Robert Polhill, the frail-looking former accountant released in the Middle East yesterday, came to Beirut seven years ago because he fell in love—with the country, with a Lebanese woman who became his second wife and with Beirut University College, where he taught until he was taken hostage in 1987.

"It was very beautiful," his mother, Ruth Polhill, a retired high school librarian from Fishkill, N.Y., told reporters of her son's romance with Beirut. "He loved the people. He loved the campus."

When Polhill, 55, was released yesterday and appeared at his first news conference after more than three years of captivity, Polhill's family saw on television a man whose health had clearly deteriorated.

His mother said Polhill looked "very frail, not at all like I remember him." She told one interviewer: "I think he needs a lot of good care."

Polhill's niece by marriage, Simone Seikaly, 24, of Cottonwood Heights, Utah, said that on television "he looked thin and pale, but obviously alive, and that's the best part."

Polhill grew up in Beacon, N.Y., about two hours north of New York City. He attended Cornell University and graduated from New York University in 1961. Married and the father of two sons—Stephen, 26, and Brian, 23, of New York City—Polhill lives what was described as an orderly life as an accountant in a New York City firm. Friends said he was a photography buff and a fan of the New York Giants.

Polhill's mother has said that after her son began traveling to Lebanon on business trips, he became entranced with the troubled country.

When Beirut University College asked him to teach, he moved there in 1983 to become assistant professor of business studies.

On the grounds of the once-peaceful campus, Polhill, two other Americans and an Indian were abducted by gunmen on January 24, 1987.

Polhill's wife Ferial said after his capture that she had asked him the day before whether it was time to leave the increasingly dangerous city. "I said 'Shall we get out?' He said, 'No, I am not getting out of here.'"

After he was captured, Ferial Polhill appeared on television and gave interviews to try to spread the word to the kidnappers that her husband had diabetes and needed daily medication.

Mithileshwar Singh, who was captured with Polhill and who also suffers from diabetes, told officials after he was released in October 1988 that his captors provided medication and occasional visits by a doctor, according to State Department officials.

However, Singh told reporters yesterday that he and Polhill were treated worse than most animals: chained in a windowless room with only rare glimpses of the sun or chances to exercise in fresh air.

Polhill's mother, who described herself as feeling "really numb but exhilarated," said the worst part of the ordeal was "just not knowing how his health was and how he was faring and what he had done to deserve this."

She said Brian and Stephen were going to Wiesbaden, West Germany, to see their father and that she probably would travel to Washington to meet her son.

Outside her apartment, she told reporters her joy was tempered by the fact that other hostages were still being held. She said the families had become friends and added, "I regret that the three could not come home together."

[From the Washington Post, Apr. 23, 1990]

BUSH ASKS RELEASE OF OTHERS

(By David Hoffman)

ISLAMORADA, FL, April 22.—President Bush greeted the release of American hostage Robert Polhill today with a demand that all westerners held in Lebanon be released, including seven remaining Americans, and the White House credited both Syria and Iran for helping win freedom for Polhill.

Winding up a two-day fishing trip in the Florida Keys. Bush spoke by telephone with Polhill shortly after he arrived in Damascus, and telephoned Polhill's wife and mother as well. Bush said all raised the issue of the remaining captives and he told them "we were not going to forget those other hostages."

Bush, who had earlier appealed for release of the hostages with the statement that "goodwill begets goodwill," told reporters that he does not plan any gestures to respond to the release of Polhill by a pro-Iranian group in Lebanon, the Islamic Jihad for the Liberation of Palestine. Referring to what he called "a mission uncompleted," Bush said, "I'm not trying to think up any gesture. . . . I want all those hostages out." Bush said release of all the captives is the "bottom line" for any reciprocal action from the United States.

"I'm not making gestures. I don't trade for hostages," the president said. "I rejoice at this release. And the American policy is sound and it's not going to change. And I will thank those who facilitated the release, and that's exactly the way it's going to stay. And I feel the burden of these hostages, and I mean it, every single day. We say prayers, about them every single might."

Bush, who returned to Washington tonight, said, "Every day is a test of my goodwill because I can't talk forgiveness—I don't have forgiveness in my heart as long as one American is held against his will and as long as one American family has a broken heart."

White House press secretary Marlin Fitzwater said, "There were no deals, no negotiations with the hostage takers." The United States has "no way of knowing" what motivated Polhill's captors to release him, he added. "We have no way of identifying any specific action on our part that could have been a contributing factor to this," Fitzwater said.

The administration had refused to send Assistant Secretary of State John Kelly to Lebanon earlier this week in response to a message from the pro-Iranian group suggesting that Kelly could assist in the release. The administration said this was a demand and Bush vowed not to "knuckle under" to such demands.

In a written statement today, Bush said the United States wanted "to thank those who had a hand in the release, particulary the governments of Syria and Iran whose efforts have contributed to the release of the hostage."

Fitzwater said Syria "provided us information on a continuing basis about the possibility of the release. They helped facilitate the release in the final hours." Bush told reporters, "I think it's proper to thank the Syrians, who played an instrumental role in this, I understand."

An administration official said Syria was believed to be angling for an improved relationship with the United States now that the Soviet Union appears to be scaling back its foreign obligations. Bush, fishing off the Keys, spoke by telephone from his boat with U.S. Ambassador to Syria Edward Djerejian before the ambassador went to the Syrian Foreign Ministry to receive the released captive.

The president's written statement thanked Iran for aid in the release of Polhill, but when questioned by reporters, Bush was more cautious. "I'm stopping a little short of that because I don't know what the role is," he said. Asked if he felt goodwill toward Iran, Bush said, "To the degree Iran's role is known in this. I can't tell you I honestly know what it is. But I'd have goodwill to those who facilitated the release. If that included Iran, absolutely."

[In Washington, Secretary of State James A. Baker III, asked by reporters what role Iran played, said, "Well, I don't want to go into a lot of detail on that beyond saying that we think that they were helpful in this regard." He said there was no "direct contact" between the United States and Iran.]

Iran's ambassador to the United Nations said today that Iranian pressure helped secure the release of Polhill, but he predicted the United States would have to make concessions to win freedom for the remaining captives in Lebanon. Ambassador Kamal Kharrazi said the United States would have to pressure Israel to halt air raids on Lebanon and release Arab prisoners if it wanted to get the seven other Americans out of captivity.

"We have done a lot to convince them to release just this one hostage," he said in an

interview on CBS's "Face the Nation," referring to the groups that held Polhill. "And they have a lot of problems, and they have been under pressure and they have a lot of grievances. And certainly one has to be thinking about the grievances as well. . . . Somehow the grievances in Lebanon have to be relieved. And, unfortunately, Israel is daily attacking assaults Lebanon, including these last two days."

The Islamic Jihad for the Liberation of Palestine has called on Israel to release hundreds of Arabs held in Israeli jails. Israel has carried out three air raids and a ground attack on pro-Iranian groups in southern Lebanon in recent days.

Also today, Bush, questioned about possible U.S. sanctions against the Soviet Union in response to the embargo against Lithuania, said, "I can't tell you I honestly have made that determination, no." He refused to elaborate.

[From the Washington Post, Apr. 23, 1990]

WHITE HOUSE STATEMENT

Transcript of President Bush's statement on the hostage release, read by White House press secretary Marlin Fitzwater:

"We are pleased at the news that Robert Polhill has been freed by his captors. We are obviously happy for him, for his family and for his friends.

"We also wish to thank those who had a hand in the release, particularly the governments of Syria and Iran, whose efforts have contributed to the release of this hostage.

"Our satisfaction at the release, however, is substantially tempered by the knowledge that seven other innocent Americans, as well as a number of foreign nationals, are still being cruelly held hostage in Lebanon.

"We cannot rest until all hostages are free. Once again we urgently call on all parties who hold hostages or who have any influence to work to obtain the immediate and unconditional release of the remaining hostages as a humanitarian gesture."

[From the New York Times, Apr. 23, 1990]

BUSH DENIES ANY DEAL WITH IRAN FOR HOSTAGE

(By Thomas L. Friedman)

WASHINGTON, April 22.—Administration officials said today that the release of the American hostage Robert Polhill was the result of months of messages to the Iranians that if they wanted better relations with Washington, they would have to unconditionally release all hostages.

"I'm not making gestures. I don't trade for hostages," President Bush said in Florida when asked whether the release would lead to some concrete expression of good will.

"This is mission uncompleted," said the President, who spoke with Mr. Polhill and his wife, Feryal, by telephone. "I do not have forgiveness in my heart as long as one American is held against his will."

Apparently mindful of the Iran-Contra affair, in which the Reagan Administration sought to trade arms for hostages, the Bush Administration emphasized that there would be no material tradeoff for Mr. Polhill's freedom other than helping to pave the way for better relations between Iran and the United States. Officials said that messages to that effect had been conveyed to Iran through Japan and Switzerland.

WHAT IRAN WANTS

It was difficult at this early stage to confirm this independently, since a specific reward theoretically might be reaped only after the Iranians arranged the release of the seven other Americans whose destiny they control.

Since the benefits that Iran is believed to want most from the United States—an end to the trade embargo, the unfreezing of Iranian assets and an end to Iran's isolation—are still things that successive Administrations have said they would address once all the hostages are freed, an explicit quid pro quo might not really be necessary.

Nevertheless, Administration officials believe that at least some Iranian leaders are hoping to bargain for some of these gains immediately, or to give the impression of a tradeoff for their own domestic political needs, using some of the seven Americans still being held by pro-Iranian kidnappers in Beirut as bait.

The initial demand by the Islamic Holy War For the Liberation of Palestine that Assistant Secretary of State for Near Eastern Affairs John Kelly come to Damascus to receive the freed hostage was seen by the Administration as a probe by the Iranians or their Lebanese surrogates to see whether the Americans could again be enticed into the hostage bazaar.

The release of Mr. Polhill, the officials said, was probably a probe to see how the United States would react—whether the hostage issue would once again dominate the headlines, whether the President would be pressured anew to negotiate and whether the Administration would make some compensatory gesture.

That was why the President, reacted in a low-key, stern and ungrateful manner—to signal the Iranians that until all of the American hostages are released, it will be as though none of them have, the officials said. The President's spokesman, Marlin Fitzwater, issued a statement thanking Iran and Syria for their help in the release, but it could not have been more terse.

A DEBATE IN TEHERAN

Administration officials also say they are trying to influence what they believe is a debate in Teheran. Some factions believe Iran can and should try to bargain for the other seven hostages, the officials said. Other factions, apparently led by President Hojatolislam Hashemi Rafsanjani, feel that after the controversy stirred by the Iran-Contra scandal, no deal is likely, and holding the remaining hostages only hurts Iran, the Administration officials said.

The officials said that Syria's role in the release was largely confined to logistics, although the United States Ambassador in Damascus, Edward Djerejian, openly praised Damascus. That the Syrians handled the release does not mean that they were responsible for it. Administration officials said the decision was made entirely in Iran.

But one American official said that as a payoff to Syria for its assistance to Iran in Lebanon, Teheran allowed Damascus to convey the good news to the Bush Administration. This was something the Syrians wanted to do because of their own interest in improving ties with Washington.

Administration officials said that the story of Mr. Polhill's release began with Mr. Rafsanjani's inauguration as President last August. Mr. Rafsanjani has long been associated with a faction of Iran's revolutionary elite that feels Iran's future lies in ending its isolation, restoring economic relations with the West and securing an end to the American trade embargo.

Since Mr. Rafsanjani took office, Administration officials say, his Government has been through two channels, one public, the other private. It has privately made use of the Japanese Embassy and of the Swiss Embassy, which represents United States interests in Teheran, to send messages to the Bush Administration indicating that Iran wanted to improve ties and probing to see what it might expect to receive in return for the release of any hostages.

After he consolidated his rule, Mr. Rafsanjani began to condition the Iranian public to the notion of releasing some or all the hostages.

A series of editorials in the Teheran Times, viewed as Mr. Rafsanjani's mouthpiece, began arguing the case for releasing the hostages.

[From the New York Times, Apr. 23, 1990]

JOY FOR 1 FAMILY, BUT SADNESS FOR 2

(By James Barron)

It was a day for one family that had not been expecting it and a disappointment for one that had held out hope.

The families of three members of the Beirut University College faculty that have been held hostage for three years and three months had been waiting and guessing which one would be released.

The hopes of Jesse Turner's mother, Estelle Ronneburg of Boise, Idaho, were raised last week when her son's captors released a photograph of him along with word that an American was about to be freed.

THE WAIT IS OVER

The next day, word that the promised release had been postponed was accompanied by a photo of a different hostage, Robert Polhill. To some it was a sign Mr. Polhill might be the one.

The waiting and hoping ended yesterday when Mr. Polhill was set free.

"It can't help but hurt a little bit because I had high hopes," said Mrs. Ronneburg, 69, a bookkeeper at a bank in Idaho. "But I am very happy for Mrs. Polhill. I know how she feels. She's getting her son back."

Mrs. Ronneburg said she hoped Mr. Polhill would eventually have information about her son. "They've been kept together for so long," she said. "He can answer some of my questions."

A VERY EMOTIONAL MOMENT

Mr. Polhill's mother, Ruth, had been waiting for word all weekend in her apartment in Fishkill, N.Y. When the time came, there was one of the awful-but-true glitches: Telephone problems apparently kept the State Department from getting through to confirm that her son had been freed.

Finally, the State Department called Mr. Polhill's former wife, Joanne, in Queens, and she called Mr. Polhill's mother.

"It's a very emotional moment," Ruth Polhill said. "I'm very, very happy."

She said she regretted that all three hostages had not been freed, adding that she had become friends with their relatives as the ordeal had dragged on. She also said she had decided not to go to Germany to meet her son. "I will wait until I get to Washington," she said, "and maybe I'll have more control of myself there."

Relatives of the third faculty hostage, Alann Steen, said their hopes had been buoyed though he remains a hostage.

"As long as someone was released, that opens the gates," said Mr. Steen's brother, Bruce, a mental-health counselor. "I think it's going to happen. I think it's in the works."

He speculated that Mr. Polhill had been chosen for release because he was said to be

in the poorest health. Yesterday was Alann Steen's 51st birthday, but his brother said he had not looked for significance in that coincidence.

ONCE DISAPPOINTED

Once before, on Oct. 3, 1988, Bruce Steen had high hopes for his brother's release. But an Indian citizen, Mithileshwar Singh, was freed instead.

This time Mr. Steen said, he was calmer, jogging on the beach at Sata Cruz, Calif., this morning and making a lunch date with a friend.

"The law of averages will set in after awhile," Mr. Steen said. "It was one in four. Now it's one in two. Maybe they'll let them go one at a time, every 24 or 48 hours."

LAUDATORY FOR WISCONSIN ARTICLES

Mr. KOHL. Mr. President, I rise today to discuss the savings and loan bailout. Unfortunately, I do not think that enough Americans realize that the bailout will actually cost taxpayers an enormous amount—one-third to one-half trillion dollars. Last week, the Milwaukee Journal ran a front page article and an editorial about the cost of the S&L crisis for the average Wisconsin taxpayer. These two pieces did an excellent job of describing a complex problem in a lively and clear manner. I salute the newspaper's effort and I highly recommend both pieces for anyone who is interested in this topic.

Mr. President, I ask unanimous consent that the text of the article and editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Apr. 8, 1990]

S&L BAILOUT TO COST STATE $3.5 BILLION

(By Jack Norman)

Wisconsin taxpayers will shell out at least $3.5 billion during the 1990s to pay for the monstrous savings and loan bailout devised to prop up the once-booming Sun Belt.

For a family of four here, that means a minimum of $3,000.

The figures are based on Friday's estimate by congressional auditors, who said the bailout would cost $325 billion for the decade—26% more than the estimate made only five months ago. The General Accounting Office said the total could grow—perhaps as high as $500 billion if the economy falters.

States benefiting most from the bailout: Arizona, California, Florida, Texas. Texas alone will get nearly half the money.

A statistically insignificant portion—a few tens of millions of dollars—will stay in Wisconsin. Two small S&Ls in the state have been taken over by the government, out of more than 400 seized nationwide, with another several hundred still to come.

"It's a giant transfer payment away from states like Wisconsin to the Sun Belt," said Michael Crowley, Jr., chief executive of Mutual Savings Bank of Wisconsin, one of the largest savings and loans in the state.

Don't blame Crowley and his colleagues here. This state's S&L industry is one of the cleanest, most conservative in the country. Your deposits are 100% safe.

What we're paying for are the crimes and incompetencies of politicians and financiers nationwide—a financial scandal that ranks among the biggest ever.

Why did the bailout come about? The short history is this:

The inflation of the late 1970s put pressure on savings and loans, whose business was almost exclusively focused on providing home loans. The interest rates set by the government weren't enough to attract depositors.

So in 1980 and '82, Congress eliminated many restrictions on the industry, freeing S&Ls to offer higher rates and—more important—to invest in lots of things beyond hometown mortgages. As part of its deregulation fervor, Congress also cut back on the number of federal examiners.

Entrepreneurs rushed into the S&L industry to take advantage of lax supervision; a Sun Belt boom fueled a speculative real estate rush; and greedy S&L executives raced each other to join the gravy train.

And everything was guaranteed by the US government, which promised depositors that they couldn't lose a penny on their deposits.

John Schlosser, chairman of St. Francis Savings and Loan Association, described the attitude of many of his colleagues in the industry this way: "If they won with their investments, they got very rich. If they lost, well, that's what the federal insurance is for."

In 1986, Sun Belt real estate started to sour. And S&L losses began to mount.

Government officials kept down-playing the problem, but the enormity finally forced Congress to act last year, and the bailout began assuming its current proportion.

The federal government's slow start in closing and selling failed S&Ls is being blamed in part for the current shortfall. Charles Bowsher, who heads the GAO, said operating losses of insolvent institutions have significantly increased the cost of resolving the industry's problems.

As the losses snowballed, the only ones left to patch up the mess were those who had stayed upright and cautious during the boom.

"We're paying to clean other people's dirty laundry," Schlosser said. "The policy is, literally, to victimize the survivors."

John Seramur, chief executive of First Financial Bank, the state's largest S&L said: "It makes me glad to see those jerks go to jail. I hope they throw away the key. Those dollars we're paying out, they were going for good things, for homes and hospitals."

Indeed, if the billions to be paid out by Wisconsinites could stay here, we could pay for all of the following during the '90s:

Health insurance for the uninsured (about $1 billion for the decade).

An additional 55,000 home mortgages in the state, at an average of $70,000 each (based on the $300 million that state S&Ls will have to pay in the bailout for increased insurance fees).

A 5% across-the-board cut in the state income tax ($1.5 billion over the decade).

Restoring money for Great Lakes cleanup and development program to their 1981 levels (based on $400 million over 10 years for Wisconsin's share of the difference between '81 funding and Bush's '91 request).

And, a new baseball stadium for the Brewers (with estimated public costs of $50 million to $100 million).

But we won't have that kind of money to spend, because we'll be sending it away.

In fact, we're going to wind up with a lot of extra bills because the federal government will have so much less to spend on projects important to Wisconsin.

"The cost to Wisconsin will be both a tax flow out and services not received," said Edward Hill, an economist at Cleveland State University" who has researched the state-by-state impact of the bailout. "That big sewer project in Milwaukee—you're never going to see another major public infrastructure project like that with federal funds.

"Those parts of the country with the oldest capital base are subsidizing those parts of the country with the newest," Hill said.

Why is so much money being spent?

If someone didn't buy up the hundreds of billions of dollars of bad Sun Belt real estate loans that savings and loans made during the 1980s, the real estate markets there would be devastated with massive dumping. This would cause a chain reaction: plunging real estate values, called-in loans, dumping of more properties, bankruptcies and companies shutting down.

So Congress created the Resolution Trust Corp, last year to save the real estate markets. And instead of asking the Texans and others in need to pay most of the bill, they spread the cost nationwide.

Wisconsinites, with our state and local taxes among the highest in the country, will pay at the same rate as Texans, who don't even have to pay a state income tax.

When Wisconsin and its Snow Belt neighbors experienced a regional depression nearly a decade ago the then-booming Sun Belt offered no help.

"Let them freeze in the dark," was the slogan on one famous Texas bumper sticker.

Few people cared about making a national priority out of the effort to revitalize the nation's industrial base. When Wisconsin ran out of money in its unemployment compensation fund, the state borrowed $737 million from the federal government, and then repaid it all—its last payment in 1989—plus another $124 million in interest.

But an attempt last year in Congress to make Texas and other bailout recipients pay more was beaten back. The chairmen of the House Banking Committee and the Senate Finance Committee, the speaker of the House, the president—were all from Texas.

[From the Milwaukee Journal, Apr. 10, 1990]

AWFUL PRICE OF DEREGULATION

Can you grasp this figure; $500,000,000,000? Mind boggling isn't it? Even a calculator has difficulty comprehending that amount which has too many digits to fit on the screen. The number comes out to a half-trillion dollars. That's how much the savings and loan bailout may cost altogether, according to the latest authoritative estimate.

Here's another figure to chew on: $3,500,000,000, which may be a bit more comprehensible but no more digestible. That amount—$3.5 billion—is the minimum Wisconsin taxpayers will pay for the bailout during the 1990s.

They are atoning for sins in the Sun Belt, where, as Journal business writer Jack Norman has noted, the funds are mainly destined. High rollers in that region brought down hundreds of S&L, through risky get-rich schemes that didn't pan out and even through outright plunder.

As a consequence, the federal fund insuring deposits went broke. So the government

is making good on its guarantee with mainly taxpayers' money, in accordance with the bailout plan fashioned by President Bush and Congress last year.

Now the ever escalating estimate of the bailout's cost has risen once more. The General Accounting Office puts it between $325 billion and $500 billion.

The federal government really has little choice but to honor its commitment and to proceed with the bailout speedily in order to avoid even more costs. However, this profoundly wasteful episode offers several lessons:

Beware of movie actors running for president, however likeable. More than anybody else, Ronald Reagan deserves blame for this mess. In his zeal for smaller government, he spearheaded the move to weaken federal oversight, including of S&Ls. Reagan liked to talk about free-spending liberals, but in saddling the nation with debt, he far outdistanced the freest-spending liberal.

The financing of congressional campaigns needs reform. While Reagan led the way into the S&L, mess, Congress must share some blame, Lawmakers too often have kowtowed to the savings and loan industry, as shown by the Lincoln S&L scandal, which has implicated five congressmen. The industry has been a big contributor to congressional campaigns. The S&L fiasco is another argument for public financing of campaigns.

Beware the doctrine that governmental regulation is necessarily bad. Obviously, in this case, the opposite proved bad—very bad—perhaps to the tune of a half-trillion dollars. That's an awfully stiff price to pay for the dubious principle of deregulation.

U.S. NATIONAL DEBT

Mr. BINGAMAN. Mr. President, the decade of the 1980's will be remembered for many things, not the least of which will be the enormous growth in the national debt. Between 1980 and 1990, the national debt has more than tripled—rising from $908 billion in 1980 to over $3 trillion today.

There are some who look at these numbers and say, "So what," It does not matter, we are told. The debt is good, some even say, because it allowed us to continue to grow without inflation. And the American people do not care.

These voices of complacence are wrong. The debt does matter and the American people care deeply about the financial hole we are digging for our children and our children's children. A recent editorial in the Carlsbad Current Argus put the debt in perspective. As they point out, the debt robs us of resources we need to meet pressing obligations by virtue of the size of the interest payments.

Mr. President, this editorial points out the fundamental truth of our fiscal responsibilities: "A responsible nation pays its bills and meets its obligations." I hope that my colleagues will take this message to heart during our budget debates. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Carlsbad Current Argus, Apr. 6, 1990]

A NATION IN DEBT AT A LOSS

So why does it matter that this country owes $3.1 trillion? The economy still performs adequately. Neither recession nor inflation seem imminent.

Statistics from a recent Congressional Quarterly article offer reason to be concerned, despite the present calm. The article notes that because of the federal debt, we'll be paying this year an estimated $175.6 billion in interest. It's the third-largest category of national spending, led only by defense and Social Security. The amount we spend on interest is more than most of the major domestic programs combined.

As the magazine points out, this year's interest payment would buy any one of the following:

Housing assistance for 32 million families.

25 years worth of federal Medicaid payments.

Six to eight manned space stations.

Pell grants for 76.5 million needy students.

586 B-2 "Stealth" bombers.

146 Trident submarines.

The Congressional Quarterly article doesn't mention less quantifiable need—fighting the drug war, helping Poland, Czechoslovakia and Nicaragua achieve their democratic hopes, upgrading the nation's infrastructure, putting the nation's public education on a par with Japan's. The burden of debt and the unavoidable interest payment forces us to pay lip service to such needs and plead poverty.

The burden of debt also makes us beholden to foreign investment; we have to lure foreign capital to make ends meet. That's demeaning—and potentially dangerous.

A prediction made by David Stockman, former Reagan administration budget director, has come true less than a decade after he made it: "By turning ourselves into a debtor nation for the first time since World War 1, we have sacrificed future living standards in order to service the debts we have already incurred."

The only way out of our deficit dilemma is to raise taxes and cut spending. A responsible nation pays it bills and meets its obligations.

TRIBUTE TO MISS OLA HITT

Mr. THURMOND. Mr. President I would like to take this opportunity to bring to the attention of my distinguished colleagues the outstanding accomplishments of one of South Carolina's finest citizens, Miss Ola Hitt, of Aiken, SC. Last week, on behalf of Gov. Carroll Campbell, I had the pleasure of bestowing the Order of the Palmetto upon Miss Hitt. It is the highest award that can be bestowed upon an individual by the State of South Carolina, and it is a great honor which was justly deserved by Miss Hitt.

Miss Hitt has devoted the past 30 years to the care of America's veterans by operating a boarding house for patients from the Veterans Affairs Medical Center in nearby Augusta, GA. Miss Hitt first opened her door to veterans in 1961 and has since touched the lives of hundreds of veterans with her special sense of caring. The boarding house is more than just a residence for veterans, it is a home filled with friendship, faith, and compassion.

Miss Hitt has been actively involved in many other aspects of the Aiken community, and has, over the years, provided great service to humanity through her charitable and civic-minded acts. I am pleased that she was recognized in this most honorable fashion, and I am proud to hold her up as a model for aspiring public servants.

Mr. President, I ask unanimous consent that an article regarding Miss Hitt be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charleston News & Carrier, Apr. 18, 1990]

OLA HITT, PRESENTED ORDER OF PALMETTO

AIKEN.—Ola Hitt was presented the Order of the Palmetto Friday, the highest honor the state bestows on its citizens.

Miss Hitt, 80, received the honor during a ceremony in First Baptist Church, where U.S. Sen. Strom Thurmond, R-S.C., presented the award to Miss Hitt on behalf of Gov. Carroll A. Campbell Jr. The day was also proclaimed Ola Hitt Day in Aiken.

Also in attendance was Mayor H. Odell Weeks and Carrol H. Warner, chairman of Aiken County Council.

Miss Hitt was honored for her many contributions to Aiken and the state. About 30 years ago, Miss Hitt and her mother opened their home to patients from the U.S. Department of Veterans Affairs Medical Center in Augusta.

Sen. Thurmond described her as a "public servant, helping humanity—helping veterans."

"She is highly respected by all who know her, she is a lady who cares for people," he said.

Miss Hitt is past president of the Aiken County Historical Society and a member of the Business Women's Club, the United Daughters of the Confederacy, the Mayflower Society, First Families of Massachusetts and the Geneological Society.

TRIBUTE TO MARGARET BLOCKER KINARD

Mr. THURMOND. Mr. President, Henry Brooks Adams once said, "A teacher affects eternity, he can never tell where his influence stops." On April 3, 1990, South Carolina lost one of its finest teachers with the death of Mrs. Margaret Blocker Kinard of Springfield, SC. Her influence, however, will continue to inspire all those who knew her and her dedication to her profession will serve as a model for future educators everywhere.

Although I never had the opportunity to attend one of Mrs. Kinard's classes, I did benefit from her exceptional tutelage. Mrs. Kinard's natural inclination to the teaching profession was already evident when we were schoolmates at Edgefield High School in Edgefield, SC. She was always willing to offer encouragement, assistance, and a

helping hand to her fellow students. In fact, I have often commented that in tutoring me, Margaret Blocker Kinard proved to be one of the best math teachers that I ever had.

A native of Edgefield County, Mrs. Kinard graduated from Edgefield High School. She subsequently graduated from Coker College in Hartsville, SC and earned her master's degree from the University of South Carolina. She taught English in Edgefield and Springfield schools for 35 years and was named Orangeburg County's Teacher of the Year in 1960. After retiring from the public school system, she continued teaching for several years at Jefferson Davis Academy in Blackville, SC. Her love for teaching extended beyond the high school classroom, and she taught the Euzelin Sunday school class at Springfield Baptist Church for more than 40 years.

In 1970, Hunter-Kinard High School in Norway, SC, was dedicated in honor of Mrs. Kinard and her late husband, John Quincy Kinard, Sr. Mr. Kinard served as superintendent of education for the Springfield district for many years. This was indeed a great honor and one of which I am sure Mrs. Kinard was justifiably proud. However, having known Maragret Kinard, I believe that the success of her students was the greatest honor she ever received.

Robert A. Pierce, an able editorial writer with the State newspaper in Columbia, SC, is one student in whom I am sure Mrs. Kinard took great pride. In a recent column he wrote, "It was several years after I graduated from Springfield High School before I really appreciated Margaret Kinard. She had browbeaten, praised, and shamed me, but somehow she had inspired me, and I later realized she had a major role in pushing me into journalism." As his success, and that of all of her other students continues, so does the legacy of Margaret Blocker Kinard.

My wife Nancy, and I extend our deepest sympathy to Margaret Kinard's sons, John Quincy Kinard, Jr. and William S. Kinard, her four sisters, Emma B. Salley, Elizabeth D. Carter, Addie B. Smith, and Josie B. Herlong; and her four grandchildren.

I ask unanimous consent that certain newspaper articles from the Edgefield Citizen-News and the State newspaper in Columbia, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Edgefield (SC) Citizen-News, Apr. 12, 1990]

MARGARET KINARD, 87, RETIRED SCHOOL TEACHER

WILLISTON.—Funeral services for Mrs. Margaret Blocker Kinard, retired school teacher, of Aiken Street, who died Tuesday, April 3, 1990, were held last Thursday at Springfield First Baptist Church, with the Revs. Wayne Jones and Robbie Croft officiating. Burial was in Springfield Cemetery. She was 87.

Mrs. Kinard, a native of Edgefield, had retired as an English teacher for the Orangeburg County schools after 35 years and was named Orangeburg County's teacher of the year in 1960. After her retirement from the public school system, she taught for several years at Jefferson Davis Academy, Blackville. Mrs. Kinard was a member of Springfield First Baptist Church, where she taught the Euzelin Sunday class for over 40 years. She also was a member of the Elderberries, the Springfield Garden Club the Retired Teacher's Association, and the Orangeburg Chapter of Delta Kappa Gamma sorority. She was a graduate of Coker College, Orangeburg, and received her Master's degree from the University of South Carolina, where she was a member of the University of South Carolina chapter of the Daughters of the American Revolution. Hunter-Tyler-Kinard High School, Norway, was named after Mrs. Kinard and her late husband, John Quincy Kinard Sr.

Survivors include two sons, John Quincy Kinard Jr., Salley, and William S. Kinard Sr., Florence; four sisters, Emma. B. Salley, and Elizabeth D. Carter, both of Salley, Addie B. Smith, Johnston, and Josie B. Herlong, Edgefield; and four grandchildren.

Folk Funeral Home, Williston, was in charge of arrangements.

[From the Columbia State]

GOOD TEACHER'S TRIBUTE IS IN THE HEARTS OF STUDENTS

(By Robert A. Pierce)

In her classroom at little Springfield High School, Margaret Kinard gave no quarter and asked none. She presided over my home room and 11th-grade English class in which she covered everything from Tennyson to essay writing. Nobody fidgeted. Nobody moved. If you didn't get an "A" in her course—and few did—you thought you had earned it anyway. She was a strict taskmaster.

Mrs. Kinard was one of the old school of teachers. She was in charge of her class—not the principal, not well-meaning parents of "wronged" students, not meddlesome school board members, not even Superintendent James Q. Kinard (her husband). Margaret Kinard was a monarch, although often a benevolent one. She was in charge, and everybody knew it.

In that era (the 1940s) when every hamlet had a high school, things were different in many ways. Kids stood in awe of teachers like Margaret Kinard; or Miss Coggins, the biology teacher who maintained discipline by applying a ruler to the palms of rowdies, or principal-coach Percy Beasley, who could swing a mean paddle: or Miss Farnum, Miss Milam, Miss Asbill, Mrs. Brice of Miss Coursey. Corporal punishment wasn't a big deal. The ultimate shame was to be sent home. That would inevitably result in further punishment.

There weren't many extra-curricular activities in such small schools, but the ones we had were meaningful. From a senior class of 20, Mrs. Kinard managed to dredge up enough thespians for the class play. And we somehow fielded squads of Golden Eagles on the basketball court and the baseball diamond (including cheerleaders); mustered enough voices for a glee club; organized a band; and staged myriad fund-raising carnivals, musicals and such.

Mrs. Kinard spearheaded many of those special occasions. She corralled enough people to put out the two- or four-page, mimeographed school paper, The Television. Unfortunately, she gave us free reign, and this smudgy journal published every unconfirmed wisp of gossip. But after we had bungled our amateurish journalism enterprise, she pointed out where we had erred and how we could improve. At least two of her charges, obviously including me, stumbled into journalism.

When I entered Mrs. Kinard's class as a senior—we had only 11 grades back then—she lived up to everything I had heard about her. She was tough and demanding.

Sometimes I thought she was super-critical of my themes, term papers and essays. More and more I fretted about her tyranny until one day she ordered me to stay after school, for no apparent reason. That day she administered a talk.

She spoke to me about my father, who died when I was 4 years old. Reminding me that he had published a weekly newspaper, she told me of his commitment to the printed word. She talked to me about what I would do after graduation. She told me she knew I had been dogging it, and it wasn't that I had been doing so badly in my school work; it was just that I could do a lot better. Her message got through.

That was Mrs. Kinard's way. She expected every student to live up to his or her potential, not just to make good grades. Doing the work wasn't enough if a student failed to give all. But she had a great deal of sympathy for the student who did his or her best but just couldn't quite cut the mustard.

In that small brick school, Mrs. Kinard made romantic poets live for me and taught me that verbs could make sentences glow.

It was several years after I graduated from Springfield High School before I really appreciated Margaret Kinard. She had browbeaten, praised and shamed me, but somehow she had inspired me, and I later realized she had a major role in pushing me into journalism.

Unfortunately, Mrs. Kinard never won any major award, and I thought that was a major oversight. She was named Orangeburg County Teacher of the Year one year. And Hunter-Kinard High School was named in honor of her and her late husband. But I felt she never got her due.

Those of my 19 classmates who are still living had many poignant memories reawakened if they read a brief, unheralded notice in The State of April 4.

It read: "Mrs. Margaret Blocker Kinard, 87, of Springfield died Tuesday. Plans will be announced by Folk Funeral Home." The next day's notice offered a few details of her life, but her real contribution was carried in the hearts and minds of former students who passed through her classes.

THE DEFENSE BUDGET: THE NATIONAL GUARD AND NATIONAL DEFENSE

Mr. FORD. Mr. President, as the distinguished and highly respected chairman of the Armed Services Committee said just last week, "The question today is not whether we reduce military spending. That is inevitable. The question is whether we reduce military spending pursuant to a sensible military strategy that meets the threats of today and tomorrow." Senator NUNN

went on to propose a greater utilization of the Nation's Reserve forces as part of a new military strategy. I could not agree with him more.

In this vein, I offer to my colleagues some food for thought as we begin to seriously consider what the armed services should look like in the future. The following paper, written by Dr. Robert A. Kemp of the College of Business and Public Administration at Drake University, examines alternatives available to the Department of Defense—and particularly to the U.S. Army, as they plan to meet national security objectives in the most cost effective manner.

I strongly believe that the National Guard will play a major role in the military strategy of tomorrow. After all, the Guard provides a cost effective way to obtain maximum capability for the defense dollar, maximum numbers of combat ready personnel, and a return to our Founding Fathers' belief in a small standing army in peace, with a large militia to augment it in time of need.

I ask unanimous consent that "The Defense Budget: The National Guard and National Defense" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEFENSE BUDGET: THE NATIONAL GUARD AND NATIONAL DEFENSE

THE PRICE OF PEACE

The dramatic changes in eastern European political activity, the move to varying forms of democratic government and the progress in both strategic and conventional arms negotiations have evolved to a point that the President has agreed to reduce US troop presence in Europe. Concurrently, consideration is being given to reducing force levels in Korea, Japan and the Philippines.

Do we need as big a defense establishment? Is the threat still the same as it has been in the past? What should our military forces look like to meet today's National Defense requirements? The continuing changes in the social, political and military fabric of the Soviet Union have justifiably brought into question the rationale for current US. military force structure.

The American people, the Congress and the Administration are asking the Pentagon to reevaluate its current plans and determine if our military forces are excess to our needs and interests. This questioning is based in the preconceived premise that we cannot afford the current defense posture and the current military levels are unnecessary based on the "decreased and decreasing threat". The simple numerical requirements for the Active Army, Navy and Air Force have decreased. There is neither public nor political consensus to support the large standing military of the post-World War II years.

This paper will not attempt to judge the potential Soviet threat but rather will take at face value the public proclamations of US political and military leadership. Within that construct, the paper will examine the alternatives available to the US military, particularly the US Army, to meet National security objectives in the most cost effective manner.

A HISTORICAL PERSPECTIVE

The Federalist Papers suggest the founding fathers were of the view that a large standing Army in time of peace was undesirable.

A large standing US military is a relatively new concept in our society. The military of the US from the days following the birth of the Nation through WWII was characterized by a small standing Army and Navy. A large National Guard and conscription in time of need rounded out the National Defense establishment. In essence, the active forces constituted a cadre force, capable of responding to "brush fires" and small operations. But, for large, full scale conflicts, the mobilization of the National Guard and the institution of conscription became the vehicles of augmenting the active forces and getting the nation involved in the conflict.

Following World War II, the size of the military forces involved in combat were reduced, but the force levels remained significantly higher than those of the pre-war days. Rather than just a cadre force, the US maintained high densities of active forces in all services.

The large standing military we have today is largely a product of the cold war. It was based on the belief that the most probable future war would be in Europe at the theatre or world war level. In addition, the intervening years have seen the Korean and Vietnam wars as well as numerous "brush fire operations". Of particular note, the Army as configured—heavy for Europe—has not fully employed its full force structure since WWII. Due more often than not to geography or air and sea lift considerations as well as the scale of operations and political considerations, the full force structure of the Army could not be used. The recent operation in Panama as well as the Grenada rescue operation and the Iranian hostage rescue attempt illustrate this point.

The domestic, social and political dimensions of US military operations in the post-WWII years are particularly telling. The period is characterized by a number of military operations that have not enjoyed long term support by the American public, or in some instances public opposition. Sociologists and political scientists have proffered a number of arguably sound reasons for this.

Since WWII, our active Armed Forces have continued to be a proportionately larger part of our National Defense. At the same time, there has been varying degrees of resistance to proposals to reduce the active forces and revert to our historic reliance upon a small active force and a large National Guard (and since 1947, reserve) in concert with conscription in time of need.

THE TOTAL FORCE POLICY

There was a major change in US defense policy following Vietnam. A conscious decision was made to fully integrate the National Guard and reserve components into the first line of national defense. The initial purpose in doing so was to fully involve the American public in any future conflict by first mobilizing the citizen-soldiers, sailors and airmen and then resorting to conscripton when necessary. This policy insured two things—first, grassroots America would be involved on the first day of any future major conflict and second, political leadership would have an immediate and definitive feel for the public's level of support or opposition to any future major military operation.

Heralded as a new and innovative idea, the Total Force Policy is the essence of the beginning of a return to a small standing military as envisaged by the founding fathers—a force that due to its structure and limitations cannot enter a full scale conflict without public support and consensus.

Economics became a key factor in the continuance of the policy through the 70s. By relying on the Guard and reserves the nation received a larger defense force for less cost. In the 80s, the Guard's performance, combat readiness and the greatly increased defense funding levels allowed the Guard to move to the forefront of national defense at a fraction of the cost of comparable active forces.

ASSUMPTIONS TO CONSIDER

The decision to have a smaller, yet ready US military force has been made. The only remaining decisions are how much to reduce, how to execute the reductions and where to take the cuts.

Key is the determination of an acceptable level of risk in the face of the changing threat. The factors that effect this determination include the potential for action versus the capability of potential aggressor forces, the intentions of potential adversaries and a cost analysis of the options available to the United States.

THE FORCE STRUCTURE TODAY

The modern Army is configured today to fight a long ground war in Europe. The Army under Generals Meyer and Wickham moved from exclusively heavy to a mix of heavy and lighter forces. However, the main consideration continues today to fight a full ground war in Europe and deal with "brush fires" using modified existing forces.

The Army is composed of three elements, the active Army, the Army National Guard and the US Army reserve. The National Guard represents approximately 50% of all of the Army's combat units, while the reserve represents about 60% of all the support units.

More than 80% of Army National Guard units are rated combat ready. The readiness ratings are rendered by the active components in relation to a unit's ability to perform its wartime mission. Guard and reserve units must meet the same standards as the active units and are judged using the same measures. (Readiness levels are determined in great measure by resource levels which are prioritized and allocated based on perceived Army requirements.)

POLITICS, BUDGET AND NATIONAL SECURITY

The decision to reduce the defense budget and the size of our military forces made, the services have developed their budgets and submitted them to DOD. The services set about the task of paring their units. A quick review of some of the proposals indicate that none of the services have approached the challenge in the same way. In other instances it appears that all variables were not considered or the final objective for each service was different.

The challenge in analyzing the proposed reductions is to understand the objective. What has apparently not been understood or defined or perhaps just ignored is "what is the objective?".

Defining the objective is necessary.

a. Has the threat been defined?

b. Do we have a national strategy?

c. Is defense guidance related to national strategy?

d. Is the objective cost-effective defense?

e. Is the objective politically expedient defense?

f. What is the philosophy for defense—deterrence but full response if necessary?

g. Is readiness an objective?

THE NATIONAL DEFENSE MANDATE

This author understands the mandate in the following terms:

a. Evaluate the current threat.

2. Reduce the level of force structure compatible with the threat.

3. Reduce the defense budget (predisposition is that the budget and active force is excessive to current needs).

4. Provide the nation with the most cost effective defense forces possible.

5. Assign missions based on defense needs and a specific component's (active, Guard, reserve) ability to perform the mission.

BASIC ASSUMPTIONS

It then becomes important to establish the basic assumptions on which the analysis is based. Drawing on the public comments of the President, members of the federal legislature and the DOD uniformed and civilian leadership the following assumptions are set forth.

a. Troop reductions will occur on both sides in Europe with the allies having a 30,000 man advantage.

b. There will be increased warning times if something untoward were about to occur in Europe.

c. There is a need to be able to deal with the potential military threat.

d. The defense budget will not grow and in fact will shrink in real terms.

e. The potential for hostilities outside Europe is real and must be planned for.

f. The Administration has determined the acceptable risk at the level the President and Gorbachev have agreed to.

g. The American people are committed to a cost effective force capable of meeting the threat.

h. The American people expect the greatest amount of defense capability for each dollar expended.

THE ARMY SOLUTION

The Army has announced its proposed reduction actions to meet the mandate within the assumptions stated. The administration reduced the Army's funding level. The Army in turn, determined that in addition to cutting non-personnel programs it would reduce end strength by 135,000 active soldiers and 135,000 Guard and reserve soldiers. The explanation given was to meet the budget and yet maintain a solid Army force.

ANALYSIS OF THE PROPOSAL

It is important to recognize from the start that the Army was hardest hit by troop level reductions in Europe. In times of peace, the active Army is primarily a deterrent and "tripwire, occupation force" supporting treaty obligations. At the same time it must remain combat ready and capable of deploying, fighting and winning if asked.

The facts raise significant questions when one looks at the Army force reduction proposals. The Army's proposal does not withstand close scrutiny in light of all that has been said heretofore. The following are concerns that appear to have been overlooked, not understood or ignored.

If the primary objective is to create an Army that provides maximum, combat ready firepower for the dollar, then the decision to cut personnel and force structure in the Guard and reserves is not logical. It is not logical for many reasons, the most important of which follow.

ASSIGNING FORCE STRUCTURE

If the Army is driven by ability to perform the mission and budget constraints then the following construct for determining the component in which a mission should reside is appropriate.

Roles: 1. The Guard has historically been an augmenting/rounding out combat force. It begins to deploy its units in the first few days of war, with its major combatant units deploying in the M+45 timeframe. Some Guard units are more ready than and deploy before some active forces.

2. The actives fulfill the requirement for forward deployed/tripwire, occupation forces. In addition, active forces must meet some initial deployment requirements. Historically, these are the majority of missions in the M to M+30 timeframe. Nonetheless, the Guard and reserve provide many units in the M to M+30 window.

3. The actives, Guard and reserve share about equally in the units provided in the M+30 to M+45 window.

Test: a. How soon are the forces needed?

b. If the Guard can meet the required deployment dates and provide combat ready units to perform the mission, then the mission and force structure should be placed in the Guard.

c. If the requirement is for large forward deployed forces the mission should be given to the actives.

d. If the mission requires immediate deployment with little or no lead time and the Guard cannot meet the objective, then the mission and force structure should be active.

e. If the requirement is for rapid deployment of some portion of a force and later deployment of subsequent elements, the mission should be assigned to both components, proportionate to the need.

f. Lastly, in instances where it may be feasible for the Guard to perform the mission, the amount of warning time projected and an objective measure of ability determines the components to which it is assigned.

The reductions of active army structure in Europe are presidentially directed. What the Army has done is cut all the Guard and reserve force structure programmed to support that force structure in time of war. It appears that decision was based in the premise that if we don't have the active force stationed there in peacetime we wouldn't have a wartime requirement either! The President did not direct that the Army be unprepared for war, he directed that peacetime forward deployed force levels be reduced.

Perhaps the alternative the Army might have explored was to cut the forward deployed active forces and give the wartime structure and mission to the National Guard. This, in essence, would be a "reverse roundout". Roundout, established in the '80s, placed a major combat element of an active component division in the National Guard or reserve. The Guard unit was a part of the division, normally a full combat brigade. Under today's circumstances, it may be prudent to place the Division headquarters and two brigades in the Guard, with the third, "rounding out" active brigade forward deployed to Europe. Such an action signals commitment to our NATO allies while preserving warfighting capability in the Army and at the same time reduces force presence in Europe. In addition it is a cost saving (85% less than current active expenditures) way to retain necessary defense force structure—important should events in Europe or other parts of the world turn to objectives and actions other than peace and democracy.

An adjunct benefit in adopting such a proposal would be the placement opportunities for soldiers in active units programmed for deactivation. It would aid in recovering the sunk costs of training provided to the active duty soldiers. Under such a proposal, a soldier departing active duty and desiring to continue serving the country, would be able to join the National Guard in his/her home state and become a traditional Guardmember. Inherent in this option is the assumption that the deactivated active duty force structure would be assigned to the National Guard.

BUDGET IMPACT

The issue of costs will undoubtedly be a matter of much debate. However, careful examination of the cost factors is possible and revealing. The cost of the Army today is much higher then the cost of a possible alternative Army of the future—using the assumptions and construct established above. A macro overview follows.

Equipment: The cost of equipment is the same regardless of component.

Research and Development: The cost of R&D is a given. No matter how the Army changes it will have to stay on top of the state of the art in technology.

Housing Allowance, Variable Housing Allowance, Family Allowance and Military PCS costs: Decrease in direct proportion to cuts in active component personnel. Guard forces (except for the full time support force) do not receive this compensation.

OPTEMPO (The activity level of vehicles, aircraft, etc. normally measured in costs per hour of operation.): Management controlled. Directly proportional to activity levels regardless of component. Guard and reserve costs are currently much lower. If the actives wanted to achieve the same activity levels, they would be out of business for approximately all but 50 days per hour.

Hospital, PX and Commissary Costs: Decrease in direct proportion to active force levels. Guard dependents (except for FTS) are not entitled to medical care. Commissary and PX locations make use impractical for many Guardmembers.

Military Housing: Directly proportional to active housing requirements. Traditional Guard members are not provided military housing.

Bases and Facilities: Guard costs are lower because of lower use levels. Additionally, the Several States share some of the costs of operations.

Military Pay and Compensations: Guard personnel are much less expensive. Guard personnel costs are approximately 15% of the actives' cost. On a soldier for soldier basis it costs more than 77% more for an active component soldier.

PERSONNEL COST COMPARISON

"Y"=Cost of 1 soldier for 1 day.

Active Component

End strength ×"Y" ×Days/Yr=Personnel Cost. 760,000 ×"Y" ×365=277,400,000 "Y".

Active Personnel Cost: 277,400,000 "Y"

Guard

FTS Strength ×"Y" ×Days/Yr=FTS Pers Cost. 55,000×"Y"×365=19,800,000 "Y".

M-Day Strength ×"Y" ×Days/Yr=M-Day Per Cost. 402,000×"Y"×50=20,100,000 "Y".

FTS Cost + M-Day Cost = Total Guard Pers Cost. 19,800,000 "Y" + 20,100,000 "Y" = 39,900,000 "Y".

Guard Personnel Cost: 39,900,000 "Y"

Guard Strength is 457,000 personnel while the active strength is approximately 760,000. The Guard equals approximately 60% of the active component strength, yet its personnel costs equal only 15% of the active component.

If all of the active component's 760,000 personnel were placed in the Guard, the entire payroll costs (using the Guard model of 10% fulltime and the remainder traditional M-day Guardsmen) for active and Guard personnel would equal only 37% of the current active component manday costs—$9.6 billion versus $26 billion. For FY 90 active component personnel costs were budgeted at $26 billion while the Guard account amounted to $3.2 billion.

FACTORS AFFECTING COSTS

Each of the categories listed above indicate real or potential savings areas. In order to determine how the savings might come about one needs to examine the "threat" in terms of the time and requirements. In general, the more swift the response time and the larger the early troop requirements the more costly the undertaking. The chart below is illustrative in terms of cost versus mobilization time requirements.

[Chart not reproducible in the RECORD.]

The forward deployed forces and those in the active component necessary in the very first days of war are the most costly. The M to M+30 requirements are expensive when they are in the active force. The M+30 to M+45 requirement is less costly because the burden for these forces has been shared among the active, Guard and reserve. The least costly, in relative terms, are the forces required to meet the M+45 and later requirements. These units reside almost exclusively in the Guard and reserve.

The M+45 and beyond requirements have traditionally been assigned to the Guard. The Guard has accreted a great number of missions in the M to M+45 window based on demonstrated and measured readiness in the past 10 years.

If the assumption that the U.S. would have greater advance warning is true, then the costs of Army preparedness could be substantially reduced primarily in the manpower account.

The Army today, active, Guard and reserve is configured and "force mixed" to fight a minimal warning war—a no-notice, come as you are war. If the warning time is increased, then the longer mobilization and deployment times allow for additional force structure and attendant personnel to be placed in the Guard and reserve.

CUTTING THE GUARD

The Army has opted to cut the Guard end strength by 76,000 personnel in the next four years. The actual cuts will reduce the Guard by a minimum of three combat divisions, a number of combat brigades and numerous combat support and combat service support units. As mentioned earlier, the premis for some of these cuts was that the major gaining active peacetime command in Europe was being deactivated and therefore the supporting wartime combatant units were no longer necessary.

In time of war the augmenting forces are crucial. The forward deployed and immediate deploying forces provide the stopgap until reinforcements arrive. In the case of full scale war, the reinforcing units provide soldiered units between the start of war and the first of the trained draftees to reach the battlefield. The Army's proposed reductions to the Guard cut at the very basis for reinforcing units.

A cost analysis of the proposal indicates that the entire 76,000-man end strength reduction for the Guard would be equal to an approximate 12,000-man reduction in the active Army. Said another way, a cut of less than one division in the active Army, would allow the retention of four plus complete combat divisions in the National Guard.

Again, the presumption of increased warning times and decreased threat overall would suggest that retention of the "citizen-soldier" divisions is prudent. They do not entail overly burdensome peacetime carrying costs and provide maximum insurance should war occur.

However, should the decision be made to retain the 76,000 personnel in the Guard or add additional force structure, the National Guard bureau must reevaluate the basing of currently assigned units. Major combat divisions located in areas where necessary personnel levels cannot be recruited or maintained must be relocated to areas with more favorable demographics. Second, if more reliance is placed upon the Guard, it must continue to meet the training and leadership standards which will give the Nation the security its citizens demand.

EQUIPMENT

There are a number of options the Army is considering for dealing with the excess equipment resulting from the deactivation of forces in Europe. One option is to destroy the equipment in place rather than redeploying it to CONUS or to dispose of it through foreign military sales. Heard frequently is the possibility of putting additional division sets in POMCUS in Europe. Another alternative heard is transferring it to the war reserve stocks. And, last, returning the equipment to CONUS and placing it in storage and using it as spares.

The equipment generated by the drawdown in Europe is the kind required by the Guard to improve its readiness levels. It has been bought and paid for. Under no circumstances does it make economic sense to destroy first line equipment in Europe when CONUS based Guard units have critical shortages for this equipment. Transportation costs to return the equipment to CONUS would be hundreds of times less expensive than buying new equipment.

Irrespective of any decision to increase Guard end strength or assign additional force structure, the equipment now in active units scheduled to be deactivated in Europe should be distributed to the Guard. Placing it in POMCUS or in war reserve stocks deprives Guard units of required warfighting equipment. Foreign military sales disposal will modernize friendly forces, but leaves our own less prepared than is possible. More importantly, placing it in the Guard makes it available for training and deployment with Guard units to other parts of the world should the need arise. In addition, Congress would not have to appropriate as much additional money to buy equipment for the Guard and reserve.

Whatever the decision on equipment, the Army's three tier equipment modernization plan, proposed in 1989, will have to be examined closely in light of the new scenario. That plan forced the Guard and reserve into a mode where the newest equipment to be received by the Guard was to be 12 to 18 years old at the time of receipt. In light of the pending changes in missioning and force structure, the equipment plan needs close scrutiny.

READINESS

Readiness of the Guard is often questioned. Detractors often cite inaccurate or outdated information. The recent Binkin/Kaufman Brookings study is typical of the falacious arguments often presented.

Readiness in any component is a necessary goal. The ingredients of readiness are personnel strength and individual training, equipment density, compatibility, and interoperatibility and unit training readiness. The Guard has made great strides in these areas in the past ten years. The Army Guard is approximately 82% combat ready, the highest readiness rating in its history. The remainder of the units are either short of their wartime equipment and therefore declared not ready by Army standard or, they lack personnel or, those assigned have not completed training.

The argument that the Guard is not ready or capable of performing its missions is without basis. In the instances where equipment has been provided, schooling made available and reasources and training provided the Guard has produced combat ready units.

The argument that a unit must be rated "ready" to enter combat deserves close analysis and thought. The best prepared, most combat ready units may enter the battlefield combat ready, but after a few very tough battles they find themselves short of people, without vital equipment and short of spares. Cooks, mechanics, logisticians become infantrymen overnight and fight alongside the remnants of the "combat ready" unit. The academic measures of readiness fall by the wayside and readiness is measured by performance—victory in combat.

When the Guard is measured by its performance it is equal to any Army in the world. The Guard has proven that it can perform the mission. Deployments and evaluations of Guard mission performance in 60 countries around the world stand in testimony to its readiness.

Some critics point to past Guard performance as a basis for skepticism today. What the critics have failed to recognize are the facts. Much has been said about the Guard's performance in World Wars I and II. What has not been said and isn't widely known is that six of the eight divisions feared the most by our enemies in the first World War were National Guard. What has not been said about the Guard in World War II is that there were more active duty generals relieved of command than Guard generals. What has also not been said is that the Guard formed and provided the cadre for 100 combat divisions.

The Guard has taken a lot of unjust criticism about the Korean War. Noticably absent once again are the facts. The Guard has been criticised for not deploying to Korea fast enough. What the critics fail to mention is that the reason Guard deployment to Korea was delayed was because it dispatched its most ready units to Europe to support NATO because the active Army couldn't meet the requirement. The Guard actually reacted to the situation much faster than the actives, and still deployed forces to Korea—in time to be involved in the most brutal battles of the war.

And, how quickly the critics forget that it was not the Guard that decided to stay home from Vietnam. It was an administration that made a political decision not to

mobilize and deploy the Guard before instituting the draft. For the record, many Guard units were mobilized and many deployed—and fought well. Other units, the "selected reserve force" were given additional training time and resources specifically to prepare for Vietnam and then were not deployed. Because the political decision was made, many individual Guardsmen joined the active forces, went to Vietnam as individuals and then having served with distinction, returned to the Guard. Many of these seasoned combat veterans remain in the Guard today.

THE REALITY OF READINESS

The measure of readiness is a unit's ability to perform its wartime mission. The Guard has proven it is capable of doing so in the past. It proves each and every day that with the proper resourcing and support it can perform any assigned mission.

There is no secret to readiness. It begins with good leadership, followed by proper equipment with which to train and fight and closes with training to make its people ready.

There is no inherent difference between an active soldier and a Guardsmen. God created them all equal. Given the same level of support each can be expected to perform about the same.

AN ARMY OF THE FUTURE

The Army of the future must be able to meet its National security requirements. The National Guard as a part of the Army must also be equal to the challenge. It is important that the Guard be configured like the actives of the future and be equipped with the same equipment and be programmed to be used in the same doctrinal manner.

The course of world events indicates that the likelihood of world war in Europe has lessened. If one were to occur, we would have greatly increased warning times.

The budget of the future will mandate maximum combat capability for the dollar. The actives have a valid and important mission as outlines in the analysis.

The Guard provides a cost effective way to obtain maximum capability for the defense dollar, maximum numbers of combat ready personnel and a return to the Founders belief in a small standing Army in peace, with a large militia to augment in time of need.

The "growing" of the Guard, aside from its National Defense implications, insures a grassroots ownership of and involvement in the Army of the future. This is becoming more and more important as we move further from the days of the draft. The volunteer Army has its distinct advantages in the eyes of some, but in the eyes of others it has become a society unto itself as opposed to a subculture of the greater society.

There are those that suggest these are times of crisis for the Army. In another mans view that crisis is a time of danger and yet a time of opportunity.

The opportunity to maintain adequate defense capability exists. We need only exploit it.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The period for morning business is now closed.

FAVORED-NATION STATUS FOR HUNGARY

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the Peoples' Republic of Hungary for 3 years.

The Senate resumed consideration of the bill.

Pending:

Packwood Amendment No. 1492, to prohibit the export of unprocessed timber from Federal owned lands.

AMENDMENT NO. 1502

(Purpose: To clarify the treatment of articles grown, produced, or manufactured in Puerto Rico)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 1502.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 85, between lines 12 and 13, insert:

SEC. . TREATMENT OF ARTICLES GROWN, PRODUCED, OR MANUFACTURED IN PUERTO RICO.

(a) IN GENERAL.—Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended by adding at the end thereof the following new paragraph:

"(5) The duty-free treatment provided under this chapter shall apply to an article (other than an article listed in subsection (b)) which is the growth, product, or manufacture of the Commonwealth of Puerto Rico if—

"(A) the article is imported directly from the beneficiary country into the customs territory of the United States,

"(B) the article was by any means advanced in value or improved in condition in a beneficiary country, and

"(C) if any materials are added to the article in a beneficiary country, such materials are a product of a beneficiary country or the United States."

(b) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(2) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer after September 30, 1990, and before April 1, 1991, any entry, or withdrawal from warehouse—

(A) which was made after August 5, 1983, and before October 1, 1990, and with respect to which liquidation has not occurred before October 1, 1990, and

(B) With respect to which there would have been no duty, or a lesser duty, if the amendment made by subsection (a) applied, shall be liquidated as though such amendment applied to such entry or withdrawal.

Mr. MOYNIHAN. Mr. President, I am offering this amendment to eliminate an anomaly in the duty treatment of Puerto Rican products. Puerto Rico, as part of the customs territory of the United States, of course, does not pay U.S. customs duties. Further, if Puerto Rico ships a product to a CBI country, and that product is substantially transformed there, it receives CBI duty preference treatment when shipped to the United States. However, if a Puerto Rican product is shipped to a CBI country but is not substantially transformed, not only does it not receive CBI duty preference, but it becomes a foreign product ineligible for duty-free treatment as a product of a U.S. customs territory.

This amendment will permit Puerto Rican products processed in CBI countries, with either U.S. or CBI materials, to maintain duty-free access, even if the product does not become a product of a CBI country. This will eliminate any disincentive for Puerto Rico to work with CBI countries. It is a matter of great interest to the Commonwealth of Puerto Rico and is, I think, of clear interest to the United States as a whole. The amendment would be applied retroactively from August 5, 1983.

I believe this amendment has been agreed to on both sides, and I propose its adoption.

Mr. DANFORTH. Mr. President, the amendment has been agreed to on this side.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to amendment No. 1502 offered by the Senator from New York.

The amendment (No. 1502) was agreed to.

AMENDMENT NO. 1503

(Purpose: To amend heading 9902.90.90 of the Harmonized Tariff Schedule of the United States to include attachments to electrostatic photocopiers which do not operate independently of such photocopiers)

Mr. MOYNIHAN. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 1503.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 9, strike "and".

On page 18, after line 8, insert the following new pararaph:

(2) by inserting ", and parts and accessory and ancillary machines which are intended for attachment to an electrostatic photocopier and which do not operate independently of such photocopier (provided for in subheading 8472.90.80)" after "(provided for in subheading 9009.90.00)" and

On page 18, line 10, strike "(2)" and insert "(3)".

Mr. MOYNIHAN. Mr. President, this amendment clarifies language in H.R. 1594 which would extend the existing duty suspension for electrostatic photocopier parts through December 1992. The amendment is noncontroversial, and it comes at the request of the Xerox Corp. of Webster, NY, the company's largest manufacturing site. This amendment would add "accessory and ancillary machines" to the statutory language to ensure that collating machines, which operate as part of the copiers, are included in the duty suspension.

It is my understanding that this amendment is agreed to. I yield to my distinguished colleague from Missouri.

Mr. DANFORTH. Mr. President, this amendment is agreed to on this side.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to amendment No. 1503 offered by the Senator from New York.

The amendment (No. 1503) was agreed to.

Mr. MOYNIHAN. Mr. President, I move that the votes on the two amendments now be reconsidered.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, as there does not now appear to be any Senator seeking recognition to deal with the trade bill before us, I ask unanimous consent that I might proceed for 5 minutes as if in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized to speak out of order. Unanimous consent is not required to speak in this particular circumstance.

Mr. MOYNIHAN. I appreciate the Chair's clarifying the parliamentary situation, Mr. President.

SOCIAL SECURITY TRUST FUNDS

Mr. MOYNIHAN. Mr. President, I rise simply to record in the RECORD a passage from the 1990 Annual Report of the Board of Trustees of the Federal Old Age and Survivors Insurance and Disability Insurance Trust Funds. This report, which is required once each year by the Social Security Act, gives us a 75-year estimate of the state of the funds under four sets of economic and demographic assumptions, and it is required that the trustees report on the actuarial status of the trust funds.

We have acknowledged and have known for 55 years now the somewhat daunting nature of such an enterprise. But after 55 years, we are getting better at it, and looking back at the actuaries' forecast, we find they track very well. If other economic forecasts were to do as well, we would now have a more reliable guide to the future than perhaps is always the case.

The passage that I refer to simply says this:

> Because the program is entering a period of large fund accumulation, the Board, for the last 2 years, has recommended that the subject of the proper level of fund accumulation be made a specific part of the agenda for the 1991 Social Security Advisory Council. The Advisory Council, which was appointed in 1989, is reviewing this issue.

The point I simply wish to make is—and to endorse very much that thought—that in fact we are now at the first point in the history of the Social Security trust fund when there is such a large accumulation of reserves, and debate on the policy is absolutely necessary.

Originally there was a large debate on the issue in the 1930's when the funds were established—should this be a partially funded system, or a pay-as-you-go system? The difficulty of the proposition that it should be funded is simply that the size of the system is so enormous that for it to be funded as a private insurance system would require the Federal Government trust fund to own a very large portion of the American economy, if not indeed the largest portion.

So we settled into a practice of pay as you go. This was revised by the Advisory Council in 1971 and reaffirmed. The 1972 amendments seemed to put that decision in place as we went to automatic cost-of-living adjustments. But then, in 1977, in a series of major amendments looking at the demographic future when the baby boom, to use the short term, retires—and the prospects are that we shall have one retired person for every three persons in the work force—tax rates were put in place that, in effect, moved us to a partially funded system. This was a significant change. We put in place a series of rate increases that would extend for the period 1977 to 1990. The last such rate increase that was provided for in 1977 went into effect on the first of January of this year.

The funds are now rising at more than $1 billion a week. They will shortly be rising at $2 billion, then $3 billion by the end of this decade $4 billion a week, $200-odd billion a year.

We have had no experience with this before. Just as importantly, we have not discussed it before. The record will show that in 1977 this aspect of the decision simply was not discussed. It was implicit. Those involved with shaping the new rate structure knew what they were doing, and why they were doing it, but they did not address the question, what will you do with these surpluses when they began to appear in earnest as they now have done?

May I make the point that in 1983, in the Social Security amendments of that year, following the recommendations of the National Commission on Social Security Reform, the rates were not changed, but only partially accelerated. This of course was in response to an imbalance that had grown up in the late seventies when for the first time since World War II prices ran ahead of wages. That can be devastating to a fund whose income comes from wages and whose outgo is indexed to prices. So we were down at one point to about 2 months of reserve.

The word "bankruptcy" was used by the then Director of the Office of Management and Budget, a wholly misleading term. There was never a prospect of bankruptcy. But, there was a problem that needed to be addressed. And we addressed it by advancing a few of these rate increases already legislated in 1977. We included other measures and in no time at all the problem was solved.

But again, we did not discuss the question of what we will do with the surpluses when they come about. Will you save? And the only economic sense in which they may be saved is to have a current operating budget in balance such that the Social Security trust fund surpluses are used to buy down the privately held public debt. That automatically translates into an increase in savings. It is a pure reciprocal. It is not just a feature of the national income accounts. It is a reality. Moneys not lent to the Government are invested in the private sector and the savings ensue.

I say again we did not address it then. In the Subcommittee on Social Security, and Family Policy, of the Finance Committee, we have been doing this in the last couple of years.

In 1988, we commissioned a study by the General Accounting Office. We got a very good study indeed in January 1989. The thrust of the study was elemental. It said this is an enormous revenue stream, and it should be saved. We should get directly to a current operating balance, and then use this to retire the privately held public debt, and that will increase, double, the savings rate.

But, said the GAO, if you are not going to do that, and genuinely save

the surplus, you should go back to pay as you go, having acquired a 12- or 18-month reserve. I think we will just about be at the 12-month point by the end of the year. We will shortly, after 2 years, be at 18 months at the rate the surpluses come in.

So the time has come to have this debate, to make this decision, because right now what we are doing is spending the trust fund reserve as if it were general revenues of the Government. It was never intended to be that. It is not taxes. These are contributions. The moneys are paid under the Federal Insurance Contribution Act. If anybody will look at their paycheck they will see FICA on a separate line, different from income tax, different from any other deduction. They are not general revenues. They are, however, available to the Government as if they were general revenues because when they come into the Treasury, the Treasury immediately gives a bond to the trust funds and has the cash.

It can do one of two things. If we were in an otherwise balanced budget situation, that cash would buy down automatically the privately held public debt, or you could keep it in the Treasury and pay bills then on whatever purposes are at hand, be they for battleships to paper clips, is the way it has been put, and quite accurately so.

There are those of us, Mr. President, who feel that this is wrong, that this is a breach of trust. I remember one exchange in January on a television program, the Today Show, the moderator observed that I had characterized the present use of the funds as "thievery." Actually, I had cited an editorial in the Rochester Democrat & Chronicle, which said the word for what is going on in Washington is "thievery," this after hearings were held on the subject in the spring of 1989.

And my good friend and colleague, member of the Finance Committee, the senior Senator from Pennsylvania [Mr. HEINZ] was asked, "Senator HEINZ, do you hold with the characterization that what is going on is thievery?" He thought very quickly and said, "Certainly not. It is not thievery, it is embezzlement." Well, that was the distinction. That is the practice, too, but it is a distinction that would hardly be reassuring or consoling to the persons now paying these contributions and finding them treated as if they were taxes and general revenue.

Three-quarters of American wage earners now pay more in FICA contributions, including the employer share, than they pay in income tax. Obviously, if it is treated as general revenue, then you have a most regressive tax, taxes levied on the first dollar and after $51,300, no taxes. But as a contribution to an insurance system, they cannot be described as regressive. You are putting in moneys which you will get back. There is a proportionality, and that is part of an understandable agreement, a perfectly equitable one. However, if these moneys are not going to be saved, they are to be used as if they were taxes, then you have indeed a most extremely regressive tax.

Mr. President, at a hearing on this subject in the early part of the year, I asked our much respected and regarded Chairman of the Federal Reserve Board, Dr. Alan Greenspan, "Dr. Greenspan, in terms of the economic effect, that is, the changes in the economy brought about as a consequence, is there any difference between what we are now doing with the trust funds, and what would happen if we go back to pay as you go?" His answer was one word, "none." The money is not being saved in the economic sense. It is being used as general revenue, consumed now, not saved in the future, which is the elemental point of having trust funds if you are going to have partially funded ones.

I wish to take the opportunity of this quiet moment in the afternoon to say that this debate is upon us, and it is a new debate. No Senator, no Member of the House, no member of the public should feel in any way ashamed or reluctant to say this is a new subject, because it is a new subject to the Nation. It is a very important subject. The sooner we get on with that debate, the more it seems to me we are likely to resolve this. In my own view, we ought to go back to pay as you go. There are contrary views, but those who have a contrary view seem to have a responsibility to say how they would treat the trust funds as if they were just that and not general revenue.

Mr. President, I appreciate the indulgence you have shown, and again, there being no Senator seeking recognition at this point, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE ANALYSIS OF BUDGET PLANS

Mr. DOMENICI. Mr. President, tomorrow the Budget Committee in the Senate begins a markup of the upcoming fiscal year budget. I do not need to tell the Senate that the defense budget has been a main source of contention since the President released his budget in January. For the Department of Defense, the President has requested $295 billion in budget authority and $292 billion in outlays for 1991.

This 1991 request, as we now all understand, represents a $22.4 billion reduction in budget authority from the President's April 1989 plan. I probably do not need to remind the Senate that the President's numbers represent negative real growth. The President's budget will bring defense spending, measured as a percent of the gross national product, to its lowest level since World War II.

That may be relevant to some; it may be irrelevant. It is merely a statement of fact. This will represent the 6th consecutive year for negative real growth in defense budget authority. The fact that defense has declined for 5 years may mean something to some and nothing to others, but it deserves repeating every now and then. There are many who assume that because defense outlays have been going up, that defense programs have been increasing. They have not. We are merely paying for some past programs. We are beginning to dramatically reduce defense programs so that in the future years outlays will be reduced.

The peace dividend discussion, which flows from the assumption that in each of the next 5 or 6 or 7 succeeding years, there will be further reductions in defense spending, has spurred a number of proposals here in Congress; many from people who assume they are properly informed. Many members have their own budgets. These are proposals for cutting defense beyond the President's plan. This is a difficult undertaking in rapidly changing times.

I do not think there is any question about it. Our distinguished colleague from Georgia, chairman of the Armed Services Committee, who has spoken now four or five times at length on the floor of the Senate, has given a very specific and objective game plan. I compliment him for what he has been saying on the floor. But, even if one reads his last summary statement, the one made Friday past, his proposals, too, await definition. They await definition in the sense that many existing programs are held in place, waiting for further determination on what we want our defense to look like over the next decade.

In the meantime, things have to happen around here. The annual budget and appropriations processes don't wait. Congressman PANETTA, through his Budget Committee in the House, adopted a 1991 defense budget mark with budget authority of $271 billion and outlays of $284.2 billion. These are reductions of $24 billion in budget authority and $8 billion in outlays relative to what the President has requested.

Senator SASSER, chairman of the Budget Committee on the Senate side,

introduced a budget resolution several weeks ago. The committee will begin markup tomorrow. I am not at all sure that the budget that Senator SASSER submitted earlier, a technical budget that might be used for debate, is his ultimate decision on what he wants to recommend to the committee. Nevertheless I am going to talk about it for a moment, because it incorporates defense numbers in both outlays and budget authority.

Chairman SASSER suggested 1991 budget authority of $269.2 billion and outlays of $280.5 billion. These numbers are reductions of $26 billion in program authority, and that is what ultimately governs, and $12 billion in outlays relative to what the President requested.

Obviously, the implications of all of these numbers should concern everyone in this body and the American people. It is very difficult to decide on a defense policy when you have had a situation like we had last year. Everyone recognizes that we have a rather dramatically changing world, and yet the changes have not reached their culmination. We have ongoing programs that were directed at certain risks, and some of the risks are now gone and some are not. There may be new risks.

It is very difficult in a short timeframe to produce a sensible multiyear defense program. I am not sure that anyone has done that yet, nor that anyone is omniscient enough to do it as of today.

Nonetheless, we have to decide, in a preliminary way, where we are going—so all of these numbers and plans concern me. What are the policies that back up each of these defense plans? What do they mean for the security of our country?

So, as a result, last week I asked Secretary Cheney what these alternative plans would mean in terms of reductions that he would have to make in personnel, force structure, and procurement from the President's budget. I don't want anyone to assume that I have any inside knowledge—I do not—or even any great expertise. I do not. For that reason, I repeat that I asked Secretary Cheney what these plans would mean in terms of reductions that he would have to make in personnel, force structure, and procurement from the President's budget.

This morning the office of the Secretary of Defense provided me with an illustrative list of what some of the alternative defense plans might mean for the Department of Defense in 1991. Let me repeat. I started with the Department of Defense budget authority and the outlay numbers.

These are the House Budget Committee's numbers. There is what Senator SASSER, chairman of the Budget Committee, has submitted as a possible budget here in the Senate. There is also a third alternative plan. Senator HOLLINGS has submitted a budget on both outlays and budget authority for defense.

So what I did was to ask the Secretary, "If you had these numbers instead of yours, would you give us an example of what the budget would look like, in terms of personnel, force structure, and procurement. How would it differ from the President's budget?"

I have to start from some known base. We knew what the Secretary of Defense recommended, in behalf of the President. So what the Secretary of Defense gave me today—and I must emphasize these are their figures—is their analysis for 1991, compared to the President's request, of these particular plans, the House budget, Chairman SASSER's plan that is on the Senate Calendar, and Senator HOLLINGS' proposal.

A fuller analysis would have to address long-range problems because we really do not know the implications of these plans in future years. But the Secretary of Defense has given to me, at my request—and I am sure it is not exclusive; I am sure others asked for it and they probably received it—what the Department thinks these defense budgets plans might very well cause the defense of the United States to look like at the end of 1991.

I think they are useful, Mr. President, in that context. Let me give you a couple of numbers and then as a culmination of this discussion I will submit the detailed illustrations of what these particular 1991 budget proposals would produce. The Department of Defense's analysis explains how it could get to these budget authority, program authority, these outlays, annual expenditure numbers.

Under the House Budget Committee proposal, the Department of Defense says it would probably have to cut an additional 100,000 men beyond the President's 37,000 troop cut for fiscal year 1991. Also the Department of Defense contends that the House plan would require us to deactivate two more Army divisions in addition to the two the President has already proposed.

Then, just for purposes of consistency, using these three items, they would say that under Chairman SASSER's earlier proposal the number of men and women in uniform would have to be cut an additional 150,000. Three more army divisions would have to be cut as well as two carrier battle groups and two Navy air wings.

I am concerned about the rush to declare a "peace dividend," as I indicated before, because of the national security implications. I am also concerned because, it seems to me, that we have a rare opportunity in a changing world to have a very sensible defense build-down. This Nation deserves a planned build-down, rather than what I characterized recently in a local newspaper as a meltdown. I think that we ought to look carefully at what the Department of Defense gives us in their illustrative analysis.

I want to enter for the record three different scenarios. The first reflects the reductions already made in the 1991-95 defense budget plan, as submitted by the Secretary of Defense in behalf of the President of the United States for this year's budget. The source of that is the budget document and the Secretary of Defense's testimony and the justification that he had submitted along with it. All of these are sourced by only the Department of Defense, not OMB, not the Budget Committee, not Senator DOMENICI from New Mexico.

The second illustrative scenario is that of the House budget proposal as voted out by committee to be considered by the House as soon as this week. In this one, we have used the budget authority and outlay numbers that I have just described, and all of the numbers here and the reductions—be they in potential personnel adjustments, force structure adjustment, potential investment adjustments and military construction projects that are to be adjusted—are the Department of Defense's illustrations of how they would get down to those numbers. I remind everyone who is interested enough to look at these, that the reductions are in addition to what are already proposed by the President. We did not use the old April 1989 baseline but rather the President's 1991 budget request. These are on top of that.

The second illustration also is in some detail; again the source is the Department of Defense, solely and singularly. These are chairman SASSER's proposals, as contained in the budget resolution now on the Senate Calendar. We used those numbers. The Department of Defense answered a question that I put to them: What would you have to do to meet these numbers? Again, I repeat, I am not alone in asking the question, I am sure others did, and I am sure the DOD has given this response to others than the Senator from New Mexico.

I also asked them about a proposed defense plan offered by the distinguished Senator from South Carolina Senator HOLLINGS, a former chairman of the Budget Committee. His plan has a different mix to it in that it seems he cuts a lot in the first year but not so much in the outyears. I assume that is why the Department of Defense does not have the same kind of estimates, illustrative reductions, as they do in the others even though Senator HOLLINGS has some rather large first-year reductions.

So, Mr. President, I rise to tell the Senate about this illustrative analysis,

to place in the RECORD my remarks as they were given to the Senate, and to include the illustrations that I have been describing. I ask unanimous consent that the DOD illustrations of the impact of four plans—the President's; the House-reported budget; Chairman SASSER's proposed resolution now on the Senate calendar; and Senator HOLLINGS' proposal—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REDUCTIONS ALREADY MADE IN THE FISCAL YEAR 1991–95 DEFENSE BUDGET PLAN

The President's defense funding plan projects major reductions in defense budget authority:

[In billions of dollars]

	1990	1991	1992	1993	1994	Cummulative 1990–94
April 1989 plan	295.6	317.5	332.4	351.0	369.4	1,665.9
Reduction	−4.2	−22.4	−32.4	−46.6	−61.4	−167.0
January 1990 plan	291.4	295.1	300.0	304.4	308.0	1,498.9

The President's fiscal year 1991 budget includes significant changes to personnel, force structure, and investment programs.

	Amount
Military personnel reductions:	
Cut 91,400 active duty personnel	−1.7
Force structure reduction:	
Deactivate 2 Army divisions	−1.2
Retire 2 battleships	−.1
Deactivate 8 SSN's	−.2
Deactivate 14 B–52's	−.1
Minuteman II	−.1
Programs terminated:	
V–22 OSPREY [1]	−1.4
F–14D [1]	−.5
AHIP [1]	−.3
PHOENIX [1]	−.3
M–88A2 improved recovery vehicle [1]	−.1
Apache helicopter	−.6
M–1 tank	−1.1
Maverick missile	−.4
AF ASPJ	−.3
Combined Effects Munitions	−.1
Sea Lance	−.2
Non-Line-of-Sight Missile	−.1

[1] Terminated in fiscal year 1990 budget.

If the Congress makes further reductions to this plan, program and force structure cuts such as illustrated in the following pages will be required.

ILLUSTRATIVE ADDITIONAL CUTS TO DOD UNDER THE PANETTA PROPOSAL

[In billions of dollars]

	Budget authority			Outlays		
	Budget	Reduction	Revised	Budget	Reduction	Revised
Mil Pers	79.0	−1.0	78.0	78.8	−1.0	77.8
O&M	90.1	−3.7	86.4	88.3	−2.9	85.4
Proc	77.9	−15.8	62.1	79.3	−2.5	76.8
RDT&E	38.0	−2.3	35.7	37.0	−1.2	35.8
Mil Con	5.6	−.9	4.7	5.5	−.2	5.3
FH	3.5	−.2	3.3	3.5	−.1	3.4
Other	1.1		1.1	−.3		−.3
Total	295.1	−23.9	271.3	292.1	−7.9	284.2

	Budget authority	Outlays
Potential personnel adjustments: Cut 100,000 military personnel	1.0	1.0
Potential force structure adjustments:		
2 Army Divisions	1.3	1.1
1 Carrier Battlegroup	.4	.3
1 Air Wing	.2	.2
1 Marine Corps Expeditionary Brigade	.6	.6
4 Air Force Tactical Air Wings	.8	.7
Potential investment adjustments:		
Hold SDI at fiscal year 1990 level	.9	.5
Delete National Guard and Reserve procurement	.5	.1
Terminate F–15 after fiscal year 1990	1.2	.1
Reduce F–16 production	.5	.1
Delay AMRAAM rate production	.8	.1
Defer 1 Trident	1.4	.1
Defer 2 SSN 21	2.3	.1
Defer 5 DDG–51	3.6	.1
Defer 1 LHD	1.0	.1
Terminate PATRIOT production	.9	.1
Reduce Tomahawk production	.2	
Defer Army Ammunition procurement	.3	.1
Terminate M–1 after fiscal year 1990	.8	.1
Terminate SRAM–T, NLOS, JSTARS, SADARM, Follow-on-to-Lance, and LHX R&D programs	1.4	.6

Other Adjustments: See Military Construction Projects attached.

ILLUSTRATIVE ADDITIONAL MILITARY CONSTRUCTION CUTS UNDER THE PANETTA PROPOSAL

Delete approximately 250 projects in numerous states such as:

Budget authority in millions	
Advanced Weapons Lab, China Lake, CA	18
Wargaming Center, Carlisle, PA	25
Propulsion Training Fac, Charleston, SC	25
Phase III Large Rocket Test Fac, Arnold Eng Dev Ctr, TN	109
Ammunition Demil Facility, Anniston Army Depot, AL	54
Senior NCO Academy, Gunter AFB, AL	8
Mil Opns in Urbanized Terrain, Camp Pendleton USMC Base, CA	11
Public Works Projects, Monterey Naval Postgraduate School, CA	7
Cody Storage Warehouse, San Diego, CA	9
TITAN IV Launch Complex—Phase I, Vandenberg AFB, CA	19
Barracks, Orlando Naval Training Center, FL	11
Explosives Handling Wharf, Kings Bay Naval Sub Base, GA	56
Army Continuing Education Center, Schofield Barracks, HI	10
Fireman Apprentice Tng School, Great Lakes Naval Tng Ctr, IL	2
Covered Storage, Fort Meade, MD	10
4 Homeporting Projects, Everett, WA	22
Family Housing, Naval Station, NY	20
Aviation Unit Maintenance Hangar, Fort Carson, CO	11
Barracks, Gulfport Naval Construction Center, MS	8
Research Lab, Hanscom AFB, MA	4
Base Engineer Complex, Sheppard AFB, TX	7
Corrosion Control Fac, Kelly AFB, TX	6

ILLUSTRATIVE ADDITIONAL CUTS TO DOD UNDER THE SASSER PROPOSAL

[In billions of dollars]

	Budget authority			Outlays		
	Budget	Reduction	Revised	Budget	Reduction	Revised
Mil Pers	79.0	−1.5	77.5	78.8	−1.5	77.3
O&M	90.1	−7.6	82.5	88.3	−5.9	82.4
Proc	77.9	−11.4	66.5	79.3	−1.8	77.5
RDT&E	38.0	−3.7	34.3	37.0	−1.9	35.1
Mil Con	5.6	−1.4	4.2	5.5	−0.3	5.2
FH	3.5	−0.3	3.2	3.5	−0.2	3.3

ILLUSTRATIVE ADDITIONAL CUTS TO DOD UNDER THE SASSER PROPOSAL—Continued

[In billions of dollars]

	Budget authority			Outlays		
	Budget	Reduction	Revised	Budget	Reduction	Revised
Other	1.1		1.1	−0.3		−0.3
Total	295.1	−25.9	269.2	292.1	−11.6	280.5

	Budget authority	Outlays
Potential personnel adjustments: Cut 150,000 additional military personnel	1.5	1.5
Potential force structure adjustments:		
3 Army Divisions	2.0	1.7
2 Carrier Battlegroups	0.8	0.6
2 Air Wing	0.4	0.4
2 Marine Corps Expeditionary Brigade	1.2	1.2
5 Air Force Tactical Air Wings	1.0	0.9
Base Operations/Real Property Maintenance	0.9	0.7
Potential investment adjustments:		
Hold SDI at Fiscal year 1990 level	0.9	0.5
Delete National Guard and Reserve procurement	0.5	0.1
Terminate F–15 after fiscal year 1990	1.2	0.1
Defer 1 Trident	1.4	0.1
Defer 2 SSN 21	2.3	0.1
Defer 2 DDG–51	1.4	
Defer 1 LHD	1.0	0.1
Defer Army Ammunition procurement	0.3	0.1
Reduce Tomahawk production	0.2	
Terminate C–17	1.5	0.1
Terminate M–1 after fiscal year 1990	0.8	0.1
Delay AMRAAM rate production	0.8	0.1

Other adjustments. See Military Construction Projects attached.

ILLUSTRATIVE ADDITIONAL MILITARY CONSTRUCTION CUTS UNDER THE SASSER PROPOSAL

Delete approximately 350 projects in numerous states such as:

Budget authority in millions	
Advanced Weapons Lab, China Lake, CA	18
Wargaming Center, Carlisle, PA	25
Propulsion Training Fac, Charleston, SC	25
Phase III Large Rocket Test Fac, Arnold Eng Dev Ctr, TN	109
Ammunition Demil Facility, Anniston Army Depot, AL	54
Senior NCO Academy, Gunter AFB, AL	8
Mil Opns in Urbanized Terrain, Camp Pendleton USMC Base, CA	11
Public Works Projects, Monterey Naval Postgraduate School, CA	7
Cody Storage Warehouse, San Diego, CA	9
TITAN IV Launch Complex—Phase I, Vandenberg AFB, CA	19
Barracks, Orlando Naval Training Center, FL	11
Explosives Handling Wharf, Kings Bay Naval Sub Base, GA	56
Army Continuing Education Center, Schofield Barracks, HI	10
Fireman Apprentice Tng School, Great Lakes Naval Tng Ctr, IL	2
Covered Storage, Fort Meade, MD	10
4 Homeporting Projects, Everett, WA	22
Family Housing, Naval Station, NY	20
Aviation Unit Maintenance Hangar, Fort Carson, CO	11
Barracks, Gulfport Naval Construction Center, MS	8
Research Lab, Hanscom AFB, MA	4
Base Engineer Complex, Sheppard AFB, TX	7
Corrosion Control Fac, Kelly AFB, TX	6

ILLUSTRATIVE ADDITIONAL CUTS TO DOD UNDER THE HOLLINGS PROPOSAL[1]

[In billions of dollars]

	Budget authority			Outlays		
	Budget	Reduction	Revised	Budget	Reduction	Revised
Mil Pers	79.0	−1.5	77.5	78.8	−1.5	77.3
O&M	90.1	−11.5	78.6	88.3	−8.8	79.5
Proc	77.9		77.9	79.3		79.3
RDT&E	38.0	−1.2	36.8	37.0	−0.5	36.5
Mil Con	5.6		5.6	5.5		5.5
FH	3.5		3.5	3.5		3.5
Other	1.1		1.1	−0.3		−0.3
Total	295.1	−14.2	280.9	292.1	−10.8	281.3

[1] The Hollings proposal has an outlay to budget authority ratio of 76 percent. Such a high ratio can only be achieved by large reductions in the fast spending accounts of Military Personnel and O&M. An across the board outlay reduction of $10.8 billion would require budget authority reductions of $35 billion.

	Budget authority	Outlays
Potential personnel adjustments:		
Cut 150,000 military personnel	1.5	1.5
Potential force structure adjustments:		
6 Army Divisions	3.9	3.4
3 Carrier Battlegroups	1.0	1.0
3 Air Wing	.7	.6
4 Marine Corps Expeditionary Brigade	2.5	2.3
8 Air Force Tactical Air Wings	1.6	1.3
Base Operations/Real Property Maintenance	.9	.7
Potential Investment Adjustments (R&D):		
Terminate SRAM–T, NLOS, JSTARS and Follow-on-to-Lance R&D programs	.5	.3
Reduce SDI to 10 percent growth	.4	.2
Other adjustments	1.2	

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHELBY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask unanimous consent that I might be able to proceed as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CALL FOR ACTION ON LITHUANIA

Mr. SYMMS. Mr. President, I thank the distinguished manager of the bill. I might say to my colleagues, years ago when I had the privilege of being in the other body, Senator MOYNIHAN was one of the heroes of some of the young conservatives there when he was the U.N. Ambassador. Then at another point in time he was our Ambassador to India and came back and reported to the House Agriculture Committee meeting. I will always remember that report. It was very interesting.

Mr. President, the subject I want to address briefly today is the subject of Lithuania. I want to simply state that I realize this administration has their problems. I also am one who has always said we can only have one President and one Secretary of State, and I have generally tried to support those Presidents and Secretaries of State with regard to foreign policy as a matter of principle.

But it appears to me that there needs to be a way to expose more to the world opinion what is happening in Lithuania, in the Baltics in general. We need to get more exposure. I would challenge those friends of ours in the media if there is anything they might do to get the focus of attention.

After all, the Soviet empire is in grave situation. We all know that. From my point of view, I welcome that, because I believe that ultimately, if human beings are left to be free, they are going to be able to accomplish a lot more and live much happier and more fulfilled lives. It is very difficult to do that as a person who lives in the Soviet empire unless they happen to be in that top 1 or 2 percent that are in the power structure—the dictatorship, if you will. The rest of the people pretty much have to perform their task as the Government tells them to do. It does not make for the happiness of people that we believe in this culture is appropriate.

So it seems to me if the friends of ours in the media—when I am speaking of this, I am speaking of our television networks, our cable news networks, our major news organizations—that they should continue to focus more attention on Lithuania. After all, it was only a few short months ago that Mr. Gorbachev was named as the man of the decade by one of our leading news magazines. Now, when a group of people who are striving for their independence are making that attempt, we are seeing the Russian tanks roll in. It is true there has been no bloodshed and I am thankful for that.

But I would say that I would like to see a peace initiative launched and a general debate on the subject of those people in Lithuania, whether or not they should be allowed independence. It is my understanding that the Senator from New York, the distinguished floor manager of the bill, has introduced a resolution that might just possibly throw this out into a world debate. That is what this Senator wants to see. I want to see a major, full-fledged, the kind of a thing that happens when we had the Olympic teams from all over the world go to Seoul, Korea, last year, that kind of a focus of attention.

I realize that the media, temporarily anyway, are thrown out of Lithuania and I am sure that there are people in this Senate that have felt that there would be days they would like to be able to operate without the media. We do not do it that way in this country. We understand Mr. Gorbachev has problems and I wish him no ill will. But I would only say that if this issue were thrown wide open for debate it would seem to me that the overwhelming millions and billions of people on Earth would side with the people of that small little country who are being oppressed, and have been for 50 years, by a dictatorship that they did not want in the first place.

So I would ask the rhetorical question to Senator MOYNIHAN, Mr. President: What would he recommend that we do to throw this out into a debate?

I yield the floor.

Mr. MOYNIHAN. Mr. President, I thank my good friend. The distinguished Senator from Idaho never fails to be on the floor when issues of this kind are joined. He has been generous enough to ask me to describe my thoughts concerning Lithuania. I have made a suggestion which I would hope might be examined in the State Department and in the White House in a way it has not yet occurred. My thought is simply this: Under the U.N. Charter there is a provision for the Security Council to ask the World Court—the International Court of Justice—for an advisory opinion. This is done recurrently, sometimes with large results; sometimes not.

But the nature of an advisory opinion is that the case is argued, parties come before the court, and they say, "This is what we think you should decide." World class lawyers, like Olympic teams gather in The Hague to make the case.

Now what would be the issue in this case? Simply, this: Ought Lithuania to be a free, sovereign, and independent nation, and a member of the United Nations, for that matter? What are the facts that we know, and from whom have we learned them?

Well, actually, we in the West have the facts. We have had them for some time. But the important point is that last May, less than a year ago, they were also published simultaneously in Pravda, which is the Communist Party paper in the Soviet Union, and Trybuna Ludu, which is the Communist Party paper in Poland. They simultaneously printed the secret protocols of the Molotov-Ribbentrop Pact—the Hitler-Stalin Pact on 1939—in which it was provided that Poland would be partitioned and disappear, and the dividing lines were set forth. It was further stipulated the Latvia and Estonia would be taken over by the Soviet Union; Lithuania, by Germany.

Then there was a further protocol, a signed, formal treaty, in which Germany sold Lithuania to Russia for $7.5 million in gold. And that is, you might say, the present claim the Soviet Union has concerning its right to occupy Lithuania. Stalin bought it from Hitler.

That is not likely to be an argument that would hold up very well in the International Court of Justice.

There are two further points. Last May, when these texts were published, the Soviet Government declared that this was an illegal act of the Stalin era. They have been doing that type of thing a lot lately. We had heard about the Katyn Forest. It was an illegal act. They so state.

We do not have to say, "You think otherwise, but we think it was illegal." The case would be, "You have said it is illegal."

But also, sir, on December 7, 1988, Mr. Gorbachev went to the United Nations and gave a very large and important speech. Attention was given to his statement that he was going to reduce the Soviet Armed Forces by 500,000 persons. That was the news, the hard news.

But much more important, certainly with respect to this case, he said it is time we got back to the rule of law in world affairs. He said that the Soviet Union thinks we ought to have more matters referred to the International Court of Justice so that it can settle disputes according to law. The Soviet Union thinks we ought to give the International Court of Justice compulsory jurisdiction with respect to human rights issues. He said in essence "We are prepared to do that, and we think our friends, the United States, should be prepared to do that."

It is Mr. Gorbachev who said there ought to be more issues resolved in the court. There ought to be greater respect for the rule of law. That has to be the basic rule of the world order. It was his party that published the Molotov-Ribbentrop Pact and the secret protocols; his government that said that the acquisition of Lithuania, Estonia, and Latvia and the partition of Poland were illegal acts.

Now, what better forum would there be than the International Court of Justice with a cadre of really world-class lawyers—we might even get the former attorney general of Missouri to be counsel to the group—arguing the facts and the law in the court.

How could it come out other than with a declaration that this occupation is illegal and must be terminated? And also, remember that Estonia and Latvia are just around the corner. In Estonia, it is already happening. We should give the Soviet Union grounds for doing what it is going to have to do anyway, grounds which it has invited by publishing the facts, declaring Stalin's conduct illegal, urging greater use of the court and international law.

I would hope that somebody in the Department of State would understand that from the time of Theodore Roosevelt—no wimp—great American Presidents said we should establish a world court and use it. We believe in courts.

It is sitting there waiting for just this sort of thing. It would issue restraining orders saying nobody should do anything to worsen this situation while we are hearing the case. I think this is a way out for everybody, and I think it would point a direction, a way of dealing with matters, of which we are going to hear more and more in the years to come.

So I thank my friend from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. I thank the Senator from New York for his views on this issue, and for what was an enlightening statement. I think also it is a question of justice, and it is very hard to be for justice, because sometimes that is one of the things that is unseen. But it is very clear to see when injustice is present and to oppose injustice.

I think in this particular case we should be able to work as the United States of America toward a peaceful solution of this. But I think we need a forum and there needs to be a news hook for the New York Times, the Washington, Post, the major newspapers of the world, the Economist in London, and throughout Reuters news service and all the major news agencies, to keep putting this story out.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. SYMMS. I would be happy to.

Mr. MOYNIHAN. Will the Senator not agree that it is most likely that the facts of the Molotov-Ribbentrop Pact, really made no very deep impression on the world's thinking when they were announced 1 year ago? Other things were going on. The average parliamentarian around the world will not know the facts.

Mr. SYMMS. That is correct.

Mr. MOYNIHAN. This is a way to bring it to his attention: "Oh, I see. What can you say in the face of those facts?"

Mr. SYMMS. I think it is most interesting and enlightening. Most people are not aware of it. Most people have no idea that is what happened, and I thank the good Senator for bringing that to our attention.

I hope we can do this. I do not bring this up in any way to try to put myself in the place to be the Secretary of State of the United States, but just as one Senator who is very concerned about this. It appears to me this is an opportunity for us to focus attention on the problem where I was not aware of exactly the details of what President Gorbachev had said at the United Nations with respect to using courts.

Mr. MOYNIHAN. And why should the Senator be aware of it?

Mr. SYMMS. The stage is clearly set. What I am talking about is we need to focus attention on what is happening in Lithuania, and as the Senator from New York said, Estonia and Latvia are soon to follow behind. It is inevitable for those countries to achieve freedom. With the offset printing press, with satellite television, with the computer chip, with the computer age which is here, it is impossible for the dictators of the world to keep all of these things secret from their people.

They want what we have, and they should have an opportunity to obtain it. A peaceful transition of that power, I think, is a very laudable goal, if this would provide a way to give a hook to it. I have discussed this for several days with my friends and with my staff about what is the news hook? I think maybe the Senator does have a news hook, a hook where there is something there where people can start talking about what is the case.

Mr. MOYNIHAN. What are the facts? And what is the law?

Mr. SYMMS. And how the court could rule on it. Maybe that is a good position that this country could take.

The Senator says he has submitted a resolution and it is where?

Mr. MOYNIHAN. It has been reported from the Committee on Foreign Affairs. It is on the calendar. Perhaps, if the Senator would give me a moment, I can tell him where.

Mr. SYMMS. Does the Senator know what the position of the administration is on it?

Mr. MOYNIHAN. I do not. It is Senate Concurrent Resolution 112. It is Calendar Order No. 507 on page 29 of the Calendar of Business, and I think it would be very interesting to ask our friends in the Department of State, what is the administration's position? They ought to support this. This gives them something to say that is consistent with the avowals of President Gorbachev and clearly consistent with the interests of the people of Lithuania and the Baltic States.

I make a parliamentary inquiry, Mr. President. Why do we not call this resolution up this very moment? Could we address it? We will not do it, but the matter is properly before us and could be subject to action today? Is that not correct?

The PRESIDING OFFICER. The Senator could move to proceed to the motion or ask that it be brought before the Senate.

Mr. MOYNIHAN. I thank the Chair. I will not so move, as we would want the leaders to be here. We would want the chairman and the ranking minority member of the Committee on Foreign Relations to be present.

I saw the distinguished Senator from North Carolina here a moment ago, but the Senator from Rhode Island is not present. But let the word go forth from this place that the Senator from Idaho and the Senator from New York might just move to bring this matter up, and they can talk about it later. We will not, obviously, but we should address the subject on the calendar.

Mr. SYMMS. Mr. President, I thank my good friend from New York.

In one fashion or another, whether it be Senate Concurrent Resolution 112 or whether it be another concurrent resolution in the Senate or whether it be an all-out, full-court press with some kind of a peace initiative or a forum to where this issue could focus attention, I hope that this administration and all Members of Congress, business leaders and others in the country will continue to bring up the issue until we can focus on it, because in the long run it appears to me that there is no way the Soviet Union can continue by dictate to keep people in that empire that do not want to be, in the long run.

Now, in the short term, I think that it would not be advisable to do things—and I think my friend from New York would agree with me—that in any way might bring on the fireworks. We are talking about a discussion. We are talking about the rule of law. We are talking about world opinion, formulating a policy that here is the small country of Lithuania that historically has been independent and wants independence again, that even though there might have been a purchase between Hitler and Stalin, they were forced by gunpoint into the Soviet empire, and they want out.

That is basically the issue, and it appears to me that "we" in the United States should make it clear to the world, notwithstanding what our relations are with the current leader of the Soviet Union, sooner or later they have to come to the reality that Lithuania deserves its independence and anything less than that will be unacceptable to the United States of America. We have to have that kind of a principle, it seems to me, to have a long-range, consistent foreign policy; otherwise, we are building our castle, so to speak, on a pile of sand. But it can be lasting if we will stick to some basic principles, and one of those would be to support justice and human rights for people.

Mr. President, I thank the Presiding Officer for his indulgence, and I yield the floor.

Mr. MOYNIHAN. Mr. President, if the Senator from Idaho could remain on the floor just one more minute, I would like to make two points; first, that he is quite correct. It should be clear that it was simply force of arms that settled the matter; the Red army invaded Lithuania. I do not know if I can be precise about whether the Germans got there first or the Russians. But the issue was resolved by force of arms.

Mr. SYMMS. But it was done at gunpoint.

Mr. MOYNIHAN. At gunpoint.

Mr. SYMMS. Right.

Mr. MOYNIHAN. Then the two nations, the aggressor nations, traded properties around as if they were so many monopoly items on a board game. Utter cynicism.

But the second thing I would like to say is that when the Senator asks about our involvement in this, I think we should remember that Lithuania is an independent nation and as much as any other reason because of Woodrow Wilson's point, our war aims in World War I, which called for the self-determination of peoples. This is an idea that was first pronounced in any consequential way by the President of the United States in 1917 and brought into place in the Treaty of Versailles of 1918, so it is not as if this is some historic development remote from our experiences. Just like Czechoslovakia; the Republic of Czechoslovakia was proclaimed in Pittsburg, and it came into existence in the aftermath in the Treaty of Versailles, negotiated, perhaps unfortunately, by Woodrow Wilson. I thank the Senator from Idaho. I yield the floor.

FAVORED-NATION STATUS FOR HUNGARY

The Senate continued with consideration of the bill.

AMENDMENT NO. 1504

(Purpose: To amend the Omnibus Trade and Competitiveness Act of 1988 to reauthorize the Competitiveness Policy Council, to make technical corrections, and for other purposes)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 1504.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, add at the end of the matter preceding line 1:

Sec. 4005. Competitiveness Policy Council.

On page 106, add after line 3 the following new section:

SEC. 4005. COMPETITIVENESS POLICY COUNCIL.

(A) MEMBERSHIP OF COUNCIL.—Section 5205 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4804) is amended—

(1) in subsection (b) by striking out "within 30 days after January 21, 1989" and inserting in lieu thereof "no later than June 1, 1990";

(2) by striking out subsections (e) and (f) and inserting in lieu thereof the following new subsections:

"(e) CONFLICT OF INTEREST.—A member of the Council shall to serve as an agent for a foreign principal.

"(f) EXPENSES.—Each member of the Council, while engaged in duties as a member of the Council, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from the usual place of residence of such member, in accordance with subchapter I of chapter 57 of title 5, United States Code."; and

(3) by striking out subsections (l) and (m).

(b) EXECUTIVE DIRECTOR AND STAFF.—Section 5206 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4805) is amended by adding the following new subsections:

"(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS-16 of the General Schedule.

"(d) DETAILS.—Upon request of the Council, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this subtitle.".

(c) POWERS OF THE COUNCIL.—Section 5207 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4806) is amended—

(1) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) in subsection (c) (as redesignated under paragraph (1)) by striking out "60" and inserting in lieu thereof "120".

(d) ANNUAL REPORT.—Section 5208(a) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4807(a)) is amended by striking out "prepare and" and inserting in lieu thereof "on March 1".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 5209 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4808) is amended by striking out "1989 and 1990" and inserting in lieu thereof "1991 and 1992".

Mr. BINGAMAN. Mr. President, this amendment reauthorizes and makes minor changes to the Competitiveness Policy Council which we established by the Omnibus Trade and Competitiveness Act of 1988. The Competitiveness Policy Council was established as a high-level advisory committee to the President and the Congress on issues that related to the country's competitive position. Unfortunately, because of an earlier lack of appropriations and other delays in the appointment process, initial appointments have not yet been made. However, the current fiscal year appropriation does contain $750,000 for the Competitiveness Policy Council, and both Congress and the White House are moving ahead with appointments at this time.

Mr. President, I ask unanimous consent to put in the RECORD a letter from Roger Porter, Assistant to the President, indicating their action in getting appointees made.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 21, 1990.

Senator JEFF BINGAMAN,
Hart Senate Office Building,
Washington, DC.

DEAR JEFF: Thank you for your letter regarding the status of the four Presidential appointments to the Competitiveness Policy Council. I understand your concern.

The Office of Presidential Personnel, which is handling the selection process, has informed me that the process is well underway within the White House. We are doing all we can to facilitate the selection process and to establish the CPC as an integral independent body to advise the President and the Congress on issues affecting the global economy.

Again, thank you for bringing this matter to our attention and for sharing your concern.

Warmest regards,

ROGER B. PORTER,
Assistant to the President for Economic and Domestic Policy.

Mr. BINGAMAN. Under the provisions of the 1988 act, the Competitiveness Policy Council was authorized for fiscal years 1989 and 1990. Because the CPC was set up in accordance with the Federal Advisory Committee Act, it must be reauthorized every 2 years if it is to continue. This amendment reauthorizes it for 1991 and 1992.

The amendment makes one substantive change, Mr. President. Under the original language, members of the Council are paid for their services and thus were to be considered special Government employees for the purposes of financial disclosure and Government ethics.

As we have gone through the appointment process, it has become clear that the Council members should not be special Government employees. Special Government employees are subject to conflict-of-interest rules and are required to make full financial disclosures. Regular members of advisory committees are not subject to these same provisions. As members of this Council are specifically picked because they represent a particular interest or point of view, such conflict-of-interest provisions are really not appropriate.

The amendment clarifies the status of the Council members by removing the compensation and the accompanying financial disclosure and special Government employee ethics provisions. They will, therefore, be treated exactly the same as members of other similar advisory committees.

I would like to note, Mr. President, that the Governmental Affairs Committee has approved a bill amending the Federal Advisory Committee Act. This bill is addressing the issues of financial disclosure and Government ethics. The Competitiveness Policy Council will be covered by these same provisions and should not be treated in a different manner from similar advisory committees.

The amendment also makes several particular technical and minor changes. It changes the date of initial appointments to no later than June 1, 1990, in keeping with the current status of the appointment process. It extends the period for the Council to make its initial report to the President and the Congress on its agenda from 60 days after initial appointments are made to 120 days. This will give the Council the organizational time needed to produce its preliminary report, and it sets May 1 as the date for submission of the Council's annual report.

It makes technical changes in the designation paragraphs, et cetera. I urge adoption of the amendment. It is one which has been discussed with the managers of the legislation. I hope it is acceptable to them.

Mr. MOYNIHAN. Mr. President, I make this statement on behalf of the chairman of the Committee of Finance, the Senator from Texas, who is the principal manager of the legislation. Were he on the floor at this moment, he would say that this amendment reauthorizes the Competitiveness Policy Council which was established by the 1988 Trade Act and was part of the contribution that the Senate Governmental Affairs Committee made to the 1988 act, as Senator BINGAMAN will know. In addition, it makes changes that the Senator has outlined.

Because the amendment falls within the jurisdiction of the Governmental Affairs Committee, we have cleared it with that committee. They have no objection to its inclusion in this bill. Therefore, I accept the amendment.

Mr. DANFORTH. Mr. President, this has been cleared with the minority of both the Finance Committee and the Governmental Affairs Committee. The administration has asked that it be put on record as opposed to the reauthorization of the Competitive Policy Council on the basis that in the opinion of the administration it is unnecessary and duplicative of the Vice President's competitiveness council.

Having stated the objection of the administration, it has been cleared, and it is acceptable on this side.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MOYNIHAN. Mr. President, the Senator from New York, in his private capacity, cannot fail to note the awesome consequences of disapproval by the administration of measures being considered by this body. Perhaps this action will be a precedent, should the administration oppose a more open approach to the use of the world court in situations like the crisis in Lithuania.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 1504) was agreed to.

Mr. BINGAMAN. I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I yield the floor.

MODIFICATION TO AMENDMENT NO. 1485

Mr. MOYNIHAN. Mr. President, I would like to seek unanimous consent with respect to certain matters concerning the bill before us. In order to be quite precise, I will simply read the request. Mr. President, I ask unanimous consent that amendment number 1485 to H.R. 1594 agreed to April 19, 1990, be modified as to reflect the change I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment modification is as follows:

Insert after line 2:

SEC. . CERTAIN PAPER PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

Mr. MOYNIHAN. Mr. President, I do not see another Senator seeking recognition at this point.

Accordingly, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELF-DETERMINATION IN LITHUANIA

Mr. MOYNIHAN. Mr. President, I make a parliamentary inquiry as to whether or not it would be possible at this moment to bring up Calendar Order No. 507, the concurrent resolution expressing the sense of the Senate that the United States should seek to obtain an advisory opinion from the International Court of Justice concerning the right of self-determination of the people of Lithuania.

The Senator from Idaho specifically asked whether there was an administration position offered on this matter. I did note that to my knowledge there is not. Yet, this has been on the calendar for sometime.

I am sure that somewhere in the intricacies of the Department of State there must be someone watching us at this hour. Perhaps they would respond to the request for an opinion. This is not a small matter. It is a matter that draws the attention of the world just now.

The Committee on Foreign Relations has unanimously made a proposal to the executive which we think a worthy procedural proposal, one very much in keeping with President Bush's address to the United Nations last year in which he talked about international law. We have a court. We should get an opinion and set a precedent, if it were successful, to call upon many times in the years ahead

because you may be sure that the independence of Lithuania will not be the last such issue to arise in world affairs. This type of problem will pose very great difficulties for the world order.

I see my friend from Pennsylvania is present, so I yield the floor, Mr. President.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

FAVORED-NATION STATUS FOR HUNGARY

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 1505, 1506, AND 1507

Mr. HEINZ. Mr. President, I send three amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. HEINZ. Mr. President, these three amendments to the bill are, to the best of my knowledge—we have spent a lot of time and effort trying to be certain of this fact—noncontroversial. One is a duty suspension on synthetic rutile, another is a duty suspension on needle-craft display models, and the third is a duty suspension on 3-Amino-propanol.

In each case, there are very good reasons to suspend these duties. In the case of the duty suspension on synthetic rutile this amendment was approved last in the 1988 trade bill.

This amendment simply continues the existing provision and deals with an anomaly in the tariff schedules, as all other feedstock for the particular product, titanium dioxide, are already duty-free.

With respect to the suspension on needlecraft display models, what those are, are what you might call finished pictures of yarn and thread which hobby stores display to encourage shoppers to buy kits so they can make the same thing; it is a little bit like painting with numbers. The models are for display purposes and not sold to customers.

This provision has been acted on twice before. It simply continues the existing suspension for another 2 years.

On the third amendment, the duty suspension on 3-aminopropanol, that chemical is an intermediate used in the manufacture of Panthenol, which is used in higher priced commercial shampoos and hair conditioners. This has apparently not been enacted before, but there appear to be no objections. There is a minimal revenue loss, and there is no U.S. producer of this product.

So I hope that the committee could accept these amendments. There is, as I say, no known objection to them.

The PRESIDING OFFICER. Does the Senator want the amendments considered en bloc?

Mr. HEINZ. Yes.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] proposes amendments en bloc, numbered 1505, 1506, and 1507.

Mr. HEINZ. Mr. President, I ask unanimous consent reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 1505

On page 17, between lines 21 and 22, insert the following new paragraph:

( ) Heading 9902.26.14 (relating to synthetic rutile).

AMENDMENT No. 1506

On page 17, between lines 21 and 22, insert the following new paragraph:

( ) Heading 9902.57.01 (relating to needle-craft display models, primarily hand stitched, of completed mass-produced kits).

AMENDMENT No. 1507

On page 59, before line 1, insert the following new section:

SEC. . 3-AMINOPROPANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.18	3-Aminopropanol (CAS 156-87-6) (provided for in subheading 2922.19.50).	Free ...	No change ...	No change ...	On or before 12/31/92".

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, there is a problem on these amendments on this side, and therefore they cannot be accepted on this side at this time. There is a Senator who has expressed concern about them. So it would be my suggestion that the Senator may consider putting these aside until later, perhaps.

Mr. HEINZ. Mr. President, I think I may simply offer them so they will be voted on seriatim and not en bloc. I believe I have that right.

The PRESIDING OFFICER. The amendments are now pending.

Mr. HEINZ. They will be voted on, I assume at the appropriate time.

The PRESIDING OFFICER. The amendments now pending would have to be set aside.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the amendments that have been offered by Senator HEINZ be considered laid aside and that they be considered following the disposition of the Packwood amendment, No. 1492, and that after the disposition of the Packwood amendment, No. 1492, the Senate resume consideration of the Heinz amendment.

The PRESIDING OFFICER. Is their objection to this request? Hearing none, it is so ordered.

Mr. HEINZ. Mr. President, I thank the distinguished Senator from Missouri for that request.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1508

(Purpose: To extend the temporary suspension of duty on umbrella frames)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 1508.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 21 and 22, insert the following new paragraph:

(57) Heading 9902.66.03 (relating to frames for hand-held umbrellas).

Mr. GLENN. Mr. President, the amendment I am offering is simple, and as far as I can ascertain, a noncontroversial extension of the existing duty suspension for frames for handheld umbrellas. I believe it has been cleared on both sides. The suspension was originally enacted in 1984 and most recently extended as part of the 1988 omnibus trade bill. It will expire at the end of this year unless this amendment is approved.

Mr. President, there are only a handful of umbrella manufacturers left in the United States, and all of them rely on imported frames since the last domestic frame producer went out of business 10 years ago. Hence, this duty suspension does not harm domestic industry but is vital to the survival of the remaining domestic umbrella manufacturers.

While the Commerce Department has not yet been asked to comment officially on this extension, unofficially I have been advised they would have no objection. Hence, I hope that the chairman and ranking member can accept this amendment, with the understanding that the official position of the Commerce, Department be obtained prior to completion of a conference with the House on this bill.

With that understanding, I am reasonably confident there will be no objection incorporating this extension into the final version of the bill, and the domestic manufacturers will not be competitively disadvantaged by the reimposition of a duty on umbrella frames they cannot obtain domestically. I believe it has been cleared on

both sides. I ask for a vote on the amendment pending any comments.

Mr. MOYNIHAN. Mr. President, the amendment does indeed extend the current duty suspension on umbrella frames, and the proposal by the distinguished and gallant Senator from Ohio that we obtain the view of the Commerce Department prior to the conference is altogether appropriate, and we accept the amendment.

Mr. DANFORTH. Mr. President, this amendment is acceptable on this side.

Mr. PACKWOOD. Mr. President, I support this amendment to suspend the duty on imported umbrella frames. I know how important this duty suspension is to the few remaining umbrella frame manufacturers in this country who still make the old handheld type umbrella.

In my own State of Oregon, the Shedrain Corp. needs this suspension to be competitive, and to let its workers continue the cutting, sewing and assembling of umbrellas that it has been doing since 1947. No domestic company will be injured by this duty suspension; but it will help those who need it. The administration is not opposed to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 1508) was agreed to.

Mr. GLENN. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I ask that I might speak for not to exceed 7 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 7 minutes as in morning business.

SOCIAL SECURITY

Mr. HEINZ. Mr. President, yesterday of course, was Earth Day, April 22, which means that counting today, there are only about 5 legislative days left in the month of April. I fear that the Senate may miss a deadline that we set for ourselves last fall to resolve how we are going to handle the issue of Social Security in the budget process.

As the Chair may know, Mr. President, I am rather sensitive to the way we have been spending this time in April, because the Senate went on record in our debate on the public debt limit last November that we were indeed going to take up the question of the treatment of Social Security in the budget process during this month. The clock is ticking, and the month is nearly gone.

I obviously feel strongly about that, because the issue came up at what some people considered last minute; it was November 7, and I was concerned that this body might simply pass the debt ceiling and duck on this issue.

Senator MOYNIHAN and other Senators share my concern that the Social Security trust funds, as they now are counted under Gramm-Rudman-Hollings, present an inaccurate picture of our deficit situation which leads us not only to misapply the trust fund surpluses, but to mislead the public as to the real size of the Federal budget deficit.

The majority leader and the chairman of the Budget Committee made a very clear commitment at that time to bring legislation to the floor to address this issue. I know that their sincerity is real but so is the movement of the hands on the clock. I have on several occasions discussed this matter with the distinguished majority leader. He and I have both discussed it with Senator SASSER, the chairman of the Budget Committee. I know that the majority leader has done everything he can to ensure that the promise he made will be kept.

I recognize that the majority leader cannot set the agenda for the Budget Committee. But nonetheless, a deal is a deal. And if we are unable to address this issue here on the floor in April, you can be assured that this Senator and other Senators will bring it up at the earliest possible moment.

Four months have expired since last November 7, when Senator SASSER said—and I quote here from the RECORD—

> I see no reason why we could not cooperate and bring this matter to the floor out of the Budget Committee by April 1, 1990.

That marker has passed. My hope now is that when the Budget Committee begins its markup tomorrow, the chairman will do two things: First, he will direct the committee to make decisions on the budget; and, second, he will direct his members to make decisions on the budget process and budget reform. Taking the trust funds out of the budget calculations must be an integral part of this second step. I think it is necessary to keep these two matters together.

Let me speak for a moment about the budget and budget reform. It seems only logical that to keep score on our efforts in self-discipline and deficit reduction, we must agree to score on the basis of true incomes versus outgo, and not include a false bottom of trust fund reserves. Otherwise, we simply reextend the invitation to this body as well as the other body to perpetuate a game which Senator MOYNIHAN has called thievery and I have called embezzlement.

By the way, there is a difference. Thievery is a commonplace sometimes penny ante crime. While it is not to be excused, it is generally thought to be significantly less than grand larceny. Embezzlement is a white-collar crime. It usually involves much larger sums and signifies that there is something very wrong with the systems, controls, and approach that an organization is taking to prevent the diversion of its financial resources to some unintended and illegal purpose.

Mr. President, unfortunately, what has been happening to the Social Security trust funds is legalized embezzlement, done with the full blessing and participation of the Congress. We are allowing the surpluses in the Social Security trust funds to reduce the budget deficit. By so doing, we are encouraging, aiding, and abetting the accumulation of a huge and ever-increasing mountain of hidden debt. If you look at the gross Federal debt that we have accumulated over the past 5 years, the amazing fact is that this debt has increased several hundreds of billions of dollars more than the deficits that we report to the public.

The average constituent in our State would say, "Would you say that again, please, Senator? How is it that you could have some budget deficits that are lower than the increase in the national debt? Should they not be the same?" The answer is, of course, they would be the same if we were keeping our books honest and right. But the fact is we are not.

Mr. President, this is a debate that many of us have entered into on the Senate floor on other occasions. Today, however, I am here to deliver reluctantly but necessarily a message, and that message is that we will wait for some kind of action from the Budget Committee and here on the floor, but we are not going to wait forever.

I do not issue this challenge lightly. I have watched this body languish since 1983 on this issue when many of us, including the senior Senator from New York, proposed that the Social Security trust funds be taken out of the budget and kept there. In 1985 when I offered a resolution on the floor to Senator SIMPSON's immigration bill, we received an agreement by an overwhelming vote that we were going to do that. But when we adopted the Gramm-Rudman-Hollings deficit reduction procedure, that agreement was conveniently set aside and forgotten.

Indeed, there will be the opportunity to demonstrate that we have the political courage and the fortitude to stop masking the Federal deficit and avoiding facing up to this issue. I believe the best way to do that is to combine the budget reform bill that would

accommodate this change with the fiscal 1991-92 budget resolution.

Mr. President, I yield the floor.

FAVORED-NATION STATUS FOR HUNGARY

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I rise to discuss a matter that is of considerable importance to my good friend, the Senator from Missouri, and to me, as chairman of the Finance Committee. It concerns national trade policy.

Our comments involve the implementation of the Omnibus Trade and Competitiveness Act of 1988, including the implementation of the Super 301 provisions as well as other trade issues. Over 3 years ago now, my colleague and I first introduced legislation that eventually became the 1988 Trade Act. That legislation was the product of countless hearings, endless negotiations, and a persistent attempt to agree to legislation that could be enacted into law.

We consulted with the administration every step of the way. Sometimes they disagreed with our positions. But we worked things out, and in the end, the President signed a law that had been duly passed by both bodies in the Congress.

There was one overriding purpose of that piece of legislation; to establish once and for all a coherent trade policy for the United States, one with clear trade priorities. The cornerstone of that legislation in many ways was the Super 301 provision.

The provision is very clear. In 1989 and 1990, the U.S. Trade Representative, the USTR is to identify foreign countries and practices that are "trade liberalization priorities" for the United States. Within 21 days after that designation, the USTR is to initiate section 301 cases against all of the priority practices that are identified, which then sets in motion an effort to negotiate agreements to eliminate the practices with the threat of retaliation if those negotiations fail.

In other words, the Super 301 provision clearly establishes a 2-year process.

Last year, the USTR designated three countries—Japan, Brazil, and India—and various unfair practices involving those countries.

This year the USTR is required to identify its trade liberalization priorities by April 30. But we have heard persistent reports that the administration intends to ignore the law and abandon the second year of the Super 301 process.

That would be a serious mistake. It certainly was not the intent of the Congress nor the intent of the law. That law is very clear. The law states that the USTR "shall identify the United States trade liberalization priorities," including the countries and the practices. And the law says "shall identify," not "may identify." It could not be more clear.

If the administration makes no designations, it is a complete abandonment of the second year of the law. The Super 301 provision was passed in Congress, signed by the President, and became the law. It should be upheld and enforced. Let us face it. The Super 301 law has made a difference.

In recent weeks, the administration has signed agreements relating to supercomputers and satellites. The market results of those agreements are still to be seen and proven. But it is fair to say that we would not have the leverage, we would not have accomplished even an agreement, without the Super 301 process.

There are some voices within the administration that argue that the interim agreements under the Strategic Impediments Initiative justify taking no action under Super 301. By nature, I am, I guess, an optimist or I would not be in this body. I am hopeful that the SII process will help improve the market for United States exports to Japan. But, by experience, I am also a pragmatist. We have seen our negotiators come back too many times with too many so-called bulletproof agreements only to find years later that they just did not make any difference.

I remember in 1986 when Japan first issued the Maekawa report. We were told then that it was a blueprint for reform in Japan. Since then, our trade deficit with Japan has barely improved at all. So I obviously remain skeptical about the SII agreement.

We are currently in the middle of trade negotiations with many countries. But the administration should not let its hopes for future progress in trade negotiations cloud its present responsibilities to uphold the Super 301 law.

Frankly, I am concerned with what might happen if the administration ignores the Super 301 law. In the next few months the administration may send to Congress a United States-Czechoslovakia trade agreement, possibly a United States-Soviet trade agreement, and a possible waiver of the Jackson-Vanik provisions of the law for China. At the end of this year, the administration is scheduled to reach agreement with our trading partners in the Uruguay Round of Multilateral Trade Negotiations which they will then send to Congress for approval. If the administration ignores a trade law that Congress has constitutionally enacted, it may poison the well for consideration of those agreements. That is not the way I want to make trade policy. I am sure it is not the way the administration wants to make trade policy.

We live under a constitutional form of government and that system works best when the Congress and the administration work together. I have seen time and time again that Super 301 has worked. We watched what happened with Japan. We watched what happened with South Korea. South Korea agreed to major changes just before the time for naming countries under Super 301. South Korea was kept off the list because of that. We say it happen with Taiwan with changes agreed to there because of their concern about being designated under Super 301. It will work if it is used and the law is followed.

I know that my friend from Missouri has a very special interest in Super 301. I know there are others, too—the senior Senator from Michigan and the senior Senator from West Virginia—who were the architects of that provision.

I can remember hammering out the final terms of Super 301, working with the Senator from Missouri when we considered it here in the Senate back in 1987. I remember working with him in conference to make sure the provision was included in the final bill. Probably no Senator has spent more time trying to open up foreign markets for U.S. exporters than my friend from Missouri. So I would be glad to hear his thoughts on the implementation of the Super 301 law and his thoughts on U.S. trade policy generally.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Missouri.

Mr. DANFORTH. Mr. President, I wish to express my appreciation and total support for the comments that were just made by the Senator from Texas. I think that they are very timely, I might say even time sensitive, very much to the point, and exceedingly important as a message from the chairman of the Senate Finance Committee.

Mr. President, for probably as long as the Nation's history, and I know for as long as I have been around the Senate, there has existed a tension between the executive branch and the Congress relating to trade policy. In 1988, after a considerable effort, which has just been outlined by the chairman of the Finance Committee, we did succeed in enacting the 1988 Trade Act. The purpose of that act was to create a formal structure for resolving trade differences with other countries so that the United States would not have to rely only on jawboning, on pleading, on sending messages, on endless meetings at various levels; instead, we would have a legal structure providing a systematic way of keeping track of unfair foreign trade practices, quantifying their effect, setting up time deadlines for resolving them, and a mechanism for im-

posing sanctions if necessary. That was the theory of the 1988 legislation: to create a system which was predictable and a system which was enforceable.

We believed when we passed that legislation that it would work, and where it has been allowed to operate, it has done exactly what we thought it would. I can remember our U.S. Trade Representative Carla Hills telling me last year that the 30 days before the designation of the Super 301 priority countries last year were the most productive days in the history of the USTR.

My concern is that in recent months, there has been an effort by the administration to deflect trade problems from the legal structure that was created in the 1988 statute, back toward the more traditional approach of finessing problems by relying on general talks that result in unenforceable promises and little in the way of results.

I am concerned that this diversion from the legal structure back to a more vague approach is in fact the policy of the administration.

There are a couple of specific examples I have in mind. First, the 1988 Trade Act includes provisions whereby violations of telecommunications trade agreements are subject to action under section 301. Yet, the administration decided recently not to cite Japan for violating the 1986 Moss Telecommunications Agreement. Instead, the administration announced that Japan had agreed in principle to liberalize its telecommunications market, and that talks on the specifics would continue for 120 days.

More recently, the administration made the decision not to pursue the amorphous metals case under the formal legal structure of section 301. Instead, the administration pledged to begin immediate discussions with Japan, and then to pursue the case under the formal process if these discussions were not successful. According to an article in the New York Times, even an administration official admitted that this outcome was, in his words, a finesse.

I share Senator BENTSEN's concern regarding the structural impediments initiative: while I believe that the SII process offers some promise, I too am concerned that it may serve as a way of generalizing more specific trade complaints and that in return for the vague and unenforceable promises contained in the SII interim report, Japan will not be designated a Super 301 priority country for the forthcoming year.

I think this would be a very serious mistake, if the SII became a surrogate for something that is more enforceable and more workable; namely Super 301.

The longstanding dynamic relationship on trade between the executive and the Congress continues to exist today. The basic role of Congress, I think, is to try to guide or steer administrations toward a more enforceable and more systematic way of dealing with trade matters.

Back in 1986, when the administration's number one trade policy priority was the free-trade agreement with Canada, we in the Senate were frustrated by our inability to get the administration's attention on our trade policy concerns. We had to resort to a fairly dramatic way of getting the attention of the administration, and we came very, very close in the Senate Finance Committee to not granting authority to the executive branch to negotiate the FTA with Canada.

We did this not because we had any particular concern about the specifics of the free trade agreement with Canada, but because that happened to be the tool that we had at our disposal with which to get the administration to heed our concerns about the direction of U.S. trade policy.

It appears that the No. 1 objective of this administration today is the Uruguay round. If the administration comes up with an agreement, if we, the countries of the world come up with an agreement in the Uruguay round of multilateral trade negotiations, that agreement will require implementing legislation by Congress.

Now, it is not a foregone conclusion that the Congress will enact such implementing legislation. It is not a foregone conclusion that Congress would not consider invoking the so-called reverse fast-track provision even before the implementing bill comes before it.

I say this because, while the Uruguay round is foremost, apparently, in the mind of this administration, I believe that it is fair to say that the Uruguay round is of less importance, in the minds of many people in the U.S. Senate.

Far more important than yet another round of multilateral trade negotiations is the legal system that we put in place in 1988. Our top priority is not the Uruguay round. Our top priority is enforcement of the 1988 Trade Act.

If the administration wants our cooperation or the Uruguay round, we must be able to expect that the 1988 Trade Act will be enforced and will not be finessed or diverted only into broad generalities, such as the SII process.

The test is coming literally within the next week. Is Japan going to be designated again as a Super 301 priority country? I said last year that when the Congress created Super 301, we did not believe that Super 301 encompassed only Japan. But we could not imagine that it encompassed anything less than Japan.

So, our attention is going to be focused very much on the administration, particularly in the week ahead. It is my hope that the administration will show itself committed to vigorous enforcement of the law, which is the No. 1 trade priority as far as at least some of us in the Senate are concerned.

Again, I want to express my appreciation for the comments of Chairman BENTSEN. He and I have been working together on trade matters now for quite a number of years, and we have been great allies in this effort ever since, as I recall, 1979. We have really always seen things pretty much the same in trade matters, and we do again now.

This really is a very important crossroads, I think, in relations between Congress and the President on trade matters and for the future of U.S. trade policy.

I thank the chairman.

Mr. BENTSEN. I thank the distinguished Senator from Missouri for his comments concerning our joint efforts. I share with him his deep concern.

My concern, too, is that with the SII, we do diffuse the specificity of what we are trying to accomplish under Super 301.

We have seen in the last year some very positive results where we have been specific under Super 301 and gains made. We should not back away from that.

The problem we have had for many years with trade policy is the division of opinion within the executive departments, not just in this administration but in previous administrations. The State Department takes one point of view and those in Commerce take another, and probably the USTR, another.

Really, what we were looking for with the 1988 Trade Act was to put the USTR at the head of trade policy and pull it together. That has not yet been accomplished. We have been able to put USTR in a more influential position. I think the USTR ought to be taken on every trade or economic trip that a President makes abroad, just to show how important trade is and how concerned we are about it.

When I see other heads of state come to this country to talk about major economic issues, you can always see the Trade Minister right there beside them, very much a part of the dialog.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the

order for the quorum call be rescinded.

AMENDMENT NO. 1509

(Purpose: To amend the Caribbean Basin Economic Recovery Act, the generalized system of preferences, and section 301 of the Trade Act of 1974 to require countries to maintain certain environmental standards, and for other purposes)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk, on behalf of myself and Senator KASTEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. KASTEN, proposes an amendment numbered 1509.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 85, after line 12, insert the following new section:

SEC. . ENVIRONMENTAL STANDARDS.

(a) CARIBBEAN BASIN.—Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)), as amended by section 2004, is amended—

(1) by striking "and" at the end of paragraph (6),

(2) by striking the period at the end of paragraph (7), and inserting "; and",

(3) by inserting immediately after paragraph (7) the following new paragraph:

"(8) if such country does not have effective natural resource protection and effective pollution abatement and control standards to protect air, water, and land (or if such country's standards are generally not observed).", and

(4) by striking "(5), and (7)" in the last sentence and inserting "(5), (7), and (8)".

(b) CONFORMING AMENDMENTS.—

(1) GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended—

(A) by striking "and" at the end of paragraph (6),

(B) by striking the period at the end of paragraph (7) and inserting "; and",

(C) by inserting immediately after paragraph (7) the following new paragraph:

"(8) if such country does not have effective natural resource protection and effective pollution abatement and control standards to protect air, water, and land (or if such country's standards are generally not observed).", and

(D) by striking "and (7)" in the last sentence and inserting "(7), and (8)".

(2) DEFINITION OF UNREASONABLE ACT OR POLICY.—Section 301(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2411(d)(3)(B)) is amended—

(A) by striking "or" at the end of clause (ii),

(B) by striking the period at the end of subclause (V) of clause (iii) and inserting ", or", and

(C) by adding at the end the following new clause:

"(iv) constitutes a failure to establish effective natural resource protection and effective pollution abatement and control standards to protect air, water, and land.".

Mr. LAUTENBERG. Mr. President, this amendment would encourage environmentally sound economic development in both developing and developed countries. It also would help level the playing field for U.S. businesses who suffer a competitive disadvantage because of the costs of complying with U.S. environmental laws. The amendment would achieve these goals by linking the grant of U.S. trade benefits to the adoption of effective environmental standards in recipient countries, and by making the failure to adopt such standards an unfair trade practice under section 301 of the Trade Act.

Specifically, the amendment prohibits the President from granting Caribbean Basin Initiative or Generalized System of Preference status, which entitle certain products of eligible countries to favorable tariff treatment, to a country unless it does two things. First, it must enact effective natural resource protection and pollution abatement and control standards to protect air, water, and land. Second, those standards must be generally observed.

The U.S. Trade Representative, working with the EPA, private industry, international and U.S. environmental groups, and information supplied by U.S. embassies, will determine what is an effective standard, and whether those standards are being generally observed. These determinations will be made in much the same way that it has been determined, for GSP purposes, that a country is affording its workers internationally recognized workers' rights.

However, these prohibitions are not absolute. The environmental requirement for CBI status can be waived if the President believes it is in our national security or economic interest to do so. The President may also waive the environmental requirement for GSP status if he determines it is in the national economic interest. These standards are consistent with the standards used to waive other requirements in the GSP and CBI statutes.

Second, the amendment would make the failure to establish effective natural resource protection and pollution abatement and control standards to protect the air, water, and land an act, policy, or practice which is unreasonable under section 301. The failure to adopt such environmental standards will not be considered unreasonable if the foreign country is advancing in trying to establish effective pollution standards, or if such acts, policies, and practices are consistent with the level of economic development of the country.

We are pleased to say that this amendment is supported by the Sierra Club, the National Wildlife Federation, the United Steelworkers of America, and the Development GAP, a nonprofit development policy and resource organization. These groups recognize the enormous responsibility America has as leader of the free world to assure that government-sponsored economic development occurs in a manner consistent with a clean and healthy environment. I ask unanimous consent that a copy of their letters of support appear in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LAUTENBERG. Mr. President, our amendment has two equally important goals.

The first goal is to encourage economic development that is environmentally sound, and in so doing, create a cleaner global environment. A clean environment cannot be created simply through the passage of environmental laws in our own country, it cannot be sustained even if every day were Earth Day in America.

That is because pollution of the air and water does not stop at a country's borders. We live in one world, a world that shares its air and water with many other countries. If Americans want to continue to breathe clean air, drink clean water, eat uncontaminated food, and enjoy our forests and wildlife, we are going to have to encourage other countries to clean up their environment as well. To paraphrase a popular saying, when it comes to the environment, it is a small world after all.

Especially with countries at the dawn of their development, like those eligible for CBI benefits, and for countries that are not yet fully developed, like those eligible for GSP, America can encourage environmentally responsible development through the judicious use of its trade benefits.

The people of the Caribbean nations are painting on a clean canvas. The newly developing countries still have a partly empty page. Do we want them to paint their development in the gray of soot and the brown of untreated water? Or do we want them to choose the green of protected forests, and the clear sparkling blue of water protected from sewage and sludge? Although we do not have absolute control over what they do, we can use the incentives we provide to help them make environmentally acceptable choices.

Ample evidence already exists that pollution is a global issue. An April 16 Washington Post article hauntingly described how pollution even in one town can affect other countries. The pollution of Bitterfeld, East Germany is so severe that its children fall ill soon after birth, and its people live 5 to 8 years less than the average East German. The drinking water contains many times the European Community standards for heavy metals and other pollutants. The air has killed so many

trees that even the most ambitious cleanup efforts would not reverse the damage.

However, what is critical for this debate is that the pollution has not only sickened the people in Bitterfeld. It has not only poisoned East Germany's forests, water, and air. According to the Post, the region "is one of the most prolific polluters in an industrial belt stretching from southern East Germany through southern Poland to northern Czechoslovakia—a region that scientists blame for much of the pollution damage throughout Central and Western Europe." Studies have also "traced pollutants falling on Western European countries back to their source: East Germany and its neighbors". I ask unanimous consent that this article appear in the CONGRESSIONAL RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LAUTENBERG. There are countless other examples of how one country has reaped the bitter harvest of another's environmental irresponsibility. According to the Congressional Research Service, the burning and clearing of tropical forests in Southeast Asia, Africa, and Brazil has caused a loss of biological diversity in many of the worlds' habitats. Experts predict that by 2000, some 15 percent of all plant species will be eliminated. Even more significantly, these fires may cause as much as 20 to 25 percent of the world's total carbon dioxide emissions, substantially contributing to the greenhouse effect and possible climate change.

According to State of the World 1989, an annual report by Worldwatch Institute, the excessive draining of the Soviet Union's Aral Sea for irrigation has hurt regional agriculture, fisheries, and vegetation stretching as far as Afghanistan and Iran.

Even soil erosion has effects beyond the borders of the country where it occurs. In Bangladesh, years of deforestation in the Himalayas by China, India, and Nepal increased soil erosion, causing more frequent and devastating floods. This could have been avoided if Bangladesh, India, Nepal, and China had cooperated with reforestation measures.

We in American are not the only ones who care about our environment. The goal of environmentally sound economic development is one which many developing countries support. Despite political and economic turmoil, Caribbean governments have responded to the region's environmental challenge. Twenty-three of the twenty-eight countries with Caribbean coasts, including most CBI countries, are signatories of the U.N. Environmental Program's [UNEP], Caribbean action plan. Originally focused on the problems of Caribbean oilspills, the plan is now addressing environmental impact assessments, public awareness campaigns, and watershed management. Our own Environmental Protection Agency is working closely with the UNEP on this.

Last year, the leaders of Caricom, a group of Caribbean countries whose goal is long-term regional development, affirmed the importance of environmental considerations in economic decisiomaking and resolved to take strong action to address these issues. Both Belize and Costa Rica have ministries of natural resources which encompass environmental concerns. El Salvador, Panama, and Guatemala have created environmental agencies. If these small countries can take steps to protect their environments, then so can others.

While some of our foreign trading partners already realize the importance of the environment, others are only beginning to appreciate the terrible long-term costs of pollution. This amendment may speed that realization.

We in the United States learned the hard way about the human costs of pollution. We have seen our children, our friends, and our family suffer from pollution-caused illness. We are now witnessing the tragic legacy of disease and death caused by environmental neglect in Eastern Europe. We can point to our own costly burdens in cleaning up Superfund toxic waste sites. According to a recent EPA estimate, the cost to clean up the hazardous waste sites that we now know about is $18.6 billion. That number is expected to grow as more sites are identified and targeted for cleanup. We have already appropriated over $7 billion through this fiscal year on this effort. Other, poorer countries may not be able to devote such resources to cleaning up their environmental mistakes. For them, a million in prevention is worth several billion in cure.

America must take the lead in convincing our neighbors that cutting corners on environmental protection is a false economy. Just as we have encouraged the adoption of other American values around the globe, it is up to us to encourage countries to develop with respect for their environments. If countries expect preferential trade benefits in our market, it is reasonable to expect them to do certain things in return. They should clean up not only because it's in our interest. They should clean up because it's in their interest.

The second goal of my amendment is to help level the playing field for American businesses who are hurt in the world marketplace by the cost of complying with our environmental laws. In 1986, CRS estimates that American industry spent $12.3 billion on pollution compliance. That figure has already increased, and will certainly rise again as a result of the recently enacted clean air legislation.

That's money our industry cannot spend on research and development. It's money they do not have available to modernize their factories or promote their products overseas. It's money they must recoup by charging higher prices to their customers. In short, it's money they spent on protecting the environment, not on improving their competitive position in the world. Though it's money well spent, it leaves less for other things.

When foreign industry subjects its workers and citizens to pollution that we will not tolerate and which we require our industries to prevent—then American industry operates at a disadvantage. American industry loses sales because its costs are higher. American workers may lose jobs, as our industries move offshore where the environmental requirements are more lenient. Meanwhile, Americans lose as we suffer the consequenes of others' environmental irresponsibility.

By conditioning trade benefits on the adoption of effective pollution standards in the developing world, and by making the lack of such standards an unfair trade practice, we are helping to minimize the competitive disadvantage under which American business operates, while encouraging a cleaner environment. We are making sure that foreign governments which tolerate environmental degradation do not reap economic benefits in our markets because of their lack of responsibility.

By making the failure to adopt effective environmental standards an unfair trade practice, we can also encourage the more developed countries, who do not qualify for GSP or CBI status, to also improve their environments.

Some may argue that including environmental criteria in the GSP and CBI is inappropriate because these benefits were intended to promote economic development in backward countries. However, many similar criteria are already included in the law. A country cannot qualify for GSP status if it has expropriated U.S. property, if it fails to afford internationally recognized worker rights, or if it serves as a sanctuary for terrorists. Similarly, a country is ineligible for CBI benefits if it lacks an extradition agreement with the United States, if it has expropriated U.S. property without compensation, or if it pirates U.S. television or movies.

These criteria were put into law because a judgment was made that furthering these national policies was as important as furthering the economic development of GSP and CBI countries.

It is time we made the same judgment about protection of the environment. If we expect GSP countries to respect the rights of workers, and CBI countries not to pirate U.S. television or movies, I see no inconsistency in expecting these same countries to respect the environment. The health of our children, and our quality of life is at stake.

This amendment does not force U.S standards for clean air, water, and land on developing countries. It allows each country to determine for itself what sort of a pollution code best meets its needs, as long as that code is effective. I want the strongest possible environmental protection around the world. But I am not about to say that what is a good standard for the United States is necessarily good for every other nation in every case.

Some may have concerns about the ability of developing countries to assume the financial burdens of protecting their environment. Certainly, there may be considerable short-term costs. But the long-term costs of neglect are even greater, as we have learned in America. These countries cannot afford not to protect their environment.

Consider what we spend each year to clean up our toxic wastes and to take care of those sickened or dying from pollution. Think of the human cost of shortened lives, stunted growth, people that cannot breath and have lost hope. Developing countries cannot afford these mistakes.

I would like to turn now to the portion of our amendment which modifies section 301. Section 301 applies to our trading partners in the developed as well as the developing world. My amendment, as I have explained, would make the failure to adopt effective pollution standards an unfair trade practice. This is consistent with the existing law, which already defines unfair trade practices to include denying workers the right to organize and bargain collectively, failing to provide a minimum child employment age, and failing to provide standards for minimum wages, hours of work, and the occupational health and safety of workers.

Why should the failure to adopt environmental standards be considered an unfair trade practice? Because just as countries which exploit their workers are engaging in an unfair trade practice which results in lower production costs, so too, countries which allow the exploitation of their environment are reaping the benefits of lower production costs. Nonunion labor, child labor, and lack of a safe working environment all save employers money, at least in the short term. That is one of the reasons we have labor standards as part of a trade bill.

We need to level the playing field for the cost of pollution abatement and control, just as we have done for the cost of fair labor practices. The lack of an effective environmental code is as unfair as the lack of a just labor code.

As to the argument that these requirements violates GATT, I would simply say that the amendment is modeled after the labor standards in section 301 and in the GSP law. To date, there have been no successful GATT challenges to the labor standards which this environment standard resembles.

Before I yield the floor, I would also like to inform Senators how this amendment differs from one offered to the Clean Air Act by Senator GORTON. While this amendment shares many of the goals of that amendment, which I and 46 of my colleagues supported, it differs in several significant ways.

The Gorton amendment sought to impose import fees on imports not manufactured in accord with pollution standards equal to those in the Clean Air Act. Under our amendment, the environmental standards do not have to be the same as ours. All that is required is that they be effective. Further, our amendment is not limited to clean air standards but it would apply to the range of environmental standards including clean water and toxic waste.

Instead of imposing a fee on imports from all countries, as the Gorton amendment did, it conditions a trade benefit—CBI and GSP status—on the adoption of environmental standards. Our amendment also makes it an unfair trade practice for any country trying to sell into our market not to adopt effective environmental standards.

However, unlike the amendment offered by the Senator from Washington, it deems such practices effective under section 301 of the Trade Act if the country is working toward the adoption of environmental standards, or if its existing standards are consistent with the country's level of economic development. Thus, our amendment provides greater flexibility for a country to receive trade benefits while working toward a more environmentally sound development policy.

This amendment is designed to promote and reward environmentally intelligent economic development while assuring a level playing field for American industry. I believe it is a modest effort, one that uses American trade benefits and trade laws to achieve an important national goal—a cleaner global environment.

EXHIBIT 1

SIERRA CLUB,
Washington, DC, April 30, 1990.

Hon. FRANK LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: The Sierra Club would like to endorse your proposed amendment to the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) which we understand you will introduce to Congress this April. The Sierra Club supports your attempt to link sound environmental protection and pollution abatement measures with sustainable economic growth in the Caribbean region.

We further understand that the measure reflects a statement issued by the CARICOM Ministerial Conference on the Environment, held in Trinidad and Tobago on May 31, 1989. This CARICOM statement upholds the high priority that the Ministers present placed on environmental needs in the Caribbean region and concludes by reaffirming CARICOM country resolve to address environmental issues. In short, your efforts to incorporate environmental concerns into the Caribbean Basin Initiative mirrors the high degree of commitment towards ecological protection already evolving in the region.

We look forward to rapid inclusion of this amendment in the Caribbean Basin Economic Recovery Act.

Sincerely,

LARRY WILLIAMS,
Washington Director, International Program.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, April 16, 1990.

HON. FRANK LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: The purpose of this letter is to indicate the support of the National Wildlife Federation for your proposed amendment to the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)); the Generalized System of Trade Preferences (Section 504(0) of the Trade Act of 1974); and Section 301 of the Trade Act of 1974. The amendment, which promotes the adoption of environmental standards in countries seeking trade benefits made possible by this legislation, is an important way of assuring long-term, environmentally sustainable growth in this region.

The amendment prohibits benefits being granted to countries which do not have effective pollution abatement and control standards for air, water, and solid wastes. This corrects one of the deficiencies of U.S. legislation: a lack of attention to the severe environmental problems affecting the world. Your amendment will ensure that U.S. trade activities will not generate the kind of development that is based on the rapid degradation of national resources rather than their environmentally sound, sustained use.

Your amendment is a welcome addition to the growing legislative interest in the relationships among trade laws, the negotiation of trade agreements, and social and environmental concerns. We look forward to your amendment becoming a part of the Caribbean Basin Economic Recovery Act, the Generalized System of Trade Preferences legis-

lation, and Section 301 of the Trade Act of 1974.

Sincerely,

LYNN A. GREENWALT,
Vice President, International Affairs.

UNITED STEELWORKERS OF AMERICA,
Washington, DC, April 17, 1990.

Senator FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: USWA expresses support for your amendment to various U.S. trade laws which would condition trade flows upon the adoption and implementation of environmental pollution abatement and control standards established by our trading partners.

Environmental protection is not an advantage which can be pursued only by a few countries. The adverse consequences of pollution are now having global impacts. Even more onerous would be the flight of industrial activity to those countries with a less sensitive concern for environmental degradation.

Additionally, environmental obligation assumed by industry in some countries should not be a burden in international trade where the margin of competition is due to the lack of environmental regulations by our trading partners.

Your legislation addresses this concern by withdrawing trade preference from CBI and GSP countries, which do not have effective environmental regulations in place.

Workers and communities in developing countries, hard pressed for the measures to promote economic development, are also desirous that the need for foreign capital investments not be used as a license to ravage their environment and destroy their health. In many countries people are unaware that new industrial processes release toxic substances into the environment. The amendments introduced by Senator Lautenberg would focus the attention of governments on this problem.

Also using the Section 301 procedure to include lack of environmental standards, your legislation expands the scope of the measures which have trade impacts and which rightfully should be subject to scrutiny as being unfair trade practices. Petitions under a new Section 301 definition, however, do not necessarily involve mandatory actions by the government but will induce consultation with our trading partners over the failure to establish effective environmental standards.

The salutary impact from such a scrutiny will be beneficial to both trade and environmental policies, especially since the later are increasingly more international in character. Your bill will provide an opportunity to challenge the legitimacy of such producers, insensitive to environmental concerns, to engage in international trade. USWA supports this initiative.

Sincerely,

JOHN J. SHEEHAN,
Legislative Director.

THE DEVELOPMENT GROUP FOR ALTERNATIVE POLICIES, INC.,
Washington, DC, March 30, 1990.

Hon. FRANK LAUTENBERG,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: We have reviewed your proposed amendment to the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) and are pleased to endorse this initiative. We consider it to be an important attempt to link improvements in U.S.-Caribbean trade with long-term environmental considerations, thus helping to ensure more sustained economic growth in the region.

In endorsing your amendment, we are mindful of the close similarity between your proposals and those of the representatives of several Caribbean organizations who addressed Members of the U.S. Congress at Study Missions sponsored by the Subcommittee on Western Hemisphere Affairs in Barbados in 1987 and 1988.

We are also pleased to note that your initiative is consistent with the statement issued at the end of the first CARICOM Ministerial Conference on the Environment, which was held in Trinidad and Tobago on 31 May 1989. In that statement the Ministers affirmed their support for the priority now being given to environmental issues in the region and confirmed their resolve to take strong action to address these issues. Your effort to incorporate similar environmental concerns in the CBI, as well as in other trade-related legislation, is thus in step with views widely held throughout the region.

Although the amendment is sufficiently strong as it is, you may want to make it somewhat more comprehensive by including pointed reference to "inland and coastal waters and soils" as areas for special attention.

In closing, we would like to emphasize that we are very encouraged by your initiative and look forward to the successful incorporation of the amendment in the Caribbean Basin Economic Recovery Act.

Yours sincerely,

ATHERTON MARTIN,
Caribbean Coordinator.

EXHIBIT 2

[From the Washington Post, Apr. 16, 1990]

EAST GERMANY'S BITTERFELD: GRIMIEST TOWN IN DIRTIEST COUNTRY

(By Marc Fisher)

BITTERFELD, EAST GERMANY.—Kurt and Christa Apel spent Good Friday sitting on the steps in the back of their soot-covered rowhouse, rocking their baby granddaughter, worrying that she will die before her time.

"Her eyes already water whenever, she's outside," Christa Apel said of Isabela, who is nine months old and is, so far, the only member of the family who has not developed bronchial problems. "This place is dirt, dirt, dirt—just filth."

Kurt Apel, a 57-year-old electrical worker who says he has been taken for 75, walked around the puddle of black water that separates his house from Bitterfeld's aluminum plant. "Look, even near the garbage," he said. "There's no mice, no nothing. Nothing lives here. Nothing can live here."

Bitterfeld, 110 miles south of Berlin, is the dirtiest place in the most polluted country in the world, according to government statistics and Greenpeace, the international environmental group. It is the capital of East Germany's chemical industry, a place where towering smoke-stacks release plumes of bright yellow, jet black and hazy brown smoke—a total of more than 15 times the East German average of sulfur dioxide and dust.

But Bitterfeld's pollution does not only sicken the people here and help poison East Germany's forests, water and air. It is one of the most prolific polluters in an industrial belt stretching from southern East Germany through southern Poland to northern Czechoslovakia—a region that scientists blame for much of the pollution damage throughout Central and Western Europe.

Studies by the International Institute for Applied Systems Analysis, a U.S.-and Soviet-founded research center near Vienna, have traced pollutants falling on Western European countries back to their source; East Germany and its neighbors.

In this grimy town, children fall ill soon after birth and life expectancy is five years below the national average for men, eight years below for women. The pollutants—waste from chemical and steel production and especially the outmoded brown coal that East Germany uses for energy—have deprived residents of the simple joy of a sunny day. Friday was partly sunny 10 miles away, but Bitterfeld sat under its constant grey haze.

"Nobody has any idea how to clean up Bitterfeld," said Jeffrey Michel, an environmental consultant who has worked for the East German government. "There's actually been talk of simply entombing the whole area."

Here, rivers flow red from steel mill waste, drinking water contains many times the European Community standards for heavy metals and other pollutants, and the air has killed so many trees—75 percent in the Bitterfeld area—that even the most ambitious clean-up efforts now being planned would not reverse the damage. East Germany fills the air with sulfur dioxide at almost five times the West Germany rate and more than twice the Polish rate, according to a recent study.

One chemical plant near here dumps 44 pounds of mercury into the Saale river each day—10 times as much as the West German chemical company BASF pumps into the Rhine each year. Every day, each one of East Germany's sputtering Trabant autos coughs as much carbon monoxide into the atmosphere as do 100 Western cars equipped with catalytic converters.

The extent of East Germany's environmental mess has become public only since the Communist regime was thrown out last fall. "In 1986, I was kicked out of East Germany when I was trying to get information on forest death," said Sten Nilsson, a Swedish forest ecologist who has collected data showing that many East German forests "are dead, completely. The country is on the verge of total ecological collapse."

Nilsson's East German colleagues knew what was happening years ago. But they remained silent on orders from their government. "Actually, the East Germans were in the very forefront of measuring the effects of pollution," Nilsson said. "They told their government. The message they got back was to plan to replant the forests because the government refused to get rid of the brown-coal heating system."

The East German government ordered scientists to develop species of trees that would resist pollutants. "But that is, of course, nonsense," Nilsson said.

The new East German government has admitted its problems—symbolically renaming its Ministry of Environmental Control the Ministry of Environmental Protection—and developed an extensive plan to slow the pace of damage.

But countries in the throes of transition to a market economy are in no position to invest heavily in environmental controls. East Germany spends less than half of one percent of its budget on the environment. The comparable figure in West Germany is 1.2 percent of a much larger budget.

East Bloc countries need foreign investment, and scientists around the world are trying to convince Western governments that it is in their interest to help.

"Spending money on cleaning up your own country is like throwing away money if the pollution comes from somewhere else—and it does," said Robert Pry, director of the Vienna institute. "Now Holland is seriously considering shipping their equipment for cleaning up smokestack emissions to East Germany, not out of altruism, but for their own protection."

The West German government has pledged about $600 million in environmental aid to East Germany, including money to scrub smokestack exhausts, decrease the amount of brown coal being burned, and extract mercury and other metals from water before it is dumped in the Elbe river. But the West German Institute for Economic Research estimates that it could cost $200 billion during the next 20 years to clean up East Germany's ecological catastrophe.

Bonn has begun to cut back on its own contribution to the East German disaster, slowly reducing the amount of trash it dumps there—a practice the Communist regime found to be a steady source of hard Western cash. Last year, West Germany sent 4.5 million tons of garbage over the border; this year, that figure has been reduced by about one-third.

Reversing the unnatural death of East Germany will be slow, expensive and at times politically unpopular. "With every bit of information we get, the situation looks gloomier," said West German Environment Minister Klaus Toepfer. "It will take a good decade just to get to grips with the worst pollution."

The impending rush of Western investment also worries East German environmentalists. "They are scared that Western companies will come in and do things they're not allowed to do at home," Pry said. "And they will. It's up to the Western countries to help the East Bloc prevent their economic turnaround from raping the environment."

Both East and West Germany are trying to do that. Environmental officials in both Bonn and East Berlin want to change East German laws as quickly as possible to make standards as strict as in West Germany.

There is, so far, broad popular support for action. Ecological concerns were a primary force behind last fall's popular uprising in Eastern Europe; in East Germany, crowds demanded statistics on the health effects of their poisoned air and water even before turning their wrath on government corruption and the Stasi secret police.

But despite the spreading recognition that places like Bitterfeld are the globe's festering wounds, neither Germany has figured out what to do. Even as scientists collect data showing frighteningly high levels of nitrates in infants born in the Bitterfeld area, governments are trying to balance economic and ecological needs.

Shutting down polluting plants means losing thousands of jobs. Already the East German government has announced it will close 10 percent of Bitterfeld's decades-old plants, laying off nearly 1,000 of 17,000 workers. That frightens Bonn politicians wary of any act that might cause more miserable East Germans to move West.

And it frightens plant managers, who have posted billboards in the town square exhorting residents to support local industry. "Chemicals are necessary!" the signs say. "Our desolate environmental condition is produced by extraordinarily high pollution of air, water and earth. But chemicals belong to our life and without them we cannot move to the future."

Some area residents have lived with the situation for so long, they don't know what to think, Ingrid Wurst, a 37-year-old assembly line worker, stopped a foreign visitor on the street and said, "May I ask a question please? Does it really smell awful here?"

But many Bitterfeld residents have used their new freedom to travel to cleaner places; often they return ready to sacrifice for less pollution.

"You come back and it's a worse than you ever realized," said Axel Roder, 26, whose 6-year-old and 18-month-old children have chronic bronchial infections. "I'm not leaving; my friends are here. But they have to shut down some of these places. Even if two-thirds of the people are let go."

Mr. LAUTENBERG. Mr. President, I have discussed with the distinguished chairman of the Finance Committee and the Republican manager some of the significance of this amendment. I am hoping that this will be incorporated as an integral part of the trade bill that is now under consideration.

One of the discussions that I have had with the distinguished chairman of the Finance Committee is whether or not this is something that we can take care of at the present time, move into this legislation, and get on with it. And the chairman of the committee had some recommendations and some advice, which I would like to review for just a moment.

Mr. BENTSEN. Mr. President, I congratulate the distinguished Senator from New Jersey for his continuing support of cleaning up and protecting our environment. He has been a leading proponent for clean air legislation, clean water legislation, and doing those things that are going to protect this Earth from ourselves. He had contributed much in that behalf.

My concern here, though, is in maintaining free trade around the world. When you had the first GATT negotiations the average tariff around the world was approximately 40 percent. Today under the GATT, the average tariff is approximately 5 percent, a dramatic improvement in the right direction for free trade. But you have seen protectionism by much more subtle means these days.

We saw it when we were talking about selling United States beef to Europe. They decided that all of a sudden the hormone injection in cattle was not healthy. Therefore, they would not allow the sale of U.S. beef on the European market. It was supposed to be a health concern. Yet all of the studies and all the scientists told us that those hormones that had been dangerous in the past had been eliminated and were no longer being used by American cattle feeders; that you had a product that did not have those dangers.

We proved it to them. But, nevertheless, the ban was really a protectionist item to stop economic competition.

My concern is that other things might be thrown up to stop U.S. exports. I look at the Canadian Free-Trade Agreement. We have just accomplished a major step forward to increase trade between our two great countries. Yet, there are differences in things that we do.

In this country we have 37 million Americans without health insurance. Canada has health insurance for everyone. In effect, it is a national health insurance policy. The idea is that they might come back and say to us, now, that is unfair competition—your companies do not bear the burden that ours do. Therefore, we are insisting that you raise your standards, and if you do not, we will limit trade.

We can foresee that type of problem with Mexico. You have a country like Mexico, with 85 million people, that has had its standard of living reduced by over 50 percent in the last 7 years. It is a serious problem, and we want to see the standard restored. The health of Mexico is as important to us as it is to the Mexicans. The Mexicans say "poor Mexico." They say, "So far from God, so close to the United States," because our economic situation whatever it is, has an impact on them, as theirs does on us. Unless they resolve it, we will have half that nation moving up here. So we have to be concerned.

I look at those countries that will be hit in Eastern Europe, like Czechoslovakia, Poland, Hungary, which we want to see returned to democracy. It is going to be extremely tough for them. They desperately want to improve their environment.

My distinguished friend from New Jersey has made a substantial improvement over a similar amendment that was very controversial, hard fought and finally defeated on the floor, during the debate on the clean air bill. He has provided some discretion there. I am delighted to see that is part of the process. But, I also note the administration is prepared to oppose the amendment. They clearly think it is going to endanger our trade negotiations.

We want to see the CBI legislation become permanent legislation to try to bolster the economies of the Caribbean basin. With that in mind, I know we are looking at a veto if we pass this kind of an amendment. I would like to do this with the distinguished Senator from New Jersey: to have a hearing this year on this piece of legislation. Let us explore it, because he is offering an amendment of substantial magnitude. We want to understand the full ramifications of it. I would like to have that hearing this year, and would

try to have it before the August recess. I would like very much to have the Senator from New Jersey as a lead witness at that hearing so he may present his case before the full committee.

Mr. LAUTENBERG. Mr. President, I want to express my appreciation for the usual balanced response from the distinguished chairman of the Finance Committee. The Senator from Texas is, and always has been, a strong supporter of American business, as well as someone concerned about the environment. I served with him for many years when he was the second-ranking member of the Environment Committee, and I saw his diligence to environmental issues.

Balance, I think, is the way that Senator BENTSEN's views are always described. Not at all can it ever have been suggested that he has a lack of interest in the environmental condition of our country or that he reflects anything but a serious commitment to a better environment. Certainly, that is not reflected in the difference that we are now expressing.

I am pleased to have the opportunity to explore this in a hearing. I appreciate the Senator's commitment to that.

I think that we are at a point in time, and we saw it yesterday expressed by hundreds of millions of people all across the globe, that they are sick and tired—and to paraphrase a movie that was played some years ago, and I will not use the exact language, and they are not going to take it any more—that is, the spoiling of our environment. From the young to the aged people, they all realize that what we are doing with our daily disregard for so many of the environmental problems is creating a condition that will not permit us to leave a habitable Earth for the generations that follow.

I know I share the view of both of my distinguished colleagues on the floor when I say that is not an acceptable condition. We want to improve the environmental condition as much as we can. And whether or not other countries will impose their standards for health care upon us or other such conditions could be debated. Whether the Canadians have a health plan that they have to pay for is one part of the kind of debate we might get into. However, whether or not they have a health plan for their citizens, all of their citizens, does not necessarily affect the health of the American citizens, and part of this is to highlight the fact that when a neighbor—and perhaps a distance neighbor—plagues the environment with pollution, we are the recipients of that abuse, and we do not want that to happen.

In the interest of pursuing a beneficial trade program for our country and all of the jobs and the investment that is made, I want to help the Senator to move it along. I will withdraw this amendment, and I am pleased to have the commitment of the chairman that we will hear this further, in perhaps more length than he would like to, in the future before the August recess. I am deeply appreciative of that.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. BENTSEN. Mr. President, I thank the distinguished Senator from New Jersey for his cooperation in this. We will have that hearing, and I look forward to it.

MORNING BUSINESS

Mr. BENTSEN. Mr. President, I know of no further amendments to be offered on this side today, and we have further debate scheduled on this tomorrow. So I ask unanimous consent that we return to morning business and that Senators be allowed to proceed accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

CANIS FAMILIARIS

Mr. BYRD. Mr. President, on Saturday last, April 21, a much beloved member of the Byrd household, Billy Byrd, celebrated his third birthday. Billy is a Maltese terrier. His sister, Bonnie, of course, was also 3 years old on Saturday. Bonnie belongs to my older daughter, Mona, whose family is located just 2 miles away from where Erma and I live in McLean. Billy and Bonnie see each other every day.

Erma and I are very fond of Billy and we like to think that he is equally fond of us. In fact, we are sure that he is. Billy does not care much for canned dog food; he feels that he should share whatever is on the bill of fare served at the Byrd table. I cannot fault him for that because there is, in my opinion, having tasted her cooking now for 53 years, no cook in the world who can excel my wife.

Billy feels entitled to sit in the front seat of the car with Erma and me wherever we go. He knows when it is time to go see Bonnie every day and when it is time to return to the Byrd house at night.

Billy and Bonnie, of course, are just like many millions of other dogs that are kept as pets throughout the United States.

As this important birthday approached, Mr. President, I went about doing a little research of my own with respect to dogs.

As all dog lovers will testify, the bond that exists between a human being and his dog is one of the most rewarding and fascinating relationships on Earth.

Literature and lore are replete with stories of the devotion and loyalty that dogs have had for their masters.

The French enjoy telling a little story about the dog as a special gift from God to man, the moral of the story being that the dog's particular divine mission on Earth is to teach man the meaning of genuine love and true loyalty.

Alexander Pope said that "Histories are more full of examples of the fidelity of dogs than of friends."

Lord Byron wrote of "The poor dog, in life the firmest friend, the first to welcome, foremost to defend."

Xenophanes, a Greek philosopher, once passed by as a dog was being beaten, and pitying it, spoke as follows: "Stop and beat it not; for the soul is that of a friend."

That the loyalty and nobleness of spirit of the dog are often superior to that of some homo sapiens, Mark Twain undoubtedly had in mind when he said: "If you pick up a starving dog and make him prosperous, he will not bite you. That is the principal difference between a dog and a man."

Madam Roland, one of the intellectual leaders of the French Revolution, said, "The more I see of men, the more I admire dogs."

Thousands of years ago, prehistoric man learned to use the dog as an aid in hunting and as a guardian in war.

War dogs appear in history, hundreds of years before Christ. They accompanied the armies of the Assyrians, Persians, Greeks, and Romans. Alyattes, King of Lydia, the father of Croesus, maintained battalions of fierce war dogs which saw hard service in his campaigns. However, the Lydian dogs met their match in the greyhounds of Cyrus of the battle of Thymbra in 546 B.C.

Croesus, the son of Alyattes, was then the King of Lydia and he suffered a terrific beating by Cyrus in that battle of Thymbra. And much of the credit for Croesus' victory, it is said, goes to the fact that his war dogs were much superior to those of the King of Lydia.

When Marius, the Roman consul, won the battle of Versella, he had to overcome vast hordes of the enemy's war dogs led by women, and his victory was delayed for hours by these gallant fighters.

The Roman invaders of Britain in 55 B.C. found domesticated dogs, includ-

ing huge mastiffs, trained for bull-baiting.

Emerson, in writing of English traits, said:

The island was renowned in antiquity for its breed of mastiffs, so fierce that, when their teeth were set, you must cut their heads off to part them. The man was like his dog.

Plutarch, in his life of Cato the censor, said that the people of Athens showed "particular marks of regard in burying the dogs which they have cherished and been fond of." He wrote of Xanthippus of old, whose dog swam by the side of his galley to Salamis, when the Athenians were forced to abandon their city. Plutarch said that the dog "was afterwards buried by his master upon a promontory which, to this day—the time of Plutarch—is called the dog's grave."

Ulysses—Odysseus, as he was called in Greek—returned to his home in Ithaca from his wanderings after the Trojan War. His faithful dog, Argos, now old and ill, recognized his voice and died for joy. Homer stated that "Argos passed into the darkness of death, now that he had seen his master once more after 20 years."

Israel had dogs in old testament times. The wicked Queen Jezebel was thrown by her own eunichs out of the palace window at Jezreel. The town dogs promptly killed her and ate all but the skull, the feet, and the palms of her hands.

Luke, in the new testament, tells us of a certain beggar named Lazarus, who was full of sores and who desired to be fed with the crumbs that fell from the rich man's table. And the dogs came and licked his sores.

Marco Polo wrote of seeing dogs in Tibet "of the size of asses, strong enough to hunt all sorts of wild beasts, and extremely large and fierce."

Attila, the King of the Huns, used large groups of dogs to guard his camps.

When Charles V of Spain was at war with Francis I of France, his ally, Henry VIII of England, sent to his aid soldiers accompanied by some 400 war dogs with iron collars. The English battle-mastiffs were loosed on the French dogs at Valencia, driving them from the field and performing such splendid service in reconnaisance and trailing that they were commended by the Spanish monarch and held up as examples to his troops.

Attack dogs were brought by Cortez to the New World. These swift and savage dogs dragged down and disemboweled the fleeing Aztecs.

The Gauls and other nations perfected an armour for their dogs.

It was an iron collar and it was studded with steel knives and spikes. The dogs would run into the midst of the cavalry and would cut the heels and feet of the horses in the calvary and put them to rout.

Just before the battle of Aboukir, Napoleon wrote to one of his generals saying:

You should have a large quantity of dogs which can be made use of by posting them in front of your fortifications.

Many are the heroics we have read about dogs. In Welsh history, Prince Llewellyn had a greyhound named Gellert, which was left to guard the cradle in which the infant heir slept. A wolf entered and was about to attack the child, when Gellert pounced upon the intruder. In the struggle, the crib was upset and the infant fell underneath. Gellert killed the wolf, but when Prince Llewellyn arrived and saw the overturned crib, and blood dripping from Gellert's mouth, he did not see the wolf and thought the dog had killed the baby. He at once stabbed the dog, but almost instantly found the baby, safe under the cradle, and the dead wolf lying in the corner. Then he realized the dog's bravery, but it was too late.

Gellert is supposed to have been buried near the village of Beddgelert, Snowdon, in the mountains of north Wales, in 1205. The incident has given rise to a Welsh proverb:

I repent as much as the man who slew his greyhound.

Today, as in generations past, St. Bernards still patrol the high slopes and mountain passes of the Swiss and Austrian Alps, searching for travellers lost in the snow. One of these dogs, Barry, was said to have saved the lives of more than 40 persons.

In the Spanish-American War, a dog named Don was well known among American troops. Not a single patrol which he led was ever ambushed. Don served with a U.S. Cavalry troop commanded by a Captain Steel who maintained:

Dogs are the only scouts that can secure a small detachment against ambuscade in these tropical jungles.

Adm. Robert Peary was taken to the North Pole by dog sleds, and Capt. Robert Scott, the English explorer, used dog sleds in his trip to the South Pole. He and the other four members of his party died from hunger and cold on their way back to headquarters on Ross Island in 1912.

On March 13, 1942, dogs were officially inducted into-the U.S. Army. That was the beginning of the K-9 Corps.

In World War I, they were used to carry messages and medical bags.

Today, dogs serve as eyes for people without eyesight.

Dogs are used in police work, to search out explosives and drugs and trail escaping criminals.

Dogs for centuries have been used in sheep herding.

Dogs still pull sleds in the far north. Among the most critical dog sled mission in history was the 1925 "serum run," in which 19 drivers and their teams saved the people of Nome, AK, from a diphtheria epidemic by bringing antitoxin from Anchorage. Crossing mountains and ice floes, mostly in the dark, the teams took seven days during late January and early February, and the men, dogs, and serum were in danger of freezing for most of the way.

The lead dog for the last 50 miles was Balto, a Siberian husky, upon whose instincts the teams and drivers relied to guide them through a blinding snowstorm.

Mr. President, one of the most famous dogs of all time was "Old Drum". Old Drum was a fox hound. He was owned by a Johnson County, Missouri farmer by the name of Charles Burden. He was a dog that never lied because when he barked, one could be sure that he was on the trail of a fox or raccoon.

One of Charles Burden's neighbors, however, kept sheep. His name was Leonidas Hornsby, and he claimed that some of his sheep were being killed by dogs. He threatened to shoot any dog that he found prowling on his property.

So, one evening in 1869, someone told Leonidas that there was a dog, a strange dog on his property, and he said, "Shoot him." And the man shot Old Drum.

Charles Burden was not a man to take the shooting of his best fox hound lying down, so he brought suit before a justice of the peace and the case went back and forth and finally ended up in a Court of Common Pleas.

Charles Burden went to the next town and procured the best lawyer that he could get. That lawyer's name was George Graham Vest and, by this time, a geat deal of public attention had been drawn to this case. Some of Charles Burden's friends had threatened to horsewhip one of the Hornsby witnesses if the witness appeared and gave the same testimony he had given in the lower court.

Be that as it may, however, George Graham Vest, made a famous speech to the jury about the dog. His summation went like this:

Gentlemen of the Jury. The best friend a man has in the world may turn against him and become his enemy. His son or daughter whom he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that a man has he may lose. It flies away from him perhaps when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads. The one absolutely unselfish friend a man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is the dog.

Gentlemen of the jury, a man's dog stands by him in prosperity and in poverty, in health and in sickness. He will sleep on the cold ground when the wintry winds blow and the snow drives fiercely, if only he can be near his master's side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince.

When all other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast into the world, friendless and homeless, the faithful dogs asks no higher privilege than that of accompanying him, to guard him against danger, to fight against his enemies. And when the last scene of all comes, and death takes his master in its embrace and his body is laid in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws and his eyes sad, but open, in alert watchfulness, faithful and true, even unto death.

When George Graham Vest had concluded his summation to the jury, it is said that every member of the jury was in tears. And one of the defense lawyers said to the other:

Old Drum's dead, but he's won. We'd better get out of this courtroom before all of us are hanged.

In 1956, the Warrensburg, Missouri, Chamber of Commerce put on a drive to raise money to erect a memorial to Old Drum. A St. Louis sculptor was employed to do the work. The word went out for contributions, and they came in from all parts of the country. Harry Truman, it is said, contributed $500. Today in Warrensburg, Missouri, the canine population has its own statuary.

It was in 1870 that George Graham Vest delivered that famous eulogy to the dog. In 1879, George Vest came to the U.S. Senate, and served in the U.S. Senate until 1903.

So anybody who has ever established a real friendship with an individual dog comes to believe that his dog is the world's best dog.

That is the way I feel about Billy Byrd and Bonnie, his sister. Indeed, that dog becomes like a member of the family and ceases to be a dog, but is like "a furry person"—a buddy who seems no longer to think of itself as a canine, but now assumes the role of a guileless companion—that one person who would never let his human friend down.

Sir Walter Scott wrote:

Recollect that the Almighty, who gave the dog to be companion of our pleasures and our toils, hath invested him with a nature noble and incapable of deceit.

To such a dog, then, I offer these remarks, in praise of my own dog Billy and his sister Bonnie, who have won so unequalled a place in our own hearts, and in thanks to the Almighty who has given such marvelous and gracious gifts to us, we who are so unworthy of such undefiled love and fidelity.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FORD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CELEBRATION WITH SUBSTANCE

Mr. BYRD. Mr. President, in 1980 the Senate adopted a resolution sponsored by Senators Howard Baker, TED STEVENS, Harry Byrd, Jr., and I, that established a special Study Group on the Commemoration of the United States Senate Bicentenary. That body, chaired by former Republican Leader Hugh Scott, was composed of current and former Senators, the Librarian of Congress, the Archivist of the United States, and distinguished scholars. Its mandate was to recommend a coordinated program of activities to observe the Senate's 200th anniversary in 1989. We hoped that, by beginning more than 8 years in advance, the bicentennial celebrations, publications, and exhibits would take advantage of the economies of early planning, draw as much as possible on existing resources, and keep expenses to a reasonable minimum.

The Study Group reported to the Senate in 1983, and work began toward the implementation of its recommendations. In 1986 the Senate established the Senate Bicentennial Commission, which I now chair. Our distinguished Republican Leader, Senator DOLE, serves as vice chairman.

As chairman of that Commission, I wish to call to the attention of all Senators a review essay that has just appeared in the winter 1990 issue of *The Public Historian.* Entitled "A Celebration With Substance: The Observance of the Bicentennial of the United States Congress," the article begins with this gratifying sentence: "The celebration of the bicentennial of the United States Congress could be described in one phrase: a triumph for advance planning." The reviewer, Charlene Bickford of George Washington University's First Federal Congress Project, describes 17 projects related to the history of Congress. Produced with both public and private funds, these commemorative works include publications, exhibitions, and a film. I hope that this article and the works described therein will receive wide public attention.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Public Historian, Winter 1990]

REVIEW ESSAYS: A CELEBRATION WITH SUBSTANCE: THE OBSERVANCE OF THE BICENTENNIAL OF THE UNITED STATES CONGRESS

(By Charlene Bangs Bickford) *

The celebration of the Bicentennial of the United States Congress could be described in one phrase: a triumph for advance planning. Judicious and intelligent long-range planning for the 1989 bicentennial observance paid enormous dividends in the form of a better educated public, stimulation of scholarly studies of the Congress, new research tools, and the preservation of and access to congressional documents for future generations. Myriad institutions and individuals share the credit for this success, but first and foremost the Senate and House of Representatives must be recognized for both their foresight and persistence.

In 1975, frustrated by the fact that American history invariably was told with a focus on the executive rather than the legislative branch and spurred by the American Revolution Bicentennial, the Senate established its own historical office. In 1982, after initially defeating a resolution to establish a House historical office, House members agreed during the closing hours of the session to the creation of an Office for the Bicentennial of the House of Representatives. These two offices, under the direction of Richard A. Baker (Senate) and Raymond W. Smock (House), with guidance and assistance from bicentennial committees appointed by each house, spearheaded the entire observance. They devised their own projects and prodded other institutions to do the same. They sought and received the cooperation of many institutions and organizations, including the Senate Curator's Office, the Architect of the Capitol, the Library of Congress, the Congressional Research Service, the National Portrait Gallery of the Smithsonian Institution, the National Archives and Records Administration, the First Federal Congress Project, WETA-TV, the Commission on the Bicentennial of the United States Constitution, and some private funders.

A partial list of accomplishments illustrates both the long-range impact and the public outreach aspects of this venture: three intellectually stimulating and well-attended conferences, six new reference tools (a revised *Biographical Directory of Congress,* guides to the papers of former senators and representatives, guides to the records of the Senate and House of Representatives in the National Archives, and a dictionary of quotations most frequently requested of the Congressional Research Service), eight exhibits, and myraid publications including the first full-scale history of the Senate. In addition, impressive ceremonies

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marked significant milestones, including a joint session of Congress to commemorate the 200th anniversary of the first meeting of the Congress, broadcast nationwide on C-Span.

Although many members of Congress cooperated and helped to make this observance a resounding success, two individuals deserve special mention. Senator Robert C. Byrd and Representative Lindy Boggs led the effort. They took their jobs very seriously, committing a tremendous amount of time and effort, and having an enormous impact upon the whole celebration.

Biographical Directory of the United States Congress, 1774–1989, Bicentennial Edition, Washington, D.C.: U.S. Government Printing Office, 1989; 2,104 pp.; clothbound, $82.50.

The Biographical Directory of the United States Congress, 1774–1989, the newest edition of an indispensable tool for scholars of the Congress, is edited by Kathryn Allamong Jacobs of the Senate Historical Office and Bruce A. Ragsdale of the Office for the Bicentennial of the House of Representatives, and replaces the 1971 edition. In that version, the entries that appeared in the 1928 edition, compiled under the direction of chief clerk of the Joint Committee on Printing, remained basically unchanged.

The bicentennial edition marks the first time that professional historians have revised and updated a Biographical Directory of Congress. Historians extensively revised pre-1971 entries, correcting misinformation, adding facts about the member's congressional career using information from the Congressional Committee Project under the direction of Dr. Garrison Nelson of the University of Vermont, and clarifying political party affiliations with the aid of Dr. Kenneth Martis's data for *The Historical Atlas of Political Parties in the United States Congress, 1789–1989* (1989). Biographies for all members first elected after 1970 are also included.

This reviewer believes that information concerning spouses of members of Congress, not in this or previous editions, would improve future editions of this essential source. In many cases marriages propel or change a political career. Witness Massachusetts Delegate to the Confederation Congress Rufus King's alliance with one of New York City's most influential merchant families when he wed Mary Alsop. With no history of involvement in New York's divisive politics, he became one of its first senators. Both of Virginia's senators today, John Warner and Charles S. Robb, were boosted into the limelight by their marriage to actress Elizabeth Taylor and President Johnson's daughter, Lynda Bird, respectively.

Historians have considerably upgraded the reliability of this much-used source. But the best news is that the Senate and House historical offices entered all of the data into computers and will continue to verify and add information to this database. Thus, we may expect future editions to expand and improve upon this outstanding product.

The Splendid Hall. CYNTHIA PEASE MILLER, exhibition curator for the Office of the Bicentennial of the House of Representatives; BARBARA WOLANIN, exhibition curator for the Architect of the Capitol; RESEARCH AND DESIGN ASSOCIATES, designer. Opened January 23, 1989 as a permanent exhibit in Statuary Hall of the U.S. Capitol.

Tucked away in an alcove of Statuary Hall in the U.S. Capitol, *The Splendid Hall* was designed with a particular purpose in mind: to assist the guides who daily escort thousands of tourists through the U.S. Capitol in interpreting this hall and its rich history. The Chamber of the House of Representatives from 1807–1857, the hall now holds forty of the two statues per state permitted within the Capitol building. One finds it difficult to imagine it alive with members and spectators. Visitors to the Capitol usually come away with two memories of this space. The first is of the acoustical flaw that makes whispered conversations held at one spot easily heard at another location several feet away. This exhibit explains the severity of this problem in the early days when "every noise reverberated through the room, hampering the orderly conduct of business" (panel III) and the efforts to correct it which reduced the echoes to today's level. The second memory concerns the fatal stroke suffered by John Quincy Adams on the floor of this chamber. The curators have dedicated an entire panel to Adams and his special relationship to this hall, where he was elected and inaugurated as the sixth president of the United States, returned to serve for seventeen years after his presidency, and was eulogized at his funeral.

This small exhibit accomplishes its purpose admirably, touching with great clarity on the architecture and decor of the chamber, the near doubling of the nation's size while the House met in this hall, events that occurred here, and other subjects, in a very limited space.

A Guide to Research Collections of Former Members of the United States House of Representatives, 1789–1989. Prepared under the direction of the Office for the Bicentennial of the United States House of Representatives; RAYMOND W. SMOCK, historian and director; CYNTHIA PEASE MILLER, editor-in-chief. Washington, D.C.: The United States House of Representatives, 1988, One Hundredth Congress, Second Session, House Document No. 100–171, 504 pp. Paperbound, available free by calling or writing the House Historical Office, 138 CHOB, U.S. House of Representatives, Washington, D.C. 20515 (202–225–1153).

This volume is a companion to the *Guide to Research Collections of Former United States Senators, 1789–1982* published by the Senate Historical Office in 1983. Together the volumes point students of the Congress to a tremendously expanded universe of resources with which to work. This guide results from a diligent and systematic nationwide search for manuscript collections and other historical materials relating to former members of the U.S. House of Representatives. The House Bicentennial Office staff put together an impressive team of hundreds of volunteers (archivists, manuscript curators, documentary editors, professors, etc.) around the country to accomplish this survey in the field. In addition the staff searched the available research guides, both well-known and obscure, at the Library of Congress. Through this detective work they uncovered information on at least some of the papers of 3,300 individual members of the House, and the guide entries list these papers under the members' names. Following these entries are lists of the thousands of former representatives for whom no manuscripts have been located, addresses of the repositories responding to the survey, addresses of documentary editing projects relating to the history of the federal government, and a copy of the survey form. The editor makes it clear that the project of gathering information about the papers of House members is ongoing and that the assistance of all those who use and are familar with manuscript sources is sought. The publication of the Senate's *Guide* brought letters and calls from across the country with new information about the papers of senators. This reviewer hopes that the publication of this valuable reference tool for the House of Representatives will provoke a similar response.

Guide to the Records of the United States Senate at the National Archives, 1789–1989. Bicentennial Edition by ROBERT W. COREN, MARY REPHLO, DAVID KEPLEY, and CHARLES SOUTH, National Archives and Records Administration, prepared under the direction of WALTER J. STEWART, Secretary of the Senate. Washington, D.C.: U.S. Senate Bicentennial Publication #7, 1989, 356 pp., illustrations, index. Hardbound, available free by contacting the Senate Historical Office, 201 SHOB, U.S. Senate, Washington, D.C. 20510 or Legislative Archives Division, National Archives and Records Service, Washington, D.C. 20408.

Guide to the Records of the United States House of Representatives at the National Archives, 1789–1989, Bicentennial Edition, by CHARLES E. SCHAMEL, ROBERT W. COREN, MARY REPHLO, RODNEY ROSS, DAVID KEPLEY, and JAMES GREGORY BRADSHER, National Archives and Records Administration. Prepared under the direction of DONNALD K. ANDERSON, Clerk of the House of Representatives, Washington, D.C.: One Hundredth Congress, Second Session, House Document No. 100–245, 1989; 466 pp., illustrations, index. Hardbound, available free by contacting the House Historical Office, 138 CHOB, U.S. House of Representatives, Washington, D.C. 20515 or Legislative Archives Division, National Archives and Records Service, Washington, D.C. 20408.

Although the transfer of the records of the U.S. Senate and House of Representatives to the National Archives occurred in 1937 and 1946 respectively, it was not until the publication of the National Archives Preliminary Inventory #23 (1950) for the Senate records and Preliminary Inventory #113 (1959) for the House records that it was even possible for scholars to begin to delve seriously into these collections, which contain a "great wealth of material touching every phase of our national existence" (quote from National Archives examiner on p. 3 of House *Guide*). These inventories improved the situation, but rules of the House and Senate limiting access and the bare bones nature of the two inventories still made research in these huge collections a daunting task.

New rules of access for both Senate and House records adopted over the last decade and the publication of these two new *Guides* have opened new doors for scholars. The *Guides* begin with sections introducing the user to research in the records of the Congress. At last specific information about the history of House and Senate records and how they are organized and guidance on how to make use of these records is available in printed form, rather than just in internal memoranda and the heads of those career archivists who service the records. Rather than adopting a straight Congress-by-Congress organizational structure, the authors of the *Guides* used the standing committees of Congress as the focus, creating chapters for the records of each standing committee. This arrangement works well for Congress after the period when it became standard procedure to refer all business to standing committees, but students of early Congresses will find it somewhat frustrating. The preliminary inventories remain

the best source for a simple Congress-by-Congress description of the records. This reviewer wishes that these inventories could have been brought up to date and reprinted in these volumes to make them more accessible.

There is no question that these *Guides* will open up new avenues of exploration for historians, political scientists, lawyers, and others. The National Archives and Records Service deserves accolades for its participation in the Congressional Bicentennial through this and other projects.

The Tides of Party Politics: Two Centuries of Congressional Elections, 1789–1989. JOHN SELLERS and INGRID MAAR, curators; GENE ROBERTS, designer. An exhibit at the Madison Building of the Library of Congress, February–August 1989.

This exhibit, based upon Kenneth Martis's *The Historical Atlas of Political Parties in the United States Congress, 1789–1989* (New York: Macmillan Publishing Company, 1989) and made up almost entirely of maps showing the political party makeup of each U.S. Congress by district, satisfied a political junkie's wildest dreams. Martis's groundbreaking work analyzes each election, district by district, using both behavioral information and electoral data for the First through the Twenty-fourth Congresses when parties were developing and allegiances were constantly shifting. This exhibit took Martis's maps and encapsulated the information in his book into short captions explaining each election. A short explanation of the electoral process by National Public Radio journalist Cokie Roberts on video made an excellent addition and enlivened the exhibit.

This reviewer found that the curators were usually successful in condensing the information, but in the cases of some complex elections, the viewer could find the attempt to explain almost too complicated for understanding. In addition, absorbing the entire exhibit at once was a near impossibility. Each map required a concentrated viewing time. The ideal way to study the exhibit would have been five or ten elections at a time. Nonetheless, those fascinated and intrigued by the U.S. electoral process found much intellectual stimulation in this exhibit, and it is hoped that the Library of Congress will find a way to display the exhibit, or portions of it, again.

The Senate, 1789–1989: Addresses on the History of the United States Senate by SENATOR ROBERT C. BYRD, Volume I, Bicentennial Edition. MARY SHARON HALL, ed. Washington, D.C.: U.S. Government Printing Office, 1989; xviii + 800 pp., extensive illustrations, footnotes, index; clothbound, $55.00.

President Pro Tempore and Former Majority Leader of the United States Senate Robert C. Byrd's monumental volume on the U.S. Senate fills a void in congressional scholarship. No one has attempted a comprehensive study of the Senate for fifty years. Therefore the publication of this physically beautiful and scholarly tome is particularly welcome.

Senator Byrd began his series of addresses one Friday when there was little business before the Senate. Not wanting to disappoint his granddaughter and her classmates in the Senate gallery, the Senator drew upon his vast knowledge of the Senate to inform the children about its history and customs. After Byrd delivered another such address the following week, his colleagues urged him to continue, and he sought the assistance of the Senate Historical Office. This unique team of a Senator with an intense interest in the Senate's history and professional historians combined to produce lively and erudite speeches full of both the latest scholarship and fascinating anecdotes. This volume presents the speeches that relate the history of the Senate in chronological order. In addition it serves the very useful purpose of drawing attention to the study of the Senate's history, as only a beautifully illustrated and designed publication such as this one can do. Senator Byrd and the Senate Historical Office are continuing their collaboration on at least one more volume that will focus on the Senate's organization and that will contain chapters on such offices as the Secretary of the Senate.

The Senate, 1789–1989 presents only one problem for the reader. Its seven-and-a-half-pound weight and oversize format make it a book that has to be read sitting down, preferably at a sturdy table. Although the writing style and information-packed pages hold your interest, you can't carry it with you on the subway, read it in bed, or even hold it in your lap for extended periods.

Senator Byrd's interest in Senate history has only grown deeper over the past several years, and he deserves congratulations not only for this volume but also for the leadership role that he has played in the Senate's bicentennial activities and for the fact that he continues to work to bring Senate history to the public's attention.

The First Federal Congress, 1789–1791. MARGARET C.S. CHRISTMAN, exhibit curator, National Portrait Gallery, March 2, 1989 to July 23, 1989, sponsored by the United States Congress and the National Portrait Gallery.

The First Federal Congress, 1789–1791 by MARGARET C.S. CHRISTMAN, Washington, D.C., Smithsonian Institution Press, 1989; 375 pp., source notes, bibliography, index; paperbound, $29.95.

On March 4, 1789, the citizens of New York City celebrated the official opening of the new Congress with the firing of cannons, ringing of church bells, and display of flags. The gala opening of the exhibit on the First Federal Congress at the National Portrait Gallery nearly two hundred years later brought this important and productive Congress to the public's attention in a way never before attempted. Margaret Christman, the exhibit's curator, was charged with creating an exhibit that contained artifacts, documents, and other items but that was centered primarily upon portraits of members. Christman, a meticulous scholar who immerses herself in the available primary materials, produced an artistically and intellectually magnificent exhibit. Within the framework of a chronological organization, Christman highlighted the important events and controversies of each session while interweaving personal details about the members and their families. Without the assistance of videos and other technologies, the exhibit virtually brought the members of this seminal Congress alive for its audience.

Christman began her work with some advantages conveyed to her by previous generations, including the enormous extant documentary record and the tremendous talents of the portrait artists of the eighteenth century, including Gilbert Stuart, John Singleton Copley, the Peales: Charles Willson and Rembrandt, John Trumbull, Joseph Wright, and many other lesser known individuals. This wealth of material was employed with great skill to create a truly outstanding exhibit.

Unfortunately the Portrait Gallery's exhibit closed in July of 1989, but Christman's catalog stands on its own as a lasting contribution to scholarship on the First Federal Congress. The highlight of this attractive, extensively illustrated book is the descriptions of the individual members, executive officers, and others that accompany the beautiful reproductions of the portraits. These descriptions, filled with revealing quotations from the individuals and their contemporaries, help the reader to see these people as flesh and blood human beings facing challenges similar to those faced today, making deals, worrying about their families and businesses at home, and trying to balance the interests of their state or section with those of the nation.

American Voices: 200 Years of Speaking Out. STACEY BREDHOFF, curator; ALAN D. KNEZEVICH, designer; JAMES ZENDER, registrar; fabricated by CREATIVE DIMENSION GROUP, INC. An exhibit in the Circular Gallery of the National Archives Building, Washington, D.C., March 3, 1989–February 1990.

The central theme of *American Voices*, the communication between the American people and their government, is one of broad general public interest. Most visitors make the pilgrimage to the Archives Rotunda to view the Constitution and Declaration of Independence, but it is in the Circular Gallery that one discovers the rich diversity of the holdings of the National Archives and Records Administration. This exhibit, which actually spans more than a 200-year time period, begins with a 1775 letter from the Governor of Connecticut to the Earl of Dartmouth seeking a change in the stiff penalty assessed by the British following the Boston Tea Party—the closing of Boston Harbor. The final documents exhibited come from the files of the Commission on Wartime Relocation and Internment of Civilians and include artwork created by one of the Japanese internees.

This display heightens one's awareness of the fact that our tradition of petitioning the government for legislation, redress, or assistance has remained strong because people continue to put pen to paper to let the government know what they think and want. The documents in the exhibit exude human interest and some, such as the letter from Mary Todd Lincoln pleading for a pension or a communication for Henry Johnson, a black man, and naming the members of a lynch mob, are particularly poignant.

The exhibit of individual petitions and related materials runs along the outside wall, while the facing wall has a long line of black-and-white photos of individual Americans displayed between three interspersed video screens. At each screen, viewers may select from three different petitions to watch actors recite the actual words of the petitions. These videos add a new dimension to the exhibit and make it more interesting for adults and children alike. Young viewers will particularly like the video on letters from school children to President Ford on the subject of his pardon of former president Nixon and the humorous Laurel-and-Hardy-like routine of two actors playing the part of inventors describing the virtues of a paper bow tie that they wish to have patented.

The display is attractive and well designed. One of the outstanding features is the use of large print to quote from the petitions and letters on the exhibit panels. These well-chosen quotations help the viewer to grasp the purpose of the petition

quickly and illustrate both the diversity and human interest of the pleas. Unfortunately no catalog was produced to give wider access to this excellent exhibit.

The Congress, a ninety-minute documentary film produced by WETA-TV, Washington, D.C. Produced by KEN BURNS, Florentine Films, underwritten by Ameritech. Premiered on March 20, 1989 on the Public Broadcasting System.

The producers of *The Congress* faced the challenge of condensing the history of a multi-faceted 200-year-old institution into ninety minutes of visually interesting footage together with creating a colorful and provocative narration. In general they succeeded quite well in conveying an impression of what Congress is all about and how it has evolved over the past two centuries.

Creators of the visual part of the film used several sources: works of art; still photos; interviews with historians, journalists, and others; newsreels; videotape; motion pictures; etc. The interspersing of these materials helped to keep the story moving and to hold the viewer's attention. The snippets of interviews work particularly well. Historian Barbara Fields strongly makes the point that Congress is the first branch of government and representative of the people and that it must not abdicate its responsibilities. If viewers come away with an understanding of just this one concept, the film will have achieved a great deal. Other interviewees such as journalists David Broder and Charlie McDowell provide illustrative anecdotes and convey some of the excitement of working in the Capitol and learning how Congress works. These "talking heads" are a highlight of the film. Another device that works well in the script is the use of quotes about Congress or its members, mostly from the members themselves over the past two centuries. These wonderfully colorful comments bring the past to life. The histories of the Capitol and the Congress are intertwined, and in most instances this technique succeeds. The footage of the Capitol, "the world's greatest political cathedral," is exceptionally beautiful.

The film misses opportunities to educate by not supplying basic information such as the length of the terms of office for senators and representatives. At some points easily avoidable errors were made. For example, the narrator speaks of the First Congress meeting; passing the Bill of Rights, which included freedom of religion, and then electing a Lutheran minister as the Speaker of the House. The Speaker, Frederick Augustus Muhlenberg, whose election took place long before the passage of the Bill of Rights, had not actively practiced the ministry for decades. And even if he had been a working clergyman, the implication that freedom of religion was somehow violated by his election is totally off base. To cap it off the film shows a bust of Representative Peter Muhlenberg, Frederick Augustus's brother, to accompany the narration. These errors should have been caught before the film was broadcast nationwide. In addition, although the Clay-Webster-Calhoun struggles and debates are a fascinating chapter in Senate history, the film devotes an inordinate amount of time to these individuals. Individuals are always easy to focus upon, and this is precisely the reason why the history of Congress as an institution has been so neglected. One last criticism: kids may love the fast-forwarded trip through the Capitol's hallways, subways, etc. toward the end of the film, but most adults in my informal survey found it the kind of vertigo-producing footage that causes one to leave the room for the duration.

Of all the products of the bicentennial effort, this film will have the greatest impact. Despite its flaws, it makes some important points and provides the general public with a tool for understanding the Congress as the representative body of the people.

A necessary fence . . ., The Senate's First Century. United States Senate exhibition staff: JAMES R. KETCHUM, curator; DIANE K. SKVARLA, associate curator; DONALD A. RITCHIE, associate historian; MARY F. PHELAN, registrar; JOHN B. ODELL, registrarial assistant; SCOTT M. STRONG, museum specialist; ERIK B. FATEMI, curatorial assistant; RICHARD L. DOERNER, curatorial assistant; designed by STAPLES & CHARLES LTD. An exhibit in the rotunda of the Russell Senate Office Building, June 7–November 5, 1989.

A necessary fence . . ., The Senate's First Century by DONALD A. RITCHIE, checklist by DIANE K. SKVARLA. Selected bibliography, 79 pp., paperbound.

The first century of an institution's history would seem to be a rather large and unwieldy subject for an exhibit in a rather limited space, but the curators and historians involved in A *necessary fence* skillfully used several questions to focus the exhibit on the Senate's organization, powers, and prerogatives. Sections of the exhibit begin with such questions as "How does the Senate operate?" and "What is the Senate's role in nominations?" This organization works exceptionally well, and serves to answer the question that underlies the whole exhibit: "What is unique about the Senate's powers and role?" The tight focus and the Senate curator's ability to borrow outstanding works of art and documents to display combine to create a marvelous show. Some of the more outstanding items included are the Daniel Chester French bust of John Adams from the Senate chamber; a wonderful Gilbert Stuart portrait of the first Secretary of the Senate, Samuel A. Otis; a "hopper" or piece of furniture designed with shelves to hold bills as they passed through each stage of the legislative process; and excerpts from the colorful diary kept by longtime Senate doorkeeper Isaac Bassett. Looking down on the rotunda from the balcony above are silhouettes of seven senators from the institution's first 100 years. These serve to humanize and draw attention to the exhibit. One individual silhouetted, perhaps the heaviest man ever to serve, Senator Dixon Hall Lewis of Alabama, seldom spoke on the floor because, as Isaac Bassett described it, "[he] was so big and fat that I would hafto fann him and it would not look very digenified—in Such a body as the Senate." This outstanding exhibit works wonderfully in the Russell rotunda, but it is unfortunate that it was not shown in a space that would have attracted a wider audience.

One small criticism stems from the fact that the Senate records in the National Archives still belong to the Senate. The curators have chosen to cite documents actually in the National Archives as being from the "U.S. Senate Collections." This only confuses those not familiar with the intricacies of the custody of legislative records. Fortunately, the exhibit catalog does cite the National Archives in its checklist. This extensively illustrated catalog, which contains a well-written essay by Donald Ritchie of the Senate Historical Office, complements and expands upon the exhibit. The book was distributed to all federal and international depository libraries.

This Fierce Spirit of Liberty. NANCY ALLYN, exhibit curator; ALAN KNEZEVICH, designer; JIM ZENDER, registrar; fabricated by JAMES DOHERTY. An exhibit on the Bill of Rights in the Rotunda of the National Archives Building, Washington, D.C., September 25, 1989–1991.

The rotunda of the National Archives Building leaves much to be desired as an exhibit space. The hall's primary purpose, the display of the Constitution and the Declaration of Independence, conflicts with the secondary goal of mounting other exhibits in this space. Dim lighting to protect the nation's most precious documents and the traffic of visitors intent on seeing these documents alone detract from any exhibit shown in the cases arranged along the walls on both sides of the cases holding the Constitution. Because the cases have metal sides and frames around the clear tops and are quite high, even many adults have trouble seeing into them. For children, the situation becomes more frustrating.

The staff of the National Archives has transcended these drawbacks and put together an excellent exhibit divided into two parts: "Notions of Liberty" and "Politics of Liberty." Individual events and ideas that formed or reinforced the ideological foundation for the Bill of Rights, such as Locke's pamphlet on the rights of British colonies or the bills of rights contained in the state constitutions, are featured in each of the first thirteen cases. The remainder of the exhibit focuses on the political struggles and compromises made to give birth to the Bill of Rights. Each case begins with a salient quotation accompanied by a small portrait (usually of the individual quoted) and contains one or two documents. The design and use of strong background colors help to make the captions easier to see, but the documents are still somewhat difficult to decipher because of the physical limitations.

Familiarity with the origins and history of the Bill of Rights should be one of the goals of basic citizenship education for every American. This exhibit provides an excellent tool for achieving this familiarity.

"To make all Laws . . ." The Congress of the United States, 1789–1989. JOHN SELLERS, INGRID MAAR, JOANNE FREEMAN, AND RICHARD BERNSTEIN, curators; chaired by JAMES H. HUTSON; ALLYSON SMITH of Quenroe and Associates, designer. An exhibit in the Madison Building of the Library of Congress, September 28, 1989–February 18, 1990.

"To make all Laws . . ." The Congress of the United States, 1789–1989 by JAMES H. HUTSON, ADRIANNE ONDERDONK DUDDEN, designer. Washington, D.C.: Government Printing Office, 1989; 120 pp., extensive illustrations. Paperbound, available at the Library of Congress bookstore or by writing the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 and asking for S/N030–000–00215–6, $9.50; hardback will be published by Houghton Mifflin Co. in summer 1990, projected price $12.95.

"To make all Laws . . ." The Congress of the United States, 1789–1989. JOANNE FREEMAN and RICHARD BERNSTEIN, curators, assisted by JOHN SELLERS and INGRID MAAR; LOU STOREY, designer; a travelling exhibit sponsored jointly by the Library of Congress and the American Library Association, travel to thirty cities funded by the National Endowment for the Humanities.

The opening of this huge exhibit in the Madison Building of the Library of Congress marked the end of the events on the official bicentennial-year calendar for 1989.

The most ambitious of all the exhibits launched this year, this exhibit provides an overview of the Congress's 200-year history. The items exhibited, culled almost exclusively from the collections of the Library of Congress, serve to illustrate the richness of that institution's holdings. Divided into two parts, the show focuses upon the institutions and its members first and then upon several subjects that the Congress has been actively involved in. These subjects, under the heading "Milestones," are: Rights of the People, The Economy, The Environment, Foreign Policy, The Promotion of Knowledge, and Voyages of Discovery. Selection of these topics helped to give form to and limit what could have been a totally unmanageable subject. Other individuals might have chosen different themes, but these illustrate the diversity of the Congress's business well, and each one will attract a different viewing constituency. After spending a while looking at the display, one thing stands out. When satirists and cartoonists need a subject, they often make the Congress or its members the butt of their jokes. The exhibit presents many examples of such lampooning.

Interactive videos where one can press buttons to see current senators and representatives answer questions add a modern-day touch by showing just how far communications have come from the days when newspapers and letters were the only media for spreading the news about the Congress's proceedings.

James Hutson's book provides a short and colorful history of Congress organized along the same lines as the exhibit. The book entertains with anecdotes while educating. The illustrations are well chosen and attractive. Obviously aimed at the general public and not scholars, the book lacks footnotes for quoted materials and an index. It also contains some errors, such as a statement that New York was left unrepresented in the first Senate for over a year when that state's senators were actually seated less than five months after the beginning of the First Congress. Clearly the goal was to write a popular book that the literate public would pick up and read. That goal has been met admirably.

Perhaps the most exciting part of this entire project is the attractive travelling exhibit organized around several themes emphasizing the nature of Congress, such as "Congress reflects society" and "Congress is political." This exhibit will have a tremendous educational impact as it tours thirty U.S. cities.

NONBINDING SENATE RESOLUTIONS

Mr. DOLE. Mr. President, this past Friday I spoke on the Senate floor about a nonbinding Senate resolution concerning the status of Jerusalem as the capital of Israel. I said at the time that my support for that resolution was a mistake; that Arab leaders were using it as an excuse not to talk about the peace process; and that the Senate had not more business passing judgment on the Jerusalem issue than if we had passed a resolution picking the next Prime Minister of Israel.

I also indicated that there is a greater problem as well: the U.S. Senate is simply cranking out too many resolutions. We seem to be more interested in passing resolutions than worrying about the very real consequences of them.

A nationally respected journalist also sees some problems in our resolve to resolve. He is NBC newsman John Chancellor who voiced his concerns during his commentary segment on the nightly news.

I am pleased to include in the official record a transcript of his commentary, and so ask unanimous consent, and I urge my colleagues to read it. We may disagree on the Jerusalem issue, but his call to "cool it" on the resolution front is one we should all consider.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

[John Chancellor's Commentary, Apr. 19, 1990]

DOLE

With all respect, will the U.S. Senate please keep quiet for a while? Will it please stop passing useless resolutions that gum up the foreign relations of the United States? These expressions of senatorial sentiment make some Senators feel good, but they are really monkey wrenches tossed into the machinery of foreign affairs. You can say that even more strongly: "These kinds of resolutions * * * are nonsense. Dangerous nonsense." That's not me talking; that's a quote from an important speech made today in the Senate by Bob Dole, the Republican leader.

Dole took the Senate to task because of two nonbinding resolutions. One declared Jerusalem to be the capital of Israel, which is not the policy of the United States. Dole and a group of Senators have just returned from a tour of the Arab world, and all the Arab leaders wanted to talk about was that resolution, which most Senators hadn't read and which passed, according to Dole, in about 15 seconds. Dole himself voted in favor, which he now says was a mistake.

The other nonbinding resolution supported Lithuania in its struggle with the Soviet Union. When George Mitchell, the Senate's Democratic leader, was in Moscow recently, that's about all the Russians wanted to talk about.

Foreign leaders attach much more importance to these sense of the Senate resolutions than do most Senators. Too bad. Dole said today that these things don't represent the sense of the Senate but the nonsense of the Senate. He's right. It's time for the U.S. Senate to cool it.

RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified on April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three proposed rescissions totalling $226,883,000.

The proposed rescissions affect programs of the Departments of Agriculture and Commerce.

The details of the proposed rescissions are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 23, 1990.*

EXTENSION OF EXISTING FISHERIES AGREEMENT—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to Public Law 94-265, was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an agreement between the United States and the German Democratic Republic extending the agreement of April 13, 1983, concerning fisheries off the coast of the United States of America, as amended. The agreement, which was effected by exchange of notes at Washington on January 16 and April 5, 1990, extends the 1983 agreement for an additional 2-year period, from July 1, 1990, to July 1, 1992. The exchange of notes, together with the present agreement, constitute a governing international fishery agreement within the requirements of section 201(c) of the act.

U.S. fishing industry interests have urged prompt consideration of this agreement to avoid disruption of ongoing cooperative fishing ventures. I urge that the Congress give favorable consideration to the agreement at an early date.

GEORGE BUSH.

THE WHITE HOUSE, *April 23, 1990.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2857. A communication from the Acting Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report of the Office under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2858. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law,

the interim report on the demonstration program of mandatory drug testing of criminal defendents; to the Committee on the Judiciary.

EC-2859. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on applications for orders or extensions of orders approving electronic surveillance under the Intelligence Surveillance Act; to the Committee on the Judiciary.

EC-2860. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the administration of the Employee Retirement Income Security Act for calendar year 1988; to the Committee on Labor and Human Resources.

EC-2861. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend and extend programs under the State Dependent Care Development Grants Act; to the Committee on Labor and Human Resources.

EC-2862. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Federal, State, and Local Partnership for Educational Improvement; to the Committee on Labor and Human Resources.

EC-2863. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the implementation of the Health Care Quality Improvement Act of 1986; to the Committee on Labor and Human Resources.

EC-2864. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to clarify the eligibility of certain minors for burial in national cemeteries and to authorize use of flat grave markers in a section of Florida National Cemetery; to the Committee on Veterans' Affairs.

EC-2865. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on certain cases recommended for equitable relief; to the Committee on Veterans' Affairs.

EC-2866. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase the estate limits for certain incompetent institutionalized veterans, for other purposes; to the Committee on Veterans' Affairs.

EC-2867. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve the housing loan program for veterans by reducing administrative regulation, enhancing the financial solvency of such program, and for other purposes; to the Committee on Veterans' Affairs.

EC-2868. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 10 and title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER:

S. 2491. A bill to provide a minimum State share for certain housing programs; to the Committee on Banking, Housing, and Urban

By Mr. HEINZ:

S. 2492. A bill to suspend until December 31, 1992, the duty on dicyclopentenyl-oxyethyl methacrylate; to the Committee on Finance.

S. 2493. A bill to suspend until December 31, 1992, the duty on 4,5-dichloro-2-n-octyl-4-isothiazolin-3-one and on mixtures of 4,5-dichloro-2-n-octyl-4-isothiazolin-3-one and application adjuvants, with or without stablizers; to the Committee on Finance.

By Mr. BRYAN:

S. 2494. A bill to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ARMSTRONG (for himself and Mr. WIRTH):

S. 2495. A bill to amend section 7 of the Mineral Leasing Act governing Federal coal lease royalty rates; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S.J. 297. Joint resolution designating September 1990 as "National Craft Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WILSON:

S. Res. 273. Resolution to normalize relations between the United States and the Socialist Republic of Vietnam; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 2491. A bill to provide a minimum State share for certain housing programs; to the Committee on Banking, Housing, and Urban Affairs.

MINIMUM STATE SHARE FOR CERTAIN HOUSING PROGRAMS

Mr. PRESSLER. Mr. President, today I am introducing legislation to assure greater fairness in the allocation of funds among the metropolitan cities, urban counties, and States in housing and community development programs administered by the Department of Housing and Urban Development [HUD].

It is well recognized—although not given the attention it deserves—that the housing and community development programs of HUD generally are targeted to urban areas. Except for the specific Community Development Block Grant [CDBG] Program, farm States and rural areas are on the short end of the stick. This is particularly true with respect to the categorical programs at HUD which are devoted to housing acquisition, rehabilitation, production, and operation. Let me cite a few examples.

The Nehemiah Housing Opportunity Grant program provides funds to nonprofit organizations to make interest-free, nonamortizing second mortgage loans to low- and moderate-income families for the purchase of new or rehabilitated homes. In order to qualify for this program, homes must be located in distressed neighborhoods where family income is not more than 80 percent of median income of the area. Also, in order to make what is termed a major impact in such areas, substantial projects are required. Because of these and other conditions, the $44-million Nehemiah program only benefits urban areas. It does absolutely nothing for our rural areas.

During fiscal year 1988, my home State of South Dakota received absolutely no new assistance in the Moderate Rehabilitation Program or in the Section 312 Rehabilitation Loan Program. In recent years, South Dakota has received less than a handful of approvals in the Section 202 Elderly and Handicapped Housing Program that provides direct loans and rental assistance in housing for elderly and disabled persons. We know, however, there are over 40,000 such units nationwide that are caught in the bureaucratic tangle or pipeline.

Altogether during fiscal year 1988, our good friends in North Dakota received only $8.9 million in the categorical programs, which is substantially below what the State would have received if allocations were made on a per capita basis. Our colleagues from Idaho also might wonder why their State received only $8.2 million, which is about one-third of what it would have received on a per capita basis. Wyoming was allocated $19 million, but $17 million of that was in the Moderate Rehabilitation Program. It received nothing in four of the other eight categories.

In all fairness, Mr. President, we should—and we can—do something to correct for the disparity that exists in allocations in the HUD categorical programs. That is the purpose of the legislation I am introducing today.

The bill pertains to each of the following categorical housing assistance programs: Rental Rehabilitation; Section 312 Rehabilitation Loans; Section 202 Elderly and Handicapped Housing; Nehemiah Program; Moderate Rehabilitation Program; Public Housing Modernization [CIAP]; Public Housing Operating Subsidies; Public Housing Development Program; Indian Housing Development Program; and, Housing Development Action Grant [HoDAG].

Patterned after the Federal aid for highway legislation, the bill provides that no State shall receive in the aggregate for these programs less than one-half of 1 percent of each year's apportionment among entitlement cities,

urban counties, and States. By enacting this legislation we will assure that each State will receive a minimum amount of assistance in these programs in the aggregate and not be denied assistance because of the way in which the programs are structured. It brings a fairness to these programs that currently is lacking.

I hope that my colleagues will join me in cosponsoring this legislation and will vote to enact it in this Congress. I ask unanimous consent that a copy of the bill be printed in the RECORD.

S. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) notwithstanding any other provision of law, each State shall be entitled to receive not less than one-half of one percent of the aggregate amount of funds available in each fiscal year to carry out the following housing assistance programs:

(1) Rehabilitation loans under section 312 of the Housing Act of 1964;

(2) Elderly and handicapped housing loans under section 202 of the Housing Act of 1959.

(3) Assistance of Nehemiah programs under title VI of the Housing and Community Development Act of 1987.

(4) Moderate rehabilitation under section 8 of the United States Housing Act of 1937.

(5) Public housing modernization under section 14 of the United States Housing Act of 1937.

(6) Public housing operating subsidies under the United States Housing Act of 1937.

(7) Public housing development under the United States Housing Act of 1937.

(8) Indian housing development under the United States Housing Act of 1937.

(9) Rental rehabilitation and development grants under section 17 of the United States Housing Act of 1937.

(b) The Secretary of Housing and Urban Development is authorized to prescribe regulations to carry out this Act.

(c) As used in this Act, the term "State" includes any agency or instrumentality of a State, any political subdivision or public agency within a State, and any private nonprofit or for-profit sponsor or developer participating in a State on a project assisted under a program referred to in subsection (a).

By Mr. BRYAN:

S. 2494. A bill to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone; to the Committee on Commerce, Science, and Transportation.

TELEMARKETING FRAUD AND ABUSE PREVENTION ACT

● Mr. BRYAN. Mr. President, today I am introducing the Telemarketing Fraud and Abuse Prevention Act of 1990. I believe telemarketing fraud is a serious problem that deserves immediate attention.

Telephone sales have become an important part of American business and, when properly carried out, are a convenience to consumers, allowing them to shop at home. However, telemarketing fraud is the deceptive peddling of goods and services over the telephone. Typically, a consumer is contacted and offered goods and services at discount prices or of a nature too good to be true. Payment is generally required in advance, often by credit card. When the goods or services arrive, the consumer finds that the bargain doesn't exist, or is not of the promised value. A related problem is the abuse of the telemarketing process by telephone calls that are made at unreasonable hours, by machines that cannot be disconnected by the person called, or utilizing other techniques of harrassment.

As telephone sales have become an increasingly popular and convenient way for consumers to purchase goods and services, it is, perhaps, inevitable that unscrupulous individuals will utilize the system to defraud consumers. Testimony before the Consumer Subcommittee, which I chair, has indicated that telemarketing fraud is costing American consumers at least $1 billion per year. On a more personal scale, the subcommittee has received testimony from citizens of my own State of Nevada describing fraudulent practices that threatened to deprive unsuspecting citizens of their life savings.

Telemarketing fraud is indeed a national problem, although some States, including my State of Nevada, often become havens for such activity. I am pleased that the State government in Nevada has taken what appear to be very successful steps to address this problem at the State level. However, because the fraudulent activity often is conducted across State lines, the States and the Federal Government must work together on this issue to develop an effective solution. I know that the Federal Trade Commission and the State attorneys general have begun this process by instituting a joint databank to share information about telemarketing fraud trends. The bill I am introducing today is an effort to further that cooperation and to maximize consumer protection.

The bill would require the Federal Trade Commission to promulgate specific rules governing telemarketing activity. The areas in which it would consider rulemaking include a cooling off period in which consumers could rescind telephone purchases; a requirement that delivery of goods ordered be made within a specified time period; restrictions on the hours and types of machines that can be used to make telemarketing calls; and record-keeping requirements.

Additionally, the bill would permit the States and the FTC to work together to enforce the Federal law, by permitting the State attorneys general to bring suit under the Federal law. The States would have to notify the FTC of such actions, and the FTC would have the absolute right to intervene in such actions. Because some States, like Nevada, have enacted State laws to address this problem, my bill would provide for the continued applicability of that State law upon application to the FTC.

The bill would also permit actions by private parties to enforce the Federal law, but only when the amount in controversy exceeds $50,000. This provision is intended to provide for maximum enforcement of the law, but to prevent frivolous and unnecessarily burdensome lawsuits.

Finally, the bill would provide for expanded venue and service of process for those enforcing the law. This will address the problem that currently exists when fraudulent telemarketers move their operations rapidly across State lines to avoid enforcement.

Mr. President, telemarketing fraud is a difficult problem, and finding a legislative solution is challenging. I believe that this bill strikes the proper balance between Federal and State enforcement, and between the needs of legitimate telemarketers and the fullest protection of consumers. I look forward to exploring this issue further through the hearing process in the Consumer Subcommittee.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Telemarketing Fraud and Abuse Prevention Act of 1990".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "attorney general" means the chief legal officer of a State;

(2) "Commission" means the Federal Trade Commission;

(3) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States; and

(4) "telemarketing" means a plan, program, or campaign conducted to induce purchases of goods or services by significant use of one or more telephones through interstate voice telephone calls; the term does not include other use of a telephone in connection with business or personal transactions.

TELEMARKETING RULES

SEC. 3. (a) The Commission shall prescribe rules regarding telemarketing activities. In prescribing such rules, the Commission shall consider the inclusion of—

(1) a requirement that goods or services offered by telemarketing be shipped or provided within a specified period and that if the goods or services are not shipped or provided within such period a refund be required;

(2) authority for a person who orders a good or service through telemarketing to cancel the order within a specified period;

(3) restrictions on the hours of the day when unsolicited telephone calls can be made to consumers;

(4) a prohibition of telemarketing generated by computers on equipment that does not permit the individual called to terminate the telephone call immediately; and

(5) recordkeeping requirements.

(b) The Commission shall prescribe the rules under subsection (a) of this section within 180 days after the date of enactment of this Act. Such rules shall be prescribed in accordance with section 553 of title 5, United States Code.

(c) Any person who violates any rule prescribed under subsection (a) of this section shall be considered to have engaged in an unfair or deceptive act or practice in or affecting commerce prohibited by section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(d) If, upon application to the Commission by an appropriate State agency, the Commission determines (pursuant to rules prescribed by the Commission) that—

(1) there is in effect a State requirement which applies to any telemarketing to which this section applies; and

(2) such State requirement affords an overall level of protection to consumers which is as great as, or greater than, the protection afforded by this section; then only such State requirement shall be applicable to the extent specified in such determination for so long as the State administers and enforces effectively any such State requirement, as determined by the Commission.

ACTIONS BY STATE ATTORNEYS GENERAL

SEC. 4. (a)(1) Whenever it shall appear to the attorney general of any State that the interests of the residents of that State have been, are being, or may be threatened or adversely affected because any person has engaged, is engaging, or is about to engage in telemarketing which is a fraudulent act or practice or which violates any rule, regulation, or order of the Commission under this Act, the State may bring a civil action on behalf of its residents to enjoin such telemarketing, to enforce compliance with any rule, regulation, or order of the Commission under this Act, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

(2) The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have jurisdiction over all civil actions brought under this section to enforce any liability or duty created by any rule, regulation, or order of the Commission under this Act, or to obtain damages or other relief with respect thereto. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of any rule, regulation, or order of the Commission under this Act, including the requirement that the defendant take such action as is necessary to remove the danger of violation of any such rule, regulation, or order. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(3) Immediately upon instituting any such civil action, the State shall serve written notice of the action upon the Commission and provide the Commission with a copy of its complaint, and the Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(4) Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the telemarketing occurred, is occurring, or is about to occur, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

(5) For purposes of bringing any civil action under this section, nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(6) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal antifraud statute of such State.

(7) The State shall give the Commission prior written notice of its intent to proceed, before instituting a proceeding in State court as described in this subsection, and shall furnish the Commission with a copy of its complaint immediately upon instituting such proceeding. The Commission shall have the right (A) to intervene in the proceeding, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file a petition for appeal. The Commission or the defendant may remove such proceeding to the district court of the United States for the proper district by following the procedure for removal otherwise provided by law, except that the petition for removal shall be filed within sixty days after service of the summons and complaint upon the defendant. The Commission shall have the right to appear as amicus curiae in any such proceeding.

ACTIONS BROUGHT BY PRIVATE PERSONS

SEC. 5. (a) As used in this section, the term "person adversely affected by telemarketing" includes a member organization comprised of financial institution members, or a parent organization of such member organization, if one or more of the financial institution members is eligible to bring a civil action under this subsection, and such term does not include a governmental entity.

(b)(1) Any person adversely affected by telemarketing which is a fraudulent act or practice or which violates any rule, regulation, or order of the Commission under this Act may bring a civil action against a person who has engaged, is engaging, or is about to engage in such telemarketing if the amount in controversy exceeds the sum or value of $50,000. Such an action may be brought to enjoin such telemarketing, to enforce compliance with any rule, regulation, or order of the Commission under this Act, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

(2) The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have jurisdiction over all civil actions brought under this section to enforce any liability or duty created by any rule, regulation, or order of the Commission under this Act, or to obtain damages or other relief with respect thereto. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of any rule, regulation, or order of the Commission under this Act, including the requirement that the defendant take such action as is necessary to remove the danger of violation or of any such rule, regulation, or order. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(3) Immediately upon instituting any such civil action, the plaintiff shall serve written notice of the action upon the Commission and provide the Commission with a copy of its complaint, and the Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(4) Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the telemarketing occurred, is occurring, or is about to occur, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

(c) The court, in issuing any final order in any action brought under subsection (b) of this section, may award costs of suit and reasonable fees for attorneys and expert witnesses if the plaintiff prevails.

(d) Nothing in this section shall restrict any right which any person may have under any statute or common law to seek enforcement of this Act or any rule, regulation, or order under this Act or to seek any other relief.

VENUE; SERVICE OF PROCESS

SEC. 6. (a) Subsections (a) and (b) of section 13 of the Federal Trade Commission Act (15 U.S.C. 53) are each amended by adding at the end thereof the following: "Whenever it appears to the court that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, the court may cause such person, partnership, or corporation to be summoned without regard to whether they reside or transact business in the district in which the suit is brought, and to that end process may be served in any district.".

(b) Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting immediately after subsection (b) the following:

"(c) Any process of the Commission under this section may be served by any person duly authorized by the Commission—

"(1) by delivering a copy of such process to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served;

"(2) by leaving a copy of such process at the residence or the principal office or place of business of such person, partnership, or corporation; or

"(3) by mailing a copy of such process by registered mail or certified mail adressed to such person, partnership, or corporation at his, her, or its residence, principal office, or principal place of business.

The verified return by the person serving such process setting forth the manner of such service shall be proof of the process, and the return post office receipt for such

process mailed by registered mail or certified mail as provided in this subsection shall be proof of the service of the process.".

SUBPOENA

SEC. 7. (a) Section 20(a) of the Federal Trade Commission Act (15 U.S.C. 57b-1(a)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting immediately after paragraph (6) the following new paragraph:

"(7) The term 'physical evidence' means any object or device, including any medical device, food product, drug, nutritional product, cosmetic product, or audio or video recording.".

(b) Section 20(c)(1) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)(1)) is amended—

(1) by inserting "physical evidence or" immediately after "any" the second time it appears;

(2) by inserting "to produce such physical evidence for inspection," immediately before "to produce";

(3) by inserting "physical evidence," immediately after "concerning"; and

(4) by inserting "evidence," immediately before "material, answers,".

(c) Section 20(c)(3)) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)(3)) is amended—

(1) by inserting "physical evidence or" immediately before "documentary material";

(2) in subparagraph (A)—

(A) by inserting "Physical evidence or" immediately before "documentary"; and

(B) by inserting "evidence or" immediately after "permit such";

(3) in subparagraph (B), by inserting "evidence or" immediately before "material"; and

(4) in subparagraph (C), by inserting "evidence or" immediately before "material".

(d) Section 20(c)(10) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)(10)) is amended by inserting "physical evidence or" immediately before "documentary material" each place it appears.

CLEARINGHOUSE

SEC. 8. The Commission shall establish a clearinghouse for inquiries made to Federal agencies concerning telemarketing. The Clearinghouse will provide information (other than information which may not be disclosed under section 552(b) of title 5, United States Code, or under regulations prescribed by the Commission to implement sections 552(b) of title 5, United States Code) to anyone making inquiries respecting persons engaged in telemarketing or direct such inquiries to the appropriate Federal or State agency.

ADMINISTRATION AND APPLICABILITY OF ACT

SEC. 9. (a) Except as otherwise provided in sections 4 and 5 of this Act, this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(b) The Commission shall prevent any person from violating a rule, regulation, or order of the Commission under this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such a rule, regulation, or order shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) Nothing in this Act shall be construed to vest the Commission, the attorney general of any State, or any person with jurisdiction or authority over any person in addition to any jurisdiction or authority granted to the Commission in the Federal Trade Commission Act.●

By Mr. ARMSTRONG (for himself and Mr. WIRTH):

S. 2495. A bill to amend section 7 of the Mineral Leasing Act governing Federal coal lease royalty rates; to the Committee on Energy and Natural Resources.

CONSUMER COAL ROYALTY RATE AMENDMENT ACT

Mr. ARMSTRONG. Mr. President, I am introducing with my colleague from Colorado, Senator TIM WIRTH, a bill to reduce royalties to 6 percent for all Federal coal sold under contracts signed prior to March 1, 1989. This is a companion bill to the bill introduced by our distinguished colleague in the House, Congressman BEN NIGHTHORSE CAMPBELL.

The battle rages regarding the best ways to clean our air. Sulfur dioxide [SO_2] emissions from coal-burning plants are addressed as a major concern in clean air legislation we're considering now. Western coal is low sulfur coal, and Colorado coal is some of the lowest in sulfur content.

The bill I'm introducing today is good because it will aid continued production of low sulfur coal, benefiting consumers with cleaner air and lower power rates, and address economic problems unique to coal mining.

I stated this bill is good because it will aid continued production of low sulfur coal. When production costs are lower, increased coal production may occur. That was clearly evident during the past year when Interior's rule reducing the royalty valuation base was in effect.

While Colorado estimates it lost approximately $190,000 in Federal royalty revenue due to that rule, Colorado coal production was increased 20 percent with the help of lower production costs. Colorado's Department of Natural Resources informed my office the loss in Federal royalty revenue was probably a wash in light of the State's increased economic activity. However, Interior Secretary Lujan now has chosen to rescind the rule which excluded certain taxes from inclusion in the value base to which the royalty is applied.

Economic problems unique to western coal mining exist. Federal coal leases are almost all west of the Mississippi. Eastern coal is mined mostly on private leases, while Western coal producers must include in the price of their coal a 12.5 percent Federal royalty for surface-mined coal, and usually an 8 percent royalty for underground coal. A more reasonable royalty would lower production costs.

The West has some of the cleanest burning coal. Our coal fuels Western power plants with resulting emissions far below the 1.2 lbs SO_2/million BTU clean air standard—some as clean as 0.3 lbs./MBTU. A 107 nonwestern plants are listed in current clean air legislation for violation levels far above the clean air standard.

Technology, such as scrubbers, to clean coal-burning emissions is extraordinarily expensive to install. These costs are passed on to individual families and to industries which must incorporate the high cost of power in the goods they produce.

Scrubbers also create millions of tons of solid waste. Generally, solid waste disposal is one of the largest environmental problems facing our country. The EPA is currently grappling with solid waste regulations that threaten to close up to 50 percent of our Nation's landfills. And yet a Federal clean air law, the percent reduction requirement, forces technology creating millions of tons of solid waste. Disposal of this scrubber waste creates one more needless, extensive environmental concern to address.

In addition, a powerplant's largest customer may be its own emissions control technology. Scrubbers require tremendous amounts of power to operate. The result is increased emissions and power rates.

Burning low sulfur coal could be a much more environmentally sound approach to cleaning coal-burning plant emissions.

This bill could make low sulfur coal a more cost efficient possibility, too. A reduced royalty would mean a decrease in production costs.

The cost of mining our coal is considerable. In Colorado, mining costs are up to $20 a ton, with an average of $15 to $20 a ton. And between $2 and $4 of that is Federal royalty. By 1989, 60 percent of Colorado coal mines had stopped production—more than 40 Colorado mines closed or halted mining between 1980 and 1989, with the loss of 2,500 Colorado jobs. Down from 43 mines in 1981, Colorado had 19 mines left.

Colorado as a State has acted to help its coal mining industry. Colorado notified Interior in 1987 Colorado would accept a reduction in Federal royalties from the $20 million fiscal year 1986 level to the $13.1 million fiscal year 1984 level. Colorado also reduced its own State severance tax by 40 percent, and adopted a $1 per ton income tax credit as a hardship benefit.

The savings have been passed on in bids, and Colorado coal producers credit these steps with helping obtain new contracts and increase the volume

of existing contracts. Those steps, coupled with the year old, recently rescinded Interior rule excluding some taxes from the coal valuation base, helped boost last year's coal production in Colorado 20 percent.

Until 1976, coal royalties were on a cents-ton basis. The Federal Coal Leasing Amendments Act of 1976 [FCLA] set the royalty rate at 12.5 percent for surface-mined leases, and 5 to 8 percent for underground mines. The coal royalty rate appears chosen to mirror the 12.5-percent royalty on oil and gas development. However, the coal industry differs significantly from the oil and gas industry.

Coal lease royalties were historically well below 12.5 percent prior to FCLA in 1976, while 12.5 percent was the standard oil and gas royalty on public and private lands. Coal prices are based on long-term contracts, while oil and gas prices are market driven. Coal mining is capital intensive throughout, while oil and gas production basically is only initially capital intensive. Coal royalties must be paid in dollars. Oil and gas royalties may be paid in kind or in dollars.

So a royalty more realistically related to the coal industry is not only fairer from a market perspective, but I believe will result in increased low sulfur coal production. Increased availability of low sulfur coal is economically a more attractive option than expensive scrubber technology to clean emissions because it can mean lower consumer rates and less power consumption. Environmentally low sulfur coal is desirable to help reduce the waste being dumped into our air and onto our land.

Mr. President, I do introduce the bill and ask unanimous consent it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Coal Royalty Rate Amendment Act of 1989".

SEC. 2. EXISTING CONTRACT SALES.

Section 7 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (commonly known as the "Mineral Lands Leasing Act") (30 U.S.C. 207) is amended by adding at the end thereof the following new subsection:

"(d) ROYALTY RATE FOR EXISTING CONTRACT SALES.—The 12½ percent minimum royalty rate established in subsection (a) shall not apply to the payment of a royalty on coal which is sold by a lessee (or entity affiliated with a lessee) to a purchaser under a contract entered into prior to March 1, 1989. For coal sold under such a pre-March 1, 1989, contract, the royalty rate shall equal 6 percent of the value of coal as defined by the Secretary under subsection (a), except the Secretary may determine a lesser amount in the case of coal recovered by underground mining operations. The 6 percent royalty rate established in this subsection shall supersede, as of the date of enactment of this subsection, any otherwise applicable higher royalty rate contained in a Federal coal lease issued by the Secretary and shall remain in effect as to any pre-March 1, 1989, coal purchase contract until termination of the contract (as it may be extended or otherwise amended). This subsection shall not apply to royalty rates under coal leases of Indian tribal or allotted lands.".

By Mr. SIMON:

S.J. Res. 297. Joint resolution designating September 1990 as "National Craft Month"; to the Committee on the Judiciary.

NATIONAL CRAFT MONTH

● Mr. SIMON. Mr. President, I rise today to introduce a joint resolution to designate September 1990 as "National Craft Month." This joint resolution recognizes the substantial contribution crafts have made to our American culture and heritage.

Crafts have played a role in American life since the birth of our Nation. As far back as the 18th century, pioneers depended on crafting techniques such as quilting and woodburning to improve their daily lives. Braided rugs and other craft projects decorated their homes and helped establish a distinctive early American style. Techniques were developed specifically by American artisans and were passed down through the generations. American Indians played a particularly significant part in establishing our crafting traditions as well as using crafts to record many of their special traditions. Our heritage is rich in original craft works.

Today, crafts continue to play an important role in our lives. Not only do they enrich our artistic heritage, but they also serve an important therapeutic function. For example, crafts can boost the self esteem of our youth by encouraging personal achievement and pride in individual accomplishment. Our alcohol and drug abuse rehabilitation centers use crafts as part of their therapy programs. "Crafts introduce productive and fun alternatives to drugs," states Mike Conley, program director of the Chemical Dependence Program in St. Elizabeth's Hospital, Belleville, IL. "Often the dependent person has difficulty filling free time. Crafts fill the time with a tangible product that is proof of their success and achievement." In addition, public schools make crafts a part of their art programs to develop skills and foster creativity in students.

Crafting has contributed substantially to American culture. Its various forms have enabled our heritage to become rich and diverse. This joint resolution will give national recognition to the tradition of crafting in this country. I am pleased to sponsor this joint resolution and look forward to celebrating "National Craft Month" this September.●

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance programs.

S. 435

At the request of Mr. REID, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 455

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 455, a bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian Highway and Appalachian Area Development Programs.

S. 1511

At the request of Mr. PRYOR, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1542

At the request of Mr. HATFIELD, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1542, a bill to amend chapter 55 of title 5, United States Code, to include certain employees of the Department of Commerce as forest fire fighters.

S. 1815

At the request of Mr. BOSCHWITZ, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1815, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer Social Security taxes on cash tips.

S. 1878

At the request of Mr. GRAHAM, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1878, a bill to amend title XIX of the Social Security Act to allow for State matching payments through voluntary contributions and State taxes.

S. 1981

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1981, a bill to permit the Bell

Telephone Companies to conduct research on, design, and manufacture telecommunications equipment and for other purposes.

S. 2055

At the request of Mr. MCCONNELL, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2055, a bill to amend the National School Lunch Act to extend eligibility for reimbursement for meal supplements for children in afterschool care, and for other purposes.

S. 2056

At the request of Mr. HARKIN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2056, a bill to amend title XIX of the Public Health Service Act to provide grants to States and implement State health objectives plans, and for other purposes.

S. 2079

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2079, a bill to amend the Immigration and Nationality Act to provide for temporary protected status for Lebanese nationals.

S. 2112

At the request of Mr. METZENBAUM, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2112, a bill to amend the National Labor Relations Act to prevent discrimination based on participation in labor disputes.

S. 2223

At the request of Mr. BUMPERS, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from New Mexico [Mr. BINGAMAN], the Senator from North Dakota [Mr. BURDICK], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 2223, a bill to provide a national program for improving the quality of instruction in the humanities in public and private elementary and secondary schools.

S. 2240

At the request of Mr. KENNEDY, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

S. 2250

At the request of Mr. DECONCINI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2250, a bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes.

S. 2356

At the request of Mr. SYMMS, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 2356, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 2391

At the request of Mr. GLENN, the names of the Senator from Tennessee [Mr. SASSER] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2391, a bill to establish Summer Science Academies for talented, economically disadvantaged, minority participants, and for other purposes.

S. 2451

At the request of Mr. INOUYE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2451, a bill to establish in the Department of the Interior a Trust Counsel for Indian Assets.

SENATE JOINT RESOLUTION 153

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 153, a joint resolution designating the third week in May 1990 as "National Tourism Week."

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "international Visitor's Month."

SENATE JOINT RESOLUTION 264

At the request of Mr. BIDEN, the names of the Senator from Utah [Mr. GARN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Mexico [Mr. DOMENICI], the Senator from Mississippi [Mr. COCHRAN], the Senator from Missouri [Mr. BOND], the Senator from Virginia [Mr. WARNER], the Senator from Virginia [Mr. ROBB], the Senator from New York [Mr. D'AMATO], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Washington [Mr. GORTON], the Senator from Idaho [Mr. MCCLURE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Oregon [Mr. HATFIELD], the Senator from Pennsylvania [Mr. HEINZ], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mr. KASSEBAUM], the Senator from Wyoming [Mr. SIMPSON], the Senator from Georgia [Mr. NUNN], the Senator from Tennessee [Mr. SASSER], the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New York [Mr. MOYNIHAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Nevada [Mr. BRYAN], the Senator from Florida [Mr. GRAHAM], the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. GORE], the Senator from Nevada [Mr. REID], and the Senator from Maryland [Ms. MIKULSKI], were added as cosponsors of Senate Joint Resolution to commemorate the 50th anniversary of the National Sheriffs' Association.

SENATE JOINT RESOLUTION 265

At the request of Mr. DODD, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 265, a joint resolution commemorating May 18, 1990 as the 25th anniversary of Head Start.

SENATE JOINT RESOLUTION 273

At the request of Mr. BREAUX the names of the Senator from California [Mr. WILSON], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. GORTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Michigan [Mr. RIEGLE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nevada [Mr. BRYAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Illinois [Mr. DIXON], the Senator from South Carolina [Mr. THURMOND], the Senator from Connecticut [Mr. DODD], the Senator from West Virginia [Mr. BYRD], the Senator from Ohio [Mr. GLENN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week of October 7-13, 1990 as "National Health Care Food Service Week."

SENATE JOINT RESOLUTION 274

At the request of Mr. LAUTENBERG, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 274, a joint resolution to designate the week beginning June 10, 1990 as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 281

At the request of Mr. DECONCINI the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 281, a joint resolution to designate September 13, 1990, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 285

At the request of Mr. THURMOND the names of the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. SHELBY], the Senator from Rhode Island [Mr. PELL], the Senator from Illinois [Mr. DIXON], the Senator from Illinois [Mr. SIMON], the Senator

from Michigan [Mr. LEVIN], the Senator from Tennessee [Mr. SASSER], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Maryland [Mr. SARBANES], the Senator from Texas [Mr. BENTSEN], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 285, a joint resolution to designate the period commencing September 9, 1990, and ending on September 15, 1990, as "National Historically Black Colleges Week."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War.

SENATE CONCURRENT RESOLUTION 81

At the request of Mr. SYMMS, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Concurrent Resolution 81, a concurrent resolution expressing the sense of the Congress that it should be the policy of the United States to encourage an acceleration of growth in selected Third World nations in order to create new markets for advanced-country products and services.

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. HATFIELD, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs.

SENATE CONCURRENT RESOLUTION 115

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of Senate Concurrent Resolution 115, a concurrent resolution to express the sense of the Congress regarding future funding of Amtrak.

SENATE RESOLUTION 231

At the request of Mr. LAUTENBERG his name was added as a cosponsor of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 263

At the request of Mr. LAUTENBERG the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Resolution 263, a resolution to express the Sense of the Senate regarding the need to establish a sound national transportation policy integrating all modes of transportation and maintaining a significant Federal role.

SENATE RESOLUTION 270

At the request of Mr. DECONCINI his name was added as a cosponsor of Senate Resolution 270, a resolution expressing the sense of the Senate regarding the urgent famine situation in Ethiopia.

SENATE RESOLUTION 273—RELATING TO U.S. RELATIONS WITH VIETNAM

Mr. WILSON submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 273

Whereas the Government of the Socialist Republic of Vietnam (SRV) continues to violate the fundamental human and civil rights of its own citizens through arbitrary arrests, detentions without trial, and the censorship of peaceful expressions of political or religious beliefs.

Whereas article 82 of the 1986 SRV Criminal Code outlaws the "spreading of propaganda against the socialist regime."

Whereas a February 1990 Amnesty International report concerning human rights conditions in Vietnam that a "number of people" who made no contribution to the policies of the pre-1975 Government of the Republic of Vietnam remain imprisoned in the absence of either formal charges or access to independent legal counsel;

Whereas police and communist party authorities of the SRV continue to withhold information on death sentences, executions, the status of prisoners, and conditions within government-operated "re-education camps" from international human rights organization such as Amnesty International.

Whereas Amnesty International estimates that at least one "re-education camp" exists in each of Vietnam's 40 provinces and continues to receive "persistent reports of torture and ill-treatment of people" within such camps or otherwise under police custody.

Whereas article 7 of the April 1989 SRV Regulations on the Organization of Criminal Investigation extends complete discretionary authority to the "People's Police" to arrest and assign individuals to re-education camps.

Whereas the performance of compulsory labor and detention without charges or trial persist as normal characteristics of imprisonment at every re-education camp in Vietnam.

Whereas Vietnamese Evangelical Christians, Buddhists, Roman Catholics, and independent writers in Vietnam are incarcerated as a result of trials staged by the communist party in which the defendants could not obtain their own legal representation.

Whereas the government of the SRV actively attempts to suppress authentic religious and cultural expression by coercing citizens into joining mass organizations such as the Vietnam Fatherland Front, and

Whereas article 4 of the 1980 SRV Constitution states that "The communist party of Vietnam, the vanguard and general staff of the Vietnamese working class armed with Marxism-Leninism, is the only force leading the state and society": Now, therefore, be it

Resolved, That the Senate declares that the full and complete normalization of bilateral relations between the United States and the Socialist Republic of Vietnam must remain contingent upon—

(a) the release of all political and religious prisoners in Vietnam, the cessation of the practices of physical torture and psychological abuse within incarceration facilities, and the end of detentions without trial,

(b) the abolition of all political re-education camps throughout the country,

(c) the establishment of an autonomous judiciary and bar association and codified rights for arrested individuals to appeal initial court decisions and obtain independent legal representation,

(d) the elimination of all regulations, codes, and constitutional provisions prohibiting organized opposition activity that are commonly used to repress peaceful expression of dissent,

(e) the repeal of Article 4 of the 1980 SRV Constitution guaranteeing the permanent rule of the communist party of Vietnam, and

(f) a formal commitment by the communist party of Vietnam to permit free and open national elections within Vietnam so that the citizens of the country may determine the future leadership and orientation of their government.

Mr. WILSON. Mr. President, I rise today to introduce a resolution on behalf of the innocent yet powerless men and women of Vietnam who have been silenced through their torment by the Communist government of that country.

The problem of human rights violations by the Hanoi regime poses a major impediment to the normalization of relations between Vietnam and the United States. This resolution exposes some of these specific abuses and offers a human liberty checklist that the United States should use in judging the Vietnamese Government's record of respect for the basic rights of civilians.

We cannot close our eyes or turn our backs on this international moral tragedy. The leadership of Vietnam has frozen its own people in a Stalinist bubble of tyranny and squalor.

During a speech earlier this week, for example, the second-ranking member of the ruling politiburo told an audience of military officers that the Vietnamese Communist Party "would steadfastly defend the revolutionary dictatorship against all maneuvers and plots by the enemy."

Who is the enemy, Mr. President? Where does he lurk?

Perhaps the enemy languishes in one of the so-called political reeducational camps that Amnesty International has found in each of the country's 40 provinces.

Perhaps the enemy now stares into the darkness of a solitary confinement cell, wondering whether the next visit by the police will bring a stale bread or another round of torture.

Perhaps the enemy is the Protestant minister who dared to request freedom of worship for his congregants or the

farmer in the Mekong Delta who dared to sell his surplus crops without informing the Government.

These are the enemies, Mr. President, who threaten the revolutionary dictatorship of Communist Vietnam, and Amnesty International estimates that up to 10,000 of them still sit in prison. Thousands more out of jail toil across the country as prisoners of a regime whose only tools are fear and coercion.

What kind of message, then, must Congress send to the Vietnamese Government? This resolution asserts that America—a nation of many nations—has an obligation to insist upon fundamental political and civil liberties before we impart the taxpayer's money or technology to foreign dictators.

It also proposes a series of Vietnamese constitutional and legal reforms not only like those we enjoy in the United States, but also similar to the ones recently adopted by nations such as Hungary, Poland, and East Germany.

Why should article four, Mr. President, of Vietnam's 1980 Constitution guarantee the permanent rule of the Communist Party?

Why should Vietnamese citizens have to involuntarily march, salute, and speak as members of mass groups devoted to celebrating the rule of tyrants?

Why should writers and preachers become slave workers because Hanoi has classified their ideas as "deviant?"

Why should those accused of a crime have to endure a party-orchestrated trial with party-appointed judges and party-loyal lawyers?

And why should the people of Vietnam, Mr. President, have to forego democratic elections when the voters of Nicaragua and Czechoslovakia can now choose their own leaders?

Vietnam casts a totalitarian shadow over a century that has gradually led men to realize that societies can enjoy prosperity if they are only left free.

The rulers of this nation, therefore, need a few history lessons, and by adopting this resolution, we can make some contribution to the cause of promoting an international ethic of human freedom.

There is cause for hope, Mr. President. Hanoi, after all, received its first history lesson from the so-called boat people, who actually carried a message of inspiration for all of us.

Quiet, poor, yet determined, these people cast a bright light over the roaring seas, reminding the world that while the Government could fill the reeducation camps and the gulags, communism only strengthened the courage of its captives.

Let us, then, let Hanoi know that the world is watching and that the world cares. With our help, the citizens of Vietnam can still give new life to the hope that agony suffered by the just may yet bring victory.

AMENDMENTS SUBMITTED

NONDISCRIMINATORY TREATMENT OF PRODUCTS OF THE PEOPLE'S REPUBLIC OF HUNGARY

MOYNIHAN AMENDMENT NOS. 1502 AND 1503

Mr. MOYNIHAN proposed two amendments to the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the People's Republic of Hungary, as follows:

AMENDMENT No. 1502

On page 85, between lines 12 and 13, insert:

SEC. . TREATMENT OF ARTICLES GROWN, PRODUCED, OR MANUFACTURED IN PUERTO RICO.

(a) IN GENERAL.—Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended by adding at the end thereof the following new paragraph:

"(5) The duty-free treatment provided under this chapter shall apply to an article (other than an article listed in subsection (b)) which is the growth, product, or manufacture of the Commonwealth of Puerto Rico if—

"(A) the article is imported directly from the beneficiary country into the customs territory of the United States,

"(B) the article was by any means advanced in value or improved in condition in a beneficiary country, and

"(C) if any materials are added to the article in a beneficiary country, such materials are a product of a beneficiary country or the United States."

(b) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(2) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customer officer after September 30, 1990, and before April 1, 1991, any entry, or withdrawal from warehouse—

(A) which was made after August 5, 1983, and before October 1, 1990, and with respect to which liquidation has not occurred before October 1, 1990, and

(B) with respect to which there would have been no duty, or a lesser duty, if the amendment made by subsection (a) applied,

shall be liquidated as though such amendment applied to such entry or withdrawal.

AMENDMENT No. 1503

On page 18, line 9, strike "and".

On page 18, after line 8, insert the following new paragraph:

(2) by inserting ", and parts and accessories and accessory and ancillary machines which are intended for attachment to an electrostatic photocopier and which do not operate independently of such photocopier (provided for in subheading 8472.90.80)" after "(provided for in subheading 9009.90.00)", and

On page 18, line 10, strike "(2)" and insert "(3)".

BINGAMAN AMENDMENT NO. 1504

Mr. BINGAMAN proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 7, add at the end of the matter preceding line 1:

Sec. 4005. Competitiveness Policy Council.

On page 106, add after line 3 the following new section:

SEC. 4005. COMPETITIVENESS POLICY COUNCIL.

(a) MEMBERSHIP OF COUNCIL.—Section 5205 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4804) is amended—

(1) in subsection (b) by striking out "within 30 days after January 21, 1989" and inserting in lieu thereof "no later than June 1, 1990";

(2) by striking out subsections (e) and (f) and inserting in lieu thereof the following new subsections:

"(e) CONFLICT OF INTEREST.—A member of the Council shall not serve as an agent for a foreign principal.

"(f) EXPENSES.—Each member of the Council, while engaged in duties as a member of the Council, shall be paid actual travel expenses, and per diem in lieu of subsistance expenses when away from the usual place of residence of such member, in accordance with subchapter I of chapter 57 of title 5, United States Code."; and

(3) by striking out subsection (l) and (m).

(b) EXECUTIVE DIRECTOR AND STAFF.—Section 5206 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4805) is amended by adding the following new subsections:

"(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS-16 of the General Schedule.

"(d) DETAILS.—Upon request of the Council, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this subtitle.".

"(e) POWERS OF THE COUNCIL—Section 5207 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4806) is amended—

(1) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) in subsection (c) (as redesignated under paragraph (1)) by striking out "60" and inserting in lieu thereof "120".

(d) ANNUAL REPORT.—Section 5208(a) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4807(a)) is amended by striking out "prepare and" and inserting in lieu thereof "on March 1".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 5209 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4808) is amended by striking out "1989 and 1990" and inserting in lieu thereof "1991 and 1992".

GLENN AMENDMENTS NOS. 1505 THROUGH 1507

Mr. GLENN proposed three amendments to the bill H.R. 1594, supra, as follows:

AMENDMENT No. 1505

On page 17, between lines 21 and 22, insert the following new paragraph:

( ) Heading 9902.26.14 (relating to synthetic rutile).

AMENDMENT No. 1506

On page 17, between lines 21 and 22, insert the following new paragraph:

( ) Heading 9902.57.01 (relating to needle-craft display models, primarily hand stitched, of completed mass-produced kits).

AMENDMENT No. 1507

On page 59, before line 1, insert the following new section:

SEC. —. 3-AMINOPROPANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.18	3-Aminopropanol (CAS 156-87-6) (provided for in subheading 2922.19.50).	Free...	No change...	No change...	On or before 12/31/92".

GLENN AMENDMENT NO. 1508

Mr. GLENN proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 17, between lines 21 and 22, insert the following new paragraph:

(57) Heading 9902.66.03 (relating to frames for hand-held umbrellas).

LAUTENBERG (AND KASTEN) AMENDMENT NO. 1509

Mr. LAUTENBERG (for himself and Mr. KASTEN) proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 85, after line 12, insert the following new section:

SEC. . ENVIRONMENTAL STANDARDS.

(a) CARIBBEAN BASIN.—Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)), as amended by section 2004, is amended—

(1) by striking "and" at the end of paragraph (6),

(2) by striking the period at the end of paragraph (7), and inserting "; and",

(3) by inserting immediately after paragraph (7) the following new paragraph:

"(8) if such country does not have effective natural resource protection and effective pollution abatement and control to protect air, water, and land (or if such country's standards are generally not observed).", and

(4) by striking "(5), and (7)" in the last sentence and inserting "(5), (7), and (8)".

(b) CONFORMING AMENDMENTS.—

(1) GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended—

(A) by striking "and" at the end of paragraph (6),

(B) by striking the period at the end of paragraph (7) and inserting "; and",

(C) by inserting immediately after paragraph (7) the following new paragraph:

"(8) if such country does not have effective natural resource protection and effective pollution abatement and control standards to protect air, water, and land (or if such country's standards are generally not observed).", and

(D) by striking "and (7)" in the last sentence and inserting "(7), and (8)".

(2) DEFINITION OF UNREASONABLE ACT OR POLICY.—Section 301(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2411(d)(3)B)) is amended—

(A) by striking "or" at the end of clause (ii),

(B) by striking the period at the end of subclause (V) of clause (iii) and inserting ", or", and

(C) by adding at the end the following new clause:

"(iv) constitutes a failure to establish effective natural resource protection and effective pollution abatement and control standards to protect air, water, and land."

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON HUD INVESTIGATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the HUD Investigations Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Monday, April 23, 1990, at 1:30 p.m., to hold hearings on HUD's executive oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CELEBRATION OF EARTH DAY 1990

● Mr. GRAHAM. Mr. President, I rise today to commemorate Earth Day 1990. This week we will be examining the past and looking toward the future. We will pay tribute to our many accomplishments over two decades of renewed environmental consciousness, and we will assess the challenges ahead as we seek to preserve our precious environment for generations to come.

Twenty years ago this week, the Nation celebrated the first Earth Day. That historic day in 1970 spawned an environmental revolution throughout America. As a result of that day, Congress enacted the Clean Air Act and the Clean Water Act and created the Environmental Protection Agency.

In 1990, we can look across the country and see the many benefits of the landmark environmental legislation passed 20 years ago.

In the intervening years, we have responded to old and new challenges.

This year, after a decade of work, the Senate has passed legislation to strengthen and improve the Clean Air Act. As an original cosponsor of this comprehensive air quality package, I am pleased that the Senate has taken this vital step. I look forward to final passage of the bill.

Congress is also reviewing legislation to elevate the EPA to the cabinet level. With strong and widespread support for a Department of Environmental Protection, I am confident that this legislation will pass shortly.

Mr. President, despite those important gains, today I want to remind my colleagues that our job is far from finished. Perhaps the greatest environmental challenge we face today is to improve the quality and supply of our Nation's water. During the 1990's, Federal, State, and local governments will be grappling with this challenge. Congress must commit to developing a comprehensive plan for helping State and local officials preserve and improve their water. As a member of the Senate Environment Committee's Subcommittee on Water Resources, this issue is of particular significance to me.

Our water crisis is caused by several factors. Rapid population growth puts increasing pressure on our water resources. In 1970, there were 205 million people in the United States, and now there are nearly 250 million.

The figures are even more telling in Florida. On the first Earth Day, 6.8 million people lived in my State. Two decades later, Florida's population has doubled to more than 13 million.

Our private, industrial and agricultural water needs have mushroomed. In short, we have more of everything that requires water.

The quality of our water is threatened, too. Some people believe that in States like Florida—which has a high water table and rather abundant supply—we do not worry about water. On the contrary, because our drinking water source is just a few feet below ground level, the potential for pollution is great. We must be especially careful not to contaminate our ground water supply.

This is one reason why reauthorization of the Resource Conservation and Recovery Act must address safe disposal of solid and hazardous waste and why we must focus our efforts on source reduction and renewable resources. The Environment Committee is currently considering this legislation.

Our sensitive environment relies on a constant source of clean water for its survival. Renewed interest in protecting America's environmental treasures has focused our attention on this issue. We need to ensure an adequate supply of water to support plant and animal life in delicate ecosystems. As development encroaches on these fragile areas, the competition for water resources is heightened.

Mr. President, the good news is that Americans are rising to the challenge. Attitudes are changing. People have come to understand that the quality of our lives and those of future generations depends on protection and conservation of our precious environment.

Perhaps the most important development is an understanding that our

environment often serves us best when it is altered least. We are abandoning the dike-and-dam mentality that has dominated public works projects during this century. We have realized that disrupting ecological balance can be detrimental in the long run. The era of pavement and cement is finally giving way to a belief in environmental protection as sound, sustainable management practice.

I am hopeful that, in recognition of this change, the U.S. Army Corps of Engineers will become more active in preservation projects. In south Florida's past, we altered the Kissimmee River to control water flows. Now, we have realized that the original meandering river route best serves the area's many water demands.

Another issue we must address is water quality protection. The first step toward safeguarding our water resources from pollution is to eliminate unnecessary risks. Activities like offshore oil and gas drilling pose untenable risks when undertaken near sensitive watershed areas. Senator CONNIE MACK and I have introduced legislation which would ban permanently drilling southwest of Naples, FL. This bill is intended to protect the delicate Everglades ecosystem from the disastrous effects of a drilling accident.

Our effort is an important part of coastal protection legislation. This legislation should be a congressional priority. I recently hosted a roundtable discussion with coastal management experts in Florida to examine the appropriate Federal role in coastal management. Certainly water plays a key economic role in many States. But between tourism, fishing, shipping, and other commercial and private uses, our oceans, rivers, and lakes must be protected.

A century ago, President Theodore Roosevelt set America on a new course of environmental conservation. He established the National Park System and set aside massive land areas for permanent protection. Our current President has said he wants to serve in the Theodore Roosevelt tradition.

I am hopeful that President Bush will indeed pattern his environmental policy after President Roosevelt's. A commitment at the highest level of government is needed if we are to achieve these crucial goals. I trust President Bush is willing to make that commitment. Only through our stewardship will the environment survive to be passed on to our children, our grandchildren, and generations to come.●

TORRENT OF REFUGEES: WILL MALAWI SHUT ITS DOOR?

● Mr. SIMON. Mr. President, recently, Jane Perlez had a story in the New York Times titled, "Torrent of Refugees: Will Malawi Shut Its Door?"

One of the areas where the United States has been less responsive than we should be is in the area of refugee assistance, and nowhere in Africa is there a greater problem today than there is in Malawi.

About 15 months ago, I had the opportunity to visit one of the refugee camps in Malawi to see both the desperate need and to see the remarkable hospitality of the people of Malawi.

As the article points out, there are nearly 800,000 refugees in this country of 7 million people. That would be like the United States having 30 million refugees, and this is in a country that is already one of the poorest countries in the world.

To the credit of President H. Kamuzu Banda, he has not turned his back on refugees.

I commend the Government of Malawi for their generosity, even though their means are extremely limited, and I hope that in our country we can start doing a better job in providing assistance for this kind of need.

I ask to insert into the RECORD the article by Jane Perlez, and I urge my colleagues to read it.

The article follows:

[From the New York Times, Apr. 6, 1990]

TORRENT OF REFUGEES: WILL MALAWI SHUT ITS DOOR?

(By Jane Perlez)

NSANJE, MALAWI.—This small country, lush with green hills but struggling to feed its own malnourished people, is host to nearly 800,000 refugees, the largest concentration in Africa.

In some districts, like this one, Mozambican refugees who have fled the civil war at home vastly outnumber Malawians, overcrowding underequipped hospitals and occupying scarce land.

For four years, Mozambicans, often practically naked and hungry, have staggered across the bushy borders of southern Malawi, which juts like a dagger into Mozambique, seeking refuge from the deadly chaos in their land.

While the conflict persists between the Government of President Joaquim A. Chissano and the right-wing forces of the Mozambique National Resistance, known as Renamo, international refugee officials say they see no end in sight to the steady stream of about 12,000 a month.

A THREE-DAY WALK

At the Mankhokwe refugee camp here, Tomee Dave sat under a tree with his two wives, Celestine and Lenita, and told of walking for three days with a dozen others to get to the Malawi border.

"One night we saw people, about 30 meters ahead," he said. "We heard a rain of bullets. The tops of two of my fingers were shot off.

"Since it was dark we don't know whether it was Frelimo or Renamo," he said, referring to the Government forces by the name of the ruling party. He has no idea what happened to the others in the group, he said.

He decided to leave in January, he said, because he was living in an area controlled by the rebels and had been forced "over 20 times" to act as a porter for Renamo. He said one of his wives had been tied up with ropes by rebels for refusing to have sex with them.

"We had no time to cultivate because most of our time was involved in carrying goods for soldiers to their training bases," Mr. Dave said.

GENEROSITY TO REFUGEES

Despite the material burdens that the refugees place on Malawi, the authoritarian Government led by President H. Kamuzu Banda, has, unlike some in other African countries, been unstintingly hospitable. There are about four million refugees in Africa, according to the United Nations High Commissioner for Refugees, and in many countries refugees are harassed, jailed or forcibly returned home.

In Tanzania, refugees from Burundi and Somalia languish in jail; in Kenya, Somali refugees who fear for their lives at home have been bused back over the border. Zimbabwe, which also has a number of Mozambican refugees, has ordered some of them to leave.

So far Malawi, following the dictum of its octagenarian leader that "we are all brothers," has been a model of openness to refugees. With a population in Malawi of eight million, one out of every 10 people in Malawi is now a Mozambican.

"THE PEOPLE HAVE SACRIFICED"

"The Government and the people have been very generous," said Yilma Makonnen, representative of the United Nations High Commissioner for Refugees in Malawi. "The refugees are safe. The people have sacrificed and shared their meager resources."

The hospitality, international officials say, will last as long as President Banda wants it to continue. But there are signs of impatience among local Malawian officials at the continued influx.

And refugee officials report growing resentment among hungry Malawi peasants at the help, however meager, afforded the Mozambicans. They said they expected the resentment to heighten as it becomes increasingly evident that this year's maize crop in Malawi will be well below needs because of drought in the last several months.

To encourage Malawi to keep its borders open to refugees and to bolster the strapped budget of the United Nations refugee agency, the United States announced during a trip to Malawi in March by the United States Coordinator for Refugee Affairs, Jewel S. Lafontant, that it was giving an extra $5 million to the agency for spending in Malawi.

The refugees give a variety of explanations of why they left Mozambique. When the mass exodus was at its height in 1988 and the number of refugees climbed to 600,000, it was clear that most were fleeing the brutality of Renamo, which was described by a senior State Department official as perpetrating "one of the most brutal holocausts against ordinary human beings since World War II." Even so, the allegiances of the refugees, largely illiterate and extremely poor, often seem undefined.

"People come from Government-controlled areas or from Renamo-controlled areas, whether they are supporters of either side is hard to say," an international refugee official said.

In Nsanje, the latest group of newly arrived refugees looked fit; muscular young men, strong enough to make the trek to the border and also at high risk of being recruited by either side back home.●

TRIBUTE TO RABBI NORMAN R. PATZ

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Rabbi Norman R. Patz. For 20 years he has been the spiritual leader of Temple Sholom of West Essex, NJ. On March 23 he was honored by his congregation for two decades of service and for receiving an honorary doctor of divinity degree from Hebrew Union College.

Rabbi Patz has had a long life of accomplishment demonstrated by his avid participation in community service and devotion to his Temple. Throughout his career he has been an active participant in local, national, and international Jewish affairs. The chairman of the Israel Committee of the Central Conference of American Rabbis, he has worked diligently for the United Jewish Appeal. He is immediate past chairman of National UJA's Rabbinic Cabinet, and was a national vice chairman of UJA. From 1985 to 1988, he was chairman of the MetroWest New Jersey Community Relations Committee, and is a member of the federation's board of trustees.

He has been honored by the Jewish Community Federation of Metropolitan New Jersey and was the recipient of its Rabbinic Leadership Award. With his wife, Naomi, he received the Masada Award by the State of Israel bond organization.

A member of the national rabbinic cabinet for Israel bonds, he is honorary chairman of the Israel Bonds Youth Builders Program, and a founding member of the American Friends of the Ghetto Fighters' House. Past president of the New Jersey Association of Reform Rabbis and the Metropolitan New Jersey Conference on Soviet Jewry, he served as a trustee of the Cedar Grove Public Library, and is a member of the Board of Rabbinic Overseers of the Hebrew-Union College-Jewish Institute.

A cum laude graduate of Harvard College, he entered the New York School of the Hebrew Union College-Jewish Institute of Religion, where he earned a bachelor of Hebrew literature degree and a master of arts in Hebrew literature with honors.

As a student rabbi, he served Temple Beth Or of the Deaf in New York City and Temple Sholom in New Milford, CT. His ordination was in 1965. From 1965 to 1967 he was a Navy chaplain assigned to the Navy Chaplain's School in Newport, RI, and its headquarters in Norfolk, VA, and the 2d Marine Division in Camp Lejeune, NC.

Rabbi Patz served as assistant rabbi at Temple Emanuel, Cherry Hill, NJ from 1967 to 1969. While there he also served as auxiliary Jewish chaplain at the U.S. Naval Hospital in Philadelphia.

Admired by family, friends, and colleagues, Rabbi Patz' commitment to his faith, congregation, and the community is an inspiration to all of us. I extend to him my heartiest congratulations on attaining this milestone, and warmest wishes for continued success and happiness in the future.●

HONORING MARIAN DEUEL AS HENRIETTA WOMAN OF THE YEAR

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a remarkable woman, Marian T. Deuel. Mrs. Deuel was named by the Antoinette Brown Blackwell Committee as Henrietta Woman of the Year.

Mrs. Deuel has shown incredible leadership in the town of Henrietta through her volunteerism and entrepreneurial endeavors. As a member of the Red Cross Speakers Bureau, Mrs. Deuel set up a delivery service still operating today, as well as worked on fund drives for numerous years. Other organizations in which she was very involved include; the Pinnacle Association and the Cerebral Palsy Group in Rochester. She was also the first woman member of Henrietta Chamber of Commerce. Today, Mrs. Deuel continues her commitment to her community and society by tutoring young people at no cost.

Although these contributions are outstanding and commendable, it is Marian Deuel's participation in the media industry which demands our attention. She was the founding publisher of the South East Weekly Journal and the Henrietta Weekly Journal which contributed greatly to the prosperity of the entire Henrietta community. A real and far-reaching sense of community pride was established in the citizens by Mrs. Deuel and her publication.

Mr. President, it is with great pleasure that I congratulate this dynamic and exceptional woman for being named Henrietta's Woman of the Year. I wish her continued success in her bright future.●

HONORING VOLUNTEER PARENTS, GRANDVIEW ELEMENTARY SCHOOL, BLOOMINGTON, IN

● Mr. LUGAR. Mr. President, on May 11, 1990, the faculty and staff of the Grandview Elementary School, in Bloomington, IN, will be honoring the volunteer parents who play a vital role in the educational process at that facility.

There are over 200 parents who volunteer countless hours at Grandview Elementary School. These men and women have recognized the fact that quality education requires teamwork from the entire school community—dedicated educators, involved parents, and motivated students.

It is essential for the city of Bloomington, the State of Indiana, indeed the entire Nation to continue striving to provide challenging, quality education for our young people. We have no more important task before us. I commend the parents, faculty, staff, and students of Grandview Elementary for their efforts and encourage them to continue in this important endeavor—the shaping of America's future.●

STAR PRINT OF S. 1271

Mr. BYRD. Mr. President, I am authorized by the majority leader, and I understand there is no objection on the part of Republican leader, to make the following request:

I ask unanimous consent that S. 1271 be star printed to reflect the changes that I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in recess until the hour of 9:30 a.m. on Tuesday, April 24.

The motion was agreed to, and the Senate, at 5:36 p.m., recessed until Tuesday, April 24, 1990, at 9:30 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO DR. HARRY GUFFEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. GORDON. Mr. Speaker, seldom have I had the chance in this House to offer words in praise of a man like Dr. Harry Guffee. Esteemed physician, war hero, founder of a rodeo, leader of his community, Dr. Guffee is an example of the kind of American that parents tell their children to emulate.

In recognition, his community in Williamson County, TN, is holding a series of events in his honor the week of May 5–12, designated Dr. Harry Guffee Week. I would like to go over some of the accomplishments and characteristics that make Dr. Guffee so dear to his community.

Born in Williamson County on February 19, 1913, Dr. Guffee attended Vanderbilt University Medical School in Nashville, graduating with the class of 1939. Dr. Guffee practiced medicine for the next 40 years. He brought 4,342 babies into the world, from families of all types and walks of life, backwoods to Main Street. He is a man who takes seriously his Hippocratic oath. The lack of ability to pay never kept him from giving care.

During World War II, he served as a combat physician, risking his life to treat the wounded on the front lines. He was captured by the Germans during the Normandy invasion. Later, he helped set up the first hospitals for survivors of concentration camps.

Back home, he helped start the Dan German Hospital in Franklin, and was a charter medical staff member at the Williamson County Hospital, also in Franklin. He served as chief of staff from 1962 to 1970. After retirement, he was appointed to the lifetime honorary staff of the Williamson Medical Center.

He married the former Dorothy Brady. They have four children, Harry Guffee, Jr., Johnny Guffee, Dottie Guffee Morton, and Betty Guffee Barringer.

Dr. Guffee was not satisfied serving his community as one of its leading physicians. He served on local school boards, helped found the Franklin Rotary Club, was first president of the Franklin Jaycees and served as president of the Tennessee Medical Association.

Still, Dr. Guffee wanted to do more.

He put his knowledge and interest in horses to work by establishing the Rotary Club Rodeo in Franklin, now the largest rodeo east of the Mississippi. An accomplished rider himself, he competed in the rodeo for many years. This year's rodeo is dedicated to his honor.

Vanderbilt University Medical School has endowed a scholarship in Dr. Guffee's name, so that future generations of doctors will carry on the tradition of service and caring that will be the legacy of Dr. Harry Guffee.

A TRIBUTE TO DEE MULDOVAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an outstanding student from my community who has earned honors along with her classmates for winning the 1990 Rhode Island State Championship title in the Bicentennial of the Constitution and Bill of Rights competition.

Dee Muldovan, of Providence, RI, attends Bishop Keough High School in Pawtucket, RI. This competition is held annually to test students' general knowledge of the Constitution as well as their ability to apply the Constitution to contemporary issues. The students were evaluated in three areas: Presentation, overall knowledge of the Constitution, and application of the principles of the Constitution. For Bishop Keough High School, this title was very special for the school finished second last year. Through hard work, combined with the excellent guidance and preparation by her teacher, Ms. Carol Costa, Dee and her classmates were able to achieve excellence. Dee and her classmates, along with Ms. Costa, will now travel to Washington, DC, in May to compete in the national competition against teams from across the Nation.

It is with great pleasure that I salute Dee Muldovan and the members of Ms. Costa's U.S. history class from Bishop Keough High School. Their outstanding knowledge of the Constitution and its principles serves as a reminder to us all about the importance of this great document for all Americans. I would like to wish Dee and her classmates good luck in the national competition.

ELECTIONS IN EAST GERMANY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. McEWEN. Mr. Speaker, I would like to draw the attention of my colleagues to an article which was published in the Los Angeles Times shortly before Easter on March 21, 1990. Robert E. Hunter, the vice president for regional programs and director of European studies at the Center for Strategic and International Studies has written insightfully on the impact and challenges the recent elections in East Germany hold for the Western World. I commend the article to you.

[From the Los Angeles Times, Mar. 21, 1990]

EUROPE: SUNDAY'S ELECTION ESSENTIALLY UNIFIED THE TWO GERMANYS. NOW THE WEST MUST ENGINEER THE EAST'S FIT INTO THE EUROPEAN COMMUNITY

(By Robert E. Hunter)

EAST BERLIN.—Last Sunday, Helmut Kohl effectively became chancellor of the new Germany, and that country, though not yet born, became the dominant political power of Central Europe. It is now certain that Germany will be preeminent in the European Community and that America's role as tutor to German democracy and master of Western diplomacy is over. The Germans are now lords of their destiny and unrivaled in shaping Europe's.

German unification is in fact taking place under the best possible circumstances. Until Sunday's parliamentary elections in East Germany, the West German Social Democrats dreams of regaining power, either in December's parliamentary elections in the Federal Republic or in the first vote to be held after unification. But the price of their pursuing that dream would likely have been political paralysis in the dying East German state and partisan bloodletting in the West.

Instead, when Kohl's East German allies won an absolute majority, he gained dominance over the politics of both countries, thus reducing the chances that the new nation will be born amid partisan turmoil. He now has critical control over both the timetable for unity and most of the terms. Indeed, without a by-your-leave from the actual election winners, he promptly began prescribing Germany's future.

The easy part of unification is over. Although Kohl and the two Christian Democrat-led coalitions are so far insulated from political onslaught, he cannot dally. The first free election in the eastern part of Germany since 1933 was a textbook case of voting based on economic self-interest. Most East Germans obviously want one thing: unity as fast as possible, because of the economic opportunity it seems to promise. Meanwhile, West Germans are waking up to the staggering cost of unification, which they must largely bear. Both attitudes argue for making radical changes quickly, before politics turn sour.

Even before the election, Kohl understood that he must rapidly replace East Germany's discredited currency with the robust deutsche mark. And he gave electoral fortunes a shove by pledging that East Germans could swap at least some of their savings at par—a political boon for his party but economic nonsense if permitted above a modest amount.

Reforming the East German currency without creating a surge of inflation is only one of Kohl's problems. He must also find unprecedented quantities of ready capital and a means for applying them to an economy that lacks a market system. Economists believe that higher interest rates must follow, with an impact on global credit that, most obviously, will affect the United States' financing of its trade deficit through borrowing abroad.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

German self-absorption also has implications for the European Community. Kohl asserts that East Germany should be welcomed, through adhesion to the Federal Republic, "without the necessity of any further amendments to . . . treaties." He also wants "to speed up the process of European integration." But he may not be able to have both, as Germany's capital demands mount and the difficulties of unity force it to concentrate on its domestic agenda. Building Europe may again be set back, with the blessings of nay-sayers like Britain's Margaret Thatcher and others who fear that the deutsche mark will dominate their economies.

Pressing on with European integration, however, remains the best, though imperfect, means for quieting fears about the new Germany, for binding it to its Western neighbors, and for giving them some influence over its future. Making the development of East Germany a European rather than solely West German project would be the best safeguard against insularity.

The European Economic Community should also revive a failed experiment of the 1950s: the European Defense Community, which was designed to submerge West German forces in a broader European identity. This course is likely to have more staying power than the U.S. blueprint for security in Central Europe, which is to keep American troops in a united Germany that is integrated within NATO.

Despite his current protests, Soviet President Mikhail S. Gorbachev might accept this latter arrangement, with its pledge that today's East Germany would be kept free of NATO forces. Indeed, after the Christian Democrats' electoral victory, the Soviets should be more confident that Western institutions can mitigate the risks of instability in Central Europe. But it is increasingly doubtful that a united Germany could exist half-armed, half-disarmed, that it would be willing to deal with nuclear doctrines that have been a key element of the U.S. presence on the Continent, or that it would keep enough men in uniform to assure Congress that Germans were doing more than Americans for Germany's "security."

More likely, the U.S. troop presence in Europe, and especially in Germany, will shrink apace with the withdrawal of Soviet forces. U.S. political infuence will also continue shrinking, and it is clearly not being replaced by either diplomatic leadership or economic activity, especially toward the critical area of Eastern Europe.

In time, this might not matter, and the United States can play a secondary role in Europe's security and political development. Today, however, virtually no one, from the Atlantic to the Urals, is confortable with America's passivity while the center of Europe is being reshaped. This includes a Germany that, despite its newfound potency, remains anxious to have the steadying influence of a strong and active U.S. partner.

TRIBUTE TO GRACE ELIZABETH LOCKHART McCARTHY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Grace Elizabeth Lockhart McCarthy, one of the most remarkable women I have known in public life. Ms. McCarthy has tirelessly worked to improve our community for many years and fortunately shows no sign of letting up. It is most fitting that her hometown of Pacifica will host an entire day of tribute to her on April 28.

In her community activities, Grace's longtime companion an supporter was her husband Carl McCarthy until his death in 1981. Grace and Carl McCarthy had a long and passionate interest in the Sweeney Ridge Discovery Site, the nearby hilltop from where San Francisco Bay was discovered by the Spanish explorer, Capt. Gaspar de Portola in 1769. Together, they led many visitors to the site, from which one gets the most spectacular view of the San Francisco Bay. I am delighted, Mr. Speaker, that I was able to work closely with Grace McCarthy and other environmental leaders of the San Francisco Peninsula in our successful campaign for the inclusion of the Sweeney Ridge in the Golden Gate National Recreation Area. The Discovery Site is a most fitting tribute to the efforts of Grace and Carl McCarthy.

Grace Elizabeth Lockhard was born in Mexico, where her father managed a large mine. As a young woman, she traveled throughout the United States. After graduating from the University of Illinois, she began her first career as a teacher, which she pursued until she married Carl McCarthy and they started raising a family. Luckily for all of us, Carl and Grace settled in the bay area and eventually bought property bordering on the Pacific Ocean south of San Francisco. They built their own home and moved there in the early 1940's.

Grace and Carl became an important part of the coastside community. Grace served on the first commission to consider and plan for the orderly incorporation and development of Pacifica. She was elected to the city council in 1964, and the voters of Pacifica had the good sense to keep her there for many years. Her colleagues on the city council had the good sense to select her mayor of Pacifica five times—a record which still stands.

Grace has set an example for all of us in terms of effective community involvement. She writes a regular column in the Pacifica Tribune and serves as a member of the California State Coastal Commission. She has served as a leader in many organizations, including the League of Women Voters, the San Mateo County Historical Society, the San Mateo County Association of Grand Jurors, the Eastern Star, and the chamber of commerce.

In addition to her outstanding community service, Grace found the time and energy to be an outstanding mother as well. Both of her children have earned scientific Ph.D. degrees. Grace was a leader in Cub Scouts and Brownies, and her devotion to education has been recognized with a life membership in the PTA. Grace and Carl spent summers traveling throughout the United States and Europe, hiking and camping along the way. Grace continues to travel and spends time with her children and four grandchildren, as well as being a firm anchor for our community.

Mr. Speaker, I invite my colleagues in the Congress to join me in paying well-deserved tribute to Grace McCarthy. We wish her many more years of productive service to Pacifica and to San Mateo County.

KILDEE HONORS RONALD SCOTT FOR RECEIVING THE PRESTIGIOUS GOLDEN DOOR AWARD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. KILDEE. Mr. Speaker, it is with great pleasure that I bring to the attention of my colleagues and the Nation the many accomplishments of Mr. Ronald Scott on the occasion of his receiving the International Institute's prestigious Golden Door Award. During the 25 years of his residency in my hometown of Flint, MI, Mr. Scott has exhibited tireless commitment to many organizations, including the Civitan Club, the Genesee Valley Rotary Club, the Flint Institute of Music, the YMCA, the University of Michigan-Flint Library, the Boy Scouts, the Professional Insurance Agents of Michigan, and the International Institute. Mr. Scott's particular abilities in the area of fundraising have enabled many of these organizations to grow and enjoy wider name recognition within the Flint community.

The International Institute has been particularly blessed by Mr. Scott's many talents. During his years with the Institute, he has been involved in almost every activity the Institute has undertaken to improve cultural awareness. Mr. Scott has faithfully served as board member, trustee, fundraising volunteer, president, and secretary of this important organization.

Mr. Scott emigrated from London, England, in 1951 to live in Redford, MI. He served in the Army during the Korean War, 1952–54. In 1965, he moved to Flint and became the owner of McKinnon and Mooney Insurance Co., where he continues to serve as president and chief executive officer. Mr. Scott and his wife, Millie, have five children.

For his dedication and continuing efforts, he is being honored by his colleagues at the International Institute on Tuesday, May 8, 1990, with the Golden Door Award. This award is bestowed annually upon a single volunteer who has demonstrated an extraordinary commitment to service. Over the years, Mr. Ronald Scott has proven himself to be an embodiment of the ideal of commitment to service. He is truly a deserving and exceptionally worthy recipient of this award. Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. Ronald Scott on the occasion of his being honored with the Golden Door Award.

A TRIBUTE TO JULIE MONAGHAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an outstanding student from my community who has earned honors along with her classmates for winning the 1990 Rhode Island State Championship title in the Bicentennial of the Constitution and Bill of Rights competition.

Julie Monaghan, of Cumberland, RI, attends Bishop Keough High School in Pawtucket, RI. This competition is held annually to test students' general knowlede of the Constitution as well as their ability to apply the Constitution to contemporary issues. The students were evaluated in three areas: Presentation, overall knowledge of the Constitution, and application of the principles of the Constitution. For Bishop Keough High School, this title was very special for the school finished second last year. Through hard work, combined with the excellent guidance and preparation by her teacher, Ms. Carol Costa, Julie and her classmates were able to achieve excellence. Julie and her classmates, along with Ms. Costa, will now travel to Washington, DC, in May to compete in the national competition against teams from across the Nation.

It is with great pleasure that I salute Julie Monaghan and the members of Ms. Costa's U.S. history class from Bishop Keough High School. Their outstanding knowledge of the Constitution and its principles serves as a reminder to us all about the importance of this great document for all Americans. I would like to wish Julie and her classmates good luck in the national competition.

"ABOUT FACE LEAVES A WAKE OF CONFUSION AND RUIN"—ALAN GERSON DISCUSSES UNITED STATES POLICY ON JERUSALEM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. LANTOS. Mr. Speaker, the effort to bring peace and stability to the Middle East, like so many other longstanding and emotional issues, is like negotiating a minefield. A misstep here or slip there can leave the entire process in shambles. In many cases the best policy, as former administrations have found, is to avoid some of the more contentious and controversial issues and focus on the more tractable issues.

The matter of Jerusalem is just such an issue. The Carter Administration, in its celebrated Camp David agreement, and Secretary of State George Schultz, who took the initiative during the Reagan administration to bring stability to that troubled area, carefully worded pronouncements on Jerusalem to keep open that issue until other more fundamental matters were resolved. Not so with the Bush administration. President Bush recently stumbled through the minefield of the Jerusalem issue, bringing down Israel's fragile coalition government and raising all kinds of questions about the United States ability to deal with all parties in the Middle East.

Mr. Speaker, the Los Angeles Times recently published an excellent analysis of this thorny issue and the implications for American policy by Alan Gerson, resident scholar at the American Enterprise Institute for Public Policy and the former counsel to the U.S. delegation to the United Nations when Ambassador Jeanne Kirkpatrick was U.S. Ambassador to the United Nations during the Reagan administration. I ask that Mr. Gerson's excellent article be placed in the RECORD, and I urge my colleagues in the Congress thoughtfully to consider his position.

[From the Los Angeles Times, Mar. 25, 1990]

ABOUT FACE LEAVES A WAKE OF CONFUSION AND RUIN

(By Allan Gerson)

(Israel: How did the fate of Jerusalem get to the top of the U.S. agenda? If it was to advance the peace process, it's having the opposite effect.)

WASHINGTON.—Secretary of State James A. Baker III and his deputies have said that their approach to Arab-Israeli peace-making was "open-ended"; their intent was to avoid "bottom-line" issues. Why is it, then, that the Bush Administration and Israel's government—what's left of it—are now involved in bitter recriminations over the most bottom-line issue of all, Jerusalem?

Why is it that what was to be last on the agenda has become first, leaving confusion, if not ruin, in its wake?

Under pressure from the Palestine Liberation Organization and Egypt to present a "credible" Palestinian representation, Baker has proposed that East Jerusalem Arabs serve on the delegation that was to meet in Cairo for discussing the modalities of West Bank/Gaza elections. Two weeks ago, the prospect for getting those talks going seemed promising, after a compromise formula had been worked out permitting the participation of one of two West Bank residents who own second homes in Jerusalem.

Then came President Bush's unanticipated and still perplexing pronouncement that the U.S. government considers East Jerusalem to be occupied Arab territory, hence off-limits for settlement by immigrant Soviet Jews. That proved to be the last straw for Prime Minister Yitzhak Shamir's Likud Party, which refused to deal any further with the Baker plan unless there were assurances that the PLO would not be the power behind the Palestinian negotiators. Since this was in fact the case, such assurance was impossible. Shimon Peres, eager to project Labor as more pro-peace than Likud, used this as an issue to call for a vote of no-confidence and succeeded in bringing down the Shamir government.

As matters now stand, the chances are slim that Peres, if he were to lead the new government, could deliver more than his predecessor. Probably the reverse is true, since, unlike Shamir, Peres would not be able to control the center or the right in the Knesset.

Nor is there any capital to be gained by disguising the fact that President Bush's pronouncements, if pursued, would in fact constitute a significant change in U.S. policy on Jerusalem.

The U.S. position, through successive Administrations, has been to not get involved in the Jerusalem debate—to state that the status of Jerusalem can be resolved only after all other peace issues have been safely put to bed. The United States has kept its distance from efforts for international recognition of East Jerusalem as occupied territory, no different from the rest of the occupied West Bank. Thus President Jimmy Carter repudiated the vote of his chief U.N. delegate, Ambassador Donald McHenry, for a U.N. Security Council resolution citing Jerusalem as an "occupied Arab territory." President Ronald Reagan instructed his chief delegate, Ambassador Jeane Kirkpatrick, to exercise the U.S. veto on such resolutions in the Security Council.

The Bush Administration appears to be on a different tack. Baker hopes to break the Gordian knot of Arab-Israel relations by getting Palestinians and Israelis to talk to each other. That was also Shamir's plan in calling for elections on the West Bank and Gaza. Local elections would establish a local Palestinian leadership, and thus, it was thought, provide the necessary boost to get the Camp David process for West Bank/Gaza autonomy moving again. Five years down the road, negotiations on the final status of the West Bank, Gaza and Jerusalem would commence between Israelis and elected Palestinians in a new atmosphere of mutual trust.

This incremental approach made good sense. Baker has sought to expand on it by stretching his imagination to look for new and novel ways of dealing with the problems of citizenship, sovereignty and terrioriality as they apply to the West Bank and Gaza. The effort is praiseworthy. But, by adding the Jerusalem issue, the cart has been overloaded.

No Israeli government will voluntarily relinquish claim to all of Jerusalem as the indivisible and eternal capital of Israel. In 1967, when the Knesset decided to take East Jerusalem in response to Jordan's attack, everyone knew that once Israel gained control of that part of the city, with its Jewish Quarter and Wailing Wall, there would be no turning back, even at the price of peace with its Arab neighbors. Since then, Israel has solidified its control over East Jerusalem by vastly changing its character through development of massive apartment complexes. The minicipal borders of East Jerusalem have been greatly expanded. The Jewish population of East Jerusalem is nearly as numerous as the Arab.

To propagate the idea that Israel, regardless of which party led the government, would negotiate control of East Jerusalem, is to raise false expectations. It is one thing to have a symbolic East Jerusalem presence in the composition of the Palestinian delegation through the device of dual West Bank/Jerusalem residence. It is quite another to give substance to that symbolism by having presidential announcements that portend, wittingly or not, to change the course of U.S. policy on the status and future of Jerusalem. Disappointment of those expectations, which seems inevitable, can only damage prospects for a conciliation.

A change in U.S. policy on Jerusalem in hopes of a diplomatic breakthrough seems destined to provide only illusory and short-lived benefit. It is better to restore the issue of Jerusalem to last on the agenda—not only for Arabs and Israelis, but also for American peacemakers.

KILDEE PAYS TRIBUTE TO SALEM HOUSING TASK FORCE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. KILDEE. Mr. Speaker, it gives me great pleasure to share with my colleagues and the Nation the meritorious accomplishments of the Salem Housing Task Force in Flint, MI, which has been awarded the Audrey Nelson Community Development Achievement Award for best use of a Federal community development block grant. I would like to congratulate the task force's director, Jane Richardson, for her judicious and effective use of Federal funds. This award, granted by the National Community Development Association, will be presented to task force members at a banquet here in Washington, DC, tomorrow, April 24, 1990. I am proud to have the distinct pleasure to represent in this body the members and volunteers of the Salem Housing Task Force, whose hard work and dedication to community service attest to the never-say-die attitude of the people of Michigan's Seventh Congressional District. By working to renovate homes in depressed inner-city areas and then providing these names to low-income families on a rent-to-own basis, the Salem Housing Task Force is a legacy to the determination of the late Audrey Nelson, the famous community activitist who devoted her short life to such service and for whom this award is named.

Mr. Speaker, the significant accomplishments of the Salem Housing Task Force, aided by Federal community development block grant funds, demonstrate the necessity and effectiveness of this urban revitalization program. The Federal Government should continue to remain ready to offer a helping hand to individuals like the members of the Salem Housing Task Force who are so committed to making their communities better places in which to live and to improving the lives of poverty-stricken neighbors. I ask my colleagues to join me in paying tribute to the Salem Housing Task Force of Flint, MI. Mr. Speaker, I would like to include with my remarks an article about the Salem Housing Task Force winning this award which appeared in the Flint Journal.

FLINT HOUSING COALITION WINS NATIONAL AWARD

(By Teri Banas)

A Flint neighborhood coalition has won national recognition for its efforts in renovating homes, then offering them to low-income residents on a rent-to-own basis.

The Salem Housing Task Force, responsible for the rebirth of 20 north-side homes since its inception in 1984, has been cited by the National Community Development Association.

The association plans to honor the Flint group in Washington, D.C., next month with its Audrey Nelson Community Development Achievement Award for best use of federal Community Development Block Grant (CDBG) funds, said Kathy Sheehy, an association spokesperson.

The group funds its operations with a combination of CDBG dollars and other grants and foundation support. Two years ago, its share of the CDBG allocation through the city of Flint was $60,000, but dropped to $20,000 last year.

Michael K. Brown, Flint's community and economic development director, said the city's share was reduced because the group received nearly $200,000 from the state's Neighborhood Builders Alliance.

Its CDBG share is expected to be brought back up to around $55,000 next year, Brown said.

The Flint group is among three national recipients of the award; the others are in Los Angeles and Fitchburg, Mass.

Task Force board member Inez Davis and Norm Bryant, board chairperson, were at a Wednesday news conference in which Mayor Matthew S. Collier praised the group's work.

The news conference site was at a King Avenue home being renovated by the group. Davis gave credit to the families that take part in the project.

Before families are allowed to purchase the homes, they must do hundreds of hours of fix-up work on them, and take part in home improvement and finance management classes.

"The relationship between the city and Salem Housing is a perfect example of a public-private partnership that works," said Collier. "The city provides the money, but the real heroes are the volunteers and families down in the trenches doing the actual renovation work."

Sheehy said the awards are presented to "raise consciousness of what good things community block grants are doing."

Flint received $3.9 million from the program this year.

The National Community Development Association, located in Washington, D.C., includes 450 municipal government members. Members of the task force along with Collier will travel to Washington for the April 24 awards banquet.

The Salem Housing Task Force was founded by five neighborhood organizations and the Salem Lutheran church to work in an area bordered by N. Saginaw, Dupont and Wood streets and Pasadena Avenue.

Its program is available to families with incomes of less than $15,000.

A TRIBUTE TO MELISSA MAYNARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an outstanding student from my community who has earned honors along with her classmates for winning the 1990 Rhode Island State Championship title in the Bicentennial of the Constitution and Bill of Rights competition.

Melissa Maynard, of Pawtucket, RI, attends Bishop Keough High School in Pawtucket, RI. This competition is held annually to test students' general knowledge of the Constitution as well as their ability to apply the Constitution to contemporary issues. The students were evaluated in three areas: Presentation, overall knowledge of the Constitution, and application of the principles of the Constitution. For Bishop Keough High School, this title was very special for the school finished second last year. Through hard work, combined with the excellent guidance and preparation by her teacher, Ms. Carol Costa, Melissa and her classmates were able to achieve excellence. Melissa and her classmates, along with Ms. Costa, will now travel to Washington, DC, in May to compete in the national competition against teams from across the Nation.

It is with great pleasure that I salute Melissa Maynard and the members of Ms. Costa's U.S. history class from Bishop Keough High School. Their outstanding knowledge of the Constitution and its principles serves as a reminder to us all about the importance of this great document for all Americans. I would like to wish Melissa and her classmates good luck in the national competition.

WPSX-TV IS 25 YEARS OLD

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. CLINGER. Mr. Speaker, I rise today to congratulate and pay tribute to a cultural asset for central Pennsylvania. This year marks the 25th anniversary of WPSX-TV, a public television station in my district and throughout those years, WPSX has succeeded in satisfying our people's instructional, cultural, and public information needs.

I am very pleased with the success of WPSX and I want to share with you a brief overview of its history and some of its great achievements and contributions.

WPSX is licensed to the Pennsylvania State University and first went on the air on March 1, 1965. It became the Nation's 101st educational television station to begin operations.

Today, I am proud to say that WPSX is a major communications center for Pennsylvania; it provides many programs to the statewide Public Television Network, including Weather World, Rural America documentaries, Taking Note, the Pennsylvania Game, and Outdoor Pennsylvania. Some of the station's productions have also aired on public television stations nationwide.

The quality of WPSX's programming has been repeatedly recognized for its outstanding achievements through various awards they have received. The highly acclaimed show What's in the News has helped children to become more aware of current events and has become a great success. It was the winner of the Central Educational Network Instructional Television Program Award, which acknowledges excellence in production and promotion of instructional television and ancillary materials and also received a national Action for Children's Television Award.

As a station, WPSX-TV has been given the Distinguished Service Award for its contributions to the public interest and was the recipient of the Golden Keystone Award for 2 consecutive years for having the "Best Children's Programs Series". These are just two of the more recent awards that WPSX-TV has received.

WPSX anticipates many more years of service to the people of Pennsylvania and will continue its mission of providing the very best

television in the areas of education, public affairs, children's, and entertainment programming.

OUR LADY OF LOURDES REGIONAL HIGH SCHOOL BASKETBALL STATE CHAMPS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to congratulate Coach Lee Korbich and the Our Lady of Lourdes Regional High School Red Raiders basketball team of Shamokin, PA, on winning their first Pennsylvania Interscholastic Athletic Association State Championship. It is indeed, a distinct pleasure to recognize the achievements of such a fine group of young men.

The Raiders' 55–54 victory over the Kennedy Christian High School Golden Eagles basketball team of Hermitage, PA, is an example of what can be accomplished through hard work and determination. The team was undaunted by stories which appeared in the Pittsburgh press depicting them as underdogs. When the team entered the Hershey Park Arena March 30, 1990, they were determined to play their best.

This victory was truly well deserved, with all of the players working together and playing their best for a common goal. An example of the perseverance and determination that this team possessed was exemplified by one courageous young men who played on a severely sprained ankle. The team players are: Michael Long, Brian Derk, Matthew Reiprish, Matthew Rosini, John Lazicki, Steve Hauer, Steve Bartlinski, Damian Konopka, Edward Bendas, Barry Getchey, Shawn Kalinoski and Jonathan Bach.

Mr. Speaker, it is always a pleasure to recognize the achievements of young people in the eleventh Congressional District. I know I join the citizens of northeastern Pennsylvania in commending the Raiders' on their championship.

A TRIBUTE TO MAYRA PAULINO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an outstanding student from my community who has earned honors along with her classmates for winning the 1990 Rhode Island State Championship title in the Bicentennial of the Constitution and Bill of Rights competition.

Mayra Paulino, of Providence, RI, attends Bishop Keough High School in Pawtucket, RI. This competition is held annually to test students' general knowledge of the Constitution as well as their ability to apply the Constitution to contemporary issues. The students were evaluated in three areas: Presentation, overall knowledge of the Constitution, and application of the principles of the Constitution. For Bishop Keough High School, this title was very special for the school finished second last year. Through hard work, combined with the excellent guidance and preparation by her teacher, Ms. Carol Costa, Mayra and her classmates were able to achieve excellence. Mayra and her classmates, along with Ms. Costa, will now travel to Washington, DC, in May to compete in the national competition against teams from across the Nation.

It is with great pleasure that I salute Mayra Paulino and the members of Ms. Costa's U.S. history class from Bishop Keough High School. Their outstanding knowledge of the Constitution and its principles serves as a reminder to us all about the importance of this great document for all Americans. I would like to wish Mayra and her classmates good luck in the national competition.

COMMENDING DeSALES HIGH SCHOOL'S RECYCLING PROGRAM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. MAZZOLI. Mr. Speaker, I rise today to commend the young men of DeSales High School, located in my district, for initiating a school-wide recycling effort to help the environment of Louisville and Jefferson County.

March 20 marked the grand opening of the DeSales' recycling center, which will recycle plastic, glass, aluminum, and paper from the school's student body and families.

The recycling center was developed by students taking Richard Crum's environmental science classes. Among these students were Scott Wright, Chris Hornback, Eric Heil, Karl Schmidt, Keith Paul. The best news of all is that the DeSales recycling program has spread "recycling fever" to high schools all across Louisville and Jefferson County.

This DeSales venture is especially timely since we celebrate this month the 20th anniversary of Earth Day.

Mr. Speaker, again I commend the young men of DeSales High School, under the leadership of Principal David Winkler and development director, Newton McCravy, in initiating their important recycling program.

SALUTE TO FETTIE COLEMAN OF PATERSON ON BEING HONORED BY NINETEEN HEARTS SOCIETY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to salute a truly outstanding individual from my Eighth Congressional District of New Jersey who has made an enormous contribution to her community, her State, and our Nation during the past 37 years.

I am speaking of Mrs. Fettie A. Johnson Coleman of Paterson, NJ, who will be honored for her innumerable contributions on Sunday, April 29, 1990, by the prestigious Nineteen Hearts Society of the Federation of Italian Societies with a dinner at La Neve's Restaurant in Haledon, NJ.

I know that this event, which I am certain will be well attended, will be a source of great pride, not only to Fettie Coleman herself, but to her devoted family; her loving husband, Beverly; her daughter, Mrs. Ann Barton; and her grandchildren, Linda, Joseph, and Keshia. Further, I know this event will also have great significance for the people who have come to know Fettie Coleman through her great involvement with the Calvary Baptist Church and with the New Jersey State Democratic Committee.

Mr. Speaker, Fettie Coleman was born in St. George, SC, to George and Mary Johnson. She received all of her education in South Carolina before moving to Paterson in 1953. It was in 1954 that Fettie Coleman joined the Calvary Baptist Church under the leadership of Rev. Charles Currion. She is still vigorously active in the church today.

Fettie Coleman is known far and wide as a true good samaritan through her numerous activities both in her church and in her community in general. Those who know Fettie Coleman will tell you that she is never too busy to lend a helping hand to someone in need.

Along with her numerous civic and church-related endeavors, Fettie Coleman was also extremely active in the New Jersey State Democratic Committee. She served as a State committeewoman for more than 15 years and also as a Passaic County committeewoman. She was vigorous in her support of the electoral process, which is the foundation of our democracy. She worked on the voter registration drive, helped provide transportation assistance on elections, and served as a board of elections judge.

Mr. Speaker, Fettie Coleman served as first vice president of the Women's division of the Passaic County Democratic Organization, and as second vice president of the 35th District Democratic Organization. Further, she gave of her time as a commissioner with the Passaic County Mental Health Board, as a good samaritan with the Manor Food Center and as a civil service inspector.

Mr. Speaker, I appreciate the opportunity to present a brief profile of a truly outstanding and dedicated citizen whose dedication to her church and her community have made her city, her State, our Nation and, indeed, our world, a far better place to live, Fettie A. Coleman of Paterson, NJ, honoree of the Nineteen Hearts Society for 1990.

A TRIBUTE TO JENNIFER WALKER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an outstanding student from my community who has earned honors along with her classmates for winning the 1990 Rhode

Island State Championship title in the Bicentennial of the Constitution and Bill of Rights competition.

Jennifer Walker, of Pawtucket, RI attends Bishop Keough High School in Pawtucket, RI. This competition is held annually to test students' general knowledge of the Constitution as well as their ability to apply the Constitution to contemporary issues. The students were evaluated in three areas: Presentation, overall knowledge of the Constitution, and application of the principles of the Constitution. For Bishop Keough High School, this title was very special for the school finished second last year. Through hard work, combined with the excellent guidance and preparation by her teacher, Ms. Carol Costa, Jennifer and her classmates were able to achieve excellence. Jennifer and her classmates, along with Ms. Costa, will now travel to Washington, DC, in May to compete in the national competition against teams from across the Nation.

It is with great pleasure that I salute Jennifer Walker and the members of Ms. Costa's U.S. history class from Bishop Keough High School. Their outstanding knowledge of the Constitution and its principles serves as a reminder to us all about the importance of this great document for all Americans. I would like to wish Jennifer and her classmates good luck in the national competition.

STUDENTS ON CAMPAIGN TO STOP JUNK MAIL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. RICHARDSON. Mr. Speaker, because of Earth Day we are paying closer attention to the efforts of citizens of all ages to conserve our natural resources. I would like to bring to the attention of my colleagues a campaign by Mr. Ed Nagel, the principal of Santa Fe Community School, and his students to stop unsolicited junk mailings.

Mr. Nagel and his students are trying to STOP—an acronym for Save Trees on Our Planet—the high volume of unsolicited junk mailings because of the potential waste of paper, a tree product. I recently met with Mr. Nagel in my Washington office to discuss his ideas on limiting junk mail, and I commend him and his students for their efforts to conserve a valuable natural resource.

I would like to share with my colleagues an article from the New Mexican, a Sante Fe newspaper. It details the fine efforts of Mr. Nagel and his students.

STUDENTS ON CAMPAIGN TO STAMP OUT JUNK MAIL

(By Bob Quick)

Ed Nagel and his students at the Santa Fe Community School figure it's time to STOP—Save Trees on Our Planet.

To do that, they want to stop unsolicited mail, saying it is a waste of paper, a tree product.

Nagel, principal of the private school on Airport Road, and his students have launched a campaign against so-called junk mail.

"I put petitions on the counter at the main post office," he said. "People filled almost two complete sheets (of 20 signatures each) in an hour, I think there's a lot of feeling about junk mail."

Matt Olay, a seventh-grade student at Santa Fe Community School, was at the post office Monday and Tuesday with a video camera to record people's views on unsolicited mail.

"He interviewed people in the line," Nagel said, "When he asked them about junk mail, there was a general groan. Each person had his own little way of being fed up with junk mail."

The principal will take Olay's video work with him next week when he travels to Washington to meet with Sen. Jeff Bingaman and Rep. Bill Richardson, both D-N.M., about a proposal by Nagel to reduce unsolicited mail.

"I have a way of letting the post office make more money and do less work," Nagel said. He declined to give further details of his proposal.

Nagel school has firsthand experience with unsolicited mail.

In four months, the school received 860 pieces, or 140 pounds, of junk mail. And Tuesday alone, Nagel said, 22 pieces of unwanted mail showed in his mailbox.

He once wrote to the U.S. postmaster general asking him to do something about the problem, but Nagel said he received "no significant response."

Nagel also said there's no use putting junk mail back in the mailbox for return to senders because postal authorities won't send it back. They just throw it away, he said.

A TRIBUTE TO SUZANNE RANSELBEN, JANET BERRIDGE, AND THE STUDENTS OF KAFFIE MIDDLE SCHOOL, AND TO GLENDA KANE AND TO SAM AND ARANKA KANE IN RECOGNITION OF THEIR EFFORTS TO PROMOTE INCREASED AWARENESS OF THE HOLOCAUST

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. ORTIZ. Mr. Speaker, it is with great pleasure that I rise today to recognize and honor the people associated with a very special project by the ninth-grade class of the Kaffie Middle School located in Corpus Christi, TX. With the dedicated help of their 2 teachers, Ms. Suzanne Ranselben and Ms. Janet Berridge, the 58 students have produced a stirring video documentary entitled "Eyewitness to the Holocaust."

The documentary came about because of Ms. Berridge's and Ms Ranselben's efforts to increase awareness of the Holocaust by the students. The video is a compilation of interviews with 20 Holocaust survivors and liberators. Since its conception last September, the students have selflessly contributed hundreds of hours during their weekends and vacations producing this tribute.

The video should serve not only as a memorial to the events of the past, but should also help us to recognize their relevance today. The students' production reminds us of the horror and tragedy brought on by bigotry and racism. These types of prejudicial attitudes and racial aggressions continue to infect our world, and we must actively work to eliminate them. The students themselves, spurred on by their increased awareness of these issues, have started a community group to combat bigotry and racism. They are helping to teach classes to younger students reading works relevant to the Holocaust, and have been guest lecturers at the National Council of Christians and Jews youth group.

On April 25, the students will be coming to Washington, DC, to present their documentary to the National Holocaust Museum. I am sure that the museum is as proud of their effort as I am. In regard to their trip, I would also like to pay recognition to Sam and Aranka Kane, and their daughter-in-law, Glenda Kane, for the efforts and contributions they made which allowed this trip to happen. Glenda Kane started a fund-raising project at the school to pay for the students' trip and her many hours of dedicated work are to be recognized and praised. Sam and Aranka Kane, themselves survivors of the Holocaust, have selflessly contributed over $30,000 to cover the expenses of the trip. I wish to honor all those involved—the students, their teachers, and the Kanes—for their hard work and dedication, and for their invaluable contribution to our society's awareness of the horrors of the Holocaust.

A TRIBUTE TO HEATHER IANERO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an outstanding student from my community who has earned honors along with her classmates for winning the 1990 Rhode Island State Championship title in the Bicentennial of the Constitution and Bill of Rights competition.

Heather Ianero, of Johnston, RI, attends Bishop Keough High School in Pawtuckett, RI. This competition is held annually to test students' general knowledge of the Constitution to contemporary issues. The students were evaluated in three areas: Presentation, overall knowledge of the Constitution, and application of the principles of the Constitution. For Bishop Keough High School, this title was very special for the school finished second last year. Through hard work, combined with the excellent guidance and preparation by her teacher, Ms. Carol Costa, Heather and her classmates were able to achieve excellence. Heather and her classmates, along with Ms. Costa, will now travel to Washington, DC in May to compete in the national competition against teams from across the Nation.

It is with great pleasure that I salute Heather Ianero and the members of Ms. Costa's U.S. History class from Bishop Keough High School. Their outstanding knowledge of the Constitution and its principles serves as a reminder to us all about the importance of this great document for all Americans. I would like to wish Heather and her classmates good luck in the national competiton.

LILLIAN THERESA DICKERSON: IN RECOGNITION OF MORE THAN 23 YEARS OF DEDICATION AND COMMITMENT TO CIVIL RIGHTS AND JUSTICE FOR ALL

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. DYMALLY. Mr. Speaker, I wish to bring to the attention of this Congress the forthcoming retirement of a unique and extraordinary individual who is leaving Federal Government service after over 23 years of dedication and commitment to civil rights and justice for all. While there are few employees of the Federal Government who become celebrities or giants in the civil rights movement, Lillian Dickerson, in her modest manner has achieved a more meaningful legacy for all of us by providing the example of a dedicated public servant which she has reflected over the past 23 years; as an example of a conscientious employee who worked and developed an excellent career in the role of secretary; as a loving mother of five children and four grandchildren; as a community and church leader, and most importantly, as a concerned citizen aware of her community and its needs.

As a personal and professional background about Lillian Dickerson, Lillian was born on March 5, 1930, under her maiden name of Lillian Theresa Jeffress, in her native Washington, DC. She attended and graduated from Washington's historic Cardozo Senior High School and attended Miner Teacher's College which is now the University of the District of Columbia. Lillian interrupted her education with her marriage to Thomas Aubrey Dickerson in 1951 and set about raising a family of five siblings, named Diane, James, Barbara, Gail, and Jeffrey. In addition to her devotion to her children and family, Lillian Dickerson has been an active member of the Jerusalem Baptist Church in Georgetown, where she was christened, baptized, and married. She was an active member of the church's junior choir and young people's choir. Lillian has been an active member of her community, her childrens' schools, and especially in the special education required for two of her grandchildren.

In her professional life, Lillian Dickerson began her career at the very bottom—as a temporary Federal census enumerator back in 1960 rising to senior clerical and administrative positions throughout her 23 years of dedicated service. Lillian began her career with the old Department of Health, Education, and Welfare in 1966 in HEW's Office of Equal Health Opportunities leading to successive clerical and administrative assignments making contributions to the Public Health Services' Bureau of Disease Prevention and Environmental Control; to the Office of the Secretary's Talent Bank Program, and to the Office for Civil Rights from which she is now retiring. Mrs. Dickerson's professional career has been exemplary for consistency of her dedication to tasks and assignments; for her always friendly demeanor, and her willingness to go the extra length to get the job done. She will be sorely missed by her many friends and colleagues at the Department of Health and Human Services for her contributions made over a lifetime both in the example of the strong support of her family and in her years of dedicated Federal service.

In recognition of her dedication and commitment to civil rights and justice for all people, Lillian Theresa Dickerson will be presented with HHS's Office for Civil Rights, Director's Award and most importantly receive the respect and well wishes of her friends and colleagues.

Mr. Speaker, I join the many admirers of Lillian Dickerson, in saluting a remarkable woman, who has successfully achieved two vital careers in her lifetime; namely, nurturing a wonderful supportive family and a professional career as a public servant for the Federal Government. I am certain that Members join me in extending our admiration and best wishes as Lillian Dickerson enters her well-deserved retirement with greater time to devote to her family.

TRIBUTE TO C. WILLIAM POLLARD

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. FAWELL. Mr. Speaker, I rise today to recognize the achievements of an outstanding business and community leader from my Illinois district.

Mr. C. William Pollard, chief executive officer and president of the Servicemaster Co. was named the Oak Brook Jaycees 1989 Outstanding Business Leader of the Year, an award which recognizes an individual's professional and philanthropic achievement.

Working with the principles of God, community, and economic growth, the Servicemaster Co. has gained international acclaim as the leading service company in business today. In addition to his countless professional achievements, Mr. Pollard remains active within the community by dedicating his time to several educational and charitable organizations such as Wheaton College of Wheaton, Ill.

I am proud to say that proceeds from the fundraising award banquet held to honor Mr. Pollard and his company will benefit the College of DuPage Foundation, for scholarship purposes, the Illinois Jaycees' Camp New Hope, an outdoor facility for handicapped children, while the remainder will assist other select charities.

I congratulate Mr. Pollard upon his selection as the 1989 Outstanding Business Leader and applaud his efforts to direct the noble principles that guide Servicemaster to success.

A TRIBUTE TO ANDREA LAPRADE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an outstanding student from my community who has earned honors along with her classmates for winning the 1990 Rhode Island State Championship title in the Bicentennial of the Constitution and Bill of Rights competition.

Andrea Laprade, of Central Falls, RI, attends Bishop Keough High School in Pawtucket, RI. This competition is held annually to test students' general knowledge of the Constitution as well as their ability to apply the constitution to contemporary issues. The students were evaluated in three areas: Presentation, overall knowledge of the Constitution, and application of the principles of the Constitution. For Bishop Keough High School, this title was very special for the school finished second last year. Through hard work, combined with the excellent guidance and preparation by her teacher, Ms. Carol Costa, Andrea and her classmates were able to achieve excellence. Andrea and her classmates, along with Ms. Costa, will now travel to Washington, DC, in May to compete in the national competition against teams from across the Nation.

It is with great pleasure that I salute Andrea Laprade and the members of Ms. Costa's U.S. history class from Bishop Keough High School. Their outstanding knowledge of the Constitution and its principles serves as a reminder to us all about the importance of this great document for all Americans. I would like to wish Andrea and her classmates good luck in the national competition.

A TRIBUTE TO THE BALTIMORE AIRCOIL CO.

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. CARDIN. Mr. Speaker, I rise today to recognize and congratulate the Baltimore Aircoil Co. for its receipt of the prestigious "E Star" Award for Exports. The Baltimore Aircoil Co. was the only Maryland company to be given the "E Star" Award this year and only the sixth to receive it since the first award was given in 1961. In addition, this is the second time that Baltimore Aircoil Co. received this award, the first being in 1967.

Since the birth of the company in 1938, BAC has opened over 150 overseas distribution offices. In 1988, BAC opened an office in Moscow in the homeland of its founder. International markets have allowed BAC to grow in size and sophistication and have become an increasing important source of company revenue.

BAC's commitment to international trade has grown as international sales have become a large part of the company's total volume. BAC is an active member of various export/trade organizations through which their experienced officers and advisors are able to share their knowledge and skills gained in the international trade market. BAC strongly encourages U.S. involvement in foreign markets and participation in global trading and business.

Again, I extend my sincere congratulations to all of the employees of Baltimore Aircoil Co., throughout their global network.

EXPLORING ALTERNATIVES TO HEALTH CARE DELIVERY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. ACKERMAN. Mr. Speaker, the health-care delivery system in the United States is in serious trouble. We are fast approaching a crisis situation, a crisis that could bankrupt our Nation. Health-care costs are rising at an astronomical rate, faster than any other segment of the economy. Between 1980 and 1988, our Nation's health-care bill more than doubled, rising to $550 billion. In 1980, the total daily expenditure in the United States on medical care was $650. By 1988, this figure rose to an astronomical $1.5 billion. Health costs now eat up almost 12 percent of our GNP.

The continually escalating costs of medical treatment are borne by everyone: large corporations and small businesses; the Federal and local governments; insurance companies and beneficiaries; hospitals, physicians and patients; the young and the old.

No one is spared this burden, and no one is happy with the current system. In poll after poll, Americans have expressed dissatisfaction with our current system. According to a survey conducted in the spring of 1989, 67 percent of the public favors a comprehensive National health plan that would cover all Americans; 92 percent of us are concerned about the rising cost of medical care; 75 percent believes that quality health care is something to which all Americans should be entitled.

There are three major reasons why so many citizens are fed up with this system. Cost, access, and quality.

While the costs are staggering, the problem is even more acute for those Americans without any insurance coverage. It is estimated there may be up to 37 million citizens without minimal health-care insurance. The sad irony is that those without medical benefits are often those most in need of urgent health care. The uninsured have two choices. They can show up at hospital emergency rooms for routine treatment with no way to pay their bills. By making this choice, the uninsured are forced to forgo most cost-effective, prevention-oriented care and are forced instead to depend on the least cost-effective, more acute-oriented source of care. The hospital must eat the expense, further driving up costs for others. The second choice is the cruelest: Many Americans do not seek medical assistance when they need it simply because they lack the ability to pay. No one should be forced to choose between eating dinner and seeking a physician; between starvation and sickness.

It is not only the poverty-stricken who face this difficulty. Small business employees, the self-employed, young adults, and farm families often find it impossible to obtain affordable health insurance. People with disabilities, pre-existing conditions, or a need for ongoing health maintenance, are refused or priced out of health insurance.

It is obvious that we must examine our national policy on health insurance and develop a workable alternative to the hodge-podge of policies that currently exist.

It is equally obvious that Federal Government must take a lead role in seeing that affordable health care is made available to every man, woman, and child in this country.

National health insurance, which was once considered pie-in-the-sky ideology, is now being taken seriously by many. Even big business has changed its tune. Corporate America was once one of the biggest obstacles to national health insurance. Now, weary of shrinking profits due to the exorbitant cost of providing health benefits, the business community has begun to recognize the need for some type of national health insurance.

I urge my colleagues to take a close look at this situation. We have seen the alternative and it just does not function as well as is possible. I think it is high time we work to develop a national health insurance system.

A TRIBUTE TO TERRI MASSARO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 23, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an outstanding student from my community who has earned honors along with her classmates for winning the 1990 Rhode Island State Championship title in the Bicentennial of the Constitution and Bill of Rights competition.

Terri Massaro, of Providence, RI, attends Bishop Keough High School in Pawtucket, RI. This competition is held annually to test students' general knowledge of the Constitution as well as their ability to apply the Constitution to contemporary issues. The students were evaluated in three areas: Presentation, overall knowledge of the Constitution, and application of the principles of the Constitution. For Bishop Keough High School, this title was very special for the school finished second last year. Through hard work, combined with the excellent guidance and preparation by her teacher, Ms. Carol Casta, Terri and her classmates were able to achieve excellence. Terri and her classmates, along with Ms. Costa, will now travel to Washington, DC, in May to compete in the national competition against teams from across the Nation.

It is with great pleasure that I salute Terri Massaro and the members of Ms. Costa's U.S. history class from Bishop Keough High School. Their outstanding knowledge of the Constitution and its principles serves as a reminder to us all about the importance of this great document for all Americans. I would like to wish Terri and her classmates good luck in the national competition.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 24, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

9:00 a.m.

Labor and Human Resources

Business meeting, to consider S. 722, Food Safety Amendments, S. 1425, Nutrition Labeling and Education Act, S. 436, Employee Health and Safety Whistleblower Protection Act, S. 1883, Tobacco Product Education and Health Protection Act, and other pending calendar business.

SD-430

9:30 a.m.

Armed Services

Conventional Forces and Alliance Defense Subcommittee

To hold closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Army's modernization plans in the context of projected force structure changes.

SR-222

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Michael P. Galvin, of Illinois, to be an Assistant Secretary of Commerce.

SD-538

Commerce, Science, and Transportation

To hold hearings to review certain recommendations in response to global change.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs
To hold oversight hearings on the operation of the Inspectors General's offices.
SD-342

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration and the Executive Residence at the White House.
SD-116

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

Joint Economic
To hold hearings on the Soviet economic crisis.
2325 Rayburn Building

10:30 a.m.
Finance
To hold hearings on U.S.-Japan trade negotiations, focusing on the Structural Impediments Initiative (SII) and Super 301 trade cases.
SD-215

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 370, to establish the American Heritage Trust to provide funding for the preservation of America's natural, historical, cultural, and outdoor recreational heritage.
SD-366

2:30 p.m.
Conferees
On H.R. 1465, Oil Pollution Liability and Compensation Act.
1334 Longworth Building

APRIL 26

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to resume consideration of proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.
SD-192

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
SH-219

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

Banking, Housing, and Urban Affairs
To resume hearings on proposed legislation to modernize the legal and regulatory structure of the financial services industry to increase competitiveness of U.S. institutions.
SD-538

Finance
To hold hearings on proposed legislation regarding economic implications of changes in Puerto Rico's political status, including S. 712, Puerto Rico Status Referendum Act.
SD-215

Judiciary
Business meeting, on pending calendar business.
SD-226

10:30 a.m.
Labor and Human Resources
To hold hearings on proposed legislation to authorize funds for the Centers for Disease Control's tuberculosis program.
SD-430

2:00 p.m.
Energy and Natural Resources
To resume oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings on proposed legislation authorizing funds for the Asbestos School Hazard Abatement Act and to review the implementation of the Asbestos Hazard Emergency Response Act and scientific questions surrounding asbestos exposure.
SD-406

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

Judiciary
To hold hearings on the nominations of William M. Nickerson, to be United States District Judge for the District of Maryland, James K. Singleton, Jr., to be United States District Judge for the District of Alaska, and Stephen M. McNamee, to be United States District Judge for the District of Arizona.
SD-226

3:15 p.m.
Armed Services
To hold hearings on a report from Secretary of Defense Cheney on the results of the major aircraft review by the Department of Defense.
SR-253

3:30 p.m.
Foreign Relations
European Affairs Subcommittee
Closed briefing, on the current European talks.
S-116, Capitol

APRIL 27

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue consideration of proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 2268, to revise the Airport and Airway Improvement Act of 1982 (title 5 of P.L. 97-248) to authorize funds for fiscal years 1991 and 1992 for airway improvement.
SR-253

9:15 a.m.
Governmental Affairs
To hold hearings on the nomination of Jessica L. Parks, of Georgia, to be a Member of the Merit Systems Protection Board.
SD-342

9:30 a.m.
Armed Services
Conventional Forces and Alliance Defense Subcommittee
To resume closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Air Force's force structure and modernization plans.
SR-222

Banking, Housing, and Urban Affairs
HUD/Moderate Rehabilitation Subcommittee
To hold oversight hearings to review low-income tax credits.
SD-538

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold oversight hearings on the operation of the U.S. Postal Service.
SD-342

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings on the effectiveness of Super 301, a provision of the Omnibus Trade and Competitiveness Act of 1988 which created a program to eliminate the major trade barriers of foreign countries.
SD-215

Foreign Relations
To hold hearings on international money laundering.
SD-419

Foreign Relations
To hold hearings on the nomination of Paul C. Lambert, of New York, to be Ambassador to the Republic of Ecuador.
S-116, Capitol

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Foundation on the Arts and Humanities, focusing on the National Endowment for the Arts.
SD-430

11:00 a.m.
Judiciary
Technology and the Law Subcommittee
To hold hearings on S. 2476, to revise title 18 of the United States Code to clarify and expand legal prohibitions against computer abuse, deter malicious computer hacking, and to aid prosecution of computer crimes without curtailing creative, legitimate computer experimentation.
SD-226

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on provisions of S. 1203, to provide tax incentives for businesses on Indian reservations, and S. 1650, to allow an Indian employment opportunity credit for qualified employment expenses of eligible employers on Indian reservations; to be followed by a business meeting to mark up S. 143, to establish the Indian Development Finance Corporation to provide development capital for Indian businesses.
SR-485

MAY 1

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's uranium enrichment program.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, Department of the Interior.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1831, to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico, S. 2014, to direct the Secretaries of Agriculture and the Interior to provide interpretation and visitor education regarding the rich cultural heritage of the Chama River Gateway Region of northern New Mexico, S. 2143, to establish the Organ Mountains National Conservation Area in New Mexico, S. 2165, to establish the Glorieta National Battlefield in New Mexico, S. 2254, to establish the Pecos National Historical Park in New Mexico, S. 2429, to establish the Mimbres Cultural National Monument and to establish an archeological protection system for Mimbres sites in New Mexico, and other pending legislation.
SD-366

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

2:00 p.m.
Armed Services
Conventional Forces and Alliance Defense Subcommittee
To resume closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Department of the Navy's force structure and modernization plans.
SR-222

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
SD-124

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA), focusing on aeronautics and space technology.
SR-253

Energy and Natural Resources
To hold oversight hearings on applications received by the Department of Energy for authority under section 3 of the Natural Gas Policy Act to import Canadian natural gas to serve markets in the Northeastern U.S. and applications received by the Federal Energy Regulatory Commission for authority under section 7 of the Natural Gas Policy Act to construct and operate natural gas pipeline facilities in the U.S. to deliver such gas to markets in the Northeast.
SD-366

Governmental Affairs
To hold hearings on AIDS education for school-aged youth.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Corps of Engineers.
SD-192

Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on ICBM modernization.
SR-222

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

MAY 7

9:30 a.m.
Governmental Affairs
To hold oversight hearings on implementation of the U.S.-Canada Free Trade Agreement (P.L. 100-449).
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the National Science Foundation and the upcoming scientific manpower crisis.
SR-253

2:15 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1848, to implement and provide financial assistance for a research and demonstration program for natural gas and coal cofiring technologies.
SD-366

2:30 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the jurisdiction between the Commodity Futures Trading Commission and the Securities Exchange Commission.
SH-216
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study, on S. 1189, to establish the Office of Ocean and Coastal Zone Management and to require coastal States to implement coastal zone water quality improvement plans.
SR-253

MAY 10

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253
Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Federal Election Commission, and to review Senate policy on official mail.
SR-301
Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the B-2 low observability and counter-Stealth analyses.
S-407, Capitol
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 2268, to revise the Airport and Airway Improvement Act of 1982 (title 5 of P.L. 97-248) to authorize funds for fiscal years 1991 and 1992 for airway improvement.
SR-253

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA), focusing on space science and applications.
SR-385

MAY 11

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 2483, to improve educational assistance programs for veterans, S. 2484, to improve the housing loan program for veterans, and veterans employment programs, including section 401 of S. 2100.
SR-418

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review commercial space programs.
SR-253

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2170, to prescribe the conditions under which contractors receiving operating-differential subsidy of their affiliates may engage in coastwise or intercoastal trade.
SR-253

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors

and the future of the U.S. electronics industry.
SR-253

Veterans' Affairs
To hold hearings on titles I and III of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act, S. 1887, to allow for Kentucky Vietnam veterans to receive a one-time bonus from the Commonwealth, S. 2454, to increase the estate limits for certain incompetent institutionalized veterans, S. 2482, to clarify the eligibility of certain minors for burial in national cemeteries and to authorize use of flat grave markers in a section of Florida National Cemetery, S. 2102, to modify certain congressional reporting requirements imposed upon the Secretary of Veterans Affairs for certain administrative reorganizations within the Department of Veterans Affairs, and proposed legislation to expand radiation presumptions for veterans.
SR-418

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 7

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on veterans prosthetics and special-disabilities programs.
SR-418

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2203, to settle certain claims of the Zuni Indian Tribe, S. 2075, to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality, and S. 1934, to revise the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian Housing assisted under such Act.
SR-485

JUNE 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's satellite programs.
SR-253

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2358, providing U.S. consumers the opportunity to enjoy the technological advancement in sound recording by use of digital audio tape recorders.
SR-253

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's ocean and coastal programs.
SR-253

Veterans' Affairs
To hold hearings on title II and section 402 of S. 2100, relating to veterans physician pay and health issues, S. 1860, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war, S. 2455, to provide for recovery by the U.S. of the cost of medical care and services furnished for a nonservice-connected disability, S. 2456, to extend expiring laws authorizing the Department of Veterans Affairs to contract for needed care and to revise authority to furnish outpatient dental care, and other proposed legislation.
SR-418

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1974, to require new televisions to have built in decoder circuitry designed to display closed-captioned television transmissions.
SR-253

JUNE 28

9:30 a.m.
Veterans' Affairs
Business meeting, to consider pending legislation relating to veterans compensation and health-care benefits.
SR-418

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

APRIL 24

10:00 a.m.
Finance
To hold hearings on the changing trade relations between the United States and the Soviet Union.
SD-215

Foreign Relations
To hold hearings on implementation of verification provisions of the INF Treaty (Treaty Doc. No. 100-11) and prospective arms control accords.
SD-419

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 26

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Transportation Safety Board.
SR-253

POSTPONEMENTS

APRIL 24

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

APRIL 25

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings to review FHA mortgage ceilings.
SD-538

HOUSE OF REPRESENTATIVES—*Tuesday, April 24, 1990*

The House met at 12 noon.

Rabbi Barry Tabachnikoff, Congregation Bet Breira, Miami, FL, offered the following prayer:

Master of all beings, to You we turn, in search of inspiration, as we walk life's path. Grant wisdom and inspiration to our leaders who devote their service to our country and its citizens. Here our ancestors built a land of freedom, a beacon for the oppressed in every generation. Here the poor and homeless came, from every land, from every faith. Here they found acceptance, in a land of pluralism and plenty, a land of opportunity and acceptance. May our great country continue to strive to sustain this noble heritage. Ours is the opportunity to serve humanity and bring blessings to all. As we today commemorate the suffering of the Holocaust. May we learn to live together in harmony, working to bridge our differences in the laboratory of democracy that protects us all.

Humbly we invoke the blessings of the creative force that guides and sustains us all: May we release the energy, the spark of the divine, that dwells within each individual, So that we might shape our generation and influence it, as we move toward harmony, understanding, and peace. May we learn to value people above possessions, accomplishments above wealth. May we be worthy heirs of the tradition that urges us, to be a light unto the nations, to bring a spark of reason, understanding, and peace into the world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia [Mr. BARNARD] please come forward and lead the House in the Pledge of Allegiance.

Mr. BARNARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MAKING IN ORDER ON WEDNESDAY, APRIL 25, 1990, OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 310, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1991

Mr. FROST. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, April 25, or any day thereafter, any rule of the House to the contrary notwithstanding, for the Speaker to declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of House Concurrent Resolution 310, the concurrent resolution on the budget for fiscal year 1991. Further, I ask that the first reading of the concurrent resolution be dispensed with and that there be a period for general debate, which shall be confined to the concurrent resolution and shall continue not to exceed 6 hours, including a period of 3 hours on the subject of economic goals and policies, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. Finally, at the conclusion of general debate, the Committee of the Whole shall rise without motion, and any further consideration of the concurrent resolution shall be determined by a subsequent order of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I simply reserve that right to say the leadership on this side is in agreement, and that we think it is a very practical and commonsense way to go forward.

Therefore, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RABBI BARRY TABACHNIKOFF

(Mr. FASCELL asked and was given permission to address the House for 1 minute.)

Mr. FASCELL. Mr. Speaker, I am most pleased today to introduce a dear friend and distinguished religious leader from my congressional district, our guest chaplain today, Rabbi Barry Tabachnikoff.

Rabbi Tabachnikoff is the founding rabbi of Congregation Bet Breira in Miami where he currently serves and is a past president of the Rabbinic Association of Greater Miami. In addition, he is cochairman of the National Rabbinic Cabinet of Israel Bonds.

Rabbi Tabachnikoff is a former chairman of the secondary committee of the University of Pennsylvania where he did his undergraduate work. He was ordained in 1968 at the Hebrew Union College in Cincinnati. He and his wife, Paula, have two children, Jonathan, a student at Brandeis University, and Adam, a student at Killian High School.

On behalf of all our colleagues, I want to extend a warm welcome to Rabbi Tabachnikoff and thank him for giving our prayer today.

□ 1210

AMERICA'S COMPETITIVE POSTURE THREATENED BY ADMINISTRATION'S ACTIONS

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, the House begins work this week on a 5-year budget that makes tough decisions. Our proposal, which passed the committee with unanimous democratic support, achieves a lower deficit than the President requested, provides a more rational approach on defense, and makes targeted investments in areas that will rebuild America economically and strengthen the hands of working families.

The decisions made in our budget contrast sharply with one the administration made—a decision that represents a step backward in our effort to regain America's competitive posture. I refer to the firing of Dr. Craig Fields, the head of the Defense Advanced Research Projects Agency.

Just as DARPA is becoming more instrumental in U.S. efforts to develop and maintain critical technologies, the administration has pulled the rug out from under DARPA by firing Dr. Fields. They have condemned his defense of America's economic and military technology foundations with that old slogan "Industrial Policy." This is the triumph of ideology over the national interest.

I am today sending a letter to the chairman of the Armed Services Committee asking for an investigation of the decision to fire Dr. Fields.

To conclude, Mr. Speaker, John F. Kennedy was fond of saying: "To govern is to choose." Now more than ever, governing well requires that we

choose wisely. I believe the decisions made by Chairman PANETTA and our Budget Committee contrast sharply both with the Bush budget and the administration's tragic decision to fire Dr. Fields.

WAYS AND MEANS COMMITTEE BUDGET DESERVES HOUSE CONSIDERATION

(Mr. COX asked and was given permission to address the House for 1 minute.)

Mr. COX. Mr. Speaker, this week, after the April 15 legal deadline, the House will finally get down to the business of adopting a budget resolution for fiscal year 1991. I think we can all agree that the fact that the House is getting down to the business of drafting a blueprint for next year's spending is of enormous significance.

I am sure that the energy and enthusiasm that Members will bring to the debate this year will be on par with prior years. But to ensure that the House is given a chance to fully and completely consider all the major budget options, I urge that the Committee on Rules of the House make in order the Rostenkowski budget.

Mr. Speaker, I oppose the Rostenkowski budget because its essential components consist of raising taxes and cutting Social Security, but a budget assembled by the Chairman of the Committee on Ways and Means deserves the full attention of the House and deserves full debate and a final vote recorded on the floor of this House.

THE HOUSE DEMOCRATIC BUDGET

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, when comparing the Democratic budget resolution with the President's recommendations, a concern of paramount importance is American competitiveness. It is clear that the Democrats want to make an investment in the future, while the President merely invokes the rhetoric from the past.

The House Democratic Budget makes essential investments in the future that are being neglected. One of the most deserving involves U.S. competitiveness.

According to a memorandum I requested from the Congressional Research Service, less money for defense and more money for infrastructure would make America more competitive.

Each dollar of Government spending on highway and bridge construction, repair, and maintenance returns $2.40 to the U.S. economy. However, defense spending generates only $1.70 for the American economy. Investment in highways and bridges results in 40 percent more "bang for the buck."

I support the House Democratic budget resolution as an alternative to the Bush budget. The President wants to cut programs which will increase U.S. economic competitiveness by $825 million. The resolution introduced by Chairman PANETTA would increase by $2.1 billion programs to hone American competitiveness. I commend Chairman PANETTA, and would ask my colleagues to support his efforts.

THE ROSTENKOWSKI CHALLENGE

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, on March 11 of this year, the Washington Post printed an editorial by the chairman of the Ways and Means Committee, which detailed his proposal for a 5-year Federal budget. The accompanying chart, explaining in detail the numbers behind the plan, was titled the "Rostenkowski Challenge."

Mr. Speaker, this week is budget week. The House will debate and approve a blueprint for Federal spending priorities for the upcoming fiscal year. In order for the House to give full and complete consideration to this issue, we must be allowed to vote on all serious options.

I must believe that when our colleague Chairman ROSTENKOWSKI put forward the "Rostenkowski Challenge" he was being serious. His proposal, then, should be made in order along with the other serious budget proposals.

Mr. Speaker, I urge the Rules Committee, when it meets later today, to make in order the Rostenkowski budget as a substitute to the committee-passed plan.

NECESSARY RESOURCES INCLUDED IN DEMOCRATIC BUDGET

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, there are two ways to measure whether a budget is balanced. The first is whether every dollar spent is covered by a dollar coming in. That is not going to happen this year. By anybody's budget, that is not going to happen this year.

The other way is measuring a budget's rhetoric with the resources that are committed. Unfortunately, the budget presented by the President is not balanced by this measure either.

The budget coming from the House floor does help the President balance his rhetoric with real resources. He called his budget an investment in America but then forgot to mention infrastructure except in one word. However, the House budget does permit him to keep that promise by increasing $1.3 billion over what he requested to build our Nation's highways.

The President promised more resources for education. The Committee on the Budget of the House added $2.5 billion in important education initiatives. The President spoke of being competitive. The House budget resolution has special packages for competitiveness, science, research, and efforts relating to children.

Mr. Speaker, the President's rhetoric sounded good but lacked commitment. The House budget resolution coming to the floor ignores the rhetoric but delivers the resources.

Read my lips. This budget does begin rebuilding America.

FULL DEBATE URGED ON ALL BUDGET ALTERNATIVES

(Mr. McCRERY asked and was given permisson to address the House for 1 minute.)

Mr. McCRERY. Mr. Speaker, the annual rites of spring are upon us—first, major league baseball, and second, the Federal budget debate. While some hopes are already being dashed on the baseball diamond, some Members' hopes for House approval of a budget backed up by a realistic plan for implementation are likewise being dashed.

This week we will consider the budget resolution for fiscal year 1991. Today the Rules Committee will meet to decide what amendments will be made in order and the parameters of House debate. I am sure that all the Members of the House will want a full and complete debate on this major issue. Unless the Rules Committee makes in order the Rostenkowski budget as a separate alternative, the House will not be given that opportunity.

The Chairman of the Ways and Means Committee has put together a serious budget. Some in this House will disagree with the priorities he has laid out, some will agree. But that is the nature of debate.

The House should be given the opportunity to debate and vote on the Rostenkowski budget.

A 5-YEAR PLAN TO BALANCE THE BUDGET

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise in support of the action of our Budget Committee under the capable leader-

ship of the gentleman from California [Mr. PANETTA] in developing a budget resolution to protect America's future economic security.

This budget resolution, unlike the Bush administration's budget, provides a 5-year plan to fully balance the budget without relying on the social security trust fund to mask the true dimensions of the Federal deficit. Overall, our budget achieves over $100 billion more in deficit reduction in over 5 years than the Bush budget.

Further, the internal reordering of priorities within the budget ceiling includes a competitiveness initiative that invests in the American people, in our technology, and in improving our trade as well as our economic independence.

□ 1220

It invests $2.8 billion more than the President's budget in the American people to advance the competitiveness of our economy in cooperation with the private sector. The Federal Government's investment in basic and applied research and development is strengthened, particularly in new technologies that can be commercially applied. It expands trade and export opportunities for U.S. goods out in world markets. And it targets help for people and communities adjusting to economic dislocation. Education, skills advancement, technician training, and improvements in math and science are all reinforced.

Mr. Speaker, I urge my colleagues to support this budget resolution as the best investment we can make in America's future economic security.

GREENVILLE BRETHREN HOME VOLUNTEERS SHINE BRIGHTLY

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, we have all heard our President, George Bush, mention his now-famous thousand points of light—people helping people all across America. Well, I am proud to say the light is shining brightly in Greenville, OH. Today, the Brethren's Home in Greenville will honor 1,200 individuals who have performed 35,802 hours of volunteer service this year for that retirement community.

Young and old alike have volunteered their time to help the senior citizens who live at the home. They did laundry, read books for those with poor eyesight, wrote letters, and shopped, among other things. Their efforts equalled 18 full time staff members, the cost of which would have placed a serious burden on this church-supported retirement and nursing home facility.

Mr. Speaker, the coordinator of these special volunteers, Diana Holmes, and each person who has volunteered his or her time deserves recognition and appreciation for being points of light in their community. Keep up the good work Greenville.

RECYCLING STARTS IN GREAT SMOKY MOUNTAINS NATIONAL PARK

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, beginning next month glass, plastic and aluminum trash in the Great Smoky Mountains National Park in North Carolina and Tennessee will be recycled. This park, the most visited national park in the country, produces more than 1,500 tons of such trash annually. Park officials estimate that 80 to 90 percent of it can be recycled.

Two hundred seventy-five of the Great Smoky Park's bear-proof garbage cans will be painted dark green and marked with a gold recycling logo. Park officials expect that a high percentage of visitors will use these cans since most of them are already conservation-minded. Campers will be given a recycling kit that includes a bag for storing the trash.

The recycling program, which is sponsored and financed by the Dow Chemical Co. and the Huntsman Chemical Corp., will be extended to three other parks this year: Acadia in Maine, Grand Canyon in Arizona and Yosemite, in California. Other parks may be added to the 5-year recycling program.

The sponsoring companies believe that over the long term the program has a good chance of paying for itself through sale of the materials.

This looks like another big plus for the Earth Day movement.

SALVADORAN JUDGE IMPEDING INVESTIGATION OF JESUIT MURDERS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, there is an old saying in El Salvador: "Justice in El Salvador is like a serpent * * * it bites only the barefooted, not those with shoes, and never those with boots."

It is over 5 months since the brutal murders of the six Jesuit priests, their housekeeper and her 15-year-old daughter by soldiers of the Salvadoran Army, and the judge handling the case is sitting on his hands. Under Salvadoran law, judge Ricardo Zamora has the broad responsibility to direct the investigation and bring the accused to trial, but consider what this judge has not done:

He has met only once in 5 months with Colonel Rivas, head of the special investigative unit investigating the crime, that was 6 weeks ago and he has given the investigators no guidance.

He has never met with the military honor board which is also investigating the murders.

He did not even ask for the daily log kept by Colonel Benavides, the highest army officer accused of the crime, until the U.S. Embassy pushed him to do so.

He has not yet interviewed key military leaders, including Chief of Staff Ponce and Vice Minister of Defense, Colonel Zapeda, even though they insist they are prepared to cooperate.

He has not instructed the investigators to polygraph other key officers even though there is testimony that they have knowledge of the crime. I have even heard the Machiavellian theory that the left in El Salvador are pleased with the do nothing judge because they see political gain in the case festering forever. Judge Zamora: America wants justice in these brutal murders * * * America's support for El Salvador depends on it.

READ MY LIPS BUT DON'T READ MY BUDGET

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. My colleagues and Mr. Speaker, as we enter this week, we anticipate getting into the budgetary process.

When the budgets are brought to the floor, and I hope that all of them will be, the alternatives, as well as the Democratic package, which is moving forward from the Committee on the Budget, I hope that there will be an examination of the President's budget as well because I think it would be wise for the American people to understand the differences between that which the President has used in his rhetoric and that which the President has put in his budget, and once again it is one of these things about "read my lips," but in this case there is a second corollary, and that is, "Don't read my budget."

Mr. Speaker, this is the education President who comes here and tells us that he wants to have the best education possible and then adds hardly anything into the budget as a total percentage, whereas the Democrats have taken him at his word and added in a significant amount of money. For competitiveness of the United States, where he talked about creating jobs, he is actually cutting $825 million while the Democrats have added

almost $2 million. In AIDS research, where he talked about wanting to do the right thing, he has added only a little money where the Democrats have added a significant amount of money.

Mr. Speaker, all this needs to be examined within the context of what the President says. In this case I say, "Mr. President, not only are we going to read your budget, we're also going to read your lips."

THE MIRRORS OF THE HUBBLE SPACE TELESCOPE

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today on the occasion of the launching of the Hubble space telescope. I am extremely proud to know that many men and women from my district worked to write this page in history. They are the scientists of Hughes Danbury Optical Systems in Danbury, CT.

The team at Hughes Danbury Optical was responsible for the monumental task of assembling the telescope's optical assembly and guidance system. Essentially, this mission hinges on the integrity and accuracy of the telescope's optical components, and Hughes Danbury did not stop short of perfection in their efforts.

The pioneers at Hughes Danbury fabricated the mirrors for the telescope. Through the development of special computers, these mirrors were smoothed to perfection in order to maximize the telescope's performance and our view of the universe.

I am pleased to have this opportunity to commend the employees at Hughes Danbury Optical Systems and their colleagues around the world for making the Hubble space telescope possible.

Today, we have taken a grand step toward understanding our vast universe.

MURDERERS SHOULD BE PUT TO DEATH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1974 Edward Mitchell murdered a man. He shot him six times in the head, and he went to jail for it.

However, Mr. Speaker, Edward Mitchell is back on the street in 4 short years, like so often we hear about.

Last week in a Youngstown rooming house Mitchell was at it again. He had an argument with a woman by the name of Carolyn Wilson. Later that night she awoke to find Mitchell leaning over her with a gun at her head, and he slashed her throat. He then discarded her body because he thought that she had died. Luckily some citizen found Carolyn Wilson. She awoke in a hospital. She is there fighting for her life.

However, Mr. Speaker, the question I have is this: "Why doesn't Congress do something to help innocent victims in our country; and, No. 2, how did Mitchell get out of jail in the first place, being a murderer?" If someone could answer that, I would like them to try to explain that to my constituent, Carolyn Wilson.

My bill, H.R. 2102, would offer some explanation. Murderers, cold-blooded murderers, should be put to death in America.

THE NEED FOR CAMPAIGN REFORM: THE LESSON OF THE S&L DEBACLE

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, of all the lessons of the savings and loan debacle, one stands out: The need for campaign finance reform. S&L-gate—the principle that every living American and a good many yet to be born will be required to put up $1,000 to $2,000 a piece over the next 30 years to cover up public policy mistakes—makes Teapot Dome and Abscam historical scandals of peanut proportions.

What is so extraordinary is that so few in this body seem to recognize that the root of the S&L problem is weak law and that the root of weak law was not a collusive attempt of ill-willed legislators to defraud the public, but rather of well-intentioned solons operating under the rubric of politics as usual.

It is the system that has perverted judgment, not the individual who has perverted the system. Hence the need for reform of a campaign system that allowed an industry to give $1.8 million to candidates in the last election cycle while losing over 100,000 times that amount in federally insured deposits over the last decade and 10,000 times that amount in the past year alone. Taxpayers who are being asked to pay the congressional piper demand that this kind of return on political investments be stopped, once and for all.

Yet, tragically, news reports and rumors abound that America's senior political party—a party in which the majority has rhetorically supported campaign reform for over a decade—may again refuse to translate good public intention into good public statute. The "no-limit" limit currently being bandied about by the party that used to stand so proudly for the little man—the prescription that PAC contributions to a House candidate be "limited" to $275,000 each election cycle—defies any reasonable definition of reform. It represents an ensconcing of the status quo, an invitation to continued conflicts of interest.

What America needs is a Congress indebted to the individual citizens who click the voting levers not to the moneyed groups which tilt the levers of power.

In the highest sense, politics should be the art of representation, not the art of electoral manipulation.

□ 1230

DARPA DIRECTOR CRAIG FIELDS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I rise today in response to the actions taken by the administration regarding DARPA director Craig Fields. It is surprising to me that the administration would remove him from his current post as head of the Defense Advanced Research Projects Agency [DARPA].

In my opinion, Craig Fields has done a good job and has shown great leadership. This is not disputed by anyone. Obviously, the administration and Dr. Fields have a basic difference in philosophy. Dr. Fields believes that the Government should play a role in the industrial development of such things as semiconductors, computers, HDTV and other technologies which have commercial as well as military applications. Apparently, the administration feels that the Government should have little or no part in developing these technologies.

In a fast-changing world it is amazing to me that the administration would divorce itself from these types of projects. If DARPA is not a participant in supporting certain technologies simply because they have commerical applications, I believe we will be severely limited. Many high-technology initiatives have military as well as commercial applications. Especially in light of recent world events, it seems to me that Government should be concentrating more on research and development in technologies which have a wide range of applications.

Mr. Speaker, Craig Fields is a good man and has done a good job. He is a forward thinker and I hope the administration will reconsider, or at least put his talents in place where his talents can help the United States participate in joint ventures that enable our Government to be joint partners with business in this fast-changing world.

THE SUCCESSFUL LAUNCH OF THE HUBBLE SPACE TELESCOPE

(Mr. ROE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE. Mr. Speaker, I am pleased to announce that the Hubble space telescope has been carried successfully into orbit by the space shuttle *Discovery.* The launch of Hubble, which took place at 8:31 a.m. this morning, appears to have been flawless. I know that our best wishes are with the crew of *Discovery*—Loren Shriver, Charles Bolden, Steven Hawley, Bruce McCandless, and Kathryn Sullivan—as they begin their mission.

The Hubble space telescope will provide humanity with a unique window into the far reaches of the universe. It will see 7 times farther away and observe objects 50 times fainter than any ground-based telescope. The observable universe accessible to humanity will expand dramatically from the present limit of 2 billion light years to 14 billion light years. That is, we will see light that left distant stars and galaxies 14 billion years ago—almost to the dawn of creation.

Hubble is likely to answer questions that have stymied Earth-based astronomers for generations—and is equally likely to raise many more questions for future generations to tackle! The space telescope will search out clues to the size and origin of the universe and to its likely evolution. It will look at stars and galaxies, as well as even more exotic objects such as quasars and black holes. It may even allow us to observe planets circling distant stars.

Yet the Hubble space telescope will not spend all of its time focusing on the distant reaches of space—it will also spend significant time observing the planets of our own solar system, including the giant planets of Jupiter and Saturn as well as the icy world of Pluto, the most remote planet circling our Sun.

In the months ahead, as we consider the funding for the National Aeronautics and Space Administration and super collider, I hope my colleagues will reflect on the rich achievements that our investments in science and technology have brought. These benefits cannot be measured in dollars and cents but will be our most lasting legacy to our children.

It will be an exciting time—not only for astronomers but for all of us—as Hubble begins to send back a wealth of images in the weeks and months ahead. We wish the crew of *Discovery* Godspeed and look forward to seeing them up here on the Hill after their return.

TRIBUTE TO ENERE LEVI, ESQ.

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I recently announced that a key member of my Washington office staff will be returning to the private practice of law in Seattle, WA, and I want to pay a special tribute to him for the outstanding work that he has done for the people of American Samoa.

Mr. Speaker, as a native son of Samoa, Mr. Enere Levi performed his duties and responsibilities as legislative counsel in my Washington office with distinction and honor. As a member of the House Committee on Foreign Affairs, I specifically assigned Mr. Levi with one of the hottest, most time-consuming, demanding jobs on the Hill. He plunged into his new role with a full head of steam and hasn't let up since.

During his tenure on my staff, Mr. Levi coordinated several pieces of legislation with considerable success. Key among these successes were House Concurrent Resolution 214, a resolution banning drift net fishing which has already passed the House; increased funding for the Pacific region in the State Department fiscal years 1990-91 authorization and appropriation acts; a South Pacific Scholarship Program to encourage Pacific island students to attend American universities; restoration of arrearage funding for the South Pacific Commission; the upgrading of the U.S. officer in Western Samoa to U.S. Ambassador; and the report on the South Pacific and Hurricane Ofa.

Mr. Speaker, it is with the greatest regret that I accepted Mr. Levi's resignation. I understand his desire to return to private practice in Seattle, where he can spend more time with his family, certainly earn more money, work fewer hours, and live in a safer, healthier environment. He has done a fantastic job in foreign affairs and working for Samoa's veterans, and I am going to miss him very much.

Mr. Speaker, several senior members of the Foreign Affairs Committee have told me they were impressed with Mr. Levi's professionalism and tremendous drive to do a first-class job on any project he was assigned. The Samoan people should be very proud of this young man, who is a tremendous example and role model for Samoa's next generation of outstanding leaders.

Prior to working for the U.S. House of Representatives, Mr. Levi served as an assistant attorney general in American Samoa for 4 years, and assistant public defender in Seattle for 5 years.

Mr. Levi graduated magna cum laude from the University of Washington, where he completed his undergraduate studies in political science. He was inducted a member of the Phi Beta Kappa National Honor Society, and later received his juris doctor degree from the University of California at Berkeley—Boalt Hall.

Mr. Speaker, Mr. Levi is returning to Seattle as a partner in a five-member law firm which specializes in antitrust litigation and real estate development and planning.

Mr. Levi, and his lovely wife, Marci, were blessed 6 months ago with their newest addition to the family, daughter Danielle Salilo.

INTRODUCTION OF LEGISLATION TO BAN STEEL JAW LEGHOLD TRAPS

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, today, I and more than 20 of my colleagues are introducing a bill to outlaw the use of the cruel and inhumane steel jaw leghold trap, a brutal device used by the U.S. fur-trapping industry. The steel jaw trap snaps closed on the limb of an animal as it steps into the trap. It does not kill it. It causes excruciating pain for hours or perhaps days until a hunter comes along and dispatches it or until it bleeds or starves to death. Sometimes the animal frees itself by gnawing off its own limb in desperation, despair, and panic.

Mr. Speaker, the European parliament is currently deliberating legislation that would ban imports of all fur and fur products caught in countries that continue the use of the steel jaw leghold trap. I have met with these men and women. I have negotiated with them and discussed the matter with them. They are rational, thoughtful, enlightened, dedicated legislators. Their act, if they are successful, would mean an annual loss to the U.S. fur industry of approximately $200 million worth of fur exports to Europe. Continued use of the trap, in other words, would not only continue a cruel and inhumane practice, but would represent a major economic threat to our country. There is no point in continuing use of this trap and increasing our trade deficit further, Mr. Speaker, when there are several alternative, economically viable, and reasonably humane trapping means available.

We in Congress ought to act now and anticipate the act of the European parliament.

I urge my colleagues to support this bill so that once and for all we can ban the barbaric use of the steel jaw leghold trap.

DEMOCRATS SLASH PRESIDENT'S BUDGET FOR SCIENCE AND SPACE TECHNOLOGY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I join with the gentleman from New Jersey who spoke a few minutes ago congratulating the crew of the space shuttle *Discovery* for their successful launch this morning, and the whole team that was responsible for that launch. We will put in orbit in the next few days the Hubble space telescope, which is a remarkable technical achievement for this country.

It is this kind of project that helps drive the technology of the future, and that is the reason why it is so disappointing that as the Democrats bring their budget to the floor this week that they have slashed the President's proposals for spending in science and space by almost $7½ billion over the next 5 years. It is apparent from the budget of the Democrats that not only did they do what we expected them to do, slash our ability to defend the country, but now they have decided to go after another major account in the budget as well, that which we spend for science and technology. That will be a tragedy. It will mean that we will not have the ability to build the devices necessary and the technology necessary to be competitive in the world economy of the future.

THE CAMPAIGN ADVERTISING BILL

(Mr. GORDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORDON. Mr. Speaker, people all over the world, from Czechoslavakia to Nicaragua have risked their lives for the simple right to vote, a right, we in America too often take for granted.

I rise today to introduce a bill which is directed toward the source of many Americans' voting apathy, negative campaigning. My bill would require a candidate's image to appear for a minimum of four seconds on at least one-third of the television screen in all television spots.

Mr. Speaker, in addition, my bill requires candidates to take full responsibility for the content of their television, radio, and print advertising.

American voters deserve to know who is paying for the negative campaigns they are seeing, and candidates need to be held accountable for their messages.

People are growing increasingly frustrated by campaigns lacking in substance, yet full of mean-spirited personal attacks. It is no wonder that the United States has the second-lowest voting percentage of the top 20 industrialized democracies.

Our Nation is the greatest and oldest democracy in the world. We ought to continue setting the standard for all democracies.

Americans deserve campaigns that address issues and facts rather than mud-slinging, negative campaigns based on half-truths.

I urge my colleagues to support this bill.

□ 1240

AIDS MEMORIAL QUILT PANELS DISPLAYED IN CANNON BUILDING ROTUNDA

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, I would like to invite my colleagues and members of the staff of the Congress and visitors to drop by sometime this week to see the display in the rotunda of the Cannon House Office Building.

Several dozen panels from the AIDS memorial quilt are displayed in the rotunda for the duration of this week. I think many Members and certainly many Americans have had an opportunity to see that quilt displayed in Washington and several dozen cities around the country. On its last visit here it took up the entirety of the square footage of the Ellipse, and it can never again be displayed in one piece because, unfortunately, it has outgrown it.

There are some 12,000 3 by 6 foot panels, each of which gives a face and a name to the tragic statistics of the epidemic. They are expressions of anger and pain, but they are also an extraordinary symbol of remembrance and of hope.

I would urge Members to take the opportunity to drop briefly by the rotunda of the Cannon Building.

THE GREAT BUDGET DEBATE

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, this week is the week of the great budget debate, and there will be a lot of rhetoric heard on both sides of the political aisle.

Before that all begins, Mr. Speaker, I want to focus on some very basic facts. According to the House budget resolution, approximately $130 billion of public resources would be shifted from defense to nondefense initiatives on a pay-as-you-go basis. Major physical capital investments are made in aviation, highways, housing, and the environment. Research and technology are given new resources to raise overall productivity. Human capital is enhanced through funding increases in education, training, health, and child care. Substantial investments are devoted to repairing damage from the past, to cleaning up our nuclear and toxic wastes, and to reducing the menaces of drugs and AIDS.

Finally, Mr. Speaker, funding is increased for international affairs which will enhance American leadership toward a more democratic world.

Mr. Speaker, I would just observe that this is far from a perfect budget resolution, but I view it, Mr. Speaker, as the first step on the road toward another economic summit where hopefully we can achieve a bipartisan agreement to significantly reduce this Nation's enormous deficit.

AIDS MEMORIAL QUILT RENEWS A SENSE OF URGENCY

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the AIDS memorial quilt now on display in the Cannon Building rotunda memorializes the lives of nearly 12,000 of the persons who have died from a disease that has touched all of us in some way.

The quilt is a living monument. It speaks eloquently to us—proclaiming the significance of each lost life, expressing the sorrow of family and friends, demanding relief from a devastating disease.

Each panel pleads for a cure, effective prevention, and comprehensive care for all those affected. Each reminds us that the epidemic can strike persons from all walks of life, many cultures, and of all ages. Each panel proclaims the urgent message that the epidemic is continuing to attack human beings and that much more must be done to prevent its deadly progression.

I do not think anyone can view the painstaking creativity embodied in the panels without feeling the sadness and love of those who made them. But I am hopeful that the quilt will renew a sense of urgency that we provide the resources necessary to bring these senseless deaths from AIDS to an end.

THE 75TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, today, April 24, marks the 75th anniversary of the Armenian genocide in which over 1½ million Armenian people were senselessly slaughtered. It is only by commemorating this date that we gain an understanding of the Armenian

people's struggles. We must guarantee that an event like the Armenian holocaust will never be repeated. Yet the suffering of the Armenian people continues—and will continue—until and unless that genocide is recognized and acknowledged. As we have very recently witnessed, the new government of East Germany, in one of its first official acts, apologized for its role in the massacre of Jews during World War II. It is incumbent upon those parties responsible for the deaths of 1½ million Armenians to do the same and make amends for their role in this horrible tragedy.

Indeed, if the world is going to prevent mass killings, we must keep memories of genocide alive and pay tribute to the innocent individuals whose lives were unjustly taken for political motives. The Armenian genocide is one example that reminds all of us that planned mass murder is a crime against each of us. If we choose to let this memory pass into the shadows of history, we deprive the world of the opportunity to cry out against this deplorable tragedy.

USE COMMON SENSE WHEN H.R. 3030 COMES BEFORE HOUSE

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the preliminary release of the acid-rain study will be coming out, and it infers that H.R. 3030 goes too far.

Let me read the Members a couple of things. Dr. Mahoney, who is the director, says that while "acid rain does cause damage, the amount of the damage is less than we once thought." He said that the view that acid rain represented an imminent environmental disaster has now been eliminated. He says, "There is no evidence acid rain has cause a general decline of American forests," and says that there is no evidence that acid rain in the United States harms crops.

Read it; read it. Do not just listen to what these radical people are saying.

There are problems, but let us balance the environment with jobs. Let us balance it with the economy.

Passage of H.R. 3030 will have the potential of an economic devastation on coal and steel regions throughout the United States.

Let us use some common sense when this bill comes before the House of Representatives.

EXPLAIN ADMINISTRATION'S BUDGET

(Mr. HEFNER asked and was given permission to address the House for 1 minute.)

Mr. HEFNER. Mr. Speaker, there have been a lot of 1-minute speeches this morning about the budget.

Mr. Speaker, I served on the Committee on the Budget for 6 years, and for the last 10 years the administration's budget has been sent to this House. Not once has it been explained. It has been voted on twice. One time it received 27 votes, and one time it received 1 vote.

If Members want to explain the budgets, I am hoping that some of the advocates for the administration's budget will fully explain it to us, tell us about the cuts in Medicare and the other health benefits, where we can make a determination. Who knows, if the administration's budget is fully explained, which it has not been in the last 10 years, maybe some of us just might vote for it.

STOP THE REPRESSION OF LITHUANIA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the Soviet Union continues to increase the pressure on the tiny Baltic Republic of Lithuania, sending signals to that country that they are going to use whatever force is necessary to crush the movement toward freedom and independence and democracy.

Mr. Speaker, I think that we in the country who have considered the Baltic nations as captive nations for the past 25 to 30 to 50 years ought to let the Soviet Union know in no uncertain terms that this is not going to be tolerated.

We ought to urge the President of the United States of America to put whatever pressure is necessary upon the Soviet Union to stop this repression that is taking place in Lithuania right now, and that means that if we have to tell the Soviet Union there will be no more technology transfer, no movement toward giving them IMF or World Bank loans, not giving them observer status at the GATT talks, these things should be done.

The President of the United States should say in no uncertain terms that we are tired of this. "We want you to stop the repression of Lithuania and let that country become free as they want to be."

ANOTHER LEVERAGED BUYOUT ARTIST BITES THE DUST

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, Hosannah! Another corporate raider, another leveraged buyout artist has bitten the dust.

Sir James Goldsmith engineered, or attempted to engineer, a raid which would have taken over B.A.T. PLC, which is the British corporation which has ownership interests in Brown & Williamson Tobacco, and BATUS USA, which are located in my district.

□ 1250

The decision on the part of Sir James Goldsmith to withdraw his hostile bid did not occur quickly enough to save BATUS Industries and the 150 jobs in my community. However, his withdrawal does represent a significant change in mood in the country toward leveraged buyouts. I think that mood change has occurred in part because of hearings which have been conducted by our Subcommittee on Economic and Commercial Law of the Committee on the Judiciary. We lifted the rock called leveraged buyouts, and under that rock are a lot of creepy crawlers. They may wear Savile Row suits and Hermes ties, but they are creepy crawlers nonetheless. I hope that the Goldsmith retreat signals an end once and for all to the era of the "go for broke, take no prisoners" mentality, during which Wall Street attempted to raid Main Street.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

REGARDING HUMAN RIGHTS IN LIBERIA

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 354) expressing the sense of the House of Representatives regarding United States military assistance for the Republic of Liberia and human rights abuses in Liberia.

The Clerk read as follows:

H. RES. 354

Whereas the Republic of Liberia and the United States are bound by ties of mutual respect and friendship;

Whereas in recognition of this special relationship, the United States has provided Liberia with substantial economic and military assistance;

Whereas the Congress and the administration have repeatedly expressed concern about human rights abuses in Liberia;

Whereas United States assistance to Liberia has declined in recent years as a result of the Government of Liberia's persistent lack of progress in the protection of internationally-recognized human rights and in the implementation of needed economic reforms;

Whereas on or about December 24, 1989, a group of insurgents opposed to the government of President Samuel Doe entered the eastern county of Nimba and killed a number of Liberian officials and unarmed civilians;

Whereas Liberian troops and provincial security forces were dispatched to Nimba County to counter the insurgency and indiscriminately killed Liberian civilians without regard to the distinction between combatants and noncombatants;

Whereas media reports and international human rights organizations have estimated that at least 200 persons, primarily members of the Mano and Gio ethnic groups, have been killed by troops of the Government of Liberia during the counterinsurgency campaign; and

Whereas according to the estimates of the United Nations High Commission for Refugees and other relief organizations, more than 140,000 Liberians have been forced to flee their homes in Nimba County into the Republic of Cote d'Ivoire and the Republic of Guinea as a result of the recent fighting: Now, therefore, be it

Resolved, That—

(1) the House of Representatives condemns the recent violence against unarmed civilians (particularly members of the Mano and Gio groups who have been singled out on the basis of their ethnicity) in Nimba County, Liberia, and calls on all parties to the conflict to comply with Article 3 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War which establishes the right of noncombatants to humane treatment in the case of armed conflict; and

(2) it is the sense of the House of Representatives that—

(A) the President should convey to the Government of Liberia the concerns of the United States about human rights abuses in Liberia since 1980, especially the recent killing of unarmed civilians by Liberian Government troops;

(B) the President should urge the Government of Liberia to quickly resolve the conflict in a manner which permits the thousands of Liberian refugees to return to their homes;

(C) the President should provide all necessary support to efforts by the United Nations High Commissioner for Refugees and other relevant international and private voluntary organizations to meet the urgent humanitarian needs of Liberian refugees in neighboring countries;

(D) the President should not permit any United States military advisors to accompany Liberian troops in fighting the insurgency in Nimba County;

(E) the President should consider recent events in Nimba County in making the assessment, related to human rights in Liberia, required by section 549 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990;

(F) in the event that the suspension of foreign assistance to the Republic of Liberia is no longer required by those provisions of law which restrict foreign assistance to countries which are in default in foreign assistance loans (commonly known as the Brooke amendment), the President should not resume military assistance to the Republic of Liberia until the Government of Liberia has—

(i) ended the indiscriminate killing of civilians by Liberian troops in Nimba County;

(ii) instituted a fair and impartial inquiry into human rights abuses in Nimba County and allowed credible international human rights organizations complete access to the affected regions;

(iii) taken steps to investigate and prosecute those individuals, including members of the Liberian armed forces, guilty of human rights abuses; and

(iv) made substantial progress in promoting the safe return of the refugees to Nimba County; and

(G) the Government of Liberia should honor its commitment to hold scheduled elections in 1991 and ensure circumstances in Liberia that are conducive to a free and fair election process.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support House Resolution 354 and I want to commend my colleagues, Congressman WEISS, Congressman PAYNE, and Congressman WOLPE, for their leadership on this resolution. I also want to commend the chairman of the Foreign Affairs Committee and the ranking minority member, Congressmen FASCELL and BROOMFIELD and Congressman BEREUTER, ranking minority member of the Human Rights Subcommittee for this timely and important effort.

The human rights situation in Liberia remains deplorable. Recent hearings of the Subcommittee on Human Rights and International Organizations on United States Human Rights Policy have documented continuing abuses committed by the Liberian Government. The State Department's country reports, plus recent publications and testimony provided by Human Rights Watch and the lawyers committee for human rights have detailed extensive violations. The full Foreign Affairs Committee approved the resolution in late March.

In response to a coup attempt, Liberian security forces have killed hundreds of noncombatants, and committed other serious abuses. In addition, more than 140,000 Liberians have been forced to leave their homes and become refugees.

Mr. Speaker, House Resolution 354 condemns the violence against noncombatants, calls on President Doe of Liberia to investigate the abuses committed by his security forces and prosecute those culpable of such crimes. It also urges President Bush to support international efforts to address the needs of the Liberian refugees. Finally, it adds human rights conditions to United States aid to Liberia, which is now being restricted because of corruption and economic mismanagement.

I ask all my colleagues in the House to vote in support of this important measure.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer my support of House Resolution 354, expressing our concern about recent events in the Republic of Liberia.

The United States and Liberia have long been bound by ties of friendship and respect. Since 1980, Congress has repeatedly expressed concern about the worsening human rights situation in Liberia. We now have reliable reports from the media and from human rights organizations which detail the Liberian Government's brutal attacks against unarmed civilians under the guise of a counter-insurgency campaign.

Last December, forces opposed to President Doe's regime launched attacks in Liberia's Nimba County. The Doe government responded with indiscriminate attacks on minority ethnic groups in the Nimba region. Hundreds were killed and thousands more were forced to flee Liberia.

House Resolution 354 strongly condemns the violence directed at unarmed civilians in Liberia. It calls on the President to convey United States human rights concerns to the Liberian Government, and to urge the Doe regime to resolve the conflict peacefully. The resolution also states our view that any future United States assistance to Liberia—now prohibited because of Liberian default on loans—should be limited to economic aid until the situation in Nimba County is resolved.

Mr. Speaker, there is a way out of the Liberian tragedy. Elections are scheduled for 1991. This resolution urges the Government of Liberia to honor is commitments to hold those elections next year. I hope President Doe will see the wisdom in allowing truly free and fair elections for Liberia. The ballot box has played a crucial role in resolving longstanding differences—from Namibia to Nicaragua. I believe elections can play a similar, positive role in Liberia.

I support this resolution as a balanced measure to express the Congress' view of recent developments in Liberia and urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BURTON], the ranking Republican on the Subcommittee on Africa of the Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Speaker, I have always believed very deeply that human rights issues deserve to be beyond politics. And when it comes to human rights violations, we ought to tell it like it is, no matter who is involved. Whether it is Cuba,

India, Chile, South Africa, the Soviet Union, or Liberia, our loyalty and our concern should be reserved for the victims of violence, of torture, of mistreatment. It should be reserved for those whose voices are muted.

I want to make it clear that this resolution is in no way aimed at the people of Liberia, and does not reflect adversely on our historic relationship with that country. We greatly value those ties. But we cannot ignore the horrible actions by the Liberian troops which have been widely reported. We must raise our voices of concern on behalf of those victims. As President Reagan used to say: "If not us—who?!" For that reason, I am proud to be an original cosponsor of this resolution.

Mr. YATRON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WEISS], the sponsor of the resolution and a leader on human rights in Congress.

Mr. WEISS. Mr. Speaker, first of all, I would like to express my appreciation to the leadership on both sides of the aisle of the House Foreign Affairs Committee and the Subcommittee on Human Rights and International Organizations and the Subcommittee on Africa for their support for this resolution. This committee has made a significant contribution to the cause of human rights throughout the world, and I very much appreciate bipartisan effort of its leaders to expedite this legislation.

The resolution before the House today—which I introduced with our colleague from New Jersey [Mr. PAYNE] on March 7—expresses the sense of the House about serious human rights abuses in the West African nation of Liberia. During the last 4 months, fierce battles between Liberian troops and antigovernment rebels have raged in Nimba County in eastern Liberia. The fighting began when rebel forces opposed to the government of President Samuel Doe entered Nimba County last December and reportedly killed a number of Liberian officials and unarmed civilians.

In response to this insurgency, President Doe launched an unrelenting wave of violence against the inhabitants of Nimba County—government troops killed hundreds of innocent civilians without distinguishing between combatants and noncombatants. Many of the victims appear to have been targeted by government troops simply because of their ethnic ties to the insurgent forces.

In addition, the United Nations High Commission for Refugees reports that 140,000 Liberians—an astounding 5 percent of the entire population of the country—have fled the violence in Nimba County. Most have become homeless refugees in the neighboring republics of Guinea and Ivory Coast.

Mr. Speaker, House Resolution 354 outlines the recent fighting in Nimba County and strongly condemns the violence on both sides of this tragic conflict. But the resolution makes clear that the rebels' actions—inexcusable as they are—cannot justify the atrocities committed by Liberian troops, especially the indiscriminate murder of civilians simply because of their ethnicity. Our resolution singles out these acts of barbarism for particular condemnation.

The resolution calls on the Government of Liberia to cease the killing of unarmed civilians and to begin an immediate investigation of the widespread allegations of gross human rights violations by Liberian troops. The perpetrators of these crimes must be prosecuted and brought to justice.

The resolution also calls for urgent efforts on the part of international relief agencies to provide desperately needed humanitarian assistance to the thousands of Liberian refugees in neighboring countries.

The time has come, Mr. Speaker, for the United States to reevaluate its relationship with the government of President Samuel Doe. Both the Congress and the administration have expressed grave concerns about human rights abuses in Liberia in recent years. In fact, United States assistance has sharply declined as a result of Liberia's persistent lack of progress in protecting basic human rights and its failure to implement needed economic reforms. But in light of recent events, even these reduced amounts of U.S. aid are difficult to justify.

Therefore, our resolution calls on the Bush administration to suspend all military assistance to Liberia until President Doe's atrocious human rights record improves. United States military aid is now being temporarily withheld as a result of Liberia's chronic failure to repay its loans to the United States. Our resolution would add strict human rights conditions to these economic restrictions.

Finally, the resolution urges the Bush administration to prohibit United States military advisors from accompanying counterinsurgency troops in Nimba County. The presence of these advisors gives the incorrect impression that the United States endorses the Liberian troops' actions.

This resolution is a genuinely bipartisan statement of the sense of the House of Representatives on United States policy toward Liberia. The resolution is cosponsored by the leadership of the Subcommittee on Africa and the Subcommittee on Human Rights—Mr. WOLPE, Mr. BURTON, Mr. YATRON, and Mr. BEREUTER. And, again, I would like to thank these gentlemen—and the resolution's cosponsor, Mr. PAYNE—for their strong support.

Mr. Speaker, violations of human rights are no less serious simply because they occur in small or distant nations. In fact, it is precisely in countries such as Liberia, which do not often find their way into the headlines, where the defenders of human rights must be especially vigilant. I urge my colleagues to help reassert the United States' commitment to human rights in Liberia by supporting this resolution.

□ 1300

Mr. BROOMFIELD. Mr. Speaker, I am happy to yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. PAYNE], who is an original sponsor of this resolution.

Mr. PAYNE of New Jersey. Mr. Speaker, the Congress and previous administrations have often expressed concerns about the lack of regard for internationally recognized human rights in Liberia. As a result of Liberia's lack of progress in improving human rights conditions, United States assistance to Liberia has sharply declined in recent years. Most recently, the Bush administration has also charged the Liberian Government with extensive human rights abuses in its 1990 country reports on human rights practices.

The recent violence best illustrates those criticisms. International organizations estimate that over 500 persons, primarily members of the Mano and Gio ethnic groups, have been killed indiscriminately by both Liberian and rebel forces.

The property damage that has resulted has been significant and this has led to the flight of more than 140,000 Liberian nationals from their homes in Nimba County. Without stability in the region, or a cessation to the violence, the number of innocent victims affected can only increase.

House Resolution 354 emphasizes our close historical ties with the Liberian people by requiring the United States to take responsibility for how our foreign aid to Liberia is spent. It condemns the recent violence and calls on the Liberian Government to take action to resolve the conflict in a manner that permits the thousands of refugees safe passage back to their homes.

The resolution urges the Liberian Government to allow international human rights organizations to make an impartial inquiry into human rights abuses, and take steps to prosecute individuals responsible for those crimes. Finally, it calls on President Bush to continue to suspend all U.S. military aid until these human rights concerns have been addressed.

Cutting $1.5 million in U.S. military aid, now suspended under the Brook-Alexander amendment, would send a

message to the world that Congress and the President consider human rights a high priority issue in American foreign policy. It is an action that is consistent with emerging international interests for human rights, and it is an action that I believe is long overdue.

As an original cosponsor of House Resolution 354, I would like to thank my colleague the gentleman from New York [Mr. WEISS], for his guidance in bringing this resolution to the floor. And I urge all my colleagues to vote in favor of it.

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 354, regarding human rights abuses by the Government of Liberia. I would like to commend the sponsor of the resolution, the gentleman from New York [Mr. WEISS] for his diligence in bringing this, as well as other resolutions regarding abuses of internationally recognized human rights to the attention of the House. I would also like to commend Mr. YATRON, the chairman of the subcommittee on Human Rights and International Organizations for his constant efforts in this regard.

The resolution before the House deplores the violence associated with the recent counterinsurgency in Liberia, particularly the killing of innocent civilians in the Nimba region by Liberian Government troops. According to reliable sources, more than 200 persons, primarily of the Mano and Gio ethnic groups have been killed in this region since the onset of this civil strife. In addition, the United Nations High Commissioner for Refugees estimates that more than 140,000 Liberians have been forced to flee this region because of the recent fighting.

The resolution condemns this violence against noncombatants and urges the President to convey to the Liberian Government the concerns of the United States about these recent abuses, as well as all other human rights abuses in that country. In addition, the resolution urges the President to support the UNHCR and other relief organizations in the efforts to meet the humanitarian needs of the refugees fleeing this conflict. Finally, House Resolution 354 urges the President not to resume military assistance to Liberia until they have ended the indiscriminate killing of civilians and taken steps to investigate and prosecute those individuals responsible, instituted an inquiry into human rights abuses in the Nimba region, and made substantial progress in promoting the safe return of refugees to Liberia.

Mr. Speaker, this resolution deserves the support of the House and I urge its unanimous adoption.

Mr. FEIGHAN. Mr. Speaker, for a long time Liberia has been the country with which the United States has had the closest relations in sub-Saharan Africa. In various ways that relationship has been beneficial to both our countries. From the United States point of view, relations have been conducted under the expectation that the present Liberian regime would conform to internationally recognized human rights standards. A look at recent history shows that this is not so.

Human rights groups have reported on brutal outbursts of unjustified violence on the part of the Liberian Army. Examples are the beating and raping of hundreds of peaceful university demonstrators in 1984, and the killings of hundreds of innocent civilians in the aftermath of the 1985 coup attempt. The State Department reports that the undisciplined army has continued its indiscriminate killing of innocent civilians during the present counterinsurgency campaign in Nimba County. The army, which has been a major beneficiary of United States aid, receives sanction for its human rights violations by the fact that the Liberian Government has shown little, if any inclination to prosecute the soldiers for their crimes.

Despite promises to institute multiparty democracy, these promises remain unkept and look less and less likely to be fulfilled. The only election to be held since the 1980 coup was fraudulent; the legislature is subject to inordinate Presidential influence. The State Department notes that these and other factors have "moved Liberia closer to a de facto one-party system."

The resolution before us urges President Bush to place conditions on United States aid offered to Liberia. These conditions demonstrate the extent of Congress' human rights concerns to the Government of Liberia and hopefully will encourage that regime to conform to internationally accepted human rights standards. This is a message that we ought to express loud and clear and to this end, I respectfully urge my colleagues to support this resolution.

Mr. DELLUMS. Mr. Speaker, the situation in Liberia is of significant importance. It is imperative that actions be taken to pressure the Doe government to immediately end the human rights violations that are occurring in Liberia. Reliable allegations hold that people have fled to try to find safe havens, some people have been killed, while others have been beaten and maimed. Moreover, others alleged that the 1985 election, which kept Doe in power, was fraudulent, that freedom of the press has been curtailed and parts of the constitution have been suspended.

There are conflicting reports as to how many people have been killed during the Nimba uprising. According to the lawyers committee on human rights, the number of dead is 500 and those exiled is 150,000. In addition, it is alleged that 125 preschool children were taken, by the death squad, from Nimba to Schefflein where they were buried alive in a mass grave.

The Liberian Government is not clear whom the insurgents are. People are being killed and maimed at random.

The United States and Liberia have a long history together. The United States has always supported the ruling governments of Liberia. However, the present government has been overdue on its loans and its human rights violations are so blatent that the United States has had to curtail aid to Liberia.

The United States is the biggest investor in Liberia. Liberia has received more United States aid, per capita, than any sub-Shaharan African nation. The United States has landing and refueling rights on a 24-hour notice and VOA is based in Monrovia. The relationship is very closely knit.

Because of this closely knit relationship, it is incumbent for the United States to speak out against this abhorrent behavior which the allegations imply.

I support the resolution and urge its adoption.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the resolution, House Resolution 354.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONCERNING JERUSALEM AND THE PEACE PROCESS

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 290, in support of the unified status of Jerusalem, as amended.

The Clerk read as follows:

H. CON. RES. 290

Whereas the State of Israel has declared Jerusalem to be its capital;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths were not permitted access to holy sites in the area controlled by Jordan;

Whereas since 1967 Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas the President and the Secretary of State have demonstrated their strong desire to achieve a just and lasting peace in the Middle East and have worked diligently toward that end;

Whereas ambiguous statements by the Government of the United States concerning the right of Jews to live in all parts of Jerusalem raise concerns in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens; and

Whereas such concerns inhibit and complicate the search for a lasting peace in the region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) acknowledges that Jerusalem is and should remain the capital of the State of Israel;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic religious group are protected; and

(3) calls upon all parties involved in the search for peace to maintain their strong efforts to bring about negotiations between Israel and Palestinian representatives.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

□ 1310

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Concurrent Resolution 290, the concurrent resolution now under consideration.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 290, introduced in the House by the gentleman from New York [Mr. ENGEL]. I wish to commend the gentleman from New York for sponsoring this very timely piece of legislation. He is a respected and hardworking member of the Committee on Foreign Affairs and we are lucky to have him and I know when the floor is yielded to him he will explain in some detail his resolution.

Mr. Speaker, I will take very little time because I know there are a number of Members who wish to speak on this resolution and because to me the issue is very clear. Plain and simple no one should presume to advise the Israelis what the capital of their country should be. Only the Israelis can make that determination and they have chosen Jerusalem as their capital. Now that may make some people happy and others unhappy but that is what they have done and it is their prerogative to do so. We could discuss at length the historic nature of the religious ties to Jerusalem. We could discuss the fact that since Israel gained control of the city in 1967, it has been open for worshippers of all faiths. But all of that discussion is overshadowed, as I see it, by the right of the State of Israel to choose it's capital.

Mr. Speaker, I strongly support the legislation before us and urge my colleagues to support it as well.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. ENGEL], the principal sponsor of this resolution.

Mr. ENGEL. Mr. Speaker, I want to thank the gentleman from Florida [Mr. FASCELL], the distinguished chairman of the Committee on Foreign Affairs, for yielding.

Mr. Speaker, I introduced this resolution in response to statements by President Bush and others in the administration that called into question the status of Jerusalem. Jerusalem is the heart and soul of Israel, and as previous administrations have maintained, under no circumstances, should be divided.

Prior to 1967 when Jerusalem was a divided city, Jews and others were denied access to holy places, including the western wall. I have traveled to Israel a number of times, most recently in the summer of 1989, and have found that Israelis of all political stripes consider Jerusalem to be their capital. While the Government of Israel is deeply divided over other issues, this is one issue on which everyone agrees. Even the most dovish of future Israeli governments cannot accept anything other than a united Jerusalem as the capital of Israel.

Every other country in the world, Mr. Speaker, has the right to choose its own capital. Israel should be accorded that right as well. It is absolutely ridiculous for Israel to be the only nation on Earth that is not allowed to choose its own capital.

Furthermore, the questions about Jerusalem have done nothing to advance the peace process. Indeed, they have hurt them. If we are asking the Israelis to take risks for peace, then they need to know that the United States will stand by them, not pull the rug out from under them. Questions about Jerusalem have contributed to the collapse of the National Unity Government of Israel by offering an enormous disincentive for Israelis to take further risks to advance the peace process. At this delicate stage the Israeli Government must know that the United States is solidly and unambiguously supportive. We need to encourage the Israelis to take risks for peace. We do not do that, Mr. Speaker, by stabbing them in the back. We do it by holding their hand, showing our commitment to a peace process that addresses their legitimate security concerns.

The President's statements equating a part of Jerusalem with the West Bank, in one fell swoop hurt the peace process. At a time when the Israelis were considering directly including East Jerusalem Palestinians in the peace process, because of American assurances that this would not raise the issue of the status of Jerusalem, the remark of the President sent the wrong signal. That remark could only strengthen hard liners on both sides. Some hard-line Israeli officials would use this as proof-positive that the United States cannot be counted on when push comes to shove. Hard-line Palestinians will attempt to use the remark to drive a wedge between the United States and Israel, and subvert the peace process totally. If we expect the Israelis to take real risks for peace, we must assure them that they have the solid support of the United States.

My resolution and the one already passed in the Senate with overwhelming support will help to put the peace process back on track by assuring the Israeli people that the U.S. Congress fully supports a solution that guarantees their security. The Israelis live under the constant threat of annihilation. All their neighbors, with the important exception of Egypt, still refuse to recognize Israel's right to exist, and in fact are still in a declared state of war with the State of Israel. It is no wonder that statements like those of our President put fear into the hearts of all Israelis, and make them very wary of negotiations with the Palestinians.

The Israelis have an impressive track record of taking political risks to advance the peace process. The Camp David accords were an incredible risk for Israel, but one which resulted in peace with Egypt. Recently I had the opportunity to meet with the chairman of the Foreign Relations Committee of the Egyptian People's Assembly, as well as renewing my acquaintance with the Egyptian Ambassador to the United States. I want to state for the record, Mr. Speaker, that the Egyptians took a great risk making peace with Israel as well, and they have continued to play a constructive role in working to advance a more comprehensive solution. We must keep the peace process on track and must continue to push for negotiations between Israelis and Palestinians.

Again, we must show the Israelis that we stand by them in their hour of need. A united Jerusalem as the capital of Israel, is a reality, and the United States Congress is simply acknowledging that fact.

Mr. Speaker, it is my desire to see a lasting solution to the Arab-Israeli conflict, and I believe that this resolution will contribute positively to that process. I urge colleagues to support adoption of this resolution in stating

that a united, undivided Jerusalem is the capital of Israel, for that is simply reality.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer my support of the resolution before us today. This resolution expresses the view of Congress that Jerusalem should remain an undivided city in which the rights of every ethnic religious group are protected. It also calls upon all parties involved in the peace process to bring about negotiations between Israel and Palestinian representatives.

I realize that the ancient city of Jerusalem is important to Jews, Moslems, and Christians alike, and believe that keeping that city united and open to access to all faiths is critical and will set a positive tone in that troubled area.

I am optimistic that peace will someday come to the Middle East. Some encouraging progress has been made in that regard and this search for peace should continue. All of the parties to the peace process should recommit themselves to finding a just solution to the complex problems that divide the people of that important region.

America should continue to play a positive role in encouraging both parties to the dispute to bravely walk down the road to peace. The U.S. Government and the American people want to reduce the significant tensions in that area and want to resolve the longstanding disagreements between Israelis and Palestinians.

I commend the administration for its determined efforts to find lasting peace in the Middle East and encourage my colleagues to support this timely resolution.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I want to thank my distinguished colleague, the ranking Republican member on the Committee on Foreign Affairs, for his comments and for what he has pointed out about what this resolution does.

□ 1320

I think it is very important, because it does, among other things, call upon the parties involved to maintain their strong efforts to bring about peace, and also because of the questions that were raised—and they certainly were legitimate questions, I might add—with regard to the principle that Jerusalem must remain an undivided city.

I wish the issue had never come up and that the matter would have stayed dormant, but unfortunately it did come up. Therefore, it seemed to me incumbent, particularly given the sensitivity of the political situation in Israel, which is difficult enough at best, and it makes it almost necessary to get any movement forward with regard to the peace process, to settle that one fear or to calm that one fear. It is not good to say it is an unreasoning fear because we do not live there. But it is important to calm that one fear, that the policy of the United States has not changed, that it is our policy that we believe Jerusalem must remain an undivided city and that it must have access by all parties and all religions, and to acknowledge the reality of the fact that as far as Israel is concerned, Jerusalem is the capital.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman from Florida [Mr. FASCELL] for his contribution.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], the ranking Republican on the Subcommittee on Europe and the Middle East.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for this measure. For over 3,000 years, Jerusalem has been the center of religious, historic, and political identification for all practitioners of the Jewish faith. The people of Israel are united in their conviction that Jerusalem is and will remain the undivided capital of the State of Israel.

Jerusalem is the heart and soul of the Jewish people. For thousands of years it has been the focus of Jewish national and religious yearning. Jews have always lived in Jerusalem, and since the 19th century, a plurality of its residents have been Jewish.

It is inconceivable for any Israeli Government to agree to the redivision of Jerusalem under any circumstances. In 1967, a Labor government was responsible for reunifying the city and a labor controlled Knesset legislated Israeli jurisdiction over all parts of the city. This commitment was reaffirmed when the Knesset enacted the Basic Law on Jerusalem in July 1980, which declared that "Jerusalem, united in its entirety is the capital of Israel."

On December 5, 1949, David Ben Gurion, first Prime Minister of Israel, declared in the Knesset that:

> . . . Jewish Jerusalem is an organic and inseparable part of the State of Israel, as it is an inseparable part of the history of Israel, of the faith of Israel, and of the very soul of the Jewish people. Jerusalem is the heart of hearts of the State of Israel . . .

Those words, so articulately spoken by Ben Gurion, loudly proclaim to the entire world that Jerusalem the only religious and national center that Jews have ever had. If all of this is so obvious, and so obviously important to Israel and her citizens, many question why the administration has not been more sensitive to this issue:

Mr. Speaker, let me emphasize that I believe President Bush is deeply committed to our important strategic relationship with our one stable, resolute ally in the Middle East: The State of Israel. In fact, the Republican Party platform of 1988 was the most pro-Israeli political document ever produced by a major American party. Lately, however, something appears to be lost in the translation. We have received a plethora of mixed signals with respect to our Nation's policy toward Israeli Jews living in East Jerusalem.

Since 1967, successive administrations have been sensitive to the special status of Jerusalem. It is significant to note that according to Arthur Goldberg, one of the drafters of U.N. Security Council resolution 242, that resolution, and I quote, "in no way refers to Jerusalem, and this omission is deliberate * * * Jerusalem is a separate matter, not linked to the West Bank."

Mr. Speaker, I urge our President to clarify once again, the official United States position on Jewish settlement in East Jerusalem. A.M. Rosenthal, in his comments in the New York Times on March 8, 1990 stated:

> The very use of the word "settlement" to describe Jews moving into Jewish neighborhoods in Jerusalem is insulting. Should Israel declare a quota for the eastern part of its capital?

I thank our colleagues, the distinguished gentleman from New York [Mr. ENGEL] and the gentleman from Indiana [Mr. BURTON] for their sponsorship on this measure.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Speaker, I thank the chairman of the committee for yielding this time to me, and I rise in support of House Concurrent Resolution 290.

Mr. Speaker, I rise in support of House Concurrent Resolution 290, which expresses the clear sense of the Congress that a united Jerusalem "is and should remain the capital" of Israel. I commend the Committee on Foreign Affairs and its able chairman, Mr. FASCELL for reporting this resolution to the House.

Mr. Speaker, this resolution reaffirms the long-standing American policy that Jerusalem must remain undivided and open to all ethnic and religious groups that look to this holy city for spiritual and cultural inspiration.

Jerusalem must never again be partitioned. Between 1948 and 1967, the exclusion of pilgrims and the systematic effort to eliminate all vestiges of Jewish heritage from east Jerusalem is a solemn reminder that the rights of people of all religious faiths to live and worship in Jerusalem must be protected.

Israeli sovereignty over a united city is the only way to ensure this protection. Since 1967, this unique place, of unaparalleled importance to so many faithful throughout the world, has been open to all people. I have visited Israel and have witnessed first hand their efforts to safeguard the religious rights and shrines sacred to Christians, Jews, and Moslems.

Mr. Speaker, our resolution also calls upon all the parties working for peace to continue the effort to bring about negotiations between Israel and Palestinian representatives. Our priority must be peace, a secure, lasting peace, peace where Jerusalem is united, cherished, and open to all.

House Concurrent Resolution 290 makes crystal clear American support for Israel and for the peace process. The genuine commitment of the President and the Secretary of State to advance negotiations must not be complicated by unwise, ill-timed revisions in United States policy regarding the inviolable status of Jerusalem. I urge all my colleagues to support passage of the resolution.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, the first rule of legislating, as in medicine, ought to be, first do no harm. Before the House votes on this resolution concerning the future status of Jerusalem, we ought to ask this question: What will passage of this resolution at this time contribute to the overriding imperative in the Middle East forward movement on the peace process?

The answer to that question, unfortunately, is: Nothing. It has no legal effect, and in my view, congressional passage of this resolution at this time could in fact contribute negatively to the prospects for the peace process which the administration is trying to move forward.

I happen to personally believe that Jerusalem will remain the capital of Israel, and I believe that Jerusalem will remain and should remain undivided. Everybody knows that. I believe it ought to be a city open to all religions, and it ought to serve as a unifying rather than a divisive symbol in that troubled part of the world. But in this life we are not always required to institutionally and collectively voice every opinion we have at every moment, especially when the voicing of that opinion at an inopportune moment can do more harm than good. The President's own misstatements have demonstrated that.

Another question we ought to ask at this moment is whether passage of this resolution will make it easier or more difficult for the Bush administration as they pursue their justifiable efforts to encourage both Israel and the Palestinians and the Arab world in general to move toward rational negotiations.

No one's interest is served by unnecessarily inflaming the dialog at this moment, not Israel's, not America's, not anyone else's.

I love this House, Mr. Speaker, and the role it plays in insuring a vibrant democracy, but I must confess that I believe on more than one occasion this House has not well served the causes for which we stand, when we needlessly and gratuitously, and continuously, I might add, comment as a body on issues of the day in ways which are not well thought out and in ways which do not contribute to the solving of the very problems about which we profess our concern.

I believe that action on this resolution, whether it is passed or defeated, is ill advised at this time. I believe it ought to be withdrawn. If it is not, I will reluctantly vote against it, not because I disagree with the contents of the resolution, because I do not, but because I strongly believe that an institutional comment on this question, as opposed to individual comments by individual Members, would be counterproductive and ill advised at this time.

For America to play a constructive role in the Middle East, we need to have good relations with a number of parties in the Middle East, not just one. It is in Israel's interest as much as it is in our own to have good relations with the Arab world as well as with Israel. To be effective in promoting negotiations, we must be credible to all parties, not just one, and I do not believe that passage of this resolution at this time will contribute to that credibility.

This resolution has no effect. In considering this and other resolutions, I would urge the House to remember that we do not always serve the interests of our country or the interests of our friends when we continuously issue institutional press releases, which is all this statement is today.

Mr. BROOMFIELD. Mr. Speaker, I am happy to yield 3 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

□ 1330

Mr. MICHEL. Mr. Speaker, it is appropriate that I should follow the distinguished gentleman from Wisconsin [Mr. OBEY] because, even though we sit on opposite sides of the aisle, there are a number of occasions when we do think in similar terms, and the thrust of my remarks would pretty well echo those that have been stated by the distinguished gentleman from Wisconsin.

Mr. Speaker, I am going to vote for this nonbinding concurrent resolution.

I am going to do so because stripped of all its rhetoric, what this resolution says is: we like Israel.

And I have supported Israel in the House since I came here in 1957.

But if we really want to help Israel, and help the cause of peace in the Middle East, this is not a particularly good way to go about it.

A concurrent resolution like this one has less value than commemorative resolutions calling upon the President to declare National Frozen Kumquat Week.

A commemorative resolution involves a Presidential signature. A concurrent resolution doesn't. It is merely an expression of congressional feeling.

To give you an idea of its importance, the budget resolution is also a concurrent resolution, just like this one.

I need not remind our colleagues of the tenuous connection between the budget resolution and the realities of the budget.

Is this really the way we should send a message on an extremely delicate and potentially explosive issue?

More to the point, is this a good time to engage in rhetorical exercises about the status of Jerusalem?

Middle East countries, including Israel, are being asked to join in a difficult peace process.

It is a process requiring patience, diplomacy, and mutual trust.

We should be concentrating our energies on fostering those virtues, instead of passing nonbinding resolutions that will only confuse the issue.

Now that we have made a rhetorical point, let's really get to work.

The United States should tell all concerned Middle East parties that we believe the time has long since passed for words, words, and more words.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON], who is the ranking Republican on the Subcommittee on Africa and the sponsor of this resolution.

Mr. BURTON of Indiana. Mr. Speaker, I am very proud to have been the original cosponsor of this bill, House Concurrent Resolution 290, along with my distinguished colleague from New York, Mr. ENGEL. We, the Congress of the United States ought to stand firmly, and proudly behind our ally and friend, the State of Israel. Israel's capital, for the past 3,000 years, has been Jerusalem. King David made it the capital, and that is why it is holy to the three great religions. The Jewish people, who longed for 2,000 years to return to Zion, never forget Jerusalem. One of their most fervent prayers declared:

If I forget thee O Jerusalem, let my right hand forget its cunning. Let my tongue cleave to the roof of my mouth if I do not remember thee, if I do not raise Jerusalem above my highest joy.

Israel's legitimate, moral claim to Jerusalem is not the obstacle to peace in the Middle East. It is, and always has been the Arab inability to really accept Israel's presence in the Middle East. I fully support a legitimate solution in the Middle East, including justice for the Palestinians. And I don't always agree with everything Israel does. But Israel really is one of our truest, most valuable allies, and Jerusalem really is its capital. And we shouldn't be afraid to say so.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, it pains me to have to disagree with my chairman, the gentleman from Florida [Mr. FASCELL] who I so often agree with on these issues, but, Mr. Speaker, this resolution is untimely. It will upset an already very precarious situation in the Middle East.

The peace proposal submitted by Secretary of State Baker, I think, holds real promise for a settlement, but I do not think this resolution is going to help him one bit. I think the resolution is particularly and especially pernicious, coming on top of the revelation of the Likud government, that the Likud government has been secretly aiding settlements in the Christian sector of Jerusalem. The Likud government has been providing this aid while lying, lying, about the action, saying that they were providing no such aid. They even kept the fact from Jerusalem's mayor who accused the government of covering up and said that these actions strained the delicate fabric of relations in the old city.

Mr. Speaker, today we should be asking tough questions on how to spend or should we be spending $400 million appropriated for settlements in the recent supplemental instead of passing this resolution that could only encourage more of these destabilizing settlements.

Mr. Speaker, given the recent events in Jerusalem, this resolution will be seen, I think, as an affront to the Arab community, to the Christian community, and to the Greek Orthodox community. It will undermine the efforts of those in the Arab community who are trying so hard to build support for the Baker plan. This resolution is untimely. I do not think it is responsible. We should be allowing for ways to help move the peace process forward rather than disrupting it. We should be seeking to bring the parties together in the Middle East rather than passing a resolution that will only polarize the situation.

Mr. BROOMFIELD. Mr. Speaker, I reserve the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I rise in support of House Concurrent Resolution 290 which expresses the sense of Congress that Jerusalem should remain the undivided capital of the State of Israel. The people of Israel and all major parties of that country unanimously recognize the unique significance and status of the city of Jerusalem. They are firmly united in their conviction that Jerusalem is and will remain the undivided capital of Israel.

Certainly, no Israeli Government could even suggest removing the nation's capital from Jerusalem and survive. Such a suggestion would gain no support from the people or the Knesset which, upon convening in Jerusalem for the very first time in 1967, took a solemn oath never to leave the capital again. The Knesset reaffirmed its commitment to these principles when it enacted the basic law on Jerusalem in July 1980 which declared that "Jerusalem united in its entirety is the capital of Israel."

Israel's unshakable commitment to a unified Jerusalem as its nation's capital has historical roots. For one, Jerusalem was the ancient capital of Israel. For over 3,000 years it has been the center of religious, historic, and political identification for Jews throughout the world. It has been the single geographical focal point of Jewish prayer, theology, and national aspirations and exists as the only religious and national center that the Jewish people have and have ever had.

Jewish people view this city as the inseparable part of their state, history, and faith; it is the heart and soul—the spiritual capital—of their land and their religion.

In addition to their deep-rooted historical and religious ties to Jerusalem, Israelis remember the traumatic experience of 19 years of Jordanian rule over the eastern sector of Jerusalem. Israel had acquiesced in Jordanian control on the basis of explicit guarantees of free access to the holy places as well as to cultural institutions such as, the Hebrew University and to Hadassah Hospital on Mount Scopus which were written into article VIII of the 1949 Armistice agreement signed by Jordan's King Abdullah.

However, during Jordanian occupation, the Jewish quarter was destroyed and 58 synagogues were razed or desecrated. The Jordanians used synagogues that were not destroyed as toilets, stables, and chicken coops. The tombstones on the Mount of Olives were used to build latrines and pave roads. Jews were denied access to the Western Wall, their holiest of shrines, and the area around it was allowed to deteriorate into a slum.

Christian Israelis were denied the right to worship at the Church of the Holy Sepulchre, to walk the Via Dolorosa, or to visit the Garden of Gethsemane and the Garden Tomb. Even Israeli Moslems were barred from the Dome of the Rock and the Al-Aqsa mosques.

Under Israeli administration, however, the various communities who reside in and identify with Jerusalem have been granted administrative autonomy. Israeli law—passed by the Knesset in 1967 and reaffirmed in 1980—protects the holy places from desecration and guarantees free access to them for all people. The tens of thousands of Christian pilgrims who flock each year to the Christian holy sites in Jerusalem are given the full cooperation and protection of the government of Israel. Moslems who visit their holy mosques and other religious sites are given the same rights and privileges.

I urge my colleagues to support House Concurrent Resolution 290. We must recognize that the Israeli people and Government are steadfast in their commitment to keep a unified Jerusalem as their capital. No Israeli Government which so much as implied relinquishing Jerusalem could survive in power for a day.

Mr. FASCELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Michigan [Mr. CROCKETT].

Mr. CROCKETT. Mr. Speaker, I rise in opposition to this resolution because it is sharply at variance with more than 40 years of U.S. policy. In 1947, the member states of the United Nations—including the United States—adopted General Assembly Resolution 181 on Jerusalem. That resolution made Jerusalem a separate entity—neither Arab or Israeli—an internationalized city to be administered by a U.N. Trusteeship Council. Since that time, U.S. policy has been that Jerusalem should be a unified city with free access for people of all religious faiths and that any change in its status could only be decided by negotiations. And for that reason, for more than four decades, United States administrations—both Democratic and Republican—have refused to recognize Jerusalem as Israel's capital.

And so, I oppose adopting this resolution today because it would, in effect, imply United States recognition of Israel's claim to Jerusalem as its capital despite the fact that this is a disputed claim that has been categorically rejected by the world community, by international organizations such as the United Nations, and by leaders of major religious bodies throughout the world.

Finally, I oppose this resolution because I believe it would be damaging to the peace process. Surely, we can all agree that peace will only come to that troubled region of the world when all parties come to the negotiation table and begin to make a good faith effort toward that end. If this resolution further delays the peace process—and I and many others believe that it would—that would be counter to the best interests of both the United States and Israel.

□ 1340

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I rise in strong opposition to House Concurrent Resolution 290, which acknowledges that Jerusalem is and should remain the capital of the State of Israel.

The longstanding policy of the U.S. Government for more than two decades has been that the final status of Jerusalem must be determined by negotiations, not by the unilateral actions of any party. The United States Government has not recognized Israeli claims to Jerusalem as its capital or the Israeli annexation of East Jerusalem. The reason that the United States has taken this position is simply that Jerusalem is considered holy by each of the three great monotheistic religions—Christianity, Islam, and Judaism and its status can only be determined by negotiation. House Concurrent Resolution 290 clearly contradicts longstanding U.S. policy.

Further, the passage of House Concurrent Resolution 290 would not only send a mixed signal from the U.S. Government, but it is very likely that it may be detrimental to the peace process. I can see no way in which the passage of this resolution can enhance the peace process. The status of Jerusalem is a very sensitive issue. The fact that the President was accused of contributing to the fall of the Shamir government because of his brief statement regarding U.S. policy with respect to new settlements in East Jerusalem, underscores the highly sensitive nature of East Jerusalem's status in the Middle East. Acknowledging that Jerusalem is and should remain the capital of the State of Israel will undoubtedly have a similar effect among Arab nations. Is it really our intent to attempt to balance our position in the Middle East by alienating everyone in the region?

We should learn from the President's experience. In an effort to undo any damage to United States relations with Israel which may have occurred as a result of the President's statement, we should not alienate the very Arab nations which we are asking to contribute to the peace process. The passage of this resolution can only further complicate an already complicated process and will undoubtedly make matters worse than better. I urge my colleagues, and interested organizations not to view a vote on this issue as a vote for or against Israel, but as a vote for or against peace in the Middle East. If you support peace in the Middle East, vote against this resolution.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, I rise to express serious concern about the timing of this resolution, if not its content.

Mr. Speaker, I believe Jerusalem is the capital of Israel and should remain the capital of Israel. But I question the wisdom of taking up this resolution on the same day that the newspapers report that the Likud government of Israel financed a takeover by Jewish nationalist of a hospice owned by the Greek Orthodox Church in the Christian quarter of Jerusalem's walled city. The Likud government admitted, after 2 weeks of denial, that it had been involved in this and other similar activity. Somehow, we must send a message to the people of Israel that these excesses on the part of the Likud hard-liners will not be ignored by the American people or the Congress.

I am extremely offended by this action against one religious group for the benefit of another, and I believe the American people are as well. If we continue to pass resolutions such as the one before us today in spite of their timing, the Likud hard-liners will continue to attempt abuses regardless of our views and regardless of basic fairness.

I believe Jerusalem is the capital of Israel and should remain so. But the timing of this resolution is not in Israel's interest or in the interest of the American people.

To supplement my remarks, I wish to include the following front page article from today's Washington Post:

U.S. CRITICIZES COVERT ISRAELI AID TO SETTLERS

(By Al Kamen)

The State Department sharply criticized the Israeli government yesterday for financing a takeover by Jewish nationalists of a church owned hospice in the Christian Quarter of Jerusalem's walled Old City, calling the aid "deeply disturbing."

Department spokesman Margaret Tutwiler said the April 11 take over of the St. John's Hospice was "an insensitive and provocative action" and said the department was "pleased that the Israeli courts have ordered the settlers' eviction."

Tutwiler said the "admission by the Israeli Housing Ministry that it subsidized the settlers' action is deeply disturbing." U.S. Ambassador William Brown would be "taking this issue up with the government of Israel," Tutwiler said, but declined to characterize the move as a formal protest.

Administration officials and even pro-Israel lobbyists said the Israel government's action was a needless irritant at a time when the U.S.-Israel relationship is under strain, ties between the Bush administration and Jewish groups are frayed, and the issue of resettlement of Soviet Jews in Israel is unresolved.

The strongly worded U.S. response came after the Israeli Housing Ministry admitted that the government had funneled 40 percent of the purchase price of a sublease of the property, about $1.6 million, to a Panamanian-registered company that in turn had rented the premises to Jewish settlers.

The statement, which came after two weeks of denials of official involvement, also said the ministry had been involved in funding other purchases by Jews in the Old City but did not give details. The Housing Ministry is controlled by hard-liner David Levy of Prime Minister Yitzhak Shamir's Likud Party.

About 150 settlers two weeks ago occupied the site, which is owned by the Greek Orthodox Church and is located a half block from the Church of the Holy Sepulcher, one of Christianity's most revered historical sites.

In reaction, Christian leaders ordered the unprecedented closure of all their holy sites this Friday, Reuter reported, in protest against the Jewish settlement, the first in the Christian Quarter since the city was captured from Jordan in 1967.

Administration officials said the issue is almost certain to affect the negotiations over a proposed $400 million housing loan guarantee program to help resettle Soviet Jews in Israel. The proposal, which has passed the House and is pending before the Senate Appropriations Committee, has been backed by the administration only on the condition that the Israelis assure the administration that none of the funds will be used to settle the Soviet Jews in East Jerusalem or the West Bank.

U.S. pro-Israel groups criticized the administration's position, saying that it in effect would bar Israel from using its own money to help settle the Soviet immigrants.

Administration officials said privately that the takeover would give them a stronger leg to insist on those assurance, adding that the incident also would give ammunition to those who question the level of U.S. aid and closeness to Israel, especially to Senate Minority Leader Robert J. Dole (R-Kan.).

David A. Harris, Washington representative of the American Jewish Committee, said his organization "expressed serious concern" yesterday to the Israeli government over the issue but has not received a response.

"This could serve as a setback to the effort to gain the housing loan guarantees. That is unfortunate," he said, given the importance of housing an unprecedented number of Soviet Jews pouring into Israel. Passage of the aid program has been jeopardized by the takeover, but Harris said the effort was "not dead."

Harris said relations between American pro-Israel groups and the administration have been "mixed." While the administration has been supportive in a number of key areas, such as Soviet Jewish emigration and in a number of issues at the United Nations, there is growing unease among Israeli supporters. "Comfort level has dropped a couple of notches from where it was in the Reagan-Shultz era," Harris said. "Justified or not it's a fact."

Another pro-Israel lobbyist, speaking on the condition he not be identified, said "nobody is pleased with this [takeover]. It doesn't take a genius to figure out that this is disturbing. . . . People on the Hill are not going to like it . . . it makes my job much tougher."

U.S.-Israeli relations are on hold, he said, pending information of a new Israeli coalition.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I am troubled by the resolution before us today. I do not believe that it contributes to the movement toward negotiation and peace in the Middle East. It certainly cannot be substituted for the results of negotiations between the parties in dispute.

It has properly been the policy of the United States that we not prejudge the matter.

We are all interested in ensuring that Jerusalem be open to all faiths. To that extent, the entire world has the right to express a strong expectation that both the Israelis and Palestinians will ensure that all faiths have full access to this unique city.

We must actively seek to assist the parties to come to the negotiating table. I hope that we will not take any action that will make negotiation more difficult.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise in very strong support of the resolution.

Mr. FASCELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, one Member said earlier, and he is a very respected leader, he said if we really want to help Israel today, we would not do this; but he said he is going to vote for it anyway.

Now, I want to know why he is going to do that.

I think it is time to tell it like it is. I think this is not only good legislative news for Israel, I think this is even worse for America. We have got one hostage released. We are making progress. We need the community of the Middle East to help us in that process, but we are here today being held to a strange litmus test by many friends of Israel and by the Israeli lobby, and no one will say it.

Now, they are probably going to come after me for this, but I am saying, we represent America. We are not members of the Israeli Knesset.

We have got a problem in this country. How far can we go? We support Israel. It is a free, democratic nation in a cluster of monarchies and dictatorships. I support Israel. I do not want anybody to question the security of Israel. But how far do we go and how far do the lobbies push us?

Members are afraid of a recorded vote here. You know it and I know it, and Members of Congress have about as much courage as the anatomy of a gnat here today.

I am going to vote no because this is not good for America. I am also going to vote no because this thing is not any damn good for America, either.

Mr. FASCELL. Mr. Speaker, I yield the balance of our time to the gentleman from Florida [Mr. SMITH].

The SPEAKER pro tempore. The gentleman from Florida [Mr. SMITH] is recognized for 2 minutes.

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding this time to me.

You know, a little history lesson might be in order before we consider not what is being said here, but the context of this resolution.

Israel has had Jerusalem as its capital for over 3,000 years. It is mentioned in the Bible. It is mentioned by David. It is mentioned by Isaiah where he talks about beating their swords into plowshares, that every child and adult who has ever gone to a religious institution understands, that emanated from Jerusalem.

There was no, there is no, and there should be no division of Jerusalem. For 3,000 years Jerusalem was an undivided city. For 20 years, because the Israelis and Israel were attacked by a massed Arab army and the Jordanian section of that Arab army occupied a portion of Israel for that period, for 20 years, all of a sudden there arose an East Jerusalem. For 3,000 years, there was none. Now for 20 years of occupation there is an East Jerusalem. There is no real East Jerusalem. That is a figment, made up to try to make Jerusalem a divided city because somebody says it is; but it is not, it has not been, and it will not be.

The reason we are here today is to enunciate principle. That is the difference. That is the reason that we are doing this. This is not an uncalled for resolution. This is not something that is unique. This Congress has an absolute obligation, as well as a right, to enunciate principle and the principle is that through five Presidents and over 25 years of foreign policy, enunciated at every fora and at every international meeting, including the United Nations, we have enunciated that Jerusalem is an undivided city, and most of us have recognized that it is the capital of Israel, as enunciated by the country and the government that runs Israel.

Nobody questions that this is the capital of the United States, because we who run the country have enunciated it as the capital.

This is an issue of principle. This is an issue of importance, and we would not be here if the President of the United States had not broken with that principle. That is why it is important for this Congress to enunciate this policy.

Mr. SCHEUER. Mr. Speaker, last month, after President Bush made his ill-advised comments about East Jerusalem, he held a press conference and announced he had no regrets about those comments. Well, Mr. Speaker, he should have regrets.

The President—by bringing East Jerusalem into the debate on settlements, occupied territories, and "land-for-peace"—has done great damage to the Mideast peace process and may well be responsible for the fall of Israel's coalition government.

Israel is a vibrant democracy—the only one in the Middle East—and we should be supporting that democracy. Instead, the President is treating the issue very lightly, engaging in a sort of political gamesmanship. But for Israel this is not gamesmanship; it is life and death, and Israel's continued survival is on the line.

The President has undercut Israel's negotiating position in its peace talks with the Palestinians. Why should the Palestinians make any concessions, when the President is sending such mixed signals about United States support for Israel, especially on something so basic to Israel's survival as the sanctity of Jerusalem?

The inviolability of a united Jerusalem is one of the only topics that unites Israelis across the political spectrum. Any Israeli Government that questioned the sanctity of a united Jerusalem couldn't stay in office for 24 minutes, let alone 24 hours.

The assertion that the Palestinians in some way have an equal claim on Jerusalem is absurd on its face. Throughout history, Jerusalem has been the capital only of a Jewish state. It is mentioned 700 times in the Torah, the Old Testament of the Bible. By contrast, it is not mentioned even once in the Koran, the holy book of Islam. Islam cherishes Mecca and Medina, with Jerusalem coming in only a distant third.

The President's discussion of East Jerusalem in the context of "settlements" is thoroughly inappropriate. It indicates the President has little frame or reference for the issues he is discussing. East Jerusalem is no frontier outpost that Israel is "settling." It is a vibrant, densely populated urban area that is inseparable from the western half of the city.

Perhaps the most telling commentary on Bush's recent statements was the reaction of Teddy Kollek, Jerusalem's mayor. Kollek would be the last person in the world to support settlements in the occupied territories, and he has been a strong supporter of President Bush in the past. Yet, even he was sharply critical of the President, asking with exasperation, "Why did the White House have to bring it up?"

It is a question I and many of my colleagues are pondering ourselves. The President only compounded the problem by his awkward attempts to justify his earlier, ill-chosen statement.

The Congress should settle this issue once and for all, by removing all ambiguity in U.S. policy toward Jerusalem. I urge my colleagues to support this bill to make clear that Jerusalem is and will continue to be the one and only capital of the State of Israel.

Mr. McGRATH. Mr. Speaker, I represent one of the largest Jewish communities in the United States. What is most impressive is that Jews in my district are very active in American-Israeli issues. They are not silent when policy regarding Soviet Jewry, the intifada, or Middle East economic aid is discussed and dissected in Washington. After more than 9 years as their Congressman, I have enjoyed their support and guidance. During a recent trip to my district, however, I heard very disturbing thoughts from Jewish enclaves concerning Jerusalem.

Jews have always believed that Jerusalem is an undivided city and the capital of Israel. By stating that no more Jews should settle in East Jerusalem, this administration has created an impression that fundamental changes in United States policy are being developed. No need exists for Jewish quotas in Jerusalem. This is one issue where Israel is united—the Jewish community is in clear harmony on the status of Jerusalem. For the United States to question this Israeli belief undermines the stability of the government and creates additional disarray in an already difficult process.

East Jerusalem is not a settlement, and should not be compared to the West Bank. Our effort to promote peace in the Middle East may be set back by including another issue already settled in the mind of all Jews.

In closing, I applaud the direct approach the administration has taken in dealing with the problems in the Middle East. I hope that the White House will understand the depth of feeling on this issue and realize the special historical and religious belief held by Jews throughout the world on an undivided Jerusalem. I support passage of House Concurrent Resolution 290 and urge my colleagues to do the same.

Mr. LEVINE of California. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 290, which reaffirms a fundamental truth about which there must be no ambiguity: that Jerusalem has been and will remain the undivided capital of the State of Israel.

Mr. Speaker, the issue of Jerusalem took center stage in early March when President Bush made his regrettable remark on East Jerusalem.

At that time, the administration itself saw movement on the Mideast peace process and, particularly, on advancing the Israeli election plan. Yet, the President, by contradicting previous American policy and essentially calling East Jerusalem "occupied territory," undermined that process and contributed to the downfall of the Israeli Government. A Washington Post headline said it best: "Bush's Remark Undercut Peace Plan."

This administration seemed not to understand either history or the universal consensus within Israel and the Jewish community that Jerusalem will never again be divided.

For Jerusalem was divided and occupied between 1948 and 1967 by Jordan. That brought with it barbed wire and snipers. That brought with it complete denial by Jordan of access to the Jewish holy places. That brought with it wholesale destruction of the city's Jewish heritage. And, ultimately, it brought on Israel's recapture of East Jerusalem in a war the Arabs started. To quote the New Republic: "If the Arabs cared so desperately to maintain Arab dominion over the city, they should not have risked a war of annihilation. * * * They lost the war, and so they lost the city."

Furthermore, the President simply misstated American policy, which had never considered Jerusalem in the same category as the West Bank and Gaza. Jerusalem, rightly, was accorded a special status, one which recognized the unity of the city, which left it to the end of the negotiating process, which understood—even if implicitly—that Jerusalem, East and West, would forever remain the capital of the Jewish state.

President Bush chose to do otherwise. He chose to be the first American President to imply that Jews have no right to live in certain sections of Jerusalem. The administration's subsequent attempts at clarification—including letters to Jerusalem Mayor Teddy Kollek, to Senator RUDY BOSCHWITZ, and to me—while welcome—do not change the fact that the President said what he said.

Secretary of State Baker's letter to me dated March 16, 1990, seemed to go the furthest in that it said regarding Jerusalem, "clearly, Jews and others can live where they want, East or West, and the city must remain undivided."

Mr. Speaker, this resolution puts Congress on record as viewing Jerusalem as the undivided capital of the State of Israel. Far from being a "mistake," it sends a strong and unambiguous signal on an issue about which there must be no confusion. I urge my colleagues to support it.

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of the pending resolution, which firmly states that Jerusalem must remain the undivided capital of the State of Israel.

There are few foreign policy issues that are more important than the Middle East peace process. The United States has a responsibility to work with its close ally, Israel, in the pursuit of a regional peace in the Middle East that preserves Israel's security.

However, recent comments by leading U.S. officials which call into question the status of Jerusalem have harmed, rather than helped, the peace process.

In the midst of delicate negotiations designed to get the peace process moving in the Middle East, the administration made ill-advised in fact counterproductive statements about the status of the city of Jerusalem. Not only did these statements derail the peace process, but they also represented a dramatic departure from previous U.S. policy on this question. These statements were followed by other attacks on Jerusalem's status by other leading U.S. officials.

In making these comments, the administration and its supporters unnecessarily complicated the peace talks. The result has been the collapse of the Israeli Coalition Government, which will substantially delay any actual peace negotiations.

In addition, these statements represent a dramatic departure from previous U.S. policy on the status of Jerusalem. No administration has ever questioned the right of Jews to live in Jerusalem, and no administration has ever equated the status of Jerusalem with the status of the West Bank and the Gaza strip. In fact, every previous U.S. administration has repeatedly insisted that Jerusalem must remain united under any final peace agreement.

Jerusalem is the holiest site and the spiritual capital of the Jewish people, and the right of Jews to live anywhere in Jerusalem should not be questioned by the United States. Moreover, we should never suggest that the political capital of the State of Israel is simply another piece of territory to be bargained over.

This resolution will help put this unfortunate episode behind us. It states clearly that those of us here in the House know what our policy must be—normally and practically. Then, we can get on with the all-important task of reinvigorating the Middle East peace process. The resolution expresses the sense of Congress that Jerusalem is and should remain the capital of Israel, and that Jerusalem must remain an undivided city in which the rights of all ethnic and religious groups are prohibited. The resolution also calls upon all parties involved to continue efforts to bring about negotiations between Israeli and Palestinian representatives.

Mr. Speaker, It is a tragedy that some continue to call into question the status of Jerusalem—a posture that threatens ongoing efforts to bring about real negotiations in the Middle East. I know as I know a majority of my colleagues do, that this stance is both wrong and counterproductive.

Those of us who are strong supporters of a secure Israel believe deeply that raising questions about the status of Jerusalem will not contribute to a solution of the Middle East conflict. We urge adoption of this resolution, which expresses strong support for a united Jerusalem, and we urge renewed steps to reinvigorate the Middle East peace process.

Once again, Mr. Speaker, I urge all of my colleagues to support his very important resolution.

Ms. OAKAR. Mr. Speaker, Jerusalem is a sacred ancient city which Israelis and indeed Christians, Jews, and Moslems everywhere revere. Indeed the three prominent religions view Jerusalem as a sacred city. It is well maintained by Mayor Teddy Kolek though not without tension. The people of Israel regard it as their capital. Others in that region do not. To me it is unfortunate that this resolution be voted upon today. It comes at a time when there is a movement toward freeing American hostages, and at a time when there is a movement toward the peace process. My vote today should not be viewed as an anti-Israel vote. I believe that my vote signifies that I am dissatisfied that such a sensitive vote should come up at a time when the people of Israel, and indeed the people of that region have a chance for peace. We should not interfere with the process. I think this resolution is extremely ill-timed. Let us hope and pray that the people of Israel and indeed the entire region experience peace and tranquility. Let us use U.S. leadership to bring people together so that they experience the harmony and joy that all people deserve.

Mr. ANNUNZIO. Mr. Speaker, as a cosponsor of House Concurrent Resolution 290, I rise to express my strong support for this bill expressing the sense of the House of Representatives in support of the unified status of the city of Jerusalem.

The longstanding policy of the United States has been that Jerusalem must remain a unified city with free and universal access for all religious denominations. The recent commitments of President Bush deviated significantly from this position, and this legislation puts the Congress on record in opposition to the President's remarks.

I urge my colleagues in the House of Representatives to approve this legislation to reassert the policy of the United States that Jerusalem must remain a unified city, and also to demonstrate support of the Congress of the United States in recognizing the unified city of Jerusalem as the capital of the State of Israel.

Mr. CONYERS. Mr. Speaker, I rise in opposition to House Concurrent Resolution 290. This resolution deals with one of the most sensitive and controversial issues in the Middle East: The status of the city of Jerusalem. A matter of this gravity deserves more than 40 minutes of debate and it should certainly not be brought up now, in a time of increased tension in Jerusalem, where the Israeli Government has just admitted to secretly funding Jewish nationalist settlements in the Christian Quarter. Even the mayor of Jerusalem, Teddy Kollek, has said that although he believes Jerusalem should be recognized as the capital of Israel, this resolution is ill-timed: it merely stirs up controversy without really furthering the prospect of formal recognition of Jerusalem as Israel's capital. Furthermore, this resolution contradicts the established policy of the United States Government that the status of Jerusalem must be determined by negotiations, not unilateral action. That is why our Embassy remains in Tel Aviv. Jerusalem is considered holy by Moslems, Chris-

tians, and Jews. The Arab States and the Palestinians, who must be equal partners in the peace process, are vehemently opposed to any resolution declaring Jerusalem the capital of Israel.

Supporting this resolution undermines the fragile chances for peace in the Middle East. I see nothing to be gained by supporting it.

Mr. MATSUI. Mr. Speaker, I am pleased to join my colleagues in support of House Concurrent Resolution 290.

What we are expressing today by passing this resolution is very important to ensuring fairness within the peace process in the Middle East, but I cannot help but think that what we are establishing as the sense of Congress through this measure ought to go without saying. To say that Jerusalem should not be redivided is as basic to me as saying that the Berlin Wall should not be reconstructed. We are entering a new period in history, one marked by openness and the tearing down of physical and institutional barriers which separate and divide. Only a unified Jerusalem with free and open access by all religions will be acceptable in this new age.

The language of this concurrent resolution states simply that Jerusalem "is and should remain the capital" of Israel. Those words are important because in agreeing to this measure, we are not asking for a change in the situation in Jerusalem. Rather, we are declaring that the freedoms enjoyed by all people of Jerusalem should be maintained for future generations of Israel citizens and Arab residents.

Mr. Speaker, as a practical matter, the cohesiveness of Jerusalem is essential to the peace process moving forward in the Middle East. Moreover, as a matter of principle this body must reassert its conviction that unity must prevail over division. I urge my colleagues to support House Concurrent Resolution 290.

Mr. CAMPBELL of California. Mr. Speaker, I stand for a united Jerusalem. I stand for the right of all persons, of all faiths, to have access to the religious sites of Jerusalem. I condemn the practice of denying Jews access to their holy places when Jordan held part of Jerusalem, and I applaud Israel for not denying access to Moslem and Christian holy places since it has controlled them.

However, to make a unilateral declaration about Jerusalem's final status would be counterproductive at this time. The issue of Jerusalem has long been seen by both sides as the final issue to be settled in the peace process. By passing this resolution, we run the very real risk of endangering the discussions just now promising fruit between Israel and the Palestinians. Passage would put us on a path of looking to highlight disagreement, instead of looking for areas where we can begin to make compromise.

Agreement is a process that must start with small steps. It is human nature that positive steps made in compromise can later lead to compromise on more troubling areas of disagreement. That should be the process we seek to facilitate.

I told out high hopes for peaceful negotiations between the Israelis and the Palestinians. I have great concerns that this resolution, at this time, would only hinder the progress that seems so near at hand.

Mr. FEIGHAN. Mr. Speaker, I would like to express my strong support for House Concurrent Resolution 290 and for our effort today to clarify and amplify U.S. policy in the Middle East.

A clear and forceful statement of U.S. policy by the Congress will accomplish two purposes: It will let all concerned parties know where we stand on the issue of Jerusalem and it will reiterate one of the bedrock principles of the U.S. approach to the region—that efforts to achieve peace in the Middle East must enhance—and not erode—the security of Israel.

One might ask why do we take this time to pass a resolution seeking to re-state U.S. policy on Jerusalem? The resolution became necessary after comments from the Bush administration that were seen as unhelpful to the peace process. For as long as the United States has been involved in the peace process, our policy makers have recognized that the status of Jerusalem is the most complex issue, the most emotionally charged issue and presents the greatest challenge to our diplomacy. For those reasons it has always been seen as something that came at the end of the process—negotiations that would crown the achievement of a comprehensive peace settlement.

President Bush's comments of March 3 put Jerusalem on the table at the beginning of the process. Furthermore, his remarks seemed to suggest that all of Jerusalem—East and West—was up for grabs, even before the negotiations had begun. The response in Israel was immediate and emotional. One thing that unites Israelis across the political spectrum is that Jerusalem is their capital. It is a united city. Israelis don't "settle" there. They live there.

The resolution reaffirms U.S. policy that Jerusalem should remain unified. It also points out that the rights of all people to live and worship within Jerusalem can never be compromised and are not negotiable. And above all, the resolution recognizes that a peace process that calls into the question the status of Jerusalem simply will not succeed and would be a departure from longstanding U.S. policy on this issue.

I want to commend the sponsor, Mr. ENGEL, for his initiative and I urge my colleagues to support the resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 290) as amended.

The question was taken.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

THRIFT SAVINGS PLAN TECHNICAL AMENDMENTS ACT OF 1990

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2514) amending subchapter III of chapter 84 of title 5, United States Code, as amended.

The Clerk read as follows:

H.R. 2514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thrift Savings Plan Technical Amendments Act of 1990".

SEC. 2. CORRECTION OF EMPLOYING AGENCY ERRORS RELATING TO THE THRIFT SAVINGS PLAN.

(a) IN GENERAL.—

(1) AMENDMENT TO CHAPTER 84.—Chapter 84 of title 5, United States Code, is amended by inserting after section 8432 the following:

"§ 8432a. Payment of lost earnings

"(a)(1) The Executive Director shall prescribe regulations under which an employing agency shall be required to pay to the Thrift Savings Fund amounts representing lost earnings resulting from errors (including errors of omission) made by such agency in carrying out this subchapter, subject to paragraph (2).

"(2) If the error involves an employing agency's failure to deduct from basic pay contributions (in whole or in part) on behalf of an individual in accordance with section 8432(a), the regulations shall not provide for the payment of any lost earnings which would be attributable to—

"(A) the contributions that the agency failed to deduct from basic pay in accordance with section 8432(a); or

"(B) any related contributions under section 8432(c)(2) that the employing agency is not required (by statute or otherwise) to make up.

"(b) The regulations—

"(1) shall include—

"(A) procedures for computing lost earnings; and

"(B) procedures under which amounts paid to the Thrift Savings Fund under this section shall be credited to appropriate accounts;

"(2) may provide for exceptions from the requirements of this section to the extent that correction of an error is not administratively feasible;

"(3) may require an employing agency to reimburse the Thrift Savings Fund for costs incurred by the Thrift Savings Fund in implementing corrections of employing agency errors under this section; and

"(4) may include such other provisions as the Executive Director determines appropriate to carry out this section.

"(c) Any amounts required to be paid by an employing agency under this section shall be paid from the appropriation or fund available to the employing agency for payment of salaries of the participant's office or establishment. If a participant in the legislative branch is paid by the Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House of Representatives the amount required to be paid to correct errors relating to the Thrift Savings Fund that otherwise would be paid from the appropriation or fund used to pay the participant.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432 the following:

"8432a. Payment of lost earnings."

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to lost earnings attributable to errors made before, on, or after the date of enactment of this Act.

SEC. 3. REMOVAL OF RESTRICTIONS RELATING TO THE INVESTMENT OF AMOUNTS IN THE THRIFT SAVINGS FUND.

(a) IN GENERAL.—Section 8438 of title 5, United States Code, is amended—

(1) by striking subsection (e) and redesignating subsections (f) through (i) as subsections (e) through (h), respectively;

(2) in subsection (b)(1)(A), by striking "subsection (f)" and inserting "subsection (e)";

(3) in subsection (c)(1), by striking "Subject to subsection (e), the" and inserting "The";

(4) in subsection (d)(1), by striking "and not subject to subsection (e)";

(5) in paragraphs (1) and (2) of subsection (g) (as so redesignated by paragraph (1)), by striking "subsection (f)" and inserting "subsection (e)", and in paragraph (3) of subsection (g) (as so redesignated), by striking "subsection (f)(2)" and inserting "subsection (e)(2)";

(6) in subsection (g)(6) (as so redesignated by paragraph (1)), by striking "subsection (i)" and inserting "subsection (h)"; and

(7) in paragraph (1) of subsection (h) (as so redesignated by paragraph (1)), by striking "subsection (h)" and inserting "subsection (g)", and in paragraph (2) of subsection (h) (as so redesignated), by striking "subsection (f)" and inserting "subsection (e)".

(b) REMOVAL OF INVESTMENT RESTRICTIONS AFFECTING CSRS PARTICIPANTS AND OTHERS.—

(1) CSRS PARTICIPANTS.—Section 8351(b)(8) of title 5, United States Code, is repealed.

(2) JUSTICES AND JUDGES.—Subsection (b) of the first section 8440a of title 5, United States Code, is amended by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(3) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b(b) of title 5, United States Code (as so redesignated by section 9) is amended by striking paragraph (7) and redesignating paragraph (8) as paragraph (7).

(4) OTHERS.—Any other provision of law, in effect on the date of enactment of this Act, which provides that any amounts contributed to the Thrift Savings Fund, or earnings thereon, may be invested or reinvested only in the Government Securities Investment Fund established under section 8438(b)(1)(A) of title 5, United States Code, shall cease to be effective.

(c) EFFECTIVE DATE.—Subsections (a) and (b), and the amendments made by such subsections, shall be effective as of the second election period described in section 8432(b) of title 5, United States Code, beginning after the date of enactment of this Act, or as of such earlier date as the Executive Director may by regulation prescribe.

SEC. 4. EXEMPTION OF THRIFT SAVINGS PLAN ANNUITIES FROM STATE AND LOCAL PREMIUM TAXES.

(a) IN GENERAL.—Section 8434 of title 5, United States Code, is amended by adding at the end the following:

"(e)(1) No tax, fee, or other monetary payment may be imposed or collected by any State, the District of Columbia, or the Commonwealth of Puerto Rico, or by any political subdivision or other governmental authority thereof, on, or with respect to, any amount paid to purchase an annuity contract under this section.

"(2) Paragraph (1) shall not be construed to exempt any company or other entity issuing an annuity contract under this section from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to or realized by that entity from the sale of an annuity contract under this section if that tax, fee, or payment is applicable to a broad range of business activity."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of enactment of this Act.

SEC. 5. CLARIFYING AMENDMENTS RELATING TO AN ANNUITY'S COMMENCEMENT DATE.

(a) AMENDMENTS TO SECTION 8433.—

(1) RELATING TO DEADLINE FOR CHANGING AN ELECTION.—Section 8433(f)(3)(A) of title 5, United States Code, is amended by striking "an annuity elected by the former employee or Member commences." and inserting "an annuity contract is purchased to provide for the annuity elected by the former employee or Member."

(2) RELATING TO RESTRICTIONS CONCERNING DEFERRED ANNUITIES.—Section 8433(f)(3)(B) of title 5, United States Code, is amended to read as follows:

"(B) A modification of a date may not be made under paragraph (2) on or after the date on which an annuity contract is purchased to provide for the annuity involved, and may not specify a date for the commencement of an annuity earlier than 90 days after the date on which the modification is submitted to the Executive Director (or such period shorter than 90 days as the Executive Director may by regulation prescribe)."

(b) AMENDMENTS TO SECTION 8434.—

(1) RELATING TO DEADLINE FOR CHANGING AN ELECTION.—Section 8434(b) of title 5, United States Code, is amended by striking "the annuity commences," and inserting "an annuity contract is purchased to provide for that annuity,".

(2) RELATING TO THE PURCHASE OF ANNUITY CONTRACTS.—Section 8434(d)(1) of title 5, United States Code, is amended by striking "At the time an annuity is to commence under this subchapter," and inserting "Not earlier than 90 days (or such shorter period as the Executive Director may by regulation prescribe) before an annuity is to commence under this subchapter,".

(c) AMENDMENTS TO SECTION 8435.—

(1) DETERMINATION OF MARITAL STATUS.—Section 8435(c)(1) of title 5, United States Code, is amended—

(A) by inserting "an annuity contract is purchased to provide for" after "the date on which"; and

(B) by striking "commences".

(2) DEADLINE FOR RECEIPT OF NOTIFICATION.—Section 8435(d)(2)(B)(ii) of title 5, United States Code, is amended by striking "the annuity commences," and inserting "an annuity contract is purchased to provide for the annuity,".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of April 1, 1987.

SEC. 6. PROVISIONS RELATING TO ACCOUNTS HAVING A FINAL BALANCE OF $3,500 OR LESS.

(a) IN GENERAL.—

(1) DEFINITION.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (30), by striking the final "and";

(B) in paragraph (31), by striking "States." and inserting "States; and"; and

(C) by adding at the end the following:

"(32) the term 'nonforfeitable account balance' means any amounts in an account, established and maintained under subchapter III, which are nonforfeitable (as determined under section 8432(g))."

(2) PAYMENT OF NONFORFEITABLE ACCOUNT BALANCE IN CASE OF NONELECTION.—Section 8433(h) of title 5, United States Code, is amended to read as follows:

"(h)(1) Notwithstanding subsection (d), if an employee or Member separates from Government employment before becoming entitled to a deferred annuity under subchapter II, and such employee's or Member's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, to have the nonforfeitable account balance transferred to an eligible retirement plan as provided in subsection (e).

"(2) Notwithstanding subsections (b) and (c), if an employee or Member separates from Government employment under circumstances making such employee or Member eligible to make an election under either of those subsections, and such employee's or Member's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b) or (c), as applicable.

"(3) Unless otherwise elected under this section, and subject to paragraphs (1) and (2), benefits under this subchapter shall be paid as an annuity commencing for an employee, Member, former employee, or former Member on February 1 of the year following the latest of the year in which—

"(A) the employee, Member, former employee, or former Member becomes 65 years of age;

"(B) occurs the tenth anniversary of the year in which the employee, Member, former employee, or former Member became subject to this subchapter; or

"(C) the employee, Member, former employee, or former Member separates from Government employment."

(3) WAIVER OF NOTIFICATION REQUIREMENTS.—Section 8435 of title 5, United States Code, is amended by redesignating subsection (h) as subsection (i), and by inserting after subsection (g) the following:

"(h) Except with respect to the making of loans under section 8433(i), none of the provisions of this section requiring notification to, or the consent or waiver of, a spouse or former spouse of an employee, Member, former employee, or former Member shall apply in any case in which the nonforfeitable account balance of the employee, Member, former employee, or former Member is $3,500 or less."

(b) CONFORMING AMENDMENTS.—

(1) CSRS.—Section 8351(b) of title 5, United States Code, as amended by section 3(b)(1), is further amended—

(A) by adding after paragraph (7) the following:

"(8) Notwithstanding paragraph (6), if an employee or Member who elects to make contributions to the Thrift Savings Fund under subsection (a) separates from Government employment before becoming entitled to a

deferred or immediate annuity under this subchapter, and such employee's or Member's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, to have the nonforfeitable account balance transferred to an eligible retirement plan as provided in section 8433(e).

"(9) Notwithstanding paragraphs (4) and (5), if an employee or Member separates from Government employment under circumstances making such employee or Member eligible to make an election under subsection (b) or (c) of section 8433, and such employee's or Member's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under such subsection (b) or (c), as applicable.

"(10) For the purpose of this section, the term 'nonforfeitable account balance' has the same meaning as under section 8401(32)."; and

(B) by inserting after paragraph (7)(C) the following:

"(D) Except with respect to the making of loans under section 8433(i), none of the provisions of this paragraph requiring notification to a spouse or former spouse of an employee, Member, former employee, or former Member shall apply in any case in which the nonforfeitable account balance of the employee, Member, former employee, or former Member is $3,500 or less."

(2) JUSTICES AND JUDGES.—Subsection (b) of the first section 8440a of title 5, United States Code, as amended by section 3(b)(2), is further amended by adding at the end the following:

"(7) Notwithstanding paragraph (5), if any justice or judge who elects to make contributions to the Thrift Savings Fund under subsection (a) resigns without having met the age and service requirements set forth in section 371(c) of title 28, and such justice's or judge's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, to have the nonforfeitable account balance transferred to an eligible retirement plan as provided in section 8433(e).

"(8) Notwithstanding paragraph (4), if any justice or judge retires under subsection (a) or (b) of section 371 or section 372(a) of title 28, and such justice's or judge's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)."

(3) BANKRUPTCY JUDGES AND MAGISTRATES.—Subsection (b) of section 8440b of title 5, United States Code (as so redesignated by section 9, and as amended by section 3(b)(3)) is further amended by adding at the end the following:

"(8) Notwithstanding paragraph (4)(C), if any bankruptcy judge or magistrate who elects to make contributions to the Thrift Savings Fund under subsection (a) retires before becoming entitled to an immediate annuity, or an annuity upon attaining age 65, under section 377 of title 28 or section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988, and such bankruptcy judge's or magistrate's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, to have the nonforfeitable account balance transferred to an eligible retirement plan as provided in section 8433(e).

"(9) Notwithstanding subparagraphs (A) and (B) of paragraph (4), if any bankruptcy judge or magistrate retires under circumstances making such bankruptcy judge or magistrate eligible to make an election under subsection (b) or (c) of section 8433, and such bankruptcy judge's or magistrate's nonforfeitable account balance is $3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under such subsection (b) or (c), as applicable."

(4) OTHERS.—The Executive Director (as appointed under section 8474(a) of title 5, United States Code) shall prescribe regulations under which the purposes of the amendments made by this section shall be carried out with respect to any individuals participating in the Thrift Savings Plan who would not otherwise be affected by this section.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall be effective as of the second election period described in section 8432(b) of title 5, United States Code, beginning after the date of enactment of this Act (or as of such earlier date as the Executive Director may by regulation prescribe), and shall apply with respect to separations occurring before, on, or after that effective date.

SEC. 7. ELECTION TO REMAIN SUBJECT TO CERTAIN PROVISIONS RELATING TO CAREER APPOINTEES.

(a) IN GENERAL.—Section 3392(c) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraph (A) and (B), respectively;

(2) by redesignating subsection (c) as subsection (c)(1); and

(3) by adding at the end the following:

"(2) An election under paragraph (1) may also be made by any career appointee who is appointed to a civilian position in the executive branch—

"(A) which is not in the Senior Executive Service; and

"(B) which is covered by the Executive Schedule, or the rate of basic pay for which is fixed by statute at a rate equal to 1 of the levels of the Executive Schedule.

An election under this paragraph shall remain effective so long as the appointee continues to serve in the same position."

(b) EFFECTIVE DATE; ELECTION BY PERSONS PREVIOUSLY APPOINTED.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) ELECTION BY PERSONS PREVIOUSLY APPOINTED.—The Office of Personnel Management shall prescribe regulations (including procedures and deadlines) under which an election under section 3392(c)(2) of title 5, United States Code (as amended by this section) may be made by any individual who—

(A) on the date of enactment of this Act, is serving in a civilian position in the executive branch which—

(i) is not in the Senior Executive Service; and

(ii) satisfies section 3392(c)(2)(B) of such title 5 (as so amended);

(B) was appointed to that position on or after November 1, 1986, and has served continuously in such position since then;

(C) was a career appointee (within the meaning of section 3132(a)(4) of such title 5) immediately before having been so appointed; and

(D) was not, based on such individual's appointment to the position described in subparagraph (A), eligible to make an election under section 3392(c) of such title 5 (as then in effect).

An election under this paragraph shall be effective as of the date of appointment to the position described in subparagraph (A).

SEC. 8. REPEAL.

Subsection (c) of section 133 of Public Law 100-238 (5 U.S.C. 8477 note) is repealed.

SEC. 9. TECHNICAL CORRECTION.

(a) SECTION REDESIGNATION.—Chapter 84 of title 5, United States Code, is amended by redesignating the second section 8440a thereof (relating to bankruptcy judges and magistrates) as section 8440b.

(b) TABLE OF SECTIONS.—The table of sections for chapter 84 of title 5, United States Code, is amended by striking the item relating to the second section 8440a and inserting the following:

"8440b. Bankruptcy judges and magistrates."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. ACKERMAN] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ACKERMAN].

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2514, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2514 authorizes Federal agencies to pay lost earnings to employees' thrift savings plan accounts when such losses are caused by administrative errors of employing agencies.

The bill also removes the limitations which current law places on the allocations which FERS employees may make to either the C or F fund. In ad-

dition, the bill removes the investment restrictions affecting CSRS participants and allows them to invest in both the C and F funds.

H.R. 2514 exempts from State and local premium taxes the annuities purchased by the plan. This exemption is similar to the one currently in effect for the Federal Employees Group Life Insurance Program.

Section 5 of the bill clarifies current law with regard to the distinction between an annuity's commencement date and the date an annuity is purchased.

Section 6 of the bill provides authority to the Federal Retirement Thrift Investment Board to make cash payments of $3,500 or less when an employee separates from service and does not select one of the other options available. This provision is similar to authority granted to private sector plans in current law.

H.R. 2514 amends current law to allow career Senior Executive Service employees who are appointed to executive level positions or positions whose salaries are linked to the Executive Schedule, to elect to retain their SES benefits. Currently, such an election is only available to career SES employees who move to positions that are subject to Presidential appointment.

Last, H.R. 2514 strikes the expiration date of the fiduciary indemnification provisions in current law, thereby making those provisions permanent.

Mr. Speaker, I urge my colleagues to support H.R. 2514.

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Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in support of the measure before us and to commend the chairman of our Subcommittee on Compensation and Employee Benefits, the gentleman from New York [Mr. ACKERMAN] for moving it so swiftly.

This measure was introduced last year by the chairman and I at the request of the Thrift Investment Advisory Board. I particularly would like to commend the chairman for the additional time and effort he put into this bill, through the offering and adoption of a series of amendments to the legislation which both expands and improves on our original version.

The thrift savings plan has been viewed as one of the better investment opportunities for Federal and postal employees. It is certainly one of the more positive things we have been able to do for our Federal employees in the last decade.

However, it does have its weaknesses. Presently, the estimated 1.4 million employees in the Federal Employee Retirement System [FERS] are limited in how much they can invest in either the common stock fund—the C fund—or the fixed income bond fund—the F fund. The bulk of their accounts must remain in the Government securities fund—the G fund. Meanwhile, the approximately 1.8 million employees in the Civil Service Retirement System [CSRS] cannot participate in stock or bond investments at all. They are limited to the G fund. The measure before us corrects this situation by removing all limitations to full and active participation. It treats our Federal and postal employees as adults and allows them the opportunity to plan their retirements and to take full advantage of any and all of the investment funds represented by the thrift plan. It also provides for greater participation in the thrift plan by Federal judges and certain members of the Senior Executive Service.

H.R. 2514 also sets in place a mechanism for Federal agencies to pay into an employee's thrift account earnings that were lost due to agency errors. I am advised that this does not occur often, but when it does a substantial amount of an employee's earnings can be lost. The error was not the employee's fault and I believe he, or she, should not be penalized for it.

The bill also provides the Thrift Investment Board methods, and in some cases provides corrections, for dealing with several technical problems that were not foreseen when the thrift plan was established. Problems, such as the imposition of premium taxes by State and local jurisdictions on puchases of thrift savings plan annuities and thrift accounts of less than $3,500 that are allowed to languish in the plan after the employee has separated from Federal employment. Rather than forcing the thrift board to maintain these accounts, it gives them the authority to close that account through a lumpsum payment of the proceeds to the employee.

The committee has been advised by the Congressional Budget Office that the changes we propose will have an insignificant effect on our overall Federal budget. I am pleased to have been a cosponsor of this legislation and I urge all of my colleagues to join us, on the Post Office and Civil Service Committee, in voting to improve the thrift savings plan and the many futures it represents.

Mr. FORD of Michigan. Mr Speaker, I rise in strong support of H.R. 2514, Thrift Savings Plan Technical Amendments Act of 1990.

The thrift savings plan [TSP], with over $5.7 billion in assets today, is one of the few exemplary employee benefits the Federal Government affords its employees. Federal pay and employee health benefits are admittedly deficient. But, the thrift plan stand out as a shining example of a good concept brought to fruition.

The amendments which the House considers today are the product of the hard work of Chairman GARY ACKERMAN and his Subcommittee on Compensation and Employee Benefits, for which they are to be commended. I would also like to take this opportunity to commend the members, Executive Director, and staff of the Federal Retirement Thrift Investment Board, and the plan's recordkeeper, the National Finance Center, for their tireless efforts in making this vital employee benefit program work.

While many of the changes included in H.R. 2514 are technical in nature, I would like to highlight two important amendments to the Federal Employees' Retirement System Act of 1986 [FERSA] contained in the legislation.

First, the measure gives legal authority to Federal agencies to pay lost earnings to the thrift savings fund resulting from agency administrative errors. While existing laws permit employing agencies to correct errors by making up missing contributions to the thrift plan, the General Accounting Office has ruled that, in most instances, agencies lack the authority to make up lost earnings resulting from the delayed deposit of corrected contributions. H.R. 2514 would facilitiate steps to make employees whole for errors beyond their control.

Generally, we believe that claims for lost earnings will be handled expeditiously by employing agencies without dispute. However, in the exceptional situation where a dispute concerning lost earnings cannot be resolved with the employing agency, the provisions of FERSA provide a mechanism for the employee to seek appropriate relief from the employing agency in Federal court.

Second, the bill removes existing limitations on TSP investments by Federal and postal employees covered both by the Civil Service Retirement System [CSRS] and the Federal Employees Retirement System [FERS]. FERS-covered employees will no longer be restricted in the deposit and movement of employee and government contributions between the Government securities investment fund—G fund—fixed income investment fund—F fund—and common stock index investment fund—C fund. Further, CSRS participants will, for the first time, be permitted to contribute to all three investment funds.

This freedom of choice will give employees a greater say in managing their retirement accounts and a greater role in tailoring an investment strategy which best meets their future needs.

Mr. Speaker, today's action marks but one of a number of efforts intended by the Committee on Post Office and Civil Service to bolster the confidence of Federal workers in their Government employer. The committee is pledged to action in many areas of Federal employment, from reforming the Federal Pay System and Health Benefits Program to enhancing training, recruitment, and retention opportunities in a changing world. In addition we are committed to seeing the good work of the National Commission on the Public Service continued through a federally sanctioned council. We will move forward with what we feel are the best responses until critical employment issues are resolved and the Federal Government stands ready to meet the challenges of tomorrow.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I thank the gentleman for his cooperation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 2514, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS TO THE ETHICS REFORM ACT OF 1989

Mr. FAZIO. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 553) to make technical changes in the Ethics Reform Act of 1989. The Clerk read as follows:

H.J. RES. 553

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

It is the purpose of this joint resolution to make technical corrections in the Ethics Reform Act of 1989.

SEC. 2. AMENDMENTS PERTAINING TO TITLE I.

(a) AMENDMENTS TO SECTION 207 OF TITLE 18.—Section 207 of title 18, United States Code, as amended by section 101 of the Ethics Reform Act of 1989 (Public Law 101-194), is amended as follows:

(1) Subsection (a)(1) is amended—

(A) by inserting "(including any special Government employee)" after "employee" the first place it appears;

(B) by striking "Government" after "United States" each place it appears;

(C) by striking "and any special Government employee";

(D) by striking "as the case may be," each place it appears;

(E) by striking "(except the United States)" and inserting "(except the United States or the District of Columbia)"; and

(F) in subparagraph (A) by inserting "or the District of Columbia" after "United States".

(2) Subsection (a)(2) is amended—

(A) by striking "Government" the first place it appears and inserting "or the District of Columbia";

(B) by striking "(except the United States)" and inserting "(except the United States or the District of Columbia)";

(C) in subparagraph (A) by inserting "or the District of Columbia" after "United States"; and

(D) in subparagraph (B) by striking "Government".

(3) Subsection (a) is amended by adding at the end the following:

"(3) CLARIFICATION OF RESTRICTIONS.—The restrictions contained in paragraphs (1) and (2) shall apply—

"(A) in the case of an officer or employee of the executive branch of the United States (including any independent agency), only with respect to communications to or appearances before any officer or employee of any department, agency, court, or court-martial of the United States on behalf of any other person (except the United States), and only with respect to a matter in which the United States is a party or has a direct and substantial interest; and

"(B) in the case of an officer or employee of the District of Columbia, only with respect to communications to or appearances before any officer or employee of any department, agency, or court of the District of Columbia on behalf of any other person (except the District of Columbia), and only with respect to a matter in which the District of Columbia is a party or has a direct and substantial interest.".

(4) Subsection (b)(1) is amended—

(A) by striking "a former officer or employee" and inserting "a former officer or employee of the executive branch of the United States (including any independent agency) and is";

(B) by striking "and any person described in subsection (e)(7)" and inserting "or any person who is a former officer or employee of the legislative branch or a former Member of Congress";

(C) by striking "and which is so designated by the appropriate department or agency, shall not, on the basis of that information, which the person knew or should have known was so designated, knowingly represent" and inserting "which is so designated by the appropriate department or agency, and which the person knew or should have known was so designated, shall not, on the basis of that information, knowingly represent";

(D) by inserting "a period of" before "1 year"; and

(E) by striking "Government";

(5) Subsection (c) is amended—

(A) in paragraph (1) by striking "of the executive branch" and inserting "(including any special Government employee) of the executive branch of the United States"; and

(B) in paragraph (2)—

(i) in subparagraph (A)(i)—

(I) by inserting "specified in or" after "pay" the first place it appears; and

(II) by striking "or a comparable or greater rate of pay under other authority,";

(ii) in subparagraph (A)(ii) by striking "basic rate of" each place it appears and inserting "rate of basic"; and

(iii) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(6) Subsection (d) is amended—

(A) in paragraph (1)(B) by striking "paid" and inserting "in the executive branch of the United States (including any independent agency)"; and

(B) in paragraph (2)—

(i) by amending the paragraph caption to read as follows: "PERSONS WHO MAY NOT BE CONTACTED"; and

(ii) in subparagraph (B) by striking "other".

(7) Subsection (e) is amended—

(A) in paragraph (6) by striking "basic rate of" each place it appears and inserting "rate of basic"; and

(B) in paragraph (7) in subparagraphs (L) and (M) by inserting "on or" before "after the effective date" each place it appears.

(8) Subsection (f)(1) is amended—

(A) by striking "subsection (c), (d), or (e), as the case may be" and inserting "such subsection";

(B) in subparagraph (A)—

(i) by striking "the interests of"; and

(ii) by striking "of the Government"; and

(C) in subparagraph (B) by striking "of the Government".

(9) Subsection (i) is amended by striking paragraph (1) and inserting the following:

"(1) the term 'officer or employee', when used to describe the person to whom a communication is made or before whom an appearance is made, with the intent to influence, shall include—

"(A) in subsections (a), (c), and (d), the President and the Vice President; and

"(B) in subsection (f), the President, the Vice President, and Members of Congress;".

(10) Subsection (j) is amended—

(A) in paragraph (1)—

(i) by striking "subsections (a), (c), (d), and (e)" and inserting "this section";

(ii) by striking "as an officer or employee of" and inserting "on behalf of"; and

(iii) by striking "Government" and inserting "or the District of Columbia";

(B) in paragraph (3)—

(i) by striking "subsections (c), (d), and (e)" and inserting "this section"; and

(ii) by striking "of which the United States is a member" and inserting "in which the United States participates, if the Secretary of State certifies in advance that such activity is in the interests of the United States";

(C) in paragraph (4)—

(i) in the paragraph caption by striking "PERSONAL MATTERS AND SPECIAL" and inserting "SPECIAL";

(ii) by striking "apply to appearances" and all that follows through "subsections";

(iii) by striking "prevent a former officer or employee" and inserting "prevent an individual";

(iv) by striking "former officer's or employee's" and inserting "individual's"; and

(v) by striking ", other than that regularly provided for by law or regulation for witnesses";

(D) in paragraph (5)—

(i) by striking "(d), and (e)" and inserting "and (d)"; and

(ii) by adding at the end the following: "For purposes of this paragraph, the term 'officer or employee' includes the Vice President."; and

(E) in paragraph (6)—

(i) in the first sentence by striking " a former Member" and all that follows through "employee)" and inserting "an individual"; and

(ii) in the second sentence by striking "sentence, a former" and all that follows through the end of the paragraph and inserting the following: "sentence—

"(A) a former officer or employee of the executive branch of the United States (including any independent agency) who is subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the United States) in that matter; and

"(B) a former officer or employee of the District of Columbia who is subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the District of Columbia) in that matter.".

(b) EFFECTIVE DATE.—Section 102 of the Ethics Reform Act of 1989 is amended—

(1) in subsection (a)—

(A) by striking "Subject to subsection (b)" and inserting "(1) Subject to paragraph (2) and to subsection (b)"; and

(B) by adding at the end the following:

"(2) Subject to subsection (b), the amendments made by section 101 take effect at noon on January 3, 1991, with respect to Members of Congress (within the meaning of section 207 of title 18, United States Code)."; and

(2) in subsection (b), by inserting ", the Vice President," after "Congress".

SEC. 3. AMENDMENTS PERTAINING TO TITLE II.

Title I of the Ethics in Government Act of 1978 is amended as follows:

(1) JUDICIAL CONFERENCE.—Title I is amended by striking "of the United States" after "Judicial Conference" each place it appears, except for section 109(9).

(2) PERSONS REQUIRED TO FILE.—Section 101(e) is amended by striking "the later of May 15 or".

(3) CONTENTS OF REPORTS.—Section 102 is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A) by striking "such individuals" and inserting "the reporting individual";

(ii) in paragraph (3) by striking "parent, brother, sister, or child" and inserting ", or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse,"; and

(iii) in paragraph (4) by striking "relative" and inserting "spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse";

(B) in subsection (e)(1)(E) by inserting "of subsection (a)" after "(5)";

(C) in subsection (f)—

(i) in paragraph (3)—

(I) in subparagraph (A)(i)(II) by striking the comma after "involved in";

(II) by amending subparagraph (A)(ii)(II) to read as follows:

"(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and"; and

(III) in subparagraph (F) by striking "this section" and inserting "title II of the Ethics Reform Act of 1989"; and

(ii) in paragraph (6) (A) and (B) by striking "or negligently" each place it appears and inserting "and willfully, or negligently,"; and

(D) by adding at the end of section 102 the following:

"(i) A reporting individual shall not be required under this title to report—

"(1) financial interests in or income derived from—

"(A) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such title); or

"(B) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services; or

"(2) benefits received under the Social Security Act.".

(4) FILING OF REPORTS.—Section 103 is amended—

(A) in subsection (c) by inserting "individuals nominated to be judicial officers and" after "Houses of Congress other than";

(B) in subsection (d) by inserting "of the Office of Government Ethics" after "Director";

(C) in subsection (e)—

(i) by inserting "who is a candidate for nomination or election to the Office of President or Vice President" after "section 101(c)"; and

(ii) by striking "Elections" and inserting "Election";

(D) in subsection (g) by striking "The Office of Government Ethics" and inserting "Each supervising ethics office";

(E) by amending subsection (h)(1)(A)(i) to read as follows:

"(A)(i)(I) the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, an officer or employee of the Congress whose compensation is disbursed by the Clerk of the House of Representatives, an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the Congressional Budget Office, the Government Printing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico; and

"(II) the Secretary of the Senate, in the case of a Senator, an officer or employee of the Congress whose compensation is disbursed by the Secretary of the Senate, an officer or employee of the General Accounting Office, the Office of Technology Assessment, or the Office of the Attending Physician (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Senator; and";

(F) in subsection (h)(1)(A)(ii)—

(i) in subclause (I) by striking "congressional ethics committee" and inserting "Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as"; and

(ii) in subclause (II)—

(I) by striking "Senate Select Committee on Ethics" and inserting "Secretary of the Senate"; and

(II) by striking "Committee on Standards of Official Conduct" and inserting "Clerk"; and

(G) by adding at the end of section 103 the following:

"(i) A copy of each report filed under this title by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 316(a) of the Federal Election Campaign Act of 1971 of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 7-day period beginning on the day the report is filed with the Clerk or Secretary.

"(j)(1) A copy of each report filed under this title with the Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Standards of Official Conduct of the House of Representatives within the 7-day period beginning on the day the report is filed.

"(2) A copy of each report filed under this title with the Secretary of the Senate shall be sent by the Secretary to the Select Committee on Ethics of the Senate within the 7-day period beginning on the day the report is filed.

"(k) In carrying out their responsibilities under this title with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.".

(5) FAILURE TO FILE.—Section 104 is amended—

(A) in subsection (b), by striking "Chairman of the Judicial Conference" and inserting "Judicial Conference"; and

(B) in subsection (d)(1) by striking "shall pay a filing fee of $200 to the miscellaneous receipts of the General Treasury" and inserting "shall, at the direction of and pursuant to regulations issued by the supervising ethics office, pay a filing fee of $200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the supervising ethics office in the executive branch to other agencies in the executive branch.".

(6) INDEPENDENT COUNSEL; CONFORMING AMENDMENTS.—(A) Section 105(a) is amended to read as follows:

"SEC. 105. (a) Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report filed under this title with such agency or office or with the Clerk or the Secretary of the Senate, except that—

"(1) this section does not require public availability of a report filed by any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, be revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

"(2) any report filed by an independent counsel whose identity has not been disclosed by the division of the court under chapter 40 of title 28, United States Code, and any report filed by any person appointed by that independent counsel under such chapter, shall not be made available to the public under this title.".

(B) Section 105(b)(1) is amended—

(i) in the first sentence—

(I) by striking "and each supervising ethics office" and inserting ", each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate"; and

(II) by striking "by such agency or office under this title" and inserting "under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be,"; and

(ii) in the second sentence by striking "or office" and inserting ", office, Clerk, or Secretary of the Senate, as the case may be"; and

(C) Section 105(d) is amended—

(i) by inserting "or to the Clerk of the House of Representatives or the Secretary of the Senate" after "ethics office"; and

(ii) by inserting "or by the Clerk or the Secretary of the Senate" after "or office".

(7) REVIEW OF REPORTS.—Section 106(b) is amended—

(A) by striking "the Chairman of the Judicial Conference" each place it appears and inserting "a person designated by the Judicial Conference";

(B) in paragraph (1) by striking "Secretary concerned, designated agency ethics official, or" and inserting "the Secretary concerned, the designated agency ethics official,";

(C) in paragraph (2) by striking "Secretary concerned, designated agency ethics official or" and inserting "the Secretary concerned, the designated agency ethics official,";

(D) in paragraph (3) by striking "Secretary concerned, designated agency ethics official, a congressional ethics committee, or the" and inserting "the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the";

(E) in paragraph (4)—

(i) by inserting "in the executive branch" after "position"; and

(ii) by striking "foreign service" and inserting "Foreign Service";

(F) in paragraph (5) by striking "foreign service" and inserting "Foreign Service"; and

(G) in paragraph (6) by striking "employee" and inserting "employee,".

(8) DEFINITIONS.—Section 109 is amended—

(A) in paragraph (1) by striking "Senate Select Committee on Ethics" and inserting "Select Committee on Ethics of the Senate";

(B) in paragraph (4) by inserting ", other than the General Accounting Office," after "Code)"

(C) in paragraph (5)—

(i) in subparagraph (C) by inserting ", the District of Columbia, or a State or local government or political subdivision thereof" after "United States Government";

(ii) by amending subparagraph (D) to read as follows:

"(D) food and beverages which are not consumed in connection with a gift of overnight lodging;";

(iii) in subparagraph (E)—

(I) by striking "individual" and inserting "individual,"; and

(II) by adding "or" after the semicolon; and

(iv) by adding after subparagraph (E) the following:

"(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual;";

(D) in paragraph (8)—

(i) by striking "Tax Court," and inserting "United States Sentencing Commission, of the Tax Court, of the Claims Court,"; and

(ii) by striking "who receives compensation" and all that follows through "Code" and inserting "who is paid at a rate of basic pay equal to or greater than the minimum rate of basic pay in effect for grade GS-16 of the General Schedule";

(E) in paragraph (10)—

(i) by striking "the Canal Zone, Guam," and inserting "Guam, the Northern Mariana Islands,";

(ii) by striking "Court of Claims,"; and

(iii) by inserting "Claims Court, Court of Veterans Appeals," after "Tax Court,";

(F) in paragraph (13)(B)(i)—

(i) by striking "60 consecutive" and inserting "at least 60"; and

(ii) by striking "equal to or in excess of" and inserting "of basic pay equal to or greater than";

(G) in paragraph (15)(A) by inserting ", the District of Columbia, or a State or local government or political subdivision thereof" after "Government";

(H) in paragraph (17)—

(i) in subparagraph (A) by striking "and" after the semicolon;

(ii) in subparagraph (B) by adding "and" after the semicolon; and

(iii) by adding after subparagraph (B) the following:

"(C) the Secretary of State, with respect to matters concerning the Foreign Service;"; and

(I) in paragraph (18)—

(i) in subparagraph (A) by striking "such committee" and inserting "the Secretary of the Senate";

(ii) in subparagraph (B) by striking "such committee" and inserting "the Clerk of the House of Representatives"; and

(iii) in subparagraph (D) by inserting "officers and" after "branch".

(9) ADMINISTRATION OF PROVISIONS.—Section 111 is amended—

(A) in paragraph (2) by striking "Senate Select Committee on Ethics" and inserting "Select Committee on Ethics of the Senate";

(B) in paragraph (3) by striking "and clerk of the applicable court, as appropriate,"; and

(C) by adding at the end the following:

"The Judicial Conference may delegate any authority it has under this title to an ethics committee established by the Judicial Conference.".

(10) EFFECTIVE DATE FOR TITLE II.—(A) Section 112 of the Ethics in Government Act of 1978 (5 U.S.C. App.), as amended by the Ethics Reform Act of 1989, is repealed.

(B) Title II of the Ethics Reform Act of 1989 is amended by adding at the end the following:

"SEC. 204. EFFECTIVE DATE.

"The amendments made by this title and the repeal made by section 201 shall take effect on January 1, 1991, except that the provisions of section 102(f)(4)(B) of the Ethics in Government Act of 1978, as amended by this title, shall be effective as of January 1, 1990.".

(C) The provisions of titles I, II, and III of the Ethics in Government Act of 1978, as in effect on the day before the date of the enactment of the Ethics Reform Act of 1989, shall be effective for the period beginning on November 30, 1989, and ending on January 1, 1991, as if the Ethics Reform Act of 1989 had not been enacted, except that the provisions of section 202(f)(4)(B) of the Ethics in Government Act of 1978 shall be repealed as of January 1, 1990.

(D) Nothing in title II of the Ethics Reform Act of 1989 or the amendments made by such title shall be construed to prevent the prosecution of civil actions against individuals for violations of the Ethics in Government Act of 1978 before January 1, 1991.

SEC. 4. AMENDMENTS PERTAINING TO TITLE III.

(a) GIFTS TO SUPERIORS.—Section 7351 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by inserting "or give a gift" after "gift"; and

(2) in subsection (c)—

(A) by striking "The Office of Government Ethics" and inserting "Each supervising ethics office (as defined in section 7353(d)(1))"; and

(B) by striking "similar circumstances" and inserting "circumstances in which gifts are traditionally given or exchanged".

(b) REDESIGNATION.—(1) Section 1352 of title 31, United States Code, as enacted by section 302 of the Ethics Reform Act of 1989, is amended by redesignating such section as section 1353.

(2) The item relating to section 1352 of title 31, United States Code, as enacted by section 302 of the Ethics Reform Act of 1989, in the table of sections at the beginning of chapter 13 of such title, is amended by striking "1352" and inserting "1353".

(c) TRAVEL ACCEPTANCE AUTHORITY.—Section 1353 of title 31, United States Code, as redesignated by subsection (b) of this section, is amended—

(1) in subsection (a) in the first sentence by striking "or employee in the executive branch may accept payment" and inserting "in the executive branch (including an independent agency) may accept payment, or authorize an employee of such agency to accept payment on the agency's behalf,";

(2) in subsection (b)—

(A) by inserting "or 7342" after "section 4111"; and

(B) in paragraph (2) by striking "(1)" and inserting "(1),"; and

(3) in subsection (c)(1) by striking "any executive agency" and inserting "all executive agencies";

(d) GIFTS TO FEDERAL EMPLOYEES.—Section 7353 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking "branches" and inserting "branch"; and

(B) in paragraph (1) by striking "regulated by the individual's employing agency" and inserting "regulated by, the individual's employing entity";

(2) in subsection (c) by striking "An employee" and inserting "A Member of Congress or an officer or employee"; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking "officers" and inserting "officers,"; and

(ii) by amending subparagraph (E) to read as follows:

"(E) in the case of legislative branch officers and employees other than those specified in subparagraphs (A) and (B), the committee referred to in either such subparagraph to which reports filed by such officers and employees under title I of the Ethics in Government Act of 1978 are transmitted under such title, except that the authority of this section may be delegated by such committee with respect to such officers and employees; and"; and

(B) in paragraph (2) by striking "Government" and inserting "Government,".

SEC. 5. AMENDMENTS PERTAINING TO TITLE IV.

(a) DEFINITIONS.—(1) Section 202(c) of title 18, United States Code, is amended to read as follows:

"(c) Except as otherwise provided in such sections, the terms 'officer' and 'employee' in sections 203, 205, 207 through 209, and

218 of this title shall not include the President, the Vice President, a Member of Congress, or a Federal judge.".

(2) Section 202(d) of title 18, United States Code, is amended by striking "shall include" and inserting "means".

(3) Section 202(e) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "means any" and inserting "includes each"; and

(2) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

"(A) the Congress; and"; and

(B) in subparagraph (B) by striking "an officer or employee" and inserting "the Office".

(b) COMPENSATION IN MATTERS AFFECTING THE GOVERNMENT.—Section 203 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B) by inserting "or Federal judge" after "employee";

(2) in subsection (a)(2) by inserting "Commissioner Elect, Federal judge," after "Commissioner,";

(3) in subsection (b)(2) by inserting "representational" before "services";

(4) in subsection (d)(1) by striking "Government employee," and inserting "Government employee or as a special Government employee"; and

(5) by adding after subsection (e) the following new subsection:

"(f) Nothing in this section prevents an individual from giving testimony under oath or from making statements required to be made under penalty of perjury.".

(c) OTHER COMPENSATION OF OFFICERS AND EMPLOYEES.—Section 205 of title 18, United States Code, is amended—

(1) in subsection (a)(2) by striking "any civil" and inserting "civil"; and

(2) in subsection (b)(2) by striking "any commission" and inserting "commission".

(d) PENALTIES FOR PRIOR VIOLATIONS OF POST-EMPLOYMENT RESTRICTIONS.—Section 207 of title 18, United States Code, as in effect on the date of the enactment of this joint resolution, is amended by striking "shall be fined not more than $10,000 or imprisoned for not more than two years, or both" following subsection (c) and inserting "shall be subject to the penalties set forth in section 216 of this title".

(e) ACTS AFFECTING A PERSONAL FINANCIAL INTEREST.—(1) Section 208 of title 18, United States Code, is amended—

(A) in subsection (b)(2) by striking "paragraph (1)" and inserting "subsection (a)";

(B) in subsection (b)(3) by striking "section 107 of"; and

(C) by amending subsection (d)(1) to read as follows:

"(d)(1) Upon request, a copy of any determination granting an exemption under subsection (b)(1) or (b)(3) shall be made available to the public by the agency granting the exemption pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978. In making such determination available, the agency may withhold from disclosure any information contained in the determination that would be exempt from disclosure under section 552 of title 5. For purposes of determinations under subsection (b)(3), the information describing each financial interest shall be no more extensive than that required of the individual in his or her financial disclosure report under the Ethics in Government Act of 1978.".

(2) Section 405(1)(C) of the Ethics Reform Act of 1989 is amended by inserting "each place it appears" before "and inserting".

(f) PENALTIES.—Section 216 of title 18, United States Code, is amended—

(1) in subsection (a) by striking "sections 203, 204, 205, 207, 208, and 209" and inserting "section 203, 204, 205, 207, 208, or 209"; and

(2) in subsection (b) by striking "sections 203, 204, 205, 207, 208, and 209" and inserting "section 203, 204, 205, 207, 208, or 209".

SEC. 6. AMENDMENTS PERTAINING TO TITLE V.

(a) SALE OF PROPERTY TO COMPLY WITH CONFLICT OF INTEREST REQUIREMENTS.—(1) Subsection (b) of section 1043 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(5) SPECIAL RULE FOR TRUSTS.—For purposes of this section, the trustee of a trust shall be treated as an eligible person with respect to property which is held in the trust if—

"(A) any person referred to in paragraph (1)(A) has a beneficial interest in the principal or income of the trust, or

"(B) any person referred to in paragraph (1)(B) has a beneficial interest in the principal or income of the trust and such interest is attributable under any statute, regulation, rule, or executive order referred to in paragraph (2) to a person referred to in paragraph (1)(A).".

(2)(A) For purposes of section 1043 of such Code—

(i) any property sold before June 19, 1990, shall be treated as sold pursuant to a certificate of divestiture (as defined in subsection (b)(2) thereof) if such a certificate is issued with respect to such sale before such date, and

(ii) in any such case, the 60-day period referred to in subsection (a) thereof shall not expire before the end of the 60-day period beginning on the date on which the certificate of divestiture was issued.

(B) Notwithstanding subparagraph (A), section 1043 of such Code shall not apply to any sale before April 19, 1990, unless—

(i) the sale was made in order to comply with an ethics agreement or pursuant to specific direction from the appropriate agency or confirming committee, and

(ii) the justification for the sale meets the criteria set forth in subsection (b)(2)(A) thereof as implemented by the interim regulations implementing such section 1043, published on April 18, 1990.

(3) The amendment made by paragraph (1) and the provisions of paragraph (2) shall apply to sales after November 30, 1989.

(b) USE OF GOVERNMENT VEHICLES.—Section 503 of the Ethics Reform Act of 1989 (31 U.S.C. 1344 note) is amended in the first sentence by striking "shall" and inserting "may".

(c) INTERIOR APPROPRIATIONS.—Section 505(b) of the Ethics Reform Act of 1989 is amended by striking "Fiscal Year 1988" and inserting "Fiscal Year 1989".

(d) OTHER AMENDMENTS TO TITLE V.—Section 506 of the Ethics Reform Act of 1989 is amended—

(1) by amending paragraph (2) of subsection (b) to read as follows:

"(2) in section 3393(g), by inserting after '1215,' the following: '3393a,';

(2) by amending paragraph (6) of subsection (b) to read as follows:

"(6) in section 7701(c)(1)(A), by striking 'of' and inserting in lieu thereof the following: 'or a removal from the Senior Executive Service for failure to be recertified under section 3393a of';";

(3) in the amendment made by subsection (c)(1), by redesignating the new subsection being inserted at the end of section 305 of the Foreign Service Act of 1980 as subsection (d) (rather than subsection (c)); and

(4) by amending subparagraph (B) of subsection (c)(3) to read as follows:

"(B) by striking the period at the end of paragraph (7) and inserting in lieu thereof the following: "; and".

SEC. 7. AMENDMENTS PERTAINING TO TITLE VI.

(a) CLARIFICATION OF SECTIONS 501(a) AND 502.—(1) Sections 501(a) (1) and (2) and 502 of the Ethics in Government Act of 1978, as amended by the Ethics Reform Act of 1989, are each amended by striking "not a career civil servant" and inserting "a noncareer officer or employee".

(2) Section 501(a)(2) of the Ethics in Government Act of 1978, as amended by the Ethics Reform Act of 1989, is amended—

(1) by striking "Member, officer or employee which" and inserting "Member or such an officer or employee which"; and

(2) by striking "Member, officer or employee during" and inserting "Member or such officer or employee during".

(b) CLARIFICATION OF SECTION 502.—Section 502 of the Ethics in Government Act of 1978, as amended by the Ethics Reform Act of 1989, is amended—

(1) in paragraph (1)—

(A) by striking "affiliate with or be employed" and inserting "receive compensation for affiliating with or being employed";

(B) by striking "to provide professional services which involves" and inserting "which provides professional services involving"; and

(C) by striking "for compensation"; and

(2) in paragraph (3)—

(A) by striking "practice" and inserting "receive compensation for practicing"; and

(B) by striking "for compensation".

(c) ADMINISTRATION.—Section 503 of the Ethics in Government Act of 1978, as amended by the Ethics Reform Act of 1989, is amended by amending paragraph (1) to read as follows:

"(1) and administered by—

"(A) the Committee on Standards of Official Conduct of the House of Representatives, with respect to Members, officers, and employees of the House of Representatives; and

"(B) in the case of legislative branch officers and employees other than Senators, officers, and employees of the Senate and other than those officers and employees specified in subparagraph (A), the committee to which reports filed by such officers and employees under title I are transmitted under such title, except that the authority of this section may be delegated by such committee with respect to such officers and employees;".

(b) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF LAW.—(1) Section 323(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i(a)) is amended by inserting "or child" after "spouse".

(2) Section 908(a) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1(a)), is amended in paragraphs (2) and (4) by inserting "or child" after "spouse" each place it appears.

SEC. 8. AMENDMENTS PERTAINING TO TITLE IX.

Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is amended—

(1) in subsection (a)—

(A) in paragraph (5)—

(i) in subparagraph (B) by adding "or" after the semicolon;

(ii) in subparagraph (C) by striking "; or" and inserting a period; and

(iii) by striking subparagraph (D); and

(B) in paragraph (6)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(ii) by inserting after "subsection—" the following:

"(A) the term 'foreign national' means a person acting directly or indirectly on behalf of a foreign corporation, partnership, or business enterprise, a foreign trade, cultural, educational, or other association, a foreign political party, or a foreign government;"; and

(2) in subsection (b)—

(A) by striking "(and 2 nights)";

(B) by striking "(and 6 nights)"; and

(C) in the last sentence by striking "of a Member" and inserting "or child of such Member".

SEC. 9. SAVINGS PROVISION.

Those reports filed under title I, II, or III of the Ethics in Government Act of 1978, as in effect before January 1, 1991, shall be made available to the public on or after such date in accordance with section 105 of that Act, as amended by the Ethics Reform Act of 1989, and the provisions of such section shall apply with respect to those reports.

SEC. 10. CONFORMING AMENDMENTS TO OTHER PROVISIONS OF LAW.

(a) SECTION 3730 OF TITLE 31.—Section 3730(e) of title 31, United States Code, is amended by striking "201(f)" and inserting "paragraphs (1) through (8) of section 101(f)".

(b) SECTION 2397a OF TITLE 10.—Section 2397a(a)(4) of title 10, United States Code, is amended by striking "209(10)" and inserting "109(3)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1991.

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided in this joint resolution, this Act and the amendments made by this joint resolution take effect on the date of the enactment of this joint resolution.

The SPEAKER pro tempore. Is a second demanded?

Mr. MICHEL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. MICHEL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Joint Resolution 553, making technical corrections to the Ethics Reform Act of 1989.

The bill is jointly sponsored by the Republican leader and myself.

House Joint Resolution 553 makes a number of technical and conforming amendments to the Government-wide ethics reform legislation enacted into law November 30, 1989. The bill is based on corrections suggested by the administration and on other changes developed by the two Houses relative to the legislative and judicial branches. It has been developed in consultation with the committees of jurisdiction under the direction of the bipartisan Task Force on Ethics which I have been privileged to cochair with the gentlewoman from Illinois [Mrs. MARTIN].

In this context, I would like to particularly thank the chairmen and the ranking minority members of the Committee Standards of Official Conduct, the Committee on the Judiciary, the Committee on Rules, the Committee on House Administration, the Committee on Ways and Means, and the Committee on Post Office and Civil Service for their cooperation and understanding in support of this effort.

The bill is also supported by the administration and by the joint leadership of the House and the Senate.

I would like in addition to thank the Republican leader and members of his staff for their cooperation and assistance on these technical amendments.

Several of these technical corrections need to be acted on immediately, because they affect the statutory requirements governing the financial disclosure reports which are due to be filed on May 15, 1990.

Specifically the bill resolves an ambiguity in the effective date of the new financial disclosure requirements by changing the date to January 1, 1991 for all provisions of the disclosure title. The amendment thus clarifies that the financial disclosure requirements under the prior law apply to disclosure reports for calendar year 1989 and other reports due to be filed this year.

The resolution makes other changes to the financial disclosure requirements to restore certain procedures and exemptions in the prior law. Most of these provisions were included in the original version of the Ethics Reform Act, H.R. 3660, passed by the House, but were not included in the Senate amendment which replaced the three separate financial disclosure titles in the prior law with one title for all three branches of Government.

The technical amendments also clarify coverage of Government officers and employees under the post-employment restrictions and make other technical and conforming amendments to the conflict-of-interest laws in title 18 of the United States Code.

Mr. Speaker, I would also like to take this opportunity to remind my colleagues that the Ethics Reform Act created a new Office of Advice and Education within the Committee on Standards of Official Conduct. That Office has prepared a briefing on the new statute.

The first briefing will be offered for Members tomorrow April 25, at 1:30 p.m., in room 2359, Rayburn Building. Two additional briefings for Members are scheduled on Thursday, May 3, at 1:30 p.m., also in room 2359, Rayburn Building, and Tuesday, May 8, at 1:30 p.m., in room 2318, Rayburn Building. Each Member may bring one employee to the briefings. Staff will not be admitted unless accompanied by a Member. Additional briefings will be scheduled for all staff. I would urge all Members to make every effort to attend one of these ethics briefings.

Mr. Speaker, I would like to place in the RECORD at this point a detailed explanation of House Joint Resolution 553 that has been jointly prepared by House and Senate legislative counsel.

SUMMARY OF HOUSE JOINT RESOLUTION 553, TECHNICAL CORRECTIONS TO ETHICS REFORM ACT OF 1989

AMENDMENTS TO TITLE I—POST-EMPLOYMENT RESTRICTIONS

(1) District of Columbia—The amendment makes several technical corrections to the Ethics Reform Act of 1989 (the Act) to restore the references to District of Columbia employees that had been omitted.

(2) Restrictions Clarification—The amendment clarifies that the post-employment restrictions apply, in the case of an Executive Branch employee, only to communications to agencies of the United States, and in the case of a District of Columbia employee, only to communications to agencies of the District of Columbia.

(3) Coverage—The amendment clarifies coverage of independent agency employees under the post-employment restrictions of section 207, and corrects an ambiguity that could result in an individual's position being covered in two different places, only one of which has the benefit of compartmentalization or waiver authority.

(4) Foreign Entities—The amendment clarifies that the restrictions in section 207(f) apply to the representation of a foreign entity and not to representation of other parties on an issue in which the foreign entity may be interested.

(5) Definitions—The amendment specifies that the term "officer or employee", when used to describe the person to whom a communication is made, includes the President and Vice President with respect to restrictions on former Executive Branch officials, and includes Members of Congress with respect to restrictions on the Legislative Branch.

(6) Official Government Duties—The amendment conforms the exception to section 207 for official government duties in (j)(1) with the 207 prohibitions by including those acts done in carrying out official duties on behalf of the District of Columbia. This exception applies only to official duties performed as an officer or employee of the United States Government or District of Columbia Government.

(7) International Organizations—The amendment tightens the exception in section 207(j)(3) for appearances before international organizations to require the Secretary of State to certify in advance that such activity is in the interests of the United States, and extends the exception to organizations in which the U.S. participates, rather than only those in which the U.S. is a member.

(8) Personal Matters—The amendment deletes the specific exception in section

207(j)(4) for communications by a former employee concerning personal matters, because such communications, by the very terms of the Act, are not subject to the post-employment restrictions.

(9) Technological Information—The amendment deletes the exception in section 207(j)(5) for furnishing scientific or technological information in the case of former Members and employees of the Legislative Branch, because that exception was intended to apply only to the Executive Branch. It also specifies that the exception does apply to former Vice Presidents.

(10) Testimony—The amendment clarifies that the exception in section 207(j)(6) for giving testimony applies to all individuals subject to the Act, including former employees of the District of Columbia.

(11) Effective Date—The amendment clarifies that the effective date of post-employment restrictions in the case of Members is January 3, 1991, to coincide with their term of office. This is consistent with the legislative intent to delay the effective date of new post-employment restrictions applicable to the Legislative Branch until the next Congress.

AMENDMENTS TO TITLE II—FINANCIAL DISCLOSURE

(1) Termination Reports—The Act requires individuals to file a termination report within 30 days after leaving office or by May 15, whichever is later. As drafted, an individual who leaves after May 15 could have up to an entire year to file a termination report. This result was not intended, so the amendment strikes the May 15 deadline option. Persons filing termination reports can always seek an extension of up to 90 days as provided for all reports filed under the Act.

(2) Liabilities—Prior law exempted from the reporting requirements any liabilities owed to a relative, and exempted from the reporting of asset any liabilities owed by a relative to the reporting individual. The Act narrowed the term "relative" to just those who are a spouse, parent, brother, sister, or child, but did so inadvertently only for liabilities owed by such relatives. The amendment narrows the exemption in the same way for the reporting of liabilities owed to a relative, as was originally intended.

(3) Blind Trust Trustees—The Act requires that the officer or employee of a trustee who manages a qualified blind trust is not or has not been a partner of or involved in any joint venture with the reporting individual or other interested party. The amendment strikes the past tense so that the restriction applies only to current involvement with an interested party, the same standard applies to the trustee under the Act and under prior law.

(4) Retirement Income—The amendment specifically exempts from disclosure any financial interests or income from federal retirement systems, consistent with current policy.

(5) Judicial Nominees—The amendment clarifies that the Office of Government Ethics would not receive copies of reports of judicial nominees who are subject to Senate confirmation. This reinstates the present system where judicial nominee reports are filed only in the Judicial Branch.

(6) Candidate Filings—The Act now requires congressional candidates to file reports with the Federal Election Commission. Prior law requires candidates to file with the Clerk of the House or Secretary of the Senate. The amendment restores prior law to promote uniform review of reports filed by Members and candidates.

(7) Disclosure Forms—The Act directs the Office of Government Ethics to develop reporting forms for all three branches. The amendment authorizes each supervising ethics office (OGE, Judicial Conference, House and Senate ethics committees) to develop reporting forms for individuals under their jursidiction.

(8) Legislative Agency Filings—The Act does not specify where current Legislative Branch agencies, such as GAO, OTA, GPO, and Library of Congress, file their reports. The amendment restores prior law to specify the agencies that file with the House and those that file with the Senate.

(9) Duties of Clerk, Secretary—The amendment restores prior law to provide that all Legislative Branch reports are filed with the Clerk of the House or the Secretary of the Senate, rather than directly with the appropriate ethics committee, and directs those officers to send reports within seven days to the ethics committee. The amendment also restores the requirement under prior law that the Clerk and Secretary send copies of reports filed by Members and candidates to the appropriate state officer, and to avail themselves of the assistance of the Federal Election Commission.

(10) Late Filing Fee—The Act authorizes the supervising ethics office to assess a $200 fee on anyone who files a report more than 30 days after the due date or any extensions. The amendment clarifies that the $200 late filing fee is to be paid to the supervising ethics office, pursuant to regulations issued by that office, and deposited in the U.S. Treasury.

(11) Independent Counsel—The amendment clarifies that disclosure reports filed by an independent counsel and his or her employees whose identities have not been made public shall not be disclosed unless the court has made public the appointment of that indpendent counsel. This comports with the recently reauthorized independent counsel statute.

(12) Review of Reports—The amendment makes grammatical and conforming changes in the procedures for review of reports by a designated agency ethics official or a person designated by the congressional ethics committee or the Judicial Conference.

(13) State Government Travel Expenses—Prior law for the Legislative Branch exempted from the definitions of gift and reimbursement any food, lodging, transportation, or entertainment provided by the United States Government or by state and local governments. The Act now exempts only travel expenses provided by the United States Government. The amendment restores the pre-existing exemption for state and local governments or political subdivisions thereof in the reporting of gifts and reimbursements, and applies the exemption to all three branches.

(14) Judicial Employees—The amendment clarifies the definitions of judicial employees and judicial officer to delete references to obsolete courts and to include references to the United States Sentencing Commission, the Claims Court, and the Court of Veterans Appeals.

(15) Local Meals Disclosure—Disclosure of gifts under the Act partly coincides with the House and Senate gifts rules by exempting gifts of $75 or less in value. However, unlike the House and Senate rules, the law does not specifically exempt meals that are not provided in connection with a gift of overnight lodging. In order to conform the rules and statutory provisions and thus avoid inconsistent record-keeping requirements, the amendment replaces the current exemption for food and beverages consumed at banquets and receptions with an exemption for food and beverages not consumed in connection with a gift of overnight lodging.

(16) Home-State Products—The Act repealed the prior law exemption for disclosure of gifts of consumable home-State products provided to a Member's office for distribution. The amendment restores that exemption for home-State products provided to the offices of an elected official for distribution to others.

(17) Effective Date—The Act combined financial disclosure requirements for all three branches into one title, and repealed the Executive and Judicial Branch disclosure titles, effective January 1, 1990. The Act states that the provisions of the disclosure title take effect on January 1, 1990, and that the new disclosure requirements are first applicable to reports filed in 1991. Because of the specific language of the effective date, there is some confusion as to which financial disclosure requirements apply to the reports filed in 1990 for calendar year 1989. The amendment resolves this uncertainty by changing the effective date to January 1, 1991 for all provisions of the disclosure title (except one relating to blind trusts, which takes effect January 1, 1990), and clarifies the authority to file disclosure reports under the terms of the prior law in 1990.

AMENDMENTS TO TITLE III—GIFTS AND TRAVEL

(1) Gifts to Superiors—Current law at 5 U.S.C. 7351 prohibits employees of all three branches from giving a gift to a superior. The Act changed the penalties for violations to "appropriate disciplinary action," rather than only dismissal. Only the Office of Government Ethics is authorized by the Act to issue regulations implementing the statute, including exemptions for voluntary gifts for special occasions, such as weddings and retirements. The amendment authorizes the supervising ethics office of each branch to issue its own regulations, and broadens the exemptions to include other circumstances in which gifts are traditionally given or exchanged.

(2) Redesignation—The amendment corrects the section number of the new law on acceptance of travel expenses from 1352 to 1353 in Title 31, and makes several conforming changes.

(3) Travel Acceptance Authority—The amendment clarifies that authority for accepting travel expenses by Executive Branch agencies applies to independent agencies as well, and that an employee may accept travel expenses only if authorized by the agency to do so. The amendment also provides that acceptance of foreign travel expenses under the Foreign Gifts Act is not prohibited by this section.

(4) Gifts to Employees—The amendment clarifies the enforcement of new section 7353 of title 5 on gifts to employees to provide that Members and officers, as well as employees, are subject to appropriate disciplinary action. The amendment also makes a conforming change to the provision defining supervising ethics office in the case of Legislative Branch agencies.

The prohibition on solicitation and acceptance of gifts in section 7353 applies only to those gifts solicited by or given to a covered person. It does not apply to donations solicited by a Member of Congress to be given to an entity such as a political cam-

paign committee, whether or not it is the Member's own campaign committee.

AMENDMENTS TO TITLE IV—TITLE 18 OF U.S. CODE

(1) Uniformed Services—The Act inadvertently excluded military officers (and members of civilian uniformed services, such as the Public Health Service) from the criminal conflict of interest laws by defining "officers" and "employees" to include only civilian personnel. The amendment makes clear that "officers" and "employees" includes officers of the uniformed services on active duty. As under the prior law, reserve officers who are serving on active duty for training, or are serving on active duty voluntarily for less than 130 days, would not be subject to the conflict of interest provisions, except those that apply to special government employees. The amendment makes conforming changes in the definitions in section 202.

(2) Federal Judges—The amendment returns to current law by clarifying that federal judges are subject to coverage under section 203, which prohibits any government officer or employee from accepting compensation for representing any party in matters affecting the government. The amendment also reinserts the exception for giving sworn testimony which was inadvertently omitted under the Act.

(3) Penalties for Prior Violations—The amendment provides that the new penalties established under the Act for violations of the conflict of interest laws shall take effect on enactment for violations of the post-employment restrictions in section 207, rather than on January 1, 1991 when other amendments take effect.

(4) Disclosure of 208 Determinations—The Act sets forth procedures for the disclosure of determinations under section 208, and makes no provision for withholding any information contained in the determination that might otherwise be exempt from disclosure under the Freedom of Information Act. Such information includes trade secrets, law enforcement records, financial reports, and other material which are currently exempt from public disclosure under FOIA. This modification restores the ability of an agency to withhold that protected information from public release.

AMENDMENTS TO TITLE V—OTHER ETHICS REFORMS

(1) Divestiture Tax Deferral—The amendment makes two changes to the Act's deferral of capital gains taxes on property sold by Executive Branch personnel to comply with conflict-of-interest requirements. The first extends the tax deferral provision to certain assets held in a trust in which the officer or employee has a beneficial interest. The second provides a transition rule to allow certain sales to be eligible if made after November 30, 1989, the effective date of the Act, and before June 19, 1990, 60 days after publication of OGE's interim regulations.

(2) Use of Government Vehicles—The amendment makes discretionary the new requirement in the Act that each department, agency or other entity of each branch of government shall prescribe rules for the incidental non-official use of government vehicles.

(3) Interior Appropriations—The amendment corrects a technical error in describing an appropriations provision to be repealed in the FY 1989 Interior Appropriations Act.

(4) SES Recertification—The amendment makes a number of technical and conforming amendments to the new recertification procedure for members of the Senior Executive Service.

AMENDMENTS TO TITLE VI—OUTSIDE EMPLOYMENT AND HONORARIA

(1) Coverage—The amendment substitutes the term "noncareer officer or employee" for the phrase "not a career civil servant" to clarify the categories of employees to whom the earned income limitation would apply. The definition of career employees in Title 5 of the U.S. Code does not include some categories of federal employees who should not be covered by the limitation—for example, attorneys hired under Schedule A, or the military.

According to the Administration, the term "noncareer officer or employee" includes presidential appointees confirmed by the Senate (including appointees to term positions, but not including individuals in non-Ambassador positions in the foreign service, or in the uniformed services), and full-time presidentially appointed positions not requiring Senate confirmation, as well as noncareer positions in the Senior Executive Service, and Schedule C excepted service employees. The term does not include, and thus excludes from the limitation, career positions in the Senior Executive Service, in excepted service positions under Schedule A, and other career-type positions.

(2) Outside Employment—The amendment makes several grammatical changes in the limitations on outside employment and clarifies that the prohibition on affiliation with a firm for compensation applies to a firm or other entity which provides professional services.

(3) Administration—The amendment specifies that the outside employment limitations and honoraria ban will be administered, in the case of Legislative Branch agencies, by the House or Senate ethics committee which receives the financial disclosure reports filed by the agency's employees, and that the committees may delegate that authority to that agency.

(4) Honoraria Travel—Statutory restrictions on honoraria (2 U.S.C. 441i and 2 U.S.C. 31-1) provide that a Member, officer, or employee may accept necessary travel expenses for himself or herself and for a spouse or aide in connection with an honorarium appearance. The amendment provides that such individuals may accept expenses for themselves and for either a spouse, or a child, or an aide in connection with an honorarium. The amendment thereby adds the option of substituting one's child for one's spouse in connection with such events, which is similar to House rules. A comparable change is made in Senate rules.

AMENDMENTS TO TITLE IX—SENATE RULES

(1) Foreign Nationals—The amendment makes a conforming change to transfer to the definition section of the gifts rule a description of foreign nationals to whom the prohibition applies.

(2) Travel Limits—The amendment strikes the reference to the number of nights in the limits on acceptance of travel expenses to allow more flexibility in applying the duration limits of 3 days for domestic travel and 7 days for foreign travel, excluding travel time in both cases. The amendment also allows a Member or employee of the Senate to accept travel expenses for his or her child, in lieu of the spouse, in connection with domestic or foreign travel.

SAVINGS PROVISION

The amendment clarifies that all financial disclosure reports filed under the Ethics in Government Act of 1978 prior to January 1, 1991, shall continue to be made available to the public after January 1, 1991 in accordance with the amended public access provisions of the Act.

□ 1400

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I rise in support of this technical corrections bill. As a member of the Ethics Reform Task Force, I can assure my colleagues that these small items are truly technical in nature. The most critical, time-sensitive item is the issue of financial disclosure for the executive branch.

As many of you know, the final ethics reform package was largely drafted by the other body. The intention was to bring us—the legislative branch—into conformity with the judicial and executive branches. Unfortunately, the act repeals the old financial disclosure requirements without the new disclosure requirements becoming effective until 1991. The legislation was silent on financial disclosure for 1990. Clearly, the intention of the other body and the intention of this House was not to eliminate this important disclosure rule. The executive branch has asked its personnel to disclosure voluntarily, but without this clarifying legislation, the administration cannot require compliance.

This and the other provisions are truly technical in nature. For instance, when the other body added a new definition of officers and employees under the conflict of interest laws, the definition inadvertently excluded the coverage of uniformed officers, both military and civilian. This exclusion is clearly a mistake and merits correcting.

Although, it is never easy to admit that errors were made and segments were left out, it is easier to mention them when they were made by the other body. Nevertheless, just like tax reform, welfare reform, immigration reform, and even Social Security reform, technical corrections are normal and necessary.

Let me reassure my colleagues that this measure in no way alters the tough reforms implemented by the Ethics Reform Act. These corrections are not controversial and are truly technical in nature. Fixing these points now is the correct and statesmen approach to legislating. I hope all my colleagues would join me in supporting this important measure.

The resolution also clarifies that Federal judges are subject to coverage under title 18, United States Code, section 203, which prohibits Federal public servants from accepting com-

pensation for representing any party in matters affecting the Government.

The resolution makes a number of technical and conforming amendments to the new recertification procedure for members of the Senior Executive Service.

I will not take the time to review each proposed change, but I rely on these key examples to show both the caliber of this legislation and the necessity for moving it in this timely fashion.

In addition, I would like to establish legislative history on one point. The Ethics Reform Act of 1989 specifies a financial disclosure review procedure for all branches of government similar to that previously followed by the executive branch.

Section 106(b) of the Ethics in Government Act, as amended, will require that a designated person must sign each report after it has been reviewed if the reporting individual is "in compliance with applicable laws and regulations."

The laws and regulations referred to are conflict of interest provisions applicable to the particular branch.

The provision was not intended to require the reviewing official to reject reports merely because of minor reporting errors, where the required information may be discerned from a review of the entire document.

Mr. Speaker, we have carefully crafted a good-government technical corrections resolution. It is noncontroversial and I urge my colleagues to support this effort.

Mr. Speaker, the letter referred to is as follows:

THE WHITE HOUSE,
Washington, DC, March 19, 1990.

DEAR BOB: As you may be aware, there is a need to make certain significant technical corrections to the recently enacted Ethics Reform Act of 1989.

First, the Act inadvertently appears to have repealed financial disclosure requirements for the Executive and Judicial Branches, during calendar year 1990. This unintended and undesired effect results from a mismatch between the effective date provision for the new law and the provision repealing the current law. The effective date provision states that the "provisions made by this title shall take effect on January 1, 1990, and shall be applicable to reports filed under this title after January 1, 1991." See Section 112 of the Ethics in Government Act (EGA) (as amended by section 202 of the Ethics Reform Act of 1989). Because section 201 of the Ethics Reform Act repealed Title II (Executive Branch) and Title III (Judicial Branch) of the EGA effective as of January 1, 1990, we are concerned that nothing in the law seems to provide for public financial disclosure reporting this year in the Executive and Judicial Branches.

A second problem is an inadvertent omission in the definition of officers and employees of the United States covered by the criminal conflict of interest laws. Although personnel in the uniformed services were covered under the criminal law prior to the enactment of the Act, the definitions added by section 401 of the Act to the criminal code appear unintentionally to have deleted such coverage. We assume that Congress did not intend to reduce the scope of these laws.

Language to address both of these issues is included in the package of technical amendments that the Administration provided to your staff in January, as technical assistance, along with language addressing a number of other technical corrections. A copy of the technical corrections package is enclosed for your reference.

We recognize that technical amendments to the Act would in due course be considered by the Congress. In view of the significance of these two issues, we believe it is important that they be taken up directly at the earliest possible opportunity.

Please feel free to contact me if you have any questions.

Sincerely,

C. BOYDEN GRAY,
Counsel to the President.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on March 21, 1990, I received a letter from C. Boyden Gray, the counsel to the president, who requested our prompt support of technical corrections to the Ethics Reform Act of 1989. I am submitting a copy of this letter for the CONGRESSIONAL RECORD.

The resolution before us today is in response to the administration's request and is based in large part on an administration proposal. This resolution is noncontroversial, truly technical, and supported by the administration.

Most comprehensive laws are accompanied by technical corrections at a later date. The reason for our prompt action today is the need to clarify congressional intent regarding the financial disclosure requirement for our colleagues in the legislative and judicial branches next month.

Although we fully expect that the appropriate Federal employee in all three branches of government will file financial disclosure forms this May, it appears that our intent was not adequately stated in the language of the Ethics Reform Act of 1989. This resolution clarifies our intent that there be no summer vacations from the duty to file disclosure forms this year.

In addition, this resolution clarifies a number of other provisions. For example, it reinstates the unintended absence from coverage of our military in the conflict of interests and postemployment laws.

The resolution also clarifies that the executive, judicial, House, and Senate will each regulate their rules regarding gifts to superiors.

Another important aspect of this resolution corrects an unintended interference with ongoing SEC and other enforcement investigations by requiring public disclosure of all 18 United States Code section 208 waivers.

Targets who learn of investigations from these disclosures might destroy evidence and otherwise prevent adequate law enforcement. To correct this problem, the resolution allows agencies to withhold the same type of enforcement investigation information that can be withheld under the Freedom of Information Act.

The new law places restrictions on the outside earned income of high-level employees who are not career civil servants. The resolution before us clarifies that the new restrictions will not apply to Senior Executive Service employees, the military, and other career-type positions.

Although these new restrictions do not take effect until next January, the thousands of public servants affected by these new provisions need this prompt clarification.

Unfortunately, the postemployment ban language in the new ethics law confuses which senior executive branch personnel are subject to the 1 year no-contact ban.

The resolution clarifies that 1,000 executive branch personnel are subject to the 1 year no-contact ban so that the ambiguity is resolved and prosecutions will not be lost due to unconstitutional vagueness of the statute's breadth.

The application of postemployment laws to employees of the District of Columbia government are also clarified so that these public servants understand the scope of coverage as it is applied to them.

The resolution tightens the exception in the postemployment law for appearances before international organizations in which the United States participates. The resolution requires the Secretary of State to certify in advance that such activity is in the interests of the United States.

The House and Senate, as well as the judicial branch, are authorized under the resolution to design their own disclosure forms. The current law leaves responsibility for all disclosure forms to the Office of Government Ethics within the executive branch.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today to comment upon the provisions contained in this legislation making technical corrections to the Ethics Reform Act of 1989, which are within the jurisdiction of the Committee on Ways and Means. These modifications are to section 1043 of the Internal Revenue Code of 1986, a provision enacted as part of the Ethics Reform Act of 1989, which allows an officer or employee of the executive branch, along with a spouse and dependent children, to defer gain on sales of specific property reasonably necessary to comply with certain conflict-of-interest statutes, regulations and orders, to the extent that the proceeds of such sales are reinvested in certain permitted investments. Property subject to this provision must be specifically named in a certificate of divestiture issued by the President or the Di-

rector of the Office of Government Ethics, and any gain deferred by such a sale will reduce the basis for gain or loss of the permitted investments.

Mr. Speaker, the administration has requested certain modifications to the provision enacted last year. In order not to slow House consideration of this technical amendment legislation, I have not requested a sequential referral of the legislation to the Committee on Ways and Means. Instead, the Ways and Means Committee has met on an informal basis to discuss the legislation and the proposed modifications. We have negotiated with the administration and the Treasury Department with respect to the drafting of the tax-related clarifications.

The administration has requested two modifications to section 1043 of the Code. First, present law would be modified to provide a special rule for trusts, allowing a trustee to obtain the benefits of the rule if an employee or officer of the executive branch has a beneficial interest in the principal or income of property held in the trust which is specifically named in a certificate of divestiture. A similar rule would apply to a trustee holding property in which a spouse or dependent child of the officer or employee has a beneficial interest, to the extent the applicable conflict-of-interest requirement attributes such property to the officer or employee.

Mr. Speaker, the Committee on Ways and Means intends that this modification, which broadens the scope of last year's legislation, be utilized by the administration in a very limited manner. In response to concerns expressed by the committee, the Acting Director of the Office of Government Ethics has submitted a letter to the committee, dated April 23, 1990, a copy of which I am placing in the RECORD along with my statement. In his letter, the Acting Director states that a certificate of divestiture will not be issued unless all feasible actions are taken which, in the opinion of the Director of the Office of Government Ethics, exclude parties other than the officer or employee, a spouse, or dependent children from participation in the deferral mechanism of section 1043. The Government Ethics Office further indicates that such measures may include, as permitted by applicable law, division of the trust into separate portfolios, special distributions, dissolution or amendment of the trust, or any other method deemed by the Director to be feasible to exclude additional parties from benefiting from the deferral statute. Further, the Acting Director states that the Office of Government Ethics will make available to the Committee on Ways and Means and the Senate Committee on Finance, on a mutually agreed upon schedule, a report of all instances in which a certificate of divestiture has been provided to a trustee where the beneficiaries of the deferral provision include parties in addition to the officer or employee of the executive branch, a spouse, or dependent child.

Mr. Speaker, based upon the assurances of the Office of Government Ethics as set forth in the April 23 letter, the Committee on Ways and Means has no objection to this modification of section 1043. We do, however, plan to examine very carefully all certificates of divestiture that provide the benefits of deferral to someone other than the officer or employee of the executive branch, a spouse, or a dependent child. We will do this to make sure that there is no abuse of this deferral provision.

Mr. Speaker, the administration has also requested a modification to the provision permitting sales to qualify if made based upon a certificate of divestiture issued pursuant to interim regulations issued by the Director of the Office of Government Ethics on April 18, 1990, so long as, first, such sale was made after November 30, 1989, second, the property is sold prior to June 19, 1990, and third, other restrictions are met. The Committee on Ways and Means has no objection to this modification.

U.S. OFFICE OF
GOVERNMENT ETHICS,
Washington, DC, April 23, 1990.

HON. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter relates to a proposed technical amendment to section 1043 of the Internal Revenue Code of 1986, which was enacted by section 502 of the Ethics Reform Act of 1989. The amendment would provide special rules for certain properties held in trust.

We understand that your Committee, through this amendment, does not intend the tax benefits of the section's nonrecognition mechanism to be generally available to beneficiaries of a trust other than those referred to by subsection (b)(1) (A) and (B) of section 1043 (that is, an officer or employee of the executive branch, and his or her spouse and minor and dependent children whose ownership of property is attributable for conflict of interest purposes to the officer or employee). The concern is that there may be additional parties, such as the siblings of the officer or employee, who are also beneficiaries of the same trust and who might obtain an unintended benefit.

Accordingly, we understand that it is the Committee's intent that the availability of Certificates of Divestiture issued pursuant to section 1043 be restricted as follows: A Certificate will not be issued unless actions are taken which, in the opinion of the Director of the Office of Government Ethics, are appropriate to exclude parties who are not referred to in subsection (b)(1) (A) and (B) from participation in the nonrecognition mechanism. Such measures may include, as permitted by applicable state trust and estate law, division of the trust into separate portfolios, special distributions, dissolution or amendment of the trust, or any other method deemed by the Director in his sole discretion, to be feasible under the facts and circumstances to exclude additional parties from benefiting from the nonrecognition mechanism. We understand that the Committee also recognizes in such cases where feasible measures are not available to avoid additional parties' interest from being benefited by the nonrecognition mechanism, the intent is that Certificates nevertheless would be granted.

I would like to assure you that the Office of Government Ethics will make every effort to implement the intent of the Committee. We will be happy to make available to your Committee and to the Senate Finance Committee on a mutually agreed upon schedule a report of those instances in which a Certificate of Divestiture has been provided to a trustee where the beneficiaries of the tax deferral include parties in addition to the officer or employee, his or her spouse or child. We would also be happy to discuss any particular Certificate that is of concern to either Committee.

Sincerely,

DONALD E. CAMPBELL,
Acting Director.

Mr. FAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MICHEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. MONTGOMERY]. The question is on the motion offered by the gentleman from California [Mr. FAZIO] that the House suspend the rules and pass the joint resolution, H.J. Res. 553.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and that I be allowed to insert extraneous and tabular material, on House Joint Resolution 553, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JOHN F. SHEA FEDERAL BUILDING

Mr. BOSCO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4035) to designate the Federal building located at 777 Sonoma Avenue in Santa Rosa, CA, as the "John F. Shea Federal Building," as amended.

The Clerk read as follows:

H.R. 4035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION

The building located at 777 Sonoma Avenue in Santa Rosa, California, shall be known and designated as the "John F. Shea Federal Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, paper, map, or other record of the United States to the building referred to in section 1 is deemed to be a reference to the "John F. Shea Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. Bosco] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. Bosco].

Mr. BOSCO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us today is an important tribute to a man from whom I had great respect, and who made many important contributions to the community of Santa Rosa, CA.

John F. (Jack) Shea was born in Winfield, KS, in 1930 and moved with his family to California when he was 8 years old. Soon after arriving in California, Jack contracted a near-fatal case of poliomyelitis. While Jack went through years of physical therapy and convalescence, he never fully recuperated from the damage caused by the polio and he suffered from its effects all his life.

After graduating from the local high school, Jack attended the Santa Rosa Junior College and then completed his undergraduate degree at Stanford and received his law degree at Berkeley. Upon his acceptance to the California Bar Association, Jack returned to Santa Rosa, where he worked as a deputy district attorney for 4 years before joining a local law firm which became Geary, Shea, O'Donnell & Gratton. In 1964, Jack married Dorothy (Dottie) Jones and had two children, Jennifer and Katie.

On March 27, 1985, Jack died unexpectedly at the age of 54, as a result of complications from the polio.

Jack was a beloved member of our community whose generosity and enthusiasm were limitless. Though he often suffered great physical pain from polio complications, he exuded boundless energy, contributing his time and legal expertise to numerous civic and charitable organizations. He was one of the original partners in what many believe is the finest law firm in northern California. And, although he was well known among the rich and powerful throughout the State, his greatest pleasure came from helping those in need in the community.

As an unofficial adviser to many local politicians, Jack labored long and hard to protect the environment and preserve benefits for the community's disadvantaged. The remarkable respect he commanded spanned party lines. Jack was always humble, always compassionate, always successful at whatever he did, and always helping people.

I hope my colleagues will support me in this tribute to an extraordinary human being.

Mr. Speaker, I urge support of this bill, and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my support for H.R. 4035, legislation to designate the Federal building in Santa Rosa, CA, as the "John F. Shea Federal Building".

H.R. 4035 was introduced by the chairman of our Public Buildings and Ground Subcommittee, DOUG BOSCO. He knows first hand the many contributions that John Shea made to the community of Santa Rosa. Mr. Shea freely gave of his time and legal knowledge to many local organizations and charities. He was particularly involved in environmental concerns and provided needed aid to the Rural Legal Assistance Program in Sonoma County.

All the while, Mr. Shea frequently suffered from the lasting physical effects of the polio he had contracted during his childhood. In fact, this led to his death 5 years ago at the age of 54.

At a time when there has been renewed attention to the importance of the spirit of voluntarism on the part of all Americans, it is appropriate that we honor a citizen who gave so much of himself to his community by naming the Federal building in Santa Rosa the "John F. Shea Federal Building."

□ 1410

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOSCO. Mr. Speaker, I yield 3 minutes to the gentleman from California, Mr. ANDERSON, chairman of the Committee on Public Works and Transportation.

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I join in strong support of H.R. 4035.

As has been mentioned, Jack Shea was born in Winfield, KS in 1930. His family moved to California in 1938.

He remained in California and completed his education as a lawyer. He began his legal career fighting for justice as a deputy district attorney in Santa Rosa, and then went into the private practice of law.

Throughout his career, Jack Shea worked to make this a better world, especially for the poor and the defenseless. As an unofficial adviser to many local leaders, he labored to protect the environment and preserve benefits for the disadvantaged of the Santa Rosa community. Unfortunately, his many contributions were cut short by his untimely death.

Jack Shea was a rare individual who will be missed.

In tribute to his numerous civic and personal contributions, it is fitting and appropriate to name this Federal building after John F. Shea.

Mr. BOSCO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. MONTGOMERY]. The question is on the motion offered by the gentleman from California [Mr. Bosco] that the House suspend the rules and pass the bill, H.R. 4035, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOSCO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ROBERT S. VANCE FEDERAL BUILDING

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and pass the bill—H.R. 3961—to redesignate the Federal building located at 1800 5th Avenue, North in Birmingham, AL as the "Robert S. Vance Federal Building," as amended.

The Clerk read as follows:

H.R. 3961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 1800 5th Avenue, North in Birmingham, Alabama, and known as the Federal Building and United States Courthouse, shall be known and designated as the "Robert S. Vance Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Robert S. Vance Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to provide my strong support for H.R. 3961. This bill would honor the late Judge Robert S. Vance by naming a Federal building located at 1800 5th Avenue, North in Birmingham, AL, as the

"Robert S. Vance Federal Building and United States Courthouse".

Judge Vance's life and distinguished judical career were cut short on December 16, 1989, when he was killed by a bomb that had been mailed to his home.

He was born in Talladega, AL. After earning a college and law degree, he practiced law with a private firm for 21 years. In 1978, President Carter nominated him for appointment to the U.S. Court of Appeals for the Fifth Circuit.

Judge Vance had an impressive judicial career. He did much to stop discrimination against minorities. He was renowned for his dedication to being fair and seeking out the truth.

Consequently, it is most appropriate that we name this building after Judge Vance.

Mr. Speaker, I urge passage of this bill and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3961, which would name a Federal building and courthouse in Birmingham, AL, in honor of the late Judge Robert S. Vance.

It was with great sadness (last December) that I learned the news that Judge Vance had been killed by a bomb delivered to his home. I had the opportunity to meet with Judge Vance shortly before that tragic event and was most impressed by his warm spirit, friendliness, and commitment. Judge Vance had a distinguished 12-year career—serving as a member of the 11th Circuit Court of Appeals—Where he was known for his wisdom and high standards in the execution of his duties.

Naming this building in Judge Vance's honor will be a lasting tribute to his many years of dedicated service to our country, and a strong statement that this violent act will not be forgotten. The judicial conference of the United States recently approved a resolution which strongly endorsed this proposal. I would ask that the House also honor the contributions and memory of Judge Robert S. Vance by approving H.R. 3961 today.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDERSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. Bosco].

Mr. BOSCO. Mr. Speaker, the tragic death of Judge Vance and the injuries to his wife caused by the terrible bombing at their home is something that all Americans abhor. I wanted to say that the naming of an important Federal building after Judge Vance is particularly appropriate because the judge took his time and headed the Federal judiciary's building committee. In that capacity he worked with a number of Members in Congress, including myself, to see that the Federal judiciary is appropriately housed.

Because of Judge Vance's work, we are in the process now of working on legislation that will greatly benefit the judiciary, and I think all Americans should realize the contributions Judge Vance made not only as a great jurist, but as one who went one step beyond and helped the other members of the judiciary.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 3961, a bill to rename the Federal building and U.S. courthouse in Birmingham, AL, for the late Judge Robert S. Vance.

I want to commend my good friend and colleagues from Alabama, BEN ERDREICH, for introducing this legislation. I was pleased to be an original cosposor of the bill which is a fitting tribute to a dedicated public servant.

This Nation was shocked and saddened to learn last December 16 that Bob Vance had been killed by a mail bomb delivered to his home in Birmingham. His wife was badly injured by this crime that to this date has not been solved. This was the first in a series of malicious and cowardly mail bombings that maimed and killed public figures whose only crime was passionate dedication to their jobs.

Judge Vance was appointed in 1978 to the U.S. Court of Appeals for the 11th Circuit. He was highly regarded by his peers and by the people of Alabama. It is appropriate to name the Federal building for Judge Robert Vance to honor his contributions to the American judicial system. It is also important to preserve his place in history in this manner so that we will never forget that Americans still die defending the values they cherish and to insure that vestiges of prejudice in our society will not be tolerated.

I urge my colleagues to support this bill to honor a man who gave his life for the ideals he promoted on the Federal bench.

Mr. ANDERSON. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. ERDREICH], the author of the bill.

Mr. ERDREICH. Mr. Speaker, I thank the gentleman for yielding time to me. I appreciate the chairman's expeditious movement of this bill through his committee, and thank the gentleman from California [Mr. Bosco], the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the gentleman from Wisconsin [Mr. PETRI], for their assistance in moving this legislation.

Mr. Speaker, my bill, H.R. 3961, would honor the late Judge Robert S. Vance, an outstanding citizen and most distinguished U.S. circuit court judge who resided in my district in Birmingham, AL. He was killed on December 16, 1989 when a bomb concealed in a package that was mailed to his home exploded.

Judge Vance was appointed to serve as a member of the Fifth U.S. Circuit Court of Appeals in 1977 from which his Eleventh circuit court later evolved. He maintained his Birmingham office in the Federal building for most of his judicial career.

The Federal building, which is a near-replica of the post office in Washington, DC, and on the National Register of Historic Places, is currently undergoing a year-long renovation, and will house the Bankruptcy Court, military recruiting offices, the General Services Administration, and congressional offices.

I believe it is fitting that we in Birmingham, the State of Alabama, and the Nation honor this man whose judicial skill was matched only by his high standards as a man, by the redesignation of the Federal building as the "Judge Robert S. Vance Federal Building and Courthouse" when the renovated building is unveiled later this year.

My bill has received the endorsement of the city of Birmingham and the Birmingham Bar Association, as well as Judge Vance's fellow judges in active and senior service of the U.S. Court of Appeals for the Eleventh Judicial Circuit.

As we see democracy sweep away totalitarian regimes around the world, we are constantly reminded how we, as individuals participants in this great democracy of ours, put the words of our democratic ideals into reality. President Havel of Czechoslavakia said it eloquently in his address to Congress on February 21, 1990:

> When Thomas Jefferson wrote that, "Governments are instituted among Men deriving their just Powers from the Consent of the Governed," it was a simple and important act of the human spirit. What gave meaning to that act, however, was the fact that the author backed it up with his life. It was not just his words, it was his deeds as well.

Bob Vance, with his deeds and his life, gave meaning to our democracy, where men govern their fellow men under a system of laws.

We in Congress can honor this great man and make a statement to the Nation about this act of violence against Judge Vance and our system of government. I urge my colleagues in the House to support me in this effort.

□ 1420

Mr. ANDERSON. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the chairman for yielding.

Mr. Speaker, I commend the chairman for bringing this important piece of legislation. I would just like to say, as a former sheriff, this is appropriate and I think everybody is proud to vote for this measure today.

But I would like to say something: I think just naming a building for this courageous judge who was willing to be progressive in an area where it paid, and he paid dearly with his life for his fairness; I believe naming the building is not enough.

We lose, and we have murdered in America, one policeman every second day. We have had three judges assassinated in the last 5 years. We had an American President, a Senator seeking the Presidency and a very powerful international leader of consequence assassinated.

What is Congress doing about it?

What is dangerous about the case with Judge Vance is that somebody, if he does not like the decisions of the court, they kill the judge. Does this ring a bell? That was happening in Columbia; prosecutors being shot and killed, judges being shot and killed. Everybody said, "Hey, what is the use of it? Why take a position?", down there. It leads to anarchy.

I have taken this time because I think America and our Congress should pass a law to remember Judge Vance. I am not going to deal with the issues of States' rights today, but I think any public official dispatching their duties who is assassinated should be protected under a Federal statute or law.

Any informant or witness in a trial, any police officer, judge or prosecutor.

I think that is where we should be, ladies and gentleman.

So we come here every so often and we name a building after someone, but we are going to be continuing to name buildings after judges, prosecutors who are shot down by people who do not like their decisions.

I think Congress has a right and a duty today to try to protect those Americans who are attempting to mete out justice according to the Constitution of our country.

I am very proud today, from the law enforcement community, to pay my respects with my vote here today on this particular piece of legislation. I hope Congress will look at safeguards protecting our courts, the witnesses, our policemen, and public officials who can become in fact targets of disgruntled Americans.

Mr. ANDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I thank the distinguished chairman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 3961, a bill to redesignate the Federal building in Birmingham, AL, as the Robert S. Vance Federal Building. The cowardly act which ended Judge Robert Vance's earthly life, did not diminish the memory of his spirit, nor the quality of the justice which he brought to his fellow men over his long and distinguished career of service as a judge, as chairman of the Democratic Party in Alabama, and as a son, father, and husband.

Judge Vance led the Alabama Democratic Party with reason, courage, and intelligence through a troubled time. With the power of reason, he integrated the party against the voices of the past. With the power of reason, he helped people to see that justice for all is not served when justice is denied to any individual. The power of Judge Vance's clear reasoning remains, and will always remain stronger than the violence and hate which he fought against. Wherever justice is served, Judge Vance's spirit will be present, and so it is fitting that this courthouse be named for Robert S. Vance, a man who devoted his life to securing the rights of us all under the U.S. Constitution.

Mr. ANDERSON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I rise in support of this bill.

By any measure, Judge Vance is worthy of having the Federal building in Birmingham, AL, named in his honor. But it is an action we should not have to be taking today. By rights, Judge Vance should have had many more years of service to the people of Alabama still ahead of him.

An act of cowardice has denied this to him.

Whether this was an act of retaliation for some imagined grievance or merely a random and irrational act, it was nevertheless an act of terrorism. It is a reminder to all, whether we serve the public interest or are victims of a wanton act, that there are those who hold human life in such low regard. Acts of terrorism cannot be tolerated. Humanity suffers when terrorists strike and is diminished when they are not brought to justice.

Judge Robert Vance was a man of integrity and of intellect who in no way deserved his fate. The American judicial system and the people of Alabama have been well and faithfully served over this man's lifetime. The honor we extend today is insufficient to this good man's service to all of us, and I urge adoption of this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 3 minutes to a former judge, our distinguished colleague, the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, in the normal course of events, when we act to name a public building or structure after an individual, we do so as a memorial as a recognition of a full and well-lived life reflecting the highest ideals of public service and contributions to the betterment of one's community. By attaching their name to a structure, we seek to keep alive their memory and example.

What should be a joyful occasion. This act of commemoration has, in the case of my fellow member of the Alabama Bar, Judge Robert S. Vance, become a sad and solemn act. Judge Vance was murdered. He was murdered because he served our Nation and upheld our Constitution. As a judge of the U.S. Court of Appeals for the 11th circuit, Robert Vance was the highest ranking Federal judge to be assassinated. The assassin who ended Robert Vance's life chose a cowardly and deceptive means to attack this honorable public servant. It was shortly before Christmas when Judge Vance and his wife received a package delivered to their home, bearing the return address of one of his fellow judges. As he stood in their kitchen, unwrapping this apparent gift from a friend, Judge Vance's body was ripped apart by a bomb, a bomb which included not only an explosive, but nails intended to further maim any who were within its range. Indeed, Helen Vance was, herself, severely injured in the blast. The Federal Bureau of Investigation is continuing its hunt for the bomber, and we in the Congress must see that the FBI continues to make this matter its highest priority, for it is clear that the bomber, in killing Judge Vance, intended to strike directly at the administration of justice in this country.

Mr. Speaker, in my opening remarks I spoke of how the naming of a public structure after a noble public servant should be a joyful act. I have no doubt that had Judge Vance's life and career not been so tragically cut short, we would still wish to venerate his memory. Though Bob Vance was estremely active in State and National Democratic Party politics once he was appointed to the Federal bench, there was never any question that his decisions were in any way partisan. Perhaps the greatest tribute to his judicial and judicious temperament came from the chief judge of the 11th circuit, Gerald Tjoflat, who said of Robert Vance, "He was a judge's judge."

Mr. Speaker, on behalf of my colleagues in the Alabama delegation, my fellow members of the Alabama State Bar, and at the request of the members of the Federal bench in the 11th circuit, I ask that this House approve the designation of the Federal Building in Birmingham as the "Robert S. Vance Federal Building."

In closing, Mr. Speaker, I might note that the first position Judge Vance ever held in the Federal Government was as a page in this House. It is fitting that, as a final act commemorating his public service, this House approve the legislation now before it.

□ 1430

Mr. ANDERSON. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. BROWDER], a former member of our Committee on Public Works and Transportation.

Mr. BROWDER. Mr. Speaker, Bob Vance began his career of public service as a page in this House, as my colleagues has just noted. He served the public throughout, and with his life. I can think of no better epitaph. So why, if there is no finer epitaph, are we prepared to vote today? Our action is not to write last words but to remark upon the life of a man devoted to justice.

A coward's bomb ended his life. It took from Americans a man of unquestioned integrity. It robbed Americans of an able jurist. It killed a friend. That coward's bomb mocks Americans. It mocks the rule of law. It echoes in empty rooms as long as we forget the justice it martyred. It cowers Members if we do not stamp out its noise by honoring the service of Judge Vance.

The Robert S. Vance Federal Building will not be a memorial. It will be a symbol. Memorials mark the end of things. Let our actions today remind Americans that violence cannot set aside justice. Fear cannot deter truth. Mr. Speaker, I ask for this House to support adoption of H.R. 3961 to honor the ideals of justice and service represented in the life of Judge Robert Smith Vance.

Mr. FLIPPO. Mr. Speaker, in this limited forum, it is impossible for me to adequately describe the tremendous contribution Judge Robert S. Vance made to Alabama during his lifetime or to measure, in any way, the magnitude of the loss our State has suffered because of his tragic death.

When an insidious package bomb exploded at the Vance home this past Christmas season, our Nation lost more than a brilliant and fair-minded Federal judge in the 11th Circuit Court. We lost a person of great courage and rare insight; a character and spirit of such strength that he was capable of bringing out the best in people even in the worst of times.

I am here today to support the redesignation of the Federal building in Birmingham, where Judge Vance served during most of his judicial career. H.R. 3961, a bill introduced by my colleague, Representative BEN ERDREICH, would rename the building the "Robert S. Vance Federal Building."

I had known Judge Vance for many years and I believe this is an apt memorial for a man who fought for equal justice and strove consistently to uphold the integrity of our laws.

In addition to his remarkable work as a trial lawyer and a judge, Vance played a key role in Alabama politics as a voice of reason during a period of upheaval.

By the early 1960's, when Vance was becoming involved in politics, a searing split had begun to develop in the Alabama Democratic Party. The growing influence of segregationists in the controlling committee of the State party caused infighting that was tearing the party apart and alienating it from the National Democratic Party.

At this point, Robert Vance stepped in and supplied the leadership and conviction needed to keep the party together and move it forward.

He stood firmly for justice and equality and had the courage to hold his ground during an era of great confusion about civil rights issues and resistance to change.

He also pushed for election law reform, for tougher financial disclosure laws, and for progressive changes in the nominations of Presidental delegates. He served as a delegate himself in the riot-torn National Democratic convention in 1968 and served again at the conventions in 1972 and 1976.

It is a sad fact that we cannot redeem what we have lost with the death of Judge Robert S. Vance. We can, however, pay tribute and express our gratitude for his life and accomplishments.

The redesignation of the Federal building in Birmingham is a fitting honor to Judge Vance and will help ensure that his service will always be remembered.

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the "people's Chamber," to express my support for H.R. 3961, a bill to rename a U.S. Courthouse in Birmingham, AL, after Judge Robert Vance, who was killed when a bomb mailed to him exploded on December 16, 1989.

Judge Vance's superb judicial career was tragically cut short by a cowardly act of terrorism. I believe that this legislation would create an appropriate memorial to a distinguished career of service to the people of the United States and the State of Alabama.

Judge Vance began his service at an early age as a page in this body. During the Korean conflict, he was on active duty with the Army as a judge advocate, and he subsequently retired from the Army Reserve as a lieutenant colonel. When the Korean conflict ended, he returned to Alabama and practiced law, with distinction, in Birmingham until January 3, 1978, when he assumed the office of Judge of the U.S. Court of Appeals for the Fifth Circuit. On October 1, 1981, as a result of the division of the Fifth Circuit, he became a member of the U.S. Court of Appeals for the Eleventh Circuit.

Mr. Speaker, Judge Vance's contributions to the Federal bench, and thus to the cause of justice, were many. He was a man of great courage; a scholar blessed with common sense. He was a judge's judge. The renaming of this courthouse in his honor will serve as an inspiration for all who strive for equal justice under law.

Mr. TOWNS. Mr. Speaker, I want to lend my voice in support of my colleague from Alabama's bill to redesignate the Federal building in Birmingham, AL, the Robert S. Vance Federal Building in honor of Judge Robert S. Vance who was tragically murdered on December 16, 1989.

His death was the most recent in what has become a peculiar and futile phenomenon of attempting to destroy greatness.

I never met Judge Vance. That was my loss. I have read and heard of Judge Vance's significant actions during the beginning of the civil rights movement.

As a trial lawyer in Birmingham, AL, Vance was a realistic and pragmatic man. By the early sixties, he understood that the reign of segregation was nearing its end on the national political scene. The long subjugated and submerged civil rights proponents had begun to mobilize in a mass movement to obtain basic human rights. However, the segregationists forces were gaining impetus in Alabama and other States of the Deep South. Their reemergence and successful pursuit of their political agenda would mean the demise of the nascent civil rights movement.

In an effort to reap political gain from this backlash movement of segregationists, the State Democratic Party began to move away from the national party in an attempt to gain favor with the burgeoning segregationist forces. This policy of defiant resistance, was about to cause confusion and derision in the southern Democratic stronghold. It was at that time that Vance ascended to the chairmanship of the Alabama State Democratic Party. Vance wanted to forge a platform and an atmosphere which would allow the State party to remain in step with the national Democratic party. Although there were powerful contradictory forces, during his tenure Vance was able to keep the State party in line with the national party. Vance held the chairmanship of the party for 11 years. He initiated the political wrangling necessary to fully integrate the all-white Democratic Party. One of his first public efforts was to cause the removal of the rooster—a longtime symbol of white supremacy—from the party's election ballots and campaign paraphernalia. Although a small step, this was not insignificant. The removal of the rooster held symbolic importance for blacks and whites. For blacks, the demise of the rooster renewed hope for the dawning of a new day. For whites, the message was clear that change would come quietly and peacefully if it were not opposed.

In essence, Judge Vance was a valiant man. He tried to achieve change without fanfare or self-aggrandizement. This Federal building should be named to honor a man who believed and acted to bring about quiet but forceful change to benefit all people.

Mr. BEVILL. Mr. Speaker, I rise today in strong support of H.R. 3961, which would redesignate the Federal building in Birmingham, AL, as the "Robert S. Vance Federal Building."

This bill honors my late friend Bob Vance who was tragically murdered last year when a mail bomb exploded at his home. The attack

on Judge Vance was a shocking act of terrorism which struck us close to home. Our Nation and our State lost a very fine man and a very fine judge.

I think it is very fitting that the Federal building in Birmingham, where Judge Vance maintained an office, should be named in his memory and to his honor.

I knew Bob Vance for many, many years. I valued his friendship and his wise counsel. He was a brilliant thinker and a man of integrity. He was plain-spoken and he had a great sense of humor. He was a very fine judge, not only because he knew the law, but also because he had common sense and he was fair.

Bob Vance's contributions to Alabama and his service on the U.S. Court of Appeals will always be remembered. Naming the Federal building for him will be a lasting tribute.

I urge my colleagues to support this bill.

Ms. KAPTUR. Mr. Speaker, I would like to rise in support of H.R. 3961, a bill to designate the U.S. Courthouse in Birmingham, AL, after Judge Robert Vance. It is certainly fitting that we honor a man whose intelligence and thoughtfulness on the bench was an inspiration to his colleagues.

Robert Vance's political career began early as he served as a congressional page in the House. Later Vance went on to serve as Alabama State Democratic Chairman for 11 years. During his tenure, the Democratic Party pushed for campaign reform and later adopted a rule requiring its candidates to disclose their finances before the party primary elections.

In recognition of his commitment to the Democratic Party and his skills as a lawyer, President Carter appointed Robert Vance to serve as a member of the Fifth U.S. Circuit Court of Appeals. Vance was later assigned to the Eleventh U.S. Circuit Court.

Mr. Speaker, I am honored to be able to recognize Robert Vance today. His belief in the Democratic system and contribution to the cause of justice were admired by many. I do not believe that there is a single person that does not hold him in the highest esteem. Designation of the U.S. Courthouse in Birmingham as the Robert Smith Vance United States Courthouse will serve as an inspiration to all of us who strive for the truth.

Mr. EMERSON. Mr. Speaker, today, the House will consider legislation to redesignate the Federal building in Birmingham, AL, the "Robert S. Vance Federal Building." I am pleased to be a cosponsor of this bill.

The deplorable act of violence that took the life of Judge Vance was an affront to our sensibilities and to our system of justice. Whether motivated by racism, revenge, or just plain unadulterated hatred, the murder of Judge Vance is to be condemned.

Judge Vance dedicated his life's work to the pursuit of justice in the Federal judicial system, and it is fitting that the newly renovated Federal building should be named after him. The Robert S. Vance Federal Building will stand as a reminder to us all that we must continue to pursue truth and justice in our society, and in our system of government.

Mr. COSTELLO. Mr. Speaker, I would like to thank my colleague from Alabama for introducing this legislation, to rename the Federal building in Birmingham, AL, after Federal Judge Robert Vance.

Judge Vance had a long and distinguished political career in Alabama, and his contributions involved reasoned judgment and support for civil rights at a time when the Southern States were facing enormous racial turmoil.

In 1977, he was appointed by President Jimmy Carter to serve on the Fifth U.S. Circuit Court of Appeals, and he was later assigned to the Eleventh U.S. Circuit, based in Atlanta.

His service in the judiciary was marked by distinction, and his death was an unfortunate and violent end to a man who had dedicated himself to calming political waters. As a tribute to his service as a Federal judge and political leader, I urge my colleagues to vote in favor of this bill.

Mr. FAZIO. Mr. Speaker, I rise in support of H.R. 3961, legislation under consideration today to honor Judge Robert Smith Vance, a distinguished member of the Eleventh U.S. Circuit Court of Appeals, who was killed on December 16, 1989, when a bomb mailed to his home exploded.

H.R. 3961 honors Judge Vance by redesignating the Federal building in Birmingham, AL, where Judge Vance maintained an office for most of his judicial career, as the "Robert S. Vance Federal Building." A dedicated member of the Eleventh Circuit Court, Judge Vance had a long and distinguished career as an attorney and judge. This legislation serves as a tribute to his contributions to the Federal bench and serves as an inspiration for all who strive for equal justice.

I urge my colleagues to support this legislation.

Mr. VALENTINE. Mr. Speaker, the House of Representatives is called upon frequently to consider legislation to name Federal facilities after prominent Americans. Often, I am aware of such proceedings but feel little need to participate in the consideration of these worthwhile measures.

Today, however, as we consider H.R. 3961, which will rename the U.S. Courthouse in Birmingham, AL, after Judge Robert S. Vance, I believe it is important for me to show my support publicly for this measure and my deepest regards for the life of this man.

Although I did not know Judge Vance personally, as some of you did, I was well aware of his outstanding service as Democratic Party Chairman for the State of Alabama and Federal appeals court judge.

As you have heard today, Judge Vance was a voice of calm and reason during a turbulent time in the history of Alabama State politics. He was also a champion of election law reform and equal rights for all Americans.

The irrational and abhorrent act that ended the life of this outstanding American must not go unpunished. Steps must be taken to prevent such a tragedy from ever occurring again.

In the meantime, it is only just that the U.S. courthouse in Birmingham be renamed the Robert Smith Vance United States Courthouse. It will stand as a fitting memorial for the principles and actions of a great man.

Mr. KANJORSKI. Mr. Speaker, as a cosponsor of H.R. 3961 I am proud to join its sponsor, my friend and colleague BEN ERDREICH of Birmingham, in paying tribute to a dedicated Federal judge, the late Robert S. Vance.

Last December a cowardly, terrorist act deprived our Nation of one of its most distinguished appellate court judges, Robert S. Vance. Unfortunately, we will never be able to repair the damage that bomb has done, either to the judicial system or to Judge Vance's family. Nonetheless, our action today sends a message to terrorists everywhere that their acts of violence are counterproductive, and serve only to redouble our resolve to press forward for the causes and ideals that Judge Vance believed in, and embodied.

As a former House page myself I take great pride in noting that Judge Vance's long and distinguished career in public service began as a page in this House. After service in the Army as a judge advocate during the Korean war, he practiced law and was active in Democratic Party affairs in Birmingham, including three distinguished terms as State party chairman.

Throughout the tumultuous years of the 1960's and 1970's in Alabama, Bob Vance was a leader in efforts to move the party forward, to integrate its affairs, and to make it once again the party of all the people. In accomplishing this goal he frequently went up against, and beat, a formidable foe, Gov. George Wallace. He was also an early advocate of State election law reform and State campaign finance disclosure.

Appointed to the fifth circuit court of appeals by President Jimmy Carter in 1977, Judge Vance was later assigned to the eleventh circuit in Atlanta when the fifth circuit was divided into two parts. As a judge he continued to be a force for integration, serving as the presiding member of a three-judge panel which ruled in favor of further desegregation of Alabama's system of higher education. While we regret he is no longer with us, we can be reassured by the fact that his judicial legacy will live on for many years.

Mr. Speaker, his colleagues on the 11th circuit have called Judge Vance, "a man of great courage, a scholar blessed with common sense," "a judge's judge," and a man whose "contributions to the federal bench, and thus to the cause of justice, were many."

The judges of the 11th circuit have unanimously asked us to rename the U.S. Courthouse at 1800 Fifth Avenue North in Birmingham, AL, where Judge Smith maintained an office for most of his judicial career, as the "Robert S. Vance Federal Building." By passing Congressman ERDREICH'S bill, H.R. 3961, we will be taking a first, important step, in achieving this goal and in commemorating Judge Vance's service to our Nation.

I join all my colleagues in sending my best wishes and deepest sympathies to Judge Vance's widow, who was also injured in the bomb blast which claimed his life, and to his children.

Mr. PETRI. Mr. Speaker, I want to express my strong support for this bill which would name a Federal building in Birmingham, AL, in honor of the late Judge Robert S. Vance.

Last December, Judge Vance was killed, and his wife seriously injured, when a mail bomb exploded in their Birmingham home.

Like some other Members, I had met with Judge Vance just a few weeks before his death when he visited my office in his capacity as chairman of the Space and Facilities Committee of the Judicial Conference. During our conversation, I was taken by his warm Southern manner and his obvious dedication to his work.

We often fail to recognize that our Federal judges may serve at great personal risk. Although it has not yet been determined who was responsible for this violent act, it is believed that Judge Vance may have become a target as a result of rulings on civil rights cases.

Mr. Speaker, as a lasting tribute to the memory of Judge Vance, it is appropriate that the building where he spent most of his judicial career be designated as the "Robert S. Vance Federal Building and United States Courthouse."

Mr. LEWIS of Georgia. Mr. Speaker, I urge my colleagues to support H.R. 3961. This bill will name the Federal building in Birmingham, AL, after the late Judge Robert Vance. I can think of no one more deserving of such an honor than Judge Vance. During his career as an attorney, Democratic Party official, and as a Federal judge, Judge Vance dedicated himself to building the New South. He represented the best of southern leadership and tradition.

It was his stewardship of the Alabama Democratic Party that helped ease Alabama's transition from an era of exclusion to one of interracial political cooperation. He brought people together instead of driving them apart. He was a healer.

Judge Vance sought to build a new society. He had the courage to move beyond the fear and pain of the past. He had the determination to move toward the future and confront the challenges of a free society.

Judge Vance was a good and decent man. He should be remembered as an individual who did not fear change. He welcomed it and made it easier for all of us. Mr. Speaker, I ask my colleagues again to support this legislation. It is only fitting that we do so.

Mr. GRAY. Mr. Speaker, I rise today to voice my support of H.R. 3961, to redesignate the Federal building in Birmingham, AL, the "Robert S. Vance Federal Building" in honor of U.S. Circuit Judge Robert S. Vance.

Judge Vance was killed by a letter bomb at his Mountain Brook, AL, home last December. Only 58 years of age, Judge Vance's distinguished career was tragically ended by the terrorist attack.

Judge Vance spent 12 years serving on the U.S. Circuit Court bench and was a leading member of the Democratic Party in Alabama for over 30 years. Advancing Democratic ideals, Judge Vance's reputation for integrity and the highest ethical behavior was unsurpassed. His outstanding leadership with the State Democratic Executive Committee led to his appointment to the Fifth U.S. Circuit Court of Appeals by President Jimmy Carter in 1977. Vance was later assigned to the 11th U.S. Circuit Court in Atlanta, where he served until his death.

I am sure all of my colleagues join me in honoring the late Judge Robert S. Vance. I thank my colleague, Congressman BEN ERDREICH for introducing this important legislation. By redesignating the Federal building in Birmingham, AL, we will immortalize the memory and the spirit of Robert S. Vance.

Mr. THOMAS of Georgia. Mr. Speaker, I rise in support of H.R. 3961. I do so for several reasons. It is only fitting that we in Congress support legislation that would endow Federal buildings with lasting significance. In my view, today represents one of those occasions when we can achieve that objective. The Federal building located at 1800 5th Avenue, North, in Birmingham, AL, should have the honor of bearing the name of Judge Robert S. Vance.

In my view, Judge Vance represented all that is right with the Federal process and this Nation's institutions. Judge Vance is remembered as one who stood up for his convictions, when others backed down because of convenience. He leaves with us the legacy and vision of a country born of diversity, yet made great in its unity and collective strength.

I support H.R. 3961 because we, like Judge Vance, must stand for what is right. Congress can and should take the steps necessary not only to remember Judge Vance, but to aline ourselves behind the causes that he gave his life to and gave his life for.

Last, Mr. Speaker, I support H.R. 3961 because of what it means for the Birmingham community and the State of Alabama. My own congressional district was affected by the same racial violence that took the life of Judge Vance.

Some hours after Judge Vance was assassinated, Savannah City Alderman Robbie Robinson was murdered by a similar mail bomb. All evidence indicates that the bombs were sent by the same individual or group.

As a private attorney, as an elected official, and as a civic-minded citizen, Mr. Robinson was dedicated to equal rights and equal justice under the law. Thanks to men and women like him, the evil force that took his life cannot take away the commitment of this Nation to racial justice.

Judge Vance and Mr. Robinson were people committed to rebuilding our communities, restoring harmony, and securing for ourselves, our National and our children, a future that is untarnished by racial intolerance. H.R. 3961 represents a physical symbol of that future.

I urge my colleagues to support this bill. I also urge my colleagues to rededicate themselves to the principles that these two great Americans upheld.

Mr. HORTON. Mr. Speaker, I would like to express my strong support for H.R. 3961, legislation to rename a Federal courthouse in Birmingham, AL, for U.S. Federal Judge Robert Smith Vance. I commend my colleagues from Alabama, Representative BEN ERDREICH, for introducing this bill which I had the honor of cosponsoring.

Judge Robert Vance was killed because he was a leader—outspoken in the struggle to ensure freedom and equality for all Americans. Although some of us here today never had the privilege of meeting Judge Vance, his long and varied career is a testament to his many contributions to humanity.

At a time of terrible turbulence in Alabama, Judge Vance was a voice of sanity who served as chairman of the State Democratic Party for 11 years. His compassion was only equaled by his political savvy and he steered the party on a course to greater racial sensitivity. Beyond this role as a political leader, friend, and adversary alike admired Judge Vance's intellect and expertise as a trial attorney.

Robert Vance's career as a Federal judge began with his appointment to the Federal bench in 1977 by President Jimmy Carter. Alabama Governor Guy Hunt called Robert Vance "one of the leading judges in the country." His death leaves the people of Alabama and all Americans with a tremendous loss.

It is my hope that the person or persons responsible for Judge Vance's death are soon brought to justice. The American judicial system must be safe from this type of terrorism.

On behalf of my wife, Nancy, and myself, I would like to extend our heartfelt condolences to Judge Vance's family. I urge all of my colleagues to join in support of this legislation—a fitting tribute to a great American.

Mr. LAUGHLIN. Mr. Speaker, today I rise in support of H.R. 3961, a bill to rename a Federal building in Birmingham, AL, after slain Federal circuit court Judge Robert Vance. Last December 16 a bomb mailed to Judge Vance's home exploded and killed a man with distinguished service to the people of the United States and the State of Alabama. As a former prosecutor, I know that it is not always easy to uphold the law due to the obstacles that impede our way. Nevertheless, Judge Vance faithfully assumed this responsibility and even gave his life to serve our Nation's judicial system.

Mr. DICKINSON. Mr. Speaker, I rise today to support this tribute of Judge Robert S. Vance, who was tragically killed by a bomb which had been mailed to his home on December 18, 1989.

Robert Vance began his service here in the House of Representatives as a page, where his interest in the Government grew, and his commitment to the public good became his cause of justice.

Judge Vance was the student body president at my alma mater, the University of Alabama, where he earned his bachelor of science degee in 1950.

In 1955, he returned to Washington, DC, to complete his law degree at George Washington University.

Judge Vance went on to serve in the U.S. Army during the Korean conflict, retiring from the Army Reserve as a lieutenant colonel.

Robert Vance returned to the Government in 1978 when President Carter nominated him for appointment to the U.S. Court of Appeals for the Fifth Circuit, a position I had previously held from 1959 to 1963.

It is both sad and ironic that Judge Vance survived the Korean conflict, left a lucrative private law practice to return to public service, only to give his life at home in a time of peace.

His life and work should not have been in vain, and the designation of the courthouse will serve as a symbol of his beliefs and ideals—that justice is the guardian of liberty.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and pass the bill, H.R. 3961, as amended.

The question was taken.

Mr. ERDREICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3961. as amended, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REAUTHORIZING THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3545) to amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission.

The Clerk read as follows:

H.R. 3545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

(a) VACANCY.—Section 6(c) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(c)) is amended by adding at the end the following: "A member may serve after the expiration of his term until his successor has taken office.".

(b) TERMINATION.—Section 6(g) of such Act (16 U.S.C. 410y-4(g)) is amended by striking "twenty" and inserting "thirty".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3545, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3545 introduced by our colleague on the subcommittee Congresswoman BEVERLY BYRON, reauthorizes the Chesapeake and Ohio Canal National Historical Park Commission for 10 more years until 2001. The Chesapeake and Ohio Canal, running nearly 185 miles from Georgetown to Cumberland, MD, was originally built to link the Nation's Capital with the west. In 1971, the canal, long abandoned, became the Chesapeake and Ohio Canal National Historical Park. The park preserves part of our past as well as providing a recreational area for hiking, canoeing, camping, and bicycling close to the Nation's Capital. The Chesapeake and Ohio Canal National Historical Park Commission was created at the same time as the park. In the 20 years since, the Commission has provided valuable advice to the National Park Service and has served to link together the various groups concerned about the park. The Committee on Interior and Insular Affairs favorably reported H.R. 3545 without any changes.

Mr. Speaker, the Chesapeake and Ohio Canal National Historical Park Commission serves a useful function and should be reauthorized. I endorse this legislation and recommend its enactment.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3545, an act to extend the C&O Canal National Historical Park Commission. This bill would make two changes to existing law to allow the existing Commission to continue past its scheduled expiration.

During the subcommittee hearing on this measure, we received testimony regarding the importance of this Commission in serving as a sounding board for management decisions which affect many persons and communities along the 184-mile-long park. Indeed, establishment of these advisory commissions seems to have become standard operating procedure for many of the new areas authorized by this body. Thus, an extension for this time-tested Commission for an additional 10 years as proposed is both appropriate and desirable.

I would like to recognize the efforts of Mrs. BYRON for her continued interest in management issues of the C&O Canal and express my appreciation to the subcommittee chairman for finding room in the busy schedule for bringing this issue forward in a timely manner.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, let me say that for the past 11 years I have had the honor and privilege of representing the Sixth Congressional District in the U.S. Congress, and one of the most distinctive features of this district is the Chesapeake and Ohio Canal National Historic Park.

The C&O Canal is a unique American cultural resource. In its infancy it was the child of George Washington, who persisted in seeking a waterway to the west to encourage early American commerce. As early as 1774, he formed a company to improve navigation on the Potomac River. The canal enjoyed substantial commerce in the mid-1800's, but never quite became a financial success.

Today, this thin, 184½-mile ribbon of canal and its towpath are protected as a national park. The park plays host to over 2 million visitors each year. Every section of the canal is unique. Just last Saturday, we had celebrated the 36th reunion hike of Justice Douglas. This hike in some years is in gorgeous weather, some years in not such nice weather. Last Saturday over 100 hikers, in very poor weather appeared, the youngest being 4-month-old Brendon Ayer.

It is a lifeline to this Washington area for those individuals that wish to go out and hike and bike and have an opportunity to get back with nature. The work of the Commission is what has made it possible.

I want to thank the chairman once again for his timely fashion in moving this piece of legislation forward.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3545.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1440

PARKS CENTENNIAL ACT OF 1990

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3811) to recognize the centennials of national parks and monuments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parks Centennial Act of 1990".

SEC. 2. PARK CENTENNIAL COMMISSIONS.

(a) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the National Park Service, shall appoint a Centennial Commission for each unit of the national park system (hereafter in this Act referred to as "park unit") established less than 97 years before the enactment of this Act. Each Centennial Commission shall be appointed 3 years before the 100th anniversary of the establishment of the park unit concerned. Each Centennial Commission shall plan appropriate activities to recognize and celebrate the 100th anniversary of the establishment of the park unit for which it was appointed.

(b) MEMBERSHIP.—Each Centennial Commission shall be composed of the following members appointed by the Secretary to serve for terms of 4 years:

(1) One member from recommendations made by the Governor of each affected State in which any portion of the park unit is located.

(2) One member from recommendations made by each unit of local government in which any portion of the park unit is located.

(3) Two members from among those individuals who have made outstanding contributions to the welfare of the park or have special expertise on the park unit and its resources.

(4) One member to represent the National Park Service, who shall serve as the Commission chair.

(c) MEETINGS.—Each Centennial Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area.

(d) EXPENSES.—Members of each Centennial Commission shall serve without compensation as such, but the Secretary shall pay expenses reasonably incurred in carrying out their responsibilities on vouchers signed by the chair.

(e) ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to any Centennial Commission appointed under this Act.

SEC. 3. PARK CENTENNIALS.

Not later than six months preceding the beginning of a calendar year, the Secretary of the Interior, acting through the Director of the National Park Service, shall prepare and transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a list of the park units celebrating their centennials within the next five years.

SEC. 4. ADMINISTRATIVE HISTORY.

The Secretary of the Interior, acting through the Director of the National Park Service, shall prepare a thorough and comprehensive administrative history of each unit of the national park system five years before that unit celebrates its centennial.

SEC. 5. CENTENNIAL HISTORY.

In order to carry out the purposes of this act, at least 3 years before the centennial of each park unit referred to in section 2, the Secretary of the Interior, acting through the Director of the National Park Service, shall, by contract or cooperative agreement, arrange for the preparation of a centennial history of the park unit. The Secretary shall also, by contract or cooperative agreement, arrange for the preparation of a centennial history of Yellowstone National Park, established in 1872, and Yosemite and Sequoia National Parks, California, established in 1890. Each centennial history shall be reviewed by the Director, in consultation with appropriate experts. Upon the Director's recommendation the centennial history shall be published and made available for sale to the public at the park unit concerned and in other appropriate locations. To the extent proceeds from the sales of any such history exceed the cost of preparing and publishing the history, notwithstanding section 3302 of title 31 of the United States Code or any other provision of law, such excess proceeds may be retained and expended for purposes of providing facilities and services consistent with the purposes for which the park unit was established.

SEC. 6. CENTENNIAL EVENTS.

The Secretary of the Interior, acting through the Director of the National Park Service, is authorized to accept and use donations of money, property, personal services, or facilities for the purpose of a centennial event for that park unit in accordance with applicable laws, regulations, and policies. The Secretary shall submit a detailed report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the actual sources and disbursements of such donations of money and property.

SEC. 7. PRESIDENTIAL PROCLAMATIONS.

The President, on the 100th anniversary of each park unit, shall issue a proclamation acknowledging the centennial year of the park unit so affected.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure before us.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the next few years, various units of the National Park System will celebrate their centennials—Yellowstone, Hot Springs and Casa Grande and Ford's Theatre already have. This year, 1990, Sequoia, Kings Canyon, Rock Creek, Chickamauga-Chattanooga, and Antietam will also be a century old.

H.R. 3811, a bill introduced by our colleague, Congressman CHIP PASHAYAN, directs the celebrations of national park centennials. All parks, large and small, should use their centennials to analyze their past and prepare for their future in a constructive fashion. H.R. 3811 directs the National Park Service to establish centennial commissions for each park and monument approaching their 100-year birthday, authorizes acceptance of donations for centennial events, and directs that a centennial history will be prepared for each centennial unit.

The Committee on Interior and Insular Affairs adopted an amendment in the nature of a substitute which made several changes to H.R. 3811 as introduced. The bill now applies to all units of the National Park System rather than just to parks and monuments. This recognizes that many other units, such as national historic sites, national battlefield parks, and national seashores exist. The bill as amended makes technical changes to the advisory commission, directs the reporting of park units having centennials in the next 5 years, requires the timely preparation of administrative histories, and directs the National Park Service to accept donations in accord with existing law, regulation, and policy. It directs the preparation of the centennial histories by contract or cooperative agreement and directs the National Park Service Director to review the centennial histories before their publication. These changes refine the bill rather than change it substantially.

Mr. Speaker, I endorse this legislation and recommend its enactment.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3811, an act to recognize the centennials of units of the National Park System. This measure which has been developed by my colleague, Mr. PASHAYAN, and I commend him for it, would provide special attention for an important American institution, our nation-

al parks. Specifically, it would establish a process for recognition of the centennials at all units of the National Park System.

One of the important features of the bill is the positive requirement for preparing the administrative history of national park units. While NPS already has an administrative policy directing preparation of this document, only 46 units currently have adequate histories. It is important these histories become a higher priority within the Agency and that managers and staffs of each unit fully understand the legislative and administrative background which led to the establishment of a particular area. This knowledge is often critical to the overall success of the park area.

Additionally, the bill would establish an advisory commission to include local persons, who would assist in planning centennial activities. It is important that local persons be incorporated in the centenial celebration, because adjacent parks are often a very important element in their lifestyle. Indeed, all of the major national parks which have celebrated their centennials in recent years—Yellowstone, Sequoia/Kings Canyon, and Yosemite—have established commissions which included local persons to help in planning for centennial activities.

Mr. Speaker, this is a noncontroversial bill, and I urge my colleagues to join me in supporting it.

Mr. Speaker, I yield such time as he may consume to the author of the legislation, the gentleman from California [Mr. PASHAYAN].

Mr. PASHAYAN. Mr. Speaker, as the author of H.R. 3811, I of course support the bill now before us that recognizes the centennials of our national parks, and to thank the chairman of the Subcommittee on National Parks and Recreation, the gentleman from Minnesota [Mr. VENTO], for his work on behalf of this bill.

The legislation provides for the Secretary of the Interior to plan for the 100th anniversary of the individual components of the national parks.

Of the three oldest national parks, Yellowstone established on March 1, 1872, Sequoia on September 25, 1890, and Yosemite on October 1, 1890, there can be no centennial commissions. H.R. 3811 provides that the histories of those three jewels of the national parks will be done. Sequoia National Park, incidentally, is wholly within my 17th Congressional District in California.

The first park that will be able to utilize all the provisions of H.R. 3811 is Mount Rainer National Park in the State of Washington. Its centennial will be on March 2, 1999. The next 20 to 30 years provide an abundance of new units being added to the national parks in a vast number of States.

Each unit of the national parks, as is true for Yellowstone, Sequoia, and Yosemite, is deserving of a centennial history and Presidential proclamation. Local supporters of each of the parks will have the opportunity to serve on commissions established for the purpose of developing appropriate activities that will recognize and celebrate the 100th anniversary of the parks or monuments.

Mr. Speaker, I urge my colleagues to vote for this measure as a minimum effort to recognize the centennials of literally hundreds of the units that make up the national parks.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3811, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to recognize the centennials of units of the national park system, and for other purposes.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier in the day in the order in which that motion was entertained.

Votes will be taken in the following order;

House Resolution 354, by the yeas and nays;

House Concurrent Resolution 290, by the yeas and nays; and

H.R. 3961, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

REGARDING HUMAN RIGHTS IN LIBERIA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 354.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the resolution, House Resolution 354, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 76]

YEAS—417

Ackerman	Dickinson	Hunter
Akaka	Dicks	Hutto
Alexander	Dingell	Hyde
Anderson	Dixon	Inhofe
Andrews	Donnelly	Ireland
Annunzio	Dorgan (ND)	Jacobs
Anthony	Dornan (CA)	James
Applegate	Douglas	Jenkins
Archer	Downey	Johnson (CT)
Armey	Dreier	Johnson (SD)
Aspin	Duncan	Johnston
Atkins	Durbin	Jones (GA)
AuCoin	Dwyer	Jones (NC)
Baker	Dymally	Jontz
Ballenger	Dyson	Kanjorski
Barnard	Early	Kaptur
Bartlett	Eckart	Kasich
Barton	Edwards (CA)	Kennedy
Bateman	Edwards (OK)	Kennelly
Bates	Emerson	Kildee
Beilenson	Engel	Kleczka
Bennett	English	Kolbe
Bereuter	Erdreich	Kolter
Berman	Espy	Kostmayer
Bevill	Evans	Kyl
Bilbray	Fascell	LaFalce
Bilirakis	Fawell	Lagomarsino
Bliley	Fazio	Lancaster
Boehlert	Feighan	Lantos
Boggs	Fields	Laughlin
Bonior	Fish	Leach (IA)
Borski	Flake	Leath (TX)
Bosco	Foglietta	Lehman (CA)
Boucher	Ford (MI)	Lehman (FL)
Boxer	Frank	Lent
Brennan	Frenzel	Levin (MI)
Brooks	Frost	Levine (CA)
Broomfield	Gallegly	Lewis (CA)
Browder	Gallo	Lewis (FL)
Brown (CA)	Gaydos	Lewis (GA)
Brown (CO)	Gejdenson	Lightfoot
Bruce	Gekas	Lipinski
Bryant	Gephardt	Livingston
Buechner	Geren	Lloyd
Bunning	Gibbons	Long
Burton	Gillmor	Lowey (NY)
Bustamante	Gilman	Luken, Thomas
Byron	Gingrich	Lukens, Donald
Callahan	Glickman	Machtley
Campbell (CA)	Gonzalez	Madigan
Campbell (CO)	Goodling	Manton
Cardin	Gordon	Markey
Carper	Goss	Marlenee
Carr	Gradison	Martin (IL)
Chandler	Grandy	Martin (NY)
Chapman	Grant	Martinez
Clarke	Gray	Matsui
Clay	Green	Mavroules
Clement	Guarini	Mazzoli
Clinger	Gunderson	McCandless
Coble	Hall (OH)	McCloskey
Coleman (MO)	Hall (TX)	McCollum
Coleman (TX)	Hamilton	McCrery
Combest	Hammerschmidt	McCurdy
Condit	Hancock	McDade
Conte	Hansen	McDermott
Conyers	Harris	McEwen
Cooper	Hastert	McGrath
Costello	Hatcher	McHugh
Coughlin	Hayes (IL)	McMillan (NC)
Courter	Hayes (LA)	McMillen (MD)
Cox	Hefley	McNulty
Coyne	Henry	Meyers
Craig	Herger	Mfume
Crane	Hertel	Michel
Crockett	Hiler	Miller (CA)
Dannemeyer	Hoagland	Miller (OH)
Darden	Hochbrueckner	Miller (WA)
Davis	Holloway	Mineta
de la Garza	Horton	Moakley
DeFazio	Houghton	Molinari
DeLay	Hoyer	Montgomery
Dellums	Hubbard	Moody
Derrick	Huckaby	Moorhead
DeWine	Hughes	Morella

Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NAYS—0

NOT VOTING—16

Bentley
Collins
Flippo
Ford (TN)
Hawkins
Hefner
Hopkins
Kastenmeier
Lowery (CA)
Mollohan
Nelson
Owens (NY)
Smith (NJ)
Stump
Traxler
Young (FL)

□ 1510

So (two-thirds having voted in favor thereof) the rules were suspended, and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the remaining motions to suspend the rules on which the Chair has postponed further proceedings.

CONCERNING JERUSALEM AND THE PEACE PROCESS

The SPEAKER pro tempore (Mr. MONTGOMERY). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 290, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 290, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 34, answered "present" 6, not voting 15, as follows:

[Roll No. 77]

YEAS—378

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bates
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Billey
Boehlert
Boggs
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clement
Coble
Coleman (TX)
Combest
Condit
Conte
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Derrick
DeWine
Dicks
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NAYS—34

Bennett
Bonior
Campbell (CA)
Clay
Clinger
Conyers
Cooper
Crockett
Dellums
Dingell
Dymally
Ford (MI)
Hamilton
Hayes (IL)
Hyde
Jacobs
Kastenmeier
Miller (OH)
Nielson
Oakar
Obey
Pease
Petri
Rahall
Ridge
Roberts
Roth
Roybal
Savage
Skaggs
Studds
Traficant
Washington
Whittaker

ANSWERED "PRESENT"—6

Bateman
Bryant
Coleman (MO)
Dickinson
Kolter
Murphy

NOT VOTING—15

Collins
Flippo
Ford (TN)
Hawkins
Hopkins
Lowery (CA)
Mazzoli
Mollohan
Nelson
Owens (NY)
Smith (NJ)
Stump
Thomas (WY)
Traxler
Young (FL)

□ 1519

Messrs. KENNEDY, BEREUTER, EARLY, and Mrs. SMITH of Nebraska changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended, and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process.".

A motion to reconsider was laid on the table.

□ 1520

ROBERT S. VANCE FEDERAL BUILDING

The SPEAKER pro tempore. (Mr. MONTGOMERY). The pending business is the question of suspending the rules and passing the bill, H.R. 3961, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and pass the bill, H.R. 3961, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 78]

YEAS—417

Ackerman	Campbell (CO)	Eckart
Akaka	Cardin	Edwards (CA)
Alexander	Carper	Edwards (OK)
Anderson	Carr	Emerson
Andrews	Chandler	Engel
Annunzio	Chapman	English
Anthony	Clarke	Erdreich
Applegate	Clay	Espy
Archer	Clement	Evans
Armey	Clinger	Fascell
Aspin	Coble	Fawell
Atkins	Coleman (MO)	Fazio
AuCoin	Coleman (TX)	Feighan
Baker	Combest	Fields
Ballenger	Condit	Fish
Barnard	Conte	Flake
Bartlett	Conyers	Foglietta
Barton	Cooper	Ford (MI)
Bateman	Costello	Frank
Bates	Coughlin	Frenzel
Bellenson	Courter	Frost
Bennett	Cox	Gallegly
Bentley	Coyne	Gallo
Bereuter	Craig	Gaydos
Berman	Crane	Gejdenson
Bevill	Crockett	Gekas
Bilbray	Dannemeyer	Gephardt
Bilirakis	Darden	Geren
Billey	Davis	Gibbons
Boehlert	de la Garza	Gillmor
Boggs	DeFazio	Gingrich
Bonior	DeLay	Glickman
Borski	Dellums	Gonzalez
Bosco	Derrick	Goodling
Boucher	DeWine	Gordon
Boxer	Dickinson	Goss
Brennan	Dicks	Gradison
Brooks	Dingell	Grandy
Broomfield	Dixon	Grant
Browder	Donnelly	Gray
Brown (CA)	Dorgan (ND)	Green
Brown (CO)	Dornan (CA)	Guarini
Bruce	Douglas	Gunderson
Bryant	Downey	Hall (OH)
Buechner	Dreier	Hall (TX)
Bunning	Duncan	Hamilton
Burton	Durbin	Hammerschmidt
Bustamante	Dwyer	Hansen
Byron	Dymally	Harris
Callahan	Dyson	Hastert
Campbell (CA)	Early	Hatcher
Hayes (IL)	McNulty	Schroeder
Hayes (LA)	Meyers	Schuette
Hefley	Mfume	Schulze
Hefner	Michel	Schumer
Henry	Miller (CA)	Sensenbrenner
Herger	Miller (OH)	Serrano
Hertel	Miller (WA)	Sharp
Hiler	Mineta	Shaw
Hoagland	Moakley	Shays
Hochbrueckner	Molinari	Shumway
Holloway	Montgomery	Shuster
Horton	Moody	Sikorski
Houghton	Moorhead	Sisisky
Hoyer	Morella	Skaggs
Hubbard	Morrison (CT)	Skeen
Huckaby	Morrison (WA)	Skelton
Hughes	Mrazek	Slattery
Hunter	Murphy	Slaughter (NY)
Hutto	Murtha	Slaughter (VA)
Hyde	Myers	Smith (FL)
Inhofe	Nagle	Smith (IA)
Ireland	Natcher	Smith (NE)
Jacobs	Neal (MA)	Smith (NJ)
James	Neal (NC)	Smith (TX)
Jenkins	Nielson	Smith (VT)
Johnson (CT)	Nowak	Smith, Denny (OR)
Johnson (SD)	Oakar	Smith, Robert (NH)
Johnston	Oberstar	Smith, Robert (OR)
Jones (GA)	Obey	Snowe
Jones (NC)	Olin	Solarz
Jontz	Ortiz	Solomon
Kanjorski	Owens (UT)	Spence
Kaptur	Oxley	Spratt
Kasich	Packard	Staggers
Kastenmeier	Pallone	Stallings
Kennedy	Panetta	Stangeland
Kennelly	Parker	Stearns
Kildee	Parris	Stenholm
Kleczka	Pashayan	Stokes
Kolbe	Patterson	Studds
Kolter	Paxon	Sundquist
Kostmayer	Payne (NJ)	Swift
Kyl	Payne (VA)	Synar
LaFalce	Pease	Tallon
Lagomarsino	Pelosi	Tanner
Lancaster	Penny	Tauke
Lantos	Perkins	Tauzin
Laughlin	Petri	Taylor
Leach (IA)	Pickett	Thomas (CA)
Leath (TX)	Pickle	Thomas (GA)
Lehman (CA)	Porter	Thomas (WY)
Lehman (FL)	Poshard	Torres
Lent	Price	Torricelli
Levin (MI)	Pursell	Towns
Levine (CA)	Quillen	Traficant
Lewis (CA)	Rahall	Udall
Lewis (FL)	Rangel	Unsoeld
Lewis (GA)	Ravenel	Upton
Lightfoot	Ray	Valentine
Lipinski	Regula	Vander Jagt
Livingston	Rhodes	Vento
Lloyd	Richardson	Visclosky
Long	Rinaldo	Volkmer
Lowey (NY)	Ritter	Vucanovich
Luken, Thomas	Roberts	Walgren
Lukens, Donald	Robinson	Walker
Machtley	Roe	Walsh
Madigan	Rogers	Washington
Manton	Rohrabacher	Watkins
Markey	Ros-Lehtinen	Waxman
Marlenee	Rose	Weber
Martin (IL)	Rostenkowski	Weiss
Martin (NY)	Roth	Weldon
Martinez	Roukema	Wheat
Matsui	Rowland (CT)	Whittaker
Mavroules	Rowland (GA)	Whitten
Mazzoli	Roybal	Williams
McCandless	Russo	Wilson
McCloskey	Sabo	Wise
McCollum	Saiki	Wolf
McCrery	Sangmeister	Wolpe
McCurdy	Sarpalius	Wyden
McDade	Savage	Wylie
McDermott	Sawyer	Yates
McEwen	Saxton	Yatron
McGrath	Schaefer	Young (AK)
McHugh	Scheuer	
McMillan (NC)	Schiff	
McMillen (MD)	Schneider	

NAYS—0

NOT VOTING—16

Collins	Hopkins	Stark
Flippo	Lowery (CA)	Stump
Ford (TN)	Mollohan	Traxler
Gilman	Nelson	Young (FL)
Hancock	Owens (NY)	
Hawkins	Ridge	

□ 1528

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to redesignate the Federal building at 1800 5th Avenue, North in Birmingham, Alabama, as the 'Robert S. Vance Federal Building and United States Courthouse'."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MAZZOLI. Mr. Speaker, I wish to put in the RECORD a statement reflecting my vote on rollcall 77. I was unavoidably absent. If I were present, I would have voted no on rollcall 77.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcalls 76, 77, and 78.

□ 1530

INFANT MORTALITY AWARENESS DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 546) designating May 13, 1990, as "Infant Mortality Awareness Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. MCCURDY). Is there objection to the request of the gentleman from Ohio?

Mrs MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from Alabama [Mr. HARRIS], who is the chief sponsor of House Joint Resolution 546, designating May 13, 1990, as Infant Mortality Awareness Day.

Mr. HARRIS. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as chief sponsor of House Joint Resolution 546, I am pleased to be given this opportunity to address the House.

House Joint Resolution 546 designates May 13, 1990 as Infant Mortality Awareness Day. This designation is part of my efforts to educate more Americans about our Nation's deplorable infant mortality rate. While other nations have made valiant efforts to improve their rates, the United States continues to fall farther behind. In the past two decades, our international ranking has fallen from 6th to 22d. Each death of a child represents not only a personal tragedy for a family, but also the loss of the potential achievement of that individual for our Nation.

In my home State, Alabama, we have one of the highest infant mortality rates in our country. In fact, during the

past 5 years, the rate in Alabama has exceeded that of many Third World nations such as Jamaica. It is my hope that this measure will encourage more individuals in my State and elsewhere to dedicate more time to saving infants and their mothers. In a nation of such immense wealth, it is disturbing that so many babies continue to die needlessly.

I also want to take this opportunity to express my sincere gratitude to several Members of Congress who contributed to the success of this project. Chairman SAWYER of the Subcommittee on Census and Population was instrumental in obtaining expedited review of the legislation. Congressmen J. ROY ROWLAND and MICHAEL BILIRAKIS, cochairmen of the Task Force on Infant Mortality in the Sunbelt Caucus, dedicated personal time to this effort. With their help, the goal of more than 218 cosponsors was achieved within several legislative days. I would also like to thank the staff of the Sunbelt Caucus for their assistance.

It is my hope that passage of this measure will remind us all of what must be done to ensure the birth of healthy babies to healthy mothers. During this year's Mother's Day, I hope more people will be mindful of how important the birth of healthy babies should be to all of us.

Mrs. MORELLA. Mr. Speaker, continuing with my reservation of objection, I yield to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I wish to commend the gentleman from Alabama for House Joint Resolution 546, Infant Mortality Awareness Day.

I think it is really a shame that the United States, which is one of the foremost countries in the world in medical science, has an infant mortality rate that is No. 20 among industrialized nations in the world. When we consider that we have the fantastic medical technology that we have, no country has any better quality neonatal intensive care units than we do here in the United States, and that we still rank No. 20 in infant mortality, it really points out to us that the problem is not a medical problem so much as it is a social problem.

It is so very important for women who are pregnant to understand the importance of good prenatal care, proper nutrition, not abusing themselves during that pregnancy. Of course, one of the problems we have is adolescent and teenage pregnancy, and we need to focus a lot of attention on that. And it is so very important not only for the Federal Government to be involved, but State and local government and the private sector also.

This is a problem that addresses itself to every area in our society, so I want to commend those who are focusing attention on this problem, because it is certainly something that we need to address. It will save a great deal of money. We know that for every dollar invested in providing prenatal care we save anywhere from $3 to $5 in not having to look out for those infants of low birth weight, and in neonatal intensive care units. Not only that, they are much more susceptible to respiratory diseases and central nervous system damage, many things that require a great deal of expense.

Again I commend everyone involved in this effort focusing attention on the terrible infant mortality problem we have in this country.

Mrs. MORELLA. Mr. Speaker, continuing my reservation of objection, I thank the gentleman from Georgia for his eloquent statement on behalf of this joint resolution.

Mr. Speaker, I yield to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I appreciate the gentlewoman yielding.

Mr. Speaker, as cochairman of the Congressional Sunbelt Caucus Task Force on Infant Mortality, cochaired by Dr. ROWLAND who spoke just before me, I too am a proud cosponsor of House Joint Resolution 546 which designates May 13, 1990, as Infant Mortality Awareness Day.

This year Mother's Day will be celebrated on May 13, and I believe, Mr. Speaker, that Mother's Day is a timely day to raise public awareness of the unacceptably high infant mortality rates in our country. On Mother's Day, children of all ages take the time to express gratitude to the person responsible for giving them the gift of life: their mother.

Unfortunately, there are thousands of babies who are unable to enjoy that gift of life. In my own State of Florida almost 2,000 children died before their first birthday in 1988. This means that in Florida there were 10½ infant deaths per 1,000 live births in 1988.

Recent statistics rank Florida 35 out of 50 States for infant mortality rates. I believe, Mr. Speaker, in many of these cases the children would be alive today if only their mothers had received immediate prenatal care as soon as they found out they were pregnant. Hopefully, Infant Mortality Awareness Day will remind future mothers of the importance of prenatal care. Perhaps this day will encourage prospective mothers to seek early and effective medical care since prenatal care is literally a matter of life and death.

Over the past 2 years, I along with Dr. ROWLAND have taken an active role in the infant mortality issue. The first step toward saving the lives of these children is providing essential information to Federal legislators. For this reason, I am arranging a Florida congressional delegation meeting to raise awareness of this problem in my home State of Florida, and I am hopeful that other States and their duly elected representatives will follow suit, and that by increasing our knowledge of infant mortality we will be able to bring back an important message to our districts, and that is that infant mortality can be prevented through prompt and adequate prenatal care.

I thank and commend the gentleman from Alabama [Mr. HARRIS] for introducing this piece of legislation.

Mrs. MORELLA. Mr. Speaker, continuing with my reservation of objection, I am pleased to see so many of my distinguished colleagues who want to comment on this important resolution.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank the gentlewoman from Maryland for yielding, and also want to commend my colleague for this resolution.

The State of Illinois, unfortunately, has the distinction of being the State with the highest infant mortality rate of any northern State. Sadly enough, the United States is tied with No. 20, if I remember correctly, as the highest infant mortality nation among industrialized nations in the world.

I believe one gentleman mentioned earlier some of the things that we can do to deal with this very serious problem in the United States.

□ 1540

And I wanted to bring to the attention of the House and of those listening the fact that at the recent hearing in Detroit, MI, the Select Committee on Children brought up an interesting statistic. It was learned that some 10 percent of all infant deaths are related to smoking by the mother.

It was also learned and has been shown that 50 percent of the sudden infant death syndrome cases have been related to smoking.

I believe there are ways that we can deal with the high infant mortality rate. Prenatal care is certainly part of it, an amazingly important part of it. But also the information imparted to women during their pregnancy to avoid alcohol, to avoid tobacco, to avoid drugs. These things give their children a chance to live.

Of course that is our goal here.

I want to salute my colleagues for bringing this issue to the floor so that we can discuss it on a national basis. And I hope that we as a Congress move forward, even with the budget resolution which will be up this week, in addressing this serious problem.

Mrs. MORELLA. I thank the gentleman from Illinois [Mr. DURBIN] for his comments. He has always been one we can look to see what we can do individually for health and welfare.

I want to thank the prime sponsor, the gentleman from Alabama [Mr. HARRIS] for this resolution because we do know, as is stated in the resolution,

one out of three pregnant women do not get the appropriate early prenatal care in the United States, which has been one of the reasons why we have plummeted in terms of our recognition internationally.

It is also kind of a pitch for the WIC Program, women, infants and children, prenatal and postnatal supplemental feeding care, as to the things that we can do, the citizenry can do, to work toward the birth of healthy babies in our country.

Mr. SHAW. Mr. Speaker, last month the Secretary of Health and Human Services, Dr. Louis Sullivan, released a report on the status of our health as a nation. "Health United States, 1989" serves as a barometer for how we are responding to the health care needs of our citizens.

The Secretary's news is alarming. In 1987, the infant mortality rate for the United States was 10.1. For every 1,000 children born in this country, 10 are dying. This ranks the United States 22d behind other industrialized nations of the world. To put it in perspective, Mr. Speaker, our national infant mortality rate is twice that of Japan, which is currently ranked first. In 1987, more than 38,000 infants in this country died before reaching their first birthday.

This is a complex, critical issue. While our medical technology allows us to rescue children that died mysteriously 10 years ago, other factors are being introduced into our society that jeopardize the healthy birth of infants. A 1989 survey conducted by the Select Committee on Children, Youth, and Families found 15 of 18 hospitals reporting 3 to 4 times as many drug-exposed births as in 1985.

Crack cocaine use by pregnant women in killing our children. According to the National Commission to Prevent Infant Mortality, those children born to women who use illegal drugs during pregnancy experience a greater likelihood of prematurity, low birthweight, and congenital defects. These innocent newborns may also suffer drug withdrawal symptoms, developmental and learning disabilities.

The Commission has targeted regions of the country as infant mortality disaster areas. One of these areas is the South. A child born in the South is less likely to see his or her first birthday than a child born in any other area of the country. It is for this reason that 20 members of the congressional Sun Belt caucus, which I serve as vice chairman, formed the Task Force on Infant Mortality. We are committed to pursuing solutions to this crisis.

For the past several months, the task force has met with authorities and individuals concerned with this issue. There is a consensus among the experts that knowledge and awareness is fundamental to bringing down regional and national infant mortality rates. I am a cosponsor of House Joint Resolution 546, designating May 13, 1990 as "Infant Mortality Awareness Day." I feel that it is most fitting that this Mothers Day, Members of Congress have declared their commitment to making the birth of healthy babies to healthy mothers a national priority.

Mr. ERDREICH. Mr. Speaker, I would like to voice my strong support for House Joint Resolution 546, Infant Mortality Awareness Day. This resolution will help draw attention to our country's unacceptably high rate of infant mortality. As we examine this issue, I would like to remind my colleagues about a field hearing held in my district in Birmingham, AL, that addressed the high human and financial cost of inadequate prenatal care, and the steps that can be taken to significantly lower the infant mortality rate in the State of Alabama and the Nation as a whole.

The field hearing was held at the Jefferson County, AL, Health Department, which is surrounded by the University of Alabama at Birmingham's Medical Center, one of the greatest medical facilities in the world. The sponsor of House Joint Resolution 546, Alabama Representative CLAUDE HARRIS and I invited the House Select Committee on Hunger to hold the hearing in Birmingham, and we were joined on the congressional panel by our colleague MIKE ESPY, who is a member of the select committee. We heard from a distinguished panel of witnesses who presented their expert opinions and offered their suggestions on what can be done to improve infant survival rates.

It is shocking to learn that a child born in Japan, Finland, Hong Kong, Ireland, Australia, Canada, Singapore, or any of 12 other industrialized nations has a better chance of surviving his or her first year than does a child born in the United States.

Alabama's high infant mortality rate is directly linked to the high percentage of women who receive inadequate or no prenatal care. Every day millions of dollars are spent across our country to save babies born too small or too sick to have the healthy start they deserve in life. Thousands of infants die at birth, and those who do survive often suffer permanent disabilities.

America currently spends over $2 billion a year on health care for low birthweight babies during their first year of life, and the lifetime costs of caring for a low birthweight infant can reach some $400,000 per child. This cost, by the way, does not include the ongoing expenses that must be shouldered by every community due to unemployment, underemployment, or long-term care for the permanently disabled. Preventive steps, it is estimated, can save $3 for every $1 spent.

We in Alabama are making great strides in reducing the number of low birthweight babies, and Governor Hunt and the State legislature have targeted infant mortality as a top priority for Alabama. Jefferson County is the home of a world-class medical center at the University of Alabama at Birmingham. We have the State's most sophisticated and accessible health care services. Our county health department has seven health centers that provide information and referral services to women needing prenatal care. The department also provides pediatric care for infants and children in the community, and works closely with Cooper Green Hospital and U.A.B.'s medical facility. And, due to a recent Medicaid waiver, the department is now offering expanded social support and case management to those most in need.

Yet surprisingly, with all these services available, Jefferson County's infant mortality rate is still higher than that of Alabama as a whole. That is why I asked the Select Committee on Hunger to come to Birmingham to hear firsthand from our panel of maternal and child health experts on what can be done to assure that adequate prenatal care is affordable and available to all pregnant women. I hope this hearing has helped us make meaningful headway in developing new strategies to improve infant survival rates across the Nation.

I further believe that House Joint Resolution 546, introduced by my fellow Alabamian CLAUDE HARRIS, will help draw attention to the problem of infant mortality. I urge my colleagues in the House to support this resolution and to continue the steps being taken by Congress to assure that our Nation's youngest and most vulnerable citizens get off to a healthy start.

Mrs. PATTERSON. Mr. Speaker, today, I am pleased to join many of my colleagues as an original cosponsor of House Joint Resolution 546, legislation observing May 13, 1990, as Infant Mortality Awareness Day.

Statistics show that in 1987, the infant mortality rate in this country was 10.1 deaths for each 1,000 live births. This rate is higher than the rate of the 19 other industrialized nations.

My State of South Carolina has the third highest infant mortality rate in the Nation. As a member of the Congressional Sunbelt Caucus' Task Force on Infant Mortality, I feel that it is time to make this country aware of a problem that is reaching epidemic proportions.

One of the key factors in reducing this unfortunate dilemma is to provide adequate prenatal care. It has been estimated that if my State alone could reduce its percentage of low birth weight babies to just the national rate, it would save $12,744,576 of initial hospital costs.

I urge all Members of Congress to support House Joint Resolution 546 as a first step in recognizing the undeniable and urgent need to decrease infant mortality. Our Nation cannot afford to lose our precious infants as a result of inadequate prenatal care.

Mrs. MORELLA. Mr. Speaker, at this point I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCCURDY). Is there objection to the request to the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 546

Whereas more than 38,000 infants will die this year in the United States before their first birthday;

Whereas the international ranking of the United States in infant mortality has declined from 6th in the 1950s to 22nd in the 1980s;

Whereas proper prenatal care has been found to be the single greatest contributor to the birth of a healthy baby, but 1 in 3 pregnant women does not receive early and comprehensive prenatal care in the United States;

Whereas low birth weight has been found to be a significant determinant of infant mortality and 7 percent of all babies born in this country are born below a healthy birth weight; and

Whereas for every dollar spent on prenatal care for high risk mothers, there can be

a savings of more than $3: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States finds that situation to be deplorable and designates May 13, 1990, as "Infant Mortality Awareness Day", and encourages the citizens of this country to work toward the birth of healthy babies to healthy mothers.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ARBOR DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 258) to authorize the President to proclaim the last Friday of April 1990 as "National Arbor Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I want to point out that the prime sponsor of this resolution is the gentleman from New Jersey [Mr. ROE].

Mr. Speaker, I am pleased that the resolution was submitted for National Arbor Day. We just celebrated Earth Day on the 22d of this month. I think it is saying to us there should be Earth Day every day. We know that by planting a tree, the trees absorb carbon dioxide and therefore help make a cleaner environment.

Mr. Speaker, with that being said, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 258

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1990 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 546 and Senate Joint Resolution 258, the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE ROLLSTONE HOUSE, FITCHBURG, MA

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, it is a distinct pleasure for me to rise today to pay tribute to the city of Fitchburg, MA, which this morning received an award from the National Community Development Association [NCDA] for its outstanding use of community development block grant [CDBG] moneys. Indeed, we are honored to have the mayor of Fitchburg, Jeffery A. Bean, on Capitol Hill today.

The NCDA presents the Audrey Nelson Community Development Achievement Awards each year to those cities who creatively use CDBG moneys to successfully address the needs of families, neighborhoods, and homes. The NCDA, which represents close to 500 CDBG recipient communities nationwide, has chosen the Rollstone House of Fitchburg for its contributions to the low-income residents of this north-central Massachusetts city. The Rollstone House is a transitorial residence for pregnant and parenting adolescents between the ages of 14 and 20.

Mr. Speaker, I ask my colleagues to join with me today in recognizing Mayor Jeffrey Bean and Planning Director Timothy Stewart, as well as the executive director of Rollstone House, Lisa Davis Segura, for their outstanding contribution to those in need in the city of Fitchburg.

Rollstone House is a transitional residence for pregnant and parenting adolescents, aged 14 to 20, and their infants and toddlers who are from the central Massachusetts area. The house serves 12 adolescent mothers or mothers-to-be and their children at one time. The department of social services refers clients it feels will benefit from this service. The appropriateness of each placement is reviewed by the on-site services provider. The level of enthusiasm and motivation of each candidate in terms of her openness to learning and benefiting from what is offered is a crucial factor in the final selection of occupants. Experience has shown that an overwhelming majority of the teen mothers are no-income to extremely low-income persons. To make the transition into a self-sufficient independent life each occupant receives the following services: educational services, career counseling, child care services, parenting skills, budgeting, medical services, mental health services, transportation services, emotional counseling, in addition to housing services.

As previously discussed, this project aids not only area adolescent mothers; it also benefits their children and their entire nuclear family. Additionally, the reclamation of a historic Finnish building was important to the local Finnish community. The building's time capsule placed in the building in 1906 was removed as a part of the building's restoration. The contents from the time capsule as well as other artifacts will be permanently preserved in an exhibit created in the building.

Finally, the entire neighborhood has benefited from a $1 million restoration. Without the availability of CDBG dollars, and the strong support of the local, State, and Federal governments, this project could not have become a reality. Many lives which will become enriched through this project, would not have become so without this country's affordable housing agenda.

INTRODUCTION OF LEGISLATION TO COMBAT NUCLEAR PROLIFERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I recently introduced two pieces of legislation, H.R. 4454 and H.R. 4455, that will help slow or stop nuclear proliferation.

The bills will simply deny all trade preferences—most-favored-nation [MFN] status, generalized system of preferences, Caribbean Basin Initiative, and free trade agreements—to countries that have not signed the Non-Proliferation Treaty [NPT] or the Limited Test Ban Treaty, the two basic documents currently in force to prevent the spread of nuclear weapons.

Article VI of the NPT calls on all signatories to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament * * *." In the past, it has been difficult for the superpowers to argue for nonproliferation and nuclear abstinence when they themselves have been wallowing in the arms race, piling up bombs like they were marbles for kids to play with. Now that the superpowers, at long last, have begun serious nuclear arms reduction talks, now that the cold war seems to be dissolving, we can, with a straight face, be more serious in seeking ways to prevent nuclear proliferation in the Third World countries.

Linking trade policy and foreign policy is not a revolutionary idea. For example, the Jackson-Vanik amendment, the antiterrorism amendment to the GSP, and Anti-Apartheid Act of 1986 each explicity tied trade concessions to foreign policy considerations. Making

the link between trade policy and foreign policy should be a tool in ensuring nuclear weapons will not continue to proliferate.

Among those nations reported to have or be working on developing nuclear arsenals are India, Pakistan, Israel, Iraq, and South Africa; all these nations have not signed the NPT, and at least one has not signed the Limited Test Ban Treaty. Brazil and Argentina—two more nonsignatory nations—have production sites for nuclear weapons material, which increases the potential for weapons productions.

The nuclear club has grown from 1 member in 1945 to 9 in 1990, the number could even be 11. The recent example of Iraq seeking to smuggle nuclear weapons detonators points out how serious the problem is and how close the world is to nuclear war among ancient enemies in the world's trouble spots. New holocausts beyond all comprehension are within sight, unless the world community takes stronger action to stop nuclear proliferation.

While both these bills will not solve the problems of proliferation, they will provide incentives to sign the NPT and/or Limited Test Ban Treaty. The following is an article from the Washington Post of April 17 describing the dangers to the whole world from continued nuclear smuggling and the failure to take strong action on these blatant attempts to obtain nuclear weapons.

FIVE NATIONS' NUCLEAR PROGRAMS SAID TO GAIN FROM SMUGGLING; WEST GERMANY CALLED "WEAK LINK" OF SUPPLIES

Pakistan, India, Brazil, Argentina and Iraq have been able to build or expand nuclear weapons capabilities by smuggling materials from supplier countries, according to a private study released yesterday.

To counter these activities, the report by the Carnegie Endowment for International Peace recomends that the United States and other suppliers threaten military and economic sanctions against countries engaging in such operations.

Titled "Nuclear Exports: The Challenge of Control," the report said West Germany has been the "weak link" in the international export system and must tighten export laws. India and Pakistan have relied on West German suppliers for their nuclear programs, the report said.

Shortly before the report was released, the new head of Brazil's nuclear energy commission, Jose Luis de Carvalho Santana, said Brazil will not build a nuclear bomb. But he declined to say whether it had technical ability to do so.

Argentina has repeatedly proclaimed the right to develop and explode a nuclear device even though experts say it seems far from being able to achieve that goal.

Three weeks ago, Iraq denied any intention of developing nuclear weapons and reaffirmed that denial Monday. It said devices described by U.S. prosecutors as nuclear warhead detonation capacitors allegedly being smuggled to Baghdad were to be used in a non-nuclear university laser project. In mid-March, British investigators arrested four people they claimed had tried to smuggle these devices to Iraq.

The study said Iraq's program was far behind those of the other four countries.

TRIBUTE TO GERALD McRANEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. PARKER] is recognized for 5 minutes.

Mr. PARKER. Mr. Speaker, I rise today before the U.S. House of Representatives to pay special tribute to Gerald McRaney, a personality well-known to Mississippians as well as many other Americans.

Mr. McRaney is better known as Major McGillis on the CBS-TV situation comedy "Major Dad" in which he portrays a traditional U.S. Marine officer. Mr. McRaney's experience helped him develop the series he is now producing under his own Spanish Trail Productions banner for MCA-TV.

What most people do not know is that Gerald McRaney was born in Collins, MS, about 60 miles from my hometown of Brookhaven. He also spent all of his youth in the great State of Mississippi.

Mr. McRaney is also well known for his starring role as Rick Simon on the television series "Simon and Simon". He played on this CBS comedy-adventure series for 8 years before producing "Major Dad". This kind of character diversity shows why Mr. McRaney continues to enjoy so much success in the entertainment industry.

In addition to appearances on numerous television series, Gerald McRaney has been seen in many television movies including "Roots II" and "The Law". I must mention one role that he played because it must have been a Mississippi boy's dream come true—McRaney was the last gunfighter to square off against Matt Dillon in the final episode of "Gunsmoke". Now that is one villain that any country boy would have been proud to play.

Although Gerald McRaney has such a demanding career, he still manages to devote much of his time and effort to numerous worthy causes. Through his active involvement in a wide array of organizations, Mr. McRaney has truly made a difference.

Perhaps Gerald McRaney's most important civic effort began when he helped form the Entertainment Industries Council for a Drug-Free Society. This organization is dedicated to convincing producers, directors, and actors to warn against the dangers and evils of drug abuse through their film and television shows. This nonprofit organization is recognized nationally for its innovative substance abuse campaigns. I firmly believe that this kind of effort can make a difference by changing our children's attitudes about drugs.

He is also a strong supporter of the John Tracy Clinic in Los Angeles which teaches communication and educational skills to deaf and hard of hearing children. The U.S. Marine Reserves' Toys for Tots Campaign and various MIA programs also benefit from Mr. McRaney's involvement.

In a few weeks, Collins, MS, McRaney's hometown, is going to honor him by declaring May 5 as "Gerald McRaney Day". I feel that this day is a fitting honor to Gerald McRaney's many accomplishments.

We honor and salute him for his unique role in society and the lasting place he has earned in the hearts of many.

ORDER OF BUSINESS

Mr. AKAKA. Mr. Speaker, I ask unanimous consent that the special order I have requested for today to honor Senator SPARK MATSUNAGA be allowed to precede all other special orders. Pending that I want to say that my office has consulted with Members with such requests and received consent from them to proceed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

GENERAL LEAVE

Mr. AKAKA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

TRIBUTE TO SENATOR SPARK MATSUNAGA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. AKAKA] is recognized for 60 minutes.

Mr. AKAKA. Mr. Speaker, I take the floor today to mourn the loss of a statesman, a poet, and a friend—our colleague, SPARK MATSUNAGA. I know you share my great sadness and sense of deep personal loss over his death. SPARK passed away on Easter Sunday after a long fight with cancer.

It is an understatement to say that he will be missed. SPARK's life was a genuine American success story. Mahalo for enriching our lives and the lives of so many others.

The son of immigrant parents, SPARK rose from poverty to earn a Harvard law degree and ultimately to become a three-term U.S. Senator. Along the way, he served our country with courage and distinction as a combat officer in the 100th Infantry Battalion and 442d "Go for Broke" Regimental Combat Tean.

Twice wounded on the battlefield, he was highly decorated for his valor in action. SPARK was instrumental in reshaping the politics of Hawaii in the modern era, first as a territorial representative, and then as a member of the U.S. House of Representatives. He served here for 14 years.

His career was extraordinary and his accomplishments were many. SPARK was the father of renewable energy research and development, a champion for the cause of Japanese-American redress, a pioneer in the field of Soviet-American cooperation in space, and the principal force behind the creation of the United States Institute of Peace.

It was a privilege for me to serve in Congress with SPARK for so many years. When the voters of Hawaii

elected me to Congress, SPARK generously shared his years of experience and gave me words of encouragement. I know that I am a better Congressman today because of his good advise and counsel.

SPARKY, I salute you and thank you for your service to our country, and for our friendship, which I will always cherish. Your accomplishments in the field of battle and for the cause of peace are legendary.

Millie and I extend to SPARK's wife, Helene, and their five children and grandchildren our love and aloha, and our condolences over the loss of this dear man.

To recognize his 40 years of service to his country, I have introduced legislation to establish the Spark Matsunaga Scholarship program and rename the United States Institute of Peace in his honor. It is a fitting tribute to SPARK that the organization he labored to create should bear his name.

Throughout his long career, Senator MATSUNAGA was devoted to the cause of peace, and it was due to his efforts that the Institute of Peace was founded. The legislation I have introduced will be a constant reminder of his vision, determination, and achievements on behalf of this noble cause. I am prepared to pick up the torch and make his cause my own so that the flame he lit will not die.

SPARK championed the cause of peace. He also fought for reconciliation. The credit for enacting the Civil Liberties Act of 1988, which provided an apology and reparations to those Japanese-Americans who were interned during World War II, can be shared by many members of the House and Senate. Many of you are on the floor here today.

But it was SPARK MATSUNAGA who was the intellectual force behind this legislation and who kept fighting for this cause until the bill was signed into law.

SPARK recognized that our Constitution ensures freedom and protection for all its citizens at all times. The Civil Liberties Act is the most solemn piece of legislation I have ever had the opportunity to consider in my 13 years in Congress. It was a compact between the U.S. Government and those unfortunate individuals who were unjustifiably evacuated, relocated, and interned during World War II. By this compact, the United States apologized for the grave injustice suffered by U.S. citizens of Japanese ancestry. We vowed that such violations would not reoccur, and obligated ourselves to provide restitution for the hardships and losses they suffered.

Let history record that through the efforts of this boy from the small town of Kukuiula, the son of immigrants, who rose to become a Senator of the United States, that this noble cause became a reality and the Civil Liberties Act became law.

EDUCATION FOR DISADVANTAGED CHILDREN

As a son of Japanese immigrants who made extreme sacrifices for the education of their children, SPARKY knew the wisdom of fulfilling the educational needs of our Nation's disadvantaged children.

SPARKY embraced the philosophy of Thomas Jefferson, who so wisely observed that an educated populace is absolutely essential to the survival of a democratic society such as ours.

Through hearings that SPARKY chaired, he demonstrated that supplemental instruction provided by Federal funds has a significant and lasting impact on disadvantaged children.

He backed up his findings in his home State by supporting the Native Hawaiian Education Act, which has proven to be a beneficial program in Hawaii.

And as a father of five children and a former school teacher, childhood education was a big part of SPARKY's life. SPARKY worked hard for education for all children.

ENERGY I

I am not sure how widely known this may be, but only last March, Senator MATSUNAGA was named the "Man of the Decade" by the Solar Energy Industries Association. I haven't checked the record, but this is probably the last award that SPARK received as a Senator.

Senator MATSUNAGA was named "Man of the Year" by the solar industry in 1981, 1987 and 1989 in recognition of his tireless efforts to promote renewable energy. Given his record of support, it was only fitting that he be named "Man of the Decade" for his contribution throughout the 1980's.

At the time of this award, it was said of MATSUNAGA that "virtually every piece of solar legislation in research and development through extension of the commercial solar tax credits passed through the direct efforts of Senator MATSUNAGA." I don't think that any member of the House or Senate can claim a record so strong.

ENERGY II

It was in no small part due to SPARK's efforts that Hawaii has become a recognized leader in the field of renewable energy. He was one of the first to recognize that investment in renewable energy was an investment in our future.

The advances in renewable energy that he championed have had a positive impact on our balance of payments, have helped maintain our stable economy and have significantly strengthened our energy security.

Senator MATSUNAGA dominated this field. He was an advocate of wind research, of solar thermal energy, and of photovoltaics. He was the "father of OTEC," a source of energy from the ocean that will make its mark in the decade of the 1990's. He fought for hydrogen research so that America will have an energy source when it runs out of fossil fuels. And, he urged Hawaii to reach even greater heights in the area of biomass. Over 10 percent of the State's electrical generation comes from biomass.

In summary, SPARK MATSUNAGA has helped ensure that Hawaii's energy future is a bright and promising one.

ENVIRONMENT—KILAUEA POINT WILDLIFE REFUGE EXTENSION

SPARK has a special love for Kauai and its beauty, and he fought hard to protect its remaining wildlife habitat. SPARK led the cause in expanding the Kilauea Point Wildlife Refuge on Kauai, habitat for at least six species of seabirds.

Kilauea Point Wildlife Refuge is a popular visitor destination, where dolphins, whales, sea turtles and monk seals often can be sighted offshore. However, the explosive growth in the number of visitors had endangered the wild seabirds and their nests. SPARK came to the rescue and saw to it that the protection of the wildlife was enhanced by extending the size of the refuge. No living creature, big or small, was beyond his protective fold.

HUMAN RIGHTS

SPARK's leadership and courage in advancing the cause of human rights at home and abroad is well-documented. As the majority leader of the other body eloquently said during his eulogy for Senator MATSUNAGA in Honolulu, "Most of all, SPARK MATSUNAGA loved his country enough to make it right when it was wrong."

It is therefore fitting, that in one of his final statements offered during debate on the floor of the other body, Senator MATSUNAGA voiced his unwavering support for enactment of the Hate Crimes Statistics Act of 1990. This legislation, recently signed into law by the President, requires the U.S. Attorney General to collect and disseminate statistical data related to crimes based on race, religion, ethnicity, or sexual orientation. This data will provide invaluable information in confronting the problem of hate crime.

SPARK fought tirelessly throughout his public service career to champion the cause of the forgotten individual and to elevate the human spirit. He was convinced that through equal opportunity, imagination and hard work, each individual, and society in general, could overcome obstacles and achieve what he liked to call the "spiritual transcendence" separating man from all other living creatures.

SPARK's view of humanity, his unflappable belief in the capability of the human spirit and capacity of the mind is best described in an article he published in Omni in December 1984.

And I quote, "humanity constantly transcends its condition by inspired feats of imagination that the reasoning man translates into working reality."

SPARK lived his life by this philosophy and devoted his career challenging us to realize the full promise offered by the ideals upon which our democracy was founded.

SPARKY AND MINIMUM WAGE

One issue that SPARKY felt very strongly about was fair labor standards for all Americans. He firmly believed in a meaningful wage floor to ensure all Americans a fair day's pay for a fair day's work.

On this issue, SPARKY helped dispel the myth that a decent minimum wage increases unemployment. On the contrary: A decent wage promotes employment.

SPARKY fought the misconception that a decent minimum wage has an inflationary effect. SPARKY knew that it is not the minimum wage earners struggling to provide for their families, who cause inflation.

SPARKY wouldn't yield to those who said a decent working wage would hurt our global competitiveness. SPARKY knew that it is productivity, technology and a well-educated work force that will give us a global edge.

SPARKY knew that we cannot solve our Nation's problems on the backs of our lowest wage earners.

OLDER AMERICANS

Many Americans remember our good friend, Claude Pepper, as a leader of the elderly, but older Americans had a great friend in the other body as well—Senator SPARK MATSUNAGA.

SPARKY took pride in having played a key role in the development of the original Older Americans Act and, as chairman of the Subcommittee on Aging, having been instrumental in its reauthorization. In large measure, his participation during reauthorization created even more programs of benefit to the elderly.

A major concern of SPARK's was whether older Americans were effectively taking advantage of these Federal programs to which they were entitled. Included in the reauthorization was the creation of a multiyear demonstration program to test the ability of the Older Americans Act system to reach these individuals and to evaluate the program's success or failure. Furthermore, provisions were included to improve outreach to the elderly with disabilities, to provide a new program of service to all native Americans, including native Hawaiians, and to assist States in carrying out programs for the prevention of abuse, neglect and exploitation of the elderly.

Mr. Chairman, SPARK once told me, "It has been said by sages of the past that the greatness of any society can be accurately measured by the degree to which it cares for its elderly." As a champion of the elderly, our lives have been made far richer through SPARK's compassionate efforts.

PEACE INSTITUTE

"Blessed are the peacemakers, for they shall be called the children of God." Appropriately, this passage from the Gospel according to Matthew was SPARK's favorite biblical inspiration. In his dedication to the cause of international peace and understanding, SPARK was guided by the belief that nations and individuals must transcend divisiveness and overcome counterproductive rivalries through the identification of shared ideals and cooperation on common interests.

"Let Us Teach Our Children To Want Peace," a composition written in 1938 when SPARKY was a freshman at the University of Hawaii, served as a blueprint for his lifelong tenacity in the pursuit of peace education.

From his first year in the House, SPARK introduced legislation to create a United States Institute of Peace. Driven by the belief that "peacemaking is as much an art to be learned as war," his vision and persistence led to the creation in 1984 of the United States Institute of Peace.

Created by Congress to embody "the heritage, ideals, and concerns of the American people for peace," and dedicated to the interdisciplinary study of peaceful conflict resolution, the Institute is part of SPARK MATSUNAGA'S legacy as peacemaker.

I urge my colleagues to place his name on the title of my bill to establish the Spark Matsunaga Scholarship Program and rename the U.S. Institute of Peace in his honor.

POET AND SCHOLAR

Besides his accomplishments as a respected member of the Senate, SPARK possessed other notable talents that I would like to touch upon.

Many of you know that SPARK coauthored a book on the operations and nature of the House of Representatives' Rules Committee titled "Rulemakers of the House". It has become a major reference material for students of American government and for Congress, as well, on the workings of the House.

SPARK was also a fine poetic talent, and he often shared his compositions with us. One of my favorities went like this:

Success in life demands an early goal,
which you yourself must set and strive to gain.
'Tis better to be known as a good man than a great one,
For greatness is an assessment of mortals;
Goodness a gift of God.

On a more personal note, SPARK enjoyed music and we often sang in a musical duet. In anything that SPARK undertook, he reached for the zenith of his potential, and singing was no exception. On special occasions, we joined together to sing his favorite, our State anthem, "Hawaii Pono'i." This tenor sang with such gusto and pride that he would inspire me to sing with even more crescendo and heart, too.

I will miss those evenings of camaraderie, laughter and good times shared, but even more so, I will miss my good friend and partner, SPARK.

SPACE

SPARK'S leadership in furthering space exploration was intricately linked to his overall vision of America and the world. He traced his commitment to the peaceful exploration of space to his 1980 visit to the observatory at Mauna Kea. Taken by the spectacular expanse of the cosmos and possibility for its limitless discovery, SPARK devoted his considerable powers of persuasion to the peaceful, international exploration of the universe. For SPARK, the boundless frontier of space held the promise to realize mankind's greatest achievements in art, science, and religion.

SPARK was the leading advocate of international cooperation, especially American-Soviet cooperation, in space science. He introduced numerous congressional resolutions calling for international collaboration in "technologically productive" space research.

SPARKY'S boldest proposal dared the United States and Soviet Union to work together in the effort to launch a joint, manned mission to Mars in the next century. Senator expounded this vision in his book, "The Mars Project: Journeys Beyond the Cold War." He challenged the superpowers to look beyond the arms race and cold war and to stop the exploitation of space as a weapons proving ground. The Mars mission offered the opportunity for all nations to dedicate their best efforts toward the development of new technology, while at the same time rediscovering our common humanity.

SPARKY AND CLAUDE PEPPER TWO GREAT AMERICANS

The loss of SPARK brings to mind the passing of another great American, Claude Pepper, who died last year. Both came to the House in the class of the 88th Congress.

These two men were vastly different, yet they were alike in many ways: Both were born to rural poverty, but thanks to hard work and our country's open society, they were able to gain educations. Both began their careers as public school teachers. Moreover, both Claude and SPARKY were able to gain entry to and win credentials from Harvard Law School. Through the practice of law and service in their respective State legislatures, they were able to work their way to finally serve in our Nation's Capital.

Once in Congress, both were proud of their liberal philosophies. They fought bigotry and worked for our Na-

tion's elderly, the disadvantaged and children in poverty.

Today, both Claude Pepper and SPARK MATSUNAGA are serving together somewhere else in a much higher body than man will ever be able to create.

SENATOR MATSUNAGA'S FUNERAL SERVICE

Thursday of last week we eulogized Senator MATSUNAGA during a memorial service at Central Union Church in Honolulu.

SPARKY's colleagues and his many friends gave this special man the very highest praise for both his legislative accomplishments and for his unique human and humane qualities.

I want to extend gratitude to the delegation members who made a grueling 22 hour round trip to spend 6 hours in Honolulu to pay their final respects to a great American.

They traveled this great distance to extend their deepest sympathy to Helene Matsunaga and to the children of these two fine people, Karen, Keene, Diane, Merle, and Matthew, and all of their loved ones.

Making the official trip were Congressman NORM MINETA, Senate Majority Leader GEORGE MITCHELL, Senate President ROBERT BYRD, and Senators JEFF BINGAMAN, DENNIS DECONCINI, CHRISTOPHER DODD, MARK HATFIELD, and TED STEVENS. Also in the delegation were Mrs. Daniel Patrick Moynihan and Senate Sergeant At Arms Henry Guigni.

These very busy people took the time and traveled such a great distance because SPARKY enlivened and enriched their lives.

WHO NAMED SPARKY

In Hawaii, for over a generation, we have come to love and admire the Senator who we fondly called "SPARKY." As we pay tribute to him today, I think it's appropriate to tell you how he came to be called "SPARKY."

It's a simple story, and it may cause many of you to recall your own childhood days. I think the way to relate this is to tell it in the words of Mr. Philip Morris. The setting is the old plantation camp of Kukuiula on Kauai:

According to Mr. Morris, a lifeling friend of the Senator's, the young MATSUNAGA and his pals would often run to school together. As Morris describes it, SPARKY was a slow runner, because he was smaller and younger than his classmates. So he would often lag behind.

He would always be racing to keep up with the others, and as Morris describes it, he would shout: "Come on, Sparkplug!" And that's how this great man came to be known as SPARKY.

As another person put it this way: "SPARKY was a special kind of friend." He was always close to the people of Hawaii and the people of Hawaii were just as close to him. He will not be forgotten.

SPARKY AND STATEHOOD

SPARKY was a decorated war hero, and after World War II he returned to Hawaii and became part of the revolution that turned Hawaii politics inside-out. He went on to a seat in the Territorial Legislature, and from there to the House of Representatives and finally the U.S. Senate.

But if there was one incident which first made Hawaii and the Nation take notice of this young man from Kauai, it was his testimony before a Senate Committee in support of Hawaii becoming a State. It was there that he made his plea for "a single star we can call our own." His statement won praise from Senators and front-page attention back in Hawaii. And as far as I can tell, it was that event that launched his career.

My colleagues, Hawaii fought a long struggle for statehood. Some of the more senior Members know this from personal experience because you cast a vote on statehood.

Hardly a day goes by when I don't glance up at the ceiling of this Chamber and notice the stars that are there, one for each State. Thanks to a young law student from Kauai, HI, has a star that it can call its own.

SPARKY AND VETERANS

One of SPARKY's guiding statement was: "Justice delayed is justice denied." This is why he always urged quick action when it came to providing justice for our Nation's veterans.

SPARKY AND VETERANS IN HAWAII

SPARKY saw that justice for veterans in his home State was lacking. Despite the fact that Hawaii has the highest ratio of veterans per general population, the State has ranked near the bottom in terms of VA spending per veteran * * * moreover, Hawaii has been one of only two States in the Nation without a veterans hospital.

SPARKY took it upon himself to turn these inequities around, and through his efforts, the Veterans Affairs Department is currently in the process of selecting a site for a new veterans hospital in Hawaii, a hospital that we hope will bear the name of SPARKY MATSUNAGA.

AGENT ORANGE VETERANS COMPENSATION

SPARKY strongly supported providing benefits to veterans who were suffering from exposure to agent orange. He was a key supporter of legislation that compensated veterans exposed to agent orange * * * veterans who were suffering from the cancers non-Hodgkin's lymphoma and soft tissue sarcoma, and other diseases related to that toxic defoliant. SPARKY pushed for benefits at a time when some in the administration were saying these diseases were not related to agent orange and service in Vietnam. Today, we know different.

SPARKY saw his fellow veterans suffering. He saw that they needed his help, and he was there.

CABINET STATUS FOR VA

SPARKY also was instrumental in making the Veterans' Administration a cabinet level agency. Because of these efforts, Secretary of Veterans Affairs Edward J. Derwinski now sits in the highest policy council in the land * * * the rightful place for the individual who represents some of our most deserving Federal beneficiaries.

THE GI BILL

There was no stronger proponent of education benefits for veterans than SPARK. He once said that the GI bill "has provided unprecedented opportunities for millions of Americans to expand their personal horizons through education and training which would otherwise have been beyond their means."

When SPARK said this, he spoke from his personal experience as a youthful veteran of the Afro-European campaign, SPARKY was able to attend Harvard Law School through financial assistance afforded by the GI bill. SPARKY often said that he would never have been able to become a Member of this Chamber had it not been for the GI bill.

□ 1550

Mr. Speaker, we have friends of SPARKY who are here today. I yield to the gentleman from Mississippi [Mr. WHITTEN], chairman of the Committee on Appropriations.

Mr. WHITTEN. Mr. Speaker, I join with my colleagues in expressing sorrow at the untimely death of my friend and colleague, SPARKY MATSUNAGA, Senator from Hawaii. For a number of years he was a valued Member of the U.S. House of Representatives before going to the Senate where he served 14 years.

He was an excellent public servant and a good friend.

Our families were good friends, and his daughter is married and lives in my district in Mississippi.

To all the family we express our sorrow at his untimely death. We have lost a good friend and the Nation a fine public servant.

Mr. AKAKA. Mr. Speaker, I yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I am 1 of the 12 remaining Members of the House who had the honor of voting to admit Hawaii into the Union, along with the chairman of the full committee who just spoke. I have known all of the Representatives from Hawaii, and I can truly say that they have been outstanding, one and all.

Mr. Speaker, "man for all seasons" would be an apt description of the dear friend and colleague we honor here today. Senator SPARK MATSUNAGA will go down in history as an eminent

statesman from our great 50th State. But also, as his colleagues well know, he was a former teacher and prosecutor, a decorated combat veteran, an able lawyer, a leader for peace and humanitarian causes, an exemplary husband and father, an amateur poet, an authority on agriculture and finance, and a marvelous spokesman for his native Hawaii and for Japanese-American citizens. Like many others in the House, it was my privilege to enjoy a warm friendship with SPARK from the time he was first elected to Congress. We spent many memorable hours talking about topics ranging from farming and free trade to human service needs of the Nation. In his work in the House, SPARK would zero in on an objective and keep after it with unfailing good humor but unbelievable tenacity. His wife, Helene, and my wife, Bea, have also been intimate friends through the years.

It is entirely fitting and I thank the gentleman from Hawaii, one of SPARK's closest friends, for setting aside this special time in the House for us to reflect on the lifelong record of integrity and devotion to the common good of this extraordinary public servant. In his seven terms in the House, SPARK served with distinction on the Agriculture, Post Office and Civil Service, and Rules Committees. We remember him as deputy majority whip who knew the rules and the issues and whose leadership was readily accepted by his colleagues because of his warm personal attributes and good will. It was poetic justice that he succeeded by sheer personal energy in leading to the enactment of the Civil Liberties Act of 1987, and then leading the effort in the Senate to make it an entitlement so that Japanese-Americans, so rightly entitled to compensation, could be sure to receive it soon. It was symbolic of his passionate commitment to the great issues that his last vote in the Senate was for the Clean Air Act. Our hearts go out to his lovely wife, Helene, and to his five children. He will be sorely missed in the Congress by his countless friends. As to enemies, if he had any, I never heard of them.

Mr. AKAKA. Mr. Speaker, I thank the gentleman from Iowa for his remarks.

I yield to the gentlewoman from Hawaii [Mrs. SAIKI], who also attended the services for SPARKY in Honolulu as a representative of this body.

Mrs. SAIKI. Mr. Speaker, and my fellow colleagues, we gather here today to honor and pay tribute to a former colleague in the House, Senator SPARK MASAYUKI MATSUNAGA.

SPARKY served in this House for 14 years before he went to the Senate for 14 more years. Each of those years was devoted—day and night—to serving his Hawaii constituents. And I would venture to say there is probably no one on Capitol Hill who wasn't touched by SPARKY's presence or his valuable work.

The "aloha spirit," was truly what SPARKY lived by, strove for, and what he embodied. SPARKY never changed, he only matured.

He learned from his very humble beginnings on the island of Kauai the importance of kindness. SPARKY brought with him to Washington, this "aloha spirit." He shared his love and enthusiasm for life and mankind with his colleagues and his constituents.

He was full of compassion for his State, his people, and his country. Even if you didn't know SPARKY personally, he took the time to make you feel as if you did.

SPARKY has been characterized more recently by his Senate colleagues as diligent, legislatively astute, persistent, gentle, and tireless. His very long days are legendary, not only here on Capitol Hill, but in his beloved Hawaii. He took the time, no matter how much, to do what he felt needed to be done.

Senator MATSUNAGA took the words "public service" to heart. His career as a public servant began as a public school teacher before World War II, a career in public service that would span an amazing 50 years.

SPARKY's efforts are legendary for fighting—in his own selfless way—for what he believed would help people, people in Hawaii, of course, but people across America and around the world.

He fought for peace all his life.

In college, SPARKY wrote:

If we want peace, we must educate people to want peace. We must replace attitudes favorable to war with attitudes opposed to war.

What made SPARKY different was that he went to work and literally spent his life creating what he believed. His Institute of Peace exists today, because of him. He learned the horrors of war and the insult of discrimination early, and was wounded by both experiences. But, SPARKY worked to redress them.

The Japanese-American reparations authority exists because of him. Stories abound pointing to his valor on the field of battle during World War II, and his courage was equal to that when it came to getting restitution for Japanese-Americans.

When he argued before Congress for another earlier cause, statehood for Hawaii, one Senator remarked that it was the most stirring testimony he'd heard in 6 years on Capitol Hill.

A peacemaker, a legislator, a leader, SPARKY was also a poet, using the language of the heart to bring peace to us all. Because of his effort again, America has a national poet laureate designated to continue the tradition he knew should be.

SPARKY sought peace not only here on Earth but in our space program as well. He wanted a joint United States-Soviet space mission to Mars. He called it Journeys Beyond the Cold War.

His Institute for Peace probably made him the happiest of all for it went to the very thing he lived for—peace in the world, goodwill toward man. He lived every moment a man at peace, striving to share what he knew, peaceful thoughts, advancing us toward a better and better world.

SPARK MATSUNAGA—our Ambassador of Peace.

As many of our constituents from Hawaii know, SPARKY had the time to take almost every islander who came to Washington to lunch. Thousands of constituents would look forward to this.

We know, as Members of Congress, how visitors come in to see us for courtesy calls and to "talk-story" as we say in Hawaii.

My constituents have often come into my office, chatted with me, and then when we finished, they'd say, well, we're off to lunch now with SPARKY.

He felt he owed it to his constituents to spend as much time with them as possible. This was a humble man dedicated to his people, who loved him in return.

Senator SPARK MATSUNAGA was a very good man who gave his life for Hawaii's people, for his country's benefit, for his own beliefs.

No one can give more with his life than SPARKY did.

Aloha, SPARKY, very well done.

Mahalo.

□ 1600

Mr. AKAKA. Mr. Speaker, I thank the gentlewoman from Hawaii [Mrs. SAIKI] for giving us that deep insight of our friend from Hawaii, SPARKY MATSUNAGA. I thank her very much for the personal touch she has given her remarks.

Mr. Speaker, I will now yield to our colleague, the gentleman from California [Mr. MATSUI], who has had a part in all this and has helped SPARKY in the past with redress.

Mr. MATSUI. Mr. Speaker, I thank my distinguished colleague, the gentleman from Hawaii, for yielding.

Mr. Speaker, I also want to pay my respects to SPARKY's wife Helene and their five children.

SPARK was a very dear friend of mine. To all the people of the State of Hawaii and all the people of this great Nation of ours, SPARK MATSUNAGA, as others have said, was a poet, a statesman, and a very wonderful and fine human being.

I remember very distinctly the first time I had the opportunity to meet SPARK MATSUNAGA. I had been a candidate for the U.S. Congress in 1978. I had just won my primary, and I came

to Washington, DC, to visit and thank a number of people for their help. SPARK MATSUNAGA was one of those who was very high on my list.

I visited with him in the area called the lobby right off the floor of the U.S. Senate, because he was very busy and was on the floor that day. He came out, and we chatted for a while. He said, "So you want to be the next Congressman from your area?"

And I said, "Yes."

He said, "I'll be right back." He went back into the Chambers of the U.S. Senate, and within 10 minutes he came out and brought with him Sam Hayakawa, the Senator from the State of California, and he said; "Sam, I want to introduce you to a young man. This is ROBERT MATSUI. He is running for Congress, and, Sam, Mr. MATSUI is a Democrat and I know you are a Republican, but you are going to have to promise me one thing. And he had a twinkle in his eye and a little smile on his face. He said, "I don't want you campaigning against this young man."

And Sam said, "That's fine, SPARK."

I will never forget that, because SPARK gave meaning to who he was, because he actually wanted to do something for me, and in fact he did, because Sam Hayakawa did not come out and campaign for my opponent that year.

Others have talked about SPARK's legislative achievements. I will never forget when Congressman MINETA and Congressman AKAKA and I were testifying before one of the subcommittees of the Judiciary Committee on H.R. 442, the bill to provide compensation for Americans of Japanese ancestry for their internment during World War II, when American citizens were incarcerated by their own Government because of race. I remember how SPARK became so emotional and how he had tears in his eyes when he spoke about his father, who was a Buddhist priest who was locked up in Hawaii because of his ancestry after the bombing of Pearl Harbor, and how he felt so strongly about all the 120,000 of us who had interned from California and other Western States in the continental United States. And I remember how he was so instrumental in the ultimate passage of that legislation when singlehandedly on the floor of the U.S. Senate SPARK MATSUNAGA was able to get 76 of his colleagues to support that legislation by cosponsoring the bill.

Let me make a comment about that, if I may. Many of those Members did not know what that bill was all about. Many of those Members really did not give a lot of attention to it. The reason they cosponsored the bill was because of their affection and because of their loyalty and trust for SPARK MATSUNAGA.

Ultimately, as we all know, the bill became an entitlement, thanks to the help of Congressman MINETA, Congressman DAN AKAKA, Senator INOUYE, and certainly SPARK MATSUNAGA played a major leading role in that effort.

I would only conclude by saying that this body and the Senate will be somewhat lessened because SPARK MATSUNAGA is no longer with us. At the same time, the fact that he served in this Capitol for some 28 years has made it a greater and better place for all Americans in the future.

So SPARK, we will miss you, and we love you for what you have done for all of us. Thank you.

Mr. AKAKA. Mr. Speaker, I thank the gentleman from California [Mr. MATSUI] for his remarks and for sharing with us his personal experiences with SPARKY.

Mr. Speaker, I yield to the gentlewoman from Louisiana [Mrs. BOGGS], who was a very, very good friend of SPARKY'S.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman so much for yielding, and I thank him very much for giving us the privilege of participating in this ceremony for SPARKY.

Mr. Speaker, I quote now from the words of our dear friend and former colleague, SPARK MATSUNAGA, when he addressed this House during memorial ceremonies in honor of my husband, Hale Boggs. He said:

> It is with a mixed sense of deep sorrow and great pride that I rise to join my colleagues in paying tribute to the memory of [SPARK MATSUNAGA]—sorrow over the loss of a dear friend and pride in having had such a friend.

SPARKY and Helene have been dear and treasured friends for many years, starting with his trips to Washington in 1950 and 1954 with the Hawaiian statehood delegation to the Congress. Our mutual friend in New Orleans, George Lehleitner, had imbued Hale with the sense of justice and appropriateness which statehood for Hawaii represented. And SPARKY was the embodiment of everything that was right about the inclusion of Hawaiians as full citizens of the United States. He was a conscientious, productive patriot.

□ 1610

SPARKY also said about Hale, when he seconded Hale's nomination for majority leader of his House, "I like to think of him as one who possessed the qualities of leadership as if so endowed by nature." Well, SPARKY's service to the Army was brilliant and dedicated—and he won the Bronze Star and the Purple Heart with an Oak Leaf Cluster and many, many other decorations—as was his service in the territorial government legislature where he served as a majority leader, in his House where he served as a deputy whip, and in the U.S. Senate, where he made a brilliant career of his strong and wonderful feelings about his State, about his people, and about the United States of America. Surely they all displayed his natural qualities of leadership.

Of course, Mr. Speaker, our hearts go out to Helene and to the other members of his private family, but they also go out to the members of his extended family, the people, the citizens, of the State of Hawaii.

Mr. AKAKA. Mr. Speaker, I thank the gentlewoman from Louisiana [Mrs. BOGGS] for her personal remarks on SPARKY.

Now, Mr. Speaker, I will call on another Member from California, one who was part of the delegation that represented his House at the Services of SPARKY in Honolulu. He was also a very close friend of SPARKY'S.

Mr. Speaker, I yield to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I had the honor and privilege of attending the memorial service in Honolulu on April 18, 1990, as the only mainland Member of Congress to see the outpouring of love that was exhibited toward Senator SPARK M. MATSUNAGA and was very moved by that experience.

Mr. Speaker, there are many great words etched in stone here in Washington, DC.

Some words speak of the men and women who have helped shape the United States. Others speak to the great principles we have come to hold dearest of all.

Binding these words together is a special resolve: to seek the unique voices among us to reflect the best human decency, and the most tireless determination to better ourselves and our Nation.

SPARK MATSUNAGA was such a voice.

Eighty years ago, Woodrow Wilson spoke of Americans like SPARK when he said:

> We live in an age disturbed, confused, bewildered, afraid of its own forces, in search not merely of its road but even of its direction. There are many voices of counsel, but few voices of vision.

SPARK MATSUNAGA, my great friend and colleague, was such a visionary, and more.

SPARK drew his strength from people, and he responded with warmth, persistence, and inspired public service.

SPARK was very much a teacher. And as with the best of teachers, he was a consumate listener. He listened because he cared.

He cared about people. He cared about peace. He cared about justice.

During the Second World War, SPARK was a highly decorated member of the all-Nisei 100th Battalion and 442nd Regimental Combat Team, the most honored in the history of the United States.

Forty-five years later, he led the fight in Congress to redress the injustices endured by the 120,000 Americans of Japanese ancestry who were interned by the U.S. Government during the very war in which he and so many others fought so bravely.

Redress was not a Japanese-American issue to SPARK.

It was not an Asian-American issue.

It was an American issue, which is how he wished the lessons of the internment to be remembered. Through his tireless efforts, they will.

It was SPARK's Native Hawaiian Claims Commission which served as the pattern for the Commission on the Wartime Relocation and Internment of Civilians. That Commission concluded, and I quote:

The personal injustice of excluding, removing, and detaining loyal American citizens to manifest. Such events are extraordinary and unique in American history. For every citizen and for American public life, they pose haunting questions about our country and its past.

SPARK's determination to correct those historic injustices was realized in the Civil Liberties Act of 1988, a law that stands as a living testament to his dedication to the rights of every American.

Mr. Speaker, great words may be set in stone, but truly great men will always live on in our hearts.

SPARK and his ideal will live in us all so long as there are wrongs to right, people in need of justice, and a world in need of peace.

In 1938, while a student at the University of Hawaii, SPARK wrote a composition entitled "Let Us Teach Our Children To Want Peace."

In it he wrote:

Wants are the drives of all human action. If we want peace, we must educate people to want peace. We must replace attitudes favorable to war with attitudes opposed to war.

Parents should protect the child from experiences with materials of warfare. Teachers should let the generals fall into the background and bring into the foreground leaders in social reform as heroes.

We must help our young to see that there are other types of bravery than that which is displayed on the battlefield.

If in our teaching we emphasize the life and work of our great contributors instead of our great destroyers, people will come to realize that moral courage is bravery of the highest type, and America will be called the Champion of Peace.

SPARK lived by this goal, and saw it embodied in the United States Institute of Peace, which he established.

SPARK MATSUNAGA was a great man of peace who fought in war, and later fought to eliminate war and the wartime injustices which preyed upon innocent people.

That he was so successful in this is his lasting legacy to our Nation and a timeless source of inspiration to all Americans. Having known SPARK since 1962, he was my role model. We all love you, SPARK, and we will all miss SPARK MATSUNAGA.

Mr. AKAKA. Mr. Speaker, I yield to the gentleman from Samoa [Mr. FALEOMAVAEGA], and, coming from Samoa, he has been a close friend of Hawaii and also a close friend of SPARKY's.

Mr. FALEOMAVAEGA. Mr. Speaker, I join my colleagues today in expressing our sense of deep personal loss over the recent death of Senator SPARK MATSUNAGA on the 15th of this month.

SPARKY, as he was known, was one of the finest human beings I have known. I will always remember this thoughtful man who has contributed so much of his life to the service of his State and to our Nation.

SPARK MATSUNAGA was born on October 8, 1916, on the island of Kauai to a humble immigrant family from Japan. He worked hard and performed many odd jobs to support the family even while attending high school and as an undergraduate at the University of Hawaii. He earned several academic honors which included his election to the Phi Beta Kappa National Honor Society. After the war, and with the use of his GI bill, he completed his law studies at Harvard University.

After spending some time as a prosecutor in Honolulu, SPARKY was elected a member of the territorial house of representatives from 1954 to 1959, and later on became the house majority leader. He was later elected a Member of Congress where he served in the Rules Committee for 14 years. In 1976, he ran for the U.S. Senate seat that became vacant upon Senator Hiram Fong's retirement. He won the election and served as Hawaii's Senator for 14 years.

At the outbreak of World War II, SPARKY joined the U.S. Army's 100th Battalion which later became part of the 442d Regimental Combat Team. Serving in Italy, that regiment became one of the most heavily decorated and famous units in the history of the Army. While fighting in Italy, SPARKY earned the Bronze Star Medal and two Purple Hearts.

Ironically, after the attack on Pearl Harbor, Senator MATSUNAGA, though a second lieutenant in the U.S. Army, was detained in a military installation in Wisconsin. He helped draft a plea to President Roosevelt to allow him and other Japanese-American detainees to organize a Nisei regimental combat team. As a result, both the 100th Battalion and the 442d Regimental Combat Team was officially organized by Executive order of President Roosevelt to allow Americans of Japanese ancestry to fight as soldiers during World War II.

Mr. Speaker, let me share with my colleagues the highlights and accomplishments of these two combat units. The 100th Battalion joined the 442d Regimental Combat Team, and as such they rescued 1st Battalion, 141st Regiment, also known as the Lost Battalion. The 442d Regimental Combat Team suffered 314 percent casualties, earned 18,143 individual decorations, participated in six campaigns, and received seven Distinguished Unit Citations. The 442d Regimental Combat Team emerged as the most decorated military unit for bravery in the history of the U.S. Army. The 100th Battalion today is the only battalion-sized unit in the U.S. Army authorized to wear its own insignia—a shoulder patch.

Senator MATSUNAGA devoted a great deal of his life to redress a grave injustice done to Japanese-American citizens by the Federal Government after the attack on Pearl Harbor. SPARKY lobbied for 9 years trying to enact a law to provide approximately $1.25 billion as reparation and payment of $20,000 to each survivor among Japanese-Americans who were placed in relocation camps during World War II.

In 1984, Congress approved another of Senator MATSUNAGA's longtime goals—the establishment of the U.S. institute or academy for the establishment of peace internationally. The institute distributes grants for the study of peaceful resolution to conflict. SPARKY lobbied for 22 years before persuading Congress to establish the institute. He was often quoted as saying that peacemaking is as much an art to be learned as war.

In 1986, when colleagues heatedly debated star wars, he proposed a joint United States-Soviet exploration of Mars. That global approach was a legacy from his father, a former Shinto priest, who urged him to have an appreciation for both Japanese and Western cultures.

Mr. Speaker, I want my colleagues to know that the people of American Samoa have been recipients of many Federal programs through the tremendous efforts of Senator MATSUNAGA, both as a Member of Congress and as U.S. Senator. Just 2 weeks ago, SPARKY informed me that he fully supported my efforts to provide improvements for the weather observation station which was devastated by Hurricane Ofa 2 months ago in Samoa.

Mr. Speaker, those of us who knew SPARKY will miss him very much. Perhaps my good friend, Hawaii's Governor John Waihee, said it best when he said that SPARKY will be remembered most for his vision of world peace and his faith in humanity and in the tenderness of the human soul.

Mr. Speaker, as a lifemember of the Go-for-Broke Association and as a Reserve officer in the U.S. Army, and more specifically a member of the 100th Battalion 442d Infantry Reserve Organization in Fort DeRussy, HI, I know our commanding officer, Lt. Col.

Robert Lee and all the members of the battalion, including B Company that is stationed in Samoa—all join me in expressing our fond Aloha and "go for Broke" slogan to Senator MATSUNAGA.

Mr. Speaker, The term "Go for broke" was the expression used by the members of the 100th Battalion and the 442d Regimental Combat Team in pidgin-English, which meant give it all you got, spare nothing, even if your guts fall out, you keep going, never say die, and never give up.

Mr. Speaker, with Aloha I say to the Honorable SPARK MATSUNAGA, U.S. Senator—"Go for broke, SPARKY—and may your journey be one filled with happiness and with Aloha Pumehana," from all the Blalas of the 100th Battalion, 442d Infantry.

Mr. Speaker, I submit for the RECORD a historical overview of the famous 100th Battalion, 442d Infantry.

SUMMARY HISTORY OF 100TH BATTALION 442D INFANTRY

1. Mission: As with all infantry units, the mission of the 100th Battalion, 442d Infantry, is to close with the enemy by means of fire and maneuver in order to destroy or capture him or repell his assault by fire, close combat and counterattack. Its combat support unit provides reconnaissance, and ground surveillance, indirect fire support, antitank support and limited air defense support for the infantry battalion, infantry division or separate infantry brigade. Its headquarters unit provides command, control and supervision of the operations of the infantry battalion.

2. History: The history of the 100th Battalion, 442d Infantry begins with the attack on Pearl Harbor on December 7, 1941. At the time of the attack, there were already some 1,500 Nisei's serving in the U.S. Army most of them with the 24th and 25th Infantry Divisions, and the 298th and 299th Infantry Regiments at Schofield Barracks. Six months after Pearl Harbor, in May 1942, Army Chief of Staff George C. Marshall ordered the formation of the 100th Battalion, composed of men already in the U.S. Army. The 100th Battalion (Separate) was thus activated on 12 June 1942, at Oakland, California.

The unit took its basic training at Camp Shelby, Mississippi under LTC Farrant L. Turner and was deployed overseas in August 1943. Landing in Oran, North Africa, the battalion crossed over to Italy, attached to the 133d Infantry Regiment, 34th Infantry Division. It participated in the bitter advance up the Italian peninsula fighting in the major battles at Salerno, Valturno River, Rapido River and Cassino.

The 442d Regimental Combat Team was activated at Camp Shelby, Mississippi on 1 February 1943 with COL Charles Spence commanding. After training at Camp Shelby and in the Louisiana Army Maneuvers, the RCT deployed overseas in May, 1944. Landing in Italy, it joined the 34th Infantry Division and the 100th Infantry Battalion. Together, they participated in the Anzio and Rome-Arno campaigns and later fought in the Rhineland and North Appennines campaigns attached to the 36th Infantry Division.

While attached to the 36th, they rescued the 1st Battalion, 141st Regiment, known as the "Lost Battalion." During the rescue, the RCT became closely attached to the people of Bruyeres, France, a little town in the Vosges Mountains. A sister city relationship exists today between Bruyeres and Honolulu.

In March 1945, the RCT returned to Italy and attached to the 92d Infantry Division, particpated in the Po Valley campaign, their last campaign before the end of the war.

The record of the RCT is without equal. The unit suffered 314% casualities, earned 18,143 individual decorations, participated in six campaigns and received seven Distinguished Unit Citations, three by the 100th Battalion. It emerged as the most decorated unit of its size in the U.S. Army.

The unit was inactivated in August 1946 and reactivated in the U.S. Army Reserve in July 1947. The Battalion is the only battalion-sized unit in the U.S. Army authorized its own shoulder patch.

During the period July 1947 to 13 May 1968, the Battalion underwent organizational changes from Regimental to Battle Group, to its present battalion structure. Significant events during this period were providing individual personnel replacements during the Korean War when all company grade officers and senior NCO's were recalled to active duty. The Battalion also participated in Operation Koolau with the 25th Infantry Division in 1959 and Exercise Coral Sands 11 with the 11th Infantry Brigade in 1967.

On March 13th, 1968, during the Vietnam War, the 100th Battalion, 442d Infantry was ordered to active duty and attached to the 29th Infantry Brigade (HANG) as one of its Maneuver Battalions. Its mission was to provide strategic reserve in the Pacific. Stationed at Schofield Barracks, Hawaii, the Battalion trained for eventual deployment, and provided a manpower pool of trained personnel replacements.

On an individual basis, most members of the Battalion were reassigned to Vietnam. During the period 13 May 1968 to 12 December 1970 a total of nine gallant men from the 100th Battalion 442d Infantry gave their lives while serving in combat in the Republic of Vietnam.

□ 1620

Mr. AKAKA. Mr. Speaker, I thank the gentleman from American Samoa very much for his personal comments and remarks about SPARKY.

Mr. Speaker, I yield to another good friend of SPARKY, one who has played a major role in the redress bill that SPARKY shepherded through these halls and one who has been helpful to SPARKY. I yield to our friend, the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Speaker, I thank the gentleman from Hawaii for taking this time so we can pay our respects to our great friend, SPARKY MATSUNAGA.

I rise today to join my colleagues to pay tribute to one of this body's most distinguished alumni, one of this Nation's bravest war heroes, and one of the foremost leaders in the quest to establish lasting peace and justice for all men and women.

Senator SPARK MATSUNAGA was a remarkable man who led a life which was as rich as it was diverse.

SPARK MATSUNAGA and I came to the House of Representatives in January 1963. We were both elected in 1962, in November. We were sworn in in January 1963, and we served together in this body until he was elected to the Senate 14 years later.

During that time and during the time that he was in the House and more recently during the time that he was in the Senate, we worked together on many matters, and I considered him a very close personal friend and his wife, Helene, as a close personal friend over these many years.

He distinguished himself here in the House, particularly as a member of the Rules Committee, and distinguished himself in the Senate and was highly regarded in the Senate, particularly in Hawaii.

It so happened coincidentally that our paths crossed again, because on Easter Sunday I was visiting along with my wife, Nancy, visiting my son, Steven, Comdr. Steven Horton and his wife, Ann, and two children. We were in Hawaii. We got up to have breakfast and the headline said that Senator SPARK MATSUNAGA had died. It was a close personal loss for me on that Sunday to read that headline and to know that SPARK had passed on.

I had served not only in the House with him, but we had been on a couple of trips together. He was in the Reserve unit that I was in during the early days of our tenure here in the House of Representatives, and it so happened that we went on a trip to the Orient. We were in Okinawa. We were in Tokyo and other places in the Far East in connection with our work on the Reserve unit that we were assigned to. We also visited in Honolulu.

It was my privilege to be his roommate. He and I were roommates on that trip and I got to know him even better than I had in just the relationship we had here in the Congress.

He was a very fine person. I remember on that trip that many people in different parts of the Far East would have little events for him in the evening and SPARK asked all the Members if they would like to go with him to that and I was one of the few who went with him to every one of them. I will tell you, I really appreciated the high regard that SPARK was held in by the people throughout the Far East.

□ 1630

He was widely known for his work in the House and then later in the Senate and distinguished himself greatly. I also had, but I did not know him at the time, but it so happened that I was in combat in World War II; I commanded an infantry company that made the landing in North Africa, and then I was in Italy, and my job with the office that I was serving at the time in Naples, Italy, was to meet new units that came in. It so happened that I met the 442d when it came into

Italy just before it went into combat in Italy up at Monte Cassino. I knew personally the efforts of the 442d, and that is why I was so happy to help with H.R. 442, and to make it possible for that legislation to be passed to make it possible for those people of Japanese ancestry who had been so mistreated by our Government during World War II to be provided some recognition for the suffering that they had had and the country could pay its tribute to them for their sacrifice and for their willingness to serve this country.

SPARK had a distinguished military record, and I was very proud to share that with him on numerous occasions. It also happened that we have a meeting once a year of the 88th Club on St. Patrick's Day and, as a matter of fact, the gentleman in the well now, DANNY AKAKA, is one of those who has attended for some time, and SPARKY had a very good singing voice. A lot of people do not realize this. But as does the gentleman in the well and my wife, Nancy, also has a very good singing voice. On numerous occasions, I can still hear SPARK and Nancy and DANNY singing together Hawaiian songs. So I had a very special personal relationship with Helene and with SPARK, and I did have the opportunity; I was not at the funeral, but I did visit the Capitol and saw his casket as he lay in state there. I heard some of the tributes being paid to him in Hawaii while I was there. A great person.

I personally will miss him, and I want to take this opportunity to say to his wife and his children that my wife and I miss SPARKY, and we will continue to think of him and what he has meant to this country. I join with the gentleman in paying our respects to the family and to the great State of Hawaii for the type of representation that SPARK MATSUNAGA gave.

Mr. Speaker, SPARK and I also worked together on passing Asian/Pacific American Heritage Week. Work began on this legislation back in 1978. Asian/Pacific American Heritage Week was first observed in May 1979. Last year, SPARK and I once again joined forces in introducing new legislation to extend this observance into an entire month. His leadership in this effort will be missed, but it is my hope that both bodies will act to pass H.R. 3802 or its companion bill S. 2111 in his honor.

I was touched by the extreme sense of loss felt by his constituents. SPARK was more than a political figure for Hawaiians. As one of that State's founding fathers, he was viewed with the same reverence that all Americans view George Washington and Thomas Jefferson.

Before his death, many had questioned whether SPARK should have resigned in light of his declining health. In response to those suggestions, the Honolulu Advertiser called on those to reconsider their position. An April 8, 1990, editorial stated:

[Spark's] 20-hour days over two decades have earned whatever sick leave he needs. The time will come when . . . Spark Matsunaga decides to step aside from his work. But, . . . that should be determined by this man who has always acted in what he felt to be Hawaii's best interests.

This statement clearly shows the high regard in which SPARK was held.

The search for peace was one of Senator MATSUNAGA's lifetime goals. As a young student in 1938, SPARK wrote an essay for an English class entitled, "Let Us Teach Our People To Want Peace." He wrote:

Wants are the drives of all human action. If we want peace, we must educate people to want peace. We must replace attitudes favorable to war with attitudes opposed to war.

SPARK's sponsorship of legislation calling for a peace institute was clearly an extension of the essay he had written. A noted poet, SPARK continued his literary expressions as a Member of Congress.

SPARK's leadership will be missed both here in Washington and out in Hawaii, but he leaves behind a legacy which will endure forever. My wife Nancy joins me in extending our sympathies to SPARK's wife Helene and their five children.

Mr. AKAKA. Mr. Speaker, I thank the gentleman from New York for his remarks on SPARKY. I know that they have been great friends over the years.

At this time I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I also thank the gentleman from Hawaii for calling this special order for our friend, SPARK MATSUNAGA.

Mr. Speaker, I rise today to join my colleagues in honoring and remembering our dear friend who has passed away as was mentioned April 15, 1990.

Others have spoken about SPARKY's background, about his training, about his legislation for which he was renowned, and for his many accomplishments in the House and in the Senate, and even before then in the legislature in Hawaii.

But I must say that not only have the people of Hawaii lost one of their greatest legislators and not only have we in the Congress lost one of our finest colleagues, but I rise to speak on behalf of my constituents in San Francisco where we are, indeed, blessed, Mr. Speaker, with, and enriched by, a great Japanese American population; indeed, even in the larger sense, the entire Asian American population, all of whom, even though they were not Hawaiians, some of whom were, but many were not, identified with SPARKY, took pride in his accomplishments, rooted for him, of course, with the Reparations Act, and were generally very, very proud of the work that he did here, and I might add, as the gentleman from New York [Mr. HORTON] did, of the entire Hawaiian delegation.

SPARK, as we all know, was a champion of peace and civil rights and will long be remembered for his leadership on the civil liberties act to provide redress to Japanese Americans interned during World War II. It was through SPARK's leadership that all Americans came to understand the wrong that was committed in the 1940's to American citizens.

It was a great honor for all of us to have supported SPARKY on this historic legislation.

I would like to, on a personal note, particularly call to mind SPARKY's courage, bravery, and fortitude in coming to the floor of the Senate at the time of the override of the President's veto of the Chinese students' bill. He demonstrated his commitment to peace and human rights that day, too. I will be forever grateful to him for his efforts on behalf of the Chinese students. He was, indeed, a fighter, as has been mentioned, and never gave up.

I am so pleased that the gentleman from Hawaii [Mr. AKAKA] has called this special order today. I think it is very fitting that we are honoring SPARK, a champion of peaceful exploration in space, on the very day that the shuttle finally was launched, perhaps to accommodate this special order, Mr. AKAKA, that it was fate, and launch the Hubbell space telescope. I think it is very fitting we are here to honor SPARK and his commitment to space.

I hope that there will be something that will be named for him in recognition for his leadership, and as I said, we have in our district many people who supported SPARK because of ancestry and because of his civil rights stand, but there are also many people there who were fans of his because of his work for peace in space and the exploration of space. So he had a constituency in that regard as well.

I know that we all will miss his smile, the twinkle in his eye, and I know, personally, I will miss the chocolate-covered macadamia nuts that he treated us to from time to time. That was the first gift I received when I came to Congress, and I told SPARK, "Keep them coming," and he did.

On behalf of my constituents, I wish to extend to the Matsunaga family our deepest condolences, identify myself with the remarks that have been made in memory and in honor of SPARK today, and thank the gentleman from Hawaii [Mr. AKAKA], our colleague, for taking this special order, and say to SPARKY, "We will miss you. Aloha."

Mr. AKAKA. I thank the gentlewoman from California very much.

Mr. Speaker, I now yield to a friend of many years of SPARK's in the House, one who has distinguished himself here, the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, Senator SPARK MATSUNAGA conscientiously and ably represented his constituents in Hawaii and earned his constituents'

respect and the friendship of his colleagues in the Senate, and previously in the House.

He will be remembered in history for his successful efforts in the establishment of the U.S. Institute for Peace, in which efforts I was glad to play a part in the team he organized to pass this legislation through Congress. MATSUNAGA, a World War II hero in the American Army forces in Europe, felt that a country like ours, which invests so greatly in life and treasures in military strengths, should also invest thoughtfully in the quest for peace. And this institution fulfills that dream.

He also spoke eloquently and worked forcefully for the legislation that honored loyal Americans of Japanese ancestry who were interned in World War II. His speech on the Senate floor for this legislation was moving and effective.

We who knew him in Congress loved him for his warm and outgoing personality. He was not only a man with the spark that gave him his name, but also a man of sunny disposition that could have given him just as well another name—Sunny. We are all the beneficiaries of his fine life, and with his beloved family, we sincerely share their grief.

□ 1640

Mr. AKAKA. Mr. Speaker, at this time I yield such time as he may consume to our mutual good friend, a good friend of SPARK's, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to join our colleagues in paying tribute to an outstanding legislator and dedicated public servant, Senator SPARK MATSUNAGA of Hawaii.

Senator MATSUNAGA has been in public life longer than his home State of Hawaii has been in the Union. As a member of the territorial legislature prior to statehood, he was one of the leading proponents of making Hawaii our 50th State. He had the foresight and the vision to grasp that the time for statehood had come, and played an integral role in convincing his fellow Hawaiians of the benefits of statehood. Senator MATSUNAGA also understood that Americans had felt Hawaii was already a part of the United States, even before that fateful Sunday morning when Japanese bombs plunged the United States into World War II.

SPARK MATSUNAGA was a member of the famous 442d Regimental Combat Team during World War II. The battalion of Japanese Americans was the most decorated unit of all during the Second World War, and was one of the most famous fighting teams in all of American history. SPARK MATSUNAGA's service with them underscored his courage and his dedication to American principles.

Upon the achieving of statehood, this fine record of public service helped get him elected first to the U.S. House of Representatives where I first came to know, admire and work with him and then to the U.S. Senate, where he served with distinction since 1976.

Perhaps the greatest tribute to SPARK MATSUNAGA's legislative skills was the passage he obtained of the bill granting $1.25 billion in compensation to Japanese Americans interned during World War II. By steering this unpopular legislation through both Houses of Congress, Senator MATSUNAGA appealed to the desire for justice in all of us. It was through his leadership that one of the most disgraceful episodes in American history was redressed.

The passing of Senator SPARK MATSUNAGA leaves a void on Capitol Hill. He was a giant of a man, who will be greatly missed, and we join in extending our condolences to his widow, Helene.

Mr. AKAKA. I thank the gentleman for his comments.

Mr. BROOKS. I want to take this opportunity to join my colleagues in expressing our deep sense of sadness at the passing of our friend, SPARK MATSUNAGA of Hawaii. Senator MATSUNAGA not only served this body with both distinction and dedication for 14 years, but also served in the U.S. Senate from 1977 until his death a week ago. In this House and in the other Chamber, he was known as a hard worker and could always be counted on to offer good advice and the hand of friendship in difficult situations.

It was my distinct privilege to serve with Senator MATSUNAGA from 1962 until he left this body in 1976. The people of Hawaii can be proud of the 25-year record of service he established and the fine representation he gave to his district, his State, and his country. They could not have had a stronger advocate here in Washington, and he left an indelible mark on the social, economic, and political fabric of Hawaii.

As a member of the House Rules Committee, and as chairman of its Subcommittee on Federal, State, and Community Services, he earned the respect of all with whom he came in contact.

All of us will miss his many contributions to our joint legislative efforts. He set a high standard of excellence for others to follow.

Along with his many friends here and in the other body, I will miss him.

Mr. ROE. Mr. Speaker, I rise to join you and our colleagues in the House in this moment of both great sadness but also great admiration for our late friend and colleague, Senator SPARK MATSUNAGA. It was my great fortune to be able to serve with SPARK for 7 years in the House before he moved onto the Senate in 1977.

Mr. Speaker, SPARK M. MATSUNAGA lived an exemplary life dedicated to the public service, and his record is one that any of us would be truly proud to call our own. He was serving his country long before coming to the U.S. Congress.

He was a highly decorated veteran of World War II, having been a member of the famous 100th Battalion and the 442d "Go for Broke" Regimental Combat Team of the U.S. Army fighting in Italy and France. This was the most decorated unit in U.S. history. During World War II SPARK was a hero in every sense of the word. He was wounded in defense of our country and earned two Purple Hearts and the Bronze Star.

When the war was over, SPARK M. MATSUNAGA began a different kind of fight, the fight for peace. To that end, he served the people of Hawaii and our Nation for more than 35 years, first in the Hawaii Territorial Legislature, then in the U.S. House of Representatives from 1962 to 1976, and finally in the U.S. Senate.

Mr. Speaker, SPARK MATSUNAGA consistently demonstrated his dedication to fighting for peace and justice. He was the author of the Civil Liberties Act of 1987, which provided long overdue apology and redress to Japanese-Americans interned during World War II; he was an early advocate of United States-Soviet cooperation in peaceful space exploration, and he was the father of the United States Institute of Peace.

Truly, SPARK M. MATSUNAGA was a statesman and a leader who led by example. I know that we can do greatest honor to his enduring memory by dedicating ourselves to those universal principles of peace and justice which he held so dear.

Mr. GAYDOS. Mr. Speaker, I rise to pay tribute to our friend and colleague, SPARK MASAYUKI MATSUNAGA.

As a young man at the University of Hawaii, "SPARKY" wrote:

If we want peace, we must educate people to want peace. We must replace attitudes favorable to war with attitudes opposed to war.

This was the vision of an individual who had yet to experience the true horrors of war. A short time after writing these words, SPARK "joined up" and served with the "Go for Broke" 442d Regimental Combat Team in Europe during World War II. He was wounded twice and received a Bronze Star for bravery and two Purple Hearts.

"SPARKY" was a champion of world peace and cooperation throughout his 40 years of public service to the people of Hawaii and the rest of the country.

From his first election to the House of Representatives in 1962 and, later, the Senate in 1976, he focused his efforts on establishing a U.S. Institute of Peace, long before many people jumped on the glasnost bandwagon.

In 1984, 22 years after his initial election to Congress, the Institute of Peace—his vision—became a reality.

He also fought for fairness. In his early political career, as majority leader of Hawaii's territorial House of Representatives during the 1950's, he worked to establish full citizenship and statehood for the people of Hawaii.

SPARK, later, outraged at the unfair internment many of his fellow Japanese-Americans endured during World War II, reaching out to his Senate colleagues one-by-one, was able to convince 74 of 100 of them to cosponsor

the landmark bill that would provide an apology and compensation to each living internee.

Because of his own experiences in war, "SPARKY" never forgot those brave individuals who selflessly served this country, and, both as a Representative and a Senator, he sponsored legislation that addressed the special needs of veterans.

His last effort, which unfortunately he did not live to see, was the construction of a veterans hospital in Hawaii that would serve the aging and ailing military veterans in his native State. This facility, when completed, will bear "SPARKY's name.

We all have heard the story of how "SPARKY" came to be known as "SPARKY" because he was always lagging behind the older boys in races at camp.

But as I look back and remember SPARK, a friend and colleague, trying to catch up to everyone else doesn't come to my mind. I have always thought of SPARK as someone who was leading rather than following.

During the 27 years he graced these Capitol steps, SPARK was a courageous public servant who served through constant pain until he could serve no longer.

I extend my deepest sympathy to his devoted wife and children and hope that we all may find comfort in his accomplishments and vision.

Mr. WHEAT. Mr. Speaker, with the passing of our friend Senator SPARK MATSUNAGA of Hawaii, the Nation has lost a popular leader who dedicated his long and distinguished career to public service and always fought hard for the principles he held dear.

Warmly regarded by colleagues and constituents alike, the junior Senator from Hawaii was unfailingly friendly and kind in his personal demeanor. His gentleness added a rare and often overlooked dimension to daily life in the Halls of Congress.

In Congress, and throughout his life, Senator MATSUNAGA always championed large goals such as peace and justice. His values were forged in the crucible of events that included the United States Government's heartless internment of thousands of Japanese-Americans during World War II. He and other internees convinced President Franklin Roosevelt to allow them to form the first all-Nisei fighting regiment, and famed 100th Infantry Batallion. A twice-wounded war hero, Captain MATSUNAGA helped spur his regiment on to become one of the most highly decorated in history.

Senator MATSUNAGA never forgot the mistreatment of his fellow Nisei at the hands of the U.S. Government. He worked relentlessly until he gained passage of legislation providing a formal apology and monetary compensation for Japanese-Americans sent to wartime government camps.

Long before the Berlin Wall crumbled and the cold war began to thaw, SPARK MATSUNAGA pursued the idea of joint Soviet-American space exploration. After nearly two decades of dialog with his colleagues, in 1984 he finally achieved his quest to establish a Peace Institute to foster the resolution of disputes between nations.

During his time in the House of Representatives, SPARK MATSUNAGA served on the Rules Committee and gained a mastery of House procedures amply demonstrated in his book, "Rulemakers of the House." This volume is required reading for students of government and political science students at many universities, and would serve as a valuable introduction to the legislative process for any new Member of Congress.

Because he was an ardent and effective advocate for environmentally sound renewable energy programs, it is fitting that the Senator's last vote was cast April 3 in favor of the Clean Air Act. This was the final step in a long career devoted to making the world a safer and more livable place for his fellow men and women.

A poet, a peacemaker and a great humanitarian, SPARK MASAYUKI MATSUNAGA will be greatly missed by all of us.

Mr. RINALDO. Mr. Speaker, I am pleased to join my colleagues in this special order in tribute to our late colleague, SPARK MATSUNAGA, an outstanding individual, a friend, and an exceptional legislator.

I had the privilege of serving with SPARK for 4 years in the House of Representatives. He was a knowledgeable, effective legislator who never compromised his principles while fighting for what he believed in.

That is the kind of reputation he achieved even before coming to Congress. He was a combat veteran in World War II and was wounded in service to the country. After serving in the military, he distinguished himself, earning a law degree at the Harvard University Law School, following which he went on to serve in the Hawaii Territorial Legislature, the U.S. House of Representatives and the U.S. Senate.

While many give only lipservice to liberty, SPARK MATSUNAGA acted on his beliefs and his convictions. He compiled the kind of record of public service that is a monument to the man—thoughtful, caring, committed, and principled.

We will miss his counsel and his guidance, and I will also miss his friendship.

Mr. YATES. Mr. Speaker, SPARK MATSUNAGA was a very dear friend of mine. I am deeply saddened by his death. I will miss him very much.

SPARKY was a delightful, intelligent, thoroughly charming man. We shared many happy moments when he was a Member of this House. I benefited from his friendship and I was very proud of his career and his work in the House. While I hated to see him leave, I was just delighted when the people of Hawaii elected him to the Senate in 1976.

Our friendship continued and over the years we worked together on a number of issues. Redress for the internment of Japanese-Americans during World War II was an abiding concern for both of us. It was a difficult issue and SPARKY never gave up. I am very glad that he was able to see the bill become law and the payment mechanism put in place last year.

SPARK MATSUNAGA was a man of principle and high purpose. The people of Hawaii have lost a fine Senator and we have lost a good friend. Addie joins me in extending our most sincere sympathy to Helene and the family.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from Hawaii [Mr. AKAKA] for reserving this time to pay tribute to our former colleague and a great statesman, SPARK MATSUNAGA. With his passing, the State of Hawaii and our Nation lost a dedicated and committed leader.

SPARK MATSUNAGA served the people of Hawaii and our country for over 35 years in the Hawaii Territorial Legislature, the House of Representatives, and Senate. SPARK first responded to our Nation's call as an Army captain in Hawaii's famed 100th Infantry Battalion and the 442d "Go for Broke" Regimental Combat Team. A twice-wounded, highly decorated combat veteran, SPARK graduated from Harvard Law School and returned to Hawaii to begin his distinguished career in public service. In 1954 he was elected to the Hawaii Territorial House of Representatives and served as its Majority leader from 1957 to 1959.

Mr. Speaker, SPARK was first elected to the U.S. House of Representatives in 1962, and served in this body for 14 consecutive years. His accomplishments in the House were many. A specialist in legislative procedures, SPARK was chosen deputy majority whip and served as a key member of the Rules Committee. A book which he wrote about the committee, entitled "Rulemakers of the House," is now required reading in political science courses in 37 colleges and universities across the United States.

In 1976, Hawaii's voters elected SPARK to the U.S. Senate. In the Senate, SPARK was a pioneer in the promotion of renewable energy research and development, an early advocate of United States-Soviet cooperation in space exploration, and a strong proponent of free trade. He was the father of the United States Institute of Peace, and the author of the Civil Liberties Act of 1987, which provided a long overdue apology and redress to Japanese-Americans interned during World War II.

Mr. Speaker, SPARK MATSUNAGA was a gentleman, a statesman, and a friend. Those of us who served in the Congress with SPARK will always remember his warm personality, his determination, and his commitment to his constituency and our Nation. We extend our deepest sympathy to his wife, Helene, his children, and his many friends.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my good friend, the late Senator SPARK MATSUNAGA of Hawaii.

SPARKY was one of my favorite people. I admired him, respected him, and enjoyed working with him. Our Nation has lost an outstanding leader and statesman. My wife, Lou, and I have lost a good friend.

For more than 35 years, SPARKY dedicated himself to serving the people of Hawaii and our Nation. He was a decorated war hero who worked hard to make a better world for us all.

I have never known a more dedicated American, nor a nicer man. I will miss his friendliness and good humor as well as his entertaining stories.

The U.S. Congress will miss SPARKY MATSUNAGA for his intelligence and wise leadership, but we will never forget his good deeds and his fine service to our country.

Mr. ANNUNZIO. Mr. Speaker, I rise to pay tribute to our former colleague, the late Senator SPARK M. MATSUNAGA, whose death on April 15, after a long and distinguished career in public service, is a tremendous loss to the

people of Hawaii and the people of our Nation.

For 12 years, from 1965 through 1976, I had the opportunity to work with SPARKY in the House of Representatives, and he was a man who dedicated his life to public service.

Born in Kukuiula, Kauai, HI, on October 8, 1916, SPARK MATSUNAGA served our country with distinction in the Army during World War II. Wounded in action, he received the Bronze Star, the Purple Heart Medal with oak leaf cluster, the Army Commendation Medal, American Campaign Medal, the Asiatic-Pacific Campaign Medal with one battle star, and the European-African-Middle Eastern Campaign Medal with four battle stars, in recognition of his heroic service. Before he retired from the Army, he rose to the rank of lieutenant colonel.

Graduating from Harvard Law School in 1951, SPARK MATSUNAGA compiled an outstanding record of achievement as a member of the Hawaii Territorial Legislature from 1954 through 1959, and as House majority leader in 1959. He was elected to the 88th Congress in 1962, and he served in the House of Representatives for 14 years before his election to the U.S. Senate in 1976. Elected to three terms in the Senate, he ably served as chairman of the Subcommittee on Taxation and Debt Management of the Senate Finance Committee, as chairman of the Subcommittee on Aging of the Senate Labor and Human Resources Committee, and as the ranking member of the Senate Veterans' Affairs Committee. He was also instrumental in creating the American Peace Institute and in establishing the position of American poet laureate at the Library of Congress.

SPARK MATSUNAGA was a man of peace, and possessed deep compassion, courage, and conviction. He was highly respected by all of us in Congress for his commitment to the causes of humanity, and his legislative abilities were unmatched. He was a statesmen of great principle, and his service was inspirational in shaping our country's future. He will be missed by all of us who had the opportunity to know him and to work with him.

Mrs. Annunzio and I extend our deepest sympathy to the wife, Helene, his five children, and the other members of his family who survive him.

Mr. MILLER of Ohio. Mr. Speaker, our Nation lost a tremendous legislator and leader recently with the death of SPARK MATSUNAGA. I knew him as an able House colleague and a good friend. He was one of the most conscientious Members of this body to have served the people of Hawaii and this Nation.

He dedicated more than 40 years of his life to this Nation—from combat duty in support of freedom to service in government. He was wounded in the war and was highly decorated for heroism under demanding conditions. Following the war, he attended Harvard Law School and then returned to Hawaii to begin a long and distinguished career in government.

He came to the House in 1962 for the first of seven terms. During his tenure with us on the House side, he earned the respect of his colleagues by his mastery of House rules and procedures. He pressed for legislation with a perserverance that was impressive. He could always make his point without making waves. He employed tactics that were graceful and effective. In short, he was a statesman and gentleman. He was a great friend. He will be missed.

I extend to his family my sincerest sympathy and commend my colleague Representative AKAKA for setting aside this time to appropriately remember a man who will not be forgotten—SPARK MATSUNAGA.

Mr. GLICKMAN. Mr. Speaker, Senator SPARK MATSUNAGA'S voice will continue to be heard through the work of the U.S. Institute of Peace, which was established by legislation he authored about 5 years ago. I was the House sponsor of that legislation, and I was proud to work with this devoted public servant. The Institute was founded on the notion that this Nation, which spends hundreds of billions of dollars annually in preparation for war, should do more to educate its leaders in the science of making peace. SPARK MATSUNAGA'S vision was a West Point or Annapolis dedicated to peace.

As the world goes through monumental changes, it is clear that the leaders of both East and West are beginning to realize that we cannot afford the waste and tragedy of war. The cost of war, in terms of lives and economic loss has grown with the sophistication of weapons. So, we are entering a new era, where the skills of keeping peace and learning to live in a world of economic interdependence are paramount.

The U.S. Institute of Peace has begun to fulfill SPARK MATSUNAGA'S vision of teaching the science of peaceful conflict resolution through the numerous programs, publications, and fellowship programs it sponsors. It is following the course of its new president, Ambassador Sam Lewis, former Ambassador to Israel under Presidents Carter and Reagan.

We will all remember the legacy of this Senator, who appears to have been at the forefront of a worldwide movement.

Mr. PICKLE. Mr. Speaker, I join my colleagues today in mourning the passing of our good friend and comrade, Senator SPARK M. MATSUNAGA of Hawaii, who died last Sunday after a long fight against cancer.

SPARK was first elected to the House of Representatives in 1963, the same year I first came to Congress. He served for 14 years in the House, becoming a deputy whip and serving on the Rules Committee. He won election to the Senate in 1977, and immediately gained a seat on the Finance Committee.

Senator MATSUNAGA was steadfast in his legislative interests, especially his advocacy of free trade, the peaceful exploration of space, and justice for Japanese-Americans who had been interned during the Second World War. His successful 9-year effort to pass legislation redressing the unjust internment of Japanese-Americans may have been one of his greatest legislative accomplishments.

SPARK MATSUNAGA was born on the island of Kauai, HI, in 1917. He graduated with honors from the University of Hawaii with a degree in education. Upon the outbreak of World War II, he joined the Army and served with distinction in Italy, earning the Bronze Star Medal and two Purple Hearts. After the war, he graduated from Harvard University law school in 1951 and served as an assistant prosecutor in Honolulu before entering into private practice.

SPARK MATSUNAGA was recognized for his ability and determination in his particular areas of legislative interest. He influenced legislation through his charm and persuasion, and he was deeply loved by his colleagues.

SPARK MATSUNAGA enriched all our lives with his warmth and friendship. His innumerable contributions left this institution and this Nation far richer and better than he found them. He will be remembered and revered for his achievements.

On a personal basis, Mr. Speaker, SPARK MATSUNAGA was elected to the House of Represenatives in the 88th Congress the same year that many of us were elected to this great body. We elected SPARK MATSUNAGA president of the 88th Congress, and he has remained our president ever since, even after he was elected to the Senate.

He was loved by all the Members and his charm and wit and friendliness helped keep us together as a group all these years. The 88th Club has met on or around St. Patrick's Day every year for over 26 years, and I think that is an all-time record for any one congressional class. SPARKY and his wife Helene were our leaders, were our inspiration, and they were the love of all.

Even as services are being held in Hawaii this week, I think Senator MATSUNAGA would like to know that the 88th Club remembers him with great fondness, and we drink a toast to him today. One of our members, Federal Judge William Hungate, has written a toast of the 88th Club, and I quote it to you: "88th, 88th, here's a toast to thee, banner class, the very best, in our history!" Mr. Speaker, SPARK MATSUNAGA was the very best in our history.

Mr. RANGEL. Mr. Speaker, it is with great sadness that I come before you today to honor and pay tribute to one of the most respected and dedicated Members of the U.S. Senate—Senator SPARK MATSUNAGA.

A man who was very much admired by his colleagues not only in the U.S. Senate, but in the House of Representatives as well where he once served. Senator SPARK MATSUNAGA will certainly be missed by all here on the Hill and around the country, who had the pleasure and good fortune to know him.

His life and many accomplishments throughout, are to be celebrated at this time, not mourned. We must remember SPARK as the hard worker and peacemaker that he was. We must remember him for the years of service that he gave to the people of Hawaii and to the Nation. And we must remember him for the friendship that he so willingly gave to all.

To his widow Helene and his family, I know I speak for the entire House of Representatives when I say our thoughts and prayers are with you. May you find comfort and strength during this time of sadness.

Mr. LAGOMARSINO. Mr. Speaker, I want to join my colleagues in paying tribute to Senator SPARK MATSUNAGA with whom I served in the House before his election to the Senate.

Senator MATSUNAGA supported numerous worthwhile causes while serving in the Congress without any direct or indirect political gain to himself. One cause which the Senator

supported was the desire of the people of Puerto Rico for statehood.

In June of 1988, Senator MATSUNAGA cosponsored a forum on Puerto Rico's economic transition to statehood, which was held in the Capitol's Mike Mansfield Room. He was one of the few in the Congress to recognize the efforts of over 350,000 Puerto Ricans who submitted petitions for statehood to Congress. He demonstrated he had not lost touch with the man on the street, even a man from a distant U.S. island territory.

No doubt SPARK MATSUNAGA empathized with the people of Puerto Rico as he had been born in a U.S. territory, lived most of his life without full political rights accorded to other U.S. citizens, understood the difficulty of living on an island with language and cultural characteristics different from the States, and had witnessed firsthand the long arduous and frustrating quest for statehood.

Senator MATSUNAGA was way ahead of the curve in 1988 on the importance of Puerto Rico's relationship to the United States when little attention was given by Congress. Since then, some 20 days of hearings have been held or are scheduled by both Senate and House committees on this very topic. This is a demonstration of Senator MATSUNAGA's foresight and leadership.

It is difficult to determine the impact of one man's action on the future. However, I believe Senator SPARK MATSUNAGA's efforts on behalf of so many people in different ways, will engender immeasurable positive results for generations to come.

Mr. CONTE. Mr. Speaker, let me thank my friend and neighbor in the Rayburn Building, Congressman DANIEL AKAKA, for calling this special order today. I join him and everyone here in mourning the death of our good friend, Senator SPARK MATSUNAGA.

With SPARKY'S passing, Congress lost an accomplished legislator and a gentle human being. Hawaii lost a dedicated public servant and determined advocate. And we all lost a good friend.

SPARKY lived through some of the most significant events of the 20th century, and never lost his humility, his love for his family, and his unmatched gift for friendship.

He was a public servant committed to the well-being of the people of Hawaii, whom he served as a territorial legislator in Hawaii, as a leader in the cause of Hawaiian statehood, and as a gifted representative in Washington for almost 30 years.

He was a scholar, an author and a poet, who established the post of U.S. Poet Laureate 5 years ago.

He was a believer in the potential of technology and progress to make the world better for all its people. He was a thoughtful advocate for clean renewable energy sources like solar energy and wind power as well as for space exploration.

And he was a brave soldier who knew how blessed it is for a country to be at peace.

A decorated war hero; an officer of the famous 100th Infantry Battalion; a wounded veteran of the terrible battle for Monte Cassino, SPARKY came home from the Second World War and devoted his life to the search for peace. Over his years in Congress, he established the U.S. Institute of Peace, supported arms control efforts, proposed cultural and technological U.S.-U.S.S.R. exchanges, and worked for peaceful resolution of conflicts around the globe.

His life, like the lives of Eisenhower and Washington, teaches us once again that those who know war best are the ones who hate it most of all.

We're all familiar with his long and successful fight to pass the redress bill for the Japanese-Americans and Aleuts who were shut into internment camps during the Second World War.

That bill's passage is a monument to SPARKY'S passionate belief that our country must offer justice to all its citizens. It is the proof of his patriotic conviction that, as he said on the Senate floor, "our beloved country is great enough to acknowledge and correct its past mistakes."

I quote from a letter SPARKY received on the occasion of the redress bill's passage: "Your role in the redress movement will be part of the Nisei saga in American history. What a tremendous accomplishment. Thank you, SPARKY, for restoring the pride and dignity of all Niseis, their children, and now other newly immigrant Asians."

The author of that letter speaks not only for the Nisei and their children, not only for Asian-Americans—but for all Americans. In particular, it speaks for the veterans of the Second World War. The shame of the internment camps tarnished the ideals and values SPARKY and I served in that conflict to defend, and on behalf of his fellow veterans I thank him for giving justice to those so unjustly persecuted.

SPARKY, you gave honor to this Congress. You were a voice of kindness and compassion. You dedicated your life to making the words of the prophet Isaiah reality: "Nation shall not lift up sword against nation, neither shall they learn war any more."

It was a privilege to know you, and we miss you very much.

Mr. CRANE. Mr. Speaker, Hawaii and the entire United States suffered a great loss when Senator SPARK MATSUNAGA fell victim to cancer less than 10 days ago.

When we think back to those days he served with us here in the U.S. House of Representatives, we always see the smiling face of our colleague known to everyone as SPARKY. He was a gentleman, but he was also a fighter for what he thought was best for his native State as well as the remainder of the Nation.

The son of immigrants, he graduated with honors from the University of Hawaii with a degree in education.

SPARKY devoted over half of his 73 years to serving his State and the Nation. Climbing to majority leader while a member of the territorial House of Representatives, he was one of those who fought the difficult but successful struggle to bring statehood to the islands he loved. Part of that battle included work on the Hawaii Statehood Delegation to Congress.

He came to Washington in January 1963 as a newly elected Member of the House of Representatives. Hawaii was well served by SPARKY in the House until 1973, when he took his dedication to State and country to the Senate.

Our friend saw the war coming and volunteered for active duty in the Army in July 1941. He was a decorated hero in one of the most highly decorated and famous units in the Army—the Nisei 100th Infantry Battalion of the 442 Regimental Combat Team. Serving in North Africa and Italy as a combat infantryman, he was awarded the Purple Heart with oak leaf cluster for wounds suffered as well as the Bronze Star for bravery. SPARKY was presented a total of five battle stars—four to go with his European-African-Middle Eastern Campaign Medal, and one with his Asiatic-Pacific Campaign Medal.

While he was instrumental in gaining passage of a number of important pieces of legislation in over a quarter of a century as a Member of Congress, he is best remembered, perhaps, for his outstanding efforts in behalf of gaining approval of a law redressing the injustices felt by West Coast Japanese-Americans who were interned in camps during World War II.

Senator SPARK MATSUNAGA will be missed by those of us who served with him and knew him here in Congress as well as by a nation grateful for his magnificent contributions to his country.

Mr. FASCELL. Mr. Speaker, I join our colleagues in paying tribute to SPARK MATSUNAGA. Throughout his distinguished career, he fought for civil rights, education, and the peaceful resolution of conflict. Those of us who served with SPARKY in the House of Representatives, and those who worked with him during his years in the Senate, know that these causes were a reflection of his convictions. It seems appropriate that we are honoring SPARKY just as we have finished celebrating the 20th anniversary of Earth Day since his last vote was for passage of the clean air bill.

He bravely served his country in World War II, even though his country was denying his people the civil liberties guaranteed by the Constitution. As we all know, he made righting this injustice a personal crusade which, through enactment of the Civil Liberties Act of 1987, our Nation has finally corrected.

As our world moves closer to conciliation and away from confrontation, I will remember my good friend, SPARKY, as a man of peace. In memory of his passion for this cause, the U.S. Institute of Peace serves as a testament to his commitment to peaceful resolution of conflicts. Peace was not an opportunistic issue for SPARKY, but, as a veteran of war, he did it so future generations would never see and experience the horrors of war.

SPARKY was a warm and gentle person who was always a welcome sight to his colleagues. How many times, as we walked through the hallways of the Capitol, did we bump into SPARK MATSUNAGA giving his constituents a tour of this building. There are very few people who can be admired by so many for so much, but SPARK MATSUNAGA was one of those people. It is fair to say that Will Rogers and SPARK MATSUNAGA would have enjoyed each others company. Jeanne-Marie and I extend our sympathies to his wife, Helene, and to their children.

Mr. MOAKLEY. Mr. Speaker, I join my colleagues in expressing my deep regret at the

passing of our friend and colleague, SPARK MATSUNAGA.

I got to know SPARK when we served together on the House Rules Committee 15 years ago. He was already an experienced and proven leader, and I was a newcomer to the legislative process. But I knew even then, this was a man of intelligence, dedication, and integrity. From whom I could learn many things.

SPARK had a deep respect for the House as an institution and for the exercise of power. He understood that even though you may have political advantage, it was usually wise, not to push that advantage in order to work for the greater good of the body and the country.

That's not to say that he hesitated to use his knowledge of the House, on rare occasion when it came to the vital interest of his constituents.

In 1974, when a dock workers strike threatened to disrupt the transportation Hawaii depends upon for survival, SPARK persuaded the Rules Committee to pry a compulsory arbitration bill from the legislative committee and bring it to the floor for a winning vote. He did this despite the fact the leadership of the House was opposed to his effort.

He actually discusses this balance between the committee's own goals and the responsibility it holds to the leadership in a book he wrote, "Rulemakers of the House." The book describes the day to day operations of the committee and the interaction of opposing views. It was a real labor of love for him.

Mr. Speaker, SPARK MATSUNAGA was a valued contributor to the important and complex work of the Rules Committee. Those of us who served with him will remember him for many reasons.

He was a man of great intellect, and yet a man of great humility. He was dedicated to his ideals and devoted to ensuring justice. But perhaps most importantly, he was a man of great courage who provided an example of public service for others to follow.

I want to thank my colleague for taking this time to pay tribute to a trusted friend. I am saddened by his passing and extend my heartfelt condolences to his family on this loss.

Mr. MAZZOLI. Mr. Speaker, I rise today to honor a former colleague in the House and distinguished Senator from Hawaii, SPARK MATSUNAGA.

I had the opportunity to serve in the House with SPARK from 1971 to 1976. He was always a cheerful and personable fellow.

SPARK MATSUNAGA may have had the distinction of being the only public official to have served in a territorial legislature and in the U.S. House and Senate representing his State. At any level of government, I feel SPARK distinguished himself for his tireless efforts while serving Hawaii and the Nation.

After a decorated career in the Army and after graduating from Harvard Law School, SPARK dedicated over 40 years of his life to public service. During this time, SPARK was a visionary and peacemaker. As a champion of Japanese-Americans, Senator MATSUNAGA pushed for measures to provide redress for Japanese-Americans interned in the United States during World War II.

Mr. Speaker, SPARK MATSUNAGA possessed many talents which made him an outstanding representative, statesman, poet and friend. I extend my sympathies to his wife, Helene, and his five children. SPARK will be deeply missed.

Mr. QUILLEN. Mr. Speaker, when I was first elected to serve in the 88th Congress, I met a newly elected Member whose district is about as far from mine geographically as it is possible to be. His name was SPARKY MATSUNAGA.

Even though we were members of different political parties, I found that he was friendly, knowledgeable and hard-working. When he hade a commitment, he was true to his word.

In the 89th Congress I became a member of the House Rules Committee, and 2 years later in the 90th Congress SPARKY was selected as a member of the same committee.

Back in those days, the Rules Committee met with the members seated around a long table. There was a lot of give and take because the members of the other party were always about 3 feet away on the other side of the table. SPARKY was a great addition to the committee, and I came to appreciate even more what a fine human being he was. We were quite frequently on opposite sides of the issue, but always remained friends, even after some very tough legislative battles.

During those years, when the Rules Committee had its annual Christmas party, members of the committee provided produce from their home States for the occasion. SPARKY always provided fresh pineapple and macadamia nuts, an unusual treat for the rest of us.

He was president of our 88th club, and I think in part because of him, those of us who were first elected in the 88th Congress have maintained an unusually strong group identity.

Mr. Speaker. I join my colleagues in expressing sympathy to SPARKY'S wife, Helene, and their children. SPARKY'S death is a great loss to his family, to his State, and to his Nation.

IN TRIBUTE TO SPARK MATSUNAGA

The SPEAKER pro tempore (Mr. MCCURDY). Under a previous order of the House, the gentleman from Ohio [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, our Nation lost a tremendous legislator and leader recently with the death of SPARK MATSUNAGA. I knew him as an able House colleague and a good friend. He was one of the most conscientious Members of this body to have served the people of Hawaii and this Nation.

He dedicated more than 40 years of his life to this Nation—from combat duty in support of freedom to service in Government. He was wounded in the war and was highly decorated for heroism under demanding conditions. Following the war, he attended Harvard Law School and then returned to Hawaii to begin a long and distinguished career in government.

He came to the House in 1962 for the first of seven terms. During his tenure with us on the House side, he earned the respect of his colleagues by his mastery of House rules and procedures. He pressed for legislation with a perseverance that was impressive. He could always make his point without making waves. He employed tactics that were graceful and effective. In short, he was a statesman and gentleman. He was a great friend. He will be missed.

I extend to his family my sincerest sympathy and commend my colleague Representative AKAKA for setting aside this time to appropriately remember a man who will not be forgotten—SPARK MATSUNAGA.

TRIBUTE TO THE LATE HONORABLE SPARK MATSUNAGA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. BLAZ] is recognized for 5 minutes.

Mr. BLAZ. Mr. Speaker, I too come to the floor of the House moved by the passing of a distinguished Member of the Congress and a very dear friend of mine.

A few days ago I paid tribute to him in downtown Honolulu, and I am in doubt as to whether I have the words or wisdom to adequately express, Mr. Speaker, the sentiment I have for SPARK MATSUNAGA. I did not know him before I came to the House. But when I came 6 years ago he was already in the Senate, and he immediately embraced me as a friend, being both sons of the Pacific.

Mr. Speaker, I recall so many good things about him, but I think the one that I remember the most was in our mutual battle for the recognition of the Japanese-Americans who were incarcerated during World War II. I remember the arguments, and I remember saying on this floor that the distinction between the guards regarding BOB MATSUI and NORM MINETA and the guards that were guarding me during the occupation of my own territory was that the guards guarding them were Americans and the guards guarding me were Japanese. SPARK told me later on that he felt that was a very good way of stating the problem and he was grateful.

I do not know that I can say much more than to say that each one of us has a hero in life and someone we emulate. When I was in the military my hero was Dwight Eisenhower, Later on here in Congress my heroes were DANIEL INOUYE and SPARKY MATSUNAGA who has now left us.

Mr. Speaker, I come here to say these words, maybe paling by comparison to the good words that have been said by others, but it is something I had to say and I want to say with all my heart and to his family, thank you very much for being my friend,

SPARKY, and thank you for inspiring me to go on and do the things that I know you stand for and we in the Pacific all stand for.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. PASHAYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMEMORATING THE 75TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PASHAYAN] is recognized for 60 minutes.

Mr. PASAHAYAN. Mr. Speaker, today marks the 75th anniversary of the Armenian genocide. I am happy to note that the United States has reaffirmed its proud record in support of the Armenian people. President Bush recently issued a statement squarely referencing the Ottoman government's attempt to commit genocide against the Armenian people, its own population, from 1915 to 1923.

In February the Senate held 4 days of debate on whether to commemorate the genocide, Senate Joint Resolution 212 introduced by Senator DOLE of Kansas. While a filibuster stopped any vote on the merits of the resolution, the debate conclusively refuted all those who would deny that the genocide ever occurred.

In addition, from Massachusetts to Oklahoma, California, Connecticut, and Tennessee, State and local governments all across America proclaimed this day as a day of remembrance on the 75th anniversary of the Armenian genocide. The Armenian Assembly of America and the Armenian National Committee, two Armenian-American organizations that have worked hard to achieve America's affirmation of the facts, issued statements in response to the President's declaration. They are as follows:

ARMENIAN ASSEMBLY OF AMERICA,
Washington, DC, April 23, 1990.

President GEORGE BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Your statement on the occasion of the 75th Anniversary of the Armenian Genocide serves as a clear and welcome rejection of the Republic of Turkey's global campaign of denial. By remembering this crime against humanity, you give meaning to your call for "all peoples to work to prevent future acts of inhumanity against mankind."

We regret, however, that your statement avoided a direct reference to the word genocide. Our views on that matter are well known and need no elaboration here. But we take heart that you affirmed comments you made during the election campaign in which you characterized the intentional destruction of the Armenian people as genocide. We welcome your statement that these represent "the depth of my feeling for the Armenian people and the sufferings they have endured."

We are aware of the extreme pressures generated from Ankara on this matter. We applaud Senator Dole's leadership in illuminating the facts of the Armenian Genocide during the Senate debate on SR 212, and your wish to join in observing April 24, 1990, "as a day of remembrance for the more than one million Armenian people who were victims.

We ask that you urge Turkey to seize this moment to put its denial efforts to rest. Just two days ago, East Germany finally apologized to the Jewish people for the crimes committed by Hitler. And in Moscow, the Soviet Union acknowledged the Katyn Forest Massacres. Ankara can hardly do less. Turkey must come to terms with its past by recognizing the genocide committed by the Ottoman Empire against the Armenian people.

Sincerely,

HIRAIR HOVNANIAN,
Chairman, Board of Trustees.

[Press release of the Armenian National Committee of America, Apr. 21, 1990]

BUSH STATEMENT ON THE 75TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

WASHINGTON, DC.—Last night, while on a visit in Orlando, Florida, President George Bush issued a statement on the 75th anniversary of "the massacres" of Armenians and expressed his personal wish "to join with Armenians and all peoples in observing April 24, 1990 as a day of remembrance for more than a million Armenian people who were victims." He then called "upon all peoples to work to prevent future acts of inhumanity against mankind."

Avoiding the word genocide, the President described it as "the terrible massacres suffered [by Armenians] in 1915–1923 at the hands of the rulers of the Ottoman Empire" and depicted those massacred as "the victims of this crime against humanity." However, he made clear reference to his campaign statement by saying that "my comments of June 1988 represent the depth of my feeling for the Armenian people and the sufferings they have endured," thus indirectly reiterating his earlier recognition of the Armenian Genocide.

"The President's statement is a deeply-felt personal expression of sympathy addressed to the Armenian community worldwide on the day of remembrance for the victims of the Armenian Genocide," stated ANCA Executive Director Seto Boyadjian. "The Presidents sincere words come in defiance of Turkish pressures to prevent official observance by the U.S. government of the 75th Anniversary of the Armenian Genocide," he said.

"While Armenian-Americans regret that the President could not make an explicit declaration in this regard by directly characterizing the genocidal nature of the 'terrible masacres' of 1915–1923, yet we recognize that he has in fact identified these massacres as a 'crime against humanity' by stating the magnitude of the crime and identifying the authors as the rulers of the Ottoman Empire, and by reiterating his position on the basis of his 1988 statement affirming his stand on the Armenian Genocide," added Boyadjian.

Along with the tragedy of the genocide, President Bush also mentioned the tragedy that befell upon Armenians by the earthquake of 1988 in Soviet Armenia. In this regard, Boyadjian stated, "Needless to say, Armenian-Americans remember with gratitude the President's personal involvement in support of the recovery efforts for the earthquake and appreciate his continuing commitment to the people of Soviet Armenia in their effort to maintain the integrity and the economic stability of the homeland."

In his statement, President Bush also paid tribute to the "special, enduring relationship" which the United States has had with the Armenian people and said that the more than one-million Armenian-American community continues "to make significant contributions to the betterment of our country."

STATEMENT BY THE PRESIDENT, APRIL 20, 1990

Throughout this century, the United States has had a special, enduring relationship with the Armenian people.

Armenians around the world share with their friends in the United States a love of freedom, and as proud people they have a strong commitment to the preservation of their heritage and culture.

Their history, though marked by a number of tragedies, nonetheless reflects their faith and the strength and resilience of their tradition. Those tragedies include the Earthquake of 1988 and, most prominently, the terrible massacres suffered in 1915–1923 at the hands of the rulers of the Ottoman Empire.

The United States responded to the victims of this crime against humanity by leading international diplomatic and private relief efforts.

The Armenian-American community now numbers nearly one million people. Those who emigrated to the United States, and their descendants, continue to make significant contributions to the betterment of our country in many fields of endeavor.

On this seventy-fifth anniversary of the massacres, I wish to join with Armenians and all peoples in observing April 24, 1990 as a day of remembrance for the more than a million Armenian people who were victims. I call upon all peoples to work to prevent future acts of inhumanity against mankind, and my comments of June 1988 represent the depth of my feeling for the Armenian people and the sufferings they have endured.

In December 1988, an earthquake devastated Armenia and the United States responded and continues to respond to the overwhelming humanitarian needs of the victims. Before and after the earthquake, the Armenian people of Nagorno-Karabakh became the first in the Soviet Union to voice and the need for self-determination. The Soviet Union and Azerbaijan reacted with unconscionable brutality, including a devastating blockade. The United States has stood firm in supporting the Armenian people and democracy.

But today we commerate those massacred and driven from their ancestral

homeland from 1915 to 1923. The evidence of this genocide is overwhelming in its scope and depth. We have recently learned that the U.S. Archives contains approximately 30,000 pages of documents detailing the bone-chilling history of who the Ottoman government targeted for killing, and when, where and how the Government killed them.

The time has now come for the Republic of Turkey to face its own history and to account for it. Its uncivilized refusal to acknowledge the Armenian genocide and its attempt to deny the genocide only perpetuates the Ottoman's crime against humanity.

Therefore, I take this occasion as an opportunity to challenge the Republic of Turkey to join the rest of the world and live up to its past.

□ 1700

From the United Nations Human Rights Commission to the European Parliament, from cities to States, from platforms to classrooms, government and social entities acknowledge that the history of the Ottoman government includes the Armenian genocide, not just a massacre or a killing, but of genocide.

Recently the Government of East Germany, Mr. Speaker, issued a formal apology for the Holocaust in Nazi Germany, although the East German Government was not responsible for causing the Holocaust. East Germany is the greater, not the lesser, for her apology as the Republic of Turkey would be if she should take the same civilized step.

President Bush has proved that Turkey's campaign of denial persuades no one, and I hold all confidence that the future will only bring additional rejection of Turkey's sad attempts to revise history.

Mr. Speaker, I yield to a colleague, a good friend of the Armenian community in the United States, the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. I thank the gentleman.

Mr. Speaker, I wish to commend the gentleman from California [Mr. PASHAYAN] for his leadership in taking this time to commemorate the 75th anniversary of the Armenian genocide.

Mr. Speaker, each year we come here like clockwork to talk about the attempted extermination of an entire race of people. We brush off our historical facts and figures and make the same request. We urge the Congress of the United States to recognize the systematic murder of 1.5 million Armenians by the Ottoman empire between 1915 and 1923. Like clockwork, the result is always the same and it is always tragically unacceptable.

No one in this body condones murder. No one in this body disputes the fact that hundreds of thousands of innocent Armenians died cruel and, in many cases, bloody deaths. But some House Members and Members in the other body have required us, year after year, to debate the historical accuracy of calling what happened from 1915 to 1923 genocide. I am as dismayed to hear someone say the Armenian genocide did not happen as I would be if someone challenged the facts of the Holocaust in which 6 million Jews perished at the hands of the Nazis.

Seventy-five years ago the genocide began and 75 years later neither the House nor the Senate has recognized April 24 as a day of remembrance for the victims of the Armenian genocide. There was a debate in the Senate 2 months ago that ended in the defeat of a resolution sponsored by Republican Leader BOB DOLE. Senator DOLE, during this eloquent and passionate defense of the resolution, called the vote "a triumph of politics over morality."

Harut Sassounian, the editor and publisher of the California Courier, one of the finest English-language Armenian newspapers in the country, dedicated several of his columns to the Senate debate, writing:

> Talaat, the mastermind of the Genocide, had predicted that 50 years after 1915, no one would remember the Armenian question. Talaat must be turning now in his grave, because not 50, but 75 years after the Genocide, the U.S. Senate spent 15 hours over a three-day period discussing his crimes.

Now that the German Government has recognized the Jewish genocide and the Soviet Union has recognized the extermination of millions who disagreed with the Government under Stalin, it is time for Turkey to recognize the genocide of the Armenians under the Ottoman empire.

I'm not surprised with what has happened in the House on countless occasions regarding this issue and I'm not surprised with what happened in the Senate in February of this year. I'm disappointed. Politics is sometimes blind to what is right.

The Los Angeles Times, in reporting on the Senate debate, noted that support for the genocide resolution began to erode amid pressure from Turkish political and business interests.

Mr. Speaker, that influence exercised by Turkey was costly. Mr. Sassounian reports that Turkey hired four public relations firms at a cost of up to $3 million to lobby on Capitol Hill.

Mr. Speaker, it is now time for the House of Representatives to recognize an established historical fact and adopt House Joint Resolution 417, designating April 24 as National Day of Remembrance of the 75th Anniversary of the Armenian Genocide of 1915–1923.

Mr. PASHAYAN. Mr. Speaker, would the gentleman agree that in that resolution and any number of resolutions there has been no attempt to implicate the present Republic of Germany in terms of its being the cause.

Mr. MOORHEAD. No. And there is no, absolutely no intention to place the blame on the present Government of Turkey. We are now in a republic in Turkey. At that time they were under a huge empire that spanned the areas of countries today.

I think that if we follow the pattern that we have, Adolph Hitler may be right when he said at the start of the Holocaust, when he started putting people in camps and was told he would never get by with it, he said, "Who remembers the Armenians?"

We are remembering the Armenians and their genocide.

But it is time that all people recognize what history has shown us, that this really happened and that we get on with it.

We want to be friends with every country around the world. We do not want this to divide the world, but at the same time it is so important that history be recognized and not become a fable to so many people.

Mr. PASHAYAN. I should like to thank the gentleman for his remarks, and again to say that he has been a staunch friend of the Armenian community in the United States. And really, the Armenian people from all over the world would join in thanking the gentleman for taking his precious time to be here today.

Mr. Speaker, I should like to yield to my good friend and colleague and neighboring Member, the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I thank and commend my colleague and friend, the gentleman from California [Mr. PASHAYAN] for organizing this special order today.

Mr. Speaker, I rise along with the gentleman and others to recognize the 75th anniversary of the Armenian genocide.

Unfortunately, what should be a simple reverent commemoration has become an item of political controversy.

As we commemorate the period from 1915 to 1923 during which history records the tragic loss of two of every three Armenians then living in their homeland, I would like us to reflect upon a statement made in 1918 by Henry Morganthau, the United States Ambassador to the Ottoman Empire. He said:

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me they made no particular attempt to conceal the fact. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignifi-

cant when compared to the suffering of the Armenian race in 1915.

That was no revisionist historian, that was no Armenian speaking, that was the United States official representative on the scene in Turkey at the time.

Mr. Speaker, to not recognize the Armenian genocide is to ignore history. The historical record is clear and irrefutable. It is our moral responsibility to acknowledge it.

Winston Churchill and Arnold Toynbee recognized it as, indeed, Ataturk, the founder of Turkey, the first leader of that state, recognized the atrocities and said the Turkish people ought to own up and face it.

Indeed it was a Polish Jew who first used the word genocide in 1939 to describe what had happened to the Armenians.

No, to officially recognize one of the most atrocious crimes against mankind runs counter to our American values and damages our moral credibility.

The genocide was officially recognized by the U.S. Government in the past. Prior to 1983 this was not an issue at all. The State Department did not refute the fact, the Congress routinely passed resolutions and Presidents frequently signed proclamations commemorating the event. The U.S. Holocaust Commission has recognized the genocide.

□ 1710

However, in 1983, our State Department stepped out and proclaimed a new U.S. position on the genocide: It did not occur. The State Department and the administration decided to bow to Turkish pressure and endorse a policy rooted in expediency and lies. The State Department succumbed to pressure put on it by Turkish Government, pressure that amounted to blackmail. The Turkish Government threatened to undermine our importance alliance; a threat we know would never be backed up by actions, for our alliance with Turkey is as much in their interest as it is in ours. Nothing in the resolution, as my colleague just pointed out, casts any aspersions on modern Turkey, or anyone living in Turkey today, or on the Turkish Government.

Unfortunately, the current administration has continued this ill-conceived policy, disregarding a campaign promise pledging to support a resolution recognizing the Armenian genocide.

I also wish to commend Senator DOLE and his supporters in the Senate for their leadership in the past year and in their valiant efforts to reverse this policy and gain recognition of this event. I would like to add a word about our commemorative resolution. Although we lost our battle this time, we have not lost our fight to have the resolution enacted into law. This issue will be alive in every Congress until the truth prevails. Therefore, as we gather here today to commemorate the Armenian genocide in which 1,500,000 human beings whose only crime was being Armenians, were brutally murdered during the years 1915 to 1923, we comfort the survivors, and we keep alive the memories of those who were murdered, and try to gain insights and learn lessons from this experience so that a similar episode may never be repeated again.

The East Germans have owned up to their past in a commendable fashion. Turkey should do the same.

Mr. PASHAYAN. Mr. Speaker, the gentleman made reference, as the last speaker did, to the commemorative resolution. Once again, let me ask the gentleman, in light of the fact that the commemorative resolution specifically excludes the Republic of Turkey from any reference to the events of the genocide, the resolution specifically saying that the events of the genocide occurred prior to the establishment of the Republic of Turkey, would the gentleman care to expostulate on his own feelings about how obviously uncivilized it is for the Republic of Turkey to wage a horrendous expensive lobbying campaign against a commemorative resolution, and go beyond that, and share with Members his feeling or even speculations as to why the Republic of Turkey is taking that posture?

I yield to the gentleman from California.

Mr. LEHMAN of California. Mr. Speaker, I think Turkey needs to get this issue behind them. We need this as much as the survivors do. They need to come to grips with their past. As long as they fail to recognize what actually happened, the issues will not go away. It is not going to disappear because Turkey fights it every year. Occasionally, and most recently, they were successful.

All that happens is the issue is dramatized that much more, and momemtum continues to build on the other side.

The gentleman is correct, nothing in the resolution either implicitly or explicitly referenced the Turkey state. The Turkey Government at that time was not the Government that we have today. It was subsequently overthrown later on. The Government at the time was fighting on the other side from the United States in the First World War. Today, Turkey is a valued ally of the United States. Nothing in this resolution would harm that relationship, just as nothing in our relationship with Germany today is harmed by Germany owning up to its past.

I do not know what the motivations are on the part of the Turks, or why they labor so hard to deny what is so obviously a historical fact. However, I think ultimately they are harming themselves by so doing, as much as they are harming history.

Mr. PASHAYAN. Mr. Speaker, I thank the gentleman who has been a long supporter of this issue.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR], my friend and colleague on the Committee on Rules.

Mr. BONIOR. Mr. Speaker, the following is a speech I delivered in Michigan last weekend to commemorate the 75th anniversary of the Armenian genocide:

It is a great honor to be here with you. Today, we are gathered to commemorate the 75th anniversary of the Armenian genocide—a horror that took the lives of 1½ million people.

For too long, the world has closed its eyes and tried to pretend the Armenian genocide never happened.

But, we must not let the world forget. Generation after generation, the Armenian people have struggled to keep the memory alive. You have reminded people in every land of the history of man's inhumanity to man.

The historical evidence of the Armenian genocide is overwhelming. American Ambassador Henry Morgenthau wrote:

"When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they make no particular attempt to conceal the fact."

British historian Arnold Toynbee adds:

"The atrociousness of the two great twentieth century wars was aggravated by genocide. In the First World War, the Turks committed genocide against the Armenians; in the Second World War, the Germans committed genocide against the Jews."

The individual accounts of suffering and agony are far too numerous to ever fully chronicle. I'm sure everyone of you in this room has some special story to tell. Perhaps like the story of Mary and Armen Derdarian, a couple from Pennsylvania. Mary Derdarian was a 9-month old baby when her entire family was massacred. She wrote of the grief she has felt all her life. "I don't know what mother's love is because I didn't feel it. The Turks deprived me of it." Mary survived because her only remaining aunt found her in the rubble of her home.

Mary's husband, Armen Derderian, also lost his father. His father was deported from his house and killed with Armen's aunts and uncles. After being taken in by a Turkish neighbor for a year, his mother and two siblings were forced to flee across the Syrian desert to Aleppo. He writes, "I am 82 years old and I have stories in me that if I tell, would give you goose bumps."

We must not let those horrible truths be disguised or forgotten—and we must never, never let them be repeated. That's why I was proud to introduce the Armenian genocide resolution in the House of Representatives.

President Bush gave his commitment during the last election to support the genocide resolution. Unfortunately, the administration has not carried through on this pledge and Senator Dole did not have the support he needed to pass the resolution in the Senate. This impasse has filled me with very deep regret. But, that is why this gathering here tonight is so important.

In gathering here tonight and in countless similar events around the world, people of conscience acknowledge the genocide, we mourn the victims, and we renew our cry—never again.

We must never stop our efforts to get the United States Government to acknowledge the Armenian genocide.

But as long as people gather in events such as this one, we will not forget those. Those who would like to cover up the Armenian genocide have not succeeded, and they never will.

□ 1720

Mr. PASHAYAN. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for taking time to come to the floor. I have a question for the gentleman.

Let us suppose that 1 day the Republic of Turkey, in a fashion similar to what was just achieved by the Government of East Germany, issues a formal apology for the conduct of the prior Government under a different constitution for its conceiving and executing the Armenian genocide. Would the gentleman care to speculate on what he would suppose the standing of the Republic of Turkey would then be in the international community?

Mr. BONIOR. Obviously, it would impose immeasurably. It is difficult to admit mistakes. It is particularly difficult for nations to stand up and admit mistakes of horror. But when they do, I think there is a general feeling and a willingness to move on, on the part of the rest of the world community.

I would also say that there is a cleansing effect that enables citizens of a nation, whether they be the Russians, the citizens of Soviet Russia, or East Germans, to be able to move on. As long as they deny historically what has been chronicled, they will be besieged by the nightmare that they have not come to grips with the reality of who they are and where they want to go.

I would also add, I say to my colleague, that as we in the Congress debate the changing world, as reflected by the peace revolution of 1989, not one person will be unmindful of the fact that we have indeed been providing large sums of money, dollars to the Republic of Turkey, and that we have four or five major military installations in that Republic which may in fact not be needed.

I would also say to my friend that there are those of us here who have not been as engaged as we perhaps should have been on the issue of Cyprus, and if the present Government of Turkey wishes to continue this, what I consider to be an unfortunate attack on a historical reality, they can expect to encounter increased opposition from this body and the other body on more important and fundamental question relevant to their present political reality.

Mr. PASHAYAN. Mr. Speaker, as I mentioned in my remarks and as I am sure the gentleman himself knows, I believe it is correct to say that the European Parliament has said that until the Republic of Turkey shall acknowledge the Armenian genocide, it will not even be considered to be let into the European Economic Community, something it has applied for.

Mr. BONIOR. That is correct, Mr. Speaker. And I think that should give them pause also to reflect upon the lack of wisdom with which they have pursued this unfortunate policy.

Mr. PASHAYAN. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, another colleague, a new Member, the gentleman from California [Mr. CONDIT], has joined us. The gentleman from California is a Member who is well known for his support on this particular issue. His district is very near to my district, and as a matter of fact they do touch one another.

Mr. Speaker, I yield to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, in the Central Valley of California and across this great country lies an Armenian-American population that is waiting for this Congress and the President to recognize a fundamental fact of history.

One and a half million Armenians suffered a genocide at the hands of the Ottoman Turkish Government from 1915 to 1923, yet the Turkish Government of today says that genocide never happened.

I have people in my district who personally witnessed this slaughter of friends and family members. Many others escaped death themselves and were forced to flee from their country.

But their tragedy didn't end there.

Not only did these people have to live with the loss of their loved ones, but with the fact that the Turkish Government to this day denies this slaughter ever took place.

This resolution does not ask for reparations and it does not ask for the return of lands taken during this massacre. It simply asks for one thing: Recognition of the massacre and a day in commemoration.

I urge this Congress to take action on House Joint Resolution 417. This resolution recognizes April 24 as a National Day of Remembrance of the anniversary of the Armenian genocide of 1915 to 1923. It is important that we once and for all set the record straight.

Mr. PASHAYAN. Mr. Speaker, I appreciate the remarks of the gentleman from California, and I thank him very much for taking his time to come here to comment on this issue. Does the gentleman wish to expound on any kind of a theory as to why the Republic of Turkey is so dogmatic in not only owning up to what the prior government did, but, in fact, spending as much as perhaps $1½ million, as I understand it, when the issue was recently in the other body led by Senator DOLE from Kansas, in lobbying against it and positively denying that the genocide ever took place? Would the gentleman care to expound on why they indulged in this erratic and uncivilized behavior?

Mr. CONDIT. Mr. Speaker, as to why they did it, that is a big question, I say to my colleague, and it is a dangerous subject on which to speculate. I am confused as to why they do not make a simple recognition of this event. It is fact. It happened, and sometimes the truth cleanses us. Confession is good for the soul.

I believe if they saw the truth and spoke the truth and confessed the truth, we would all feel better. I am absolutely confused as to why they will not do that. I believe that we would all have a higher regard for the Turkish Government if they would do so.

Mr. PASHAYAN. Mr. Speaker, the gentleman is accustomed to dealing with logicalities rather than the reverse. I can appreciate why the gentleman says he is confused.

I suppose we might conclude by saying that it was Shakespeare who said that "Perhaps they protesteth too much," and perhaps when the Republic of Turkey spends something like $1½ million hiring professional lobbyists to carry on a campaign against a commemorative resolution which has no legislative effect, maybe they do protest too much. That is kind of a backward admission, but I would ask the gentleman, that is not the kind of admission we are looking for, is it?

Mr. CONDIT. No; it is not.

Mr. PASHAYAN. Mr. Speaker, I thank the gentleman.

Mr. FAZIO. Mr. Speaker, I rise today to join my colleagues in commemoration of the 75th anniversary of the Armenian genocide. We commemorate this crime against humanity to understand the event, and thereby preclude its repetition against anyone anywhere in the world.

In the latter half of the 19th century, the Ottoman Turkish Government began a policy of persecution against its Armenian population. The persecution was brutal and ferocious. It resulted in many deaths of Armenians in 1894–96, and in 1909. The pattern of persecution and destruction culminated in the great massacre of 1915–23. At least 1.5 million Armenian men, women, and children perished in the holocaust. Those who survived became homeless refugees, whose descendants, with their painful memories, can be found in numerous countries today.

As Armenians recovered from the shock of their near annihilation and deportation from their homeland, they found themselves largely forgotten. In time, however, the spirit of the Armenian people revived. April 24 has

become a rallying point, a day of commemoration for the victims and a day of renewal for their survivors and descendants. And those who had not been touched by this tragedy first hand began to join and participate in the commemorative events of April 24.

So our participation in these commemoration events today is a form of celebration, a celebration of the spirit and renewal of the Armenian people, as well as a renewal of our commitment to fundamental human rights.

We commemorate Armenian Martyrs' Day to remember and recognize the suffering and pain that the Armenian world community has endured. Let us commit ourselves today to a future course that prevents us from ever permitting the occurrence of such horror ever again anywhere in the world.

Commemorating those innocent victims who died is in the great American tradition. So I welcome this chance to join with my colleagues in paying tribute to the Armenian martyrs. In paying such tribute, we remind ourselves that the rights of minorities, no matter where they may be, must always be maintained.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in commemoration of the 75th anniversary of Armenian Martyr's Day.

In recent months we have witnessed extraordinary events taking place throughout the world.

East Germany has joined West Germany in apologizing to the Jews of the world for the atrocities committed against them during World War II.

The Soviet Union has admitted and accepted responsibility for the Katyn Forest Massacre where 50 years ago the best and the brightest officers of the Polish Army and the intellectual leaders of Poland were brutally murdered.

By their actions, the East Germans and the Soviets have gained new stature and respect in the eyes of the free nations of the world.

I urge the present government in Turkey to follow their inspiring example and acknowledge responsibility for the genocide 75 years ago of two out of every three Armenians living in the Ottoman Empire at that time. By so doing, they can permit the healing process to begin, and at the same time, gain the respect and admiration of the free world.

Mr. Speaker, as we recall and mourn the loss of the Armenian martyrs earlier in this century, so, too, should we now pledge ourselves never to forget those innocent martyrs and to continue to fight against violence and destruction so that humanity may survive in a world where genocide can never reoccur.

Mr. HERTEL. Mr. Speaker, today we commemorate a very special—and very sad—date in the history of the Armenian people.

Today we commemorate the 75th anniversary of the Armenian genocide. Between 1915 and 1923, the world witnessed the first attempt at systematic destruction of an entire people this century. Some 1.5 million Armenians died as a direct consequence of the international and deliberate actions of the Ottoman Empire.

Much debate has been generated over these events, the causes, and who is to blame. In fact, we need only to remember the Armenians who were victims of the massacres. Almost every Armenian-American can tell of brothers, sisters, parents, grandparents, aunts, uncles, or other relatives that fell victim to the outrageous events that occurred 75 years ago. Whatever the origins, whatever the causes, we can and must remember the victims. By doing so, we can and will help focus world attention on the need to recognize what happened, and we can thus help prevent genocide from ever happening again.

Mr. Speaker, today we remember the 75th anniversary of the beginning of Armenian genocide. We also today resolve to remember the victims, the survivors, and to commit ourselves to remembering this event in history and preventing it from ever happening again.

Mr. LAUGHLIN. Mr. Speaker, I want to show my appreciation for the wisdom that the Members of Congress have demonstrated in not passing the Armenian Genocide resolution. Genocide is the most highly charged indictment that can be made against a country. However, if the term is to retain its meaning, it must not be applied to the events of 1915 in the Ottoman Empire, no matter how tragic they were for the victims.

No one denies that a civil war within a global war, intercommunal hostilities, famine, epidemics and banditry took a heavy toll on all sides. The Armenians suffered and the Turkish people did as well. However, no matter how painful this was, historians tell us there is insufficient evidence to apply the term genocide. Tragedy, suffering, loss of life and genocide are not synonymous. Until further research is done by bonafide scholars, the allegation that there was a systematic, state-directed program of the Ottoman Empire's Government to exterminate the Armenian people is not sustainable. Certainly, it is not one that this political body is in a position to validate.

I join my colleagues in the conviction that we must not unwittingly allow our compassion for the descendants of Armenian victims to cause us to convict unfairly the forebearers of our own Turkish-American citizens.

Mr. WAXMAN. Mr. Speaker, I join my colleagues today in rising to commemorate the Armenians who perished in this century's first genocide. Many of my Armenian constituents and friends have told me of loved ones taken from them by the genocide. Many are still tormented by memories of the death marches of 1915. I know how important this tribute is to them and to the memory of all those who lost their lives in the slaughter.

This single day each year serves also as an expression of our commitment to historical truths and to the universal principles of human rights. The line from Armenia to Auschwiz is a direct one. The Holocaust which took the lives of 6 million Jews and millions of other innocent people was inspired by the murder of 1½ million Armenians. Hitler, during an early meeting to map out the extermination of the Jewish people, was asked whether world opinion would not prevent such a plan from being carried out. Hitler laughed. "World opinion! A joke! Who ever cared about the Armenians?"

By holding his special order, we in the House vow that genocide will not go unacknowledged and unmourned. We must always continue to speak of the genocides of this century and resolve never to let our moral outrage diminish so that Hitler's sentiments are never again uttered.

The Armenian people, like the Jewish people, although scattered all over the earth, have remarkably kept their culture, language, and religion intact. I salute their tenacity and spirit.

Mr. GREEN. Mr. Speaker, I join my colleagues in solemnly observing today as "National Day of Remembrance of the Armenian Genocide of 1915–23." I have long been a vocal proponent of the need to commemorate the 1.5 million Armenians who lost their lives in the first genocide of the 20th century. I am also a member of the U.S. Holocaust Memorial Council and, as such, have supported a proposal designating a section of the planned Holocaust museum to the Armenian genocide.

We must not rewrite history by forgetting the 1.5 million Armenian men, women, and children who were massacred earlier this century. The proof and magnitude of the Armenian tragedy was established at the time by the records of this Congress and by our own Ambassador to the Ottoman Empire in 1915. The truth must survive the eyewitnesses.

It was Hitler who cynically asked in 1939, "Who today remembers the Armenian exterminations?"

Fifty years later, it must be we who remember. To do otherwise brings shame to this great democracy. We must remember that many of the Armenian-Americans we represent are themselves survivors of the horrible massacres. Many others are the children of those who witnessed the atrocity. Today we must pause and pay tribute to the memory of those Armenians who senselessly lost their lives in 1915.

In closing, I should like to share with my colleagues the following piece from the New York Times of April 22, 1990, that attempts to describe the horrible wrong which occurred 75 years ago.

[From the New York Times, Apr. 22, 1990]

ARMENIA, REMEMBERED

SOMETHING TERRIBLE HAPPENED IN 1915

(By Karl E. Meyer)

After 50 years, Moscow admits that Stalin ordered the killing of thousands of Polish officers in Katyn. After 40 years, a new Government in East Germany joins West Germany in acknowledging accountability for Hitler's crimes against the Jews. But after 75 years, Turkey insists that charges of mass killings of Armenians are grossly exaggerated by survivors and descendants.

Indeed, Turkish resentment is so vehement that the United States Senate drew back from approving a resolution designating April 24 as a day of remembrance of "the Armenian Genocide of 1915-1923." It is the word "genocide" that most angers Turks, who view it as a slanderous simplication of a confused and tragic episode.

There is justice in the Turkish argument that historians differ on exactly what happened. It's also true that Turkish diplomats have been viciously targeted by Armenian extremists. And one can grant a valid American concern about gratuitously offending a NATO ally.

Nevertheless, something abominable occurred in Anatolia. An Armenian community of a million or more was reduced to negligible numbers. Turkish authorities concede that at least 600,000 Armenians perished in

communal violance or in a forced exodus. Others fled Turkey, bearing memories that still sear a stateless people.

What is lacking in the Turkish response is even a hint of generous contrition for excesses that resulted in so many deaths. Instead, by pouncing on disputed particulars, official Turkish handbooks seem to suggest the Armenian case is mostly a fabrication. This is not the path to reconciliation.

Accidents of World War I brought on the Armenian catastrophe. In 1915, Russia turned back an Ottoman invasion of Transcaucasia and czarist troops soon entered northeastern Turkey. Long-established Armenian communities were located on both sides of the eastern front. Fearing that Christian Armenians would rise in aid of Russia, Ottoman leaders ordered their mass deportation.

Even granting a military justification, the order was carried out ruthlessly. This is borne out by press reports, diplomatic dispatches and accounts of historians, including Arnold Toynbee, who invoked the word "genocide." It is graphically documented in eyewitness descriptions by Leslie Davis, the U.S. Consul in Harput, who visited devastated villages.

To Mr. Davis, whose forgotten reports are reprinted in full in a recent book, "The Slaughterhouse Province," there was no doubt what was happening: it wasn't expulsion but "wholesale massacre."

And it passed from memory, so much so that Hitler remarked to his generals, on Aug. 22, 1939: "Who today remembers the Armenian extermination?" A Niagara of ink has spilled over the authenticity of this quotation. The context is frequently garbled; Hitler was talking about his planned invasion of Poland, not about the Jews. But an account of the speech was secretly transmitted to the British in 1939 by one of those present, Adm. Wilhelm Canaris; this is a matter of record, not a concoction.

What adds to the sorrows of Armenia is that so much of the argument concerns precise numbers, faded documents and whether or not Kemal Ataturk, the creator of the Turkish Republic, in fact deplored the killings in a 1926 press interview. A horrible wrong occurred, and Turkey would stand taller in the world if it ceased blaming the victims.

Mr. FORD of Michigan. Mr. Speaker, once again the Congress is entangled with the State Department over whether to pass a resolution remembering the victims of the Armenian genocide. Ever since we first proposed a day of remembrance for the 1½ million victims, we have been told by our cautious diplomats and even a hesitant White House that such a move would harm our relations with Turkey, a key ally.

This argument will not work as far as I am concerned. We have made it very clear over the years that the systematic genocide of the Armenian people was the cruel work of the Ottoman Empire, which preceded the current state of Turkey.

As for those who would say the massive killings never occurred, it is appropriate to recall the heinous crimes which took place in those torturous years earlier in this century. We should tell them that in 1915, all Armenian members of the Ottoman Army were segregated, disarmed, and worked to death or massacred. We should point out that entire Armenian village populations were murdered. We should demonstrate the exile or murder of Armenian religious, political, and intellectual leaders. Finally, we should remind all of the thousands of deaths resulting from long forced marches and starvation.

This horrendous slaughter did happen, and it is up to us in the democracies of the world to see that this kind of mass murder never happens again. It is extremely important to the thousands of Armenian Americans who have contributed and continue to contribute to the advancement of America that the Armenian genocide victims not be forgotten.

Mr. SCHEUER. Mr. Speaker, I spoke today at a rally to commemorate one of the most tragic events in history: The holocaust of the Armenian people. As with the Holocaust of the Jews in Germany, we must constantly remind the people of the world of these atrocities. Though it may sadden us deeply to dredge up these memories, we must do so, lest these heinous crimes against humanity be forgotten, and heaven forbid, repeated.

Seventy-five years ago, on this day in 1915, the Armenian people were subjected to unspeakable loss, as their spiritual, intellectual, and societal leaders were rounded up and exiled to be executed. In the following years, the Armenian people were persecuted, untold thousand murdered, and their survivors forced into a diaspora that struggles throughout the world to maintain its culture and heritage, far from the true homeland of the Armenian people.

And so, on this day, just as several days ago the Jewish Holocaust Memorial Day, we remember the senseless slaughter of a wealth of humanity and we must renew our pledge to speak out against any atrocity large or small. Whether it be the millions of Ethiopians left to starve to death, or the thousands of Kurds massacred by poison gas, or the burning of a cross on the lawn of a black man, or the visit to the United States of bigoted, anti-semitic Russian nationalists. The identity of the victim or victims is not important, the reaction of the rest of the world is. Silence and apathy are the mortal enemies of freedom.

As a cosponsor of the legislation to commemorate this day of observance, I come before you to say the United States should officially recognize the genocide of the Armenian People as a tragic but very real part of world history.

I would like to salute the Armenian church, Armenian organizations, and the Armenian people for bringing us together here today on this solemn occasion. Our shared grief gives us the strength to fight for what is right and just, so that all peoples may live in freedom, without fearing persecution for who they are or what they believe.

Mr. TORRICELLI. Mr. Speaker, every year at this time we commemorate the genocide of the Armenians. Over the period 1915–23, 1.5 million Armenian men, women, and children were killed in Turkey. Today we recall those who starved to death, were tortured or just executed outright, and we honor those who survived.

On this special anniversary, let us also demand that those who would deny the reality of the genocide be called to account. We all suffer when history is denied, because it makes it that much easier to repeat. If the killings which started out this decade are forgotten or refuted, who will bother to speak up against the massacres of tomorrow? Who will defend the people of Cambodia from the return of the Khmer Rouge, or face down Iraqi President Saddam Hussein and his threats of chemical genocide?

As we remember the past, we must work for today. The December 1988 earthquake which left 25,000 Armenians dead, 100,000 injured and 500,000 homeless. The United States has spent $4.5 million in disaster assistance already, and plans to spend another $5 million. All the relief in the world will do no good, however, so long as the trains which carry them are blockaded. Since the residents of Azerbaijan reinstated the blockade March 26, 186 trains, over 8,000 cars, have been stopped from reaching their destinations. These trains carry food, fuel, and reconstruction material desperately needed by the people of Armenia.

On this 75th anniversary, let us each do our part to remember old wrongs and prevent new ones. Those responsible must recognize their role in the genocide. The Soviet Government should accept that the 76 percent Armenian population of Nagorno-Karabagh must be allowed some autonomy. Each of us individually, should pause to reflect on man's potential for harming others, and renew our resolve to protect the sanctity of life.

Mr. BROOMFIELD. Mr. Speaker, last Saturday I had an opportunity to speak in Birmingham, MI, at the 75th commemoration of the Armenian genocide.

Commemorating the Armenian genocide is certainly important to Armenian Americans, but I believe it is also important for anybody, anywhere who is concerned about man's inhumanity to man.

A direct line runs from Anatolia to Auschwitz. In fact, the mass killings of the modern age got their start when Ottoman Turks decided to rid themselves of what they considered their "Armenian problem."

What followed was one of the most brutal massacres in the history of the world.

Anyone who has read the account of these events by Ambassador Morgenthau can't fail to be revolted by the story of the Armenian massacre.

Women snatched from doing their wash, children taken from their beds, young men nailed to crosses, tortured too terrible for most of us to imagine, death by clubs, hammers, spades and saws, as many as a million-and-a-half people led to their deaths by torture, starvation and exhaustion.

The concentration camps of Hitler had their seeds in Anatolia. The mass murders of the Stalin era and the killing fields of Cambodia—all the great terrors of the 20th century grew out of Anatolia.

That's why it's so difficult to understand the position in Congress to the resolution sponsored by Senator DOLE.

His resolution asked only that America observe the anniversary of the Armenian genocide, that America set aside a national day of remembrance for one of the most brutal events of this century.

Even Turkey's actions over the past few years have violated important principles that

America should be more assertive in defending.

When they invaded the sovereign nation of Cyprus in 1974, they jumped out of planes supplied by America. They chewed up Cypriot soil in American tanks, and killed Cypriots with American rifles and howitzers. All of this equipment was intended solely for defensive purposes.

Yes, we cut them off. But 4 years later, America was once again supplying them with arms.

We did it because Turkey promised us they would withdraw from Cyprus. That was a decade ago. Today their army still illegally occupies Cyprus. They continue to fortify their position, and they are modernizing their forces with equipment supplied by the United States.

Yet America continues to be intimidated by the Turkish lobby. We are told the same things whenever anyone tries to stand up to Turkey. We have been told that the genocide resolution will hurt our relations with Turkey, that we'll lose an important ally.

That doesn't make any sense. If this is a real alliance, it means both partners have real interest in being allies. Alliances cut both ways.

The Dole resolution offered America a good chance to stand up to the Turks. When we buckled under to their lobby, we lost a good chance to stand behind a principle of human rights that we wouldn't hesitate to project in other areas of the world.

Let me give you an example of just how ferocious this lobbying was. The Dole resolution originally had 61 cosponsors. By the time it was brought to the floor there were only 46.

Sixteen of the original cosponsors actually voted against the resolution. Was that because of pressure from a Republican White House? Hardly. Thirteen of the 16 switchers were Democrats.

I don't know how much Turkey spent on lobbying against this resolution, but I like the way BOB DOLE put it. He said the Turks are worried about having to pay reparations to relatives of the Armenian victims. But he pointed out, if Ankara had offered the same amount of money for reparations that it spent on lobbying against the resolution, the whole issue would have been resolved by now.

The Turks were willing to spend all that money because the Dole resolution touched a very sensitive spot in Turkey's history. It's something they'd like the world to forget.

I wonder if it wouldn't be better all around if the Turks just 'fessed up and admitted that these crimes were committed during the Ottoman Empire. Wouldn't it be better if they just opened their files and told the world the truth?

Germany has admitted its role in the Holocaust. It has accepted its responsibility. It has apologized, and it has regained the world's respect for doing so.

The Turks want the world to forget what happened in Anatolia 75 years ago. We can't let that happen.

Armenians who live in the Soviet Union certainly remember what happened. They know that only a thin fabric of civility protects them from the fate that befell their ancestors.

They see the fabric beginning to unravel, and they are worried. And we should be worried too.

For centuries, Armenians have suffered for their religious beliefs—at the hands of those who persecuted them for practicing a different religion, and at the hands of those who persecuted them for practicing any religion at all.

Armenians in the Soviet Union are surrounded by those who don't share their culture; who don't respect their talent for expression in art, music, and literature; and who envy their achievements in commerce.

Soviet Armenians know they might become the losers in a game of power politics that is not of their own making.

They see that Mr. Gorbachev is afraid of the Islamic republics in his empire.

They sense his one reason for coming down on the side of the Azeris—to keep his crumbling empire together.

If a little country here, or a little group of people there gets crushed, who in the Kremlin is going to care?

That's why commemorating the Armenian genocide is so important. It is a form of insurance. It tells the world that some people do care, and that they will not allow the Armenians to be swept away by the tidal wave of history.

One clear way of showing America's concern about the fate of Armenians in today's Soviet Union is to show that America still cares about the fate of the 1½ million Armenians who died at the hands of the Ottoman Turks.

You may remember what Hitler said. On the eve of the Holocaust, he said to his aides: "Who remembers the Armenians?"

It is a good thing to commemorate the lives lost in the great Armenian massacre. It is the best way to ensure it will never happen again.

Mr. MAVROULES. Mr. Speaker, I rise today to express my deepest concern for the oppression that the Armenian people suffered 75 years ago and for the new hardships they are confronted by in the present. As you know, this year marks the 75th anniversary of remembrance for those Armenians who suffered and died at the hands of the Ottoman Empire. Unfortunately, this year's remembrance comes at a time of renewed peril for Armenians living in the Soviet Union. In light of the recent violence against Armenians, it is more important than ever to remember that artocities can, and do, occur when the world chooses to turn a blind eye to realities that are too uncomfortable to confront.

My parents emigrated from southeastern Europe, just as many of yours did. I think because of this I have always had a special affinity for Americans of Armenian descent. I know that one issue of great importance to the American Armenian community is the official recognition of the Armenian genocide that occurred during World War I. As I am sure you would agree, a tradegy of this sort is never restricted to just one people. When war is made upon an entire nationality, it effects everyone: The victims, who suffer all the direct pain, hardship, and loss; the perpetrators, who must live with the guilt and disgrace of their actions; and the entire world community, which is inevitably shaken by the horror that man can bring upon his fellow man.

Unfortunately, many people today would rather forget the grim reality of what happened 75 years ago. The Government of Turkey, to this day, continues to deny events that some of you experienced, many of you remember, and all of us know occurred during that terrible time.

As I am sure many of you know, Senator BOB DOLE has been trying to get a bill through the Senate commemorating the "Armenian Genocide of 1915–1923." Unfortunately substantial opposition to this bill has been waged by the Government of Turkey—now a NATO ally—and by some very influential Senators. In a letter to my Senate colleagues, the Turkish Ambassador to the United States argued that the Ankara government is afraid that passage of this legislation would "inflame nationalist passions and historic grievances and incite further violence." Considering how few Armenians actually remain inside Turkey, I really do not see how or why the Turkish Government would fear renewed nationalist passions on the part of the Armenians there. In my judgment, the real threat to the Turkish Government is open and official recognition that its forebearers were responsible for such heinous and deplorable crimes.

Opposition on the part of some of my Senate colleagues is also difficult to understand. A number of Senators are afraid the resolution would offend Turkey. I do not see this as a legitimate concern. Turkey has been a strong NATO ally for years. I do not foresee the United States relationship with Turkey waning even with the extraordinary changes in Eastern Europe. In relationships such as the United States and Turkey's, there are bound to be disagreements. In the past, our relationship has withstood many such differences of opinion, an excellent example is the Turkish occupation of Cyprus. The 1967 invasion and subsequent occupation of this small, predominantely Greek island certainly offends Greece, also a NATO ally, and the United States, the United States has not backed away from criticizing Turkey for its military occupation of Cyprus even though such criticism upsets Turkish leaders. I see nothing wrong with letting the Government of Turkey know—in an official capacity—that the United States does not approve of what happened 75 years ago. If the Turks are displeased with this resolution, so be it. I do not see the United states relationship with Turkey irreparably damaged over passage of a genocide recognition bill.

I think it would actually be good for the Turkish Government to recognize the events of the Armenian genocide. Recently the East German Parliament recognized that it had indeed played a part in the Jewish Holocaust of World War II. This type of reconciliation with the past is extremely important. While it may be uncomfortable for the guilty country, and unquestionably revives deep, painful feelings, it is part of the healing process that allows both the victims and the perpetrators to finally come to terms with the horrors of the past. In my judgement, it is time, after 75 long years, for the Turkish Government to finally recognize that these atrocities did occur.

Regarding the Armenian genocide resolution specifically, in late February, Senator DOLE was unable to end a filibuster—supported by President Bush—against Senate Joint Resolution 202. This means that the Senate will not vote on this bill in this particular form,

Joint Resolution 202 is effectively dead. However, the Armenian genocide resolution will most likely be reintroduced in the Senate as a concurrent resolution—rather than a joint resolution, a concurrent resolution differs from a joint resolution in that it does not need to be signed into law by the President. Unfortunately, it also does not carry the same weight, the President apparently believes a concurrent resolution expressing the sense of the Senate—rather than a binding law—would be less offensive to the Turkish Government. I am optimistic that the resolution will pass in this form. Senator DOLE was only 12 votes shy of ending the filibuster against his joint resolution. Since President Bush will not oppose a concurrent resolution, I believe enough Senators will support the resolution to ensure its passage.

While passage of the Armenian genocide resolution is certainly a top priority, there are serious problems in Soviet Armenia today that require our immediate attention as well. As I am sure you would agree, Soviet President Mikhal Gorbachev's reforms are, without question, most welcome. However, the rapid, dramatic change catalyzed by perestroika and glasnost has not been without its downside. One of the most destructive consequences of Gorbachev's reforms has been, and continues to be, the escalation of ethnically motivated violence. Tragically, new found freedom has let to increased expression of violence and hatred toward certain minority groups. In Azerbaijan, Armenia, and Karabagh the situation has been most extreme—particularly since 1988. For it was just over 2 years ago that the Nagorno-Karabagh legislation passed a resolution calling for its reunification with Armenia. Since then, the Azeris have incited riots, racist attacks, and even blockades against Armenia and Karabagh. Thousands of Armenians living in Azerbaijan have been forced to resettle outside of Azerbaijan. To be fair, some Soviet Armenians have not been above returning violent acts for violent acts, albeit in the name of self-defense.

Much of the recent tension in Azerbaijan stems from an Azeri group known as the popular front. This group, which has de facto control of Azerbaijan, has exploited Moscow's relaxed posture, and the ethnic tensions in the southern caucus region to promote its plan for an independent Azeri state. While independence is a laudable goal, and I am sure many of you here, like myself, support similar efforts of Lithuania, Latvia, and Estonia, the means employed by the Popular Front in Azerbaijan are wholly unacceptable.

The Popular Front's ultimate goal is to unite Soviet Azerbaijan, the Nakhichevan region, and Azeri populated parts of Iran to form one nation. In addition, it also proposes annexing, and relocating the Armenians from the Karabagh region as well as the Armenian region that lies between Azerbaijan and Nakhichevan. Further, the Popular Front hopes to rid Azerbaijan of all Armenians as it believes that enthnic plurality is a threat to its goal of a unified Azeri state.

Perhaps the Popular Front's most unconscionable act to date—at least in my judgement—is its imposition of blockades against Armenia. Since July of last year, aid to the earthquake victims of Armenia, many of whom had been forced out of Azerbaijan shortly before the earthquake, as well as general shipment of commodities to Armenia, have been subject to an Azerbaijani blockade. The blockade has effectively derailed the international relief and caused severe shortages of many basic items needed for subsistence.

As you know from following the news accounts, the ethnic violence instigated by the Popular Front finally led to the intervention of Soviet forces. While it is unfortunate that force needed to be used to quell the disturbance, the restoration of basic order was certainly welcome.

Fortunately, after 3 months of relative calm there are signs of improvement in the situation in Karabagh. The Soviet leadership has allowed the Karabagh local governments to be reestablished. With time, I sincerely hope the Kremlin will allow the people of Karabagh to become part of Soviet Armenia.

We can all appreciate that Mr. Gorbachev's position is most difficult. We can only hope that he is able to strike the balance between maintaining order and allowing ethnic minorities the autonomy to determine their own destiny, including what form of government they desire to live under.

Before concluding I should comment on the latest violence that occurred last weekend. Apparently protests over the environmental situation broke out last Saturday in Armenia. These protests reportedly began after 100 people were hospitalized due to a gas leak at a chemical plant. This accident is an extreme example of the continuing problem of toxic emissions around Yerevan and the Ararat valley. Two-thirds of the Armenian population live in this region and is subjected to excessively high rates of stomach cancer, cardiac and respiratory disease, as well as birth defects. It is my sincere hope that while Mr. Gorbachev tries to improve the Soviet economy, he does not underestimate the importance of protecting the environment both in Armenia as well as the entire Soviet Union. Our environment has been abused to a far too great a degree, both in the East and in the West. It is time that the international community rise to the challenge of imposing far greater environmental controls, even if this costs short-term job loss, money, and sacrifice.

This past weekend, the United States celebrated the 20th anniversary of Earth Day, maybe next year—when we celebrate the 21st anniversary—the people of Armenia will be able to celebrate with us. I certainly hope so.

Mrs. LOWEY of New York. Mr. Speaker, I rise to join in commemorating the anniversary of the Armenian genocide, and I wish to thank Congressman BONIOR and Congressman PASHAYAN for sponsoring this very important special order.

Commemorating the Armenian genocide is a matter of utmost importance to all people who believe that the brutality and horror of genocide must never be repeated.

In the late 19th century, the Ottoman Turkish Empire began to persecute its Armenian population. The policy of persecution was brutal and ferocious. It resulted in many deaths and enormous destruction. This policy of persecution ended in bloody massacres that extended from 1915 through 1923.

There are some who would deny that the events of 1915 through 1923 actually occurred. There are others who would deny that the events of 1915 through 1923 are worth recalling. But these are voices that we must not heed.

What happened in 1915 to the Armenian people was genocide. At least 1.5 million Armenian men, women, and children perished in the bloody massacres that ensued. The rest of the Armenian people became homeless refugees, scattered to other nations.

On July 16, 1915, U.S. Ambassador Henry Morgenthau sent a telegram to the Secretary of State that read as follows:

> Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress. . . .

The archives of the United States and of other nations are filled with material that document the premeditated extermination of the Armenian people.

If we permit genocide and inhumanity to go unacknowledged and unmourned, we make it more likely to reoccur. When Adolf Hitler planned the genocide against the Jews, he is quoted as having said, "Who remembers the Armenians?" When we let one genocide go unremembered, we invite another genocide. Just as we must never forget the victims of the Nazi Holocaust, we must never forget the victims of the Armenian genocide—the first genocide of the 20th century.

As a Jewish woman alive at the time of the Holocaust against the Jews, there are few things that have made a stronger impression on my life. There was not a person among my friends or family who was not touched by the horrors of the Holocaust.

It was from the survivors of the Nazi death camps, where antisemitism was transformed into an orderly and mechanized process of mass murder, that we learned that all-important cry, "never forget!" And just as we must never forget the victims of the Nazi Holocaust, we must never forget the victims of the Armenian genocide—the first genocide of the 20th century.

It is fundamentally important that we publicly and without reservation condemn the atrocities that brought death and destruction to Armenia in the early part of the century. This tragic event must never be forgotten by us or by any people around the globe.

When the survivors of the Nazi concentration camps reentered civilization, they admonished the rest of us, "never forget!" and we have taken those words to heart.

Today, we must go even further. We must pledge to "never be silent." We must raise our voices against intolerance and oppression, wherever we confront them. We must pledge to work strenuously to prevent the horrors that have afflicted past generations, so that we leave to our children a future that is safer and more tolerant of the importance of all peoples and all cultures around the world.

Here in the U.S. Congress, we must dedicate ourselves, not only to remember the tragedy of the Armenian genocide, but to prevent inhumanity and genocide in the future.

Mr. OWENS of Utah. Mr. Speaker, no words of outrage or tragic loss can describe the events of 1915 through 1923, which claimed the lives of 1½ million Armenians. We haven't the vocabulary to capture the suffering or conjure the anguish. We haven't the capacity to give such words meaning.

The term "genocide" was coined in the aftermath of the Second World War to define in an academic, almost clinical way a phenomenon of the 20th century—the deliberate and systematic destruction of an entire people. It has no precedent in the barbaric annals of human history. It requires all of the organization and technology of our time.

I rise today along with my colleagues to remember the atrocities of 1915 to 1923 on this 75th anniversary. We join together to register an unspeakable loss, recognizing it as a singular event in history, a genocide. No manner of justice or atonement can be offered for the deaths of 2 out of every 3 Armenians living in their homeland. The most we can offer, and the least, is our remembrance.

Nearly 2 months ago, the other body failed to adopt a joint resolution which would have designated April 24, 1990, a national day of remembrance for those who perished in the Armenian genocide. This was a modest resolution which deliberately omitted mention of the current Republic of Turkey. Yet, due to Turkey's protests, the administration subordinated an issue of simple morality to amorphous claims of national security. Despite a clear campaign commitment to support this very resolution, President Bush persuaded 16 cosponsors to change their votes. I commend the distinguished Senate minority leader for his leadership, and regret that his efforts were so undermined by the President.

As we join together to commemorate this 75th anniversary of the Armenian genocide, let us renew our firm commitment to designate April 24, 1991 a day of remembrance in the law of this land.

Mr. FEIGHAN. Mr. Speaker, today we commemorate the events of 75 years ago in eastern Anatolia in which the Armenian people were subject to forced death marches and mass executions at the hands of their Ottoman overlords. These well-documented events were part of a deliberate attempt to destroy the proud and culturally rich Armenian nation. By the end of this ordeal, 1½ million, or two-thirds of the Armenian population, had been decimated.

While we remember this tragedy, we ought to reflect on the admirable fortitude with which the Armenian people have recovered from that incredible hardship and have worked to resurrect their nation. Through their faith they have found meaning in their ancestors' martyrdom and have perpetuated the Armenian spirit. The many Armenian communities across the United States have enriched the culture of our country and their example lends faith to those of us who also will experience hardship at some time.

While the survivors of the Armenian genocide and their descendants have recovered with dignity, they forever bear a tremendous anguish. That anguish, over the pain of a nation once broken and scattered about the globe, cannot but be exacerbated by the failure of some to fully recognize the full implication of those events. I would hope that those events receive worldwide recognition. Only through such recognition of the truth can the Armenian people hope to feel some measure of compensation for the ultimate injustice incurred by their nation 75 years ago.

Mr. LEVIN of Michigan. Mr. Speaker, I thank my colleagues for the opportunity to participate in this special order so that we may commemorate the 75th anniversary of the Armenian genocide.

We merely seek to have the truth told. To that end, we have worked to pass a resolution that would formalize the U.S. recognition of the genocide.

As time passes and more and more of the eyewitnesses die, we have a duty to those who have died and to those who survive to help preserve this memory forever. Indeed, an exhibit on the Armenian genocide will be included in the U.S. Holocaust Museum which is now under construction.

But this is not enough. What we now need is official recognition by the U.S. Congress and we will not cease this effort until this resolution is approved.

Of course, there are those who would prefer that these atrocities be forgotten forever. This is the final indignity. As a democratic country committed to human rights and humane values, it is our duty to record and to remember these terrible events. Only in this way can we ensure that such atrocities will never again be inflicted on any people.

Armenians have roots dating back more than 1,000 years in what is now eastern Turkey, northwestern Iran, and south-central Soviet Union. Today the Armenians in the Soviet Union continue their struggle to survive; they face not only the monumental task of rebuilding their lives after the devastating earthquake of late 1988, but they must also contend with the nationalist violence of their neighboring Soviet states.

On this day of memory for the 1½ million Armenians who lost their lives in the genocide we pledge our support both for a resolution recognizing the Armenian genocide, and for the ongoing struggle for Armenian rights in the Soviet Union.

Mr. MOAKLEY. Mr. Speaker, today we are called on to remember the tragic events which occurred in Armenia under the rule of the Ottoman Empire from 1915 to 1923. During that time, almost two-thirds of the Armenians living in their homeland were killed. As a way of paying respect to the large number of Armenians who needlessly lost their lives, I support House Resolution 212, which designates April 24, 1990 as the 75th Commemoration of Armenian Martyrs' Day.

Being from Boston, with its large Armenian population, I have witnessed the grief and sense of loss felt throughout the Armenian community. I would like to express my profound sympathy for Armenians both living in Soviet Armenia and in diaspora, who had lost relatives and friends under Ottoman rule. I also share the concern of many Armenians over the reluctance of the present Turkish Government to take any responsibility for the tragedy, even to the point of denying it ever occurred. Therefore, I urge my fellow colleagues to join me in expressing admiration for the Armenian population, which has endured so much and to press the Turkish Government to accept its responsibility, as a modern state, for the actions of its previous government.

Mr. PALLONE. Mr. Speaker, there is an Armenian grandmother in my district, her name could be Elizabeth. Elizabeth was born in her homeland of Armenia beneath the shadow of Mount Ararat. But she has no way of knowing exactly where she was born or when. Perhaps she has faint glimmers of once looking into her mother's smile.

Today, Elizabeth struggles but she cannot remember her mother. Elizabeth was orphaned in 1915. Her parents were victims of the first genocide of this century perpetrated by the leaders of the Ottoman Empire in what is today eastern Turkey.

In remembrance of her parents and 1½ million other Armenians who perished during the genocide of 1915, there was introduced in the Senate this session a resolution honoring these victims. This resolution was but a small token, a small gesture, saying to Elizabeth—we, the elected leaders of the free world, share with you your sorrow and pledge to remember one of man's greatest inhumanities to man so that we may never again be a witness to it on this earth.

The inhumanities and utter barbarisms of 1915, witnessed by U.S. Government officials, various relief workers, and missionaries and the world press, came in many forms. The able-bodied young men were inducted into the Ottoman army and worked to death or summarily executed. The religious and community leaders were gathered and butchered. The remaining men were taken away and shot.

Shockingly, the women, children, and elderly suffered an even crueler fate. They were forcibly marched in the deserts, without food or water and then bayonetted, raped, or allowed merely to fall and slowly die of exhaustion. The desert of Der Zor is one such place where the sands are soaked with the blood of these martyrs, parents, grandparents, and children.

These memories fill Elizabeth's mind. One of these victims was her mother, another her father, and perhaps a brother or sister she may have had back in 1915. Hearing of the Senate resolution, Elizabeth's heart was filled with joy, her eyes with tears that the U.S. Senate would have the moral fortitude to say, "We shall remember."

That was not to be the case however. Instead Elizabeth has learned a new proud word: filibuster—defined by Webster's Third New International Dictionary as "the use of extreme dilatory tactics by an individual or group in an attempt to delay or prevent action by the majority."

My esteemed colleagues may not realize that when they delivered their filibuster against this commemorative resolution, they stood not in the U.S. Senate but in the sands of Der Zor, atop the abandoned skeletons and souls of Elizabeth's parents, grandparents, sisters, brothers.

Today, Elizabeth is owed an explanation of the meaning of the word filibuster. She is owed a response to her question: "Why?" She needs to be reminded that ours is the Senate of the United States of America—

which stands as the defender of freedom and liberty, the beacon of morality and justice, and the country into whose arms she ran as an orphan, a forgotten child of the forgotten genocide of 1915.

My esteemed colleagues, let us push aside the pressures of special interests and reaffirm for Elizabeth what our great nation stands for. On the 75th anniversary of the first genocide of the 20th century, let us vote to remember man's inhumanity to man so that our children may never forget.

Mr. SHUMWAY. Mr. Speaker, the gentleman from Hawaii has my sincere thanks for arranging this special order, so that we might all have the opportunity to pay tribute and bid farewell to our good friend and esteemed former colleague, SPARK MATSUNAGA.

I first became personally acquainted with SPARKY on his own "turf," during a congressional delegation which visited Hawaii. He could not have been more gracious, courteous, helpful and informative, and he extended his equally helpful staff to us. It was immediately clear how much SPARK loved Hawaii, and how fortunate that State was to have had his dedicated and enthusiastic public service for so many years.

From our earliest acquaintance, I always enjoyed having the opportunity to practice my Japanese on SPARKY. He took my practice efforts very seriously, and never failed to correct my pronunciation meticulously. The exchanges became something of a humorous ritual between us, and I always greatly enjoyed his company. For that reason alone, I would miss him.

However, SPARKY was much more to me than a dedicated legislator, Japanese instructor, and even enjoyable colleague. He and his wife, Helene, became good friends to my wife and myself. Our relationship has provided many treasured personal memories which will keep him alive in my heart, always.

SPARK MATSUNAGA made enormous contributions to his State, his country, and the international community. But, for me, personally, he will be remembered most for the even greater gift of his friendship.

Mr. DREIER of California. Mr. Speaker, in this age of global telecommunications, it would be impossible to understand how the massacre of nearly 1 million Armenians could go unnoticed by the rest of the world. Indeed, the murder of even a few individuals in this day and age is almost instantaneously transmitted around the globe, and international condemnation is almost sure to follow.

Unfortunately, such a mechanism did not exist in the early part of this century, and the international community remained almost blind to one of the most tragic events of the 20th century: The brutal and systematic massacre of the Armenian people by the rulers of the Ottoman empire during the period of 1915–23.

Armenian-Americans are hard working individuals who are committed to the memories of those friends and relatives lost during this dark period of history. I have listened to the stories they have to tell. Stories of mothers seeing their husbands and sons executed before their eyes. Stories of families forcibly separated, never to see each other again. Accounts of babies beheaded, of entire villages murdered. One cannot help but be touched by these personal accounts.

A resolution was introduced to commemorate the Armenian genocide. This bill only sought to remind us of the tragedy so that our generation, and future generations, might take the care to ensure that this type of horror might never be repeated. Unfortunately, the resolution was smothered by opponents who argued that our relations with Turkey, an important NATO ally, might be harmed.

I think that it is unfortunate that the leaders of Turkey have taken such offense to this effort. They certainly are not being blamed for the tragedy, and bear no responsibility for the actions of the Ottoman Empire. The relationship between the United States and the Turkish Government should not be affected.

Today's special order is a solemn reminder of the brutality that man is capable of inflicting upon fellow human beings. It is our job to see that the world never forgets this incident, and in so doing, ensures that all possible international pressure is brought upon those who violate the most basic human right of every man, woman and child—life.

Mrs. BOXER. Mr. Speaker, with deep respect for the long suffering of the Armenian people, I join my colleagues in honoring the 75th anniversary of the Armenian genocide.

Every year, Mr. Speaker, some of my colleagues and I issue this simple message of commemoration for a people who were systematically slaughtered. We must never forget the Armenian genocide was a real slaughter that occurred this century to real people and left behind pain and human suffering that continues to this day.

Let me tell you about one of the people who experienced firsthand the evil of that time. His name is Yervant Kouyoumjian, he was born in 1907, and he along with other Armenian-Americans told his story to the Washington Post. Some of the details of his experiences with death and destruction at such an early age are too gruesome for me to repeat. He tells of knowing that his father would be taken away.

"All night my father and mother were crying," he told the Post. "In the meantime, my father was sewing the Turkish gold into our belts. The next morning, they took my father and one of my stepbrothers, and from then on, our misery started."

His mother later sent him and his brother off with what they thought was a sympathetic man. When the two boys realized instead they were going to be killed, they managed to escape.

But most Armenians didn't. Two out of every three Armenians died during the years between 1915 to 1923. One extended family of 86 people was reduced to five.

Still, the Turkish Government fails to acknowledge this holocaust.

In this country, we are well aware of the Holocaust inflicted by Nazi Germany. That awareness helps us to ensure that it will never happen again. The 1.5 million victims of the Armenian genocide have not been able to experience the healing such recognition would accord. Only by looking this awful period in history straight in the eye can we fully comprehend its ugliness and hatred, and ensure that it too will never happen again.

I am proud to have been a cosponsor of House Joint Resolution 417, which would have made April 24 a national day of remembrance. We will never forget.

REINSTATEMENT OF SPECIAL ORDER

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that my 5-minute special order be reinstated.

The SPEAKER pro tempore (Mr. MCCURDY). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

UPDATE ON SANDINISTA PLANS TO GOVERN FROM BELOW IN NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, as a result of classified material made available to this Member through membership on the House Select Committee on Intelligence, I have become quite concerned by activities of the Sandinista government and its supporters in the post-election environment in Nicaragua. Accordingly, this Member wishes to share some unclassified information with my colleagues and the public about both what has happened in Nicaragua since the election for Violetta Chamorro to the Presidency. It is a brief account of what the Sandinistas have done in an attempt to undermine or sabotage the government headed by Violetta Chamorro and Virgilio Godoy, who will be inaugurated tomorrow, on April 25, 1990.

First. Summary: Sandinista actions since the election suggest President Daniel Ortega will try to follow through on his pledge to govern from below after April 25. The Sandinistas have used all the advantages of incumbency in their final 2 months to strengthen their power and undercut President Chamorro's ability to govern. In particular, the Sandinista-controlled National Assembly has passed a number of laws which will benefit party supporters, limit Chamorro's options, and deplete State resources. These moves could severely inhibit Chamorro's ability to restructure the Government or make rapid economic improvements, and further deplete Government resources so as to cause an even more severe early economic crunch for the new administration.

Second. Appropriating Government resources: The outgoing Government has raided Government assets to undercut Chamorro and ensure the Sandinista Party's financial future. The Sandinista-controlled National Assembly passed laws last month granting legal titles to some 10,000 State-owned homes and properties occupied by party loyalists since the 1979 overthrow of President Anastasio Somoza. Other States assets, such as radio stations and businesses, have been given or sold to party members. In addition, State enterprises are distributing vehicles and other property to Sandinista support-

ers, and there have been widespread reports of looting of Government offices. The regime also may grant last-minute hefty salary hikes to public employees before leaving office, depleting bank reserves, and preempting Chamorro's plan to realistically raise wages.

Third. Protecting party loyalists: The Sandinistas are implementing legal measures to protect supporters and power base before leaving office. The National Assembly passed a broad amnesty for unprosecuted crimes committed since 1979, and Ortega has asked for pardons for some 900 imprisoned Army and Interior Ministry personnel. The Assembly has amended the civil service law to expand benefits to Government employees and protect the jobs of party followers. In addition, the Assembly has granted immunity and a lifetime pension to some high-ranking Sandinista officials and extended salary benefits for outgoing legislators. The Assembly also has given legal status to a plethora of associations, foundation, and civilian groups associated with the party.

Fourth. Limiting Chamorro's policy options: The Sandinistas are taking steps to hamper Chamorro's ability to reverse existing policies. For example, the National Assembly passed a bill requiring the new Government to continue to press Nicaragua's suit against the United States in the International Court of Justice. In addition, the Assembly has moved to prevent a rollback of agrarian reform by guaranteeing ownership rights to some 120,000 individual farmers and cooperatives who have received land since 1979. Party leaders also announced that they intend to use their large bloc of votes in the National Assembly to thwart constitutional change and protect revolutionary social programs.

Fifth. Threatening destabilization: The Sandinistas are planning harsher measures to press the Chamorro government if they believe their power base or programs are threatened. Party leaders have publicly raised the possibility of widespread strikes by the large Sandinista labor unions if Chamorro's economic policies work against labor's interests. In addition, party hardliners are distributing weapons to civilian supporters, giving them the ability to forcibly challenge the Government.

Mr. Speaker, these are a few of the unfortunate facts that I am free to relate publicly to my colleagues in the Congress. It is important that we keep these facts about the post-election activities of the Sandinista government of Nicaragua and its supporters in mind as we view the subsequent actions of the Chamorro administration, and the situations it faces in the difficult days ahead.

THE INCOMPARABLE SCENERY AND SUPERLATIVE SKIING IN COLORADO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. CAMPBELL] is recognized for 5 minutes.

Mr. CAMPBELL of Colorado. Mr. Speaker, as the representative for that part of the country that I can humbly say offers the best skiing on this continent, I know—and most of my constituents know—how important tourism is to Colorado and our mountain communities.

People who live on the Western Slope of the Rockies in my district have traditionally supported themselves by utilizing the resources the mountains provide. Whether it was beaver pelts, gold, silver, and coal, or timber, early settlers in Colorado made their living harvesting and mining the treasures of the mountains.

More recently, many small communities and rural areas have discovered that they do not have to dig anything up, cut anything down or take anything away to profit from the mountains. They've found out that people will pay money to slide down the mountains on pieces of wood or fiberglass; that visitors from flatter places are fascinated by the high country and the hiking, camping, and fishing that can be found there; that locals and visitors alike can enjoy driving on scenic highways to view brilliantly gold aspen trees in the autumn.

Colorado draws visitors to the mountains in all seasons, but a closer look at just the winter aspect, the ski industry, gives us a good idea of how important tourism is to our State's economy.

The State's skiing industry has grown in the past 40 years to encompass more than 61,000 jobs and nearly $2.3 billion in retail sales. The industry supports 28 ski areas, nearly 10 million skier visits and on average draws 10,000 out-of-State visitors a day to the State's Western Slope resorts.

The benefits of skiing extend beyond the ski resorts, of course. State sales tax revenues that resulted directly from the ski industry amounted to $49 million last year. Personal and corporate income taxes generated another $43 million, and $9 million came into State coffers through alcohol, cigarette, and motor fuels taxes paid by skiers. The State of Colorado realized a total of more than $100 million in tax revenues, thanks to the skiing industry, and believe me, no one in State and local government is sneezing about this contribution.

The latest data available ranked Colorado 18th in the United States in terms of travel and tourism expenditures in the State. Travel and tourism as a whole brings in more than $5.7 billion, with each visitor spending on average $1,740 in our State. These numbers, too, are getting the attention of everyone, from the chambers of commerce in small, rural towns up to the Governor's office.

In Colorado, we know that tourism pays, and we are working hard to bring visitors from other States as well as from foreign countries to our State to sample our incomparable scenery and superlative skiing.

□ 1740

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. McCurdy) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 23, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 4:32 p.m. on Monday, April 23, 1990 as follows:

(1) Said to contain a message from the President whereby he transmits an agreement between the United States and the German Democratic Republic extending the agreement of April 13, 1983, concerning fisheries off the coast of the U.S.A., as amended; and

(2) Said to contain a message from the President whereby he transmits, in accordance with the Impoundment Control Act of 1974, three proposed rescissions totalling $226,883,000.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

EXTENSION OF EXISTING FISHERIES AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-177)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed:

(For message, see proceedings of the Senate of Monday, April 23, 1990, at page S4828.)

RESCISSIONS OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-178]

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together

with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of Monday, April 23, 1990, at page S4828.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS (at the request of Mr. GEPHARDT), for April 24, 25, and 26, on account of personal injury.

Mr. STUMP (at the request of Mr. MICHEL), for today and tomorrow, on account of family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Goss) to revise and extend their remarks and include extraneous material:)

Mr. HANCOCK, for 30 minutes, today.

Mr. BEREUTER, for 5 minutes, on April 25.

Mr. DELAY, for 60 minutes each day, on May 1, 8, and 9.

(The following Members (at the request of Mr. WASHINGTON) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. FAZIO, for 5 minutes, today.

Mr. ECKART, for 5 minutes, today.

Mr. SMITH of Florida, for 5 minutes, today.

Mr. VISCLOSKY, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PARKER, for 5 minutes, today.

Mr. DE LA GARZA, for 30 minutes, today.

Mr. ANTHONY, for 30 minutes, today.

(The following Member (at the request of Mr. AKAKA) to revise and extend his remarks and include extraneous material:)

Mr. BROWN of California, for 60 minutes, on April 26.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BLAZ, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CAMPBELL of Colorado, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend his remarks was granted to:

Mr. SCHEUER, on House Concurrent Resolution 290, in House, today.

Mr. KANJORSKI, immediately following general debate on H.R. 3961, today.

(The following Members (at the request of Mr. Goss) and to include extraneous matter:)

Mr. GINGRICH.

Mr. GILMAN in two instances.

Mr. MCEWEN.

Mr. ROWLAND of Connecticut.

Mr. SOLOMON.

Mr. BURTON of Indiana.

Mr. MACHTLEY in three instances.

Mr. MILLER of Washington in two instances.

Mr. SCHUETTE in three instances.

Ms. ROS-LEHTINEN.

Mr. BLILEY.

Mr. MCGRATH.

Mr. DORNAN of California.

Mr. RINALDO.

Mr. GEKAS.

Mr. KYL.

Mr. LAGOMARSINO in two instances.

Mr. SCHAEFER.

Mr. COUGHLIN.

Mr. CONTE.

Mr. CRANE.

Mr. EMERSON.

(The following Members (at the request of Mr. WASHINGTON) and to include extraneous matter:)

Mr. RANGEL.

Mr. MCMILLEN of Maryland.

Mr. UDALL.

Mr. EDWARDS of California in two instances.

Mr. DARDEN in two instances.

Mr. PENNY.

Mr. WEISS.

Mr. FUSTER.

Mr. DONNELLY.

Mr. ROE.

Mr. PANETTA.

Mr. OWENS of New York.

Mr. ASPIN.

Mr. SCHEUER.

Mr. DELLUMS.

Mr. BRUCE.

Mrs. KENNELLY.

Mr. MORRISON of Connecticut.

Mr. DYMALLY.

Mr. YATRON in two instances.

ADJOURNMENT

Mr. CAMPBELL of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 25, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3047. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1991, and amendments to request for appropriations for fiscal year 1990, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-176); to the Committee on Appropriations and order to be printed.

3048. A letter from the Director of Defense (Administration), transmitting a report on the financial condition and operating results of the working capital funds of the Department for the fiscal year ending September 30, 1989, pursuant to 10 U.S.C. 2208(i); to the Committee on Armed Services.

3049. A letter from the Deputy Assistant Secretary of Defense for Procurement, transmitting notice of a delay in completing the report on financial analysis methodology to be used in future return on investment studies of the defense industry; to the Committee on Armed Services.

3050. A letter from the Secretary of the Treasury, transmitting a copy of the final report of the Financial Action Task Force on Money Laundering; to the Committee on Banking, Finance and Urban Affairs.

3051. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-192, "District of Columbia Water and Sewer Operations Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

3052. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-193, "District of Columbia Drug Manufacture and Distribution Licensure Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

3053. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-194, "Omnibus Narcotic and Abusive Drug Interdiction Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

3054. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-195, "Residential Drug-Related Evictions Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

3055. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-196, "Liability Coverage for Child Development Homes Insurance Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

3056. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-197, "African Development Bank and Asian Development Bank Investment Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

3057. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-198, "Criminal Justice Improvement Commission Act of 1990," and report, pursuant to D.C. Code Section 1-

233(c)(1); to the Committee on the District of Columbia.

3058. A letter from the Administrator, Energy Information Administration, transmitting the annual report on the status of U.S. coal imports for 1989, pursuant to 42 U.S.C. 7277(a); to the Committee on Energy and Commerce.

3059. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to enhance the ability of the Secretary of Health and Human Services to protect the integrity of the process of review and approval of products subject to regulation by the Food and Drug Administration, by authorizing the imposition of sanctions including Department, civil money penalties, and suspension of product approvals for improper activities, and for other purposes; to the Committee on Energy and Commerce.

3060. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of reports of political contributions by Charles H. Thomas, of Maryland, Dane Farnsworth Smith, Jr., of New Mexico, and Alan Philip Larson, of Virginia, Ambassador-designate and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3061. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a copy of the 1989 annual report of the Office of the U.S. Courts, bound together with the reports of the proceedings of the Judicial Conference of the United States; held during 1989, pursuant to 28 U.S.C. 604 (a)(4), (h)(2), 2412(d)(5); to the Committee on the Judiciary.

3062. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to limit the amount of funds held by fiduciaries of incompetent veterans subject to inheritance by nondependent heirs; to the Committee on Veterans' Affairs.

3063. A letter from the Secretary of Veterans Affairs, transmitting the biennial report on former prisoners of war, pursuant to 38 U.S.C. 221(c); to the Committee on Veterans' Affairs.

3064. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to further amend section 553 of the Tariff Act of 1930 to permit transportation through the United States of lottery materials produced in Canada; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3545. A bill to amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission (Rept. 101-456). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3811. A bill to recognize the centennials of national parks and monuments, and for other purposes; with amendments (Rept. 101-457). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1576. A bill to modify the boundary of the Cranberry Wilderness, located in the Monongahela National Forest, WV; with an amendment (Rept. 101-458, Pt. 1). Ordered to be printed.

Mr. ROE: Committee on Science, Space, and Technology. H.R. 4098. A bill to provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin and to enact a fire service bill of rights and programs to fulfill those rights (Rept. 101-459, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEREUTER:

H.R. 4584. A bill to promote the planting and renovation of windbreaks, shelterbelts, wildlife corridors, filter strips, and trees, and for other purposes; to the Committee on Agriculture.

By Mr. BERMAN (for himself and Mr. WEBER):

H.R. 4585. A bill to impose sanctions against Iraq; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. CARDIN:

H.R. 4586. A bill to amend the Internal Revenue Code of 1986 to correct technical errors in the rules for buildings in progress on the termination date of the low-income housing credit; to the Committee on Ways and Means.

By Mr. COUGHLIN:

H.R. 4587. A bill to suspend for a 3-year period the duty on composite vials of timolol maleate/pilocarpine hydrochloride solutions and diluent; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 4588. A bill to improve and extend the program currently operated by the Secretary of Commerce to ensure the quality and safety of fish and fish products; to the Committee on Merchant Marine and Fisheries.

By Mr. DORNAN of California (for himself, Mr. KYL, Mr. DANNEMEYER, Mr. TRAFICANT, Mr. SOLOMON, Mr. BURTON of Indiana, Mr. SCHIFF, Mr. SUNDQUIST, Mr. NIELSON of Utah, Mr. SENSENBRENNER, Mr. INHOFE, and Mr. DELAY):

H.R. 4589. A bill to require that the death penalty be imposed on individuals convicted of certain crimes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DYMALLY (for himself, Mr. DELLUMS, and Mr. WOLPE):

H.R. 4590. A bill to amend the Comprehensive Anti-Apartheid Act of 1986 concerning the prohibition on importation into the United States of steel produced in South Africa; to the Committee on Ways and Means.

By Mr. GORDON (for himself and Mr. CARPER):

H.R. 4591. A bill to amend the Federal Election Campaign Act of 1971 and the Communications Act of 1934 to require an image of a candidate for Federal office to be included in any television advertisement for such candidate, and for other purposes; jointly, to the Committees on House Administration and Energy and Commerce.

By Mr. GRANDY (for himself, Mr. TALLON, Mr. ESPY, Mr. MADIGAN, Mr. MORRISON of Washington, Mr. NAGLE, and Mr. HOLLOWAY):

H.R. 4592. A bill to assist producers of agricultural commodities in the purchase of multiple-peril crop insurance that is federally approved and to provide a Federal program of reinsurance for insurers providing multiple-peril crop insurance to protect those insurers against catastrophic losses; to the Committee on Agriculture.

By Mr. KYL:

H.R. 4593. A bill to transfer to the Secretary of the Interior the administration of the surface rights in approximately 10,650 acres of land presently within the boundaries of the San Carlos Indian Reservation, AZ, and managed by the Forest Service as part of the Coronado National Forest; to the Committee on Interior and Insular Affairs.

By Mr. LAFALCE (for himself, Mr. FUSTER, Mr. BATES, Mr. RHODES, Mr. WYDEN, Ms. SCHNEIDER, Mr. BROOMFIELD, Mrs. UNSOELD, Mr. KLECZKA, Mr. PALLONE, Mrs. MORELLA, Mr. GEJDENSON, Mr. GALLO, Mrs. JOHNSON of Connecticut, Mr. BOSCO, Mr. SIKORSKI, Mr. DELLUMS, Mr. LEVIN of Michigan, Mr. UDALL, Mr. MCNULTY, Mr. LEHMAN of Florida, Mrs. COLLINS, Mr. HOCHBRUECKNER, Mr. MAVROULES, Mr. PICKETT, Ms. KAPTUR, and Mr. LAUGHLIN):

H.R. 4594. A bill to amend the Real Estate Settlement Procedures Act of 1974 to require notice to a borrower regarding transfer of the servicing of mortgage loan of the borrower, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. LLOYD (for himself and Mr. VENTO):

H.R. 4595. A bill to provide for matching grants to States, Indian tribes, and units of general local government, and local nonprofit housing sponsors to carry out congregate services programs for frail older adults and individuals with disabilities living in federally assisted projects; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McGRATH:

H.R. 4596. A bill to suspend temporarily the duty on ethyl carbamate; to the Committee on Ways and Means.

By Mr. McMILLEN of Maryland (for himself, Mr. FAUNTROY, and Mr. NEAL of North Carolina):

H.R. 4597. A bill to amend title 10, United States Code, to restore the 5-year service obligation for graduates of a service academy and the 7-year service obligation for graduates of the Uniformed Services University of the Health Sciences; to the Committee on Armed Services.

By Mr. PENNY (for himself and Mr. SMITH of New Jersey (both by request) and Mr. ROWLAND of Connecticut):

H.R. 4598. A bill to amend title 38, United States Code, chapter 41, to revise the definition of "eligible veteran" and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PURSELL:

H.R. 4599. A bill to amend the Harmonized Tariff Schedules of the United States to correct the classification of certain leaf springs and leaves; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 4600. A bill to amend the Social Security Act to provide for the reform of regulations governing the reimbursement of physicians under Medicare part B; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. RINALDO:

H.R. 4601. A bill to amend the Internal Revenue Code of 1986 to provide for inflation adjustments to the income levels at which Social Security benefits are subject to income tax; to the Committee on Ways and Means.

By Mr. ROBINSON:

H.R. 4602. A bill to create the Ouachita Mountains National Recreation Area; jointly, to the Committee on Interior and Insular Affairs and Agriculture.

By Mr. SABO:

H.R. 4603. A bill to amend title XIX of the Social Security Act to clarify the coverage of personal care services under Medicaid plans; to the Committee on Energy and Commerce.

By Mr. SCHEUER (for himself, Mr. WAXMAN, Mr. BROWN of California, Mr. RUSSO, Mr. ROSE, Mr. BENNETT, Mr. YATES, Mr. GREEN, Mr. ROE, Mr. AKAKA, Mr. HAYES of Illinois, Mr. MILLER of California, Mr. JACOBS, Mr. LANTOS, Mr. CHANDLER, Mr. MCMILLEN of Maryland, Mr. EDWARDS of California, Mr. EDWARDS of Oklahoma, Mr. MATSUI, Mr. FRANK, Mr. OWENS of New York, Mr. RINALDO, Mr. RANGEL, and Mrs. SCHROEDER):

H.R. 4604. A bill to end the use of steel jaw leghold traps on animals in the United States; to the Committee on Energy and Commerce.

By Mr. SMITH of Iowa:

H.R. 4605. A bill to amend title II of the Social Security Act to provide for the investment of the trust fund in the same investments permitted by pension funds guaranteed by the Employees Retirement Income Security Act and to require the trustees to meet the same prudent person standards required under that act; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 4606. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit and deduction for taxes paid in lieu of income taxes; to the Committee on Ways and Means.

By Mr. ASPIN:

H.J. Res. 554. Joint resolution designating January 6, 1991 through January 12, 1991, as "National Law Enforcement Training Week"; to the Committee on Post Office and Civil Service.

By Mr. QUILLEN (for himself, Mr. CLEMENT, Mr. COOPER, Mr. DUNCAN, Mr. FORD of Tennessee, Mr. GORDON, Mrs. LLOYD, Mr. SUNDQUIST, and Mr. TANNER):

H.J. Res. 555. Joint resolution to commemorate the bicentennial of the enactment of the law which provided civil government for the territory from which the State of Tennessee was formed; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

367. By the SPEAKER: Memorial of the General Assembly of the State of Indiana, relative to Manuel Noriega; to the Committee on the Judiciary.

368. Also, memorial of the Legislature of the State of Kansas, relative to the compensation of Members of the U.S. Congress; to the Committee on the Judiciary.

369. Also, memorial of the Legislature of the State of Maine, relative to low-level radioactive waste; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. ROSE introduced a bill (H.R. 4607) for the relief of Donald W. Sneeden, Mary S. Sneeden, and Henry C. Best of Wilmington, NC; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. CONDIT.

H.R. 60: Mrs. PATTERSON.

H.R. 222: Mr. JONES of North Carolina.

H.R. 523: Mr. LEWIS of Florida and Mr. DELLUMS.

H.R. 567: Mr. FASCELL and Mr. PAYNE of New Jersey.

H.R. 572: Mr. STUMP and Mr. CHAPMAN.

H.R. 614: Mr. STEARNS.

H.R. 711: Mr. CLEMENT.

H.R. 885: Mrs. BOXER.

H.R. 930: Mr. REGULA.

H.R. 1095: Mr. FAUNTROY, Mr. HOYER, Mr. SERRANO, Mrs. UNSOELD, and Mr. YATES.

H.R. 1136: Mr. LANCASTER.

H.R. 1200: Mr. JENKINS.

H.R. 1279: Mr. LENT.

H.R. 1292: Mr. RHODES.

H.R. 1377: Mr. HERGER, Mrs. UNSOELD, Mr. INHOFE, Mr. MCMILLEN of Maryland, Mr. JOHNSON of South Dakota, and Mr. FAUNTROY.

H.R. 1381: Mr. WAXMAN.

H.R. 1574: Mr. OWENS of New York, Mr. VALENTINE, and Mr. GEJDENSON.

H.R. 1582: Mr. PENNY.

H.R. 1710: Mr. OWENS of New York.

H.R. 1730: Mr. DYSON.

H.R. 1733: Mr. MOAKLEY and Mr. MOODY.

H.R. 1875: Mr. SHUMWAY, Mr. MONTGOMERY, and Mr. STANGELAND.

H.R. 2121: Mr. TOWNS, Mr. DAVIS, Mr. DWYER of New Jersey, and Mr. ECKART.

H.R. 2202: Mr. ENGEL.

H.R. 2274: Mr. DAVIS, Ms. SLAUGHTER of New York, Mr. LANCASTER, and Mr. WYDEN.

H.R. 2277: Mr. STUMP.

H.R. 2300: Mr. STUMP.

H.R. 2406: Mr. ROBINSON.

H.R. 2437: Mr. TRAFICANT, Mr. ROE, and Mr. BUNNING.

H.R. 2545: Mr. STARK.

H.R. 2584: Ms. ROS-LEHTINEN and Mr. HILER.

H.R. 2714: Mr. LANCASTER.

H.R. 3005: Mrs. SAIKI.

H.R. 3122: Mr. JONES of North Carolina.

H.R. 3349: Mrs. BENTLEY, Mr. FOGLIETTA, and Mr. MCDERMOTT.

H.R. 3401: Mr. TORRICELLI, Mr. MOAKLEY, Mr. REGULA, and Mr. BROOMFIELD.

H.R. 3412: Mr. GEREN and Mr. FAUNTROY.

H.R. 3415: Mr. RITTER.

H.R. 3420: Mr. JONTZ, Mr. MILLER of Washington, Mr. FRANK, Mr. FAUNTROY, Mr. TOWNS, Mr. OWENS of Utah, Mr. SCHUETTE, Mr. BROWN of California, Mr. CONTE, and Mr. POSHARD.

H.R. 3429: Mr. THOMAS A. LUKEN.

H.R. 3496: Mr. WOLPE, Mr. PAYNE of New Jersey, Mr. ECKART, Mr. LEVIN of Michigan, Mr. WILSON, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. BARTLETT, Mr. FAZIO, and Mr. DELLUMS.

H.R. 3562: Mr. MARKEY.

H.R. 3598: Mr. HAYES of Louisiana.

H.R. 3643: Mrs. MARTIN of Illinois and Mr. VALENTINE.

H.R. 3700: Mr. ANDREWS, Mr. FRENZEL, Mr. GALLO, Mr. RICHARDSON, and Mr. VISCLOSKY.

H.R. 3704: Mr. HOYER, Mr. FAUNTROY, Mr. PANETTA, Mr. BRUCE, Mrs. VUCANOVICH, Mr. ATKINS, Mr. BEREUTER, Mr. TOWNS, Mr. BEVILL, Mr. RIDGE, Mrs. MORELLA, Mrs. BOXER, Mr. FOGLIETTA, Mr. DE LUGO, Mr. BROWN of California, Mr. ECKART, Ms. PELOSI, and Mr. SAVAGE.

H.R. 3732: Mr. BLILEY, Mr. SMITH of Florida, Mr. BROOMFIELD, Mr. FASCELL, Mr. LANTOS, Mrs. PATTERSON, and Mrs. COLLINS.

H.R. 3745: Mr. OWENS of New York and Mr. TOWNS.

H.R. 3748: Mr. REGULA.

H.R. 3755: Mr. EMERSON and Mr. VOLKMER.

H.R. 3806: Mr. BARNARD.

H.R. 3859: Mr. MACHTLEY and Mr. PORTER.

H.R. 3880: Mr. HALL of Ohio, Mr. ROWLAND of Connecticut, Mr. DEWINE, and Mr. BROWN of California.

H.R. 3930: Mr. FRANK, Mrs. BOXER, Mr. FUSTER, Mr. FAUNTROY, Mr. MCCLOSKEY, Ms. KAPTUR, Mr. COLEMAN of Texas, and Mr. WISE.

H.R. 3935: Mr. KILDEE, Mr. LANCASTER, Mr. RAHALL, Mr. MCNULTY, Mr. MACHTLEY, Mr. BORSKI, Mr. RICHARDSON, Mr. LEHMAN of Florida, Mr. KOLTER, Mr. PERKINS, Mr. LEWIS of Georgia, Mr. GREEN, Mr. WOLPE, Mr. MAZZOLI, Mr. DARDEN, Ms. KAPTUR, Mr. SMITH of Vermont, Mr. ATKINS, Mr. NEAL of North Carolina, Mr. WEISS, Mr. EVANS, Mr. WALSH, Mr. SMITH of Florida, and Ms. SLAUGHTER of New York.

H.R. 3971: Mr. FRANK.

H.R. 3980: Mr. JOHNSTON of Flordia.

H.R. 4025: Mr. OLIN, Mr. GEJDENSON, and Mr. RITTER.

H.R. 4075: Mr. COLEMAN of Texas, Mr. EVANS, Mr. DONNELLY, Mr. ROSE, Mr. EDWARDS of California, and Mr. MFUME.

H.R. 4080: Mr. AUCOIN, Mr. BOEHLERT, Mr. BOSCO, and Mr. STOKES.

H.R. 4208: Mr. DIXON, Mr. SAVAGE, Mr. SMITH of Iowa, Mr. KOSTMAYER, Mr. ENGEL, and Mr. ESPY.

H.R. 4212: Mr. SISISKY, Mr. PARKER, Mr. HERGER, Mr. NEAL of North Carolina, Mr. BARTON of Texas, and Mrs. COLLINS.

H.R. 4222: Mr. STOKES, Mrs. MEYERS of Kansas, and Mr. NIELSON of Utah.

H.R. 4238: Mr. BONIOR.

H.R. 4254: Mr. THOMAS of Georgia.

H.R. 4267: Mr. STARK, Mr. MARTINEZ, Mr. FAUNTROY, Mr. SMITH of Florida. Mrs. COLLINS, Mr. ATKINS, Mr. HAYES of Illinois, Mr. LEHMAN of Florida, Mr. TRAFICANT, Mr. MFUME, Mr. BROWN of California, Mr. RANGEL, Mr. CONTE, Ms. PELOSI, Mr. MOODY, Mr. PAYNE of New Jersey, Mr. CHAPMAN, Mr. SHAW, and Mr. WEISS.

H.R. 4268: Mr. TORRES, Mr. HILER, Mr. LEHMAN of California, Mr. WHEAT, Mr. EVANS, Mr. OWENS of New York, Mr. JONTZ, and Ms. KAPTUR.

H.R. 4269: Mrs. MEYERS of Kansas, Mr. STOKES, Mr. MANTON, and Mr. SANGMEISTER.

H.R. 4292: Mr. PENNY, Mr. MRAZEK, Mr. DWYER of New Jersey, Mr. WALSH, Mr. INHOFE, Mr. OWENS of New York, and Mr. DORNAN of California.

H.R. 4308: Mr. CHAPMAN, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. NOWAK, Mr. AN-

DERSON, Mr. GLICKMAN, Mr. NEAL of Massachusetts, Mr. GAYDOS, Mr. DURBIN, Mr. MCNULTY, Mr. FOGLIETTA, Mr. VENTO, Mr. HAYES of Louisiana, Mr. FORD of Michigan, Mr. RAHALL, Mr. DEFAZIO, Mr. BERMAN, Mr. VALENTINE, Mrs. BOXER, Mr. DWYER of New Jersey, Mr. KILDEE, Mr. SPRATT, Mr. BRYANT, Mr. EVANS, and Ms. SLAUGHTER of New York.

H.R. 4332: Mr. OWENS of Utah and Mr. DELLUMS.

H.R. 4362: Mr. PANETTA and Mr. DICKS.

H.R. 4405: Mr. MCGRATH, Ms. KAPTUR, Mr. MAVROULES, Mr. HORTON, Mr. HERTEL, Mr. WHEAT, Mr. WYDEN, and Mr. MARKEY.

H.R. 4425: Mr. FRENZEL and Mr. SKAGGS.

H.R. 4460: Mr. WALGREN, Mr. MURTHA, and Ms. KAPTUR.

H.R. 4470: Mr. BATES.

H.R. 4475: Mr. BATES, Mr. HERGER, and Mr. MONTGOMERY.

H.R. 4478: Ms. KAPTUR, Mr. FAUNTROY, Mr. OWENS of New York, Mrs. JOHNSON of Connecticut, Mr. OWENS of Utah, and Mr. RANGEL.

H.R. 4492: Mr. OWENS of Utah.

H.R. 4496: Mr. PALLONE, Mr. MCNULTY, Mr. SMITH of New Hampshire, Mr. EDWARDS of California, Mr. ENGEL, Mr. FORD of Michigan, Mr. FOGLIETTA, Mr. ATKINS, Mr. BROWN of California, Mr. ANNUNZIO, Mr. RANGEL, Mr. CARDIN, Mr. VENTO, and Mr. HAWKINS.

H.R. 4506: Mr. MARKEY, Mr. STUDDS, and Mr. MCDERMOTT.

H.R. 4575: Mr. BLILEY.

H.J. Res. 127: Mr. HORTON.

H.J. Res. 364: Mr. HANSEN, Mr. MATSUI, Mr. HATCHER, Mr. TANNER, Mr. GUNDERSON, Mr. SLATTERY, Mrs. COLLINS, and Mr. EARLY.

H.J. Res. 459: Mr. OWENS of Utah.

H.J. Res. 464: Mr. ATKINS, Mr. BROOKS, Mrs. LOWEY of New York, Mr. MANTON, and Mr. UPTON.

H.J. Res. 467: Mr. TRAFICANT, Mr. BONIOR, Mr. WELDON, Mr. GRANT, Mr. WEBER, Mr. BEREUTER, Mrs. LOWEY of New York, Mr. ROE, Mr. OWENS of Utah, Mr. SANGMEISTER, Ms. MOLINARI, Mr. MARTINEZ, Mr. KILDEE, and Mr. JENKINS.

H.J. Res. 469: Mr. BUNNING, Mr. CLINGER, Mr. GOODLING, Mr. LEWIS of California, Mr. MOORHEAD, Mr. MURPHY, Mr. PAYNE of New Jersey, Mr. POSHARD, Mr. SCHIFF, Mr. SHUMWAY, and Mr. WEBER.

H.J. Res. 487: Mr. CROCKETT, Mr. DE LUGO, and Mr. MANTON.

H.J. Res. 501: Mr. FRENZEL, Mr. BARTLETT, Mrs. BENTLEY, Mr. LEVIN of Michigan, Mr. WAXMAN, Mr. RICHARDSON, Mr. MFUME, Mr. GONZALEZ, Mr. MONTGOMERY, Mr. SOLOMON, Mr. MOORHEAD, Mr. FORD of Tennessee, Mr. FALEOMAVAEGA, Mr. FRANK, Mr. BONIOR, Mr. THOMAS A. LUKEN, Mr. QUILLEN, Mr. SABO, Mr. JONTZ, Mr. SCHUETTE, Mr. WEISS, Mr. SMITH of New Hampshire, Mr. OWENS of New York, Mr. MCDERMOTT, Mr. ATKINS, Mr. ERDREICH, Mr. LANCASTER, Mr. MCDADE, Mrs. MEYERS of Kansas, and Mr. MCEWEN.

H.J. Res. 510: Mr. PAYNE of Virginia, Mr. INHOFE, Mrs. VUCANOVICH, Mr. KASICH, Mr. ROBERT F. SMITH, Mr. STALLINGS, Mr. WILSON, Mr. OWENS of Utah, Mr. MCNULTY, Mr. QUILLEN, Mr. LAGOMARSINO, Mr. GREEN, Mr. PANETTA, Mr. GALLEGLY, Mr. NIELSON of Utah, Mr. SUNDQUIST, Mr. WOLF, and Mr. WALSH.

H.J. Res. 518: Mr. KANJORSKI, Mr. PRICE, Mr. QUILLEN, Mr. WHITTEN, Mr. LANCASTER, Mr. LEWIS of California, and Mr. NIELSON of Utah.

H.J. Res. 522: Mrs. MEYERS of Kansas, Mr. HARRIS, Mr. DORNAN of California, Mr. LEWIS of California, Mr. LIGHTFOOT, and Mr. FRENZEL.

H.J. Res. 523: Mr. SHAYS, Mr. BARNARD, Mr. COBLE, and Ms. ROS-LEHTINEN.

H.J. Res. 527: Mrs. BOXER, Mr. BROWN of California, Mr. CLEMENT, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FROST, Mr. FUSTER, Ms. KAPTUR, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. THOMAS A. LUKEN, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. OWENS of Utah, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. SAVAGE, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. WAXMAN, and Mr. GRADISON.

H.J. Res. 536: Mr. DELLUMS, Mr. SAVAGE, Mr. COLEMAN of Texas, Mrs. SCHROEDER, Mr. FLAKE, Mr. CROCKETT, Mr. FAUNTROY, Mr. BATES, Mr. MARTINEZ, Mr. RANGEL, Mr. THOMAS A. LUKEN, and Mr. OWENS of New York.

H.J. Res. 540: Ms. KAPTUR, Mr. FIELDS, Mr. DAVIS, Mrs. COLLINS, Mr. SKEEN, Mr. THOMAS A. LUKEN, Mr. ROE, Mr. NIELSON of Utah, Mr. SMITH of Vermont, Mr. LEHMAN of Florida, Mr. MACHTLEY, Mr. WOLPE, Mrs. KENNELLY, Mr. KOLTER, Mr. COURTER, Mr. FAZIO, Mr. CARDIN, Mr. TALLON, and Mr. DWYER of New Jersey.

H.J. Res. 546: Mr. TANNER, Mr. GRANDY, Mr. AUCOIN, Mr. MCDADE, Mr. HORTON, Mr. DINGELL, Mr. YOUNG of Alaska, Mr. COUGHLIN, Mr. MCGRATH, and Mr. HOCHBRUECKNER.

H. Con. Res. 23: Mr. WALSH, Mr. RANGEL, Mr. LIPINSKI, Mr. ESPY, Mr. DYSON, Mr. CLEMENT, Mr. BOEHLERT, Mr. HASTERT, Mr. HALL of Texas, Mr. PARKER, Mr. WYDEN, Mr. HENRY, Mr. FAWELL, Mr. AKAKA, Mr. TRAFICANT, Mr. APPLEGATE, Mr. KOLTER, Mr. BRUCE, and Mr. WISE.

H. Con. Res. 207: Mr. WAXMAN, Mr. FOGLIETTA, Mr. FISH, Mr. STUDDS, Mr. WISE, Mr. EMERSON, Mr. JOHNSTON of Florida, Mrs. MARTIN of Illinois, Mr. HUGHES, Mr. LIVINGSTON, Mr. ATKINS, Mr. HORTON, Mr. LEWIS of Georgia, Mr. JONTZ, Mr. LANTOS, Mr. FROST, Mr. DELLUMS, Mr. VISCLOSKY, Mr. WEISS, Mr. BEVILL, and Mr. TORRES.

H. Con. Res. 246: Mr. GLICKMAN, Mr. JONTZ, Mr. HALL of Texas, Mr. POSHARD, Ms. PELOSI, Mr. PARKER, Mr. SISISKY, Mr. MARKEY, Mr. TORRICELLI, Mr. DORGAN of North Dakota, Mrs. BOXER, Mr. EVANS, Mr. PENNY, Mr. JOHNSTON of Florida, Mr. GRANDY, and Mr. LEWIS of Georgia.

H. Con. Res. 265: Mr. HORTON.

H. Con. Res. 276: Mr. SMITH of Florida, Mr. ESPY, Mr. ENGLISH, Mr. BOEHLERT, Mr. BLAZ, Mrs. MEYERS of Kansas, Mr. WEISS, Mr. MCNULTY, and Mr. CONTE.

H. Con. Res. 280: Mrs. MARTIN of Illinois, Mr. MURTHA, Mrs. PATTERSON, Mr. MINETA, Mr. GORDON, and Mr. HOAGLAND.

H. Con. Res. 281: Mr. DEWINE.

H. Con. Res. 288: Mr. COURTER, Mr. WEISS, Mr. OWENS of New York, Mr. VALENTINE, and Mr. ROE.

H. Con. Res. 293: Mr. TORRICELLI.

H. Res. 17: Mr. BRENNAN.

H. Res. 374: Mr. HASTERT, Mr. TAYLOR, and Mr. TALLON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. Res. 492

By Mr. PARKER:

—Page 1, line 3, strike out "March 30, 1990" and insert in lieu thereof "March 30, 1991".

—Amend the title so as to read: "Joint resolution to designate March 30, 1991, as 'National Doctor's Day'.".

SENATE—*Tuesday, April 24, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

Mr. WIRTH. Today's prayer will be offered by guest Chaplain Archbishop Mesrob Ashjian, prelate of the Armenian Apostolic Church of America in New York City.

PRAYER

The Honorable Archbishop Mesrob Ashjian, prelate of the Armenian Apostolic Church of America, offered the following prayer:

Almighty God, Eternal Guide of all people, direct us along the path of justice and honor in our daily conduct. Give of Thy blessings to this glorious Nation, so that it may continue to shine as a welcoming beacon of liberty amidst the dark clouds of tyranny and oppression. Reveal always Thy infinite Spirit to the Members of this august body, that they may be inspired toward a greatness of purpose, that they be ennobled in the urgent quest for justice, freedom, and peace for all mankind.

Today we beseech Thee to be mindful of the Armenian people, who sorrowfully commemorate the 75th anniversary of the genocide of one and a half million Armenians in the massacres of 1915.

Mindful of the teachings of our Lord Jesus Christ, we ask not for retribution or revenge, but for repentence and redemption.

We thank Thee in the name of the Armenian people for Thy eternal wisdom and divine mercy in providing them a safe refuge in these United States from the ravaging inhumanity of their enemies. We offer to Thee our sacrifices upon the altar of freedom in an act of redemption for all of mankind. In turn, Heavenly Father, we ask that Thy other children always be spared from the stifling yoke of tyranny, persecution, and fear.

Grant to all of the nations of the family of mankind the compassion and love which Thy Son offered to us through His sacrifice, that we may live freely with joy and happiness amidst all of the glories of Your creation.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. This morning, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 10 o'clock this morning, under the provisions of the previously approved unanimous-consent agreement, the Senate will consider the Packwood log exports amendment, No. 1492, for 1 hour. The agreement also provides that any relevant second-degree amendment to the Packwood amendment will be considered under a 1-hour time limitation.

On yesterday, the Senate granted unanimous consent to consider three Heinz amendments, Nos. 1505, 1506, and 1507, en bloc, following disposition of the log exports amendment.

The Senate will recess today for the party conference luncheons between the hours of 1 and 3 p.m. with action resuming on the tariff bill when the Senate reconvenes at 3 p.m.

Last Friday I indicated publicly to all Senators that today's session could extend well into the evening, as it is my hope that action will be completed on the pending tariff bill. Therefore, Senators should be aware that there is a likelihood of rollcall votes occurring throughout the day and into the evening as we attempt to complete action on this bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

Mr. GRASSLEY addressed the Chair.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

The Chair recognizes the Senator from Iowa.

JUDICIAL TAX PROHIBITION ACT

Mr. GRASSLEY. Mr. President, no doubt every schoolchild in Kansas City knows that the American Revolution was fought over the issue of taxation without representation. It is likely they also are taught that the Constitution reserves to Congress the power to lay and collect taxes. Perhaps they are familiar with the writings of Alexander Hamilton, who noted that "the judiciary * * * has no influence over either the sword or the purse. * * * And just maybe they have learned what Chief Justice John Marshall once wrote: that "courts are the mere instruments of the law, and can will nothing."

Mr. President, unless last week's Supreme Court opinion in Missouri versus Jenkins is overturned, Kansas City's children—and all of us—will have to relearn the fundamental roles of the courts and legislatures in democratic governance.

Last Wednesday, a bare majority of the Court let stand a doubling in the city's property tax—ordered by an unelected and unaccountable Federal judge—to finance a court-ordered desegregation plan. Those who thought, as the doctrines of separation of powers and federalism require, that the power to tax is clearly limited to the legislature, were in for a rude sur-

prise, both by Judge Russell Clark's district court opinion and by Justice White's opinion for the Supreme Court.

Before you think mine is a typical complaint of a conservative critic, you should read Friday's editorial in the Washington Post. Normally, the Post is no fan of judicial restraint. But even the Post found Judge Clark's remedies too "fantastic" to believe:

He ruled that in order to overcome the effects of previous segregation, the Kansas City schools had to be made so exemplary that suburban youngsters would choose to return to the inner city to school. All schools were required to be completely renovated and air-conditioned. Every classroom was to be equipped with 15 microcomputers. Swimming pools, a planetarium and a temperature-controlled art gallery were mandated. And extras such as a broadcasting system, a 25-acre farm, movie studios and a model United Nations, with simultaneous translation facilities were found to be necessary to vindicate constitutional rights. The judge, of course, did not have to consider the cost—hundreds of millions of dollars—or the competing demands for city money for health, social services or law enforcement.

The second astonishing aspect of the case is the expansion of judicial power into an area understood to be the prerogative of a representative body of elected officials. As Justice Kennedy and three colleagues protested, "[The court's] casual embrace of taxation imposed by the unelected, life-tenured federal judiciary disregards fundamental precepts for the democratic control of public institutions." The precedent for court-ordered tax increases to provide all sorts of services when constitutional rights are asserted is ominous. Imagine, for example, three separate federal judges in this city resolving cases involving St. Elizabeths, Lorton and Cedar Knolls, ordering massive tax increases without regard to overall budget priorities, necessary expenditures not before the courts or even the cumulative impact of these three separate orders.

The Judicial Tax Prohibition Act would end such judicial arrogation of the legislative function. It would end this bald abuse of power by the Federal judiciary. It would restore the taxing authority solely to the people through their elected representatives—as our Constitution commands.

There is no doubt that Congress has the constitutional power to limit the authority of the Federal courts to propose such an extreme judicial remedy as a tax increase on the people. So we do not need a constitutional amendment. Indeed, article III, section 2 of the Constitution already gives Congress plenary power in this regard.

Mr. President, I commend Senator HUMPHREY for introducing S. 34 last January and note that, in the wake of last week's decision, we need it without further delay.

SUPREME COURT DECISION IN MISSOURI VERSUS JENKINS

Mr. THURMOND. Mr. President. on Wednesday, April 18, the Supreme Court handed down an unprecedented decision in Missouri versus Jenkins. By a narrow 5 to 4 vote, the Supreme Court ruling will allow Federal judges to order local governments to increase taxes to accommodate a judicial remedy.

I firmly believe that this decision creates an overly broad extension of the Federal judiciary into an area which has traditionally been reserved to State and local governments.

Mr. President, the very foundation of this Nation was based on opposition to taxation without representation. The recent Supreme Court decision would grant a Federal judge—an unelected and life-tenured judge—the power to order tax increases in local communities. The individual citizens do not elect Federal judges, and they are quite insulated from public opinion. The power to tax is a significant power. However, the rights of citizens had been protected so far as taxation came from elected representatives. Taxation viewed by the public as unnecessary is duly noted at the ballot box. There is no protection for citizens' consent when taxes are imposed through the exercise of judicial power.

There are intricate and complex debates by State and local governments as to where scarce tax dollars will be spent. Federal judges, who are independent by design, should have no role in the imposition of taxes for a particular program or even for raising general revenue. The role of the judiciary is to interpret the law, not to legislate. The power to tax should remain solely a legislative function. In the Federalist No. 48, James Madison explained that in our democratic system, "the legislative department alone has access to the pockets of the people."

Mr. President on the first legislative day of the 101st Congress, I was pleased to join Senator HUMPHREY as an original cosponsor of S. 34 to clarify the remedial jurisdiction of inferior Federal courts. This bill would make clear that inferior courts established under article III of the Constitution do not have jurisdiction to issue any remedy or judicial decree requiring the Federal Government or any State or local government to impose any new tax or increase any existing tax. It is important to note that this legislation does not prohibit Federal courts "from ordering duly authorized remedies, otherwise within their jurisdiction, which may require expenditures by Federal, State, or local governments where such expenditures are necessary to effectuate such remedies."

Mr. President, it is clear that the burden is now on the Congress to alter this decision and return the power of taxation to its proper forum, the legislative branch.

As our distinguished colleague, Senator DANFORTH, remarked when this decision was handed down by the district court, "If the courts have the power to tax, then is there any legislative power that can be deemed beyond the reach of the judicial branch?

Mr. President, I urge my colleagues to support the legislation we have introduced which is directly on point to the Supreme Court decision in Missouri versus Jenkins.

Mr. PRESIDENT, I ask unanimous consent that the following editorials from the Washington Post, the Greenville News, and the Augusta Chronicle be printed in the RECORD following my remarks. These editorials are in opposition to the Jenkins decision, and I believe my colleagues will find them most informative on this issue.

There being no objection, the articles were ordered to be printed in the RECORD, as follow:

[From the Washington Post, Apr. 20, 1990]

COURT-ORDERED TAXATION

The taxpayers of Kansas City, Mo., must be wondering if they have for years completely misunderstood all the civics courses they took in high school: the ones where they learned about the separation of powers and the inequity of taxation without representation. Here they have been going along innocently believing that elected officials—people whose positions must be in some measure responsive to the views of their constituents and whose tenure in office is dependent on those constituents' approval—are the ones who set and impose taxes. But is a case involving school desegregation in their city, a series of federal courts has insisted that these principles are flexible and can be disregarded by a judge who assumes ultimate authority for raising and allocating this burden. This week five justices of the U.S. Supreme Court agreed that the Kansas City judge could order local authorities to double property taxes.

This case is unprecedented in two respects. The first is the scope of the remedies ordered by the judge. He ruled that in order to overcome the effects of previous segregation the Kansas City schools has to be made so exemplary that suburban youngsters would choose to return to the inner city to school. All schools were required to be completely renovated and air-conditioned. Every class-room was to be equipped with 15 microcomputers. Swimming pools, a planetarium and a temperature-controlled art gallery were mandated. And extras such as a broadcasting system, a 25-acre farm, movie studies and a model U.N. with simultaneous translation facilities were found to be necessary to vindicate constitutional rights. The judge, of course, didn't have to consider the cost—hundreds of millions of dollars—or the competing demands for city money for health, social services or law enforcement.

The second astonishing aspect of the case is the expansion of judicial power into an area understood to be the prerogative of a representative body of elected officials. As Justice Anthony Kennedy and three colleagues protested, "[The court's] casual embrace of taxation imposed by the unelected, life-tenured federal judiciary disregards fundamental precepts for the democratic control of public institutions." The precedent for court-ordered tax increases to provide all sorts of services when constitutional rights are asserted is ominous. Imagine, for

example, three separate federal judges in this city resolving cases involving St. Elizabeths, Lorton and Cedar Knolls ordering massive tax increases without regard to overall budget priorities, necessary expenditures not before the courts or even the cumulative impact of these three separate orders.

It is very hard to understand how the Supreme Court could have refused to review the fantastic remedies ordered by the Kansas City judge and why a majority of justices has approved the concept of judicially mandated taxes. There are other ways for a court to compel compliance with even an order like this without imposing a tax to pay for it.

[From the Augusta Chronicle, Apr. 20, 1990]

COURT: ONE FOR TWO

In two turns at bat Wednesday, the U.S. Supreme Court hit a home run and miserably struck out.

The home run came in a 6-3 ruling, with the most liberal justices dissenting, that allows states to prosecute persons for owning or viewing child pornography, even in their own homes.

The High Court, however, not only struck out, but fell flat on its face, when it ruled 5-4, with conservative justices dissenting, that federal judges can order local officials to raise taxes and scrap state laws to advance school desegregation goals.

Writing for the majority in the "kiddie porn" case, Justice Byron R. White said the purpose of the Ohio law was not to censor pornography—indeed, adult smut is still permissible—but to "protect the victims of child pornography."

How better to do that than to strike at buyers of child pornography? They are the ones, after all, who create the demand. Take them out of circulation, and the market dries up.

The law, moreover, pertains only to lewd sexual acts and pictures stressing private parts; it excludes child nudity for art, science and ordinary family photography. No violence is done to First Amendment rights to free expression.

The tax ruling, however, does terrible violence to the Constitution, notwithstanding that the majority tried to soften the radical nature of its decision by saying judges can't raise taxes on their own, as U.S. District Federal Judge Russel Clark did in Kansas City, Mo.

But by giving Clark the authority to order local officials to raise taxes, the Court created a distinction without a difference.

More significantly, it gives the federal judiciary something it has never had before—the power to tax.

Justice Anthony Kennedy, writing for the minority, asserted the ruling endorses taxation without representation, thereby destroying a fundamental precept of the Constitution: ". . . that the power (to tax) must be under control of those who are taxed," i.e., the elected legislative branches of government.

This is a horrendous reminder that under an activist Court the Constitution doesn't mean what it says, but what a transient Court majority says it means.

What's to stop federal judges from ordering massive tax boosts to improve prisons, hospitals or pay for any "noble" social purpose that tugs on their heartstrings?

If giving a blank check to unelected officeholders with life-time tenure doesn't move Congress to protect the people's power of the purse, then it's time the people give the government a history lesson on what the Boston Tea Party was all about!

[From the Greenville (SC) News, Apr. 21, 1990]

IMPERIAL JUDGES MAY COMMAND NEW TAXES

Forget the president, read the U.S. Supreme Court's lips: A judge may order new taxes. The latest expansion of the power of the judiciary came in a Supreme Court ruling Wednesday that said federal judges may order local governments to raise taxes.

In the desegregation case involving the Kansas City, Mo., school district, a federal judge ordered local officials to put an end to an exodus of white students from inner city schools by adopting a magnet school plan. A problem in complying with the order was that voters wouldn't approve the taxes needed to pay for the costly school plan.

So, the enterprising judge simply ordered that local property taxes be doubled. An appeals court said the judge went a bit too far, that he should have ordered the elected school board to raise taxes instead of raising them himself.

In essence, the Supreme Court majority agreed with the appeals court judges, tuttutting about the judge overstepping form, but agreeing he could order local officials to do his will.

As a dissenting justice, Anthony Kennedy, noted, this was no more than an academic distinction. Unquestionably, the court has ratified the concept of an imperial federal judiciary that exercises another increment of power, and answers to no one for it.

Back in the 1700s, this sort of thing was called taxation without representation, and it provoked a revolution. Now it will be applauded by some, because the worthy end served—desegregated and well-funded schools—is thought to justify the means that are contrary to democratic rule. As Justice Kennedy observed, the "casual embrace of taxation imposed by the unelected, life-tenured federal judiciary disregards fundamental precepts for the democratic control of public institutions."

It's interesting that the Missouri judge went considerably beyond the issue of desegregation in his ruling. The judge provided, at taxpayers' expense, such amenities for the public schools as swimming pools, computers, and movie editing rooms.

In the past, federal judges have ordered states to improve circumstances found to be unconstitutional, such as overcrowded prisons or inadequate mental health facilities. Inevitably these orders have forced funding shifts and increases in state spending, but never before has the judiciary assumed the authority of elected representatives to order higher taxes.

The latest Supreme Court ruling gives federal judges unprecedented powers. Despite appointments of the past decade of many judges who are inclined to restraint, it's clear many more such appointments are needed.

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

(The remarks of Mr. DURENBERGER pertaining to the submission of Senate Resolution 274 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

TAXES AND THE COURTS—MISSOURI VERSUS JENKINS

Mr. SYMMS. Mr. President, I thank the distinguished senior Senator from South Carolina for his leadership on this and I thank him for his attentiveness to this very important issue of taxation without representation. This is really the essence of this question.

Mr. President, last Wednesday the Supreme Court issued its decision in Missouri versus Jenkins, a school desegregation case in which a Federal district judge imposed a property tax increase to finance the construction of magnet schools in the Kansas City, MO, School District. Very sadly and wrongly, in my judgment, a five-member majority of the Court said on Wednesday that the Federal judiciary can indeed order elected government officials to levy taxes, notwithstanding the legal and constitutional limitations on the taxing authority of those officials. That conclusion violates a fundamental principle of democratic government, namely that people who pay taxes must consent to be taxed, either directly or through their elected representatives. I hope Congress will not let this decision stand long, and I am pleased to be an original cosponsor of S. 34, the Judicial Taxation Prohibition Act, to make it clear that Federal courts do not have jurisdiction to require any government entity to impose new or higher taxes.

Missouri State law, like State law in Idaho and elsewhere, limits the taxing power of local entities of government. The school district has authority to levy property taxes up to $1.25 per $100 of assessed value, and higher taxes can only be imposed pursuant to a referendum vote in which the school district's residents give their direct consent. In this case, the taxes required to finance construction of the district court-approved magnet school system far exceeded the school district's taxing authority, so this unelected, life-tenured Federal judge decided to impose the higher tax on his own authority. The Supreme Court's majority concludes correctly that the judiciary has no power to lay taxes on its own, but concludes in error that the judiciary does have power to order government officials to impose taxes.

In a very powerfully written dissent, Justice Kennedy says, "Any purported distinction between direct imposition of a tax by the Federal court and an order commanding the school district to impose the tax is but a convenient formalism. * * * Absent a change in State law, the tax is imposed by Federal authority under a Federal decree." In contrast to the majority opinion, Justice Kennedy cites the words of the Framers, the language of the Constitution, prior Supreme Court holdings on the question of the judiciary's power to tax, and fundamental ele-

ments of the American Revolution: all of which indicate the power to tax is a legislative, not a judicial, power. The Court's decision clearly violates that fundamental precept of democratic government.

I commend Justice Kennedy's dissenting remarks to the attention of all my colleagues, and I thank Senators THURMOND, HUMPHREY, GRASSLEY, and others on the Judiciary Committee for their leadership on this most important issue to straighten out what I think is wrong within government. "No taxation without representation" is the essence of democratic government and a battle cry of liberty for which Americans have risked, and sometimes lost, their lives. The Court's decision in Missouri versus Jenkins puts at risk the sacrifices and enduring achievements of our Founding Fathers. I hope it will be quickly and decisively overturned.

COURT ORDERED IMPOSITION OF TAXES

Mr. WALLOP. Mr. President, I was both surprised and dismayed last Wednesday to see the U.S. Supreme Court decided that a Federal court has the power to order the imposition of taxes. One of the most treasured and fundamental principles upon which this country was founded was the concept that there shall be no taxation without representation. This is not just another old saw, Mr. President. Article I of our Constitution gives only the legislative branch the power to lay and collect taxes, not the courts. I support legislation to halt this expansion of Federal judges' scope of authority and to restore a power that was improperly usurped by the courts.

Legislation is necessary because the courts have shown themselves unwilling or unable to curb such outrageous judicial activism. In the 1987 case, Missouri versus Jenkins, Judge Russel Clark of the western district of Missouri unilaterally ordered a 25 percent income tax surcharge and a 95 percent property tax increase on all income and property in the district to fund a school desegregation settlement which he had ordered. The $187 million plan designed to entice students to return to the inner-city schools, was imposed by a judge who even went so far as to order exactly how the money was to be spent. Numerous swimming pools and sporting fields, greenhouses, a farm complete with farm animals and equipment, a planetarium and model United Nations, complete with translation equipment, are just a few of the remedies Judge Clark viewed as necessary.

The Eighth Circuit Court of Appeals overturned the income tax surcharge but it let the property tax increase stand. Disappointingly, the U.S. Supreme Court said that, although a Federal judge could not directly increase taxes, he could force local and State governments to raise taxes. As Justice Kennedy's dissent points out, such a "distinction between direct imposition of a tax increase by the Federal court and an order commanding the school district to impose the tax is but a convenient formalism."

I find this decision particularly troublesome because the people of Wyoming have chosen not to adopt a State income tax. An unelected court official could essentially wipe out the will of the people, reach into their pockets and order that additional moneys must be raised to take care of prison overcrowding, for example. Such action would be neither popular nor appropriate.

I cosponsored the Judicial Taxation Prohibition Act introduced at the beginning of the 101st Congress and I cosponsored the recently introduced joint resolution proposing a constitutional amendment to prohibit the courts from laying or increasing of taxes. Congress must put an end to such an abuse of power on the part of the courts if our democracy is going to remain faithful to the most basic concept upon which it was built.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 2497 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I ask that when we go on the trade bill, and my amendment, which I understand will be pending, that I might have unanimous consent to speak for a maximum of 10 minutes without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? Hearing no objection, that will be the order.

Mr. PACKWOOD. I thank the Chair and I will wait until we go on the bill.

The PRESIDING OFFICER. Is there further morning business?

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. I thank the Chair.

(The remarks of Mr. WIRTH pertaining to the introduction of S. 2496 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE HOSTAGES IN LEBANON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,865th day that Terry Anderson has been held in captivity in Beirut. It is hoped that the freeing of Robert Polhill on Sunday will inspire renewed strength in all of the American hostages and their families and an intensified resolve on our part never to forget the daily trials of our citizens being held hostage.

I ask unanimous consent that two articles from today's Washington Post regarding the release of Robert Polhill be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 24, 1990]

EGGS, THE PAPERS, SLEEP: POLHILL SAVORS FREEDOM

(By Marc Fisher)

WIESBADEN, WEST GERMANY, April 23.—Gingerly, Robert Polhill climbed down from a Blackhawk helicopter this morning and stepped back into a life of his own.

Exhausted and malnourished after 1,182 days of captivity, the released hostage soaked in the cheers of workers at the U.S. military hospital here and cast his eyes across a field of flags and handpainted welcome banners. Suddenly he found the energy to pretend he was a backyard quarterback, faking a long pass with the football Air Force officers had given him as a present.

Polhill, the 55-year-old business professor whose Lebanese kidnappers handed him over to a Syrian military intelligence officer Sunday, arrived hungry—for food, information and rest. He ate a traditional American breakfast (half a grapefruit, scrambled eggs, bacon, muffins, milk and coffee), spoke to his mother by telephone, read several newspapers and then spent much of the day sleeping.

Two hours of physical tests found Polhill to be poorly nourished and mildly dehydrated, but otherwise in apparent good health. More extensive tests were scheduled for tonight and Tuesday.

The U.S. State Department's Hostage Reception Team also plans to begin its work Tuesday, debriefing Polhill on his captors, conditions of confinement, and fellow hostages, Beirut University College instructors Alann Steen and Jesse Turner. The three Americans were taken hostage on Jan. 24, 1987, when pro-Iranian members of the Islamic Jihad for the Liberation of Palestine, posing as campus police, abducted the teachers.

If Polhill is carrying the "verbal message" for President Bush that his captors last week said they were sending with him, he had not yet delivered it, U.S. officials here said. They could not confirm persistent reports in Iran and Syria that a second hostage is to be released this week.

The officials said they have no reason to believe that Polhill's kidnappers have received any payment from any government in exchange for the release. "There was absolutely nothing given by the U.S. government and we are not aware of them receiving anything else," an official said.

Polhill and American officials said they did not know why the kidnappers chose to release him rather than one of the other hostages. Polhill told crew members on the Air Force C-141 transport plane that ferried him from Damascus to Rhein-Main Air Base in Frankfurt that he learned that he was to be released only 10 minutes before he was delivered to the Syrians at a west Beirut hotel. He and the other two Americans had known for two days that one of them was to be freed.

On the 5½-hour flight to West Germany, Polhill spent most of his time speaking privately with his Lebanese-born wife Ferial. But Polhill, who did not sleep on the plane, also spoke briefly to the pilots and crew, drinking coffee and smoking cigarettes as he told them of his years of darkness and deprivation.

"As the sun came up over the horizon, he told us how glad he was," said pilot Capt. Andy Jillions. "He hadn't seen the sun for 39 months." For much of his time in captivity, Polhill was kept in chains in a windowless room.

The flight crew gave Polhill an autographed football and their squadron cap, as well as some newspapers. Gaunt, pale and wobbly, Polhill smiled for the cameras, flashed a V-sign and blew the crowd a kiss as he emerged from the transport plane to transfer to the helicopter that made the short hop to the hospital.

There, at the largest U.S. medical complex in Europe, Polhill and his wife were given a private suite in Freedom Hall, the wing where 113 American hostages have been eased back into society since 1981. Photographs of some of the 52 Americans held in Iran for 444 days line the halls.

Watching television pictures of Polhill, his relatives said that he looks thin and, as his mother, Ruth Polhill, said, "very frail, not at all like I remember him." Polhill, who has suffered from diabetes for 25 years, continued to receive insulin injections during his confinement.

In a brief interview with Syrian television in the initial moments of his release, Polhill—a former accountant who moved to Lebanon in 1983 after falling in love with the country, the college and Ferial—spoke in a hoarse, low voice, barely above a whisper. Air Force officers said he also spoke softly on the way to Germany.

"Remember, this is a man who probably hasn't done much talking for three years," said an American official involved in handling the release. "It may take him a little while." Polhill and the other hostages apparently were not permitted to speak in their full voices, officials said.

Despite their isolation, Polhill and the other Americans stayed alert by maintaining a regular schedule of lectures to one another on all manner of topics. Polhill would discourse on jazz, according to his son Brian. Polhill's two sons from his first marriage, which ended in divorce, are expected to arrive here Tuesday.

Psychiatrists and counselors at Wiesbaden who have treated other freed hostages say that they often seem passive and depressed, both because of the sudden rush of activity around them and the realization that they have missed out on several years of the lives of their loved ones.

When he is ready, Polhill will be able to look through a time capsule of news events that occurred during his isolation. He also has access to a full complement of medical, counseling or religious advisers. The Polhills may stay at Wiesbaden as long as they wish. Most returning hostages have stayed for two to four days before heading back to the United States.

Reporters peppered U.S. officials with questions about everything from Polhill's shaving protocol ("We don't have anything on that") to his requests ("He asked for a New York Times and a Big Mac").

After all these months, what, inquiring minds wanted to know, does Polhill crave? "The one thing we heard was a hot fudge sundae," said Air Force Col. Donald Kirchoffner. "But I can't confirm that."

Four hours later, the Air Force press center here had only one new fact about Polhill to offer: The sergeant manning the office proudly told all comers, "I can now confirm the ice cream sundae."

[From the Washington Post, Apr. 24, 1990]

IRANIANS, SHIITE PREDICT ANOTHER RELEASE SOON

(By Caryle Murphy)

DAMASCUS, SYRIA, April 23.—Iran's foreign minister and news media and a senior Shiite Moslem cleric in Lebanon suggested today that a second Western hostage will be released soon, but they reiterated that the freeing Sunday of an American hostage should be met with a similar "goodwill" response from the United States.

Robert Polhill, 55, was freed by his Iranian-backed Shiite kidnappers after 39 months in captivity—the first American hostage released in more than three years. He was set free after pressure was exerted on his captors by Syria and Iran, which have indicated a desire to resolve the hostage crisis.

It is not yet clear whether Iran, which has the most influence with the Shiite captors, is merely testing Washington's readiness to start a process of conciliation or has decided to release all of the remaining 16 Western hostages, including seven Americans, even if the United States does not immediately reciprocate with friendly actions.

However, Arab diplomats and Syrians familiar with the complex politics of the situation said that a goodwill signal from the United States would facilitate future releases.

It would also help, they said, to diminish the political influence of some officials in Iran and factions among its Lebanese allies who are opposed to freeing of hostages and who could slow, and perhaps sabotage, future releases.

One Syrian source spoke of "a huge battle" raging among those kidnappers loyal to Iranian President Ali Akbar Hashemi Rafsanjani and those allied with his main political rival, Ali Akbar Mohtashemi, who is opposed to releasing hostages without concessions from the West.

"We are all waiting for the United States to do something," said one Syrian familiar with the issue. "It's a two-way street."

Syria, which played a key role in securing Polhill's release, has urged "all parties" involved in Lebanon to cooperate so that the hostage crisis can end, but it has not officially requested Washington to respond to Polhill's release, according to one well-informed source.

Indications of possible future releases came today from Iranian Foreign Minister Ali Akbar Velayati and Hussein Musawi, leader of one of the groups comprising the Iranian-sponsored Hezbollah in Lebanon. Hezbollah groups hold most of the Western hostages.

Velayati, told Cable News Network in New York, "I think it is possible according to the latest information we have from Lebanon, maybe after a few days another hostage will be released." Now, he said, Iran is "looking for positive steps . . . from the other side."

Musawi, in a radio interview in Lebanon, said, "The possibility of another release is in the cards, but I don't know when, how or for what." But he added that Polhill's release "has to have a reciprocation. It is not feasible that all releases would be made as goodwill gestures."

Musawi is said to have influence over the Hezbollah-affiliated Islamic Jihad for the Liberation of Palestine, which released Polhill and still holds two of his colleagues. Musawi had predicted Friday, at a time when Polhill's release was uncertain, that he would be set free.

In Tehran, there were other suggestions that more hostages could be released. The Tehran Times said: "To contribute to the establishment of a general atmosphere of trust, the Lebanese groups should release another American hostage. By doing so, they once more prove their goodwill and preparedness for the settlement of the issue."

As long as Israel holds Arab prisoners, the paper said, "the Lebanese groups will certainly find it hard to comply with this request and their position is quite understandable."

"But perhaps the release of one hostage alone will not be enough to establish the kind of overwhelming trust needed to bring the whole hostage crisis to an end," it said.

Tehran's state-run radio said that "with the release of this hostage, grounds for the release of the other hostages may be laid, depending on whether Western governments use their influence to gain freedom of other hostages in Lebanon and occupied Palestine."

Diplomats here and Syrians well-versed in the hostage situation suggest that Washington could show its goodwill by helping secure the release of about 400 Palestinian and Lebanese prisoners held by Israel.

When Islamic Jihad released Polhill, it repeated that long-standing demand, apparently in the belief—shared by most Arabs—that Washington can influence Israel to release the prisoners.

Hezbollah groups in Lebanon also have demanded the release of one of their clerics, Sheik Abdul Karim Obeid. He was abducted in Lebanon by Israeli commandos last August in an attempt to secure the release of three Israeli soldiers held by Shiites.

Washington Post correspondent Glenn Frankel reported form Jerusalem:

There was no sign Israel played a role in the release of Polhill. Israeli officials have indicated they are prepared to exchange Obeid and the 325 Lebanese Shiite prisoners Israel holds in southern Lebanon for the three Israeli soldiers and the remaining American hostages.

But Islamic Jihad has demanded the release of the several thousand Palestinians held for alleged security offenses in the occupied territories as part of any prisoner exchange.

SPARK MATSUNAGA

Mr. BRADLEY. Mr. President, I join my colleagues in paying tribute to SPARK MATSUNAGA. We have lost a public servant whose patriotism, hard work, and unbending pride in the principles of democracy have made our country a better place.

In many ways, SPARK MATSUNAGA'S life represented the best of America. He was born to a poor immigrant family and worked his way through college and law school. Rather than seek fortunes, he dedicated himself to a lifetime of service to our Nation—first as a member of history's most highly decorated military unit, and later as a Member of Congress.

SPARK MATSUNAGA stood for peace and humanitarianism. He stood against the bigots and the bullies who tried to define people by their race or religion. In the Senate, he set the standard for service to constituents. He was a strong voice and advocate for all Hawaiians.

As a member of the Finance Committee, I watched his quiet and consistent fight for equity. But what I will always remember most is the way SPARKY helped the Senate, and the United States, to recognize that a nation as great as ours must try to make amends for our mistakes. SPARKY led the Senate's long overdue effort to pay reparations to Japanese Americans who were interned during World War II. SPARKY led the effort—not just because he had suffered from intolerance—but because he knew that it was the right thing to do. He helped us understand one of the dark pages of our history. He helped us live up to the promise of America.

SPARK MATSUNAGA knew war. But more important, he valued peace. He worked for over 25 years to establish the U.S. Institute for Peace. In 1984, the Institute was founded to encourage research in the resolution of conflicts. This Institute will stand as a lasting memorial to Senator MATSUNAGA.

SPARK MATSUNAGA has left an indelible mark on the Senate, and on our Nation. He will be greatly missed.

PUERTO RICO—A FAIR REFERENDUM

Mr. KENNEDY. Mr. President, legislation to permit the voters in Puerto Rico to determine in a referendum whether Puerto Rico should be a Commonwealth, a State, or an independent nation has been reported by the Energy and Natural Resources Committee and is now under consideration by the Finance and Agriculture Committees.

Recently, the Governor of the Commonwealth of Puerto Rico, Rafael Hernandez Colón, gave an excellent address at Harvard University on the three essential conditions that any Federal referendum legislation must meet. As outlined by the Governor, these conditions are, first, that the three options must be clearly defined, so that Puerto Rico's voters are fully informed of the details of each option. Second, Congress must commit itself to implement the results of the referendum, so that the electoral process is not under taken in vain. And third, the three options must be fairly balanced, so that the results of the referendum will reflect the voters' true preference, not the short-term distortions of artificial and arbitrary incentives in the referendum legislation.

The Governor, who fully supports passage of fair referendum legislation, has thoughtfully articulated his concerns about the current bill. His views deserve careful consideration by all of our colleagues, and I ask unanimous consent that the text of his speech may be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE GOVERNOR OF THE COMMONWEALTH OF PUERTO RICO, HON. RAFAEL HERNÁNDEZ COLÓN, ON THE OCCASION OF HIS VISIT TO HARVARD UNIVERSITY, APRIL 19, 1990

I come before you as the Governor of the people of Puerto Rico with a mandate to seek self-determination from Congress, in order to choose our political future.

I also come before you carrying out an electoral mandate to demand on behalf of Puerto Rico broader self-government, respect for the sovereignty and political dignity of the Commonwealth relationship and full participation for citizens in Puerto Rico in all Federal social programs that provide a safety net for U.S. citizens in need.

I speak to you as the Governor of a people who speak Spanish as their native tongue, have a distinct culture and identity which they intend to preserve, and are unwilling to assimilate themselves under any circumstance.

In order for the people of Puerto Rico meaningfully to exercise their right to self-determination, three essential conditions have to be met.

First of all, the three options have to be clearly and unambiguously defined in the referendum now before the Congress. Congress has to express itself as to what each formula entails, and what transition schemes and measures are realistic and acceptable. The people need to know what they are voting for, in order to make an intelligent choice. They need to know what to reasonably expect from each status option in terms of taxes, fiscal arrangements, trade, citizenship, language, social programs, olympic representation, defense, transitional measures, and a wealth of related issues. For too long, myths and misconceptions have dominated the debate on political status in Puerto Rico, and it is about time that the people are told the truth, clearly and without reservations.

The second requirement for meaningful self-determination is a commitment from Congress that the results of the referendum will be implemented at the Federal level. We cannot repeat the sad episode of the 1967 referendum, where the vote was overwhelmingly in favor of enhancing Commonwealth status—more than 60 percent—yet, Congress did not act. Thus the 1967 referendum was inconsequential. It amounted to a beauty contest between the three options.

We cannot accept a plebiscite in which there is a possibility that the people of Puerto Rico vote in vain.

Third, if there is to be meaningful self-determination, the political status options must be of equal dignity and fairly balanced. If the options are unbalanced, if the dice are loaded, the choice will rest in the Congress, not with the people.

This is precisely the problem that is now faced in the U.S. Senate. The present version of S-712 is terribly, dangerously and unacceptably unbalanced.

First of all, the Senate bill is equivocal as to the political dignity of the Commonwealth relationship. In order to rectify that situation what is historically correct must be made clear: That the Commonwealth relationship stems from the concerted will of the people of Puerto Rico and the people of the United States acting through their elected representatives in a compact, that the government empowered by the Puerto Rican people is sovereign over matters in the Puerto Rican Constitution, and the U.S. Government is sovereign over matters in the Federal Constitution, and that this relationship is permanent and cannot be changed except by the mutual consent of the people of Puerto Rico and the Congress of the United States.

Any claim to whimsical power over the people of Puerto Rico on the part of the Congress is contrary to the compact and to the dignity of the relationship. The language of the bill must bear this in mind, because nothing in the bill must detract from the full dignity of the Commonwealth as an alternative to statehood or independence.

Secondly, the Puerto Rican people seek empowerment through this exercise in self-determination. The Senate bill is unbalanced because the demand for empowerment under Commonwealth for the Puerto Rican people was not met. Yet the bill provides full representation in the House and Senate plus a vote for the President and Vice-President under statehood, and the full powers of the Republic under independence.

Empowerment under Commonwealth—which does not contemplate voting participation at the Federal level—requires a distribution of powers between the Commonwealth and the Federal Goverment, different from that provided in the U.S. Constitution between the Federal Government and the States.

Empowerment under Commonwealth requires the institutionalization of a legal process so that the political will of the people of Puerto Rico through their elected representatives in the Commonwealth Government can express itself in an operative way consistent with vital Federal needs as to the Federal laws that may govern their lives.

The Senate bill provides for a fast tracking mechanism to bring resolutions of the Puerto Rican Legislature on the applicability of Federal laws before both Houses of Congress for a vote. This mechanism must be strengthened by criteria limiting congressional choice to matters vital to the United States.

Empowerment further requires immediately transferring powers now vested in the Federal Government to the Commonwealth Government so as to make this government more effective and responsive to the needs and aspirations of the Puerto Rican people.

The Senate bill provides additional powers in the following areas: Authority to impose tariff duties on foreign origin products and to seek preferential treatment for our exports under generalized systems of preferences programs, the ability to consolidate Federal programs to increase the effectiveness in the use of Federal funds, and the establishment of a mechanism to transfer Federal properties to the Commonwealth Government.

Other areas need to be addressed in addition to those recommended in the energy committee bill strengthening the international role of the Commonwealth of Puerto Rico; establishing Puerto Rico as an open port for air carriers, in order for us to promote our economic development; granting Puerto Rico jurisdiction over its natural resources and historical patrimony; extending Puerto Rico authority to regulate maritime

shipping, in order to assure the lowest possible rates; participating in the selection of Federal appointees to serve in Puerto Rico.

Thirdly, the Senate bill is unbalanced because it provides for parity in all Federal social programs for Puerto Rico upon admission into the Union, as a state. However, it denies that parity to the same U.S. citizens under the Commonwealth option.

The political effects of this are easy to understand. These programs target more than half of the Puerto Rican electorate. They offer tangible economic benefits to the following groups.

Nutrition assistance benefits 440,000 households. The monthly benefits for a family of four would climb from $199 to $331.

About 75,000 aged and 115,000 disabled persons would start receiving SSI, with average benefits of $260 to $430 a month, respectively.

Expanded medicaid health benefits would reach 2.1 million persons, at a cost of $900 million in additional Federal spending.

This offer by the Energy and Natural Resources Committee has already had an impact on the Puerto Rican electorate. For the first time in history, statehood has come out ahead in the polls in Puerto Rico, having gained 15 points since the Senate Energy and Natural Resources Committee's bill was reported out.

Asking these needy U.S. citizens to vote for statehood in order to have the full Federal safety net is grossly unfair. It constitutes in effect the denial of the protection of the equal protection clause of the U.S. Constitution. We cannot hold a meaningful referendum unless this inequity is redressed, and the needy U.S. citizens residing in the Commonwealth receive the same participation in Federal social programs.

A balanced bill must provide for equal protection for Puerto Rican U.S. citizens in all the Federal social programs.

Redressing these flaws of the Senate bill as to the dignity or Commonwealth, the scope of autonomy and equal protection in the social programs will set us upon a level playing field with balanced options. It will allow the Commonwealth option the political dimension it merits and to the people of Puerto Rico true self determination.

IRVING HARRIS—EXCELLENCE IN EARLY CHILDHOOD EDUCATION

Mr. KENNEDY. Mr. President, one of America's most respected business leaders, Irving Harris, is also well known to many of us for his outstanding work on behalf of disadvantaged children in Chicago and across this Nation. As the president of Standard Shares and chairman of the executive committee of the Pittway Corp., he has had the foresight to recognize that the work force of the future is highly dependent on educating children today. For a generation, his vision and commitment have led to innovative partnerships between the public and private sectors that have had a dramatic impact on the Nation's policy toward children, especially the very young.

In 1966, as the war on poverty began, he established the Erikson Institute in Chicago. Today it is one of the top educational institutions in the Nation for training in early childhood development and infant studies.

In 1982, he established the Ounce of Prevention Fund, a public-private partnership for early childhood intervention programs. One of its greatest successes, the Beethoven project in Chicago, has become a national model for such programs. Based in the Robert Taylor Homes public housing development, the Beethoven project provides early, continuous and comprehensive services to poor children through age 5 and their families. This promising project provides the inspiration for the Federal Comprehensive Child Development Centers Act, adopted in 1988, which funds similar programs in a dozen sites across the country.

America owes an enormous debt to Irving Harris for his brilliant leadership on issues affecting children. Last December, he delivered an impressive address to the City Club of Cleveland on the subject of early education. His excellent remarks demonstrate his extraordinary vision and commitment on this issue. I believe that they will be of interest to all of us in the Senate, and I ask unanimous consent that they may be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EDUCATION—DOES IT MAKE ANY DIFFERENCE WHEN YOU START?

(Address to the Forum of the City Club of Cleveland delivered by Irving B. Harris, Chairman, The Ounce of Prevention Fund, December 15, 1989)

There is a widespread perception that public school education in our big cities has failed. Businessmen have come to recognize, particularly in the last eight years and with the leadership of the Committee for Economic Development, that this failure of public education threatens the very survival of American business against increasing worldwide competition. In the past two years, Fortune magazine has sponsored two Education Summits, bringing together the best thinkers they could find to discuss the problem and suggest possible solutions.

Governors of our various states have also become very interested because when they try to induce companies to locate new plants in their states, they hear from the executives of those companies—whether they are Japanese or American—that business is only secondarily interested in low taxes. Mainly, they are interested in the quality of available personnel. If they are going to build a plant that will last 40 years, they want to know where the labor supply is coming from and whether well-educated human resources will be there when they need them.

Some governors, like former Governor Thomas H. Kean of New Jersey and Governor Bill Clinton of Arkansas, see the education problem as threatening the very survival of our nation if we are to remain a broad based democracy. Governor Kean quotes Thomas Jefferson, "If a nation expects to be ignorant and free in a state of civilization, it expects what never was, and never will be." Governor Clinton recently pointed out that for 40 years we have waved the banner of democracy in the world and now, just as Communism is faltering all over Europe, ironically our own democracy is in great danger because of the imminent breakdown in our society. He observes a growing underclass, poorly educated with an increasing gap between high-income and low-income workers.

Owen B. Bulter, retired chairman of Procter & Gamble, asks whether we are aware that we are about to pass on to our children living conditions such as exist in Mexico City or Manila, where in order to be safe you have to erect high walls around your home and top them off with broken glass or barbed wire. Then, with the help of armed guards, you can almost feel safe. This may seem a little dramatic, but whether you are concerned about the quality of job applicants, about democratic government or about personal safety, all of us should be interested in the question of American education.

Let me quote a few statistics. George Bernard Shaw said, "The mark of a truly educated man is to be moved deeply by statistics." Last June, our high schools graduated 700,000 students who could not read their diplomas. Seven hundred thousand more dropped out before high school graduation, for a total of 1.4 million who are functionally illiterate. Since 18 years ago only 3.7 million children were born in the United States, this means 37 percent of these 18-year-olds, more than one-third of our nation's youth, are functionally illiterate. And with technology advancing all over the world, an employer now expects the average new employee who starts and stays with the company to experience five job changes over the next 40 years. Whenever the technology changes, each employee will have to learn a new job. This will require costly retraining. But even to start such retraining, the employee will have to have an ability to read and comprehend so that the training can take place. No longer is a strong back and a willing heart sufficient to stay employed in a company which has to compete against the technology of Germany, Japan, or Korea.

Well, how can we fix our poor educational outcomes? How about the simple, quick fixes? Let's require high school students to work harder. Don't allow students to have driver's licenses if they drop out of high school. Or, follow the state of Wisconsin's lead and withhold welfare payments from any parent whose child has more than two unexcused absences during a semester. Or, we can simply spend more money on education.

As we think about it, we realize that we already have a huge and costly educational system in this country which gets into gear when a child enters kindergarten. In 1986, we spent $264 billion on education for students age six up through graduate school. This year we'll spend $350 billion. That's an increase of $86 billion in just three years. Does anyone think that those $86 billion have improved education? No one that I know of! Incidentally, the federal programs for Head Start for children four years old, which were funded at $1.2 billion in 1986 are still funded at $1.2 billion in 1989. Head Start was launched 23 years ago by President Lyndon Johnson. In 1989, that $1.2 billion is sufficient to pay for only 18% of our nation's eligible four-year-olds.

As a nation, we fail to do enough for our children, early enough, to make a lasting difference in their later lives. Too little too

late seems to be the golden rule of American education.

If the problem were that Americans were too short and you wanted to increase the height of our students, I doubt that anyone would seriously think that we should spend a lot of money to improve the eating habits of 16-year-olds in order to try to improve height. Common sense tells you that most of a child's growth has occurred before the age of 16. As a matter of fact, it's a little awesome to realize that all of us had attained one-half of our mature height by the time we were two and a half years old. That's right. If you're six feet tall now, you were already three feet tall when you were two and a half.

Professor Benjamin Bloom of the University of Chicago, an outstanding student of human development, points out that human growth occurs at a decelerating rate. He says if you really want to affect an adult's height, the most effective time to improve his nutrition and health is from the time of conception until he is two and a half. That's when the growth is greatest.

Professor Bloom also pointed out that human intelligence, our capacity to learn, grows at a decelerating rate. His research showed that by the age of four, more than one-half of our intelligence is in place. If you spend any time playing with young children, ages three or two or one, or even three months of age, you can tell from your own observation just how smart those kids are and how much they have learned in the few months that they have been alive.

T. Berry Brazelton, a respected pediatrician at Harvard, says he can tell by examining a nine-month-old infant whether that infant is likely to make it in school or fail in school, simply by observing how that child approaches very simple tasks, like playing with blocks. Learning patterns develop very, very early and while they can be changed by play therapy, it is not likely that patterns once learned will change much unless therapy occurs.

Recent brain research tells us that three months before we are born we already have in the back of our heads, 10 billion neurons. That's as many as we ever get. And over the next 21 months those neurons are interconnected with synopses so that by the time we are 18 months old, our central nervous system is very well developed. How it has developed makes a big difference in how well we learn for the rest of our lives. Again to quote Professor Bloom from his book *Stability and Change in Human Characteristics*, written 25 years ago, "General intelligence appears to develop as much from conception to age four as it does during the 14 years from age 4 to age 18." He also said, "Thus, general intelligence or general academic achievement must be manifestations of fundamental properties of the central nervous system *as well as of an underlying pattern of basic habits, attitudes, and ways of relating to the world.*" Motivation is another word to describe "basic habits, attitudes, and ways of relating to the world." Motivation is an enormously important part of learning—and it is learned in infancy.

Getting back to those neurons, they are created at the average rate of 40,000 every minute, 60 minutes an hour, 24 hours a day, for the first 180 days after conception. It's shocking but true to realize that frequently in the very first few weeks of pregnancy, even before a woman knows that she is pregnant, she may have unwittingly damaged the central nervous system of her fetus by smoking cigarettes, drinking alcohol, or taking drugs.

Five years ago I picked up the *New York Times* one day and read an account of an initiative taken by the Superintendent of Schools in Minneapolis, Richard Green, who later went on to become Chancellor of the New York system and then died suddenly a year ago. In order to improve his school system, he did something radical. He decided he would not allow anyone to go into 10th grade unless that student had satisfactorily completed all his 9th grade work. He wanted to be sure that 10th grade classes would not be slowed down by students who were not capable of learning at the 10th grade level. He set up a matriculation test at the end of ninth grade and did the same thing for seventh grade, fifth grade, second grade, and kindergarten. And, much to everyone's surprise, 10% of the kindergarten class flunked—were considered "not ready" for first grade. The *New York Times*, as well as the parents, were shocked.

When I talked to a friend of mine who taught kindergarten in the Chicago Public School system, she said she wasn't surprised by that. As a matter of fact, in Chicago she thought the percentage of kids "not ready" for first grade would have been over 20%. She went on to say that she was an experienced teacher and could handle a class in which one child was "not ready." But she hastened to add, if she had two or three children who were not ready, she would have to shortchange the whole class. By "not ready" she meant a child who had a low span of attention or was hyperactive or had a hearing problem or a vision problem or was prone to violence, or had a learning disability. Just to satisfy myself, I spoke individually to five other teachers. Each used the same terms, said she was well-trained and could handle one child who was "not ready" without shortchanging the whole class. But then each quickly added that if she had two or three children in the class who were "not ready," there was no way she could avoid shortchanging the whole class. After further questioning, all of the five inner-city teachers told me they realized they were shortchanging the class every day, every week, and every year.

No wonder then, that when the Chicago schools were required by our legislature two years ago to test and compare the scores of graduating high school students to national norms, they found that more than half of Chicago's 58 high schools which were tested ended up in the lowest one percentile of the American College Testing Program universe. A.C.T. annually profiles students in 5,400 schools. One percent of 5,400 is 54. Thirty-five of Chicago's 58 schools which took the test were in the bottom 54. "Shortchanging," as a figure of speech, was not an exaggeration. It was true. (Incidentally, I do not believe Cleveland, Detroit, New York, or most of our big cities are in the A.C.T. sample.)

So, we spend $350 billion a year trying to educate children from the age of six up through university, while for the children at high risk of failure, we're missing the most important time for improving learning capacity, namely from the minute of conception until those children are four years of age.

Well, what about Head Start. Head Start is frequently a very good program, depending, of course, on how well trained the teachers are. Head Start works for many three and four year old children, although it seems to be too late for others. And that shouldn't surprise us. An even more comprehensive preschool program was set up in New Haven under the direction of Dr. Sally Provence at Yale some 20 years ago. She worked with 17 very poor children from the time the children left the hospital after birth to 30 months of age. She and a skilled team at Yale worked intensively with the children and with the parents and provided a great deal of family support.

Six of the fathers participated; 11 did not. The outcomes were excellent. All but one of the children did well in school. That one had a learning disability. In the follow-up study, not one of the children had been in trouble with the law or presented a behavior problem in school or at home. In addition, after 10 years, only two of the participating families were still on welfare, while over half of the control families were still not self-supporting.

The difference in outcomes for the boys in the experimental group compared to a control group was quite significant: their attendance in school was much better, as was their cooperation with their parents and teachers.

Another successful experiment with very early childhood programs was the federally funded Family Development Research Program which operated between 1969 and 1975 in Syracuse. It offered comprehensive services to 80 low-income families with children between 6 and 60 months of age. The major goal was, "The support of child and familial behaviors that sustained growth and development after intervention ceases." A population of expectant mothers and mothers of newborns was carefully selected and included only families with first, second, or third children. The families in both the research group and control group met the following definition of disadvantage:

1. Family income of $5,000 or less.
2. Mother with less than a high school education.
3. Mother having no work history, or unskilled or semi-skilled work history.
4. Father, if living at home, with high school education or less. (Eighty-five percent of mothers were single parent heads of houshold.)

In addition, their children must have had a normal birth defined as no cesarean sections, no severe toxemia, no difficult delivery, no birth complications, and birthweight of five pounds or more. By age five, children in the experimental program—boys and girls—showed statistically meaningful gains in their cognitive functioning compared to the 80 control children. Neither social nor emotional gains were measured because they were too hard to gauge. After age five, these 80 program children, all of whom were ready for kindergarten, were scattered among numerous public schools close to where they lived and not concentrated in any particular school.

From the longitudinal study undertaken when the Syracuse children were 15 years old, it was apparent to the program director that particularly for program boys, the peer pressure from their classmates had militated against their continuing to do well in school cognitively. The program girls retained their superior records, while the program boys did not.

At age 15 the principal measurable difference for the program boys was in their functioning in society. Out of the 65 experimental program children who could be found 10 years later, only 4 had been placed under supervision of the probation department, contrasted with 12 of the 54 control children who could be located, 6% versus 22%. This translated to an estimated cost to soci-

ety for court processing, probation services, supervision and detention of $186 per child in the program group compared to an estimated $1,985 per child in the control group, more than 10 times as much.

Not only did the incidence of juvenile delinquency in the control group far exceed that of the program group, but so did the severity of their offenses. The four program children were mainly described as "ungovernable" while the offenses charged to the control group were more serious: burglary; assault, second offense; robbery, second offense; attempted assault, second offense; sexual abuse; criminal mischief; violation of probation; petty larceny. In other words, the difference was not only a tenfold higher cost in dollars to the probation department, but a clear warning of much heavier costs to come from later prison sentences.

One extremely good Head Start type program was carried out in Ypsilanti, Michigan. In that program a careful study of the experimental group who had had two years of a good preschool program coupled with home visiting were compared with a control group who had no preschool and no home visiting. Of the control group, 49% graduated from high school, while 67% of the experimental group finished high school. That's quite a difference, 18%. But when you think about it, it's still discomforting that 33% of the experimental group still did not finish high school and 31% of the experimental group, at age 19, were judged to be functionally incompetent. Again, home environment, shortchanging by the public school system, and probably peer pressure accounted for the failure of 33% of the experimental group.

Programs that attempt to make radical improvements in children's health, education and overall well-being must start very early, as early as the prenatal period. But we must be realists: these programs are difficult and costly to implement. They must be done but done right. They will require many, many trained people. At the present time, there is an enormous shortage of well-trained public health nurses, social workers and early childhood development specialists. Part of this shortage results from low salary scales because we do not value early education. We pay teachers in child care and preschool much less than we pay janitors.

We must train more teachers to work with infants and young children. As anyone knows who is an experienced teacher, teaching a two-year-old or a three-year-old is quite different from teaching an eight-year-old. Stated differently, a three-year-old is not just a short eight-year-old.

We should also be trying much harder to reduce radically the number of unintended births to poorly educated adolescents if we are to get a handle on the public school education problem in this country.

It's fair to assume that at least 880,000 babies were born this year at very high risk of educational failure. This includes 480,000 births to teenagers and probably an additional 400,000 babies born to women who have no plans and little capability to nurture and appropriately stimulate their children.

Approximately 3.8 million mothers will give birth to babies in 1989. Almost 3 million will be births where the child is intended and/or wanted—and where the mothers can and will nurture their babies and get them ready for school by age six. But the 880,000 babies born at high risk have little prospect of optimal development. The chances of these children becoming successful participants in our 21st century society is less than 50/50. And our society simply has no capacity to cope with this flood of unnurtured infants.

It's been traditional in America that it is the parents' responsibility to bring up their child so that the child is ready for school at age six. That has been regarded as a civic responsibility. The implicit contract that is made between the school and the parent is that the child is ready for school and wants to learn.

Unfortunately, from the standpoint of the school system, many parents frankly have little capacity to prepare their children for school. Many of these parents are living in poverty, but there are many other parents who are living in poverty who do an excellent job of preparing their children for school. Poverty is obviously a handicap and a terribly stressful condition, but it is by no means the sole problem or even always a problem. Of course, inadequate nurturing can also characterize some high-income families. Our society doesn't begin to know how to help children whose parents do an inadequate job of nurturing and stimulating the child in those critical first days and months and years of life, before the children get to school.

Every state has an agency which tries to cope with the most obviously severe cases of child abuse and neglect. None of them do it well. There is no way that we know of to satisfactorily substitute the state's care for the nurturing and love and special interest a parent or close relative brings to the child. In a society where almost all parents do a good job of raising their children, but an occasional child does come into the society who needs a lot of help, we're well enough organized to supply that help and cope with the rare problem child. But the fact is that we're overwhelmed today and don't begin to have the human resources or facilities, nor does any society have the facilities to handle all of the problem children that are currently being born in the United States. If you look critically at the failure in our educational system, you must conclude that the child's failure and the school's failure are largely determined before the child enters the educational system at age six.

Of course, it's going to help some if we have universal Head Start and we should have it immediately. In a nation which can spend $350 billion on education from the age of six up, it's absurd to say that we can't find the $8 billion to put into universal Head Start. We did find the $100 billion for bailing out the savings and loan industry. Our nation would survive without this, but it will not survive without fixing our educational system.

My argument is simple. Until we recognize where the problem is—long before age six, we will continue to see schools fail. The problem is in school readiness—the quality of children entering the system. To be ready for school, the children have to be healthy with appropriate language development, ready for the social experience of school, cooperative with other children, respectful of the teacher, and they must understand the importance of doing well in school.

When you are in manufacturing and are responsible for quality control, it's suicide to wait until the product is manufactured and shipped and in the customer's hands to find out that you have a problem of poor quality. Of course, you have to be sure that everything that you have done to process the parts and raw material is of high quality. But, over and above that, it's essential that you carefully inspect the purchased components at the time they come into your warehouse to make sure that the components you are putting into your product are 100% free of defect.

I realize children are not inanimate components, but the analogy does apply. If a child appears in school at age six, apathetic, unable to learn to read with the rest of the class, and/or disruptive, or prone to violence, or suffering from a severe learning disability, the teacher cannot be expected to perform miracles.

If the class has several problem children then, in addition to the classroom teacher, these classes need child development specialists to work with these problem children. Otherwise they will slow down the whole class and learn little themselves.

We should also try to figure out a way to guarantee the health and early stimulation and nurturing of every child born at high risk. We've been trying to do that in the Beethoven Project in the Robert Taylor Homes in Chicago and so far I can only say it's a tough assignment. We are making very slow progress. Programs like Beethoven—and as a result of Senator Ted Kennedy's initiative, there are now 20 such programs across the country—must be regarded only as experimental.

America has become a great country by being practical and by solving problems. We have a lot of work ahead on our education system, but we are bound to fail unless we recognize that we must go way back to the very earliest days of life. That's when education really starts. That's when intelligence and learning ability are shaped.

Children born to teenage mothers are especially vulnerable. Teenage pregnancy continues to be an important and costly problem. In an Illinois study, done by Northwestern University for the Executive Service Corps in 1985, we learned that annually it costs the people of Illinois $853 million to pay for the 23,000 children of teenagers, and that includes only the costs until the child reaches the age of five. Incidentally, the number of births to teenagers in Illinois dropped consistently from 1980 until 1986; but in both 1987 and 1988, there was an increase. In percentage terms, there was an even greater increase in babies born to girls 14 years of age and younger.

According to a study by the Alan Guttmacher Institute, in the United States, more than 90 of every 1,000 teenage girls have babies every year. This rate is more than six times the rate of the Netherlands and up to three times the rate of other industrialized countries, including France, England, and Sweden. Greater promiscuity is not the reason for these rates. U.S. girls don't engage in sex earlier or more frequently than girls in western Europe. The main difference is our attitude toward sex. The one million pregnancies that occur to teenagers in the United States each year are due to many factors including a lack of openness about sex and restrictions on teenagers' access to information on contraception in school and to low-cost contraceptive devices themselves.

Some years ago, most people swept this issue under the rug. Today, with the rate of teen pregnancies again showing an increase, the huge costs to society are attracting more attention. The issue has shifted from backyard whispers to newspaper headlines and legislative debate. Teen pregnancy is no longer a solely private matter. First of all, it is a health problem because pregnant teens, still children themselves, are much less

likely to obtain prenatal care, greatly increasing the chance that their babies will be medically endangered and born with inadequate central nervous systems and other birth anomalies. Teen pregnancies also presents a problem for our educational system. Not only do the mothers frequently drop out of school, but their children are more likely to have developmental delays. A substantial number of the public schools' problem children were born to mothers who began their childbearing unexpectedly as unwed teens, unprepared to be mothers.

There are no simple solutions. It is difficult to get high-risk pregnant women to obtain prenatal care. If you think about it, prenatal care not only requires the geographic availability of a doctor and financial or insurance coverage, it requires motivation. Doctors cannot inoculate a pregnant woman for prenatal care. Not only must she see the doctor, but she must also come in regularly and carry out the imperatives of good prenatal care. These include sound nutrition, no smoking, avoidance of alcohol, and absolutely avoidance of drugs. Drug abuse is, of course, the worst risk for the fetus. While the mother may excrete the forbidden drugs in about one day's time, the baby, growing in the sac of amniotic fluid, with just one maternal usage, will be bathed in the drugs for up to five days. With neurons being created at the rate of 2.4 million an hour, living in a drug-drenched environment for five straight days can be devastating to the development of the central nervous system and is likely to produce lifelong handicaps. Daily, we read the horror stories of cocaine babies—more than 400,000 were born this year alone.

Health and educability are intricately intertwined. Brain damage and developmental delays can create both educational and economic problems for the unborn baby. Educationally retarded youngsters are more likely to drop out of school and end up unemployed or unemployable, consigning themselves and any future children to life in poverty. Perhaps most important is the cost to our public school system. Developmentally delayed or brain damaged children present a momentous challenge. We've known for years that if a child reaches kindergarten one or two years behind his classmates, that child will probably fall three or four years behind in the next half dozen years. Until recently, however, it has not been recognized that the presence of more than one child with learning disabilities or disruptive behavior in a classroom subjects the full class to continuous disruption.

Success in school requires a teacher eager to teach, children prepared to learn, and parents who urge their children to work hard and succeed in school. When more than an occasional student is not ready for school, little learning takes place. When more than 5% of the children are not ready for school, the tipping point is probably reached causing the whole school culture to change. Public education by definition means we do not have the luxury of closing the school door to those unprepared youngsters whose unpreparedness is contagious. In Chicago, nearly 20% of our best prepared school children attend special magnet schools or private schools leaving the inner-city public schools with somewhere between 10% and 30% of their students "not ready" for school. Public schools have 80% of the population and 100% of the problem kids.

To start to prepare these children for school long before kindergarten is a daunting task. It will require a much more successful effort on the part of parents and society than we have yet been able to mount. This certainly will entail a plan to improve the health of the pregnant woman and the health of children from conception until age six. We simply have to recognize and act on our understanding of the lifelong links between health and educability of the child.

Let me conclude with a quotation from Gilbert W. Kliman and Albert Rosenfeld's book entitled *Responsible Parenthood.* In the preface they wrote, "Thus the book became emphatically addressed not only to parents and would-be parents, but also to nonparents. It makes a real difference to you whether my child turns out to be, say, a dedicated teacher or a narcotics peddler. If my child is retarded or delinquent, you—without having any vote in the matter—help foot the bill or could be one of his or her victims. All children are everyone's children, or should be; and all adults, in addition to being the specific rearers of their own biological offspring (of those they choose to adopt), are in a real sense surrogate parents for all children."

The Ounce of Prevention Fund, established in 1982, is a public-private partnership which promotes the well-being of children and adolescents by working with families and communities to develop positive opportunities and the capacity to enjoy them. In recognition of the critical importance of the family in determining the future for its children, The Ounce of Prevention Fund focuses on strengthening positive relationships within the family and enhancing the family's capacity to care for its members. The efforts of The Ounce of Prevention Fund are targeted specifically in communities with limited resources and include the creation of positive alternatives through systemic change. All Ounce programs are based on the conviction that it is more caring and effective to promote healthy child development than to treat problems later in life.

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JAMES HOLGER—OUTSTANDING CHILEAN DIPLOMAT

Mr. KENNEDY. Mr. President, at the end of this month, Chilean diplomat James Holger leaves his position as Director of the United Nations Information Centre in Washington and begins an auspicious new period of service for his country as Chile's Deputy Permanent Representative to the United Nations.

I commend Mr. Holger for his strong commitment to the United Nations, and for his noteworthy accomplishments in his current position. Since August 1988, when United Nations Secretary General Javier Perez de Cuellar appointed him as Director of the Centre, Mr. Holger has provided valuable assistance to many of us in Congress on issues relating to the United Nations. Before taking that position, Mr. Holger had served as the Secretary General's Special Representative in Cyprus, where he worked tirelessly to advance the cause of peace in that troubled land.

Before joining the United Nations in 1977, Mr. Holger served as Chile's Deputy Permanent Representative to the United Nations, the position he now resumes. He also served in the Chilean delegation at the Organization of American States and in the Chilean Embassies in Washington, Moscow, Bern and Berlin.

Last month I had the honor of visiting Chile for the inauguration of President Aylwin and witnessing the return of democracy to that country. The battle against dictatorship has been won, and Chileans now have the priceless opportunity to rebuild a just, fair and democratic society. In this endeavor, Chile will need the dedication and service of all its citizens. Mr. Holger is among the ablest of true Chilean patriots and diplomats, and his experience with the United Nations will serve his country well as that nation takes its place among the democracies of the world.

THE ANNIVERSARY OF THE MASSACRE OF ARMENIANS IN THE OTTOMAN EMPIRE

Mr. DIXON. Mr. President, for thousands of Armenian-Americans, today is a solemn day of remembrance for their relatives who died as part of a massacre against Armenians in the Ottoman Empire back in 1915. While the Senate has not adopted an official remembrance of this occasion, I think it is important that we do not forget the significance of this day in the hearts of many Armenian-Americans. Their memories are painful, their suffering great. What happened to their grandparents and great grandparents is indisputable. They were murdered because of their ethnicity.

The United States has always stood against such violence and brutality. We, as a beacon of freedom for the rest of the world, have had a special responsibility to remind ourselves, our children, and the world of such atrocities, in the hope that they never happen again. The massacre of Armenians must never be forgotten.

So I stand with my Armenian-American friends on this day in remembrance of the suffering and tragedy that has befallen their parents, friends, and relatives, and pledge never to forget how cruel mankind can be to one another, and work to prevent such atrocities from happening in the future.

THE ARMENIAN GENOCIDE: AN UNRESOLVED TRAGEDY

Mr. PELL. Mr. President, today marks the 75th anniversary of the Armenian genocide, in which an estimated 1.5 million Armenians in the Ottoman Empire were tragically and senselessly killed. Between 1915 and 1923, the empire's rulers pursued a deliberate campaign based upon religious, political, and cultural intolerance, to eliminate the Armenian people through deportation and death. Some have questioned whether or not to apply the term "genocide" to the terrible events of those years. I have come to the conclusion that the Ottoman Empire embarked on a policy of mass extermination, and the preponderance of historical evidence compels us to use the word "genocide."

In remembering the genocide's victims, I believe it appropriate also to call attention to the strife plaguing our Armenian friends today. As the world focuses on the situation in Lithuania, we must not forget about the past and present suffering of the Armenian people.

The Armenian people still are reeling from the December 1988 earthquake which killed and injured scores of thousands; political tensions in the Soviet Transcaucuses run high; and an economic blockade of Armenia has had a detrimental effect on earthquake recovery efforts. At the heart of the conflict in the Transcaucuses is the dispute between Armenia and Azerbaijan over the disposition of the territory of Nagorno-Karabagh. The region has been subjected to Azerbaijani control, despite the fact that the vast majority of the population is Armenian. This untenable situation has led to the continued persecution and victimization of the Armenian people.

I was in the Soviet Union in January when the undercurrent of discontent about the issue burst into full-fledged conflict. I met with Armenian refugees and was truly horrified at the accounts of the brutality and violence that they suffered. These incidents take on a deeper meaning in light of the terrible events that we commemorate today. This day serves as a reminder that we cannot remain silent. I am convinced that the Soviet Union must take steps to resolve this difficult issue if it wishes to avoid the inevitability of further escalation.

Mr. President, undoubtedly the Soviet nationalities problem will be an item for discussion at the upcoming summit meeting between Presidents Bush and Gorbachev. Clearly we must express our firm views about the Baltic States to the Soviet leadership, but I would hope that the issue of Nagorno-Karabagh will not be overshadowed. As the Vice President of the Supreme Soviet of the Armenian Republic told me in a recent letter, the issues of justice and human rights in Armenia are "no longer matters of mere principle or abstract ideals. People's lives and the survival of the Armenian people, their culture, language, and religion, depend upon the observance of human rights and constitutional guarantees of equal protection, local autonomy, and democratic decision making."

I urge the administration and my colleagues to heed these words, and I will ask unanimous consent that the full text of Vice President Kazaryan's letter be printed in the RECORD at the conclusion of my remarks.

Mr. President, despite a long history of tragedy and persecution, the Armenian people possess a unique and commendable moral strength and a proud spirit. I had hoped that the Congress would have had the courage to pass Senate Joint Resolution 212 to designate April 24, 1990, as a national day of remembrance of the 75th anniversary of the Armenian genocide.

I note that President Bush made appropriate remarks this weekend about the Armenian people's resiliance and courage in the face of great suffering. I do regret, however, that the administration did not see fit to fulfill its earlier promise to support a genocide resolution. Had such support for Senate Joint Resolution 212 been forthcoming, I believe the chances of its consideration and passage would have increased significantly. The Senate's failure even to consider this resolution was demeaning to the victims of the genocide, and a crushing blow to all Armenians and to those who are committed to the pursuit of human rights.

Today, I join with those who choose to keep the memory of the Armenian genocide alive. In so doing, we come a step closer to ensuring that such a tragedy never again will confront the Armenian people.

I ask unanimous consent that the letter to which I referred to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VICE PRESIDENT OF THE SUPREME SOVIET, ARMENIAN S.S.R.,
Yerevan, April 7, 1990.

Hon. CLAIBORNE PELL,
U.S. Senate, Washington, DC.

DEAR SENATOR PELL: I was honored to meet with you on April 5th to discuss some of the important issues facing Armenia, the democratic movement in the Soviet Union, and the positive role the United States could play in shaping a brighter future for all of our peoples.

While our immediate situation is grave, I would like to look beyond the current crisis to long-term, mutually beneficial cooperation between our countries through private investment, joint ventures, aid for economic development, and educational and scientific exchanges. Though my country is temporarily devastated and there are over 500,000 earthquake homeless and 250,000 refugees from Azerbaijan, I hope one day that we will be a thriving democracy.

These economic and refugee problems are inseparable from the political suppression in the region. In Azerbaijan, Armenians have been persecuted for seven decades and now over 50% of the 475,000 Armenians who lived in Azerbaijan have been driven from their homes in Baku and their native lands in and around Karabagh. Refugees from the earthquake zone and from Azerbaijan have filled the streets and buildings of my country. The continuing refusal of Moscow and Azerbaijan to respect the democratic will of the Armenian people of Karabagh, expressed through 70 years of peaceful protest, constitutionally guaranteed referenda, and popular petitions, has brought needless repression, bloodshed and economic devastation to the region. Just recently, I visited the villages of Kamo and Azat on the northern border of Karabagh. As the Soviet troops looked on, the Armenians of those villages were deported in response to Azeri death threats.

Over the past two years, the Azeri blockade of Armenia has strangled our economy, obstructed earthquake reconstruction, and prevented the arrival of assistance from the United States and other nations abroad. For whatever reason, Moscow has been unwilling or unable to end the blockade. This past winter we suffered severe shortages of fuel, food and raw materials. We urgently need to establish direct transportation and communication abroad and to explore environmentally sound sources of hydroelectric, geothermal and solar energy. We would welcome your assistance in these endeavors.

We ask you to speak out about the suppression of the democratic movement, the deportations, Armenian political prisoners such as Arkady Manucharov, and the reunification of the artificially separated province of Karabagh with Armenia. These are no longer matters of mere principle or abstract ideals. People's lives and the survival of the Armenian people, their culture, language and religion, depend upon the observance of human rights and constitutional guarantees of equal protection, local autonomy, and democratic decision making.

Economic development and respect for human, civil, and political rights are the surest means to the peace and stability which benefit all peoples. We beg you not settle for a counterfeit peace based on oppression and terror like that which we have suffered during the past seventy years. History has presented us all with a unique opportunity to establish just societies based on the will of the people and respect for laws. We seek no more than that the aspirations

expressed in your Constitution, in our Constitution, and in the Universal Declaration of Human Rights be enjoyed by all peoples who seek freedom and democracy. And like you, we will settle for no less.

I invite you to visit my country, to see the current conditions for yourself, and to learn firsthand of the willingness of my people to help themselves to a better future.

Sincerely yours,

RAFAEL KAZARYAN,
Corrsponding Member, Armenian Academy of Sciences, Karabagh Committee Member.

THE 75TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. D'AMATO. Mr. President, 75 years ago, on April 24, 1915, the blood red skies dawned over Armenia, when the Turks rounded up over 200 Armenian religious and political leaders and killed them.

This carnage was only the beginning of an organized campaign to systematically liquidate the Armenian people in Turkey—but no one was prepared for the wholesale slaughter of men, women, and children that was to follow.

From 1915 to 1923, 1½ million Armenians were killed. They suffered slow, painful deaths—after long death marches in the desert, by starvation and disease, at the stake, or by the sword.

Another ½ million Armenians were exiled from their homeland of 3,000 years, torn from the roots of their forefathers for all time.

Henry Morgenthau, the U.S. Ambassador to the Ottoman Empire in 1918, warned the world that "The whole history of the human race contains no such horrible episode as this."

The Armenian genocide was the beginning of the bloodiest century in the history of man. Hitler looked to the Turks and discovered the blueprint for the Holocaust when he asked the chilling question: "Who remembers the Armenians?"

In the same way, Stalin successfully carried out the extermination of 7 million Ukrainians during the 1930's, and Pol Pot butchered to death 5 million Cambodians in the 1970's.

Incredibly, some still argue today that there really was no Armenian genocide, no massacre, only casualties of war.

But history—and your determination to keep the Armenian spirit alive and burning—make it terribly clear that the Armenian nation was butchered at the hands of its bloodthirsty tyrants.

Just last week, the Soviets admitted that they were responsible for the massacre of 15,000 Polish officers in Katyn, and the East Germans admitted their responsibility for the Holocaust.

When will the Turks finally admit their responsibility for the vicious slaughter of 1½ million Armenians?

We must remember the Armenians, to teach our children and theirs that remembering the past can light the path to the future. I was proud to cosponsor the Senate resolution designating April 24, 1990, as "National Day of Remembrance of the 75th Anniversary of the Armenian Genocide of 1915–1923."

The genocide of the Armenian people stands as one of the most heinous crimes against humanity the world has ever known. The horror that the Armenian people suffered 75 years ago should have warned the world of man's inhumanity to man.

The resolution to commemorate the Armenian genocide will help bring all Americans together in greater understanding of this momentous tragedy—one which we can never forget, one which can never be denied, one which can never be permitted to occur again.

ARMENIAN MARTYRS DAY

Mr. PRESSLER. Mr. President, today marks the 75th anniversary of the Armenian genocide.

As one who cosponsored and voted for the Armenian Genocide Day of Remembrance resolution, I had hoped that we would observe today's anniversary under the terms of that resolution. But that is not to be the case.

Nevertheless, today many Members of both Houses of Congress are expressing in their own words their recognition of Armenian Martyrs Day. In this regard, it is interesting to note that nearly 100 historians and social scientists have been meeting these past few days in Yerevan, capital city of the Armenian Soviet Socialist Republic at the International Scholarly Conference on the Armenian genocide.

These scholars from 16 nations, including the United States, have been presenting the results of their research and exchanging information on the Armenian genocide. The conference participants have reaffirmed the reality of the Ottoman Empire's slaughter of over 1 million Armenians. When we debated Senate Joint Resolution 212, the Armenian Genocide Day of Remembrance a few weeks ago, some who opposed it argued that the evidence of an actual genocide against the Armenians at the hands of the Ottoman Turks was unclear. I encourage those who doubt the evidence of the genocide to take a careful look at the results of the just-concluded conference in Yerevan.

Mr. President, I have often stated that recognition of the Armenian genocide is no insult to contemporary Turkey. This day of recognition does not disparage Turkey. It is simply a day for honoring the victims of the genocide that occurred in the Ottoman Empire 75 years ago. Today's leaders of Turkey would do their nation a great service by setting aside their opposition to the recognition of this genocide. Turkish esteem in the eyes of the rest of the world would be enhanced if they would take this simple step. It would add credibility to their proclamations of respect for human rights.

We remember the past and the victims of historical outrages not to insult current nations or nationalities, but to demonstrate our commitment not to tolerate a reoccurrence of such tragic, brutal holocausts.

In the act of remembering the victims of the Armenian genocide, we honor all who have suffered unfairly, as they did. Our remembrance of them also is an expression of our hope that no human being shall ever again be forced to suffer as they did.

ARMENIAN MARTYR'S DAY

Mr. RIEGLE. Mr. President, I rise today to commemorate the 75th anniversary of the Armenian genocide—in which 2 million Armenians were slaughtered at the hands of the Turkish Ottomans. This commemoration is being held in the shadow of continued persecution of the Armenian people.

Here in Washington, we see the Government of Turkey once again exerting its considerable influence to deny Armenians a place in world history regarding the genocide. In Armenia, we see the Armenian people's efforts to rebuild after the disastrous earthquake being thwarted by Azerbaijanis who are blocking international relief efforts. And, in Soviet Azerbaijan, we see Azeri efforts to terrorize the majority Armenian population.

Surely, the Armenian psyche has been jarred and Armenians must feel a sense of tremendous loss and betrayal. But together, we must persevere because, to a greater extent than ever before, Armenian issues are in the forefront of international attention.

The anguish suffered by the relatives and descendants of the victims of the genocide, is intensified by the long-standing refusal of the Turkish Government to acknowledge that the Armenian genocide ever occurred, in the face of clear and ample documentation to the contrary.

The Senate's efforts to correct the record by passing the resolution designating April 24 Armenian Martyr's Day—were again unsuccessful. But we will revisit this issue—again and again until we prevail, for as history has shown us, to tolerate genocide is to invite its repeated use. We know that the Armenian genocide was not the last, but the first of many attempts to exterminate peoples in this century, including—6 million Jews under Hitler, untold numbers of Soviet citizens in the Gulags under Stalin, and countless Cambodians under Pol Pot.

The entire world must speak with one voice in condemning the crimes committed by the Turks, for they were not simply crimes against the Armenians, but against all mankind. Together, we must work to preserve that truth about these tragedies so that future generations might be spared the horrors of the past. Just as the world knows of the crimes against Jewish and other peoples, together we will ensure that future generations know of the atrocities endured by the Armenians and will prevent history from repeating itself.

In my own State of Michigan, the Armenian community has made an important contribution to this effort by establishing the Armenian Study Center at the University of Michigan in Dearborn, which will help to balance, with objective scholarship, the efforts of those who seek to alter history by denying the significance of the Armenian genocide.

Always mindful of the past, we must also look ahead to the future. We must prepare for it, and we must be inspired by the promise it holds. Like the beautiful Mount Ararat—Ah-rah-rat—the symbolic heart of ancient Armenia—Armenian-Americans can bring hope to those in the homeland, and some measure of meaning to the suffering endured by the victims of the genocide.

And, so we must continue to spread the word—to share the riches of the Armenian culture and an appreciation for the suffering the Armenian people have endured.

PREJUDICE IN AMERICA

Mr. DIXON. Mr. President, my distinguished colleague and friend, PAUL SIMON, recently spoke on the subject, "Our Mission To End Prejudice in America," At his alma mater, Dana College, in Blair. NE.

I believe my colleagues will find Senator SIMON's remarks as perceptive and enlightening as I found them. I ask unanimous consent to reprint his remarks in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

OUR MISSION TO END PREJUDICE IN AMERICA

(Remarks of Senator Paul Simon, Dana College, Blair, NE, Apr. 22, 1990)

Why have a gathering like this?

My involvement started with reading a review in the New York Times of Dr. Leo Goldberger's book, "The Rescue of the Danish Jews." After reading this real-life story with its heroes and villains, it occurred to me that something appropriate should happen in this country to honor those who stood courageously, and to remind all of us that times may arise when we must stand courageously.

Reading this book added to my knowledge of a less than glorious human history. Anti-semitism did not erupt suddenly in Germany sixty years ago, but has been a part of the cultural heritage of two millennia, imposed primarily by those of us who call ourselves Christians. From the 4th century on, the history of the Jews is both heroic and grim. And through these centuries the brutality that erupted from anti-semitism was defended—in the name of religion.

Here at a college of Lutheran heritage, we must note that Martin Luther and other Catholic and Protestant leaders of the 16th century, including otherwise enlightened leaders like Erasmus, expressed attitudes toward Jews that we now read with wonder and repugnance.

Even a tyrant like Hitler fooled many. Listen to Christian theologian Emmanuel Hirsch of Germany. "No other people in the world has a leading statesman such as ours, who takes Christianity so seriously. On May 1st when Adolf Hitler closed his great speech with a prayer, the whole world could sense the wonderful sincerity in that."

While the ominous silence of Lutherans and Catholics in Germany is disquieting, the confusion of personal morality and public morality afflicted U.S. Christian leaders also. In 1934 Baptists held their Fifth World Congress in Berlin. After that meeting one U.S. Baptist leader wrote: "Chancellor Adolf Hitler gives . . . the prestige of his personal example since he neither uses intoxicants nor smokes." And the president of the Southern Baptist Theological Seminary in Louisville cautioned, "against too hasty judgment of a leader who has stopped German women from smoking cigarettes and using red lipstick in public."

Most of the early colonies of our country prohibited Jews from holding public office.

We did not have ghettos in the same way that most of Europe had, but communities of Protestants, Catholics and Jews tended to gather in clusters in rural America, or in neighborhoods in urban America. We often were isolated from each other by language, culture and religion. Believing ill of one another came easily. Defending one another did not come naturally. That was true as late as half a century ago. Read David Wyman's book, "The Abandonment of the Jews," about the early World War II years, and the story of both U.S. Christians and Jews failing to stand up. It is not plesant reading for either Christians or Jews.

Support for Israel has too often been lacking among Christian leaders. Neither Christians nor Jews should be expected to provide uncritical support of Israel, but sometimes the silence, and sometimes the criticism, bear overtones that echo part of a Christian heritage that is not good. Christian politicians generally support Israel, but that is sometimes an outgrowth of self-interest rather than conviction. Having Christian church leaders who speak out for the security of Israel, as well as peace in the Middle East, should be more common than it is. I do not suggest that all lack of support for Israel is anti-semitic, but sometimes it is.

As Jews faced the Nazi threat in Europe, the most prominent church leaders to speak up in their defense were an Orthodox patriarch in Bulgaria and the Lutheran bishops of Denmark. There were some others, less prominent, and isolated voices like Dietrich Bonnhoeffer in Germany, but the resounding voice of compassion that we might have expected from every branch of Christendom did not emerge.

We gather here to honor a people who did show compassion and courage, to heed Elie Wiessel's constant admonition: "Remember." But I hope we can do more than that. On this fiftieth anniversary of the invasion of Denmark, we must probe the question, "Why in Denmark alone were almost all the Jews saved?" We must learn lessons that will help all humanity. Today is Earth Day. It is also Holocaust Memorial Day, known in Hebrew as Yom Hashoah, a day to remember the six million Jews killed by the Nazis. In two days the Armenian community will note the 75th anniversary of the massacre of 1.5 million Armenians by the Turkish government of that day.

Can we make this earth safer for its inhabitants?

I believe we can.

When I read Isaac Singer's account of his early life as the son of a rabbi in Poland, I found at least a few parallels to growing up as the son of a Lutheran minister. My parents were active in what we called "race relations," but despite that, in my earliest years my sense of the order of creation was, first there was God, then the angels, then the Missouri Synod Lutherans, and everyone else trailed pretty far behind. I'm sure my parents did not tell me that, but that was my impression. Gradually my outlook changed, but there are those in every heritage who somehow do not have the opportunity to grow out of those early attitudes.

My early years were in the State of Oregon, and I remember in 1942 the President ordered 120,000 Japanese-Americans and their relatives living in California, Oregon and Washington to sell all of their property in one to three days, and to put all of their possessions into one suitcase. They were then shipped off to camps in the interior of the United States. My father spoke out against this on a local radio station, KORE. Because of the patriotic fervor of the times, he took some abuse. Perhaps it is simply the flawed memory of someone who was then thirteen, but I do not recall others standing up. Where were the Christian and Jewish leaders? They were largely silent. Where was the American Civil Liberties Union? It was silent. Where were members of the bar, who should be special guardians of our basic civil liberties? They were, for the most part, silent.

I mention this to suggest that the battles for civil liberties are not fought only in Germany and Denmark. They are fought over and over in every society, and unless the traditions of understanding and tolerance and respect for civil liberties become deeply rooted, abuses are likely to take place, and those who object to the abuses are the remnant who keep civilized conduct from spilling over into uncivilized conduct.

There is the noble and the beast in each of us, and we need people who appeal to to the noble.

What can each of us do?

The answers in part are so obvious that they may seem trite.

They start with things as simple as the language we use to describe groups, and the jokes we tell. Jokes that make fun of Jews or Catholics or African-Americans or Asian-Americans or Poles or Italian-Americans are not funny. What we avoid doing is important.

What we constructively do is even more important.

We can build bridges, and I hope these days at Dana College will. It would take no great effort for a Jewish congregation to have an exchange program with a Lutheran congregation, but few have done that. It should take place in Omaha, yes, but there should also be a rural Lutheran or Catholic congregation exchange with an urban Jewish congregation in Omaha or Lincoln.

Here at Dana College, with its Christian heritage, there should be Jewish faculty representation, and more than an occasional Jewish student. Special efforts should be made to see that right on this campus there is more than a one-time seminar, but constant bridge-building that will never leave students for the remainder of their lives. I have twice spoken on the campus of Brandeis University, a school proud of its Jewish heritage. Brandeis has managed to survive that experience. Brandeis is careful to make sure that its faculty and student body, while predominantly Jewish, also reflect other cultural streams of this nation and world.

Are students at Dana learning about the Holocaust? About the slaughter of the Armenians? They should be, on this campus, and on all campuses.

Scholarships at Dana for those of Jewish heritage, as a special tribute to the Danes who rescued the Jews, would be appropriate.

Here at Dana College you have an art istructor whose talent is recognized throughout the region. His work welcomes visitors to the Omaha airport.

Why not commission him to do some form of sculpture that pays tribute to the Danes who have saved the Jews, a work that would have a prominent spot on this campus with its Danish heritage? Each day students and faculty and visitors would be reminded of how thin the veneer of civilization is, and how those with courage can make a difference.

But our reach for understanding must go beyond Christian-Jewish relations, important as they are. I have traveled a good deal in my life, but when the hostages were taken in Iran, I suddenly found myself reading about Sunni Moslems and Shiite Moslems, and realized that through my education and experience I had learned about the various divisions of Christianity and Judaism, but I knew amazingly little about the beliefs of moslems and Hindus and Buddhists and others. I have no easy formula to solve this, but just as isolation of Jews and Christians is not healthy, so our failure to understand others is not helpful. I do not suggest that we should in any way diminish the importance or the quality of the heritage that each of us has, but that we should do more to understand others.

Finally, we should ask our government to lead in the struggle for human rights, to reflect the best in our heritage. Our actions and our words should signify an interest in non-violent solutions to problems, built on a base of understanding and recognition of the rights of all. That must be our stand in Portland, Maine, and Portland, Oregon, in South Africa and the Soviet Union, in Cambodia and China, in El Salvador and Chile.

When the centuries-old specter of antisemitism rears its head in the Soviet Union, as it has, our government should not hesitate to ask the Soviet leadership to speak out more firmly, not to repress freedom of speech, but to stress the importance of understanding and tolerance, and the dangers of intolerance.

While we gather in peaceful Blair, Nebraska, to pay tribute to some courageous people, and to learn from them, in Ireland, Catholics and Protestants fight; in Lebanon, Christians and Moslems struggle among themselves and with each other; in Israel, Arabs, and Jews too often provide tragedy instead of hope; in the Soviet Union, Christian Armenians and Moslem Azerbaijanis live in tension; in Kashmir, Hindus and Moslems are killing each other.

It is easy to look around our world and become pessimistic.

But today we honor people who give us hope. We must learn from them.

For many years Senator Jacob Javits served the nation. He lost in a New York primary, and shortly after his loss it was discovered that he had Lou Gehrig's disease. You could see this once-vital and strong man gradually deteriorate. Several weeks before his death he was pushed into my office in a wheel-chair, wearing a device around his chest to keep him breathing. Immediately his attendant plugged a cord into an electric outlet to keep the breathing apparatus functioning. And then Senator Javits started lobbying me on a bill that interested him.

When we finished talking about that matter, I turned to him and said, "Jack you're an inspiration."

I shall ever forget his reply: "Paul, you have to have a mission in life." He was right. And part of our mission must be to build understanding, so that never again will any people have to be rescued because of their heritage.

ARMENIA GENOCIDE REMEMBRANCE

Mr. MOYNIHAN. Mr. President, I rise today to acknowledge the 75th anniversary of the Armenian genocide which took place during the final years of the Ottoman Empire.

In the 8 years between 1915 and 1923, some 1,500,000 people of Armenian ancestry are reported to have died at the hands of their Ottoman rulers. We must not allow atrocities on this scale to pass through history unacknowledged.

There are those who wish to deny the facts, to deny that tremendous Armenian suffering took place under Ottoman rule; but the historical evidence documents the tragedies that befell the Armenians of the Ottoman Empire. Kemal Attaturk himself was quoted in the Los Angeles Examiner on August 1, 1926, as saying that the responsible Turks "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred."

President George Bush stated in October 1988, that "The United States must acknowledge the attempted genocide of the Armenian people in the last years of the Ottoman Empire, based on the testimony of survivors, scholars, and indeed our own representatives at the time, if we are to insure that such horrors are not repeated."

Indeed. That is precisely the purpose of Senate Joint Resolution 212, of which I am a cosponsor. That legislation, introduced by Senator DOLE, would have designated today, April 24, 1990 as the national day of remembrance of the 75th anniversary of the Armenian genocide of 1915-23.

While the resolution was successfully blocked in the Senate, the debate over the resolution may have raised public awareness of the Armenian suffering in a way that the resolution itself would not have done.

LAUNCH OF HUBBLE SPACE TELESCOPE

Mr. KERRY. Mr. President, today, after years of anticipation, the United States has launched the Hubble space telescope into permanent orbit around the Earth.

This mission, more than most, demonstrates the scientific value of the U.S. Space Shuttle Program, not just to scientists and astronomers, but to every individual who thirsts for knowledge and a broader understanding of our universe.

Because it will operate above the distorting effects of Earth's atmosphere, the Hubble space telescope will provide clearer pictures of our solar system, and our universe, than any Earth-based telescope ever could. It will allow all of us to become more familiar with our universe and the wonders it holds.

Yet the Hubble telescope is much more than an expensive camera. It is one of the most technologically advanced and sensitive scientific instruments ever developed.

This instrument will allow scientists to look further out into the universe than ever before, enabling them perhaps to measure the size of the universe itself. It will allow for the detailed study of other galaxies and perhaps the discovery of other planets in the universe which might support life.

Not only will this fantastic instrument bridge the gap of distance, it will also bridge the gap of time, enabling us to look into the past. The Hubble space telescope might be called the first time machine ever developed by man. For it will view images from billions of years ago and look to the very birth of our universe. It also may provide important insight into what lies ahead in our future.

But Mr. President, the most important feature of the Hubble space telescope will be its ability to study things that we don't yet know exist, to make discoveries the nature of which we cannot yet anticipate.

Today's launch reaffirms the importance of the U.S. Space Program. It demonstrates the need for further development in both manned and the unmanned space exploration. For although the Hubble telescope is perhaps the most advanced unmanned spacecraft ever developed, its success rests in the hands of the five astronauts sent today to deploy it. I wish them luck and success.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAVORED-NATION STATUS FOR HUNGARY

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1594, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the People's Republic of Hungary for 3 years.

The Senate resumed consideration of the bill.

Pending:

(1) Packwood amendment No. 1492, to prohibit the export of unprocessed timber from Federal owned lands.

(2) Heinz amendment No. 1505, to extend the suspension of import duties on synthetic rutile.

(3) Heinz amendment No. 1506, to extend the suspension of import duties on needlecraft display models.

(4) Heinz amendment No. 1507, to grant duty-free treatment to 3-amino-propanol.

AMENDMENT NO. 1492

The PRESIDING OFFICER. There will now be 1 hour of debate on the Packwood amendment, No. 1492.

The Senator from Oregon is recognized for 10 minutes.

Mr. PACKWOOD. I thank the Chair.

Would the Chair please warn me if I get to 9 minutes?

The PRESIDING OFFICER. I thank the Senator from Oregon. He will be warned.

Mr. PACKWOOD. Mr. President, it is my intention before the 10 minutes are out to simply sit down and hope that in the intervening hour, between the time when we are on this and when we vote, an agreement can be worked out that is satisfactory to all sides. At the moment, there is some difference over the treatment of State lands between the State of Washington and all of the other States involved. And there is an issue involving what is known as indirect substitution. That is a contentious issue.

I read the list of sponsors the other day. The amendment has 22 cosponsors, left to right philosophically and from Connecticut to California geographically. What we are trying to do is to ensure that there be an adequate timber supply for mills in this country. At the moment we are terribly short of timber and we import, therefore, 30 percent of our lumber from Canada. We simply do not make enough lumber in this country to serve our needs.

One of the reasons we are short is because we export out of the Northwest about one log in four that is cut, export it overseas. It is not used for lumber here.

One of the issues involved in export is the issue of substitution. Direct substitution is where you own timber of your own. You are Weyerhaeuser. You sell your timber overseas for a handsome price. You then turn around and cut timber off the public lands to run off your mill that you could have run your own private timber through. That is called direct substitution and, in effect, it encourages export.

Indirect substitution is simply a variant of that. Indirect substitution says that you are Weyerhaeuser. You sell some of your private timber overseas. You then buy timber that somebody else has bought off of public lands, buy it from an intermediary. That is indirect substitution. It has the same effect of encouraging the export of logs.

My bill would eliminate both. There is some difficulty with the State of Washington in working out language on indirect substitution, and I am hoping that can be worked out before we have to vote on this.

There is a second issue involving what we call tributary areas. Logs, by and large, are only hauled—and they are all hauled by truck for all practical purposes—they are only hauled so far. Beyond a certain distance it simply is not economical to haul logs and mill them.

We have what are called tributary areas. I will give an example. In Oregon we have a national forest around the town of Klamath Falls, and we have a port of Coos Bay that exports logs. They are so far apart, however, that no logs from the Klamath Falls area go out of the port of Coos Bay. It would not matter whether you are exporting or not exporting. The logs from Klamath Falls do not go to Coos Bay. But from Eugene and Springfield, which are adjacent cities, and Coos Bay, you have tremendous commercial traffic going back and forth in the hauling of logs. Logs cut in the Springfield area are hauled down to Coos Bay and shipped out. They would be in the same tributary area in my bill and you would not allow substitution in those areas.

Klamath Falls and Coos Bay are not in the same area.

We are having a little difficulty working out with the State of Washington language on tributary areas. And those are the two principal issues.

I will, therefore, when I finish, yield back the rest of my time and let the time run on the bill in the hope that in the next hour—and our staffs are meeting right now—some agreement can be worked out. If not, I will go ahead and ask for a vote on my amendment. But if it can be worked out, I will be happy to accommodate everybody and will offer an amendment at that time.

With that, I yield back the remainder of my time of the 10 minutes.

The PRESIDING OFFICER. The Senator has only used about 4 minutes.

Mr. PACKWOOD. That is fine. I will yield back the rest.

The PRESIDING OFFICER. The time now begins to run on amendment 1492.

Mr. PACKWOOD. I will put a quorum call and ask unanimous consent the time be charged equally against both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeed to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is the Senate transacting morning business or has the pending business been laid down?

The PRESIDING OFFICER. The pending business is the Packwood amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for not to exceed 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia is recognized for 8 minutes.

SITUATION IN LITHUANIA

Mr. BYRD. Mr. President, the situation in Lithuania has taken on importance from a number of perspectives. I am confident that most, if not all, of my colleagues are following it daily with increasing concern. None of us wants a crisis in Lithuania that would involve bloodshed and a new forced occupation by Soviet forces. No one wants the clock to roll back to the days that we lived through during the cold war when Russian tanks and troops rolled through Eastern Europe crushing one independence movement after another, and we stood by, watching, exercising no apparent influence, while the Soviets shored up the prison house that Stalin constructed after World War II. Lithuania, as a simple reading of history shows, was forcibly incarcerated in that prison house through a cozy arrangement between Hitler and Stalin. Lithuania was a sovereign, independent nation, just as its sister Baltic countries of Estonia and Latvia were, prior to World War II. In this sense, they are in an entirely different category than the Soviet Republics of the Ukraine and Azerbaijan, for instance. This is clear to everyone here, and to everyone in Moscow.

Soviet Politburo member Alexander Yakovlev publicly admitted as much,

in an important speech on August 18, 1989.

I commend the Soviets for this admission. But the activities of the Soviet leadership in Lithuania of late clearly contravene the logical implication of such an admission. So far the United States has been standing by, watching, murmuring polite disapproval and waiting anxiously. Surely we do not want to let Lithuania get in the way of the overall United States-Soviet relationship. Surely we do not want Lithuania to get in the way of a START Agreement. After all, what is important here?

I suggest to my colleagues that we all have to ask ourselves what is important here. No one can be sure what specific effect American actions will have on the dynamics of the Soviet leadership. Will increased pressure from the United States to do what is right in Lithuania have an adverse effect on Mr. Gorbachev's fortunes, ushering in a new draconian Darth Vader four-star military marshall who will fuel up all the tanks again? That is a fear being expressed. There are some who act as if they think the independence of Lithuania and Mr. Gorbachev's survival as a leader are mutually exclusive. We want to help Mr. Gorbachev out. We want to give him time, the benefit of the doubt. He is the Man of the Decade, according to Time magazine. He has, in fact, done much to deserve such an accolade. Eastern Europe was a series of economic basket cases serving as a drag on Soviet economic development, strangling the Soviets' ability to put their house in order. Mr. Gorbachev was the first Soviet leader to act on the recognition of that reality. His efforts to reform his own economy have been saluted by everyone. Although the results have been meager so far, he has done much to be commended for.

But, Mr. President, there comes a time that we dare not stand mute in articulating and acting upon the principles that are the foundation stone of this Nation. The overriding principle is the self-determination of independent peoples. There is a price that we inevitably will pay, and that others, including the Lithuanian people, may pay, for our standing mute for too long.

If we are sending messages to the Soviet leadership, then I have one that we might think about. I would oppose extending any new economic benefits and rewards to the Soviet leadership at the same time it is starving Lithuanians of food and fuel. The Soviets want us to forget about the fact that they forcibly occupied and annexed three independent nations and now are ratcheting up the pressure on these nations for reasserting that independence. I certainly think it is wrong to extend MFN trade treatment to the Soviets, and wrong to endorse any new trade agreement with the Soviets while Lithuania is denied its rightful status. But some people here are too worried to call attention to Soviet behavior, too concerned about calling attention to the denial of food and fuel to Lithuania. Should we be providing any kind of food assistance to the Soviet Union while food is being used as a weapon against Lithuania? I think not.

Some people are concerned about putting pressure on Gorbachev. Ask the Lithuanians about the sensitivity of Mr. Gorbachev to pressure. Are we going to sign up to the caricature of Gorbachev as the victim of the backroom hardliners? Gorbachev the good guy? Let us have a little less handwringing. America will never go wrong in firmly articulating the principles that we believe in, particularly since they apply so directly to the recent history of Lithuania and the current political situation there.

In order for the Soviet Union to win MFN trade status with the United States, it has to pass two congressional hurdles. First, a waiver of the Jackson-Vanik law by the President can be wiped out by an act of Congress, a provision which is embodied in this legislation authored by the Senate Finance Committee. I commend the committee for correcting a constitutional defect in that law in this measure before us. Second, a new trade agreement must be concluded between the United States and Soviets, and that agreement must be approved by the Congress. I would oppose dropping either congressional hurdle to giving the Soviets MFN treatment. I oppose extending any new economic benefits to the Soviets so long as they continue to frustrate the legitimate status of Lithuania as an independent nation, or so long as a clear and fair road through negotiations has not been established to the satisfaction of the very reasonable Lithuanian leadership which would result in that conclusion.

JUDICIAL TAXATION

Mr. LOTT. Mr. President, like my colleagues in the Senate, I spent the better part of last week and some time the week before at home in Mississippi, and I found people are plenty mad about their taxes. After all, April 15 is the famous date, and frankly I am disgusted about it, too, having just been dealing with my own income tax problems.

Now we find that the Supreme Court has said in a 5-to-4 decision handed down on April 18 that Federal judges have the right to raise or direct that taxes be raised.

Now, this is one further outrage to an already ridiculous problem. There are some Members of this august body who continue to say we do not have enough revenue coming into the Federal Government. I would like them to go back to their States and ask the people if that is what they think. I think they have about had it.

On a television program over the weekend one commentator said this is what the Boston Tea Party was all about. It is called "taxation without representation." Federal judges with life tenure, who are not elected to that position, are now getting into an unprecedented area, saying, "We can raise taxes." I have heard it all now.

So this decision would substantially increase the authority of the judicial branch beyond any bounds heretofore imagined and threatens the delicate checks and balances on which our Government was founded.

For this reason, I am cosponsoring Senator HUMPHREY'S S. 34, which prohibits the judicial branch from creating or raising taxes. Under this decision of last week, the power to tax rightly belongs to the legislative branch, the body closest to the people. The concept is inherent in our Constitution and was clearly intended by its framers.

While arguing for the ratification of the Constitution in the Federalist Papers No. 78, Alexander Hamilton left no doubt as to the Judiciary's limited powers. Here is what he said:

> The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or to the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment; and must ultimately depend on the aid of the executive arm even for the efficacy of its judgments.

Our Founding Fathers had no intention of granting the judicial branch of Government the power to tax, and to grant such power 200 years later would be, as Justice Kennedy wrote in his dissenting remarks, "an expansion of power in the Federal judiciary beyond all precedent."

As an appointed official, these judges would be completely insulated from the public will. While this is appropriate for the equitable dispensation of the law, it is grossly inappropriate for the levying of taxes. We can see very clearly where a judge would get involved in his own preferences or political views, without any accountability. If they could raise taxes in this instance, it could go to other areas, including public funds for hospitals and prisons, and in this particular case, it directed the doubling of property taxes in Kansas City to ensure that high schools would be equipped with swimming pools, planetariums, broadcasting systems, movie studios, and even a model U.N. with translation facilities. Boy, that is very nice. I wish we had one high school in my State of

Mississippi with just one of these added features.

So clearly this is a decision that is very contrary to all that our Founding Fathers had in mind.

My colleagues from Missouri, Senator DANFORTH and Senator BOND, have offered a constitutional amendment to clarify the judiciary's role. I know that Senator DANFORTH does not like changing the Constitution at all, a point he has eloquently made in this body before, in fact I am sure in the 101st Congress.

However, I am hopeful a statutory response will sufficiently restrict the courts' ability to tax. It is my understanding that Judge Robert Bork has stated he believes S. 34 would restrict Federal courts from levying taxes, However, it is imperative that we take action to stop this new raid by Federal judges. I also support S. 34, but if it proves to be inefficient, I would certainly look to a constitutional amendment to do the job.

We have judges running the telephone systems in this country, running the prisons, running hospitals, and now they want to raise taxes to impose their wills. This is the outrage of the week.

FAVORED-NATION STATUS FOR HUNGARY

The Senate continued with the consideration of the bill.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent, after consulting with the managers, to temporarily set aside the pending amendment so that I might present an amendment, and I ask further that the time nonetheless continue to run and be charged equally, and that I be permitted to proceed for not to exceed 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1510

(Purpose: To continue the temporary suspension of the duty on certain aromatic couplers and couple intermediates)

MR. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG] proposes an amendment numbered 1510.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

That headings 9902.29.01 and 9902.37.07 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are each amended by striking out "12/31/90" and inserting in lieu thereof "12/31/92".

Mr. ARMSTRONG. Mr. President, this amendment would extend a duty suspension on color couplers and coupler intermediates used in the manufacture of photographic sensitized material. The suspension is currently scheduled to expire at the end of this year; the amendment would extend suspension until December 31, 1992. These chemicals are used in the production of medical x-ray products and lithographic plates. It is my understanding that the extension of the duty suspension is not controversial and that the International Trade Commission has been consulted.

The PRESIDING OFFICER. Is there further discussion about the amendment offered by the distinguished Senator from Colorado?

Mr. PACKWOOD. Mr. President, the amendment has been cleared on this side.

Mr. BAUCUS. Mr. President, the amendment offered by the Senator from Colorado has also been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1510) was agreed to.

Mr. ARMSTRONG. Mr. President, I thank the Chair and I thank my colleagues.

Is it the desire now of the managers that we go back to a quorum call?

Mr. PACKWOOD. Mr. President, I ask unanimous consent that there be a quorum call and the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, has time run out?

The PRESIDING OFFICER. The time has expired.

AMENDMENT NO. 1511 TO AMENDMENT NO. 1492

(Purpose: To restrict exports from certain State lands)

Mr. PACKWOOD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD] proposes an amendment numbered 1511 to Amendment No. 1492.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE V—FEDERAL TIMBER EXPORT RESTRICTIONS

SEC. 501. SHORT TITLE.

This title may be cited as the "Federal Timber Export Restrictions Act of 1990".

SEC. 502. PURPOSES.

The purposes of this Act are—

(1) to make permanent the current Federal policy of restricting the export of unprocessed timber from Federal lands;

(2) to review and revise Federal policy with respect to the ability of timber operators to acquire and mill Federal logs in lieu of exported private logs;

(3) to promote the conservation of forest resources consistent with Federal resources management plans;

(4) to help relieve the critical short supply conditions in industries which rely on an adequate timber supply; and

(5) to effect measures aimed at meeting those objectives in conformity with the obligations of the United States under the General Agreement on Tariffs and Trade.

SUBTITLE A—FEDERAL LANDS

SEC. 511. RESTRICTIONS ON EXPORTING OF UNPROCESSED TIMBER.

Notwithstanding the Act of April 12, 1976 (16 U.S.C. § 616, 44 Stat. 242), and except as permitted by section 513 or 514 of this Act, no person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands shall—

(1) export such timber from the United States;

(2) sell, trade, exchange, or otherwise convey such timber to any other person for the purpose of exporting such timber from the United States; or

(3) use, or assist or conspire with any other person to use, such timber in substitution for unprocessed timber originating from private lands exported or to be exported from the United States.

SEC. 512. INFORMATION GATHERING.

(a) REQUIREMENTS OF PERSONS ACQUIRING UNPROCESSED TIMBER.—In accordance with regulations issued under section 523, each person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands shall report the disposition of such timber to the Secretary concerned on a quarterly basis.

(b) REQUIREMENTS OF PERSONS CONVEYING UNPROCESSED TIMBER.—

(1) IN GENERAL.—In accordance with regulations issued under section 523, each person who sells, trades, exchanges, or oth-

erwise conveys to another person unprocessed timber originating from Federal lands shall identify in writing the origin of such timber to that other person.

(2) ACKNOWLEDGEMENT.—The person to whom such timber is conveyed under this section shall submit to the Secretary concerned, in such manner as the Secretary may prescribe—

(A) written acknowledgment of receipt of the written identification of the origin of such timber under paragraph (1), and

(B) a written agreement to comply with all of the prohibitions in section 511.

(c) REPORTS BY SECRETARIES TO CONGRESS.—The Secretary concerned shall, on the basis of the information received under subsection (a) and (b), report annually to the Congress on the disposition of unprocessed timber originating from Federal lands administered by that Secretary. The Secretary of Agriculture may meet this requirement by including such information pertaining to the National Forest system as part of the annual report required by section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (17 U.S.C. 1606(c), 88 Stat. 478).

SEC. 513. EXCLUSIONS.

(a) EXEMPTION FROM PROHIBITION ON SUBSTITUTION.—The prohibitions contained in section 511 shall not apply to a person if, before the unprocessed timber otherwise subject to the prohibitions is obtained—

(1) that person applies to the Secretary concerned, in such form as is prescribed in regulations issued by such Secretary, for an exemption of the prohibitions contained in section 511;

(2) that person demonstrates in such application that the Federal lands from which the unprocessed timber will be obtained are not located in the same geographic area—

(A) from which that person exports any other unprocessed timber from private lands; or

(B) from which that person has exported unprocessed timber from private lands in the preceding 5-year period; and

(3) the Secretary concerned grants the exemption.

(b) DETERMINATION OF GEOGRAPHIC AREAS.—The Secretary concerned shall determine the boundaries of geographic areas for purposes of subsection (a)(2) in accordance with the procedures for rulemaking set forth in section 553 of title 5, United States Code. The Secretary shall consider whether persons other than the applicant for the exemption engage in commerce in unprocessed logs between the two geographic areas involved. Such commerce shall be sufficient to deny the exemption. Any such determination shall be reviewed at least once in each 2-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

SEC. 514. SURPLUSES.

(a) DETERMINATIONS BY SECRETARIES.—The prohibitions contained in section 511 shall not apply to specific quantities of grades and species of unprocessed timber from Federal lands which the Secretary of Agriculture or the Secretary of the Interior determines to be surplus to domestic manufacturing needs.

(b) PROCEDURES.—Any determination under subsection (a) shall be made in regulations issued in accordance with section 553 of title 5, United States Code. Any such determination shall be reviewed at least once in every 3-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

SUBTITLE B—SANCTIONS; DEFINITIONS; EFFECTIVE DATES

SEC. 521. PENALTIES.

(a) IN GENERAL.—Any person who violates this title or any implementing regulation, or counsels, procures, solicits, or employs any other person to take an action in violation of this title or such regulation, shall be assessed a civil penalty by the Secretary concerned of not more than $10,000 for each violation.

(b) KNOWING VIOLATIONS.—Any person who knowingly violates this Act, or any implementing regulation, shall be assessed a civil penalty by the Secretary concerned of not more than $1,000,000 or three times the gross value of the unprocessed timber involved in the violation, whichever is greater.

SEC. 522. DEBARMENT.

If the Secretary concerned finds, after notice and an opportunity for a hearing on the record, that a person has violated this Act or any regulation issued to carry out this Act, such Secretary shall issue an order prohibiting that person from entering into any contract for the purchase of unprocessed timber from any Federal lands for a period of not more than 5 years. Such a person shall also be precluded from taking delivery of Federal timber purchased by another party for the period of debarment. Such an order shall be subject to review in an appropriate District Court of the United States.

SEC. 523. REGULATIONS.

Within 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall, in consultation, each prescribe new coordinated and consistent regulations to implement this Act on lands which they administer.

SEC. 524. DEFINITIONS.

When used in this title, the term—

(1) "acquire" means to come into possession of, either directly or indirectly through a sale, trade, exchange, or other transaction;

(2) "affiliate" of another person described in paragraph (4) of this section is a person that—

(A) controls or has the power to control such other person,

(B) is controlled by or is subject to control by such other person, or

(C) with such other person is controlled by or is subject to control by, a third person,

except that in determining whether persons are affiliates, all appropriate factors shall be considered including, but not limited to, common ownership, common management, and contractual relationships:

(3) "Federal lands" means lands administered by the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense, and located west of the 100th meridian in the contiguous 48 States, excluding lands held in trust by the United States for the benefit of any Indian tribe or Indian individual:

(4) "person" means an individual partnership corporation association or other legal entity and shall include subcontractors and any subsidiary, parent company, or other affiliate;

(5) "private lands" means lands held or owned by a person but does not include lands held or owned by the United States, a State or political subdivision thereof, or any other public agency;

(6) "Secretary concerned" means the Secretary administering the Federal lands from which the unprocessed timber is removed;

(7) "substitution" is the practice of purchasing or otherwise obtaining timber from Federal lands west of the 100th meridian in the contiguous 48 States while at the same time exporting, or selling for export, timber from private lands west of the 100th meridian in the contiguous 48 States; and

(8) "unprocessed timber" means timber as defined by the regulations prescribed pursuant to section 523 of this Act.

SEC. 525. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect 30 days after the date of the enactment of this Act, but shall not apply with respect to timber removed pursuant to timber sale contracts entered into before the date of enactment of this Act.

(b) EXEMPTION FROM SUBSTITUTION.—Section 511(3) shall take effect 1 year after the date of the enactment of this Act. During such 1-year period, section 511(3) shall not apply with respect to the acquisition of unprocessed timber from Federal lands by a person who, in accordance with regulations of the Department of Agriculture and the Department of the Interior in effect on the date of enactment of this Act, demonstrates to the appropriate official that the Federal lands are in a tributary area as defined by the current regulations.

TITLE VI—STATE LANDS

SEC. 601. RESTRICTION OF EXPORTS OF UNPROCESSED TIMBER FROM STATE LANDS.

(a) AUTHORITY TO PROHIBIT EXPORTS OF UNPROCESSED TIMBER.—The Secretary of Commerce shall prohibit or otherwise restrict the exportation from the United States of any unprocessed timber harvested from land owned or administered by a State (or any political subdivision thereof), based on the recommendation of the Governor of that State, but only if the Governor of that State has certified that the State supports such prohibitions or restrictions based on—

(1) a statute enacted by the State legislature;

(2) a statewide voter initiative; or

(3) an existing State statute.

This subsection shall not apply if the Secretary of Commerce finds that there are not in effect restrictions on the exportation from the United States of unprocessed timber from land owned or administered by the Federal Government.

(b) ABILITY OF SECRETARY TO REMOVE OR MODIFY EXPORT RESTRICTIONS.—The Secretary of Commerce may remove or modify such prohibitions or restrictions on the exportation from the United States of any unprocessed timber harvested from land owned or administered by a State (or any political subdivision thereof) if the Governor of such State modifies that State's certification consistent with the requirements of paragraph (1), (2), or (3) of subsection (a).

(c) SUBSTITUTION.—Each State may adopt provisions with respect to substitution.

SEC. 602. DEFINITIONS.

When used in this title, the term—

(1) "State" means any of the several States located west of the 100th meridian in the contiguous 48 States:

(2) "State lands" means lands of a State or any political subdivision thereof; and

(3) "unprocessed timber" means timber as defined under the regulations prescribed pursuant to section 523 of this Act.

SEC. 603. EFFECTIVE DATE.

This title shall take effect upon the date of enactment of this Act.

Mr. PACKWOOD. Mr. President, we are dealing with the subject of log exports. The original amendment related to exports from Federal lands, and the reason that at the time of offering it, I did not include extending that to State lands was that I was hoping an accommodation could be reached involving those States that do export some timber. We have been waiting this last hour in the hopes that an accommodation could be reached. It appears that it has not been totally reached yet, so I am submitting this amendment which would extend the Federal ban to State lands in some States.

At the moment, the States of Oregon, California, and Alaska have statutes on their books that prohibit the export of logs from their State lands. Those laws, however, are unconstitutional, according to a court decision of several years ago, because they said that only Congress can make policy involving foreign commerce, which is correct. Therefore, the States cannot act. We can delegate it to the States if we want to, but the States cannot act.

So, in my hope that we could work out an agreement that would also accommodate the State of Washington, I did not, at the moment the bill was introduced, put in a provision relating to State lands. This simply extends it now to State lands. It does not touch the State of Washington. We simply leave them alone and this bill says that the Secretary of Commerce shall have the power to prohibit exports from State lands if a Governor of that State petitions, and such prohibition or restriction in the State is based on, one, a statute enacted by the State legislature, two, a statewide voter initiative or, three, an existing State statute.

It would still be my hope, perhaps before we are done with this bill or done with the week or the session, that we can work out an accommodation that would fit the unique problems of the State of Washington, also.

What we have, therefore, before us is an amendment that does the following: One, writes into permanent law the prohibition of exports of logs from Federal lands west of the 100th meridian—that is roughly North and South Dakotas—and then draw a line west of that; two, it phases out direct substitution over the life of existing timber sales contracts. Those are normally not longer than 3 years.

Direct substitution is where a private company exports its own timber overseas; then, not having enough timber to run through its mills, buys public timber to run through its mills. That is direct substitution.

The bill also eliminates indirect substitution which is very closely allied to direct substitution. Indirect substitution, as the name implies is where a company sells its own private timber overseas; it then turns around and buys timber from a third party who has bought timber off public lands. It, in essence, is a strawman intermediary, the same as direct substitution. All we are doing is prohibiting a company doing something indirectly what it cannot do directly.

Then we have added, as this last provision, those States that have already chosen to attempt to ban export of logs from State lands. In the West, there are great quantities of State forests. The Secretary of Commerce may allow them to do so.

Why the necessity for these bills? Here, in a nutshell, is the reason. The United States is short of timber. We import about 30 percent of all the softwood lumber we use in this country. I had printed in the RECORD the other day a letter from the Chief of the Forest Service in which he said, yes, that is true, we import about 30 percent of the lumber in this country, almost all of it from Canada, almost all of it the same species we export—fir, spruce and hemlock; we import mostly fir, spruce, and hemlock. It worsens our balance of trade because specie for specie, age for age, a finished piece of lumber is worth more than raw logs. The more we sell of logs overseas is more than lost by buying the equivalent amount of lumber from Canada. The companies own the timber; they do not own the lumber. We are 30 percent short.

Not only that, it is now projected, with the new Forest Service plans in the West, which should be into effect by the end of this year, and if we have a decision to set aside great quantities of public land because of the spotted owl issue, we will probably be 35 to 40 percent short of lumber in this country.

My bill would help alleviate that situation somewhat if we ban the export of logs off public lands.

I say "somewhat" because I think, Mr. President, that we should also ban the export of logs off private lands, but I have not put that in this bill. I understand the difficulty that creates if I were to put it in, and that is a battle for another day.

In the Northwest, we export about one log in four overseas. Of the total exports of this country, only about one-quarter are public. By that I mean off Federal or State timber lands. Three-quarters is private. Of the three-quarters, the overwhelming preponderance is Weyerhaeuser. Most of it they are exporting out of the State of Washington. Washington, in addition, exports great quantities of timber off their State public forests. So I understand the unique problem they have. Not only do they export more State timber than all the rest of the country put together, Weyerhaeuser exports more private timber than all the States put together. Clearly, it creates a unique problem for the State of Washington which I sympathize with and it is a problem that is unique to that State and left them out of the State provision of this bill as it affects State lands, and now as it affects Federal lands.

I expect that Congress will adopt my amendment or something very close to it when this bill goes to the House. Sentiment is building rapidly. I will read you the nationwide to-date organizations that support this bill: the National Audubon Society, the National Wildlife Federation, the Sierra Club, the Wilderness Society; the four principal environmental groups.

From labor: the AFL-CIO, the Association of Western Pulp and Paper Workers, the United Brotherhood of Carpenters and Joiners of America, the International Woodworkers of America, and the Industrial Union Department of the AFL-CIO.

The trade associations: the Western Building Material Association, the National Lumber and Building Material Dealers Association, the North American Wholesale Lumber Association, the Southeastern Lumber Manufacturers Association, and the National Home Builders Association.

As to the Federal part of this bill, the administration supports it. It is not very often that you are going to get a coalition that includes environmentalists, labor, business, and the administration all on one side of the bill.

So, Mr. President, I hope that the Senate will vote overwhelmingly to adopt this amendment so that we can send to the House a message that the Senate feels very strongly about this bill.

I thank the Chair. I reserve the remainder of my time.

The PRESIDING OFFICER. Who controls time in opposition?

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Senator from Washington [Mr. GORTON] be in control of the time in opposition to the amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Washington controls the time.

Who yields time?

Mr. ADAMS. Mr. President, I will request time from the Senator from Oregon.

Mr. PACKWOOD. I will grant such time as the Senator from Washington needs.

The PRESIDING OFFICER. The Senator from Washington [Mr. ADAMS] is recognized for such time as he may consume.

Mr. ADAMS. Mr. President, I am going to vote in support of the Packwood amendment, and I do this because we are going to face in the Pacific Northwest, later in this year, as was well stated, a great shortage of timber supply, and this will assist in making some additional logs available for our small mills and for the people who would otherwise be unable to bid against the Japanese in order to obtain a timber supply for their mills.

I am disappointed we have not been able to accommodate and work out some of the very technical parts of this. I compliment not only Senator GORTON but a number of others from the House side who have worked with my staff and with others to try to take care of certain contracts that have run, for some of them, nearly 100 years, where they were guaranteed a timber supply.

Mr. President, I do believe we should stop exporting these logs from Federal lands to Japan and to Asia. I have changed my position on this, as I indicated in an earlier speech that I made on this floor, since the time back in the 1970's and in the middle 1980's when we had a gigantic depression in the Pacific Northwest, because we had a surplus of timber available from the blowdowns that occurred in the great storms and the Mount St. Helens eruption. We needed to have a market overseas.

But we are now in a position where we are short of timber available for our mills in the Pacific Northwest. The ban on export of logs from Federal lands, I have supported as a member of the Appropriations Committee and as a Member of the House of Representatives, voting on a rider on that appropriations bill for over 20 years. So I am in complete support of and have been very consistent with that position.

I also believe that direct substitution should now be over. There was once a time when this needed to be worked out. It was carried out by Senator MORRIS and Congresswoman HANSEN. But that time has changed, as times have changed.

Our State has a different rule on the export of logs from public lands that belong to the State because our schools are funded by State lands, but this amendment that has been offered by Senator PACKWOOD applies only to the Oregon lands where they have a different rule.

Our State may or may not change that rule on export of logs from public lands, but I rise today to say I am hopeful, as this bill moves to the House and later to conference, that we will accomplish the purpose of keeping our natural resources, which are in short supply, on our Federal lands available for our local mills, and that we will be able in the course of this pursuit to practice conservation and to keep our industry alive.

So I will support the amendment of the Senator from Orgeon, though it applies really only to the Orgeon lands; but most important, the underlying amendment which he has offered, because the concepts are there. There may be later changes in this as the bill moves to the House and as it comes back because there are technical difficulties, and that is why we were working on them for the last week and on which we spent an hour this morning.

So I hope we will agree to this amendment—I intend to vote for it—and that the bill will proceed to the House of Representatives, where they will work their will.

I yield the floor.

Mr. GORTON. Mr. President, I yield myself such time as I may consume.

Mr. President, any thoughtful and intelligent discussion of this amendment should begin with a description of the nature and the extent of the problem faced by the forest products industries in the Northwest.

Beginning 2 or 3 years ago with the outlines of forest plans for various of the national forests in both Washington and Oregon, it became evident that the timber base upon which a wide range of privately owned smaller mills—that is to say, mills primarily without a land or timber base of their own—would be severely constrained.

The senior Senator from Washington and both Senators from Oregon are already well aware of the kind of objections from small communities which were coming to the offices of each of us as early as the beginning of last year just as a result of the plans proposed by the Forest Service itself.

On top of those Forest Service plans, which moved substantially away from the use of the national forests in the Pacific Northwest toward preservationist policies, has come the controversy over the spotted owl and the possibility—perhaps it is more appropriate to say the probability—that it will be listed as a threatened species at the very least in the Pacific Northwest.

Within the course of the last month, Mr. President, a commission appointed pursuant to the requirements of the Endangered Species Act has recommended an additional set-aside for spotted owls, very extensive in nature. In fact, for the first time in this controversy, it has asked for the set-aside not only of Federal Forest Service lands but of lands owned by both the States of Washington and Oregon and by private companies as well.

A representative of the Commissioner of Public Lands for the State of Washington has told me that the cost for the preservation, or perhaps the creation of areas in which they do not exist now, of a single pair of spotted owls will be $800,000 per year on one of the State forests located near the capital of the State of Washington.

That cost, of course, will come directly out of the pockets of people in traditional rural communities whose livings have been based on the forest products industry for a period of time longer than the existence of the State of Washington as a State, and perhaps a similar length of time in the State of Oregon.

As recently as 8 or 9 months ago, this Congress, in passing the Hatfield-Adams amendment, called for a year during which we could study the long-range implications of this listing, and of our preservationist attempts at preserving a cut of between 3.7 and 3.8 billion board feet from the forests of Washington and Oregon.

If the report pursuant to the Endangered Species Act becomes the policy of the Federal Government, that Federal cut will drop to no more than 4.5 billion board feet and perhaps as low as 2 billion board feet. As a consequence, the States of Washington and Oregon, from the Federal forests, will be losing perhaps as much as 40 percent of the historically allowable cut.

The time for debate over the impacts of these proposed threatened species, the time for debate over the future of those Federal forests is not today. In fact, my own view is that the time for debate over this amendment is not today because it deals with such a relatively minor portion of the problem itself.

In addition to that more or less traditional cut of something under 4 billion board feet, about two-thirds of which takes place in Oregon and one-third in Washington, there are two other sources, of course, of timber for the industries of the Pacific Northwest. One is on State-owned land. Again, perhaps because the State of Washington is younger and more recent in the Union than is the State of Oregon, there is far more State forest lands in the State of Washington than in our neighbor to the south.

Recent cuts on Washington State lands have been about 800 million board feet a year; in Oregon, as I understand it, a little over 100 million board feet per year. In the State of Washington particularly, as the Senator from Oregon has pointed out, cuts on private lands exceed by a wide margin those on all public lands combined. He could speak to that ratio in the State of Oregon. Certainly cuts on private lands are very large. They are probably not as large a ratio as they are in the State of Washington.

In addition, the State of Washington has a unique problem or challenge in this connection. Unlike Oregon, California, Idaho, and Alaska, the constitution of the State of Washington requires that the great bulk of the State

lands be held in trust for the school construction fund and, therefore, sold to the highest bidder, whether the highest bidder proposes to process them in the State or in some other place.

As a consequence, unlike the other States, there is no Washington statute. In fact, without an amendment to the constitution, there could be no Washington statute limiting or restricting the way in which those logs could be sold. The Governor of the State quite recently has changed his views on this subject, but no legislative action has been taken to submit the question to a vote of the people of the State of Washington.

Last year, Mr. President, the States of Washington and Oregon's delegations, both in the Senate and the House of Representatives, were successful in getting temporary relief for our forest products industry in the form of the Hatfield-Adams amendment. That amendment was supported in a greater or sometimes lesser degree of enthusiasm not only by all four of the Senators from the two States, but by the House Members on both sides, with the exception, I believe, of one or two of the Members from Oregon, who feel that it did not go far enough, that it did not provide enough timber for use in the State of Oregon.

I feel very, very strongly that it would be far the better course of action for us to deal with all of these challenges at the same time under the same circumstances and on a basis of unanimity between the two States' delegations. I regret to say that is not the case in connection with this amendment.

Because of the peculiar nature of State lands in the State of Washington, because of their importance in the State of Washington, our congressional delegation, both House Members and Senate Members, have discussed this subject at great length. It was just last Thursday morning that the delegation unanimously gave to Congressman SWIFT and myself the right to propose to Oregon an overall solution to this problem, which we felt could and should meet with the approval of both delegations.

The distinguished junior Senator from Oregon, on the same day, despairing of action on this subject, proposed most of the amendment which is now before us. It has not been changed, as I understand it, in the slightest with respect to Federal lands. It does impact State lands in States other than the State of Washington.

The Senator from Oregon said that he left Washington out with respect to the State land section of it. Had he left Washington out with respect to the Federal land section of it, in order that that matter be settled by the State of Washington, I would, of course, support him and would have no objections to this course of action at all. But it did seem to me that we ought to deal with the entire problem on the basis of unanimity or divide it into its constituent parts looking for unanimity on those.

With respect to the provisions in the Packwood amendment on Federal lands, we are dealing with three concepts which are so obscure that I am not certain that I trust myself to describe them with complete accuracy except to say that they are dealt with with a very sharp sword by the Senator from Oregon in this amendment. For close to 20 years the export of raw logs from Federal lands, national forests, and Bureau of Land Management lands has been prohibited year by year as a rider to the Appropriations Act.

One major portion of the amendment of the Senator from Oregon here is to make that ban permanent. But in that annual ban, there has always been a set of exceptions, exceptions which are essentially removed by this amendment. The first is called direct substitution. Again, direct substitution is something which is far more applicable, or may be completely applicable only in the State of Washington. The principal of direct substitution grants an exception to the prohibition of any company which sells its private timber unprocessed overseas to bid on and to use Federal timber in its own mills. That exception is for the Simpson Mill in Mason County, WA, and comes from a 40-year-old contract for a sustained management of a sustained yield unit of Simpson properties. The Simpson Mill has kept its part of that agreement. The unions which work at that Simpson Mill do not want it arbitrarily cut off for fear of what would happen to their jobs, and I think it should be continued, and it would be continued in any Washington-only bill.

The second subject of this amendment deals with so-called tributary areas, those areas which are primarily designed to support a particular mill and for which, as long as there is no export from those tributary areas, a mill owned by a company which exports elsewhere can still get Federal timber.

This is a controversial issue. It is solved in what I think is a peculiar and undesirable fashion by the Packwood amendment because it in effect allows the definition of tributary to be made by competing mills rather than by the business practices of the mills which historically have used the timber. And this binds too tightly and will cost a considerable number of jobs in mills in the State of Washington.

Finally, and perhaps least important, from the point of view of the number of board feet of timber concerned, is something which is called indirect substitution. Under that exemption to present law, a mill which does not export timber, which bids and is dependent on foreign service timber, may sell some portion of what it purchases from the Forest Service, generally speaking, species and sizes which it cannot use in its own mill, to companies which do in fact export their own privately owned timber, as long as the timber from the Federal land is utilized and processed in the United States.

This is a matter which is for the convenience, generally speaking, of the domestic seller. It is not an exemption which results in any timber cut on Federal lands from being processed overseas. And while it pretty clearly has been misused by some companies, I think it is appropriate to retain at a level of approximately 50 million board feet per year in the State of Washington, simply because, without it, a number of mills will either have to close down completely or slow production and cause increased unemployment, rather than to decrease that unemployment.

When we start from the proposition that in the State of Washington alone, on public and private lands combined, we harvest close to 3 billion board feet of timber per year, 50 million of that seems to be de minimis at best. I regret that we have not been able to reach agreement on that subject.

What is proper policy, Mr. President? It seems to me proper policy should recognize history, should recognize longstanding business practices, should act decisively to increase the supply of timber from the State and Federal lands, to mills which are deprived of it by actions of the Federal Government, primarily through their policies on the national forests, and should bring together all of the parties, rather than to divide them.

As I look and try to total the membership of the House of Representatives from the State of Washington, I think probably seven out of eight will not like, in its present form, the Federal provisions of the proposal by the Senator from Oregon. I have no doubt, as does the senior Senator from Washington, that at some point or another in the relatively near future, there will be a policy which can unite the delegation from the State of Washington, both on these substitution rules with respect to Federal timber and with respect to State timber.

My own views, like those of my senior Senator, have changed quite substantially during the course of the last year and the crisis which is facing the State of Washington. I believe that the lion's share of timber on State lands in the State of Washington should be reserved, and directly by Federal action, because they cannot be reserved by any kind of State action, though I believe it requires very care-

ful drafting to see to it that we do not incur unintended consequences.

But I must emphasize in concluding these remarks, as I did beginning these remarks, that all of these efforts combined are modest in comparison to the challenge we face, a challenge which is created by Federal policies on Federal lands and which can only be cured when we make a determination, in the view of this Senator, that we are going to take some portion of our federally forested lands in the Pacific Northwest and reserve them primarily for timber production, just as we have reserved large portions for wilderness purposes, and will be in the process of reserving others for the preservation of ancient forests.

The people of our States deserve continuity and clarity on the part of Federal policy. They deserve to be able to continue in a highly constructive and, I think, environmentally sound form of business. They can do this best if we take the entire problem as one challenge and work on it together and solve it together in one bill, much more broad and larger than this one.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PACKWOOD. Senator GORTON is absolutely right in terms of timber supply in the Northwest. We have not started down the road yet to the final solution. The law against banning is a partial solution. There are bigger issues coming in terms of endangered species and old growth, in some cases, and second growth. But this amendment will go partially down the road toward solving the problem. I might say I do not know if anyone else wants to speak. If the Senator from Washington wants to yield back his time, I am prepared to do so.

Mr. ADAMS. Mr. President, were the yeas and nays requested for the secondary amendment or for the first degree amendment?

Mr. PACKWOOD. They were asked for the second amendment. The second amendment includes the first amendment, so that Federal and State are both on one vote. I would not plan to ask for a subsequent vote on the main amendment, because the secondary amendment is the main amendment plus the State land.

Mr. ADAMS. I thank the chair.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be changed equally.

The PRESIDING OFFICER. Is there objection?

Mr. BENTSEN. Mr. President, if the Senator will hold off on that for just a minute, it is my understanding that there is a ceremony on the Holocaust that will take place very shortly after 12 o'clock. If all time is expired on this, and if the Members want no further time, it would be of assistance if we could proceed to vote.

I understand that we have some others. Would 3 o'clock be acceptable, that we may have a time certain, a unanimous consent that it be set at 3 o'clock?

Mr. President, I ask unanimous consent that we have the vote on the second amendment of the Senator from Oregon at 3 o'clock.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered. The vote on the Packwood amendment will occur at 3 o'clock.

AMENDMENTS NUMBERED 1505, 1506, AND 1507

The PRESIDING OFFICER. The Chair advises the body that the question now recurs on the amendment of the Senator from Pennsylvania, amendments en bloc, numbered 1505, 1506, and 1507.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I am a strong supporter of free trade. But I am today planning to vote for Senator PACKWOOD's amendment to restrict exports of logs from Federal land.

I will vote for this amendment because I believe it is the only way to level the playing field.

If the free market were allowed to work, there would be no need for legislation to restrict log exports. The U.S. forest products industry is the most efficient in the world. If foreign markets for finished forest products were open, the United States would not be exporting logs. The United States would be exporting only finished forest products.

But other nations, particularly Japan, Korea, and China, put up barriers to block United States exports of finished products, and encourage log imports. In this way, they preserve their domestic forest products industry at the cost of U.S. millworkers' jobs.

In the case of Japan alone these barriers are costing the United States between $1 and $2 billion per year and 10,000 to 20,000 jobs.

This is outrageous. The United States cannot continue to allow itself to be taken advantage of by its trading partners.

We are not engaged in negotiations with Japan to eliminate Japanese barriers to finished United States forest products exports.

In coming years, we will negotiate with other trading partners—either bilaterally or in the GATT—to eliminate their trade barriers.

I hope these negotiations will succeed. When and if they do, we may consider legislation to restrict log exports.

But until we see our trading partners lower their barriers to our finished product exports, we must employ restrictions on log exports to protect American jobs.

Free trade is a two-way street.

Mr. RIEGLE. Mr. President, I rise to address the distinguished chairman of the Finance Committee, Senator BENTSEN, about the amendment offered by Senator PACKWOOD dealing with export controls on unprocessed timber from Federal lands.

Senator PACKWOOD introduced two bills in this Congress, S. 754 and S. 755, dealing with export controls on unprocessed timber from Federal and State lands. Both of these bills were referred by the Parliamentarian to the Banking Committee. The Subcommittee on International Finance and Monetary Policy of the Banking Committee, chaired by Senator SARBANES, held a hearing on those bills on November 7, 1989. At the hearing, the subcommittee received testimony from Senators PACKWOOD and GORTON, Governor Goldschmidt of Oregon, several House Members, and numerous other interested parties, including environmental, industry, and union representatives.

It is clear that Senator PACKWOOD's amendment dealing with export controls on unprocessed logs deals with a matter that is properly within the Banking Committee's jurisdiction. In the interest of expediting consideration by the full Senate of this matter, however, the Banking Committee will not raise a jurisdictional objection to floor action on Senator PACKWOOD's amendment in conjunction with the bill dealing with miscellaneous tariff matters reported by the Finance Committee.

Mr. BENTSEN. Let me assure the distinguished chairman of the Banking Committee, Senator RIEGLE, that the Finance Committee recognizes that Senator PACKWOOD's amendment falls under the jurisdiction of the Banking Committee, since it deals with export controls, and thanks him for not objecting to expeditious Senate consideration of this matter.

Mr. RIEGLE. Mr. President, I rise to support the amendment offered by Senator PACKWOOD, which among

other things, makes permanent the current temporary prohibition on exporting logs from Federal lands west of the 100th meridian—a line running from central North Dakota through central Texas—in the continental United States.

For years the United States has not produced enough softwood lumber to meet the domestic demand. To make up the shortfall, we have imported finished lumber from Canada, a country that severely restricts the export of its own raw logs. At the same time we import finished lumber from Canada to meet our domestic needs, we have been exporting increasing quantities of raw logs, many of them to Japan. That country was recently cited under section 301 of the trade bill for discriminating against the importation of wood products from our country. It appears that Japan would prefer to import raw logs and not wood products. Such a policy maintains the value-added jobs associated with turning raw logs into wood products in Japan, rather than in the United States.

At the same time we are exporting raw logs from public lands to Japan because they will not take finished wood products, our own wood products workers are losing jobs because our mills cannot compete for the high prices being offered for raw logs by Japanese importers. In addition by exporting raw logs, we put increased stress on our forest environment. The old growth forests of the Pacific Northwest are in increasing short supply. We exacerbate this shortage when we export more of these logs to meet growing foreign demands.

Our public forests meet many important needs ranging from homes for endangered species, recreation and scenic vistas for our citizens, habitat for fish, and logs for building homes. We must stop the export of logs from national forests in order to enhance those other uses of our woodlands.

I think it is most important that we adopt the Packwood amendment.

Mr. GORTON. Mr. President, we have now set the vote on this amendment for 3 o'clock by unanimous consent. I believe that there are some 20 minutes or so remaining.

I have just brief summary remarks. At any point in my remarks if others wish to speak that will be fine, in the absence of which I will be happy to yield back the remainder of the time so we can go on to something else.

To attempt to summarize in a little somewhat less extent than I did in my formal speech, I think the centerpiece in connection with this amendment is just this: The families and timber community of the Pacific Northwest deserve the collective best efforts of the congressional delegations from the Northwest. I do not believe that this amendment meets that test.

The amendment from the Senator from Oregon while promising to address the timber supply crisis in the Pacific Northwest serves only to make that crisis worse in Washington State. I pledge to work with my colleagues from the State of Washington and the House of Representatives to craft a workable alternative to this amendment that provides a rational regionwide and long-term solution.

The timber community of the Northwest has called on their Representatives to stand and deliver, but I am convinced they will not be satisfied with what will be the policy as a result of the adoption of this amendment.

Mr. President, I yield the floor and state to the managers that I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington advises he is prepared to yield back the remainder of his time.

Mr. PACKWOOD. I am prepared to yield back the time on this side.

Mr. BENTSEN. Mr. President, I have no further requests for time.

The PRESIDING OFFICER. All time has been yield back.

All time has expired.

Mr. BENTSEN. Mr. President, I ask unanimous consent that we set aside the pending amendment and make the time available for others to offer amendments if they so desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. KERRY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3 P.M.

Mr. PACKWOOD. Mr. President, one or two of the Members who need to be contacted about time limits on amendments cannot be reached, and it is clear we are not going to reach them in the next few minutes. We are already ordered to recess from 1 to 3 o'clock.

I move the Senate stand in recess until the hour of 3 o'clock.

The motion was agreed to, and at 12:22 p.m., the Senate recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BRYAN].

FAVORED-NATION STATUS FOR HUNGARY

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1511 TO AMENDMENT NO. 1492

The PRESIDING OFFICER. Under the previous order, the question now is on agreeing to amendment No. 1511 offered by the Senator from Oregon [Mr. PACKWOOD].

The yeas and nays have been ordered. The clerk will now call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 17, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—81

Adams	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Murkowski
Bingaman	Graham	Nunn
Boren	Grassley	Packwood
Boschwitz	Harkin	Pell
Bradley	Hatfield	Pressler
Breaux	Heflin	Pryor
Bryan	Heinz	Reid
Bumpers	Hollings	Riegle
Burdick	Inouye	Robb
Burns	Jeffords	Rockefeller
Byrd	Johnston	Roth
Coats	Kasten	Sanford
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
Cranston	Kerry	Shelby
D'Amato	Kohl	Simon
Danforth	Lautenberg	Simpson
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dixon	Lieberman	Symms
Dodd	Lugar	Thurmond
Dole	McClure	Warner
Domenici	McConnell	Wilson
Durenberger	Metzenbaum	Wirth

NAYS—17

Armstrong	Gramm	Mack
Bond	Hatch	McCain
Chafee	Helms	Nickles
Cochran	Humphrey	Rudman
Garn	Kassebaum	Wallop
Gorton	Lott	

NOT VOTING—1

Exon

So the amendment (No. 1511), to amendment No. 1492, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on amendment 1492, as amended? The question is on agreeing to the amendment (No. 1492) of the Senator from Oregon, as amended.

The amendment (No. 1492), as amended, was agreed to.

Mr. PACKWOOD. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EARLY CHILDHOOD EDUCATION AND DEVELOPMENT ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 500, H.R. 3, the Early Childhood Education and Development Act; that, without any intervening action, all after the enacting clause be stricken; that the text of S. 5, a bill to provide for a Federal program for the improvement of child care, and for other purposes, as passed the Senate on June 23, 1989, be further modified by the technical amendment which I now send to the desk and the text of S. 5, as so modified be substituted in lieu thereof; that the bill be deemed to have been read the third time, passed, and the motion to reconsider be laid upon the table; that the Senate then insist upon its amendment to the House bill, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, and that the bill, with the Senate amendment, be printed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object.

As I have indicated to the majority leader, there were some reservations on this side. They have now been removed. I will just raise a couple points that have been raised by the administration, just to make a record.

I think Secretary Brady has had discussions with Chairman BENTSEN on capital gains and what might happen. I do not know the details of that conversation, but I think it was satisfactory to Secretary Brady.

Senator BENTSEN is here. Based on what understanding they might have had, and based upon the other possibilities, we might get into one of these large budget-summit-type meetings, then I assume maybe child care, maybe capital gains, maybe a lot of things will be considered at that time. I do not want the record to reflect just those two matters.

Mr. MITCHELL. Mr. President, as I have indicated privately to the distinguished Republican leader and publicly on many occasions, if such discussions do occur, it is my expectation that all matters would be on the table for discussion.

I do not know whether such discussions will occur, or if so when, but if and when they do, I publicly urge and would continue to urge that any and all matters that either side wishes to bring up be appropriate subjects for discussion.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, if the Senator will yield, let me state as late as this morning, I was discussing the issue with Secretary Brady and wanting to see if we could find accommodation. We have not yet.

We are trying on both sides to see if we can put a package together of which capital gains would be a part, but we will be talking about incentive saving, in addition, and seeing if we could find a way to pay for it given the budget limitation. So we are actively seeking to accomplish that.

Mr. DOLE. If the Senator will yield for maybe not a question, but as I understand, while there has been no firm commitment, at least we discussed if that could be done; we might have something before the August recess.

Mr. BENTSEN. That is the objective, but we have to come together and reach mutual agreement on it before we can be assured of that. That is what we are seeking to do.

Mr. DOLE. I thank the Senator.

Mr. MITCHELL. Mr. President, as I have indicated to the distinguished Republican leader, we obviously now will proceed with the child care conference as promptly as possible. That is a major undertaking which is complex with a great deal of controversy. Neither I nor anyone else has any way of predicting how long that will take.

We are going to proceed. Assuming that is still under discussion at the time of such negotiations, I think clearly either party may raise any subject they wish.

Mr. DOLE. I think we are prepared to name conferees. We can now name conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 1512, agreed to, is as follows:

On page 2, beginning with the first item relating to section 213, strike all through the second item relating to section 213 and insert the following:

Sec. 213. Supplemental earned income credit for families with young children.

On page 106, line 12, strike "16.67 percentage points" and insert "14.29 percent".

On page 109, strike lines 9 and 10 and insert the following flush sentence:

For purposes of this subparagraph, the rules of section 213(d)(6) shall apply.

On page 111, line 10, strike "For purposes of this subtitle" and insert "Except as provided in section 6401(b)(1), for purposes of this title".

On page 111, lines 18 and 19, strike "($14,000 in the case of a married individual filing a separate return)".

On page 111, between lines 24 and 25, insert the following:

(b) LIMITATION ON REFUNDABLE DEPENDENT CARE PORTION OF CREDIT.—Subsection (b) of section 6401 of the Internal Revenue Code of 1986 (relating to excessive credits) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE FOR SECTION 21(f).—

"(A) IN GENERAL.—The amount of the overpayment determined under paragraph (1) shall be reduced by 10 percent of the portion of such overpayment attributable to the credit allowed under section 21(a)(1)(A) and treated as allowable under subpart C of part IV of subchapter A of chapter 1 by reason of section 21(f).

"(B) ORDERING RULE.—For purposes of subparagraph (A), paragraph (1) shall be treated as having been applied as if the amount of tax described in such paragraph (if any) was first reduced by the portion of the credit allowed under section 21(a)(1)(A) and treated as allowable under subpart C of part IV of subchapter A of chapter 1 by reason of section 21(f)."

(c) CERTAIN SUBSIDIZED EXPENSES NOT ELIGIBLE FOR CREDIT.—Section 21(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end thereof the following new paragraph:

"(10) SUBSIDIZED EXPENSES.—No expense shall be treated as an employment-related expense or qualified health insurance expense to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient."

On page 111, line 25, strike "(b)" and insert "(d)".

On page 112, line 21, strike "section 21(f))" and insert "section 21(f)(2))".

On page 113, line 6, strike "expenses and qualified health insurance expenses" and insert "expenses (as defined in section 21(b)(2)) and qualified health insurance expenses (as defined in section 21(b)(3))".

On page 113, between lines 7 and 8, insert the following new flush sentence:

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

On page 113, between lines 13 and 14, insert the following new subparagraph:

"(B) on the basis of the number of qualifying individuals in the household maintained by the employee,

On page 113, line 14, strike "(B)" and insert "(C)".

On page 113, line 18, strike "(C)" and insert "(D)".

On page 113, line 21, strike "(C)" and insert "(D)".

On page 113, after line 25, add the following:

"(d) DEFINITIONS.—Any term used in this section which is also used in section 21 shall have the same meaning as given in section 21.

On page 114, line 1, strike "(d)" and insert "(e)".

On page 114, line 8, strike "(c)" and insert "(e)".

On page 114, line 14, strike "(b)" and insert "(d)".

On page 114, beginning with line 16, strike all through page 116, line 15.

On page 116, line 16, strike "214" and insert "213".

On page 118, line 1, strike "20 percent" and insert "15 percent (10 percent for an eligible individual with only 1 qualifying child)".

On page 121, beginning with line 16, strike all through page 128, line 20.

The bill, H.R. 3, as amended, is as follows:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Act for Better Child Care Services of 1990".

(b) TABLE OF CONTENTS.—

TITLE I—CHILD CARE SERVICES

Sec. 101. Short title and table of contents.
Sec. 102. Findings and purposes.
Sec. 103. Definitions.
Sec. 104. Authorization of appropriations.
Sec. 105. Amounts reserved; allotments.
Sec. 106. Lead agency.
Sec. 107. Application and plan.
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Sec. 306. Child care earnings excluded from wages and self-employment income for excess earnings test.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Sense of Congress regarding the Higher Education Act.
Sec. 402. Penalties for desecrating the flag.

TITLE I—CHILD CARE SERVICES

SEC. 101. SHORT TITLE.

This title may be cited as the "Act for Better Child Care".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the number of children living in homes where both parents work, or living in homes with a single parent who works, has increased dramatically over the last decade;

(2) the availability of quality child care is critical to the self-sufficiency and independence of millions of American families, including the growing number of mothers with young children who work out of economic necessity;

(3) high quality child care programs can strengthen our society by providing young children with the foundation on which to learn the basic skills necessary to be productive workers;

(4) the years from birth to age 6 are a critical period in the development of a young child;

(5) a significant number of parents do not have a real choice as they seek adequate child care for their young children because of limited incomes, insufficient State child care standards, and the inadequate supply of child care services in their community;

(6) high quality early childhood development programs provided during such period are cost effective because such programs can reduce the chances of juvenile delinquency and adolescent pregnancy and can improve the likelihood that children will finish high school and become employed;

(7) the number of quality child care arrangements falls far short of the number required for children in need of child care services;

(8) the rapid growth of participation in the labor force by mothers of children under the age of 1 has resulted in a critical shortage of quality child care arrangements for infants and toddlers;

(9) the lack of available child care services results in many preschool and school-age children being left without adequate supervision for significant parts of the day;

(10) many working parents who are unable to afford adequate child care services do not receive adequate financial assistance for such services from employers or public sources;

(11) because of the lack of affordable child care, a large number of parents are not able to work or to seek the training or education they need to become self sufficient;

(12) making adequate child care services available for parents who are employed, seeking employment, or seeking to develop employment skills promotes and strengthens the well-being of families and the national economy;

(13) the payment of the exceptionally low salaries to child care workers adversely affects the quality of child care services by making it difficult to retain qualified staff;

(14) several factors result in the shortage of quality child care options for children and parents, including—

(A) the inability of parents to pay for child care services;

(B) the lack of up-to-date information on child care services;

(C) the lack of training opportunities for staff in child care programs;

(D) the high rate of staff turnover in child care facilities; and

(E) the wide differences among the States in child care licensing and enforcement policies; and

(15) improved coordination of child care services will help to promote the most efficient use of child care resources.

(b) PURPOSES.—The purposes of this title are—

(1) to build on and to strengthen the role of the family by seeking to ensure that parents are not forced by lack of available programs or financial resources to place a child in an unsafe or unhealthy child care facility or arrangement;

(2) to promote the availability and diversity of quality child care services to expand child care options available to all families who need such services;

(3) to provide assistance to families whose financial resources are not sufficient to enable such families to pay the full cost of necessary child care services;

(4) to lessen the chances that children will be left to fend for themselves for significant parts of the day;

(5) to improve the productivity of parents in the labor force by lessening the stresses related to the absence of adequate child care services;

(6) to provide assistance to States to improve the quality of, and coordination among, child care programs;

(7) to increase the opportunities for attracting and retaining qualified staff in the field of child care to provide high quality child care services to children; and

(8) to strengthen the competitiveness of the United States by providing young children with a sound early childhood development experience.

SEC. 103. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of Child Care appointed under section 115(a).

(2) CAREGIVER.—The term "caregiver" means an individual who provides a service directly to an eligible child on a person-to-person basis.

(3) CENTER-BASED CHILD CARE PROVIDER.—The term "center-based child care provider" means a child care provider that provides child care services in a nonresidential facility.

(4) CHILD CARE CERTIFICATE.—The term "child care certificate" means a certificate that is issued by the State to parents who may use such certificate only as payment for child care services for an eligible child and that provides to an eligible child care provider a right to payment for such services at the same rate charged by that provider for

comparable services to children whose parents are not eligible for certificates under this title or for child care assistance under any other Federal or State program.

(5) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" has the meaning given such term by section 4(5) of the Job Training and Partnership Act (29 U.S.C. 1503(5)).

(6) ELEMENTARY SCHOOL.—The term "elementary school" means a day or residential school that provides elementary education, as determined under State law.

(7) ELIGIBLE CHILD.—The term "eligible child" means an individual—

(A) who is less than 13 years of age;

(B) whose family income does not exceed 100 percent of the State median income for a family of the same size; and

(C) who—

(i) resides with a parent or parents who are working, seeking employment, or enrolled in a job training or educational program; or

(ii) is receiving, or needs to receive, protective services and resides with a parent or parents not described in clause (i).

(8) ELIGIBLE CHILD CARE PROVIDER.—The term "eligible child care provider" means—

(A) a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that—

(i) is licensed or regulated under State law;

(ii) satisfies—

(I) the Federal requirements; and

(II) the State and local requirements;

applicable to the child care services it provides; and

(iii) not later than 3 years after the date of enactment of this title, complies with State standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such provider; or

(B) a child care provider that is 18 years of age or older who provides child care services only to an eligible child who is, by affinity or consanguinity, or by decree of court, the grandchild, niece, nephew, or sibling of such provider, if such provider complies with any State requirements that govern child care provided by relatives.

(9) FAMILY CHILD CARE PROVIDER.—The term "family child care provider" means 1 individual who provides child care services for fewer than 24 hours per day, as the sole caregiver, and in a private residence.

(10) FAMILY SUPPORT SERVICES.—The term "family support services" means services that assist parents by providing support in parenting and by linking parents with community resources and with other parents.

(11) FULL-WORKING-DAY.—The term "full-working-day" means at least 10 hours per day.

(12) GROUP HOME CHILD CARE PROVIDER.—The term "group home child care provider" means 2 or more individuals who jointly provide child care services for fewer than 24 hours per day and in a private residence.

(13) HANDICAPPING CONDITION.—The term "handicapping condition" means any condition set forth in section 602(a)(1) of the Education of the Handicapped Act (20 U.S.C. 1401(a)(1)) or section 672(1) of the Education of the Handicapped Act (20 U.S.C. 1471(a)).

(14) INDIAN TRIBE.—The term "Indian tribe" has the meaning given it in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b)).

(15) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 481(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1)), except that with respect to a tribally controlled community college such term has the meaning given it in section 2(a)(5) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(5)).

(16) LEAD AGENCY.—The term "lead agency" means the agency designated under section 106(a) or the State Child Care Board appointed and identified by the chief executive officer of the State as the lead agency under section 6(a).

(17) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given that term in section 198(a)(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854(a)(10)).

(18) PARENT.—The term "parent" includes a legal guardian or other person standing in loco parentis.

(19) SCHOOL-AGE CHILD CARE SERVICES.—The term "school-age child care services" means child care services that are—

(A) provided during such times of the school day when regular instructional services are not in session; and

(B) not intended as an extension of or replacement for the regular academic program, but are intended to provide an environment which enhances the social, emotional, and recreational development of children of school age;

(20) SECONDARY SCHOOL.—The term "secondary school" means a day or residential school which provides secondary education, as determined under State law.

(21) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services unless the context specifies otherwise.

(22) SCHOOL FACILITIES.—The term "school facilities" means classrooms and related facilities used to provide education.

(23) SLIDING FEE SCALE.—The term "sliding fee scale" means a system of cost sharing between the State and a family based on income and size of the family.

(24) STATE.—The term "State" means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, or Palau.

(25) UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT.—The term "unit of general purpose local government" means any city, county, town, township, parish, village, a combination of such general purpose political subdivisions including those in two or more States, or other general purpose political subdivisions of a State.

(26) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given it in section 4(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(c)).

(27) TRIBALLY CONTROLLED COMMUNITY COLLEGE.—The term "tribally controlled community college" has the meaning given it in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this title, other than section 122, there are authorized to be appropriated $1,750,000,000 for the fiscal year 1990 and such sums as may be necessary in each of the fiscal years 1991 through 1994.

(b) STANDARDS IMPROVEMENT INCENTIVE GRANT PROGRAM.—Of the amounts appropriated in each of the fiscal years 1993 and 1994 under subsection (a), the Secretary shall make available 10 percent of such amounts in each such fiscal year to make grants under section 119. In no event shall amounts made available under this subsection be less than $35,000,000 nor more than $75,000,000 in each such fiscal year.

(c) CHILD CARE LIABILITY RISK RETENTION GROUP.—

(1) IN GENERAL.—To carry out section 122, there are authorized to be appropriated $100,000,000 for fiscal year 1990.

(2) AMOUNTS TO REMAIN AVAILABLE.—The amounts appropriated pursuant to paragraph (1) shall remain available for assistance to States for fiscal years 1990, 1991, and 1992 without limitation.

SEC. 105. AMOUNTS RESERVED; ALLOTMENTS.

(a) AMOUNTS RESERVED.—

(1) TERRITORIES AND POSSESSIONS.—The Secretary shall reserve not to exceed one half of 1 percent of the amount appropriated under section 104(a) in each fiscal year for payments to Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, and Palau, to be allotted in accordance with their respective needs.

(2) INDIANS.—The Secretary shall reserve an amount, not less than 1.5 percent and not more than 3 percent of the amount appropriated under section 104(a) in each fiscal year, to carry out subsection (c) regarding Indian children.

(b) STATE ALLOTMENT.—

(1) GENERAL RULE.—From the remainder of the sums appropriated under section 104(a) for each fiscal year, the Secretary shall allot to each State (excluding jurisdictions referred to in subsection (a)(1)) an amount equal to the sum of—

(A) an amount that bears the same ratio to 50 percent of such remainder as the product of the young child factor of the State and the allotment percentage bears to the sum of the corresponding products for all States; and

(B) an amount that bears the same ratio to 50 percent of such remainder as the product of the school lunch factor of the State and the allotment percentage bears to the sum of the corresponding products for all the States.

(2) YOUNG CHILD FACTOR.—The term "young child factor" means the ratio of the number of children in the State who are less than 5 years of age to the number of children in all the States who are less than 5 years of age as provided by the most recent annual estimates of population in the States by the Census Bureau.

(3) SCHOOL LUNCH FACTOR.—The term "school lunch factor" means the ratio of the number of children in the State who are receiving free or reduced price lunches under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) to the number of children in all the States who are receiving free or reduced price lunches under such program as determined and updated annually by the Department of Agriculture.

(4) ALLOTMENT PERCENTAGE.—

(A) IN GENERAL.—The allotment percentage for a State is determined by dividing—

(i) the per capita income of all individuals in the United States; by

(ii) the per capita income of all individuals in the State.

(B) LIMITATIONS.—If a sum determined under subparagraph (A)—

(i) exceeds 1.2, then the allotment percentage of that State shall be considered to be 1.2; and

(ii) is less than 0.8, then the allotment percentage of the State shall be considered to be 0.8.

(C) PER CAPITA INCOME.—For purposes of subparagraph (A), per capita income shall be—

(i) determined at 2-year intervals;

(ii) applied for the 2-year period beginning on October 1 of the first fiscal year beginning on the date such determination is made; and

(iii) equal to the average of the annual per capita incomes for the most recent period of 3 consecutive years for which satisfactory data are available from the Department of Commerce at the time such determination is made.

(c) PAYMENTS FOR THE BENEFIT OF INDIAN CHILDREN.—

(1) TRIBAL ORGANIZATIONS.—From the funds reserved under subsection (a)(2), the Secretary may, upon the application of an Indian tribe or tribal organization enter into a contract with, or make a grant to such Indian tribe or tribal organization for a period of 3 years, subject to satisfactory performance, to plan and carry out programs and activities that are consistent with this title. Such contract or grant shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) and shall be conducted in accordance with sections 4, 5, and 6 of the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 655–657), that are relevant to such programs and activities.

(2) INDIAN RESERVATIONS.—In the case of an Indian tribe in a State other than the States of Oklahoma, Alaska, and California, such programs and activities shall be carried out on the Indian reservation for the benefit of Indian children.

(3) STANDARDS.—The Secretary shall establish, through the application process, standards applicable to child care services provided under such programs and activities. For purposes of establishing such standards, the Secretary shall take into consideration—

(A) the codes, regulations, and cultural factors of the Indian tribe involved, as expressed by such tribe or the tribal organization that represents such tribe; and

(B) the State standards, and licensing and regulatory requirements applicable to child care services provided in the State in which such program and activities are carried out.

(4) AVAILABILITY OF STATE CHILD CARE SERVICES.—For the purpose of determining whether to approve an application for a contract or grant under this subsection, the Secretary shall take into consideration the availability of child care services provided in accordance with this title by the State in which the applicant proposes to carry out a program to provide child care services.

(5) RULE OF CONSTRUCTION.—This subsection shall not be construed—

(A) to limit the eligibility of any individual to participate in any program carried out with assistance received under this title by a State; or

(B) to modify any requirement imposed on a State by any provision of this title.

(6) COORDINATION.—To the maximum extent practicable, the applicant for a grant or contract under this subsection and the State in which the applicant is located shall coordinate with each other their respective child care programs and activities, including child care programs and activities carried out with assistance received under this title.

(d) DATA AND INFORMATION.—The Secretary shall obtain from each appropriate Federal agency, the most recent data and information necessary to determine the allotments provided for in subsection (b).

(e) REALLOTMENTS.—

(1) IN GENERAL.—Any portion of the allotment under subsection (b) to a State that the Secretary determines is not required to carry out a State plan approved under section 107(d), in the period for which the allotment is made available, shall be reallotted by the Secretary to other States in proportion to the original allotments to the other States.

(2) LIMITATIONS.—

(A) REDUCTION.—The amount of any reallotment to which a State is entitled to under paragraph (1) shall be reduced to the extent that it exceeds the amount that the Secretary estimates will be used in the State to carry out a State plan approved under section 107(d).

(B) REALLOTMENTS.—The amount of such reduction shall be similarly reallotted among States for which no reduction in an allotment or reallotment is required by this subsection.

(3) AMOUNTS REALLOTTED.—For purposes of any other section of this title, any amount reallotted to a State under this subsection shall be considered to be part of the allotment made under subsection (b) to the State.

(f) DEFINITION.—For the purposes of this section, the term "State" means any of the several 50 States, the District of Columbia, or the Commonwealth of Puerto Rico.

SEC. 106. LEAD AGENCY.

(a) DESIGNATION.—The chief executive officer of a State desiring to participate in the program authorized by this title shall designate, in an application submitted to the Secretary under section 107(a), an appropriate State agency that meets the requirements of subsection (b) to act as the lead agency, or the State Child Care Board that is appointed by the chief executive and that meets the requirements of subsection (b), to serve as the lead agency.

(b) REQUIREMENTS.—

(1) APPOINTMENT OF BOARD.—

(A) ESTABLISHMENT.—The chief executive officer of a State desiring to participate in the program authorized by this Act shall, if such chief executive officer has not designated a lead agency under subsection (a), establish a State Child Care Board that shall be composed of seven members to be appointed by such chief executive officer with the advice and consent of the legislature of such State.

(B) CHAIRPERSON.—The chief executive officer of the State shall designate a member of the Board to serve as chairperson. Such chairperson shall report directly to the chief executive officer and serve at the pleasure of such chief executive.

(C) TERMS, VACANCIES, COMPENSATION.—The chief executive officer of the State, with the advice and consent of the State legislature shall determine the terms of office of the members and chairperson of the Board established under subparagraph (A), the method to be used to fill vacancies on such Board, and the compensation to be received by such members.

(D) DUTIES.—The Board established under this paragraph shall act as the lead agency for the State for the purposes of this Act.

(2) ADMINISTRATION OF FUNDS.—The lead agency shall have the capacity to administer the funds provided under this title to support programs and services authorized under this title and to oversee the plan submitted under section 107(b).

(3) COORDINATION.—The lead agency shall have the capacity to coordinate the services for which assistance is provided under this title with the services of other State and local agencies involved in providing services to children.

(4) ESTABLISHMENT OF POLICIES.—The lead agency shall have the authority to establish policies and procedures for developing and implementing interagency agreements with other agencies of the State to carry out the purposes of this title.

(c) DUTIES.—The lead agency shall—

(1) assess child care needs and resources in the State, and assess the effectiveness of existing child care services and services for which assistance is provided under this title or under other laws, in meeting such needs;

(2) develop a plan designed to meet the need for child care services in the State for eligible children, including infants, preschool children, and school-age children, giving special attention to meeting the needs for services for low-income children, migrant children, children with a handicapping condition, foster children, children in need of protective services, children of adolescent parents who need child care to remain in school, and children with limited English-language proficiency;

(3) develop, in consultation with the State advisory committee on child care established under section 111, the State plan submitted to the Secretary under section 107(b);

(4) hold hearings, in cooperation with such State advisory committee on child care, annually in the State in order to provide to the public an opportunity to comment on the provision of child care services in the State under the proposed State plan;

(5) assist the chief executive officer in making such periodic reports to the Secretary as the Secretary may by rule require;

(6) coordinate the provision of services under this title with—

(A) other child care programs and services, and with educational programs, for which assistance is provided under any State, local, or other Federal law, including the State Dependent Care Development Grants Act (42 U.S.C. 9871 et seq.); and

(B) other appropriate services, including social, health, mental health, protective, and nutrition services, available to eligible children under other Federal, State, and local programs;

(7) as appropriate, identify resource and referral programs for particular geographical areas in the State that meet the requirements of section 112; and

(8) establish in accordance with subsection (d)(1) several local advisory councils that collectively represent the entire geographical area in the State.

(d) LOCAL ADVISORY COUNCILS.—

(1) APPOINTMENT.—Each local advisory council established under subsection (c)(8) shall be composed of individuals who are collectively representative of the local geographical area for which they are appointed and of the ethnic characteristics of the population of such area. Such council shall be composed of individuals appointed from among the following:

(A) Parents of preschool children.

(B) Parents of school-age children.

(C) Individuals who are child care providers.

(D) The heads of Head Start agencies.

(E) The heads of local public agencies that provide social services or human resources.

(F) The heads of local education agencies.

(G) The heads of local public health agencies.

(H) The heads of resource and referral agencies.

(I) Individuals engaged locally in business.

(J) Representatives of units of local purpose government.

(K) Local representatives of nonprofit private organizations that provide funds for social services or human resources.

(L) Representatives of groups that engage in private activities relating to providing child care services.

(2) DUTIES.—Each local advisory council shall—

(A) assess the extent to which there is an unsatisfied need for child care services in the geographical area for which such council is appointed;

(B) submit to the lead agency, not less frequently than biennially, a report identifying the results of the implementation in such area of the State plan included in the application submitted under section 107;

(C) recommend to the lead agency the uses for which assistance received under this subchapter by the State should be expended in such area, and with respect to each such use, the amount of such funds that should be so expended;

(D) advise local child care providers regarding the means to collectively obtain training, supplies, and insurance relating to providing child care services; and

(E) otherwise assist the lead agency, and the State advisory committee on child care established under section 111 to carry out their respective duties.

(3) ADMINISTRATIVE SUPPORT.—The lead agency shall provide to such council such funds, and administrative support services (including personnel) directly or by contract, as the State determines necessary to enable such council to carry out its duties.

(4) CONFLICTS OF INTEREST.—A member of such council may not cast a vote on any matter that—

(A) may result in a financial benefit to such member; or

(B) under Federal, State, or local law would create or appear to create a conflict of interest if such vote were cast by such member.

(5) PUBLIC AWARENESS OF COUNCIL PARTICIPATION.—The Secretary shall require by rule that residents of each geographical area for which a local advisory council is appointed are informed of the opportunity to be appointed to such council.

(e) REDESIGNATION.—The chief executive officer of a State may modify the original decision concerning the designation of a lead agency if such chief executive determines that the original designation is not appropriate.

SEC. 107. APPLICATION AND PLAN.

(a) APPLICATION.—To be eligible to receive assistance under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require by rule.

(b) PLAN.—The application of a State submitted under subsection (a) shall include an assurance that the State will comply with the requirements of this title and a State plan, that shall be prepared by the lead agency or the State Child Care Board established under section 6(b)(1), that is designed to be implemented during a 3-year period and that meets the requirements of subsection (c).

(c) REQUIREMENTS OF A PLAN.—

(1) LEAD AGENCY OR STATE CHILD CARE BOARD.—The plan shall identify the lead agency or the members of the State Child Care Board appointed under section 6(b)(1), the location of the offices of such Board, and shall contain a certification that the Board solicited input from the local advisory councils in preparing the plan.

(2) ADVISORY BODIES.—The plan shall demonstrate that the State will establish in accordance with section 111 a State advisory committee on child care.

(3) POLICIES AND PROCEDURES.—The plan shall set forth policies and procedures designed to ensure all of the following:

(A) That, to the maximum extent practicable—

(i) the parents of each eligible child who will receive child care services for which assistance is provided under paragraph (4) are permitted to select the eligible child care provider that will provide such services to such child; and

(ii) if the State places such child under the methods provided in section 108(a)(1) (A) or (B), the State will attempt to place such child with the eligible child care provider selected by such parents.

(B) That—

(i) all providers of child care services for which assistance is provided under this title comply with all licensing or regulatory requirements (including registration requirements) applicable under State and local law; and

(ii) such requirements are imposed and enforced by the State uniformly on all licensed and regulated child care providers within the same category of care, which receive public funds.

This subparagraph shall not be construed to prohibit a State from imposing more stringent standards or requirements on child care providers who provide services for which assistance is provided under this title and who also receive State funds under any other law to provide child care services under a contract or other arrangement with the State.

(C) That procedures will be established to ensure that child care providers receiving assistance under this title or under other publicly-assisted child care programs comply, not later than 3 years after the date of enactment of this title, with State child care standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such providers, and comply with all applicable State and local licensing or regulatory requirements (including registration requirements).

(D) That the State will not—

(i) reduce the categories of child care providers licensed or regulated by the State on the date of enactment of this title, unless the State with the concurrence of the State advisory committee established under section 111, requests a waiver of this subparagraph and demonstrates, to the satisfaction of the Secretary, that the proposed reduction is necessary to increase access to and availability of eligible child care providers and will not jeopardize the health and safety of children.

(ii) reduce the level of standards applicable to child care services provided in the State and to the matters specified in sections 113(a) and 118(d) unless the State, with the concurrence of the State advisory committee established under section 111, requests a waiver of this subparagraph and demonstrates, to the satisfaction of the Secretary, that the proposed reduction is necessary to increase access to and availability of eligible child care providers and will not jeopardize the health and safety of children.

(E) That funds received under this title by the State will be used only to supplement, not to supplant, the amount of Federal, State, and local funds expended for the support of child care services and related programs in the State, except that States may use existing expenditures in support of child care services to satisfy the State matching requirement under section 117(b), but in no event shall such expenditures be used to satisfy the matching requirements of any other Federal program.

(F) That for each fiscal year the State will use an amount not to exceed 8 percent of the amount of funds received under section 105 by the State for such fiscal year to administer the State plan.

(G) That the State will pay funds under this title to eligible child care providers in a timely fashion to ensure the continuity of child care services to eligible children.

(H) That resource and referral services will be made available to families in the State.

(I) That each eligible child care provider described in section 103(8)(A) who provides services for which assistance is provided under paragraph (4)—

(i) gives priority for provider services to children of families with very low income, taking into account family size, or children with special needs;

(ii) not later than 3 years after the date of enactment of this title, complies with State child care standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such providers;

(iii) if such eligible child care provider is regulated by a State educational agency that—

(I) administers any State law applicable to child care services;

(II) develops child care standards that meet or exceed the State child care standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such providers, and the State licensing or regulatory requirements (including registration requirements); and

(III) enforces the standards described in subclause (II) that are developed by such agency, using policies and practices that meet or exceed the requirements specified in subparagraphs (A) through (K) of paragraph (11);

complies with the standards described in subclause (II) that are developed by such agency; and

(iv) complies with the State plan and the requirements of this title.

(J) That child care services for which assistance is provided under paragraph (4) are available to children with a handicapping condition.

(K) That the State will review existing State regulations to determine if such regulations are appropriate for school-age child care services.

(L) That child care providers in the State are encouraged to develop personnel policies that include compensated time for staff undergoing training required under this title.

(M) Encourage the payment of adequate salaries and other compensation—

(i) to full- and part-time staff of child care providers who provide child care services for which assistance is provided under paragraph (4);

(ii) to the extent practicable, to such staff in other major Federal and State child care programs; and

(iii) to other child care personnel, at the option of the State.

(N) That child care services for which assistance is provided under paragraph (4) are available for an adequate number of hours and days to serve the needs of parents of eligible children, including parents who work nontraditional hours.

(4) CHILD CARE SERVICES.—The plan shall provide that—

(A) subject to subparagraphs (B) and (C), the State will use at least 70 percent of the amount allotted to the State in any fiscal year to provide child care services that meet the requirements of this title to eligible children in the State on a sliding fee scale basis and using funding methods provided for in section 108(a)(1), with priority being given for services to children of families with very low family incomes, taking into consideration the size of the family, or children with special needs;

(B) the State will use at least 10 percent of the funds reserved for the purposes specified in subparagraph (A) in any fiscal year to provide for the extension of part-day programs as described in section 108(b); and

(C) the State, with the approval of the Secretary, may use not to exceed 5 percent of the funds reserved for the purposes specified in subparagraph (A) in any fiscal year for any of the activities described in paragraph (6) if the State certifies that additional funds are needed to increase the availability of child care to meet the demand for such care.

(5) ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.—The plan shall provide that the State will use not less than 10 percent of the amount allotted to it in any fiscal year to do the following:

(A) Provide financial assistance, pursuant to procedures established under the State Dependent Care Development Grants Act (42 U.S.C. 9801 note), to private nonprofit organizations or public organizations (including units of general purpose local government) that meet the requirements of section 112 for the development, establishment, expansion, operation, and coordination of resource and referral programs specifically related to child care.

(B) Improve the monitoring of compliance with, and enforcement of, the licensing and regulatory requirements (including registration requirements) of the State.

(C) Provide training, technical assistance, and scholarship assistance in accordance with the provisions of subsections (b), (c), and (d) of section 113.

(D) Ensure that adequate salaries and other compensation are paid to full- and part-time staff who provide child care services for which assistance is provided under paragraph (4).

(E) Allow that the State will make grants to local libraries for the purchase and delivery of children's books, videos, tapes, and toys to licensed or certified family-based or group child-care providers, child care centers, or other providers that meet State eligibility requirements.

(6) ACTIVITIES TO INCREASE THE AVAILABILITY OF CHILD CARE.—Except as provided in paragraph (4)(C), the plan shall provide that the State will use not more than 12 percent of the amount allotted to it in any fiscal year for any of the following activities:

(A) Making grants or low-interest loans to existing and potential family child care providers and nonprofit child care providers to help such providers pay the cost of—

(i) establishing child care programs; and

(ii) making renovations and improvements in existing facilities to be used to carry out such programs.

(B) Making grants or low-interest loans to child care providers to assist such providers in meeting recommended Federal child care standards, or State and local child care standards, giving priority to providers receiving assistance under this title or under other publicly assisted child care programs and which serve children of families that have very low incomes.

(C) Providing funds for the child care public-private partnership activities described in section 114.

(D) Providing assistance for the establishment and operation of after school child care programs.

(E) Providing assistance for the temporary care of children who are sick and unable to attend child care programs in which such children are enrolled.

(F) Providing assistance for the establishment and operation of child care programs for homeless children.

(G) Providing assistance to link child care programs with programs designed to assist the elderly.

(H)(i) Establishing and administering a revolving loan fund from which any person desiring to make capital improvements to the principal residence of such person (within the meaning of section 1034 of the Internal Revenue Code of 1986) may obtain a loan in order to become a licensed or regulated family child care provider, pursuant to State and local law, and to comply with the standards applicable to such providers as established by the State in each of the categories described in section 118(d)(2).

(ii) To permit the use of funds provided under this title for the activity described in clause (i), the State shall set forth procedures and guidelines to carry out the purposes of such clause, including procedures—

(I) that provide assurances that only applicants who will be licensed or regulated to operate a child care facility in accordance with the provisions of State and local law and who will meet the State standards applicable to family child care services in each of the categories described in section 118(d)(2), benefit from loans made available pursuant to the provisions of clause (i);

(II) to assure that the revolving fund will be administered by the State and will provide loans to qualified applicants, pursuant to the terms and conditions established by such State, in an amount, determined by such State, that is not in excess of $1,500;

(III) to assure that funds used to carry out the purpose of clause (i) are transferred to such fund to provide capital for making loans;

(IV) to assure that interest and principal payments on loans and any other moneys, property, or assets derived from any action concerning such funds are deposited into such fund;

(V) to assure that all loans, expenses, and payments pursuant to the operation of the revolving loan fund are paid from such fund;

(VI) to assure that loans made from such fund are made to qualified applicants to enable such applicants to make capital improvements so that such applicants are able to become a licensed or regulated family child care provider, pursuant to State and local law and so that such applicants are able to meet the State standards applicable to such providers in each of the categories described in section 118(d)(2); and

(VII) that specify how such revolving loan fund will continue to be financed in subsequent years, such as through contributions by the State or by some other entity.

(I)(i) Making grants to States to enable such States to provide grants to school districts to enable such districts to establish or maintain extended day child care programs.

(ii) In order to use funds under this paragraph for the activity described in this subparagraph, the State shall—

(I) Administer the allotment provided to the State under this subparagraph shall be administered through the State educational agency; which

(II) shall establish requirements that school districts must meet in order to receive assistance under this subparagraph; and

(iii)(I) use amounts received under this subparagraph to provide grants to school districts to enable such districts to provide extended day child care;

(II) ensure that school districts that receive assistance under this subparagraph use such assistance to—

(aa) offset the start-up costs associated with the establishment of extended day child care programs;

(bb) conduct studies to determine the feasibility of establishing extended day child care programs;

(cc) provide for the equipping and staffing of extended day child care programs; and

(dd) offset any other costs that the State determines appropriate.

(III) Ensure that amounts received under this subparagraph are not used for ongoing maintenance or operational costs incurred by school districts.

(IV) Ensure that extended day child care programs that receive assistance under this subparagraph shall—

(aa) be developmentally appropriate and meet the diverse recreational, social, emotional, cultural, and educational needs of school-aged children; and

(bb) provide parents with the opportunity to participate in such programs.

(V) Ensure that each school district that receives assistance under this subparagraph coordinates the programs carried out with such assistance with other public entities and private non-profit community-based organizations that provide before and after-school child care;

(VI) Permit a school district to provide a before and after-school child care program in accordance with the provisions of this subparagraph through grants to or contracts with other public entities and eligible private nonprofit community-based organizations that provide before and after-school child care programs.

(VII) As used in this subparagraph:

(aa) The term "school district" means the public authority legally constituted and recognized in a State as the administrative agency for that district or county's public elementary or secondary schools.

(bb) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(J) Providing assistance for comprehensive child care demonstration projects within existing public school buildings that—

(i) ensure that year round, on-site, all day child care for children ages 3 to 5 (or of the age of entering kindergarten) and on-site before and after school child care for children ages 5 through 12, inclusive;

(ii) ensure the establishment of a family support system for parents (including a home visitation program);

(iii) provide support for local family day-care providers (including technical assistance, back-up support in case of illness, and training);

(iv) provide for information and referral and other specialized services;

(v) develop a sliding scale fee payment system for children using the system (based on the parents ability to pay);

(vi) provide for ongoing parental involvement in the planning, implementation, monitoring, and evaluation of such projects;

(vii) provide that such demonstration projects be operated by administrators trained in early childhood development;

(viii) provide for the use of trained child care workers in such demonstration projects, with a priority given to child care workers with credentials in early childhood education or child development, including the child development associate credential;

(ix) provide that salaries paid to child care workers in such demonstration projects shall—

(I) be not less than the rates paid for comparable services provided in the school or surrounding community, whichever is higher; and

(II) be comparable to salaries paid to school employees with equivalent responsibilities, experience and credentials; and

that salary schedules for child care workers encourage child care workers to obtain early childhood credentials;

(x) assure that any child care services provided by such demonstration projects meet, at a minimum, regulatory standards set by the State and local government;

(xi) develop ways to improve the quality of child care services in such demonstrations; and

(xii) describe plans for monitoring and evaluating the effectiveness of such demonstration projects.

(K) Providing assistance for any other activity deemed by the State to be in accordance with the purposes of this paragraph.

(7) DISTRIBUTION OF FUNDS.—The plan shall provide that funds will be distributed—

(A) to a variety of types of child care providers, including center-based child care providers, group home child care providers, and family child care providers; and

(B) equitably among child care providers to provide child care services in rural and urban areas.

(8) PAYMENTS.—The plan shall provide that for child care services for which assistance is provided under this title, an eligible child care provider shall have a right to payment at the same rate charged by providers in the State or substate area for comparable services to children of comparable ages and special needs whose parents are not eligible for certificates under this title or for child care assistance under any other Federal or State program.

(9) PRIORITY.—The plan shall provide that priority will be given, in distributing funds in the State, to child care providers that—

(A) in providing child care services assisted by such funds, will give priority to eligible children of families with very low income, or children with special needs;

(B) to the maximum extent feasible, provide child care services to a reasonable mix of children, including children from different socioeconomic backgrounds and children with a handicapping condition;

(C) provide opportunities for parent involvement in all aspects of providing such services; and

(D) to the maximum extent feasible, offer family support services.

(10) SLIDING FEE SCALE.—The plan shall provide for the establishment of a sliding fee scale that requires cost sharing based on the services provided to and the income of the families (adjusted for family size) of eligible children who receive services for which assistance is provided under this title.

(11) PARENTAL INVOLVEMENT.—The plan shall establish procedures for parental involvement in State and local planning, monitoring, and evaluation of child care programs and services in the State.

(12) ENFORCEMENT OF LICENSING AND OTHER REGULATORY REQUIREMENTS (INCLUDING REGISTRATION REQUIREMENTS).—The plan shall provide that the State, not later than 3 years after the date of enactment of this title, shall have in effect enforcement policies and practices that will be applicable to all licensed or regulated child care providers (including child care providers required to register) in the State, including policies and practices that—

(A) require personnel who perform inspection functions with respect to licensed or regulated child care services to have knowledge concerning health and safety, child abuse prevention and detection, program management, and relevant law enforcement practices and policies;

(B) to the maximum extent feasible, have personnel requirements to ensure that individuals who are hired as licensing or regulatory inspectors are qualified to inspect and have inspection responsibility exclusively for children's services;

(C) require—

(i) personnel who perform inspection functions with respect to licensed or regulated child care services to make not less than 1 unannounced inspection of each center-based child care provider in the State annually; and

(ii) personnel who perform inspection functions with respect to licensed or regulated child care services to make periodic, unannounced inspections of all licensed or regulated family child care providers and group home child care providers in the State;

(D) require licensed or regulated child care providers (including registered child care providers) in the State—

(i) to have written program policies and to make a copy of such policies available to parents; and

(ii) to provide parents with unlimited access to their children and to providers caring for their children, during normal hours of operation of such providers and whenever children of such parents are in the care of such providers;

(E) implement a procedure to address complaints that will provide a reasonable opportunity for a parent, or child care provider, that is adversely affected or aggrieved by a decision of the lead agency or any program assisted under this title, to be heard by the State;

(F) prohibit the operator of a child care facility to take any action against an employee of such operator that would adversely affect the employment, or terms or conditions of employment, of such employee because such employee communicates a failure of such operator to comply with any applicable licensing or regulatory requirement;

(G) make consumer education information available to parents and the general public about licensing and regulatory requirements, complaint procedures, and policies and practices required by this paragraph;

(H) make readily available to parents the telephone number of the appropriate licensing or regulatory agency that parents may call regarding a failure of such provider to comply with any applicable licensing or regulatory requirement; and

(I) require the State to maintain a record of parental complaints and to make information regarding substantiated parental complaints available to the public on request.

(13) DATA COLLECTION.—The plan shall provide for the establishment of procedures for data collection by the State designed to show—

(A) by race, sex, ethnic origin, handicapping condition, and family income, how the child care needs of families in the State are being fulfilled, including information on—

(i) the number of children being assisted with funds provided under this title, and under other Federal child care and preschool programs;

(ii) the type and number of child care programs, child care providers, caregivers, and support personnel located in the State;

(iii) the average cost of child care in the State; and

(iv) such other information as the Secretary considers necessary to establish how funds provided under this title are being used;

(B) the extent to which the availability of child care has been increased; and

(C) how the purposes of this title and the objectives of the State set forth in the State plan are being met, including efforts to improve the quality, availability, and accessibility of child care;

and shall provide that data collected by the State under this paragraph shall be submitted to the Secretary.

(d) APPROVAL OF APPLICATION.—The Secretary shall approve an application that satisfies the requirements of this section.

(e) SPECIAL RULE.—Subject to compliance with the standards, licensing, and enforcement requirements of sections 107 and 110, the Secretary shall strongly encourage States to undertake the activities described in subparagraphs (A) and (D) of subsection (c)(5).

SEC. 108. SPECIAL RULES FOR USE OF STATE ALLOTMENTS.

(a) FUNDING OF CHILD CARE SERVICES.—

(1) IN GENERAL.—The child care services referred to in section 107(c)(4) that are to be provided out of the allotment to a State, shall be provided—

(A) by contracts with or grants to eligible child care providers who agree to provide such services directly to eligible children;

(B) by grants to units of general purpose local government, or by contracts to nonprofit private organizations designated by the State, that agree to enter into contracts with eligible child care providers who agree to provide such services directly to eligible children; or

(C) by distributing child care certificates to parents of eligible children under such terms as the Secretary shall prescribe to enable the recipients of such certificates to purchase child care services from eligible child care providers.

(2) LIMITATION ON CERTIFICATES.—Child care certificates authorized by paragraph (1)(C) may be issued by a State only if a resource and referral program carried out by an organization that meets the requirements of section 112 is available to help parents locate child care services made available by eligible child care providers.

(3) NO ENTITLEMENT TO CONTRACT OR GRANT.—Nothing in this title shall be construed to entitle any child care provider or recipient of a child care certificate to any contract, grant or benefit, or to limit the right of any State to impose additional limitations or conditions on contracts or grants funded under this title.

(4) PROVIDE PARENTS WITH CHOICE.—Subject to the limitation described in paragraph (2), each State that receives assistance under this Act shall provide each parent of an eligible child who receives, or whose eligible child is cared for by a child care provider that receives, assistance under this Act with the option of—

(A) enrolling such child with an eligible child care provider that receives assistance through grants or contracts as provided under subparagraph (A) or (B) of paragraph (1); or

(B) receiving a child care certificate as provided in paragraph (1)(C).

(b) PART-DAY PROGRAMS.—

(1) IN GENERAL.—At least 10 percent of the funds available for activities under section 107(c)(4)(A) shall be used by the State to enable child care providers to extend the hours of operation of the part-day programs described in paragraph (2) to provide full-working-day child care services throughout the year, in order to meet the needs of parents of eligible children.

(2) ELIGIBLE PROGRAMS.—As used in paragraph (1), the term "part-day programs" means—

(A) programs of schools and nonprofit child care providers (including community-based organizations) receiving State or local funds designated for preschool;

(B) programs established under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) preschool programs for which assistance is provided under chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801 et seq.); and

(D) preschool programs for children with a handicapping condition.

(c) FACILITIES.—

(1) NEW FACILITIES.—No financial assistance provided under this title shall be expended for the construction of a new facility.

(2) EXISTING FACILITIES.—No financial assistance provided under this title shall be expended to renovate or repair any facility unless—

(A) the child care provider that receives such financial assistance agrees—

(i) in the case of a grant, to repay to the Secretary or the State, as the case may be, the amount that bears the same ratio to the amount of such grant as the value of the renovation or repair, as of the date such provider ceases to provide child care services in such facility in accordance with this title, bears to the original value of the renovation or repair; and

(ii) in the case of a loan, to repay immediately to the Secretary or the State, as the case may be, the principal amount of such loan outstanding and any interest accrued, as of the date such provider ceases to provide child care services in such facility in accordance with this title;

if such provider does not provide child care services in such facility in accordance with this title throughout the useful life of the renovation or repair; and

(B) if such provider is a sectarian agency or organization, the renovation or repair is necessary to bring such facility into compliance with health and safety requirements imposed by this title.

SEC. 109. PLANNING GRANTS.

(a) IN GENERAL.—A State desiring to participate in the programs authorized by this title that cannot fully satisfy the requirements of the State plan under section 107(b) without financial assistance may, in the first year that the State participates in the programs, apply to the Secretary for a planning grant.

(b) AUTHORIZATION.—The Secretary is authorized to make a planning grant to a State described in subsection (a) if the Secretary determines that—

(1) the grant would enable the State to fully satisfy the requirements of a State plan under section 107(b); and

(2) the State will apply, for the remainder of the allotment that the State is entitled to receive for such fiscal year.

(c) AMOUNT OF GRANT.—A grant made to a State under this section shall not exceed 1 percent of the total allotment that the State would qualify to receive in the fiscal year involved if the State fully satisfied the requirements of section 107.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A grant made under this section shall be considered to be expended for administrative costs by the State for purposes of determining the compliance by the State with the limitation on administrative costs imposed by section 107(c)(3)(F).

SEC. 110. CONTINUING ELIGIBILITY OF STATES.

A State shall be ineligible for assistance under this title after the expiration of the 3-year period beginning on the date of enactment of this title unless the State demonstrates to the satisfaction of the Secretary that—

(1) the State has established State child care standards in each of the categories described in paragraphs (1), (2), and (3) of section 118(d);

(2) all child care providers required to be licensed or regulated by the State—

(A) are so licensed or regulated; and

(B) are subject to the enforcement provisions referred to in the State plan; and

(3) all such providers who are receiving assistance under this title or under other publicly-assisted child care programs—

(A) satisfy the requirements of subparagraphs (A) and (B) of paragraph (2); and

(B) satisfy the State child care standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such providers.

SEC. 111. STATE ADVISORY COMMITTEE ON CHILD CARE.

(a) ESTABLISHMENT.—The chief executive officer of a State participating in the program authorized by this title shall—

(1) establish a State advisory committee on child care (hereinafter in this section referred to as the "committee") to assist the lead agency in carrying out the responsibilities of the lead agency under this title; and

(2) appoint the members of the committee.

(b) COMPOSITION.—The State committee shall be composed of not fewer than 21 and not more than 30 members who shall include—

(1) at least 1 representative of the lead agency designated under section 106(a);

(2) 1 representative of each of—

(A) the State departments of—

(i) human resources or social services;

(ii) education;

(iii) economic development; and

(iv) health; and

(B) other State agencies having responsibility for the regulation, funding, or provision of child care services in the State;

(3) at least 1 representative of providers of different types of child care services, including caregivers and directors;

(4) at least 1 representative of early childhood development experts;

(5) at least 1 representative of school districts and teachers involved in the provision of child care services and preschool programs;

(6) at least 1 representative of resource and referral programs;

(7) 1 pediatrician;

(8) 1 representative of a citizen group concerned with child care;

(9) at least 1 representative of an organization representing child care employees;

(10) at least 1 representative of the Head Start agencies in the State;

(11) parents of children receiving, or in need of, child care services, including at least 2 parents whose children are receiving or are in need of subsidized child care services;

(12) 1 representative of specialists concerned with children who have a handicapping condition;

(13) 1 representative of individuals engaged in business;

(14) 1 representative of fire marshals and building inspectors;

(15) 1 representative of child protective services; and

(16) 1 representative of units of general purpose local government.

(c) FUNCTIONS.—The committee shall—

(1) advise the lead agency on child care policies;

(2) provide the lead agency with information necessary to coordinate the provision of child care services in the State;

(3) otherwise assist the lead agency in carrying out the functions assigned to the lead agency under section 106(c);

(4) in conjunction with the lead State agency, review and evaluate child services for which assistance is provided under this title or under State law, in meeting the objectives of the State plan and the purposes of this title;

(5) make recommendations on the development of State child care standards and policies;

(6) participate in the public hearings required under section 106(c)(4); and

(7) perform other functions to improve the quantity and quality of child care services in the State.

(d) MEETINGS AND HEARINGS.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the committee shall meet and establish the time, place, and manner of future meetings of the committee.

(2) MINIMUM NUMBER OF HEARINGS.—The committee shall have at least 1 public hearing each year at which the public shall be given an opportunity to express views concerning the administration and operation of the State plan.

(e) SUBCOMMITTEE ON LICENSING.—

(1) COMPOSITION.—The committee shall have a subcommittee on licensing (hereinafter in this section referred to as the "subcommittee") that shall be composed of the members appointed under paragraphs (2)(A)(iv), (3), (6), (7), (11), (14), (15), and (16) of subsection (b).

(2) FUNCTIONS.—The subcommittee shall review the law applicable to, and the licensing and regulatory requirements and the policies of, each licensing agency that regulates child care services and programs in the State unless the State has reviewed such law, requirements, and policies in the 3-year

period ending on the date of the establishment of the committee under subsection (a).

(f) USE OF EXISTING COMMITTEES OR SUBCOMMITTEES.—To the extent that a State has established broadly representative State advisory groups, prior to the date of enactment of this title, that are comparable to the advisory committee or the subcommittee on licensing described in this section and focused exclusively on child care and early childhood development programs, such State shall be considered to be in compliance with subsections (a) through (c), or (e), as appropriate.

(g) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the committee shall prepare and submit to the chief executive officer of the State involved a report that meets the requirements of paragraph (2).

(2) CONTENTS OF REPORT.—A report prepared under paragraph (1) shall contain information on child care services provided by center-based child care providers, group home child care providers, and family child care providers, including—

(A) a detailed statement of the findings and recommendations that result from the subcommittee review under subsection (e)(2), including a description of the current status of child care licensing, regulating, monitoring, and enforcement in the State;

(B) a detailed statement identifying and describing the deficiencies in the existing licensing, regulating, and monitoring programs of the State involved, including an assessment of the adequacy of staff to carry out such programs effectively, and recommendations to correct such deficiencies or to improve such programs; and

(C) comments on the relationship between the child care standards of the State and the national recommended child care standards established by the Secretary under section 118(e)(2).

(3) RECEIPT OF REPORT BY THE CHIEF EXECUTIVE OFFICER OF THE STATE.—Not later than 60 days after receiving the report from the committee, the chief executive officer of the State shall transmit such report to the Secretary with—

(A) the comments of the chief executive officer of the State; and

(B) a plan for addressing deficiencies in, or improving the licensing, regulating, and monitoring, of the child care services and programs referred to in subsection (f)(2).

(h) SERVICES AND PERSONNEL.—

(1) AUTHORITY.—The lead agency is authorized to provide the services of such personnel, and to contract for such other services as may be necessary, to enable the committee and the subcommittee to carry out their functions under this title.

(2) REIMBURSEMENT.—Members of the committee shall be reimbursed, in accordance with standards established by the Secretary, for necessary expenses incurred by such members in carrying out the functions of the committee and the subcommittee.

(3) SUFFICIENCY OF FUNDS.—The Secretary shall ensure that sufficient funds are made available, from funds available for the administration of the State plan, to the committee and the subcommittee to carry out the requirements of this section.

SEC. 112. RESOURCE AND REFERRAL PROGRAMS.

(a) ELIGIBILITY FOR ASSISTANCE.—Grants or contracts made or entered into by the State, pursuant to section 107(c)(5)(A), shall be made to, or entered into with, private nonprofit organizations or public organizations (including units of general purpose local government) who shall provide resource and referral services to families in the State.

(b) FUNDING.—Organizations that receive assistance under subsection (a) shall carry out resource and referral programs—

(1) to identify all types of existing child care services, including services provided by individual family child care providers and by child care providers who provide child care services to children with a handicapping condition;

(2) to provide to interested parents information and referral regarding such services, including the availability of public funds to obtain such services;

(3) to provide or arrange for, at the discretion of the State, the provision of information, training, and technical assistance to existing and potential child care providers and to others (including businesses) concerned with the availability of child care services; and

(4) to provide information on the demand for and supply of child care services located in a community.

(c) REQUIREMENTS.—To be eligible for assistance as a resource and referral agency under subsection (a), an organization shall—

(1) have or acquire a database of information on child care services in the State or in a particular geographical area that the organization continually updates, including child care services provided in centers, group home child care settings, nursery schools, and family child care settings;

(2) have the capability to provide resource and referral services in a particular geographical area;

(3) be able to provide parents with information to assist them in identifying quality child care services;

(4) to the maximum extent practicable, notify all eligible child care providers in such area of the functions it performs and solicit such providers to request to be listed to receive referrals made by such organization; and

(5) otherwise comply with regulations promulgated by the State in accordance with subsection (d).

(d) LIMITATION ON INFORMATION.—In carrying out this section, an organization receiving assistance under subsection (a) as a resource and referral agency shall not provide information concerning any child care program or services which are not in compliance with the laws of the State and localities in which such services are provided.

SEC. 113. TRAINING AND TECHNICAL ASSISTANCE.

(a) MINIMUM REQUIREMENT.—A State receiving funds under this title shall require, not later than 3 years after the date of the enactment of this title, that all employed or self-employed individuals who provide licensed or regulated center-based, family and group home child care services (including registered child care services) in a State complete a minimum number of hours of inservice training each year in areas appropriate to the provision of child care services, such as training in health and safety, nutrition, first aid, the recognition of communicable diseases, child abuse detection and prevention, and the needs of special populations of children.

(b) GRANTS AND CONTRACTS FOR TRAINING AND TECHNICAL ASSISTANCE.—

(1) GRANTS AND CONTRACTS.—The State may make grants to, and enter into contracts with State agencies, units of general purpose local government, institutions of higher education, and nonprofit organizations (including resource and referral organizations, child care food program sponsors, and family child care associations, as appropriate) to develop and carry out child care training and technical assistance programs under which preservice and continuing inservice training is provided to eligible child care providers, including family child care providers, and the staff of such providers including teachers, administrative personnel, and staff of resource and referral programs involved in providing child care services in the State.

(2) ELIGIBILITY REQUIREMENTS FOR GRANTS AND CONTRACTS RELATING TO TRAINING FOR FAMILY CHILD CARE PROVIDERS.—To be eligible to receive a grant or enter into a contract for a training and technical assistance program for family child care providers under paragraph (1), a nonprofit organization shall—

(A) recruit and train family child care providers, including providers with the capacity to provide night-time and emergency child care services;

(B) operate resource centers to make developmentally appropriate curriculum materials available to family child care providers;

(C) provide grants to family child care providers for the purchase of moderate cost equipment to be used to provide child care services; and

(D) if appropriate, operate a system of substitute caregivers.

(3) ELIGIBILITY REQUIREMENTS FOR GRANTS AND CONTRACTS RELATING TO TECHNICAL ASSISTANCE.—To be eligible to receive a grant, or enter into a contract under subsection (b) to provide technical assistance, an agency, organization, or institution shall agree to furnish technical assistance to child care providers to assist such providers—

(A) in understanding and complying with local regulations and relevant tax and other policies;

(B) in meeting State licensing, regulatory, and other requirements (including registration) pertaining to family child care providers.

(c) SCHOLARSHIP ASSISTANCE.—The State may provide scholarship assistance to—

(1) individuals who seek a nationally recognized child development associate credential for center-based or family child care in amounts sufficient to cover the costs involved in securing such credential; and

(2) caregivers who seek to obtain the training referred to in subsection (a) and whose income does not exceed such poverty line.

(d) CLEARINGHOUSE FUNCTION.—The State shall establish in the lead agency a clearinghouse function to collect and disseminate training materials to resource and referral agencies and child care providers throughout the State.

SEC. 114. CHILD CARE PUBLIC-PRIVATE PARTNERSHIP.

(a) ACTIVITIES AUTHORIZED.—Each State using funds as described in section 107(c)(6)(C) shall design activities conducted with such funds to encourage businesses in the State to support or provide child care services to a reasonable mix of children, including children from different socioeconomic backgrounds, and children of employees and nonemployees. Such activities may include—

(1) disseminating information relating to—

(A) model child care programs appropriate for implementation by such businesses;

(B) flexible employee work schedules; and

(C) other technical assistance that would enable employers to establish and operate child care programs;

(2) making grants or loans on a competitive basis to assist employers in establishing innovative child care programs;

(3) establishing a demonstration program under which grants are made to local nonprofit private organizations to improve and expand child care services in cooperation with employees who contribute to the cost of such improvement or expansion;

(4) making grants to non-profit business organizations to provide technical information and assistance to enable employers to develop and operate child care services; and

(5) encouraging such businesses to participate in resource and referral activities carried out by organizations recognized under section 112.

(b) DUTIES OF STATE.—In carrying out the activities described in subsection (a), the State shall—

(1) consult with the State advisory committee on child care established under section 111;

(2) provide outreach to businesses participating in such activities; and

(3) encourage such businesses to contribute to the cost of carrying out such activities.

(c) BUSINESS PARTNERSHIP TASK FORCE.—The State may carry out subsection (a) in consultation with—

(1) a business task force appointed by the State from among representatives of businesses of various sizes in the State; and

(2) a State entity that administers laws relating to productive economic development.

(d) PRESIDENT'S AWARD FOR PROGRESSIVE MANAGEMENT POLICY.—

(1) ESTABLISHMENT AND AWARD.—

(A) IN GENERAL.—There is established the President's Award for Progressive Management Policy to honor public and private sector employers who have—

(i) successfully implemented in their businesses family-oriented personnel programs and policies responsive to the child care needs of working parents; or

(ii) made significant contributions to child care projects in their communities.

(B) CITATION.—The President's Award for Progressive Management Policy shall consist of a certificate, plaque, or other appropriate citation.

(2) NOMINATION AND SELECTION.—

(A) NOMINATIONS.—Each year the President, acting through the Secretary of Labor, shall solicit nominations for the President's Award for Progressive Management Policy from State and local elected officials, educational institutions, State-based employee or business associations, or other State or local entities.

(B) RECIPIENTS.—The President, in conclusion with the Secretary of Labor, shall select not less than 3 such nominees from each State to receive the President's Award for that year.

(C) REPRESENTATION.—Of the nominees selected from each State to receive such awards, at least 1 shall represent—

(i) a small business;

(ii) an intermediate-size business; and

(iii) a large business.

(3) PRESENTATION.—The President shall present the President's Award each year with such ceremonies as the President may consider proper.

(4) REGULATIONS.—The Secretary of Labor shall promulgate such regulations as are necessary to carry out the provisions of this section.

SEC. 115. FEDERAL ADMINISTRATION OF CHILD CARE.

(a) ADMINISTRATOR OF CHILD CARE.—There is hereby established in the Department of Health and Human Services the position of Administrator of Child Care (hereinafter in this section referred to as the "Administrator"). The Secretary shall appoint an individual to serve as the Administrator at the pleasure of the Secretary.

(b) DUTIES.—The Administrator shall—

(1) coordinate all activities of the Department of Health and Human Services relating to child care, and coordinate such activities with similar activities of other Federal entities;

(2) annually collect and publish State child care standards, including periodic modifications to such standards;

(3) evaluate activities carried out with funds provided under this title;

(4) act as a clearinghouse to collect and disseminate materials that relate to—

(A) the child care training and technical assistance programs described in section 113(b)(1); and

(B) studies that relate to the salaries paid to individuals employed to provide child care services; and

(5) provide technical assistance to assist States to carry out this title.

SEC. 116. FEDERAL ENFORCEMENT.

(a) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall review and monitor State compliance with this title and the plan approved under section 107(d) for the State.

(b) NONCOMPLIANCE.—

(1) IN GENERAL.—If the Secretary, after reasonable notice and opportunity for a hearing to a State, finds that—

(A) there has been a failure by the State to comply substantially with any provision or any requirements set forth in the plan approved under section 107(d) for the State; or

(B) in the operation of any program or project for which assistance is provided under this title there is a failure by the State to comply substantially with any provision of this title;

the Secretary shall notify the State of the finding and that no further payments may be made to such State under this title (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to such program or activity) until the Secretary is satisfied that there is no longer any such failure to comply or that the noncompliance will be promptly corrected.

(2) ADDITIONAL SANCTIONS.—In the case of a finding of noncompliance made pursuant to this paragraph (1), the Secretary may, in addition to imposing the sanctions described in such paragraph, impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this title, and disqualification from the receipt of financial assistance under this title.

(3) NOTICE.—The notice required under paragraph (1) shall include a specific identification of any additional sanction being imposed under paragraph (2).

(c) ISSUANCE OF RULES.—The Secretary shall establish by rule procedures for—

(1) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this title; and

(2) imposing sanctions under this section.

SEC. 117. PAYMENTS.

(a) IN GENERAL.—

(1) AMOUNT OF PAYMENT.—Each State that—

(A) has an application approved by the Secretary under section 107(d); and

(B) demonstrates to the satisfaction of the Secretary that it will provide from non-Federal sources the State share of the aggregate amount to be expended by the State under the State plan for the fiscal year for which it requests a grant;

shall receive a payment under this section for such fiscal year in an amount (not to exceed its allotment under section 105 for such fiscal year) equal to the Federal share of the aggregate amount to be expended by the State under the State plan for such fiscal year.

(2) FEDERAL SHARE.—The Federal share for each fiscal year shall be 80 percent.

(3) STATE SHARE.—The State share equals 100 percent minus the Federal share.

(4) LIMITATION.—A State may not require any private provider of child care services that receives or seeks funds made available under this title to contribute in cash or in kind to the State contribution required by this subsection.

(b) METHOD OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may make payments to a State in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(2) LIMITATION.—The Secretary may not make such payments in a manner that prevents the State from complying with the requirement specified in section 107(c)(3)(F).

(c) SPENDING OF FUNDS BY STATE.—Payments to a State from the allotment under section 105 for any fiscal year may be expended by the State in that fiscal year or in the succeeding fiscal year.

SEC. 118. NATIONAL ADVISORY COMMITTEE ON RECOMMENDED CHILD CARE STANDARDS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In order to improve the quality of child care services, the Secretary shall establish, not later than 60 days after the date of the enactment of this title, a National Advisory Committee on Recommended Child Care Standards (hereinafter in this section referred to as the "Committee"), the members of which shall be appointed from among representatives of—

(A) the chief executive officers of the several States;

(B) State legislatures;

(C) units of general purpose local governments;

(D) businesses;

(E) individuals responsible for regulating the insurance industry within the States;

(F) religious institutions;

(G) different types of child care providers;

(H) persons who carry out resource and referral programs;

(I) child care, early childhood development, or early childhood education specialists;

(J) individuals who have expertise in pediatric health care, handicapping conditions, and related fields;

(K) organizations representing child care employees;

(L) individuals who have experience in the regulation of child care services; and

(M) parents who have been actively involved in community child care programs.

(2) APPOINTMENT OF MEMBERS.—The Committee shall be composed of 20 members of which—

(A) 4 members shall be appointed by the President;

(B) 4 members shall be appointed by the majority leader of the Senate;

(C) 4 members shall be appointed by the minority leader of the Senate;

(D) 4 members shall be appointed by the Speaker of the House of Representatives; and

(E) 4 members shall be appointed by the minority leader of the House of Representatives.

(3) CHAIRMAN.—The President shall appoint a chairman from among the members of the Committee.

(4) VACANCIES.—A vacancy occurring on the Committee shall be filled in the same manner as that in which the original appointment was made.

(b) PERSONNEL, REIMBURSEMENT, AND OVERSIGHT.—

(1) PERSONNEL.—The Secretary shall make available to the Committee office facilities, personnel who are familiar with child development and with developing and implementing regulatory requirements, technical assistance, and funds as are necessary to enable the Committee to carry out effectively its functions.

(2) REIMBURSEMENT.—

(A) COMPENSATION.—Members of the Committee who are not regular full-time employees of the United States Government shall, while attending meetings and conferences of the Committee or otherwise engaged in the business of the Committee (including traveltime), be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service under GS–18 of the General Schedule established under section 5332 of title 5, United States Code.

(B) EXPENSES.—While away from their homes or regular places of business on the business of the Committee, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(3) OVERSIGHT.—The Secretary shall ensure that the Committee is established and operated in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(c) FUNCTIONS.—The Committee shall—

(1) review Federal policies with respect to child care services and such other data as the Committee may determine appropriate;

(2) not later than 180 days after the date on which a majority of the members of the Committee are first appointed, submit to the Secretary proposed recommended standards, as described in subsection (d), for child care services, taking into account the different needs of infants, toddlers, preschool and school-age children; and

(3) develop and make available to lead agencies, for distribution to resource and referral agencies in the State, model requirements for resource and referral agencies.

(d) RECOMMENDED CHILD CARE STANDARDS.—The proposed child care standards submitted by the Committee pursuant to subsection (c)(2) and the child care standards issued by the Secretary pursuant to subsection (e) shall be recommended standards and shall consist of only the following:

(1) CENTER-BASED CHILD CARE SERVICES.—Such standards submitted with respect to child care services provided by center-based child care providers shall be limited to—

(A) group size limits in terms of the number of caregivers and the number and ages of children;

(B) the maximum appropriate child-staff ratios;

(C) preservice qualifications and background of child care personnel;

(D) requirements for inservice training in areas appropriate to the provision of such child care services, including a minimum number of training hours requirement;

(E) health and safety requirements for children and caregivers, including requirements for—

(i) the prevention and control of infectious diseases (including immunization and handwashing procedures);

(ii) injury prevention, control and treatment;

(iii) building and physical premises safety;

(iv) general health and nutrition;

(v) children with special needs; and

(vi) prevention of child abuse; and

(F) requirements for parental involvement in licensed and regulated child care services.

(2) FAMILY CHILD CARE SERVICES.—Such standards submitted with respect to child care services provided by family child care providers shall be limited to—

(A) the maximum number of children for which child care services should be provided and the maximum number of infants for which child care services should be provided;

(B) the minimum age for caregivers;

(C) requirements for inservice training in areas appropriate to the provision of such child care services, including a minimum number of training hours requirement; and

(D) health and safety requirements for children and caregivers, including those described in paragraph (1)(E), as appropriate for family child care services.

(3) GROUP HOME CHILD CARE SERVICES.—Such standards submitted with respect to child care services provided by group home child care providers shall be limited to the matters specified in paragraphs (1)(B) and (2).

(4) LIMITATION.—The Committee shall not submit any standard under subsection (c)(2) and the Secretary shall not establish any standard under subsection (e) that is less or more rigorous than the least or most rigorous standard that exists in any of the States at the time of the submission or establishment of such recommendation.

(e) CONSIDERATION AND ESTABLISHMENT OF RECOMMENDED STANDARDS.—

(1) NOTICE OF PROPOSED RULEMAKING.—Not later than 90 days after receiving the recommendations of the Committee, the Secretary shall—

(A) publish in the Federal Register for public comment for a period of at least 60 days—

(i) the proposed recommended standards of the Committee submitted under subsection (c)(2); and

(ii) the proposed recommended standards of the Secretary; and

(B) distribute the proposed recommended standards of the Committee and the proposed recommended standards of the Secretary to each lead agency and each State subcommittee on licensing for comment.

(2) ESTABLISHMENT OF RECOMMENDED CHILD CARE STANDARDS.—

(A) ISSUANCE OF RULES.—The Secretary shall—

(i) take into consideration any comments received by the Secretary with respect to the standards published under paragraph (1); and

(ii) not later than 180 days after publication of such standards, issue rules establishing recommended child care standards for purposes of this title. Such standards shall include the nutrition requirements issued, and revised from time to time, under section 117(g)(1) of the National School Lunch Act (42 U.S.C. 1766(g)(1)).

(B) AMENDING STANDARDS.—The Secretary may amend any standard first established under subparagraph (A), except that such standard may not be modified, by amendment or otherwise, to make such standard less comprehensive or less stringent than it is when first established.

(C) EXTENDED PERIOD FOR COMMENT.—If the Secretary proposes a recommended standard under paragraph (2) that no State has a requirement concerning, as of the time that such standard is recommended, the Secretary shall provide an additional 30 days during which States may submit comments concerning such standard.

(3) ADDITIONAL COMMENTS.—The National Committee may submit to the Secretary and to the Congress such additional comments on the recommended child care standards established under paragraph (2) as the National Committee considers appropriate.

(f) TERMINATION OF COMMITTEE.—The National Committee shall cease to exist 90 days after the date the Secretary establishes recommended child care standards under subsection (e)(2).

SEC. 119. CHILD CARE STANDARDS IMPROVEMENT INCENTIVE GRANT PROGRAM.

(a) ESTABLISHMENT.—Not later than 3 years after the date of enactment of this title, the Secretary shall establish a child care standards improvement incentive grant program to make grants to eligible States to assist such States in improving State child care standards in the categories described in section 118(d).

(b) ELIGIBLE STATES.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application in accordance with subsection (c).

(c) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare, and submit to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including—

(1) a certification that the State has consulted with the licensing subcommittee of the State in preparing the application and has provided an opportunity for public comment on such;

(2) an assurance that the State will meet the matching requirements of subsection (g);

(3) information that shall—

(A) describe the present level of child care standards that are in effect in such State;

(B) describe the prospective use of such grant; and

(C) describe the expected improvement in the child care standards of the State;

(4) an assurance that the State will use any amounts received under a grant under this section to specifically improve its child care standards; and

(5) any other information that the Secretary determines appropriate.

(d) CONSIDERATION AND AWARDING OF GRANTS BY SECRETARY.—

(1) INITIAL GRANTS.—The Secretary shall consider applications submitted by the States under subsection (c), and shall award the initial grants under this section to States on a competitive basis after considering the following criteria—

(A) the relative quality of the existing child care standards of the State as described in the application in comparison to such standards of other States that submit applications;

(B) the level of child care standards that the State desires to adopt and the State plans for achieving this improved level of standards; and

(C) the relative fiscal capacity of the State in comparison to that of other States that submit applications.

(2) SUBSEQUENT GRANTS.—In determining whether a State that submits an application under subsection (c) for subsequent grant under this section after the expiration of the previous grant, the Secretary shall award such grant based on the compliance of the State with the application for the previous grant. The Secretary may award a subsequent grant to a State that has not complied with such application of the State if the Secretary determines that factors beyond the control of the State significantly contributed to such non-compliance.

(e) USE OF GRANTS.—

(1) IN GENERAL.—States that receive grants under this section shall use amounts provided under such grants to specifically carry out the State application for improving its child care standards, as submitted by the State under subsection (c).

(2) SPECIFIC USES.—In meeting the requirement of paragraph (1), a State may use such amounts for any of the activities described in section 107(c)(5) if such activities are directly related to the State application for improving its child care standards.

(f) ADMINISTRATIVE PROVISIONS.—

(1) TERM OF GRANTS.—Grants made under this section shall be for a 2-year period with no State receiving more than three consecutive grants.

(2) TRANSFER OF FUNDS.—The Secretary may transfer funds made available for grants under this section to the amounts made available for allotments under section 105(b) if the Secretary determines that there is an insufficient number of qualified applications for grants under this section to utilize the entire amount of funds made available for such grants.

(3) TERMINATION.—The grant program established under this section shall terminate 8 years after the date of enactment of this title, or on the date on which funds are no longer appropriated under section 104(a), whichever occurs first.

(g) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Each State that receives a grant under this section shall provide from non-Federal sources the State share of the aggregate amount of the grant.

(2) FEDERAL SHARE.—The Federal share for each fiscal year shall be 80 percent.

(3) STATE SHARE.—The State share equals 100 percent minus the Federal share.

(4) LIMITATION.—A State may not require any private provider of child care services that receives or seeks funds made available under this title to contribute in cash or in kind to the State contribution required by this subsection.

SEC. 120. NATIONAL STUDY ON CHILD CARE STANDARDS.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this title, the Secretary, in consultation with the Office of Technology Assessment, shall conduct a national study on child care standards that is based on the data collected by the States under section 107(c)(13) and the State reports submitted under section 111, and shall prepare and submit, to the appropriate committees of Congress a report concerning such study.

(b) CONTENTS.—The report submitted under subsection (a) shall contain—

(1) an assessment of the compliance of the States with the requirement described in section 110 that the States have in place, not later than 3 years after the date of enactment of this title, State standards in each of the categories described in section 118(d);

(2) an assessment of the propriety of the recommendations of the National Advisory Committee on Recommended Child Care Standards and a summary of the level of standards in each State in relation to such recommendations;

(3) an assessment of the progress of the States and the activities undertaken by the States since the date of enactment of this title to meet the recommended child care standards; and

(4) recommendations for Congress concerning efforts that should be undertaken to further improve the access of the public to quality and affordable child care in the United States.

SEC. 121. LIMITATIONS ON USE OF FINANCIAL ASSISTANCE FOR CERTAIN PURPOSES.

(a) SECTARIAN PURPOSES AND ACTIVITIES.—No financial assistance provided under this title shall be expended for any sectarian purpose or activity, including sectarian worship and instruction, except that this subsection shall not apply to funds received by any eligible provider resulting from the distribution of a child care certificate to a parent under section 108(a)(1)(C). Financial assistance provided under this title shall not be expended in a manner inconsistent with the Constitution.

(b) Subsection (a) shall not apply to funds received by an eligible child care provider as defined in section 103(8)(B).

(c) TUITION.—With regard to services provided to students enrolled in grades 1 through 12, no financial assistance provided under this title shall be expended for—

(1) any services provided to such students during the regular school day;

(2) any services for which such students receive academic credit toward graduation; or

(3) any instructional services which supplant or duplicate the academic program of any public or private school.

SEC. 122. NONDISCRIMINATION.

(a) FEDERAL FINANCIAL ASSISTANCE.—Any financial assistance provided under this title, including a loan, grant, or child care certificate, shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 794 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and the regulations issued thereunder.

(b) RELIGIOUS DISCRIMINATION.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify or affect the provisions of any other Federal law or regulation that relates to discrimination in employment on the basis of religion, except that a sectarian organization may require that employees adhere to the religious tenets and teachings of such organization and further, such organization may require that employees adhere to rules forbidding the use of drugs or alcohol.

(2) DISCRIMINATION AGAINST CHILD.—

(A) IN GENERAL.—A child care provider that receives assistance under this title shall not discriminate against any child on the basis of religion in providing child care services.

(B) NON-FUNDED CHILD CARE SLOTS.—Nothing in this section shall prohibit a child care provider from selecting children for child care slots that are not funded directly with assistance provided under this title because such children or their family members participate on a regular basis in other activities of the organization that owns or operates such provider.

(3) EMPLOYMENT IN GENERAL.—

(A) PROHIBITION.—A child care provider that receives assistance under this title shall not discriminate in employment on the basis of the religion of the prospective employee if such employee's primary responsibility is or will be working directly with children in the provision of child care services.

(B) QUALIFIED APPLICANTS.—If two or more prospective employees are qualified for any position with a child care provider receiving assistance under this title, nothing in this section shall prohibit such child care provider from employing a prospective employee who is already participating on a regular basis in other activities of the organization that owns or operates such provider.

(C) PRESENT EMPLOYEES.—This paragraph shall not apply to employees of child care providers receiving assistance under this title if such employees are employed with the provider on the date of enactment of this title.

(4) EMPLOYMENT AND ADMISSION PRACTICES.—Notwithstanding paragraphs (2) and (3), if assistance provided under this title, and any other Federal or State program, amounts to 80 percent or more of the operating budget of a child care provider that receives such assistance, the Secretary shall not permit such provider to receive any further assistance under this title unless the grant or contract relating to the financial assistance, or the employment and admissions policies of the provider, specifically provides that no person with responsibilities in the operation of the child care program, project, or activity of the provider will discriminate against any individual in employment, if such employee's primary responsibility is or will be working directly with children in the provision of child care, or admissions because of the religion of such individual.

(5) SEVERABILITY.—If any provision of this section or the application thereof to any individual or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this title which can be given effect without regard to the invalid provision or application, and to this end the provisions of this section shall be severable.

(c) EFFECT ON STATE LAW.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions.

SEC. 123. PRESERVATION OF PARENTAL RIGHTS AND RESPONSIBILITIES.

Nothing in this title shall be construed or applied in any manner to infringe upon or usurp the moral and legal rights and responsibilities of parents or legal guardians.

SEC. 124. CHILD CARE LIABILITY RISK RETENTION GROUP.

(a) PURPOSE.—It is the purpose of this section—

(1) to increase the availability of child care by alleviating the serious difficulty faced by child care providers in obtaining affordable liability insurance; and

(2) to provide States with a sufficient capital base for liability insurance purposes that may be increased or maintained through mechanisms developed by the State.

(b) FORMATION OF CHILD CARE LIABILITY RISK RETENTION GROUP.—

(1) ASSISTANCE IN FORMATION AND OPERATION OF GROUP.—Any State may assist in the establishment and operation of a child care liability risk retention group in the manner provided under this section.

(2) CHILD CARE LIABILITY RISK RETENTION GROUP DEFINED.—As used in this section, the term "child care liability risk retention group" means any corporation (or other limited liability association)—

(A) whose members are licensed or regulated child care providers pursuant to State and local law and who, not later than 3 years after the date of enactment of this title, comply with State child care standards in each of the categories described in section 118(d) that are applicable to the child care services provided by such members; and

(B) which otherwise satisfies the criteria for a risk retention group under section 2(4) of the Liability Risk Retention Act of 1986 (15 U.S.C. 3901(4)).

(c) STATE APPLICATIONS.—

(1) APPLICATIONS.—To qualify for assistance under this section, a State shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require, including information that meets the requirements of subsection (b) of this section.

(2) CONTENT OF STATE APPLICATION.—

(A) LEAD AGENCY.—The application shall identify the lead agency that has been designated and that is to be responsible for the administration of funds provided under this section.

(B) PARTICIPANTS IN RISK RETENTION GROUP.—The application shall assure that all participants in the child care liability risk retention group are licensed or regulated child care providers pursuant to State and local law who, not later than 3 years after the date of enactment of this title, comply with State child care standards in each of the categories described in section 118(d) that are applicable to the child care services they provide. In addition, the applicant shall provide for maximum membership of family-based child care providers in the group.

(C) USE OF FUNDS.—The application shall provide that the State shall use at least the amount allotted to the State in any fiscal year to establish or operate a child care liability risk retention group.

(D) CONTINUATION OF RISK RETENTION GROUP.—The application shall contain provisions that specify how the child care liability risk retention group will continue to be financed after fiscal year 1992, including financing through contributions by the State or by members of such group.

(d) FEDERAL ENFORCEMENT.—

(1) REVIEW OF APPLICATIONS.—The Secretary shall review and approve State applications submitted in accordance with this section and shall monitor State compliance with the provisions of this section.

(2) FINDING OF NONCOMPLIANCE.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds—

(A) that there has been a failure to comply substantially with any provision or any requirements set forth in the State application of that State; or

(B) that there is a failure to comply substantially with any applicable provision of this section,

the Secretary shall notify such State of the findings and of the fact that no further payments may be made to such State under this section until the Secretary is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected.

(e) ALLOTMENT TO STATES.—

(1) IN GENERAL.—The Secretary shall make an allotment to each State from the sums appropriated to carry out the provisions of this section using the same allotment formula established under section 105.

(2) STATE ADMINISTRATIVE COSTS.—Of the amount allotted to a State pursuant to paragraph (1), an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

(f) PAYMENTS.—

(1) ENTITLEMENT.—Each State for which an application has been approved by the Secretary under this section shall be entitled to payments under this subsection for each fiscal year in an amount not to exceed its allotment under subsection (e) to be expended by the State in accordance with the terms of the application for the fiscal year for which the grant is to be made.

(2) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(3) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under subsection (e) for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

SEC. 125. HEAD START ACT AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended by striking "$1,405,000,000" and inserting "$1,552,000,000".

SEC. 126. FAMILY MEMBERS TRAINING OR LICENSING.

Nothing in this Act shall be construed to require, or to mandate the States to require, the training or licensing of individuals to provide child care to members of their families.

SEC. 127. STATE ALLOTMENTS.

(a) If, for any fiscal year for which funds are appropriated to carry out this Act, a State does not seek or receive assistance under this Act, then

(i) for purposes of sections 105, 106, 107, 109, 110, 117, 119, a reference applicable to such State (other than a reference to State law, including licensing and regulatory requirements) shall be deemed to be a reference to each unit of general purpose local government in the State;

(ii) the Secretary shall allot to such unit the pro rata share of such unit attributable to the amount that is allotted to the State under section 105(b); and

(iii) each such unit is eligible to receive assistance under this Act if such unit complies with the requirements of such sections, other than any of such requirements that is expressly waived by the Secretary because its application to such unit is inappropriate.

(b) For purposes of making the allotment required by subparagraph (A), the number of children in a geographical area that lies in the jurisdiction of more than 1 unit of general purpose local government shall be divided equally among all units of general purpose local government—

(i) in which such area lies; and

(ii) which submit an application under this section.

(c) In order to receive funds under subsection (a), a unit of general purpose local government shall submit to the chief executive officer of the State a copy of the plan otherwise required of the State under section 107, assuring the compliance of the unit of general purpose local government with the requirements of the plan, as appropriate, and shall submit a report to the State consistent with the terms and provisions of the report otherwise required of the State under section 111(g).

SEC. 128. SEVERABILITY.

The provisions of this title are declared to be separable. If any one or more provisions of this title is held to be unconstitutional, the same shall not affect the validity of other provisions of this title.

TITLE II—INTERNAL REVENUE CODE PROVISIONS

SEC. 201. SHORT TITLE.

This title may be cited as the "Child Care and Health Insurance Act of 1989".

Subtitle A—Tax Credit for Certain Health Insurance Premiums and Child Care and Supplemental Earned Income Credit for Families With Young Children

SEC. 211. CREDIT FOR HEALTH INSURANCE PREMIUM COSTS.

(a) ALLOWANCE OF CREDIT.—Paragraph (1) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) IN GENERAL.—In the case of an individual who maintains a household which includes as a member 1 or more qualifying individuals, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(A) the applicable percentage of the employment-related expenses paid by such individual during the taxable year, plus

"(B) the credit percentage of the qualified health insurance expenses paid by such individual during the taxable year.".

(b) CREDIT PERCENTAGE.—Section 21(a) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) CREDIT PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'credit percentage' means 50 percent reduced (but not below zero) by 14.29 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $12,000.

"(B) SPECIAL RULE.—In the case of taxable years beginning before 1994, subparagraph (A) shall be applied by substituting in the case of any taxable year beginning in—

"(i) 1991, '35 percent',

"(ii) 1992, '40 percent', and

"(iii) 1993, '45 percent',

for '50 percent'."

(c) LIMITATIONS.—

(1) DOLLAR LIMITATION.—Section 21(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) LIMITATIONS.—

"(1) DOLLAR LIMIT ON EMPLOYMENT-RELATED EXPENSES.—The amount of the employment-related expenses paid during any taxable year which may be taken into account under subsection (a)(1)(A) shall not exceed—

"(A) $2,400 if there is 1 qualifying individual with respect to the taxpayer for such taxable year, or

"(B) $4,800 if there are 2 or more such qualifying individuals.

The amount determined under subparagraph (A) or (B) (whichever is applicable) shall be reduced by the aggregate amount ex-

cludable from gross income under section 129 for the taxable year.

"(2) QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1)(B) shall not exceed $1,000.".

(2) EARNED INCOME LIMITATION.—

(A) IN GENERAL.—Section 21(d) of such Code is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE FOR QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1)(B) shall not exceed the excess (if any) of—

"(A) the earned income of the taxpayer for the taxable year, over

"(B) the amount of employment-related expenses taken into account under subsection (a)(1)(A).".

(B) CONFORMING AMENDMENT.—Paragraph (1) of section 21(d) of such Code is amended by striking "subsection (a)" and inserting "subsection (a)(1)(A)".

(d) DEFINITIONS AND RULES.—

(1) QUALIFIED HEALTH INSURANCE EXPENSES.—Section 21(b) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFIED HEALTH INSURANCE EXPENSES.—

"(A) IN GENERAL.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for insurance—

"(i) which constitutes medical care (within the meaning of section 213(d)(1)(C)), and

"(ii) under which coverage includes at least 1 qualifying individual.

For purposes of this subparagraph, the rules of section 213(d)(6) shall apply.

"(B) QUALIFYING INDIVIDUAL.—For purposes of this paragraph and subsection (a)(1)(B), the term 'qualifying individual' means an individual described in paragraph (1)(A), except that such paragraph shall be applied by substituting 'age of 19' for 'age of 13'.

"(C) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in subparagraph (A) not treated as qualified health insurance expenses.".

(2) IDENTIFYING INFORMATION REQUIRED.—Section 21(e)(9) of such Code is amended by adding at the end thereof the following new sentence: "In the case of the credit allowable under subsection (a)(1)(B) for qualified health insurance expenses, the Secretary may require an insurance policy number in addition to (or in lieu of) the taxpayer identification number.".

(e) COORDINATION WITH DEDUCTION FOR SELF-EMPLOYED INDIVIDUALS.—Section 162(l) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 21.".

(f) CONFORMING AMENDMENTS.—

(1) The heading for section 21 of the Internal Revenue Code of 1986 is amended by inserting "; HEALTH INSURANCE EXPENSES" after "EMPLOYMENT".

(2) The item relating to section 21 in the table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting "; health insurance expenses" after "employment".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 212. DEPENDENT CARE AND HEALTH INSURANCE PREMIUM CREDIT MADE REFUNDABLE.

(a) CREDIT MADE REFUNDABLE.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for household and dependent care services) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) CREDIT REFUNDABLE FOR LOW AND MODERATE INCOME TAXPAYERS.—

"(1) IN GENERAL.—Except as provided in section 6401(b)(1), for purposes of this title, in the case of an applicable taxpayer, the credit allowable under subsection (a) for any taxable year shall be treated as a credit allowable under subpart C of this part.

"(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term 'applicable taxpayer' means a taxpayer whose adjusted gross income for the taxable year does not exceed $28,000.

"(3) COORDINATION WITH ADVANCE PAYMENTS AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply with respect to the portion of any credit to which this subsection applies.".

(b) LIMITATION ON REFUNDABLE DEPENDENT CARE PORTION OF CREDIT.—Subsection (b) of section 6401 of the Internal Revenue Code of 1986 (relating to excessive credits) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE FOR SECTION 21(f).—

"(A) IN GENERAL.—The amount of the overpayment determined under paragraph (1) shall be reduced by 10 percent of the portion of such overpayment attributable to the credit allowed under section 21(a)(1)(A) and treated as allowable under subpart C of part IV of subchapter A of chapter 1 by reason of section 21(f).

"(B) ORDERING RULE.—For purposes of subparagraph (A), paragraph (1) shall be treated as having been applied as if the amount of tax described in such paragraph (if any) was first reduced by the portion of the credit allowed under section 21(a)(1)(A) and treated as allowable under subpart C of part IV of subchapter A of chapter 1 by reason of section 21(f)."

(c) CERTAIN SUBSIDIZED EXPENSES NOT ELIGIBLE FOR CREDIT.—Section 21(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end thereof the following new paragraph:

"(10) SUBSIDIZED EXPENSES.—No expense shall be treated as an employment-related expense or qualified health insurance expense to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient."

(d) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a dependent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent care eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 21 for the taxable year,

"(2) certifies that the employee reasonably expects to be an applicable taxpayer (within the meaning of section 21(f)(2)) for the taxable year,

"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect,

"(5) states the number of qualifying individuals in the household maintained by the employee, and

"(6) estimates the amount of employment-related expenses (as defined in section 21(b)(2)) and qualified health insurance expenses (as defined in section 21(b)(3)) for the calendar year.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) DEPENDENT CARE ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent care advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the number of qualifying individuals in the household maintained by the employee,

"(C) on the basis of the employee's estimated employment-related expenses and qualified health insurance expenses included in the dependent care eligibility certificate, and

"(D) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(D) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) DEFINITIONS.—Any term used in this section which is also used in section 21 shall have the same meaning as given in section 21.

"(e) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of dependent care credit.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1990.

(2) ADVANCE PAYMENT OF CREDIT.—The amendments made by subsection (d) shall apply to taxable years beginning after December 31, 1991.

SEC. 213. SUPPLEMENTAL EARNED INCOME CREDIT FOR FAMILIES WITH YOUNG CHILDREN.

(a) IN GENERAL.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—There is allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the following amounts:

"(1) GENERAL CREDIT.—In the case of an eligible individual, an amount equal to 14 percent of so much of the earned income for the taxable year as does not exceed $5,714.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—

"(A) IN GENERAL.—In the case of an eligible individual with 1 or more qualifying children, an amount equal to the lesser of—

"(i) the applicable percentage of so much of the earned income for the taxable year as does not exceed $5,714, or

"(ii) $750 ($500 for an eligible individual with only 1 qualifying child).

"(B) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means 10 percent (7 percent for an eligible individual with only 1 qualifying child).

"(b) LIMITATIONS.—

"(1) GENERAL CREDIT.—The amount of the credit allowable to a taxpayer under subsection (a)(1) for any taxable year shall be reduced (but not below zero) by 10 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $9,000.

"(2) SUPPLEMENT FOR YOUNG CHILDREN.—The amount of the credit allowable to a taxpayer under subsection (a)(2) for any taxable year shall be reduced (but not below zero) by 15 percent (10 percent for an eligible individual with only 1 qualifying child) so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the lesser of—

"(A) $10,000, as adjusted under subsection (i), or

"(B) $12,000.".

(b) QUALIFYING CHILD DEFINED.—Subsection (c) of section 32 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) QUALIFYING CHILD.—The term 'qualifying child' means, for the taxable year, an individual—

"(A) with respect to whom the taxpayer qualifies as an eligible individual, and

"(B) who, as of the end of such taxable year, has not attained the age of 4.".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (f)(1) of section 32 of the Internal Revenue Code of 1986 is amended by inserting "(including separate tables for individuals with qualifying children)" after "Secretary".

(2) Subsection (i) of section 32 of such Code is amended—

(A) by inserting "('calendar year 1990' for 'calendar year 1987' in the case of the dollar amount referred to in clause (iii) of paragraph (2)(B))" before the period at the end of paragraph (1)(B), and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) DEFINITIONS, ETC.—For purposes of paragraph (1)—

"(A) APPLICABLE CALENDAR YEAR.—The term 'applicable calendar year' means—

"(i) 1986 in the case of the dollar amount referred to in clause (i) of subparagraph (B),

"(ii) 1987 in the case of the dollar amount referred to in clause (ii) of subparagraph (B), and

"(iii) 1991 in the case of the dollar amount referred to in clause (iii) of subparagraph (B).

"(B) DOLLAR AMOUNTS.—The dollar amounts referred to in this subparagraph are—

"(i) the $5,714 amount contained in paragraphs (1) and (2)(A)(i) of subsection (a),

"(ii) the $9,000 amount contained in subsection (b)(1), and

"(iii) the $10,000 amount contained in subsection (b)(2)(A).".

(3) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year.".

(4) Paragraph (1) of section 3507(c) of such Code is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C), and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) on the basis of the number of qualifying children (as defined in section 32(c)(3)) of the employee for such period, and".

(5) Paragraph (2) of section 3507(c) of such Code is amended—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (1)(C)", and

(B) by adding at the end thereof the following new flush sentence:

"A separate advance amount table shall be prescribed for the credit under section 32(a)(2) in the same manner as provided under the preceding sentence, except that the applicable percentage under section 32(a)(2)(B) shall be substituted for 14 percent.".

(6) Section 3507 of such Code is amended by adding at the end thereof the following new subsection:

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 214. STUDY OF ADVANCE PAYMENTS.

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Secretary of the Treasury, conduct a study of advance payments required by section 3507A of the Internal Revenue Code of 1986 (as added by section 212(b)(1)) to determine—

(1) the effectiveness of the advance payment system, and

(2) the manner in which such system can be implemented to alleviate administrative complexity, if any, for small business.

(c) REPORT.—Not later than 1 year after the date of the enactment of this title, the Comptroller shall report the results of the study conducted under subsection (a), together with any recommendations, to the Committee on Finance of the United States Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 215. PROGRAM TO INCREASE PUBLIC AWARENESS.

Not later than the first day of the first calendar year following the date of the enactment of this title, the Secretary of the Treasury, or the Secretary's delegate, shall establish a taxpayer awareness program to inform the taxpaying public of the availability of the credit for dependent care and health insurance premiums allowed under section 21 of the Internal Revenue Code of 1986 (as amended by this subtitle). Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures. The Secretary shall use public service and paid commercial advertising, direct-mail contact, and any other appropriate means of communication to carry out the provisions of this section.

SEC. 216. DEMONSTRATION PROJECTS TO EXTEND HEALTH INSURANCE TO CHILDREN NOT COVERED BY PUBLIC OR PRIVATE HEALTH PROGRAMS.

Section 1115 of the Social Security Act (42 U.S.C. 1315) is amended by adding at the end thereof the following new subsection:

"(d)(1)(A) The Secretary shall conduct demonstration projects to evaluate and extend the provision of health insurance to—

"(i) children under the age of 19 who are not covered by other public or private health programs, and

"(ii) at the option of the organization described in subparagraph (B), the parents of such children who are not so covered.

"(B) Subject to the provisions of paragraph (2), the Secretary may enter into agreements to provide coverage described in subparagraph (A) through public and private cooperative arrangements sponsored by organizations, including (but not limited to)—

"(i) school based programs;

"(ii) programs operated under the auspices of nonprofit entities offering health insurance; and

"(iii) programs operated by nonprofit hospitals.

"(2) Any agreement entered into between the Secretary and any organization under paragraph (1)(B)(ii) shall provide—

"(A) that such agreement will be in effect for a period of 5 years, except that such agreement shall be terminated for failure to meet the requirements of this paragraph;

"(B) that the portion of the costs of any coverage program under the agreement to be funded from amounts provided by non-Federal sources shall not be less than the greater of—

"(i) the percentage (not less than 50 percent) specified by the Secretary, or

"(ii) if, at the time the agreement is entered into, such organization is conducting a program similar to the program covered by the agreement, the portion of such similar program funded by such non-Federal sources; and

"(C) that the coverage program provided by such organization shall not—

"(i) restrict enrollment in such program on the basis of a child's medical condition, or

"(ii) impose waiting periods or exclusions for preexisting conditions.

"(3) The Secretary in conducting demonstration projects under this subsection shall provide in any agreement that any organization described in paragraph (1)(B) may charge a premium to individuals enrolling in the coverage program provided by such organization.

"(4) The demonstration projects conducted under this subsection shall evaluate the effects of program coverage under any agreement on—

"(A) access to health services,

"(B) availability of insurance coverage to participating children and their families,

"(C) characteristics of participating children and their families, and

"(D) health care costs.

"(5) The Secretary shall publish no later than January 1, 1990, criteria governing the eligibility and participation of organizations in the demonstration projects conducted under this subsection.

"(6) For purposes of carrying out the demonstration projects described in this subsection there are authorized to be appropriated $25,000,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994.".

Subtitle B—Employee Benefit Nondiscrimination Rules

SEC. 221. 1-YEAR DELAY IN APPLICATION OF SECTION 89 RULES.

(a) 1-YEAR DELAY.—Paragraph (1) of section 1151(k) of the Tax Reform Act of 1986 is amended to read as follows:

"(1) IN GENERAL.—The amendments made by this section shall apply to years beginning after December 31, 1989.".

(b) CONFORMING AMENDMENT.—Subparagraph (F) of section 1011B(a)(22) of the Technical and Miscellaneous Revenue Act of 1988 is amended by striking "January 1, 1989" and inserting "January 1, 1990".

SEC. 222. REVISION OF ANTIDISCRIMINATION RULES FOR CERTAIN EMPLOYEE BENEFIT PLANS FOR YEARS BEGINNING AFTER 1989.

(a) GENERAL RULE.—Section 89 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 89. HEALTH BENEFITS PROVIDED TO HIGHLY COMPENSATED EMPLOYEES.

"(a) INCLUSION IN INCOME.—

"(1) IN GENERAL.—Notwithstanding any provision of part III of this subchapter, gross income of a highly compensated employee who is a participant in a health plan during any testing year shall include an amount equal to such employee's taxable benefit under such plan for such testing year.

"(2) YEAR OF INCLUSION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)—

"(i) any amount included in gross income under paragraph (1) shall be taken into account for the taxable year of the employee with or within which the testing year ends, and

"(ii) any deduction of the employer attributable to such amount shall be allowable for the taxable year of the employer with or within which the testing year ends.

"(B) ELECTION TO DELAY INCLUSION FOR 1 YEAR.—If an employer maintains a plan with a testing year ending after September 30 and on or before December 31 and elects the application of this subparagraph—

"(i) amounts included in gross income under paragraph (1) with respect to employees of such employer shall be taken into account for the taxable year of the employee following the taxable year determined under subparagraph (A), but

"(ii) any deduction of the employer which is attributable to such amounts shall be allowable for the taxable year with or within which the testing year following the testing year in which the taxable benefits were provided ends.

"(b) TAXABLE BENEFIT.—For purposes of this section—

"(1) TAXABLE BENEFIT UNDER PLANS NOT MEETING ELIGIBILITY REQUIREMENTS.—The taxable benefit of any highly compensated employee under any health plan not meeting the requirements of subsection (c) is the amount of such employee's employer-provided benefit under such plan.

"(2) TAXABLE BENEFIT UNDER PLANS MEETING ELIGIBILITY REQUIREMENTS.—

"(A) IN GENERAL.—The taxable benefit of any highly compensated employee under health plans meeting the requirements of subsection (c) is the excess (if any) of—

"(i) such employee's aggregate employer-provided benefit under such plans, over

"(ii) 133 percent of the base benefit with respect to such employee.

"(B) BASE BENEFIT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'base benefit' means, with respect to any employee, the smallest employer-provided benefit for participants with the same number of covered individuals as such employee under any plan which was taken into account in determining whether the requirements of subsection (c)(1)(B) are met with respect to such participants.

"(ii) BASE BENEFIT WHERE MULTIPLE FAMILY OPTIONS AVAILABLE.—If there is no plan meeting the requirements of subsection (c)(1)(B) with respect to participants with the same number of covered individuals as an employee, the base benefit for such employee shall be the smallest employer-provided benefit under the plan which meets such requirements for participants with the next lowest number of covered individuals.

"(iii) BASE BENEFIT ZERO IN CERTAIN CASES.—If—

"(I) no plan of an employer meets the requirements of subsection (c)(1)(B) for participants with self-only coverage, or

"(II) an employer elects the application of this clause for any testing year,

the base benefit for all employees of such employer shall be zero.

"(C) AGGREGATION OF PLANS.—For purposes of subparagraph (A)(ii), an employer may elect to treat any group of 2 or more health plans as 1 plan if—

"(i) each of such plans is available to the same group of employees with the same eligibility requirements, and

"(ii) such plans when so aggregated qualify as a qualified core health plan.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—For purposes of this section, a health plan meets the requirements of this subsection if—

"(A) such plan does not contain any provision relating to eligibility to participate which (by its terms or otherwise) discriminates in favor of highly compensated employees, and

"(B) the employer maintains 1 or more qualified core health plans and at least 90 percent of all employees are eligible to participate in any of such plans.

"(2) QUALIFIED CORE HEALTH PLAN.—For purposes of this section, the term 'qualified core health plan' means any health plan if—

"(A) the employer-provided benefit under such plan primarily consists of core benefits, and

"(B) such health plan does not require contributions by an employee in excess of the reasonably expected allowable cost of the coverage provided to the employee.

Such term does not include any plan which includes a flexible spending arrangement.

"(3) ALLOWABLE COST.—For purposes of paragraph (2)(B)—

"(A) SELF-ONLY COVERAGE.—In the case of self-only coverage, the allowable cost is 40 percent of the cost of such coverage.

"(B) OTHER COVERAGE.—In the case of coverage other than self-only coverage, the allowable cost is an amount equal to the sum of—

"(i) 40 percent of the cost of such coverage, plus

"(ii) the amount (if any) by which the amount determined under subparagraph (A) exceeds the amount an employee is required to contribute for self-only coverage.

"(C) COST.—For purposes of this paragraph, cost shall be determined under subsection (f)(3)(B)(i) or (f)(3)(C), whichever applies.

"(4) CORE BENEFITS.—For purposes of this section, the term 'core benefits' means—

"(A) comprehensive major medical benefits,

"(B) comprehensive hospitalization benefits, and

"(C) at the election of the employer, other benefits specified by the Secretary.

"(5) SPECIAL RULE FOR SMALL EMPLOYERS.—

"(A) IN GENERAL.—In the case of a plan maintained by a small employer, if the number of employees determined under paragraph (1)(B) is not a whole number, such number shall be rounded to the next lowest whole number (or to 1 if such number is less than 1).

"(B) SMALL EMPLOYER.—For purposes of this paragraph, the term 'small employer' means an employer which normally employs 20 or fewer employees per day during the plan year. All employers treated as 1 employer for purposes of subsection (b), (c), (m), (n), or (o) of section 414 shall be so treated for purposes of the preceding sentence.

"(d) EXCLUDED EMPLOYEES.—

"(1) IN GENERAL.—The following employees shall be excluded from consideration under this section:

"(A) Employees who have not completed 6 months of service. An employee shall be excluded from consideration until the 1st day of the 1st month (or 1st day of a period of less than 31 days specified by the plan) beginning after completion of the period of service required under the preceding sentence.

"(B) Employees who normally work less than 30 hours per week.

"(C) Employees who normally work during not more than 6 months during any year.

"(D) Employees who have not attained age 21.

"(E) Employees who are nonresident aliens and who receive no earned income (within the meaning of section 911(d)(2)) from the employer which constitutes income from sources within the United States (within the meaning of section 861(a)(3)).

"(F) Employees who are students if—

"(i) such students are performing services described in section 3121(b)(10), and

"(ii) core benefits are made available to such students by such employer.

"(G) Any of the following:

"(i) Individuals who have attained the age of 55 and—

"(I) who are enrolled in a federally subsidized program under title V of the Older Americans Act, or

"(II) whose employment is funded under a grant or cooperative agreement made pursuant to the Environmental Programs Assistance Act of 1984.

"(ii) Individuals who are students employed under a cooperative education program which is qualified, or would be qualified, under title VIII of the Higher Education Act of 1965.

"(iii) Individuals who perform services at a rehabilitation facility and—

"(I) who are holding a certificate issued pursuant to section 14(c) of the Fair Labor Standards Act of 1938, or

"(II) who are receiving benefits under section 223 or title XVI of the Social Security Act.

"(iv) Individuals who are imprisoned in a correctional facility operated by or for the United States or a State (or political subdivision thereof) and who are performing services under a program operated by or for such facility.

"(v) Individuals who are performing services under any other similar Federal or State subsidized program specified by the Secretary.

"(2) SPECIAL RULES FOR EMPLOYEES EXCLUDED ON BASIS OF PERIOD OF SERVICE.—

"(A) SHORTER PERIOD.—If a plan specifies a shorter period of service than the period specified in paragraph (1)(A), paragraph (1)(A) shall be applied by using such shorter period.

"(B) SEPARATE APPLICATION.—If employees not meeting the service requirements of paragraph (1)(A) (after application of subparagraph (A)) are covered under a health plan of the employer, the requirements of this section shall be applied separately with respect to such employees.

"(3) EXCLUSION OF MEDICALLY UNINSURABLE EMPLOYEES OF SMALL EMPLOYERS.—In the case of a small employer (within the meaning of subsection (c)(5)(B)), there shall be excluded from consideration under this section employees of the employer who are determined to be medically uninsurable by a third party insurer providing coverage under the health plan.

"(e) SPECIAL RULES RELATING TO OTHER CLASSES OF EMPLOYEES.—For purposes of this section—

"(1) TREATMENT OF UNION EMPLOYEES.—

"(A) IN GENERAL.—If an employer has employees included in any qualified bargaining unit, this section shall be applied separately with respect to employees included in each such unit.

"(B) QUALIFIED BARGAINING UNIT.—For purposes of subparagraph (A), the term 'qualified bargaining unit' means any unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers if—

"(i) there is evidence that health benefits were the subject of good faith bargaining between the employee representatives and such employer or employers, and

"(ii) not more than a de minimis number of such employees are professional employees.

"(2) EXCEPTIONS FOR EMPLOYEES OF MULTIEMPLOYER PLANS AND SIMILAR EMPLOYEES.—

"(A) IN GENERAL.—There shall be excluded from consideration under this section—

"(i) employees covered by a collective bargaining agreement pursuant to which a health plan which is a multiemployer plan is maintained, and

"(ii) employees with respect to which employer contributions to a health plan are required under—

"(I) the Act of March 3, 1931, commonly referred to as the Davis-Bacon Act (40 U.S.C. 276a, et seq.), or

"(II) any similar Federal law specified by the Secretary.

"(B) SPECIAL RULES FOR PROFESSIONALS AND NONUNION EMPLOYEES.—

"(i) PROFESSIONAL EMPLOYEES.—Subparagraph (A)(i) shall not apply to any employees covered by a multiemployer plan who are professional employees unless there is no more than a de minimis number of such employees covered by such plan.

"(ii) NONUNION EMPLOYEES.—Notwithstanding subparagraph (A)(i), if a multiemployer plan covers a de minimis number of individuals—

"(I) who are employees of the plan, and

"(II) who are not covered by any collective bargaining agreement pursuant to which the plan is maintained,

such individuals shall be excluded from consideration under this section.

"(3) TREATMENT OF FORMER EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this section shall be applied separately to former employees under requirements similar to the requirements that apply to employees.

"(B) MODIFICATIONS OF REQUIREMENTS.—Except as provided in regulations, in applying this section to former employees—

"(i) subsection (c)(2)(B) shall not apply, and

"(ii) in determining whether the requirements of subsection (c)(1)(B) are met, the employer may take into account reasonable differences in eligibility to participate based on the age or service of the former employee.

"(C) FORMER EMPLOYEES SEPARATING BEFORE 1990.—This section shall not apply to any former employee who was separated from service before January 1, 1990 (and who was not reemployed on or after such date).

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) HEALTH PLAN.—The term 'health plan' means an accident or health plan within the meaning of section 105(e).

"(2) HIGHLY COMPENSATED EMPLOYEE.—

"(A) IN GENERAL.—The term 'highly compensated employee' has the meaning given such term by section 414(q); except that paragraph (5)(B) of such section shall not apply.

"(B) SPECIAL RULE FOR CERTAIN 5-PERCENT OWNERS.—Notwithstanding subparagraph (A), no amount shall be included under subsection (a) in the gross income of a highly compensated employee for any taxable year if such employee is treated as a highly compensated employee by reason of paragraph (1)(A) of section 414(q) and such employee has adjusted gross income for such taxable year of less than $30,000. In the case of years beginning after 1990, the $30,000 amount under the preceding sentence shall be adjusted at the same time and in the same manner as the $75,000 and $50,000 amounts are adjusted under section 414(q)(1).

"(3) EMPLOYER-PROVIDED BENEFIT.—

"(A) IN GENERAL.—An employee's employer-provided benefit under any health plan is the value of the coverage provided during the testing year to or on behalf of such employee to the extent attributable to contributions made by the employer.

"(B) VALUE OF COVERAGE.—

"(i) IN GENERAL.—Except as provided in clause (ii), the value of the coverage provided under any health plan shall be determined in substantially the same manner as costs under a health plan are determined under section 4980B(f)(4).

"(ii) ELECTION BY EMPLOYER.—At the election of the employer, and except as provided in regulations, the value of the coverage shall be determined under any other reasonable method selected by the employer. This clause shall not apply for purposes of subsection (b) or (c)(2)(B).

"(C) SPECIAL RULE FOR SMALL EMPLOYERS.—Except as provided by the Secretary, in the case of a qualified core health plan with respect to which costs are individually rated, such employer may elect to determine the value of the coverage under the plan for all employees on the basis of the average cost for employees with the same coverage.

"(4) SEPARATE LINE OF BUSINESS EXCEPTION.—

"(A) IN GENERAL.—If, under section 414(r), an employer is treated as operating separate lines of business for a year, the employer may apply the provisions of this section separately with respect to employees in each such separate line of business. The preceding sentence shall not apply to any plan unless such plan is available to a group of employees as qualify under a classification set up by the employer and found by the Secretary not to be discriminatory in favor of highly compensated employees.

"(B) OPERATING UNITS.—In applying section 414(r)(7) for purposes of this section, an operating unit shall be treated as in a separate geographic area from another unit if such units are at least 35 miles apart.

"(5) TREATMENT OF SALARY REDUCTION ARRANGEMENTS.—

"(A) IN GENERAL.—Any contribution by reason of a salary reduction arrangement shall be treated as an employer contribution for purposes of determining the employer-provided benefit of a highly compensated employee.

"(B) ALLOWABLE COST TEST.—For purposes of subsection (c)(2)(B)—

"(i) IN GENERAL.—Any contribution by reason of a salary reduction arrangement (other than a qualified cash payment) shall be treated as an employee contribution.

"(ii) TREATMENT OF QUALIFIED CASH PAYMENTS.—Qualified cash payments shall be treated as employer contributions.

"(C) BASE BENEFIT.—For purposes of subsection (b)(2)(A)(ii), the base benefit under a plan shall be determined—

"(i) by treating any qualified cash payment as an employer-provided benefit, and

"(ii) by treating any other contribution by reason of a salary reduction arrangement as an employer-provided benefit only to the extent such contribution is matched dollar for dollar by an employer contribution which is not made by reason of a salary reduction arrangement.

"(D) QUALIFIED CASH PAYMENT.—For purposes of this paragraph, the term 'qualified cash payment' means an amount which is payable in cash to an employee and which is made solely because the employee indicates that he is covered by a health plan providing core benefits maintained by another employer.

"(6) TESTING YEAR.—The term 'testing year' means—

"(A) any 12-month period beginning with the calendar month designated in the plan for purposes of this section, or

"(B) if there is no such designation, the calendar year.

No period may be designated under subparagraph (A) unless the same period is designated with respect to all other health plans of the employer. Any designation under subparagraph (A) may be changed only with the consent of the Secretary.

"(7) TIME FOR TESTING.—

"(A) IN GENERAL.—Except as provided in regulations prescribed by the Secretary, determinations under this section (other than the determination of a highly compensated employee's actual employer-provided benefit) shall be made on the basis of the facts as of the testing day.

"(B) TESTING DAY.—For purposes of this paragraph, the term 'testing day' means—

"(i) the day designated for the plan as the testing day for purposes of this paragraph, or

"(ii) if there is no day so designated, the last day of the testing year.

"(C) LIMITATIONS.—

"(i) DESIGNATION MUST BE CONSISTENT FOR ALL HEALTH PLANS.—No day may be designat-

ed under subparagraph (B)(i) with respect to any plan unless the same day is so designated with respect to all other health plans of the employer.

"(ii) DESIGNATION BINDING.—Any designation under subparagraph (B)(i) shall apply to the testing year for which made and all subsequent years unless revoked with the consent of the Secretary.

"(D) SPECIAL RULE FOR MULTIPLE EMPLOYER PLAN.—In the case of a plan maintained by more than 1 employer (other than a multiemployer plan), each employer may, subject to such rules as the Secretary may prescribe, elect its own testing year under paragraph (6) and its own testing date under this paragraph.

"(8) SPECIAL RULES FOR CERTAIN DISPOSITIONS OR ACQUISITIONS.—

"(A) IN GENERAL.—If a person becomes, or ceases to be, a member of a group described in subsection (b), (c), (m), or (o) of section 414, then the requirements of subsection (c) shall be treated as having been met during the transition period with respect to any plan covering employees of such person or any other member of such group if—

"(i) such requirements were met immediately before such change, and

"(ii) either—

"(I) the coverage under such plan is not significantly changed during the transition period (other than by reason of the change in members of such group), or

"(II) such plan meets such other requirements as the Secretary may prescribe by regulation.

"(B) TRANSITION PERIOD.—For purposes of subparagraph (A), the term 'transition period' means the period—

"(i) beginning on the date of the change in members of a group, and

"(ii) ending on the last day of the 1st plan year beginning after such date of change.

"(9) COORDINATION WITH MEDICARE, ETC.—

"(A) IN GENERAL.—If a plan is coordinated with health or disability benefits provided under any Federal, State, or foreign law or under any other health plan covering the employee or family member of the employee, such plan shall not fail to meet the requirements of subsection (c) merely because the amount of benefits provided to an employee or family member are coordinated in a manner which does not discriminate in favor of highly compensated employees.

"(B) CERTAIN DISABILITY PLANS EXEMPT FROM NONDISCRIMINATION RULES.—This section shall not apply to any disability coverage other than disability coverage the benefits of which are excludable from gross income under section 105 (b) or (c).

"(C) ACCIDENTAL DEATH AND DISMEMBERMENT.—In the case of accidental death and dismemberment benefits—

"(i) this section shall not apply, and

"(ii) rules similar to the rules of section 79(d) shall apply to such benefits.

"(10) EMPLOYERS WITH ONLY HIGHLY COMPENSATED EMPLOYEES.—This section shall not apply to any health plan for any year if the only employees of the employer maintaining such plan are highly compensated employees.

"(11) SPECIAL RULES FOR CHURCH EMPLOYEES.—

"(A) IN GENERAL.—There shall be excluded from consideration under this section church employees covered by a church plan.

"(B) DEFINITIONS.—For purposes of subparagraph (A), the terms 'church employee' and 'church plan' have the meanings given such terms by paragraphs (3)(B) and (1) of section 414(e), respectively, except that—

"(i) section 414(e) shall be applied by substituting 'section 501(c)(3)' for 'section 501' each place it appears, and

"(ii) the term 'church employee' shall not include an employee of—

"(I) an organization described in section 170(b)(1)(A)(ii) above the secondary school level (other than a school for religious training),

"(II) an organization described in section 170(b)(1)(A)(iii), and

"(III) an organization described in section 501(c)(3), the basis of the exemption for which is substantially similar to the basis for exemption of an organization described in subclause (II).

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) EXCISE TAX ON PLANS NOT MEETING CERTAIN REQUIREMENTS.—

(1) IN GENERAL.—Chapter 43 of such Code is amended by adding at the end thereof the following new section:

"SEC. 4980C. FAILURE TO SATISFY CERTAIN REQUIREMENTS WITH RESPECT TO EMPLOYEE BENEFITS PLANS.

"(a) IMPOSITION OF TAX.—

"(1) GENERAL RULE.—There is hereby imposed a tax equal to the applicable percentage of the amounts paid or incurred during any taxable year under a specified employee benefit plan which at any time during the taxable year does not meet the requirements of subsection (c).

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'applicable percentage' means—

"(i) 10 percent with respect to amounts paid or incurred which are allocable to the 1st 6 months of the correction period,

"(ii) 20 percent with respect to amounts paid or incurred which are allocable to the 2nd 6 months of the correction period, and

"(iii) 34 percent with respect to any other amounts.

"(B) CORRECTION PERIOD.—The term 'correction period' means, with respect to any failure, the period—

"(i) beginning on the date any of the persons referred to in paragraph (3) knew, or exercising reasonable diligence knew, that such failure existed, and

"(ii) ending on the date such failure is corrected.

"(3) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by paragraph (1):

"(A) In the case of a plan other than a multiemployer plan, the employer.

"(B) In the case of a multiemployer plan, the plan.

"(b) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that none of the persons referred to in subsection (a)(3) knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 180 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 180-day period beginning on the 1st date any of the persons referred to in subsection (a)(3) knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY THE SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(c) REQUIREMENTS.—A specified employee benefit plan does not meet the requirements of this subsection unless, except to the extent provided in regulations—

"(1) such plan is in writing,

"(2) the employee's rights under such plan are legally enforceable,

"(3) employees are provided reasonable notification of benefits available in the plan,

"(4) such plan is maintained for the exclusive benefit of employees, and

"(5) such plan was established with the intention of being maintained for an indefinite period of time.

In the case of a plan described in subsection (d)(1) maintained by a small employer (within the meaning of section 89(c)(5)(B)), the requirements of paragraph (1) shall be treated as met if the plan consists of an insurance policy issued by a third party insurer.

"(d) SPECIFIED EMPLOYEE BENEFIT PLAN.—For purposes of this section, the term 'specified employee benefit plan' means—

"(1) an accident or health plan (within the meaning of section 105(e)),

"(2) any plan of an employer for providing group-term life insurance (within the meaning of section 79),

"(3) a qualified tuition reduction program (within the meaning of section 117(d)),

"(4) a cafeteria plan (within the meaning of section 125), and

"(5) a plan to which section 505 applies.

Such term shall not include a church plan (within the meaning of section 414(e)).

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end thereof the following new item:

"Sec. 4980C. Failure to satisfy certain requirements with respect to employee benefits plans.".

(c) NONDISCRIMINATION REQUIREMENTS FOR GROUP-TERM LIFE INSURANCE.—

(1) RESTORATION OF PRIOR LAW.—The amendment made by section 1151(c)(1) of the Tax Reform Act of 1986 is hereby repealed and section 79(d) of the Internal Revenue Code of 1986 shall be applied and administered as if the amendment made by such section 1151(c)(1) had not been enacted.

(2) EXCLUSION OF CERTAIN EMPLOYEES.—Subparagraph (B) of section 79(d)(3) of such Code (as in effect on the day before the date of the enactment of the Tax Reform Act of 1986) is amended to read as follows:

"(B) EXCLUDED EMPLOYEES.—For purposes of subparagraph (A), there shall be excluded from consideration employees—

"(i) who are excluded from consideration under rules similar to the rules under section 89(d), determined—

"(I) by substituting '1 year' for '6 months' in paragraph (1)(A) thereof, and

"(II) without regard to paragraph (3) thereof, and

"(ii) employees not included in the plan who are included in a unit of employees covered by an agreement which the Secretary

finds to be a collective bargaining agreement between employee representatives and 1 or more employees, if the benefits provided under the plan were the subject of good faith bargaining between such representatives and employers.".

(d) CONFORMING AMENDMENTS.—

(1)(A) Sections 117(d)(4), 125(b)(3), and 127(b)(2) of such Code are each amended by striking "section 89(h)" and inserting "rules similar to the rules of subsection (d) of section 89 (determined by substituting '1 year' for '6 months' in paragraph (1)(A) and without regard to paragraph (3))".

(B) Paragraph (2) of section 120(c) of such Code is amended to read as follows:

"(2) ELIGIBILITY.—

"(A) IN GENERAL.—The plan shall benefit employees who qualify under a classification set up by the employer and found by the Secretary not to be discriminatory in favor of employees who are described in paragraph (1).

"(B) EXCLUDED EMPLOYEES.—For purposes of subparagraph (A), there shall be excluded from consideration employees—

"(i) who are excluded from consideration under rules similar to the rules of section 89(d), determined—

"(I) by substituting '1 year' for '6 months' in paragraph (1)(A), and

"(II) without regard to paragraph (3), and

"(ii) employees not included in a plan who are included in a unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers, if there is evidence that group legal services plan benefits were the subject of good faith bargaining between such representatives and employees.".

(C) Paragraph (8) of section 129(d) of such Code is amended to read as follows:

"(8) EXCLUDED EMPLOYEES.—For purposes of paragraphs (2), (3), and (7), there shall be excluded from consideration employees—

"(A) who are excluded from consideration under rules similar to the rules of section 89(d), determined—

"(i) by substituting '1 year' for '6 months' in paragraph (1)(A), and

"(ii) without regard to paragraph (3), and

"(B) employees not included in a program who are included in a unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers, if there is evidence that dependent care benefits were the subject of good faith bargaining between such representatives and employees.".

(D) Paragraph (2) of section 505(b) of such Code is amended to read as follows:

"(2) EXCLUDED EMPLOYEES.—For purposes of paragraph (1), there shall be excluded from consideration employees—

"(A) who are excluded from consideration under rules similar to the rules of section 89(d), determined—

"(i) by substituting '1 year' for '6 months' in paragraph (1)(A), and

"(ii) without regard to paragraph (3), and

"(B) employees not included in a program who are included in a unit of employees covered by an agreement which the Secretary finds to be a collective bargaining agreement between employee representatives and 1 or more employers, if there is evidence that the class of benefits involved were the subject of good faith bargaining between such representatives and employers.".

(2) Sections 120(b)(2), 125(c)(1), 127(b)(1)(B), and 129(d)(1)(B) of such Code are each amended by striking "89(k)" and inserting "4980C".

(3) Subparagraph (C) of section 125(c)(2) of such Code is amended by striking the last sentence thereof.

(4) Paragraph (1) of section 125(e) of such Code is amended by striking "section 89(a)" and inserting "sections 79(d) and 89(a)".

(5) Subparagraph (B) of section 162(l)(2) of such Code is amended by inserting "and treating individuals who are employees within the meaning of section 401(c)(1) as employees" before the period at the end thereof.

(6)(A) Subsection (b) of section 4976 of such Code is amended by striking paragraph (5).

(B) Subparagraph (B) of section 4976(c)(1) of such Code is amended to read as follows:

"(B) a health or group-term life insurance plan is part of such fund and benefits under such plan are taxable under chapter 1 by reason of section 79(d) or 89,".

(C) Clause (i) of section 4976(c)(2)(A) of such Code is amended to read as follows:

"(i) the aggregate taxable benefits referred to in paragraph (1)(B), or".

(D) Clause (ii) of section 4976(c)(2)(A) of such Code is amended by striking "such testing year" and inserting "the plan year".

(E) Section 4976(c) is amended by adding at the end thereof the following new paragraph:

"(3) TAX NOT TO APPLY IF AMOUNTS REPORTED ON W-2 FORMS.—No tax shall be imposed under paragraph (1) for any plan year if the employer meets the requirements of section 6051(g) for such year.".

(7) Section 6051 of such Code is amended by adding at the end thereof the following new subsection:

"(g) REPORTING REQUIREMENTS FOR CERTAIN TAXABLE FRINGE BENEFITS.—

"(1) IN GENERAL.—If an employee of an employer maintaining any plan is required to include any amount in gross income under section 79(d) or 89 for any year ending with or within a calendar year, the employer shall separately include such amount on the statement which the employer is required to provide the employee under subsection (a) (and any statement required to be furnished under subsection (d)).

"(2) PENALTY.—

"For penalty for failure to report, see section 6652(k).".

(8)(A) Paragraph (1) of section 6652(k) of such Code is amended by striking "89(l)" and inserting "6051(g)".

(B) Paragraph (2) of section 6652(k) of such Code is amended by striking subparagraph (B) and inserting the following:

"(B) an amount which bears the same ratio to the employer-provided benefit with respect to the individual to whom such failure relates as the amount required to be but not shown on timely statements under sections 6051(a) and 6051(d) bears to the amount required to be shown.

For purposes of subparagraph (B), the term 'employer-provided benefit' means the employer-provided benefit determined under section 89 in the case of a health benefit and the cost of insurance determined under section 79(c) in the case of a plan providing group-term life insurance.".

(9) The table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 89 and inserting the following:

"Sec. 89. Health benefits provided to highly compensated employees.".

(10) Paragraphs (1), (2), and (3) of section 3021(c) of the Technical and Miscellaneous Revenue Act of 1988 are hereby repealed.

(11) Section 6070 of the Technical and Miscellaneous Revenue Act of 1988 is hereby repealed.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply as if included in the amendments made by section 1151 of the Tax Reform Act of 1986.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of the Child Care and Health Insurance Act of 1989, the amendments made by subsection (a) shall not apply to any employee covered by such an agreement in years beginning before the earlier of—

(A) the date on which the agreement covering such employee expires (without regard to any extension thereof after such date of enactment), or

(B) January 1, 1993.

(3) ELECTION NOT TO HAVE AMENDMENTS APPLY.—

(A) IN GENERAL.—An employer may elect not to have the amendments made by subsection (a) apply to health plans maintained by the employer for years beginning in 1990 or 1991. Such election shall be made each year and shall apply to all health plans of the employer maintained during such year.

(B) EFFECT OF AN ELECTION.—If an election is made under subparagraph (A), section 89 of the Internal Revenue Code of 1986 (as in effect before the amendments made by subsection (a)) shall apply; except that—

(i) such section shall be treated as if it only applied to health plans,

(ii) section 89(d) of such Code (as in effect after such amendments) shall apply in lieu of section 89(h) of such Code (as in effect before such amendments), and

(iii) paragraphs (2) and (3) of section 89(e) of such Code (as in effect after such amendments) shall apply.

(4) ELECTION NOT TO HAVE AMENDMENTS APPLY TO DEPENDENT CARE ASSISTANCE PROGRAMS.—

(A) IN GENERAL.—An employer maintaining a dependent care assistance program to which section 129 of the Internal Revenue Code of 1986 applies may elect (in the same manner as under paragraph (2)) not to have the amendments made by this section (to the extent such amendments apply to such program) apply for years beginning in 1990 or 1991.

(B) EFFECT.—If an election is made under this paragraph, paragraph (2)(B) shall apply to the program, except that "dependent care assistance programs" shall be substituted for "health plans".

(5) SPECIAL RULES RELATING TO SMALL EMPLOYERS.—

(A) 1-YEAR DELAY.—In the case of a small employer, section 89 of the Internal Revenue Code of 1986 (as added by subsection (a)) and section 4980C of such Code (as added by subsection (b)) shall apply to years beginning after December 31, 1990.

(B) STUDY.—

(i) IN GENERAL.—The Secretary of the Treasury or his delegate shall conduct a study to determine if discrimination in favor of highly compensated employees occurs in the providing of employee benefits by small employers. Such studies shall con-

sider a broad base of small businesses, including businesses of professionals.

(ii) REPORT.—Not later than July 1, 1990, the Secretary of the Treasury or his delegate shall report the results of such study to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, including any recommendations. Such committees shall review such report and take appropriate actions with respect to the application of nondiscrimination rules to small employers.

(C) SMALL EMPLOYERS.—For purposes of this subparagraph, the term "small employer" has the meaning given such term by section 89(c)(5)(B) of the Internal Revenue Code of 1986 (as added by subsection (a)).

(6) DELAY IN APPLICATION OF QUALIFICATION RULES.—Section 4980C of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to plan years beginning after the later of—

(A) December 31, 1989, or

(B) the earlier of—

(i) 3 months after the Secretary of the Treasury or his delegate issues regulations for the application of such section which taxpayers may rely upon, or

(ii) December 31, 1990.

Notwithstanding paragraph (5), in the case of a small employer (as defined in paragraph (5)), section 4980C of such Code shall apply to years beginning after the date which is one year after the date determined under the preceding sentence.

(7) GUIDANCE.—Not later than January 1, 1990, the Secretary of the Treasury or his delegate shall issue such guidance as may be necessary to comply with the provisions of section 89 of the Internal Revenue Code of 1986 (as amended by subsection (a)).

SEC. 223. OTHER PROVISIONS RELATING TO NONTAXABLE BENEFITS.

(a) TREATMENT OF LEASED EMPLOYEES.—

(1) REPLACEMENT OF HISTORICAL TEST WITH CONTROL TEST.—Subparagraph (C) of section 414(n)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(C) such services are performed by such person under the control of the recipient.".

(2) SERVICES INCIDENTAL TO SALES OR CONSTRUCTION DISREGARDED.—Paragraph (2) of section 414(n) of such Code is amended by adding at the end thereof the following new flush sentence.

"The term 'leased employee' shall not include an individual solely because such individual is performing services incidental to the sale of goods or equipment or incidental to the construction of a facility. Such term shall include the support staff of professional employees.".

(b) DEPENDENT CARE ASSISTANCE.—

(1) INCLUSION IN INCOME OF EXCESS BENEFITS.—Paragraph (7) of section 129(d) of such Code is amended by adding at the end thereof the following new paragraph:

"(C) FAILURE TO MEET REQUIREMENTS.—

"(i) IN GENERAL.—If a plan fails to meet the requirements of this paragraph for any plan year—

"(I) such plan shall be treated as a plan which is a dependent care assistance program to which subsection (a) applies, but

"(II) there shall be included in the gross income of each highly compensated employee for the taxable year of such employee with or within which the plan year ends an amount equal to such employee's excess benefit.

"(ii) EXCESS BENEFIT.—For purposes of this subparagraph, the excess benefit of any employee is the excess of the employee's employer-provided benefit under the plan over the highest permitted benefit.

"(iii) HIGHEST PERMITTED BENEFIT.—For purposes of clause (ii), the highest permitted benefit under any plan shall be determined by reducing the nontaxable benefits of highly compensated employees (beginning with employees with the greatest nontaxable benefits) until such plan would be treated as meeting the requirements of subparagraph (A) if such reduced benefits were taken into account.".

(2) INFORMATION REPORTING.—Paragraph (9) of section 6051(a) of such Code is amended by inserting "and the amount of such assistance required to be included in gross income by reason of section 129(d)(7)(C)" after "section 129(d)".

(c) GROUP-TERM LIFE INSURANCE.—

(1) HIGHLY COMPENSATED EMPLOYEES.—

(A) Section 79(d) of such Code is amended by striking "key" each place it appears (other than paragraph (6)) and inserting "highly compensated".

(B) Paragraph (6) of section 79(d) of such Code is amended to read as follows:

"(6) HIGHLY COMPENSATED EMPLOYEE.—For purposes of this subsection, the term 'highly compensated employee' has the meaning given such term by section 414(q).".

(2) COMPENSATION LIMIT.—Paragraph (5) of section 79(d) of such Code is amended by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, compensation for any year shall not be taken into account for such year to the extent it exceeds the amount in effect under section 401(a)(17) for such year.".

(d) HIGHLY COMPENSATED EMPLOYEES.—

(1) COMPENSATION THRESHOLDS.—Subparagraph (D) of section 414(q)(1) of such Code is amended to read as follows:

"(D) was at any time an officer and received compensation in excess of the amount in effect under subparagraph (C) for such year.".

(2) ROUNDING.—Paragraph (1) of section 414(q) of such Code is amended by adding at the end thereof the following new sentence: "If the amount determined under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest $1,000 (other than for purposes of applying the preceding sentence).".

(e) LINE OF BUSINESS TEST.—

(1) APPLICATION FOR PERIOD BEFORE GUIDELINES ISSUED.—In the case of any plan year beginning on or before the date the Secretary of the Treasury or his delegate issues guidelines under section 414(r)(2)(C) of the Internal Revenue Code of 1986 (and begins issuing determination letters with respect to such section), an employer meeting the requirements of section 414(r)(2) (A) and (B) of such Code with respect to a line of business may treat it as a separate line of business if the employer reasonably determines it to be separate.

(2) APPLICATION TO DEPENDENT CARE PROGRAMS.—Paragraph (1) of section 414(r) of such Code is amended by inserting ", 129(d)(7)," after "section 89".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall take effect as if included in the amendments made by section 1151 of the Tax Reform Act of 1986.

(2) SUBSECTION (a).—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1983.

(3) SUBSECTION (b).—The amendments made by subsection (b) shall apply to years beginning after December 31, 1988.

(4) LINE OF BUSINESS.—The provisions of subsection (e)(1) shall apply to years beginning after December 31, 1986.

SEC. 224. STUDY OF SECTION 89.

The United States Bipartisan Commission on Comprehensive Health Care established under section 401 of the Medicare Catastrophic Coverage Act of 1988 (42 U.S.C. 1395b note) shall study the implementation and effectiveness of section 89 of the Internal Revenue Code of 1986. The Commission shall include in its report under section 406(b) of such Act the results of the study, including recommendations with respect to—

(1) improving the effectiveness of section 89 in making employer-provided health insurance more accessible and affordable to low- and middle-income employees, and

(2) alternative methods for improving accessibility and affordability of health insurance available in the work place.

Subtitle C—Other Revenue Provisions

SEC. 331. PERMANENT EXTENSION OF TELEPHONE EXCISE TAX.

(a) IN GENERAL.—Paragraph (2) of section 4251(b) of the Internal Revenue Code of 1986 is amended by striking "percent;" and all that follows through the period and inserting "percent.".

(b) TIME FOR DEPOSIT OF TELEPHONE EXCISE TAXES.—Section 4251 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(d) TIME FOR DEPOSIT OF TAXES.—If, under regulations prescribed by the Secretary, a person is required to make deposits of any tax imposed by this section with respect to amounts considered collected by such person during any semi-monthly period, such deposits shall be made not later than the third day (not including Saturdays, Sundays, or legal holidays) after the close of the first week of the second semi-monthly period following the period to which such amounts relate.".

(c) ONE-TIME FILING OF TELEPHONE EXCISE TAX EXEMPTION CERTIFICATES.—Section 4253 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(k) FILING OF EXEMPTION CERTIFICATES.—

"(1) IN GENERAL.—In order to claim an exemption under subsection (c), (h), (i), or (j), a person shall provide to the provider of communications services a statement (in such form and manner as the Secretary may provide) certifying that such person is entitled to such exemption.

"(2) DURATION OF CERTIFICATE.—Any statement provided under paragraph (1) shall remain in effect until—

"(A) the provider of communications services has actual knowledge that the information provided in such statement is false, or

"(B) such provider is notified by the Secretary that the provider of the statement is no longer entitled to an exemption described in paragraph (1).

If any information provided in such statement is no longer accurate, the person providing such statement shall inform the provider of communications services within 30 days of any change of information.".

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall take effect on the date of the enactment of this title.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to the payment of taxes considered collected for semi-monthly periods beginning after June 30, 1990.

(3) SUBSECTION (c).—

(A) IN GENERAL.—The amendment made by subsection (c) shall apply to any claim for exemption made after the date of the enactment of this title.

(B) DURATION OF EXISTING CERTIFICATES.—Any annual certificate of exemption effective on the date of the enactment of this title shall remain effective until the end of the annual period.

SEC. 232. ESTIMATED TAX PAYMENTS REQUIRED FOR S CORPORATIONS.

(a) IN GENERAL.—Section 6655(g) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(4) APPLICATION OF SECTION TO CERTAIN TAXES IMPOSED ON S CORPORATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this section shall apply to any of the following taxes imposed on an S corporation:

"(i) The tax imposed by section 1374(a) (or corresponding prior provision of law).

"(ii) The tax imposed by section 1375(a).

"(iii) Any tax imposed by reason of section 1371(d)(2).

"(B) SPECIAL RULES.—In applying this section to an S corporation—

"(i) clause (ii) of subsection (d)(1)(B) shall not apply to the taxes described in clauses (i) and (iii) of subparagraph (A), and

"(ii) paragraph (2) of subsection (d) shall not apply.".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendments made by this section shall apply to installments required to be made after the date of the enactment of this title with respect to taxable years ending after such date.

(2) SPECIAL RULES.—

(A) PAYMENTS SPREAD OVER REMAINING INSTALLMENTS.—Notwithstanding section 6655(d)(1)(A) of the Internal Revenue Code of 1986, any estimated payment of any tax relating to an item arising before the date of enactment of this title for any taxable year beginning on or before and ending after such date shall be taken into account ratably among the installments required to be made after such date for such taxable year.

(B) ANNUALIZED INSTALLMENT PAYMENTS.—If subsection (e) of section 6655 of such Code applies with respect to payments described in subparagraph (A), subclauses (II), (III), and (IV) of paragraph (2)(A)(i) of such subsection shall be applied by using the longer time periods prescribed under such subclauses.

(C) NUMBER OF REQUIRED INSTALLMENT.—For purposes of this paragraph, paragraph (1) shall be disregarded in determining the number of any required installment.

TITLE III—SOCIAL SECURITY ACT AMENDMENTS

SEC. 301. RETIREMENT TEST EXEMPT AMOUNT INCREASED TO $10,560 IN 1990.

(a) IN GENERAL.—Subparagraph (D) of section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) is amended to read as follows:

"(D) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(l)) before the close of the taxable year involved shall be $880 for each month of any taxable year ending after 1989 and before 1991.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1989.

SEC. 302. REDUCTION FACTOR WITH RESPECT TO CERTAIN EARNINGS LOWERED TO 25 PERCENT.

(a) IN GENERAL.—Paragraph (3) of section 203(f) of the Social Security Act (42 U.S.C. 403(f)) is amended by striking "33⅓ percent" and all that follows through "paragraph (8)" and inserting "equal to the sum of (A) 25 percent of so much of his earnings for such year in excess of the product of the applicable exempt amount as determined under paragraph (8) as does not exceed $5,000, and (B) 33⅓ percent of so much of such earnings in excess of such product as exceeds $5,000,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1989.

SEC. 303. PAYMENT OF RECOMPUTED BENEFITS.

(a) IN GENERAL.—Subparagraph (D) of section 215(f)(2) of the Social Security Act (42 U.S.C. 415(f)(2)) is amended by striking subparagraph (D) and inserting the following new subparagraphs:

"(D) A recomputation under this paragraph with respect to any year shall be effective—

"(i) in the case of an individual who did not die in that year, for the earlier of—

"(I) monthly benefits beginning with benefits for the fifteenth month following the end of such year, or

"(II) monthly benefits beginning with benefits for the month in which the individual submits a written request for such recomputation; or

"(ii) in the case of an individual who died in that year, for monthly benefits beginning with benefits for the month in which he died.

"(E) Under regulations of the Secretary, monthly benefits increased as a result of a recomputation under this paragraph which became effective pursuant to subparagraph (D)(i) shall be further increased on an actuarial basis (taking into account the age of the individual) to include the value of benefits which would have otherwise been paid if the recomputation were effective beginning with benefits for January of the year following the year with respect to which the recomputation is made.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to recomputations made after the date of enactment of this Act.

SEC. 304. PAYMENT OF CERTAIN RETROACTIVE BENEFITS.

(a) IN GENERAL.—Subparagraph (B) of section 202(j)(4) of the Social Security Act (42 U.S.C. 402(j)(4)) is amended—

(1) by redesignating clause (v) as clause (vi), and

(2) by inserting after clause (iv) the following new clause:

"(v) Any retroactive benefits for which an individual is eligible because of clause (i) or (iv) shall be paid to the individual as an increase in the individual's monthly benefit amounts, determined on an actuarial basis pursuant to regulations prescribed by the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to applications for benefits made after the date of enactment of this Act.

SEC. 305. MANDATORY PROVISION OF SOCIAL SECURITY ACCOUNT STATEMENT.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301–1320b-10) is amended by adding at the end thereof the following new section:

"SOCIAL SECURITY ACCOUNT STATEMENTS

"Provision Upon Request

"SEC. 1141. (a)(1) Beginning not later than October 1, 1990, the Secretary shall provide upon the request of an eligible individual a social security account statement (hereinafter referred to as the 'statement').

"(2) Each statement shall contain—

"(A) the amount of wages paid to and self-employment income derived by the eligible individual as shown by the records of the Secretary at the date of the request;

"(B) an estimate of the employee and self-employment, old age, survivors, and disability insurance contributions of the eligible individual as shown by the records of the Secretary at the date of the request;

"(C) a separate estimate of the employee and self-employment hospital insurance contributions of the eligible individual; and

"(D) an estimate of the potential monthly retirement, disability, survivor, and auxiliary benefits payable on the eligible individual's account together with a description of the benefits payable under the medicare program of title XVIII.

"(3) For purposes of this section, the term 'eligible individual' means an individual who—

"(A) has a social security number,

"(B) has attained age 25 or over, and

"(C) has wages or net earnings from self-employment.

"Notice to Eligible Individuals

"(b) The Secretary shall to the maximum extent practicable take such steps as are necessary to assure that eligible individuals are informed of the availability of the statement described in subsection (a).

"Mandatory Provision of Statements

"(c)(1) By not later than September 30, 1994, the Secretary shall provide a statement to each eligible individual who has attained age 60 by October 1, 1993, and who is not receiving benefits under title II and for whom a current mailing address can be determined through such methods as the Secretary deems appropriate. In fiscal years 1994 through 1999 the Secretary shall provide a statement to each eligible individual who attains age 60 in such fiscal years and who is not receiving benefits under title II and for whom a current mailing address can be determined through such methods as the Secretary deems appropriate. The Secretary shall provide with each statement to an eligible individual notice that such statement is updated annually and is available upon request.

"(2) Beginning not later than October 1, 1999, the Secretary shall provide a statement on a biennial basis to each eligible individual who is not receiving benefits under title II and for whom a mailing address can be determined through such methods as the Secretary deems appropriate. With respect to statements provided to eligible individuals who have not attained age 50 such statements need not include estimates of monthly retirement benefits. However, if such statements provided to eligible individuals who have not attained age 50 do not include estimates of retirement benefit amounts, such statements shall include a description of the benefits (including auxiliary benefits) that are available upon retirement.".

(b) REPORT TO CONGRESS AND STUDY.—Not later than October 1, 1996, the Secretary shall submit to Congress a report on the implementation of the requirements of this Act and on his specific plans for implementing

the final requirements contained in such Act, particularly with regard to estimating retirement benefit amounts for individuals who have not attained the age of 60.

(c) DISCLOSURE OF ADDRESS INFORMATION BY INTERNAL REVENUE SERVICE TO SOCIAL SECURITY ADMINISTRATION.—

(1) IN GENERAL.—Section 6103(m) of the Internal Revenue Code of 1986 (relating to disclosure of taxpayer identity information) is amended by adding at the end thereof the following new paragraph:

"(6) SOCIAL SECURITY ACCOUNT STATEMENTS FURNISHED BY SOCIAL SECURITY ADMINISTRATION.—Upon written request by the Commissioner of Social Security, the Secretary may disclose the mailing address of any taxpayer who is entitled to receive a social security account statement pursuant to section 1141(c) of the Social Security Act, for use only by officers, employees, or agents of the Social Security Administration for purposes of mailing such statement to such taxpayer.".

(2) SAFEGUARDS.—The last sentence of section 6103(p)(4) of such Code (relating to safeguards) is amended by striking out "subsection (m)(2) or (4)" and inserting in lieu thereof "paragraphs (2), (4), or (6) of subsection (m)".

(3) UNAUTHORIZED DISCLOSURE PENALTIES.—Paragraph (2) of section 7213(a) of such Code (relating to unauthorized disclosure of returns and return information) is amended by striking out "(m)(2) or (4)" and inserting in lieu thereof "(m) (2), (4), or (6)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 306. CHILD CARE EARNINGS EXCLUDED FROM WAGES AND SELF-EMPLOYMENT INCOME FOR EXCESS EARNINGS TEST.

(A) WAGES.—Section 203(f)(5)(C) of the Social Security Act (42 U.S.C. 403(f)(5)(C)) is amended—

(1) by striking out "or" at end of clause (i),

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new clause:

"(iii) the amount of any payment made to an employee who has attained retirement age (as defined in section 216(l)) by an employer for child care services (including indirect services) performed by such employee after the month in which such employee initially becomes entitled to insurance benefits under this title.".

(b) SELF-EMPLOYMENT INCOME.—Section 203(f)(5)(D) of such Act (42 U.S.C. 403(f)(5)(D)) is amended—

(1) by striking out "or" at the end of clause (i),

(2) by adding "or" at the end of clause (ii),

(3) by inserting immediately after clause (ii) the following new clause:

"(iii) an individual who has attained retirement age (as defined in section 216(l)) who has become entitled to insurance benefits under this title, any income attributable to child care services (including indirect services) performed after the month in which such individual becomes entitled to such benefits,", and

(4) by striking out "royalties or other income" and inserting in lieu thereof "royalties or income".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to wages or income earned after the date of the enactment of this Act.

TITLE IV—GENERAL PROVISIONS

SEC. 401. SENSE OF CONGRESS REGARDING THE HIGHER EDUCATION ACT.

(a) FINDINGS.—Congress finds that—

(1) postsecondary education is an increasingly important element in enhancing the productivity of the work force;

(2) the enrollment of students in colleges, junior colleges and technical institutes continues to increase rapidly;

(3) the most rapidly growing segment in such institutions consists of those students who are 25 years of age or older;

(4) postsecondary education must expand its services to meet the needs of the changing student population;

(5) a barrier to continuing education is the lack of affordable, accessible and quality child care;

(6) students are often economically disadvantaged and child care costs are an additional financial burden;

(7) postsecondary schools have limited resources for traditional student services and do not have additional funding for child care; and

(8) the One Hundredth Congress recognized that such problems exist and authorized, but did not appropriate, $10,000,000 for postsecondary institutions to assist students with child care.

(b) SENSE OF CONGRESS.—It is the sense of Congress that $10,000,000 should be appropriated in fiscal year 1990 to carry out subpart 8 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070f).

SEC. 402. PENALTIES FOR DESECRATING THE FLAG.

Subsection (a) of section 700 of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly and publicly mutilates, defaces, burns, displays on the floor or ground, or tramples upon any flag of the United States shall be fined not more than $1,000 or imprisoned for not more than one year, or both.".

The PRESIDING OFFICER appointed the following conferees for matters within their respective committees' jurisdictions:

From the Committee on Labor and Human Resources: Mr. KENNEDY, Mr. DODD, Mr. PELL, Mr. HARKIN, Mr. HATCH, Mrs. KASSEBAUM, Mr. JEFFORDS, and Mr. COATS.

From the Finance Committee: Mr. BENTSEN, Mr. MOYNIHAN, Mr. BAUCUS, Mr. MITCHELL, Mr. PACKWOOD, Mr. DOLE, and Mr. ROTH.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I commend the majority leader for his diligence in pursuing this legislation, which passed last year under the leadership of the Senator from Connecticut [Mr. DODD]. I welcome the willingness of the Members of the Republican Party to permit the leader to follow a time-honored procedure so that we could expedite the business of the Senate.

I must say, in listening to the recent exchange and hearing the possible suggestion that this legislation somehow might have been held up as a hostage unless we were going to be prepared to deal with the capital gains, I found that possibility extremely unseemly. The idea that we would try to link a capital gains agreement to trying to provide child care for millions of hardworking men and women in this country I think would have been a shameful procedure at best.

I express my appreciation to the majority leader for his perseverance. I thank him for his reasonableness. I know that this legislation is controversial. We have seen that it has been involved in controversy in the House of Representatives. But it is a matter of enormous importance to millions of hardworking families.

I welcome the fact we were able to get this kind of agreement. I could think of nothing that would be more unseemly than if we would be involved in holding this particular piece of legislation hostage to some debate on capital gains, saying to the working families of this country that we are not prepared to even permit a conference to move forward unless we are going to get resolution of the capital gains issue.

If that measure comes out, and it is scheduled by the leader, we will have an opportunity to debate it. It will take some time, clearly, to be in a position where that would overshadow what I think is the critical work of both the Finance Committee and our Human Resources Committee to try to work out these differences. And to try to get it to the President's desk at the earliest possible time is something we are going to be embarked upon doing.

Once again, I commend the majority leader for moving this extremely complex but enormously important legislation forward, and I welcome the fact we are going to be able to move into the conference and look forward to seeing a quick resolution.

Mr. DODD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. DODD. Mr. President, I first of all thank my colleague from Massachusetts for yielding.

I too commend the majority leader for his efforts on behalf of this legislation, as well as to thank the minority leader. I realize these issues, while they are separate issues, are of great concern. About other matters, I am delighted we are going to be able to get to conference, and also glad we are not going to be breaking a time-honored precedent which I think could have been dangerous.

We hope now to be able to get to conference and present to the President a good bill. I think it is in the best interest of both Republicans and Democrats to have a good, strong child-care proposition.

I say to the majority leader and minority leader as well, I intend to go into the conference—I know the chairman does, Senator KENNEDY does—with a strong, open mind to craft good

legislation that we can all be behind, supportive of, and send a positive message to the families of America.

I thank the majority leader and my friend from Massachusetts.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I thank the colleagues for their remarks. This fortunate result would not have been possible without the full cooperation of the distinguished Republican leader, with whom I have discussed this matter on several occasions and in some detail over the past several days.

He has been, as usual, unfailingly courteous and cooperative and I thank him very much for that effort which has made it possible for proceeding to the matter now.

As I indicated to the distinguished Republican leader, it is my hope and intention that we can now proceed promptly to the Panama-Nicaragua legislation the supplemental appropriation bill which includes aid to Panama and Nicaragua. I will be discussing with him briefly the scheduling of that event in light of the fact that tomorrow is the day on which the inauguration of Mrs. Chamorro will occur and the day on which we hope to take this legislation up and pass it. So I thank the distinguished Republican leader for his cooperation in this regard.

Mr. DOLE. Mr. President, I do not want to leave the record to suggest that there was some linkage between capital gains and child care. There were a number of considerations as to whether we want to go back and reopen child care based on action taken by the House.

Obviously, capital gains is important to the President and this would have been an opportunity, but that was not the primary factor. It may have been one of many. I think it was finally determined that we are better off to go to conference to work out the real differences between the House and Senate bill, if we can, working with the administration where we can, in an effort to get a bill President Bush can sign.

So I do not want the record to reflect, based on the statement by the Senator from Massachusetts, that somehow this is some shameless effort to put capital gains on child care. That was not the crux of my discussion with the White House. They are interested in capital gains. They were last year. The President ran on a promise, so he is not going to overlook any opportunity. But there were other considerations too.

Second, I would just thank the majority leader, because I hope that we can move to the supplemental. Even though it may not be completed on the day of the inauguration, if we are discussing it on the Senate floor, we know we are going to pass something, that should send a strong, clear, positive signal to Mrs. Chamorro and the new government in Nicaragua.

Mr. MITCHELL. I thank the distinguished Republican leader.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 2 minutes on an unrelated item and that the pending amendments en bloc be set aside for that 2-minute period, at which time they would become the pending business again.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 2503 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CHAFEE. Mr. President, are we proceeding as in morning business?

The PRESIDING OFFICER. We are not. The pending question would be the amendments offered en bloc by Senator HEINZ.

Does the Senator seek to be recognized under a unanimous consent request?

Mr. CHAFEE. I do.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 2500 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FAVORED-NATION STATUS FOR HUNGARY

The Senate continued with the consideration of the bill.

AMENDMENTS NUMBERED 1505, 1506, AND 1507

Mr. HEINZ. Mr. President, I believe there are three amendments pending at the desk. I ask unanimous consent that they be considred en bloc.

The PRESIDING OFFICER. Would these be amendments numbered 1505, 1506, and 1507 by the Senator from Pennsylvania?

Mr. HEINZ. That is correct.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENTSEN. Will the Senator yield for a unanimous-consent request?

Mr. HEINZ. Yes.

Mr. BENTSEN. Mr. President, I ask unanimous consent that, immediately following the disposition en bloc of the three amendments by the Senator from Pennsylvania, it be followed by the amendment by Senators STANFORD and HELMS of North Carolina, and that they be allowed 30 minutes to be equally divided between the opponents and proponents of the amendment. And that in addition to that, there be a 2-hour agreement equally divided and controlled by the opponents and proponents of the amendment by the Senator from Florida, Senator GRAHAM, concerning his amendment insofar as footwear.

The PRESIDING OFFICER. Is there objection?

Mr. BENTSEN. It has come to my attention that we may have an objection to the unanimous consent agreement insofar as the Stanford-Helms amendment is concerned. Therefore, I would withhold that consent agreement, but I would proceed on the request insofar as the 2 hours allocated to the Senator from Florida on his amendment on footwear and that it be equally divided by the opponents and proponents.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the request, as modified, is agreed to.

Mr. HEINZ. Mr. President, I believe the Senate is ready to vote on the three pending amendments en bloc.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments numbered 1505, 1506, and 1507, of the Senator from Pennsylvania.

The amendments, (Nos. 1505, 1506, and 1507), were agreed to en bloc.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. Pesident, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

AMENDMENT NO. 1513

(Purpose: To suspend temporarily the duty on ranitidine hydrochloride)

Mr. SANFORD. Mr. President, on behalf of myself, Mr. HELMS, Mr. DOLE, Mr. DODD, and Mr. MCCONNELL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. SANFORD], for himself, Mr. HELMS, Mr. DOLE, Mr. DODD, and Mr. MCCONNELL, proposes an amendment numbered 1513.

Mr. SANFORD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 59, after the matter preceding line 1, insert:

SEC. 1432. RANITIDINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.20 N[2-[[5-[(9 dimethyl-amino)methyl]-2-furanyl]methyl]thio] ethyl]-N'-methyl-2-nitro-1,1-ethenediamine, hydrochloride (ranitidine hydrochloride) (Provided for in subheading 2932.19.50)	Free	No change	No change	On or before 12/31/92.".

Mr. SANFORD. Mr. President, this amendment was originally introduced as S. 1342, which would suspend duty on ranitidine hydrochloride, which is produced and imported by Glaxo, Inc., for formulation in Glaxo's facilities in North Carolina, into Zantac, which is an ulcer drug.

Mr. President, Glaxo is a very important North Carolina company. It has invested several hundred million dollars in North Carolina already and is presently proposing an expansion of their facilities in the State in several localities. Glaxo is currently building a 1.5-million-square-foot research facility in Durham, NC, which is my hometown, that will employ over 1,000 scientists and a great many other support personnel. It is expected to be one of the largest pharmaceutical research labs in the world. Glaxo is also preparing for the expansion of its production facilities in several other North Carolina communities.

Glaxo is one of the finest community citizens that we have. Since the American Tobacco Co., and the Liggett & Myers Tobacco Co., have unfortunately been in decline, Glaxo has now come forward as one of the most influential local corporations. They are extremely important in their civic activities, and their support of community endeavors. Recently Glaxo was the recipient of one of the President's Points of Light awards for its excellent community service.

Ranitidine hydrochloride is a patented compound that cannot be manufactured or used by any other company and therefore it has no direct U.S. competitors. However, the final product, Zantac, is in the same therapeutic class as four other ulcer drugs. Three of the companies making similar ulcer drugs support or do not object to the enactment of this amendment. Only one, SmithKline Beecham, objected to the bill, claiming that it would give Glaxo a competitive advantage over them. However, SmithKline did not object to a similar exemption embodied in S. 2060, a bill approved by the committee, which would suspend duty on sucralfate, a competing ulcer drug, in the same therapeutic class and manufactured by Marion Merrill Dow. Marion Merrill Dow supports this amendment that we now have before us.

Both their provision and the Glaxo provision are identical in scope. They suspend the duty for a patented chemical ingredient in ulcer drugs that cannot be manufactured or used by any other company.

I think just the basic argument here is that it is unfair to allow one company to receive a duty suspension but to disallow the same treatment for a competing company simply because a competitor raises its hand and says I object. It is not the duty of this Senate, it seems to me, to favor one or another competitor. It is our obligation to be evenhanded in what we do. If we are to be evenhanded here, this amendment is the way to do it—simply to give all of these companies that are competing in the ulcer drug market the same competitive position.

Glaxo's ulcer drug really does not compete with the SmithKline product. It is true that they both make an ulcer medicine but the price of Glaxo is considerably higher. It is by far the most expensive. It is true that it is the most widely used but that is because it has been demonstrated that it has so few or no side effects. Therefore, lowering the duty, while it may allow Glaxo to invest more money in North Carolina or to reduce its price, would not change the competitive relationship with SmithKline.

Glaxo's product currently sells at a price approximately 30 percent higher than the SmithKline's price. Thus removing the current 3.7-percent duty would not give Glaxo an unfair competitive advantage.

The objection made by SmithKline is that this amendment would give an unfair advantage. That does not seem to me to be true, and certainly not entirely relevant.

The objection is made that it would encourage other companies to seek import duty suspensions. That strikes me as somewhat ironic because SmithKline has already sought and obtained 1 of 200 duty suspensions in this very bill. Glaxo could have objected to the provision that gave SmithKline its suspension in this bill, but did not. Glaxo believes that free trade is in the best interest of all of the pharmaceutical firms in this country and did not want any part of that.

I do not think the amendment would affect competition between Glaxo and SmithKline. Glaxo's product already has, in this particular part of the drug market, a very large market share because it is a product that a great many people want. It is prescribed widely because of its advantage of not having side effects.

So I believe that this simply comes down to the fact that one company does not want to see a competitor have any advantage in any way, even though there is no direct harm in this particular provision.

We could make the argument against what SmithKline has accepted and received. I do not think that is the real question here. This is an intermediate product. If more of the product is imported, then more of the final product will be made here in the United States using U.S. employees. That is the purpose of these kinds of suspensions. It does increase employment; it does improve our economy.

I think in the name of fairness, if we are going to grant this for the good of the Nation, as we are in 200 cases, certainly there is no justification for leaving this one out. I strongly urge and truly hope my colleagues will support this position.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS] is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, on the voice vote just taken, 0 to 3, on the Heinz amendments, en bloc, I specifically moved the clincher to indicate my support for all three of Senator HEINZ' additional amendments. I think he has a total of 28 duty suspension provisions in the bill.

Mr. HEINZ. Will the Senator yield?

Mr. HELMS. Yes.

Mr. HEINZ. The Senator is understating the number because with his help just a moment ago—

Mr. HELMS. You bet you.

Mr. HEINZ. I now have 31, so I am extremely grateful.

Mr. HELMS. So plus 3 is 31.

Mr. HEINZ. I could not have done it without the help of the Senator from North Carolina.

Mr. HELMS. The Senator is most kind. We have 31 to 1 and it seems to the Senator from North Carolina to be a little bit out of balance. JOHN HEINZ is a good guy and I know he is not going to rise in righteous opposition to one little duty suspension amendment. He is too nice a guy. Besides, I see on license plates, "You Have a Friend in Pennsylvania." I said, "that is right. JOHN HEINZ is my friend."

Seriously, Mr. President, it is remarkable the similarity between the remarks by my friend from North Carolina, my distinguished colleague, Mr. SANFORD, and the remarks that I have prepared.

Mr. President, Senator SANFORD and I introduced S. 1342, which is now being offered in the form of an amendment. We offered it on behalf of Glaxo, Inc., as Senator SANFORD has said. Glaxo is a fine corporate citizen of North Carolina, and Glaxo does use ranitidine hydrochloride to make Zantac, which just happens to be the most popular antiulcer drug on the market. As is the case with most of the 200 or so tariff-relief provisions already in this bill, ranitidine hydrochloride is not produced in the United States. If it were produced in the United States, I would not be standing on this floor. It is not produced anywhere in this country.

Obviously, this amendment, as was the case with our original bill, S. 1342, is vitally important to Senator SANFORD and me. Let me tell my colleagues a few reasons why. In its Zebulon, NC, plant, Glaxo produces all of the Zantac that is consumed in the entire United States of America—all of it. Currently, the Zebulon plant is operating at 100 percent capacity. Yet, the demand for Zantac is growing constantly and by leaps and bounds. People who have ulcers need it; they want it. That is why it has become the most effective medicine on the market.

Consequently, Glaxo is planning to use the revenues saved by this new suspension to invest in additional manufacturing facilities, and I am glad to say the facilities will be in North Carolina, Mr. President. In addition to assuring that there is an adequate supply of Zantac to meet the demands from the consumers of America who need it, such a move to expand will create additional jobs and economic opportunity in my State. I confess the vested interest in it.

Let me emphasize that the ranitidine hydrochloride is not produced in the United States, and I reiterate that if it were, I would not be joining in the cosponsoring of this amendment, and Senator SANFORD would not have been willing to offer it either.

So, Mr. President, with that I am going to withhold any further remarks.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS] is recognized.

Mr. SYMMS. Mr. President, I want to make a couple brief comments about this amendment. I know of no two Senators in this Chamber who are more gentlemen than Senator HEINZ and Senator HELMS, or Senator SANFORD, for that matter, but they are also more strong minded.

I might say to my colleague from North Carolina that I intended to bring this amendment up in committee, but my colleagues will remember we were involved with the clean air legislation on the Senate floor, and I was going back and forth between the committee and the Chamber. One thing and another, I never got the amendment formally raised at committee, and for that I regret because I think it is an issue we should have completed in committee.

I want to set the record straight. It is famous for politicians throughout history to say half their friends are on one side and half their friends are on the other side and, therefore, they are friends.

I feel somewhat in the middle. We do not make Zantac in Idaho. We use it. We do not make Tagamet in Idaho. We use it. We are not disinterested parties in the issue here. But what really happened is there has been a rule in the committee where if someone objects to one of these things, we do not get the amendment brought up.

I ask an inquiry of the Senator from Pennsylvania. Is there not something like half a billion or 600 million dollars' worth of Tagamet sold in the United States that is made in Pennsylvania?

Mr. HEINZ. I do not have the exact number. I do know that the Glaxo product has the larger share of the market approximately 58 percent. I do not recollect whether that is share of dollars or share of doses, but either way, obviously at 58 percent they are the biggest competitor.

They do a very good job in North Carolina making products. There is no question about it. They also do a very fine job in Pennsylvania.

Mr. SYMMS. The question I wanted to ask is, are we not talking about a really large, significant amount of products that are used to treat ulcers, that are competitive products, and this tariff reduction would be a small amount of money; is that correct?

Mr. HEINZ. My understanding is that the amount of money involved here is $13 million a year. That amount is a relatively large revenue loss for a duty suspension.

For example, Senator HELMS mentioned that there are 28 provisons that I have in this legislation. The average revenue loss of each of those suspensions was about $500,000, so this is 25 times the magnitude of any of those on average. So it is substantial. I will have more to say on that subject at the appropriate time.

Mr. SYMMS. Some of the Senator's constituents came in to see me because I raised the issue in the committee and never offered the amendment. It has been elevated to a visual understanding and I had been contacted. But I wanted to get it into perspective for all of our colleagues.

Mr. SANFORD. Will the Senator yield?

Mr. SYMMS. I will be happy to yield.

Mr. SANFORD. CBO estimated in the first year the revenue loss would be $7.3 million, the second year $9.9 million and, of course, there will be no third year.

Mr. SYMMS. So it is not $13 million; it would be less than $10 million each year.

Mr. SANFORD. It would be less than $13 million a year and, of course, it will be more as they manufacture more and more of this ulcer product.

Mr. SYMMS. But the question I was asking was to try to put this in perspective. We are talking about large dollar volume sales of both of these two very popular products that are used for some of the same treatment.

Mr. SANFORD. That is correct.

Mr. SYMMS. It depends. We are talking in the neighborhood of $1 to $2 billion if you combine the two products and the two competing interests, but the suspension is less than $10 million.

Mr. SANFORD. Per year.

Mr. SYMMS. So to put it into perspective, it is not a significant thing, and if in fact it ends up that more product is sold it may not cost the Treasury anything.

Mr. SANFORD. The Senator is correct.

Mr. SYMMS. I thank my colleagues. I thank them for their indulgence for my questions. I hope the Senators from Pennsylvania and North Carolina can resolve this somehow. I understand it is very difficult to resolve because they both have competing constituencies; that those people in Pennsylvania do not vote in North Carolina and vice versa, and this makes it a difficult question.

It seems to me we are really talking about the American people who have ulcers ending up in the long run, paying for this through higher pharmaceutical costs if there is no suspension. There is no free lunch, so somebody is going to have to pay for it. Ultimately, it will come out of the budget of the consumers of those products.

I yield the floor.

Mr. HELMS. Mr. President, let me hand my friend from Pennsylvania a copy of the amendment as modified. I do not know that anybody informed him that Senator SANFORD and I did modify it. The Senator will notice the modification on page 2. That will affect the statistics that we are discussing. I do not want the RECORD to be wrong.

Mr. HEINZ. Mr. President, every so often we get into a legislative difference on the floor that we would all just as soon avoid. There is nobody I take less pleasure in opposing than the distinguished senior Senator from North Carolina and his junior colleague. They are very effective legislators. They are at the same time a wonderful combination of graciousness; they are very thoughtful and quite clear-headed, even tough-minded, legislators. They do an outstanding job for not just their States—we all do the very best job we know how for our States, and they are second to none in that record—but the senior Senator from North Carolina is in fact legendary for the tremendous job he does in fighting for and often winning the causes in which he believes.

He has just demonstrated his graciousness in not objecting to three amendments that I had proposed to this bill, and he was kind enough to remind me that I am a very nice guy, and I appreciate that.

I am beginning to feel almost guilty—I see the junior Senator from North Carolina does not mind my feeling guilty—that I should rise to oppose the amendment of the Senators from North Carolina, and obviously I do so with some personal reluctance. But I do so because I think there are good, substantive reasons to oppose it.

As I listened to the debate and discussion by Senator SANFORD, I noted that he went to considerable lengths, Mr. President, to indicate that these two products do not compete. I understand what he is saying, that the raw imported chemical ranitidine hydrochloride has to be literally shaped into a medication and before it is shaped, packaged, and distributed it obviously does not compete. But I think everybody understands that we have an economic disagreement between two companies, one located in North Carolina, the Glaxo Co., one located in my home State of Pennsylvania, Smith-Kline, Smith-Kline Beecham now, which market competing ulcer medications, one of which uses as its principal component the chemical ranitidine hydrochloride on which the amendment of the Senator would suspend the duty.

I mention this point, while it may be obvious to some, because if indeed these products do compete, the basic argument as I understood it of the Senator from North Carolina would be undermined.

I should like to introduce into the RECORD several documents regarding the nature of this competition and the nature of the use of these two medications. One is from the John F. Kennedy Memorial Hospital in Philadelphia, PA, in which it states that:

"A recent evaluation by the Pharmacy and Therapeutics Committee with input and approval from the GI physicians, the Medical Staff, and the Medical Executive Committee, has concluded that for the majority of uses both cimetidine"—that is the product of Smith-Kline—"and ranitidine"—the product of Glaxo—"are therapeutically interchangeable at the recommended doses."

I ask unanimous consent that this entire memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

JOHN F. KENNEDY MEMORIAL HOSPITAL
Philadelphia, PA, April 27, 1989.

To: Medical Staff, JFK Mem. Hospital Nursing Staff, JFK Mem. Hospital.

From: Pharmacy and Therapeutics Committee.

Subject: H2 Therapeutic Equivalency Statement.

A recent evaluation by the Pharmacy and Therapeutics Committee with input and approval from the GI physicians, the Medical Staff and the Medical Executive Committee, has concluded that for the majority of uses both cimetidine and ranitidine are therapeutically interchangeable at the recommended doses. No significant differences in side effects profiles were documented. Differences in drug interactions with these agents were judged to be clinically not significant in the majority of cases. Given therapeutic equivalency, it was concluded that cost differences should determine which drug should be the first drug of choice at John F. Kennedy Memorial Hospital and the following guidelines were adopted:

1. Cimetidine should be the primary H2 antagonist used at JFK.

2. Ranitidine should be reserved for use in cases where cimetidine therapy is documented to be contraindicated, successful therapeutic end points were not achieved with prior trial with cimetidine, or an allergy to cimetidine is known.

3. A switch from the injectable to the oral form of the medication should be accomplished as soon as patients are able to tolerate oral medication.

4. The same shall apply for outpatient oral use, cimetidine will be the primary H2 antagonist of choice at JFK.

Mr. HEINZ. I also ask unanimous consent that the Pharmacy Newsletter printed by the University of Missouri-Columbia Hospital & Clinics, also making essentially the same point, be printed in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

[From the University of Missouri-Columbia Hospital & Clinics Pharmacy Newsletter, Vol. 10, No. 9]

RANITIDINE AND CIMETIDINE—BEYOND BIASED INFORMATION—THE BOTTOM LINE

(By Jeffrey Phillips, Pharm. D. and Richard Moore, Pharm. D., Department of Pharmacy Services)

INTRODUCTION

A recent position paper titled, "Improving Medical Education in Therapeutics" (Ann Intern Med 1988: 108: 145-7) authored by the Health and Public Policy Committee, American College of Physicians, provides for a timely introduction to the controversial topic before us. The following points have been taken from the "position paper" and are directly related to the forthcoming discussion.

Continuing medical education in pharmacology can be characterized as largely random, incomplete, and subject to distortion.

The actual prescribing practices of physicians appear to be heavily influenced by the views of the pharmaceutical industry. There should be a wise skepticism of pharmaceutical industry claims.

Increased dissemination of information concerning the activities of the Food and Drug Administration would be particularly useful.

Physicians should be provided with up-to-date and clinically relevant information in therapeutics.

These concerns are a high priority for the Medical Staff's Committee on Pharmacy and Therapeutics. It is with these points in mind that this review has been written.

EFFICACY

Ranitidine (Zantac®) and Cimetidine (Tagamet®) are commonly used medications for inpatients and outpatients at UMCHC as well as worldwide. These drugs are used to treat the conditions or diseases appearing in Table 1.

Cimetidine and Ranitidine work by competitively inhibiting the action of histamine (H-2) receptors of the parietal cells. This inhibition produces a dose-related decrease in the quantity of gastric acid produced. Although ranitidine is more potent on a milligram basis when compared to cimetidine, the agents are equally effective when comparable dosage regimens (see Table 1) are employed.[1,2,3] Contrary to a popular misconception held by some, ranitidine does not have enhanced therapeutic efficacy.

TABLE 1.—COMPARABLE DOSAGE REGIMENS OF CIMETIDINE AND RANITIDINE

Condition or disease	Ranitidine	Cimetidine
Duodenal ulcer:		
Active phase treatment.	300 mg p.o. h.s.	800 mg p.o. h.s.
	150 mg p.o. b.i.d	400 mg p.o. b.i.d.
		300 mg p.o. q.i.d.
Maintenance regimen	150 mg p.o. h.s.	400 mg p.o. h.s.
Benign gastric ulcer	150 mg p.o. b.i.d	300 mg p.o. q.i.d.
Gastroesophageal reflux	150 mg p.o. b.i.d	300 mg p.o. q.i.d.
Pathological hypersecretory states.	300 to 900 mg q24hrs[1].	1200 to 2400 mg q24hrs[1]
Stress-ulcer prophylaxis	50 mg IVPB, then 200 mg IV continuous q24hrs.	300 mg IVPB, then 1200 mg IV continuous q24hrs.

[1] Sontag SJ. Am J Gastroenterology, 83, 607-617, 1988.
[2] Mclean AJ, et al. Drugs, 35: 329-333, 1988.
[3] Collen MJ, et al. Ann Intern Med. 100: 52-58, 1984.

[1] Much higher doses may be required; Collen and Howard (Annals of Intern Med. 1984; 100:52-58) have determined that the equivalent dosage factor is 3 for changing from ranitidine to cimetidine for this specific indication.

SAFETY—ADVERSE EFFECTS

Much has been said and written about differences in adverse effects between the H-2 antagonists ranitidine and cimetidine. Unfortunately, most of this information has been in the form of uncontrolled, anecdotal reports or subjective opinions. It is obvious that such information does not conform to the evaluation requirements of the "Scientific Method". While this information is of some interest, it is often incomplete and subject to distortion. Needless to say, this type of information should not be used to determine comparative safety profiles between cimetidine and rantidine.

Any discussion of differential safety between equally effective therapeutic agents is not complete unless the actual incidence of adverse effects is kept in perspective. With regard to the H-2 antagonists, it is clear from the treatment of more than 80 million patients (since cimetidine was introduced in 1976 and ranitidine in 1981) that the incidence of significant side effects is extremely low and that these agents enjoy an impressive safety profile. (For safety profile see Table 2). In fact, the F.D.A. recently sent letters to U.S. state formulary boards, which stated that "there are no adequate and substantial data of which we are aware" that show Zantac to be superior to Tagamet in overall safety and effectiveness. These letters, which were actually copies of an admonitory letter sent to Glaxo by the F.D.A, were sent in an effort to counter certain claims made by Glaxo, after strict warnings by the F.D.A., indicating that ranitidine is superior in certain ways to cimetidine. The following list gives examples of some of the claims which have been used in both written and verbal marketing by Glaxo:

(1) Glaxo said that a course of therapy with Tagamet is recommended for a period of four to six weeks; the F.D.A. pointed out that both drugs have comparable healing rates at four weeks.

(2) Glaxo maintained that Zantac heals ulcers in patients who do not respond to Tagamet the F.D.A. noted that while this may be correct, it is also true that Tagamet heals ulcers in patients who do not respond to Zantac.

(3) Glaxo asserted Zantac has fewer side effects than Tagamet, the F.D.A. pointed out this is only natural since Tagamet has been on the market almost twice as long. The longer a drug is on the market, the more adverse reactions are reported.

(4) Glaxo said that experience with Zantac suggests that it does not have antiandrogenic effects of Tagamet the F.D.A. stated that the incidence of reversible impotence is not significantly different between Tagamet and placebo and that a very similar warning appears in Zantac's labelling.

TABLE 2.—SIDE EFFECTS PROFILES OF CIMETIDINE AND RANITIDINE

[Take directly frome the FDA approved package literature]

Side efects	Ranitidine	Cimetidine
I. Central nervous system:		
(1) Headache, sometimes severe	X	X
(2) Reversible mental confusion (predominantly in severely ill, elderly patients)	X	X
II. Cardiovascular: (1) Hypotension and arrythmias (mostly bradycardia) following rapid IV infusion	X	X
III. Gastro-intestinal (1) Constipation and diarrhea	X	X
IV. Hepatic:		
(1) Occasional reports to reversible hapatitis, hepatocellular or hepatocanalicular or mixed with or without jaundice	X	X
(2) Decreased liver blood flow	(1)	(1)
V. Musculoskeletal: (1) Rare reports of reversible arthralgias	X	X
VI. Hematological: (1) Rare reports of reversible leukopenia, ganulocytopenia, thrombocytopenia, and pancytopenia	X	X
VII. Endocrine:		
(1) Reversible impotence and loss of libido and male patients [2]	X	X
(2) Gynecomastia [2]	X	X
VIII. Integumental: (1) Rash, including rare cases resembling erythema multiforme	X	X

[1] Original Studies of liver blood flow did not control for extraction of indocyanine green across the liver, more recent studies indicate that cimetidine/ranitidine have no significant effect on liver blood flow.

[2] Tends to occur in patients on prolonged high dosage.

DRUG INTERACTIONS

Two recent extensive reviews provide valuable insight into the complicated issue of clinically important drug interactions as they relate to cimetidine and ranitidine. By carefully reviewing the scientific literature, Smith and Kendall were able to distill most of the information into the following message:

Cimetidine and ranitidine bind to Cytochrome P450 and may inhibit the metabolism of drugs eliminated by the mixed function oxygenase system. In this respect, the pharmacokinetics of many drugs have been shown to be influenced, sometimes substantially, by cimetidine, but only a small degree or not at all by randitine. Resultant effects of clinical significance are rare, but have been confirmed for, Theophyline, Warfarin, Phenytoin, Lidocaine. [Clinical pharmacokinetics 15: 44-56 (1988)]

Regarding drug interactions with Theophylline, Warfarin, Phenytoin, Lidocaine, the current literature recommends the following options: (1) reduce the dosage of the interacting drug, or (2) choose an alternative H-2 antagonist such as ranitidine which minimizes such interactions, and then proceed with dosage stabilization as is otherwise recommended. [Clinical Pharmacokinetics 12: 321-366 (1987)] These recommendations, while appropriate for some patients may not be ideal for others. In order to increase the clinical utility of the above recommendations the following delineation has been made. In those patients who have been stabilized on Theophylline, Warfarin, Phenytoin, or Lidocaine and are to have an H-2 antagonist added to their drug regimen, it is very reasonable to choose an agent such as ranitidine which will minimize any alteration in the phamacokinetics of these drugs.

When the converse situation encountered; that is a patient already receiving cimetidine who needs to have Theophyline, Warfarin, Phenytoin, or Lidocaine added to their drug regimen, then the aforementioned two approaches are appropriate; (1) reduce the dosage of the interacting drug, or (2) choose an alternative H-2 antagonist such as ranitidine which minimizes such interactions* (see below), and then proceed with dosage stabilization as is otherwise recommended.

* Note: Ranitidine has been shown to inhibit the metabolism of warfarin and theophylline to a clinically significant degree. (Ajoy, RK. et al. Am J Med 85: 525-527, 1988) (Desmond, PV. et al. Clin Pharmacol and Ther 35: 338-341, 1984).

In general, the degree of inhibition of drug metabolism by cimetidine is on the order of 10 to 20% with a daily dosage of 300mg to 400mg, 20 to 30% with 400 to 800mg, and 30 to 40% with 800 to 1600mg. The onset of inhibition is rapid, maximum inhibition occurs 24 hours after starting cimetidine. The recovery rate is also rapid and clearance rates return to baseline two to three days after stopping cimetidine, depending on the half-life of the interacting drug; in the case of warfarin, plasma concentrations will not return to pre-cimetidine level for at least 7 days. [Clinical Pharmacokinetics 12: 321-366 (1987)]

Actual studies [4 5 6 7] (not uncontrolled case reports) designed to examine the pharmacokinetic and pharmacodynamic effects of cimetidine on drugs possessing wide therapeutic margins (ie. propranolol or diazepam) have documented a pharmacokinetic interaction, however enhancement of pharmacodynamic effect has not been shown to occur (One early study of propranolol [8] suggested a decrease in resting heart rate but did not evaluate all study subjects—Later studies [5 6], which were prospectively designed to evaluate all study patients for changes in heart rate, failed to confirm these findings). These studies do not prove that changes in drug effect cannot occur in a given patient, but rather, they speak to the extremely low likelihood of a clinically significant change occurring. It is possible that a given patient receiving cimetidine and a drug such as propranolol or diazepam could experience enhanced pharmacodynamic effect as a result of decreased drug metabolism.

Both ranitidine and cimetidine have been shown [9 10] to decrease the renal elimination of Procainamide. The mechanism of this drug interaction involves competition for renal tubular excretion between H-2 antagonists and procainamide, both of which are basic drugs. This interaction is of minimal clinical significance.

In summation, regarding potential drug interactions, the Food and Drug Administration has stated that the current data indicates that clinically significant cimetidine-induced drug interactions occur only for theophylline, phenytoin, lidocaine, and warfarin. That data supporting other clinically significant interactions has been questionable at best.

Additionally, Somogyi and Muirhead [Clinical Pharmacokinetics 12: 321-366 (1987)] have concluded that. "Although cimetidine interacts with a large number of drugs, reports of incidents of drug toxicity are uncommon. This may be due to the fact that physicians are well aware of those drugs with a narrow therapeutic index which interact clinically with cimetidine and have taken appropriate action, or the fact that the majority of drugs have a wide therapeutic index so that a 50% increase in plasma concentrations would not be deleterious to the patient".

COST

(The following does not apply to patients who have been stabilized on Theophylline,

[4] Gough et al. Br J Clin Pharmacol 14: 739-742, 1982.

[5] Donn et al. J Clin Pharmacol 24: 500-508, 1984

[6] Reimann et. al. Clin Pharmacol and Ther 32: 749-757, 1982.

[7] Greenblatt et al. NEJM 310: 1639-1643, 1984.

[8] Freely et al. NEJM 304: 892-696, 1981.

[9] Christian C. et. al. Clin Pharmacol and Ther 36: 221-227, 1984.

[10] Somogyi A. et al. Br J Clin Pharmacol 18: 175-181. 1984.

Warfarin, Phenytoin, or Lidocaine and are to have an H-2 antagonist added to their drug regimen.)

When the therapeutic efficacy and safety of two agents are deemed equivalent, it is appropriate to consider cost efficacy. The following table (Table 3) has been designed to provide hospital cost information for the UMCHC prescriber.

TABLE 3.—COST PROFILES OF CIMETIDINE AND RANITIDINE

Cimetidine		Ranitidine	
Dosage regimen	Cost/ week	Dosage regimen	Cost/ week
PO:			
900mg po hs [1]	$8.40	300mg po hs	$11.50
450mg po bid [2]	8.40	150mg po bid	11.50
300mg po qid	11.20		
IV: [3]			
300mg IV bolus	1.60	50mg IV bolus	2.35
1200mg IV continuous	44.80	200mg IV continuous	85.50

[1] 900mg (3x300mg) is used in place of 800mg.
[2] 450mg (1.5x300mg) is used in place of 400mg (300mg tablet breaks in half easily with moderate pressure).
[3] For the prophylaxis of bleeding from stress ulcers, the Comparative Daily Dose is 6 to 1, Cimetidine to Ranitidine; from the only study of sufficient size (Siepler J, et al. Gastroenterology, 1987; 92: 1639).

CONCLUSION—THE BOTTOM LINE

When considering efficacy, safety and cost, it is clear that no one drug is right for all patients. And so it goes for ranitidine and cimetidine.

The bottom line is that in a majority of inpatients and outpatients (i.e. those not receiving phenytoin, lidocaine, theophyline, or warfarin), the preferential use of cimetidine is effective, safe and will result in a cost savings for patients. Therefore, the medical staff's Committee on Pharmacy and Therapeutics has designated ranitidine as formulary reseved starting November 1, 1988.

Thanks to: David Bull, M.D., Gastroenterology and Liver disease; Susan Krechel, M.D., Department of Anesthesiology; Michael Metzler, M.D., Department of Surgery; Brent Bader, M.D., Department of Medicine; for providing input and editorial review of this educational document.

Mr. HEINZ. I also ask that the Pharmacy Newsletter of the South Miami Hospital in Miami, FL, making substantially the same point, be printed in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

[From the South Miami Hospital Pharmacy Newsletter, October/November 1989]

H_2 ANTAGONIST UPDATE: TAGAMET OFFERS SIGNIFICANT PATIENT SAVINGS

The Pharmacy and Therapeutics Committee has suggested that Tagamet (cimetidine) and Zantac (ranitidine) are equally efficacious and safe. Furthermore, since the oral route is therapeutically equivalent and is more cost effective (patient savings of more than $40 per day), conversion to oral therapy is encouraged as soon as the patient is able to take oral medication or food.

The cost of Tagamet to the patient as purchased by the pharmacy as part of a VHA group purchasing program is considerably lower than the cost of Zantac. These savings could result in approximately $40,000 in annual savings to the hospital and are subsequently passed on to the patient. The patient charge for Tagamet is 40% (or a savings of $19.50 per day) less than Zantac in therapeutic equivalent dosage at an every 8 hour intermittent frequency or with the use of continuous infusion.

PATIENT COST PER 24 HOURS

	Amount
Tagamet 300 mg I.V. q8° or continuous infusion	$48.00.
Zantac 50 mg I.V. q8° or continuous infusion	[1] 67.50—$90.00.

[1] Continuous infusion.

As a recommendation of the P&T Committee, an H_2 Antagonist Information sheet will be sent to the floor as a reminder of the cost savings resulting from the use of Tagamet and the use of oral vs injectable therapy. Use of a parenteral H_2 antagonist should be reserved for patients who can not take oral medication, or patients in which oral therapy is contraindicated when parenteral administration is required. Advantages of using continuous infusion therapy include: maintaining constant blood levels thus preventing fluctuations in pH, theoretically less side effects and reduced cost to the patient (1 vs 3 I.V. solution charges).

The patient charges for oral therapy are as follows:

	Tagamet	Daily/ total charge	Zantac	Daily/ total charge
Oral Treatment	400 mg ($2.90) b.i.d.	$5.80	150 mg ($4.40) b.i.d..	$8.80
Oral Treatment	800 mg ($3.50) HS.	3.50	300 mg ($5.50) HS.	5.50
Oral Maintenance	400 mg ($2.90) HS.	2.90	150 mg ($4.40) HS.	4.40

Clinically significant drug interactions resulting in increased serum levels of theophylline, phenytoin, or warfarin have been reported with the use of Tagamet. The potential for similar interactions with the use of Zantac also exists. Appropriate clinical monitoring, including the use of serum level determinations, are recommended with these drugs.

Thus, it is recommended that Tagamet should be used as a first-line H_2 antagonist for both oral and I.V. therapy. I.V. Tagamet should be administered by continuous infusion as a 300 mg loading dose, followed by 900 mg/120 ml D_5W at 5 ml/hr. Zantac may be used as a therapeutic alternative in patients receiving concurrent drugs known to produce interactions with cimetidine, resulting in adverse clinical effects.

INFLUENZA VIRUS VACCINE 1989—1990

Influenza vaccine contains two type A and one type B virus strains. The three viruses are representative of Influenza strains recently circulating worldwide and believed likely to circulate in the United States the following winter.

Influenza vaccination is strongly recommended for any person six months of age or over, who by virture of age or underlying medical condition, is at increased risk for complications of influenza. It is also strongly recommended for healthcare workers and others, including household members who may have close contract with high-risk persons.

The 1989—1990 vaccine will contain 15 micrograms each of A/Taiwan/1/86-like, A/Shanghai/11/87-like and B/Yamogata 16/88-like antigens in each 0.5 ml.

Because of the lower potential for causing febrile reactions, only split virus vaccine should be used in children. Children, 6-36 months, should receive 0.25 ml IM of the split-virus vaccine. Children, 3-12 years of age, should receive 0.5 ml IM of the split-virus vaccine. Persons over 12 years should receive whole or split-virus vaccine, 0.5 ml IM.

The recommended site of vaccination is the deltoid muscle for adults and older children. The preferred site for infants and younger children is the anterolateral aspect of the thigh.

Although influenza vaccine often contains one or more antigens used in previous years, immunity declines in the year following vaccination. Therefore, annual vaccination using the current vaccine is required. Remaining 1988-1989 vaccine from last year should not be used for this influenza season.

SOUTH MIAMI HOSPITAL PHARMACY AND THERAPEUTICS COMMITTEE

H2 Antagonists Information Sheet

The Pharmacy and Therapeutics Committee has suggested that Tagamet and Zantac are equally efficacious. Furthermore, since the oral route is therapeutically equivalent and more cost effective than the IV route, conversion to oral therapy is encouraged as soon as the patient is able to take oral medications. The cost savings of oral vs IV therapy is very significant without compromising therapy.

Use of parenteral H2 antagonists should be reserved for patients who can't take oral medications or patients where oral therapy is contraindicated. When parenteral administration is required, advantages of using continuous infusion therapy include: Maintaining consistent blood levels thus preventing fluctuations in pH, theoretically less side effects and reduced cost to the patient (one v.s. three D_5W partial fills). A 300 mg IV loading dose is recommended prior to initiation of a continuous infusion.

Significant drug interactions resulting in increased serum levels of theophylline, phenytoin or warfarin have been reported with the use of Tagamet. The potential for similar interactions with the use of Zantac also exists. Appropriate clinical monitoring, including the use of serum level determinations is recommended with these drugs.

There is a potential savings of $40/day when oral vs injectable H2 antagonist is used (includes cost of IV solutions, preparation and administration time).

Cost of H2 Antagonists

	Per days
Tagamet 300 mg IV q 8°	$4.91
Tagamet 300 mg IV q 6°	6.54
Zantac 50 mg IV q 8°	10.14

Tagamet 300 mg (loading dose) followed by 900 mg/120 ml D_5W ml/hr infusion $4.91/day.

Patient's Name:_____

Rm No:_____

Date:_____

This form is for information only, and it is not a part of medical records.

Mr. HEINZ. Mr. President, I think, therefore, what we need to recognize is we have one of those unpleasant arguments that is strictly an economic one, and I think the economic issues are the ones we should address.

These products compete directly. To say they do not compete is like saying that Ford and Chrysler do not compete because they are different cars, and different people end up driving them, or that Rice Krispies and Corn Flakes do not compete because different people end up eating them, or that imports do not compete with domestic products.

We know all these things are in fact competitive products, and I hope we can dispose of that point.

I think the two major issues here are the revenue loss, which I cited a moment ago as $13 million, and the question of jobs, because were I in the position of the Senators from North Carolina, I too would be concerned about any impact on jobs in their State.

Let me try as I can to reconcile the difference in numbers versus those that the Senator from North Carolina [Mr. SANFORD] mentioned a moment ago. I mentioned the $13 million number. He mentioned in the first year $7.3 million; in the second year, $9.9 million.

I would first say that in either case we are talking about fairly large, substantial numbers. Many of us have come to this floor to argue our cases for amendments and on appropriations bills for amounts far less than either $13 million or $7.3 million or $9.9 million.

I was on this floor arguing a few years ago for just $2 million for adoption assistance. We had a lengthy debate. I was lucky that day; I won my case. The Senate supported that argument. Two million dollars is a lot of money in this body; so is $7 million or $9 million or $13 million.

The Senator from North Carolina correctly states that his numbers are CBO numbers. Those numbers were generated, I am told, either sometimes in 1989 or early in 1990. The date of the CBO document is February 23. When those numbers were received, it is my understanding that everybody who looked at them thought they were low, and that the Glaxo Co. itself estimated that they thought they would save $13 million a year if this duty was suspended because they have been increasing their volume. They have been building their business. They are now the lion's share of the market. They are some 58 percent of this entire market.

The question, then, is what does the United States have in the way of an interest in this question? The answer is very simple. We have somewhere between $9.9 million and $13 million a year interest for every year that this suspension would be in effect. The question is, What do we get out of that revenue loss if the amendment is adopted?

As far as this Senator can tell, we are not going to get anything. This product already is at a higher price. It is currently increasing its share of market. As a former marketing man myself, when you have a product that has the lion's share of the market, which is doing well, you do not bother to cut the price unless you are insane. I do not think the makers of this product are. I think they are rational. I think they are good marketing people and good people.

So this Senator's analysis is that the main thing the United States gets out of this suspension is a revenue loss with no compensation that is identifiable to this Senator or, to the best of my knowledge, anybody else who has taken an objective look at it.

I said that the other issue is jobs. I, just like the Senators from North Carolina, want as many jobs in the United States of America as we can possibly have. While I would rather have them in Pennsylvania, the truth is if the choice is having them in North Carolina or overseas and they cannot come to Pennsylvania, I certainly want them in North Carolina.

It seems to this Senator that the way to encourage this company to build a plant in North Carolina is not to make it cheaper or easier for them to import ranitidine hydrochloride. The cheaper it is for them to import ranitidine hydrochloride, the less likely it is that they are going to manufacture it in the United States. Otherwise, the laws of economics would appear not to apply.

So while I cannot guarantee that the Glaxo Co. will build a plant in North Carolina, while I certainly want them to build a plant in North Carolina, or in Pennsylvania, as the case may be, nonetheless if we make it easier for them to import that which might be made in this country, remember, we reduce the chances of them doing so.

This product, as I understand the world market for it, ranitidine hydrochloride, is certainly doing very well. But it either is not or will not long be in short supply. The Glaxo Co. has just announced the acquisition of a stake in a Soviet drug factory to manufacture ranitidine hydrochloride in the Soviet Union.

As a result, I think that it is highly likely that there certainly should not be any worries about adequate supplies of this chemical that is the basis for this ulcer medication.

So I conclude by saying, Mr. President, that we have here products that compete. Traditionally, when that kind of issue arises before the Finance Committee, it has been our custom to recognize that we are taking sides in an economic dispute. We do not come before the Senate very frquently with anything that is in dispute. This is a rare occurrence, in other words, today.

But let me tell you what is not a rare occurrence. What is not a rare occurrence is when one objection has been raised to a duty suspension in the Finance Committee that there is any argument about dropping it. Over the years, we have agreed not to consider literally dozens of duty suspensions simply because one Member objected, or one Member was asked to object on behalf of another Member. That is because we expected these duty suspensions to be genuinely noncontroversial.

As the Senators from North Carolina pointed out, it is true that the Senator from Pennsylvania has 28 provisions in the original bill in the way of duty suspensions. They are in there not because the Senator from Pennsylvania is necessarily a superior legislative strategist, but frankly they are in there because nobody, after having been notified, after reviewing the provisions as individual bills, after the committee markup had been advertised for a number of weeks, nobody in the U.S. Senate objected.

Had somebody objected to any one of them, or for that matter to all of them, with a legitimate objection, those would not have remained in this bill.

So what this legislation represents is a genuinely noncontroversial measure. Occasionally, we will have times like this where we have to settle those question by a vote, and so it will be today.

So I hope my colleagues bear in mind that there is a significant revenue loss associated with this amendment.

It is real money, it is not pretend money. It is money that we receive each year into the Treasury, somewhere between $10 and $13 million, depending which estimate you want to believe. And, at least in this Senator's judgment, the hopes and desires of the Senators from North Carolina for more jobs and for the production of this specific chemical, ranitidine hydrochloride, in their State would, in my judgment, best be served by retaining this duty and not suspending it.

I yield the floor, Mr. President. I thank the chair.

Mr. SPECTER. I supplement the comments made by my distinguished colleague, Senator HEINZ, briefly, because I think most of the grounds have been covered.

I point out that the issue pending before the Senate, which will soon be called for a vote, is more than a controversy between the Senators from Pennsylvania and the Senators from North Carolina. There is a principled basis upon which this issue should be decided by our colleagues, as they will be called upon to cast a vote on the pending matter.

The standard principles for a duty suspension turn on two considerations: if the material is difficult or impossible to produce in the United States, or because of licensing terms, it is prohibited for the item to be produced in the United States.

The issue in question does not meet either of these tests. Glaxo Holdings, a British company, has a patent on this product, Zantac, and is free to manufacture it in the United States, if it so chooses. Zantac is the largest selling

prescription drug in the world and is, in fact, a very profitable item. It accounts for some $2.4 billion annually, and has 60 percent of the market.

This matter had been considered by the Finance Committee, which has jurisdiction over this issue, and on an objection having been lodged, it was decided by the Finance Committee that there would not be a duty suspension in this matter.

The administration opposes the suspension because there is a very considerable revenue loss involved amounting to some $40 million over the 3-year period. Jobs are certainly a consideration, and it would be in all of our interests to have as many jobs in North Carolina and in any State in the United States as we possibly could have. But if you project the estimated number of jobs involved, it would cost the Treasury several hundred thousand dollars for each one of these jobs.

So that as other Senators who may be viewing this debate on their television monitors or listening to it on the Squawk boxes may be hearing what is going on, it is just not simply a debate among four Senators representing the parochial interests of two separate States. We really have issues of principle involved here under standing operating practices, and the duty ought not be suspended when you take into account the very substantial sum of money, some $40 million, that impacts upon the other 48 of the United States.

As my colleague Senator HEINZ pointed out, we never like to come to the floor and debate with our colleagues, Senator HELMS or Senator SANFORD, on issues that affect their States. But that is our responsibility. As others approach it, I submit that on the grounds of established principle, this amendment ought to be rejected. I yield the floor.

ADDITIONAL CONFEREES ON H.R. 3

Mr. BENTSEN. Mr. President, earlier this afternoon, the Chair appointed conferees on behalf of the Senate for the conference of H.R. 3. Two names were inadvertently omitted. I understand that the following request has been cleared with the Republican side of the aisle.

I ask unanimous consent that Senator ADAMS and Senator MIKULSKI be included in with the list of conferees on behalf of the Labor Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAVORED-NATION STATUS FOR HUNGARY

The Senate continued with the consideration of the bill.

Mr. BENTSEN. Mr. President, the chairman of the Finance Committee is caught in the crossfire between good friends on both sides of this issue who are eloquently presenting their case.

We are talking about a temporary suspension here of the duty on imported ranitidine hydrochloride, the active ingredient that goes into antiulcer drug. This provision went through the same consideration in the Finance Committee that all the other miscellaneous tariff bills do. We published this and asked for public comment, along with hundreds of other proposed suspensions of duty, and we had an objection to this one. And we had negative comments from SmithKline Beecham, a domestic producer of a competing ulcer drug.

We had a report from the Commerce Department and the administration, also opposing temporary suspension on this particular drug. Therefore, the bill was treated as controversial and was not included in the noncontroversial bills that the committee adopted en bloc and brought before you.

We did have an agreement that if there was a controversy and there was an objection, any member of the committee could propose that that be debated, and if it won on its merits there, it would be included. There were a great number of such amendments presented on behalf of other Members of the Senate.

One of the good reasons, I think, for opposing an amendment such as this, where it is controversial and is objected to is the effect this might have on the new round of trade agreements in the GATT. If we are going to make tariff concessions that affect U.S. producers, we should do it as part of those multilateral negotiations, and we ought to be getting something for that concession.

I appreciate very much that the Senators from North Carolina are doing their best to help a company located in their State, but given that there is a domestic competitor that raises objections, I must oppose the amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I can assure the distinguished chairman and other members of the Finance Committee that if I had been a member of the Finance Committee, I would have done my best to carry that. But neither Senator SANFORD nor I is a member of that committee.

We had a distinguished Senator who is a member of the committee present, who attempted to offer this provision and he was unable to do so. Now, there are over 200——

Mr. BENTSEN. Will the Senator yield on that?

Mr. HELMS. Yes, sir.

Mr. BENTSEN. I say to the Senator from North Carolina, I was not aware of any attempt to offer this amendment in the committee by a Senator, and many were offered for other Senators who were not on the committee.

Mr. HELMS. Well, the Senator has so much on his mind and carries such a burden in the Senate, I know he does not recall Senator SYMMS' attempt to offer it.

Mr. BENTSEN. I certainly do not.

Mr. HELMS. That is perfectly understandable to me. I do not have any feelings about that one way or another. But we did do our best, I will say to my friend from North Carolina [Mr. SANFORD] both he and I tried to have that done in the committee. I also understand the workings of committees, particularly with legislation of such detail. But the fact remains that there are approximately 200 active duty suspension provisions in this legislation. As for this particular proposed duty suspension, there are four competitors. Three of the competitors are in favor of this amendment. Only one, SmithKline, is opposed to it.

On the other hand, Glaxo has supported SmithKline in every instance according to my understanding. So, this is strictly a competitive thing as Senator HEINZ has accurately stated.

I do hope that the Senate will not get into the business of saying this one can have duty suspension but this one cannot because a competing company, in this case, Smith-Kline, did not want Glaxo to have it.

Mr. President, let me take a moment to clarify some of the revenue estimates that have been thrown around today.

For S. 1342, which is identical to the amendment we have offered, the Congressional Budget Office estimated a revenue loss of $7.3 million for 1990, $9.9 million for 1991, and $9.9 million for 1992. The total comes to $27.1 million over 3 years.

However, let me emphasize that the $27.1 million estimate was on our original bill, which would have taken effect retroactively to January 1, 1990, as many other provisions in this bill do. In fact, one of the provisions in this bill is retroactive to April 1986.

Senator SANFORD and I have significantly modified this amendment so that it takes effect only upon enactment of the bill. As modified, the revenue estimate is approximately $21.7 million over 3 years.

Mr. President, that is certainly not an insignificant amount, but it is not disproportionate when compared to $35.1 million for electrostatic copying machines, $25.7 million for cantaloupes, $18.9 million for Ciprofloxacin, and a number of others that cost around $10 million over 3 years.

In addition, I might note that the Senator from Pennsylvania has 30 provisions in this bill that lose a total of approximately $34 million. That could be higher because several of the provi-

sions were included in the bill even though no CBO revenue estimate was available. In addition, no revenue estimate was given on the three additional amendments that were included earlier by the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, I am not going to attempt to prolong this debate. I think we have come to the point where we can vote on it.

I simply would add to what my distinguished colleague has pointed out, that it does not seem quite appropriate to the free enterprise system to penalize success. Certainly 90 to 150 new jobs will be created. That produces income. That produces better business and a stronger economy. Any savings will be passed on to the customer, put back into the business, or part of it paid as taxes on profits.

So the whole concept of careful consideration of these suspensions and matters has been accepted and I think a very useful process for the entire econony.

Since we did not have an opportunity to develop discussion of this in the Finance Committee, I would hope that the Finance Committee members would not feel too badly that we wanted to take our opportunity to debate this amendment here on the floor. I understand the rule. It is probably a very good committee rule. If one member objects therein, that ends it. It gives us an opportunity to say that we think it is just fair play for Glaxo to be treated like other companies are treated. We think that Glaxo is the kind of company that is doing a tremendous job in this country and we would like to do our share in helping to promote their success.

It does mean a great deal to North Carolina to have this company there and flourishing. I hope our colleagues will understand our reason for thinking that this is a special case that needs the special attention of the entire Senate and we would be most grateful for their understanding help.

I yield the floor.

Mr. BENTSEN. Mr. President, the fact that one Senator on the committee objects to such an amendment by no means kills it. That means you have debate in the committee, and the majority, of course, rules.

Let me further state to the distinguished Senator from North Carolina that he has every right obviously to bring it to the floor of the Senate and make his case, and the majority rule again will prevail. I certainly have absolutely no animosity in that regard and have only the greatest respect for the two Senators from North Carolina.

Mr. SANFORD. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HEINZ. Mr. President, I ask for the yea and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I know of no other requests on this side.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from North Carolina.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—68

Adams	Gore	Mitchell
Armstrong	Gorton	Moynihan
Baucus	Graham	Murkowski
Bingaman	Gramm	Nickles
Bond	Grassley	Nunn
Boren	Harkin	Pell
Boschwitz	Hatch	Pryor
Bumpers	Hatfield	Riegle
Burns	Helms	Robb
Byrd	Hollings	Rockefeller
Chafee	Inouye	Roth
Coats	Jeffords	Sanford
Cochran	Kassebaum	Sarbanes
Conrad	Kasten	Shelby
D'Amato	Kennedy	Simon
Daschle	Kerrey	Simpson
DeConcini	Levin	Stevens
Dixon	Lott	Symms
Dodd	Lugar	Thurmond
Dole	McCain	Wallop
Domenici	McClure	Warner
Durenberger	McConnell	Wilson
Ford	Mikulski	

NAYS—30

Bentsen	Garn	Lieberman
Biden	Glenn	Mack
Bradley	Heflin	Metzenbaum
Breaux	Heinz	Packwood
Bryan	Humphrey	Pressler
Burdick	Johnston	Reid
Cohen	Kerry	Rudman
Cranston	Kohl	Sasser
Danforth	Lautenberg	Specter
Fowler	Leahy	Wirth

NOT VOTING—1

Exon

The amendment (No. 1513) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be a period of 2 hours of debate, equally divided and controlled, on the pending Graham amendment.

Mr. BENTSEN. Mr. President, I ask unanimous consent that if there are second-degree amendments to the Graham footwear amendment, they be relevant to the first-degree amendment and be limited to 60 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Chair recognizes the Senator from Florida, Senator GRAHAM.

Mr. GRAHAM. Mr. President, we are prepared to offer the amendment at this time, but it is my understanding there are two other amendments.

Mr. BENTSEN. Mr President, I ask unanimous consent we set aside the Graham amendment and that the Senator from California be allowed to proceed for 2 minutes; that that not cut up the continuity of debate; and that the Senator from Arkansas be allowed to proceed on an amendment that I think will be accepted on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mr. WILSON. I thank the Chair.

(The remarks of Mr. WILSON pertaining to the introduction of S. 2505 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. PRYOR].

AMENDMENT NO. 1514

(Purpose: To eliminate the fee for processing merchandise that is informally entered and to increase the fee for processing merchandise that is formally entered)

Mr. PRYOR. Mr. President, on behalf of myself and Senators SASSER, FORD, DODD, LIEBERMAN, and JOHNSTON, I send an amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, Mr. SASSER, Mr. FORD, Mr. DODD, Mr. LIEBERMAN, and Mr. JOHNSTON, proposes an amendment numbered 1514.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 96, strike lines 4 through 11 and insert:

"(9) For the processing of any merchandise that is formally entered, or withdrawn from warehouse for consumption during any fiscal year, a fee in an amount equal to 0.17 percent ad valorem.

On page 97, line 10, strike "and".

On page 97, line 15, strike "(a)(10)" and insert "(a)(9)".

On page 97, line 17, strike "$403" and insert "$553".

On page 97, line 19, strike "$400" and insert "$550".

On page 98, line 2, strike "or (10)".

On page 98, line 13, beginning with "paragraphs", strike all through "(10)" on line 14 and insert "paragraph (9)".

On page 98, line 19, after the end quotation marks, insert a comma and "and".

On page 98, between lines 19 and 20, insert:

(G) in subparagraph (D), as redesignated by this paragraph, by striking "or (10)" each place it appears, and

(H) in subparagraph (E), as redesignated by this paragraph, by striking "(a)(10)" and inserting "(a)(9)".

On page 98, line 25, strike "or (10)".

On page 99, line 25, strike "or (10)".

On page 100, line 14, strike "or (10)".

On page 101, line 20, strike "(10)" and insert "(9)".

On page 101, line 24, strike "$400" and insert "$550".

On page 102, line 3, strike "(10)" and insert "(9)".

Mr. PRYOR. Mr. President, very quickly, in the bill before us, which is the pending business of the Senate, there is a fee assessed in the committee document on what we call informals in the custom duty area, brought into this country by the major cargo carriers. But these would be the minor items that come into this country. It was decided, after some reconsideration and restudying of this particular issue, that it might be a wise course of action for us to amend this particular version of the committee recommendations by basically shifting the informal fee upon the small items to what we call the formal items or the major imports that are coming into the country. We think that this amendment accomplishes this purpose, Mr. President.

We also are very grateful to the distinguished ranking member of the Finance Committee, Senator PACKWOOD, who I understand has accepted this amendment and, of course, to the distinguished chairman, Senator BENTSEN, who has worked with us the last several days on language that would accommodate the purpose of the Senate. This would be more in keeping with the House provision and certainly I am sure it would be a consideration ultimately in a conference situation.

The PRESIDING OFFICER. Is there further debate?

Mr. BENTSEN. I am willing to support this amendment. It does make some change in the Customs user fee that we approved in the committee. In the committee, we provided that formal entries would be subject to an ad valorem fee of 0.15 percent with a cap of $400 and a minimum of $20.

Under the committee bill, the informal entries would have come in at $11. The amendment wipes out the fee on the informal entries and would increase the cap on the formal entries to $550. It would increase the ad valorem fee to 0.17 percent, and the minimum fee on formal entries would remain the same. It would bring it much more in line with the House provision. As I recall, their cap was slightly above the $550.

I think this is a good compromise, and I will work with the Senator from Arkansas, the senior Senator from Tennessee, and other Senators to see that we consider this in the conference. I have informed them it is a complex issue and is likely to be reviewed completely in the conference. However, on that basis, I am glad to accept the amendment.

Mr. PACKWOOD. Mr. President, I laud the Senator from Arkansas for the very effective work he has done on this amendment. I am going to support it, but I feel I must say that the administration strongly opposes it. They fear that it again raises the GATT problem and they will raise that issue in conference, but for the moment I am happy to support the Senator from Arkansas.

Mr. PRYOR. I thank both the distinguished chairman from Texas and the Senator from Oregon for their consideration in this matter.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to Amendment No. 1514 offered by the Senator from Arkansas.

The amendment (No. 1514) was agreed to.

Mr. BENTSEN. I move to reconsider the vote by which the amendment was agreed to.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. There is, unless the Senator makes a request that the pending amendment be set aside.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENTS NOS. 1472, 1473, 1474, 1478, 1479, AND 1480

AMENDMENT NO. 1472

(Purpose: To extend the temporary suspension of duty on 2,5-dimethoxyacetanilide)

AMENDMENT NO. 1473

(Purpose: To extend the temporary suspension of duty on 3-4'-aminobenzamido)phenyl-B-hydroxyethylsulfone)

AMENDMENT NO. 1474

(Purpose: To extend the temporary suspension of duty on 4-chloro-2-nitroaniline)

AMENDMENT NO. 1478

(Purpose: To extend the temporary suspension of duty on 2-[(3-nitrophenyl)-sulfonyl]ethanol)

AMENDMENT NO. 1479

(Purpose: To extend the temporary suspension of duty on 4-chloro-2,5-dimethoxyaniline)

AMENDMENT NO. 1480

(Purpose: To extend the temporary suspension of duty on 3,4-diaminophenetole dihydrogen sufate)

Mr. CHAFEE. Mr. President, I call up the following six amendments and ask they be considered en bloc: 1472, 1473, 1474, 1478, 1479, and 1480.

Mr. President, these amendments will extend for 2 additional years the duty suspensions on the importation of six chemicals that are precursors used in the production of printing inks and dyes for textiles. These particular chemicals are not produced in the United States and the extension of this duty suspension will act to avoid increasing the cost of producing textiles in this country.

As we are all aware, the textile industry has been hit especially hard by imports. I want to do all I can to keep this American industry on a fair competitive footing with foreign textile manufacturers. Because our foreign competitors can print and dye their textiles without the added costs that this duty would impose, our domestic industry would be at a competitive disadvantage if the current suspensions were allowed to expire.

In current duty suspensions for these six chemicals are scheduled to expire on December 31, 1990. These duties have been suspended for less than 2 years, since the enactment of the Omnibus Trade and Competititiveness Act of 1988, Public Law 100-418.

These extensions will provide 2 additional years and will give us time to study the effects of these duty suspensions on the chemical and textile industries. It is senseless to allow the current duty suspensions to expire at the end of this year, since there is no domestic production of these precursors and our textile industry will be helped by reducing the costs of the printing dyes and inks that are manufactured from these precursors.

I would hope the managers of this bill would accept these noncontroversial amendments en bloc.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes amendments numbered 1472, 1473, 1474, 1478, 1479, and 1480:

AMENDMENT No. 1472

On page 17, between lines 21 and 22, insert the following new paragraph:
( )Heading 9902.29.52 (relating to 2.5-dimethoxyacetanilide.

AMENDMENT No. 1473

On page 17, between lines 21 and 22, insert the following new paragraph:
( )Heading 9902.29.61 (relating to 3-(4'-aminobenzamido)phenyl-B-hydroxyethylsulfone).

AMENDMENT No. 1474

On page 17, between lines 21 and 22, insert the following new paragraph:
( )Heading 9902.29.25 (relating to 4-chloro-2-nitroaniline.

AMENDMENT No. 1478

On page 17, between lines 21 and 22, insert the following new paragraph:
( ) Heading 9902.29.07 (relating to 2-[(3-nitrophenyl)-sulfonyl]ethanol).

AMENDMENT No. 1479

On page 17, between lines 21 and 22, insert the following new paragraph:
( ) Heading 9902.29.42 (relating to 4-chloro-2.5-dimethoxyaniline).

AMENDMENT No. 1480

On page 17, between lines 21 and 22, insert the following new paragraph:
( ) Heading 9902.29.45 (relating to 3,4-diaminophenetole dihydrogen sulfate).

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. Is there further debate?

Mr. BENTSEN. Mr. President, we have examined the amendments on this side and have no objection to the amendments.

Mr. PACKWOOD. Mr. President, we have no objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendments 1472, 1473, 1474, 1478, 1479, and 1480 en bloc as offered by the Senator from Rhode Island.

The amendments (Nos. 1472, 1473, 1474, 1478, 1479, and 1480) were agreed to en bloc.

Mr. CHAFEE. Mr. President, I have two more amendments that I would like to consider. Do I have to set aside the pending amendment?

The PRESIDING OFFICER. The earlier request is considered to cover these additional amendments.

AMENDMENT NO. 1477

(Purpose: To extend for 2 years the temporary suspension of duty on certain textile machines)

Mr. CHAFEE. Mr. President, I would like to consider at this time amendment number 1477.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 1477.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 21 and 22, insert the following new paragraphs:
( ) Heading 9902.84.42 (relating to certain narrow weaving machines).
( ) Heading 9902.84.45 (relating to certain wool carding and spinning machinery).
( ) Heading 9902.84.50 (relating to certain lace braiding machines).

Mr. CHAFEE. Mr. President, this amendment would extend for 2 additional years the current duty suspensions on the following textile machines: Narrow fabric weaving machines, wool carding and spinning machinery, and decorative lace-braiding machines.

The machines covered by this amendment are used in the production of fabrics which have a wide variety of end uses in apparel, medical, industrial, and home furnishing applications. This equipment is not available from domestic manufacturers and must be purchased from foreign suppliers, located primarily in Europe.

These three types of textile machines currently enter the United States duty-free under previously enacted duty suspension legislation, however, these suspensions are scheduled to expire on December 31, 1990. These machines are a vital component of our textile manufacturers efforts to modernize, increase productivity, and continue as players in an extremely competitive international textile and apparel market.

Extension of these current duty suspensions will provide American textile and apparel companies with the opportunity to continue replacing outdated equipment with new high technology machines in a cost-effective manner. Access to new equipment without the penalty of an unnecessary tariff will help to insure that American manufacturers will be more competitive at home and abroad.

Enactment of this amendment will benefit all American consumers by providing them continued access to higher quality American made textile and apparel, at a lower cost. I hope that the managers of this bill will be able to accept this noncontroversial extension of these duty suspensions.

The PRESIDING OFFICER. Is there further debate?

Mr. BENTSEN. Mr. President, we have examined the amendment and see no objection to it on this side.

The PRESIDING OFFICER. Is there additional debate? If not, the question is on agreeing to amendment No. 1477, offered by the Senator from Rhode Island.

The amendment (No. 1477) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I also move to reconsider the prior vote on the amendments considered en bloc.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1475

(Purpose: To extend the temporary suspension of duty on 2,4-dichloro-5-sulfamoylbenzoic acid)

Mr. CHAFEE. Mr. President, the last amendment I call up is amendment No. 1475.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 1475.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 21 and 22, insert the following new paragraph:
( ) Heading 9902.29.86 (relating to 2,4-dichloro-5-suflamoylbenzoic acid).

Mr. CHAFEE. Mr. President, this amendment would extend the current duty suspension for lasamid, a chemical used in the manufacture of furosemide, a widely-used potent diuretic, primiarly prescribed in the treatment of patients who have suffered from congestive heart failures.

Furosemide is currently sold in the United States by Hoechst-Roussel Pharmaceuticals, Inc., and by several other generic drug companies. However, the only company which manufactures furosemide in the United States is Hoechst Celanese Corp. All other furosemide sold in the United States is imported.

Hoechst Celanese produces furosemide in my State of Rhode Island by a process which involves the intensive treatment of the precursor chemical lasamid. There are no known American producers of lasamid, and its only use is as a precursor to the production of furosemide.

By continuing the duty suspension for lasamid, this U.S. producer of furosemide will be more competitive with foreign producers, thereby benefiting the American workers who manufacture this product. It will also contribute to keeping down medical costs, by reducing costs to produce a major drug relied upon by many Americans.

The current duty suspension for lasamid is scheduled to expire on De-

cember 31, 1990. This duty has been suspended for less than 2 years, since the enactment of the Omnibus Trade and Competitiveness Act of 1988, Public Law 100-418.

This extension will provide 2 additional years and will give us time to study the effect of the duty suspension on the pharmaceutical industry to determine if we should then repeal the duty outright or continue the suspension for another period.

I hope the managers of the bill will be able to accept this noncontroversial amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BENTSEN. Mr. President we have examined the amendment and we have no objection to it at this time.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment No. 1475 offered by the Senator from Rhode Island.

The amendment (No. 1475) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I would like first to thank the managers of the bill. Second, I would like to thank the distinguished Senator from Florida for letting me proceed with these amendments. I thank them all very much. It was an overwhelming vote of approval on these amendments.

The PRESIDING OFFICER. Under the previous order the Senator from Florida will be recognized at this time.

Mr. DOLE. Mr. President, I wonder if I might take 5 minutes of my leader time at this point.

The PRESIDING OFFICER. The Senator is recognized. He has that right.

Mr. DOLE. I do not want to interrupt.

APRIL 24: A DAY OF REMEMBRANCE

Mr. DOLE. Mr. President, today is April 24.

It had been my hope that we, in the Senate, would have declared this day one of remembrance for the victims of the Armenian genocide of 1915-23.

That was not to be.

But I cannot let this day go by without taking personal note of its importance to Armenians around the world; its meaning to men of good will everywhere.

In 1915, experts estimate there were 2 million Armenians living in Ottoman Turkey. Eight years later, there were less than 100,000.

A half million Armenians fled Ottoman Turkey, and could be accounted for in other countries. The remainder—1.5 million people—perished.

Three quarters of the Armenian population of Ottoman Turkey was wiped out. Men, women, and children. Almost all of the rest fled.

Why did such enormous numbers of people die?

The record is clear. They died from many immediate causes—from violence, from starvation, from disease, from deprivation. But they died, almost all of them, because of one central reason: it was the conscious, clearly articulated policy of the Ottoman authorities to see them dead.

I invite the Senate, and the American people, to review the record we made on the floor when we debated Senate Joint Resolution 212. Read the orders issued by Ottoman authorities—to murder men and women; to starve little children.

Read the headlines, and the stories, of the contemporary press. Headline after headline, story after story—of hacking people to death, burning them alive, purposely starving them.

Look at the pictures—if your stomach can bear it. Pictures of piles of human corpses—dozens, hundreds, thousands—dismembered, mutilated, emaciated.

Mr. President, 1.5 million people killed—killed as a result of conscious, vicious policies of authorities of the Ottoman Empire.

History has a name for what happened—a word coined many years later.

History calls it a genocide.

The Senate, as a body refused to apply that term. But let us, individually, today have the compassion and the courage to simply state the truth—it was a genocide.

And it is a mockery of those who died, an insult to those who survived, and a repudiation of the sorrow of their families who live with us today—it is all those things, when we refuse to speak the truth; when we turn our backs on history; when we bury our heads in the sand.

Mr. President, the Senate has not had the requisite compassion and courage to do what we should have done.

We have bowed to the pressure of successive administrations, who feared an overreaction by our important ally and friend, the Republic of Turkey.

We have knuckled under to direct pressure from Turkey—which has expended hundreds of thousands of dollars this year alone in a relentless campaign against Senate Joint Resolution 212.

We have been taken-in by the bluster and blandishments of Turkey's high-priced lobbyists.

And we have caved-in to threats from large American companies who do lots of business in Turkey—and have been served notice by Turkey that their profits would be in jeopardy if Senate Joint Resolution 212 passed.

As I said at the time of our debate—it was a battle between the "David" of Armenia; and the "Goliath" of Turkey, with all of the weapons I have just mentioned.

And sadly, shamefully, Goliath won the battle.

Mr. President, all of those weapons brought to the battle by opponents of the resolution—they were formidable. Perhaps some believe I am setting too high a standard for this body, in suggesting we should have acted in spite of that impressive array of power.

But am I setting such an impossibly high standard?

The Senate, itself, declared there was a genocide, way back in 1920—not using the word, itself, only because the word had not then been coined.

The European Parliament has declared there was a genocide—in the face of the same kind of threats and blackmail that Turkey, its allies and lobbyists brought to bear against us. The European Parliament acted anyway.

The U.N. Human Rights Commission has acknowledged the genocide.

The man who coined the term "genocide"—he applied the term to the events in Ottoman Turkey from 1915 to 1923.

Elie Weisel—the "Voice of the Holocaust"—he did, too. We celebrated that tragedy today.

All of these institutions—all of these people—had the compassion and courage to speak the truth.

The Senate did not—and we ought to be ashamed.

Mr. President, some say, what is past is past; why dredge up this ancient history; whose interest is served?

I will conclude by saying there are two answers.

One comes from the lips of Adolf Hitler. When he was plotting his genocide—his mass murder of an entire people—some tried to dissuade him. They told him, "You can't do it; the people of the world, and history, will judge you too harshly."

Hitler's chilling response lives with us today: "Who," said Hitler, "remembers the Armenians?"

One reason 6 million Jews were slaughtered was Hitler's conviction that no one remembered the Armenian genocide.

One reason we can have some hope that there will be no more genocides is that we have remembered—we will never forget—the subsequent genocides that have occurred, or were attempted: in Nazi Germany, in Cambodia's killing fields, in Ethiopia.

Today, by coincidence, also marks the annual observance organized by the Holocaust Memorial Council, to remember the victims of past geno-

cides. Their solemn ceremony was held in the Capitol rotunda this afternoon.

I should note: The Holocaust Memorial Council has taken a decision to include the Armenian genocide in its archives and displays.

But the basic point is: The entire rationale behind the Holocaust Memorial project boils down to these words—we shall never forget; boils down to this thought—if we forget, we increase the prospects that one day we will again experience the horror of a new genocide.

So that is one answer to the question—why worry about this now, after all these years.

The other answer is even simpler, and even more important.

Why remember now? Because it is right.

It is right historically.

It is right morally.

It is right—because 1.5 million human beings perished, and it would be profoundly wrong to pretend that they never existed; to forget that they lost their lives.

It is right.

When you get to an issue like this, that ought to be our compelling guide.

Not, is it convenient? Will it upset anyone? Will it jeopardize some political interest?

Is it right?

That is the question here.

Mr. President, we acted in the Senate. I accept that decision.

I hope someday we will correct the wrong we have committed.

I hope today, individually, many of us will do what we, as a body, have failed to do.

Do what is right—for history, for the victims of the genocide, for their survivors, and, above all, for the conscience of this Senate, and this America.

Mr. President, I reserve any time I may have remaining.

FAVORED-NATION STATUS FOR HUNGARY

The Senate continued with consideration of the bill.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. Mr. President, I am pleased at this point that the Senate turned its attention to title II in the legislation before us, the extension of the Caribbean Basin Initiative.

Mr. President, as stated in the findings of legislation, the Caribbean basin legislation is very much a mutuality of interest, interest of the United States of America, interest of our neighbors in the Caribbean and Central America.

In section 2002 of the pending legislation, Congress makes these findings. First, a stable political and economic climate in the Caribbean region is necessary for the development of the countries in that region and for the security and economic interest of the United States; second, the Caribbean Basin Economic Recovery Act was enacted in 1983 to assist in the achievement of such a climate by stimulating the development of the export potential of the region; and, third, the commitment of the United States to the successful development of the region, as evidenced by the enactment of the Caribbean Basin Economic Recovery Act, should be reaffirmed and further strengthened by amending the act to improve its operation.

Mr. President, I greatly appreciate the willingness and the commitment of the Finance Committee which enacted this legislation in 1983 and which has brought it before us today for floor action. This legislation culminates a 3-year effort to enhance the Caribbean Basin Initiative.

Much has happened during the 3 years since this effort began. There has been a veritable election binge, unprecedented in the Caribbean Basin of modern history. In 1989, elections were held in Belize, El Salvador, Honduras, Antigua, Jamaica, St. Kitts, and St. Vincent. Costa Rica already had an election this year. Others are scheduled for Guatemala, the Dominican Republic, Grenada, Dominica, and possibly Guyana. And of course, a historic change occurred on February 25, when Nicaraguans went to the polls and overwhelmingly elected as their new President, Mrs. Violeta Chamorro. it is appropriate, Mr. President, that we reach the consideration of this legislation on the eve of her inauguaration as President of Nicaragua.

At a time when revolutionary change is sweeping through the Soviet Union and Eastern Europe, it is all to easy to lose sight of those facts, those facts of an emerging spirit of democracy within our own hemisphere. What is happening across the Atlantic is extremely important but so, too, is what is happening in our own region.

I am very concerned that we are losing sight of our hemispheric responsibilities and opportunities. I agree with our colleague, DICK LUGAR, that we are facing a crisis not of U.S. intervention, but of U.S. inattention. U.S. economic assistance to the Caribbean Basin has fallen over 22 percent this year. Economic support funds have been zeroed out for every country in the Caribbean except Jamaica and Guyana.

At the same time, a desperately needed aid package for Nicaragua and Panama awaits Senate action. This, at a time when fragile democratic governments are trying to consolidate, at a time when we are asking our friends of the region to wage an expensive fight against narcotics.

The Chair and I both had an opportunity of hearing the Prime Minister of Jamaica, who made the ironic observation that the amount of aid reduction to his country last year from the United States almost precisely coincided with the increased expenditures by the Government of Jamaica to increase its narcotic control activities, much of that increase having been at the direct request and recommendation of the United States of America.

All of this is occurring at a time when we are asking these neighbors to make painful but necessary economic reforms. This division, a division of great change against inattention, of tremendous need against a waivering willingness to extend a hand of friendship does not make sense. At great cost, we have made real progress in the last decade in promoting democratic pluralism in this region. Nicaragua is only the latest example of that proof.

Indeed, for 10 years, many Members of the Senate have argued—and I believe correctly—that the primary problem afflicting the region was economic. We now have an opportunity to act on that premise. This is not a time to be distracted, to walk away or to wallow in inaction. It is a time to build on our gains.

I want to make three general comments about the legislation before us:

First, Mr. President, this legislation addresses any future uncertainty about the availability of duty-free treatment and quota reductions by making CBI permanent. This is essential if we are to maintain the investment confidence we have worked so hard to build. Second, we try to reasonably expand duty-free treatment by expanding it to articles wholly assembled from U.S. components.

Finally, I must say that as important as making this program permanent is, this bill does not go far enough. That is why I am joining with my colleague, Senator PACKWOOD, as well as Senators BRADLEY, KERRY, DODD, DOLE, LUGAR, HATCH, and DURENBERGER in proposing an amendment which would extend the Caribbean Basin Initiative by providing special treatment for a certain class of footwear manufactured in the Caribbean.

AMENDMENT NO. 1515

(Purpose: To reduce by 50 percent the duty on rubber-soled and fabric upper footwear imported from Caribbean Basin countries)

Mr. GRAHAM. Mr. President, I send to the desk the amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. PACKWOOD, Mr. BRADLEY, Mr. KERRY, Mr. DODD, Mr. DOLE, Mr. LUGAR, Mr. HATCH, AND Mr. DURENBERGER, proposes an amendment numbered 1515.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 85, between lines 12 and 13, insert:

SEC. 2014. 50 PERCENT REDUCTION IN DUTY ON CERTAIN FOOTWEAR.

(a) IN GENERAL.—Section 213 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703) in amended by adding at the end thereof the following new subsection:

"(h) RUBBER-SOLED AND FABRIC UPPER FOOTWEAR.—

"(1) RATE OF DUTY.—The rate of duty on any footwear that—

"(A) is a product of a beneficiary country;

"(B) is footwear with outer soles of rubber or plastics and uppers of textile material provided for in HTS item numbers 6404.11.40, 6404.11.50, 6404.11.60, 6404.11.70, 6404.11.80, 6404.11.90, 6404.19.25, 6404.19.30, 6404.19.35, 6404.19.40, 6404.19.50, 6404.19.60, 6404.19.70, 6404.19.80, and 6404.19.90; and

"(C) was not designated on August 5, 1983, as an eligible article for the purpose of the generalized system of preferences under title V of the Trade Act of 1974,

is a rate equal to 50 percent of the general column 1 rate of duty under the HTS that would apply to such article but for this subsection.

"(2) ADMINISTRATION.—

"(A) The President shall proclaim the rates of duty imposed under paragraph (1).

"(B) The duty applied under paragraph (1) is in lieu of the duty provided for that article under general column 1 of the HTS."

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 213(b) of the Caribbean Economic Recovery Act (19 U.S.C. 2703(b)(2)) is amended by inserting "except as provided in subsection (h)," before "footwear".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, or or after the 30th day after the date of the enactment of this Act.

Mr. GRAHAM. In considering further steps to be taken for the United States and participating countries, there was a search for an economic area and of additional opportunity which met the following standards.

One, it was an area that would take advantage of the rich pool of people in the Caribbean and Central America anxious to work to achieve economic progress through their own labor. We were looking for areas which would be compatible with the level of economic development of the region and of the individual countries, and we were looking for areas that would have none, or minimal, impact on U.S. business and industry.

Mr. President, the amendment which I have offered will strengthen the Caribbean Basin Initiative that will not have all but a minimal impact on the domestic shoe industry. The administration supports this amendment.

Mr. President, I ask unanimous consent that letters of support from Secretary of State Baker and Trade Representative Carla Hills be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, April 5, 1990.

BOB PACKWOOD,
U.S. Senate.

DEAR SENATOR PACKWOOD: We are writing to urge your support for legislation to enhance the Caribbean Basin Initiative that is contained in H.R. 1594.

More than ever, events bear witness that America's combination of free politics and free enterprise has become the model for millions around the world. In many ways, we are seeing a world-wide triumph of American values.

From the Caribbean and Central America, the symbol of America's commitment to free enterprise and free institutions is the Caribbean Basin Initiative. CBI's trade and investment benefits drive much of the region's economic vitality. By fostering prosperity, CBI contributes to a more democratic and stable region.

CBI's enactment in 1983 was a major political statement—a vote of confidence in the strength of democracy in the region. Today the region is no less important to us. Vital foreign policy interests are at stake not only in Panama and Central America but elsewhere in the Caribbean as well. Fragile democracies are struggling to survive and must have our unambiguous support. Failure to enact legislation would signal that the Caribbean Basin is of less importance to us than before. We do not want to be seen as running away from past commitments and diverting our attention and resources solely to Eastern Europe.

Too much is at stake to let CBI expire in 1995. In the case of Panama, for example, we must keep that fledgling democracy alive by helping the economy to get back on its feet as quickly as we can. To do that, Panama needs millions in new investment quickly. This is not the time to leave potential CBI investors wondering whether the incentive of duty-free entry into the United States, the world's largest market, will be around in 1995. We have also entered an era when it is tough to find foreign aid for even our closet friends. More than ever, countries must depend on private investment as the engine of economic growth.

We urge the Congress not only to extend CBI permanently but also to strengthen it. All of us know that important domestic interests must be weighed in extending CBI's duty-free treatment to the few but important products currently excluded, such as apparel and footwear. We ask, however, that Congress not close its mind to carefully crafted amendments which provide economic benefits to the Caribbean Basin without constituting a real threat to our industry. A region that prospers economically and creates jobs for its people is a region in which democracy can flourish.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely yours,

CARLA A. HILLS.
JAMES A. BAKER III.

THE U.S. TRADE REPRESENTATIVE,
Washington, DC, April 16, 1990.

HON. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER: I am asking for your support for an amendment to legislation designed to enhance the Caribbean Basin Initiative (CBI), which is part of H.R. 1594.

Since its enactment in 1984, the CBI has greatly helped U.S. efforts to promote the benefits countries in the region can derive from a free-market approach to economic development. Permanent extension of this program—as provided in H.R. 1594—is an extremely valuable provision which would encourage long term investment in the Caribbean Basin. But more can and should be done.

An important objective of new CBI legislation is to expand access to the U.S. market for Caribbean products that offer potential for future growth. We have found that countries in the region have taken advantage of the tariff preferences offered by the CBI on a broad range of products. As currently formulated, H.R. 1594 provides very little improvement in this area over the current CBI law.

We have been searching for a balance between enhanced market access for the Caribbean Basin and the legitimate interests of our domestic industries. We believe an amendment on footwear—as proposed by Senator Packwood at the March 1, 1990, markup of the CBI legislation—would benefit the region without harming this sector of the U.S. economy.

Senator Packwood's amendment would reduce duties by 50 percent only on a narrow range of footwear—shoes with rubber soles and fabric uppers produced in the Caribbean Basin. This amendment would not reduce tariffs on leather footwear or protective rubber footwear.

We believe a tariff reduction on rubber/fabric footwear would have very little impact on the U.S. industry because:

this type of footwear accounts for under 18 percent of U.S. footwear consumption;

total employment in this segment of the of the shoe industry has actually increased since 1986;

under one percent of the $400 million of U.S. rubber/fabric footwear imports came from the Caribbean region—the vast majority was imported from Asia;

a cut of 50 percent of the U.S. tariffs on rubber/fabric footwear, which currently range from 20 percent to 67 percent, would still leave these products with a tariff level far above the U.S. average—under 5 percent;

there has been no apparent adverse impact on U.S. production or employment as a result of the tariffs on these products that were eliminated under the U.S.-Israel Free Trade Agreement (FTA) and that were reduced by 50 percent under the U.S.-Canada FTA.

We believe a tariff reduction on rubber/fabric footwear would be much more likely to encourage production to shift to the Caribbean Basin from certain Asian countries—where the wage rates are increasing—than to displace U.S. production. New CBI legislation provides us an opportunity to stimulate this relocation process in the type of labor intensive industry needed for the Caribbean Basin.

Sincerely,

CARLA A. HILLS.

Mr. GRAHAM. Mr. President, since one issue is going to come up later in this debate, the issue of the impact of this proposal on GATT negotiations, I think of particular significance is the letter which arrived on April 16 from Miss Carla Hills, the U.S. Trade Representative, who, of course, has primary responsibility for representing the United States in those GATT negotiations.

I wish to quote the concluding paragraph of Miss Hills' letter:

> We believe a tariff reduction on rubber fabric footwear would be much more likely to encourage production to shift to the Caribbean Basin from certain Asian countries—where the wage rates are increasing—than to displace U.S. production. New CBI legislation provides us an opportunity to stimulate this relocation process in the type of labor intensive industry needed for the Caribbean Basin.

Mr. President, this amendment would cut tariffs 50 percent only on rubber-soled, fabric upper footwear produced in the Caribbean Basin; in other words, inexpensive tennis shoes. Mr. President, I have two examples of the type of shoe that would be covered by this particular amendment. Both of these shoes happen to be made in China. That is not unexpected, since 50 percent of the imported shoes of this type are made in China; 97 percent of the imported shoes of this nature are made in the Pacific Rim. This one shoe has a price of $4.99.

The next shoe, which is probably increasingly desirable now, in light of a movie, the "Teen-aged Mutant Ninja Turtles" shoe, made in China, and it retails for $7.99.

These are two examples of the types of shoes which, if this amendment is adopted, will be allowed to be produced in the Caribbean Basin countries, with a 50-percent reduction in the level of tariff currently being paid on their importation from China and other primarily Pacific Rim countries.

The amendment does not provide for duty reductions on other footwear. It does not apply to leather, plastic, rubber/protective or any other type of nonrubber footwear.

Mr. President, we have drafted a very narrow amendment in an effort to help the Caribbean without hurting the domestic industry.

We think we have accomplished that goal, despite the arguments being made by those on the other side of this issue.

Out of total U.S. footwear production of over $4 billion, this type of footwear represents less than $400 million—or less than 10 percent of all U.S.-made shoes. It accounts for under 18 percent of all U.S. footwear consumption by volume.

A 50-percent duty reduction would have little or no impact on U.S. industry. About 70 percent of the footwear in this category is already imported from overseas, as I indicated previously, 50 percent from China, 97 percent from the Pacific rim.

Giving Caribbean Basin countries this duty advantage would result in the shift of shoe imports of these products from Pacific rim producers to CBI countries. It would not result in additional shoe imports.

A number of companies—including Reebok, K-Swiss, Inc., Stride Rite, and Kinney Shoe—already have made clear in letters to the distinguished ranking member of the Finance Committee, Senator PACKWOOD, their intentions to seriously consider sourcing their production from CBI countries rather than Pacific rim countries if this amendment is approved.

And no wonder. Current U.S. tariffs on rubber/fabric footwear range from 20 to 67 percent.

A tariff cut of 50 percent would be a clear incentive, even though such a reduction would still leave duties on rubber/fabric footwear far above the U.S. average, which is under 5 percent duty.

Opponents argue that if this amendment is approved the remaining U.S. producers will shift operations to the Caribbean. Wrong again.

The fact is that the shoes made in the United States are largely machine-made and require little labor.

I have an example here of a tennis shoe made in the United States by Tetron that retails for $29.99.

This shoe, typical of shoes of this type made in the United States, is an injection molded shoe; that is, by machine the fabric upper is attached to the rubber sole. These shoes, such as the $4.99 shoe that I indicated earlier, are by hand attached with fabric upper to the rubber sole. That is the fundamental difference between the U.S shoe industry of this type of shoe and those that are imported. The U.S. shoes are typically machine intensive in their assembly process whereas the imported shoes are labor intensive. The U.S. shoes in this case sell for almost six times the price of the imported shoe.

Under the reality that 80 percent of U.S. tennis-type shoes are made through the injected molded process and that this is a machine capital intensive process, there obviously would be no incentive to move offshore to take advantage of lower labor rates when you have already made the capital investment that is allowing you to compete successfully.

Finally, Mr. President, the tariffs on these products were eliminated under the United States-Israel Free-Trade Agreement [FTA] and have already been reduced by 50 percent under the United States-Canada FTA with no apparent adverse impact on United States production or employement.

Let me repeat that. We have already eliminated the duty under the United States-Israel Free-Trade Agreement and have done exactly for Canada what we propose in this amendment to do for the Caribbean Basin which is a 50-percent reduction with no apparent adversary impact on United States production or employment.

The amendment being proposed would help Caribbean Basin countries at a time when we are asking them to help us in waging an expensive war on drugs.

And do not be misled by the opponents into thinking this will not be a meaningful provision for CBI countries. CBI countries, which presumably know what is in their own interests, disagree and strongly have urged the adoption of this amendment.

Indeed, at a time when aid dollars are extremely scarce and have been declining in the region, this single provision is potentially worth up to $500 million in trade for Caribbean Basin countries. That was the dollar amount of imports in this shoe category that came into the United States from China and other countries in the Far East last year. That amount of additional trade would provide between 10,000 and 20,000 additional jobs, jobs that would be transferred from the Pacific rim to the Caribbean Basin.

At present Asian countries, particularly China are reaping these benefits. Does it not make more sense to allow our democratic neighbors in Central America, like Nicaragua, Costa Rica, Honduras, Guatemala, El Salvador, and Panama, and those in the Caribbean like Jamaica, Haiti, and others to reap those benefits and by so doing provide an enhanced level of stability and national security in our own backyard?

Right now that is certainly not the case. The total United States import of these rubber soled fabric upper footwear from the Caribbean Basin amounted last year to only $519,000. That is not a million dollars, Mr. President. That is $519,000 which represented one-tenth of 1 percent of all U.S. imports of these shoes.

Countries like Nicaragua and Haiti desperately need to be able to trade in order to achieve a level of economic health particularly as they are making painful transitions to democracy and attempting to throw off authoritarian government.

Let us look at some of the economics. Nicaragua now rivals Haiti as one of the poorest nations of the hemisphere and on this Earth. In Nicaragua where tomorrow a democratic government will take office, Mrs. Chamorro will preside over a country whose annual per capita income is $300, unemployment 30 percent, inflation over 1,500 percent.

In comparison, one of the countries that is currently a significant producer of these shoes, South Korea, has a per capita income of $4,434, almost 15

times, unemployment rate 2.7 percent, inflation 5.2 percent.

Haiti has an annual per capita income of $372 and unemployment has passed 50 percent.

Taiwan, another manufacturer of these shoes, has a per capita income of $7,518, an unemployment rate of 1.7 percent.

Mr. President, leaders in this region and their people are eager to embrace the benefits of democracy. They are anxious to build a free enterprise economic foundation for that democracy. But they are going to need some help if they are to consolidate the fragile gains made thus far and to make the necessary free market economic reforms. Their success in doing so is in our national interest. It is in their national interest.

Today we have an opportunity to send in the most meaningful and powerful manner a signal to this region that we share in common our belief in a better future for the people of this hemisphere and our willingness to a good neighborhood to see that we all achieve it.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas controls the time.

Mr. BENTSEN. I yield to the Senator from North Carolina who is seeking recognition to speak against the amendment.

Mr. SANFORD. Mr. President, I ask the Senator to yield about 5 or 7 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. I yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 minutes.

Mr. SANFORD. Mr. President, I have been a strong supporter of the Caribbean Basin Initiative, and a strong believer in the need to extend this piece of legislation. I was pleased to be a cosponsor of the CBI bill, despite some concerns from companies in my State about it.

In fact, I talked with the textile industry to see if we could find the kind of balance that would indeed permit an expansion of certain industries in the Caribbean Basin. I said at the time that our textile manufacturers were good citizens and understood the need to extend the opportunities to develop economically to Central America and to the Caribbean Basin.

So I come to opposition of this amendment from a background of having had and continuing to have a strong feeling about our need to help develop and certainly to stabilize the economies in the countries of this hemisphere.

I thought we struck a good balance in this legislation. I believe that this bill as introduced helps them without taking unfair advantage of workers in this country. Certainly as our Caribbean neighbors prosper, we in turn will prosper. But I am afraid that the enactment of the Graham amendment would tip that balance at a tremendous cost to the already threatened rubber footwear industry in the United States.

I happen to know something about this industry because North Carolina has an important part of it. But I do not speak purely because it is a North Carolina industry. I think it is an industry that we need to consider because already it has suffered tremendous losses; already, imports account for nearly 70 percent of the domestic market for our fabric upper rubber-soled footwear.

North Carolina is the proud home of the Converse plant located in Lumberton, NC. Many in the State have been concerned about the economic development of the county where Lumberton is located. It is one-third Indian, one-third black, and one-third white, largely rural, and it needs all of the economic assistance and help that we can provide.

The Converse plant there has been a tremendous boost to the economy of this region in North Carolina. It employs 1,350 people—people whose jobs could very well be lost it this amendment passes. I have a pair of shoes that were made there that I bring to the floor, since my distinguished colleague from Florida has shoes made abroad. I have a pair of ordinary sneakers, or tennis shoes, as we always called them, made in the U.S.A. This kind of a product is very much the kind of a product that would feel the competition of these low-cost shoes that the distinguished Senator from Florida is talking about. And it is the people who make these very shoes whose lives would be affected by this amendment; 1,350 jobs may not sound like a lot, but they are crucial jobs in Lumberton, NC.

We simply cannot afford to let all of this industry go by the board. I think the Converse plant has done all that it could to maintain its competitive position in this country, in spite of the fact that so many others have gone out of business.

Nike closed its plant in Maine. Now, it is a 100-percent importer. Uniroyal closed its plants in Connecticut and Georgia, went out of the rubber footwear business and sold its Keds brand to an importer. B.F. Goodrich sold its plant. Gold Seal has gone out of business. Prevue has gone out of business, and a great many others.

So already we are seeing that the footwear business of this kind has suffered tremendous cutbacks. I think for us now to add this to an already balanced bill of assistance to the CBI is simply unwarranted.

Under the existing tariff levels, the Dominican Republic has asserted that it already has a thriving footwear industry, including vital parts for the rubber footwear exported from the Dominican Republic to the United States. The Government, after a thorough study, exempted rubber footwear from duty cuts in the Kennedy round, the Tokyo round, the GSP legislation, and in the current CBI law.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. SANFORD. May I have 1 more minute?

Mr. BENTSEN. Mr. President, I yield another minute to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator is recognized for an additional minute.

Mr. SANFORD. Mr. President, tariff cuts may very well result in the Uruguay round. I hope not, but if that is so, that is a proper time and a proper place for such cuts.

Right now, it seems to me the rationale for exempting rubber-soled fabric upper footwear from these cuts from the current CBI law is unwarranted. This industry has been decimated over the past 20 years by import penetration. To sacrifice what is left of the rubber footwear industry in the name of foreign assistance at this time would be irresponsible.

Thank you Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Will the Senator from Florida yield me 10 minutes?

Mr. GRAHAM. I yield 10 minutes to the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I want to compliment the Senator from Florida, and I am happy to join with him in the amendment. Very frankly, much of what he said, I was going to say. So let me put it as succinctly as I can as to what this amendment is really about.

The question is not are jobs going to be lost in the United States. No one is seriously making a contention that jobs will be lost because this kind of shoe would be made in the Caribbean rather than in China. This is a shoe that sells for about $4.50, $5. A reduction in the tariff on it by 50 percent will cut it not to a 50-percent tariff, but would cut it someplace in the range of making it a 23- to 28-percent tariff.

The real debate on this is whether or not we are going to move production from China to the Caribbean. Mainland China is the overwhelming producer of this type of shoe. Between 1989 and 1990, the quantity of U.S. imports of rubber-fabric imports increased approximately 20 percent, or about 33 million pairs—an increase of 33 million pairs. China was responsible for 98 percent of that increase.

I would like to read just two or three letters, if I could, from significant manufacturers of these shoes. From Reebok:

DEAR SENATOR PACKWOOD: We understand that you plan to offer an amendment to the Caribbean Basin Initiative Bill to reduce duties by 50 percent on rubber/canvas footwear produced in Caribbean Basin countries. In this regard, we thought you might be interested in the following information:

1. Reebok currently imports rubber/canvas footwear from several countries in the far East, including at present South Korea, Thailand, and Indonesia.

2. If duties are reduced on these shoes in Caribbean Basin countries by 50 percent, Reebok will seriously consider shifting some or all of this production to Caribbean Basin countries. In fact, we are now taking steps to look into possibilities in this area.

From K-Swiss:

DEAR SENATOR PACKWOOD: K-Swiss Inc. has been manufacturing athletic footwear for twenty-three years. Presently we are known as one of the fastest growing companies in the footwear industry.

Our Company currently imports rubber/canvas footwear from China and other Far East sources. Should the CBI bill reducing duties on rubber/canvas footwear by fifty percent be adopted, this Company would seriously consider sourcing of this product from the Caribbean Basin countries.

From Kinney Shoe Corp.:

The Kinney Shoe Corporation operates nearly 3,600 footwear stores throughout the United States, and we'll sell more than 33,000,000 pair of athletic footwear in 1990.

Most of these athletic shoes are being imported from the Far East and China, and your amendment to reduce duties by 50 percent on rubber and canvas footwear produced in the Caribbean Basin countries, on Wednesday, April 18, would certainly provide an opportunity for sourcing athletic footwear much closer to the point of sale.

I'm sure, with the assistance from many retailers in the United States, the Caribbean could very quickly produce the same high-quality, rubber and canvas footwear that is being imported by our Company, and many other retailers, from China and the Far East.

Lastly, from AVIA:

We believe that the current tariff structure on footwear imports serves no beneficial purpose, and in fact, simply increases the price of footwear to U.S. consumers. We are, therefore, in strong support of your initiatives to reduce duties on rubber/canvas footwear produced in Caribbean Basin countries.

Currently, AVIA manufactures and imports some rubber/canvas footwear from Korea. If duties would be reduced on these types of shoes in Caribbean Basin countries by 50 percent AVIA would consider shifting some or all of this production to Caribbean Basin countries.

So, let me emphasize again, Mr. President, we are not making the bulk of these handmade shoes in the United States. The injection-made shoes that the Senator from Florida showed—that I know are made in Pennsylvania—are a different type of shoe. It is a capital-intensive, machine-intensive business. They are not going to pick up very expensive machines and move them to the Caribbean. But where there is an immense amount of hand labor, the United States lost that business years ago. It was not a good-paying job in this country. It was a low-paying job.

Now we have a choice as to whether we want to keep that business in mainland China, keep that business in the country that massacred the students at Tiananmen Square, or whether we want to give a boost to our neighbors in the Caribbean, who have been very generous in not asking for great quantities of money. They have simply asked that we let their people go to work and make the things that a country with a workforce having a relatively limited education can do. They can make good shoes. They can make good textiles. They are cheaper ones. They are not high value, they are not high cost.

But, if we can move jobs from China to Jamaica, to Trinidad, to the Virgin Island, to other areas, we will do more to enhance their economy, we will do more to help our security, and we will do more to benefit the consumers of this country, than any other step we can take.

So I very much hope the Senate would adopt the amendment of the Senator from Florida and let us move this business from a repressive China to fledgling and struggling democracies in the Caribbean.

I thank the Chair.

The PRESIDING OFFICER (Mr. KOHL). Who yields time?

Mr. BENTSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Chair recognizes Senator COHEN.

Mr. COHEN. Mr. President, I strongly oppose the proposed amendment to reduce imports tariffs on rubber footwear produced in the Caribbean Basin. This amendment was previously offered in the Finance Committee, where it was properly rejected.

At the outset, let me make two points to clarify the facts on what the effects of this amendment will be. First, this amendment applies to all rubber-sole/fabric-upper footwear—not just "inexpensive tennis shoes," as some Members have been led to believe. The United States produces rubber footwear of all price classifications which would be directly and adversely affected by this amendment.

Second, the amendment will, in fact, cause U.S. jobs to be lost. Statements to the contrary are simply untrue. By reducing tariffs for footwear produced in the Caribbean Basin, more footwear will be produced in that region for import to the United States. This increase in production must be offset by a corresponding decrease in production elsewhere in the world. There have been claims made that this decrease will occur only among the Asian producers. Certainly, there will be a shift in production from Asia to the Caribbean to take advantage of the lower duties. By the same rationale, however, U.S. producers will also shift production to the Caribbean. The domestic footwear industry's steady exodus offshore has been stemmed only through the use of tariffs. Without these tariffs, the floodgates will open, and what remains of the U.S. footwear industry will move en masse to the Caribbean. There isn't a single U.S. company that does not have a contingency plan to move offshore if tariffs are reduced. If this happens, the real losers will be those men and women who have worked hard all their lives in the footwear industry.

I am pleased to know that one of principal sponsors of this amendment, the distinguished junior Senator from Oregon, is not unsympathetic to the concerns of preserving jobs in the United States. When he introduced his amendment to ban the export of raw logs from Federal lands, he justified it as a necessary means to protect U.S. jobs. I was pleased to hear that my colleague from Oregon and I agree on the importance of this goal.

In fact, my colleague from Oregon presented a very convincing case for the need to protect U.S. jobs by banning the export of unprocessed logs. He cited the fact that the U.S. lumber industry presently faces a 30-percent import penetration level, that the United States has been injured by unfair foreign competitors, and that the burden has fallen hardest on the small towns of his State.

I agree with the conclusion that we must protect our lumber industry from unfair foreign competition. I must add, however, that the case to protect the U.S. footwear industry is even stronger. While the lumber industry faces a 30-percent import penetration rate, the rubber footwear industry faces a 74-percent import penetration rate—one that is steadily rising.

Likewise, just as the lumber industry has been damaged by unfair practices of some of its foreign competitors, there are legion examples of similar barriers that U.S. footwear has been forced to contend with.

Also, by comparison, just as the loss of jobs in the U.S. lumber industry has taken its greatest toll on the small towns of Oregon, like Sutherland and Roseburg, towns in Maine, like Skowhegan and Auburn, are the ones that continue to bear the brunt of job losses in the footwear industry.

Finally, my colleague from Oregon noted that it is a "humorous contradiction" that the AFL-CIO would support his logging amendment but oppose this footwear amendment. I respectfully suggest that the contradiction lies, not with the AFL-CIO, but

with what the sponsors of this bill are trying to do: On the one hand, to protect U.S. jobs in the lumber industry and, on the other, to jeopardize U.S. jobs in the footwear industry.

My point is simply this: If a strong case can be made to protect the U.S. lumber industry from unfair foreign competition, an even stronger one can be made for the footwear industry.

As you know, the Caribbean Basin Economic Recovery Act [CBERA] was enacted in 1983 to provide incentives for expanding the economies of the Caribbean countries through a system of duty-free preferences. With good reason, however, these preferences did not apply to many import-sensitive commodities, including certain footwear. The rationale in 1983 was that the footwear industry in the United States has been decimated over the past 20 years by import penetration and that to sacrifice what was left of the rubber footwear industry in the name of foreign assistance would be irresponsible. The facts supporting that rationale are all the more true in 1990. Currently, about three-fourths of the rubber footwear sold in the United States are imported. The effect on my State alone has been tremendous. Since 1980, over 7,000 Maine footwear workers have lost their jobs and over 30 plants have shut their doors.

Who are these people? Who are the people who are being impacted? They are women, mostly between the ages of late forties and early sixties with a sixth-grade education, many of them. They live in towns where there are few economic alternatives.

I recall what President Reagan said to displaced workers. He said, "Well, just vote with your feet. Just go out and vote with your feet: Get out of town. Pick up your family and feed off 'The Grapes of Wrath,' and join this long pilgrim march to prosperity."

Now the Senator from Florida, joined by the Senator from Oregon, is recommending a new policy. It is not a "beggar thy neighbor" policy; it is a "begger thy native" policy. That is what this amendment amounts to. What few jobs remain in the industry are going to be eliminated if this amendment is allowed to prevail.

There will not only be a shifting of production from the East Asian countries to the Caribbean, but also a shift out of the United States. I think it is one thing to have adopted a policy of benign neglect toward the American shoe worker. It is quite another to actively promote a policy that is guaranteed to eliminate the jobs of American workers.

We have seen some demonstrative evidence here today. The sponsors of this legislation have suggested that this amendment will pertain to inexpensive tennis shoes only. That is simply not the case. If this amendment were confined to shoes that are selling on the market for $4, as the Senator from Florida suggested, I would have no objection.

But, ask yourself when was the last time you bought a pair of Reeboks for $4? or $7? or $20? or $25?

The fact of the matter is that, under this amendment, items that retail for over $50 will be eligible for the lower duty.

What the sponsors of this amendment are really talking about is the ability of American manufacturers or companies to shift their operations out of East Asia or China to the Caribbean to enjoy the lower costs. Are we going to pass this savings on to the American consumer? I have not seen the evidence of it yet. The companies would merely maximize profits, rather than pass the savings on to the consumer. Indeed, I did not hear any commitment made that if we have a 50 percent reduction on the tariff on these particular articles, there will be a corresponding reduction in prices.

I fully support efforts to improve the CBI legislation and to facilitate economic development in the Caribbean Basin. However, the net economic benefit that the proposed amendment would confer to the Caribbean Basin would be minimal. On the other hand, the adverse effects on the U.S. footwear industry would be substantial. Under these circumstances, to cut tariffs on rubber footwear produced in the Caribbean Basin would be irresponsible to our own domestic industry.

Two weeks ago, I joined 54 of my colleagues in introducing legislation to protect our domestic footwear industry from further erosion from unfair foreign competition. I realize that some of my colleagues may be opposed to such legislative efforts and feel that Congress should remain neutral in this matter and let the economic chips fall where they may. Obviously, I disagree with that view. Today, however, we are considering a very different matter. The proposed amendment says not only should Congress stand by and let the domestic footwear industry die, but that Congress should take active steps to kill the industry.

Mr. President, it is one thing to say that Congress should remain neutral in matters regarding the economic decimation of the domestic footwear industry caused by an avalanche of imports. It is quite another thing, however, to say that Congress should take an active role in promoting footwear imports.

I urge my colleagues to reject this amendment and not adopt a policy of beggaring, as I indicated, not thy neighbor but thy natives.

Mr. HOLLINGS. Mr. President, I oppose this amendment. It is a misguided attempt to help the Caribbean Basin Initiative countries at the expense of the U.S. footwear industry. Current law provides duty-free treatment to most CBI products, but certain import-sensitive products have been excluded since the beginning of the program. Those include textiles, apparel, and footwear. In 1983, when the Congress considered the original CBI legislation, we determined that these products should be exempt, as we did when enacting legislation establishing the generalized system of preferences. The reason these goods were exempted from duty-free benefits is because those industries were being seriously injured by imports.

As a matter of fact, the import penetration of foreign footwear was 63.7 percent in 1983, and it is worse today—over 80 percent. That's why S. 2411, my new textile bill, includes a freeze on imports of footwear at 1989 levels. Domestic production of footwear is at a level matched only during the Great Depression. Specifically, special tariff relief is not needed for canvas upper footwear—already, we import 61 percent of our fabric uppers from CBI countries. And we also import 1 million pairs of the finished footwear.

Proponents of this amendment claim that if imports from the CBI increase, that will happen at the expense of other foreign suppliers. I have heard this argument each and every time a new trade concession for a particular country or group of countries is proposed. Our experience is that, in import-sensitive industries like apparel, footwear, and so forth, imports simply increase—one set of imports does not displace another, it displaces American jobs. There are currently over 90 foreign suppliers of footwear to the U.S. market—20 years ago, there were only a handful. As the number of off-shore suppliers grew, so did import penetration from 20 to 80 percent. As each new supplier appeared, imports from traditional suppliers increased, as well as imports from the new entrants.

I cannot support an amendment lowering tariffs on footwear which will lead to an overall increase in imports. It is bad enough that the few high tariffs we have left are under attack in the Uruguay round by our trading partners. We do not need to unilaterally disarm. I urge my colleagues to vote against this amendment.

Mr. ROCKEFELLER. Mr. President, I strongly oppose this amendment to reduce tariffs by 50 percent on canvas-upper, rubber-soled footwear. Make no mistake about the effect of this amendment if it were to be enacted. American jobs are at stake. And in my view, it is unacceptable to endanger these jobs and the people and families who depend on them.

Proponents of the amendment argue for it by claiming that there is little U.S. industry left in this sector. But I would like my colleagues to consider

Carter Footwear, as one example, which is a U.S. producer of fabric-upper, rubber-soled footwear and which has a plant in Parsons, WV employing over 200 people. The 200 workers in this Parsons footwear plant don't believe they are insignificant. They understand this amendment, and they oppose it for fear that it will mean the permanent loss of their jobs.

Yes, it is true that footwear tariffs are relatively high, but it is also true that imported footwear has a hold of over 80 percent of our market. Rubber footwear employment has plummeted from 26,000 jobs for Americans to 9,000 today. The U.S. Government, after thorough study, exempted rubber footwear from duty cuts in the Kennedy Round, the Tokyo Round, GSP legislation, and CBI-I. Import penetration is greater now than it was at the time of any of those actions.

In 1988, in spite of high tariffs, the CBI countries shipped 1 million pairs of rubber footwear and $15 million of fabric-uppers to the United States. In fact, 61 percent of all fabric-upper imports came from the CBI in 1989.

The case for this import sensitivity of footwear has long been established. Suffice it to say, that since 1980, hundreds of U.S. plants have closed, and tens of thousands of American workers have lost their jobs. In fact, domestic footwear production has declined to a level matched only during the years of the Great Depression. Why? The reasons include below-subsistence wages of our foreign suppliers, closed markets and high tariffs overseas, and subsidization for foreign governments.

The one thing we do not need to do, Mr. President, is to unilaterally lower footwear tariffs, especially in the middle of the Uruguay round. Unfortunately, the actual experience and history of footwear imports from new suppliers is that they do not displace other foreign suppliers, they displace U.S. production. We cannot afford for this to happen. I urge my colleagues to vote against this amendment by a wide margin.

Mr. DURENBERGER. Mr. President, I am pleased to cosponsor the amendment offered by the distinguished Senator from Florida [Mr. GRAHAM]. I believe adoption of this amendment would provide some meaningful expansion of the benefits of the CBI program and give this bill some real substance. This amendment would cut the 48 to 67 percent tariff on rubber-soled fabric uppers footwear produced in the CBI. This is what we used to call sneakers, and I suppose some refer to as tennis shoes.

The vast majority of this type of shoe is imported from Asia, with South Korea supplying 50 percent. Less than 1 percent of our imports of this product come from the Caribbean region.

Mr. President, I think a 50-percent tariff reduction on this limited category of footwear will encourage a shift of production from rapidly developing Pacific Rim countries to the Caribbean. That is what the CBI initiative should be all about, and I do not think that this tariff reduction will have anything more than a marginal impact on the small domestic industry that still makes these fabric athletic shoes. The domestic industry will still be protected by tariffs of 24 to 33 percent. That seems ample protection for the industry, and I hope my colleagues will support this amendment.

Mr. BENTSEN. Mr. President, I yield myself 5 minutes.

Mr. President, I oppose this amendment. The Finance Committee rejected this amendment by a vote of 11 to 6 during the committee markup and the full Senate should reject it now. It threatens to kill this bill—and to kill our opportunity to make the CBI Program permanent.

This amendment seeks to change the terms of the original CBI Program to give additional products preferential tariff treatment. It would cut in half the duty on rubber-soled shoes with fabric uppers, such as tennis shoes, that are imported from CBI countries.

We learned during the Finance Committee's consideration of this bill that this amendment is highly controversial. The bill I have brought to the floor is the subject of compromise. I am afraid that if this amendment passes, that balance could be upset and we might lose the entire bill. Therefore, I urge my colleagues who favor the CBI Program to vote against this amendment.

Let me begin by reiterating what I said earlier—that the CBI Program is already one of the most generous—if not the most generous—trade benefits program we offer our foreign trading partners. It is a one-way free trade arrangement. The United States grants duty-free treatment to imports from CBI countries, and asks for no reciprocal treatment in return, as we do, for example, with Canada and Israel.

This program is also better than the GSP Program, which benefits all developing countries. Most products are eligible for duty-free treatment under CBI, with few exceptions. Compare that to the GSP Program in which only about one-third of all products are eligible for duty-free treatment. Simply put, this is already a generous program for the CBI countries.

The results of that program have been dramatic. Since the CBI Program was initiated in 1983, investment in the CBI countries has increased by $1 to $1.5 billion. Why? Because investors are looking for duty-free entry into the U.S. market, which they get with the current program. That is why the most important change we can make for the Caribbean is to make this treatment permanent. Investors want that certainty. We will then see even more impressive growth in investment in the Caribbean, providing jobs for Caribbean workers.

The amendment offered by the Senator from Florida seeks to expand the benefits of the CBI Program further. While I am a strong supporter of the CBI Program, I cannot support this amendment.

The reason is simple: This bill is the result of a compromise among all interested Senators. The bill makes the CBI permanent, but it preserves the product exclusions that have existed since the program was first enacted in 1983. These exclusions involve sensitive industries. Congress determined in 1983 that eliminating the tariffs in these sectors would put American jobs at risk. So they were excluded from duty-free treatment. These were the compromises needed to put the CBI Program into law in 1983. The law strikes a balance between the needs of the CBI countries and the needs of our own domestic industries.

That balance is particularly important in the context of the footwear industry. The 1980's have been a boom time for the Caribbean footwear industry. The number of shoe companies in the CBI countries jumped 286 percent. Employment rose over 500 percent. And I should mention that this has occurred at a time when U.S. shoe industry employment has been cut in half and the industry has experienced record plant closings.

The Caribbean shoe industry is learning to stand on its own two feet. That is good. But the U.S. shoe industry is on its knees. And it is not fair to make matters worse.

The boom in Caribbean shoe production is due in large part to U.S. trade policy. My colleague from Florida is correct in saying that shoes do not enter duty-free from the CBI countries. However, Caribbean shoes companies do benefit substantially by using the provisions of section 807 of the tariff schedules.

Under that provision, U.S. shoe companies commonly cut the shoe leather in the United States, ship it to the Caribbean for stitching and assembly, then ship it back to the United States paying duty only on the value added overseas. So U.S. trade policy—plus the geographical proximity of the Caribbean to the United States—already gives Caribbean shoe producers considerable benefits.

The pending amendment would make U.S. trade policy even more generous. More importantly, it threatens to upset the compromise that has existed since the CBI Program was first enacted. If that happens, this bill may not pass. In other words, this amend-

ment, if passed, threatens to bring this bill down with it.

That would be a mistake. It would prevent us from making CBI Program permanent. It would kill the other provisions of this bill, which contain provisions offered by 57 Senators. And it would be a loss for good trade policy.

So I urge my colleagues—particularly those Senators who favor the CBI Program—to vote against this amendment. The CBI Program is a success. Let us keep it that way and let us make it permanent—by rejecting this amendment.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to lay the pending amendment temporarily aside so that I might offer an amendment that has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1516

(Purpose: To clarify that excess COBRA user fee funds may be used by the Customs Service to provide additional inspection services)

Mr. PACKWOOD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD] proposes an amendment numbered 1516.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 99, line 20, strike all through page 101, line 10, and insert:

"(3)(A) The Secretary of the Treasury, in accordance with section 524 of the Tariff Act of 1930 and without regard to apportionment or any other administrative practice or limitation, shall directly reimburse, from the fees collected under subsection (a) (other than subsection (a) (9) or (10)), each appropriation for the amount paid out of that appropriation for the costs incurred by the Secretary—

"(i) in providing—

"(I) inspectional overtime services, and

"(II) all preclearance services,

for which the recipients of such services are not required to reimburse the Secretary of the Treasury, and

"(ii) to the extent funds remain available to make reimbursements under clause (i), in providing salaries for full-time and part-time inspectional personnel and equipment that enhance customs services for those persons or entities that are required to pay fees under paragraphs (1) through (8) of subsection (a) (distributed on a basis proportionate to the fees collected under subsection (a)(1) through (a)(8)).

Funds described in clause (ii) shall only be available to reimburse costs in excess of the highest amount appropriated for such costs during the period beginning with fiscal year 1990 and ending with the current fiscal year.

"(B) Reimbursement under this paragraph shall be made at least quarterly. To the extent necessary, reimbursement of appropriations under this paragraph may be made on the basis of estimates made by the Secretary of the Treasury and adjustments shall be made in subsequent reimbursements to the extent that the estimates were in excess of, or less than, the amounts required to be reimbursed.

"(C)(i) For fiscal year 1991 and subsequent fiscal years, the amount required to fully reimburse inspectional overtime and preclearance costs shall be projected from actual requirements, and the excess of collections over such projected costs for such fiscal year shall be used as provided in subparagraph (A)(ii).

"(ii) The excess of collections over inspectional overtime and preclearance costs (under subparagraph (A)(i)) reimbursed for fiscal years 1989 and 1990 shall be available in fiscal year 1991 and subsequent fiscal years for the purposes described in subparagraph (A)(ii), except that $30,000,000 of such excess shall remain without fiscal year limitation in a contingency fund and, in any fiscal year in which receipts are insufficient to cover the costs described in subparagraph (A) (i) and (ii), shall be used for—

"(I) the costs of providing the services described in subparagraph (A)(i), and

"(II) after the costs described in subclause (I) are paid, the costs of providing the personnel and equipment described in subparagraph (A)(ii) at the preceding fiscal year level.

"(D) At the close of each fiscal year, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives summarizing the expenditures for which reimbursement has been provided under subparagraph (A)(ii)."

(c) EXTENSION OF FEES.—Paragraph (3) of section 1303(j) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended to read as follows:

"(3) Fees may not be charged—

"(A) under paragraphs (1) through (8) of subsection (a) after September 30, 2005, or

"(B) under paragraphs (9) and (10) of subsection (a) after September 30, 1991.".

Mr. PACKWOOD. Mr. President, this amendment is entirely consistent with the purpose of the COBRA user fee language in the bill.

The substitute language does not change the intention or effect of the bill, it merely clarifies that intention.

The amendment specifies that the surplus user fee revenues, after reimbursement of overtime and preclearance costs, will be applied to salaries and equipment for improved customs service, in proportion to the payment of user fees by each class of user.

The amendment establishes a baseline for Customs staffing, funded by regular appropriations, of fiscal year 1990 or a subsequent year, whichever may be higher. The purpose of specifying this baseline is to prevent the user of offsetting reductions of funds as the user fee revenues are added.

The amendment also meets the concerns of labor groups that past revenue surpluses, now held in the Treasury, be designated to offset any downturn in user fee revenues, in the unlikely event of a downturn in trade and transport.

The Customs Service has thoroughly reviewed, and fully supports, this change.

This substitute language has no relationship to and does not affect the other user fee called the merchandise processing fee.

Mr. President, I urge the adoption of the amendment.

Mr. BENTSEN. Mr. President, we have no objection on this side. It is a good amendment.

The PRESIDING OFFICER. Hearing no objection, the question is on agreeing to the amendment.

The amendment (No. 1516) was agreed to.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I have an amendment I would like to propose on behalf of myself and Senator PACKWOOD, and I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1517

(Purpose: Technical changes to the trade laws)

Mr. BENTSEN. Mr. President, on April 3, Senator PACKWOOD and I filed an amendment to this bill containing a number of technical changes that the Administration and the International Trade Commission had brought to our attention regarding the United States-Canada Free-Trade Agreement and

the 1988 Trade Act. We filed the amendment so that Members of the Senate, as well as the public, would be aware of the proposed changes and could voice their concerns.

To date, no controversy has arisen with respect to these amendments. The administration has proposed a few technical changes that were brought to their attention. Therefore, I now propose an amendment incorporating these changes and urge its adoption by the Senate.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Will the Senator submit the amendment?

Mr. PACKWOOD. Mr. President, the chairman said it very well. These are very minor technical problems that have come up under the United States-Canada Free-Trade Agreement. The public has been aware of these. They have been out for comment. We know of no objection to them. They simply smooth out a few glitches that we did not foresee at the time when we passed the Canadian-American Free-Trade Agreement.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN], for himself and Mr. PACKWOOD, proposes an amendment numbered 1517.

Mr. BENTSEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 106, after line 3, insert:

SEC. . OTHER TECHNICAL AND MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO SECTION 337 OF THE TARIFF ACT OF 1930.—

(1) Subsection (e) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(e)) is amended by adding at the end thereof the following new paragraph:

"(4) The proceeds from the forfeiture of any bond posted under paragraph (1) or (2) shall be deposited into the general fund of the Treasury of the United States."

(2) Paragraph (1) of section 337(g) of the Tariff Act of 1930 (19 U.S.C. 1337(g)(1)) is amended by adding at the end thereof the following new sentence: "The Commission may delay issuing an exclusion or a cease or desist order under this paragraph until the completion of all (or a portion of) the investigation with respect to the complaint if the Commission determines such delay is appropriate."

(3) Subparagraph (C) of section 337(g)(1) of the Tariff Act of 1930 (19 U.S.C. 1337(g)(1)(C)) is amended—

(A) by striking "or otherwise" before "fails to appear", and inserting a comma; and

(B) by inserting before the semicolon ", or otherwise substantially fails to meet the requirements for participation in the investigation".

(4) Section 337(n) of the Tariff Act of 1930 (19 U.S.C. 1337(n)) is amended by adding at the end thereof the following new paragraph:

"(3) Any correspondence, private letters of reprimand, and other documents and files relating to violations or possible violations of administrative protective orders issued by the Commission in connection with investigations or other proceedings under this section shall be treated as information described in section 552(b)(3) of title 5, United States Code."

(5) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) AMENDMENTS TO SECTION 777 OF THE TARIFF ACT OF 1930.—

(1) Subparagraph (A) of section 777(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1677f(c)(1)(A) is amended by inserting "customer names," after "classified information".

(2) Section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) is amended by adding at the end thereof the following new subsection:

"(g) INFORMATION RELATING TO VIOLATIONS OF PROTECTIVE ORDERS AND SANCTIONS.—The administering authority and the Commission may withhold from disclosure any correspondence, private letters of reprimand, settlement agreements, and documents and files compiled in relation to investigations and actions involving a violation or possible violation of a protective order issued under subsection (c) or (d), and such information shall be treated as information described in section 552(b)(3) of title 5, United States Code."

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) AMENDMENTS TO THE UNITED STATES-CANADA FREE-TRADE AGREEMENT IMPLEMENTATION ACT OF 1988.—

(1) Section 313(n) of the Tariff Act of 1930 (19 U.S.C. 1313(n)) is amended—

(A) by inserting ", except an article" before "made from or substituted for", and

(B) by striking "of 1988" the second place it appears and inserting a comma.

(2) Section 313(o) of the Tariff Act of 1930 (19 U.S.C. 1313(o)) is amended by adding at the end thereof the following new sentence" "This subsection shall apply to vessels delivered to Canadian account or owner, or to the Government of Canada, on and after January 1, 1994 (or, if later, the date proclaimed by the President under section 204(b)(2)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988."

(3) U.S. Note 1 to subchapter XIII of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by adding at the end thereof the following new paragraph:

"(c) For purposes of this subchapter, the shipment of Canada of an article entered into the United States under heading 9813.00.05 shall not constitute an exportation, unless the article is a drawback eligible good under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988. This paragraph shall apply to shipments on or after January 1, 1994 (or, if later, the date proclaimed by the President under section 204(b)(2)(B) of such Act)."

(4) Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended—

(A) in subsection (a)(5)—

(i) by striking subparagraph (A) and inserting:

"(A) the date of notice of any determination described in paragraph (1)(B) or a determination described in clause (i), (ii), or (iii) of paragraph (2)(B),", and

(ii) by striking out the period at the end of subparagraph (B) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(C) the date as of which—

"(i) a binational panel has dismissed the binational panel review for lack of jurisdiction, and

(ii) any interested party seeking review under paragraph (1), (2), or (3) has provided timely notice under subsection (g)(3)(B),

except that if a request for an extraordinary challenge committee has been made with respect to the decision to dismiss, the date under this subparagraph shall not be earlier than the date on which such committee determines that such panel acted properly when it dismissed for lack of jurisdiction,"; and

(B) in subsection (g)(3)—

(i) by striking "or" at the end of subparagraph (A)(ii), by striking the period at the end of subparagraph (A)(iii) and inserting ", or", and by adding at the end of subparagraph (A) the following new clause:

"(iv) a determination which a binational panel has determined under paragraph (2)(A) is not reviewable by the binational panel.", and

(ii) by inserting "or (iv)" after "subparagraph (A)(i)" in subparagraph (B).

(5) Section 777(d) of the Tariff Act of 1930 (19 U.S.C. 1677f(d)), as added by section 501(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, is amended—

(A) in paragraph (1)(A)—

(i) by striking "(but not privileged material as defined by the rules of procedure referred to in article 1904(14) of the United States-Canada Agreement)", and

(ii) by adding at the end thereof the following new sentence: "If the administering authority or the Commission claims a privilege as to a document or portion of a document in the administrative record of the proceeding in question and a binational panel finds that in camera inspection or limited disclosure of that document or portion thereof is required by United States law, the administering authority or the Commission, as appropriate, may restrict access to such document or portion thereof to the authorized persons identified by the panel as requiring access and may require such persons to obtain access under a protective order described in paragraph (2).";

(B) in paragraph (1)(B)—

(i) by inserting ", and persons under the direction and control," after "employees" in clause (ii),

(ii) by striking "and" at the end of clause (ii),

(iii) by striking all after "in order to" in clause (iii) and inserting "make recommendations to the Trade Representative regarding the convening of extraordinary challenge committees under chapter 19 of the Agreement, and"; and

(iv) by adding at the end thereof the following new clause:

"(iv) any officer or employee of the Government of Canada designated by an authorized agency of Canada to whom disclosure is necessary in order to make decisions regarding the convening of extraordinary challenge committees under chapter 19 of the Agreement.";

(C) in paragraph (3)—

(i) by striking "or" after "violate," each place it appears, and

(ii) by inserting "or knowingly to receive information the receipt of which constitutes a violation of," after "violation of," each place it appears; and

(D) in paragraph (4)—

(i) by striking "or" after "for violation,", and

(ii) by inserting "or receipt of information with reason to know that such information was disclosed in violation of," after "violation of,".

(6) Section 406(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by adding at the end thereof the following new paragraph:

"(4) If the Canadian Secretariat described in chapter 19 of the Agreement provides funds during any fiscal year for the purpose of paying, in accordance with Annex 1901.2 of the Agreement, the Canadian share of the expenses of binational panels, the United States Secretariat established under section 405(e)(1) may hereafter retain and use such funds for such purposes."

(7) Section 408(c) of the United States-Canada Free-Trade Agreement Implementation of 1988 (19 U.S.C. 2112 note) is amended by striking all after "persons" and inserting "who would otherwise be entitled under Canadian law to commence procedures for judicial review of a final antidumping or countervailing duty determination made by a competent investigating authority of Canada."

(8) Section 409(b)(3)(A) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by striking "section 305" and inserting "section 308".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1517) was agreed to.

Mr. BENTSEN. I move to reconsider the vote.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time on the amendment?

AMENDMENT NO. 1518

Mr. BENTSEN. Mr. President, I have a technical amendment to the protective sports clothing amendment. This amendment makes a technical change to that provision in the bill relating to protective sports clothing. It makes the provision consistent with the committee's action. My understanding is it is acceptable to both sides, and I urge its adoption.

Mr. PACKWOOD. Mr. President, it has been cleared on this side and we have no objection.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 1518.

Mr. BENTSEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, in the matter preceding line 5, strike "or 6203.43" in the second column and insert ", 6203.43, 6101.30, or 6103.43".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1518) was agreed to.

Mr. PACKWOOD. I move to reconsider the vote.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1519

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 1519.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17 between lines 21 and 22, insert the following new paragraph:

( ) Heading 9902.25.04 (relating to graphite).

Mr. BRADLEY. Mr. President, I rise to offer an amendment that will extend for 2 years the current suspension of the duty on imports of graphite. This suspension, which has been in effect since 1974, is essential for the survival of the American pencil manufacturers. It would have no adverse effect on the domestic economy because graphite has not been mined in this country since the late 1970's.

I understand the amendment is supported by the administration and cleared on both sides of the aisle.

Mr. BENTSEN. Mr. President, the manager on this side, has examined the amendment and sees no objection to it. I support it.

Mr. PACKWOOD. We agree on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1519) was agreed to.

AMENDMENT NO. 1515

Mr. HEINZ. Mr. President, I rise in strong opposition to the amendment.

The PRESIDING OFFICER. Who yields time to the Senator from Pennsylvania?

Mr. HEINZ. Mr. President, will the opponents of the amendment yield me 5 minutes?

Mr. BENTSEN. Mr. President, I am pleased to yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I rise in strong opposition to the Packwood amendment. This amendment would substantially reduce the duty on imported rubber footwear where fabric uppers come in from the CBI.

Mr. President, there are a number of critical reasons why this amendment is wrong. It is wrong because it will cost jobs, it is wrong because it is unneeded, and it is bad trade policy.

There have been allegations made in the consideration of this amendment that this amendment will not cost any jobs. Maybe that is because as of 1989 some 70 percent of the rubber footwear with fabric covers took 70 percent of the market, and so much of it has been lost. But I brought to the Senate floor two pairs of the kinds of shoes we are talking about, what you might call tennis shoes. The pair in my right hand is a pair of imports. The pair in my left hand are made with uppers already made in the Dominican Republic, one of the beneficiaries of the CBI bill, but with the soles, the rubber bottoms, put on in Wilkes-Barre. PA.

If the legislation before us goes through, the fact is that the manufacturer in Wilkes-Barre, PA, Carter Footwear, who employs right now 600 people, many of them at very modest skills, an extremely hard-pressed region, will have to close its doors. If it happens to reopen its doors they will reopen their doors in the Dominican Republic, which might be fine for the Dominican Republic but it is bad for my constituents in Wilkes-Barre, PA, most of whom, I might add, are people without college education and job-training skills, options and alternatives, which many people in this body take for granted.

Indeed, the amendment as a whole is not only unfair to these 600 men and of course a lot of women in Wilkes-Barre, PA, but it is unfair to disadvan-

taged and poor workers who are predominantly the employees in this industry.

So this amendment is unfair to a class of people, people who are what we call entry level jobs, and who will not only, if this amendment passes, be denied entry in the future, but they will be put out the back door into the garbage heap tomorrow.

The fact that this industry is already devastated should not only be a cause of some sympathy and a reason to defeat the amendment of the Senator from Oregon, it should also tell those people who for some reason might be thinking of supporting a Packwood amendment why it is unnecessary. The fact is that there are countries with much higher labor rates, among them Taiwan, Korea, Thailand, Malaysia, a lot farther away than the Caribbean Basin Initiative countries, who have taken very large pieces of the existing market. They are the people who are responsible for most of that 70 percent. The Caribbean Basin countries can compete here. They do not need this help. Indeed, as I pointed out a minute ago, half of this pair of tennis shoes is already made in the Caribbean Basin.

So there is, it seems to me, no good reason to say that the Caribbean Basin Initiative is going to be made or broken based on this amendment. To the contrary, there is a third reason that we should reject this amendment. That is that we should not make preemptive concessions in the Uruguay round, the trade negotiations in which we find ourselves. If there is going to be anything given away, well, that is the place to give it away so we will get something in return. We should not be trading away important bargaining chips, let alone 600, maybe 6,000 jobs here on the Senate floor at this hour.

I would very much appreciate it, Mr. President, if the proponent of the amendment, Senator PACKWOOD, would be willing to answer one or two questions that I might propound to him.

Mr. PACKWOOD. I will try to. I indicated the Senator from Florida proposed the amendment.

Mr. HEINZ. I apologize. I will correct the record. But, of course, the Senator from Oregon proposed this amendment in the Finance Committee. So he has a lengthy association with it.

Mr. PACKWOOD. I thought the Senator was going to use the word "RECORD."

Mr. HEINZ. Yes. Mr. President, I will correct the RECORD in that regard, too. He has a record.

In 1988, it is my understanding that the U.S. International Trade Commission presented to the USTR its confidential advice on the impact of further tariff reductions in the Uruguay round negotiations. One of the categories I understand specifically addressed was a 50-percent duty reduction on rubber footwear, the substance of what we have before us here today.

That report is classified, as I understand it.

I would like to ask the Senator from Oregon if he is familiar with that study by the U.S. International Trade Commission.

Mr. PACKWOOD. I have to confess I am not familiar with it, have not seen it, and have not heard about it.

Mr. HEINZ. Mr. President, I think it is significant, and if the Senator has the opportunity on some other occasion, he should address that report, and I think he would find that the conclusions are indeed not favorable to the position that he takes or the Senator from Florida takes on this amendment. Indeed, the import sensitivity of this industry is extremely well recognized. That is why it was expected from duty cuts in the Kennedy round, in the Tokyo round, in the generalized system of preferences legislation, and in this existing legislation before us.

Mr. President, I urge the rejection of the Graham-Packwood amendment, hope that my colleagues will vote against the destruction of jobs in this country, setting a bad precedent both for trade policy, and for helping the poor and needy who have those jobs yesterday—and need them today.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum and ask that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I oppose the amendment of the Senator from Florida, and I urge my colleagues to vote against it. This amendment will destroy an American industry which has already been decimated by imports over the last 20 years. Contrary to the assertions of its proponents, this amendment will result in still more factory closings in this country and cost hundreds, if not thousands, of jobs in this country.

The Caribbean Basin Initiative was originally enacted to provide certain limited and specific trade benefits to Caribbean nations. The original principle of that legislation, like all other trade preference rules, was that benefits are provided subject to certain exceptions necessary to protect trade-sensitive American industries. Nowhere was it ever stated or intended that there would be total disregard for American jobs and American industries in the provision of benefits to the Caribbean nations.

Proponents of this amendment would abandon that principle. They are targeting one import-sensitive American industry, indeed, the very most important-sensitive American industry, and asking it and the workers in that industry to contribute disproportionately to the burden of helping Caribbean nations.

There is probably no industry in the United States which, over the last decade, has been more damaged by imports than the domestic footwear manufacturing industry. Indeed, the distinguished Senator from Oregon referred to it in the past tense. He said we have lost those jobs; they are gone.

That is true as to tens, indeed hundreds of thousands of American workers who have lost their jobs, but it is not true as to all of them. And the thousands of citizens in my State who now work in these jobs, those jobs are not yet gone. This amendment would see to it that they are gone.

Today imports control over 80 percent—I believe the figure is close to 84 percent—of the nonrubber footwear market and 74 percent of the rubber footwear market.

Mr. President, that means that 84 percent of the nonrubber footwear market in the United States is controlled by imports. So that of every 100 pairs of such footwear sold in the United States, 84 pairs are made elsewhere.

The figure is 74 with respect to the rubber footwear market, and that is apparently not enough. We now have only 26 out of every 100 pairs of such footwear sold in the United States that is made in the United States. The proponents would reduce that even further, until the Senator's statement could become a self-fulfilling prophecy and the industry will be a thing of the past.

In the last 15 years, imports of rubber footwear have already tripled, and at the same time employment in this country has been reduced by two-thirds. During that period, the industry has been in turmoil and decline. Several companies have gone out of business; scores of plants have been shut down; thousands of Americans have lost their jobs.

There are only a handful of domestic manufacturers remaining, and as they struggle to hold onto their domestic operations, these large multinational importers that have so devastated the business of Americans want even more. They have now set their sights on the Caribbean, and are poised to capture an even larger share of the American market with this proposed 50-percent reduction in duty.

Mr. President, I do not agree with all of the assertions made by the proponents of this legislation. They have maintained that this amendment is simply designed to cause a few jobs now in the Far East to shift to the Caribbean nations. We are told that this poses no threat to American workers, because Americans make shoes which are much higher priced and which, therefore, do not compete against these imports.

I dispute these assertions. I do not believe they are accurate. Contrary to these assertions, U.S. rubber footwear manufacturers like Converse, Etonic, New Balance, and Carter compete directly with imports at every price level. And contrary to the suggestion of its proponents, this amendment is not limited by its terms to inexpensive tennis shoes.

That has been what is talked about here. That has been what is shown here. But the amendment refers to import categories covering all fabric upper rubber-soled footwear, including high-priced Nikes selling for more than $50 a pair.

So it is one thing to hold up a $9 sneaker and say that is what we are talking about, but that is not what the amendment says. That is not what we are voting on. We are voting on an amendment that is not limited to examples which were shown here to make the case of the proponents.

The proponents maintain that it will not cost any American jobs. I disagree, respectfully. If this amendment is adopted, American companies would suddenly face competition whose duties have been cut in half. They would have to react in some way, and the choice they will face is either to concede even more market share, close down still more plants in the United States, or to shift their operations to the Caribbean.

I am advised that American companies now have contingency plans to do just that, to shift their operations to the Caribbean. That would cause an increase in footwear employment in the Caribbean, but if so, it will cause a direct loss of jobs in the United States.

In effect, if adopted, this amendment will shift jobs from the United States to the Caribbean. We can do that. We can say we want to create employment in footwear in the Caribbean, and we will create a job in a Caribbean country. But let us not close our eyes to the fact that in so doing, we will be causing the loss of a job in the United States.

And is it our policy to say that the way we are going to help people in the Caribbean is to penalize people in West Virginia, or North Carolina, or Georgia, or Pennsylvania, or Maine? That is what this amendment would cause. Do we now say that the way to help people in other countries is to shift jobs from Americans to them? I say there ought to be a better way to help out countries than to do it at a direct cost of American jobs.

Almost all of these plants in this country are located in small towns, in rural areas that can ill afford the enormous economic dislocation that results from a plant closing.

In Maine alone, the New Balance and Etonic plants employ more than 800 rubber footwear workers. Well, 800 is not a lot in a big State, but in a State like Maine, with just over 1 million population, 800 jobs are a lot of jobs. And to the person who loses his job, it is no consolation that he or she is 1 of only 800.

The job loss is just as great to the individual and his or her family if it is the only job lost or if it is 1 of 80 or 1 of 800, but it is especially pronounced in these small towns where there are no other centers of employment. Many of these workers are women; all are of modest means.

The Senator from Oregon pointed out that these are low-paying jobs. Yes, they are. But for these people it is their only means of income and causing the loss of an American job to an American worker because it is a low-paying job seems to me the reverse of what we should be doing. These workers are among the most vulnerable in our society, not possessing the skills and education necessary to find alternative employment.

Why should these vulnerable people be asked to bear the full burden of American foreign policy objectives in the Caribbean? If we want to give economic benefits to the Caribbean nations, which I favor, we can and we should do so in a fair manner that distributes the burden equitably among all in our society. Footwear manufacturing workers do not oppose that. They prefer that such assistance be provided directly and fairly rather than the export of their jobs.

This amendment would export jobs. And so if we are saying we can afford to lose these jobs because they are low paying, what I am saying is just the opposite; because these are low-paying jobs, they are poor people, they are the ones in our society least equipped to be asked to bear this burden. It is those of us who have higher incomes who ought to be asked to be bearing this burden, not those at the bottom end of the income scale who are in the most difficult situation and are most vulnerable when they do lose their jobs.

So, Mr. President, I applaud the desire of the Senator from Florida to provide assistance to the Caribbean nations. I share that objective. But I do not favor doing so in a manner that is as inequitable as the result which will be produced by this amendment.

I understand the position of the proponents. I respect their point of view, but I do not agree that this is a case of Chinese jobs and Caribbean jobs. This is a case of American jobs. This is a case of Americans losing their jobs. This is a case of an industry which, in my State alone, has in recent years seen employment decline from 30,000 to now about 10,000 or 11,000. To those 10,000 or 11,000 it is the way they make their living, it is the way they support their families, it is the way they feed their kids, and they are entitled not to be asked to share wholly upon their shoulders the burden of this foreign policy objective.

If we want to do something to advance American foreign policy interests, let us do so in a manner that distributes the burden among all Americans of all income classes, not a handful or a few hundred or a few thousand of Americans who are the most vulnerable, least able persons to bear that burden.

I urge the defeat of this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. PACKWOOD. Mr. President, will the Senator from Florida yield a few minutes?

Mr. GRAHAM. I yield 3 minutes to the Senator from Oregon.

Mr. PACKWOOD. Mr. President, one argument made by the Senator from Pennsylvania was that this was an item best left for the Uruguay round where we could negotiate and trade for something rather than giving this away. I find that kind of a catch-22 argument.

One of the principal reasons we have this amendment before us is that the footwear industry wanted a promise from the administration that there would be no consideration of footwear imports in the Uruguay round. So when people say leave it to the Uruguay round, they never wanted it left to the Uruguay round, and now they are supporting this amendment out of pique because it is being considered in the Uruguay round. But, despite the fact it is being considered in the Uruguay round, I have a letter from Carla Hills, our U.S. Trade Representative, who is our chief negotiator in the Uruguay round. If anybody would be concerned as to whether this should be negotiated in that round or not, it would be Ambassador Hills. In this letter she specifically asks that this amendment be adopted. So let us put to rest the argument that this should be left for the Uruguay round. Our principal negotiator in that round says, "Give me this amendment now."

Mr. President, I ask unanimous consent to print in the RECORD a letter, dated April 16, 1990, from our U.S. Trade Representative to the chairman of the Finance Committee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE U.S. TRADE REPRESENTATIVE,
Washington, DC, April 16, 1990.

Hon. LLOYD BENTSEN,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am asking for your support for an amendment to legislation designed to enhance the Caribbean Basin Initiative (CBI), which is part of H.R. 1594.

Since its enactment in 1984, the CBI has greatly helped U.S. efforts to promote the benefits countries in the region can derive from a free-market approach to economic development. Permanent extension of this program—as provided in H.R. 1594—is an extremely valuable provision which would encourage long term investment in the Caribbean Basin. But more can and should be done.

An important objective of new CBI legislation is to expand access to the U.S. market for Caribbean products that offer potential for future growth. We have found that countries in the region have taken advantage of the tariff preferences offered by the CBI on a broad range of products. As currently formulated, H.R. 1594 provides very little improvement in this area over the current CBI law.

We have been searching for a balance between enhanced market access for the Caribbean Basin and the legitimate interests of our domestic industries. We believe an amendment on footwear—as proposed by Senator Packwood at the March 1, 1990, markup of the CBI legislation—would benefit the region without harming this sector of the U.S. economy.

Senator Packwood's amendment would reduce duties by 50 percent only on a narrow range of footwear—shoes with rubber soles and fabric uppers produced in the Caribbean Basin. This amendment would *not* reduce tariffs on leather footwear or protective rubber footwear.

We believe a tariff reduction on rubber/fabric footwear would have very little impact on the U.S. industry because:

This type of footwear accounts for under 18 percent of U.S. footwear consumption;

Total employment in this segment of the shoe industry has actually increased since 1986;

Under one percent of the $400 million of U.S. rubber/fabric footwear imports came from the Caribbean region—the vast majority was imported from Asia;

A cut of 50 percent of the U.S. tariffs on rubber/fabric footwear, which currently range from 20 percent to 67 percent would still leave these products with a tariff level far above the U.S. average—under 5 percent; and

There has been no apparent adverse impact on U.S. production or employment as a result of the tariffs on these products that were eliminated under the U.S.-Israel Free Trade Agreement (FTA) and that were reduced by 50 percent under the U.S.-Canada FTA.

We believe a tariff reduction on rubber/fabric footwear would be much more likely to encourage production to shift to the Caribbean Basin from certain Asian countries—where the wage rates are increasing—than to displace U.S. production. New CBI legislation provides us an opportunity to stimulate this relocation process in the type of labor intensive industry needed for the Caribbean Basin.

Sincerely,

CARLA A. HILLS.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. Mr. President, if all others have completed their debate, I will close for the proponents.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, we have heard a debate this afternoon which is worthy of the significance which trade policy has had in our American history.

One of the issues around which our two great political parties were formed was the issue of trade policy. Alexander Hamilton, at that time Secretary of the Treasury, advocated a policy of tariff that went beyond revenue generation for purposes of providing protection to fledging American industry.

Thomas Jefferson advocated a policy of open trade. It was Thomas Jefferson's belief, as one of his corollaries, that the best government was the least government, that the most appropriate way to determine the allocation of economic benefits was through an expansion of the open market, and even in those earliest days with our Thirteen Colonies attempting to establish nationhood, Jefferson was prepared to have the United States compete with the world, not hide behind barriers.

Suggestions have been made that we are trying to allocate pain through this legislation, that we are attempting to focus on a small group of Americans and say, "You shall bear the burden."

There are a couple assumptions that underlie that statement. One is that nobody is bearing any burden today, that we are in a free-of-pain circumstance. In fact, quite to the contrary, it has been stated by the most competent economists, that one-third of the U.S. current trade deficit, one-third of our trade deficit, is a direct result of the decline in the economies of the Caribbean and Latin America and, therefore, their inability to trade with us.

A very persuasive article outlining the extent of that economic injury to the United States of America and its citizens appeared recently in the Wall Street Journal authored by Mr. Peter Drunker. The president of the American Soybean Association appeared before the Senate Banking Committee recently, and he testified as to the dramatic reduction in the sale of U.S. soybeans to Latin America as a result of Latin America's economic demise.

There are farmers in Camilla, GA, and in Havana, FL, and in States across the Nation that are suffering because we have had a trade policy and a policy of economic indifference which has contributed to that decline in Latin America.

Mr. President, we are not doing this out of a sense of total philanthropy because we think it would be a nice thing to do for our neighbors in the Caribbean and Central America. The actions in 1983, the actions that we are going to take today, the actions, which I hope we will take by virtue of adopting this amendment, are being done because they are in the interests of the citizens of the United States of America.

Some have suggested that we have already done enough, that in 1983 we gave enough benefits to these countries, we do not need to do any more. The facts belie that statement. During the period 1981 to 1989, the Dominican Republican had a growth of 2 percent in its per capita income, 2 percent over that 9-year period. In contrast Haiti had a decline in already one of the lowest per capita incomes in the world of 18 percent; Honduras had a decline of 12 percent; Jamaica, 12.8 percent; Guatemala, 18 percent; El Salvador, 17 percent; and the country which tomorrow will inaugurate a freely elected democratic president, Nicaragua, suffered a decline during that 9-year period of 33 percent in per capita income.

Frankly, Mr. President, I believe that the passage of the CBI in 1983 was a positive force. The figures would have been worse if that had not happened. But for anyone to represent that we have done enough, that we have extended the extent of our mutual self-interest in the economies of those countries, I say misses the reality of what has occurred. And what has occurred in the last decade has been a grinding reduction in the standards of living in virtually every country to the south of the United States of America, for which the United States has paid a dear price.

Part of that price has been the one-third of our trade deficit which can be assigned to the decline of the economies in Latin America. And who pays for that? There is a worker in Peoria, IL, who is not building a Caterpillar tractor because the farmers in the Dominican Republic cannot afford to buy his Caterpillar tractor. There are chicken farmers in Arkansas who are not selling chickens to Trinidad because they cannot afford to buy the chickens, a country, Mr. President, with one of the highest per capita incomes in the region, which buys almost 70 percent of its food from the United States of America.

We have a great economic stake in these countries. But our interest is not just economic. Mr. President, think of where the United States has committed its great military resources in recent years. Do we send our troops to war against North Korea? Do we send our troops over the line into Czechoslovakia, Bulgaria, Romania, the Soviet Union? No, Mr. President, fortunately we do not find that to be necessary.

Mr. President, it is true that we have sent our troops into Grenada, and

most recently into Panama. There is where we saw that we had a national interest. Our security stake was so high that it warranted us committing forces. We paid a price in blood because of our assessment of the national security interest to the United States of America of those two relatively small neighbor countries.

The United States has a stake in this issue because of refugees. We have had an enormous tide of refugees come across the Rio Grande, across the Caribbean, and across the Gulf of Mexico, because of this grinding poverty. If you lived in a country like Guatemala, which is one of the largest countries in the region, with a population of over 8 million people and an 18-percent decline in your per capita income since 1981, you might figure that there is a better place for you as well, that individual, that peasant who comes from Guatemala to Mexico and then to Texas, New Mexico, and Arizona, and elsewhere in the country. The real interest of the United States is in seeing that that person feels hope and optimism in their home country.

Finally, Mr. President, just to mention, in terms of our mutuality of interest—we are not doing this simply as a unilateral action of good will—is the tremendous stake which the whole nation has in the issue of illicit drugs and the recognition that this region is not a producer but the most significant site of transport of drugs and has also been used as organizational headquarters as the site of money laundering and other financial transactions which support the total drug enterprise.

So, Mr. President, we have a great stake in what will happen in this region. I believe it is appropriate that we go beyond the vision of 1983 and ask what can we do to create some jobs that are labor intensive, that relate to the skill levels of the people, that will not be unduly disruptive of our industries.

I believe that we have found such a proposal in this modest extension of the ability to produce footwear in the Caribbean. We are not talking about eliminating duties. We still have some of the highest duties of any products on these shoes produced in the Caribbean under the amendment that is before the Senate. Remembering that the average duty in the United States is less than 5 percent, if this amendment were to be adopted, the duty on this shoe, the "Teen-age Mutant Ninja Turtle Shoe," would still be 24 percent. The duty on this shoe, a $4.99 simple canvas shoe, would still be almost 20 percent. We are not proposing an abolition, but rather the same level of duties that currently apply in the United States-Canada Trade Agreement relative to these same products.

This is an industry which today imports 74 percent from outside the United States. Nine percent of the products that are imported come from the Pacific Rim, 50 percent from China. The fact is that the domestic footwear industry of this type of shoe has actually been increasing in employment since 1986. This is not an industry which is flat on its back. It is an industry which has demonstrated, because it is willing to spend the money and go in to capital intensive production of shoes, as this Tretorn produced in the United States, that they can be competitive. There is a niche in this business where the United States can be successful. We are being successful. We are increasing employment in this type of shoe. This is where our future is, not in the Ninja turtle shoe.

Mr. President, I conclude by stating the obvious. This is a time of tremendous change, transition, and opportunity around the world. We have been focused on that which has been so dramatically in evidence in Eastern Europe and the Soviet Union. But a great change has been occurring within our own hemisphere.

A symbol of that change will occur tomorrow in Managua, Nicaragua, when, for one of the first times in the long, beleaguered history of that country, a dramatically elected president will assume office. Mrs. Chamorro will assume office over a country which has been devastated by 20 years of civil conflict. She will take control of a country whose per capita income is now $300 per citizen; 33-percent less than it was 10 years ago. She will take control of a country with a 50 percent unemployment rate, and a 1,500-percent level of inflation.

Are we going to say on this eve of her inauguration that, when given this modest opportunity to provide a hand of friendship and support in a tangible way that is not a gift but rather an opportunity for the people of that country and others in similar circumstances to buy the enterprise of their own effort, to improve their lot, and to build a foundation of support for democratic values, for human rights, and for an economic system built on private enterprise, are we to say that, "We had that opportunity, Mrs. Chamorro, but we decided that we were not bold enough, we were not sufficiently able to see our own self-interest, that that self-interest of the United States had been shadowed by the small clouds of timidity and of immediate focused interest"?

Mr. President, I hope that is not the message that we are going to deliver. Mrs. Chamorro will give us tomorrow a statement of the values of the human spirit which are highest in our lexicon of America. I hope that we will be willing to take this small step to meet her leadership at a time of great challenge and opportunity.

Thank you, Mr. President.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Would the distinguished Senator yield me some time?

Mr. BENTSEN. Mr. President, I am delighted to yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Chair recognizes Senator HELMS for 5 minutes.

Mr. HELMS. Mr. President, sitting here this afternoon and this evening listening to the debate, I began to reminisce. In 1941, a very pretty young lady caught my eye. She is now my favorite grandma. Her father was the number one salesman for a very fine shoe company in Lynchburg, VA, Craddock-Terry Shoe Corp.

Inasmuch as I wanted to get along with the gentleman whom I hoped would be my father-in-law, and he turned out to be, I listened many hours to his lamentation about what was happening to the shoe industry even then. I have thought so many times this afternoon how prophetic he was, because there is no Craddock-Terry Shoe Corp. in Lynchburg, VA, or anywhere else today.

So we can trace the demise of this industry, and we can assign the reasons for it.

I have listened with interest to the comments by the two distinguished Senators from Maine, the able majority leader and the senior Senator from Maine [Mr. COHEN] and the distinguished chairman of the Finance Committee, Mr. BENTSEN. In my judgment, they have been exactly right in everything they have said.

Mr. President, when the Caribbean Basin Economic Recovery Act was enacted back in 1983, its purpose—and it was emphasized over and over again—was to help the economies of the Caribbean countries to provide certain duty-free preferences to products coming out of those countries. All well and good. That effort was widely supported then, and I think it is supported now. For the most part it has been successful.

But, at that time, it was recognized that certain industries in the United States were just too important to this country and too sensitive to the import problem to include among the duty preference items. One of those industries was the footwear industry.

Since that time the situation for the footwear industry has not improved, not one bit. It has become worse and worse, deteriorating steadily before our eyes.

Senator MITCHELL, Senator COHEN, and Senator BENTSEN have all pointed out that in 1989, 74 percent of the rubber-soled fabric-upper footwear

sold in the United States was imported. There are few—in fact, I do not believe there are any—industries which have such a tremendously high import penetration rate.

In my State we had a number of shoe manufacturers. Now, we have one, Converse, in Lumberton, NC.

So, I have watched this over the years, as have other Senators, and I must say that I am absolutely reluctant to do anything that will encourage or assist further imports in the footwear industry, because somewhere we have to draw the line. In fact, as I look back over the years, we should have drawn the line earlier.

As Senator MITCHELL has so aptly said—and I will not repeat all of the remarks that he made so eloquently—if there were any way to be certain that the only effect of the amendment would be to shift imports from China to the Caribbean, that would be one thing. But as Senator MITCHELL and Senator COHEN have both pointed out, that is not covered in the amendment. In fact, it is obvious that this amendment will shift production of shoes from the United States to the Caribbean. We simply cannot allow that to happen.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. BENTSEN. I have no further speakers on my side, and I am ready to yield back the time.

The PRESIDING OFFICER. The Senator from Florida, Mr. GRAHAM.

Mr. GRAHAM. The proponents yield back the remainder of their time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. COHEN. Mr. President, I move to table the amendment of the Senator from Florida.

The PRESIDING OFFICER. There is time remaining. The motion is not in order.

The Chair recognizes Senator BENTSEN.

Mr. BENTSEN. Mr. President, I also ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Has all the time been yielded back?

Mr. BENTSEN. I yield back such time as we have.

The PRESIDING OFFICER. All time has been yielded back.

Mr. COHEN. Mr. President, on the motion to lay on the table the amendment of the Senator from Florida, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

Mr. BENTSEN. Mr. President, I ask that we have a rollcall on final passage.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the motion of the Senator from Maine to lay on the table the amendment of the Senator from Florida.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from Idaho [Mr. MCCLURE] are necessarily absent.

The PRESIDING OFFICER (Mr. BINGAMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced, yeas 63, nays 33, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—63

Baucus	Garn	Mikulski
Bentsen	Glenn	Mitchell
Biden	Gore	Moynihan
Bingaman	Harkin	Murkowski
Bond	Hatfield	Nunn
Breaux	Heflin	Pell
Bryan	Heinz	Pryor
Bumpers	Helms	Reid
Burdick	Hollings	Riegle
Byrd	Inouye	Rockefeller
Cohen	Johnston	Rudman
Conrad	Kasten	Sanford
Cranston	Kerrey	Sarbanes
D'Amato	Kohl	Sasser
Danforth	Lautenberg	Shelby
Daschle	Leahy	Simon
DeConcini	Levin	Specter
Dixon	Lieberman	Stevens
Domenici	Lott	Thurmond
Ford	McConnell	Warner
Fowler	Metzenbaum	Wilson

NAYS—33

Adams	Gorton	Mack
Armstrong	Graham	McCain
Boren	Gramm	Nickles
Bradley	Grassley	Packwood
Burns	Hatch	Pressler
Chafee	Humphrey	Robb
Coats	Jeffords	Roth
Cochran	Kassebaum	Simpson
Dodd	Kennedy	Symms
Dole	Kerry	Wallop
Durenberger	Lugar	Wirth

NOT VOTING—3

Boschwitz	Exon	McClure

So the motion to lay on the table the amendment (No. 1515) was agreed to.

Mr. MITCHELL. I move to reconsider the vote.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1520

(Purpose: To authorize the transfer of certain seized property)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. PRYOR). The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 1520.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . The Secretary of the Treasury shall transfer to the University Medical Center, Tucson, Arizona, for medical and emergency transportation purposes, an air worthy turboprop aircraft that—

(1) was forfeited to the United States under the customs laws;

(2) is not transferred to any Federal agency or State or local law enforcement agency under section 616 of the Tariff Act of 1930; and

(3) would, but for the purpose of this section, be sold at public auction under section 609 of the Tariff Act of 1930. Section 616(d) of the Tariff Act of 1930 applies to the aircraft transferred under this section.

Mr. DECONCINI. Mr. President, I am offering an amendment to H.R. 1594, an act making miscellaneous and technical changes to the various trade laws, to transfer aircraft seized under the U.S. Customs forfeiture law to the University of Arizona Medical Center, which is part of the Arizona Health Science Center of the University of Arizona.

The amendment would simply authorize the U.S. Customs Service to transfer a seized turboprop aircraft to the University Medical Center, which has the world's only airborne intensive care unit in operation today.

Mr. President, although Arizona is a large State, three-quarters of the population is concentrated in the Tucson and Phoenix metropolitan areas.

Most sophisticated medical facilities and medical professions also are located in these areas. Consequently, many small communities located in remote rural areas are medically underserved.

The University Medical Center's airborne intensive care unit had the capability to sustain cardiac and trauma patients while en route from remote areas in Arizona and New Mexico to the University Medical Center or other metropolitan hospitals for further treatment.

Mr. President, the Arizona Health Science Center is the premier facility for medical research in Arizona and the desert southwest, as well as an important regional center for patients with a wide variety of serious medical

conditions. The center, located in Tucson, is the home of the University of Arizona, College of Medicine, Nursing, Pharmacy, University Physicians, The school of health-related professionals and the University Medical Center, a 300-bed hospital that serves as a primary teaching center with the colleges.

Because the Arizona Health Science Center is the home of the most sophisticated research and treatment program in the State it is the center of choice for care in many medical areas and its reputation brings patients from even beyond the bounds of Arizona.

Presently, the University Medical Center is renting an aircraft which must be retrofitted on a recurring basis with medical beds, intensive care, and other equipment. Transfer of an airworthy turboprop aircraft, which will probably need some work once received, will allow the university to use its limited funds to support the cost of medical outreach and procedures that are very costly now to patients from throughout the State and even outside of Arizona. The aircraft would be used not only to transport cardiac patients, but also victims of drug-related crimes along the Southwest border, which has been designated as a high-intensity drug trafficking area in the President's national drug control strategy.

Mr. President, my state has almost 200,000 native Americans. They live mostly in rural areas. This aircraft, if it was transferred, would be available to transport native Americans as well to this University Medical Center as well as to other hospitals.

Mr. President, we are not setting any new precedent with this amendment. Authorizations to transfer seized aircraft have been adopted before. In the 1988 drug bill, language was included transferring a seized custom aircraft to the Marian County Sheriff's Office in Indiana. So there is already precedence for this.

Mr. President, I have talked to Treasury about this. They indicate no opposition to granting this. If this happened to be a DEA asset, it could already occur because they have the authority to transfer. But the DEA does not have any such assets. The U.S. Customs does, and will be, and would be willing to transfer this for medical purposes. I hope the chairman and the ranking member see fit to accept this amendment.

Mr. BENTSEN. This amendment is a rifle shot, pure and simple.

Mr. DECONCINI. Mr. President, I cannot hear the distinguished chairman.

The PRESIDING OFFICER. The Senate will be in order. Those Senators conversing in the back of the Senate Chamber will please retire to the Cloakroom. Those Senators conversing in the back of the Chamber will please retire to the cloakroom.

The Senator from Texas.

Mr. BENTSEN. Mr. President, thank you.

Mr. President, this amendment is a rifle shot, pure and simple. This is the type of thing which is criticized in the committee and where the burden of proof is on those that propose it. The other amendments that we have had, the vast majority of them, have been public and people can make their comments concerning them. This was not.

This amendment has been proposed at the last minute. It proposes to take a valuable piece of property that belongs to the Federal Government and give it to a specific institution in the State of Arizona.

What about the State of Texas? I have similar problems too. The State of Louisiana, the State of Connecticut, let us line up and see how many things we can transfer tonight.

That is not the way it is done. We have here a valuable piece of property. the Federal Government is broke, running an enormous deficit, while the State of Arizona ran a surplus last year, and is projected, according to the Arizona budget office, to run a surplus for the coming year. Where is the equity in that kind of situation,

So I urge my colleagues, unless we are all going to line up to see what we can get tonight, to oppose this amendment. Let us get on with the job of passing a tariff bill.

Mr. PACKWOOD. Mr. President, I strongly echo the comments of the chairman. I hope with very little discussion we move to table this. I hope there will be a rollcall vote.

Mr. DECONCINI. Mr. President, let me just take a couple of moments here. I do not want to prolong the Senate this evening. I know the chairman and ranking members want to get this bill passed and out of here. I do, too, Mr. President.

If Texas has a need to service indigent Hispanics or native Americans in some hospital, I think it is very appropriate that seized aircraft taken from drug dealers might be considered to be transferred to that institution. That is what we are asking here.

I am proud that my State of Arizona did not run a surplus but it does not have a deficit because we have a constitutional amendment that does not permit it. But that really is not the issue here. If this aircraft were in the DEA inventory the law provides they can transfer it to medical or any other governmental agency.

Unfortunately, the DEA does not have any seized airplanes or it would not be here asking for this. I am here asking for this because the Customs does have the airplanes. They have been seized from drug dealers. They are going to be used to transport rural individuals in Arizona and in New Mexico, and native Americans, and you can even justify some people who are going to be shot in drugs. We have already had two police officers, border patrol, transported by helicopter to the medical center who were shot along the border. There is plenty justification to tie this.

This bill that we are going to pass here—we have done a lot of things here. We have changed the tariff for bicycles with 26-inch wheels. We changed the tariff for treatment of molasses, for instance. Those are all items and justifiable.

I am not here to criticize anybody for it. But I am just asking for some assistance to a major medical institution that needs an airplane, can identify one, that is in or going to be in the inventory. Actually the one they wanted, they just could not get it. But they are coming across our borders, as the Senator from Texas knows so well, and we are going to have more of them. They need the autorization.

I hope that the chairman and the ranking member would at least take this to conference and discuss it with the House. I think the case is very important to my State. Yes, it is for a single State. Yes. it is for a single hospital. Yes, it is for native Americans and rural Arizonans. But it is because there is a cardiac center, and the northeastern part of our State is over 400 miles away from this hospital. There is no way to get those people there. They have the capacity if they just had the air transport.

So I certainly hope that the chairman could at least take this to conference.

Mr. BENTSEN. Mr. President, we have a procedure to dispose of seized aircraft by Customs, DEA, and other Government agencies. It is set up to see that the Government receives the proper compensation for valuable pieces of property.

If we were to try to set up something up for hospitals or rural communities, then it ought to be something that is administered equally across this Nation and to take care of the places that have the most need.

Arizona might qualify very highly in that regard. I admire the Senator for his eloquence in trying to pursue this. But in all candor, it has no place on this tariff bill. It is something that I strongly oppose and urge its defeat.

Mr. DECONCINI. Last year the Senate passed this bill, passed this on to the Appropriations Committee. I advised the Senator and the staff, and there was no objection. He comes so often and objects to those sort of things. We voted it out of here without any contention, and it did not go through the conference because the Ways and Means Committee says it technically should be in the Finance Committee or Ways and Means Com-

mittee bill and to find something to put it on.

So here I am now, victimized, after having passed it out of the Senate last year, with no objection, going to conference, and getting the commitment from the Ways and Means Committee chairman that if it comes back on a vehicle here from the proper jurisdictional committee it would be accepted.

So, Mr. President, I am caught in a very difficult position now having acceded to the chairman on the other side to put it in the proper bill. I have it in the proper bill. We have precedents for this. When they transferred last year to Marian County, that particular item, it was in 1988. We transferred an aircraft to Marian County.

There was no payment for Marion County over to them and there was no offset or anything else. It was a justificable thing to do. So I urge adoption of this. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. DECONCINI. Mr. President, I will continue then. We find that in the bill so far we have adopted amendment No. 1491 to direct the harmonized tariff schedule of the United States as it applies to parts of the ionization smoke detectors. That is an amendment added to this trade bill. It is very important to a Senator who wanted that because of certain manufacturers in their State. We also added amendment 1492 to collect the harmonized tariff schedule to the United States as it applies to outer garments treated as water resistants. And that was passed earlier in the debate of this bill.

Amendment No. 1493, to suspend temporarily the duty on Pigment Red No. 179, has been passed and adopted here.

Also, amendment No. 1495 to suspend temporarily the duty on Pigment Red 149 Dye, and Pigment Red 149 precast has been brought up here and amendments that have been included herein.

Amendment 1497 to deny generalized systems of preferences benefits to nations supporting international terrorism has been added.

Amendment No. 1498 to direct the U.S. Customs Service to study the validity of establishing a pilot Customs preclearance station in Jamaica to guard against drug traffickers. These have all be included in this bill. So, Mr. President, I hope I can get a vote, and I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DECONCINI. I thank my colleague for giving me a second on it. I hope that those that were here understand that this is going to a medical center for use in rural Arizona of Native Americans who cannot get to a hospital and other rural Arizonans and some from New Mexico who have no access and cannot transport themselves. This is a seized aircraft, and it is being transferred, if authorized, from the forfeiture of Customs.

Mr. BENTSEN. Mr. President, I strongly oppose the amendment. Otherwise we might as well line up and see how many we can get for Texas, Minnesota, North Carolina, and others. We have a recognized procedure for handling such things, and I urge that we table the amendment. I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nebraska [Mr. EXON] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Missouri [Mr. DANFORTH], and the Senator from Idaho [Mr. MCCLURE] are necessarily absent.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—62

Adams	Glenn	Mikulski
Baucus	Gore	Mitchell
Bentsen	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Gramm	Nickles
Bradley	Harkin	Nunn
Breaux	Humphrey	Packwood
Bryan	Jeffords	Pell
Bumpers	Johnston	Pryor
Burdick	Kassebaum	Reid
Burns	Kerrey	Riegle
Byrd	Kohl	Robb
Chafee	Lautenberg	Rockefeller
Coats	Leahy	Roth
Cohen	Levin	Rudman
Daschle	Lieberman	Sasser
Dodd	Lott	Shelby
Dole	Lugar	Simpson
Durenberger	Mack	Wallop
Ford	McConnell	Wirth
Fowler	Metzenbaum	

NAYS—31

Biden	Hatch	Sanford
Bingaman	Hatfield	Sarbanes
Cochran	Heflin	Simon
Conrad	Heinz	Specter
Cranston	Helms	Stevens
D'Amato	Hollings	Symms
DeConcini	Inouye	Thurmond
Dixon	Kasten	Warner
Domenici	Kerry	Wilson
Garn	McCain	
Grassley	Pressler	

NOT VOTING—6

Armstrong	Danforth	Kennedy
Boschwitz	Exon	McClure

So the motion to lay on the table amendment No. 1520 was agreed to.

AMENDMENT NO. 1521

(Purpose: Prohibiting the Importation of all articles originating in Burma)

Mr. SANFORD: Mr. President, I send an amendment to the desk on behalf of myself, Mr. MOYNIHAN, and Mr. HELMS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. SANFORD], for himself, Mr. MOYNIHAN, and Mr. HELMS, proposes an amendment numbered 1521.

Mr. SANFORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 104, beginning with line 4, strike all through page 105, line 23, and insert:

SEC. 4004. PROHIBITION ON THE IMPORTATION OF ALL ARTICLES ORIGINATING IN BURMA.

(a) IN GENERAL.—After the date of the enactment of this Act, any article which is the growth, product, or manufacture of Burma may not be imported into the United States or any territory or possession of the United States.

(b) ENFORCEMENT.—

(1) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the provisions of this section.

(2) The regulations under paragraph (1) shall require any importer of any article that—

(A) is imported from, or has passed through, Burma, or

(B) is imported from, or has passed through, any foreign country whose nationals are allowed to acquire articles which are the growth of Burma by a treaty or agreement between Burma and the foreign country and/or such nationals,

to submit, at the time of the importation into the United States or any territory or possession of the United States, to the Secretary of the Treasury a statement certifying the country of origin of the article.

Mr. MOYNIHAN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from New York is entirely correct. The Senate will be in order. There are Senators in various parts of the Chamber who are in conversation and the Senate will not proceed until there is silence in the Senate. The Chair will be patient, but there will be no further proceedings until the Senate is silent, and there are Senators at this moment in conversation in the Chamber.

The Senator from North Carolina may proceed.

Mr. SANFORD. Mr. President, the distinguished Senator from New York, who is a cosponsor of this amendment,

had placed in the original bill successfully a provision that banned the importation of all teakwood products and fish products from Burma because of the extremely severe violations of human rights now occurring in Burma. This amendment expands the ban of teakwood and fish from Burma currently contained in this bill to all products imported from Burma. First, I would like to thank my colleague, Senator MOYNIHAN for raising this issue and for his diligence in bringing the deplorable human rights situation in Burma to our attention. I am in complete agreement with the Senator from New York that the human rights violations in Burma are abominable and must be stopped. As such, I think it is important that we send the strongest signal possible to the Government of Burma that their practices are unacceptable. If the situation in Burma is bad enough to warrant sanctions on teak and fish—and it certainly is—then it is bad enough to warrant sanctions on all products from Burma.

This amendment is essential for two reasons. The first, is that of the strength of the message we are sending to the Burmese Government. We must show the Burmese Government that we disapprove of the violence that has occurred there. This cannot be done by signaling out only two products: Teakwood and fish. Instead, I propose a ban on all imports from Burma.

Mr. President, Senator MOYNIHAN believes that the import ban of fish and teak will be of great symbolic support to the opposition prodemocracy forces. It is obvious that expanding the ban to all products imported from Burma will simply give more potency and credence to such a symbolic act. If we are going to send the Burmese Government a symbolic message it is important that we not send an incomplete one.

Mr. President, it is time that we show the Burmese Government we mean business. The Government has previously ignored two resolutions by the United Nations in March 1989, and February 1990, which criticized the human rights abuses there. Previous Senate resolutions have had little impact. The State Department and others note that Burma's human rights situation continues to deteriorate from an already intolerable position. It is also important that we take positive steps toward action before the upcoming local election on May 27.

The second reason I have called upon my fellow Senators to consider this amendment is in the area of fairness. As the Senator from New York is aware, I and others have constituents that import teak from Burma. They feel, with some justification, that they have been singled out. While imposing any trade sanctions on a country always burdens some companies, I believe that it is important that this ban be perceived as fair and just to all those it damages. It is unfair and unjust that only certain communities in the United States must bear the brunt of confronting Burma. Each and everyone of us should bear an equal burden in opposition to the Burmese Government's activities. While applying the ban to all products will not mitigate the economic damage that the ban poses for my constituents, it will remove the perception of unfairness in the process and the choice to single out teak and fish products. I think it is important that the perception of unfairness be eliminated if we are asking companies to suffer financial losses due to this ban.

By expanding this ban, we are barring the imports from Burma of gemstones, pearls, certain textile and apparel products, and a host of items that we import in very small numbers.

Mr. President, in light of the Burmese Government's blatant disregard for human life, I am sure that Senator MOYNIHAN and my fellow Senators will not fault me for an attempt to send the fairest and strongest message possible to the Burmese Government.

Mr. MOYNIHAN. Mr. President, I thank my distinguished friends from North Carolina for the measures they have taken to expand the scope of this measure.

Mr. President, the Senate has taken an inspiring and noble step today in voting to completely ban all imports from Burma. The military junta in Burma is one of the world's most perfidious regimes. It is an active participant, according to the State Department, in Burma's huge trade in opium. The opium that ends up on the streets of the United States and other countries as heroin. Burma produces most of the opium from the Golden Triangle, and the Burmese Army and the Burmese regime are direct and active participants in the conspiracy to traffic these narcotics.

The tragedy of Burma is one of enormity. Twenty-eight years of criminal mismanagement has left Burma, once the richest nation in Southeast Asia, as one of the world's very poorest. In the spring of 1988 the democratic wave sweeping the globe also struck Burma. Massive peaceful prodemocracy demonstrations erupted. Literally millions of people took to the streets to demand the ouster of the corrupt and decaying regime of General Ne Win who has ruled since a 1962 coup overthrew the last democratically elected government in Burma. Tiananmen Square happened at the Shwedagon Pagoda in Rangoon long before the drama began in China. Unfortunately, the results were the same, some new faces were brought in, and the demonstrations were ruthlessly ended. In Burma people were shot and shot and shot, until they were forced off the streets.

The new junta promised liberalization, both economic and political. Free elections were to take place in Burma on this coming May 27—but all hopes for such elections have long since disappeared. All opposition leaders have been arrested and imprisoned. All press censored, and campaigning strictly controlled. Martial law reigns. Arbitrary arrests, imprisonment, torture, and murder have turned Burma into a hell for human rights.

The latest outrage is the forced relocations of an estimated half-million people—nobody knows the true number—from the cities to rural death camps. This situation recalls the horrors of Pol Pot's Cambodia. All the while, the Burmese Army continues its offensive against the ethnic minorities who have been so long repressed. Meanwhile, the regime does nothing against the opium war lords. On the contrary, they are business partners.

On March 1, 1990, for the second year in a row, the President decertified Burma under the Narcotics Control Trade Act of 1986. Only three other countries stand in this category, and the President has imposed economic sanctions against all of them. The President has not, until now, taken action against Burma. If we mean what we say in that law then sanctions must be imposed upon Burma. And I am inspirited in this effort by the vote of the Senate today.

As we know, the effort to impose sanctions on Burma began about 1 year ago when I introduced S. 822, to ban the import of teak and fish products from Burma. It was after all these two natural resources that the regime began to sell at a furious pace to Thai and other companies. It was in truth all that Burma has left to sell. And these resources are being stolen by the Burmese regime from the Burmese people. We have an obligation not to buy them. Stolen goods cannot pass title.

Mr. President, I was soon joined in this effort by my distinguished colleague from both the Committees on Finance and Environment and Public Works, Senator SYMMS. Together we offered S. 822 in the markup to the bill now before the Senate. And at the urging of Senators SANFORD and HELMS, we are today broadening this import ban to be against all products. They have urged us not to single out any particular items, and we think their suggestion a fair one.

As we act today in the Senate, we will soon take this matter with the House. A companion bill has already been introduced, and enjoys the support of some 20 cosponsors. And we would expect that as more Members become aware of the nature and threat posed by the current regime,

even more support will be forthcoming.

Finally, Mr. President, I would like to acknowledge the commitment of many organizations to the sanctions that we are today voting to impose. Let me start by mentioning, the many environmental groups who recognize the hideous and painful devastation that the Burmese regime and their Thai collaborators are causing in the remaining tropical forests in Burma. Teak and other tropical timbers are not only being torn from the forests of Burma with no care or regard for the future, they are also being harvested over, literally speaking, the dead bodies of the indigenous Karen and Mon people. It is no hyperbole to say that with every log from the forests comes a dead Burmese minority.

The support of the Sierra Club, Greenpeace, Natural Resources Defense Council, National Wildlife Federation, Sierra Club Legal Defense Fund, the National Audubon Society, the Rainforest Action Network, the Rainforest Alliance, was critical to the efforts of Senator SYMMS and myself. Even groups from Thailand and Malaysia support this measure. They know well the costs of irresponsible forest management.

Human rights and church groups also support the efforts to impose sanctions on Burma. They include Asia Watch, the U.S. Committee for Refugees, the Church of the Brethren, American Baptist Churches, USA, the United Methodist Church, the National Council of the Churches of Christ, and the Mennonite Central Committee. We also have the support of the AFL-CIO, which has shown a keen and careful attention to the desperate conditions in Burma.

Let me also recognize the very invaluable support this effort has been given by Mr. Paul Hawken, of Smith & Hawken. Mr. Hawken is one teak importer who investigated the facts and voluntarily stopped buying teak from Burma. He has since provided us with most valuable information and guidance on the teak market, and explained that alternatives exist to the woods coming from Burma.

Let me close by noting that this measure has the support of the people we ought to listen to the most in these matters—the Burmese prodemocracy opposition themselves. They have asked the world to stop commerce with Burma, and I am gratified that today the Senate has heard them and listened. Whether it is the All Burma Students Democratic Front or that most noble and consequential of leaders, Aung San Suu Kyi, they have asked the world not to forget them. Today the U.S. Senate has taken an important step forward on their behalf.

I ask unanimous consent that a list of organizations supporting the original measure and statements from some of those organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF ORGANIZATIONS SUPPORTING IMPORT BAN ON TROPICAL TIMBER AND FISH FROM BURMA

Asia Watch.
U.S. Committee for Refugees.
All Burma Students' Democratic Front.
Smith and Hawken (California—teak furniture importer).
AFL-CIO.
Sierra Club.
Natural Resources Defense Council.
Sierra Club Legal Defense Fund, Inc.
National Wildlife Federation.
Greenpeace.
Rainforest Action Network.
Rainforest Alliance.
National Audubon Society.
Church of the Brethren.
American Baptist Churches, USA.
The United Methodist Church.
National Council of Churches of Christ.
Mennonite Central Committee.

ALL BURMA STUDENTS' DEMOCRATIC FRONT,
April 3, 1990.

Senator DANIEL PATRICK MOYNIHAN,
(Attention Andrew Samet)
Russell Building, Washington, DC.

DEAR SENATOR MOYNIHAN: As members of the All Burma Students' Democratic Front, we would like to express our sincere appreciation to you for your introduction of SB822 to Congress. As we understand it, this bill, if passed, would ban all imports of wood and fish products which originate from Burma.

This is very important to us, and to the Burmese people's struggle for freedom and justice. The Saw Maung regime is now selling off our natural resources at a tremendous rate, and all of the earnings are being used by the military to further oppress the people. As long as they are earning this money, they will never negotiate, and the civil war will grow. This will result in more destruction of our country, and continued death of our innocent people.

As you know, the Burmese military is now carrying out a severe dry-season offensive against the ethnic people and the student camps. Many people have died, and at least 20,000 ethnic villagers have been made homeless during the past several months. This could have been avoided if countries like Thailand, Japan and others would have delayed their investments in Burma until after true democracy had been established. Their investments have resulted in terrible suffering for our people and our country. This fact history will never be able to cover up.

We urge you to continue your work to put economic pressure on the Saw Maung regime, as we feel this is the only way peace can come to our motherland with less bloodshed.

We wish you good luck in your fight to get this bill passed.

Sincerely,

DR. THAUNG HTUN,
Foreign Affairs,
All Burma Students' Democratic Front.

SMITH & HAWKEN,
Mill Valley, CA, March 13, 1990.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: As a former importer of tropical timber from the country of Burma, I want to express my wholehearted support for S. 822 which, among other things, would ban the importation of teak and rosewood products and timber harvested from the Burmese forests.

As you know, Burma once had a model tropical timber program that was initiated by Dr. Brandis in 1856. The Brandis Selection System has become a model worldwide of responsible and sustainably managed use of tropical forests. In recent years, however, particularly since the rise to power by General Saw Maung, Burma has abandoned its traditional forestry system and has sold off huge concessions on the Thai-Burma border. This fire sale of Burma's precious natural resources does nothing more than prop up a military dictatorship that has been accused of some of the grossest violations of human rights in the world today. Not only are funds from the sales of these concessions going to fight ethnic opposition groups in Burma, but the logging practices used in these areas will guarantee the rapid diminution of these important resources, perhaps even their destruction.

Today responsibly harvested and grown teak is available from the island of Java. This teak, grown on plantations begun over 100 years ago, is harvested on a 60 to 80-year rotation and involves no destruction whatsoever of primary or natural forests. Java teak is now the primary supplier of teak worldwide, and the plantation system used in Java provides a model for lesser developed tropical countries to create timber revenue without the wholesale destruction of primary forests. It has been stated by opposition groups representing the topical timber industry that they will suffer without the importation of timber from Burma. Because Burma is cutting older trees of a significantly larger caliper than those available in tree farms in Java, there are some dimensions of timber that are now only available from the Burmese forests. This timber has no commercial use except in the construction of very large and expensive yachts. There is no other commercial use for which there is not a number of other practical and worthwhile substitutes. Timber of this size represents a tiny fraction of 1% of all teak imported into the United States. It would be, in my opinion, inappropriate to continue the importation of Burma teak for the sake of a few rich yacht owners when both tribes and forests are being destroyed by this government.

I applaud your pursuit of what seems to others to be an obscure issue. But there's nothing obscure about the violation of human rights wherever they occur. Whatever we can do to put pressure on the present Burmese regime to change their practices and bring about democratic reform are to be lauded and supported. That we do.

Sincerely,

PAUL HAWKEN.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, March 12, 1990.

Hon. DANIEL PATRICK MOYNIHAN,
SR-464, Senate Russell Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: The AFL-CIO strongly supports your legislation to deny

U.S. access to Burmese teak and fish products. As you are aware, the AFL-CIO was successful in petitioning the U.S. government to remove Burma's duty free trade privileges under GSP last year. The Burmese government responded to the removal of GSP by continuing threats and physical violence against its citizens. On January 16, the government ruled that the most popular political figure in Burma, Aung San Suu Kyi, General Secretary for the National League for Democracy, could not be a candidate for the new election. These May elections will be a sham. In addition, there has been systematic repression of workers and prosecution of union leaders in Burma. Therefore, on February 21, the AFL-CIO Executive Council urged additional restrictions upon Burma and specifically urged the Japanese to discontinue their foreign aid to this repressive regime. (Executive Council Statement is attached for your information.)

Your legislation banning Burmese teak and fish products deserves the support of the Senate. Both of these products are being exploited and over-harvested to maintain the repressive military regime in Burma. Burmese citizens are being denied basic human rights. Therefore, the AFL-CIO strongly urges the Senate to adopt your legislation and send a clear message of solidarity to the oppressed people of Burma.

Sincerely,

WILLIAM J. CUNNINGHAM,
Legislative Representative.

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON BURMA, FEBRUARY 21, 1990, BAL HARBOUR, FL

At a time when much of the world is being swept by a democratic revolution, the Burmese military dictatorship continues to pursue policies that systematically violate basic human and trade union rights.

In the spring and autumn of 1988, Burma's security forces suppressed a series of pro-democracy demonstrations by massacring at least 3,000 students, workers and monks. The military arrested, threatened and terrorized thousands more, including leaders of newly formed unions. The brutal crackdown in Burma was the government's reply to the legitimate democratic demands of a peaceful movement for change.

In an attempt to rally some popular support, Burma's military authorities—constituting themselves as the "State Law and Order Restoration Council"—have set a nationwide election on May 27 for a new National Assembly that is to draft a new constitution. But that election, the country's first in 29 years, will be a charade.

Of the major opposition leaders, most are either in jail, under house arrest, or in hiding. The government's latest blow against the pro-democracy forces came on January 16, when it ruled that Aung San Suu Kyi, general secretary of the National League for Democracy, could not be a candidate. The most popular leader to emerge from the 1988 demonstrations, she has been under house arrest since July 1989.

Last year, the U.S. government suspended aid to Burma, and, in response to an AFL-CIO petition charging worker rights violations, canceled Burma's duty-free trade privileges under the Generalized System of Preferences (GSP).

Shamefully, as the U.S. was moving to exert new pressure on the Burmese dictatorship, Japan, Burma's largest supplier of foreign aid, resumed its assistance program. At that time, democratic leader Suu Kyi criticized Japan's business-first policy, and said: "There can be no real progress on the economic front until the political situation has been sorted out." Still, several multinational corporations are starting to do business with Burma's bloody regime, thus bolstering tyranny.

The United States has applied great pressure on the Burmese government. Now it is time for America's allies—particularly Japan, Singapore and Thailand—to cut off their support for a regime so fearful of democracy that it murders its own people by the thousands.

SIERRA CLUB,
Washington, DC, March 23, 1990.

Hon. DANIEL MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: While the Sierra Club is not in support of an across the board ban on the importation of tropical timber, I am writing to express our support of your legislation (S. 822) to ban the importation into the United States of teak and other hardwoods from Burma.

We are extremely concerned over the loss of tropical forests due to the lack of sustainable management practices by the Burmese government. The government's massive sale of teak and other hardwood trees should neither be supported nor encouraged by our continued importation.

On a more global scale, the Sierra Club is interested in the possibility of Congressional legislation being introduced that would require the labeling of the country of origin of all tropical woods imported into the U.S., whether it comes in as raw lumber or finished products. Such a labeling law would give the consumer the option of buying products made of tropical woods that come from countries that are managing their timber on a sustainable basis. It would be our hope that the market place approach would cause the other tropical timber producing nations to amend their forestry practices so as to avoid a U.S. consumer boycott of their products.

This approach would be preferable to us rather than a complete ban on the importation of all tropical woods. Such a non-targeted approach would result in the punishment of all tropical timber exporting countries. Legislation to label all tropical woods imported into the U.S. would likely result in improved forest management.

Sincerely,

LARRY WILLIAMS,
Washington Director,
International Program.

NATURAL RESOURCES DEFENSE COUNCIL,
April 18, 1990.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: The Natural Resources Defense Council (NRDC) strongly supports S. 822, the bill you introduced which prohibits the import into the United States of teak, teak products, and fisheries products originating in Burma, now known as Myanmar.

This bill is urgently needed to stop the devastation of Burmese forests and marine resources currently being perpetrated by that country's military regime. Burma holds one of the largest remaining tracts of tropical forest on the Asian mainland. This forest holds eighty percent of the world's remaining teak. Recognizing that this teak can be immediately converted to hard currency, which can be used to buy military hardware, Burma's totalitarian government has sold off huge logging concessions to timber companies from Thailand, Japan, South Korea, and other nations. The result has been a tremendous and unsustainable increase in logging which threatens to obliterate Burma's tropical forests. Similarly, rights to Burma's rich fisheries are being auctioned off to the highest foreign bidders, placing those resources, and the lives of people who depend upon them for basic needs, in jeopardy.

Burma's rich natural resources are being liquidated to pay for weapons that are being used to prop up a failed socialist regime that has resisted pressures for democratic reform with brute force. For instance, in 1988, the army killed approximately 3,000 Burmese demonstrators who were peacefully protesting for democracy. Ready access to American markets for tropical timber and fisheries threatens to continue this repression. It also threatens to wreak wholesale destruction on Burma's tropical forests and fisheries.

NRDC commends you for your leadership role on these issues and strongly endorses S. 822.

Sincerely,

ERIC CHRISTENSEN,
Project Attorney.
PIERRE ERVILLE,
Legal Intern.

SIERRA CLUB,
LEGAL DEFENSE FUND, INC.,
San Francisco, CA, March 20, 1990.

Senator MOYNIHAN,
Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing in support of your bill, S. 822, which if enacted into law would prohibit the importation of tropical timber and other products from Burma. As you know, the military dictatorship in that country is cutting Burma's tropical forests at an alarming rate in order to finance its war against ethnic opposition groups.

During the past year, the Sierra Club Legal Defense Fund has become aware of a number of situations around the world where human rights, particularly the rights of indigenous peoples, are being threatened by environmental degradation. Last summer and again this winter lawyers we retained presented evidence of such situations to the United Nations Subcommission and Commission on Human Rights in Geneva. I am enclosing for your information a copy of the document we distributed in Geneva earlier this month.

Thank you for your efforts to protect the forests of Burma and the rights of the ethnic populations there.

Sincerely yours,

FREDRIC P. SUTHERLAND.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, March 23, 1990.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: The National Wildlife Federation (NWF) has recently become aware of the Senate's impending vote on S. 822, a bill to prohibit the importation into the United States of Burmese teak wood and fish products. NWF endorses this legislation and urges its speedy passage in the Senate and the House and its prompt signing into law by the President.

The pattern of unsustainable resource extraction in Burma under the current military government undermines that country's future economic potential. This is particularly true for Burma's forests, which contain 80% of the world's remaining teak reserves. These forests previously were harvested in a sustainable manner by local inhabitants under the 130-year-old "Burma Selection System." Today they are being clear-cut under the government's policy of selling logging concessions to foreign companies and its failure to monitor the ensuing timber extraction.

Similarly, sales of fishing concessions to foreign interests threaten Burma's shrimp and fish populations. It is estimated that the government's failure to police foreign companies' fishing in the Andaman Sea will cause the depletion of these resources in three to four years.

By continuing to import these products, the United States directly supports a political system that is generating widespread destruction of tropical forests and marine resources in Burma. Your legislation will send a strong message to the current government of Burma that they must support sustainable resource use in order to guarantee an ecologically and economically viable future.

Sincerely,

LYNN A. GREENWALT,
Vice President,
International Affairs.

GREENSPACE, USA
Washington, DC., March 13, 1990.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: We are writing on behalf of Greenspace USA's two million supporters in the U.S. to express our support for S. 822 which you introduced to ban the importation of teak, other hardwoods, and fisheries products from Burma into the U.S. It is apparent from the evidence available that Burma's willful destruction of its forest and marine resources to finance the repression of tribal groups and other opponents to its brutal regime demands action from the U.S. and other concerned nations.

The suspension of foreign aid by the U.S. and other countries to Burma was an important first step in responding to the flagrant human rights abuses by the government in 1988. Now that desperation has moved the Burmese military rulers to start liquidating its natural resources, one of the largest remaining tracts of tropical forests on the Southeast Asian mainland is in imminent jeopardy. The government's massive sale of teak and other hardwood trees with no concern for long-term management threatens to eradicate these important forests and the tribal groups which depend on them for their survival.

While your legislation properly identifies the Burmese government as the major culprit in this affair, we encourage you to find ways for the U.S. government to urge Thailand, Japan, Singapore, Hong Kong, and other countries to follow the U.S. lead in suspending support for these irresponsible Burmese activities. If the U.S. only acts alone in this case, it will not generate sufficient pressure to halt the environmental destruction in and around Burma.

The Thai government in particular should be approached to stop its own logging companies from further facilitation of the wholesale devastation in neighboring Burma. Thailand's complicity in this affair is particularly repugnant since it only recently banned logging in its own territory as one measure to preserve what little forest remains in its country.

Please keep us informed about the progress of this bill. We will inform our supporters about its importance and pledge to help its passage in whatever ways we can.

Thank you for your much needed efforts on this critical issue.

Sincerely,

PETER BAHOUTH,
Executive Director,
Greenspace USA.
CAMPBELL PLOWDEN,
Coordinator, Tropical Forests Campaign, Greenspace International.

CHURCH OF THE BRETHREN
WASHINGTON OFFICE,
Washington, DC, April 11, 1990.

Hon. PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: The Church of the Brethren Washington Office strongly supports your bill S. 822 which will prohibit the importation to the United States of teakwood and fish products originating in Burma.

We have a long history of concern for peace with justice and for support of human rights, having come from a background of religious persecution as a denomination in Germany. We denounce the Burmese military's handling of the demonstrations in 1988, and the continuing violence perpetrated by the military.

In addition, our denomination has great concern for the deforestation that is the result of the profiteering involved, and for this reason also strongly supports the ban. We understand that is a symbolic move.

Thank you,

Sincerely,

MELVA B. JIMERSON,
Acting Director.

INTERNATIONAL MINISTRIES, ABC/USA,
Valley Forge, PA, April 27, 1989.

DEAR FRIEND: Since you are one who has an interest in Burma and the struggle of its people during the past year, we are writing to urge your support for proposed legislation in Congress. If passed, it will protect Burma's natural resources and the future of its economic well-being.

Senator Daniel Patrick Moynihan has introduced a bill, S. 822, which will prohibit the importation to the United States of teakwood and fish products originating in Burma. The bill would require that a certificate of origin accompany all teak products entering the U.S.A. and all fish products from countries fishing in Burmese waters.

In the months since it brutally suppressed all public dissent and returned the country to martial law status, the government of President Saw Maung has been in serious need of foreign currency to keep the military forces loyal and active. Attention has been drawn to the sales of profitable logging and fishing concessions by the military regime to corporations from Thailand, Singapore, South Korea, Japan, Hong Kong and Australia.

"The money from these concessions," said Sen. Moynihan, "will not help ordinary Burmese. Rather, the profits will prolong the life of the current government and equip the military for yet more violence. The massive logging concessions are all the more troublesome in light of the need to control deforestation."

On April 13 of this year, President Bush suspended Generalized System of Preferences (GSP) trade preferences for Burma due to its failure to protect internationally recognized workers' rights. Sen. Moynihan had requested such a suspension in December, 1988.

Although the Saw Maung government has promised elections, the many opposition parties have had difficulty mobilizing and publicly conveying their political positions, making the elections a questionable proposition.

A fact sheet with background to Sen. Moynihan's legislation is enclosed with this letter.

GENERAL BOARD OF GLOBAL MINISTRIES,
THE UNITED METHODIST CHURCH,
Washington, DC, March 30, 1990.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing in support of a ban on the importation of Burmese teak and fish products into the United States, as proposed in S. 822.

We do so out of our church's long-standing concern for human rights and out of our concern for the environment.

The military government of Burma is noted for its gross violations of human rights, particularly against its ethnic minority peoples. These violations have been documented by such respected organizations as Amnesty International, Asia Watch and by our own State Department. The military government is harvesting its teak forests in an environmentally unsound manner in order to gain foreign currency and thus maintain its despotic rule over its people.

We believe it is timely for the U.S. to end its importation of these products in order to send a message in support of democracy, human rights, and care of the environment in Burma.

Sincerely,

JOYCE V. HAMLIN,
Executive Secretary for Public Policy.

SOUTHERN ASIA OFFICE,
New York, NY, March 14, 1990.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I understand you have introduced an amendment, S. 822, to a larger trade bill which is coming before the Senate shortly. Your amendment seeks to ban imports to the U.S. of teak and fish products from Burma (Myanmar). We strongly support your effort, both on ecological as well as human rights grounds. I have just received word from my counterpart with the National Council of Churches of Christ (USA), who visited the Thai-Burma border areas where dissident Burmese students have taken refuge. He says the situation is grim, and Burma needs to be called to account by the international community.

Yours sincerely,

ERIC A. GASS.

GENERAL CONFERENCE OF
SEVENTH-DAY ADVENTISTS,
Silver Spring, MD, March 20, 1990.

Senator PATRICK MONYIHAN,
c/o Mr. Andrew Samet, Russell Senate Office Building, Washington, DC.

Re: Burma Sanctions.

Dear Sir: It has come to my attention that S. 822, which now is included in the trade bill, bans imports of tropical timber and fish from Burma because of adverse human rights conditions in that country. The General Conference of Seventh-day Adventists

takes no official part in the imposition of sanctions against foreign nations. However, as an individual I can and herewith do express strong support for the measure that you have initiated.

Yours sincerely,

GARY M. ROSS, PH.D.,
Associate Director.

COALITION FOR PEACE & DEVELOPMENT,
Rachathevi, Bangkok, April 23, 1990.

Senator DANIEL MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR DANIEL MOYNIHAN: We, for the organisations undersigned, would like to express our strong support for a bill which will ban the import of fish and wood products originating in Burma into the United States.

As a Thai citizen as well as member of world community, we are deeply concerned on a huge ravages of Burma's rain forests by Thai companies, organisations from student and non-government organisations on environment, peace and human rights, on an occasion of Earth Day 1990, have submitted protest letter to the Thai logging companies to withdraw its concessions in Burma. This is not only because of our realization on its nature impact that might be on Thailand and the world as a whole but our intolerance to see a handful of Thai opportunists, private or non-private, taking advantage of its neighborhood country's internal instability, to exploit and senselessly destroy one of the world richest natural resources for the sake of their own immediate benefits. With its cold heart that they use every means to get the concessions with knowledge that money paid will be spent for arms to kill innocent people.

We, therefore, would like to appeal to you and all the U.S. senators to take up this bill seriously and have it legislated as soon as possible to save their rain forest where contains the world's richest remaining teak. It is our hope that our tiny but strong voice could be heard by you all.

Sincerely yours,

Laddawan Tantivitayapitak, Coalition for Peace and Development; Suchart Pongpaniux, International Action Committee for Democracy in Burma; Amornrat Kriangkajorn, Environment Conservation 16 University Clubs; Pracha Hutanuwatr, Santi Pracha Dhamma Institute; Sutin Borrommajet, Union for Civil Liberty; Saravut Pratooaraj, Coordinating Group for Religion in Society; Gawin Chutima, Thai Development Support Committee; Mangkorn Tengpravat, Project for Forest Community; Narong Chuaylua, Thailand Student Christian Movement.

Mr. HELMS. Mr. President, in August of last year, I joined the able Senator from New York [Mr. MOYNIHAN] in introducing a resolution condemning the human rights violations that were taking place in Burma. That resolution passed by voice vote.

Unfortunately, the human rights situation in Burma continues to deteriorate, while government control over the population, and interference in individual lives, have significantly increased.

In fact, during the past several months, the Burmese military regime has forcibly relocated hundreds of thousands of residents of some Burmese cities to satellite towns that are totally isolated.

During this relocation process, countless thousands have lost their homes and property. There are credible reports of many deaths due to disease as a result of the relocations.

Mr. President, we have received reports of torture, wide-scale arbitrary arrests, and disappearances. There have also been numerous reports of torture and mistreatment of political detainees.

There is evidence of an undetermined number of civilian deaths at the hands of military government officials and individual soldiers over the past year, including reports of summary executions.

The State Department says that eyewitnesses report having seen deaths of men who had been impressed as Burmese army porters after they were forced to walk ahead of troops through mine-infested terrain.

The political climate in Burma is unspeakably repressive. It is clear that the current regime has no intention of allowing free and fair elections scheduled for May 27.

In fact, Mr. President, according to reports, the leading opposition leaders have been placed under arrest and banned from running as candidates. Several thousand other members of opposition parties have been jailed throughout Burma since last summer.

Mr. President, I commend my friend from New York for his efforts to encourage our Government to take action to help rectify the unfortunate situation in Burma. He has continued his efforts in this legislation by including in it a provision to prohibit the importation of hardwoods and fish from Burma.

Since the United States is not a major trading partner of Burma, I am not sure that this limited trade ban will have a significant impact on the Burmese Government, especially if it is limited to only fish and hardwoods.

In addition, the provision has a clause that will render it ineffective if the President certifies in writing to Congress that the provision would be in violation of our obligations under GATT. I am informed that he will probably issue such a certification if this provision is enacted.

Nevertheless, passage of this provision by the Senate will send an important signal to the Burmese Government. My only reservation about the provision is that it covers only the importation of fish and hardwoods. If we are determined to pass trade sanctions, I do not understand why we should limit them to just a few specific products when there are a number of other products that we import from Burma.

Mr. President, if we are going to pass trade sanctions against the Burmese Government, we should do so across the board. In that way we do not put an unfair burden on those domestic businesses who happen to import the products that are targeted. The amendment offered by my colleague from North Carolina and myself will do just that.

Again, I commend my colleagues from New York and North Carolina, and I am pleased that we were able to reach the accommodation necessary to join in offering the pending amendment.

Mr. MOYNIHAN. Mr. President, I would like to have a colloquy with the managers of the bill on our intent in passing the import prohibitions on articles from Burma. As we know, the bill contains an import ban on articles from Burma.

The purpose of this ban is to take action against the current regime which was again decertified by President Bush on March 1, 1990—having already been decertified for the first time on March 1, 1989—under the 1986 Narcotics Control Trade Act. The State Department's "International Narcotics Control Strategy Report" dated March 1990, makes the following statement about the current regime: "heroin refining and narcotics trafficking have increased due to the lack of enforcement, eradication, and a policy of accommodation with the main narcotics producing and trafficking organizations." A policy of accommodation. Indeed. The regime in Burma is corrupt, brutal, and stupid. And those leaders oversee a nation that supplies one half of the world's heroin supply. The same supply that end up on our streets.

The 1986 Narcotics Control Trade Act requires the President to impose trade sanctions on countries that are decertified. Thus far, the President has not done, although sanctions are imposed on other decertified countries, including Iran, Afghanistan, and Syria.

The Senate has now passed sactions. And we hope that the Senate's action will encourage the President to give further consideration to the authority he now has to take action against Burma.

At the same time, the Burmese regime's desperation has led it to offer fire sale concessions for foreign companies, principally from Thailand, to log Burma's remaining teak forests and to fish in Burma's territorial waters. Burma contains one of the world's last great teak forests, something on the order of 80 percent of global reserves. But these forests are now being ravaged and are headed toward depletion in a very short time. A global resource will soon be wasted. And the heritage of the Burmese people stolen from them.

Finally, I do not need to remind my colleagues of the absolute hell for

human rights that now exists in Burma. I need only cite to the State Department's "Country Reports on Human Rights for 1989."

To the managers of this bill, I would ask that they address the intent of the language in section 4004(c) which states: "The provisions of this section shall not apply if the President submits to the Congress a written statement certifying that the provisions of this section violate the obligations of the United States under the GATT."

My understanding of this language is to incorporate the intent of the congress that if this provision is determined to be a violation of the GATT, that the President need not come back to the Congress to seek additional legislation to revoke the provision. It is also my understanding that it is also the intent of the managers that these import prohibitions become effective, and that the ability of the President to certify a GATT violation in no way is to be taken to state or imply, directly or indirectly, that such a violation exists. On the contrary, it is my view and I trust that of the managers that the Burma prohibitions are consistent with our sanctions against South Africa, Cuba, and Nicaragua. Therefore, any certification by the President to the contrary should be based upon a careful and detailed consideration of the GATT obligations and the bases upon which the United States has on other occasions justified trade measure exceptions, and should the President conclude otherwise that his feelings should be fully detailed in writing to the Congress.

Mr. BENTSEN. I concur with the understanding of the Senator from New York.

Mr. PACKWOOD. I too, concur with the views expressed by the Senator from New York.

Mr. BENTSEN. Mr. President, the chairman of the committee has examined the amendment and the able Senator from New York has exercised leadership on this issue for some time. I think the contribution of the distinguished Senator from North Carolina is quite helpful to the amendment. I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, I do not know anything about this amendment. I do not have why we single out Burma over another country. All I can say is that this appears to me to be a very unfortunate way of doing business. I do not know where this came from. Were there hearings on this in the Foreign Relations Committee? Why is Burma singled out over Albania or other nations of the world? Apparently there is a head of steam behind this thing, but I would just like to be recorded as being opposed to the amendment. Not that I am necessarily in favor of imports from Burma, but I dislike the whole process that is taking place here. It gives me grave concern.

Mr. BENTSEN. Will the Senator yield?

Mr. CHAFEE. Yes.

Mr. BENTSEN. Mr. President, let me say, as far as the concerns of the Senator, that this was a part of the committee bill in general. It was put out for comment, and it has now been amplified some in the additional version of it. But it was not an unusual process and it was taken up in the committee.

Mr. CHAFEE. Originally, I understand it dealt with teak wood and fish and now it is everything that Burma produces. To me it is a very unfortunate way of doing business. I would just like to be recorded as no and let it go at that.

The PRESIDING OFFICER. Is there further debate on the amendment.

If not, the question is on agreeing to the amendment.

The amendment (No. 1521) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOME HEATING OIL AND PROCESSED OIL FROM THE CARIBBEAN BASIN

Mr. CHAFEE. Mr. President, I have an amendment at the desk dealing with a 50-percent reduction in the tariff on home heating oil and processed oil from the Caribbean Basin. Our oil imports in the last 5 years have increased by almost 60 percent, from 5 million, that is worldwide, from 5 million per day to 8 million, but our imports from the CBI countries have decreased almost 60 percent.

So this very narrowly drafted amendment applying only to residual fuel oil, which is principally used for home heating oil in the northeast, would have reduced the tariff from 10 cents a barrel to 5.25 cents a barrel.

However, Mr. President, in taking some soundings, I found that there was not unanimous approval for this amendment. I might go so far as to say there was very stiff opposition to it.

So it is not my intention to press the amendment, but I would like to sound out the manager of the bill to see how enthusiastically he would have supported the measure.

Mr. BENTSEN. I would say, Mr. President, I would enthusiastically oppose the amendment. It would give me a great deal of concern, at this time, to take this kind of step to further encourage the importation of oil. It would not help CBI.

What it would mean is we would have a lot of Persian Gulf countries transshipping through the CBI.

I have a number of Senators who have asked me to call them to register their strong opposition. I see one of them here. They would register their strong opposition if the amendment is pursued.

I strongly urge the Senator to withdraw the amendment.

Mr. CHAFEE. Mr. President, not anxious to embark on a kamikaze mission, I will not pursue the amendment.

Mr. BENTSEN. I thank the distinguished Senator for his judgment, his patriotism, and his good will.

Mr. DOMENICI. Mr. President, I, too, want to thank the distinguished Senator from Rhode Island. We would have been here a while, and I think everyone wants to go home.

The Senator from Rhode Island would be doing more than just giving a break to the users of residual and distillate oil in his State. He would be creating a whole new incentive system for imported oil. This comes at a time when oil imports have surged to a level that exceeds anything we have ever seen. In 1973 as we entered into an embargo by OPEC countries that lead to incredible disruptions in our economy we imported 36 percent of needs. Today we are averaging 40 percent. That is even higher than during the second disruption of 1979.

At first blush I thought this reduction in the duty on certain petroleum products was for home heating oil, only. Upon closer inspection I see that we are making it easier to import residual oil to burn in electric powerplant boilers and even for transportation fuels (distillates are used in trains and diesels).

Under this amendment we would not simply create an incentive for the use of more imported oil in this country. We would create an incentive for the use of offshore refineries at a time when we have finally gotten them running at a high capacity. This is not just a point of interest for Senators who have have refineries in their States but for anyone who knows that our refineries are the cleanest in the world. To run oil through others is to add to the world's pollution.

If I were not concerned about encouraging more imported oil I would certainly be concerned about the discouraging effect an amendment like this would have on our conservation ethic. It is poorly timed coming on the heals of Earth Day.

The truth is that it would not even make up for the occasional rise in prices due to weather-induced shortages for home heating oil. If we did away with the entire duty it would lower the price of a gallon of heating oil by one-fourth of a penny. Now that is not going to make the average homeowner too much happier. It will make the average oil importer happy because with the volumes of oil they

import it represents millions of dollars.

Suffice it to say, this is not the time to entice more imports of oil-related products. We are almost 50 percent dependent. And equally important, it is not the time to encourage the importation of petroleum-refined products when American refineries are in the process of becoming the cleanest, speaking of the environment, in the world.

We ought to encourage our own.

I thank the distinguished Senator for not offering the amendment.

Mr. ROCKEFELLER. Mr. President, I rise in support of this trade legislation, and congratulate the chairman of the Finance Committee for his hard work in putting this package together. He has done an excellent job in expediting this legislation and putting together a noncontroversial package for the Senate to consider.

It is especially gratifying that title I of the bill, the miscellaneous tariffs section of the bill, contains six duty suspensions that I introduced—four for U.S. chemical companies, one for glassware, and one for steel. I appreciate the support of the Finance Committee, and the help given to include these suspensions in the bill as reported.

Among other provisions, this bill also contains changes to the 1974 Trade Act, reasserting the role of the Congress in trade relations with nonmarket economy countries and the emerging democracies in Eastern Europe.

I want to mention briefly an amendment that a number of Senators, including myself, have been seriously considering. The amendment would have removed all glassware products from eligibility for duty-free treatment under the Generalized System of Preferences [GSP]. Each year, contries file petitions for GSP treatment for glassware, and, each year, the U.S. glassware industry opposes those petitions. To my knowledge, only one glassware product has been deemed eligible by the U.S. Trade Representative [USTR] since the inception of the program. Nevertheless, this annual defense by the industry is necessary because tariffs ranging from 6 to 38 percent are the only protection the industry has.

There is no doubt that the glassware industry is import-sensitive. Since the 27 percent tariff cuts made in the Tokyo round, imports have surged and now hold 45 percent of our market. As you can imagine, with import penetration that high, we have seen a wave of plant closings—39 closings since 1980—and layoffs that have cost approximately 16,000 American workers their jobs.

And unfortunately, 11 of the 24 glassware plants that have closed in the last 5 years have been in my State, West Virginia. These are not just statistics, Mr. President, they represent real people, real families, and real communities devastated by imports. Often, the glassware plant that closed was the largest plant in the community, resulting in economic harm and adversity throughout that community.

In West Virginia, we have all the right ingredients for success in the glassware industry: Sand, skills, and the traditions of a glass-producing State. Our problem, which is shared by other States, is that we do not receive Government assistance to sustain our glassware plants nor would we pay 25 cents an hour wages. Those are advantages possessed by some of our foreign competitors, and in my view, they fully justify the tariffs that are so important to the survival of the remaining glassware industry in West Virginia and other parts of the country.

Recently, USTR accepted a petition from Colombia requesting duty-free treatment for 17 glassware products under the auspices of the President's Andean Trade Initiative. Colombia is a small producer of a few glassware items. Colombia is not the problem; indeed, the problem is under the GSP statutes and producers, because a decision by USTR that glassware is not import-sensitive opens the floodgates to imports from all GSP suppliers. Big suppliers, like Mexico, Turkey, Yugoslavia, and others would get GSP treatment, too. This would spell the beginning of the end for West Virginia glass.

Of course, I could not stand idly by and let that happen, so an amendment was drafted and we began discussions with USTRA on the amendment. Those negotiations have resulted in some understandings with the administration on glassware and GSP. As a result of those understandings, we will not be offering the amendment. I want to thank my colleague from Oklahoma [Mr. BOREN] and his staff member, Rebecca Cooper, for their hard work on this issue. I want to thank Mrs. Hills, Linn Williams, and Mary Tinsley for their efforts to reach an acceptable compromise.

Mr. President, we have waited for a considerable period of time for this legislation. Its swift passage is important for key industries and workers in West Virginia and the rest of the country.

Mr. DURENBERGER. Mr. President, there are many components to the legislation that we are about to vote on. For many of our constituents, including several companies in Minnesota, the miscellaneous tariff provisions will provide relief from customs tariffs that serve no competitive purpose. But in this Senator's view, the most important element of this bill is the portion dealing with the Caribbean Basin Initiative [CBI].

Mr. President, the CBI portion of this bill is modest, at best. While it is important to make the CBI program permanent, I would have preferred that the Senate would have expanded the list of products eligible for CBI preference beyond those products currently granted favorable tariff treatment. Unfortunately, domestic economic interests have prevailed and the result is legislation that in all candor will make little, if any, improvement in the economies of the Caribbean countries.

Over the past several decades, we have spent billions to promote and secure democracy around the world and especially in this hemisphere. But if democracy is to thrive and survive in our hemisphere, economic conditions in the region must improve. Plantation crop economies must wean themselves from dependency on a single crop such as sugar, and develop a more stable and diversified economic base. To facilitate such growth, our market is vital, and an expanded CBI initiative would ultimately serve our policy objectives in promoting stability in the hemisphere.

Mr. President, tomorrow I will be in Managua, Nicaragua, to attend the inauguration of Mrs. Violeta Chomarro—the first democratically elected President in the history of Nicaragua. Mrs. Chamorro faces a daunting task in trying to rebuild the devastated economy of Nicaragua. I know that the U.S. Congress is sure to grant economic aid to Mrs. Chamorro. And I strongly support such aid.

But, Mr. President, if democracy is to survive in Nicaragua, in Panama, in Jamaica, and throughout the Caribbean region these countries cannot rely solely on the economic largess of American foreign aid. They must evolve functioning competitive economies that can provide goods and services for the world market.

I would also note that we are spending billions today to prevent the flow of illegal narcotics into this country. And nearly all of these drugs come through the Caribbean region. If we are going to be more successful in shifting economic incentives in the region away from narcotics, we must be more forthcoming in our willingness to open our market to a greater flow of products from the region.

Mr. President, I believe it will be quite a while before Congress gets another chance to expand the CBI initiative. And that is why I want to express my disappointment with the paucity of measures that we are willing to take to expand economic growth in the region. But I recognize that this is the best we can do at this time, and I will therefore cast my vote in support of this legislation.

MISCELLANEOUS AND TECHNICAL CHANGES TO VARIOUS TRADE LAWS

Mr. BAUCUS. Mr. President, the passage of this legislation is a major accomplishment. This act includes important changes to our trade laws that will allow them to be implemented more effectively and more fairly. Further, it enables Congress to continue to monitor our trade policies and programs closely.

This act addresses a wide variety of trade matters, including trade with non-market economies, the Caribbean Basin Initiative, budget authorizations for trade agencies, Customs user fees, and duty suspensions on numerous products. Passage of the act has required hard work and compromise. I believe our efforts will be rewarded by trade laws that work better and that promote U.S. economic interests.

I would like to highlight several of the most important aspects of the act. First of all, it contains amendments to correct constitutional defects in the 1974 Trade Act, which sets out special rules for the Soviet Union and other non-market economies that do not now receive most-favored-nation treatment under the law. These amendments provide for the use of joint resolutions when Congress approves or disapproves MFN status for nonmarket economies, and provide for congressional approval of agreements with these countries.

In addition, the act replaces 1-year budget authorizations with 2-year authorizations for the Office of the U.S. Trade Representative, the U.S. Customs Service, and the U.S International Trade Commission. This provision will allow the agencies greater predictability in shaping their budgets, and will encourage the long-range planning necessary for effective trade programs. At the same time, Congress will retain its ability to monitor the activities of these agencies closely through oversight hearings when specific questions or problems arise.

The act also repeals the 1995 termination date of the Caribbean Basin Initiative, thus making the program permanent. CBI, a package of economic assistance, trade benefits and incentives, is crucial for the economic development and political stability of Caribbean countries. Among other things, it allows for duty-free status to eligible imports from Caribbean and certain Central American countries and territories. The act passed by the Senate today promotes the goals of CBI by extending duty-free status to numerous articles and components not produced in the United States. Thus, it allows for freer trade, lower prices for U.S. manufacturers and consumers, and continued economic development in our neighboring Caribbean countries.

Finally, the act amends the current Customs merchandise processing fee in order to address the violations raised by a GATT panel in November 1987. By reducing the ad valoreum fee on entries of imported merchandise, and by framing it within maximum and minimum levels, the Customs user fee will continue to serve its purpose and will comply with GATT principles.

Again, I commend my colleagues for their efforts to create a trade bill that addresses important policy questions, and promotes the effective implementation of our trade laws and programs.

OFFERING DUTY-FREE ACCESS TO NON-CARIBBEAN BASIN COUNTRIES ON CERTAIN PRODUCTS

Mr. GRAHAM. Mr. President, a significant portion of the bill pending before us, S. 1594, deals with improving the Caribbean Basin Initiative [CBI]. The economic and political stability of the Caribbean Basin is of vital interest to the United States. The Caribbean Basin Initiative was created to further the economic development of the region and foster its political stability. One of the chief incentives for economic development offered these countries through CBI is duty-free access to the United States on many agriculture and nonagriculture products.

The export of horticultural and tropical products to the United States is an important part of the Caribbean Basin countries' economies. While the exports of these products has increased since the enactment of the Caribbean Basin Initiative, future export activity is threatened by trade concessions that may be granted to competing beneficiary countries.

The administration is currently reviewing the feasibility of making available duty-free access on certain products to Bolivia, Peru, Colombia, and Ecuador in order to offer these drug-producing countries a legal export alternative—a goal I whole-heartedly support. Unfortunately, it is not possible to offer the benefits of duty-free access through the generalized system of preference to specific countries and not make the same tariff reductions available to all countries with which the United States has a most favored nation tariff agreement. As an example, if the United States reduces or removes the tariff on orange juice for the Andean Pact countries, there are approximately 50 other orange juice-producing nations that would be eligible for the same treatment.

The administration, therefore, is contemplating—with the best intentions—negating the incentives already provided by the CBI trade agreement and the economic incentive they intend to offer the Andean countries through GSP. Trade concessions made without fully realizing their potential impact can undo the economic progress that the CBI has set in motion.

Last week, the Senate accepted, and I supported, an amendment by Senator BIDEN which requires the President to report to Congress on the merits of extending the benefits available under the Caribbean Basin Initiative to the Andean region. It is my hope that the administration's report will include a careful review of the impact duty reductions or duty-free access will have on our current trade agreements, particularly with the Caribbean Basin, before making a decision.

H.R. 1594: U.S. CUSTOMS SERVICE PROVISIONS

Mr. GRAHAM. Mr. President, the legislation before us today, H.R. 1594, authorizes an almost $68 million increase for the U.S. Customs Service over the President's request for the next fiscal year. Included in this authorization is $143 million for the U.S. Customs Air Interdiction Program, its drug interdiction air force. The increased authorization, as the Finance Committee report states, represents a decision that the Customs Service should not bear funding cuts. In addition, by making a 2-year authorization, the committee has made clear Congress' intent to support Customs, despite past efforts by OMB to reduce Customs' funding.

S. 1594 also makes changes to the current law authorizing COBRA fees. The proposed change will allow Customs Commissioner Hallett to access the surplus in the COBRA fee account in order to hire full- and part-time personnel. This simple measure will be of great value to States with fast-growing populations and a large volume of visitors, like Florida. The sea and air ports of Florida are constantly in need of more Customs inspectors to handle the increases in passengers and cargo. In the past, Customs has had to reassign inspectors from one location to another in order to meet the demand. This did not solve the problems of understaffing, but merely temporarily forestalled it. It is our hope that the Commissioner will use her new legislative power to make quick personnel decisions and allocate new Customs inspectors to places that develop new personnel needs.

The Customs Service deserves Congress' support. They perform invaluable services, some glamorous—money laundering investigations and drug interdiction programs—and some routine—cargo and passenger inspections—but all are important. I recently had the opportunity to see all sides of a Customs' operation when I spent a day working with the Customs Service in Miami. My workday with Customs brought home to me the importance of supporting their efforts. It is with pleasure that I ask my colleagues to endorse the recommendation made in S. 1594 relative to the U.S. Customs Service.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

AMENDMENT NO. 1522

(Purpose: To strike provision amending the Mail Order Drug Paraphernalia Act)

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I ask unanimous consent that an amendment be in order that will not require a vote. It has the effect of removing from the committee bill the provision inserted by the distinguished senior Senator from New York.

This is done with his very gracious acquiescence and the understanding that he will be offering this at another time.

The PRESIDING OFFICER. If the Senator could repeat his request?

Mr. WILSON. The request is for unanimous consent that an amendment be in order.

The PRESIDING OFFICER. Is there objection to the Senator's request? Without objection, it is so ordered.

Mr. WILSON. Mr. President, I have explained it. I will take no more of the Senate's time. This is an amendment that does a very simple thing.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 1522.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 4003 of the committee amendment, strike out subsection (b) and redesignate subsection (c) as subsection (b).

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1522) was agreed to.

The PRESIDING OFFICER. The committee substitute will be so modified as to reflect that amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was orderd to be engrossed for a third reading, as was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Nebraska [Mr. EXON], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. BREAUX], would vote "yea."

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Missouri [Mr. DANFORTH], and the Senator from Idaho [Mr. MCCLURE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 92, nays 0, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—92

Adams	Gore	Mikulski
Baucus	Gorton	Mitchell
Bentsen	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grassley	Nickles
Bond	Harkin	Nunn
Boren	Hatch	Packwood
Bradley	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Byrd	Humphrey	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Simpson
Dixon	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Symms
Domenici	Lott	Thurmond
Durenberger	Lugar	Wallop
Ford	Mack	Warner
Fowler	McCain	Wilson
Garn	McConnell	Wirth
Glenn	Metzenbaum	

NAYS—0

NOT VOTING—7

Armstrong	Danforth	McClure
Boschwitz	Exon	
Breaux	Kennedy	

So the bill (H.R. 1594), as amended, was passed.

(The text of the bill, H.R. 1594, as passed, will appear in a future edition of the RECORD.)

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FUTURE OF TAIWAN

Mr. PELL. Mr. President, I ask unanimous consent that following my remarks a thoughtful article by Dr. Trong R. Chai, entitled "Junk the One-China Policy," which appeared in the March 15, 1990, issue of the Christian Science Monitor, be printed in the RECORD.

I have long been concerned about the future of Taiwan but am gratified to see that time is at last producing its solution in terms of political and economic development. The recent election of a native Taiwanese as president followed by his call for a national conference on the future of Taiwan bodes well for continued progress.

For the past year the world's attention has been so focused on events in the People's Republic of China that the dramatic changes occurring in Taiwan have gone largely unnoticed. Dr. Chai's article reminds us of the changes in Taiwan: that Taiwan's per capita income is 15 times higher than mainland China's with a GNP greater than that of any U.N. member in the Middle East or Africa. In China political development has been frustrated by guns in Tiananmen Square but in Taiwan elections have resulted in major gains for the opposition. Let us hope that in the next few weeks as Taiwanese leaders meet to discuss their future we will see continued progress.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 15, 1990]

JUNK THE ONE-CHINA POLICY

(By Trong R. Chai)

On Feb. 28, 1972, President Nixon and Premier Zhou Enlai issued the Shanghai Communiqué, stating that "the United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China."

This communiqué, the foundation for normalizing Sino-American relations, formulated the one-China policy for the solution of the Taiwan problem. Consistent with this policy, the US in 1979 established diplomatic relations with China and cut official ties with Taiwan.

The one-China policy is based on a number of assumptions which are no longer valid, for these reasons:

Peaceful solutions. The Taiwan Relations Act of 1979 states that "the US decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means."

The Tiananmen Square massacre of last June sharply diminishes this expectation. If the Chinese government responds to its people's demands for more democracy with ma-

chine guns and tanks, how can it be expected to settle the Taiwan problem peacefully?

Socioeconomic similarities. Two decades ago, Taiwan and China did not differ as they do now. Today, Taiwan's per capita income ($7,600) is 15 times higher than China's, and with 2 percent of China's population, it has a larger foreign trade. Educationally, Taiwan is second only to Japan in Asia, with the percentage of college graduates 10 times higher than in China.

Taiwan is fully capable of becoming a new nation independent of China. It has a population of 20 million—more than that of 130 United Nations members. Its gross national product exceeds $150 billion, larger than that of any UN member in the Middle East or Africa.

One-nation, two-systems. Recognizing the difference between itself and Taiwan, China pledged to use the formula of "One-nation, two-systems" if it annexed Taiwan. As with the 1984 Hong Kong agreement between Britain and China, this pledge would allow Taiwan to maintain its capitalist system. Will the Chinese keep this promise? The Basic Law of Hong Kong ratified by a committee in Beijing on Feb. 16 might provide an answer. This law would limit to 20 the number of elected seats in Hong Kong's 60-member legislature, leaving the majority to be manipulated by Beijing. The elected total would rise only to 30 by the year 2003.

The Taiwanese voice. Rapid economic development in Taiwan has created a huge middle class demanding greater political participation. The people on Taiwan long to shape their own destiny and will resist any attempt by a foreign power to usurp this right. Last year, 32 candidates from the Democratic Progressive Party formed the Coalition of New Nationhood and pledged to use peaceful means to pursue a policy of "a new nation, a new constitution, and a new congress." The coalition received broad support in last December's election.

American security concerns. Because of Mikhail Gorbachev's peace initiatives and his willingness to loosen Soviet control over East Europe, international tension will probably continue to diminish. As a result, the need for the US to cooperate with China to stop Soviet expansion will be lessened. Meanwhile, American allies in Southeast Asia want to see Taiwan free from China. By taking over Taiwan, China's submarines would pose a threat to peace and security in that region.

The one-China policy is out-dated. All assumptions behind it are either outmoded or unrealistic. The island not only differs from the mainland significantly but is also capable of becoming an independent nation.

The State Department has pledged to the Baltic republics to "firmly support their efforts for peaceful self-determination." Shouldn't the US be equally supportive of the Taiwanese struggle for independence?

Trong R. Chai is a professor of political science at the City University of New York.

THE 75TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, today is a day of solemn commemoration. April 24 is the day each year that commemorates the anniversary of the Armenian genocide of 1915-23. This year is the 75th anniversary of the dark period of history that witnessed the deaths of up to 1½ million Armenians massacred by the governments of the Ottoman Empire.

Mr. President, we should do all we can to ensure that the world never forgets.

In February, there was an attempt to bring Senate Joint Resolution 212 to the Senate floor. I was an original cosponsor of this joint resolution, which would have designated today, April 24, 1990, as a "National Day of Remembrance of the 75th Anniversary of the Armenian Genocide of 1915-1923."

I am saddened that the motion to bring this joint resolution to the floor was blocked. It would be appropriate for the Senate to once again officially recognize what happened to the Armenian people during that period, as the Senate has done in the past.

Mr. President, on May 13, 1920, the Senate agreed to Senate Resolution 359, which began:

Whereas the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered.

Mr. President, that resolution was adopted by the Senate in 1920, as the appalling events of the Armenian genocide were occurring. We must not allow the truth of these events to be denied now, nor must we allow the world to forget.

There is an overwhelming body of historical documentation and eyewitness accounts proving beyond a doubt the historical fact of the horrific events of the Armenian genocide.

Mr. President, this past Saturday and Sunday in Michigan I was honored to be present at commemorations of the Armenian genocide. Saturday evening I attended a moving event organized by the Greater Detroit 75th Commemoration Committee, and Sunday I attended a memorial service at Saint John's Armenian Apostolic Church in Detroit. At these events, I shared the experience of being in the presence of survivors of the Armenian genocide, eyewitnesses to history. As I have done on previous occasions, I met survivors, I saw their faces, I spoke with them, and I heard the terrible truth.

They bear witness to the awful stories confirmed by many, many contemporaneous eyewitness accounts. There is an overwhelming body of documented accounts of the systematic slaughter of Armenians, an intentionally systematic effort to eliminate the Armenians as a people. This was documented at the time by journalists, government officials, missionaries, and travelers from many countries.

Mr. President, Saturday and Sunday were emotional and memorable events. It was a tribute to the victims who suffered and perished, and it was an effort to ensure that the world never forget.

Elie Wiesel, a survivor of another genocide, stated in the rotunda of this Capitol Building in April of 1981, the following:

Before the planning of the final solution, Hitler asked who remembers the Armenians?

Elie Weisel went on to say:

He was right. Nobody remembered them as no one remembered the Jews. Rejected by everyone, they felt expelled from history.

Mr. President, Winston Churchill wrote in 1929 the following:

In 1915 the Turkish Government began and carried out the infamous general massacre and deportation of Armenians in Asia Minor . . . the clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could be. There is no reasonable doubt that this crime was planned and executed for political reasons.

Mr. President, the United States Ambassador to the Ottoman Empire, Henry Morgenthau, telegraphed the following message on July 16, 1915, to the Secretary of State:

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.

Later, when Ambassador Morgenthau wrote a book about this experiences, he wrote:

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well and in their conversations with me, they made no particular attempt to conceal the fact.

I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

But, Mr. President, mankind did not learn, did not comprehend, did not believe what happened to the Armenians. The world did not learn and remember then, and as a result, genocidal horror revisited our planet.

We must not allow that to happen again. That is why we must never forget.

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Mr. LIEBERMAN. Mr. President, not too many Americans have heard of "DARPA," the Defense Advanced Research Projects Agency. And the Federal employee who heads it, Dr. Craig Fields, is not exactly a household word.

But the work of DARPA and Dr. Fields helps keep America competitive in the marketplace of the world. Until now. In a stunning version of the famed "Saturday Night Massacre"—this time it was a Friday afternoon—

the Bush administration has booted Dr. Fields out of DARPA and into the Defense Department equivalent of Siberia. His sin? Failure to abide by the Adam Smith gospel, according to John Sununu and Richard Darman. They say Government should not help the private sector when it comes to research and development. Dr. Fields, and many of us who support him, believe Government must help the private sector research and develop high-technology products, lest we lose out to the economies of nations like Japan and Germany, whose governments recognize the value of funding R&D. Dr. Fields is the Johnny Appleseed of the high-technology frontier. His ability to see the potential of new technologies and direct funding to their development helps to insure a strong American presence in the economy of the future.

The Bush administration, in firing Dr. Fields, has written its own topsy-turvy version of the Peter Principle: Competent people will be fired at the precise moment when their talents are most in need.

Let there be no doubt about it—the firing of Dr. Fields is being celebrated in more places than the west wing of the White House. I would guess it is being celebrated in Bonn and Tokyo as well, where the counterparts to Dr. Fields in the governments of our competitors, must be rejoicing at the news.

With the collapse of communism changing the nature of our defense and economic needs, the challenge of our future lies in our ability to compete in the sophisticated global marketplace. For President Bush to fire Dr. Fields at this critical juncture is like President Roosevelt firing General Eisenhower on the eve of the Second World War.

Those responsible for Dr. Field's demise say the Government shouldn't be in the business of "picking winners and losers" in the marketplace. But we must use the power of government to invest in private sector initiatives that could yield huge dividends for our economy. We are in an age when the newest, most important discoveries enter production only after years of tremendously complicated research, involving scores of experts and millions of dollars.

The private sector will make many of these discoveries, but more will be made more quickly if government pitches in. We're on an economic playing field where the other side has government on the team. Without U.S. Government involvement in sophisticated R&D, we are not going to compete effectively.

I am all for the President picking his own men and women to help him run the Government. But this is one personnel decision that has too great an impact on America's economic strength to let slide by. Nothing less than America's competitive posture in the world marketplace is at stake. I urge the President to pick up the phone and make the call that can save Dr. Fields' job. I believe that that one call would be one of the most important things the President can do this year to help make our Nation and our economy more secure in the decade to come.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, a withdrawal, and a treaty which were referred to the appropriate committees.

(The nominations, withdrawal, and treaty received today were printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 553. Joint resolution to make technical changes in the Ethics Reform Act of 1989.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2869. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the 1988 annual report on the food and agricultural sciences; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2870. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to consolidate and expand the statutory authority for the National Agricultural Library in the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2871. A communication from the Secretary of Defense, transmitting a draft of proposed legislation entitled "Defense Management Improvement Act"; to the Committee on Armed Services.

EC-2872. A communication from the Acting General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation entitled the "Numismatic Public Enterprise Fund Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2873. A communication from the Assistant Secretary, Tax Policy, Department of the Treasury, transmitting, pursuant to law, a report entitled "Financing Health and Long-Term Care"; to the Committee on Finance.

EC-2874. A communication from the Assistant Secretary, Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, the annual report on terrorism-related assistance furnished to foreign countries by the United States Government; to the Committee on Foreign Relations.

EC-2875. A communication from the Secretary of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the audit report of the Foundation for the fiscal year ending September 30, 1989; to the Committee on the Judiciary.

EC-2876. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting a draft of a proposed amendment, to the President's FY 1991 Budget, to authorize the appropriated portion of the proposed program level for FY 1991, and such sums as may be necessary for FY 1992, to carry out the purposes of the Act; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-472. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation:

"SENATE JOINT RESOLUTION No. 91

"Whereas ensuring the protection of children is one of our most important responsibilities; and

"Whereas an estimated two million children ingest toxic household products each year; and

"Whereas in 1987, 100,000 children were rushed to the emergency room for accidental ingestions; and

"Whereas it is difficult to ensure that children will not ingest toxic household products that smell good and are brightly colored; and

"Whereas preventive measures, including heightened parental awareness, child-resistant packaging and manufacturer modifications, have significantly reduced, but not eliminated, the number of deaths due to accidental poisoning among children under five; and

"Whereas the National Safety Council found that the addition of the nontoxic substance denatonium benzoate makes products so unpalatable that children reject them; and

"Whereas the cost of bittering agents is inexpensive relative to the cost of the toxic product and the benefits to children; and

"Whereas the American Association of Poison Control Centers passed a resolution in July 1989 which encouraged manufacturers to "explore adding and appropriate nontoxic aversive product" to formulations, that are significantly toxic: Now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the General Assembly of Virginia memorializes the President and Congress of the United States to

encourage American manufacturers to add a bittering agent to toxic household, automotive, and gardening products as a poisoning deterrent; and be it further

"*Resolved*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to members of the Virginia delegation to the Congress of the United States in order that they may be apprised of the sense of the General Assembly of Virginia."

POM-473. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works:

SENATE JOINT RESOLUTION No. 116

"Whereas there has been a long history of beneficial cooperation between the federal, state, and local governments in meeting the challenges of creating an integrated surface transportation system which meets the needs of business, industry, and individual citizens; and

"Whereas in recent years the results of this fruitful partnership have been placed in jeopardy through declining federal financial assistance to the states for highway construction; and

"Whereas like most other states, Virginia is unable from its own limited resources to make up the revenue shortfalls resulting from shrinking federal participation; and

"Whereas the costs of the improvements needed to the interstate highway system in the Commonwealth over the next ten years exceed the federal and state investment of approximately $4.8 billion since 1956 in the construction of the system." Now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the Congress is hereby memorialized to take the steps necessary to ensure that state and local governments continue as partners with the federal transportation community in the effort to provide all citizens with adequate and safe highways by reenacting the federal Surface Transportation Act; and, be it further

"*Resolved*, That the Congress in the development of the 1991 Reauthorization Bill provide sufficent funding for the states to undertake the modernization of the interstate highway system to meet the future traffic demands and serve the strategic defense purposes intended with its creation; and, be it further

"*Resolved*, That the Congress is memorialized, because of the severity of the immediate need in the Commonwealth for federal financial transportation assistance, that funds currently contained in the federal Highway Trust Fund and assigned to the Commonwealth be immediately released; and, be it finally

"Resolved, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the General Assembly in this matter."

POM-474. A resolution adopted by the Senate of the State of Michigan; to the Committee on the Judiciary:

"SENATE RESOLUTION No. 305

"Whereas the health and well-being of our communities are critical to the health and well-being of our people. One of the most important efforts to enhance community life and human welfare is the Community Development Block Grant Program, which has operated since 1974 to provide local and state government with the funds necessary to meet the needs of Michigan's communities. We applaud its good works; and

"Whereas Community Development Block grants have allowed communities to attack the problems of deteriorating neighborhoods to upgrade senior citizen housing, and to assist programs directed to helping young people. Numerous essential programs and organizations owe their lifeblood to its funds, as, conversely, do the people they serve; and

"Whereas in recognition of the fact that frequently their needs for assistance cannot be separated from the needs of the community, National Community Development Week has been designated by the Congress of the United States to highlight the need of communities and the people who live in them. If we are to thrive as a society, our communities must be attractive, economically viable, and able to meet the needs of every person for a decent standard of living in a pleasing environment. It is highly appropriate, therefore, for us to call attention to whatever problems blight our communities' welfare and work to enhance the quality of life for all community residents: Now, therefore, be it

"Resolved by the Senate, That April 7-14, 1990, be commemorated as Community Development Week in Michigan; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the Michigan congressional delegation."

POM-475. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on the Judiciary:

HOUSE CONCURRENT RESOLUTION 62

"Whereas America is free because of her Armed Forces' veterans, and the citizenry of this country historically shown their gratitude to those valiant men and women of our armed services who have died while protecting our freedom; and

"Whereas the courage, the endurance of adversities, and physical and mental torturing by enemy captors, and the sacrifices made by America's brave service members must always be honored; and

"Whereas over 27,610 Hoosiers have given their lives for their country in World War I, World War II, the Korean Conflict, and the Viet Nam War, and over 685,000 United States Citizens have given their lives nationally during these hostilities; and

"Whereas there were over 8,500 service members left behind somewhere in North Korea—either as Prisoners of War or Missing in Action; and, the Vietnam War ended in 1973 and today there are still more than 2,300 POW/MIAs unaccounted for from that war; and,

"Whereas there are even civilian POWs who served in the Philippines who are not eligible for POW status; and,

"Whereas, Our service members and former prisoners of war, who have given their lives for this country, are laid to rest in places known and unknown throughout this country and around the world; and

"Whereas, Tribute must continue to be paid to those POWs who served the cause of freedom and lost their freedom—for they know the price of freedom is never free; and

"Whereas, To grant Manuel Noriega Prisoner of War status and the resultant benefits is a travesty and makes a mockery of the sacrifices of our Armed Forces members; and

"Whereas, The membership of the Indiana General Assembly should like to demonstrate its immortal support for the members of our Armed Services, especially the POWs and MIAs; Now, therefore be it

"Resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate Concurring:

"SECTION 1. That the General Assembly of the State of Indiana urge the United States Department of Justice to reexamine its preliminary agreement with Manuel Noriega's attorneys and to deny the Prisoner of War status and any and all related entitlement to Manuel Noriega; and

"SEC. 2. That the General Assembly of the State of Indiana urge the United States Department of Justice to treat Mr. Noriega as a suspected criminal, in violation of U.S. Federal drug-trafficking charges; and

"SEC. 3. That the General Assembly of the State of Indiana also urge the U.S. Department of Justice to continue to work with the government of Panama to arrive at a waiver to any and all entitlements, benefits, or any type of remuneration, which might result from the granting of Prisoner of War status under the terms of the Geneva Convention of 1949, should that be determined; and

"SEC. 4. That the Clerks of the House of Representatives transmit copies of this Concurrent Resolution to the U.S. Department of Justice, the National Security Staff, the presiding officers and the majority and minority leaders of both houses of the Congress of the United States to the Secretary of the Senate and the Clerk of the House of Representatives of the Congress of the United States, to the Indiana members of the U.S. Congress, and to M. Leonard E. Rose, National Director, American Ex-Prisoners of War."

POM-476. A concurrent resolution adopted by the Legislature of the State of Alaska; ordered to lie on the table:

"HOUSE CONCURRENT RESOLUTION 41

"Whereas April 22, 1990, is the 20th anniversary of Earth Day; and

"Whereas Earth Day 1970 benefited all citizens of the state, the United States, and the world by celebrating the richness and complexity of life, and by calling attention to those systems of nature that sustain a fruitful and happy existence; and

"Whereas our greater awareness of human need for an abundant and healthy environment has shown the way for long-term economic prosperity and cultural well-being; and

"Whereas recognizing Earth Day in 1990 will confer similar benefits to the people of the state; and

"Whereas Alaska is dependent upon and receives great benefit from our clean air and water, our rich ecosystems, abundant natural resources, and great natural beauty; and

"Whereas this legislature wishes to recognize and encourage private citizen initiatives such as Earth Day; Now, therefore, be it

Resolved by the Alaska State Legislature, That April 22, 1990, is declared Earth Day 1990; and be it further

"*Resolved*, That private citizens, businesses, government agencies, schools, civic

groups, and others are encouraged to observe Earth Day 1990.

"Copies of this resolution shall be sent to the Honorable George Bush, President of the United States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 438. A bill to amend chapter 96 of title 18, United States Code (Rept. No. 101-269).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 1683. A bill for the relief of Paula Grzyb (Rept No. 101-270).

S. 1814. A bill for the relief of Wilson Johan Sherrouse (Rept. No. 101-271).

By Ms MIKULSKI (for Mr. BYRD), from the Committee on Appropriations, with amendments:

H.R. 4404. A bill making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year September 30, 1990, and for other purposes (Rept. No. 101-272).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2240. A bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes (Rept. No. 101-273).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

H.R. 756. A bill for the relief of Shelton Anthony Smith.

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 2300. A bill to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, California, for the education programs of the Museum of Tolerance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works:

L. Joyce Hampers of Massachusetts, to be an Assistant Secretary of Commerce;

The following-named officer for appointment to the positions indicated, under the provisions of section 2, Act of Congress, (21 Stat. 37) (33 United States Code 642):

To be a member and President of the Mississippi River Commission

Brig Gen. Arthur E. Williams, 133-28-8513, U.S. Army.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WIRTH:

S. 2496. A bill to amend the Federal securities laws regarding securities registration and administration with respect to banks and savings associations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. KOHL, Mr. MOYNIHAN, Mr. CHAFEE, Mr. GRAHAM, Mr. JOHNSTON, and Mr. DODD):

S. 2497. A bill to establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations; to the Commttee on Labor and Human Resources.

By Mr. GORTON:

S. 2498. A bill to authorize a certificate of documentation for the vessel *Sea Devil*; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON (by request):

S. 2499. A bill to amend title 38, United States Code, to limit the amount of funds held by fiduciaries of incompetent veterans subject to inheritance by nondependent heirs; to the Committee on Veterans Affairs.

By Mr. CHAFEE (for himself, Mr. BENTSEN, Mr. HATFIELD, Mr. JEFFORDS, Mr. PELL, Mr. WILSON, Mr. MOYNIHAN, and Mr. WIRTH):

S. 2500. A bill to amend title 23, United States Code, to control billboard advertising adjacent to interstate Federal-aid primary highways, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI:

S. 2501. A bill to amend section 1738A of title 28, United States Code, relating to child custody determinations, to modify the requirements for court jurisdiction; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. 2502. A bill to amend the Internal Revenue Code of 1986 to make certain provisions of the Equal Access to Justice Act applicable to tax proceedings; to the Committee on Finance.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 2503. A bill to amend the Food Security Act of 1985 to modify the exemptions from wetlands conservation requirements, and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself and Mr. DODD):

S. 2504. A bill to establish a housing grant action program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WILSON:

S. 2505. A bill to provide grants for identification and treatment of substance abuse by pregnant and post partum women, for identification, treatment, and foster care placement of substance-abused infants; to the Committee on Labor and Human Resources.

By Mr. BRADLEY:

S. 2506. A bill to provide for liability for transfers of oil between a vessel and a facility; to the Committee on Environment and Public Works.

By Mr. COATS:

S. 2507. A bill to amend the Public Health Service Act to provide for the establishment of a family drug treatment grant program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SARBANES:

S. 2508. A bill to strengthen public involvement in soil and water conservation policy and program implementation throughout the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself, Mr. BRADLEY, Mr. BURDICK, Mr. CONRAD, Mr. FOWLER, Mr. HEFLIN, Mr. PRESSLER, and Mr. SHELBY):

S. 2509. A bill to improve the nutrition of elderly Americans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND:

S.J. Res. 298. Joint resolution to provide for the erection of a memorial in the Arlington National Cemetery to honor U.S. combat glider pilots of World War II; to the Committee on Veterans' Affairs.

By Mr. JOHNSTON:

S.J. Res. 299. Joint resolution to designate the period October 1, 1990, through October 1, 1991, as the "Year of the Wetlands"; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S.J. Res. 300. Joint resolution to designate September 1990 as "Jewish Community Center Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURENBERGER (for himself, Mr. BOSCHWITZ, Mr. SIMON, Mr. THURMOND, Mr. SARBANES, Mr. RIEGLE, Mr. LEVIN, Mr. HOLLINGS, Mr. COATS, and Mr. INOUYE):

S. Res. 274. Resolution relating to the 50th annual meeting of the deans of the schools of public health in the United States; to the Committee on Labor and Human Resources.

By Mr. PELL:

S. Con. Res. 123. Concurrent resolution to encourage State governments, local governments, and local educational agencies to adopt a comprehensive curricular program which provides elementary and secondary students with a thorough knowledge of the history and principles of the Constitution and the Bill of Rights and which fosters civic competence and civic responsibility; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WIRTH:

S. 2496. A bill to amend the Federal securities laws regarding securities registration and administration with respect to banks and savings institutions, and for other purposes; to the

Committee on Banking, Housing, and Urban Affairs.

BANK SECURITIES REGISTRATION AND ADMINISTRATION ACT

Mr. WIRTH. Mr. President, today I am introducing the Bank Securities Registration and Administration Act of 1990. This legislation corrects an anomaly in our securities laws in order to provide additional protection to investors who purchase securities offered by individual banks and thrifts.

Under current law securities that are issued by a holding company, whether that is a bank or a thrift holding company, like securities offered by most businesses, must comply with Securities and Exchange Commission registration and reporting requirements. However, if a security is issued by an individual bank or thrift, or securities are guaranteed by a bank, they are exempt from SEC oversight,

Jurisdiction over such securities is instead granted to the primary regulator—the Office of Thrift Supervision, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Federal Reserve—for the institution issuing the security.

The purpose of this legislation, Mr. President, is to assure that these securities issued by an individual bank come under the same jurisdiction and the same registration and compliance requirements as any other security. A security is a security is a security. We ought to have this kind of consistent registration and consistent disclosure.

This idea was supported as well by the overall commission which was chaired by then Vice President Bush. I think it was a good idea then and I think it is a good idea now. It is one other piece that is necessary for overall compliance. This legislation would repeal the exemption to the registration requirements provided banks and thrifts by the Securities Act of 1933. It would also repeal a similar exemption to the periodic reporting requirements of the Securities Exchange Act of 1934. With these changes, banks and thrifts would have to register their publicly offered securities with the SEC and file regular financial reports with the Commission. Importantly, deposit instruments of banks and thrifts, such as savings and checking accounts, or certificates of deposit, would not be subject to SEC supervision.

The Bank Securities Registration and Administration Act is designed to promote investor confidence and improve the effectiveness and efficiency of securities regulation. The proposal would protect investors by promoting full and fair disclosure of important financial information needed to make sound and informed business decisions. The SEC has well-established procedures for collecting, reviewing, and disseminating information provided by companies in their registration and periodic reporting filings. Investors are accustomed to using this resource to obtain basic accurate information about companies in which they might invest.

Because four different agencies establish these standards, investors in bank and thrift securities run the risk that the information they receive regarding their investment is inadequate or not directly comparable. This system results in investor confusion, duplication of regulatory efforts, and higher public and private costs than would be imposed by a simple system of functional regulation. I believe investors will be better served if the SEC reviews the offerings.

There is no need for bank and thrift regulators to maintain their own expertise in the area. This is an unnecessary duplication of Government resources. As the agency with the most expertise and experience in reviewing public securities offerings, the SEC already devotes significant resources to this task. Yet, under current law, bank and thrift regulators each must perform the duties the SEC performs for all other companies including bank and thrift holding companies. Securities oversight is, at best, a secondary concern of bank regulators but it is a key focus of SEC activity and expertise. For these reasons, the SEC is better equipped than bank and thrift regulators to perform these duties. We should give this task to the agency best able to do the job.

The legislation would also remove a possible conflict of interest in allowing bank regulators to oversee securities issues. It is conceivable that regulators would have an incentive to be less than vigilant in this area in order to help an institution raise capital. This type of relationship between regulators and insured institutions helped contribute to the S&L crisis. We should act to eliminate the possibility of a conflict.

Mr. President, this is an important change that we ought to make. The proposal has the strong support of the SEC and a similar plan was supported in 1984 by the Task Group on Regulation of Financial Services, chaired by then Vice President George Bush. The task group's recommendations were endorsed by a number of bank and thrift regulatory agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the Federal Reserve Board, as well as the National Credit Union Administration.

I look forward to working with my colleagues on the Banking Committee as we consider this issue and related matters concerning financial modernization.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2496

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Bank Securities Registration and Administration Act of 1990".

TITLE I—AMENDMENTS TO THE SECURITIES ACT OF 1933

SEC. 101. BANK-ISSUED SECURITIES.

Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2) is amended—

(1) by striking "or any security issued or guaranteed by any bank;" and

(2) by striking "For purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interest or participation in any collective trust fund maintained by a bank; and" and inserting "For purposes of this title,".

SEC. 102. SAVINGS ASSOCIATION-ISSUED SECURITIES.

Section 3(a)(5) of the Securities Act of 1933 (15 U.S.C. 77c(a)(5)) is amended by striking paragraph (5) and inserting the following:

"(5) Any security issued by—

"(A) a farmer's cooperative organization exempt from tax under section 521 of the Internal Revenue Code of 1986,

"(B) a corporation described in section 501(c)(16) of such Code and exempt from tax under section 501(a) of such Code, or

"(C) a corporation described in section 501(c)(2) of such Code which is exempt from tax under section 501(a) of such Code and is organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization or corporation described in subparagraph (A) or (B).".

SEC. 103. EXEMPTION FOR SECURITIES IN CERTAIN CORPORATE TRANSACTIONS.

Section 3(a)(9) of the Securities Act of 1933 (15 U.S.C. 77c(a)(9)) is amended by striking paragraph (9) and inserting the following:

"(9) Except with respect to a security exchanged in a case under title 11, United States Code—

"(A) any security exchanged by the issuer with its existing security holders exclusively where no commission or other remuneration is paid or given directly or indirectly for soliciting such exchange; or

"(B) any security issued or exchanged in connection with a transaction solely involving exchanges or substitutions of securities as part of a reorganization of a corporation into a holding company, if (i) as part of the reorganization, the security holders exchange their securities of the corporation for securities of a newly formed holding company with no significant assets other than securities of the corporation and its existing subsidiaries, and receive securities of the same class evidencing the same proportional share or debt interests in the holding company as they held in the corporation prior to the transaction, except for changes resulting from lawful elimination of fractional interests and the exercise of dissenting shareholder rights under applicable law; (ii) the rights and interests of secu-

rity holders in the holding company are substantially the same as those in the corporation prior to the transaction other than as may be required by law; and (iii) the holding company has substantially the same assets and liabilities as the corporation had prior to the transaction.".

SEC. 104. TREATMENT OF CERTAIN BANK AND SAVINGS ASSOCIATION INSTRUMENTS.

Section 3 of the Securities Act of 1933 (15 U.S.C. 77c) is amended by adding at the end the following:

"(d)(1) If any of the interest described in this paragraph is otherwise deemed to be a 'security' with the meaning of section 2, the provisions of this title shall apply only as hereinafter expressly provided to an interest in—

"(A) a deposit account, savings account, certificate of deposit, or other deposit instrument issued by a bank or savings association;

"(B) a share account issued by a savings association if such account is insured by the Federal Deposit Insurance Corporation;

"(C) a banker's acceptance,

"(D) a letter of credit issued by a bank or savings association; or

"(E) a debit account at a bank or savings association arising form a credit card or other similar arrangement.

This paragraph shall not apply to any participation in such an interest, account, certificate, instrument, acceptance, or letter other than a participation that is a direct obligation of a bank or savings association

"(2) For purposes of this subsection, the term 'deposit' means the unpaid balance of money or its equivalent received or held by a bank or savings association in the usual course of business, and

"(A) for which it has given or is obligated to give credit, either conditionally or unconditionally, to a commercial, checking, savings, time, or thrift account,

"(B) which is evidenced by its certificate of deposit, a check or draft drawn against a deposit account and certified by a bank or savings association, a letter of credit or a traveler's check, or by any other similar instrument on which a bank or savings association is liable,

"(C) which consists of nonpooled assets of individual trust funds received or held by a bank or savings association whether held in the trust department or deposited in any other department of such bank or savings association,

"(D) which is received or held by a bank or savings association for a special or specific noninvestment purpose, including, without being limited to, escrow funds, funds held as security for any obligation due to the bank or savings association or others (including funds held as dealers' reserves) or for securities loaned by the bank or savings association, funds deposited by a debtor to meet maturing subscriptions to United States Government securities, funds held for distribution or purchase of securities, funds held to meet its acceptances or letters of credit, and withheld taxes; or

"(E) any other account or instrument on which a bank or savings association is primarily liable as may be defined as a deposit by the Commission by rule or regulation after consultation with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision.

"(3) For purposes of this subsection, the term 'savings association' shall have the meaning given in section 3 of the Federal Deposit Insurance Act.".

SEC. 105. ADDITIONAL COMMISSION EXEMPTIVE AUTHORITY.

Section 3 of the Securities Act of 1933 (15 U.S.C. 77c) is amended by adding at the end the following:

"(e) The Commission, by rules or regulations upon its own motion, or by order upon application of an interested person, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from section 5 of this title or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title. The Commission shall by rules and regulations determine the procedures under which an exemption under this subsection shall be granted, and may, in its sole discretion, decline to entertain any application for an order of exemption under this subsection. The Commission shall include in its annual report under section 23(b) of the Securities Exchange Act of 1934 a description of exemptions granted under this subsection.".

SEC. 106. TECHNICAL AMENDMENT.

Section 12(2) of the Securities Act of 1933 (15 U.S.C. 77*l*(2)) is amended by inserting "or subsection (d)" after "subsection (a)" within the parenthetical.

TITLE II—AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1934

SEC. 201. SECURITIES EXCHANGE ACT ADMINISTRATION TRANSFER.

Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*) is amended by striking subsection (i).

TITLE III—AMENDMENT TO THE TRUST INDENTURE ACT OF 1939

SEC. 301. TECHNICAL AMENDMENT.

Section 304(a)(4)(A) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)(A)) is amended by inserting "or by subsection 3(d)" after "subsection 3(a)".

SECTION-BY-SECTION ANALYSIS OF THE BANK SECURITIES REGISTRATION AND ADMINISTRATION ACT OF 1990

Section 1. Short Title

This section contains the Act's short title, the "Bank Securities Registration and Administration Act of 1990."

TITLE I—AMENDMENTS TO THE SECURITIES ACT OF 1933

Section 101. Bank-Issued Securities

Sections 3(a)(2) of the Securities Act of 1933 currently exempts from the registration, but not the antifraud, provision of the Act any security issued by any bank. Section 101 amends Section 3(a)(2) to delete the exemption for bank-issued securities.

Section 101 also amends Section 3(a)(2) to delete the exemption for bank-guaranteed securities. Section 3(a)(2) currently exempts securities guaranteed by a bank to the same extent as the bank's own securities. Although banks normally do not issue guarantees of securities issued by third parties, they often issue standby letters of credit backing these securities. The Securities and Exchange Commission has taken the position that, because bank standby letters of credit are "tantamount to guarantees by [a] bank," securities backed by bank letters of credit need not be registered. Section 101 removes the exemption for securities guaranteed by banks. This change is consistent with the Commission's recommendations set forth in the "Report by the United States Securities and Exchange Commission on the Financial Guarantee Market: The Use of the Exemption in Section 3(a)(2) of the Securities Act of 1933 for Securities Guaranteed by Banks and the Use of Insurance Policies to Guarantee Debt Securities" (Aug. 28, 1987).

Under Section 2(1) of the Securities Act, a bank's letter of credit guaranteeing a security is a separate security. Thus, the letter of credit itself must also be registered unless an exemption is available. Although Section 101 removes the exemption for securities issued by the bank, the letter of credit will continue to be exempt from registration under new Section 3(d) of the Securities Act, added by Section 104 of this Act.

Certain types of instruments that are subject to a comprehensive scheme of federal banking regulation designed to ensure financial soundness and protect depositors against the risk of insolvency, such as federally-insured deposit instruments, generally are not treated as securities under the Securities Act of 1933 and, therefore, are not currently subject to the registration, antifraud, and other provisions of the Act. See Marine Bank versus Weaver, 455 U.S. 551 (1982). These types of instruments will continue to be exempted from the registration and other provisions of the Act. Moreover, Section 104 adds a new subsection (d) to Section 3 of the Act, which replaces the Section 3(a)(2) exemption with a list of exempt deposit instruments and defines the term "deposit" for purposes of that subsection.

Section 101 also effects a technical amendment to Section 3(a)(2) by striking the clause "For the purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interests or participation in any collective trust fund maintained by a bank; and". This clause is no longer necessary because section 101 removes the exemption for any "security issued or guaranteed by a bank." Section 101 does not, however, affect the exemption in Section 3(a)(2) for interests or participations in a bank collective trust fund issued in connection with certain employee benefit plans.

Section 102. Savings Association-Issued Securities

Section 3(a)(5) of the Securities Act of 1933 currently exempts securities issued by savings associations from the registration, but not the antifraud, provisions of the Act. Section 102 amends Section 3(a)(5) to eliminate the exemption from registration for securities issued by savings associations. However, Section 3(d) of the Securities Act, added by Section 104 of this Act, contains a list of exempt deposit instruments issued by saving associations.

Section 102 continues the current exemption from registration for securities issued by farmers' cooperatives exempt from tax under Section 521 of the Internal Revenue Code of 1986, corporations described in Section 5401(c)(16) and exempt from tax under section 501(a) of the Code, and corporations described in Section 501(c)(2) of the Code, exempt from tax under Section 501(a) of the Code, and organized solely to hold title to property, collect income from property, and turn over income from the property to one of the foregoing types of entities.

Section 103. Exemption for Securities in Certain Corporate Transactions

Section 3(a)(9) currently exempts from the registration (but not the antifraud) provisions of the Securities Act securities ex-

changed by an issuer with its existing security holders exclusively where no commission or other remuneration is paid or given for soliciting the exchange. Section 103 amends Section 3(a)(9) to add an exemption from the registration requirements of the Act for certain securities issued or exchanged in the context of a reorganization of a corporation, including a bank, into a holding company. The exemption generally requires that, as part of the reorganization, the security holders exchange their securities of the corporation for securities of a newly-founded holding company with no significant assets other than the securities of the corporation and its subsidies, and that the security holders generally receive securities representing the same proportional interest in the holding company as they held in the corporation before the transaction. The rights and interests of the security holders in the holding company also must be substantially the same as those in the corporation before the transaction, and the holding company must have substantially the same assets and liabilities as the corporation had before the transaction. Those conditions are intended to ensure that the exemption is not used to transfer corporate control or substantially alter the proportional interests of shareholders without complying with the disclosure provisions of the Securities Act.

Section 104. Treatment of Certain Bank and Saving Association Instruments

Section 104 adds a new subsection (d) to Section 3 of the Securities Act of 1933. Subsection (d) provides that if any interest in the instruments listed in paragraph (d)(1) is otherwise deemed to be a security under Section 2 of the Act, the Securities Act will apply to that interest only as expressly provided in the Act. This means that the instruments listed in subsection (d)(1) will be exempt from the registration provisions of the Act, but will continue to be subject to the antifraud provisions in Section 17 of the Act. The listed instruments are (1) a deposit account, savings account, certificate of deposit or other deposit instruments issued by a bank or savings association; (2) a share account issued by a savings association if the account is insured by the Federal Deposit Insurance Corporation; and (5) a debit account at a bank or savings association arising from a credit care or similar arrangements. However, participations in those instruments (other than those that are direct obligations of a bank or savings association) are not exempted under subsection (d).

New paragraph (d)(2) defines the term "deposit" for purposes of subsection (d) to mean the unpaid balance of money or its equivalent received or held by a bank or savings association in the usual course of business (1) for which it has given, or is obligated to give credit to a commercial, checking, savings, time, or thrift account; (2) which is evidenced by its certificate of deposit, a check or draft drawn against a deposit account and certified by a bank or savings association, a letter of credit or travelers check, or by any other similar instruments on which the bank or savings association is liable; (3) which consists of non-pooled assets of individual trust funds received or held by a bank or savings association, whether held in the trust department or deposited in any other department of the bank or savings association; (4) which is received or held by a bank or savings association for a special or specific non investment purpose, including escrow funds, funds held as security for any obligation or for securities loaned by the bank or savings association, funds deposited by a debtor to meet maturing subscriptions to United States Government securities, funds held for distribution or purchase of securities, funds held to meet its acceptance or letters of credit, and withheld taxes.

For purposes of subsection (d) the term "deposit" also includes any other account or instrument on which a bank or savings association is primarily liable as may be defined by the Securities and Exchange Commission after consultation with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision. This last provision will allow the Commission to accommodate the creation of new bank and thrift instruments with characteristics similar to that of the enumerated instruments. In addition, as discussed below, Section 105 adds a new Section 3(e) to the Securities Act, to provide the Commission with general authority to exempt any security or class of securities, including other instruments of banks or savings associations, from the Act's registration requirements.

For the purpose of subsection (d) the term "savings association" is defined to have the same meanings as in section 3 of the Federal Deposit Insurance Act.

Section 105. Additional Commission Exemptive Authority

Subsections 3(b) and 3(c) of the Securities Act of 1933 currently provide the Securities and Exchange Commission limited authority to exempt securities from the registration provisions of the Act. Subsection 3(b) permits an exemption when the Commission finds that enforcement of the Act with respect to the securities is not necessary in the public interest and for the protection of investors by reason of the small amount involved or the limited character of the public offering. Subsection 3(b) does not authorize an exemption when the aggregate amount of the securities issued exceeds $5 million.

Subsection 3(c) authorizes the Commission to exempt securities issued by small businesses investment companies under the Small Business Investment Act of 1958, if it finds that registration is not necessary in the public interest and for the protection of investors. However, unlike the Investment Company Act of 1940 and the Investment Advisers Act of 1940, the Securities Act does not contain a provision granting the Commission general exemptive authority from the provision of that Act. Section 105 adds new subsection 3(e) to the Act, which authorizes the Commission to exempt any person, security or transaction, or any class thereof, from registration (but not from antifraud) provisions of the Act, and the rules, and regulation promulgated thereunder, if and to the extent the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. The Commission may exercise its authority under new Subsection 3(e) by promulgating rules and regulations or by issuing orders in response to application for exemption.

Section 105 also provides that the Commission shall by rules and regulation determine the procedures under which an exemption will be granted under new Subsection 3(e). This provision is intended to provide the Commission flexibility in establishing procedures that will expedite the application process without unnecessarily burdening the Commission or its staff. In addition Section 105 provides the Commission discretionary authority to decline to consider any application for an exemption under subsection 3(e). The Commission's determination not to consider any such application will not be subject to judicial review.

This expanded authority granted to the Commission is in addition to the current exemptions provided in Section 3 of the Act with respect to certain securities, and in Section 4 of the Act with respect to certain transactions, and the rules, regulations, and orders under those sections.

Section 106. Technical Amendment

Section 12 of the Securities Act of 1933 imposes certain civil liabilities on any person who offers or sells a security by means of prospectus or oral communication which contains an untrue statement of a material fact, or omits to state a material fact necessary in order to make the statements not misleading, if the person knew or should have known of such untruth or omission. Section 12 currently exempts from the provision securities exempted by Section 3(a)(2) of the Act. Section 106 amends Section 12 by including within the exemption securities exempted under new section 3(d) of the Act.

TITLE II—AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1934

Section 201. Securities Exchange Act Administration Transfer

Section 12(i) of the Securities Exchange Act of 1934 imposes the responsibilities on each of the Federal banking agencies that regulate banks and savings associations to administer and enforce sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Act with respect to those institutions subject to its jurisdiction. Section 12 requires registration of securities traded on national securities exchanges or issued by certain issuers. Section 13 requires filing of periodic and other reports concerning these securities and their issuers and filing of disclosure statements by certain beneficial owners of those securities and by issuers that repurchase their securities. Section 14(a), (c), and (f) impose certain disclosure and other requirements concerning solicitation of proxies with respect to these securities. Section 14(d) imposes certain disclosure and other requirements with respect to tender offers. Finally, Section 16 requires filings with respect to certain acquisitions and sales of equity securities by officers, directors, and principal shareholders.

Section 108 repeals Section 12(i). The effect of this repeal is to transfer enforcement and administration of those provisions with respect to banks and saving associations from the Federal banking agencies to the Securities and Exchange Commission. The current division of responsibility for enforcement of the Act is inefficient. By centralizing regulatory responsibility in the agency with greatest expertise in the area, section 201 will help to ensure that investors in the securities of banks and savings associations receive the benefit of full and fair disclosure under the Act.

TITLE III—AMENDMENT TO THE TRUST INDENTURE ACT

Section 301. Technical Amendment

Section 301 is a technical amendment to section 304(a)(4)(A) of the Trust Indenture Act of 1939. Section 304(a)(4)(A) exempts from the Act's provisions certain securities exempted from the Securities Act of 1933 by Section 3(a) of the Securities Act. Section 104 conforms Section 304(a)(4)(A) to new

section 3(d) of the Securities Act by including securities exempted by Section 3(d) within the Section 304(a)(4)(A) exemption.

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. KOHL, Mr. MOYNIHAN, Mr. CHAFEE, Mr. GRAHAM, Mr. JOHNSTON, and Mr. DODD):

S. 2497. A bill to establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substances abuse in subsequent generations; to the Committee on Labor and Human Resources.

DEMONSTRATION PROJECTS PROVIDING RESIDENTIAL TREATMENT FOR DRUG ADDICTED MOTHERS

Mr. DECONCINI. Mr. President, I do not have to remind anyone in this body of the devastating effect drugs are having on families in America today. One study estimates that drug abuse during pregnancy may affect as many as 375,000 infants born each year in the United States—375,000. This number doesn't even take into account the 40,000 babies born every year who suffer from fetal alcohol effects. One out of 10 of these babies suffers birth defects that are irreversible.

Today we are seeing a new population in hospitals across this country. I'm talking about "boarder babies"—infants who are medically ready to be discharged from the hospital but have no place to go. Many of these babies are born to drug-addicted mothers and abandoned at birth.

Ten years ago the boarder baby phenomenon did not exist in this country. Five years ago it did not exist. Today it exists with a vengeance. In a 1-day survey taken last year in five U.S. cities, nearly 70 percent of the 300 babies abandoned in hospitals were impaired by drugs—70 percent.

Mr. President, because of drugs, we are turning hospital pediatric units into orphanages. And the orphanages of old—where children were warehoused for years—these orphanages are now coming back. Mr. President, for the first time since the turn of the century, these orphanages are filling up—and all because of illegal drugs!

The stories of these children will break your heart. In one special shelter in California, some of the children have been in 15 foster homes by the age of 4. One small boy saw a double drug-related homicide in his home. Another 2-year-old was abandoned at a construction site and had to be taught how to hug.

This is a national tragedy. It's a tragedy compounded by a tragedy. I agree with David Liederman, executive director for the Child Welfare League of America. "The last thing we want to do in this country," he says, "is to start warehousing kids. That's why we began closing orphanages at the turn of the century. Infants and small children need families."

I will admit that the uncertainty of successfully treating drug-addicted parents has made reuniting some families difficult, even impossible. But hope does exist for rebuilding families affected by drugs. I want to focus on that hope. I want to maximize it. As Mr. Liederman says, infants and small children need families.

All the statistics tell us that drug use is on the rise—and it's on the increase for women of childbearing age. Despite recommendations of researchers over the past two decades, women and children have been the lowest priority in terms of delivered drug treatment services. Women are significantly underrepresented in alcoholism programs, for example, and they account for only 20 percent of those in treatment, according to the National Council on Alcoholism.

For low-income mothers, particularly single mothers, there is a major barrier to treatment. Since most residential programs do not allow clients to bring their children into treatment with them, a woman who needs help is often forced to choose between treatment and her kids.

It's a choice with the cards stacked against families. All too often, these mothers are reluctant to seek the treatment they need. Or they are forced to put their children into State foster homes at a time when the growing problems of drugs and AIDS have stretched family services to the breaking point.

The numbers are overwhelming. Right now it is estimated that 330,000 children live in foster homes. In the next 5 years, the number of troubled children coming into foster care is expected to increase by an incredible 150 percent—to 840,000 children. And this comes at a time when there is a severe shortage of people willing and able to provide foster care in the United States. The General Accounting Office is reporting that an average of 60 percent of the people who serve as foster parents quit providing care within 1 year.

Mr. President, today I am introducing, along with Senators D'AMATO, KOHL, MOYNIHAN, CHAFEE, GRAHAM, JOHNSTON, and DODD, legislation which would fund five demonstration projects in which addicted mothers in residential treatment would be allowed to have their children with them. These drug- and alcohol-treatment programs would target economically disadvantaged addicted women and their children and would offer child care, parenting and jobs skills, nutrition, and other health and education services as considered necessary. The idea is to maximize successful treatment, keep families together, and break the intergenerational cycle of addiction.

We are asking for $7 million to fund these projects for the first year. There are those who will say we're strapped for money. We can't afford it. It's just not possible. To these people, I would cite the old adage, "Penny-wise and pound-foolish."

I understand from D.C. General Hospital that the cost to maintain a boarder baby is anywhere from $800 to $1,000 a day. The care for one cocaine exposed baby is twice that amount—$2,000 a day. Sixty days of medical care for just one cocaine exposed baby adds up to $120,000. Now the Inspector General of Health and Human Services estimates that it will cost $5 billion to provide hospital and foster care until age 5 for all the crack-exposed babies born each year. And these figures don't include the cost for child abuse and neglect, welfare and incarceration—all problems associated with drug and alcohol addition.

Currently, there are only a handful of residential centers in the country that permit women to take their children with them into treatment. Pomeroy House, a residential treatment center for women alcoholics in San Francisco, is one. Part of Pomeroy's treatment focuses on teaching mothers basic facts about child development. Counselors often find they must also re-parent the mothers, some of whom became pregnant when they were only 13.

Many of the mothers at Pomeroy were physically abused as children by alcoholic parents. They continued the cycle of behavior and in turn became abusive parents themselves—with little or no skills for raising kids. One mother, age 36, was the abused child of alcoholic parents. She had abused her own children "exactly as her mother had abused her." In an act of self-defense, she had stabbed her child's father to death when he started to beat her. Her one chance of keeping her daughter depended on how well she did at Pomeroy House.

Pomeroy gave her new skills as a way out of a destructive pattern of behavior. She was forbidden to hit her child and encouraged to use verbal methods instead. It never occurred to her until she entered Pomeroy, she said, that there might be a more effective way of dealing with her own children.

Pomeroy empowers people to achieve a better quality of life. It's a treatment plan that has a high rate of success. Sixty percent of women who graduate are sober and drug-free 12 months after they leave, according to officials at the center.

We have hard data which indicate that mothers whose children reside with them during treatment for substance abuse consistently stay in treat-

ment longer than women separated from their children, thereby increasing their chances of recovery. Amity, Inc. is a long-term residential treatment facility in my home town of Tucson, AZ. According to officials there, it is common for women enrolled in the Amity therapeutic community to have left their children in drug houses as collateral for drug trades, or even to have sold them for drugs.

Prior to August 1981 the Amity program had been traditionally male dominated. Changes were instigated that August, and a specialized women's program was put in place. As space allowed, women were allowed to bring their children into treatment with them. Mr. President, the results are impressive. Women whose children resided with them during drug treatment at Amity stayed in treatment longer than women separated from their children—506 days versus 182 days, on average.

We see similar results at Odyssey House in New York City. Seventy percent of the adult population there are parents. Sixty-eight percent are second or third generation substance-abusers. Mothers who are allowed to bring their children into treatment with them stay at Odyssey House twice as long as those without children. Twice as long.

Operation PAR is a comprehensive substance abuse treatment organization in the Tampa Bay area of Florida. It networks its program with available community services—the local health department, state protective services, local drug treatment systems. Operation PAR is innovative—and it takes a family approach to treating addiction.

Operation PAR has data which support the notion of a high early drop out rate among women in residential treatment facilities which do not address women's issues. In these facilities, 23 percent of the men left treatment within the first 60 days. In contrast, 63 percent of the women left within this same time frame. And the reason most women gave for leaving treatment? They needed to go home to take care of their children.

So Operation PAR constructed Par Village, a therapeutic community where mothers in treatment can reside with their children. The 14 homes—originally two- and three-bedroom houses located on a thoroughfare—were donated and moved by the county, which had originally planned to raze them at a cost of $375,000. It has been said, "There's always one moment in childhood, when the door opens and lets the future in." In the case of Operation PAR, the door is the door to drug-free communities and drug-free lives.

Fifty years ago Mother Hale, as she is known in Harlem, opened her doors to the first of more than 40 foster children she would come to care for over the next 28 years. In 1968, she was on the verge of retirement when she opened the door to a drug-addicted mother holding a two-month-old girl. "I had never seen a drug-addicted baby that I knew of," Mother Hale said in a 1989 interview. "I thought she would be different, but she was a beautiful baby. I didn't know her name or anything, and it was over 3 years before the mother ever came back."

Years later, the Hale House, as it came to be named, has provided a home for over 600 children of drug addicts. The mission remains the same: Caring for children while mothers go through rehabilitation programs.

A condition of Hale House's taking a baby is that the mother undergo drug treatment. The success of the Hale House program relies on returning the children to their families. The mission of the legislation we are introducing today is similar: break the cycle of addiction and destructive behavior, rebuild families and shattered lives. Mr. President, let us seize the opportunity. After all, "there is always one moment in childhood when the door opens and lets the future in."

That precisely is the purpose of our bill—to let the future in for those whose lives have been shattered by drugs. Mr. President, I ask unanimous consent that the text of our legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) research studies strongly suggest that the incidence of drug abuse among women in general and women of childbearing age in this country is increasing;

(2) drug-abusing women who have children traditionally experience significant barriers to drug abuse treatment because most residential drug abuse treatment programs do not accommodate the children of such women;

(3) many women with children are either reluctant to seek the drug abuse treatment they need or are forced to put their children in State foster homes at a time when there is a severe shortage of people willing and able to provide foster care in the United States;

(4) for the first time since the turn of the twentieth century, orphanages are filling up primarily because of the growing drug problem; and

(5) there is mounting evidence that women whose children reside with them during treatment for drug abuse consistently stay in treatment longer than women separated from their children, thereby increasing the chances of recovery for women whose children reside with them during drug abuse treatment.

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to attempt to rebuild economically disadvantaged drug-affected families by—

(1) reducing the barriers to successful drug abuse treatment for economically disadvantaged high-risk mothers by allowing such mothers to bring their children into residential drug abuse treatment programs with them, and

(2) teaching such mothers new behavior and employment skills which can help to break the cycle of drug addiction in the next generation.

SEC. 3. PROJECT ESTABLISHED.

Part A of the title V is amended by inserting at the end thereof the following new section:

"SEC. 445G. MODEL RESIDENTIAL PROJECTS FOR ALCOHOL AND DRUG ABUSING WOMEN AND THEIR CHILDREN.

"(a) PROJECT AUTHORIZED.—(1) The Secretary, through the Director of the Office, shall make grants to establish not less than 5 projects in which addicted mothers in residential drug abuse treatment facilities are allowed to have their children reside with them during the course of such treatment. Such residential drug abuse treatment and prevention projects shall target economically disadvantaged addicted women and their children (age 10 years and younger) and shall offer child care, parenting and jobs skills, nutrition, and other health, social, education, and employment services as necessary.

"(2) The Secretary, through the Director of the Office, shall only award grants under this section for projects which will be operated for a period of at least 3 years.

"(b) APPLICATION.—Each entity desiring a grant under this section shall submit an application to the Director of the Office at such time, in such manner and accompanied by such information as the Director of the Office may reasonably require. Each such applicant shall include assurances that the mothers selected for participation in such project have been evaluated to ensure that such mothers are committed to remaining in drug abuse treatment and prevention projects assisted under this section.

"(c) EVALUATION.—The Director of the Office shall conduct evaluations to determine the effectiveness of the projects assisted under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,000,000 for fiscal year 1991, and such sums as may be necessary for each fiscal year thereafter to carry out the provisions of this section.".

By Mr. GORTON:

S. 2498. A bill to authorize a certificate of documentation for the vessel *Sea Devil*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "SEA DEVIL"

● Mr. GORTON. Mr. President, I am introducing legislation which would provide for the necessary documentation for the vessel *Sea Devil*. This vessel is owned by William A. Gardner, president of Gardner Boat Repair, Inc., of Seattle, WA. Mr. Gardner purchased an ex-Navy Y.T.B. tug from Crowley Maritime, official number 569316. The vessel was built in Brooklyn, NY, in 1943.

The vessel was sold by the Defense Property disposal office in 1974 to Crowley Maritime Corp. In 1988, the vessel was transferred to Crowley Maritime International, S.A., a Panamanian corporation. This transaction was done so that if the vessel ever wanted to return into U.S. documentation, it would not be able to compete with Crowley in the towing industry in U.S. waters.

The vessel has been stripped of equipment used in towing operations. Mr. Gardner would like to use the vessel as a salmon tender. The vessel will require substantial conversion work before it is ready to operate in the fisheries.●

By Mr. CRANSTON (by request):

S. 2499. A bill to amend title 38, United States Code, to limit the amount of funds held by fiduciaries of incompetent veterans subject to inheritance by nondependent heirs; to the Committee on Veterans' Affairs.

VETERANS NONDEPENDENT HEIRS INHERITANCE LIMITATION ACT

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2499, the proposed Veterans' Nondependent Heirs Inheritance Limitation Act of 1990. The Secretary of Veterans Affairs submitted this legislation by letter dated April 20, 1990, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 20, 1990, transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2499

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Nondependent Heirs Inheritance Limitation Act of 1990."

SEC. 2. Chapter 55 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 3205. Estates of incompetent veterans

"(a) For purposes of this section, the term 'veteran's estate' shall mean the market value, less mortgage and other encumbrances, of all real and personal property owned by the veteran, with the exception of the veteran's principal residence and personal effects suitable to and consistent with the veteran's reasonable mode of life.

"(b)(1) In any case in which a veteran having neither spouse, child, nor dependent parent:

"(A) is receiving payments of compensation under chapter 11 of this title;

"(B) is rated by the Department of Veterans Affairs in accordance with applicable regulations as being incompetent; and

"(C) the veteran's estate from any source equals or exceeds $25,000;

further payments of compensation shall not be made until the estate is reduced to $10,000.

"(2) Any amount which would be payable but for this section shall be paid to the veteran in a lump sum after the expiration of six months following a rating of competence, but no amount shall be payable in the event of the veteran's death or resumed rating of incompetency prior to the date such lump sum shall be payable.".

SEC. 3. The table of sections at the beginning of chapter 55 of title 38, United States Code, is amended by adding at the end thereof the following:

"3205. Estates of incompetent veterans".

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, April 20, 1990.

HON. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to limit the amount of funds held by fiduciaries of incompetent veterans subject to inheritance by nondependent heirs," with the request that it be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would limit the amount of accumulated veterans' disability compensation payments which could be inherited by nondependent heirs of incompetent veterans by providing that whenever the estate of such a veteran without dependents exceeds $25,000, no further payments of compensation would be made until the estate is reduced to $10,000. Section 2 of the proposal would create a new section 3205 in title 38, United States Code, and defines "veteran's estate" for purposes of this new section. Section 2 would apply the $25,000/$10,000 limitation in any case where the incompetent veteran has neither spouse, child, nor dependent parent. It also would provide for payment to the veteran of any benefits withheld, should he/she be rated competent for six consecutive months. Section 3 amends the table of sections at the beginning of chapter 55 of title 38, United States Code, to add the new section.

Under current law, the amount of funds derived from VA benefits which may accumulate in the estate of an incompetent veteran without dependents is virtually unrestricted, except during periods when the veteran is institutionalized at government expense. During such periods of institutionalization, benefit payments are stopped under 38 U.S.C. § 3203(b)(1)(A) if the veteran's estate exceeds $1,500. (We are separately proposing that the $1,500 limit under that section be increased to $4,500 in acknowledgment that even these veterans may legitimately require assets in that amount.) There is also no restriction on who may inherit such funds upon the veteran's death. Inheritance of funds accumulated in veterans' estates is subject to the laws of the various states and territories of the United States. While these laws vary as to the specific classes of relatives to inherit when a person dies intestate, all permit inheritance by nondependent heirs. Only in the absence of any heir recognized by state law do funds held by an incompetent veteran's fiduciary derived from VA benefits (which would otherwise escheat to the state) revert to the Federal Government, in accordance with 38 U.S.C. § 3202(e). In practice, very little is actually recovered under this section.

In contrast to funds administered by fiduciaries, gratuitous VA benefits of incompetent veterans held in VA-administered personal funds of patients trust accounts are not subject to state inheritance laws. Personal funds of patients accounts contain funds held in trust for patients in VA medical facilities and certain other institutions. Upon the death of an incompetent veteran, VA benefits deposited in the personal funds of patients trust account are paid only to the surviving spouse, children (regardless of age or marital status), or dependent parents of the veteran, in accordance with 38 U.S.C. § 3202(d). This proposal would limit the amount of funds held by fiduciaries which could be inherited by individuals other than those who may receive payments under section 3202(d) and by nondependent children.

In a September 1980 letter, the then Chairman of the House Committee on Veterans' Affairs requested an audit by the Comptroller General of the United States to determine the extent that incompetent veterans' estates held by fiduciaries would pass to nondependent heirs. This letter stated that:

"[C]ongress intended that distant relatives should not be enriched through benefits intended for veterans or their immediate families. However, large estates consisting of VA benefits are evidently still enriching distant relatives who may have had very little to do with the veteran and were not affected by his service to the United States."

The General Accounting Office (GAO), in responding to this request, found that an estimated $541 million in VA-derived funds in incompetent veterans' estates would be inherited by heirs other than spouses, children, or dependent parents (GAO Report HRD–82–1, February 10, 1982). GAO recommended that Congress enact legislation to further limit inheritance of VA-derived funds from the estates of incompetent veterans. The Chairman of the House Committee on Veterans' Affairs introduced such legislation in March 1982, but it was not enacted into law.

In 1987, VA's Office of Inspector General (OIG) completed an audit of estates maintained for incompetent veterans. The audit focused on the 14,800 incompetent veterans without dependents then receiving VA compensation for total disability. OIG analyzed a statistical sample of 968 such veterans and estimated that some $648 million in assets derived from VA compensation benefits had accumulated in the hands of fiduciaries. At the time of the veterans' deaths, these funds would be distributed under the laws of the various states and territories which permit inheritance by nondependent heirs. The audit found many examples of veterans' estates inherited by distant relatives, some of whom had little or no contact with the veteran. Some resided in foreign countries and had never even met the veteran.

For example, a veteran of World War II, rated incompetent since 1950, expired in April 1986 and left an estate totalling $185,600, of which $177,600 was derived from VA benefits. This estate was disbursed among cousins of the veteran, and nieces

and nephews of another cousin who predeceased the veteran. Another incompetent World War II veteran died in November 1983, leaving an estate of $81,400 derived solely from VA benefits. In April 1986, a final judgment from a probate court awarded $31,310 in administrative and legal fees to the attorneys and guardian of the estate. The remaining funds were divided between the daughter of a deceased cousin of the veteran and the estate of another deceased cousin.

In another case, an incompetent veteran of World War I, who immigrated to the United States from Lithuania in 1907, died in 1978 leaving an estate of $87,900, including $77,800 in VA benefits. Because VA personnel were unaware that the veteran had any living relatives, a claim was filed to have the estate revert to the Federal Government. However, the claim was withdrawn in 1983 when it was found that the veteran had six nephews and nieces living in the Soviet Union. The estate was distributed among these relatives. Another incompetent veteran, who immigrated to the United States from Italy, expired in 1977 and left an estate of $47,300. Since the veteran had no known relatives, VA filed a claim to have the estate revert to the Federal Government. The probate court having jurisdiction ordered the estate turned over to VA. However, in 1981, assets from the estate were disbursed by VA to 17 relatives who were found to be living in Italy and Germany.

We estimate that, if this proposal is enacted in its present form, the following savings will be realized by the Government over the next five years in the form of reduced disability-compensation payments:

[In thousands]

Fiscal year:	*Savings*
1991	$170,664
1992	175,554
1993	180,031
1994	184,025
1995	187,685

These figures were arrived at by calculating, from a sampling of all incompetent veterans without dependents who were receiving total disability compensation payments, the percentage whose estates exceeded $25,000 and the average amount of payments being received by each. From this sample, the annual savings over each of the next five fiscal years was projected for the entire statistical universe of such veterans. As the proposal would also apply to the estates of incompetent veterans who receive compensation payments for less than total disability, there may be some additional savings from these cases.

The costs associated with implementing and administering the proposal would be as follows:

[In thousands]

Fiscal year:	*Costs*
1991	$4,159
1992	1,754
1993	1,777
1994	1,789
1995	1,810

These figures include the costs of salaries for additional personnel and travel, and, for the first year, the additional costs for data processing development and the training of new and current personnel.

This proposal would not diminish the amount of money used for the care and maintenance of incompetent veterans, and would result in a significant savings to the taxpayer. Payments to fiduciaries terminated under the provision of this draft bill would be resumed when the size of the estate fell below $10,000. Loss of home or possessions would be avoided by the exception of residence and personal effects from the estate limit. There would be no adverse impact on the day-to-day life of the veteran, only on the size of the estate under the fiduciary's control. We strongly urge enactment of this legislation, which reduces the likelihood of inheritance of large estates (comprised of benefit payments to incompetent veterans) by nondependent heirs.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

By Mr. CHAFEE (for himself, Mr. BENTSEN, Mr. HATFIELD, Mr. JEFFORDS, Mr. PELL, Mr. WILSON, Mr. MOYNIHAN, and Mr. WIRTH):

S. 2500. A bill to amend title 23, United States Code, to control billboard advertising adjacent to interstate Federal-aid primary highways, and for other purposes; to the Committee on Commerce, Science, and Transportation.

VISUAL POLLUTION CONTROL ACT

Mr. CHAFEE. Mr. President, today I am introducing the Visual Pollution Control Act of 1990. Joining me in introducing this legislation are Senators BENTSEN, HATFIELD, JEFFORDS, PELL, WILSON, MOYNIHAN and WIRTH.

Senator MATSUNAGA was the first Senator who agreed to cosponsor this legislation, and I regret that this legislation, was not introduced before his death. Hawaii banned billboards many years ago and it was Senator MATSUNAGA, then in private law practice, who drafted the bill that became law and is still the law today in Hawaii. Along with Senator MATSUNAGA's many other accomplishments, he deserves much credit for the preservation of Hawaii's spectacular landscape.

Mr. President, during the last few years, there has been an explosion of activity at the local level regarding billboards. Communities know they have to clean up their landscape in order to attract jobs and a work force to stimulate their local economy. And they have found that one of the worst blights on their landscape is billboards.

Over 500 communities have now passed billboard moratoriums or tough billboard control laws. But after they passed their moratoriums and moved to take down nonconforming billboards through amortization, cities came up against an unexpected barrier: the Federal Highway Beautification Act of 1965. They discovered that they could remove the billboards through their local police powers providing for an amortization period, but that if this was done on an interstate or primary highway, it would result in the State losing percent of its highway funds.

In further examining the status of billboards, States and localities have found that sign companies benefit from State property tax formulas that undervalue billboards. And they found that many billboards are not even listed on local property tax rolls. An investigation in the State of North Carolina found illegal billboards, 500 of which still stood years after their permits had been revoked; zoning violations; and an inconsistent property tax valulation system. At the same time, localities are amazed at how the value of billboards change for cash compensation purposes versus tax purposes.

For example, Houston has been unable to undertake work on I-610 because Texas has refused to buy a billboard which is in the way. The sign is valued at $19,042 by the State, at $288,000 by the company which owns it, and is on the property tax rolls at $10,580.

So communities have discovered that billboards pay no highway user fees even though their value is derived solely from the public highway; that billboards pay little to no property taxes; and that billboards are suddenly worth a fortune if they are removed with cash compensation.

Many cities are doing something about this. They are taking actions to clean up their environment to help their economies. They are putting into place moratoriums on new billboards and regulating those off the interstate and primary highways. They are addressing the issue of property tax formulas that undervalue billboards and making sure that all billboards are on the tax rolls. Now it is time for the Federal Government to make changes which will further these communities' goals, not impede them.

The Highway Beautification Act of 1965, despite its good intentions, has not lived up to its expectations. It is badly in need of reform if it is to carry out its original purpose. The final, fatal blow to the act came in 1978 when Federal legislation supported by the billboard industry made it impossible for State and local governments to use their constitutional police power to regulate nonconforming billboards.

The Visual Pollution Control Act 1990, which I am introducing today, addresses the biggest problem with the current act by returning control over existing billboards to States and localities where it belongs. States and localities have always regulated and removed billboards, and other nonconforming uses, through land use laws derived from their constitutional police power. This authority has been repeatedly upheld by Federal and State courts.

In 1978 the federally imposed requirement for cash compensation as a Federal-aid highway grant condition stymied billboard removal efforts by hundreds of localities. Congress has required cash payments, and has promised to pay 75 percent of the cost, but for many years has provided no money to pay cash. This special treatment of the billboard industry would cost taxpayers over $1 billion.

This bill will permit States and localities to make the decision. They can provide cash compensation, remove nonconforming billboards through the use of amortization, or choose to leaving existing nonconforming billboards standing with no threat of a Federal penalty.

Second, the legislation provides for a moratorium on new billboards along interstate and primary highways. The original intent of a Highway Beautification Act was to reduce the number of billboards along the interstate and primary system, and particularly to maintain the scenic beauty along the Interstate System which was just beginning to be built at that time. Unfortunately, subsequent amendments and changes in interpretation created loopholes which permitted a growing number of billboards along these highways. Along with the moratorium, States and localities are asked to update an accurate inventory of a billboards. It is important to know what is there in order to provide effective regulation.

This bill also addresses another problem highlighted by a 1985 GAO report, "The Outdoor Advertising Control Program Needs To Be Reassessed." It prohibits the cutting of trees and vegetation along interstate and primary highway rights-of-way solely to make billboards visible. Many States do extensive landscaping along interstate and primary highways. Valuable trees and vegetation—paid for with taxpayer dollars—have been cut solely for the purpose of making billboards more visible.

Billboards have a tremendous impact on neighborhoods. Therefore, neighborhoods should have a say about regulating those billboards. Billboards have an impact on the property values of a neighborhood. It is no accident that affluent neighborhoods have stringent controls.

Billboards have an impact on the business economy of a community. Many cities rely heavily on natural beauty and visual quality to attract businesses and tourists. Four of the most tourist dependent States in the country, Alaska, Hawaii, Maine, and Vermont have all banned billboards. Most of America's premier vacation resorts ban billboards or strictly control signs. Businesses have made it very clear that they and their employees do not want to locate in an area where the landscape is littered with billboards.

Billboards are a public health issue. The two leading users of billboards are tobacco and alcohol products. At a time when we are doing everything we can to combat drunk driving, it is ironic that billboards are allowed to advertise drinking to drivers on the highway. We do not permit tobacco advertisements on TV where young children might be exposed to these ads. Yet we permit them on billboards which can not be turned off to avoid young, impressionable eyes.

Billboards are being put up next to schools, churches, national, State, and local parks, historic sites, homes, hospitals, cemeteries, and playgrounds. It is unlikely that billboards will be entirely eliminated from the landscape, but there are many places where they are just inappropriate. Those communities who want to do something about it should be able to.

Billboards claim to provide information to motorists. In fact, they provide very little information to the motoring public. Most billboard advertising is product related. And in many areas billboards have gotten so dense that motorists have difficulty picking out any information. In a recent poll done in my State of Rhode Island, the overwhelming response of voters was that they received very little or no information from billboards. Respondents indicated they received most of their information from newspapers or television.

There are many options available for providing information to the public, including logo signs, the uniform business signs located in the highway right-of-way which Maine uses, tour guides, on-premise signs, and information in tourists centers or at highway rest areas. With the emergence of intelligent vehicle systems or smart cars a whole new array of information technologies will be available.

Mr. President, it is either time to provide the States and localities with sufficient Federal funds to meet our obligation under the Highway Beautification Act in order to provide for cash compensation to remove billboards, or it is time to return to the States and localities their constitutional right to regulate nonconforming billboards through amortization. I urge my colleagues to join with us in supporting the Visual Pollution Control Act of 1990.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD following my statement:

The text of the bill, a section-by-section analysis, and summary of the bill.

A list of the organizations supporting the Visual Control Act of 1990.

A fact sheet from Scenic America on "Sign Control and Economic Development."

There being no obligation, the material was ordered to be printed in the RECORD, as follows:

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Visual Pollution Control Act of 1990".

SEC. 2. (a) Section 131 of Title 23, United States Code, is amended as follows—

(1) in subsection (b)

(A) by striking "shall be reduced" and isnerting in lieu thereof "may be reduced"; and

(B) by striking the words "equal to 10" in the second to last sentence, by inserting in lieu thereof "up to 5", and by striking the last sentence;

(2) in subsection (c)

(A) by striking "(c)" and inserting in lieu thereof "(c)(1)" and redesignating clauses 1 through 5 as clauses A through E;

(B) by inserting at the end thereof the following new paragraphs—

"(2) As part of effective control, each State shall maintain an annual inventory of all outdoor advertising signs, displays, and devices required to be controlled pursuant to this section. Such inventory shall identify all such signs as either illegal, nonconforming, or conforming under State law.

"(3) As part of effective control each State shall assure that signs, displays, and devices required to be removed by this section shall be removed within ninety days of (A) the date upon which they become unlawful or if not unlawful the date upon which they must be removed pursuant to State or local law, or (B), if eligible to receive cash compensation pursuant to this section or to be amortized, the date upon which cash compensation is paid, or the State or local amortization period ends.

"(4) As part of effective control, no State may allow or undertake any vegetation removal or other alteration of the highway right-of-way with the purpose of improving the visibility of any outdoor advertising sign, display or device located outside of the right-of-way.

"(5) As part of effective control, no State may permit any person to modify any outdoor advertising sign, display, or device which does not conform to subsection (c) or (d) of this section to improve its visibility or to prolong its useful life.

(3) in subsection (d), by inserting in lieu thereof "(d)(1)", and by adding at the end of the subsection the following:

"(2) after October 1, 1990, no new signs, displays or devices may be erected under the authority of this subsection. Any sign, display or device lawfully erected under State law after October 1, 1990, and prior to the effective date of this section shall be treated as nonconforming.";

(4) in subsection (e) by amending subsection (e) as follows:

"(e) The Secretary shall not require a State to remove any lawfully erected sign, display, or device which does not conform to this section and is lawfully in existance on the date which this section becomes effective. Nothing in this subsection shall prevent a State from removing any sign, display or device.";

(5) in subsection (g) by amending subsection (g) to read as follows:

"(g)(1) The Secretary may participate in the costs incurred by the State for the following:

"(a) physically removing signs, displays, or devices that are located in areas required to be effectively controlled by this section and are illegal under State law or that are required by this section to be removed and that were lawfuly erected and have been lawfully maintained under State law.

"(b) acquiring signs, displays, or devices that are required by this section to be removed and that were lawfully erected and have been lawfully maintained under State law.

"(2) Payments made to a State by the Secretary may be made for the removal or acquisition of signs, displays, or devices located in areas adjacent to the Federal-aid primary system and the Interstate System from funds apportioned to such State under section 104(b)(1) and 104(b)(5) of this title. For the removal or acquisition of signs, displays, or devices, the Federal share of any costs participated in under this subsection shall not exceed that set forth in section 120(a) for those adjacent to the Federal-aid primary system and that set forth in section 120(c) for those adjacent to the Interstate System.

"(3) After September 30, 1990, a State may use to carry out this section in any fiscal year not to exceed three percent of funds apportioned in such fiscal year to such State for the Federal-aid Interstate and Primary System.

"(4) A signs, displays, or device acquired with funds made available pursuant to this section may be disposed of by sale or other means to a private party only if the State receives satisfactory written assurances that the material will not be used to construct or reconstruct an outdoor advertising sign, display, or device";

(6) in subsection (h) by striking "(h)", by inserting in lieu thereof "(h)(1)", and by adding at the end the following new paragraph:

"(2) No outdoor advertising sign, display, or device shall be permitted by any Federal agency on all public lands or reservations, excluding Indian lands and reservations, owned or controlled by the United States, unless such sign, display or device conforms to regulations issued by the Federal agency with jurisdiction over, or responsibility for, such land. Such regulations shall be at least as stringent as the requirements of this section and the requirements of the State in which the land is located. The regulations required by this subsection shall be developed in consultation with the Secretary of Transportation and shall be promulgated within 12 months of the effective date of this Act.";

(7) in subsection (k) by striking the words "Subject to compliance with subsection (g) of this section for the payments of just compensation nothing" and inserting in place thereof the word "Nothing".; and

(8) by repealing subsections (n) and (p).

(b) On a date no later than one year form the date of enactment of this Act, the Department of Transportation shall promulgate national regulations to implement all sections of this Act.

(c) The amendments made by this section shall be effective upon the date of enactment of this Act *Provided*, That any amendment which a State cannot implement without legislation shall be effective upon the date of enactment of this Act or the end of the first regular legislative session in such State which is commenced after the date of enactment of this section, whichever is later.

SECTION-BY-SECTION ANALYSIS OF THE VISUAL POLLUTION CONTROL ACT OF 1990

Section 1 is the short title of the bill.

Section 2 amends section 131 of title 23 as follows:

(a)(1) amends section 131(b) by making the penalty sanction discretionary rather than mandatory and reduces it from 10 percent to a maximum of 5 percent.

(a)(2) creates four new subsections as follows: New subsection 131(c)(2) requires that each State has an accurate inventory of billboards along Interstate and Primary highways. The inventory must promptly identify unlawful signs for removal, and identify each sign as either illegal, nonconforming, or conforming under State law.

New section 131(c)(3) requires States to remove signs (A) within ninety days after the State law allows their removal, or (B) if eligible for compensation or allowed to remain for a period of amortization, the date on which cash compensation is paid, or the amortization period ends.

New subsection 131(c)(4) requires as part of effective control that the States do not undertake or allow any vegetation clearance or alteration of the highway right-of-way for the purpose of improving visibility of outdoor advertising signs outside the right-of-way.

New subsection 131(c)(5) requires the States to prohibit any modification of nonconforming signs that would end the useful life of such a sign or improve its visibility.

(a)(3) creates new subsection 131(d)(2) which requires that after October 1, 1990, no new signs, displays and devices may be erected in the zoned and unzoned industrial and commercial areas subject to control by agreement under section 131(d)(1). Any signs lawfully erected under State law after that date shall be treated as nonconforming.

(a)(4) amends section 131(e) and permits States to remove nonconforming signs but does not require them to do so.

(a)(5) creates new subsection 131(g)(1) which provides that federal funds may be used to reimburse costs incurred by the State (a) for physically removing illegal signs, displays or devices, and for signs required by this section to be removed although they were lawfully erected and maintained under State law, and (B) for acquiring signs, displays and devices required by this section to be removed and that were lawfully erected and have been lawfully maintained under State law. This subsection authorizes participation of Federal funds in the costs of removing illegal and other prohibited signs and permits participation in costs of sign acquisition.

New subsection 131(g)(2) provides that the source of funding for the payments authorized by 131(g)(1) is section 104(b)(1) and (b)(5) of this chapter. This would allow States to use their Federal-aid Interstate and Primary highway funds, subject to the limitations imposed by sections 120(a) and 120(c), in addition to funds appropriated under section 131.

New subsection 131(g)(3) permits States to use up to three percent each year of their Federal-aid Interstate and Primary apportionments to carry out this section.

New subsection 131(g)(4) limits the use of salvage material from signs removed with cash compensation to prevent re-erection.

(a)(6) amends section 131(h) by clarifying the responsibility for control of outdoor advertising in accordance with this section on all public lands or reservations owned or controlled by the United States, excluding Indian lands and reservations. The control responsibility shall be with the Federal agency having jurisdiction over such lands or reservations. It requires the respective Federal agencies to promulgate regulations implementing this section which are as restrictive as this section and of the State in which the land is located. The regulations are to be developed in consultation with the Secretary and shall be promulgated within 12 months of the effective date of this Act.

(a)(7) amends section 131(g) to restore the choice to the State of providing just compensation either through cash compensation or amortization.

(a)(8) repeals subsections (n) and (p) which are no longer needed.

Subsection (b) requires the Department of Transportation to promulgate uniform regulations to implement this Act no later than one year from the date of enactment.

Subsection (c) provides that the effective date of these amendments shall be the date of enactment of this Act, except where a State cannot implement an amendment without legislation, the effective date will be the date of this Act or the end of the first regular legislative session in the State which begins after the date of this Act, whichever is later.

SUMMARY OF PROVISIONS: VISUAL POLLUTION CONTROL ACT OF 1990

1. Restores to the States and localities the ability to use either cash or amortization in compensating the billboards which are removed. Permits States to decide whether to remove nonconforming billboards by paying cash or using amortization, or to not remove the billboards.

2. Places a moratorium on the construction of new billboards along the Interstate and Primary Highway Systems.

3. Permits States and localities to use up to three percent of their regular Federal-aid highway Interstate and Primary Systems apportionments for providing the Federal share of cash payments for the removal of nonconforming billboards.

4. Prohibits the cutting of trees and vegetation on Interstate and Primary highway rights-of-way solely to improve the visibility of billboards.

5. Changes the mandatory 10 percent penalty to a discretionary 0-5 percent penalty for noncompliance with the Highway Beautification Act.

6. Asks that each State have an accurate inventory of billboards along the Interstate and Primary Systems.

7. Requires the removal of illegal signs and compensated nonconforming signs within 90 days of identification or compensation.

8. Prevents the reuse of billboards for which a State or locality has paid taxpayer dollars to remove, or which were illegal.

9. Prevents the owners of illegal or nonconforming billboards to make improvements which extend the billboards' useful life or increase their value.

10. Clarifies the requirement of Federal land owning or land controlling agenies to issue proper control regulation for billboards.

NATIONAL ORGANIZATIONS WHO SUPPORT THE VISUAL POLLUTION CONTROL ACT OF 1990

American Farmland Trust.
American Forestry Association.
American Institute of Architects.
American Planning Association.

American Society of Landscape Architects.
Bicycle Federation of America.
Center for Science in the Public Interest.
The Conservation Foundation.
Defenders of Wildlife.
Environmental Action.
Environmental Defense Fund.
Friends of the Earth/Environmental Policy Institute/Oceanic Society.
Garden Club of America.
Human Environment Center.
Izaak Walton League of America.
League of American Wheelmen.
League of California Cities.
National Association of Service and Conservation Corps.
National Association of Railroad Passengers.
National Audubon Society.
National League of Cities.
National Parks and Conservation Association.
National Recreation and Park Association.
National Trust for Historic Preservation.
National Wildlife Federation.
Natural Resources Defense Council.
Preservation Action.
Rails to Trails Conservancy.
Renew America.
Scenic America.
Sierra Club.
Southern Environmental Law Center.

FACT SHEET: SIGN CONTROL AND ECONOMIC DEVELOPMENT

SIGN CONTROL IS GOOD FOR BUSINESS

To a great degree, business, industry and new residents are all attracted to or repelled by a community's appearance; in other words, what it looks like. An attractive community generates business and attracts homeowners. An attractive community is also a healthy community. It has a sense of pride, a sense of caring, and a sense of place.

Sign control is even more important when it comes to communities that depend on tourism. As tourists, Americans collectively spend millions of dollars seeking unspoiled countryside and unobliterated architecture. Yet nothing destroys the unique character of a place faster than uncontrolled billboards and signs.

The more a community does to enhance its unique set of natural, historic, and architectural assets, the more tourists it will attract. On the other hand, the more one place comes to look like everyplace else, the less reason there is to visit.

Without exception, communities that have enacted sign control ordinances have benefited economically. For example, Montgomery County, Maryland; Fairfax County Virginia; Boulder, Colorado; Chapel Hill, North Carolina; Boca Raton, Florida; Marin County, California; and Honolulu, Hawaii all have three things in common: strict sign controls, healthy economies, and national images as good places to live, work and do business.

The Joint Economic Committee of the United States Congress reports that a city's quality of life is more important than purely business-related factors when it comes to attracting new businesses, particularly in the rapidly growing high-tech and service industries.

The three American cities voted most conducive to business—San Diego, Seattle, and Portland, Oregon—have all banned new billboards and enacted tough on-premise sign controls.

Almost all of America's premier vacation resorts ban billboards and control signs. For example, Palm Springs, Lake Tahoe, Carmel and Big Sur, California; Sante Fe, New Mexico; Scottsdale, Arizona; Hilton Head, South Carolina; Williamsburg, Virginia; Boca Raton, Florida; and Martha's Vineyard, Massachusetts have all recognized that sign control helps attract tourists' dollars and aids the local economy.

Chaotic overabundance of billboards almost invariably accompanies an area's deterioration and lowers property values.

Indeed, the copy-cat competition to see who can build the biggest, tallest, and most distracting sign always backfires. Like screaming children in a crowded classroom, the more everyone shouts the less you can hear. Sign clutter works the same way. It means the viewer sees less, not more.

When a community passes regulations that effectively limit the size and number of signs, the viewer actually sees more. As a result businesses do a more effective selling job at lower cost. Elimination of clutter also increases motorist safety, and reduces the visual assault on our senses.

You need only look about you to see that every step taken to improve a community's livability includes without question good billboard and sign control. You always find it in modern shopping malls, revitalized business districts, and top grade industrial parks.

The National Academy of Sciences Urban Policy Committee report that "improving the appearance and attractiveness of buildings and open spaces in a community increases its desirability as a place to live, work, visit, and invest."

The Texas Industrial Commission recommends "visual enhancement" as one of the five major steps for a city that is seeking industrial development."

The Mississippi Research and Devlopment Center, after a five-year study of 35 cities, reports that "the way a community looks affects how both residents and visitors feel about it. An attractive community has a better chance at industry, including tourism."

The President's Commission on Americans Outdoors reports that "natural beauty" is the single most important factor for adults when they choose a site for outdoor recreation.

The Vermont Travel Division reports that "one of our greatest natural resources is our scenic beauty. Although there was some question that removing billboards might hurt tourism, it has had the opposite effect. Tourism is up for all businesses large and small."

The Maine Department of Tourism reports that "we have no commercial signs on Interstates. People say they can see the state now. Our mail shows that there is a great deal of appreciation for the fact that we have removed billboards. The initial concerns that businesses would be hurt have been completely unfounded."

By Mr. DOMENICI:

S. 2501. A bill to amend section 1738A of title 28, United States Code, relating to child custody determinations, to modify the requirements for court jurisdiction; to the Committee on the Judiciary.

CHILD CUSTODY JURISDICTION REFORM ACT

● Mr. DOMENICI. Mr. President, I rise today to introduce a bill that makes a small but very important change to our laws governing the way child custody orders are modified in this country.

Entitled the "Child Custody Jurisdiction Reform Act of 1990," this bill would modify provisions of the Parental Kidnapping Prevention Act [PKPA] of 1980 to eliminate costly, drawn-out jurisdiction battles that unnecessarily inflict pain upon the children and families involved.

My bill would clarify how States retain and lose jurisdiction in child custody modification cases. It would correct a flaw in the current law, and help fulfill the original intent of the PKPA.

The idea for this legislation was developed by a small task force I have been working with from the New Mexico Bar Association's family law section. This is one of several issues I have been working on with them. I share their goal and commitment to improve conditions for children and families. They have identified this issue as one of their key problems facing family law right now.

Provisions of the PKPA that my bill would amend were intended to prevent jurisdictional conflict between State courts with respect to child custody cases by specifying conditions under which a State may establish and retain jurisdiction to make a custody ruling. Once a State issues a custody decree consistent with the provisions of the PKPA, no other State may exercise concurrent jurisdiction over the custody dispute.

However, Mr. President, a slight defect in the PKPA still allows jurisdictional competition to continue. States may modify custody rulings made by other States under the act if a child has resided in the new State for at least 6 months, and the original court no longer has jurisdiction under its own laws.

Because the language of the PKPA is unclear in certain critical parts, a new State may modify a decree made by another by just determining on its own that the original State no longer has jurisdiction under the original States' laws—even if the modification made is inconsistent with the original State's decree and law.

If you think this sounds confusing you ought to try and live your life in compliance with the inevitable conflicts the defective law can cause.

This loophole, or defect, depends upon your point of view and contributes to the kind of forum shopping the PKPA intended to prevent. Forum shopping encourages a parent, unhappy with one court's decision, to move the children to another State, hoping to get a more favorable decree. This is particularly problematic since the Supreme Court, in a 1988 child custody case, Thompson versus Thompson, ruled that there is no Federal court jurisdiction to determine which of two

conflicting States has proper jurisdiction.

Mr. President, this defect is causing numerous problems across the Nation right now. Let me briefly describe the kind of case that is typical of several ongoing cases right now. A first State issues a custody decree giving the mother custody of the children and the father certain visitation rights. The mother then moves herself and her children to a neighboring State, hoping to get decree with more restrictive visitation rights.

After 6 months in the new State, the mother finds a judge who rules that the original State no longer has jurisdiction, and modifies the visitation rights. The father, who still retains certain visitation rights in his own State, is denied those rights when he tries to visit his children. The parents and lawyers continue to fight, and the children are caught in the middle of tug of war that often drags them across the country.

Mr. President, the pain that custody battles cause for both children and parents is tragic and we should do what we can to curb legal loopholes that create legal battles.

We should promote an atmosphere for our children that permits them the lighthearted joy of playing ball in a playground not forcing upon them the misery of being footballs in a courtroom.

My bill would eliminate this competition by clarifying that a State making an original custody decree retains jurisdiction as long as that State remains the residence of the child or of either parent in the decree. The original State could determine on its own that it no longer has jurisdiction under its own laws—thereby transferring jurisdiction—but another State could not act until the original State declines jurisdiction.

This bill would assure that one State, and one State only, would have jurisdiction under Federal law to resolve a child custody dispute, and would relieve Federal courts from any need to resolve such disputes.

In closing, Mr. President, I would like to thank members of the New Mexico Bar's family law section who helped me with this, including Barbara Shapiro, James Lyons, and Tom Montoya. In particular, I would like to give special thanks to Tom, who is with the Albuquerque law firm of Atkinson & Kelsey, for his work on this issue. Tom has researched this issue extensively, and has been a tremendous help to me on this.

I think this is a reasonable solution to the problem that exists, and I hope my colleagues will support it. I look forward to working with the relevant committees to see that this bill can be considered quickly.●

By Mr. BOSCHWITZ:

S. 2502. A bill to amend the Internal Revenue Code of 1986 to make certain provisions of the Equal Access to Justice Act applicable to tax proceedings; to the Committee on Finance.

TAX JUSTICE ACT

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce the Tax Justice Act. This bill, if enacted, will establish a more equitable method for small business owners and individuals to recover administrative and litigation costs if they prevail in lawsuits and formal agency hearings involving the IRS.

The Tax Justice Act is an extension on the Equal Access to Justice Act which was permanently reauthorized in 1985. You will recall that the equal access to justice law allows small businesses and individuals to recover legal fees and expenses if a Federal agency is the losing party in litigation, and is unable to establsh substantial justification for its position against the small business or individual. Since the reauthorization for EAJA failed to include the IRS among the list of agencies to which the law applies, the Tax Justice Act corrects that.

The Act contains a number of provisions. First, it covers individuals with a net worth of $2 million or less, as well as sole proprietors, corporations, partnerships, local governmental units, and public or private organizations with a net worth of $7 million or less and not more than 500 employees.

Second, it shifts the burden of proof away from the taxpayer and toward the IRS when determining whether the agency should pay a taxpayer's legal fees and expenses. In other words, if a taxpayer prevails with respect to the amount in controversy or the most significant issues in the case, the IRS must then establish that its position was substantially justified in order to avoid reimbursing the taxpayer for costs incurred.

Finally, the act encourages the court to consider not only the position of the United States in the agency hearing or in the litigation, but the Government's original action or failure to act which prompted the formal proceeding. For example, if the IRS issues a notice to a taxpayer claiming failure to report interest, the court will consider the position taken by the United States after the taxpayer has had the opportunity to provide sufficient information to establish whether the interest should have been reported on the tax return. Under this provision, a taxpayer may attempt to recover costs incurred before the trial date in the event that a case is settled out of court.

Mr. President, I believe that this bill is timely, especially in light of recent reports published in the Washington Post concerning the plight of Kay and Alex Council. In that case, Alex Council resorted to suicide so that his wife could gain access to insurance proceeds in order to continue a battle with the IRS that had been waged for several years. At issue was a $300,000 tax bill consisting of penalties and interest levied on the Councils after they failed to respond to a notice that the agency sent to the wrong address. Although Kay Council finally won the case, as well as the right to be reimbursed for thousands of dolalrs in attonrey fees, not every case is this dramatic. Nonetheless, it does illustrate the need to protect small businesses and individuals from the IRS tyranny in the form of specious claims and protracted litigation.

Mr. President, I urge my colleagues to support this legislation. If enacted, it will provide some measure of protection for citizens subjected to wrongful attacks by the IRS that lead to costly and wholly unnecessary litigation.●

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 2503. A bill to amend the Food Security Act of 1985 to modify the exemptions from wetland conservation requirements, and for other purposes; to the Committee on Environment and Public Works.

MODIFICATION OF EXEMPTIONS FROM WETLAND CONSERVATION REQUIREMENTS

Mr. BUMPERS. Mr. President, I rise today to introduce, with my friend and colleague, Senator PRYOR, a bill on a subject that has become the No. 1 issue of concern to farmers all over America, namely, wetlands determination. That this issue can supersede every other agricultural issue during a farm bill year indicates how concerned our farmers are about a Federal regulation that is grossly overreaching and beyond the intent of Congress.

In 1985, I was one of the strongest supporters in the Senate for the inclusion of a section in the 1985 Food Security Act that is commonly known as the Swampbuster Act. The premise behind the Swampbuster Act was that the Federal Government had a legitimate interest in preserving wetlands, which then numbered around 100 million acres, In exchange for farmers qualifying to receive a range of Federal assistance, including price support loans, deficiency payments, crop insurance, production loans and guarantees, and storage loans, the Federal Government would prevent farmers from converting wetlands not already converted or in the process of being converted by December 23, 1985.

Mr. President, this bill essentially goes back to the 1985 Swampbuster Act and includes wetlands as defined in that act.

The core of fairness in this measure was that a farmer could exercise his property rights as he saw fit, but if in so doing he converted wetlands after December 23, 1985, then the Govern-

ment exercised its right not to offer Federal assistance. Also, a farmer could farm wetlands without penalty as long as he did not alter the wetland characteristics.

Arkansas was affected as much as any State by the Swampbuster limitations, and many of our farmers were opposed to the provisions. But they complied, and after a while Swampbuster limitations became an accepted part of doing business.

Unbeknownst to farmers in my State, the EPA, the Corps of Engineers, the Fish and Wildlife Service, and the Soil Conservation Service issued an interagency publication in January 1989, entitled the "Federal Manual for Delineating Jurisdictional Wetlands," without going through the normal rulemaking process. This manual supposedly made uniform the definition of wetlands, and it had the effect of extending the jurisdiction of the Corps of Engineers to 80 percent of all arable land in eastern Arkansas. Claiming that the Corps of Engineers had incorrectly applied legislation adopted in the Clean Water Act of 1972, not to mention the corps' own regulations adopted in 1977, the EPA began a campaign to greatly expand its enforcement control of wetlands throughout the United States, but most particularly in the delta region of the Mississippi River, through the adoption of the new manual.

The Memphis District of the Corps of Engineers saw an increase of 200 percent in the number of acres in Arkansas classified as wetlands. In the region under the jurisdiction of the lower Mississippi Valley division, lands classified as wetlands jumped to 19 million acres.

Almost all of these new acres are lands exempt under Swampbuster as prior converted. Land that had been upland cotton ground for 50 years is now being classified as a wetland. What concerns me greatly is that the EPA and the corps have engaged in a program of not only protecting established wetlands, but also one of reclaiming and reestablishing wetlands in a manner that smacks of an illegal taking. In fact, I have learned from good authority that the Atlanta office of the EPA noted to officials within the Corps of Engineers that EPA would accomplish on a case-by-case basis what would be clearly prevented as an illegal taking if done by regulatory fiat. These comments, showing a complete disregard for private property rights, will work to set back not only our attempts to preserve wetlands, but also attempts to adopt reasonable approaches for reestablishing wetlands, such as a wetlands reserve program for some other landowner incentives program.

As noted, under section 404 permitting authority, the EPA and the corps included millions of acres of land that are exempt under Swampbuster as prior converted. Section 404 does provide some exemptions, known as 404(f) exemptions, but neither the corps nor the EPA can tell us how such exemptions will be defined. Rice farmers in Mississippi are at the mercy of the Atlanta office of the EPA. New rice farmers in Arkansas are fortunate in that jurisdiction in the determination of what is a normal, ongoing farming practice is in the hands of the Dallas EPA office which seems to have a clearer grasp on agricultural determinations.

However, neither office of the EPA nor the Corps of Engineers has been able to provide timely relief for those interested in going into aquaculture production. To date, the general permitting authority of the corps which would allow for the board awarding of permits based on classes of acceptable production, thereby freeing farmers from having to seek individual permits, is hopelessly bogged down. All concept of the need to match farmers' production seasons has been lost. Rumors abound that the corps and the EPA will issue a press release soon establishing broad categories of exempt production, but the only concrete information I have is the statement by corps officials that general permits may be issued within the next 6 months. This is far too late.

Another area in which the corps and the EPA have been unable to make a timely decision is that of mitigation. It is widely believed that the EPA and the corps will require mitigation for changes in production practices on lands now classified as wetlands. For example, a farm that has been in cotton for 50 years and enjoys a Swampbuster prior conversion and a 404(f) exemption would still have a mitigation requirement under section 404 if some of the land was devoted to building a fish pond. This is unfair on its face because farmers will lose normal production land, but the problem has been made worse because the mitigation requirements are still unknown.

While the corps and the EPA are conferring on general permitting possibilities or mitigation requirements, farmers now have a nearly insurmountable problem in just trying to get a permit. DOD has instituted a nationwide hiring freeze. Therefore, three-person offices normally handling 80 requests per quarter now have 10 times that number, and there is no relief. Our farmers have been forced into an untenable situation.

I am sure that few question my environmentalist credentials or my strong desires to protect our remaining wetlands and to help recreate new ones. But I cannot understand why our farmers must be punished in this process. Section 404 regulation is clearly unjust on the vast amount of the new land recently brought under the jurisdiction of the corps, and my bill will remedy this problem by grandfathering all wetlands regulation under the Swampbuster provision of the 1985 Food Security Act for land classified as prior converted. In other words, if land is classified as prior converted under Swampbuster, then it is exempt from all other wetland regulations.

The second part of my bill is designed to offer farmers who were allowed to farm wetlands under Swampbuster some options to convert these lands in exchange for providing quality mitigation land. If farmers have farmed wetlands for 6 out of 10 years prior to December 23, 1985, they may convert these lands as long as they mitigate on a one-for-one basis. Such mitigation must maintain the same value and function of the lost wetlands. Lands currently classified as converted wetlands, or in a new category of severely degraded wetlands as defined by the Secretary, shall be used for mitigation. The restoration of converted wetlands or severely degraded wetlands through mitigation shall be approved by the Secretary of Agriculture with the concurrence of the Fish and Wildlife Service. This section of my bill offers flexibility to farmers while providing the greatest protection for animal and plant life dependent on traditional farmed wetlands.

Mr. President, the wetlands problem has become a critical issue to many in this body, and I am convinced that technical changes like those I offer today are necessary if we are to advance the goal of preserving our remaining wetlands. I encourage my colleagues to study this bill closely and to support its adoption.

I ask unanimous consent that the text of my bill as introduced be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTIONS FROM WETLAND CONSERVATION REQUIREMENTS.

Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended by adding at the end the following new subsections:

"(d) Notwithstanding any other provision of law, converted wetland that is described in subsection (a)(1) or (e) shall be exempt from any other provision of law governing wetland use, if the converted wetland is used for agricultural purposes (including row crops, acquaculture, silviculture, the production of livestock or poultry, or horticulture).

"(e) No person shall become ineligible under section 1221 for program loans, payments, and benefits as the result of the conversion of wetlands on land that was cultivated to produce at least 6 of the 1975 through 1985 crops of an agricultural commodity on a farm if (as determined by the Secretary)—

"(1) the reduction in the value, acreage, and function of the converted wetland is mitigated by the person through the restoration of—

"(A) converted wetland; or

"(B) severely degraded wetland (as defined by the Secretary), with the acreage of severely graded wetland to be determined by the Secretary, in consultation with the Fish and Wildlife Service, on an acre for acre basis;

"(2) the restoration occurs in advance of, or concurrently with, the production of the agricultural commodity on the converted wetland and in accordance with a restoration plan developed and approved by the Secretary, with the concurrence of the Fish and Wildlife Service;

"(3) the restored wetland is on lands owned or otherwise under the control of the person; and

"(4) the person enters into an agreement with the Secretary under which the person agrees to maintain the restored converted wetland.".

By Mr. D'AMATO (for himself and Mr. DODD):

S. 2504. A bill to establish a housing grant action program; to the Committee on Banking, Housing, and Urban Affairs.

HOUSING GRANT ACTION PROGRAM ACT

● Mr. D'AMATO. Mr. President, today I am introducing the Housing Grant Action Program Act of 1990 with my friend and colleague from Connecticut, Senator CHRISTOPHER DODD. I thank Senator DODD for his invaluable insights and support in developing this legislation. With his commitment and that of Senators DOLE and PRESSLER, I am convinced that the introduction of this package will result in a groundswell of support for this commonsense approach to housing our Nation's poor.

As you know, I have been working with Senator CRANSTON for the past 3 years to develop comprehensive housing legislation. Our 3-year legislative process involved some of the best and the brightest in the field of housing from around the Nation—the Rouse-Maxwell Task Force, MIT, and an array of committed, topnotch interest groups. Our effort culminated on March 15, 1989, with the introduction of S. 566, the National Affordable Housing Act. S. 566 is a sweeping package of reforms and new programs designed to address housing problems affecting the homeless, the elderly, the disabled, welfare families, the first-time homebuyer, and others who are truly in need. It is a commendable product.

The legislation that CHRIS DODD and I introduce today aims to supplement S. 566. We intend to offer this bill as an amendment to May 2 at the Senate Banking Committee markup of the National Affordable Housing Act. This legislation takes into account a phenomenon that neither the housing task forces nor the experts anticipated. I am talking, of course, about problems at the Department of Housing and Urban Development which went to the very heart of HUD's ability to perform its housing mission.

Three years ago, when the National Affordable Housing Act was being developed, no one knew that the agency's effectiveness had been so seriously eroded. No one was aware of the rampant abuses occurring with housing programs. No one knew that HUD had fallen under the undue influence of lobbyists and interest groups. And clearly, no one—inside or outside of the Department—knew that the FHA fund was headed for disaster. Coupled with the serious backlog of over 204,000 housing units in the section 202 and Public Housing CIAP programs, we cannot create more programs with more funding and more bureaucracy without first getting HUD's housing in order.

Secretary Kemp took up the challenge of whipping HUD back into shape and he has made an excellent start. He has assembled an outstanding team of individuals who are committed to making HUD a well-functioning and responsive housing organization.

But let's be realistic. It's not easy to turn around a 14,000-person bureaucracy. The agency is still replacing many of the key personnel who have left or are on the brink of leaving. And HUD's infrastructure, like its computer system, is not up to speed. Under these circumstances, the housing backlog continues to increase. Ultimately, housing never gets to the people.

Changes in the law governing our Nation's housing programs are necessary. Secretary Kemp took the lead last year and helped the Congress pass HUD reform bill that began to deal with the structural problems at HUD. What is needed now is an ultimate reform—a change in the housing mandate that eliminates the old mechanism of centralized control and Washington-based interest groups and places the housing mandate and the housing resources in the hands of those who can best respond to the Nation's housing needs. Secretary Kemp's reform in HUD procedures was appropriate and beneficial but the fundamental problem of bureaucracy, centralization, and confusing regulations remains. The legislation we introduce today seeks to adapt our new housing initiatives to the need for decentralization and responsiveness that the lessons of HUD's problems have helped to define.

GET THE HOUSING TO THE PEOPLE: IT'S TIME FOR A BLOCK GRANT

We are all aware that HUD administers many complex programs which are sometimes both redundant and conflicting. Community groups seeking housing assistance find these programs impossible to understand and access. Often a well-intentioned nonprofit organization is forced to hire a consultant who knows HUD or HUD programs in order to decipher the labyrinth of regulations and redtape surrounding each program. Ultimately those in need of housing suffer and the American taxpayer pays for this unnecessary overlap and confusion.

To make matters worse, the turmoil at HUD makes it clear that it has limited capacity to administer housing programs. The most visible example of this is the pipeline of unused funds. The section 202 program currently has over 34,000 units stuck in the pipeline. This is more than 4 years of the amount of units currently appropriated for this program. Furthermore, the Public Housing CIAP program—which renovates public housing—has a backlog of over $3.4 billion—enough funding to rehabilitate 170,000 units of public housing. It's time we get the money to the people.

THE HOUSING GRANT ACTION PROGRAM ACT OF 1990 [GAP]

It is for this reason that I am introducing legislation to supplement the National Affordable Housing Act. The Housing Grant Action Program Act of 1990 is fiscally responsible. It involves no new Federal funding. This legislation maintains the current level of funding for nine categorical housing assistance programs, adjusting for full PFS and inflation—totaling $7.1 billion—and simply alters the method by which the funding is allocated.

The simple idea is consolidation. Currently there are nine separate categorical programs at HUD which are devoted exclusively to housing acquisition, rehabilitation, and production. Each of these programs works differently. Each is distributed to a different class of recipient—either a nonprofit organization, a State or local government, a for-profit developer, or a public housing authority. Each program has its own requirements and guidelines. Yet all of these programs are designed for the same activity—rehabilitating, acquiring, or constructing housing for low- and moderate-income families. This is redundant and inefficient.

My legislation would consolidate the total funding for these nine categorical HUD programs, provide a full PFS of operating subsidies, adjust for inflation, and distribute the total $7.1 billion to State and local governments in the form of one block grant. The nine programs to be consolidated are: the Rental Rehab Program, the 312 Rehab Loan Program, the 202 Elderly and Handicapped Housing Program, the Nehemiah Program, the Moderate Rehabilitation Program, the Public Housing Modernization [CIAP] Program, the Public Housing Operating Subsidies Program, the Public Housing and Indian Housing Development Program, and the HoDAG Program.

This program would then distribute funds by formula to States and localities in a manner similar to the Community Development Grant Program; 70 percent of the funds would be allocated to localities and 30 percent would be allocated to States. Four percent would be taken off of the top for Indian housing.

The CDBG Program has an established track record of success. States and localities are familiar with its distribution process. They are comfortable with its method of allocation. Local officials and community groups have acquired a capacity to address effectively the housing needs of their area within such a system. It makes sense to recognize and build upon this successful method of distributing housing assistance—instead of creating a brand new system and structure and program. Particularly now, we need to use what we know works.

Although allocation of these funds is intended to be flexible—to account for the differences of local housing markets and needs—we must also ensure that the funds are used for individuals who are in the greatest need of housing assistance. Consequently, the legislation proposes to copy/replicate the targeting requirements used in the Low-Income Tax Credit Program—providing assistance to individuals and families with incomes of 60 percent or below the area median. Families will pay no more than 30 percent of their income on rent with allowance for utilities.

Using this targeting requirement will establish some consistency between our tax subsidies and direct subsidies for housing and it builds upon the targeting requirements of a program that has experienced national success in assisting the poor. The Low-Income Tax Credit Program has produced units for over 236,000 families in the past 3 years.

The Federal Government has a rocky history in the area of coordination of these two housing funding streams. The result has been a nightmare for those localities which are trying to address the needs of the poor. This legislation will ensure that, for the first time in well over a decade, direct housing and tax subsidies work in conjunction with one another—they will be allocated in a similar fashion and they have identical requirements for income levels of families who are eligible to benefit from the subsidy.

CONCLUSION

With ongoing difficulties at HUD, we must focus on simplification and consolidation of our housing programs. The HOP block grant in S. 566 takes a first step in this direction. Yet with all of the lessons that we have learned over the past year about HUD, HOP is not enough. We must consolidate and synthesize in a major way. We must tap the expertise and commitment of State and local officials by unleashing them from complex Federal regulations. The Housing Grant Action Program does just this. I look forward to working with my friend Senator CRANSTON to continue his efforts to advance housing in a direction that is long overdue.●

● Mr. DODD. Mr. President, I am delighted to be joined by my good friend and New York neighbor, AL D'AMATO, in introducing the House Grant Action Program [GAP] of 1990. While we scan the horizon from vantage points on opposite sides of the aisle, Senator D'AMATO and I have long shared the view that a Federal commitment to the creation of a viable and responsive national housing policy is a priority that this Nation must always sit at the highest levels of the national agenda. We stand here today in further bipartisan affirmation of that commitment.

It is a spirit of commitment that began 3 years ago and for which we owe an extraordinary debt of gratitude to Senator ALAN CRANSTON—my democratic colleague, long-time friend and tireless champion of housing. ALAN spearheaded an unprecedented effort chaired by Jim Rouse and David Maxwell to bring together the best housing minds from across the country to forge legislation in response to our Nation's housing crisis. S. 566, the National Affordable Housing Act, which is the byproduct of that effort, is a comprehensive package of innovative reforms created to meet the housing needs of many Americans—from the homeless to the first-time home buyer, from the disabled to the elderly. The National Affordable Housing Act is a wide-ranging blueprint for action that emphasizes the fundamental partnership of the Federal Government and State and local governments in the establishment of effective national housing policy.

The legislation that Senator D'AMATO and I introduce today is a necessary complement to S. 566. It is not a replacement. It is not a gutting. It does not replace the Housing Opportunity Program [HOP], the centerpiece of S. 566. It does not affect Secretary Kemp's Housing Opportunity for People Everywhere [HOPE] proposal. It does not alter any part of S. 566—a bill that I continue to wholeheartedly support. It is our hope that the legislation we introduce today becomes a beneficial part of S. 566.

The Housing Grant Action Program of 1990 is a measure that recognizes—and seeks to address—some changes that have occurred in the housing universe over the last 3 years. They are changes—the worsening state of HUD, the condition of FHA, the looming specter of FSLIC—that the best housing minds could never have contemplated and that threaten the hard fought gains of the last 3 years. As it relates to HUD alone, there are presently 34,622 units in the section 202 pipeline; that's $1.7 billion worth or 4.5 years worth of appropriated, unused section 202 funds. As for the public housing modernization [CIAP] pipeline, it is currently jammed with $3.4 billion in unused funds, enough to renovate 170,000 public housing units.

As policymakers, we must be accountable to the changed realities in any theater of debate. Accountability has been the watchword in the creation of the National Affordable Housing Act. The housing gap legislation is an attempt, in complete consistency with the philosophy of S. 566 and its HOP centerpiece, to remain accountable to the urgent housing needs of Americans.

We propose the creation of a block grant that consolidates $6.6 billion in 1990 funding for nine categorical programs presently at HUD. They include: the Rental Rehab Program, the 312 rehab Loan Program, the 202 Elderly and Handicapped Housing Program, the Nehemiah Program, the Moderate Rehabilitation Program, the Public Housing Modernization [CIAP] Program, the Public Housing Operating Subsidies Program, the Public Housing Development Program, the Indian Housing Development Program, and the HODAG Program.

GAP funds would be distributed by formula to States and localities in a manner similar to CDBG—with 70 percent of the funds allocated to localities and 30 percent to States. Senator D'AMATO and I believe that it makes sense to recognize and build upon this method instead of creating a brand new system for our States, localities, and community groups to understand. The legislation also duplicates the targeting requirements used in the Low-Income Housing Tax Credit Program. This reflects not only the themes of consolidation and simplicity, but also points in the direction of better coordination between tax and spending programs, something I have long advocated as critical to the development of responsive and responsible housing policies.

Consolidation, streamlining, and the elimination of unnecessary red tape have been themes that have echoed with accord and consistency throughout the development of national housing legislation over the last 3 years. Our legislation would apply those universally accepted themes in the form of a block grant to the nine existing programs outlined above.

I have no doubt that much of the focus of comment on our legislation will center on public housing. There are no two stronger friends of public housing in the U.S. Senate than the authors of today's legislation. It is our shared belief that the best interests of the low-income Americans who need—and will continue to need—public

housing will be better served with the passage of this legislation. We believe that bringing the dollars that fund public housing closer to the politics that understand public housing is the best way of ensuring that we continue to meet the housing needs of low-income Americans.

Let's be candid. The enemies of public housing are many and well known. They wait for the first opportunity to rid us of their great nemesis. Our legislation beats them to the punch. It articulates a new Federal commitment to sustaining and preserving an increasingly needed public housing stock. It makes sure that it is the friends—not the enemies—of public housing that form the parameters of an inevitable debate about its future. Our legislation simply says that public housing—like all housing—is best managed by those that know it best. It is the local officials that best understand the needs of their particular low-income housing community. This GAP legislation would give them the tools that they require to respond to those diverse needs. Meanwhile, we the friends of public housing in Washington must work to guarantee that support for public housing remains high on the agenda of national housing priorities.

Our legislation makes it explicitly clear that no State or locality will be allowed to ignore the needs of families living in public housing. In order to receive funds under the proposed legislation, a State or locality must certify that it is addressing the needs of those in public housing. The legislation also provides for explicit hold harmless provisions for fiscal years 1991, 1992 and 1993. This hold harmless amount is the minimum amount that a State or locality will receive for public housing in 3 years. A number of States and localities will receive more than the hold harmless amount. The hold harmless provisions include:

First, a full amount of operating subsidy—based on performance funding system formula—for the public housing within the jurisdiction. Currently, PHA's have to fight each year to get the full PFS amount. The GAP bill insures that the full PFS amount will be provided to the appropriate State or locality over 3 years.

Second, an annual formula allocation of CIAP [Comprehensive Improvement Assistance Program] funding based on an average of the amounts received by public housing authorities within the jurisdiction over the last 5 years. Currently, CIAP funding is competitive. This provision responds to the need for a regular, formula allocation of CIAP funding by distributing rehabilitation funds on an annual, formula basis.

Third, an annual formula allocation of public housing development funding based on an average of funding received by public housing authorities within the jurisdiction over the last 5 years.

Let me add one, final, strategic thought. The legislative landscape of the last decade is littered with the remains of excellent housing proposals that have died in the chilly, contrarian winds of official Washington. It is also true that the only lasting monuments in the housing landscape of the last generation are those that were built with the hands of bipartisan cooperation.

The people of this Nation need housing legislation. They need strong, bipartisan legislation that can withstand the rigors of a long and rancorous legislative process. They need legislation that can sustain the support of a majority of the Members in this institution. As an amendment to S. 566, the National Affordable Housing Act, the Housing Grant Action Program of 1990 is the glue that will secure the passage of comprehensive legislation that can sustain broad and unequivocal, bipartisan support. Without that kind of support, we build nothing more than another monument to the failures of partisan indifference.

This is the time to see to it that the monument we do build can stand the test of time and be worthy of the trust that the American people place in us to help them meet their urgent housing needs.

Mr. President, I ask unanimous consent that a section-by-section analysis of the Housing Grant Action Program of 1990 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE HOUSING GRANT ACTION PROGRAM ACT OF 1990 SECTION-BY-SECTION SUMMARY

SECTION 1—SHORT TITLE

This Act may be cited as the "Housing Grant Action Program Act of 1990."

SECTION 2—PURPOSES

(a) The purposes of this Act are to:

(1) Promote the cooperation of all levels of government and the private sector, including nonprofit organizations, in addressing local housing needs and issues;

(2) Recognize the diversity of housing issues and concerns across the Nation;

(3) Maximize the use of existing Federal resources to assist State and local governments in addressing current housing problems;

(4) Add to the supply of affordable housing;

(5) Provide the maximum possible flexibility in the use of these assistance funds;

(6) Provide assistance funds to States and localities on a formula basis for use according to a comprehensive housing assistance strategy and for prescribed eligible housing activities;

(7) Promote consistency between existing and proposed tax policy and housing policy;

(8) Preserve wherever feasible as housing affordable to low income families those dwelling units produced for such purpose with Federal assistance; and

(9) Recognize, better utilize, and enhance the capacity of States and localities to meet the housing needs of low and moderate income persons.

(b) It is the intent of Congress that the Federal assistance made available under this Act not be utilized to reduce substantially the amount of local financial support for housing activities below the level of such support prior to the availability of such assistance.

(c) It is also the purpose of this Act to further the development of a national housing policy by consolidating a number of complex and overlapping programs into a consistent system of Federal aid which: provides annual assistance dependably so communities can rely on such assistance in housing planning; encourages housing activities which are consistent with local planning; furthers achievement of the national housing goal of a decent home and suitable living environment for every American family; and fosters the undertaking of housing activities in a coordinated and mutually supportive manner by Federal agencies and programs, as well as by communities.

SECTION 3—DEFINITIONS

(a) Section 3 stipulates that population data and rules for designating cities and urban counties shall be applied as under Title I of the Housing and Community Development Act of 1974 (the CDBG program) and defines terms used in this Act: State; unit of general local government; metropolitan area; city nonentitlement area; population, extent of poverty; extent of housing overcrowding; age of housing; extent of growth lag; housing stock; adjustment factor; predicted age of housing; adjusted age of housing; Indian tribe; Federal grant-in-aid program; Secretary; and persons of low and moderate income.

(b) The definitions of terms in this Act shall be based on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget.

(c) One or more public agencies may be designated by the chief executive officer of a State or a unit of general local government to undertake activities assisted under this title.

(d) Consortia of geographically proximate units of general local governments may apply for assistance on behalf of their members.

SECTION 4—GRANTS AUTHORIZED

Authorizes to be appropriated $—— for fiscal year 1991, $—— for fiscal year 1992, and $—— for fiscal year 1993.

SECTION 5—ELIGIBLE ACTIVITIES

Grants made under the Act may be used only:

(1) To improve rental and homeownership affordability through the acquisition, construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, including real property acquisition, site improvement, conversion, demolition, and other expenses, including relocation expenses of any displaced persons, families, businesses, or organizations;

(2) To provide assistance in the form of interest-bearing loans, noninterest-bearing loans or advances, interest subsidies, or other forms of assistance;

(3) To make rental rehabilitation grants to support the rehabilitation of privately owned real property to be used for primarily residential rental purposes;

(4) To provide assistance to nonprofit organizations to provide second mortgage loans for up to $15,000 to families purchas-

ing newly constructed or substantially rehabilitated homes;

(5) To assist private nonprofit corporations, limited profit sponsors, consumer cooperatives, or public bodies or agencies to provide housing and related facilities for elderly and handicapped families;

(6) To make loans to the owners and tenants of property to finance the rehabilitation of such property as part of community development activities under Title I of the Housing and Community Development Act of 1974 or an approved urban homestead program under section 809 of such Act;

(7) To make assistance payments under this section directly or through public housing agencies pursuant to contracts with owners or prospective owners who agree to upgrade housing so as to make and keep such housing decent, safe, and sanitary through upgrading which involves less than substantial rehabilitation;

(8) To make loans or commitments to make loans to public housing agencies or Indian housing agencies to help finance or refinance the development, acquisition, or operation of lower income housing projects by such agencies;

(9) To make available financial assistance to public housing agencies for the purpose of improving the physical condition of existing low-rent public housing projects and for upgrading the management and operation of such projects to the extent necessary to maintain such physical improvements;

(10) To make annual contributions to public housing agencies for the operation of lower income housing projects;

(11) For the disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this Act or its retention for public purposes;

(12) For activities necessary to develop a comprehensive housing plan and to develop a policy-planning-management capacity;

(13) For the payment of reasonable administrative costs;

(14) For activities which are carried out by public or private entities, including acquisition of real property or acquisition, construction, reconstruction, rehabilitation, or installation of housing for income eligible individuals and families;

(15) For assistance to eligible low-income households under the Emergency Low-Income Housing Preservation Act of 1987; and

(16) For assistance to resident management corporations or resident councils to facilitate management or homeownership under sections 122 and 123 of the Housing and Community Development Act of 1987.

(This subsection includes as specific eligible activities descriptions of each program that is being folded into the housing grant action program under this Act.)

(b) A recipient that uses grant proceeds for a loan program under subsection (a) many retain amounts repaid for use for activities described in subsection (a);

SECTION 6—STATEMENT OF ACTIVITIES AND REVIEW

(a) Each grantee shall prepare a statement of housing objectives and projected use of funds, and must provide for citizen participation in the development of such a statement and certify that it is following a detailed citizen participation plan.

(b) Each grantee must certify that it is in full compliance with citizen participation and fair housing requirements, that it has developed a 5 year housing plan, that tenant rents will be established in accordance with section 3(a) of the United States Housing Act of 1937, and that the funds will be targeted toward families whose income is 60 percent or less of the area median income. Grantees must also certify that these funds will be used for projects in which (A) 20 percent or more of the residential units in each project are affordable to individuals whose income is 50 percent of less of area median income, or (B) 40 percent or more of the residential units in each project are affordable to individuals whose income is 60 percent or less of area median income.

(c) Each grantee will be required to develop and follow a housing assistance strategy which:

(A) Surveys the community's housing stock and assesses the housing needs of low and moderate income persons residing in the community;

(B) Specifies a realistic annual goal for the number or units to be assisted;

(C) Describes a plan for improving housing quality to ensure that it is decent, safe, and sanitary and meets minimum property standards;

(D) Indicates the general locations of proposed housing for persons of low and moderate income;

(E) Specifies activities to be undertaken to minimize displacement and preserve or expand the availability of housing for persons of low and moderate income;

(F) Describes the nature and extent of homelessness within the jurisdiction, a brief inventory of facilities and services to assist such persons, and a strategy for addressing the housing needs of such persons:

(G) Identifies local policies which may pose a barrier to producing affordable housing and describes the jurisdiction's strategy to remove or ameliorate any negative effects of such policies;

(H) Indicates what other resources may be used to carry out the purposes of this Act;

(I) Describes the standards and procedures according to which the jurisdiction will monitor activities authorized under this Act and ensure long-term compliance with the provisions of this Act;

(J) Certifies that the jurisdiction will affirmatively further fair housing;

(K) Describes the physical condition of existing public housing projects and a strategy for improving public housing;

(L) Identifies opportunities for public housing residents to become more involved in management and participate in homeownership;

(M) Evaluates the extent to which funds are used to benefit persons with incomes at or below 60% of the area median income;

(N) Provides that any assistance provided to any housing project under this Act shall not be more than is necessary to provide affordable housing after taking account of other assistance provided to the project; and

(O) includes any other factors identified by the Secretary.

(d) Each grantee will be required to develop and follow a residential antidisplacement and relocation assistance plan which provides for adequate and affordable replacement dwellings for displaced residents. (The statutory language used follows the language that currenly applies to the Community Development Block Grants (CDBG) program.)

(e) Each grantee shall submit to the Secretary a performance and evaluation report with an assessment of the degree to which the grantee's use of funds has met the requirements of the Act. These reports will include detailed information regarding the activities of the grantee and the demographics of the persons assisted by such activities. The reports will also include a financial statement for each project assisted by this program. The Secretary shall make annual reviews and audits to determine if the grantees are complying with the requirements of this Act. The Secretary may make adjustments in the amount of the annual grants in accordance with the Secretary's findings under this subsection.

(f) The financial transactions of recipients may be audited by the General Accounting Office to perform necessary and appropriate audits.

(g) The Secretary may provide funds to recipients who assume responsibilities for environmental review pursuant to the National Environmental Policy Act of 1969 (NEPA) and provide funds for projects after requirements have been met.

(h) The Secretary may approve the inclusion of a metropolitan city as part of an urban county for purposes of submitting a statement under subsection (a) and carrying out activities under this Act.

(i) Any unit of general local government may retain any program income that is realized from any grant provided that the unit of general local government agrees to use such program income for eligible activities in accordance with this Act.

(j) Each grantee shall provide for reasonable benefits to any person involuntarily and permanently displaced as a result of the use of assistance received under this chapter.

SECTION 7—ALLOCATION OF FUNDS

(a)(1) Of the funds appropriated for the housing grant action program in any year (excluding the amount provided for use in accordance with the Indian Housing Program), 70 per centum shall be allocated by the Secretary to metropolitan cities and urban counties and 30 per centum shall be allocated by the Secretary to States for use as provided in subsection (b), on the basis of a formula which shall be contained in a regulation proposed by the Secretary not later than sixty days after the effective date of this section. Such regulation shall be accompanied by an estimate of the specific basic grant amount for fiscal year 1991 for individual cities, urban counties, and States which would result from the proposed formula. The formula contained in the regulation shall take into account objectively measurable conditions, including such factors as the extent of physically inadequate housing stock, tightness of the housing market, costs of production, poverty, operating and modernization needs of public housing, and such other objectively measurable conditions as the Secretary deems appropriate to reflect the need for assistance under this section. Except as provided in subsection (d)(4), each metropolitan city and urban county shall, subject to the provisions of section 6 and except as otherwise specifically authorized, be entitled to annual grants from such allocation in an aggregate amount not exceeding the greater of its basic amount computed pursuant to the formula under this paragraph or its hold-harmless amount computed pursuant to subsection (d).

(2) ADJUSTMENTS.—Before an allocation determined under paragraph (1) for any fiscal year is made available for use, the Secretary may adjust the allocations as follows: Beginning with fiscal years after 1991, the Secretary is authorized to adjust the allocation for a city, urban county, or State administering a housing grant action pro-

gram as provided in subsection (b), by up to 15 per centum above or below the amount of such allocation, based on an annual review of performance in carrying out activities under this section in a timely manner and in achieving the result that at least 80 per centum of the units assisted under this section in all program years are and remain affordable by families whose income is 60 per centum or less of the area median income. The Secretary shall establish by regulation performance criteria for purposes of this subparagraph.

(3) REALLOCATION.—After the allocation of housing grant action program amounts, the Secretary is authorized to reallocate such amounts among grantees within the State on the basis of the Secretary's assessment of the progress of grantees in carrying out activities under this section in accordance with their specified schedules. Reallocations under this paragraph shall be designed to encourage use of these resources expeditiously, consistent with the sound development and administration of the grantee's housing grant action program.

(4) RECAPTURE.—Any housing grant action program amounts which are not obligated at the end of any fiscal year shall be added to the amount available for allocation for such grants for the succeeding fiscal year.

(b) State program.—States will have the option of electing to administer the housing grant action program for nonentitlement areas within the State. If a State does not elect to administer the program, then HUD will administer the program for nonentitlement areas within the State. In any case in which the State is a grantee under any provision of this section, the Secretary shall require that the State take such actions as may be appropriate to assure compliance with the program requirements, and other provisions of this section.

(c) Indian housing grant action program.—4 percent of the amounts appropriated for this program shall be set aside for grants to Indian tribes. HUD will administer this program through a competitive process similar to that used for current Indian Housing programs. The full hold harmless amount of each Indian tribe shall be the sum of (i) the five year average of commitments for public modernization and development grants during 1986–1990; and (ii) the full operating subsidy required for payments to public housing agencies or Indian housing authorities for operating subsidies for low-income housing projects within the jurisdiction of the Indian tribe as calculated by HUD according to the Performance Funding System (PFS) formula. During the fiscal years 1991, 1992, and 1993, each Indian tribe will receive the full hold-harmless amount as computed by the preceding formula. In the fiscal years 1994, 1995, and 1996, the Secretary may reduce the hold harmless amount of any Indian tribe, provided that such reduction does not exceed one-third of the hold-harmless amount in fiscal year 1994 and two-thirds of the hold-harmless amount in fiscal year 1995. There shall be no requirement that the Secretary provide any portion of the hold-harmless amount in fiscal year 1996.

(d) Hold harmless.—This subsection defines each grantee's "hold-harmless" amount, or that amount of assistance that each grantee will receive to allow for an orderly transition from the current funding system to the new grant system. Providing hold-harmless assistance ensures that communities currently receiving assistance will continue to receive assistance as the new system phases in.

(1) The full hold harmless amount of each metropolitan city and urban county shall be the sum of (i) the sum of the average during the five fiscal years ending prior to October 1, 1990, of (1) commitments for public housing modernization grants within the jurisdiction of the metropolitan city or urban county; (2) commitments for public housing development within the jurisdiction of the metropolitan city or urban county; (3) Section 312 rehabilitation loans within the jurisdiction of the metropolitan city or urban county; (ii) the amounts received in fiscal year 1990 for Rental Rehabilitation Grants provided directly to a metropolitan city or urban county; and (iii) the full public housing operating subsidy required for payments to public housing agencies within the jurisdiction of the metropolitan city or urban county as calculated by HUD according to the Performance Funding System (PFS) formula for each year funds are distributed.

(2) The full hold harmless amount of each State shall be the sum of (i) the sum of the average during the five fiscal years ending prior to October 1, 1990, of (1) commitments for public housing modernization grants to any public housing agency within the State which is not within the jurisdiction of a metropolitan city or urban county; (2) commitments for public housing development to any public housing agency within the State which is not within the jurisdiction of a metropolitan city or urban county; (3) section 312 rehabilitation loans within nonentitlement areas of the State; (ii) the amounts received in fiscal year 1990 for (1) rental rehabilitation grants provided directly to the State; and (2) commitments for Section 202 housing for the elderly and handicapped within the State; and (iii) the full operating subsidy required for payments to public housing agencies within the State which are not within the jurisdiction of the metropolitan city or urban county as calculated by HUD according to the Performance Funding System (PFS) formula for the fiscal year in which funds are to be distributed.

(3) During the fiscal years 1991, 1992, and 1993, each entitlement grantee shall receive the full hold harmless amount computed in accordance with paragraph (1) and each State shall receive the full hold harmless amount computed in accordance with paragraph (2). In the fiscal years 1994, 1995, and 1996, the hold harmless allocations will be phased out for grantees whose basic grant amount is less than their hold harmless amount. In fiscal year 1994, such grantees will receive their basic grant amount plus two-thirds of the difference between their hold harmless amount and their basic grant amount. In fiscal year 1995, such grantees will receive their basic grant amount plus one-third of the difference between their hold harmless amount and their basic grant amount. In fiscal year 1996, each grantee shall receive the basic grant amount computed under paragraph (1) or (2).

(4) During the first three years in which funds are distributed under this Act, a grantee's basic grant amount will be phased in for grantees whose basic grant amount exceeds its hold harmless amount. In fiscal year 1991, such grantees shall receive the greater of one-third of the full basic grant amount or the hold-harmless amount. In fiscal year 1992, such grantees shall receive the greatest of two-thirds of the full basic grant amount, the hold-harmless amount, or the fiscal year 1991 grant. In fiscal year 1993, such grantees shall receive the full basic grant amount computed under the program formula.●

By Mr. WILSON:

S. 2505. A bill to provide grants for identification and treatment of substance abuse by pregnant and post partum women, for identification, treatment, and foster care placement of substance-abused infants, and for other purposes; to the Committee on Labor and Human Resources.

SUBSTANCE ABUSE DURING PREGNANCY ACT

Mr. WILSON. Mr. President, there is a plague sweeping the Nation—A crisis of epidemic proportions.

Its effects are felt in America's inner cities. It has arrived in suburbia. From California to New York, rural communities are in its grasp.

It has taken our Nation's hospitals hostage, strained the child welfare system beyond capacity, and left our schools struggling to cope.

Its impact is so heinous as to render hundreds of thousands of innocent children impaired for life.

Perhaps most disconcerting is that its long-term ramifications are not yet known.

Mr. President, this plague—this scourge is maternal substance abuse during pregnancy.

For those who persist in the delusion that abuse of drugs and alcohol is a victimless act, let them walk through a neo-natal intensive care ward full of babies innocently addicted to crack of PCP or alcohol.

Each year, over 375,000 pregnant addicts give birth to drug abuse infants. Thousands more are born each year suffering from alcohol exposure. Present projections holding firm, 4 million substanced exposed births will occur by the turn of the century.

We simply cannot sweep this problem under the rug and hope it will go away.

Each day that we fail to act means 1,000 more of our children will live literally the life of the damned.

If not reason, then compassion surely compels us to take action.

Each child has the right to enter this world with every break going for him or her. This must be our primary goal, not a secondary objective.

The legislation I am introducing today, the substance abuse during Pregnancy Act, properly focuses national attention on the most vulnerable or our children.

First, my bill will increase inpatient, outpatient, and residential treatment funding for substance abusing pregnant addicts from $30 million to $200 million in fiscal year 1991.

Early treatment can limit irreversible damage. At a minimum, it can save lives.

Yet Federal treatment resources have been sorely lacking. So much so that the Federal Government has only been able to fund outpatient treatment programs.

Mr. President, please don't misunderstand me.

I do not wish to leave the impression that outpatient services cannot assist addicts in kicking their habits. Some are very successful. Indeed, outpatient programs which I have visited in California have great success stories to tell.

But research shows that the fiercely addictive and destructive nature of crack cocaine demands a much more rigorous treatment approach—the kind which involves round-the-clock, comprehensive care in a residential setting.

According to Dr. Herbert Kleber, Deputy Director for Demand Reduction of the National Drug Control Policy, "Pregnant addicts are often among the most reluctant to seek treatment. Female addicts especially those who are pregnant must be pushed * * * to stop their behavior."

Residential treatment programs offer us the best opportunity to provide these addicts that push.

Residential treatment does not come without cost.

Infinitely greater, however, are the human and economic costs to society if we fail to provide that treatment.

Mr. President, equally important to providing treatment services is ensuring pregnant addicts get into treatment.

The first step to treatment is the identification of a drug or alcohol dependency. Early detection greatly improves our chances for healthy deliveries.

Our Nation's health care professionals have failed to recognize the signs of addiction. One of the most commonly missed diagnoses in obstetric and pediatric medicine is drug and alcohol use during pregnancy.

Essentially, our frontline in the battle against substance abuse is not prepared to fight. Nurses, doctors, and other health care professionals have not received appropriate training.

To educate health care professionals in identifying high-risk pregnant women for referral to drug and alcohol treatment services, my legislation establishes a $25 million training program.

Funds could be utilized to provide training to existing health care personnel, and more importantly, to educate future professionals as they receive their medical training.

Mr. President, as substance abuse during pregnancy escalates, the demand for child welfare services also spirals upward.

Sadly, crack use so destroys maternal instinct that mothers abandon their newborns in hospitals.

As a result, hospitals have been turned into temporary resting stops on the way to foster care. Major metropolitan areas report as many as 50 percent of crack babies are sent into the foster care system.

Mr. President, I submit they are the lucky ones.

The lack of available and capable foster families trap far too many of these fragile souls in the abusive home environment which lead to their impairment at birth.

Increased resources and training for foster parents who accept the placement of substance abused infants are critical to providing the kind of caring, supportive home which can lead to greater success.

Accordingly, the legislation authorizes $40 million for a new grant program to increase foster care placements of substance abused infants.

From specialized training and recruitment of foster parents to financial incentives to meet the added costs of caring for substance abused infants, all activities authorized would expand our pool of qualified foster care families.

But even with expanded treatment opportunities, improved early detection of addiction by health care providers, and enhanced recruitment of foster care families, far too many substance abused infants still fall through the cracks.

To help fill remaining gaps, we must assist the child welfare system to better identify substance abused infants and children.

That means additional training for child welfare workers. But it also means greater cooperation among social service agencies.

In one community over eight agencies may touch the life of a substance abused infant, yet, often times, not one will assume the responsibility for the welfare of the child as a whole.

Greater communication and collaboration can remove obstacles to getting each child the support he or she requires and deserves.

My legislation authorizes $40 million both to encourage better coordination between child welfare services and other social service providers and to train child welfare personnel in meeting the special needs of substance abused infants.

Mr. President, we are in great need of additional information about the actual impact maternal substance abuse during pregnancy will have upon our health, educational, and support service systems.

My legislation requires studies to assess the total number of infants born substance abused in the United States and the medical, economic, and social costs associated with maternal substance abuse, as well as to evaluate the developmental disabilities of children exposed to drug and alcohol abuse during pregnancy.

Our Nation's schools face a crisis in the classroom.

Relatively little is known about the developmental needs of substance abused children. Many exhibit violent and disruptive behavior which requires a great amount of time, energy, and attention by special education teachers.

Finally, Mr. President, to more accurately detect maternal substance abuse during pregnancy, my legislation requires a study to develop alternative substance abuse testing and screening techniques.

Current urine toxicology screening methods have proven woefully inadequate in detecting drug and alcohol abuse during pregnancy. Clever addicts often alter test results by remaining clean 48 hours before a prenatal visit.

If we are to limit the damage inflicted by maternal substance abuse during pregnancy, we must develop more effective alternatives testing to urine toxicology screening.

Mr. President, the legislation I have outlined is purposefully broad in scope, and I do not deny it represents a significant investment in our Nation's future.

However, after taking into consideration the costs of not acting, both in terms of human suffering and the tax dollars which will be required to care for the 4 million substance-abused infants presently expected in the next decade, I am confident that my colleagues will take this important step to help end the tragedy of maternal substance abuse during pregnancy.

By Mr. BRADLEY:

S. 2506. A bill to provide for liability for transfers of oil between a vessel and a facility; to the Committee on Environment and Public Works.

OIL TRANSFER LIABILITY ACT

● Mr. BRADLEY. Mr. President, I rise today to introduce legislation to ensure that everyone involved in transferring oil to and from barges and ships will take all possible care in preventing oil spills and the environmental damage these accidents cause.

On the morning of Wednesday, February 28, a barge owned by Eklof Marine Corp. was loaded with No. 6 fuel oil at Exxon's Bayonne terminal facility. The barge had what was called an undetected leak, caused by a hole the size of a basketball. When the tanker was filled, the oil poured right out into the water. As I saw myself when I visited the site, the hole was clearly visible on the side of the vessel.

Although Exxon pumped oil into a barge with an easily visible hole in its side, and pumped long enough to dump 27,000 gallons of oil into the waters of the Kill van Kull, Exxon is unlikely to be held liable for the spill. The barge owners alone will bear responsibility under existing law. By examining the barge before loading, or

by shutting down pumping more quickly, Exxon could have prevented or minimized the spill. I believe they should share responsibility for the accident. Indeed, it is outrageous that under existing law they may escape liability. Neither the House or Senate versions of the Comprehensive Oil Spill Liability and Compensation Act, currently in conference, would solve the problem.

Mr. President, if we do not hold both vessels and shore facilities liable for spills that occur during the transfer of oil, we will never get these companies to take all possible care when handling oil. Oil is a hazardous material. We have witnessed the devastating effects is has on beaches, bays, rivers, and wetlands. Everyone involved in the handling of oil must be held accountable to prevent accidents.

The legislation I am introducing will do just that. This bill will hold both shore facilities and vessels liable for spills occurring during oil transfers—whether the leak occurs from the vessel or from the shore facility. If either party can demonstrate that they could have done nothing to prevent or reduce the size of the spill, then they can avoid liability. By moving closer to a strict liability standard during the risky oil transfer operations, this legislation will help ensure that all parties do everything in their power to prevent spills. In the end, the issue is how we make everyone more careful.

The change from current law will increase incentives for shore facilities to ensure that the vessels they fill are seaworthy, and for vessel operators to ensure that the shore facilities at which they call are safely run. The broader liability standard will encourage everyone to take precautions to avoid accidents. Although no legislation we could pass would prevent all future accidents, this legislation represents a significant step toward avoiding them, and will mean greater care and more protection for our fragile environment.●

By Mr. COATS:

S. 2507. A bill to amend the Public Health Service Act to provide for the establishment of a family drug treatment grant program, and for other purposes; to the Committee on Labor and Human Resources.

FAMILY DRUG TREATMENT GRANT PROGRAM

● Mr. COATS. Mr. President, today I introduce the Family Drug Treatment Grant Program to provide demonstration grants encouraging the development of comprehensive family drug treatment programs and social work follow up for individuals in such programs. The intent of these grants is to include family members in the treatment of individual substance abuse, recognizing that this treatment may entail the systemic treatment of the entire family.

The genesis for this legislation stems from a hearing on adolescent drug abuse held in May 1989, before the Senate Subcommittee on Children, Families, Drug and Alcoholism. As the ranking Republican on this subcommittee, I had the privilege to invite Dr. Robert Lewis, a professor in the Department of Child Development and Family Studies at Purdue University. Dr. Lewis testified before the subcommittee about some of the exciting results which he and his colleagues at Purdue have received from a treatment model they have developed which includes family members. A 5 year, $1 million grant from the National Institute on Drug Abuse was the funding source for the development of this model.

To paraphrase testimony given by Dr. Lewis, the treatment model helps the therapist understand an abuser's family and the environment where his abuse took place. Many treatment specialists have found such background knowledge essential when treating an addict. Too often individual substance abusers have been isolated from a major cause of their addiction. Such treatment in isolation often proves unsuccessful because when the recovering addict is placed back into his or her family environment, the sources of tension often resurface. In short, the addict is once again exposed to the emotional stress that contributed to his initial drug use. The result is often a new cycle of addiction and treatment.

Family treatment models treat both the family as a unit and the individual. They recognize that addiction and abuse by one member of the family is often related to a breakdown in family communications and cohesion. The therapy, according to Dr. Lewis, generally attempts to:

(a) decrease a family's resistance to drug treatment; (b) redefine drug use as a family problem; (c) re-establish appropriate parental influence; (d) interrupt dysfunctional sequences of behavior; (e) assess the interpersonal function of drug abuse; (f) implement change strategies consistent with the family's interpersonal functions; and (g) provide assertion training skills for both the adolescent and siblings to resist peer pressures to engage in chemical abuse.

The drug treatment family model actually brings parents, spouses, siblings, and other family members directly into the treatment of the patient. Only 10 years ago few treatment models fully involved family members. But today family therapy is the treatment of choice for many therapists in drug treatment. Moreover, a large body of research has been conducted substantiating the success of this approach. This research verifies what, in many ways, is common sense: the addiction of one family member may directly contribute to the addiction of another. A family member may use drugs to gain attention, as is often the case where an adolescent feels neglected by his parents. Moreover, or a family member may turn to drugs to escape family problems like unemployment or domestic violence.

In short, the bonds of family love can be used to work for successful drug treatment, just as family weakness can contribute to abuse. Thus, because there is often an interaction between directions and meaningful relations, effective family therapy may be used to reduce or eliminate individuals addictive behaviors.

Funds under the demonstration projects authorized by this legislation may be used to establish or assist comprehensive family drug treatment programs that include detoxification, medical attention, intensive family therapy, individual therapy, social work follow-up, and the education or training of treatment personnel. The legislation further requires that the data gained from these demonstration projects be disseminated to State and local agencies involved in drug treatment.

Both NIDAL and the Office of Treatment Improvement within the Alcohol, Drug Abuse and Mental Health Administration [ADAHMA] have stated that, to the best of their knowledge, no other Federal grants or legislation promoting a family therapy approach is currently in place. While different treatment models may be more appropriate in some situations, I am convinced that the substantial research already conducted on family therapy treatment models justifies these demonstration grants.

In fiscal year 1991, there will be more than a $300 million increase in new Federal funds for drug treatment. We must ensure that this money is spent wisely, not only out of fiscal prudence, but more importantly because of the waste of human life which results when ineffective treatment programs continue to be used without challenge. These grants can help make our families allies, not enemies, of effective drug treatment, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FAMILY DRUG TREATMENT.

Subpart 2 of part D of title v of the Public Health Service Act (42 U.S.C. 290cc et seq.) is amended by adding at the end thereof the following new section:

"SEC. 549. FAMILY DRUG TREATMENT GRANT PROGRAM.

"(2) ESTABLISHMENT.—The Secretary shall establish, and the Assistant Secretary of Health shall administer, a program to provide demonstration grants to eligible entities to enable such entities to provide comprehensive family drug treatment programs and social work follow up for individuals in such programs.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section an entity—

"(1) shall be a teaching hospital, or a community mental health center that has staff affiliations with a teaching hospital; and

"(2) shall submit an application to the Assistant Secretary of Health in accordance with subsection (c).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Assistant Secretary of Health at such time, in such manner, and containing such information as the Secretary may by regulations require.

"(2) ASSURANCES.—An application submitted under paragraph (1) shall contain—

"(A) a description of the proposed use of the grant;

"(B) an assurance that the trustee and medical board (or other individual or board that is equivalent to a trustee or medical board) of the entity has approved the use of the grant as described in subparagraph (A);

"(C) a description of the plans that the entity has developed to gain State and local public and private support for the programs developed or assisted with the grant;

"(D) an assurance that the entity will conduct follow-up evaluations of the programs developed or assisted with the grant and a publication of the results of such evaluations in professional journals; and

"(E) any other additional information that the Assistant Secretary may require.

"(d) USE OF FUNDS.—An entity that receives a grant under this section shall use amounts received under such grant to establish or assist comprehensive family drug treatment programs that include—

"(1) detoxification activities;

"(2) medical attention and procedures;

"(3) intensive family therapy;

"(4) individual therapy;

"(5) social work follow-up activity; and

"(6) the provision of education or training to individuals to enable such individuals to provide services of the type described in paragraphs (1) through (5).

"(e) ADMINISTRATIVE PROVISIONS.—

"(1) MAXIMUM NUMBER AND AMOUNT OF GRANTS.—The Assistant Secretary of Health shall award 10 grants under this section and each such grant shall not exceed $300,000.

"(2) TERM OF GRANT.—A grant made under this section shall be for a term of not to exceed 3 years.

"(3) GRANTS PER STATE.—The Assistant Secretary of Health shall not make a grant to more than one entity in a State.

"(f) PROVISION OF DATA.—Data concerning evaluations conducted by the entity, as required under subsection (c)(2)(D), shall be provided to media agencies within the State that the entity operates in, as well as to State and local agencies that are involved in drug related activities.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section $3,000,000.".●

By Mr. SARBANES:

S. 2508. A bill to strengthen public involvement in soil and water conservation policy and program implementation throughout the United States; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL SOIL AND WATER CONSERVATION FOUNDATION ESTABLISHMENT ACT

● Mr. SARBANES. Mr. President, today I am introducing legislation to establish a National Soil and Water Conservation Foundation. The purpose of this legislation is to strengthen public involvement in soil and water conservation activities throughout the United States by encouraging a partnership between the public and private sector for the promotion and support of soil and water conservation programs.

The conservation of our soil and water resources represents one of the most pressing needs facing our Nation today. According to some estimates, annual soil losses due to erosion now exceed the dust blown days of the 1930's when prolonged drought and poor conservation practices caused much of the Nation's topsoil to blow away. The Department of Agriculture estimated in a recent study that, at current rates of erosion, crop yields in some Midwestern States could fall by about one-third in the next 50 years. Erosion rates in certain parts of the Nation have been estimated at up to 70 times the acceptable levels, causing agricultural production to suffer as well as choking our streams, lakes, and estuarine waters with sediment.

Equally serious is the condition of our water resources. Water is not an unlimited resource, as the massive drought of 1988 dramatically illustrated. Our ground and surface waters are being increasingly threatened by wasteful extraction, drought, excessive demands and a whole host of environmental impacts including saltwater intrusion, leaking underground storage tanks, acid rain, hazardous waste disposal, soil erosion, sewage contamination, nonpoint pollution from agricultural chemicals, and destruction of aquifer-replenishing wetlands. Despite a 15-year effort to upgrade water quality, fully one-fourth of the Nation's waters still do not meet standards for drinking and many other uses. These complex problems threaten to have greater consequences for future generations of Americans if they go unchecked.

Fostering a conservation ethic and increased cooperation between the public and private sector will be essential for devising and implementing strategies to maintain our natural resource base. Unfortunately, the public is not generally aware of existing Federal soil and water conservation policies and programs and the needs under which they arise. Likewise, the public needs to be better informed of soil and water conservation practices that contribute to improvements in soil and water quality, quantity, and management. In addition to the public's need for information, the national soil and water conservation infrastructure itself needs support from the private sector—along with current public funding—in order to assure proper protection of our soil and water resources.

In one effort to respond to the need for Federal coordination of conservation efforts, Congress created the Soil Conservation Service. Through this agency, technical assistance is provided to producers who wish to plan, install, and maintain conservation practices. My legislation would create the National Soil and Water Conservation Foundation to work along with the Soil Conservation Service and organizations such as the National Association of Conservation Districts, the American Farm Bureau Federation, the Soil and Water Conservation Society, and environmental groups, coordinating public and private efforts in the national conservation movement.

The primary responsibility of the Foundation would be to foster a stewardship ethic among the public to protect the soil and water resources on non-Federal lands in the United States. The Foundation would be authorized to receive, accept, and administer private gifts of property for the benefit of the Soil Conservation Service and to further the conservation and management of soil and water resources. With budget restrictions continually reducing the ability of the USDA Soil Conservation Service to address soil and water conservation problems, the need for such support is clear. Among other activities, the Foundation would permit private sector fundraising for programs to educate the public about soil and water conservation issues and practices. In addition, the Foundation would help encourage dialog between the private sector, conservationist individuals and organizations concerning various soil and water conservation issues.

The Foundation established by this legislation is modeled on two very successful programs—the U.S. Fish and Wildlife Foundation and the National Parks Foundation—established in previous Congresses. Similar to these other foundations, the National Soil and Water Conservation Foundation would be a charitable, nonprofit corporation. It would be administered by a Board consisting of 15 members appointed by the Secretary of Agriculture, who are educated in the principles and practices of soil and water conservation. The legislation is budget neutral in that private, not appropriated funds, would be used. I ask that the text of the bill be printed in the

record immediately following my statement.

Mr. President, our soil and water resources are the lifeblood of our Nation and the conservation of these resources is in the interest of every American. The National Soil and Water Conservation Foundation provides a means for the American people to actively participate in protecting and improving these resources. I urge swift approval of this legislation.●

By Mr. PRYOR (for himself, Mr. BRADLEY, Mr. BURDICK, Mr. CONRAD, Mr. FOWLER, Mr. HEFLIN, Mr. PRESSLER, and Mr. SHELBY):

S. 2509. A bill to improve the nutrition of elderly Americans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL FOOD EFFORT FOR THE ELDERLY AND DISABLED ACT

● Mr. PRYOR. Mr. President, assuring a nutritionally adequate diet for low-income elderly and disabled persons is a matter of concern to all Americans. These vulnerable individuals frequently suffer from medical conditions exacerbated by poor nutrition. In fact, it has been estimated that 65 percent of all elderly persons admitted to a hospital have a serious nutritional problem.

At particular risk are those elderly and disabled persons who live alone and may have insufficient funds to prepare wholesome meals. According to a 1987 study by the Commonwealth Fund Commission, 43 percent of all elderly persons who live alone have income within 150 percent of the poverty line.

Several Federal programs, including food stamps, various commodity distribution systems, and Older Americans Act nutrition services, combat malnutrition, and hunger among the elderly and disabled. From my vantage point as chairman of the Special Committee on Aging and as a longstanding member of the Senate Agriculture Committee, I have had a unique opportunity to view these programs in operation. Today, I am introducing legislation which will improve the ability of these programs to serve the needy elderly and disabled.

Entitled "The Federal Food Effort for the Elderly and Disabled," or FEED for short, this bill is cosponsored by seven of my colleagues, including Senators BRADLEY, BURDICK, PRESSLER, and SHELBY of the Aging Committee and Senators CONRAD, FOWLER, and HEFLIN of the Agriculture Committee. If enacted, FEED will improve Federal food assistance programs in the following ways:

Exclude all Medicare premium payments from the definition of "available income" for purposes of calculating Food Stamp eligibility and benefits. Under current law, the Food Stamp Program counts these premiums, which are deducted from beneficiaries' Social Security checks, as money available for purchasing food. Moreover, only 12 percent of elderly Food Stamp households take advantage of the currently authorized medical expense deduction;

Require States to issue Food Stamp coupons by mail to all persons who reside in rural areas. The long distance between many potential recipients' homes and the nearest Food Stamp office can be a barrier to participation in the Food Stamp Program by rural elderly and disabled persons;

Streamline the mechanism through which senior nutrition programs may receive commodity products by offering States the option of obtaining entitlement commodities through the National Commodity Processing Program [NCP]. Under current law, congregate and home-delivered meals programs may receive only bonus commodities through NCP; and

Require the Comptroller General to examine the effectiveness of the Social Security Administration's program to assist Social Security and Supplemental Security Income applicants in filing Food Stamp applications. Many advocates have expressed concern over the operation of this program.

I am pleased that several senior citizens' organizations have expressed their support for FEED, including the National Association of Nutrition and Aging Services Programs [NANASP], Families USA, American Association of Retired Persons, Older Women's League, National Council on Aging, and National Council of Senior Citizens.

I urge my colleagues to support FEED and help battle hunger and malnutrition among elderly and disabled Americans.●

By Mr. THURMOND:

S.J. Res. 298. Joint resolution to provide for the erection of a memorial in the Arlington National Cemetery to honor U.S. combat glider pilots of World War II; to the Committee on Veterans' Affairs.

MEMORIAL TO HONOR COMBAT GLIDER PILOTS OF WORLD WAR II

Mr. THURMOND. Mr. President, I rise today to introduce a joint resolution authorizing the construction of a World War II Glider Pilots' Memorial in Arlington National Cemetery. This year marks the 50th anniversary of the U.S. Army Airborne and what better way to commemorate this occasion than through honoring the glider pilots with a memorial. In 1981, 1983, and most recently in 1985, I introduced similar measures in the Senate.

Mr. President, today there are approximately 1,500 survivors of the 6,000 combat glider pilots trained for action during World War II. Gliders were used to land men and material behind enemy lines during the airborne invasions of Sicily, Burma, Normandy, southern France, Holland, Luzon, and Wessel, Germany. Gliders were also used to resupply the surrounded 101st Airborne Division during the division's gallant defense of Bastogne. The casualty rate among these glider pilots was approximately 35 percent. The use of gliders in the Bastogne operation was one of the best kept secrets of World War II.

I think it is appropriate, therefore, that a memorial of some type be erected in the Arlington National Cemetery. The memorial need not be an expensive one, but merely one which pays proper tribute to these pilots and to the contributions and sacrifices they made for our Nation.

Under the provisions of the resolution, the memorial is to be erected at a site in Arlington Cemetery designated by the Secretary of the Army, and the design will be subject to the approval of the Commission on Fine Arts. Construction will be paid for by private funds, including funds provided by the National World War II Glider Pilots Association. Maintenance of the memorial will be the responsibility of the Secretary of the Army.

Mr. President, I urge the Senate to give this resolution early consideration.

By Mr. JOHNSTON:

S.J. Res. 299. Joint resolution to designate the period October 1, 1990 to October 1, 1991 as the "Year of the Wetlands"; to the Committee on the Judiciary.

YEAR OF THE WETLANDS

● Mr. JOHNSTON. Mr. President, I rise today to introduce legislation requesting the President to proclaim October 1, 1990 through October 1, 1991 as the "Year of the Wetlands." It is my hope that this designation will serve as the needed focal point for furthering our understanding about this complex, highly diversified national resource, much as the Year of the Ocean helped focus the Nation's attention on and furthered our understanding of the role oceans play in all our lives.

We in Louisiana have long understood the importance of wetlands to our environmental and economic health. Blessed with more wetlands—including forested or inland as well as coastal wetlands—than any other State, Louisiana also has faced greater threats to and losses of these important areas than any other State. In 1900, we had over 14 million acres of wetlands. Today, we have only half as many. Some 37 percent of our forested wetlands have disappeared since 1937 and today we are losing between 40 and 60 square miles of our coastal wetlands each year. We understand the

serious impact these losses, if unchecked, will have on the 5 million migratory birds and many other species of wildlife, and we also recognize the importance of these areas to water quality, flood control, erosion control, recreation, our food supply including the production of commercial seafood, energy production and many aspects of our daily lives.

It is important to recognize that conserving our dwindling wetlands base is important to us all. Wetlands are a national resource: they exist in every State and in every State these important areas are in decline. According to the U.S. Fish and Wildlife Service, at the time of the European settlement of the North American continent the lower 48 States had over 200 million acres of wetlands. By 1975, less than half remained. And over the past two decades, this loss has continued at an average rate of 400,000 to 500,000 acres annually. During these same two decades a variety of public and private programs have been devised to preserve these areas. In Louisiana alone, for example, over $120 million in Federal appropriations have been spent to acquire particularly valuable and threatened wetlands wildlife habitat. State and private efforts have also helped us acquire and restore critical habitat areas. But acquisition alone is not the answer. Three out of four acres of wetlands in the continental United States are in private ownership. If we are truly serious about reversing the trend of increasing losses, we must develop incentives for landowners to manage and conserve this valuable resource. The key to this is increasing our awareness and understanding of the importance of wetlands to our future, and developing an understanding of what steps we can take individually as well as nationally to conserve this resource.

The need to increase public awareness was recognized by the National Wetlands Policy Forum in 1988 in the final report that group issued. Indeed, the report found that "Much of the public, including many landowners, continues to lack information and understanding of the functions and value of wetlands, the appropriate techniques for protecting and managing them, the economic and other advantages of protecting them, and even where such information can be found." The report recommended that a major outreach effort be undertaken by public and private groups to expand education programs about the location of our wetlands, the diversity of values these areas hold, and how to protect them. For such an outreach program to be effective, we must have a central focal point. Designating October 1, 1990 through October 1, 1991 as the Year of the Wetlands will provide that focus and will give us the impetus to get started in earnest.

The next decade presents us with opportunities and challenges as we seek a coordinated, thoughtful strategy for the environment. No challenge is greater than finding a way to conserve our national wetlands resources, and we will only be successful if we understand the complexity of this issue and develop a consensus on the need to protect this resource. This resolution and the opportunities it presents can help us take the first step in meeting this challenge.●

By Mr. PACKWOOD:

S.J. Res. 300. Joint resolution to designate September 1990 as "Jewish Community Center Month"; to the Committee on the Judiciary.

JEWISH COMMUNITY CENTER MONTH

● Mr. PACKWOOD. Mr. President, Jewish community centers throughout the United States provide cultural, social, educational, and recreational services to over 1 million Americans of Jewish heritage. During this century, these centers fostered the preservation of the Jewish identity, provided important assimilation services to immigrants from Eastern Europe, and continue to be a unique cultural center for young Jewish men and women. Because of this important contribution to our Nation's Jewish community, I offer this resolution to designate September 1990 as "Jewish Community Center Month."●

ADDITIONAL COSPONSORS

S. 47

At the request of Mr. CRANSTON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 47, a bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 494

At the request of Mr. DURENBERGER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 494, a bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the deduction for health insurance for self-employed individuals.

S. 667

At the request of Mr. BREAUX, his name was added as a cosponsor of S. 667, a bill to amend the Federal Unemployment Tax Act with respect to employment performed by certain employees of educational institutions.

S. 874

At the request of Mr. FORD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 874, a bill to establish national voter registration procedures for Presidential and Congressional elections, and for other purposes.

S. 1664

At the request of Mr. HEINZ, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1766

At the request of Mr. DANFORTH, the name of the Senator from Wisconsin [Mr. KOHL] was added as cosponsor of S. 1766, a bill to amend titles XVIII and XIX of the Social Security Act to require providers of services under such titles to enter into agreements assuring that individuals receiving services from such providers will be provided an opportunity to participate in and direct health care decisions affecting such individuals.

S. 2048

At the request of Mr. SARBANES, the name of the Senator from Texas [Mr. BENTSEN] was added as cosponsor of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2071

At the request of Mr. PACKWOOD, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 2071, a bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth.

S. 2078

At the request of Mr. WARNER, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 2078, a bill to recognize the organization known as the National Center for Theraputic Riding.

S. 2112

A the request of Mr. METZENBAUM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2112, a bill to amend the National Labor Relations Act to prevent discrimination based on participation in labor disputes.

S. 2250

At the request of Mr. DECONCINI, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2250, a bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes.

S. 2267

At the request of Mr. SYMMS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2267, a bill to amend title II

of the Social Security Act to exclude certain rental payments from self-employment income for the excess earnings test.

S. 2284

At the request of Mr. KASTEN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2284, a bill to amend the Federal Food, Drug, and Cosmetic Act to define the term light or reduced fat butter, and for other purposes.

S. 2321

At the request of Mr. CRANSTON, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2321, a bill to create a Federal criminal offense for interferring with access to and egress from a medical facility.

S. 2414

At the request of Mr. WILSON, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 2414, a bill to amend the Public Health Service Act to establish a program of formula grants for compensating certain trauma care centers for unreimbursed costs incurred with respect to undocumented aliens.

S. 2425

At the request of Mr. KERRY, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Colorado [Mr. WIRTH], the Senator from Georgia [Mr. FOWLER], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 2425, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending and public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 2463

At the request of Mr. FOWLER, the names of the Senator from Georgia [Mr. NUNN], the Senator from South Carolina [Mr. THURMOND], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2463, a bill to reaffirm the importance of State and private forestry, and for other purposes.

SENATE JOINT RESOLUTION 240

At the request of Mr. BINGAMAN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 240, a joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multiple-Use Sustained-Yield Week."

SENATE JOINT RESOLUTION 273

At the request of Mr. BREAUX, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 273, a joint resolution to desigante the week of October 7-13, 1990, as "National Health Care Food Service Week."

SENATE JOINT RESOLUTION 277

At the request of Mr. LUGAR, the names of the Senator from Alaska [Mr. STEVENS], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 277, a joint resolution designating October 6, 1990, as "German-American Day."

SENATE JOINT RESOLUTION 278

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon [Mr. HATFIELD] was added as cosponsor of Senate Joint Resolution 278, a joint resolution designating July 19, 1990, as "Flight Attendant Safety Professionals' Day."

SENATE JOINT RESOLUTION 281

At the request of Mr. DECONCINI, the names of the Senator from Delaware [Mr. BIDEN], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. HELMS], the Senator from Georgia [Mr. NUNN], the Senator from Wisconsin [Mr. KOHL], the Senator from Hawaii [Mr. INOUYE], the Senator from Virginia [Mr. WARNER], were added as cosponsors of Senate Joint Resolution 281, a joint resolution to designate September 13, 1990, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 282

At the request of Mr. WILSON, the names of the Senator from New Jersey [Mr. LAUTENBERG] the Senator from New Jersey [Mr. BRADLEY], the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. NUNN], the Senator from Idaho [Mr. MCCLURE], were added as cosponsors of Senate Joint Resolution 282, a joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Child."

SENATE JOINT RESOLUTION 295

At the request of Mr. DANFORTH the names of the Senator from Kansas the Senator from [Mrs. KASSEBAUM], the Senator from Oklahoma [Mr. BOREN], the Senator from Idaho [Mr. SYMMS], the Senator from California [Mr. WILSON], the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Alaska [Mr. STEVENS], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. COATS], the Senator from Idaho [Mr. MCCLURE], the Senator from Florida [Mr. MACK], the Senator from Utah [Mr. HATCH], the Senator from Utah [Mr. GARN], and the Senator from Montana [Mr. BURNS], were added as cosponsors of Senate Joint Resolution 295, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes.

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. FORD, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Georgia [Mr. NUNN], the Senator from Michigan [Mr. RIEGLE], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. FOWLER], were added as cosponsors of Senate Concurrent Resolution 96, a concurrent resolution to urge the Administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade [GATT], or the proposed General Agreement on Trade in Services [GATS] and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

SENATE CONCURRENT RESOLUTION 104

At the request of Mr. BIDEN, the name of the Senator from Tennessee [Mr. GORE], was added as a cosponsor of Senate Concurrent Resolution 104, a concurrent resolution expressing the concern of the Congress regarding the Birmingham Six, and calling on the British Government to reopen their case.

SENATE CONCURRENT RESOLUTION 114

At the request of Mr. DASCHLE the name of the Senator from Nebraska [Mr. EXON], was added as a cosponsor of Senate Concurrent Resolution 114 a concurrent resolution expressing the sense of the Congress regarding action by the Secretary of Agriculture and the Federal Crop Insurance Corporation to restore confidence in the Federal Crop Insurance Program pending consideration of legislation on the Crop Insurance Program.

SENATE CONCURRENT RESOLUTION 123—REGARDING CIVIC EDUCATION

Mr. PELL submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 123

Whereas a study conducted on behalf of the Hearst Corporation found that nearly 50 percent of Americans cannot identify the original purpose of the Constitution and nearly 60 percent of Americans do not know what the Bill of Rights is;

Whereas a study conducted on behalf of the Hearst Corporation found that nearly half of all Americans thought that the Marxist credo "From each according to his ability, to each according to his need" is found in the Constitution;

Whereas a recent survey conducted by the Center for Civic Education found that—

(1) 7 out of 10 students did not know that in the American political tradition, governments derive their authority from the consent of the governed;

(2) 2 out of 3 students did not know the essential differences between constitutional and dictatorial governments; and

(3) 6 out of 10 students did not know the meaning of due process of law;

Whereas a recent study conducted by the Educational Testing Service on behalf of the Congress of the United States found that—

(1) only 19 percent of all high school seniors tested could write an extensive description of the President's responsibilities;

(2) only 39 percent of all high school seniors tested knew that presidential candidates were nominated at conventions;

(3) 62 percent of all high school seniors tested did not recognize the opening passage of the Declaration of Independence;

(4) only 25 percent of all eighth grade students tested knew why Columbus sailed for the Americas; and

(5) only 36 percent of all fourth grade students tested knew that Abraham Lincoln's stated goal in the Civil War was to preserve the union;

Whereas young people do not have a clear understanding of the history and principles of the Constitution, the Bill of Rights and the rights and responsibilities of citizenship;

Whereas it is only through education that our youth can acquire the understanding of, and reasoned commitment to, the principles of constitutional democracy that the Founders recognized as the essential prerequisite of a free government; and

Whereas the young people of the Nation are entrusted with the responsibility of safeguarding the future of American constitutional democracy: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate encourages State governments, local governments and local education agencies to adopt a comprehensive curricular program for each of the grades kindergarten through 12 which—

(1) provides elementary and secondary students with a thorough knowledge of the history and principles of the Constitution and the Bill of Rights; and

(2) fosters civic competence and civic responsibility.

● Mr. PELL. Mr. President, today I am introducing a simple, yet significant concurrent resolution which underscores the importance of promoting effective civic education in our Nation's schools.

We have just witnessed the closing of a decade in which millions of people in nations long-suffering from repressive regimes have toppled those regimes in their quest for freedom and democracy. We who have benefited from the longest lasting constitutional democracy in history should rejoice in the overthrow of those tyrannical governments and in the recognition by their citizens of the importance of the principles and the values of free government we have cherished for so long.

We must wish the people of these nations well in the difficult tasks that lie ahead. And, we must do everything we can to ensure the success of their endeavors to establish governments based upon the principles of constitutional democracy.

At the same time, we must not neglect the perpetual need to pass on to our youth the idea that only a high level of understanding of the fundamental principles and values of our democratic institutions leads to a sound commitment to their preservation and improvement. In fact, it was to promote the principles and values of American citizenship among the people that Founding Fathers such as Thomas Jefferson and Benjamin Rush argued for the establishment of public schools in the United States. As Horace Mann said, "Schoolhouses are the republican line of fortifications." And, John Dewey wrote of the particular demands that the democratic form of government places upon the citizenry to be informed in order to vote responsibly and participate effectively in that government.

It is ironic that while those who have experienced repressive regimes throughout the world are clamoring for the right to vote in free elections, in the United States only one out of five eligible voters under the age of 30 is taking advantage of that very right. With so few young people understanding the purposes and importance of our Constitution, it is clear that we must do all we can to turn the tide of political apathy into a wave of active and informed participation. It is only through a sound civic education program that we can achieve this ideal.

Mr. President, this resolution encourages those closest to the practices of the schools and communities—the state and local governments and the local educational agencies—to adopt comprehensive curricula to provide our country's youth, the leaders of tomorrow, with a thorough grounding in education for citizenship. Those curricula should cover the basic ideas and philosophies of the Founding Fathers, how the Constitution was written, how and why our government was organized, how our system of checks and balances and separation of powers operates, and how the Constitution protects an individual's basic rights. Furthermore, those curricula should emphasize the role and responsibilities of the citizen in a democracy. With such a course of study the citizens of this country will understand the principles for which our Nation stands and has so often fought to preserve. It is these principles which illumine and bind together this diverse Nation, and which shine as a beacon to the oppressed around the world.

Additionally, as it was clearly shown in the Educational Testing Service's recently released report, the students of America possess only a superficial knowledge of U.S. history and civics. I am discouraged to learn of such deficiencies with respect to the future leaders of our Nation and their understanding of those who have preceeded them. This is a failing which I find to be both alarming and in need of immediate attention. Moreover, these findings make the introduction of this resolution all the more important, for they amplify a problem which I feel needs to be dealt with head on.●

SENATE RESOLUTION 274—RELATIVE TO THE 50TH ANNUAL MEETING OF THE DEANS OF THE SCHOOLS OF PUBLIC HEALTH

Mr. DURENBERGER (for himself, Mr. BOSCHWITZ, Mr. SIMON, Mr. THURMOND, Mr. SARBANES, Mr. RIEGLE, Mr. LEVIN, Mr. HOLLINGS, Mr. COATS, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 274

Whereas the faculty and staff of the 24 schools of public health in the United States have been responsible for significant beneficial advancements in the delivery of health care and public health services in the United States and around the world;

Whereas the faculty and staff of such schools have played a vital role in such specific health advancements as the development of the iron lung, the prevention of polio, the eradication of smallpox, the discovery of Vitamin D, and the development of strategies to control hookworm, sexually-transmitted diseases, and other infectious diseases;

Whereas the faculty and staff of such schools have provided important insights into the prevention of typhus, trachoma, malaria, and numerous other diseases;

Whereas the faculty and staff of such schools continue at the forefront of public health and medical science by conducting advanced research on techniques to control and prevent the spread of AIDS, on the dangers of hazardous waste, and on the harmful effects of indoor air pollution;

Whereas the contributions to better health made by the faculty and staff of the schools of public health are a direct result of the cooperative, far-sighted efforts of the deans of such schools;

Whereas April, 24, 1990, is the date of the 50th annual meeting of the deans of the schools of public health in the United States; and

Whereas the schools of public health in the United States and their deans deserve recognition for their valuable, ongoing contributions to health care and disease prevention around the world: Now, therefore, be it

Resolved, That the Senate congratulates the deans of the 24 schools of public health in the United States on the occasion of the 50th annual meeting of the deans of those schools, April 24, 1990, and hereby expresses its appreciation for the many outstanding beneficial contributions made by such schools in the fields of public health and medical research during the past 50 years.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to each of the deans of the schools of public health in the United States.

Mr. DURENBERGER. Mr. President, I rise today to submit a resolution to express the sense of the Senate to reaffirm our support for and our appreciation of the Nation's 24 schools of public health. I am pleased to be joined in this resolution by Senators BOSCHWITZ, SIMON, THURMOND, SARBANES, RIEGLE, LEVIN, HOLLINGS, COATS, and INOUYE.

Mr. President, America's schools of public health are one of our great na-

tional resources. The faculty of the research staffs of these schools have made unparalleled contributions to improving the health of American citizens and people all over the world. I want to mention just a few of their contributions.

The development of the iron lung, along with research to lead to the eradication of polio came from our schools of public health. Playing the critical role in the complete eradication, for the first time in the history, of a worldwide public health scourge, smallpox, came from our schools of public health. The discovery of vitamin D, and the development of strategies to eradicate hookworm and other infections, including sexually transmitted diseases. These schools of public health have also provided important insight into the prevention of typhus, trachoma, malaria, and numerous other diseases.

Today these schools are looking to the future needs of the people of the world. Their faculty are working on projects such as AIDS prevention and control techniques, and on identifying and dealing with a host of newly recognized risks such as hazardous waste and indoor air pollution.

Mr. President, later today I will chair a hearing to document the important breakthroughs of the past and the potential future accomplishments of our 24 schools of public health. The hearing coincides with the 50th anniversary of the Annual Meeting of the Deans of the School of Public Health. The witnesses are each nationally recognized and internationally recognized deans of the leading schools of public health.

Mr. President, I invite my colleagues to join me in recognizing these accomplishments by attending today's hearing on the "Contributions of Academic Public Health of Disease Prevention and Health Promotion."

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a listing of the witnesses and the subject matters for the hearing.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Witnesses who will testify at the April 24 hearing on "Contributions of Academic Public Health to Disease Prevention and Health Promotion" are nationally recognized Deans of the leading Schools of Public Health. From my own state of Minnesota, Dr. Robert Kane of the University of Minnesota will discuss the problems surrounding long-term care; Dr. Palmer Beasley of the University of Texas will update us on disease prevention and immunization; Dr. Jacob Brody of the University of Illinois at Chicago will discuss clinical aspects of public health; Dr. Harvey Fineberg of Harvard University will review the process of health promotion; Dr. Jerrold Michael of the University of Hawaii will inform us about public health activities in the Pacific Basin; Dr. June Osborn of the University of Michigan, who is also Chair of the National Commission on AIDS, will apprise us of the realities of AIDS prevention and control; Dr. Winona Vernberg of the University of South Carolina will address environmental health issues; and Dr. Donald Henderson of the Johns Hopkins University, who is also President of the Association of Schools of Public Health, will conclude the hearing with a progress report on the Congressionally mandated Medical Prevention Demonstration Projects.

AMENDMENTS SUBMITTED

NONDISCRIMINATORY TREATMENT FOR PRODUCTS OF THE PEOPLE'S REPUBLIC OF HUNGARY

ARMSTRONG AMENDMENT NO. 1510

Mr. ARMSTRONG proposed an amendment to the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the People's Republic of Hungary for 3 years, as follows:

At the appropriate place, insert:

That headings 9902.29.01 and 9902.37.07 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are each amended by striking out "12/31/90" and inserting in lieu thereof "12/31/92".

PACKWOOD AMENDMENT NO. 1511

Mr. PACKWOOD proposed an amendment to amendment No. 1492 proposed by him to the bill H.R. 1594, supra, as follows:

In lieu of the language proposed to be inserted, insert the following:

TITLE V—FEDERAL TIMBER EXPORT RESTRICTIONS

SEC. 501. SHORT TITLE.

This title may be cited as the "Federal Timber Export Restrictions Act of 1990".

SEC. 502. PURPOSES.

The purposes of this Act are—

(1) to make permanent the current Federal policy of restricting the export of unprocessed timber from Federal lands;

(2) to review and revise Federal policy with respect to the ability of timber operators to acquire and mill Federal logs in lieu of exported private logs;

(3) to promote the conservation of forest resources consistent with Federal resources management plans;

(4) to help relieve the critical short supply conditions in industries which rely on an adequate timber supply; and

(5) to effect measures aimed at meeting those objectives in conformity with the obligations of the United States under the General Agreement on Tariffs and Trade.

SUBTITLE A—FEDERAL LANDS

SEC. 511. RESTRICTIONS ON EXPORTING OF UNPROCESSED TIMBER.

Notwithstanding the Act of April 12, 1976 (16 U.S.C. § 616, 44 Stat. 242), and except as permitted by section 513 or 514 of this Act, no person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands shall—

(1) export such timber from the United States;

(2) sell, trade, exchange, or otherwise convey such timber to any other person for the purpose of exporting such timber from the United States; or

(3) use, or assist or conspire with any other person to use, such timber in substitution for unprocessed timber originating from private lands exported or to be exported from the United States.

SEC. 512. INFORMATION GATHERING.

(a) REQUIREMENTS OF PERSONS ACQUIRING UNPROCESSED TIMBER.—In accordance with regulations issued under section 523, each person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands shall report the disposition of such timber to the Secretary concerned on a quarterly basis.

(b) REQUIREMENTS OF PERSONS CONVEYING UNPROCESSED TIMBER.—

(1) IN GENERAL.—In accordance with regulations issued under section 523, each person who sells, trades, exchanges, or otherwise conveys to another person unprocessed timber originating from Federal lands shall identify in writing the origin of such timber to that other person.

(2) ACKNOWLEDGEMENT.—The person to whom such timber is conveyed under this section shall submit to the Secretary concerned, in such manner as the Secretary may prescribe—

(A) written acknowledgment of receipt of the written identification of the origin of such timber under paragraph (1), and

(B) a written agreement to comply with all of the prohibitions in section 511.

(c) REPORTS BY SECRETARIES TO CONGRESS.—The Secretary concerned shall, on the basis of the information received under subsection (a) and (b), report annually to the Congress on the disposition of unprocessed timber originating from Federal lands administered by that Secretary. The Secretary of Agriculture may meet this requirement by including such information pertaining to the National Forest system as part of the annual report required by section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (17 U.S.C. 1606(c), 88 Stat. 478).

SEC. 513. EXCLUSIONS.

(a) EXEMPTION FROM PROHIBITION ON SUBSTITUTION.—The prohibitions contained in section 511 shall not apply to a person if, before the unprocessed timber otherwise subject to the prohibitions is obtained—

(1) that person applies to the Secretary concerned, in such form as is presecribed in regulations issued by such Secretary, for an exemption of the prohibitions contained in section 511;

(2) that person demonstrates in such application that the Federal lands from which the unprocessed timber will be obtained are not located in the same geographic area—

(A) from which that person exports any other unprocessed timber from private lands; or

(B) from which that person has exported unprocessed timber from private lands in the preceding 5-year period; and

(3) the Secretary concerned grants the exemption.

(b) DETERMINATION OF GEOGRAPHIC AREAS.—The Secretary concerned shall determine the boundaries of geographic areas for purposes of subsection (a)(2) in accordance with the procedures for rulemaking set forth in section 553 of title 5, United States Code. The Secretary shall consider whether

persons other than the applicant for the exemption engage in commerce in unprocessed logs between the two geographic areas involved. Such commerce shall be sufficient to deny the exemption. Any such determination shall be reviewed at least once in each 2-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

SEC. 514. SURPLUSES.

(a) DETERMINATIONS BY SECRETARIES.—The prohibitions contained in section 511 shall not apply to specific quantities of grades and species of unprocessed timber from Federal lands which the Secretary of Agriculture or the Secretary of the Interior determines to be surplus to domestic manufacturing needs.

(b) PROCEDURES.—Any determination under subsection (a) shall be made in regulations issued in accordance with section 553 of title 5, United States Code. Any such determination shall be reviewed at least once in every 3-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

SUBTITLE B—SANCTIONS; DEFINITIONS; EFFECTIVE DATES

SEC. 521. PENALTIES.

(a) IN GENERAL.—Any person who violates this title or any implementing regulation, or counsels, procures, solicits, or employs any other person to take an action in violation of this title or such regulation, shall be assessed a civil penalty by the Secretary concerned of not more than $10,000 for each violation.

(b) KNOWING VIOLATIONS.—Any person who knowingly violates this Act, or any implementing regulation, shall be assessed a civil penalty by the Secretary concerned of not more than $1,000,000 or three times the gross value of the unprocessed timber involved in the violation, whichever is greater.

SEC. 522. DEBARMENT.

If the Secretary concerned finds, after notice and an opportunity for a hearing on the record, that a person has violated this Act or any regulation issued to carry out this Act, such Secretary shall issue an order prohibiting that person from entering into any contract for the purchase of unprocessed timber from any Federal lands for a period of not more than 5 years. Such a person shall also be precluded from taking delivery of Federal timber purchased by another party for the period of debarment. Such an order shall be subject to review in an appropriate District Court of the United States.

SEC. 523. REGULATIONS.

Within 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall, in consultation, each prescribe new coordinated and consistent regulations to implement this Act on lands which they administer.

SEC. 524. DEFINITIONS.

When used in this title, the term—

(1) "acquire" means to come into possession of, either directly or indirectly through a sale, trade, exchange, or other transaction;

(2) "affiliate" of another person described in paragraph (4) of this section is a person that—

(A) controls or has the power to control such other person,

(B) is controlled by or is subject to control by such other person, or

(C) with such other person is controlled by or is subject to control by, a third person,

except that in determining whether persons are affiliates, all appropriate factors shall be considered including, but not limited to, common ownership, common management, and contractual relationships:

(3) "Federal lands" means lands administered by the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense, and located west of the 100th meridian in the contiguous 48 States, excluding lands held in trust by the United States for the benefit of any Indian tribe or Indian individual:

(4) "person" means an individual partnership corporation association or other legal entity and shall include subcontractors and any subsidiary, parent company, or other affiliate;

(5) "private lands" means lands held or owned by a person but does not include lands held or owned by the United States, a State or political subdivision thereof, or any other public agency;

(6) "Secretary concerned" means the Secretary administering the Federal lands from which the unprocessed timber is removed;

(7) "substitution" is the practice of purchasing or otherwise obtaining timber from Federal lands west of the 100th meridian in the contiguous 48 States while at the same time exporting, or selling for export, timber from private lands west of the 100th meridian in the contiguous 48 States; and

(8) "unprocessed timber" means timber as defined by the regulations prescribed pursuant to section 523 of this Act.

SEC. 525. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect 30 days after the date of the enactment of this Act, but shall not apply with respect to timber removed pursuant to timber sale contracts entered into before the date of enactment of this Act.

(b) EXEMPTION FROM SUBSTITUTION.—Section 511(3) shall take effect 1 year after the date of the enactment of this Act. During such 1-year period, section 511(3) shall not apply with respect to the acquisition of unprocessed timber from Federal lands by a person who, in accordance with regulations of the Department of Agriculture and the Department of the Interior in effect on the date of enactment of this Act, demonstrates to the appropriate official that the Federal lands are in a tributary area as defined by the current regulations.

TITLE VI—STATE LANDS

SEC. 601. RESTRICTION OF EXPORTS OF UNPROCESSED TIMBER FROM STATE LANDS.

(a) AUTHORITY TO PROHIBIT EXPORTS OF UNPROCESSED TIMBER.—The Secretary of Commerce shall prohibit or otherwise restrict the exportation from the United States of any unprocessed timber harvested from land owned or administered by a State (or any political subdivision thereof), based on the recommendation of the Governor of that State, but only if the Governor of that State has certified that the State supports such prohibitions or restrictions based on—

(1) a statute enacted by the State legislature;

(2) a statewide voter initiative; or

(3) an existing State statute.

This subsection shall not apply if the Secretary of Commerce finds that there are not in effect restrictions on the exportation from the United States of unprocessed timber from land owned or administered by the Federal Government.

(b) ABILITY OF SECRETARY TO REMOVE OR MODIFY EXPORT RESTRICTIONS.—The Secretary of Commerce may remove or modify such prohibitions or restrictions on the exportation from the United States of any unprocessed timber harvested from land owned or administered a by State (or any political subdivision thereof) if the Governor of such State modifies that State's certification consistent with the requirements of paragraph (1), (2), or (3) of subsection (a).

(c) SUBSTITUTION.—Each State may adopt provisions with respect to substitution.

SEC. 602. DEFINITIONS.

When used in this title, the term—

(1) "State" means any of the several States located west of the 100th meridian in the contiguous 48 States:

(2) "State lands" means lands of a State or any political subdivision thereof; and

(3) "unprocessed timber" means timber as defined under the regulations prescribed pursuant to section 523 of this Act.

SEC. 603. EFFECTIVE DATE.

This title shall take effect upon the date of enactment of this Act.

IMPROVEMENT OF CHILD CARE

MITCHELL AMENDMENT NO. 1512

Mr. MITCHELL proposed an amendment to the bill (S. 5) to provide for a Federal program for the improvement of child care, and for other purposes, as follows:

On page 2, beginning with the first item relating to section 213, strike all through the second item relating to section 213 and insert the following:

Sec. 213. Supplemental earned income credit for families with young children.

On page 106, line 12, strike "16.67 percentage points" and insert "14.29 percent".

On page 109, strike lines 9 and 10 and insert the following flush sentence:

For purposes of this subparagraph, the rules of section 213(d)(6) shall apply.

On page 111, line 10, strike "For purposes of this subtitle" and insert "Except as provided in section 6401(b)(1), for purposes of this title".

On page 111, lines 18 and 19, strike "($14,000 in the case of a married individual filing a separate return)".

On page 111, between lines 24 and 25, insert the following:

(b) LIMITATION ON REFUNDABLE DEPENDENT CARE PORTION OF CREDIT.—Subsection (b) of section 6401 of the Internal Revenue Code of 1986 (relating to excessive credits) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE FOR SECTION 21(f).—

"(A) IN GENERAL.—The amount of the overpayment determined under paragraph (1) shall be reduced by 10 percent of the portion of such overpayment attributable to the credit allowed under section 21(a)(1)(A) and treated as allowable under subpart C of part IV of subchapter A of chapter 1 by reason of section 21(f).

"(B) ORDERING RULE.—For purposes of subparagraph (A), paragraph (1) shall be treated as having been applied as if the amount of tax described in such paragraph (if any) was first reduced by the portion of the credit allowed under section 21(a)(1)(A) and treated as allowable under subpart C of part

IV of subchapter A of chapter 1 by reason of section 21(f)."

(c) CERTAIN SUBSIDIZED EXPENSES NOT ELIGIBLE FOR CREDIT.—Section 21(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end thereof the following new paragraph:

"(10) SUBSIDIZED EXPENSES.—No expense shall be treated as an employment-related expense or qualified health insurance expense to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient."

On page 111, line 25, strike "(b)" and insert "(d)".

On page 112, line 21, strike "section 21(f))" and insert "section 21(f)(2))".

On page 113, line 6, strike "expenses and qualified health insurance expenses" and insert "expenses (as defined in section 21(b)(2)) and qualified health insurance expenses (as defined in section 21(b)(3))".

On page 113, between lines 7 and 8, insert the following new flush sentence:

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

On page 113, between lines 13 and 14, insert the following new subparagraph:

"(B) on the basis of the number of qualifying individuals in the household maintained by the employee,

On page 113, line 14, strike "(B)" and insert "(C)".

On page 113, line 18, strike "(C)" and insert "(D)".

On page 113, line 21, strike "(C)" and insert "(D)".

On page 113, after line 25, add the following:

"(d) DEFINITIONS.—Any term used in this section which is also used in section 21 shall have the same meaning as given in section 21.

On page 114, line 1, strike "(d)" and insert "(e)".

On page 114, line 8, strike "(c)" and insert "(e)".

On page 114, line 14, strike "(b)" and insert "(d)".

On page 114, beginning with line 16, strike all through page 116, line 15.

On page 116, line 16, strike "214" and insert "213".

On page 118, line 1, strike "20 percent" and insert "15 percent (10 percent for an eligible individual with only 1 qualifying child)".

On page 121, beginning with line 16, strike all through page 128, line 20.

NONDISCRIMINATORY TREATMENT OF PRODUCTS OF THE PEOPLES' REPUBLIC OF HUNGARY

SANFORD (AND OTHERS) AMENDMENT NO. 1513

Mr. SANFORD (for himself, Mr. HELMS, Mr. DOLE, Mr. DODD, and Mr. MCCONNELL) proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 59, after the matter preceding line 1, insert:

SEC. 1432. RANITIDINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.20 N[2-[[[5-[(9 dimethyl-amino)methyl]-2-furanyl]methyl]thio] ethyl]-N'-methyl-2-nitro-1,1-ethenediamine, hydrochloride (ranitidine hydrochloride) (Provided for in subheading 2932.19.50)	Free	No change	No change	On or before 12/31/92.".

PRYOR (AND OTHERS) AMENDMENT NO. 1514

Mr. PRYOR (for himself, Mr. SASSER, Mr. FORD Mr. DODD, Mr. LIEBERMAN, and Mr. JOHNSTON) proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 96, strike lines 4 through 11 and insert:

"(9) For the processing of any merchandise that is formally entered, or withdrawn from warehouse for consumption during any fiscal year, a fee in an amount equal to 0.17 percent ad valorem.

On page 97, line 10, strike "and".

On page 97, line 15, strike "(a)(10)" and insert "(a)(9)".

On page 97, line 17, strike "$403" and insert "$553".

On page 97, line 19, strike "$400" and insert "$550".

On page 98, line 2, strike "or (10)".

On page 98, line 13, beginning with "paragraphs", strike all through "(10)" on line 14 and insert "paragraph (9)".

On page 98, line 19, after the end quotation marks, insert a comma and "and".

On page 98, between lines 19 and 20, insert:

(G) in subparagraph (D), as redesignated by this paragraph, by striking "or (10)" each place it appears, and

(H) in subparagraph (E), as redesignated by this paragraph, by striking "(a)(10)" and inserting "(a)(9)".

On page 98, line 25, strike "or (10)".

On page 99, line 25, strike "or (10)".

On page 100, line 14, strike "or (10)".

On page 101, line 20, strike "(10)" and insert "(9)".

On page 101, line 24, strike "$400" and insert "$550".

On page 102, line 3, strike "(10)" and insert "(9)".

GRAHAM (AND OTHERS) AMENDMENT NO. 1515

Mr. GRAHAM (for himself, Mr. PACKWOOD, Mr. BRADLEY, Mr. KERRY, Mr. DODD, Mr. DOLE, Mr. LUGAR, Mr. HATCH, and Mr. DURENBERGER) proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 85, between lines 12 and 13, insert:

SEC. 2014. 50 PERCENT REDUCTION IN DUTY ON CERTAIN FOOTWEAR.

(a) IN GENERAL.—Section 213 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703) in amended by adding at the end thereof the following new subsection:

"(h) RUBBER-SOLED AND FABRIC UPPER FOOTWEAR.—

"(1) RATE OF DUTY.—The rate of duty on any footwear that—

"(A) is a product of a beneficiary country;

"(B) is footwear with outer soles of rubber or plastics and uppers of textile material provided for in HTS item numbers 6404.11.40, 6404.11.50, 6404.11.60, 6404.11.70, 6404.11.80, 6404.11.90, 6404.19.25, 6404.19.30, 6404.19.35, 6404.19.40, 6404.19.50, 6404.19.60, 6404.19.70, 6404.19.80, and 6404.19.90; and

"(C) was not designated on August 5, 1983, as an eligible article for the purpose of the generalized system of preferences under title V of the Trade Act of 1974,

is a rate equal to 50 percent of the general column 1 rate of duty under the HTS that would apply to such article but for this subsection.

"(2) ADMINISTRATION.—

"(A) The President shall proclaim the rates of duty imposed under paragraph (1).

"(B) The duty applied under paragraph (1) is in lieu of the duty provided for that article under general column 1 of the HTS."

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 213(b) of the Caribbean Economic Recovery Act (19 U.S.C. 2703(b)(2)) is amended by inserting "except as provided in subsection (h)," before "footwear".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, or or after the 30th day after the date of the enactment of this Act.

PACKWOOD AMENDMENT NO. 1516

Mr. PACKWOOD proposed an amendment to the bill H.R. 1594, supra, as follows:

Beginning on page 99, line 20, strike all through page 101, line 10, and insert:

"(3)(A) The Secretary of the Treasury, in accordance with section 524 of the Tariff Act of 1930 and without regard to apportionment or any other administrative practice or limitation, shall directly reimburse, from the fees collected under subsection (a) (other than subsection (a) (9) or (10)), each appropriation for the amount paid out of that appropriation for the costs incurred by the Secretary—

"(i) in providing—

"(I) inspectional overtime services, and

"(II) all preclearance services,

for which the recipients of such services are not required to reimburse the Secretary of the Treasury, and

"(ii) to the extent funds remain available to make reimbursements under clause (i), in providing salaries for full-time and part-time inspectional personnel and equipment that enhance customs services for those persons or entities that are required to pay fees under paragraphs (1) through (8) of subsection (a) (distributed on a basis proportionate to the fees collected under subsection (a)(1) through (a)(8)).

Funds described in clause (ii) shall only be available to reimburse costs in excess of the

highest amount appropriated for such costs during the period beginning with fiscal year 1990 and ending with the current fiscal year.

"(B) Reimbursement under this paragraph shall be made at least quarterly. To the extent necessary, reimbursement of appropriations under this paragraph may be made on the basis of estimates made by the Secretary of the Treasury and adjustments shall be made in subsequent reimbursements to the extent that the estimates were in excess of, or less than, the amounts required to be reimbursed.

"(C)(i) For fiscal year 1991 and subsequent fiscal years, the amount required to fully reimburse inspectional overtime and preclearance costs shall be projected from actual requirements, and the excess of collections over such projected costs for such fiscal year shall be used as provided in subparagraph (A)(ii).

"(ii) The excess of collections over inspectional overtime and preclearance costs (under subparagraph (A)(i)) reimbursed for fiscal years 1989 and 1990 shall be available in fiscal year 1991 and subsequent fiscal years for the purposes described in subparagraph (A)(ii), except that $30,000,000 of such excess shall remain without fiscal year limitation in a contingency fund and, in any fiscal year in which receipts are insufficient to cover the costs described in subparagraph (A) (i) and (ii), shall be used for—

"(I) the costs of providing the services described in subparagraph (A)(i), and

"(II) after the costs described in subclause (I) are paid, the costs of providing the personnel and equipment described in subparagraph (A)(ii) at the preceding fiscal year level.

"(D) At the close of each fiscal year, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives summarizing the expenditures for which reimbursement has been provided under subparagraph (A)(ii)."

(c) EXTENSION OF FEES.—Paragraph (3) of section 1303(j) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended to read as follows:

"(3) Fees may not be charged—

"(A) under paragraphs (1) through (8) of subsection (a) after September 30, 2005, or

"(B) under paragraphs (9) and (10) of subsection (a) after September 30, 1991.".

BENTSEN (AND PACKWOOD) AMENDMENT NO. 1517

Mr. BENTSEN (for himself and Mr. PACKWOOD proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 106, after line 3, insert:

SEC. . OTHER TECHNICAL AND MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO SECTION 337 OF THE TARIFF ACT OF 1930.—

(1) Subsection (e) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(e)) is amended by adding at the end thereof the following new paragraph:

"(4) The proceeds from the forfeiture of any bond posted under paragraph (1) or (2) shall be deposited into the general fund of the Treasury of the United States."

(2) Paragraph (1) of section 337(g) of the Tariff Act of 1930 (19 U.S.C. 1337(g)(1)) is amended by adding at the end thereof the following new sentence: "The Commission may delay issuing an exclusion or a cease or desist order under this paragraph until the completion of all (or a portion of) the investigation with respect to the complaint if the Commission determines such delay is appropriate."

(3) Subparagraph (C) of section 337(g)(1) of the Tariff Act of 1930 (19 U.S.C. 1337(g)(1)(C)) is amended—

(A) by striking "or otherwise" before "fails to appear", and inserting a comma; and

(B) by inserting before the semicolon ", or otherwise substantially fails to meet the requirements for participation in the investigation".

(4) Section 337(n) of the Tariff Act of 1930 (19 U.S.C. 1337(n)) is amended by adding at the end thereof the following new paragraph:

"(3) Any correspondence, private letters of reprimand, and other documents and files relating to violations or possible violations of administrative protective orders issued by the Commission in connection with investigations or other proceedings under this section shall be treated as information described in section 552(b)(3) of title 5, United States Code."

(5) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) AMENDMENTS TO SECTION 777 OF THE TARIFF ACT OF 1930.—

(1) Subparagraph (A) of section 777(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1677f(c)(1)(A) is amended by inserting "customer names," after "classified information".

(2) Section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) is amended by adding at the end thereof the following new subsection:

"(g) INFORMATION RELATING TO VIOLATIONS OF PROTECTIVE ORDERS AND SANCTIONS.—The administering authority and the Commission may withhold from disclosure any correspondence, private letters of reprimand, settlement agreements, and documents and files compiled in relation to investigations and actions involving a violation or possible violation of a protective order issued under subsection (c) or (d), and such information shall be treated as information described in section 552(b)(3) of title 5, United States Code."

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) AMENDMENTS TO THE UNITED STATES-CANADA FREE-TRADE AGREEMENT IMPLEMENTATION ACT OF 1988.—

(1) Section 313(n) of the Tariff Act of 1930 (19 U.S.C. 1313(n)) is amended—

(A) by inserting ", except an article" before "made from or substituted for", and

(B) by striking "of 1988" the second place it appears and inserting a comma.

(2) Section 313(o) of the Tariff Act of 1930 (19 U.S.C. 1313(o)) is amended by adding at the end thereof the following new sentence" "This subsection shall apply to vessels delivered to Canadian account or owner, or to the Government of Canada, on and after January 1, 1994 (or, if later, the date proclaimed by the President under section 204(b)(2)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988."

(3) U.S. Note 1 to subchapter XIII of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by adding at the end thereof the following new paragraph:

"(c) For purposes of this subchapter, the shipment of Canada of an article entered into the United States under heading 9813.00.05 shall not constitute an exportation, unless the article is a drawback eligible good under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988. This paragraph shall apply to shipments on or after January 1, 1994 (or, if later, the date proclaimed by the President under section 204(b)(2)(B) of such Act)."

(4) Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended—

(A) in subsection (a)(5)—

(i) by striking subparagraph (A) and inserting:

"(A) the date of notice of any determination described in paragraph (1)(B) or a determination described in clause (i), (ii), or (iii) of paragraph (2)(B),", and

(ii) by striking out the period at the end of subparagraph (B) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(C) the date as of which—

"(i) a binational panel has dismissed the binational panel review for lack of jurisdiction, and

(ii) any interested party seeking review under paragraph (1), (2), or (3) has provided timely notice under subsection (g)(3)(B),

except that if a request for an extraordinary challenge committee has been made with respect to the decision to dismiss, the date under this subparagraph shall not be earlier than the date on which such committee determines that such panel acted properly when it dismissed for lack of jurisdiction,"; and

(B) in subsection (g)(3)—

(i) by striking "or" at the end of subparagraph (A)(ii), by striking the period at the end of subparagraph (A)(iii) and inserting ", or", and by adding at the end of subparagraph (A) the following new clause:

"(iv) a determination which a binational panel has determined under paragraph (2)(A) is not reviewable by the binational panel.", and

(ii) by inserting "or (iv)" after "subparagraph (A)(i)" in subparagraph (B).

(5) Section 777(d) of the Tariff Act of 1930 (19 U.S.C. 1677f(d)), as added by section 501(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, is amended—

(A) in paragraph (1)(A)—

(i) by striking "(but not privileged material as defined by the rules of procedure referred to in article 1904(14) of the United States-Canada Agreement)", and

(ii) by adding at the end thereof the following new sentence: "If the administering authority or the Commission claims a privilege as to a document or portion of a document in the administrative record of the proceeding in question and a binational panel finds that in camera inspection or limited disclosure of that document or portion thereof is required by United States law, the administering authority or the Commission, as appropriate, may restrict access to such document or portion thereof to the authorized persons identified by the panel as requiring access and may require such persons to obtain access under a protective order described in paragraph (2).";

(B) in paragraph (1)(B)—

(i) by inserting ", and persons under the direction and control," after "employees" in clause (ii),

(ii) by striking "and" at the end of clause (ii),

(iii) by striking all after "in order to" in clause (iii) and inserting "make recommendations to the Trade Representative regarding the convening of extraordinary challenge committees under chapter 19 of the Agreement, and"; and

(iv) by adding at the end thereof the following new clause:

"(iv) any officer or employee of the Government of Canada designated by an authorized agency of Canada to whom disclosure is necessary in order to make decisions regarding the convening of extraordinary challenge committees under chapter 19 of the Agreement.";

(C) in paragraph (3)—

(i) by striking "or" after "violate," each place it appears, and

(ii) by inserting "or knowingly to receive information the receipt of which constitutes a violation of," after "violation of," each place it appears; and

(D) in paragraph (4)—

(i) by striking "or" after "for violation,", and

(ii) by inserting "or receipt of information with reason to know that such information was disclosed in violation of," after "violation of,".

(6) Section 406(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by adding at the end thereof the following new paragraph:

"(4) If the Canadian Secretariat described in chapter 19 of the Agreement provides funds during any fiscal year for the purpose of paying, in accordance with Annex 1901.2 of the Agreement, the Canadian share of the expenses of binational panels, the United States Secretariat established under section 405(e)(1) may hereafter retain and use such funds for such purposes."

(7) Section 408(c) of the United States-Canada Free-Trade Agreement Implementation of 1988 (19 U.S.C. 2112 note) is amended by striking all after "persons" and inserting "who would otherwise be entitled under Canadian law to commence procedures for judicial review of a final antidumping or countervailing duty determination made by a competent investigating authority of Canada."

(8) Section 409(b)(3)(A) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by striking "section 305" and inserting "section 308".

BENTSEN AMENDMENT NO. 1518

Mr. BENTSEN proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 51, in the matter preceding line 5, strike "or 6203.43" in the second column and insert ", 6203.43, 6101.30, or 6103.43".

BRADLEY AMENDMENT NO. 1519

Mr. BRADLEY proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 17, between lines 21 and 22, insert the following new paragraph:

( ) Heading 9902.25.04 (relating to graphite).

DECONCINI AMENDMENT NO. 1520

Mr. DECONCINI proposed an amendment to the bill H.R. 1594, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . The Secretary of the Treasury shall transfer to the University Medical Center, Tuscon, Arizona, for medical and emergency transportation purposes, an air worthy turboprop aircraft that—

(1) was forfeited to the United States under the customs laws;

(2) is not transferred to any Federal agency or State or local law enforcement agency under section 616 of the Tariff Act of 1930; and

(3) would, but for the purpose of this section, be sold at public auction under section 609 of the Tariff Act of 1930. Section 616(d) of the Tariff Act of 1930 applies to the aircraft transferred under this section.

SANFORD (AND OTHERS) AMENDMENT NO. 1521

Mr. SANFORD (for himself, Mr. MOYNIHAN, and Mr. HELMS) proposed an amendment to the bill H.R. 1594, supra, as follows:

On page 104, beginning with line 4, strike all through page 105, line 23, and insert:

SEC. 4004. PROHIBITION ON THE IMPORTATION OF ALL ARTICLES ORIGINATING IN BURMA.

(a) IN GENERAL.—After the date of the enactment of this Act, any article which is the growth, product, or manufacture of Burma may not be imported into the United States or any territory or possession of the United States.

(b) ENFORCEMENT.—

(1) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the provisions of this section.

(2) The regulations under paragraph (1) shall require any importer of any article that—

(A) is imported from, or has passed through, Burma, or

(B) is imported from, or has passed through, any foreign country whose nationals are allowed to acquire articles which are the growth of Burma by a treaty or agreement between Burma and the foreign country and/or such nationals,

to submit, at the time of the importation into the United States or any territory or possession of the United States, to the Secretary of the Treasury a statement certifying the country of origin of the article.

WILSON AMENDMENT NO. 1522

Mr. WILSON proposed an amendment to the bill H.R. 1594, supra, as follows:

In section 4003 of the committee amendment, strike out subsection (b) and redesignate subsection (c) as subsection (b).

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Friday, April 27, 1990. The focus of the hearing will be to examine the policies and operations of the U.S. Postal Service. The subcommittee will hear witnesses from the private sector.

The hearing is scheduled for 9:30 a.m., in room 342 of the Senate Dirksen Office Building. For further information, please contact Ed Gleiman, subcommittee staff director, on 224-2254.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, April 24, beginning at 11 a.m., to conduct a hearing on S. 2371, authorizing a National Academy of Sciences Study of an Environmental Research Institute and S. 2176, Pollution Prosecution Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 24, at 2:30 p.m. to hold a hearing on the process of economic summitry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, April 24, 1990, at 9:30 a.m., to hold a hearing on S. 1822, a bill to amend the Clayton Act to prohibit certain activities by local governments that operate airports.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, April 24, beginning at 9:30 a.m., to conduct a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet on Tuesday, April 24, 1990, at 9:30 a.m. in open session to receive testimony on implementation of the Defense Management Report in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991; and S. 2440, the Defense Management Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on April 24, 1990, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on S. 1289, the National Indian Forest and Woodland Enhancement Act and S. 2075, the Indian Environmental Regulation Enhancement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 24, 1990, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, April 24, at 10 a.m., for a hearing on "The Role of Treatment and Prevention in the National Drug Strategy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, April 24, 1990, at 10:30 a.m. to hold hearings on financial modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 10 a.m., April 24, 1990, for a hearing to receive testimony on the Department of Energy's Superconducting Super Collider Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE FOUNDATION OF WESLEY HOMES HONORS DEAN RUSK

● Mr. FOWLER. Mr. President, I want to commend the Foundation of Wesley Homes, now celebrating its 25th anniversary, for its extraordinary service and commitment to the elderly citizens of Georgia.

Wesley Homes is a not-for-profit organization that runs 10 residential facilities throughout Georgia offering services to seniors. The foundation also operates the only freestanding geriatric hospital in the country, conducting research on Alzheimers and Parkinsons disease and making other important contributions to the quality of long life.

The foundation will soon hold a Heroes, Saints and Legends Dinner at the Atlanta Botanical Gardens to honor older Georgians whose vigorous and productive lives have enhanced our community. Among the honorees are Eleanor Richardson, now retiring from a valuable career in public service in the Georgia House of Representatives; painter Constantine Chatov, who came from the Soviet Republic of Georgia to become one of the leading artists of the southern State of Georgia; and Judge Elbert Tuttle, retired from the Eleventh Circuit Court of Appeals.

All of these Georgians deserve our thanks and praise. However, I was asked to speak at the dinner about the remaining honoree, Dean Rusk. As we all know, Dean Rusk has done Georgia proud. He has returned to Georgia and now holds a chair at the University of Georgia Law School. He has also provided many years of faithful service, with the greatest of humility, to our Nation. That is why I wanted to share my thoughts on one of our most valuable citizens with my colleagues.

I would like to include my remarks for the RECORD.

The remarks follow:

TRIBUTE TO DEAN RUSK BY SENATOR WYCHE FOWLER, JR., APRIL 27, 1990

In an age in which selfishness and greed have actually been promoted as positive values, Dean Rusk stands out as a paragon of the classic values of loyalty and dedication to a larger cause.

His service to his country in some of the most dangerous and difficult times, from the Cuban Missile Crisis to the Vietnam War, is well known to all Americans. During his tenure as Secretary of State, guiding this nation's foreign policy under two presidents, he revealed himself a man of rare character—who put public service first, even above himself, and who believed that the nation must be guided by a sound and steady moral compass.

In keeping to these principles at all costs, Dean Rusk demonstrated extraordinary endurance and unmatched personal integrity. All of us who have followed Dean Rusk in the path of public service owe a debt—in fact, all citizens of a self-sustaining republic owe a debt to his example. I know I do.

Dean Rusk is fond of saying that this is a wonderful country that would allow a freckle-faced boy from Cherokee County to be its Secretary of State. All I can say is that we are fortunate to have him back in Georgia, and I want to thank all of you at the Foundation of Wesley Homes for giving me this opportunity to extend my regards to one of my personal heroes.●

CEREMONY COMMISSIONING THE I/N TEK CONTINUOUS COLD MILL, NEW CARLISLE, IN

● Mr. LUGAR. Mr. President, I rise today to pay tribute to Inland Steel Industries on the day of its commissioning of I/N Tek, the world's most advanced facility for the finishing of cold-rolled steel sheet. This new facility, located near New Carlisle, IN, is a joint venture between Inland Steel and Nippon Steel Corp.

This new plant incorporates the latest pollution control systems. It should be able to meet the new, stringent environmental guidelines contained in the 1990 Clean Air Act passed recently by the Senate. The computer-controlled facility integrates five separate operations, cutting the processing time for a coil of steel from 12 days to less than 1 hour. Not only is the process incredibly efficient, but it creates a finished product with superb surface quality, dimensional characteristics, and consistency.

The $525 million New Carlisle facility is state-of-the-art. It was modeled after Nippon's Hirohita plant in Japan, and is the first of its kind in the United States. The fully staffed facility will employ 230 highly skilled Hoosier workers, many of whom will train at the Hirohita facility before returning to Indiana to apply their skills. When I/N Tek is fully operational, it will serve home appliance, steel furniture, automotive, and other specialized industries.

Inland Steel is the fourth largest steelmaker in the Nation and is an important part of the Indiana economy. From humble beginnings, the Indiana Harbor Works facility in East Chicago now encompasses 1,900 acres and has produced more than 300 million tons of steel since its founding in 1902. Inland's commitment to its work force has always been strong. It was on the cutting edge of those companies seeking to provide a safe and healthy work environment in the early 1900's, a concern that continues to this day.

I am pleased to see Inland Steel taking this step toward greater effi-

ciency and quality through advanced technology. The combination of advanced technology and Inland's commitment to human achievement will stand it in good stead to face the competitive challenges of the global economy which lie ahead in the next century.

I regret that I was unable to attend the commissioning ceremony personally because of the Senate's schedule. However, I want to extend my heartiest congratulations to all of those involved in making the I/N Tek facility a reality.

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 23, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached reports shows the effects of Congressional action on the budget for fiscal year 1990 and is currently through April 20, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H.Con.Res. 106). This report is submitted under section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report, dated April 2, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 2D SESS. AS OF APR. 20, 1990

[In billions of dollars]

	Current level [1]	Budget resolution H.Con.Res.106	Current level +/− resolution
Fiscal year 1990			
Budget authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,999.8	3,122.7	−122.9
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 106. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with section 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount [MDA] in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS APR. 20, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,068,600
Permanent appropriations and trust funds	954,917	791,226	
Other legislation	639,255	638,374	566
Offsetting receipts	−237,825	−233,738	
Total enacted in previous sessions	1,356,347	1,195,862	1,069,166
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with currrent law estimates in budget resolution:			
Salaries of judges	−2	5	
Payment to judicial officers' retirement fund	−4	−4	
Judicial survivors' annuities fund	−3	−3	
Fees and expenses of witnesses	−2		
Justice assistance	−4		
Fisherman's guaranty fund	1	1	
Administration of territories	−1		
Firefighting adjustments	−624	−192	
Federal unemployment benefits (FUBA)	5		
Advances to unemployment trust fund	(48)	(48)	
Special benefits	−24		
Black lung disability trust fund	52	32	
Vaccine improvement program trust fund	7	7	
Federal payment to railroad retirement	1	1	
Retirement pay and medical benefits	−4		
Supplemental security income	263	263	
Special benefits, disabled coal miners	21		
Grants to states for Medicaid	−907		
Payments to health care trust funds	(325)	(325)	
Family support payments to States	84	84	
Payments to states for AFDC work programs	15	15	
Payments to states for foster care	−83		
Health professions student loan insurance fund	−25	−7	
Guaranteed student loans	−175		
College housing and academic facilities loans	−3	−3	
Rehabilitation services	−79		
Payments to widows and heirs	(1)	(1)	
Reimbursement to the rural electrification fund	111	111	
Dairy indemnity program	(1)	(1)	
Conservation reserve program	720		
Special milk program	−2		
Food stamp program	−800		
Child nutrition programs	−74		
Federal crop insurance corporation fund	(1)		
Agriculture credit insurance fund	342		
Rural housing insurance fund	1		
Rural communication development fund	1		
Payments to the farm credit system financial assistance corporation	−2		
Coast Guard retired pay	−17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	−3	−2	
Readjustment benefits	−62		
Compensation	448	398	
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	238	238	
Disaster relief	−1,100	−883	
Total entitlement authority	−1,757	62	
VI. Adjustment for Economic and Technical Assumptions	−28,685	−26,763	−8,900
Total current level as of Apr. 20, 1990	1,325,905	1,169,160	1,060,266
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution		3,960	
Under budget resolution	3,495	3,960	5,234

[1] Less than $500 thousand.

Notes.—Numbers may not add due to rounding. Amounts shown in parentheses are interfund transactions that do not add to totals.●

TRIBUTE TO DR. ORVIL A. CHILDS, MAGNOLIA, AR

● Mr. PRYOR. Mr. President, today I rise to pay tribute to Dr. Orvil A. Childs of Magnolia, AR, who will be 80 years young on May 1.

Mr. Childs is known throughout Arkansas for his contribution to agriculture. One of the first five inductees to the Arkansas Agriculture Hall of Fame, Dr. Childs is the retired chairman of the Southern Arkansas University agriculture department. Upon his retirement in May 1975, Orvil Childs Day was celebrated at SAU with several hundred friends and former students in the audience. Today the agriculture building on the SAU campus bears his name.

Childs was born in Wickes, Polk County, and attended a one-room country school in north Howard County. In 1927 he entered high school at Magnolia A&M [SAU] and also attended junior college there from 1930 to 1932.

After graduating from Oklahoma State University with a degree in agriculture in 1934, Childs taught vocational agriculture at Cale and then at Magnolia High School. He also worked briefly for the Purina Co. before he was asked by C.A. Overstreet, then

president of Magnolia A&M to become chairman of the agriculture department.

A recipient of numerous awards and citations for his work in agriculture, in 1973 the Progressive Farmer magazine recognized Childs as "Man of the Year in Service to Arkansas Agriculture."

I want to join the scores of friends, former students and colleagues, and other individuals devoted to excellence in agriculture in wishing him a happy 80th birthday.●

THE 75TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. SIMON. Mr. President, today, April 24, 1990, marks the 75th anniversary of the Armenian genocide. On this day, Armenians and their friends around the world gather in remembrance of the tragic events of 1915–23, to honor the memory of the 1.5 million people of Armenian ancestry who lost their lives. I was a strong supporter of Senate Joint Resolution 212, which commemorated this day, and I was disappointed by our failure as a body to bring the resolution to a vote. Mr. President, I believe we owe it to ourselves as a nation to stand up for human rights and to learn from the past.

The facts of the Armenian genocide are well documented and clear. By order of the Ottoman Government, many thousands of Armenian citizens were ruthlessly killed in and around their eastern Anatolian villages. Hundreds of thousands more were forcibly deported to Syria—marched into the desert and abandoned without food, water, or shelter, prey to the elements and to the violence of hostile Turks, Kurds, and Arabs. This tragedy of history has left deep scars, and not just in the hearts and memories of its survivors. This tragedy has scarred all of us who must continue to fight the denials that the massacre ever occurred.

Our century has witnessed too many instances of man's brutality against man. We can, and we must, promise ourselves and our children that such atrocities will not be allowed to continue, wherever they occur. We can, and we must, take heed of the errors of the past.

I am honoring April 24, 1990, then, with a mixture of sadness and hope. I grieve for the memory of the victims and the pain of the survivors. But I hope that by remembering this day, by recognizing and condemning the depths to which humanity can sink, we can help to guarantee a fair and tolerant future. I invite my colleagues and all Americans to join me in meeting the challenge.●

THE EVENING POST OF CHARLESTON, SC, ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, often Congress becomes wrapped up in the beltway existence to the extent that it is virtually deaf to the cries of its constituency. That is both the case and the cause with the concept of term limitation: Congress has become deaf to its constituency.

Term limitation is not the first concept the public has embraced that Congress has ignored. Rather, it is the culmination of a long period of neglect of the constituency. Constituents now hope that by limiting terms, new blood will flow into Congress and revitalize it. They are right. One cannot stay in Congress long and maintain one's idealism. We need fresh ideas and political courage unfettered by the election survival mentality, to deal with the critical problems of our time. We need term limitation.

Mr. President, I ask that an editorial from the Evening Post of Charleston, SC, appear in the RECORD immediately following my remarks. The Evening Post, like many smaller newspapers that reflect their readership, has heard the public voice for term limitation. I urge all Senators to do the same.

The editorial follows:

[From the Charleston (SC) Evening Post, Feb. 23, 1990]

TWELVE'S THE LIMIT

Two former South Carolina congressmen, Thomas F. Hartnett, a Republican, and Ken Holland, a Democrat, are part of a national, bipartisan movement to limit the terms of the body in which they once served. They are doing their fellow-countrymen a good turn.

Mr. Hartnett, it should be remembered, said after his first term that service should be limited and chose not to run again after six years in office. The proposed constitutional amendment being pushed by Americans to Limit Congressional Terms (ALCT) would put a 12-year ceiling on service in the House and Senate.

"Everyone thinks seniority is the game here, but it's not. It's the majority party," Mr. Hartnett told a reporter as he prepared to leave Washington in 1986. Newcomers, he said, quickly learn that "all you can do is vote. And with this outdated system in Congress, you can't even get recognized. You quickly learn that you can't make much difference. Therefore, most of the congressmen who stay up here quit trying and become involved with their own survival—getting re-elected."

Unfortunately, because members of Congress can spend so much time campaigning and have access to so many big bucks, getting re-elected has become a way of life. In recent years, House incumbents have had a 98 percent return rate. Worse still, the power of incumbency has led to an increasing number of free rides. Two years ago one in five House members had no opposition. Since single-member election districts have made incumbents more opposition-proof, that same pattern has begun to emerge in the state Legislature.

Finally it would seem that a movement to force a reform of the system from the outside has caught fire. Pollsters are finding that the people understand, even if the politicians don't, that once they become career legislators they become unrepresentative of those they are supposed to represent.●

REGULATION OF AGRICULTURAL AND FINANCIAL FUTURES

● Mr. LUGAR. Mr. President, for the past several months a debate has taken place over whether to transfer certain jurisdiction over the Nation's futures markets from the Commodity Futures Trading Commission to the Securities and Exchange Commission. The CFTC has exclusive jurisdiction over all futures trading, but some now argue that its jurisdiction should no longer include so-called securities derivative contracts.

The Senate Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing for May 8 to explore this issue. In advance of that hearing, I wish to share with the Senate a letter I received from the agriculture community. This letter represents the united view of 18 leading agricultural groups on the issue of CFTC jurisdiction. It expresses their unanimous support for a strong, independent CFTC with exclusive jurisdiction over all futures markets.

Unfortunately, this jurisdictional debate has stalled critical legislation to strengthen and reauthorize the CFTC. At this point, there is no clear consensus on how to resolve matters of jurisdiction and it appears this debate will continue at length. In the meantime, this important legislation, the toughest reform package in decades, languishes. It is time we separate the issues of jurisdiction and reauthorization, allowing us to move forward on legislation to reauthorize the CFTC.

That is not to say jurisdiction issues should go unresolved. These are serious issues that merit careful thought and consideration. But, I urge we resist the temptation to reach a quick fix solution to the complicated issues involved. Jurisdiction issues should be examined on their merits, without being pressured by the urgent need to move forward with the reforms contained in our reauthorization bill.

The letter follows:

MARCH 27, 1990.

DEAR SENATOR LUGAR: As representatives of all segments of U.S. agriculture, we are writing to express our deep concern with the jurisdictional dispute between the Commodity Futures Trading Commission (CFTC) and the Securities and Exchange Commission (SEC). In recent weeks, some have asserted that the SEC, not the CFTC, should have jurisdiction over some financial futures contracts, most notably stock index futures. We believe this could ultimately jeopardize agricultural futures.

Why are we as agricultural groups worried about stock index futures? Because the

CFTC regulates exchanges, not just contracts. Agricultural and financial futures are traded on the same trading floors, subject to the same rules, by the same people. Dual agency jurisdiction over futures exchanges, under two different laws, would be a prescription for regulatory chaos.

We support a strong, independent CFTC with exclusive jurisdiction over futures contracts. A strong CFTC would be strengthened even more under the Senate's pending reauthorization legislation.

We vigorously oppose weakening the CFTC by splitting-off some of its jurisdiction. We are equally opposed to the idea of making the CFTC a division of the SEC. Such a combination would be unworkable because the SEC has no experience in agricultural futures or their regulation. The SEC would undoubtedly seek to superimpose its view of stock market regulation on futures markets. Although futures markets have a 140-year tradition of providing efficient price discovery and hedging mechanisms, these are roles and functions that are fundamentally different from the markets the SEC now oversees. For example, a recent NEW YORK TIMES article quotes SEC Commissioner Edward Fleischman as saying, "We really don't understand those markets, it is a different world. You tell me what we would do differently. I would venture to say nothing."

The efficient, fair pricing of agricultural products would inevitably suffer under a change in jurisdictional authority. We should not leave the impression we always agree with the CFTC, but we value the expertise developed under current oversight authority during nearly 70 years of futures market regulation. For these reasons, we strongly urge Congress to maintain an independent CFTC.

Sincerely,

American Cotton Shippers Association, American Farm Bureau Federation, American Oat Association, American Soybean Association, Millers' National Federation, National Association of Wheat Growers, National Cattlemen's Association, National Corn Growers Association, National Cotton Council, National Council of Farmer Cooperatives, National Farmers Organization, National Farmers Union, National Grain and Feed Association, National Grain Sorghum Producers Assoc., National Grain Trade Council, National Grange, National Pork Producers Council, North American Export Grain Association.●

CHILDREN A PRIORITY?

● Mr. SIMON. Mr. President, as the Senate Budget Committee tackles the job of drafting a Federal budget, it's a good time for all of us to take a long, hard look at priorities. In my weekly column I write for newspapers in my State, I've addressed what I think should be near the top of our list: children. I ask to have the column reprinted in the RECORD.

The column follows:

CHILDREN A PRIORITY? NOT IN BUDGET

It has often been said that if you want to see a nation's future, look at its children.

To much too great an extent we are a society ignoring the needs of millions of our children.

Sen. David Boren of Oklahoma, chairman of the Senate Intelligence Committee, which looks at threats to our nation around the world, recently said, "The greatest security threat our nation faces is our failure to develop our human resources." He was testifying on a bill to encourage more bright young people to go into teaching.

Almost one-fourth of the nation's children live in poverty.

Those children who live in poverty are the ones who need the opportunity for a quality education the most, but they are the least likely to get it.

When the nation's budget is adopted later this year, the final figures are likely to be close to $300 billion for defense, against a threat that is dramatically reduced, and about $23 billion for education, an overwhelming problem.

About 2 percent of the budget will go for education.

Are we doing anything to lift our citizens in poverty, so their children have a better chance?

Very little.

The latest census figures show that the gap between the rich and the poor in this country is the widest ever recorded.

The wealthiest 5 percent of the nation's population got 17.2 percent of the nation's income last year.

The wealthiest 20 percent got 44 percent of the income; the middle-income families—66 percent of our population—got 51 percent of the income, the lowest share ever reported; and the poorest 20 percent of the population got 4.6 percent of the income.

And which group had the most children per family? The poorest.

Our infant mortality rates are among the highest of any industrial nation, even though we are the world's wealthiest nation.

Half of those who live in homeless shelters in New York City are children. The average age: 6.

As many as one-third of the children in the nation under age 6 have never seen a dentist.

Unlike Japan and Western Europe, we have not made a national priority of education. And it shows.

I once was asked by a friend to speak at the commencement of the Scholl College of Podiatric Medicine in Chicago. Because he was an old friend, I agreed to do it. Suddenly the commencement was a week away, and I had never been to a foot doctor in my life. I knew nothing about that specialty. I started reading about Abraham Lincoln's foot doctor and other history.

But in my research something suddenly hit me. The State of Illinois is much more strict in its standards for those who handle our feet than for teachers, those who handle our children.

My guess is that podiatrists also earn much more.

I don't mean this disrespectful to podiatrists, but the contrast tells us something is wrong.

On top of everything else, we have saddled our children with a huge national debt that they will have to pay.

We have gone through a 10-year period of neglecting the most basic resource a nation has: Its children.

That has to change.

Policy makers must help change it. Parents must help change it.

All responsible citizens should help to arrest this drift.●

ALEX DIDIER, SMALL BUSINESS ADMINISTRATION'S MINNESOTA DISTRICT FINANCIAL SERVICES ADVOCATE OF 1990

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to say a few words about a fine business leader who has devoted many years assisting in the development and growth of small businesses. I am speaking of Alex Didier, former president and chief executive officer of First National Bank in St. Cloud, MN.

Mr. Didier has just been chosen as the Small Business Administration's Minnesota District Financial Services Advocate of 1990. Throughout his career in banking, he was a staunch supporter of small businesses and worked diligently with the Small Business Administration to see to it that his bank became a preferred lender. Through these efforts, he was able to establish an aggressive team of loan officers who understood and supported the needs of small business.

Mr. Didier espoused the entrepreneurial spirit that is so necessary to establishing and developing a small business. When you were a customer in Alex's bank, you were his partner. It was through his encouragement and support that many small businesses were able to prosper. His commitment to the community is being recognized today as he is chosen as the SBA Minnesota District Financial Advocate of 1990.

Mr. Didier retired from his position as president and chief executive officer at First American National Bank in July 1989. I want to congratulate him for the honor which he is receiving from the small business community and wish him the best in whatever he chooses to pursue in the future.●

THE 100TH ANNIVERSARY OF THE GENERAL FEDERATION OF WOMEN'S CLUBS

● Mr. CHAFEE. Mr. President, I am pleased to note an important occasion being celebrated today: the 100th anniversary of the founding of the General Federation of Women's Clubs [GFWC], the oldest and largest volunteer women's organization in the world.

One hundred years ago today, a small group of women launched a movement that would touch communities across the Nation and around the world. From a handful of clubs providing a forum in which women could discuss issues of the day, the federation has grown to be an organization of 9,000 clubs with 400,000 members—all dedicated to education and volunteer community service.

During the past 3 years, the women's clubs donated more than 20 million hours and $31 million to a host of volunteer service projects ranging

from care for the elderly, to youth suicide prevention, to wildlife conservation. This same dedication to volunteer service can be found at the many international women's clubs and their affiliates in more than 40 countries worldwide.

The General Federation of Women's Clubs has made significant and far-reaching contributions to our society over the past century. Some events in which the women's clubs have played an important role include: the enactment of our first child labor laws, passage of the Pure Food and Drug Act, establishment of the National Park Service, and creation of our public library system.

As a Rhode Islander, I am particularly proud to note that now serving as president of the GFWC is Barrington, RI, resident Alice C. Donahue. Mrs. Donahue is a dedicated leader whose volunteer activities include scouting and advocacy of arts, literacy efforts, and disabilities issues. Through her work in the women's clubs and other volunteer groups, she has made countless contributions to our State and to the Nation.

Mr. President, wherever we find women's clubs, we find capable, committed women working to direct local resources toward the most pressing needs of communities. Women's clubs members have helped—and I hope will continue—to meet the challenges and needs of our society.

I urge my colleagues in the Senate to join me in congratulating the General Federation of Women's Clubs on its first centennial. I wish all its members another happy and productive century of community service. Keep up the good work.●

WISCONSIN BADGERS ARE HOCKEY CHAMPIONS

● Mr. KASTEN. Mr. President, I rise today to honor the achievement of the Badgers of Wisconsin. Earlier this month, the Badgers defeated Colgate 7-3 to win the NCAA championship of ice hockey.

This was the Badgers' fifth championship since 1973—a sure sign of an excellent tradition of talent and sportsmanship. The victory capped an outstanding season for the Badgers, who posted a record of 36-9-1.

In Wisconsin, we care about sports. And the Badgers owe a part of their record of excellence to their fans back home—who can turn even a hostile stadium into home field by their enthusiasm.

Hats off to the Badgers.●

SAE METHANOL CHALLENGE

● Mr. ROCKEFELLER. Mr. President, I would like to call the attention of my colleagues to a very unique and far-sighted event that took place in Detroit early this month, from April 5 to 8—the second annual SAE Methanol Challenge. This event deserves recognition for the role it has been playing in attracting attention to alternative fuels.

The internal combustion engine is well into its second century of existence. Despite the fact that it has been made to be increasingly efficient, the present rate of consumption has put tremendous pressure on the environment and is exacerbating our reliance on foreign sources for petroleum.

We do, however, have alternatives if we apply the proper imagination and resources to the task. For example, bountiful coal reserves exist in the United States—particularly in my State of West Virginia—that are not being utilized to their full potential as a source for transportation fuel. High-octane methanol formulas derived from natural gas or coal could alleviate urban smog, and the pressure on the country's oil reserves and on the economies of many States.

The Methanol Challenge is a competition that awards cash prizes to the best prototypes of a car that would run on methanol. Exhaust emissions and fuel economy are the principal factors considered in this 3-day contest. Each participating school received a car from General Motors and a small grant to cover the expenses of conversion. The organizers have made a very positive contribution to the development of the technology necessary for the mass production of cars utilizing methanol.

I congratulate the Society of Automotive Engineers and the Argonne Laboratory for the role they have played as organizers of this special event. Credit also goes to the sponsors: General Motors, the U.S. Department of Energy, and all of the others who have made this event possible.

I am also proud to acknowledge the pioneering role that West Virginia University has played in the challenge and in the development of innovative methanol technology. Dr. Nigel Clark and his team of engineers are a credit to West Virginia. I would especially like to applaud the talented young engineers from West Virginia University: Brian McGrath, Chris Santoro, George Utt, Byron Rapp, Pete Ganster, Phil Koloff, Erik Saab, Brian Kapinos, Dave Browning, Rob Nutter, Eric Van Brunt, Mike Rowe, Jim Webb, Mike Byers, and Charlie Bargeloh.

The State of West Virginia is in a particularly well-suited position to benefit from the development and eventual use of methanol. If, in the future, we move to substantial production of methanol, our natural gas and coal industries could benefit greatly.

The success of the Methanol Challenge in the past 2 years helps make the goal of mass production of methanol-burning cars in the near future viable. Millions of people throughout the world could benefit from this technology, including many in West Virginia. With public awareness and support for alternative fuels growing by the day, my hope is that we will make great strides soon in seeing the adoption of methanol for transportation fuel on a broad scale. As the chief author in the Senate of the Alternative Fuels Act of 1988, I am excited about the prospects for the future. And I again applaud the efforts of the people and organizations involved in the Methanol Challenge. I encourage everyone involved with the Methanol Challenge to continue their efforts to promote methanol. Our future rests on creative, new solutions to problems such as our excessive reliance on foreign energy sources, and the Methanol Challenge is one of many initiatives to bring about these solutions.●

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair announces, on behalf the Republican leader, pursuant to Public Law 96-114, as amended by Public Laws 98-33, 99-161, and 100-674, his appointment of Charles F. Smithers, of Connecticut, as a member of the Congressional Award Board.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

NATIONAL TRAUMA AWARENESS MONTH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 224, designating National Trauma Awareness Month and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 224) designating the month of May 1990, as "National Trauma Awareness Month."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BYRD. Mr. President, the joint resolution we are considering today to designate the month of May 1990 as "National Trauma Awareness Month," will bring to the public's attention the enormity of the traumatic injury problems in the United States.

"Trauma" is the medical term for physical injury, either accidental or intentional, caused by motor vehicle accidents, falls, fires, household accidents, and violent crimes, among others. More people under the age of 45 die from trauma than any other single cause. Each year 60 million persons suffer a traumatic injury—8 million seriously. Of this number, 340,000 people are permanently disabled and 93,000 die.

Anybody who has lost a loved one or a friend through a trauma injury, or knows somebody who has suffered a serious traumatic accident, can testify to the grief, frustration, and sense of needless that such traumas can mean. In too many instances, the words "if only" accompany the news of traumatic injury or death. "If only he had worn his seatbelt," "If only we had the right instruments in the emergency room," or "if only she had not been able to get the top off of the poison."

This growing crisis can be addressed through prevention and implementation of comprehensive emergency medical systems. Much has already been accomplished through seat belt promotion and drunk driving awareness campaigns. Efforts to arouse public awareness must be increased.

Fortunately, we can make—as we have made—a difference in stemming the instances of devastating traumatic accidents, injuries, and deaths.

After Congress designated the months of May 1988 and 1989, as Trauma Awareness Month, organizations such as the American Trauma Society were able to mount campaigns in every State to educate our citizens about trauma, its implications, and what can be done to tackle it.

With the adoption of this resolution, we can again bring the necessary focus on a serious medical problem. I urge its passage.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 224) and its preamble are as follows:

S.J. RES. 224

Whereas more than eight million individuals in the United States suffer traumatic injury each year;

Whereas traumatic injury is the leading cause of death of individuals less than forty-four years of age in the United States;

Whereas every individual is a potential victim of traumatic injury;

Whereas traumatic injury often occurs without warning;

Whereas traumatic injury frequently renders its victims incapable of caring for themselves;

Whereas past inattention to the causes and effects of trauma has led to the inclusion of trauma among the most neglected medical conditions;

Whereas the people of the United States spend more than $110,000,000,000 on the problem of trauma;

Whereas the problem of trauma can be remedied only by prevention and treatment through emergency medical services and trauma systems; and

Whereas the people of the United States must be educated in the prevention and treatment of trauma and in the proper and effective use of emergency medical systems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1990 is designated as "National Trauma Awareness Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL TOURISM WEEK

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 153.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 153) entitled "Joint resolution designating the third week in May 1990 as 'National Tourism Week' ", do pass with the following amendments:

Page 1, in the first whereas clause, strike out "five million five hundred thousand jobs and indirectly employing another two million two hundred thousand Americans;", and insert "five million nine hundred thousand jobs;".

Page 1, in the second whereas clause, strike out "$313,000,000,000", and insert "$350,000,000,000".

Page 1, in the second whereas clause, strike out "6.4", and insert "6.7".

Page 2, in the first whereas clause, strike out "thirty-three million seven hundred thousand foreign travelers spend approximately $18,000,000,000", and insert "thirty-eight million three hundred thousand foreign travelers spend approximately $43,000,000,000".

Mr. MITCHELL. Mr. President, I move the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

URGENT FAMINE SITUATION IN ETHIOPIA

FAMINE IN SUDAN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged en bloc from further consideration of Senate Resolution 270 and Senate Resolution 272 and that the Senate proceed to their immediate consideration en bloc; that the resolutions be agreed to en bloc; that the preambles be agreed to en bloc; and that the motions to reconsider the passage of these resolutions be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I am pleased to join with the distinguished chairman of the Africa Subcommittee in offering these two resolutions on the crisis in the Horn of Africa.

Ethiopia and Sudan are now facing one of the largest humanitarian catastrophes of the past 40 years. Unless the administration moves swiftly to secure safe passage for food and medicine in the affected regions, up to 5 million lives could be lost. And tragically, in both countries, the impending famine is entirely avoidable. The food stocks exist and the international community has the capacity to deliver the assistance. But in Ethiopia and Sudan, the governments and the opposing rebels have placed military objectives far above humanitarian concerns.

Less than 6 years have passed since we last viewed the devastating footage of walking skeletons dying in the refugee camps of Ethiopia. The crisis is upon us once again, with even more devastating implications. In the northern Ethiopian provinces of Eritrea, Tigre, and Wello, some 3.5 to 5 million lives are endangered. Neither the Eritrean People's Liberation Front nor the Government of Ethiopia have acted in a responsible manner. In February the EPLF seized the Government-held port of Massawa, the key distribution point for humanitarian supplies in northern Ethiopia. The Government responded with aerial attacks on the port, which according to press reports, destroyed many of the storage facilities and food supplies.

But now, rather than focusing on the errors of the past months, we must direct our efforts to mobilize all available avenues for food distribu-

tion. In this regard, there is much that the Government of Ethiopia can and must do. Specifically, the Port of Massawa is vital for the transshipment of humanitarian supplies. The EPLF has offered to permit international relief agencies to operate in Massawa. So far, the Government of Ethiopia has rejected that offer. Three weeks ago, a senior delegation of the Ethiopian Government visited the Senate, and I pressed them on this point. They indicated a willingness to begin discussions on the opening of the port. I urge the administration to seize that offer immediately.

Absent any opening of Massawa, the single largest mechanism for delivering humanitarian supplies in the north is through cross-border channels from Sudan. That corridor has been slowed by Government bombing raids on the food convoys. The Government contends that it cannot distinguish the humanitarian convoys from other traffic that may have military objectives. Again, I urge the administration to pursue an agreement that provides the assurances sought by the Ethiopian Government, so that the level of supplies can be increased dramatically.

Second, there is a desperate need for supplies in the town of Makaele. So far, the Ethiopian Government has refused to permit an air resupply of Makaele, insisting rather that we should resupply the town of Asmara—where some 40,000 Ethiopian troops are stationed.

Finally, the Ethiopian Government has offered to expand the southern relief corridor, which routes supplies from the Port of Assab to the town of Dese. In recent days, this corridor has been improved, and much more food is being delivered than just 2 weeks ago. We must make every effort to ensure this route is expanded to its fullest capacity. However, we cannot permit the Ethiopian Government to substitute full cooperation on the southern route, for no cooperation on the other three corridors.

Mr. President, the Government of Ethiopia desperately seeks improved ties with the United States. That should come as no surprise. The brutal Communist dictatorship of President Mengistu is failing. As dramatic changes sweep across Eastern Europe, Mengistu is finding himself more and more isolated. This, no doubt, provoked his speech on March 5, 1990, when he pledged to pursue a mixed economy. But Mengistu must understand that there will be little to no support in the Congress for efforts to improve ties with Ethiopia as long as his government pursues policies that deliberately ignore the humanitarian crisis in Ethiopia. Any effort by his government to hold cooperation on relief hostage to a commitment on upgrading relations with the United States will merely deepen congressional cynicism toward his motives.

Mr. President, the situation in Sudan is a bit more hopeful. Two years ago, some 250,000 Sudanese starved to death because adequate food supplies were not delivered to the afflicted areas in the south. Last year, the international community mobilized, and under the auspices of Operation Lifeline Sudan a major famine was averted. The Bush administration can assume a great deal of credit for last year's success.

This year, we are confronted with another potential famine that will affect up to three-quarters of a million people. Last October, an informal cease-fire between the Government of Sudan and the opposing Sudanese People's Liberation Army [SPLA] broke down, and intensified fighting resumed. The following month, the Government of Sudan suspended all cooperation with humanitarian efforts to assist the people in the south. Humanitarian flights were suspended, and the privileges of most private voluntary organizations were revoked.

On April 4, I met with the U.S. Ambassador to Khartoum, and a senior official of the Sudanese Government. They informed me of a tentative agreement between the Government of Sudan and the SPLA, permitting the free passage of supplies. That agreement, known as Operation Lifeline Sudan II provides an important glimmer of hope. The proof of the agreement's importance will come through its implementation. It is incumbent on both the SPLA and the Government to comply with the safe passage commitments and permit the delivery of supplies in both Government-held and SPLA controlled territory.

Mr. President, the two resolutions before the Senate address these key points on both Ethiopia and Sudan. They are the very least that we can do. But they send an important message to the parties in both countries. We know the cause of the famine and we know how it can be averted. There is no time left for excuses, and there is no time for finger-pointing by the parties. These resolutions endorse concrete proposals that will avert a colossal catastrophe. Millions of lives are literally at stake.

The resolutions (S. Res. 270 and S. Res. 272) and their preambles are as follows:

S. RES. 270

Whereas famine threatens the lives of some three million five hundred thousand to five million people in the northern Ethiopian provinces of Eritrea, Tigray, and Wello;

Whereas the major cause of the famine is ongoing civil war;

Whereas all parties to the conflict have deliberately put military objectives above the food needs of innocent civilians;

Whereas cross-border feeding operations are insufficient to meet the desperate needs;

Whereas the northern corridor through the Eritrean Port of Massawa, currently held by the rebel Eritrean People's Liberation Front, is critical to relief efforts to feed some one million five hundred thousand people in need in rebel and government-held areas;

Whereas the Government of Ethiopia has refused to accept the offer made by the Eritrean People's Liberation Front to allow international relief access through Massawa; and

Whereas the relief operation along the southern corridor through Wello Province must be expanded to reach the one million four hundred thousand people estimated to be at risk there: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) all parties to the conflict in Ethiopia must put humanitarian needs above military goals and adopt an immediate ceasefire;

(2) cross-border feeding operations should be expanded to their fullest capacity;

(3) the Government of Ethiopia should permit the Port of Massawa to be opened immediately for the purposes of international relief operations;

(4) the President should encourage all parties to the conflict to adopt an immediate cease-fire;

(5) the President should impress upon all nations supplying military assistance to the parties in the conflict the importance of their role in facilitating a ceasefire;

(6) the President should impress upon the Government of Ethiopia the urgent need of allowing relief access through the Massawa Port and along the northern corridor;

(7) the President should encourage the United Nations to take a more prominent role in coordinating relief efforts in Ethiopia;

(8) the President should call on the Soviet Government to continue to respond to the war and famine in Ethiopia by exerting increased pressure on the Ethiopian regime to allow for the full utilization of all available relief corridors; and

(9) the President should encourage European, African, and other leaders to help facilitate a cease-fire and emergency relief efforts.

S. RES. 272

Whereas famine is a direct result of the ongoing civil war in Sudan;

Whereas the Government of Sudan and the Sudanese People's Liberation Army have used food as a political weapon;

Whereas two hundred fifty thousand Sudanese people, one-quarter of them children, died of famine in 1988;

Whereas Operation Lifeline Sudan, initiated by the United Nations in the spring of 1989, with strong support of the United States Government, saved the lives of thousands of Sudanese people through the delivery of one hundred ten thousand metric tons of food;

Whereas as many as seven hundred and sixty thousand Sudanese people, many of them in garrisoned government-held towns in southern Sudan are threatened with starvation;

Whereas the breakdown in October 1989 of the informal cease-fire and the resumption of intensified fighting hinder famine relief efforts by the international community;

Whereas, in November 1989, the Government of Sudan suspended all cooperation

with humanitarian efforts to assist the people of southern Sudan; and

Whereas the Government of Sudan and the Sudanese People's Liberation Army have reached agreement on Phase II of Operation Lifeline Sudan: Now, therefore, be it

Resolved, That it is sense of the Senate that—

(1) the President should urge the Government of Sudan and the Sudanese People's Liberation Army to adopt an informal ceasefire in order to facilitate relief efforts;

(2) the Sudanese People's Liberation Army should immediately cease shelling of the garrison town of Juba;

(3) the Government of Sudan should not obstruct the activities of private voluntary organizations assisting with humanitiarian relief activities; and

(4) the President should encourage the Government of Sudan and the Sudanese People's Liberation Army to implement fully the agreement on phase II of Operation Lifeline Sudan.

REMOVAL OF INJUNCTION OF SECRECY

Mr. MITCHELL. Mr. President, as in executive session,

I ask unanimous consent that the injunction of secrecy be removed from the protocol amending the Extradition Treaty with Canada—Treaty Document No. 101-17—transmitted to the Senate today by the President.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol signed at Ottawa on January 11, 1988, amending the Treaty on Extradition Between the United States of America and Canada, signed at Washington on December 3, 1971, as amended by an exchange of notes on June 28 and July 9, 1974. I transmit also, for the information of the Senate, the report of the Department of State with respect to the protocol.

The protocol amends the Extradition Treaty Between the United States and Canada, signed at Washington on December 3, 1971, as amended by an exchange of notes on June 28 and July 9, 1974. It represents an important step in improving law enforcement cooperation and combatting terrorism by excluding from the scope of the political offense exception serious offenses typically committed by terrorists; e.g., murder, manslaughter, kidnapping, use of an explosive device capable of endangering life or causing grievous bodily harm, and attempt or conspiracy to commit foregoing offenses.

The protocol will help to improve implementation of the current extradition treaty in several other respects. Most significant, the protocol substitutes a dual criminality clause for the current list of extraditable offenses, so that, *inter alia*, parental child abduction and certain additional narcotics offenses will be covered by the new treaty.

I recommend that the Senate give early and favorable consideration to the protocol and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *April 24, 1990.*

SCHEDULE

Mr. MITCHELL. Mr. President, I would like, with the distinguished Republican leader present, to advise Senators of the schedule for tomorrow and Thursday in light of the events of today.

The Appropriations Committee has met and reported out a supplemental appropriations bill, which includes the aid to Panama and Nicaragua which the President has requested and has urged prompt action on.

It is my hope and my intention that we take up that appropriations bill tomorrow.

I personally would prefer to have attempted to complete action on it tomorrow. However, nine of our colleagues, I believe five Democratic and four Republican Senators, have been invited to join the Vice President in the delegation traveling to Nicaragua tomorrow to participate in the inaugural ceremony of Mrs. Chamorro, and I am advised by the distinguished Republican leader—and I will ask him momentarily to comment on it—that the administration encourages their participation

Nine of our colleagues do travel to Nicaragua for that purpose tomorrow, we obviously would not be voting on the Nicaragua package in their absence and therefore would be in a position to take it up tomorrow, debate it and then conclude debate and vote on it on Thursday.

That being the case, I have suggested to the distinguished Republican leader that the best way to proceed, particularly in view of the appropriate desire of several members to receive the legislation reported out by the Appropriations Committee and have a chance to review it before we take it up, is to have the Senate come in at 11, there be morning business for 1 hour, and then we recess from noon until 2. We have a caucus tomorrow at that time to discuss further campaign finance reform legislation. And then we come back at 2 and take up the supplemental appropriations bill, with the understanding it would not be voted on tomorrow. There would be debate on it tomorrow. Hopefully, if anyone has any amendments, they will be prepared to offer them, with the votes stacked to occur on Thursday.

I inquire of the distinguished Republican leader for his comments on this suggestion.

Mr. DOLE. Mr. President, if the majority leader will yield, I think, first of all, it is accurate to say the administration does support the efforts by our colleagues to be present tomorrow. It is not an easy day's work. I believe they have to arise about 4 o'clock, leave about 5 a.m. and come back at 10 o'clock tomorrow night. So it is going to be a long, arduous day for our colleagues, and I certainly commend those on each side who expressed the willingness to make the trip.

But the majority leader is absolutely correct. I think the White House sees this as more than symbolic. It is important because we have been involved in debate on Nicaragua for a number of years, Members on each side. Some had different views. The point is the election is over. Mrs. Chamorro will be inaugurated, and we are there to show our support for the new government. So I think it is very important, and the White House does share that view.

With reference to the supplemental, obviously, that is also very important. The fact that it is pending and we are working on it I think indicates our good faith. The fact we will finish it hopefully on Thursday will be well received.

I am not in a position now to say we could take up the bill at 2 o'clock. I could not give consent. But I think it has been a reasonable request, by a couple of Members at least, to take a look at what the Appropriations Committee reports. I understand the Government Printing Office has been alerted so they can have copies available maybe by 10 or 11 o'clock in the morning. But I am hopeful that at 2 o'clock we can do that. If I learn something between, say, tomorrow morning and noon, I will certainly advise the majority leader.

Mr. MITCHELL. I thank the distinguished Republican leader. My intention is to seek consent tomorrow morning, when we come in, between 11 and noon to go to the supplemental appropriations bill at 2 p.m. As my colleagues and the distinguished Republican leader know, any Senator may object and require the 2-day period. I hope no objection will be heard because we do want to proceed to it.

The fact is, of course, we have not met the President's original time schedule for action. But I hope we can now do it since we have finally had the other matters cleared away and the Appropriations Committee has acted. I think it would be, at least to some extent, symbolic that we had begun debate on it and were proceeding with it at the time the inauguration was oc-

curring with the clear expectation that we would complete action on it on Thursday upon the return of the Senators who are part of the delegation.

Mr. DOLE. Mr. President, I thank the majority leader. We will be prepared to cooperate as much as we can tomorrow. I will contact the majority leader then between 11 and noon tomorrow.

Mr. MITCHELL. I thank my colleague.

ORDERS FOR TOMORROW

RECESS UNTIL 11 A.M.; MORNING BUSINESS; RECESS FROM 12 NOON TO 2 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Wednesday, April 25; that following the time for the two leaders there be a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein for up to 5 minutes each. I further ask unanimous consent that the Senate stand in recess from 12 noon until 2 p.m. on tomorrow, Wednesday, April 25.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order until 11 a.m. on tomorrow, Wednesday, April 25.

There being no objection, the Senate, at 8:50 p.m., recessed until Wednesday, April 25, 1990, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 24, 1990:

DEPARTMENT OF STATE

STEVEN E. STEINER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE SPECIAL VERIFICATION COMMISSION.

DEPARTMENT OF JUSTICE

JIMMY C. CARTER, OF GEORGIA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS VICE LARRY JAMES STUBBS, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

JAMES F. BLUMSTEIN, OF TENNESSEE, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, VICE S. JAY PLAGER, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

ANDREW CAMP BARRETT, OF ILLINOIS, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF 5 YEARS FROM JULY 1, 1990 (REAPPOINTMENT).

FEDERAL MARITIME COMMISSION

MING HSU, OF NEW JERSEY, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1991, VICE ELAINE L. CHAO, RESIGNED.

THE JUDICIARY

JAMES S. HALPERN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE, VICE MEADE WHITAKER, RETIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. GEORGE L. MONAHAN, JR., 470-32-0699, U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) DAVID M. BENNETT, U.S. NAVY, 365-32-5623.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. STEPHEN F. LOFTUS, U.S. NAVY, 030-24-0644.

WITHDRAWAL

Executive message received April 24, 1990, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF ENERGY

VICTOR STELLO, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (DEFENSE PROGRAMS), VICE SYLVESTER R. FOLEY, JR., RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 24, 1989.

EXTENSIONS OF REMARKS

SPEECH OF DR. JAMES O. MASON IN PERTH, AUSTRALIA

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. DURBIN. Mr. Speaker, Dr. James O. Mason, the Assistant Secretary for Health in the Department of Health and Human Services, gave a significant speech on April 5, 1990, at the Seventh World Conference on Tobacco and Health in Perth, Australia. He spoke about the policies of the transnational tobacco companies, who are selling their deadly products with such success that two and one-half million people die every year around the world from the effects of tobacco use.

Tobacco companies have succeeded in addicting 1 billion people to their products. In other words, one out of every five humans on planet Earth is hooked on tobacco.

As we have gained some success in this country in recent years in our effort to discourage tobacco use, the cigarette companies have turned to overseas markets. Dr. Mason notes that when other countries have the temerity to follow the example of the United States and prohibit tobacco advertising in the broadcast media, the tobacco companies are even given the assistance of U.S. trade agencies to force open other nations' markets and media so that they can push their products.

Mr. Speaker, Dr. Mason's comments are a fair characterization of the current state of tobacco promotion and use in the world today. I commend his remarks to my colleagues and ask that they be reprinted in the RECORD.

ADDRESS BY JAMES O. MASON, M.D., DR. P.H., ASSISTANT SECRETARY FOR HEALTH, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

I regret I cannot address you in a language common to everyone in this room.

But I am honored to have been asked to speak to you about our common cause.

Whatever the language of the scores of speakers at this Seventh International Conference on Tobacco and Health, we're all saying the same thing:

"No smoking!"

You're all here to convince the "Marlboro Man" to get off his high horse and into an honest line of work . . .

I'm here to help make that happen . . .

You're here to tell the world that you're four-square against the only mass consumer product that kills people when used as intended.

I'm here to help spread that word . . .

U.S. Health and Human Services Secretary Dr. Louis Sullivan asked me to extend his regrets for not being able to be here. He made a point to ask me to cheer your efforts on.

Getting the message out on the grim choice between tobacco *or* health is the most important purpose of these conferences.

We have much to learn from one another about how to do just that. I've learned a lot and so have my anti-tobacco experts who are here. I expect to learn a lot more from the proceedings of this conference. I hope to be able to attend the Eighth Annual Tobacco and Health Conference in Buenos Aires in 1992 to learn even more.

Two thoughts struck me in my preparations for this meeting.

The first is the theme of this Conference. . . "The Global War."

The second is the sheer size of that "War."

Just last week, the American film industry beamed the "Motion Picture Academy Awards"—the "Oscars"—around the world to an audience estimated at more than a billion people in more than one hundred Nations.

It was a truly "world-class" event with segments beamed up from Hollywood, the Sydney Opera House, Moscow, London, France, Tokyo and Buenos Aires.

In a sense, it was a kind of "town meeting" of the planet.

Next June and July, the World Cup Soccer matches will also be seen by more than a billion people throughout the world. It's the "Superbowl" of professional sports.

And every four years—the Olympics, another billion-watcher spectacle.

The audiences for these events make headlines by their sheer size. They're seen by one in five of all humans on Earth. But the "Oscars" happen only once a year—World Cup soccer and the Olympics only once every four years.

There's only one other "audience" of that size on this planet—the one-in-five of all humans hooked on tobacco products.

But that billion-plus "audience" is out there every single day of every year—"competing" among themselves for the "Worst Victim" award.

That "audience" seldom makes headlines—except when events like this Seventh World Conference make the kind of headlines we all wish that "audience" would read—and heed.

Tobacco doesn't make headlines every day because smoking is so deeply ingrained in cultures throughout the world that it's not seen by the media as "news."

It's seen by the media as a given fact of life.

You and I see it as a grim fact of death and disability.

It's our job to focus on smoking as "news people can use."

It's a primary benefit from Conferences like this that experts in the business of tobacco prevention can make that kind of news.

Our one billion-plus tobacco users are unwitting recruits in the "global war" at issue in this meeting. Only unlike other wars, in this one each soldier is at war with himself or herself. And the casualties are horrendous:

2.5 million die worldwide from the effects of tobacco every year—a fatality every 13 seconds;

The estimate you heard earlier in this Conference by Dr. Richard Peto and his colleagues that the annual worldwide tobacco body-count could climb to 10 million over the next generation staggers the mind;

In my own country, nearly 400,000 people—or one in six of all smoking deaths worldwide and one in six of all deaths in the United States—will be fatalities this year from the self-inflicted wound of tobacco use.

That's a thousand-plus deaths every day in my own country. You fill in the blanks on that number for your own country.

And how many tens of millions more in your Nations and mine will suffer crippling effects from this unholy war?

The only "generals" in this war are the leaders of the tobacco companies. Their customers are all privates, each one marching in his or her own direction toward disease, disability, and death.

Tobacco use is always a personal decision. It is too often a personal tragedy.

One other unique fact about this war: it's the only war in which a soldier can declare his or her own personal "victory"—quitting smoking—which yields an intensely personal "peace dividend:" namely, a personal dividend of better health and longer life.

Going "Absent Without Leave" in this war is a good thing. Health and life are the rewards.

Modern medicine looks back on the sometimes naive, sometimes grotesque practice of previous generations and asks: "How could they have been so stupid?"

Will future generations look back at us and ask: "How could they have been so stupid as to let two-and-a-half million or more people a year commit slow-motion suicide—and let the tobacco industry commit the mayhem of death and disease on its own customers?

Let's not give our sons and daughters cause to say that about us.

That's what this Conference is all about, isn't it?

I want to address two concepts at issue in this global war.

The first I'll call "offense." That's the multi-billion dollar tobacco marketing and distribution business. That's the job of those responsible for the macro- and microeconomics of domestic and international trade.

The second I'll call "defense"—or "reverse-marketing" which is the job you and I have to do to defend our people against them.

About the "offense."

It is indeed offensive that cigarette makers can peddle more than five trillion of their pernicious products a year around the world, or more than 5,000 cigarettes per smoker. That's enough for every smoker throughout the world to light up at least thirteen times a day.

How many people think 13 is a "lucky number?" Certainly not the every-13-second victims I mentioned a moment ago.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We all wish we could write the "operator's manual" for that product. It would consist of one word: "Don't."

If we could wave a magic want today there wouldn't be a tobacco product on this planet. But we can't. The market for those products is out there. The best we can do is shrink it.

Many speakers at this Conference—I'll be one of them—have been appalled over the cynical marketing techniques of the tobacco companies.

As we all know, their bottom line is to at least replace the 2.5 million customers they lose every year to death and disease worldwide because of their products—and to replace the millions more who quit. Indeed they'd like to get ahead of those numbers and expand their markets.

At the same time, I'm very aware, as all of us must be, of the new geo-political and geo-economic climate we live in—the new realities that we face in what is fast becoming an almost one-world economy.

I'll join the chorus of those at this Conference who think it is unconscionable for the mighty transnational tobacco companies—and three of the major ones are in the United States—to be peddling their poison abroad, particularly because their main targets are less-developed countries.

In my own Nation's domestic markets, these same companies are targeting their wares on the most vulnerable among our own population—and that means Blacks, Hispanics, blue collar workers and the disadvantaged population.

We don't let them advertise on publicly-regulated mass media like television and radio at home. Yet they do use those same broadcast media in other countries wherever they can.

Indeed, they have used their vast economic and political power to force some Nations to change their laws to let such advertising happen. They even export their products in packages that don't carry the health warnings we mandate at home. That's hypocritical.

They play our free trade laws and export policies like a Stradavarius violin, pressuring our trade promotion agencies to keep open—even force open in some cases—other Nation's markets for their products.

They argue strenuously that when other Nations erect trade and tariff barriers against their product, it's "unfair." And under our laws and under many international trade treaties and agreements, they may be right.

Under common sense—in the case of health sense—they are not right.

Which brings me to my second main point: defense.

Starting a quarter-century ago, the United States went on the defensive with the first Surgeon General's report on smoking.

That report was simple and direct. Smoking is bad. What made news was that was the first time a U.S. government official said it so forcefully, backed with facts and figures.

That report—and a lot of subsequent reports and legislative activity—led to the banning of cigarette and "smokeless" tobacco advertising on our public airwaves. That report also set in motion a move to put warnings on every cigarette package—like "Smoking by pregnant women may result in fetal injury, premature birth, and low birth weight."

Over the last 25 years, the momentum has increased as public and governmental consciousness about "second-hand" smoking has increased.

There's hardly a State or local government or business in the U.S. that hasn't introduced a "hassle" element into the smoker's daily life: no smoking in public spaces; no smoking in parts of restaurants; no smoking in taxis; no smoking in entire office buildings; no smoking floors in hotels; no smoking in airports.

And now, under Federal law, no smoking on domestic airline flights. And soon, under company and State government pressures, there'll be no smoking on most buses and trains.

Some local governments are even insisting that none of their employees smoke on or off the job, and some private employers are adopting the same policy. They know how much tobacco use costs their health insurance plans. They also know how much it can affect employee productivity.

Over just the past two months, Health and Human Services Secretary Louis Sullivan has gone on an unprecedented offensive against a cigarette maker which set out to capture new markets among Blacks and young, uneducated women and another maker whose reputation has been built in part by its support of women's sporting events.

In the first instance, he decried the "slick and sinister" nature of the company's plans. The company backed off and pulled back its marketing plans. In the second, he called sports-support by any cigarette maker "blood money." In the latter case, let's see what happens when future years' contracts come up for renewal.

In both cases, Dr. Sullivan used words as strong as we feel about cigarette sales and promotion.

Just a month ago the United States Public Health Service put out a status report on smoking and health in which we reported that smoking costs the American economy more than $52 billion a year—a billion dollars a week—in health care, lost wages, lost productivity. And that doesn't even count the nearly $40 billion smokers spend to support their own addictions.

Some countries put a stiff excise tax on tobacco products. It can help keep consumption down or declining.

But no such tax can ever make up for the true costs that tobacco products exert on the economy—and the personal health of the people.

The $52 billion our report was talking about is an "excess tax"—as in wretched excess. It's a measure of how much it hurts America's 50 million smokers—and their families, friends and co-workers.

Our idea in this campaign has been: make it hard to smoke and hope people will make the hard decision not to.

And in that connection, let's not kid ourselves: when you're confronted with an addictive drug as strong as nicotine, it's a hard decision, indeed.

More power to those who can make such a decision . . .

In recent decades, we've worked very hard to reduce the "demand side" of personally injurious products or habits.

That has meant a lot of education against wretched excesses in personal behavior like smoking, heavy drinking, illicit drug use, bad eating and exercise habits—a whole gamut of self-destructive behavior.

We tried outright prohibition of alcohol once. It didn't work in our favor. In fact, quite the reverse: it helped build organized crime in our Nation even as it bred disrespect of government.

That's why you'll probably never see prohibition of cigarettes in America. But that's why you will see more and more efforts to counteract this addiction.

Of course, we've made progress.

In 1965, 40 per cent of American adults smoked.

Today, we're down to about 29 percent.

Half of all living Americans who ever smoked have quit.

The bad news is that 50 million Americans still smoke. The good news is that 38 million Americans who would be smoking today are tobacco-free—in large part due to our efforts to make them that way.

Many of you could report similar progress in your countries.

But we haven't made nearly as much progress as we've wanted to, particularly with respect to women, adolescents and minorities among our population.

For example, more American high school-age females are taking up the habit than their male counterparts. And for the first time ever, lung cancer among women in the United States exceeds breast cancer as a cause of death among women.

Among the disadvantaged and minority populations, the rates of smoking and resulting diseases, disabilities and deaths are not falling as rapidly as among the majority.

The worst news—for the United States and for every other Nation—is the most pernicious aspect of tobacco addiction.

And that is: four out of five smokers get hooked before they turn 21 years of age.

And it's the young people—male and female, majority and minority—to whom the cigarette makers are turning more of their advertising efforts to replenish their shrinking markets. The markets whose shrinkage is due to death and disability.

In 1981, 20 per cent of our high school seniors smoked. In 1989, the percentage was about the same.

This year, more than a million American teenagers will take up the habit.

Anyone who thinks cigarette makers aren't after the youth market—in America or worldwide—must live in a cave. And it's not a smoke-free cave . . .

After all, when the tobacco industry sees 2.5 million of its best customers die every year worldwide, it's got to find replacements somewhere.

And you know it's not among older and wiser consumers who know better. It's among the young who are most likely to succumb to the sexy, flashy, sports-figure-dominated ads that say: "Smoking is cool."

We've found that carefully planned, comprehensive school health education programs can make a big difference in preventing the onset of smoking. But we haven't found quite the right formula to make the kind of difference we want. Nor have we found the resources to make such programs universal.

I'm looking forward to reading the proceedings of this conference to learn what's worked among young people in other Nations.

Some of you are way ahead of us in this crucial area. We can learn from you. We'll do our best to put your best ideas to best use in the United States.

Overall, smoking is moving slowly from the "norm" toward the abnormal in American society.

We have invested considerable time, money and talent in the general education of our people—youngsters and adults—over the past 25 years. We'll invest much more in the years to come.

We already know that pounding the anti-smoking message home has an effect. We can point to the 38 million Americans who don't smoke today who would be smoking if we hadn't launched our campaign against the addiction.

We already know that most people know that smoking is bad for them. Three out of four smokers in the U.S. will tell you that they know what smoking might mean to their lungs and their hearts. And that many will tell you they want to quit.

But not enough do quit.

So what do we as public health professionals do?

We keep up the pressure. We increase the "hassle" factor on those who smoke. We redouble our efforts to keep those who don't yet smoke away from the addition.

Over the past generation we've made historic—if slow—inroads in getting this message across.

And so have so many other Nations represented here.

As I said at the outset of my remarks, we're all here to learn from one another how to do our anti-tobacco jobs better.

A remarkable diversity of countries is represented here—large countries and small ones, rich ones and poor ones, old ones and new ones, and countries with vastly different political structure and political systems.

Our governments may disagree over trade, geography, the global economy or arms control.

But all of us here are bound together in the pursuit of one critically important goal: the elimination of tobacco use and the prevention of tobacco-related death and disease.

This conference has given us more understanding of how to accomplish that goal.

For that, the United States thanks you.

And so does the rest of the world.

PEACE THROUGH STRENGTH STILL VALID TODAY: ANALYSIS OF THE PEACE DIVIDEND—PART I

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. LAGOMARSINO. Mr. Speaker, the incredible events we continue to witness in Eastern Europe and the Soviet Union have accelerated the demands for even deeper reductions in U.S. defense spending. While I agree that these changes warrant realignments and cuts in our defense budget, significant unilateral disarmament is irresponsible and, contrary to some public perceptions, can upset rather than enhance further responsible arms reductions and political reforms.

As a senior member of the House Foreign Affairs Committee and a congressional observer to the Geneva arms control talks, I have been involved closely in the arms control and defense arenas for some 16 years. I've learned to differentiate words from actions, perceptions from reality, and emotions from facts. These are valued and uncommon skills necessary for responsibly assessing our national security needs, "we must think with our heads and not our hearts."

The American defense budget is not based on some arbitrary number. It reflects what is needed to adequately defend our Nation and interests against a myriad of threats. While our hearts rejoice over Eastern Europe and want to slash defense spending, our minds instruct us to focus on the threats and make realignments based on the reality, not the perception, of those threats. Unfortunately, many threats remain unchanged.

Based on my recent visits to Czechoslovakia and Hungary, I am encouraged and optimistic that lasting political and economic reforms in Eastern Europe, and to a lesser degree in the Soviet Union, will bring further security to Europe and encourage more arms reductions—in both nuclear and conventional forces. But, these reforms have yet to solidify and not one Warsaw Pact weapon has yet been destroyed. On the contrary, the Soviets under Gorbachev continue to modernize their already superior war machine, particularly strategic nuclear weapons—the ones aimed at us. The Soviets continue to add more nuclear warheads to their arsenal. While we debate the MX, Midgetman, and B–2 bomber, the Soviets deploy two new mobile ICBM's and the advanced "Blackjack" bomber and modernize their first-strike SS–18 ICBM's—for which we have no counterpart. Gorbachev's actions do not reflect his words upon which we base our perceptions.

I believe that our resolve and strength helped bring about today's changes. The Reagan-Bush policy of "Peace Through Strength" has borne fruit with the INF Treaty—which eliminates two entire classes of nuclear weapons—and real progress on strategic arms reductions [START], conventional arms reductions [CFE], and other arms control initiatives. These are fair, equitable agreements fostering mutual reductions based on vertification. They enhance our national security while reducing deadly arsenals.

Unilateral disarmament, including one-sided defense cuts, actually hinder, not help our security. Unlike negotiating a treaty from a strong position, unilateral reductions cannot—and never have—pressured the Soviets to match us nor do they provide for true verfication—the real key to making arms control work. Our dismal experiences with unilateral disarmament in the 1970's are proof.

Our military and economic strength coupled with new technological challenges, like the SDI, forced Gorbachev to release Eastern Europe and reform at home to ensure the Soviet Union's survival as a great power. Continuing such a policy will promote further reforms in Eastern Europe and the U.S.S.R., further real arms reductions and further security. It's the right policy. Just ask Czechoslovakian President Havel, as I did.

Much attention has focused on the Warsaw Pact threat. While it is lessening to a degree, other significant threats have not. The Soviets continue to pump billions into their expansionist Communist allies in the Third World. There is no peristroika in Afghanistan, Angola, Vietnam, North Korea, or Cuba. As witnessed in Tiananmen Square, Communist China brutally crushed its democratic reform movement. These same Communists control China's nuclear missile arsenal. The threats to our economic security posed by Iran and Iraq through their violent expansionist policies in the Persian Gulf remain. Libya continues to develop chemical weapons and support terrorism. Many of these threats require maintenance of strong conventional forces, like aircraft carriers, which are far more expensive than the strategic forces that comprise less than 5 percent of the defense budget.

During the past 5 years, we have cut the defense budget by over 12 percent in real dollars making it today the lowest in both a percentage of GNP and Federal spending in over 50 years. Today's global changes do warrant further defense spending cuts. But, these reductions must be responsible and measured. They must correspond to the real threats and needs. I'll be voting for a smaller defense budget, not as small as my heart wants, but as small as my mind will allow. President John F. Kennedy stated, "America can afford to be strong, she cannot afford to be weak." Those words are just as meaningful today—perhaps even more so—as they were in 1961. The Soviets may have lost the cold war, but the West has not yet won it.

HOLOCAUST MEMORIAL DAY COMMEMORATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. GILMAN. Mr. Speaker, the current week of April 22–29, 1990, is our annual commemoration of the memories of the 6 million innocent Jewish victims of the Nazi Holocaust. We also recollect the 47th anniversary of the Warsaw Ghetto Uprising, in which a small band of men and women, dedicated to honor and freedom, managed to fend off Hitler's forces for a short period of time in a valiant display of courage.

I was, therefore, pleased to be able to attend the ceremony commemorating Yom Hashoa, as Holocasut Memorial Day is known in Hebrew, held this past Sunday in New York City at Avery Fisher Hall. Our national commemoration, in the Capitol Rotunda, is being conducted today, and as one of the candle lighters of the candelabra in memory of the 6 million, I appreciate the opportunity to be part of this significant occasion as well.

I would like, therefore, to take this opportunity to insert the remarks of Benjamin Meed into the CONGRESSIONAL RECORD for my colleague's review. Mr. Meed is president of the American Gathering of Jewish Holocaust Survivors and the Warsaw Ghetto Resistance Organization. His address on Sunday was an eloquent one, and I believe that it is appropriate, as we publicly remember these 6 million souls, that his statement be shared.

[The text of his remarks follow:]

AN ADDRESS BY BENJAMIN MEED, PRESIDENT, WARSAW GHETTO RESISTANCE ORGANIZATION, AMERICAN GATHERING OF JEWISH HOLOCAUST SURVISORS

Distinguished guests, fellow survivors and dear friends.

We gather today in this hall of music, played in by the Yitzhak Pereimans, the Pinchas Zuchermans and the Ashkenazis. But today, from this auditorium and from the halls and gathering places around the

world, other sounds emanate. Sounds of crying and remembrance for the Yitzchoka, Pincuses, Rachels, Rifkeies and Leaheles, whose voices and lives were cut short so prematurely, at the hands of the German Nazi murderers and their collaborators.

Today, we gather once again to unravel our bandages—bandages which still cover our deep wounds—wounds which were inflicted only 50 years ago. But this year, new-forms of concern have begun to inflame our ever painful injuries—and now again, there is an atmosphere of political turmoil that is frightening.

The world is again in political disarray Again a scapegoat is needed and again the finger is being pointed at Jews. In Russia, resurgent nationalism has led to the growth of right-wing anti-Semitism—Pamyat. In Hungary, anti-Semitism is on the rise—everywhere that the Soviet empire has collapsed, native nationalism replaces communism.

In Germany, the architect of Bitburg, Chancellor Kohl, is on his way to become the hero of reunification. We survivors remember all too well a "Unified Germany", From the East and the West—including Austria—they came to murder us. They wore the same uniforms, spoke the same language, and their aims were the same—they succeeded in murdering Six Million of our people, including over a million children.

Let me say bluntly, yes, we are concerned about German unification. Yes, we are concerned because of our experience of the Holocaust, We, the victims, feel that history can repeat itself.

We are burdened and tormented by our memories. In our experience, all German promises were lies to lure us into the trap of the gas chambers. We were betrayed by the murderers, and by the bystanders. We have all the reasons in the world not to trust.

As for the recent East German parliamentary declaration asking us for forgiveness.

Yes we do recognize their admission of guilt even though it has come 45 years late. But forgiveness, forgiveness, this belongs only to the victims—brutally and systematically murdered. Six million innocent men, women and children killed for one reason only—because they were born Jews—and in this instance, their legacy to us is "Never to Forget, Never to Forgive, and to Never Let Others Forget."

But for us to measure Germany's admission of guilt, needs more than statements. We must see the deeds which should follow. A reunified German nation must assume responsibility, not only for the Fatherland, but for the deeds of its fathers.

We have the right to insist that the memories that torment us at night be taught by day to German youth, for all generations to come.

True, it is easier for those who did not directly experience the Holocaust, to forgive; but we know that there is a dangerously thin line between forgiveness and forgetfulness. Today, we are being asked to forgive. Tomorrow, will we be asked to forget?

We, the survivors, must continue what we have been doing within our communities, and within this great country, to intensify the remembrance of the Jewish uniqueness of the Holocaust. We must help build the museums and memorials, support the educational programs, and bear witness with our memories.

We must be concerned not only that the past be remembered, but with the quality of that memory, so that the community at large learns—not only of the lives that were lost, but of the lives that were lived. The victims must be remembered not as the human skeletons the Germans portrayed them, but they must be remembered as men, women and children—part of a world of culture and of values, part of the dynamic world of European Jewry with its diverse movements—people who embodied the values of Yiddishkeit and Menchlechkait.

We are here today not only to remember the past, but to guard the future.

Above all, we must be our brothers keepers. We must support the resettlement of Soviet Jewry, which has come about only because the American Jewish community has understood that saving Jewish life is an absolute priority, that there can be no compromises, no waiting, no delays, when it comes to saving Jewish lives. We must wholeheartedly support UJA—Federation of Jewish Philanthropies in Operation Homecoming, to help the exodus of Soviet Jewry.

Today, more than ever, we must express our solidarity with our beloved State of Israel, which protects all Jews, and which is willing to receive them all.

Today we mark the 47th Anniversary of the Warsaw Ghetto Uprising. I recall seeing the Warsaw Ghetto in flames. Through the dense smoke, I could hear the sounds of the Jews defending themselves, in those days, they were abandoned and betrayed by the entire world.

History will record the Warsaw and other Ghetto Uprisings, as well as the Heroic Partisan Fighters, as the symbols of Jewish resistance during the German Nazi occupation. For us it is an integral part of our very being. It is a legacy that we carry with sorrow—but also with price, for it is a legacy of a fight against impossible odds.

But today we bear an added burden. We must insist that the drunkenness of freedom does not express itself in anti-Semitism or anti-Zionism. Pamyat can not be the banner of freedom and democracy.

Today, we challenge Germany, East and West, and all Eastern European countries, to preserve all and any records documenting the vicious atrocities, against the Jewish people. Preserve as well documents of our acts of resistance and to submit them to nationally recognized Holocaust institutions for further study, examination, and preservation . . . Not For Incarceration . . .

It is not only for the six million that we make those demands—for them it has long been too late. It is not for us—after all, it is already late for us. It is for the sake of mankind for a future of new generations that we demand that the world leaders ensure that history will not be allowed to repeat itself.

We offer our memories to the world, for we know that the only way to safeguard future generations is to remember the past, and to understand its painful and poignant lessons.

Let us remember.

VISCAP VOLUNTEERS

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. SCHUETTE. Mr. Speaker, ladies and gentlemen of the House, please allow me this moment to pay tribute to the Volunteer Incentive Service Credit Account Program at Kirtland Community College.

VISCAP is an excellent program which strives to assist older adults—those over the age of 60—as well as the handicapped and disabled, to remain living independently at home rather than being institutionalized prematurely.

The program revolves around the concept of the "time dollar." By means of these time dollars, when volunteers give their time to help others, they accrue service credits toward their own needs should they ever arise. Younger volunteers and those from civic, service or religious organizations receive either bank credits for further use or they may donate them to individuals in want. The coordinator of the program said VISCAP volunteers logged 7,640 hours of work in the program's first year, an incredible figure.

Funded through a grant from the Michigan Office of Services to the Aging, VISCAP came into being through legislation introduced by State Senator Connie Binsfield and State Representative Maxine Berman. At present, VISCAP has expanded from its original six counties and now reaches nine Michigan counties: Benzie, Crawford, Kalkaska, Leelanau, Manistee, Ogemaw, Oscoda, Otsego, and Roscommon.

Mr. Speaker, and my colleagues in the House, please join with me today in honoring the selfless volunteers of VISCAP who have given so generously of their time and talents to benefit the aged, handicapped, and disabled in their moment of need.

TRIBUTE TO JOSEPH PETRUS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Joseph Petrus of my 17th Congressional District of Ohio, who will be receiving the "Fraternalist of the Year" award from the Fraternal Societies of Greater Pittsburgh. Mr. Petrus will be receiving his award on Saturday, May 5, 1990, at a dinner at the Sheraton Hotel at Station Square in Pittsburgh.

Mr. Petrus is receiving the award for his work and dedication to the United Societies of the U.S.A. He began his involvement with United Societies U.S.A. in 1962, since that time he has held numerous leadership positions including president of auditors, a member of the board of directors, and national treasurer. Mr. Petrus has been involved in a number of activities including Family Day, a scholarship program, a Disaster Relief Program for its membership, and a special recognition for its 50-year members. The culmination of Mr. Petrus' service to United Societies was exemplified in his election as president of the Fraternal Societies of Greater Pittsburgh in 1987.

Joseph Petrus was born and still lives in Youngstown, OH, with is wife, Dolores. Mr. and Mrs. Petrus have four children, Donna, Karen, Patricia, and Joseph, as well as three grandchildren. He served in the 6th Armored Division during World War II and received the Bronze Star and the Purple Heart.

Mr. Speaker, I would like to recognize Joseph Petrus who is receiving the "Frantemalist of the Year" award this year. He is an exceptional person who has devoted many hours to United Societies of the U.S.A., our community, and this great country. I am honored to represent this outstanding individual.

THE COAST GUARD'S BICENTENNIAL

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. CARDIN. Mr. Speaker, I stand today to pay tribute to the U.S. Coast Guard on its bicentennial. For over 200 years the Coast Guard has stood "Semper Paratus" in its many missions. The Navy League of Maryland will honor the Coast Guard's hard work April 27, 1990. As a part of the celebration, I endorse the service's accomplishments and hope my colleagues will do the same.

In 1790, in order to combat violations of the U.S. customs laws, Secretary of the Treasury Alexander Hamilton authorized 10 sea-faring vessels to carry out his request. Since then, the Coast Guard has continued the Nation's fight against the importation of contraband by sea. With the cooperation of other governmental agencies, the Coast Guard has played a vital role in preventing illegal drugs from reaching the United States. The versatility of the Caost Guard cannot be matched. During a patrol, pilots often detect oil slicks, spot vessels smuggling drugs, and rescue survivors from a foundering raft.

The U.S. Coast Guard is celebrating its bicentennial August 4, 1989, through August 4, 1990. The past 200 years have been packed with exciting tidbits of valantry. The Coast Guard has established itself as a viable military force battling pirates, privateers, and smugglers over the years. The service has participated in every major U.S. war, including Vietnam and the Grenada expedition.

During the Civil War, the *Harriet Lane* cutter forced the merchant steamer *Nashville* to show its colors during the attack on Fort Sumter. As tensions mounted, the *Harriet Lane* and two other warships anchored outside the harbor entrance. The cutter observed an unidentified steamer, later discovered to be the *Nashville* approach failing to show its colors. The *Nashville* continued on its way, failing to heed the *Harriet Lane's* signal, so the cutter fired a shot across the steamer's bow. *Nashville* quickly identified itself as an American ship by hoisting the American flag. *Harriet Lane* allowed the steamer to continue on its way and is credited with firing the first shot from the deck of a ship during the Civil War.

During the Japanese attack on Pearl Harbor, the cutter *Taney* fired at an enemy aircraft. When the first Japanese aircraft appeared over the Hawaiian islands. *Taney's* crew observed the antiaircraft fire over Pearl Harbor, went to general quarters and prepared to get underway if necessary. During the second wave of Japanese fire, the cutter opened fire with its guns when the planes came into range. There were no direct hits, but the Japanese fighters were forced to avoid the fire. Throughout World War II, the *Taney* provided a valuable service by escorting convoys in the Pacific Ocean and Mediterranean Sea.

Over the years, the Coast Guard has experienced growing pains that have evolved into the formation of the Revenue Cutter Service, the Lighthouse Service, the Life-Saving Service, the Bureau of Navigation, and the Steamboat Inspection Service. There are nearly 38,000 active duty military members in the Coast Guard, making it the smallest branch of the five armed services. More than 5,000 civilians, 12,000 reservists, and 32,000 volunteers participate in the Coast Guard Auxiliary.

Today, 65 percent of the U.S. population lives within an hour's drive of the coast. By the year 2000, more than 80 percent will live there. The important role of the Coast Guard in protecting our marine environment and improving the quality of life in America will only grow. Therefore, I am pleased to commemorate the achievements of the Coast Guard on this very special occasion. May the next 200 years be as successful.

TRIBUTE TO ART STEARNS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. ASPIN. Mr. Speaker, today I would like to honor Art Stearns who is retiring after 30 years with the Janesville Fire Department, the last 8 of which he served as fire chief.

Art joined the Janesville Fire Department on November 16, 1959. During his years in the fire department, he refined his skills in many areas. Art not only operated all of the vehicles, but he also acted as ambulance attendant. For 8 years Art served on the fire department union board. On July 29, 1977, he was appointed lieutenant. Two years later, on May 14, 1979, Art was chosen as fire chief where he served until January 3, 1990.

Art was born in Janesville, WI, on December 24, 1934. In 1955 he graduated from Janesville High School. After graduation, he worked at the General Motors Assembly Division, Janesville plant. From 1956 through 1959 Art served in the U.S. Navy.

On April 26, 1958, Art married his wife, Gladys. Art and Gladys made their home in Janesville, WI, and raised six children.

Art has always worked toward improving the city's fire department. He initiated a program to enable more efficient, effective, and safer handling at emergency situations called Incident Command. It was through Art's efforts that the Janesville Fire Department Training Center was built.

Art's continued interest and concern for the community is demonstrated by his involvement in a variety of organizations which focus their attention on helping others. As fire chief he was a member of the National Fire Protection Association, Wisconsin State Fire Chiefs, Illinois State Fire Chiefs, Rock County Fire Officers, International Association of Fire Chiefs, Rock Safety Committee, Loyal Order of the Moose, Janesville Elks Club—Great Lakes Division, International Association of Fire Chiefs—State vice president 1983–90, and the Janesville Kiwanis Noon Club.

I am honored to pay tribute to Art Stearns. He has had a long and admirable career and he has made invaluable contributions to Janesville. Wisconsin's First District is fortunate to have Art as a valued member of our community, a devoted husband and father, and a good friend. I wish Art a happy retirement.

A TRIBUTE TO THE AFRO-AMERICAN HISTORICAL AND GENEALOGICAL SOCIETY AND DAVID RUGGLES, BLACK ABOLITIONIST

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, from May 3 to 5, 1990, the Afro-American Historical and Genealogical Society's Annual Conference will be held here in Washington, DC. This conference will trace the rich history of black Americans and their invaluable contributions made to our great Nation, as well as instructing individuals on how to trace their genealogy.

Ms. Margot Webb, a constituent in my district and a certified genealogical researcher, will be one of the featured speakers at the society's conference. She will be discussing her great-great uncle, David Ruggles, a black abolitionist who helped Frederick Douglass escape from Maryland in 1838.

The theme of the Afro-American Historical and Genealogical Society, Inc. is "Race-Creed-Color: heritage we all have; working together we can help each other document our past history and genealogy."

Mr. Ruggles is a significant individual in the rich heritage of our great Nation. He was at the crossroads of history in the 19th century, a time when our Nation's salvation was jeopardized by the evils of slavery. Mr. Ruggles assisted the leading abolitionist, Frederick Douglass, to escape to Maryland in order to continue his campaign against slavery.

After fleeing to Maryland, Douglass was a key player in recruiting black soldiers for the Union Army as well as seeing to it that they were treated humanely. As we look back at the vital assistance lent by Mr. Ruggles, and the very important contributions made by Frederick Douglass, we can clearly say that men such as Mr. Ruggles and Mr. Douglass have made contributions which have enabled our Nation to overcome seemingly insurmountable odds to establish themselves at the leading edge of change and progress in American society. Black Americans have clearly played a vital role in our Nation's development—socially, politically, economically, and religiously. Events such as the one hosted by the Afro-American Historical and Genealogical Society, enable all Americans to learn from our past injustices in order to further ourselves as a nation. Through this valuable history lesson, we can look confidently

into the future with a commitment to perpetual harmony between races.

VOTE ON H.R. 1463

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. MILLER of Washington. Mr. Speaker, I was unable to be on the House floor March 28, 1990, when the House voted on H.R. 1463, the National Capital Transportation amendments. Had I been here, I would have voted: "yea," on the Solomon amendment and "nay," on final passage for H.R. 1463

WASHINGTON POST EDITORIAL CRITICIZES STATUS BILL FOR PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. FUSTER. Mr. Speaker, the political status situation in Puerto Rico is getting increasing attention in the national press. Within the last month alone, articles on this issue have appeared in the New York Times, the Wall Street Journal, Time magazine, and the Washington Times.

Now comes a most perceptive editorial in today's Washington Post, which goes very succinctly to the essence of the problem. I commend it enthusiastically to the attention of my colleagues.

[From the Washington Post, Apr. 24, 1990]

PUERTO RICAN STATEHOOD

A game is being played in a mostly indifferent Congress with the people and the future of Puerto Rico. The issue is the recurrent one in island politics of statehood or independence versus the present mixed status of commonwealth.

The last election on the island in 1988 was won by the commonwealth party, but it was close. In hopes of taking the distracting status issue away from the statehood advocates nipping at their heels, the commonwealthers decided to ask Congress to authorize a binding referendum. Puerto Ricans would choose among the three broad relationships with the United States, and Congress would agree in advance to give effect to the result.

The other Puerto Rican parties also supported the idea, as did the administration, on record as favoring statehood. Then came the problem, which persists, of defining the alternatives that would be voted on. The administration wanted to leave them vague. The Senate Energy and Natural Resources Committee rightly resisted, on grounds that the voters should know what they were voting for. But the committee then produced a seriously misshapen bill, tilted sharply in favor of statehood. The legislation front-loaded the statehood option by providing that benefits would go up right away and taxes only later. Opinion polls on the island picked up an instant pro-statehood shift.

Now the Congressional Budget Office has done a study of the likely economic effects of statehood as outlined in the committee bill. From what might be called a welfare standpoint the island would gain (and the Treasury lose). Benefits would rise not just earlier than taxes, but as much as $2 billion to $3 billion a year more. But the Puerto Rican economy is dependent on a special provision in the U.S. tax code exempting from tax part of the income of U.S. companies that invest there. As a condition of statehood the exemption would be phased out. CBO says that would mean loss of jobs and calculates that within 10 years this loss on the job side would be greater than the gain in benefits. Puerto Rico would be both more dependent and worse off.

The bill has now gone to the Finance Committee, whose chairman ordered the CBO study. Finance, which has jurisdiction over taxes and many benefit programs, is scheduled to hold a hearing this week. The Agriculture Committee, which has jurisdiction over the food stamp program, an island mainstay, must also be heard from before the legislation can go to the floor. Then the whole process would have to be repeated in the House. There isn't time, and therefore there isn't likely to be a bill. The way the idea has been abused and mangled thus far, that would be a merciful result. But in the meantime the people of Puerto Rico have been badly jerked around.

TRIBUTE TO ROGER OSMAN

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. SANGMEISTER. Mr. Speaker, it is with great pride that I rise today to salute the work of Roger Osman, a distinguished citizen of the Fourth Congressional District. Mr. Osman served as a tireless leader in the labor movement and the community until his death on January 26, 1990, which ended a brave battle with cancer.

Roger had a lasting impact in the labor movement, working as the international representative for the United Steelworkers of America for over 12 years. During this time Roger was devoted to serve and protect his members with his knowledge, experience, compassion, and above all integrity.

Roger also faithfully served the United Way of Will County in numerous capacities. After his death, the Roger Osman Award was established in his honor. The award will be given to the individual that exemplifies the ideals and performs the greatest services for the United Way cause. This year the award was given to Roger's wife, Anna Mae.

Mr. Speaker, the labor movement and the community of the Fourth Congressional District will miss their loyal friend. I know my colleagues will want to join me in honoring Roger Osman.

THE 10TH ANNIVERSARY OF TRITT ELEMENTARY SCHOOL

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. DARDEN. Mr. Speaker, Tritt Elementary School in Marietta, GA, will celebrate its 10th anniversary on April 29, 1990. Tritt is one of the outstanding schools in my home county, and I am proud that this school has completed a decade of excellence. And excellence is something the community has come to expect of Tritt Elementary. With teachers and faculty who demonstrate their care and commitment to the needs of the students, the parents are given even more incentive to get involved in their children's education. Cobb County is recognized statewide as having one of the finest school systems, and Tritt Elementary is an example of this reputation of excellence. Though 10 years may not seem like a long time, in that period a multitude of students have received a tremendous head start on life at Tritt Elementary. Congratulations to Tritt Elementary School on its 10th anniversary, and I look forward to another decade of quality education.

A CONGRESSIONAL SALUTE TO BELLFLOWER MAYOR JOHN ANSDELL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding public servant who has devoted so much of his time to the southern California community. John Ansdell will be honored for his term as mayor of Bellflower which ended on April 17, 1990. This occasion gives me the opportunity to express my sincere appreciation for his years of dedication to public service.

Prior to his service as mayor from 1984 to 1985 and 1988 to 1990, Mayor Ansdell served on the Bellflower City Council, a position he held since 1982. Aside from his involvement in the city council, John has also served as delegate to the California Contract Cities Association, delegate to the County Sanitation District No. 2, delegate to the League of California Cities, and delegate to the Southeast Mosquito Abatement.

As mayor, one of John's major accomplishments was the curtailment of the Eucalyptus Avenue drug problem by his introduction of traffic control measures and special Sheriff's Department foot patrols. He also presided over the establishment of the Substance Abuse Narcotic Education [SANE] Program in local fourth, fifth, and sixth grade classrooms. In addition to his drug control initiatives, during his term ground was broken for the Bellflower Aquatic Center and the Bellflower Transportation Center. Clearly, Mayor Ansdell's aforementioned accomplishments are just a few of the many.

John's community service is not just limited to government. He is also a member of the Eagles Lodge, a charter member of Elks new lodge 888, and a charter member of the Noon Lions Club. Based on his many accomplishments and unsurpassed involvement in the community, it is no wonder he is so well respected and honored. However, despite Mayor Ansdell's significant involvement in the community, his major focus is on his wife, Irene, and their two sons, Gary and Alan.

In honor of John Ansdell's term as mayor, my wife, Lee, joins me in extending our congratulations to this caring and giving man. He is truly a remarkable individual who has devoted his talents and energies to enriching the lives of so many other people. We wish John, his wife, Irene, and their two sons, Gary and Alan, all the best in the years to come.

TRIBUTE TO HERMAN FARRIER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to a member of my community for his outstanding work on behalf of our Nation in times of peace and of war.

Mr. Herman Farrier is being commended for his outstanding service by the Rhode Island District No. 5 Veterans of Foreign Wars. Herman is a decorated World War II Navy veteran who has served our country well. In 1974, Herman was named post commander of the Eugene T. Lefebvre Post No. 1271 in Central Falls, RI. Currently, he is the District No. 5 commander of the Veterans of Foreign Wars of Rhode Island.

Herman Farrier's work within the post has been extraordinary as he has dedicated so much of his time to his fellow veterans. Within the Lefebvre Post, Herman is currently the post chaplain, the service officer, the hospital chairman, and the community activities chairman. He is also the youth activities chairman and a post trustee.

It is with distinct pleasure and profound respect that I salute Herman Farrier for his outstanding service to his community. I would like to thank Herman for his years of service to his fellow veterans. I wish him continued success in the future.

CONGRATULATIONS TO THE 1989-90 NASHVILLE HORNETTES

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. POSHARD. Mr. Speaker, some special students in my district deserve recognition for their efforts on behalf of their community.

I'm very proud of the Nashville Community High School Hornettes and everyone associated with their year of tremendous success.

The Hornettes had an outstanding season, including a 29-3 overall record, finishing as undefeated conference champions for the second straight year, along with claiming a first place finish in the Kaskaskia Tournament.

You could tell the Hornettes were headed for great things when they also won their regional, sectional and super-sectional championships, earning the right to play for a State title.

After two thrilling victories in the quarterfinals and semifinals the Hornettes concluded their season with a valiant effort to take second place in the Illinois Class "A" Girl's Basketball Tournament.

I followed their success throughout the season, and I am extremely proud of the way these young women approached both victory and defeat. And the people of Nashville stood by them 100 percent, as they always do, in victory and defeat.

Long after this success is just a pleasant memory, I'm sure these young women will look back on this as a great learning experience. They will some day appreciate even more the rewards that come not only from winning, but with caring enough about something to always do your best, on behalf of your friends, family, and community.

I wish everyone associated with this team's effort great success in the future, and we'll always remember the 1989-90 Nashville Hornettes as a team with courage, conviction, and class.

I'm pleased to represent Nashville, IL, here in Congress, and would like to enter the names of the people involved with this team in the RECORD so they may receive the congratulations they have earned.

1989-90 NASHVILLE COMMUNITY HIGH SCHOOL HORNETTES

ROSTER

Jodi Fuqua, Julie Sieving, Kristi Twenhafel, Jody Freund, Tiffany Schuessler, Deanne Meier, Jennifer York, Kourtney Twenhafel, Julie Metzger, Michelle Brinkman, Pam Kirsch, and Lora Edmonds.

ADMINISTRATION

Ken Hill, superintendent-principal; Bob Briles, administrative assistant; Mike Taylor, head coach; Wendy Porter, Dave Fischer, assistant coaches; Don Hawkins, athletic director; and Christy Merrill, manager.

PROMISES AND PITFALLS OF THE "PEACE DIVIDEND": THE MYTHS AND REALITIES—PART II

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. LAGOMARSINO. Mr. Speaker, the hottest topic around the country these days is how to spend the so-called peace dividend. However, before blindly engaging in a new Federal spending spree as advocated by some of my liberal colleagues in Congress, it is imperative to separate the myths from the realities—to get to know the facts behind the Peace Dividend. As St. Paul implored, "Come, let us reason together."

Past experiences exemplify how the immediate rewards of Peace Dividends can be deceptive. Following Allied victory in 1945 the United States undertook massive unilateral disarmament relying on our nuclear monopoly to protect our interests. Trusting the Soviets—who did not similarly disarm—condemned Eastern Europe to Communist domination. Had we remained in central Europe with conventional forces equal to the Soviets until the political situation stabilized, the chances are very good that some of those countries, like Czechoslovakia and Poland, would have remained free. While the immediate Peace Dividend would have been less, perhaps much of the long-term expense of the 40-plus years of troop deployments to NATO and cold war defense spending could have been saved. This Peace Dividend also set the stage for Communist adventurism in Korea, costing us billions of dollars, almost 34,000 lives, and over 100,000 wounded.

While the incredible events in Eastern Europe warrant a realignment and reduction in defense spending, the threats to American national security interests have actually diminished very little. The Reagan-Bush policy of "Peace Through Strength" has succeeded in promoting real arms control and political reform throughout the Warsaw Pact. While this success allows us to make corresponding cuts in our military, it also underscores the need to continue to maintain a strong, viable defense. Prudence dictates any further cuts be measured and responsible. We should learn from past mistakes. Hence, rather than a major windfall, the so-called Peace Dividend is really a modest bonus.

The experience of the post-Vietnam Peace Dividend shatters the myth of immediate social benefits. Like entitlement programs of the 1970's, today's proposed social welfare projects are not one-time expenditures. In reality, once established they must be funded every year, usually increasing in cost over time. It's no wonder that during the past two decades domestic programs have grown $7 for every $1 of growth in defense. The Peace Dividend is a one-time bonus. Once spent, it is gone.

Daily life provides a simplistic analogy to this post-Vietnam experience. The Peace Dividend of the 1970's was similar to a small financial bonus. While providing the short-term resource to pay for the downpayment on a new car, the bonus was spent and not available to augment future monthly budgets now burdened with car payments—additional expenditures for which there is no matching income. America bought a new car following Vietnam and has been paying for it since through deficit financing and increasing debt.

The lion's share, though not all, of savings from today's defense spending cuts or Peace Dividend should be spent eliminating the Federal deficit. In other words, we should finish paying off the car we have today before buying yet another new one.

Some of this former defense spending should be devoted to critical domestic needs, like the war on drugs. Taking care not to add to the deficit, we can focus on needed one-time initiatives like environmental cleanup. Realigning Federal spending also offers a good opportunity to reassess and remodel current social programs to achieve greater efficiency

without additional spending—getting more "bang for the buck."

The promises of future defense spending reductions are great. To achieve the most success and benefit from them, we should know the limitations, appreciate the realities, and cast aside the myths.

RADIOVISION: 10TH ANNUAL VOLUNTEER RECOGNITION DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. GILMAN. Mr. Speaker, this coming Saturday, one of the most impressive organizations in my 22d Congressional District of New York will be conducting its annual Volunteer Recognition Day.

For the past 10 years, Radiovision has been a window on the world for our blind and sight impaired individuals. Radiovision brings into their homes local news, topical literature, shopping hints, and other vital information to which the blind and the sight impaired normally would not normally have access.

Daniel Hulse, the director of Radiovision, and Carol Cleveland, the volunteer coordinator, have done an excellent job throughout the years and are richly deserving of our congratulations.

But Radiovision is, and has always been, maintained by its many devoted volunteers.

It is these selfless people who we honor this week: Those people who give of their time, and of their hearts, to assist in bringing this vital service to the blind.

Today, Radiovision boasts an estimated audience of about 650 listeners, although the exact number cannot be known because many of these "listeners" are nursing homes and other facilities with a fairly substantial audience. This listenership represents a 10-percent increase over 1989. Furthermore, Radiovision is currently serviced by about 131 volunteers—an increase of over 20 percent since last year. There is no doubt that Radiovision is growing by leaps and bounds.

Mr. Speaker, I invite my colleagues to join in commending Radiovision on the occasion of their 10th anniversary. The Middletown (NY) Times Herald Record published a comprehensive article, written by Peter Schoenberg, which eloquently captures the spirit and the worthy service of Radiovision. I request the insertion of this article at this point in the RECORD:

SO THE BLIND CAN HEAR THE NEWS

(By Peter Schoenberg)

MIDDLETOWN.—For Roy Featherstone of Milton, it's the only radio station on the dial—literally.

Featherstone, an 85-year-old retired attorney, is one of more than 650 listeners of a unique kind of radio station that doesn't worry about rating or beating the competition.

That's because the station supplies the radio. And this special radio can get only one station.

The station is Radio Vision, a closed-circuit broadcasting service for the blind, which on Oct. 1 observed its 10th anniversary.

Operated by the Ramapo Catskill Library System, the Middletown-based station broadcasts throughout eight counties in the Catskills and Mid-Hudson, using FM transmission facilities of WSPK in Dutchess County and WELV in Ulster County.

Radio Vision reads to those who can't read for themselves—the legally blind and others who possess handicaps that make it difficult or impossible to hold a newspaper, book or magazine.

It's just what the doctor ordered for Featherstone, who is completely blind in one eye and has weak vision in the other.

"I would go crazy if I didn't have Radio Vision," Featherstone said. "It's excellent. I have one alongside my bed and I listen to it every night."

He and the other Radio Vision listeners are loaned the special radios free of charge. The closed-circuit radio signals are broadcast on wavelengths not used by the two commercial radio carriers—the kind of frequencies used for such services as Muzak and paging services. Regular radios can't pick up the signals.

What listeners hear on Radio Vision is news and information, the kind of information most people get daily from newspapers and magazines. Commercial radio doesn't have the time to broadcast news in the depth offered by Radio Vision. Its 114 volunteers take the time to read more than a dozen local newspapers to the special audience.

"They want to hear the news that day, that's the advantage we have," said Daniel Hulse, Radio Vision director. "A radio station can only give a few minutes of news each hour. We favor local news."

That's why Radio Vision doesn't duplicate the services of an all-news station in New York. Most of the air time is taken up by reading local news from daily and weekly newspapers.

Some magazines also are read. Radio Vision began a twice-weekly program for young people featuring articles from "Rolling Stone" and "Spin" after a teen-age listener in Newburgh called up to ask "how do I know what everyone's talking about?"

Although there are no commercials on Radio Vision, that doesn't mean there aren't any ads.

One of the most popular of Radio Vision's programs is Elaine Brandon's Market Guide. The Middletown volunteer reads supermarket ads from daily newspapers to listeners who otherwise might miss the specials. Mrs. Brandon, however, occasionally goes beyond mere ad-reading to offer some homey advice.

During the summer months, for example, she might advise listeners to check out local vegetable stands. Or, this time of year, she could suggest listeners visit the stands of local apple orchards for some fresh, local produce.

"It's very comforting to know there are people out there who really listen," said Mrs. Brandon, a charter member of Radio Vision's volunteer staff, who jumped at the chance to apply the college radio major that she never before had the chance to use.

She and Radio Vision officials were reminded of the popularity of the market program one day when the tape broke and they went off the air for a couple of minutes. In that brief span of time, Radio Vision received two phone calls wondering what was going on.

Maybe that wouldn't be impressive for a big city commercial station. But it's not bad for Radio Vision, with its 650 closed-circuit listeners.

One of its most faithful is Agnes Lutjens of Chester. The blind, 82-year-old's been listening daily for the past nine years.

"It's the greatest thing in the world," Mrs. Lutjens said. "I used to be able to read the paper, but now I can't read. I think it's marvelous so many people give their time to read to us."

People like John L. Masi, 63, of Middletown, who's been reading the newspaper over Radio Vision for all of its 10 years. He originally got involved as a member of the Middletown Lions Club, which was an early supporter of the radio service. Being a Lion, with the club's emphasis on sight-related programs, Masi was eager to offer his help. But his links with amateur theater groups also provided a lure.

"The possibility of going on the air intrigued me," he said.

Masi can recall when Radio Vision broadcasted out of a single studio the size of a closet. Nowadays, the studios aren't much bigger, but there are three of them, plus a control room and office. It's housed in an addition at the rear of the Ramapo Catskill Library System building at 619 North Street, Middletown.

Assisting Hulse in running the broadcast service is Carol Cleveland, coordinator of volunteers. The station broadcasts live from 9 a.m. to 4 p.m., and then switches to an automated system that repeats the previous seven hours of live programming. At 11 p.m., the automated system switches over to the In Touch network from New York, where readers go over such publications as the New York Times and Wall Street Journal until 9 a.m. when local programming again takes over.

The non-commercial Radio Vision service is funded by local donations and state and federal grants. It began operations in October, 1979, in Sullivan County with just 21 listeners.

"It's grown a lot," said Richard Anglin, director of the Ramapo Catskill Library System. "I think the impact on the community has been strong all these years."

The service is looking for additional listeners. Anyone knowing of someone who is visually or print handicapped and can benefit from the service may call 343-1131 or 1-800-327-7343. Prospective readers also may call the numbers to volunteer their services.

CADILLAC HIGH SCHOOL GIRLS SKI TEAM: 1990 STATE CHAMPS

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. SCHUETTE. Mr. Speaker, I am pleased to take this opportunity to extend my sincere congratulations to the Cadillac High School girls ski team for their State championship victory on February 26 at the Crystal Mountain Ski Lodge.

Each individual on the team put in many long and strenuous hours of practice to achieve this illustrious award. The viking ladies who accumulated 78 total points to defeat the defending State champions, exhibited exemplary teamwork and sheer determination to turn their dream of a State championship into a reality. The victory marks their first State title since 1983.

The Cadillac High School girls ski team, which is under the leadership of head coach Gay Thompson and technical coach Joe Host, include the following members: Amber Corsiglia, Courtney Craig, Lizi DeBoer, Patti DeBoer, Kattie Frier, Jenny Goodson, Marci Johnson, Missy Montague, Amy Potvin, Brita Sjogren, Christina Streff, Kristin Tatarchuk, and Kelly Thompson. Statisticians for the team were Christa Gensler, Mandy Kesl, and Laura Warren.

I commend each and every member of the girls ski team for their outstanding performance throughout the year. Potvin, Tatarchuk, and Thompson earned all-State honors.

High school athletics bring a school and community together in a common cause, leaving memories that last a lifetime and enrich the lives of everyone involved.

On a final note, I would like to congratulate the Cadillac High School boys ski team for their strong third place finish at the State meet.

Mr. Speaker, please join me in congratulating this talented group of fine young ladies for their accomplishment. They have made us all proud and I wish them the best of luck in the future.

TRIBUTE TO DONALD W. "SQUIRE" HURRELBRINK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Donald W. "Squire" Hurrelbrink of my 17th Congressional District of Ohio. Mr. Hurrelbrink is celebrating his 60th year as director of the Warren Junior Military Band of Warren, OH.

Mr. Hurrelbrink established his musical career at the age of 12 when he began playing the violin and the French horn. He was a member of his high school band and received his formal music education at Dana's Musical Institute of Warren, OH, and continued his education at the Cincinatti Conservatory of Music.

Mr. Hurrelbrink took over as director of the Warren Junior Military Band in 1930 and is its director to this day. He also taught music education at Austintown-Fitch High School, but retired in 1971 after 24 years. He has received a variety of awards in his many years of music. In 1973 he received the George Washington Award which is the highest award given by the Freedom Foundation of Valley Forge, PA, as well as the Veterans of Foreign Wars Silver Medal of Honor, which is the highest VFW award given to a civilian. The most recent award he received was the city of Warren's Ohio Spirit of '87 Award in Education.

The Warren Junior Military Band has grown and prospered under the leadership and guidance of Donald Hurrelbrink. The band has won 20 national championships, 11 Canadian championships, and has been awarded gold, and silver medals in international competitions. The Warren Junior Military Band has performed all over the United States participating in such major events as the Orange Bowl parade, Hudson's Thanksgiving Day parade, Gimbel's Thanksgiving Day parade, the Indy "500" parade, Disney World's Christmas parade, and most recently the Macy's Thanksgiving Day parade. Mr. Hurrelbrink has also taken his band to Europe, not once but three times, performing in such countries as Holland, Austria, Germany, Italy, France, and Great Britain.

The Warren Junior Military Band has accomplished a great many things, but Mr. Hurrelbrink has not lost sight of what is the most important aspect of young people's participation in an extracurricular activity. He has taught his many musicians pride, patriotism, and dedication.

Mr. Speaker, I would like to take this opportunity to commend Donald W. "Squire" Hurrelbrink on his 60 years of dedicated service to the Warren Junior Military Band as well as congratulate him on his shining example for the young people of our community and we owe him a great deal for the time and dedication he has shown to the thousands of young people he has influenced. I am honored to represent this outstanding citizen.

TRIBUTE TO MR. JAMES W. ROUSE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. CARDIN. Mr. Speaker, I rise today to honor a friend and constituent Mr. James W. Rouse who will receive the 1990 Victorine Q. Adams Humanitarian Award on June 7, 1990. The award will also be presented to the Honorable Clarence H. "Du" Burns, former mayor of Baltimore City, and Dr. Percy V. Williams, noted educator and community leader in Harford County.

James Rouse has devoted his adult life to working with cities across America—their problems and their opportunities—both as a developer and as a member of public interest organizations.

He is the founder of the Rouse Co., and for 40 years served as its chief executive officer, as president and then chairman of the board. Upon retirement from the Rouse Co. in 1979, he founded the Enterprise Foundation, a charitable corporation that works with neighborhood groups throughout the United States to provide fit and livable housing for the very poor.

Jim Rouse has worked hard to serve not just his local community, but the Nation as well. He was a member of President Eisenhower's Task Force on Housing in 1953 and of President Reagan's Task Force on Private Sector Initiatives in 1982. In 1987 he was chairman of the National Housing Task Force which made proposals to Congress in 1988 for a new housing program for the United States and for legislative action to carry it forward.

I urge my colleagues to join me in honoring James Rouse, a man who has helped so many in our community and across the country.

NATIONAL LAW ENFORCEMENT TRAINING WEEK

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. ASPIN. Mr. Speaker, I rise today to introduce a joint resolution to designate January 6 through January 12, 1991, as "National Law Enforcement Training Week."

Law enforcement training, which serves as our law enforcement professionals' weapon against crime, is critical to the immediate and long-term safety and well-being of this Nation. As you know, law enforcement professionals provide service and protection to our Nation, so that our citizens may live free from fear. Each day, 500,000 law enforcement officers put their lives on the line as they go about their duties. Their jobs are dangerous ones. In the past 10 years, over 1,500 police officers have been killed, over 200,000 have been injured and approximately 600,000 have been assaulted. Law enforcement training is the tool which enables these professionals to protect the Nation and themselves from harm.

Last year we passed National Law Enforcement Training Week. Now, with the crime and drug war raging, our law enforcement professionals need our support more than ever. That is why I am again sponsoring legislation to recognize the importance of law enforcement training. Law enforcement training is a critical element in keeping our law enforcement officers safe and effective. The legislation will not only honor current law enforcement training professionals, but it will also heighten the importance of this profession as a potential career path for the youth of our Nation. I hope you will join me in sponsoring this legislation.

A SALUTE TO FATHER FELIPE J. ESTEVEZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize the achievements of Father Felipe J. Estevez, in this the 20th anniversary of his ordination as a priest. I would like to share with my colleagues some of the wonderful things Father Estevez has done for our community in Miami.

Father Estevez is the pastor of St. Agatha Catholic Church and the Director of Catholic Campus Ministry at Florida International University. He is also a professor at St. Vincent de Paul Regional Seminary, in Boynton Beach, FL. He was ordained a priest in Fort Wayne, IN, on May 30, 1970. He served as a missionary in Honduras and since 1974, has belonged to the Archdiocese of Miami where he began as professor at St. Vincent de Paul Seminary.

Father Estevez received a doctorate in theology at the Pontifical Gregorian University, in Rome, Italy. His doctoral dissertation is titled "The Spirituality of Félix Varela." He is nation-

ally recognized as an expert on Félix Varela, one of the most prominent intellectuals of Cuban culture. Father Estevez has also published a critical translation of Varela's "Letters to Elpidio" and "El Perfil Pastoral de Félix Varela."

In 1980, Father Estevez was honored by being chosen president/rector of the seminary at Boynton Beach. During his tenure at the seminary, the institution was transformed into a regional mode of governing under the bishops of Florida. Father Estevez was the first Cuban-American to become head of a major American seminary. As an educator, he has served the Association of Theological Schools for numerous visitations to theological schools for accreditation and has given priests' retreats in different dioceses throughout the Nation. As a genuine educator, Father Estevez loves children and youth and is currently responsible for coordinating the completion of St. Agatha School.

Mr. Speaker, it is a pleasure for me to congratulate Father Estevez for the wonderful tasks he has so skillfuly undertaken and for his dedication to his vocation and his community.

WHY I AM PROUD OF AMERICA

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. SANGMEISTER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. This year more than 137,000 secondary school students participated in the contest competing for the 12 national scholarships totaling $56,000, which was distributed among the top 12 winners. The contest theme this year was "Why I Am Proud of America."

The winning contestant from each State came to Washington, DC, for the final judging as a guest of the Veterans of Foreign Wars.

I am proud to announce that Steven Connor Cortes from Park Forest, IL, was the first place winner for the State of Illinois in the Voice of Democracy broadcast scriptwriting contest. Mr. Cortes is a senior at Marian Catholic High School in Chicago Heights, IL. I am submitting Mr. Cortes' speech for the RECORD so that others may benefit and be inspired by this young man's words.

WHY I AM PROUD OF AMERICA

(By Steven C. Cortes)

I am in love with a lady in New York. We have met only once, yet I am in awe of her. She is beautiful, yet strong, old yet forever young. She is the Statue of Liberty, and she represents the reasons Why I Am Proud of America.

The Statue of Liberty, majestic and beautiful, stands as a symbol of the greatness of America. I am proud of America because America is a great nation, the greatest in the world. However, this greatness is not deprived from our national wealth or prestige. No, America's greatness emanates from its people * * * its spirit. Dwight D. Eisenhower stated it well when he said, "America is great because America is good." You can see the goodness of America everywhere, in South Carolina, where volunteer groups are helping the victims of Hurricane Hugo rebuild their shattered homes * * * in Northern California, where neighbor is helping neighbor recover from a devastating earthquake. America's goodness is evident in the inner-cities, where volunteers are teaching their fellow Americans to read and write and providing food and shelter for the less fortunate.

I am proud of America because we welcome immigrants from around the world and allow them to share in our opportunity. Opportunity * * * America still is the land of opportunity * * * a country where no dream is too big, and dreams can become a reality. In America's free enterprise system, a person is rewarded and judged by merit, not birthright or status. Because of this opportunity, we have become a nation of vision * * * a bold nation of men and women striving to defy the odds and achieve success * * * such as Walt Disney, who as a boy in Chicago held two jobs to help support his poor family, but through hard work and visionary spirit rose to achieve unparalleled success in the entertainment industry.

The American people are champions of the underdog, this is the country where a man, like Abraham Lincoln, can go from a log cabin to the White House where a poor ghetto kid can become a head of a corporation, and an immigrant can share in the American Dream. I am proud of America because the American Dream is still a reality. The American Dream says that anyone who is willing to work can share in the prosperity that is America.

I am also proud of America because we are free people * * * free to determine our own destiny, free to express ourselves, free to exercise our religious beliefs. We are free from the tyranny and oppression which so much of the world endures. We enjoy these freedoms because we are a democracy, a nation in which the people rule the government, not the other way around.

This past summer, we all witnessed with great admiration the students of Beijing, China, as they raised an effigy of the Statue of Liberty, and quoted Patrick Henry while demanding freedom and democracy from their communist government. Then, we were horrified when the Chinese Army slaughtered thousands of those innocent demonstrators in Tiananmen Square. The difference between China and the United States is that those brave Chinese students have no rights. I am proud that in America we have rights to protect us from tyranny. I am proud that in this, the 200 year anniversary of the Bill of Rights, the Constitution still protects our personal liberty.

We owe much of our liberty to the Fathers of our country, men like George Washington, Thomas Jefferson, and Ben Franklin, patriots who fought and died for our independence and created our government, truly they did pledge, in the words of the Declaration of Independence their "lives," their "fortunes," and their "sacred honor."

In the intervening years and wars, countless brave veterans from Saratoga to Normandy, from Yorktown, to Iwo Jima have renewed this pledge and paid the price for freedom. Often that price was their lives.

The Statue of Liberty symbolizes the goodness, the opportunity, and the freedom of America, I am proud of the United States, and I thank God daily that I was born an American. May we all, young and old, rich and poor, black and white, pledge "our lives our fortunes, and our sacred honor" to defend and advance the cause of mankinds greatest hope * * * the United States of America.

NATIONAL LIBRARY WEEK

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. DARDEN. Mr. Speaker, this week is National Library Week, and in libraries throughout the Nation there will be a special emphasis on family literacy. Tomorrow, on the "Night of a Thousand Stars," libraries will host family read-alouds to highlight the importance of reading and literacy. In my district, I was invited to be a reader at the Cobb County Public Library for this event. Though, I will be unable to attend, I want to bring to the attention of my colleagues the outstanding role the Cobb County Public Library plays in our community. Under the leadership of its director, Mary Louise Rheay, this library has recently completed a major addition to its headquarters and branches. Use of the headquarters library has doubled and overall circulation has increased dramatically. Cobb has one of the finest libraries in the State, and with the efforts of those in the library, literacy is becoming a reality for many.

IN PRAISE OF THE COMMERCE DEPARTMENT'S EXPORT PROGRAM FOR JAPAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. ANDERSON. Mr. Speaker, I rise today in support of the Commerce Department's new program to encourage American exports to Japan. This is an idea whose time has come.

For too long United States industry has sat back on its heels in the face of the onslaught of Japanese imports. For too long has our business community placed its emphasis on turning to government for defense of its domestic markets, rather than for assistance in carrying the economic offensive to markets abroad.

Yes, there are barriers to free trade in Japan and in other nations, but the best way to reduce those barriers is to confront them head on with export initiatives of our own, rather than through restrictive trade sanctions. This is what the Japanese do themselves. In Korea for instance, Japan faces the same trade barriers which we do. Yet Japan has over a $5 billion trade surplus with Korea. The United States is predictably running a trade deficit with Korea. This is one problem we cannot blame on Japan. A member of the $100 million Association of Foreign Trade Agents of Korea [AFTAK] buying mission to the United States recently said about himself and his fellow mission members: "We have to come to the United States to buy United States products because not enough United

States companies bother to sell their products in Korea." America must wake up. The United States is still the world's No. 1 overall exporter, but we need to adjust more quickly to the new competitive global environment if we wish to stay that way.

We need to balance our budget to free up capital for new private investment. We need to invest more in new research and development. We need to implement new export enhancement program such as the new Commerce initiative. Most of all, we need to balance our budget to free up capital and allow new United States, rather than foreign private investment in the American economy. This would be the greatest export enhancement project of them all.

DRUG FREE SCHOOL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to honor the efforts of a high school from the First District of Rhode Island, North Providence High School.

What is so special about this school? I am proud to announce that North Providence High School has been named one of a drug free school by the Department of Education. This is a highly competitive honor—261 schools throughout the country are nominated, and only 51 were chosen for this distinction.

During a time when the drug problem plagues our cities and towns, affecting people of all ages, races, and backgrounds, these 51 schools are at the forefront of the war on drugs. By demonstrating a substantial decrease in drug and alcohol use, North Providence High students have been practicing what we here in Washington preach. Through education initiatives, hard work, and perseverance, these students are just saying no.

Schools like North Providence High in Rhode Island prove that it can be done, and they should stand as an example for us all.

CONGRATULATIONS TO THE 1989-90 NCOE FIGHTING CARDINALS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. POSHARD. Mr. Speaker, we have a name for it in Illinois. It's called March Madness.

Every year the powerhouses and upstarts alike aim their sights on representing their school in the Illinois State High School Basketball Championships. It's a time when we all take a moment to enjoy the accomplishments of our young people, and point with pride to the communities we call "home."

I am extremely proud to recognize the March Madness accomplishments of a school that includes students from my district, and is in the same area where I first learned to love the competition and learning experience found in sports.

The Norris City-Omaha-Enfield High School Fighting Cardinals completed this season with a 31-2 record, winning the Eldorado Holiday Tournament, the Mid-South Conference Championship, plus regional, sectional and super sectional championships.

To cap it all off they came within inches of a State championship, and indeed showed great courage and determination by shaking off that disappointment to come back and win third place in the Illinois Class "A" Basketball Tournament.

I salute everyone involved with making this such a terrific season. And I'm entering their names in the CONGRESSIONAL RECORD so they may receive the recognition they so richly deserve.

1989-90 NCOE FIGHTING CARDINALS

ROSTER

Paul Black, Eric Cooley, Clay Gray, Travis Johnson, Jeff Neal, Juan Perez, Adam Willis, Larry Harrelson, Reed Jackson, John Buchta, Chris Millhorn, Paul Melton, Craig Mitsdarffer.

VARSITY CHEERLEADERS

Jaqui Basinger, Sahray Bishop, Kendra Bradshaw, Amy Gates, Kathy Price, Stephanie Short, Courtney Sutton.

ADMINISTRATION

Dan Price, Superintendent; Michael Rosselli, Principal; Dave Gray, Athletic Director and Head Basketball Coach; David Carroll, Junior Varsity Coach; Lee McRoy, Freshman Coach; Cathy Black, Cheerleader Sponsor; Justin James, Paul Kelly, Jorge Tamayo, Managers.

THE SECOND FRONT IN THE DRUG WAR

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. COUGHLIN. Mr. Speaker, I want to bring to the attention of my colleagues a recent speech by White House Drug Policy Director William Bennett. The speech concerns the difficult problem of ridding our urban areas of drugs and drug-related violence. I urge my colleagues to read it carefully.

REPORT FROM THE DRUG WAR: THE SECOND FRONT

(By William J. Bennett, Director, Office of National Drug Control Policy, National Newspaper Association Conference, Friday, March 16, 1990)

Last summer, Secretary Louis Sullivan and I released the findings of the 1988 National Household Survey on Drug Abuse. As I described the results then, we are fighting two wars. The first, more manageable front against casual drug use has turned in our favor. Overall, there are fewer Americans using drugs than five years ago. But we have a second front. It is against chronic, addictive drug use—cocaine use in particular—and we are not yet winning on that front. For every indication we have that overall drug use is declining, we have another reminder that chronic, addictive drug use remains a severe and stubborn problem. There is some evidence that things are not getting worse on the second front, but it will still be some time before things there will be better and seem better.

In a way, this stubborn front is the part of the problem we are most familiar with. The drug problem that we read about in our newspapers each day and see on TV at night is usually about habitual cocaine use and the crime that often accompanies it. On this front we see the hard-core addicts. We stare at and pity the cocaine babies. We are shocked by the crack houses. The drive-by shootings. The decaying neighborhoods. And although our data are not what they should be, it seems to most demographers that this part of the problem is concentrating increasingly in our poor, black, and Hispanic inner-city neighborhoods.

Having said that, let me hasten to add that this is by no means a problem of every inner-city neighborhood. Again, by a long shot, most black and Hispanic citizens are innocent of drugs, either as users or dealers. They are most often the victims, not the perpetrators, of drug crime. Most inner-city residents are people who, despite their poverty, despite their often run-down housing, and despite the dire predictions of the culture-of-poverty theorists, confront and resist drug use every day. They are America's new invisible men and women. We rarely hear about them. We rarely see them on TV. But they are there. They retain their dignity and pride by keeping their children away from drugs, obeying the law, and by opposing the drug dealers in their midst.

It is at the second front of the problem that many of these good citizens live, and life there can be very tough. The problem is tough not for any abstract, philosophical reason; not because we can't comprehend the culture of inner-city life; and not because we don't understand it. It is tough because of the facts on the ground, and the very tough nature of those facts. Life in some of these drug-torn neighborhoods is characterized chiefly by its murder and addiction rates. Here drug kingpins may be heroes to the young, and the meanest thugs can rule the streets. Open air drug markets are adjacent to elementary schools, crack vials are strewn across parking lots, and in some schools, students must walk through metal detectors to check for weapons.

I have been to 41 American cities where there are drug problems and it is no exaggeration to say that in some of these places, drugs have made life very much as Hobbes imagined it to be in the state of nature: solitary, poor, nasty, brutish, and short.

Now given these facts—facts not open to serious dispute—I confess that I still find it remarkable that there remains any debate over what our response should be to this specter. The position that I have taken all along is that the rehabilitation of a community cannot begin until some degree of fundamental order and basic civility has been established. Treatment and education stand little chance of succeeding if they must compete in a neighborhood where drugs and drug dealers flourish on every corner. Most people who use drugs cannot be made whole or made well in such an environment.

Yet some people think they know different. One critic insists that "until the root causes of drug abuse are addressed—the lack of education, housing, employment, health care, family, and above all poverty—the scourge of drugs will continue to expand." He and many others argue, essentially, that the real task of drug policy in these communities is not to create safety and order, but to rid society of poverty, unemployment,

racism, illiteracy, disease. I say we need to get at these things too, but we must immediately, and directly, and with all deliberate speed go after the drug problem. The larger conditions do exist, of course, and no one denies that they are important factors in locating chronic drug use. But I have grave doubts that we can explain the drug problem in our cities merely by pointing to sorrounding social conditions.

Now let's agree on some things: unemployment makes people poor. Poverty deprives them of certain material goods. Prejudice keeps them excluded. Broken homes or nonexistent families make children vulnerable. Bad schools do the same. All these things may indeed make people more likely to succumb to drugs; they sap the spirit and weaken the will. They are conditions that present us, all-together, with a kind of weakened immune system. But drugs are the invading virus. And you must attack the virus while you are pondering how to strengthen the immune system. Drugs are not merely a symptom, they are a cause, an efficacious and sometimes deadly one. They degrade human character. They sear the mind and they numb the soul. And that is why we oppose them.

Drugs can make other serious problems seem modest. As John Jacob, president of the Urban League, has observed: "Drugs have destroyed more families than poverty ever did." I think he's right. Drugs can turn good citizens into victims. They can turn otherwise solid citizens into addicts, and even into criminals. That's why good citizens in bad neighborhoods need our help—active and aggressive help.

When drugs penetrate a neighborhood, all other efforts to improve the condition of the people who live there are weakened. Schools can't function when gang members roam or rule the halls. The local economy can't work when store owners, tired of risking their lives, move their businesses elsewhere. Young people don't bother looking for honest work when it seems as if only crime pays. Streets, parks, and recreational areas become places to purchase drugs, consume them, and wage gang war on a daily basis.

To save these communities, the legitimate forces of good—law enforcement officials, private citizens together, all the agents of the rule of law and civility—must assert themselves. Measures of enabling toughness are called for because, as Flannery O'Connor wrote: "You have to push as hard as the age that pushes against you." Only here, with drugs, you must push harder.

That means that in our inner-city quasi-states of nature, the good guys must confront the bad guys, and they must win. They must do so responsibly, lawfully, and constitutionally. But they must also do so decisively. This is true and it is common sense. And I say it because the people who live in neighborhoods that most of us here would be too scared to walk through say it too. Last week, a number of courageous local heroes—from Albuquerque, New York, Houston, Oakland, and other cities—came to Washington to have lunch at the White House and exchange stories about their experiences. Some of them organize neighborhood patrols; others bring anti-drug messages to schools or youth groups. But all of them know this to be true: Where they live, as elsewhere, order must prevail over chaos. Similar men and women live in the towns and cities where your papers are published. Ask them.

When you meet people who have seen the drug epidemic up close, they'll tell you that there are two arguments they hate hearing. The first is that we should legalize drugs. The second is that their neighborhood doesn't need more cops. The fact is that they need more cops and they want them. If you disagree with me or with them, then let me suggest that you go see for yourself.

In the neighborhoods where they live, law enforcement is not a political option or a policy question; it's a moral imperative. The drug trade has succeeded in many places in eroding the basic sense of security that is a precondition of life, liberty, happiness, and so much else. So while others debate the fine points of root causes, and deride the role of basic law enforcement, the residents of poor neighborhoods are busy marching on crack houses, putting locks on their doors, and chasing dealers out of apartment courtyards. Sometimes, in the absence of enough police, they themselves help patrol the streets.

I think if we fail to see this part of the drug war, this second front, as first a question of restoring an essential level of security to citizens, then we risk ignoring the most pressing concern of the people who live there, the people who everyone involved in the debate say they want to help. If we fail to act here, their lives will go on, but they will increasingly be lives shaped by drugs and the street culture drugs have produced. And on such streets, as we all know, drugs themselves will soon become a root cause of one more generation's misery.

Finally, let me point to the educational implications of what we do or fail to do. If we teach that crime is wrong and that, in the end, crime doesn't pay, we should be ready to back up those sentiments with action. Not for the sake of seeming tough, being tough, or acting tough, but for the sake of acting compassionately toward our children. What I mean is so obvious it seems to have been forgotten, but as Orwell said, sometimes our most important responsibility is a restatement of the obvious. Here's the obvious: there are two things children need more than anything else; they need love and they need order. And if you love children, the first thing you do for them is to secure their safety. I ask you: why might some people who work to provide these things for their own children deprecate the value of these things to the children of others?

In my neighborhood, middle- to upper-class Chevy Chase, Maryland, if we see someone selling drugs on the street, there is no debate about what we do. We call 911. We do not convene a seminar on root casues. We expect action, and if we don't get it we raise hell. I think that is a natural, civilized, and appropraite reaction. And I don't believe for a moment that a single-parent in Southeast Washington should behave any differently. Equality is the oldest promise of America. Parents—all law-abiding citizens—have an equal right to expect security regardless of where they live.

We have been examining the problem of poverty for decades. Fine. Let it go on. Let it go on smarter. But today the primary need is not to study residents of poor neighborhoods, but to help them. How? By doing unto them what we do for ourselves. I'm asking that we start treating these drug benighted neighborhoods as if we lived there, not as if they were some laboratory for social policy. If we do, we can make things better. I think we can do so soon. And I think we have to, soon.

A TRIBUTE TO NASH CASTRO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. GILMAN. Mr. Speaker, last weekend Americans everywhere celebrated "Earth Day"—a day we came together to underscore ways to preserve our precious environment.

In our 22d Congressional District of New York, the occasion was bittersweet for us, because it coincidentially coincided with the retirement of the man who over the past 20 years has done more than anyone else to preserve the Palisades Interstate Park for future generations.

Nash Castro is universally respected for his concern for our parkland. The Rockland Review, an outstanding weekly newspaper, published a splendid tribute to Nash upon his retirement. I would like to insert it into the RECORD at this point, and I invite my colleagues to join in saluting an outstanding public servant.

The article follows:

[From the Rockland Reivew, Apr. 19, 1990]

THE PEAKS, VALLEYS OF TWO DECADES AT THE HELM OF THE PIP

(By Alan Lonstein)

After 20 years, Nash Castro is retiring from his post as executive director of the Palisades Interstate Park Commission. "I've worked a long time," he answers when asked why he is leaving now. "It's quite timely for me to retire and venture into other things.

The 70-year-old Castro, a member of several environmental preservations organizations and commissions, will begin working as consultant two days a week. He and his wife Bette will continue to reside in Palisades. "I want to have some time for traveling, perhaps some writing, some fishing, and golfing, landscaping, gardening, visiting with the grandchildren."

Claiming that offering any unsolicited advice to his successor, Robert O. Binnewies, would be presumptuous, Castro would say only, "He is inheriting a very fine staff, very dedicated, very committed, very loyal staff. And he is also inheriting an extraordinary group of commissioners, very talented, very devoted to the park system."

Castro, who is also known for his writing and public speaking, writes as glowingly about the park as he does his staff. In the just published, "Second Century Plan," the park's new blueprint for the future, Castro writes:

"The Palisades Interstate Park System is an environmental vignette of superlative quality, a natural laboratory with many micro-habitats that give rise to the diversity of life, a way station where wilderness and urban clots co-exist, where people come to learn and draw inspiration. It is a priceless resource worthy of our very best effort to assure its integrity."

Castro began his career in 1939 at Grand Canyon National Park, followed by work in a variety of state park. His most recent position was as regional director of the National Capitol Region in Washington, D.C., before becoming executive director of the PIP In 1969.

His interest in this work goes back to his childhood. His mother instilled in him an "inherent interest in nature. She had a pas-

sion for horticulture," he remembers, "and I just naturally trended in the same way, by virtue of the example that she set and the enthusiasm she showed. I think she inspired me perhaps to venture into the natural world. I've always been glad that she did, because it's been a very happy, a very fulfilling career."

Castro can easily pinpoint the source of that fulfillment. "Do you realize that in the 20 years that I have been here we have hosted about 150 million visitors to this park system, 60 percent of the nation's population? That's what I mean when I say satisfaction knowing that because of your work, you are providing recreational opportunities, and learning opportunities, to people who might not otherwise have them. And there is no way that you can translate that satisfaction into a monetary value. It transcends it."

The numbers are impressive. During the 20 years Castro has been executive director, the total acreage has increased steadily from 53,616 to 85,208 acres. During the same time, attendance has been erratic, averaging around 7,000,000 people a year.

Looking back on his tenure, Castro is proud. "One of the high points has got to be the acquisition of land for a new park, in the form of Minnewaska State Park. I started working on that project in September of 1969. We're still not finished. We've acquired 11,600 acres, and have plans for acquiring an additional 4,600 hopefully before the summer's over. That's well under way now."

The key to this project, as is true for so many others in the park system, is the generosity of New Yorkers, he says. The park system began solely out of public donations, and Castro feels that the public support will continue for an expansion at Minnewaska. "We see continuing opportunities for interested people to donate land for the parks, yes, and to donate money. I think as time goes along the people of New York will probably achieve that objective. But we've made a good start."

Despite the popularity of the parks, Castro sees "chronic budgetary problems" hampering the parks. "I'm afraid that the parks take too low a priority with those in the position to make the budgetary decisions. There are so many other programs that receive consideration ahead of parks; for example, prisons, health, the social programs; the emphasis is on them. As long as that competition exists the parks will not get their due, which I think is very unfortunate."

These budgetary problems are at the root of Castro's primary regret. "I'm disappointed that I'm unable to leave the park for my successor in a mint like condition, that's my biggest disappointment. For example, our physical plant needs attention, our water systems, our amenities, swimming pools, golf courses, trails. A lot of the physical plant, requires rehabilitation but we just simply have not been able to do it.

"Also, I'm disappointed that our staff has diminished by 30 percent in the 20 years that I have been here, and we're just not able to maintain the kind of standard that we had when I first came. And it's not that this commission has been negligent or has not tried; it's only because public funds simply have not been forthcoming."

These budgetary constraints, however, are not going to prevent the park system from celebrating Earth Day. There are a variety of programs in the works. "The most dramatic thing that we are doing is the Hands Across the Hudson event Sunday, Apr. 22," says Castro. "So much going on, it's hard for me to single out one thing." (For more information on Earth Day activities in the parks, call Zshawn Sullivan at (914) 424-3155 or Carol Schminke at (914) 737-0061).

Castro sees the upcoming Earth Day celebrations as part of a positive trend in people's relationship to the environment. "I think the environment has come into its own finally and I think it's going to be on the top of the nation's agenda from now on. I feel we're going to see a great emphasis on the part of the academic world to train youngsters in the importance of a healthy environment, because I feel that we've reached a point where we can no longer turn our backs on the momentous problems that we've created for ourselves."

NATIONAL CRIME VICTIMS' RIGHTS WEEK

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. SANGMEISTER. Mr. Speaker, I commend my colleague, Mr. GEKAS of Pennsylvania, for introducing a measure that designates this week as National Crime Victims' Rights Week. All too often, we seem to give more attention and understanding to the people who commit crimes, than to the unfortunate victims of these crimes. The number of victims of crimes in the United States is astonishing. According to the Bureau of Justice statistics, one in four households, or 23 million families, were victims in 1988 of either a crime of rape, robbery, assault, burglary, household theft, or auto theft.

Mr. Speaker, this assault on the American population represents a direct threat to the preservation of American freedoms. In the spirit of National Crime Victims' Rights Week, I reaffirm my pledge as a member of the House Judiciary Committee to support efforts to protect the victims of crime, to see that justice is done, and also to help prevent crimes from occurring in the first place. I applaud the valiant efforts by the law enforcement officials in my district in their fight to protect citizens from crime. I believe the best way Congress can honor the victims of crime is to increase efforts to prevent crime. Laws should be friendlier to victims and tougher on criminals. Police departments, prisons, and the court system should be given the support they need to effectively carry out their duties and responsibilities. Many of us have come to accept this high rate of crime. I, along with my constituents, refuse to do so.

IN MEMORY OF REV. RALPH D. ABERNATHY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today in memory of Rev. Ralph David Abernathy, a truly great leader in the civil rights movement. A dedicated campaigner for freedom, Reverend Abernathy's contributions will never be forgotten in the hearts of all Americans.

I am truly saddened by Reverend Abernathy's death, and he is one individual I wish I had the opportunity to meet and discuss his honorable lifelong commitment to civil rights. He has inspired me with his tireless campaign against segregation through nonviolent means and above all, his tremendous humility.

Beginning in 1955 with the Montgomery bus boycott, Reverend Abernathy began his commitment to a cause which was neglected for more than 100 years. Joining the Southern Christian Leadership Conference in the same year, Reverend Abernathy joined Martin Luther King, Jr., and orchestrated the nonviolent resistance to segregation throughout the South for the next 13 years.

When Martin Luther King, Jr., was assassinated in April 1968, the mantle of leadership of the Southern Christian Leadership Conference fell on his most trusted deputy and closest friend, Reverend Abernathy. Under the presidency of Abernathy, the SCLC took on a new militancy without abandoning the philosophy of nonviolence to which King was dedicated to.

In the SCLC's Poor People's Campaign during May and June 1968 in Washington, DC, Abernathy drew the much needed attention to unemployment and underemployment of minority groups in our Nation, as well as forcing a commitment to eradicating poverty from the United States. He was an American committed to the freedom and equality of all people.

Although Dr. King's dream is not perfectly realized today, it is individuals such as Reverend Abernathy that have enabled all Americans to continue our journey to the promised land. Reverend Abernathy's contributions as a campaigner for justice have made our Nation much better in the cause of life, liberty, and the pursuit of happiness.

A TRIBUTE TO: MRS. DAVID PUGSLEY

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. SCHUETTE. Mr. Speaker, please allow me a moment to recognize an outstanding citizen, Mrs. David Pugsley. In honor of her community efforts, Mrs. Pugsley is being inducted into the Exchange Club of Midland, MI, Book of Golden Deeds on Tuesday, April 24, 1990.

I believe Mrs. Pugsley exemplifies the spirit of civic virtue. For over 20 eyars, she and her husband, David Pugsley, have volunteered at the Pineview Homes, an Evart-based child care agency which provides homes for 37 boys. In recognition of Marvel and David's tireless service, Pineview has named one of its homes the Pugsley House in their honor.

Mrs. Pugsley's many contributions as a volunteer are rich and varied. When her daughter Kathleen was still a little girl, Mrs. Pugsley assisted with her Campfire Girl activities. In fact,

it was on a Campfire Girl field trip in 1966 that Mrs. Pugsley first discovered Pineview, which was then just being built. In 1968, Mrs. Pugsley became chairwoman of the Midland District Campfire Girls Leaders and Sponsors Association.

Throughout her many years of service, Mrs. Pugsley has never lost sight of the Christian virtues which inspire her. She credits her faith for the success of her volunteer efforts, and says, "you gotta give God the glory."

Mr. Speaker, please join me in honoring Mrs. David Pugsley, who as a volunteer, a mother, a grandmother, and a humble Christian, has exemplified those personal characteristics which we all hold so dear.

A TRIBUTE TO THE UNIVERSITY OF GEORGIA LAW SCHOOL

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. DARDEN. Mr. Speaker, the University of Georgia School of Law is one of the finest institutions in the Nation, and I don't say that just because I am a graduate of that institution. The law school's excellence is well known in Georgia and throughout the Southeast, and I want to bring to the attention of my colleagues the fact that a team of Georgia law students recently won the international championship in the 1990 Philip C. Jessup International Law Moot Court Competition. After defeating four teams in the tournament to capture the U.S. championship, the Georgia team then, in the World Championship Final Four, defeated Australia and Canada to gain the international title.

The members of the University of Georgia championship team are: Myra Creighton, Charles Gernazian, Mike Sharp, Doug Smith, and Michelle Vaughan. These students, along with their student coach, Mike Daley, and adviser, Jere Moorehead, have brought pride and great honor to the University of Georgia School of Law.

While these students were in Washington winning national and international honors, another group of Georgia law students was winning an intrastate moot court championship in Athens. These students, Shawn Holtzclaw, Jeff Warncke, and Traci Green, insured a weekend sweep for Georgia's moot court competitors.

Dean Ron Ellington and the rest of the faculty and staff of the school of law are to be congratulated and commended for setting the standards of excellence for their students. The people of the State of Georgia have always recognized the University of Georgia as a world-class institution. This victory only confirms the quality and commitment to excellance that has been a trademark of this school for many years. How about those Bulldogs!

FAMILY AND MEDICAL LEAVE ACT, H.R. 770, PART II

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. PENNY. Mr. Speaker, last week I placed in the CONGRESSIONAL RECORD an analysis of H.R. 770, the Family and Medical Leave Act—April 19, 7663–7666—that document stated a number of potential areas of concern should the extensive mandate of leave provided by H.R. 770 become law.

Today I rise to place on the RECORD "Words From Outside the Beltway Against Federally Mandated Leave." Tomorrow, I will continue this series of extensions in opposition to H.R. 770 with the positions of the small business community and the Bush administration.

WORDS FROM OUTSIDE THE BELTWAY AGAINST FEDERALLY MANDATED LEAVE

Our view is shared by employees. A recent Washington Post/ABC News public opinion poll found that only 3% of the American public believes that parental leave legislation should be given high priority by the Congress. (Washington Post, April 6, 1989.) In addition, the "Employee Attitude Survey on Flexible Compensation" (Swinehart Consulting Inc., March 1987) shows that 91 percent of women and 80 percent of men prefer flexible plans over other benefit systems with fewer choices.

From Norfolk, NE:

"We must have a qualified, certified technical engineer to maintain our equipment to prescribed fidelity levels. Can you please tell me where we are going to find a qualified engineer for a predictably temporary job? In fact, where can we find a qualified temporary sales person, program director, sales manager, etc., etc.??? We have just finished a three month search for a qualified sales person? Our benefits are exemplary!!!"—Robert E. Thomas, Radio station WJAG/KEXI.

From Bristol, RI:

". . . as a mother of 5, grandmother of 12, please understand I am absolutely in favor of appropriate benefits; but they should not be mandated by the government . . . Your obvious concern will be that employers may not offer appropriate benefits; but believe me, if you look at the demographics of the work force nationwide, the competition is so keen that the benefit system will be self-driven and produce many creative cafeteria-style benefit programs. That, I believe, is the appropriate method to meet the needs of the individual employees in various situations across the nation."—Ursula M. Beauaregara, Administrator, Metacom Manor Health Center.

From St. Petersburg, FL:

"This legislation could unnecessarily inflate the cost of basic electric service and hurt families who are already struggling to meet their basic needs. To remain competitive, in some of our smaller companies should this bill pass, these mandated minimum benefits could force the reduction or elimination of other existing benefits or jobs."—Lee H. Scott, Florida Progress Corporation.

From Memphis, TN:

"The biggest problem we have with this one-issue approach to benefits is just that—it appeals to just one group of employees or applies just to limited circumstance. As I travel . . . I am impressed by the diversity of our employees. They are all ages, all races, male and female, some highly educated, some less so; some hold high-tech jobs, others do not. The 55 year old employee may be more interested in prescription drugs. The 24 year old single parent is probably more interested in child care. The more flexible a company benefit program, the better for the workplace."—Gary L. Burhop, Malone & Hyde, Inc.

From Harvard University:

". . . mandated benefit programs can work against the interests of those who most require the benefit being offered."—Respected public policy expert, Lawrence H. Summer, (Business Week, January 16, 1989.

SHOULD CONGRESS DESIGN THE BENEFITS PIE?

Congress will soon be asked to make an important decision which will affect the benefits received by millions of America's workers. The Family and Medical Leave Act, H.R. 770/S. 345, would mandate that all firms over a certain size provide 10 weeks family leave and 13 weeks medical leave (15 in the House version) for all employees. Health benefit continuation coverage and restoration to the same job position would also be mandated. The Family and Medical Leave Act sounds like a simple solution to the problems faced by workers struggling to balance work and family demands. The truth is that the needs of workers are as diverse as the workers themselves.

Creative policies and flexible benefit plans are the wave of the future. The use of flexible benefit plans rose considerably between 1986 and 1988 (Bureau of Labor Statistics, 1988 Survey of Employee Benefits in Medium and Large Private Firms). Today's plans include such options as health insurance, child care, flexible working hours, retirement plans and work sharing. The list of options is endless and continues to grow.

Mandated family and medical leave jeopardizes the rights of employers and employees to decide the work and family benefits best suited to their individual and mutual needs. More important, it puts at risk other, possibly more important, benefits. The pie cannot be expanded, only pieces adjusted. To accommodate a new piece, another one must be removed. For example, a survey conducted by the Census of Certified Employee Benefit Specialist found that a majority (62%) of respondents are concerned that mandated leave policies may actually reduce the overall flexibility of employers to meet the needs of a changing work force.

FREQUENTLY ASKED QUESTIONS

Q. Congress has enacted minimum standards such as child labor laws and health and safety standards. Isn't this just another labor standard?

A. No. While Congress has imposed anti-discrimination and safety measures on the workplace, it has always stopped short of indicating particular benefits. For example, there's no federal law mandating vacation benefits; and although ERISA regulates pension plans, it does not mandate that pensions be provided. A minimum standard should be designed to help everyone. Mandated leave would not help all workers.

Q. The 9–5 study shows that family leave policies help small business growth. Seven parental leave states experienced job growth while seven states without parental leave did not. Wouldn't you agree that this will actually benefit business?

A. This study has been discredited because it compares apples and oranges. The study draws a cause and effect relationship where there is none, ignores the impact of population changes on job growth and uses the manufacturing sector as the sole basis of its comparison.

Q. Doesn't the GAO (General Accounting Office) claim that there is virtually no cost to this bill—only a few dollars a year per employee?

A. The General Accounting Office claimed that federally mandated leave would cost employers $188 million to $212 million annually. Moreover, all GAO estimates only covered the employer's cost of continuing health coverage for the absent employee. The study ignored other implications of the legislation which are likely to constitute a far larger cost than health insurance alone. The study claims no cost in lost productivity or operational problems and no cost in recruiting, hiring or training the substitute employee to replace the employee on leave. The GAO admits that their 1988 estimates are 30 percent too low.

Q. Our surveys show that the majority of the American public favors parental leave.

A. While the American public may support parental leave as a benefit, it does not support federally mandated leave legislation. For example, a recent Washington Post-ABC News Poll found that only 3 percent of the American public believe that parental leave legislation should be given high priority by the Congress (The Washington Post, April 6, 1989).

Surveys used by the proponents are misleading because they simply ask whether parental leave is a good benefit. That is not the issue. The issue is whether the federal government should mandate it.

For example, surveys such as the one recently published in Better Homes and Gardens magazine simply asked whether or not parents should be able to take the leave. It did not ask whether it should be federally mandated. The surveys also don't ask employees whether they would be willing to sacrifice other benefits which they prefer in order to accommodate a mandate.

Q. You referred to flexible compensation plans. Don't few employers use cafeteria benefit plans?

A. You have to look a the trend toward cafeteria plans. According to the Bureau of Labor Statistics (1988 Survey of Employee Benefits in Medium and Large Private Firms), flexible benefit plans rose considerably between 1986 and 1988. This trend will continue. Flexible benefits are the wave of the future.

Q. You say that if this bill passes, employers may subtly discriminate against women. How can that be? This bill is available to both women and men.

A. We fear that employers will consider a woman's likelihood of taking mandated leave and subconsciously opt for candidates who aren't as likely to do so.

● A survey conducted by the Certified Employee Benefit Specialists found that "a majority (61%) are apprehensive that mandated leave policies may have an inadvertent discriminatory effect against hiring employees who would be most likely to use the benefit (such as women of childbearing age and persons with a history of or propensity toward illness, including older workers)."

● A 1988 CATO Institute Study ("Mandatory Family-Leave Legislation: The Hidden Costs") found that if the bill is enacted, "job opportunities for women would decrease, not increase."

Women are viewed as the primary caregivers—even by GAO which based its cost estimates solely on women. It stated that: "We believe that leave to care for new children is used predominately by women."

Q. Aren't we years behind the other industrialized countries?

A. We shouldn't base our policy on what everyone else does. Do we want the oppressive tax policies of these countries? Despite the extensive benefits available to European workers, a greater percentage of their working day must be devoted to purchase goods and services considered standard in this country. Do we really want to Europeanize our job creation record and standard of living by moving down the path of extensive European mandated employee fringe benefits?

Q. What is the Administration's position?

A. The Administration opposes the bill. Secretary of Labor Elizabeth Dole has stated that she will advise the President to veto the bill or any mandated leave legislation.

Q. How many employers currently offer leave policies?

A. A 1988 Bureau of Labor Statistics benefit plan survey of over 30 million employees at medium and large firms found that approximately 90% were covered by disability leave with some level of income replacement. In addition, a recent CENSUS of Certified Employee Benefit Specialists found that a solid 72% of respondents indicated that, in the absence of formal leave policies, employers with whom they are associated informally accommodate workers who are ill or have seriously ill children (CENSUS, March 1989, pp. 3, 4).

Q. Does action at the state level make the case for federal legislation?

A. The state laws have been in effect for only a short time period—not long enough to make a full determination of the impact on businesses operating in these states. However, we are already beginning to discover some of the adverse effects of these laws.

It is also important to note that these state laws are not as broad as the proposed federal "Family and Medical Leave Act" and place many more restrictions on how the leave can be used.

SAN CARLOS INDIAN RESERVATION

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. KYL. Mr. Speaker, today I am introducing legislation to transfer to the Secretary of the Interior the administration of surface rights in approximately 10,650 acres of land which are presently within the boundaries of the San Carlos Indian Reservation in Arizona, but which are managed by the Forest Service as part of the Coronado National Forest.

This legislation will resolve a longstanding controversy over the status of those 10,650 acres.

The south boundary of the San Carlos Reservation, which is affected by this bill, was originally established by President Grant in 1872. By an agreement dated February 1896, and ratified by the act of June 10, 1896 (29 Stat. 360), the San Carlos Tribe conditionally ceded approximately 232,000 acres of land, known as the San Carlos Mineral Strip, to the United States. In approving the agreement, Congress expressly provided that "the lands so surrendered shall be open to occupation, location, and purchase under the provisions of the mineral-land laws only."

San Carlos Mineral Strip lands were added to the Crook—now Coronado—National Forest by Presidential proclamations on July 1, 1908, and March 21, 1917. These actions were prohibited by the act of June 10, 1896. They also violated section 24 of the act of March 3, 1891 (26 Stat. 703), which authorized the Federal forest reserves to be created from public lands, not Indian lands, as well as section 10 of the 1891 act. Section 10 stated:

That nothing in this act shall change, repeal or modify any agreements or treaties made with any Indian tribes for disposal of their lands, or of any land ceded to the United States to be disposed of for the benefit of such tribes . . .

On June 17, 1963, Undersecretary of Interior Carr issued an order restoring the subsurface rights in the mineral strip to the San Carlos Apache Tribe, subject to any valid existing rights.

On July 17, 1963, Secretary Udall issued an order restoring the surface rights in the mineral strip to the tribe. The Forest Service objected that National Forest lands were not subject to the authorities under which the Secretary of the Interior's order was issued, and that there was no other authority by which the Secretary of the Interior could legally transfer National Forest lands to the tribe.

It is not the intent of my bill to transfer to the tribe lands owned by the United States. The purpose of the bill is to direct that the Secretary of the Interior administer the lands. The jurisdictional dispute between the Secretary of Agriculture and the tribe has impaired the ability of the tribe to make economic use of the land.

Mr. Speaker, I ask that the text of the bill be reprinted in the RECORD at this point.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Carlos Mineral Strip Act of 1990."

SEC. 2. DECLARATION OF BOUNDARY.

Congress hereby affirms that the San Carlos Indian Reservation includes those lands consisting of more or less ten thousand six hundred and fifty acres and generally depicted on the map entitled "San Carlos Apache Mineral Strip—Coronado Division" and dated April 24, 1990, which shall be on file and available for public inspection in the offices of the Chief, Forest Service,

and the Assistant Secretary for Indian Affairs, Department of the Interior, and the tribal offices of the San Carlos Apache Tribe. The boundary of the Coronado National Forest is hereby modified as depicted on the map referred to in this section.

SEC. 3. DATE OF ESTABLISHMENT.

The lands referred to in Section 1 shall be deemed to have been held in trust by the United States for the benefit of the San Carlos Apache Tribe since December 14, 1872.

SEC. 4. ADMINISTRATION OF LANDS.

All right, title, and interest in the lands referred to in section 1 shall hereafter—

(1) be administered by the Secretary of the Interior; and

(2) be held in trust by the United States for the benefit of the San Carlos Apache Tribe and to be a part of the San Carlos Indian Reservation for all purposes.

SEC. 5. SAVINGS PROVISION.

Nothing in this Act is intended to affect or modify any valid entries under the mining laws of the United States.

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join me in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Mr. Fehmi Abaci, Sevim Abaci, Mr. Brian Abdallah, Ramesh Agrawal, Ms. Cecylia Akdeniz, Jean Alcindor, Ms. Virginia Antonio, Meir Ari, Assef Azadeh.

Mr. Rolf Barth, Mr. Mordechai Baruch, Mr. Edmond Beauchard, Mr. Moise Belizaire, Ms. Inon Ben-Mashiah, Mr. Michael Bironi, Mrs. Shirley Boulay, Ms. Danielle Bright, Ms. Adeline Brims.

Mr. Adam Bryant, Ms. Marta Buchinger, Ms. Nadine Buissereth, Mr. Pierre Cadet, Mr. Agapito Caloobanan, Ms. Glenda Campbell-Dunn, Mr. Paul Caprice, Mr. Victor Casapao, Alourdes Celme.

Ms. Silvia Ceron, Hsin Yung Chang, Ms. Marie Chatelain, Ms. Andree Chery, Young Chooi, Ms. Adrien Damor, Ms. Dilenia De Castillo, Mr. Pershing De Leon, Ms. Elena Dennis.

Ms. Una Diaz, Jayakantham Doraikannu, Ms. Mary Ann Dougherty, Dieula Dragon, Mr. Patrick Dufrene, Mr. Robert Ellis, Ms. Cecilia Estevez, Ms. Marie Exume, Mr. Supremo Fabro.

Mr. Julio Farington, Mr. Oscar Fernandes, Ms. Freda Francois, Ms. Gerda Friedman, Ms. Marisa Gagliano, Mr. Manuel Garcia, Ms. Julia Giakoumidis, Ms. Eden Goldman, Ms. Malula Gonzalez.

Ms. Rosa Gonzalez-Frias, Ms. Daisy Gray, Ms. Eva Gross, Mr. Robert Gross, Mr. Manachem Hager, Ms. Chaya Harnik, Ms. Judy Heilpern, Mr. Juan Henriquez, Mr. Daniel Hernandez.

Ms. Ellen Mary Herron, Ms. Patricia Hoang, Mr. Thomas Hoang, Ms. Jessica Hong Lai, Ms. Jenny Huynh, Ms. Noreen Iyo, Mr. Declasse Joseph, Mr. Slavica Jovanovic, Mr. John Kafarides.

Kuldip Kaur, Mr. Paul Khoury, Sheindle Konigsberg, Vasken Korogluyan, Mr. Frank Laboriante, Lai Lam, Rodez Laurent, Ms. Francisca Lavin, Ms. Hellene Leconte.

Mr. John Lee, Gesner Lesperance, Ms. Mabel Leung, Guey Jung Lew, Mr. Noly Linsangan, Ms. Stephanie Liu, Ms. Jeanette Lord, Mr. Louis-Jean, Ms. Oriol Louis-Jean.

Pascale Luse, Mr. Hung Bac Luu, Mr. Ricardo Mabanta, Mr. Joselito Magyawe, Mr. Victor Mallo, Mr. Aleko Maridis, Mr. Tony Marseille, Ms. Maria Martinez, Ms. Rosita Max.

Ms. Susan McCarter, Mr. Rolando Mendoza, Piao Mo, Mr. Abed Muhsen, Jean Nemorin, Ms. Miriam Neuman, Ms. Nicky Norfleet, Ms. Estela Ocampo, Mr. Fabio Olivo.

Mr. Jose Olivo, Ms. Cherry Orly, Ms. Marilyn Paisley, Mr. Patrick Paisley, Ms. Kadie Palmer, Mukeshchandra Patel, Ms. Blaca Patino, Ms. Lola Paz, Ms. Lucia Paz.

Chandara Pen, Chhay Kim Pen, Chhom Pen, Mr. Nelson Pena, Mr. Pablo Pichard-Hernandez, Nereida Pichardo, Ms. Melanie Pierre, Ms. Phyllis Pinto, Mr. Michael Po.

Mr. Hillel Porges, Ms. Eleonore Porteous, Suryakant Ramanbhai, Mr. Soledad Ramos, Renel Raphino, Mr. Leonardo Reyes, Mr. Roumer Richemond, Ms. Ione Riley, Mr. Orlando Rodrigues.

Ms. Gina Rodriguez, Mr. Karl-Henry Rodriquez, Mr. Mohamed Roshdy, Mr. Jacob Rothman, Ms. Sara Rottenberg, Ms. Angela Rozas, Arfvel Saint-Vil, Mr. James Salazar, Mr. Rafael Sanchez.

Jasmeet Sandhu, Mr. Augusto Santos, Ms. Joy Santos, Piboon Sathapornwongkul, Ms. Maria Scaffidi, Kyung-Ja Scalia, Mr. Antony Schwartz, Hansika Shah, Ms. Stephanie Sherman.

Ms. Ilda Simao, Ms. Alice Siminig, Mr. Jayaram Srivatsan, Mr. Belkis Staffiero, Mr. John Staffiero, Mr. Ichak Stern, Ms. Leah Stern, Ms. Rivka Aorelia Stern, Mr. & Mrs. Libor Stetka.

Seung Taek Suh, Mr. Loreto Sumallo, Ms. Brigid Sutton, Sohair Tadros, Chour Seak Tang, Ms. Kimberly Tang, Mr. Patrick Tertulien, Mr. Joseph Tholany, Mr. Joseph Thomas.

Cang Kim Tran, Mr. George Turturiello, Ms. Cauldelia Ulibas, Ms. Ermelinda Vargas, Ms. Mercedes Vargas, Mr. Manuel Vazquez, Mr. Juan Veras, Ms. Rosy Vidayathil, Ms. Gladys Villa.

Ms. Valsa Vlamannan, Ms. Edith Volmar, Ms. Marilyn Weinfeld, Ms. Gillian Weis, Ishaia Weisbord, Ms. Nympha Weitzner.

EASTERN AIR LINES BANKRUPTCY EXAMINER'S REPORT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. GINGRICH. Mr. Speaker, I have been asked by a group of former Eastern Air Lines employees who live in my district to place the entire Eastern Air Lines bankruptcy examiner's report in the CONGRESSIONAL RECORD.

My constituents feel that the public has a right to know what Frank Lorenzo has done to Eastern Air Lines. As my colleagues will remember, Mr. Shapiro, the court-appointed examiner in the Eastern bankruptcy, found that, in 12 out of 15 instances, it was reasonable to assert claims totaling between $284.5 and $403.1 million. In essence, the examiner found that it was reasonable to support claims that Texas Air had unfairly drained assets from Eastern Air Lines.

Because of the concerns a number of my colleagues have with the $40,436 cost of printing the entire report in the CONGRESSIONAL RECORD, I would like to bring the following summary of the report to the attention of my colleagues and to the public.

This summary was prepared to serve as a guide for the entire report. For any of my colleagues who wish to see the full report, it can be purchased by calling (215) 425-2711.

SUMMARY

A close examination of Texas Air Corporation dealings with Eastern demonstrates how Lorenzo has implemented an overall strategy to strip key component parts from Eastern for the purpose of transferring those assets to the rest of the Texas Air family. These actions have diminished the value of Eastern while enriching sister subsidiary Continental and the parent company, Texas Air.

Eastern management is controlled by Frank Lorenzo and Texas Air through managers installed in positions of authority at Eastern, who owe their allegiance to Texas Air and Lorenzo. The compensation of these executives is largely based on the performance of Texas Air, not Eastern. All of them own Texas Air stock or have Texas Air stock options. During the period that Eastern management was selling assets, purportedly to raise cash, it was diminishing Eastern's value while enriching its affiliates, primarily Texas Air and Continental. Eastern management engineered the transfer of value by:

Selling Eastern assets and services for less than they were worth.

Financing the sale of Eastern assets and receiving substandard credit instruments that were not marketable.

Purchasing assets and services from Texas Air and affiliates for more than they were worth, and purchasing unnecessary assets and services.

Making operating decisions that enhanced the interests of Texas Air and its subsidiaries at the expense of Eastern (i.e., curtailing service from Eastern markets that were subsequently picked up by Continental).

Lending cash to affiliated companies, while at the same time claiming a need for liquidity.

In order to more fully investigate, Texas Air's "asset transfer scheme", the Bankruptcy Court (in March 1989) assigned Examiner Shapiro to report upon "certain disputed pre-petition transactions and relationships" between Eastern and Texas Air and its 2 affiliated companies. While limited to just 15

such transactions, the conclusions documented in the recently issued (March 1, 1990) Report of the Examiner and the Examiner's Analysis are very clear.

First, Texas Air was accused of taking hundreds of millions of dollars (at least $493 million, adding all the Examiner's figures) out of Eastern in a series of transactions beginning in 1986. (The lower $403 million figure reported in the press did not include the additional $90 million claim that the Examiner referred to in connection with the original acquisition. See Section 8.2 pg. 3 or Report pg. 81) The Examiner reported these asset transfers could be challenged as "self-dealing" on the part of Texas Air. He went on to outline thirteen deals that specifically benefited Texas Air and its non-union subsidiary Continental, at Eastern's expense. In fact, Examiner Shapiro stated in the strongest possible language: "The history uncovered in the course of the investigation reveals a host of transactions where Eastern apparently suffered from conflicts of interest on the part of Texas Air and the interlocking officers and directors it has put in place. Indeed, there are indications that from time to time Texas Air's officers entertained the notion to 'Cherry pick' Eastern assets to the benefits of Continental." (Report pg. 103)

From the very first transaction investigated, the Examiner was highly critical of Texas Air's actions. Examiner Shapiro noted that even in Texas Air's initial acquisition of Eastern in 1986, there was "no clear evidence that the acquisition by Texas Air was anything other than harmful to Eastern economically." (Report pg. 80)

Second, although the Examiner was very careful not to draw any conclusion as to criminal misconduct, his report provides a detailed, and at times scathing examination of the relationship between Texas Air and Eastern and the pre-petition transactions. The Examiner reported that he: "Has determined that twelve of the fifteen pre-petition transactions referred to him for investigation would have sufficient merit to warrant assertion of claims on behalf of Eastern against Texas Air or others under either a theory of constructive fraud on creditors or a theory of breach of fiduciary duty." (Report pg. 98)

Under ordinary circumstances, the Examiner reported he would recommend that the Court commence "adversary proceedings to prosecute claims on behalf of the estate concerning the pre-petition transactions." (Report pg. 74) However, because Texas Air and Eastern have agreed to a "settlement" of these claims, the Examiner has suggested that the Court look toward approval of the proposed settlement and hold off the question of commencing adversary proceedings against Texas Air.

Of the potential $493 million in pre-petition claims documented by the Examiner, Texas Air and Eastern have agreed to a $280 million settlement, of which only $133 million would be paid in cash upon confirmation (and of this amount, $26 million represented a pension payment Texas Air was already mandated to make by a Court Order of September 13, 1989). The balance will be in the form of "soft assets." Thus, even under the Examiner's proposed settlement, Eastern will receive only $107 million in real cash of the more than $493 million taken from it illegally by Texas Air and Continental. Referring to this settlement, ALPA attorneys have accused the Examiner of being willing, "despite the clear rape of [Eastern] by its parent, to let the rapist go free."

Third, referring to the crucial need for increased vigilance in the future, the Examiner stated: "In view, however, of the continuing danger of conflict of interest, the Examiner deems it essential that any plan of reorganization contain safeguards against any future sacrifice of Eastern's interest to those of Texas Air and its other affiliates. The Examiner therefore "strongly recommends that the Court not approve any plan that does not include appropriate undertakings by Texas Air in this regard, provide for a continuing monitoring arrangement to assure compliance with them, and reserve oversight jurisdiction in the Court." (Report pg. 104)

Finally, The Report of the Examiner and the Examiner's Analysis of Pre-Petition Transactions strongly vindicate Eastern unions' position and their long-standing contention that Texas Air Chairman Frank Lorenzo bought Eastern intending to strip it of its best assets (i.e., planes, gates, landing slots and cash) to benefit his non-union carrier Continental and Texas Air to the severe economic detriment of Eastern and its unionized employees.

The following sections detail some of the specific pre-petition transactions which took place after Texas Air gained control of Eastern. What is important in each of these is not so much the Examiner's recommendations, but rather the diversity of the schemes utilized by Texas Air to transfer assets and hence, value from captive Eastern to non-union Continental and Texas Air itself.

TAB 1—TEXAS AIR'S ACQUISITION OF EASTERN

In connection with the 1986 acquisition, Eastern paid Texas Air a $20 million inducement fee and funded approximately $109 million of the total cash paid by Texas Air to Eastern's shareholders. Texas Air in turn paid Eastern approximately $68 million to purchase previously unissued Eastern stock. Thus, the acquisition of itself by Texas Air cost Eastern a net amount of $61 million in cash. This payment of cash by Eastern directly benefited Texas Air by reducing the cash it had to pay for the acquisition. The Examiner found it doubtful that Eastern received any benefit from making this payment. In fact the Examiner stated, "there was no clear evidence that the acquisition by Texas Air was anything other than harmful to Eastern economically" (Report pg. 80). The Examiner has reported that it would be reasonable for Eastern to assert a claim in the amount of approximately $61 million.

This $61 million amount includes only the net cash payment to Eastern's common shareholders and does not include an additionally $90 million that Eastern paid in dividend arrearages on its preferred stock, unreimbursed expenses and other items relating to the acquisition. Since most if not all of these expenditures would not have occurred but for the acquisition, there is a basis for seeking to recover the additional amount. If proceedings were brought to recover in connection with the acquisition, the Examiner recommended that consideration be given to adding a claim for this $90 million as well. This brings the total acquisition recovery amount up to $151 million. (Report, footnote 44, pg. 81)

TAB 2—EASTERN'S $16 MILLION RECEIVABLE FROM TEXAS AIR

Apparently, to improve the appearance of Eastern's financial statements, approximately $16 million in expenses paid by Eastern in connection with the acquisition by Texas Air were recorded as a receivable from Texas Air. The purpose was to permit the expenses to be capitalized and charged against income over time rather than immediately. (Report pg. 81) Although Eastern showed this amount as an asset on its balance sheet for two years (a non-interest bearing receivable payable on demand), no effort was made by Eastern to collect until the matter became the subject of attention in litigation between the unions and Eastern. Finally, in October 1988, Texas Air paid the receivable without interest. At the rate being paid by Eastern to borrow money at the time, this two-year forbearance cost Eastern approximately $5 million in lost interest alone. (Report pg. 81) In contrast Texas Air demanded immediate payment of $4.8 million for fees and expenses related to the failed sale of the Shuttle to a Texas Air subsidiary.

This was a genuine obligation and Eastern treated it as such in its publicly filed financial reports. There is authority in the Bankruptcy Court for the principle that forbearance from collecting a receivable due on demand can be viewed as a transfer of rights without fair consideration. Moreover, a controlling stockholder's failure to pay a substantial receivable (and officer's and directors' failure to make any collection effort) in a time of financial need would appear to be an appropriate subject for a claim of breach of fiduciary duty. According to the Examiner, the probable amount of recovery should be at least $5 million. (Report pg. 82)

TAB 3—MANAGEMENT FEES PAID BY EASTERN TO TEXAS AIR

Eastern paid Texas Air a $6 million management fee annually ($500,000 per month) from January 1, 1987 until filing for bankruptcy in March 1989, when the fee was reduced to $250,000 per month. During that time Texas Air charged Continental and SystemOne fees of $400,000 and $100,000 per month, respectively. the aggregate fees from the three subsidiaries were intended to cover Texas Air's annual expenses for financial, investor, government relations and other services provided to them by Texas Air. (Report pg. 82)

However, the evidence found by the Examiner raised questions as to whether the value of the services received by Eastern, or the cost incurred by Texas Air in providing those services, was equivalent to the fee paid by Eastern. The unions still assert that in fact, there were no readily apparent or tangible services provided. Further, although Eastern initially was charged a greater fee than Continental because surpassed it in size in the latter part of 1987, and there is no clearly sufficient justification for its having been required to do so. At a minimum, the Examiner stated that it would be reasonable to assert a claim, with a probable recovery of about $1.4 million (the excess of Eastern's fee over Continental's from January 1988 through February 1989). (Report pg. 83) At a maximum, one might contend the entire fee charged, of over $15 million, should be recovered from Texas Air.

TAB 4—CONTINENTAL-EASTERN SALES, INC. (CESI)

Continental-Eastern Sales, Inc. was formed in December 1986 to ostensibly com-

bine the sales forces and City Ticket Office ("CTO") operations of Continental and Eastern. It was owned equally by the two airlines, and expenses were divided between them using various ratios based on revenues and/or mileage. However, the transaction immediately favored Continental.

The Examiner's investigation revealed evidence that Eastern contributed substantially greater numbers of experienced sales personnel, sales offices and CTO's without an equivalent corresponding contribution from Continental. Specific investigation aslo revealed Eastern brought 166 sales offices to CESI compared to 27 from Continental. Eastern's offices were concentrated mostly in the high-traveled and heavily populated Northeast, where Continental desperately needed sales offices to support its People Express acquisition. Conversely, the relative few Continental sales offices were located in markets where Eastern had little or no presence, and, therefore, were of little value to Eastern. The Report also revealed evidence the CESI maintained excessive accounts receivable from Continental which improved Continental's cash flow position, at times at Eastern's direct expense. (Report pg. 84)

By December 1988, Continental and Eastern jointly dissolved CESI. Mr. John Nelson, former Eastern Executive Vice President of Marketing, who had headed CESI, became Executive Vice President of Continental's Marketing division. At a minimum, the Examiner documented the probable amount of recovery would be in the range of $1 to $3 million.

TAB 5—AIRCRAFT TRANSACTIONS BY EASTERN WITH CONTINENTAL

In late 1986, Eastern decided to dispose of six A300 aircraft. In February 1987, Eastern entered into a four-year lease agreement with Continental for these aircraft, providing a fixed purchase option price that could be exercised at the end of the lease term. Upon delivery of the aircraft, Continental learned that the A300s were in worse condition than it had expected, and convinced Eastern to restructure the lease in terms of the method of payment and the financing of modifications and maintenance costs. By late 1988, Continental and Eastern agreed to exercise the purchase option and Eastern sold the A300s to Continental. Continental immmediately entered into a sale/leaseback agreement with a third party at a profit to Continental.

The results of the Examiner's investigation support a contention that Eastern did not receive fair value for its lease and eventual sale of the A300s to Continental. Eastern initially agreed to a very low lease rate and locked itself into a purchase option price based on the 1987 market with the option was to be exercised four years later and the market was rising. Further, the restructuring of the lease agreement appears to have remedied Continental's cash-flow problems to Eastern's detriment. While these transactions are complex, the Examiner reported it would be reasonable to assert a claim in the range of $5.7 million to $11.5 million. (Report pg. 85)

TAB 6—PEOPLE EXPRESS NOTES PURCHASED BY EASTERN FROM TEXAS AIR

In March 1987, Eastern purchased People Express unsecured notes due 2001 with a face value of $30 million from Texas Air for approximately $26 million in cash. This acquisition was approved by Eastern's Board of Directors under circumstances warranting an inference that Eastern's management and the common directors made material omissions and misrepresentations. In addition, the price that Eastern paid appears excessive since it was based on the market price of unrestricted securities, whereas the notes held by Eastern are restricted securities which could not be freely sold. Finally, these unsecured notes, which Texas Air had selected for Eastern, have not performed as well as secured notes of People Express held by Texas Air that could have been sold to Eastern instead. Texas Air realized over a $4 million profit on the sales of these notes to Eastern. The purchase made no economic sense for Eastern for two reasons:

The notes were of questionable worth, and

Eastern was, according to its management, desperate for cash.

The Examiner reported that there were reasonable grounds for a claim relating to Eastern's purchase of the People Express notes, with a probable range of recovery of between $8 million and $11 million. (Report pg. 85)

TAB 7—SALE OF NEWARK GATES LEASE FROM EASTERN TO CONTINENTAL

Effective February 1, 1987, Eastern assigned its lease of sixteen gates at Newark International Airport to Continental in exchange for an $11 million promissory note (due in 1998) and a sublease of five gates. Although the witnesses involved in the deal testified that the $1 million per gate price was based on comparable transactions at Newark, the only other assignment of gates at Newark resulted in a price of $1.9 million per gate. Before the transaction, Eastern's Newark gates were valued at $2.03 million per gate by a consultant hired by Eastern (AVMARK), and at $1.875 million each by Eastern itself and Eastern's own investment banker. The evidence concerning the transaction suggests something less than arm's length negotiations. A year earlier, in December 1986, Eastern had sold 8 gates in the less congested Charlotte Airport, to Piedmont for $25 million in cash. The Examiner believes that there were reasonable grounds to assert a claim that Eastern received less than fair or reasonably equivalent value in the Newark gates transaction, with a potential recovery in the range of $10 million to $14 million. (Report pg. 86)

TAB 8—TRANSFER OF INTERNATIONAL ROUTE AUTHORITY FROM EASTERN TO CONTINENTAL

In conjunction with the Department of Transportation's approval of Texas Air's acquisition of Eastern, Eastern's international route certificates were reissued to allow Eastern or Continental, but not both, to serve those routes (Eastern received no monetary compensation for any of its routes from Continental). Among the numerous routes co-certified were Eastern's Mexican and Canadian routes, its Miami-London route, and its Central and South American routes. After the acquisition, Continental began to serve Eastern's Miami-London and some of the Mexican routes. The Miami-London route is now being sold by Continental, not Eastern, to American.

Before the acquisition, Eastern had a single "tag" flight between Baltimore and Ottawa, which was maintained to prevent any competing carrier from obtaining such authority. After the acquisition, Eastern and Continental agreed that Continental would use the authority to fly between Washington and Ottawa and Montreal, and Eastern had to drop its Baltimore flight. (Report pg. 87)

TAB 9—TEXAS AIR FUEL MANAGEMENT ARRANGEMENT WITH EASTERN

TAC Fuel Management, Inc. ("TAC FMI"), a wholly owned subsidiary of Texas Air, was formed in 1987 to (1) combine and coordinate the fuel purchasing activities of Eastern and Continental, (2) develop more sophisticated purchasing strategies, and (3) invest in petroleum refining, transportation and storage facilities. To finance these activities, each carrier paid TAC FMI a one cent per gallon fee/surcharge. This translated into approximately $10–$12 million per year in fees that went from Eastern directly to Texas Air. The Fuel Service Agreement between TAC FMI and each carrier also estimated savings of up to 5% of each carrier's fuel costs, or roughly 2.5 to 3.5 cents per gallon, and provided that at least 75% of the fees paid would be invested in fuel facilities.

In reality, the fees paid by Eastern to TAC FMI were comingled with other Texas Air funds and invested in short-term marketable securities. There were no investments in fuel facilities. The cost savings Eastern realized from TAC FMI's activities were less than the fees Eastern paid. Accordingly, the Examiner reported there were reasonable grounds for asserting that Eastern had received no benefit from its association with TAC FMI and Eastern should recover the entire amount of fees paid less what it would have spent to provide its own fuel management services, for a net recovery in the area of $18.8 million. (Report pg. 88)

TAB 10—EASTERN'S SALE OF SYSTEMONE TO TEXAS AIR

Before its acquisition by Texas Air, Eastern had been seeking equity partners (among them Continental) to help finance expansion and improvement of its computer reservation system ("CRS"), SystemOne Direct Access ("SODA"). In February 1986, Merrill Lynch valued SODA at $200–$250 million. (Report pg. 88) Although there were serious negotiations with a potential consortium of carriers based on such a valuation, those negotiations broke down. In June 1986, Eastern created two new wholly-owned subsidiaries, SystemOne Direct Access Inc., which made "SODA" a separate corporate entity, and EAL Automation Systems ("EASI"), which would provide telecommunications and data processing services to Eastern and to SODA. On the day the subsidiaries were created—which was after Texas Air had agreed to acquire Eastern—Texas Air issued a press release stating that SODA and EASI would ultimately be transferred to a wholly-owned Texas Air company to be known as SystemOne Corporation. The next day, Eastern and Continental entered into an agreement formalizing Continental's participation in SODA by granting Continental the right to purchase 4.9 percent of its stock for $12.25 million (i.e., 49 percent of $250 million).

In December 1986, Eastern's Board authorized management to continue negotiations for the sale of SODA and EASI to Texas Air. Financial analysts from Duff & Phelps opined in January that the sale of SODA/EASI for a $100 million long-term Texas Air note would be "fair from a financial point of view." There were apparently no price negotiations between Eastern and Texas Air. On March 3, 1987, Eastern's Board unanimously approved the sale for a $100 million, 6 percent convertible subordinated Texas Air note due in 25 years (2012). The transaction closed on April 10, 1987 and included agreements for the continued pro-

vision of services by SODA and EASI to Eastern on a long-term basis. Under this agreement, Eastern paid almost $130 million to use its old CRS in just the first year of the agreement ($30 million more than it was sold for).

Eastern has asserted several reasons for the sale of SODA and EASI to Texas Air. The first and primary reason presented to Eastern's Board was that, unlike Eastern, Texas Air could meet SODA's and EASI's mounting financial needs. There is evidence that Eastern was concerned over such financial requirements even before Texas Air agreed to acquire Eastern. The evidence is not clear, however, as to the amount of funds needed or whether Eastern anticipated that the subsidiaries would generate sufficient cash-flow to meet their financial requirements without the infusion of outside capital. In any event, Texas Air's cash contribution to System One has been limited to a revolving line of credit. (Report pg. 90) A second asserted reason for the sale was a desire to expand SODA's travel agent base and thereby increase Eastern's "halo" benefits (i.e., increased bookings that result from travel agents' tendency to favor the carrier that provides the CRS). There is evidence to show that Continental (a predominantly Western U.S. carrier), was a good match for Eastern (a predominantly Eastern U.S. carrier), but the Examiner's evidence also shows that Continental would have continued to participate in SODA had Eastern not sold the subsidiaries to Texas Air. A third reason given for the sale—expected cost savings from economies of scale—also does not appear to have been dependent on the sale to Texas Air. (Report pg. 90).

Whether or not the consideration paid by Texas Air was adequate depends on the reliability of the Duff & Phelps fairness opinion. The Examiner uncovered evidence that Eastern provided Duff & Phelps with undervalued financial projections and that their opinion was based on several incorrect assumptions or omissions. Adjustment of the Duff & Phelps valuation for possible changes in the financial projections and assumptions yields significantly higher values for SODA and EASI. Deloitte & Touche, ALPA's experts, testified that SODA's value should have been determined by comparison to the contemporaneous sale by TWA of 50 percent of its PARS system to Northwest Airlines for $140 million, producing a value for SODA of $334 to $394 million, to which $103 million should have been added for EASI (or a total of between $437 to $497 million).

Although the Examiner found it extremely difficult to value a CRS, his analysis of the available evidence indicated that Eastern sold SODA/EASI for less than fair value, by an amount in the range between $150 and $250 million. (Report pg. 91)

TAB 11—BAR HARBOR AIRWAYS TRANSACTION

Bar Harbor Airways was a commuter carrier operating as an Eastern feeder under Eastern's name. In response to Bar Harbor's financial needs, Texas Air agreed in April 1987 to provide funding and purchase an equity interest. In June 1987, Texas Air assigned its financial obligations to Eastern and its ownership rights to Continental. Continental obtained a 50 percent equity interest for $1.4 million. Eastern bought a $5 million subordinated note convertible into Bar Harbor common stock, sold Continental an option on it for $500,000, and established a $5 million line of credit for Bar Harbor. As part of the transaction, Bar Harbor was to acquire Provincetown-Boston Airlines ("PBA"), a troubled commuter owned by Continental, for $1.

In October 1987, the Commuter Division of Texas Air was moved to Continental to coordinate and oversee all its commuters, including Bar Harbor. In late 1987 and early 1988, Bar Harbor again experienced financial difficulties arising in part from operation of PBA, leasing of new ATR aircraft from Continental, and replacement of a Continental feeder in Philadelphia. Eastern supplied much of Bar Harbor's financial needs during this period, and by the end of 1988 Bar Harbor owed Eastern $16.9 million. In September 1988, for the first time, Continental began to provide significant funding to Bar Harbor. In January 1989, Continental purchased a portion of the subordinated note from Eastern. Eastern and Continental then converted their shares into Bar Barbor common stock. At this point, Continental had spent $12.2 million for a 43% share of Bar Harbor and Eastern had spent $32.3 million for its 41% share.

The evidence uncovered by the Examiner shows that Eastern provided disproportionate financial support for a commuter that was virtually controlled and operated by Continental and from which Continental received substantial benefits, and that it did so under unfavorable financial terms. The Examiner reported that Eastern's contributions exceeded by some $10.6 million to $12.4 million the value to Eastern of its ultimate 41 percent equity interest. (Report pg. 92)

TAB 12—STRIKE CONTINGENCY FEES PAID BY EASTERN TO CONTINENTAL

In March 1988, Eastern entered into an Option Agreement with Continental under which Continental would provide Eastern with pilots and flight attendants to enable Eastern to continue its operations in the event of a pilot strike. When a strike did not materialize during 1988 and Eastern concluded that the arrangement was generating unduly adverse labor and public reactions, the Agreement was allowed to lapse by its terms on November 30, 1988. In the interim, Eastern paid Continental a total of $49.8 million in charges specified in the Agreement for training 419 reserve pilots and 600 flight attendants; in essence a readiness fee to pay pilot salaries, payroll costs and maintenance preparedness. The willingness of Eastern management to spend millions in this manner supports the unions' claims that the Eastern/Texas Air team's basic intent has been to eliminate union representation.

TAB 13—EASTERN'S DEPOSIT OF CASH COLLATERAL FOR TEXAS AIR'S GUARANTEE IN CONNECTION WITH A $200 MILLION PRIVATE PLACEMENT

In March 1988, Eastern issued $200 million of Second Priority Secured Equipment Notes due 1993 in private placement. Texas Air agreed to guarantee a portion of Eastern's obligations under this borrowing in consideration of Eastern's payment of guarantee fees. Eastern secured this partial guarantee by depositing $40 million in cash demanded by Texas Air. This collateral deposit earned interest at a rate below both Eastern's and Texas Air's cost of borrowing. The Examiner's investigation raised questions as to whether the deposit was approved by Eastern's Board of Directors and, if so, whether misstatements were made to the purchases of the notes. (Report pg. 94)

The Examiner's evidence suggests that Texas Air apparently treated Eastern less favorably in connection with this guarantee than it had treated Continental in an analogous situation where it had required no collateral for a much larger guarantee just one year earlier. Moreover, Texas Air loaned Continental $193.5 million during this period, on an unsecured basis. Further, Texas Air required Eastern to post the $40 million cash deposit as security for a $69 million secondary liability at the same time that Eastern held $186 million in unsecured obligations of Texas Air and its affiliates. The Examiner reported there were grounds to seek recovery on behalf of Eastern in the amount of $5–$7 million, based on the spread between Eastern's cost of borrowing and the interest that the $40 million security deposit earned. (Report pg. 94)

TAB 14—EASTERN'S $40 MILLION LOAN TO CONTINENTAL

In June 1988, Eastern made a $40 million loan to Continental, which was repaid a few days before Eastern's Chapter 11 filing. This loan took place just three months after Eastern had given Texas Air $40 million in cash collateral as described above, which itself was just weeks before Texas loaned Continental $43.5 million; the $43.5 million loan was, in turn, repaid only weeks after the $40 million Eastern loan to Continental. Although Eastern denied any connection amount these various events, the timing raises serious questions concerning subordination of Eastern's financial interests to those of Continental. (Report pg. 95) During the same time frame, Eastern applied to the IRS for a waiver of a $105 million obligation for underfunded pension contributions because it "didn't have the cash".

TAB 15—EASTERN'S PAYMENT OF CASH DIVIDENDS ON PREFERRED STOCK GUARANTEED BY TEXAS AIR

Eastern has four series of publicly traded perferred stock. The most junior of these series was issued as part of the consideration to the former common stockholders of Eastern pursuant to the acquisition and is guaranteed by Texas Air. Eastern paid cash dividends on these merger preferred stocks for each quarter prior to the bankruptcy, while paying dividends in kind (by issuing additional shares) on the three more senior series of preferred stock for the last three quarters prior to the bankruptcy. This cash outflow occurred at the same time Eastern was selling assets to raise cash liquidity.

The effective cost of paying dividends in kind was the present value of future dividends on stock given as dividends and related sinking fund costs. If this effective cost of dividends in kind was lower than Eastern's borrowing rate, dividends should have been paid in kind. This seems to have been the case with the guaranteed stock, the difference during the final two quarters of 1988 having been about $200,000.

Of greater significance, the last cash dividend payment of approximately $6.7 million on the merger preferred stock occurred just days before Eastern declared bankruptcy, at a time when Eastern's borrowing cost was practically infinite because of its poor financial condition. This payment of cash dividends definitely benefited Texas Air in that paying in kind would have meant issuance of additional shares on which Texas Air would be the guarantor. Accordingly, the Examiner reported that there were reasonable claims on behalf of the estate in the approximate amount of $8 million. (Report pg. 96)

EXAMINER'S ESTIMATE OF PRE-PETITION CLAIMS RECOVERY

To summarize, the fifteen pre-petition claims investigated by the Examiner have the potential recovery values of between $284.5 to $493.1 million as outlined in the table on the following page. The unions believe that even these staggering numbers are still too low. Had these transactions never taken place, Eastern would have remained a much stronger carrier with the possibility of there having to be a union confrontation, a strike or the bankruptcy filing.

EXAMINER'S ESTIMATED RECOVERY VALUE FOR EASTERN ASSETS—INVESTIGATED TRANSACTIONS

Asset transfer transaction	Recovery/settlement value
Texas Air's acquisition of Eastern	$61 to $151 million.
Eastern's $16 million receivable from Texas Air.	$5 million.
Management fees paid by Eastern to Texas Air.	$1.4 million.
Continental-Eastern Sales, Inc.	$1 to $3 million.
Aircraft transaction by Eastern with Continental.	$5.7 to $11.5 million.
People Express notes purchased by Eastern from Texas Air.	$8 to $11 million.
Sale of Newark gates lease from Eastern to Continental.	$10 to $14 million.
Transfer of international route authority from Eastern to Continental.	Not estimated.
Texas Air fuel management arrangement with Eastern.	$18.8 million.
Eastern's sale of System One to Texas Air	$150 to $250 million.
Bar Harbor Airways transactions	$10.6 to $12.4 million.
Strike contingency fees paid by Eastern to Continental.	$180,000.00.
Eastern's deposit of cash collateral for Texas Air's guarantee in connection with $200 million private placement.	$5 to $7 million.
Eastern's $40 million loan to Continental	No claim.
Eastern's payment of cash dividends on preferred stock guaranteed by Texas Air.	$8 million.
Total	$284.5 to $493.1 million.

In addition to these fifteen transactions investigated by the Examiner, Texas Air has implemented numerous other schemes to transfer assets from Eastern. The next two sections briefly deal with just two of these schemes.

EASTERN SHUTTLE SALE

Eastern initially attempted to sell its profitable Northeast Shuttle operation to a new Texas Air division for $125 million in cash and a $100 million note. When blocked by the unions, the Shuttle was then sold for $365 million (or $145 million more) to New York developer Donald Trump.

At best, the Shuttle sale was an ill-conceived plan. Its loss to Eastern was not offset by the infusion of cash it brought since most went into the Escrow Account and has not been available for current operations. Eastern's shuttle was a highly visible brand name that had been developed over two decades. And, as the only consistently profitable segment of Eastern, it added $40–$60 million annually into Eastern cash flow. It sale also significantly reduced Eastern's presence and visability in the critical Northeast corridor.

Additionally, the removal of the Shuttle from Eastern did not result in the total removal of Shuttle-related overhead expenses. When the loss of cash flow was combined with these residual overhead expenses, the balance resulted in a loss of $30–$40 million to Eastern rather than the $60–$70 million gain originally claimed by Eastern management.

EASTERN DOWNSIZING SCHEME

Since the takeover of Eastern by Texas Air, Eastern has been "downsized" through reduced flying and reduced aircraft utilization, and through direct as well as indirect transfer of its flying to Continental. This is in addition to the previously mentioned direct asset transfers (See Section 9, Texas Air's Route Transfer Scheme).

In the 21 month period from February 1986 until September 1988, this "downsizing" strategy reduced Eastern's available seat miles (ASM's) by 25%; yet this resulted in a 31% increase in Eastern's cost per available seat mile. Thus, by reducing/transferring its capacity by one-fourth, Eastern increased its unit cost by nearly one-third. Far from improving Eastern's financial condition, this "downsizing" strategy has significantly worsened it, as Eastern's operational performance continues to deteriorate based on the management decisions made since the Texas Air takeover.

But, mis-management at Eastern has not necessarily translated into trouble for Continental and Texas Air. Nationally, Eastern's traffic has plummeted since the takeover in 1986, while Continental's has increased markedly. Domestic routes represent intangible assets that nevertheless have real, underlying value. Often, where Eastern has dropped routes or services as a result of the downsizing strategy, Continental has generally increased service in those markets. In these cases, no assets have physically changed hands, and yet real value has been transferred from Eastern to Continental.

This not so subtle strategy of asset and route transfer has been further enhanced through Onepass, Eastern and Continental frequent flyer program. When Eastern dropped a route that Continental then picked up, Continental gained the majority of Eastern's market share because of consumer inclination to take advantage of the mileage bonus benefits.

EXECUTIVE SUMMARY CONCLUSION

The evidence set forth by the Examiner and other parties strongly suggests that the types of asset transfers detailed in this section are the result of a well thought-out and executed Texas Air plan to systematically strip Eastern of component parts while shifting them to Continental and Texas Air, leaving Eastern unable to function as an independent carrier. Hence, Examiner Sharpiro's reference in his report to the "cherry picking of Eastern's assets to the benefit of Continental".

Texas Air, through its Eastern management team, has and continues to extract value and worth from Eastern leaving its creditors and employees "holding the bag." Key components have been removed while leaving enormous debt behind. The small cash investment that Texas Air made in purchasing Eastern has already been extracted. What remains is the mortgaged empty shell of Eastern's former self.

THE AMERICAN STANDARD FOR HIGH QUALITY

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. VALENTINE. Mr. Speaker, among the proudest but lesser known achievements of the 100th Congress was the Malcolm Baldrige National Quality Improvement Act of 1987—Public Law 100–107. First proposed by Science and Technology Committee Chairman Don Fuqua in 1986, the legislation was reintroduced by Congressman DOUG WALGREN and became law through the efforts of the committee's current Chairman ROBERT A. ROE, Congressman WALGREN, and Congressman SHERWOOD BOEHLERT. The act establishes the Malcolm Baldrige National Quality Award which is presented annually to a handful of American companies which have best implemented the concept of total quality management throughout their companies.

On March 20, 1990, I chaired hearings of the Subcommittee on Science, Research and Technology on implementation of Public Law 100–107. All witnesses indicated that the initial impact of the National Quality Award has been impressive. There is clearly an increasing awareness of the importance of quality in much of the business community. Although relatively few companies feel ready to compete actively for the award, tens of thousands of copies of the award application have been requested. Award winners cannot keep up with the requests they receive to provide advice and information on how they achieved success. Major business publications are including feature stories on the merits of the program. Furthermore, certain of the award winners, realizing that the quality of their products reflect the quality of the components contained in them, have asked their suppliers to institute total quality management programs.

The April 23, 1990, issue of Fortune magazine published the following excellent article on the first 2 years of the Malcolm Baldrige National Quality Award program. I commend it to my colleagues.

[From Fortune magazine, Apr. 23, 1990]

HOW TO WIN THE BALDRIGE AWARD

(By Jeremy Main)

It takes plenty of work to capture the new national Holy Grail of quality. Happily, companies that lose get nearly as much benefit as the victors. Here are some tips.

If you measure yourself against the criteria laid out by the Baldrige award, you have a blueprint for a better company.—Jerry Junkins, CEO, Texas Instruments.

If all eligible companies in the U.S. went for the Baldrige, the natural growth rate of the GNP would rise by an extra half a percentage point.—Robert Galvin, exchairman, Motorola.

Applying for the Baldrige and getting the feedback they give you is of incredible value to a company.—Roger Milliken, CEO, Milliken & Co.

Companies that are winning the Baldrige are telling the world, and it's doing them a lot of good.—Steve Jobs, CEO, Next, Inc.

The prize has no monetary value. It's a gold-plated medal encased in a crystal column 14 inches tall. Yet a lot of CEOs would give away whole layers of vice presidents to win the thing.

In the three years since Congress created the Malcolm Baldrige National Quality Award, it has become the standard of excellence in U.S. business. It means that the winner is producing goods or services that are the equal of any in the world—or so close that it's hard to tell the difference—and that their quality continues to improve. Not many U.S. companies appear to satisfy the rarefied standards the Baldrige judges set. Of the tens of thousands of eligible competitors—corporations or major units of

them may enter—only 106 applied for the Baldrige in its first two years. And of the five winners so far, none reached the top-scoring category.

Winning isn't the only thing. Contestants discover that standing before the Baldrige examiners and judges reveals their strengths and weaknesses unsparingly. Merely entering the contest creates a competitive urgency that sharpens a company's quality efforts. Xerox vice president Norman Rickard says the successful year-long effort to win the Baldrige in 1989 speeded improvements at the Xerox Business Products and Systems division by three to four years. A weekly "wart report" during the preparations led to a whole series of changes, from keeping plants cleaner to using statistical tools more widely.

For winners, losers, and even nonparticipants, the Baldrige has become a widely accepted guide to running a successful company. Some unexpected effects:

Many companies that haven't yet competed for the award, including Cummins Engine, Next, Texas Instruments, and 3M, have made the Baldrige criteria their corporate standard. Next and Texas Instruments' Defense Systems division will enter this year, the others when they think they are ready.

After winning in 1988, Motorola told 3,600 of its larger suppliers that they too must be prepared to compete—or else. Two hundred refuseniks have been dropped.

Westinghouse Chairman John Marous told all 90 corporate division to compete this year for the George Westinghouse Total Quality Awards, two new internal prizes modeled on the Baldrige—or explain to him in person why they can't. One prize goes to the best unit, the other to the most improved. Each gets $200,000 to spend on anything "as long as it's not immoral or illegal and I approve," says Marous. The best unit last year, the Thermo King Truck Trailer division, automatically becomes the Westinghouse candidate for a Baldrige this year.

Any CEO who catches the fever and tells his vice president for quality to run along and fetch him a Baldrige will be disappointed. Unless the whole company—the CEO included—has made quality central to its efforts for a number of years, there's no point in applying by the April 25 deadline for 1990. (The winners are announced in the fall.)

The Baldrige judges don't look simply for first-rank products or services (see box, "Eight Essentials"). Indeed, only two of the seven categories of questions they ask deal directly with product quality. They want to see quality in everything the company does: in accounting, training, and management, as well as in relations with employees, suppliers, and—above all—customers. Out of a potential top score of 1,000 points, the biggest chunk, 300 points, is allotted to customer satisfaction. The judges want to see careful measurements of quality in all areas—and a rising curve over several years.

Six prizes are offered every year: two each for manufacturing companies and service companies, and two for small businesses with fewer than 500 employees. But only five companies out of a potential 12 winners in two years have capture the Baldrige. Four are big manufacturers: Motorola and the Commercial Nuclear Fuel division of Westinghouse in 1988; Milliken & Co., a major textile firm in Spartanburg, South Carolina, and the Xerox Business Products Systems division in 1989. Only one small company, Global Metallurgical of Cleveland, has received an award. No service company has won yet, partly because U.S. service companies haven't been sharpened by the kind of Japanese competition the manufacturers have faced.

To get an idea of what it takes to win, look at the levels Xerox and Motorola achieved. They made quality central nearly a decade ago. Xerox woke up to find Japanese copier companies gobbling market share with more reliable machines. In 1983, Chairman David Kearns declared quality improvements to be the company's driving principle and started turning Xerox inside out. The company established statistical process controls, trained all its employees and got rid of 90% of its suppliers, awarding all its business to the remaining 450. To give itself benchmarks, Xerox looked for the best competing products and manufacturing methods in the world and set out to equal them.

Back in 1982, before the quality drive took hold, only 92% of the parts that suppliers shipped to Xerox were defect free—a typical figure for U.S. companies. By 1988 the figure was 99.97%. Like other quality-driven companies, Xerox had to change the scale it uses for counting defects. Instead of a percentage, it now counts the number of defects in parts per million. On that scale, 99.97% comes out to a defect rate of 300 parts per million. The next target is 125 parts per million in the 1990s, and the ultimate goal is no defects per million.

That's not totally far-fetched. Several Xerox suppliers haven't shipped a single defective part for three years. The improvements mean that when the customer pushes the button on a 50 Series copier today, he has about a 98% chance of getting good copies. In 1982 when he pushed the button on a 10 Series machine, he had only a 90% success rate—a level that left many customers apoplectic. With these improvements, Xerox has won back some market share and cut costs close to the Japanese level.

In 1981, Motorola set itself a goal of reducing defects 90% by 1986. Former chairman Robert Calvin, a quality fanatic, put in the whole panoply of quality improvement techniques—statistical measures, training, employee involvement, emphasis on customer satisfaction, and so forth—and achieved the goal. Motorola got good enough to export its pocket pagers to Japan. In 1987 the company set new targets: a second 90% improvement by 1989 and yet another by 1991.

Motorola announced an even tougher goal for 1992. The watchword is six sigma. Sigma is a statistical symbol, an indicator of variation outside acceptable limits. The higher the sigma number, the less the variation and the better the quality. Right now Motorola, companywide, is operating at a little better than five sigma, or about 300 failures per million. Attaining six sigma means cutting failures to no more than 3.4 per million. If Motorola gets there, you would have to buy one million of its pagers or cellular phones to find three or four that did not work or had a cracked case or some other fault.

Since speed is an element of quality, Motorola does things faster too. The company cut the time it takes to fill an order for portable radios from 55 days to 15; next year's goal is seven days. Not even the corporate legal department is exempt. Motorola's patent lawyers used to take 18 to 36 months to write and file a patent claim. That leisurely pace has been cut in many cases to two months. The eventual six sigma goal: one-day service for getting the information about an invention from the engineers and filing the claim. Imagine lawyers starting and finishing a job in one day!

Congress created the Baldrige award in 1987 at the urging of some business leaders, notably John Hudiburg, then chairman of Florida Power & Light. The name honored Malcolm Baldrige, a much admired secretary of commerce, who was killed in a rodeo accident as Congress debated creating the prize. Congress gave responsibility for administering the award to the National Institute of Standards and Technology. But most of the costs of processing and judging applicants are covered by a $10.4 million foundation endowed by industry.

Curt Reimann, a former research chemist at the institute who now runs the program, gets high marks from industry for setting up a tough and well-designed, if rather elaborate, award system. Applicants pay a $2,500 fee and submit a 75-page packet ($1,000 and 50 pages for small companies) with answers to 133 detailed questions. Getting ready to compete can be a daunting task—so much so that Christopher Hart took leave in 1989 from teaching at the Harvard business school to set up TQM (for total quality management) Group, a consulting firm in Cambridge to help applicants. Hart is a Baldrige examiner, but conflict-of-interest rules prohibit him from examining an applicant he has served as a consultant.

To win last year, Xerox created a 20-person task force headed by James Sierk, a vice president for quality. All the corporate officers up to Kearns and President Paul Allaire served on oversight committees. Xerox spent $800,000 to gather the necessary data for the application, which covered the activities of the 50,200 employees of the Business Products and Systems division and its suppliers and customers.

But for a small firm like Globe Metallurgical, with only two plants in Ohio and Alabama, 240 employees, and $115 million in sales, the process was relatively simple. Globe produces metal alloys, mostly for the auto industry. Since starting its quality program in 1985, Globe had made all the right moves and kept careful records. For example, even the smallest customer complaint—say, if a shipping label comes unstuck—must be reported and acted on. Complaints dropped from 44 in 1984 to three in 1988, the year Globe won. Productivity in the two plants tripled from 1986 to 1988 despite a painful strike.

When the time came to go for the Baldrige, vice president Kenneth Leach, 35, one of four executives who took control of Globe in an LBO three years ago, sat down at his Apple computer and wrote the whole application single-handedly in one long weekend. He could do that because the data the Baldrige examiners needed were already in his computer.

The applications are scored by teams of examiners drawn mostly from the senior ranks of industry, but also include consultants and academics. Even though examiners get no pay for up to three weeks' intensive work, the jobs are prized as a badge of expertise in a hot field and a ticket to lucrative consulting work. Reimann's office received 592 applications for 169 examiners' spots this year.

Contestants that scored above 601 on the 1,000-point scale usually moved on to the second stage of competition—a site visit by a team of four to six examiners who check

the data in the applications. Then the scores plus the subjective findings of the examiners are put before a panel of nine judges who submit their choices to the Secretary of Commerce. He has the final say but so far has followed the judges' recommendations. Getting a site visit is equivalent to being a finalist, although the Baldrige officials don't use the word.

In 1988, out of 66 applicants, 13 rated site visits and three won awards. Last year ten out of 40 applicants got site visits and two won. The drop in applicants in 1989 presumably reflects the sobering realization that the Baldrige is tougher than it first seemed. Certainly interest in the prize has grown. Reimann's office got requests for 65,000 application forms last year.

In the end, the White House announces only the names of the winners. The finalists and other applicants, and all scores, are confidential. But many who applied are proud to reveal that they were also-rans. The runners-up include GM's Allison Transmission and Cadillac divisions, Ford's North American Automotive division, two IBM plants, GTE's Telephone Systems division, as well as Corning, L.L. Bean, and Paul Revere Insurance as entire companies. Units of AT&T and Hewlett-Packard entered but didn't rate site visits. Even though some of the applicants put enormous effort into the competition—14,000 man-hours in Corning's case—they feel the race was worthwhile.

The winners face one serious obligation: They must share what they have learned with others. Motorola's vice president for quality, Richard Buetow, said Motorola people made 352 speeches to conventions and corporations on the subject last year, answered queries from 1,162 companies, and held monthly five-hour briefings for 150 executives of other companies at a time. Ken Leach of little Globe traveled as far as Singapore and Moscow last year to deliver 136 speeches.

Winners and losers get a report from the examiners telling them where they are good and where they aren't so good. "It's the cheapest consulting you can ever get," says David Luther, Corning's vice president for quality. Xerox Chairman David Kearns says 90% of the value of the process lies in the feedback.

The examiners concentrate on large management questions rather than on the product itself. Their general recommendations to Xerox urged, for example, a greater stress on continuous improvement. At IBM, says Robert Talbott, director of quality the examiners "found all the soft spots." These included the need for tighter links all the way from the development labs to the marketing organization, and for better benchmarking. IMB was rating itself against other electronics companies but should also be looking to other, outside businesses, said the examiners. Consequently IBM decided to match its distribution system against L.L. Bean's.

At GTE the examiners said the company's program for keeping track of supplier quality needed more maturity and breadth. The program was only two years old, too new for the company to have deployed it fully or to show solid trend statistics. Corning was told that while the reliability score of its fiber-optic cable was excellent, the same rigor should be applied more extensively to nonmanufacturing activities, such as ordering and shipping.

The feedback Milliken got in 1988 helped it win in 1989. Says Roger Milliken: "They told us we didn't have tough enough objectives." The company adopted a "10-4" goal, meaning a tenfold improvement in its quality indexes in four years, by 1993. Milliken observes: "You've got to shoot for objectives that stretch you because then you force everyone to find a new way and not just do a little bit better." The first year's examiners also found that Milliken's top executives didn't understand statistical process controls well enough. Everybody took a fourday course before the company tried again.

A few quality professionals criticize the Baldridge or its side effects. They think Motorola went too far in demanding that all its suppliers apply for Baldridge awards. (IBM wants its 10,000 suppliers to follow the criteria but doesn't require them to apply.) In a letter to Quality Progress, a trade magazine, John O. Brown, a Cummins Engine quality manager, objected: "Motorola has done the quality profession a disservice by this act of coercion." Brown said the way to raise supplier quality is "by mutual pursuit—not by brute force."

Other resentments arise from the poor luck service companies have had with the Baldridge. Only 15 have applied, vs. 68 large manufacturing companies. None have won, though two rated site visits each year. L.L. Bean and Paul Revere insurance were runners-up in 1988 GTE's Telephone Systems division in 1989. USAA, a $16.5-billion-a-year San Antonio insurance company that serves military officers, entered both years and earned a site visit in 1989.

Says David Snediker, vice president for quality at Batelle, a Columbus, Ohio, research center: "The Baldridge doesn't fit service companies very well." Quality standards were developed first for manufacturers, since foreign competition threatened them first. Also, the precise measures demanded by the Baldridge examiners are harder to apply to services. You can count the number of defective TV sets that customers return, but you can't count the number of bank depositors who walk away from the teller's window steaming with resentment.

David Nadler, a leading expert in the field and head of Delta Consulting Group in New York City, thinks the service companies' lack of success is justified. Says he: "Service companies are far behind manufacturing companies in quality." Many quality professionals insist that measurable standards can be developed for almost any service, and quite a few companies are making the effort. Metropolitan Life, for example, hopes to be ready to qualify for the Baldridge in three or four years.

Florida Power & Light proved last year that service companies can compete with the best manufacturers: It became the first company to win Japan's Deming prize in a special category for foreign companies. The prize, which has been offered to Japanese corporations since 1951, was named for W. Edwards Deming, the American statistician who helped show the Japanese the path to quality in manufacturing after World War II. Today, at 89, he still carries his message, roasting poor management, around the world.

By choosing to go after the Deming rather than the Baldrige, Florida Power & Light picked the tougher path. The Japanese Union of Scientists and Engineers, which administers the Deming, does not accept applicants unless they are approved by the organization's own consultants, who prefer to be called counselors. They work with the applicant, sometimes for years, to bring it to a competitive peak.

Florida Power & Light started using the Japanese group's counselors in 1984. In 1988 the counselors finally deemed it a worthy applicant. The utility filed a 1,000-page description of its quality program in late 1988 and began preparing feverishly for the visits of Japanese examiners the following summer. Management knew they would pick the company to pieces and demand detailed data on a few moments' notice. That's one of the reasons for applying for a prize, says John Hudiburg, CEO at the time: "It creates an artificial crisis and puts pressure on the company to advance rapidly."

Employees certainly felt the pressure. Says Kent Sterett, who was then chief of quality for the utility and now has the same job at Union Pacific: "It meant a lot of sweat, a lot of nights, a lot of weekends for literally thousands of people." But the benefits became evident even before the company won the Deming in October. During the warm-up, indexes of quality such as customer complaints, employee safety, and the duration of outages—already good by industry standards—jumped ahead positively. Says Sterett: "We made two, maybe three, years' progress in one year."

American companies concerned with quality have had a multitude of standards to choose from. Should a company follow one of the gurus, like Deming, or Joseph Juran, or Phil Crosby? Should it seek Ford's Q-1 stamp of approval for suppliers or GM's Mark of Excellence? How about the Q-90 criteria of the American Society of Quality Control of Milwaukee or the ISO 9000 specifications of the International Standards Organization of Geneva?

David Snediker of Battelle argues that the Baldrige forces companies into a mold to compete for a prize, when it's business that they should be competing for. "The Baldrige represents creeping bureaucracy," he says. He would prefer detailed standards of quality that don't tell a company how to get there. The ISO standards have been adopted widely in Europe, by NATO, and by the U.S. Department of Defense.

But right now U.S. business is coalescing around the Baldrige as the definitive approach. Mead D'Amore, the general manager of the Commercial Nuclear Fuel division at Westinghouse, which won in 1988, echoes what a lot of senior executives believe: "The Baldrige award has the best guidelines I have ever seen." If IBM, Milliken, Westinghouse, and many other companies are using the Baldrige as an internal measure, then clearly it is catching on. David Nadler summarizes its benefits: "The process refocuses companies and makes them look hard at themselves. It gives them a level of understanding of what's good and bad that they never had before. It forces senior executives to focus in detail on what they are doing for quality."

In short, the Baldrige itself is a continuously improving high-quality tool for improving quality.

BREAKING THE TRUST

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. McEWEN. Mr. Speaker, the Associated General Contractors have strongly stated their support for taking the transportation trust funds off budget, most recently through a letter to congressional leadership. I would like

to share their official letter of support for off-budget status with the other Members of the House.

In addition, the most recent edition of Constructor, an AGC publication, included an article by Susan Loomis tracing the history and status of these trust funds. Loomis' article provides insight on the budgetary manipulation now taking place, and I commend this article to the attention of my colleagues.

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Washington, DC, March 2, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The Associated General Contractors of America, representing over 32,500 firms including 8,000 leading general contractor construction firms, has been a long-time advocate and supporter for improvements to the infrastructure through a dedicated funding mechanism.

Over the years, the trust implicit in such trust fund programs for highway, airport and, water infrastructure needs has eroded, as those dedicated funds have been withheld from the programs and the fund balances utilized to give the appearance of a smaller federal deficit.

As members of the House and Senate consider the various budget proposals, and the specific proposals to take the Social Security trust funds off-budget, the Associated General Contractors of America asks that these infrastructure-related trust fund programs be likewise considered and also be removed from federal deficit calculations if such action is taken on social security.

The AGC would offer full support to such a proposal.

Sincerely,

SUSAN J. LOOMIS,
Executive Director, Congressional Relations.

[From Constructor, March 1990]

BREAKING THE TRUST

(By Susan J. Loomis)

America's transportation network is a point of national pride. This vast country has planned and created a national system of roads and bridges, regional and feeder airports, and inland waterways that connects all major propulation centers. It is this network that underpins our economy and society. Everytime you send a letter, drive to work or to the store, or fly from one place to another you are using America's transportation infrastructure.

The success of these programs, particularly the highway, bridge, and air transportation systems, has come about because of trust * * * and specifically because of the trust fund method of financing these essential public works.

The trust fund concept of infrastructure funding began in the 1930s when several states initiated dedicated user fees to support state highway programs. The success of those dedicated programs ("dedicated" in the sense that their funds could only be spent on the infrastructure for which they were collected—in this case, highways) was such that in 1956, when the Interstate Highway Program was initiated, a dedicated trust fund mechanism was developed at the federal level as well.

The commitment was made then to entrust the federal gasoline tax into the care and keeping of the federal government to be expended for highway construction. In 1970 a similar financing mechanism was developed for the airport and airways system.

For years the trust fund mechanism worked well. The users of the system did not object to the gasoline taxes because they could see the results of that user fee in the ever-expanding Interstate Highway System.

This stable, reliable program allowed the states to plan for expected transportation capital needs. Because the program was authorized for several years at a time, there was certainly that over the seven to 10 years needed to move a project form inception to completion, the federal funds would be there, in trust, ready to be paid to the states as the work progressed.

1969: "TRUST" FUNDS BECOME "HOSTAGE" FUNDS

In 1969 the federal unified budget concept was adopted. This pulled the unobligated balance in the Highway (and later the Airport) Trust Fund into the calculations of the federal deficit or surplus. Suddenly, long-term captial programs, which "pay their own way," were looked at—in budgeting circles—in the same light as entitlement programs. In short, the moneys in the Highway and Airport Trust Funds—which by law can only be spent for their intended purposes—were being frozen, held hostage to reduce the deficit on paper.

As a result, the budget continues to be "reconciled" with smoke, mirrors, and nonexistent savings, while our transportation system's unmet needs continue to grow.

AGC and others in the transportation community have been urging Congress for years to return an element of trust and reliance to the trust-funded programs by removing them from federal budget calculations. That battle cry is now being joined by others.

In the 1985 budget reconciliation process language was included to move the Highway Trust Fund, including its mass transit account and the Aviation Trust Fund, off budget. The Budget Committee offered an amendment to strike that provision, keeping the trust funds in the unified budget.

Rep. Glenn Anderson (D-Calif.), then chairman of the Surface Transportation Subcommittee, stated "These transportation trust funds clearly belong off-budget. Yet amendments may be offered to the reconciliation bill that would retain them under the unified budget, so that the federal government can continue to deceive the American people into thinking that the deficit is smaller than it actually is."

Unfortunately, the Budget Committee amendment to deep the trust funds as part of the unified budget process prevailed.

LEGISLATIVE EFFORTS TO RESTORE "TRUST" IN TRUST FUNDS

In April 1988 Sen. Steven Symms (R-Idaho) successfully offered a sense of the Senate amendment to that year's budget resolution that Highway, Airport, and Social Security Trust Fund surpluses (or deficits) be excluded from budget deficit calculations. That non-binding provision was dropped in conference.

In May 1989 the Chairman of the National Governors' Association, Virginia Gov. Gerald L. Baliles, urged the Senate Appropriations Committee to substantially increase the obligational ceiling for the highway program and even recommended it be set at a rate at least equal to trust fund receipts—projected to be $14.3 billion (with interest) in fiscal year 1990. Governor Baliles stated that leadership on this issue from the Transportation Appropriations members "will be invaluable in putting 'trust' back in the Highway Trust Fund."

Later that year Gov. Baliles accused the federal government of hoarding its transportation trust funds to camouflage the size of the federal budget. At the 81st annual meeting of the National Governors' Association, he commented that "* * * the money represents tax dollars already paid by the people of this country and it ought to be spent for the purpose it was collected for and not used tp play games with the size of the budget deficit in Washington.'

At that same meeting, Federal Reseve Board Chairman Alan Greenspand said it is his opinion that a dedicated fund *should* be used to balance the federal budget. Secretary of Transportation Samuel K. Skinner responded by declaring "We can no longer afford a system which balances its budget on the trust funds."

FIVE BILLS IN 1989

In 1989 five bills were introduced addressing the trust fund issue:

H.R. 286, Rep. Bob McEwen (R-Ohio). Provides that the receipts and disbursement of the Highway Trust Fund, the Airport and Airway Trust Fund, and the Inland Waterway Trust Funds shall not be included in the totals of the U.S. Government as submitted by the president or the congressional budget.

H.R. 1352, Rep. Larry Hopkins (R-Ky.). Provides for the same as H.R. 286, and requires an adjustment be made to the maximum deficit amounts prescribed by the budget act to reflect the change in budget calculations.

H.R. 2669, Rep. Bill Clinger (R-Pa.). Improves bugetary information by requiring that the unified budget presented by the presiding contain an operating budget and a capital budget and distinguish between federal funds and trust funds.

H.R. 3531, Rep. Ben Cardin (D-Md.). Excludes receipts and disbursements of the Highway, the Airport and Airway, and the Social Security Trust Funds from the calculations of deficits and maximum deficit amounts.

S. 1572, Sen. Herbert Kohl (D-Wis.). Improves budgetary information by requiring that the unified budget presented by the president contain an operating budget and a capital budget, and that it set distinctions among general funds, trust funds, and enterprise funds.

Sen. Kohl's bill would provide for separate deficit-reduction targets for the general and enterprise accounts and, Kohl believes, would preserve the unified budget concept while preventing the use of trust fund surpluses to subsidize spending in other programs.

At a joint hearing before the Senate Budget and Senate Governmental Affairs Committees in October on the Gramm-Rudman-Hollings budget law, a number of members of the Senate addressed the trust fund-budget deficit dilemma.

Senate Budget Committee Chairman James Sasser (D-Tenn.) was critical of the Gramm-Rudman-Hollings law for allowing the government to hide true budget deficits by using the trust fund surpluses as part of the deficit calculations.

Sen. John Glenn (D-Ohio), chairman of the Senate Governmental Affairs Committee, noted that according to the Government Accounting Office, if all trust funds were separated from the budget, the current deficit would equal $283 billion, well above

the October 1989 estimate from the Office of Management and Budget of $116.1 billion.

INFRASTRUCTURE REPAIR: PAY NOW OR PAY MORE LATER

In a statement to the Senate Governmental Affairs Committee on May 19, 1989, on the topic of infrastructure problems and intergovernmental solutions, AGC recommended that Congress facilitate the removal of the transportation trust funds from the unified budget. AGC stated "Since 1969 artifical spending restraints have caused the Highway Trust Fund balance to grow dramatically to a current balance of over $15 billion, including the mass transit account. Including the Aviation Trust Fund, the combined balance exceed $25 billion. Bankrolling these trust funds is not only a breach of faith with the transportation users in this country, but is merely postponing work that should be done now to prevent costly repairs later."

As long as we are faced with a budget deficit and a budget law mandating annual reductions, the Congress and Administration will look to trust fund surpluses to mask the size of the deficit.

If the trust funds are removed from consideration while a substantial deficit still exists, the method for meeting the deficit numbers will be program spending reductions (including the public works programs), tax increases (including possible increased federal fuel taxes for deficit reduction purposes), or a combination of both.

An estimated $40 billion to $60 billion in budget deficit reductions will be required for the fiscal year 1991 budget. Resolving the deficit will continue to tie the Congress in knots for several years to come. If, however, the Congress continues to wear blinders to the damage being done to our economy through a deteriorating infrastructure, the members will have another complex and expensive dilemma to resolve.

Allowing an accumulation of unobligated funds in the trust funds neither resolves the budget deficit nor assists in meeting our transportation infrastructure needs. It begs the question of trust—that reliance on something in the future.

REPRESENTATIVE IKE SKELTON DEDICATES U.S. ARMY ENGINEER SCHOOL HEADQUARTERS AND COMPLEX AT FORT LEONARD WOOD, MO

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. EMERSON. Mr. Speaker, this morning our friend and colleague the gentleman from Missouri [Mr. SKELTON] was the keynote speaker at the dedication of the U.S. Army School of Engineering Headquarters and Complex at Fort Leonard Wood, Mo.

It was my pleasure to be present at this occasion and to hear the remarks of our distinguished colleague, a dedicated member of the Armed Services Committee, one who is especially concerned with the welfare and education of the men and women who serve in our Armed Forces.

This complex is in Congressman SKELTON's district; he has nurtured it diligently over the years. All Missourians take pride in his efforts, and share in his joy at this fortuitous culmination of a lot of hard work. Missouri is especially proud to host this school and complex an important function of the U.S. Army, as indicated by the presence and remarks of Gov. John Ashcroft at this morning's dedication.

I want to share with my colleagues the keynote remarks delivered by Representative SKELTON. It memorializes an important chapter in the life of Fort Leonard Wood, the Corps of Engineers, the U.S. Army and the lives of great men after whom elements of the complex are named. Following are Representative SKELTON's remarks:

REMARKS BY CONGRESSMAN SKELTON, TUESDAY, APRIL 24, 1990

Fifty years ago, this land on which we stand this morning, was a vacant patch of rural Missouri farmland, surrounded by a thick barrier of Ozark forest. Just before World World War II, in 1940, one of the army's largest training centers was built here and named after Major General Leonard Wood, a renowned soldier, statesman and recipient of the medal of honor. Half a century later, a new chapter in the annals of the United States Army begins.

We Missourians feel quite fortunate that Fort Leonard Wood is now the home of Army Engineering. It is not just the center for training all United States army military engineers, but a school for officers from other services and other lands who will come here to further their professional education.

The United States Army chose well when it designated For Leonard Wood, Missouri to become its engineering center. The consolidation of engineering training and education will save millions of dollars each year for the American taxpayer. In addition to the facilities here, the location of Fort Leonard Wood, here in the Ozarks, is extremely well-suited for engineering challenges in the great outdoors. But most of all, by choosing this military post, the Army is the beneficiary of a dedicated work force and of local people who understand, appreciate, and support the men and women who wear the uniform of our country. Many Missourians here today will play a part in making this engineering school a success.

I was pleased to have had a role in the construction of this engineering complex. Being a member of the armed services committee enabled me to authorize the first to the last brick of these structures.

The engineering school complex consists of three main buildings and an adjacent officer's quarters. Each of these facilities is named in memory of outstanding soldiers who made great contributions during their service to our country. The officer's quarters is named for Major General Donald R. Morelli; the engineering library is named for General Bruce C. Clarke; the academic building is named for a Lexingtonian, General William M. Hoge. Other buildings memorialized here today are named in honor of Captain Thomas J. Hayes IV, Lieutenant Louis J. Storck, Captain Robert P. Ross, and General Hugh B. Mott.

Major General Donald Morelli was a remarkable officer. I had the pleasure of meeting him in December of 1983, when, as I later learned, he got out of his sick bed, though terminally ill, to give me a briefing on air-land battle, of which he was the chief architect. During his army career of more than 28 years, he served with the second engineering training brigade there at Fort Leonard Wood, saw combat in Vietnam, held staff positions at the Corp of Engineers headquarters, and was deputy Chief of Staff for combat development at the training doctrine command.

The library honors the name of General Bruce C. Clarke, who served honorably as a soldier in both World War I and World War II. During the battle of the Bulge, General Clarke's seventh armored division opened the first gaps in the German assault. He later became Commander in Chief of the United States Army in Europe. President Eisenhower said of General Clark, "the Army has had two great trainers—von Steuben and Bruce Clarke."

The academic building is named for Brigadier General George A. Lincoln. Following graduation from the United States Military Academy, he was a Rhodes scholar. He served honorably and well during World War II and was promoted to the rank of brigadier general at the age of 38. His distinguished career included being special assistant to the Secretary of the Army and to the Secretary of Defense, later becoming a department head at the United States Military Academy.

The headquarters building is named in the memory of General William H. Hoge. Though born in Boonville, he spent most of his young life in my hometown of Lexington. He married his childhood sweetheart, Nettie Fredendell, whose family home was located next to the Skelton home. Growing up in Lexington, I heard a great deal about Colonel Hoge, and, as a matter of fact, as a teenager, his step mother-in-law gave me his sheep-lined leather flight jacket and metal canteen with the initials "WM" scratched thereon. After his army career, General Hoge returned to Lexington, living for a number of years in the old Fredendell home. I had the opportunity to know him as a neighbor and as a friend. General Hoge was decorated for heroism in World War I, being the recipient of the Distinguished Service Cross and Silver Star. Immediately prior to World War II, he commanded the troops that built the Alcan Highway, the road linking Alaska with our lower 48 States. During World War II, he distinguished himself with commands at the invasion of Omaha Beach and at Saint Vith during the battle of the Bulge. His unit captured the famous Remagen bridge. His World War II awards include the Distinguished Service Cross, two Distinguished Service medals, two Silver Stars, a Bronze Star, and a Purple Heart. General Hoge retired ten years after World War II, as commander in chief of the United States Army in Europe. Having known him, I can say that General Hoge was the epitome of an officer and a gentleman.

Military engineers date back to the days of the Roman Legions. Engineers have been an indispensable part of every major military endeavor through the ages. Engineers constructed breast works during the revolution, fortifications during the war between the States, and erected river crossings during four conflicts this century. Engineers also are an integral part of the great waterways and flood-control of our nation. The role of the United States Army Engineers has been, is, and will be critical to our national defense and to our well-being.

We Missourians are immensely proud that the future of United States Army Engineers is so intertwined to our State of Missouri.

This engineer school may be traced to the founding of the military academy at West Point, New York, in 1802. In 1901, the school was moved to Washington barracks,

whose name was changed to Fort McNair where it became "The Engineer School" three year later. At the end of World War I, the school was moved to Camp Humphreys, Virginia, which was renamed Fort Belvoir in 1935. And finally, in June of 1988, the engineer school was moved to Fort Leonard Wood.

One of the finest engineering institutions in the world, the mission includes instructing engineer officers in tactics and techniques of engineer troops, principles of military engineering, river and flood-control work, development of engineer equipment, and preparation and revision of engineer-training publications.

Nearly 3,500 students will attend school annually and about 800 engineer officers and senior sergeants will be trained here at any one time. The school has attracted high-ranking officers from around the world: south and central America, Europe, Africa, and the middle east.

Today, we dedicate these engineering facilities to the future of the United States Army. But we do more than that. We assign names to buildings and to the facilities, and by so doing, we pay tribute to soldiers of yesteryear whose service and heroism helped preserve the liberties we enjoy today as Americans. We take several pages out of the past and remember. These were great men and great soliders.

May those who work and study within these walls ever remember the words of Henry Wadsworth Longfellow:

"Lives of great men all remind us we can make our lives sublime, and, departing, leave behind us footprints on the sands of time:" Congratulations, thank you, and God bless you.

INTRODUCTION OF THE MORTGAGE SERVICING TRANSFER DISCLOSURE ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. LAFALCE. Mr. Speaker, if homeownership is for most Americans the great American dream, then the problems they encounter when the servicing of their mortgage is transferred has to be the great American nightmare. It can cause homeowners great anxiety and aggravation. It can cost them hundreds of dollars and, in some cases, their homes.

The problem is mortgage-servicing abuse, and if the complaints I have received from citizens in 214 congressional districts are any indication, it is a widespread and serious one.

Mortgage servicing involves the collection of mortgage principal and interest, use of escrow accounts to pay property taxes and insurance premiums, and other mortgage-related activities. The loan originator may retain these mortgage servicing rights, or it may choose to transfer or sell them to another institution. The sale of mortgage servicing can be profitable for both the seller and the buyer—the seller increases its income and cash flow, while the buyer benefits from favorable tax treatment, access to funds in escrow accounts, and other advantages derived from economies of scale.

Missing from the equation, though, is the consumer.

Financial institutions are recognizing the benefits of servicing transfers. A recent General Accounting Office [GAO] report, entitled "Mortgage Servicing Transfers," which was done at my request, found that transfers of mortgage servicing have increased rapidly in recent years. Based on interviews with experts in the mortgage and servicing markets, including brokers, buyers, sellers, and regulators, and a review of professional and trade journals, the GAO estimates that servicing transfer volume increased from $80 to $90 billion in 1985 to $150 billion in 1988. While precise figures are difficult to obtain—the activity is not regulated or even overseen by Federal or most state authorities—the evidence that mortgage servicing transfers are growing is nontheless very compelling.

The volume of servicing transfers for Ginnie Mae-backed mortgages, for example, which the Federal Government does specifically count, exhibited a huge increase during this period. Transfer volume more than doubled, from $24.6 billion in 1985 to $62.1 billion in 1988. There is no reason to expect that privately-originated mortgages have not followed the same pattern; nothing in the nature of the servicing of Ginnie Mae mortgages would result in a different outcome than for private mortgages.

What does this growth mean for the borrower, the person who is bound for many years to a loan that affects his or her most important possession and investment? Unfortunately, the record is not very good. While there are institutions that handle mortgage servicing transfers in an efficient and responsible manner, I have found too many examples of those that do not.

The GAO study found strong evidence that servicing transfers are creating problems for borrowers. Consider the words of a New York City real estate attorney who follows mortgage and real estate issues closely:

I have yet to see a transfer of mortgages between two institutions be handled without an administrative snafu in connection therewith and in each occurrence such snafus have always been to the detriment of the borrower.

The most common complaint concerned sudden changes in escrow accounts after a transfer. Some borrowers faced unjustifiably large increases in their escrow requirements, others found shortfalls in their escrow reserves. Even in the cases where such changes were legal and justified, the consumer still did not receive adequate explanations or documentation.

Many borrowers complain that servicers do not provide timely notice of transfers, a failure which often leads to confusing and the assessment of late fees—on the borrower. Another common occurrence is for the old servicer to forward a payment to the new servicer late. The new servicer, of course, charges a late fee. The borrower, who mailed his check on time, refuses to pay the late charge. The new servicer simply deducts this amount from the borrower's escrow account. At some later date—it could be a year later—when the borrower's taxes are due, the new servicer finds that the escrow account is short. In the end, the borrower is assessed a tax penalty. Unravelling this type of complicated mistake, and getting the old servicer to make good on its obligation, is often next to impossible without some Federal law assigning responsibility and requiring corrective action.

Some servicers simply neglect to pay property taxes or insurance premiums from the borrowers' escrow accounts. The consequences can be catastrophic. One homeowner wrote that, after a servicing transfer, her insurance coverage lapsed without her knowledge because the new servicer failed to pay the premiums. The homeowner discovered this failure when she filed a $21,000 claim under the policy, which the insurance company refused to pay. Due to the servicer's mistake, the woman eventually filed for bankruptcy and lost the home through foreclosure.

Just communicating with the servicer can be an arduous and frustrating task—correspondence goes unanswered or generates unhelpful form letters in return, and, as an exasperated member of my own staff recently experienced, toll-free lines are often busy for hours. The lucky ones who get through typically reach telephone clerks who are uninformed and unable to address specific problems. I would urge those who doubt these findings to try one of these toll-free numbers themselves. But make sure you have something interesting to read—you are likely to have a lot of time to kill while you are put on hold.

While the GAO study revealed a litany of nightmarish problems that stem from servicing transfers, correspondence to my own office underscored what the difficulties actually mean to these poor people. A New Jersey woman told me how her monthly escrow payment increased by 50 percent after the transfer of servicing, an amount that appeared to be far greater than necessary for property tax payments. She wrote:

I am a single woman working to sustain myself and my family, and I feel if this mortgage company can get away with this "legally," I will be in default on my loan before the next year.

Her story, and hundreds of others from across the country, convinced me to introduce legislation that will stop this abuse of the homeowner. This legislation gives the borrower an opportunity, before the mortgage application is completed, to learn the likelihood of a mortgage servicing transfer.

The fundamental aim of the Mortgage Servicing Transfer Disclosure Act, which I am introducing today, is to inform and protect the consumer. The bill would require:

Disclosure by lenders, at time of application, of their transfer practices for the past three years and planned practice in the present year;

Timely notification of a transfer by both the old and new servicer;

A 60-day consumer exemption from late fees after a transfer if a payment is late because it was sent to the wrong servicer;

An annual escrow account statement; and

Penalties for violations of this act.

Let me elaborate. When the borrower applies for a loan, the bill would require the lender to disclose whether servicing rights on loans originated by that company may be sold

or transferred, and if present intent exists to do so. The mortgage lender would also furnish statistics that show the percentage of loans in the last 3 years in which servicing rights were sold or transferred, to the nearest 10 percent; the best indication of future policy is what has been done in the past.

Of course, some lenders will have decided that a significant change in direction is required to meet new capital standards or adjust to new market demands. Therefore, the bill would require lenders to give its best estimate reguarding the institution's transfer policy for the year in which the mortgage application is made.

Some firms are exclusively in the business of originating mortgages, immediately selling the loans and servicing. The Mortgage Servicing Disclosure Act would require these firms to disclose, again, at the time of application, that the servicing will be transferred. To strengthen the disclosure requirements, the borrowers must sign a separate form that affirms they have received the required servicing information.

The bill also addresses the confusion and cost that often results from the actual transfer. Lenders and servicers must provide timely advance notice of a change in servicing, and provide the borrower with the name, address, and toll-free or collect-call telephone number of the new servicer. For a 60-day period that begins on the date of the servicing transfer, a servicer may not charge a homeowner any late fees if, as is often the case, the payment was made on time, but sent to the wrong address.

We have included other provisions to correct the various problems which the GAO study identified. Lenders and servicers must respond in writing to consumer inquiries or complaints on servicing matters within 20 days of the receipt of the original correspondence. The response cannot just be a form letter. The institution must take corrective action within 60 days, or explain why the consumer is wrong.

To check the kind of escrow abuse which menaced the New Jersey homeowner I mentioned, lenders and servicers must provide an annual escrow statement. The statement, prepared at no cost to the consumer, would document how the institution has used the escrow money. Lenders and servicers in violation of the Mortgage Servicing Transfer Disclosure Act would pay for the damages caused by their violation, attorneys' fees, and other costs. If a particular company showed a continuing pattern of abuse to many of its servicing customers, it would be exposed to class-action suits by groups of borrowers. These and other provisions of the bill should give consumers the information and means necessary to protect themselves.

Unfortunately, one important change in the treatment of servicing assets that I advocated during the debate on the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA] of 1989 passed the House of Representatives but ultimately failed to be included in the law. This provision would have allowed thrifts to count, for the purposes of calculating capital ratios, servicing on the mortgage loans they originate in the same way they are allowed to count the servicing they purchase. The change would have removed a key incentive for these institutions to buy and sell their servicing assets.

Debate continues as to how onerous regulations restricting the counting of servicing rights as capital. I continue to urge the FDIC and other regulatory bodies not to take any actions that create undue incentives to increasing the amount and frequency of mortgage servicing transfers.

As new capital requirements are phased into law, we will see an increase in the turnover of servicing. This makes informed consumers and accurate records all the more crucial.

I want to emphasize that this legislation is not an attempt to restrict the transfer of mortgage-servicing, nor will it have this result. My legislation is designed to encourage the consumer's confidence and trust in the mortgage banking business through an honest, transparent, disclosure and notification process.

As I developed this legislation, I have attempted to incorporate the suggestions of the mortgage banking industry wherever possible. We recognize that the transfer of servicing frees capital for extra loans, which in turn leads to the construction of new homes and buildings. Servicers have a right to earn profits for the service they provide. But they simply cannot abuse that right, especially when that abuse can threaten something as vital as a person's home.

The GAO report had this to say about the Mortgage Servicing Transfer Disclosure Act:

The provisions of the [LaFalce] bill appear to be a step toward dealing with the problems associated with mortgage servicing transfers on a wider basis than currently provided by state laws, regulations, and policies of entities concerned with servicing.

I urge my colleagues to take this step with me and support the Mortgage Servicing Transfer Disclosure Act.

Mr. Speaker, I am including a copy of the bill, as follows:

H.R. 4594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mortgage Servicing Transfer Disclosure Act of 1990".

SEC. 2. MORTGAGE SERVICING TRANSFER DISCLOSURE.

The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) is amended by inserting after section 5 the following new section:

"SERVICING OF MORTGAGE LOANS AND ADMINISTRATION OF ESCROW ACCOUNTS

"SEC. 6. (a) DISCLOSURE TO APPLICANT RELATING TO ASSIGNMENT, SALE, OR TRANSFER OF LOAN SERVICING.—

"(1) IN GENERAL.—Each person who makes a federally related mortgage loan shall disclose to each person who applies for any such loan, at the time of application for the loan—

"(A) whether the servicing of any such loan may be assigned, sold, or transferred to any other person at any time while such loan is outstanding;

"(B) for each of the most recent 3 calendar years completed (at the time of such application), the percentage (rounded to the nearest 10 percent) of loans made by such person for which the servicing has been assigned, sold, or transferred as of the end of the most recent calendar year completed; except that for any loan application during the 12-month period beginning on the date of the enactment of the Mortgage Servicing Transfer Disclosure Act of 1990, the information disclosed under this subparagraph may be for only the most recent calendar year completed, and for any loan application during the 12-month period beginning 1 year after the date of the enactment of the Mortgage Servicing Transfer Disclosure Act of 1990, the information disclosed under this subparagraph may be for the most recent 2 calendar years completed;

"(C) that the person originating the loan has the capacity to service loans and the best available estimate of the percentage of all loans made by such person for which the servicing will be assigned, sold, or transferred during the 12-month period beginning upon the origination; the estimate shall be expressed as one of the following range of possibilities—between 0 and 25 percent, between 26 and 50 percent, between 51 and 75 percent, or between 76 and 100 percent; within 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall develop a model disclosure statement that notifies the applicant that the best available estimate is a prediction, subject to change, and applies to all of the loan originations made by the lender and not the particular loan of the individual applicant; and

"(D) if the person who makes the loan does not engage in the servicing of any federally related mortgage loans, that there is a present intent on the part of such person (at the time of such application) to assign, sell, or transfer the servicing of such loan to another person.

"(2) SIGNATURE OF APPLICANT.—Any disclosure of the information required under paragraph (1) shall not be effective for purposes of this section unless the disclosure is accompanied by a written statement, in such form as the Secretary shall develop before the expiration of the 90-day period beginning on the date of the enactment of this Act, that the applicant has read and understood the disclosure and that is evidenced by the signature of the applicant at the place where such statement appears in the application.

"(b) NOTICE BY TRANSFEROR OF LOAN SERVICING AT TIME OF TRANSFER.—

"(1) NOTICE REQUIREMENT.—Each servicer of any federally related mortgage loan shall notify the borrower in writing of any assignment, sale, or transfer of the servicing of the loan to any other person.

"(2) TIME OF NOTICE.—

"(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), the notice required under paragraph (1) shall be made to the borrower not less than 15 days before the effective date of transfer of the servicing of the mortgage loan (with respect to which such notice is made).

"(B) EXCEPTION FOR CERTAIN PROCEEDINGS.—The notice required under paragraph (1) shall be made to the borrower not more than 30 days after the effective date of transfer of the servicing of the mortgage loan (with respect to which such notice is made) in any case in which the assignment, sale, or transfer of the servicing of the mortgage loan is preceded by—

"(1) termination of the contract for servicing the loan for cause;

"(ii) commencement of proceedings for bankruptcy of the servicer; or

"(iii) commencement of proceedings by the Federal Deposit Insurance Corporation

or the Resolution Trust Corporation for conservatorship or receivership of the servicer (or an entity by which the servicer is owned or controlled).

"(C) EXCEPTION FOR NOTICE PROVIDED AT CLOSING.—The provisions of subparagraphs (A) and (B) shall not apply to any assignment, sale, or transfer of the servicing of any mortgage loan if the person who makes the loan provides to the borrower, at settlement (with respect to the property for which the mortgage loan is made), written notice under paragraph (3) of such transfer.

"(3) CONTENTS OF NOTICE.—The notice required under paragraph (1) shall include the following information:

"(A) The effective date of transfer of the servicing described in such paragraph.

"(B) The name, address, and toll-free or collect call telephone number of the transferee servicer.

"(C) A toll-free or collect call telephone number for (i) an individual employed by the transferor servicer, or (ii) the department of the transferor servicer, that can be contracted by the borrower to answer inquires relating to the transfer of servicing.

"(D) The name and toll-free or collect call telephone number for (i) an individual employed by the transferee servicer, or (ii) the department of the transferee servicer, that can be contacted by the borrower to answer inquires relating to the transfer of servicing.

"(E) The date on which the transferor servicer who is servicing the mortgage loan before the assignment, sale, or transfer will cease to accept payments relating to the loan and the date on which the transferee servicer will begin to accept such payments.

"(F) Any information concerning the effect the transfer may have, if any, on the terms of or the continued availability of mortgage life or disability insurance or any other type of optional insurance and what action, if any, the borrower must take to maintain coverage.

"(G) A statement that the assignment, sale, or transfer of the servicing of the mortgage loan does not affect any term or condition of the security instruments other than terms directly related to the servicing of such loan.

"(c) NOTICE BY TRANSFEREE OF LOAN SERVICING AT TIME OF TRANSFER.—

"(1) NOTICE REQUIREMENT.—Each transferee servicer to whom the servicing of any federally related mortgage loan is assigned, sold, or transferred shall notify the borrower of any such assignment, sale, or transfer.

"(2) TIME OF NOTICE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the notice required under paragraph (1) shall be made to the borrower not more than 15 days after the effective date of transfer of the servicing of the mortgage loan (with respect to which such notice is made).

"(B) EXCEPTION.—The notice required under paragraph (1) shall be made to the borrower not more than 30 days after the effective date of transfer of the servicing of the mortgage loan (with respect to which such notice is made) in any case in which the assignment, sale, or transfer of the servicing of the mortgage loan is preceded by—

"(i) termination of the contract for servicing the loan for cause;

"(ii) commencement of proceedings for bankruptcy of the servicer; or

"(iii) commencement of proceedings by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation for conservatorship or receivership of the servicer (or an entity by which the servicer is owned or controlled).

"(3) CONTENTS OF NOTICE.—Any notice required under paragraph (1) shall include the information described in subsection (b)(3).

"(d) TREATMENT OF LOAN PAYMENTS DURING TRANSFER PERIOD.—During the 60-day period beginning on the effective date of transfer of the servicing of any federally related mortgage loan, a late fee may not be imposed on the borrower with respect to any payment on such loan and no such payment may be treated as late for any other purposes, if the payment is made by the borrower on or before the due date applicable to such payment but is remitted to the wrong servicer.

"(e) DUTY OF LOAN SERVICER TO RESPOND TO BORROWER INQUIRIES.—

"(1) NOTICE OF RECEIPT OF INQUIRY.—

"(A) IN GENERAL.—If any servicer of a federally related mortgage loan receives a qualified written request from the borrower (or an agent of the borrower) for information relating to the servicing of such loan, the servicer shall provide a written response acknowledging receipt of the correspondence within 20 days (excluding legal public holidays, Saturdays, and Sundays) unless the action requested is taken within such period.

"(B) QUALIFIED WRITTEN REQUEST.—For purposes of this subsection, a qualified written request shall be a written correspondence, other than notice on a payment coupon or other payment medium supplied by the servicer, that—

"(i) includes, or otherwise enables the servicer to identify, the name and account of the borrower; and

"(ii) includes a statement of the reasons for the belief of the borrower, to the extent applicable, that the account is in error or provides sufficient detail to the servicer regarding other information sought by the borrower.

"(2) ACTION WITH RESPECT TO INQUIRY.—Not later than 60 days after the receipt from any borrower of any qualified written request under paragraph (1) and, if applicable, before taking any action with respect to the inquiry of the borrower, the servicer shall—

"(A) make appropriate corrections in the account of the borrower, including the crediting of any late charges or penalties, and transmit to the borrower a written notification of such correction (which shall include the name and telephone number of a representative of the servicer who can provide assistance to the borrower);

"(B) after conducting an investigation, provide the borrower with a written explanation or clarification that includes—

"(i) to the extent applicable, a statement of the reasons for which the servicer believes the account of the borrower is correct as determined by the servicer; and

"(ii) the name and telephone number of a representative of the servicer who can provide assistance to the borrower; or

"(C) after conducting an investigation, provide the borrower with a written explanation or clarification that includes—

"(i) information requested by the borrower or an explanation of why the information requested is unavailable or cannot be obtained by the servicer; and

"(ii) the name and telephone number of a representative of the servicer who can provide assistance to the borrower.

"(f) DAMAGES AND COSTS.—Whoever fails to comply with any provision of this section shall be liable to the borrower for each such failure in the following amounts:

"(1) INDIVIDUALS.—In the case of any action by an individual, an amount equal to the sum of—

"(A) any actual damages to the borrower as a result of the failure; and

"(B) any additional damages, as the court may allow, for failure to use reasonable care in complying with the provisions of this section, in an amount not to exceed $500.

"(2) CLASS ACTIONS.—In the case of a class action, an amount equal to the sum of—

"(A) any actual damages to each of the borrowers in the class as a result of the failure; and

"(B) any additional damages, as the court may allow, for failure to use reasonable care in complying with the provisions of this section, in an amount not greater than the lesser of—

"(i) $1,000 for each member of the class; or

"(ii) $500,000 or 1 percent of the net worth of the violator, whichever is less.

"(3) COSTS.—In addition to the amounts under paragraph (1) or (2), in the case of any successful action under this section, the costs of the action, together with any attorneys fees incurred in connection with such action as the court may determine to be reasonable under the circumstances.

"(g) ADMINISTRATION OF ESCROW ACCOUNTS.—If the terms of any federally related mortgage loan require the borrower to make payments to the servicer of the loan for deposit into an escrow account for the purpose of assuring payment of taxes, insurance premiums, and other charges with respect to the property, the servicer shall make payments from the escrow account for such taxes, insurance premiums, and other charges in a timely manner as such payments become due.

"(h) *Definitions.*—For purposes of this section:

"(1) *Effective date of transfer.*—The term 'effective date of transfer' means the date on which the mortgage payment of a borrower is first due to the transferee servicer of a mortgage loan pursuant to the assignment, sale, or transfer of the servicing of the mortgage loan.

"(2) *Servicer.*—The term 'servicer' means the person responsible for servicing of a loan (including the person who makes or holds a loan if such person also services the loan). The term does not include the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Resolution Trust Corporation, or the Federal Deposit Insurance Corporation, in any case in which the assignment, sale, or transfer of the servicing of the mortgage loan is preceded by—

"(A) termination of the contract for servicing the loan for cause;

"(B) commencement of proceedings for bankruptcy of the servicer; or

"(C) commencement of proceedings by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation for conservatorship or receivership of the servicer (or an entity by which the servicer is owned or controlled).

"(3) *Servicing.*—The term 'servicing' means receiving any payments from a borrower pursuant to the terms of any loan, including amounts for escrow accounts described in section 10, and making the payments of principal and interest and such other payments with respect to the amounts received from the borrower as may be required pursuant to the terms of the loan.".

SEC. 3. ESCROW ACCOUNTS.

"(a) *In General.*—Section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) is amended—

"(1) by inserting "(a) IN GENERAL.—after the section designation; and

"(2) by adding at the end the following new subsections:

"(b) *Notification of Shortage in Escrow Account.*—If the terms of any federally related mortgage loan require the borrower to make payments to the lender or servicer (as the term is defined in section 6(h)) of the loan for deposit into an escrow account for the purpose of assuring payment of taxes, insurance premiums, and other charges with respect to the property, the lender or servicer shall notify the borrower not less than annually of any shortgage of funds in the escrow account.

"(c) ESCROW ACCOUNT STATEMENTS.—

"(1) INITIAL STATEMENT.—

"(A) IN GENERAL.—Any lender or servicer that has established an escrow account in connection with a federally related mortgage loan shall submit to the borrower for which the escrow account has been established a statement clearly itemizing the estimated taxes, insurance premiums, and other charges that are reasonably anticipated to be paid from the escrow account during the first 12 months after the establishment of the account and the anticipated dates of such payments.

"(B) TIME OF SUBMISSION.—The statement required under subparagraph (A) shall be submitted to the borrower at closing with respect to the property for which the mortgage loan is made or not later than the expiration of the 45-day period beginning on the date of the establishment of the escrow account.

"(2) ANNUAL STATEMENT.—

"(A) IN GENERAL.—Any lender or servicer that has established or continued an escrow account in connection with a federally related mortgage loan shall submit to the borrower for which the escrow account has been established or continued a statement clearly itemizing, for each period described in subparagraph (B) (during which the servicer services the escrow account), the payments made to the escrow account, the amount paid from the escrow account for taxes, insurance premiums, and other charges, and the balance in the escrow account at the end of the period.

"(B) TIME OF SUBMISSION.—The statement required under subparagraph (A) shall be submitted to the borrower not less than once for each 12-month period, the first such period beginning on the first January 1st that occurs after the date of the enactment of the Mortgage Servicing Transfer Disclosure Act of 1990, and shall be submitted not more than 30 days after the conclusion of each such 1-year period.".

"(b) PROHIBITION OF FEES FOR ESCROW ACCOUNT STATEMENTS.—Section 12 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2610) is amended—

(1) by striking "lender" the first place it appears and inserting "lender or servicer (as the term is defined under section 6(h))";

(2) by striking "lender" the second place it appears and inserting "lender or servicer";

(3) by striking "6" and inserting "10(c)"; and

(4) by striking the section heading and inserting the following new section heading:

"PROHIBITION OF FEES FOR PREPARATION OF TRUTH-IN-LENDING, UNIFORM SETTLEMENT, AND ESCROW ACCOUNT STATEMENTS"

INTRODUCTION OF THE CONGREGATE HOUSING SERVICES ACT OF 1990

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mrs. LLOYD. Mr. Speaker, as the new chairman of the Subcommittee on Housing and Consumer Interests of the Select Committee on Aging, it is my pleasure to introduce with my distinguished colleague from Minnesota, BRUCE VENTO, the Congregate Housing Services Act of 1990. This legislation provides vital supportive services to the frail elderly and persons with disabilities living in federally assisted housing. The bill will enable them to remain in their residences as they age and will prevent unnecessary or premature institutionalization.

My subcommittee has a long history as an advocate of housing for the elderly and disabled and of supportive service for adults residing in federally assisted housing. The subcommittee has played roles in the development of the Congregate Housing Services Program [CHSP] and in converting it from demonstration status to a permanent program in 1987. In addition, when faced with repeated attempts by the Reagan administration to eliminate and discredit this vital program, the subcommittee held hearings that clearly demonstrated the value of congregate services in preventing premature institutionalization. As many know, Mr. VENTO also has a long and superlative record in the area of congregate housing.

The Congregate Housing Services Program, which provides supportive services in public and section 202 housing, has allowed many persons to avoid premature institutionalization and to age in place with dignity. Program costs, including rent, are significantly lower than institutional care, resulting in substantial savings of Federal, State, and private funds. Whereas the cost of Medicaid nursing home care runs approximately $19,000 per year, funds for congregate services can help prevent such institutionalization for between $3,000 and $4,000 per year. If we include the rental costs of providing federally assisted housing in this comparison, the net savings of utilizing congregate services rather than institutionalization is on average, $6,000 per year per person in Medicare and Medicaid funds. As public policymakers, it would be imprudent and shortsighted to pass by the opportunity to utilize such a cost-effective, humane housing program.

Currently, 60 CHSP sites serve approximately 2,000 persons in 33 States, utilizing $5.9 million in appropriations for fiscal year 1990. Clearly, however, there are far more than 2,000 older and disabled persons in federally subsidized housing who need supportive services in order to remain in their residences and in their communities. There are 1.52 million older adults over the age of 65 in federally assisted housing. Of this population, 365,000 persons experience some form of frailty, and this number is expected to increase as the baby-boom generation ages. Additionally, it is estimated that 10 to 25 percent of persons in nursing homes are there prematurely and may be able to move into independent living situations if supportive services become available.

We have learned many significant lessons from the Congregate Housing Services Program. The CHSP has been successful in part because of its ability to target resources to those most at risk of institutionalization. Though the minimum age requirement for older adults in CHSP is 62 years—or disabled—the average age of participants is 78 years. The income requirements permit participation of residents who have up to 80 percent of area median income in some projects; however, the average income of participants is frequently in the $5,000 to $7,000 range. The majority of residents are frail, elderly women living alone who have little economic means. The CHSP serves those who often have no other appropriate housing options; our legislation, the "Congregate Services Act of 1990," would serve a similar, yet expanded population, reaching more of those in urgent need of supportive services, while at the same time saving Medicare and Medicaid dollars.

Mr. Speaker, this bill is not just about housing. It recognizes the interrelationship between human services, housing, and long-term care. The bill presents a challenge to the Congress and the administration to look beyond tradtional boundaries and approaches in providing housing to older adults. As chair of the Subcommittee on Housing and Consumer Interests, I believe strongly that we must meet this challenge and integrate housing and services. The very successful CHSP provides a solid precedent for the Department of Housing and Urban Development [HUD] to be actively involved in the provision of services. Resident access to appropriate supportive services is as vital to a sound housing program as are the bricks and mortar that HUD has traditionally provided. I am confident that the successful integration of housing and services is possible, but it depends upon the coordination of efforts by HUD, HHS, State and local governments, project sponsors and staff, service providers, and residents. Fortunately, all of these necessary players will benefit from their involvement.

The "Congregate Housing Services Act of 1990," utilizes the knowledge and experience gained from the CHSP and borrows its most effective elements. I would like to highlight for you some of the key features of the legislation.

First, the bill creates a grant program through the Department of Housing and Urban Development [HUD] and the Department of Agriculture's Farmers Home Administration [FmHA] with a 50 percent matching requirement on the part of the States. States receive funding through a formula distribution based upon the number of federally assisted rental units occupied by elderly households in the State. The goal of this provision is to develop a commitment by States to provide supportive services and to foster partnerships between Federal and State governments. We also be-

lieve that States will benefit greatly from this legislation through substantial Medicaid savings. In States that choose not to participate, Federal funds will be set aside for local governments or housing project sponsors to be matched 50 percent by local dollars. Funds will also be available for Indian tribes to match.

Second, the bill provides a range of services targeted to those individuals most at risk of institutionalization. These services include nutritional meals, transportation, personal care, dressing, activities and group socialization, counseling, and case management. The targeting requirements, as perfected under the CHSP, ensure that only those truly at risk of institutionalization or those who are already unnecessarily institutionalized receive supportive services.

Third, our proposal will affect not only those in section 202 and public housing as under CHSP, but also older adults residing in housing assisted under sections 8, 221, 236, FmHA section 515 housing and sections 514–516 farm labor housing, and in Indian housing projects. By including projects under these sections, we are making all persons at risk of institutionalization who live in federally assisted housing eligible for services, regardless of the type of housing or whether or not they reside in urban or nonmetro areas. The bill also assists persons who are unnecessarily institutionalized to enter the program and to be housed more appropriately. As a condition of participation, owners of section 221, section 236, and section 515 projects that receive funds for services will not be permitted to prepay their mortgages. The Secretaries may give priority to applications that would serve prepayment eligible projects that are purchased by nonprofit organizations and to financially troubled projects that are run by nonprofit organizations.

Last, the bill incorporates existing CHSP sites by honoring the remaining time of their contracts and granting them one additional 5-year funding cycle under the CHSP law, and then giving them priority status under the new legislation. It is our intent to preserve and use as models the sites that have been operating successfully.

Mr. Speaker, eligibility for services is based upon meeting the requirement of impairment in two activities of daily living—adl—with a preference for those who have impairment in three activities of daily living. One of the deficiencies in activities of daily living must be in the nutrition area. In the bill, resources are focused on those most at risk of institutionalization as shown by impairment in three adls; we conservatively estimate that 43,000 persons fall into this category.

In order to give State and local governments time to raise matching funds and for projects to implement necessary steps to accommodate a program of supportive services, the bill is designed to serve one-fifth of these 43,000 persons per year. Each year, 9,200 frail elderly and disabled persons will be added to the program, until all 43,000 persons will be served at the end of 5 years. To be consistent with the 2-year authorization period of comprehensive housing legislation advancing in the House, the bill authorizes funds for the first 2 years of the program, though all contracts signed will be for 5 years.

The "Congregate Housing Services Act of 1990" authorizes $48 million over a 2-year period to provide funding for services through 5-year contracts. This amount funds the first two phases of the program, and represents a significant expansion of opportunity to save Federal and State Medicaid funds, and a very valuable opportunity for thousands of older and disabled adults.

The "Congregate Housing Services Act of 1990" should be an essential component of comprehensive housing legislation because it preserves and creates valuable housing options for older adults and persons with disabilities. We believe our approach is the best means to provide supportive services. There needs to be a firm and substantial commitment in terms of contract length and funding by the Federal Government in order to ensure State, local, and resident participation in a congregate program. A program where funding is available 1 year and eliminated the next may do more harm than good for residents who wish to age in place, and may present difficulties for State and local governments who attempt to implement programs to provide supportive services. My legislation provides budget authority for 5-year program cycles.

Let me take this opportunity to comment on two other proposals regarding housing and services for older adults. First, the distinguished chairman of the Select Committee on Aging, Mr. ROYBAL, has introduced the "Housing for the Frail Elderly Act," H.R. 2376, that I have cosponsored. This bill makes excellent changes in current housing law, and I believe that our bills mesh nicely to provide all federally-assisted housing managers with additional opportunities to assist their frail elderly and disabled residents.

Second, the administration has put forward a proposal, introduced as H.R. 4245, the Homeownership and Opportunity for People Everywhere Act of 1990" [HOPE]. To their credit, this bill acknowledges the need for supportive services for the frail elderly. It is designed as a demonstration program which couples vouchers with services. Frankly, there are some similarities between our bills, including a shared funding mechanism; however, there are also several noteworthy differences.

Using vouchers, HOPE addresses the needs of frail older persons who may or may not live in federally-assisted housing projects. Hence, the HOPE proposal and my bill serve different groups of frail older adults. In addition, my bill is not a demonstration program; it is conceived from the experiences of the excellent CHSP, which is now a permanent program. Also, the legislation I propose does not end after 5 years, shifting the cost burden to States and localities who critically need our ongoing assistance.

Finally, the administration's budget does not fund CHSP in fiscal year 1991. My legislation protects the current CHSP sites and phases them in to this program after 5 years. I believe that parts of the HOPE proposal for the elderly are compatible with our legislation, but on its own, it falls short of addressing the needs of older adults.

Mr. Speaker, our bill provides a model program for State and local governments and housing sponsors that offers among other benefits, economies of scale, coordination of services, the utilization of available surplus commodities from the Federal Government, professional assessment committees to ensure appropriate resident participation in the program, and case management to ensure the well-being of residents and the continuing appropriateness of the program for them.

We have worked closely with the American Association of Retired Persons [AARP], housing organizations, CHSP providers, and other groups representing federally assisted housing and older Americans in developing the legislation. I am fortunate to have the Orange Grove Center, a model CHSP site in my own district in Tennessee. This program is run by an extremely qualified administrator, Mr. Hal Baker. One of the oldest and largest CHSP sites, the Orange Grove Center serves approximately 80 older and mentally disabled adults in community-based section 202 housing. I am very proud to have this program in my district, and it is my intention and hope that congregate sites under this act will meet with similar success and community appreciation. Mr. VENTO's home State of Minnesota also provides some outstanding examples of successful congregate programs, and I was fortunate to draw on these examples in the development of the bill.

I am pleased that in the Senate, the distinguished chairman of the Special Committee on Aging, Mr. PRYOR of Arkansas, will be introducing the "Congregate Housing Services Act of 1990." Mr. PRYOR's leadership on aging issues has benefited many older Americans, especially those who are most vulnerable and in need of assistance. I am confident that his leadership will greatly enhance support for this bill in the Senate.

We would like to work with members of the Housing Subcommittee in the final development of the Congregate Housing Services Act in order to successfully incorporate it into the excellent housing package put together by Mr. GONZALEZ. Chairman GONZALEZ is to be commended for his tireless efforts to preserve and expand housing for those most in need of housing in this Nation, including older adults and persons with disabilities.

Our legislation ensures that older adults and persons with disabilities in federally assisted housing have option of living independently as they age, affirms their value as vital members of their communities, preserves their dignity, and saves the taxpayers money. I urge serious consideration of this legislation and urge my colleagues to cosponsor and support the bill.

YOUTH POLICY INSTITUTE'S ANNUAL 50-MILE CHALLENGE WALK

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. KENNEDY. Mr. Speaker, I would like to take this opportunity to alert my colleagues to

the Youth Policy Institute's annual 50-mile challege walk, a trek along the C&O Canal that will take place on May 5, 1990.

For the 10th year in a row, this event will draw together Youth Policy Institute's staff, alumni, and supporters of all ages before dawn at Fletcher's Boathouse in Georgetown. During the day they will march 25 miles into southern Maryland before turning around for home. The annual walk is a re-creation of a challenge first issued more than half a century ago by President Theodore Roosevelt to his marines. Many years later President John F. Kennedy reissued the challenge to his administration, calling on them to demonstrate the energy and commitment of the New Frontier. The President's brother, Robert F. Kennedy, was the only aide that completed the walk.

Twenty years later, young people working at YPI were inspired to renew that challenge. Since then, the institute has sponsored the challenge walk as a fundraiser to support its programs.

Youth Policy Institute is a nonpartisan, interracial, and intergenerational research organization interested in America's children, youth, and families. The institute seeks to increase citizen participation in policy and program formulation on the Federal, State, and local levels. Convinced that sound decisions can only emerge from informed debate, the institute is committed to the study of options. Through its magazines, forums, and on-line service, YPI encourages public debate on policy and program options across the country.

Youth Policy Institute was established in 1979 as a program division of the Robert F. Kennedy Memorial, under the direction of David L. Hackett. In 1983, YPI became an independent organization.

In addition, YPI is specifically designed to accommodate the maximum participation of young people in its work. The institute places as much emphasis on its training component as on its efforts to influence policy formulation. Through its unique program, members of the YPI Corps in universities around the Nation conduct the research that constitutes the majority of the institute's work. YPI is providing a significant and viable means for young people to become involved in the decisionmaking processes that will shape their lives. More than 700 young people have benefited from their involvement with the institute over the past decade.

Mr. Speaker, the challenge walk is a fitting symbol for the energy and commitment of the people associated with YPI. Some people have walked hundreds of miles for the institute, while others come out for the first time every year and surprise themselves by going further than they ever thought they could. The walk represents a lesson in endeavor, commitment, high aspirations, and successes that surpass all expectation. That is a lesson from which we all can learn time and again.

I would like to urge those interested in taking this year's challenge to contact the Youth Policy Institute at (202) 638–2144.

TRIBUTE TO NEAL J. HARTE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. MARKEY. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives the outstanding career of a citizen of my district, Neal J. Harte of Winchester, MA. Neal will take office as president of the Massachusetts Society of Certified Public Accountants on May 1, 1990.

Neal was born in Somerville, MA, and attended St. Clement's School in Somerville for 12 years. He is a graduate of Boston College Class of 1965. He is married to K. Patricia Harte who is also a graduate of BC's class of 1965. They have two children, Sean and Suzanne. After graduating from Boston College, Neal entered a career in public accounting and obtained a masters degree in taxation from Bentley College in 1977.

For the past 16 years Neal has had his own highly respected and successful public accounting firm, Harte & Carucci in Woburn, MA. In addition to his success in the business world, Neal has also been an active member of his community. He has been involved in his local church, in a myriad of Boston College alumni activities, in his local hosiptal, Winchester Hospital, as a corporator, at the Winchester Mount Vernon House as a corporator and has served as president of the Winchester Rotary Club, 1986–87.

I am delighted that Neal will shortly become president of the Massachusetts Society of Certified Public Accountants. His success on many levels, his active civic involvement, and his respect in the community is the essence of what binds together communities throughout America. I salute him.

VA HONORS OUTSTANDING NURSING EMPLOYEES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. MONTGOMERY. Mr. Speaker, on May 4, the Department of Veterans Affairs [VA] will conduct a special ceremony here in Washington to honor three of its employees who have been selected from among VA's 172 hospitals to receive the 1990 Secretary's Award for Excellence in Nursing. Established in 1985, this award pays recognition to exceptional standards in VA nursing care.

I know my colleagues will join with me in congratulating these individuals for their dedication, compassion, and innovativeness and for the inspiration they provide for all who witness and experience their skillful work.

Chosen from among 60,000 VA nursing personnel, the 1990 recipients of the Secretary's Award for Excellence in Nursing are:

1990 EXCELLENCE IN NURSING AWARD WINNERS

ELAINE LLOYD

R.N., exemplifies excellence in nursing practice as clinical nurse specialist in the Spinal Cord Injury Center at the VA hospital in Palo Alto, CA. Through patient care and daily direction of the Center's staff, she has promoted an environment in which not only the health but also the values, customs and spiritual life of SCI patients are considered. Because of her leadership, compassion and expertise in the care of these patients, she is frequently consulted by VA staff across the country who work with SCI patients. Lloyd developed the standards of care in the SCI Center and chaired a task force which led to the development of a patient and family manual for hospital, outpatient and home-care use. Working with staff to aid in their understanding of spinal-cord injury, Lloyd helps to enhance their ability to assist patients in dealing with the impact of the injury on their lives. She assesses patient problems and helps the staff to expand their knowledge and experience. She also provides orientation to new staff, developed a continuing education program and is currently working on the establishment of a Spinal Cord Injury Learning Lab to provide an education center for SCI patients. Instrumental in establishing the American Association of Spinal Cord Injury Nurses, she served as vice-president for three years and is a member of a number of other professional organizations. Lloyd has made numerous presentations related to the care of the spinal-cord injured patient and holds a non-salaried faculty appointment at the University of California, San Francisco.

MARIA J. TIJERINA

A licensed vocational nurse at the VA Medical Center in Kerrville, TX, consistently provides highly skilled levels of care on each unit to which she is assigned. She assists during patient admissions, and monitors their needs. Sensitive to cultural and economic differences among patients, she wins the confidence and trust of both patients and family members, gaining information that is useful throughout the patients' hospitalization. Tijerina is considerate of patient needs and involves the patient and family in the patient's care. A natural leader, she encourages others and was chosen to work closely with other staff, providing extra training and support. Tijerina developed and implemented an extensive orientation program for staff in the Urgent Care Unit, and developed an audio patient teaching program on hypertension, which she also translated into Spanish.

DIANN MORRIS

A nursing assistant at the VA Medical Center in Augusta, GA, consistently demonstrates high standards of excellence in the care she provides to patients in a complex medical unit. Setting high standards for herself, she has become an inspiration to other staff. She often assists newly assigned employees and those who are having difficulty in certain areas of clinical practice. The attention and special care she provides to patients with Alzheimer's disease has been noted by their families. She monitors stroke patients, teaching them safety measures and encouraging them to continue working on their physical or occupational therapy skills. Morris also is actively involved in the community, including the Hurricane Hugo relief effort and working on behalf of needy families.

CONGRESSIONAL STUDENT FORUMS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. LEVIN of Michigan. Mr. Speaker, I was pleased to have an opportunity last fall to meet with high school students from across Michigan's 17th Congressional District to talk about the environment. These meetings, called "Congressional Student Forums," are part of an ongoing series of discussions with students on issues of national importance.

As I indicated, this student forum's topic was the environment, specifically solid waste disposal, recycling and the greenhouse effect. More than 200 students met at Berkley High School last October, November, and December, listened to issue presentations from guest speakers, and later met in groups to discuss what could be done on the local level to reduce the volume of waste to be disposed of in landfills and incinerators.

A number of schools developed written recommendations on how to improve waste disposal techniques in their communities. Almost all the student groups commented that landfills are overused while recycling facilities are underutilized. The students' solutions included such concrete proposals as increasing public awareness of the current landfill crisis and recycling; asking school cafeterias to switch from styrofoam products to recyclable paper products, and planting trees to reduce residential energy consumption and clean the air.

I was impressed that the student's concern for the environment went beyond just talking about the problem. The students have volunteered to work with their schools and local governments to achieve actual pollution reduction. Some of the schools have already instituted recycling efforts and tree plantings.

I want to mention the names of schools which took part in last year's student forum: Berkley School, Cody, Crestwood, Devine Child, Ferndale, Oak Park, Marian, Redford, and Southfield/Lathrup. Along with the students, I want to thank the teachers who spent so much time working with the students on their projects.

Yesterday America observed the 20th anniversary of Earth Day. Citizens across the Nation marked this occasion by reaffirming support for our planet's fragile environment. I believe the students of Michigan's 17th District have also set an important example for the rest of us to follow.

A TRIBUTE TO VERDA FREEMAN WELCOME

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. MFUME. Mr. Speaker, I want to take this opportunity to express my deep sense of personal sadness at the loss of a very dear friend and an outstanding citizen of Maryland and these United States, the Honorable Verda Freeman Welcome, who became the first African-American female in the United States to win a seat in a State senate. I extend my heartfelt sympathy to her daughter, Mary Sue; and grandson Gregory Welcome Mercer; and 12 brothers and sisters.

Mr. Speaker, not only have I risen today to pay tribute to this distinguished American, but I bring to the floor of this august body and to the attention of my colleagues a celebration of a truly exceptional life.

In 1907, she was born high up in the Blue Ridge Mountains in the small truck farm town of Uree, NC known commonly as Lake Lure. She was the third child of a family of 16 from John Freeman and Docia Freeman. Upon the death of her mother early in Verda's childhood, she often found herself taking care of her younger brothers and sisters while attending classes at night to pursue her education.

Growing up in a period of economic and social unrest in this country, she overcame mahy obstacles and pursued her aspirations to become one of Maryland's most respected and leading citizens, while serving in both the Maryland House of Delegates and the Maryland State Senate.

It was while growing up in Lake Lure that I believe Verda Welcome became committed to and began her journey on a life of public service. After witnessing her father repeatedly denied from the polls, she resolved at an early age that "when I grow up, I'm going to vote," but it was her deep compassion to help those less fortunate, as she had done as a child, that propelled her into public life.

Mr. Speaker, Verda Welcome came to Baltimore in 1929 and graduated 3 years later from the Coppin Normal School with a teaching certificate, and worked for 11 years as a teacher in the Baltimore City Schools. She went on to receive a bachelor's degree in history from my alma mater, Morgan State University in 1939 and in 1943 completed a masters degree in history from New York University.

The grandeur of Verda Welcome is that she lived her life by example and encouraged us all to stand up and fight for what is right. Prior to holding elected office, she was active with many local neighborhood organizations, and served as the president of the Northwest Improvement Association. As early as 1940's, she worked to register African-Americans to vote and encouraged participation in the political process. During the 1950's, she led the way in efforts to remove the racial barriers at the White Coffee Pot, a Baltimore eatery and other businesses in the area. Her efforts led her to become an active leader in the civil rights struggle during the 1960's.

It was her persuasive and forceful leadership that called for more than rhetoric from others in Government who prevented her from helping those in the community who sought her help. She decided to run for the Maryland House of Delegates and was elected in 1958. After serving in the House for 4 years, she went on to become the first African-American woman in the rich history of this Nation to hold a seat in a State senate. She quickly became a respected leader in the senate and continued the fight to remove racial barriers and social inequality for 20 years.

While serving in the Maryland General Assembly, she authored legislation entitled the "Public Accommodation Bill," which upheld the personal and public dignity of all people to rent a room or enjoy their meal in an appropriate environment without regard to race. As a State senator, she helped to eliminate the State's century old miscegenation law; and sponsored bills providing for equal pay for equal work, gun control, and voter registration by mail. Senator Verda Welcome also led the initiative when Morgan State received university status, which elevated this historically black institution of higher education and even greater level of prestige and recognition. These and other legislative initiatives that she pursued and achieved in ensuing years demonstrates the sincerity of her commitment to public service.

It was the courage and conviction of Verda Welcome that inspired me and many others to public service. She was a pioneering force which encouraged and led the way for many African-Americans to enter politics. The life of Verda Welcome has touched each and every one of our lives in some manner, and because she lived we are all that much better off. In death, as in life, she brings us together as a reminder to work for dignity and equality for everyone. What she strove for during her life, as in times of sorrow, she now brings to all our lives.

Verda Welcome was a very rare and special person whose compassion knew no boundaries, and her lagacy will remain with us for all eternity.

Mr. Speaker, my heart is heavy at this hour, but I come to this floor under the Capitol dome to celebrate a remarkable life—the life of Verda Freeman Welcome. In doing so may these words be long preserved and may her actions forever stand as a shinning example for all posterity.

CENTENNIAL OF THE GENERAL FEDERATION OF WOMEN'S CLUBS: 100 YEARS OF SERVICE TO AMERICA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. PORTER. Mr. Speaker, I would like to take this opportunity to draw my colleagues' attention to an important occasion being marked today: April 24 is the centennial of the General Federation of Women's Clubs [GFWC].

One hundred years ago today, a pioneering group of women founded an organization whose work to bring about community improvement and national progress has touched communities large and small throughout the United States and the world. In uniting a handful of local women's clubs which had sprung up independently in the last decades of the 19th century, the founders of the GFWC could hardly have imagined that their organization would 100 years later encompass 9,000 clubs and over 400,000 members in the United States. Many more members and affili-

ates operate today in over 40 countries worldwide.

Mr. Speaker, it has been my great pleasure to become more familiar with the work of the GFWC over the last several years, as we have worked together to sustain America's volunteers by addressing the problem of nonprofit and volunteer liability. GFWC's commitment to this effort, as with all projects they undertake, has been steadfast, helping to bring the problem to the attention of lawmakers at the State and national level. Many GFCW chapters have been instrumental in helping to pass State laws addressing the liability problem facing all nonprofits.

I am also proud of the many local projects in my State that would simply not have gotten done if there had not been GFWC women to do them. In Illinois, as in all 50 States, GFWC women are working to help families in crisis, to abolish illiteracy, to help prevent the tragedy of youth suicide and substance abuse, to aid people with disabilities, and to improve the environment.

The gallant women who preceded today's members have left an important legacy to this Nation. They established 75 percent of the public libraries across this country, played a significant role in the passage of the Pure Food and Drug Act, were instrumental in the enactment of the first child labor and protection laws and the first Worker's Compensation Act and worked for the establishment of the National Gallery of Art here in Washington.

Without question, GFWC members have transformed our Nation and are continuing to meet the challenges with their talents and resources. It is with this knowledge that I urge my colleagues to join me in wishing the GFWC a very happy 100th birthday and best wishes for another successful century of service.

NAMIBIA JOINS THE COMMUNITY OF DEMOCRATIC NATIONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. TOWNS. Mr. Speaker, I rise to extend my welcome to a new nation that has joined the ranks of those countries that are committed to democracy and free enterprise. I am speaking, of course, of Namibia. Tomorrow, the Foreign Minister of this new country, Theo-Ben Gurirab, will be here for meetings with the Department of State and Members of Congress. His presence in this country is a testament to the tenacity of the Namibian people and a true test of their commitment to support democratic change in their country.

The birth of this Southwest African nation came after a long and difficult period of gestation. It was a period of time where the bullet, instead of the ballot, was the means utilized for political persuasion and influence. It was a period when time-honored concepts of freedom of speech, freedom of political expression, and the right to self-determination were replaced by historically despised practices of repression and disrespect for human dignity. Like the Phoenix, however, Namibia has risen from the ashes—resplendent in its new raiment of democracy, racial harmony and political pluralism.

The Tuesday, March 20 edition of the Christian Science Monitor contained on op-ed by Robert I. Rothberg of Tufts University. Mr. Rothberg's article is an ode to Namibia's efforts to reconstitute itself as a model for racial, ethnic, class and political harmony. He notes that the new constitution—a constitution that protects human rights, property rights and establishes checks and balances on the Government—is the most liberal in Africa. We must not underestimate the importance of what President Sam Nujoma and the Namibian people have accomplished in Namibia. It is nothing less than a 180-degree turn away from the factionalization, violence and intransigence, that characterized Namibia during the 40 years during which South Africa held sway over the country. It has been accomplished by creating an atmosphere of optimism and positivism despite a history that would suggest a sustained period of social fragmentation and economic dislocation.

As the House and Senate consider the levels of foreign aid that will be provided to the many deserving recipient countries, I hope that my colleagues on both sides of the aisle, and in both Chambers, will recognize the importance of providing substantial support to Namibia as it struggles to consolidate its democratic gains. The United States can ill-afford to allow Namibia to slip back into the past pattern of intolerance, extremism and violence. To allow this to happen through a lack of meaningful commitment to one of the few true democracies on the African continent has dire implications for our ability to promote continued democratization in other African countries and elsewhere. Mr. Speaker, I, therefore ask that my colleagues closely review Mr. Rothberg's Christian Science Monitor article which is hereby submitted for their consideration.

NAMIBIA'S NATIONHOOD

(By Robert L. Rotberg)

Namibia becomes Africa's 52nd nation tomorrow after more than a century of white rule. As it leaves South African control, it becomes a possible model for cross-color cooperation in southern Africa.

As large as two Californias, Namibia is nine-tenths desert and semidesert. Its comparatively small population of 1.3 million is overwhelmingly African or of mixed descent. But because of its location on South Africa's northwestern flank, because 75,000 of its people are white and predominantly of South African extraction, and because South Africa has effectively ruled Namibia from 1915 until today, whites and blacks in South Africa will be closely watching how the new Namibia relates to its neighbor, how it treats whites, and how democratically and tolerantly it rules itself.

The government that assumes power tomorrow is, moreover, derived from a guerrilla movement that opposed South Africa's control of Namibia from 1966. SWAPO (South West Africa People's Organization) fought bitterly against South Africa, largely without effect, until an American-brokered, cease-fire brought peace in 1989.

During its many years of exile SWAPO was backed by the Soviet Union and other East-bloc nations. It preached a heady revolutionary rhetoric, and promised to nationalize white-owned property and set up a one-party state once it attained power.

Now that power is at hand, every indication is that SWAPO will avoid alarming its major revenue producers and export earners, and will woo rather than attack foreign investors. Mining is the mainstay of its fragile economy. Consolidated Diamond Mines (CDM), a subsidiary of De Beers of South Africa, is the largest private employer of labor and the largest contributor of national export earnings (30 percent) and taxes (13 percent of the total). A subsidiary of RTZ, a British firm, exports uranium oxide from one of the world's largest deposits. Its share of exports and taxes is only slightly less than CDM.

Copper, lead, zinc, and tin have all been key to Namibia's economy. So have pilchards and sardines, and the pelts of karakul lambs. But markets and prospects have changed, and Namibia has recently been supported as much by South African assistance and wartime expenditures as by its minerals and agriculture.

Namibia also imports much of its food and other staples from South Africa and exports its uranium and other metals through the South African-controlled enclave of Walvis Bay. Its currency and tariffs are also South African. That neighbor has long run the railways, airways, harbors, and power facilities, and dominated Namibia's infrastucture.

For these reasons, as well as the sheer economic and political power of South Africa, SWAPO's government needs to move deliberately. Yet SWAPO is dominated by the Ovambo, people from Namibia's north, who constitute two-thirds of the population. There is demand for development in the north, and SWAPO will be pressured to make up for South African neglect.

Fortunately, the way in which Sam Nujoma, SWAPO's canny leader and Namibia's first president, has chosen to organize his government has been greeted with pleasant surprise.

He and his followers agreed to a new constitution that limits the powers of the president, guarantees human rights, mandates an independent judiciary, and enshrines, private ownership. A mixed economy is prescribed and foreign investment is encouraged. As written and ratified, Namibia's is the most liberal constitution in Africa.

Furthermore, Mr. Nujoma has not reserved his top posts for Ovambo or for Africans. His prime minister is expected to be Hage Geingob and his foreign minister Theo-Ben Gurirab. Both are Damara. Two Ovambo, Peter Mueshihange and Hidipo Hamutenya, will become minister of defense and minister of information, respectively.

Nujoma has given the critical responsibility for the economy to Dr. Otto Herrigel, a German-speaking businessman who is known for his realism. A white human-rights campaigner will be the attorney general.

If the new Namibia operates along the lines of Botswanna, where democracy and economic growth have been the rule since 1966, South Africans of all colors will notice. They will also observe how whites take part in the modernization of the country, and contemplate the extent to which Namibia functions as a harmonious multiracial entity.

WHY I AM PROUD OF AMERICA

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. MAVROULES. Mr. Speaker, each year the Veterans of Foreign Wars of the United States conducts the Voice of Democracy Broadcast Scriptwriting Contest. More than 137,000 secondary school students participated in the contest this year, although only one contestant was selected from each State to compete for 1 of the final 12 scholarships offered by the VFW.

I am pleased to announce that the winner for the Commonwealth of Massachusetts for 1989–90 is a high school senior from my district, Mr. Robert J. Malionek, of Salem. Ranked first in his class at Salem High School, Mr. Malionek has won numerous academic awards, including the Xerox Social Sciences/Humanities Award, the Chancellor's Talent Award, and the Superintendent's Award. In addition, Mr. Malionek excels athletically, having earned the captainship of both the varsity soccer team and the varsity tennis team. He hopes to attend Harvard University.

The theme of this year's essay was "Why I Am Proud of America." In his essay, Mr. Malionek stimulates our imagination by evoking many images of America and captures the essence of our Nation vis-a-via his excellent writing skills. The following is Mr. Robert Malionek's award-winning script:

WHY I AM PROUD OF AMERICA

(By Robert John Malionek)

Why I am proud of America. America. How can one idea spark the emotions of so many people? How can one explain the endless characteristics of such a land? Hot dogs at a baseball game; a hike in the brisk air surrounding a mountain; the ability to go to the 100th floor of a skyscraper and still see other above; the peace of a tiny town surrounded by green and a deep blue sky; and another surrounded by smooth desert; the constant honking of taxi horns as smelly drivers yell out their windows until they realize it does no good. These visions make America the land that it is. These are what people see. But what is in the midst of these scenes? A feeling, an emotion, something that must be experienced, not seen. It can't be explained, and the only way to understand it is by opening our minds and taking a deep breath of fresh American air. Now the real America . . . the pride permeating through those scenes . . . is felt. We can only sense it . . . Democracy.

This single word is a perfect synonym for liberty, peace, opportunity, equality. It is the building block of a great nation: the idea that makes up the foundation. This feeling is the concrete which makes the United States . . . united. But Democracy does not end there. It is amplified to involve the smallest of things; it is the underlying factor which allows every little object the freedom to be where it is.

Democracy, on paper, is perhaps a quite complicated form of government. Statute and common laws, bylaws, court cases, amendments all make up the governing political system which makes the nation "work". But such specifics are not necessary to know in order to understand Democracy. The word has a simple meaning, and that is: "people". Each and every individual makes Democracy "work". It protects the people, struggles for the people, is comprised of people. It revolves around, and is revolved around, by people. They make it what it is; an emotion, an inexplicable inner feeling which drives men and women, young and old.

It is felt by the immigrant on a steamship, who through teary, smiling eyes can see a beautiful, crowned, awsome lady hold out a burning torch to guide him to a free shore, and then onward.

It is experienced by the family that strolls into the town by the waterfront, on a warm but fresh July evening, to be inspired by the colorful fireworks in the sky . . . lights which shine upon all people and unite them into one brotherhood, one family.

It is barely grasped by aspiring elementary students, who are just beginning to have great hopes and goals in life. They are learning that no matter how high they reach, Democracy will give them the opportunity to climb to the top.

All these people ask, "What is Democracy"? "What is it that makes America so special?" And yet, no person could offer a complete explanation. They simply thank God for our freedom. America is not perfection. It is only the stairway to Heaven, open to everyone who places no limitations on himself. Many choose to ascend the stairway as high as they can, arms outstretched. Many also smile and stay content on level ground. This is the liberty of the people. Our goal is to join hand-in-hand and as one, take steps upward. If we choose to participate, then Democracy is our means to success and happiness. Why am I proud of America? I am proud because we all sense these feelings deep inside our hearts. It is a great experience to hear America singing inside myself. We must all remember to take time aside, stop what we're doing, let in all that fresh, pure air and thank God for America.

CAPITAL PENALTIES FOR CAPITOL CRIMES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. DORNAN of California. Mr. Speaker, today I have introduced legislation which would make the death penalty applicable in the Federal District of Columbia. As we are all aware, the past few years have brought to the District of Columbia the indecorous monicker of the "murder capital" of the United States. Notwithstanding mayoral statements, it can be stated with certainty that the murder rate in the District continues at an alarming rate. In 1987 there were 223 murders in the District, or an average of over 18 per month. Two years later the number had almost doubled, reaching a total of 438 murders—roughly 60 per 100,000 inhabitants. This year so far the record is no better, averaging more than one homicide a day.

I believe it is time for the District of Columbia to be held to the same standards as the capital cities of other States. Currently 37 States provide for the possibility of the death penalty as a sentencing option, chiefly for the crime of murder or felony murder. The death penalty is supported by the majority of the American people. A Gallup poll conducted a little over a year ago found that 79 percent of Americans favor the death penalty. A CBS poll conducted a few months later found that 75 percent of respondents indicated there were circumstances in which they thought the death penalty was justified. Examples include: first degree murder, cop killing, and drug kingpins.

My bill makes it very clear that the jury is never required to impose a death sentence and it requires that the jury be so instructed. In fact, the jury is only allowed to consider the death penalty as an option in certain particularly heinous circumstances, and the jury must be unanimous in its decision. This is in line with constitutional requirements. Specifically:

In addition to the crime of murder, the jury must also find aggravating factors, such as previous convictions of homicide, commission of the crime for money, and torture of the victim.

A separate hearing must be held to determine sentence once a guilty verdict has been rendered for a capital crime. Also, the penalty of death is discretionary rather than mandatory.

It prohibits carrying out the death penalty on a person who was under the age of 18 at the time the crime was committed, or upon a person who is mentally retarded.

As the Supreme Court has stated:

Capital punishment is an expression of society's moral outrage at particularly offensive conduct . . . (i)t is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs.

Mr. Speaker, I urge my colleagues to support this timely legislation.

SALUTE TO PARKWAY SOUTH HIGH SCHOOL BAND WEEK

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. BUECHNER. Mr. Speaker, I rise today in salute to the students and administrators of the Parkway South High School Bands. Their diligent hard work, conscientious attention to detail, and commitment to musical excellence has resulted in one of the finest, and most diverse musical companies of any high school in our Nation.

As a tribute to this company, St. Louis County has proclaimed April 29 thru May 5, 1990 as "Parkway South High School Patriot Bands Week." In celebration of this special week Parkway South has initiated an ambitious schedule of events to highlight the talents of their many different ensemble companies and individual members. I believe this is altogether fitting.

Music exists in that rarest of categories—that which must be experienced to be real. In its purest form it gives us a glimpse into the souls of another—a shared understanding of the uniqueness which is another human being. In its best form it gives us a look into ourselves, an awareness of who and what we are, but more importantly what we are capable of becoming. By the skills of a musician, notes

on a page are transformed into something which may be poorly described but richly felt. And through the heart and soul of a musician—from nothing comes magic.

Mr. Speaker, the Parkway South High School band has developed an extremely ambitious schedule of events to celebrate during this week which I have listed below. Their activities reflect an extremely high level of dedication and the utmost commitment from students, teachers, administrators, and parents alike. I ask each of my colleagues to join with me in saluting these fine young people of Parkway South who have dedicated themselves to their music and, by so doing, bring magic into their community and into the world.

April 26–28, 1990 the Parkway South High School Concert Band will take their first solo performance trip to Columbia, MO and Kansas City, MO.

April 27–29, 1990 the Parkway High School Show Band comprised of Nazario Bell, Josh Maloney, Brian Page, John Siwinski, Mike Siwinski, and Jason Werner will travel to Chicago, Illinois to participate in the Music Festival hosted by Music Maestro Please.

April 28, 1990 Josh Maloney, Jena Pittman, Lisa Smith and Sarah Webster will participate as soloists at the Missouri State High School Solo/Ensemble Festival, and, Marsha Bartholomew, Kim Beazley, Karen Cradduck, Connie Huber, Katrina King, Michelle Martin, Brian Page, Angie Pierce, Jeni Pittman, Kim Robinson, and Sarah Webster will participate in ensembles at the Missouri State High School Solo/Ensemble Festival.

May 1, 1990 the Parkway South High School Symphonic Band will participate in the St. Louis Suburban Large Ensemble Festival.

May 2, 1990 the Parkway South High School Patriot Bands will present Maynard Ferguson and his Big Bop Nouveau Band in concert.

May 3, 1990 during the symphonic and concert band performance, the Parkway South High School Wind Ensemble will make its premiere performance and will conclude the evening accompanying Maynard Ferguson in a medley of his music.

May 4–5, 1990 the Parkway South High School Patriot Bands are hosting the Creative Arts Workshop.

A TRIBUTE TO JACKI McCARTY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. RICHARDSON. Mr. Speaker, last week my hometown of Santa Fe and my home State of New Mexico lost one of our most talented and colorful citizens. Jacki McCarty succumbed to lung cancer. Her death, marks the end of a lengthy career as a teacher, writer, singer, dancer, guitarist, songwriter, actress, and clothing designer. Jacki McCarty was one of a kind.

Born in Oklahoma, Jacki's family moved to northern New Mexico to escape the blistering Oklahoma heat. She spent most of her liftime in our Land of Enhancement enchanting us with her outstanding abilities. She sang and danced at every Taos Fiesta since 1936. She was a longtime performer at Rancho de Chimayo singing and playing her guitar to the delight of the thousands who came out to hear and see her.

While most of us will remember Jacki for her on stage abilities, she was more than just an entertainer. Some of her greatest accomplishments occurred in the field of minority education. Jacki was actually Dr. Jacki McCarty. She received her Ph.D in minority education in early childhood studies. She educated Indian children in Taos and taught college courses at several New Mexico schools.

In 1987, Jacki received the New Mexico Governor's Award for Outstanding New Mexico Women.

Jacki was a great New Mexican. She gave so much to our State, so much to her fans, so much to the betterment of mankind. She will be missed by all of us.

I would like to bring to my colleagues' attention several items which more clearly details Jacki's career. I call your attention to a list of her accomplishments and two newspaper articles which were published just last week.

Jacki McCarty is know primarily for her accomplishments in the field of minority education. She grew up in Taos "next door" to the Taos Indian pueblo and resolved early in life to be a teacher within the Indian and Spanish cultures.

She embarked on a study of Indian children at the Taos pueblo in 1969 and this became the subject of her dissertation. Upon receiving a Ph.D. in minority education, in early childhood studies in 1970, Dr. McCarty taught for the Eighth Northern Pueblos Organization and was on the teaching staff at the Taos Pueblo Head Start School for a period of 7 years. Realizing the need for a strong language skills program, she taught the pre-kindergarden Indian children English and their own Tiwa language.

Dr. McCarty also taught college courses sponsored by the University of New Mexico, Highlands University, and the College of Santa Fe to minority teachers working on their college degrees. She encouraged her Indian student-teachers to devise a bilingual program of Tiwa and English. Consequently, the first cirriculum in formally teaching young students in both languages was formulated under her guidance.

During this time, Dr. McCarty volunteered her time, in the afternoons, tutoring mothers of her Indian Head Start art students so that they could successfully pass their G.E.D. high school equivalency exam.

The multitalented Dr. McCarty pursued a journalistic career of writing about her fellow New Mexicans. She served as Woman's Page editor of the Albuquerque Journal and later wrote feature stories about the Taos Indians while teaching at the pueblo.

Dr. McCarty began dancing and singing as a child at the Taos fiestas of Santiago and Santanna. She is the first known entertainer to have introduced flamenco dancing to northern New Mexico audiences. She continued the tradition of entertaining at fiestas for 24 years.

Dr. McCarty began research in regional folk music during the early 1950's for her master's degree at the University of New Mexico. With the encouragement of Dr. John Robb, she has researched material for the past 35 years now having one of the largest private collections of New Mexico folk music in the State. She taught the first college course in southwestern folk music in New Mexico in 1975 for Highlands University, Taos branch.

As a folk singer and guitarist, she has sung many of the ballads she personally collected through the media of television, radio and stage. One of her first benefits, featuring folk music was on stage at the Kimo Theater in Albuquerque in 1953 with Glenn Campbell and Dick Bills.

Dr. McCarty has been named New Mexico's "First Lady of Television," having the first locally produced show of Spanish songs for KOB–NBC–TV in 1952 in Albuquerque.

She also produced southwestern folk music radio shows for the American Forces Network and Radio Free Europe while living in Europe in the mid-1950's.

Dr. McCarty is also known in New Mexico as the "Birthday Lady" having sung the traditional Spanish birthday song, "Las Mañanitas" to thousands of New Mexicans and tourists the world over during the past 14 years where she has performed at Restaurante Rancho de Chimays. She has graciously accepted the board's request of the International Folk Art Museum to sing "Las Mañanitas" for Alexander Girand's 80th birthday in May.

In 1983, Dr. McCarty was a member of the Santa Fe good will delegation to Santa Fe-Granada Spain. She sang the new song "A Love Song to Santa Fe," in Spanish to the foreign dignitaries. Mayor Louis Montaño presented a tape of her song to the sister city as an official good will remembrance.

Dr. McCarty recently released this record in Spanish and English, "A Love Song to Santa Fe" which is being distributed throughout the world. Profits from the record have been designated for the young children's singing group, "Juventud."

Dr. McCarty was a recipient of the Santa Fe Theater Guild's 1981 award for "The Best Musical Actress." She has had leading roles in the Broadway musical, "Side by Side by Sondheim," as well as Greer Garson Theater productions, "Pippin," and "Babes in Arms."

Through appearances on the NBC "Today Show;" "CBS Morning News," P.M. Magazine, German Television and at the American Advertising Federation conventions, Jacki has brought throughout the Nation much national publicity to New Mexico. She has been billed as the Songbird of New Mexico for such events.

Dr. McCarty especially enjoys singing the old Spanish folk songs, corridos and rancheras to the senior citizen groups in northern New Mexico. She has done hundreds of benefits during her singing career. In the past year she has sung for the Taos County Foster Parent's Christmas party; and Angel Fire-Taos Opera Guild's benefit at the Governor's mansion; the New Mexico Retired Teacher's Association; at La Residencia Nursing Home with the Fiesta Mariachi; the New Mexico Repertory Theater Benefit at Fenn Gallery; the Santa Fe chapter of the American Association of Retired People; the First Santa Fe Mayoral Bail at El Dorado Hotel; the Greer Garson dinner party benefit; the Santa Fe Chamber of

Commerce's Secretary Day at La Fonda Hotel; and the Lincoln County Pageant and Festival in Lincoln, New Mexico.

[From the New Mexican, Apr. 17, 1990]

"SO FINE, SO SENSITIVE" JACKI MCCARTY DIES OF LUNG CANCER

Jacki McCarty was sickly as a child.

As an adult, she once told an interviewer: "Being sick gives you a special perspective on living. When I've been well, I've learned to live every day as if it were my last, but this seems to result in my overprogramming myself."

McCarty, who overprogrammed herself for decades, died Monday morning at her Santa Fe home of lung cancer, which was diagnosed Aug. 1.

During her lifetime, much of which was spent in northern New Mexico, she was a writer, singer, teacher, dancer, guitarist, songwriter, actress and clothing designer.

She taught American Indian children, wrote social columns for *The New Mexican* and is credited for producing the State's first television show of Spanish songs.

She was a longtime performer at Rancho de Chimayo and other area nightclubs and referred to herself as a "barroom singer."

McCarty made a lasting, colorful first impression with her red hair and sequined costumes, much of it hand-designed.

She once told an editor at *The New Mexican:* "Everybody wears a costume. This is my costume."

She was best-known for her singing and knowledge of folk music.

"She was very much a performer in every sense of the word," Loretta Adelo, a friend, said. "She wasn't the ordinary."

In an interview several years ago, McCarty talked about her own transformation as a singer in northern New Mexico.

When KOB-TV first went on the air in the early 1950s, she wore a black wig and appeared under the stage name "Juanita" on the station's first locally produced program.

Lalo Guerrero, a popular Santa Fe Fiesta entertainer for many years, convinced her to be true to herself and adopt Jacki "La Gringa" McCarty as her stage name, she said.

McCarty began playing the guitar and singing as a young girl in Taos. Even then, she caught smiles from Taos residents, who enjoyed watching her sing and dance at Fiesta, she said. She sang and danced at every Taos Fiesta beginning in 1936.

"I always have loved music and I love to sing," she said.

In the mid-1970s, she began singing and playing a guitar at Rancho de Chimayo.

Florence Jaramillo, owner of Rancho de Chimayo, said McCarty and her mother used to dine at the restaurant regularly. One afternoon, McCarty asked Jaramillo if she could sing a song. That began a singing engagement that lasted 15 years.

McCarty sang every weekend throughout the year and four nights a week during the summer. The last three years, she didn't sing quite as frequently.

Jaramillo said McCarty could sing in seven languages. "She had a wonderful ear for music," she said.

Jaramillo said McCarty had a wonderful rapport with her audience, especially children, "who adored her," she said. "She was the pied piper. People loved her. She made everybody happy."

She made friends easily. Adelo described her as a "wonderful, warm-hearted friend. She was never too busy to be a good friend."

She was 61, her husband, John, said. Friends would not discuss her age. Adelo said she was "sworn to secrecy about that. No way will I tell Jacki's age."

Jacki McCarty was one of four children born in Oklahoma to Joseph and Isabelle Quinn. Joseph Quinn was a first-generation Irishman and a journalist who worked on the *Baltimore Sun* with H.L. Mencken and on a paper in Oklahoma.

The family spent summers in Taos to avoid the oppressive Oklahoma heat, which Isabelle Quinn could not tolerate, finally moving to Taos permanently in the 1940s.

The Quinn family relationship with Taos was an accidental one. Joseph Quinn was hunting for mountain lions in the Tes Piedras area when he and the hunting party got lost. They came upon sheepherders who directed them to Taos, where they stayed at the old Columbia Hotel, a magnet for artists and writers.

The clean, mountain air was good for Jacki, whose lungs were poor from birth, brother-in-law Dan Kozak said.

She attended Barry College, a Catholic girls school in Miami, and she taught music at Hockaday School, a girls' prep school in Dallas.

McCarty was woman's page editor in the 1950s for the *Albuquerque Journal.*

She taught at the Taos Pueblo for several years toward her doctorate in education.

The Rev. Jose Maria Blanch, former pastor of Holy Family Church in Chimayo and who met McCarty in 1975 during one of her singing engagements at Rancho de Chimayo, described her as a very special, sensitive person.

"She loved very much the music," said Blanch, a native of Spain. "She was so fine, so sensitive, she hurt in many ways. She had very deep religious feelings in her own way."

Although she frequently sang solo, accompanying herself on the guitar, she also performed with others.

Northern New Mexico musician Ruben Romero said he and McCarty provided the musical entertainment for a group from the city of Santa Fe that went to Spain in 1983 to establish a sister city relationship with Santa Fe, Spain.

One evening, when the city of Santa Fe, NM, hosted a party for Santa Fe, Spain, Romero accompanied McCarty when she sang *Santa Fe Love Song,* a composition by Antonio Avila.

"She sang beautifully that night," he remembered. "She touched a lot of people." They later recorded the song and performed together at engagements.

One of McCarty's most recent performances was July 9 for the The Pink Adobe's 45th birthday.

Avila, with whom she sang for two years, said McCarty "always loved music. She made people feel good because she was always joyful. She liked to please people with her music."

A fund in her name is being established at the Santa Fe Community Foundation, 300 Galisteo St., Santa Fe, NM 87501.

A rosary will be recited at 7:30 p.m. Wednesday at McGee Memorial Chapel Mortuary and Crematory. A funeral Mass will be said at 3 p.m. Thursday at St. Francis Cathedral. Her remains will be cremated, and no burial is scheduled.

McCarty is survived by her husband, John McCarty; a son, Mark Quinn McCarty of Santa Fe; two stepsons, Christopher McCarty of Los Angeles and Stephen McCarty of Woodacre, Calif.; a sister, Marjorie Quinn Kozak; two brothers, Jerry Quinn of Oklahoma City and Wendell Quinn of Capistrano Beach, Calif.; and a step-grandson.

[From the Journal North, Apr. 17, 1990]

ENTERTAINER, TEACHER JACKI MCCARTY, 61, DIES OF CANCER AT HOME IN SANTA FE

(By Anne Hillerman)

Well-known Santa Fe entertainer, teacher and writer Jacki Quinn McCarty died of cancer Monday morning at her Santa Fe home. She was 61.

"She died peacefully," her husband John McCarty said. "She had been in a coma and we had had no communication for several days, but she squeezed my hand just before she died."

McCarty, an energetic redhead who spoke Spanish fluently, performed at Restaurante Rancho de Chimayo on weekends and during the summer for about 15 years.

"She was an established performer—she'd worked for Radio Free Europe—and a skilled entertainer when she talked to us," Florence Jaramillo, owner of the restaurant, said. "You can't imagine how many people—people from all over the world—come in the restaurant and ask for her. She made everyone she sang for feel bubbly, feel happy, feel special. . . . She loved to sing and she loved people."

Known for her generosity, McCarty performed hundreds of benefits during her singing career, with events to benefit children and senior citizens among her favorites.

"I think she truly loved this city," Mayor Sam Pick said Monday. "She offered her talent whenever she could, and she helped us with the Sister City program. Her death is great loss for Santa Fe."

She was a recipient of the Santa Fe Theater Guild's 1981 award for "The Best Musical Actress," and had many leading roles in Santa Fe productions.

McCarty was born Aug. 26, 1928, the daughter of journalist Joseph Jerome Quinn and Isabelle Moffat. The family lived in Oklahoma City, where Quinn pioneered the first Catholic newspaper in that state.

The family began spending summers in Taos in 1933. Jacki danced in the Taos Fiestas and learned Spanish and folk songs. She became a Taos resident in 1949 and, after some time out of state, became a full-time Santa Fe resident with her husband in 1978.

Initially a self-taught singer, dancer and guitarist, McCarty began research into New Mexico's regional folk music during the early 1950s for her master's degree at the University of New Mexico. She amassed one of the largest private collections of traditional New Mexican folk music in the state. She also taught the first college course in Southwestern folk music in New Mexico in 1975 for Highlands University, Taos Branch.

McCarty produced Spanish songs for television and radio in Albuquerque and for the Armed Forces Network and Radio Free Europe when living in Europe in the mid-1950s. She also was editor of the Women's Page for the Albuquerque Journal.

She began a study of Indian children at the Taos Pueblo in 1965, work which became the subject of her dissertation. After receiving a doctorate in Minority Education in 1970, she taught for the Eight Northern Pueblos and Taos Pueblo Head Start for seven years. She worked with preschool children to strengthen their skills in English and their native Tiwa, and worked as a volunteer tutor, helping the mothers of

her Head Start students prepare for their General Educational Development certificates.

McCarty also taught courses sponsored by the University of New Mexico, Highlands University and the College of Santa Fe.

Her first husband, Wayne Maki, died in 1958. In 1964, she married John McCarty, a founder of the Dallas Theatre Center and a recently retired director of Frito-Lay Inc.

In addition to her husband, she is survived by her son, Mark Quinn of Hawaii; two stepsons, Christopher McCarty of Los Angeles and Stephen McCarty of Woodacre, Calif.; sister Marjorie Kozak of Midland, Texas; brothers Jerry Quinn of Oklahoma City and Wendell Quinn of Capistrano Beach, Calif. and grandson John Dylan McCarty of Woodacre, Calif.

Funeral services will be Thursday at 3 p.m. at St Francis Cathedral. A rosary will be said Wednesday at 7:30 p.m. at McGee Memorial Chapel, 1320 Luisa.

A memorial fund, the Jacki McCarty Love Fund, has been established through the Santa Fe Community Foundation, 300 Galisteo.

CREDIT WHERE CREDIT IS DUE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. UDALL. Mr. Speaker, last week the Washington Post printed an article on the efforts of my brother Stewart Udall to gain benefits for victims of nuclear tests and uranium mining. For conflict of interest reasons, I have not been involved with legislative efforts to provide Government benefits for these folks. However, many House Members have been active in this worthwhile cause. Unfortunately, the Post neglected to give credit to these individuals. JACK BROOKS, chairman of the House Judiciary Committee, BARNEY FRANK, chairman of the Subcommittee on Administrative Law and Governmental Relations, and WAYNE OWENS, sponsor of the Radiation Exposure Compensation Act, are all to be commended for the work they have done on this important legislation. Mr. Speaker, I take this opportunity to give credit where credit is due. Thanks to the hard work and dedication of Messrs. BROOKS, FRANK, and OWENS, our Government will begin efforts to correct its egregious actions.

THE EXPORT ADMINISTRATION ACT

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. HOUGHTON. Mr. Speaker, Washington is a city where lots of speeches are made. Words tend to draw out the message. Yet there are moments when words must be spoken, voices must be heard in causes that have a profound impact on our Nation.

As background, let me say that business and trade have been not a small part of my life. I have sensed the impact these forces have had on our national independence and our national health. I have had a bit of first hand experience in understanding the hurdles that businesses face in trying to position themselves competitively. This is why I must speak out today in behalf of fundamental reform of our export laws.

Commercial and national security interests today are probably more closely entwined than they have been at any other time since the end of World War II. Economic health and one's ability to trade competitively in the world market may be the single most important component of anyone's national security. The new war internationally—at least for the present—is economic. Guns may come later—God forbid—but at the moment the weapons are products, and services, and finance.

This is why I feel so strongly about the rules and regulations under which we operate. They must work for us—not against us. If we do not insist, nothing will happen. The Export Administration Act should not be an impediment to American competitiveness in the 1990's. It should help remove barriers, not place more in the path of industry.

On the surface there are fewer complaints about the day to day licensing. The deeper problem is in the systems inability to function effectively when dealing with the policy issues or specific issues of the new economic order—particularly in Europe. Let me explain.

There are a number of agencies, the Department of Commerce, the Department of Defense and the Department of State, responsible for one job. There is delay, there is endless debate on almost any issue that deviates from the norm. A norm, incidentally set a generation ago. Industry can accept trade restrictions based on clear and convincing security considerations. That is a given, but nothing is more irritating than a lost sale caused by in-house conflict, grounded more on turf battles than substance. The sale is lost because the insiders cannot get their act together.

Everything in business depends on timing—so clearly this needs to change. For my money it means clear Commerce Department authority over the control system. And why not. This is Commerce. It also means a minimum of second-guessing and redundancy, and one-stop shopping. The Department of Commerce's Bureau of Export Administration if given the punch can do the regulatory job assigned to it. Period. No multibureaucratic interference. You see we hurt no one else but American industry. Absent this, whatever reforms are adopted for Export Administration will inevitably be undermined by bureaucratic uncertainty and interagency warfare. History says this is so.

The present law clearly spells out the basic authority of the Secretary of Commerce. It is, in brief, to administer the export control system—"in consultation with the Secretary of Defense, and such other departments and agencies as the Secretary considers appropriate." It is clear, precise, direct language. Beneath the surface however it is well known that Commerce's wings have been clipped though interference by other agencies. Of course there is a place for input from State and the Department of Defense. It should be specific and to the point where these agencies and others impact and can add to the process.

This means quite simply that it is time to streamline the export control decisionmaking. It is time to clarify the role of the Department of Defense and the Department of State. There must be a "point man"—a Quarterback Department. Others are there to advise and assist—not to make independent binding decisions on license or policy matters as they wish.

I would like to see the ambiguity of section 10(g) clearly defined which grants the Secretary of Defense the right to review exports to controlled countries. I suggest restricting DOD's review to licenses for end uses other than civil end uses to the Soviet Union and East European countries which do not qualify for favorable consideration by our export control standards and Cocom's.

We have witnessed Defense exercising a veto over any policy or licensing matter under the huge umbrella of national security. The result—disagreements between Commerce and Defense—too many of which have been bumped to the President for a resolution. A time consuming and often politically embarassing process.

What would happen if these changes were adopted? First we would see a streamlined process in keeping with our competitors. Commerce would have the final say. State and Defense would be there to advise and to recommend. This means they would not have statutory veto over Commerce decisions to add or delete items from the control list. DOD would retain authority to develop and maintain the list of militarily critical technologies. Commerce would use this to create the control list in consultation with other departments.

To take this argument a step further, DOD's review would primarily focus on determining and ranking strategic items. The chances that DOD would prolong the license review process would be reduced once the administration and Cocom have established an overall policy on how to handle exports to the Eastern bloc. DOD's resources would be focused on the most sensitive parts of East-West trade. The point here is to allow us to accelerate East-West license processing by focusing DOD's involvement on a smaller number of more critical cases. In practice it would eliminate the statutory DOD veto over East-West transactions, although we would expect that well researched and reasonable concerns would be taken account of.

Commerce would accept full responsibility for export control decisions, while consulting internally with Defense and State. There would be no statutory conflict among agencies.

I would also like to add that I would like to see the Commerce Department be the one point of entry for export licenses, whether they are munitions licenses or dual-use. This requires a clear definition of responsibility. Policy direction would continue to remain at State, but there would be one point of entry for all licenses so that decisions would be made within days of a license submission.The presumption is that a product is considered dual-use unless it has clear military value. Dispute mechanism among the agencies would

be clarified and codified into the law. Also the control lists would be streamlined, indexed every 6 months and harmonized with Cocom's list.

So in conclusion—I feel that the time is now—not tomorrow to make it easier for American companies who provide our foreign exchange to compete effectively in the new world. I would like to feel that we can assure ourselves that the ground rules are fair. To do that we must become considerably more active in promoting our exports. One other thought, for too long we have let economic interests play second fiddle to geopolitics. That era—I believe—has passed. Let us amend the Export Administration Act to advance America's industrial opportunities beyond its own shores.

THE 35TH ANNIVERSARY OF SOUTHERN CALIFORNIA PRESBYTERIAN HOMES

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. MOORHEAD. Mr. Speaker, I would like to take this opportunity to recognize Southern California Prebyterian Homes on their 35th anniversary. Their efforts have helped to improve the standard of living for low-income and handicapped elderly persons throughout southern California.

Founded in 1955 as a nonprofit corporation by the former Presbytery of Los Angeles, Presbyterian Homes recognized the dire need for subsidized housing for these disadvantaged elderly persons. Through their organization they hoped to establish, maintain and operate homes for the reception and care of the individuals.

Since that time, Southern California Presbyterian Homes has developed 12 retirement communities, capable of providing three different levels of living; ranging from independent residence, through personal care, to specialized nursing. Four of these homes were recently honored for excellence by the Continuing Care Accreditation Commission, an independent agency sponsored by the American Association of Homes.

Committed to the belief that the later years of a person's life ought to be their most enjoyable, the organization strives to provide comfort and security that enhances their peace of mind. I applaud Southern California Presbyterian Homes for their contributions to our community, and encourage them to continue their positive role.

REV. JAMES M. DEMSKE, S.J., MAN OF THE YEAR

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. PAXON. Mr. Speaker, I would like to take this opportunity to salute Rev. James M. Demske, S.J., as the Boys Towns of Italy "Man of the Year."

It is truly a personal pleasure for me to pay tribute to a man that I have known since I was a student at Canisius College in Buffalo, NY.

Father Demske has served as the president of Canisius College since 1966, nearly 25 years. He has overseen tremendous changes during his tenure at Canisius.

Many of them have been visible: Canisius has added eight buildings to its lovely campus on Main Street in Buffalo.

Some changes are of even more importance. Under Father Demske's stewardship, Canisius College has added new academic programs and strengthened existing curriculum in order to accommodate a growing student enrollment and keep up with an ever-changing world.

Father Demske has continued the tradition of excellence at Canisius College. His stewardship has extended well beyond Canisius as well.

In 1987, he oversaw the establishment of the Western New York Heritage Program, which draws on the resources of the college to help area teachers improve the instruction of the geography, history, and cultural heritage of our region.

Not only is Father Demske a native of Buffalo and a graduate of Canisius College, as I am, but he is also a graduate of St. Joseph's Collegiate Institute, also my alma mater.

As Father Demske approaches his 25th anniversary as President of Canisius College, Boys Town could have picked no better candidate as Man of the Year.

Mr. Speaker, I extend my warmest congratulations to Father Demske—a man of commitment, dedication, and excellence.

CYPRUS CONFLICT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. BURTON of Indiana. Mr. Speaker, too frequently the information which pervades the United States Congress regarding the Cyprus conflict suggests that: (1) no problems existed between the Turkish Cypriot and Greek Cypriot communities prior to 1974; and, (2) removal of Turkish troops from Cyprus will resolve the Cyprus problem.

Once again I rise to clarify the origin of this conflict, specifically the period of 1963–74. Without a thorough comprehension of the political events that took place during this time period, it is impossible to understand the security concerns of the Turkish Cypriot people. It is vital that Members of Congress clearly understand this multifaceted issue in order to effectively weigh both sides of the conflict.

In 1960, when Britain relinquished control of the island, a bicommunal government with shared leadership by Turkish Cypriot and Greek Cypriot communities was created by treaty. This compromise recognized the Turkish Cypriot and Greek Cypriot peoples of the island as political equals, with shared responsibilities and authority.

The Treaty of Guarantee, signed by the Turkish Cypriots, Turkey, Britain, Greece, and the Greek Cypriots, clearly stated that any of its guarantors had the right to intervene should the sovereignty of the island be threatened.

Although Archbishop Makarios was one of the signers of the 1960 Constitution, as President of Cyprus he immediately began to carry out his plan for Enosis, Union with Greece. By December 1963, the Greek Cypriots had destroyed the bicommunal character of the Republic ousting Turkish Cypriot leaders from their elected positions and destroying over 100 Turkish Cypriot villages, territorially the equivalent of approximately 16 of our States.

For the next 11 years—1963–74—Turkish Cypriots, heavily outnumbered by the Greek Cypriots suffered great losses—human and material—in clashes initiated by Greek Cypriots and fully supported by the Greek Army. Approximately 1 out of 120 Turkish Cypriots, including women, children, and the elderly, was killed during this period even with U.N. peacekeeping troops present on the island.

Thousands of Turkish Cypriots were forced to flee from their homes to live in enclaves throughout the island and were, in effect, held hostage in their own land without the representation in government which was provided them in the 1960 constitution.

United States Secretary of State George Ball visited Cyprus in February 1964 and accused Archbishop Makarios of turning Cyprus into his "private Abattoir," and concluded that the Greek Cypriots "just wanted to be left alone to kill Turkish Cypriots."

Accordingly, Turkey was within its right as early as 1963 when the Cypriot Constitution was destroyed by the Greek Cypriots, to intervene on the island in order to prevent the annexation of Cyprus to Greece and to prevent the annihilation of the Turkish Cypriot population.

On March 21, 1979, the Greek Cypriot of Appeals in Athens declared that the Turkish military intervention in Cyprus was a legal intervention and carried out in accordance with the Zurich and London Accords.

Since 1974, Turkish Cypriots no longer fear for their lives. There are no more incidents of intercommunal violence on the island.

To his credit, President Rauf Denktas, who has been involved in the Cyprus conflict for over 35 years, has demonstrated his steadfast willingness throughout this period to negotiate a peace settlement with the various Greek Cypriot leaders—Makarios to Vassiliou.

His efforts focus on reaching an agreement ensuring the Turkish Cypriots of security and political equality so that intercommunal strife will never again plague the Island.

On two occasions, in 1985 and 1986, President Denktas, supported by the Turkish Cypriot population, accepted U.N. Secretary General Perez de Cuellar's draft compromise agreement. Greek Cypriots rejected these proposals.

Today, President Denktas is still willing to negotiate directly with the Greek Cypriots. However, President Denktas has not received assurances of security and political equality from the Greek Cypriots. Instead, he has been confronted time and time again with a simplistic solution to the Cyprus problem—the removal of all non-Cypriot troops—a solution

which would again render the Turkish Cypriot population vulnerable.

Last year, at a sensitive period during the intercommunal negotiations, the Greek Cypriots launched a significant rearmament campaign, and this month, the Greek Cypriot Minister of Defense announced that 600 Greek Cypriot officers will augment the permanent Greek Cypriot armed forces in South Cyprus.

Mr. Speaker, the Turkish Cypriot people clearly remember what happened to them only a few years ago. Security of their population is foremost in their minds. An effective guarantee from Turkey was essential and still is essential for this small population.

Solutions for Cyprus which ignore the history between the Turkish Cypriots and Greek Cypriots and legislative measures imposing punitive action toward our great NATO ally, Turkey, are impractical and counterproductive to achieving a just and lasting solution to the Cyprus problem.

ARMENIAN GENOCIDE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. MORRISON of Connecticut. Mr. Speaker, today, we mark in history the brutal massacre of over a million Armenian men, women, and children under Ottoman Turkish rule. We mark April 24, 1990, as a day of remembrance of the Armenian genocide so that we may never forget this painful episode in history which took place between 1915 and 1923.

On April 24, 1915, over 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople and in Armenian centers throughout the Ottoman empire by its rulers. These pillars of the Armenian community were then either deported or murdered, leaving the Armenian people leaderless.

In May 1915, the deportation of all Armenians was ordered. The resulting death march, consisting mostly of women, children, and the elderly, wound its way across Asia Minor and Turkish Armenia into the Syrian desert. Countless gruesome atrocities were inflicted upon the defenseless Armenians, including rapes, drownings, and torture. The road was strewn with Armenian bodies. Able bodied Armenian men serving in the Ottoman empire's armed forces were segregated into labor battalions, disarmed, and either killed outright or worked to death.

Henry Morgenthau, the United States Ambassador to Turkey during 1913–16, had no question that the treatment of the Armenians was part of a calculated plan to exterminate them. In 1918, he wrote: "When the authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact." Morgenthau, who tried desperately to stop the horrible slaughter, asserted that these events "surpass the most beastly and diabolical cruelties ever before perpetrated or imagined in the history of the world."

During the years between 1915 and 1923, 1½ million Armenians were systematically massacred, and another 500,000 deported by the Ottoman empire. Successive Turkish governments, in an attempt to rewrite history, have tried to cover up these events by denying their very occurrence. Where this has failed, they have warned of damage to Turkish-American relations should the United States persist in reminding the world of this terrible tragedy.

When Hitler embarked on his final solution, he claimed that people's memories are short, that no one remembers the Armenian genocide. We must prove him wrong. We have a responsibility to remember such events as examples of the cruelty that humans are capable of inflicting on each other.

Mr. Speaker, today we remember the genocide of Armenians to ensure that such cruelty never recurs.

RECOGNIZING DR. T. EDWARD HOLLANDER

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. COURTER. Mr. Speaker, it is my pleasure to congratulate Dr. T. Edward Hollander on being the recipient of this year's New Jersey Pride Award for Education. Dr. Hollander, the chancellor of the New Jersey Department of Higher Education, has made important contributions to our State.

The New Jersey Pride Award honors those individuals who have made significant contributions to their field and to the State of New Jersey. His vision guided the Governor's excellence initiatives program for New Jersey's colleges and universities. He has been a preeminent leader in designing programs to keep New Jersey competitive in the world market by addressing rapidly changing technologies and sciences. At the same time, he has been a powerful force stimulating statewide interest in and concentration on the arts and humanities.

On this occasion of his award, I extend my congratulations to Dr. Hollander and wish him continued success and best wishes for the future.

A TRIBUTE TO DR. Y.C. JAMES YEN

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. WEISS. Mr. Speaker, it is with profound sadness that I rise today to bring to my colleagues' attention the death of one of my constituents, Dr. Y.C. James Yen, at the age of 96. Dr. Yen pioneered the cause of improving the quality of life for impoverished rural people around the world, and his tireless efforts to combat illiteracy, poverty, and hunger in Third World nations will provide an example for generations to come.

Dr. Yen was born in China in 1893. After he completed a classical Chinese education in his native Province of Sichuan, he was sent to Yale University, where he graduated in 1918. His lifelong philanthropic career began immediately following graduation, when he volunteered to help supervise 20,000 Chinese laborers sent to France to build roads for the Allies during World War I. Dr. Yen taught many of these workers how to read and write through a simple system of characters taken from the workers' everyday speech.

From this modest beginning, Dr. Yen slowly developed a system of education that has and will continue to help a wide range of poor and underprivileged people around the world. The basic tenet of his philosophy is the importance of self-reliance. Dr. Yen developed innovative methods to bolster self-confidence and to teach impoverished people about modern technologies in agriculture, public health, and family planning, and he trained indigenous leaders who were then able to take this new knowledge back to their own communities.

Dr. Yen realized that the spirit of self-reliance and the need to build the confidence of poor people throughout the world is a far greater task than merely supplying clothing and food. As he once said, the primary objective is "not the invention of processes or equipment, but rather the finding of a solution to the problem of making improved techniques available to the people through organization and training."

Mr. Speaker, the determination and will of one man really can make a difference in the world, and Dr. Y.C. James Yen made a lasting impression on the lives of millions. I would like to extend my sympathy to Dr. Yen's entire family, both his immediate relatives and the millions of people he considered his extended family. The passing of Dr. Yen is a great loss; but he has left us with a very important and positive legacy.

ALWAYS FAITHFUL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. GEKAS. Mr. Speaker, I would like to draw the attention of my colleagues to a Pennsylvanian whose service to his State and country has been unwavering.

Frederick W. Wagner is department commander of the Pennsylvania American Legion. But his career started long ago. He joined the U.S. Marine Corps at the age of 17 and remained a marine until he retired in 1961. He served in the Pacific, the Far East, Middle East, and in the Caribbean. He also served with the 6th Fleet in Europe, as well as at a number of stations in the continental United States.

After his retirement from the Marine Corps, Frederick worked at the Olmstead Air Force Base and subsequently, for the U.S. Postal Service.

In 1945, while still on active duty, he joined the St. Clair Legion Post 694, Pittsburgh. He

also was a member of several legion posts where he was stationed, and has been a member of Hummelstown Post 265 since his military retirement. He served on many committees at post, county, district, and department levels, a number of times as chairman. He served four terms as post commander, and a term as Dauphin County commander. After serving 5 years as a district deputy commander, he was elected to serve as 19th district commander. He served as department vice commander and was elected department commander at the 71st Department Convention. He served as vice chairman of several department committees and served two terms as department Americanism chairman. In addition, he has been a member of several national committees.

Mr. Speaker, the Marine Corps code is "Semper Fidelis—Always Faithful." Those words summarize the dedication of Frederick Wagner.

BAN THE STEEL-JAW LEGHOLD TRAP

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. SCHEUER. Mr. Speaker, in 1985 I joined with colleagues in introducing H.R. 1809, to end the use of the cruel and inhumane steel-jaw leghold trap. This bill was introduced in response to hearings held on August 3, 1984, before the Health and Environment Subcommittee of the Energy and Commerce Committee.

Today, with 22 of my colleagues, I once again am introducing a bill to end the use of the steel-jaw leg-hold trap, by restricting interstate and international sales of the trap. The bill also would restrict commerce in furs from animals trapped by this excruciatingly painful device.

This bill is long overdue. The steel-jaw leghold trap continues after three decades to inflict unnecessary pain and injury on targeted and nontargeted animals.

And there are less cruel but effective ways to catch animals. Cage and box traps, and cable coated legsnares provide viable alternatives to this trap and cause far less pain to the animal. Furthermore, animals trapped mistakenly by these alternatives can be released with little or no injury. These traps also can be used by our Park Service to relocate animals such as the lynx, which is now being reintroduced in my own State of New York. The Bionic and Gabry spring-powered killing traps, by killing instantly avoid the terrible suffering caused by the steel-jaw trap.

By contrast, steel-jaw leghold traps often result in so much pain to the animal that it gnaws its own leg off to escape. Animals have been known to suffer a prolonged and painful death, by freezing and/or starving in the few days time that it takes for the trapper to return and check his traps. The trap does not discriminate in its carnage. Hawks, owls, bald eagles, swans, deer, dogs, and cats all are attracted to the lures and scents used in these traps and have been severely maimed or killed. In fact, many fox hunters are allied with me on this issue because they lose their valuable hunting dogs to the steel-jaw trap.

I am reintroducing this bill now, because there has been a watershed change in the major market for U.S.-produced furs and fur products, the European Community. The European Commission last year recommended a ban on furs from countries that have not banned the steel-jaw trap, and, the Environment Committee of the European Parliament now is considering a vote on this regulation. The U.S. fur industry, in an average production year, has a $200 million market in Europe. We risk serious erosion of this market unless we put an immediate end to the use of these traps, which already have been banned by 66 countries.

Mr. Speaker, we need to take strong, preemptive action now to remove this threat to our exports. Banning the steel-jaw leghold trap not only is the compassionate and humane thing to do, but also is the correct thing to do on economic grounds. U.S. action now would remove the looming threat of the U.S. fur industry.

Mr. Speaker, I hope that my colleagues will join me in helping to move this legislation through Congress. It is high time that we end this cruel and unnecessary threat to our wildlife, our beloved pets, and our economy.

IN TRIBUTE TO AN OUTSTANDING AFRICAN-AMERICAN BUSINESSMAN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. OWENS of New York. Mr. Speaker, I rise to pay tribute to Bert Mitchell, a New York City-based accountant who is the cofounder and managing partner of Mitchell/Titus & Co. This January, Mitchell/Titus merged with the Philadelphia-based Leevy, Redcross & Co. accounting firm, which is that city's largest minority-owned accounting firm. As a result, the firm, which is still called Mitchell/Titus & Co. is now the largest minority-owned accounting firm in the country and one of the Nation's top 50 accounting firms, with Bert Mitchell serving as its managing partner and chief executive officer.

As an entrepreneur and an accountant, Mitchell is a positive role model for African-Americans in New York as well as nationally, particularly for young African-American males who aspire to attain a higher education and an eventual career in accounting. Mitchell came to this country from Jamaica when he was 20 years old and penniless. He was the first person in his family to go to high school, work his way through college and complete graduate school. He made his way from a background full of hardship and poverty to not only become a prominent minority businessman but an ardent spokesperson and advocate for bringing more minorities into the accounting field, a profession which generally has not been very open to African-Americans and other peoples of color.

Two years ago, he became the first African-American president of the New York State Society of Certified Public Accountants. After he assumed office, a plan which he had lobbied for was passed by a professional organization. The plan to restructure professional standards, outlined by the American Institute of Certified Public Accountants, specifies measures for improving professional conduct and extending professional education.

As part of his effort to encourage and recruit more minorities for the accounting field, he conducted a landmark study in 1968, which revealed that there were fewer than 150 African-American CPA's practicing in the United States. Since the study, he has traveled the Nation encouraging minority students to enter into the profession. In his capacity as president of the New York State Society of Certified Public Accountants, he has created an advisory task force to study the condition of African-Americans in the field. As of 1988, when he became the organization's president, there were still less than 1 percent, or close to 3,000 minorities, in accounting in this country.

Since becoming the chief executive officer and managing partner of the new Mitchell-Titus and Co., Mitchell employs more than 200 people in his New York and Washington, DC offices, and his new Philadelphia office. His 1990 revenues should top $10 million, twice the size of his mid-1980's revenues of $5 million. In the wake of the merger, Mitchell plans to focus on broadening his firm's portfolio. Leevy, Redcross' concentration is in the commercial business sector, emphasizing tax planning and business consulting services. The old Mitchell/Titus firm had solid experience with government and nonprofit organizations and with auditing major pension plans. A profile of Mitchell in the April 1990 Black Enterprise magazine says Mitchell wants to develop a strong regional firm in the Northeast, particularly in the Washington, DC-Boston corridor. The merged firms' clients will include the NAACP and the employees' pension funds of Pepsico Inc., Time Warner Inc., Bristol-Myers Co., the State of New York, and the District of Columbia.

In New York, Mitchell has long been recognized as an outstanding businessman/entrepreneur. In 1988, then New York City Mayor Edward Koch awarded Mitchell the Black History Month Business Award.

I congratulate Bert Mitchell, not only for the expansion of his accounting firm, but for consciously, and conscientiously, paving the way for other African-Americans attempting to become a part of the accounting profession, and for beating incredible odds to achieve his career goals. I, along with other New Yorkers, am immensely proud of Bert Mitchell, and I wish him continued success.

A TRIBUTE TO SUZANNE RANSLEBEN, JANET BERRIDGE, AND THE STUDENTS OF KAFFIE MIDDLE SCHOOL, AND TO GLENDA KANE AND TO SAM AND ARANKA KANE IN RECOGNITION OF THEIR EFFORTS TO PROMOTE INCREASED AWARENESS OF THE HOLOCAUST

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. ORTIZ. Mr. Speaker, it is with great pleasure that I rise today to recognize and honor the people associated with a very special project by the ninth-grade class of the Kaffie Middle School located in Corpus Christi, TX. With the dedicated help of their teachers, Ms. Suzanne Ransleben and Ms. Janet Berridge, the 58 students have produced a stirring video documentary entitled "Eyewitness to the Holocaust."

The documentary came about because of Ms. Berridge's and Ms. Ransleben's efforts to increase awareness of the Holocaust by the students. The video is a compilation of interviews with 20 Holocaust survivors and liberators. Since its conception last September, the students have selflessly contributed hundreds of hours during their weekends and vacations producing this tribute.

The video should serve not only as a memorial to the events of the past, but should also help us to recognize their relevance today. The students' production reminds us of the horror and tragedy brought on by bigotry and racism. These types of prejudicial attitudes and racial aggressions continue to infect our world, and we must actively work to eliminate them. The students themselves, spurred on by their increased awareness of these issues, have started a community group to combat bigotry and racism. They are helping to teach classes to younger students reading works relevant to the Holocaust, and have been guest lecturers at the National Council of Christians and Jews youth group.

On April 25, the students will be coming to Washington, DC, to present their documentary to the National Holocaust Museum. I am sure that the museum is as proud of their effort as I am. In regard to their trip, I would also like to pay recognition to Sam and Aranka Kane, and their daughter-in-law, Glenda Kane, for the efforts and contributions they made which allowed this trip to happen. Glenda Kane started a fundraising project at the school to pay for the students' trip and her many hours of dedicated work are to be recognized and praised. Sam and Aranka Kane, themselves survivors of the Holocaust, have selflessly contributed over $30,000 to cover the expenses of the trip.

Mr. Speaker, I would like to recognize the names of the students: Clark Adams, Kara Anderson, Albert Balderas, Michelle Barker, Melanie Bartel, Chanda Buncick, Christi Carson, Cecilie Acrter, Amy Coffeen, Jennifer Crider, Kelly Davis, Anne Dreskin, Melanie Durst, Martha Epperson, Tammy Estes, Danielle Falcon, Shannon Ferguson, Paul Frost, Lisa Fulton, Melissa Generaux, Chris Gohlke, David Gomez, Geoff Griffin, Gaynette Groom, Jenifer Guerra, Raul Guerrero, Emily Haas, Michelle Hayes, Dan Klippert, Carl Krogness, Richard Maldonado, Chris Miner, Laurie Mokry, Rita Morales, Cynthia Moreno, Melanie Murray, Cynthia Neira, Erin Orr, Jim Palmer, Nick Patel, Joseph Patrick, Mike Perugini, Angela Prado, Jennifer Sanchez, Richardo Sanchez, Monica Sanderson, Mark Stolp, Shannon Thiltgen, Nikki Verma, Erin Vetters, Cecily Walker, Brandon Wall, Blaine Weaver, Alicia Wilton, Claudia Wong, and Angie Zaragosa.

I wish to honor all those involved—the students, their teachers, and the Kanes—for their hard work and dedication, and for their invaluable contribution to our society's awareness of the horrors of the Holocaust.

TRIBUTE TO DR. ROBERT E. DUNN

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mrs. KENNELLY. Mr. Speaker, I rise today to pay tribute to an outstanding Connecticut educator, Dr. Robert E. Dunn of West Hartford, who is retiring this June. During his 38-year tenure, Dr. Dunn distinguished himself as a instructor, department chairman, guidance counselor, vice principal, and principal of the William H. Hall High School in West Hartford, CT, a position he held for the past 28 years.

Throughout his tenure, Dr. Dunn strived to attain excellence in education by advancing an administrative philosophy that professed direct involvement in curriculum development, professional standards for faculty, community awareness and participation, and an ability to adapt to societal change. This formula has spawned a wealth of personal and professonal achievements.

Dr. Dunn was named Connecticut's "Principal of The Year" in 1989; chaired the National Student Council's Advisory Committee; and was the only high school principal to serve on a national commission reviewing the training of education administrators, which was chaired by former U.S. Education Secretary Terrel H. Bell. And in 1985, the William H. Hall High School was recognized nationally by the U.S. Department of Education as one of the exemplary secondary schools in the country.

As the steward of the Hall High community for three decades, Bob Dunn reached and molded the lives of thousands of young people. He is indeed the epitome of the dedicated educator whose legacy in Connecticut education is unparalleled.

Mr. Speaker, I am honored to recognize the outstanding record of Dr. Robert E. Dunn, and ask that my colleagues join me in heralding his distinguished career.

IN MEMORY OF JOHN HENRY FAULK

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. PICKLE. Mr. Speaker, I pay tribute and respect today to Texas humorist and civil libertarian, John Henry Faulk, who died April 9 after a long fight against cancer.

Called the best American storyteller since Mark Twain, Faulk hosted his own national radio show on CBS during the early 1950's. But his promising career was abruptly interrupted after Faulk's name appeared in an anti-Communist pamphlet that had been circulated within the industry. At the height of the red scare, with his show canceled, the blacklisted entertainer decided to fight back.

In a landmark trial that finally came to court in 1962, Faulk sued AWARE, Inc. for libel, and was awarded an unprecedented $3.5 million settlement. He collected only a fraction of the settlement, but gained the respect and admiration of many across the country. His victory was one in which all could share: a legal decision that ended the repression of free speech.

The Constitution became a common theme in Faulk's public and private life. His ordeal of being blacklisted brought Faulk a deep appreciation for the many rights granted by the Founding Fathers. He often gave lectures on the first amendment. And at Fourth of July celebrations with his friends and family, it was not uncommon for Faulk to recite the Preamble to the Constitution and the Bill of Rights.

Faulk carried out the tradition of Texas storytelling through lectures and appearances on television shows. More recently he wrote and starred in one-man plays that featured vintage-Faulk assortments of Texas characters.

Throughout his life Faulk served as a catalyst among groups of opposite opinions, maintaining that all people, regardless of race, religion, or creed, are interconnected. For his heroic stance against those who blacklisted him during the notorious McCarthy era, Faulk has a place in history.

Mr. Speaker, on a more personal basis, John Henry Faulk—and his family—have been close personal friends of mine. I literally grew up with John Henry throughout our University of Texas days and the years that followed. His was always a strong voice for fairness, progress, civil rights, and equal opportunity. He was an outspoken fighter for human rights and human dignity. Though he was often depicted as a humorist or a clown, in calmer moments he was a fierce advocate for the rights of the individual—and he spoke out strongly and clearly. He was a Democrat and he wore that label with pride and conviction because he came from a family with generations of supporters who believe in human dignity.

John Henry Faulk was a champion and spokesman for the underprivileged and overlooked. His encouragement and challenges will last for generations to come.

TRIBUTE TO THE MEXICAN-AMERICAN COMMITTEE ON EDUCATION

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to MACE, the Mexican-American Committee on Education, of San Benito County, on the occasion of the 20th anniversary of the founding of the organization.

MACE was founded by Mr. Al Gutierrez, who saw the need for an organization to encourage and financially support students aspiring to higher education. Mr. Gutierrez sought other members of the community who also recognized these needs and shared his concerns, and the first MACE committee was formed in 1970.

After two years, MACE had garnered enough public support and contributions to award their first scholarship to a deserving graduating high school senior, Sergio Martinez, now a math teacher at Rancho San Justo School. This was the first of what would be 243 scholarships and $103,500 awarded to students of San Benito County in need of financial aid to continue their education.

The MACE committee has grown and developed networks with several other scholarship organizations. It now consists of 17 planning committees and is funded by three corporations, in addition to local companies and individual community supporters.

The Mexican-American Committee on Education has supported and encouraged academic success for Mexican-American students while promoting and recognizing accomplishments of all students. MACE has taken a leadership role in involving the entire community in the education of the young.

Mr. Speaker, I ask my colleagues to join me now in congratulating the Mexican-American Committee on Education for its continued contributions to the people, and especially the youth, of San Benito County and the surrounding area. It is with great pride and respect that I pay tribute to all those involved in this fine institution.

VICTIMS AND SURVIVORS OF ARMENIAN GENOCIDE HONORED

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. BLILEY. Mr. Speaker, the last 2 years have brought much suffering to the Armenian people. The desecration and burning of St. Gregory the Illuminator Armenian Church in Baku. A series of organized pogroms and violent attacks on unarmed and peaceful Armenian inhabitants. 300,000 Armenian refugees driven by violence from their homes. Armenians ask: "How could this all be happening again?". Those who ignore history are condemned to repeat it.

In the shadow of World War I, the Ottoman Turk Government embarked on a plan to systematically eliminate the Armenian people from their ancestral homeland.

The Armenian men who had answered the call to join their country's armed forces were isolated and shot. On orders from the central government, Turkish soldiers rampaged from town to town, brutalizing and butchering the remaining Armenian population. Women and children were then forced on a death-march into the Syrian desert. By the end of the war, the Ottoman Turks had been successful in exterminating 2 out of every 3 Armenians. A million and a half Armenians had perished at the hands of the Ottoman Turks.

Henry Morgenthau, Sr., then U.S. Ambassador to Turkey, wrote: "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Only 20 years later, Adolph Hitler asked rhetorically, "Who remembers the Armenians?" as he began his master plan to annihilate the Jews. Those who fail to remember history are condemned to repeat it.

I have had the privilege of serving in Congress for the past 10 years and each year I have risen on the floor of the House to urge my colleagues to recognize the atrocities suffered by the Armenians at the hands of the Ottoman Turks. Each year, those efforts have failed. I ask my colleagues, "How many more Bakus; how many more Sumgaits must we witness before we tell the truth?"

The years cannot mute the voice of those Armenian survivors whose individual accounts of savagery combine to form a bedrock of irrefutable evidence. Despite the attempts to hide the records and to distort the facts; despite the world's preoccupation with politics and strategy, the truth of the Armenian Genocide remains.

We commemorate April 24 as the National Day of Remembrance of the Armenian Genocide of 1915–23, and pledge that their deaths were not in vain, that their suffering will not be forgotten. We must use the truth of the Armenian Genocide to help prevent such a tragic event from ever occurring again.

But we also use this day to rejoice in the continued survival of the Armenian people, for while the Turks crushed the fruit, the seed remained. I am reminded of a passage that William Saroyan wrote:

I should like to see any power in this world destroy this race, this small tribe of unimportant people whose history had ended, whose wars have been fought and lost, whose structures have crumbled, whose literature is unread, and whose prayers are no more answered. Go ahead, destroy this race! Destroy Armenia! See if you can do it. Send them from their homes into the desert. Let them have neither bread nor water. Burn their homes and churches. Then, see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia.

Mr. Speaker, thank you for allowing me the opportunity to honor both the victims and the survivors of the Armenian Genocide.

THE BAHAMAS AND THE WAR ON DRUGS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. DYMALLY. Mr. Speaker, I am pleased to take this opportunity to comment on the important efforts of the Bahamas over the past year in working with the United States to fight international drug trafficking. These efforts have made a very real difference, and are a hopeful development in a time of frustration on many fronts.

The Bahamas is, in many ways, a victim of geography. It lies directly between the major drug producing countries of South America and the major consumer of drugs—the United States. Police efforts to stop trafficking are made more difficult by the fact that this country of barely 250,000 people is spread across 700 islands and 100,000 square miles of waterways.

Despite these natural advantages for drug smugglers, The Bahamas is succeeding in cutting off this important route to the United States. United States officials believe that the cooperative efforts of the Bahamas are forcing drug smugglers to rely increasingly on more difficult routes—overland and via tbe Pacific. The numbers tell the story: cocaine seizures for 1989 are down 42 percent and marijuana seizures are down 95 percent. This is occurring at a time when other routes are showing increasing traffic.

Bahamian programs have been a model for other countries. Operation BAT, for example, has demonstrated the effectiveness of airborne radar balloons in intercepting drug-smuggling planes. The Bahamas' new anti-money-laundering laws are striking at the lifeblood of the drug lords—their profits.

All of this does not mean there is not a great deal left to be accomplished. Like any country that guarantees due process, the Bahamas is continuing its struggle against criminals who use technicalities in the law to escape justice. The enormous sums of money generated by the drug trade means the Bahamas must continue to guard against its corrupting effects.

Even on these difficult fronts, though, there are steady signs of progress. The Bahamas has closed loopholes in the law, actively prosecuted drug offenders, and made penalties tougher. Of the 1,277 arrested and charged in 1988, for example, 586 have been convicted and 495 await trial, as of 30 June, 1989.

Two new treaties with the United States also will help our joint efforts to fight drug trafficking. In the last 6 months, the United States and the Bahamas have entered a new Mutual Legal Assistance Treaty and a new Extradition Treaty. Both agreements will help cooperative efforts to prosecute drug crimes.

The efforts of the Bahamas led the President to certify on March 1 that it has "cooperated fully" in the fight against drugs. The recent testimony of operations-level United States officials from the DEA and Customs confirms that the Bahamas' cooperation is excellent.

In sum, we in Congress are realizing increasingly that international cooperation is the linchpin to winning the war on drugs. Much remains to be done in all countries. But the Bahamas should be commended for doing its part.

TRIBUTE TO HAROLD P. FURTH, RETIRING DIRECTOR OF PRINCETON PLASMA PHYSICS LABORATORY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. ROE. Mr. Speaker, it is with the greatest admiration that I rise today to pay tribute to a truly outstanding scientist, teacher, and administrator whose efforts have led our Nation to the leading edge of our efforts to harness magnetic fusion as a source of energy.

I am speaking of Dr. Harold P. Furth, who is retiring at the end of 1990, after a decade of distinguished service as the director of the Princeton University Plasma Physics Laboratory. Mr. Speaker, I know that Dr. Furth will be truly missed, for he has earned a reputation worldwide as a leader in the field of magnetic fusion, and has been a guiding force that has made our Nation a leader in this critical emerging field.

I believe that Princeton University President Harold T. Shapiro put Dr. Furth's efforts in true perspective recently when he said,

It is with great regret that I accept Dr. Furth's decision not to entertain the possibility of another term. He has served us with distinction. The laboratory, indeed the U.S. magnetic fusion energy effort, has made spectacular strides under Dr. Furth's dynamic leadership * * * the dream of harnessing on Earth the process of burning plasmas as a "clean," environmentally safe and practically inexhaustible source of energy * * * seems clearly within our grasp.

Mr. Speaker, Dr. Furth possesses a most distinguished background that has seen him scale both the academic and scientific ladder. He received his A.B. and Ph.D. degrees from Harvard in 1951 and 1960, respectively. From 1956 until 1967, he worked on controlled fusion research at the Lawrence Radiation Laboratory in Livermore, CA, becoming head of the toroidal confinement group.

Dr. Furth came to Princeton in 1967, as professor of astrophysical sciences. From 1967 until 1978, he served as cohead of the experimental division of the Princeton Plasma Physics Laboratory, eventually earning an appointment as associate director and head of the research department. Dr. Furth became program director in 1980, and director of the laboratory a year later.

Mr. Speaker, Dr. Harold P. Furth's tireless and dedicated efforts have earned him numerous honors. He received the E.O. Lawrence Memorial Award from the U.S. Atomic Energy Commission in 1974, the James Klerk Maxwell Prize in Plasma Physics from the American Physical Society in 1983 and the Joseph Priestley Award from Dickinson College in 1985. He was elected to the National Academy of Sciences in 1976, and he is a fellow of the American Physical Society, the American Academy of Arts and Sciences, and the American Association for the Advancement of Science.

In addition to his numerous honors and achievements, Dr. Furth has served his country through his efforts on behalf of numerous Government agencies. He has been a member of the U.S. Department of Energy's Magnetic Fusion Advisory Committee and the Fusion Advisory of the House Subcommittee on Energy Research and Production. Further, he has served on numerous committees and panels for the Department of Energy, NASA, the Department of Defense, and the National Academy of Sciences, among others.

Dr. Furth, who has published more than 130 technical papers and holds 20 patents in the areas of controlled fusion technology, has also been a member of the laboratory advisory committees of the Plasma Fusion Center at the Massachusetts Institute of Technology and the Max Planck Institut für Plasmaphysik in Garching, West Germany. In addition, because of his global reputation in the field of fusion technology, Dr. Furth has been invited to speak often at national and international meetings and symposia, as well as at research laboratories, universities, and community associations.

Mr. Speaker, Princeton University and the State of New Jersey have been fortunate, indeed, to be home to a man of Dr. Harold P. Furth's worldwide renown, innovation, and expertise. We marvel at all that he has accomplished, and we know that our Nation is on the cutting edge of this critical energy technology—fusion—because of his dedicated efforts.

It is with great pride, then, Mr. Speaker, that I invite you and our colleagues to join me in paying tribute to a truly outstanding scientist, teacher, and administrator, Dr. Harold P. Furth, retiring director of the Princeton University Plasma Physics Laboratory.

FUNDS FOR SETTLING OF SOVIET JEWS IN ISRAEL

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. DELLUMS. Mr. Speaker, on April 3, 1990, I voted for the supplemental appropriation, which provided $4 million in loans to Israel for housing newly arriving immigrants, almost all of them Soviet Jews.

I have long been active in the effort to secure the right to emmigrate for Soviet Jews. I am personally very pleased to have played a role in the release of several families, which have members in my district. I believe we all have a moral obligation to provide them all the assistance we can.

At the time I firmly believe that it would be unacceptable for the emigres to settle in disputed territories as a means of prejudicing future negotiations.

I had voted for the loan for housing with the assurance that none of the funds would be used in the settlement in the disputed territories.

I am therefore very concerned to learn that elements of the Israeli Government have surreptitiously funded a takeover of a church property in the Christian quarter of Jerusalem.

It is imperative that Soviet Jews be allowed to leave the Soviet Union, if they choose to do so. It follows that they must be allowed to emmigrate to wherever they choose, including the United States or Israel.

The status of the disputed territories in Jerusalem, the West Bank and Gaza will be decided by negotiation. Those negotiations and the establishment of peace are important to the entire world. This vital process must not be hampered or derailed by efforts to establish sovereignty or rights before the negotiation.

It is imperative that the Israeli Government assure the United States Government that none of the moneys from the loan will assist or fund settlements in the disputed territories.

WIN BETTINSON AND HERB FONTAINE, SIGN-OFF FROM WJDA RADIO IN QUINCY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. DONNELLY. Mr. Speaker, the city of Quincy, MA has lost two of its finest community servants: Win Bettinson and Herb Fontaine, who retired after a combined 72 years of informing the Quincy citizens through radio station WJDA.

Both Win and Herb, have been masters of the airwaves—38 and 35 years, respectively—reporting the news of the area, calling the shots on talk shows, and providing necessary and important information to the public during emergency situations.

During the great blizzard of 1978, which socked in the entire New England area with snowfalls over 3 feet, the only way to communicate during the crisis was through the air waves. Win and Herb stayed on the air for the 2-day stretch. Their performances were stellar. Through WJDA, they were the only means of communication between local officials and the public.

Over the years, their continued coverage of local news and sports made WJDA the giant among South Shore radio stations despite the expanding signals from the much larger Boston stations. Because of the local tilt, you would be hard pressed to find anyone in the area that did not depend on WJDA for weather forecasts, traffic reports, and local news updates.

Because of their immense knowledge of the area and dedication of time to the local issues, Mr. Speaker, their voices will be sorely missed and difficult to replace.

MEN OF MARIAN CELEBRATE 25TH ANNIVERSARY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. YATRON. Mr. Speaker, today I rise to pay tribute to the Men of Marian on the occasion of the culmination of their 25th anniversary celebrations. On April 29, 1990 the Men of Marian will close a year of festivities at a Men of Marian family communion breakfast. I would like to take a moment to recognize this truly exceptional organization which has contributed enormously to Marian Catholic High School of Tamaqua, PA.

The Men of Marian have much to celebrate. During the past 25 years, this organization has steadfastly stood by Marian Catholic High School. Since 1964, the Men of Marian have selflessly dedicated themselves to strengthening the academic and cocurricular well-being of the institution. This civic-minded club has been able to raise over $1.5 million for the school. These moneys have enabled Marian Catholic High School to meet its transportation needs, improve its facilities, and increase the percentage of graduates who attend institutions of higher education. The Men of Marian have contributed countless hours of volunteer work toward building the financial and human support needed to further enrich the educational experience of Marian students, reflecting the organization's concern for the future of our children.

Mr. Speaker, the education of our children should be one of our most important priorities. Clearly, the Men of Marian have demonstrated their commitment to this very significant cause. It is an honor and a privilege to recognize the Men of Marian, and to say congratulations and thank you for their 25 years of outstanding service.

TRIBUTE TO WILLIAM J. CORBETT

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. McGRATH. Mr. Speaker, I would like to take this opportunity to recognize a constituent and longtime personal friend, William J. Corbett, who was recently installed as the president of the International Public Relations Association [IPRA].

IPRA is a well-established group of public relations professionals from over 70 countries. The organization is dedicated to improving communication and understanding among all members of the international community. The ongoing consolidation of the European Community, rapid changes in Eastern Europe, the Soviet Union, and in other regions of the world demand the highest standards of professionalism in the field of public relations.

As new governments endure the growing pains of infant democracies, their efforts to convert to market economies and to reap the benefits of international trade will depend on successful public relations. IPRA is rising to this challenge by reaching out to government and business leaders in Eastern Europe and sharing the vast expertise of their membership. The organization is also educating its members on E.C. '92, and the opportunities in the integrated European marketplace. In another area of great concern, IPRA has actively supported an international antidrug campaign in conjunction with the United Nations.

Beyond these significant issues, IPRA also enforces a code of ethics and promotes quality education and standards in the field of public relations.

Under Bill Corbett's leadership, I am confident that these IPRA initiatives will contribute to greater understanding and comity among nations in this period of great change and challenge. Bill is a dynamic person with a tremendous résumé of professional accomplishments and civic activities. He is presently vice president of the American Institute of Certified Public Accountants and he serves as a village justice in Floral Park, NY.

I know that every Member of this body joins me in congratulating Bill and wishing him great success in his tenure as IPRA president.

AMERICA IS ABOUT MEN LIKE JOHN S. WOLFE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. SOLOMON. Mr. Speaker, let me give you an idea of what I think America is all about.

America is about men like John S. Wolfe of Stottville, NY.

One day John Wolfe and a few friends decided there was a need for a fire company. The result was the Hargraves Volunteer Fire Company.

That was 65 years ago. But if there's a fire in Stottsville, you can still be sure John Wolfe will be there.

Those of you who represent somewhat rural districts don't need to be told how important volunteer fire companies are. In New York State alone, they are the only fire protection many people have, and they save countless lives and millions of dollars worth of property every year. Many of you supported me when I authored legislation to exempt volunteer fire companies from operator license requirements that would have threatened their existence.

And those of you who have been to my office know that the most prominent feature is my collection of fire hats, as much a reminder that I was a volunteer fireman myself for 20 years, as a mark of my respect for the brave men and women who give so much to their communities. And few have given as much as John Wolfe. He is 86 years young, but still serves as a fire police officer. He has been a line and executive officer, and for many years was a fire commissioner. Most of the people he serves weren't even born when John Wolfe began his career.

There will be a dinner in his honor on May 5. Mr. Speaker, let us all rise to honor John S. Wolfe today, and let him know that he has made a difference.

RICHMOND CELEBRATES PORT DAY '90

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. MILLER of California. Mr. Speaker, I rise today to ask my colleagues in the House of Representatives to join me in celebrating Port Day '90 in honor of the Port of Richmond, CA.

Like much of the San Francisco Bay Area, the Port of Richmond had its birth at the height of the Gold Rush. Built by George Ellis, a miner who found it easier and possibly more lucrative to ferry people and produce between Richmond and San Francisco than to work in the gold fields, Ellis Landing was founded in 1860 at the foot of what is today Harbour Way South.

Almost as important as the Gold Rush in the development of the bay area was the arrival of the transcontinental railroads, and again, Richmond was no exception. The completion of the Santa Fe Railroad in 1900, with its western terminus just a stone's throw from Richmond's growing port, bolstered the port's standing as a prominent link in the San Francisco Bay transportation network.

Not to be limited by its previous commercial successes, the port illustrated its versatility and importance during the years of World War II as the location of the Kaiser shipyards. The 90,000 Richmond shipyard workers epitomized civilian war efforts by providing 747 naval vessels to United States and allied forces. This contribution helped to ensure the allied victory in both the Eurpean and Pacific theaters.

With its rich history, the Port of Richmond has much to celebrate, and we in the U.S. Congress share in the commemoration of this proud maritime heritage.

H.R. 3961

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. GEPHARDT. Mr. Speaker, today, I ask my colleagues to join Congressman ERDREICH, myself, and many of our colleagues in honoring Judge Vance, by supporting H.R. 3961. H.R. 3961 redesignates the Federal building in Birmingham, AL, the "Robert S. Vance Federal Building."

On December 16, 1989, the life of Judge Robert S. Vance was abruptly cut short by a bomb mailed to his home in Birmingham, AL. This brutal act marked the end to Judge Vance's dedicated service to the State of Alabama and to the United States.

Judge Vance's life of service began with active duty as a judge advocate during the Korean war. At the end of the conflict, he returned to Alabama to pursue a legal career. Acknowledged by both his friends and adversaries as a brilliant lawyer, he held the chairmanship of the State Democratic Executive Committee from 1966 through 1977.

In 1977, President Carter appointed him to the U.S. Court of Appeals for the Fifth Circuit. In 1981 he became a member of the 11th circuit where he continued to serve until last December. Judge Vance will be warmly remembered as a skilled public servant, an impartial judge, and a compassionate man. Remaning the Federal Building in Birmingham the "Robert S. Vance Federal Building" is an appropriate way for us to honor his memory.

NEED TO REDUCE SERVICE OBLIGATION OF SERVICE ACADEMY GRADUATES

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, today I rise to introduce legislation to restore the 5-year service obligation for graduates of our service academies and the 7-year service obligation for graduates of the Uniformed Services University of the Health Sciences.

During the final days of the first session of the 101st Congress, a provision was added to fiscal year 1990 Defense Authorization Act that would raise the active duty obligation of service academy graduates from 5 to 6 years, starting with the class entering 1992.

This provision was signed into law without deliberation in the House of Representatives at any level, neither in the Committee on Armed Services nor on the floor of this body. Furthermore, the proposal to increase the service obligation was not endorsed by any of the academies and was actively opposed by the Department of Defense. It seems, as if often the case with misguided legislation, that this provision was only added last minute as a means of keeping a larger, more important bill from being gridlocked.

I believe the increase in the active duty obligation will have a negative impact on the service academies' ability to recruit outstanding young men and women. At a time when we are making a substantial commitment to increase the number of women and minorities in our officer ranks, I believe the increased service obligation will actively undermine those efforts.

Minorities currently compose a little over 21 percent of enlisted personnel and only 7 percent of the officers. Highly qualified minorities are widely recruited by all colleges and universities. The 6-year active duty commitment would put the academies at a severe disadvantage. Interviews with black and Hispanic candidates who were accepted by the academies, but decided not to attend, revealed that the active-duty obligation was a major factor in their decision.

Furthermore, the view that the Government has to increase the length of the obligation of its academy graduates in order to "get its money's worth" overlooks the needs of the junior officer corps. Owing to the pyramidal structure of the military officer corps, the services need only to retain 55 percent of service academy graduates beyond the 5-year point, a percentage which the academies already meet. Increasing obligatory service risks reducing the quality and morale of our officers by forcing the armed services to recruit people who they do not feel are qualified.

I hope my colleagues will carefully review this legislation and I would welcome your support.

HUGO BARTH CITIZEN OF THE YEAR

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. RINALDO. Mr. Speaker, I ask my colleagues to join with me in recognizing the contributions of an outstanding citizen, Hugo Barth, who is receiving the Union Hospital Foundation's 1990 Citizen of the Year Award.

This honor is well deserved. Hugo Barth has been a dedicated member of the community of Union, NJ, for more than two decades. Virtually every charity, civic association, recreation program, and institution that serves the public and the needy have benefited from Hugo Barth's generosity and involvement.

As James J. Masterson, Foundation president, has remarked:

His devotion to the community for 22 years demonstrated by his service to civic groups and projects has helped to improve and enhance the quality of life in the Township of Union.

Hugo Barth's community service includes past president of the 200 Club of Union County; past president of the Union Rotary Club; the Union Township Board of Education; the Georgetown University Alumni Association of Northern New Jersey, and the Morris Union County Association for Retarded Citizens.

He is a partner in Haeberle and Barth and a member of the National and State Funeral Directors Associations. He also serves on the board of directors of the Union Center National Bank and the building committee of the Midland School of North Branch, NJ.

I congratulate Hugo Barth and his wife, Karen, on this award and express my sincere appreciation for his many contributions to the community.

SUPPORT FOR THE NEW GOVERNMENT OF LITHUANIA

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. SCHAEFER. Mr. Speaker, I rise today to add my support for the people and the new government of Lithuania. Despite the overwhelming threat posed by the Soviet Union against their desire for self-determination, Lithuanians have stood resolute for the values of democracy and independence. It is important for the United States to recognize independent Lithuania, and to use what influence we have to dissuade further Soviet intervention.

For 50 years the United States has refused to acknowledge Soviet authority over Lithuania, and has long considered it one of the captive nations of the Baltic. The Soviets annexed this nation as a result of the Hitler-Stalin pact, an alliance of supreme brutality.

With the recent spread of democratic values, it would be a major step backward if Lithuania's freedom is crushed. I am pleased to have joined in approving House Concurring Resolution 289, which expresses support for Lithuanian independence, and also calls on the President to recognize the new Government. However, this can be of little comfort as Lithuania faces a trade embargo and the threat of additional action.

Congress and the President must act in concert to ensure the continuing advance of the rights we hold so dearly. Again, I wish to express my deep respect for the people of Lithuania, as well as my deep concern for their future.

THE HUBBLE SPACE TELESCOPE

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today on the occasion of the launching of the Hubble space telescope. As I watched the shuttle *Discovery* lift off from the launch pad, I stopped to think of the men and women across the country who worked to write this important page in history. I am extremely proud to know that much of the revolutionary work for this telescope took place in my own district at Hughes Danbury Optical Systems in Danbury, CT.

Today, Mr. Speaker, a new day dawns for the science of astronomy with the launching of the Hubble telescope. In the past, astronomers have been limited in their ability to see into space duel to the hindrance of the Earth's atmosphere or the smallness of our earlier space vehicles. Now, 14 billion light years of space becomes available to us to examine and explore. For the next 15 years, we will have the unobstructed view of the heavens which scientists could only have dreamed about until today.

The technological wonder of the Hubble telescope was made possible through the international consortium of NASA, the European Space Agency, and various scientific investigators around the world, including the team at Hughes Danbury Optical Systems. Hughes Danbury Optical was responsible for the essential optical telescope assembly and guidance system for the telescope. Essentially, this mission hinges on the integrity and accuracy of the telescope's optical components, and Hughes Danbury Optical did not stop short of perfection in their efforts.

The pioneers at Hughes Danbury Optical were assigned the near impossible task of fabricating the mirrors for the Hubble telescope. In order for an astronomical telescope mirror to serve its purpose, it must be perfectly smooth to within seven one-billionths of a meter. Because this number is too small for the average person to comprehend, imagine, if this mirror was the size of the United States, the highest mountain and the lowest valley would be less that two inches from the surface. If you put an ordinary mirror on the

same scale, the surface variations would be as large as the Empire State Building. Through the development of special computers by Hughes Danbury Opitcal, these mirrors were painstakingly smoothed to perfection in order to maximize the telescope's performance and our view of the universe.

I am pleased to have this opportunity to commend the many dedicated employees at Hughes Danbury Optical Systems and their colleagues around the world for making the Hubble space telescope possible. Although much of space remains a mystery to us, today we took a grand step toward understanding our vast universe.

A TRIBUTE TO THE KING OF PIEROGIES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. YATRON. Mr. Speaker, today I rise to pay tribute to a distinguished gentleman from Shenandoah, PA, which is located in northern Schuylkill County. I am speaking of Theodore F. "Ted" Twardzik, who has been selected as the Greater Shenandoah Area Chamber of Commerce's 1990 honoree.

Mr. Twardzik is the founder and chairman of Ateeco Inc., which is the single largest employer in the Shenandoah area. Ateeco Inc. markets pierogies, which was traditionally an ethnic food, but has become a family dinner favorite over the past 5 to 8 years. Indeed, Ateeco produces some 4½ million pierogies a week.

Ted was born in Shenandoah, graduated from Mahanoy Township High School and then went to the University of Notre Dame. His college years were interrupted by service in the Army, but he returned to Notre Dame to graduate in 1951. Ted's sharp business intuition was honed at home in his parent's kitchen. In 1952, from their kitchen, Ted laid the groundwork for a true business and community success story. Ateeco has grown to a point where it now employs over 240 people, reinvigorating the community's economy. Moreover, Shenandoah is now the pierogi capital of the world and Ted is known as the King of Pierogies.

Mr. Speaker, it is an honor for me to recognize Ted Twardzik before you and the rest of my colleagues in the House of Representatives. It is only fitting that Ted's efforts to serve and better his community be recognized by the Greater Shenandoah Chamber of Commerce. Ted is the epitome of the Chamber's theme—Community Service is an Honorable Service—and his service has truly enriched the life of his community.

CASEY, IL TO CELEBRATE P.H. ROBEY DAY APRIL 28

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 1990

Mr. BRUCE. Mr. Speaker, it is my pleasure to rise today and honor an esteemed gentleman who provides the small, farm town of Casey, IL with a valuable example of leadership. On April 28, I will join the Casey community in celebrating Gen. P.H. Robey Day.

Born on April 27, 1906, Pearl Harvey Robey attended Casey Grade School, and to this day, he claims that his mathematics teacher, Irene Dixon, was the primary influence that led to his graduating second in his engineering class at the U.S. Military Academy at West Point, NY.

Young P.H. Robey graduated from West Point as a second lieutenant in the infantry in June 1929, and immediately started flight training at March Field. Upon graduating with a pilot's rating in 1930, he was transferred to the Air Corps where he flew jet fighters, bombers, and earned a "green" card rating with the AAF.

In 1935, when the Air Corps was concentrating on research and development, Robey entered the Wright Field Air Corps Engineering School. Following his studies, Lieutenant Robey worked in powerplant flight testing and flew at high altitudes in the days before the oxygenmask, pressurized cabins and heated flight suits. With this background, he began working with General Electric Co. officials to design the turbo-supercharger which improved high altitude flight and launched the Air Force's strategic, long-range mission.

After the supercharger's completion, P.H. Robey and his copilot, Captain Irving, flew a B–17 bomber to break the world's speed and altitude records. In looking back upon his 25 years of successful flight experience, General Robey humbly declares, "God has been good to me."

As the number of this superior officer's challenging experiences proceeded, so did his well-earned promotions. Following the supercharger program, Colonel Robey became involved in the Air Force's planning of the B–29. In 1950, he was appointed brigadier general in the Air Force and became a special assistant to the Deputy Chief of Staff in charge of guided missile development at the Pentagon. In 1953, he was promoted to major general and became the commanding general of the Western Air Command, including the new State of Alaska.

The son of Artie and Sylvia Jane Robey, P.H. Robey married the late Mary Louise Warner of Wilmington, OH in 1938. They had two children, Mary Catherine and John Robey.

General Robey is now retired, and despite his cosmopolitan experiences, such as attending a reception for Queen Elizabeth in Buckingham Palace and conferring with President Harry S. Truman in the Oval Office, in his heart, he remains a small town farm boy from the 19th Congressional District of Illinois.

I am delighted to take this opportunity to congratulate this fine gentleman upon his 84th birthday, and I look forward to celebrating his extraordinary accomplishments on P.H. Robey Day.

SENATE—*Wednesday, April 25, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The light of the body is the eye: if therefore thine eye be single, thy whole body shall be full of light. But if thine eye be evil, thy whole body shall be full of darkness. If therefore the light that is in thee be darkness, how great is that darkness.—Matthew 6:22, 23.

Eternal God who gives life and light to the world, forgive us for shallow optimism which refuses to see reality. May the wisdom of Jesus, "The light of the body is the eye * * *," and the familiar word, "There is no one so blind as he who will not see," cause us to acknowledge the critical condition so manifest around us. It is almost as if our pragmatic solutions feed the problems. Increasing poverty despite the war on poverty; alarming increase in crime with courts and prisons utterly inadequate; divorce, homelessness, hunger, alcoholism, drugs, suicide increasing epidemically, refusing to yield to political remedies.

Help us to see, Lord, that the heart of the dilemma is spiritual. Help us to think vertically as well as horizontally. Lord God, help our unbelief. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 25, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

From 12 noon until 2 p.m. today, the Senate will be recessed for a Democratic Conference luncheon.

I hope to obtain consent prior to noon to proceed to the supplemental appropriations bill at 2 p.m. when the Senate reconvenes following the recess. That bill was reported yesterday by the Appropriations Committee.

Once we have begun consideration of the bill, should any amendments be offered today which will require rollcall votes, those votes will be stacked to occur tomorrow to accommodate the nine Senators who are part of the official United States delegation to the inauguration of Mrs. Chamorro as President of Nicaragua today.

Senator DOLE consulted with the White House yesterday and they indicated their approval of that participation, and therefore we will not be able to complete action on the supplemental appropriations bill today. But it is my hope that we will be able to complete action on that bill on tomorrow.

So, Mr. President, there will be no rollcall votes today. But I hope we will be able to consider and debate the supplemental appropriations bill beginning at 2 p.m.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. ROTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware [Mr. ROTH].

LIGHTER, LEANER, AND MORE MOBILE: MATCHING THE DEFENSE BUDGET AND THE REAL WORLD

Mr. ROTH. Mr. President, for the past 40 years the citizens of the United States have been taxed to provide for the common defense. By consensus, during this period, we have tied our military strategy to the doctrine of containment, regarding the Soviet military and its allies, the Warsaw Pact, as a strong, homogeneous, aggressive enemy poised to strike the defensive forces of the North Atlantic Treaty Organization. It was assumed that the next world war, if it ever came, would begin with an attack by the Warsaw Pact's armored columns into West Germany, causing a face-to-face meeting of the most sophisticated weapons in the arsenals of the two super powers. This scenario drove our strategy, dictated our force structure and defined the design of almost every new weapon system acquired by the Department of Defense during the last 40 years.

Our strategy has proved both effective and expensive. The Warsaw Pact, in reality, no longer exists. In light of such dramatic political and military change, our strategy should now change. Even though we are faced by other threats, throughout the world, the changes we can now make in our defense forces will result in a lighter, leaner and more mobile defense force. This means that we can cut divisions, carrier battlegroups, and air wings. Such restructuring will produce substantial savings over the next decade.

We in the Senate have a duty and a responsibility to help define the new doctrines and strategies. We also have a duty and responsibility to assure

that all possible savings are achieved. This is going to be a painful process but if we can complete this exercise properly, we will have earned our keep. Putting off the debate is not going to make it any easier and every day we delay, costs increase and positions harden. So let us begin to prioritize, not parochialize, the defense strategy, budget, and programs.

The Soviet Union seems to be contracting rather than expanding and, according to the Director of Central Intelligence, "* * * will be preoccupied with domestic problems for years to come." He also said that "* * * [W]e can expect a continued diminution—but not elimination—of Soviet threats to United States interest [from conventional forces]." With respect to strategic forces, the Director of Central Intelligence asserted that while numbers seemed to be decreasing, quality of the strategic forces was being increased.

THE PROBLEM DEFINED

Mr. President, on March 22 the distinguished Senator from Georgia [Mr. NUNN] outlined for the Senate what his Armed Services Committee had learned since the first of the year concerning the Defense Department's fiscal year 1991 budget request. He pointed to what he called "blanks" in the administration's request. These blanks are the "unknowns" with respect to the threat, the strategy, force structure, the overall budget, and individual programs which arise from the changed world. Since that date, Senator NUNN has made a series of speeches which provide his views of the blanks in the administration's proposals.

I want to congratulate the Senator on his scholorship and oratory. He has provided for all of us a much better understanding of the changing world and what that means in terms of threat. I have studied his statements with care and find very much with which I agree. While I agree with his basic facts, I do come to some different conclusions as to where reductions and economies should be made.

The budget for the Department of Defense must consider the world as it is today. We must make the Department of Defense budget, our defense strategy and our defense procurements match the real world. Just as the world has changed dramatically, the DOD budget must change dramatically. The Congress must seize this opportunity.

APPROPRIATE GOALS FOR THE CONGRESS

Adjusting to the major changes in the threat to our interest requires time. We are a great ship of state and we need to allow sufficient time to make a change in direction. Failure to allow sufficient time results in high expectations that cannot be met, forces unwise decisions, decreases the morale of those who defend us, and could commit us to changes that would be difficult to reverse if the world situation were to change. However, as I stated earlier, we must not put off decisions which must be made today.

With these objectives and limitations in mind, I propose the following goal:

As soon as possible the United States should begin to restructure its military forces to reflect the decreased likelihood of direct confrontation between the super powers and the decreased likelihood of involvement in a high intensity conflict in Europe.

Our current military strategy, which played an important role in our doctrine of containment, was adopted in the early 1950's but it was not easy to reach consensus and did not occur overnight. Looking back now, we can say that the right doctrine and strategy were reached and that they were effective.

Now we need a new definition of the threat in order to determine our new strategy and the equipment we will need to procure in order to carry out that strategy. Even though the tasks of laying out the new threat definition and new strategy have not been completed, I think we have enough information to agree that the major threat we must prepare to face probably will not be a mass attack by Soviet Union and Warsaw Pact armored columns against NATO positions in Eastern Europe. It is much more likely that the scenario of concern will involve low-intensity combat or naval confrontations with a variety of potential agressors rather than this high-intensity threat. Because the nature of the past high-intensity threat determined the size and structure of our forces, I believe that this change permits a large reduction in active forces and the luxury of a partial dependence on Reserves and National Guard particularly for heavy land warfare.

Cutting active divisions, air wings and carrier groups will provide the greatest payoff in reduced obligational authority and outlays. Along with this change comes savings from base closures and reduced operation and maintenance costs. I truly believe that when we are able to reach agreement on a new strategy we will be able to reduce new budget authority for the Department of Defense substantially more than 2.6 percent. Additionally, I believe that we can do best by examining the threat, strategy, and weapons programs on a case-by-case basis, eliminating those programs and costs that are based on the European battlefield and shifting our resources to meet the threat of the 1990's and beyond.

SUGGESTED PROGRAM CHANGES

As I pointed out, while we do not have complete information, we have enough information to begin to identify programs that were designed to overcome a threat that has been greatly diminished. While the information on new programs that may be needed is not as clear, I do not think for 1 minute that the only thing we need to do to meet the changed threat is simply cut out unneeded programs. There will be unmet needs that will require new programs or redirection of existing programs.

Despite the absence of some information—or, in the words of Senator NUNN, the presence of "blanks" in the administration budget proposal, I would now like to suggest some changes as a starting place for debate and for meeting the goals I propose.

STRATEGIC FORCES

Director of Central Intelligence Webster stated that "the bulk of the evidence about Soviet strategic forces and programs show a vigorous, broad-based modernization effort that is improving their overall strategic capabilities." He added that "the Soviets continue to modernize all elements of their strategic defense forces. Because of this assessment I think that our strategic programs should move at a pace roughly equivalent to the Soviet program.

CONVENTIONAL FORCES

The changed threat provides us with two great opportunities.

An opportunity to reduce the size of our conventional forces.

An opportunity to slow down or even to skip one generation of modernization while we wait to discover the true nature and depth of the change.

The Army's plans contained in the administration's defense proposal do not reflect substantial change in force structure. The Army currently has 18 active duty divisions. I see no reason why the Army cannot cut 4 active duty divisions during the next 5 years with an ultimate goal of 10 active duty divisions by the year 2000. In cutting divisions, the Army should consider the decreased need for heavy land warfare and protect the lighter more mobile divisions. Additionally, Army's Heavy Forward Air Defense Systems, which are designed for the European theater of operations, should not progress beyond research and development. There are a number of other unnecessary Army weapons designed to attack the second echelon of Soviet forces in Europe even though that threat is disappearing.

The Navy asserts that its force structure was not based in Europe and, therefore, it sees no reason to change based on a change in Eastern Europe. However, much of the Navy mission was directed at protecting and insuring the resupply of United States forces during a lengthy war in Europe while simultaneously preparing to penetrate Soviet waters with carrier task forces. While the possible need

for transoceanic resupply remains, reductions are possible in the 14 carrier groups now authorized. I believe that a reduction to 10 carrier groups within a reasonable period of time is possible. However, it should be noted that skipping a generation of modernization will, in its turn require the updating and upgrading of existing aircraft.

The Air Force has many ambitious plans based on the European scenarios. These include the follow-on to the F-15 air superiority fighter, the C-17 and various missiles and electronic gear. All of these systems should be reevaluated with an eye toward elimination. Additionally, the number of air wings during the next 10 years could be reduced from 24.

OVERSEAS FORCES

The suggested force structure changes could be accomplished both at home and overseas. I would like to see us begin to negotiate a reduction of troops in Europe. I believe that these negotiations could lead to an agreement to keep about 100,000 troops in Europe.

CONCLUSION

This is the beginning of the debate about the 1991 Defense authorization bill and the even longer process of deciding what the U.S. Defense Establishment will look like in the year 2000. The goal I have proposed and the suggestions I have made are a good place to start.

While I believe that there are programs that should be cut, I am most interested in cutting the production programs rather than the research and development efforts which contribute to our industrial base. In this regard, there are programs such as the B-2 and such as fiber optics missile systems, where research and development should continue through operational testing to determine the full range of the capabilities and performances of the platform.

The world has changed dramatically. What I am suggesting is a change in our defense structure that is equally as dramatic and is truly responsive to the change in the world. At the same time, I recognize that as new threats are defined and strategy developed to protect our interests from these threats, new weapons systems may be required. Responding to the changes in the world is not just cutting defense programs but rather, it is defining the changed threat, adopting a strategy to meet the threat and then selecting the force structure and weapons necessary to protect our worldwide interest. Hopefully we will thereby receive, over time, the much desired peace dividend.

Mr. President, it is important that the debate begin to lead to a consensus about our defense strategy and the men and equipment needed to carry out that strategy. Undoubtedly, with world events in such a period of rapid change, there should be a continuing need for reevaluating the world threat and U.S. strategy. Hopefully, world events will enable the United States as well as other nations to continue to reduce significantly the resources allocated to defense needs. In the meantime, I believe the program I have outlined establishes a sound starting point.

I yield back the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

DEFENSE EXPENDITURES

Mr. GRASSLEY. Mr. President, the Senate Budget Committee, of which I am a member, is presently debating the level of defense expenditures for the coming fiscal year. I would like to discuss some of the issues that pertain to that debate.

Irrespective of the number decided on by Congress for the defense budget, we must be aware of the pitfalls associated with a build-down of our national defense. No matter how much we spend, if we do not spend it effectively, we still risk a return to the hollow army syndrome of the 1970's. The points I raise in this discussion and in the days ahead are intended to address how we avoid a hollow army in the face of the build-down, and how we maximize our capability despite shrinking resources.

The two central questions are: First, how do we determine the defense budget; and second, how do we spend the money. These are the two fundamental questions—planning and execution—that will ultimately determine whether or not we get the biggest bang for the buck as we build-down our national defense. Indeed, it was the disconnect between plans and execution that characterized the defense management failures of the 1980's, when we got marginal capability gains at much greater cost.

What is important to realize is that the disconnect between plans and execution still exists within DOD because the management reforms encouraged by the Secretary of Defense are slow to take hold. If reforms fail to take hold and the disconnect were to remain, then the cuts we will make in the Budget Committee or on the floor of this body will most assuredly keep us on the path toward a hollow army, especially if the cuts are deep.

Allow me, Mr. President, to characterize this disconnect between plans and execution. I have likened it to a paradox. At the planning level, there is too little money to buy everything we have in the 5-year defense plan. This is known as underfunding. At the execution level, there is too much money available to manage programs efficiently. The excess money contributes to cost, schedule, and performance problems such as we have seen recently with AMRAAM, the FOG-M, and the C-17.

The disconnect comes into play when the planners fail to take into account the impact of cost, schedule, and performance problems. Instead, we plan for the most optimistic cost, schedule, and performance. That way we can squeeze everything into the budget, even though there is no room. I have often called this phenomenon a "blivet," which is 5 pounds of manure in a 4-pound sack. Over time, the impact of "bliveting" is to hollow out the army at great expense.

To avoid expensive weakness in the 1990's, we have to reform the process by which objectives are established, plans are made, programs receive resources, and the budget is executed. This requires linkage between the various organizational elements under a new defense management structure. Secretary Cheney has laid out a framework for accomplishing this. It is contained in the Defense Management Review which was published last summer. It is not complete, but it is indeed a solid first step. It is not being implemented fast enough, but perhaps it will be if we in Congress provide encouragement and support, and, of course, if we light the proverbial fire under the feet of recalcitrant bureaucrats.

Tomorrow, I will outline a strategy for effectively managing the build-down, and an organizational structure that provides the necessary linkage between the various elements.

In closing, Mr. President, I would like to make one comment. There are some who mistakenly believe there is no connection between the Secretary's Defense Management Review and the budget process itself. They would divorce the issues of strategy, planning, programming, and resource allocation from the so-called management reforms of the DMR. Let me just correct that misconception. Management reform of DOD begins with reform of the defense budget process. It is what drives the other reforms, it is what provides the opportunity for accomplishing the reforms, and without it reforms will not work. If that were not the case, why would planning reform be so prominent in the DMR? It is the very first activity addressed in the DMR as needing reform. I refer my colleagues to pages 5 and 6 of the DMR. It is addressed before acquisition, before Government-industry relationship, before congressional actions, and before the acquisition work force. This year, reform of the defense planning, programming, and budgeting process fell apart. And with it, successful implementation of badly needed reforms has been put in abeyance. That means, management of our defense resources is still governed by the same process that gave us marginal

gains in capability at much greater cost during the last decade. During a defense build-down, that can have a devastating impact on our national security. So while business as ususal prevails at the Pentagon, an expensive meter continues to run.

I will have more to say on these matters tomorrow and in the weeks ahead, Mr. President.

In the meantime, I hope that my colleagues would take a look at something I have disseminated to all of my colleagues, my critique of the DMR called The Defense Management Challenge, Recommendations for Managing the Defense Resources in 1990, because there are some recommendations in there, and some shortcomings of the present DMR, that people have to take into consideration.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, it is my understanding that we are in morning business and that Senators may speak for up to 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ARMSTRONG. I ask unanimous consent that I be permitted to speak beyond 5 minutes, if I need to do so.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Colorado is now recognized.

SITUATION IN LITHUANIA

Mr. ARMSTRONG. Mr. President, there is a disturbing report in today's paper that the President has declined to take any actions with respect to the situation in Lithuania. The headline is, "Bush Declines to Set Lithuanian Sanctions."

The President is reported to believe that to do so would be a mistake and that in some way, by indicating in a concrete way the concerns of the American people, by levying some kind of sanctions or in some way putting pressure on Mr. Gorbachev and on the Soviet Union, that we would endanger the freedom of other Baltic nations or the nations of Eastern Europe.

There is also on the front page of this morning's paper a picture and report from the President of Lithuania, Mr. Landsbergis: "This is Munich."

Mr. President, I believe Mr. Landsbergis is right. I say so reluctantly, but I believe it will be the conclusion of thoughtful people around this country and the world that we are selling out the Lithuanians.

I hope every Senator will take the time to read this article in detail because it is disturbing not only for its conclusions but for the reasons that are cited for the failure of the United States to take some kind of specific concrete actions, something that would be more than just words to say that we stand solidly behind the efforts of the Lithuanian people to achieve the independence which they have been wrongfully denied for more than 40 years—50 years, in fact. One of the reasons cited is that Lithuania is a small country; it is a country that has little strategic value.

Mr. President, if we are going to start measuring our commitment to freedom by somebody's conception of strategic value or somebody's idea, an unnamed somebody in today's account of this in the Washington Post, that a country is too small for us to care about the freedom of the people involved, then something very precious is being lost in the process.

Mr. Eisenhower once said that freedom is—I cannot quote it exactly, but he made the point that freedom is more than something that is written in the dusty pages of history. It is an ideal that lives in the hearts of human beings and must be refreshed in their lives everyday; that it is like a cut flower; that if it is not refreshed everyday, it dies a little everyday.

What is happening here is that the freedom of Lithuania is dying a little today, and I regret to say the freedom of our own country as well. If we turn our back on what is happening in that troubled nation, we are not being faithful to our own ideals.

Mr. President, I want to read briefly the comments of the President of Lithuania who, I think, has standing to speak to us with great eloquence, as have others who have suffered under the yoke of oppression.

Lithuanian President Vytautas Landsbergis said today that President Bush's decision to defer any sanctions against Moscow in the Soviet secession crisis amounts to a political "Munich," a reference to the attempt by Britain and France to appease Nazi Germany in 1938 at the expense of Czechoslovakia.

"We feared that America might sell us. Let people decide whether that has happened," Landsbergis said. "I don't understand whether it is possible to sell the freedom of one group of people for the freedom of another. If that is so, then of what value is the idea of freedom itself? . . . This is Munich."

Ever since Lithuania declared independence from the Soviet Union on March 11, Landsbergis has been searching for stronger backing from the United States and other Western nations. Lithuanian leaders had expected the United States to take some economic measures against Moscow today, but the Bush administration has been reluctant even to sharpen its rhetoric in support of the breakaway republic, much less impose sanctions, for fear of harming relations with Soviet President Mikhail Gorbachev.

Mr. President, I ask unanimous consent that the entire text of the article and an article which appears on the same page outlining the point of view of the administration, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 25, 1990]

BUSH DECLINES TO SET LITHUANIA SANCTIONS: "THIS IS MUNICH," LANDSBERGIS SAYS

(By David Remnick)

Moscow, April 24.—Lithuanian President Vytautas Landbergis said today that President Bush's decision to defer any sanctions against Moscow in the Soviet secession crisis amounts to a political "Munich," a reference to the attempt by Britain and France to appease Nazi Germany in 1938 at the expense of Czechoslovakia.

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Ever since Lithuania declared independence from the Soviet Union on March 11, Landsbergis has been searching for stronger backing from the United States and other Western nations. Lithuanian leaders had expected the United States to take some economic measures against Moscow today, but the Bush administration has been reluctant even to sharpen its rhetoric in support of the breakaway republic, much less impose sanctions, for fear of harming relations with Soviet President Mikhail Gorbachev.

The Kremlin, for its part, will continue to exert economic and political pressure on Lithuania whether or not Washington or other Western governments decide to levy any sanctions, a high-ranking Soviet official said today.

The level of tension between Moscow and Vilnius, the Lithuanian capital, shows no signs of abating. KGB Lt. Anatoli Parakhin said in an official statement that border patrols around Lithuania have been increased and surveillance has been stepped up to watch over "possible contacts between Soviet vessels and foreign boats in territorial waters and within the Soviet economic zone to avert the transfer of weapons and ammunition to Lithuania."

Lithuanian officials have denied trying to get weapons from abroad and have said that the only use of force in its confrontation with Moscow has been by the Soviet army.

Tonight, the Soviet news agency Tass reported that a shot was fired Monday night at an open window of a Soviet army barracks in Vilnius. The report said that no one was injured but that ballistics experts believe a combat weapon was used.

Asked in an interview how the Soviet Union would react if the United States were to rescind promises of trade agreements or other future economic benefits, Gorbachev's spokesman, Arkady Maslennikov, said: "We'd be sorry, but only sorry. It wouldn't

change our course in relation to Lithuania. This is a matter of the Soviet Constitution."

A Foreign Ministry spokesman, Vadim Perfilyev, said that any U.S. sanctions would provide Lithuania with "false hopes and have negative consequences" on the international scene.

Maslennikov added that so far he did not think the secession crisis—and Moscow and Washington's disagreement on how to resolve it—would endanger the Bush-Gorbachev summit scheduled to begin May 30 in Washington. He said the Kremlin understands that Bush is under pressure from some members of Congress to take firmer action against Moscow but added, "We hope sober counsel will continue in the U.S. administration."

Maslennikov said that the Lithuanians had "brought the crisis on themselves" and that their leaders, especially Landsbergis and Prime Minister Kazimiera Prunskiene, were "acting like children who want their candy right away."

"We are not denying Lithuania the right to independence," Maslennikov said, "If they want to be independent, fine. But they have to go through the procedures of the Soviet Constitution." He added that the Kremlin was not demanding, as a starting point for negotiations, that Vilnius rescind its March 11 declaration of indpendence, but that it must "at least" declare a freeze on all laws passed by its parliament since then.

The Lithuanians have not agreed to such a freeze, and a five-member delegation from Vilnius led by Vice President Bronius Kuzmickas continued today to search without success for an audience in Moscow with high-ranking Kremlin officials.

Like many other Soviet officials in recent weeks, Maslennikov repeatedly referred to hypothetical American analogies. "What if Alaska decided it wanted to be on its own?" he said, "Could it just walk away, or would it have to follow the procedures of the U.S. Constitution?"

Since the Soviets imposed an embargo on shipments of crude oil and other materials to Lithuania last week, most people in Vilnius have cut down on the use of private cars and are taking public transport. At the same time, more than 6,000 bus routes have been cut from normal schedules for lack of fuel.

The republic also has begun a strict gasoline rationing program, and the government has urged a minimal use of energy supplies, but electricity and heat in private homes and public buildings are still working normally, sources in Vilnius said.

More than 7,500 workers have been put out of their jobs since the embargo began, a Lithuanian spokesman said. Lithuania's legislature set up an "anti-blockade commission" led by Prunskiene today to plan measures to ease the effects of Moscow's cutoff of oil, most natural gas, medicines and other goods.

Prunskiene is considering selling some of Lithuania's gold reserves in an attempt to buy oil abroad. The republic has about $25 million in gold that it transferred to France before World War II as a precaution, and the Bank of France said last month that it would return the gold to Lithuania if the French government recognizes the republic's independence. Lithuania, however, needs about $55 million worth of oil a month to run the republic.

BUSH REJECTS SANCTIONS OVER LITHUANIA: PUNISHING MOSCOW WOULD BE "MISTAKE"

(By Ann Devroy and Don Oberdorfer)

President Bush yesterday decided not to retaliate against the Soviet Union or risk crackdown against Lithuania, saying that sanctions against Moscow could undermine "freedom around the world."

Bush emerged from an hour-long discussion with congressional leaders to offer a lengthy, emotional explanation for his reluctance to penalize the Soviets, at least for now. Quoting baseball philosopher Yogi Berra, Bush said, "I don't want to make the wrong mistake."

Saying he had put off a decision on whether to impose any sanctions, the president said: "I'm concerned about the evolution of freedom in the other Baltic states whose incorporation we haven't recognized and I'm concerned that we not inadvertently do something that compels the Soviet Union to take action that would set back the whole case of freedom around the world."

With the Soviet political and economic systems under great strain and President Mikhail Gorbachev scheduled to arrive in this country for a summit meeting just five weeks from today, Bush said this is "a very complex time" in which to make a decision about the U.S. sanctions he had promised to consider. Last Tuesday, Bush said he would consider "appropriate responses" if the Soviets cut oil and gas supplies to Lithuania, which they subsequently did. Last Wednesday, Secretary of State James A. Baker III said the Soviets were putting bilateral economic contacts "at risk" by pressuring Lithuania. On Friday, the White House said sanctions against Moscow would be announced after consultations with the allies and Congress.

But yesterday Bush and other administration officials indicated that they were not prepared to put Lithuanina independence ahead of other policy objectives they consider more important, nor to create false hopes in Lithuania that U.S. backing can win concessions from Moscow. "You have got to look at the real options," Bush said, adding: "I am old enough to remember Hungary in 1956, where we exhorted people to go to the barricades and a lot of people are left out there all alone" when the Soviet tanks suppressed the Hungarian revolution.

White House press secretary Marlin Fitzwater said that after consulting its allies, the administration concluded that it had no support for retaliatory moves, even the relatively mild bilateral economic options that were on the table. Over the weekend, European foreign ministers expressed concern about events in Lithuania, but declined to take any action.

In his public remarks yesterday Bush indicated that he saw the Lithuanian problem in a long-term context. "I'd like to see the progress in the Soviet Union go forward without having some elements that are opposing Gorbachev on all of this crack down and set the clock back to a day we all remember of Cold War mentality and confrontation," he said.

One official said Bush had spoken privately of the Lithuanian crisis in terms of the way it might look decades from now. "He said 'I don't want people to look back 20 or 40 years from now and say, that's where everything went off track. That's when progress stopped,' " the official quoted Bush as saying.

Another senior official noted that there was "virtually no pressure" to impose sanctions from Congress, the American public or the press. Yesterday, Democratic leaders of both houses issued statements supporting Bush, and what criticism there was in Congress was mild.

The reluctance to penalize the Soviets reflects a widespread though mostly unspoken sense in the administration that the Lithuanians have pressed their case for independence too quickly and too radically and been too unwilling to compromise, officials said. Bush alluded to that perception yesterday when he called for "both sides" to begin negotiations. Gorbachev, he said, "has indicated a willingness to do this. The Lithuanians have indicated some willingness to do this."

A senior official at the White House and another at the State Department yesterday noted Lithuania's small population, relative unimportance strategically and the fact that the economic sanctions Moscow has imposed in an effort to pressure the Lithuanians has been less than devastating. Said one official, "No one is starving. The Soviets made a point of that."

When the administration's senior officials met Monday night without aides present to discuss the situation, a number of lower-ranking officials predicted that some form of sanctions against Moscow were imminent. The National Security Council did consider postponing talks on a series of economic concessions that Moscow ardently seeks. Negotiations on several of those matters resumed yesterday in Paris.

Bush and his senior aides left the impression that if conditions worsen in Lithuania, sanctions might still be imposed. That door was left open, an official said, "so the Soviets understand that no sanctions today doesn't mean no sanctions ever."

Bush expressed hope that a Lithuanian delegation now in Moscow for talks with Soviet officials could produce an end to the stalemate over the process and pace of Lithuania's drive for independence. Such talks, Bush said, have "a great deal of potential for the freedom that we seek for the Lithuanians, and yet have it done in a way that is not egregious to the Soviet Union. . . . Therein lies the answer."

Bush himself ruled out major retaliatory moves, saying any steps he might take "are apt to be on the economic side." Fitzwater said the administration had ruled out any military response, any slowdown in the arms control negotiation process and any effect on U.S.-Soviet grain agreements.

Administration officials denied that conversations between Baker and Soviet Foreign Minister Eduard Shevardnadze on Lithuania over the past week had produced any specific pledges on Soviet actions or an affirmative decision to grant the Soviets a reprieve. Baker is expected to see Shevardnadze again in Berlin Friday of next week as the two ministers prepare for big-power discussions on the future of Germany. Officials did not rule out a new series of direct contacts between the two ministers on the Lithuanian situation even before then.

Over objections from Baker, the Senate Appropriations Committee yesterday included in an emergency omnibus spending bill $10 million to buy and staff an embassy in Lithuania if the United States formally recognizes the country as an independent state.

Fitzwater said Bush had not answered a letter from Lithuanian President Vytautas Landsbergis not had he or other members of the government had any direct contact with Lithuanian officials. Fitzwater said contacts have remained through "private parties."

Fitzwater said in the session Bush had with congressional leaders, only two of them, Rep. Dante B. Fascell (D-Fla.) and Sen. Jesse Helms (R-N.C.), suggested the president take new steps in the crisis. Fascell said he has suggested delaying the summit until the Lithuanian situation became clearer "perhaps in the fall," and Helms suggested Bush formally recognize Lithuania and exchange ambassadors.

Senate Majority Leader George J. Mitchell (D-Maine) said he agreed with the president's position "so far" but urged some immediate steps toward trade sanctions against the Soviets. House Speaker Thomas S. Foley (D-Wash.) also issued a statement of general support.

Both Mitchell and Senate Minority Leader Robert J. Dole (R-Kan.) said Bush emphasized when he met with them yesterday that he had not made any decisions. Dole said he told the senators that he "wanted to weigh ideas that were suggested" at the meeting for possible future action. "I think he just wants to be very careful," Dole told reporters after the meeting.

Sen. Robert C. Byrd (D-W.Va.), chairman of the Senate Appropriations Committee, said in a speech yesterday that he would "oppose extending new economic benefits and rewards to the Soviet leadership at the same time it is starving Lithuanians of food and fuel." Specifically, he said, it would be wrong to extend most-favored-nation trade status to the Soviets or "endorse any new trade agreement with the Soviets while Lithuania is denied its rightful status."

Mr. ARMSTRONG. I thank the Chair. Without elaborating too much on the detail of it, I have a brief chronology of the events of the last several weeks. This has been prepared by, I believe, the Los Angeles Times. It is not an attempt to be exhaustive but just to put in perspective what is going on, because day by day the pressure and the intensity of the force being used by the Soviet Union against the people of Lithuania has escalated.

It is not as if they sent in all the tanks and paratroopers the first day. They have not done that. They have been much more subtle. As a consequence, day by day, people in this country and elsewhere said, if they even cross a certain threshold of violence and oppression, then we will act.

It is more like the salami tactic of taking another slice, and another slice, and slicing it thinner and thinner, but the ultimate effect is the same.

March 11: Lithuania declares independence. Parliament elects Vytauta Landsbergis president, the first non-Communist leader in Soviet history.

March 15: Soviet Parliament dismisses secession move as "illegal and invalid."

March 21: Soviet President Mikhail S. Gorbachev orders Lithuanians to surrender weapons, toughens visa controls and border checks.

March 22: The Kremlin sends a squad of prosecutors to Lithuania to enforce Soviet law in the restive republic.

March 23: Soviet order diplomats out of Lithuania and bar journalists from entering.

March 27: Soviet paratroopers raid psychiatric hospital to capture Lithuanian deserters from Red army.

March 29: Lithuanian leaders attempt to appease Soviets by urging citizens to turn over weapons and suspending plan to establish own border controls. Kremlin, meanwhile, offers amnesty to Lithuanian deserters.

April 1: Soviet tanks roll through Vilnius in show of military force.

April 3: Soviet legislature adopts tough new secession rules and grants Gorbachev sweeping powers to declare states of emergency.

April 13: Gorbachev gives Lithuania 2 days to rescind independence declaration or face cutoff of energy supplies.

April 16: Lithuania defies Soviet ultimatum. Legislature meets in special session to draft survival plan.

April 17: Lithuanian leaders report beginning of Soviet oil and natural gas cutbacks.

I have no idea of what the report will be tomorrow, but today all over the world people will be asking, where does the United States stand? Do we stand with the people of Lithuania, whom we have assured over and over again we support—the people of Lithuania who have read or heard about the resolutions adopted by this Congress on dozens of occasions where we have condemned the illegal and violent annexation of Lithuania, Estonia, and Latvia into the Soviet Union.

I do understand that this is a complicated matter, and that is the first thing that I fully expect would be said if anybody were to raise these issues with the State Department or somebody at the White House. They would say, well, this is all very complicated.

Of course it is. It is not enough just to have your heart full of concern for people who are struggling for freedom. This is a matter on which we must use our head, and Mr. Bush, I think quite properly, is weighing the alternatives. I respect that he has unique and special responsibilities, as well as unique and special insights into the situation. But in my opinion we are being far too cautious. In trying to balance this between what our hearts tell us and what our heads tell us, we are making a mistake, we are giving the impression to Mr. Gorbachev and the world that we really do not care, that our relationship with Mr. Gorbachev is so important that there is no outrage to which we will respond.

Mr. President, this is not an unfamiliar argument. Every time we face a crisis of some sort somewhere in the world, these same kinds of questions arise. Whenever Senators suggest a course of action which is along the lines of what I am about to suggest, somebody says, well, no, leave it to the professionals down at the State Department. They say, well, no, this is not something that should be conducted in public after all; behind the scenes we are working very diligently on this matter. They say, well, no, it is better left to those who devote their attention to such matters every day of the week, 7 days a week. In short, it is better left to the execuitve branch than to the legislative branch; it is better left to us rather than to you. That is what they tell Senators.

That is what they told us about China. Remember? I invite Senators to look at how that has worked out. I don't think that policy has proven out very well. It proves to me that Senators were right and the professionals down at the State Department and elsewhere have been proven wrong about China.

That was pretty much the tone of the argument when we argued the forced labor issue a number of years ago. The Congress repeatedly asked the administration to enforce those laws that prohibit the importation of goods produced with forced labor in the Soviet Union. Over and over again, despite the clear provisions of the Tariff Act of 1930, and despite the repeated requests and the expressions of official concern by the Senate and by the House of Representatives, the administration declined to do so. My view is that a lot of people suffered needlessly and the reputation of the United States suffered needlessly.

That was pretty much the same situation we went through in Romania when some of us in this Chamber argued and argued over a period of years that we should not grant MFN status to Romania because of their abuses of human rights. I think history has proven that we were correct.

Mr. President, I think I would claim too much if I were to say a cautious policy of behind the scenes diplomacy is or always has been wrong, and on a number of ocassions it has been, but in this particular instance it seems to me we are just conveying the impression we really do not much care about what is going on in Lithuania. I do not think that is true, nor, Mr. President, do I adhere to the belief that there is not anything we can do without absolutely creating a final and total, catastrophic rupture between the Soviet Union and the United States, or between the Bush administration and the Gorbachev administration.

I am not saying jump off a cliff. I am saying there are a series of graduated, responsible measures that we could take to give concrete expression to the concerns we feel. I do not know what all of those are but at least six things occur to me immediately. First is we could extend diplomatic recognition and send an Ambassador to Lithuania and invite the Lithuania Gov-

ernment to send one here. In my view, we should have done that within about the first 6 or 8 or 10 or 12 hours. It is not too late to do so now.

That is not a measure which is unduly confrontational. It is the kind of recognition which simply says we recognize the legitimacy of the Government of Lithuania, that Lithuania is and always has been, for this is the policy of the United States and has been for decades, an independent and free country.

Second, we could raise this matter with the World Court. Now, I am not one who has a great admiration for the success of the World Court, but I do not think it is a useless agency of international relations either. It seems to me that that would not be too confrontational, that would not be something which would take us to the brink of disaster if we, either on our own or in support of some effort by Lithuania, raised this matter at the World Court.

Mr. President, the third thing that occurs to me as a potential action for us to take would be to raise this matter in the United Nations. Again, I do not think the United Nations is the ultimate answer in human affairs, but it is a place where the issue could be raised, where public opinion could be focused, where we could give the nations of Eastern Europe: Poland, Czechoslovakia, Hungary, and others a chance to vote on this matter. Would that not be a worthy and interesting debate and vote.

Fourth, Mr. President, we can grant or withhold economic assistance. My judgment is that the most crucial imperative for the Gorbachev administration is to do something to straighten out their economy, which is coming apart at the seams. It appears to me the only hope they have for doing that in the short run is to get some help from the United States. The power to grant or withhold such aid is a very, very significant incentive which we ought to use and so far as I am aware we are not now using.

The fifth thing that occurs to me as a possible option to bring pressure on the situation is technology transfer. There is a lot of talk about how we are going to send various items of United States technology, and I must say that I for one would be quite cautious about doing so prior to the resolution of this Lithuanian situation.

Mr. President, we had a big debate in this Chamber not too long ago, a few years ago, about sending the technology for gas turbines to the Soviet Union. The question was whether or not it was really in the interest of United States and Western policy to help the Soviet Union build a massive natural gas pipeline to send gas to Western Europe.

The concern that many of us expressed was, what would happen when the nations of Western Europe, particularly West Germany, became dependent on the Soviet Union for natural gas. Could it happen in a crunch of some kind that the Soviet Union would bring inordinate pressure on Germany by simply turning off the valve for natural gas. I guess if I were a West German this morning, I would take very seriously what has happened to the people of Lithuania, where that is exactly what the Soviet Union has done. They just turned off the gas.

Finally, Mr. President, if other measures are not successful, we could reconsider the timing and content of the summit talks.

Mr. President, I do not know what the answer to all of this is. I certainly do not hold myself out as an authority on political developments in that region of the world—but I just did not want to let the day go by without letting somebody know, anybody who reads this RECORD or anybody who may know of proceedings in the Senate on Lithuania—that some of us think this country can and should and ultimately will go much further in the defense of freedom, much further in registering our support for the people of Lithuania, not because we wish to be confrontational to Mr. Gorbachev, not because we wish to set back or injure or downgrade the relations between this country and the Soviet Union but because our priorities are freedom first and other considerations after we think about human freedom.

ORDER OF PROCEDURE

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that Senator THURMOND be recognized for 10 minutes, and that after Senator THURMOND and the majority leader speak, the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, we are still attempting to gain approval to move to the supplemental appropriations bill at 2 p.m. I am advised that Senator DOLE is working on gaining that clearance.

As soon as Senator THURMOND completes his remarks, the Senate will then be in recess, and I will, when we resume the session at 2 p.m, seek to obtain consent to proceed to the supplemental appropriations bill at that time.

I am grateful to Senator DOLE for his cooperation in seeking to obtain that approval, and look forward to being able to proceed to that bill at 2.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

THE BELL FAMILY, 1990 BLACK FAMILY OF THE YEAR

Mr. THURMOND. Mr. President, I rise today to recognize Mr. and Mrs. Leroy Bell, South Carolinians and the parents of eight fine children, who were recently named the 1990 Black Family of the Year. Their story is one of love, commitment, sacrifice, hard work and immeasurable rewards. It is my privilege to pay tribute to them today. I welcome them, along with their family members, to the Chamber of the U.S. Senate.

Leroy Bell was born on February 23, 1932, in Hopkins, SC. He is the adopted son of Tom and Sarah Bell. Marie Carter Bell, is the daughter of Lewis and Hattie Carter and was born almost 4 years later in the same community. Both Leroy and Marie Bell attended local secondary schools and Leroy went on to serve for 2 years in the U.S. Army.

Marie and Leroy were married on September 11, 1952. They soon moved to Columbia, SC and started their family. Limited in both educational and vocational skills, Mr. Bell found work as a meat packer and Mrs. Bell accepted employment as a domestic worker. Their strong Christian faith and high moral principles served as the foundation for their lives, and their family enjoyed a closeness which was envied by many.

The Bells are keenly aware of the importance of education and greatly encouraged their children's academic success. Leroy Bell, who is described as a reserved and private man, stressed hard work, enforced strict discipline, and embraced traditional family values. His children learned the importance of teamwork in their early teens by working side-by-side with their mother in a college cafeteria or cleaning offices at night with their father.

In the early 1970's the family was brought even closer together when it was discovered that one of the Bell children suffered from sickle cell anemia. With the support of this strong family unit, this young man has been able to overcome the potentially devastating effects of this tragic disease and has experienced both personal and professional success.

I believe that our success as parents is often reflected in the achievements of our children. In this case, Mr. and Mrs. Bell's success is truly overwhelming. Despite the limited finances and additional responsibilities incurred by each of the children, all eight children completed their educations—several with honors. Seven went on to obtain college degrees; five have postgraduate degrees; one obtained a doctor of medicine degree; and another is currently a second-year medical student.

I believe that each of the children deserves to be recognized for his or her accomplishments.

Michael Leroy Bell is the Bell's oldest son. He has been employed by Anchor Continental as a machinist for over 18 years and is married to the

former Sadie Johnson. The couple has two children.

Alonzo Bell earned his bachelor of arts degree in history from the University of South Carolina. He is a sergeant at the Richland County Detention Center and is married to the former Ruth Brockman. They have three children.

Gary Bernard Bell earned his bachelor of science degree in pharmacy from the University of South Carolina and a doctor of medicine degree from the Medical University of South Carolina. He is a physician in private practice, and is married to the former Benetta Gadebeku. His wife is a dentist.

Janice Bell McDowell is the Bell's oldest daughter. She received her bachelor's and master's degrees in health education from the University of South Carolina. She is a public school health instructor and is married to Raymond McDowell.

Tom Jeffery Bell earned his bachelor of arts degree in art education from Benedict College, one of our Nation's historically black colleges. He is a public school art teacher and is married to the former Jacqueline Stewart.

Joyce Bell Washington earned a degree in science and commercial education from the University of South Carolina. She is employed as an insurance underwriter and is married to Dr. Eric Washington, a physician.

Janette Bell Damon earned her bachelor of arts from the University of South Carolina. She is a public school elementary teacher and is married to Bruce Damon.

Finally, Woodrow Anthony Bell, the Bells' youngest child, is a Phi Beta Kappa graduate of the University of South Carolina's College of Pharmacy. He is currently a second-year medical student at the University of South Carolina's School of Medicine.

It is clear that the Bells have been successful—as parents, as husband and wife—and as black Americans. They have instilled in their children a work ethic and an appreciation of the importance of education which is invaluable and from which our Nation reaps tremendous benefits. I am proud that the National Black Family Summit, headed by Dr. Augustus Rodgers, recognized this exceptional family in such an outstanding manner; and I hope that others will follow their blueprint for success.

I would like to invite my colleagues to join me in honoring the entire Bell family by attending a small reception which will be held in my Capitol Office, room S. 238, this afternoon from 2 to 3 p.m. There are those who would say that the American family is an endangered species. The Bell family, however, proves that the American family is alive and well; and in this case living in the great State of South Carolina. I pray that God will continue to bless them all and I pray that God will bless America.

Mr. President, I ask that the names of the individuals, who served as members of the 1990 National Black Family Summit Program planning committee and have accompanied the Bells to our Nation's Capitol today, be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Mr. Benny F. Clark, S.C. Health and Human Services Finance Commission.

Dr. Anthony Gore, Deputy Commissioner, S.C. Department of Mental Health.

Mr. James Hopkins, president, United Black Fund.

Dr. Jacob Jennings, vice president, University of South Carolina.

Ms. Ruth Martin, S.C. Department of Health and Environmental Control.

Mr. J.T. McLawhorn, president and ceo, Columbia Urban League.

Ms. Cynthia Pryor, Columbia Urban League.

Mr. Myron R. Robinson, president and ceo, Greenville Urban League.

Dr. Augustus Rodgers, executive director, National Black Family Summit.

Mr. James L. Solomon, Jr., commissioner, S.C. Department of Social Services.

Mr. President, I yield the floor.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order the Senate now stands in recess until 2 p.m. today.

Thereupon, at 12:12 p.m., the Senate recessed until 2:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask unanimous consent to proceed for not more than 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOM DUNAGAN

Mr. SYMMS. Mr. President, today I call my colleagues' attention to a man in my own home State who was recently spotlighted in the Idaho Press-Tribune for a lifetime of service. Tom Dunagan has been my friend for many years. He has managed the Marsing Labor Camp since 1961 and the Marsing Housing Authority since 1973. Tom's tenure in these offices was an era of growth and change for migrant housing with innovations and standards he set as camp manager.

The labor camp serves as the lodging for seasonal and year-round agricultural and migrant workers. Before Tom took over, the tenants had to haul their water from a hydrant and use common bathrooms. Largely because of Tom, the tenants today have private housing accommodations including toilets, showers, hot water, ranges, refrigerators, and air-conditioning. Tom's creed has been to "preserve the dignity of the individual and the family." He has earned the respect of everyone in the agricultural community in southwestern Idaho.

On October 15, 1989, Tom retired to enjoy life with his new wife, Florence, on their new farm. I wish both of them well in their retirement. I ask unanimous consent that the article to which I have referred to be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Idaho Press-Tribune, Feb. 28, 1990]

RETIREMENT HARD FOR LABOR CAMP CHIEF

(By Sandy Roberts)

The sign on the door reads Marsing Agricultural Labor Sponsoring Committee office. In simpler terms, the Marsing Labor Camp.

It is a man's office—a working man's office. No frills, nothing fancy. The walls are adorned with photos, certificates, mementos; the desk and cabinet tops covered with papers, books, more mementos.

A straggly looking plant hangs in one corner—a survivor of several near death experiences. Nursed back because it was a gift from a friend.

Two certificates of commendation to firefighting units from the labor camp hang there, left by the men who earned them. Given to their friend.

A statuette stands on the file cabinet bearing the words "To a helluva swelluva guy."

A U.S. Calvary bit and a pair of spurs hang on another wall—reminders of the days before he took this job. Days when he was cowboying.

The man matches the office. Tall, lean, white hair. Denim shirt, jeans. An old battered felt hat. No frills, nothing fancy.

Tom Dunagan, manager of the Marsing Labor Camp since 1961 and the Housing Authority for the city of Marsing since 1973, has been at home in the office for 28 years. Officially he retired Oct. 15, 1989, and unofficially, three months later.

It is the end of an era—one of change and growth—for Dunagan and the labor camp. Not much remains the same as when he took over.

Dunagan described the labor camp as an association-operated, private, non-profit organization. The Housing Authority is a quasi-political subdivision of the city of Marsing. There are 46 units in the "old labor camp" and 40 in the "new."

In explanation, Dunagan said what is called the old labor camp is for seasonal migrant field workers, whereas the new complex is for year-round agricultural and migrant workers. Units in the old camp are the

pumice-block style. In the new camp there are 25 two-bedroom and 15 three-bedroom brick homes. They were the first of their kind in the nation and allowed migrant workers to live year-round in Marsing. In both camps there are toilets, showers, hot water, ranges, refrigerators, and refrigerated air conditioning.

"We were the earliest to have cold water sinks," Dunagan said with pride. "When I first took over, the tenants had to haul their water from a hydrant and there were common bathrooms."

In 1965 they installed private toilets and cold water sinks; the next year they put in showers and hot and cold water sinks; and in 1968 "we went all out," Dunagan said, "and designed the three-room apartments."

It is a source of pride to Dunagan to be able to say that the Marsing labor camps were innovators, that they initiated a number of "firsts" in the area of migrant housing.

Dunagan's creed has been to preserve the dignity of the individual and the family.

That creed led the phenomenon known as the "Dunagan Door." He calls it the privacy door. When the bathrooms were being built in the new camp, Dunagan fought for and got permission to install a door separating the bathing facility from the rest of the room.

Dunagan had a very active part in the design of the homes and the layout of the new complex. Each home is set on the lot in such a way as to give the most privacy. Windows don't face each other, no one lives looking into the house next to it.

"Don't wonder what we do all winter. There's always something," Dunagan said. Those months are used by Dunagan and his maintenance crew to paint, renovate, repair and make improvements in preparation for the coming influx of tenants. Heavy winds in a January storm damaged a number of roofs on some of the units in the old camp, making another chore for the crew.

In 28 years there have been a lot of changes, as would be expected. Gravel roads are now paved, open trenches have been covered over. Play areas with teeter-totters and swings and large grassy areas are there for the children's enjoyment. In a progress report early in Dunagan's tenure it said, "This camp is as good as can be expected because it is located in a rocky area."

Today, the rocks have been replaced by beautiful grassy areas. But all the changes are not ones seen as you look around the camp.

"Wages have tripled," said Dunagan. "In my first year $63,000 worth of business went through here. In 1989 that figure was in excess of $2 million."

Dunagan and his office staff pay each worker each week. The office is equipped with one of the most advanced payroll systems available. Local farmers and fruit ranchers can contract with the labor camp to have them handle the payroll of their work crews—many of whom do not live at the labor camp. The farmers are charged a bookkeeping fee for the service.

Advances in farming technology have also had a big impact on wages.

"When I first took over here," recalled Dunagan, "a man could work half an acre of sugar beets a day and we thought that was pretty good. Now a man can average an acre to an acre and a half.

"Long handled hoes have replaced the short hoes, mechanical thinners have taken over, and segmented seed and approved herbicide usage—all agriculture has come a long way.

"It's a lot easier now for farm workers. But it's still very hard work, demanding work. They are professional workers. Everyone thinks just anyone can do it, but that is wrong. The workers should receive a lot of credit for what's happened in Marsing," Dunagan said.

When tenants move into one of the camps, they will find the rent (along with the conveniences) about tripled since 1961—early rates were $5 and $8. Management takes care of maintaining the grounds, appliances and trash removal.

"We take care of these people," Dunagan acknowledged, "because they take care of us."

"They all like to come to Marsing," said Dunagan. "It fills up first. When anyone rents a house anywhere there are certain responsibilities that go with it. Here the tenants are required to pay a deposit. They know I expect to find things left in good condition.

"If they ruin a mattress, they've bought it."

Looking over the camps, Dunagan knows every blade of grass, every patch ever made, every improvement. He knows each tenant by name. He waves, steps out of his pickup to exchange a few words with people he sees. Some tenants in the new section have lived there many years. He's watched families come back each year, seen their children grow up and their grandchildren arrive.

Dunagan always tried to encourage the kids to stay in school, he said.

"I would browbeat them, praise them, scold them, whatever I thought would work," to get them to stay in school. One of the young girls he encouraged now holds a management position in a Health and Welfare office in Texas. She's just one of the real success stories he can relate.

He has kept in contact with many of the families. It is more than a tenant-manager relationship, they become friends.

"Always I have urged these people to upgrade their lifestyle and help broaden their lives," Dunagan said.

Often Dunagan has taken a tenant aside and encouraged him to "go into town and buy a little house."

"I can take your money each month and in 10 years you will have nothing. But if you get a little house of your own, your FHA payment won't be much more than here and at the end of 10 years you'll have something," he'd explain.

Through the years Dunagan has lent money to families so they could come to Idaho and work. A call to Dunagan telling of a car broken down somewhere on the road between Texas and Idaho would set him into action on the phone arranging details with a garage to fix it and get the workers back on the road. On occasion he set up credit at local stores for those who arrived without food or money.

"In every case," Dunagan said with emotion, "I was paid back."

To illustrate the bond between Dunagan and his tenants, he was invited to attend a party for his crew chief's granddaughter when she turned 15. He flew to McAllen, Texas, where 1,700 people celebrated in the rented McAllen Civic Center. He and his wife were two of only three non-Hispanics there.

Dunagan, who will be 74 next Flag Day, is a native son, born in Caldwell. He graduated from Wilder High School and attended University of Idaho for one and a half years—learning that teaching was not the life he wanted.

He is a 50-year member of the Masonic Lodge and a past exalted ruler of the Elks in Ontario, Ore., where he still serves on the state committee. He is past president of Treasure Valley Chambers of Commerce and was deeply involved with the realignment of Highway 95.

The Chamber battled long and hard to get the worst part of that roadway—that stretch from the Marsing "Y" over the hill to the Oregon state line moved and improved, Dunagan said. His files contain personal letters from Sens. Steve Symms, James McClure and Frank Church thanking him for his involvement in this project.

Dunagan is also director of the National Agricultural Employers whose office is in Washington, D.C. He has been on the board of directors for 14 years and on the executive committee for eight years.

The *Idaho Statesman* named Dunagan its "Distinguished Citizen" on Oct. 27, 1985, an honor that particularly pleased him as the same award had been accorded his sister some years before.

"My success, any accomplishments, are due to the cooperation of the farm employees, farm employers and members of the Labor Association and the board of directors," said Dunagan. "Without them we could have done nothing.

"It's traumatic for me. It's real difficult leaving."

What will he be doing when retirement really hits him?

"I don't know," he said honestly. "Friends want me to go fishing but they want me to use a hook! That's work."

Whatever path he takes in retirement, when Dunagan leaves the labor camp, something will be missing from his life.

When the workers return to Marsing this spring, something will be missing for them, too.

CAPITALISM AND APARTHEID

Mr. SYMMS. Mr. President, many foes of apartheid look to socialism as the answer to black oppression and discrimination in South Africa. However, Walter E. Williams, in his article entitled, "Triumph Over Capitalism" from the April 1990 edition of Reason magazine, suggests that "market forces actually undermine racial privilege." The racist goals of the white minority have been achieved only through heavy government regulation; such achievements could never have been the result of capitalism alone.

In this article, Williams compares the current labor situation of black South Africans to black Americans not long ago. From here, it becomes easier to understand just how and why the rules of apartheid are contrary to those governing our own free market system. The discrimination prevalent in the South African economy prevents efficiency.

Williams presents a unique opinion on an issue troubling many. Here is the economic answer to those who insist that socialism is the sole alternative to South African oppression. Mr. President, capitalism, when allowed to thrive independently, leaves no room for discrimination. The problem facing

South Africans today is the abuse of power of an overly centralized government.

Mr. President, I ask unanimous consent that the article, "Triumph Over Capitalism" from the April 1990 edition of Reason magazine, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. Mr. President, to summarize the conclusions of Walter E. Williams in his book, "South Africa's War Against Capitalism," apartheid is the antithesis of capitalism. Apartheid was founded on discrimination, and this discrimination, which is prevalent in the work force and labor laws, operates against the free market system.

National Review magazine has come to the same conclusion as I, Mr. President, when they say that apartheid may very well be the bain of an entrepeneur's existence. For this reason, approximately half of South Africa's businesses actually step around the rules of apartheid so as to operate efficiently—within the rules of a free market system.

In South Africa there persists a system of protectionism by and for the Afrikaners. Well now they are realizing how they are hurting themselves. According to Williams, "The whole ugly history of apartheid has been an attack on free markets and the rights of individuals and a glorification of centralized government power." The market, Mr. President, is the vehicle through which South Africa's people must fight their war against their centralized government."

I encourage my colleagues to survey Williams' book, and I ask unanimous consent, Mr. President, that the review of "South Africa's War Against Capitalism" from the January 22, 1990, issue of National Review, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SYMMS. Mr. President, immediately following that in the RECORD I ask pages 5 and 6 of this month's International Harry Schultz newsletter with respect to South Africa be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

EXHIBIT 1

[From Reason magazine, April 1990]

SOUTH AFRICA: TRIUMPH OVER CAPITALISM

(By Walter E. Williams)

Racism and capitalism have long been viewed as the twin pillars of apartheid, reinforcing each other while supporting a system of social, political, and economic repression. As a result of this mistaken view, black South Africans and their white benefactors have something in common with apartheid's architects; a hatred of the free market. But unlike the white supremacists, critics of apartheid who oppose capitalism fail to recognize that market forces actually undermine racial privilege. Instead, they conclude that a more just society can be achieved only through socialism. This view is all the more alarming given the changes sweeping South Africa.

The indictment of capitalism and market forces is reflected in statements by Archbishop Desmond Tutu, who, after winning the Nobel Peace Prize in 1984, told London's *Sunday Telegraph*, "I myself hate capitalism." Similarly, Chris Dliami, vice president of COSATU, a black labor union, has said, "The unholy alliance of apartheid and capitalism has become obvious and concrete. One cannot expect to eradicate it simply by removing apartheid. . . . What we are talking about is the total change of the present system."

Some South African whites, wanting a better life for blacks, share this view of capitalism. Raymond Sutter, an anti-apartheid activist, wrote in *Business Day* in 1985: "The struggle for the Charter is therefore an anti-capitalist programme, because any programme to end racial oppression in South Africa must be anticapitalist." Contributing to the connection between apartheid and capitalism in the minds of many South Africans are statements by government officials who refer to their economy as "our free-market system."

Contrary to these mutually reinforcing sets of beliefs, South Africa's apartheid is not a corollary of capitalism. On the contrary, apartheid is the result of socialistic efforts to subvert the operation of market forces. Indeed, it is the free play of market forces—with no intervention by political forces—that has always been seen as the enemy of white privilege and that apartheid ideology has always sought to defeat.

South Africa's history is riddled with white contempt for market forces, from the highest levels of government on down. In *A Century of Wrongs* (1900), Prime Minister Jan Christiaan Smuts wrote: "It is ordained that we [Afrikaners], insignificant as we are, should be amongst the first people to begin the struggle against the new world tyranny of capitalism."

In 1941, *Volkshandel*, an Afrikaner business publication, declared: "Every soberminded, thinking Afrikaner is fed up to the top of his throat with so-called laissez faire—let-it-be—capitalism, with its soul destroying materialism and the spirit of 'every man for himself and the devil for us all.' We are sick of it because of its legacy of Afrikaner poor whiteism and the condition which makes the Afrikaner a spectator in the business of his own country."

This fundamental hostility toward capitalism is not surprising when we consider that white hegemony in South Africa needs to be enforced by law. Indeed, the whole legal structure of apartheid is prima facie evidence that market forces, left unimpeded, would not achieve the results desired by the white supremacists. The history of economic regulation in South Africa reveals that racist goals have been served by heavy-handed government intervention, not by the operation of capitalism.

Such intervention occurred well before the establishment of the modern apartheid system, and it was often resisted by business people because it raised their labor costs and hurt their profits. Various laws passed around the turn of the century restricted the number of blacks that could be employed in mines and the kinds of jobs they could fill.

When mine owners broke agreed-upon employment quotas in 1922, white workers, led by socialists and communists, responded with the most violent strike in South African history. They paraded around Johannesburg chanting, "Workers of the World Unite to Keep South Africa White." The government used troops, artillery, and aerial bombardment to restore order. The incident led to the downfall of Prime Minister Smuts and the rise of James Hertzog, who campaigned on a promise to protect white workers.

Under Hertzog, the Industrial Conciliation Act (ICA) restricted the employment of blacks, excluded them from collective bargaining, and outlawed black unions. Later measures gave the labor minister authority to reserve specific classes of jobs for whites only in order to "safeguard against interracial competition."

If we assume that capitalism and apartheid are in accord with each other, these and many other measures to confer privileges on whites are puzzling. South Africa's businesses were owned by whites, so why were racially discriminatory laws necessary?

Clearly, white businesspeople and government officials, while sharing the ideology of white supremacy, did hire blacks in jobs that whites wanted. They did so because blacks were willing to work for lower wages—as much as 75 to 80 percent lower—which meant higher profits. Moreover, in some jobs, blacks were more productive than whites. Government officials saw hiring blacks as a way to meet labor shortages.

White workers, many of whom were no more skilled than black workers, opposed market allocation of resources because it would not pay them higher, "civilized" wages. They were quick to recognize that markets do not respect race. White workers therefore sought privilege through the political arena, urging the government to write laws that would undermine the black competitive advantage.

South Africa's racist agenda and attack on market forces included laws similar to measures widely supported in the United States. White supremacists advocated a minimum wage for blacks and argued that blacks should be covered by the same industrial labor laws as whites. In 1925 the white Mine Workers Union argued: "It is now a question of cheap labor versus dear labor and we consider we will have to ask the commission to use the word color in the absence of the minimum wage, but when that [minimum wage] is introduced we believe that most of the difficulties in regard to the color question will automatically drop out."

Such supporters of minimum wages for blacks and equal-pay-for-equal-work laws have not been motivated by humanitarian concerns. Indeed, wage regulation is one of the most effective tools in the racist's arsenal, because it makes cooperation with racist goals cheaper. By preventing blacks from underbidding whites, wage floors reduce the profitability, and hence the attractiveness, of hiring blacks.

Wage regulation, often known as "rate for the job," therefore served a purpose similar to that of job reservation, which was not nearly as successful as white workers had hoped. Racist unions often complained of violation, evasion, and contravention of job reservation laws by businesses. The unions griped that "there has been a cold-blooded sellout of white workers" and declared that "job reservation is a dead duck, therefore

the only protection is a policy of paying the rate for the job."

Even government officials charged with apartheid enforcement would cheat by changing the names of "white" jobs so blacks could be hired; for example, shunters became marshallers and ticket collectors became ticket takers. Officials of the government-owned railways have been known to hire teams of black workers and sneak them in, under the cover of night, to illegally perform "white" work in the railroad yards. In response to objections to such practices in the early 1970s, the minister of transport said, "You want white railway workers. Find me them!"

During the 1980s, long before job reservation and most of the racially restrictive employment laws were officially repealed, they were being repealed by stealth through market forces. Such has been the fate of the Group Areas Act, still on the books, which restricts where people may live and work by race. In the metropolitan areas of Cape Town, Durban, and Johannesburg, which are by law white areas, many neighborhoods are integrated, often with whites in the minority. This is a result of market forces—shortages of housing in nonwhite areas and surpluses in white areas.

As the apartheid regime crumbles, there is a real danger that South Africa will exchange one oppressive system for another. The collapse of socialism in the Soviet Bloc gives hope that this danger can be avoided. Rather than fight capitalism, South Africa's people must strengthen their beleaguered market forces and declare war on centralized government power.

(Contributing Editor Walter E. Williams is John M. Olin Distinguished Professor of Economics at George Mason University. This article is adapted from South Africa's War on Capitalism (Praeger Publishers).)

EXHIBIT 2

[From the National Review, Jan. 22, 1990]

RIGHT BOOKS

If you were a white South African businessman, one with entrepreneurial proclivities and without racist blinders, you might very well *despise* apartheid. You'd realize how surely the system picks your pocket. Because that nation's black majority is unable to function actively as either a profit-aiding consumer market or as a cost-reducing labor market, whites receive diminished return on investment, and spend more to acquire goods and services; that's the cost of protecting white "privilege." The mechanisms of this protectionism are at the heart of apartheid, and they define, as Walter E. Williams summarizes in the title of his new book, *South Africa's War against Capitalism* (Praeger, 160 pp., $37.95).

This "war" is a part of South African history. Both J.C. Smuts and J. B. M. Herzog, two of South Africa's leading statesmen in the first half of this century, saw apartheid as the bulwark in a struggle against the "tyranny" of capitalism. More recent South African leaders have learned to soften anti-capitalist rhetoric, and to emphasize the "struggle" against the Communist leanings of the African National Congress. Professor Williams traces the economic history of apartheid, concluding that it "has been an attack on free markets and the rights of individuals, and a glorification of centralized government power."

But does it work? Yes and no. About 50 per cent of South African industries fudge apartheid restrictions in order to operate more efficiently, and such responses to market forces as have managed to flourish are in large measure responsible for the advances made by blacks, coloreds, and Asians. The market will probably be the death of apartheid, which is why disinvestment has been such a debacle for blacks and, in some ways, a boon to Afrikaners. American proponents of sanctions and disinvestment (Jesse and Teddy) ignore the very positive effects foreign companies have had in diminishing the reality of apartheid.

Some examples demonstrate how wrong-headed liberal good intentions (which, remember, pave the road to hell) have been: The twenty-year-old UN embargo on arms sales has succeeded in creating a booming arms industry in South Africa, thus strengthening its police powers. And the pullout of American and European corporations has meant that white South Africans have been able to acquire enterprises at deeply discounted prices, and have then been able to run the companies without regard for the free-market principles which were the hallmarks of the former American and European managers.

In the book's best chapter, "Apartheid: Rhetoric versus Reality," Williams observes that the "protection of white workers from open market competition with blacks was a costly proposition. . . . [W]age differentials . . . gave business considerable inducement to find ways to substitute black for white labor." The economic protection of whites produced—and it is ever thus in any "planned" system—unintended consequences. Most paradoxically, it created, sub rosa and de facto, the opposite of its intent: demand and opportunity for black labor. The market's momentum is unstoppable, and yet apartheid laws endure. Many whites refuse to do *"kaffirwerk"* at the very time when blacks, for market-oriented reasons, are making inroads into previously restricted areas of labor and enterprise. (Will white South Africans become redundant when, finally *all* work is *kaffirwerk*?) "Governments can legislate market restrictions," Williams writes, "but—try as they may—governments cannot legislate market forces completely out of existence." No, they cannot. American liberals might have helped end apartheid had they recognized the transforming power of markets, even when the markets aren't wholly free.

EXHIBIT 3

[From the International Harry Schultz Letter]

SOUTH AFRICA

This issue carries a special report on The Republic of South Africa (SA) by old friend Fred Macaskill, founder member of the Free Market Foundation of SA. . . . "The main issue in SA is power, not human rights. Sanctions haven't precipitated events, but uncontrollable govt expenditures. Only rich nations have resources to pay for socialism. Once rich, SA is now a pauper state due to socialist health, education, housing & transport, plus high defence costs. Analogies abound btwn E Europe & SA. Ultimately, economics & socialist waste forced both to change. However, 2 major differences exist btwn E Euro & SA: (1) SA applied socialism mainly to only 1 part of the pop—Blacks. (2) E Euro is abandoning socialism, while SA is increasing it.

The Players: The Nationalist Party (NP) plays shrewd politics & retained power over 40 yrs by disabling the opposition thru adoption of their policies. The NP's main opposition is the Conservative Party which holds to original NP policies. There are numerous black tribal & political groups. African National Congress (ANC) isn't the only or largest. The Zulus are the largest tribe under Chief Buthelezi, who has resisted apartheid nonviolently. While ANC urged sanctions, he objected, on grounds Blacks suffered most & weren't helped. Not surprisingly, there's conflict btwn ANC & Inkatha, Buthelezi's tribal/political group. The 10 tribal homelands in SA, & the black African Frontline states, are economically dependent on SA.

Conflict: In SA there's huge potential for conflict due to numerous differences btwn people—color, race, religion, culture, education, language, wealth, values, etc. But, conflict can be avoided if no force is used, if differences aren't imposed, but respected.

The problem: People are forced to live apart, accept a given education standard & prevented from trading freely. In SA conflict is caused by forced disassociation: in the U.S. by forced association. Further, Blacks have no vote & no political power within the system

Apartheid—facts & fallacies: Apartheid was practiced in SA by preventing Blacks from living in white areas, moving from rural areas to cities, holding certain jobs, having common transport & amenities & having mixed marriages. Most such laws have been scrapped or ignored. The govt applied socialism to apartheid, heavily subsidizing housing, health, education & transport for Blacks. The result left SA Blacks better off than Black anywhere in Africa. Govt socialism bled Whites economically. Tax levels are among world's highest & main beneficiaries are Blacks. Apartheid staved off communism which engulfed the rest of Africa, but with the int'l collapse of communism, it's time to abandon apartheid. The danger is black leaders may not understand the reasons & SA could belatedly still go communist. It's the SA govt's responsibility to prevent this calamity, but are they up to the task?

Nationalization is ANC's declared policy. Asset sales boost economies & give govts needed cash. But, if govt must privatize to get cash there's obviously no cash in the kitty. ANC talk of nationalization means confiscation which would violate individual rights as much as any apartheid laws. ANC merely wants power to increase SA govt socialism.

Redistribution of wealth is another term for nationalization. ANC doesn't realize apartheid's already redistributed wealth: Whites were taxed heavily for black amenities. Capitalism creates wealth & distributes to the most productive. Rich & poor both become richer. Socialism destroys wealth & redistributes to the least productive. Rich become poorer & poor starve. If Blacks want Whites' wealth, they should copy Whites' methods of creating it.

Sanctions are a hideous trap & fraught with danger for int'l community. Any govt imposing sanctions immorally restricts trade freedom. Thru sanctions, govts deprive their citizens of privileges they're seeking for others. Companies invest for profits & if capital or profits are threatened, they disinvest. This isn't sanctions, it's prudent business. The reality is most companies didn't withdraw from SA due to sanctions, but poor investment potential. Many nations were 2-faced, demanding sanctions while conducting business as usual with SA.

Communism: SA's weakness was apartheid. Int'l communism detected this & founded, funded, trained, & supplied ANC to undermine the SA govt. We must serious-

ly question ANC concern for individual liberty & consider apartheid a tool to gain power. Altho communism is failing globally, including black Africa, it survives in the ANC, whose powerbase is built by recruitment & brutal intimidation. Murdering opponents by necklacing (burning people to death with a tyre round the body) created such an int'l outcry the ANC abandoned it for a while, but it's recently resumed. ANC was primarily funded by E Europe, but with communism's collapse, funding has dropped dramatically.

Negotiations: Peaceful negotiations are preferable to terrorism, sanctions & other hostilities. But, as govt agrees apartheid is wrong, believes in free mkts & accepts universal franchise, what remains to negotiate? It must be assumed the ANC's negotiating agenda will limit individual freedoms, & ANC calls to "negotiate" are a smokescreen. The solution: free the country & economy, enfranchise all, entrench individual liberty in a constitution & bill of rights, invite Blacks into existing political parties & fight a vigorous election. Chances are excellent the existing govt would be returned. The issue isn't Whites vs Blacks, but haves vs have-nots. Negotiating White vs Black, capitalism vs communism, minority vs majority, is a no-win approach. Inviting Blacks to participate fully in the system is likely to produce free & peaceful results. Rather than negotiate which ideals to sacrifice to the enemy, ally with friends to strengthen ideals & outvote the enemy. Blacks & Whites share many common ideals & there's no need to sacrifice anything to those exerting power thru intimidation.

ANC strategy: ANC is trying to set a torch to SA because they don't want equality or democracy, they want power. By creating anarchy they hope to negotiate in a climate of chaos. ANC's legacy is traditional communism where destruction of anything preventing total dominance is justified. However, the ANC was staggered by the sudden, drastic change in SA govt policy & collapse of E Euro communism.

Polarization: SA was right to fight communism, but many couldn't support the govt due to apartheid & econ policies. And we can't support the ANC for its terrorism & communism. It's right to be anti-apartheid, but wrong to be pro-ANC simply because it's anti-apartheid. An ANC regime would bring untold oppression to SA, far worse than former SA apartheid regimes. The dilemma can be resolved by taking the good from both sides, rejecting the bad on both sides, & refusing to take sides.

Revolution: There are 2 types of revolution. The 1st brings only leadership change (a revolt or coup); the 2nd, a total system change. SA doesn't need the 1st type, a new version of the old regime with different color skin, yet there are dire indications this could happen. The danger is SA's revolution will escalate beyond control of govt & other instigators.

Great expectations: ANC followers have been told they'll own Whites' possessions after revolution. There's only 1 way they can keep such promises—thru communism. If communism didn't exist they'd have to invent it to justify wealth redistribution. If ANC wants what Whites have, it's attainable: adopt a work ethic & practice birth control.

Power is what it's all about. The indiv is irrelevant & "human rights" & manipulation of the masses are leveraged in the power play. Part of the SA solution involves politicians relinquishing demands for power.

The future: Mandela grew up studying communism & ANC comrades spent decades in communist training camps. To ignore ANC intentions is to ignore reality. Under an ANC regime, nationalization of big biz, wealth redistribution, forced equality, a planned economy, drastic lowering of education & health standards, mass exodus of skilled labor, a productivity drop, bankruptcy of SA, starvation & hardship can be predicted. Widespread tribal conflict would open the way for brutal ANC intervention. Afrikaners would reverse roles & become Africa's new freedom fighters desperately seeking a homeland. Int'l consequences would surpass the severity of the 1973 oil crisis, & commodity mkts would yo-yo. With many Afrikaners in defence & police, a military coup is possible.

"What if?" all parties concerned took action to avert disaster. Like a runaway train, there are unstoppable forces in SA. Nothing can halt it, but with little effort, diversion from total destruction onto a track of controlled change would save SA. If politicians sought peaceful solutions instead of power, it could be done. But, they must act quickly before events overtake them. The following advice is tendered:

DeKlerk: You're in charge & most depends on U. A strong econ is vital to SA's future. Sanctions aren't the issue, investor confidence is & the econ will live or die based on it. To restore investor confidence, strengthen the econ & restore solvency to SA U should: implement a broad-based program to free the econ; discard all econ discrimination; privatize state-owned biz & most state functions, including education & health, remove trade restraints & exchange & import controls; abandon state monopoly on currency issue, end the Reserve Bank's pivotal role, remove state currency regulation; respect individual property ownership rights; decimate the bureaucracy; slash govt spending & stay in budget. These steps require great courage, but are less drastic than those already taken. Ignore advice of interventionist economists & academics who've long plagued SA & landed it in its current mess. Make total commitment to democracy & free mkts. Politically there's nothing to negotiate if you've created a truly democratic SA. If the ANC intends to destroy law & order, neutralize communism by ensuring the utmost individual freedom. Communism only thrives under largely centralized power. Enfranchise all adults, create a "system" to protect the individual, invite all races into your party & hold an election. The system ensuring individual liberty must be more important than all political parties or groups. It should consist of a subsystem of "checks & balances", a constitution & bill of rights. Checks & balances must include: an administration primarily for protection of individual rights; a legislature to make laws within constitutional limits & only on issues affecting all 4 provinces; an independent judiciary with power to overrule unconstitutional laws; entrenchment of Common Law; decentralization of govt functions to the lowest level capable of handling them; & independence of provinces. magisterial districts, & cities to conduct their own affairs. Set up independent body to create a constitution & bill of rights, consult world constitutional experts, local independent expertise (eg the Free Mkt Foundation) & politicans. A half-hearted approach won't do & quick, decisive action is required. Mr. deKlerk can't do all this alone & interested parties should give full support & participation.

The ANC: U need critical self-examination, then courage to change as dramatically as the SA govt. Instead of changing, you're becoming more entrenched in a failed int'l philosophy. U must recognize: 1) Wealth doesn't exist for redistribution. If U want wealth, create it. If U confiscate it (nationalize it) you'll destroy it. 2) You've suffered under a SA govt guilty of excessive intervention & socialism. To redress the situation U don't need more of the same, U need to eliminate it. Govts worldwide recognize this & are rapidly moving to democracy & freer economies. 3) Disassociate entirely from the communist party & PAC. Communism is dead & discredited worldwide. 4) Stop imposing values on others, you're committing the same mistake as past SA govts. 5) Stop making unrealistic promises to the masses. A communist SA would impoverish everyone. If U promise wealth, then preach capitalism & a work ethic, not terrorism & destruction. 6) A peaceful SA must prosper & investor confidence is essential. Investors won't invest in uncertainty. Your call for sanctions places U on the lunatic fringe. Whether U take this advice or not depends on whether your prime concern is your people or personal power.

Mr. Mandela: You're currently enjoying tremendous prestige due to historical circumstances & could enter history books as a great leader. But, if U continue supporting current ANC ideals you'll go down in history as the person responsible for destruction of a nation.

Extreme right: The force of change is bigger than U & resistance will cause greater problems. The advice to Mr de Klerk is what U seek. Blacks don't want domination by Whites & vice versa. The solution to Blacks' problems is the solution to your fears: govt power decentralization to the lowest level where indiv's have max power.

Homelands & Frontline States: The homelands' fear is the same as Whites': the smaller tribe being overcome by the ANC power mongers. Advice is to incorporate only if U don't give up what U have & ensure individuals have max personal freedom. It's in the best econ interests of Frontline States, to see a peaceful, prosperous SA. Besides adopting democracy & free mkt policies at home, pressure the ANC to do likewise.

Int'l community: Take no sides, but vigorously support "right" & condemn "wrong". Communism's collapse doesn't mean capitalism's triumph. Western govts' efforts to impose more controls on U. Silence translates to accept.

Investment advice: Though SA has boom potential there's currently no indication it'll be realised. The govt had made dramatic political changes, but the announced national budget isn't a free mkt budget, it's a socialist budget. Social spending in housing, health & education dramatically increased to 40% of budget. This reveals no comprehension of issues. Deregulation & less spending are needed in these areas. Blacks too, think they want more socialism. They want more controls, but want to be the controllers. Refrain from SA investment until it's clear SA will find a capitalist solution.

Impact: The global impact of SA events will be profound. SA's mineral resources play a strategic role in world economics & severe disruption of future mkts is possible. Solutions require exploring depths of individual liberty rarely found anywhere. Success would benefit all, failure would adversely affect the world economy for decades to come".

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, as I indicated yesterday and earlier today, it is my intention to seek consent to proceed to the supplemental appropriations bill which was reported yesterday by the Senate Appropriations Committee. As we all know, under the rules of the Senate, any Senator may object until 2 days have elapsed following receipt of the report.

Since the report was available this morning, we would not, if consent is not granted, be able to proceed to that legislation until Friday morning.

In view of the fact that the principal aspect of this bill, and what I think is the driving force behind the bill, is the provision for assistance to Panama and Nicaragua, which the President has for some weeks been strongly urging Congress to act upon, it has been my hope that we could gain consent and proceed to this matter with a view toward completing action on it tomorrow.

That would not meet the President's originally requested timetable but would obviously be better than delaying it still further.

I have been discussing this matter with the distinguished Republican leader and, accordingly, Mr. President, I now ask unanimous consent that the Senate proceed to consideration of Calendar No. 521, H.R. 4404, the supplemental appropriations bill.

The PRESIDING OFFICER. Is there objection?

The Chair recognizes the Republican leader.

Mr. DOLE. Reserving the right to object, and I shall object, but I first want to state the reason or reasons.

I think, first of all, there is a feeling on this side that there was not any consultation on the bill itself. They were told at 4 o'clock to meet at 5 o'clock and that was the first notice they had had of anything in the supplemental. So I think there are some on this side who feel they at least should have had an opportunity to take a look at the report. These are members of the committee, not others.

Second, we do have one request, and we have now dispatched a copy of the report and copy of the bill to that Senator to give him an opportunity to take a look at it. He is not disposed to hold up the bill.

But then there is some controversial language in the bill that again was discovered in the bill. It was not offered as an amendment. It was just discovered in the bill, dealing with abortion, which is very controversial. It was passed last year. The veto was sustained when the President vetoed it. The President indicated he would veto the bill. He would like us to proceed to conference. But I have two Members on this side who have not yet made that determination. In other words, they feel that language is holding up a very important bill.

There are literally dozens and dozens of items in the supplemental in addition to aid to Nicaragua and aid to Panama. Someone indicated we have $2 billion worth of rescissions to get $600 million; $2 billion from the defense budget.

In any event, I will be working with the two colleagues who have indicated they would not consent at this time, and I hope the majority leader and I might confer later on, maybe in an hour. Maybe at that time we will be able to proceed to the legislation.

Having said that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Will the majority leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. SPECTER. I share the majority leader's state of concern that there be a conclusion on the aid to Nicaragua, considering the fact that President-elect Chamorro is being inaugurated today. Perhaps she is now President Chamorro.

On aid to Panama, I have been asked why we had not moved on these measures before. I understood the majority leader's concern not to move until we finished the Clean Air Act, which we have been very actively engaged in since January 23.

I was at the Appropriations Committee markup yesterday. We did mark up the bill. It was a complex matter with a great many items to be considered, because we had not had much time to review it.

I direct a question to the distinguished majority leader that I think many people are wondering about, and that is: What precluded our taking up this issue immediately or shortly after the disposition of the Clean Air Act?

Mr. MITCHELL. Obviously, as a member of the Appropriations Committee, the Senator is aware that I could not bring a measure to the floor until it was reported by the Appropriations Committee, particularly a supplemental appropriations bill.

The action by the Appropriations Committee occurred yesterday, and I am now seeking to bring the measure to the floor the following day. I am pleased to discuss it further.

There were some additional complications arising out of other matters, particularly with respect to getting final approval of the child care conference, which were resolved yesterday. That is a matter on which I have had discussions with the distinguished Republican leader, with the President, and many others over a period of time.

I am glad to get into such detail as the Senator desires in that regard. We are now trying to move this bill. I stated on several occasions we have not met the President's requested timetable. And while I regret that, I do not see that serves as any basis for further delay. That is, I hope we can proceed as soon as we can.

I stated openly, and acknowledge and repeat now, that any Senator is within his or her rights to object to consideration of this measure until Friday, under the Rules of the Senate. That is an appropriate mechanism which has been used frequently by Senators on both sides to make certain they have a chance to study the bill and the report.

It does pose a difficult problem for us, because not only does this delay final action on this bill, but it creates a situation in which the Senate has no other activity pending before it, a matter which I hope to discuss with the distinguished Republican leader shortly.

Mr. SPECTER. If the distinguished majority leader will yield for just a moment, I quite agree there is no point going back over the long history as to where we have been.

I do believe the Appropriations Committee was in a position to have acted earlier and the matter could have been brought up earlier, but all of that was yesterday. I will join the distinguished majority leader in urging my colleagues to move as promptly as possible.

I had occasion to be in Nicaragua and Panama over the recess. I believe there is an urgent need that the U.S. Government respond with the kind of support which we have committed. The Appropriations Committee yesterday voted the full $300 million for the new government, and the Sandinistas are waiting in the wings to point out that the United States is not fulfilling its commitments; it weakens President-elect Chamorro's government. It is something we ought to act on as promptly as possible.

Panama is a similar situation. We had a spirited debate yesterday in the Appropriations Committee, but we did pass by either 15 to 14 or 16 to 13 a $420 million figure for Panama.

What is going on in Panama today is really heroic. In just a very brief time, we have a President and Vice President of that country who have been victimized by brutality. President Endara was smacked across the head with a lead pipe, almost murdered. Vice President Ford was plucked out

of the car with a metal instrument which grabbed him by the shoulder and pulled his tendons out, and he had 22 stitches across his head and 9 stitches across his eye.

Those men, and the gallant other men and women of Panama, are trying to keep that country together. So it would be my hope, whatever differences exist in this body, that we can put them aside procedurally to at least tackle those two items because those nations are waiting and the reputation of this Government is on the line.

When I have been asked why the Senate has not responded to the House bill and I start to go through the various matters which have been alluded to, the listener does not understand it, and after a while I do not understand it either. So I just hope we could sweep the underbrush aside, wherever we have it, and move forward as promptly as possible to complete action on this bill.

Mr. MITCHELL. I thank my colleague.

Mr. DOLE. Mr. President, if I might say one thing, it may not be possible, but if we can get an agreement on this side to proceed almost immediately, if the committee amendment on page 57, lines 5 through 10, can be withdrawn—that is the controversial abortion language I referred to, something the President certainly did not request; it does impede progress as far as getting money to Panama and Nicaragua, if we withdraw that part, then it could be offered on the floor where we would have a chance to debate it. I do not think we have any objection to that. If the votes are there, it can be put back in the bill. That is a possibility.

Mr. MITCHELL. I appreciate the suggestion, and, of course, will discuss it with the chairman.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business until the hour of 3:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER (Mr. ROBB). Without objection, there will be a period for morning business for 1 hour, to extend until 3:30, with Senators permitted to speak therein for up to 5 minutes each.

The Senator from New Hampshire.

JUDICIAL TAXATION

Mr. HUMPHREY. Mr. President, last Wednesday the Supreme Court rendered a preposterous decision which repudiates a core premise of our system of constitutional democracy. The rallying cry of the American revolution was, "Taxation without representation is tyranny," but in its 5-to-4 opinion in the Missouri versus Jenkins case, the Supreme Court turned back the clock on American democracy. It held that unelected Federal judges can order new taxes and tax increases.

Mr. President, this is the ultimate excess so far at least, of judicial activism. Some 200 years ago the great Chief Justice John Marshall warned us, "the power to tax involves the power to destroy." That is why in our Constitution the framers were careful in the first article to ensure that the power to tax rests squarely, exclusively, solely, unequivocally in the elected legislature.

Only the elected legislature has the power to enact taxes or to raise taxes. Only those who, unlike judges, lifetenured Federal judges, have to stand for reelection periodically have the power to raise taxes. That is why the Supreme Court's approval of judicial taxation is so alarming. It is a decision that demands congressional response.

In the *Jenkins* case, an unelected Federal judge usurped the taxing power in order to fund lavish new facilities for a magnet school. That judge claimed that the construction of an elaborate model United Nations, indoor swimming pool, plush carpets, and the like were necessary to achieve better racial balance in the public schools. This illustrates the basic flaw in the reasoning of those who defend judicial taxation on the grounds that there can be no limits of any kind on judicial power to fashion remedies for constitutional violations.

It enables a judge to assume unfettered power to impose taxes and to undercut State budgetary policy merely by finding a single constitutional violation in a single case.

Justice Kennedy stated it well in his stinging dissent from the Court's approval of judicial taxation in which he was joined by three other Justices. He said, accurately, the ruling is "an expansion of judicial power beyond all precedent." He further stressed that "today's casual embrace of taxation imposed by the unelected, life-tenured Federal judiciary disregards fundamental precepts for the democratic control of public institutions."

Justice Kennedy also explained that the doctrine of judicial taxation approved in the Jenkins case can be applied in a wide variety of other cases involving prisons, hospitals, or other public institutions. For example, Federal courts are now free to order tax increases to fund expanded prison facilities in a large number of States that are under Federal court orders concerning crowded prisons.

In my own State of New Hampshire, we do not have a State income tax because the people have not seen fit to adopt one, but under the Jenkins doctrine, the people be damned; an unelected, lifetime tenured Federal judge can order the enactment of such a tax, against the will of the people, against the will of their elected representatives, whose views will count for nothing if such a judge is of such a mind. A Federal judge could order the State of New Hampshire to adopt a State income tax if he considers it necessary to fund some sweeping constitutional remedy.

Fortunately, Mr. President, Congress is not powerless in the face of this naked usurpation of our powers. We need not stand by idly while the Federal courts usurp the taxing power which, under the Constitution, is ours exclusively.

At the start of this Congress, I introduced S. 34, the Judicial Taxation Prohibition Act. This bill would exercise congressional power under article III of the Constitution by simply providing that the lower Federal courts do not have jurisdiction to order new taxes or tax increases. This is a court-limiting bill, Mr. President. It is the use of that power which the Congress clearly has but a power which the Congress should use only in the rarest circumstances, and this is one such circumstance, a clear-cut case, a flagrant case of judicial usurpation of congressional prerogative, a clear-cut case of judicial excess and arrogance, a dangerous case, may I say. If my time has expired, I ask unanimous consent that I might have another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. In this case Mr. President, this limitation on the jurisdiction of the Federal courts is appropriate, reasonable, clearly constitutional, and utterly necessary if we are to be true to our oath to defend the Constitution.

Congress has in other cases limited the remedial jurisdiction of the Federal courts, such as under the Norris-LaGuardia Act, and the Supreme Court unambiguously has acknowledged that the Congress has the constitutional power to do this. It is only a question of whether the Congress wants to acquiesce in taxation by judicial fiat and the imposition of taxes by life-tenured judges or it wishes to take constitutional steps to remedy that usurpation.

The American people surely do not want taxation by judges. Tax burdens are large enough even when they are imposed by elected legislatures. Congress owes the people, it owes posterity, it owes our forebearers, it owes the Constitution prompt action in this matter. We have the power to prevent this new form of taxation without representation, for that is precisely what it is, taxation without representation, and we should exercise that authority promptly.

I urge all of my colleagues, therefore, to join the 21 Senators now cosponsoring S. 34 and urge the Judici-

ary Committee to schedule a hearing forthwith in the matter.

I thank the Chair.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, I compliment the Senator from New Hampshire. I should like to associate myself with his remarks and ask that, if I am not one of those 21 Senators, to please add me to that list. I stood on this floor yesterday and sponsored legislation with the distinguished Senator from South Carolina [Mr. THURMOND] on this issue. It sounds as though Senator HUMPHREY has been ahead on this for some time now. I compliment him for it.

LITHUANIAN INDEPENDENCE

Mr. SYMMS. Mr. President, I mentioned Lithuania yesterday, but I want to bring it up again today.

First, however, I ask unanimous consent that an essay by William Safire, from the New York Times, on April 23, 1990, "World to Vilnius: Suffer," be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. Mr. President, it appears to me that Americans through silence must not allow what is happening in the Baltics to continue. There are many ways, I believe, we could bring about a worldwide focus of attention on the injustice that is being done to the good people of Lithuania, and probably will soon be done to Estonia and Latvia.

Mr. President, there is the United Nations. If it is to be of any value, why not bring up this subject at the United Nations and focus attention on it? Let us have a debate on it. There is the World Court. The Senator from New York and I discussed that yesterday. In fact, he has introduced legislation which would ask for an advisory opinion of the World Court on the question of Lithuania.

Senator MOYNIHAN made the point on the floor yesterday that Hitler sold Lithuania to Stalin and then Stalin took Lithuania at gunpoint. It probably is not something that would stand up even in the World Court, but certainly it seems it would be appropriate for the United States to press for such recognition and to press for debate.

It seems to me, without aggravating or heightening any tensions between us and the Soviet Union, certainly we could at least recognize and exchange Ambassadors immediately with Lithuania and give those people the recognition they deserve.

Mr. President, there are many other things that could be done, and I will leave that to others, but some have been mentioned today, I think by the distinguished Senator from Colorado: Technology transfers, economic credits, extension of credits, and other things. But for us to do nothing I think will not bode well for us in the future, because, if we here in the United States are unable to even muster enough courage to speak up for freedom, then who in the world, I ask my colleagues, is going to do it? Are we simply so terrorized and frightened by the fact that we have allowed the forces of unilateral disarmament to so weaken us that we are standing captive to the targeting of thousands of nuclear warheads the Soviets have aimed at the United States and we have no defense against? Is that our problem?

No one is saying that. I ask that as a rhetorical question. If that is not our problem, what is it that makes the United States so fearful to stand up for these people who have been forced at gunpoint into an empire which they do not want, and now in their hour of need when they want to get out, with the slightest bit of recognition from us, where are all of our allies in Europe? Is this just another Munich that is taking place before our very eyes? A simple capitulation on principle of our foreign policy?

I urge my colleagues and the administration to rethink the position that this great Nation of ours has with respect to these people in Lithuania and give them the respect and treatment that they so deserve.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, Apr. 23, 1990]

WORLD TO VILNIUS: SUFFER

(By William Safire)

WASHINGTON.—When an individual becomes a dissident, he or she is seen by the outside world as a hero: a Sakharov or Mandela stirs the conscience of the world. But when a captive nation becomes a dissident, its resistance to oppression becomes an inconvenience to mankind; it is accused of being an impediment to the Big Picture, a threat to worshipers of the idol of Stability.

That is why European industrialists who insisted that the Kremlin would never use its natural-gas pipeline as a weapon are now so silent at the cutoff to Lithuania. (No mask can be worn to protect civilians against the cutoff of natural gas.)

That is why polls say American public opinion treats the reach for independence by the dissident nation to be an annoyance, prefering 2 to 1 that our President continue his policy of paying lip service to the Lithuanian assertion of longstanding independence—while supporting Gorbachev and protecting the summit meeting.

We have been sold a bill of goods. We are told that we have a great stake in the personal success of Mr. Gorbachev; that his success depends on his absolute control of the Kremlin; and that he would lose control to some neo-Stalinist faction if his freeing of Central European nations extended to the three Baltic republics which were grabbed a few years earlier.

The opposite is true. Our interest in Mr. Gorbachev is limited to his ability to withdraw troops from illegally seized nations and to speed the transition to political and economic freedom; his motive to make these reforms is rooted in the fear of the failed system's impending collapse; and by not putting a price on his reversion to command control, we remove a central impetus for the growth of democracy.

Does pressing Mr. Gorbachev to acknowledge the independence of the Baltic states really jeopardize, as White House backgrounders argue, our greater objective of troop withdrawal and missile reduction?

A minority thinks not. We believe that the West's toleration of his decision to make economic war on a conquered nation that now dares to assert its freedom is not merely morally wrong, but geopolitically unsound. It breaks the democratic momentum. Our failure to denounce the threat of "presidential rule"—the euphemism for dictatorship—bolsters the imperious inclinations of the Soviet strongman and undermines sensibly radical reformers.

But Mr. Bush, following isolationist public opinion in the U.S., and under the cloak of "consultation" with European leaders eager to abandon the idea of collective security, is temporizing. The great symbolic dish of the Bush White House kitchen has become the waffle.

In light of this tepid support, what should besieged Lithuanians do?

Negotiating in a vacuum is a non-starter. Offering concessions when the other side answers only with a blockade is taken as weakness rather than reasonableness. The cap of independence has been tossed over the wall; the declaration cannot be undeclared without abject surrender.

Counting on the West for help at the start is another mistake. Our nervous doves (worried about nuclear shakiness of a disintegrating Soviet Union) combine with our ultra-pragmatists (worried about a future charge of "Who lost Gorbachev?") to say: America has other fish to fry.

Armed revolt is not an option: as one Balt told me, "there are no hills here—we cannot do an Afghanistan."

What's left? Suffering and lamentation; sustained resistance and dramatically expressed resentment; refusal to be starved into submission.

Public suffering can be a powerful force, as individual dissidents have demonstrated. Freedom never comes easily, and rarely does it come from outside.

To prick the conscience of the world, Lithuanians will have to do more than line up cars at gas stations. They will have to parade their jobless, show the ravages of Gorbachev's blockade on their children, passively torment their oppressors and become the grim example of the failure of glasnost.

Moscow's no-gas attack is effective, as is occupiers' brutality, the takeover of printing plants and the imposition of a quisling prosecutor.

But relentless resistance in the cause of long-denied independence begets the shame of bystanders; growing shame changes public opinion; and rising outrage could force politicians to offer recognition, a sealift, serious countervailing economic pressure.

Mr. Gorbachev will set the Baltic nations free only if he must. The Balts, by their courage and willingness to suffer, can shame the world into making sure he must.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DIXON].

Mr. DIXON. Mr. President, I am glad to hear my friend from Idaho express his views about the Lithuanian matter.

I came here this afternoon largely because I am concerned there may be a perception in the country that all of us are entirely satisfied with the manner in which the administration is handling this matter to date.

I would like to start by reading parts of an editorial from the Washington Post today, which I think expresses to some extent my view. It is an editorial I am sure my distinguished friend in the Chair has read, entitled "The Lithuanian Case."

It says:

President Bush is proceeding very gingerly in his support of Lithuania and its right to choose its own future. Understatement can be useful in diplomacy, but beyond a certain point the message becomes inaudible. Mr. Bush was careful to say yesterday that he has reached no decision yet on his next steps. He is clearly trying to separate his support for Soviet internal reforms and his encouragement of Soviet arms reductions from any condemnation of the Soviets in the Lithuanian case.

He went on to explain that he's anxious not to do anything that "compels the Soviet Union to take action that would set back the whole case of freedom around the world." That's where he gets into trouble. "Compels" is an odd word to have used, implying as it does that the Soviets would have no choice, implying even that they would be justified in their action. Surely what the president meant was that the Soviets might be tempted to act or to use stern action by him as a justification. It's important not to get caught in the trap of tolerating the Soviet squeeze on Lithuania out of fear that protests might induce the Soviets to do worse. And it is also important not to go on and on about the limitations we feel on our ability to act and how anything we do might have a terrible impact and so forth. It's one thing to accept reality and recognize these limitations on what we might do and the complicated nature of our interests in Eastern Europe. But it's another to wax endlessly on how circumscribed we are. A little more reticence on this point would help.

I ask unanimous consent that the balance of the column be reproduced in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The administration is considering economic retaliation against the Soviets for their embargo of their oil and gas to Lithuania. But for the present, Mr. Bush says, he is continuing to try to encourage negotiations between the Soviets and the Lithuanians. Negotiations—if they are true negotiations—are desirable, and he is right to press and press hard on this point.

Lithuania sets a towering precedent for the Soviets in dealing with all of their restive minorities and outlying republics. That's the dilemma that faces President Gorbachev: he knows that whatever happens in Lithuania, he's got to be prepared to apply the same rule to all the others who are now talking about independence—not only the other Balts but the Georgians and the Ukrainians and the rest. Forcible repression means a march back to Stalinism and farewell to any hopes for economic reform. But independence for Lithuania leads in the direction of dissolution of the Soviet Union.

The immediate issue is the degree of coercion that the Soviets are applying to the process. By bringing the entire republic of Lithuania to a halt, the Soviets are creating a degree of crisis that will generate something other than a cool atmosphere for long talks. The danger in the United States' muted response so far is that it is susceptible to being misinterpreted as acquiescence, encouraging the Soviets to go farther.

Mr. DIXON. Mr. President, to close, I quote directly, "The danger in the United States' muted response so far is that it is susceptible to being misinterpreted as acquiescence, encouraging the Soviets to go farther."

I will just go beyond that and say this: I agree that infinite caution is required here, but I think we have now advanced to the state where our caution does us a great deal of damage in the eyes of the world. Lithuania, after all, was gobbled up by the Soviet Union 50 years ago. It is a part of the Soviet Union against its will. Mr. President, in as much as the United States has always cherished freedom, we owe Lithuania more than we are doing now. I suspect that others will begin to express this view shortly.

Still, there is something we should do if the Soviet Union is going to begin to put economic strangulation into effect against Lithuania. We have to make some kind of response. I find it absolutely ludicrous for us to carry on trade talks with the Soviet Union to advance that country to a most-favored-nation status while they are carrying on in this manner against Lithuania.

You know, I would go along with the majority of those in this country who believe Mr. Gorbachev is certainly preferable to many others as the leader of the Soviet Union. But to suddenly exalt him and place him in the position where all good things flow from Mr. Gorbachev is utterly ridiculous.

The changes we see today in Eastern Europe, in Poland, and in a lot of other places—are springing more from the breasts of the Lech Walesas and the people like him, than from the desire of Mr. Gorbachev. He is behind the curve, not in front of it. I think we would do well as a Nation to remember this simple fact.

We owe more to Lithuania than we are doing for her now. If I have correctly perceived in the last couple of days a sort of a national sense that we should be quiet now, then I guess this Senator from Illinois is here to say, I am tired of being quiet.

On the night we considered the Helms resolution, I was inclined to vote for it. Others on the floor came to me and persuaded me to do otherwise on the grounds that we should move slowly, that we should give the administration the benefit of the doubt, that we should be reluctant to immediately grant recognition. There were a lot of good arguments. In the end, I did not vote for that resolution and supported and cosponsored instead the resolution unanimously adopted on the next morning, as the Chair will remember.

I have no regret for that.

May I have an additional 2 minutes of time by unanimous consent?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. I was satisfied, Mr. President, to do that. In regular interviews from that time until this moment I have been reasonably supportive of the administration. As one in leadership on this side of the aisle, I have said repeatedly, politics should end at the water's edge. I do believe that. I think my record here on the floor over the years stands as proof of that belief.

But now we are being overly cautious. We are not responding adequately to the problem there. The people in Lithuania, the 200,000 free Lithuanians in the State of Illinois, Americans generally, and freedom-loving people around the world have a right to demand of us more than total indecision, but an incisive response that we do not see now. I think, Mr. President, this is a critical point. I do not think there is anyone in this body who wants to dash out and do the irresponsible acts that could bring us to some kind of difficulty in the world, but I think all of us here believe we should be taking some responsible action.

The Senator from Idaho touched upon some. I see the Senator from New Hampshire on his feet, I see the Senator from New York stayed on his his feet, there may be others, and there may be a lot of ideas about what we can do. But the point is, the administration should be giving some profound thought to the things we can do to send a powerful message in support of a fine, small nation that has the right to be free, and deserves a better and a more effective policy by the United States to support that right.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. D'AMATO].

LITHUANIA

Mr. D'AMATO. Mr. President, I have been accused of being outspoken on the issue of Lithuania. Some said Senator D'AMATO went to Lithuania for publicity. That is true, at the invitation of President Landsbergis, of Lithuania, who, after we discussed that the Soviets indicated they would

not issue a visa said: "I will issue a visa. I will send the Foreign Minister to meet you in Warsaw. But we think it is important that we show the people of Lithuania those who love and cherish freedom have not forgotten us that we are not alone in our struggle."

Then to read his words today where he has likened the response of the West and the United States to the tragedies that befell Europe and the world prior to the outbreak of World War II, where he compared Czechoslovakia to the modern day Lithuania, moved me to speak out once again.

Mr. President, I think Gorbymania is now a national disease. What has happened is that we have allowed ourselves to be so clouded and blinded by Gorby, this wonderful person who has brought us perestroika and glasnost, who is the hope of freedom, that we are powerless to act. It is argued by those who would stand by and do nothing that lurking in the wings are powerful forces that would plunge us into the cold war. Who controls the KGB? Who is it that rivals Mr. Gorbachev? Even those who hold him in the greatest esteem would acknowledge that he controls the KGB, and the army, lock, stock, and barrel, so we have one or two of the so-called hardliners who may hold Gorbachev's power at risk.

Mr. President, why is it that we have had the Soviets turning to the West, making concessions to the people who are demanding freedom? It is because communications today have shown them that their system is bankrupt, and the people throughout the world do not live for the state but have a basic right of freedom. They yearn and crave for it, and they stretch for it. The Communist system has demonstrated its total inability to feed its people and to meet their needs.

I would suggest it was no act of benevolence or charity that lead to Mr. Gorbachev's actions with Poland. Let me suggest to you that one of the great speeches given to the joint session of the Congress was given by Lech Walesa, and the words that he gave to Congress as we sat enraptured by him are as applicable today as they were when he gave that speech on November 15, 1989.

Here is Lech Walesa speaking to the last session of the Congress, speaking of Poland's effort to be free, he said:

In those days, at the beginning, many warnings, admonitions, and even condemnations were reaching from many parts of the world. "What are those Poles up to?" we heard. "They are mad, they are jeopardizing world peace and European stability. They ought to stay quiet and not get on anybody's nerves."

Mr. President, I would suggest that is the same thing that is being said today. He went on further to say:

We gathered from those voices that the other nations have the right to live in comfort and well-being, they have the right to democracy and freedom, and it is only the Poles who should give up these rights so as not to disturb the peace of others.

I have to tell you when I hear and see the editorial writers and the commentators, to one extent or another, they are saying the same thing: "Keep quiet. Do not rock the boat. Do something, but don't do anything."

The most incredible article I ever read—a piece of garbage by Al Neuharth, USA Today's founder—was entitled, "Gorbyache: Those He Fed Now Bite Him." I would suggest that Al Neuharth look at the history books, and tell me when the Soviets fed the people of Lithuania. Those he fed now bite him and then he has a quote, a famous quote, from Edmund Burke: "They will turn and bite the hand that feeds them. * * *"

The article is as follows:

GORBYACHE: THOSE HE FED NOW BITE HIM

(By Al Neuharth)

*"They will turn and bite the hand that feeds them. * * *"*—British statesman Edmund Burke, 1800.

I revisited Moscow last week for the first time in a year and a half.

Then, *glasnost* (openness) and *perestroika* (reform) were new. Most Soviets still were skeptical whether Mikhail Gorbachev really meant they could speak their minds.

Now, most believe he's sincere. And many have marched in the streets to give him hell as a result of it.

As I jogged through Red Square, past the Kremlin and by Lenin's tomb during the ceremonial and colorful 7 a.m. changing of the guard last Wednesday, I wondered:

Is Lenin laughing now?

Or crying?

For it was he who wrote in *Pravda* in 1920, "Why should freedom of speech and freedom of the press be allowed? . . . Ideas are much more fatal than guns."

His successors followed Lenin's line. Guns kept ideas in the closet, until Gorbachev took over in 1985. Since Gorby opened that closet, frustrations long pent up have poured out.

The USA holds sundry similar examples of the suppressed or oppressed overreacting after the shackles come off. Free at last, the temptation is to exercise all that freedom—fully, quickly and sometimes unwisely. Often, it means biting the hand that freed or fed you.

Lithuania is the latest and most ludicrous example. Mostly misunderstood in the USA, misconstrued by many in the media.

There is little more logic to Lithuania being permitted to unilaterally and unlawfully declare its independence from the USSR than there would be for Texas to secede from the USA. Both were grabbed during a war. But both owe much to their modern-day mother country.

Gorby has a right to be livid about Lithuania. The way you might feel about a runaway child, tempted to beat him within an inch of his life.

I hope he will continue to just scold the brat, take away a few privileges, maybe even some necessities, but not beat him up. And forgive.

I know how Gorby feels. In recent years, some people I favored or fostered over a quarter century have turned and bitten my hand. But those bites don't hurt as much if you learn to shake them off, smile and reconcile.

That's my recommended cure for Gorbyache.

"Father, forgive them; for they know not what they do."—The Bible, Luke 23:34.

Some parts of this article bear reflection.

He said there is little more logic to Lithuania being permitted to unilaterally and unlawfully declare its independence from the U.S.S.R. than Texas being allowed to secede from the U.S.A. I wonder what history school he went to? Where did he learn to read and write? Did he not learn about the annexation? Did he not read it, or did he not care, or do the facts not matter? Lithuania was asking illegaly for its independence?

What a perversion of the facts. He says it would be analogous for Texas—this ought to really get them—to secede from the U.S.A. Both were grabbed during a war. But both owe much to their modern-day mother country.

Mr. President, I think that is the kind of logic we see today. He goes on further and gives hype to this Gorbymania. Are we becoming so blinded by our hope for peace? I want peace. I want us to negotiate verifiable treaties as I know the President does. I want to see us compete in the area of economic co-operation, but I do not believe we have the right to sacrifice somebody's freedom.

I do not believe we have the right to say Lithuania today—and Lord knows who tomorrow. I do not believe we have the right to create the myth that he is not using force and aggression. Economic force and aggression in this case can be as powerful and brutal a tool as any tanks coming. This is mowing the people down, and the Soviets are masters of that. They did it to the Ukrainians when 7 million people starved during the so-called Stalin famine.

The Neuharth article goes on and it says, "Gorby has a right to be livid about Lithuania."

I guess the Lithuanian people do not have a right to freedom, a freedom that was taken away by force in 1940. Neuharth apparently feels that Gorbachev has the right to feel about Lithuania the way you might feel toward a runaway child, tempted to beat him within an inch of his life.

What great logic. Incredible. I think the article is most incredible. I cannot believe it. He ends this entire article with a quote from the Bible, Luke 23:34: "Father, forgive them; for they know not what they do."

Mr. Neuharth, at least you have the right, regardless of how illogical, regardless of how perverted and distorted the facts are that you present, to say that. Lithuanian people should

have the same right to call for their freedom. I do not believe that this Nation, a nation that prides itself on its history, a history of immigrants who came to this country from all the various backgrounds from the days of the Pilgrims, to our more recent forefathers who came to escape repression, whether it be religious, whether it be to seek economic opportunity, can ignore the imperatives of history. That is the greatness of this country. We cannot turn our backs nor should we.

Let me conclude, Mr. President, by saying that I am deeply, deeply concerned about the lack of action being taken by this administration. Unfortunately, yesterday's refusal by our President to impose sanctions makes it seem that our call for freedom is nothing more than rhetoric. I say to my President, who I support—and with all due respect—that the struggle for freedom in Lithuania deserves our wholehearted support.

If we have to tell the Soviets there will be no summit because we are not going to trumpet you, Mr. Gorbachev, as a knight in shining armor, then so be it. We cannot again decide who shall have freedom. I think we have to let the Soviets know that we will not improve our economic ties with them until they negotiate with a free and independent Lithuania. I do not understand how saying that is a provocative statement, how saying that could endanger world peace.

Mr. President, until we have the courage to stand and act in this manner, I am afraid that we are a nation that builds its policy on the basis of one man. That is not a sensible way to build our foreign policy.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from New Hampshire is recognized.

THE NEED FOR ACTION ON LITHUANIA

Mr. HUMPHREY. Mr. President, I am struck by the coincidence—and it is a coincidence, for none of this was orchestrated—that within the last half hour or so the Senator from Idaho, the Senator from Illinois, the Senator from New York, and now the Senator from New Hampshire have risen to speak about the inaction on the part of the Bush administration to effectively deal with the crisis in Lithuania.

So the spell of silence has been broken, Mr. President. That spell of silence to which the President has alluded in recent days has been broken. I predict that, notwithstanding Soviet efforts to suppress the cruel news, as reports come out of Lithuania, of men, women, and children suffering because of this cruel Soviet boycott, more and more Senators and Members of the House are going to come to the floor and roundly criticize the administration for its unprincipled policy with regard to this situation.

Mr. President, throughout the last half-century, under 10 administrations, the United States has maintained a principled and determined policy of refusing to recognize the Soviet annexation of Lithuania. We have refused to recognize the annexation for the simple reason that the annexation was the result of a plot involving Hitler and Stalin. We have refused to recognize the annexation because it is and was and forever will be unlawful.

Yesterday, against that history of 10 administrations, the Bush administration dishonored the principled conduct of this country toward Lithuania and the Baltic States. By refusing to respond in any meaningful way to the Soviet bullying of that country, this administration has cruelly let down the Lithuanian people whom it had encouraged as recently as last week to expect moral support from the United States in the form of sanction against their tormentors. Last week, the White House said that it would respond to an oil embargo with sanctions. Yesterday, the President announced he has decided no action is called for at this point. Thus, in 1 week, Lithuanian expectations were raised only to be cruelly dashed a few days later. Who can therefore, blame President Landsbergis for the bitter disappointment which he has expressed?

Mr. President, this Senator, I suppose like so many other Senators, has remained silent over the last several weeks, wishing to give the benefit of the doubt to the President in this difficult matter. But my discomfort has grown week by week. It is no longer a discomfort; it is embarrassment and shame. Are we prepared to let the Soviets destroy the independence movement in Lithuania as long as the process is accomplished slowly? So it would seem, based on White House inaction.

Are we prepared to acquiesce in the Soviet subjugation of the newly elected Government of Lithuania as long as that subjugation is done by embargoes instead of tanks? Apparently so, based on White House inaction.

Are we prepared to accommodate the bludgeoning of the Lithuanian people, including children, as long as the club used is oil embargoes and other embargoes of essential commodities instead of military instruments? So it would seem, based on White House inaction.

Well, Mr. President, we have given the President the benefit of the doubt. We have been patient. We have been silent. But the time for silence is passed. Our response to the Soviet abuse of the people of Lithuania is as unprincipled and as infective as our response to the abuse of the people of China by the Peking Government.

We are asked to be patient. We have been patient. We have been patient on China and nothing good has happened. And we have been patient on Lithuania and nothing good has happened. The time for silence is passed. We are not children. We understand the broad issues at stake in the relations between the United States and the Soviet Union. Everyone understands the importance of continued progress in reforming the Soviet system. Certainly the United States should encourage such reforms. Without any doubt, the United States benefits from such reforms. But the time has come to ask the question, at whose cost do we benefit? It is time to ask the question, at what price do we benefit? It is time to ask the question, at what sacrifice of our principles do we benefit?

Are we prepared to abandon Lithuania in its hour of desperation? Are we prepared to sacrifice the principle that people are entitled to be free? Are we prepared to sacrifice the principle that a nation illegally annexed is a nation that has never lawfully lost its independence? Are we prepared to say that the end justifies the means? Are we prepared to say that Lithuania is after all a small country and therefore our principles do not apply? That is the message. The message is yes. The inaction on the part of the White House sends the answer to those questions in the affirmative.

Mr. President, the Lithuanians are reaching out to us, desperately reaching out to us for moral support. They do not expect an invasion. They do not expect a Berlin airlift. But they would like some shred of moral support. And what have they got? Dashed hopes. Not a shred of meaningful support has been forthcoming. And, therefore, Mr. President, it is not only a time for the end of silence, it is a time for sanctions. It is a time for a principled response to Soviet bullying.

The hard-nosed, selfish pragmatism that has characterized our policy for the last several weeks is unbecoming to this Nation. More and more, it makes us look cynical. More and more, I believe the American people will find their stomachs turning in disgust and shame as reports of human suffering filter out of Lithuania despite Soviet suppression of the news. And that suffering will come. It is only weeks away.

We have treated Lithuania like a nuisance. We have suggested that their yearning for independence is an inconvenience. We have suggested that they be more patient. We have suggested that they postpone their freedom.

Well, Mr. President, it is awfully easy to suggest postponing someone else's freedom; is it not? I wonder what

we would have thought if the Government of France, during our revolution, said, "Get lost, kid, you bother me. I have got bigger fish to fry. Put it off for a few years; then maybe we can attend to it." If that had been the case, we might well still be a colony of the British Empire.

To suggest the Lithuanians postpone the reassertion of their lawful independence is so cynical and self-serving on our part that, frankly, it turns my stomach.

It is time for sanctions, Mr. President. Our colleague from Colorado [Mr. ARMSTRONG] earlier today, in his always masterful fashion, cataloged in great detail the sanctions that are available to us, from small to very large. Therefore, it is not necessary for me to repeat them.

There is no call for belligerence toward the Soviets. But there is certainly a need for a principled response from this administration that matches the commitment expressed by the preceding administrations. It is time to draw a line. It is time to say enough. It is time to start a process of sanctions, modest at first, sterner if needed later.

We have sat still while the Soviets have tied a noose around the neck of Lithuania. We have sat still while Soviet tanks and armored personnel carriers rumbled menacingly through the streets of Vilnius. We have sat still while Soviet soldiers occupied key city buildings. We have sat still while Soviet soldiers dragged away Lithuanian youth resisting an unlawful draft. We have sat still while armed Soviet soldiers seized Lithuania's printing plant, brutally beating those Lithuanians who stood in their way. We have sat still and we have sat still. And now, Mr. President, it is time to stand up. It is time to stand up for principle and it is time to stand up for Lithuania. Enough watching and waiting. It is time for action. It is time for concrete deeds. It is time for sanctions.

Mr. President, I yield the floor.

FLAG DESECRATION AND A 14-YEAR-OLD'S VIEW

Mr. HATCH. Mr. President, I would like to bring the following essay to the attention of my colleagues. This work, written by 14-year-old Kelsey Watkins from my home State of Utah, analyzes the debate on the flag desecration issue. At this time, especially considering recent developments, I thought it would be most appropriate to share this with the Senate. Mr. President, I ask unanimous consent that Kelsey Watkins' essay on flag desecration be printed in the RECORD at this point.

There being no objection, the essay was ordered to be printed in the RECORD; as follows:

Is it or isn't it constitutional to burn the U.S. flag? This is a very controversial question. Recently, the U.S. Supreme Court made the decision that according to the first amendment, Americans have freedom of speech, and according to them, burning the American flag is a freedom of one's expression. This is the beginning of the argument that is still being discussed today.

Many Americans were upset at the new verdict. Doesn't the United States have enough pride in its country to not allow such a disgrace? The U.S. flag is a symbol of freedom, it represents our country. When Betsy Ross created the first American flag, did she or anyone else intend it to be used for burning because we have "freedom of expression?" Did our founding fathers really give us this absurd freedom?

Many citizens of the United States believe that the burning of the American flag is not an expression of free speech. One citizen replied, "The idea that American citizens can burn our country's symbol is imbecilic. The Supreme Court decision that it's an expression of free speech is ridiculous. The verdict is simply an exaggeration of that amendment."

Some Vietnam veterans also had an opinion. Sergeant Major disagrees, "I don't believe it, I just don't believe it! You can go out here and say what you want and I'll back you on it. I don't have to agree with you. But don't touch anything tangible that belongs to the United States, as far as I'm concerned. I fought four wars to protect that right. If that guy [Gregory Lee Johnson] comes down here, I'll probably wind up in jail, 'cause I'm going into combat again."

Another sergeant gropes to express what the flag means to him, "It's very hard to explain. It's like electricity: You can see the results but you can't see the electricity. It's a non-tangible item which is a thought; it's within your heart. I don't know what else I can say. I was brought up that way." Address such a question to the mothers whose sons and daughters make up the more than 58,000 names on the wall who were given the flag that draped the casket of their child. Ask them what the flag means. That's the only thing they got back."

A lasting remark made by Sergeant Major was, "We'll fight to the death to protect your right to say what you want to, but don't desecrate that national symbol."

The U.S. flag to many people is like a religion. Religion is something you live and die for. "The Star-Spangled Banner" is based on the flag. Every verse in it is about the flag. Francis Scott Key was sitting there locked up on a ship, looking out the portholes at the battle that was going on, and the only thing he looked for was a flag; he finally found it, and felt safe.

The veterans at the memorial fought for our flag. Some of the only motivation they had was at night to look up and see the flag still waving. A navy man, Thomas Campbell adds, "There are many wounds that run a lot deeper than people think."

Senator BOB KERREY, a Democrat from Nebraska, agrees with the decision. "There are many patriotic Americans who believe that the toughest but best way to show respect for the flag—to show why we are so different from those in Beijing who massacre protesters—is to protect even the freedom of those who would desecrate this symbol of our freedom."

The Supreme Court held a 5–4 ruling in the Texas case that desecration of the flag was protected under the Constitution's first amendment guarantee of free speech insofar as the act of destroying the flag amounted to communicating a political point of view. Who knows how much longer this ruling will last. It is an unfortunate development in constitutional law that symbolic gestures and physical manifestations have been given that legal credibility and equivalent protections of the written or spoken word.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,866th day that Terry Anderson has been held in captivity in Beirut.

I would also ask unanimous consent that a Washington Post and a New York Times article giving certain details about Robert Polhill's captivity be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 25, 1990]

FREED HOSTAGE DESCRIBED AS "VERY HUNGRY"

(By Marc Fisher)

WIESBADEN, WEST GERMANY, April 24.—Freed hostage Robert Polhill lost 25 pounds and much of his muscle mass during his 39 months of confinement in Lebanon, but stayed sharp by maintaining his sense of humor and his anger at his captors, an Air Force doctor said today.

Polhill continued to eat ravenously on his second day away from the Shiite hostage takers who had fed him irregularly and poorly. He is eating four meals a day and has made special requests for spare ribs, as well as for a pair of decent shoes.

"For a man who is 55, he looks a good deal older," said Col. Kenneth Koskinen, the Air Force surgeon who has been treating Polhill. "The man is just malnourished and very hungry. He's essentially emptying our kitchen."

Koskinen said Polhill "has significant muscle wasting," a result of having been kept from most exercise for such a long time, but is in good spirits. "He was very angry and is still angry. He said it was very difficult to channel that anger."

Despite the uncertainty of his situation, his complete isolation from the outside world and persistently uncomfortable conditions, Polhill never thought he would be killed, U.S. officials here said.

In the past three years, Polhill and his fellow hostages were given reading matter only rarely (he once got a copy of the British magazine the Economist). They had nothing with which to divert themselves other than each other's company and playing cards supplied by their captors.

Today, Polhill spent several hours with State Department debriefers, who were eager to find out about his fellow hostages and about the conditions in which he was kept. He also spent private time with his wife and two sons, who arrived this morning from the United States.

Although Polhill seems clear and level-headed now—surprisingly so, doctors say—it is still far too early to know if he will suffer from the post-stress syndrome of depression and fatigue that has affected many former hostages. Many effects of a long period of confinement take "several years" to emerge, Koskinen said.

The former accountant, who was a business professor at Beirut University College when he and three other instructors were

kidnapped in January 1987 by pro-Palestinian terrorists posing as campus police, will heal physically quite quickly, doctors say. "In three months, you probably won't recognize him," Koskinen said.

Polhill, who came out of captivity knowing nothing about events of the past three years, has peppered the hospital staff with questions. He wanted to know who won the World Series and Super Bowl over the last few years. He had to be told that the Berlin Wall had fallen. And it was unclear today whether he knew whom he was going to be speaking with when he was told Sunday that he would have a phone conversation with the president of the United States.

Polhill is said to be deeply concerned about the future of his fellow hostages, especially Alann Steen and Jesse Turner, the Beirut University College instructors still being held, with whom he shared a room for most of his captivity.

In his initial conversations with U.S. officials, Polhill has said that although he and his fellow captives were moved frequently from one location to another, they were always kept together in windowless rooms under constant guard. They never knew whether it was day or night.

U.S. officials here said that Polhill, Steen and Turner were almost certainly kept in various places in Beirut, possibly in a building with other hostages. But officials could not say which other hostages were involved, nor even if they were Americans.

Neither Polhill nor officials here have come up with any explanation of why his captors, the Islamic Jihad for the Liberation of Palestine, chose Polhill to set free at this time.

U.S. officials here said that although Polhill has cooperated with State Department debriefers, he has measured his willingness to talk against his fear that giving away details could harm his friends in captivity.

"He is very aware that if he says something negative, it could have a negative impact" on Steen and Turner, Koskinen said.

That is also one reason why Polhill has not spoken to reporters here. Polhill, who is still speaking in the low, thin voice that his captors required, plans to stay in Wiesbaden for several more days.

[From the New York Times, Apr. 25, 1990]

HOSTAGE WAS HELD IN A BUILDING WITH OTHER CAPTIVES, U.S. SAYS

WIESBADEN, WEST GERMANY, April 24.—Robert Polhill spent most of his captivity in a room with two fellow hostages and probably in the same building that held other Western captives in Lebanon, United States officials said today.

Some details of Mr. Polhill's captivity emerged as a team of American investigators began questioning him today about what he knows of other captives in Lebanon and the Shiite Muslim militants who hold them.

The 55-year-old business professor was reunited with his two sons today for the first time in more than three years.

Mr. Polhill, a New Yorker, has been staying at the American Air Force Hospital in Wiesbaden with his wife, Feryal. His sons, Stephen, 26, and Brian, 23, arrived this morning from the United States.

HOSTAGES MOVED REGULARLY

American officials, who asked not to be identified, said Mr. Polhill, was held in the same room with the American educators Jesse Turner, 42, of Boise, Idaho, and Alann Steen, 51, a Boston native. All three were seized on Jan. 24, 1987, from the American University in Beirut campus, where they had taught.

"There's a possibility he was held in the same building with other hostages," an American officials said. "We're fairly certain of that."

The official said he did not know which of the 17 Westerners still in captivity might have also been held in the building. Seven Americans are among those held.

"We know from various sources where the hostages have been held," the official said, explaining that they were moved regularly.

And a London newspaper, The Independent, reported that several dozen Shiite prisoners held in southern Lebanon by an Israeli-backed militia would be released in the next few days as part of a deal that resulted in Mr. Polhill's release. Militia officials said Monday that its leader would decide today whether to free some of the group's 300 prisoners to mark the end of the Islamic Ramadan fast.

Mr. Polhill will spend several more days at Wiesbaden before returning to the United States, the hospital's medical director, Col. Kenneth R. Koskinen, said.

In Lebanon, a pro-Syrian militia leader said today that he was working for the "speedy release" of two kidnapped Swiss Red Cross workers.

The leader, Mustafa Saad, who heads the leftist Sunni Muslim Popular Liberation Army that controls the southern port of Sidon, told reporters. "We're in contact with several parties concerned to ensure the speedy release of the Swiss captives."

The two Swiss, Emmanuel Christen, 33, and Elio Erriquez, 24, were kidnapped by unidentified gunmen on Oct. 6. The police and other security sources blamed the Palestinian terrorist Abu Nidal, whose group has denied the accusation.

SUBSTANCE ABUSE DURING PREGNANCY ACT

Mr. WILSON. Mr. President, yesterday I introduced legislation, the Substance Abuse During Pregnancy Act of 1990, S. 2505. I learned this morning that the bill inadvertently was not printed in the RECORD.

Therefore, I rise today to ask unanimous consent that the Substance Abuse During Pregnancy Act of 1990 be printed in the RECORD in full.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Substance Abuse During Pregnancy Act of 1990".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

(2) SUBSTANCE ABUSE.—The term 'substance abuse' means the use of controlled substances, as defined in schedules I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812), the possession or distribution of which is unlawful under such Act, or excessive or injurious ingestion of legal substances, including alcohol.

(3) SUBSTANCE-ABUSED INFANT.—The term 'substance-abused infant' means an infant who is born addicted or otherwise injured or impaired by the substance abuse of its mother.

SEC. 3. TREATMENT.

Section 509F of the Public Health Service Act (42 U.S.C. 290aa-13) is amended to read as follows:

"SEC. 509F. GRANTS FOR SUBSTANCE ABUSE TREATMENT.

"(a) DEFINITIONS.—As used in this section:

"(1) EDUCATION AND SKILL-BUILDING SERVICES.—The term 'education and skill-building services' means services for pregnant and post partum women who have completed substance abuse treatment, to prepare the women to care for and support their children in an environment free of drug and alcohol abuse.

"(2) OUTREACH ACTIVITIES.—The term 'outreach activities' means services that identify substance-abusing pregnant and post partum women for prenatal health and substance abuse treatment, encourage the women to seek prenatal health services and substance abuse treatment early in their pregnancy, and educate the women about the risks of substance abuse during pregnancy.

"(3) POST-TREATMENT SERVICES.—The term 'post-treatment services' means services that reduce the risk of recurrence of drug and alcohol use by pregnant and post partum women who have successfully completed substance abuse treatment programs.

"(4) SUBSTANCE ABUSE.—The term 'substance abuse' means the use of controlled substances, as defined in schedules I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812), the possession or distribution of which is unlawful under such Act, or excessive or injurious ingestion of legal substances, including alcohol.

"(5) SUBSTANCE-ABUSED INFANT.—The term 'substance-abused infant' means an infant who is born addicted or otherwise injured or impaired by the substance abuse of its mother.

"(6) SUPPORT SERVICES.—The term 'support services' means child care, transportation, and other services that enable substance-abusing pregnant and post partum women and their infants to participate in treatment programs.

"(b) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall make grants to eligible entities to provide inpatient, outpatient, and residential substance abuse treatment programs for substance-abusing pregnant and post partum women and their infants.

"(c) USE OF FUNDS.—An entity may use grants under subsection (b) to provide, arrange for the provision of, or refer individuals to—

"(A) services for substance-abusing pregnant and post partum women, including—

"(i) substance abuse treatment services;

"(ii) support services;

"(iii) education and skill-building services;

"(iv) prenatal and post partum health care services;

"(v) outreach activities; and

"(vi) post-treatment services; and

"(B) services for substance-abused infants and siblings of substance-abused infants that reduce or eliminate the impact of substance abuse on children, including intervention, treatment, or rehabilitation services.

"(d) GRANT AWARDS.—

"(1) CONSIDERATIONS.—In making grants under subsection (b), the Secretary—

"(A) shall ensure that the grants are reasonably distributed among projects that provide inpatient, outpatient, and residential treatment;

"(B) shall ensure that at least 40 percent of amounts available during any given fiscal year will be made available for residential treatment programs in which at least 60 percent of substance-abusing pregnant and post partum women receiving services are in treatment by order of a court of law or other appropriate public agency; and

"(C) may distribute grants to projects in which the children of substance-abusing pregnant and post partum women remain with their mothers during treatment.

"(2) CONSTRUCTION.—Nothing in this section shall be construed to permit the Secretary, in the awarding of grants under subsection (b), to discriminate against applicants that propose or provide inpatient, residential, or outpatient rehabilitation services under applicable requirements of State law, including applicants that provide services to substance-abusing pregnant and post partum women that receive treatment by order of a court of law or other appropriate public agency, so long as all such applications shall include measures that encourage substance-abusing pregnant and post partum women to seek prenatal care and rehabilitation.

"(e) APPLICATION.—In order for an entity to be eligible for a grant under subsection (b), the entity shall submit an application to the Secretary at such time, in such manner, and containing such agreements, assurances, and information, as the Secretary determines to be necessary to carry out this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for each of the fiscal years 1991 through 1995.".

SEC. 4. TRAINING.

Part A of title V of the Public Health Service Act is amended—

(1) by redesignating section 509G (42 U.S.C. 290aa-14) as section 509H; and

(2) by inserting after section 509F (as added by section 3 of this Act) the following new section:

"SEC. 509G. TRAINING OF HEALTH CARE PERSONNEL.

"(a) DEFINITIONS.—As used in this section:

"(1) SUBSTANCE ABUSE.—The term 'substance abuse' means the use of controlled substances, as defined in schedules I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812), the possession or distribution of which is unlawful under such Act, or excessive or injurious ingestion of legal substances, including alcohol.

"(2) SUBSTANCE-ABUSED INFANT.—The term 'substance-abused infant' means an infant who is born addicted or otherwise injured or impaired by the substance abuse of its mother.

"(b) ESTABLISHMENT.—The Secretary shall make grants to eligible institutions to enable the institutions to train health care personnel to identify substance-abusing pregnant and post partum women and substance-abused infants.

"(c) APPLICATION.—To be eligible to receive a grant under subsection (b), an eligible institution shall submit an application to the Secretary—

"(1) that contains a plan for training individuals to recognize the signs and symptoms of alcohol and drug abuse by pregnant women;

"(2) that contains a plan for training individuals to recognize in newborn infants the signs and symptoms of fetal alcohol syndrome, physical drug dependency, or other congenital conditions caused by prenatal drug and alcohol exposure;

"(3) that contains a plan for development of appropriate curricula and materials for the training described in paragraphs (1) and (2);

"(4) at such time and in such manner as the Secretary determines necessary to carry out this section; and

"(5) that contains such agreements, assurances, and information as the Secretary determines necessary to carry out this section.

"(d) ELIGIBLE INSTITUTIONS.—Institutions eligible to receive a grant under this section shall include schools of health professions, allied health professions, nursing, social work, and public health, and other institutions determined to be appropriate by the Secretary.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1991 and such sums as may be necessary for subsequent fiscal years.".

SEC. 5. FOSTER CARE.

Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by inserting after section 203 (42 U.S.C. 5113) the following new section:

"SEC. 203A. GRANTS FOR FOSTER CARE PLACEMENT OF SUBSTANCE-ABUSED INFANTS.

"(a) DEFINITIONS.—As used in this section:

"(1) SUBSTANCE ABUSE.—The term 'substance abuse' means the use of controlled substances, as defined in schedules I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812), the possession or distribution of which is unlawful under such Act, or excessive or injurious ingestion of legal substances, including alcohol.

"(2) SUBSTANCE-ABUSED INFANT.—The term 'substance-abused infant' means an infant who is born addicted or otherwise injured or impaired by the substance abuse of its mother.

"(b) ESTABLISHMENT.—The Secretary shall make grants to eligible entities to increase incentives for foster parents to care for substance-abused infants.

"(c) USE OF FUNDS.—An entity may use grants under subsection (b) to—

"(1) conduct outreach activities to recruit foster care parents for substance-abused infants;

"(2) provide financial assistance for costs associated with the care of a substance-abused infant, including medical, educational, and other support service costs;

"(3) offer financial incentives to recruit foster care parents for substance-abused infants;

"(4) provide training to foster parents for the care of substance-abused infants, including training on the special health needs of the infants; and

"(5) conduct other activities that encourage foster care placement of substance-abused infants.

"(d) GRANT AWARDS.—In making grants under subsection (b), the Secretary shall give priority to those applicants that operate in a geographic area where substance abuse has placed substantial strains on social service and law enforcement agencies and has resulted in substantial increases in the need for incentives and services that cannot be provided without funds available under this section.

"(e) APPLICATION.—In order for an entity to be eligible to receive a grant under subsection (b), the entity shall submit an application to the Secretary—

"(1) at such time and in such manner, and containing such agreements, assurances, and information, as the Secretary determines to be necessary to carry out this section; and

"(2) that contains an explanation of reasons why grant assistance is necessary to ensure foster care placements for substance-abused infants.

"(f) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under subsection (b) shall include State agencies, local agencies, community-based organizations that provide foster care placement services for substance-abused infants, health care providers (including hospitals) that provide temporary care to abandoned substance-abused infants, and other appropriate entities that provide temporary care for substance-abused infants.

"(g) GRANT LIMITATIONS.—Total financial incentives and assistance authorized for foster care parents under subsections (c)(2) and (c)(3) shall not exceed in any year the greater of—

"(1) $12,000 per substance-abused infant; or

"(2) the total health care, educational, and other necessary support service costs associated with the care of the substance-abused infant.".

SEC. 6. CHILD WELFARE.

(a) IN GENERAL.—Title I of the Child Abuse Prevention and Treatment Act is amended by inserting after section 107A (42 U.S.C 5106a-1) the following new section:

"SEC. 107B. GRANTS FOR SUBSTANCE ABUSE INTERVENTION SERVICES.

"(a) DEFINITIONS.—As used in this section:

"(1) SUBSTANCE ABUSE.—The term 'substance abuse' means the use of controlled substances, as defined in schedules I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812), the possession or distribution of which is unlawful under such Act, or excessive or injurious ingestion of legal substances, including alcohol.

"(2) SUBSTANCE-ABUSED INFANT.—The term 'substance-abused infant' means an infant who is born addicted or otherwise injured or impaired by the substance abuse of its mother.

"(b) ESTABLISHMENT.—The Secretary shall make grants to eligible entities to enable the entities to identify, monitor, place, and track substance-abused infants.

"(c) USE OF FUNDS.—An eligible entity shall use grants under subsection (b) to improve the delivery of services to substance-abused infants. The entity may use grant funds to—

"(1) provide additional training for personnel responsible for protecting children from substance abuse, including training to recognize the signs and symptoms of alcohol and drug abuse by substance-abusing pregnant and post partum women;

"(2) provide expanded services to deal with family crises created by substance abuse;

"(3) monitor substance-abused infants and siblings of substance-abused infants; and

"(4) establish or improve coordination between the entity administering the grant, and—

"(A) child protection and welfare organizations;

"(B) hospitals and health care providers;

"(C) public health and mental health professionals;

"(D) child advocates;

"(E) public educational institutions and job training agencies;

"(F) community-based organizations that serve substance-abusing pregnant and post partum women and their infants;

"(G) public housing officials;

"(H) public safety and justice services;

"(I) persons who provide shelter to abused and homeless females and families;

"(J) parents and representatives of parent groups; and

"(K) drug and alcohol treatment providers.

"(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary—

"(1) at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section;

"(2) that contains an assurance that the entity operates in a geographic area where substance abuse has placed substantial strains on social service and law enforcement agencies and has resulted in substantial increases in the need for services that cannot be met without funds available under this section; and

"(3) that contains an assurance that services provided to substance-abused infants shall be coordinated and comprehensive.

"(e) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under subsection (b) shall include State and local agencies that are responsible for administering protective child services or child abuse intervention services, including agencies responsible for administering foster care, child welfare, child protective services, and child abuse intervention programs.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents of such Act (42 U.S.C. prec. 5101) is amended by inserting after the item relating to section 107A the following new item:

"Sec. 107B. Grants for substance abuse intervention services."

SEC. 7. STUDY OF IMPACTS OF SUBSTANCE ABUSE ON INFANTS.

(a) STUDY.—The Secretary shall arrange for a study to—

(1) provide an analysis of the historical development of the problem of substance-abused infants;

(2) determine the number of substance-abused infants born annually;

(3) project the number of substance-abused infants expected to be born through 2000;

(4) determine the impact of substance abuse during pregnancy on infant mortality;

(5) assess the annual costs associated with providing inpatient residential drug treatment to substance-abusing pregnant and post partum women and their infants, including prenatal and postnatal and medical services, drug abuse treatment and education services, crisis counseling services, support group services, parent training services, and child developmental services;

(6) assess annual costs associated with the care of substance-abused infants, including medical, educational, developmental, social, and fiscal costs;

(7) determine the portion of the costs identified in paragraph (6) that are assumed by Federal, State, and local governments; and

(8) project the costs associated with the care of substance-abused infants, as identified in paragraph (6), through 2000.

(b) ARRANGEMENTS.—

(1) APPLICATION.—The Secretary shall request the National Academy of Sciences and the National Institute of Child Health and Human Development to submit applications to conduct the study required by this section.

(2) ORGANIZATION.—If either the Academy or the Institute, but not both, submits an acceptable application, the Secretary shall enter into an appropriate arrangement with the organization that submits the acceptable application. If both the Academy and the Institute submit an acceptable application, the Secretary shall enter into an appropriate arrangement with both organizations. If neither the Academy nor the Institute submits an acceptable application, the Secretary shall request one or more appropriate nonprofit entities to submit an application to conduct the study and may enter into an appropriate arrangement with the entity which submits the best acceptable application.

(3) FUNDING.—The Secretary shall compensate the organization that conducts the study under this section for the actual expenses incurred by the organization in conducting the study.

(4) CONSULTATION.—The organization that conducts the study under this section shall consult with the Director of the National Institutes of Health.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report containing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1991, to be available without fiscal year limitation.

SEC. 8. STUDY OF DEVELOPMENTAL DISABILITIES AMONG SUBSTANCE-ABUSED CHILDREN.

(a) STUDY.—The Secretary, acting through the National Institutes of Health, shall conduct a study to identify children, including children receiving assistance under the Head Start Act (42 U.S.C. 9831 et seq.), who were exposed to substance abuse during the pregnancy of their mothers. The program shall evaluate the developmental disabilities of the children.

(b) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of the children evaluated in the study conducted under subsection (a).

(c) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report that contains—

(1) the findings of the Secretary with respect to the study;

(2) the recommendation of the Secretary for the most effective methods to ensure the proper development of the children and the costs associated with the implementation of the methods; and

(3) any other information that the Secretary determines appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1991, to be available without fiscal year limitation.

SEC. 9. STUDY OF TECHNIQUES TO DETECT SUBSTANCE ABUSE DURING PREGNANCY.

(a) STUDY.—The Secretary, acting through the Director of the National Institutes of Health, shall conduct a study to—

(1) describe available testing and screening techniques for detecting substance abuse during pregnancy, and determine the costs associated with administering each technique;

(2) evaluate the effectiveness of urine toxicology screening to detect substance abuse during pregnancy;

(3) compare the effectiveness of alternative testing and screening techniques, including thin layer chromatography and fluorescent polarization immunoassaying technique, with the effectiveness of urine toxicology screening to detect substance abuse during pregnancy;

(4) identify and describe new testing and screening techniques to detect substance abuse during pregnancy, including a description of costs associated with the administration of such new testing and screening techniques; and

(5) provide recommendations as to the most effective testing and screening techniques to detect substance abuse during pregnancy.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report containing the results of the study conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1991, to be available without fiscal year limitation.

NATIONAL ENDOWMENT FOR THE ARTS

Mr. MOYNIHAN. Mr. President, the op-ed page of yesterday's New York Times contained a disquieting exchange of letters between Joseph Papp, producer of the New York Shakespeare Festival, and John E. Frohnmayer, Chairman of the National Endowment for the Arts.

I have spoken to the subject on this floor in the past, and do not wish to go on in length. Might I simply say that Mr. Papp's letter confirms my objection to legislative proscriptions in the funding of the arts.

Mr. President, I ask unanimous consent that the op-ed article from the Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 24, 1990]

I'M A PRODUCER, NOT A CENSOR

Since October, recipients of grants from the National Endowment for the Arts have been required by law to sign a pledge that the monies will not be used to produce works that contain "depictions of sadomasochism, homoeroticism, the sexual exploitation of children or individuals engaged in sex acts and which, when taken as a whole, do not have serious literary, artistic, political or scientific merit." On April 9, Joseph Papp, producer of the New York Shakespeare Festival, sent the following letter to John E. Frohnmayer, chairman of the Endowment.

DEAR MR. FROHNMAYER: The fracas over the obscenity issue and N.E.A. grants sprang into sharp focus upon my receiving your letter of approval in response to a New York Shakespeare Festival application for $50,000 toward the cost of our annual Festival Latino.

Your letter pressed me to note that acceptance of this grant was predicated on my observance of the restrictions contained in a recently passed piece of legislation affecting obscenity and N.E.A. grant giving.

I am warned herewith that if any of the works covered by the $50,000 grant to Festival Latino contained some aspect of the enumerated prohibitions (primarily of a sexual nature) the Festival may find itself in violation of its agreement with the N.E.A., if not the law as well. Such violation, though not specifically stated, would produce some punitive action, the least of which being a demand for the return of the grant and possibly being denied any further support from the N.E.A.

As head of a major theatrical institution, I have always cherished my freedom, defending it whenever it was challenged. My privileged right to make my own judgment in choosing this over that and that over this regardless of great varieties of societal pressure have been matters of principle, taste and artistic standards. To be asked, after meeting the tests of 35 years, to yield to circumscription and legislative prohibitions in the most vulnerable and inexplicable area of the arts, its content, is unthinkable, if not downright subversive.

Even if I did submit to the signing of what amounts to a loyalty oath, how am I to decide what others consider obscene? My personal views of what constitutes art and morality, may, and probably do, widely differ from those of the legislators who conceived the obscenity measure. And must I play the censor too, subject all plays and films from Latin America to microscopic scrutiny for some clue to sexual "aberration"? Who knows where sex may be lurking and in what disguise? I have no way of invoking community standards as some would have it. With what yardstick am I to measure the community standards of Rio de Janeiro?

With some dismay I have learned that a number of my colleagues will accept N.E.A. grants despite the restrictive clause in their agreements. The rationale is completely understandable: it is difficult to stand on principle when the need is so great. Further, it seems they are confident that reauthorization of N.E.A. funding will pass, and, in all likelihood, minus the restrictions.

I wish I could share this optimism. Perhaps time will prove this assessment to be correct. At the moment, I have serious doubts that reauthorization can make it through without some accommodation to the foes of N.E.A. I hope I'm wrong.

Right now, we need the $50,000 for the Latin Festival. To obtain this money, I am being asked to be party to a design which, in my opinion, is an abuse of the fundamental ethic in artistic endeavor. I have no desire to grandstand on this delicate issue. I certainly have not the slightest desire to push you into a corner. I do not want to break the law. I do not wish to relinquish the $50,000 grant. I do not wish to go through the motions of "signing" our agreement with the knowledge that I am bound, at one point or other, to violate, unwittingly, the prohibition I promise to observe.

Is this a dilemma, or isn't it?

We need the $50,000 for the Latin Festival, but something in my mind, my throat or my heart tells me not to go along.

What to do, Mr. Chairman? Your comments are eagerly awaited.

Sincerely,

JOSEPH PAPP.

On April 13, Mr. Frohnmayer sent the following reply:

DEAR MR. PAPP: I have your letter of April 9, 1990, and must admit that it causes me great concern. As you know, the law which you are asked to acknowledge was not one of our asking nor one which I thought necessary. Obscenity was illegal prior to that law, and of course is still illegal after it. Our reason for including it in the grant materials was to assure that all of our grantees were aware of this new legislation affecting fiscal year 1990.

With your record of 35 years of extraordinary service to the field and productions which have received artistic acclaim from all corners of the world, I cannot imagine that you would run afoul of this law. I also cannot give you legal advice, however, and suggest that you contact legal counsel to discuss your concerns.

I deeply regret that this language causes such concern. I hope you will be able to accept the grant; it is richly deserved.

Sincerely,

JOHN E. FROHNMAYER.

Mr. Papp has not decided whether he will accept the money.

SOVIET AGGRESSION AGAINST LITHUANIA

Ms. MIKULSKI. Mr. President, I am disappointed by President Bush's decision to defer any sanctions against the Soviet Union.

I have watched with mounting outrage and frustration as the Soviet Union has put punitive pressure on Lithuania, embargoing energy and vital necessities.

In recent weeks Soviet tanks have rolled into Vilnius. Foreign journalists have been expelled. Soviet troops have occupied Communist Party buildings, violently arrested Lithuanian patriots who deserted the army, and forcibly closed a printing press, beating Lithuanians who resisted. Moscow has reinforced KGB border forces and increased Navy patrols off the Lithuanian coast. Now the Soviets have cut off 80 percent of Lithuania's natural gas supplies and 100 percent of crude oil supplies.

Now, I understand the political problems Gorbachev is facing, but there is still no justification for abusing the Lithuanians.

The Soviets have got to get a message from the free world: You cannot keep your empire by the force of your guns. No more Brezhnev doctrine. The peoples of Eastern Europe will not stand for it, and neither will the United States.

And what has Lithuania done to incur such punishment? It wants to be independent once again.

This desire is nothing new. Ever since Lithuania was swallowed up by the Soviet Union in 1940 through the secret and cynical Molotov-Ribbentrop Pact, Lithuania has fought for its independence.

It has resisted the suppression of its national character and traditions.

It has rejected the attempts to "Russify" its population.

It has proclaimed to the world that it is a proud and independent people—not just another province of the Soviet Empire.

Lithuania led the way to freedom in the Soviet bloc.

With the support of the Lithuanian-American community, the patriots of Lithuania, and the other Baltic States, kept the spirit of freedom alive during the dark years of Soviet hegemony.

The United States, to its credit, has always refused to accept the annexation of Lithuania by the Soviet Union. Now more than ever Lithuania needs our support.

We Americans have greeted the revolution in Eastern Europe with loud cheers. And we should. To fully support freedom in Europe, we must now stand shoulder-to-shoulder with Lithuania at this critical hour.

As a Polish-American, I have followed Poland's rebirth with great pride and emotion. I know what the Lithuanians are feeling today.

Both countries have struggled for centuries to assert their unique character and independence. Both countries have been at the mercy of a huge and aggressive neighbor. Both countries have felt abandoned by the rest of the world. Both countries have bred a fierce spirit of grit and, yes, stubbornness in their people.

We Americans have been blessed with peace, freedom and friendly neighbors. It's hard for us to imagine living under the thumb of a foreign power.

Mr. President, I ask you to take a moment today to put yourself in the place of our Lithuanian brothers and sisters. Consider the immense courage demonstrated by Lithuanian patriots over the years, individually and collectively. Pretend that a foreign power has banned the symbols and traditions we hold dear—the Constitution, the "Star Spangled Banner," our many religions, our heterogeneity, our freedom to say whatever we want.

Then ask yourself what price you would pay to restore our national character. And ask yourself whether the United States should sit on the sidelines or stand up for Lithuanian independence.

Some of my constituents have already answered that question. They are raising funds for relief supplies in case the Soviet economic embargo continues. They will rally on the steps of the U.S. Capitol on June 2 while President Bush is meeting with President Gorbachev. They celebrated a special mass last Sunday at St. Alphonsus

Church. They are meeting in Lithuanian Hall in Baltimore to keep abreast of events and find ways to support the movement. They are proposing economic sanctions against the Soviet Union.

My constituents are right. The United States Government has an obligation to support the Lithuanian people. I will support sanctions against the Soviets until they respect Lithuania's right to self-determination, and I hope the President will reconsider yesterday's decision.

The President should also reevaluate the upcoming summit. Should America talk with Gorbachev when Gorbachev will not talk to Lithuania?

BISHOP SAMUEL L. GREEN, JR.

Mr. ROBB. Mr. President, tonight in Newport News, VA, the Jurisdictional Assembly of the Church of God in Christ is joining with religious and community leaders in the peninsula area to celebrate the career of one of Virginia's most distinguished leaders, Bishop Samuel L. Green, Jr.

Tonight's dinner is in appreciation of 30 years of inspirational leadership in service to God and the community. In addition to his duties as 1 of 12 prelates of the Church of God in Christ, a denomination of 3.5 million people around the world, he serves as pastor of 2 churches: St. John's Church of God in Christ in Newport News, and Holiness Tabernacle Church of God in Christ half a State away in Roanoke. He serves his flock in numerous other ways, from presiding over the National Association of Black National Religious Broadcasters to sitting on the steering committee of the North American Congress on the Holy Spirit and World Evangelization.

Bishop Green has used his talents to improve the lot of his community, too. A list of the institutions to which he has given his time and effort would be extensive. Let me just cite a few. He is a life member of the NAACP, a past board member of the sickle cell anemia organization and of the Newport News General Hospital. It was my honor when I served as Governor of Virginia to appoint him to the board of visitors of his alma mater, Norfolk State University. In that position, as in so many others, he serves with dignity, grace, and distinction.

This evening, Bishop Green's family—including his wife Vivian and his nine children—his parishioners, his friends, and his colleagues are honoring a lifetime of dedication. I ask my colleagues to join me in congratulating this distinguished Virginian and in wishing him many more years of service to his faith and to the world at large.

WE CAN FIGHT THE DRUG PROBLEM

Mr. PELL. Mr. President, we so often read and hear stories about the shocking consequences of drug abuse: crime, murders, babies born with drug addictions, homelessness, and far too many lives wasted. Yet we rarely hear about the success stories. Two such success stories were told about Rhode Island this week. North Providence High School and Cranston High School West were each selected as outstanding drug-free schools under the Secretary's Drug-Free Schools Recognition Program.

These awards were established as part of the Federal Drug Free Schools and Communities Act. I was the principal author of this legislation which was first enacted in 1986, and have been the principal author of amendments in 1988 and in 1990 that have insured that the Federal dollar for drug-free schools programs reaches into every school district.

The awards announced this week are cause for great celebration. North Providence and Cranston West were among only 51 schools selected nationwide for this recognition. This is great news for Rhode Island, for Rhode Island's children and for Rhode Island's parents. Two awards for our small State out of 51 awards nationwide is a tremendous accomplishment for Rhode Island. But it is more than celebratory news—it is indication that we have hope of making progress in fighting the drug problem.

I am convinced that the only real way of making inroads in our battle against drugs is that of preventing drug use before it starts. Cutting the supply is critical, but there will be no real victory until we can eradicate the demand. That is why our drug education programs are so important. Early education and prevention programs through our schools are the most powerful weapons we have in our grasp. It is important that these programs emphasize the negative ramifications of drug use. They must teach students about how drugs affect their bodies and ultimately their lives. But this kind of education will have no real toe hold by itself. It must be coupled with educational programs which emphasize the positive—through building self-esteem, or encouraging dedicated involvement in activities such as sports and clubs.

There is an ever-growing commitment on the part of schools, communities, and State and local governments to fight the drug battle on school grounds. Congress has placed this fight at the top of its national concerns. For example, the current Federal Drug Free Schools and Communities Act began in 1986 as a modest initiative. Today, that program is the fourth largest Federal elementary and secondary educational assistance program, providing more than $2.25 million in Federal assistance to Rhode Island's schools.

It is not too alarmist to recognize that all children are vulnerable to the terrible dangers of drug abuse and dependency. But North Providence and Cranston West have proved that this does not have to be the case. I am greatly encouraged by the progress reached by these schools. So while we are overwhelmed by the enormity of the problem, I would urge us all—parents, teachers, students, and all of us who have so large a stake in the fight against drugs—to take the time to celebrate the success that North Providence High School and Cranston High School West have made in this endeavor.

DOD RESEARCH POLICY

Mr. HOLLINGS. Mr. President, on Friday, April 20, the Department of Defense reversed its decades-old policy of supporting high technology. By removing a strong director of the Defense Advanced Research Projects Agency [DARPA] and curtailing DARPA's activities, the Bush administration has made a radical departure in national policy that will leave the country weaker.

During two World Wars and through eight postwar administrations, the defense agencies of this Nation have worked to ensure that the United States is second to none in defense-related technology. DOD has supported a broad range of technologies that have not only given America the most advanced weapons but also helped to create whole new industries such as aerospace and computers that have contributed to economic prosperity as well as military strength.

This established policy rested on two fundamental premises: that the U.S. military must have a technological edge in order to offset the superior numbers and the unpredictable contigencies our forces might face, and that the country must have strong and reliable domestic sources of that advanced technology.

This traditional policy has not been a partisan one. The last administration, like Democratic and Republican administrations before it, understood and supported the idea of a strong defense technology base. Particularly after the Toshiba affair showed the dangers of lagging behind foreign sources of important technology, the Reagan Defense Department moved to strengthen the technology base further. The previous administration particularly recognized that in today's world a nation cannot have strong defense technology without having strong technology in general. Many of the key innovations that the military needs now come from the commercial

sector. The Reagan Defense Department did not assume responsibility for the entire U.S. civilian technology base, nor should it have. But in those selected technical areas where DOD has become very reliant on civilian technology, these officials did support fundamental engineering research. Largely through DARPA, and with strong congressional support, these officials created Sematech and boosted investment in critical dual-use technologies such as high-definition displays.

Until last Friday, DARPA continued this policy inherited from the Reagan administration. But last Friday, the Deputy Secretary of Defense fired Dr. Craig Fields as head of DARPA, apparently because of his continued support for research into dual-use technologies such as high-definition displays. The Bush administration has apparently decided it no longer wants to foster U.S. technological leadership, opting instead to buy its high-definition displays and other advanced technology from foreign sources. Recent history has taught us to be wary about dependence on foreign sources. But that lesson is now being ignored. Moreover, now our Government apparently will use taxpayer defense dollars to strengthen major economic competitors.

I strongly object to this fundamental change in American defense policy. I object to the retreat from our longstanding principle of maintaining strong U.S. technological leadership. I object to a policy shift which will leave this country weaker.

Unfortunately, however, the problem goes even deeper. Firing the head of DARPA is part of a Bush administration pattern. This crowd has slowly begun to show an interest in civilian technology needs, but their overall preference is still to do little or nothing even in the face of large, sustained efforts by the Japanese and Europeans to target the key technologies and industries of the future. Government-industry cooperation in Japan is beating the pants off of us, but many of President Bush's economic and military advisers ignore that success. They prefer their economic world of make-believe, believing, in the face of contrary evidence, that nations can remain technologically and industrially strong without any government involvement. DOD's own reports now show that the United States is losing ground in a wide range of fundamental technologies, but I see little White House concern for the effects that this loss will have for American companies, American jobs, American wealth, and American national security.

President Bush has now been in office for 15 months. His administration has had time to fill major posts, study major issues, and formulate policy. If the President and his senior economic and defense advisers indeed care at all about the long-term technological, military, and economic strength of the Nation, so far they not shown that concern. They certainly have not shown any commitment to reverse our decline, nor have they presented a concrete policy to improve the situation. Now, in fact, they have taken a major step backward with this decision at DARPA. The whole business is a sorry commentary on Government leadership.

Mr. President, through resolute vigilance and action the United States has won the cold war. But it is now losing the economic war, the global contest to determine which countries will control the technologies, industries, wealth, and military capabilities of the future. As early as the 19th century, Japanese leaders spoke of the "peacetime war," and they have waged it with impressive skill and diligence. Today, they are winning the economic contest, and we are losing. Our Government, though, pretends that we are not even in a race.

Mr. President, I do not want to bash Japan; I want to compete with Japan. I do want to bash Washington. The country is ready to roll up its sleeves and get to work, not surrender without a fight. Our business leaders, our scientists and engineers, and our military leaders are all willing to work hard to restore U.S. technological leadership and the pride and national strength that this leadership will bring. But without any show of interest or political leadership from the executive branch, this country will continue to decline. Unfortunately, the Bush White House is more concerned about opposing government than in competing with Japan and Europe.

Firing Craig Fields will please ideologues in the White House and certainly will bring some rejoicing in foreign capitals. But this step can bring only sadness to Americans who care about the future of their country.

LITHUANIA

Mr. NICKLES. Mr. President, I have heard several of my colleagues in the last couple of days make comments concerning Lithuania, and maybe expressing some concern over the lack of action or strong enough action by our administration and by our Government.

I would like to encourage the President to be—I guess I would use the term—"more forceful" in his public announcements dealing with Lithuania. I would encourage him to make some sanctions, maybe limited sanctions, and maybe that would deal with suspension of trade talks with the Soviet Union. Maybe it would deal with temporarily denying exporting certain goods to the Soviet Union, particularly high technology items, certainly any items that might be used in the military complex. I would urge the administration to consider credit to Lithuania, credit for purchasing energy or other items that have been curtailed or embargoed by the Soviet Union to Lithuania.

Likewise, I would encourage the President to publicly encourage our friends and allies to help alleviate the situation, the shortages that will occur in Lithuania. Maybe that is encouraging our friends in Germany; maybe it is encouraging our friends in Norway, Sweden, and others to help supply some of the resources which will be curtailed to the Lithuanian people.

I think it is vitally important that we stand for freedom, and that we acknowledge the valiant and courageous attempt by the Lithuanian people as they strive for independence.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, for the information of Senators, we are still working, attempting to obtain approval to proceed to the supplemental appropriations bill today. I expect that we will be in a position to know finally whether we will be able to go to it today or not. As I indicated earlier, that requires consent. I hope we will be able to get to it. I would like to act on it as promptly as possible. We should know shortly.

Accordingly, Mr. President, I ask that there be a period for morning business until the hour of 4:15 p.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, inquiry of the Chair. We are in morning business for statements, are we not?

The PRESIDING OFFICER. The Senator is correct.

CAPITAL PUNISHMENT

Mr. HATFIELD. Mr. President, very soon the Senate will be considering whether to impose the death penalty for a broad range of Federal crimes.

Some of my colleagues and I plan to oppose this legislation, and we thought it would be useful, prior to floor consideration, to point out some of the weaknesses of the arguments for those who support capital punishment.

Take, for example, the tired old argument that the death penalty is a deterrent. Look at the FBI's latest crime statistics. In 1987, the average murder rate per 100,000 people of the 37 States with the death penalty was 6.94.

Let me repeat that: Those 37 States with the death penalty have an average per 100,000 of 6.94 murders, while the average murder rate in the 13 States without the death penalty, per 100,000, was 5.1. That is 5.1 against 6.94, almost 7.

In 1988, the murder rate in States with capital punishment rose to 7.06, but in those States without the death penalty, it dropped to 4.72.

The facts are clear. The statistics are there, unchallengeable, offered by our own FBI, that capital punishment is not a deterrent. In fact, people living in States with the death penalty are more likely to be murdered, by the statistics of the FBI.

When my colleagues who are in favor of capital punishment trot out this old argument that the death penalty deters violent crime, I hope they will keep these statistics in mind, and I hope they will look at their own States to see whether or not they can speak with accuracy as to their proposal that the death penalty is a deterrent.

There are 37 States, and probably, according to at least the past record of the debate on this floor, most of the advocates come from those States, I hope they will then explain to the Senate why they are advocating the death penalty as a deterrent, when their own State statistics do not bear them out or provide them with the undergirding of accurate data.

Mr. President, we are going to have a series of these minutes on the question of the death penalty from time to time in anticipation of that meeting and major debate in this session. I am very happy to lead it off. We are very happy to have the support of the ACLU and other groups who have great legal expertise and who are providing a great amount of data to argue in opposition to the imposition of the death penalty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, I wish to commend my good and dear friend from Oregon, Senator HATFIELD, on his comments.

I am one of the few Members of the U.S. Senate who has prosecuted murder cases, investigated murder cases, tried murder cases. In a couple of instances, I have even been the target of those who eventually were prosecuted.

The real deterrent to crime is the understanding that one will be caught and prosecuted. The death penalty is not a deterrent; it is the fact that criminals may get caught that is a deterrent.

My State of Vermont has the lowest murder rate per capita of any State in the Union, and it also does not have a death penalty, which goes to the thesis of the Senator from Oregon.

Too often we look for a simplistic way out of these issues. Too often we ask ourselves, "When are we going to stop crime?" Nobody is in favor of crime. We are all opposed to crime. We are all trying to stop the drug traffic. We are all opposed to it. But we look for quick, easy answers and solutions. If there were a quick, easy solution, we would not have a problem with drugs, murder, or crime, because we would have used the quick, easy solution. There is none.

There is good law enforcement. There are well-trained police officers and adequate courts and correctional facilities. And there is also good education, from the time someone first goes into grade school all the way up. There are the efforts to hold families together and to have a decent family life with the proper respect and responsibility and the proper attitudes of parents and children, and vice versa. There is the community infrastructure itself that encourages a moral upbringing.

There are a lot of other things necessary to fight crime. There are efforts to eradicate the driving poverty that will bring some to say, "Let us go in to the sale of drugs, and then we can have that car we could never own otherwise, or those clothes, or dozens of pairs of high-priced sneakers."

Mr. President, these are all issues that have to be addressed in myriad ways, from law enforcement to education, to corrections, to prosecution, to the family, to providing jobs, to health care, to a whole host of other things.

But it has been often said, and I forget who first said it, "For every problem there is a solution that is easy, simple and usually wrong," or something to that effect. The death penalty is an easy, simple and wrong solution to crime. That is why I could not hear the Senator from Oregon speak about the death penalty without commenting, although, I have found in my 16 years here that, when the Senator from Oregon speaks, I usually listen.

Mr. HATFIELD. I thank the Senator.

THE DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL

Mr. LEAHY. Mr. President, the distinguished majority leader was just on the floor, saying that he was going to once again seek unanimous consent, as I understand it, to go to the dire emergency supplemental. I hope that that consent is given to him. I understand that our friends on the Republican side now object to going forward with the supplemental. I think that is a mistake. We have worked hard to get this supplemental up. Yesterday—it was really sort of an extraordinary hour—the Appropriations Committee met under the distinguished leadership of Senator BYRD at 5 o'clock. I think by 7 o'clock we had gone through all of that.

I can address myself to only one part. I am the chairman of the Foreign Operations Subcommittee. The President of the United States has said that he wanted foreign aid for Nicaragua in time for today's inaugural of Mrs. Chamorro, and he wants foreign aid for Panama for next week's visit of President Endara. There is money for foreign aid for Panama. There is money for foreign aid for Nicaragua in that bill.

Some may agree or disagree with the amounts, maybe there will be amendments to change those amounts, but those are issues that we will wait and see. But the fact is we all know that once that supplemental bill passes, there will be money in some amount for Nicaragua, there will be money in some amount for Panama.

I support aid for Nicaragua. I support aid for Panama. I think the majority of Senators support aid for Nicaragua and Panama. But the fact is that the President of the United States cannot tell either Nicaragua or Panama for sure they are getting aid until this bill passes.

The Democrats have made it very clear they are ready to go forward with the supplemental appropriations, and I hope that whoever is delaying it on the other side will change his mind because I think that President Bush is correct in seeking aid. I have had some difference with him on the amount, but he is correct in seeking aid for Nicaragua. He is correct in seeking aid for Panama, and we ought to be prepared to move forward. On this side of the aisle we are. The distinguished majority leader has said he wishes to bring the bill up, and I hope he can.

Now, having said that, let us see where we are. We know that even once this bill is passed it takes a certain amount of time to go to conference with the other body and to bring that

piece of legislation back. Are we going to say, having sent a high-level delegation to Nicaragua today, the check continues to be in the mail? Actually the check has not even come out of the checkbook. Are we going to say, when President Endara comes up next week, we want to get it there for you, but one or two Members are objecting to the aid package even coming up?

Let us bring it up, let us vote it up or vote it down. If anybody does not want the aid, they can vote against it. Or they can vote for it if they want it. But either way, let us do it and get this matter resolved.

As I said before, I support aid to Nicaragua, I support aid to Panama. But I would like to have done it in different amounts at a different rate. Eventually it would involve the same amount, but do it in a way they could absorb it. That is a decision that can be made by majority vote. The majority vote in the Senate would determine what the Senate's position is on the aid, just as in the other body it will determine that, and then the committee of conference will decide the issue. But nothing can happen until we bring it up.

Mr. President, I was supposed to go to the inaugural of Mrs. Chamorro today. I told the Vice President yesterday I regretted not going with him. I thought it was more important to be here on the floor to move this foreign aid package forth. He agreed. So I stayed to do it. We are here; we are prepared. I am prepared certainly to go forward on my part. The majority leader said he is ready to bring the bill forward. We ought to do it.

I might say in that regard, Mr. President, that I commend President Bush for sending Vice President QUAYLE down there to lead the delegation. I think it is a mark of respect to Nicaragua. I would have been proud to have been there with my friend the Vice President at that inaugural. I know he will represent the United States very well and in the highest traditions at that inaugural. But, in the meantime, those of us who stayed to get the meat of the administration's foreign aid package through ought to be allowed to go forward with it.

I state somewhat the obvious, Mr. President, but I hope that Senators will join with the distinguished majority leader when he seeks to bring this bill up. I certainly will. I understand that every single Senator on the Democratic side of the aisle is ready to take this bill up so that we can vote up or down on the President's proposal.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW BEGINNING IN NICARAGUA

Mr. DOLE. Mr. President, today marks a new beginning in Nicaragua. Just an hour or so ago, the inauguration ceremony for Violeta Chamorro—Nicaragua's first democratically elected President—did begin.

It is a day for celebration. A protracted and bloody war is over. Daniel Ortega goes into a long-overdue retirement from office—to assume the role of, hopefully, constructive opposition. And a government reflecting the will, and pursuing the interests, of the Nicaraguan people finally will have power in Nicaragua.

Mrs. Chamorro, her U.N.O. colleagues, and most of all the people of Nicaragua—they have earned their celebration today, through courage and hard work.

We in the United States also have reason to have our own small celebration. After years of divisive debate, partisanship and—all too often—policy paralysis, the President and the Congress over the past year have forged a common front and an effective policy toward Nicaragua.

Our long support for the freedom fighters, and our joint endeavor of these past months, have paid off. Nicaraguans struggling and working together won their own victory—but we helped, and we can be proud that we did.

So, today, we join in celebrating, too.

Tomorrow, the hard work begins.

As tough as Nicaragua's long struggle for freedom has been, without doubt the task of governing will be tougher still.

Years of war and Sandinista mismanagement have left Nicaragua's society in shambles, its physical infrastructure in ruins, and its economy "belly up."

Thousands of freedom fighters will be returning to Nicaragua, looking for homes and jobs.

Daniel Ortega will turn over the Presidency to Mrs. Chamorro. But it is still not certain that the Sandinistas will turn over all power to the Chamorro government. Nor can we be sure that the Sandinistas will refrain from trying to sabotage the policies and programs of the new government.

In sum, the first months of Mrs. Chamorro's Presidency are almost sure to be a time of crisis and challenge—and perhaps even confrontation.

She has proven herself a leader of courage, dedication and skill. She will need all of those qualities in the days ahead.

And she will also need our help.

I commend the President for his prompt action in sending over $2 million in urgently needed medical assistance.

I am also very pleased that the Appropriations Committee yesterday reported out the supplemental appropriations bill, with the President's requested $300 million in aid for Nicaragua intact. As the Senate knows, there have been rumblings over the past weeks about cutting aid to Nicaragua. Happily, no such effort was made during markup, and I am hopeful no effort will be made on the floor.

And more aid will be needed. We should face up to that fact.

We have a responsibility to be as helpful as we can, in light of our own deep involvement in Nicaragua in recent years. More important, it is in our interest to help—to foster the kind of stable democracy in Nicaragua that will contribute directly to our security interests in this hemisphere.

All of that, of course, underscores again the urgency of addressing the bottom-line problem: How do we find the resources to meet the foreign aid needs of the emerging democracies? Whether we do that in part through the so-called Dole plan to shave earmarks and reallocate the resulting funds, or through even further tapping of the Defense budget, or in other ways—it is an issue that must be addressed, and soon.

In the longer run, though, what is needed most is not aid—but sensible, free market economic policies, and a dramatic increase in investment and trade.

Our aid can help Mrs. Chamorro "jump start" her economy. But only by scrapping Sandinista socialism, relying on the drive and skills of Nicaragua's small but active entrepreneurial community, inviting foreign investment, and stimulating two-way trade, will the country achieve real, sustainable prosperity.

I hope, and believe, that it is Mrs. Chamorro's intention to pursue just that strategy. I believe, if she does, she will find great support from this country—from the President and the Congress.

Mr. President, this is a great day for Mrs. Chamorro, for Nicaragua, and for freedom.

Our warmest congratulations and best wishes go to Mrs. Chamorro, and to all the people of her great country.

It is a new day for them, and for United States-Nicaraguan relations; a day to celebrate. And a day to start preparing for the hard work and the challenges that lie ahead.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. METZENBAUM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COURT-IMPOSED TAXES

Mr. DANFORTH. Mr. President, 1 week ago today, the U.S. Supreme Court decided the case of Missouri versus Jenkins. That case involved a school desegregation order by the judge of the Federal District Court for the Western District of Missouri.

The district court judge in trying to carry out school desegregation decided to create in the Kansas City, MO, school district a magnet school system, his theory being that he wanted to have such a standard of excellence in that school district that it would be a magnet to draw people from the surrounding area. Therefore, he determined that the Kansas City School District should have a very elaborate system of upgrading, including, among other things, the installation of a planetarium, the creation of a model U.N. General Assembly together with wiring for simultaneous translation, a 25-acre farm, and the like; all of this being very expensive.

The judge then ordered the imposition of a tax on the people of the Kansas City, MO, School District to sustain this elaborate system. The Supreme Court of the United States held that although the court should not have imposed a tax directly, as a matter, as the court said, of comity, the court could direct that local officials impose the tax notwithstanding prohibitions of State law.

Two days after the Supreme Court decided the case of Missouri versus Jenkins, I, along with Senator BOND and others, introduced in the Senate a constitutional amendment resolution. The thrust of that resolution would be to provide that courts, Federal courts, do not have the power to direct the imposition of taxes.

Mr. President, I want to assure the Senate, and indeed the people of this country, that introducing a constitutional amendment resolution 2 days after the Supreme Court speaks is not a signal of precipitous action on my part. In fact, the issue that was raised by the Supreme Court on Wednesday was more than just 2 days old at the time that the constitutional amendment was introduced.

The issue goes way back, not only to our own Constitution, but well into the roots of American democracy and of the British system of democracy from which our own system springs.

Every schoolchild realizes and is taught at about second or third grade that the fundamental premise of American democracy is, "no taxation without representation." We are taught that as the standard of American democracy. If the American people are to be taxed, they are to be taxed only by those who are elected. If they are taxed, the American people should be able to reelect or throw out of office those who imposed the tax. That is fundamental.

Our own American Revolution was fought over that concept. All of us were taught when we were school-children about the Stamp Act. All of us were taught about the Boston Tea Party. All of us were taught as little children that Parliament, located across the sea, should not have been allowed and was not allowed by our forebears to impose taxes on people on these shores.

The power to tax was one that had to be controlled ultimately by the people so the people could vote for or against those who imposed the taxes. That is fundamental to American democracy.

So when the Supreme Court of the United States decides that a Federal district judge can direct the imposition of taxes, the Supreme Court is turning on its head one of the most basic premises that we hold in this country. Federal judges are not elected by anyone. Federal judges are appointed. The Federal judiciary is created to be outside of the daily pressures of the electorate. They serve for life, and under the Constitution their salaries cannot be reduced.

The taxing scheme, by contrast, is one which is entrusted in the first instance in the House of Representatives. Why the House of Representatives? Because the House of Representatives is that body of the Congress which is closest to the people. That certainly was the case before 1913 when we first had direct elections of the Senate. The House of Representatives was the only directly elected body of Congress and it had the power and still does to initiate all tax legislation.

Taxes cannot be initiated in the Senate. We are thought to be too remote. It is deeply rooted into our constitutional scheme of things that the people have the last word in matters of taxation. But the Supreme Court has taken this expression of American democracy, "No taxation without representation," and transformed it into little more than a quaint relic of our past, something that went out with powdered wigs and hoop skirts and horses and buggies.

So Senator BOND and I have introduced a constitutional amendment to restate what we believe the Constitution said in the first place. Federal judges do not have the power to raise the taxes of the people of this country, directly or indirectly; and there is no difference, Mr. President, whether they do it directly or indirectly. There is no practical difference between raising it yourself and telling somebody else to raise it for you. The effect is the same.

It is not a judicial power and it has nothing to do with the school desegregation case. It has nothing to do with whether or not any of us feel it is a good or bad idea for a school district to have a planetarium or a U.N. General Assembly room wired for simultaneous translation. Even if we assumed that that was a good, it must be, under our Constitution, a good that is beyond the reach of the courts.

(Mr. DECONCINI assumed the chair.)

Mr. DANFORTH. Mr. President, people have said, how then can the court enforce a desegregation order if it cannot order the increase in taxes? Since 1954, when the Supreme Court decided Brown versus Board of Education, the Supreme Court has been entering orders relating to school desegregatoin and it has been doing that without purporting to increase the taxes of the American people.

It is not the power to remedy a constitutional defect that is beyond the reach of the Court, but it is the method of imposing taxes that must be beyond the reach of the Court.

This is an issue that goes way back to the eve of the English Civil War, in the 1620's. Parliament petitioned the king to state the basic limits of the power of the king. One thing that Parliament said in the Petition of Right was, "No person can be called upon for taxes except through common consent in Parliament." The year was 1628, and the Parliament said that the king did not have the power to raise taxes. Parliament only could do that. That was the heritage that then came over to these shores. That was what was in the minds of our people, even before our Constitution was formed. That was what was in the minds of our people when they tossed the tea in the Boston Harbor. We are not going to be taxed by people we cannot vote for. But the Supreme Court, Mr. President, does not agree.

In the Federalist Papers, where the premises of the Constitution were explained, Madison wrote in Federalist No. 48: "The legislative department alone has access to the pockets of the people." The legislative department alone, said Madison, has access to the pockets of the people. That was what we assumed until the Supreme Court decided Missouri versus Jenkins 1 week ago today.

Hamilton, in Federalist No. 33, specifically said, first of all, that the power of taxation is most important among the authorities proposed to be conferred upon the Union. Then Hamilton said that collecting taxes is a legislative power. It is not a judicial power. It is a legislative power.

Mr. President, I do not minimize the difficulty in amending the Constitution of the United States even for an amendment that restates a principle that is older than our country itself; even in enacting an amendment which states what we believe the Constitution said in the first place, that unelected, lifetime Federal judges do not have the power of taxation; even such a simple and direct amendment as that is no easy matter to enact, and for good reason. We do not want a volatile Constitution. We do not want a Constitution that can be changed in a day or a week. We want a process that reflects the careful deliberation of Congress and of the State legislatures and, indeed, of the American people themselves.

So when Senator BOND and I and others introduce this resolution, we recognize that this is not going to be something that will happen immediately. It will take time and it will take debate and it will take discussion and it will take input and it will take the reflection of the American people themselves as to their understanding of the power of the legislative branch and their understanding of the power of the courts.

The most basic constitutional issues always are those that relate to the locus of governmental power: Where does power reside, at what level of government, at what branch of government; not what decisions are made, but who is making the decisions. That is the constitutional argument; not whether we approve or disapprove of the zoo or the planetarium or the United Nations wired for sound; not the specific decision, but who is making the decisions, who is making the decisions to reach into our pockets.

Who is making the decisions to tax our people; legislators or judges, elected officials or unelected officials, those who serve for a term of years or those who serve until they are carried out feet first from Federal courthouses?

It is a matter of grave importance, Mr. President. It is a matter of fundamental significance, and it is my hope that our Judiciary Committee and that Members of the Congress in general and that the American people will participate in a debate which I had believed to be settled, but a debate which has gone on now for at least 350 years.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent we be allowed to continue in morning business, and I have a question of my friend and colleague from the State of Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I have been listening with great interest to Senator DANFORTH's remarks and tend to agree with him completely. As a nonlawyer and one who does not pretend to be an expert on constitutional law that I know my distinguished colleague from Missouri is, the thought crossed the mind of this layman, while recognizing the separation and divisions of Government in the Constitution—the executive, the legislative and the judiciary—I believe that there have been many instances in the last several years at least that would give one pause for concern; that through their interpretation, the Supreme Court is not directly seeking but has the effect of making the Court superior to the other branches of Government for the several actions that they have taken.

I agree with the Senator from Missouri that it takes a long time to go through the constitutional process. He may well be right in proposing this. After I know a little bit more about it I may, indeed, join with him as a cosponsor.

My question is: Is there anything that we as a Congress, both the House and the Senate, could or should be doing in the meantime, if it is nothing more than sense of the Congress, if we can get it passed, maybe passed unanimously, would there be anything that would abridge any common understandings between the three branches of Government if the legislative branch would send a sense of Congress to the Supreme Court on our feelings on something?

We do not hesitate to do that, I would suggest, with the executive branch from time to time, whether the executive branch is controlled by a Democrat or Republican. We have raised our hackles around here at various times. Would there be anything wrong or improper, or should it be considered that pending the outcome of a lengthy process of passing a constitutional amendment, at least, maybe we should send to the Court some kind of a signal from the legislative body. I do not see how we could hurt much more their trampling on the legislative branch any more than when they get involved in a taxation case, which I think is strictly limited under the Constitution to the Congress.

Mr. DANFORTH. I thank the Senator from Nebraska, Mr. President.

This particular case involves not congressional Federal taxation but instead a Federal court that directs the imposition of a tax at the local level, but it is precisely the same principle of the limitation of the role of the judiciary. The principle, of course, is that judges cannot tax. That really is the very simple issue. Should they or should they not be able to tax, either imposing the tax or directing somebody else to impose the tax. That is the very simple issue.

There are people who believe that Congress can pass simple statutes restricting the Court's ability to put in place judicial remedies, provided that Congress does not limit the Supreme Court but only the lesser courts and provided Congress does not prevent the remedying of the constitutional problem that the Court seeks.

So under that theory, it may well be that the Congress by a simple statute could simply pass a law which says that courts cannot impose taxes. In fact, Senator THURMOND, I know, has introduced a bill which provides just that.

My reason for proceeding with a constitutional amendment, which is obviously much harder than the bill, is to say that protection from judicial taxation is such a fundamental premise, it was incorporated in the Constitution itself, if the Court reads it out of the Constitution, we should put it back into the Constitution.

So for the sake of the immediate remedy, yes, I think it would be possible to pass a simple bill which would handle this direct problem. And if we did it, I would certainly give serious consideration to that legislation. I would also want to proceed with a constitutional amendment, however.

Mr. EXON. That would send a signal to the Court, would it not?

Mr. DANFORTH. Yes, I think, according to the position Senator THURMOND takes, it would do more than send a signal. It would truly limit the Court's jurisdiction.

Now, Congress has tried to do that before. It usually has caused a big uproar because people have argued, well, Congress does not like some specific thing the Court has done, and therefore we try to legislate; we try to pull the rug out from under the Court in an after-the-fact manner.

I am sure that nothing we do would be beyond controversy, but I would, I believe, support a statute, although I have not cosponsored this particular form of statute as yet. I do think though, it should be very clear in the Constitution itself.

Mr. EXON. Do we not have somewhat a similar precedent here with the flag-burning issue? The Senator certainly remembers the discussions we had on that. Our first course of action was to pass legislation and see whether that was valid or not. The Court, as I understand, has said that is not valid. So it is obvious we are going to have a constitutional change.

I was just wondering, though, if possible some kind of a bill or sense-of-the-Senate or something—may cause the Court to do a little rethinking in their action, if not on the measure they originally passed, then on a similar measure that would come up in the future.

Mr. DANFORTH. It probably could be done by statute. It should be done by consitutional amendment. It should be done by one form or another, and my reason for advocating a constitutional amendment again is that the Constitution is fundamentally about grants and limitations and location of power in Government.

I think that if the Court has this wrong, as a matter of constitutional interpretation it is time to set them right.

Mr. EXON. I thank my friend from Missouri.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

THE DEATH OF FRANK J. LAUSCHE

Mr. GLENN. Mr. President, I rise today to honor the memory of a very distinguished former U.S. Senator from Ohio, Frank Lausche.

Frank Lausche's life spans so much of this Nation's advancement. He was born in 1895, earned his own way at an early age when he took a job lighting gaslights on the streets of Cleveland to help his widowed mother and his nine brothers and sisters. He was forced to drop out of high school to support his family, but he never relented in the pursuit of education, completing high school by correspondence while in the Army, and fighting his way to the top of his graduating class at John Marshall Law School in Cleveland at the end of World War I.

He was a man of determination and courage. He gave up dreams of becoming a major league baseball player, as a matter of fact, to dedicate his life to public service.

Frank Lausche lost his early bids for public office. That is something that is hard for us to believe in Ohio because he became such a political institution that we are more inclined to think of the "perpetual Frank Lausche" in Ohio. But he lost his early bids for public office. But that did not stop him.

He soon made his mark in Ohio's political history, first, as a judge in the Cleveland municipal court, then in the common pleas court of Cuyahoga County, Cleveland. Elected twice as mayor of Cleveland, five times as Governor of the State of Ohio, and twice as U.S. Senator, Frank Lausche was a major political power in Ohio for over 30 years.

Senator Lausche was a man of unwavering integrity, strong beliefs, and tender feelings. He earned the trust and support of the people of Ohio by being loyal but tough, independent but honest, and unorthodox but just. He took his public responsibilities very seriously, and stood up for what he believed to be right regardless of the cost to himself.

Frank Lausche served in the U.S. Senate from 1957 until 1969, in the seat that I now have the honor and privilege to hold.

I well remember his excitement when I came to Washington after my orbital space flight back in 1962. He wanted to know all the details, wanted to talk about them, and his life literally spanned gaslight to space flight.

Frank Lausche died last Saturday in Cleveland. I urge my colleagues to join me in expressing sympathy to his friends and family as we mourn the passing of this remarkable politician and great American, Frank J. Lausche, judge, mayor, Governor, Senator—Ohioan.

Thank you.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent that I may proceed in morning business to enter a statement on Lithuania.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LITHUANIA

Mr. DECONCINI. Mr. President, for weeks and months now we have watched the people of Lithuania in their peaceful pursuit of self-determination.

As signatories to the 1975 Helsinki Final Act, both the Soviet and United States Governments have committed themselves to respect the equal rights of peoples and their right to self-determination. While it is clear that the Lithuanian effort to exert this right has put Mr. Gorbachev in a difficult position, we cannot and must not ignore overt denial of this fundamental right.

Mr. President, it should be remembered that Lithuania is not a territory seeking independence, but an occupied country seeking to restore its independence. Lithuania's independent statehood was guaranteed in a 1920 peace treaty with Moscow. This treaty was abrogated by the signing of the Molotov-Ribbentrop pact of 1939, which paved the way for Stalin's illegal annexation and occupation of Lithuania in 1940. The United States and other Western governments have never, despite 50 years of Soviet rule over those territories, recognized Lithuania, Latvia, or Estonia as part of the Soviet Union.

Over the past 2 years, the Lithuanian people have invoked the principle of self-determination and utilized the democratic and organizational opportunities Mr. Gorbachev has made available to make clear their intention to restore de facto what was already theirs de jure. It was no surprise, then, when pro-independence candidates won the vast majority of the seats in the newly restructured parliament elected on February 24 of this year. And it should not have been a surprise when on March 11 the freely elected parliament declared Lithuania to be independent of the Soviet Union. In fact, according to international law and to the United States policy of nonrecognition, the Lithuanian declaration of independence was redundant.

In effect, it was Gorbachev who validated Lithuania's historical claim to sovereignty and who made possible the first free, multiparty elections under Soviet power. Last December, the U.S.S.R. Congress of People's Deputies condemned the secret protocols to the Molotov-Ribbentrop pact. Yet Gorbachev responded to the March 11 declaration with demands for its rescindment, refusing to negotiate with the new Lithuanian Government and, most recently, imposing strict economic sanctions against Lithuania. Having opened the door to the Lithuanians and having offered to usher in democracy Gorbachev now appears to be demanding that the Lithuanian people and their representatives reverse the process which he himself initiated.

We recognize the predicament with which Mr. Gorbachev is faced. The road of reform has been challenging and unpredictable. The many crises which have surfaced include food shortages, conservative and military discontent, and certainly not least, the resurgence of nationalist sentiment among the varied peoples of the Soviet Union.

We cannot offer solutions to all of Mr. Gorbachev's problems—we do not necessarily have these solutions. We can only convey to him our unwavering support of the democratic processes he has promoted. We have respected Gorbachev's political boldness in opening up the process of democratization in the Soviet Union. This process, however, loses its meaning if it is implemented in an arbitrary way. We must—again without offering final solutions—strongly encourage a peaceful and fair process in the resolution of the questions surrounding the de facto restoration of Lithuania's independence.

The Lithuanian Government has repeatedly sought negotiations with Moscow since the March 11 declaration of independence. Acknowledging the reality of the day, they have made clear that they do not expect full independence simply to occur overnight. In

fact, they have offered to negotiate with the Soviets on every issue except that of Lithuania's independence. In response to Soviet concerns, the Lithuanian Parliament has agreed to a moratorium on new independence-related legislation and has offered to compromise on the issues of citizenship, military draft and Soviet-owned property.

Yet Gorbachev remains intransigent. The Lithuanian concessions, it appears, are not enough. Last week Soviet authorities drastically reduced supplies of oil, natural gas, foodstuffs, and other vital goods to Lithuania. Still resolute in their quest for independence, the Lithuanians have responded by rationing these goods and attempting to secure other means of obtaining essential supplies.

Perhaps the most disturbing incident of the past week was the storming by Soviet troops of a printing plant in Vilnius and the severe beating of a number of people in the building at the time. Among those injured was a deputy in Lithuania's recently elected legislature. There can be no justification for this violent suppression of an independent, free press.

Mr. President, as chairman of the Helsinki Commission, I have witnessed first-hand the positive changes of the "Gorbachev era." I join with many of my colleagues here today in recognizing the importance of improving our ties with the Soviet Union. But we must not renounce our values and standards. Our principled stand is in support of the process of self-determination which the Lithuanians have peacefully undertaken. We must expect no less of Mr. Gorbachev than full adherence to the principles of the Helsinki Final Act and the Vienna Concluding Document. If Mr. Gorbachev maintains an uncompromising posture, I believe we are left with no choice but to suspend United States-Soviet trade talks and to postpone next month's summit meeting in Washington.

President Bush, by his weak response to Soviet actions so far, intimates that he would rather give Mr. Gorbachev photo opportunities in Kennebunkport than stand on principle. This is a time for America to let Mr. Gorbachev know that there are values which we will not forsake. Instead, President Bush appears to be paralysed by the fear that our relationship with the Soviet Union will fall apart if we take a principled stand on Lithuania. Apparently our values are not as important as Mr. Gorbachev's prestige. That is not a sound basis for a meaningful relationship under any circumstances.

Gorbachev demonstrated great vision when he began the process of democratization. We urge him now to abide by the process which he has begun and urge him to take the next step and begin a constructive process of dialog.

JERUSALEM AND THE PEACE PROCESS

Mr. MOYNIHAN. Mr. President, thoughtful people can and do disagree about certain aspects of Senate Concurrent Resolution 106 on the status of Jerusalem and the peace process, but I fear that many of those who oppose the resolution have overlooked the fact that the resolution stresses not only that Jerusalem must remain an undivided city, but also that it must be a city in which the rights of every ethnic and religious group are protected. The resolution also expresses the Senate's sincere wish that all parties involved in the search for peace maintain strong efforts to bring about negotiations between Israel and Palestine representatives.

When I introduced this resolution I declared that:

> Israel must make sacrifices for there to be peace in the Middle East. Yet no Israeli Government will join a process which it believes might end with the dismemberment of its eternal capital. No Israeli Government can address the concerns of Jerusalem's Arab inhabitants if addressing these concerns will be construed as suggesting that it is prepared to negotiate away the right of Jews to dwell in security throughout a united Jerusalem.

I believe that our Government must reassure Israel concerning Jerusalem and I also believe that an Israel calmed by such reassurances must increase its efforts to find a creative and meaningful solution to the conflict with the Palestinians.

Yes, the United States Senate called for acknowledgment of Jerusalem as capital of Israel, but it also called for sensitivity toward the rights of every ethnic and religious group in that city and negotiations between Israel and the Palestinians.

In that light I would like to say a few words about the much discussed leasing by a Jewish group of the St. Johns Hospice in Old Jerusalem. This matter is currently before the courts in Israel and both the lower and district courts have ruled that the transaction is invalid under the terms of the building's original lease. In addition, the timing, wisdom, and method of funding of this move into the Christian Quarter have been widely questioned by a broad cross section of political and rabbinic figures in Israel and by most major Jewish organizations in the United States.

The families that moved into St. Johns Hospice may as well have been acting in an illegal fashion and they certainly were acting in disregard to the spirit of sensitivity that we called for in Senate Concurrent Resolution 106. At the same time, this incident dramatically demonstrates the profound difference between Israel and most of her neighbors. On one side, a possibly illegal move into an empty hotel is openly challenged by an unfettered press, publicly debated by Israelis of every religious and political stripe, sharply criticized by Israeli's strongest supporters in this country and is under appropriate review by a judicial system which has long proven itself to be immune to domestic political pressures. On the other side, we have sterile dictatorial rights and silent acquiesence if not actual sponsorship of murder and terrorism as instruments of national policy. Thus, while we may well be disturbed by this most recent incident in Israel, we must remember the context within which occurred, namely a society which has in a very brief period internalized values and procedures which we in the United States have always cherished.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. HUMPHREY. Mr. President, as some are aware, there is a very important matter pending on the calendar, the supplemental appropriations bill, which contains appropriations for a host of important programs. A couple of the principal provisions of that bill deal with aid to Panama and Nicaragua, which, of course, are more timely than ever, given the events in that region.

Unfortunately, the bill includes a provision added at the last minute in the committee which seeks to undo the work of the Congress accomplished earlier this year in refusing to authorize the District of Columbia to spend funds raised within the District to pay for abortions. The Senate ultimately blocked the District from spending local funds, and the bill was ultimately signed by the President.

This provision seeks to undo all of that. I do not think it is going to succeed. But it is that provision which is holding up consideration of this bill. It is an important bill. Everyone knows that it is important.

If anyone is of a mind to point fingers or cast blame, it should be pointed and cast in the direction of those who are responsible for this amendment being added to the bill at the last moment, because the President yesterday, before that action took place, through his spokesman, made it perfectly clear that if that language

relative to the District of Columbia were added, the President would veto the bill.

I wanted to cite that passage from a letter of April 19, in which the Budget Director, Richard Darman, says on page 3:

We understand that an effort may be made in the Senate to use H.R. 4404 as a vehicle for modifying the abortion provisions in the fiscal year 1990 District of Columbia Appropriations Act. The President vetoed H.R. 3610, the second D.C. appropriations bill, because of language identical to that which the Senate would consider.

That was the language inserted at the last moment yesterday and is now in the bill on the calendar.

Mr. Darman goes on to say that—

We strongly believe that the appropriations legislation should not be used to reconsider nonemergency issues that were resolved in the regular 1990 appropriations process. If Congress presents the President with the bill that contains the abortion language that was included on H.R. 3610, the senior advisors will recommend that he veto the bill, and I am virtually certain that he would do so.

Well, Mr. President, this Senator has spoken with senior officials at the White House today. Their intent remains the same. They are adamant on the point. And they are not just talking about specific language; their intent to veto is a generic intent, that if anything approaching this language reaches the President's desk, he will veto it.

So that is what is holding up this bill. It is a measure that does not belong on this bill. It is, in fact, legislation on an appropriations bill, so it is out of order on that score; but it does not have any place on this bill, because it is a controversial measure. The authors know it will impede the progress of this bill, and they now know that the President will veto the bill.

So the bill is languishing on the calendar, leadership hoping to persuade the authors to remove that language from the bill. That is what is holding it up. If anybody is of a mind to assess blame for the delay in passing of this important bill, I hope that my remarks will give them some guidance. I thank the Chair.

I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 521, H.R. 4404, the supplemental appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

[The parts of the bill intended to be inserted are shown in italics, and the parts of the bill intended to be stricken are shown in boldface brackets.]

H.R. 4404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—DISASTER ASSISTANCE

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

For additional expenses to meet the present emergency needs for "Flood control and coastal emergencies", $20,000,000, to remain available until expended.

For additional expenses to meet the present emergency needs for "General expenses," $15,000,000, to remain available until expended.

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For additional expenses to meet the present emergency needs of the Soil Conservation Service, Emergency Watershed Protection Program, [$31,000,000] *$42,000,000,* to remain available until expended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For additional expenses to meet the present emergency needs of the Agricultural Stabilization and Conservation Service, Emergency Conservation Program, $10,000,000, to remain available until expended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For additional expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $50,000,000, to remain available until expended.

GENERAL PROVISION

Of the funds made available for any account by any appropriations Act for fiscal year 1990, the amount apportioned to the fourth quarter shall also be available for obligation in the third quarter of fiscal year 1990 where necessary *pursuant to section 1513 of title 31, United States Code.*

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

[DEPARTMENT OF JUSTICE AND THE JUDICIARY]

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic census and programs", $110,000,000, as a contingency reserve for the decennial census, to remain available until expended and to be available only to the extent that appropriations are insufficient to cover unanticipated expenses related to unforeseen events such as lower-than-expected response rates, lower-than-expected employee productivity rates, or natural disasters.

ADMINISTRATIVE PROVISION

Services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population (as determined under regulations prescribed by the Secretary of Commerce) shall not constitute "Federal service" for purposes of section 8501 of title 5, United States Code.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $15,482,000 to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, a procurement for the Stuttgart, Arizona, Fish Farming Experimental Laboratory shall be issued by the Administrator of the National Oceanic and Atmospheric Administration or the Director of the United States Fish and Wildlife Service which includes the full scope of the work described in Department of the Interior Task Order No. 89-025, Contract No. 14-16-0009-86-007: Provided, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for "Salaries and expenses, antitrust division", $2,500,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, United States Marshals Service," $7,400,000 to be derived by transfer from "Salaries and Expenses, Federal Prison System".

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and Expenses of Witnesses," $2,600,000 to remain available until expended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $185,000,000, to remain available until expended, to defray expenses for the automation of fingerprint identification services including planning, site acqui-

sition, construction, and other associated costs.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

The language under this heading in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, is amended by adding the following: Deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System in 1989 may be used for the construction of correctional institutions, and the construction, renovation and repair of Immigration and Naturalization Service and United States Marshals Service detention facilities.

GENERAL PROVISION

The pilot debt collection project authorized by Public Law 99-578 is extended through September 30, 1992.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SECRETARY'S SPECIAL LITHUANIA INDEPENDENCE AND RECOGNITION FUND

For necessary expenses of the Secretary of State exclusively for the purpose of securing the lease or purchase of real property and buildings and paying the salaries and representational expenses of American diplomats and other personnel for the establishment of an American embassy in the independent Republic of Lithuania, $10,000,000 to remain available until expended: Provided, That such property as may be necessary shall be leased or purchased and diplomatic and other personnel be assigned to Lithuania as soon as possible if the United States formally recognizes the independent nation-state status of the Republic of Lithuania.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $63,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", [$28,003,000] *$23,003,000.*

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $700,000, to remain available until expended.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Federal Maritime Administrator of the U.S. Department of Transportation shall transfer to the Government of the Territory of American Samoa a 112 foot vessel to be used by that Government for interisland transportation of cargo and passengers: Provided, That such transfer shall be at no cost to the Government of American Samoa: Provided further, That the Department of Defense shall transport such vessel to American Samoa without reimbursement and any appropriations available to the Department of Defense in the current fiscal year shall be available for this purpose.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,500,000.

ADMINISTRATIVE PROVISION

Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) is amended by adding the following provision at the end thereof: ": *Provided further,* That fees made available to the Federal Trade Commission and the Antitrust Division herein shall remain available until expended".

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

(INCLUDING RESCISSION)

For an additional amount for "Procurement of Ammunition, Army", $238,000,000, to be used only for the construction of the RDX production facility at the Louisiana Army Ammunition Plant to remain available for obligation until September 30, 1992: Provided, That the Secretary of the Army shall enter into a contract for construction of the RDX facility not later than August 1, 1990: Provided further, That of the funds appropriated under this heading in the Department of Defense Appropriations Act, 1988 (Public Law 100-202; 101 Stat. 1329-51), $238,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For an additional amount for "Research, development, test and evaluation, Navy", $6,000,000 for the Navy Medical Research and Development Command to support the unrelated marrow donor program.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", $9,000,000, to remain available until September 30, 1994.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for "Military Construction, Army Reserve", $9,000,000, to remain available until September 30, 1994.

GENERAL PROVISIONS

(RESCISSIONS)

SEC. 201. Of the funds provided in Department of Defense Appropriations Acts and Military Construction Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Personnel, Air Force, $104,484,000;

Operation and Maintenance, Army, [$23,305,000] *$143,308,000;*

Operation and Maintenance, Navy, [$38,834,000] *$166,093,000;*

Operation and Maintenance, Marine Corps, [$1,582,000] *$21,236,000;*

Operation and Maintenance, Air Force, [$19,528,000] *$289,308,000;*

Operation and Maintenance, Defense Agencies, [$7,132,000] *$62,056,000;*

Operation and Maintenance, Army Reserve, $896,000;

Operation and Maintenance, Navy Reserve, $209,000;

Operation and Maintenance, Air Force Reserve, $1,190,000;

Operation and Maintenance, Army National Guard, $2,125,000;

Operation and Maintenance, Air National Guard, $2,199,000;

Aircraft procurement, Army, 1990/1992, [$28,600,000] *$16,000,000;*

[Missile procurement, Army, 1990/1992, $50,700,000;

[Procurement of weapons and tracked combat vehicles, Army, 1990/1992, $69,400,000;

[Procurement of ammunition, Army, 1988/1990, $238,000,000;]

Procurement of ammunition, Army, 1990/1992, [$200,000] *$60,000,000;*

[Other procurement, Army, 1988/1990, $23,000,000;

[Other procurement, Army, 1989/1991, $30,000,000;]

Other procurement, Army, 1990/1992, [$68,100,000] *$11,000,000;*

[Aircraft procurement, Navy, 1988/1990, $30,000,000;

[Aircraft procurement, Navy, 1990/1992, $83,000,000;

[Weapons procurement, Navy, 1989/1991, $40,600,000;

[Weapons procurement, Navy, 1990/1992, $21,701,000;]

Other procurement, Navy, 1988/1990, $16,500,000;

[Other procurement, Navy, 1990/1992, $22,378,000;

[Procurement, Marine Corps, 1990/1992, $15,200,000;]

Aircraft procurement, Air Force, 1990/1992, [$138,679,000] *$30,700,000;*

Missile procurement, Air Force, 1989/1991, $25,000,000;

Missile procurement, Air Force, 1990/1992, [$110,820,000] *$176,000,000;*

Other procurement, Air Force, 1989/1991, $17,900,000;

Other procurement, Air Force, 1990/1992, $45,805,000;

[National Guard and Reserve equipment, Defense, 1990/1992, $25,000,000;

[Research, Development, Test and Evaluation, Army, 1989/1990, $5,000,000;]

Research, Development, Test and Evaluation, Army, 1990/1991, [$35,000,000] *$59,000,000;*

Research, Development, Test and Evaluation, Navy, 1989/1990, $5,000,000;

Research, Development, Test and Evaluation, Navy, 1990/1991, [$29,598,000] *$9,000,000;*

Research, Development, Test and Evaluation, Air Force, 1989/1990, $19,900,000;

Research, Development, Test and Evaluation, Air Force, 1990/1991, [$237,542,000] *$31,158,000;*

Research, Development, Test and Evaluation, Defense Agencies, 1989/1990, [$35,000,000] *$18,500,000;*

Navy Stock Fund, $11,000,000;

Air Force Stock Fund, $10,000,000;

Defense Stock Fund, $39,000,000;

Military Construction, Navy, 1989/1993, $10,000,000;

Family Housing, Air Force, 1989/1993, $8,000,000;

Military Construction, Army, 1990/1994, $16,000,000;

Military Construction, Navy, 1990/1994, $10,650,000;

Military Construction, Air Force, 1990/1994, $37,500,000;

Military Construction, Defense Agencies, 1990/1994, $5,810,000;

North Atlantic Treaty Organization Infrastructure, 1990/1994, $21,925,000; and

Family Housing, Air Force, 1990/1994, [$17,800,000] *$36,522,000.*

[(DISAPPROVAL OF DEFERRALS)

[SEC. 202. (a) The Congress disapproves the following deferrals relating to the De-

partment of Defense as set forth in the message from the President transmitted to the Congress on February 6, 1990 (H. Doc. 101-149):

[Deferral No.	Item	Budget Authority
	Department of Defense, Military:	
D90-10	Aircraft Procurement, Army	$16,000,000
D90-11	Procurement of Ammunition, Army	310,000,000
D90-12	Procurement of Ammunition, Army	90,000,000
D90-13	Other Procurement, Army	11,000,000
D90-14	Aircraft Procurement, Navy	200,000,000
D90-15	Weapons Procurement, Navy	13,900,000
D90-16	Shipbuilding and Conversion, Navy	592,398,000
D90-17	Shipbuilding and Conversion, Navy	324,800,000
D90-18	Aircraft Procurement, Air Force	181,700,000
D90-19	Missile Procurement, Air Force	131,000,000
D90-20	Other Procurement, Air Force	70,000,000
D90-21	National Guard and Reserve Equipment, Defense	40,900,000
D90-22	Research, Development, Test and Evaluation, Air Force	100,000,000
D90-23	Research, Development, Test and Evaluation, Defense Agencies	21,000,000
D90-24	Military Construction, Army	3,200,000
D90-25	Military Construction, Navy	16,150,000
D90-26	Military Construction, Army National Guard	18,301,000
D90-27	Military Construction, Air National Guard	36,841,000
D90-28	Military Construction, Army Reserve	16,660,000

[(b) The disapproval shall be effective upon enactment into law of this Act and the amounts of the proposed deferrals disapproved herein shall be made available for obligation immediately upon enactment into law of this Act.]

SEC. 202. Section 9080 of Public Law 101-165 is amended by inserting the following proviso before the period ": Provided, That this provision does not restrict the use of funds for the destruction and disposal of such firearms".

SEC. 203. [(a) The appropriation "Research, Development, Test and Evaluation, Air Force" contained in the Department of Defense Appropriations Act, 1990 (Public Law 101-165) is amended by striking out the proviso following "Small ICBM program:" and ending with "B-1B aircraft:".

[(b) Section 8084 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is amended by striking out "$109,895,000" and inserting in lieu thereof "$79,895,000".

[(c) Section 8115 of the Department of Defense Appropriations Act, 1988 (Public Law 100-202) is amended by striking out "$90,895,000" and inserting in lieu thereof "$67,895,000".]

[(d)] Section 8127(b) of the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is hereby repealed.

SEC. 204. (a) For additional amounts for Military Personnel as follows: "Military Personnel, Army", $192,000,000; "Military Personnel, Navy", $240,000,000; "Military Personnel, Marine Corps", $70,000,000; "Military Personnel, Air Force", $278,000,000.

(b) Notwithstanding any other provision of law, on the date of enactment of this Act, unobligated balances available to the Department of Defense from previous Acts making appropriations to the Department of Defense are hereby reduced and cancelled by such sums as necessary to reduce outlays for the Department of Defense by the same amount as increased by the sums provided for military personnel in subsection (a): Provided, That such reductions shall be applied by an equal percentage to the unobligated balances of each program, project, and activity as set forth in section 9046 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165) or other relevant Department of Defense Appropriations Acts: Provided further, That military personnel accounts, as well as programs and activities exempt from sequestration under section 255 of the Deficit Control Act of 1985, as amended, shall be exempt from the uniform reduction required by this section: Provided further, That for purposes of this section, the rescissions of Department of Defense funds contained in this Act shall occur prior to calculating the amounts of unobligated balances: Provided further, That for purposes of applying this section, the Office of Management and Budget shall determine outlays from unobligated balances cancelled under this subsection and provided by subsection (a) by multiplying cancelled amounts under this subsection and amounts provided in subsection (a) by the same first-year outlay rate for each account as was used for the most recent sequestration order under the Deficit Control Act of 1985 as amended.

SEC. 205. (a) Not less than 30 days before a cooperative project agreement is signed or amended on behalf of the United States in conjunction with the NATO Research and Development program, the President shall transmit to the Committees on Appropriations of the Senate and House of Representatives a numbered certification setting forth the text and providing an explanatory statement on the purposes of the proposed agreement or amendment.

(b) Any cooperative project agreement or amendment referred to in subsection (a) shall contain a provision stipulating that United States participation under the agreement or amendment is subject to the availability of appropriated funds.

SEC. 206. (a) Of funds available during fiscal year 1990 under the heading "Research, Development, Test and Evaluation, Defense Agencies", for the NATO Research and Development program—

(1) not less than $12,776,000 shall be transferred immediately upon enactment of this Act to the Defense Advanced Research Projects Agency to finance the advanced neutral networks information processing technologies project; and

(2) not less than $12,224,000 shall be transferred immediately upon enactment of this Act to the Joint Technology Department program.

(b) None of the funds referred to in subsection (a) may be transferred from the AV-8(B) radar development, F/A-18 radar upgrade, medium surface-to-air missile, and multifunctional information distribution system projects.

SEC. 207. Funds available to the Department of Defense during the current fiscal year may be transferred to applicable appropriations or otherwise made available for obligation by the Secretary of Defense to fund the additional cost of pay and allowances, operational expenses and other costs associated with military operations in Panama known as Operation Just Cause: Provided, That funds transferred shall be available for the same purpose and the same time period as the appropriations to which transferred; Provided further, That the Secretary shall notify the Congress promptly of all transfers made pursuant to this authority and that such transfer authority shall be in addition to that provided elsewhere in this Act.

SEC. 208. None of the funds made available by this or any other Act shall be used by the Department of Defense to conduct a Request for Proposal for the development or acquisition of the Real Time Automated Personnel Identification System (RAPIDS) until such time as an operational test and evaluation of Individually Carried Record (ICR) technologies is completed.

SEC. 209. Of the amount appropriated in fiscal year 1990 for Air Force Operation and Maintenance, $29,000,000 shall not be obligated or expended until not less than $7,000,000 is expended as settlement for the pending dispute regarding Contract Numbered F29650-82-C-0201.

CHAPTER III

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $1,609,671,408.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $75,000,000, to support emergency refugee admissions and assistance: *Provided,* That not less than $5,000,000 of the funds provided under this heading shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further,* That funds provided under this heading shall remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund", $25,000,000 to remain available until expended.

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

HAITI

Not less than $10,000,000, of the funds made available in Public Law 101-167 for the purposes of chapter 1 of part I of the Foreign Assistance Act of 1961 *or pursuant to section 515 of such public law,* shall be made available for assistance to Haiti: *Provided,* That any of such funds made available for Haiti may be used for any of the purposes of chapter 1 of part I of the Foreign Assistance Act of 1961 and also may be used to finance critical imports.

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

[Notwithstanding provisions of Public Law 101-167, during the fiscal year 1990, total commitments to guarantee loans shall not exceed $500,000,000 of contingent liability for loan principal: *Provided,* That of this amount $400,000,000 in commitments to guarantee loans shall be available on or after October 1, 1990, and shall be available only for the purpose of providing housing and infrastructure in Israel for newly arrived immigrants in that country: *Provided further,* That such guarantees for housing and infrastructure in Israel for newly ar-

rived immigrants shall be made available for loans made during or after fiscal year 1991, notwithstanding the limitation contained in the third sentence of section 222(a) of the Foreign Assistance Act of 1961: *Provided further,* That section 223(j) of the Foreign Assistance Act of 1961 (22 U.S.C. 2183(j)) shall not apply to such commitments to guarantee loans for housing and infrastructure in Israel: *Provided further,* That section 222(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182) is amended by striking out "$2,158,000,000" and inserting in lieu thereof "$2,558,000,000".]

(a) Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended in the undesignated paragraph under the heading "HOUSING AND OTHER CREDIT GUARANTY PROGRAMS"—

(1) by striking out "$100,000,000" and inserting in lieu thereof "$500,000,000";

(2) by inserting after "principal" in the last proviso under such heading the following: ", of which amount $400,000,000 in commitments shall be available during fiscal year 1990 or subsequent fiscal years only for the purpose of providing housing and infrastructure in Israel for Soviet refugees: Provided further, That with respect only to the $400,000,000 in commitments to be made for housing and infrastructure in Israel referred to in the preceding proviso—

"(1) the guarantees shall be made available for loans made during or after fiscal year 1990, notwithstanding the limitation contained in the third sentence of section 222(a) of the Foreign Assistance Act of 1961;

"(2) the guarantees shall be made available for loans in increments of at least $150,000,000 or the amount requested by the borrower, whichever is lesser; and that the Agency for International Development shall review the borrower's actual or planned expenditures to ascertain that such amounts have or will be expended in accordance with the preceding proviso;

"(3) section 223(j) of the Foreign Assistance Act of 1961 (22 U.S.C. 2183(j)) shall not apply to such commitments; and

"(4) fees charged by the Agency for International Development under section 223(a) of the Foreign Assistance Act of 1961 shall not exceed—

"(A) an initial fee of one-quarter of 1 percent of the total amount of commitment authority, and

"(B) an annual fee in an amount not more than one-half of 1 percent of the maximum face value of guarantees which may be issued for any one country in a fiscal year pursuant to the penultimate sentence of section 223(j) of such Act.".

(b) Section 222(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182) is amended by striking out "$2,158,000,000" and inserting in lieu thereof "$2,558,000,000".

ECONOMIC SUPPORT FUND

PANAMA

For an additional amount for the "Economic Support Fund", $420,000,000, to remain available until September 30, 1991, which shall be made available only for assistance for Panama: *Provided,* That of this amount up to $15,000,000 may be used for a debt-for-nature swap and for immediate environmental needs.

NICARAGUA

For an additional amount for the "Economic Support Fund", $300,000,000, to remain available until September 30, 1991, which shall be made available only for assistance for Nicaragua: *Provided,* That of this amount $30,000,000 shall be for assistance to support the voluntary demobilization, repatriation and resettlement of members of the Nicaraguan resistance and their families: *Provided further, That such assistance may be made available to members of the Nicaraguan resistance who agree to and are abiding by the terms of the cease-fire agreement and the addendum to the Toncontin Agreement signed on April 19, 1990: Provided further,* That such assistance referred to in the previous proviso shall be provided through the International Commission of Support and Verification (CIAV) established by the Secretary General of the United Nations and the Secretary General of the Organization of American States pursuant to the agreement of the Central American Presidents at Tela, Honduras, on August 7, 1989, unless the President notifies the Committees on Appropriations in accordance with the procedures contained in section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990: *Provided further, That up to $8,000,000 of the funds made available by this subsection may be used for environmental activities, including the preservation of tropical forests, promotion of sustainable agriculture, control of pollution, and restoration of the natural resource base.*

ADMINISTRATIVE EXPENSES

Up to $10,000,000, of the funds made available under the headings "Panama" and "Nicaragua" may be used for the purpose of paying administrative expenses incurred by the Agency for International Development in connection with carrying out its functions under such headings.

EVALUATION AND AUDIT

In order to monitor the uses and evaluate the effectiveness of Economic Support Fund programs provided under this Act for Nicaragua and Panama—

(1) the Administrator of the Agency for International Development shall—

(A) submit periodic reports to the Committees on Appropriations on such assistance assessing compliance with specific program objectives with particular emphasis on monitoring commodity import programs and cash transfers for balance of payments and budget support programs;

(B) in cooperation with the governments and nongovernmental organizations receiving such assistance, establish appropriate administrative systems and controls to ensure that the assistance is being used for its intended purposes;

(2) the Inspector General of the Agency for International Development shall, at least semiannually beginning six months from the date of enactment of this Act, audit the Economic Support Fund programs provided under this Act for Nicaragua and Panama to assess the financial management and administrative systems established by the Agency to control such programs, and report to the Committees on Appropriations and the Administrator its findings; and

(3) the General Accounting Office shall submit a report to the Committees on Appropriations not later than January 15, 1992, assessing the effectiveness of the Economic Support Fund assistance provided under this Act for Panama and Nicaragua, emphasizing commodity import programs and cash transfers used for balance of payments and budget support, in meeting stated objectives, the effectiveness of fiscal and administrative controls, and the application of lessons learned from the implementation of these programs to other similar programs administered by the Agency.

CARIBBEAN

For an additional amount for the "Economic Support Fund", $15,000,000, to remain available until September 30, 1991, which shall be made available only for assistance for countries in the Caribbean: *Provided,* That not more than fifty percent of the funds made available by this paragraph shall be allocated to any one country.

[HURRICANE RELIEF AND RECOVERY ASSISTANCE FOR THE EASTERN CARIBBEAN COUNTRIES

[For an additional amount for the "Economic Support Fund", $5,000,000, for countries in the Eastern Caribbean, to remain available until September 30, 1991: *Provided,* That such funds shall be available only for additional hurricane relief, recovery, and rehabilitation assistance for those countries that were victims of Hurricane Hugo.]

SUB-SAHARAN AFRICA

For an additional amount for the "Economic Support Fund", [$25,000,000] *$10,000,000,* to remain available until September 30, 1991, which shall be made available for assistance for [sub-Saharan Africa: *Provided,* That of this amount $10,000,000 shall be for assistance for] Namibia[,-$2,500,000 shall be for assistance for Mozambique, $2,500,000 shall be for assistance for Zambia, and $10,000,000 shall be used to provide assistance, through the National Endowment for Democracy and other groups, to support programs and activities of organizations to encourage negotiations leading to a peaceful transition to a genuine democracy based on universal sufferage within a united South Africa, as follows:

[(a) SUSPENSION OF VIOLENCE.—An organization which has engaged in armed struggle or other acts of violence shall be eligible for assistance under this section only if that organization is committed to a suspension of violence in the context of negotiations to establish a democratic system of government in South Africa.

[(b) PROHIBITION ON USING FUNDS TO SUPPORT VIOLENCE.—In order to receive assistance under this section, an organization must agree that it will not use any of the funds made available to it under this section for the purpose of supporting physical violence by any individual, group, or government.]

SUB-SAHARAN AFRICA DEVELOPMENT ASSISTANCE

For an additional amount for "Sub-Saharan Africa, Development Assistance", [$5,000,000] *$20,000,000,* to remain available until September 30, 1991.

NOTIFICATION PROCEDURES

Prior to each obligation of funds made available for the "Economic Support Fund" and "Sub-Saharan Africa, Development Assistance" in this Act, the Committees on Appropriations of the House of Representatives and the Senate shall be notified in accordance with section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990.

PEACE CORPS

Amounts appropriated under the heading "Peace Corps" by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), may be made available for activities of the Peace Corps in Czechoslovakia.

EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

Notwithstanding the first proviso contained under the heading "Limitation on Program Activity" under "Title IV—Export Assistance" of Public Law 101-167, the medium-term financing program of the Export-Import Bank shall not exceed the gross obligations for the principal amount of direct loans contained under such heading in Public Law 101-167.

Title IV, "Export Assistance", of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is amended by inserting after the fifth proviso under the heading "Limitation on Program Activity" the following: "Provided further, That the Bank shall use all amounts appropriated to carry out the interest subsidy program to make commitments to commercial lending institutions and other lenders, subject only to the availability of qualified lenders under the program:".

TECHNICAL CORRECTION

Effective as of November 21, 1989, the 11th proviso under the heading "Migration and Refugee Assistance" in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167, 103 Stat. 1211) is amended by striking "sixth proviso" and inserting "ninth proviso".

CHAPTER IV

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

FIREFIGHTING

For an additional amount for "Firefighting", $176,800,000: *Provided, That these funds shall be obligated fully prior to use of any other funds which may remain available from previous appropriations under this head.*

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $1,000,000: Provided, That the Secretary, acting through the United States Fish and Wildlife Service, is authorized to enter into renewable contracts for the payment of reasonable and customary costs for delivery of Newlands Project water rights acquired by the Service to benefit the Federal and State wildlife areas in the Lahontan Valley and the Fernley Sink in Nevada: Provided further, That the costs for delivery shall be those costs normally associated with the delivery of water to Newlands Project lands: Provided further, That the contracts shall be of a term not exceeding 40 years: Provided further, That any such contract shall provide that upon the failure of the service to pay such charges, the United States shall be liable for their payment and other costs provided for in applicable provisions of the contract subject to availability of appropriations and, the Secretary, acting through the United States Fish and Wildlife Service, in accordance with applicable State law, use water diversion, storage, and conveyance systems of Federal Reclamation Projects to benefit Federal and State wildlife areas in the Lahontan Valley and the Fernley Sink in Nevada.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST SERVICE FIREFIGHTING

For an additional amount for "Forest Service Firefighting", [$256,000,000] *$256,700,000.*

ADMINISTRATIVE PROVISION, FOREST SERVICE

Notwithstanding any other provision of law, funds originally appropriated under this head in Public Law 101-121, the Department of the Interior and Related Agencies Appropriations Act, 1990, in the amount of $371,000 for the Forest Service for the construction of an addition to the Starkville, Mississippi, research office shall be available for a grant to Mississippi State University as the Federal share in the construction of a new university facility: Provided, That comparable space shall be provided to the Forest Service without charge for a reasonable period.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Funds previously appropriated under this head for clean coal technology solicitations to be issued no later than June 1, 1990, and no later than September 1, 1991, respectively, shall not be obligated until September 1, 1991: Provided, That the aforementioned solicitations shall not be conducted prior to the ability to obligate these funds: Provided further, That pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

CHAPTER V

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount to carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $7,800,000.

For an additional amount to carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $2,200,000.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", [$96,000,000] *$99,600,000* from the Employment Security Administration account in the Unemployment Trust Fund, which shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based.

EMPLOYMENT STANDARDS ADMINISTRATION

SPECIAL BENEFITS

Such amounts, in addition to appropriations provided under this heading in Public Law 101-166, as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: Provided, That balances of reimbursements from Federal Government agencies under this heading unobligated on September 30, 1990, shall remain available for the payment of compensation, benefits, and expenses through September 30, 1991.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional $700,000 from the Black Lung Disability Trust Fund which shall be available for transfer to Departmental Management, Salaries and expenses, for expenses of operation and administration of the Black Lung Benefits Program as authorized by section 9501(d)(5)(A) of that Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For an additional amount for "Program operations" for health care for the homeless, $2,300,000.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease control, research, and training", $8,000,000, of which $7,000,000 is for measles outbreak control under section 317 of the Public Health Service Act, and of which $23,500,000, to remain available until expended, is for the purchase of a second vaccination for measles immunization.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

The second proviso under the heading "Alcohol, Drug Abuse, and Mental Health" in title IV of Public Law 101-164 is repealed and the amount provided in the first proviso for block grants under the Public Health Service Act is increased by $40,000,000.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

All funds collected in fiscal year 1990 in accordance with section 353 of the Public Health Service Act shall be credited to this account, to remain available until expended, for necessary expenses associated with the survey and certification of clinical laboratories.

FAMILY SUPPORT ADMINISTRATION

PAYMENTS TO STATES FOR AFDC WORK PROGRAMS

(RESCISSION)

Of the amounts available under this head in Public Law 101-166, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990, to carry out part C of title IV of the Social Security Act, $7,880,000 are rescinded.

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low income home energy assistance", $50,000,000 to remain available until October 31, 1990: *Provided,* That the Secretary shall obligate these funds on the basis of relative need to those States and other entities which promptly supplement their applications under the Act for the current fiscal year demonstrating both a substantial need for and the capacity to expend the additional funds.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

HUMAN DEVELOPMENT SERVICES

For an additional amount for carrying out the Head Start Act, $165,685,000.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE HANDICAPPED

Funds appropriated under section 619 of the Education of the Handicapped Act for fiscal year 1989 shall remain available for obligation through September 30, 1992.

[STUDENT FINANCIAL ASSISTANCE

[The amount made available for the 1990-91 award year under this heading in the Department of Education Appropriations Act, 1990, for subpart 1 of part A of title IV of the Higher Education Act, as amended, shall be available first to meet any insufficiencies resulting from the payment schedule for Pell Grants published by the Secretary of Education for the 1989-90 award year.]

RELATED AGENCIES

NATIONAL COMMISSION ON CHILDREN

For an additional amount for the National Commission on Children established by section 9136 of Public Law 100-203, $500,000, which shall remain available until expended.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

For an additional amount for carrying out the White House Conference on Library and Information Services, established by Public Law 100-382, $425,000, to remain available until expended.

CHAPTER VI

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(DISAPPROVAL OF RESCISSION)

The Congress disapproves Rescission Proposal No. R90-1, in the amount of $4,075,000 relating to the Department of Agriculture, Agricultural Research Service, Buildings and Facilities, as set forth in the message of April 23, 1990, which was transmitted to the Congress by the President. The disapproval shall be effective upon the enactment into law of this Act, and the amount of the proposed rescission disapproved herein shall be made available for obligation.

COOPERATIVE STATE RESEARCH SERVICE

Of the $6,004,000 provided in Public Law 101-161 for higher education grants under section 1417(a) of Public Law 95-113, as amended (7 U.S.C. 3152(a)), $250,000 is transferred to Federal Administration for the necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department.

BUILDINGS AND FACILITIES

(DISAPPROVAL OF RESCISSION)

The Congress disapproves Rescission Proposal No. R90-2, in the amount of $41,008,000 relating to the Department of Agriculture, Cooperative State Research Service, Buildings and Facilities, as set forth in the message of April 23, 1990, which was transmitted to the Congress by the President. The disapproval shall be effective upon the enactment into law of this Act, and the amount of the proposed rescission disapproved herein shall be made available for obligation.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For an additional amount for expenses for the Animal and Plant Health Inspection Service, $8,000,000, to remain available until expended.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For an additional amount for administrative and operating expenses, as authorized by the Federal Crop Insurance Corporation Act, as amended (7 U.S.C. 1516), $15,000,000.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For an additional amount for necessary expenses of the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), $4,700,000.

FOOD STAMP PROGRAM

For an additional amount for necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2027, 2028, 2029), [$510,000,000] *$705,000,000,* of which $135,000,000 shall be placed in reserve to be used only to the extent that such amount is required during the current fiscal year to meet program requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

For an additional amount for generic drug activities of the Food and Drug Administration under section 505(j) of the Food, Drug, and Cosmetic Act, $13,900,000.

INDEPENDENT AGENCY

COMMODITY FUTURES TRADING COMMISSION

For an additional amount for necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), $3,655,000.

CHAPTER VII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $190,000,000, to remain available until expended.

LOAN GUARANTY REVOLVING FUND

For an additional amount for "Loan guaranty revolving fund", [$150,000,000] *$245,000,000,* to remain available until expended.

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", [$50,000,000] *$94,000,000:*[*-Provided* That, notwithstanding any other provision of law, not less than $7,227,000,000 of the sums appropriated under this heading in fiscal year 1990 shall be available only for expenses in the personnel compensation and benefits object classifications.]

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Medical administration and miscellaneous operating expenses", $1,300,000, to be derived by transfer from "Construction, minor projects".

[DEPARTMENTAL ADMINISTRATION

[GENERAL OPERATING EXPENSES

[Of the sum appropriated under this heading for fiscal year 1990, the amount available for expenses of travel is increased by $1,000,000.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY AND HANDICAPPED FUND

Of the amount provided for direct loan obligations under this head in title II, Public Law 101-144 (103 Stat. 839, 847), and subject to the provisos under that head, any part of such amount that is not obligated during fiscal year 1990 may be used for direct loan obligations thereafter.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(TRANSFER OF FUNDS)

For an additional amount for "Payments for operation of low-income housing projects", $72,000,000, to remain available until September 30, 1991: *Provided,* That such amount shall be derived by transfer from "Annual contributions for assisted housing", and the amount specified for the section 8 moderate rehabilitation program in the first proviso under that head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014) shall be reduced by such amount.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Notwithstanding the repeal of section 107(b)(3) of the Housing and Community Development Act of 1974 by section 105(b) of the Department of Housing and Urban Development Act of 1989, funds appropriated under the Community Development Grants heading of the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Act, 1990, pursuant to such section 107 shall be available for grants to Indian tribes.

The paragraph under this head in title II of Public Law 101-144 (approved November 9, 1989) (103 Stat. 839, 849-850) is hereby amended by inserting, immediately before the final colon in the third proviso, a semicolon and the following: "and, the amounts set forth for the 27 other projects and purposes specified at page 19, and for the first 10 projects specified on page 20, of the Joint Explanatory Statement of the Committee of Conference on H.R. 2916 (House Report 101-297), shall be made available for such projects and purposes".

[URBAN HOMESTEADING

[(TRANSFER OF FUNDS)

[For an additional amount for "Urban homesteading", to be derived by transfer from the Urban Development Action Grants account, all unobligated balances available at the end of fiscal year 1989 and, after the transfer of $50,000,000 to the Community Development Grants account pursuant to Public Law 101-144, all other amounts deobligated in fiscal year 1990: *Provided,* That those amounts that are required to fund urban development action grant projects which have received preliminary approval in accordance with regulations promulgated by the Department of Housing and Urban Development shall not be transferred: *Provided further,* That the amount transferred may be used only for reimbursement to the Federal Housing Administration Fund for losses incurred under the urban homesteading program (12 U.S.C. 1706e): *Provided further,* That the Secretary of Housing and Urban Development shall withhold from the amount subject to transfer such funds as may be necessary to comply with orders of United States Courts which direct the

Secretary to set aside funds for possible future approval of grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301).]

ADMINISTRATIVE PROVISION

Section 17(f) of the United States Housing Act of 1937 (42 U.S.C. 1437o(f)) is amended by inserting after "or City of New York" the following: "or State of Vermont".

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For an additional amount for necessary expenses, $500,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

CONSTRUCTION GRANTS

The last proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144) is amended by inserting "heretofore, herein or hereafter" after the word "sums" and ", and sums appropriated in fiscal year 1989 shall remain available for obligation until September 30, 1992" after the word "entities", and by striking the words "Trust Territory" and inserting the word "Republic" before the words "of Palau".

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", $500,000 to remain available until expended.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

(RESCISSION)

Of the funds appropriated under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144), $36,077,000 is hereby rescinded.

RESEARCH AND PROGRAM MANAGEMENT

(TRANSFERS OF FUNDS)

For an additional amount for "Research and program management", [$32,970,000] *$45,000,000,* of which $18,000,000 shall be derived by transfer from "Research and development" and [$14,970,000] *$27,000,000* shall be derived by transfer from "Space flight, control, and data communications".

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For necessary expenses of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, in carrying out their functions under title VI of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, 103 Stat. 1987, 2052) $500,000, to remain available until expended, to be derived by transfer from amounts provided under the head "Annual Contributions for Assisted Housing", and earmarked for modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 14371), in Public Law 101-144 (approved November 9, 1989, 103 Stat. 839, 844).

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For necessary expenses of the National Commission on Severely Distressed Public Housing, in carrying out their functions under title V of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, 103 Stat. 1987, 2048) $2,000,000, to remain available until expended, to be derived by transfer from amounts provided under the head "Annual Contributions for Assisted Housing", and earmarked for modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 14371), in Public Law 101-144 (approved November 9, 1989, 103 Stat. 839, 844).

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of additional obligations incurred carrying out the provisions of 23 U.S.C. 408, to remain available until expended, $5,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act or any other Appropriations Act for fiscal year 1990 shall be available for the planning or execution of programs the total obligations for which are in excess of $15,967,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408.

CHAPTER IX

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $99,000: Provided, That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1268 to 1269), $3,317,000 are rescinded for a net decrease of $3,218,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $50,000: Provided, That of the funds appropriated under this heading for fiscal year ending September 30, 1990, in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1269), $10,478,000 are rescinded for a net decrease of $10,428,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $7,750,000: Provided, That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1269 to 1271), $5,739,000 are rescinded for a net increase of $2,011,000.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1271), $6,583,000 are rescinded.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $4,840,000: Provided, That $640,000 of this appropriation, to remain available until expended, shall be available solely for the District of Columbia employees' disability compensation: Provided further, That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1271), $10,245,000 are rescinded for a net increase of $5,405,000.

PUBLIC WORKS

(RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1271 to 1272), $8,810,000 are rescinded.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center Fund", $2,993,000.

REPAYMENT OF LOANS AND INTEREST

Of the funds appropriated under this heading for fiscal year ending September 30, 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1272), $12,336,000 are rescinded.

REPAYMENT OF GENERAL FUND DEFICIT

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1272), relating to "Repayment of General Fund Deficit", $20,000,000, of which not less than $442,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise, or both), are hereby repealed.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", $3,349,000.

OPTICAL AND DENTAL BENEFITS

For an additional amount for "Optical and dental benefits", $543,000.

ENERGY ADJUSTMENT

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1273), relating to "Energy Adjustment", a reduction of $2,000,000, are hereby repealed.

EQUIPMENT ADJUSTMENT

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1273), relating to "Equipment Adjustment", a reduction of $6,100,000, are hereby repealed.

PERSONAL SERVICES ADJUSTMENTS

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1273), relating to "Personal Services Adjustment", a reduction of $31,550,000, are hereby repealed.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $76,102,000 to remain available until expended: Provided, That $24,215,000 of prior year authority is rescinded for a net

increase of $51,887,000: Provided further, That $2,362,000 shall be available for project management and $2,116,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

WATER AND SEWER ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Water and sewer enterprise fund", $12,026,000: Provided, That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1274), $17,680,000 are rescinded, including $697,000 for debt service and $13,951,000 for pay-as-you-go capital, for a net decrease of $5,654,000.

CHAPTER X

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Funds appropriated under this heading in the Treasury, Postal Service and General Government Appropriations Act, fiscal year 1990, Public Law 101-136, for the White House Conference on Indian Education shall remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for "Unanticipated Needs", $5,000,000, to remain available until expended, to enable the President to meet unanticipated needs arising from natural disasters occurring on March 13, 1990: Provided, That $2,500,000 of such additional amount shall be available to meet disaster assistance needs in the State of Nebraska, and $2,500,000 shall be available to meet disaster assistance needs in the State of Kansas.

CHAPTER XI

LEGISLATIVE BRANCH

U.S. SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Helene H. Matsunaga, widow of Spark M. Matsunaga, late a Senator from Hawaii, $98,400.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. The proviso under the heading "Department of the Interior, Bureau of Land Management, Firefighting" in Public Law 101-121 is amended by inserting "full" before the word "repayment" in the proviso, and by inserting at the end thereof "prior to the expenditure of any of such funds for any other purposes".

SEC. 303. In Public Law 101-148, Military Construction Appropriations Act, 1990, the last proviso under "Military Construction, Defense Agencies" is hereby repealed.

SEC. 304. Notwithstanding any other provision of law, all projects contained in the State list included in House Report 101-307, for which funds were appropriated in Public Law 101-148, are hereby authorized for appropriations and for construction or execution.

SEC. 305. None of the funds provided in this Act shall be provided to any nation where it is made known to the President that the nation is providing military or economic assistance to Cuba.

SEC. 306. Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) is amended by adding the following subsection:

"(d) The term 'export license applications' includes requests for approval of technical assistance agreements or services that would serve to facilitate launch of such satellites.".

SEC. 307. None of the funds appropriated by this or any other Act with respect to any fiscal year for Antarctic research may be obligated for procurement of Multibeam Bathymetric Sonar Mapping Systems manufactured outside of the United States.

SEC. 308. Section 319 of Public Law 101-164 is amended by inserting "training, salaries" after the word "reports"; inserting the words "including site acquisition, construction and equipment" after the word "expenses"; and inserting the word "grants" after the word "contracts".

SEC. 309. Notwithstanding any other provision of law, within 60 days of enactment, the Secretary of Transportation is directed to make available to the Tri-County Metropolitan Transportation District of Oregon, $13,500,000 in funds previously appropriated for the acquisition of land in Gresham, Oregon, for the joint development project called "Project Break-Even".

SEC. 310. Funds appropriated under Public Law 101-164, the Department of Transportation and Related Agencies Appropriations Act, 1990, for Highway Demonstration Projects involving railroad overpasses in Las Vegas, New Mexico, may be used for construction.

SEC. 311. Of the funds appropriated in section 108(d) of Public Law 101-130 and remaining available for obligation as of April 16, 1990, $4,700,000 shall be made available to the Forest Service for "Forest Research," $6,900,000 to the Forest Service for "State and Private Forestry," and $4,440,000 to the Forest Service for "National Forest System," Provided, That $15,153,000 of remaining unobligated balances appropriated in section 108(d) of said law and which are not needed under the provisions of this Act are hereby rescinded.

SEC. 312. Section 117 of the District of Columbia Appropriations Act, 1990 is amended to read as follows:

"SEC. 117. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.".

SEC. 313. (a) Section 802(b)(1) of the Arizona-Idaho Conservation Act of 1988 is amended to read as follows:

"(1) in consultation with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity consulted;".

(b) Section 803(b) of the Arizona-Idaho Conservation Act of 1988 is amended—

(1) by striking "subject" and all that follows through "respectively"; and

(2) in paragraph (2) by inserting "subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate," after "(2)".

(c) Section 8(c) of the Bicentennial of the United States Congress Commemorative Coin Act is amended to read as follows:

"(c) REPORT REQUIRED.—The Commission shall submit an annual report of expenditures to the Congress.".

SEC. 314. (a) The supervision and jurisdiction of the United States Capitol Police shall extend over any area with respect to which the Architect of the Capitol has contracted, or otherwise entered into an agreement, for parking space in the Union Station parking garage to accommodate personnel of the United States Senate whose parking privileges have been affected by the construction of the Judiciary Annex Building, and over any area and streets necessary to carry out such supervision and to travel between such parking area and the United States Capitol Grounds.

(b) In carrying out such supervision, the United States Capitol Police shall have, within any such area or street, jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for such personnel and property of such personnel and of the United States Senate within such area or street, and to make arrests for the violation of the laws and regulations of the United States and the District of Columbia.

(c) The provisions of subsections (a) and (b) shall be effective only during the period that there is in effect a contract or other agreement as referred to in subsection (a).

SEC. 315. (a) Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6) is amended—

(1) by inserting "(a)" immediately after "SEC. 101.", and

(2) by adding at the end thereof the following new subsection:

"(b) The Majority Leader, the Minority Leader, and the President pro tempore of the Senate, in appointing individuals to consultant positions under authority of this section, may appoint one such individual to such position at an annual rate of compensation rather than at a daily rate of compensation, but such annual rate shall not be in excess of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate.".

(b) The amendments made by this section shall be effective in the case of appointments made after the date of enactment of this Act.

SEC. 316. (a) Consistent with the purposes of Senate Concurrent Resolution 74 of the 101st Congress (agreed to October 26, 1989), and until October 1, 1992, the Sergeant at Arms and Doorkeeper of the Senate, upon the approval of the Committee on Rules and Administration of the Senate, from funds authorized to be expended by subsection (b) of this section, is authorized to provide for the donation of equipment and training to the Senat and Sejm of Poland by—

(1) purchasing and donating new equipment;

(2) donating used or surplus equipment of the United States Senate notwithstanding section 103 of the Legislative Branch Appropriations Act, 1978 (2 U.S.C. 117b);

(3) arranging for the preparation, delivery, installation, servicing, modification, and adjustment of, and the training, accessories, and supplies for any items donated under paragraphs (1) and (2);

(4) replacing in the United States Senate used or surplus equipment that is donated under paragraph (2); and

(5) conducting such other transactions as necessary to carry out the purposes of section 2(c) of Senate Concurrent Resolution 74 of the 101st Congress.

(b) Of the unexpended and unobligated funds in the appropriation account for the Sergeant at Arms and Doorkeeper of the Senate within the contingent fund of the Senate which were appropriated for fiscal years prior to October 1, 1989, not more

than $1,500,000 shall be available to the Sergeant at Arms and Doorkeeper of the Senate to carry out the provisions of subsection (a).

SEC. 317. (a) Effective with the fiscal year ending September 30, 1990, and each fiscal year thereafter, any unexpended and unobligated funds in the appropriation account for the "Secretary of the Senate" within the contingent fund of the Senate which have not been withdrawn in accordance with the paragraph under the heading "General Provisions" of Chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 102a), shall be available for expenses incurred, without regard to the fiscal year in which incurred, for the conservation, restoration, and replication or replacement, in whole or in part, of items of art, fine art, and historical items within the Senate wing of the United States Capitol, any Senate Office Building, or within any room, corridor, or other space therein.

In the case of replication or replacement of such items, the funds available under this subsection shall be available for any such items previously contained within the Senate wing of the Capitol, or an item historically accurate.

(b) All such items of art referred to in subsection (a) shall be known as the "United States Senate Collection".

(c) Disbursements for expenses incurred for the purposes in subsection (a) shall be made upon vouchers approved by the Chairman of the Senate Commission on Art or the Executive Secretary of the Senate Commission on Art.

SEC. 318. Subsection (a) of section 3 of the Legislative Appropriations Act, 1989 (2 U.S.C. 68-6(a)) is amended—

(1) by striking out "during any fiscal year," and inserting in lieu thereof "during any fiscal year (1)"; and

(2) by striking out "; and" and inserting in lieu thereof ", and (2) from the Senate appropriations account, appropriated under the headings "Salaries, Officers and Employees" and "Office of the Secretary" to the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Secretary of the Senate, such sums as he shall specify; and".

SEC. 319. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act, shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force or the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 320. Section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (J), by striking "and" at the end thereof;

(2) in subparagraph (K), by striking the period at the end thereof and inserting a semicolon; and

(3) by adding after subparagraph (K) the following:

"(L) assuming, for purposes of this paragraph, paragraph (3)(A)(i), and the Congressional Budget Act of 1974, and notwithstanding sections 3(6) and 406(b) of that Act, that disbursements and receipts equalling the principal amounts of borrowings or repayments of principal of direct loans from the Federal Financing Bank to the Resolution Trust Corporation that are used for working capital requirements in liquidating Federal deposit insurance claims or for any other working capital purpose (pursuant to title V of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989), shall not alter the deficit or produce any change in the budget baseline, and

"(M) assuming, for purposes of this paragraph, paragraph 3(A)(i), and the Congressional Budget Act of 1974, notwithstanding sections 3(6) and 406(b) of that Act, and excluding receipts and disbursements subject to subparagraph (L), the sum of the amount of any offsetting collections from the Resolution Funding Corporation for purchase of capital certificates and any other offsetting collections of the Resolution Trust Corporation in any fiscal year shall equal the amount of any Resolution Trust Corporation disbursements for that fiscal year, effective beginning with the fiscal year 1991 budget.".

SEC. 321. The Secretary of the Army is directed to execute a local cooperation agreement prior to July 1, 1990, for construction of a modification of the existing Gulfport Harbor project in Mississippi as authorized by the Supplemental Appropriations Act, 1985, (Public Law 99-88), section 202(a) of the Water Resources Development Act of 1986 (Public Law 99-662), and section 4(m) of the Water Resources Development Act of 1988 (Public Law 100-676).

This Act may be cited as the "Dire Emergency Supplemental Appropriations for Disaster Assistance, Food Stamps, Unemployment Compensation Administration, and Other Urgent Needs, and Transfers, and Reducing Funds Budgeted for Military Spending Act of 1990".

Mr. MITCHELL. Mr. President, I want to thank the distinguished Republican leader, the chairman of the Appropriations Committee, and the other Senators with whom we have been discussing this matter for several hours now. I am pleased that we are able to gain unanimous consent to proceed to this important legislation. It took a little longer than we had anticipated or hoped, but in any event we are now on the bill and will remain on it until completion.

In accordance with the decision I made yesterday following consulation with the Republican leader, we had not intended any votes today in any event since nine Senators are presently in Nicaragua attending the inauguration of Mrs. Chamorro as President of that country.

What we propose for this evening is simply an opening statement by the chairman of the Appropriations Committee, and then we will go out. We will come back in at 9:30 in the morning, be back on this bill at 10, begin with an opening statement by Senator HATFIELD, the ranking member of the committee, and then be prepared to proceed with respect to the bill.

My hope is that we can finish the bill tomorrow. Senators who have amendments are encouraged to be here tomorrow to offer their amendments if they have them. This is important legislation. It is deserving of careful consideration by the Senate and of what I hope to be prompt action tomorrow.

Again, Mr. President, I thank my colleagues for their cooperation. I am pleased now to yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, I thank the majority leader and also want to express my thanks to the majority leader and the distinguished chairman, Senator BYRD, and my colleagues on this side, and both sides, for that matter, because anybody could have objected up until Friday until 10 o'clock under the 2-day rule. We had only one concern on this side, and as soon as the report and the bill was delivered, we had word back within an hour that it is fine and it satisfied any questions that we had. We had cooperation. As the majority leader pointed out, it was rather difficult to make a great deal of progress today because of the absence of a number of our Senators who I think have every reason to be missing today. It was a very important ceremony that they attended in Nicaragua. We have been involved in this in the Senate for years.

I certainly commend them for making the trip. It was not an easy trip. I think they got up at 3:30 or 4 o'clock this morning and they get back at 11 o'clock or midnight tonight. So it is a long, long trip. So I thank my colleagues on both sides for participating in the inaugural ceremony of Violeta Chamorro.

We are prepared to cooperate in any way we can with the chairman of the Appropriations Committee. This is important legislation. We will be as helpful as we can.

Mr. BYRD. Mr. President, I thank both leaders for working together to secure the request to proceed to the bill.

Let me say for the record that I have been around all day and ready to proceed and so have the subcommittee chairman, to my knowledge; they have been around. I do not say this in criticism of anyone. The rules are here, and we have to abide by them. Any Senator has a right to object to proceeding before the 2-day rule has expired.

The distinguished Senator from Oregon, the ranking member, will make his opening statement in the morning. So it is my feeling, as has been indicated by the majority leader and the Republican leader, that once I finish my statement, as far as I am concerned we can go out and start anew tomorrow morning at 10.

I would be very happy to wait until Senator HATFIELD is here, but that would inconvenience him and we would gain nothing by it. He will make his opening statement in the morning.

Mr. President, the bill before the Senate, H.R. 4404, is the dire emergency supplemental appropriations bill for fiscal year 1990. It includes appropriations totaling $1.6 billion for mandatory programs. These are programs for which funding is statutorily set

and, therefore, beyond the control of the Appropriations Committee.

Among the amounts recommended by the committee for these mandatory programs are: Food stamps, $705 million; VA compensation and pensions, $190 million; VA loans, $245 million; and firefighting costs of $433.5 million.

For discretionary programs, the bill contains appropriations totaling $1.695 billion in new budget authority and $913.9 million outlays. Both the budget authority and outlays are fully offset for discretionary appropriations for rescissions from Department of Defense appropriations.

Title I of the bill contains funding for disaster assistance totaling $137 million. These funds are needed to provide assistance to States affected by recent flooding. Included in title I is an appropriation of $20 million for flood control programs of the Corps of Engineers; $42 million—an increase of $11 million above the House-passed bill—for flood prevention programs in the Department of Agriculture; and $50 million for the disaster relief programs under the Federal Emergency Management Agency [FEMA].

Title II of the bill contains discretionary appropriations for various programs throughout many departments and agencies of Government. Included are appropriations for:

Bureau of the Census, $110.0 million; Low-income home energy assistance, $50.0 million; State unemployment offices, $99.6 million; Centers for Disease Control, $31.5 million; Head Start, $165.7 million—and, by the way, that was added yesterday by the amendment that Senator LEAHY and I cosponsored—and VA Medical Care, $94.0 million.

The bill provides $420,000,000 in assistance to Panama and $300,000,000 for Nicaragua, to be available through fiscal year 1991. This is the same as the amounts contained in the supplemental appropriation as passed by the House.

In addition, the bill provides $15,000,000 in economic support funds for countries in the Caribbean, and $30,000,000 in economic support funds and development assistance for Sub-Saharan Africa. The funds for Africa are to restore money the administration took away from Africa aid programs in February for Panama. The House bill also contains these same levels.

The committee bill provides $75,000,000 for the State Department's migration and refugee assistance account. Seventy million dollars of this was requested by the President to fund additional refugee admissions to the United States he has already approved for fiscal 1990, but for which he did not request sufficient funds in his budget request last year. The committee earmarks the remaining $5,000,000 to help Israel absorb the costs of resettling immigrants. This is also the same as the House provision.

To help meet emergency refugee needs, the committee also provides $25,000,000 to replenish drawdowns the administration has made in the emergency refugee and migration assistance fund. The committee's recommendation, which is the same as that of the House, will raise the ERMA fund, emergency refugee and migration assistance fund back to the $50,000,000 level established in the fiscal year 1990 Foreign Operations Appropriations Act.

The committee bill contains a section providing for a $400,000,000 increase in the loan guaranty ceiling of Housing Investment Guaranty Program of AID. This program is earmarked to assist Israel to provide housing for the influx of refugees from the Soviet Union. The committee language requires Israel to pay administrative charges to participate in the Housing Investment Guaranty Program.

Finally, the committee removes the $215,000,000 ceiling on medium term loans of the Export-Import Bank established in the current Foreign Operations Appropriations Act. This is the same as the House recommendation.

Mr. President, I have provided only a brief summary of the bill. It is a bill that contains appropriations for emergency disaster assistance and for many important discretionary programs, in addition to the foreign aid appropriations contained in the bill. All discretionary appropriations are fully offset, so the bill is in conformance with section 311(a) of the Budget Act—it is deficit neutral.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

LINE-ITEM VETO—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I forward to you today a Joint Resolution proposing an amendment to the Constitution of the United States to authorize the President to disapprove or reduce items of spending authority and to disapprove substantive provisions contained in appropriations measures.

Amending our national charter is a profoundly serious step, and I am fully aware of the great responsibility involved in proposing such an action. My proposal, however, is supported by ample precedent. Today, the Governors of 43 of the 50 States have line-item veto authority, and for more than a century American Presidents have urged the Congress to adopt this reform at the Federal level. We have never needed it more than now. By enabling the President to open up massive omnibus spending packages and pare out wasteful and unneeded spending, this amendment would address one of the most serious and intractable issues facing the Nation today—the collapse of Federal fiscal discipline that has helped to saddle us with trillions of dollars of debt.

This amendment has been painstakingly crafted to ensure that the Congress has a chance to pass on each item lined out of a bill, using procedures essentially identical to those now in the Constitution. Its only purpose is to enable both the President and the Congress to take a closer look at the way we spend the taxpayers' money—to bring out into the sunlight the kinds of hidden, abusive spending proposals that would never make it on their own.

I look forward to working with you on this proposal, and I am confident that by enacting it we will place the Constitution and the Nation on a sounder footing than ever before.

GEORGE BUSH.

THE WHITE HOUSE, *April 25, 1990.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT—PM 112

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the sixth Annual Report of the National Endowment for Democracy, which covers fiscal year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *April 25, 1990.*

MESSAGES FROM THE HOUSE

At 2:05 p.m., a message from the House of Representatives announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 258. Joint resolution to authorize the President to proclaim the last Friday of April 1990 as "National Arbor Day."

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3545. An act to amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission;

H.R. 3811. An act to recognize the centennials of units of the National Park System, and for other purposes;

H.R. 3961. An act to redesignate the Federal building at 1800 5th Avenue, North in Birmingham, Alabama, as the "Robert S. Vance Federal Building and United States Courthouse";

H.R. 4035. An act to designate the Federal building located at 777 Sonoma Avenue in Santa Rosa, California, as the "John F. Shea Federal Building"; and

H.J. Res. 546. Joint resolution designating May 13, 1990, as "Infant Mortality Awareness Day."

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 290. Concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process.

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2514. An act amending subchapter III of chapter 84 of title 5, United States Code.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2514. An act amending subchapter III of chapter 84 of title 5, United States Code; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3545. An act to amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Energy and Natural Resources.

H.R. 3811. An act to recognize the centennials of units of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3961. An act to redesignate the Federal building at 1800 5th Avenue, North in Birmingham, Alabama, as the "Robert S. Vance Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 4035. An act designate the Federal building located at 777 Sonoma Avenue in Santa Rosa, California, as the "John F. Shea Federal Building"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 290. A concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on the Judiciary:

Anthony Hurlbutt Flack, of Connecticut, to be a Member of the National Council on Disability for a term expiring September 17, 1991.

Mary Matthews Raether, of Virginia, to be a Member of the National Council on Disability for the remainder of the term expiring September 17, 1991:

Sandra Swift Parrino, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 1992;

Alvis Kent Waldrep, Jr., of Texas, to be a Member of the National Council on Disability for a term expiring September 17, 1992;

Peter H. Raven, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1994; and

Benjamin S. Shen, of Pennsylvania, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1994.

Mr. KENNEDY. Mr. President, for the Committee on Labor and Human Resources, I also report favorably two nomination lists in the Public Health Service which were printed in full in the CONGRESSIONAL RECORD of March 20, 1990, and ask, to save the cost of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Thomas Lawrence Sansonetti, of Wyoming, to be Solicitor of the Department of the Interior.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 2510. A bill for the relief of Fanie Phily Mateo Angeles; to the Committee on the Judiciary.

S. 2511. A bill for the relief of Timothy Bostock; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. MCCAIN, and Mr. DASCHLE):

S. 2512. A bill to establish a New Federalism for American Indians, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BOSCHWITZ:

S. 2513. A bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable; to the Committee on Governmental Affairs.

By Mr. PELL (by request):

S. 2514. A bill to authorize appropriations for activities under the Peace Corps Act for fiscal year 1991, and for other purposes; to the Committee on Foreign Relations.

By Mr. SIMON:

S. 2515. A bill to amend the Health Care Quality Improvement Act of 1986 to prohibit discrimination against international medical graduates, to provide for the establishment of a National Repository of Physician Records, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON (for himself and Mr. HATCH):

S. 2516. A bill to augment and improve the quality of international data compiled by the Bureau of Economic Analysis under the International Investment and Trade in Services Survey Act by allowing that agency to share statistical establishment list information compiled by the Bureau of the Census and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN:

S. 2517. A bill to provide that any distribution permitted under the Internal Revenue Code of 1986 to a first time homebuyer from the individual retirement account of the homebuyer, or the homebuyer's parents or grandparents be free from the 10 percent penalty for early distributions; to the Committee on Finace.

By Mr. BINGAMAN:

S. 2518. A bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recyced paper content; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2519. A bill to require the U.S. Marshalls Service to designate court districts that need additional private entities for the detention of Federal prisoners and to provide certain standards for such entities; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. D'AMATO, Mr. DECONCINI, and Mr. CRANSTON):

S. 2520. A bill to establish permanent Federal and State drug treatment programs for criminal offenders, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2521. A bill to exchange certain lands in the State of New Mexico and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 2522. A bill to require Congress to purchases recycled paper and paper products to the greatest extent practicable; to the Committee on Rules and Administration.

By Mr. NICKLES:

S. 2523. A bill to provide for a reasonable management program for agricultural wetlends, and for other purposes; to the Committee on Environemnt and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI (for himself, Mr. MCCAIN, and Mr. DASCHLE):

S. 2512. A bill to establish a new federalism for American Indians, and for other purposes; to the Select Committee on Indian Affairs.

NEW FEDERALISM FOR AMERICAN INDIANS ACT

● Mr. DECONCINI. Mr. President, I rise on behalf of myself, Senator JOHN MCCAIN, and Senator TOM DASCHLE today to introduce a bill which authorizes a new federalism for American Indians. This bill responds to the principal recommendation of the Special Committee on Investigations that the United States renew its commitment to tribal self-government by offering tribes the option of receiving Federal Indian program funds as direct block grants. It would free tribes from the bonds of the Federal bureaucracy which frequently frustrates tribal self-determination.

The legislation authorizes the use of mutually negotiated agreements between Indian tribes and the Federal Government to strengthen the Federal-Indian trust relationship. These agreements will convert current discretionary funds for Federal Indian programs received by tribes into permanent entitlement funds in exchange for tribal agreement to assume full responsibility for self-government.

The bill specifies minimal conditions which both the Federal Government and tribal governments must agree to meet. For example, the Federal Government shall agree to relinquish its current right to review and approve or disapprove tribal government transactions. In turn, the tribes must agree to administer the Federal funds received under the agreements in accordance with standards of accountability which have been established jointly by the tribal government and Federal Government as part of the negotiated agreements.

I want to emphasize that nothing in this proposed bill will change the fundamental trust responsibility which the United States assumed when it entered into binding treaties with the Indian tribes of this Nation. It does not alter tribal governments' current legal jurisdiction, status or treaty rights. Instead, the proposal is designed to build upon the government to government relationship between Indian tribes and the Federal Government. The intent of the proposal is to reinforce the policy of self-determination.

I believe that the new federalism proposal presents everyone with the opportunity to consider the most meaningful ways in which the United States can meet its commitment to tribal governments. For many years, tribal leaders have said that they are in the best position to solve their own problems given the adequate support and freedom to set their own priorities. The new federalism attempts to respond to this longstanding appeal from Indian tribes. In fact, I have heard from some of the tribes who have been at the forefront of the move to reduce the role of the Federal bureaucracy in the administration of Federal Indian programs. They are very interested in the new federalism and I look forward to working with them on this bill. At the same time, I am sure that there are tribes who will find this proposal unacceptable. Others will want to take a long and careful look at the bill before they take a position.

I recognize that this bill will have to undergo extensive review and discussions. I hope that in the course of engaging in this dialog we define all the critical issues which must be addressed if we are to chart a truly new course in Federal-Indian relations. I view the introduction of the bill today today only as a beginning and offer this proposal as a vehicle for discussing the best way the U.S. Government can fulfill its legal and moral responsibility to its native American citizens. I intend to work with the distinguished chairman of the Select Committee on Indian Affairs on developing a full hearing schedule for the bill. In the end, I hope we will be able to agree on a bill which will strengthen tribal governments so true self-determination can become a reality for all Indian people.

I am confident that this proposal will generate much debate in Indian country and want to encourage all interested parties to come forward with their comments, criticisms, and suggestions. I am committed to considering all points of view.

I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) This Act may be cited as the "New Federalism for American Indians Act of 1990".

(b) TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Findings; national goals.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—OFFICE OF FEDERAL-TRIBAL RELATIONS

Sec. 101. Establishment of the Office.
Sec. 102. Appointment and powers of the Director.
Sec. 103. Duties of the Director.
Sec. 104. Coordination with departments and other agencies.
Sec. 105. Budget for the Office.
Sec. 106. Interpreting Federal laws and regulations.

TITLE II—NEW FEDERALISM AGREEMENTS

Sec. 201. Eligibility of Indian tribes.
Sec. 202. Negotiation of New Federalism Agreements.
Sec. 203. Provisions of New Federalism Agreements.
Sec. 204. Limitations on New Federalism Agreements.
Sec. 205. Tribal Self-Governance Grants.
Sec. 206. Purchase of land.
Sec. 207. Effect on existing rights and program eligibility.
Sec. 208. Standards of accountability.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Reporting to Congress and the Indian people.
Sec. 302. Personnel.
Sec. 303. Promulgation of rules and regulations.
Sec. 304. Saving clause; severability.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. FINDINGS; NATIONAL GOALS.

(a) After careful review of the historical and special relationship between the United States and the Indian people, the Congress finds that—

(1) the United States has unique fiduciary responsibilities and obligations toward the Indians, and the Indians have unique rights and privileges, as set forth in treaties, agreements, statutes, and Executive Orders;

(2) the United States originally recognized Indian tribes as independent, sovereign nations with inherent powers of self-government;

(3) in exchange for the lands that now comprise most of the United States, the Federal Government promised the Indian tribes permanent, self-governing reservations, along with Federal goods and services;

(4) the United States has repeatedly broken those promises throughout most of the last two centuries by maintaining a stifling Federal bureaucracy in Indian country and failing to deal with Indian tribal governments as responsible partners in our federal system;

(5) today the Federal Government spends more than $3,000,000,000 per year on Federal Indian programs, including but not limited to the Bureau of Indian Affairs and the Indian Health Service, yet little of these funds reach the Indian people;

(6) the Indian people suffer from extreme poverty, poor health, high suicide rates, and substandard housing;

(7) Federal Indian programs are generally unresponsive to the Indian people, ensnarled in red tape, and riddled with fraud, mismanagement, and waste;

(8) Federal officials have repeatedly ignored known problems and, among other misdeeds, have—

(A) hired teachers at reservation schools despite their known records of child abuse;

(B) failed to heed warnings that their Indian preference contracting programs were dominated by fraudulent shell companies; and

(C) known of mismanagement of Indian natural resources, but refused to stop it; and

(9) Indian tribes, even with limited resources and authority under current Federal law, have established innovative programs that are tribally conceived and directed, and greatly benefit the Indian people.

(b) The Congress declares as major national goals the need to—

(1) reaffirm the status of Indian tribes as sovereign entities with inherent powers of self-government, as guaranteed in treaties, agreements, statutes, and Executive Orders;

(2) strengthen and stabilize Indian tribal governments to promote tribal self-determination and self-sufficiency;

(3) enable the United States and any Indian tribe, on a voluntary, government-to-government basis, to negotiate a mutual agreement that affirms the freedom and authority of the tribe to assess its own needs, set priorities, and design budgets to address those priorities; and

(4) provide each tribe with an annual grant equal to its proportional share of the current Federal Indian budget, as a permanent entitlement with a cost-of-living allowance, in lieu of Federal programs and services.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish an Office of Federal-Tribal Relations to represent the President of the United States in negotiations with Indian tribes;

(2) allow Indian tribes that are accountable to, and govern with the consent of, their own members to negotiate with the President's Office of Federal-Tribal Relations; and

(3) establish parameters for negotiating New Federalism Agreements between the United States and Indian tribes that will protect and advance the interests and rights of the Indian people.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) The term "Director" means the Director of Federal-Tribal Relations, who is the head of the Office of Federal-Tribal Relations of the Executive Office of the President.

(2) The term "eligible Indian tribe" means an Indian tribe that is eligible under section 201 to negotiate a New Federalism Agreement.

(3) The term "Federal Indian program assets" means all land, facilities, vehicles, equipment, supplies, material, books, documents, papers, automated data and files, records, and other property owned by the United States Government that is used by the United States Government to carry out Federal Indian programs.

(4) The term "Federal Indian programs" means all the programs and services provided by the United States to Indians and Indian tribes because of their status as Indians, other than—

(A) Tribal Self-Governance Grants provided under this Act,

(B) programs or services which specifically include Indians or Indian tribes among designated beneficiaries, but which Indians or Indian tribes receive on some basis other than their status as Indians,

(C) Federal funds, programs, and services that are directly granted, or provided under contracts, to States, local governments, or school systems or agencies thereof, and

(D) any funds derived from Indian trust funds on deposit in the Treasury of the United States.

(4) The term "Indian" means any individual who is a member of an Indian tribe.

(5) The term "Indian country" has the meaning given to such term by section 1151 of title 18, United States Code.

(6) The term "Indian tribe" means any—

(A) Indian tribe, band, nation, rancheria, pueblo, colony, or

(B) other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)),

which is recognized as eligible for the programs and services provided by the United States to Indians because of their status as Indians.

(7) The term "local government" means the government of a county, municipality, or township, or other unit of government under the State government which is a unit of general government and is not an Indian tribe.

(8) The term "New Federalism Agreement" means a bilateral agreement negotiated between the United States and an Indian tribe, pursuant to this Act, that is—

(A) signed by the President,

(B) signed by the chairman, president, principal chief, governor, chief executive officer, or duly authorized representative of that Indian tribe,

(C) submitted by the President of the United States to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives,

(D) approved by the Congress by a bill enacted into law, and

(E) ratified by that Indian tribe in accordance with the written constitution or other governing document of that Indian tribe.

(9) The term "Office" means the Office of Federal-Tribal Relations of the Executive Office of the President.

(10) The term "Tribal Self-Governance Grants" means the grants provided to Indian tribes by reason of a New Federalism Agreement in an amount determined under section 205.

TITLE I—OFFICE OF FEDERAL-TRIBAL RELATIONS

SEC. 101. ESTABLISHMENT OF THE OFFICE.

(a) There is hereby established in the Executive Office of the President, the Office of Federal-Tribal Relations.

(b) The Director of Federal-Tribal Relations shall be the head of the Office of Federal Tribal Relations.

(c) The location of the Office of Federal-Tribal Relations in the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House of the Congress to information and documents in the possession of the Director or other personnel of the Office.

SEC. 102. APPOINTMENT AND POWERS OF THE DIRECTOR.

(a) The Director shall be appointed by the President, by and with the advice and consent of the Senate.

(b)(1) No individual shall serve as Director while serving in any other position in the Federal Government or in any official governmental position of an Indian tribe.

(2) The Director shall not participate in any decision which specifically involves an Indian tribe of which the Director, or a relative of the Director, is a member.

(3) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of Federal-Tribal Relations.".

(c)(1) The Director is authorized to—

(A) prescribe such rules, regulations, policies, procedures, and guidelines as may be necessary and proper to carry out the provisions of this Act;

(B) establish, coordinate, and oversee the implementation of policies, objectives, and priorities for the Office;

(C) select, appoint, employ, and fix compensation of such officers and employees as may be necessary to fulfill the duties of the Director under this Act;

(D) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to implement this Act;

(E) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of any Federal agency;

(F) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals that do not exceed the daily equivalent of the rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

(G) use the mails in the same manner as any other department or agency of the Executive Branch; and

(H) carry out financial management of the Office and such other activities as may be necessary to carry out the provisions of this Act.

(2) No individual employed by the Director shall participate in any decision which specifically involves an Indian tribe of which such employee, or a relative of such employee, is a member.

SEC. 103. DUTIES OF THE DIRECTOR.

(a) The Director shall—

(1) represent the President in negotiating New Federalism Agreements with Indian tribes under this Act;

(2) oversee the implementation of New Federalism Agreements between the United States and Indian tribes;

(3) transfer, or reprogram, funds appropriated for Federal Indian programs to provide funds for Tribal Self-Governance Grants, and for other purposes pursuant to this Act;

(4) collect and disseminate comparative data regarding the New Federalism Agreements and the Indian tribes that enter into them; and

(5) establish reporting and audit requirements for Indian tribes that enter into New Federalism Agreements with the United States under this Act.

(b) Except as specifically provided in subsection (a), the Director shall have no authority, duties or powers to supervise, manage, administer, or regulate Indian affairs generally or the affairs of individual Indians or Indian tribes. The Director shall not be authorized to negotiate—

(1) with individual Indians, except as the Director may deem necessary to protect and advance the interests and rights of, individual Indians who have an interest in land

that is held in trust by the United States or is subject to restrictions against alienation under Federal law; or

(2) with an Indian tribe that does not meet the requirements for eligibility set forth in section 201, except as the Director deems necessary to carry out the provisions of paragraph (11) of section 203(a).

(c) In fulfilling the United States' unique fiduciary obligation toward the Indians, the Director shall act, at all times, to protect and advance the interests and rights of all Indian tribes and their members.

SEC. 104. COORDINATION WITH DEPARTMENTS AND OTHER AGENCIES.

(a) Upon request of the Director, and subject to laws governing disclosure of information, the head of any department or agency administering funds appropriated for Federal Indian programs shall provide to the Director such information as the Director considers necessary to enable the Director to carry out the duties of the Director under this Act.

(b) Upon request of an Indian tribe, and prior to the date that is 5 years after the date the Indian tribe enters into a New Federalism Agreement, the Director shall direct the head of any Federal department or agency administering funds appropriated for Federal Indian programs to provide the Indian tribe with assistance, to ensure an orderly transfer of the control and operation of programs, services and assets from such Federal department or agency to the Indian tribe.

(c) The Administrator of General Services shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

(d) The Director shall report any failure to comply with this section to the Congress in any report submitted under section 301.

SEC. 105. BUDGET FOR THE OFFICE.

(a) The Director shall develop for each fiscal year a budget proposal to implement this Act, and shall transmit such budget proposal to the President and to the Congress.

(b) Each Federal Government program manager and each head of any agency or department that administers funds appropriated for Federal Indian programs shall—

(1) transmit the Federal Indian program budget request of such program, agency, or department to the Director at the same time as such request is submitted to the Congress under section 1105(a) of title 31, United States Code, and

(2) ensure timely development and submission of Federal Indian program budget requests to the Director in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget.

(c) Based on the materials submitted to the Director under subsection (b) and on the current progress of negotiations with Indian tribes, the Director shall estimate the percentage by which the budget for all Federal Indian programs will be affected by reason of this Act, and submit such estimate, within 30 days of receipt of such materials, to the President, the Congress, and each head of any agency or department that administers funds appropriated for Federal Indian programs.

SEC. 106. INTERPRETING FEDERAL LAWS AND REGULATIONS.

To the extent feasible, the Director shall interpret Federal laws, regulations, and policies in a manner that will facilitate the implementation of this Act and of the New Federalism Agreements entered into pursuant to this Act.

TITLE II—NEW FEDERALISM AGREEMENTS

SEC. 201. ELIGIBILITY OF INDIAN TRIBES.

(a) An Indian tribe is eligible to negotiate a New Federalism Agreement with the United States if—

(1) the recognized governing body of the Indian tribe submits to the Director a duly enacted resolution which clearly and unambiguously requests the Director to commence negotiations under this Act; and

(2) the Indian tribe operates its government in accordance with a written constitution or other governing document that—

(A) can be amended only by procedures explicitly set forth in such written constitution or other governing document;

(B) explicitly guarantees the civil rights protections set forth in title II of Public Law 90-284 (25 U.S.C. 1301, et seq.), popularly known as the Indian Civil Rights Act;

(C) sets forth a process for ratifying negotiated, government-to-government agreements; and

(D) has been ratified or adopted by a majority vote of all adult enrolled members of the Indian tribe at a special ratification referendum held for that purpose—

(i) in which the number of affirmative votes exceeded the sum of—

(I) the number of negative votes, and

(II) the number of adult enrolled members of the tribe who did not vote in such special ratification referendum; and

(ii) which was called by the recognized governing body of the Indian tribe, under rules and regulations the governing body considered to be fair and equitable, upon petition by at least one-third of the adult members of the Indian tribe or upon passage of a duly enacted resolution of the governing body.

(b) Upon request of an Indian tribe, by duly enacted resolution of the recognized governing body of the Indian tribe, the Secretary of the Interior and the Assistant Secretary for Indian Affairs shall waive all powers to review, approve, disapprove, and authorize, call, and hold special elections regarding the adoption, amendment, or revocation of the constitution or other governing document of the Indian tribe, but only if the recognized governing body submits to the Director, the Secretary of the Interior, and the Assistant Secretary for Indian Affairs written notice that such waiver is being requested pursuant to this Act.

(c) No officer or employee of the Executive Branch of the Federal Government, including the Director, shall require that an Indian tribe meet any requirements, other than those in subsection (a), in order to be eligible to negotiate a New Federalism Agreement.

(d) Nothing in this Act shall be construed as compelling any Indian tribe that does not voluntarily choose to pursue negotiation of a New Federalism Agreement to comply with the provisions of this section.

SEC. 202. NEGOTIATION OF NEW FEDERALISM AGREEMENTS.

(a) The Director and the designee of the recognized governing body of an eligible Indian tribe shall negotiate a mutually agreeable New Federalism Agreement. Both parties to such negotiations shall at all times negotiate in good faith in an effort to protect and advance the interests and rights of the Indian tribe and its members.

(b) Notwithstanding any other provision of law, the Director shall commence government-to-government negotiations with any eligible Indian tribe within ninety days of receiving notification from the Indian tribe in accordance with section 201(a)(1) or by such later date as may be agreed to by the Director and the Indian tribe.

(c) Any written proposal or counterproposal by one party to the negotiation of a New Federalism Agreement shall be responded to, in writing, by the other party within ninety days from receipt of such proposal or counterproposal, or by such later date as may be agreed to by the Director and the Indian tribe.

(d) Failure of the Director to comply with subsection (b) or of either party to comply with subsection (c) shall be considered bad faith negotiation in violation of subsection (a). The Director shall report any such failure to the Congress in any report submitted under section 301.

(e) Nothing in this section shall preclude the parties from mutually agreeing to arbitrate or mediate any disputes which arise from the process of negotiating a New Federalism Agreement nor from seeking relief in a United States district court for a failure to negotiate in good faith under this Act.

SEC. 203. PROVISIONS OF NEW FEDERALISM AGREEMENTS.

(a) A New Federalism Agreement between the United States and an Indian tribe shall explicitly—

(1) reaffirm the existing responsibilities and obligations of the United States and the existing rights, privileges, and immunities of the Indian tribe under treaties, Executive Orders, and Acts of Congress;

(2) recognize that the Indian tribe shall permanently retain its inherent powers and rights to exercise self-government, including, but not limited to, its power to—

(A) determine the form of its government;

(B) determine its membership;

(C) legislate;

(D) administer justice;

(E) exclude persons from its territory; and

(F) negotiate, on a government-to-government basis, with the United States, other Indian tribes, States, and local governments;

(3) waive the applicability to the Indian tribe of all provisions of Federal Indian laws (other than this Act), and regulations promulgated pursuant thereto, that require an officer or employee of the Executive Branch of the Federal Government to review, approve, or disapprove resolutions or actions of the recognized governing body of the Indian tribe;

(4) waive the applicability to the Indian tribe of all other provisions of Federal laws and regulations (except the provisions of this Act) that require an officer or employee of the Executive Branch of the Federal Government to review, approve, or disapprove resolutions or actions of the recognized governing body of the Indian tribe, but only if both parties concur that such waiver is consistent with this Act and with other provisions of such Agreement and is in the best interest of the Indian tribe and its members;

(5) allow the Indian tribe to allocate funds and to plan, redesign, conduct, consolidate, and administer programs, activities, functions, and services in accordance with tribally determined criteria, needs, priorities, and budgets;

(6) make the Indian tribe and its members ineligible for all Federal Indian programs that are in effect on the day before such Agreement is entered into;

(7) retain the future eligibility of the Indian tribe and its members for any Federal Indian programs—

(A) for which the Congress authorizes and appropriates funds after such Agreement is entered into, and

(B) which were not in effect on the day before such Agreement is entered into;

(8) retain the eligibility of the Indian tribe and its members for Federal financial assistance, programs, and services which Indians or Indian tribes receive on some basis other than their status as Indians, regardless of whether such programs specifically include Indians or Indian tribes among designated beneficiaries;

(9) require the United States to provide to the Indian tribe an annual Tribal Self-Governance Grant as a permanent entitlement in the amount determined under section 205, in lieu of eligibility for current Federal Indian programs, but no program categories or restrictions shall be placed on the use of such grant, other than the restriction that such grant must be used exclusively for the exercise of governmental functions that the recognized governing body of the Indian tribe deems essential for the benefit of the current and future members of the Indian tribe, including, but not limited to, education, health, social services, housing, economic development, resource management, and law enforcement;

(10) transfer from the United States Government to the Indian tribe, without reimbursement from the Indian tribe, and subject to laws governing disclosure of information, Federal Indian program assets, and legal title thereto, that—

(A) the Director determines are used exclusively to benefit the Indian tribe or its members; and

(B) the Director and the Indian tribe mutually consider necessary to carry out the responsibilities of the Indian tribe pursuant to such Agreement;

(11) transfer from the United States Government to the Indian tribe, without reimbursement from the Indian tribe, and subject to laws governing disclosure of information, Federal Indian program assets and legal title thereto, or interests in Federal Indian program assets and legal title thereto, that are used to benefit members of more than one Indian tribe and that the Director and the Indian tribe negotiating such Agreement mutually consider necessary to carry out the responsibilities of the Indian tribe pursuant to such Agreement, but only if—

(A) the transfer of any of such assets is approved by the recognized governing bodies of at least 75 percent of the Indian tribes whose members benefit directly from such assets, and

(B) such approving Indian tribes represent at least 75 percent of the Indians who benefit directly from such assets, as determined by the Director;

(12) require the Indian tribe to operate its government in accordance with the current written constitution or other governing document of the Indian tribe, as amended only by procedures explicitly set forth in such written constitution or other governing document;

(13) require the Indian tribe to comply with the standards of accountability set forth in section 208, and regulations promulgated pursuant thereto;

(14) recognize and specify the legal responsibilities assumed by the Indian tribe and the legal responsibilities of the United States; and

(15) set dates on which each of the above provisions of such Agreement shall become effective.

(b) Subject to the provisions of this Act, the United States and an Indian tribe may negotiate additional provisions in a New Federalism Agreement to provide for a transitional period before the provisions described in subsection (a) become fully effective.

(c) A New Federalism Agreement between the United States and an Indian tribe shall enter into full effect upon mutual agreement between the Government of the United States and the recognized governing body of the Indian tribe and the subsequent completion of the following:

(1) signing of such Agreement by the President;

(2) signing of such Agreement by the chairman, president, principal chief, governor, chief executive officer, or duly authorized representative of the Indian tribe;

(3) submission of such Agreement by the President to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives;

(4) approval of such Agreement by the Congress by a bill enacted into law; and

(5) ratification of such Agreement by the Indian tribe in accordance with the written constitution or other governing document of the Indian tribe.

(d) Attempts to negotiate an agreement that would not be in full compliance with the provisions of subsections (a), (b), and (c) shall be considered bad faith negotiation in violation of section 202(a). The Director shall report any such attempts to the Congress in any report submitted under section 301.

SEC. 204. LIMITATIONS ON NEW FEDERALISM AGREEMENTS.

(a) Any New Federalism Agreement between the United States and an Indian tribe shall not—

(1) abrogate or deny the Federal trust responsibility or any right, privilege, or immunity afforded any Indian tribe or Indian under any treaty, Executive Order, or Act of Congress;

(2) affect any claim by an Indian tribe or Indian against the United States;

(3) affect or modify, in any way, the right of any Tribe or any State or local government to exercise power in Indian country, including, but not limited to—

(A) jurisdiction over criminal offenses;

(B) jurisdiction over civil causes of action;

(C) jurisdiction to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of any real or personal property, including water rights, belonging to any Indian or Indian tribe, or any interest therein;

(D) power to tax or regulate the use of real or personal property, including water rights, of any Indian or Indian tribe; or

(E) power to regulate, control, license, or tax hunting, trapping, fishing, gathering, or other behavior.

(b) Attempts to negotiate an agreement that would not be in full compliance with the provisions of subsection (a) shall be considered bad faith negotiation in violation of section 202(a). The Director shall report any such attempts to the Congress in any report submitted under section 301.

SEC. 205. TRIBAL SELF-GOVERNANCE GRANTS.

(a) The Director shall provide to each Indian tribe, under the terms of a New Federalism Agreement entered into by the Indian tribe that is in effect, a Tribal Self-Governance Grant in the amount determined with respect to the Indian tribe under subsection (b).

(b)(1)(A) For the first fiscal year in which an Indian tribe is to receive a Tribal Self-Governance Grant, the Indian tribe shall be entitled to receive as the Tribal Self-Governance Grant a total amount equal to the Indian tribe's proportional share of the sum of—

(i) the total amount appropriated for the fiscal year for all Federal Indian programs, plus

(ii) the total amount appropriated for the fiscal year for all Tribal Self-Governance Grants.

(B) For purposes of subparagraph (A), the proportional share of an Indian tribe is the percentage determined by dividing the population of the Indian tribe by the total population of all Indian tribes. Such calculations shall be made using the extended service population figures of the Bureau of Indian Affairs of the Department of the Interior, as of November 1, 1989.

(C) If an eligible Indian tribe whose membership was not counted as part of the extended service population figures of the Bureau of Indian Affairs of the Department of the Interior as of November 1, 1989, notifies the Director of its intent to negotiate a New Federalism Agreement pursuant to section 201(a)(1), the Director shall estimate a fair and equitable amount for the Tribal Self-Governance Grant of the Indian tribe and shall request in writing that the Congress authorize and appropriate additional funds in the amount of such estimate.

(2) For the second fiscal year in which an Indian tribe is to receive a Tribal Self-Governance Grant under the terms of a New Federalism Agreement, and for each fiscal year thereafter, the Indian tribe shall be entitled to receive as the Tribal Self-Governance Grant the same total amount that the Indian tribe received as the Tribal Self-Governance Grant in the previous fiscal year, adjusted for each fiscal year by a cost-of-living allowance equal to the percentage change in the United States Gross National Product Implicit Deflator, using the beginning of fiscal year 1992 as the base.

(c) The Director shall make such adjustments for population for purposes of this section as may be necessary on the basis of each decimal census following the date of the enactment of this Act.

(d) Tribal Self-Governance Grants shall be exempt from reduction under any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901, et seq.).

(e) Notwithstanding any other provision of law, any Tribal Self-Governance Grant shall be treated as tribal funds that were not derived from the Federal Government for the purpose of any Federal law which requires the Indian tribe to make a contribution in order to receive further Federal funds.

(f) Tribal Self-Governance Grants shall be obligated on October 1 of each fiscal year and shall be advanced in accordance with applicable Treasury regulations and shall remain available for obligation and expenditure during any subsequent fiscal year.

(g) Except as otherwise provided, approval of a New Federalism Agreement by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the Tribal Self-Governance Grants specified in this section. Such obligation of the United States under this title shall be enforceable in the United States Claims Court, or its successor court, which shall have jurisdiction in cases arising under this Act.

The decisions of such Court shall be reviewable as provided under Federal law.

SEC. 206. PURCHASE OF LAND.

An Indian tribe that expends funds derived from a Tribal Self-Governance Grant to purchase land, or a majority interest therein, within the boundaries of the reservation of the Indian tribe (or adjoining, on at least two sides, lands subject to the Indian tribe's jurisdiction) may, by duly enacted resolution of the recognized governing body of the Indian tribe, extend its jurisdiction to the newly acquired land.

SEC. 207. EFFECT ON EXISTING RIGHTS AND PROGRAM ELIGIBILITY.

(a) Nothing in this Act, or in any New Federalism Agreement entered into pursuant to this Act, shall be construed as—

(1) requiring or permitting the termination of any existing trust responsibility of the United States with respect to any Indians;

(2) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by any Indian tribe;

(3) affecting, modifying, diminishing, or otherwise impairing the existing immunity of any Indian tribe or Indian from any State's power to administer justice, regulate behavior, or tax persons or property;

(4) affecting the existing eligibility for Federal financial assistance of State or local governments, or school systems or agencies thereof;

(5) affecting the existing obligations of State or local governments, or school systems or agencies thereof; or

(6) having any effect described in section 204.

(b) Notwithstanding any other provision of law, receipt of a Tribal Self-Governance Grant shall not, by itself, preclude the eligibility of an Indian tribe or its members to receive, or benefit from—

(1) Federal financial assistance, programs, or services which Indians or Indian tribes receive on some basis other than their status as Indians, regardless of whether such program specifically includes Indians or Indian tribes among designated beneficiaries; or

(2) State or local governmental financial assistance, programs, or services.

SEC. 208. STANDARDS OF ACCOUNTABILITY.

(a) Any Indian tribe that receives a Tribal Self-Governance Grant shall retain, for at least five years, such records as the Director may prescribe by regulation, including any books, documents, papers, automated data and files, and records which may be necessary to—

(1) facilitate an effective annual single-agency audit, as required by chapter 75 of title 31, United States Code; and

(2) certify an annual financial statement, prepared in accordance with generally accepted accounting principles, which accounts for the use of all Federal funds, including but not limited to Tribal Self-Governance Grants, expended or obligated by the Indian tribe, its recognized governing body, or any legally established organization which is controlled, sanctioned, or chartered by such governing body.

(b) Records retained pursuant to subsection (a) shall be available, for the purpose of audit and examination, to—

(1) any adult member of the Indian tribe;

(2) the Director or his duly authorized representative; and

(3) the Comptroller General of the United States or his duly authorized representative.

(c)(1) For each fiscal year during which an Indian tribe receives a Tribal Self-Governance Grant, the Indian tribe shall submit to the Director a report including a certified financial statement, as set forth in subsection (a)(2), and such other information as the Director may request through regulations. The reports shall be in such form and detail and shall be submitted at such time as the Director may prescribe.

(2) Within thirty days of submission of a report required under paragraph (1) to the Director, the Indian tribe shall mail copies of such report, in an easily readable and understandable form, to each household containing one or more adult members of the Indian tribe.

(d) The Comptroller General of the United States shall make such reviews of the actions taken by the Director and the Indian tribes under this Act as may be necessary for the Congress to evaluate compliance and operations under this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REPORTING TO CONGRESS AND THE INDIAN PEOPLE.

(a) By no later than March 1 of each year, the Director shall submit to the President, the Congress, and each Indian tribe an annual report, in an easily readable and understandable form, on the activities of the Office and the implementation of this Act. Such report shall include summaries of—

(1) statistical data comparing the socioeconomic conditions and governmental budgets of Indian tribes that have entered into New Federalism Agreements with such conditions and budgets of Indian tribes that have not entered such Agreements;

(2) instances of noncompliance with sections 104 or 105 by any Federal department or agency;

(3) instances of bad faith negotiation, pursuant to sections 202, 203, or 204; and

(4) views of each Indian tribe that has requested, engaged in, or completed, negotiations regarding a New Federalism Agreement.

(b) Within thirty days of delivery of such report to the President, the Congress, and the Indian tribes, the Director shall mail a summary of such report, in an easily readable and understandable form, to each household containing one or more Indian adults.

(c)(1) In addition to any report required under subsection (a) or (b), the Director shall submit a written report to the President, the Congress, and the recognized governing body of an Indian tribe within sixty days from the date on which the Director determines that the Indian tribe, subsequent to entering into a New Federalism Agreement—

(A) seriously violates the rights or significantly endangers the health, safety, or welfare of any persons;

(B) engages in a clear pattern of gross negligence or mismanagement in the handling of Tribal Self-Governance Grants or Federal Indian program assets provided to the Indian tribe pursuant to such Agreement; or

(C) clearly expresses a desire to renegotiate or reverse fundamental provisions of such Agreement by—

(i) duly enacting a resolution of the tribe's recognized governing body which clearly and unambiguously requests such renegotiation or reversal; and

(ii) requesting such renegotiation or reversal by a majority vote of all adult enrolled members of the tribe at a special referendum held for that purpose and conducted in the same manner as provided in section 201(a)(2)(D).

(2) Any report submitted by the Director under paragraph (1) shall outline the performance of the Indian tribe under the New Federalism Agreement and recommend specific and appropriate corrective action.

SEC. 302. PERSONNEL.

(a) Upon leaving Federal employment to be employed by an Indian tribe that enters into a New Federalism Agreement, the civil service employment rights of a Federal employee employed in connection with a Federal Indian program and serving under an appointment not limited to one year or less are entitled to the same protections provided under subsections (e) through (i) of section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i).

(b) In coordination with the affected Federal department or agency, the Director shall provide such assistance, other than financial assistance, as the Director deems necessary and proper to any Federal employee, not covered by subsection (a), serving under an appointment not limited to one year or less who has left or will soon leave Federal employment because of the elimination of such employee's position by the transfer of Federal Indian programs from the Federal Government to an Indian tribe that enters into a New Federalism Agreement.

SEC. 303. PROMULGATION OF RULES AND REGULATIONS.

(a) The Director is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper to carry out the provisions of this Act. All of such rules and regulations shall be made in a manner that promotes the maximum participation of Indian tribes.

(b)(1) Within eight months after the date of enactment of this Act, the Director shall consider and formulate appropriate regulations to implement the provisions of this Act, with the maximum participation of Indian tribes.

(2) Within eleven months after the date of enactment of this Act, the Director shall present the proposed regulations to the Select Committee on Indian Affairs of the Senate and to the Committee on Interior and Insular Affairs of the House of Representatives.

(3) Within twelve months after the date of enactment of this Act, the Director shall publish proposed regulations in the Federal Register for the purpose of receiving comments from Indian tribes and other interested parties.

(4) Within eighteen months after the date of enactment of this Act, the Director shall promulgate regulations to implement the provisions of this Act.

(c) In order to make such rules and regulations as may be necessary and proper to carry out section 208, the Director shall—

(1) promote the maximum participation of Indian tribes;

(2) consult with the Director of the Office of Management and Budget;

(3) consult with the Comptroller General of the United States; and

(4) examine those standards of accountability which State and local governments that are similar to Indian tribes in size, geography, demography, and economy (including rural county governments) must meet in order to receive Federal funds.

SEC. 304. SAVING CLAUSE; SEVERABILITY.

(a) To the extent that there is a conflict between any provision of this Act and any

other provision of Federal Indian law, the provisions of this Act shall govern.

(b) If any provision of this Act or the application thereof to any Indian tribe, entity, person, or circumstance is held invalid, neither the remaining provisions of this Act, nor the application of any provisions herein to other Indian tribes, entities, persons, or circumstances, shall be affected thereby.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for the fiscal year in which this Act is enacted, and for each fiscal year thereafter, such sums as may be necessary to carry out the provisions of this Act. Such sums shall remain available until expended.

(b) Notwithstanding subsection (a), nothing in this Act shall be considered to authorize appropriations for any Tribal Self-Governance Grant—

(1) for the fiscal year in which this Act is enacted or the first fiscal year succeeding such year; or

(2) for an Indian tribe if the New Federalism Agreement entered into by the Indian tribe has taken effect, in accordance with section 203(c), less than twelve months before such appropriation.

(c) Funds for Tribal Self-Governance Grants made to Indian tribes for the first fiscal year for which the Indian tribes are to receive a Tribal Self-Governance Grant shall be transferred or reprogrammed from the appropriations made for Federal Indian programs by a uniform percentage reduction in the appropriations made for the Federal Indian programs of each Federal department and agency for that fiscal year.●

● Mr. McCAIN. Mr. President, I am pleased to join with Senator DECONCINI today as a cosponsor of a bill to authorize a new federalism for Indian tribes. I view this bill as an important step in continuing the dialog necessary to resolve many of the problems in the administration of Federal Indian programs which were identified by the Special Committee on Investigations during the last 2 years.

It is abundantly clear that we have failed to keep many of our basic commitments to the Indian tribes. Among the most basic of our promises was that the tribes would continue to be self-governing in return for their agreement to cede most of their lands to the United States. Instead of true self-governance, the tribes now find themselves having to contend with an often arbitrary and wasteful Federal bureaucracy which meddles in all aspects of Indian governance.

During the 100th Congress, Senator INOUYE, the chairman of the Select Committee on Indian Affairs, along with Senator EVANS, responded to tribal pleas for true self-governance by establishing a self-governance demonstration project. Seventeen tribes are currently participating in this project and I am confident that they will successfully demonstrate their ability to operate their governments free from stifling Federal bureaucratic controls. The concept of a new federalism seeks to build upon the self-governance demonstration project and to extend it to all interested tribes.

Mr. President, I am sure that this bill is an important vehicle for discussion. I believe that it will help everyone focus on some of the more difficult issues involved in promoting tribal self-governance. I have already heard from Indian leaders who are concerned about allocations of Federal funds and the continuation of the trust responsibility. It is important for everyone to understand that it will take a lot of careful thought and discussion before we can craft final legislative language on these issues and other points of concern. Some Indian leaders have flatly rejected the concept of New Federalism as nothing more than a disguise for the discredited policy of termination. While I appreciate this concern, nothing could be further from the truth. We propose to strengthen, not eliminate, the role of tribal governments in our Federal system. I voted in the 100th Congress to repeal the termination resolution and I will not support any legislative action which would return us to that misguided policy.

I welcome the views of all interested parties as we deliberate on this issue in the months and years ahead.●

By Mr. BOSCHWITZ:

S. 2513. A bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable; to the Committee on Governmental Affairs.

CONGRESSIONAL RECYCLING ACT

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce the Congressional Recycling Act of 1990.

According to the Environmental Protection Agency, Americans generate 160 million tons of trash every year, 50 percent of the world's total trash. Only 10 percent of this trash is recycled—most of the rest is disposed of in landfills. As I have stated here before, we cannot let this trend continue. The EPA expects that 75 percent of our existing landfills will be closed within 15 years, and they do not anticipate many new ones being opened.

For this reason, I think it is imperative that we encourage the American people to recycle more and use more recycled products. I am pleased by the number of bills that have been introduced in Congress to promote recycling—indeed, I sponsored one myself to encourage the recycling of old newsprint. However, I feel that we as a Congress must set the example for the rest of the Nation. Congress currently produces 20,000 tons of trash every year. Last year, we passed a resolution that I sponsored to set up a Senate recycling program. Now, offices on the fifth and sixth floors of the Hart Building, including my office, are participating in a pilot program that I hope will be expanded to the entire Congress by the end of the year.

We need to do more, though. In addition to sorting our garbage for recycling, we need to use as many recycled products as we can here in Congress. The House Clerk and Senate Secretary already provide our offices with many recycled paper products. The letterhead stationery that we all use is made of 50-percent recycled fibers, and the Senate Secretary is currently studying the use of recycled copier paper in Senate offices.

But we must ensure that we use recycled paper whenever possible in order to set an example for the rest of the Nation to follow. The bill I am introducing here today would require the Clerk of the House of Representatives and the Secretary of the Senate to buy recycled paper and paper products whenever possible, assuming that the cost of such products is not excessive.

We in Congress can do our part to solve the impending garbage crisis by using recycled products. Efforts to promote recycling are being undertaken across the Nation, and it is important that we participate in these efforts.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Congressional Recycling Act of 1990".

SEC. 2. REQUIREMENT FOR CONGRESS TO PURCHASE RECYCLED PAPER AND PAPER PRODUCTS.

(a) PAPER PURCHASED BY CONGRESS.—(1) The Clerk of the House of Representatives and the Secretary of the Senate shall take such action as may be necessary to assure that recycled paper and paper products are used to the greatest extent practicable in the operations of the House of Representatives and the Senate, respectively. Any decision not to use recycled paper or paper products shall be based on a determination that such items are (A) not available, or (B) available only at an unreasonable price.

(2) In carrying out the requirement of paragraph (1), the Clerk of the House and the Secretary of the Senate shall, at a minimum, take such action as may be necessary to assure that recycled paper or paper products are purchased under each contract, or subcontract under a contract, for the procurement of 10,000 pounds or more of paper or paper products.

(b) PAPER PURCHASED FOR CONGRESSIONAL PURPOSES.—The Public Printer shall take such action as may be necessary to assure that, in providing printing and other services to the House of Representatives, the Government Printing Office uses recycled paper and paper products to the greatest extent practicable. Any decision not to use recycled paper or paper products shall be

based on a determination that such items are (A) not available, or (B) available only at an unreasonable price.

(c) UNREASONABLE PRICE.—For purposes of this Act, an unreasonable price is one which exceeds by more than 10 percent the price of nonrecycled paper or paper products.

(d) DEFINITIONS.—For purposes of this Act:

(1) The term "paper and paper products" includes printing and writing paper, corrugated boxes, napkins, tissue paper, and such other paper and paper products as may be considered necessary or appropriate to be included in such term by the Clerk of the House of Representatives, the Secretary of the Senate, or the Public Printer in implementing this Act.

(2) The term "recycled paper and paper products" means paper and paper products that contain the level of recovered material recommended by the Administrator of the Environmental Protection Agency in guidelines for Federal procurement of paper and paper products containing recovered materials, prepared pursuant to section 6002 of the solid Waste Disposal Act (42 U.S.C. 6962).

SEC. 3. ANNUAL REPORTS.

The Clerk of the House of Representatives and the Secretary of the Senate, in consultation with the Public Printer, shall each publish a report on the implementation of this Act in the House of Representatives and the Senate, respectively. Each report shall include information on the progress and problems associated with such implementation, and findings and recommendations with respect to such implementation.●

By Mr. PELL (by request):

S. 2514. A bill to authorize appropriations for activities under the Peace Corps Act for fiscal year 1991, and for other purposes; to the Committee on Foreign Relations.

PEACE CORPS ACT AMENDMENTS

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for activities under the Peace Corps Act for fiscal year 1991, and for other purposes.

This proposed legislation has been requested by the Peace Corps, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Director of the Peace Corps to the President of the Senate, which was received on April 18, 1990.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peace Corps Act Amendments of 1990".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act (hereinafter the "Act") is amended to read as follows: "There are authorized to be appropriated $181,061,000 for the fiscal year 1991."

SEC. 3. DEPOSIT REQUIREMENT FOR RETIREMENT CREDIT FOR SERVICE AS VOLUNTEER OR VOLUNTEER LEADER AT AGE 62.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) EXCEPTION TO EXCLUDABILITY OF SERVICE.—Section 8332(j) of title 5, United States Code, is amended—

(A) in paragraph (1) by striking our "chapter 34 of title 22" each place it appears and inserting in lieu therof "the Peace Corps"; and

(B) by adding at the end thereof the following new paragraph:

"(3) The provisions of paragraph (1) of this subsection relating to credit for service as a volunteer or volunteer leader under the Peace Corps Act shall not apply to any period of service as volunteer or volunteer leader under that Act of an employee or Member with respect to which the employee or Member has made a deposit with interest, if any, under section 8334(1) of this title.".

(2) DEPOSITS.—

(A) DEPOSITS FROM READJUSTMENT ALLOWANCE.—Section 8334 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(1)(1) Each employee or Member who has performed service as volunteer or volunteer leader under the Peace Corps Act before the date of the separation on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office shall issue, to the agency by which the employee is employed, or in the case of a Member or a Congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 7 percent of the readjustment allowance paid under sections 5(c) and 6(1) of the Peace Corps act to the employee or Member for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—(A) the date of enactment of the Peace Corps Act Amendments of 1990, or (B) the date on which the employee or Member making the deposit first becomes an employee or Member, shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (e) of this section.

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director of the Peace Corps shall furnish such information to the Office as the Office may determine to be necessary for the administration of this subsection.".

(B) CONFORMING AMENDMENT.—Section 8334(e) of title 5, United States Code, is amended in paragraphs (1) and (2) by striking out "or (k)", and inserting in lieu thereof "(k), or (l)".

(3) TECHNICAL AMENDMENT.—Section 8332(b)(5) of title 5, United States Code, is amended by striking out "chapter 34 of title 22" and inserting in lieu thereof "the Peace Corps Act".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) CREDITABILITY OF SERVICE.—Section 8411 of title 5, United States Code, is amended—

(A) in subsection (b)(3) by striking out "subsection (f)" and inserting in lieu thereof "subsection (f) or (g)'; and

(B) by adding at the end thereof the following new subsection: "(g) An employee or Member shall be allowed credit for service as a volunteer or volunteer leader under the Peace Corps Act only if the employee or Member has made a deposit with interest, if any, with respect to such service under section 8422(f).".

(2) DEPOSITS.—Section 8422 of title 5, United States Code is amended by adding at the end thereof the following new subsection:

"(f)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under the Peace Corps Act before the date of the separation on which the entitlement to any annunity under this subchapter, or subchapter V of this chapter, is based may pay, in accordance with such regulations as the Office shall issue, to the agency by which the employee is employed, or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 3 percent of the readjustment allowance paid under sections 5(c) and 6(1) of the Peace Corps Act to the employee or Member for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

(A) the date of enactment of the Peace Corps Act Amendments of 1990, or

(B) the date on which the employee or Member making the deposit first becomes an employee or Member, shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e).

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subchapter shall be immediately remitted to the Office for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director of the Peace Corps shall furnish such information to the Office as the Office may determine to be necessary for the administration of this subsection.".

(c) APPLICABILITY; OTHER PROVISIONS.—

(1) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply with respect to credit for service as a volunteer or volunteer leader under the Peace Corps Act in the case of any individual who is entitled to an annuity under subchapter III of chapter 83 of title 5, United States Code, on the basis of a separation from service occurring on or after the effective date of this Act, or to an individual entitled to an annuity under chapter 84 title 5 on the basis of a separation from service occurring before, on, or after the effective date of this Act. In the case of any individual whose entitlement to annuity is based on a separation from service occurring before the 180th day following the date of enactment of this Act, the Office of Personnel Management

shall provide an opportunity for such individual to make the deposit required by section 8422(f) of title 5, United States Code, as added by this Act. Any increase in such individual's annuity on the basis of such deposit shall be effective with respect to annuity payments payable for calendar months beginning after September 30, 1990. In the case of any individuals whose entitlement to annuity under subchapter III of chapter 83 is based on a separation from service occurring before the date of enactment of this Act, credit for service under such subchapter III shall be subject to paragraph (2) through (6).

(2) REDUCTION FORMULA.—Subject to paragraph (3), in any case in which an individual described in the fourth sentence of paragraph (1) is also entitled to old-age or survivors' insurance benefits under section 202 of the Social Security Act (or would be entitled to such benefits upon filing application therefor), the amount of the annuity to which such individual is entitled under the subchapter III of chapter 83 of title 5, United States Code (after taking into account service as a volunteer or volunteer leader under the Peace Corps Act) which is payable for any month shall be reduced by an amount determined by multiplying the amount of such old-age or survivor's insurance benefit for the determination month by a fraction—

(A) the numerator of which is the total of the wages (within the meaning of section 209 of the Social Security Act) for service as a volunteer or volunteer leader under the Peace Corps Act of such individual credited for years before the calendar year in which the determination month occurs, up to the contribution and benefit base determined under section 230 of the Social Security Act (or other applicable maximum annual amount referred to in section 215(e)(1) of such Act) for each such year, and

(B) the denominator of which is the total of all wages described in subparagraph (A) of this subsection plus all other wages (within the meaning of section 209 of such Act) and all self-employment income (within the meaning of section 211(b) of such Act) of such individual credited for years after 1936 and before the calendar year in which the determination month occurs, up to the contribution and benefit base (or such other amount referred to in such section 215(e)(1) for each such year.

(3) MINIMUM ANNUITY.—Paragraph (2) shall not reduce the annuity of any individual below the amount of the annuity which would be payable to the individual for the determination month if service of a volunteer or volunteer leader under the Peace Corps Act were not creditable in the computation of the individual's annuity for such month.

(4) DEFINITION.—For purposes of this subsection, the term "determination month" means—

(A) the first month the individual described in the fourth sentence of paragraph (1) is entitled to old-age or survivors' benefits under section 202(a) of the Social Security Act (or would be entitled to such benefits upon filing application therefor); or

(B) October 1990, in the case of any individual so entitled to such benefits for such month.

(5) EFFECTIVE DATE.—The provisions of paragraphs (2) through (4) of this subsection shall take effect with respect to any annuity payment payable under subchapter III of chapter 83 of title 5, United States Code, for calendar months beginning after September 30, 1990.

(6) INFORMATION.—The Secretary of Health and Human Services shall furnish such information to the Office of Personnel Management as may be necessary to carry out the preceding provisions of this subsection.

SECTION-BY-SECTION ANALYSIS

Section 1 provides a short title for the bill, the "Peace Corps Act Amendments of 1990".

Section 2 amends Section 3 of the Peace Corps Act (hereinafter the "Act") to authorize the appropriation of $181,061,000 to support the activities authorized by the Act in fiscal year 1991.

Section 3 amends provisions of title 5, United States Peace Code, relating to the Civil Service Retirement System and the Federal Employees Retirement System to correct a problem relating to the crediting of Peace Corps Volunteer service in the computation of federal retirement benefits. Section 5(f) of the Peace Corps Act, and section 8332(f)(5) of title 5, United States Code, authorize the crediting of periods of satisfactory Peace Corps Volunteer Service for federal retirement purposes if the Volunteer becomes a federal employee after his or her Volunteer service and later qualifies for federal civilian retirement benefits. Peace Corps Volunteer service is also made creditable service for purposes of Old Age and Survivors Insurance (Social Security) by 42 U.S.C. § 410(o).

However, 5 U.S.C. § 8832(j) requires that former Volunteers who are eligible for both Civil Service Retirement benefits and Social Security benefits cannot use the credit they earned through Peace Corps Volunteer service in computing the level of their Civil Service Retirement benefits. Thus, a retired federal employee who is eligible for Civil Service Retirement benefits, and also for Social Security benefits in any amount would have his or her federal pension reduced by the amount attributable to Peace Corps Volunteer service upon reaching age 62, the age of eligibility for Social Security benefits.

An identical exclusion, applicable to post-1956 military service, was eliminated in 1982 (Public Law 97-253, approved September 8, 1982), by permitting the employee to retain eligibility for Civil Service retirement benefits attributable to military service by making a deposit, with interest, to the Civil Service Retirement and Disability Fund. The amendment proposed would extend the same opportunity to former Peace Corps Volunteers.

Under the proposed amendment, a former Volunteer, at age 62, would be entitled to retain the credit already authorized by the Peace Corps Act for his or her volunteer service for Civil Service Retirement System purposes, or for Federal Employee Retirement System purposes, by making a deposit of an appropriate percentage of his or her Peace Corps readjustment allowance in the Civil Service Retirement and Disability Fund. Under 5 U.S.C. § 8332(f) only the Peace Corps Volunteer's readjustment allowance is deemed to be pay for CSRS purposes. Deposits made more than two years after the later of the date of enactment of the Peace Corps Act Amendments of 1990, or the date on which the former Volunteer first becomes eligible for participation in the CSRS or FERS would be required to include interest on the amount of the deposit compounded annually beginning on the date of expiration of the two-year grace period. The civil service retirement benefits payable to former Volunteers who elect Civil Service Retirement System benefits would be reduced by an amount of their Social Security benefits calculated on the basis of the ratio between their Peace Corps Volunteer service wages and their total Civil Service wages.

PEACE CORPS,
OFFICE OF THE DIRECTOR,
Washington, DC, April 12, 1990.

Hon. DAN QUAYLE,
President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the United States Peace Corps, I am pleased to propose legislation authorizing activities under the Peace Corps Act for fiscal year 1991.

These activities, carried out principally by Peace Corps Volunteers, advance the three basic goals of the Peace Corps Act: to help the peoples of interested countries and areas meet their needs for trained manpower, to help promote understanding of the American people by such peoples, and a better understanding of such peoples by the American people. In these ways, we can continue to advance the stated purpose of the Act, "to promote world peace and friendship."

The bill would authorize $181,061,000, the amount of the President's budget request, for fiscal year 1991.

Our proposed bill would also correct a retirement systems benefit problem which affects former Peace Corps Volunteers. Currently, former Volunteers eligible for old age benefits under the Civil Service Act lose, at age 62, the credit already authorized for volunteer service by the Peace Corps Act in computing civil service retirement benefits. The bill would rectify this inequity, placing former volunteers in a position similar to former members of the armed services.

We would appreciate your consideration and enactment of this proposal. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress and that its enactment would be in accord with the program of the President.

Sincerely,

PAUL D. COVERDELL,
Director, U.S. Peace Corps.●

By Mr. SIMON:

S. 2515. A bill to amend the Health Care Quality Improvement Act of 1986 to prohibit discrimination against international medical graduates, to provide for the establishment of a National Repository of Physician Records, and for other purposes; to the Committee on Labor and Human Resources.

INTERNATIONAL MEDICAL GRADUATES ANTI-DISCRIMINATION ACT

● Mr. SIMON. Mr. President, I rise today to introduce the International Medical Graduates Anti-Discrimination Act. This act amends the Health Care Quality Improvement Act of 1986 and prohibits discrimination against international medical graduates, provides for the establishment of a National Repository of Physician Records, and establishes a licensing examination grant program.

International medical graduates have been an integral part of our health care system. They represent 22

percent of all physicians, and of the 123,000 international medical graduates, 48,000 are Board certified. Direct medical care is critical in our health care delivery system and 80 percent of international medical graduates provide this type of care. They also play an important role in the education and training of future physicians. Twenty percent of international medical graduates are on the staff of private or public teaching hospitals and universities and almost 50 percent of physicians at the National Institutes of Health are international medical graduates. It is important to recognize that international medical graduates are not comprised solely of foreign nationals since almost 29 percent of international medical graduates are U.S. citizens.

The treatment of international medical graduates has been a social injustice that we can no longer ignore. The elimination of discrimination must be our No. 1 goal and redressing the wrongs inflicted upon international medical graduates is one step toward that goal.

International medical graduates have found it difficult to practice in this country. The creation of the National Repository of Physician Records will provide international medical graduates with a structure that will facilitate licensing by endorsement. No longer will these physicians have to wait for months upon months for official records to arrive from their medical school which is continents away.

At present, international medical graduates are prohibited from taking the third part of the National Licensing Examination. Instead, they are required to take an alternate examination. This bill will eliminate the dual examination system. One exam will be administered to all medical graduates irrespective of where they received their medical degree.

Countless case studies have been documented describing the differential treatment provided to international medical graduates. We must end this double standard in which we rely so heavily upon international medical graduates to provide health care but treat them as second-class citizens.

The lack of access to health care in our society has been well documented and international medical graduates can be a valuable resource and be a part of the solution to our health care crisis. The access to health care can never come at the expense of quality of care to our citizens. Establishing requirements that are equal for both international medical graduates and domestically trained graduates can only lead to a health care system that provides both greater access and quality care to our citizens.

I call on my distinguished colleagues to join me in cosponsoring this act.●

By Mr. EXON (for himself, Mr. HATCH, and Mr. BINGAMAN):

S. 2516. A bill to augment and improve the quality of international data compiled by the Bureau of Economic Analysis under the International Investment and Trade in Service Survey Act by allowing that agency to share statistical establishment list information compiled by the Bureau of the Census, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL DATA IMPROVEMENT ACT

Mr. EXON. Mr. President, I am pleased to introduce on behalf of the Bush administration the Foreign Investment Analysis Act of 1990. Congressman NORM LENT, of New York, is also introducing identical legislation in the House of Representatives.

This legislation would improve the collection and analysis of information on foreign investment in the United States. I worked closely with the Reagan administration in reaching agreement on the Exon-Florio law which gave the President the power to investigate and if necessary stop a foreign purchase of an American company when such a transaction might threaten U.S. national security.

I am pleased to now work with the Bush administration to improve the Nation's analysis of data on foreign investment. It is crucial that policymakers in Congress and the administration have a clear, accurate, and useful picture of actual trends in foreign investment. Current data collection procedures on foreign investment present an incomplete and distorted picture of foreign ownership of U.S. assets.

This legislation would allow the Bureau of Economic Analysis [BEA] and the Bureau of the Census, both agencies of the U.S. Department of Commerce, to cooperate and share data to provide better information on foreign investment. The information would be used for statistical analysis and the confidentiality of data submitted to both agencies would be strictly protected.

Under current law, the Census Bureau collects and classifies information on all business enterprises and establishments operating in the United States and the BEA only collects and classifies information on foreign-owned enterprises. In other words, the BEA which has foreign investment analysis responsibilities within the Department of Commerce does not currently classify information about foreign businesses operating in the United States at the smaller, operational level; it only classifies information at the enterprise for parent company level.

To illustrate the current problem, a foreign oil company with chemical, electronics, and transportation businesses, for example, would be classified as a foreign oil company under current BEA practice. The Census Bureau, on the other hand, collects information at the more useful operational or establishment level and would classify each of the individual operations of the larger parent company as well as the primary business of the parent company.

The bills Congressman LENT and I are introducing on behalf of the Bush administration would give the BEA confidential access to the more useful information gathered by the Census Bureau. With such information access, the BEA will be able to give the Congress and the administration a much better understanding of the true nature of foreign ownership in the United States.

Once enacted and implemented, it would be possible to understand the true level of foreign ownership in various industries. To ensure that cooperation between BEA and Census Bureau does not compromise confidential information, the penalties for those who may violate the confidentiality requirements are increased.

The bill also requires the Secretary of Commerce to report to the Congress on the progress of the cooperation between the two agencies and to report on the accuracy of the analysis of the new data base.

Mr. President, I have repeatedly expressed my concern about America's growing dependence on foreign capital. At risk is America's economic independence.

The President recognized a similar concern in his 1991 budget transmission which stated that while foreign capital inflows cushioned U.S. domestic investment and helped sustain growth, foreign capital is "a second-best solution in comparison with increasing domestic saving." The budget statement continues, "when foreign savers provide capital, the future interest and dividend returns flow abroad rather than providing income for Americans."

The Bush administration is to be congratulated for its frank assessment of foreign investment issues in its budget and for its admission that the data presently available on the level of foreign ownership in the United States is not as good as it could be.

The Foreign Investment Analysis Act of 1990 is a constructive addition to the debate on the role that foreign ownership should play in the U.S. economy. Some suggest that Americans should simply be grateful for their jobs at foreign-owned businesses. I say that jobs are not enough. While American economic policy certainly should be concerned about the creation of jobs, it must also be concerned about the creation of American wealth.

A better understanding of the level of foreign ownership will help the

Congress and President better craft economic policy. Among the policies encouraged by the public's concern about the increasing level of foreign investment could be a better use of the Exon-Florio law, stronger efforts to reduce the Federal budget deficit, a more aggressive U.S. technology policy, and broad efforts to increase U.S. competitiveness.

Mr. President, I understand that some of my colleagues may wish to do more in this area. Senators MURKOWSKI and HARKIN have also done excellent work on this issue. The bill I introduce today represents what the Bush administration is willing to do. I am hopeful that this bill will come to represent a consensus position on this important matter. I look forward to working with my colleagues and the Bush administration to enact this needed legislation.

Mr. President, I encourage my colleagues to join me in support of the Foreign Investment Analysis Act of 1990.

I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks and properly referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Data Improvement Act of 1990."

SEC. 2. AMENDMENT TO THE INTERNATIONAL INVESTMENT AND TRADE IN SERVICES SURVEY ACT.

Section 4(a) of the International Investment and Trade in Services Survey Act, 22 U.S.C. 3103(a) is amended by striking the "and" at the end of paragraph (4); striking the "." at the end of paragraph (5) and inserting in lieu thereof ";"; and by adding a new paragraph (6) to read as follows:

"(6) report to Congress on the progress of the integration of statistical establishment list information from the Census Bureau as authorized under the International Data Improvement Act of 1990 with data collected pursuant to this Act and the extent to which such integration permits a higher level of accuracy and a greater degree of analysis on direct investment and United States services trade.".

SEC. 3. BUREAU OF ECONOMIC ANALYSIS ACCESS TO CENSUS DATA FOR PURPOSES OF AUGMENTING AND IMPROVING THE QUALITY OF INTERNATIONAL DATA COLLECTED UNDER THE INTERNATIONAL INVESTMENT AND TRADE IN SERVICES SURVEY ACT.

(a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 10—EXCHANGE OF STATISTICAL ESTABLISHMENT LIST INFORMATION

"SEC. 401. EXCHANGE AND USE OF LIST INFORMATION.

"(a) The Bureau of Economic Analysis and the Bureau of the Census shall exchange and use statistical establishment list information as defined in section 402 as the Secretary determines is appropriate to augment and improve the quality of international data collected under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 et seq.).

"(1) List information provided to the Bureau of Economic Analysis shall be only those data collected directly from respondents by the Bureau of the Census under the authority granted to the Secretary by this title.

"(2) The Director of the Bureau requesting list information shall make the request in writing, and shall certify that the list will be used only for statistical activities performed pursuant to statutory authority.

"(b) Notwithstanding any other provision of law, list information shall not be published or used in a way, except as authorized by this Chapter, whereby any particular establishment or enterprise can be identified. Each Bureau shall establish and maintain adequate administrative, technical, and physical safeguards to ensure the integrity, confidentiality, and security of the list information.

"SEC. 402. DEFINITION OF STATISTICAL ESTABLISHMENT LIST INFORMATION AND CONTENT.

"(a) DEFINITION.—For purposes of this Chapter, statistical establishment list information ("list information") shall consist of data for any type of economic unit within the scope of the Standard Industrial Classification (SIC) that are maintained for statistical activities performed pursuant to statutory authority.

"(b) CONTENT OF LIST INFORMATION.—List information shall include the establishment and company name and address, the form of company organization, SIC code, company and establishment identifying numbers, and related business activity levels and operational codes.

"SEC. 403. SANCTIONS, PENALTIES AND IMMUNITY FROM PROCESS FOR PURPOSES OF THIS CHAPTER.

"(a) Whoever, being in possession of exchanged list information, discloses the list information in any form except as specified in this Chapter shall be fined not more than $25,000 or imprisoned not more than 5 years, or both.

"(b) Whoever procures, by fraud, misrepresentation, or other unlawful act, access to exchanged list information shall be fined not more than $25,000 or imprisoned not more than 5 years, or both.

"(c) IMMUNITY FROM LEGAL PROCESS: LIMITATIONS ON DISCLOSURE AND USE.—(1) List information shall be immune from legal process and shall not be used as evidence or for any purpose in any Federal, state, or local government action, suit or other judicial or administrative proceeding except as necessary to enforce mandatory data collection requirements of agency surveys or the provisions of subsections (a) and (b) of this section.

"(2) List information shall not be disclosed pursuant to any Federal, state or local government law or regulation, including the Freedom of Information Act (5 U.S.C. 552).".

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of title 13, United States Code, is amended by adding "Chapter 10—Exchange of Statistical Establishment List Information".

(2) Section 9(a) of title 13, United States Code, is amended by striking the phrase "except as provided in section 8 of this title" and inserting in lieu thereof "except as provided in section 8 and Chapter 10 of this title".

Mr. HATCH. Mr. President, I am pleased to cosponsor S. 2516 with my colleague from Nebraska, Senator EXON.

This amendment accomplishes three major goals commonly associated with good public policy practices:

It encourages the exchange of data that is necessary for improving the ability of our Government to manage the economy, and therefore has been called a good government measure.

It can also be called a good planning measure because it helps us to understand the full availability of foreign and domestic investment capital in the United States; and

It is a good faith measure because it requires our foreign partners to disclose nothing more than the types of information reported to major foreign governments by American firms operating abroad. Nor does it impose any added reporting burdens on foreign companies in the United States. The measure tells Census to share its data with BEA.

The Commerce Department's Bureau of Economic Analysis and the Census Bureau separately collect information on investments by foreign firms in American companies that amount to a holding of at least 10-percent equity. But, Mr. President, the two organizations cannot share these data with each other.

Imagine the improvement of our own governance functions, in Congress and in the executive branch, by having better analyses that the creation of this data linkage would provide. This is why it is a good government measure.

The analyses are what make it a good planning measure. We can determine the industries on which foreign investment is focused. This is not to generate fear or panic, as many suggest, but rather to emphasize in our own industrial development planning which sectors of the economy require more or less public policy attention.

But there is also a fairness element in the measure which I will not deny, nor should we deny it. Part of the fair trade argument is that our partners demand no more of American firms than what this country demands of theirs. This does not mean that we want foreign firms to disclose such business information as trade secrets, marketing strategy, or emerging product innovations.

It does mean, however, that we know in which technologies foreign investments are concentrated. Since BEA data tend to focus on investment in highly diversified organizations in the United States, we cannot tell which profit center, division, or suborganizations element of the whole corporate

organization is benefiting from foreign investment.

Nor should we ignore the importance of having reliable investment data as the world's trade patterns shift. For example, since January of this year, the Tokyo stock market, the so-called cash fountain for much of Japan's overseas investment funds, has lost 30 percent of value, or $1.4 trillion. This means that we will see some short-term, and possibly long-term, decline in Japanese investment in the United States. We should know where the declines occur, as well as the industrial sectors that may even face a possible repatriation of Japanese moneys—a trend that some economists are already predicting.

The value of this bill cannot be underestimated. Our trade relations will improve; there will be less suspicion of the motives of our partners. Our ability to formulate plans to make the difficult transition from an economy heavily dependent on defense to one that is more commercially attuned will be facilitated. And, above all, full and open disclosure, without prejudice, is a strength of the American system. It is the type of strength that brings foreign investment to our country.

By Mr. LEVIN:

S. 2517. A bill to provide that any distribution permitted under the Internal Revenue Code of 1986 to a first time home buyer from the individual retirement account of the home buyer, or the home buyer's parents or grandparents be free from the 10-percent penalty for early distributions; to the Committee on Finance.

PENALTY FREE WITHDRAWALS FROM IRA'S FOR FIRST-TIME HOME BUYERS

● Mr. LEVIN. Mr. President, it is likely this year that legislation will be enacted to allow first-time home buyers to withdraw money from their individual retirement accounts for the purchase of a home without being subject to a 10-percent penalty for early withdrawal. I am a cosponsor of legislation introduced by Senator BENTSEN to accomplish that goal. I believe this legislation would offer an additional approach to surmounting the high hurdles that now exist to home ownership.

However, this legislation can be made even more effective if the Internal Revenue Code also provided that the exemption from the 10-percent penalty would cover not only distributions from the IRA's of the first-time home buyers themselves, but also from the IRA's of their parents and grandparents. The legislation which I am introducing today would broaden the exemption from the 10-percent penalty to individual retirement accounts of the parents and grandparents of the first-time home buyer.

This modification is important because the reality is that many first-time home buyers will not have accumulated enough in their own IRA's to make a substantial dent in meeting downpayment costs associated with the purchase of a house. By expanding to parents and grandparents the pool of IRA's that can be dipped into to help first-time home buyers without a penalty for early withdrawal, this legislation opens up a new avenue of home financing. In light of the increasing obstacles to home ownership that many first-time home buyers are encountering, this legislation would provide them with one more tool to overcome those difficulties. For the person or family which is looking to afford its own home, having the tools to finance the purchase of the house are as important as were the tools to people who built the house in the first place.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10 percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(E) Payments to first-time homebuyers. Any distribution permitted under this section to a first time homebuyer from the qualified retirement plan of the homebuyer, or the homebuyer's parents or grandparents."●

By Mr. BINGAMAN:

S. 2518. A bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recycled content; to the Committee on Governmental Affairs.

NATIONAL FOREST RECYCLED PAPER ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to direct the General Services Administration to make paper with recycled content available to the Secretary of Agriculture for use by the Forest Service.

It is a disturbing fact that 5 billion acres of the Earth's forest have been cut and not replaced. What makes this fact even more disturbing is that most of this destruction has occurred in this century. We all know that forests provide many benefits and this trend must be reversed.

Fortunately, trees are a renewable resource and paper can be recycled. I believe we must take the challenge and encourage measures which will improve forest conservation and the use of recycled paper products.

I have always considered the USDA Forest Service as a leader in forest conservation. As a part of this leadership role a forest in my home State of New Mexico, the Carson National Forest, recently proposed using recycled paper for their general office operations. To my surprise this proposal was denied by the General Services Administration which would not allow the forest to purchase recycled paper.

There is obviously a problem when the Agency directed to conserve the Nation's forests is not allowed to utilize recycled paper. The bill I have introduced today will authorize the Forest Service to purchase and use recycled paper as a pilot test program for 1 year. At the end of 1 year the General Services Adminstration will report to Congress on the results of the pilot program and the opportunity to expand the program governmentwide.

I also have written to the Director of the General Services Administration asking for him to clarify the Agency's position on purchasing recycled paper. It would be preferable if the Agency would take the lead on offering recycled paper without legislation. I have recommended that the General Services Administration use the standard guidelines for recycled paper which the Environmental Protection Agency has already established.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the full text of this bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest Recycled Paper Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) one-third of the earth's forests, 5,000,000,000 acres, have been cut and not replaced;

(2) each man, woman and child in the United States annually uses enough paper and packaging to equal 7 trees;

(3) paper with recycled content is available for many types of uses;

(4) while many people have begun to recycle paper, a stronger market needs to be developed for the use of paper with recycled content;

(5) the General Services Administration does not offer or allow the purchase of paper with recycled content;

(6) the mission of the Forest Service is to manage and conserve forests for the future generations; and

(7) the Forest Service should be a leader in the use of recycled paper because of their leadership role in the forestry conservation.

SEC. 3. PILOT PROJECT AND REPORT BY THE GENERAL SERVICES ADMINISTRATION.

(a) PILOT PROJECT.—

(1) For a period of one year, the Director of the General Services Administration shall make available to the Secretary of Agriculture paper with varying amounts of recycled content for all standard uses. If available, other departments and agencies of the Government may also request to use paper with recycled content and purchase this paper through the General Services Administration.

(2) The Secretary of Agriculture, acting through the Chief of the Forest Service, shall use paper with recycled content for paperwork and printing during the one-year project authorized by this subsection.

(b) REPORT.—At the end of the one year authorized by subsection (a), the Director of the General Services Administration shall report back to the Congress on the results of the pilot program and the opportunity to expand the program governmentwide. Included in the report shall be an assessment from the Chief of the Forest Service describing environmental benefits of the pilot project.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2519. A bill to require the U.S. Marshals Service to designate court districts that need additional private entities for the detention of Federal prisoners and to provide certain standards for such entities; to the Committee on the Judiciary.

REGULATION OF PRIVATE DETENTION FACILITIES USED BY THE UNITED STATES MARSHALS

● Mr. DOMENICI. Mr. President, I rise today to introduce Federal legislation that would regulate private jails that are utilized by the U.S. Marshals Service.

Clearly, we have a responsibility to provide sufficient jail space for those who break our laws. However, before any new jails are constructed they should meet two requirements.

First, all new jails need to go through a rigorous analysis to determine the need for the jail. Second, jails—whether they are publicly or privately constructed—need to meet certain standards to protect the public.

I became concerned about this issue after a company proposed to build a private jail in my State. After reviewing the matter, it seemed to me that the proposed private jail has not met these two requirements.

It appears that this jail is being built for speculative purposes without a clear determination of the need for the jail. The builders of this jail intend to contract with the U.S. Marshals Service to house Federal detainees. However, I received conflicting information from the Marshals Service on whether they would have an interest in using the jail. Before any jail is constructed for Federal prisoners in New Mexico or any other State, the Federal Government should determine whether such a facility is needed.

There are no applicable Federal standards that would govern this proposed private jail.

Under 18 U.S.C. 4013(a)(3), which was enacted as section of the 7608(d)(1) of Public Law 100-690—the Anti-Drug Abuse Act of 1988, the Marshals Service is authorized to house Federal detainees in private jails. Section 4013, however, provides no standards for private jails. The Marshals Service currently is seeking space in private jails in Boston and Kansas City. In these two cases, the standards will be set by a contract between the Marshals Service and the private jail before the jail is constructed.

The proposed jail in New Mexico is different. In that case, the jail will apparently be built first and then the builder will seek to enter into a contract with the Marshals Service. The public needs to be assured, prior to the construction of a jail, that adequate safeguards will be put in place to protect the public.

Mr. President, the bill that I am introducing today would amend section 4013 to correct these problems.

The bill will require the Marshals Service to determine whether there is a need for additional jail space in a particular area and will permit the Marshals Service to contract for jail space only in areas where there is a need. This will curb the building of jails for speculative purposes.

The bill also would permit the Marshals Service to enter into contracts only with private jails that meet strict standards designed to protect public safety. Under the bill, private jails with which the Marshals Service contracts, must:

First, meet the standards of the American Correctional Association;

Second, have approved fire, security, escape, and riot plans;

Third, comply with all applicable State and local laws and regulations; and

Fourth, comply with any other regulations that the Marshals Service deems appropriate.

Mr. President, this bill will assure, if any private jails are built to house Federal prisoners, that they are needed and that they are constructed with adequate safeguards to protect the public.

Representative STEVE SCHIFF, who represents the district in which the private jail would be constructed, shares my concerns about this facility. He is introducing identical legislation in the House of Representatives today. I am pleased that Senator BINGAMAN is cosponsoring this bill.

I ask unanimous consent that the text of the bill be inserted in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4013 of title 18, United States Code, is amended by adding at the end thereof the following:

"(b)(1) The United States Marshals Service may designate districts that need additional support from private detention entities under subsection (a)(3) based on—

"(A) the number of Federal detainees in the district; and

"(B) the availability of Federal, State, and local government detention facilities.

"(2) In order to be eligible for a contract for the housing, care, and security of persons held in custody of the United States Marshal pursuant to Federal law and funding under subsection (a)(3), a private entity shall—

"(A) be located in a district that has been designated as needing additional Federal detention facilities pursuant to paragraph (1);

"(B) meet the standards of the American Correctional Association;

"(C) comply with all applicable State and local laws and regulations;

"(D) have approved fire, security, escape, and riot plans; and

"(E) comply with any other regulations that the Marshals Service deems appropriate.

"(3) The United States Marshals Service shall provide an opportunity for public comment on a contract under subsection (a)(3).".●

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. D'AMATO, Mr. DECONCINI, and Mr. CRANSTON):

S. 2520. A bill to establish permanent Federal and State drug treatment programs for criminal offenders, and for other purposes; to the Committee on Labor and Human Resources.

DRUG REHABILITATION AND RECOVERY PROGRAM FOR PRISONS

Mr. CHAFEE. Mr. President, today Senator MOYNIHAN and I are introducing the Drug Rehabilitation and Recovery Program for Prisons Act. We are joined by Senator JEFFORDS, Senator D'AMATO, and Senator DECONCINI in introducing this bill. This legislation will establish comprehensive drug treatment and rehabilitation programs in Federal and State prisons.

Over the past 2 years the Senate has avidly debated the drug problem. Yet, there is one issue that Congress has failed to address adequately—the availability of rehabilitation programs in State and Federal prisons.

Congress has been working to solve the prison overcrowding problem by increasing funds for prison construction. I agree that we need more prison beds, and have been supportive of these efforts. Nonetheless, we must recognize that part of the prison overcrowding problem can be attributed to repeat offenders. Many are released

from prison only to return again to patterns of criminal behavior—a phenomenon known as recidivism. One of the primary causes of recidivism is crime directly and indirectly caused by addiction to drugs. Thus, part of the solution lies in breaking this cycle of crime by providing comprehensive drug rehabilitation programs in State and Federal prisons.

Drug-related crimes have overwhelmed our criminal justice system. To illustrate my point, let me share some startling statistics:

In Washington DC, in 1985, 25 out of 148 homicides were drug related. In 1988, 225 out of 372 homicides were drug related. That is a 43-percent increase.

In a 1980 study, on the average, heroin addicts committed crimes 178 days per year, primarily to support their habit.

Nearly one of every four black men between the ages of 20 and 29 is currently behind bars or on probation or parole.

Of 2,000 arrestees who tested for drug use in 12 cities, between 53 and 79 percent tested positive for illicit drugs in the 24 to 48 hours after their arrest.

According to the President's National Drug Control Strategy, 50 percent of Federal prisoners and nearly 80 percent of State prisoners have used drugs or are addicted to drugs.

Recidivism appears to be linked to drug abuse among many offenders. One study found that 62 percent of the approximately 100,000 inmates released in 11 States were arrested again within 3 years—41 percent actually returned to prison. Of those originally arrested on drug offenses, 50 percent were arrersted again within 3 years of their release.

Currently, counseling programs are available in all 54 Federal prisons, but few prisons provide intensive treatment programs. The compromise drug funding agreement we reached last year increased the Federal prison funding level by over $1 billion, bringing the total to about $2.5 billion for 1990 which the President had requested. The agreement, however, did not specifically designate an amount for drug treatment for Federal prisons. In fact, it is estimated that only $6 million will be spent on drug treatment this year—that is only 0.25 percent of the total allocation to the Bureau of Prisons.

Several States have begun to implement drug rehabilitation programs in their correctional facilities. One program worth noting is the 14-year-old Stay'n Out Program in New York which has been extremely successful in rehabilitating inmates and reducing the rate of recidivism. Independent studies have shown an 80-percent success rate—8 out of 10 inmates who complete the program are not arrested again, do not use drugs, and do not commit more crimes after being released.

The Drug Rehabilitation and Recovery Program for Prisons Act would establish a comprehensive drug treatment program within Federal prisons administered by the Attorney General. It would authorize $25 million to accomplish this task.

At the State level, this legislation would establish two grant programs within the Department of Health and Human Services—the first would provide funding for States to establish drug treatment programs in prisons, and the second would provide similar grants for drug rehabilitation programs for juvenile offenders.

Drug rehabilitation programs in both State and Federal prisons which receive grant money must include: the evaluation and assessments of each participant after he or she voluntarily chooses to undergo treatment; different levels of treatment that rehabilitate the participant's attitude, behavior, and lifestyle; coordination with other human service programs such as educational and job training programs; and posttreatment assistance which discourages participants from returning to patterns of criminal behavior.

In addition, our legislation would restrict the ability of the Attorney General and States to provide early release to certain inmates who have successfully completed a drug rehabilitation program funded by this proposal. Early release may not be provided to violent criminals, and parole must be revoked if the inmate does not remain drug free. In addition, inmates must have served at least three-fourths of the time at which they become eligible for parole before they may be released.

The criminal justice system currently does little to rehabilitate inmates—many just get out of jail, commit additional crimes, and return to jail. Inmate rehabilitation alone will not solve the prison overcrowding problem. However, programs that reduce the rate of recidivism must be an essential component of a cost-effective solution. Without drug rehabilitation programs in prisons we will continue to release hardened criminals into our communities to sell drugs to our children and rob our homes for money to buy drugs.

I urge my colleagues to consider the importance of rehabilitating inmates addicted to drugs before they are returned to society and support this legislation.

Mr. President, I ask unanimous consent that 11 letters of endorsement, a summary of the bill and the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DRUG REHABILITATION AND RECOVERY PROGRAM FOR PRISONS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end thereof the following new part:

"PART F—DRUG REHABILITATION AND RECOVERY PROGRAM FOR PRISONS

"SEC. 571. SHORT TITLE.

This part may be cited as the 'Drug Rehabilitation and Recovery Program for Prisons Act'.

"SEC. 572. DEFINITIONS.

"As used in this part:

"(1) DRUG TREATMENT PROGRAM.—The term 'drug treatment program' means the Federal drug treatment program established under section 573 and a State drug treatment program that receives assistance under a grant awarded under section 574 or 575.

"(2) PRISON.—The term 'prison' means any facility for the confinement of individuals who have been convicted of a criminal offense under Federal or State law.

"SEC. 573. DRUG TREATMENT IN FEDERAL PRISONS.

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary and the Director of the Office of National Drug Control Policy, shall establish and implement a comprehensive drug treatment program in Federal prisons that meets the drug treatment program criteria established in section 576.

"(b) REPORT.—Not later than 5 years after the date of enactment of this part, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the effectiveness, and including recommendations for the improvement, of the program established under subsection (a).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 to carry out this section.

"SEC. 574. GRANTS FOR DRUG TREATMENT IN STATE PRISONS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall award grants to States to enable such States to establish and implement drug treatment programs in State prisons.

"(b) APPLICATION AND PLAN.—

"(1) IN GENERAL.—Except as provided in paragraph (3), to be eligible to receive a grant under this section a State shall prepare and submit, to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including a plan for the establishment and operation of a prison drug treatment program that meets the program criteria described in section 576.

"(2) PLANNING GRANT.—The Secretary may award a grant of not to exceed $100,000 to a State to enable such State to prepare the plan to be submitted under paragraph (1).

"(3) TECHNICAL ASSISTANCE AND TRAINING.—The Secretary must provide technical assistance and training to States for the purpose of development of the State plan.

"(4) EXCEPTION.—The Director may make a grant under this section to a State that has not submitted, or had approved, an application and plan under paragraph (1), if such State has qualified for and begun implementing a plan for a demonstration

prison drug treatment program under Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741 et seq.).

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) RECIPIENT.—On the approval of an application and plan describing the drug treatment program, that meets the criteria described in section 576, that will be implemented with the assistance provided under a grant awarded under this section, the Secretary shall award a 4 year grant to—

"(A) the State applicant, for the implementation of the Statewide drug treatment program described in the plan submitted under subsection (b)(1); or

"(B) the State or local agency or official authorized to apply for a grant under this section by the State plan submitted under subsection (b)(1), for the implementation of a drug treatment program on a local basis as described in such plan;

"(2) AMOUNT OF GRANT.—The aggregate amount of all grants made to a State and entities within a State shall not exceed—

"(A) in the first year of implementation of the State plan submitted under subsection (b)(1), 75 percent of the aggregate cost of the implementation of the drug treatment programs under such plan in such year;

"(B) in the second year of implementation of the State plan submitted under subsection (b)(1), 50 percent of the aggregate cost of the implementation of the drug treatment programs under such plan in such year;

"(C) in the third and fourth years of implementation of the State plan submitted under subsection (b)(1), 25 percent of the aggregate cost of the implementation of the drug treatment programs under such plan in each such year; and

"(D) in each of the 5 subsequent years of implementation of the State plan submitted under subsection (b)(1), on the approval of the Secretary, 25 percent of the aggregate cost of the implementation of the drug treatment programs under such plan in each such year.

"(d) REPORT.—Not later than 5 years after the date of enactment of this part, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the effectiveness, and including recommendations for the improvement, of the grant program established under subsection (a).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $40,000,000 to carry out this section.

"SEC. 575. GRANTS FOR DRUG TREATMENT FOR JUVENILE OFFENDERS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall award grants to States to enable such States to establish and implement drug treatment programs for juvenile criminal offenders.

"(b) APPLICATION AND PLAN.—

"(1) IN GENERAL.—Except as provided in paragraph (3), to be eligible to receive a grant under this section a State shall prepare and submit, to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including a plan for the establishment and operation of a juvenile criminal offender drug treatment program that meets the program criteria described in section 576.

"(2) PLANNING GRANT.—The Secretary may award a grant of not to exceed $100,000 to a State to enable such State to prepare the plan to be submitted under paragraph (1).

"(3) TECHNICAL ASSISTANCE AND TRAINING.—The Secretary must provide technical assistance and training to States for the purpose of development of the State plan.

"(4) EXCEPTION.—The Director may make a grant under this section to a State that has not submitted, or had approved, an application and plan under paragraph (1), if such State has qualified for and begun implementing a plan for a demonstration juvenile offender drug treatment program under Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741 et seq.).

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) RECIPIENT.—On the approval of an application and plan describing the juvenile offender drug treatment program, that meets the criteria described in section 576, that will be implemented with the assistance provided under a grant awarded under this section, the Secretary shall award a 4 year grant to—

"(A) the State applicant, for the implementation of the Statewide juvenile offender drug treatment program described in the plan submitted under subsection (b)(1); or

"(B) the State or local agency or official authorized to apply for a grant under this section by the State plan submitted under subsection (b)(1), for the implementation of a juvenile offender drug treatment program on a local basis as described in such plan;

"(2) AMOUNT OF GRANT.—The aggregate amount of all grants made to a State and entities within a State shall not exceed—

"(A) in the first year of implementation of the State plan submitted under subsection (b)(1), 75 percent of the aggregate cost of the implementation of the juvenile offender drug treatment programs under such plan in such year;

"(B) in the second year of implementation of the State plan submitted under subsection (b)(1), 50 percent of the aggregate cost of the implementation of the juvenile offender drug treatment programs under such plan in such year;

"(C) in the third and fourth years of implementation of the State plan submitted under subsection (b)(1), 25 percent of the aggregate cost of the implementation of the juvenile offender drug treatment programs under such plan in each such year; and

"(D) in each of the 5 subsequent years of implementation of the State plan submitted under subsection (b)(1), on the approval of the Secretary, 25 percent of the aggregate cost of the implementation of the juvenile offender drug treatment programs under such plan in each such year.

"(d) REPORT.—Not later than 5 years after the date of enactment of this part, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the effectiveness, and including recommendations for the improvement, of the grant program established under subsection (a).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

"SEC. 576. DRUG TREATMENT PROGRAM CRITERIA.

"(a) IN GENERAL.—The Secretary shall not approve an application or plan submitted under section 574(b)(1) or 575(b)(1) unless the proposed drug treatment program contained in the plan meets the requirements of this section.

"(b) VOLUNTARY PARTICIPATION.—

"(1) AVAILABILITY OF SERVICES.—

"(A) IN GENERAL.—To the extent permitted by program funding and the availability of staff and materiel, a drug treatment program established or implemented with assistance provided under this part shall make the services provided under such program available to all inmates and juvenile offenders who request treatment in the facility in which the program operates.

"(B) EXCEPTION.—A drug treatment program established or implemented with assistance provided under this part shall not be required to provide treatment to an individual if the head of the program determines, after reasonable efforts are undertaken to provide treatment and counseling to the individual, that—

"(i) the individual is not reasonably susceptible to treatment, and that program resources would be better devoted to the treatment of other individuals who are awaiting treatment; or

"(ii) the disruptive conduct of the individual interferes with the treatment of other individuals.

"(2) REQUIREMENT.—A drug treatment program established or implemented with assistance provided under this part shall—

"(A) make reasonable efforts to identify inmates who have used drugs and who might benefit from treatment at the earliest point of incarceration or entrance into the criminal justice system; and

"(B) encourage inmates identified under subparagraph (A) to seek treatment.

"(3) CONSTRUCTION.—The provisions of this part shall not be construed to encourage involuntary drug testing or treatment, or to impact of any law that is in effect prior to the date of enactment of this part concerning the circumstances in which involuntary drug testing or treatment may be permissible.

"(c) EVALUATION AND ASSESSMENT.—A drug treatment program established or implemented with assistance provided under this part shall conduct an evaluation and assessment—

"(1) of each inmate or juvenile offender, within 30 days after such inmate or offender expresses the desire to receive drug treatment, to determine the appropriate course of treatment and, if treatment cannot be provided immediately, the timing of the treatment; and

"(2) of each individual who completes or ceases treatment, at the time that such individual completes or ceases treatment, to determine whether it would be desirable for the individual to receive any kind of supervision or assistance to avoid the use of drugs in the future.

"(d) TREATMENT.—

"(1) TYPE.—A drug treatment program established or implemented with assistance provided under this part shall be designed to provide treatment to individuals that is of appropriate intensity and kind, as the need of each such individual is demonstrated in an evaluation and assessment described in subsection (c)(1)(A).

"(2) MINIMUM REQUIREMENTS.—A drug treatment program established or implemented with assistance provided under this part—

"(A) shall include—

"(i) education services;

"(ii) counseling;

"(iii) self-help and peer group activities;

"(iv) short-term isolated unit activities; and

"(v) long-term residential treatment services including therapeutic communities;

"(B) may include both established and experimental methods of treatment;

"(C) to the extent practicable, separate those individuals undergoing such treatment from the general population of the facility during and after such treatment;

"(D) shall be coordinated with local law enforcement officials; and

"(E) shall provide funds for rehabilitation in local settings that is continuous and compatible with regard to rehabilitation in state or federal prison; and

"(F) shall take into account the most recent successful drug treatment in correctional facilities programs.

"(3) EMOTIONAL FOCUS.—A drug treatment program established or implemented with assistance provided under this part shall include treatment that addresses the physiological and emotional pathologies of the individual treated, including rehabilitation of the attitude, behavior, and lifestyle of the individual.

"(e) POST-TREATMENT ASSISTANCE.—

"(1) COORDINATION WITH OTHER PROGRAMS.—A drug treatment program established or implemented with assistance provided under this part shall be coordinated with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(2) AFTER CARE REQUIREMENT.—The plan submitted under section 574(b)(1) or 575(b)(1) shall ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with after care services for a 1-year period if such individuals desire such services.

"(3) PLACEMENT IN COMMUNITY DRUG FACILITY.—At the time an inmate or juvenile offender who has participated in a drug treatment program established or implemented with assistance provided under this part leaves prison at the end of a sentence or on parole, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of such individual with an appropriate community drug treatment facility, as the need of the individual is demonstrated in an evaluation and assessment described in subsection (c)(1)(B).

"(f) TRAINING.—A drug treatment program established or implemented with assistance provided under this part shall provide for the training of both drug treatment program staff and correctional officers in drug treatment techniques and in the handling of inmates and juvenile offenders who are drug users. The staff of such programs should include qualified physicians, psychologists, and substance abuse counselors.

"(g) EXTENSION OF TREATMENT OF JUVENILE OFFENDERS.—A drug treatment program for juvenile offenders established or implemented with assistance provided under this part—

"(1) may provide for the treatment of individuals who are on probation or parole; and

"(2) shall encourage family participation in the rehabilitation of an individual.

"SEC. 577. RESTRICTION ON EARLY RELEASE FOR QUALIFIED DRUG DEPENDENT OFFENDERS.

"(a) IN GENERAL.—The Attorney General (in the case of Federal prisons) and the appropriate State law enforcement official (in the case of non-Federal prisons) shall not permit the early release of inmates convicted of drug offenses from such prisons unless such inmates have successfully completed a program of treatment or after care provided under the program established under section 573, and in accordance with this section.

"(b) REQUIREMENT.—If the court, on petition of the head of the program and the appropriate law enforcement official, reduces the period of incarceration under this section, the court shall also impose a period of supervised release of the individual for not less than 1 year, or in the event that a period of supervised release was previously ordered, the court shall extend the period of supervised release by not less than 1 year.

"(2) ELIGIBILITY.—To be eligible for early supervised release under this subsection, an individual—

"(A) shall have been continuously incarcerated in a Federal or State correctional institution for not less than three-fourths of the time the individual was originally sentenced to serve prior to becoming eligible for supervised release;

"(B) shall not have been convicted of homicide, attempted homicide, kidnapping, assault with a deadly weapon, espionage, rape, or attempted rape as defined under the applicable law;

"(C) shall not have been sentenced to life in prison;

"(D) shall have successfully completed, while incarcerated, a drug treatment program established or implemented with assistance provided under this part; and

"(E) after successfully completing such treatment, shall have received approval for early supervised release from the sentencing judge acting on the recommendation of the individual responsible for administering the drug treatment programs in the facility in which the offender has been incarcerated.

"(3) RESIDENCE.—On the release of an individual under this subsection, and for not less than a 6-month period after such release, such individual shall reside in a halfway house in which intensive counseling and supervision is available.

"(4) DUTIES OF INDIVIDUAL.—On the release of an individual under this subsection, and for a 1-year period after such release, such individual shall, in addition to fulfilling the other requirements of supervised release ordered by the court under this section for the complete duration of the original sentence—

"(A) submit to periodic urine drug testing at least once every 60 days;

"(B) regularly attend meetings of support groups such as Narcotics Anonymous, Alcoholics Anonymous, and Cocaine Anonymous; and

"(C) participate in an outpatient substance abuse counseling program.

"(5) REQUIREMENTS FOR DRUG TESTING.—

"(A) IN GENERAL.—No action may be taken against an individual under this subsection on the basis of a urine drug test unless such test was conducted in accordance with the requirements and procedures prescribed by the Secretary which shall be substantially consistent with the Mandatory Guidelines on Federal Employee Drug Testing Programs issued by the Secretary on April 11, 1988.

"(B) LABORATORY.—The Secretary shall include in the requirements prescribed pursuant to subparagraph (A) a requirement that—

"(i) the laboratory conduct the drug testing shall follow laboratory analysis procedures, including the chain of custody procedures, required by the guidelines referred to in subparagraph (A), except that an initially positive test may be confirmed using Gas Chromatography techniques or such other test as the Secretary may determine to be of equivalent accuracy;

"(ii) the laboratory perform Gas Chromatography-Mass Spectrometry reconfirmation, or such reconfirmation as the Secretary may determine to be of equivalent accuracy, in any case in which—

"(I) the urine specimen of an individual is tested using Gas Chromatography techniques for confirmation; and

"(II) not later than 10 days after receiving notice of positive test results, the individual notifies the head of the appropriate drug testing program that such individual disputes such results; and

"(iii) the laboratory retain all records pertaining to each urine specimen for at least 2 years after the date on which the results of the test are transmitted to the court and limit access to any such records to protect the confidentiality of the subject.

"SEC. 578. REPORTS.

"(a) IN GENERAL.—Not later than 3 years after the date of enactment of this part, the head of a drug treatment program established or implemented with assistance provided under this part shall prepare and submit, to the Secretary, a report concerning the effectiveness, and including recommendations for the improvement, of the program established or implemented with assistance provided under this part.

"(b) OTHER REPORTS.—In addition to the report described in paragraph (1), the head of a drug treatment program established or implemented with assistance provided under this part shall submit such other reports and provide such additional information concerning the program as the Secretary may require.".

THE DRUG REHABILITATION AND RECOVERY PROGRAM FOR PRISONS (SUMMARY)

I. DRUG TREATMENT IN FEDERAL PRISONS

The Attorney General, in consultation with the Secretary of Health and Human Services (HHS) and the Director of the Office of National Drug Control Policy, is required to establish and implement a comprehensive drug treatment program in Federal prisons that meets the drug treatment program criteria described below. Authorization level: $25 million.

II. GRANTS FOR DRUG TREATMENT IN STATE PRISONS

The Secretary of HHS through the Administrator of ADAHMA shall award grants to States for the establishment and implementation of drug treatment programs in State prisons. The Secretary may award a start-up grant of up to $100,000 to a state to develop a treatment plan and apply for the implementation grant. The State plan must meet the drug treatment program criteria described below to be eligible for the implementation grant. The amount of a State's grant award cannot exceed:

75 percent of the drug treatment program in the first year;

50 percent in the second year;

25 percent in the third and fourth years; and

25 percent in each of the next five years, if the Secretary approves.

Authorization level: $40 million.

39-059 O-91-17 (Pt. 6)

III. GRANTS FOR DRUG TREATMENT OF JUVENILE OFFENDERS

The Secretary of HHS through the Administrator of ADAHMA shall award grants to States for the establishment and implementation of drug treatment programs for juvenile offenders. The Secretary may award a start-up grant of up to $100,000 to a state to develop a treatment plan and apply for the implementation grant. The State plan must meet the drug treatment program criteria described below to be eligible for the implementation grant. The amount of a State's grant award cannot exceed:

75 percent of the drug treatment program in the first year;

50 percent in the second year;

25 percent in the third and fourth years; and

25 percent in each of the next five years, if the Secretary approves.

Authorization level: $10 million.

IV. DRUG TREATMENT PROGRAM CRITERIA

1. Voluntary Participation—participation in the drug treatment program must be voluntary. To the greatest extent possible, the program must make services available to all inmates and juvenile offenders who request treatment. However, the head of a drug treatment program may determine that resources would be better spent on others awaiting treatment (after reasonable efforts are made to counsel and provide treatment) if an individual is not susceptible to treatment or if that individual's disruptive conduct interferes with the treatment of others.

2. Identification—drug treatment program must make reasonable efforts to identify inmates and juvenile offenders who have used drugs and who might benefit from treatment and encourage such individuals to seek treatment at the earliest point of entrance into the criminal justice system or incarceration. This bill does not encourage involuntary drug testing or treatment (except with regard to participation in the early release program).

3. Evaluation of inmate—drug treatment program shall conduct an evaluation and assessment of each inmate or juvenile offender within 30 days after such an individual expresses the desire to receive treatment. The assessment should determine the appropriate course and timing of the treatment. A further assessment must be completed on each individual that completes or ceases treatment to determine the best course for post-treatment.

4. The program must include—education services, counseling, self-help and peer group activities, short-term isolated unit activities, and long-term residential treatment services including therapeutic communities. The program should, to the extent possible, separate those undergoing treatment from the general population of the facility during and after treatment. Treatment provided by a program must address the physiological and emotional pathologies of the individual treated, including rehabilitation of the attitude, behavior, and lifestyle of the individual. The program must be coordinated with local law enforcement officials and must provide funds for rehabilitation in local settings that is continuous and compatible with regard to rehabilitation in state or federal prisons. The program must take into account the most recent successful drug treatment and correctional facilities programs.

5. Post-Treatment assistance—must be provided for at least 1 year for individuals choosing to continue care, and must be coordinated with other human service and rehabilittion programs, such as education and job training programs.

6. Training—a drug treatment program must provide for the training of both drug treatment program staff and correctional officers in treatment techniques and in the handling of inmates and juvenile offenders who are drug users. The staff should include qualified physicians, psychologists, and substance abuse counselors.

V. RESTRICTIONS ON EARLY RELEASE OF QUALIFIED DRUG DEPENDENT OFFENDERS

The Attorney General, with regard to the Federal drug treatment program, and a State, with regard to a drug treatment program grant, are restricted from providing for the early release of qualified drug dependent offenders, unless the following conditions are met:

1. If a court reduces an inmates prison term, the court must also impose a period of supervised release of the individual for at least one year;

2. Eligibility for early supervised release may only be granted to an individual who has:

Served at least three fourths of the time he or she would be eligible for parole.

Not been convicted of murder, attempted murder, kidnapping, assault with a deadly weapon, espionage, rape or attempted rape.

Not been sentenced to life in prison.

Has successfully completed, while incarcerated, a drug treatment program.

Received approval for early supervised release from the sentencing judge;

4. The released individual must reside in a half-way house in which intensive counseling and supervision is available for at least six months;

5. The released individual must submit to periodic urine drug testing at least once every 60 days, regularly attend meetings of support groups, and participate in a outpatient substance abuse counseling program;

6. Drug Testing must be conducted in accordance with the requirements and procedures prescribed by the Secretary of HHS consistent with the Mandatory Guidelines on Federal Employee Drug Testing Programs.

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS,
Washington, DC, April 17, 1990.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: On behalf of the 20,000 members of the National Association of Criminal Defense Lawyers and its state and local affiliates, I am pleased to convey to you our support for the legislation to be introduced shortly by Senator Chafee and you regarding drug treatment in state and federal prisons.

We applaud the legislation for including not only treatment services, but significant follow-up services as well, including counseling and peer group activities, and one year of post-treatment care coordinated with other human service and rehabilitation programs, such as educational and job training programs. Such provisions offer hope not only of getting the drug-dependent offender off drugs, but of keeping him or her off drugs, by addressing the causes of the addictive behavior and seeking to turn the offender to more productive pursuits after his or her encounter with the criminal justice system.

We commend your leadership and vision in seeking to move the debate toward constructive long-term solutions to the nation's drug problem. We welcome the growing recognition in Congress that drug policies which emphasize punishment "above all" (as in the latest ONDCP strategy, at p. 9) are both unproductive and exhorbitantly expensive.

If there is anything that the members of the criminal defense bar can do to assist in promoting such real and contructive measures to reduce the harm to society caused by drugs, please do not hesitate to contact me.

With best regards,

Sincerely,

H. SCOTT WALLACE,
Legislative Director.

AMERICAN CORRECTIONAL ASSOCIATION,
Laurel, MD, April 17, 1990.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: Please accept our support of the language regarding the drug treatment bill which is due to be introduced by Senator Chafee later this week. We are encouraged to see such language and appropriation for treatment that is so desperately needed in our prisons and for aftercare.

Recent studies reflect that as many as 85 percent of our prisoners upon intake report prior substance abuse. Without intervention and treatment we will never break this cycle of addiction.

Thank you for your support in co-sponsoring this very important and vital legislation.

Peace,

ANTHONY TRAVISONO,
Executive Director.

THE CRIMINAL JUSTICE POLICY FOUNDATION,
Washington, DC, April 24, 1990.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing to lend my enthusiastic support to the legislation you are co-sponsoring with Senator Chafee authorizing federal funds for drug treatment programs in federal and state prisons, as well as in juvenile correctional facilities.

I believe that such programs are absolutely necessary to break the cycle of addition, poverty and joblessness for so many of our young men and women who are incarcerated for drug law offenses. It is essential that prisoners are given access to comprehensive treatment services that will enable them to return to their communities with the necessary skills to resist a return to drug addiction. Otherwise, their stay in prison only ensures high rates of recidivism.

Again, I applaud your efforts to break the cycle of drug addiction among those who are incarcerated and support your legislation to funds treatments programs to serve them.

Sincerely,

ERIC E. STERLING.

CITIZENS UNITED FOR REHABILITATION OF ERRANTS,
Washington, DC, April 25, 1990.

Senators JOHN H. CHAFEE and DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATORS CHAFEE AND MOYNIHAN, Drug treatment behind the walls is a necessary and effective means of reducing recidivism. The National Institute of Justice re-

ports that rates as low as 16 percent have been achieved through in-prison treatment programs. 50 percent or higher is usually the recidivism rate for those not receiving treatment.

Thus, CURE enthusiastically endorses the legislation that Senators Chafee and Moynihan will be introducing.

Through this legislation, funds will be provided to correctional facilities to set up innovative treatment programs behind the walls. We are convinced that every dollar spent will be returned at least ten-fold in savings in crime-reduction and in the building of more prisons. This does not take into account the human costs in terms of the victims and the offender and their families.

Congratulations to Senators Chafee and Moynihan for their leadership on this most important piece of legislation.

Sincerely,

CHARLES SULLIVAN,
Executive Director.

FIRST JUDICIAL DISTRICT,
CADDO PARISH,
Shreveport, LA, April 17, 1990.

Re the Drug Rehabilitation and Recovery Program for Prisons.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: By means of this letter I wish to express my support for the Federal Drug Rehabilitation and Recovery Program for Prisons. It is clear to me as a member of the local criminal justice system that drugs play a significant part in our rising crime rate. I am convinced that if we have a chance to get control of our serious drug problem then we must consider more treatment for offenders.

I believe that your senate bill which will allow federal and state prisons to identify and treat prisoners who have drug problems is an important first step in winning the war on drugs. I hope that you are successful in convincing Congress of the importance of this type of legislation.

With best regards,

Sincerely,

PAUL J. CARMOUCHE,
District Attorney.

TENTH JUDICIAL CIRCUIT,
April 17, 1990.

Re Prison Drug Treatment Program.

Senator DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I have been advised that yourself and Senator Chafee are preparing to introduce legislation which would require drug treatment programs in federal and state prisons. I am writing in support of such legislation and to applaud your efforts in this area.

Having been associated with this office since 1972, I have seen the tremendous increase in the drug problem that we face in this country. I also regretfully have witnessed the lack of response to treatment of individuals who have drug dependencies. Too many people feel that our drug problem is something that we can solve through law enforcement alone, but anyone who is associated with law enforcement knows that that is a myth. We must have some *meaningful* treatment programs for people who find themselves incarcerated as a result of crimes committed in support of their drug habits.

I hope that you are successful in your efforts for this new program in that I sincerely feel that treatment of drug dependency will be a giant step towards our solving our crime problem in this country. If I can be of further assistance or support in this matter, please do not hesitate to call on me.

Very truly yours,

DAVID BARBER,
District Attorney.

PORTLAND OR,
April 17, 1990.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: This letter is written in support of the Drug Rehabilitation and Recovery Program for Prisons Bill co-sponsored by you and Senator Chafee.

As District Attorney for the most populous county in the state of Oregon and where over 40% of the crime in the state occurs, I can attest to the prevalence of drug use among the offender population. A large percentage of those who go to federal and state prisons could benefit from participation in a rehabilitation and recovery program while incarcerated.

Very truly yours,

MICHAEL D. SCHRUNK,
District Attorney.

WEST PALM BEACH, FL,
April 16, 1990.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: It is my understanding that you are co-sponsoring a Bill to be introduced by Senator Chafee related to drug treatment in federal and state prisons. The need for drug treatment programs in our penal institutions is critical, and your Bill deserves favorable and swift action. The impact of drugs and the inability of our institutions to provide treatment for drug offenders has created the enormous repeat cost to the citizens of the United States. I am not convinced that any drug program will reach the varied abused substances and those who abuse them. It is, however, necessary for us to move forward to separate the various drug and narcotic substances so that we can individualize the treatment and find out what works for the greatest number of abusers.

I urge your colleagues to join with you and Senator Chafee in passing this Bill and seeing that it is implemented at the earliest possible time.

Sincerely,

DAVID H. BLUDWORTH.

DIVISION OF CRIMINAL JUSTICE,
Wallingford, CT, April 16, 1990.

Re The Drug Rehabilitation And Recovery Program For Prisons.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: The Division of Criminal Justice supports your proposal to provide for drug treatment in federal prisons for inmates convicted of federal crimes.

The "War on Drugs" must be fought on all fronts: enforcement, prosecution, education and treatment. People convicted of crime, who are incarcerated, who have a drug problem and who genuinely seek drug treatment should be afforded the opportunity of obtaining such treatment.

One section of the proposal—restrictions on early release—should be amended to exclude from early release those persons convicted of selling drugs or possessing drugs with intent to sell or distribute. Drug dealers should not be eligible for early release.

Sincerely,

JOHN J. KELLY,
Chief State's Attorney.

OFFICE OF THE DISTRICT ATTORNEY,
COUNTY OF VENTURA, STATE OF CALIFORNIA,
April 17, 1990.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I would like to add my endorsement to the legislation which you and Senator Chafee are sponsoring to provide drug treatment in state and federal prisons, as well as for juvenile offenders. The legislation addresses a largely unmet need to provide drug treatment for convicted offenders with drug problems.

It is clear there is a direct correlation between drug abuse and overall criminal activity. A reduction in drug abuse, results in a reduction of overall crime on both an individual and a community level. This bill targets proven criminals who are users. If the treatment programs provided for by this legislation are successful, the level of recidivism of these offenders should be reduced.

I support your efforts to pass this legislation, with the belief that the program it provides could help reduce drug usage and therefore criminal activity by convicted offenders upon their release.

Very truly yours,

MICHAEL D. BRADBURY,
District Attorney.

PORTLAND, OR,
April 17, 1990.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: This letter is written in support of the Drug Rehabilitation and Recovery Program for Prisons Bill co-sponsored by you and Senator Chafee.

As District Attorney for the most populous county in the state of Oregon and where over 40% of the crime in the state occurs, I can attest to the prevalence of drug use among the offender population. A large percentage of those who go to federal and state prisons could benefit from participation in a rehabilitation and recovery program while incarcerated.

Very truly yours,

MICHAEL D. SCHRUNK,
District Attorney.

Mr. MOYNIHAN. Mr. President, I am pleased to join my colleague and friend from Rhode Island [Mr. CHAFEE] as an original cosponsor of proposed legislation which will expand the availability of and access to drug treatment in our Nation's prisons and correctional facilities.

On June 15, 1989, I introduced, with the cosponsorship of Senators D'AMATO, NUNN, DECONCINI, and CRANSTON, a bill S. 1193, the Drug Dependent Offender Rehabilitation Act of 1989, which sought to expand drug treatment in our Federal prison facilities. In addition to expanding our commitment to drug-abuse treatment in the Federal prison system we also sought to establish a special program of supervised release for nonviolent inmates who complete treatment.

Today, Mr. President, I am pleased to join with Senator CHAFEE to expand not only our commitment to drug treatment in Federal prisons but also in our State and local prisons and jails for both adult as well as juvenile offenders.

We all know too well the impact drugs have had on our institutions including, most particularly, our prisons. We have heard much alarming news on this floor about overcrowding in our prison facilities. As I reported last year on January 1, 1988, Federal prisons housed 43,946 inmates, 62 percent above their planned capacity of 26,473.

Our prisons face a problem greater than overcrowding. To wit: recidivism. According to the Bureau of Prisons, 43 percent of all Federal prisoners are rearrested within 3 years of release. It is safe to assume that even more than 43 percent commit crimes for which they are not arrested or imprisoned. Recidivism is even greater in State prisons. According to Justice Department statistics, 63 percent of State prisoners are rearrested within 3 years. Recidivism rates are failure rates. Our prison system has done precious little good for society when criminals arrested for selling heroin in 1982 return to the streets in 1988 only to start selling crack. Instead of rehabilitation, what we are left with is an endless cycle of arrest, prosecution, jail, and rearrest.

There is a simple explanation for much of this tragic state of affairs. Forty-three percent of incoming Federal inmates are self-described substance abusers. The numbers for local prisons are, once again, more startling. Eighty percent of male arrestees in New York and 67 percent of male arrestees in Washington test positive for drugs. Few of them are arrested for personal use of illegal drugs, but most are arrested for activities associated with drug use. Drug dealing. Drug smuggling. Robbery. Burglary. Prison, indeed, punishment of any kind, is not likely to deter such crimes when they are committed to support addiction—a drug habit which is in fact a disease of the brain.

Senator CHAFEE's bill, which incorporates the legislation I introduced last year, would provide $75 million for drug treatment in our Nation's correctional facilities, and for postrelease followup programs. Effective drug treatment in prison has been demonstrated to reduce recidivism. A May 1989 study on correctional treatment programs in Oregon revealed that 74 percent of inmates who completed an inpatient drug treatment program in prison had not returned to prison 3 years after release. The inmates who went through the program were hardened criminals. On average, they had been arrested 14 times and spent 7 years in prison. On average, they first used drugs when they were 12½ years old.

Mr. President, we cannot just discard these individuals. We have an opportunity to provide alternatives to those offenders who resolve to end the cycle of addiction and crime. Let us make the most of this opportunity.

We are in receipt of letters of support from various groups and individuals who support our efforts including the American Correctional Association, the National Association of Criminal Defense Lawyers, the Criminal Justice Policy Foundation, Citizens United for Rehabilitation of Errants, and a number of district attorney offices from around the country all of which will appear in the CONGRESSIONAL RECORD.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2521. A bill to exchange certain lands in the State of New Mexico and for other purposes; to the Committee on Energy and Natural Resources.

COCHITI LAND EXCHANGE ACT OF 1990

● Mr. BINGAMAN. Mr. President, on behalf of myself and Senator DOMENICI, I am introducing the Cochiti Land Exchange Act of 1990. This bill has several valuable purposes worthy of comment. First, the bill provides for a land exchange that brings within the Federal system another small piece of the spectacular Baca property in New Mexico. This area is a combination of some of the world's most intriguing geology and beautiful scenery and its partial acquisition for future generations is an important result of this bill.

Second, this bill provides for further study of the remainder of the Baca for future Federal acquisition. This 3-year effort by the National Forest Service is a necessary prelude to future discussions on the Baca.

Third, this exchange corrects a longstanding wrong by the Federal Government. In 1966, at the request of the Federal Government, the owners of the Baca gave the Forest Service land in the Baca in return for a tract of land between Albuquerque and Santa Fe. Subsequently, other departments of the Federal Government questioned the title given to the Baca owners by the Forest Service. The Forest Service, in correspondence to the New Mexico congressional delegation, has noted that the Baca owners "were treated unfairly by the Federal Government, albeit by different Agencies." In addition to the individual wrong involved, the Forest Service is concerned that the action "leaves open to question whether the United States will stand by its land conveyances and puts into question the efficacy of the Forest Service's land exchange program." Fortunately, the exchange provision and other sections in this bill correct not only the individual wrong to the owners of the Baca, but also reestablish the integrity of the Forest Service's Land Exchange Program.

I encourage my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cochiti Land Exchange Act of 1990".

SEC. 2. PURPOSES AND DEFINITIONS.

(a) PURPOSES.—The purposes of this Act are—

(1) to provide for the exchange of certain lands of Dunigan Enterprises and the United States; and

(2) to provide for a study of the possible Federal protection of certain lands in New Mexico.

(b) DEFINITIONS.—For the purposes of this Act—

(1) the term "Dunigan Enterprises" means Dunigan Enterprises, Incorporated, a Texas corporation, and BL&C Co. and BL&C Co. No. 2, Texas partnerships; and

(2) the term "Secretary" means the Secretary of Agriculture.

SEC. 2. LAND EXCHANGE.

(a) EXERCISE OF OPTION.—

(1) Notwithstanding any other law, upon receipt by the Secretary of an option from Dunigan Enterprises in which Dunigan Enterprises offers to convey the lands described in section 3(a) to the United States in exchange for the lands of the United States described in section 3(b), the Secretay shall exercise the option.

(2) The Secretary shall exchange and convey to Dunigan Enterprises the lands described in section 3(b) upon—

(A) conveyance to the United States of the lands described in section 3(a) by Dunigan Enterprises and acceptance of title to that land by the Secretary; and

(b) the execution by Dunigan Enterprises of a release of all claims relating to the real property known as the "Cochiti properties" located in Sandoval County, New Mexico.

(b) TERMS AND CONDITIONS.—(1) All conveyances shall be by general warranty deeds and shall convey all right, title, and interest in and to the described lands.

(2) Nothing in this subsection shall preclude such other terms and conditions on the conveyances of lands or interests therein as the Secretary and Dunigan Enterprises may agree upon.

(c) GOOD TITLE.—For purposes of conveying good and merchantable title, all right, title, and interest in and to the lands described in subsection 3(B) are confirmed to be in the United States and under the jurisdiction of the Secretary of Agriculture. The United States shall defend such title against any and all claims.

SEC. 3. LAND DESCRIPTIONS.

(a) LANDS OF DUNIGAN ENTERPRISES.—The lands of Dunigan Enterprises available for conveyance to the United States are the lands situated in the State of New Mexico aggregating approximately 36 acres and described as follows:

New Mexico Principal Meridian, Sandoval County, Township 19 North, Range 3 East: The portions of the Spanish land grant surveyed and known as Baca Location No. 1 described as follows:

(1) PARCEL 1.—Beginning at Mile Point No. 11 on the south boundary of Baca Location No. 1; thence westerly along the south boundary of Baca Location No. 1 to its intersection with the constructed centerline of

Forest development Road 133; thence on a continuation of the south boundary of Baca Location No. 1, 33 feet; thence on an approximate bearing of N. 26° E., about 720 feet as scaled from the Forest Service's topographic map of the area, to the south boundary of the easement for New Mexico State Highway No. 4; thence in an easterly direction along the State highway easement to its intersection with the south boundary of Baca Location No. 1; thence westerly along the south boundary of Baca Location No. 1 to the point of beginning, being Mile Point No. 11, containing about 27 acres, subject to confirmation by formal survey and acceptable plat required to provide an acceptable legal description and record acreage.

(2) PARCEL 2.—Beginning at Mile Point No. 10 on the south boundary of Baca Location No. 1; thence in a westerly direction along the south boundary of Baca Location No. 1, 423 feet to a point on the west side of the east fork of the Rio Jemez; thence N. 38° E., 660 feet; thence N. 86° E., 170 feet; thence S. 70° E., 477 feet; thence S. 34° E., 364 feet to the south boundary of Baca Location No. 1; thence along the south boundary of Baca Location No. 1 to the point of beginning, being Mile Point No. 10, containing approximately 9 acres, subject to confirmation by formal survey and acceptable plat required to provide an acceptable legal description and record acreage.

(b) LANDS OF THE UNITED STATES.—National Forest lands available for conveyance to Dunigan Enterprises are all of the land situated in the State of New Mexico described as follows:

(1) New Mexico principal meridian, Sandoval County, Township 15 North, Range 6 East:

(A) Sec. 10. The portion of lot 1 lying northeast of the Dunigan Tract as described at volume 21, pages 361-363 of the Sandoval County records.

(B) Sec. 11. Lots 1, 2, and 3 and the portion of lots 4 and 5 of the N½, SW¼, and SE¼ lying northeast of the Dunigan Tract as described in volume 21, pages 361-363 of the Sandoval County records.

(C) Sec. 12. Lots 1, 2, 3, and 4, S½.

(D) Sec. 13, Lots 1, 2, 3, and 4, NE¼, NW¼, N½. and NE¼.

(E) Sec. 14. The portion of lots 1 and 2 lying northeast of the Dunigan Tract as described in volume 21, pages 361-363 of the Sandoval County records.

(2) New Mexico principal meridian, Santa Fe County, Township 15 North, Range 7 East:

(A) Sec. 7. Lots 1, 2, 3, and 4, S½ and S½.

(B) Sec. 8. Lots 8 and 9.

(C) Sec. 17. Lots 2, 3, 6, and 7.

(D) Sec. 18. Lots 1, 2, 5, and 6, N½, N½, N½, and SE¼,

containing approximately 1,700 acres, subject to easements and rights of way of record.

(c) CORRECTIONS.—The Secretary and Dunigan Enterprises may by agreement correct any errors in the legal descriptions made in subsections (a) and (b).

SEC. 4. ADDITIONAL COMPENSATION.

In addition to the conveyance of land to Dunigan Enterprises under section 2, there shall be paid to Dunigan Enterprises the sum of $1,075,527 from the permanent judgment appropriation, on certification by the Secretary to the Comptroller General that the land conveyances and release described in section 2(a)(2) have been completed.

SEC. 5. DISPOSITION OF LANDS.

Lands conveyed to the United States pursuant to this Act shall become part of the Santa Fe National Forest and shall be administered by the Secretary pursuant to the Act of March 1, 1911 (36 Stat. 961).

SEC. 6. CONSUMMATION OF TRANSACTION.

It is the intent of the Congress that the conveyances authorized in section 2 shall be made within 1 year after the date of enactment of this Act.

SEC. 7. LAND OWNERSHIP ADJUSTMENT STUDY.

(a) STUDY.—The Secretary shall conduct a study of Baca Location No. 1 to address—

(1) the scenic, geologic, recreational, timber, mineral, grazing, and other multiple use attributes of Baca Location No. 1; and

(2) options for acquisition of Baca Location No. 1 by the United States, in whole or part, by purchase, exchange, donation, or otherwise.

(b) COOPERATION.—(1) The study required by subsection (a) shall be conducted in cooperation with the owners of Baca Location No. 1, other interested parties, and the general public.

(2) This Act does not authorize entry upon Baca Location No. 1 by any person without the express permission of the landowner, and the Secretary shall make prior arrangements with the landowner for satisfactory access to the land for purposes of this section.

(c) ENVIRONMENTAL IMPACT.—The study required by subsection (a) shall not require preparation of an environmental impact statement.

(d) REPORT.—The Secretary shall report the results of the study required by subsection (a) and any recommendations for legislation not later than 3 full fiscal years after the date of enactment of this Act to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as are necessary for the study required by subsection (a).●

By Mr. BINGAMAN:

S. 2522. A bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable; to the Committee on Rules and Administration.

CONGRESSIONAL RECYCLING ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation which would require the House of Representatives and the Senate to use recycled paper and paper products in their operations.

We are all aware of the importance of conserving natural resources. Recycling of those resources is one of the most important ways to support conservation. The most obvious and easiest ways to encourage recycling is through the use of recycled paper.

For recycling to be successful, there must be a supply of paper to recycle and there must be a demand for the product. At this point, we have become efficient at supplying paper for recycling; however, we have not supported the demand side of the equation through the use of recycled products. We must show a commitment to use recycled paper.

A number of us in the Senate have initiated a program in our offices to recycle all of the paper used in the office. This program shows that it is not difficult to separate paper products and begin the recycling process.

The Senate will soon consider important legislation to increase and improve the forested areas of the Nation through tree planting and forestry conservation measures. In addition to directly supporting forestry conservation measures, we need to start using recycled products.

Mr. President, I believe we must set the example on the use of recycled products. To further strengthen the Government's position on the use of recycled paper products, I plan to introduce legislation later this week which will require the General Services Administration to make recycled paper available to the Secretary of Agriculture for use by the Forest Service, the leader in forestry conservation.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the full text of this bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Recycling Act of 1990".

SEC. 2. REQUIREMENT FOR CONGRESS TO PURCHASE RECYCLED PAPER AND PAPER PRODUCTS.

(a) PAPER PURCHASED BY CONGRESS.—(1) The Clerk of the House of Representatives and the Secretary of the Senate shall take such action as may be necessary to assure that recycled paper and paper products are used to the greatest extent practicable in the operations of the House of Representatives and the Senate, respectively. Any decision not to use recycled paper or paper products shall be based on a determination that such items are (A) not available, or (B) available only at an unreasonable price.

(2) In carrying out the requirement of paragraph (1), the Clerk of the House and the Secretary of the Senate shall, at a minimum, take such action as may be necessary to assure that recycled paper or paper products are purchased under each contract, or subcontract under a contract, for the procurement of 10,000 pounds or more of paper or paper products.

(b) PAPER PURCHASED FOR CONGRESSIONAL PURPOSES.—The Public Printer shall take such action as may be necessary to assure that, in providing printing and other services to the House of Representatives, the Government Printing Office uses recycled paper and paper products to the greatest extent practicable. Any decision not to use recycled paper or paper products shall be based on a determination that such items are (A) not available, or (B) available only at an unreasonable price.

(c) UNREASONABLE PRICE.—For purposes of this Act, an unreasonable price is one which exceeds by more than 10 percent the price of nonrecycled paper or paper products.

(d) DEFINITIONS.—For purposes of this Act:

(1) The term "paper and paper products" includes printing and writing paper, corrugated boxes, napkins, tissue paper, and such other paper and paper products as may be considered necessary or appropriate to be included in such term by the Clerk of the House of Representatives, the Secretary of the Senate, or the Public Printer in implementing this Act.

(2) The term "recycled paper and paper products" means paper and paper products that contain the level of recovered material recommended by the Administrator of the Environmental Protection Agency in guidelines for Federal procurement of paper and paper products containing recovered materials, prepared pursuant to section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962).

SEC. 3. ANNUAL REPORTS.

The Clerk of the House of Representatives and the Secretary of the Senate, in consultation with the Public Printer, shall each publish a report on the implementation of this Act in the House of Representatives and the Senate, respectively. Each report shall include information on the progress and problems associated with such implementation, and findings and recommendations with respect to such implementation.●

By Mr. NICKLES:

S. 2523. A bill to provide for a reasonable management program for agricultural wetlands, and for other purposes; to the Committee on Environment and Public Works.

COMMON SENSE AGRICULTURAL WETLANDS ACT OF 1990

Mr. NICKLES. Mr. President, today I am introducing legislation entitled the "Common Sense Agricultural Wetlands Act of 1990" which addresses my concerns with the Federal management of agricultural wetlands.

Mr. President, the primary thrust of my legislation is to amend a wetlands conservation program created 4 years ago which is causing confusion and frustration among Oklahoma farmers and ranchers. This program, enacted with the Food Security Act of 1985 and nicknamed the "swampbuster," denies farm program benefits to any person who converts a wetland to produce an agricultural commodity.

The impact of this program in Oklahoma is widespread and substantial. To date, agricultural wetland determinations, conducted as a result of the Wetland Conservation Program, are complete for about half the State. Over 41,000 acres have already been identified as agricultural wetlands and over 2,500 farmers and ranchers in 37 counties are receiving notices from the Soil Conservation Service saying they have agricultural wetlands on their property. Based on information supplied by the SCS, we estimate 6,000 farmers and over 100,000 acres will eventually be affected by this program in Oklahoma alone.

Mr. President, I fully agree that our Nation has an abundance of valuable wetland resources which need to be protected for future generations, but it is time to fine-tune the legal definition of wetlands by applying some common sense. As things now stand, farmers and ranchers could lose all their Federal farm benefits if they plant on a parcel of land—no matter how small, no matter how long it's been farmed—that meets the legal definition of a wetland.

That just does not make sense.

The Common Sense Agricultural Wetlands Act was drafted in a manner which I believe addresses the concerns of farmers and ranchers, while maintaining the underlying interest of the Federal Government to protect valuable wetland habitat. The Common Sense Act will not result in the wholesale destruction of valuable wetland habitat. Persons who drain, fill, or otherwise modify significant wetland areas which have not traditionally been farmed will still risk the loss of all Federal Farm Program benefits.

Mr. President, the Common Sense Agricultural Wetlands Act of 1990 consists of three basic sections dealing with the Wetlands Conservation Programs, Clean Water Act section 404 permits, and Farmers Home Administration land inventory procedures, respectively. Rather than describing each of these sections, I respectively request that a summary of the legislation be included in the RECORD.

In recent weeks several bills affecting wetland programs have been introduced in the Senate. While the Common Sense Act and other wetlands legislation share some provisions, the Common Sense Act is the only bill which establishes a de minimis size and value determination and a cost/benefit analysis. Additionally, my legislation is the first legislative attempt to prevent the Farmers Home Administration from arbitrarily placing conservation easements on land as it passes through Federal inventory.

I am also pleased to say the Oklahoma Farm Bureau, the Oklahoma Farmers Union, the Oklahoma Wheat Growers Association, the Oklahoma Cattlemen's Association, and the Oklahoma Peanut Growers Association all support the Common Sense Agricultural Wetlands Act.

Mr. President, knowing that the Senate Agriculture Committee will likely devote considerable time to wetlands issues in the 1990 farm bill debate, I am hopeful that my colleagues will give my legislation due consideration as they examine these issues.

Mr. President, I ask unanimous consent that the text of the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Common Sense Agricultural Wetlands Act of 1990".

SEC. 2. WETLAND CONSERVATION PROGRAM.

(a) PENALTY AND DE MINIMIS STANDARD.—Subtitle C of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) is amended by inserting after section 1221 the following new section:

"SEC. 1221A. GRADUATED PENALTY AND DE MINIMIS STANDARD.

"(a) GRADUATED PENALTY.—The Secretary may reduce the degree to which a person is declared ineligible under section 1221 in relation to the severity of the conversion.

"(b) DE MINIMIS STANDARD.—The Secretary shall establish a de minimis standard permitting conversion of certain wetlands taking into consideration the relative size of the wetland that is converted and the conservation, wildlife, and recreational value of the wetland.".

"(b) EXEMPTION.—Section 1222(a) of such Act (16 U.S.C. 3822(a)) is amended—

(1) in paragraph (3), by striking out "or" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(5) land determined by the local Soil Conservation Service conservationist to be exempt from the requirements of section 1221 because it does not exceed the de minimis standard established under section 1221A(b), or that is otherwise exempt based on a cost-benefit analysis conducted by such conservationist that compares—

"(A) the value of the long term loss of agricultural production on the land, the cost to restore or maintain the area as a wetland, and the cost to the Federal government to administer the area; with

"(B) the conservation, wildlife, and recreational value of such land; or

"(6) land traditionally devoted to the production of an agricultural commodity.

Land shall be considered traditionally devoted to the production of an agricultural commodity under paragraph (6) if an agricultural commodity was produced, or if such land was otherwise considered to be planted, for any 6 years in the 10 year period preceding the date of enactment of this paragraph.".

(c) REVIEW.—Section 1222 of such Act (16 U.S.C. 3822(a)) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall establish procedures to enable persons who were subjected to wetland determinations under this subtitle prior to the date of enactment of the Wetlands Protection Act of 1990, to have such determinations reviewed for adjustments under paragraphs (5) and (6) of subsection (a).".

(d) REPORT.—Subtitle C of title XII of such Act (16 U.S.C. 1221 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1224. REPORT.

"Not later than ———— of each year, the Secretary shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on

Agriculture, Nutrition, and Forestry of the Senate, a report concerning the progress of the Secretary in implementing sections 1221 and 1222 during the preceding year.".

SEC. 3. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by adding at the end thereof the following new subsection:

"(u)(1) This section shall not apply to the discharge of dredged or fill material into any wetland that is traditionally devoted to agricultural production. Land shall be considered to be traditionally used for agricultural production for any 6 years of the 10 year period preceding enactment of this subsection.

"(2) For purposes of this subsection, the term 'agricultural production' shall include—

"(A) the production of row crops;

"(B) apiculture, horticulture, viticulture, silviculture, aquaculture, and mariculture;

"(C) grazing or haying;

"(D) hydroponics;

"(E) the production of tree fruits or nuts;

"(F) the raising of cattle, horses, poultry, swine, sheep, goats and other livestock;

"(G) the storage of surface water for agricultural production;

"(H) the distribution of water for agricultural production;

"(I) conserving uses required as a condition of enrollment in an acreage reduction program administered by the Secretary of Agriculture under the Agricultural Act of 1949 or any amendments thereto;

"(J) all other activities described in section 404(f)(1) as of July 31, 1989; and

"(K) the construction, expansion, improvement, maintenance and operation of farm residences and facilities.".

SEC. 4. DISPOSITION OF INVENTORY LAND.

(a) IN GENERAL.—Section 335 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985) is amended—

(1) in subsection (c)(1), by adding at the end thereof the following new sentence: "The Secretary shall not encumber any land with a permanent conservation easement under this section, or transfer any land to a third person under this section, unless that Secretary has undertaken all reasonable efforts to publicly sell such land unencumbered by any such conservation easements.";

(2) in subsection (d), by adding at the end thereof the following new sentence: "No land shall be subject to a permanent easement under this subsection for conservation purposes unless that Secretary has complied with subsection (c)(1)."; and

(3) in subsection (e)(7), insert before the period the following: ", except that the Secretary shall not grant or sell a permanent conservation easement on such land unless that Secretary has complied with subsection (c)(1).".

(b) EASEMENTS.—Section 349(b) of such Act (7 U.S.C. 1997(b)) is amended by inserting before the period the following: "if the Secretary has undertaken all reasonable efforts to publicly sell such land unencumbered by any such conservation easements".

SEC. 5. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act.

THE COMMON SENSE AGRICULTURAL WETLANDS ACT OF 1990

WETLAND CONSERVATION AMENDMENTS

Current law

Any person who produces an agricultural commodity on a converted wetland loses ALL farm program benefits, including: deficiency payments, crop insurance, disaster payments, and FmHA loans.

The Common Sense Agricultural Wetlands Act of 1990

Authorizes the Secretary of Agriculture to reduce wetland conservation program penalties in relation to the severity of the producer's infraction.

Requires the Secretary to develop a "de minimis" standard for agricultural wetlands which considers: the relative size of the wetland; and the conservation, wildlife, and recreation value of the wetland.

Exempts agricultural wetlands which don't exceed the "de minimis" standard established by the Secretary. Wetlands may also be exempted based on a cost-benefit analysis conducted by the local conservationist that compares: the value of long term loss of agricultural production on the land, the cost to restore or maintain the area as a wetland, and the cost to the federal government to administer the area and ensure compliance; with the conservation, wildlife, and recreational value of such land.

Exempts land traditionally devoted to the production of an agricultural commodity. Land shall be considered traditionally devoted to the production of an agricultural commodity if an agricultural commodity was produced, or considered to be planted, for any 6 years in the ten year period preceding the enactment of this legislation.

Requires the Secretary to allow persons notified of wetland determinations prior to the passage of these amendments to request a revised ruling from SCS under the new provisions.

Requires the Secretary to submit an annual report to the Congress on the progress of implementing wetland conservation programs.

AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT

Current law

Section 404 of the Clean Water Act prohibits the discharge of dredged or fill material into wetlands under the jurisdiction of the Corps of Engineers and the EPA. The law provides an agriculture exemption, but it is too vague to be effective and its administration has been inconsistent.

The Common Sense Agricultural Wetlands Act of 1990

Exempts from the jurisdiction of the Corps and the EPA any wetland that is traditionally devoted to agricultural production. Land shall be considered to be traditionally devoted to agricultural production if such land was devoted to agriculture production for any six years in the ten-year period preceding the enactment of this legislation.

DISPOSITION OF INVENTORY LAND

Current law

FmHA has the authority to place conservation easements on inventory land even if it is simply passing through federal inventory. FmHA also has the authority to transfer portions of inventory lands to federal, state, and local agencies, or private nonprofit entities for conservation purposes.

The Common Sense Agricultural Wetlands Act of 1990

Requires the FmHA to make every effort to publicly sell inventory lands as is, without the encumbrance of conservation easements. FmHA would also be required to make every effort to publicly sell inventory lands before transferring them to third parties.

REGULATIONS

Current law

The federal definition of a wetland and most of the procedures used to implement federal wetland programs have never been submitted to public review and comment.

The Common Sense Agricultural Wetlands Act of 1990

Requires the Secretary to develop regulations and procedures to carry out the amendments made by this legislation no later than 180 days after its enactment. These regulations and procedures would be subject to public review and comment.

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. SANFORD, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 434

At the request of Mr. REID, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 1286

At the request of Mr. KASTEN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1286, a bill to amend the Internal Revenue Code of 1986 to provide for a maximum long-term capital gains rate of 15 percent and indexing of certain capital assets.

S. 1511

At the request of Mr. PRYOR, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1758

At the request of Mr. GLENN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1758, a bill to provide for the establishment of an Office for Small Government Advocacy, and for other purposes.

S. 1890

At the request of Mr. THURMOND, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 1890, a bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civl service retirement, and for other purposes.

S. 1971

At the request of Mr. THURMOND, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1971, a bill to establish a constitutional death penalty and strengthen and improve Federal criminal penalties and procedures.

S. 2041

At the request of Mr. SYMMS, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

S. 2146

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 2146, a bill to clarify the authority of the Small Business Administration to make disaster assistance loans to small businesses in case of disasters determined by the Secretary of Agriculture.

S. 2183

At the request of Mr. MOYNIHAN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2183, a bill to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes.

S. 2222

At the request of Mr. BRADLEY, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from South Carolina [Mr. THURMOND], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 2240

At the request of Mr. KENNEDY, the names of the Senator from Maine [Mr. COHEN], the Senator from Georgia [Mr. FOWLER], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

S. 2250

At the request of Mr. DECONCINI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 2250, a bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes.

S. 2316

At the request of Mr. BRADLEY, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2316, a bill to amend the Agricultural Act of 1949 to establish an equitable sugar price support program, and to require the use of a tariff rate quota to make this program effective.

S. 2356

At the request of Mr. SYMMS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2356, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 2388

At the request of Mr. CRANSTON, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2388, a bill to provide for the striking of medals in commemoration of the Centennial of Yosemite National Park.

S. 2415

At the request of Mr. DOMENICI, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2415, a bill to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Act of 1978.

S. 2500

At the request of Mr. CHAFEE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2500, a bill to amend title 23, United States Code, to control billboard advertising adjacent to Interstate Federal-aid primary highways, and for other purposes.

SENATE JOINT RESOLUTION 48

At the request of Mr. HOLLINGS, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Mr. DIXON], the Senator from Nebraska [Mr. KERREY], the Senator from Massachusetts [Mr. KERRY], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 48, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 263

At the request of Mr. HELMS, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of Senate Joint Resolution 263, a joint resolution to designate October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day."

SENATE JOINT RESOLUTION 267

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. GARN], the Senator from Florida [Mr. GRAHAM], the Senator from Montana [Mr. BURNS], the Senator from Missouri [Mr. BOND], the Senator from North Dakota [Mr. BURDICK], and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of Senate Joint Resolution 267, a joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 277

At the request of Mr. LUGAR, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 277, a joint resolution designating October 6, 1990, as "German-American Day."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 295

At the request of Mr. DANFORTH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 295, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes.

SENATE CONCURRENT RESOLUTION 104

At the request of Mr. BIDEN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Concurrent Resolution 104, a concurrent resolution expressing the concern of the Congress regarding the Birmingham Six, and calling on the British Government to reopen their case.

SENATE CONCURRENT RESOLUTION 115

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of Senate Concurrent Resolution 115, a concurrent resolution to express the sense of the Congress regarding future funding of Amtrak.

SENATE RESOLUTION 231

At the request of Mr. BRADLEY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 263

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia [Mr. FOWLER) was added as a cosponsor of Senate Resolution 263, a resolution to express the sense of the Senate regarding the need to establish a sound national transportation policy integrating all modes of transportation and maintaining a significant Federal role.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BIDEN AMENDMENT NO. 1523

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At the appropriate place in the bill, insert the following:

ECONOMIC SUPPORT FUND AND DEVELOPMENT ASSISTANCE

For an additional amount for the "Economic Support Fund" (as authorized by chapter 4 of part II of the Foreign Assistance Act of 1961) and an additional amount for "Development Assistance" (as authorized by chapter 1 of part I of the Foreign Assistance Act of 1961), as may be determined by the President, which amounts shall be available only for assistance for Bolivia, Colombia, and Peru: *Provided*, That the aggregate of such amounts equal $125,000,000.

At the end of the bill, add the following new section:

SEC. . Of the total unobligated amounts available for the Department of Defense accounts entitled "Procurement" and "Research, Development, Test and Evaluation" for the fiscal year 1990, $125,000,000 shall be withheld from obligation and expenditure.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, April 25, at 9:30 a.m., for a hearing on the subject: Oversight of the operation of inspectors general offices.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 25, 1990, at 2 p.m. on S. 1918, legislation to lift the manufacturing restrictions on the Bell operating companies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 25, 1990, at 9:30 a.m. on "Responses to Global Change—What You Can Do."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Wednesday, April 25, 1990, at 9:30 a.m. to hold hearings on FHA mortgage ceilings.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 25, 1990, at 10 a.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 25, 1990, at 10:30 a.m. to hold a hearing to discuss in detail the progress being made on United States-Japan trade negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., April 25, 1990, for a hearing to receive testimony on S. 370, a bill to amend the Land and Water Conservation Fund Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and outdoor recreational heritage, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF HARRY VINES

● Mr. BUMPERS. Mr. President, I rise today to congratulate Harry Vines, coach of the Rollin' Razorbacks wheelchair basketball team, on receiving a 1990 President's Volunteer Action Award.

Coach Vines will receive this special recognition for his commitment and dedication to the wheelchair basketball program.

The Rollin' Razorbacks started as a recreation team 12 years ago, and since joining the National Wheelchair Basketball Association in 1980, they have reached the final four twice. This past year, the Rollin' Razorbacks ended their season with a 28–2 record and were runners-up in the National Wheelchair Basketball Tournament.

In addition to coaching the Rollin' Razorbacks, Harry Vines coached the United States wheelchair basketball team in the 1987 Stoke-Mandeville Games in Great Britain and led the United States team on a goodwill tour of The Netherlands last year. He has also been selected to coach the United States team for the Gold Cup competition in Belgium this summer. We in Arkansas are very proud of Coach Vines and we are equally proud of the Rollin' Razorbacks.

This has been a good year for Coach Vines and the Rollin' Razorbacks, and I wish them all the best in the seasons ahead.●

PULITZER FOR WILSON

● Mr. DURENBERGER. Mr. President, just 3 short years ago, I stood on the Senate floor and beamed with pride that a Minnesotan, August Wilson, had just won a Pulitzer Prize for drama, for his work, "Fences."

On April 12, 1990, August Wilson again received that distinguished honor, this time for his play "The Piano Lesson." In spite of these honors, though, Wilson remains a humble, down-to-earth man.

Wilson's recognition now puts him in a category with some of America's literary giants, namely Eugene O'Neill and Robert E. Sherwood, who together garnered seven Pulitzer Prize for drama.

In his critically acclaimed works, Wilson is treading out new paths in America, and human drama. Black and

white audiences alike are learning, through Wilson, that the tragedies and triumphs of life know no color, income, or territory. And, he teaches us this lesson in humanity by making us use our imaginations, as well as our hearts, to further understand the special characters of his story.

The people of St. Paul are particularly proud of Wilson, who chose the city as his home in 1978. Today, I want to share that pride with my colleagues in the Senate, by submitting for the RECORD, the front page story from the St. Paul Pioneer Press, April 13, 1990, which gives us all a little insight into this very rare master.

It reads as follows:

"PIANO LESSON" SCORES PULITZER FOR PLAYWRIGHT WILSON

(By Diane Hellekson and Roy M. Close)

NEW YORK.—St. Paul playwright August Wilson won the 1990 Pulitzer Prize for drama, his second Pulitzer, for his 1987 play "The Piano Lesson."

Wilson, 44, won his first Pulitzer for "Fences" in 1987. "The Piano Lesson," which premiered at the Yale Repertory Theater in 1987 and was a finalist for last year's Pulitzer, will open Monday on Broadway.

In New York to attend previews of the play this week, Wilson was giving an interview in the Edison Hotel coffeeshop when he heard news of the award.

"I'm glad for this particular play, and for the cast, which has stuck with the play for two years," he said.

Pulitzer Prizes are awarded annually by Columbia University for outstanding achievement in journalism and the arts.

Finalists for this year's drama award were Maria Irene Fornes for "And What of the Night?" and A.R. Gurney for "Love Letters."

Only two other playwrights have received more Pulitzer Prizes than Wilson: Eugene O'Neill, who won four from 1920 to 1957, and Robert E. Sherwood, who won three between 1936 and 1941.

Set in 1936, "The Piano Lesson" tells the story of Boy Willie, who travels to his sister Berniece's home in Pittsburgh, where he hopes to raise money to buy a cotton farm. The land had been owned by a character named Sutter, a descendant of the man who owned Willie's ancestors as slaves. But in order to buy Sutter's farm, Willie must sell a family heirloom, a valuable piano carved with the faces and events from his family's past.

To complicate matters, Sutter's ghost is living in Berniece's house. Because of this and Willie's opportunity to buy the farm, she believes her brother was responsible for the white man's death.

"I've always liked the play," Wilson said. "I think it at least poses some more important questions than, say, 'Fences' did: What do you do with your legacy? Do you acquire a sense of self-worth by denying your past?"

With its strong characterization and vivid dialogue, "The Piano Lesson" is typical of Wilson, who has been praised for his accessible portrayals of 20th century black Americans. Incorporating gentle humor as well as tragedy, the plays are also notable for their use of black speech patterns.

"The good playwrights don't speak like anybody else," said Lloyd Richards, artistic director of Yale Repertory Theatre, New Haven, Conn. "He has a marvelous faculty for storytelling, which transfers itself to his characters."

Yale Repertory has premiered all. Wilson's plays since 1984, most recently "Two Trains Running," which opened March 30. Richards also is directing "The Piano Lesson" on Broadway.

Wilson, a high school dropout with three honorary degrees, was born in Pittsburgh in 1945. He grew up in the poor, predominantly black Hill district with his mother and five siblings, and dropped out of school at age 15 after a teacher wrongly accused him of plagiarism. He honed his literary skills as a poet, and wrote his first play in the 1960s.

Wilson moved to St. Paul in 1978, after developing a fondness for the city during a visit to work on a play here with Claude Purdy, resident director of Penumbra Theater. Penumbra has staged two of Wilson's plays, "Ma Rainey's Black Bottom" and "Jitney," and will present "Fences" in May.

Wilson, who lives with his wife, Judy Oliver, in the Cathedral Hill neighborhood, is a habitue of such local establishments as Tommy K's and Cognac McCarthy's—bars that serve as informal "offices" for the playwright.

Wilson wrote portions of several plays over coffee and cigarettes at Esteban's, formerly on Grand Avenue.

Characteristically humble, Wilson says the second Pulitzer won't change his life. "I'm going to continue doing the same thing I've been doing, which is writing plays." He is currently revising "Two Trains Running" and working on a new play, "Moon Going Down."

Will he continue to work in St. Paul's saloons? "Oh sure," he said. "That's the only way I know how to do it."●

COMDR. ANTHONY WATSON HONORED

● Mr. SIMON. Mr. President, Rev. Elmer Fowler, who is a religious and civic leader in Chicago and has stood up on so many positive, constructive things for that city, will be presenting to Comdr. Tony Watson, an award known as the Heritage and Freedom Award on May 20. It has been given to a distinguished group of Americans, including the first one to Dr. Benjamin E. Mays, whose leadership on the national level we all recognize.

Mayor Harold Washington was one of the recipients.

For this man, who came from the Cabrini Green housing projects in Chicago and has achieved the rank of commander at Annapolis, it is a great tribute. It is also a great tribute to his family and all those who helped him along the way.

The ceremony in Chicago will begin at 11 a.m., and then there will be a luncheon honoring him.

I ask that three articles about Tony Watson and this award be printed in the RECORD at this point. The first one is a "Professional Profile" which appeared in the publication U.S. Black Engineers; the second is titled "From Mess Attendant to Chairman of the Joint Chiefs of Staff," written by Reverend Fowler; and the third is an article written by William Mullen, which appeared in the Chicago Tribune magazine on July 2, 1989. I commend Reverend Fowler and all who have played a role in this tribute.

The material follows:

PROFESSIONAL PROFILE: COMDR. TONY WATSON

Watson started at the Naval Academy in aerospace engineering: "I got attracted to submarines after visiting one during my junior year. I thought I'd like it, and it turned out to be the right decision."

One's first impression of Commander Tony Watson is his size. He is likely the largest man aboard the USS Hammerhead, in height and bulk. An ex-football player and boxer, Watson has the fit look of a man who's stayed in shape since his athletic days. He also has the overall appearance of great strength. As the Executive Officer of the ship, his duties include running its many systems, including the nuclear power plant, and making sure the officers and enlisted men keep the ship running smoothly. And to do all that, strength is just what he needs.

As XO, Cmdr. Watson is second in command of the USS Hammerhead. He executes the policies of the ship and the commanding officer. An XO is also there, he says, "to relieve in case the commanding officer of the ship becomes incapacitated for some reason." For the most part, though, his job is "to carry out the day-to-day routine of the ship, to make the ship ready to go to sea from the standpoint of tactical training, making sure we're ready to do the job we're assigned to do in terms of combat readiness, as well as other objectives, such as projecting the flag overseas, pulling into ports and showing those other countries we're there to support them."

A soft-spoken man for the most part, Watson can definitely use his powerful voice when necessary. However, during the several hours it took to conduct this interview, his quiet, courteous manner predominated with visitor and crew alike. The Hammerhead was in Norfolk, Virginia, for refitting and repairs, and the men aboard seemed to know exactly what Watson expected of them. It is this quiet discipline that most distinguishes Tony Watson from civilians at his level of accomplishment. Yet listening to him speak of his achievements means hearing about his pride at the accomplishments of the men under his command.

As he puts it, his main job is to "organize everybody else to get done what they need to do so I can get done what I need to do." Often that job requires more than just the strength he obviously has. "There are so many objectives to be met on a ship—training, getting people off on leave, maintaining the ship in a top material readiness condition—that you can't get it all done all the time as designed, as you planned to do it."

Tony Watson grew up in the Cabrini Green section of Chicago. A tough part of the city, Watson admits "I don't even like to walk the streets at night, now." "Ramsey Lewis, Curtis Mayfield and Mr. T. are other well-known Americans who also spent their youths there. Watson attended Lane Tech in Chicago, and then went on to the Naval Academy in Annapolis, Maryland, to study aerospace engineering. "I had always wanted to be a jet pilot," he recalls. "Always until I flew in a Navy jet. The guy took me up to about 40,000 feet and turned us over and took us down to about 20,000 feet and I decided that really wasn't what I wanted to

do for the next 20 years. From that point I got attracted to submarines after visiting one during my junior year. I thought I'd like it, and it turned out to be the right decision."

After serving for 12 years aboard five different ships in the nuclear submarine force, Watson was assigned shore duty in New London, Connecticut. This "easier" work led him to make a decision which changed his life as much as that ride in a Navy jet had earlier. He left the service, but not for long.

"I got out and worked for Potomac Electric Power Company in Washington, D.C., as Operations Coordinator. My job was to improve the operational efficiency of all the power plants in the PEPCO system around Washington. It was a really interesting job to me because I like the area around Washington. All the plants are within a one hour drive, and I got to do a lot of things in the area. It worked out real well for me except that the job is not a fraction of the challenge that this job is. And that's what my decision to come back boiled down to. Fortunately, I'd stayed active in the Reserves, and I opted to come back in October, 1983."

He served three months aboard a Los Angeles Class submarine, the U.S.S. *Birmingham*, "to requalify as a nuclear engineer." And then Commander Watson came to the Hammerhead as Executive Officer. He missed some advancement possibilities while he was out of the Navy. At 36, he admits he is "running a little bit behind the curve because I was out for one year. I'm a bit senior to be here as XO. I have classmates who are commanding submarines. So, this will be a relatively short tour before I go on to command."

Unlike naval surface ship assignments, nuclear submarine force officers have only two choices of duty. While surface ship officers can choose from several ship types, aircraft carriers, cruisers, destroyers, and so on, "We have only two types of at-sea assignments," Watson explained. "Either an SSN fast attack submarine like this one, or an FBM ballistic missile submarine, in which the engineering complex is virtually the same." However, there are many more nuclear-powered submarines than are surface ships, so officers tend to get higher responsibility sooner in the submarine service. That's not to say that surface ship nuclear engineering officers don't have "relatively the same amount of responsibility in terms of men that they handle and the amount of material and equipment they're responsible for" up through the lieutenant commander level, according to Watson.

Rather, "In the senior commander and captain ranks in the surface force you get assigned to different kinds of jobs. A commander in the surface nuclear fleet would likely get assigned to be engineer of a power plant as opposed to being commanding officer of the ship. And he could be assigned to be Reactor Officer on a larger ship class, such as a cruiser or an aircraft carrier where he may be responsible for reactor complexes that are 5 times as big as the engineering complex we have."

Learning nuclear reactor procedure in the Navy is proably the finest training in the world. While we hear about accidents and mishaps in civilian power plants, we never do about naval reactors. Cmdr. Watson attributes this difference to one person. "I think the difference is clear. I've worked on both sides now. The difference is the program that Admiral (Hyman) Rickover built. From day one, the difference between ours and the others are the standards we exact, that we demand, that we comply with. We do things by procedure. One of the fundamental areas of our training program is that we conduct formal training sessions to make sure that all of our operators understand the principles involved in the operation of the propulsion plant. So that when they go to turn a switch or open a valve they know what to expect to happen. And if it doesn't happen, then they undo what they did. And with as many valves and pipes as we have jammed into a submarine, the guys who operate those systems have to know what they're doing. There are hundreds, thousands of valves."

"We train to such detail," he continued, "that when those guys crack a valve open there's a certain procedure they use. They crack the valve, listen for the sound, confirm for themselves that the sound they're hearing is the sound of fluid passing, or the sound of just a little fluid passing until it pressurizes the area to the next valve and then the sound should stop. We train them, we hammer it into them until it's natural. And we spend the time to do that. A good portion of each day, probably an hour a day, we use to train people. And they don't do that, they can't afford to do that, the public won't pay for that much training to be done in the private sector right now. That tide is changing, I think, as a result of TMI (Three Mile Island). It's going to have to. If we expect people to react properly, we're going to have to train them how to react. And we do that, and that's the difference."

Fast attack submarines operate against other ships rather than land targets. They might provide support for aircraft carrier forces, or operate independently, quietly perusing objectives in any part of the oceans. The Hammerhead's home port is Norfolk, where Watson and the crew spend approximately half the year. Of course, being at sea for extended periods, away from family and friends, has drawbacks as well. For Watson, though, who has worked recently in both the civilian sector and the Navy, the drawbacks are more than compensated for by the rewards and gratifications of his job.

"The greatest gratification comes from having done a job that is unique in the world. There are only a hundred and some odd U.S. submarines. They have a unique job to do. And it's tough getting from point A to point B. And it makes me feel proud when I stand up in front of these 136 guys in our ship's crew and know that each one of those guys is an expert in his particular area. And that they can take what looks like this simple black tube sitting in the water and make it do all kinds of things out there in the middle of the ocean, without making any noise, without letting anybody know we're there, and to get the job done. The submarine leaves port and it hardly ever communicates with anybody. We go out and get the job done and come back into port and nobody ever knows we've even left except our families. There's a lot of satisfaction in that. It also gives me a lot of satisfaction to be serving on a ship that has virtually the best retention program in the Navy. We've been on the retention honor roll for the past 47 months. That says a lot about the way we conduct business, because the ships that remain on the honor roll are those ships where people are satisfied."

All Naval Academy graduates are engineers of one sort or another. Tony Watson hoped to fly, so he started in aerospace engineering there. Now, he has switched over to nuclear engineering in order to understand and run the propulsion plant aboard his submarine. Aside from getting a sound education in the basics of science and math underlying engineering fields, what he calls "understanding how forces work," the most important advice Watson has for young engineers is "to get a reasonable balance of art courses under their belts, things such as writing, political science and others. I took one political science course in my four years at the Naval Academy, in my last semester. I enjoyed the dickens out of it. And it was unfortunately too late at that point to go back and do more. After I graduated, I got interested in subjects like philosophy and reading about the history of the world. And I really had no outlet for it at that time. I was working this job and didn't have time to go to school and take those courses, and it was too late. I really wish I had done it in school. Those who are already committed to going into an engineering field are going to get as much and more engineering as they want to get. They will not be lacking for that, and if they are, there will always be guidance from others. But that's not the case if you want to do other things in your life." Not being aware then how much enjoyment he would get from such subjects later in life, Watson admits, "If I could go back and redo my college days, that's one thing I'd do differently."

The future holds a great deal of promise for Comdr. Tony Watson. His next move is "Commanding Officer, hopefully of a Los Angeles class submarine here in Norfolk. That's what I'll be lobbying for, maybe in another year or so. That's always the lobbying effort because everybody wants a brand new submarine out of Norfolk. There's probably five ships available for fifty people, so it's tough and competitive."

Tony Watson wouldn't have it any other way. "I got out of the Navy to get into what I thought was greener pasture in the civilian world. And I found the biggest difference to be that this point in my life I still need more adventure. As Maslow and Hertzberg, the new management theorists, would say, the money is never the real issue with respect to job satisfaction. The real motivators are job satisfiers, doing well and being told that you're doing well, doing something that you can see makes a difference in the world. And everybody in this crew, I think, feels some of that satisfaction."

From Mess Attendant to Chairman of the Joint Chiefs of Staff

Prior to 1941, American citizens of the black race could only serve in the United States Navy as mess attendants. During the Japanese attack on Pearl Harbor, Dorie Miller was serving on board the U.S.S. Arizona as mess attendant. The captain of the ship was mortally wounded and the gunners were killed. Dorie Miller moved the captain to a safer place on the ship and took over an idle machine gun and shot down several Japanese planes without difficulty. Through the efforts of the Pittsburgh Courier and the Chicago Defender, both Negro newspapers, this issue was raised through the press, and after much public discussion President Roosevelt awarded Dorie Miller the Navy Cross. It was presented to him by Admiral Chester Nimetz.

In 1943, the navy department selected fifteen (15) black sailors and put them in a training program at the Great Lakes Naval Training Center to become lieutenants. Upon completion of their training, they were not allowed to graduate. Because of the intense struggle of these fifteen sailors

they were named "golden 15", and became the first black officers in the U.S. Navy. Thus began the long road toward integrating the negro into the U.S. Navy.

The Dorie Miller Foundation was organized in Chicago by the Reverend Elmer L. Fowler. The Dorie Miller Award was dedicated to be presented to individuals and organizations who would make noble contributions for the progress, welfare and prestige of American citizens of the black race. Annually, the Dorie Miller Foundation would host the Dorie Miller Commemoration Program; presenting the award to outstanding individuals or organizations. Jackie Robinson was the first black American to enter organized baseball, and the first to receive the Dorie Miller Award.

Since that time, the list of outstanding citizens has increased greatly in the last forty-seven (47) years. The members of the United States Senate who have received the American Heritage & Freedom Award are: the Honorable Charles H. Percy, the Honorable Ernest Hollings, the late Honorable Paul H. Douglas, and the late Honorable Everett M. Dirksen. The members of the U.S. House of Representatives include: the Honorable Margaret Stitt-Church, the Honorable Cardiss Collins, the Honorable Charles A. Hayes, the late Honorable Ralph H. Metcalf and the late Honorable Barrett O'Hare. The last person to receive this award in 1989, before his death, was the late Honorable Claude Pepper.

On March 3, 1989 Senator Byrd gave a resounding tribute on the floor of Congress honoring Senator Pepper for his long tenure both as senator and congressman. Later that same day in his office, Senator Pepper received the American Heritage & Freedom Award presented to him by Rev. Fowler.

In 1979, fifteen (15) outstanding black women of our nation received the American Heritage & Freedom Award. Among the outstanding American women chosen to receive this award were Congresswoman Cardiss Collins, the then newly elected chairman of the Congressional Black Caucus. The fourteen (14) other distinguished women chosen to receive the award were: Dr. Geraldine P. Woods, Chairman of the Board, Howard University; Attorney Margaret Bush Wilson, Chairman of the Board of the National NAACP; Dr. Dorothy I. Height, President of the National Council of Women; Dr. Dorothy L. Brown, the first black woman surgeon in the South; Mrs. Coretta Scott King, wife of the late Dr. Martin Luther King, Jr., Center for Social Change; Mrs. C. Delores Tucker, former Secretary of State of the Commonwealth of Pennsylvania; Mrs. Vivian Carter Mason, outstanding human rights activist and club woman, Norfolk, Virginia; Mrs. Alberta King, late mother of the late Dr. Martin Luther King, Jr., (awarded posthumously); Attorney Frances Hooks, wife of Dr. Benjamin Hooks, National Executive Director of the NAACP; Attorney Jewel LaFontant, of Chicago, Illinois; Ms. Lu Willard, then the only black woman diamond cutter and jeweler of New York City; Rosa Parks, precipitator of the Montgomery, Alabama bus protest; Mrs. Clarice Collins Harvey, social, educational, and civil rights worker; Dr. Ruth Love, Superintendent of public schools, Oakland, California, and Assistant Director to Mrs. Carter on National Mental Health.

Throughout the history of the United States of America, black women have led the country in stamina, strength and dedication. This country can never forget the Harriett Tubmans, the Sojourner Truths, the Barbara Jordans; the contributions of black women in general, who have formed a strong coalition to push black Americans to excellence.

In Chicago, on Sunday, May 20, 1990, Captain Anthony Watson will be honored with the 47th Annual American Heritage and Freedom Award.

Tony Watson was born and raised in the Cabrini-Green housing project. He distinguished himself by graduating from Lane Tech High School—an "A" student. He graduated from the Naval Academy and served in the United States Navy as Executive Officer of the U.S.S. Hammer Head. Recently he served as Captain of the U.S.S. Jacksonville, one of America's finest atomic propelled submarines.

On November 10, 1989, Commander Watson was relieved of his duties on board the Jacksonville, and received his stripes as captain in the United States Navy. He is now deputy Commander of the United States Naval Academy.

The accomplishments of this one man, Captain Anthony Watson, makes him an outstanding Role Model for the young people of America today. He certainly deserves the high honor that we will bestow upon him in Chicago.

Tributes will be made by the U.S. Navy Department, the Governor of the State of Illinois, James Thompson, the Mayor of the city of Chicago, Richard M. Daley, and many other outstanding citizens of Chicago and the State of Illinois.

The theme for this year's ceremony will be from Dorie Miller at Pearl Harbor to Anthony Watson at the Naval Academy, and from Mess attendant to the Chairman of the Joint Chiefs of Staff.

Though black Americans have come a long way in the Navy, we realize they have a long way to go to accomplish full integration and to enjoy the privileges of all other American citizens in the armed forces.

As we look back from here to 1943, when 15 black sailors were sent to Great Lakes for training to become lieutenants, it is rewarding to see 10 black admirals, many lieutenants, and lieutenant commanders, including Dr. Ronald A. McNair who lost his life on board the space shuttle. Captain Watson is the ideal person to represent black Americans, who have served America in all national and international conflicts. Their sweat, blood and tears have made this country strong and free.

All of America salutes him.

BACK HOME: ONE OF AMERICA'S BEST AND BRIGHTEST WARRIORS RETURNS TO CHICAGO WITH A MESSAGE

(By William Mullen)

At a Monday breakfast gathering earlier this year, Anthony John "Tony" Watson stands in front of a group of pin-striped executives at the ever-so-proper Union League Club. At 6 feet 1, the trim but muscular former athlete, resplendent in the dress-blue uniform of a U.S. Navy commander, fits right in.

Watson's mission is to deliver a lecture and slide show on the relative strengths of American and Soviet naval power, which he does with professional polish and aplomb. But he also uses part of his time at the Union League, a posh, tasteful preserve for the rich and powerful, to make an appeal to the gathered executives. Watson asks them to get involved with programs designed to lift the spirits and horizons of children growing up a few miles north in the Cabrini-Green housing project. Chicago's grim and perhaps most notorious preserve of poverty, crime and social aberration. Watson grew up there from his infancy.

The day before, Watson spoke to quite a different audience, the congregation at the 11 a.m. service of the Third Baptist Church at 1551 W. 95th St. The church, a cavernous former movie palace done in Art Deco style, is headed by its popular pastor, the Rev. Elmer L. Fowler, recently elected president of the South Side Chapter of the Chicago NAACP.

The congregation was honoring the memory of two old friends of the church—Adm. Draper Kauffman and his wife, Peggy, both deceased. The service was part of the dedication ceremonies for the Peggy Kauffman Friendship House, a newly opened shelter for homeless elderly people a few blocks away from the church. Among the guests were members and friends of the Kauffman family, including Mrs. Prescott Bush, the late admiral's sister and President Bush's sister-in-law. Watson, who had been befriended by the Kauffmans at a critical time in his life, was the guest speaker.

As at home in that church as at the Union League Club, Watson sits in the congregation with his mother, Mrs. Virginia Watson, 64, and his grandmother, Mrs. Ethel Smith, 84, and two younger sisters. He's completely attuned to the gospel music of the church's enormous choir, which performs with such soaring, foot-stomping emotion that three women faint away.

When it comes time for him to speak, Watson again carries out his mission with aplomb. After giving a heartfelt tribute to the Kauffmans, he singles out children in the congregation and, using himself as an example, gives them a stirring lecture on how anyone can rise above his or her disadvantaged background and beat the odds to become anything he or she desires to be. He then delivers a moving memorial to the positive influence he received from his father, and by the time he speaks directly to his mother on behalf of himself and his two brothers and three sisters, there's hardly a dry eye left in the church: "You engineered us out of the projects. You didn't have any equations. You didn't have any tools. But, Mom, you are the reason we're here."

Watson is used to being called upon as a role model and often uses his meager free time to speak to black children directly or to others on their behalf. A 1970 graduate of the U.S. Naval Academy, he is a man of many accomplishments. Late this year he will have captain's stripes sewn onto his uniform when he returns to the academy as deputy commandant. Until then, he will continue as commander of the U.S.S. Jacksonville, a nuclear attack submarine.

The Jacksonville is a billion-dollar piece of technology with supersecret electronic and weapons systems that approach the complexity of the systems in the space shuttle. Its mission is to seek out and monitor Soviet submarines in the vast, underwater expanse of the Atlantic Ocean and, should war break out, to help destroy them. Commanding a ship with such a doomsday mission requires the combined skills of an ace engineer, a superb leader of men and a cunning hunter/killer. Watson's job, in short, is reserved for only a few of the brightest and most capable naval officers, men who rise to the top after years of rigorous training and intense competition.

One child accomplishing as much as Tony Watson has would make any family proud, but the children of Johnny and Virginia

Watson are all sources of family pride. In order of age, Charles, 42, is a Chicago accountant. George, 41, is a public-affairs representative with the Chicago Sun-Times. Tony, 40, having made the list for promotion to captain well ahead of most of his Annapolis classmates, could well become an admiral just a few years from now. Barbara, 36, is a supervisor at the Federal Reserve Bank in Chicago. Diane, 30, is an account supervisor at a credit union on Vandenberg Air Force Base in California. Liz, 26, is an electrical engineer and area manager for Illinois Bell Telephone Co.

It's the sort of story Americans like—all six children of a humble working-class family rising and planting themselves firmly in the middle class. All six grew up in Cabrini-Green. Their father, who died at the age of 64 in 1983, was a working man most of his life. He was an ink mixer for various Chicago printing companies until he was fired from his last job in the middle 1960s, the vicissitudes of alcoholism having caught up with him.

When their father stopped working, their mother became a teacher's aide at Jenner Elementary School inside Cabrini-Green, where all the six children had begun their education. Virginia Watson still works at the school, and she still lives in Cabrini-Green. There was never much money in the Watson household then, barely enough to keep food on the table and keep the kids in clothing. Yet all six of them went on to college and are now successful professionals, married and comfortably raising families of their own.

One factor in their success may well be that the family moved into the housing project before it became Cabrini-Green. Johnny and Virginia Watson, both raised on the West Side and both high school graduates, married in 1946. After their third child, Tony, was born in 1949, they began looking for something larger than the small apartment in Johnny's mother's house where they had been living.

Virginia's mother, who worked at Montgomery Ward's mail-order headquarters on Chicago Avenue, had noticed the lovely little Chicago Housing Authority rowhouse project near the Ward's warehouse. Named for Mother Frances Cabrini, the first American elevated to sainthood by the Catholic Church, the 583-unit project had been opened in 1943. Johnny and Virginia looked it over, liked what they saw, applied for a two-bedroom rowhouse and, their application accepted, moved in.

It was 1950, several years before the towering high-rises that now characterize Cabrini-Green were built. The rowhouses were then racially integrated, and the neighborhood surrounding them was a run-down but bustling Italian community known as "Little Sicily."

"The first place we lived in at Cabrini had houses across the street with mostly Italians living in them," says George Watson. "We had stores, laundries and delicatessens all over the neighborhood. We grew up in the midst of St. Philip Benizi parish. I have very good memories of that. The parish had a three-day feast every year, and everybody got in on it, including those of us from the rowhouses.

"It wasn't until after the high-rises were built that old ladies from the parish got beat up and rolled. After that started to happen, the church decided not to hold the feast anymore. The Italians began to move out of the neighborhood, and very few of them even came back to attend church there. That's when things began to change at Cabrini-Green."

Virginia Watson also had fond memories of Cabrini before much of the old neighborhood fell to the wrecker's ball to make way for the first high-rises in 1958. In those days, she says, the CHA ran the project much more strictly than it does now. She says there were frequent visits from housing officials to make sure tenants were properly maintaining their units. The CHA also used to keep stricter standards for screening potential tenants.

"In those days you had to show marriage certificates to get into an apartment," Mrs. Watson says. "There were no single parents in here then, and if a tenant was in trouble with the law, they couldn't stay here. You had more of a family atmosphere in those days, and parents paid more attention to their kids.

"In 1962, after the William Green high-rises went up, somebody from the CHA office asked us if we would be interested in moving into them, knowing we had a large family in a two-bedroom rowhouse. They showed us a brand-new four-bedroom unit, with all new cabinets, kitchen and everything. Johnny and I weighed that with having a front yard and a back yard in the townhouse. We thought it would be too hard to watch all those kids from a high-rise apartment, and we decided to stay in the rowhouses even if it was pretty cramped."

Instead they moved into a larger, three-bedroom rowhouse, the one in which Mrs. Watson still resides. The Watson's decision to stay in the rowhouses seems to have been a crucially positive one in the upbringing of their children.

Most of the whites in the neighborhood had left by the time the last high-rises were built in 1962, and street gangs started to fight for dominance at Cabrini-Green. The rivalries eventually evolved into an ongoing battle between two large South Side gangs, the Black P Stone Nation and the Disciples. Tony Watson recalls how he and his brothers used to try to find various "safe routes" out of the projects to go to the store or to downtown moviehouses. Often they failed, he says, and got beaten up and robbed.

But the rowhouses themselves remained something of an oasis in the nasty high-rise environment that had engulfed them. The families in the rowhouses tended to be long-term tenants, families headed by both parents. The men made their presence known on the sidewalks in front of the rowhouses, and the gang members pretty much stayed away. No father was more vigilant than Johnny Watson.

William Nash, 40, an Ohio telephone-company executive, is a Cabrini-Green "alumnus" who boosted himself out of the project with a master's degree in business administration. He and Watson were best friends until they went to different high schools. He remembers Watson's father as a stern parent who policed the behavior of all the neighborhood children.

"You have to keep in mind that we were in grammar school during the transition (of Cabrini-Green) from a mixed to an all-black neighborhood," Nash says. "There was a group of us, 8 or 10 kids, who were about all that was going on academically even then in the school, and Tony was one of them. His dad always made him study.

"If a bunch of us were out fooling around in the evening and we decided to stay out later than usual, Tony always had to go home. The gangs were starting to come in, and crime was becoming more and more of a problem, but Tony's dad did a great job insulating his kids from what was going on."

"Daddy set standards for me—for all the kids," Tony Watson himself says. "He kept after us to clean the house, to be home when we were supposed to be there, to study when we were supposed to study. He wasn't so concerned about how well we did in our studies as much as how well we could apply ourselves. He was strict, but he was generous with his pride and his praise when we did well."

The youngest daughter, Liz, born in 1963, never knew Cabrini-Green as anything other than what it is today, a high-rise jungle, though she maintains she never thought of it as a particularly dangerous place to live.

"I know this sounds silly," Liz says, "but Daddy kept such strict control over us that I got all the way through high school before I realized gangs were a real problem in the project. He just never let us go even near the high-rises. We had to ask permission to just go a block down the street to buy an ice-cream cone."

"Johnny kept the kids on a pretty short leash," Mrs. Watson says. "We didn't demand that they do well in school, but we demanded that they be in the house at night, studying. Even in the summer, if there was no school, Johnny wouldn't let the kids play on the sidewalk in front of the house with the other neighborhood kids unless either he or I was out there watching. It wasn't just life in the projects. Both Johnny and I were raised that way."

But along with their strict vigilance, the Watsons also filled their children's lives with as much intellectual stimulation and cultural enrichment as they could provide. The memories each of the six children have of their home life glow with stories of parental love and support.

While his father was the disciplinarian, Tony Watson says it was his mother who, by example, pushed her children to do well in school. "Mom was always reading something, and every day she was doing crossword puzzles and doing other things to improve her mind," he says. "She was always making us practice speaking and penmanship, and she was always there to help us with our homework. If she didn't know an answer to one of our questions, she was in the library the next day to find it. I think of that every day, even now."

Barbara, the oldest of the daughters, remembers her mother as always looking for cultural-enrichment programs, scholarships and study grants for her children. She was always willing to get on a bus and spend a day scouting schools and colleges that offered such programs.

"Growing up, I had the same experiences as little white girls did," says Barbara. "I took dancing lessons and went to summer camp every year. One thing Mama and Daddy always made sure of: They always had time for each of us individually. It seems old-fashioned now, but dinner time was always family time. The television was always off, and we talked."

Whatever Johnny and Virginia Watson did to nurture their kids, they did it well. Blessed with bright minds, all six of them did well in school. Both Tony and Liz skipped two grades in grammar school and entered Lane Tech High School at age 12. For Tony, it was first foray into a larger world where he was expected to compete with an overwhelming majority of whites. Very few blacks were going to Lane Tech in the early '60s, and racial tension was not

terribly high, but somebody spat on Tony as he walked into Lane on his first day of school.

He was then only 12, but Tony had the maturity to rise above the affront. Ignoring his attacker, he calmly walked into the building, washed and settled in. In the ensuing days and years, he applied himself to his classes and went out for football, eventually becoming a star varsity offensive end. Academically, he graduated with a B average in the school's elite honors program, which was then limited to 40 students.

Norman Bannor, his freshman/sophomore football coach, became a father figure and sort of mentor, a man Watson often cites as another positive influence in his life.

"There weren't many blacks at Lane when he was with us," says Bannor, "but he was the kind of kid who could fit in with anybody. He was young, but he was big enough to hold his own, and he always had a lot of desire. He had a good pair of hands and was smart, so he did very, very well in our football program. He was tough when he had to be, and he took his licks, breaking his collarbone on the last play of the season when he was a sophomore, but he was very teachable and serious. Everybody liked him. I retired in 1985 after 37 years of teaching. You begin to realize that the thing—the bonus—a teacher works for is to have a student go on to succeed in life and come back and tell you that you did something for him that helped him to succeed. Tony means a lot to me."

Impressed by his high school record, youth workers in the Lower North Youth Center at Cabrini-Green chose him as a candidate for admittance to the U.S. Naval Academy. Watson's name came up third from the top in Rep. Sidney Yates' list of Annapolis candidates in 1966. The first one on the list failed his physical examination. The second candidate did not get a high enough score on his SAT test. Watson did well in both tests and won the appointment.

Watson was more than a little afraid when he started out at Annapolis. Competing against the best at Lane Tech was one thing; competing against the best at the naval academy was another, particularly when there were only 12 blacks in the entire school of 4,800 midshipmen.

"I think people thought that being black and from a poor, inner-city housing project, I wouldn't have the sort of cultural background to succeed at Annapolis," Watson says, "I know that I worried about it. I suppose I thought most of these guys came from well-to-do families and were refined and knowledgeable about the ways of the world that I had never been exposed to."

He was assigned to a room with a white plebe from Texas who, apparently in all innocence, kept telling stories about "niggers" he knew back home. Watson is uneasy when it comes to talking about racism and glosses over such incidents as noncommittally as possible.

"I don't think he even realized that it hurt me," he says of that roommate. "But after a day of it, I decided to straighten him out, to let him know that 'nigger' was not an acceptable word in my vocabulary."

Whatever means of persuasion he used, it worked, he says, and he and his roommate became friends. The Texan, however, soon dropped out of the academy, while quiet, affable Tony Watson from Cabrini-Green stayed on and was elected president of the freshman class.

The academy's superintendent was Adm. Draper Kauffman, and early in Watson's first year, the admiral and his wife invited some of the student leaders for an informal gathering at their home. Tony, as president of his class, was one of those invited. The tall, then-gangly youth was already beside himself with nervousness at the reception when disaster struck. In an awkward moment, he spilled his cup of deep-red punch down the front of his dress-white uniform.

Mrs. Kauffman saw the accident, Tony says, and immediately came over to put him at ease. The admiral, too, came over and began to talk with him, and before the reception was over, Tony had a new mentor in his life—one, Watson would later say, who was "surely committed to racial equality."

Draper Kauffman was a rarity in the Navy of 1966. An officer who made his mark as a demolition expert and founder of the Navy's elite frogman program that was the forerunner of the Seals, he was one of the most decorated American warriors in World War II. But he was also a man ahead of his time, a man whose conscience was stricken by the Navy's overt racism. Until then, only a few from America's minority groups had ever risen above such traditionally lowly Navy slots as stewards and mess attendants.

Through his career, Kauffman had always tried to use his influence to break down racial barriers whenever and however he could. During his tenure as Annapolis superintendent, he took special care to counsel and encourage a few black midshipmen who made it there, among them Tony Watson.

"Annapolis is a very demanding place scholastically, a place where you don't get much beyond a C average unless you apply some enthusiasm," Watson says. "Adm. Kauffman was always inspiring me to work harder, to achieve something. I was really afraid I couldn't hack it there, and I worked my hind end off to keep up to flank with the other guys. I ended up getting a 3.7 (out of possible 4) grade-point average at the end of my first year."

The Navy apparently expected Watson to put his football skills to use at the academy, and he did turn up for freshman football. "I was tall enough, but I wasn't all that big then," he says. "I took one look at most of the guys out for football and realized they could just as well have been turning out for Notre Dame. They were really big guys, much bigger than (the guys) in high school, and I figured I didn't want to keep running into that kind of wall."

Instead, Watson turned his interest to the mandatory physical-education course in boxing under the academy's legendary coach, Emerson Smith. Watson wasn't particularly good at it at first, he says, but the individual nature of boxing appealed to him, and he quickly made it his sport at the academy. Oliver North and James Webb, who later became Secretary of the Navy, were Annapolis upperclassmen then and outstanding boxers who helped train Watson as he began learning the pugilistic arts.

"North was an outstanding boxer, and he taught me a considerable amount," Watson says. "Webb was smaller than me, but we once fought against each other in a match. I never though I would beat up on the future secretary of the Navy, but I did."

"I knew nothing about Tony's background when he was in his first class under me," says coach Smith. "I had a responsibility to put all midshipmen through the program, and he was just another face. He wasn't highly visible as far as ability goes. He certainly wasn't a natural. What made me notice him eventually was that he was able to work very, very hard, with great determination. That made a great difference in him. He became well-known eventually at the academy and highly respected for his boxing prowess."

In 1968 Adm. Kauffman left the academy for a new assignment. At the change-of-command ceremony, he presented his ceremonial sword, which had been worn before him by his father, also a U.S. Navy admiral, to Watson. In doing so, he told the midshipman to give it to the first officer to become Annapolis superintendent from the classes Kauffman had presided over at the academy. "I'm giving it to you," the president Kauffman told Watson, "because I believe you will be the one."

Watson's fear of failing in head-on competition with whites disappeared at Annapolis. By the time he graduated in 1970, ranking 153d scholastically in a class of 838, he had compiled an enviable record. He was a battalion boxing champion four years running and was class president in his freshman and sophomore years. He won the top leadership award in his class as a junior, when he also was made brigade commander. As a senior, he was made regimental commander, the highest military rank attainable by an Annapolis student.

Tony's success was the source of unimaginable joy and pride to the Watson rowhouse back at Cabrini-Green.

"Tony was the poorest boy at the academy, but I bet he got one thing more than any of the other midshipman," says his mother, who still glows with the memories. "He got MAIL! I was sending him letters and packages of food all week long. That first time he came home in his uniform, I can't tell you how proud we were. Yeah, those were some good days. He was succeeding. Tony would never tell us what he was doing until it was an accomplished fact, like, 'Oh, yeah, by the way, Mama, I was made class president.' "

Watson upon graduation decided to become a submariner, which meant beginning rigorous schooling in October, 1970. Ever mindful of where he came from, he convinced the Navy to let him spend the summer between his graduation and submarine school at home. He wanted to do what he could to convince kids in Cabrini-Green that they too, could compete successfully in the world outside the project.

Two days after Ens. Watson arrived home, on Friday, July 17, 1970, Sgt. James Severin and Patrolman Anthony Rizzato of the Chicago police were shot to death by snipers as they walked across Seward Park in Cabrini-Green. Over-night whatever shreds of civility had remained at the project were ripped apart. Helicopters hovered above as squads of police went from apartment to apartment in search of the killers. Dozens of innocent people were caught in the fury of emotions. Johnny Watson was arrested and thrown into jail two days later during a Sunday-morning police sweep as he walked his dog on the way to pick up the Sunday newspapers.

Although the killers, two street-gang members, soon were arrested and later convicted, it was a watershed event for Cabrini-Green, a turn for the worse that stigmatized the place as never before, a stigma that has never been erased.

For Tony Watson that summer, the gloss of his achievements didn't seem so shiny. He was a man of some acclaim at the United States Naval Academy, but back home he was just another black deemed suspicious by whites. The experience didn't embitter him,

but it sobered him and perhaps hardened him to some of the realities of the Navy he was about to join as an active-duty officer.

The Navy, in 1970, was hardly a citadel of racial harmony. There were, in fact, so few black officers that the uniforms and insignias worn by Watson and other black officers might as well have been invisible. Whites, both officers and enlisted men, usually responded reflexively to Watson's color, not his rank, seldom profferring the standard salute or other gestures of protocol reserved for officers. Noting his color, they simply assumed he was an enlisted man, not an officer.

But 1970 was a watershed year for the Navy, just as it was for Cabrini-Green. Fortunately, however, it was a turn for the better, not for the worse, in the Navy.

In July of that year, Adm. Elmo Zumwalt became Chief of Naval Operations. The Navy he inherited was two decades behind the Army and the Air Force in terms of racial desegregation and equality. President Truman had issued an executive order on July 26, 1948, demanding equality of treatment and opportunity for all members of the armed services, but the Navy never really complied with it. On Dec. 17, 1970, Zumwalt issued new policy guidelines on "Equal Opportunity in the Navy" that ordered an end to discriminatory practices and set up a system of minority-affairs officers on every ship and naval installation around the world.

Watson soon found himself attending "Zumwalt Roundtables," which amounted to race-sensitivity-training sessions attended by naval personnel regardless of rank and race. Such sessions were ridiculed by many old hands, but the message began slowly to seep through the ranks.

Indeed, the message seeped through every Navy unit, including the Great Lakes Naval Training Center north of Chicago, where in 1970 Adm. Kauffman became the commanding officer, his last billet before his retirement in 1973.

Great Lakes then was a tinderbox ready to explode with racial conflict. Some of the problems arose from overt racism on the base and in the surrounding communities. The most serious came from landlords who refused to rent off-base housing to black personnel. Less serious but just as aggravating to blacks was the refusal of base commissaries to carry merchandise that catered to black lifestyles.

Kauffman met the problems head-on, ordering mess halls and base clubs to secure traditional black foods, getting commissaries to stock black cosmetics and periodicals and allowing bushy Afros for blacks along with longer hairstyles for whites and beards for everyone. Above all, he put all private housing that had refused to accept black renters in the past off-limits to all Navy personnel, whether black or white. The order caused some inconvenience to white Navy families that were forced to move to approved housing, but by giving black personnel equal access to off-base housing, it eased a great deal of the racial tension at the base.

Through it all, Kauffman worked closely with black enlisted men and officers and sought the advice of black community leaders in the area. Among them was Rev. Fowler of Chicago's Third Baptist Church, who soon became a lifelong friend of the Kauffmans.

In contrast to his early years in the service, it isn't often nowadays that Watson is mistaken for an enlisted man because he is black. Black officers now are relatively commonplace. Six percent of all naval officers are black, and the Navy is running an aggressive campaign to eventually at least match the Army officer corps, which is 10 percent black.

Charles Moskos, a Northwestern University sociologist whose special interest is the military, points out that the armed forces today are probably better integrated racially than any other segment of U.S. life. In 1985, for instance, blacks accounted for 30 percent of all Army personnel, 20 percent of the Marine Corps, 17 percent of the Air Force and 13 percent of the Navy. Since officers are executives, no other segment of American society can come close to the record of the military in granting blacks authority and responsibility over white subordinates.

The military, in fact, has become a platform for black veterans from which to enter better-paying civilian jobs. Thousands of black officers and NCOs now retire from the military each year. They carry with them skills and leadership experience eagerly sought by private companies trying, as the military did much earlier, to desegregate its middle- and upper-level management ranks.

Watson himself couldn't ignore the lure of higher pay in private industry. In 1983 he left the Navy for a high-level executive position with a private power company in Washington, D.C. It was interesting and challenging, he says, but about a year after leaving the Navy, he took some friends to a submarine base to show them what he used to do.

"I took them down the hatch, and I was just about overcome when I smelled the old smells," he says with a sheepish laugh. "I realized what a mistake I had made. As corny as it sounds, the Navy is an adventure, and I decided I was still too young to give it up. I've never liked an office yet that wasn't on a submarine."

If there is such a thing, you could call Watson a yuppie warrior. When he isn't at sea playing cat-and-mouse with the Soviet navy for six months at a stretch, he is at home in Norfolk, lovingly restoring a Victorian townhouse in one of the city's most historic areas. He and his wife, Sharon, director of the labor-law division of the Virginia Department of Labor, moved into the integrated, gentrified neighborhood with their daughters, Erica and Lindsay, when he reentered active duty in 1984.

It has been nearly two decades since the summer that Tony Watson spent at home in Cabrini-Green after graduating from Annapolis. For Cabrini-Green and for the Navy, they have been critical decades. The Navy confronted and to a large degree surmounted the racial problems that were prevalent in 1970. But Cabrini-Green has not fared so well, its problems ignored to the point that they have festered and compounded into something worse. There are children in the project with intelligence and talents that would match those of the Watson kids two decades ago, but the barriers facing them may be higher than ever.

"That is something I—and a lot more people—have to do in the future—to get out and reach as many of these kids while they still have a chance, in high school and even before high school," Watson says. "Many of these kids have no hope. You can't dream if you can't see that anybody from here has done anything.

"We need to tell kids there is something on the other side of the mountain. If they could see it, they just might try to climb it. But they don't know what they don't know. A lot of them just don't know there is another side to the mountain."

Blessed all along with good mentors, Watson now feels a responsibility to do some mentoring himself. Within a year of taking command of the Jacksonville, he improved the re-enlistment rate of his crew from 39 to 74 percent. Throughout his career he has pushed his best enlisted men, whatever their race, to consider officer training. Seven who followed his advice were blacks.

Outside the Navy, he often speaks to high school audiences, pitching both for the Navy and for engineering careers, a field in which blacks are relatively underpresented.

Last May he shared top billing as the main speaker with Mayor Richard M. Daley at the Lane Tech's Memorial Day observance. Within minutes of meeting the mayor, Watson had elicited a promise from him to attend an athletic tournament he is helping to stage at Cabrini-Green July 15. Though sometimes uncomfortable with talking about himself and his own accomplishments, he proved once again, at Lane Tech, to be a public speaker of astonishing power. In a performance that few orators can match, he quickly silenced several thousand fidgety high school students into rapt attention. In a patriotic speech that included an account of the death in Vietnam of a Lane Tech classmate of his, he moved many of the students to tears in a consideration of the meaning of wartime sacrifice.

When he visits Chicago, as he tried to do several times a year, Watson always stays with his mother in her rowhouse. He is one of a number of Cabrini-Green alumni who keep coming back, attempting to reach as many kids as they can before the gangs get to them. Watson is a supporter of the Alvin Carter Youth Foundation, an after-school tutoring and sports organization in the project that has succeeded in getting dozens of dropout-prone kids through high school and sending a few of them each year to college.

But what is most important is talking to the kids themselves, he says. During the dedication service for the Peggy Kauffman Friendship House at the Third Baptist Church, Watson says, "This little boy from Cabrini-Green was more afraid than I had ever been in his life the day he arrived at the naval academy." Then, referring to the sword Adm. Kauffman gave him, he says: "Twenty-one years later, I still have that sword, and I'm running as fast as I can to get back to the academy before any of my classmates so that I can keep it. I still believe I can be whatever I want to be, just as you can be. You just have to kick down that door of fear first, the one that you think is blocking the path to your dreams. Just kick it and open it a crack, then keep it open."

After the service, back at Cabrini-Green, Watson just as he always does when he's home, wanders around in his uniform, just talking to the kids. He tries to dazzle them with his experiences, with stories of what his job is, the places he has been, the people he has met.

On a recent visit home, he stops to talk with two boys who live near his mother, 13-year-old twins whom he has gotten to know over the years. They complain to him of the nightly noise made by the "cappers," or snipers, who shoot at one another from the upper stories of highrises across the street from their home.

"You can go to places like South America, Europe, Japan, the North Pole just like I have," he tells the boys, whose studied non-

chalance never quite masks their awe of him. "You can be in charge of other men, just like I am. All you have to do is decide that you want to do it and work for it. If either of you manages to get on the honor roll by the time I get back here again, I'll get you out to Norfolk myself and show you what I mean."

"I don't want no football stars, basketball stars or track stars," he continues, dropping into the argot of the projects. "That stuff is okay, but as you get older, it doesn't mean nothing. I want brain stars. Mind stars. What you want to work for is the academic thing, something you can use all of your life.

"You don't have to be no cappers. You can be captains, like me."●

THE ARMENIAN GENOCIDE

● Mr. REID. Mr. President, when future generations read the history of the 20th century, I wonder what they will think of the human misery.

April 24, 1990, represents 75 years since the beginning of just one of those miseries—one that many people would like to deny: the Armenian genocide.

From 1915 to 1923, 1½ million Armenians were killed, and another half million were forced to leave their ancient homeland. To my knowledge, this was the first time in history that the wholesale, systematic elimination of a people became part of a national policy.

This planned extermination perpetrated by the Ottoman Empire against the people of Armenia became a model for the remainder of the 20th century: Hitler, Stalin, Mao, Pol Pot.

But the history of the 20th century may also be read by future generations as a history of denial. Hitler said it best: "Who remembers the Armenians?" Who remembers the Ulrainians? Who remembers the Tibetans? Who remembers the Cambodians? There are even those who would still deny the Jewish Holocaust in Europe.

We have practiced a great deal of denial in this town lately. The Chinese massacre prodemocracy students in Tiananmen Square, and we send high level diplomats to toast their leaders. The Khmer Rouge exterminated over 1 million Cambodians, and this administration strongly supports Prince Norodom Sihanouk who wants to include the Khmer Rouge in a coalition government.

The Ottoman Turks kill 1½ million Armenians, and we say it did not happen. We worry that the Turkish Government will not buy our weapons.

It is right and fitting that we do commemorate the Armenian genocide. It happened. If we forget it happened—if we deny it—genocides will continue to happen. To paraphrase the poet: It is a small world; there is nothing one man will not do to another.●

DEPARTMENT OF THE ENVIRONMENT ACT

● Mr. SARBANES. Mr. President, I rise in support of S. 2006, to create a Department of Environmental Protection in the Executive Cabinet. As a cosponsor of this measure, I am pleased that the House of Representatives has voted overwhelmingly to pass the companion to S. 2006, and that the Senate Committee on Governmental Affairs has reported it without opposition. I remain confident of the prompt consideration and passage of this measure in the Senate.

Elevation of the Environmental Protection Agency to Cabinet status is an important step which is long overdue. There are few matters as pressing as the need to protect our air and water resources, to preserve the delicate natural balances of the Earth's climate and ecology, and to place our economy on a sound, sustainable footing. This measure recognizes the increasing importance of coordinating and implementing strong and effective environmental policies which address the many serious threats to the public health posed by environmental degradation.

As we enter the final decade of the century, many of our most serious environmental problems have become international in scope, and require close cooperation between nations. The United States is among the last industrialized nations which have not established a top-level ministry for environmental policy, undermining the EPA Administrator's authority to negotiate international environmental agreements with representatives of other nations. During last summer's economic summit in Paris, the inclusion of environmental matters as a topic for deliberation set the summit apart from the 14 that preceded it. In fact, EPA's participation at the summit reflects a profound shift in our approach to environmental issues, and by placing the agency on an equal footing with the other major Cabinet Departments, we further recognize the increased importance of environmental concerns in the formulation of national and international policies.

Mr. President, protection of our ecological resources, development of new technologies to permit continued economic growth, and international cooperation on environmental matters requires strong commitment and leadership. This legislation is an important step toward the development of a more comprehensive and coordinated approach to environmental conservation issues. I am pleased that the House has acted expeditiously on legislation to create a Department of Environmental Protection and urge my colleagues in the Senate to support this important measure when it comes before the full Senate for debate.●

DISTRICT OF COLUMBIA'S BUDGET PROCESS

● Mr. GLENN. Mr. President, lately there has been some confusion over the Federal Government's influence on and contribution to the budget of the District of Columbia. I would like to take a few minutes today to outline for my colleagues how the District's budget is set and what role the Federal Government plays in that process.

Pursuant to the District of Columbia Self-Government Act (Public Law 93-183), the Mayor's office each year draws up a budget and submits it to the City Council. The Council votes on what to keep and discard from the Mayor's budget and then returns it to the Mayor for submission to Congress.

Here in Congress, the entire budget is treated as an appropriation in both Chambers. And, as is the case for any appropriations bill, final approval of D.C.'s budget requires passage in the Senate and House and the President's signature.

Though Congress and the President exercise their power to appropriate all funds in the District's budget, the Federal contribution—or "Federal payment"—is only a small percentage of the money appropriated (14 percent in fiscal year 1990). The lion's share of the District's revenue is raised from local property, income, and sales taxes.

The Federal payment was established with the city of Washington, DC, in 1800. The payment is compensation for the unique requirements and restrictions placed on the District of Columbia by the Federal Government and for the unique services rendered to the Federal Government by the District of Columbia.

Up until 1925, the Federal payment was set by formula. Since then, the Federal Government and the District have negotiated each year over a lump-sum amount. This year, the President has recommended that the District receive $430.5 million or 12.9 percent of the District's estimated fiscal year 1991 budget.

The relationship between our Federal Government and the District of Columbia is singular. Congress and the administration have chosen to keep control of the entire local budget—those moneys received from the U.S. Treasury as well as those raised locally. I believe that with this decision comes responsibility—the responsibility to understand and respect from what sources the funds we appropriate derive. This brief statement is meant as one step toward fulfilling that responsibility.●

THE GREENVILLE NEWS EDITORIALIZES ON CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, many argue that experience is neces-

sary to legislate effectively. It is important, however, to maintain the distinction between experience and seniority. The reason experience brings legislative effectiveness is because tenure brings seniority. The longer you stay, the more power you command.

And what constitutes "effective legislating?" Today, the average tenure of a committee chairman in the House is 26 years, and in the Senate 20 years. Certainly a quarter of a century must constitute experience. Yet our Nation struggles under the burden of a $3 trillion deficit. Simultaneously, we are constantly bombarded by stories of pork barreling, waste, and imprudent spending. We are not using our experience to legislate effectively.

Mr. President, experience has bred an unresponsive, unrepresentative Congress that busily entrenches itself rather than represents its constituents. I ask that an editorial published on February 26, 1990 in the Greenville News of Greenville, SC be printed in the RECORD immediately following my remarks, and I urge all Senators to take note.

The editorial follows:

[From the Greenville News, Feb. 26, 1990]

PUBLIC INTEREST GROWS IN 12-YEAR LIMITATION

Washington is practically crawling with interest groups that support particular members of Congress financially and by voter networking, who in turn support the funding and policy goals of the groups. This is one way members of Congress become entrenched in office, and it is one reason House members, for instance, have established a 98 percent re-election rate.

Americans to Limit Congressional Terms, as the name implies, is not such a group. It is devoted to the less charitable mission of enacting a constitutional amendment that would bar all members of Congress from serving more than 12 consecutive years in office.

The idea isn't radical. The president is limited to two four-year terms. Limiting senators to two six-year terms and representatives to six two-year terms would restore a needed balance to what is too often a veto-proof spending machine on Capitol Hill.

Two South Carolinians, former 5th District Rep. Ken Holland and former 1st District Rep. Tommy Hartnett, are among the 33 former members of Congress who endorse the 12-year limitation. They are in overwhelmingly good company. A Gallup Poll last month found that 70 percent of a nationwide sample of American voters agree with the limitation idea.

This is why, after only a few months' effort by the limitation group, legislative resolutions are already pending in 10 states calling on Congress to initiate the needed amendment to the U.S. Constitution.

Arguably, it offends good political theory to limit the candidate choice of voters in any way. And there is also concern that congressional staff could become more entrenched and powerful in association with congressional turnover. But still shabbier politics is evident in the prevailing practice of veteran House and Senate members who use their office to stay in office by abusing their free-mail privilege, cornering PAC contributions and favoring various collections of narrow interest groups.

As public concern and interest about this issue grows, it may well be that many challengers and sensitive incumbents will voluntarily pledge to seek election for only 12 years.●

SIMON WARNS WHITE HOUSE ON LITHUANIA

● Mr. SIMON. Mr. President, I would like to take a moment to discuss the crisis in Lithuania. Our foreign policy is most successful when the President and Congress act in unison. In a situation like this, Congress usually tries to lend broad support for the President's policy, and so far Congress as a whole has been supportive.

But now that the Soviet Government has cut off virtually all fuel supplies, that unity is less firm. For Congress and the President to act in unison, the President must exert stronger leadership. The President should make it clear that neither economic coercion nor violence are acceptable, period. We should be stronger in urging President Gorbachev and President Landsbergis to sit down and work out an acceptable plan for independence. Yet Moscow has chosen to squeeze the Lithuanians and refuses to meet with Lithuanian delegations. The Lithuanians are being punished for their efforts to regain their independence.

I sense that my colleagues in Congress are as uneasy with a policy of inaction as I am. We should not raise false hopes, but if the Soviet energy blockade continues, if there are no good-faith negotiations with the Lithuanian people, then it is my guess that Congress will lead if the President does not. We ought to say plainly to the Soviet leadership: "This blockade must end." If progress in United States-Soviet relations is to continue, Moscow must promptly begin talking with Vilnius, not at Vilnius.●

1990 NEW JERSEY PRIDE AWARDS

● Mr. LAUTENBERG. Mr. President, in 1985 the New Jersey Pride Award program was established to recognize outstanding individuals who have made many lasting contributions to our State. On May 3 the sixth annual ceremony will be held to honor the 1990 recipients. I want to pay tribute to each of them.

Samuel C. Miller, director of the Newark Museum is being recognized for his contributions to the arts. For over 20 years, Sam has been at the helm of the museum, and under his guidance, it reopened this year after a $20 million renovation. Sam said that he gave a great deal of thought to whether an expensive renovation was justified when there are so many poor and homeless in Newark. But he felt that the money for the museum renovation would give young people an opportunity to learn about the past. Today, thanks in part to Sam's efforts, the Newark Museum is flourishing, and has attracted the art of many private donors.

Eugene Heller, president of Hartz Mountain Industries is this year's economic development honoree. Hartz has developed more than 3 million square feet of commercial, warehouse, retail, and residential space in over just 20 years.

Hartz' waterfront projects, Lincoln Harbor and Independence Harbor have helped redevelop the Hudson River coast in New Jersey. Projects overseen by Gene have increased employment, revived the economy, and instilled pride and encouraged development in our State. His interest in transportation has encouraged many services; including subsidized buses, new highway ramps, bridges, a commuter rail station and re-establishment of commuter ferry services between Hoboken and lower Manhattan.

In the field of Education, Dr. T. Edward Hollander, chancellor of the New Jersey Department of Higher Education is being honored. Since 1977, Ted has led education initiatives to enhance the teaching of technologies and science, and to promote interest in the arts and humanities. He implemented former Governor Kean's "excellence initiatives" program for New Jersey's colleges and universities. During his tenure, the county and State colleges have been strengthened and both Rutgers—the State University, and the University of Medicine and Dentistry have flourished. He has made many lasting contributions to our State's higher education system.

Candace McKee Ashmun, president of the Association of New Jersey Environmental Commissions, is being recognized in the field of energy and environment. She has been instrumental in integrating the consideration of natural resources into the State planning and regulatory system of New Jersey. She is a member of the Pinelands Commission, the State Planning Commission, and the Governor's Council on the Outdoors.

In addition, she has been a director of the Upper Raritan Watershed Association, a member of the New Jersey Natural Resources Council, and a member of the board of trustees of the Middlesex-Somerset-Mercer Regional Study Council.

Dr. Joseph J. Amato, director of pediatric cardiovascular surgery at Childrens Hospital of New Jersey is the recipient of the New Jersey Pride Health Award. This year Joe marked the 10th year of the pediatric cardiovascular surgery program and the admission of the program's 2,000th patient.

Under his direction, New Jersey's only comprehensive neonatal and pediatric care center has become a leading facility in the Nation for the treatment of children and infants with heart disease.

In the field of Science and Technology, inventor Jerry H. Lemelson is being recognized. I understand that Jerry has received more patents than any other active American inventor. This unique individual invented the drive motor used in tape recorders and one of his most recent inventions is a thermometer originally developed for the blind. He is proof that the spirit of invention—the spirit of Edison—is alive and well in New Jersey. Jerry Lemelson, moreover, is committed to the public policy changes necessary to assure the development of future generations of inventors.

Basketball coach, P.J. Carlesimo is the winner of the Sports and Recreation Award. He helped transform Seton Hall into a national power in collegiate basketball. He led the Seton Hall Pirates to the NCAA finals last year, and back to the NCAA tourney again this year.

Terrance and Fay Zealand, founders and executive directors of the AIDS Resource Foundation for Children are recipients of the Social Services Award. Founded in 1987, their organization is dedicated to meeting the needs of children afflicted with AIDS and to lend support to their families. Since its founding, it has helped to open three transitional care facilities.

These facilities provide a home-like setting for children under 6 years old, considered healthy enough not to require hospitalization for the disease. Support services are available for the patients and their families and there is training for foster parents and volunteers. The Zealands have done much to help AIDS' most vulnerable and innocent victims.

Daniel Gaby, chairman of Keyes Martin is being recognized for his contributions to community development. Dan is an advocate for children and is especially interested in helping economically and disadvantaged urban youth. He has given of his time to design and implement many programs for businesses to use to assist the disadvantaged.

He has helped increase awareness in the corporate world of the needs of our State's youth. Dedicated to helping New Jersey's children and adults, he inspires hope that through education and economic opportunities they can have a bright future.

I am also proud to congratulate former governor Tom Kean, the 1990 recipient of the Publisher's Award for Excellence in Public Relations for the State of New Jersey. His campaign, "New Jersey and You—Perfect Together" was a successful one in promoting tourism in our State.

These individuals, outstanding in their fields have made many contributions to our State. I am proud to pay tribute to them, and extend to each my heartiest congratulations on their achievements and my very best wishes for continued success.●

SUMTER, SOUTH CAROLINA SALUTES "HUGO HEROES"

● Mr. HOLLINGS. Mr. President, last autumn, Hurricane Hugo smashed into South Carolina, leaving a path of destruction like nothing seen in my State since the Civil War. In previous floor statements, I have saluted the many heroes to emerge in the wake of Hugo: courageous individuals, public servants who rose magnificently to the occasion, corporations that pitched in with donations and private relief initiatives.

I rise today to report to the Senate on a remarkable expression of gratitude by the people of Sumter, SC, addressed to the countless volunteers from around the Nation who helped get the State of South Carolina back on its feet in the wake of Hugo. This week—which, incidentally, is National Volunteer Week—the people of Sumter will dedicate a living monument to honor the thousands of "Hugo Heroes" who gave so abundantly of their time, energy, and money in the aftermath of the storm.

The idea of creating Volunteer Park was originated by "Volunteer Sumter," a United Way Agency. The project has been embraced wholeheartedly by the people of Sumter, and finally comes to fruition this week. It truly has been a community project. Citizen volunteers cleaned the lot and drew up site plans. Neighboring Shaw Air Force Base provided manpower from their Civil Engineering Squadron to build a gazebo. Sumter garden clubs and master gardeners have planted trees and shrubs and flowers. It is a beautiful and eloquent expression of thanks.

I salute Volunteer Sumter and the entire Sumter community for creating this magnificent park to honor the aptly named "Hugo Heroes." These heroes lent a helping hand to the people of South Carolina at our time of greatest need. On behalf of the entire State, the people of Sumter this week are saying "thank you."●

THANKS TO TEACHERS

● Mr. SASSER. Mr. President, I rise today to pay tribute to an important program that honors one of America's greatest resources—its teachers. The program is simply and aptly named "Thanks to Teachers."

The sad fact is, we don't say thanks to our teachers often enough. It is the least we can do for the people who play such a crucial role in our society. Our children hold the key to the future, and our teachers hold the key that can open their young minds and make them the kind of parents, workers, and leaders we will need in the 21st century.

The Thanks to Teachers Program does more than just express gratitude for a job well done. It encourages a partnership between classroom teachers and businesses, parents and community leaders. For example, the upcoming national symposium sponsored by the Thanks to Teachers Programs will provide a national forum for teachers and business leaders to discuss school reform policies. The results of the symposium will be distributed to legislators, school policymakers, and media across the country.

This Friday night, Thanks to Teachers will sponsor an awards reception in Memphis where five local winners of a national competition will be honored. Those chosen must have shown outstanding dedication to their profession and their students. They will have an opportunity to attend a Washington leadership institute where they can share their classroom experiences with other teachers from around the country.

I want to take this opportunity to congratulate those Memphis winners in advance. They represent the best in their profession. Along with everyone who participates in this important program, I express my thanks to them for a job well done.●

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS

Mr. BYRD. Mr. President, I am authorized by the majority leader and the Republican leader to proceed with the following requests.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. Thursday, April 26, 1990, and that following the time for the two leaders there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each. I further ask unanimous consent that the Senate resume consideration of H.R. 4404, the supplemental appropriations bill, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to and, at 6:43 p.m., the Senate recessed until Thursday, April 26, 1990, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 1990:

DEPARTMENT OF STATE

PETER JON DE VOS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

DEPARTMENT OF JUSTICE

JAMES J. WEST, OF PENNSYLVANIA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS VICE DAVID DART QUEEN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. MONROE W. HATCH, JR., xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE AND APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601 AND SECTION 8034:

To be general

LT. GEN. JOHN M. LOH, xxx-xx-xxxx U.S. AIR FORCE.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOSEPH J. WENT, xxx-xx-xxxx, USMC.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM G. CARSON, JR., xxx-xx-xxxx/9903 USMC.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES H. PITMAN, xxx-xx-xxxx, USMC.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DAN B. BELCHER, xxx-xx-xxxx 2/8/90
MAJ. WILLIAM T. CLAYTON, xxx-xx-xxxx 2/14/90
MAJ. JEFFREY A. DAVOLL, xxx-xx-xxxx 1/31/90
MAJ. JOHN E. FRANK, xxx-xx-xxxx 2/6/90
MAJ. MARVEL J. GALLENTINE, xxx-xx-xxxx 2/4/90
MAJ. MARK L. HETTERMANN, xxx-xx-xxxx 2/6/90
MAJ. MICHAEL J. HILDER, xxx-xx-xxxx 1/13/90
MAJ. RICHARD J. MIDDLECOFF, xxx-xx-xxxx 12/13/89
MAJ. WAYNE R. MROZINSKI, xxx-xx-xxxx 1/20/90
MAJ. CARL NAGEL III, xxx-xx-xxxx 2/4/90
MAJ. JOHN E. OGDEN, xxx-xx-xxxx 2/5/90
MAJ. MICHAEL J. PIERON, xxx-xx-xxxx 1/31/90
MAJ. BRADLEY S. SHARPE, xxx-xx-xxxx 2/2/90
MAJ. BENTON M. SMITH, xxx-xx-xxxx 2/21/90
MAJ. WILLIAM C. THOMAS, xxx-xx-xxxx 1/6/90
MAJ. DONALD W. WATSON, xxx-xx-xxxx 2/20/90
MAJ. HAROLD E. WHALEY, xxx-xx-xxxx 1/13/90

MEDICAL CORPS

To be lieutenant colonel

MAJ. MOHAMED ZIAUDDIN, xxx-xx-xxxx 1/23/90

NURSE CORPS

To be lieutenant colonel

MAJ. BONNIE J. NOLAN, xxx-xx-xxxx 2/3/90

DENTAL CORPS

To be lieutenant colonel

MAJ. RONALD STANICH, xxx-xx-xxxx 1/7/90

HOUSE OF REPRESENTATIVES—*Wednesday, April 25, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. GEPHARDT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 24, 1990.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Wednesday, April 25, 1990.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to make Your blessing to us, our own blessing; to make Your grace to us, our grace; Your gift of faith, hope, and love to all people, our gift and our treasure. May the abundance of good things, O gracious God, as promised to all humankind, become our own that we may know Your love to us in our hearts and in our very souls. In your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA] to lead the House in the Pledge of Allegiance.

Mrs. ROUKEMA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ALTERNATIVE BUDGET OFFERS A RAY OF HOPE

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, earlier this year I described President Bush's budget as a budget of "lost opportunities; a roadmap to nowhere; and in the final analysis, a blueprint for staying the same."

I reached those conclusions reluctantly, but after careful review and study of the budget document he submitted to the Congress.

Today I rise to recognize a ray of hope. An alternative budget, drafted after months of hard work by the House Budget Committee. For they have not retreated from the future. They have acted to help make America ready to meet the future.

It is not perfect. Few products of the legislative process—which aims at compromise, as it inherently must—ever are perfect. For example, I have specific problems with its funding levels for agriculture.

But on balance, I say without hesitation, the Budget Committee plan is light years ahead of President Bush's plan.

For the President says it is enough for America to stay the same. The Budget Committee says that's no way for a great nation to prepare to meet the 21st century.

The President says we can repeat the mistakes of the past. The Budget Committee says it is time for America to invest in itself and get ready to meet the new economic challenges of the 1990's and of the 21st century.

The choice, in my view, is clear.

INAUGURATION OF PRESIDENT CHAMORRO

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, today, President Violeta Chamorro will be inaugurated as the first freely elected head of state in Nicaraguan history.

President Chamorro faces an economy ruined by Sandinista mismanagement and a nation divided by civil war. The Sandinistas have left an inauguration gift which includes deeding houses to their supporters, the bargain basement sale of television stations, militant unions ready to paralyze the country, and so-called popular militias well armed from Sandinista stockpiles.

President Chamorro desperately needs United States assistance to consolidate the democratic opening in Nicaragua. Unfortunately, the Congress has delayed, vacillated, and found excuse after excuse not to act. Mr. Speaker, it is embarrassing that the Congress cannot find the political will to definitively end the Contra war and support a democratic future for Nicaragua.

I wish President Chamorro the best of luck in her efforts to make Nicaragua peaceful, free, and prosperous. If Congress does not act, I am afraid luck is the only tool she will have.

BUDGET CHOICES

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, there is absolutely no comparison, but we will make the comparison between the Bush budget and the House Committee on the Budget version. There is one comparison. The Bush budget has $13.9 billion in revenue enhancements; so does the House budget. The Bush budget has a revenue of $9.1 billion in certain savings; so does the House budget. There the comparison really ends.

If Members believe that Medicare ought to be cut $5.2 billion; that would have closed five rural hospitals in my State of West Virginia alone, then Members should support the Bush budget. If Members believe that seniors should not have to take that kind of medical abuse, then Members support the House budget which cuts only $1.7 billion, the sequestration figure.

If Members believe that there should not be certain investments in the future such as education, Members support the Bush budget. However, if Members believe there should be investment in competitiveness, in initiative, in child care, education, and Head Start, support the House budget. If Members happen to believe there should be more emphasis put on science research, support the House budget. Finally, if Members believe we ought to go about the business of building roads and airports, those things that make America competitive, support the House budget. Do not look to the Bush budget because it cuts money from those items.

Mr. Speaker, it is clear the Bush budget versus the House budget—the House budget wins every time.

CAMPAIGN REFORM

(Mr. KOLBE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, last September the House Republican conference adopted 25 proposals for real and comprehensive campaign reform. We are concerned about the current system of campaign finance. We believe reform is necessary to restore citizen faith and voter participation in the election process. The American public knows reform is needed. They've expressed their outrage over many existing practices.

Mr. Speaker, Republicans are willing and eager to negotiate campaign reform; we recognize that the only way campaign reform legislation will be enacted is through a bipartisan compromise. But in order for negotiations to begin, we need to have a proposal from the other side.

Republicans have proposed limiting special interest PAC's, banning soft money in Federal elections, disclosing and limiting franking, and limiting contributions from outside a candidate's district or State.

We are serious about campaign finance reform. It is vital for the health of the democratic process and for an improved confidence in this institution. Republicans have come to the negotiating table at the appointed hour, we're waiting for the meeting to start.

TAX WITHHOLDING RELIEF FOR SMALL-SCALE FARMERS AND RANCHERS

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, on Monday of last week millions of Americans filed their income taxes with the Internal Revenue Service. Complying with the income tax requirements of Federal law is one of the burdens that all Americans share with their brothers and sisters who till the land and otherwise bring food to our tables. For most Americans, April 16 marked the end of their Federal paperwork for another year. But for farmers and ranchers, it is just the beginning.

Today, 20 of my colleagues and I are introducing the Wage Withholding Relief for Farmers and Ranchers Act of 1990, to relieve some of our small-scale farmers from one unnecessary burden that was imposed on farmers in the Budget Reconciliation Act of 1989. The act requires farmers to withhold income tax on virtually every agricultural worker they employ, even pickup day laborers who may work less than a week. Prior to the passage of this bill, income tax withholding by agricultural employers was optional only.

The bill does not repeal the provisions that require withholding. Large-scale farmers that typically have the resources to comply with the new mandate would not be affected.

However, the bill would increase the triggers in the new law to a more reasonable level. Current law provides that agricultural employers must withhold income taxes on any employee who receives $150 annually. The bill would increase this amount to $2,400.

In addition, current law requires withholding on all employees if the employer has a total annual payroll of only $2,500. Almost every farmer, except hobby farmers, are caught by this ridiculously low threshold. The bill would increase this amount to a more reasonable $5,000.

Last, since the income tax withholding requirement was patterned after the withholding requirements for Social Security under the FICA, the bill would make conforming amendments to also raise the withholding triggers under that act.

Mr. Speaker, the fact is that the American farmer already has a tremendous paperwork burden. Yes, farmers run a business just like a lot of people in business. But, I would have to say that few businesses have so many different Federal agencies for which they must maintain records, fill out forms, and otherwise correspond on a regular basis. Likewise, few businesses must employ as much seasonal or pickup labor as farmers do during harvest time.

I will not go into great detail, but consider what the average farmer must endure each year. A few simple examples should be considered. First, the Department of Agriculture requires various complicated forms to comply with the intricate commodity and conservation programs. The farmer must cope with set-asides, bases, yields, soil conservation, wetlands, loan and target price formulas, and the like. The Department of Labor also reaches out with forms and paperwork. It requires paperwork be completed for all farm employees. The farmer must also comply with certain health and environmental standards in the employment and housing of these agricultural workers. If the farmer wants to use certain pesticides, they may have to deal with more forms and paperwork as required by the Environmental Protection Agency. If the farmer has land that he would like to drain, then a permit from the Army Corps of Engineers will be needed.

Mr. Speaker, these examples do not even mention the various paperwork and forms that may be required by State and local governments. The list could go on and on.

It's time to provide a little relief for some of our small-scale farmers. I urge my colleagues to support the Wage Withholding Relief for Farmers and Ranchers Act of 1990.

□ 1210

A NEW BEGINNING FOR NICARAGUA

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, about a year ago this body approved an amendment I sponsored to highlight the concern many of us in the Congress felt about the volatile election situation in Nicaragua.

Today as we meet, a new, democratically elected government takes office in Nicaragua, thanks to the continued commitment and good faith not only of the United States, but also of the entire international community and the people of Nicaragua themselves.

As a member of the Organization of American States observer team on hand in Nicaragua in February to witness that nation's first truly democratic election in more than 60 years, I was struck by the dedication and sheer willpower of the Nicaraguan people.

They overcame tremendous odds, economic hardship, threats of retaliation, and the demoralization caused by repeated polls predicting an overwhelming Sandinista victory. Even in the face of such obstacles, the desire for self-determination and a better life prevailed.

I rise today to congratulate Violeta Chamorro and the United Democratic Opposition Party—as the new Government takes office in Nicaragua. I urge my colleagues to take a lesson from the events in Nicaragua—vigilence in the pursuit of free and fair democratic elections has once again proven to be the proper course of United States policy.

THE SUMMIT SHOULD LOOK SOUTH

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, the first full summit between Presidents Bush and Gorbachev will be held the end of May. According to the newspapers, there's a lot on the agenda: Reducing nuclear weapons; changes in Eastern Europe; Lithuania; German reunification.

But one crisis isn't on the agenda; for the third time in 7 years, Ethiopia is being treatened by famine brought on by drought. This time, civil war has made getting relief to the hungry people almost impossible. Five million could lose their lives.

The United States has provided hundreds of thousands of tons of food aid, and that's great. The Soviets have pulled out some of their military advisers, and that's great, too. But much

more is needed; in a nutshell, more food and less fighting.

Ethiopians are dying from starvation, from malnutrition, and disease. We can't let them die from indifference.

Mr. Speaker, the Bush-Gorbachev summit must look south. They should address the issue of Ethiopian famine and work out an agreement. When two voices speak with as much power as theirs do, they should speak out. The Soviets must be pressed on the issue; they support the Ethiopian Government. Most of the soldiers fight with Soviet weapons, and drop bombs from Soviet planes.

The Ethiopian Government has refused to allow relief aid to move through the Port of Massawa, but without Massawa, nearly half of the famine victims will have no food all summer.

With so much agreement in the air, we ought to agree to work together to deliver food to starving people. We ought to agree to press for a ceasefire, and the opening of Massawa while relief is delivered, and we ought to agree that the lives of suffering people all over the Third World are worth saving.

This kind of agreement ought to be easy to achieve. This kind of agreement would be quite a peace dividend, and it wouldn't cost a penny.

A RAINBOW DAY FOR NICARAGUA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, somewhere over the rainbow there is a land where dreams really do come true.

For Nicaragua, today there is a pot of gold at the end of the rainbow—perhaps not the $300 million in United States aid that the other body is disgracefully holding up—but at least the promise of hope that we all so fervently dreamed of.

It is a rainbow day for Nicaragua in more ways than one.

I can imagine that Daniel Ortega is both blue for having been rejected by the majority of Nicaraguans and also green with envy seeing his opponent sworn in today.

For Nicaragua it is that most colorful of days with the Government turning from red to violet.

THE JUNK BOND KING FACES SENTENCING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, Michael Milken, the junk bond king of Wall Street, sobbed uncontrollably yesterday as he pleaded guilty to six charges.

Poor Mikey. Mike has to pay a $600 million fine. To us that is a lot of cash. To Mike Milken that is mere pocket change, folks.

They say he may have to spend 23 years in jail, but let me tell you something: In America, anybody with that kind of bucks is not going to jail.

The Government has hailed this as a major victory, even though they threw out 92 other charges while this guy has almost wrecked Wall Street and threatened the economy of America as a result of his actions. But I honestly wonder, now that he is left with only a billion dollars, if the judge might not appoint him an attorney.

After all, for Mike Milken a billion dollars is not a lot of bucks, and for all those people out there in jail, I say, "Don't cry over spilled milk. Do your time; you have no choice—you have no money."

DARWINIAN ECONOMICS AT WORK

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the firing of Dr. Craig Fields as head of the Defense Advanced Research Projects Agency [DARPA] signals the triumph of Darwinian economics in this administration. The hands-off-the-economy attitude coming from CEA and from OMB has alerted every corporate predator that America's procurements are wide open for a takeover.

Dr. Fields' crime—according to the Wall Street Journal—was dispensing DARPA funds according to the intent of a statute enacted by the Congress just last session. The Journal article suggests that Dr. Fields was gunned down in the crossfire between the Congress and the powerful heads of CEA and OMB—Mr. Boskin and Mr. Darman. And, I question the current chain of command which places defense agency personnel, DARPA, under the offices of OMB or CEA.

Other recent occasions of ignoring the intent of the law—such as the foreign purchase of Union Carbide's silica production facility in disregard of Exon-Florio—casts a more ominous light on Dr. Fields' firing.

The intent of the Congress with respect to the national defense industrial base has been disregarded. And Dr. Fields' untimely exit from DARPA will serve notice on all agency heads that they too are subject to Darwinian economics—the survival of the cheapest—especially if it's made overseas.

FARMERS HAVE A BIG STAKE IN THE ENVIRONMENT TOO

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, American farmers and ranchers are working hard to preserve and protect the natural resources on which their livelihood is based—the soil and water.

Five years ago, Congress passed four landmark conservation provisions—sodbuster, swampbuster, the conservation reserve, and conservation planning. These programs have helped us make significant strides to protect our soil and water resources.

I will soon introduce a comprehensive package of conservation and environmental measures for the 1990 farm bill. My goal is to enable America's farmers to take the next logical steps in this process.

My proposal will establish for the first time a comprehensive approach to address the conservation and environmental issues that affect agriculture today.

My proposal builds upon the successful foundation laid by the Conservation Reserve Program. It will establish an agricultural wetlands reserve, encourage the adoption of more environmentally sound practices to clean up our water, and expand our efforts to protect wildlife habitat.

It will also encourage integrated crop management and adoption of agricultural resource planning by farmers. And it will provide for increased tree planting in rural areas.

I am also proposing establishment of an Office of Environmental Quality at the Department of Agriculture, to ensure that all USDA programs affecting the environment are given the highest priority.

I believe my legislative package will allow us to properly balance our twin objectives of maintaining the economic health of agriculture and protecting our natural resources.

No one is closer to the land than the farmer who works it from sunup to sundown, who draws his drinking water from it, and who enjoys the blessings of it every day. No one else has a bigger stake in protecting that land and the environment today and for future generations than American farmers.

JOIN THE REPUBLICANS IN PASSING CAMPAIGN REFORM

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, for the past 1½ years, there has been a steady call for campaign reform legislation. In response to this call, House

Republicans issued a 25-point campaign reform package. We have a clear position on campaign reform but the Democrats have yet to take any public positions on this pressing subject.

House Republicans have proposed substantive measures to end many of the abuses inherent in Federal campaign law. Some of the reforms we support include: A total ban on soft money; an end to the practice of gerrymandering, which denies citizens a chance at equal representation in Washington; full and complete disclosure of all activities taken on behalf of a Federal candidate, which will give the public a better idea of who is financing a candidate's election; and putting an end to the practice of using forced union dues to pay for political activities.

House Republicans are committed to real campaign reform—not a watered-down package of half reforms. Mr. Speaker, the need for reform is obvious. The public views Congress as a self-serving bureaucracy handing out favors to our highest campaign contributors. Competition has ceased to exist in most congressional districts—the reelection rate in the past two elections was over 98 percent. This lack of competition has turned the House of Representatives into a House of Lords, where the only way Members are removed from office is through death, retirement, or scandal.

Mr. Speaker, the Republican Party is ready to go to work and make positive changes in Federal election law. We urge you and your party to join us in a bipartisan effort on campaign reform.

THE POLITICS OF THE CLEAN AIR BILL

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, is the Clean Air bill going too far? Let me read a few excerpts from the Wall Street Journal of December 5.

* * * The President and congressional Republicans have stiffed their business allies on the Clean Air bill * * * but equally apparent is that the Democrats in Congress have also stiffed their normal constituencies—the poor and the working class, especially industrial workers * * *.

Small businesses are owned by and employ people loyal to both parties. And though they are screaming that the Clean Air bill's provisions won't crush many of them, they have been ignored * * *.

* * * Many local voters are learning that the huge amounts they spent to rip out asbestos from school systems was a pointless environmental fiasco. Over the 20 years voters have spent billions to pay for catalytic converters, smokestacks, retrofits, and other effective environmental technologies, and by any measure the American environment is cleaner. Automobile tail pipe emissions, for example, are 96 percent cleaner, and 90 percent in the smokestacks.

□ 1220

So, Mr. Speaker, what I am saying is, "Let's take a look, and let's not be fooled by what's going on, and let's not give up our jobs and our economy just for the sake of having purified air, which is impossible to get."

AMENDING THE INSPECTOR GENERAL ACT OF 1978

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, today I introduced a bill amending the Inspector General Act of 1978.

When we passed the act we wanted tenacious watchdogs with teeth sharp enough to prevent and detect fraud in the programs and operations of Federal agencies. And that's what we got until last year.

That is when the Department of Justice issued a ruling sending shock waves throughout the IG community and turning our watchdogs into lap dogs.

It said the IG's should only conduct investigations concerning Federal dollars and Federal employees, not regulatory agencies. Removing trillions of dollars in federally regulated programs from the watchful eye of the IG's.

That ruling is unjustified. Our act directed the IG's to "prevent and detect" fraud in programs and operations of Federal agencies—meaning anyone receiving Federal benefits, loans, licenses, or other preferred status, not just Federal funds and employees.

The act didn't split hairs over what investigations the IG's could undertake. Only the Department of Justice has split jurisdictional hairs by meddling in the IG's affairs.

If Justice had followed the maxim, "don't fix what isn't broken" we wouldn't have this problem. Because of their meddling, much fraud will go untouched and thousands of criminal investigations won't be conducted. Our citizens will lose while criminals celebrate.

The problem with the IG's is like buying a watchdog to protect your property.

You can let the dog instinctively do its job or muzzle it and lock it in the basement. The OLC ruling has muzzled the IG's. The bill I am introducing will put the guard dogs back on guard.

THE STORY OF THE TWO JIM BRADYS

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, I rise today to tell the story of two Jim Bradys. The Jim Brady I know was tragically wounded 9 years ago during the assassination attempt on President Reagan.

Since that time he has struggled to overcome physical disabilities left by a bullet to his brain. More recently, he has come to Congress urging swift passage of a 7-day waiting period bill, saying: "I do not want to see another Jim Brady." Well, unfortunately, we have seen another.

The other Jim Brady, James Calvin Brady, opened fire in an Atlanta mall yesterday. He smiled as he killed Michael Gregory Music and wounded four others.

On Monday he was released from a mental hospital and bought a gun. On Tuesday he went to an Atlanta mall and began shooting. One Jim Brady was an innocent bystander, maimed by a lunatic with access to a handgun. The other was a lunatic, with easy access to a handgun, who killed an innocent bystander.

What ties these two men together is not their names. It is that both of their tragedies could easily have been prevented. All it would have taken is 7 days. Fill out a form, answer a few simple questions, and wait 7 days to purchase a gun. Is that too much to ask to prevent horrors like the one yesterday?

I do not want to see another Jim Brady. We must pass the Brady bill to guarantee that criminals and mental incompetents are barred from buying handguns and killing innocent people. There is no time to waste: Lives are at stake and we can save them.

THE CONTRACEPTION INFERTILITY RESEARCH CENTERS ACT

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of a bill introduced by the gentlewoman from Maine [Ms. SNOWE] and the gentlewoman from Colorado [Mrs. SCHROEDER], the Contraception Infertility Research Centers Act.

Mr. Speaker, abortion is an issue that has deeply divided this body and our society. We are divided on that issue because we are not addressing the real issue, which is to provide women with the right choice, the choice to not only prevent pregnancy, but prevent pregnancy in a way that is in harmony with the religious beliefs of each of the women of America. We have prevented that responsible choice by preventing contraceptive research.

Mr. Speaker, 30 years ago there were 17 companies doing research on contraception in America. Today there is

one. Think of how science has changed in 30 years.

Why are we denying advances that would allow women to make the most responsible of all choices, the choice not to get pregnant if they are not prepared for the decades of responsibility that starting a family entails?

Let us all join those on both sides of this issue behind this bill.

THE SOVIET BLOCKADE OF LITHUANIA

(Mr. DURBIN asked and was given permission to address the House and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the people of the United States who are concerned about the future and independence of Lithuania waited with great expectation yesterday for the announcement by President Bush of the position of the United States of America when it comes to the independence and freedom of this courageous nation. The decision by President Bush and congressional leaders to stand mute as Lithuania is choked by the Soviet Union is a source of shame to our Nation.

Mr. Speaker, the United States is abandoning its historic commitment to human rights. We are turning our backs on the principle of self-determination, and we are ignoring a 50-year commitment to Baltic independence.

This morning I spoke by telephone with the President of Lithuania, Dr. Vytautus Landsbergis. I will tell my colleagues what the situation is today in Lithuania.

My colleagues, 8,000 Lithuanians are unemployed because of the Soviet embargo. They estimate 75,000 will be unemployed in the next several weeks. Spring planting has been delayed because of the lack of fertilizer. Drugs and medicine are not available in the hospitals. Serious shortages of oxygen have taken place in these hospitals as well.

Mr. Speaker, this is not the first Soviet blockade to kill the force of freedom, but in 1948, when the Soviets blockaded Berlin, President Truman did not sit back, take a poll and wring his hands. The United States stepped forward with an airlift that saved Berlin and inspired freedom-loving people around the world to continue to look to the United States for leadership.

I say to President Bush, "Mr. President, if you can't bring yourself to condemn Soviet coercion of Lithuania, can the United States at least offer a helping hand with humanitarian assistance for the struggling people of this courageous nation?"

ELECTION REFORM—GUARANTEED IN NICARAGUA BUT HOW ABOUT HERE?

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, like the gentleman from Illinois [Mr. DURBIN], my friend, I, too, am concerned about developments in Lithuania. However, Mr. Speaker, I must say that today marks a very important day in the struggle for freedom around the world.

On December 13 of 1987, Daniel Ortega said:

> If we hold an election in Nicaragua, and by chance the Sandinistas were to lose, we will give up the government, but we will never give up power.

Well, Mr. Speaker, we are today witnessing the transition of power in Nicaragua.

I congratulate the people of Nicaragua. I congratulate Ronald Reagan, George Bush, President Arias, those on both sides of the aisle who have encouraged the negotiation process in Nicaragua, for bringing about a very, very successful resolution to a decade-long struggle.

Mr. Speaker, I cannot help but think about a struggle which we are facing right here in the Congress as we congratulate the people of Nicaragua. The people of Nicaragua are guaranteed election campaign reform, and yet we in the House are having a difficult time trying to implement the 25 recommendations that have been put together under the leadership of the gentleman from California [Mr. THOMAS]. I hope very much that we are able to move ahead with effective election reform.

BETTER RESEARCH ON CONTRACEPTION AND INFERTILITY NEEDED

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, our country is presented with an increasingly tragic paradox:

Every year, 3 million women face unplanned pregnancies.

At the same time, one out of six couples in the United States who want to conceive cannot do so.

The United States has fallen behind in research on contraception and infertility.

Currently there is only one pharmaceutical firm in the United States conducting any contraceptive research.

If we want to reduce teenage pregnancy, control the spread of sexually transmitted diseases, and encourage family planning in other parts of the world, we must support the research and development of new and more effective birth control alternatives. And if we want to help couples desperately trying to conceive, we must support the basic research that will find new treatments for infertility.

Women—who must bear the consequences of unsafe and unreliable reproductive techniques—deserve better contraceptive choices. So do men.

My colleagues Representatives SCHROEDER and SNOWE have introduced the Contraceptive and Infertility Research Centers Act to answer these needs. I commend them on their initiative, and I urge my colleagues to support their efforts.

FLIGHT ATTENDANT SAFETY PROFESSIONALS' DAY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, every day more than a million Americans take to the skies and fly commercial airlines. My colleagues in the House here know well, most of us travel back and forth to our districts every week, but how many of those million Americans or how many of us here in this House recognize the key role that flight attendants play in the comfort and safety of our travel. So many times the flight attendants have been the heroes and heroines of airplane crashes by helping to save many, many lives.

It is time that we gave them the recognition that they are due, that we just stop one day this year to give them some recognition for a job well done. Let us never take another flight attendant for granted. Now is the time to recognize the important role they play.

Please cosponsor a bipartisan resolution, House Joint Resolution 533, designating July 19, 1990 as "Flight Attendant Safety Professionals' Day."

CONTRACEPTION AND INFERTILITY RESEARCH CENTERS ACT

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, this morning Congresswoman SCHROEDER and I testified at a Health Subcommittee hearing on our Contraception and Infertility Research Centers Act. I sought to answer a reasonable question: Why should the Federal Government fund contraception research?

The plain fact is that, in the United States, contraceptives fail far too often, and these failures are of enormous public consequence.

There are the estimated 600,000 abortions annually which stem from unwanted pregnancies caused by contraceptive failure. As one professor

put it, "Many people ignore the fact that the incidence of abortion reflects the state of contraception."

Or there is the $19.3 billion annual price tag for Government assistance to families begun by teen mothers, and the fact that 27 percent of all abortions in this country are performed on teens.

Yet privately funded contraceptive research is minimal, and so no fundamentally new methods have been introduced in the United States since the pill and IUD in the early 1960's.

By establishing the research centers and incentives we propose in our bill, contraception options can be safely expanded: thus improving the lives of millions of American women and families; reducing substantial strains on our society; and, importantly, providing a forum for agreement, rather than acrimony, for those with differing views on abortion.

SUPPORT URGED FOR LEGISLATION TO CREATE A MANDATORY 7-DAY WAITING PERIOD FOR HANDGUN PURCHASES

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, Tuesday, April 24, a man entered a shopping mall in Atlanta and opened fire. A 24-year-old man was killed and four other people were wounded.

When he was arrested, police found a document stating that the man had just been released from a Georgia mental institution. The day after his release, he walked into a pawnshop and bought a revolver and 12 rounds of hollow-point ammunition—a type designed to expand on impact and cause severe wounds.

Mr. Speaker, this tragedy might have been avoided if legislation mandating a 7-day waiting period for handgun purchases was in effect. The National Association of Police Organizations and other law enforcement organizations are pleading for action on this legislation.

H.R. 467 would make it impossible for a person to leave a mental institution one day and purchase a handgun the next day. I hope my colleagues will agree that the time has come to deny the easy access to handguns which has lead to much violence and too many killings.

WHAT WILL AIR FORCE PROPOSE NEXT ON B-2 STEALTH BOMBER?

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, in our continuing effort to inform the American people about the cost and the problems of the B-2 bomber, today I would like to take a moment to bring to the attention of the Members the latest.

Yesterday's Los Angeles Times carried the news that the Air Force is prepared to abandon the MX Rail Garrison Program and to slow the development of the Midgetman Missile Program in order to continue funding for the B-2 Stealth bomber.

I can only guess that the logic at work here is, "If you can't put a pilot in it, it's expendable."

This proposal makes about as much sense as the last proposal to use the B-2 bomber to conduct air attack missions of the ATA, the advanced tactile aircraft. That proposal was as desperate as it was absurd. This proposal, which would effectively dismantle our strategic land forces, is equally desperate and absurd.

I am very interested to hear what the Air Force will try next. Perhaps to lease the B-2 bomber to Federal Express, or to Emery, or UPS, for the fastest stealthiest, and most expensive day-to-day delivery system.

Mr. Speaker, I am strongly for negotiating with the Soviets to reduce our strategic arsenals, but this latest proposal makes a mockery out of our own United States negotiating position.

WE NEED AN OBJECTIVE NATIONAL DEFENSE PLAN ON BASE CLOSINGS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, because of the excellent sleuthing of our colleague, the gentlewoman from Colorado [Mrs. SCHROEDER] the Nation now has a revised list before it of bases which are slated for closure by the U.S. Navy. Some bases have been added to the list that was disclosed in January and some bases have been dropped.

Unfortunately, the Naval Ordnance Station in Louisville in my district remains on the endangered list, though I have every hope that the Navy will soon find that that base should be kept open.

The good news is that by letter dated April 5 from David Berteau of the Logistics Department of the Department of Defense, the Navy will not seek to close bases including naval ordnance by squeezing off its air and water supply, by cutting down on the money going to it, but they will proceed under current law.

The bad news is that, while I know bases need to be closed in this new world we live in, the bad news is that current law, which is not objective in my judgment and does not provide an overall national defense picture, needs to be changed.

I would urge our colleagues to give close attention to the bill which has been drafted by the gentleman from Wisconsin [Mr. ASPIN], the chairman of our Armed Services Committee. I think that bill does give the opportunity for closing bases where they need to be closed, but keeping bases open where they need to be kept open.

We need a national defense plan. We also need to be sure that that is objective.

OUTRAGEOUS SECRECY PRACTICE ON DISCHARGE PETITIONS

(Mr. INHOFE asked and was given permission to address the House for 1 minute.)

Mr. INHOFE. Mr. Speaker, I applaud the efforts of the gentleman from New Hampshire [Mr. DOUGLAS] in providing the leadership to stop a practice that has been going on since 1931. In 1931 a precedent was set in this House that allows people to sign a discharge petition, and yet that must be kept in secret until the number of 218 is reached.

In 1987, when 85 percent of Americans said they wanted a budget balancing amendment to the Constitution, there were 240 coauthors, and yet the maximum number of signatures we could get on a discharge petition that would take it out of committee was 170. That means that 70 Members of Congress went home and said that they coauthored the resolution for a budget balancing amendment to the Constitution, and yet they really did not want it and they would not sign the discharge petition.

We introduced a bill today, the gentleman from New Hampshire [Mr. DOUGLAS] and myself, to stop this practice. Now is the time to open the doors of Government. I think the people at home are entitled to know how we really feel about these critical issues.

TRIBUTE TO SYRACUSE POLICE DEPARTMENT DEPUTY CHIEF HERMAN EDGE

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, it is often said that only in death do we recognize the greatness of an individual, yet their legacy lives on forever.

Last week the city of Syracuse Police Department lost one of its most respected members and highest ranking officers, Deputy Chief Herman Edge. His passing was not caused by violence connected to his profession, but to the

illness that takes the lives of far too many citizens of this Nation, cancer.

Chief Herman Edge was a very special person, respected and admired by his community. He was known in the highest sense of the term as a "good cop." Here was a man who had risen through the ranks of the department over a 33-year period to become its highest ranking black officer. He achieved this position because of his hard work, dedication, and professionalism.

What made this strong but gentle man a giant in his community? It was his care and concern for the people he served. Rich or poor, black or white, young or old—it made no difference to Chief Edge. If you had a problem and he could help, just ask and he would be there for you. What more could a community ask of one man?

Last Wednesday at his funeral in Syracuse, almost every seat in the Cathedral of the Immaculate Conception was filled with mourners who wished to pay their final respects to this man. The chief would have been both pleased and proud to see so many of his friends in attendance. He probably would have also asked, why all the fuss over me?—I am just another person like you. But we all knew he was not. He was a very special man.

Our community has lost a great citizen, and to his family and friends I extend my deepest sympathy. We were all blessed to have known Chief Edge. He served his community and country well.

LITHUANIA WANTS FREEDOM, INDEPENDENCE, AND RECOGNITION

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, as we see the Lithuanians struggle for independence, we must ask ourselves: Why do they want independence? Why do they not want to stay with communism?

We must look at the history of the Lithuanians. At the end of the war, 50 years ago when the Soviets took over that little country, they gathered everybody who admitted that they had a belief in their God, they gathered everybody who had any education, training, or skills, and they executed them. They killed one-third of their population, murdering 350,000 people in one execution. So we can understand their bitterness toward the Communist Party.

For the past 50 years, every President in this country has never, ever recognized the presence of the Soviet Union in Lithuania until today.

Once we denied recognition for that country, once we denied independence for that country, we have, in a sense, now changed policy from the past 50 years that the Presidents have set in this country. Our President now says that we recognize the presence of the Soviet Union in Lithuania.

Mr. Speaker, I urge my colleagues, friends, to continue to keep their hope and courage and faith for that small country who wants what we have, and it is freedom and independence and recognition.

A CALL FOR FAIR, BALANCED, BIPARTISAN CAMPAIGN REFORMS

(Mr. UPTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UPTON. Mr. Speaker, many of the Members who supported the pay increase and ethics reform legislation adopted in this House last year did so for two reasons: the bill eliminated the grandfather clause, so that Members could no longer keep excess campaign funds for their personal use; and the Speaker of the House promised that if the measure were passed, it would be an important first step toward campaign finance reform. The agreement was that the Speaker would see that a bipartisan, comprehensive bill would reach the floor before the end of this Congress. I can personally recall Members making commitments to support the ethics reform bill precisely for those reasons.

So what has happened with the Speaker's promise now? We in the minority no longer know what the Speaker has in mind. Will the legislation contain any of the proposals we in the minority have sought—proposals that would limit incumbents' advantages, promote real competition in House races, and enhance the role of individual voters in the process? Will we get a chance to see the majority's proposals more than a day before it gets to the floor?

Everyone in this House—and throughout the country—knows how important campaign reform is. We also know that, in order for it to truly serve the principles of our democracy, it must be fair to both parties, and to all of our Nation's voters. That it can only be achieved in a climate of mutual trust and collegiality. Therefore I urge the Speaker to keep the promise he made during the ethics reform and pay increase debate last year—bring us a fair, balanced, and bipartisan package of campaign reforms that we can all support before the end of the 101st Congress.

NEED FOR A FAMILY AND MEDICAL LEAVE POLICY

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, our society has witnessed a number of changes over the past couple decades which reinforce why we need a family and medical leave policy. The fact is that, due to medical advances, people age 85 and older are the faster growing segment of our population. So now, the average American woman, but women in particular, can expect to spend 17 years taking care of her children but 18 years taking care of her parents. Yet despite this fact, the United States is the only industrialized nation, besides South Africa, that does not guarantee unpaid leave for its citizens.

Debra Drewek is a nurse from Boston, MA, who needed family leave to go care for her father who was diagnosed with terminal bone cancer in Milwaukee. After unsuccessful efforts to arrange for home care for her father, Debra requested a leave of absence from her job. Her employer denied her request and Debra had no choice but to quit, selling everything she had to go to Milwaukee. Two months later, Debra's father died. Had family leave been available to her, she would have been able to return to her job. I urge the leadership to bring the Family and Medical Leave Act to the floor so we can give folks like Debra the peace of mind that comes from job and family security.

DO NOT MAKE MISTAKE OF FORGETTING LITHUANIA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, if President Bush were here now, this is what I would say to him: "Mr. President, I support you 95 percent of the time, but Lithuania cannot wait any longer. The Soviet pressure, although not a direct military attack like that which they used to crush Hungary in 1956, nevertheless will crush this small captive nation if we do not put any pressure on the Soviets and put it on them now. Today, President Landsbergis of Lithuania denounced your decision not to impose sanctions against the Soviets as another Munich. He also said, 'We were afraid that America would sell us down the river.' Mr. President, that is the way it appears to Americans and to the rest of the world."

We must act now before it is too late.

I have listed 11 things America can do to put pressure on the Soviets among which are recognize Lithuanian independence, suspend negotiations with the Soviets on bilateral trade, oppose most-favored-nation status for

the Soviets, and there is much more we can do, Mr. President.

We pretty much forgot about China and Tiananmen Square. We must not make that mistake again by forgetting Lithuania.

DEPOSITORY INSTITUTION MONEY LAUNDERING AMENDMENTS OF 1990

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 378 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 378

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3848) to require the appropriate Federal depository institution regulatory agency to revoke the charter of any Federal institution which is found guilty of a crime involving money laundering or monetary transaction report offenses and to require the Federal Deposit Insurance Corporation and the National Credit Union Administration Board to terminate the deposit insurance of any State depository institution which is found guilty of any such crime, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendment made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1250

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER of New York. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from Illinois [Mrs. MARTIN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 378 is the rule providing for the consideration of H.R. 3848, the Depository Institution Money Laundering Amendments of 1990.

This is an open rule providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill as an original bill for the purposes of amendment under the 5-minute rule. Each section of the substitute shall be considered as read.

Further, the rule waives all points of order against the substitute for failure to comply with the provisions of clause 7 of rule XVI, which prohibits nongermane amendments. This waiver is required because the committee substitute incorporates provisions from H.R. 3939 and H.R. 4044, in addition to those originally in H.R. 3848 in order to form a complete and comprehensive package to combat money laundering.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 3848, the bill for which the committee has recommended this rule, is designed to bolster our efforts to curb money laundering. Up to $100 billion in illegal drug profits are laundered each year. In addition, the Internal Revenue Service estimates that tax cheats launder as much as $50 billion annually from legitimate businesses to avoid paying taxes.

H.R. 3848 would stiffen penalties against financial institutions convicted of money laundering by allowing the revocation of the institutions' charters and the termination of their deposit insurance. Any individual convicted of money laundering would not be allowed to affiliate with financial institutions in the future. Other sections of this legislation will require final Treasury regulations to ensure proper recordkeeping of international funds transfers and increase the civil penalties for violations of money-laundering laws.

Mr. Speaker, this is an open rule which will allow full and fair debate on the provisions of this important bill. I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this legislation.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 378 is a rule providing for the consideration of H.R. 3848, Depository Institution Money Laundering Amendments of 1990. I consider it a rate pleasure and an honor to be managing this rule, because it is a straight open rule. I commend the Committee on Rules for making this the fourth consecutive open rule. This boosts the percentage of open rules in the Congress to 58 percent of the total rules granted. That is the highest percentage of open rules since the 98th Congress in 1983 and 1984, when 68 percent of the rules were open. We do still have a way to go to surpass that record.

Mr. Speaker, under the terms of the rule the bill will be subject to 1 hour of general debate, equally divided between the chairman and ranking Republican of the Committee on Banking. The rule then makes in order the committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment under the 5-minute rule.

Mr. Speaker, the rule waives clause 7 of rule 16, the germaneness rule, against the committee amendment in the nature of a substitute. This is necessary because the substitute combines the texts of three different money laundering bills into a single bill and therefore goes beyond the scope of the bill as introduced. I would emphasize, however, that the substitute is printed in the bill now before Members, and the report of the committee, which has been available for well over a week now, addresses the provisions of the substitute. So there is nothing new being sprung on Members at the last minute under this germaneness waiver.

The rule goes on to provide that each section of the bill shall be considered as having been read. Separate votes may be demanded in the House on any amendments adopted in the Committee of the Whole to the bill or substitute. And finally, the rule provides for one motion to recommit, with or without instructions. That preserves the minority's traditional right to offer a recommittal motion of its own choosing.

Mr. Speaker, not only is this rule noncontroversial, but the bill it makes in order was reported from the Banking Committee by a vote of 49 to 0, and it has the strong support of the administration.

Mr. Speaker, you and I are both from Illinois and know that the original bill was introduced by the gentleman from our great State of Illinois [Mr. ANNUNZIO]. I thought the gentleman might find it interesting that both of us would concur in this ability to garner votes, because on page 25 of the report we will find that the bill passed out of committee 94 to nothing, a rate tribute in a committee with 49 members. Now, some may suggest it was a transposition. I say it is due to the skill of the chairman.

H.R. 3848 would require the appropriate Federal depository institution regulatory agency to revoke the charter of any institution under its jurisdiction which is found guilty of money laundering or monetary transaction report offenses. The bill also requires the Federal Deposit Insurance Corporation and the National Credit Union Administration Board to terminate the deposit insurance of any institution found guilty of any such crime.

Mr. Speaker, I don't want to step on the toes of the Banking Committee by explaining the bill further during debate on this rule. I do, however, want to commend the committee on bringing out such a strong, bipartisan bill that has the full backing of the administration. This legislation hits the drug dealers and their collaborators where it really hurts—right in their pocketbooks.

The American people consider drugs to be the No. 1 problem facing this Nation. This bill builds on the anti-money laundering provisions of the last two drug acts, and consequently bolsters the arsenal of weapons available to combat that problem. I therefore urge my colleagues to support this open rule and then to pass this meritorious piece of legislation.

At this point in the RECORD, Mr. Speaker, I ask unanimous consent to insert the lastest data on open and restrictive rules.

OPEN VERSUS RESTRICTIVE RULES, 95TH–101ST CONGRESSES

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive rules [3]	
		No.	Percent	No.	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	57	33	58	24	42

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole.

Sources: Rules Committee Calendars & Surveys of Activities, 95th–100th Congress; "Notices of Action Taken," Committee on Rules, 101st Congress, as of April 20, 1990.

Note.—The above data differs slightly from that published in previous Congresses because it is based on a rule-by-rule examination and not just on summary tables from committee surveys for the 95th–99th Congresses as was previously done. Moreover, appropriations rules (which only provide for waivers) and original jurisdiction measures are no longer counted.

Prepared by the Minority Counsel, Subcommittee on the Legislative Process, Committee on Rules.

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I want to express my deep appreciation to the gentlewoman from Illinois [Mrs. MARTIN]. She was raised in the congressional district that I have the privilege to represent, and consequently she really learned at an early age how to count.

Mr. Speaker, drugs are the black plague of America. Everywhere we look, we see the victims of drugs. For each of the past 6 years, emergency room episodes are up for cocaine, up for heroin, up for marijuana, up for PCP. Between 1984 and 1988, cocaine-related deaths have increased 1,000 percent.

The profits in the drug trade is tremendous. Smuggle 220 pounds of cocaine from South America into the United States and you make a $1 million profit. Divide it up and sell it on the street and make another $5 million in illegal profits. Cocaine, worth three or four times its weight in gold, and sold to addicts who can never get enough, quickly generates staggering amounts of money.

No one knows how much money is involved in the drug trade. Estimates of the size of the drug trade in the United States range from $100 to $150 billion annually. Worldwide, estimates range up to $300 billion.

How are these drugs paid for? They are paid for in only one way—and that is with cash. Drug dealers do not take checks and they do not take credit cards. They take cash, lots of cash.

Consider the case of Rayful Edmond, who was recently convicted of drug trafficking in Washington. His operation accounted for about $20 million in sales a month. Put another way, he received $650,000 a day, every day of the year.

Yet, when it came time to sentence him, the prosecutors were unable to show where the money had gone. They could track some of it to his cocaine suppliers and some to employees, but even after those expenses, he was left with over $200,000 a day for his personal profit.

The fact that Rayful Edmond was able to somehow hide over $200,000 a day—$1½ million per week—shows just how important money laundering is to drug dealers. Rayful Edmond, like so many other drug dealers, has managed, with the help of money launderers, to keep his profits from being seized.

We must stop money laundering. The profits of the drug business are used to buy more drugs, to pay for hired killers, and to corrupt public officials.

H.R. 3848 is aimed directly at the worst aspects of money laundering. The legislation contains a death penalty provision for financial institutions that launder money. Any financial institution which is convicted on money laundering, along with two or more of its officers or directors, will be subject to a public hearing by its Federal regulator. The regulator will have the authority to revoke the charter of the institution. This is a very tough penalty, but money laundering for drug dealers is an awful crime. We need financial institutions to take deposits and make loans, not provide services for cocaine kings.

The legislation will also ban from banking, for life, any bank employee or official convicted of money laundering. There are enough honest people in the world to work in banks. We do not need money laundering banks or money laundering bank employees. This legislation will get rid of them.

This legislation is an important part of Congress' attack on the drug business. I am proud to be the sponsor of this legislation and proud that the Financial Institutions Subcommittee, which I chair, worked so hard on this legislation.

The chairman of the Full Banking Committee, the gentleman from Texas [Mr. GONZALEZ] and the distinguished ranking minority member of both the subcommittee and the full committee, the gentleman from Ohio [Mr. WYLIE] are also to be commended for their leadership and work in crafting a good, strong bill.

I urge the House to adopt the rule so that the House may consider this legislation aimed at money laundering.

□ 1300

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. WYLIE], the Republican leader of the committee.

Mr. WYLIE. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in strong support of the rule today. As an open rule, it provides a fair and appropriate way to consider H.R. 3848.

This money laundering bill is the result of a lot of bipartisan hard work at both the subcommittee and the full committee level, and I want to commend Chairman ANNUNZIO for his strong leadership role. I would also commend Chairman GONZALEZ for his expeditious action in bringing the bill to the floor today.

This bill is the product of many hearings held by the distinguished chairman of the Financial Institutions Subcommittee, the gentleman from Illinois [Mr. ANNUNZIO], as well as hearings in San Antonio, the hometown of Chairman GONZALEZ.

Though I support an open rule, I consider the bill that came out of the committee a good and reasonable legislative product, and I would oppose any amendments which would change the product which has had this bipartisan effort, and which is now strongly supported by the administration. I am particularly concerned about possible changes in the wire transfer provisions.

H.R. 3848 provides that by January 1, 1991, the Treasury Department

must come up with regulations requiring certain banks to record additional information about international wire transfers. This is an extremely complex area, and micromanaging banking and treasury operations by legislation would be premature at best, in my judgment. The Treasury Department and the Federal Reserve have requested that we not put burdensome requirements on all institutions that engage in wire transfers. I think we should allow Treasury time to proceed with developing its regulations, considering the fact that there are over 100 million international wire transfers every year, and it may not be possible, or even desirable, to have all of them publicly reported.

Again, I support the rule and hope we can pass this bill as another step in providing even stronger sanctions against money laundering.

Again, I thank the gentlewoman for yielding time to me.

Mrs. MARTIN of Illinois. Mr. Speaker, I am happy to yield back the remainder of my time.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 378 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3848.

□ 1305

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3848) to require the appropriate Federal depository institution regulatory agency to revoke the charter of any Federal depository institution which is found guilty of a crime involving money laundering or monetary transaction report offenses and to require the Federal Deposit Insurance Corporation and the National Credit Union Administration Board to terminate the deposit insurance of any State depository institution which is found guilty of any such crime, with Mr. HUGHES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. WYLIE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 3848, the Depository Institution Money Laundering Amendments of 1990.

This legislation, which I authorized, contains a powerful incentive not to take part in money laundering. That incentive is a very simple one. Under the legislation, any bank convicted of money laundering stands the risk of being placed into conservatorship. Any financial institution that is convicted of money laundering, along with two or more of its officers or directors, stands to have its charter revoked. In plain language, these provisions hold out the death penalty for the management and for any financial institution itself convicted of money laundering.

Our Nation faces a tremendous drug problem. Pick up a newspaper from any American city, large or small, and on any day you will find a story about drug arrests, drug use, or drug killings. We can no longer tolerate this scourge. The war on drugs must be fought by all. There can be no exemptions for banks or bankers.

We put the street dealer in jail and we put the drug kingpin in the penitentiary, but no one has found a way to imprison a bank. Fines and forfeitures have proven totally inadequate. Of the 60 banks convicted of money laundering since 1982, 25, almost half, were fined $10,000 or less. When you consider that a money launderer can earn $10,000 laundering just a single day's take for a drug dealer, you realize just how inadequate mere fines are and how lucrative money laundering is.

The big profits turn the fines into, simply, a very small cost of doing business.

A recent report about a bank accused of money laundering shows how lax bank management can be even when money laundering is brought to management's attention. An employee went to the bank's general counsel and hinted that he may have been involved in money laundering with a bank customer. The bank's immediate reaction was to hire lawyers to defend both the bank and the employee, even though authorities had not yet contacted the bank, rather than investigate the matter or notify authorities of the possible crime. Even after prosecutors began investigating the bank, and for 3 months after the customer was convicted of money laundering, the employee was kept on the payroll.

For 18 months bank management claimed the employee, and by implication, the bank, were innocent of money laundering. Finally, the employee was convicted of money laundering, and prosecutors are now deciding whether to indict the bank. Only then did the bank seek to plea bargain its way out of trouble by offering to plead guilty to a misdemeanor, and quietly receive a slap on the wrist.

During all this period there was no indication that the bank sought to cooperate with authorities. Bank management sought damage control, rather than face up to the criminal activities of the bank's employee, and perhaps the bank itself. The allegations regarding money laundering were treated as an embarrasment to management, rather than as a serious Federal criminal offense.

H.R. 3848 takes an approach aimed directly at this type of management. Besides trying to take the profits out of money laundering, it is designed to take the management out of money laundering financial institutions, and if necessary, to close them down entirely. It holds out the death penalty for financial institution money launderers by threatening to revoke their charter.

Some may think that putting a conservator in place of current management or revoking the charter of a financial institution are harsh measures. After all, money laundering is not a violent crime. No shots are fired. No knives are drawn. But let us never forget, the money that is being laundered is the fruit of human tragedy.

That money was paid to drug dealers by persons addicted to substances that will inevitably kill them. It is money paid by persons who sell their bodies, or in some instances even their children's bodies, to get high on crack or PCP.

Furthermore, the drug dealers themselves do not hesitate to use violence. Here in the Nation's Capital—and its murder capital—80 percent of the murders are drug related. Dealers kill to protect their profits. They hire people to kill for them.

At the root of this slaughter is money. Bank management that allows money laundering to take place, either willfully or through gross negligence, or through a callous disregard for trying to prevent it, forfeits its right to remain in place. H.R. 3848 will enable Federal regulators to remove that management.

Banks are chartered by the Federal Government or the States. Institutions convicted of money laundering, along with high ranking officials, have violated the public trust implicit in their charter. Such a conviction, showing both a corrupt institution and corrupt management, presumptively shows that it has so seriously abused its charter that it should not have one. This legislation will force Federal regulators to hold hearings leading to charter revocation of such corrupt institutions.

Last week, the Justice Department moved to freeze accounts at 173 banks suspected of containing funds belong-

ing to the Medellin drug cartel. This is a step in the right direction. The United States must take the profit out of the drug business, and seizing the profits is the best way to take the profits away. But this can only be accomplished when financial institutions maintain the records that law enforcement needs to track laundered money, and law enforcement agents use that information. This legislation is designed to further both of those goals. Its passage can help make the seizure of drug profits a more frequent occurrence than it is today.

Mr. Chairman, this legislation, which contains other provisions that also strengthen money laundering laws, is a good bill. The chairman of the Full Banking Committee, Mr. GONZALEZ, and the ranking minority member, Mr. WYLIE are both to be congratulated for their hard work on this bill. Both deserve the highest praise for helping get it to the floor so quickly.

Mr. Chairman, I urge the House to pass H.R. 3848.

Mr. GONZALEZ. Mr. Chairman, the abuse of drugs in today's society is a problem which is painfully obvious and, because drug abuse is so deeply ingrained in the daily lives of so many, there are no easy solutions.

Today, I urge the adoption of H.R. 3848, the Depository Institutions Money Laundering Act of 1990. While it's not a solution to all of society's drug problems, the legislation will continue the success we have made as a nation in combating the illegal activities of those who use our financial institutions to launder the profits of the sale of illegal drugs.

Mr. Chairman, H.R. 3848 continues the ongoing work of the Committee on Banking, Finance and Urban Affairs to provide to the law enforcement community the tools they need to apprehend and prosecute money laundering criminals. Before I briefly describe the contents of the bill, I wish to publicly acknowledge the tremendous work of our colleague, FRANK ANNUNZIO, chairman of the Subcommittee on Financial Institutions Supervision, Regulation and Insurance. As original sponsor of H.R. 3848, it is appropriate that we recognize Chairman ANNUNZIO'S significant contributions, not only to this bill, but for his untiring efforts throughout his career fighting drug abuse—making his district and the entire Nation a better and safer place to live.

Let me also extend my appreciation to Hon. CHALMERS WYLIE, ranking member of the Banking Committee's minority, for his cooperation. I want to commend all the members of the Banking Committee, on both sides of the aisle, who worked diligently to bring a comprehensive bill which strengthens our laws against money launderers to the floor of the House of Representatives.

As for merits of the legislation, please keep in mind that the drug trade is a cash business, as much as $100 billion on a yearly basis. A significant amount of this money must ultimately be placed within the financial insitution network if these funds are to be of any use to the drug lords and their agents.

H.R. 3848 represents a important step on the part of the Banking Committee to ensure that money laundering becomes a more detectable and risky undertaking.

The bill requires Federal regulators to conduct hearings on whether to revoke a depository institution's charter whenever the institution and its directors and officers are convicted of money laundering or related offenses.

To eliminate money laundering practices the committee found in hearings conducted in my home State of Texas, H.R. 3848 extends the authority of the Secretary of the Treasury, on a targeted basis, to require depository institutions to file copies of their customer's currency transactions reports, so-called CTR's. The bill also expresses the sense of the Congress that the States take a more aggressive role in the licensing and regulation of those cash transmittal businesses that are suspected of being conduits used by money launderers to gain entry into traditional depository institutions.

In the difficult area of monitoring the electronic transfers of funds for potential money laundering purposes, the bill contains language which directs the Secretary of the Treasury to promulgate final regulations requiring recordkeeping of international funds transfers before January 1, 1990.

H.R. 3848 amends the Right to Privacy Act to create a safe harbor from civil litigation for financial institutions who in good faith report suspicious transactions to authorities. The bill will permit State financial institution regulators access to the CRT's collected by the Internal Revenue Service and require the Treasury Department to report to the Congress on the manner which CTR's aid the Federal anti-money laundering effort and report on the way modern technologies may be used in the printing of Federal Reserve notes to make them traceable by electronic scanning devices. Finally, the legislation requires a GAO report on the operation of the Financial Crimes Enforcement Network recently established by the Department of the Treasury as a central data collection and dissemination mechanism for information regarding financial crimes including money laundering.

Mr. Chairman, H.R. 3848 is significant piece of legislation that deserves the support of every Member of the House. This bill was reported by the Committee on Banking, Finance and Urban Affairs with the affirmative vote of every member of the committee. I urge the same "aye" vote by every Member of the entire House of Representatives.

□ 1310

Mr. WYLIE. Mr. Chairman, I yield myself 3 minutes.)

Mr. Chairman, I want to commend the chairman of the Subcommittee on Financial Institutions Supervision, Regulation and Insurance, the gentleman from Illinois [Mr. ANNUNZIO], and I would like to associate myself with his remarks, and again compliment him for the hard work that the gentleman has done in helping bring this bill to the House floor today.

Mr. Chairman, I rise in support of H.R. 3848, the Depository Institution Money Laundering Amendments of 1990. Money laundering is the lifeblood of any criminal enterprise involving the sale of drugs. I have the feeling that if we could adopt some form of legislation which would stop all money laundering, that we might not stop drug trafficking altogether, but we could certainly reduce the problem very substantially.

H.R. 3848 adds another deterrent for people in financial institutions who might be considering taking in drug money. In some cases where an institution has been convicted of money laundering, that institution could be placed into a conservatorship, effectively zeroing-out any interest in the bank the stockholders might have had, or the institution could have its charter taken away, putting it out of business.

The bill also contains provisions urging the States to start regulating check cashing entities. Many States only license check cashers and don't subject them to regulation. They have been used to launder money especially since our financial institutions have become more vigilant when it comes to suspected money laundering. This provision was included by my colleague JIM SAXTON.

The bill also requires Treasury to come up with regulations on international wire transfers by January 1, 1991. This is an extremely complex area involving over 100 million transactions per year. Efforts to micromanage wire transfers could cost hundreds of millions of dollars and could adversely effect the competitiveness of our financial institutions. The Treasury Department will have the opportunity to fashion regulations that can best target suspected money launderers without burdening the payments system. I support the bill as it stands. Especially because the bill requires the Treasury Department to consult with the Federal Reserve Board when writing these regulations. The Federal Reserve has the most experience in the area of wire transfers; they know what kinds of costs are involved; and, they know how overreaching regulations could affect the payments system.

I urge my colleagues to support H.R. 3848 in its present form.

Mr. ANNUNZIO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I want to commend the chairmen of the committees, both the gentleman from Illinois [Mr. ANNUNZIO] and the gentleman from Texas [Mr. GONZALEZ] for the excellent leadership that they have provided in this important legislation that we are dealing with today.

This country is supposedly engaged in a war on drugs. Money is the lifeblood of drug trafficking. If we are serious about fighting drugs, we need to

take the profit out of the drug trade. That is why efforts to combat money laundering are so important.

We spend millions of dollars every year for drug treatment, rehabilitation, and prevention programs. Let us hit the drug lords where it hurts, in their pocketbooks. I will be offering an amendment today that will allow us to stop the drug cartels' use of our banking system for their own gain. Support my amendment on wire transfers if you are serious about fighting the war on drugs.

OPERATION POLAR CAP

The best evidence of the growing sophistication of money launderers came in early 1989, when Federal agents smashed an intricate $1.2 billion scheme based in the jewelry district of the Los Angeles. It laundered money for the Medellin cartel. Wholesale jewelers would receive cash from various cities around the country, count it, bundle it, and deposit it—quite openly—in banks. To make the transactions look legitimate, they created phony receipts showing they were receiving the cash from retail jewelers who were buying gold used in jewelry. In fact, the gold was really bars of lead plated with enough gold to pass a scratch test.

Operation Polar Cap is another example of using the vulnerability of money laundering operations to develop evidence against the underlying drug organizations. It was the largest money laundering investigation ever launched by the Justice Department.

In all, 111 persons have been arrested with seizures including $105.8 million, over 10 tons of marijuana, and one-half ton of cocaine.

There is a civil suit pending to repatriate to the United States over $400 million transferred to foreign banks in the course of the criminal activities.

□ 1320

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, poor Sam Donaldson and Diane Sawyer.

Sam and Diane took their prime time news team on the road recently to Covington, KY, in my Fourth Congressional District to try and pull off the crime of the century.

What they were looking for was money laundering. What they found were honest banks and sharp employees.

In short, Mr. Chairman, they got busted.

What prime time did was send a news crew with a hidden camera and a briefcase filled with $20 bills to Covington. The news crew went to several banks and savings and loans trying to launder the bills into recently opened checking accounts.

By the time they got to their final bank, the other institutions had already called the police.

The first bank was approached at noon and by 6:00, when they left the last bank, the Covington police swept in and arrested the prime time news crew in a parking lot adjacent to the bank.

The "prime time drug cartel" came to Covington, KY, wanting to look like a scene from "Miami Vice" and ended up looking like a clip from "America's Funniest Home Videos."

In fact, all they got for their efforts was a bill from the city of Covington for $1,021 for the overtime the police spent on the case. I guess crime just does not pay.

Perry Day, president of Kentucky National Bank, one of the banks hit by the "prime time drug cartel," said that his bank had been working diligently to spot the warning signs of money laundering. "This incident just reinforces everything we've told our people," he said in a recent interview.

The point of this story is that the bankers of this Nation do not fall into the same category as those in the drug trade.

The vast majority of bankers are like Perry Day and his employees, outstanding members of their community, bred in honesty, and sincerely concerned about the problems of their towns.

They are the people fighting drugs in their communities.

I am afraid that if this legislation goes beyond what is currently in the bill, we will be confusing the scum in the drug trade with honest bankers. We do not need to add new, unnecessary, burdensome, worthless reporting requirements such as CTR's on wire transfers. Let us pass this bill as it is and keep the banks like those in Covington, KY, actively involved in the war on drugs.

Mr. ANNUNZIO. Mr. Chairman, I yield 1 minute to the distinguished chairman of the full committee, the gentleman from Texas [Mr. GONZALEZ], who has worked long and hard on this legislation and has contributed so much to the legislation.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman for yielding this time.

Mr. Chairman, I want to return the compliment in kind, because actually the gentleman from Illinois [Mr. ANNUNZIO] is the chairman of the subcommittee that has handled this from the very beginning, and he has done an outstanding job, not only in this case but as chairman generally of the Subcommittee on Financial Institutions, which is probably the largest subcommittee in the whole Congress.

I want to say that the bill resulted from a variety of hearings. Most of them were in the subcommittee level. The full committee had hearings in the field, in my hometown of San Antonio, from which we gathered some information that has resulted in one section of this bill with respect to the money changing houses of casas segundos, as they say down in Texas.

So, Mr. Chairman, all in all, as I say, this is a tribute to Chairman ANNUNZIO, and I ought not forget our distinguished ranking minority member, the gentleman from Ohio [Mr. WYLIE], because without his cooperation, we would not have accomplished anything that we have done so far.

Mr. WYLIE. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise today in support of this legislation, let me express my appreciation to the chairman of the Financial Institutions Supervision, Regulation and Insurance Subcommittee, Mr. ANNUNZIO and Chairman GONZALEZ for their efforts to swiftly bring this legislation to the floor of the House. Their commitment is indicative of the importance of this legislation.

Mr. Chairman, today we are discussing the drug war. Specifically, the gas in the engine of the drug trafficking machine—money laundering.

In the past, the Congress and the Treasury Department have done an admirable job attempting to police this Nation's banks by requiring stringent reporting regulations for large and suspicious transactions. The legislation before us today will provide us with an additional powerful weapon in this effort to stop money laundering in banks.

But just like cockroaches in the night, these drug peddlers have begun to run from the light focused on the banks—to the darkness of the largely unregulated network of nonbank financial institutions.

Many times, these storefront currency exchanges, check cashing businesses, money transmitters, money order issuers, and other nonbank institutions, exist purely as fronts to launder money. In the absence of adequate oversight, they have become convenient outlets for drug thugs to run their ill-gotten gains through the rinse cycle.

Primarily, the regulatory and enforcement responsibilities in this area have been left to the States. Quite frankly, the States are not doing the job.

It is for this reason that I am pleased that the committee saw fit to include the language of my bill, H.R. 3939 as section 9 of the legislation we have before us.

Simply stated, the goal of my language is to give the States the guidance, opportunity, and frankly, the incentive to draft better licensing and enforcement laws—and enforce them.

The first part of this section is a sense of Congress directive. It calls on the States to adopt uniform licensing and regulation standards for the nonbank financial institutions. A model statute is also provided.

The teeth of the language follows. It calls for recommendations by the Secretary of the Treasury for sanctions or penalties to be imposed to remedy any feet-dragging by the States.

Regulators and agencies such as the Conference of State Bank Supervisors, have testified that these storefront money operations have laundered billions of dollars out of this country. These regulators and supervisors support my language as a logical step to fight this problem.

Mr. Chairman, I urge my colleagues to support the legislation before us. H.R. 3848 and the Saxton language will help to plug the holes in our financial system. It is an important next step in our war on drugs.

Mr. ANNUNZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I commend the committee for its excellent work in producing this bill today.

Mr. Chairman, I rise in support of H.R. 3848. Last year I took some time during a recess period to travel to one of our major cities and to spend 3 days with the Drug Enforcement Administration and also other supporting agencies, the FBI, the U.S. Customs, the U.S. Coast Guard, and other agencies that work as a support group in order to try to nail the drug dealers in that city.

One thing that I learned and that surprised me a great deal was the fact that our drug enforcement agents believe that some of the banks in this major city are in the business of promoting the importation of drugs into the United States and the export of the money out of the United States.

□ 1330

Mr. Chairman, it seems that the drug dealers have two basic problems, both dealing with transportation, transporting drugs to the United States and transporting money out of the United States, mostly back to some Latin countries that are prominently involved in the drug trafficking. So, this bill, I believe, will help our enforcement agencies track down and deal with these drug traffickers.

As has been already pointed out, the vast, vast majority of bankers are honest, hard working, solid citizens that support the law and that would not involve themselves in drug trafficking. But unfortunately there are some bankers who are really drug dealers, and they need to be put out of business, and it is the purpose of this bill to put them out of business.

Mr. Chairman, I appreciate the committee bringing this bill to the floor, and I rise in enthusiastic support of it.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HILER].

Mr. HILLER. Mr. Chairman, I rise today in strong support of this bill.

H.R. 3848 takes several important steps to combat money laundering and the flow of illegal drugs into our country. The bill hits drug dealers right where it hurts—in their bank accounts. The legislation will give prosecutors and regulators effective tools to continue their battle against drug kingpins.

Most importantly, the bill would give the financial regulators the authority to place an institution into conservatorship, rescind the institution's charter or terminate desposit insurance if the institution is convicted of money laundering. The need for this provision has been demonstrated by the BCCI case where the State of Florida in now attempting to rescind that institution's charter. A legal question exists as whether the State has this power and with this legislation we ensure that the Federal regulators have appropriate authority to deal with institutions involved in criminal activities.

A careful balance has been created in this provision to properly weigh legitimate drug enforcement interests against due process concerns. In the committee's consideration of H.R. 3848, concerns were raised that an innocent institution could be severely penalized for the activities of a lone miscreant employee in an isolated branch. Additional concerns were raised that Congress not create costly, burdensome, new requirements on financial institutions that are superfluous to the war on drugs. For example, testimony before the Banking Committee demonstrated that over 6 million currency transaction reports required by Congress under the Bank Secrecy Act are filed each year and not a single one has ever been used to initiate a prosecution. I believe the committee bill appropriately addresses those concerns and creates tough, new tools to assist prosecutors in their duties. Subcommittee Chairman ANNUNZIO, along with Congressmen MCCOLLUM and CARPER, should be commended for their efforts in crafting a fair compromise. H.R. 3848 creates tough, yet fair new tools in the war against money laundering.

The bill also includes a sense of the Congress resolution, authored by Mr. SAXTON, recommending that States should develop and enact statutes regulating check cashing stores. Check cashing stores have frequently been documented as a source of money laundering activity and this nonbinding resolution seems to be the appropriate first step in properly regulating the activities of these entities.

Finally, I strongly support the provisions of section 10 in the bill dealing with international wire transfers. This is a highly technical area in which Mr. MCCOLLUM and Mr. BARNARD fashioned a suitable compromise that they offered in the Banking Committee and was passed by an overwhelming margin. The McCollum/Barnard amendment requires Treasury to promulgate recordkeeping requirements on international wire transfers prior to January 1, 1991. The Treasury is required to promulgate these rules cooperatively with the Federal Reserve Board and defer to the Board in areas, including the payments system, where the Board's expertise is well established. With the McCollum/Barnard amendment, Congress has made a strong statement concerning international wire transfers, but has not micromanaged the Treasury, nor created specious requirements of little use such as in the case of currency transactions reports. I urge my colleagues to preserve the language of section 10 as it is a tough, but fair compromise.

In closing, let me say that it is my understanding that Treasury, the Federal Reserve Board, and the administration support H.R. 3848 as reported out of the Banking Committee. I urge my colleagues to join me in supporting this bill and to continue our fight against the money launderers and drug kingpins.

Mr. ANNUNZIO. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. Chairman, for the record I want to state how hard the gentleman from Delaware has worked on this legislation. He has done a great job, and I appreciate his cooperation in the committee.

Mr. CARPER. Mr. Chairman, I thank the chairman of the subcommittee and the full committee for their cooperation and for the opportunity to work with them, and with the Republican members of our committee especially Representative MCCOLLUM, on this important legislation.

It has been said earlier, but I will say it again. People sell drugs to make money, a lot of money. Over $100 billion changed hands on the streets of America during the course of the last year from the sale of drugs. We have attempted to fight the war on drugs on a whole host of fronts. We fight that war in places like Colombia, and Bolivia and Peru, where we tried to go after the drugs at their source. We provide resources to the Coast Guard and Defense Department so that they can interdict the flow of drugs as they come across borders. We provide money for drug education and rehabilitation on the one hand, and for prisons and tough sentences on the

other hand for those people who violate our drug laws in this country. Since at least 1970, we also have asked our financial institutions to turn to and to join with us in this fight. For the most part, they have done a good job. For the most part. But we still have money laundered every day, including this day, in cities, large and not so large, throughout this country. Drug dollars are turned into deposits that can be sent anywhere in the world.

Mr. Chairman, this legislation before us today says, "We've got to make it tougher still on would-be launderers." With its adoption, that's exactly what we'll do. If you're a federally chartered institution, or you're an institution that enjoys Federal deposit insurance, if you are convicted of money laundering, with the adoption of this legislation, your regulator has express authority to put a conservator in charge of your institution. If you're a federally chartered institution or a federally insured institution, and you and two or more of your senior officials are also convicted of money laundering, then your regulator must convene hearings to determine whether to revoke your charter and to withdraw Federal insurance from your institution. If you're an individual who works for an institution, and you are convicted of money laundering, you may get out of jail someday, but you will not work in a financial institution in this country ever again. If you're a business or an individual which is currently on an exempt list, not now reported when making large cash deposits, you're going to find it more difficult to get on that list. In addition, we're going to make sure that the law enforcement agencies of this country have access to those lists and look at them closely and carefully to ensure that you are who say you are that your business is legtimate, and that you are not a money launderer. And, finally, if you're now laundering your drug money through a currency exchange house, whether it's on the Texas-Mexican border, or if you are laundering money through a check-cashing house or some other institution which has not been regulated or closely licensed in the past, look out. We're coming after you, too.

Mr. Chairman, this legislation enlists the help of the States, providing State authorities with access to this currency transaction records so they can help us in this fight on drugs.

We also seek to promote bank cooperation with this bill, to enlist more cooperation of financial institutions.

Mr. Chairman, could I have 1 additional minute?

The CHAIRMAN. The time of the gentleman from Delaware [Mr. CARPER] has expired.

Mr. ANNUNZIO. Mr. Chairman, I do not have the time.

Mr. CARPER. Mr. Chairman, may I ask the minority? May I have 1 additional minute from the minority, please?

Mr. WYLIE. I yield the gentleman from Delaware [Mr. CARPER] 1 additional minute.

Mr. CARPER. Mr. Chairman, I appreciate the gentleman from Ohio [Mr. WYLIE] yielding this time to me.

Mr. Chairman, this legislation promotes and asks for further bank cooperation. We protect the banks from suit by their customers suspected of laundering drug money if those institutions are in good faith cooperating with the Federal or State authorities. We do not want them to have to be sued for that cooperation in trying to turn in the money launderers. We insure that the banks have access, a greater voice with the Treasury Department in the formulation of money laundering regulations. Finally, we ask the regulators to share with Congress, and thus with the public, how all the information collected by financial institutions has been used in obtaining money laundering convictions.

On international wire transfers, we are going to move on that front, too, whether it is the Torres amendment, or whether it is with the language in the bill. It is important to move forward, and I think we will.

Finally, let me just say, the punishment for money laundering should fit the crime. No slaps on the wrists, no $100 fines. If people commit drug-related crimes, whether they are selling the drugs on the streets or they're laundering the money through their financial institutions, they should pay for it. They should pay for it dearly by going to jail. They should pay for it with their own money. They should pay for it with their own careers, and in some cases, with the actual closing of financial institutions.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, as an original cosponsor of H.R. 4838, the money laundering control bill, I rise in strong support and urge my colleagues to ratify the work we have done in our Banking Committee on this measure.

Money laundering is the hidden side of the international drug cartels, which are pouring $110 billion a year in drugs into our Nation. In communities across the country, the American people can see the social wreckage caused by drugs: crime, broken families, wasted lives and, in all communities a breakdown of the social fabric.

Money laundering is the lifeblood of this deadly and destructive invasion. The proceeds of drug trafficking, mostly in cash, is run through a number of hidden networks to smuggle the funds out of the country and into the legitimate financial system, often reappearing in the United States and other countries as investments and deposits. Money laundering helps spread the cancer of drugs, and if we are to win the war against drugs, then we must attack money laundering with as much vigor as the drugs themselves.

One measure of how widespread this drug cancer has spread as that in my own state of Wisconsin, largely rural and small towns, the Attorney General estimates the drug trade to be $1.2 billion a year, and growing by 20 percent annually. The U.S. Drug Enforcement Administration office in Milwaukee has found money laundering trails from Wisconsin leading to hidden accounts in Switzerland and the Cayman Islands, through Miami.

Several months ago, I was given a graphic lesson in how the drug trade works by the Green Bay Police Department antidrug strike force. They detailed for me the drug network bringing the drugs in and moving the money out—so much money in fact that the smugglers don't even count it, they weigh it and estimate its value.

It was that evidence, coupled with the testimony our committee received in Texas last December, which convinced me that tougher laws are needed to give our law enforcement agencies better tools to attack money laundering. Our bill greatly strengthens our attack on illegal drugs. It will, first toughen the penalties on financial executives and institutions which allow themselves to be drawn knowingly into the drug trade; second, broaden the attack to the unregulated check cashing outlets which have become a favorite target of money launderers; and third, arm our law enforcement agencies with new powers to uncover the money laundering networks, through more targeted reporting of suspicious cash transactions.

The bottom line is, any financial institution which is a knowing and willing agent of drug trafficking should be closed down. Both the American people and the rest of our financial system deserve no less protection.

During the committee's deliberations, we adopted careful protections of due process, so that innocent, unwitting parties are not swept up in the law enforcement net. These provisions will ensure that the bankers and other executives—virtually all of whom share our goal of fighting money laundering—will find this bill a positive step in keeping our financial system safe and unencumbered by the drug criminals.

For me, the war on drugs is a top priority. This legislation which we bring to the House today is an important addition to the law, we have written over the past several years to fight illegal drugs. By enacting our bill, we will take a big step toward shutting off the lifeblood of the drug traffickers

and saving our country from this scourge of drugs.

I urge my colleagues to vote for our committee's bill.

Mr. ANNUNZIO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARNARD].

Mr. BARNARD. Mr. Chairman, I first want to add my comments and praise to both the chairman of the subcommittee and the chairman of the full committee and the senior minority member for this outstanding bill.

I rise in strong support of the bill as reported by the committee and in strong opposition to the amendment by Mr. TORRES.

The committee has reported out a bill which adequately deals with wire transfers. Under the committee bill, the Treasury must—repeat must—fashion regulations for this rapidly changing area by the January 1, 1991. There is no need for a micromanagement statute which is what Mr. TORRES' amendment ends up being.

Already "Dear Colleague" letters, both for and against this amendment, are floating around which raise grave possibilities for misunderstanding crucial details. Optional inclusion. For instance, one letter talks of the Swift system, which is a communications initiation system and not a clearance/settlement system, as if it was the same as the FEDWIRE which is a payments and settlements system by which we move billions daily. Many members of the committee do have some understanding of these complexities. The committee knew this was not an area for detailed legislating. Consequently, the vote was 32 to 17 to set goals for the Treasury but not intricacies for the 1 trillion dollars-a-day, world-wide, wire transfer sector.

The committee harkened to both the Treasury's and the Federal Reserve's advice not to micromanage in this area—advice which was communicated by note and letter to the committee at the time of markup. Indeed, a misstep here could cost hundreds of millions of dollars, befoul the wire system on which our international banking system depends, and cause wire business to go offshore in huge volumes. All this would be for an erzatz, anti-drug weapons system which gets us very little, if any, bang for the buck.

Indeed, if this were an amendment for an additional hardware weapons system, there is not a fiscally responsible member, conservative or liberal, in this chamber who would not be on his or her feet denouncing it on every conceivable grounds, but most especially for its total lack of redeeming cost benefit.

We all want to stop the druggers. This bill has a lot in it without this needless amendment to do that. I say "needless" because the record keeping systems we even now maintain to curtail druggers are of very, very questionable usefulness. For instance, the currency transaction reporting system, which calls for all kinds of record keeping and reporting, has yet to have anything near a cost benefit for the millions and millions of reports filed each year. That, at least, is what the Drug Enforcement Agency has said in testimony before the other Chamber.

Indeed, by best account, these millions of currency reports end up in an IRS warehouse in Detroit, never to be heard from again.

The millions of currency reports would be dwarfed by what this amendment would set in motion. There are better than 100 million—let me repeat 100 million—international wire transfers annually where a U.S. party is either receiver or sender. The amendment could impose additional costs on each one of them somewhere to the tune of $10 to $15 by Federal Reserve estimate. Even if 75 percent could be exempted from the amendment's requirements, we are talking about $350 million, for something that is terribly cumbersome. Incidentally, I doubt whether the amendment gives the Secretary of the Treasury anything near acceptable exemptive authority to cut this cost even where it is clearly appropriate.

Twenty-two developed countries, including the G-7, just looked at something like this amendment and rejected it as a total misallocation of scarce resources. With the Torres amendment, we are going extraterritorial—again where mostly our allies are concerned—in huge detail—just after they have rejected this approach. For instance, if the Bank of England does not obtain all the Torres-required information, including addresses, from a receiving department of the British Government, that fact would have to be reported to our Secretary of the Treasury by the Bank of England. Multiply that example by certainly many probable, hundreds of thousands of perfectly legitimate transactions, and you have a glimmer of what we are getting into.

My friend and colleague, Mr. TORRES, has indicated it is only a pilot project. That is emphatically not the way I read its text.

By my reading, the Treasury would be, however indirectly, strong armed or, at least, strongly encouraged into certifying after 1 year that all the provisions of the gentleman's amendment—which are very detailed and lengthy on who, what, and where must be recorded—proved useful in criminal, tax, or regulatory investigations or proceedings. After such a certification, the 11 pages of amendments would kick in with the Secretary of the Treasury only being able to make exceptions to their requirements by establishing an amount floor for what has to be recorded.

Once the Secretary had set an amount floor for recordkeeping, he could not exempt any sender or receiver totally from the list of required information although, presumably, he could limit how lengthy he wanted the extent of the records to be on a given, required item.

Moreover, there is some vague, implied duty on each foreign or domestic bank sending or receiving each one of the millions of international wire transactions involved to investigate on the details of a given transaction. This is so because the amendment requires reports to our Secretary of the Treasury on failures by their customers to provide information required by the amendment.

For instance, the sending bank could have to delve into who is the real party in interest that is to receive the wire so as to know truly who it is. Nothing in this amendment says that the information provided by a customer who is sending or receiving a wire is conclusive evidence the banks involved have met their duty.

Indeed, why even have this amendment if the customers we are after, druggers, will do what they most assuredly will do—life. Obviously, the intent of the amendment is to make the banks get beyond the possible lie and report it to our Secretary of the Treasury. Again, looking at the currently running currency transaction system as a proxy for what we can get out of a wire reporting system, it strongly suggests there is no real cost benefit in terms of nailing druggers.

There is not a Member of this Chamber who does not want to shut the druggers down. But I cannot countenance more ineffective action which only makes it look like we are doing something. I am tired of us fooling ourselves with counterproductive remedies like this. To my colleagues on this Democratic side of the aisle, I say, this looks too much like what the drug czar, Mr. Bennett, regrettably does so often—waste a lot of very precious resources for some passing, mythical benefit.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of H.R. 3848, the Depository Institution Money Laundering Amendments of 1990. And I congratulate the subcommittee and the chairman and ranking Republican for their leadership.

The illegal drug trade in this Nation has become a plague on American society. Everywhere we look, the effects of the drug trade are evident. From the violence associated with drugs which we in this city witness night after night on local television to the dramatic and heart-wrenching problem of crack babies, the experience of a drug

infested society is exposed. America is paying the cost in crime, violence, staggering health costs and devastation of communities and whole cities. Truly we must wage total war against drugs.

Police efforts at the local level, while successful in some cases, have had no appreciable effect on the drug trade as the demand and supply far exceeds the local government's ability to provide the necessary resources to combat the problem.

Our criminal justice system has becomed swamped with drug-related cases.

And our foreign policy toward certain nations has become almost totally dominated by the efforts to combat the drug cartels.

This Congress, to its credit, has passed several measures to combat the illegal drug trade. But the effects cannot be fully realized until we get to the heart of the drug trade which is money—money and the huge profits this trade reaps.

Simply stated, the profit in the drug trade is tremendous. And, the one key element in that profitability is the ability to move money from the producer to the seller and back to the producer. Regrettably, the one activity which spurs profit is the ability to use our Nation's financial institutions to launder drug proceeds.

In the omnibus drug bill in 1986, the Congress made money laundering illegal and ordered Federal depository agencies to prescribe regulations which required federally insured banks to monitor compliance with money-laundering requirements. The law also established civil and criminal penalties for profits derived from criminal activities. And in the Omnibus Drug Initiative in 1988, in an effort to lend a Federal hand in the war on drugs, the Congress required banks to report all cash transactions of $10,000 or more; but much more needs to be done.

This legislation, H.R. 3848, creates new penalties to discourage financial institutions from participating in money-laundering schemes.

The measure does the following:

It authorizes the Treasury Department to release to States the information contained in Federal reports on cash transactions to help States investigate money-laundering schemes.

Authorizes Federal banking regulators to appoint a conservator to take over management of an institution convicted of a money-laundering offense.

It requires that management officials of institutions who are convicted of money laundering to be removed from the institution and prohibited from working for any other financial institution in the future.

Establishes a new civil penalty of up to $5,000 per incident to be charged against the institution.

It requires the financial institution to check certain customers and businesses suspected of laundering money.

Finally, and most importantly, it permits the Federal Banking Regulatory and Deposit Insurance Agency to revoke the banks charter or cancel the deposit insurance protection if a bank is found to be continually engaged in money laundering.

Mr. Chairman, this legislation fills additional gaps in war against the drug trade. Will it stop money laundering? Well, as long as there is a demand for drugs and the incentive to make money by trading in drugs, there will be a need to launder money. This bill will go a long way to make laundering more difficult by closely monitoring the activities of our financial institutions and making the penalties stiff for engaging in this criminal activity.

United States financial institutions should be at the forefront of our efforts to combat illegal drug trafficking and money laundering and they should comply with all the laws and regulations relating to money laundering. However, as the inducement to encourage that participation, the provisons of this bill are needed.

This bill enlists financial institutions as active combatants in our all out drug war.

I urge passage of this legislation.

Mr. ANNUNZIO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, I want to commend the gentleman from California, my good friend, for offering such an important amendment to this crucial bill. This amendment, although specifically relating to international wire transfers, addresses the very heart of the issue behind controlling the drug war in the United States.

Recently, the Los Angeles City Federal Reserve Bank announced that it has a $3.8 billion cash surplus as a result of huge cash deposits from drug dealers which have been flowing into the city's banks. Records turned over by Panama and eight other foreign governments reveal that drug traffickers are electronically transferring these funds, after having them laundered overseas, back to the United States in order to finance cartel operations here. They are used to pay lawyers, buy aircraft, invest in real estate and other capital-building ventures, and cover general operating expenses.

This amendment will allow the U.S. Government to gain access to a variety of crucial information about the drug running and money laundering operations in this country. If Congress is serious about cracking the drug rings that are wreaking havoc with every level of American society and Government, supporting this amendment is not only a good idea, it is a necessity. I urge my colleagues on both sides of the aisle to stand up to the drug cartels and to let them know Congress is not going to stand by and let them destroy this country. We must give those on the front lines of the drug war the ammunition they need. Please join me in lending your wholehearted support to this important amendment.

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Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I am pleased to rise in support of H.R. 3848 the Torres amendment to H.R. 3848, and I would like to commend the gentleman from California [Mr. TORRES] for proposing this amendment, and I would also like to commend the gentleman from Illinois [Mr. ANNUNZIO] and the gentleman from Ohio [Mr. WYLIE] the ranking minority member for his efforts in bringing this bill to the floor

Mr. Chairman, for years we have been attempting to address the Atrocities of the drug trade. No other single deterrent would be as effective as cutting out or reducing the profits earned by the sale of illicit narcotics. We all know that the illicit sale of drugs cannot amount to profits for drug kingpins unless the money is laundered.

Mr. Chairman, I believe that strengthening the requirements and increasing penalties is an effective way of attacking the money-laundering link in the chain of drug trafficking. Given the existing State and Federal regulatory powers, and the added provisions of H.R. 3848, money laundering may prove to be the weakest link in the chain of trafficking.

Simply put, the strict penalties which include the revocation of Federal charters and Federal deposit insurance and the prohibition of a convicted money launderer from any affiliation with a financial institution are added discentives for committing this felonious act.

But why must we wait a year before instituting requirements for electronic transfers? The Torres amendment allows us to move forward in the wire transfer area today, requiring institutions to disclose records on international wire services only upon request of the Secretary of the Treasury. Furthermore, this program will act as a pilot program, and after a year the process set forth by the Torres amendment will be assessed.

Mr. Chairman, officials in the field, Federal prosecutors, and Justice De-

partment officials and agents agree that wire transfers are an essential source of information when tracking money launderers. Because of existent computer technology, the information requested in the Torres amendment is readily available. We do not need more time or more proof. The technology already exists, and frankly, we have no more time to waste.

As the drug problem becomes more and more prevasive we must not fail to address it on all fronts, including money laundering. I wholeheartedly support H.R. 3848 with the Torres amendment, and I urge my colleagues to join in my support.

Mr. ANNUNZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of H.R. 3848, the Depository Institution Money Laundering Amendments of 1990. This is an important step in our efforts to combat illegal drug activities in our society. I want to commend the chairman, the gentleman from Illinois [Mr. ANNUNZIO], the subcommittee that he chairs, and the ranking member for their work on this matter and for bringing this measure to the House for action.

Frankly, this initiative grew out of the legislative process and the oversight hearings. Congress has long had an interest in dealing effectively with white-collar crime that aids and abets the problems of drugs in our society and in our Nation.

This subject of money laundering has been a subject that the Banking Committee has led in resolving. We are trying to provide the additional tools that may be necessary and hopefully will be used by the Department of Justice and the DEA in pursuing the criminal behavior of drugs and the stream of cash that is the lifeblood, the mother's milk of the drug business in our society.

This legislation already, before it is even passed, has had a positive impact upon the Department of Justice. It is not coincidence that a week ago that the Attorney General has come forward to begin to institute some new policies in the crackdown of drug profits and cash transactions. I think it just demonstrates the Department of Justice's receptivity to the concerns and initiative by Members of Congress who have put forth these new proposals. Members of our committee should be commended and others that have pursued these new initiatives.

There is just no excuse not to provide the legal tools, not to provide the background information that is necessary to, in fact, prosecute the network of drug crime and criminals. So much of the drug-use issue in our society would not exist if we could, in fact, stop the flow of drug dollars.

The implementation of such new laws and policy costs money, but I think we have to balance that off and look at what the impact is, the cost of drugs and the cost of substance abuse in our society. Certainly it is a far greater cost in dollars and human suffering.

The fact of the matter is that drugs are the No. 2 import coming into the United States, largely from South America. Only our oil imports exceed the value of illegal drugs in dollar value as an import, albeit illegal, but they are the No. 2 import.

The magnitude of such commerce doesn't take place in a vacuum; it utilizes the economic system, the financial institutions, and other legal market mechanisms. We must as a policy restrict and stop the misuse of our economic system for such purposes.

During the committee hearings on this legislation, the point was brought home time and time again that the lifeblood, the mother's milk of the drug trade is money. Despite past efforts by Congress to legislatively restrict money laundering, these illegal practices are still the means by which drug assets are funneling drug money within our Nation and around the globe. This bill adds to an already strong legal framework by providing additional authority to the regulators to penalize institutions that violate money laundering rules.

I would like to say that this legislation will be an adequate deterrent and will stop all money laundering. Unfortunately, that is not the case. Clearly, no matter how great a mousetrap we build, some rats will find a way to circumvent detection and prosecution. With this proposed law, the administration will have a better mousetrap, with more tools at their disposal to detect and prosecute violators and to raise the price of breaking the law.

However, to be effective, these proposals, like others, need the enthusiastic support and implementation by the administration. Frankly, I was disappointed by the testimony presented by the administration during the subcommittee hearings on money laundering. During that hearing, it became clear that the administration has not aggressively used the tools available to them. There has been little follow through or monitoring by the regulators and interagency communications are inadequate. As I have pointed out with other issues, Congress can pass good laws and policies, but if those laws are improperly enforced or executed, our efforts will be for naught.

Mr. Chairman, the regulators' lackadaisical attitude and the complaints by some that this bill is too burdensome and costly are misguided. Hopefully, an additional benefit of this legislation is that the regulators and others will finally be convinced that Congress is very serious about drugs and stopping money laundering. Our actions today and continued oversight by the subcommittee will reinforce the message that the drug problem and profits are a phenomena that we must resolve. Clearly, the additional cost and time spent on enforcing measures to stop the flow of drug money are dollars and time well spent, particularly when we see the cost of substance abuse in our society today.

I urge my colleagues to support H.R. 3848 and then to work to ensure that this measure once law and our previous efforts to stop money laundering are properly enforced.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, I thank my distinguished colleague from Ohio, the ranking Republican on the full committee, for yielding, and I would like to congratulate the chairman of the full committee, the gentleman from Texas [Mr. GONZALEZ], the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. ANNUNZIO], my colleague, the gentleman from California [Mr. TORRES], and I see the gentleman from Pennsylvania [Mr. KANJORSKI], and on our side, the gentleman from California [Mr. SHUMWAY], the gentleman from New Jersey [Mr. SAXTON], the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Georgia [Mr. BARNARD], all of whom have worked very diligently to bring what I believe is a very balanced bill to the floor to deal with a very critical problem.

There is no doubt about the fact that the scourge of drugs and the use of financial intermediaries to launder these illegal profits is something that we are trying desperately to address, and this bill, as it has worked its way through the subcommittee and the full committee, does just that.

Mr. Chairman, the concern that I have is that we may go further than simply addressing the money laundering problem. We may, in fact, dramatically hurt the American consumer, and we do not want to see that happen. Yes, of course, if hurting the American consumer will in some way bring an end to the scourge of drugs and the illegal transfer and laundering of these profits, yes, I think that maybe there should be some pain inflicted on the consumer. But, if we are not going to benefit the consumer and, in fact, hurt the consumer and, at the same time, not do anything to enhance the ability to turn the corner on these illegal profits, obviously it would be a mistake to do that.

This bill as reported out is a very balanced approach to a serious problem. I hope that we do not put into place amendments which could dramatically hurt the American consumer.

Mr. ANNUNZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. HOAGLAND], a member of the committee.

Mr. HOAGLAND. Mr. Chairman, I thank the gentleman for yielding me some time to speak on this very important issue.

Mr. Chairman, I am certainly proud to be associated with this fine legislation and to be associated with the subcommittee and the full committee that produced it.

As others have said before, I do not think this should be misunderstood in terms of our attitude toward banks or bankers. Obviously the vast majority of banks and bankers in this Nation have been very cooperative. Indeed, some of the best tips that we have had that have led to some of the largest seizures in this country have come from banks that have been conscious about money-laundering problems. But the truth of the matter is, and the fact remains, there are about $110 billion a year of cash generated on the streets of this Nation that have to go somewhere, and thousands of dollars of cash in my city of Omaha that are generated every weekend with the drug and gang problem that we have, that has to go somewhere.

What is so good about this bill is that it fleshes out the panoply of actions that the regulators and law enforcement officers can take to deal with this problem.

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It allows for the appointment of conservators under certain limited circumstances. It requires revocation of charters. It also enhances the usage of the paperwork procedures, the cash transaction reports that people are now required to fill out when they deal with $10,000 or more. It also enables banks to require the production of cash transaction reports from heavy cash customers that come in with a lot of cash into the banking doors to be sure that those Internal Revenue Service forms have been properly completed.

Let me just simply say to the chairmen of the subcommittee and the full committee, I want to congratulate them for their efforts in making sure that those few who do violate the law are going to pay the price, that law enforcement and regulators have those tools to make sure that appropriate measures will be taken. I want to thank both Members for their work on this effort.

Mr. WYLIE. Mr. Chaiman, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM], a member of the Committee on the Judiciary, and one who has a very strong interest in this bill.

Mr. MCCOLLUM. Mr. Chairman, I rise in very strong support of this legislation. It is a further step in our efforts in the war on drugs to try to win against the money launderers, against the big drug kingpins, who push millions and millions of dollars through our banking system every year. Actually they push probably millions through every day, whether we know it or not.

This bill does provide some new tools. As has been said, it provides the opportunity when a bank or financial institution of any type has been convicted of money laundering, when the institution itself has been convicted, it provides the opportunity and permission to the regulators to appoint a conservator and to basically take that institution away from the people who have been managing it.

Second, when you have in addition to an institution being convicted two or more officers or directors, key officers or directors, you have the opportunity, and in fact you have the requirement for a hearing and the potential for a revocation of charter.

In addition, there is a provision in this that I am very proud of that I helped author with the gentleman from Georgia that would require the Treasury to promulgate regulations within a very short period of time on international wire transfers, requiring in certain instances under those regulations that those wire transfer transactions be reported, just as currency transactions are today. But it does not require that they be done in every instance and it does not require any trigger later on for all institutions to be covered. It gives a very fine tuning to what is the power of the Treasury in its own discretion to decide when, where, and how.

Reluctantly, I must oppose an amendment to be offered later by the gentleman from California [Mr. TORRES], which I think goes far beyond what is needed and will present onerous burdens to the banking community if we allow it to become part of this bill. We do not need it, it is not necessary. Law enforcement opposes it. Quite frankly, I think that what we need today is in this legislation already, which is a provision that gives the Treasury power on a case-by-case, circumstance-by-circumstance basis, to designate when and where and how it wants wire transfers, transactions, reports made, for our law enforcement agencies, rather than burdening them with any specific requirements beyond that.

With that in mind and in full support of this legislation, I yield back to the gentleman from Ohio [Mr. WYLIE] any remaining time I may have.

Mr. ANNUNZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, we will lose the war on drugs unless effective measures are in place to shut down money laundering operations. The Department of the Treasury recently stated that worldwide illegal drug revenues exceed $300 billion yearly, including about $110 billion that are generated in this country. The drug trade is primarily cash business and the exchange of currency on the streets of our cities and towns which is later laundered through our banks and other businesses continues to grow despite Government's enforcement efforts.

H.R. 3848 is a strong package of anti-money-laundering provisions which will give the Government additional means to apprehend those who use our financial institutions as a tool to hide and convert drug money into traditional financial assets. Additional weapons are often needed to keep pace with the sophisticated means money launderers employ to avoid detection and prosecution.

The Subcommittee on Oversight of the Committee on Ways and Means has also played an important role in combating money laundering. Several years ago, I testified before the Banking Committee in support of pending legislation to crack down on money laundering "smurfs," and to facilitate the seizure and forfeiture of assets purchased with laundered cash. Provisions in both titles 31 and 26 of the United States Code were reformed at that time.

Currently, the Subcommittee on Oversight is now investigating the extent to which the business community is not complying with section 6050I of the Internal Revenue Code which was added by the 1984 Tax Act. Under this law, cash transactions involving the purchase of services or goods, such as cars, boats, furs, jewelry, real estate, collectibles, and other items, of over $10,000 must be reported to the Internal Revenue Service. Our preliminary investigation shows that there are serious compliance and administrative problems with this cash reporting law.

Money launderers are notorious for devising new and ingenious ways to disguise their cash. The subcommittee has found that drug dealers are increasingly spending their drugs proceeds on luxury items such as cars, boats, and houses. Many businesses which profit from these cash sales are ignoring their reporting responsibilities. At the conclusion of our investigation, the Subcommittee on Oversight will hold hearings to present its findings and recommendations for improved compliance.

Mr. Chairman, I insert a copy of committee Chairman ROSTENKOWSKI's letter concerning the reporting requirement in H.R. 3848 on form 8300—(report of cash payments over $10,000 received in a trade or business)—under Internal Revenue Code section 6050I.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 19, 1990.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in reference to Section 15 of H.R. 3848, the Depository Institution Money Laundering Amendments of 1990. I am sure that we all support any and all efforts which contribute to our Nation's war on drugs.

Section 15 of H.R. 3848 requires a report to Congress from the Secretary of the Treasury, concerning reports filed under, and in compliance with, Section 6050I of the Internal Revenue Code of 1986. While I will not object to the inclusion of this reporting requirement in the bill, I must point out that Code Section 6050I is a matter which is solely within the jurisdiction of the Committee on Ways and Means, having been enacted in 1984 in an effort to increase income tax compliance. In addition, these reporting requirements continue to be of interest to Members of my committee. In fact, the Subcommittee on Oversight of the Committee on Ways and Means is currently investigating compliance with Section 6050I.

The Committee on Ways and Means will gladly work with your Committee in this particular area. However, I'm sure you will appreciate the need to respect the separate jurisdictional responsibilities of our two committees, as well as the fact that the inclusion of Section 15 in H.R. 4848 does not alter those jurisdictional responsibilities.

Sincerely,

DAN ROSTENKOWSKI,
Chairman.

Mr. KANJORSKI. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. AKAKA].

Mr. AKAKA. Mr. Chairman, I rise in support of H.R. 3848, the Depository Institution Money Laundering Amendments of 1990, and ask unanimous consent to revise and extend my remarks.

Mr. Chairman, let me begin by commending the Banking Committee, particularly the gentlemen from Illinois and Texas, the chairmen of the Financial Institutions Subcommittee, Mr. ANNUNZIO, and full Banking Committee, Mr. GONZALEZ, respectively, for their fine work in bringing this legislation before the House today.

H.R. 3848 is a timely and comprehensive bill which will assist the Treasury in its efforts to discourage the practice of money laundering. This bill creates tough new penalties to discourage participation by financial institutions in the conversion of ill-gotten drug profits into legitimate assets, without imposing burdensome requirements or costs upon institutions or their customers.

Congress has enacted amendments discouraging money laundering practices as part of omnibus drug legislation in 1986 and 1988. H.R. 3848 improves upon current law by authorizing the release of information from cash transaction reports and customs monetary instrument reports to State financial institution regulatory agencies. It also creates tough, new penalties to discourage financial institution participation in laundering schemes. The bill permits Federal regulators to appoint a conservator, revoke the charter, or end the deposit insurance of any federally chartered or insured institution convicted of money laundering activities.

I am a staunch advocate of an aggressive national policy to stem the flow of drugs into our country. Money is the Achilles heel of the drug trade. Every step must be taken to stop the conversion to legitimate use of the estimated $110 billion a year generated in street transactions.

As a member of the Appropriations Treasury-Postal Service Subcommittee, I can attest that every Federal agency involved in drug interdiction that comes before our committee, including Treasury, the Customs Service, and IRS, points to tough money laundering provisions as essential to the efforts of law enforcement officers to deny drug dealers the use of profits derived from the misery and suffering they cause. H.R. 3848 provides the mechanism necessary to facilitate the detection, apprehension, and prosecution of money launderers. This is a good, tough, and fair bill.

I thank the distinguished chairman for this time, and urge my colleagues to support the bill.

Mr. ANNUNZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, as one of 13 original cosponsors of H.R. 3848, the Money Laundering Amendments of 1990, I am proud to join Chairman ANNUNZIO, the original author of the legislation, in bringing this bill to the floor.

Mr. Chairman, the legislation we consider today is the result of extensive hearings held both by subcommittee Chairman ANNUNZIO, and full committee Chairman GONZALEZ, and careful deliberation and compromise in committee. The committee's unanimous 49 to 0 rollcall vote in favor of the bill is an indication of the widespread, bipartisan support it enjoys.

Many members of the committee contributed to the final product we are considering today, but I would be remiss if I did not acknowledge the contributions of Chairman ANNUNZIO, who identified this problem early on and is the driving force behind our effort to put the money launderers out of business; Chairman GONZALEZ who has also delved extensively into this topic and introduced his own legislation; the gentleman from California [Mr. TORRES] who has highlighted the role of wire transfers in the money laundering process and who has consistently prodded the Treasury to be more aggressive in its oversight of the wire transfer system; and the gentlemen from Delaware and Florida, Mr. CARPER and Mr. MCCOLLUM, who helped put together the consensus committee bill.

Mr. Chairman, money is the motivating force behind the illegal narcotics industry. Drug producers, smugglers, and sellers would be out of business tomorrow if they could not find a way to disguise the proceeds of their ill-gotten gains.

Money launderers are as guilty of destroying our Nation's youth as the growers and the traffickers. Although they may wear white collars and wingtips instead of blue collars and designer sneakers, they are an integral part of the drug cartel.

Every year money laundering contributes to the addiction of millions of our citizens and the death of thousands.

That is why our bill proposes a capital penalty for this ultimate of capital offenses.

Under our bill, Federal regulators will be able to impose the financial equivalent of the death penalty on institutions which are convicted of money laundering.

This is a strong penalty, but it is the only way we can effectively deter a few greedy institutions from being lured into the money laundering business by the large profits which can be made. Officers, directors, and shareholders need to know that there is a penalty to be paid if they allow their institutions to be used by the drug cartels.

In addition, our legislation also ensures that anyone who is affiliated with a financial institution who is convicted of money laundering will be barred for life for ever working for another financial institution. This gives meaning to the old adage, "Fool me once, shame on you. Fool me twice, shame on me." Our bill will deprive money launderers of a second chance to ply their illegal and destructive craft.

Finally, our bill increases civil money penalties which can be imposed on institutions which fail to comply with the requirements of the Bank Secrecy Act; it requires the Treasury to issue regulations tightening disclosure on international wire transfers by January 1, 1990; it authorizes the Treasury to tighten up the currency transaction report process; and encourages the States to license and regulate noninsured check cashing services and money exchange houses.

This is a good bill which gives the Justice Department, the Treasury, and the financial regulators the tools they need to take action against money launderers, without unfairly burdening the vast majority of financial institutions which operate honestly and properly. It deserves the support of every Member.

Mr. ANNUNZIO. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

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Mr. SCHUMER. Mr. Chairman, first I rise in strong support of H.R. 3848, and I want to compliment the chairman of the subcommittee and the chairman of our full committee, and everyone else who did so much good work on this bill. We all know that illegal drugs are a plague on America, they destroy our children, they condemn our cities, and to end this scourge we have indeed declared a war on drugs.

But until we take the profit out of drugs, the plague will continue to spread, the war will continue. The drug business is at bottom a money business. If we can make it harder for drug dealers to turn their illegal profits into clean money, we can begin to win this war.

I know some of the bankers say it is not their fault; all money is green. But in this new world we need more responsibility, not just from bankers but from all people in our communities. We tell bartenders who give someone their 10th or 11th drink that they may well be responsible for death from drunk driving that comes from that, and we must tell bankers the same, that they are responsbile as well for their actions. We are dealing with all sorts of business institutions in our society, and even though they are not directly to blame, if they aid and abet those who are, the profiteers, we are telling them they will be held somewhat responsible.

We have no choice in our society. That is the bottom line. If everyone just looked after their own interest, not only would drugs and all of these other problems overwhelm us, but it would be a society where each individual would be off on his or her own.

So I say, Mr. Chairman, that this bill will go a long way to getting tough with money launderers. It will aid in our war on drugs.

There will be an amendment which I believe is appropriate and will toughen things, but this is a great start, and I would like to once again urge all of my colleagues, if they are serious about the war on drugs then vote for this bill.

The CHAIRMAN. The gentleman from Ohio [Mr. WYLIE] has 3 minutes remaining.

Mr. WYLIE. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, the Treasury, the Federal Reserve, and the banking industry all support H.R. 3848 as reported. But they are opposed to any amendments to the legislation which would further specify recordkeeping requirements on electronic wire transfers.

May I say that bankers are to be complimented for Operation Polar Cap which was announced on March 29, 1989, as the largest money laundering investigation ever to be conducted. Officials at the Department of Justice, the IRS, and Treasury have publicly stated that if it were not for alert bank officials who tipped off the Government on suspicious operations, there would not have been an Operation Polar Cap. Records compiled by banks under current law aided in Operation Polar Cap, and I do not believe that there is any need for additional recordkeeping at this time.

Mr. Chairman, I urge adoption of the bill in its present form.

Ms. PELOSI. Mr. Chairman, today, through passage of H.R. 3848, the Money Laundering Prevention Act, we have an opportunity to give a strong boost to the fight against drug traffickers by hitting them at the point in which it will hurt them most—in their profits and in their pockets. H.R. 3848 creates new penalties to discourage financial institutions from participating in money laundering activities.

The fight against illegal drugs requires everyone working together. In order to profit from the illegal drug business, drug traffickers must have a way to move their cash into the legal currency system. This action frequently involves financial institutions. While many of our Nation's banks have made real efforts to assist in the fight against money laundering, and I commend them for their efforts, more needs to be done.

The Torres amendment would require the Treasury Department to establish a pilot program of recordkeeping for international electronic transfers of funds that would require customers to supply to banks the names, addresses, and account numbers parties involved in the transaction. These records would be reported to the Secretary of the Treasury only upon request; there is no mandated reporting requirement. It would be also up to the Secretary of the Treasury to establish the wire transfer dollar amount which would trigger the recordkeeping requirement.

The provisions of the Torres amendment will be useful to law enforcement in tracing the complex trail of drug money. We must give law enforcement the tools necessary to identify and prosecute drug traffickers. The more information available to law enforcement, the more effectively they will be able to do their job.

The Torres amendment wisely establishes a pilot program to assess the effectiveness of the process and its impact on international commerce before the program is implemented nationwide. This amendment seeks to assist our law enforcement officials in their efforts against drug traffickers. I urge my colleagues to support it.

Mr. KLECZKA. Mr. Chairman, I rise in strong support of the Depository Institution Money Laundering Amendments of 1990, a bill I was pleased to cosponsor with the chairman of the Financial Institutions Subcommittee, Mr. ANNUNZIO.

For those who doubt the critical role the banking system can play in the drug trade, the actions taken last week by the Federal Government should be an education.

The Justice Department, based on a review of bank records seized after the invasion of Panama, obtained a court order to freeze hundreds of accounts in this country, an action which affected 173 banks. According to press accounts, $1 billion of drug profits were removed from the United States from 1987 to 1989. Approximately $350 million was transferred abroad and, incredibly, returned to the United States banks to finance the activities of the Medellin drug cartel.

To combat the drug cartels at this level, we need to give enforcement officials the necessary tools. That is the purpose of the deposition institution money laundering amendments.

This legislation, which was approved unanimously by the House Banking Committee, allows Federal banking legislators to appoint for any federally chartered or federally insured depository institution when such institution is convicted of money laundering offenses.

In addition, whenever two or more members of senior management of an institution are convicted of money laundering offenses, Federal regulators are required to hold a hearing to determine whether the Federal charter or, in certain instances, Federal deposit insurance, should be revoked.

This amounts to the imposition of an institutional death penalty for those banks, thrifts, or credit unions which choose to engage in money laundering, or who fail to control senior level employees.

The bill also makes several key reforms in cash transaction reports.

The Bank Secrecy Act of 1970 requires financial institutions to report cash transactions of $10,000 or more to the Internal Revenue Service. Since the drug business is a cash and carry operation, such reports are very useful in following a money trail. In the 100th Congress, the Omnibus Drug Act (Public Law 960) allowed the Treasury Department to maintain additional cash transaction records in certain areas, if necessary.

This legislation further strengthens the cash transaction requirements by allowing the release by Treasury to state financial regulatory agencies the information contained in the reports. This will assist local antidrug efforts.

In addition, the bill mandates that financial institutions require private check cashing businesses, which play an increasingly important role in money laundering, also file with the federally insured institution the cash transaction reports which the check cashing business is supposed to file with the Treasury Department. If the check cashing business does not file these reports, the insured institution would report this fact to the IRS. The legislation also expresses the sense of the Congress that States establish uniform laws to regulate check cashing businesses.

I urge my colleagues to support this legislation.

Mr. RANGEL. Mr. Chairman, I rise today in strong support of H.R. 3848, the Depository Institution Money Laundering Amendments of 1990. I commend Congressman HENRY GONZALEZ, the chairman of the House Banking Committee, Congressman FRANK ANNUNZIO, the chairman of the Subcommittee on Finan-

cial Institutions, and the other members of the Banking Committee for their legislative efforts which have resulted in bringing this bill before us for a vote in the House of Representatives today.

Money laundering is the fuel which runs the engine of the drug trade. The Select Committee on Narcotics, which I chair, estimates that the drug trade generates $150 billion annually in the United States alone. Worldwide the money generated by the narcotics trade may be as high as $300 billion annually.

The Congress passed landmark legislation to combat drug trafficking in 1986 and 1988. These laws toughened criminal penalties for various drug trafficking offenses, provided additional resources for Federal, State, and local law enforcement agencies, provided additional money for international narcotics control, expanded drug abuse education programs, and provided money to improve drug treatment and rehabilitation programs. Last year, Congress added nearly $1 billion in additional anti-drug funds to the amounts requested by President Bush in his September 1989 national drug control strategy.

However, Mr. Chairman, all of these laudable efforts, while they are important and have had a positive effect, have not cured the epidemic of drug abuse in America. Law enforcement officials have, however, become smarter in fighting drug traffickers. They have discovered that one of the most effective law enforcement techniques in slowing down drug trafficking is to follow the flow of the money.

The Anti-Drug Abuse Act of 1986 created the offense of money laundering in Federal law and closed loopholes in then existing currency laws to prevent the evasion of currency reporting requirements. The Anti-Drug Abuse Act of 1988 provided that no financial institution may issue or sell a bank check, cashier's check, traveler's check, or money order to any individual in amounts of $3,000 or more, unless that person has an account with the financial institution or can furnish verifiable forms of identification.

The 1988 act gave the Secretary of the Treasury discretionary authority to target a domestic financial institution or group of financial institutions located in any specified geographic location where drug trafficking and/or money laundering are prevalent to obtain, retain, and report additional cash transactions information. It provided for a maximum $10,000 per day penalty for willful or grossly negligent violation of recordkeeping regulations by any insured banks, other financial institutions, or by an employer, director, or officer.

H.R. 3848 builds upon the improvements in fighting money laundering made possible by passage of the Anti-Drug Abuse Acts of 1986 and 1988. Specifically, it provides that the appropriate Federal regulator may appoint a conservator for any federally chartered or insured financial institution convicted of money laundering after considering the extent to which senior management was involved in the offense, whether the institution had policies and procedures to prevent money laundering, the degree to which the institution has cooperated with law enforcement authorities, and whether the institution has implemented new procedures to prevent the occurrence of similar money laundering crimes in the future. In the case of State chartered banks the Federal Deposit Insurance Corporation shall notify the appropriate State regulator 10 days before the conservator shall be appointed to give the State an opportunity to appoint a conservator under State law.

The bill also provides that the appropriate Federal regulator must hold a hearing to consider revoking the charter of any federally insured or chartered financial institution, or in the case of State institutions to terminate Federal deposit insurance, whenever an institution and directors or officers of the institution are convicted of money laundering.

The bill also includes provisions to insure compliance with cash transaction reporting requirements by currently unlicensed and unregulated cash-based businesses, such as check cashing businesses, currency exchanges and the like which are frequently used to launder illicit drug profits.

Another section in the bill provides that any person convicted of money laundering or of structuring transactions to evade reporting requirements who is affiliated with a financial institution shall be removed from the institution and barred from affiliating with financial institutions in the future. Section 7 of the bill provides that the Secretary of the Treasury may impose civil money penalties of not more than $5,000 where the financial institution engages in a pattern or practice of negligent conduct which violates the Bank Secrecy Act, and regulations. Under current law, the Secretary may only impose fines up to $500 for negligent violations of the act.

The bill expresses the sense of Congress that States should license and regulate nondepository institutions that cash checks, transmit money, or issue or redeem money orders or travelers checks. Mr. Speaker, an important part of the bill is section 10 which concerns international wire transfers. It provides that before January 1, 1991, the Secretary of the Treasury must establish in final form the regulations necessary to ensure that insured depository institutions maintain such records of international fund transfers as will have a high degree of usefulness in criminal, tax, or regulatory proceedings.

Other provisions in the bill would amend the authority of the Secretary of the Treasury to allow him to require that financial institutions keep targeting orders confidential, give State financial institution regulators access to the currency transaction reports maintained by the Treasury, and provide for a study of the methods and technologies that may be used in the printing of Federal reserve notes to make such notes traceable by an electronic scanning device.

H.R. 3848 will significantly increase the capabilities of Federal and State bank regulatory agencies and law enforcement agencies to conduct money laundering investigations successfully. I am pleased to support this bill.

Mr. WYLIE. Mr. Chairman, I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by sections as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. ANNUNZIO. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Depository Institution Money Laundering Amendments of 1990".

SEC. 2. AUTHORITY TO APPOINT CONSERVATOR FOR INSURED DEPOSITORY INSTITUTIONS CONVICTED OF MONEY LAUNDERING.

(a) NATIONAL BANKS.—

(1) IN GENERAL.—Section 203(a) of the Bank Conservation Act (12 U.S.C. 203(a)) is amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(B) by inserting after paragraph (5) the following new paragraph:

"(6) the bank is found guilty of any money laundering offense;".

(2) FACTORS REQUIRED TO BE CONSIDERED; EXCEPTION IN CASE OF CHANGE IN CONTROL.—Section 203 of the Bank Conservation Act (12 U.S.C. 203) is amended by adding at the end the following new subsection:

"(f) SPECIAL RULES RELATING TO APPOINTMENT OF CONSERVATOR UNDER SUBSECTION (a)(6).—

"(1) FACTORS FOR CONSIDERATION IN APPOINTING CONSERVATOR.—In making any determination under subsection (a)(6) to appoint a conservator for any national bank, the Comptroller of the Currency shall take into account the following factors:

"(A) The extent to which directors or senior executive officers (as defined by the Comptroller pursuant to section 32(f) of the Federal Deposit Insurance Act) of the national bank knew of, or were involved in, the commission of the money laundering offense of which the bank was found guilty.

"(B) The extent to which the offense occurred despite the existence of policies and procedures within the national bank which were designed to prevent the occurrence of any such offense.

"(C) The extent to which the national bank has fully cooperated with law enforcement authorities with respect to the commission of the money laundering offense of which the bank was found guilty.

"(D) The extent to which the national bank has implemented additional internal controls (since the commission of the offense of which the national bank was found guilty) to prevent the occurrence of any other money laundering offense.

"(2) CHANGE IN CONTROL EXCEPTION.—If the ownership or control of any national bank referred to in subsection (a)(6) is acquired

(as defined in section 13(f)(8)(B) of the Federal Deposit Insurance Act)—

"(A) after the commission of any money laundering offense;

"(B) by any person who was not an institution-affiliated party of the bank, or any affiliate of any such party (as such terms are defined in section 3 of the Federal Deposit Insurance Act) at the time of the offense; and

"(C) in an arms-length transaction (as determined by the Comptroller) which was entered into in good faith by such person,

subsection (a)(6) shall not apply to such national bank with respect to such offense.

"(3) MONEY LAUNDERING OFFENSE DEFINED.—For purposes of this subsection and subsection (a)(6), the term 'money laundering offense' means any offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

(b) INSURED SAVINGS ASSOCIATIONS.—

(1) FEDERAL SAVINGS ASSOCIATIONS.—Section 5(d)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(2)(A)) is amended—

(A) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(B) by inserting after clause (vi) the following new clause:

"(vii) the association is found guilty of any money laundering offense;".

(2) STATE SAVINGS ASSOCIATIONS.—Section 5(d)(2)(C) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(2)(C)) is amended—

(A) by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively; and

(B) by inserting after clause (iv) the following new clause:

"(v) the association is found guilty of any money laundering offense;".

(3) FACTORS REQUIRED TO BE CONSIDERED; EXCEPTION IN CASE OF CHANGE IN CONTROL.—Section 5(d)(2) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(2)) is amended by adding at the end the following new subparagraphs:

"(J) FACTORS FOR CONSIDERATION IN APPOINTING CONSERVATOR OR RECEIVER UNDER SUBPARAGRAPH (A)(vii) OR (C)(v).—In making any determination under subparagraph (A)(vii) or (C)(v) to appoint any conservator or receiver for any savings association, the Director shall take into account the following factors:

"(i) The extent to which directors, trustees, or senior executive officers (as defined by the Director pursuant to section 32(f) of the Federal Deposit Insurance Act) of the savings association knew of, or were involved in, the commission of the money laundering offense of which the association was found guilty.

"(ii) The extent to which the offense occurred despite the existence of policies and procedures within the savings association which were designed to prevent the occurrence of any such offense.

"(iii) The extent to which the savings association has fully cooperated with law enforcement authorities with respect to the commission of the money laundering offense of which the association was found guilty.

"(iv) The extent to which the savings association has implemented additional internal controls (since the commission of the money laundering offense of which the savings association was found guilty) to prevent the occurrence of any other money laundering offense.

"(K) CHANGE IN CONTROL EXCEPTION UNDER SUBPARAGRAPH (A)(vii) OR (C)(v).—If the ownership or control of any savings association referred to in subparagraph (A)(vii) or (C)(v) is acquired (as defined in section 13(f)(8)(B) of the Federal Deposit Insurance Act)—

"(i) after the commission of any money laundering offense;

"(ii) by any person who was not an institution-affiliated party of the association, or any affiliate of any such party (as such terms are defined in section 3 of the Federal Deposit Insurance Act) at the time of the offense; and

"(iii) in an arms-length transaction (as determined by the Director) which was entered into in good faith by such person,

subparagraph (A)(vii) or (C)(v), as the case may be, shall not apply to such association with respect to such offense.

"(L) MONEY LAUNDERING OFFENSE DEFINED.—For purposes of subparagraphs (A)(vii), (C)(v), (J), and (K), the term 'money laundering offense' means any offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

(4) CONFORMING AMENDMENT.—Section 5(d)(2)(D) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(2)(D)) is amended by adding at the end the following new clause:

"(iii) In the case of any determination by the Director that the ground specified in subparagraph (C)(v) exists with respect to any insured State savings association, clause (ii) of this subparagraph shall be applied by substituting '10 days' for '30 days'.".

(c) INSURED STATE BANKS.—

(1) IN GENERAL.—Section 11(c) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)) is amended by adding at the end the following new paragraph:

"(10) APPOINTMENT OF CONSERVATOR UPON CONVICTION FOR MONEY LAUNDERING.—

"(A) IN GENERAL.—The Board of Directors may appoint itself conservator for any insured State bank which is found guilty of any money laundering offense.

"(B) FACTORS FOR CONSIDERATION IN APPOINTING CONSERVATOR.—In making any determination under subparagraph (A) to appoint the Corporation conservator for any insured State bank, the Board of Directors shall take into account the following factors:

"(i) The extent to which directors or senior executive officers (as defined by the Corporation pursuant to section 32(f)) of the bank knew of, or were involved in, the commission of the money laundering offense of which the bank was found guilty.

"(ii) The extent to which the offense occurred despite the existence of policies and procedures within the bank which were designed to prevent the occurrence of any such offense.

"(iii) The extent to which the bank has fully cooperated with law enforcement authorities with respect to the commission of the money laundering offense of which the bank was found guilty.

"(iv) The extent to which the bank has implemented additional internal controls (since the commission of the offense of which the bank was found guilty) to prevent the occurrence of any other money laundering offense.

"(C) NOTICE AND OPPORTUNITY FOR APPOINTMENT OF CONSERVATOR BY STATE BANKING SUPERVISOR.—If the Board of Directors determines that the Corporation should be appointed conservator under subparagraph (A) for any insured State bank—

"(i) the Board of Directors shall promptly notify the State banking supervisor of such bank of such determination; and

"(ii) the authority to appoint the Corporation conservator for such bank under subparagraph (A) shall be effective only if no conservator has been appointed by such supervisor for such bank before the end of the 10-day period beginning on the date such supervisor receives notice under clause (i).

"(D) CHANGE IN CONTROL EXCEPTION UNDER SUBPARAGRAPH (A).—If the ownership or control of any insured State bank referred to in subparagraph (A) is acquired (as defined in section 13(f)(8)(B))—

"(i) after the commission of any money laundering offense;

"(ii) by any person who was not an institution-affiliated party of the bank, or any affiliate of any such party at the time of the offense; and

"(iii) in an arms-length transaction (as determined by the Board of Directors) which was entered into in good faith by such person,

subparagraph (A) shall not apply to such bank with respect to such offense.

"(E) MONEY LAUNDERING OFFENSE DEFINED.—For purposes of this paragraph, the term 'money laundering offense' means any offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(c)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(9)) is amended by striking "paragraph (4) or (6)" and inserting "paragraph (4), (6), or (10)".

(d) INSURED CREDIT UNIONS.—

(1) IN GENERAL.—Section 206(h)(1) of the Federal Credit Union Act (12 U.S.C. 1786(h)(1)) is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) the insured credit union is found guilty of any money laundering offense;".

(2) FACTORS REQUIRED TO BE CONSIDERED; DEFINITION.—Section 206(h) of the Federal Credit Union Act (12 U.S.C. 1786(h)) is amended—

(A) by redesignating paragraph (9) as paragraph (10); and

(B) by inserting after paragraph (8) the following new paragraph:

"(9) FACTORS FOR CONSIDERATION IN APPOINTING CONSERVATOR UNDER PARAGRAPH (1)(C); DEFINITION.—

"(A) FACTORS FOR CONSIDERATION IN APPOINTING CONSERVATOR.—In making any determination under paragraph (1)(C) to appoint itself conservator for any insured credit union, the Board shall take into account the following factors:

"(i) The extent to which directors, committee members, or senior executive officers (as defined by the Board in regulations which the Board shall prescribe) of the credit union knew of, or were involved in, the commission of the money laundering offense of which the credit union was found guilty.

"(ii) The extent to which the offense occurred despite the existence of policies and procedures within the credit union which were designed to prevent the occurrence of any such offense.

"(iii) The extent to which the credit union has fully cooperated with law enforcement authorities with respect to the commission of the money laundering offense of which the credit union was convicted.

"(iv) The extent to which the credit union has implemented additional internal controls (since the commission of the offense of which the credit union was found guilty) to

prevent the occurrence of any other money laundering offense.

"(B) MONEY LAUNDERING OFFENSE DEFINED.—For purposes of this paragraph and paragraphs (1)(C) and (2)(C), the term 'money laundering offense' means any offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

(3) CONFORMING AMENDMENT.—Section 206(h)(2) of the Federal Credit Union Act (12 U.S.C. 1786(h)(2)) is amended by adding at the end the following new subparagraph:

"(C) APPLICATION IN CASE OF MONEY LAUNDERING OFFENSE.—In the case of any determination by the Board that the ground specified in paragraph (1)(C) exists with respect to any insured credit union, subparagraph (B) of this paragraph shall be applied by substituting '10 days' for '30 days'.".

SEC. 3. REVOCATION OF CHARTER OF FEDERAL DEPOSITORY INSTITUTIONS AUTHORIZED UPON CONVICTION OF INSTITUTION AND CERTAIN DIRECTORS AND OFFICERS FOR MONEY LAUNDERING OFFENSES.

(a) NATIONAL BANKS.—Section 5239 of the Revised Statutes (12 U.S.C. 93) is amended by adding at the end the following new subsection:

"(d) FORFEITURE OF FRANCHISE FOR MONEY LAUNDERING OFFENSES.—

"(1) NOTICE OF INTENTION TO DECLARE CHARTER FORFEITED.—If—

"(A) any national bank, including for purposes of this subsection any Federal branch (as defined in section 3(r) of the Federal Deposit Insurance Act); and

"(B) directors or senior executive officers (as defined by the Comptroller of the Currency pursuant to section 32(f) of the Federal Deposit Insurance Act) of the bank, are found guilty of any money laundering offense, the Comptroller of the Currency shall issue a notice to the national bank of the Comptroller's intention to declare all rights, privileges, and franchises of such bank to be forfeited.

"(2) CONTENTS OF NOTICE.—Any notice issued pursuant to paragraph (1) shall contain the date (not to exceed 30 days after the date such notice is issued) and the place of a hearing on the proposed forfeiture.

"(3) HEARING, FORFEITURE OF CHARTER.—If, on the basis of the evidence presented at a hearing conducted in accordance with section 554 of title 5, United States Code, before the Comptroller of the Currency (or any person designated by the Comptroller for such purpose), the Comptroller finds that, taking into account the factors required to be considered under paragraph (4), the gravity of the offense of which the national bank was found guilty outweighs the benefits which the continued operation of the bank may provide, the Comptroller may issue an order declaring all rights, privileges, and franchises of such bank to be forfeited.

"(4) FACTORS FOR CONSIDERATION IN CHARTER REVOCATION PROCEEDING.—In making any determination under paragraph (3) to declare the forfeiture of all rights, privileges, and franchises of any national bank, the Comptroller of the Currency shall take into account the following factors:

"(A) The extent to which directors or senior executive officers (as defined by the Comptroller pursuant to section 32(f) of the Federal Deposit Insurance Act) of the national bank knew of, or were involved in, the commission of the money laundering offense of which the bank was found guilty.

"(B) The extent to which the offense occurred despite the existence of policies and procedures within the national bank which were designed to prevent the occurrence of any such offense.

"(C) The extent to which the national bank has fully cooperated with law enforcement authorities with respect to the commission of the money laundering offense of which the bank was found guilty.

"(D) The extent to which the national bank has implemented additional internal controls (since the commission of the offense of which the bank was found guilty) to prevent the occurrence of any other money laundering offense.

"(5) APPEARANCE, CONSENT TO FORFEITURE.—Unless the national bank shall appear at the hearing by a duly authorized representative, the bank shall be deemed to have consented to the forfeiture of all rights, privileges, and franchises of the bank and the order referred to in paragraph (3) may be issued.

"(6) JUDICIAL REVIEW.—Any order issued by the Comptroller of the Currency under this subsection may be reviewed in the manner provided in chapter 7 of title 5, United States Code.

"(7) CHANGE IN CONTROL EXCEPTION.—If the ownership or control of any national bank referred to in paragraph (1) is acquired (as defined in section 13(f)(8)(B)) of the Federal Deposit Insurance Act)—

"(A) after the commission of any money laundering offense;

"(B) by any person who was not an institution-affiliated party of the bank, or any affiliate of any such party (as such terms are defined in section 3 of the Federal Deposit Insurance Act), at the time of the offense; and

"(C) in an arms-length transaction (as determined by the Comptroller) which was entered into in good faith by such person,

this subsection shall not apply to such national bank with respect to such offense.

"(8) MONEY LAUNDERING OFFENSE DEFINED.—For purposes of this subsection, the term 'money laundering offense' means any offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

(b) FEDERAL SAVINGS ASSOCIATIONS.—Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by adding at the end the following new subsection:

"(w) FORFEITURE OF CHARTER FOR MONEY LAUNDERING OFFENSES.—

"(1) NOTICE OF INTENTION TO DECLARE CHARTER FORFEITED.—If—

"(A) any Federal savings association; and

"(B) directors, trustees, or senior executive officers (as defined by the Director pursuant to section 32(f) of the Federal Deposit Insurance Act),

are found guilty of any money laundering offense, the Director shall issue a notice to the Federal savings association of the Director's intention to declare the charter of the association to be forfeited.

"(2) CONTENTS OF NOTICE.—Any notice issued pursuant to paragraph (1) shall contain the date (not to exceed 30 days after the date such notice is issued) and the place of a hearing on the proposed forfeiture.

"(3) HEARING, FORFEITURE OF CHARTER.—If, on the basis of the evidence presented at a hearing conducted in accordance with section 554 of title 5, United States Code, before the Director (or any person designated by the Director for such purpose), the Director finds that, taking into account the factors required to be considered under paragraph (4), the gravity of the offense of which the Federal savings association was found guilty outweighs the benefits which the continued operation of the association may provide, the Director may issue an order declaring the charter of the association to be forfeited.

"(4) FACTORS FOR CONSIDERATION IN CHARTER REVOCATION PROCEEDING.—In making any determination under paragraph (3) to declare the forfeiture of the charter of any Federal savings association, the Director shall take into account the following factors:

"(A) The extent to which directors, trustees, or senior executive officers (as defined by the Director pursuant to section 32(f) of the Federal Deposit Insurance Act) of the savings association knew of, or were involved in, the commission of the money laundering offense of which the association was found guilty.

"(B) The extent to which the offense occurred despite the existence of policies and procedures within the savings association which were designed to prevent the occurrence of any such offense.

"(C) The extent to which the savings association has fully cooperated with law enforcement authorities with respect to the commission of the money laundering offense of which the association was found guilty.

"(D) The extent to which the savings association has implemented additional internal controls (since the commission of the offense of which the savings association was found guilty) to prevent the occurrence of any other money laundering offense.

"(5) APPEARANCE, CONSENT TO FORFEITURE.—Unless the Federal savings association shall appear at the hearing by a duly authorized representative, the association shall be deemed to have consented to the forfeiture of the charter of the association and the order referred to in paragraph (3) may be issued.

"(6) JUDICIAL REVIEW.—Any order issued by the Director under this subsection may be reviewed in the manner provided in chapter 7 of title 5, United States Code.

"(7) CHANGE IN CONTROL EXCEPTION.—If the ownership or control of any Federal savings association referred to in paragraph (1) is acquired (as defined in section 13(f)(8)(B) of the Federal Deposit Insurance Act)—

"(A) after the commission of any money laundering offense;

"(B) by any person who was not an institution-affiliated party of the association, or any affiliate of any such party (as such terms are defined in section 3 of the Federal Deposit Insurance Act), at the time of the offense; and

"(C) in an arms-length transaction (as determined by the Director) which was entered into in good faith by such person,

this subsection shall not apply with respect to such association.

"(8) MONEY LAUNDERING OFFENSE DEFINED.—For purposes of this subsection, the term 'money laundering offense' means any offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

(c) FEDERAL CREDIT UNIONS.—Title I of the Federal Credit Union Act (12 U.S.C. 1752 et seq.) is amended by adding at the end the following new section:

"SEC. 130. FORFEITURE OF ORGANIZATION CERTIFICATE FOR MONEY LAUNDERING OFFENSES.

"(a) NOTICE OF INTENTION TO DECLARE CHARTER FORFEITED.—If—

"(1) any Federal credit union; and

"(2) directors, committee members, or senior executive officers (as defined by the Board in regulations which the Board shall prescribe) of the credit union,

are found guilty of any money laundering offense, the Board shall issue a notice to the

Federal credit union of the Board's intention to declare the charter of the credit union to be forfeited.

"(b) CONTENTS OF NOTICE.—Any notice issued pursuant to subsection (a) shall contain the date (not to exceed 30 days after the date such notice is issued) and the place of a hearing on the proposed forfeiture.

"(c) HEARING, FORFEITURE OF CHARTER.—If, on the basis of the evidence presented at a hearing conducted in accordance with section 554 of title 5, United States Code, before the Board (or any person designated by the Board for such purpose), the Board finds that, taking into account the factors required to be considered under subsection (d), the gravity of the offense of which the Federal credit union was found guilty outweighs the benefits which the continued operation of the credit union may provide, the Board may issue an order declaring the charter of the credit union to be forfeited.

"(d) FACTORS FOR CONSIDERATION IN CHARTER REVOCATION PROCEEDING.—In making any determination under subsection (c) to declare the forfeiture of the charter of any Federal credit union, the Board shall take into account the following factors:

"(1) The extent to which directors, committee members, or senior executive officers (as defined by the Board in regulations which the Board shall prescribe) of the credit union knew of, or were involved in, the commission of the money laundering offense of which the credit union was found guilty.

"(2) The extent to which the offense occurred despite the existence of policies and procedures within the credit union which were designed to prevent the occurrence of any such offense.

"(3) The extent to which the credit union has fully cooperated with law enforcement authorities with respect to the commission of the money laundering offense of which the credit union was found guilty.

"(4) The extent to which the credit union has implemented additional internal controls (since the commission of the offense of which the credit union was found guilty) to prevent the occurrence of any other money laundering offense.

"(e) APPEARANCE, CONSENT TO FORFEITURE.—Unless the Federal credit union shall appear at the hearing by a duly authorized representative, the credit union shall be deemed to have consented to the forfeiture of the charter of the credit union and the order referred to in subsection (c) may be issued.

"(f) JUDICIAL REVIEW.—Any order issued by the Board under this subsection may be reviewed in the manner provided in chapter 7 of title 5, United States Code.

"(g) MONEY LAUNDERING OFFENSE DEFINED.—For purposes of this section, the term 'money laundering offense' means any offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

SEC. 4. AUTHORITY TO TERMINATE THE INSURED STATUS OF STATE DEPOSITORY INSTITUTIONS CONVICTED OF MONEY LAUNDERING.

(a) STATE DEPOSITORY INSTITUTIONS OTHER THAN STATE CHARTERED CREDIT UNIONS.—

(1) TERMINATION AUTHORIZED UPON CONVICTION OF DEPOSITORY INSTITUTION.—Section 8(a)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)(2)(A)) is amended—

(A) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(B) by inserting after clause (i) the following new clause:

"(ii) any insured State depository institution is found guilty of any money laundering offense;".

(2) EXCEPTION IN CASE OF CHANGE IN CONTROL.—Section 8(a) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)) is amended by adding at the end the following new paragraph:

"(11) CHANGE IN CONTROL EXCEPTION.—If the ownership or control of any State depository institution referred to in paragraph (2)(A)(ii) is acquired (as defined in section 13(f)(8)(B))—

"(A) after the commission of any money laundering offense;

"(B) by any person who was not an institution-affiliated party of the institution, or any affiliate of any such party, at the time of the offense; and

"(C) in an arms-length transaction (as determined by the Board of Directors) which was entered into in good faith by such person,

paragraph (2)(A)(ii) shall not apply to such depository institution with respect to such offense.".

(3) HEARING ON TERMINATION REQUIRED UPON CONVICTION OF INSTITUTION AND DIRECTORS AND OFFICERS.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end the following new subsection:

"(v) TERMINATION OF INSURANCE FOR MONEY LAUNDERING OFFENSES.—

"(1) NOTICE OF INTENTION TO TERMINATE INSURANCE.—If—

"(A) any insured State depository institution; and

"(B) directors or senior executive officers (as defined by the Corporation pursuant to section 32(f)), of the State depository institution,

are found guilty of any money laundering offense, the Board of Directors shall issue a notice to the depository institution of the Board of Directors' intention to terminate the insured status of such depository institution.

"(2) NOTICE TO STATE BANKING SUPERVISOR.—A copy of any notice issued under paragraph (1) to any insured State depository institution shall promptly be transmitted by the Board of Directors to the appropriate State banking supervisor of such depository institution.

"(3) CONTENTS OF NOTICE.—Any notice issued pursuant to paragraph (1) shall contain the date (not to exceed 30 days after the date such notice is issued) and the place of a hearing on the proposed termination of insured status.

"(4) HEARING, TERMINATION OF INSURED STATUS.—If, on the basis of the evidence presented at a hearing conducted in accordance with section 554 of title 5, United States Code, before the Board of Directors (or any person designated by the Board of Directors for such purpose), the Board of Directors finds that, taking into account the factors required to be considered under paragraph (5), the gravity of the offense of which the depository institution was found guilty outweighs the benefits which the continuation of the insured status of the depository institution may provide, the Board of Directors may issue an order terminating the insured status of such State depository institution effective not earlier than the end of the 10-day period beginning on the date the State banking supervisor (of such depository institution) receives notice of the issuance of such order from the Board of Directors.

"(5) FACTORS FOR CONSIDERATION IN PROCEEDING TO TERMINATE INSURED STATUS.—In making any determination under paragraph (4) to terminate the insured status of any State depository institution, the Board of Directors shall take into account the following factors:

"(A) The extent to which directors, trustees, or senior executive officers (as defined by the Corporation pursuant to section 32(f)) of the depository institution knew of, or were involved in, the commission of the money laundering offense of which the institution was found guilty.

"(B) The extent to which the offense occurred despite the existence of policies and procedures within the depository institution which were designed to prevent the occurrence of any such offense.

"(C) The extent to which the depository institution has fully cooperated with law enforcement authorities with respect to the commission of the money laundering offense of which the institution was found guilty.

"(D) The extent to which the depository institution has implemented additional internal controls (since the commission of the offense of which the depository institution was found guilty) to prevent the occurrence of any other money laundering offense.

"(6) APPEARANCE, CONSENT TO TERMINATION OF INSURED STATUS.—Unless the State depository institution shall appear at the hearing by a duly authorized representative, the depository institution shall be deemed to have consented to the termination of the insured status of the depository institution and the order referred to in paragraph (4) may be issued.

"(7) JUDICIAL REVIEW.—Any order issued by the Board of Directors under this subsection may be reviewed in the manner provided in chapter 7 of title 5, United States Code.

"(8) CHANGE IN CONTROL EXCEPTION.—If the ownership or control of any depository institution referred to in paragraph (1) is acquired (as defined in section 13(f)(8)(B))—

"(A) after the commission of any money laundering offense;

"(B) by any person who was not an institution-affiliated party of the institution, or any affiliate of any such party, at the time of the offense; and

"(C) in an arms-length transaction (as determined by the Board of Directors) which was entered into in good faith by such person,

this subsection shall not apply to such depository institution with respect to such offense.

"(9) MONEY LAUNDERING OFFENSE DEFINED.—For purposes of this subsection and paragraphs (2)(A)(ii) and (11) of subsection (a), the term 'money laundering offense' means any offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

(b) STATE CHARTERED CREDIT UNIONS.—

(1) TERMINATION AUTHORIZED UPON CONVICTION OF DEPOSITORY INSTITUTION.—The 1st sentence of section 206(b)(1) of the Federal Credit Union Act (12 U.S.C. 1786(b)(1)) is amended by inserting "or is found guilty of any money laundering offense," after "entered into with the Board,".

(2) HEARING ON TERMINATION REQUIRED UPON CONVICTION OF INSTITUTION AND DIRECTORS AND OFFICERS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(t) TERMINATION OF INSURANCE FOR MONEY LAUNDERING OFFENSES.—

"(1) NOTICE OF INTENTION TO TERMINATE INSURANCE.—If—

"(A) any insured State chartered credit union; and

"(B) directors, committee members, or senior executive officers (as defined by the Board in regulations which the Board shall prescribe) of the credit union,

are found guilty of any money laundering offense, the Board shall issue a notice to the credit union of the Board's intention to terminate the insured status of such credit union.

"(2) NOTICE TO STATE CREDIT UNION SUPERVISOR.—A copy of any notice issued under paragraph (1) to any insured State chartered credit union shall promptly be transmitted by the Board to the appropriate State credit union supervisor of such credit union.

"(3) CONTENTS OF NOTICE.—Any notice issued pursuant to paragraph (1) shall contain the date (not to exceed 30 days after the date such notice is issued) and the place of a hearing on the proposed termination of insured status.

"(4) HEARING, TERMINATION OF INSURED STATUS.—If, on the basis of the evidence presented at a hearing conducted in accordance with section 554 of title 5, United States Code, before the Board (or any person designated by the Board for such purpose), the Board finds that, taking into account the factors required to be considered under paragraph (5), the gravity of the offense of which the credit union was found guilty outweighs the benefits which the continuation of the insured status of the credit union may provide, the Board may issue an order terminating the insured status of such State chartered credit union effective not earlier than the end of the 10-day period beginning on the date the State credit union supervisor (of such credit union) receives notice of the issuance of such order from the Board.

"(5) FACTORS FOR CONSIDERATION IN PROCEEDING TO TERMINATE INSURED STATUS.—In making any determination under paragraph (4) to terminate the insured status of any State chartered credit union, the Board shall take into account the following factors:

"(A) The extent to which directors, committee members, or senior executive officers (as defined by the Board in regulations which the Board shall prescribe) of the credit union knew of, or were involved in, the commission of the money laundering offense of which the credit union was found guilty.

"(B) The extent to which the offense occurred despite the existence of policies and procedures within the credit union which were designed to prevent the occurrence of any such offense.

"(C) The extent to which the credit union has fully cooperated with law enforcement authorities with respect to the commission of the money laundering offense of which the credit union was found guilty.

"(D) The extent to which the credit union has implemented additional internal controls (since the commission of the offense of which the credit union was found guilty) to prevent the occurrence of any other money laundering offense.

"(6) APPEARANCE, CONSENT TO TERMINATION OF INSURED STATUS.—Unless the State chartered credit union shall appear at the hearing by a duly authorized representative, the credit union shall be deemed to have consented to the termination of insured status of the credit union and the order referred to in paragraph (4) may be issued.

"(7) JUDICIAL REVIEW.—Any order issued by the Board under this subsection may be reviewed in the manner provided in chapter 7 of title 5, United States Code.

"(8) MONEY LAUNDERING OFFENSE DEFINED.—For purposes of this subsection and subsection (b)(1), the term 'money laundering offense' means any offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The 1st sentence of section 8(a)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)(7)) is amended by striking "this subsection," and inserting "this subsection or subsection (v),".

(2) The 1st sentence of section 206(d)(1) of the Federal Credit Union Act (12 U.S.C. 1786(d)(1)) is amended by striking "(a)(1) or (b)" and inserting "(a)(1), (b), or (t)".

SEC. 5. MONEY LAUNDERING ENFORCEMENT ACTIVITIES.

(a) INCLUSION IN ANNUAL REPORTS REQUIRED.—Section 918(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833) is amended—

(1) by redesignating paragraph (6) as paragraph (8); and

(2) by inserting after paragraph (5) the following new paragraphs:

"(6) The names and locations of all insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act), insured credit unions (as defined in section 101(7) of the Federal Credit Union Act), and institution-affiliated parties (as defined in section 3(u) of the Federal Deposit Insurance Act and section 206(r) of the Federal Credit Union Act) which were found guilty of any offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.

"(7) The actions taken by the appropriate agency described in subsection (b) with respect to any insured depository institution, insured credit union, or institution-affiliated party described in paragraph (6) as a result of such institution, credit union, or party having been found guilty of an offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

(b) TECHNICAL CORRECTIONS TO PROVISIONS RELATING TO MONEY LAUNDRY ENFORCEMENT ACTIVITIES.—

(1) Section 5318(a)(1) of title 31, United States Code, is amended—

(A) by striking "or the Postal Inspection Service"; and

(B) by inserting "United States" before "Postal Service".

(2) Section 5322(a) of title 31, United States Code, is amended by striking "imprisonment" and inserting "imprisoned for".

(3) Section 8(b)(4) of the Federal Deposit Insurance Act is amended by striking "subsections (c), (d), (h), (i), (k), (l), (m), and (n)" and inserting "subsections (c) through (s) and subsection (u)".

SEC. 6. REMOVAL AND PROHIBITION ORDERS REQUIRED FOR INSTITUTION-AFFILIATED PARTIES CONVICTED OF MONEY LAUNDERING.

(a) DEPOSITORY INSTITUTIONS OTHER THAN CREDIT UNIONS.—Section 8(e) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)) is amended by inserting at the end the following new paragraph:

"(8) REMOVAL OF INSTITUTION-AFFILIATED PARTY CONVICTED OF MONEY LAUNDERING.—If any institution-affiliated party is found guilty of any offense under—

"(A) section 1956 or 1957 of title 18, United States Code; or

"(B) section 5322 of title 31, United States Code, in connection with a violation of section 5324 of such title,

the appropriate Federal banking agency shall issue an order under paragraph (4) removing such party from office or prohibiting any further participation by such party in the conduct of the affairs of any insured depository institution.".

(b) CREDIT UNIONS.—Section 206(g) of the Federal Credit Union Act (12 U.S.C. 1786(g)) is amended by adding at the end the following new paragraph:

"(8) REMOVAL OF INSTITUTION-AFFILIATED PARTY CONVICTED OF MONEY LAUNDERING.—If any institution-affiliated party is found guilty of any offense under—

"(A) section 1956 or 1957 of title 18, United States Code; or

"(B) section 5322 of title 31, United States Code, in connection with a violation of section 5324 of such title,

the Board shall issue an order under paragraph (4) removing such party from office or prohibiting any further participation by such party in the conduct of the affairs of any insured credit union.".

SEC. 7. CIVIL MONEY PENALTIES.

(a) IN GENERAL.—Section 5321(a)(6) of title 31, United States Code, is amended to read as follows:

"(6) NEGLIGENCE.—

"(A) IN GENERAL.—The Secretary of the Treasury may impose a civil money penalty of not more than $500 on any financial institution which negligently violates any provision of this subchapter or any regulation prescribed under this subchapter.

"(B) PATTERN OF NEGLIGENT ACTIVITY.—If any financial institution engages in a pattern of negligent violations of any provision of this subchapter or any regulation prescribed under this subchapter, the Secretary of the Treasury may, in addition to any penalty imposed under subparagraph (A) with respect to any such violation, impose a civil money penalty of not more than $5,000 on the financial institution.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to violations committed after the date of the enactment of this Act.

SEC. 8. AUTHORITY TO ORDER DEPOSITORY INSTITUTIONS TO OBTAIN COPIES OF CTRS FROM CUSTOMERS WHICH ARE UNREGULATED BUSINESSES.

Section 5326 of title 31, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) AUTHORITY TO ORDER DEPOSITORY INSTITUTIONS TO OBTAIN REPORTS FROM CUSTOMERS.—

"(1) IN GENERAL.—The Secretary of the Treasury may, by regulation or order, require any depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act)—

"(A) to request any financial institution (other than a depository institution) which engages in any reportable transaction with the depository institution to provide the depository institution with a copy of any report filed by the financial institution under this subtitle with respect to any prior transaction (between such financial institution and any other person) which involved any portion of the coins or currency (or monetary instruments) which are involved

in the reportable transaction with the depository institution; and

"(B) if no copy of any report described in subparagraph (A) is received by the depository institution in connection with any reportable transaction to which such subparagraph applies, to submit (in addition to any report required under this subtitle with respect to the reportable transaction) a written notice to the Secretary that the financial institution failed to provide any copy of such report.

"(2) REPORTABLE TRANSACTION DEFINED.—For purposes of this subsection, the term 'reportable transaction' means any transaction involving coins or currency (or such other monetary instruments as the Secretary may describe in the regulation or order) the total amounts or denominations of which are equal to or greater than an amount which the Secretary may prescribe.".

SEC. 9. UNIFORM STATE LICENSING AND REGULATION OF CHECK CASHING SERVICES.

(a) UNIFORM LAWS AND ENFORCEMENT.—For purposes of preventing money laundering and protecting the payment system from fraud and abuse, it is the sense of the Congress that the several States should—

(1) establish uniform laws for licensing and regulating businesses which—

(A) provide check cashing services, transmit money, or issue or redeem money orders, travelers' checks, and other similar instruments; and

(B) are not depository institutions (as defined in section 19(b)(1)(A) of the Federal Reserve Act); and

(2) provide sufficient resources to the appropriate State agency to enforce such laws and regulations prescribed pursuant to such laws.

(b) MODEL STATUTE.—It is the sense of the Congress that the several States should develop, through the auspices of the National Conference of Commissioners on Uniform State Laws, the American Law Institute, or such other forum as the States may determine to be appropriate, a model statute to carry out the goals described in subsection (a) which would include the following:

(1) LICENSING REQUIREMENTS.—A requirement that any issuer, redeemer, or cashier of travelers' checks, checks, money orders, or similar instruments, and any transmitter of money, other than a depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act), be licensed and regulated by an appropriate State agency in order to engage in any such activity within the State.

(2) LICENSING STANDARDS.—A requirement that—

(A) in order for any issuer, redeemer, or cashier of travelers' checks, checks, money orders, or similar instruments, and any transmitter of money to be licensed in the State, the appropriate State agency shall review and approve—

(i) the business record and the capital adequacy of the business seeking the license; and

(ii) the competence, experience, integrity, and financial ability of any individual who—

(I) is a director, officer, or supervisory employee of such business; or

(II) owns or controls such business; and

(B) any record, on the part of any business seeking the license or any person referred to in subparagraph (A)(ii), of—

(i) any criminal activity;

(ii) any fraud or other act of personal dishonesty;

(iii) any act, omission, or practice which constitutes a breach of a fiduciary duty; or

(iv) any suspension or removal, by any agency or department of the United States or any State, from participation in the conduct of any federally or State licensed or regulated business,

be grounds for the denial of any such license by the appropriate State agency.

(3) PROCEDURES TO ENSURE COMPLIANCE WITH FEDERAL CASH TRANSACTION REPORTING REQUIREMENTS.—A civil or criminal penalty for operating any business referred to in paragraph (1) without establishing and complying with appropriate procedures to ensure compliance with subchapter II of chapter 53 of title 31, United States Code (relating to records and reports on monetary instruments transactions).

(4) CRIMINAL PENALTIES FOR OPERATION OF BUSINESS WITHOUT A LICENSE.—A criminal penalty for operating any business referred to in paragraph (1) without a license within the State after the end of an appropriate transition period beginning on the date of the enactment of such model statute by the State.

(c) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study of—

(1) the progress made by the several States in developing and enacting a model statute which—

(A) meets the requirements of subsection (b); and

(B) furthers the goals of—

(i) preventing money laundering by businesses which are required to be licensed under any such statute; and

(ii) protecting the payment system, including the receipt, payment, collection, and clearing of checks, from fraud and abuse by such businesses; and

(2) the adequacy of—

(A) the activity of the several States in enforcing the requirements of such statute; and

(B) the resources made available to the appropriate State agencies for such enforcement activity.

(d) REPORT REQUIRED.—Before the end of the 3-year period beginning on the date of the enactment of this Act and by the end of each 1-year period beginning after the end of such period, the Secretary of the Treasury shall submit a report to the Congress containing the findings and recommendations of the Secretary in connection with the study under subsection (c), together with such recommendations for legislative and administrative action as the Secretary may determine to be appropriate, including any recommendation pursuant to subsection (e).

(e) RECOMMENDATIONS FOR INCENTIVES OR SANCTIONS IN CASES OF INADEQUATE REGULATION AND ENFORCEMENT BY STATES.—If the Secretary of the Treasury determines that any State has failed—

(1) to enact a statute which meets the requirements described in subsection (b);

(2) to undertake adequate activity to enforce such statute; or

(3) to make adequate resources available to the appropriate State agency for such enforcement activity,

the report submitted pursuant to subsection (d) shall contain recommendations for legislation establishing incentives which may be provided or sanctions which may be imposed to remedy such failure.

SEC. 10. PROVISIONS RELATING TO RECORDKEEPING WITH RESPECT TO CERTAIN INTERNATIONAL FUNDS TRANSFERS.

Section 21(b) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(b)) is amended—

(1) by striking "(b) Where" and inserting "(b)(1) Where"; and

(2) by adding at the end the following new paragraph:

"(2) FUNDS TRANSFERS.—

"(A) IN GENERAL.—Before January 1, 1991, the Secretary, after consultation with the Board of Governors of the Federal Reserve System, shall prescribe such final regulations as may be appropriate to ensure that insured depository institutions maintain such records of payment orders which—

"(i) involve international transactions; and

"(ii) direct transfers of funds over wholesale funds transfer systems or on the books of any insured depository institution,

as will have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

"(B) FACTORS FOR CONSIDERATION.—In prescribing the regulations required under subparagraph (A), the Secretary shall consider—

"(i) the usefulness in criminal, tax, or regulatory investigations or proceedings of any record required to be maintained pursuant to the proposed regulations; and

"(ii) the effect the recordkeeping required pursuant to such proposed regulations will have on the cost and efficiency of the payment system.

"(C) AVAILABILITY OF RECORDS.—Any records required to be maintained pursuant to the regulations prescribed under subparagraph (A) shall be submitted or made available to the Secretary upon request.".

SEC. 11. CLARIFICATION OF SECRETARY'S AUTHORITY RELATING TO CONFIDENTIALITY OF TARGETING ORDERS.

Section 5326(a) of title 31, United States Code, is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) to not disclose to any person the existence of, or any provision or term of, any order issued pursuant to this subsection.".

SEC. 12. RIGHT TO FINANCIAL PRIVACY ACT AMENDMENT.

The last sentence of section 1103(c) of the Right to Financial Privacy Act (12 U.S.C. 3403(c)) is amended—

(1) by inserting "in good faith" after "disclosure of information";

(2) by striking "or" after "such disclosure" and inserting a comma; and

(3) by inserting before the period the following: ", or for a refusal to do business with that customer after having made such disclosure".

SEC. 13. AMENDMENTS RELATING TO EXEMPTIONS FROM CASH TRANSACTION REPORTING REQUIREMENTS.

Section 5318(f) of title 31, United States Code, is amended to read as follows:

"(f) REQUIREMENTS RELATING TO EXEMPTIONS UNDER SUBSECTION (a)(5).—

"(1) WRITTEN AND SIGNED STATEMENT REQUIRED.—No person shall qualify for an exemption under subsection (a)(5) unless—

"(A) the relevant financial institution prepares and maintains a written statement which describes in detail the basis for the determination by the institution that such person is qualified for such exemption, including the facts relied upon by the institution in making such determination; and

"(B) the person (or, in the case of a person which is not an individual, a senior executive officer (as defined by regulation which the Secretary of the Treasury shall prescribe) of such person) submits to the institution,

after reviewing the statement of facts prepared by the institution pursuant to subparagraph (A), a written certification, under penalty for perjury, of the truth and correctness of such facts.

"(2) ANNUAL REVIEW AND REISSUE OF STATEMENTS REQUIRED.—No statement prepared and maintained by any financial institution pursuant to paragraph (1)(A) shall be effective after the end of the 1-year period beginning on the date the statement was prepared.

"(3) ANNUAL REPORT TO SECRETARY.—Each financial institution shall submit a list containing the name and address of each person with respect to whom such institution maintains any statement prepared pursuant to paragraph (1)(A) to the Secretary of the Treasury before the end of each year.".

SEC. 14. ACCESS BY STATE DEPOSITORY INSTITUTION SUPERVISORS TO CURRENCY TRANSACTION REPORTS.

Section 5319 of title 31, United States Code, is amended—

(1) in the 1st sentence, by striking "to an agency" and inserting "to any agency, including any State depository institutions supervisory agency,";

(2) by inserting ", or the purpose stated in section 5311" before the period at the end of the 2d sentence; and

(3) by inserting after the 2d sentence the following new sentence: "The Secretary may require reports on the use of such information by any agency only to the extent necessary to ensure that the information is used for the purposes referred to in the preceding sentence.".

SEC. 15. REPORTS ON USES MADE OF CURRENCY TRANSACTION REPORTS.

(a) REPORT TO CONGRESS ON USE OF TRANSACTION REPORTS.—Before the end of the 180-day period beginning on the date of the enactment of this Act and by the end of the 1st 3 1-year periods beginning after the end of such period, the Secretary of the Treasury shall submit a report to the Congress containing the following information:

(1) The number of each type of report filed with the Secretary pursuant to subchapter II of chapter 53 of title 31, United States Code (or any regulation prescribed or order issued pursuant to such subchapter) during the preceding fiscal year.

(2) The number of reports filed with the Secretary pursuant to section 6050I of the Internal Revenue Code of 1986 (relating to transactions involving currency) during the preceding fiscal year.

(3) The Secretary's estimate of the rate of compliance with the reporting requirements by persons required to file reports described in paragraph (1) or (2).

(4) The manner in which the Department of the Treasury and other agencies and departments of the United States collect, organize, analyze and use the reports described in paragraphs (1) and (2)—

(A) to support investigations and prosecutions of violations of the criminal laws of the United States;

(B) to support investigations and prosecutions of violations of the laws of foreign countries; and

(C) to support civil enforcement of the laws of the United States, including provisions relating to asset forfeiture.

(5) A summary of actions commenced and sanctions imposed during the preceding fiscal year against persons who failed to file any report described in paragraph (1) or (2) and any other step taken by the Secretary to ensure maximum compliance with the reporting requirements referred to in such paragraphs.

(6) A summary of criminal indictments or informations filed during the preceding fiscal year which were the result, in large part, of investigations which were initiated on the basis of any analysis of any report described in paragraph (1) or (2).

(7) A summary of criminal indictments or informations filed during the preceding fiscal year which were the result, in large part, of investigations which were initiated on the basis of information relating to suspicious financial transactions provided voluntarily by financial institutions (as defined in section 5312(a)(2) of title 31, United States Code).

(b) ADVISORY GROUP ON REPORTING REQUIREMENTS.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish an Advisory Group on Reports on Monetary Instruments Transactions consisting of representatives of the Department of the Treasury and of financial institutions and other persons subject to the reporting requirements referred to in paragraphs (1) and (2) of subsection (a).

(2) PURPOSES.— The Advisory Group shall provide a means by which the Secretary—

(A) informs private sector representatives, on a regular basis, of the ways in which the reports referred to in paragraphs (1) and (2) of subsection (a) have been used for the purposes described in subsection (a)(4);

(B) informs private sector representatives, on a regular basis, of how information regarding suspicious financial transactions provided voluntarily by financial institutions has been used for the purpose described in subsection (a)(4); and

(C) receives advice on the manner in which the reporting requirements referred to in paragraphs (1) and (2) of subsection (a) should be modified to enhance the ability of law enforcement agencies to use the information provided for law enforcement purposes.

(3) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to the Advisory Group on Reports on Monetary Instruments Transactions established pursuant to paragraph (1).

SEC. 16. INFORMATION FROM CURRENCY SURPLUS REPORTS REQUIRED TO BE PROVIDED TO THE ATTORNEY GENERAL AND THE SECRETARY OF THE TREASURY.

At the request of the Attorney General of the United States, the Board of Governors of the Federal Reserve System shall provide any information and data contained in or related to the cash surplus reports of the Federal Reserve banks (relating to currency held by each such bank and depository institutions within the Federal Reserve bank districts) which may be relevant or useful for detecting violations of money laundering, recordkeeping, and reporting requirements to the Attorney General and the Secretary of the Treasury.

SEC. 17. STUDY OF METHODS FOR TRACING FEDERAL RESERVE NOTES.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Before the end of the 30-day period beginning on the date of the enactment of this section, the Secretary of the Treasury shall establish a study group composed as follows:

(A) The Assistant Secretary of the Treasury for enforcement (who shall serve as the chairperson of the group).

(B) The Director of the Bureau of Engraving and Printing in the Department of the Treasury.

(C) At least 1 member appointed by the Secretary from each of the following communities who are recognized experts in the area of electronic scanning:

(i) The Federal Reserve System.

(ii) The scientific community.

(iii) Private industry.

(D) Such additional number of members as the Secretary determines to be appropriate who shall be appointed by the Secretary from among individuals who are specially qualified to serve on the study group by virtue of their education, training, or experience.

(2) DUTIES OF THE STUDY GROUP.—The study group established pursuant to paragraph (1) shall—

(A) survey methods and technologies that may be used in the printing of Federal Reserve notes in denominations of $10 or more to make such notes traceable by an electronic scanning device (including Federal Reserve notes in circulation on such date of enactment);

(B) assess and evaluate the cost of implementing the methods and technologies surveyed and the amount of time needed to implement each such method or technology; and

(C) evaluate the extent to which each of the methods and technologies surveyed would protect the right of individuals to privacy in the conduct of financial transactions.

(3) TERMS.—

(A) IN GENERAL.—Members of the study group shall be appointed for the life of the study group.

(B) VACANCY.—Any vacancy on the study group shall be filled in the manner in which the original appointment was made.

(C) ACTING OFFICIALS MAY SERVE.—In the event of a vacancy in any office described in subparagraph (A) or (B) of paragraph (1), any individual serving in such office in an acting capacity shall be a member of the study group while serving in such capacity.

(4) BASIC PAY AND EXPENSES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), members of the study group shall each be entitled to be paid at a rate determined by the Secretary of the Treasury for each day (including travel time) during which they are engaged in the actual performance of duties vested in the study group, except that such rate may not exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule.

(B) NO ADDITIONAL COMPENSATION FOR FEDERAL EMPLOYEES.—Members of the study group who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the study group.

(C) EXPENSES.—Members of the study group may be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business on the business of the study group in accordance with section 5703 of title 5, United States Code.

(5) ADMINISTRATIVE SUPPORT.—The Secretary of the Treasury shall provide the study group with such administrative support services, including a meeting room, as the Secretary determines is appropriate in order for the study group to carry out the requirements of this section.

(6) TERMINATION.—Upon issuance of the report by the Secretary of the Treasury under subsection (b), the study group shall cease to exist.

(7) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Feder-

al Advisory Committee Act shall not apply with respect to the study group.

(b) REPORT TO CONGRESS.—Before the end of the 180-day period beginning on the date of the enactment of this section, the Secretary of the Treasury shall submit a report to the Congress containing a summary of the findings and recommendations of the study group under subsection (a)(1), together with such recommendations for administrative or legislative action as the Secretary may determine to be appropriate.

SEC. 18. GAO FEASIBILITY STUDY OF THE FINANCIAL CRIMES ENFORCEMENT NETWORK.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a feasibility study of the Financial Crimes Enforcement Network (popularly referred to as "Fincen") proposed to be established by the Secretary of the Treasury in cooperation with other agencies and departments of the United States and appropriate Federal banking agencies.

(b) SPECIFIC REQUIREMENTS.—In conducting the study required under subsection (a), the Comptroller General shall examine and evaluate—

(1) the extent to which Federal, State, and local governmental and nongovernmental organizations are voluntarily providing information which is necessary for the system to be useful for law enforcement purposes;

(2) the extent to which the operational guidelines established for the system provide for the coordinated and efficient entry of information into, and withdrawal of information from, the system;

(3) the extent to which the operating procedures established for the system provide appropriate standards or guidelines for determining—

(A) who is to be given access to the information in the system;

(B) what limits are to be imposed on the use of such information; and

(C) how information about activities or relationships which involve or are closely associated with the exercise of constitutional rights is to be screened out of the system; and

(4) the extent to which the operating procedures established for the system provide for the prompt verification of the accuracy and completeness of information entered into the system and the prompt deletion or correction of inaccurate or incomplete information.

(c) REPORT TO CONGRESS.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress containing the findings and conclusions of the Comptroller General in connection with the study conducted pursuant to subsection (a), together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

AMENDMENT OFFERED BY MR. FOGLIETTA

Mr. FOGLIETTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOGLIETTA: Page 43, after line 17, insert the following new subparagraph (and redesignate the subsequent subparagraph accordingly):

(B) as a condition for the issuance and continued validity of the license—

(i) the business may not impose, charge, or collect any fee for cashing or redeeming any travelers' check, check, money order or similar instrument in excess of the amount which is equal to the greater of—

(I) an amount equal to 1.5 percent of the face amount of such check or money order (not to exceed $8); or

(II) 50 cents; and

(ii) the business shall post in a conspicuous place a schedule, in English and Spanish, of all fees and charges for cashing or redeeming any travelers' check, check, money order, or similar instrument (including the maximum charges established pursuant to clause (ii)); and

Page 43, line 17, strike "and".

Mr. FOGLIETTA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FOGLIETTA. Mr. Chairman, our Nation is under siege by drug lords and dealers. Sadly, a few corrupt bankers work hand in glove with these people.

For a few bucks, they're willing to compromise the honest reputation of their fellow bankers. More importantly, they are sacrificing an entire generation of American youth.

I am heartened that we in Congress are acting to curtail this national and international outrage.

Mr. Chairman, I would like to direct our attention to a lesser known financial institution—the check cashing agency. These businesses, for a fee, will cash your check.

Many Americans—our senior citizens, the poor, other underprivileged consumers—are unable to afford bank accounts, or are just suspicious of banks. Consequently, they are forced to use these check cashing agencies. And for this, they pay dearly. Check cashing agency fees are often outrageous.

In most States, check cashing fees are not subject to State laws. And the Federal Government doesn't regulate them at all. That means when our senior citizens cash their monthly Social Security checks, these agencies can charge any rate they desire.

I know of one horror story where Bradley Matthews, a disabled man from North Philadelphia, was charged $800 to cash a $6,900 Social Security check—that's almost 12 percent of the check's value. Mr. Matthews was 6 months late on his rent. He needed money desperately. That was too much for him to have to pay to cash a check.

My amendment urges States to toughen the standards by which check cashing agencies would receive a State license to operate. It calls for limits on how much a check cashing agency may charge to cash a check.

Specifically, no more than 1.5 percent of the check's value or $8, whichever is less. And, it requires these businesses to display a schedule of fees in both English and Spanish.

While the section of the bill it amends is a nonbinding sense of Congress, I believe it sends a clear message to the States: let's regulate these check cashing agencies. It's time to stop them from robbing our senior citizens and poor consumers who have nowhere else to go.

Mr. Chairman, my purpose in proposing this amendment is quite simple. Check cashing agencies provide an important service to millions of Americans. A few of these businesses, however, take unfair advantage of their customers, charging outrageous fees, ripping-off our constituents—and it is all perfectly legal.

The corrupt check cashing agencies, which rip off our senior citizens and prey on the poor, are the same type of people who launder money for the drug dealers. By passing strong legislation today—urging tough State laws on check cashing agencies—we will help put drug money launderers out of business.

I urge you to adopt my amendment and strengthen this model statute to finally govern these check cashing agencies.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, it is my understanding that this amendment leaves intact the original intent of the language that was added as a result of my amendment in the subcommittee, and further, and in terms of its intent, by adding additional language which caps the amount that can be charged by check cashers; that is, nonbanking institutional check cashers to cash checks.

Mr. FOGLIETTA. That is correct.

Mr. SAXTON. If that is the case, Mr. Chairman, and I believe it has been verified by the ranking member and his staff on this side that that is the case, then I have no objection, and I commend the gentleman from Pennsylvania for going this extra step.

Mr. FOGLIETTA. I thank the gentleman from New Jersey.

Mr. SHUMWAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I recognize the purposes of the author of this amendment, and I commend him for some of the reasons behind it. But I would submit that this amendment really does noting to enhance the purposes of this bill, which is a good bill. In fact, I think it degrades the purposes of this bill.

Indeed, if we need to do something of this sort about the check cashing business, it should be a bill of its own, or perhaps another kind of legislation that is addressing the structure of the financial industry, not in this bill dealing with drug laundering.

I do not rise in defense of the check cashing business. I recognize there are many horror stories that can be cited about the way transactions are conducted in that business. But I do not think this amendment is the proper way to get at some of those horror stories. To me it represents a very blatant intrusion of the Federal Government into the free market system. It tells this particular business that we are going to tell them how much they can charge for a service.

Granted, we tell them what the cap, the maximum will be, but certainly within that we are telling them what their services are worth, and how much they can charge for them. I would suggest that in the prices charged by these businesses, if they are allowed to respond to the forces of the free market, they will reflect the costs of doing business without causing unnecessary costs for their customers.

□ 1420

The thing that really bothers me about the amendment, though, is a provision in subparagraph 2 which says that these businesses shall post in a conspicuous place a schedule in English and in Spanish of all fees, charges and so forth.

Mr. Chairman, if we embark upon this course, we actually are embarking upon an errand which eventually will lead to a bilingual society in America. Is this what we want? Should the Government be mandating these announcements be available in more than the English language? And, if so, why Spanish? Why not Chinese? Why not Cambodian? Why not Tagalog? There are a number of other languages that perhaps we could think of that would serve some useful purpose.

I just say we should not be moving into arenas like this without full legislative understanding, without a much more deliberate purpose, without a much more suitable vehicle for amendments like this to apply to.

Finally I would just say, Mr. Chairman, it seems to me if we adopt this amendment we are possibly going to reduce the availability of the check cashing services to those who need them, because these restrictions I think will make the business unprofitable for many and therefore could actually work in a direction that would be very harmful to consumers.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman from California for his statement.

I think we have to recognize that any time that you artificially try to, by legislative fiat, limit and lower the price of a commodity, you will probably increase the demand and reduce the supply. It just happens every time. There is no difference on check cashing.

I do not believe that we in this body can say what is the cost that should be imposed on cashing a check in every check cashing facility across 50 States. It just does not make any sense at all.

There have been many surveys done of check cashing outlets. The fact is that people go to check cashing outlets because quite often they like the service, quite often they already have other types of banking relationshps but they like to be able to go to a check cashing house. They like the hours. Quite often they are open longer than banks are. Quite often they are on the way home or to the subway station. There are a lot of reasons why they use it.

To try to artificially reduce the price of them as opposed to regulating them, as Mr. SAXTON wants to do, which I think is a suitable amendment—and I spoke to it in my opening remarks on the bill—if we try to artificially reduce the price, we will either restrict the number of checks that are cashed or will put check cashing businesses out of business. Then those consumers who are using them, instead of having to pay $2 or $3 or $5 to cash will now only have to pay $1.50 but they will not be able to cash the check. So I just want to rise in support of the gentleman's statement and hope my colleagues oppose this amendment.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I ask unanimous consent the gentleman be allowed to proceed for 3 additional minutes.

The CHAIRMAN. The gentleman has 30 seconds remaining.

Mr. DREIER of California. I saw the gavel in midair and thought that his time was up.

Mr. Chairman, will the gentleman continue to yield?

Mr. SHUMWAY. I yield to the gentleman from California.

Mr. DREIER of California. I thank the gentleman for yielding.

Mr. Chairman, I would like to join in opposition to the amendment. I am not going to stand here as the gentleman has said, as an apologist for the check cashing business. We know there are some major cases of problems which have come about. My friend from Ohio [Mr. WYLIE] was just telling me about some instances which have been reported.

There are problems in this area. But at the same time, how far are we going to go in turning the financial services industry into a public utility?

It seems to me this is just one more step on the road toward tampering with that free market process, and I hope very much that we will reject the amendment, as well-intentioned as it is.

My friend from Pennsylvania [Mr. FOGLIETTA] has pointed out in his "Dear Colleague" to the case of $900 being charged to a woman who had a check for $3,200 or $3,300 for social security.

Obviously that is horrible. But I do not believe that having the Federal Government mandate all the way across the country, as my friend from Indiana said—I suspect that rents are a little different in South Bend than they are in Los Angeles. Obviously for us to federally mandate a certain cap would dramatically skew the rates all across the country.

I think it is a real mistake even though I do have high regard for the gentleman and I hope very much the House will reject the amendment.

Mr. SHUMWAY. I thank the gentleman for that timely comment.

Mr. Chairman, I also have high regard for the gentleman from Pennsylvania. I know his motive is good. I understand the purpose behind the amendment. But I do think that given the thoughts which have been expressed in the last few minutes we should recognize that it perhaps belongs in a different bill, debated in a different context and maybe not made as a very serious intrusion, I think, into the free market system.

Mr. SAXTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want the record to reflect that not everyone on this side of the aisle feels the same. I strongly support the language added to my amendment by the gentleman from Pennsylvania.

Just to remark about some of the objections which have been made: The intrusion into the industry is kind of an amusing thing to me because we regulate people, we legislate people whenever there is a need, whenever it happens to be someone who in our perception, in our opinion, is being taken advantage of. We pass a law to stop those infringements upon individual liberties and individual rights that people have. When someone is taken advantage of, that is why we are here.

I would suggest that in this case, in the case of the older folks who have social security checks to cash, in the case of people who are perhaps not as well off who use the check casher, that there is a need, as the gentleman from Philadelphia suggests, for this type of legislation.

Second, I would suggest that the use of two languages is not new in our society. As a matter of fact, some voting ballots that I have seen had English

and Spanish on them. What is wrong about that? I have seen trains where escape hatches and windows that are pushed out have directions written in English and in Spanish. I have seen the same on airplanes.

So this is certainly not breaking any new ground or cracking any new ice. This is something that is done on an ongoing basis.

I would point out further that I am not sure, but I interpreted some of the comments as indicating that we were regulating the banking industry. That is simply not true. This language goes to regulate nonbanking institutions, basically check cashers.

Near the bank that I bank at, when you pull out of the parking lot, there is a building right across the street that says "Get your checks cashed here." Those are the folks that the gentleman is suggesting we ought to regulate.

So, Mr. Chairman, without carrying this any further, I think that the gentleman's amendment is a good amendment and there is a significant amount of support on this side of the aisle for it.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I am glad to yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman mentioned that we routinely regulate services, products, et cetera, when someone is being abused. I would say it is not very frequent that at the Federal level we regulate prices that people can charge.

Let us go back about 3 years or so ago when we were debating a measure on the floor of the House concerning interest rate caps on credit cards. At that time the House voted overwhelmingly to reject the notion that we ought to regulate the interest rate that could be charged on a credit card. What we did instead was to say that there ought to be a maximum amount of disclosure, there ought to be clearly defined and easy-to-understand requirements when someone has a credit card, but we stopped short of saying that we ought to regulate the price. That is up to the consumer.

As I understand the gentleman from New Jersey's provision in the bill, what he seeks to do is to have the type of regulation in which it is going to make sure that when the consumer walks in to have a check cashed, it is being done consistent with good business practice.

However, the gentleman stopped short in his original provision of saying what the price should be.

It seems to me there are some analogies here between what the gentleman from Pennsylvania does in the well-meaning amendment from what the attempt was in the credit card interest rate cap area.

I am just not sure there is a place for it in the type of market system that we have.

Mr. SAXTON. Reclaiming my time, Mr. Chairman, the gentleman from Indiana and I were on the same side of the argument on the limit of interest rates. I am glad we were.

The reason we ended up on the same side of the argument was that at the outset of that debate, which lasted for several months as I recall, as people came to us to explain the situation to us, I was convinced that the gentleman was, as most members of the Committee on Banking, Finance and Urban Affairs were, that there was justification for the amount of rates, for the rates of interest that were charged with regard to the credit card industry.

□ 1430

So that may have been one instance where the gentleman and I agreed, and in this instance I am not sure I can agree that the rates that are charged, such as the gentleman pointed out, $800 or $900 fee for cashing a check is obviously something I do not think is justified.

Mr. HILER. If the gentleman will continue to yield, let me say at this point, the gentleman is certainly right. Someone who charges $800 or $900 for a $3,200 check, is not right. It is not correct. It is wrong. I certainly would not in any way want to defend that type of practice.

We had hearings in the Subcommittee on Consumer Affairs and Coinage last year. We had check cashers come before our subcommittee.

Mr. SAXTON. Mr. Chairman, I yield to the gentleman from Indiana.

Mr. HILER. Mr. Chairman, we had hearings on the Subcommittee on Consumer Affairs and Coinage, and we had check cashers come before the members, and we saw the results of studies that had been done. Clearly, what the gentleman from New Jersey seeks to do, I think, is a legitimate effort, but based on the testimony that we had in the subcommittee, and based on the studies that we have seen, I just would have to, once again, say that regulating the price here on the floor of the Congress today would not be a good action to take. While it may correct the abuse of the person having to pay $800, but there are a lot of people that use check cashers that will not be able to get a check cashed.

Mr. SAXTON. Mr. Chairman, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, I thought we were going to be considering legislation today that was designed to deal with the tragic problem of the money laundering of drug moneys. It is clear to me that this amendment has nothing whatsoever to do with the issue that we are trying to address here. As my friend from Indiana [Mr. HILER] said, the Subcommittee on Consumer Affairs and Coinage has been going through the hearing process, dealing with the issue of check cashing, and now here in this bill in which we are trying to deal with the scourge of money used for drug trafficking, we are bringing up an amendment which I believe has no relation whatsoever with what we are trying to address.

I think that clearly is one more reason that we should be opposed to this amendment.

Mr. ANNUNZIO. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, first of all let me say to the gentleman who preceded me who asked the question about the intent of the legislation, most of these check cashing agencies also sell money orders, in addition to cashing checks. It is a common practice for those involved in illegal activities to bring the cash to the check cashing agency, get a money order from the check cashing agency, and then deposit it in their checking accounts. Therefore, we have nefarious activities on the part of the check cashing agents, which do affect the legislation before Members.

Second, let me say this legislation which we are passing is a model legislation which is a suggestion to the States, and not binding upon any State in the Nation.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I thank the gentleman for yielding, and I simply would like to ask on the issue that the gentleman just raised, how does imposing a cap on the cost relative to cashing of checks in any way prevent people from utilizing the money order and the cash transfer we have discussed?

Mr. FOGLIETTA. First of all, the people, many of the people who are engaged in this activity, are engaged also in the business of money laundering, and this is what will put them out of the business of check cashing, and also we hope will put them out of the money laundering business.

Mr. ANNUNZIO. Mr. Chairman, I move the previous question.

The CHAIRMAN. The Chair would advise the gentleman from Illinois that that motion is not in order in the Committee of the Whole.

AMENDMENT OFFERED BY MR. SHUMWAY TO THE AMENDMENT OFFERED BY MR. FOGLIETTA

Mr. SHUMWAY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUMWAY to the amendment offered by Mr. FOGLIETTA: Strike lines 12 through 17.

Mr. SHUMWAY. Mr. Chairman, this amendment is very simple, obviously, but it addressed the bilingual requirement that I spoke of a few moments ago. These are the lines in the amendment by the gentleman from Pennsylvania that require that these check cashing businesses post a sign in English and Spanish, of their services. I think it is illogical for Members to require that. There are many languages, if we wanted to indicate to minorities and their needs in this country, many languages beside Spanish that we should have such announcements in.

Indeed, what I really oppose is the effort that it represents that we are moving toward a bilingual society where we have to publish things in more than English, which is the language of this country. I think that is a very serious step for Members to take, and one that should not be taken without a full measure of debate and consideration.

Mr. FOGLIETTA. Mr. Chairman, would the gentleman yield?

Mr. SHUMWAY. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Chairman, again I emphasize that this is a model statute to be used by the States, either in toto or in any part they see fit for the State. Now, any State of the Union, any legislature in a State of the Union can pass this as it appears today or they could delete any part of it or add any part of it.

Mr. SHUMWAY. Mr. Chairman, reclaiming my time, I know the gentleman has labeled this as a sense of the Congress resolution, and therefore there is that discretionary quality to it. However, at the same time, it represents a statement by the Federal Government that States can, perhaps should, take action to move Members in the direction of becoming a bilingual society. I do not think that is a smart thing for Members to do, and indeed, if we are going to do it, we should debate it fully and understand all of the consequences of doing so. We should not bring it here in the context of a money laundering bill, a bill which all Members basically like, and are prepared to vote for and support, and recognize the need for, but not to lead Members into areas of becoming a bilingual society.

It is for that reason that I offer the amendment and urge its passage.

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to the amendment. As I stated earlier, this is a model statute. It is merely the sense of Congress. It is not binding on any State, and that any State can add any part of this legislation, delete any part of it, or add any part they want to. I believe if there is a State, and within that State there is a certain segment of the community which is being victimized by check cashing agencies, and the majority of those people do not understand the English language, we would be helping those people try to alleviate the situation by allowing them to understand what the regulations are so that they could not be cheated by nefarious check cashing agencies.

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from California.

Mr. SHUMWAY. Mr. Chairman, why do we say "Spanish and English?" Why did we not say "Chinese and English," with all the other languages that other people might speak.

Mr. FOGLIETTA. That is the point I am trying to make. If this was in California and we had a segment of the Chinese people in San Francisco who are being victimized, and the legislature in California wanted to change this and say part in Chinese and English, they are perfectly able to do so.

Mr. SHUMWAY. Mr. Chairman, if the gentleman will continue to yield, the legislature in California is not going to change a Federal statute if they see a Federal statute.

Mr. FOGLIETTA. This is merely the sense of Congress. They could pass their own legislation based on this legislation.

Mr. SHUMWAY. If the gentleman will continue to yield, if that is the gentleman's purpose, I suggest we leave out the reference to Spanish or any particular language, and say if States deem it necessary they can put this in another language, and then we are not identifying one langauge in preference to others.

Mr. FOGLIETTA. This is merely an example, I think, that we are suggesting to the various States.

Mr. WALKER. Mr. Chairman, I move to strike the last word. I intended to support the gentleman from Pennsylvania's amendment. I think I understand what he is trying to do, and I want to be supportive of that, but I think the gentleman from California has a good point here, and I think it would strengthen the gentleman's amendment to take out the language, that the gentleman from California has proposed. I say that for this reason: The gentleman from Pennsylvania knows a little bit about my district. It would make no sense for the State to write a piece of legislation that would cover my whole district, saying that we have to have Spanish language posted in my district. In downtown Lancaster, PA, that might make sense as there are a lot of Hispanics in that part of the area. However, out in the rural areas of my district it would make a lot more sense to have Pennsylvania Dutch as the language that was there, or in some parts of my district it would make sense to have Vietnamese as the language that should be on the sign. So to write into Federal law, to suggest that what we are doing here is creating an equality between English and Spanish as it affects the entire country seems to me to be exactly the wrong direction to go. There are many areas of the country that have no Spanish-speaking people in them, and we are requiring them in particular language to post the language in Spanish, regardless of whether or not there is any Hispanic population. I think I understand what the gentleman is trying to do. It seems to me that the language would have been better to say if there is a preponderance of some other language, that the signs ought to be posted in another language to increase the understanding.

□ 1440

But the way in which this is worded here is very confusing, and I think it makes a statute that is different from what we might want to do.

Mr. FOGLIETTA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. I would like to address the gentleman from California [Mr. SHUMWAY], if I may. If I accept the amendment to my amendment, can I then be assured that the gentleman would accept the amendment as I presented it?

Mr. SHUMWAY. No, if the gentleman would yield.

Mr. WALKER. I have the time, and I yield to the gentleman from California.

Mr. SHUMWAY. Mr. Chairman, I appreciate the gentleman's yielding.

I gave several reasons why I oppose the amendment, one of which was the English-Spanish provision. I appreciate resolving that question, but I still have opposition in general to the amendment.

Mr. WALKER. But, Mr. Chairman, let me assure the gentleman from Pennsylvania that if this question is resolved, I will feel comfortable supporting his amendment, but for some of us who have a hangup about this other provision, this may be going a little bit overboard. I think the gentleman can win the support of a number of us for his amendment by making this kind of modification or at least by accepting the gentleman's amendment.

Mr. FOGLIETTA. Mr. Chairman, I thank the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SHUMWAY] to the amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SHUMWAY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 79]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Baker
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Walsh
Waxman
Weber
Weiss
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

□ 1501

The CHAIRMAN. Four hundred two Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. SHUMWAY] for a recorded vote.

Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 200, not voting 26, as follows:

[Roll No. 80]

AYES—207

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Bates
Bennett
Bentley
Bereuter
Berman
Boehlert
Bonior
Borski
Bosco
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coleman (TX)
Conte
Conyers
Cooper
Costello
Courter
Coyne
Crockett
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Goodling
Gordon
Gray
Green
Guarini
Hall (OH)
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hughes
Hunter
Jacobs
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowey (NY)
Luken, Thomas
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
McCloskey
McDade
McDermott
McGrath
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Morrison (CT)
Mrazek
Murphy
Murtha
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (UT)
Pallone
Panetta
Payne (NJ)
Pease
Pelosi
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Regula
Richardson
Rinaldo
Ritter
Roe
Roukema
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schneider
Schumer
Serrano
Sharp
Shaw
Shays
Sikorski
Slaughter (NY)
Smith (FL)
Smith (NJ)
Smith (VT)
Snowe
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Walgren
Walker
Washington
Waxman
Weiss
Wheat
Whittaker
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOES—200

Anderson
Archer
Armey
Aspin
Baker
Barnard
Bartlett
Barton
Bateman
Bevill
Bilbray
Bilirakis
Bliley
Boggs
Boucher
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
DeLay
Derrick
DeWine
Dickinson
Dorgan (ND)
Douglas
Dreier
Duncan
Emerson
English
Erdreich
Fawell
Fields
Frenzel
Gallegly

Geren	Lowery (CA)	Sarpalius
Gillmor	Lukens, Donald	Schaefer
Gingrich	Machtley	Schiff
Glickman	Madigan	Schuette
Gonzalez	Martin (IL)	Schulze
Goss	Mazzoli	Sensenbrenner
Gradison	McCandless	Shumway
Grandy	McCollum	Shuster
Grant	McCrery	Sisisky
Gunderson	McCurdy	Skaggs
Hall (TX)	McEwen	Skeen
Hamilton	McHugh	Skelton
Hammerschmidt	McMillan (NC)	Slaughter (VA)
Hancock	Michel	Smith (IA)
Hansen	Miller (OH)	Smith (NE)
Harris	Molinari	Smith (TX)
Hastert	Mollohan	Smith, Denny (OR)
Hatcher	Montgomery	
Hayes (LA)	Moody	Smith, Robert (NH)
Hefley	Moorhead	
Hefner	Morrison (WA)	Smith, Robert (OR)
Henry	Myers	
Herger	Nagle	Solomon
Hiler	Natcher	Spence
Holloway	Nielson	Spratt
Houghton	Olin	Stallings
Hubbard	Oxley	Stangeland
Huckaby	Packard	Stearns
Hutto	Parker	Stenholm
Inhofe	Parris	Sundquist
Ireland	Patterson	Tallon
James	Paxon	Tanner
Jenkins	Payne (VA)	Tauke
Johnson (CT)	Penny	Tauzin
Johnson (SD)	Petri	Taylor
Johnston	Porter	Thomas (CA)
Kasich	Pursell	Thomas (GA)
Kolbe	Quillen	Thomas (WY)
Kyl	Ravenel	Upton
LaFalce	Ray	Vander Jagt
Lagomarsino	Rhodes	Visclosky
Laughlin	Ridge	Volkmer
Leach (IA)	Robinson	Walsh
Leath (TX)	Rogers	Weber
Lent	Rohrabacher	Weldon
Lewis (CA)	Rose	Whitten
Lewis (FL)	Rostenkowski	Wolf
Lightfoot	Roth	Wylie
Livingston	Rowland (CT)	Young (AK)
Lloyd	Rowland (GA)	Young (FL)
Long	Saiki	

NOT VOTING—26

Ballenger	Hawkins	Roberts
Bellenson	Hopkins	Ros-Lehtinen
Chandler	Hyde	Schroeder
Collins	Martin (NY)	Slattery
Dornan (CA)	Miller (WA)	Solarz
Edwards (OK)	Morella	Stump
Fascell	Nelson	Vucanovich
Flippo	Owens (NY)	Watkins
Ford (TN)	Pashayan	

□ 1512

The Clerk announced the following pair:

On this vote:

Mr. Owens of New York for, with Mr. Hopkins against.

Mr. WHITTEN and Mr. GINGRICH changed their vote from "aye" to "no."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TORRES

Mr. TORRES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TORRES: Page 46, strike line 20 and all that follows through page 48, line 11, and insert the following:

SEC. 10. SIMPLE RECORDKEEPING REQUIREMENTS AUTHORIZED FOR CERTAIN INTERNATIONAL FUNDS TRANSFERS.

(a) AUTHORITY TO ESTABLISH SIMPLE RECORDKEEPING REQUIREMENTS FOR INTERNATIONAL FUNDS TRANSFERS.—

(1) IN GENERAL.—Section 21(d) of the Federal Deposit Insurance Fund Act (12 U.S.C. 1829b(d)) is amended by adding at the end the following new paragraphs:

"(3) ALL INSTITUTIONS INVOLVED IN INTERNATIONAL FUNDS TRANSFERS.—A record of each payment order (in an amount in excess of such amount as the Secretary of the Treasury may prescribe in such regulations) of which the insured depository institution is the sender or the receiving institution in connection with any international funds transfer (other than a transfer by any instrument described in paragraph (1) or (2)), including, to the extent required in such regulations—

"(A) the identity of the beneficiary of the funds transfer and the beneficiary's institution and the account number, if any, of the beneficiary at the beneficiary's institution; and

"(B) the identity of the sender or receiving institution, as the case may be, with respect to such payment order.

"(4) FIRST INSTITUTION INVOLVED IN INTERNATIONAL FUNDS TRANSFER.—If any insured depository institution is the originator's institution with respect to any payment order to which paragraph (3) applies, the record of such payment order shall include, to the extent required in such regulations—

"(A) the information required to be provided by the originator under section 5327(a) of title 31, United States Code; and

"(B) the identity of the originator of the funds transfer and the account number, if any, of the originator at such institution.

"(5) LAST INSTITUTION INVOLVED IN INTERNATIONAL FUNDS TRANSFER.—If any insured depository institution is the beneficiary's institution with respect to any payment order to which paragraph (3) applies, the record of such payment order shall include, to the extent required in such regulations, the information required to be provided by the beneficiary under section 5327(b) of title 31, United States Code.".

(2) DEFINITIONS AND OTHER PROVISIONS RELATING TO INTERNATIONAL FUNDS TRANSFERS.—Section 21 of the Federal Deposit Insurance Act (12 U.S.C 1829b) is amended by adding at the end the following new subsection:

"(k) DEFINITIONS AND OTHER PROVISIONS RELATING TO FUNDS TRANSFERS.—

"(1) DEFINITIONS.—For purposes of this subsection and subsection (c) and (d)—

"(A) PAYMENT ORDER.—The term 'payment order'—

"(i) means any instruction of a sender to a receiving institution, transmitted orally, electronically, or in writing, to pay, or to cause another financial institution or financial agency to pay, a fixed or determinable amount of money to a beneficiary if—

"(I) the instruction does not state any condition to the payment to the beneficiary other than the time of payment;

"(II) the receiving institution is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

"(III) the instruction is transmitted by the sender directly to the receiving institution or to an agent, funds-transfer system, or communication system for transmittal to the receiving institution; and

"(ii) does not include any payment order which involves any automated clearinghouse.

"(B) ORIGINATOR.—The term 'originator' means, in the case of any order in connection with such funds transfer.

"(C) SENDER.—The term 'sender' means any person who issues a payment order in connection with a funds transfer.

"(D) RECEIVING INSTITUTION.—The term 'receiving institution' means any financial institution or financial agency to which any payment order is addressed in connection with a funds transfer.

"(E) BENEFICIARY.—The term 'beneficiary' means any person who is to be paid by the beneficiary's institution as a result of any funds transfer.

"(F) ORIGINATOR'S INSTITUTION.—The term 'orginator's institution' means the financial institution or financial agency to which any originator's payment order is addressed.

"(G) BENEFICIARY'S INSTITUTION.—The term 'beneficiary's institution' means the financial institution or financial agency identified in any payment order (issued in connection with a funds transfer)—

"(i) in which the account of the beneficiary is to be credited pursuant to the order; or

"(ii) which is to make payment to the beneficiary pursuant to such order if the order does not provide for payment to any account.

"(H) FINANCIAL INSTITUTION, FINANCIAL AGENCY.—The term 'financial institution' and 'financial agency' have the meaning given to such terms in section 5312 of title 31, United States Code.

"(2) AVAILABILITY OF RECORDS.—Any records required to be maintained pursuant to paragraph (3), (4), or (5) of subsection (d) shall be submitted or made available to the Secretary upon request.

"(3) REPORT TO SECRETARY OF FAILURE OF ORIGINATOR OR BENEFICIARY TO PROVIDE INFORMATION.—Any insured depository institution which—

"(A) is the originator's institution or the beneficiary's institution with respect to any international funds transfer;

"(B) does not receive all of the information required to be provided by the originator or beneficiary under section 5327 of title 31, United States Code,

shall promptly report that fact to the Secretary of the Treasury.".

(b) DUTY OF ORIGINATOR OR BENEFICIARY OF INTERNATIONAL FUNDS TRANSFER TO PROVIDE INFORMATION.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following new section:

"SEC. 5327. DUTY OF ORIGINATOR OR BENEFICIARY OF INTERNATIONAL FUNDS TRANSFER TO PROVIDE INFORMATION.

"(a) INFORMATION REQUIRED FROM ORIGINATOR OF INTERNATIONAL FUNDS TRANSFER.—Each originator of an international funds transfer shall provide the following information completely and accurately to the originator's institution at the time the originator issues the payment order in connection with such transfer:

"(1) The identity of the beneficiary of the funds transfer and any real party in interest in, and any other person who is directly or indirectly involved in, the receipt of the funds.

"(2) If the originator is not the real party in interest in the funds transfer, the name and address of any real party in interest,

and any other person who is directly or indirectly involved, in originating the transfer.

"(b) INFORMATION REQUIRED FROM BENEFICIARY OF INTERNATIONAL FUNDS TRANSFER.—Each beneficiary of an international funds transfer shall provide the following information completely and accurately to the beneficiary's institution within such period of time after the completion of the transfer as the Secretary may prescribe by regulations:

"(1) The identity of the originator of the funds transfer and any real party in interest in the origination, and any other person who is directly or indirectly involved in the origination, of the transfer of the funds.

"(2) If the beneficiary is not the real party in interest in the funds transfer, the name and address of any real party in interest, and any other person who is directly or indirectly involved, in originating the transfer.

"(c) DEFINITIONS.—For purposes of this section—

"(1) PAYMENT ORDER.—The term 'payment order'—

"(A) means any instruction of a sender to a receiving institution, transmitted orally, electronically, or in writing, to pay, or to cause another financial institution or financial agency to pay, a fixed or determinable amount of money to a beneficiary if—

"(i) the instruction does not state any condition to the payment to the beneficiary other than the time of payment;

"(ii) the receiving institution is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

"(iii) the instruction is transmitted by the sender directly to the receiving institution or to an agent, funds-transfer system, or communication system for transmittal to the receiving institution; and

"(B) does not include any payment order which involves any automated clearinghouse.

"(2) OTHER TERMS.—The terms 'originator', 'sender', 'receiving institution', 'beneficiary', 'originator's institution', and 'beneficiary's institution' have the meaning given to such terms in section 21(k)(l) of the Federal Deposit Insurance Act.".

(c) PHASE-IN OF REGULATIONS; CERTIFICATION OF EFFECTIVENESS.—

(1) FUNDS TRANSFERS INVOLVING INTERNATIONAL TRANSACTIONS ON A TARGETED BASIS DURING 1ST YEAR.—The Secretary of the Treasury shall prescribe regulations pursuant to the amendment made by subsection (a)(1) of this section as soon as practicable after the date of the enactment of this Act which, during the 1-year period beginning on such date, shall apply only to such international funds transfers as the Secretary may designate on the basis of the class of depository institutions involved, dollar amount of the transfer, the geographic area from which such transfer is originated or received, or such other factor as the Secretary may determine to be appropriate for a targeting order.

(2) ALL FUNDS TRANSFERS INVOLVING INTERNATIONAL TRANSACTIONS AFTER 1ST YEAR.—Subject to the certification requirement established under paragraph (3), the regulations prescribed by the Secretary of the Treasury pursuant to the amendment made by subsection (a)(1) of this section shall apply to all international funds transfers after the end of the 1-year period beginning on the date of the enactment of this Act.

(3) CERTIFICATION THAT CONDITIONS HAVE BEEN MET.—Notwithstanding paragraph (2), the regulations prescribed by the Secretary of the Treasury pursuant to the amendment made by subsection (a)(1) of this section shall not be applied by the Secretary to all international funds transfers after the end of the 1-year period referred to in paragraph (2) unless the Secretary certifies to the Congress after the end of such 1-year period that the records which were required to be maintained on a targeted basis under such regulations during the 1-year period—

(A) were useful in criminal, tax, or regulatory investigations or proceedings; and

(B) did not have an adverse effect on the cost and efficiency of the payment system.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The 1st sentence of section 21(c) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(c)) is amended by inserting ", make or receive any payment as the originator or beneficiary of any international funds transfer through such account," after "make withdrawals".

(2) Section 21(d) of the Federal Deposit Insurance Fund Act (12 U.S.C. 1829b(d)) is amended—

(A) by striking "shall make," and inserting "shall make the following."; and

(b) in paragraph (1) by striking "; and" and inserting a period;

(3) Section 21(i) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(i)) is amended by inserting "(including any record required to be kept by such branch under subsection (d)(3) in connection with any internal funds transfer involving such foreign bank)" before the period.

(e) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5326 the following new item:

"5327. Duty of originator or beneficiary of international funds transfer to provide information.".

(f) RULE OF CONSTRUCTION.—The amendment made by subsection (a)(1) shall not be construed as affecting the authority of the Secretary of the Treasury under any other provision of law to prescribe regulations which require records to be kept or reports to be made, including records and reports relating to funds transfers.

Mr. TORRES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANNUNZIO. Mr. Chairman, I ask unanimous consent that all debate on the Torres amendment be limited to 30 minutes, equally divided between the majority and the minority.

The CHAIRMAN. Does the gentleman include within that request any amendments to the amendment?

Mr. ANNUNZIO. Mr. Chairman, yes, and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. HILER. Mr. Chairman, reserving the right to object, if I can understand the gentleman's request, it would be 30 minutes, 15 minutes divided on each side?

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. HILER. I am happy to yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, the gentleman is correct, equally.

The CHAIRMAN. The gentleman's request is for 30 minutes total of debate on the Torres amendment and any amendments thereto to be divided equally, 15 minutes in support of the amendment and 15 minutes in opposition thereto.

Mr. ANNUNZIO. Mr. Chairman, all I can do is suggest the gentleman talk to the gentleman from Ohio [Mr. WYLIE]. I made the agreement with him.

Mr. HILER. Further reserving the right to object, the difficulty, Mr. Chairman, and I would say to the gentleman from Illinois [Mr. ANNUNZIO], the chairman, it is a very complicated amendment, and I think we need more than 30 minutes.

Mr. ANNUNZIO. Mr. Chairman, if the gentleman will yield further, I could eliminate all amendments thereto and have a straight 30-minute debate on the Torres amendment, 15 minutes on each side.

Mr. HILER. Mr. Chairman, of course, we do not know what amendments will be offered, so we cannot foreclose somebody from offering amendments.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. HILER. Further reserving the right to object, I am happy to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

I would suggest to the sponsor of the bill and the sponsor of the amendment that perhaps we should just start the debate and see how the debate develops, and if there becomes a problem with time, if the Congress is for some reason rushed to get on to another bill, then we can consider it, but it seems to me it is premature to consider this at this time.

Mr. ANNUNZIO. Mr. Chairman, I withdraw my request. We are wasting time.

The CHAIRMAN. The gentleman from California [Mr. TORRES] is recognized for 5 minutes.

Mr. TORRES. Mr. Chairman, as a member of the House Banking Committee, I have been advancing legislative proposals in the area of money laundering for a number of years. Money laundering proposals I offered were enacted in both the 1986 and 1988 omnibus drug bills. Cooperation by our Nation's banks to combat money laundering has improved significantly over the past several years. However, there are still some areas that can be improved upon.

Today I come before you to offer an amendment that addresses the prob-

lem of money laundering through international wire transfers. Wire transfers have become the way that high-volume launderers move their drug money. Officials estimate up to $100 billion in illegal drug profits are wire transferred out of the United States each year.

The legislation reported from the committee is a good, sound package of antimoney laundering proposals. However, it is seriously deficient in this area.

Each year, trillions of dollars are wire transferred in and out of the country in the normal course of legitimate, worldwide business. The system is so efficient, it takes just 40 cents and 3 seconds to move $1 million halfway around the world.

The problem is, drug profits look just like corporate profits to the computer. Because many of these transactions are done anonymously, it is nearly impossible for law enforcement to trace the illegitimate transactions. We need a mechanism, a recordkeeping system, that makes it easier for law enforcement agencies to follow the trail of drug money moving through the wire transfer system.

H.R. 3848, as reported, requires that the Treasury Department issue final regulations on recordkeeping for international wire transfers by the end of this year. I contend that we cannot continue to wait for regulations while billions of dollars of drug money are sent through our financial system without a trace.

My amendment would require the Treasury Department to implement a pilot program of recordkeeping for international wire transactions. The targeted program would be limited and left up to the Treasury Department to design. Treasury would have the discretion to decide which specific banks and categories of international wire transfers—such as dollar amounts and countries to which transfers are made—would be involved in the pilot program.

My amendment would only stipulate the specific information that the customer would have to supply to the bank. This is an important point. Rather than penalizing the bank for failing to provide information it has no way of obtaining, the burden is on the customer to provide the bank with the specified information.

The information required would be basic information about the transaction; a name, an address, an account number, and any third parties that might be involved. This is the information that law enforcement officials say they desperately need to help them trace the flow of drug money and to expose intricate money laundering operations. I would further point out that much of this information is already routinely kept by banks.

The program would be targeted in order to see how it works in the field. The Secretary of the Treasury, after 1 year, would then have to certify to Congress that the program is cost effective, useful to law enforcement, and not detrimental to legitimate commerce, before the program could be implemented on a nationwide basis.

I also want to stress that my amendment allows for exemptions from the recordkeeping provisions for certain routine business transactions. It is estimated that up to two-thirds of all wire transactions could be exempted from the recordkeeping provisions. This allows law enforcement to focus on those suspicious, illegitimate transactions likely to be linked to major drug operations.

As you all know, just last week, based on information they obtained after the United States invasion of Panama last December, the Justice Department ordered that accounts be frozen at 173 United States banks and that bank records be turned over to law enforcement. Over 90 percent of the money involved in these accounts was wire transferred in and out of the United States. This points to the very need for my amendment.

Our U.S. attorneys have told me they can't get the information they need with the present system. My colleagues, it shouldn't take an invasion of Panama to gain this information.

Furthermore, it shouldn't take a revolution in our computer technology to maintain this information. The computer technology already exists for the maintenance of these records.

I want to stress that this is not a CTR system. There is no paperwork involved. There are electronic messages with the information maintained on the file tape.

To illustrate, I would like to just compare how wire transfers are done on two of the main computer networks used by our banks, the SWIFT system which is a communications network owned by international banks, and the U.S. FedWire System, which is a payment network operated by the U.S. Federal Reserve System.

The SWIFT system already contains the fields of information required by my amendment. In SWIFT, to send a wire transfer to another bank in the world, you must have the name of the originator, that is the person requesting the transaction.

You must also identify the beneficiary with a name and account number. If someone overseas attempts to enter a customer transfer on the SWIFT network, and does not include the name of the originator or does not include the name of the beneficiary, SWIFT will reject the transaction and not send it on to its destination.

That is an important difference. In the U.S. FedWire system that is no requirement whatsoever to identify the originator of the transaction. The only requirement the Fed has is to identify the sending bank that is on line with the Fed network. On the receiving side of the transaction, only the beneficiary's account number is required. The FedWire system requires very limited data.

Thus, it is very easy within the FedWire format to disguise a transaction by not using any names whatsoever. Because it is not traceable, drug money is easily concealed over the FedWire system. We just cannot allow the Federal Government to continue to be the unwitting conduit for drug money in this way. In a world where computer technology can move a trillion dollars across the world in milliseconds, I assure you it is not going to require a technological revolution to record the kind of information my amendment requires.

In closing, I would just like to quote from Justice Department testimony to the House Banking Committee earlier this year on my legislation:

It is in our enforcement interest to have the Government require banks to maintain a record of all the information essential to tracing the ownership, origin, and disposition of a wire transfer. This would, in fact, include the name, address, and bank account number of the originator, the beneficiary, and any other real parties in interest to the transaction.

My colleagues, my amendment will provide exactly what the U.S. Justice Department requested. Let's move forward. Let's get a pilot program working out there now, so that we can have, as soon as possible, a nationwide system that prevents this movement of drug money for the gain of the drug cartels. A vote for the Torres amendment is a vote to stop our Federal Government from being a conduit for drug money.

□ 1520

The CHAIRMAN pro tempore (Mr. AuCoin). The time of the gentleman from California [Mr. Torres] has expired.

(At the request of Mr. Bartlett and by unanimous consent, Mr. Torres of California was allowed to proceed for 3 additional minutes.)

Mr. TORRES. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. Moody].

Mr. MOODY. Mr. Chairman, I would ask the gentleman from California [Mr. Torres] several points. One is, would there be excessive costs to the banks to implement this? Could the gentleman elaborate on the cost situation?

Mr. TORRES. At this moment we have no calculations as to cost. We do not anticipate that there will be any great cost. But that is the whole purpose. We do not know. This is what the study would show. I do not contend, as I have heard before, that this

is going to be exhorbitantly costly on the system. I do not believe that. After all, we are only going to be looking at those suspicious, I repeat, suspicious, transactions. Two-thirds or more, most of the commercial transactions, will not be needed to be looked at.

Mr. MOODY. Mr. Chairman, my next question, this will be a pilot program, is that correct?

Mr. TORRES. That is correct, it is a pilot program.

Mr. MOODY. It will not be all-encompassing, all-sweeping?

Mr. TORRES. No. It is a 1-year study that the Secretary of the Treasury will be in charge of. The Secretary will target the areas that are necessary to study. In 1 year, after the Secretary reports back to the Congress that has been effective, that it has not cost a lot of money, that it has not disrupted the marketplace, it could stay. If the Secretary finds that it has not done any of those things, then it would be sunsetted.

Mr. MOODY. So the administration would have it within its power not to continue the program at that time?

Mr. TORRES. Mr. Chairman, that is correct.

Mr. MOODY. Mr. Chairman, I thank the gentleman from California.

Mr. ANNUNZIO. Mr. Chairman, I rise for the purpose of asking a question of the gentleman from Ohio [Mr. WYLIE]. As the gentleman knows, there are strong rumors that we will probably rise at 4:15 to continue work on the budget. I would like to finish the work on this bill. If it is agreeable with the gentleman from Ohio [Mr. WYLIE], I would ask unanimous consent that all debate on the Torres amendment be limited to 30 minutes, 15 minutes for the majority, 15 minutes for the minority. In view of the fact that the majority has already taken 5 minutes, we can make this 15 minutes for the majority and 20 minutes for the minority.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. WYLIE. Mr. Chairman, reserving the right to object, I think the gentleman from Illinois [Mr. ANNUNZIO] is very fair. I agreed to that proposition earlier, Mr. Chairman. I think the amendment can be adequately debated in 30 minutes. The gentleman from Illinois [Mr. ANNUNZIO] had very generously suggested that he take 15 minutes, that I have 15 minutes, and the time would have been equally divided. Now the gentleman is suggesting that he have 15 minutes and I have 20 minutes, since the majority has already taken 7, and I would suggest that that is a good proposition. I would like to see us finish this matter.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BARNARD. Mr. Chairman, reserving the right to object, I would say that this a very complicated amendment. As it has been described right now it sounds very well-meaning. It is a study, a pilot project. But there are a lot more ramifications.

If the gentleman from Illinois [Mr. ANNUNZIO] will recall, these same arguments were made before our committee and the amendment was defeated.

Mr. Chairman, I would ask the gentleman from Illinois [Mr. ANNUNZIO], is he going to support this amendment or not?

□ 1530

Mr. ANNUNZIO. I have allowed 35 minutes, Mr. Chairman, and I would like to listen to the debate. The gentleman from California [Mr. TORRES] stated that this is a different amendment.

The CHAIRMAN pro tempore (Mr. AUCOIN). Does the gentleman from Georgia [Mr. BARNARD] continue to reserve the right to object?

Mr. ANNUNZIO. Mr. Chairman, will the gentleman from Georgia yield?

Mr. BARNARD. Mr. Chairman, further reserving the right to object, I yield to the gentleman from Illinois.

Mr. ANNUNZIO. We want to complete the bill this afternoon. If we pull it off, we will not be back for 2 or 3 weeks.

Mr. BARNARD. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 15 minutes, and the gentleman from Ohio [Mr. WYLIE] will be recognized for 15 minutes.

Mr. ANNUNZIO. Mr. Chairman, I yield my 15 minutes to the gentleman from California [Mr. TORRES].

The CHAIRMAN pro tempore. Without objection, the gentleman from California [Mr. TORRES] controls 15 minutes of debate.

There was no objection.

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman for yielding time to me. I would like to commend him for bringing this to the floor.

Although I believe this amendment would have some people a little bit nervous, let me assure Members this is a very, very important amendment. My colleagues, take a lot of time, listen to the debate on this one. As the chairman of the International Narcotics Task Force of the Foreign Affairs Committee, I can assure Members that we would have been doing this had we had the jurisdiction directly over this issue.

There is no more single component today more important in the fight against drugs than trying to dry up the places where the money, the profit from these drugs can be transported and hidden. There is no doubt in my mind, or in the mind of a great many others who work in this subject day to day that if we can hit them in their pocketbook, if we can deny them their money laundering capability, we can effectively get to them ultimately under the law enforcement provision.

The money allows them to buy security. It allows them to buy cover. It allows them to buy their freedom.

We can remove that. This is not an onerous program. It just calls on wire transfers for additional information that has already got a wire transfer attached to it. Just give the name and the address and the destination, that is all it says. It is a pilot program. It is something the U.S. Government should have been doing years ago on its own, and it only deals with international transfers.

Ladies and gentleman, I implore Members before dismissing this because it is something that has some rough edges or the bankers have told them it is a little bit of a problem, this is a very imporant amendment and I commend the gentleman. This is money laundering at its essence and we need to do away with it.

Mr. WYLIE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in strong opposition to this amendment.

So that the position of the Justice Department will not be misunderstood, I have a letter here from the Justice Department indicating that they believe that the statutory language on wire transfers as suggested by this amendment would be premature at this time. The Justice Department takes the position of the Treasury in allowing Treasury the time to work with affected agencies, including consultation with the Federal Reserve and a thorough comment period for the industry to respond prior to moving forward with this final regulation.

This would involve over 100 million wire transfers each year. It is not as if we are not doing something. We think that it would be way too expensive and unnecessarily burdensome on banks.

The American Bankers Association is opposed to the amendment. It is opposed by Treasury. It is opposed by the Federal Reserve Board, and it is opposed by the Justice Department. The law enforcement agencies say they do not need it, and do not want it in its present form.

I think the McCollum-Barnard provision already in the bill gives Treasury the power to require such reporting where needed. We have asked them to report back to us by January 1, 1991 with a regulation with reference to wire transfers and its effects on the payment system.

Wire transfers are a highly complex operation. This amendment would envision placing these recording requirements on over 100 million wire transfers. We have a CTR reporting requirement in the law at the present time, and I wish Members could see the form that is required for every bank to fill out.

Operation Polar Cap was mentioned a little earlier as a reason for supporting this amendment. That investigation was the result of vigilant bankers who had indicated that there was something awry and they called the Justice Department. Through cooperation with the Justice Department, and with the bankers involved, we saw that one of the most extensive money laundering operations in our history was discovered and eventually prosecuted.

It is suggested that the Torres amendment would help us examine Panamanian banks. Nothing could be further from the truth. All this does is add to the potential cost to financial institutions with little or no benefit to enforcement. I suggest that the amendment be defeated, Mr. Chairman.

Mr. TORRES. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Kentucky [Mr. HUBBARD], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. HUBBARD. Mr. Chairman, I appreciate the gentleman from California [Mr. TORRES], yielding to me for 2 minutes.

I urge my colleagues to vote no on the Torres amendment to H.R. 3848. This amendment would change section 9, the wire transfers provision of that bill.

Section 9 of H.R. 3848 gives the Treasury Department, in consultation with the Federal Reserve Board, discretion to decide what recordkeeping requirements are necessary for international wire transfers. The House Banking Committee approved the current language of this section, the McCollum/Barnard substitute, which does not include domestic wire transfers, by a vote of 32-17. The committee agreed that the usefulness of keeping records of international wire transfers should be tested before imposing a harsh, new regulatory burden on financial institutions, especially small community banks like the ones in my district and elsewhere.

Mr. TORRES originally had intentions of placing recordkeeping requirements on domestic as well as foreign wire transfers. He then concentrated just on international wire transfers and the Banking Committee agreed. The Treasury Department has already proposed recordkeeping requirements for international wire transfers. We should let the Treasury determine if these are going to be useful.

The Torres amendment, which is before us today, is almost exactly the same amendment defeated in committee. The Torres amendment is too broad, would place an unreasonable affliction on banks and it is unwarranted at this time.

Congressman WYLIE has already listed the Federal Government agencies who oppose the Torres amendment.

The Independent Bankers Association of America and the American Bankers Association have announced their opposition to the Torres amendment.

I agree with the gentleman from Georgia [Mr. BARNARD] and the gentleman from Florida [Mr. MCCOLLUM] who stated in a "Dear Colleague" this week that "we should uphold the judgment of the Banking Committee in providing regulatory flexibility by voting against this amendment."

H.R. 3848 is a comprehensive bill containing a number of provisions establishing and extending programs to discourage the practice of money laundering. As it is presented, this bill is a good compromise. I urge my colleagues to oppose the Torres amendment.

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I rise obviously in strong support of the Torres amendment. I think it is a step in the right direction.

But let us talk for a moment about what it does and does not so that we are absolutely clear about what we are talking about today. This amendment establishes a pilot program for 1 year, and it deals with the international transfer of funds, and it suggests that almost two-thirds of those transfers will not be affected at all.

What we are simply asking for is the name and the address and the account number of people making these international transactions. It allows also after 1 year for the proper Government agencies and the Treasury Department to come back and to certify before us that it is cost efficient and that it is working, and if they do not, then it ends. That is what it really does.

We have to find a way to stop allowing banks in this Nation to be the conduit for drug money.

□ 1540

And I recognize the concern of bankers. We have talked about this issue. This amendment represents a pulling back, a compromise of the original position of Mr. TORRES.

So if we are at that point, let us clearly then get on the record one way or another. Let me say to you and remind myself that the people of this Nation who are hurting in our communities because of drug abuse and drug violence and drug crime are not interested in the academic arguments as to why we ought to do this. They are asking why not? And it comes back over and over again in resounding ways, a pilot 1-year program to get a name and an address and an account number so that we can stop what is happening in our communities with drugs.

I hope the banks would come out and embrace this. I think it is the right way to go. It moves us toward action rather than keeping us in a state of inaction.

So I would urge my colleagues, as a member of the Select Committee on Narcotics Abuse and Control and on the Committee on Banking, Finance and Urban Affairs, to give very, very serious consideration to supporting the Torres amendment.

Mr. WYLIE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MCCOLLUM], the coauthor of the McCollum-Barnard amendment.

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I rise rather reluctantly to oppose this amendment of my friend from California because in principle we support the same thing. I want to see and I know he wants to see that we have the right kind of records being kept on anybody who is trying to use our monetary system and our banks and our community financial institutions to move money throughout the world that comes from drug sources and drug crimes.

There are huge numbers of these transactions that occur all the time. It is very hard for us to find them, trace them and track them down.

What I really find myself in a pinch about, though, is the fact that we did, in the committee, put something in this bill that accomplishes what the gentleman really wants to do, without the onerous and burdensome requirements that he now would come back with his amendment, in my judgment, and impose upon the financial institutions.

I have been senior Republican, ranking member on the Subcommittee on Crime over in the Committee on the Judiciary for a number of years as well as being a member of the Committee on Banking, Finance and Urban Affairs.

In the process of drafting money laundering legislation not too many years ago, we came up with a scheme of cash transaction reporting. That is not exactly what the gentleman wants here, but it is the idea of keeping a record of every time that somebody

deposits in an account somewhere $10,000 or more in cash or any time a bank moves it inside this country, an amount involved to that degree, so that our law enforcement officials could have a record to go back and find out, if it were of importance to them, that there was a large amount of cash or maybe to raise a red flag.

We have discovered now in the process of auditing that, law enforcement has discovered, and Justice and Treasury, that they rarely ever use this.

Now I wish that they did it more often. I am glad we did what we did, but looking back on it we were creating a huge pile of paperwork already that is not being utilized.

So the question is how do we get at wire transfers which are taking the moneys overseas as opposed to these cash transactions in the country.

The gentleman from Georgia [Mr. BARNARD] and I came up with alternatives to Mr. TORRES in committee, and it is already in this bill. It is very simple. It gives a requirement, it does not just give the power, it requires the Department of the Treasury by January 1 of next year, requires Treasury now to promulgate regulations that it deems are appropriate to ensure that insured depository institutions maintain such payment records orders which involve international transactions and direct transfers of funds in the wholesale transfer system on the books of depository institutions, as will have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

My point is this is in the bill now. It gives maximum flexibility to Treasury, but it requires them to do it. It requires them also to consult with the Federal Reserve in doing it.

The problem I have, again, with the gentleman from California's amendment today is that he is going to spell out in very little detail how it has got to be done. The originators have to do this, the beneficiaries have to be found and do this and so on, in detail.

That is going to be very expensive, with 150 million of these transactions per year. My records that I have seen say 400,000 per day of these going overseas.

We do not need to do it. The Federal Reserve says we do not need to do it that way. The Treasury does not want that burden put on them and law enforcement, the Justice Department, DEA, the people who have to read these things, say they do not need this and they really do not want it. They will be happy and they want some regulation that they would like to work with Treasury on defining on about how to go about doing this. But not to have Congress sign every—cross every t and dot every i. That just does not make sense.

As to Operation Polar Cap, which the gentleman mentioned earlier, that does not have anything to do, unfortunately, with CTR's. That had to do with an awful lot of effort made by different people in our Federal law enforcement and in conjunction with what happened in Panama to be able to find a lot of these money launderers but very little to do with the CTR's, cash transaction accounts, or anything we propose to do here. I wish it had.

Frankly I had worked very hard on the CTR's before the current existing domestic system to require every bank to do it for everything. I do not want to make that same mistake, and I do not think you do either, my colleagues, of putting that burdensome requirement on the wire transfers, especially when wire transfers across the board overseas involve a whole lot more work on the part of these financial institutions.

Let the Treasury narrow the scope, let them decide, working with the Federal Reserve and law enforcement officials, exactly how they want to craft the regulations. Let them promulgate those regulations to get maximum benefits in those instances where there are potential criminal activities that can be resolved because the records are kept.

But do not, do not, put a burden unnecessarily out there for them.

I realize the gentleman calls this a pilot program. What I propose is not a pilot program. What is in the bill is a demand. The regulations have to be promulgated now forever. There is nothing piloting about it. I really do not want to see a pilot program. We do not need one.

What he is proposing would be a pilot that perceives a lot more than what is envisioned in the current bill.

I urge a "no" vote on the amendment.

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I thank the gentleman.

Mr. Chairman, I rise in support of the Torres amendment.

As I was listening to the debate, I could not help but think about all the laws that we pass here and then they go over to the departments and agencies, and they develop regulations that seem a mystery to those of us who passed the original law.

I think it is important, as I rise in support of the Torres amendment, to think about what we are talking about here because we are really seeing the Treasury Department, which is the one in the committee print, the McCollum amendment, and the others who supported that in the Banking Committee, asks the Treasury to develop regulations.

Well, I do not know whether or not we should just be listening to the Department of the Treasury in this situation. I think the Department of Justice also has something to say about information that they need to truly enforce the law.

A recent newspaper article from the Miami Herald, a New York customs agent said:

> Electronic transfer is the last bastion of unregulated money movement in this country. The wire transfer system has thus become indispensable to the drug trade.

We all know that as we have begun to enforce through the Money Laundering Act that our chairman and others worked so very hard for, money has been moving offshore. In fact, there is a lot of smuggling cash offshore that is going on at this point.

The Torres amendment is a very good addition to the bill, it enhances the bill and it will not create onerous recordkeeping because it simply asks Treasury to establish a pilot program of recordkeeping for international, not domestic, only international electronic transfers.

We know the money is going there; we merely want to track it.

This amendment rightly asks the Treasury Department to have discretion as to which specific banks and categories of these international wire transfers would be involved in the pilot program. But it does say, and this is where we ask the Treasury to be a bit more vigilant, according to what the Justice Department testified, to ask that the name, address, bank account number of the originator of the transfer, the beneficiary and any other real parties in interest to the transaction also be included.

We know our U.S. attorneys cannot get the information they need with the present system.

I ask for adoption of the Torres amendment.

Mr. TORRES. I thank the gentlewoman.

Mr. WYLIE. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. BARNARD] the coauthor of the McCollum-Barnard substitute.

Mr. BARNARD. I thank the gentleman for yielding.

My colleagues, it is awfully difficult to get here and try to argue against some process by which we would be able to interrupt money laundering in the country.

□ 1550

There is nothing more highly emotional today than the idea of trying to punish those who would benefit from drugs. For that reason I certainly commend my colleague and friend, the gentleman from California [Mr. TORRES] for his amendment. The gentleman from Florida [Mr. MCCOLLUM], the coauthor of this amendment that is in the bill, has fully explained why the compromise that we have in the bill, and why it was passed by the Committee on Banking, Finance and

Urban Affairs. The Torres amendment, while very well-meaning, is overkill. It is overkill from the standpoint that it is going beyond what is necessary to do—not that wire transfers is not important, it is important, but first of all, we are eliminating the major number of wire transfers because we are eliminating in the Torres amendment all domestic transfers.

The next argument is that we need to get the names. We need to get all the information about wire transfers, and we do that. We do that as international transfers, like the one which can involve SWIF in the Federal wire, in such a case Federal wire transfer will contain the same originator and the beneficiary information that is included in the SWIF message, and this is contrary to the assertion in the Torres statement and in his letter.

Friends, it is just a matter of, are we going to use this information? Right now, the currency transactions reporting system was well meaning, but it is not accomplishing nearly what it was set out to do, and now we go with wire transfers. They are better than 100 million, let me repeat, 100 million international wire transfers annually, where a party is either a receiver or the sender. The amendment could impose an additional cost on each one of them, somewhere to the tune of $10 to $15 by the Federal Reserve estimate. Now, even if 75 percent would be exempted from the amendment requirements, we are talking about an additional cost to the financial institutions of $360 million a year. This is very cumbersome, and we do not know if it is going to be that beneficiary.

The point is that what the gentleman from California [Mr. TORRES] is trying to do is being accomplished in the bill. I would hope that we would understand that. If we would reach the amendment, the Torres amendment, it would indirectly strong-arm or at least strongly encourage into certifying the Treasury, into certifying after 1 year that all of the provisions of the gentleman's amendment which are very detailed, very lengthy, they are micromanaging, where it includes what, who, where, what all that needs to be recorded. After such a certification, the 11 pages of amendments would kick in with the Secretary of the Treasury only being able to make exceptions to the requirements by establishing an amount floor of what is to be recorded. In other words, give the Treasury an opportunity, give them between now and 1991, an opportunity to really study this.

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. RANGEL], the chairman of the Select Committee on Narcotics Abuse and Control.

Mr. RANGEL. Mr. Chairman, I rise in support of the Torres amendment. There is some indication that it is not needed, that it is already in the bill, the Treasury is going to do this anyway, that all we have to do is wait and we will be able to catch up with the drug barons and the drug traffickers that somehow have managed to manipulate a system far better than the Treasury has been able to detect it, and do something about it.

It would seem to me that every time we take a look at the drug traffickers, they outman enforcement, they have more sophisticated guns, they have more sophisticated distribution systems than law enforcement. If we do not think for 1 minute that the banking industry does not know what these drug traffickers are doing, then Members are putting themselves on. If we do not think they are making a big profit out of it, and if we do not think that international bankers are not involved in this, then we are not being honest. If what we are asking for is a pilot project to find out how we can really get a handle on this situation, I assume that the Treasury will come forward in conference and convince the conferees, one, what they have already done, and I haven't read anything new. Has anything new come to any committee to show how many people we have been able to indict and send to jail as a result of abusing the electronic system? Of course, if they already have this in the bill, I am certain that my dear friend from California would accept it as being the law. Therefore, I welcome the opportunity to have exciting debate about this, and I do hope that the day will come that it will be all Members against drug traffickers, rather than finding out how much burden we are putting on our dear friends in the banking industry.

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I stand in strong support for the Torres amendment. I think the gentleman from New York just very eloquently put out exactly where the problem is. We now have a law in place that says that any cash deposit in excess of $10,000 requires reporting. However, we have built this nice little bucket, in order to try to contain and keep up with the money-laundering schemes throughout the United States, but in constructing this bucket, we never put a bottom on it, and the bottom is wire transfers. If we are going to have this particular law with regard to cash transactions within the United States, it does not make any sense at all to say that the money from abroad can be wire transferred into our banks, at any time, without any reporting requirements

As I understand the Torres amendment, it gives wide regulatory authority to the Treasury to come up with regulations, and even to amounts that would be required to be reported. As I understand, it simply requires the name of the originator or the real party in interest to be made known, the identity of the recipient, and the next institution in the fund-transfer chain. If that is going to cost $30 a deposit, then the banking business better start figuring out how they will manage their particular deposits and how they will manage their business, because I would be astounded to believe that competent businessmen could not come with a better scheme of things that would not cost $30 a deposit. In any event, even if it did, Treasury has the power and the authority under the Torres amendment to set the regulations, to decide what size of transfer they are talking about.

Doing this, I think, will solve a problem. It is a year's trial program, a pilot program, one they would look at. I commend the author of the amendment, and intend to support it, and I hope my colleagues will support it. It could solve a very big problem.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Chairman, H.R. 3848 is a good bill. It is a bill that is worthy of passage here today, and one that all Members should be proud of, but we can very quickly ruin a good piece of legislation by adopting amendments like the one which is now pending.

We discussed this amendment, or one very similar to it, in the Committee on Banking, Finance and Urban Affairs. It was withdrawn, and in place of it we adopted the McCollum-Barnard amendment by a vote of 32 to 17.

What surprised me, in the opening statement of the gentleman from California [Mr. TORRES], was his reference to the fact that this amendment will not require any increase in paperwork. Let me show to Members the kind of paperwork that is required. We refer to this as the CTR, currency transaction report. This is a detailed report calling for items like Social Security numbers, employer identification numbers, that have to be signed at the bottom. Two pages of detailed information are called for, and then another couple of pages of very fine print requirements as to what this report should contain. I spoke this morning to a representative from a medium-sized bank in New York, and he told me his bank, which was very typical of many, processed 18,000 wire transfers per day.

□ 1600

For some of us who think this might be easy to just put this on the computer and let the machines fill out the numbers, let me say that they cannot do that. This would have to be done by hand, signed by hand, and for 18,000

per day or 1 million wire transactions per day across the country, it would simply be an impossible chore we are placing upon the industry.

I think, Mr. Chairman, it is a far better procedure for us to take to allow the Treasury to implement the regulations. In fact, it has already issued an advance notice of rule making. That happened last October. They would implement those regulations by the end of the year, and actually if we go that route, it would result in action against money laundering sooner than would be achieved under the Torres amendment.

For those reasons, Mr. Chairman, the Feds strongly oppose this amendment, the Treasury opposes it, the majority of the Banking Committee has voiced its opposition to the amendment, and I urge the Members to vote against it.

Mr. TORRES. Mr. Chairman, I reserve the right to close, and I have one more speaker.

The CHAIRMAN. The Chair will advise the gentleman from California [Mr. TORRES] that the gentleman from Ohio [Mr. WYLIE], who represents the committee's position, has the right to close, unless it is otherwise resolved by unanimous consent or by agreement between the parties.

Mr. TORRES. The gentleman stands corrected, then, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Ohio [Mr. WYLIE] wish to yield time?

Mr. WYLIE. May I ask, how much time remains on each side, Mr. Chairman?

The CHAIRMAN. The gentleman from Ohio [Mr. WYLIE] has 6 minutes remaining, and the gentleman from California [Mr. TORRES] has 3 minutes remaining.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HILER].

Mr. HILER. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise today in strong opposition to the Torres amendment. The bill, as reported out of the committee, strikes the proper balance concerning wire transfer recordkeeping requirements. The Torres amendment would impose costly, burdensom requirements that would have little, if any, effect on the war on money laundering. By ignoring the recommendations of the regulators in this highly technical area, we may also end up inadvertently impeding law enforcement efforts to fight money laundering. I urge my colleagues to defeat the Torres amendment.

Section 10 as reported out of the Banking Committee strikes a proper balance between the legitimate needs of law enforcement officials and the objective of having an efficient international payments system. The administration, the Treasury, and the Federal Reserve Board all strongly oppose the Torres amendment and any other attempts to restrict their flexibility in getting information on money laundering. The language of section 10 as reported out of the committee represents a compromise offered by Congressmen MCCOLLUM and BARNARD. The McCollum amendment was overwhelmingly passed by the committee. It is supported by the regulators, law enforcement officials, and industry groups.

In examining this area we must be reminded of the history of currency transaction reports [CTR's]. Six million CTR's are collected each year and not a single one has ever been used to initiate a prosecution. In the wire transfer area, the same result may well occur if the Torres amendment is passed. Moreover, we run the risk that the technology will far outpace the language of the Torres amendment and we will have inadvertently damaged law enforcement efforts by focusing the regulators on the requirements of the Torres amendment.

Section 10 in the bill makes a strong statement for law enforcement action against drug kingpins using the wire transfer system, but also permits the regulators the flexibility to use the recordkeeping requirements in an efficient and effective manner. The Treasury is required to promulgate regulations in cooperation with the Federal Reserve Board and defer to the Board in areas concerning the payments system where the Board's expertise is well established. These regulations could be modified over time to most effectively target money launderers.

Severe problems could develop in the international payments system if the Torres amendment was adopted. United States banks handle as many as 25,000 to 35,000 international funds transfers each day. The great number of these payments are related to Federal funds, securities, and foreign exchange transactions of large institutions, governmental entities, and financial organizations.

The routing of funds transfers is highly complex and generally completed without human or manual intervention. An intermediary bank will have information about a correspondent institution but may not have information related to the real party in interest to the transaction or the ultimate beneficiary or originator. For purposes of processing the payment, it is often unnecessary. Moreover, U.S. banks may not be able to require their foreign correspondents or customers to provide this information since it may be protected under foreign law.

Requiring U.S. banks either to refuse to handle funds transfers which do not contain certain information or to obtain the information before or after processing the transaction will enormously increase the costs of making these transfers, diminish the efficiency and importance of the payments systems in this country, and could lead to greater use of offshore dollar clearing systems. It is far more prudent to allow the appropriate regulatory bodies to promulgate regulations which address both the needs of law enforcement officials to curtail and identify money laundering and the important need of maintaining the efficiency, competitiveness, and speed of onshore dollar clearing and settlements systems, than to promulgate legislation that would adversely affect an essential part of the U.S. payments mechanisms.

Finally, let me say that nothing in section 10 impedes the Treasury from promulgating additional regulations as they see fit. The Torres amendment merely represents additional restrictive micromanagement that may have perverse results and may inadvertently hurt, rather than help the war on drugs.

I urge my colleagues to support the bill as reported out of the committee and to defeat the Torres amendment.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, I would like to compliment my friend, the gentleman from Pico Rivera, CA, for his hard work on this issue. I am convinced that we all have the exact same goal here, that of trying to deal with the scourge of illicit drugs and the use of financial institutions to launder money, but there is no doubt in my mind that, as the gentleman from Georgia said, this amendment is overkill.

In the committee we offered a substitute which, by a nearly 2-to-1 margin, passed over an amendment that was very similar to this.

While we all want to deal with this issue, there is no doubt that the area of our society which wants to deal with this more than any other is the law enforcement area, and yet law enforcement has said repeatedly that they do not need or want this amendment to be passed. As the gentleman from Ohio pointed out, the Treasury, the Federal Reserve, and the Justice Department are all opposing this amendment. We know it is far too burdensome, and we know that the costs are onerous.

As my colleague, the gentleman from California [Mr. SHUMWAY], pointed out, the recordkeeping process itself would be way too much, and as I was saying in my opening statement today, that cost obviously is going to be passed on to the American consumer, with no benefit whatsoever in dealing with this very serious problem.

We know that flexibility is something that is absolutely necessary, and I think that we should do everything

we can to ensure that that flexibility which is needed exists. The prospect of reporting 400,000 wire transfers a day or 150 million a year is, I believe, too great a cost to pay. I think if we look at the work the full Banking Committee has done on this measure, we will see that it is a model piece of legislation, and I hope very much that it passes without this amendment.

The CHAIRMAN. The Chair might advise the gentleman from Ohio [Mr. WYLIE] that he has 2 minutes remaining, and the gentleman from California [Mr. TORRES] has 3 minutes remaining.

Mr. WYLIE. I have one additional speaker, Mr. Chairman, so I reserve the balance of my time.

Mr. TORRES. Mr. Chairman, I have one speaker remaining, the distinguished gentleman from New York [Mr. SCHUMER], to whom I yield 3 minutes for closing remarks.

Mr. SCHUMER. Mr. Chairman, I rise in strong support of the Torres amendment to this bill.

The Torres amendment is very simple. People are making such huge, huge negative arguments against it that it is hard to believe that all it does is set up a pilot program to be administered on a targeted basis by the Treasury Department to deal with wire transfers. It will expire after 1 year unless the Secretary of the Treasury certifies that recordkeeping is cost effective, useful to law enforcement, and not detrimental to legitimate commerce.

If we do not pass the Torres amendment, we will leave a huge, gaping loophole in this bill, because, as my colleague, the gentleman from California [Mr. LEHMAN], pointed out, we are telling Mr. Excobar and Mr. Ochoa, the drug lords, "Oh, transfer your money this way because if you do it by wire, the bill will not be effective." We are simply creating a fiction if we do not pass the bill in that way, because the transfers of money by those who wish to launder it will be by wire, plain and simple.

We have heard about balancing. But what are we balancing? Yes, the banks will have to do some extra paperwork. Maybe it will cut back on the paperwork in our prisons; maybe it will cut back on the paperwork in our drug treatment programs; maybe it will cut back on our paper work in the morgues where thousands of people die from drug overdoses.

Where the heck is our sense of priorities? Yes, this will mean a little extra paper work for a 1-year pilot program, but it may well do something to stop those people from laundering drug money, and that is the source of why they push drugs on our people, so they can get the money, launder it, and then use it legitimately.

I think our priorities are a little warped if we vote against this amendment. This amendment is a plain and simple amendment. It says, "If you want to be tough on the war on drugs, if you want to stop money laundering, then don't allow a typical means of transferring money from bank to bank to be used, that is, the wire."

Mr. Chairman, this is not a permanent program, it is a carefully drawn program, and I say to my colleagues if we cannot vote for this, then we are not serious about the war on drugs.

The CHAIRMAN. The time of the gentleman from Texas [Mr. TORRES] has expired.

The Chair recognizes the gentleman from Ohio [Mr. WYLIE] for closing remarks.

Mr. WYLIE. Mr. Chairman, I yield my remaining 2 minutes to the gentleman from Alabama [Mr. ERDREICH].

□ 1610

Mr. ERDREICH. Mr. Chairman, I rise in opposition to the amendment for a variety of reasons, but it seems to me fundamentally the approach of the gentleman from California [Mr. TORRES] is "Let's legislate and then study it," whereas the bill has within it what I think is the way to approach the problem.

Mr. Chairman, the bill mandates, requires, that the Treasury by January 1991 will and shall come forward with regulations dealing with wire transfers, which is exactly what we want to get at, exactly what the gentleman from California [Mr. TORRES] indeed wants to get at, but again I would say that the way to approach the problem is to not legislate first and then study. It is to develop with law enforcement, with the Justice Department, with the Treasury's involvement, a workable approach to get at wire transfers, and that is what the bill does as it is written.

Mr. Chairman, this member, as I believe the entire members of the Committee on Banking, Finance and Urban Affairs, and I know the gentleman from California [Mr. TORRES] as one, and all Members of the House want to get at wire transfers, want to get at drug dealers that are using wire transfers, and that is why the bill has in it, as written, a strong, a firm, way to get at wire transfers by involving law enforcement in the front end, developing the necessary regulations, mandating those to be on the board, in place, by January 1991, and we get at the drug launderers of this country and around the world, and we do have international problems to deal with, and that is an aside issue really, Mr. Chairman, but we need to carefully craft what we do so that we do not violate certain obligations we have with other nations in dealing with wire transfers and international transfers of funds.

Mr. Chairman, in conclusion I would urge my colleagues to reject this amendment, support what we have put in the bill in its current form, which mandates wire transfer regulations with Treasury, by January 1991.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. TORRES].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WYLIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 283, not voting 23, as follows:

[Roll No. 81]

AYES—127

Ackerman	Gibbons	Pelosi
Akaka	Gilman	Perkins
Alexander	Gray	Poshard
Anderson	Guarini	Rangel
Annunzio	Hayes (IL)	Richardson
Atkins	Hertel	Roe
AuCoin	Hochbrueckner	Rose
Bates	Holloway	Roybal
Bennett	Johnson (SD)	Russo
Berman	Jones (GA)	Sabo
Bonior	Jones (NC)	Savage
Boxer	Jontz	Scheuer
Brennan	Kaptur	Schumer
Brown (CA)	Kastenmeier	Serrano
Bryant	Kennedy	Shaw
Bustamante	Kennelly	Shays
Carper	Kildee	Sikorski
Clay	Kleczka	Slaughter (NY)
Coleman (TX)	Kostmayer	Smith (FL)
Condit	Lantos	Staggers
Conte	Lehman (CA)	Stark
Conyers	Lehman (FL)	Stokes
Cooper	Levine (CA)	Studds
Coyne	Lewis (GA)	Synar
Crockett	Lipinski	Taylor
DeFazio	Lowey (NY)	Torres
Dellums	Mavroules	Towns
Dixon	Mfume	Traficant
Donnelly	Miller (CA)	Traxler
Downey	Miller (OH)	Udall
Dymally	Mineta	Unsoeld
Early	Moody	Vento
Edwards (CA)	Morrison (CT)	Walgren
Engel	Mrazek	Washington
English	Murphy	Waxman
Evans	Oakar	Weiss
Fazio	Oberstar	Wheat
Flake	Obey	Wise
Foglietta	Ortiz	Wolpe
Ford (MI)	Owens (NY)	Wyden
Frost	Panetta	Yates
Gejdenson	Payne (NJ)	
Gephardt	Pease	

NOES—283

Andrews	Browder	Crane
Anthony	Brown (CO)	Dannemeyer
Applegate	Bruce	Darden
Archer	Buechner	Davis
Armey	Bunning	de la Garza
Aspin	Burton	DeLay
Baker	Byron	Derrick
Barnard	Callahan	DeWine
Bartlett	Campbell (CA)	Dickinson
Barton	Campbell (CO)	Dicks
Bateman	Cardin	Dingell
Bentley	Carr	Dorgan (ND)
Bereuter	Chapman	Douglas
Bevill	Clarke	Dreier
Bilbray	Clement	Duncan
Bilirakis	Clinger	Durbin
Bliley	Coble	Dwyer
Boehlert	Coleman (MO)	Dyson
Boggs	Combest	Eckart
Borski	Costello	Emerson
Bosco	Coughlin	Erdreich
Boucher	Courter	Espy
Brooks	Cox	Fawell
Broomfield	Craig	Feighan

Fields	Luken, Thomas	Roth
Fish	Lukens, Donald	Roukema
Frank	Machtley	Rowland (CT)
Frenzel	Madigan	Rowland (GA)
Gallegly	Manton	Saiki
Gallo	Markey	Sangmeister
Gaydos	Marlenee	Sarpalius
Gekas	Martin (IL)	Sawyer
Geren	Martin (NY)	Saxton
Gillmor	Martinez	Schaefer
Gingrich	Matsui	Schiff
Glickman	Mazzoli	Schneider
Gonzalez	McCandless	Schuette
Goodling	McCloskey	Schulze
Gordon	McCollum	Sensenbrenner
Goss	McCrery	Sharp
Gradison	McCurdy	Shumway
Grandy	McDade	Shuster
Grant	McDermott	Sisisky
Green	McEwen	Skaggs
Gunderson	McGrath	Skeen
Hall (OH)	McHugh	Skelton
Hall (TX)	McMillan (NC)	Slaughter (VA)
Hamilton	McMillen (MD)	Smith (IA)
Hammerschmidt	McNulty	Smith (NE)
Hancock	Meyers	Smith (NJ)
Hansen	Michel	Smith (TX)
Harris	Moakley	Smith (VT)
Hastert	Molinari	Smith, Denny (OR)
Hatcher	Mollohan	Smith, Robert (NH)
Hayes (LA)	Montgomery	Smith, Robert (OR)
Hefley	Moorhead	Snowe
Hefner	Morrison (WA)	Solomon
Henry	Murtha	Spence
Herger	Myers	Spratt
Hiler	Nagle	Stallings
Hoagland	Natcher	Stangeland
Horton	Neal (MA)	Stearns
Houghton	Neal (NC)	Stenholm
Hoyer	Nielson	Sundquist
Hubbard	Nowak	Swift
Huckaby	Olin	Tallon
Hughes	Owens (UT)	Tanner
Hunter	Oxley	Tauke
Hutto	Packard	Tauzin
Inhofe	Pallone	Thomas (CA)
Ireland	Parker	Thomas (GA)
Jacobs	Parris	Thomas (WY)
James	Pashayan	Torricelli
Jenkins	Patterson	Upton
Johnson (CT)	Paxon	Valentine
Johnston	Payne (VA)	Vander Jagt
Kanjorski	Penny	Visclosky
Kasich	Petri	Volkmer
Kolbe	Pickett	Walker
Kolter	Pickle	Walsh
Kyl	Porter	Weber
LaFalce	Price	Weldon
Lagomarsino	Pursell	Whittaker
Lancaster	Quillen	Whitten
Laughlin	Rahall	Williams
Leach (IA)	Ravenel	Wilson
Leath (TX)	Ray	Wolf
Lent	Regula	Wylie
Levin (MI)	Rhodes	Yatron
Lewis (CA)	Ridge	Young (AK)
Lewis (FL)	Rinaldo	Young (FL)
Lightfoot	Ritter	
Livingston	Robinson	
Lloyd	Rogers	
Long	Rohrabacher	
Lowery (CA)	Rostenkowski	

NOT VOTING—23

Ballenger	Ford (TN)	Ros-Lehtinen
Bellenson	Hawkins	Schroeder
Chandler	Hopkins	Slattery
Collins	Hyde	Solarz
Dornan (CA)	Miller (WA)	Stump
Edwards (OK)	Morella	Vucanovich
Fascell	Nelson	Watkins
Flippo	Roberts	

□ 1632

Messrs. HAYES of Louisiana, SLAUGHTER of Virginia, GEREN, and THOMAS A. LUKEN changed their vote from "aye" to "no."

Mr. ATKINS and Mr. FAZIO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 61, after line 11, insert the following new section:

SEC. 19. CONGRESSIONAL CHECK CASHING AND DEPOSIT SERVICES SUBJECT TO CASH REPORTING REQUIREMENTS.

Section 5312(a)(2)(W) of title 31, United States Code, is amended by inserting "(including any office or officer of either House of the Congress who provides check cashing or deposit services for Members of Congress)" after "an agency of the United States Government".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this is an amendment regarding congressional coverage which I think the committee is ready to accept.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Illinois, the chairman.

Mr. ANNUNZIO. Mr. Chairman, I have had an opportunity to study the gentleman's amendment, to read it, and I will accept it.

Mr. WALKER. Mr. Chairman, I thank the chairman.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, the amendment is acceptable to me, and we accept it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL: Page 61, after line 11, insert the following new section:

SEC. 19. REPORTS ON AMOUNTS AND DENOMINATIONS OF CURRENCY CONFISCATED IN CONNECTION WITH DRUG SEIZURES AND DRUG-RELATED MONEY LAUNDERING.

(a) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall collect and maintain information on—

(A) the total dollar amount of Federal Reserve notes (and any other currency) which are confiscated by law enforcement agents in connection with the seizure of any controlled substance or any enforcement action with regard to a drug-related money laundering operation; and

(B) the total dollar amount of each denomination of such notes and other currency.

(2) INFORMATION PROVIDED BY OTHER AGENCIES.—In the case of any confiscation described in paragraph (1) by any Federal law enforcement agents who are not employed within the Department of the Treasury, the head of the department or agency in which such agents are employed shall promptly provide the information referred to in such paragraph to the Secretary of the Treasury.

(b) PLAN FOR COLLECTION OF INFORMATION FROM STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—The Secretary of the Treasury shall develop a plan for obtaining from appropriate agencies and departments of State and local governments information on the amounts and the denominations of Federal Reserve notes (and any other currency) which are confiscated by State or local law enforcement agents in connection with the seizure of any controlled substance or any enforcement action with regard to a drug-related money laundering operation.

(2) REPORT.—Before the end of the 90-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Congress on the plan developed pursuant to paragraph (1), including such recommendations for legislative or administrative action as the Secretary determines to be necessary to implement the plan.

(c) PERIODIC REPORTS ON COLLECTED INFORMATION.—The Secretary of the Treasury shall submit a report to the Congress containing a summary of the information collected and maintained by the Secretary under this section at the end of each 6-month period beginning after the date of the enactment of this Act.

(d) REPORT ON NEED FOR ADDITIONAL INFORMATION.—Before the end of the 90-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Congress on what other information (in addition to the information maintained pursuant to subsection (a)) would be needed in order to determine—

(1) whether Federal Reserve notes in denominations of $50 and $100 are used primarily for drug trafficking and other illegal activities; and

(2) the feasibility of withdrawing Federal Reserve notes in denominations of $50 and $100 from circulation and the deterrent effect such withdrawal would have on drug trafficking and other illegal activities.

Mr. RANGEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I am happy to yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. Chairman, I have had an opportunity to read and study his amendment, and I will accept it.

Mr. RANGEL. I thank the gentleman.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, is this the amendment which would require a study by the Treasury to determine the feasibility of removing large bills from circulation, $50 and $100?

Mr. RANGEL. Mr. Chairman, yes, it is.

Mr. WYLIE. I think a study is indicated, and I have no objection to the amendment.

Mr. RANGEL. Mr. Chairman, I thank the gentleman.

I have long been concerned that the availability of large denominations of currency makes it much easier for drug traffickers to conduct their operations. This amendment which I am offering will require the Secretary of the Treasury to collect and maintain data on the amounts of the denominations of Federal Reserve notes which are confiscated by Federal and local law enforcement agents in connection with the seizure of any controlled substance or any enforcement action related to drug-related money laundering operations.

The Secretary of the Treasury was required by the Anti-Drug Abuse Act of 1988, Section 6187, to conduct a study of the feasibility of withdrawing $50 and $100 Federal Reserve notes and whether those notes were being used predominately for illegal activities. The act required Treasury to report back to Congress on its findings.

The report, which was submitted in September 1989, concluded that withdrawing currency in these denominations would have a negligible impact on criminal activity. Unsatisfied with the Treasury's findings, I requested GAO to review the Treasury's conclusions and the basis for those conclusions.

GAO reported back to me on April 20, 1990, and concluded that there was an inadequate factual basis for the Treasury's determination. GAO said that Treasury officials acknowledged that little information has been gathered or maintained on the denominations of currency used in illegal activities investigated by Treasury agents such as money laundering and drug trafficking. Treasury officials agreed that the statistical and economic data used in its study was neither current nor complete. GAO also confirmed that information is not routinely collected or maintained on the denominations of currency used in illegal activities. GAO concluded that until such time that the Treasury or the Federal Reserve record sufficient data on the denominations of currency used in illegal activities, GAO did not believe a valid study of the use of $50 and $100 bills in illegal activities is feasible.

Thus, the purpose of my amendment is to require the Treasury to collect the information GAO says we now do not have so that we will know the extent to which large denominations of currency are used to facilitate drug trafficking and drug related money laundering. When, according to the Treasury, 62 percent of the total value of U.S. currency in circulation is either in $100 or $50 Federal Reserve notes, it only makes sense to determine how much of these large denominations are being used for drug trafficking, drug money laundering, and other illegal activities.

My amendment will also require the Treasury to develop a plan to collect such information from State and local law enforcement agencies, to report to Congress every 6 months on information collected regarding denominations of currency seized, and to inform Congress of any additional information the Treasury would need to determine the extent to which large denominations of currency are used for illegal activities and the deterrent effect that withdrawal of such denominations from circulation would have on drug trafficking and other illegal activities.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. RANGEL].

The amendment was agreed to.

Mr. SCHULZE. Mr. Chairman, I rise in strong support of the Rangel amendment to H.R. 3848, and would like to compliment the gentleman on his efforts.

For the past four Congresses, Mr. RANGEL and I have introduced legislation to replace existing $100 bills with newly issued notes to severely hamper the money laundering efforts of narcotics traffickers. As we know, it is through money laundering that traffickers are actually able to realize their profits and, thus, continue their scurrilous trade.

As Mr. RANGEL has already pointed out, his amendment would require the Treasury Department to gather information which the General Accounting Office has deemed necessary to make a fair determination regarding the feasibility of replacing those $50 and $100 bills currently in circulation.

The Rangel amendment is not only reasonable and sound but, if we are truly serious about throwing every possible monkey wrench into the drug trade, its adoption is absolutely critical. I urge your support for the Rangel amendment.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. HUGHES, Chairman of the Committee of the Whole House of the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3848) to require the appropriate Federal depository institution regulatory agency to revoke the charter of any Federal depository institution which is found guilty of a crime involving money laundering or monetary transaction report offenses and to require the Federal Deposit Insurance Corporation and the National Credit Union Administration Board to terminate the deposit insurance of any State depository institution which is found guilty of any such crime, pursuant to House Resolution No. 378, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WYLIE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 406, noes 0, answered "present" 1, not voting 26, as follows:

[Roll No. 82]

AYES—406

Ackerman	Carper	Espy
Akaka	Carr	Evans
Alexander	Chapman	Fawell
Anderson	Clarke	Fazio
Andrews	Clay	Feighan
Annunzio	Clement	Fields
Anthony	Clinger	Fish
Applegate	Coble	Flake
Archer	Coleman (MO)	Foglietta
Armey	Coleman (TX)	Ford (MI)
Aspin	Combest	Frank
Atkins	Condit	Frenzel
AuCoin	Conte	Frost
Baker	Conyers	Gallegly
Barnard	Costello	Gallo
Bartlett	Coughlin	Gaydos
Barton	Courter	Gejdenson
Bateman	Cox	Gekas
Bates	Coyne	Gephardt
Bennett	Craig	Geren
Bentley	Crane	Gibbons
Bereuter	Crockett	Gillmor
Berman	Dannemeyer	Gilman
Bevill	Darden	Gingrich
Bilbray	Davis	Glickman
Bilirakis	de la Garza	Gonzalez
Bliley	DeLay	Goodling
Boehlert	Dellums	Gordon
Boggs	Derrick	Goss
Bonior	DeWine	Gradison
Borski	Dickinson	Grandy
Bosco	Dicks	Grant
Boucher	Dingell	Gray
Boxer	Dixon	Green
Brennan	Donnelly	Guarini
Brooks	Dorgan (ND)	Gunderson
Broomfield	Douglas	Hall (OH)
Browder	Downey	Hall (TX)
Brown (CA)	Dreier	Hamilton
Brown (CO)	Duncan	Hammerschmidt
Bruce	Durbin	Hancock
Bryant	Dwyer	Hansen
Buechner	Dymally	Harris
Bunning	Dyson	Hastert
Burton	Early	Hatcher
Bustamante	Eckart	Hayes (IL)
Byron	Edwards (CA)	Hayes (LA)
Callahan	Emerson	Hefley
Campbell (CA)	Engel	Hefner
Campbell (CO)	English	Henry
Cardin	Erdreich	Herger

Hertel	Miller (CA)	Schumer
Hiler	Miller (OH)	Sensenbrenner
Hoagland	Mineta	Serrano
Hochbrueckner	Moakley	Sharp
Holloway	Molinari	Shaw
Horton	Mollohan	Shays
Houghton	Montgomery	Shumway
Hoyer	Moody	Shuster
Hubbard	Moorhead	Sikorski
Huckaby	Morrison (CT)	Sisisky
Hughes	Morrison (WA)	Skaggs
Hunter	Mrazek	Skeen
Hutto	Murphy	Skelton
Inhofe	Murtha	Slaughter (NY)
Ireland	Myers	Slaughter (VA)
Jacobs	Nagle	Smith (FL)
James	Natcher	Smith (IA)
Jenkins	Neal (MA)	Smith (NE)
Johnson (CT)	Neal (NC)	Smith (NJ)
Johnson (SD)	Nielson	Smith (TX)
Johnston	Nowak	Smith (VT)
Jones (GA)	Oakar	Smith, Denny (OR)
Jones (NC)	Oberstar	Smith, Robert (NH)
Jontz	Obey	Smith, Robert (OR)
Kanjorski	Olin	Snowe
Kaptur	Ortiz	Solomon
Kasich	Owens (NY)	Spence
Kastenmeier	Owens (UT)	Spratt
Kennedy	Oxley	Staggers
Kennelly	Packard	Stallings
Kildee	Pallone	Stangeland
Kleczka	Panetta	Stark
Kolbe	Parker	Stearns
Kolter	Parris	Stenholm
Kostmayer	Pashayan	Stokes
Kyl	Patterson	Studds
LaFalce	Paxon	Sundquist
Lagomarsino	Payne (NJ)	Swift
Lancaster	Payne (VA)	Synar
Lantos	Pease	Tallon
Laughlin	Pelosi	Tanner
Leach (IA)	Penny	Tauke
Leath (TX)	Perkins	Tauzin
Lehman (CA)	Petri	Taylor
Lehman (FL)	Pickett	Thomas (CA)
Lent	Pickle	Thomas (GA)
Levin (MI)	Porter	Thomas (WY)
Levine (CA)	Poshard	Torres
Lewis (CA)	Price	Torricelli
Lewis (FL)	Pursell	Towns
Lewis (GA)	Quillen	Traficant
Lightfoot	Rahall	Traxler
Lipinski	Rangel	Udall
Livingston	Ravenel	Upton
Lloyd	Ray	Valentine
Long	Regula	Vander Jagt
Lowery (CA)	Rhodes	Vento
Lowey (NY)	Richardson	Visclosky
Luken, Thomas	Ridge	Volkmer
Lukens, Donald	Rinaldo	Walgren
Machtley	Ritter	Walker
Madigan	Robinson	Walsh
Manton	Roe	Washington
Markey	Rogers	Waxman
Martin (IL)	Rohrabacher	Weber
Martin (NY)	Rose	Weiss
Martinez	Rostenkowski	Weldon
Matsui	Roth	Wheat
Mavroules	Roukema	Whittaker
Mazzoli	Rowland (CT)	Whitten
McCandless	Rowland (GA)	Williams
McCloskey	Roybal	Wilson
McCollum	Russo	Wise
McCrery	Sabo	Wolf
McCurdy	Saiki	Wolpe
McDade	Sangmeister	Wyden
McDermott	Sarpalius	Wylie
McEwen	Savage	Yates
McGrath	Sawyer	Yatron
McHugh	Saxton	Young (AK)
McMillan (NC)	Schaefer	Young (FL)
McMillen (MD)	Scheuer	
McNulty	Schiff	
Meyers	Schneider	
Mfume	Schuette	
Michel	Schulze	

NOES—0

ANSWERED "PRESENT"—1

Cooper

NOT VOTING—26

Ballenger	Collins	Edwards (OK)
Bellenson	DeFazio	Fascell
Chandler	Dornan (CA)	Flippo
Ford (TN)	Morella	Solarz
Hawkins	Nelson	Stump
Hopkins	Roberts	Unsoeld
Hyde	Ros-Lehtinen	Vucanovich
Marlenee	Schroeder	Watkins
Miller (WA)	Slattery	

□ 1656

Mr. BUNNING changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to require Federal depository institutions regulatory agencies to take additional enforcement actions against depository institutions engaging in money laundering, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3848, the bill just passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I was absent from today's vote on H.R. 3848, because I was part of the official United States delegation to the inauguration of Violeta Chamorro as President of Nicaragua, which is led by Vice President QUAYLE. Money laundering is a serious problem in my district, as well as the Nation, and had I been present I would have voted in favor of H.R. 3848.

EXPLANATION OF ABSENCE

Mr. SLATTERY. Mr. Speaker, I was not present for three rollcall votes because I was a member of a delegation appointed by President Bush to attend the inauguration of Nicaraguan President Violeta Chamorro. Had I been present, I would have voted "no" on rollcall No. 80, "no" on rollcall No. 81, and "yes" on rollcall No. 82.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "nay" on rollcall No. 80 and No. 81 and "aye" on rollcall No. 82.

PERSONAL EXPLANATION

Mrs. SCHROEDER. Mr. Speaker, I was absent for three votes. Had I been present, I would have voted as follows:

Rollcall No. 80, H.R. 3848, money laundering/check cashing fees: "yea."

Rollcall No. 81, H.R. 3848, money laundering/recordkeeping: "no."

Rollcall No. 82, H.R. 3848, money laundering/passage: "yea."

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I accompanied the Vice President to Nicaragua for the inauguration of President Violeta Chamorro, and was not present during consideration of H.R. 3848, the Depository Institution Money Laundering Amendment of 1990.

Had I been present, I would have voted "no" on the Foglietta amendment (rollcall vote 80), "no" on the Torres amendment (rollcall vote 81), and "yea" on final passage of the bill (rollcall vote 82).

PERSONAL EXPLANATION

Mr. MILLER of Washington. Mr. Speaker, I was unable to be on the House floor when the House voted on H.R. 3848, the Depository Institutions Money Laundering Amendments of 1990. Had I been here, I would have voted: "Nay," on the Foglietta amendment; "Nay," on the Torres amendment; and "Yea," for final passage for H.R. 2848.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1991

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, April 24, 1990, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 310).

□ 1649

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, with Mr. GRAY in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, April 24, 1990, the concurrent resolution is considered as having been read the first time.

The gentleman from California [Mr. PANETTA] will be recognized for 3 hours and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 3 hours. Said time will include a period of 3 hours on the subject of economic goals and policies.

The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, first of all I want to briefly yield myself such time as I may consume to describe the pattern for the general debate on the budget resolution as we have worked it out with my ranking minority member, the gentleman from Minnesota [Mr. FRENZEL].

We have 6 hours total debate. The way that will be divided is that 1 hour

on each side will be reserved for the Budget Committee, 1 hour on this side to be given to the Joint Economic Committee, and I believe that is similar with regards to the minority side. And then 1 hour will be allowed for the Black Caucus.

□ 1700

The time of both, the Joint Economic Committee as well as the Black Caucus, will be controlled by the gentleman from Indiana [Mr. HAMILTON] from the Joint Economic Commitee and by the gentleman from California [Mr. DELLUMS] on our side from the Black Caucus.

It is my intent tonight, and I think we have worked this out in conjunction with the minority, that we would take up about 20 minutes on each side for the Budget Committee and then allow the Joint Economic Committee to proceed with their hour, and then return back to committee time for those who may still be here who wish to present statements. Then we would reserve approximately an hour on each side, 2 hours of debate tomorrow before we proceed into the amendment process.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, can the gentleman inform the House as to what the plans are for ultimately voting on the amendments and on final passage of the resolution?

Mr. PANETTA. As I understand the rule, it would provide first of all we will complete the 2 hours of debate tomorrow and then we will proceed to the adoption of the rule and then, upon the adoption of the rule itself, we would proceed to consideration of two amendments, the substitute amendment by the gentleman from Ohio [Mr. KASICH], and the substitute by the gentleman from California [Mr. DANNEMEYER].

That would conclude the business for the day tomorrow.

Next week, on Tuesday we would complete action on the remaining substitutes, which would be the Black Caucus substitute, the President's budget, and, obviously, the final vote then on the committee budget.

Before I introduce the resolution, I yield such time as he may consume to the gentleman from Illinois [Mr. RUSSO].

Mr. RUSSO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as you know, Amtrak's assets are depreciating at a rate of $165 million per year. I would like to ask the chairman what assumptions are included in the committee's budget resolution regarding Amtrak. More and more Americans are looking to Amtrak to provide an energy-efficient and environmentally benign alternative to congested highways and airports. Amtrak has been doing better and better and now plans to eliminate any need for Federal operating support by the year 2000. This is a goal I believe we all should support. In the interim, Amtrak will need increased capital to invest in new equipment and modernized facilities.

Would the allocation for function 400: transportation accommodate sufficient Amtrak funding to meet its fiscal year 1991 capital needs?

Mr. PANETTA. If the gentleman will yield, the gentleman is correct.

Mr. RUSSO. I thank the chairman.

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of House Concurrent Resolution 310, the concurrent resolution on the budget for fiscal year 1991. I believe this is the most significant budget the Congress has considered in a decade or more. It is significant not only because of what it contains but also because of the unique time in history in which we have the good fortune to be serving in this body.

Some 170 years ago, Thomas Jefferson, in a letter to John Adams, wrote the following:

> The flames kindled on the Fourth of July 1776, have spread over too much of the globe to be extinguished by the feedable engines of despotism; on the contrary, they will consume these engines and all who work with them.

I don't think Jefferson expected that we would have to wait until near the end of the 20th century for his words to come true. But the "engine of despotism" are being consumed day by day around the globe, and we are closer than we could ever have imagined to the day when the flames kindled by our own Declaration of Independence spread to all mankind.

In a time of dramatic and inspiring change around the world, we cannot respond meekly any more than did the founders of our Nation.

As we begin this debate on the budget, let us not forget that budgets are not just dollar signs and numbers. They represent priorities and commitments—what we stand for as a nation. Today, we have an opportunity to reorder our priorities—to recognize that it is time to rebuild America, restore our economic leadership in the world, and begin to address the painful unmet needs which have grown in our society over the past decade.

In order to accomplish these goals, the President and the Congress—together—need to make some tough choices. If we are going to eliminate budget deficits and address the needs in our society that are virtually crying out for attention, we need to engage in a cooperative effort. Frankly, that will not occur in a divided government as long as either political party seeks to blame the other for the inevitable sacrifices involved. And until it does occur, it is up to the Congress to move forward with the budget process.

The budget resolution adopted by the Budget Committee responds to the fact that the greatest test of our Nation's leadership in the 1990's will not be a military one but rather the challenge of competing in an increasingly complex economic environment and addressing our society's equally complex problems.

It responds in a very strong way to the unique opportunity provided by events in the Soviet Union and Eastern Europe and to the challenges we now face as a nation.

Our budget contains the following elements:

First, it is a 5-year transition budget that reorders spending to reflect changes in the world. It contains a gradual reduction in defense spending accompanied by new investments in critical policy areas like education, research, health, housing, transportation, and drugs. These investments are as essential as they are overdue.

In this respect, the contrast between the President's budget and the committee budget is clear: The President talks about education; the Democratic plan includes an investment of $2.5 billion in key education programs—five times that proposed by the administration. The President talks about the crisis in transportation; the Democratic proposal commits $1.3 billion more to this effort than does the administration. The President talks about a "kinder and gentler" society but proposes to cut key housing and child nutrition programs; the committee proposal increases funds to meet those needs. And we propose an increase of $2.1 billion for programs to improve the Nation's competitiveness and provide economic adjustment assistance for those affected by defense cuts; the President proposes cutting these programs by $825 million.

In addition, this budget, for the first time, removes Social Security from the deficit calculation and achieves a budget surplus without including the Social Security surplus in fiscal year 1995, the fifth year of the plan. It does so despite using more realistic economic assumptions than the administration's beginning in fiscal year 1992.

The resolution meets the Gramm-Rudman deficit targets for fiscal year 1991 through 1993, again with more realistic economic assumptions. It achieves a Gramm-Rudman deficit of $63.75 billion in fiscal year 1991, when the target is $64 billion; $16.1 billion in fiscal year 1992, when the target is $28 billion, and a surplus of $2.35 billion in fiscal year 1993, when the law requires a balanced budget.

The fact is, this budget produces greater net deficit reduction than the President's budget in every one of the 5 years it covers. Over the 5-year period, it achieves $382 billion in deficit reduction, compared to $299 billion in the President's budget.

Finally, also for the first time, the reconciliation legislation required by the resolution must produce savings over a 5-year period, as well as in the first year. This will discourage both tax and spending measures which produce short-term savings but have substantial long-term costs.

I would like to address some of the specific areas of the budget. The first is the defense budget. The committee budget sets defense spending at a level of $283 billion for budget authority and $295.5 billion for outlays. These represent reductions from the CBO baseline of $32.8 billion in budget authority and $11.5 billion in outlays. These reductions are the first in a multiyear policy that is intended to reduce defense spending by 25 percent by fiscal year 1995. This is a gradual and prudent decline in defense spending that recognizes the obvious and irreversible weakening of the military threat to this country and to our allies. It is a significant reduction that is well within the recommendations of many defense experts and is flexible enough to change in response to changing conditions. Indeed, even by 1995, funding would be only 12 percent less in real terms than the average funding for defense from 1950 to 1980, a period encompassing the Korean and Vietnam conflicts and the height of cold war tensions.

About half of the savings from defense would go to deficit reduction in fiscal year 1991. The other half would be used to make long-overdue investments in critical areas like education, research, health, housing, and transportation in order to restore the Nation's economic edge and its human commitments.

The investments are divided into seven categories.

The first is competitiveness. We propose investments in programs to improve the Nation's economic competitiveness in order to restore our Nation's economic leadership in the world for the 1990's and beyond and to assist workers affecated by economic change and defense reductions to find and qualify for new jobs.

These include support for basic research, new and expanded math and science education programs, increases for the National Institutes of Health for new researchers, support for the development of technologies which can be used in the private sector, and programs to help U.S. businesses to compete in the world market.

The next category is investments in children, who are this Nation's future. We propose large increases in education programs with proven track records such as compensatory education and Head Start. We also include the resources needed to fund the child care legislation already passed this year by the House as well as a new program to help the growing number of abused children of chemically dependent parents.

The third category is investments in nutrition, health, and housing which are designed to help mend the frayed safety net that is supposed to protect our most disadvantaged citizens. Major investments are propsed in low-income and rural housing programs and homeless assistance programs. The nutrition investments expand and strengthen the Food Stamp Program, particularly for those who face high shelter costs, the Temporary Emergency Food Assistance Program, and the WIC Program. The health program investments include expanded Medicaid assistance to reduce infant mortality and improve care of children, the frail elderly, and the mentally retarded, and substantial increases for AIDS research, education, testing, and prevention.

Next, the committee proposes investments in the areas of science, research, and space to create knowledge and improve economic competitiveness. These include additional resources for the National Science Foundation, research programs at the Department of Energy, and a series of NASA programs, including the space station, the Earth Observation System, and other manned and unmanned space programs.

The fifth category is investments in human security. These are programs that address the serious drug and crime problems plaguing not only our large cities but also small towns and rural areas.

The sixth category is investments in environment and infrastructure. These include investments in transportation, specifically the Nation's highways and aviation programs; the Environmental Protection Agency to handle its rapidly growing workload; Superfund to clean up abandoned hazardous waste sites; and land acquisition to help preserve our natural resources by the addition of national park land, forests, refuges, and other preserves.

The final category is international democratic development. With free elections bringing into office democratic governments from Nicaragua to Poland and with citizen uprisings toppling totalitarian governments in other Eastern bloc countries, this funding is critical. The flames of liberty are spreading before our eyes, and we have an obligation not to douse those flames but to help make sure they flourish by helping these countries to develop democracy and promote economic growth. The committee recommendation contains funding for a new package for emerging democracies in Eastern Europe as well as new initiatives in the Caribbean, the Philippines, Nicaragua, and Africa.

Finally, the committee budget also reverses a number of unfair and discriminatory domestic spending cuts proposed by the President. It assumes, unlike the President, a full cost-of-living adjustment for all retirees, including not only Social Security retirees but also Federal, military, and civilian retirees. It also provides for a full 4.1 percent cost-of-living pay adjustment for Federal civilian and military workers to take effect in January 1991 compared to a 3.5 percent increase in the President's budget. It also substantially reduces cuts proposed by the President in Medicare and in farm programs.

Mr. Chairman, we have a unique opportunity to shape the future of our country and indeed the world. Regardless of political differences, the Nation's leadership cannot afford to ignore that challenge. This budget makes the most of the opportunity. It presents a clear alternative for the Nation. If it passes the House and if the Senate passes a budget as well, it can set the stage for the kind of cooperation between the Congress and the administration that is essential to the future of our Nation. It's a rare opportunity for our country at a rare time in our history. We cannot afford to miss it.

□ 1710

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. PANETTA] has consumed 7 minutes.

Mr. FRENZEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today's debate represents only the quarter finals in this year's budget playoffs. It is only a preliminary step toward what we all hope will turn out to be a championship multiyear budget agreement that balances the budget without relying on annual Social Security trust fund balances.

The budget resolution reported by the Budget Committee represents a bargaining position for the House Democrats. They understand, as do we, that this document will not be the one that guides fiscal policy.

Similarly, the President's budget submitted in January lays down his starting point for negotiations. We candidly admit that now, only 4 months later, this document is out of date in a number of important respects. The events in Eastern Europe and in Central America are only partially recognized. The need for working capital to deal with ongoing savings and loan problem was known in January, but the procedures for raising the working capital had not been agreed upon and therefore are not reflected in the President's budget. The unlying economic assumptions, used also in the Panetta budget, seem less

likely to be realized. Therefore, even as a bargaining position, the President's budget will need some updating.

Everyone participating in this debate understands that this is not a "real" exercise. The Director of the Office of Management and Budget tells us that because of slower than expected growth in the economy in the last quarter and other factors including the need to raise working capital for the S&L situation, realistic projections for the fiscal year 1991 deficit are at least $8.5 billion higher, and could be as much as $20 billion higher, than initially forecast.

Neither the President's nor the Democrats' budget if fully implemented would reduce the deficit enough to avoid a massive and disastrous sequester in October. And we must be frank—neither of these budgets is likely to be fully implemented. The President's budget assumes a number of policies and results which have scant chance of coming true. The Democrats have gleefully adopted those policies and cynically added a few more of their own.

So what we have here are bargaining positions, not blueprints. The measure of success in today's debate will not be whether one or another bargaining position is adopted. To continue the analogy, it will be whether this step moves us to the semifinals, and then on to the real bargaining table where Congress and the President can compromise their differences and agree to a multiyear approach that will balance not only the Gramm-Rudman budget but also the non-Social Security portion of the budget. Implementation of that final policy document will constitute the final victory match. If we play it properly, we can all be winners.

I would like to focus for a few minutes on the kind of position the Democrats have staked out in their budget resolution. In many respects, it is a typical Democratic plan. It raises taxes, cuts defense, and spends a lot of money, down payments on expensive domestic initiatives.

The Democrats' budget is first and foremost a tax bill. It nearly triples the Bush revenue recommendation.

Plugging in President Bush's proposed $13.9 billion in fiscal year 1991 revenues is only the Democrats' starting point. Under the Bush proposal, annual revenue increases dwindle to $5 to $6 billion by fiscal year 1995, but under the Democrats' budget annual revenue increases grow to $23 billion. Thus over the 5 years, the Democrats would rake in over $100 billion in tax increases, more than twice as much as the $42 billion under the Bush plan.

But that's not all. The President's $13.9 billion revenue increase for fiscal year 1991 includes three items that the Democrats would impose on top of the $13.9 billion. These three items are: The collection of $3 billion in additional revenues as a result of beefing up the IRS budget and implementing IRS management reforms; $1.55 billion from extending the telephone excise tax; and $0.9 billion from stabilizing the collection of payroll taxes. Adding these three items to the $13.9 billion brings the Democrats' total new taxes to $19.4 billion in fiscal year 1991 and $117 billion over 5 years.

For good measure, they complete the revenue package by giving the Ways and Means Committee open-ended permission to raise additional taxes to pay for entitlement expansions above and beyond those spelled out in the budget resolution.

We are particularly disturbed by the levels established for defense spending in this budget. The $33 billion cut in budget authority and $11.5 billion cut in outlays are not based on a coherent strategy for building down the Nation's defenses in response to a careful assessment of reduced threat. Instead, the cuts are derived by deciding how much money was needed to finance new expensive initiatives, and then simply pretending that much money could be safely cut from somewhere.

The Budget Committee does not know how—or whether—these cuts can be accomplished in reality, and neither do the Armed Services Committee nor the Appropriations Subcommittee on Defense. It is doubtful that Congress can agree to any combination of immediate military personnel layoffs, abrupt production line halts and base closures necessary to comply with the sudden, sharp defense reduction required to achieve this budget. Other Members will discuss this problem at great length so I will not dwell on it here, except to observe that we should not be cavalier about destroying the investment we have paid so dearly for over the last decade. We need a builddown, not a meltdown, to quote Senator PETE DOMENICI.

We agree with our Democratic colleagues that United States defenses can and should be reduced in response to developments in Eastern Europe and the Soviet Union. But we disagree strongly with them on how much of this reduction can be accomplished in fiscal year 1991.

After cutting defense and raising taxes, the rest of the Democrats' budget runs true to form in avoiding any specified serious cuts in our nondefense Federal spending. True, some tough-sounding savings are mentioned, but checking the fine print shows that over $9 billion in savings have not been reconciled for fiscal year 1991. That means they cannot and will not be realized.

Under Gramm-Rudman, the budget process focuses heavily on the outlay figures and often neglects budget authority. Because of the massive military cut in budget authority contained in the Democrats' budget, their total budget authority for fiscal year 1991 is actually $8.4 billion lower than President Bush's. Last year, the Appropriations Committee had a very difficult time living within their allocation of budget authority and several subcommittees restored to highly ingenious and creative accounting wizardry. If they have to adhere to the BA level established in the Democrats' budget resolution, it may become necessary to borrow from domestic subcommittees to help cut defense or to raid slow spending accounts to finance more immediate program needs. I do not think that the Congress is prepared for what this budget authority level will mean.

In fact, the Democrats' budget provides for increasing domestic discretionary programs $18 billion above their 1990 levels. And new initiatives worth $97 billion over 5 years get the go ahead, including nearly $15 billion in permanent entitlement increases. This is no way to cut the deficit.

Particularly troublesome is $7.2 billion in Medicaid increases over 5 years. States whose budgets are already strapped will be forced to match the cost of these Federal mandates. For this reason, Governors take strong exception to this budget.

Having described where Democrats and Republicans differ, I would like to point out one important item on which we agree. We are all strongly in favor of moving just as quickly as possible toward balancing the budget without counting the cash excess in the Social Security trust fund. It is important that the Social Security trust fund pile up net savings for the Government over the next two decades so that the baby boomers retirement can be paid for without bankrupting the Nation. To do this we must stop using the Social Security trust fund to finance annual deficits in the rest of the Government's budget.

Budget resolutions are plans. They do not, in and of themselves, change the law regarding the calculation of the Gramm-Rudman deficit or surplus. To do that, separate legislation must be passed and signed by the President.

However, both the Bush budget and the Democrats' budget contemplate reaching a balanced budget not only by 1993 under the Gramm-Rudman rules which include the Social Security trust funds, but also within a few years after that without counting the annual cash excess in the Social Security trust fund. Both accounting and enforcing mechanisms to guide us to budgets that balance without relying on Social Security

The CHAIRMAN. The gentleman from Minnesota [Mr. FRENZEL] has consumed 7 minutes.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentlewoman

from California [Mrs. BOXER], a member of the Committee on the Budget, and a valuable member in her last term on the Committee on the Budget.

Mrs. BOXER. Mr. Chairman, as usual, although the gentleman from Minnesota [Mr. FRENZEL] does not think this budget is real, I think this budget is real. I think it will, in fact, set a standard for the appropriators as soon as they sit down and do their work. I think frankly, for him to say this is a meltdown of a military budget is an outrage. We are spending in outlays $1.5 billion out of a $300 billion budget, $1.5 billion less than last year. If that is a meltdown, I do not get it. As a matter of fact, there are many Members who will support the quality-of-life budget as well as the Democratic budget as a protest against the high number in our outlays in defense.

Mr. Chairman, let me say I have enjoyed working under your leadership, although this is my last term on the Committee on the Budget. I was very proud that the chairman appointed me to head the Health and Human Services Task Force.

The reason I am proud of this Democratic budget is it really looks at what the President gave Members, it uses the same number of revenues, it comes out with the same deficit. It is the same level of spending, but the priorities are clearly Democratic priorities. Frankly, Mr. Chairman, I think that is why the people of America decided they wanted a Democratic House, because they take a look at the Bush budget, and what do they see? It decimates Medicare, it does not give anything to medical research on diseases that are the real threat to our country such as Alzheimer's, heart disease, cancer research, and AIDS. This Democratic budget looks at those dollars and says that that is where the threat is. The threat is that our kids are not getting educated. The threat is that we are losing our kids to drugs, and we take those same spending dollars, but we put a Democratic stamp on it. Mr. Chairman, I am very proud of your leadership in this regard.

I want to make one more point that I think is very, very important. I would hope that we do not wind up at a summit, because if we go to a summit, then all the power of the Presidency will come down upon Members and we will see higher numbers in the military, even though, Mr. Chairman, the world is changing.

□ 1720

We spent $175 billion defending NATO from the Warsaw Pact, and now the Warsaw Pack wants to join NATO. As a matter of fact, my colleague, the gentleman from Illinois [Mr. DURBIN], said the other day at the Budget Committee, "We always feared that the East Germans would come over to West Germany with millions of people, and they did, and they went shopping."

The fact is that we won the cold war. These are changing times. Why would we want to point our missiles at nations that are embracing our way of life?

I think as this debate unfolds, we will find that this Democratic budget takes us in the right direction. I also think that many of us will find comfort in the Black Caucus budget and the quality of life budget, and I predict we will defeat the President's budget because it is not kinder, it is not gentler, and it does not take into account the new military realities we face today.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], a member of the Budget Committee.

Mr. GOODLING. Mr. Chairman, early on in my tenure on the Budget Committee, I witnessed the establishment of the Gramm-Rudman-Hollings process, and it was created to supposedly control, reduce, and ultimately eliminate our huge Federal budget deficit. However, instead of allowing for an orderly approach to deficit reduction, it really has provided Congress with the magical ability to make cuts without doing any cutting, a feat for which Harry Houdini would have been proud.

Let me give one example. We said last year that we were going to be down to a $100 or $110 billion deficit. We knew very well when that budget was presented that we were not anywhere near it, and I am sure that most people would indicate today that maybe we are at $150 or $160 billion. Who knows what that deficit will be?

In my 6 years on this committee, I have seen budget summits, bipartisan budget agreements, and differing degrees of partisanship and bipartisanship in the annual struggle to produce a Federal budget. The final result in most instances has been less than satisfactory, and in fact the only budget deliberations involving a bipartisan effort happened last year, and that was more the result of a mistake than anything that was planned.

Despite the able and professional leadership of the chairman, what does the committee have to show for its efforts this year? I will let the resolution speak for itself. Without belaboring the point, it is obvious that contributions from both the majority and the minority on the committee, complimented by input from the administration, are necessary to allow the budget process and the budget resolution to reflect an accurate picture of our Nation's needs and priorities.

The process, the politics, and the people invovled in crafting and adopting a Federal budget change over time, but the goal of eliminating the existing deficit remains one of our primary national concerns. Is a fundamental restructuring of the budget process necessary to realize this goal, or can we muddle toward a balanced budget through a combination of selective budget cuts and economic growth?

That is the $64 billion question, and particularly in 1991 it is the $64 billion question. The answer becomes more and more obvious every year.

Once again, the budget submitted by the President contains its share of questionable assumptions and shopworn ideas. Once again, the budget resolution reported by the House Budget Committee fails to confront the important fiscal realities and decisions necessary to achieve true deficit reduction, including the cost of the savings and loan industry restructuring. Once again, the committee chooses to use the optimistic economic assumptions put forth by the Office of Management and Budget, and once again the House of Representatives will be forced to consider a resolution which is neither honest nor workable.

Perhaps negotiations with the administration will allow for a better final product for fiscal year 1991. I certainly hope so. The existing budget process is flawed, but a number of constructive solutions have been proposed and I hope that some of those might be implemented.

Specific suggestions for reform such as establishing strict, mandatory timetables to insure prompt consideration of a budget resolution would help to limit congressional procrastination, a time-honored tradition which dooms the process from the word "go." At the least, however, I would argue that Congress must take its fair share of the responsibility for the sad state of current deficit reduction efforts; only then can we hope to address the short comings in the existing arrangement and provide a budget process befitting the seriousness of the task at hand.

As I indicated to the Budget Committee when we met the other day, I am the oldtimer as far as age is concerned there, and I do want to remind everyone that even though we may have studied in our history books that Chamberlain was the appeaser and we give him all sorts of grief because of what happened in the late 1930's and the 1940's, he was not an appeaser because he wanted to be an appeaser; he was an appeaser because he knew the United States, Great Britain, and France could not fight their way out of a paper bag, so he had to appease Hitler.

So I would remind the Members that things look rosy in some places, but I would not get carried away. It seems to me that someone, since we talk so much about the peace dividend, should give somebody some credit for

the fact that perhaps being strong helped cause people to flee from East Germany to West Germany.

We have lost a lot of precious time. We should be presenting the Members today with a summit agreed-to budget so that the appropriators can get on with the business. Instead, we failed to do that. We failed, but I hope within a month we can present the Members with a realistic budget. Certainly not a way to become competitive, as the chairman spoke of, is to go the route of this particular budget that we are considering today. That will do anything but make us competitive.

Certainly we have to get on with the business of summitry. I will vote for the President's budget just to get that process moving forward. We cannot continue just another game of tax and spend.

The greatest unmet need in the American society today is Congress doing nothing about dumping $150, $160, $180, or $190 billion down the drain in the form of interest payments. Certainly that is not a way to make us competitive, and certainly that is not fair to our children who are going to have to pick up this load in the future.

Let us get on with our work. Let us have a bipartisan effort toward a summit so we can have a realistic budget to present to the Congress of the United States and to the American people.

Mr. PANETTA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and Speaker pro tempore [Mr. DELLUMS] having assumed the chair, Mr. GRAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H. CON. RES. 301, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-460) on the resolution (H. Res. 382) providing for the further consideration of the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, which was referred to the House Calendar and ordered to be printed.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1991

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, April 24, 1990 and rule XXIII, the Chair declares the House in Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 310).

□ 1729

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. 310) setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, with Mr. GRAY in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from California [Mr. PANETTA] had consumed 13 minutes and the gentleman from Minnesota [Mr. FRENZEL] had consumed 12 minutes of general debate.

The Chair now recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. GUARINI], who is also a member of the Budget Committee.

□ 1730

Mr. GUARINI. Mr. Chairman, I rise in support of the budget resolution. And I want to commend Chairman PANETTA for hard work, statesmanship, and fairness under difficult circumstances.

I have reservations about this budget. But our committee, and this House, must labor without Presidential leadership.

Under the circumstances, this resolution is the best we could do. It deserves our support.

Mr. Chairman, this should be the year we accomplish real deficit reduction. By doing so, we lay the foundation for the long-term domestic investment our country needs.

As dramatic events unfold in Eastern Europe, even conservatives like Richard Perle have called for a new defense strategy, which requires a changing defense budget.

But as of today, there is no strategy. We debate numbers without strategy, with minimal regard to a rapidly changing world.

As debt mounts—Government debt, corporate debt, consumer debt, Third World debt—we act like a developing country, depending on foreign capital, fearful of decisions made by investors abroad.

This should be the year we hold the line on spending. But it isn't. This should be the day we regain control of our economic destiny. But we won't. This should be the hour we declare our fiscal independence. But we can't.

Mr. Chairman, I fear for the day when Japanese investors have more to say about financing our economy than the Federal Reserve. When bond markets quake, as foreign investors decide how much longer they will finance our deficit. When Wall Street shakes, as Treasury auctions approach.

We need Presidential leadership, a bipartisan budget, and political courage. And we need it now.

Again, the budget before us is the best we can do under these circumstances.

There are some refreshing aspects to this budget. A 5-year reconciliation requirement. A $70 billion reduction in debt service; $250 billion over 5 years in defense outlay savings. Reinvestment in important domestic high priority programs which may go too far, but moves in the right direction.

And there are some not so refreshing aspects as well: $9 billion of unreconcilable "other savings and adjustments," the gimmicks originally proposed in the Bush budget.

All in all, I urge my colleagues to support this budget. Without it, we can all look forward to sequestration. Without it, we have no basis to begin the bipartisan negotiations that America truly needs. Without it, we would not achieve even the $28 billion of real savings that this budget does achieve.

In the end, a "slide by" budget with $28 billion of real deficit reduction is better than nothing. It is better than the painful sequestration that awaits us.

Mr. FRENZEL. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Kentucky [Mr. ROGERS], a member of the Committee on the Budget.

Mr. ROGERS. Mr. Chairman, despite the very able leadership of the gentleman from California [Mr. PANETTA] and the great work of our ranking member, the gentleman from Minnesota [Mr. FRENZEL], I must speak out against this product of the committee on which I am honored to serve.

I say to my colleagues, "If you liked the Dukakis economic policy, you'll love this committee budget. It's full of tax increases, it decimates defense, it shifts huge sums of money from defense to social welfare spending, and it does little for the deficit."

Mr. Chairman, the committee budget will add $100 billion of new taxes over the next 5 years. The committee budget increases domestic discretionary and spending for new initiatives by $97 billion during that same 5 years, including $6 billion of new outlays for new programs in 1991.

Little headway would be made on the deficit, and this document settles the question, once and for all, of who is the party of tax and spend, and tax and spend.

Now the tragedy on defense:

Mr. Chairman, at first blush it might appear that perhaps the United States ought to seriously reduce its heavy sacrifice of money and men and women in the military. After all, 1989 was the year of profound changes in the world.

I wish we could afford to make significant cuts in national defense next year and target those savings toward America's very real domestic needs, especially our huge $3 trillion Federal debt, but, even though we are witnessing the defeat of communism throughout the world, that does not assure the victory of freedom. We still face challenges worldwide that pose serious threats and requires us to use great care in reducing our commitment to defense. Unfortunately, the proposal of the Committee on the Budget does not reflect this responsible build-down of America's national security needs. Instead it is a meltdown of America's military preparedness.

Mr. Chairman, hard realities tell us that we cannot assume that Moscow's current military restraint will continue. Because of its centralized authority, a future Kremlin leader could reverse the Soviet military course quickly and decisively. The United States could face yet another Soviet dictator in a cold war tomorrow morning, a war which we must face from a position of strength.

The Soviet Union could become the site of a massive civil war, the world's first to be fought on ground dotted with 11,000 nuclear weapons. A small number of troops who want freedom for one of their republics could conceivably take over a Soviet military base and its nuclear weapons and literally hold the world hostage.

Meanwhile, the diffusion of high technology weapons to potentially hostile nations has greatly complicated the global security picture. At least a half dozen nations are working to acquire nuclear capabilities, and a disturbing number of Third World countries are acquiring sophisticated military arsenals, including long-range missiles and chemical and biological weapons. Iraq, a nation that exterminated thousands of people with poison gas during its war against Iran, now threatens to turn its toxic chemical weapons against Israel.

Moreover, Mr. Chairman, as events in the Middle East have demonstrated time and time again, dependence on imported oil for energy is a national security issue. Sadly, 16 years after the first oil embargo shocked the world, we failed to learn the lessons of history. Between 1984 and 1988 imports from the Persian Gulf jumped 113.5 percent, and, from OPEC alone, by 50 percent. As our reliance on OPEC oil continues, America may find itself compelled to act in the Persian Gulf to forestall any efforts that threaten our national security.

The newly free nations of Eastern Europe are still in danger. Winning an election or a revolution is difficult, but far more difficult is running a post-revolution government. Now that the people of these countries have rid themselves of communism, they face direct challenges in developing free markets, many for the first time in their history. During this transition millions may lose jobs, and prices will skyrocket, and drastic changes will take place. Those changes, along with the resurgence of ethnic conflicts, could ignite wars in Eastern Europe.

Mr. Chairman, how has the Democratic leadership responded to these challenges around the world? They slash $33 billion in spending authority from the baseline, and they cut $11½ billion in outlays in 1 year. Cutting $11.5 billion in outlays will mean huge cuts in manpower, military training and readiness, research and development, and regular maintenance of our equipment. It is a price we simply cannot afford to pay that quickly.

According to congressional estimates, the cuts for personnel could be as many as 200,000 active duty personnel and approximately 60,000 civilians in 1 year. Our budget decisions must reflect what the Secretary of Defense has called his top priority, preserving the high quality of American forces. If anything, the new global environment makes our personnel even more important.

□ 1740

In the coming decade, U.S. technological superiority will become more important and even more difficult to maintain. Considering the smaller size of our force and especially the global proliferation of advanced weaponry, U.S. forces must sustain their qualitative edge and take advantage of technological progress.

Unfortunately, the committee's defense numbers translate to an $8 billion reduction in spending authority, a $4 billion outlay cut in research and development, which will greatly undermine our doctrine of military deterrence and flexible response.

The Defense Department is continuing to modernize its procurement programs to avoid costly stretchouts, continue efficient rates of production and promote the introduction of new, more survivable weapons.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. FRENZEL. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. ROGERS. Although the President's budget continues this philosophy to cut marginal programs or those nearing completion of production runs, the Budget Committee cut $17 billion in spending authority and $3.5 billion in outlays for 1991, and we simply cannot afford it.

Mr. Chairman, we face great global uncertainty. America's best stance is steadiness in defense policies and posture. The Soviets have not made the mistake of equating withdrawal and restructuring with disarming, and neither should we.

We can afford some defense cuts, but they must have a comprehensive policy and strategy behind them. The defense cuts in this budget are not based on a coherent strategy and do not prepare us to undertake the enormous challenges that still confront us.

I urge my colleagues to vote for the Bush resolution when it is offered Tuesday, a plan that continues our steady decline in defense funding at a prudent and efficient pace, and if it fails I urge that we send this committee resolution back to the committee for further work. Let us not whittle America's future away in this first year by these huge cuts.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. WISE], also a member of the Budget Committee.

Mr. WISE. Mr. Chairman, I appreciate the opportunity to speak to this budget. I think it is an excellent juxtaposition to have this budget presented by the Democrats versus the Bush budget, because I think it gives us a chance in this House to fully debate the priorities in this country, because that is what a budget is all about. The budget is debating priorities, and when we prepare a budget in our homes we decide how much for heat, how much for light, how much for food, how much for leisure, and so it is when you prepare a budget for the Federal Government, you also are preparing a budget for how much for education, how much for defense, how much for the vital functions of government. So let us look at the priorities.

The Bush budget, starting out with health and senior citizens, would cut $5.2 billion over the next year. That is $5.2 billion on top of a $2.5 billion cut last year.

What is the result? The result, for instance, in many of our rural areas is more hospital closings. We had five rural hospitals close in the last 18 months in the State of West Virginia. One reason was because of the inadequacy of Medicare. This would only compound that problem even more, adding $270 to every private pay patient's bill. That is not going to be sustainable very long by our rural hospitals.

On the other hand, the Democratic budget would cut only $1.7 billion, and that is only the amount that would be

cut should this budget go to sequestration and suffer across-the-board cuts. The result will be hospitals that will not be closing, a higher reimbursement rate, more guarantee of care to our senior citizens.

I think there is a clear contrast. Some are concerned about the defense figure and say that $11.5 billion in outlay cuts is too much, that is from the Democratic budget, but let us put it in perspective, in perspective now of what the defense budget would be if you operated at the base line $306 billion, the President himself recommended a $4 billion cut, $11.5 billion in spending next year.

Are we saying that we cannot get that out of a budget of that magnitude? Surely we jest.

So it seems to me there are people who recognize the need to reduce defense fund spending. Look at what is happening in the world around us in Eastern Europe, Nicaragua which just inaugurated a new president, the Soviet Union, what is occurring there, and to suggest that we ought to continue funding at the same level, that type of defense establishment, I think flies in the face of reality.

Some have called this a meltdown. I think in light of what is happening in the talks that are taking place and will be taking place for nuclear reduction, this is not a meltdown. It is a dealtdown. We want the President to be negotiating and to be dealing down the size of defense expenditures on both sides.

I point to some other favorable comparisons between the House budget, the Democratic budget, and the Bush budget. The Bush budget, for instance, cuts the money for highways from last year. The House budget, the Democratic budget, not only restores what the President would cut from our vital highway program, but enlarges it so that it is over $1 billion more than what the President proposed. That is not just laying out miles of highways, filling potholes, building bridges, but that also goes toward creating jobs. Every dollar spent in this type of public investment yields more tax revenues, yields more economic opportunity.

The same in aviation airport improvement grants. We know that 18 of our major airports are badly congested. That number will double in the next decade. The Bush budget would cut back that program. This budget adds to it, so that we can continue forward, recognizing that the dollars spent today yield many more returns.

Education and NIH, the National Science Foundation, and going back to the NIH, when you are talking about vital cancer research, those things that make us healthier, those things that make us more competitive, the House budget, the Democratic budget, continues those initatives. The Bush budget, of course, either holds them at last year's level, in some cases gives them a slight increase, and indeed in some cases cuts them.

So I think the comparison is clear. For my State of West Virginia, there is no comparison. If you are talking about moving ahead, if you are talking about preparing for the future, if you are talking about Head Start, if you are talking about women, infants and children, if you are talking about education, if you are talking about infrastructure, if you are talking about economic development, if you are talking about all these things that go to make our way of life better to move us forward, then you have got to take the Democratic budget. The Bush budget offers nothing. It simply is a palliative to the past. The Democratic budget begins to move us ahead.

I urge that my colleagues adopt the Democratic budget and put this country on a steady process of investing in itself.

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Louisiana [Mr. McCRERY], another member of the Budget Committee.

Mr. McCRERY. Mr. Chairman, at the risk of confusing everyone, I am going to try to talk a little bit about budget authority and outlays. The major of the members of the Budget Committee, wanting defense to shoulder as much of the burden as possible in reaching the Gramm-Rudman target for 1991, picked out of the air a high outlay cut of $11.5 billion from the 1991 base line; but then when told that the easiest place in the defense budget to cut outlays is the personnel accounts, the Democrats on the committee said, "Well, we don't want all these cuts to be taken out of personnel, so we'll set a very low budget authority number, a high cut, a $30 billion cut in budget authority from the base line, and that will force the DOD to cut weapons programs."

Well, they were right, but what would they have us do? If the outlay and budget authority numbers chosen by the Democrats on the Budget Committee were to be put into law, this country would have to make unconscionable cuts in both personnel and weapons systems.

Why? Because to get the deep outlay cut proposed by the majority on the Budget Committee, you have to cut fast spending programs like personnel, and to get the deep budget authority cut proposed by my Democratic colleagues, you have to cut slow spending programs like weapons procurement, like strategic modernization programs designed to keep this country's nuclear deterrent credible and effective into the next century.

Let me give you an example of the extent of the cuts necessary to reach the budget authority and outlay numbers chosen by the Budget Committee majority. You might have to cut 200,000 active military personnel. You have to cut in addition to that 60,000 civilian personnel, and that is not all.

□ 1750

Then we get into the weapons programs. We might have to terminate the B-2, the D-5 missile, the SDI Program, the small ICBM Midgetman, the MX rail garrison program, cutback on the Trident submarine, plus three conventional programs, the Arleigh Burke destroyer class, the SSN-21 submarine, the attack submarine, and the F-16. Another example of what we might have to do to reach that combination of outlay cuts and budget authority cuts is cut 200,000 military personnel, do away with two Army divisions, one carrier battle group, one air wing of the Air Force, one Marine Corps expeditionary brigade, four Air Force tactical air wings, plus a whole list of programs here. I have about 12 programs here that would have to be cut or delayed to reach that budget authority number in the outlay number.

Mr. Chairman, there are many other possible combinations to reach those numbers, all equally bad, but that example gives us some idea of the size of the cuts which will be necessary if this budget is adopted by the Congress.

The bottom line is that we find defense is in danger of being driven solely by the budget and not by the legitimate security needs of this country. That, Mr. Chairman, presents a risk that this body ought not take.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I wish to congratulate the Committee on the Budget for the hard work that they have put into this document. As the gentleman from California knows, for a number of years I have been expressing concern and attempting to change the method of accounting of our Social Security and other trust funds. For a number of years those trust funds and Social Security and other trust funds have been used to distort the true deficit that the Nation faces.

Last year I went before the Committee on Rules and attempted to get permission to offer an amendment that would take Social Security and other trust funds off of the operating budget and to place the accounting for those programs in separate categories so that they would not confuse the manner in which those funds were operated.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I am happy to yield to the gentleman from California.

Mr. PENETTA. Mr. Chairman, I thank the gentleman for yielding.

The gentleman is absolutely correct. He was one of the first to discuss the issue of trying to focus on the non-Social Security deficit and unmask the real size of the deficit so that we would not be using the surplus from Social Security to do that. That has been an issue now that I think there is a broad consensus in the Congress that I think we have to focus on that non-Social Security deficit. The gentleman was there originally and speaking to this, and I commend him for the contribution.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for his statement.

All trust fund money, whether the revenues come from outside the Government or from within, are earmarked to pay for specific obligations. They are not intended to pay for the general obligations of the Federal Government nor to be used in order to offset the deficit.

It concerns me that since 1982 the Government has literally borrowed billions and billions of dollars from Social Security trust funds to operate the Government. In fact, if we draw a time line out forward indefinitely, by 1998 my calculations predict that if nothing is changed that we will have borrowed over $1 trillion from Social Security trust funds.

I want to congratulate the gentleman for making a step away from that direction, and I think taking Social Security trust funds off of the budget is a step in that direction.

Mr. Chairman, I would like to spend a moment complaining about a matter that is of great importance in my district. That is the question of the budget as it applies to farm programs.

This budget proposes to cut farm program spending by $800 million just next year, and by $8.1 billion over a 5-year life of the farm bill that is now being prepared by the various committees having jurisdiction over that bill. Let there be no mistake, the 1990 farm bill that is yet to be sent from the Committee on Agriculture to the Congress for debate is being written right here this evening as we debate the budget resolution.

The agriculture policy for the 1990's is a numbers game, and the numbers that we put into the budget will drive the farm policy. For example, the wheat farmers in Arkansas will receive a smaller payment because of the numbers in this budget. The rice farmers will likewise be paid less on their deficiency payments on Government programs. The cotton farmers will likewise be experiencing smaller deficiency payments as target prices are cut by this budget resolution, and if this budget resolution goes into effect, the soybean farmers in Arkansas and all throughout the country are almost certainly going to be the biggest losers.

This budget resolution message to the soybean farmers is. "Forget all the brave talk earlier this year about a marketing loan for soybeans." The budgeteers know that the soybean marketing loan would cost money, and that under this budget resolution that money would have to come out of programs for other crops, and there simply will not be money available with which to fund a soybean program which is needed to provide for crop protection for the soybean farmers.

This budget resolution completely ignores the needs of those soybean farmers in Arkansas and across the South that are looking to Congress for protection for their products.

I would like to compliment the committee for increasing funds to fight the drug war. As we all know, Congress has tried to provide more funds to fight the drug war for a number of years. The current administration has offered a plan that has accelerated funds with which to fight the drug war, and the Congress, of course, is accommodating that plan in every way.

But I am very disappointed about the funds allocated for education. I personally feel that we are neglecting our youth and forsaking the future of this country by the low priority that our Nation places upon education of the youth who must be prepared to compete in a global economy in order for our Nation to be competitive during the years ahead.

Again, I thank the gentleman for his yielding to me.

Mr. PANETTA. Mr. Chairman, I yield myself 2 minutes to respond to the gentleman from Arkansas on those issues.

Mr. Chairman, I recognize his concerns about agriculture. But, as the gentleman knows, the President cut out of farm programs something in the vicinity of $1.5 billion, and then if we add agricultural cuts in the Department itself, it is in excess of $2 billion that was cut out of agriculture. We, in this budget, have cut only $800 million from the farm programs, and we believe that that does help provide the room that the committee will need to try to respond to the needs in agriculture.

With regard to education, our view here is that the President talks about education but cuts education.

What we have placed in here is a $2.5 billion budget authority figure which is five times what the President has presented, and we think more than sufficient to try to at least begin to meet the needs of the future in terms of this Nation.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, compared to the President's budget, this budget, of course, is much better for education and for the farmers. Is the gentleman saying that the President would cut the farm programs about three times greater than the budget resolution that is presented to us offers to cut?

Mr. PANETTA. The vicinity of in excess of $2 billion when we consider cuts in the Department itself.

Mr. ALEXANDER. If the gentleman will yield further, the gentleman serves on the Committee on Agriculture. Would he try to explain to me the position that the soybean farmers might find themselves in in the President's budget compared to this budget? Is it not true that the soybean farmers are out in the cold on either budget?

Mr. PANETTA. There is no question that under the President's budget on the farm program of $1.5 billion cut out of farm programs, there is no question that not only the soybean farmers but all the farmers who depend on these programs are going to be seriously hurt. We think the number in the budget resolution gives the committee the flexibility to try to develop a proper farm program for the future.

Mr. ALEXANDER. If the gentleman will yield further, I appreciate very much the gentleman taking time to make that explanation and to provide some insight into the farm program here today.

□ 1800

Mr. FRENZEL. Mr. Chairman, we are about to pass into phase 2 of the general debate under the heading of the Humphrey-Hawkins debate.

Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this debate on the Humphrey-Hawkins portion relates to economic conditions and our efforts to have full employment along with strong growth.

I think it goes without saying that the most important thing that this Congress can do to give us both of those wonderful goals, or to draw us closer to them, is to get rid of the deficit that has been plaguing our economy and our society for the last 20 years. We have a wonderful opportunity to do so this year. I am hoping that once we are able to dispense with these budget resolution preliminaries, we will be able to agree on a massive deficit reduction plan through negotiations with the President.

Mr. Chairman, to handle and manage the Republican debate on the subject of Humphrey-Hawkins and the goals for our economy, I now yield 1½ hours to the gentleman from Califor-

nia [Mr. LEWIS], chairman of the Republican conference and third ranking leader and a distinguished member of the Committee on Appropriations.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the package of economic proposals contained in the second introduction of the American Economic Opportunity Act.

The United States of America was founded on the principles of opportunity and the freedom of all individuals to make use of the opportunities with which they are presented. Lowering the cost of capital, offering incentives for savings, growth and investment, encouraging free trade, and requiring a responsible Federal Government to balance its budget are all legislative proposals that would expand opportunities rather than limit them.

While opportunity is the foundation of America, the "American Dream" has always included the opportunity for Americans to be able to purchase their own home. However, throughout the 1980's, the number of individuals under the age of 50 who own their own homes has been steadily declining. This decline is certainly related to the increasing cost of housing in most parts of the country.

At the outset of the 1980's I introduced legislation that would help Americans reach that "American Dream." My legislation would permit first-time home buyers to make penalty-free withdrawals from their individual retirement accounts (IRA's) to cover the costs of a downpayment. In the 101st Congress, I reintroduced my first-time home buyers legislation as H.R. 243, and I am very pleased that both President Bush and Department of Housing and Urban Development Secretary Jack Kemp have endorsed the proposals, and that it has been included in the American Economic Opportunity Act package of legislation.

First-time home buyers face a tremendous obstacle in the cost of a downpayment for purchasing a home. During 1989 in California, the median price of a home purchased by a first-time buyer was $162,500. That is a 16-percent increase over what first-time buyers were paying in 1988. I think that you will agree that a price tag like that is a substantial financial obstacle, especially in these days of declining savings rates. The first-time home buyers proposal encourages increased IRA savings while also combating the skyrocketing cost of housing.

In addition to the personal rewards of homeownership, it also has other significant and far-reaching implications for communities across the United States. Homeowners pay property taxes which support our school districts. Their taxes also help to finance many vital local services such as police and fire protection.

Clearly, homeownership will continue to play a central part in the "American Dream," and the ability for first-time home buyers to make penalty-free withdrawals from IRA accounts will increase the opportunity for Americans to reach this dream. I urge my colleagues to support both the legislative proposals and the greater economic goals of the American Economic Opportunity Act.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it seems to me that this is somewhat like deja vu all over again. Last year several Members took to the floor during the Humphrey-Hawkins portion of the budget debate to highlight a Republican economic agenda. Much of that agenda was made a part of the American Economic Opportunity Act, of which a large portion was either passed by this body or is now under review by the executive branch.

Today, we again meet to discuss the Republican economic proposal, this time contained in the American Economic Opportunity Act, part 2, which I will be introducing in this body shortly.

Like its predecessor, it contains a sampling of GOP economic proposals that will propel our economic success through the 1990's. The surging economy we have witnessed these last 8 years is unparalleled. We are in the 89th consecutive month of the longest peacetime economic expansion in our history. Even after inflation, the economy is $1 trillion larger than it was in 1980.

This economic growth created 19 million new jobs and generated hundreds of billions of dollars of additional income for Americans.

The picture is not perfect, of course. It never is. But we have witnessed steady progress of late in everything from the trade deficit to personal savings.

In past years some of my friends on the left have espoused the view that the government should play a central role in fine-tuning our economy. We are seeing a resurgence of late of their calls for industrial policy. They are like, at least to me, runners who fall before crossing the finish line because they are more prepared psychologically for economic defeat than victory. Those same friends feel more at home making their annual predictions of recession that taking part in efforts to advance the economic opportunities of the American people.

Since 1982, the economy has grown an average of 3.9 percent per year. Last year we created 2.4 million jobs. Real per capita income, the after-tax income available to the average American, has grown 20 percent in the decade of the 1980's. Even the trade and budget deficits have been showing declining growth.

These are more than statistics. They are representations of a single truism: the degree to which individuals and businesses are restrained from achieving their enormous economic potential is directly related to the degree of government involvement.

On balance, our economic growth has truly been amazing. This economic progress is no accident. It is based on sound Republican principles that strive through low taxes and higher incentives to create an environment in which American ingenuity and effort can prosper.

Mr. Chairman, I will be yielding today to many of the people who have developed legislation adhering to these principles. Most of the proposals are part of either part 1 or part 2 of the American Economic Opportunity Act.

Before I yield to my colleagues, I will say for the RECORD that I will be taking part in the special order on the floor in the near future to discuss our economic legacy of the 1980's, and how that involvement has had unparalleled impact and success relative to the benefit to the American people. But for now, we will concentrate on our future.

Mr. Chairman, it is at this point I would like to begin to yield to Members who have specific concerns about our economy and have made a part of the contribution of which I speak.

Mr. Chairman, it would appear that my colleagues or the other side might have some comment regarding either their comments or my comments before I yield another hour and a half.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, what we would like to do is continue the camaraderie of exchanging thoughts on both sides of the aisle, rather than consuming all of the time on one side.

Mr. LEWIS of California. Mr. Chairman, indeed that would seem appropriate, especially since the gentleman from California [Mr. PANETTA] has been more than generous with me in the past, and I know his remarks will be both restrained and refined.

Mr. PANETTA. Always. Always.

Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, before I proceed with the remarks I intended to make, I simply want to take note of the fact that this is the first public opportunity I have had to express my regret that the gentleman from Minnesota [Mr. FRENZEL] has taken an ill-advised decision to leave this place. I simply wanted to say that since we have served together for a good many years, I regret that the gentleman is making that decision, or that he has taken that decision, and want to wish him well in whatever he does once he leaves this puzzle factory. He has given a lot of good years of public service to the country, and I congratulate him for it.

Mr. Chairman, the moral purpose of government is supposed to be to maximize the possibility for each individual human being to reach his human potential. The economic purpose of government is supposed to be to establish policies and conditions which expand

economic opportunities for American families to help them realize their fullest human potential. We are supposed to try to see to it that those opportunities are available to every human being simply based on his or her own humanness, not their income.

Yet in my judgment the decade of the 1980's has represented a flight both from responsibility and at the same time a flight from an abandonment of economic fairness.

In the actions of the government of the last 10 years, which have essentially doubled the military budget, we have a consequence of that and other actions taken in the budget cycles seen a real reduction in the investments that we make domestically. Not consumption programs domestically, but domestic investment programs.

We have seen those programs decline 30 percent in real dollar terms, and we have seen them as a percentage of the budget decline by almost 40 percent. I happen to think that is short-sighted and disastrous.

I would also say that the budget policies of the Reagan-Bush administrations of the last 10 years have effected an incredibly large transfer of wealth to the very richest people in this society.

Just a couple of examples: the real income for most families has been stagnant in the 1980's. In fact, average hourly earnings have declined. One of the major ways that families have tried to keep up with the cost of living has simply been to inject two workers from a family into the work force in order to overcome that decline in the average hourly earnings rate.

□ 1810

The richest 1 percent, in contrast to what has happened with the vast majority of families in this country, the richest 1 percent of people in this country have been on an incredible gravy train. The average income for the richest 1 million families in this country, the average income for the richest 1 percent of families in this country has grown from about $300,000 in 1980 to about $550,000 today. Forty percent of the total growth in personal income in this country during the 1980s went to the richest 1 percent of people in this country. It was greater than the combined growth in income of 90 percent of all American families.

If those richest 1 percent of American families had had their tax rates keep up with their income, from 1980 until today they would have paid $75 billion more into the Federal Treasury this year than they have paid, and our deficit would be half the size that it is today, and they would still have left a more steep increase in income than any other income group in this society.

A second shift that we have seen is that we have seen a shift of approximately $95 billion in financial responsibility from the Federal Government to State and local governments. That represents a tax shift to State and local tax sources such as the property tax of approximately $1,000 for every family in this country.

In the education area alone, we have had the Federal Government pull the plug on its traditional level of support for education as a percentage of national income. If the Federal Government was meeting the same degree of education costs that it was meeting 10 years ago, property taxes for education nationwide would be $10 billion lower.

Those are some important trends. Let me say the President's budget continues those trends, and I would suggest that this budget does about all it can to change those trends within the procedural trap that we find ourselves.

I think it is unfortunate that we are in the Gramm-Rudman sham we are because what is really going to happen is after all is said and done the administration will simply be able to reestimate our way into sequestration no matter what the Congress does. In my view, if the country really wants to avoid a budget resolution or a Federal budget which essentially uses the peace dividends to simply pay interest, what we are going to have, since the White House has become an inert object on fiscal integrity, we simply need to have the major interest groups in this country, organized labor, business people such as Lane Kirkland and Charlie Walker, to be personal about it, I think they are simply going to need to get together and talk to each other about what is it that we can fashion by way of a compromise in the private sector so that we can proceed further than this budget resolution does, because it is obvious we are not going to get that kind of support from the White House in being real.

Mr. LEWIS of California. Mr. Chairman, it is my privilege to yield 5 minutes to the gentleman from Virginia [Mr. BATEMAN], the ranking member of the subcommittee of the Committee on Armed Services.

Mr. BATEMAN. Mr. Chairman, as the ranking Republican member on the Subcommittee on Military Personnel and Compensation, I rise in opposition to the concurrent resolution on the budget for fiscal year 1991, as reported from the Committee on the Budget. Among other deficiencies, it would have an unnecessarily draconian impact on the readiness and morale of our men and women in uniform.

We all recognize that force structure reductions are going to be made and, in fact, should be made in view of the changed threat environment. The President's budget submission indeed contemplates sizable reductions. The question is how quickly that drawdown can be accomplished without fracturing the force, and without gross inequities for our people in uniform.

Today we have the best quality military force in the Nation's history. Bright, young high school graduates find military service an attractive career path. They are proud to serve in the Nation's armed forces.

We have come a long way since the dark days of the late 1970's when the Navy had to tie up ships at the dock and over half of the Army's new recruits were high school dropouts in the lowest mental category eligible for enlistment. The turnaround has been dramatic, but make no mistake: that success is highly fragile. If we decide to cut the force too quickly, we may well plunge down that post-Vietnam precipice again.

Some of my colleagues seem to be blissfully unaware that the size of the force is already coming down significantly. Under President Bush's proposal, the Active Force will be cut by 91,000 between fiscal years 1989 and 1991. According to DOD estimates, passage of the resolution reported from the Budget Committee will mean a cut of an additional 100,000 active duty troops—in fiscal year 1991 alone. This figure could become much larger since the Budget Committee figure for budget outlay reduction in fiscal year 1991 may require the larger portion of the reductions to come from fast spending personnel accounts.

All of this will be magnified and utter chaos will result unless we swiftly and belatedly approve the too-long-pending DOD request to reprogram funds in the fiscal year 1990 budget to prevent outrageous hardship on military personnel.

Such cuts in 1 year will dramatically alter the character and profile of our force well into the future. Unlike the drawdown following earlier conflicts, we today have an All Volunteer Force—young men and women who came into the military with the expectation of making it a career. Even with a big cut in accessions or new recruits, a significant number of today's Volunteer Force will have their career expectation dashed through denial of reenlistment or involuntary separation. We should ask ourselves what will happen to 200,000 to 300,000 people now in uniform if they are forced out of the service. Some may say that they will find new employment in private industry. To those so naive, I would remind them that there will be thousands of civil service workers losing their DOD positions competing for private sector jobs, and in the context of hundreds of thousands of defense contractor employees who will likely be looking for new nondefense oriented jobs, the dislocation will be large, if not devastating. My colleagues, we are

simply kidding ourselves if we think we can make huge cuts in manpower without both considerable pain and unfairness to the individuals involved and major disruption to military readiness, and to our economic stability. Another question we must ask and answer is how do we put back together in the future the military personnel with the intelligence, motivation, dedication, and training that an uncertain future may require, if we effect drastic unprogrammed reductions without regard to fairness and equity for those now in our armed services as volunteers.

I urge a "nay" vote on the Budget Committee's resolution.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DE LA GARZA], the chairman on the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, I thank my distinguished colleague for yielding me this time.

Mr. Chairman, I will support this resolution, but I have some reservations.

Mr. Chairman, this budget resolution is a bitter pill for many of us to swallow.

I commend the distinguished chairman of the Budget Committee and his colleagues for producing a comprehensive, fiscally responsible budget resolution in a timely manner. I know their job was not easy. I realize the choices made in this document reflect their best judgment on the future budget priorities of our Nation.

To their credit, I believe this budget resolution comes closer than any other in recent memory at being honest.

It's honest because it seeks to balance the Federal budget by the year 1995 without using the Social Security surplus to mask the true size of the deficit.

It is also honest because—at least in the outyears—it uses more realistic assumptions than the overly optimistic ones supplied by the Office of Management and Budget. Hopefully, this will provide more reliability to this budget plan than we have seen with its predecessors. Perhaps we can really reduce the Federal deficit without having it pop back up when warm and fuzzy assumptions become cold economic realities.

The 5-year reconciliation proposed in this budget resolution will enforce discipline on Congress to continue fiscal responsibility in the out-years and reduce the Federal deficit.

This budget resolution recognizes our Nation's need to increase our commitment toward education, infrastructure, competitiveness, crime, drugs and child care. More than $6 billion in new spending is proposed in these areas for fiscal 1991, going up to nearly $29 billion by fiscal 1995.

However, I must ask the question: Where is this money coming from?

Mr. Chairman, the answer is that a good size chunk of it is coming out of agricultural programs, plain and simple.

This budget resolution calls on the Agriculture Committee to reduce farm program spending by $900 million, 8.5 percent this year; $1.7 billion, 15 percent in fiscal 1992; and $2 billion each year thereafter.

In those out-years, we are talking about reducing farm program spending by about 20 percent a year. What other program is being asked to bear this large and disproportionate share of cut. This is a prescription for economic disaster for our Nation's farmers.

Farm program costs are less than 1 percent of the Federal budget. They are projected to decline to less than two-thirds of 1 percent by 1995. The actual costs of farm programs is projected to decline by 15 percent between 1992 and 1995.

Agriculture budget projections do not receive any adjustment for inflation that funding projection for appropriated programs and indexed entitlement programs receive, like food stamps and Social Security. In fact, the projected spending for one commodity program is based on an expected price support reduction of 15 percent from 1990 to 1995.

I agree with the need for new initiatives proposed in this budget resolution, but rural America has needs too.

Committee members are currently working on the development of a new viable crop insurance program that can provide our farmers with an acceptable risk management tool to deal with the weather-related disasters. Hopefully, it will avert the need for future ad hoc disaster legislation.

Committee members are working on new and innovative ways to further our Nation's conservation and environmental goals. We have pressing needs in the areas of rural economic development and food safety which we have or will soon address.

We expect to fund these new initiatives from within our existing allocation. We did not come to the well here to beg for money. All we have asked is that we be allowed to have enough funding to operate our Nation's vital farm programs effectively.

Since I became chairman in 1981, the Agriculture Committee has complied with each budget resolution and has done its part to help our Federal Government put its fiscal house in order.

We have reduced farm program spending authority by $33 billion over those years. We did that at the very time America's farmers went through some of the worst economic times rural America has faced since the 1930's.

Mr. Chairman, the easy thing would be for me to oppose this resolution. It is terribly unfair to our Nation's farmers. In the outyears, this budget resolution threatens to undermine the delicate recovery occurring in the agricultural economy.

But I will not oppose this budget resolution. I will swallow this bitter pill. This is an extremely difficult vote for me as I imagine it will be for many other Members who care about America's family farmers and ranchers.

I would ask my colleagues to remember agriculture's contributions to deficit reduction—past, present and future—as this resolution moves through the legislative process.

I hope an opportunity arises to ameliorate the treatment of agriculture under the budget. At the very least, I ask my colleagues to remember agriculture's contribution to deficit reduction when the Agriculture Committee brings the farm bill to the floor later this year.

Mr. PANETTA. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from California [Mr. DELLUMS], chairman of the Congressional Black Caucus.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding 10 minutes to me.

Mr. Chairman, we are about the most significant business that we can engage in in any particular legislative year, and that is the business of establishing our national budget, because how a nation spends its money is an important statement about a nation's priorities, and a nation's priorities in turn are significant statements about its values. Therefore, this is significant and important business, I would suggest too important, Mr. Chairman, for us to engage in hyperbole, but rather cogent, coherent, rational and intelligent assessment of the critical issues of our time as we attempt to arrive at a national set of priorities reflected in our national budget.

Mr. Chairman, the world has changed and continues to change in very powerful, profound, and bold fashion, in ways undreamed of just 6 months ago. The Berlin Wall has toppled, governments have toppled, not because of B-1 or B-2 bombers or Trident submarines or MX missiles, but rather the power of ideas.

□ 1820

The world has changed, Mr. Chairman, and we must change with it. A new consensus is now emerging. The moment dictates a new consensus. Therefore we should come to this moment intelligently, rationally, not with hyperbole. And when we enter into the process of establishing a new consensus, those of us who are attempting to be intellectually honest, from various ideological perspectives, must stand up and seize the time, seize the moment to engage in an honest discussion in order to frame the nature of this new consensus, a new budget for 1991.

With that as a backdrop, Mr. Chairman, it is with extraordinary pride that I rise to present the Congressional Black Caucus' quality-of-life budget for fiscal year 1991 to my colleagues.

It is a budget that is framed in competence, it is cogent, it is framed in integrity, rooted in compassion, our budget for fiscal year 1991.

Mr. Chairman, the CBC fiscal year 1991 budget offers an alternative vision of America by: First, enhancing existing social programs and creating new national initiatives; second, by providing for a national defense policy, and national security initiatives not rooted in obsolete policies of the cold war but the new, emerging realities of the world; and third, substan-

tive progress in budget deficit reduction by rational economic policies and tax equity provisions.

Mr. Chairman, let me first start with our revenue package. We derive a total of $45.1 billion in new revenue. This is not smoke and mirrors, but real dollars. In general revenue, we derive $19.8 billion; in budget cuts, $25.3 billion; for a total of $45.1 billion.

How do we arrive at the $19.8 billion in new revenues, in general revenues? President Bush made the statement, "Watch my lips, no new taxes." But if you look at this fiscal 1991 budget, there is an interesting euphemism called new revenue options to the tune of $13.9 billion. Those of us in the Black Caucus looked at that $13.9 billion, we said based upon policy, principle, and integrity we must reject $5.7 billion of that. So we accepted $8.2 billion. We closed the so-called tax bubble because the wealthy pay at the marginal tax rate of 28 percent and we said most other people pay at the marginal tax rate of 33 percent; move them up. That gives us $4.1 billion additional.

We said let us place a 10 percent surtax on the top 10 percent of the corporations in this country. That gives us $6.5 billion additional.

Humphrey-Hawkins said, if you reduce the unemployment rate by one-tenth of 1 percent, you can assume new revenues of $1 billion additional.

Humphrey-Hawkins gives us an opportunity to derive $1 billion additional if you reduce the unemployment rate by one-tenth of 1 percent; $8.2 billion, $4.1 billion, $6.5 billion, and $1 billion, $19.8 billion in general revenue. How do we arrive at the additional $25.3 billion? We had a net cut in the military budget of $23.7 billion. I say net cut because we cut even more than that, Mr. Chairman, but we put nearly $3 billion back in economic conversion because America needs to move from heavy reliance on militarism toward a peacetime economy and we ought to offset the economic dislocations caused by base closures and weapons systems stoppages.

So we took and put $3 billion in to generate 150,000 jobs that will begin to move us down the road toward conversion. We put nearly $2 billion back into toxic waste cleanup because we think we have a responsibility to preserve the fragile nature of our ecological system. Our net was $23.7 billion outlay in the military budget.

We are presently spending at the rate of $306 billion. President Bush wants $303 billion. We say we can live with $279.3 billion. And that is an incredibly large military budget.

I might add, Mr. Chairman, when this gentleman came to Congress in January 1971, our military budget was $73 billion. When President Carter left office at the end of the decade of the 1970's, our military budget was $143 billion. We are now looking at military budgets in excess of $300 billion. In the short span of 20 years we have gone from $73 billion to over $300 billion.

We can take $23.7 billion from the military budget. I do not know if my colleagues know this or not, but we have spent on an annual basis between $150 billion and $160 billion per annum to maintain America's role in NATO. At minimum, the Warsaw Pact has been rendered impotent; at best it does not exist as a military entity. So who is the enemy in Europe?

The only thing that the West Germans have to fear from the East Germans is how fast the East Germans cross the line, Mr. Chairman.

Where is the war in Europe? If we can spend $160 billion per annum, we can cut $23.7 billion from the military budget. And anyone on this floor who assumes that there is going to be a worse case scenario, an attack from the Soviet Union, in my opinion is living in a bizzare and absurd world.

But there is a worst case scenario. The drug problem is a worst case scenario, homelessness is a worst case scenario, poverty a worst case scenario, 22 million Americans who are functionally illiterate. We are already at worst case scenarios in many places in this country, not some hypothetical enemy that does not exist at a time when peace needs to break out in the world.

We cut $1.4 billion from science and technology budget because $1.4 billion is related to warmaking. We cut $200 million from our military credit sales, for a total of $45.1 billion.

We reduced the national deficit by meeting Gramm-Rudman targets. We reduce the deficit in fiscal year 1991 to $63.7 billion. In our outyear projections we meet Gramm-Rudman in fiscal 1992 and in fiscal 1993 we give America a $5 billion surplus.

We give it back to America by fiscal 1993, given the tax provisions and the budget cut assumptions of the Congressional Black Caucus.

We meet our statutory responsibility. What do we do with the other money? Mr. Chairman, we take $33.2 billion and put it in nonmilitary programs, $33.2 billion more than the President. We put it in agriculture, $1.5 billion; we put it in education, nearly $5 billion; we put it in housing, we put it in preserving the nature of our ecological system; we put it in fighting drugs, we put it in enhancing education and job training. We said if there is going to be a so-called peace dividend, let us return it to those people who suffered the pain of an extraordinary increase in the military budget during the decade of the 1980's, when we were moving from $143 billion to in excess of $300 billion per annum.

Mr. Chairman, we have done an extraordinary job. The 24 members of the Black Caucus came together and we, as I said earlier, developed a budget rooted in competence, based on compassion and whose integrity, in my humble opinion, is complete.

Let us have an honest debate on the floor of Congress. I do not think anyone can rationally debate that the world would come to an end if you cut $23.7 billion in outlays from the military budget; $279 billion is an extraordinary amount of money.

We need to get on with the business of dealing with other major problems in this country. I think this debate is important. I think this debate is significant. This is a most important and significant thing we do.

So let us have at it. An emerging new consensus, I believe, will march us off in the direction toward peace, toward a healthy economy in this country and toward a budget that we can all be proud of. And I thank my distinguished colleague for his generosity.

□ 1830

Mr. LEWIS of California. Mr. Chairman, I do hope we can have an exchange that does reflect approximately 5 minutes on each side. I know there is difficulty in this process when we have people who have not just a lot to say but who say it so very well. I must say that I am having difficulty constraining myself from my colleague from California, such a good friend, and we agree on almost everything when we are in the gym together, but I do not always agree with his conclusions on the floor. I must say that I think it is probably OK in his district to have $43 billion of new taxes, and it probably is not in mine. However, I do not want to take a lot more time on that.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield briefly to me?

Mr. LEWIS of California. I yield to the gentleman from California, although my people will be unhappy with me, but surely I will yield.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding and simply say that I know the gentleman did not seek to misspeak himself, but I said $45 billion in total revenue, $19.8 billion in general revenue. I specifically outlined the nature of the revenue. It was not $45 billion in taxes. I do love the gentleman, and I think he did not seek to distort the nature of this gentleman's comments, but I wanted to clarify that.

Mr. LEWIS of California. Once again, in my district, when we take revenue from the folks some way, it is called taxes; in your district it may not be.

Nonetheless, in the meantime, one of our colleagues feels very strongly that in a changing world of which we speak, we should indeed see this op-

portunity crystallized, and we have a peace dividend. The gentleman who I think is best prepared to speak upon returning that peace dividend to the rightful owners is the gentleman from Missouri [Mr. BUECHNER], and I yield 5 minutes to that gentleman.

Mr. BUECHNER. Mr. Chairman, I thank the gentleman from California for yielding time to me.

I relish the opportunity to follow on the heels of our eloquent and esteemed colleague from California who brought out the Congressional Black Caucus' budget, but he made some very interesting points. He said that the people who paid the pain of fighting the cold war should reap some of the benefits. I think if there was any person that paid for the cold war, it was the American taxpayer. That was the investment that the American taxpayer made that ended up bringing about peace. Mikhail Gorbachev, the Russian Politburo, the leadership of the Soviet Army are not benign tinkerers. They are very, very astute poker players. The reason that they have begun to fold their hand is not because a group of people in the next room chanted, it was because the United States, at a table, said, "We are prepared to defend the Free World."

The Soviet Union finally, because it was unable to provide guns and butter said that they would begin to fold. Now, they have not folded yet, but they are sweating. They are pacing around, and they are drinking a lot of vodka.

But the United States, if there is a peace dividend, ought to understand who paid the original investment, who made the ability of the United States armed services to be so strong, so prepared, so technically ready, that the Soviets are now walking away from the table. I am not prepared to admit that the people who for the last 10 years have said that there is no possible Soviet threat, I am not prepared to admit that they are right, I am prepared to admit that times they are a changin'. However, if one just simply looks at Lithuania and understands that those are the Soviet armored cars rolling down those streets, those are the Soviet soldiers taking over various printing presses and government officers there, that this is not the Pollyanna world that a lot of Americans and Members of this Congress would like it to be. There still is a threat.

Mr. Chairman, let Members for a moment say this threat is diminished significantly and that there is a peace dividend. Should we do, as either the Congressional Black Caucus wants to do, raise taxes and create a whole new plethora of social problems; or as the Democratic alternative, the rebuild America, which also brings in a whole lot of new programs, is that what we should do? Or should we give the money back to the people that made the original investment? I offered a sense of the Congress yesterday to the Committee on Rules that said if there is a peace dividend and we reduce the deficit and meet the Gramm-Rudman target, is it not the right thing to do, to give the money back to the original investors? Should we not give it back to the taxpayer? If they want day care, let them pay for day care. If they want to have research and development, let them invest in research and development. If they want to improve the quality of the schools, give them the money so they can support local tax increases at the school level. Why is it that the people up here in Washington who have been celebrating for so long to get their hands on more tax dollars so they can jam it into their priorities—not the priorities of the people back home, but their priorities—why is it that we should control that instead of the people that made the investment? The Committee on Rules did not make my amendment and my sense-of-the-Congress amendment in order, but sure as we sit in this U.S. Congress, we must realize that we are not the deliverers of all good knowledge, that there are a lot of people out there with families who would like to have the opportunity to benefit from the peace dividend, but they would like to make the decisions. Is that not the American way? Is that not the sensible way?

Mr. Chairman, the Democratic budget says they would like to rebuild America, but if all they want to do is take our tax dollars and jam it into their new social programs, they are not rebuilding America, they are "rebulling" America.

Mr. PANETTA. Mr. Chairman, I yield 90 minutes to the gentleman from Indiana [Mr. HAMILTON] for the purpose of debate on economic goals and policies, and I ask that the gentleman be entitled to yield time.

The CHAIRMAN. Without objection, the gentleman from Indiana is recognized for 90 minutes.

There was no objection.

Mr. HAMILTON. Mr. Chairman, I thank the distinguished chairman of the Committee on the Budget, and I yield myself such time as I may consume.

Mr. Chairman, I am pleased, as the chairman of the Joint Economic Committee, to participate in the debate on economic goals. We undertake this debate because of the efforts of my distinguished colleague, GUS HAWKINS. It was, of course, he and his colleagues in the Senate, the late Hubert and Muriel Humphrey, who framed institutions to focus not only on the dollars and cents of the budget, but on what we are really trying to achieve with these dollars and cents.

We are here to debate a massive document and a complex issue. We will refer to numbers of dollars that are beyond the experience or even the comprehension of most Americans. And yet it we focus on what the budget is trying to do, in the spirit of GUS HAWKINS, its essence is concepts that everyone understands—prudence, fairness, and leadership. If we keep our eyes on these concepts, we will see the right course, and we will serve the people well. If we do not, we may squander our birthright as Americans.

ECONOMIC PROBLEMS

In many respects the economy has performed well over the last 7 years—with a prolonged expansion, low unemployment, and moderate inflation. Some Members of Congress may find it difficult to persuade ourselves, and the public, that we must make the tough choices to address the budget problems. I find, however, that my constituents and people from all around the country are deeply concerned about our economy. They are not in a state of panic, and they do not fear a depression or a runaway inflation. Rather, they sense a steady slowing of our advancement. They are frustrated to see our standard of living and our productivity stagnating, with little or no wage growth and increasing pay inequity for so many American workers. They are disturbed about our declining ability to compete with West Germany, Japan, and other leading industrial nations, and with our shrinking technological edge. They are troubled that we buy more than we sell around the world, and that we have dissipated our investment balance with other nations and have become the world's largest debtor.

While the American people do not have the trained perspective of economists, they understand instinctively that the budget deficit is a source of important weaknesses in our economy. Accordingly, they want decisive action. They want a change in our economic policy to reverse our trend toward debt, to encourage saving, to educate and train a world-class work force, and te reestablish our economic vigor and our preeminent role in the world.

In my judgment, the American people will be disappointed with the administration's budget, and with the budget resolution we consider today. Neither meets the high responsibility that the Federal Government bears toward this Nation. Neither makes the tough choices necessary to resolve our fiscal imbalance.

Let me try to explain why the American people are concerned, and why we should be concerned, about the Federal budget deficit.

First, our budgets over the last 10 years have been imprudent toward the long-term strength of our economy. The Joint Economic Committee recently issued its annual report, with bipartisan agreement, recognizing these concerns.

SAVING

We need more saving to finance investment to make us competitive in world markets, and to provide the standard of living we want for ourselves and our children. National saving in excess of depreciation in the late 1980's is only one-third of what it was in the high-employment years of the 1970's.

The major single source of the decline in domestic saving has been the extraordinary Federal budget deficit. Even including the growing saving in the Social Security trust fund, the budget deficit in the late 1980's syphoned off more than 60 percent of our net saving—more than three times as much as in the high-employment years of the 1970's

INVESTMENT

The budget deficit has distorted our use of the savings pool. It has kept interest rates high, and thereby biased business decision toward the short term. With business investment concentrated on short-lived assets that wear out or become obsolete quickly, we have needed to invest more just for replacement; and investment over and above what is needed for replacement is now one-fifth lower as a percentage of GNP than it was at the end of the 1970's. The deficit also has driven the dollar higher, making U.S. products less competitive, and discouraging investment in manufacturing.

The budget deficit has restrained public investment as well, because investment can seem easy to postpone. Last summer, 327 economists, including 6 Noble Prize winners, presented a letter to the JEC that stated:

In addition to our trade and fiscal deficits, America faces a "third deficit"—the deficiency of public investment in our people and our economic infrastructure. This deficit will have a crippling effect on America's future competitiveness.

Although economists may disagree about the precise cause of the slowing of productivity growth since the late 1960s and early 1970's, they do agree that productivity increases when we raise our investment, to equip our workers with more and better factories, machines, technology, and public infrastructure. And they do agree that the key to raising our standard of living and our children's is raising productivity.

DEPENDENCE

The deficit and its drain on domestic saving has made us dependent on foreign capital to finance our domestic investment. Private investment during the 1980's war largely financed by unprecedented inflows of capital from abroad; our economy in building on a foundation of borrowed money. These capital inflows have accumulated to an international debt projected to reach $2 trillion by the end of the century. This debt gives our foreign creditors a large influence over our exchange rates and interest rates. A decline in their confidence could raise interest rates further and choke domestic investment.

Second, our budgets over the last 10 years have contributed to growing unfairness in America.

Economic mobility—where anyone willing to work hard could achieve a decent and rising standard of living—is much less evident for the average working American today. Wages have stagnated throughout the 1980's; family incomes have grown modestly only because more family members have worked more hours. Income inequality has now reached its highest level since we began collecting such statistics in 1947—a sharp reversal of the historic trend toward more equality during expansions. And the tax system has become less fair, with the tax burden on the lowest-income families increasing, and that on the highest-income families decreasing—in large part because of our growing reliance on payroll taxes.

The deficit has hindered our ability to tackle this problem. We must make room in the budget for effectively targeted human investment and a more humanitarian policy toward our least advantaged, while also achieving the deficit reduction that will reduce real interest rates and encourage private investment, rising productivity, and wage growth for all Americans.

Third, through our budgetary behavior, our leadership around the world and here at home has eroded.

Twenty-five years ago, our position of leadership was secured by defense capabilities and sheer economic size. Today, we are unquestionably still the world leader. But there are signs that our position has begun to erode because our fiscal house is not in order. We cannot be the leader in setting the rules for the international economy when other nations are our creditors, and can point to our fiscal profligacy—with the support of international organizations like the International Monetary Fund and the Organization for Economic Cooperation and Development. Most recently, Japan has defended its trade barriers on the ground that our trade deficit is caused by our large budget deficit. Meanwhile, in our search for resources to aid East bloc economies—particularly Poland and Romania—to make a smooth transition to a free market system, we shift funds from other needy areas. Wide fluctuations in the dollar also weaken our international role. We must recognize the close relationship between our domestic policies and our position in the world.

And we must see just as clearly the effect of our budgetary policies on the people's respect for government here at home. Of all of the costs of our years of large deficits and smoke-and-mirrors budgeting, perhaps the greatest is the loss of public trust. The American people see that year after year we claim to meet deficit targets, only to flaunt those targets with accounting gimmicks and phoney savings. The fact is that most of the American people will not believe in any budgetary plan we pass today.

And that cynicism, while unfortunate, has a strong grounding in fact. In fiscal year 1987, the deficit was $150 billion. In fiscal year 1988, the deficit was $155 billion. In fiscal year 1989, the deficit was $152 billion. In the current fiscal year 1990, the deficit is now projected at about $160 billion. The deficit is not coming down. And yet, all the while, we have met the Gramm-Rudman deficit reduction targets, and we have congratulated ourselves publicly on our achievements. We have seduced ourselves with our declining projections, while the actual deficit rumbles soberly along. The public is acutely aware of our obliviousness to reality; and in my judgment, both the administration's budget and our resolution will only feed the popular cynicism that makes governance so difficult.

OUTLINES OF A SOLUTION

There is no formula and no procedure that will solve our deficit problem. We need to devise a substantive solution, and summon the political will to enact it. In my judgment, the ultimate solution must be a balanced package of spending cuts for lower priority functions and moderate tax increases. In broad outline, here is what such a package would require.

First, we need a prudent and realistic economic forecast, so that we have an accurate measure of the size of the problem.

Budget estimates that command public respect are a part of the process.

Second, we need an ultimate deficit target that addreses our Nation's need for both savings and public investment.

The major economic cost of the deficit is its drain on our Nation's savings and investment. Therefore, we need to reduce the deficit enough to increase national savings and private investment, without starving the Federal sector of funds needed for public investment in key areas, and without our current dependence on foreign savings. One is public infrastructure. Beyond concrete for highways and computers for air traffic control, we need carefully planned support for advanced technology, as noted in the JEC Annual Report. And we need to invest in our people—from infant nutrition and child care to effective educational standards and teacher background, and job skills for the disadvantaged, immigrants and those displaced by changes in technology and trade.

Third, we need a schedule of annual deficit reduction that is neither too tight nor too loose.

A deficit reduction schedule that is too rigorous will lead to smoke-and-mirrors trickery, and those games increase spending and hurt our economy in the long run. It may even cause a recession immediately. But a schedule that asks too little will allow our debt to mount, and further erode our economic strength.

Fourth, we need credibility with the public at large and with the financial markets.

The deficit is fundamentally a long-term problem—eroding our savings and our investment for the future. Therefore, we need a long-term solution. This means actual deficit reduction, rather than revenues borrowed from future fiscal years and expenditures bunted backward and forward to achieve cosmetic success in one particular year.

Long-term policies—especially those that entail some cost—are a test of the Government's credibility. I believe that the American people know instinctively that our economic course is wrong; they know that we must pay our bills as a society. Therefore, they will accept—in fact, I believe that they want and expect—decisive action to get our economy moving again. They are prepared for a deficit reduction program, provided that it is credible. Our problem is that we have played our budget games for so long—with all of the best intentions, to be sure—that we have no credibility left.

THE BUDGET RESOLUTION

The President's budget merely tinkers around the edges of our needs for deficit reduction and public investment. The budget is marred by what I would call "The Seven Deadly Sins of Budgeting."

The first is the smoke of overly optimistic economic assumptions. Richard Darman testified before the JEC that events through early March could add as much as $15 billion to the administration's January estimate of the fiscal year 1991 deficit. More recently, he has raised that figure to as high as $20 billion. The administration's long-term forecast of rapid real growth and falling interest rates has the tantalizing result that the deficit melts away just over the horizon. However, wishing will not make it happen, and there is not much more than wishes in the administration's policy.

Second, deficit reductions are exaggerated, as if magnified in a fun-house mirror—like the defense "management reforms". Third, penny-wise and pound-foolish policies make cuts whose ill effects outweigh the budget savings, and there are sins of omission where current services funding is just not enough—like the failure to provide adequate resources for infrastructure, or aid to Eastern Europe. Fourth, pass-the-buck policies shift burdens to other levels of government—like mandated cost savings under Medicaid, and reductions in grants for sewage treatment and public housing modernization; fifth, cut-now-pay-later policies shift the problem in time, putting it off for another day—like the capital gains tax cut; and sixth, shell games shift expenses off budget or conceal them in an accounting maze—like ending indirect subsidies to the Postal Service. Finally, a sizable number of the administration's proposals have been submitted before and failed to achieve political support on either side of the aisle—like cuts of Amtrak subsidies, or Social Security payroll taxation of State and local government employees. We have not yet received the estimate we requested from OMB of the dollar total of such proposed deficit reductions; we put the amount at almost $10 billion.

Because of the President's "no new taxes" pledge, temporizing has been the standard budgeting procedure. The major source of our budgetary problems is lack of leadership from the President to move us forward in constructng an acceptable, comprehensive package. The problem is worsened by an unbalanced Gramm-Rudman process that has outlived its usefulness; it now just invites smoke and mirrors budgeting.

The budget resolution before us today does a better job than the administrations budget in addressing the Nation's needs. Gone are such political nonstarters as no Economic Development Administration money or Amtrak subsidies; Medicaid and sewage treatment politices that would dump the burdens on the States; and unrealistic or unwisely large savings in programs ranging from school lunches to agriculture, Medicare, and Federal employee compensation.

Unlike the administration's budget, the resolution provides net additional resources for high-priority public investments; in technology; for children; in health, nutrition, and housing; in human security; in infrastructure and the environment; and in democracy and development in eastern Europe and the Third World. It includes the House-passed child care legislation, and moderate and realistic human capital investments from prenatal care and maternal nutrition to Head Start and other education. It includes training funds, which will help those affected by the defense cutback as well as trade and other changes in the economy. It encompasses public investment in technology—such as the critical science and research activities of the National Science Foundation—as well as public investment infrastructure and the environment—highways, aviation, Superfund and EPA. Funding for Medicaid, food stamps, rural housing, and the war on drugs take a humanitarian posture in distributing the gains of a healthier economy.

There are funds in the resolution to address more adequately the needs of foreign nations making fragile progress toward democratic and economic reforms. We cannot permit democratic governments to fall or allow other developed nations to preempt our key economic relationships with the emerging economies of Latin America and Eastern Europe.

These accomplishments in the budget resolution do not come easily. There will be a price to pay. In regard to taxes, and to the deficit reduction from entitlements as well, the Budget Committee has written multiyear reconciliation instructions into the resolution. For revenues, these instructions require not only the same amount of net additional revenues in fiscal year 1991 as the Bush budget, but also that these revenue gains be sustained over future years. Too often in the past, multiyear plans have been enacted merely to cover over a lack of action in the budget year with vague good intentions. But long-term budgeting with firm instructions, if those instructions are upheld in future fiscal years, can avoid the sin of cutting revenues now, and paying later.

Long-term planning also plays a crucial role in this budget resolution's handling of defense. Witnesses before the JEC have cautioned that any truly sizable peace dividend will be several years in coming. An emphasis on quick savings will leave us with a weakened defense establishment and will waste money in the long run. The budget resolution before us makes a prudent reduction in defense outlays from the current services baseline; and it makes substantially larger reductions in budget authority. The outlay savings are achievable without damaging readiness, if we distribute them wisely. The reductions in budget authority will prevent contractual commitments that lock us into future spending, if we stick to our resolve in future fiscal years. It will still be possible to add spending authority later if international developments take a disappointing turn.

Having said what is right about the budget resolution, I must mention some things that are wrong; while the administration broke new ground in its commission of the seven deadly sins of budgeting, the resolution is not free of guilt. First, the resolution starts with the administration's economic and technical assumptions; it blows the budget's second-hand smoke. Though the resolution makes some gestures toward reality, the first year's forecast is far too close to the administration's. We, ourselves, do not believe those numbers to be prudent; if we do not believe in the budget numbers, how

can we expect the public to have confidence in the policies that we are pursuing?

Of course, part of the problem rests with the Gramm-Rudman process, which gives the administration the power to set the assumptions that can trigger sequestration. Under these circumstances, it is natural for the Congress to adopt the administration's assumptions, because they always allow reaching the Gramm-Rudman deficit target with less pain. Indeed, it is politically perilous to be the bearer of the bad news that the administration so publicly denies.

But once they stop denying the bad news, as they did in the midsession review last summer and as they seem to be doing now for political advantage, then we in the Congress will be confronted with the need for tens of billions of dollars of additional deficit reduction. This will extract a heavy cost in terms of credibility from a Congress that declares victory in this resolution; we will have to tell the American people, yet another time, that the actual deficit will bear not the least resemblance to the number we claimed in our congressional budget. Instead, we must acknowledge now that there are great uncertainties surrounding the level of the fiscal year 1991 budget deficit. We should confess that it is likely to be well above the $64 billion Gramm-Rudman target—but we should refuse to assign magical properties to that target. What is important is solid deficit reduction. Without it, there is no question that our deficit will be too large.

Furthermore, the deficit reduction in the budget resolution is smaller than I would prefer, discounting the highly uncertain components—those dependent on the effectiveness of administrative actions in collecting revenues, selling assets, and so on. Along with the President's smoke, we have borrowed his mirrors. Insufficient deficit reduction will allow our debt to mount, starve our economy of needed saving and investment, and complicate our economic relations with the rest of the world.

There is no magic number for deficit reduction that is blessed by a consensus of respected economists. But proceeding at the pace in this resolution—about $25 billion per year, net of new initiatives and administrative savings and if all the instructions in the resolution are carried out—would take far too long to achieve the domestic saving and investment performance of the 1960's. With this resolution, we have not achieved enough deficit reduction to be credible with the American people and with financiers around the world.

CONCLUSION

This resolution is an improvement on the administration's budget. The resolution's economic assumptions are slightly more realistic than the administration's. The defense figures in the resolution are better than of the administration's, though still short of the new geopolitical reality. The nondefense outlays include fewer of the fanciful cuts in the administration's budget, and use some of the proceeds of the defense build-down to make prudent—indeed, essential—investments in infrastructure, people, and knowledge. The revenue instructions include no overstated management reforms, and require that the revenues be solid policy changes rather than timing shifts from one year to another.

This resolution is a solid achievement of the distinguished chairman of the Budget Committee, Mr. PANETTA, and I commend him for it. It is hard to imagine that anyone could have done a better job, under the circumstances.

But from my perspective, even granting Mr. PANETTA's achievement in formulating the resolution, superiority over the administration's budget is not an adequate test. We are left with the question of whether the resolution is good enough—whether it meets our obligations to the country, to our constituents who are waiting for decisive action against the deficit. This is a judgment call that every Member must make, and I do not begrudge any other Member his independent judgment, but I must exercise mine.

We have labored for the last decade without responsible Presidential leadership, or leadership from Congress, on fiscal policy. Over that decade, as we have accumulated a mountain of debt, the budget submissions have turned a blind eye to the problem. Even worse, Presidents have engaged in governance by slogan, which has made addressing the problem more difficult. Chairman PANETTA and his distinguished colleagues on the Budget Committee were constrained by the lack of Presidential leadership, and as a result, had to rely on essentially the same imprudent and overly optimistic economic assumptions, and on the same unrealistic administrative savings, that were used in the President's budget.

The result is that this resolution, although an improvement over the President's budget, does not meet our obligations to the Nation.

The ultimate danger here is that the unrealism of our economic assumptions—though they are improved over the administration's—and the optimistic estimates of administrative savings—though the other deficit reduction action is far more solid than the administration's—will once more violate the responsibility of this Congress to get our fiscal house in order. Our reserves of credibility are already far too low. We have not done what we know ought to be done.

Accordingly, with all respect to the distinguished chairman of the Budget Committee and his colleagues, I will vote "no" on this resolution.

CONCLUSION—GUS HAWKINS

As I mentioned earlier, my colleague on the Joint Economic Committee, GUS HAWKINS, shaped the legislation which brings us to the floor at this point in the budget process to debate our economic goals. The Full Employment and Balanced Growth Act of 1978, or the Humphrey-Hawkins bill, is often referred to as a "jobs bill." But to GUS HAWKINS, it has always been more of an economic statement. For him, jobs and education are vital components of economic policy.

He recognized in 1978, for example, that the economy could suffer severe structural unemployment and waste of human potential in the long run if we did not provide education and job training for the disadvantaged. A decade later, U.S. employers are finding that our labor force is unprepared for the modern workplace, and the shortage of adequately skilled workers threatens our competitiveness in the international marketplace—just as GUS HAWKINS said it would.

GUS HAWKINS has spent most of his life pursuing improved educational and job training opportunities for the disadvantaged. He framed these issues in terms of fairness and decency, but also smart economics. A little known fact about my distinguished colleague is that he holds a degree in economics. GUS HAWKINS has always believed that the Federal Government plays a vital role in ensuring the economic health of the Nation; and that appropriate public policies should combine fairness and justice with economic growth and prosperity.

From this perspective, he sees the Federal budget as far more than just a financial statement. It as part of the Government's economic game plan—a blueprint of our goals, our priorities, and our vision of the future.

GUS HAWKINS once described a leader as someone who works "day in and day out for the practical realization of a better world." This is the standard he set. And this, I believe, is the standard he has met, again and again, during 56 years of public service.

It is my hope that the continuation of these Humphrey-Hawkins debates, managed by the Joint Economic Committee as part of the annual budget process, will be a lasting tribute to GUS HAWKINS' dedication to economic policy in service of every American.

Mr. LEWIS of California. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. DELAY], and in turn, he will yield a portion of his time to at least one other Member who is involved in this session of our proceedings.

The CHAIRMAN. Without objection, the gentleman from Texas is recognized for 10 minutes.

There was no objection.

Mr. DELAY. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS], who is a stalwart on what we are about to talk about.

Mr. Chairman, these days, as more and more of our colleagues become more and more frustrated with America's expanding trade deficit, I seem to hear more and more on this floor about measures like increasing import tariffs, restricting American markets, and retaliating to Japanese protectionism.

I can't help but be reminded of those frustrated jockeys in a horse race, who, coming in second or third, blame the other jockeys for cheating, the gate for sticking, the track for rough spots, the weather for imperfection and generally everybody and everything except themselves and their horse.

Well, all those things might be true or they might not. In either case there is really no substitute, when you're in a horse race, for having a well groomed, healthy, fast horse and a skilled competent jockey.

Now, to stretch this metaphor just a little bit further, we can think of the international marketplace as a horse race. There's no question that the American economy has all of the horsepower it needs and more; it is government, the jockey, that seems to be having trouble hanging on. Not only that, but we'd better start worrying seriously just how we groom and feed our economic racehorse, or it won't matter whether the Japanese jockey is cheating on the straightaway or not.

So, Mr. Chairman, that is why I am joining today with two Members who have distinguished themselves with leadership in the area of American competitiveness to bring to our colleagues' attention a package of 12 bills that will go a long way toward grooming American competitiveness to top racing form.

Mr. Chairman, let me run quickly through these bills after which my distinguished colleague, Mr. RITTER, will address them in more detail.

Here are some of our proposals.

First, the permanent restoration of the research and development tax credit. It's time we told American firms that the beneficial tax consequences of long range R&D investments will be assured.

Another proposal encourages investment in startup companies by rewarding the engineers, risk-takers, and investors who give up the security of working for established companies for the challenge of creating tomorrow's Fortune 500 firms.

Next, a permanent cut in the capital gains rate is an essential step toward making our country more competitive. Additionally, this proposal would encourage the long term holding of property.

We've also found a way to encourage investments in manufacturing. This proposal is important because our share of the worldwide market in manufactured goods has declined significantly during the last few decades. This proposal would create an incentive for individuals to invest in domestic firms that make and sell manufactured goods.

To increase national savings and create an incentive for individuals to invest in growth companies, we propose a tax exemption of $2,500 a year for interest and dividend income. This will give all Americans an opportunity to participate in making our economic future prosperous.

We also need to help American firms compete in high-definition television, semiconductors, medical research and in a host of other areas with inordinate market risks and large capital costs. Current American antitrust laws stand as obstacles. Our proposal changes that.

Another obstacle to investment in new products and technologies is the risk of having American ideas pirated in another country. Our bill would make it easier to exclude goods that violate our intellectual property laws.

We also propose a tax incentive for companies to lend their employees to schools and colleges to assist in teaching students and preparing course materials.

Finally, our proposal takes a good lick at reforming our liability laws. The American people are sick and tired of seeing the costs of professional services skyrocket because of the growth and uncertainty in court awards.

Mr. Chairman, all these proposals have two things in common: First, they are geared toward inducing more capital formation in the United States; and second, they strive to allow American enterprise to focus on more long-term horizons without incurring insupportable costs in the short run.

I commend my colleagues from California and Pennsylvania for the tremendous leadership they have shown in working to develop these ways to strengthen American competitiveness.

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Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I want to thank the gentleman from Texas [Mr. DELAY] for his excellent statement, and what we are really about in our task force on technology and policy is to try and set a climate for doing here in America for ourselves in this great race that the gentleman from Texas talked about, for doing here in America for ourselves in this great race far more when it comes to the production of value added goods and services, the likes of which are first in the global marketplace.

Mr. Chairman, now we are talking about climate for savings, climate for investment, the legal climate, the research and development and the evolution of technology climate, and some of the bills that the gentleman from Texas [Mr. DELAY] mentioned I would like to go into in a little more detail.

First of all, the permanent restoration of the research and development tax credit. Not only do we think it is important to have this as a long-term incentive for firms to invest in R&D, but we also think and such that they are not looking from 1 year to the next to see what the tax laws are going to be, but also to expand this definition to a wider range of companies producing goods and service in the United States. It is a pro-research and development tax credit bill for manufacturing and for high technology. We want to encourage investment in startup companies that are focused on manufacturing.

As my colleagues know, for three or four decades Americans lost touch with the idea that the central producer of wealth and value was things that people produced, goods that sold in the United States and all over the world. We even had complex philosophies put forth by people like Nesbit and Tuffler telling us how we were in an information age, and information really did not depend on basic industries and that there was no real need to have these things, these basic industries, located in the United States. All we had to do was have the electronic gear here to transfer information, and this is extraordinarily far from the reality that has come home to all of us as we see the economic miracle of Japan where they are making things of higher quality, better year, after year, after year and has really provided a central driving force for their preeminence in the global marketplace in the fields of manufacturing. So, we make it easier for people to leave established firms and incorporate and gain in new manufacturing ventures by having a 50-percent capital gains exclusion for investments of 2 years and longer.

The greatest ace in the hole of the United States of America is our startup companies. Let us give them a boost. Let us give them the ability to survive so they do not have to sell out to other larger companies right away, or foreign companies.

We talked about a capital gains reduction that seeks to bring patient capital to the American enterprise. So many of today's key products in the world market are the result of 5, 10, and 15 years of effort on the part of

companies and nations. We need to have the kind of long-term, hang-in-there investments that are similar.

We talk about a tax credit for manufacturing equipment. Let us bring back an investment tax credit. After we took away accelerated depreciation in the ITC in the 1986 reform, we saw the gap between the cost of capital in the United States and Japan yawn. We need to change that around.

Mr. Chairman, let me make one last comment on promoting savings.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has expired.

Mr. RITTER. Mr. Chairman, will the gentleman yield an additional 2 minutes?

Mr. LEWIS of California. Mr. Chairman, I yield the gentleman from Pennsylvania 2 additional minutes.

Mr. RITTER. Mr. Chairman, only in America do we tax earnings twice. We tax it at the corporate level, and then we tax individuals that have dividends or interest.

Now, what we propose is a $2,500 tax-free dividend or interest accumulation. This will spur savings. This will spur investment because the broad population in this country has become somewhat disenchanted with stocks, with certain kinds of investment, particularly high risk investments. It is necessary to have that kind of incentive.

I will close with a word on another thing that only happens in America. Only in America is litigation perhaps the biggest of our growth industries. Only in America do we have a tendency to resort to court actions, whether it is in business dealings, or in liability for products or liability for professions. We tend to address our disputes almost immediately in the courts to an extent unkown worldwide. We propose reform in liability of products. We propose reform for liability of professionals. We propose reform for liability of stock offerings, and we feel this combination gives us the chance, as the gentleman from Texas [Mr. DELAY] said, to run down that long race with our maximum potential and maximum speed.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I am going to yield the balance of my time for controllers on our side to the gentleman from New Hampshire [Mr. DOUGLAS].

The CHAIRMAN. Without objection, the gentleman from New Hampshire [Mr. DOUGLAS] may control the time.

There was no objection.

□ 1910

Mr. HAMILTON. Mr. Chairman I yield the balance of my time to the gentleman from Oklahoma [Mr. MCCURDY], and I ask unanimous consent that he may control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DOUGLAS. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois [Mr. HASTERT], with whom I serve on the Committee on Government Operations, who has been a leader in the fight against government waste and also wants to help empower our senior citizens with the right to earn in their senior years.

Mr. HASTERT. Mr. Chairman, America is known throughout the world as the land of opportunity. A place where a person can work hard and freely use his talents and ability to make a better life for himself and his children. But for one certain group in our society, that promise is conditional. For our older American workers who choose to remain productive in order to improve their standard of living, they find the Government takes the vast bulk of their additional wages through a special tax that applies only to them.

Of all the taxes the Federal Government imposes on senior citizens, the most insidious and counterproductive is the Social Security earnings test.

WHAT IS THE EARNINGS TEST?

The earnings test is a limit placed on seniors who continue to work after they retire and begin to collect their Social Secuirty benefits. For 1990, that limit is $9,360 dollars.

For seniors over the age of 65, the penalty for earning more than $9,360 is a $1 loss in Social Security benefits for every $3 over the limit earned. It should be noted that only earned income is counted when determining the earnings test. Non-earned income, such as pensions, investment income, interest income, or income from capital gains, is not counted in this determination. The earnings limit only penalizes those who work.

WHO IS AFFECTED BY THE EARNINGS TEST?

The earnings limit affects many seniors in many different ways. One senior may need to work because Social Security cannot cover the high cost of medical care. Another senior may need to work because her work history was too short and therefore her benefit check is small. Other seniors want to continue to be productive while at the same time retired. For example, a former machinist of a tool and die shop may want to retire but still work part-time because there is such a demand for his talents. Many seniors just cannot afford to live on a Social Security benefit check alone.

For whatever reason a senior chooses to stay in the work force, he will face an excessive penalty once the amount he earns is above the $9,360 limit.

When combined with other taxes a senior is forced to pay, the earnings limit penalty puts that senior at a 56 percent effective marginal tax rate—twice the rate we ask millionaires to pay! For a senior working at a job that pays $5 per hour, he will only take home $2.20 an hour after his earnings go above the $9,360 limit.

The penalty is even worse for someone whose spouse collects a check as a dependent. Not only is the senior penalized $1 for every $3 over the limit he earns, his wife's check is penalized the same amount, or if she is under 65, $1 for every $2 over the penalty. That means a man with a 64-year-old wife would lose $5 out of the $6 he earned over the $9,360 limit.

WHAT WOULD THE OLDER AMERICANS' FREEDOM TO WORK ACT DO?

Because of the significant economic opportunities made possible by repeal of the earnings limit, H.R. 2460, the Older Americans' Freedom To Work Act, has been incorporated into the American Economic Opportunity Act.

H.R. 2460 repeals the Social Security earnings limit for persons over the age of 65. In effect, my bill lowers the exempt age from 70 to 65 years of age, allowing the senior to earn as much as he is capable of earning.

No one should be dependent upon the Federal Government in their everyday lives. H.R. 2460 would give working seniors the opportunity to control their own lives, limited only by their own ambitions to work and save.

WHO BENEFITS FROM REPEAL?

Most obviously, the older workers of America benefit once the earnings limit is repealed. Specifically, two-thirds of those who benefit from repeal are seniors who have been low to middle income wage earners throughout their working lives. A middle-class senior will need to work to supplement their Social Security check.

Another group which would benefit from repeal is the small business owner. As you know, the labor pool is shrinking. Small businesses are having an especially tough time hiring experienced, willing, and dependable workers. The earnings limit was established during the Depression to force older workers out of the work force, creating job opportunities for younger workers. In this day and age, it is ridiculous to have a tax policy determining whether people will be productive.

Many businesses have contacted me wanting the earnings limit repealed so that they can retain their experienced workers. In our society, some of the most skilled and work-oriented people are those approaching 65 and over. Some of the most prized employees in this Nation are those who know the value of a hard day's work.

The economy as a whole would benefit from repeal of the earnings limit. It

is estimated that the Government would collect $4.9 billion in additional taxes which would result in a $140 million net increase in Federal revenues.

The effects of eliminating the earnings limit are difficult to predict because so much of a senior's income now is part of the "underground" economy. However, a study done by the National Center for Policy Analysis, estimates that without an earnings limit 700,000 seniors would enter the labor market. As a result, our annual output of goods and services would increase by at least $15.4 billion.

As you can see, eliminating the earnings limit for retired workers makes good economic sense. It would bring in additional tax dollars and contribute to the overall output of goods and services.

Beyond that, the earnings limit is just plain unfair. Why should one group be penalized for wanting to be productive? This is an outdated, discriminatory tax that needs to be eliminated.

My bill, H.R. 2460, is currently pending in the Ways and Means Subcommittee on Social Security with 200 cosponsors. Soon, a majority of the House will have cosponsored this legislation. Now, Mr. Chairman, is the time to act so that we can take advantage of the rich wealth of human capital that America's senior work force has to offer.

□ 1920

Mr. DOUGLAS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. SCHUETTE], who has been a leader in a number of innovative budget matters in this chamber.

Mr. SCHUETTE. Mr. Chairman, as a member of the Committee on the Budget, I have great regard and respect for the stellar talents of the gentleman from California [Mr. PANETTA] and the ranking member, the gentleman from Minnesota [Mr. FRENZEL]. Let me first congratulate them and commend them on their hard work and diligence in a process and area that is not easy and which is fraught with difficulty. Certainly these two gentlemen and my colleagues on the Budget Committee have worked long and hard on this whole budget issue.

Mr. Chairman, I rise this evening in opposition to the resolution being presented to us and upon which we will vote soon, and for four basic reasons. First, the allocation of the peace dividend and how we should make decisions and make priorities in terms of the future of America. Second, I am concerned about new taxes and revenues within the resolution. Third, there is defense policy and what it means for national security and to my home State of Michigan. Finally, insufficient funds to win the war on drugs.

The resolution that will be debated and discussed has roughly an $11.5 billion reduction in the defense function. There are some enormous and monumental changes that have occurred around the world. Many of them are positive. I have seen some of them firsthand in Berlin.

But the coercion and fear and intimidation upon the Lithuanian people by the Soviet Union in my opinion is causing a Baltic Curtain to be created upon freedom in Lithuania. It is the darker side of perestroika. It threatens to shatter glasnost.

By those actions we should be reminded and let us not be naive in the conduct of foreign policy and defense policy. If there is to be a peace dividend, I happen to feel there needs to be a deficit reduction dividend and a tax reduction dividend.

I had hoped to offer an amendment that would take the $11.5 billion reduction, the so-called peace dividend, and have some $6.35 billion allocated to tax reduction and roughly $5.15 billion allocated to deficit reduction. That did not occur. I wish it had.

Let us go to taxes. On the issue of taxes in Michigan and I think in most parts of America people are not naive enough to think if you raise taxes, you are going to have a national mortgage burning party on Cadillac Square in Detroit or Pennsylvania Avenue here in Washington.

No, it will be used for new programs. This budget, unfortunately, does not have a capital gains tax reduction, which I feel would be a kick start and a jump start for entrepreneurial growth for new business startups in this country. That is lacking. It is deficient. I am voting no.

With respect to defense policy, we see an $11.5 billion deficit reduction in the resolution on the floor. The other body is talking about some $13.9 billion roughly in defense reductions.

What that will do is cut into the meat of our conventional strength, like the M-1 tank.

When you see the modernization of Soviet tank production across the world, where they have outproduced the United States by a ratio of 5 to 1 in 1986 and 1988 and 3.5 to 1 in 1987, they are retiring their T-10 tanks. They had spoke wheels. Let us make sure we negotiate conventional force reduction from a position of strength. If you reduce by the amount that many have talked about, it will cut into that M-1 tank production. That is unwise for America's national security objectives and for people in Michigan.

Finally, drugs. To win the war on drugs it is important that we have sufficient funds to win the war. When I see only $230 million for new prison construction, with the Federal prison in Michigan being overcrowded at a 93-percent capacity, law enforcement officials in Michigan react to this function, this absense of funds in terms of winning the war on drugs, they are saying no.

When you look at the education side, it is a two-front war, education and enforcement. I happen to feel we should target specific funds toward the Drug Awareness Resistance Education Program, the DARE Progam, where you reach new children K through 6 at a young age to instill in them resistance techniques, peer pressure. We need to target specific dollars and cents to school districts to win the war on drugs and teach and educate young people the perils of substance abuse.

So whether it is sufficient funds in the war on drugs, defense policy miscalcuations, higher taxes, which we do not need, or if there is to be a peace dividend let it be a tax reduction dividend and a deficient reduction dividend, these conclusions draw me to the decision of voting no on the resolution.

Mr. Chairman, the resolution reported by the committee represents a flawed vision for both America's future and the peace dividend. Although I attempted to obtain a rule to offer an amendment redistributing the majority's defense cuts from excess spending to deficit reduction and taxpayer relief, as contained in my House Resolution 359, I was not granted that opportunity. Furthermore, the Budget Committee resolution makes massive cuts in our national defense without providing background to support the number and provide guidance for Members to determine their soundness and vote accordingly. Additionally, funding for our Nation's war on drugs is insufficient and misdirected. The fact that the budget resolution is on the floor today, as opposed to the beginning of the month, will attest to the necessity of including budget reform in any serious policy statement. Even as a negotiating document, this resolution is sadly incapable of providing the visionary leadership the times require.

There are two central problems with the policy in this document. Primarily, the $100 billion in taxes contained give sufficient reason to reject the resolution out of hand. Furthermore, there is $114 billion in program expansions over the baseline in this resolution. The peace dividend should be applied toward deficit reduction and taxpayer relief, as my amendment would have done.

There are a number of other provisions as or nearly as objectionable as the new taxes and programmatic increases. The $30 billion in budget authority and $11.5 billion in outlays to be reduced in the defense function were proposed in the absence of any submission by Secretary Cheney. The committee is perfectly aware that the Secretary is in the process of working up a recommendation for a safe, responsible defense build down—one which will cause the minimum of job and economic dislocation, meet any anticipated continued threat abroad, acknowledge our role as defender of freedom, and yet respond realistically to the changes in the world which have

happened so quickly in the past 6 months, and which continue to evolve as we speak.

In this context, it is important to remember that the numbers in question are put forward without any backup. Presumably, these will be fought out in the authorizing and appropriating committees. However, in this case, absent any departmental recommendation, I feel compelled to add—as at least one member noted during committee debate—that it is always conventional procurement programs which get short shrift in such cases—precisely the programs which give the taxpayers the most bang for their procurement dollar in our expanded role as defender of freedom across the globe. This is especially true of programs such as the M–1 tank.

The Soviet Union still out produces the United States by thousands of modern tanks per year. Last year, for instance, Soviet tank production was 3,000 units. By comparison, the United States produced only 720 M–1 tanks last year. The U.S.S.R. is projected to produce at least 1,500 units this year, in spite of the resource scarce Soviet economy—nearly 10 times the U.S. production of 186 tanks to date in 1990. Their new tanks roll through the distressed, resource deprived communities of Lithuania. There would seem no clearer argument for continued production of tanks and other conventional hardware than this prime example of their continued necessity. Yet, the resolution appears silent on this issue.

Furthermore, the proposed defense reductions are not used to produce a peace dividend for either deficit reduction or taxpayer relief. Many Members of both bodies have proposed reduction in the burden of the lower and middle income taxpayer. Many would prefer legislation such as H.R. 4104 and 4105, which provide an increased standard deduction and/or increased individual retirement account deduction for those truly lower and middle income taxpayers. Legislation such as H.R. 4104 and 4105 would allow these taxpayers flexibility to make choices as to which items they most truly need—child care, housing, education, catastrophic or long term medical care. Members have also expressed interest in an increase in the earned income tax credit, or a variety of other worthy tax reductions. These tax reduction proposals are so numerous among bills introduced in this session of Congress that one would assume even a negotiating document, as this is advertised to be, would take into account the very numbers of proposals to reduce the tax burden and act accordingly.

Furthermore, where is the capital gains tax reduction for which a majority of Members voted last year? H.R. 4103 would provide a 15 percent flat capital gains rate for individuals, and a 10 percent rate for individuals who invest in the future of our Nation's economy by funding startup enterprises. Other Members have proposed similar legislation. Yet no notation is made not only of the will of the House, but of the will of the American taxpayer for a change in the Tax Code to spur job and opportunity creation. As most experts in the field acknowlege, this proposal would bring in revenue. Thus, if the majority truly cannot survive any markup without increasing the inexorable revenue intake of the Treasury, why is a cut in the capital gains rate, on which the opinion of the House has already been expressed, not specified?

The resolution is certainly specific enough as to how the American taxpayer's burden will be increased. Rather than providing deficit reduction and opportunity, a true peace dividend for the American taxpayers from the perhaps importunate defense cuts, or giving sufficient credit to average Americans to assume that they might just have enough common sense to figure out how best to spend their own money, the majority has added $114 billion of new spending over the 5-year period. This new spending, which will fund increased Federal and State bureaucratization of social spending, is an insult to the taxpayer who has a right to choose his own spending options—a right frequently ignored by the majority, which would do well to remember these very issues were central to events such as the Boston tea party.

This $114 billion does not count one of the most egregious insults to taxpayer common sense to come down the legislative pipeline in years, a child care program which presumes Americans not only can barely be trusted to choose care for their children, but that any sectarian providers chosen must be zealously regulated, to the point of removing the sectarian nature of the program which led the parent to choose it in the first place. This folly, which certainly seems to the constituents of the 10th District of Michigan to violate the concept of separation of church and state, has been built into the resolution's baseline—even before enactment. Sensible people would have only included funding for truly fair programs, which do not imperil the religious nature of child care chosen precisely for its religious nature.

Additionally, the new programs include inadequate drug funding which does nothing to address the crisis in our Nation's prison overcrowding. When this country has securely locked away those who would peddle drugs to our children and other citizenry, rather than turning them loose or over to parole boards for lack of judges and prisons, we shall have far fewer drug users to rehabilitate. The $23 million provided in the baseline for prison funding will not go far in a system where the Federal prison in Milan, MI is 93 percent overcrowded.

Costly entitlement programs are expanded by at least the admitted $15 billion over 5 years. The resolution, of course, fails to mention these add ons will cost States an equivalent amount, and indirectly force more State and local burdens onto our citizens.

The entitlement boondoggle is enhanced when one realizes the purported removal of Social Security from the Gramm-Rudman-Hollings deficit does nothing more than discount the revenues coming into the trust fund, while failing to provide any adequate surety for the interest payments from which a substantial amount of the surplus is derived.

Furthermore, the Gramm-Rudman-Hollings deficit reduction targets which have resulted in what little fiscal discipline has been exerted in this Congress over the past 5 years are not extended to ensure the future of either deficit reduction or the Social Security trust fund surpluses being accumulated to pay our future obligations. Inevitably, given the mood of some in Congress as expressed by this document, this deficit will increase and those funds will be raided, ensuring precisely what the majority seems to intend: yet a greater tax burden in the future. No doubt to be used so that those in Congress may continue to dole out programs which take from the majority of lower and middle income taxpayers in order to provide service little needed by those who foot the bill, but much loved by the special interests those who will expand or create them serve.

If this is a negotiating document it fails to take into consideration the most important budget process reforms, such as those contained in H.R. 1957 and legislation I shall shortly introduce. Protection of Social Security and deficit reduction ensured by extension of Gramm-Rudman-Hollings targets into the second half of the 1990's in order to truly balance the Federal budget. Every member of the committee is perfectly aware that reforms such as line-item veto, a balanced budget amendment to the Constitution, multiyear budgeting—of which this supposed 5-year plan might represent an example were it as advertised—rescission authority, supermajorities to increase taxes or entitlement spending and even more technical details will be a part of any landmark legislation which deals honestly with deficit reduction.

The irresponsibility of direct and indirect increases in taxation and huge programmatic expansions contained in this document are deplorable. Although there are three truly commendable items in the proposal, full funding for the drug abuse resistance education grants [DARE]—which I have pending legislation, H.R. 3723, to reauthorize—and Camp David accord nations—which Mr. BERMAN and I sought last year—and logical, fully funded $100 million base for support of agricultural research needed to assist in feeding the world's population and moving forward in applied agricultural industries, surely the majority should be able to provide a better vision for America's future even if it is only for use as a bargaining tool. Americans as individuals are far better equipped to spend their own money than their elected representatives.

Mr. DOUGLAS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, at this time what I would like to mention is that part of that Republican package we have been talking about tonight contains a document that is supported by 70 percent of the American public. It has 245 cosponsors on it. It is called the balanced budget amendment to the U.S. Constitution.

□ 1930

Why would somebody from New Hampshire be the one to talk about the balanced budget amendment? Frankly, I cannot think of anyone better than somebody from New Hampshire, because the tax foundation has just reported that New Hampshire is the No. 1 State in the Nation to reach tax freedom day. We have already had our tax freedom day. April

19 came and went, and New Hampshire had paid its share of taxes, and was now ready to spend the rest of the year earning money for their families and their kids and their own enjoyment.

Next month at some point various other States around the Union will reach tax freedom day, because they do not have the kind of system that New Hampshire has for controlling spending and taxes.

What is our secret? What is it that makes us the No. 1 State in the Nation for having the lowest per capital taxes?

The secret is actually so simple that it is a secret that no one in this Chamber could ever learn. Low taxes are the result of low spending. That is a quote from Meldrim Thomson, Jr. who was Governor of New Hampshire from 1972 to 1978. He ran on the slogan of "Axe the tax," and Mel Thomson said, and it is worth repeating, low taxes are the result of low spending.

This building that I work in, however, is the result of high taxes and high spending. The U.S. Congress, which is the capital of big spending, is the problem. And the problem can be solved right here on this floor if we pass the balanced budget amendment.

The reason is very simple. In the U.S. Constitution under article 1, section 8 it says that Congress has the power to lay and collect taxes, Congress has the power to borrow money on the credit of the United States. That is our Constitution. There is no limit in that document. We can keep laying on the taxes and we can keep borrowing the money without limit. And it is easy because we make these greenbacks down here in Washington. We print them here, and we can keep printing as many as we want. And we do not have to balance the budget, and we do not have to worry about borrowing and taxing because the taxpayers are the ones who have to worry about it, and that is the wrong attitude. That is not the way we are going to get this spending mess under control.

The budget that the House is going to be voting on soon that comes out of the other side of the aisle is a $19 billion tax increase just for the first year. If we look at the 5-year projection, it is a $117 billion tax increase. That is not the way to begin balancing the budget.

The American public wants us to cut the budget. So where are we going to get this 800-pound gorilla to get on the dome of the Capitol and try to force us to only spend what we have and to stop raising taxes and to stop printing greenbacks, and stop borrowing money?

It is a very simple answer. It is this document right here, House Joint Resolution 268. It is sponsored by 245 Members of the House. They signed their names right on the front and on the back of the first two pages. It is a bipartisan amendment to the Constitution, and 245 is well above a majority of this House of 218.

But that is where things get complicated, because around here just because a majority of the Members support something does not mean they ever get to vote on it, because we do not operate under the normal rules of majority democracy in this Chamber. We operate under autocracy by committee chairmen.

I wrote my committee chairman, JACK BROOKS of Texas, because he is the guy that has jurisdiction over House Joint Resolution 268. I wrote JACK on March 1 and I said JACK, why do we not have by April 1, as we get up to the year anniversary of the balanced budget amendment being put into the House, have it reported out of our Judiciary Committee and on the floor because 70 percent of the American people want it, and we get paid to come down here and debate and talk about these things. I have not heard from him, never got a peep from him, not even a grunt or a letter, and so we have moved forward, we have filed a rule to help bring this matter to the floor, and very shortly, I am confident, within the next week or 2 weeks, a discharge petition will be filed that has to be kept secret under an arcane ruling of the Parliamentarian back in 1934. But it has to be kept secret because there is a catch. If we are going to place this out of a committee chairman's hands, we are going to keep the name secret, and the catch there is that then we can go to the voters and say oh yes, sure, I am on this balanced budget amendment, I am a supporter, and I will vote for it.

"But are you man enough, like John Hancock 200 years ago, to sign it in public?"

"Well, no, I would not sign a discharge petition, because the committee chairman might get mad at me, my fellow Democrats over there might get irritated with me."

So that is the problem. We have another budget, another resolution, another $117 billion in additional taxes from the Democrats. And are they going to give us a vote on the balanced budget amendment? Are we going to be able to take the U.S. Constitution and put some kind of an external limit on use? No.

April 15 is the day that all the millions and millions of taxpayers out there had to comply with the law, they had to pay their taxes. April 15 is also the date that in this Chamber we were supposed to have a budget resolution. Today is April 25, 10 days later. We have already broken the law, but we do not care because we make the laws here. We can ignore them or we can suspend them.

That is why Gramm-Rudman will not work. The only thing that will work, that 800-pound gorilla, is going to be an amendment to this document, the fundamental charter of our land, because Congress cannot ignore the Constitution, Congress cannot just suspend the Constitution, and it is the only thing, Mr. Chairman, that is ever going to bring the spending under control here, because it will force us to say here is the pie, this is the revenue, how do we divvy it up, how do we cut the slices. Someone will get a bigger slice, and someone will get a smaller slice, and politicians do not like to do that, so what we do every year is we buy a bigger pie, and that is why this thing just keeps going and going, and why our capital markets are a mess, because every time the Federal Government borrows another $150 billion it is money that is not available in my State to be loaned out for new construction, new businesses and job expansion.

So Mr. Chairman, as part of our package we are going to begin a move for a vote by July on the balanced budget amendment, and hopefully we will find out if the leadership of the House is willing to allow the American public's representatives that they elect and they hire to come here and deal with these matters to vote on the balanced budget amendment to the Constitution. I am not too optimistic, so I think we are going to have to go the discharge route. But hopefully in the next week and the next few days as we debate the budget we may hear from the Speaker a firm commitment from that microphone that will give us the right to vote on what 245 Members of this House have put their name on; namely, an amendment to the Constitution to balance the budget once and for all, and end all of this ridiculousness that we go through every summer here in Congress.

Mr. Chairman, I reserve the balance of the time for the gentleman from Minnesota [Mr. FRENZEL].

Mr. MCCURDY. Mr. Chairman, I yield 8 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I thank the gentleman very much for yielding the time. I did want just 5 minutes, but I did want to take some time to respond to the constitutional amendment proposal.

Just so everyone understands, I am not signing that petition, and I note with interest that it was called the 800-pound gorilla.

A lot of times the reason people ask for constitutional amendments is because they say it is something that the States have had, and I might note that if it is an 800-pound gorilla, for instance, in my own State, and under the last Republican administration, as a matter of fact, they managed to run with a balanced budget amendment as well as a line item veto and managed

to run up a $200 million deficit in a $1.5 billion general fund budget so that the 800-pound gorilla turned out to be a 5-pound wimp, and indeed that is the problem. If somebody wants to get around it, the Chief Executive or the Congress or the Legislature, they usually can. So let us just have honest budgeting.

Mr. Chairman, I would like to turn to infrastructure and the Humphrey-Hawkins and full employment and investment.

□ 1940

We heard a lot in the eighties about supply side. My thesis was that supply side might be valid, but it was just a problem that the wrong side was being supplied. I think we ought to talk about what the right side to be supplied is, and that is investment, investing in our own economy.

It is public sector investment and it is private sector investment. Public sector investment has lagged behind, our economy has lagged behind our budget process for many years.

Happily, this budget resolution, the Democratic budget resolution, begins to take the first step, and I emphasize, only the first step, toward rectifying that situation.

I would like to go over some statistics on public sector investment, our infrastructure. The National Council on Public Works, which made a report to President Reagan shortly before he left office, a bipartisan group, recommended spending $90 billion a year on maintaining our infrastructure, indeed enhancing it somewhat, but basically maintaining it.

All the Government agencies combined are now spending only $45 billion. So we are spending 50 cents of every dollar that needs to be spent to keep us even competitive, much less to advance us.

Let us take a look at our highway system because we need a new era of roads. My hope is that in the 1991 reauthorization bill you will see that begin. The interstate system, some 42,000, 43,000 miles is almost complete, and it is time to begin a new era of roads to get us out of the rush-hour traffic, get our transportation, get our goods moving as they should be.

The United States road network handles 1.8 trillion vehicle miles per year. Eighty percent of this is on Federal-aided highways.

Sixty-two percent of paved roads in the United States are in need of some repair. About 130,000 miles of highway all told.

Roughly 41 percent of the Nation's bridges need some repair of some kind. I might add, in some States it is larger than that. In my own State of West Virginia, for instance, it is 50 percent. So when you know that you have a 40-percent chance of driving over a bridge which is in need of substantive repair, that is a serious matter. Let us talk about airports for a second. I mentioned earlier 18 of our Nation's airports today, major airports, are considered severely congested. That number will double by the year 1996.

Yet this is how we are supposed to stay competitive.

What does infrastructure investment bring us? A study by the Federal Reserve economist in Chicago estimates that for every 1 percent of infrastructure investment you can see productivity increase four-tenths of 1 percent. I think that is significant because I think on both sides of the aisle we agree that the desire is to increase productivity.

So that dollar of investment, infrastructure investment, means that you can see a direct, tangible increase in productivity.

Do other nations see it this way? You bet.

Japan, for instance, with a population one-half the size of ours, invests five times as much as the United States in its public infrastructure.

In public infrastructure we are talking about roads, bridges, highways, sewer systems, airports, water systems, inland waterway systems, locks and dams and ports, those things that make us more productive.

Can you trace the decline in our infrastructure spending to a decline in productivity or, perhaps better stated, failure to increase our productivity to the same extent other nations are? Once again, you bet.

For instance, the United States has averaged only seven-tenths of 1 percent growth in productivity over the past decade, a dismal, dismal statistic.

Meanwhile, we have seen our trading partners' productivity in many areas go much higher. The figure that really gets me sometimes is when I find out that the United States is 55th in the world in infrastructure involvement. It does not do me much good to know that New Zealand and Suriname are probably spending more on infrastructure, public infrastructure, than the United States.

There has been a steady decline in infrastructure in past budgets. I guess that is one of the concerns I have.

I would like for this budget to go further than it has, but I appreciate what Chairman PANETTA has done for the first time in recent budgets, permitting increased spending out of the highway trust fund, $1.3 billion in obligational authority alone over the President.

I am really rolling on highways now, and I appreciate the gentleman yielding me this additional time. Mr. Chairman, we are on the road.

We will be spending $1.3 billion of increased obligational authority which translates over the 5-year life of this budget to $19 billion of obligation authority for highways. Incidentally, that is money that has already been paid into the highway trust fund. It is simply being used to reduce the deficit, not being used to construct highways like it was intended to.

The chairman also included $300 million for the airport improvement program over what was previously asked for so that we can begin to get on the serious business of building our airports.

So this budget, I think, meets the standard of investment for the first time. It also meets the Humphrey/Hawkins requirements. It begins to get this country moving again.

We could do more. We ought to be looking at capital budgeting; we ought to be looking at increased spendout of the trust funds. But I think it is significant to note that this budget does begin the process of rebuilding America. I think for that reason alone on top of a lot of other reasons it is a budget we need to support. We need to be investing in America, and that process needs to begin now.

Mr. McCURDY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I associate myself with the remarks of the chairman of the Joint Economic Committee, the gentleman from Indiana [Mr. HAMILTON], who preceded me this evening. I appreciate the gentleman yielding his time so that I may speak.

Mr. Chairman, I am angry. I am angry at ourselves for the paralysis of the American political system which produced this budget and the lack of political courage that has been demonstrated in the debate surrounding the budget.

This budget is further evidence that the United States, which is generally regarded as the world's most powerful Nation, has become, through its own actions, a mere spectator on the international economic and political stage. Where we once took actions to exercise our influence, we now can only muster the strength to react. And in some instances, we cannot even do that.

There was a time when the United States had a sense of vision and purpose about its role in the world. After winning WWII, the "hot war," against the Germans, Italians, and Japanese, leaders such as Harry Truman, George Marshall, and George Kennan implemented foreign and economic policies which led to the creation of NATO, the containment of Communist aggression, and the reconstruction of Western Europe and Japan. With character and resolve, these men, in effect, created the framework which allowed us to win the "cold war."

But with the collapse of communism in Eastern Europe and the triumph of democratic ideals around the world, the question we should be asking our-

selves is: Are we prepared to muster the necessary courage to enhance our economic competitiveness to meet the next challenge which faces us—the competition for new world markets?

Mr. Chairman, if we adopt this budget, I fear that the answer will be an emphatic "No." Our objective should be to move from a policy of containment to one of attainment—the attainment of a more peaceful, economically prosperous, and democratic world. The real challenge is to keep our economy growing—not only to meet our international commitments, but to raise the standard of living for all Americans, not just the wealthy.

But once again, this body has been asked to vote on a budget which is based on smoke, mirrors, creative accounting, and a severe lack of political courage. With all due respect to my colleagues who crafted this bill, and in full recognition of the ludicrous budget that was submitted by the administration, I am convinced that this resolution does a disservice to the American people.

Mr. Chairman, for many years now, economic analysts of all persuasions, have argued that the U.S. economy could not function indefinitely on borrowed money. Yet this inconvenience did not deter the previous administration or the Congress from enacting budgets which rested on our ability to borrow astronomical amounts of money at home and abroad to finance our own reckless fiscal policies. And it is with no small amount of irony that, at the same time, we were wringing our hands about the dangers posed by huge debt in many Third World countries.

But in this new era of cooperation between Congress and the Executive, it appears that the American people cannot expect any dramatic departures from the status quo.

As we watched our competitive edge and our once-secure foreign markets, began to dissipate during the last half of the 1980's, some decided that it was more politically expedient to level criticisms against those countries who were experiencing spectacular economic growth. Although the most prominent target was the Japanese, the Germans and the Koreans were also the subject of similar campaigns.

But it should come as no surprise that these countries were also those which had coherent economic and fiscal policies. The Japanese combined their ingenuity, cooperation between Government and industry and sound investment policies with a high personal savings rate, a strong work ethic, and emphasis on quality. The result was that the American consumer began to make a conscious and voluntary decision to buy Japanese products.

Accordingly, the Japanese now own the world's top 20 banks. The top 13 banks in Japan are now worth $470 billion; the top 50 banks in the United States are worth $110 billion.

While the Japanese, Germans, and Koreans were keeping their fiscal house in order, we chose, instead, to focus on quarterly balance sheets, junk bonds, instant gratification, and 30-second commercials for the next election.

In the meantime, we hogged the world's savings surplus—and hence, the world's pool of capital—for a decade. The situation will become even more precarious as Western Europe unites its economies, Eastern Europe turns to market economies, and the Japanese address their own domestic economic problems. These developments will generate new demands on the international supply of capital and cause further increases in interest rates.

Mr. Chairman, this budget does not do anything to address this situation. It is another example of dodging important issues.

But I would be remiss if I did take note of the Republican contribution to the present state of our budget resolution. On paper, this budget makes an effort to meet the deficit reduction requirements of Gramm-Rudman. But it is based on the administration's own false and rosy economic assumptions. The Director of the Office of Management and Budget, Richard Darman, has displayed once again his considerable talents for creative accounting, and this budget makes use of those talents.

We are further paralyzed by President Bush's legendary phrase, "Read my lips." This is what is known as Presidential leadership in the high councils of the Republican Party. I have heard Members on the other side of the isle complain that Democrats have put new taxes in this resolution. They prefer to ignore the inconvenient fact that the President's budget also included new taxes, but they were referred to as user fees.

Furthermore, a recent decision by political appointees in the Pentagon have demonstrated, once again, this administration's commitment to the status quo and mediocrity. By removing Dr. Craig Fields, one of this country's brightest scientists, from his position as Director of the Defense Advanced Research Agency, the administration has displayed a lack of vision for America's technological future.

Mr. Chairman, some of my colleagues argue, privately, that this resolution is a good step toward a budget summit with the administration.

But I voted against last year's budget summit agreement because it too, was based on faulty assumptions and did not address the issues we face.

Some of my colleagues ask why should Democrats act responsibly when the President submits his own irresponsible budget?

I can only answer that if we don't, who will?

The distinguished chairman of the Ways and Means Committee has offered a "cold turkey" proposal that would achieve real deficit reduction. Why is the House not given an opportunity to vote on his package? Mr. Chairman, I would vote for it.

Some argue that Mr. ROSTENKOWSKI's proposal makes a lot of sense, but he doesn't have enough votes. And besides, some on the Republican side say, it is an election year.

Yet every year, and rightfully so, the Black Caucus is given an opportunity to present its budget resolution, and every year we vote on it.

With the changes occurring around the world and a reduction in the Soviet military threat, I believe we have an opportunity to produce real savings in our defense budget. But we cannot do it all in 1 or 2 years. And any savings that are derived from the defense budget should not be diverted to new domestic programs, but instead should go toward reducing the federal deficit.

Mr. Chairman, I support increased funding for education, infrastructure, and R&D. But more importantly, I am willing to raise taxes, cut other domestic programs which have outlived their utility, freeze cost-of-living-allowances, including those for Members of Congress, and produce a real budget to pay for it.

I just returned from a fascinating trip from Eastern Europe. Other members of the Intelligence Committee and I met with people who have demonstrated genuine political courage. These extraordinary individuals in Poland, Czechoslovakia, Germany, and Yugoslavia were, in many instances, imprisoned for their political beliefs; their lives and those of their families were threatened.

But now they are in positions of leadership and responsibility. These former dissidents are leading the governments of Eastern Europe not because they avoided issues, but because they confronted them with courage.

In this body only a few short weeks ago, we had the privilege to hear Vaclav Havel and Lech Walesa ask for American leadership.

Our answer, unfortunately, is this budget resolution. The United States has relegated itself to a spectator's status because Congress and the administration have refused to challenge and lead Americans. Instead, we have encouraged Americans to ask what our country can do for us, not what we can do for our country.

While in Poland I spoke with Professor Gemerk, a man who is considered

to be the brains behind the Solidarity movement and the Thomas Jefferson of Poland as chairman of the committee drafting its new constitution. I asked him what he thought of the administration's approach to the changes in Eastern Europe. He said:

The U.S. administration is too pragmatic. It waits for the smoke to clear before it acts. It should provide greater leadership and direction for all of Europe.

Mr. Chairman, I can assure you that the Germans are not waiting for the smoke to clear. They welcome a speedy integration of Eastern Europe into Western Europe's economy. They see clearly the potential for economic growth and opportunity. A recent report by Deutsche Bank on these new opportunities stated the following:

Such an economic stimulus is welcome at a time when the United States may enter a period of slower growth and restructuring of its economy. During such a phase, everybody, including the United States, should be pleased that Europe stands ready to pick up the slack and move the world economic machine forward, just as the United States has done for the last decade.

Well, Mr. Chairman, I am not pleased that Germany is poised "to take up the slack."

I also saw the President of Sony in Czechoslovakia and Yugoslavia, and I can assure my colleagues that he was not waiting for the smoke to clear.

The United States has the good will to be active participants in the creation of a new world order, but our fiscal problems are pressuring us to quit the race before we finish.

Mr. Chairman, America's greatness was once found in our pioneer spirit; an entrepreneurial spirit which encouraged us to take risks for the promise of a long-term reward.

But the last 10 years have seen this attitude slip. The willingness of Congress and the administration to participate in fraudulent budgets no doubt contributed to this slide.

So I intend to vote against this budget because it does not reflect well on this institution, and it does not accomplish the responsibilities that the American people ask of us. This resolution only breeds cynicism and contempt.

I urge my colleagues to consider these thoughts. Although we may be able to make a few constituent groups happy with this budget, we will miss a unique opportunity not earned by us, but by the vision of others before us.

□ 1950

Mr. Chairman, I yield back the balance of my time to the distinguished chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will have no further speakers this evening, and after my comments I intend to yield back the balance of my time. However, I do want to make a few comments with regard to the debate that has taken place tonight. I think there are many Members that believe that it is important to make the tough choices with regard to deficit reduction, and that we think that those choices need to be made both by the President as well as by the Congress. However, there is a difference between posturing on tough choices and getting the institution to pass tough choices, and that problem is not so much substantive as political, because the problem is that both parties have taken positions on issues that have to be confronted, that make it very difficult for the institution as a body to adopt what we would call tough, hard choices with regard to deficit reduction.

□ 2000

But my responsibility as Budget Committee chairman is not simply to sit back and wait and hope and pray. The responsibility of this institution is to move forward with a budget resolution that attempts to address the issues of our time. There are dramatic changes taking place in the world. No one questions that. Indeed there are changes that demand that we as a nation exert leadership.

From the 1980's we have a legacy of tremendous debt and tremendous unmet needs within our own society.

How does the President's budget respond to these dramatic changes and that legacy? It basically says we should keep the status quo. It says, let us hide from the tough decisions, let us hide from the tough choices, and let us hope that we can perhaps just get by.

So the challenge then focuses on the Congress. The point it seems, for the Congress to make is that we need to send a clear message that as a result of these dramatic changes, we need to show different directions about where this Nation is going.

That is the challenge for the 1990's, and it is the challenge for the next century—the ability to change from a cold war economy to a peacetime economy, the ability to restore our resources, and the ability to invest in those areas that we have to invest in if we are going to remain a strong Nation.

There has been a lot of debate about the defense budget. The experts who have come here to Capitol Hill and who have testified this year on the defense budget have all said that the threat has changed.

Whether it is the former Chiefs of Staff, whether it is the Director of the CIA, whether it is the former Defense Secretaries, whether it is Richard Perle, all of them and others have said the threat has changed, and as a consequence of that we can achieve some reductions in the defense budget.

So the issue is not whether or not we are going to achieve reductions in the defense budget. The issue is, how do we do that, and how do we do it in a gradual and responsible way so we can truly implement strategies for the future that do in fact represent a change, responding to the changed threat that is out there in the world? That is the challenge.

The President's budget in its defense portion actually increases defense spending above the 1990 level, on outlays by $4.3 billion, and on budget authority by $7 billion. Is that responding to the change? Is that considering the changed threat that is out there, the need to begin to make the transition that is essential for us in the 1990's, or are we just going to repeat the 1980's? Are we just going to simply increase defense spending, cut nondefense spending, cut entitlement spending, and cut into the needs of our people and develop the kind of tremendous debts and unmet needs we face today? Are we just going to repeat that?

That is really the challenge that faces us. The question is whether or not we are willing to confront that issue.

The defense budget that is here is within the range of responsibility. The chairman of the Armed Services Committee on the Senate side has essentially said that we have got to confront this kind of changed situation. He would reduce the budget some $12.5 billion below the number with regard to budget authority, and his outlay number is very close, frankly, to the number that we have provided in the budget resolution.

The chairman of the Senate Budget Committee goes below the numbers that we have presented in our budget resolution. So the committee's resolution is at midpoint with regard to those who are beginning to present options within the institution. We think it presents a gradual and responsible reduction in the defense area.

What do we do with the savings we achieve on the defense budget? Half of that goes for deficit reduction, and, yes, half of it goes for investment in the economy. Why should it not? The President of the United States is talking about a kinder and gentler America. He talks about the need to be the education President, but he cut education funding in his budget. We provide $2.5 billion in this budget for education, because it is something that needs to be addressed in this country when we are facing a competitive world out there.

He talks about transportation. He says, "There is a crisis out there, but I'm sorry, the States are going to have to deal with it, the communities are

going to have to deal with it." I say, baloney. That is a responsibility we all have to face and that we all have to confront. This budget does that. It provides $1.3 billion from the highway trust fund to try to confront the transportation problems in this country.

The same thing is true with regard to nutrition and health care and housing and in the area of helping the democracies out there that need our help.

We can talk a good line, but the real test of this country is whether or not we are willing to commit ourselves to in fact deal with those problems. Those are the issues we confront in this budget. That is the challenge of the 1990's, that is the challenge of the next century. We cannot hide from it. That is the opportunity that faces us now, and if we walk away from that and say, "Oh, somehow there is a better deal out there; I don't know where it is, but maybe it is out there," then we have not faced that challenge.

Mr. Chairman, I think the resolution that is before the Committee gives us the opportunity to address those challenges and to provide that new direction for this Nation.

Mr. LAGOMARSINO. Mr. Chairman, I have been a Member of the House for 16 years, and for 16 years I have fought for realistic and responsible Federal budgets. The budget resolution is the time to make tough choices, set priorities, and meet obligations. This year, again, the concurrent resolution on the budget for fiscal year 1991 is a disappointment.

I believe that the great reforms in Eastern Europe, and to a lesser degree in the Soviet Union, warrant a realignment and reduction in United States defense spending. For the past 5 years, defense spending has been cut by 12 percent in real dollar terms. Whether taken as a percentage of the Nation's GNP, or as a percentage of Federal spending, defense spending is lower than it has been in 50 years. President Bush has proposed additional deep reductions which would lead to even further negative growth. We have been cutting defense spending by significant amounts while realistically maintaining our Nation's security.

It is important to remember that the so-called peace dividend resulting from cuts in defense spending is more myth than reality. Especially in the shadow of the Federal budget deficit, we cannot believe that the reality of spending less on defense allows us the luxury of recklessly spending more on the expansion of entitlement programs or on social spending.

The costs of today's entitlement programs come back to haunt us tomorrow. They must be funded year after year, and they usually get more expensive as time passes. As I have stated on this floor before, the peace dividend is a one-time bonus. Once spent, it is gone.

There are already existing, critical priorities which can be more easily met following a further reduction in defense spending, such as the fight against drug use. Changes in Federal spending should focus on the elimination of wasteful spending and increasing efficiency to get more results from every taxpayers' dollar.

The concurrent budget resolution does address some of the realistic obligations of the Federal Government, including a 4.1-percent cost-of-living adjustment for retirees and both civilian and military Federal employees, and I will continue to support these measures and work for their passage in any final budget resolution. However, I will not support unrealistic, premature slashing cuts in defense spending, nor will I support the reckless spending of illusory revenues that will unnecessarily add to the Federal budget deficit.

Mr. PANETTA. Mr. Chairman, I reserve the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MCNULTY] having assumed the chair, Mr. MCCURDY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, had come to no resolution thereon.

PROPOSED CONSTITUTIONAL AMENDMENT AUTHORIZING LINE-ITEM VETO BY THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 101-179)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

I forward to you today a Joint Resolution proposing an amendment to the Constitution of the United States to authorize the President to disapprove or reduce items of spending authority and to disapprove substantive provisions contained in appropriations measures.

Amending our national charter is a profoundly serious step, and I am fully aware of the great responsibility involved in proposing such an action. My proposal, however, is supported by ample precedent. Today, the Governors of 43 of the 50 States have line-item veto authority, and for more than a century American Presidents have urged the Congress to adopt this reform at the Federal level. We have never needed it more than now. By enabling the President to open up massive omnibus spending packages and pare out wasteful and unneeded spending, this amendment would address one of the most serious and intractable issues facing the Nation today—the collapse of Federal fiscal discipline that has helped to saddle us with trillions of dollars of debt.

This amendment has been painstakingly crafted to ensure that the Congress has a chance to pass on each item lined out of a bill, using procedures essentially identical to those now in the Constitution. Its only purpose is to enable both the President and the Congress to take a closer look at the way we spend the taxpayer's money—to bring out into the sunlight the kinds of hidden, abusive spending proposals that would never make it on their own.

I look forward to working with you on this proposal, and I am confident that by enacting it we will place the Constitution and the Nation on a sounder footing than ever before.

GEORGE BUSH.

THE WHITE HOUSE, *April 25, 1990.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C 4413(i)), I transmit herewith the sixth Annual Report of the National Endowment for Democracy, which covers fiscal year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *April 25, 1990.*

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3848, DEPOSITORY INSTITUTION MONEY LAUNDERING AMENDMENTS OF 1990

Mr. MCCURDY. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 3848, the clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in passing the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

□ 1230

HOUSE GAG RULE

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute, to revise and extend his re-

marks, and to include extraneous material.)

Mr. DOUGLAS. Mr. Speaker, there is a secret list in the House. The gentleman from Oklahoma [Mr. INHOFE] and I want to end this outrageous practice of hiding from the public the names of people who have signed the discharge petitions that are kept right up here behind me. Today we are introducing a bill that will outlaw this secrecy practice and open up the House so that the folks who come here and the people who want to know what we sponsor, how we vote, can also know whether we are willing to stand up and be counted against an autocratic liberal committee chairman who says, "I don't like your bill. I don't care if 300 people sponsor it. You are not getting it on the floor of this House."

The discharge petition is a secret process. It is also an outrage. We are introducing a bill to end that practice, and I hope all the Members will support us, just as the Wall Street Journal did this morning in an excellent editorial.

Mr. Speaker, I include the Wall Street Journal article as follows:

[From the Wall Street Journal, Apr. 25, 1990]

HOUSE GAG RULE

The same congressional leaders who in the name of open government demand more and more access to executive-branch documents—even including Ronald Reagan's personal diaries—are the protectors of a secret list that prevents the American people from knowing where their representatives really stand. A lone Member has now decided to risk the anger of the House leadership by ripping away the veil of secrecy.

In the 1950s and 1960s, autocratic House committee chairmen routinely bottled up civil-rights bills and refused to let them come to a floor vote. Today, popular bills ranging from amendments to balance the budget and ban flag desecration are routinely buried in committee because the liberal House leadership opposes them and wants to avoid votes that could be used against incumbents.

There is only one real way a majority of Members can bring legislation to the House floor if it is blocked in committee: They must produce a discharge petition. If 218 Members—a House majority—sign a discharge petition, the relevant committee must either vote out the bill or agree to a floor vote. However, only 19 of 347 discharge petitions have succeeded.

This is because the list of Members who have signed a petition is kept secret—until the required 218 sign. Only Members can view the list, and then only briefly to make certain their name is on it.

They must first go to the Clerk's desk in the House chamber. They are handed a statement signed by the Clerk and Speaker informing them that disclosing the names of signers, or the number of names, is "strictly prohibited under the precedents of the House." The sole precedent is an arbitary 1931 prohibition by Speaker John Nance Garner that was never made part of offical House rules.

This restriction has made it easy for Speakers to squash discharge petitions. Whenever the list comes close to 218 names, the Speaker routinely pressures Members to drop off. The list's secrecy allows them to conceal their timidity from the voters.

Rep. Chuck Douglas, a former New Hampshire Supreme Court Justice, says the petition's secrecy is in direct conflict with honest and open government. "This covert list allows Members the best of two political worlds," he told us. "They can publicly support a measure, like protecting the flag, while quietly withholding their names from the petition that would accomplish that."

He notes that during last year's popular effort to repeal Section 89 of the tax code, 309 of the 435 House Members signed on to a repeal bill, but less than half that number signed the discharge petition, largely to avoid angering House leaders.

Mr. Douglas has decided to break up this cozy protection for hypocrites. He has just filed a discharge petition to force a vote on his amendment to ban flag descretion. While he is obliged to not reveal the names of signers, he has announced he will disclose the names of any Members who claim to have signed the petition but do not actually do so.

He plans to do the same with a second discharge petition to force a vote on a balanced-budget amendment. It has 246 cosponsors, but Judiciary Committee Chairman Jack Brooks refuses to release it. Rep. Douglas expects a lot of pressure from his colleagues to back down, but he has no intention of budging.

The secret discharge petition is only the latest example of how House Rules—or in this case merely a precedent—are used to shield Members from accountability. We tried to request documents on the history of the discharge petition's secrecy by using the Freedom of Information Act, but were informed that Congress has exempted itself from that law as well.

WILL THE REAL BIG SPENDERS PLEASE STAND UP?

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, year after year Congress and the President have grappled with a serious and growing Federal deficit and we've all witnessed the episodes of fingerpointing—who's at fault, who voted for it, who caused it.

The central message from President Reagan and now President Bush has been that the Federal deficit has been caused by a Congress that spends much more than the President desires. Essentially, they are saying "It wasn't us—it's the Democrats' fault." "The Democrats are the big spenders," they claim.

I thought it would be interesting to find out just how much spending President Reagan and now President Bush have been requesting during this past decade and then compare that with how much spending Congress has actually enacted.

It seems to me that this comparison is a fair way to evaluate the difference between the Republican administrations and the Democratic Congress.

I recently asked the House Appropriations Committee to compile for me a list of spending requests in the President's budget from 1981 through 1989. I asked them to compare that with final appropriations by Congress during those same years.

The facts are startling.

During the past 9 years, conservative Presidents have requested spending of $4.915 trillion while the so-called congressional big spenders have actually appropriated slightly less that that, $4.897 trillion.

These figures represent all Federal spending for which Congress makes an annual appropriation.

What this information tells us is there is not a plug nickle's worth of difference in how much Republicans and Democrats want to spend. In fact, if anything, the Republicans and Democrats want to spend. In fact, if anything, the Republicans seem to want to spend more than the Democrats. There is, of course, a radical difference in how they want to spend it.

Democrats want to keep pushing money at social programs and the Republicans want to keep stuffing the Pentagon's pockets with cash. Both could use some lessons in fiscal responsibility.

The point of all of this is to say that, when the President stands up and says the deficit is someone else's fault, the numbers just do not support that conclusion. It is the fault of all of us—the White House and the Congress.

We do spend too much. I think Republicans and Democrats, in the White House and in Congress, should understand that the taxpayers are getting a little tired of bloated Government. They are also tired of deficits and they are tired of excuses.

My purpose today is simply to expose the myth, put forward first by Ronald Reagan and now by George Bush, that it is really somebody else's fault. The numbers show, in fact, these two Presidents have proposed more spending than any Presidents in history and have proposed more spending than Congress has been willing to enact. So the next time someone asks, "will the real big spenders please stand up?"—all of Washington should get on their feet—especially Presidents Reagan and Bush.

Printed below are the numbers compiled for me by the Appropriations Committee for the years 1981–89.

APPROPRIATIONS REQUEST COMPARED TO FINAL ACTION

[Fiscal years 1981–89]

Fiscal year	Administration budget requests considered	Final congressional appropriations	Difference (under −) (over +)
1981	$431,529,081,133	$428,425,181,587	−$3,203,899,546
1982	459,559,715,650	462,247,584,449	−2,587,888,799
1983	497,863,615,518	510,760,813,714	+12,895,298,198
1984	532,776,761,347	536,583,359,061	+3,807,097,714
1985	582,964,801,246	[1] 571,740,238,522	−11,224,362,724
1986 [2]	586,300,515,503	[3] 574,868,009,551	−11,432,505,852

APPROPRIATIONS REQUEST COMPARED TO FINAL ACTION—Continued

[Fiscal years 1981–89]

Fiscal year	Administration budget requests considered	Final congressional appropriations	Difference (under −) (over +)
1987	595,071,473,158	[4] 578,938,925,526	−18,132,547,830
1988	607,213,694,084	[5] 808,443,182,174	−770,511,920
1989 [6]	522,590,880,756	627,951,582,269	+5,360,921,513
Totals	4,916,972,118,401	4,897,959,475,853	−18,012,641,548

[1] Does not include −$5,375,000,000 rescission for Synfuels.
[2] Does include +$4,000,000,000 request of CCC and +$3,976,000,000 enacted for CCC pursuant to Budget request of Dec. 23, 1985.
[3] Does not include −$6,900,000,000 rescission for Synfuels.
[4] Includes Defense rescission of −$5,323,877,000.
[5] Includes Defense rescission of −$3,531,030,000.
[6] Action through June 30, 1989.

Prepared by House Committee on Appropriations.

□ 2010

The SPEAKER pro tempore (Mr. MCNULTY). Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

[Mr. BEREUTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes.

[Mr. MCEWEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. AUCOIN] is recognized for 5 minutes.

[Mr. AUCOIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A TRIBUTE TO DAVE WELTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, I became aware not long ago that a friend of mine, Dave Welty, is retiring.

At first, I hardly believed it. It is difficult to imagine Pittsburgh's City Hall without Dave. He has been the press secretary for five mayors of Pittsburgh—Thomas Gallagher, Joseph Barr, Pete Flaherty, Richard Caliguiri, and Sophie Masloff. His public service goes back to the late 1950's, and he was one of Pittsburgh's leading journalists before that.

Over the years, he has become an institution.

But it is true. He is leaving City Hall. Dave announced that he is retiring at the end of this month.

I remember Dave from my days as a member of the Pittsburgh City Council. His job was not always easy. There were times when it required the diplomacy of Kissinger, the patience of Job, and the footwork of Astaire. But Dave Welty always had what it takes. He is the best in the business.

All of us in Pittsburgh public life will miss his good work. I know my colleagues join me in wishing him well in retirement, where life will undoubtedly be a bit more tranquil.

The Pittsburgh Post-Gazette recently printed an article by Andrew Sheehan about Dave Welty's retirement. I would like to request that it be reprinted in the RECORD.

PRESS AIDE TO FIVE MAYORS DECIDES IT'S TIME TO RELAX

(By Andrew Sheehan)

After decades of holding the middle ground between the city's press corps and five Pittsburgh mayors, Dave Welty has decided to leave the battle to someone else.

As is his morning practice, the mayor's press secretary began yesterday by dropping a news release on the desk of each television, radio and newspaper reporter in the city pressroom.

But instead of a street closing or new city appointment, the paper tersely told of his own retirement, effective April 30.

"It's just time," he explained.

Dressed in his wrinkled brown suit, Welty took a seat behind his desk and the nameplate reading "Minister of Truth."

Rocking gently in his chair, the avuncular man of 66 divulged his secret for longevity in a job that deserves hazardous duty pay.

"It's always been a policy of mine not to know anything," he said.

Although each mayor—Thomas Gallagher, Joseph Barr, Pete Flaherty, Richard S. Caliguiri and Sophie Masloff—had and still have testy times with reporters, Welty has always retained his credibility with reporters.

Throughout, he has been the keeper of City Hall's zoo-like newsroom. As head of the preserve, Welty puts out a daily feed of pretzels and potato chips for the inhabitants and keeps their jokes about city officials confidential.

After 14 years as a reporter with the Pittsburgh Sun-Telegraph, Welty took the job of secretary with Gallagher in 1959 and retained the post with Barr.

After a brief stint as an aide to county Commissioner Tom Foerster, he returned to Barr as his executive secretary, the top appointed position in city government.

Under Pete Flaherty, relations between the mayor's office and reporters became strained. As press secretary, Welty emerged unscathed.

"Welty managed to use enough charm to stay out of the firing line," said David Warner, a former reporter for both The Pittsburgh Press and the Post-Gazette, who covered the Flaherty administration.

"He was always loyal to the mayor, and he never lost his credibility with the newspeople," Flaherty said.

Welty's list of "nevers" would serve any press secretary well.

Never, he said, become a news source.

"New guys would come in looking for loose lips," he said.

Never lie to reporters.

"I think lies catch up with you," he said. "If someone had to lie, I'd let them do it [themselves]."

Most importantly, as Welty always advised everyone, never take yourself too seriously.

"He was the greatest guy to have around in a time of crisis," said David Matter, the executive secretary to Caliguiri. "He was the guy to look beyond the immediate problem and tell you how other people dealt with the same thing and with good results."

But Welty said he would be missed primarily as a purveyor of snacks. Ever the newspaperman, he suggested a headline for his farewell piece: "Goodbye, Mr. Chips."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

[Mr. DELAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

[Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

[Mr. DREIER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. WASHINGTON] is recognized for 60 minutes.

[Mr. WASHINGTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

[Mr. GAYDOS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

[Mr. GINGRICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DISTRICT SUPPORT FOR H.R. 2497—PROVIDING FOR ALTERNATIVE DISPUTES RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 60 minutes.

Mr. FRENZEL. Mr. Speaker, I wish to present to my colleagues recent correspondence from Mr. Dale Nathan of Eagan, MN. Mr. Nathan has provided me with important documentation to support the changes in the Federal contract dispute resolution process included in H.R. 2497 and S. 971. As the below letter indicates, the current lengthy, and expensive, dispute resolution process effectively precludes small businesses from affordable resolution of Government contract disputes.

I am pleased that the House Subcommittee on Administrative Law and Governmental Relations has scheduled for a markup on H.R. 2497 for April 25 and look forward to the subcommittee's consideration of the measures.

Although the enclosures noted below are too expansive to be published in the CONGRESSIONAL RECORD, I invite interested colleagues to contact my office for copies of the supporting documents.

NATHAN & ASSOCIATES,
ATTORNEYS AT LAW,
Eagan, MN, April 23, 1990.

Congressman WILLIAM FRENZEL,
Bloomington, MN.

Re: Federal Contract Disputes Resolution.

DEAR CONGRESSMAN FRENZEL: This latter is for two purposes. The first is to provide you with three case histories that I believe illustrate the need for reform and improvement in the Federal contract disputes resolution process, particularly for small business firms. The second is to request, if it is appropriate and could be useful, that representatives of the three companies whose case histories are given, or myself, be permitted to testify concerning these experiences, or to submit information and documentation in support of S. 971 and H. 2497 and additional reform legislation.

The three case histories are presented in Enclosure 1 to this letter. The companies, all small business firms, are: (1) FDL Technologies, Inc., Duluth, Minnesota, a minority-owned firm; (2) Durable Metal Products, Inc., Minneapolis, Minnesota; and (3) Rex Systems Inc., Chippewa Falls, Wisconsin. Two of the disputes, FDL Technologies, Inc., and Rex Systems Inc., are in litigation before the Armed Services Board of Contract Appeals. The Durable Metal Products dispute is in litigation in the United States Claims Court. Each history illustrates that present Federal contract disputes resolution procedures do not provide a process that is affordable for most small businesses firms or result in resolution within the time needed by small business firms. For example, the Rex Systems Inc. dispute is close to five years old and has cost over $125,000 and we are at the step of waiting for the Board's decision on the first issue—that of liability. If the decision is favorable to the contractor, it could be another two or more years and much more expense before there is any monetary recovery, even for attorney fees and litigation costs.

In the FDL Technologies, Inc. dispute the Army realized over three years after it terminated a contract for default that the termination was unjustified. At the urging of a Board judge the contracting officer withdrew his decision. However, the contractor incurred liability for attorney fees and litigation costs of over $42,000.00, most of which is unpaid. Becuase of problems caused by the Government, the contractor ceased operations in March, 1990.

Durable Metal Products, Inc., which also has ceased operation, submitted a claim in September, 1988, to recover substantial damages it alleges were caused by an irresponsible and unreasonable Quality Assurance Representative (QAR). It took the Government until January, 1990, to issue a final decision. In August, 1989, Durable filed suit in the United States Claims Court on the basis of the refusal of the contracting officer to issue a decision. Durable does not have the funds to finance a costly and protracted litigation. Yet, the Department of Justice has refused so far to agree to binding ADR despite testimony before a House Judiciary subcommittee that binding ADR was acceptable. Durable Metal Products already has incurred liability for more than $81,000 for attorney fees and litigation costs.

The three cases mentioned above could result in tens of thousands of dollars of expense to the public. If the contractor prevails in each proceeding, and the government position is determined not to be substantially justified, both of which I believe to be likely, the contractors will be entitled to recover their attorney fees and litigation costs. In these three instances, that already amounts to over $200,000.

A review of applications for attorney fees and litigation costs in board of contract appeals and United States Claims Court cases discloses that expenditures for these costs typically exceeds $50,000 when the contractor is represented by counsel. Often, the amount for attorney fees and litigation costs in a single case is greater than $100,000. Applications are made under the Equal Access to Justice Act. Expenditures for attorney fees and litigation costs are recoverable when the contractor prevails and the government cannot show that its position was substantially justified. There is no recovery when the contractor loses.

Most small business firms cannot spend $50,000 or more for attorney fees and litigation costs. The result is that an affordable means of resolving Federal contract disputes is not available today for small businesses.

In addition to H. 2497 and S. 971, which I believe would provide significant relief for small business firms in Federal contract disputes resolution, I believe other reforms are needed. These are listed and discussed in Enclosure 2 to this letter. I would be most pleased to travel at my expense to meet with Members of Congress or subcommittee staff personnel to discuss them.

The present system, which allows and even encourages government procurement personnel and counsel to take irresponsible actions and engage in meritless and abusive litigation generates enormous waste. Other consequences of the lack of adequate remedies for small businesses are that the government pays higher prices for products and services when small businesses are ruined or driven from the government contract marketplace. On behalf of FDL Technologies, Durable Metal Products and Rex Systems, and I believe hundreds of other small businesses, I solicit your support in legislating improvements to the Federal contract disputes resolution process to provide means of disputes resolution that are affordable and appropriate for small businesses.

Thank you for considering my views.

Sincerely,

DALE C. NATHAN.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BALLENGER (at the request of Mr. MICHEL), for today, on account of representing the United States at the inauguration of the President-elect of Nicaragua, Mrs. Violeta Chamorro.

Mr. CHANDLER (at the request of Mr. MICHEL), for today, on account of representing the United States at the inauguration of the President-elect of Nicaragua, Mrs. Violeta Chamorro.

Mr. DORNAN of California (at the request of Mr. MICHEL), for today, on account of representing the United States at the inauguration of the President-elect of Nicaragua, Mrs. Violeta Chamorro.

Mr. EDWARDS of Oklahoma (at the request of Mr. MICHEL), for today, on account of representing the United States at the inauguration of the President-elect of Nicaragua, Mrs. Violeta Chamorro.

Mr. HYDE (at the request of Mr. MICHEL), for today, on account of representing the United States at the inauguration of the President-elect of Nicaragua, Mrs. Violeta Chamorro.

Ms. ROS-LEHTINEN (at the request of Mr. MICHEL), for today, on account of representing the United States at the inauguration of the President-elect of Nicaragua, Mrs. Violeta Chamorro.

Mrs. VUCANOVICH (at the request of Mr. MICHEL), for today, on account of representing the United States at the inauguration of the President-elect of Nicaragua, Mrs. Violeta Chamorro.

Mr. HOPKINS (at the request of Mr. MICHEL), for today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mr. TAUKE, for 5 minutes, on May 3.

Mr. MCEWEN, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on May 15, 16, 22, and 23.

Mr. FRENZEL, for 20 minutes, today.

(The following Members (at the request of Mr. MCCURDY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes today.

Mr. AUCOIN, for 5 minutes today.

Mr. BROWN, of California, for 60 minutes, on April 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GONZALEZ, on H.R. 3848, in committee, today, following Mr. ANNUNZIO.

Ms. ROS-LEHTINEN immediately after the vote on final passage of H.R. 3848 in the House today.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. WELDON.

Ms. ROS-LEHTINEN.

Mrs. MEYERS of Kansas.

Mr. LENT in two instances.

Mr. LEWIS of California.

Mr. COX.

Mrs. SAIKI.

Mr. GOSS.

Mr. BARTLETT.

Mr. COURTER.

Mr. GILMAN.

Mr. MICHEL.

Mrs. BENTLEY in three instances.

Mr. DUNCAN.

Mr. OXLEY.

Ms. SCHNEIDER in two instances.

Mr. GEKAS.

(The following Members (at the request of Mr. MCCURDY) and to include extraneous matter:)

Mr. FORD of Michigan.

Mr. FUSTER.

Mr. HAMILTON in two instances.

Mr. MARTINEZ.

Mr. ASPIN.

Mr. HALL of Ohio.

Mr. NOWAK.

Mr. FASCELL in two instances.

Mr. EDWARDS of California in three instances.

Mr. LANTOS.

Mr. LAFALCE.

Mr. TALLON.

Mr. ATKINS.

Mr. BONIOR.

Mr. STARK.

Mr. KENNEDY.

Mr. MOODY in two instances.

Mr. PENNY.

Mr. CLAY.

Mr. JACOBS.

Mr. DOWNEY.

Mr. VENTO.

Mr. MILLER of California in three instances.

Mr. NELSON of Florida.

Mr. TRAFICANT.

Mr. NEAL of Massachusetts.

Mr. MRAZEK.

Mr. RANGEL.

Mr. HUBBARD.

Mr. BROWN of California.

Mr. ENGEL.

ADJOURNMENT

Mr. MCCURDY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, April 26, 1990, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3065. A letter from the President, International Executive Service Corps, transmitting a report on private enterprise environment; to the Committee on Appropriations.

3066. A letter from the Deputy Director, Defense Research and Engineering (Test and Evaluation), Department of Defense, transmitting notification of five nominated test projects for inclusion in the fiscal year 1990 Foreign Comparative Testing [FCT] Program, pursuant to 10 U.S.C. 2350a(g) Public Law 101-189, section 931(a)(2) (103 Stat. 1533); to the Committee on Armed Services.

3067. A letter from the Secretary of Energy, transmitting the annual report on the State Energy Conservation Program for calendar year 1988, pursuant to 42 U.S.C. 6325; to the Committee on Energy and Commerce.

3068. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO in March 1990, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 382. Resolution providing for the further consideration of the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995. (Rept. 101-460). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 743. A bill to establish a framework for the conduct of negotiated rulemaking by Federal agencies; with an amendment (Rept. 101-461). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. S. 1485. An act to grant the consent of Congress to the Quad Cities Interstate Metropolitan Authority Compact entered into between the States of Illinois and Iowa. (Rept. 101-462). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 2372. A bill to provide jurisdiction and procedures for claims for compassionate payments for injuries due to exposure to radiation from nuclear testing; with an amendment (Rept. 101-463). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LENT (for himself, Mr. TAUZIN, Mr. BROOMFIELD, Mr. HALL of Texas, Mr. GILMAN, Mr. BILIRAKIS, Mr. BLILEY, Mr. CALLAHAN, Mr. CHANDLER, Mr. DANNEMEYER, Mr. DEFAZIO, Mr. FIELDS, Mr. HORTON, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. MCMILLAN of North Carolina, Mr. MADIGAN, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MOORHEAD, Mr. NIELSON of Utah, Mr. OXLEY, Mr. PAYNE of Virginia, Mr. RITTER, Mr. SCHAEFER, Mr. TAUKE, and Mr. WHITTAKER):

H.R. 4608. A bill to amend title 13, United States Code, and the International Investment and Trade in Services Survey Act to provide for sharing statistical establishment list information with the Bureau of Economic Analysis to augment, and improve the quality of, its international data, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Energy and Commerce, and Foreign Affairs.

By Mr. TAUZIN (for himself, Mr. JONES of North Carolina, Mr. DAVIS, and Mr. YOUNG of Alaska):

H.R. 4609. A bill to amend the Coast Guard Authorization Act of 1989 (Public Law 101-225); to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL:

H.R. 4610. A bill to authorize assistance for fiscal year 1991 for emerging democracies in Eastern Europe and Central America, to enact foreign assistance authorization

legislation, to authorize appropriations for the Peace Corps, the Department of State, and the U.S. Information Agency, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROOKS (for himself, Mr. EDWARDS of California, and Mr. FISH):

H.R. 4611. A bill to amend the National Cooperative Research Act of 1984 to reduce the liability for joint ventures entered into for the purpose of producing a product, process, or service; to the Committee on the Judiciary.

By Mr. BROOKS (for himself, Mr. FISH, Mr. SCHUMER, and Mr. SYNAR):

H.R. 4612. A bill to amend title 11 of the United States Code regarding swap agreements and forward contracts; to the Committee on the Judiciary.

By Mr. BARTLETT (for himself, Mr. FLAKE, Mr. WYLIE, Mr. FRANK, Mr. BAKER, and Mr. MFUME):

H.R. 4613. A bill to provide for sales of property held by the Resolution Trust Corporation to the Secretary of Housing and Urban Development for use under urban homesteading programs; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BEREUTER:

H.R. 4614. A bill to amend laws relating to housing to provide for housing for Indian families, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. CARPER:

H.R. 4615. A bill to suspend temporarily the duty on pigment green 36; to the Committee on Ways and Means.

H.R. 4616. A bill to extend the existing temporary suspension of duty on fusilade; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 4617. A bill to amend the Inspector General Act of 1978 to clarify the authority of inspectors general to conduct audits and investigations; to the Committee on Government Operations.

By Mr. CONYERS:

H.R. 4618. A bill to amend title 28, United States Code, to prohibit racially discriminatory capital sentencing; to the Committee on the Judiciary.

By Mr. DOWNEY (for himself and Mr. MOODY):

H.R. 4619. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of insurance companies; to the Committee on Ways and Means.

By Mr. EARLY (for himself, Mr. CONTE, Mr. MARKEY, Mr. MOAKLEY, Mr. STUDDS, Mr. DONNELLY, Mr. MAVROULES, Mr. FRANK, Mr. ATKINS, Mr. KENNEDY, Mr. NEAL of Massachusetts, and Mr. SOLOMON):

H.R. 4620. A bill to amend the Securities Exchange Act of 1934 to require the disclosure of additional information with respect to proxy contests conducted during the pendency of tender offers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FLAKE (for himself, Mr. GRAY, Mr. FRANK, Mr. MFUME, Mr. BRENNAN, Mr. TORRES, Mr. DELLUMS, Mr. ACKERMAN, Mr. RANGEL, Mr. HAYES of Illinois, Mr. COLEMAN of Texas, Mr. FAUNTROY, Mr. LEWIS of Georgia, Mr. WALGREN, Mr. TOWNS, Mr. SERRANO, Mr. DE LUGO, Mr. DIXON, Mrs. LOWEY of New York, Mr. PAYNE of New Jersey, Mr. ESPY, Mr. OWENS of New York, Mr. ENGEL, Mr. NEAL of Massachusetts, Mr. FORD of Tennessee, Mr. COYNE, Mr. FOGLIETTA, Mr. BUSTAMANTE, Mr. SOLARZ, Mr. SIKORSKI, Mr. EDWARDS of California, Ms. OAKAR, Mr. MCDERMOTT, Mr. TRAFICANT, Mr. THOMAS A. LUKEN, Mr. CARPER, Mr. WOLPE, Mr. CLAY, Mr. MCHUGH, Mr. STOKES, Mr. SAVAGE, Ms. PELOSI, Mr. WEISS, Mrs. BOXER, Ms. SCHNEIDER, Mr. DYMALLY, Mr. WHEAT, and Mr. KENNEDY):

H.R. 4621. A bill to alleviate homelessness, reduce housing cost burdens, and increase housing opportunities for low-income families, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GUARINI (for himself, Mr. RANGEL, Mr. GILMAN, Mr. STARK, Ms. SCHNEIDER, and Mr. MACHTLEY):

H.R. 4622. A bill to establish permanent Federal and State drug treatment programs for criminal offenders, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. JENKINS:

H.R. 4623. A bill to provide for the temporary suspension of duty on sewing machine needles; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 4624. A bill to assist emerging democracies in Central Europe; jointly, to the Committee on Foreign Affairs; Banking, Finance and Urban Affairs; and Energy and Commerce.

By Mr. LANCASTER (for himself, Mr. BALLENGER, Mr. BRUCE, Mr. ENGLISH, Mr. GUNDERSON, Mr. HATCHER, Mr. HERGER, Mr. JAMES, Mr. JONES of North Carolina, Mr. JONTZ, Ms. LONG, Mr. MADIGAN, Mr. NEAL of North Carolina, Mr. PAYNE of Virginia, Mr. PRICE, Mr. SISISKY, Mr. TALLON, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. VALENTINE, Mr. ROBERT F. SMITH, and Ms. SLAUGHTER of New York):

H.R. 4625. A bill to amend the Internal Revenue Code of 1986 to increase the amount of cash remuneration which may be paid for agricultural labor without triggering wage withholding and OASDI coverage; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 4626. A bill to amend part A of title IV of the Social Security Act to provide that an individual who otherwise meets the requirements of that part shall continue to be considered a dependent child for so long as the individual is a full-time student and may be expected to complete the educational program in which the individual is enrolled with 290 days of attaining the age of 21; to the Committee on Ways and Means.

By Mr. MOODY:

H.R. 4627. A bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the Medicare Program; to the Committee on Ways and Means.

By Mr. PANETTA:

H.R. 4628. A bill to amend title 5, United States Code, to provide higher rates of basic pay for Federal employees within Monterey County, CA; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 4629. A bill to amend the Higher Education Act of 1965 to require the disclosure of certain information to students and prospective students by eligible institutions; to the Committee on Education and Labor.

By Mr. RICHARDSON:

H.R. 4630. A bill to exchange certain lands in the State of New Mexico, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. SHAW (for himself, Mr. LEHMAN of Florida, Mr. RAVENEL, and Mr. JOHNSTON of Florida):

H.R. 4631. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on disposable polystyrene packaging and to use the revenues from the tax for research and development of polystyrene recycling; to the Committee on Ways and Means.

By Mr. STUDDS:

H.R. 4632. A bill to amend title 14, United States Code, to impose penalties for inducing the Coast Guard to render aid under false pretenses, to impose liabilities for costs incurred by the Coast Guard in rendering that aid, and to authorize appropriations for use for acquiring direction-funding equipment for the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. TRAFICANT:

H.R. 4633. A bill to authorize the Secretary of Transportation to carry out a highway demonstration project in Mahoning and Trumbull Counties, OH; to the Committee on Public Works and Transportation.

H.R. 4634. A bill to amend title 23, United States Code, to improve safety on the National System of Interstate and Defense Highways by transferring rearward, to other internal axle groups, a part of the load weight carried on the steering axle of a three-axle truck-tractor and triaxle semitrailer; to the Committee on Public Works and Transportation.

By Mr. WILLIAMS:

H.R. 4635. A bill to designate certain lands in Montana as wilderness, to release other forest lands for multiple-use management, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Ms. PELOSI (for herself, Mr. LANTOS, Mr. PORTER, Mr. AKAKA, Mr. MCHUGH, Mr. SMITH of Texas, Mr. FRANK, Mr. FUSTER, Mr. MRAZEK, Mr. OWENS of Utah, Mrs. MORELLA, Mr. MCNULTY, Mr. HORTON, Mr. DIXON, Mr. BEILENSON, Mr. JONTZ, Mr. WALSH, Mr. FAUNTROY, Mr. SMITH of Florida, Mr. MANTON, Mr. DOUGLAS, Ms. KAPTUR, Mr. PALLONE, Mr. FROST, Mr. CONDIT, Mr. WOLF, Mr. NEAL of North Carolina, Mr. HYDE, Mrs. COLLINS, Mr. FAZIO, Mrs. BOXER, Mr. HALL of Texas, Mr. TOWNS, Mr. LEVIN of Michigan, Mr. WEISS, Mr. LAGOMARSINO, Mr. DEFAZIO, Mr. HASTERT, Mr. LANCASTER, Mr. JONES of Georgia, Mr. FOGLIETTA, Mr. GILMAN, Mr. ACKERMAN, Mr. WAXMAN, and Mrs. MEYERS of Kansas):

H.J. Res 556. Joint resolution designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet"; to the Committee on Post Office and Civil Service.

By Mr. PRICE (for himself Mr. HUGHES, and Mr. FISH):

H.J. Res. 557. Joint resolution designating the month of October 1990 as "Crime Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. ANNUNZIO:

H. Con. Res. 311. Concurrent resolution providing for printing of additional copies of the booklet entitled "Our Flag"; to the Committee on House Administration.

By Mr. DOUGLAS (for himself and Mr. INHOFE):

H. Res. 383. Resolution to amend the Rules of the House of Representatives to require the public disclosure on a weekly basis of the names of all Members who have signed a discharge petition filed with the Clerk; to the Committee on Rules.

By Mr. WOLPE (for himself, Mr. WOLF, Mr. GRAY, Mr. DORGAN of North Dakota, Mr. EMERSON, Mr. BURTON of Indiana, Mr. DELLUMS, Mr. HOUGHTON, Mr. PAYNE of New Jersey, Mr. SOLOMON, Mr. CROCKETT, Mr. ROTH, Mr. HALL of Texas, Mr. DYMALLY, and Mr. MOODY):

H. Res. 384. Resolution expressing the sense of the Congress regarding the urgent famine situation in Ethiopia; jointly, to the Committees on Foreign Affairs; Banking, Finance and Urban Affairs; and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

370. By the SPEAKER: Memorial of the Legislature of the State of Idaho, relative to establishing an earthquake project's program; to the Committee on Banking, Finance and Urban Affairs.

371. Also, memorial of the Legislature of the State of Idaho, relative to the manufacture of telecommunications equipment; jointly, to the Committees on Energy and Commerce and the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 286: Mr. OWENS of Utah.

H.R. 290: Mr. TOWNS and Mr. RAVENEL.

H.R. 446: Mr. CHANDLER.

H.R. 463: Mr. SHUMWAY.

H.R. 579: Mr. GRANDY.

H.R. 586: Mr. HANSEN.

H.R. 1057: Mr. ESPY, Mr. ENGEL, Mr. BONIOR, and Mr. WAXMAN.

H.R. 1079: Mr. DENNY SMITH.

H.R. 1085: Mr. VOLKMER. and Mr. SOLARZ.

H.R. 1241: Mr. BONIOR, Mr. BROOMFIELD, Mr. CARR, Mr. CONYERS, Mr. CROCKETT, Mr. DINGELL, Mr. FORD of Michigan, Mr. HENRY, Mr. HERTEL, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. PURSELL, Mr. SCHUETTE, Mr. TRAXLER, Mr. UPTON, Mr. VANDER JAGT, and Mr. WOLPE.

H.R. 1249: Mr. MARKEY.

H.R. 1287: Mr. RITTER.

H.R. 1317: Mr. ROSE, Mr. DELLUMS, Mr. SAVAGE, and Mr. EVANS.

H.R. 1562: Mr. ERDREICH.

H.R. 2103: Mr. CRANE.

H.R. 2140: Mr. MURPHY, Mr. SMITH of Vermont, and Mr. LEHMAN of California.

H.R. 2186: Mr. POSHARD.

H.R. 2336: Mr. MADIGAN, Mr. OWENS of Utah, Mr. HILER, Mr. STALLINGS, and Mr. SOLOMON.

H.R. 2664: Mr. EVANS.

H.R. 2699: Mr. GOSS and Mr. SCHUMER.

H.R. 2840: Mr. ROSE.

H.R. 2958: Ms. OAKAR.

H.R. 2974: Mr. PACKARD, Mr. GILLMOR, Mr. MCMILLAN of North Carolina, Mr. SMITH of New Hampshire, and Mr. SMITH of New Jersey.

H.R. 3030: Ms. MOLINARI.

H.R. 3037: Mr. HORTON, Mr. JONES of Georgia, Mr. WHEAT, Mr. ACKERMAN, Mr. MCMILLEN of Maryland, and Mr. SHARP.

H.R. 3154: Mr. POSHARD, Mr. EVANS, Mr. ROYBAL, Ms. KAPTUR, Mr. JONTZ, Mrs. COLLINS, Mr. FAUNTROY, Mr. TOWNS, Mr. DERRICK, Mr. SENSENBRENNER, and Mr. STALLINGS.

H.R. 3223: Mr. TRAFICANT.

H.R. 3267: Mr. FOGLIETTA and Mr. SCHIFF.

H.R. 3344: Mr. MARKEY and Mr. MCNULTY.

H.R. 3423: Mr. SHAYS.

H.R. 3454: Mr. CARPER, Mr. SPRATT, Mr. ERDREICH, Mr. FISH, Mr. PRICE, Mr. MANTON, Mr. HAYES of Louisiana, Mr. DICKINSON, and Mr. SLATTERY.

H.R. 3464: Mr. HUGHES.

H.R. 3520: Mr. FALEOMAVAEGA.

H.R. 3686: Mr. SHAW.

H.R. 3706: Mr. HOCHBRUECKNER.

H.R. 3719: Mr. LEHMAN of Florida, Ms. SMITH of Florida, Mr. HUTTO, Mr. IRELAND, Mr. NELSON of Florida, Mr. JOHNSTON of Florida, Ms. ROS-LEHTINEN, Mr. RINALDO, Mr. KOSTMAYER, Mr. FUSTER, Mr. FAUNTROY, Mr. TOWNS, Mr. SAVAGE, Mr. NEAL of North Carolina, Mr. DELLUMS, Mrs. COLLINS, Ms. PELOSI, Mr. OWENS of Utah, and Mrs. BOXER.

H.R. 3732: Mr. TALLON, Mrs. MEYERS of Kansas, Mr. DWYER of New Jersey, Ms. PELOSI, Mr. UDALL, Mr. TAUKE, Mr. COBLE, Mr. ROSE, Mr. POSHARD, Mr. MCDADE, Mr. RINALDO, Mr. MANTON, Mr. YATRON, Mr. WILLIAMS, Mr. THOMAS A. LUKEN, Mr. SCHIFF, Mr. COLEMAN of Missouri, Mr. WYLIE, Mr. BROWN of California, Mr. JONES of Georgia, Mr. BROOKS, Mr. MCNULTY, Mr. HERTEL, Mr. MAVROULES, Mr. TANNER, Mr. BONIOR, Mr. MARKEY, Mr. HARRIS, Mr. ALEXANDER, and Mr. SISISKY.

H.R. 3735: Mr. SHARP.

H.R. 3739: Mr. CONDIT.

H.R. 3745: Mr. DIXON and Mr. ESPY.

H.R. 3757: Mr. ATKINS.

H.R. 3830: Mr. HOCHBRUECKNER, Mr. MCNULTY, Mr. LAFALCE, Mr. RANGEL, Mr. SANGMEISTER, Mr. TRAFICANT, and Mr. SCHEUER.

H.R. 3859: Mr. OWENS of New York and Mrs. KENNELLY.

H.R. 3992: Mr. ENGEL and Mr. MILLER of Washington.

H.R. 4003: Mr. TAUZIN.

H.R. 4048: Mr. FORD of Michigan, Mr. ECKART, Mr. ATKINS, Mrs. UNSOELD, Mr. CONYERS, Mr. DEFAZIO, Mr. ACKERMAN, Mr. MOAKLEY, and Mr. WAXMAN.

H.R. 4080: Mr. DEFAZIO.

H.R. 4081: Mr. BROWN of Colorado.

H.R. 4098: Mr. ROGERS, Mr. ASPIN, Mr. JENKINS, and Mr. NEAL of Massachusetts.

H.R. 4103: Mr. PACKARD, Mr. HYDE, Mr. SHUMWAY, Mr. EMERSON, Mr. ROBINSON, Mr. JAMES, Mr. PURSELL, Mr. CRAIG, and Mr. RITTER.

H.R. 4104: Mr. PACKARD, Mr. HYDE, Mr. ROBINSON, Mr. EMERSON, Mr. JAMES, Mr. PURSELL, Mr. CRAIG, and Mr. RITTER.

H.R. 4105: Mr. PACKARD, Mr. HYDE, Mr. ROBINSON, Mr. EMERSON, Mr. JAMES, Mr. PURSELL, Mr. CRAIG, and Mr. RITTER.

H.R. 4118: Mr. ATKINS.

H.R. 4121: Mr. LANCASTER, Mr. CONDIT, Mr. BEVILL, Mr. EDWARDS of Oklahoma, Mr. CHAPMAN, Mr. GOODLING, Mr. CRAIG, Mr. MCDADE, Mr. HERGER, Mr. CAMPBELL of Colorado, Mr. BARNARD, Mr. TOWNS, and Mr. ROBERT F. SMITH.

H.R. 4183: Mr. HANSEN and Mr. JOHNSON of South Dakota.

H.R. 4208: Mr. AUCOIN and Mr. KILDEE.

H.R. 4211: Mr. RANGEL, Mr. FAUNTROY, Mr. FUSTER, Ms. PELOSI, and Ms. KAPTUR.

H.R. 4213: Mr. KANJORSKI.

H.R. 4226: Mr. RANGEL and Mr. SUNDQUIST.

H.R. 4238: Mr. HERTEL.

H.R. 4254: Mr. BOUCHER, Mr. HATCHER, Mr. LEWIS of Georgia, and Mr. BARNARD.

H.R. 4262: Mr. STALLINGS, Mrs. LLOYD, and Mr. HENRY.

H.R. 4264: Mr. THOMAS A. LUKEN, Ms. KAPTUR, Mr. LANCASTER, Mr. TAYLOR, Mr. ENGEL, and Mr. CAMPBELL of Colorado.

H.R. 4287: Mr. FLIPPO, Mr. BONIOR, Mr. CARR, Mr. DAVIS, Mr. DEFAZIO, Mr. HERTEL, Mr. HUBBARD, Mr. KILDEE, Mr. MACHTLEY, Mr. MOLLOHAN, Mr. PAYNE of New Jersey, Mr. PENNY, Mr. PETRI, Mr. RAHALL, Mr. RAVENEL, Mr. SLATTERY, Mr. SMITH of Florida, Mr. WYDEN, and Mr. YOUNG of Alaska.

H.R. 4363: Mr. OWENS of Utah and Mr. FALEOMAVAEGA.

H.R. 4367: Mr. GEREN, Mr. WILSON, Mr. GUNDERSON, Mr. SCHUETTE, and Mr. OBEY.

H.R. 4369: Mr. HARRIS, Mr. WALSH, Mr. HUCKABY, Mr. ROBERT F. SMITH, and Mr. SISISKY.

H.R. 4390: Mr. ROWLAND of Georgia, Mr. HAMMERSCHMIDT, Mr. STENHOLM, Mr. STUMP, Mr. HARRIS, Mr. MCEWEN, Mr. KENNEDY, Mr. SMITH of New Jersey, Mr. JONTZ, Mr. BURTON of Indiana, Mr. PAYNE of Virginia, Mr. BILIRAKIS, Mr. MORRISON of Connecticut, Mr. RIDGE, Mr. SANGMEISTER, Mr. ROWLAND of Connecticut, Mr. PARKER, Mr. RAVENEL, Mr. BARTON of Texas, and Mr. LAUGHLIN.

H.R. 4419: Mr. ESPY, Mr. TRAFICANT, Mrs. BOXER, Mr. LANCASTER, Mr. MAVROULES, and Mr. FOGLIETTA.

H.R. 4427: Mr. KYL, Mr. GOSS, Mr. MOORHEAD, and Mr. SMITH of Florida.

H.R. 4449: Ms. PELOSI and Mr. FOGLIETTA.

H.R. 4460: Mr. MURPHY, Mr. HAMILTON, Mr. FRANK, Mr. KANJORSKI, and Mr. JONTZ.

H.R. 4480: Mrs. COLLINS, Mrs. MEYERS of Kansas, Mr. LAGOMARSINO, Mr. ROTH, and Mr. SUNDQUIST.

H.R. 4484: Mr. STUDDS, Mr. CHAPMAN, Mr. WHITTAKER, Mr. ROWLAND of Georgia, Mr. ROBERTS, Mr. EVANS, Mr. SIKORSKI, and Mr. MURPHY.

H.R. 4485: Mr. RIDGE, Mr. VANDER JAGT, Mr. STALLINGS, Mr. GEJDENSON, and Mr. MARLENEE.

H.R. 4493: Mr. BROWN of California and Mr. NIELSON of Utah.

H.R. 4494: Mr. SMITH of Iowa, Mr. MCNULTY, Mr. NEAL of North Carolina, Ms. KAPTUR, Mr. COURTER, Mr. JACOBS, Mr. SHUMWAY, Mr. ROSE, Mr. POSHARD, Mr. RANGEL, Mr. VALENTINE, and Mr. HERTEL.

H.R. 4522: Mr. WALKER.

H.R. 4548: Mr. ROYBAL.

H.R. 4557: Mr. STENHOLM, Mr. MCEWEN, Mr. HARRIS, Mr. SMITH of New Jersey, Mr. KENNEDY, Mr. BURTON of Indiana, Mrs. PATTERSON, Mr. BILIRAKIS, Mr. JONTZ, Mr. RIDGE, Mr. PAYNE of Virginia, Mr. ROWLAND of Connecticut, Mr. MORRISON of Connecticut, Mr. SANGMEISTER, and Mr. PARKER.

H.R. 4566: Mr. SUNDQUIST.

H.J. Res. 427: Mr. AKAKA, Mr. COBLE, Mr. COLEMAN of Texas, Mr. DAVIS, Mr. DELAY, Mr. DURBIN, Mr. EDWARDS of California, Mr. GIBBONS, Mr. HAMILTON, Mr. LAFALCE, Mr. MAVROULES, Mr. MFUME, Mr. OBEY, Ms. ROS-LEHTINEN, Ms. SLAUGHTER of New York, Mr. SOLARZ, Mr. WAXMAN, Mr. WEISS, Mr. YOUNG of Florida, and Mrs. BYRON.

H.J. Res. 431: Mr. HAMILTON and Mr. DELLUMS.

H.J. Res. 432: Mr. GRANDY, Mr. MOORHEAD, Mr. EMERSON, Mr. ARMEY, Mr. HANSEN, and Mr. HYDE.

H.J. Res. 464: Mr. DERRICK, Mr. ENGLISH, and Mr. SISISKY.

H.J. Res. 481: Mr. LEWIS of California and Mr. ATKINS.

H.J. Res. 509: Mr. POSHARD, Mr. ANNUNZIO, Mr. WYDEN, Mr. FAUNTROY, Mr. OBEY, Ms. SLAUGHTER of New York, Ms. PELOSI, Mr. COSTELLO, Mr. MANTON, Mr. JONTZ, Mr. OWENS of Utah, Mr. TANNER, Mr. GEJDENSON, Mr. THOMAS A. LUKEN, Mr. LANTOS, Mr. MCGRATH, Mr. COLEMAN of Missouri, and Mr. PALLONE.

H.J. Res. 514: Mr. TRAXLER, Mr. LEWIS of California, Mr. POSHARD, Mr. PAXON, Mr. BLILEY, Mr. GEKAS, Mr. NEAL of Massachusetts, Mr. TRAFICANT, Mr. ORTIZ, Mr. WYDEN, Mr. SLATTERY, Mr. LEVINE of California, Mr. WILSON, Mr. FEIGHAN, Mr. CLEMENT, Mr. THOMAS of Georgia, Mr. ROE, Mr. HAMILTON, Mr. BILIRAKIS, Mr. SAWYER, Mr. WEBER, Mr. SOLOMON, Mr. LEACH of Iowa, Mr. TALLON, Mr. HARRIS, Mr. FAUNTROY, Mr. STAGGERS, Mr. MARTINEZ, Mr. LEHMAN of Florida, Mr. TAUKE, Mr. OWENS of New York, Mrs. COLLINS, Mr. SPENCE, Mr. GUARINI, Mr. AKAKA, Mr. SMITH of Florida, Mr. PURSELL, and Mr. WOLF.

H.J. Res. 522: Mr. DWYER of New Jersey, Mr. PALLONE, and Mrs. BOXER.

H.J. Res. 534: Mr. SAVAGE, Mrs. SCHROEDER, Mr. RANGEL, and Mr. RICHARDSON.

H.J. Res. 540: Mr. UPTON, Mr. PALLONE, Mr. HORTON, Mr. SAXTON, Mr. PAYNE of New Jersey, Mr. WALSH, Mr. POSHARD, Mr. MCGRATH, Mr. MANTON, Mr. DENNY SMITH, Mr. WEISS, Mr. MCDADE, Mr. FAUNTROY, and Mr. KOSTMAYER.

H. Con. Res. 216: Mr. MCEWEN, Mr. CAMPBELL of Colorado, and Mr. TALLON.

H. Con. Res. 261: Mr. MARLENEE.

H. Con. Res. 279: Mr. ASPIN, Mr. MAVROULES, and Mr. DYMALLY.

H. Con. Res. 295: Mr. JOHNSON of South Dakota.

H. Con. Res. 300: Mr. LEWIS of Georgia, Mr. WHEAT, Mr. STALLINGS, Ms. SLAUGHTER of New York, Mr. HAYES of Illinois, Mr. ENGLISH, Mr. BROWN of Colorado, Mr. ROGERS, Mr. MINETA, Mr. ECKART, Mr. DURBIN, Mr. WASHINGTON, Mr. GEREN, Mr. NAGLE, Mr. MCNULTY, Mr. PICKLE, Mr. RICHARDSON, Mr. HAMILTON, Mrs. LOWEY of New York, Mr. RANGEL, Mr. FAWELL, Mr. WELDON, Mr. MICHEL, Mr. FRENZEL, Mr. GONZALEZ, Mr. DYSON, Mr. TAYLOR, Mr. DARDEN, Mr. MONTGOMERY, Mr. PENNY, Mr. BARTLETT, Mrs. BYRON, Mr. HALL of Texas, Mr. ARMEY, Mr. KANJORSKI, Mr. NATCHER, Mr. CONTE, Mrs. LLOYD, Mr. SLAUGHTER of Virginia, Mrs. BENTLEY, Mr. GUNDERSON, Mr. TAUKE, Mr. ERDREICH, Mr. COX, Mr. VENTO, Mr. TAUZIN, Mr. DIXON, Mr. HOYER, Ms. PELOSI, Mr. SKAGGS, Mr. ANTHONY, Mr. HARRIS, Mr. ROSE, Mr. HOAGLAND, Mr. AKAKA, Mr. EARLY, Mr. CLARKE, Mr. MRAZEK, and Mr. KYL.

H. Res. 371: Mr. OWENS of Utah, Mr. SAVAGE, and Mr. DEFAZIO.

H. Res. 380: Mr. THOMAS A. LUKEN, Mr. DANNEMEYER, Ms. KAPTUR, and Mr. BENNETT.

EXTENSIONS OF REMARKS

PASSING ON THE LEGACY OF SHAME

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. MILLER of California. Mr. Speaker, the continuing popularity of President Bush despite grave public concern about major issues and the future of the Nation will confound historians just as it puzzles contemporary political analysts.

But the public is beginning to understand the severe price we are paying for 10 years of sophistry, symbolism and shocking indifference of the Reagan-Bush administrations.

A recent article in the Nation by Ralph Nader and Mark Green catalogs that sorry record.

The article follows:

PASSING ON THE LEGACY OF SHAME

(By Ralph Nader and Mark Green)

In their 1980s retrospectives, conservative pundits like William Buckley, Pat Buchanan, Cal Thomas and Jeffrey Bell have been exceeding the bounds of exuberance (for example, "Reagan won the cold war"). At least such hyperbole raises two useful questions: First, what are the real legacies of the Reagan-Bush years so far, nine years after their launch; and second, can—or will—President Bush alter them in any serious way?

Using the framework of measurable cause and effect rather than crediting the rooster for the dawn, how have these two Presidents influenced the quality of our lives? Answer: They have been pursuing policies that have quietly sapped America's long-term strength. Here are ten concrete examples out of hundreds, as well as a hint at whether Bush, based on his performance and trajectory, might yet change these legacies:

Infants and Children. Since 1981 the percentage of children living in poverty soared to almost 20 percent, the worst record in the industrial West; after a decade of decline the rate of low birthweight babies rose last year, especially among African-Americans. Cutting infant nutrition programs, Medicaid and prenatal care further hurt the littlest Americans.

Bush has proposed the largest one-year increase in the Head Start program ever offered, $500 million (which would cover only one in five eligible children). However, he offers no suggestions as to how to reduce this country's dismal infant mortality rate (nineteenth in the world). And the self-proclaimed "Education President" shows little more interest in schooling than his predecessor. Although the United States recently ranked fourteenth out of sixteenth industrialized countries in elementary and secondary education spending, Bush proposed only a 1 percent increase (after inflation) in federal education spending.

If this trend continues, students won't even be able to read Bush's lips.

Poverty and Idealism. Homelessness, which had virtually disappeared by the 1970s, grew in significant part only after Reagan cut federal appropriations for low-income subsidized housing by 82 percent. Because funding of discretionary low-income programs fell by 55 percent (after inflation) between 1981 and 1989, there were 3 million more poor Americans at the end of the 1980s than at the start of the decade. Nor did Reagan ever make a major public statement on poverty that tapped the idealism of caring among Americans, as John F. Kennedy did with his Peace Corps address. Indeed, Reagan's principal message to the younger generation was go for the gold, not the golden rule.

President Bush, on the other hand, has laudably talked about citizenship rather than mere commercialism. Consider his now well-worn metaphor about "a thousand points of light" in his inaugural address as well as his assertion that "the greatest gift is helping others" in his State of the Union Message. But while Michael Dukakis could have delivered the same State of the Union speech, Reagan would have submitted a budget just as ungenerous to the most vulnerable Americans. A thousand points of blight?

Lost Economic Prominence: In 1981 the United States was the world's leading creditor nation, with a $141 billion net international investment credit; after eight years of Reagan-Bush, it had become the world's largest debtor, with a total debt of more than $700 billion. The nation's personal savings rate plunged by one-half, real wages fell and in nine years the federal debt grew three times as much as it had since the birth of the Republic. As a result of this borrowed prosperity, "America is losing its ability to compete in world markets," said John Young, chairman of the Presidential Council on Competitiveness.

Recent world events have made it plain that economic power, not military might, will determine who the superpowers of the 1990s are. How are we doing in Bush's America? Not so hot. Nonfarm productivity growth fell to less than 1 percent in 1989, the lowest since the 1981-82 recession. The huge federal deficit is not significantly lower once the Social Security surplus is discounted—nor is the trade defict. Based on the location of available capital, Lech Walesa would have been well advised to have skipped Washington and gone straight to Tokyo. So far President Bush hasn't really dealt with, or even mentioned, the long-term implications of these dismal facts.

Investing in Bombs, Not Bridges. Because of tax cuts for the wealthy coupled with a $2.2 trillion military spending binge (including $30 billion for unneeded spare parts), unpaid bills mounted in the 1980s. In an unprecedented series of reports issued right after the 1988 election, the General Accounting Office documented the deterioration of the nation's infrastructure because of inadequate capital investment. The G.A.O.'s estimated bill for repairing America comes to $500 billion to renovate bridges and the interstate highways system, $150 billion to clean up toxic dumps, $100 billion to $130 billion to decontaminate nuclear weapons facilities, $20 billion for new public housing, and more.

Will the evaporation of the Soviet threat, the ostensible reason for most of our $306.9 billion defense budget, persuade Bush to transfer funds from fighting potential enemies abroad to fighting proven ones at home? Not yet. He seems intent to the "beating plowshares into swords," as Richard Gephardt, the House majority leader, said. A President who says we should spend nearly the same amount combating "complacency" as Reagan did in combating Communism is saying that the Defense Department is an entitlement program.

Consumers Away. Promising in his 1980 campaign to "get government off our backs," Reagan got government (read: law and order) off the backs off corporations by sabotaging the health and safety agencies that were supposed to assure safe food, drugs, pesticides and water, and by immobilizing antitrust laws in the midst of the greatest merger wave of the century. Further, the Reagan-Bush Administration rescinded protections such as a tougher crash standard for motor vehicles that was slated to start saving an estimated 11,000 lives a year on the highways in 1981. This delay has directly caused tens of thousands of serious injuries and deaths on the highways.

In his Economic Report to Congress, President Bush signaled a welcome departure from his predecessor when he recognized that "in some cases, well-designed regulation can serve the public Interest." And new regulations restricting misleading health claims on food packages were considered a good first step by the Center for Science in the Public Interest. Yet Bush allowed the Consumer Product Safety Commission to slip into a coma by failing to appoint enough commissioners (at least three) to form a governing quorum.

Ecocide. For nine years two Presidents shrugged and said, "Who, us worry?" while acid rain ravaged lakes, waste gases widened the hole in the ozone layer and the greenhouse effect warmed up the earth. The Reagan-Bush Environmental Protection Agency will be remembered largely as a place of scandal and stagnation. (Joel Hirschorn, a senior associate at the Office of Technology Assessment, says "not one major complex toxic waste site has ever been completely cleaned up.")

If George Bush thinks he can reverse the James Watt years merely by quoting Teddy Roosevelt and elevating the head of the E.P.A. to Cabinet rank, he's wrong. Instead, he's shown his true hand by opposing serious action on global warming or on clean-air legislation, and by reneging on his promise to protect wetlands. He didn't even include funds in his 1990 budget for a cleanup of Boston Harbor, to which he devoted so much attention in the 1988 presidential campaign, confirming Governor Dukakis's charge that it was "just a phony campaign issue." Environmental President? Or environmentally hesitant?

S&L and HUD Scandals. In what is probably the largest epidemic of financial criminality in American history, the Reagan-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Bush deregulation policies allowed thrift institutions to make reckless or corrupt investments while seeing less of federal auditors. Result: a bailout bill that will amount to more than $3,000 per taxpayer over the next ten years, with no reciprocal rights for taxpayers and depositors or guarantees to prevent future debacles.

The corruption in the Department of Housing and Urban Development showed that it had become an accounts payable for Republican cronies. Conservative columnist James Kilpatrick blames Reagan, who "paid virtually no attention to this huge, costly Department." Meanwhile, the percentage of American families owning their homes actually *fell* in the 1980s for the first time since World War II.

The department has regained visibility and some respectability under Jack Kemp, but not much money. And don't expect too much from the independent prosecutor who will look into the HUD scandal. Dick Thornburgh, the most partisan Attorney General since John Mitchell, has carefully limited the scope of the inquiry to avoid further embarrassment. As for savings and loans, don't expect more than a fraction of these corporate crooks to face trial.

Regressive Redistribution of Wealth. Because Reagan-Bush cut benefits for the poor and at the same time cut taxes for the rich, the income share of the poorest fifth of the nation's households fell to 3.8 percent, the lowest since the 1950s, and the income of the wealthiest fifth rose to 46.3 percent, its highest ever. This trend will deepen if President Bush's capital gains tax cuts are enacted. Escalating Social Security taxes on working families have wiped out any gains from lower income tax rates and have effectively subsidized.

Will the Bush years bring some real *glasnost* to the White House? So far, not likely. Bush has proved to be, in the phrase of Georgetown University Law Center associate dean Peter Edelman, "the Revlon President," who applies cosmetic rhetoric to national problems.

Ultimately, though, the state of the Reagan-Bush legacy depends not on a speechwriter's cosmetics but on the actual living conditions of the American people. Has this presidential duo performed well or merely postured well? Will drug use be down? the air cleaner? poverty down and ethics up? Will there be more economic well-being for all Americans or only more wealth for the already powerful? And will Washington face up to our problems or look away?

Vaclav Havel, the playwright President of Czechoslovakia, counseled his people that the highest patriotism is the frank admission of serious problems. For Ronald Reagan and, so far, for George Bush, the idea has been to throw a coat of fresh paint over a house with rotting beams. tax breaks for the richest citizens. Following a proposal by Senator Daniel Patrick Moynihan to reduce Social Security taxes, even the conservative Heritage Foundation admitted that "thanks to hikes in the Social Security payroll tax, the vast majority of middle-income Americans forfeit a larger share of their income to the federal tax collector in 1990 than they did in 1980."

Still, Bush insists on a capital gains tax in which 66 percent of the benefits would flow to the top 1 percent of all taxpayers, including himself. (Citizens for Tax Justice has revealed that Bush personally saved $303,516 in federal income taxes between 1980 and 1986 by using the old capital gains tax break.)

These Presidents are two class acts.

Reign of Error and Sleaze. From David Stockman's early admission that he essentially "cooked" the budget books to President Reagan's initial denial of an arms-for-hostages deal in the Iran/contra scandal of Elliot Abrams's documented lies in Congressional testimony, Reagan's two terms showed how routinely tactics conquer truth. And although more than a hundred Reagan appointees either were convicted of crimes or committed ethics violations (Ed Meese's own Justice Department concluded its chief had acted unethically), not once did Messrs. Reagan and Bush reproach the wrongdoers.

The Bush Administration has avoided so deplorable a rap sheet, in part because the Senate kept the ethically suspect John Tower from tainting the Cabinet. But a steady diet of deception (saying Soviet military spending is up when his Pentagon knows it's down; saying there was no quid pro quo to get Honduras to help the contras in exchange for aid when documents prove the opposite; denying a secret mission to Beijing so soon after the Tiananmen Square massacre, for example) shows the lingering influence of President Ronald Pinocchio.

Hostile Race Relations. What did Reagan-Bush do when the percentage of African-American and Latino youths attending college fell and the gap in life expectancy between blacks and whites widened during their decade of governance? They grossly reduced antidiscrimination law enforcement, appointed a largely white judiciary and ridiculed civil rights organizations as, in President Reagan's phrase, mere "special-interest" groups.

George Bush has now gone out of his way to change the tone of his Administration (he said all Americans must "confront and condemn racism, anti-Semitism, bigotry and hate"), in the process attracting a 68 percent approval rating among African-Americans. But his actual policies on affirmative action and job discrimination—his executive branch won't support proposed legislation to reverse several recent Supreme Court decisions hostile to civil rights—are vintage Reagan. "Extremely disappointing" is how Ralph Neas, executive director of the Leadership Conference on Civil Rights, rates them.

As the reactionary revisionism of the Reagan-Bush era contines, let's remember mourning in America: the oft-ignored legacies of economic slippage, child poverty, environmental abuse, racial tensions, S&L sleaze.

THE MEDICARE NURSING FACILITY ACCESS IMPROVEMENT ACT OF 1990

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. MOODY. Mr. Speaker, I am today introducing the Medicare Nursing Facility Access Improvement Act of 1990, legislation to improve Medicare beneficiary access to skilled nursing facility [SNF] care.

My bill would repeal the current law requirement that Medicare beneficiaries who need nursing care must first spend at least 3 days in a hospital.

Study after study has demonstrated the need for the Federal Government to develop a comprehensive long-term care program. With the typical annual cost of nursing home care approaching $30,000, even short-term stays in a nursing home can be ruinously costly to beneficiaries. To add to those costs a requirement that beneficiaries spend at least 3 days as a hospital in-patient is unreasonable and additionally burdensome.

In an effort to improve Medicare beneficiary access to nursing care, the Medicare Catastrophic Coverage Act [MCCA] of 1988 made a number of changes to the Medicare SNF benefit.

The MCCA, for example, expanded the benefit from 100 to 150 days, restrictured the coinsurance required of beneficiaries, and eliminated the requirement that patients needing Medicare SNF care first spend at least 3 days in the hospital before being admitted to a Medicare nursing facility.

I was pleased to have offered the amendment which repealed the 3-day prior hospitalization requirement during Ways and Means Health Subcommittee consideration of the MCCA in 1987.

Unfortunately, the expanded and improved SNF benefit—and with it the elimination of the 3-day prior hospitalization rule—was one of the casualties of last year's decision to repeal the catastrophic coverage law.

The bill I am introducing today would once again repeal the 3-day prior hospitalization requirement, effective January 1, 1991. Thus, beneficiaries requiring nursing care under Medicare could be admitted to a nursing facility without first having to spend time in a hospital.

The 3-day prior hospitalization requirement simply makes no sense. It forces physicians to admit patients who require only nursing care into the hospital, where they are held for at least 3 days and are then admitted to the nursing facility. It follows that the 3-day prior hospitalization requirement imposes needles costs on both the beneficiary and Medicare, and that the repeal would have some cost offsets.

My bill would not alter the current coinsurance requirements or expand the nursing care benefit itself. As much as I supported those changes in 1987–88, I am concerned about the cost of expanding the nursing benefit today without developing an appropriate financing mechanism. But my bill would eliminate a needless barrier to nursing care, and eliminate the costs to patients and Medicare of needless stays in the hospital in order to gain access to nursing care.

This is a simple, cost-effective change to Medicare which will benefit both patients and the Federal Government. I urge my colleagues to support this important proposal.

POLITICS IGNITES FLAG-BURNING ISSUE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. EDWARDS of California. Mr. Speaker, as Art Buchwald points out in this column, reprinted from the April 10, 1990, Oakland Trib-

une, President Bush has asked the Supreme Court to rule quickly on the constitutionality of the flag-burning statute.

Buchwald asked the White House why the hurry. The answer was that passage will not take long with "an election coming up."

The article follows:

POLITICS IGNITES FLAG-BURNING ISSUE

(By Art Buchwald)

Those who say that President Bush does not have an agenda are misreading the newspapers. The other day the president requested that the Supreme Court rule on the constitutionality of flag-burning laws as quickly as possible. Bush wants an accelerated timetable in getting a court opinion for what he deems the most important issue of our time—far more urgent than court rulings on capital punishment, abortion, the environment and the social issues that confront the nation today.

The Supreme Court agreed to Bush's request so flag desecration has been put on the justices' front burner, and arguments will be heard in May.

Many Americans are wondering why the hurry. How come the president is so desperate to get a decision, and why did the Supreme Court agree to drop everything to give him one?

A mole in the White House provided me with the answer.

"The president has just received word that there is going to be a rash of flag-burnings this summer, and he wants the court to reverse its earlier opinion that flag-burning laws are unconstitutional."

"How many flags does Mr. Bush expect to be burned this summer?" I asked him.

"Congress directed it to. The law says that the court must expedite any flag-burning appeal as soon as it possibly can."

"Is that because the national security of the country is at stake?"

"That, plus the fact every Republican congressman's election depends on it. No politician can face his constituency while the country's flag is in flames."

"Is this the first time a president has requested that the Supreme Court leapfrog all its cases and rule on something as important as flag desecration?"

"Yes, but the president can't make that request too often because the court doesn't like to be pushed around. At the same time, when the patriotic health of the nation is in danger, then even the Supreme Court cannot sit idly by while people flick their Bics."

"What if the court still declares that the anti-flag-burning law is unconstitutional? What will President Bush do then?"

"He will demand that Congress pass an urgent constitutional amendment in three weeks."

"I thought it took years to pass a constitutional amendment."

"It does if you don't have an election coming up. You need to understand one thing. This country has many problems that it cannot solve. Preventing the burning of the flag is one of the few issues that Bush can deal with. He wants to go down in history as the president who saved the Stars and Stripes. He really deserves credit for getting the Supereme Court on it so fast."

"Will the court rule on it before the summer recess?"

"If they don't, it will be the end of Yankee Doodle Dandy as we know it."

THE U.S. ECONOMIC POSITION IN THE WORLD

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 25, 1990, into the CONGRESSIONAL RECORD:

THE U.S. ECONOMIC POSITION IN THE WORLD

In my meetings with Hoosiers, I find much interest in the U.S. economic position in the world and whether we are declining as a nation. The United States today is enormously powerful. But many challenges lie ahead, and we need to respond to them.

STRENGTH OF U.S. ECONOMY

A popular misconception of Americans is that our country has become a second-rate economic power, lagging behind particularly Japan. That is not the case. By the major economic measures, the U.S. economy is the strongest in the world. The U.S. economy—our annual gross national product—exceeds $5 trillion compared to less than $2 trillion for Japan. In 1987, the U.S. produced 26% of total global output, compared to 9% by Japan, 14% by the Soviet Union, and 22% by the 12 nations of the European Community. U.S. output per capita is the highest of any country, some 40% higher than in Germany and Japan. The average American worker can produce in 31 minutes what the average Japanese worker takes an hour to produce (primarily because of our much higher productivity in services and agriculture). Our population is roughly twice Japan's and four times any country in Europe. In the decade of the 1980s, the U.S. created 21.5 million new jobs, more than any other country and more than all of Europe and Canada combined. The United States is the world's leading exporter, selling $364 billion of merchandise abroad in 1989 compared to Germany's $333 billion and Japan's $275 billion.

LONG-TERM CONCERNS

Although the U.S. remains the pre-eminent economic power, other countries have narrowed the gap in key ways. It is not so much that the U.S. economy has declined as that the rest of the world is catching up. At the end of World War II, the U.S. produced roughly half the world's output with a tenth of the population. But given that Japan and Europe were devastated after the war, it was inevitable that our comparative lead would narrow. The productivity and standards of living of other countries have increased significantly as they have improved their education, labor skills, infrastructure, and technology. During the 1980s, Japanese productivity increased about 20% compared to 4% in the U.S. and in many key areas now exceeds ours. The overwhelming U.S. technological superiority has vanished.

In addition, America's economic policies of the 1980s have produced an economy in apparent good health when measured by current indicators such as the growth of employment or consumption. Yet, because we have failed to take a long-term perspective on our economy, our future productivity and international competitiveness are in doubt. Large federal deficits and a wave of private borrowing have tilted national spending toward consumption and away from investment in our future. Americans continue to consume more than they produce and save very little of what they earn. The United States, in 1981 the world's largest creditor, is now its largest debtor. We are losing control of our economic future, as control of our exchange rates and interest rates shifts into the hands of our foreign creditors.

WHAT STEPS ARE NEEDED

The sheer size of our economy means that the U.S. is likely to remain the world's largest producer for some time. In addition, our country has an enormous capacity for self-renewal and innovation, given our national commitment to economic competition, social mobility, immigration, and equal opportunity. Yet our future leadership in some key areas, particularly productivity, may be in question. We should be skeptical of projections of "convergence"—the view that Japan, Germany, and others will slow down as they catch up with the U.S. and will never pass us.

The responsibility for productivity growth and the competiveness of American products rests primarily with U.S. business leaders, but several steps by the federal government are also important. First and foremost, we must eliminate the federal budget deficit, which is still hovering around $150 billion annually. Cutting the deficit can help bring interest rates down, which will lead to greater private investment in our economy. It will also mean a lower U.S. dollar on foreign exchange markets, thereby making our products more competitive overseas. The federal government can also help boost productivity through more public investment in infrastructure, education, research and development, and a sound environment. And increasing our national savings rate will expand the pool of funds available for investment—both public and private—in our country's future.

THE NATURE OF ECONOMIC COMPETITION

While we need to act now to improve our economic outlook, it is important to understand the nature of international economic competition. Economic competition differs fundamentally from military competition which is typically a zero or negative-sum game—when one person gains, someone else loses. Instead, economic prosperity abroad is not necessarily bad for the U.S. Prosperity abroad puts the U.S. in a position to import superior technology to boost our productivity and improve our standard of living faster than if our economy remainded isolated. In addition, the prosperity of Japan and Europe gives us affluent partners with whom to share international responsibilities and means larger markets for U.S. products.

What this means is that, from the standpoint of our standard of living, our general goal should be more to make the U.S. do well than to triumph over other countries. The adage "it doesn't matter whether you win or lose but how you play the game" comes close to the truth. The policies that make our economy stronger will serve us well regardless of how well other economies perform. Short-signted U.S. economic policy is more of a threat to our economic future than what happens in other countries.

The United States is the world's largest and richest country, but to maintain our vigor and to ensure continued prosperity we have to get our economic house in order, take a longer-term perspective, and save and invest more.

PAYING TRIBUTE TO FLORIDA HISPANIC FAMILY OF THE YEAR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, on Thursday, April 26, 1990, the Hispanic American Family of the Year Foundation and their honorary national chairman, First Lady Barbara Bush will host the Second Annual Recognition and Scholarship Dinner for the Florida Hispanic Family of the Year. This is a national project of the Hispanic American Family of the Year Foundation.

The foundation activities are numerous and varied including four statewide family recognition programs and a family educational scholarship fund. In addition, they also sponsor several family fairs which provide health and employment services to the community. One of the most important events cosponsored by the foundation is a toy and foodbasket drive to assist over 5,000 families during the holiday season.

The dinner will be held at the James L. Knight Convention Center at the Hyatt Regency Hotel in Miami while being televised on WSCV Channel 51. Local Miami personalities Jose Diaz-Balart of WTVJ 4 and Leticia Callava of WSCV 51 will be directors of ceremonies with entertainment provided by Ramiro Cervera Orchestra.

I would like to take this opportunity to pay tribute to the outstanding nominees. Nominees for the Florida Hispanic Family of the Year are Jose Antonio and Gloria Maria Alvarado of Miami, Osmundo and Consuelo Alvarez of Miami, Jorge and Isabella Azze of Miami Beach, Cristina De Arcos of Miami, and Arturo and Hilda De Leon of Homestead. Also nominated are Wilfredo and Tamara Gort of Miami, Janet Granell of Tampa, Rafael and Luisa Medina of Orland, Manuel Muniz Oliu of Miami, and Pedro and Norma Reboredo of West Miami. In additoin, the Diaz-Oliver family will be receiving the special Lifetime Achievement Award.

The work contributed by all these wonderful men and women is immeasurable. They, as well as the Hispanic American Family of the Year Foundation, all deserve special acknowledgement for their dedication to the Hispanic communities.

CONTRACT REFORM MUST CONTINUE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. WELDON. Mr. Speaker, Congress has made considerable progress in the last few years cleaning up the defense contracting system. Still, as the article below indicates, we have not finished the job. There is still nothing in law which prevents those who defraud the Government from getting subcontract work.

I ask that this illuminating article from the New York Times be inserted in the RECORD. I hope after reading it, my colleagues will work with me to keep these kind of contractors out of the system—for good—by cosponsoring H.R. 4401.

REPORTS OF FAULTY SHUTTLE AND WEAPONS PARTS PROMPT U.S. INQUIRY

(By Jeff Gerth)

WASHINGTON, April 13.—A Federal investigation has begun into allegations that a Florida company provided faulty parts for the space shuttle program and numerous crucial weapons systems.

The company, Impala Electronics Inc. of Tampa, is being investigated on charges that it switched labels on resistors used to regulate currents in electronic control systems, resulting in the installation of inferior resistors.

A Pentagon memorandum issued last Oct. 16 and Federal officials said the "re-marking scheme" involved buying "inferior quality" resistors and then changing codings or markings on them meant to describe the component's history or reliability.

There is no evidence that the resistors have caused safety problems in past shuttle flights, including that of the Challenger, which exploded shortly after its launching on Jan. 28, 1986, killing the seven crew members aboard.

But when the space agency recently tested 10 Impala-supplied resistors that were in inventory, nine failed, officials said. Another test, of a main shuttle engine, proved satisfactory, so officials said they did not believe there was any danger to the shuttle missions.

3 AGENCIES INVOLVED IN INQUIRY

Impala and its president, Joseph A. Pistone, are the subject of a criminal investigation, according to the memorandum and to Federal law-enforcement officials who spoke on the condition that they not be identified. The investigation is being conducted by the Tampa office of the Federal Bureau of Investigation, the Defense Department's Criminal Investigative Service and the National Aeronautics and Space Administration's Inspector General.

James T. Smith, a lawyer with the Philadelphia firm of Dilworth, Paxson, Kalish & Kauffman, who represents Impala, said, "It's inappropriate to comment about the criminal investigation."

Mr. Pistone did not respond to repeated messages that were left with his secretary in an effort to obtain comment. The secretary said he was out of town until next week.

Impala is not a direct customer of the Government, nor does it make the parts it sells. Instead, in a pattern common in the parts supply business, Impala distributes resistors made by other companies to Pentagon or space agency contractors or subcontractors. According to the memorandum, these companies include the McDonnell Douglas Corporation, Boeing, Raytheon, the Martin Marietta Corporation and Honeywell Inc.

VARIETY OF SHUTTLE FUNCTIONS

Honeywell provides electronic control systems for a variety of shuttle functions, including the main engine, said Tim Morin, a Honeywell spokesman. He said, "These black boxes have worked perfectly," but he could not identify which shuttle systems used resistors supplied by Impala.

Each space shuttle uses tens of thousands of resistors from a variety of manufacturers. Impala's specialized resistors are used in limited but more crucial electronic control functions.

Top officials at NASA, including its Inspector General, Bill D. Colvin, repeatedly warned the agency and the White House last year that there was inadequate supervision over contractors and subcontractors supplying fasteners and electronic components for use in flight vehicles. The problem, these reports said, have both financial and safety ramifications.

WILLINGNESS 'TO CUT CORNERS'

Howard Cox, the Pentagon's Deputy Inspector General for criminal investigation and policy, said a declining military budget generally meant that "a lot more people will be willing to cut corners" in the quality of their products.

At the same time, Mr. Cox said, the "Defense Department is placing more and more reliance on the quality-assurance procedures of contractors."

The Pentagon and NASA use many of the same contractors.

One reason for the proliferation of inferior parts, investigators said, is that the highly competitive market is characterized by price cutting. Investigators said companies turned to substandard products both as an immediate way to cut costs and to keep their customers well supplied, thereby maintaining their business with Federal agencies.

SAFETY ALERT CIRCULATED

A safety alert concerning Impala's "potentially defective resistors" was circulated in the Government on October 16, 1989, by the Defense Criminal Investigative Service, which said it found evidence of a "remarking scheme" after searching Impala's Tampa plant last year.

The alert and Federal officials said the specialized resistors are used not only on the space shuttle but also on the Pershing and MX missiles, the F-16 jet fighter and various military helicopters, some of which involve electronic control or black box applications.

Mr. Colvin, the space agency's inspector general, declined to comment on the Impala case. He said the agency had been strengthening its safety efforts, but he added, "Any time something fails nine out of 10 tests it concerns me."

The proliferation of mislabeled or counterfeit parts, especially electronic components and fasteners like bolts, is a growing concern that has prompted hundreds of investigations involving the Defense Department and NASA.

A number of companies have been convicted of supplying inferior products or failing to perform required tests. Earlier this week a Pentagon contractor and three individuals pleaded guilty in Federal District Court in Los Angeles to charges of failing to test bolts for use in combat aircraft.

These activities make it difficult to be certain of an item's reliability or testing history. Legislation intended to tighten standards in the fastener industry has been introduced by Representative John D. Dingell, a Michigan Democrat who is chairman of the House Energy and Commerce Committee. The bill, the proposed Fastener Quality Assurance Act, which is scheduled to be debated soon, calls for mandatory testing and certification of fasteners.

Thomas J. Talleur, the director of the Defense Criminal Investigative Service's product substitution program, said the kind of activities described in the Impala alert were common and becoming a growing problem.

Cases involving counterfeit or inferior electronic components outnumber any other type of criminal case being handled by the

Pentagon's criminal investigators, he said. He said these cases account for 15 percent of the 500 investigations now being conducted by the Defense Criminal Investigative Service.

NASA EXPECTS MINIMAL DUST ON TELESCOPE

CAPE CANAVERAL, FL, April 13.—The $1.5 billion Hubble Space Telescope will get slightly more dusty as it awaits a new launching date on the space shuttle Discovery, but the amount of contamination is expected to be minimal, NASA said today.

"We've done all the cautionary things that we can," said Fred Wojtalik, a project manager for the National Aeronautics and Space Administration. "We're going to get some degradation. Some particles are going to come into the Hubble that we just can't avoid."

Scientists want no more than 5 percent of the surface of the telescope's 94-inch mirror, the finest ever made, covered with dust or other debris once the telescope reaches orbit, Mr. Wojtalik said.

A 2 percent rate of contamination was expected if the shuttle Discovery had lifted off Tuesday on schedule, he said. That is expected to rise to 2.1 percent—still well within limits—as a result of the delay until the new launching date, April 25.

Clean air was being circulated inside the Discovery's sealed payload bay today to reduce contamination of the telescope. The payload bay will be opened Saturday so the telescope's nickel-hydrogen batteries can be removed and taken to a Kennedy Space Center laboratory for recharging.

The launching was postponed four minutes before liftoff on Tuesday when one of the shuttle's three auxiliary power units failed. Technicians will replace the unit this weekend.

BIPARTISAN FOREIGN INVESTMENT LEGISLATION IS INTRODUCED

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. LENT. Mr. Speaker, today Congressman TAUZIN, Congressman BROOMFIELD, and I are introducing bipartisan legislation that will improve the data we currently collect on foreign investment. Senator EXON of Nebraska is introducing the same bill today in the Senate.

We urge our colleagues to cosponsor this bipartisan legislation, "the Foreign Investment Analysis Act of 1990." The data our Government currently collects is too imprecise to allow us to understand the extent of foreign investment in certain sectors of the economy and regions of the United States.

Our bill would improve the data currently collected by:

First, giving the Bureau of Economic Analysis [BEA], which has primary responsibility for collecting data on foreign direct investment, access to the Census Bureau's data on foreign direct investment; and second, requiring the Secretary of Commerce to report to Congress on the progress of the data exchange.

Our bill represents a bipartisan approach to a controversial issue. The bill improves the data we collect without threatening to restrict foreign investment. It meets the public interest of improved data but protects American jobs.

We urge our colleagues to become original cosponsors to our foreign investment bill. We have attached a section-by-section analysis of the bill. If you have any questions or would like to cosponsor our bill, contact me or have your staff call Justin Lilley of the Energy and Commerce Committee at 5-3641.

SECTION-BY-SECTION ANALYSIS OF THE LENT BILL ON FOREIGN INVESTMENT

Section 1 of the Lent Bill lists the short title as "The Foreign Investment Analysis Act of 1990."

Section 2 of the Lent Bill authorizes the Bureau of Census, which is the principal government data collecting agency, to provide data it collects to the Bureau of Economic Analysis (BEA). BEA is charged under the International Investment and Trade in Services Survey Act with responsibility to collect information concerning the operations of U.S. affiliates of foreign companies. This data sharing would allow BEA to verify its data against Census data. This would improve BEA's analyses of the operations of U.S. affiliates of foreign parents.

Census currently collects data on all United States business "enterprises" and "establishments." BEA, on the other hand, collects data on business enterprises that are foreign-owned but does not collect data on business establishments. A business enterprise is a separate business operation which may consist of one or more business establishments.

Collecting and maintaining data at the business enterprise level means that all activity of the enterprise is reported by the primary activity of that enterprise. Thus, for example, a foreign-owned petroleum enterprise may also have a subsidiary establishment that operates a biotechnology facility. BEA will report all the enterprise's activities under petroleum, which is the primary activity of the enterprise. In contrast, Census will have data at both the enterprise and establishment levels.

Census maintains establishment level data for all businesses operating in the U.S. through its Standard Statistical Establishment List (SSEL). Census would share this establishment level data by providing BEA access to the SSEL. Consequently, BEA would be able to publish more detailed industrial and regional data and analyses on foreign investment in the U.S.

Section 2 of the Lent Bill also requires both Census and BEA to operate under the same confidentiality requirements each agency presently maintains. Furthermore, this section strengthens existing penalties for those who violate these confidentiality requirements.

Section 3 of the Lent Bill requires the Secretary of Commerce to report to Congress on the progress of the data exchange. Specifically, this report will analyze the extent to which the data exchange provides a higher level of accuracy and a greater degree of analysis on foreign direct investment in the U.S.

HONORING THE 101ST AIRBORNE DIVISION SCREAMING EAGLE SPIRIT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. DUNCAN. Mr. Speaker, as the Nation's Capital prepares to host the reunions and conventions of 26 Airborne unit associations to celebrate the 50th anniversary of U.S. Airborne forces, I commend the 101st Airborne Division Association to the 101st Congress.

There are real similarities in these two great institutions. The men of the 101st who jumped into the night skies of Normandy, defended Hell's Highway in Holland, held fast at frozen Bastogne, and defeated the North Vietnamese and Viet Cong in every battle they fought in Vietnam were brave and real patriots. I also believe that the 101st Congress has fought some hard battles, made some brave decisions, and that we exhibit active patriotism in our efforts to serve our constituents and country well.

This association of more than 5,000 "Screaming Eagle" veterans of the 101st Airborne Division in World War II, Vietnam, and active duty members of the 101st Airborne Division—air assault, the most powerful division in the world from the standpoint of firepower capability, stationed at Fort Campbell, KY—has its national headquarters in Sweetwater, TN, which is located in my congressional district.

The 101st Airborne Division Association is meeting to celebrate the 45th Annual Gathering of the Eagles in Washington, DC, July 5 through July 8. The association was formed in Berchtesgaden, Germany, in 1945 by Gen. Maxwell D. Taylor and has met for an annual reunion each year since its formation.

The objective of the 101st Airborne Division Association is to preserve in patriotic reverence the memory of those who served in the 101st Airborne Division; to support and enhance the fame and glory of the division; to maintain and strengthen the bonds of comradeship which distinguished the members of the division; to provide for the gathering and dissemination of information concerning these veterans and active duty members; to provide for their patriotic assembly in local and national reunions and to perpetuate "the Screaming Eagle Spirit" as to heritage and tradition for future generations.

DIMAGGIO'S HOMETOWN PITCHES BOCCIE, NOT BASEBALL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. MILLER of California. Mr. Speaker, the traditional Italian sport of boccie is rapidly becoming a popular pasttime throughout the United States, and nowhere is the passion for

boccie more established, or more enthusiastic, than in my hometown, Martinez, CA.

As the Los Angeles Times recently noted, Martinez is rightly revered worldwide as the birthplace of the martini and the hometown of Joe DiMaggio. But as the Nation's unofficial boccie capital, Martinez is helping to introduce to Americans an ancient sport that is enjoyed by millions throughout the world.

Ken Dothee, a Martinez attorney, serves as the president of the U.S. Boccie Federation, and is one of several Martinez residents who have represented our country in international boccie competition. With the recognition of boccie by the International Olympics Committee, we are hopeful that the city will soon be able to boast several boccie Olympians as residents in 1992.

I know that the House will join me in paying tribute to Ken Dothee, Donna Allen, Nicolo Ditullio, Joe Aviana, Tommy Balistrieri, Leo Moro, and hundreds of other Martinez boccie players—as well as thousands more throughout Contra Costa County and the bay area. I am also including a recent story about the resurgence of boccie—and Martinez, CA's leading role in its revival—which appeared in the Los Angeles Times.

[From the Los Angeles Times, Apr. 3, 1990]

DIMAGGIO'S HOMETOWN PITCHES BOCCIE, NOT BASEBALL

(By Charles Hillinger)

MARTINEZ, CA.—This historic town on Carquinez Strait, 32 miles northeast of San Francisco, where John Muir hung his hat the last 24 years of his life, is the birthplace of the martini and the hometown of Joe DiMaggio.

It's also the boccie ball capital of America.

There are more players of old Italian bowling game per square foot in Martinez, population 28,000, than anywhere else in the country. The town has the largest organized boccie league in the United States, 123 teams with more than 1,200 regular players.

Ken (Barbarossa) Dothee, 44, a local public defender and former Martinez City Councilman, is president of the U.S. Boccie Federation. His Italian nickname means Red Beard. He's not Italian. He is of German descent.

United States Boccie, the official magazine of the game, is published here. Donna Allen, 45, like Dothee, one of the town's better players, is the publication's editor. She works for the Contra Costa County Planning Commission. She isn't Italian, either.

National boccie championships have been held in the U.S. since 1979. The first two were in Las Vegas and Denver, but little Martinez had the third national championship in 1981 on the 12 permanent hard-compacted oyster shell courts at the town's Shoreline Park.

"Our courts make up the largest permanent boccie facility in America." Dothee said. "There's no other layout like this in America."

Here, league play goes on during the day and under lights at night.

"Boccie was a game played traditionally by older gentlemen in Italian communities all over the U.S.," Dothee said. "It caught on here in Martinez 15 years ago and the face of the sport hasn't been the same since."

Dothee said that men, women and children of all nationalities are playing the game now. New leagues are springing up all over, in California as well as the rest of the country.

Boccie dates to centuries before the birth of Christ. Julius Caesar and his soldiers lagged rocks at small target stones between campaigns. Boccie is the national sport of Italy and is popular as well in France, Switzerland, Yugoslavia and South America.

World championships have been held since 1950, with Italy winning most of the time, Dothee has accompanied the U.S. team to the world championships the last six years.

"Not as a player, but as a representative of the U.S. Boccie Federation," he said. "I'm a pretty good lagger, but nowhere good enough to be on a national or world championship team."

He has attended the world championships in Split, Yugoslavia; Melbourne, Monaco, Milan, Buenos Aires and Valparaiso, Chile.

Milan played host to the world championships last October when the best players from 24 nations competed. Players from five other countries—Morocco, Hungary, Luxembourg, Romania and the Soviet Union—planning to participate in this year's tournament in Sao Paulo, Brazil, were on hand as observers at Milan.

The U.S. team finished 13th in Milan, winning more games than it had in any previous world championships. The U.S. team also finished ahead of France, Germany, Spain, Belgium, Canada and Brazil, among other countries.

Four players from Martinez have played in world competition in previous years—Nicolo Ditullio, Joe Avina, Tommy Balistrieri and Leo Moro.

Boccie was recently recognized by the International Olympic Committee and its proponents hope it will be included as a demonstration sport at the 1992 Barcelona games.

"Andiamo, a giocare le boccie," announces the "commish," the team leader in Martinez when league play begins. It means, "Let's go, friends, and play boccie."

The courts at Shoreline park are 85 feet long, 12 feet wide. The boccie is a wood composition or metal ball, softball-size, rolled down the court at a pallino or jack, the golf ball-size target ball. The object is to roll the boccie as close to the pallino as possible.

In team play, eight balls are used, two per competitor. Points are scored for each team's throws closer to the pallino than the opponent's. Players also try to knock the other team's balls away from the pallino.

"In international play, a player will call his shot, designate which ball he wants to hit," Dothee said. "The player runs up to a line and lofts the ball 60 to 70 feet through the air and must hit the pallino or an opponent's ball on the fly. It's like making a three-point basket-ball shot."

He mentioned the Italian superstar of boccie, a player named Granaglia.

"He is the Babe Ruth of boccie, a man in his 50s, a living legend who * * * doesn't need a first name. He has made over 100 consecutive airborne shots. Nobody else can do it like he can."

The Pope is a boccie player. So is Rudy Perpich, the longtime governor of Minnesota.

And, says Allen, "People from all walks of life play boccie in Martinez. We have teams with our generations of the same family. We have all-women teams in addition to the all-men teams. Teams with husbands and wives, neighbors, co-workers, judges and garbage men, secretaries, cops, teachers, lawyers, doctors."

Dothee, who spearheaded the boccie movement in Martinez, is a graduate of St. Mary's College in nearby Moraga. He is trying to get St. Mary's to become the first college in the country with boccie as a sponsored sport.

"As president of the U.S. Boccie Federation, established in 1977, my main job is to coordinate activities, to promote boccie, to get it accepted as a high school sport," he said. "Boccie is in its adolescence in America. Our goal is to change that, to put it right up there with golf and tennis."

Dothee was introduced to the game as a youngster.

"When I was a kid in San Francisco and rode my bike to the pier to go fishing. I'd pass the boccie courts on the waterfront. I was fascinated by the old men speaking a foreign language [Italian], bowling the balls and smoking cigars that smelled awful."

Eventually, he took up the game himself and in 1975 he and several others formed the first league in Martinez with eight teams.

Cafe Romano on Martinez's Main Street is the gathering place for boccie players and league officials. Downtown Martinez is a quaint, turn-of-the-century business section. The town is filled with Victorian homes. It was named after Don Ignacio Martinez who had 11 children and 17,000 acres here when California was part of Mexico.

During the Gold Rush of 1848, miners would stop off in Martinez and drink something called the Martinez Special, a local concoction made of one part very dry sauterne wine and three parts gin. It was stirred in the ice and finished with an olive. Over the years the Martinez Special became the martini special, then simply the martini.

Italian fishermen, including Joe DiMaggio's father, arrived shortly after the Gold Rush and kept their fishing fleets here. There is a Joe DiMaggio street in Martinez and a Joe DiMaggio baseball park next to the boccie courts. Fisherman's Park is named in honor of the Italian fishermen of Martinez and, appropriately, is on Berrellessa Street.

A famous Italian restaurant in Manhattan, Vagabondo, has had boccie courts for years. So has Boccie Cellar in Santa Cruz where, since the 1930s, enthusiasts have played on its two courts.

"We have to kick the players out nearly every night when the place closes at 2 a.m.," says owner Larry Behman.

The San Francisco law firm of Coblentz, Cahen, McCabe & Breyer calls its boccie court on the seventh floor rooftop of their office building the highest boccie court on earth.

"The sport is a comer," Allen said. "We estimate that at least 1 million Americans play the game."

Said Al Milano, a Martinez surveyor: "Boccie is like abalone and calamari. [Once,] only the Italians knew about it. Now, it's becoming popular all over the place."

LEGISLATION TO CHANGE THE FEDERAL TAXATION OF LIFE INSURANCE COMPANIES

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. MOODY. Mr. Speaker, today I join TOM DOWNEY in introducing legislation to change the Federal taxation of life insurance companies. Our legislation builds on the evolving consensus that section 809 of the Internal Revenue Code is inequitable and simply does not accurately reflect the economic income of life insurance companies.

In 1984, the Congress passed legislation which sought to tax mutual and stock life insurance companies on their economic income (defined as taxable gain from operations). Full economic income for mutual life companies was supplemented by a differential amount determined under section 809.

Section 809, which applies only to mutual life companies, imputes and adds to the taxable income of each mutual a "differential earnings amount." This amount is determined by multiplying a specified industry base rate of return (the "differential earnings rate") by each mutual's "average equity base."

The section 809 add-on to mutuals' taxable income was believed to be necessary in order to maintain so-called segment balance. This was an effort to assure that neither the stocks nor the mutuals would derive an unfair advantage from the 1984 tax law changes.

Despite these laudable intentions, section 809 has not worked. Recent studies by the General Accounting Office and the Department of the Treasury conclude that section 809 is cumbersome and ineffective tax policy. In fact, the economic income of mutual companies can be accurately measured for Federal tax purposes if premium payments and capital contributions are included in the mutual life company's income, even though the policyholder payments are deductible.

With this in mind, our bill would repeal section 809, replacing that section with a tax on the equity return of both stock and mutual life companies which write participating policies. This tax would not fall on the policyholder but rather would take the form of a proxy tax paid by the life company paying a dividend on the participating business.

In addition, our legislation would require life companies to amortize a portion of deferred acquisition costs (basically agents' commissions, which are currently immediately deductible). Requiring such a deferral is consistent with generally accepted income tax accounting principals which require a close match of expenses incurred in creating an asset and any income derived from the creation of that asset.

Mr. Speaker, this legislation marks a move toward tax simplification in the life insurance taxation area. Our bill also achieves tax fairness; by taxing the equity return of both stock and mutual companies, arbitrary add-on taxes which bear little relation to economic performance or to tax policy are eliminated from the Tax Code.

KIDS SPEAK FOR THEMSELVES ABOUT DRUG ABUSE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. EDWARDS of California. Mr. Speaker, in the past few months many of us have received letters from seventh and eighth graders about important issues of concern to them as part of the Respect Teen Speak for Yourself curriculum program.

The greatest concern among the young people who wrote to Members of Congress is drug abuse. About 17 percent of the letters written to us focused on this subject. In most of the letters I received, the young authors spoke about the need to create better education programs in our schools to slow the demand for drugs.

It is reassuring to know that our young people are seriously thinking about the drug crisis and developing alternatives for resolving it. Now, more than ever, Congress needs to listen to the Nation's children, the ones who have the most to lose from drugs, about how best to eliminate their use.

I would like to share with my colleagues one of the letters which I received about this subject. It was written by Christina Hsu from Fremont, CA, who was selected as the Speak for Yourself district finalist from my area. Christina eloquently expresses the need to stop demand for drugs, which she believes can be accomplished through effective education programs.

The text of the letter follows:

Drug abuse is a major problem in schools all over the United States, and although the government is trying to stop drugs from entering the country, I think it would be more effective to stop the demand instead of the supply, so that drug dealers will find fewer customers.

A good way to do this would be to improve and expand drug education programs going on in our schools right now—especially in areas which need them, such as lower class areas in big cities. Also, not only should they be told to "just say no", but also good ways to say it.

Another important factor is the speaker in a drug education program. Although Nancy Reagan meant well when she said "just say no", some black kid in a slum isn't going to identify with an upper class white woman. The people who speak out in drug education programs should be people who the audience trusts to know something of the subject, like someone who used to be addicted to drugs. Since peer pressure is the cause for many a teenage drug habit, it would be nice if instead, peers would give a more positive kind of pressure, to steer kids away from drugs. In other words, there should be programs in which students who had a lot of influence use their influence to encourage their peers not to use drugs.

I hope these steps will be taken to keep kids off drugs, one of the most serious problems in this country.

I applaud Christina for the good sense of her thoughtful letter. All of us can learn something from her comments.

NATIONAL TRANSPORTATION POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 18, 1990, into the CONGRESSIONAL RECORD:

NATIONAL TRANSPORTATION POLICY

Last month President Bush unveiled a national transportation policy that is designed to provide a blueprint for tackling the transportation challenges of the 1990s and beyond. The President's policy was released against a backdrop of growing criticism of the current state of the U.S. transportation system. Traffic jams, flight delays, deteriorating bridges and roads, urban smog—all threaten the quality of life and our nation's ability to compete. The increasing gridlock gives urgency to transportation problems.

Scope of the Problems: Transportation activities are a critical part of the U.S. economy. It is estimated that one of every ten jobs in the U.S. is in transportation or transport-related business, and that transportation products and services comprise almost one-fifth of the gross national product. The national transportation sector is enormous, covering over 2.2 million miles of paved highways, 150,000 miles of private railroad track, 26,000 miles of commercially navigable inland and coastal waterways, 5,700 public use airports, and 80,000 buses in local transit service.

The problems facing this system are as daunting. The President's report found that 42% of the nation's highway bridges are structurally deficient or obsolete; 65% of peak-hour travel on urban interstate highways was congested in 1987; and 21 primary airports each have more than 20,000 hours of flight delays a year. Indiana residents confront these kinds of problems every day—whether sitting in traffic jams outside Jeffersonville, encountering potholes on rural routes, or looking for detours around bridges closed for renovation or repair.

President's Proposal: The President's proposal is an attempt to provide a national framework for meeting transportation needs. The plan envisions a national transportation network that is more integrated and efficient, providing connections between rural and urban areas, between ports and inland points, and between different modes of transportation, such as airports and highways. The plan sees the federal government's role in that policy as setting the broad agenda, and providing those services that it alone can provide, such as air traffic control. It lets others make the decisions and, by and large, provide the funds. The plan concludes that the main providers of public transport services are the state and local governments, and that transportation policy should be made away from Washington.

President Bush is to be commended for thinking long term about the national transportation problems. There is little doubt that the transport system needs a lot of work. What is missing from his plan is a federal commitment to follow through on his broad proposals. The President says that no industry in the nation is more important to U.S. economic growth and international

competitiveness than transportation. But his challenge is not to the federal government but to the states, localities, private industry, and users of the transport system.

It is not clear to me just what the role of the federal government is in the President's report. There are very few commitments to specific projects and even fewer dollars. The policy mainly sets out a collection of broad principles. It says that states will be expected to shoulder a larger share of the highway program; it encourages deregulation and the use of the price merchanism where possible; and it promotes user fees as an excellent way to raise revenues. Beyond that, the policy represents a retreat from the traditional federal role in supporting infrastructure investment.

Funding Shortfall: The President may be right in saying that the states and local governments are not doing enough, but the long-term recent trends show that the cost of infrastructure has been increasingly borne by state and local governments. One study has found that in 1980, the federal share of highway and mass transit funding was 34% higher than the state and local share; in 1990, state and local investment is projected to exceed federal investment by 63%. Indiana is planning to spend $4 billion over the next ten years to make improvements in the state's transportation system.

The President's policy would continue to shift more of the financial burden of mass transit, highway, and airport projects to the people who use them and to state and local governments. The transportation plan calls for increased user fees on aviation fuels and shipping to help defray the cost of airport improvements. It would also permit states to raise additional revenues through tolls on federal-aid highways and airport passenger user fees. Many state and local government officials complain that these proposals will not suffice, and that they will be forced to raise taxes locally to meet transportation needs. After a decade of rising state gasoline taxes, state lawmakers are wary of squeezing more tax dollars out of their constituents.

Federal Role: My guess is that most people expect the federal government to take the lead on transportation programs. More federal revenues could come from the multi-billion dollar trust funds made up of fees collected from users of the transportation system and earmarked for federal aid programs. In recent years, the government has built up large surpluses in the trust funds, which have helped reduce the size of the federal budget deficit. The highway trust fund now runs a $10 billion surplus; the aviation trust fund, an $8 billion surplus. Transportation advocates would rather spend down these surpluses to meet transportation needs than impose another round of gasoline tax increases.

My own view is that the crisis in transportation, which is well documented by the President's policy report, will require more national action and more national investment than the President suggests. The states can and should help, but they cannot replace effective action by Washington. In many respects the President's transportation plan is not a federal policy at all. Rather it devolves to the states the responsibility of ensuring the soundness of the transportation system and the economic viability of the country. If the country's transportation system is in the national interest, and I think it is, then the federal government cannot stick the states and localities with the bill.

DAYS OF REMEMBRANCE, 1990

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday I had the privilege of attending the U.S. Holocaust Memorial Council's Annual National Civic Commemoration of the Days of Remembrance. Set in the heart of the Capitol's rotunda, the ceremony depicted the persecution of a race, never to be forgotten.

The memory of the Holocaust should live on forever, so that this generation and the next generation to come should never be subject to a Holocaust again. Cities all over the world observed Yom Hashoa—Holocaust Martyrs and Heroes Remembrance Day.

The commeration in my district was held at Miami Beach's Holocaust Memorial and called "Unto Every Person There Is a Name," which centered on reading the names and the sites of each individual's birth and death. Dade County, FL, was assigned to honor victims whose last names begun with the letter "K." And other cities throughout the State and nationwide were given different names, all of which were researched and compiled by Jerusalem's Yad Vashem Holocaust Institute.

In light of this, I would like to share with my colleagues a story that was presented at the Days of Remembrance ceremony.

FORTY-FIVE YEARS AGO

In the waning days of the triumphant march toward Berlin, American soldiers entered a strange universe—the Nazi concentration camps. Dachau Mauthausen, Ohrdurf, Nordhausen—these were not ordinary stops in the march to victory.

Battle weary veterans, hardened by months of military action, thought they had seen the worst. These men were by no means innocent. They had seen the ravages of war; they had felt the loss of comrades who perished in battle; they had killed enemy soldiers in some of the fiercest fighting in human welfare. And yet, when they entered these camps, they discovered a world beyond their imagination—the piles of corpses of those who had been murdered; the living skeletons of those who had endured; and everywhere, the stench of death.

On April 12, 1945, the very day that President Franklin Delano Roosevelt died, General's Dwight D. Eisenhower, Omar N. Bradley and George S. Patton entered Ohrdurf. General Eisenhower immediately turned pale but insisted on seeing the entire camp. General Patton excused himself, went behind a building and became sick. A group of inmates guided them through a scene where, in General Bradley's words, "death had become so fouled by degradation that it both stunned and numbed us."

General Eisenhower declared: "We are told that the American soldier does not know what he is fighting for. Now, at least, he will know what he is fighting against." Grasping the future significance of this situation, Eisenhower summoned the press and a Congressional delegation to tour Ohrdurf. Later he said: "I felt that the evidence shoud be placed before the American and British public in a fashion that would leave no room for cynical doubt." To General George C. Marshall, he wrote: "I have reported what I saw and what I heard, but only part of it. For most of it, I have no words."

The entry of American troops into the concentration camps may have heralded the end of an extraordinary nightmare; but for the survivors, it marked the beginning of their long struggle to reenter the world of ordinary, daily existence. The most critical immediate needs for the thousands who had managed to keep alive were food, medical care and compassion. In the longer term, these concentration camp inmates became displaced persons. Their families were lost, homes destroyed, communities decimated. They were unwanted in the lands of their birth. The American Army, trained for combat, took upon itself another task—to nurture the survivors' return to life.

When survivor and liberator met, hope and freedom embraced. Then, as now, the response of the survivor was gratitude. And for the soldier, the responsibility was, and is, to bear witness.

OUR COUNTRY'S HERITAGE! A LEGACY OF FREEDOM

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. WELDON. Mr. Speaker, I rise today to honor a young girl from Pennsylvania's Seventh Congressional District, Amy Schwab. Amy is in the eighth grade at Ashland Middle School in Darby Township. She has won the American Legion Essay Award for her paper on "Our Country's Heritage." I am proud to have Amy as one of my constituents and congratulate her on her fine work. I would like to share this outstanding essay with my colleagues.

OUR COUNTRY'S HERITAGE! A LEGACY OF FREEDOM

(By Amy Schwab)

Throughout many years, our freedom has not changed. Like the fleeting youth of a young woman that she tries to keep, past citizens of the United States have tried to protect the freedoms that every present citizens enjoys.

When another nation or individual threatens any rights we have, the bravest men of our country fight them. Though many men had no choice, every one felt a deep down loyalty to do what was right-fight to regain the freedom they lost.

After the Revolutionary War, the country's wisest leaders got together and produced the Constitution. Even the changes our young country has gone through, the flexible Constitution has only had twenty-six changes.

Nothing has ever happened to repeat the days right after the Revolutionary War. The slavery issue was way out of hand but Abraham Lincoln came along and sorted out our problems. When he granted the slaves freedom, he granted everyone freedom from bondage.

Even during the World Wars, America tried to stay neutral. But when worst came to worst, our bravest people went forth-on to victory. With the thought of freedom for all people in mind, these men served their country unselfishly.

At times, one takes his freedom for granted. How many times does a person read the Bible, attend church, go to a political rally,

or even write and editorial? These opportunities are scarce in many nations. In communist countries, someone could be arrested just for speaking their mind in a political event. But those are rights that are natural for me to enjoy.

The good, old, reliable Constitution has led us through times of war and peace and trial and triumph. Unlike the trend today, our government is not in chaos. I thank our American heritage, the men who fought, and God for my legacy of freedom.

APRIL 25 IS SECRETARY DAY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. LENT. Mr. Speaker, today, April 25, is Secretaries Day, honoring professional secretaries and their outstanding contributions to America's government and business. I'd like to take a moment to offer my own words of appreciation for these hard-working individuals whose diligence in administration and attention to detail result in the smooth, efficient, and effective operation of any office.

Secretaries have earned distinction for their dedication to meeting the highest in professional standards in the performance of their duties. Often, they work right alongside the presidents of major corporations and serve as a liaison between management, clients, and the public. Many become proficient in a specialized field, such as law, accounting, or government. I personally rely heavily on my secretarial staff for their loyalty, skills, and efficiency in managing my office and meeting the needs of my constituents.

Today, more than ever, the secretarial profession offers exciting career challenges and opportunities for advancement. The Professional Secretaries International Association [PSIA] has done an outstanding job in its campaign to seek recognition for secretaries as well as promoting the many job opportunities available to qualified candidates.

I'm proud to join in today's tribute and congratulate the PSIA and its members. They're a credit to their profession.

INTRODUCTION OF A BILL TO ENCOURAGE EQUITY IN FEDERAL PAY REFORM

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation which will help correct the inequity of the President's Federal pay reform proposals. This bill would grant a pay raise to the Federal employees of Monterey County equal to the pay raise proposed for Federal employees in counties within the San Francisco metropolitan statistical area.

As you know, there are gross disparities between the salaries of public sector and private-sector employees. The President's Commission on Federal Pay Reform recently reported that Federal pay falls short of private sector pay by an average of 28 percent. It should be no wonder that the Government is losing the best and the brightest to nongovernment jobs; those who have stayed in the Federal work force have had to pay more than their fair share of the cost of reducing the Federal deficit.

To address this problem, President Bush has proposed raising the salaries of Federal employees in the New York, San Francisco, and Los Angeles metropolitan statistical areas by 8 percent. This proposal, however, is inadequate—not only in degree, but also in design. It arbitrarily includes those counties within the bounds of three MSA's and leaves out many other areas of the country where competing salaries are just as high. The bill I am introducing today would extend the 8 percent to Monterey County, an area just outside the San Francisco MSA with a very high cost of living.

Eventually it will be necessary to increase the salaries and benefits of all Federal employees so that it is not necessary for people to choose between civil service and the needs of their families. To attract and retain qualified personnel, we must turn toward the broader concept of locality pay—scaling Federal pay to comparable private sector salaries within a given area. If it is necessary, however, to pass an emergency measure, the plan should recognize the true emergency. Expensive areas such as Monterey should not be excluded simply because they are less populous. I urge my colleagues to join with me in efforts to erase this inequity.

The bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter VII of chapter 53 of title 5, United States Code, is amended by adding at the end the following: "§ 5376. Higher pay based on locality

"(a) For the purpose of this section, the term 'statutory pay system' has the meaning given such term by section 5301(c) (and includes the pay system under chapter 54).

"(b) Effective for pay periods beginning on or after January 1, 1991—

"(1) the rate of basic pay for any employee under a statutory pay system who is employed within Monterey County, California, shall be equal to 108 percent of the rate of basic pay which would otherwise apply, subject to paragraph (2); and

"(2) the maximum rate of basic pay payable to any employee under this section shall be equal to 108 percent of the maximum rate allowable under section 5308.

"(c) The Office of Personnel Management shall prescribe regulations necessary for the administration of this section, including regulations for determining where an individual is employed.

"(d) For purposes of section 5303, rates of pay established under this section may be taken into account to such extent as the President (or the Office of Personnel Management or other agency, as applicable) considers appropriate."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5375 the following:

"5376. Higher pay based on locality."

THE FAMILY AND MEDICAL LEAVE ACT, H.R. 770—PART III

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. PENNY. Mr. Speaker, today I conclude a series of extensions devoted to an examination of H.R. 770, the Family and Medical Leave Act, with statements from the small business community and the Bush administration. As the engine of job growth and opportunity for many Americans, I remain hopeful that the concerns of America's small employers, expressed in the statements that follow, will be considered during debate on H.R. 770.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, February 7, 1990.

Hon. TIMOTHY J. PENNY,
U.S. House of Representatives, Washington, DC.

DEAR TIM: In an era when Americans believe that the nation is falling behind in world economic competition, some in the Congress are still pushing for enactment of broad mandates—particularly mandated parental and medical leave or mandated maternity leave.

Foisting mandated parental and medical leave on small business is simply following the path of European economies. In the past decade, European job creation and economic growth has been stagnate. This is in large part due to the imposition of mandated benefits—mandates which stifle expansion, apply growth caps on businesses, and actually create hiring disincentives.

Mandated parental and medical leave benefits are not free. They cost small business in lost productivity, lost flexibility, and force trade-offs between other fringe benefits.

Moreover, mandates particularly mandated parental and medical leave or mandated maternity leave, hurt small business. They:

Disproportionately impair small firms. Small businesses employ the majority of young single workers and more senior workers—the same workers who would be unable to take advantage of the mandated leave.

Leave the small business bare. Small firms do not have legions of replacement workers to take the place of the on-leave employee.

Adversely affect small business productivity by allowing 40 weeks of leave over a 2-year period.

Opposition to mandated parental and medical leave legislation is one of the small business community's top priorities. It was the number two priority of the 1986 White House Conference on Small Business. Small business remains firmly opposed to H.R. 770 and to mandated maternity leave benefits.

Mandated benefits hurt small business and hurt the economy.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Government Relations.

SMALL BUSINESS LEGISLATIVE COUNCIL,
February 26, 1990.

Hon. TIMOTHY J. PENNY,
U.S. House of Representatives, 436 Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE PENNY: Recent major media reports have indicated that

"The legislative battle over parental leave is heating up." Commentators have spoken of this issue as "on a legislative fast track" or even a "rush to judgment." The legislation receiving this new attention is the Family and Medical Leave Act, H.R. 770.

H.R. 770 represents a broad governmental intrusion into the traditional balanced employer-employee determination of proper and fair conditions of employment. More specifically, the bill:

(1) Mandates employers to provide 10 weeks of employee leave for newborn or adopted children as well as seriously ill children or parents every two years.

(2) Mandates employers to provide 15 weeks of leave for a serious personal illness or injury every year.

(3) Mandates that employers maintain health benefits for any employee on leave under its provisions.

(4) Mandates that employers guarantee all covered employees equivalent or similar employment once leave has been completed.

(5) Sets employer exemption standards which are totally unrealistic and inadequate.

The Small Business Legislative Council urges you to oppose any legislative intrusion into the work place as represented by the provisions of H.R. 770. The Small Business Legislative Council (SBLC) is a permanent, independent coalition of over one hundred trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of over four million small businesses in manufacturing, retailing, distribution on, professional and technical services, construction, transportation and agriculture. While our policies are developed through consensus among our membership, we respect the right of individual associations to express their own views. For your information, a list of our members is enclosed.

First, as a member of principle, SBLC strongly believes that Congress should not seek to dictate specific employee benefits and levels which an employer can and cannot provide. To do so undermines the voluntary, flexible, and comprehensive benefit system which has been developed by the private sector. Such a system has served this nation, its business community, and its workers well ever since its inception. To seriously tamper with its fundamentals will put us on a course leading to the erosion or even destruction of the entire system.

Second, it is important to recognize the enactment of laws such as H.R. 770 poses very special threats to the American small business community. For a small business, regulations, covering only one or two employees, may dramatically alter both daily and long-term operations. Under these circumstances, the economic costs imposed by this bill cannot be absorbed. To be specific, H.R. 770:

(1) Destroys the valuable flexibility which now exists between employers and employees to creatively tailor benefit structures to individual and company needs.

(2) Creates dangerous "tradeoff" conditions in which employers may be required, as a matter of practical economics, to sacrifice valuable worker-preferred benefits in order to pay for or compensate for the congressionally imposed costs or mandated parental leave.

(3) Imposes conditions of "guaranteed" employment and/or benefit which would greatly impede an employer's ability to plan his operations with emphasis upon cost minimization and absence of disruption.

(4) Sets a precedent for future unwanted governmental imposition and regulation of employee benefits.

In conclusion, H.R. 770 can have a devastating impact upon small businesses in every part of our nation. Its imposition of unwarranted employee hiring, training, maintenance, insurance, and replacement costs will adversely affect the competitive abilities of the American economic system. Legislation such as H.R. 770 deserves to be placed not on a "fast track" but rather on a "dead end."

Sincerely,

THOMAS K. ZAUCHA,
Chairman.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Nurserymen.
American Collectors Association, Inc.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Dental Trade Association.
American Floorcovering Association.
American Institute of Architects.
American Machine Tool Distributors Association.
American Meat Institute.
American Road & Transportation Builders Association.
American Society of Travel Agents, Inc.
American Sod Producers Association.
American Subcontractors Association.
American Textile Machinery Association.
American Trucking Associations, Inc.
American Warehousemen's Association.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Physical Fitness Centers.
Association of Small Business Development Centers.
Association of the Wall and Ceiling Industries-International.
Automotive Service Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
Christian Booksellers Association.
Council of Fleet Specialists.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Helicopter Association International.
Independent Bakers Association.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Bottled Water Association.
International Communications Industries Association.
International Formalwear Association.
International Franchise Association.
Latin American Manufacturers Association.
Machinery Dealers National Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Marketing Agents for Food Service Industry.
Mechanical Contractors Association of America, Inc.
Menswear Retailers of America.
NMTBA—The Association for Manufacturing Technology.
National Association for the Self-Employed.
National Association of Brick Distributors.
National Association of Catalog Showroom Merchandisers.
National Association of Chemical Distributors.
National Association of Development Companies.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Passenger Vessel Owners.
National Association of Personnel Consultants.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Realtors®.
National Association of Retail Druggists.
National Association of Small Business Investment Companies.
National Association of Surety Bond Producers.
National Association of the Remodeling Industry.
National Association of Truck Stop Operators.
National Association of Women Business Owners.
National Campground Owners Association.
National Candy Wholesalers Association.
National Chimney Sweep Guild.
National Coffee Service Association.
National Council for Industrial Innovation.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
National Fastener Distributors Association.
National Grocers Association.
National Independent Dairy-Foods Association.
National Knitwear & Sportswear Association.
National Limousine Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Office Producers Association.
National Paperbox & Packaging Association.
National Parking Association.
National Precast Concrete Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machinery Association.
National Tour Association.
National Venture Capital Association.
Opticians Association of America.
Organization for the Protection and Advancement of Small Telephone Companies.
Petroleum Marketers Association of America.
Printing Industries of America, Inc.
Professional Plant Growers Association.
Retail Bakers of America.
SMC/Pennsylvania Small Business.
Small Business Council of America, Inc.
Society of American Florists.
Specialty Advertising Association International.
United Bus Owners of America.

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, DC, March 2, 1990.

Hon. TIMOTHY J. PENNY,
U.S. House of Representatives,
Washington, DC.

DEAR TIM: H.R. 770, the "Family and Medical Leave Act," may soon be considered by the House. I have enclosed a summary of this bill for your review. As you consider your position on this controversial legislation, I would like to share the Administration's position with you.

The Administration strongly believes that time off for a child's birth, adoption or illness is a worthy benefit for employers to offer to employees. We also strongly believe that sick leave, pregnancy leave or disability leave for employees are worthy benefits, and time off to care for a sick parent or parent-in-law or grandparent is an important benefit. But this Administration strongly objects to the principle that the Federal government should mandate leave policy for the nation's workforce.

Over the past year, I have reviewed the state of American workers and their needs as well as the needs of our employers who are competing in a rapidly changing and increasingly global economy. I have outlined an extensive agenda involving workplace skills, job training, health and safety, pension reform, strengthened affirmative action efforts and increased family responsive policies. I intend to use my position as Secretary of Labor to bring home the message to more employers that *they* are the primary beneficiaries when they adopt flexible policies and benefits that allow workers to respond to family responsibilities. I encourage you and your colleagues in the House to join me in this challenging and worthwhile endeavour.

Encouraging flexibility in the workplace though, is a far different approach than imposing a rigid Federal mandate on a significant number of employers. H.R. 770 would require that leave be given for the birth, adoption or illness of a parent or child, as well as for personal medical reasons. Yet, time off to care for a sick spouse, an ill aunt or uncle, or an important friend to the family may be just as critical to one employee as the leave benefits in H.R. 770 may be for another employee. Providing paid leave, even if it would be for a shorter time period, may be more important in many instances than the lengthy, unpaid leaves required in H.R. 770. Similarly, providing child care may be a critical benefit to some. It is fair to conclude that a newly imposed federally-mandated leave requirement might negatively affect existing benefits as employers search for ways to pay for and accommodate the requirements in H.R. 770.

I would draw your attention to the fact that increasing numbers of employers are recognizing the benefits of voluntarily adopting family responsive benefits. Some of the most recent include: E.I. du Point de Nemours Corporaton, Boeing Aircraft Company, the Marriott Corporation, and Tenneco Inc. And, I'm sure that you could probably add more examples of innovation and responsiveness from both small and large businesses from your own District.

My commitment, and that of the President, to improving the work/family balancing challenge is deep. The President has proposed a major child care initiative and the largest increase in history for the Head Start program, which can help parents meet their child care needs.

In addition, in January 1989, the Department of Labor created the Work and Family Clearinghouse, housed in the Womens' Bureau. The Clearinghouse is a computerized database designed to provide employers with information and technical assistance on the child care, flexible leave and flexible benefit options that are available to assist their employees to balance their work and family responsibilities. Since January, 1989, the Clearinghouse has responded to over 2500 inquiries. In October, 1989, a toll-free number was established for the Clearinghouse (1-800-827-5335). In addition, an elder care section of the database is being developed and is expected to be operational in June, 1990. If you or your staff would care to tour the Clearinghouse, please contact the Women's Bureau directly at 523-6611.

By imposing Federal mandates on certain leave policies such as those contained in H.R. 770, we may inadvertently and negatively influence the delicate, individual balance that lies at the heart of work and family flexibility and the entire system of voluntarily provided employee benefits. Should this legislation or any other legislation to mandate leave policies be sent to the President, I would be compelled to recommend a veto of such legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report to the Congress and that enactment of H.R. 770, or any other mandatory leave legislation, would not be in accord with the program of the President.

Sincerely,

ELIZABETH DOLE.

A TRIBUTE TO BARBARA J. MILLIFF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. MILLER of California. Mr. Speaker, on Thursday, May 3, 1990, the We Care Treatment Center in Concord, CA, will honor Barbara J. Milliff, its exective director who has recently retired after 25 years of dedicated service to developmentally delayed infants and children in Contra Costa County.

Since 1965, Barbara has been the driving force behind the growth in services offered by the We Care Treatment Center. Through her leadership, We Care has grown from a small center treating only a few delayed and disabled children a year to a center which is now equipped to serve as many as 140 children annually. Over the years Barbara has been closely involved with a number of patients and their families. Her sensitivity and devotion to their needs earned her their trust and confidence. She also gained the respect of her colleagues, the center's volunteers, and numerous community groups and their representatives.

Barbara has developed and implemented many of the programs currently available through the We Care Treatment Center. These include an intern program that offers disadvantaged teenagers a work/learn experience, parent education and therapy for dysfunctional families, treatment for drug-affected or neglected children, and the first Contra Costa County home-based treatment program for handicapped and disadvantaged infants. For 20 years, she has creatively utilized donated time, labor, and community help to efficiently maintain the center's buildings and facilities.

In addition to these responsibilities, Barbara has also served on over 17 committees working in the best interest of children and has been actively involved in lobbying local and State legislators on children's issues.

On May 3, 1990, Barbara's 25 years of tireless efforts will be recognized by her colleagues and friends. In honor of her contributions to the community and her commitment to disabled children and families, the board of directors of the We Care Treatment Center has established the Barbara J. Milliff Tribute Fund to construct new facilities to treat emotionally disturbed and delayed 4- and 5-year-old children.

Mr. Speaker, I ask that my colleagues in the House of Representatives join me in acknowledging the distinguished career of Barbara J. Milliff. I would like to congratulate Barbara for 25 years of outstanding service to the children of Contra Costa County and wish her the very best in her retirement.

EDWARDS HONORS FOUR CALIFORNIA NEWSPAPERS FOR THEIR PULITZER PRIZES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. EDWARDS of California. Mr. Speaker, I rise today to congratulate and pay special tribute to four newspapers from California, all recipients of the 1990 Pulitzer Prizes. The San Jose Mercury News, the San Francisco Chronicle, the Oakland Tribune, and the Los Angeles Times have all provided exceptional journalistic coverage over the years, and I am happy to see them receive such distinguished recognition.

The Loma Prieta earthquake of October 17, 1989, was a truly catastrophic event which left thousands of people homeless and 68 people died. The earthquake also left people eager for information about its effect on the places and people close to them. Over 300 reporters, photographers, and editors worked on the earthquake coverage for the San Jose Mercury News. Even though the staff had to rely partly on emergency power, within 24 hours an extra 200,000 papers were published and distributed to the news-eager citizens of the bay area.

The staff of the Mercury News worked as a team, and under harsh circumstances, they were able to keep the public abreast of the important events that unfolded in the days following the quake. For their hard work and extensive coverage of the October 17 earthquake, the entire news staff of the San Jose Mercury News deservingly received the 1990 Pulitzer Prize for general news reporting.

The devastation of the Loma Prieta earthquake created images that will forever be a part of that ill-fated day. Many of those tragic images were captured on film by brave pho-

tographers who made sure that the destruction was seen by people around the world.

A team of seven photographers from the Oakland Tribune received the 1990 Pulitzer Prize for spot news photography for their coverage of the death and destruction of the October 17 earthquake. Of particular note was the photographic coverage that the Tribune gave to the collapsed Cypress Freeway, where 44 people lost their lives. I am glad to see that the exceptional photography of the crew of the Oakland Tribune is honored with a 1990 Pulitzer Prize.

In our great democracy it is important for people to have the right to be critical and to be able to freely express their views. The first amendment to the U.S. Constitution guarantees the freedom of speech and freedom of the press to ensure that these ideals are made a reality. Each year a Pulitzer is awarded to a journalist who best demonstrates these important rights.

Allan Temko of the San Francisco Chronicle received the 1990 Pulitzer Prize for criticism because of his critical analysis of architecture and the environment. Mr. Temko has been with the Chronicle for almost 30 years, and along with his journalistic career, he has advised President John F. Kennedy and Governor Edmund G. Brown on the environment. No doubt this award will bring his knowledge and skills to the attention of others who can benefit from his insight.

Mr. Jim Murray has written a sports column for the Los Angeles Times for almost 30 years. During this time he has worked for Time and the magazine that went on to become Sports Illustrated. He has also received 14 National Sportswriter of the Year Awards, 12 of them consecutively.

Mr. Murray was honored with another distinguished award this year, the 1990 Pulitzer Prize for commentary. Mr. Murray has shown a wonderful blend of journalistic know-how and an unequalled knowledge of sports. I am glad to see Jim Murray of the Los Angeles Times receive a 1990 Pulitzer Prize.

Mr. Speaker, for their work in reporting the events that shape our society, the news staff of the San Jose Mercury News, Allan Temko of the San Francisco Chronicle, the photography staff at the Oakland Tribune, and Jim Murray of the Los Angeles Times all received 1990 Pulitzer Prizes. I am proud to salute these four California recipients of the 1990 Pulitzer Prize.

AMENDING THE INSPECTOR GENERAL ACT OF 1978

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. CONTE. Mr. Speaker, I rise today to introduce a bill to return the responsibilities of inspectors general to the powers we envisioned when Public Law 94–452, the Inspector General Act, was passed in 1978.

This bill, which is also being introduced in the Senate by Mr. GLENN, was made necessary by a March 1989 ruling of the Department of Justice, Office of Legal Council [OLC] that unnecessarily curbed the inspectors generals' investigations into programs regulated by Federal agencies. When the act was passed in 1978, the IG's were given far-reaching powers to keep Federal agencies corruption free and efficiently operating. The OLC ruling reduced the power of the IG's. This bill would let Congress restore those powers.

The inspectors general and the problems they were created to combat—waste, fraud, and corruption—have long been an interest of mine.

As a member of the Massachusetts General Court, I helped create the first ERISA law over 36 years ago. That law served as a model for the Federal ERISA laws now enforced by the Department of Labor. It also taught me about the danger of wrongdoing in government programs.

Since then I've never forgotten the impact of corruption and fraud on working people. It's hard to forget about benefit payments to dental programs that didn't exist. And working folk who lost their retirement savings because pension plan managers were lining their own pockets.

I believe it's the responsibility of Federal agency heads to catch and eradicate wrongdoing in their programs. We created the IG's to see that the agency heads keep those programs efficient and crime free and our citizens get the services they deserve and need.

I also know about the IG's through my work as ranking member of the House Appropriations Committee where I've heard testimony from most of the IG's over the years. The work of guys like Dick Kusserow at HHS, Ray Maria at Labor, William Doyle with the railroads, and Sherman Funk at the State Department is impressive. They and their colleagues throughout Government have amassed a remarkable record.

In fiscal year 1989 the 24 presidentially appointed IG's recovered $727 million, conducted 5,639 successful prosecutions, levied 2,851 administrative sanctions, caused 2,514 personnel actions, made recommendations for over $4.88 billion in recoveries and restitution, and recommended $37 billion in efficient use of Federal funds.

The IG's had smooth sailing until the 1989 Department of Justice, Office of Legal Counsel ruling created havoc and diverted valuable IG resources away from combating the crime to fighting petty turf battles. At the heart of that struggle are three fundamental issues.

What was the intent of Congress when the IG's were created? What is good public policy concerning the power of the IG's to investigate? And lastly, what will happen if something isn't done about this ruling?

I'm going to take a few moments to talk about each issue.

The intent of Congress is clear. The IG's have independent and far reaching powers to investigate criminal fraud and corruption associated with Federal agencies. The OLC ruling would have us believe otherwise. By coining the phrase "regulatory investigations" the ruling significantly changed the IG's authority, unjustly limiting it to investigating Federal employees and Federal funds. Overnight the IG's went from generals to privates. A muzzle was placed on the watchdogs.

The act directed the IG's to prevent and detect fraud in programs and operations of Federal agencies. Meaning anyone receiving Federal benefits such as loans, licenses, permits, or other preferred status, not just Federal funds or employees.

Since the act didn't specify what criminal investigations could be undertaken, it's clear Congress intended for the IG's to go wherever duty called. For example the act didn't distinguish coal operators who don't make royalty payments to the Government and are in cahoots with an Interior Department employee from coal operators who commit the same fraud independently. Only the Department of Justice, not Congress, has split those hairs.

The absence of hairsplitting language in the act sent a clear congressional message to the IG's; go after any fraud associated with Federal programs wherever it is found. Conduct investigations anytime the integrity of an agency is compromised.

The Justice Department also raises the spectre of IG's lusting after program operation responsibility. I have yet to see any of these Federal watchdogs frothing at the mouth, requesting program operating responsibility within the agencies. The argument is a smokescreen, for the real issue: What investigative authority should the IG's have? And Congress' intent is crystal clear.

Since 1978, Congress has reinforced its intent by rewarding the IG's with expanded budgets and additional IG's. If Congress didn't like the results it was getting, the IG ranks wouldn't have swollen from 2 in 1977 to 57 today, with a total budget of $715 million and 9,892 staff. That's an increase of $70 million and 437 staff over the previous year. Since Congress is happy with the IG's, why can't the Justice Department stop worrying and be happy?

Regarding what is good public policy concerning the power of the IG's, we don't have to dig too deep to see the IG's are right for the job. They have undergone the same rigorous training, given all other Federal law enforcement officers. And if the IG's don't do it, who will?

Even though the FBI has the authority and expertise to conduct the investigations, their many other responsibilities keep them from pursuing all the violations associated with Federal agencies. The FBI can't be expected to take on the important work Congress assigned to the IG's over a decade ago.

William Sessions, Director of the FBI, testified before the House Appropriations Committee on March 14, 1990, that the "scope of white collar crime is such that it is impossible for the FBI to investigate all the white collar crime cases that come to our attention."

Sessions' comment wasn't surprising because the FBI's plate is very full. In addition to investigating counterintelligence, kidnapping, and fugitives from justice, the FBI is also fighting the war against drugs, probing the savings and loan industry, and looking into the HUD scandal.

The other possibility, the agency heads, isn't a viable alternative either. Because even though the agency heads have the responsibility to enforce the law, they can't be expected to identify and establish every instance of

criminal wrongdoing in agency-regulated programs. And their investigations might generate interagency conflicts.

The ruling also prohibits agency heads, who have criminal investigative powers, from delegating that authority to the IGs' trained criminal investigators.

Not using the IG's to conduct investigations of program regulated by Federal agencies is foolish. The IG's have an excellent record in conducting the type of investigations under question. The IG's have proven themselves to be knowledgeable, competent, and effective. And most importantly they're available.

That brings me to the last issue: What happens if the OLC ruling is left in place?

Its not a pretty picture. Much fraud will remain untouched. Our citizens will lose while the criminals celebrate their good fortune because the OLC ruling stopped the IG's from investigating crimes of vital importance to Americans. Investigations, it's sad to say, the IG's used to conduct.

By attempting to delineate investigations that are appropriate for the IG's to undertake, the OLC ruling stopped a vast array of investigations into federally regulated programs. Those investigations will remain suspended if the OLC ruling isn't countermanded. A quick review of a few agencies reveals the magnitude of what would happen if the bill fails and the OLC ruling remains.

At the Department of State the OLC ruling limited the IG's investigations of fraud in four general areas: First, nonmonetary Federal benefits, such as false statements to obtain Federal licenses, certificates, visa, job, passport, or other benefit; second, nonpayment or underpayment of funds to the Government such as attempts to defraud an agency out of money owed on a contract or lease; third, false certifications, applications or testimony resulting in unwarranted danger to public health or safety; and fourth, impersonation of an agency official or misuse of the agency seal or logo in a way that defrauds a third party.

The Department of State IG has expressed concern about the ruling because U.S. Attorneys can be ordered by DOJ to not prosecute cases brought to them by an IG, if the cases fall outside the parameters of the OLC ruling. This creates a situation where it's dangerous for agents to pursue criminal investigations in areas where the OLC ruling is vague.

At the Department of Interior the IG has identified three types of investigations they've traditionally conducted and now avoid: First, impersonation of agency officials and misuse of the agency seal/logo to defraud a third party who does not receive Federal funds; second, fraud in the procurement of nonmonetary Federal benefits, such as making false application to obtain a Federal license or certificate; and third, fraud in the nonpayment of funds to the Federal Government such as avoiding payments for timber or mineral contracts.

Generally these cases are either too trivial or specialized to be investigated by the FBI. These cases are considered Federal matters by the State and local law enforcement agencies.

At the Department of Health and Human Services the IG's investigation of criminal violations under the Federal Food, Drug and Cosmetic Act have become contentious. Prior to the OLC ruling the IG conducted criminal investigations upon request of the FDA or DOJ. The investigations typically involved: Fraud and misrepresentation by applicants for benefit or approval by the FDA; sale of counterfeit drugs; illegal distribution of anabolic steroids; and drug diversion.

The investigations based on this longstanding relationship ceased when the OLC ruling was issued. The IG was warned by the DOJ Office of Consumer Litigation that continued investigations would place special agents in jeopardy of personal tort liability. The HHS inspector general subsequently suspended all FDA-related investigations.

Many other HHS-related investigations are also now out of bounds, such as: First, Medicare kickbacks involving manufacturers, physicians, or hospitals; second, misuse of symbols such as "Medicare" or "Social Security" in advertisements; third; violations of the Clinical Laboratories Improvement Act authorizing criminal penalties for violations of its statutes; and fourth, counterfeiting, forging, or misusing Social Security cards to obtain benefits other than Federal dollars, for example, credit cards.

At the U.S. Information Agency the OLC ruling has stopped the IG from enforcing the Agency's visa program since organizations issuing the visas have neither Federal employees nor direct Federal funding.

After the OLC ruling the Department of Labor IG suspended over 1,200 criminal investigations because of potential liability of the agents. The cases included: 993 cases of unemployment insurance fraud; 157 cases of wage-and-hour fraud and abuse; 49 cases of Black Lung Program fraud; 21 longshore and harborworker fraud cases; 20 cases of Alien Certification Program fraud; and 15 cases of employee benefit plan fraud and abuse.

At the Department of Housing and Urban Development the IG believes a literal interpretation of the ruling would enjoin his office form investigating equity skimming violations. Skimming is the biggest problem facing HUD's Single-Family Mortgage Insurance Program. Since equity skimmers receive no Federal funds the IG can't investigate the cases. The IG had previously investigated 61 cases and recovered $2 million.

As you can see, if we let the OLC ruling stand, and prohibit the inspectors general from investigating fraud and corruption in regulated programs not receiving agency funds, the ultimate losers will be the American citizens whose health, safety, and economic security will be compromised.

The IG problem is like buying a watchdog to protect your property. You can choose to let the dog instinctively do its job or remove its teeth and lock it in the basement. The OLC ruling has removed the teeth from our watchdogs, and we better respond before the OLC ruling locks the IG's in the basement.

That's why I'm introducing a bill to amend the Inspector General Act of 1978, to clarify the authority of the IG's to conduct audits and investigations in programs regulated by Federal agencies. I want to bring a timely end to the squabbling between the IG's and the Department of Justice. Let's take the muzzle off our watchdogs.

The bill is simple and straightforward. It amends section 4 of the Inspector General Act of 1978 (5 U.S.C. App.), by adding the following language at the end:

(e)(1) In carrying out the duties and responsibilities under this Act, each Inspector General has authority to determine A) the persons subject to, and the nature, scope, and purposes of audits and investigations conducted by the Inspector General relating to programs and operations administered, carried out, financed or conducted by his or her establishment, including programs and operations under regulatory statutes; and B) the authority of the Inspector General to conduct those audits and investigations.

(2) The conduct of an audit or investigation by an Inspector General in accordance with this Act may not be construed as carrying out a program operating responsibility.

This language accomplishes two things. It clarifies that the IG's have the authority to investigate programs regulated by Federal agencies. And it says such investigations do not construe program operation, a contention made by the DOJ.

The bill raises several questions. What safeguards exist against overzealous IG's? What opposition will this bill have? And how much will it cost?

What safeguards exist? That means who watches the watchdogs? OLC ruling implies that since inadequate safeguards exist to protect agencies and third parties from overzealous IG's, the Department of Justice should determine what investigations are undertaken by the IG's. The Department is wrong. Adequate safeguards do exist.

The IG's are selected by the President and are ultimately accountable to him. If the IG's get to far afield the President can reel them in.

Congress and GAO, through normal oversight mechanisms, monitor the IG's. This includes regular IG testimony before, committees of Congress and the semiannual report from the IG's to Congress identifying problems under investigation.

The OLC ruling also implies that special agents of the IG's are akin to rogue cops, setting their own investigative parameters. That's also false. IG's cannot function in a criminal investigative area without close and continuing cooperation with the Department of Justice. At the very least they need DOJ to prosecute the cases.

Congress, working with the General Accounting Office, does appropriately oversee the criminal investigative work of the IG's.

Who opposes the bill? I expect some Federal agencies will oppose this bill. After all, they vehemently opposed the creation of the IG's in the first place and have continued to complain since.

Opposition may also come from the regulated community. In some instances they've benefited from the mild restritution and fines as consequences for violations and oppose the forfeiture of assets and incarceration that might result from aggressive criminal investigations by the IG's.

Since the IG's independently conduct investigations of criminal violations, some folks might oppose this measure because it limits

the ability of the criminal element to influence the outcomes of investigations. That sounds like good news to me.

Under this bill the inspector general will be the antidote to permissive policies and lax enforcement of regulations by Federal agencies. Hence, we should expect some people to object to our intent. Fortunately they're the wrong people.

How much will it cost? This measure is revenue neutral. It will not cost taxpayers a single cent, yet it will unleash hundreds of criminal investigators on egregious fraud. It is good government because it promotes efficiency and prudence.

In closing I want to cite one of the most vocal and distinguished spokesmen about government inefficiency and fraud, former Senator William Proxmire. He recently wrote:

To best serve the public interest, any resolution of this jurisdictional clash of investigative agencies should leave the Inspector General with full power to investigate *any* violation of federal law whether or not federal funds are involved. The Inspector General can provide far and away the best means of preventing fraud and waste in this colossal trillion-dollar government.

I think Senator Proxmire's words summarize this whole issue nicely. My bill gives the inspector general the full power to conduct investigations they deem appropriate. It unmuzzles the watchdogs by clearly stating the intent of Congress.

SENSIBLE ADVERTISING AND FAMILY EDUCATION ACT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. KENNEDY. Mr. Speaker, we hear a lot of talk about the war against drugs and how many Americans are dying from drug abuse. We spend billions of dollars every year for drug interdiction, treatment, and enforcement.

Yet the greatest drug threat to the society is the abuse of alcohol. Alcohol kills at least three times as many Americans than crack, heroin, and all other drugs combined. In this Nation, 18 million adults and 4.5 million kids are struggling with problems related to alcohol abuse. One-half of the motor vehicle crashes and one-half of the homicides in this country are related to alcohol use.

But despite the known dangers, we continue to allow this drug to be sold by ads that glamorize alcohol use and ads that connect alcohol use with social acceptance and success. Along with selling their products, alcohol advertising also sells values and attitudes about drinking to the public—especially to kids.

Before my two 9-year-old boys reach the legal age to purchase alcohol, they will have watched over 100,000 beer and wine commercials. Beer and wine ads have become the No. 1 source of education for Americans about alcohol. We must think about the kinds of values our kids are picking up as they watch beer ads on MTV with their favorite athlete or a cute, surfing canine extolling the virtues of drinking beer.

I'm not opposed to adults drinking responsibly but I am opposed to the alcohol industry's selling its product as if there were no strings attached with its use. For children, for pregnant women, for persons who have a drinking problem, for persons who take other drugs and medications, for persons who drive or operate machinery—there are serious consequences associated with drinking alcoholic beverages.

And that is why I introduced the Sensible Advertising and Family Education Act [SAFE] on April 4, 1990, to try to provide the public with information so that they can make informed decisions about the use of alcohol. This is done by providing 5 basic warnings on all alcohol advertisements:

First, to prevent the 5,000 babies that are born every year with fetal alcohol syndrome—which is the No. 1 known cause of mental retardation, was have the warning: "Drinking during pregnancy may cause mental retardation and other birth defects. Avoid alcohol during pregnancy."

Second, to prevent the 50,000 deaths due to alcohol-related motor vehicle crashes every year, we have the warning: "Alcohol impairs your ability to drive a car or operate machinery."

Third, to prevent the thousands of overdoses and injuries that are caused because people mix medications with alcohol, we have the warning: "Alcohol may be hazardous if you are using any other drugs such as over-the-counter, prescription, or illicit drugs."

Fourth, to prevent Americans from joining the ranks of 18 million adults and the 4.5 million kids who are addicted to alcohol, we have the simple warning: "Drinking alcohol may be addictive," and

Fifth, to send a clear warning to the 90 percent of the high school kids who have tried or continue to use alcohol, we have the warning: "It's against the law to purchase alcohol for persons under age 21."

Placing warning messages on alcohol advertisements is no panacea for the problems associated with alcohol abuse, but it is a first step in educating Americans about the risks. If we can get this message out to the people who are at risks for problems—especially to kids—maybe we can prevent them from becoming a statistic in this terrible national tragedy. I urge my colleagues to support this legislation which will offer some balance to the thousands of ads which glamorize drinking and associated alcohol use with risky activities. The legislation follows this statement:

H.R. 4493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Alcohol is by far the most used and abused drug among young people in the United States today. Its purchase by those under the age of 21 is illegal in all 50 of the United States and the District of Columbia.

(2) By the time they reach senior year, 90 percent of high school students report using alcohol at least once in the preceding year. The 1989 National Institute on Drug Abuse/University of Michigan survey of high school seniors found that 33 percent of those surveyed reported that they had consumed five or more drinks at one time in the two weeks preceding the survey.

(3) Alcohol use during pregnancy is the leading known cause of mental retardation.

(4) The average age at which young people begin drinking is 12. By the age of 13, approximately 30 percent of boys and 22 percent of girls classify themselves as "drinkers". Studies demonstrate that the use of alcohol before the age of 15 appears to be one of the predictors of later heavy alcohol and other drug use.

(5) Young people are not well informed about the hazards of alcohol use. Only 43 percent of high school seniors believe there is a great risk of harm from risky drinking activities such as binge drinking once or twice each weekend.

(6) According to the National Institute on Alcohol Abuse and Alcoholism, an estimated 18,000,000 Americans 18 years and older currently experience problems as a result of alcohol use. It is estimated that 4,500,000 young people are dependent on alcohol or are problem drinkers.

(7) Nearly one-half of all deaths from motor vehicle crashes are alcohol related.

(8) It is estimated that 25 percent of all hospitalized persons have alcohol-related problems.

(9) Alcohol advertising, especially in the broadcast media, represents the single greatest source of alcohol education for Americans. Children see as many as 100,000 television commercials for beer alone before they are old enough to buy alcoholic beverages.

(10) A major 1981 federally funded study found a significant relationship between youth exposure to alcoholic beverage advertising and drinking behaviors and attitudes which can lead to certain forms of problem drinking. Over 80 percent of 2,000 adults surveyed in 1988 for the Bureau of Alcohol, Tobacco, and Firearms by the Opinion Research Corporation believe that alcohol advertising influences underage youth to drink alcoholic beverages. The survey also found that the general public feels that the Nation's young people constitute the group that is most at risk from drinking alcoholic beverages.

(11) The alcoholic beverage industry spends approximately $2,000,000,000 each year on advertising and promotions in the United States.

(12) The 1988 Surgeon General's Workshop on Drunk Driving has recommended that the level of alcoholic beverage advertising be matched with an equal number of pro-health and pro-safety messages and also recommended the inclusion of health warning messages in all alcohol advertising.

(13) Two-thirds of those surveyed in a 1989 Wall Street Journal poll favor requiring warnings about the dangers of drinking on both alcoholic beverage containers and in alcohol advertisements.

SEC. 3. HEALTH WARNINGS.

(a) IN GENERAL.—On and after the expiration of the 6-month period following the date of enactment of this Act, it shall be an unfair or deceptive act or practice under section 5 of the Federal Trade Commission Act for any person to—

(1) advertise or cause to be advertised through magazines, newspapers, brochures, and promotional displays, within the United States any alcoholic beverage unless the advertising bears, in accordance with requirements of section 4(a), one of the following health warnings:

SURGEON GENERAL'S WARNING: Drinking during pregnancy may cause mental retardation and other birth defects. Avoid alcohol during pregnancy. If you are pregnant and can't stop drinking, call [insert appropriate toll free number].

WARNING: Alcohol impairs your ability to drive a car or operate machinery. If you or people you love drink and drive, call [insert appropriate toll free number].

WARNING: Alcohol may be hazardous if you are using any other drugs such as over-the-counter, prescription, or illicit drugs. To find out what happens when you drink while using other drugs, call [insert appropriate toll free number].

WARNING: Drinking alcohol may become addictive. If you know someone who has an alcohol or other drug problem or has trouble controlling their drinking, call [insert appropriate toll free number].

WARNING: It's against the law to purchase alcohol for persons under age 21. For more information about the risks associated with alcohol use among teenagers and young adults, call [insert appropriate toll free number]., or

(2) advertise or cause to be advertised through radio or television broadcasting (including cable broadcasting) any alcoholic beverage unless the advertising includes, in accordance with requirements of section 4(b), one of the following health warnings:

SURGEON GENERAL'S WARNING: Drinking during pregnancy may cause mental retardation and other birth defects. Avoid alcohol during pregnancy.

WARNING: Alcohol impairs your ability to drive a car or operate machinery.

WARNING: Alcohol may be hazardous if you are using any other drugs such as over-the-counter, prescription, or illicit drugs.

WARNING: Drinking alcohol may become addictive.

WARNING: It's against the law to purchase alcohol for persons under 21.,

(b) TOLL FREE NUMBERS.—The Federal Trade Commission, in consultation with the Secretary of Health and Human Services, shall be responsible for establishing and maintaining the toll free numbers referred to in the health warnings required by subsection (a)(1). The Federal Trade Commission shall report to Congress annually on the number of calls received using those numbers and the types of referrals made.

SEC. 4. REQUIREMENTS.

(a) IN GENERAL.—The health warnings required for alcoholic beverage advertisements by section 3(a) shall—

(1) be located in a conspicuous and prominent place on each such advertisement, as determined by the Federal Trade Commission in regulations to take effect no later than 6 months after the date of the enactment of this Act, except that such regulations shall require that all letters in such health warnings appear in conspicuous and legible type that is not script or italic and that such health warnings be in contrast by typography, layout, and color with all other printed material in the advertisement, be surrounded by typographic lines that form a box, and, on an appropriate visual medium, appear on the front of an advertisement as indicated by labeling of the manufacturing or importer, and

(2) be rotated in an alternating sequence on each advertisement of a brand style in accordance with a plan submitted by such manufacturer or importer to the Federal Trade Commission.

The Federal Trade Commission shall approve a plan submitted under paragraph (2) by a manufacturer or importer that assures that each sequence of the same or substantially similar advertisement for a brand style has displayed upon it an equal distribution of each health warning at the same time. If an application is approved by the Federal Trade Commission, the rotation shall apply with respect to the applicant during the one-year period beginning on the date of the application approval.

(b) RADIO AND TELEVISION.—The health warnings required for alcoholic beverage advertisements placed on radio or television broadcasting by section 3(a) shall—

(1) be included in a conspicious and prominent manner in such advertisement, as determined by the Federal Trade Commission in regulations to take effect not later than 6 months after the date of the enactment of this Act, except that such regulations shall require—

(A) that such health warnings be read as part of an alcoholic beverage advertisement in an audible and deliberate manner and in a length of time that allows for a clear understanding of the health warning message by the intended audience, and

(B) that for television a graphic representation of such health warning required by section 3 be included after each advertisement, that all letters in such health warning appear in conspicious and legible type that is not script or italic, that such health warning be surrounded by typographic lines that form a box, and that such health warning appear in the same length of time as is required for the reading of the message required by subparagraph (A), and

(2) rotated in an alternating sequence on each such advertisement of a brand style in accordance with a plan submitted by such manufacturer or importer to the Federal Trade Commission.

The Federal Trade Commission shall approve a plan submitted under paragraph (2) by a manufacturer or importer that assures that an equal distribution of each of the health warning is displayed on each sequence of the same or substantially similar advertisement for a brand style at the same time. If an application is approved by the Federal Trade Commission, the rotation shall apply with respect to the applicant during the one-year period beginning on the date of the application approval.

SEC. 5. DEFINITION.

For purposes of this Act, the term "alcoholic beverage" includes any beverage in liquid form which contains not less than one-half of one percent of alcohol by volume and is intended for human consumption.

CONGRATULATIONS TO CRANSTON HIGH SCHOOL WEST

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Ms. SCHNEIDER. Mr. Speaker, I would like to take this opportunity to commend the students, faculty, and administration of the Cranston High School West for being named recipients of the Presidential Award for Drug Free Schools. Drugs and drug-related crime are pervasive problems which threaten to cripple our country. I am very glad to see that we are making a difference in Rhode Island.

Out of the 800 schools nominated, Cranston West was one of only 53 schools to win this award. For 2 days last month, representatives of the National Drug-Free Schools Recognition Program visited Cranston West to learn more about the program. They saw firsthand how students, teachers, administrators and parents were pulling together to stop the use of drugs and alcohol among students. The staff learned about Falcons Against Drunk Driving Programs and the peer education program at Cranston West.

Since coming to Congress 10 years ago, I have emphasized a policy of "prevention"—stop a problem before it starts. Cranston West and its principal, Edward Rondeau are proof that the best way to stop drug abuse is to never let it happen. School programs are the local cornerstone in the war against drugs. The drug crisis is a national problem with local solutions.

Mr. Speaker, I am delighted to see that my friends in Cranston have been singled out for this honor. I very proud of our students, teachers, and administrators at Cranston West for their commitment to a drug free environment.

ADDRESS OF THE HONORABLE JACK KEMP AT THE ANNUAL DAYS OF REMEMBRANCE COMMEMORATION OF THE HOLOCAUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. LANTOS. Mr. Speaker, yesterday in the great Rotunda of this historic building many of us here attended the annual National Civic Commemoration of the Days of Remembrance. Organized by the U.S. Holocaust Memorial Council, this sober ceremony paid tribute to the memory of the 6 million victims of the Nazi Holocaust. The commemorative address for this most solemn occasion was given by our former colleague and the current Secretary of the Department of Housing and Urban Development, Jack Kemp.

I have known Jack Kemp and worked closely with him on many issues since I first came to the Congress nearly 10 years ago. We share a deep commitment to human rights and have fought to assure the observance of these fundamental rights around the globe.

Mr. Speaker, Jack Kemp's address yesterday was a particularly profound, heartfelt, and moving statement. I insert it in the CONGRESSIONAL RECORD, and I urge my colleagues to give it serious and sober reflection.

The speech follows:

REMARKS BY SECRETARY JACK KEMP

This annual observance of the "days of remembrance" of the Nazi Holocaust and the historically unprecedented, and unparalled destruction of a thousand-year-old civilization, that of European Jewry, serves many purposes. It revives our memories. It honors the victims. It informs the young and it is vital to our understanding, not only of Jewish history, but to Jewish survival as well.

A few years ago at a small Passover Seder with Elie and Marian Wiesel and family

friends of ours in Miami, Florida, my wife and I learned what Jewish children have been learning for centuries about slavery and suffering, about struggle, and the exodus, out of the hands of Pharaoh's Egypt.

President Bush said on the eve of this years Passover celebration, that it has special significance because he said, "A great march of freedom is underway for Soviet Jewry, and this year many thousands will celebrate the Seder with their families in Israel. For these people, and for their brethren waiting to emigrate, "next year in Jerusalem" is becoming a promise fulfilled."

The Passover Haggadah specifically instructs Jews to instruct their children about the redemption from Egypt. Memory and remembrance means a fidelity to the truth of history and at this Holocaust Memorial we recommit ourselves—Jew and Christian alike—to the integrity of memory and to the truth of history. Thus this day, as Elie Wiesel pointed out recently, can be both sad and hopeful. And it puts us all in a correct frame of mind for contemplating the awful insights, the warnings and lessons that emerge from this particular moment in history that we recall and remember this day.

Why is there a holocaust memorial in Washington? There were no concentration camps here; but, I believe no location for the U.S. Holocaust Musem could be more appropriate than within the site of our memorials to Thomas Jefferson, George Washington, and Abraham Lincoln.

What an exciting moment in history it is to know that these founders of our precious democratic institutions are being quoted in every language and in every corner of the world. President Bush called it the Revolution of 1989; perhaps it's but the Revolution of 1776, but not yet completed.

This memorial and this day of remembrance teaches equally important lessons, some of which are unpleasant but others so necessary to keeping our pledge, "Never Again!" This day whets our appetite for the true brotherhood of man. We yearn as did the Prophet Isaiah for the days in which, "They shall beat their swords into plowshares and their spears into pruninghooks."

To think about and remember the Holocaust makes us sick of violence and war, but makes clear that good men and women, when threatened by aggressors and tyrants, may at times have no alternative to defending themselves than by force of arms.

As Elie Weisel reminded us at the first Holocaust Memorial, "indifference to evil is evil." Would that it were always possible to compromise and split our differences with enemies and adversaries—but we are reminded that Neville Chamberlain and Eduard Daladier came to learn at Munich in September of 1938 that not every enemy can be appeased. Not every conflict can just be negotiated away.

The Holocaust presents Jews with particularly painful and unpleasant lessons. It has, in particular, taught them that there were more people around the world willing to eulogize them than were there to raise a hand to save them when they were attacked by Nazis. It has taught Jews that there are more people willing to apologize to them for the past than are willing to stand by them when they are attacked by anti-Semites, vilified at the UN, and blasphemed with a resolution equating Zionism with the evil of racism. The victims cry out for that resolution to be repealed now!

Holocaust commemorations always culminate in the exhortation, "never again!" But it is vital that we remind ourselves that this is not just a plea. It is not just a declaration somehow aimed at would-be perpetrators urging them not to repeat the crime; rather it is our solemn and sacred pledge, our profession of personal resolve to prevent a new Holocaust. But as important as it is to take this pledge, I believe it is a profound mistake to see that pledge as the only meaning of the Holocaust.

In fact, to see it that way is in my view a great disservice to the memories of those who died and to the lives of those who survived. The Holocaust was not only an historical event. It was after all a specific event unleashed against a particular people at an absolute moment in time, and in a specific place. Besides the untold suffering of millions, the utter destruction of a thousand year old civilization, that of European Jewry, Naziism destroyed not only a people, but a culture, a language, a way of life, and a millennium of memories.

It is true that Zionism predates the Holocaust, but in the broader historical sense the State of Israel is the successor, the orphaned child, of that great, now-destroyed civilization of European Jewry. Much of the culture, the way of life, as well as many individual survivors of European Jewry have taken new root and new hope in Israel, and while the Holocaust tragically decreed that not only would Europe be Jewry's past, it also decreed that Israel would be Jewry's future.

Thus the best way to honor the memory of that destroyed Jewish past is by cherishing, protecting, and nurturing its future as embodied by the rebirth of Israel.

It is not enough to mourn the parent unless we give succor and support to the orphaned child. Indeed it diminishes the memory of the vanished parent to do anything less.

Criticism of the State of Israel, is not in and of itself an act of anti-Semitism, nor is it necessarily an act of "anti-Zionism." Those who would hector and abuse, those who would play politics with its very survival, those who would criticize it according to standards that no other country in the world is subjected to, are doing more than being unjust to one country. They are betraying the memory of a murdered people whose culture and civilization, whose hopes and dreams, whose sons and daughters have found their home at last in Israel.

It is not too much to say then, that when a Middle East tyrant threatens genocide by poison gas warfare against Israel, and proposes to turn Israel into the "last gas chamber," he is declaring himself prepared to finish the work of the Holocaust.

The lesson of this day, in this sacred place, as this moment in history, is that we must protect and defend what has come to take its place in Jewish and world history, the resurrected Jewish state of Israel.

I believe that helping Israel resist tyrants and tyranny and to resist others who would threaten to compromise and weaken the Jewish state, is, the best way to honor the victims of the Holocaust.

ONE OF A THOUSAND POINTS OF LIGHT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. GEKAS. Mr. Speaker, I ask my colleagues to join me in recognizing a very special person from my congressional district.

The recipient of many honors and awards, Herbert "Corky" Goldstein is truly a friend to Pennsylvania. He is a busy attorney in Harrisburg, but that does not prevent him from spending countless hours helping others. He is a spokesman and a fundraiser for Pennsylvania's Special Olympics. In addition, he volunteers for the American Cancer Society, and other organizations that support and assist victims of killer and crippling diseases.

Too many times in America, people who have been blessed with good fortune forget about those who have not been so lucky. Not Corky. He has given freely of himself and has served as a role model to many. During his years of service to others, he has represented the qualities that are best about America—commitment, compassion, understanding, patience, and love of fellowman.

On behalf of my constituents, I thank Corky for his dedication.

TRIBUTE TO STATE REPRESENTATIVE JOSEPH W. SUMMERS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. JACOBS. Mr. Speaker, I place in the RECORD an article from the Indianapolis Recorder about the Honorable Joseph W. Summers, Indiana State representative from Indianapolis.

Homer wrote, "In a just world there would be no need for valor."

Of course we do not yet live in a just world. Valor, especially the kind that is made up of endurance and willingness to sacrifice, is in relatively short supply. But Representative Summers has plenty of it.

He is a man of courage who has inspired an entire community, not ony with that courage but also with the noble causes he has espoused.

JOE SUMMERS NAACP CITIZEN OF THE YEAR

(By Audrey Gadzekpo)

The Greater Indianapolis Branch of the NAACP will salute State Rep. Joe Summers as the "NAACP Citizen of the Year."

Summers, 60, is one of the oldest active members of the local civil rights group and has been involved in NAACP work since 1948.

"The NAACP is a training ground for participation in trying to improve government and the community," said Summers.

His fondest memories of the NAACP date back to his early years in the local chapter when he organized his first boycott against the Riverside Amusement Part in 1948.

Summers also recalls a 1964 protest against Alabama Governor George Wallace when Wallace visited the city.

Summers has been a state representative of District 51 since 1977 and is also director of two funeral homes in the city.

In addition to serving on the board of the NAACP, Summers also serves on the board of Alpha Home. It is a member of the Fidelity Lodge and a trustee of Bethesda A.M.E. Church.

The salute will be held at 6 p.m. May 6 at Christ Missionary Baptist Church, 1001 Eugene St. Dr. Melvin B. Girton has been appointed to serve as a chairman of the Summers' salute.

FATHER DEMSKE HONORED AS MAN OF THE YEAR

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. NOWAK. Mr. Speaker, this weekend in Buffalo, NY, Rev. James M. Demske, S.J., president of Canisius College, will be honored as "Man of the Year" at the annual Boys Town of Italy Ball.

This is another richly deserved honor for this Jesuit educator, who has led Canisius College for nearly a quarter century.

The following biographical sketch of Father Demske gives a brief description of his career and achievements:

BIOGRAPHICAL SKETCH OF FATHER JAMES M. DEMSKE

Father Demske has served as president of Canisius College, his alma mater, for nearly 25 years. Dramatic change has taken place at the college during his tenure: New academic programs have strengthened the curriculum and eight buildings have been added to the campus to keep pace with growing student enrollment.

A Buffalo native, Father Demske's education at Canisius was interrupted when he left school to serve overseas in the military during World War II. He returned after the war and completed his degree in 1947, the same year he entered the Society of Jesus. He later earned a Ph.L. from Woodstock College in Maryland, an S.T.L. from the University of Innsbruck in Austria, and a Ph.D. from the University of Freiburg in Breisgau, West Germany. He was ordained to the priesthood in Innsbruck, Austria, in 1957.

After teaching philosophy at St. Peter's College in New Jersey form 1951-54, Father Demske became director of the Jesuit seminarians at Bellarmine College in New York. He returned to his hometown in 1966 as president and rector of Canisius College.

His steady guidance at Canisius has proved critical to the college's growth and vitality, going hand-in-hand with his concern for the future of Western New York. That concern bore valuable fruit in 1987 with the establishment of the Western New York Heritage Program at Canisius, which draws on the expertise of faculty and other experts to help area teachers improve classroom instruction in the geography, history, and cultural heritage of this region.

Father Demske has served on the boards of WNED-TV, the Automobile Club of Western New York, the Buffalo Philharmonic Orchestra, the Association of Jesuit Colleges and Universities, and the Commission on Independent Colleges and Universities of New York State, among other organizations. Well known for his avocation as a trombonist, he performs at various college functions from time to time and is a member of the Buffalo Jazz Association and the American Federation of Musicians.

Among other honors, Father Demske was named Outstanding Citizen of the Year by The Buffalo Evening News and Goodfellow of the Year by the Buffalo Courier-Express in 1971. The Buffalo Area Chamber of Commerce recognized him as Western New Yorker of the Year in 1986 on the occasion of his 20th anniversary as president of Canisius College. He is a Distinguished Alumnus of Canisius and a recipient of the Signum Fidei Award as an exceptional graduate of St. Joseph's Collegiate Institute.

Mr. Speaker, as an alumnus of Canisius, which is located in the 33d Congressional District I am privileged to represent, I have seen first hand the positive impact Father Demske's energetic leadership has had on this institution and the contributions it has made—and continues to make—to improving the quality of life in western New York.

I would like to join in congratulating Father Demske on this latest honor and wish him continued success and good health.

CONGRATULATIONS TO NORTH PROVIDENCE HIGH SCHOOL

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Ms. SCHNEIDER. Mr. Speaker, I would like to take this opportunity to commend the students, faculty, and administration of the North Providence High School for being named recipients of the Presidential Award for Drug Free Schools. Drugs and drug-related crime are pervasive problems which threaten to cripple our country. I am very glad to see that we are making a difference in Rhode Island.

Out of the 800 schools nominated, North Providence is one of only 53 schools to win this award. In February, a group of principals from across the country visited North Providence High School. The team carefully evaluated North Providence's substance abuse prevention program, which focuses on peer education. They saw firsthand how students, teachers, administrators, and parents were pulling together to stop the use of drugs and alcohol among students.

Since coming to Congress 10 years ago, I have emphasized a policy of "prevention"—stop a problem before it starts. North Providence High School and its headmaster, Louis Lanni, Jr., are proof that the best way to stop drug abuse is to never let it happen. School programs are the local cornerstone of the war against drugs. The drug crisis is a national problem with local solutions.

Mr. Speaker, I am delighted to see that my friends in North Providence have been singled out for this honor. I am very proud of our students, teachers, and administrators at North Providence High School for their commitment to a drug free environment.

CRIME PREVENTION MONTH

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. PRICE. Mr. Speaker, today, I am introducing a joint resolution to designate the month of October, 1990 as "Crime Prevention Month." Representative BILL HUGHES, chairman of the Judiciary Subcommittee on Crime, and Representative HAMILTON FISH, ranking minority leader on the Judiciary Committee, are also joining me in introducing this resolution today. Senator BIDEN and Senator THURMOND are introducing a similar resolution in the other body. "Crime Prevention Month" is supported by the Crime Prevention Coalition which is made up of 130 organizations including the Boy Scouts of America, the National Sheriffs Association, NAACP, FBI, AARP, and the National Association of Attorneys General. This bill will honor and highlight the efforts of millions of our citizens who, whether in law enforcement or acting as concerned citizens, work together everyday to prevent crime and protect their communities. I also hope it will encourage more people to get involved to ensure that their neighborhoods are secure and their homes protected. Without these efforts, many people will continue to be afraid to go out after dark, women and older people will be afraid to walk alone, and parents will be afraid to let their children play in their local park.

This month will also serve to publicize the efforts of a number of innovative, community-based organizations and programs: Neighborhood Watch; Crime Stoppers; Teens, Crime and the Community; Community Responses to Drug Abuse; and Congregations and Support for Families. The National Citizens' Crime Prevention Campaign, featuring McGruff the Crime Dog and promoted by the U.S. Department of Justice, the National Crime Prevention Council, the Advertising Council, and the Crime Prevention Coalition also has helped to spur diverse local partnerships among law enforcement agencies, citizens, businesses, and government to combat crime. Examples of these programs include developing crime and drug abuse prevention curricula, organizing antidrug rallies and forming task forces to help close crack houses.

This October also is the 10th anniversary of the successful McGruff campaign. Through the McGruff campaign, millions of schoolchildren have learned about the dangers of substance abuse and how to protect themselves against crime; 99 percent of all children, in fact, know of and trust McGruff the Crime Dog. As a result of the McGruff campaign, two children in Albany Village, CA, resisted the coaxing of a couple to get in their car because of warnings from McGruff. In Brookfield, CT, police investigating a child sexual abuse case found that the 5-year-old victim would only tell his story to McGruff.

All of these innovative programs have taught people that they do not need to be helpless victims of crime, but by working with their neighbors and with local law enforcement, they can effectively reduce crime in

their neighborhoods. These programs, by bringing people together, have helped increase peoples' pride and shared responsibility in their community.

For my part, I hope the designation of this special month will serve as a catalyst in my community to help teach schoolchildren more about the dangers of drugs; teach senior citizens how to protect themselves from attacks and robberies, and to help Neighborhood Watch groups meet the new challenges posed by the abuse of drugs in their community. For me, this is the most important opportunity presented by this month.

While skilled law enforcement agents are still the key to preventing crime and maintaining public order, crime prevention by individuals, and communities plays a key role. As a recent history of neighborhood safety programs has noted, the idea of "community watchmen is as old as the first settlement of the New World. Until well into the 19th century, volunteer watchmen, not policemen, patrolled their communities to keep order. They did so, by and large, without taking the law into their own hands—without, that is, punishing people or using force. Their presence deterred disorder or alerted the community to disorder that could not be deterred."

I hope other Members will join me in promoting this important tradition in our country and in our communities by cosponsoring this resolution.

FAIR HOUSING MONTH

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. BROWN of California. Mr. Speaker, I rise today to recognize the month of April as "Fair Housing Month."

In 1949, President Harry S. Truman signed into law the National Housing Act, which declared that all Americans have a right to decent, affordable housing. In April 1968, in the week following the assassination of Martin Luther King, Jr., the Congress enacted the Fair Housing Act, which prohibited discrimination in housing on the basis of race, color, religion, sex, age, and national origin. Though much progress was made in the ensuing 20 years to provide equal housing opportunities for all Americans, the need still existed for removal of barriers to housing for families and handicapped people. In 1988, Congress passed the Fair Housing Amendments Act, which included these needed protections. Furthermore, the 1988 amendments added greater enforcement authority in dealing with violations of fair housing laws.

In my district, the Riverside County Fair Housing Program and the San Bernardino County Community Housing Resources Board are organizing the first Inland Empire Fair Housing Law Conference. The conference will bring together organizations such as the Inland Mediation Board, area realtor boards, regional realtor associations, the local chapter of the Building Industry Association, the Apartment Rental Owners Association, and public officials, to spread the word about fair housing to everyone involved in the process.

The Fair Housing Program in Riverside County helps to educate those in the housing industry of their obligation to provide housing without discriminating, and to educate renters and homebuyers of their rights to livable housing based on what they can afford.

The Community Housing Resources Board in San Bernardino County, a voluntary organization established by the Department of Housing and Urban Development in 1983, helps monitor the implementation of the Voluntary Affirmative Marketing Agreement established by HUD in cooperation with the homebuilding industry.

These fair housing advocates work with realtors, lenders, and builders to create an affirmative market for buyers; displaying the fair housing logo; using advertising with people of a variety of racial and ethnic backgrounds; training realtors to treat potential buyers equally within their desired price range; helping sellers avoid discriminatory practices such as "steering," "redlining," and improperly denying credit.

I have encouraged Inland Empire city councils and boards of supervisors to formally recognize April as "Fair Housing Month" as well. In so doing, we hope to keep the American dream alive, and accessible to all.

THE URBAN HOMESTEADING AND BULK SALES ACT OF 1990

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. BARTLETT. Mr. Speaker, today I am introducing a bill entitled "The Urban Homesteading and Bulk Sales Act of 1990." This legislation will allow the transferral to low-income families of 15,000 properties over 3 years. These properties are currently in the inventory of the Resolution Trust Corporation and need to be disposed of in some manner. This bill will speed the disposition of RTC affordable single-family properties by authorizing the Department of Housing and Urban Development to buy 7,500 properties in the RTC inventory in bulk over 3 years at a bulk sales price.

I urge my colleagues to support this legislation.

I have attached a section-by-section of the bill:

Summary: Urban Homesteading and Bulk Sales Act

Section 1. Short Title.

Section 2. Authorizes the Secretary of HUD to acquire, in bulk, affordable single-family properties from the Resolution Trust Corporation for the purpose of transferring the units to local agencies participating in the Urban Homesteading Program. Defines price as no more than 50% of fair market value for individual properties, which takes into account savings from the bulk purchase, from holding costs, and from avoided fees and taxes. Allows HUD to dispose of the property in the best available manner if it cannot move the property in a timely manner via the Urban Homesteading Program. Allows Local Urban Homesteading Agencies to finance the cost of such properties above the $25,000 limit. Stipulates that such properties must be transferred to low-income households.

Section 3. Allows Local Urban Homesteading Agencies to take advantage of dispersed RTC properties by waiving the requirement for a neighborhood improvement strategy where the Agency has 10 or fewer RTC properties in a single census tract.

Section 4. Authorizes $135 million over three years for bulk RTC properties and an additional $135 million over three years for FHA and other properties. Authorizes holding costs reimbursing the FHA for holding RTC properties.

Section 5. Amends the Federal Home Loan Bank Act to allow for the bulk sales of RTC property to HUD at a price that is 50% of fair market value for individual properties. Waives certain rules of this Act concerning affordable housing, which will speed the sale of bulk affordable units to HUD.

This legislation will allow the transferral to low-income families of 15,000 properties over 3 years. It will speed the disposition of RTC affordable single-family properties by authorizing HUD to buy 7,500 RTC properties in bulk over 3 years at a bulk sales price.

REMARKS OF HON. JACK KEMP ON REMEMBERING THE HOLOCAUST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. GILMAN. Mr. Speaker, yesterday many of us in this body had the opportunity to share in the moving and poignant ceremony in the rotunda, the National Civic Commemoration of the Days of Remembrance.

When our young people, read of the Nazi Holocaust, they often come away with the impression that these barbaric acts took place hundreds of years ago, before the dawn of civilization.

It is important that we recall that this inhumanity ended with the defeat of the Nazis only 45 years ago—less than a lifetime.

I was especially moved by the participation of six holocaust survivors—Mrs. Vladka Meed; Mr. Daick Feith; Mrs. Rosalie Chris Lerman; Mr. Sam Halpern; Mr. William Ungar, and Mr. Sam Boymel.

These survivors are living testimony that brutal inhumanity can take place in modern times.

Those of us who participated in the commemoration of the House of Representatives were moved by many of the remarks delivered at the ceremony. One of the most memorable of these remarks was the speech by our Nation's Secretary of Housing and Urban Development, our distinguished former colleague, Jack Kemp.

For the benefit of those who could not attend the ceremony, I would like to share Secretary Kemp's remarks with our colleagues by inserting them at this point in the RECORD:

REMARKS BY SECRETARY JACK KEMP

This annual observance of the "days of remembrance" of the Nazi Holocaust and the historically unprecedented, and unparalled destruction of a thousand-year-old civilization, that of European Jewry, serves many

purposes. It revives our memories. It honors the victims. It informs the young and it is vital to our understanding, not only of Jewish history, but to Jewish survival as well.

A few years ago at a small Passover Seder with Elie and Marian Wiesel and family friends of ours in Miami, Florida, my wife and I learned what Jewish children have been learning for centuries about slavery and suffering, about struggle, and the exodus, out of the hands of Pharaoh's Egypt.

President Bush said on the eve of this year's Passover celebration, that it has special significance because he said, A great march of freedom is underway for Soviet Jewry, and this year many thousands will celebrate the Seder with their families in Israel. For these people, and for their brethren waiting to emigrate, 'next year in Jerusalem' is becoming a promise fulfilled."

The Passover Haggadah specifically instructs Jews to instruct their children about the redemption from Egypt. Memory and remembrance means a fidelity to the truth of history and at this Holocaust Memorial we recommit ourselves—Jew and Christian alike—to the integrity of memory and to the truth of history. Thus this day, as Elie Wiesel pointed out recently, can be both sad and hopeful. And it puts us all in a correct frame of mind for contemplating the awful insights, the warnings and lessons that emerge from this particular moment in history that we recall and remember this day.

Why is there a holocaust memorial in Washington? There were no concentration camps here; but, I believe no location for the U.S. Holocaust Museum could be more appropriate than within the site of our memorials to Thomas Jefferson, George Washington, and Abraham Lincoln.

What an exciting moment in history it is to know that these founders of our precious democratic institutions are being quoted in every language and in every corner of the world. President Bush called it the Revolution of 1989; perhaps it's but the Revolution of 1776, but not yet completed.

This memorial and this day of remembrance teaches equally important lessons, some of which are unpleasant but others so necessary to keeping our pledge, "Never Again!" This day whets our appetite for the true brotherhood of man. We yearn as did the Prophet Isaiah for the days in which, "They shall beat their swords into plowshares and their spears into pruninghooks."

To think about and remember the Holocaust makes us sick of violence and war, but makes clear that good men and women, when treatened by aggressors and tyrants, may at times have no alternative to defending themselves than by force of arms.

As Elie Weisel reminded us at the first Holocaust Memorial, "indifference to evil is evil." Would that it were always possible to compromise and split our differences with enemies and adversaries—but we are reminded that Neville Chamberlain and Eduard Daladier came to learn at Munich in September of 1938 that not every enemy can be appeased. Not every conflict can just be negotiated away.

The Holocaust presents Jews with particularly painful and unpleasant lessons. It has, in particular, taught them that there were more people around the world willing to eulogize them than were there to raise a hand to save them when they were attacked by Nazis. It has taught Jews that there are more people willing to apologize to them for the past then are willing to stand by them when they are attacked by anti-Semites, vilified at the UN, and blasphemed with a resolution equating Zionism with the evil of racism. The victims cry out for the resolution to be repealed now!

Holocaust commemorations always culminate in the exhortation, "Never Again!" But it is vital that we remind ourselves that this is not just a plea. It is not just a declaration somehow aimed at would-be perpetrators urging them not to repeat the crime; rather it is our solemn and sacred pledge, our profession of personal resolve to prevent a new Holocaust. But as important as it is to take this pledge, I believe it is a profound mistake to see that pledge as the only meaning of the Holocaust.

In fact, to see it that way is in my view a great disservice to the memories of those who died and to the lives of those who survived. The Holocaust was not only an historical event. It was after all a specific event unleashed against a particular people at an absolute moment in time, and in a specific place. Besides the untold suffering of millions, the utter destruction of a thousand year old civilization, that of European Jewry, Naziism destroyed not only a people, but a culture, a language, a way of life, and a millennium of memories.

It is true that Zionism predates the Holocaust, but in the broader historical sense the State of Israel is the successor, the orphaned child, of that great, now-destroyed civilization of European Jewry. Much of the culture, the way of life, as well as many individual survivors of European Jewry have taken new root and new hope in Israel, and while the Holocaust tragically decreed that not only would Europe be Jewry's past, it also decreed that Israel would be Jewry's future.

Thus the best way to honor the memory of that destroyed Jewish past is by cherishing, protecting, and nurturing its future as embodied by the rebirth of Israel.

It is not enough to mourn the parent unless we give succor and support to the orphaned child. Indeed it diminishes the memory of the vanished parent to do anything less.

Criticism of the State of Israel, is not in and of itself an act of anti-Semitism, nor is it necessarily an act of "anti-Zionism." Those who would hector and abuse, those who would play politics with its very survival, those who would criticize it according to standards that no other country in the world is subjected to, are doing more than being unjust to one country. They are betraying the memory of a murdered people whose culture and civilization, whose hopes and dreams, whose sons and daughters have found their home at last in Israel.

It is not too much to say then, that when a Middle East tyrant threatens genocide by poison gas warfare against Israel, and proposes to turn Israel into the "last gas chamber," he is declaring himself prepared to finish the work of the Holocaust.

The lesson of this day, in this sacred place, at this moment in history, is that we must protect and defend what has come to take its place in Jewish and world history the resurrected Jewish state of Israel.

I believe that helping Israel resist tyrants and tyranny and to resist others who would threaten to compromise and weaken the Jewish state, is the best way to honor the victims of the Holocaust.

TRIBUTE TO WARREN P. WILLIAMSON, JR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Warren P. Williamson, Jr., of my 17th Congressional District of Ohio who will be receiving the Youngstown State University Alumni Association's Distinguished Citizens Award on June 14, 1990.

The Distinguished Citizens's Award is given to business leaders of the Youngstown area who have given exceptional service to our community and have exibited leadership and initative in the business world. The program also provides money for projects related to Youngstown State University that would not be otherwise possible.

Warren P. Williamson is the chairman of the board of the WKBN Broadcasting Corporation of Youngstown, OH. Mr. Williamson was born in Youngstown, OH, and attended South High School. He served in the Intelligence Division of the U.S. Army as a radio operator in the Army Signal Corp during World War I. He then continued his education at the University of Michigan and at the University of Wisconsin.

Mr. Williamson has been interested in broadcasting his entire life. In 1918 he established a wireless station in Youngstown and passed the government exam to obtain his operator's license. He established WKBN in 1926. In 1930 WKBN became affiliated with CBS, and in 1947 it began broadcasting on the FM frequency. Finally, in 1953 WKBN-TV was established.

Mr. Williamson has not only served the business sector but also his community. He served 27 years on the Youngstown School Board and spent 18 of those years as president. He has also served on the Mohoning Valley Historical Society, Youngstown Area Development Foundation, executive committee of the Youngstown Citizens' Planning Council, and the director of Mahoning National Bank.

Warren Williamson has received numerous awards and honors including Eagles' Club Humanitarian Award, Youngstown Jaycees' Frank Purnell Award, the Chamber of Commerce Award for Civic Leadership, and the Man of the Year Award in 1969 from the Ohio Association of Broadcasters.

The Alumni Association of Youngstown State University has selected Mr. Williamson as this year's distinguished citizen because of the many contributions he has made to the business sector and also to our community. He has dedicated many hours enriching our community with WKBN and also with his own personal efforts.

Mr. Speaker, I would like to take this opportunity to recognize Warren P. Williamson is a exceptional example of American ingenuity at work. He went from broadcasting out of his home in 1926 to where he is today. He is highly respected as both a businessman and a fellow citizen. I would like to congratulate Mr. Williamson on his awards and thank him on behalf of all those he has touched.

LETTER CARRIER'S BRAVERY NOTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. SUNDQUIST. Mr. Speaker, a letter carrier from my district, William Brown of Memphis, TN, was recently presented a Special Achievement Award for this courage and quick action in saving the lives of two teenage boys.

At a time when so much in the news is bad news, I thought my colleagues might be encouraged by this account of one man's bravery and willingness to help others.

I request that the following article, which appeared in the March issue of Postal Record, be reprinted in its entirety.

DARING RESCUE FREES USPS WORKER'S SONS

As he was working his route one day, the car in front of William Brown suddenly burst into flames when it crashed with another car at an intersection. Running to the burning vehicle, Brown found two dazed teenage boys trapped inside. He pulled them out and moved them a safe distance away into a nearby yard.

Returning to the scene of the accident, Brown went to aid the occupant of the other car. When he realized that she was not badly hurt, he returned to the teenagers and instructed bystanders to call for rescue vehicles.

After they arrived, the Memphis, Tennessee Branch 27 member gave his name and address to the authorities and left to complete his route.

Witnesses phoned Brown's supervisor to report his acts of bravery. There was no doubt in their minds that Brown had saved the boys' lives, as emergency vehicles would have arrived too late.

Brown later discovered that the boys whom he had rescued were the twin sons of USPS electronics technician Ronald Plautz, who works at the Memphis GMF.

For his herioc deeds, Brown received recognition from his postmaster in the form of a Special Achievement Award. The Highland Heights station carrier was also honored with a plague from the fire department at its annual fire prevention seminar.

REPUBLICANS TAKE DEMOCRATS TO WIRE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. OXLEY. Mr. Speaker, this past Tuesday evening the annual showdown on the basketball court was held to benefit Gallaudet University. This was fourth meeting between the Fighting Elephants and the Dunking Donkeys. The game was a spirited affair that was nip and tuck 'til the end. With just under 4 minutes to go the Democrats held a 1-point lead. Down by as many as 14, the Fighting Elephants had been led in their comeback by one of the youngsters on the team, CLIFF STEARNS. It was at that point that the Dunking Donkeys turned to their player-coach, TOM MCMILLEN, for a strategy to hold off the fast-breaking offensive juggernaut of the Elephants. The coach did what came natural and told his team "Get me the ball!" MCMILLEN scored 6 straight points, bringing his total for the game to a season high 35, and the Dunking Donkeys came away with a 73 to 65 victory.

CLIFF STEARNS was named the most valuable player for the Elephants while MARTY RUSSO took honors for the Donkeys. RUSSO hit several key three pointers to help stave off the Elephants. As the captain of the Elephants I can only say two things: One is wait until next year, and two is we better start looking in the NBA for someone to run for the House and play on our team.

Mr. Speaker, I would like to extend a special thanks to the officials who volunteered their time and talents to referee this fast-paced game. The referee was Kathleen Haddow and the umpires were John Haddow and Marvin Dawkins. To them all the players are appreciative for their efforts in a no-win situation.

OLDER WORKERS BENEFIT "PROTECTION" ACT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. MICHEL. Mr. Speaker, in light of the approval of H.R. 3200 by the Education and Labor Committee, I wanted to share with my colleagues a letter from Mr. Wayne M. Zimmerman, vice president of Caterpillar, Inc. Although his letter was written before the committee's actions, Mr. Zimmerman's warnings are still quite relevant.

Caterpillar, as one of the largest employers in my district, is in a particularly good position to describe the possible effects which would follow enactment of this legislation.

CATERPILLAR INC.,
Peoria, IL, March 22, 1989.

Hon. AUGUSTUS F. HAWKINS,
U.S. House of Representatives,
Washington, DC.

DEAR MR. HAWKINS: The House Education and Labor Committee will soon consider H.R. 3200, a bill to amend the Age Discrimination in Employment Act (ADEA) by reversing last summer's Supreme Court decision in *PERS* v. *Betts.*

Caterpillar urges you to oppose the bill.

In the *Betts* decision, the court held that employers are not liable under the ADEA if they're observing terms of a bona fide employee benefit plan, including distinctions based on age. The decision overturned Equal Employment Opportunity Commission (EEOC) regulations that permitted age-based distinctions only where justified by age-related costs.

Contrary to proponents' claims, H.R. 3200 is more than a return to "pre-Betts." It goes beyond the "cost justification" of benefit differentials based on age. Under H.R. 3200, in order to use the defense of age-related costs, employers would have to show exact costs of a specific benefit for each employee. Because group benefit costs—like those for pensions—are aggregated, the group benefit costs for a specific employee are not identifiable. Thus, the cost justification defense could be held unacceptable in discrimination charges.

Also, H.R. 3200 would reduce the possibility that special early retirement programs and severance packages would be offered to employees because it would disallow consideration of pensions as part of a total separation package. Older employees taking advantage of an early retirement package would have to be offered the same severance amount that younger workers—ineligible for pensions—would receive. To do otherwise would "discriminate" against the older employee.

In addition, if both employees were eligible for a pension and the early retirement incentive, H.R. 3200 would require a larger benefit for the older worker—if both employees were to receive equal value.

Faced with the requirement of offering a fixed amount of "incentives" to a larger group, employers would be less able to afford incentives as an option in reducing employment. Passage of H.R. 3200 could force companies—faced with the need to trim employment—to layoff younger workers rather than offer attractive incentives to older employees who may be anxious to retire.

Employers and unions—through the collective bargaining process—often mutually agree to early retirement incentives. The ability to negotiate such agreements would be hampered under this legislation.

And contrary to what some proponents claim, early retirement programs are popular with employees. At Caterpillar, employees frequently ask if the company might again consider offering retirement incentive packages.

A similarly restrictive bill in the Senate has been made further burdensome. The Senate Labor Committee recently approved an amended Betts bill (S. 1511) that included additional language restricting employers' use of waivers as part of separation package offerings. The measure would require employers to pay fees for attorneys to review individual employee waivers, provide detailed job title and age information on who is being offered the same package, and tell employees what is expected to happen to them if they refuse to accept the offer.

The Senate legislation—as does H.R. 3200—restricts employers' ability to responsibly manage their workforces. It is also likely to limit the scope of benefits offered to older Americans.

We urge you to oppose H.R. 3200—and language restricting the use of waivers, should the House Education and Labor Committee follow the action of its Senate counterpart.

Sincerely,

WAYNE ZIMMERMAN,
Vice President.

CRAIG FIELDS TRANSFER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. LEVINE of California. Mr. Speaker, as we debate our changing budget priorities, I urge my colleagues to reflect on the critical importance of the strength of the U.S. high technology industrial base to the long-term health of our Nation and to our ability to fulfill

the many pressing needs on our national agenda.

It is in this context that I am deeply dismayed by the forced removal of Dr. Craig Fields from his position as Director of the Defense Advanced Research Projects Agency.

Craig Fields has been perhaps the most forward-thinking and respected person in Government on our Nation's high technology future. His outstanding leadership and initiative have made DARPA the key agency for driving technological innovation, and his intelligence and drive have been one of the few rays of hope in this administration for those of us concerned about declining U.S. preeminence in technology.

For his exemplary work, Dr. Fields has now been rewarded with a pink slip. Those who have made this sorry decision could not be more shortsighted about America's real national security requirements.

I am particularly concerned that Dr. Field's transfer is only the most recent salvo in a continuing retreat from support for technology programs. I exhort my colleagues to work to preserve and to strengthen DARPA's unique ability to promote critical technologies. And I urge the Department of Defense to reconsider its mistaken action in removing Craig Fields from his position.

TERRY ROGERS WORKING FOR PUBLIC EMPLOYEES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. VENTO. Mr. Speaker, it has just come to my attention that a good friend, Terry Rogers, the legislative director for the American Federation of Government Employees AFL-CIO, intends to return to our home of Minnesota, continuing to work with and representing Federal employees and retirees in a new capacity. I want to share this news with my colleagues who have worked with Terry Rogers on numerous policy issues before Congress.

Terry Rogers was among the first representatives of working people who welcomed me to Washington, DC, following my initial election to the House of Representatives in 1976. Since that time we have worked together on many issues facing all Americans.

I worked with Terry and other AFGE staff in our successful effort to stop the Reagan attack and retain the minimum Social Security benefit of our Nation's senior citizens. On other important issues affecting Federal workers and retirees, Terry has provided me with valuable background information that I relied upon to fight proposed cuts in pay, retirement and health insurance benefits.

Local AFGE officials, Terry and I met with top VA officials to discuss the need for a new St. Paul Veterans Administration hospital and successfully retain functions at the Twin Cities regional VA offices.

Working with Terry, I have often gained helpful insights into the problems confronting civilian technicians in the Guard and Reserves who serve in the Minnesota, North and South Dakota, Iowa, and Nebraska region.

Many of my colleagues and I will miss Terry Rogers' presence in Washington. His advice and hard work have been helpful to us and to Federal employees and retirees. I am certain that we all wish him the very best.

A TRIBUTE TO LARRY J. GRORUD

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. ASPIN. Mr. Speaker, today I would like to honor Larry J. Grorud who was recently selected as the 37th Fire Chief of the Janesville, WI, Fire Department.

Larry Grorud's outstanding career with the fire department began in 1974 when he became a firefighter. From 1975 through 1984 he served as a firefighter and paramedic. In 1984 Larry was promoted to Deputy Fire Chief of Human Resources and Emergency Medical Services. Then on September 25, 1989, Larry was selected as the new Fire Chief of the Janesville Fire Department.

Larry is also chairman of the Rock County Emergency Medical Services Advisory Council and an active member of the International Association of Fire Chiefs.

Larry was born in Eau Claire, WI, on November 12, 1950. He has lived in Janesville since 1960, and was an honor graduate of Parker High School in 1969. After graduation, Larry served in the U.S. Army in Vietnam where he was awarded the Bronze Star Medal.

Larry and his wife, Donna, have been married for 19 years and have four children—Bradley, 17; Robert, 13; James, 10; and Angela, 5. The Grorud family are members of St. William's Parish.

Larry's educational background is extensive. He received his paramedic training at the University of Wisconsin in 1975, he received an associate degree in fire science from Blackhawk Technical College in 1980. Then in 1988, he became an Executive Fire Officer Program graduate of the National Fire Academy in Emmitsburg, MD.

We are fortunate to have someone as dedicated and experienced as Larry Grorud to head up our fire department. He is a man who is constantly striving to serve the fire department and the community. He is active in a variety of community organizations. He is a fire service instructor for the Wisconsin Board of Vocational, Technical, and Adult Education. He is the treasurer of the Firefighter's Relief Association. Larry is also active in the International Society of Fire Service Instructors and the Society of Executive Fire Officers. And, Larry always finds time to serve as a leader with the Boy Scouts of America, as well as Deputy Grand Knight of the Knights of Columbus.

I am proud to pay tribute to such an important and invaluable member of our community. He has worked hard and accomplished a great deal. Janesville is very fortunate to have Larry Grorud as its new Fire Chief. I wish him continued success.

EARTH DAY

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. COX. Mr. Speaker, attached is a statement I made on Earth Day, April 22, in honor of the Earth Day celebrations in Orange County, CA.

EARTH DAY 1990

APRIL 22, 1990

Mr. Speaker, as a member of the Orange County, CA, Earth Day 1990 Coalition Advisory Board, and as a member of the National Advisory of Earth Day 1990, I rise today to applaud the hundreds of volunteers in Orange County, whose tremendous efforts and hard work have turned Earth Day into Earth month. Dozens of programs, educational seminars, fairs and environmental tours, designed to remind us of the daily need to preserve our natural heritage, began in early April, and will run into May. I am truly privileged to be a part of this effort.

Months of planning went into all of the events that were put together by the Orange County Earth Day 1990 Coalition. Earlier this month, I dedicated the Earth Day mall display, which has already been visited by thousands of Orange Countians. There have been educational seminars at UC-Irvine, at Cyprus College, Cal State-Fullerton and Fullerton College. Many have had the opportunity to participate in discovery tours of the beautiful Back Bay and Bolsa Chica wetlands, or in nature walks in the Santa Ana Canyon, or along the Santa Ana River. There are tree planting ceremonies being held in Irvine and Fullerton, and throughout Orange County, as well as environmental fairs, and open houses, in Huntington Beach, Newport Beach, UC-Irvine, and at the Santa Ana Zoo.

And today, April 22, Earth Day, thousands of concerned Orange County citizens are participating in the Earth Day Festival and Walk, the largest public event of all. It shows how many of us are committed—as individuals—to helping protect and enhance our environment.

Across our Nation today, and throughout the world, similar activities are bringing together millions of people to celebrate Earth Day. The message of all of this citizen participation couldn't be more clear: each person's efforts make a vital contribution to protecting and improving our environment. Gilbert Grosvenor, President of the National Geographic Society, correctly noted that "the success of the [Earth Day] celebration will rest on each individual's realization that a small voice, if it's strong and clear, can be more powerful than a large group of people who are silent."

All of the public policy research I've seen shows that when people know the costs and consequences of their actions, they act to conserve our precious environmental heritage. That's why the most effective environmental policies come from a well-educated public. The superb work of the Orange County Earth Day 1990 Coalition has made a very substantial contribution to our educational efforts.

President Bush has said that "the race to protect the environment is not a spectator sport." Our ultimate success or failure in preventing pollution and wisely managing our natural resources will depend on how

well we instill an environmental ethic in our society, and especially in our children. That's why Earth Day is so important. But even more, the Earth Day celebrations are good reminders that our fragile environment requires constant vigilance. Every day—not just April 22—should be Earth Day.

A TRIBUTE TO THE 75TH ANNIVERSARY OF THE ANTELOPE VALLEY PRESS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today an occasion worthy of recognition by all of our colleagues who recognize the critical importance of our free press and the many contributions of the fourth estate. On Wednesday, May 2, 1990, the Antelope Valley Press will celebrate its 75 years of service to the people of Antelope Valley.

The Antelope Valley Press has evolved into one of California's premier newspapers over its long history. It began as a weekly paper—the Palmdale Post—under the stewardship of its founder, A.J. Hicks. The first edition published on April 2, 1915, served over 3,500 valley residents. Within 15 years, the Palmdale Post switched owners several times and later became the South Antelope Valley Press to reflect a growing readership.

On May 4, 1950, the Antelope Valley Press was established and 3 years later found a new home, the present day site of the Palmdale City Hall. In 1958, the newspaper was bought by Arthur Folz, Maurice Markham, Ralph Markham, and Lamont Odett. Three years later, the Antelope Valley Press became a two-family operation as Odett and Ralph Markham became sole owners.

In 1961, the newspaper received notable recognition by two young politicians—California Gov. Ronald Reagan and U.S. Congressman Barry Goldwater. As the years passed, the newspaper continued to grow while maintaining emphasis on local and community news. In 1981, the Antelope Valley Press began publishing 3 days a week and, a year later, added a Friday edition. Washington, DC and Sacramento bureaus were added in 1986 and 1987 to cover breaking political news of importance to the area. By 1988, with the addition of a Wednesday edition, the newspaper became the daily newspaper of the Antelope Valley.

Today, the Antelope Valley Press serves 60,000 readers and circulation continues to grow reflecting the increasing number of people making their homes in the Palmdale and Lancaster area. The recipient of numerous awards for its advertising and editorial content, the Antelope Valley Press has certainly established itself as one of our States finest newspapers.

Mr. Speaker, while the look and style of the newspaper has changed significantly over the years, the Antelope Valley Press has served as a voice, a mirror, and indeed, a leader for the diverse communities it has served. I hope you will join me today in recognizing the many contributions of the Antelope Valley Press in its historic 75th anniversary year.

STEVE MARINKOVICH, VICE PRESIDENT AND BUSINESS REPRESENTATIVE OF TEAMSTERS LOCAL NO. 291 RETIREES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Steve Marinkovich who is retiring after almost 40 years of service to the Teamsters in California's Ninth Congressional District.

Steve is a native Californian—he was born on May 7, 1935, and raised in Oakland, CA. He graduated from Fremont High School in 1953, and attended the University of San Francisco where he earned his degree in labor management. He served in the National Guard Reserve with the 144th Fighter Squadron, in Hayward, CA, from 1953 to 1959.

Steve joined the Teamster's Union Local No. 750 in 1951. He worked there during the summer months prior to his high school graduation. After graduating, he took a job with Southern Pacific Railroad in Oakland. In 1954, Steve joined the Printing Specialities Union and worked for Cal Pac in Oakland.

In 1957, Steve joined the Teamster's Union Local No. 70 and worked for Consolidated Freightways until May 1972. During that time he served as shop steward for 3 years and was then elected trustee, in 1966, to the executive board of local 70. In 1972, he was elected as business representative of local 70.

Steve was appointed as business representative of Teamster's Construction Local 291 in 1984, and was then appointed vice-president in 1986. In 1988, he was elected vice-president.

Steve has also served on various committees in the community including the Alameda County Transportation Authority and the Citizens Advisory Committee. He presently serves on the Castro Valley Municipal Advisory Council. He is also an active member of both the San Leandro Elks Lodge No. 3241 and the Hundred Club. He has been very active in local politics throughout the years and has served on numerous election committees, including mine.

Steve is married to Pat and has two daughters, a stepdaughter and a stepson, and eight grandchildren. Mr. Speaker, I wish Steve well in his retirement and commend him for close to 40 years of dedicated service to the Teamsters. He will be missed.

TRIBUTE TO FATHER LAWRENCE T. FARES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a dedicated individual, Father Lawrence T. Fares. Father Fares is celebrating his 40th year as a priest.

Lawrence T. Fares was born in 1925 in Kobayath, Akkar, North Lebanon. In 1940, he graduated from St. Elias' College, Tripoli, as a student of humanities. Then in 1944 he graduated from St. Joseph's College with a M.A. and B.A. in philosophy, arts and languages. Later he attended the International University of Theology in Rome where he was ordained to the priesthood in 1950.

He immigrated to the United States in 1969. His first assignment in the archdiocese as an associate pastor was to Lady of Good Counsel in Detroit, where he worked for 8 years. Father Fares' assignments since then include: St. Louis, Mount Clemens for 6 months; Assumption Grotto for 6 years; and Our Lady Queen of Hearon for 6 months. Since January 25, 1985, he has pastored St. Thomas the Apostle with Holy Name on Van Dyke. He has also run a mission for those in the community at Holy Redeemer on Junction/Vernor since 1977.

Forty years after Father Fares was ordained, he will become the new pastor of St. Ronald Parish Community in Fraser, MI. It is an honor to have such a dedicated individual as a member of our community.

I commend Father Fares on his inspirational leadership. His is a touchstone in our community and will long be remembered as a true friend.

HAZARDS IN THE GRAIN PROCESSING INDUSTRY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. CARDIN. Mr. Speaker, workers in grain mills, elevators, and processing facilities in the Port of Baltimore and all over the United States face unusual hazards to their health and their lives every day on the job. Of primary concern is the accumulation of grain dust in these facilities which leads to respiratory illnesses such as "farmer's lung" and asthma, and which provides the potential for explosions.

On November 9, 1985, such an explosion occurred at the Central Soya grain elevator in Baltimore in which grainworkers Edwin Lawing and Timothy Cannon were badly burned. Sixty grainworkers from around the country have been killed in similar explosions in the last decade, and many others injured.

The Occupational Safety and Health Administration has recognized that accumulated grain dust, which is 30 times more flammable

than coal dust, represents a deadly hazard to workers in the grain processing industry.

On December 31, 1987, the Secretary of Labor published a comprehensive set of health and safety regulations for grain handling facilities which recognized that reducing the level of accumulated grain dust was the most important step in lowering the risk factor for workers. The standards specified that no more than one-eighth-inch of dust should be allowed to accumulate.

Strong and continuous efforts must be made to meet or surpass these standards to prevent tragedies such as that which occurred in Baltimore in 1985 from occurring in the future.

The Food and Allied Service Trades has designated April 28, 1990, "Grain Workers Memorial Day," and I would like to join them in honoring these brave individuals.

A TRIBUTE TO TWO FIRE CHIEFS

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. GOSS. Mr. Speaker, late last week a single engine plane crashed into the water off Upper Captiva Island, in Florida, causing the tragic and untimely deaths of two of southwest Florida's most dedicated public servants.

As their families, friends, and neighbors mourn the passing of Upper Captiva Fire Chief Andy Anderson and San Carlos Fire Chief Karl Drews—I want to take a few moments today to remember their work and the difference they made in the communities they served so bravely and selflessly.

Both men will be remembered for their loyal dedication to improving their communities' ability to respond to emergencies and ensure the safety of all residents.

Chief Anderson, an active southwest Florida citizen since 1981, worked tirelessly to train people to protect themselves and their neighbors from harm. He fought to rebuild Upper Captiva Island's fire trucks, resulting in safer equipment and a significant reduction in residents' fire insurance premiums. Chief Anderson was respected for his commitment to public safety and his ability to get things done.

Chief Drews was equally dedicated to continual vigilance for public safety and improving the quality of firefighting in southwest Florida. After settling in our area in 1978, he quickly became a leader in the drive to upgrade his own San Carlos fire district, while helping other communities improve their personnel's training and equipment. He, too, commanded our respect.

Mr. Speaker, I extend my deepest sympathies to the families of both of these men. In their sorrow, I hope they will take some comfort in the gratitude that all of us feel for the contributions that Chief Anderson and Chief Drews made to our communities.

INDIAN HOLLOW SCHOOL HELPS THE NEEDY

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. MRAZEK. Mr. Speaker, much has been said about the rise of the new voluntarism throughout our country in the latter part of the past decade. It is not uncommon for Americans nowadays to devote part of their busy schedules to help cook meals at soup kitchens or to provide assistance to nursing home residents.

Because of the selfless work of people such as the second grade teachers and students of the Indian Hollow School in Commack, NY, I believe future generations will continue to learn how to help improve the quality of life for many less fortunate Americans.

Since 1973, Indian Hollow School's second grade students have raised over $25,000 for the Suffolk Special Olympics, a splendid event that gives handicapped persons a chance to exercise their athletic prowess. Their teachers have adopted a most unique approach to fundraising: The Second Grade Store.

In preparation to set up the store, students write letters to vendors soliciting merchandise, and then they help price the goods they receive. They arrange for advertising by writing letters to the local media. They make and distribute posters throughout the community. In doing so, they sharpen their math skills and get a taste of what it's like to run a business. The culminating activity of this unit is the actual store, which they will open to the public in the school gym on May 1, 2, and 3.

Mr. Speaker, I heartily commend the second grade students and teachers of Indian Hollow School for the time and dedication they have put in to help make the Suffolk Special Olympics a reality. Fine young citizens like 7-year-old Carrie Caulfield, 8-year-old Billy Whitenack, and their classmates prove that the spirit of voluntarism will continue through our next generation.

HONORING DEAN CHARLES MAHER AND DR. THOMAS J. DONAHOE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, on April 27, 1990, the Education Club of American International College, my alma mater, will pay special tribute to two outstanding individuals, Dean Charles Maher and Dr. Thomas J. Donahoe. These two educators have dedicated their lives to academic excellence, and it brings me great personal satisfaction to recognize their significant contributions here in the House of Representatives today.

For over 10 years Charlie Maher has served the AIC community with distinction. Beginning in 1979 as the chairman of the finance department, and continuing through his current position as dean and vice president for Academic Affairs, Charlie has earned the admiration of his students and the respect of his peers. Indeed, he is a man of tremendous talent and ability who has left his mark on the entire Greater Springfield community. For in addition to his many responsibilities at AIC, Charlie has generously donated his time to serve others, most notably as the chairman of the board of trustees of the Springfield Municipal Hospital.

Born in Canada, Charlie received his bachelor's degree from St. Mary's University and his M.B.A. from Dalhousie University, both in Halifax. Following a brief hiatus in the private sector where he served as vice-president of a marketing and sales firm, Charlie immigrated to the United States and entered the University of Massachusetts at Amherst where he earned his doctorate in higher education administration in 1979. He is a member of several finance associations, and was awarded an Institute of Canadian Bankers fellowship at Queen's University in Kingston, Ontario.

Mr. Speaker, for 32 years Charlie has been married to his lovely wife Josephine, and they have been blessed with 5 children: Catherine, Elizabeth, Charles, Mary and Peter. In addition to his professional accomplishments, Charlie is known for his commitment to physical fitness and nutrition, and for his love for the game of tennis.

During my tenure as mayor of the city of Springfield, Tom Donahoe served as my superintendent of schools. For 38 years Tom had been associated with the Springfield Public School System and his reputation for excellence was well known. He had served in every possible capacity, from teacher, to principal to superintendent, and I was honored to have him as part of my administration. Characteristically, Tom performed his duties with competence and class.

Mr. Speaker, Tom Donahoe was born in Woburn, MA, and following his graduation from high school, he entered the U.S. Army. At the height of the Second World War, Tom served his country honorably in the European Theatre of Operations from 1943–46. Upon his discharge, he entered Salem State College and received his bachelors degree in Education. He earned his masters from Tufts University and his doctorate from the University of Massachusetts in 1966.

While the name Tom Donahoe is synonymous with education, it is also well known throughout the civic community. Tom is a member of the Board of Directors of the Springfield YMCA, the Symphony Orchestra Association and the Private Industry Council to name but a few. He belongs to many other organizations including the Chamber of Commerce, the Rotary Club and the Springfield Education Fund, each of which are privileged to have his considerable services. Tom is married to the former Edith Kenny, and they continue to live in Springfield.

Mr. Speaker, I am proud to join with the entire American International College community in saluting both Charlie Maher and Tom Donahoe for their many contributions to the Greater Springfield educational community. I can think of no finer or more worthy individuals for his most prestigious award, and I ask

my colleagues to join with me in saluting them today.

DR. GENEVA TITSWORTH

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. FORD of Michigan. Mr. Speaker, Dr. Geneva Y. Titsworth will retire as associate superintendent of the Wayne County Intermediate School District in Wayne, MI on May 11, 1990. It has been my pleasure to work with "Ginny" Titsworth for more than two decades. She is a close friend, a trusted adviser and one of the Nation's strongest and most effective advocates for educational opportunity and excellence for all Americans.

Dr. Titsworth came to the intermediate school district in September 1987 from the Taylor Public Schools, Taylor, MI, where she served as associate superintendent for instruction. An educator in the Detroit area for the past 36 years, Dr. Titsworth is known locally and nationally for her leadership in job training programs as well as the collaborative school improvement process [C–SIP], which is widely used in school planning and problem-solving.

Dr. Titsworth, who has nearly completed an 8-year term on the Eastern Michigan University Board of Regents, was the first women chairperson elected to this board. A Taylor Schools employee for 20 years, she assumed the roles of teacher, reading specialist, learning consultant, elementary principal, and staff development director before becoming associate superintendent. She has also taught in the Dearborn Heights, Wyandotte, Southgate, and Petersburg Summerfield school districts.

In 1987, Dr. Titsworth was appointed by Governor Blanchard to the Michigan Job Training Coordinating Council, followed by an appointment from the U.S. Secretary of Labor to a national committee to review the performance of the Federal Job Training Partnership Act. She also served under Governor Milliken on a State advisory council on block grants and was appointed in 1985 by the State superintendent of instruction as a leader for the Michigan Goodwill Mission to Japan.

In addition to being a member of the Phi Delta Kappa and Alpha Delta Kappa Honor Societies, she has numerous awards to her credit including the E.M.U. Women's Association Award for Advancement of Women, the Wayne State University Anthony Wayne Award for Leadership, the Geneva Y. Titsworth Scholarship Awards presented by the E.M.U. Women's Commission each year, to name a few.

A Dearborn Heights resident, Dr. Titsworth earned her undergraduate degree at the University of Arkansas followed by a master's and a specialist's degree from Eastern Michigan University and a doctorate in education from Wayne State University. She is married to State Representative Richard Young.

I know that in retirement Ginny will remain active in education and public affairs. I join her many friends and colleagues in wishing her well and in looking forward to continuing to work together.

AMERICANS NEED THE FAMILY AND MEDICAL LEAVE ACT NOW

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. CLAY. Mr. Speaker, for years I have been speaking on the need for a minimum labor standard on leave in America. As chairman of the Subcommittee on Labor-Management Relations, I have held hearings at which witness after witness testified that there is a definite need for the Family and Medical Leave Act in America. I have listened to the sad stories of many hard working men and women who have lost their valued jobs during times of great family or medical emergencies because of the fact that they worked for an unsympathetic employer and had no protection under the law.

Recently, a report was published by the Women's Legal Defense Fund that substantiates this claim that I have been making since the Family and Medical Leave Act was first introduced 5 years ago. "Working Families Speak: Case Studies of Americans Who Needed Family and Medical Leave" is a compilation of testimony from 54 people from 32 States and the District of Columbia who lost their jobs because they requested leave to care for a newborn or newly adopted child, a seriously ill family member or their own serious illness.

I would like to share with you an excerpt from the report. I have included the introduction to the report as well as three very interesting case studies which exemplify the need for immediate passage of the Family and Medical Leave Act.

INTRODUCTION

The dramatic increase in the number of women working outside the home in recent decades is well-known. This increase means that most American parents—in single-parent and two-parent households alike—have both job responsibilities and families to nurture. For the great majority, this system is necessary to make ends meet. While not perfect, most of the time it works. But there are certain compelling circumstances in which both parents simply cannot be at work. At these times, for some people, the system breaks down.

What happens when family or health needs require that employees be out of work temporarily? Do they lose their jobs, and the financial security that went with their jobs? Luckily, many do not, because their employers have family and medical leave policies that guarantee them their jobs when they are able to return. The knowledge that they will be able to return to their jobs and their incomes—and the continuations of their health insurance coverage during their leaves from work—helps these employees and their families meet their family needs and weather their medical crisis. Some also have temporary disability insurance that may help pay the bills during their leaves.

Unfortunately, not every employer provides employees with such security during periods of great family and medical leave. Some states impose some requirements in the area, but no federal law establishes job-guaranteed family and medical leave as a minimum labor standard. Thus, in our modern society, so advanced in many ways, people still lose their jobs when they have compelling family or medical needs that keep them out of work for a short while. They lose their jobs when they have had babies or adopted children. They lose their jobs when they have been temporarily unable to work because of serious medical conditions. And they lose their jobs when they have been out of work to care for hospitalized children, parents or other family members. When workers lose their jobs, they also lose the financial security that those incomes mean for them and their families. For two-income families, such losses can cause severe hardship; for single mothers, they can precipitate a descent into poverty and even homelessness.

"Working Families Speak" is a compilation of case histories of 54 people in 32 states and the District of Columbia who lost their jobs in these situations. These 54 individuals represent a cross-section of Americans. They are from all walks of life—social workers, coal miners, managers, secretaries, bankers, sales people, teachers, production-line workers, news announcers, security guards. They personify the thousands of individuals across the country who every year need to be out of work temporarily for compelling family or medical reasons, and who lose their jobs because of that need. They have been forced to make the choice that no one should have to make: their families or their jobs. And their stories are stories that could happen to any of us.

Many of these families' stories are heartbreaking, because heartbreaking medical tragedies happened to them. We don't pretend that a minimum labor standard of job-guaranteed family and medical leave could have avoided those tragedies. But we do suggest—and the case histories bear out—that job-guaranteed family and medical leave could have alleviated some of the pain and stress that these families suffered during their most trying times. Moreover, had such a labor standard been in place, the financially disastrous consequences of job loss for these families in crisis could have been prevented. And, some of the drain on society as a whole—in the form of unemployment compensation, for example—could have been reduced.

There is legislation pending before Congress—the Family and Medical Leave Act—that would provide just such a minimum standard. In Washington, D.C.—"inside the Beltway"—the debate on this legislation has focused on numbers: how much will a family-and-medical leave standard cost employers? how much does not having such a standard cost employees? taxpayers?

There is no doubt that the numbers are important. They show the effects of family and medical leave policies in the aggregate. Indeed, they show that our current patchwork policies of varying state laws and individual employers practices have a very real cost, in dollars and cents, to workers and to society as a whole. A 1989 report, (Institute for Women's Policy Research and Women's Legal Defense Fund, Unnecessary Losses: The Cost to Workers in the States of the Lack of Family and Medical Leave), which focused on working women, demonstrated that those costs are substantial: working women and their families lose over $600 million every year because they don't have job-guaranteed parental leave; and taxpayers pay over $100 million every year in unemployment compensation and other jobs because they don't have job-guaranteed parental leave.

But there's a human face behind these numbers too. These numbers represent losses borne by real people— people who have lost their jobs, their livelihoods, their health care coverage and that of their children, their homes and even their self-esteem—when they have been temporarily unable to work due to a family or medical crisis. This report presents the human dimension behind the numbers: to show what it really means, in people's lives, to lose their jobs after family or medical leave.

As policy-makers across the country attempt ways to help working families balance their work and family responsibilities, they cannot ignore the real suffering that is occasioned by job loss after family or medical crises. The case histories in this book are an eloquent plea for the Family and Medical Leave Act.

IRIS ELLIOT (ST. LOUIS, MISSOURI) CHILD WITH SERIOUS HEALTH CONDITION

Iris Elliot had worked for a large corporation in the St. Louis area for seven years when her son Mark was born with an especially severe case of Hirchsrung's Disease, and intestinal birth defect. Her baby was hospitalized for six months after his birth, and underwent surgery three times during this period.

Ms. Elliot requested three months' leave to care for her son during this time. However, despite her excellent work record, she says that her employer would make no exceptions from its policy of granting only six weeks' leave after a birth. Although she was given the option of an additional 90 days' unpaid leave with no job guarantee, Ms. Elliot could not affort to risk losing her job. As the sole insurance carrier for her family, she could not afford to jeopardize her health benefit and her income in light of Mark's considerable medical expenses.

Ms. Elliot thus returned to work after six weeks, juggling her time and energies among work, caring for her still-hospitalized child, and attending her preschool-aged son. Often she drove the 30 minutes to work, then after work drove 30 minutes to the hospital to spend just over an hour with the baby, and then drove back home to care for her other son. She feels that her working during this time was a tremendous burden on the family and that it detracted from her job performance.

Furthermore, doctors have told her that her son's improved condition is related to the small amount of time she was able to spend with him. "No parent should ever have to be torn between nurturing his or her seriously ill child and reporting to work as I did."

Ms. Elliot testified about these experiences before a joint hearing of the House Subcommittees on Labor-Management Relations and Labor Standards on April 22, 1986.

JIM CHOROVICH (FAIRFAX CITY, VIRGINIA) NEWBORN CHILD

Mr. Chorovich worked for the telephone company for ten years as a cable splicer. When his wife Sandy was expecting their first child, Mr. Chorovich requested two weeks off for his baby's birth. He says that his employer denied the request, requiring that he use vacation days instead. When Mr. Chorovich declined, the company left him only the option of taking leave under their rigid policy.

Although his employer had developed leave policy for new fathers, no father-to-be had ever taken advantage of it. Under this policy, fathers were generally required to take six months off from work, with a loss of seniority. The company retained the discretion to consider an employee's request to return to work after 30 days. Mr. Chorovich was reluctant to request a leave under those terms, but went ahead because he wanted to share in the first few weeks of his baby's life.

However, when he asked to return to the job after 30 days, he says that his request was denied. He explains that he was told that the company had called a hiring freeze. Despite this "hiring freeze", the company had recently hired at least four other cable splicers in the Northern Virginia area. The only other available jobs carried substantially less salary and status than that of cable splicer.

Represented by his union, The Communications Workers of America, Mr. Chorovich immediately filed a grievance. Although the union ultimately succeeded in recovering his job, he was out of work for nine long weeks with no paycheck. Struggling to care for a newborn without any income created a tremendous emotional and financial burden for the Chorovich family. When Ms. Chorovich gave birth to their second child a few years later, Mr. Chorovich reluctantly decided not to request the leave he desired for fear of further hassles with his employer.

SHELIA ROBARGE (BROOK PARK, MINNESOTA) MEDICAL LEAVE

Ms. Robarge, a sales coordinator for an engineering company of about 100 employees, suddenly became very ill at work one day in 1985. After her employer advised her to seek a doctor's attention, she was told that she needed gall bladder surgery. Although her condition was not yet an emergency, her doctor told her that one could quickly develop.

Ms. Robarge and her employer worked together to schedule the date of her surgery. When her doctor informed them that she would need thirty days to recover from the surgery, she reports that the employer approved her leave.

On the morning before her surgery, Ms. Robarge was scheduled for a preoperative examination. She returned to work after the examination. There she explains that her supervisor handed her a termination notice. Ms. Robarge lost her medical coverage along with her job.

After losing both her job and health coverage, Ms. Robarge first thought of canceling her surgery. However, she suffered two serious gall bladder attacks over the weekend and had no choice but to go ahead as planned. She was forced to receive government medical assistance to pay for her medical expenses.

Ms. Robarge remained unemployed for five months, collecting unemployment insurance for four months. She has since found her new employment, but has had to work her way back to her former salary.

If the Family and Medical Leave Act had been law, these individuals would have been relieved of some of the stress they experienced in trying to balance work and family responsibilities during a time of crisis. The Family and Medical Leave Act would provide employees the right to up to 10 weeks of unpaid leave, over a 2-year period, for the birth or adoption of a child or to care for a seriously ill child or parent. It also provides for up to 15 weeks of unpaid medical leave over a 1-year period if the employee is seriously ill or injured and unable to work.

H.R. 770 exempts small businesses. Moreover, it will not put a substantial burden on those employers required to comply. The Family and Medical Leave Act is a modest proposal that will benefit many hard-working Americans who need time off for family or medical emergencies and can't afford to lose their jobs or their health coverage.

The Family and Medical Leave Act is good and necessary public policy and I urge my colleagues to support it.

I would like to commend the Women's Legal Defense Fund for their excellent report, "Working Families Speak: Case Studies of Americans Who Need Family and Medical Leave". It is proof positive that the time has come to enact the Family Medical Leave Act.

REINTRODUCTION OF DOWNEY LIFE INSURANCE BILL

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. DOWNEY. Mr. Speaker, I am reintroducing legislation today which I had previously introduced on April 3, 1990 concerning the taxation of insurance companies. My good friend and colleague JIM MOODY is joining me today on this legislation as an original cosponsor. This bill is in every respect identical to H.R. 4446, the bill I previously introduced on insurance taxation.

DRUG TREATMENT IN PRISONS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. GUARINI. Mr. Speaker, today I am introducing the Prison Drug Treatment Act of 1990, a bill to begin a cleanup of our Federal prison system by instituting effective drug treatment of addicted inmates.

This bill says to drug criminals, "Now you will not only get caught—you will also get clean."

The bill authorizes $75 million for effective treatment of Federal, State, and local inmates. Of this, $25 million goes to Federal prisons, $40 million to State prisons, and $10 million for treatment of juvenile offenders.

It is ironic that American prisons and jails are just as full of illegal drugs as the streets where crime happens. Cocaine is so plentiful in jail that 74 percent of inmates in the New York City jails tested positive for cocaine last year. Yet only a quarter of 1 percent of the entire Federal prison budget goes for treatment of addicted inmates—this at a time when drug-related criminals are the fastest growing segment of our prison population.

Administering tough, effective drug treatment to prisoners is the only way that society can make a dent in the problem of drug-related crime. Of criminals serving time for a drug-related offense, 50 percent are arrested again within 3 years. Thousands of others return to drugs but do not get caught.

In my own district of Hudson County, NJ, the county prosecutor, Paul DePascale said.

The Guarini bill is absolutely what we need. Our fight on drugs has been long on law enforcement and education, but short on treatment and rehabilitation. While potential abusers are being ignored, current abusers are falling between our fingers. The voluntary treatment programs provided by the Guarini bill will make incarceration more meaningful and, in the end, reduce the number of repeat offenders.

Similar comments came from Father Norman O'Connor, director of a therapeutic community treatment center in Paterson, NJ, for drug-addicted offenders. He said:

The "hit-or-miss" version of drug treatment which now exists in our prison system has been shown to be woefully inadequately * * * Passage of the Guarini bill for drug treatment of prisoners will provide a true basis for rehabilitation of prisoners who were drug abusers, and return them to their home communities as productive, non-drug-using individuals. Instead of learning "how to better use drugs" while in prison, these people will now learn "how not to use drugs" when they are released.

My bill is only a small step toward cleaning illegal drugs out of our prisons, and after that, out of our streets. I hope I can count on your support. It is good policy. It is fiscally conservative. And it is desperately needed if we are to exert control over the chaos of drugs and crime.

I would like to commend Senators CHAFEE and MOYNIHAN for introducing this bill on the Senate side. I hope that both Chambers will work in concert to make this concept a reality.

Thank you.

IN TRIBUTE TO MICHAEL MURO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. ENGEL. Mr. Speaker, we have all met public servants that give of themselves way beyond the responsibilities of their jobs.

One such person was the late Michael Muro who served as city assessor of Yonkers, NY. On April 27, 1990, political and community leaders will join together to establish a foundation and scholarship fund in his memory.

Though Michael Muro was involved in many professional, political, and community associations, he was deeply committed to our young people. He was active in a number of youth development activities including coaching baseball, basketball, and soccer teams. The foundation's scholarships will be provided to the type of students Michael worked with.

Michael Muro's dedication and commitment to one of our most precious resources, our youth, will be carried on through the work of this foundation and scholarship fund. I cannot think of a more fitting tribute to Michael.

TROOP ONE OF BRIDGETON CELEBRATES ITS 75TH ANNIVERSARY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. HUGHES. Mr. Speaker, today, I would like to pay tribute to Troop One of Bridgeton, NJ, which this year is celebrating its 75th anniversary as a chartered member of the Boy Scouts of America.

Even though the Boy Scouts of America was incorporated here in the United States in 1910, it was not until 1916 that Congress granted the Boy Scouts a charter.

Troop One was organized in February 1913, 3 years before the Boy Scouts received its charter, by Percy W. Owens. At first, Mr. Owen's troop had only eight members and they met in the basement of the First Presbyterian Church. However, the troop did not stay small for long. From 1917 to 1923, Troop One grew to be one of the largest Boy Scout troops in the country when its ranks swelled to 280 registered Scouts. In its 77 years of outstanding service to the community, Troop One has given thousands of Bridgeton area youth the Scouting experience.

Throughout its history, Troop One has built a tradition of service to the community. Whether in times of national crisis or otherwise, the boys in Troop One have helped the people of their community in a myriad of ways. During World War II, they helped the war effort by selling war bonds. In times of emergency, they helped the Red Cross. Not a month has gone by when they have not assisted the poor, the elderly, or the disadvantaged or participated in activities which promote patriotism.

Scouting instills in our youth character traits that enhance the quality of their lives and equips them to be better citizens. Over the years, we have been very fortunate to have fine leadership at the helm of Troop One. They have taught the Scouts citizenship, leadership, integrity, compassion, and so many other qualities that have enriched their lives and those around them.

The success of Troop One can be readily seen in the community. Many of its members have gone on to distinguished careers in medicine, science, business, education, law, and the military. Others have turned out to be our finest craftsmen and most committed and productive citizens. They, also, have remained loyal to Troop One and are among the most supportive of the Scouting movement.

As well as having a remarkably distinguished record of public service, Troop One has the distinction of having 75 uninterrupted charters; thus, making the Troop the oldest in southern New Jersey and certainly among the oldest in the United States. It is with great pleasure that I join with the greater Bridgeton Community in celebrating the 75th anniversary of Troop One of Bridgeton. It has had a most remarkable and distinguished record of public service.

KANSAS TOOLING AND MACHINING INDUSTRY

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mrs. MEYERS of Kansas. Mr. Speaker, I am proud to announce that Jose Thomas of Kansas City, MO, an apprentice with A & E Tool & Die Co. of Kansas City, KS, was a regional winner in the National Tooling & Machining Association's [NTMA] 18th Annual Apprentice Contest. A & E Tool & Die Co. sponsored Mr. Thomas in the contest.

This contest drew attention to the importance of the tooling and machinery industry to our Nation's economy. This industry is essentially the means of production for our country's manufacturing sector.

The contest was open to all fourth-year apprentices employed by NTMA member companies. Finalists in the contest were among the very best in the tooling and machining industry. With a shortage of skilled tool and diemakers, Jose Thomas' skills are greatly appreciated in an industry which generates annual sales in excess of $20 billion.

Mr. Thomas competed with 13 other regional winners throughout the United States in the finals competition held in Meadville, PA from April 2 to 4. I welcome Mr. Thomas' specialized skills in the tooling and machining industry, and congratulate him on this fine honor.

LOCAL HEROES, GLOBAL CHANGE: A CAMPAIGN TO INCREASE AWARENESS OF GLOBAL ISSUES

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. HALL of Ohio. Mr. Speaker, increasing awareness of global issues is currently one of the most challenging tasks facing our Nation today. Now more than ever, cooperation is needed in the international community to raise issues relating to the environment, hunger, poverty, and health. In recognition of the efforts of organizations and individuals attempting to promote a better understanding of problems prevalent in our global environment, I would like to call to your attention "Local Heroes, Global Change," a series that will be aired on the Public Broadcasting System [PBS] in May.

The series consists of four 1-hour programs targeted to encourage positive change against poverty and environmental destruction. The programs provide a vivid illustration of committed people, working together toward a common cause. The programs are diverse; ranging from Western ideas about development and grassroots realities in the Third World, to the political barriers to change existing at the local, national, and international levels. The viewer travels to locations such as South Asia, the Andean highlands, the Caribbean, western and southern Africa, the halls

of the United States Congress, and the world trade talks at Geneva.

For the past 2 years, representatives of U.S. development, education, farm and service organizations have been in dialog with the producers of "Local Heroes, Global Change," to help ensure that the series will serve as an effective educational resource.

As chairman of the House Select Committee on Hunger, I feel this type of public education is essential to promotng awareness, and encouraging positive change against poverty, hunger, and environmental destruction. The efforts of public television and the South Carolina ETV, the presenting agency, are to be commended as an effective educational resource in this effort.

TRIBUTE TO ROGER McCOMAS

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1989

Mr. MARTINEZ. Mr. Speaker, I rise with great pride to honor the career of a dedicated public servant and personal friend. After serving eight terms as mayor of the city of Bell Gardens, Roger McComas is celebrating his retirement today.

Roger and his family moved to the city of Bell Gardens in 1948. Roger, his wife Ruth, and their three children all graduated from Bell Gardens High School and have contributed a great deal to the development of their community.

Roger served on the Bell Gardens Parks and Recreation Commission from July 1966 until he was elected to the city council in April 1968. Prior to his term on the city council he held the offices of vice president and president of Bell Gardens Junior Chamber of Commerce.

In addition to his political career, Roger represented the city and acted as a delegate to several organizations, including the County Sanitation Board, the League of California Cities, California Contract Cities Association, Southern California Association of Governments, the City Selection Committee, and Southeast Animal Control Authority.

Through his leadership the city of Bell Gardens has seen many changes and improvements. Major developments in the commercial and industrial areas came to fruition, as well as improved services to the local residents. Thanks to many of Mayor McComas' ideas and foresight the city provided its citizens with its own police force and fire department, and managed to secure its financial base without raising property taxes. The latter, as we on Capitol Hill know only too well, is no easy feat.

Mayor McComas will be missed greatly both by his coworkers and constituents. We wish Roger and his family all the best in his well-earned retirement in Havasu City, AZ.

LSCA TITLE III

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. TALLON. Mr. Speaker, in today's society libraries are not able to meet all the information needs of their users. Their budgets are not large enough, and even if they were, their buildings could not house enough items to satisfy the needs of every person in the community. In order to deal with this problem, libraries have for many years shared their resources in a system known as interlibrary loan.

The interlibrary loan network in South Carolina is one of the most efficient and state-of-the-art in the country. Through the use of this microcomputer network and communications technology, a resident of a small town or rural area has the same access to library resources around the State as a resident of a large city. Members of the network include not only public libraries, but also schools, colleges, and major research institutions throughout the State. Over 31,000 requests for library materials or information were placed and filled during fiscal year 1989. The vast majority of these requests were filled and sent to the person requesting them by the next day. The existence of the online network and its overwhelming success have presented libraries in South Carolina with new opportunities for service to the citizens of our State, and libraries report that there has been over a 25-percent increase in demand for this service since the inception of the online network in 1986.

LSCA title III continues to be the major funding source for the interlibrary loan network in South Carolina. Title III has also been a primary source of funds for library automation and conversion of card catalogs to machine-readable form. Often title III is also the only source of funding for experimenting with new technologies, such as telefacsimile machines. Continued funding of LSCA title III is vital so that geography will not be a barrier to accessing the materials and information found in libraries throughout the State and throughout the Nation.

SUPPORT FOR GRAIN WORKER'S MEMORIAL DAY

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. HUBBARD. Mr. Speaker, I would like to call your attention today to tragedies occurring throughout the Southern and Midwestern United States which are often overlooked. In the last decade, 60 workers in grainmills, elevators, and processing facilities have been killed and 275 were injured. Many have died in grain dust explosions, a few of which have been in my own district of western Kentucky.

To the surprise of many, workers in grainmills, elevators, and processing facilities daily risk their lives exposing themselves to grain dust explosions, asphyxiation, exposure to pesticides, drowning, and other construction accidents. It is indeed ironic that grain, the symbol of plenty, has caused the needless bloodshed of those working in its processing facilities. Furthermore, the real tragedy is that the numerous casualties could have been prevented.

Various Government agencies have completed studies of the incidences determining that they are preventable. For example, the Occupational Safety and Health Administration has recognized that accumulated grain dust represents an explosive and deadly hazard to workers in the grain-processing industry, but if accumulation of grain dust is limited to certain levels, the regularity of explosions may be reduced.

Now is the time for the Federal Government to step in and end the senseless carnage. The first step toward solution is recognition. Congress has acknowledged the tragic deaths by recognizing April 28 as Grain Worker's Memorial Day. Grain workers across the Nation have set aside this day in remembrance of the deaths and injuries caused by the hazards of their workplaces. The workers will not simply mourn, but they will strive to change job site health and safety laws that will give workers greater rights to act in preventing such tragedies in the future.

TRIBUTE TO COACH GEORGE BOSSI OF LOWELL HIGH SCHOOL

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. ATKINS. Mr. Speaker, I am honored to pay tribute to Coach George Bossi of Lowell High School on the celebration of his 25th year as a wrestling head coach.

George Bossi has distinguished himself as a coach, educator, and leader. Teams coached by George have had unequaled success: 5-time Merrimack Valley Conference champions, 11-time Division 1 North champions, 10-time State champions, and 4-time New England champions. His coaching has resulted in 44 individual State champions and 19 New England champions. His career record of 418 wins, 7 ties, and 65 losses establishes him as a true legendary figure in high school athletics. On two occasions Coach Bossi has been recognized for hs outstanding abilities by the National Coaches Association.

As an educator, George has affected the lives of hundreds of individuals and brought Lowell High School to national prominence. Many students have, by his influence, been inspired to continue their educations—to try even harder and to develop fully their physical and academic talents. Dozens of Coach Bossi's former wrestlers point to the influence of his direction and discipline in the lives of athletes and students as life changing. Lowell High School, its teams, and students, have all learned self-esteem, pride, and excellence from the example of George Bossi.

It is for this success in educating athletes and students that Coach Bossi is to be congratulated on his 25 years of outstanding serv-

ice. His is illustrative of the excellence that lies within all of us and that only great educators are able to tap. Thanks, Coach.

ARE WE "PULLING A REVERSE LITHUANIA" IN PUERTO RICO?

HON. JAMIE B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. FUSTER. Mr. Speaker, in recent days my colleagues have heard me raise the issue several times about the political status of Puerto Rico. More specifically, they have heard me exhort the Congress to take a closer look at what is going on in Puerto Rico as regards the rising expectations among the people there about pending legislation which would authorize a political status plebiscite in the summer of 1991 among the choices of statehood, independence or an enhancement of the existing commonwealth status. As I'm sure you know, Mr. Speaker, I favor the latter option.

As I have noted before, some of these high expectations in Puerto Rico have been created by Washington itself. For example, President Bush went before a joint session of Congress early last year, and during the course of his speech told of his favoring statehood in the context of self-determination for Puerto Rico.

Then came the hearings on S. 712, the Puerto Rico Status Referendum Act, before the Senate Energy and Natural Resources Committee. Those all-day hearings were televised live, and in their entirety, back to Puerto Rico. And the House Subcommittee on Insular and International Affairs also has held recent hearings here and in Puerto Rico. All of this has had the cumulative effect of changing Puerto Rico's political reality, and the Congress should take a closer look at what is going on, as the national press has been doing.

One of the central issues of this ongoing debate is whether Puerto Rico is ready to become a State. Georgie Anne Geyer, a nationally syndicated columnist, confronts this issue in a most perceptive article which appeared April 12 in the Washington Times. I commend the article, reprinted below, to the attention of my colleagues:

[From the Washington Times, Apr. 12, 1990]

PULLING A REVERSE LITHUANIA?

(By Georgie Anne Geyer)

The whole world knows that Moscow has its "Lithuania," a nettlesome political problem of independence that could easily sink into tragedy. Long-suffering Lithuania wants to secede from the Soviet Union, thus threatening the Soviet Union with political disintegration and economic breakdown.

But the American union has sneaking up on it, unrecognized, its own reverse economic Lithuania, in the unlikely guise of the prosperous and treasured commonwealth of Puerto Rico. In contrast to the problem in the Soviet Union, sentiment is growing on the island for statehood—to join the United States fully. But this would surely bring only economic breakdown to Puerto Rico and undreamed-of economic and political problems to Washington.

Ah, but wait, the statehooders consistently say, there is no proof that statehood would impoverish the island. Relentlessly, they push the line that statehood would bring a Santa Clause bonanza in federal moneys and subsidies to the island.

Now that argument can be thoroughly dispelled. We finally have two stark and revealing new studies that prove beyond the shadow of a doubt that statehood would be a disaster for the island and for the entire United States.

The first study comes from the Congressional Budget Office. Under statehood, the office says, the island's GNP would drop by 10 percent to 15 percent while unemployment would double. Between 30 percent and 50 percent of Puerto Rico's famous "Section 936 plants" would leave the island by the year 2000 because their incentive to stay would be eliminated. According to American law, they currently do not pay taxes, thus providing the island with a huge economic bonus. Critical exports would be reduced by between 33 percent and 43 percent by the year 2000, and the whittling away of the critical industrial base under statehood would lead to a loss of between 70,000 and 185,000 jobs.

The second study, as unknown as the first, was recently released by the firm of Peat Marwick & Co., which was engaged by Puerto Rican Gov. Rafael Hernandez Colon, an impassioned commonwealth supporter. This firm came to almost exactly the same conclusions as the CBO. It states that between 31 percent and 67 percent of the Section 936 plants would leave Puerto Rico and that any formation of new ones would be either dramatically curtailed or eliminated entirely, with the loss of between 80,000 and 145,000 jobs and unemployment nearly doubling to 30 percent.

The cost to the mainland for the end of the commonwealth relationship (Puerto Ricans are American citizens but do not vote for president) would be so high as to be mindboggling. The CBO estimates that it would cost the mainland $17.7 billion (yes, billion!) between the time of the vote among Puerto Ricans for status (probably in the next year or so) and the year 2000. The second study predicts that it would cost between $22 billion and $25 billion during that same period.

Tellingly, the pro-statehood party, the New Progressive Party, which has been avidly stoking the emotional flames for statehood, has had the same money available from Congress ($500,000) as Mr. Hernandez and his party to do a study on the results of statehood. Although the study apparently is in progress, the party has not so far made known any results.

The simple fact is that the statehood issue has now been posed with stark clarity: Under statehood, Puerto Rico would lose the relative but real independence it has under commonwealth status for improverishment economically and for who-knows-what resulting political upheaval. It would go from its present envied position as the economic and technological wunderkind of the Caribbean—for instance, that small island buys more from the mainland than Brazil, Colombia, Argentina and Chile combined, or all of Africa—back to its origins in the 1940s as the "poorhouse of the Caribbean."

But back to Lithuania. The comparison may at first seem to be stretching things a bit; unfortunately, it is not. For if this age is anything, it is an age not of "total independence" (half the developing world tried that after World War II, and it failed everywhere) but as a respectful and decent rearranging of mutual dependencies on everybody's part. It is an age of special relationships constantly being hammered out, such as trying to give Lithuania as much independence as possible without threatening Moscow with a domino effect should be to try to ensure the remarkable prosperity of a beautiful island such as Puerto Rico, while giving it, too, as much independence of action as possible.

The irony is that, unlike Lithuania, Puerto Rico statehooders are not rejecting the center, Washington, but want to join it more fully. Still, both situations cry out not for absolute solutions based on emotional nationalism but for solutions in which the crucial power imbalances between big and little are evened out by special relationships.

It would be a tragedy if Puerto Rico, with all its successes, were now to go back to the economic morass from which the rest of the world is so doggedly struggling to rise.

TRIBUTE TO REV. KENNETH J. YOUNG

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. COURTER. Mr. Speaker, it is with great pleasure that I call the attention of the House of Representatives to the Reverend Kenneth J. Young from my home State of New Jersey. It is only fitting to pay tribute to Reverend Young for the incredible amount of time and devotion he has given to the disabled community of New Jersey.

Nine years ago Reverend Young and a small group of associates founded the Bethesda Christian Center, the first known church for the handicapped. By combining training, counseling, and special activities with worship, he has provided tremendous support to the disabled members of his parish. In honoring the reverend and his accomplishments today I sincerely hope that his example will serve to motivate others across the Nation to help those that are physically disabled.

On the occasion of the ninth anniversary of the Bethesda Christian Center, I extend my warmest congratulations and support to Reverend Young and to the Bethesda Christian community, and I wish them only the best in all their future challenges.

FAMILY AND MEDICAL LEAVE ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. RANGEL. Mr. Speaker, when we become parents of a newborn or an adopted child, become temporarily ill, or must care for an ill family member, we should not be forced to choose between our jobs or such urgent needs. It is harsh, unwise, and economically

unsound to force such a decision. The Family and Medical Leave Act of 1989 would ensure that employees of large companies would not be forced to make such a decision, by guaranteeing their jobs after a leave.

This guarantee is most needed by lower-income workers, especially unmarried mothers, part-time employees, and younger workers. However, all people need the protection of the Family and Medical Leave Act; most American families have 2 income earners, and an estimated 8.7 million women are raising 16 million children without the help of a husband. Furthermore, because a high percentage of minority households are headed by women, the leave is especially needed by minority families.

The law would not hurt businesses, but strengthen them. Small businesses would be exempt, and the cost of the unpaid leave is minimal, according to the GAO. Companies such as IBM and US West have proven that it works. In fact, the GAO has found that the legislation would save rehiring and retraining costs, create higher morale and increase productivity.

Thus, I urge my colleagues to strongly support this historic legislation.

OPENING STATEMENT FOR THE INTRODUCTION OF THE CENTRAL EUROPEAN OUTREACH ACT OF 1990

HON. JOHN J. LaFALCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 1990

Mr. LAFALCE. Mr. Speaker, central Europe's democratic revolution has set in motion a series of changes which have already had a major impact on United States policy toward the region. And nowhere have these changes been more pronounced than in the economic arena: within the space of a year these countries have in the most unambiguous terms rejected the centralized, planned bureaucracies imposed on them by the Soviet Union four decades ago, in favor of more flexible, market-oriented economic systems. After 40 years of enforced isolation, these sudden, dramatic shifts in economic thinking and practice have set the stage for central Europe's entry into the contemporary global trade and payments system.

As head of a 13-Member congressional delegation to the region last January, I had the opportunity to observe these economic changes at first hand. In discussions with political leaders and economic experts from Czechoslovakia, East Germany, Hungary, Poland, and Yugoslavia, my delegation probed the intentions and aspirations of its recently liberated peoples. We heard and experienced a good deal. But one fundamental truth emerged: they want the United States to play a major part in the economic transformation of central Europe. Mr. Speaker, this is a responsibility and an opportunity, which we must grasp.

To pursue this goal, Mr. Speaker, I rise today to introduce the central European Outreach Act of 1990. This bill is designed to strengthen America's presence in central Europe's rapidly changing marketplace and to complement the legislation reported by the House Foreign Affairs Committee. It endeavors to accomplish these goals in four specific ways:

First, through a major expansion of the staff of the Commerce Department's Office of Eastern Europe and Soviet Affairs and the assignment of additional foreign service officers to United States Embassies in central Europe;

Second, by substantially increasing the presence of our Peace Corps volunteers in central Europe;

Third, by strengthening our export finance and political risk insurance programs through the Export-Import Bank [Exim] and the Overseas Private Investment Corporation [OPIC], respectively;

(4) Finally, through a major overhaul of America's export control program.

STRENGTHENING OUR MANPOWER BASE

Aware of the growing opportunities available in central Europe, American exporters are finding that on yet another major front, they are badly disadvantaged in comparison with their Japanese and Western European competitors: personnel. In a word, the U.S. Government simply does not have nearly enough qualified people on the ground in Washington to respond in a timely, accurate fashion to the most routine requests being made in growing volume by our private sector, from up to date briefing papers on the status of Czechoslovak reform efforts, to the phone number of an important administrator in Hungary.

Nowhere is this problem more acute than in the Department of Commerce's Office of Eastern Europe and Soviet Affairs. Formed during the early 1970's, this Office once enjoyed a large number of first-class country analysts, whose job was to matchup United States businesses with counterparts in central Europe and the U.S.S.R. With the deterioration of United States-Soviet relations in the late 1970's, however, its budget was slashed to the bone. As result, at the very moment when prospects for United States business in central Europe have never been more promising, this Office boasts and grand total of 12, that's correct, 12 full-time professionals. We need to do something about this situation. Right now.

Our budgetary difficulties are real; starving our Government of needed personnel in the name of short-term fiscal expediency is hardly the answer to our long-term budgetary problems, however. On the contrary. If the United States expects to compete on a level playing field with its Japanese and European allies, it must be prepared to fully fund those parts of the United States Government upon which the private sector relies, beginning with the Commerce Department's Office of Eastern Europe and Soviet Affairs. In light of the growing demands being placed upon it, I am calling for a tripling of its professional staff, from 12 to 36. Such an investment will, I am sure, pay for itself a thousandfold.

Similarly, the United States needs to strengthen its commercial-diplomatic presence in central Europe. On the spot investigation convinces me that at present, U.S. embassies in the area have been overwhelmed by the tide of events which has swept over them over the past year. They need our help—now. I, therefore, urge the Department of State to assign, without delay, at least 75 additional members of the Foreign Service to central European countries.

EXPANDED PEACE CORPS PROGRAMS

This June, the United States will, for the first time, be sending 60 Peace Corps volunteers each to Hungary and Poland; the Corps additionally expects to send 40 volunteers to Poland in September to teach all phases of small business management. While in Prague earlier this year, I was told that Czechoslovakia will also play host to the Corps in the near future. The Bush administration has since committed the United States to sending Peace Corps volunteers to that country as well. As promising as these initiatives are, however, the United States should be doing much more to expand Peace Corps programs throughout central Europe. Why? Because America's most important contribution to central Europe derives from our ability and readiness to help these countries become full-fledged members of the Western intellectual, social, economic, and cultural community.

As central Europe shelves the compulsory teaching of Russian, the demand for fluency in English alone promises to grow by leaps and bounds. One major U.S. initiative should accordingly be the export of hundreds, if not thousands, of Peace Corps volunteers to these countries to teach the English language. There will be more than enough takers. In the eloquent words of Czechoslovakia's new President, Vaclav Havel, "For over 40 years, the soul of each and every Czech was imprisoned." The Peace Corps has the keys to help unlock those souls, not only in Czechoslovakia but throughout central Europe.

My bill meets this challenge by authorizing an additional $50,000,000 for the Peace Corps during fiscal years 1991 through 1993, specifically earmarked for its programs throughout central Europe.

STRENGTHENING U.S. EXPORT FINANCE AND INSURANCE PROGRAMS

We also need to put more resources into our export finance and political risk insurance programs. The situation today, to be sure, could be worse. A decade ago, it should be recalled, the Reagan administration seriously entertained the idea of actually getting rid of the Export Import Bank [Exim]. The Bank was fortunate to have strong support in Congress and the private sector. It survived. Today, the Bush administration and Congress recognize the need for a robust U.S. export finance program throughout the world, prominently including central Europe.

The Bank is doing something more than just sitting on its hands. Under the capable leadership of Exim President John D. Macomber, Exim's exposure in central Europe promises to grow. An Exim team was sent to Poland, Yugoslavia, Hungary, and Czechoslovakia in February; as you are aware, Czechoslovakia has recently qualified for participation in all of the Bank's programs. Now is hardly the time for a reduction in the Bank's modest budget. This view, however, does not appear to be shared by everyone.

My understanding is that the Bank's vital direct loan program, which provides loans to

foreign buyers of U.S. exports, is scheduled to be slashed by a whopping $115 million: from $615 million in fiscal year 1990, to $500 million in fiscal year 1991. Far from cutting the direct loan program, my bill calls for an increase of $85 million—to $700 million overall—for fiscal year 1991.

The Overseas Private Investment Corporation [OPIC] no less deserves our support. OPIC presently has been authorized to operate in Hungary and Poland; my bill calls for prompt action to provide similar OPIC exposure for Czechoslovakia and the German Democratic Republic, and a major expansion of its direct investment and loan guaranty programs by earmarking not less than $80 million in fiscal year 1991 for these two activities.

AMERICA NEEDS A REFORMED EXPORT CONTROL SYSTEM

Confronted with a current account deficit of $106 billion for 1989, the United States should be doing everything in its power to significantly improve its export performance. Central Europe's dramatic rejection of economic autarchy and centralized planning provides the United States with an opportunity to do just that. If the United States realistically expects to take advantage of the new market opportunities opening up in central Europe, it must in turn be prepared to undertake some long overdue reforms of its own. A drastic overhaul of our increasingly anachronistic, anticompetitive export control system constitutes an unavoidable first step.

Throughout the post-World War II era, the United States has traditionally taken the most restrictive line on sales of dual-use and technology items to Eastern bloc countries. Historians will one day argue whether it served our ultimate interests to have held out as long as we did against our more accommodating Japanese and European allies who felt less constrained about expanding trade and investment ties with central Europe and the Soviet Union.

One thing is clear today, however: The time for drastic change in our multilateral export control system—the 17-member, Paris-based Coordinating Committee, or Cocom—has clearly arrived. The Eastern bloc, as we once called it, has literally ceased to exist; and with its demise, the need for us to maintain such a cumbersome, anticompetitive, export control bureaucracy has likewise ceased to exist.

My bill does not call for Cocom's wholesale abandonment. As we enter the 1990's, the need for some form of multilateral export control system remains. The ambitiousness and intrusiveness of that system, however, needs to be significantly reduced. My bill attempts to achieve that goal by:

First, working with our Cocom allies in making Czechoslovakia, Hungary, and Poland subject to the more liberalized export controls now governing exports to the People's Republic of China [PRC];

Second, establishing, on a case-by-case basis, a set of liberalized criteria for exports to Czechoslovakia, Hungary, and Poland which exceed the levels of technology permitted to the People's Republic of Czechoslovakia;

Finally, extension of the two above provisions to the German Democratic Republic: "if the President determines that country is continuing to move toward market liberalization and political pluralism."

Mr. Speaker, it is my belief that my Central European Outreach Act of 1990 will complement and strengthen existing legislation contained in the Support for East European Democracy Act [SEED 1], which applied to Hungary and Poland, as well as followup congressional efforts now being undertaken to extend United States assistance to the rest of central Europe [SEED 2]. In that spirit, I look forward to working with my colleagues on this pressing endeavor.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central European Outreach Act of 1990".

SEC. 2. OFFICE OF EASTERN EUROPEAN AND SOVIET AFFAIRS IN THE DEPARTMENT OF COMMERCE.

The Secretary of Commerce shall triple the number of professional personnel assigned to the Office of Eastern European and Soviet Affairs of the Department of Commerce. The Secretary shall provide sufficient clerical personnel and other resources to support the increased size of that office.

SEC. 3. ASSIGNMENT OF ADDITIONAL FOREIGN SERVICE OFFICERS TO CENTRAL EUROPE.

The Congress—

(1) urges that at least 75 additional members of the Foreign Service be assigned to Central European countries, and

(2) declares its intention to provide sufficient additonal funds to carry out paragraph (1).

SEC. 4. PEACE CORPS PROGRAMS IN CENTRAL EUROPEAN COUNTRIES.

There are authorized to be appropriated $50,000,000 for fiscal years 1991 through 1993 to carry out the Peace Corps Act, in addition to any amounts otherwise authorized to be appropriated for the Peace Corps. Amounts appropriated pursuant to this section shall be used to establish and expand Peace Corps programs in Central European countries.

SEC. 5. EXPORT-IMPORT BANK PROGRAMS FOR CENTRAL EUROPE.

(a) ELIGIBILITY.—Notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)), the Export-Import Bank of the United States may guarantee, insure, finance, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product by Czechoslovakia, the German Democratic Republic, Yugoslavia, or any agency or national of any such country.

(b) DIRECT LOAN PROGRAM.—

(1) EXPANSION OF PROGRAM.—It is the sense of the Congress that, in order to permit an expansion into Central European counties of the direct loan program of the Export-Import Bank of the United Sates, the ceiling provided in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, on gross obligations for the principal amount of direct loans made by the export-import Bank of the United States for fiscal year 1991 should be at least $85,000,000 higher than the ceiling for fiscal year 1990.

(2) EARMARKING FOR CENTRAL EUROPE.—Not less than $85,000,000 of the amount made available by that Act for such obligations for fiscal year 1991 shall be available only for loans with respect to Central European countries.

SEC. 6. OPIC PROGRAMS FOR CENTRAL EUROPE.

(a) ELIGIBILITY.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting "Czechoslovakia, the German Democratic Republic," after "Hungary,".

(b) DIRECT INVESTMENT PROGRAM.—In order to permit an expansion of direct investment by the Overseas Private Investment Corporation into Central European countries, section 235(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(b)) is amended by striking out "$25,000,000" in the last sentence and inserting in lieu thereof "$65,000,000".

(c) LOAN GUARANTY PROGRAM.—

(1) EXPANSION OF PROGRAM.—It is the sense of the Congress that, in order to permit an expansion into Central European countries of the Overseas Private Investment Corporation's loan guaranty program, the ceiling provided in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, on total commitments by the Overseas Private Investment Corporation to guarantee loans for fiscal year 1991 should be at least $80,000,000 higher than the ceiling for fiscal year 1990.

(2) EARMARKING FOR CENTRAL EUROPE.—Not less than $88,000,000 of the amount made available by that Act for such commitments for fiscal year 1991 shall be available only for loans with respect to Central European countries.

SEC. 7. EXPORT ENHANCEMENT FOR CENTRAL EUROPE.

Section 5 of the Export Administration Act of 1979 (50 U.S.C. 100. 2404) is amended by adding at the end following:

(r) EXPORT ENHANCEMENT FOR CENTRAL EUROPE.—

"(1) ESTABLISHMENT OF AN EXPORT ENHANCEMENT DIFFERENTIAL.—

"(A) COCOM APPROVAL.—The President shall instruct the Secretary of State, in conjunction with the Secretary and the Secretary of Defense and other appropriate Government officials, to seek the approval of the group known as the Coordinating Committee for the removal of controls on exports of goods or technology to Czechoslovakia, Hungary, and Poland that are at a level that does not exceed the level to which exports to the People's Republic of China require only notification of the governments participating in the Coordinating Committee.

"(B) UNITED STATES CONTROLS.—Upon obtaining such approval, the President shall instruct the Secretary of State, the Secretary, and the Secretary of Defense to take such steps as are necessary to implement such level of control within the context of United States law and regulation.

"(2) CRITERIA FOR OTHER TECHNOLOGY EXPORTS.—Exports which exceed the levels of technology permitted to the People's Republic of China that require only notification to the Coordinating Committee shall be processed on a case-by-case basis with the proper referral to the Coordinating Committee. Favorable consideration of an application for approval of an export shall be presumed if the export meets the following criteria:

"(A) The end-user is a legitimate civil or commercial entity.

"(B) The proposed export is reasonable and appropriate in quantity and quality for the stated civil or commercial end use.

"(C) The civil or commercial application is well established in the West and there is no clearly identified direct military application for the proposed export product in Soviet bloc or United States military systems.

"(D) The risk of diversion is inherently limited by the function of the equipment, random on-site inspection, adequate computer use logs or software access controls, or Western participation in the management or operation of the application.

"(E) The proposed export is subject to government-to-government assurances, where applicable and appropriate, under the technology transfer procedures agreed to by the Committee.

"(3) OTHER CENTRAL EUROPEAN COUNTRIES.—The provisions of paragraphs (1) and (2) of this subsection shall become applicable with respect to the German Democratic Republic if the President determines that that country is continuing to move toward market liberalization and political pluralism.".

SEC. 8. DEFINITION OF CENTRAL EUROPEAN COUNTRY.

As used in this Act, the term "Central European country" means Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Yugoslavia.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 26, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 27

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue consideration of proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 2268, to revise the Airport and Airway Improvement Act of 1982 (title 5 of P.L. 97-248) to authorize funds for fiscal years 1991 and 1992 for airway improvement.
SR-253

9:15 a.m.
Governmental Affairs
To hold hearings on the nomination of Jessica L. Parks, of Georgia, to be a Member of the Merit Systems Protection Board.
SD-342

9:30 a.m.
Armed Services
Conventional Forces and Alliance Defense Subcommittee
To resume closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Air Force's force structure and modernization plans.
SR-222

Banking, Housing, and Urban Affairs
HUD/Moderate Rehabilitation Subcommittee
To hold oversight hearings to review low-income tax credits.
SD-538

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold oversight hearings on the operation of the U.S. Postal Service.
SD-342

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings on the effectiveness of Super 301, a provision of the Omnibus Trade and Competitiveness Act of 1988 which created a program to eliminate the major trade barriers of foreign countries.
SD-215

Foreign Relations
To hold hearings on international money laundering.
SD-419

Foreign Relations
To hold hearings on the nomination of Paul C. Lambert, of New York, to be Ambassador to the Republic of Ecuador.
S-116, Capitol

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Foundation on the Arts and Humanities, focusing on the National Endowment for the Arts.
SD-430

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Armed Services
Defense Industry and Technology Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on national and defense critical technology plans.
SR-222

Select on Indian Affairs
To hold oversight hearings on provisions of S. 1203, to provide tax incentives for businesses on Indian reservations, and S. 1650, to allow an Indian employment opportunity credit for qualified employment expenses of eligible employers on Indian reservations; to be followed by a business meeting to mark up S. 143, to establish the Indian Development Finance Corporation to provide development capital for Indian businesses.
SR-485

MAY 1

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on the Department of Energy's facilities, complex modernization, and environmental and waste management activities.
SD-628

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's uranium enrichment program.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, Department of the Interior.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1831, to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico, S. 2014, to direct the Secretaries of Agriculture and the Interior to provide interpretation and visitor education regarding the rich cultural heritage of the Chama River Gateway Region of northern New Mexico, S. 2143, to establish the Organ Mountains National Conservation Area in New Mexico, S. 2165, to establish the Glorieta National Battlefield in New Mexico, S. 2254, to establish the Pecos National Historical Park in New Mexico, S. 2429, to establish the Mimbres Cultural National Monument and to establish an archaeological protection system for Mimbres sites in New Mexico, and other pending legislation.
SD-366

2:15 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MAY 2

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 2494, to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and S. 1441, to enhance the Federal Trade Commission's ability to prevent consumer fraud.
SR-253

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

2:00 p.m.
Armed Services
Conventional Forces and Alliance Defense Subcommittee
To resume closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Department of the Navy's force structure and modernization plans.
SR-222

Judiciary
To hold hearings on the nominations of Stanley F. Birch, Jr., of Georgia, to be United States Circuit Judge for the Eleventh Circuit, John D. Rainey, to be United States District Judge for the Southern District of Texas, and Samuel Grayson Wilson, to be United States District Judge for the Western District of Virginia.
SD-226

Select on Intelligence
To continue closed hearings on intelligence matters.
SH-219

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
SD-124

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA), focusing on aeronautics and space technology.
SR-253

Energy and Natural Resources
To hold oversight hearings on applications received by the Department of Energy for authority under section 3 of the Natural Gas Policy Act to import Canadian natural gas to serve markets in the Northeastern U.S. and applications received by the Federal Energy Regulatory Commission for authority under section 7 of the Natural Gas Policy Act to construct and operate natural gas pipeline facilities in the U.S. to deliver such gas to markets in the Northeast.
SD-366

Governmental Affairs
To hold hearings on AIDS education for school-aged youth.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

Finance
To hold hearings to examine the decline of corporate income tax revenues and to compare the corporate tax burden in the U.S. with that in other industrialized nations.
SD-215

Judiciary
To hold hearings to examine the effects on judicial nominees belonging to private clubs that discriminate.
SD-226

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Corps of Engineers.
SD-192

Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on ICBM modernization.
SR-222

Commission on Security and Cooperation in Europe
To hold hearings on the status of Soviet involvement in Afghanistan.
SD-430

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
SD-138

MAY 7

9:30 a.m.
Governmental Affairs
To hold oversight hearings on implementation of the U.S.-Canada Free Trade Agreement (P.L. 100-449).
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the National Science Foundation and the upcoming scientific manpower crisis.
SR-253

2:15 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1848, to implement and provide financial assistance for a research and demonstration program for natural gas and coal cofiring technologies.
SD-366

2:30 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the jurisdiction between the Commodity Futures Trading Commission and the Securities Exchange Commission.
SH-216

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget,

and the Executive Office of the President.
SD-116

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study, on S. 1189, to establish the Office of Ocean and Coastal Zone Management and to require coastal States to implement coastal zone water quality improvement plans.
SR-253

MAY 10

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253
Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Federal Election Commission, and to review Senate policy on official mail.
SR-301
Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans Administration.
S-126, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the B-2 low observability and counter-Stealth analyses.
S-407, Capitol
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 2268, to revise the Airport and Airway Improvement Act of 1982 (title 5 of Public Law 97-248) to authorize funds for fiscal years 1991 and 1992 for airway improvement.
SR-253

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA), focusing on space science and applications.
SR-385

MAY 11

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 2483, to improve educational assistance programs for veterans, S. 2484, to improve the housing loan program for veterans, and veterans employment programs, including section 401 of S. 2100.
SR-418

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe personnel levels for fiscal year 1991, focusing on the state and capabilities of the U.S. Marine Corps for special operations and low intensity conflict.
SR-222
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review commercial space programs.
SR-253

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2170, to prescribe the conditions under which contractors receiving operating-differential subsidy of their affiliates may engage in coastwise or intercoastal trade.
SR-253

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.
SR-253
Veterans' Affairs
To hold hearings on titles I and III of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act, S. 1887, to allow for Kentucky Vietnam veterans to receive a one-time bonus from the Commonwealth, S. 2454, to increase the estate limits for certain incompetent institutionalized veterans, S. 2482, to clarify the eligibility of certain minors for burial in national cemeteries and to authorize use of flat grave markers in a section of Florida National Cemetery, S. 2102, to modify certain congressional reporting requirements imposed upon the Secretary of Veterans Affairs for certain administrative reorganizations within the Department of Veterans Affairs, and proposed legislation to expand radiation presumptions for veterans.
SR-418

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 23

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, and the Office of Inspector General.
SD-138

2:30 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on the Department of Energy national security budget request for fiscal year 1991.
SR-253

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

JUNE 7

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on veterans prosthetics and special-disabilities programs.
SR-418

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2203, to settle certain claims of the Zuni Indian Tribe, S. 2075, to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality, and S. 1934, to revise the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian Housing assisted under such Act.
SR-485

JUNE 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's satellite programs.
SR-253

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Eastern Europe.
SD-138

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2358, providing U.S. consumers the opportunity to enjoy the technological advancement in sound recording by use of digital audio tape recorders.
SR-253

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's ocean and coastal programs.
SR-253

Veterans' Affairs
To hold hearings on title II and section 402 of S. 2100, relating to veterans physician pay and health issues, S. 1860, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war, S. 2455, to provide for recovery by the U.S. of the cost of medical care and services furnished for a nonservice-connected disability, S. 2456, to extend expiring laws authorizing the Department of Veterans Affairs to contract for needed care and to revise authority to furnish outpatient dental care, and other proposed legislation.
SR-418

JUNE 19

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1974, to require new televisions to have built in decoder circuitry designed to display closed-captioned television transmissions.
SR-253

JUNE 26

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

JUNE 28

9:30 a.m.
Veterans' Affairs
Business meeting, to consider pending legislation relating to veterans compensation and health-care benefits.
SR-418

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

APRIL 26

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Transportation Safety Board.
SR-253

POSTPONEMENTS

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.
SD-192

APRIL 27

11:00 a.m.
Judiciary
Technology and the Law Subcommittee
To hold hearings on S. 2476, to revise title 18 of the United States Code to clarify and expand legal prohibitions against computer abuse, deter malicious computer hacking, and to aid prosecution of computer crimes without curtailing creative, legitimate computer experimentation.
SD-226

HOUSE OF REPRESENTATIVES—*Thursday, April 26, 1990*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for all those people of our world, O God, who experience the rich emotions of life. For those who know the joy of reconciliation, reunion, and family, we celebrate with thanksgiving; for those who are anxious in their lives, and who know concern for the days ahead, we offer our petitions for Your healing presence and assurance of faith. May Your peace that passes all human understanding be with each one, this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. ROSE] please come forward and lead the House in the Pledge of Allegiance.

Mr. ROSE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that we will take seven 1-minute statements on each side of the aisle.

HOUSE BUDGET IS MOST COMPETITIVE

(Mr. WISE of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, as the House becomes locked in its annual fiscal combat called the budget battle, and the budget resolution, I think it is important to look at the different budgets that will be offered, particularly the President's budget, the Bush budget, and the Democratic alternative, the Democratic budget that was reported out by the House Committee on the Budget, and a few findings that I think are essential.

We talk of competitiveness and the need to compete in the education for our children, compete with foreign trading partners abroad, and look at the line item for DARPA, the basic research, DARPA that helps stimulate basic research basically for the military, and as I see that above the baseline, the House budget resolution is $100 million in budget authority, and yet the President would strike $181 million below the baseline. That is no surprise since he fired the director of DARPA just the other day. Under function 450, community development block grants helping rural and urban communities keep abreast, the House budget adds $200 million, and the President strikes $280 million. Under Economic Development Administration, the House adds $77 million above the baseline, and the President strikes $203 million. Rural development, the House budget adds $75 million, and apparently the President does not like rural development areas, because he strikes $199 million.

It is very clear when we compare the House budget and what it does to make America competitive versus the President's budget, the House budget is the most competitive budget and wins every time.

NICARAGUA DESERVES UNITED STATES SUPPORT

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, I had the great pleasure of being in Managua yesterday to witness the inaugural of Violeta Chamorro, the democratically elected President of Nicaragua. It was a day of festivity, a national holiday, a great celebration, and it was a joy to see Nicaraguans waving blue and white banners and the excitement of a new breath of freedom.

It was a proud day for Nicaraguans, and I think it was a proud day for Americans because of the role we have played. It was certainly a proud day for me personally. However, in all candor, I have to tell the Members that is only part of the story. Problems for Nicaragua are far from over. Nicaragua is a desperately poor and bitterly divided country. I viewed with great personal satisfaction the peaceful transition of power taking place in that country, but I also came away very concerned. I came away more committed than ever to see economic stability and political stability return to that country.

I think we can say that the policies of the United States over the last 10 years have contributed to this burst of freedom in Nicaragua. But now, instead of walking away with any satisfaction, we must redouble our efforts to see to it that that freedom continues to succeed and to survive. One basic element, one key to that is for the United States to have the confidence of the people who were chosen as leaders of Nicaragua to make decisions for that country, and to support them in the decisions they reach.

THREATS ON UNFAIR TRADE PRACTICES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, American trade law says specifically that any foreign government who maintains a persistent pattern of discrimination against American products and whose unfair trade practices threaten the stability of America and American commerce shall be cited by the President for action. Last year, the President cited Japan for that reason. Nothing has changed.

Now, this year the Trade Representative is saying, "Mr. President, don't do it. Even though nothing has changed, Japan has made promises." Japan has made promises. They do it every time. The American workers do not want promises, they want action. Things are so bad around here I think we should send the IRS to Europe, the EPA to Japan, the Trade Representative to Korea, the Commerce Department to Taiwan and let them screw up those countries and then maybe we will get something done with our own.

If we do not act on trade now, we let Japan off the hook, and America is going to have a depression in the future to make the '29 crash look like a fender bender. Do your job, Trade Representative, do your job.

UNITED STATES EMBASSY IN EL SALVADOR ON TOP OF THE JESUIT MURDER CASE

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, recently there has been some criticism of our

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Embassy's handling of the Jesuit murder case in El Salvador. Because of the extraordinary nature of those brutal killings and allegations about high-level military involvement, as a member of the Permanent Select Committee on Intelligence and the senior Republican in our delegation investigating this matter, I have read the sensitive material classified and unclassified on this case, from the very beginning. I can report to this House categorically that the complaints about our Embassy are unfair and uninformed. The evidence is very clear that our Embassy along with President Cristiani, has been pushing hardest since day one to get to the bottom of these murders.

There is room for criticisms, but it should be leveled at the Salvadoran judge who has been sitting on his hands, not vigorously pursuing obvious leads in this case. The Democratic chairman of our delegation, who has been very fair, has also had the opportunity to read the sensitive information in this case. Our Embassy and our Ambassador, William Walker, in particular, deserve great credit for their diligence.

□ 1110

MONTANANS SAY NO TO ANTI-SEMITISM

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS. Mr. Speaker, on Monday of this week the Montana Council for International Visitors canceled a scheduled May 6-May 9 visit to Montana by eight Soviet authors. The visitor program service of Meridan House International, which is a private Washington-based organization that plans itinerary for the U.S. Information Agency has now been notified that this particular group of authors is not welcome because of their anti-Semitism.

I commend Janine Pease-Windy Boy for her courage and statements opposing racism. Ms. Pease-Windy Boy is president of Little Big Horn College on the Crow Reservation, and as president of this institution, she has often welcomed international visitors and served as one of Montana's hosts. She "decided not to extend * * * hospitality to a group of anti-Semetic people who mean poorly toward a whole group of people in Russia."

As a Crow Indian, Ms. Pease-Windy Boy states:

> My own life experience as a native person has taught me that racism is a very difficult thing to deal with on a daily basis. I considered their rights of free speech, but Little Big Horn College's very existence is based on exerting a stance for human rights.

At a time in our history when we see a rise in hate groups and groups which profess that one race is better than another, I am proud that my fellow Montanans have said no, you are not welcome here. It was, the strong voice of an individual Montana Crow Indian woman leader who took a stand, not only for the college she directs but for the direction of the State and the Nation.

PAC CONTRIBUTION REFORM URGED

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, I can understand why the Members of the House on the Democrat side of the aisle are reluctant to enter meaningful negotiations on campaign reform or on legislation to restrict Political Action Committee contributions.

PAC money has become a massive incumbent protection slush fund. Democrat incumbents receive over half of their total contributions from PAC's—51.5 percent. And it is understandable that they do not want to derail their gravy train.

But, Mr. Speaker, we have to do something. America is losing confidence in our political system because the individual contributor has been shoved out of the process.

It obviously is time for some bipartisan statesmanship. And I would urge my colleagues on the other side of the aisle to seriously consider reducing the maximum PAC contribution, raising the maximum for individual contributors and capping the total PAC contributions allowable in a campaign.

I realize that this would require a greater sacrifice on the other side of the aisle but it is time to quit paying lip service to reform and actually do something.

APPOINTMENT AS MEMBERS OF THE UNITED STATES DELEGATION OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276(h), the Chair appoints as members of the United States delegation of the Mexico-United States interparliamentary group for the second session of the 101st Congress the following Members on the part of the House:

Mr. DE LA GARZA of Texas, chairman;
Mr. YATRON of Pennsylvania, vice chairman;
Mr. GEPHARDT of Missouri;
Mr. RANGEL of New York;
Mr. MILLER of California;
Mr. GEJDENSON of Connecticut;
Mr. COLEMAN of Texas;
Mr. LAGOMARSINO of California;
Mr. DREIER of California;
Mr. DELAY of Texas;
Mr. GILMAN of New York; and
Mr. GOODLING of Pennsylvania.

SUPPLEMENTAL APPOINTMENT OF CONFEREES ON H.R. 1465, OIL POLLUTION ACT OF 1989

The SPEAKER. Pursuant to the previous order of February 7, 1990, the Chair supplements the appointment of conferees on the bill (H.R. 1465) to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes, as follows:

From the Committee on Ways and Means, for consideration of title VII and sections 1001(10), 1006(f), 1006(g)(4), 4302, 8102(f) of the House bill and so much of section 8202 of the House bill as would add a new section 210(c)(5) to the Trans-Alaska Pipeline Authorization Act, and sections 103(b), 103(c), 356, 401(b), and 512 of the Senate amendment, and modifications committed to conference:

Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, ARCHER, VANDER JAGT, and CRANE.

The Clerk will notify the Senate of the change in conferees.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4493

Mr. ROSE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4493.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

A TURNING-POINT BUDGET

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the budget that we will commence to debate this morning is a turning-point budget. It is not everything that we all would have asked for, but it is a very significant budget. It is indeed a budget of which this Chamber can be proud.

It is a turning point in two areas: First, the real deficit under this budget will fall under $100 billion. When we consider that our GNP is now $4.5 trillion, that $100 billion deficit, while still too high, certainly represents a mark below which the Congress can be proud of, because it indicates that we are finally getting a handle on the deficit with which we have wrestled through the 1980's.

Second, the budget finally begins a shift in priorities away from the cold war and toward our new war, a friendly war but a very real war of economic competition.

We must reduce the deficit to increase our savings rate, but we also

must start building up our human capital, our education, and our infrastructure, and every time we waste extra dollars on a cold war that may not happen and do not put those dollars into either deficit reduction or the building up of our economic resources, which is going to keep us No. 1, we are wasting time and missing opportunities. This budget does both.

Mr. Speaker, I urge my colleagues to give this budget a careful look and vote for it.

THE PAC GAP GIVES ADVANTAGE TO INCUMBENTS

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, the Supreme Court is supposed to be the branch of our Government where members serve as long as they wish, not the House of Representatives.

A significant reason why incumbent Members practically never lose elections is the flow of large amounts of special interest PAC money to incumbents. Let us look at some numbers.

Mr. Speaker, here is a chart showing the "PAC gap," the huge advantage special interest PAC money gives incumbents over challengers. In 1980, the PAC gap was too large with 61 percent PAC money going to incumbents, while only 26 percent went to challengers. Unfortunately, the PAC gap has become significantly larger, with 74 percent of PAC money going to incumbents in 1988 and only 12 percent to challengers.

Mr. Speaker, we need to restore electoral competition to this body and to do that we have to reduce the PAC gap. Mr. Speaker, give us a vote on reducing the PAC contribution limit and let the American people see who the real protectors of special interest money are.

ESPY SLAMS JUNK BUDGET

(Mr. ESPY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPY. Mr. Speaker, this week promoters of junk bonds have been taking a beating on our front pages. Well, promoters of junk budgets should also take their beatings. Specifically, I refer to the budget of this administration.

As a rural American, I feel that the administration's budget ignores world changes and ignores my 60 million fellow rural constituents and residents. In contrast, the House Budget Committee, of which I am a member, recognizes the revolutionary changes around the world and remembers all the aspects of our diverse Nation.

Let us just take a look for a second at some of the real proposals from both budgets. The President proposes to cut $116 million for water grants. In contrast, our budget calls for maintaining current spending, plus adding $75 million for various Farmers Home Administration programs. The President's budget cuts community development block grants by $11 million. Our budget proposes a $48 million increase.

The President proposes to cut rural housing by $695 million. In contrast, we propose to raise it by $53 million.

Mr. Speaker, there is a peace dividend, but we must be so careful to invest it wisely. We must not invest it in junk budgets. Our committee's budget finally gives a positive answer to those millions of Americans who have been asking the question: "What about us?"

A REPORT ON YESTERDAY'S INAUGURATION IN NICARAGUA

(Mr. EDWARDS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Oklahoma. Mr. Speaker, yesterday was a great day for the people of Nicaragua and for the advancement of freedom in the world. I was honored to be a representative of the United States Government at the inauguration of Violeta Chamorro as the new President of Nicaragua.

But all did not go well. The divisions in Nicaragua remain deep, as we saw when the Sandinista supporters bombarded the new President with water balloons as she entered the stadium for her inauguration.

There is democracy in Nicaragua, but it is still fragile and we must in this country continue our commitment to help that country and our neighbors in Nicaragua as it makes its difficult transition into the democratic world.

□ 1120

NATIONAL VOLUNTEER WEEK

(Mr. SPRATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, we have so many commemoratives that they begin to lose meaning, but this week is National Volunteer Week, and it has real meaning for the people in my State who suffered from Hurricane Hugo. Today Sumter, SC, will dedicate a park to honor the people who came from all over and volunteered their help in the wake of Hurricane Hugo. It is their way of remembering, their way of saying: "Thank you," and their way of calling attention now and forever to the volunteers who cleared streets, and hauled water, and patched roofs and brought help in all forms.

Mr. Speaker, this is a good time for all of us to remember the communities and what the name implies, places where people share burdens as well as benefits. The heroes of Hurricane Hugo embodied that spirit. They came in the best tradition of American volunteers, and I am pleased to join my constituents in Sumter, SC, and extend to all of them everywhere our heartfelt thanks.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4308 AND H.R. 2403

Mr. SLAUGHTER of Virginia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of two bills, H.R. 4308 and H.R. 2403. My name was inadvertently placed on the list of cosponsors for these bills.

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE CHALLENGE OF NUMBERS

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, earlier this month the National Research Council through its Committee on the Mathematical Sciences in the Year 2000 issued a report called The Challenge of Numbers. This report, which was reviewed by the National Academy of Sciences, the National Academy of Engineering, and the National Institute of Medicine, offers sobering, new evidence that the United States has problems in mathematical science education at all levels, elementary, high school, and postsecondary.

Consider, for example, Mr. Speaker, that in 1977, 80 percent of all doctoral degrees awarded in mathematics in this country went to U.S. citizens. By 1988, this figure had fallen to less than half. The young people are finding the transition from high school to college mathematics more difficult, and relatively few women and minorities are studying mathematics. Recent National Science Foundation predictions point to a shortage of a half million scientists and engineers by the year 2000. As the report states:

> Because of the fundamental role of mathematics in support of science and engineering, the problems in the U.S. educational system will not be corrected unless the problems in mathematics education are corrected.

FUTURE GROWTH OF U.S. JOB MARKET TIED TO MATHEMATICS

(Mr. PICKETT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, earlier this month, the National Research Council, through its Committee on the Mathematical Sciences in the Year 2000, issued a report called, The Challenge of Numbers.

This report, which was reviewed by the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine, offers sobering new evidence that the United States has problems in mathematical sciences education at all levels—elementary, high school, and postsecondary.

Consider for example that in 1977, 80 percent of all doctoral degrees awarded in mathematics in this country went to U.S. citizens. By 1988, this figure had fallen to less than half. Young people are finding the transition from high school to college mathematics more difficult, and relatively few women and minorities are studying mathematics.

Recent National Science Foundation predictions point to a shortage of a half million scientists and engineers by the year 2000. As the report states:

Because of the fundamental role of mathematics in support of science and engineering, the problems in the U.S. educational system will not be corrected unless the problems in mathematics education are corrected.

Mr. Speaker, to remain competitive, this Nation must establish "a national agenda for renewal and revitalization of the mathematical sciences along with a strategy for implementation that will stimulate all sectors of our society into action."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair amends its previous order and will allow one more 1-minute speech from each side.

OPPOSING EFFORTS TO WEAKEN SAFETY STANDARDS IN OUR UNDERGROUND MINES

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, how much more are the coal miners of this country going to have to take? As if the prospect of unemployment forced by an unfair clean air bill was not enough, now the agency charged with protecting the safety of those who have jobs wants to relax its standards. My goodness; where does it all end? How many more mine disasters do we have to endure before we decide enough is enough?

Mr. Speaker, I oppose the Mine Safety and Health Administration's efforts to weaken ventilation and safety-related standards in our underground mines. Let me read from the report issued by the National Institute for Occupational Safety and Health which reviewed MSHA's proposed changes. I quote:

The use of belt entry air to ventilate the working faces is not a safe practice, and allowance of the use of belt entry air to ventilate the working areas of a mine is a diminution of the protection of the miners' safety and health as provided by the Mine Safety and Health Act of 1977.

Mr. Speaker, it takes courage to go down into the mines each day. It should be the Government's role to make sure that that trip is a safe one and not fraught with more dangers.

H.R. 4355 AND THE GOLD MEDAL OF HONOR

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I rise today to bring to the attention of the Members a bill I have recently introduced, H.R. 4355, legislation providing Gold Star lapel pins to the dependents of every member of the Armed Forces who die as a result of an injury or illness sustained in the line of duty.

Until 1958, a Gold Medal of Honor, a lapel pin, was given to family members of all servicemen and women who were killed in the line of duty. In 1958, however, that law was changed. Only those who were killed while engaged in a conflict with a foreign enemy were awarded such recognition. This has created a serious problem in my opinion.

Let me give you two examples of deficiencies created by the present law. The first was given to me by a spokesperson for the Gold Star Mother's Association in my district. A pilot, who after having flown 28 missions in Vietnam, flew his 29th in a bombing mission over Cambodia. Upon returning to his aircraft carrier the plane failed to negotiate the landing when the arrester cable snapped, sending the plane careening off the ship. The pilot was killed.

Unfortunately the family of this pilot was not eligible to receive the Gold Star lapel pin. The reason involved a technicality relating to the fact that the United States was not formally at war with Cambodia and therefore not engaged in conflict with a foreign enemy.

The second example I would like to bring forward relates to the recent tragedy that occurred on the U.S.S. *Iowa*. Several young sailors lost their lives, but the families of these men are not eligible to receive the lapel pin. Although these men were participating in practice wartime maneuvers at sea, no armed conflict existed at the time.

My bill simply changes the law back to its original form by awarding all members of the armed services who die in the line of duty a Gold Star lapel pin. The families of our brave service personnel deserve this small token of respect and appreciation from their country. I hope all my colleagues will join me in support of this legislation.

PROVIDING FOR FURTHER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 310, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1991

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 382 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 382

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the United States Government for the fiscal years 1991, 1992, 1993, 1994, and 1995. After general debate, the concurrent resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the concurrent resolution shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report and all points of order against the amendments are hereby waived. Said amendments shall be considered as having been read and shall be debatable for the time specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment. If more than one of the amendments in the nature of a substitute made in order by this resolution has been adopted, only the last such amendment which has been adopted shall be considered as having been finally adopted in the Committee of the Whole and reported back to the House. It shall be in order to consider the amendment or amendments provided in section 305(a)(5) of the Congressional Budget Act of 1974, as amended, necessary to achieve mathematical consistency. At the conclusion of the consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent reoslution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

□ 1130

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Illinois [Mrs. MARTIN],

and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 382 is a modified open rule providing for the further consideration of House Concurrent Resolution 310, the concurrent resolution on the budget for fiscal year 1991.

The rule provides that no amendments to the concurrent resolution are in order except the amendments printed in the report accompanying this resolution. The amendments are to be considered in the manner and order specified in the report and all points of order are waived against the amendments.

The rule further provides that the amendments are not subject to amendment and each amendment will be considered under a specified amount of time.

Mr. Speaker, the rule also provides that the amendments are to be considered under the king of the hill procedure. As Members know, under this procedure if more than one amendment is adopted only the last amendment adopted will be considered as having been finally adopted in the Committee of the Whole and will be reported back to the House.

The amendments will be considered in the following order: First, the substitute to be offered by Representative KASICH, debatable for 1 hour; second, the substitute to be offered by Representative DANNEMEYER, debatable for 1 hour; third, the substitute to be offered by Representative DELLUMS, the Black Caucus quality of life budget, debatable for 2 hours; and fourth, the substitute to be offered by Representative FRENZEL, the President's budget, debatable for 2 hours.

Finally, Mr. Speaker, the rule makes in order the customary amendment or amendments provided in section 305(a) of the Budget Act that would make the numbers contained in the budget resolution mathematically consistent.

Mr. Speaker, the committee heard from several Members wishing to offer amendments transferring amounts among the functions or changing the amount for a single function. None of those amendments are in order under this rule.

As in the past, the committee has made in order only those amendments that represent major alternatives to the Budget Committee's product.

The budget debate should be devoted to broad questions of priorities and fiscal policy. Line-item amendments on particular programs and transfer amendments will inevitably and more properly be addressed in the authorization and appropriations process. Whatever the totals in a budget resolution, there will be other opportunities—from the 302(b) allocations to the debate on individual bills—to reallocate discretionary amounts.

It is time to move the process along. It is time for the House to act and stake out a position on budget policy. The resolution before us presents a responsible 5-year budget plan. The deficit in each fiscal year would be lower than required by Gramm-Rudman.

If the Social Security surplus is counted—as required by the Gramm-Rudman law—the budget would be in balance by 1993. If the Social Security surplus is not counted, the Budget Committee resolution reaches balance by 1995.

In each of the 5 years, the amount of deficit reduction exceeds the President's budget. Over the 5 years, the reductions are composed of roughly one-third tax increases and two-thirds spending cuts. Most importantly, the resolution provides investment initiatives to rebuild America and to restore our competitive edge.

Mr. Speaker, the budget would also provide additional funds to improve our roads, bridges, highways, and airways; to improve our children's lives, by increasing participation in Head Start and nutrition programs for women, infants and children; to fight crime and the scourge of drugs; to help emerging democracies; to conserve and protect the environment and to foster the development of new technologies.

Mr. Speaker, this is a fair rule to provide for the further consideration of the budget resolution. I urge adoption of the rule.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as always, a gracious thank you to the gracious gentleman from Massachusetts.

Mr. Speaker, there are two annual rites of spring in our Nation's Capital: The cherry blossoms and the congressional budget resolution. And true to form for this Government town, neither one ever blooms on time. The cherry blossoms are occasionally early and the budget resolution is always late. This year the cherry blossoms were about 2 weeks early and the budget resolution is already about 2 weeks late.

The other thing these two spring rites have in common is that neither one bears real fruit. Both are heralded with great fanfare, pomp, and ceremony. We stand in awe at the beauty of the cherry blossoms, just as we marvel at the ability of the Budget Committee to reach its Gramm-Rudman deficit target. And yet, when the parade has passed and the cheering has faded, we are left holding an empty bushel basket: No cherries and no real deficit reductions. We are left only with faded, fallen petals and magic asterisks which denote "savings to be specified at a later date."

Mr. Speaker, I do not want to give the impression that the budget process is meaningless. As one who had the privilege of serving on the Budget Committee, even for a while as the acting ranking Republican, I have the greatest respect for the process and for those who have the thankless task of serving on that committee.

I think we are all especially fortunate to have members like the gentleman from California [Mr. PANETTA] and the gentleman from Minnesota [Mr. FRENZEL] as the chairman and ranking Republican on that committee. And as I mentioned in the Rules Committee this week, we will all be the poorer when Mr. FRENZEL retires at the end of this Congress. His absence will leave a great, unfillable void in this House for a long time to come, and I am deeply saddened by his loss to this institution.

Having said all that, I think we all recognize the limits and failings of the current process, and they are certainly due to no fault of the current Budget Committee leadership or its membership.

The fault, dear Brutus, lies not in those Budget Committee stars, but in ourselves. I think it is amusing that there are some Members calling for the repeal of the Gramm-Rudman deficit reduction process on grounds that it forces us to resort to gimmicks and games. I can assure you that there is nothing in that act that forces us to do any such thing. The fact is that we invented those gimmicks and games as a substitute for the hard choices Gramm-Rudman was designed to force us to make.

To add insult to illogic, these same Gramm-Rudman critics would have us repeal sequestration in order to eliminate budgetary gimmicks and games. Now that would be the ultimate in gimmicks if they could pull it off: Abolish the only credible discipline and action-forcing mechanism we have in the whole budget process, and somehow we will act more responsibly. If you believe that, you are living in the magic kingdom.

Mr. Speaker, the real reason some want to abolish sequestration is because it is working too well. It is the only threat around that forces us to eventually confront reality. The only problem is that we do not face reality until it is on top of us around the beginning of October. As a result, we procrastinate and consequently endload the whole process. So we already hear talk about the real budget being produced sometime later this year by a budget summit after we find ourselves deadlocked on appropriations and reconciliation and under a sequester. That is the historic track record of this Congress, and that is probably the way things will play out again.

In the meantime, we are told to get this preliminary and somewhat sketchy budget processs on track now

so that maybe we can accelerate that final day of fiscal reckoning. The Rules Committee is more than happy to accommodate those wishes by bringing you our traditional little spring game of "King-of-the-Hill." And if you all feel a little like Sisyphus after pushing your respective stones up this budget hill, just wait until we approach the real summit next fall with the big boulder. Maybe this will condition us for the heavy lifting to come.

Under the terms of this rule, once we complete the 6 hours of general debate, we will consider just four substitutes under a king-of-the-hill process whereby the last one adopted will be the one reported back to the House. The amendments will be considered in the order listed in the report of the Rules Committee on this rule, must be offered by the Member specified or a designee, will not be subject to amendment, and will be debated for the time specified in the report. The four substitutes and the time allotted are as follows: First, the Kasich soft freeze budget, 1 hour; second, the Dannemeyer hard freeze budget, 1 hour; third, the Dellums-Black Caucus budget, 2 hours; and fourth, the Frenzel-administration budget, 2 hours.

If none of the substitutes is adopted, the House would then vote on the Budget Committee's budget on final passage. There is no motion to recommit allowed under the Budget Act.

Mr. Speaker, the Rules Committee did receive testimony from six other Members, four Democrats and two Republicans, who asked that their so-called transfer or cut-and-bite amendment be made in order to one or more of the substitutes. However, the committee has followed a precedent established several years ago to only make in order comprehensive budget substitutes. This policy was established so that the House could focus on the macroeconomic or fiscal picture rather than spend a large amount of time on microeconomic or programmatic amendments. The decision not to make in order these six amendments was in no way intended to be a judgment on the merits of those amendments. Frankly, they all had some merit. But I think my colleagues can understand where reopening the process to programmatic amendments could lead. We have been there before.

Mr. Speaker, I think the Budget Committee majority probably did as best it could at this time under difficult political circumstances. However, I would be derelict in my duties if I did not point out that the Democrats' budget employs, indeed expands upon, the same assumptions and devices its partisans criticized the President for using when his budget was unveiled last January 29.

I will not turn those partisan shots back on the Democrats' budget by declaring it either "dead on arrival" or "all smoke and mirrors." Both budgets are obviously alive and kicking under this rule, even if their windows on the fiscal horizon may be a little clouded.

I have no doubt all this will be cleared up before this year is out. And the best way to get on with that is to stop pointing fingers or sitting on our hands, and instead to start putting our collective hands to the wheel and drive this process to a successful conclusion. That is what the American people expect of us, and I think we are worthy of that challenge. I urge adoption of this rule.

□ 1140

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3. An act to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3) "An act to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: From the Committee on Labor and Human Resources: Mr. KENNEDY, Mr. DODD, Mr. PELL, Mr. HARKIN, Mr. ADAMS, Ms. MIKULSKI, Mr. HATCH, Mrs. KASSEBAUM, Mr. JEFFORDS, and Mr. COATS; and from the Committee on Finance: Mr. BENTSEN, Mr. MOYNIHAN, Mr. BAUCUS, Mr. MITCHELL, Mr. PACKWOOD, Mr. DOLE, and Mr. ROTH; to be the conferees on the part of the Senate.

The message also announced, that the Senate agrees to the amendments of the House to the joint resolution (S.J. Res. 153) Joint resolution designating the third week in May 1990 as "National Tourism Week."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 224. Joint resolution to designate the month of May 1990, as "National Trauma Awareness Month."

The message also announced that pursuant to Public Law 96-114, as amended by Public Laws 98-33, 99-161, and 100-674, the Chair announces, on behalf of the Republican leader, his appointment of Charles F. Smithers, of Connecticut, as a member of the Congressional Award Board.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1991

The SPEAKER pro tempore (Mr. WISE). Pursuant to House Resolution 382 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, House Concurrent Resolution 310.

□ 1143

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, with Mr. MCNULTY (Chairman pro tempore) in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN pro tempore (Mr. MCNULTY). When the Committee of the Whole House rose on Wednesday, April 25, 1990, the gentleman from California [Mr. PANETTA] had 1 hour and 21 minutes of general debate time remaining, and the gentleman from Minnesota [Mr. FRENZEL] had 1 hour and 47 minutes remaining.

The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is the intention of the committee to provide 50 minutes to the gentleman from California [Mr. DELLUMS] from the Black Caucus, to use that time as he wishes for general debate, and then retain the balance of the time for the committee.

Our intention is to try to see if we can keep our debate to roughly an hour, give or take a few minutes as need requires, and to try to limit it as much as possible so that we can move into the amendment process hopefully sometime between 1 and 1:30.

In that spirit, Mr. Chairman, I would first start off by yielding 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding me this

time and for the excellent work that he did.

Mr. Chairman, no budget that anyone brings forward is going to be pleasing in general, because one cannot judge a budget absent the context. The context is a serious level of debt in the country, a commitment that we have to reduce the deficit, problems that have grown, particularly during the past decade as housing and health care and education and the environment and other important issues have been underfunded.

What the budget does, and we have choices, but we will have on Tuesday the quality-of-life budget which comes from our colleagues in the Congressional Black Caucus and elsewhere for which I intend to vote which seems to me to be an excellent balance of our interests. In the event that that fails, I will, however, enthusiastically support the budget that has come out of the Committee on the Budget and oppose that which has been put forward by the President.

There are a lot of similarities obviously. Economic assumptions are similar. Proposals for increased revenues are similiar. So we can focus on the differences.

The biggest difference is a pair difference. The budget which the Committee on the Budget put forward has less for the military and more for the Medicare Program, and the President's budget is, of course, the opposite. The President's budget proposes very substantial cuts in the Medicare Program from the baseline figure that will be needed simply to hold it even, and it proposes marginal cuts in the military.

The budget we have intelligently begins the process of reducing the military. People have said, "Why are we doing that? Are we saying there is no threat?" Hardly.

We have a budget which continues in existence; Trident submarines which prowl these oceans undetected and have MIRV warheads to unleash in our defense. We have a budget which continues to provide for well over 200,000 troops in Europe, more, in my judgment, than we need. We have carrier battle groups all over the world. The military number in our budget will have an America that is stronger than any other nation in the world, particularly with the disarray that is affecting the Soviet Union, with the difficulty the Soviet Union has.

What do we do, however, with regard to the military? We begin to say that Poland and Hungary are highly unlikely to invade France.

The President's budget is based on the assumption that we must defend France, Denmark, West Germany, Italy, and others from an invasion force in which a Russian general arms the Polish, Hungarian, Czech, East German, and Bulgarian armies and says, "Follow me." I do not think that there is a Russian general so dumb. I do not think that there is any realistic possibility whatsoever of that happening.

We are continuing a policy in NATO under the President's proposal of keeping a large American troop presence in Western Europe to defend our allies who are now our economic equals against a threat that is not happening. I am not now talking about the internal problems of the Soviet Union. Nothing in this budget reduces our ability, in my judgment, to deter nuclear war from the Soviet Union.

We do say that the Warsaw Pact, thank God, has ceased to exist, that Poland, Hungary, East Germany, Czechoslovakia, and Bulgaria in varying degrees have asserted their freedom, and they simply will not be part of a Russian military push against the West, and that is one of the key differences. If Members think it is realistic that the Warsaw Pact will be revived and invade, then they should not vote for the budget which the Committee on the Budget brought forward.

Then we have the issue of Japan. One of the least intelligent public policies in this country today is our policy of subsidizing the defense of Japan. We have billions of dollars that we spend in Japan, and the Japanese compensate us for less than half of that.

I am in favor of an alliance. But why do some of the people at our executive level always define alliance in terms of our subsidizing them?

We are told we have to reassure the allies. Mr. Chairman, why do the allies not ever reassure us? I am as prone to nervousness as they are. Why, when we are talking about people who are our economic equals, our allies, must it be that we always subsidize their defense rather than vice versa? We are not talking isolationism. We are not talking retreat. We are talking about a realistic assessment of two factors.

There is greater capacity of our allies, and the threat has diminished. Our budget that the Committee on the Budget put forward is the only one between that and the President that recognizes that fact.

Mr. DANNEMEYER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, last September, Federal Reserve Board Gov. Wayne Angell made a strong case in Moscow that the Soviet Union should introduce far-reaching reform measures involving gold as a means to provide fiscal and monetary discipline. He explained that the Soviet government could borrow at 3 percent interest, to quote him verbatim, "Soviet gold bonds would be snapped up in London and New York, putting capital at their disposal at the lowest cost available in the world, lower even than Japan's." He added that the gold ruble would bring about long-term price stability, and would instantly increase the savings rate of the Soviet people.

As Judy Shelton, a fellow at Stanford University's Hoover Institute whose specialty is international economics and who is an expert on the Soviet economy, observed in the Wall Street Journal, February 27, 1990, only gold could save the Soviets, provided that the United States simultaneously adopted the same kind of fiscal and monetary reform Governor Angell has prescribed for the terminally ill Soviet economy. Only with the cooperation of the United States can the dollar price of gold be stabilized. Without this stability the Soviet Union would be buffeted by the changes in the price of gold, and could experience a run on its gold reserves. According to Dr. Shelton, the United States would be doing itself a financial favor by assisting the Soviets toward fiscal and monetary discipline. If the Soviets could borrow at 3 percent then the United States, for the stronger reason, could borrow at less than 2 percent. I have talked to Governor Angell and Dr. Shelton, and they agree with my proposition that gold-bond financing would bring similar or greater benefits to our Government and our people than it would to the Soviets. In due course, I shall offer an amendment in the nature of a substitute, which does incorporate the principles propounded by Governor Angell and Dr. Shelton into the budget for fiscal 1991.

The interest-rate reduction on the debt, due to converting the short-term debt as it matures into gold-bonded long-term debt, would be translated into cumulative savings for the taxpayer on the following scale:

CUMULATIVE SAVINGS IN DEBT-SERVICING COSTS DUE TO INTEREST RATE REDUCTION

Year:	*Cumulative savings* [In billions of dollars]
1	39
2	133
3	254
4	394
5	547
6	710
7	883
8	1,061
9	1,245
10	1,433

Thus in less than 5 years we could save half a trillion dollars just in interest money. Any savings in the defense budget would be additional. Only this gold dividend, averaging well over $100 billion a year, would make a dent in our monstrous deficits. Those dreaming about the so-called peace dividend could not convincingly present a fraction of the savings which my gold-dividend plan would produce as far down the line as the eye can see.

Furthermore, unless we take the gold dividend first, the peace dividend

will remain an illusion. Only the gold bond plan can end the zero-sum game between the two superpowers, whereby our loss is their gain and vice versa. The deep-seated suspicion about Soviet intentions in this country has not been and will not be removed by perestroika and glasnost alone. It will take bilateral measures, such as Dr. Shelton is talking about, before any peace dividend can be realized.

Mr. Chairman, this brings me to my main criticism of the committee budget. The proposed cuts in defense spending are not realistic, in view of the yawning gap between Soviet words and acts. Missile production in the Soviet Union doubled between 1986 and 1989 in the ICBM category, and it leveled out but did not decrease in other categories. There is no sign of meaningful reductions in Soviet production of military aircraft, submarines, and major surface warships for the period under review. We should exercise the greatest caution regarding any unilateral reduction in the level of our military preparedness, and restrain our urge to claim the peace dividend, in view of present Soviet efforts to lull us into a sense of false security. Thirty years ago Khrushchev made significant unilateral cuts far more drastic than those announced by Gorbachev so far. He reduced the size of the standing Soviet army by 1 million men or by 36 divisions. In addition he withdrew 14 divisions from his European satellite countries. Yet even a reduction of this magnitude left his successor Brezhnev with a force of over 3.3 million men under arms, or 140 divisions, and more than 35,000 tanks deployed in the field. Consequently, Gorbachev was in command of a force comprising over 5.5 million men organized into 214 divisions, with some 53,000 tanks, in early 1989.

Mr. Chairman, we cannot afford to take the risky peace dividend, unless we are prepared to take the risk-free gold dividend first.

The main feature that distinguishes the budget alternative that this Member from California will be offering relates to what we will be spending in interest on the national debt during fiscal year 1991. The projection from the Congressional Budget Office, as well as OMB, is that the gross interest expense in fiscal year 1991 will total approximately $270 billion.

Now, one finds in looking at the records produced by CBO and OMB that we list the interest expense projected for 1991 at $184 billion.

Sometimes Members and the public ask, and are entitled to have an answer to the question, what is the gimmick? What is the true cost of interest on the national debt?

The net interest expense of $184 billion in the baseline estimate is developed because it does not take into consideration the interest that the Treasury has to pay on the bonds held by the trust funds of the U.S. Government, which total around $100 billion.

That interest paid by the Treasury, all of us, on bonds held by the trust funds, is reflected by the increase in the national debt. Because even though we may be claiming that we will comply with Gramm-Rudman targets of some $62 billion for fiscal year 1991, the truth of the matter is that the true measure of the deficit is how much we will increase the national debt by.

The reality is that in fiscal year 1991 we will increase the national debt by some $245.9 billion.

We are going to increase the national debt on our current plan during the decade of the nineties by about $200 billion a year as far as the eye can see, provided we do not have a recession. Which means that by the turn of the century, the year 2000, this Nation will be looking at a debt of $3 trillion, but closer to $6 trillion. The growth of the debt beyond that is exponential.

What I am saying is that it is long past time that we reform the monetary system of this Government and reduce the cost of interest in maintaining our national debt.

One of the unfortunate aspects of how we are managing the fiscal affairs of this Government is that in this current year we are using about $125 billion of trust fund money to reduce a general fund deficit of a quarter of a trillion down to the claimed level of $123 billion in compliance with Gramm-Rudman.

This Nation witnessed a tragedy with the evangelist Mr. Jim Bakker, who about a year ago was found to have taken trust fund money for general fund purposes. What did our system do to Mr. Bakker for having taken trust fund money, taken from the faithful to build Heritage Village, and used for general fund purposes? We put the gentleman in jail for 45 years. This is what happens to people in the private sector who take trust fund money for general fund purposes.

I would say the time is long past when we in the Congress should be discontinuing this practice as well. We can sell a gold-backed bond in world markets for 2-percent interest or less. We are currently paying 8 percent. If we take six points off the cost of maintaining $3 trillion of our national debt, we will reduce the interest expense annually by between $150 billion and $180 billion of the cost of maintaining our national debt. That to me represents the best way of reducing spending at the Federal level, by reducing the cost of interest in maintaining the national debt, and it presents an opportunity for saying to the American people we can truly have a balanced budget.

□ 1200

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. HUCKABY], a member of the Budget Committee.

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise as a reluctant supporter of the bill that is before us, the budget of the chairman of the Budget Committee. I would have preferred to have a bill that did not have an additional $6 billion of expenditures in it.

That $6 billion contains something for everyone, additional money for States, additional money for education, additional money for welfare programs, additional money for our infrastructure, for transportation programs, all good expenditures, but we are not paying for it.

I would have preferred a budget that did not cut our budget authority in defense quite as deep as it does. I think we are getting a little bit ahead of ourselves at this point in time.

But the good points about the chairman's mark are that it contains real deficit reduction, more than any other budget that has ever been passed by this House of Representatives. Let us look at what it does.

In outlays it cuts defense $11.5 billion, nondefense discretionary programs by almost $1 billion, and entitlement programs more than $4 billion in cuts. It increases user fees from $1.5 billion, and increases taxes $13.9 billion. Yes, it increases taxes, the same amount as President Bush proposed. And if we take into account, add all of these things up, plus the then $1.2 billion of reduction in interest, we have a real deficit reduction of $33 billion.

The issue in our day, this year in Congress, is to regain control of our economic destiny, to be able to control our interest rates, and we are only going to be able to do that by reducing the size of the Federal deficit so that we are no longer dependent upon Tokyo, upon the Japanese, upon the big Japanese insurance companies coming in month after month and buying 30 percent of our long-term debt. That is the major issue facing this Congress this year, and the chairman's mark makes significant progress in narrowing this budget deficit, and it is the only plan before us that can be passed. Hence, it is time we get on with the Nation's business.

I would urge my colleagues to support the chairman's budget.

Mr. FRENZEL. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Ohio [Mr. KASICH], the sponsor of a principal amendment to be voted on today and a member of the Budget Committee.

Mr. KASICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me tell Members why I am going forward with this substitute budget. Many will recall that I offered a substitute budget last year that basically did the same thing. It froze the national defense function at the current year, and froze the discretionary programs at the current year.

It was really designed to be an effort that I thought both sides of the aisle could support because Republicans always have been known to be such strong supporters of national defense, so I said it is time for us to give something up, some of our priorities and let us freeze defense for a year; and it also spoke to Democrats who tend to be very concerned about the other side of the budget, and I said to them in the discretionary function, look, the simple fact of the matter is let us freeze it also and we can make great gains. I did not touch the entitlement programs, nor did I touch the cost-of-living increases, because I think those are programs that both parties and all people in this House are deeply concerned about and something that we feel ought to be provided.

Last year's budget, had it been adopted, the Kasich substitute, would have put us in a position this year of where we would have met the Gramm-Rudman targets without having to do really any heavy lifting whatsoever this year. I was defeated last year and knew that I would be for the simple reason that Republicans voted no because they were supporting the administration, and Democrats voted no because they were supporting their own, and so I was defeated.

So this year I thought okay, do I want to go through this again and come to the floor and not get the votes that I want, and I decided in my heart that I should, because as I have watched the budget process, being a member of the Budget Committee, I have such a tremendous sense of frustration that we are fiddling as Rome burns. That is not meant to cast aspersions on our leadership, because I want to tell Members that I think LEON PANETTA is one of the greatest Members of this House. LEON is a phenomenal guy, and he is trying to make a difference. BILL FRENZEL, when he retires, as far as I am concerned, it will be the greatest loss to this House since I have been a Member of the House, because he encourages young people, and at the same time he encourages innovative ideas. It is not their fault. It is the fault of rotten, lousy politics that occur in this city.

So what I decided was I was going to send my own personal message that I wanted to disavow the partisan politics, the gamesmanship, the planning and plotting, and I would make an honest, intellectual effort to provide my own budget.

I hear a lot of Members say I am not going to vote for the President's budget, I am not going to vote for the Democrats budget, I am voting for nothing. My approach is what is it that I stand for, so I made an effort again this year to put forward my own budget that I felt was going to be a responsible one, that should receive support on both sides of the aisle.

What I did was I called the staff, the Budget Committee staff and my own personal staff and I said let us take a look at what we did last year. Let us freeze defense at this current year. That is not that much of a dramatic change from what our own President wants, and remember, his budget went in 1 year ago. And I do not think it is out of line for a Republican Party that believes in a strong defense to say that in light of the changing world conditions that we ought to freeze the defense function for 1 year. I think that is more than reasonable, and that is what I offer.

I also looked at the discretionary programs and said that for 1 year we ought to freeze the discretionary programs. I recognize that within that freeze we have a pot of money that is labeled discretionary. If the Appropriations Committee believes that there are some priorities in discretionary spending that are better than others; for example, education, they can find the money. There is nothing that prevents them from shifting that money around, but the overall pot of discretionary spending, in my judgment, should be frozen for 1 year.

This is what is so unbelievable. With the minimal amount of restraint, because remember, I do not affect COLA's, I do not affect entitlement programs, I only freeze defense, and I only freeze discretionary programs, this year I meet the Gramm-Rudman targets, next year I meet the Gramm-Rudman targets, and this is what is totally unbelievable, in the third year, 1993, my budget provides a $5.7 billion surplus, a $5.7 billion surplus.

So what is the message today? The message today is that if we just make a tiny little bit of effort, that tiny little bit of restraint can produce very big dividends in the outyears when it comes to being able to manage our deficits.

The gentleman from Louisiana [Mr. HUCKABY] made a very important statement here. He talked about foreign ownership of America. I believe we have to have a new declaration of financial independence. When we have foreign governments, for example, the Japanese owning $400 billion in United States securities, and we do not have the ability to maneuver our own way, that we have to keep our interest rates high enough to attract foreign investments because we cannot pay our own bills, that is a national security issue. I mean not only defense is national security, so is our fiscal solvency, and so what my budget attempts to do is to make an honest effort to get us in a position where we can ultimately balance this budget and start to chip away at that national debt, so that we can convene another constitutional convention to re-sign not just the Declaration of Independence in terms of thinking, the thought of the Declaration of Independence, but our financial declaration of independence which we are slowly losing, and I want to preserve our financial independence.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I am glad to yield to my friend, the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I thank the gentleman from Ohio for yielding and want to commend him for his efforts. We agree on a lot of the issues facing us.

I would like to ask the gentleman, in your proposal how much do you reduce defense from the baseline?

Mr. KASICH. It would be down $9 billion.

□ 1210

Mr. HUCKABY. If the gentleman will continue to yield, how much does the gentleman reduce domestic spending that is nondefense?

Mr. KASICH. 5.2.

Mr. HUCKABY. How much does the gentleman increase taxes?

Mr. KASICH. We are back to the debate about what taxes are, but let me say in terms of the nondeductibles, revenue enhancements as we like to call them as we wink at one another, is $13.2 billion, a little less than the President's proposal.

Mr. HUCKABY. Would the gentleman repeat the number?

Mr. KASICH. 13.2.

Mr. HUCKABY. 13.2, and the President was 13.9; if I add those numbers up I do not get to the $36 billion gap.

Mr. KASICH. Let me run through the whole list. The defense freeze provides 9.1; the discretionary, 5.2; we add $2 billion more than the President in Medicare, but that saves $3 billion in terms of our proposal; interest savings are 0.6; user fees and collections are 5.6; revenue enhancements are 13.2, for a total of 63.6. That is where our deficit will end up in enacting all of this.

Mr. HUCKABY. Mr. Chairman, I thank the gentleman.

Mr. KASICH. Mr. Chairman, let me just say that there are going to be those on the Republican side of the aisle who are going to be worried that if they vote for me they somehow are hurting the President. I want to make it clear that I do not think it is incon-

sistent to give the President a vote so the President feels as though he has support, but I think it also makes sense to be able to support a budget that reflects a little bit more the times that we live in today. Remember, the President's budget went in a year ago. This was put together within the last 60 days, and I do not think it is inconsistent for Members as a House on a bipartisan basis to send a message not just to ourselves but to the other body, to send a message that it is possible to work some pretty unbelievable things by just showing a little bit of guts and a little bit of discipline.

So this budget is not just aimed at getting Republican support. I would like a lot of my colleagues on the Democrat side who I have worked closely with over the years on defense and defense reform, and some of the Democrats who supported my budget the last time. I am saying, "Look, let us send him a message, let us send a message and say that the American people deserve more than partisan bickering, more than stonewalling, more than political barriers to our efforts to try to do something for the American people, the American taxpayer and generations who are not yet here."

I ask Members to give this your deepest consideration and try to support the Kasich substitute. I think politically it makes sense, and I think it is also the right thing to do in this whole budget process.

Mr. Chairman, I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, pursuant to the agreement that we discussed last evening, I yield 50 minutes to the gentleman from California [Mr. DELLUMS], who consumed 10 minutes of his time last night. I yield the 50 minutes for the purpose of discussion on the Black Caucus budget, and I ask unanimous consent that the gentleman be entitled to yield time.

The CHAIRMAN pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume, and thank the distinguished gentleman for yielding time to me.

First, let me say, Mr. Chairman, that I would like to join with my distinguished colleague, the previous speaker in the well on the other side of the aisle, in complimenting the gentleman's integrity, his diligence, and his political and intellectual acumen so that it is a bipartisan embrace that we give. Second, Mr. Chairman, I would like to applaud my distinguished colleague on the other side of the aisle for his efforts today. Whether we agree or not, I admire my colleague's courage. I admire the gentleman from Ohio [Mr. KASICH] courage, I admire his dignity, and beyond that I admire his integrity.

Mr. Chairman, what we are about here today and what we will be about next week is perhaps the most significant business of this Congress. That is the writing of our national budget. I said last night the reason I believe this is such a significant effort is that someone once said that the only role of politices in our lives is to determine who gets what, when, where, and why. Our national budget stated a different way is a statement of our priorities, what a nation's national priorities are in terms of a statement of its national values. Therefore, what we are about here is significant.

Mr. Chairman, the world has changed and continues to change on a daily basis. The world changes in bold and exciting and creative ways that was not even considered or conceivable just 6 months ago. In view of the fact that the world is changing, Mr. Chairman, we then must change as well. Therefore, we must engage in the process of establishing a new national consensus that is in turn reflected in our budget. Therefore, it makes sense that several different approaches to the national budget come to this floor. The President has one approach to this budget, the distinguished members of the Committee on the Budget had a different approach, the gentleman from Ohio has an approach, the gentleman from California with a new approach, and this gentleman in my capacity as chairman of the 24 Members of the House who make up the membership of the Congressional Black Caucus, we, too, with great pride, enter this debate in the hopes of establishing a national consensus. We, too, lay before this body and in turn to the American people another approach to our national budget.

Our budget creates a new vision for America, and we do it in three ways. One, we expand those existing social programs that make sense, that have been useful to the American people, whether they serve rural, suburban, or urban Americans; second, Mr. Chairman, we establish a new direction for our national defense and our national security, not rooted in the obsolete ideas of the cold war but rather rooted in the realities of an emerging new world; and third, we develop deficit reduction politics by responsibly assuming our fiduciary responsibilities to zealously guard the taxpayers dollars. We bring down the budget deficit and we try to bring some equity for our tax system.

As in years past, the budget presented by the Congressional Black Caucus does, indeed, meet and exceed our statutory responsibility under the Gramm-Rudman Act. Fiscal year 1991 requires that any budget come at minimum to $64 billion. The Congressional Black Caucus' budget comes to $63.7 billion in budget deficit for fiscal 1991. As we project into the outyears in fiscal 1992, our budget again meets the Gramm-Rudman statutory responsibilities, and as my distinguished colleague from Ohio, the Congressional Black Caucus' budget in fiscal 1993 gives America 3 years out, fiscal 1993, $5 billion surplus. So we meet our responsibilities, we show America that indeed we met obligations with respect to deficit reduction.

Second, Mr. Chairman, we needed a revenue package as everyone does, but we did not do it with smoke and mirrors. We did it by deriving honest dollars. How did we do it? First, with respect to general revenues, we came up with $19.8 billion in general revenues. How did we do it? No. 1, President Bush has stated and has been quoted on numerous occasions, "Watch my lips, no new taxes." But I find it fascinating that in his 1991 budget there is an interesting euphemism referred to as "new revenue options" to the tune of $13.9 billion. The Congressional Black Caucus looked very specifically at the list of new revenue options totaling $13.9 billion. We rejected $5.7 billion of it, including capital gains. So out of the $13.9 billion we accepted $8.2 billion. So we began with $8.2 billion. We then looked at our tax system. We said there are wealthy people in this country who pay at the marginal tax rate of 28 percent while many Members in these Chambers pay at the marginal tax rate of 33 percent and above. So we said, "Why should some people be able to pay at 28 percent margin of tax?" We took them back up to 33 percent.

□ 1220

That gave us an additional $4.1 billion.

We then looked at the American corporate community that had been benefited by tremendous tax benefits during the Reagan era and the period of the 1980's, and we said, "Let's simply take the top 10 percent of the corporate earners in this country, just the top 10 percent, and levy a 10-percent surtax on the top 10 percent"—not individual taxpayers, corporate taxpayers. That gave us $6.5 billion.

We then were able to pick up $1 billion under the provisions of the Humphrey-Hawkins act, which says that if you can demonstrate that you bring down the unemployment rate by at least one-tenth of 1 percent, you can credit your general revenues with a mimum of $1 billion.

So with the $8.2 billion that we accepted from Mr. Bush, $4.1 billion in closing the so-called bubble, $6.5 billion in a 10-percent surtax on the top 10 percent of corporate earners, and $10 billion from Humphrey-Hawkins, we came up with $19.8 billion in general revenues.

We then looked at the issue of whether or not we should cut programs that presently exist. In the area of program cuts, Mr. Chairman, we came up with an additional $25.3 billion.

How did we come to that? We looked at the military budget. We said that the world is changing. We recognize that we have been spending between $150 and $160 billion, just as one example, to maintain America's role in NATO. I think there would be no debate on the floor of this Congress if I were to assert that at minimum the Warsaw Pact as a military entity has been rendered impotent. At best, it does not exist as a military entity. If we are spending in excess of $160 billion per annum to maintain our role in NATO, can we not make some substantial cuts?

Do we need a B-2 bomber? Why do we have to live with this Noah's Ark syndrome, with two of everything. Two bombers, a B-1 and a B-2, two missiles, the MX and the Midgetman? Why do we need two of this and two of that?

We always plan the military budget on a worst case scenario. Yet when we look at the drug problem in this country, we have a worst case scanario; when we look at poverty in America, we have a worst case scenario; when we look at homelessness in America, there is a worst case scenario; when we look at hunger in America, we see a worst case scenario; when we look at the deteriorating infrastructure in this country, we have a worse case scenario. But we do not budget on a worse-case scenario on social programs. Only on the military budget.

We are presently expending at the level of $306 billion in outlays. The President this year is asking for $303 billion in outlays. We stepped forward and we said, "Look, you can live with $279.4 billion." I would say that $279.4 billion is an incredible military budget. We cut $23.7 billion net. We were able to go even deeper, but we said that America has to make a transition from a heavy reliance on militarism to prop up our National Government.

We said that we have to begin to move toward peace, so we placed nearly $3 billion in economic conversion in our budget. We were the only ones that did that. We placed nearly $3 billion in economic conversion. We said that if we are going to create havoc in a local community by virtue of closing plants and closing military bases, we have a national obligation to offset that economic dislocation with economic conversion.

I have never had an American person walk up to me and say, "I demand a job building the MX missile" or "I demand a job building the B-2 bomber." But people have said, "I demand the right to work," which means people want to work.

We do not have to work building bombs and building weapons systems with the ultimate role of destroying our lives. We just celebrated Earth Day the other day. One of the greatest threats to our environment is the proliferation of nuclear weapons and the modernization of our nuclear weapons. Yet we march down the road to build these weapons as if in some insane and ludicrous way we can unleash the incredible terror of nuclear bombs.

So, yes, we cut $23.7 billion from the military budget, and we know that we can live with that.

When this gentleman came to Congress 20 years ago, the military budget was $73 billion. In the last year of the Jimmy Carter administration the military budget had doubled to $143 billion. We are now looking at budgets in excess of $300 billion. In that short span of time, in less than 20 years, we have gone from $73 billion in excess of $300 billion.

We humbly stepped forward and said, "Look, given the incredible, wonderful, and bold changes in the world, the Berlin Wall came down not because of Trident submarines and B-2 bombers and cruise missiles; it came down because of the people and the power of ideas."

It had nothing to do with all these weapons. In fact, the changes have come in spite of all this madness.

Mr. Chairman, we then looked at the science and technology budget. We cut $1.4 billion from that because we said this is research related to war. We then cut $200 million in military credit sales. So with $23.7 billion, $1.4 billion, and $200 million, we came to $25.3 billion. With $25.3 billion in budget cuts and $19.8 billion in general revenues, the Congressional Black Caucus came up with $45.1 billion in real money.

That is not smoke and mirrors, not games, not chicanery, not tricks. That is $45 billion. As I said, we met our statutory responsibility and beat it with a budget deficit of $63.7 billion.

What did we do with the other money? We took $33.2 billion and we placed $33.2 billion more in non-military programs over and above the President's budget. Where did we allocate the money? For those Members who are interested in agriculture, we put $1.583 billion more in agriculture than the President's budget; in energy, we put $1 billion more in the budget; in commerce and housing credit, we put $1.7 billion more; in transportation, $1.2 billion; in education, training, employment, and social services, which are desperately needed, $4.2 billion; in health, $3.8 billion more than the President; in Medicare, $5.5 billion more; and in income security, including subsidized housing, $5.2 billion.

Is it not extraordinary, Mr. Chairman, that the whole concept of affordable housing in 1990 in America has become an oxymoron? Affordable housing is an apparent contradiction. There are millions of American people living on the streets of this country. Hundreds of thousands of people eat out of garbage cans every day. I do not know about other Members, but as a human being I am ashamed and embarrassed that we live in such an incredible nation where we can find money more rapidly to house the MX missile than we can to house the homeless in this country, that we can spend money to build smart nuclear bombs and we cannot spend money to educate a generation of young children to make them smart, intelligent, and capable of coping in a rapidly changing world.

We talk about the drug problem in this country. Yet our only approach is dealing with the criminal side of it. If 100 children marched down out of the gallery today and said, "Give me treatment," we could not tell them where to go because we do not treat them. We have lived in years of benign neglect. We have not dealt with these programs.

So, Mr. Chairman, to summarize, I am proud and pleased to present the Black Caucus budget to this body. We have tried to fashion a budget rooted in competence, framed in cogent ideas, framed in dignity and integrity, and cloaked in compassion. We said we can derive real dollars. If we have the courage to cut the military budget, it can be done.

It is not a jobs bill. If we want to pursue that course, we know that studies have shown that for every dollar spent on the nonmilitary side of the budget, we generate more employment. Everyone in this body knows that the military budget is going to be cut. The only debate is, how fast, at what rate, and by what policies. So let us come to grips with that.

This budget deals with the issue of economic conversion. On the question of taxes, we do not use euphemisms. We come directly and honestly and cleanly to the issue, but we do not tax the middle class American people, who are overtaxed and overburdened; we tax the wealthy.

Frankly, that ought to be in the finest tradition of the Democratic party. But in some kind of way we are the only people willing to stand up and tax the top 10 percent of the corporate owners of this country, to take the 28-percent marginal tax rate for wealthy people, and put them back in the box with everyone else. We are frightened to do that.

With compassion, we ought to be dealing with the issues of this country. This is not a black budget. This is a budget presented by the Congressional Black Caucus. We refer to it as a "quality of life budget." We understand that human pain and human misery are acutely felt in the black

condition, but this is a multiracial society.

□ 1230

Mr. Chairman, pain cuts across all colors, black, brown, red, yellow, and white, in America. It cuts across age and class, and our budget tries to reflect that.

We have a different vision, Mr. Chairman and members of the committee of America, and we say "Let's begin to march off in the course of compassion and under the direction of peace." That is the hope for this country. That is the hope for America.

I would have hoped that this approach would have truly been the congressional and the Democratic Party's true alternative. We think, as members of the Black Caucus, that we are truly Democrats with a capital "D." Democrats, because we have embraced dignity and principle. We have been willing to go beyond being a party of echo. but to be a party of choice, and we said we are prepared to stand here in the free marketplace of ideas in the open public and say, "Here is an alternative. Let's discuss it on its merits, having nothing to do with who authored the bill."

My colleagues, challenge us on the integrity of it or the lack thereof. We are prepared to be met here in the well and debate openly and debate honestly. And let us emerge with a new consensus.

We come to this debate intellectually honest. We are prepared to take off our jackets and take off our labels in an emerging new world.

How do we develop this new consensus?

Mr. Chairman, I say to the members of the committee,

"I've done my best to lay before you in general debate what the parameters of the Congressional Black Caucus budget is all about. It is my hope that all of you will take a good look at it. You owe us that. We have functioned here as a long participant in this process. Whether you agree with us or not, at least dignify it by reading it, and, for those of you who want to give us a vote without reading it, we'll love you as well. But at least read it so, if you're going to reject it, reject it not in ignorance, not in prejudice, but based upon your honest assumption that you don't agree with the policy ideas."

Mr. Chairman, we are prepared to meet our colleagues here. There are some of the most competent and some of the brightest people in the country here in the Congress helping in fashioning this budget. I am supremely confident in its integrity, and in its compassion and in its competence. Challenge us openly, and let us see where we go.

Mr. Chairman, I reserve the balance of my time.

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. CONTE], the vice chairman of the Committee on Appropriation.

Mr. CONTE. Mr. Chairman, this budget weary traveler has one question as we embark on this year's budget voyage. Are we headed for yet another train wreck?

Remember what happened last year? There was that springtime pseudosummit, involving only the Budget Committee heads and the Budget Director.

They trotted us out at the White House, and we endorsed a smoke-and-mirrors budget. We passed the budget in the late spring, holding our noses, but the committees never bothered to enact the required budget savings. In the fall, the Budget Director backed away from the deal, and by November, we ended up with a sequester as the only way out of our impasse. Talk about being taken for a ride.

When the administration sent up the 1991 budget in February, I asked Dick Darman if the administration's budget was SOA—sequestered on arrival. After all, it called for nearly $8 billion in savings in Medicare, $14 billion in new revenues, and a legion of other things that probably couldn't clear Congress. Leading to impasse. Leading to sequester under that infamous butchershop legislation, Gramm-Rudman-Hollings.

The same question holds for the Panetta budget. I call it a prescription for sequester. First, there is nothing to remedy the procedural problems that sidetracked the budget last year: Nothing to make the committees, other than Appropriations, produce the budget savings called for by this budget resolution; nothing requiring them to act in a timely fashion; and nothing preventing those other committees from adding new spending provisions to reconciliation, the bill that's supposed to reduce the deficit.

You'd think if you got into a train wreck once, you would go out of your way to fix the tracks. Not in this budget resolution.

And as for content, this budget resolution has plenty of ideas about how to spend money and few about how to save it.

When it comes to the $14 billion in new revenues required from Ways and Means, all the report says is that Ways and Means doesn't have to propose anything until after a summit agreement has been reached. And then there's another $5 billion in new revenues that is unreconciled. No one has to produce them. They will appear out of thin air.

But when it comes to spending—ho, ho, page after page of meaningless detail.

Five million dollars for agricultural controls for illicit drug crops; $2 million for technology Extension Service centers; $7 million more for the foreign commercial service. Christmas is here.

I understand the argument. The President made his proposal. This is the House Democrats' counter proposal. Maybe there will be a Senate counter counter proposal. At this rate it will be Christmas before we get down to meaningful business.

There will have to be a summit, the sooner, the better. It needs to be a different summit than last year's. Here is what Charmin' Darman said about what he learned from last year:

> I think that we made a bit of a mistake procedurally when we had our early negotiation, and we did it mainly with the Budget Committees. I think we should have included the Appropriations Committees and the Ways and Means and Finance Committees in the process * * * this year, I would hope that we would pay more attention to the need to include these other important power centers in the process more or less from day one, and not just at the tail end.

I am glad someone is learning from their past mistakes.

I hope I have learned a thing or two, as well. We're on the same track that led to a train wreck last year. This is one train I am only too happy to miss.

Mr. Chairman, as my colleagues know, when Gramm-Rudman was on the floor of the House, I took that floor, I fought against Gramm-Rudman, and I lost. With the majority of Democrats and Republicans, they passed Gramm-Rudman. We ought to get rid of Gramm-Rudman, we ought to get rid of the budget resolution, we ought to get rid of the Committee on the Budget, and let us get back to the old system that we had here in the Congress. I am going to vote against every one of these today. I hope my colleagues will join me.

Mr. DELLUMS. Mr. Chairman, I yield 30 seconds to my distinguished colleague, the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I simply wanted to rise to compliment the gentleman from California [Mr. DELLUMS], the chairman of the Black Caucus, for a very humane, quality of life budget. It is an excellent budget. It always has been. I have supported it for the 13 years I have been in Congress, and the truth of it is, the fact is, that most of us do not look at it and scrutinize it, and I think, if the American people knew more about what is in this, they would say, "Good for you," because it involves quality education, and health care and all the anchor issues that our people really need, and I just simply wanted to say, "I'm going to support it, and I want to compliment the chairman and other members of the Black Caucus."

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, I would like to begin by congratulating the gentleman from California [Mr. DELLUMS], the chairman of the Congressional Black Caucus, for producing what is probably the finest alternative budget that we have produced in the history of the Congressional Black Caucus. The stamp of his passion for reasonable approaches to expenditure to the taxpayers' dollar is very much on this budget.

The Congressional Black Caucus quality of life budget could be viewed as the budget of the future because more and more, as the years go by, we see elements of the Congressional Black Caucus budget being adopted in subsequent budgets produced by the Democratic Party, and I suspect that more than ever before elements and components of this particular budget will end up next year in the regular proposal by the Democratic Party.

Mr. Chairman, it is the only way to go. It is the obvious way to move, if we are expecting a change in the world order. If we are expecting tremendous decreases in the kind of money we have had to outlay for defense, then let us not hesitate. Let us go forward. Let us claim a peace dividend. Let us not let the money go down the drain for projects like the savings and loan association bailout and not allow it for productive enterprises such as the ones that are proposed in the Congressional Black Caucus budget.

□ 1240

I am particularly concerned about education. I am not the only person in Washington concerned about education. The President is certainly very concerned about education. We have a set of goals that have been put forward by the administration and the Governors which I wholeheartedly endorse. There are six goals. Some of those goals have been highlighted in the President's speech at the time of the State of the Union Address.

One, he called for America to be No. 1 in math and science by the year 2000.

Two, he called for all Americans to be literate by the year 2000, and on and on it goes. All children should be ready for schooling, have the proper parenting and be prepared to go to school by the year 2000, which means that we ought to provide education for parents. We ought to provide proper health care for young children, preschool children.

A number of things are proposed, yet at this point it is no more than words on paper. The danger is that it will remain no more than words on paper. We have had enough rhetoric. We have had enough jawboning. What the Congressional Black Caucus budget does is we go forward and we implement the programs, $4.2 billion more for education is requested in this budget than is requested by the President, $4.2 billion more.

Now, $4.2 billion is only a small amount of what is needed, but it is a beginning, which is unlike the beginning so far that the administration is willing to undertake.

The administration proposes a $500 million increase in funds for education for new initiatives, but at the same time the administration proposes cuts for other education programs, so it is standing still as far as the amount of money it is willing to budget for education. We are standing still while the rhetoric goes forward. In this budget, we go forward.

Two major things happened with that $4.2 billion. There are certain kinds of programs in education which all parents have agreed, Democrats and Republicans, educators from all parts of the country, have agreed that preschool education programs, particularly Head Start, is a good program. We all agree, so we are proposing that we fully fund Head Start. Every child who is eligible for Head Start should be able to participate in the Head Start Program.

There are other programs, like chapter 1 which everybody agrees has been beneficial. We are getting good results, so let us fully fund chapter 1, so that all the children eligible for chapter 1 will be able to participate. That is one-half of what we propose.

Then we propose to take some initiatives. The new initiatives are proposed here in education. For example, the best schools in America, the very best schools are inadequate. A lot of us are pleased with out schools, we are smug about it, but when we give tests and make assessments of students in 16 industrialized countries, our very best students in math and science, for example, score near the bottom. Out of 16 countries, we come in near the bottom, while Japan, Hong Kong, the United Kingdom and Canada, come in near the top, so our very best needs to be improved.

On the other hand, in our central cities the school infrastructure, the educational system infrastructure, we have poor buildings, and poorly lighted and crumbling, literally crumbling, we have inadequate systems for replacement of substitutes so classes are sometimes without teachers. We need to rebuild the total infrastructure in our inner cities.

We have those two thing that must happen, and in order for that to go forward, we are proposing the establishment of a brand new educational and research development program where the 50 poorest districts in America are used as research and development centers.

The CHAIRMAN pro tempore (Mr. FROST). The time of the gentleman from New York has expired.

Mr. DELLUMS. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. OWENS of New York. So via a research and development effort which would seek to establish a pattern by which we have a delivery system so that the very best that we know, the most innovative kinds of approaches to solving certain problems, teaching science, teaching math, ending the dropout problem, all those things are made available to every school system in America on an ongoing continual basis, the same way we built the best agricultural system in the world. We are ahead of everybody in our ability to feed our people and to feed large parts of the world because early in the game we established land grant colleges with research centers and county agents to take what the land grant colleges had out to the people. We are proposing to establish learning grant institutions with district education agents to guarantee that every school system will have the very immediate, most immediate exposure to the very best methods of teaching and the very best use of new equipment and new methods.

We are proposing to study what they are doing in some other countries and make that available to our educational systems. Every system in America can be improved, but they need the help of the Federal Government. We are not hesitating. We are not equivocating. Let us spend the money for education right now. It is long overdue.

Mr. FRENZEL. Mr. Chairman, I yield 6 minutes to the gentleman from Alabama [Mr. DICKINSON], the distinguished vice chairman of the Armed Services Committee.

Mr. DICKINSON. Mr. Chairman, today I sent out a "Dear Colleague" letter stating my unequivocal opposition to the proposed budget resolution. I hope that all my friends on both sides of the aisle will take the time to read and consider its arguments before voting on Tuesday; however, I know that a lot of routine mail often goes unread, and I would like to express to the Members here, both in the Chamber and watching in their offices, some of the reasons that I feel this is an unreasonable, unworkable, and unthinkable budget resolution.

If the budget resolution being debated today is any indication, the Budget Committee Democrats have no idea where they are taking the defense policy of this Nation.

As I have said many times before, if you do not know where you are going, then any road will get you there. The Budget Committee initially wanted to significantly reduce outlays. Then after a lot of debate they said, "Well, let's cut budget authority."

Well, either way, the proposals here are unworkable and would create great

hardship in this country and massive unemployment.

The fact is that the Budget Committee members who have brought forth this resolution have not in any way tied it in any way to the threat this country faces. We have just gone through 2 days of hearings in our committee where we had the best intelligence estimates that this country could come up with, the DIA, the CIA, and all the intelligence agencies. While they are all in agreement that there is a declining threat, they are all equally of the opinion, and have stated before the Armed Services Committee, that as of now the Soviets have not dismantled their first strategic weapon. We are negotiating, but they still are able to process their manufacturing. They still are making more ships, more tanks, more aircraft, sophisticated in nature, than this country has to date, and they are not slackening.

So while we have hopes for the future, we are negotiating, the fact is that nothing has happened to decrease the threat, except the perception of threat and what the Soviets have said they are willing to do.

Let us stop for just a moment to assess where we are and how we got there. You know, we have a tendency to forget, but the cold war used to be very real. Between the Berlin airlift and confrontation with the Soviets when they were going to put nuclear missiles in Cuba, if it were not for the clear and present capability and the willingness of the United States to force the Soviets to stand down, we would have nuclear missiles in Cuba today.

The United States has had the capability through strength to produce the peace that we are enjoying today. If it had not been for a strong defense of this country, we would not today be negotiating START. We would not today be negotiating the CFE, Conventional Forces in Europe, where we are going to draw down equally with the Soviets. We would not have seen the tearing down of the Berlin Wall. We have brought about peace through strength.

The budget resolution today would do away with the strength this country has enjoyed. We all agree that we need to spend less for defense as things are now going, but I think it would be unconscionable and unthinkable to take the drastic Draconian cuts that the Democrats on the Budget Committee are proposing that this country take.

We should have an orderly draw down. It should be reasoned. It should be thought out, not something that would create massive unemployment, as well as forcing between 100,000 and 200,000 people precipitously out of our armed services, 60,000 civilian jobs, if this budget were enacted.

□ 1250

I think we are doing great in this country. I think the prospects for the future are very rosy. I am very hopeful.

We had a briefing in a meeting yesterday with Gen. Brent Scowcroft, head of the National Security Agency, where he was saying that we are expecting START to be signed this year. We are expecting the CFE to be signed this year.

But this has been a long road that we have traveled to get where we are today. We have only achieved this by being strong, having the capability. What we want to avoid is drastic cuts that would have a very serious effect on our economy, a very serious effect on our defense posture. We have to remember that.

We have to remember what we have done after every conflict in the past, whether it be World War I, World War II, the Korean conflict. We build up to a point, then when it is over we dismantle.

We have just finished the cold war. Let us not precipitously dismantle. Let us think what we are doing. I do not think this country is ready for what would result if we passed the Democrat budget.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am happy to yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, my good friend on the Committee on Armed Services with whom I have the pleasure of serving, I would ask him only: The President had troop-level cuts as well, did he not?

Mr. DICKINSON. The gentleman is correct.

Mr. COLEMAN of Texas. The Democratic budget proposes the same. The Congressional Black Caucus budget proposes the same. I think that is of great concern to everybody about the number of troop-level cuts.

I would only point out that at least the budget submitted by the Congressional Black Caucus provides some help for those people who would be out of employment in the military. Does the President's budget do that?

Mr. DICKINSON. There is a built-in mechanism now, I am told, to help cross-training, but let me say with these cuts, if Members like base closures, if they would like to do away with home-porting, if they want to see more base closures, if that is good, vote for this budget; otherwise, we will do it in an orderly progression and not throw the country into an economic turmoil that will inevitably follow the passage of this budget resolution.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise today to commend the gentleman from California [Mr. DELLUMS] and others of the Black Caucus who have come together to put together this quality-of-life budget which I think best expresses what ought to be the sense of this Congress in these times in which we live.

Although we call it the Congressional Black Caucus quality-of-life budget, in reality it is the quality-of-life budget for all American citizens. It is the budget that speaks to concerns of people in this land who find themselves at a point where, in spite of the changes that are taking place in Eastern Europe and around the world, find themselves left out.

What we tried to do with the Congressional Black Caucus budget is make it all-inclusive with an understanding that if we are going to be the model of democracy that other people and other nations emulate, then we have a responsibility to assure that the model that they develop their nations from is one that is worthy of emulation. In reality, how can we honestly say that our model of democracy is worthy when so many of our people occupy grates in our streets, so many of our people are living in abandoned cars, so many of our people are living without any place to go to take a shower, so many of our people do not have an address? Even if they seek a job, they have nowhere to have mail coming to them so that they might be informed that they have received it.

This ought not be a nation that allows itself to come to this point in history, a most important moment perhaps in all of our lives, as we enter this last decade of this century.

The reality is that, I think, we ought to take a good look at this budget, because I think it helps us to be able to move to that point where we do make a statement to the rest of the world that our citizens are important to us.

Mr. Chairman, I wonder if we can move to that point where we can get away from labeling everybody and everything. We in this Congress have a tendency to say that those people who are for defense are conservatives, those people who are about the needs of the people are the liberals, and while we go about labeling one another, Democrats, Republicans, there are people every day who suffer. They are just people. They are just human beings. They just expect us to be able to make decisions that have serious impact and consequences for positiveness in their lives. We are not doing that. It is time to put away the labels.

Mr. Chairman, it is time to deal with the reality that the only label many of our people wear is poor, the only label

many of our people wear is homeless, the only label many of our people wear is welfare, the only label many of our people wear is abandoned.

We must do something in this country to give a demonstration for that for which our forefathers and foremothers gave their lives, that we might be a better nation. We must somehow create an environment where people do not have to look at other countries and wonder why their country cannot be as those are that are emerging. What do we say to the American citizens? What do we say to those who are at the bottom of the barrel? Do we say to them, "If you want consideration from this Congress, then you must either declare yourself to be another country, and then as you begin to emerge, we will be willing to invest in you"? Or do we say to them that, "You must declare yourself to be Communist, and when you declare yourself that you are now a democratic nation, then we are willing to make an investment in you?" Should we continue to make those investments abroad? Yes. We must make investments abroad. No one would disagree with that. Everyone would have to argue that if we are going to make investments abroad, we have some obligation to make some invsetments at home.

We cannot expect our people to continue to accept our sharing with other nations without sharing with the people who have helped to make this Nation so great. The people in this Nation have so much potential, potential that will never be realized unless we are willing to invest in them, invest in education, invest in housing, invest in those things which are necessary to rebuild this infrastructure.

Mr. Chairman, we can no longer continue to live with the thought of a permanent underclass. People are writing dissertations today in the great universities of this land asking the question: "What will we do with the underclass?"

We in this Congress have an obligation to answer that question. We have a moral obligation to speak to the concerns of those people, and we have the wherewithal to do it.

Mr. Chairman, this is not a Congressional Black Caucus budget. The poor come in all colors. The hungry come in all colors. Those who are digging from the garbage pails behind restaurants in New York City and other cities of this Nation come in all colors. These are people who just want a chance. These are people who just want an opportunity. These are people who would like to share in the American dream of homeownership. These are the people who would like to be able to move from that status where they come out of institutions and schools of education which do not allow them the opportunity to be competitive simply because they have not been given a proper education.

Mr. Chairman, we must make better investments. We must change our priorities. Our prioritities must be our people. Let us invest in them, and if we invest in them, we are investing in America, and America becomes stronger for it.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I apologize if my voice is a little hoarse, because I was at the Caps game last night. Thank goodness for overtime and thank goodness for Rod Langway.

Mr. Chairman, what is wrong with the Panetta budget? There are two big things that are wrong. It rushes to spend the so-called peace dividend instead of giving it back to the taxpayers, and it raises taxes.

Let us face it, we can probably reduce defense below the President's budget proposal, and I believe that the administration knows that.

But how in the world are we going to cut $33 billion?

This morning Secretary Cheney announced a number of cuts that come out to $2.5 billion, not $33 billion, $2.5 billion.

Let me just tell the Members what they are: reduce the number of B-2's from 132 to 75; reduce the number of C-17's from 210 to 120; the A-12 aircraft from 858 to 620; aircraft carriers from 14 to 12 over the next 2 years. That is a total saving of $2.4 billion, not $33 billion that the Panetta budget is calling for. What do we do to shut down the production lines when we look at $33 billion? How do we decide to employ and decide the futures of literally hundreds of thousands of troops we are going to have to send back home? Remember that we have cut defense every year for the last 5 years relative to inflation.

Yes, there are dramatic changes going on in the world that allow us to change our defense strategy. But who in this Chamber can say for certain that changes will not change again? We must remain ready for that also. But this budget slashes away at the defense budget with no thought given to national security.

□ 1300

Earlier this week I was back in my district, back in Michigan, and I asked, "Who here thinks that they are paying too little in taxes? Who here would like to pay more in taxes?"

They laughed. Well, this proposal calls for tax increases up to three times more than the Bush budget that was submitted earlier this year, and leaves it to the Committee on Ways and Means to figure out how in the heck they are going to do it.

If we can save money in defense or elsewhere, why aren't we giving it back to the taxpayers? These are the people to whom the peace dividend really belongs, not the coffers at the IRS.

In conclusion, let me say this: the theme of the proposals of the Committee on the Budget is let us spend the peace dividend. Let us raise taxes, too.

Well, let me tell you something: that is not what the American people want, at least in the 4th District of Michigan.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, though the distinguished previous speaker was in response to the budget presented by the Committee on the Budget and not the budget presented by the Congressional Black Caucus, at this point I feel constrained to at least respond to my colleague.

No. 1, I think that this debate, as I said earlier, is too important for us to engage in hyperbole. The world is changing and we must come here in a rational and cogent fashion to establish a new consensus. So words like slashing the budget with no thought of national security is at best hyperbole. Disrespectful of the motives of Members of Congress, there is not one single person in this chamber who is functioning without any regard to the national security of this nation. We should be able to respectfully disagree with respect to the policies that ought to guide our foreign policy and our national security without these kinds of statements being offered. It serves no useful purpose. It does not contribute to the national security.

I would like to respond to a second comment that the gentleman from Michigan [Mr. UPTON] made. The gentleman said this so-called peace dividend indeed will be a reality, but it should be returned to the "taxpayers."

America, No. 1, is not made up simply of taxpayers. America is made up of citizens, millions of them not taxpayers, millions of them children. 13 million of them live in poverty. They have paid the price of military budgets going beyond $300 billion. Should they not benefit from the so-called peace dividend?

Some of them are the 10 million black Americans and the millions of Hispanic Americans and the millions of white Americans who live in poverty every single day. They are not taxpayers. They are citizens of this Nation. Should they not benefit from the peace dividend?

There are millions of Americans who sleep on the streets of this country, a shameful thing in the wealthiest nation in the world. They are not taxpayers, Mr. Chairman. Should they not benefit?

The point I make is very simple, that the people who should benefit from whatever peace dividend is derived from a changing world and our desire to move away from $300 billion military budget ought to be the people upon whose backs the $300 billion military budget was based in the first place.

We have poverty and homelessness and hopelessness because we decided to pursue a course challenging the evil empire, challenging communism. The Berlin Wall fell. Communist governments toppled without nuclear missiles being fired. So the world is changing and the military budgets do have to come down. I would submit that it is these people who ought to benefit.

Finally, my distinguished colleague from Texas raised a very interesting question with the distinguished gentleman from Alabama when he said does not the President's budget call for troop reductions? The answer is "Yes." Does not the Committee on the Budget's budget call for troop reductions? Yes. Does the Congressional Black Caucus' quality of life budget call for troop reductions? The answer is yes.

There are two points: We are the only budget that places $3 billion in economic conversion to offset the economic dislocation that would result. As far as I am concerned, that is a plus.

We take 200,000 troops. We have 2.1 million men and women under arms, Mr. Chairman. We have in excess of 300,000 American troops in Europe. Where is the threat? 200,000 troops is not a lot of troops.

But we do not go about that willy-nilly; $3 billion will offset at least 150,000 jobs.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I think that is a point that needs to be stressed and made here, because there is no other comparable provision in any of the other budgets. I thank the gentleman from California [Mr. DELLUMS] and the Black Caucus in fact for making that provision. In any event, it ought to be a part of any budget that is taken seriously on the House floor today and any ultimately passed by this Congress.

Let me add one other thing. In support of the statement of the gentleman from California [Mr. DELLUMS] about the previous speaker, the gentleman from Michigan [Mr. UPTON] when he suggested he used hyperbole, I suggest that perhaps those who take shortcuts and try to oversimplify things also make a mistake.

The gentleman talked about the assembly line of production for military hardware. Let me point out what the President's budget does when we talk about an assembly line.

Assembly line, indeed. When we talk about the American people and what we need in this country, the President himself suggests cutting Medicare by $5.5 billion in fiscal year 1991. That includes a cut of $3.35 billion in Medicare payments to hospitals and $2.15 billion in Medicare payments to health providers.

Mr. Chairman, I think that it is time that a lot of us did stand up, and I am glad that the gentleman from California [Mr. DELLUMS] has stood up and raised issue with the kind of domestic spending cuts that this administration would make and send down here every year, and they wonder whether or not that budget is going to be dead on arrival. You bet it is going to be, when you begin to treat the American people with the callous disregard of assembly line production recommended in the President's budget.

Mr. DELLUMS. Mr. Chairman, reclaiming my time, I continue to yield myself such time as I may consume just to make one final comment.

The distinguished gentleman from Alabama indicated that we have now come to the negotiating table with respect to starting conventional talks and we have gotten to this moment by peace through strength.

Let us for a moment not debate this question. Let us say that we have spent the Soviet Union into oblivion. I would simply suggest that we have spent ourselves into oblivion as well with tremendous deficit spending, Draconian cuts in social programs, with the human misery quotient across all the lines that divided us up high in 1990.

But beyond that I would suggest this: if we have indeed taken the Soviet Union to the negotiating table with a $300 billion military budget, why then is it necessary for us to engage in a nuclear modernization program, to modernize every single nuclear weapon that is on the drawing board of the Pentagon?

No. 1, if we just celebrated Earth Day, then why do we need to advance our nuclear capability, when all of us know if we exploded just 10 percent of the nuclear arsenal of the United States, we would destroy between 80 and 90 percent of the Earth's ozone layer, producing a level of megadeaths beyond our ability to comprehend?

Mr. Chairman, to pursue modernization and nuclear technology is like two men in a room, one with 10 matches, the other with 7 matches up to their necks in gasoline, arguing over whether they should have 12 matches, 14 matches, or 20 matches.

This is an absurdity. Everything has changed except the way we think. We do not need to go forward with modernization of our nuclear weapons. If the strategy was to spend the Soviets to the table, what I hear from the Soviet Union is we are at the table.

Let us go to the table and negotiate earnestly back from the brink of nuclear disaster. There is no room for nuclear war and nuclear weapons in our lives. Let us go to the table and negotiate back.

Why build B-2 bombers that you have to negotiate away after you spend 60 or $70 billion? Why do we need to go forward with the MX rail garrison and then go to the table and negotiate back? Can you get the money back?

Why go forward with the Midgetman and negotiate back? Can you get the money back? If you melt down the B-2 bomber, if you melt down the MX missile, if you melt down the Trident submarine, you get a handful of dollars in scrap metal. But what is the price that we paid? What is the price of tragic, distorted priorities that did not allow us to recapture a generation of our young people that if all of us in this room were being intellectually honest, we are about the business of losing?

The business of this body is to preserve the future. I am more committed to a world that I will not see than a world that I live in, and that is a world of these children. That is the world of the tomorrows. That is the world of the future. What our budget ought to be about is the future orientation.

So those Members that march into the well that suggest that cutting a handful of dollars from the military budget takes us to the brink of war are engaging in hyperbole.

□ 1310

Those who believe that in some way the Soviet Union is coming across the central path of Europe at a time when East Germany and West Germany are on the brink of marrying each other, are living in an absurd world. Let us debate honestly and intellectually honestly on the floor of this Congress. Any way we do it, we can make cuts in the military budget as we pursue a new future.

Mr. Chairman, I reserve the balance of my time.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to compliment the Budget Committee for bringing us a budget only 2 weeks behind the statutory deadline. Unfortunately, that is the only complimentary thing I can say about this document.

While this budget seems to provide a substantial amount of money for a number of priority areas, it does little

or nothing to cut the real deficit. Once again we are voting on a "this is the best we can do" budget. Once again, we are promising that next year we will have an honest-to-goodness cut-the-fat budget. On Capitol Hill, now is never the time for real action. When it comes to deficits, Mr. Chairman, this Congress has one answer: "Tomorrow, always tomorrow."

The American people know what we are doing. They have seen enough phony budgeting over the last 6 years to understand the games that we play. The budget process in the end is a game we play only to fool ourselves and no one else. The American people did not elect us to come here and vote for ongoing huge deficit spending. They elected us to come here and have the courage to make the difficult choices that will strengthen the foundations of our economy, not undermine them, choices that will make America a better place to live and work and to raise our children.

Mr. Chairman, let us face it, we are failing. We are failing as an institution, we are failing as individual legislators.

There are excellent Members here in the Congress, but collectively we are undermining the public trust and mortgaging our economic future.

Most of the debate we have heard revolves around the peace dividend. But the Budget Committee is reluctant to mention, while it trumpets about defense cuts, that nondefense discretionary spending is jacked up by $62 billion in this budget, 14 of the 16 discretionary functions have real increases. This budget earmarks every penny of the so-called peace dividend for new spending and nothing for deficit reduction.

Mr. PANETTA. Mr. Chairman, will the gentleman yield? The gentleman is incorrect in that statement.

Mr. PORTER. I will not yield because I do not have the time.

Mr. PANETTA. If the gentleman wants to continue with an incorrect statement, let him proceed.

Mr. PORTER. I would like to continue.

This budget has $19.4 billion of new taxes. If I thought these revenues would cut the deficit, Mr. Chairman, I would support them. But in this decade, increased taxes have never resulted in reduced deficits. They have been spent on new programs like the irresponsible child care bill we tripped over ourselves to pass earlier this year, and on existing programs. And the deficit has remained monumental.

Make no mistake, Mr. Chairman, we have not cut the deficit yet. Regardless of what the Gramm-Rudman numbers show, we are just hiding it behind the trust funds. This budget continues Congress' policy of prodeficit spending. It has it all, new taxes, new spending, new borrowing and no courage.

Mr. Chairman, I urge my colleagues to oppose this flimflam budget of 1990. I respect my colleagues on the Budget Committee and the difficult job they have, but courage and leadership must start here, and the best start would be to defeat this budget.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding time to me. I did want to correct the gentleman's remarks with regard to the deficit reduction from the defense budget. In the committee's budget one-half of that goes for deficit reduction, and yes, one-half of it goes to investments.

It seems to me that is the proper course we ought to be taking when we achieve the savings in the defense area. After all, if we are willing to cut defense to pay for foreign aid to Nicaragua and to Panama, why should we not be able to use some of that money with regard to human needs in our own society?

In addition to that, my Republican colleagues in letters that were sent to the Budget Committee, 143 Republicans asked me not to cut but to add money to a whole series of programs in the budget. So this is not just Democrats, it is Republicans as well. They have recognized there are needs within our own society, and the fact that we have a responsibility not only to reduce the deficit but to invest in our own society for the future.

Mr. FRENZEL. Mr. Chairman, I am going to resist the opportunity to take up that cudgel until a later time.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Oregon [Mr. SMITH], a member of the Budget Committee.

Mr. DENNY SMITH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am in a quandary. I do not know whether I am going to vote for the Bush budget. I do know for sure I am going to vote for the committee budget. I think that the committee budget falls far short in trying to do anything about the deficit.

I still think the most important problem this country has is the lack of a balanced budget. And we do not need to get there with new taxation.

This committee budget does in fact have a tax increase of some $20 billion in 1 year and $111 billion over 5 years. We do not need that to solve the problem.

I would just relate that I have a 15-year-old son who this last week had to file a tax return on his earnings as a bus boy. Last year he made around $2,500 and he paid 176 dollars' worth of taxation between State and Federal. I think there are many things that we are doing that are counterproductive to incentive and initiative that are required to make our system work. I know the gentleman from California earlier said that there were millions of children without enough money to eat and a lot of problems. There is no doubt about that. But we are not going to solve those problems with Federal dollars being taken away from working people and redistributed through the Federal bureaucracy and given back.

I think we would be better off to have the opportunity allowed by people who are working and who are wanting to provide those services themselves. So that is maybe a philosophical difference, but I think it is a very basic difference in what we are trying to do with our country.

We do have in this committee budget 18 billion dollars' worth of increased domestic spending, $15 billion in new entitlements. Where is the greatest growth in this budget? It is in the entitlement area, and we have worried about that for years and years, but we do nothing about it here but add to the problem.

The outlay cuts in defense I am not really as concerned about. I think we need a very, very good strategy on what this country is going to stand for, how we are going to protect the country, and how we get rid of a lot of the bureaucracy in the military, and get to the kind of equipment we need to have to defend my family and yours and the people that I represent.

In one area here I think what is going to happen is that we are going to get to a negotiation, so the only reason I would vote for the Bush budget is I think it is better than the committee budget in trying to move us to negotiations. The Budget Committee ought to be done away with. We ought to have basically two Representatives, two Senators, and the White House people to try and solve these problems. That is the way we end up always.

We should freeze the budget. I have been after that for a number of years. Had we done that in 1981, we would have had a balanced budget by 1983. We have the growth in our budget activity.

We could spend the dollars in defense more effectively. I think of some of the programs I have worked on, for instance, the AMRAM, there is $1.5 billion in the 1991 budget for the AMRAM. It does not work, the tests are not showing that, and yet it goes up to the DAB and gets a continuation.

There are two items in the Bush budget that I am not happy with that are regional concerns. One is the Bonneville Power marketing system that we have in the Northwest. Each year I

have been here in the Congress in 10 years we get a proposal from OMB that we are going to sell this, we are going to change the mortgaging and the system set up in the mid-1930's. That is not fair to the Northwestern citizens I represent, and I do not personally like that.

There are two other items on which I submitted a minority report. One is that we fully fund the NOAA Coastal Water Quality Habitat and Fisheries Program of $1.6 billion. I think that is extremely important. The other is to provide a funding level to clean up the nuclear waste that is at Hanford, the defense materials. I think that is extremely important not only to the entire country but to the people in the Northwest part of the country.

So I have submitted additional views on the budget resolution, and I hope to have those included within the budget as it goes forward.

Mr. Chairman, I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HAYES].

□ 1320

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. HAYES of Illinois. I yield to the gentleman from Texas.

Mr. Chairman, I am almost about to wind up 7 years as a part of this great House of Representatives. And in those 7 years I have not taken the floor to speak on any issues many times. I never thought that I would live to see the day when I would have an opportunity to address the issue of how we spend our money in this great Nation of ours.

Yet, I find myself in a position where I address you not with prepared notes but in the almost relaxed fashion as a member of the Congressional Black Caucus.

I want to comment, too, the chairman of our Congressional Black Caucus for the kind of leadership he has given in the structure of the quality-of-life budget.

I heard the gentleman who preceded me express some doubt as to whether or not he could support the President's budget and he also indicated that he was not sure as to whether or not he could support the committee's budget. He never mentioned whether or not he would be able to support the quality-of-life budget. I just want to suggest to us here as Members of this House that he ought to take seriously the budget that is being proposed by the Congressional Black Caucus.

It is not a black budget, it is a human budget, one that is designed to reach out to inhabitants of this great Nation who need some attention.

There are two main points that I want to make.

True democracy, if it is to work as we spread it around the world, has to include that neglected group in our own country here. We have people who are victims of poverty, which is on the rise, who are hungry. Thirty-seven million people in this country have no health insurance, and some die because they cannot afford or will not be treated, who need hospitalization.

It is high time that we make this one of our top priorities, health care.

I have had the opportunity, thanks to being a member of the Committee on Education and Labor, to visit other countries in this great world of ours, and we as one of the democracies in this world, other than South Africa, are the only ones who do not have some kind of health insurance to provide for the needy in this Nation.

We need that. And, yes, I want to mention to you the other point that racism should not in any way guide our decision as to how we spend the taxpayers' dollar in this country of ours.

What we ought to be guided by is what is best for this great Nation. One of the best defenses we can ever have is not to be found in our military might, but should be found in how we provide a way of life for our kids in this country, how we are going to educate them, how we are going to treat them.

Are we going to prepare them to become the leaders of tomorrow? We have got kids in my district, at least 13 out of 1,000 die because of infant mortality.

We ought to decide to do something about that, and I think the Congressional Black Caucus budget reaches out and makes this one of our top priorities.

I want to thank you for giving the opportunity to express my heart to you about what is best for this great Nation of ours, I thank you very much.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman form California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank our colleague from California, the Chair of the Congressional Black Caucus, for yielding, and I appreciate the opportunity to speak in support of the Congressional Black Caucus budget.

Mr. Chairman, the older I get the more I appreciate the remarks of the great Satchel Paige when he said, he was asked how old he was, he said, "How old would I be if I didn't know how old I was?"

It reminds me of the budget: What would our budget be this year if we did not know what it was last year? What would our budget be if it was a true reflection of our national values in this changing world and we did not base it on increments from last year?

Our budget would be the Congressional Black Caucus budget, a budget which measures our national strength, not in our military might, not in using our best brains for our most destructive means, but a budget that measures our national strength in the health and education of our children and our people.

So I rise in support of the budget and thank the Congressional Black Caucus for its very, very hard work on crafting an excellent document and urge my colleagues to vote for a budget that is not like anything before because it has new thinking and recognizes the new realities of the world.

The Congressional Black Caucus budget is truly a quality-of-life budget.

Mr. DELLUMS. Mr. Chairman, may I inquire as to the amount of time remaining?

The CHAIRMAN pro tempore (Mr. FROST). The gentleman from California [Mr. DELLUMS] has 1½ minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield myself the remaining 1½ minutes in order to close.

First, to thank my distinguished colleague, the gentleman from California [Mr. PANETTA] for his generosity in dignifying the efforts of the Congressional Black Caucus in our quality-of-life budget by providing this gentleman 1 hour of general debate to place this budget before the body of the American people.

I would like to thank the gentlewoman from California [Ms. PELOSI] for her very kind and generous remarks and for her dignity and her integrity and diligence in this body.

I would like to thank my colleague, the gentleman from Illinois [Mr. HAYES] for his impassioned statements about the priorities of this country.

I would like to simply say in the few seconds remaining, Mr. Chairman, we have done our best. We have laid before you an option in a changing world, in the hopes that we can assist this body in fashioning a new consensus as America marches down the road toward the 21st century.

Our budget, as I said before, is rooted in competence, framed in compassion, and whose integrity, I believe, is complete.

We have tried to fashion a budget based upon expanding social programs that work, in creating new initiatives, developing a foreign military policy, a national security policy not rooted in the obsolete ideas of the cold war but in the emerging new reality.

Finally, we have based it upon our fiduciary responsibility to zealously guard the taxpayer dollars, we have tried to develop an approach to budg-

eting and the deficit that is responsible, and we have met our effort.

We have laid this matter before you. Please dignify the budget by at least reading it, and I think if you do, many of you will vote for it.

Thank you for your generosity.

□ 1330

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. KILDEE], a member of the Committee on the Budget.

Mr. KILDEE. Mr. Chairman, I rise in support of this budget resolution and I urge all of my colleagues to vote for it.

I would like to thank Chairman PANETTA for his patience and hard work in putting this budget together.

This year, we have had a very open process in which our chairman has consulted widely with members of the Budget Committee and others to craft the budget we present here today.

He has had to deal with many competing demands in this year of great change.

There is a tremendous amount of unmet and underfunded needs in our Nation today and this budget goes a long way toward meeting those critical needs.

I have never been entirely happy with any budget resolution.

I doubt if any of us ever have been.

In this first year of the peace divident, I had hoped for a greater increase for education and Head Start.

It was my hope that the Rules Committee would make in order my amendment to improve those numbers by transferring less than $1 billion in budget authority and $200 million in outlays from the Pentagon's budget to function 500 for education and Head Start.

Unfortunately, that transfer amendment will not be made in order under the rule.

However, this resolution does provide a larger increase for education and Head Start than any previous budget resolution.

The House budget provides an increase over baseline for education of $2.5 billion in budget authority and $305 millon in outlays, and a $600 million budget authority increase for the Head Start Program.

For that reason, it merits our strong support.

I urge my colleagues to support this pro-children, pro-family and pro-America budget resolution.

Mr. Chairman, I would like to engage Chairman PANETTA in a colloquy on the Commodity Supplemental Food Program.

Chairman PANETTA, in addition to the other crucial improvements for low-income nutrition programs such as food stamps, the House resolution provides a $150 million increase for the Women, Infant, and Child Nutrition Program [WIC].

It is my understanding that some portion of that amount for WIC could also be used to provide an increase over baseline for a sister program of WIC, the Commodity Supplemental Food Program, which serves children and pregnant women, as well as elderly Americans.

Mr. Chairman, is that correct?

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from California.

Mr. PANETTA. The gentleman from Michigan is correct in that we do try to cover WIC and provide guidance as well with regard to the Commodity Supplemental Food Program.

Mr. KILDEE. Mr. Chairman, I appreciate the response of the gentleman from California, and I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, I rise in strong support of the House Budget Committee resolution, and want to pay tribute to Chairman PANETTA whose leadership has helped to chart a critically needed new budgetary course for the Congress and for the country.

Around the world, this is a time of unprecedented changes. For America, these changes present us with an unusual opportunity to begin to address a number of new challenges that we face—challenges to our economy, to our society, and to our future. The committee resolution, in my view, is sensitive to these challenges and, if adopted by this Congress, will help generate among Americans a new sense of hope and possibility.

It is clear that our economy is in trouble—living standards are in decline—more and more Americans are living on the economic margin. This financial decline is especially true for young families. Between 1979 and 1987, the median income in real dollars of young families with family heads under age 25 dropped by 30 percent. The gap between rich and poor in America is widening dramatically, the middle class is being squeezed, and working families are facing an increasingly difficult struggle simply to make ends meet.

Huge Federal deficits continue to put a brake on economic growth, driving up the cost of capital, limiting capital investment and absorbing private savings. During the 1980's, Federal deficits consumed more than 66 percent of all the net private savings, compared with just 20 percent in the 1970's and only 3 percent in the 1960's. Today, incredibly, we pay $180 billion for just the interest on the national debt. This constitutes just under 17 percent of the total Federal budget!

We have become the largest debtor nation in the world, owing over $741 billion overseas, and the buying of America by foreign interests continues to accelerate. The British have, by far, the largest direct investment in the United States, exceeding $101 billion. Additionally, 7 percent of all American assets and 17 percent of all U.S. financial assets have come under the control of foreign interests. Should this trend continue, this latter figure will reach 25 percent by 1995.

What is worse, in a number of key economic sectors, from semiconductors to television sets, we continue to see America's position in international markets erode. Today, of the world's 100 largest corporations, no more than 35 are American-owned, 50 are Japanese-owned and 12 are owned by Europeans.

Our infrastructure of roads, bridges, and highways is crumbling. Just look at the condition of our federally built highways and bridges: 77,000 bridges—28 percent of the total—are either structurally deficient or functionally obsolete; 80,000 miles of pavement are classified as in poor condition, while another 300,000 miles are only in fair condition.

Our educational system is in disarray: American universities currently have 1,600 vacancies in engineering faculty positions; foreign students score on average 100 points higher than U.S. students on the graduate record examination for mathematics; four-fifths of elementary school math teachers are not fully qualified to teach math; two-thirds of elementary science teachers are not fully qualified to teach science. And 23 million Americans are functionally illiterate.

As for the environment, this past weekend's celebration of the 20th anniversary of Earth Day has brought into focus the major challenges we face there—challenges that require immediate action. The Environmental Protection Agency has told us that 110 million Americans breathe air that is unhealthy, and the American Lung Association estimates the national health care bill for air pollution-related illnesses is some $40 billion a year. In addition, over $70 billion is spent annually on the treatment and cleanup of hazardous waste—with two-thirds of that cost being borne by industry. And on top of all this there are the potentially catastrophic problems of ozone depletion and global climate change with which we must contend.

Then there are the increasingly urgent challenges we face with respect to housing and health care: over 3 million homeless people nationally, 90,000 of them in my home State of Michigan; 37 million working Americans currently without any health insurance whatsoever. And, disgracefully, 19 of 22 leading industrialized nations

now have lower infant mortality rates than we have in the United States.

On top of all this, the continuing savings and loan bailout threatens to claim an increasingly large share of scarce budgetary resources: by some estimates the final accounting of the bailout could balloon to a cost of nearly $500 billion.

These, then, are some of the most urgent problems we face. They did not appear overnight, and we cannot simply wish them away. They are the cumulative product of many years of neglect and indifference and wishful thinking—and they will require many years of creative and determined effort to resolve.

But I firmly believe there is not one of these problems that is insoluble—not if we face them squarely and realistically. The time for blame throwing and finger pointing is past. The time for rebuilding is now.

We must act, simultaneously, on two fronts. First, we must solve the problem of the Federal deficit once and for all. Any hope of sustainable long-term economic growth for America will rest on our ability to get our economic house in order. The deficits represent a steady drain on our net savings, and the $180 billion annual interest we pay on our $3 trillion national debt is pure, unadulterated waste. Moreover, it is simply not right to ask our children and our children's children to pay for the profligacy of our own generation. So we must bring those deficits down.

Second, we must—at the same time—increase our investments in those areas equally critical to our economic future. In this connection, we need to understand that in the 1980's the share of America's gross national product devoted to investment in national economic growth dropped by 44 percent. And if we were to adopt the budget proposed by President Bush, we would only further reduce the resources allocated to such investment. Take, for example, transportation. The Bush budget would cut total budget authority by 10 percent this next year and by 22 percent by 1995. And by fiscal year 1995, education would be cut 15 percent below fiscal year 1990 levels. While the Bush budget proposes increases in a few educational programs, such as Headstart, these increases are effectively paid for with cuts in other educational areas, such as student financial aid. Under the administration's budget, over 200,000 students currently receiving financial assistance to attend college would no longer have access to this funding.

For the environment, the Bush budget likewise reflects a net reduction in budget authority and no real compensation for earlier cuts. By fiscal year 1995, it offers 33 percent less Federal funding for environmental programs than at the start of the 1980's.

So much for the bad news. The good news is that the extraordinary changes that are taking place in this world of ours gives us, now, an opportunity both to get our fiscal house in order and to reorder our national priorities in a way that will begin to seriously address the social and economic challenges we face—challenges that pose the most immediate threat to our long-term national security.

In my judgment, both the budget that has emerged from the House Budget Committee and the budget offered by the Congressional Black Caucus recognize this opportunity and offer a creative blueprint for America's future.

First, both budgets call for substantial deficit reduction. The Budget Committee resolution actually calls for far greater deficit reduction over 5 years than the administration's budget would require. Significantly, too, the Budget Committee produces a balanced budget over these 5 years without the use of the Social Security trust fund surpluses.

Second, both budgets call for prudent reductions in Pentagon expenditures, and the transfer of these savings both to deficit reduction and to increased investments in areas of pressing domestic need. The Congressional Black Caucus budget calls for deeper defense reductions and more rapid investment transfers—but both budgets point in the same direction and are guided by the same recognition of the changing nature of our national security threat.

The Budget Committee calls for a reduction of $11.5 billion in defense outlays below the current policy level, while the Congressional Black Caucus would reduce defense outlays in 1991 by some $27 billion. Both recommendations are in line with what some leading defense analysts are telling us can in fact be achieved, without any diminution whatsoever in our military security. I would cite, for example, the recent study by defense analyst William Kaufman, undertaken by the Brookings Institute. Kaufman, who has served the Pentagon under both Republican and Democratic administrations, argues that over the next 10 years it is realistic to contemplate almost a 50-percent reduction in defense outlays. That is, a steady, prudent recrafting of our defense force structure and budget should permit our annual defense outlays to be reduced from the current level of roughly $300 billion to some $160 billion by the year 2000—thereby freezing up enormous new resources to invest in the rebuilding of America. That is the opportunity we must seize. Both the Budget Committee and the Congressional Black Caucus would start us down this promising path. Even the more modest defense reductions proposed by the Budget Committee would, over 5 years, produce a 25-percent reduction in defense spending, pointing toward a possible reduction of 50 percent by the end of the decade if national security conditions warrant.

I also welcome the recommendations of both the Budget Committee and the Congressional Black Caucus to spread the resulting peace dividend both between deficit reduction and high priority domestic investments. The Budget Committee, for example, would commit 58 percent of the $251 billion defense savings realized during 1991-95 to deficit reduction, while 42 percent—some $106 billion—would be reallocated to domestic uses. The Black Caucus goes much further in addressing our urgent domestic needs, but it does this by assuming a much larger revenue figure than is achievable without the President's active support. In this sense, I believe the Budget Committee's recommended levels for domestic program increases are more realistic and far more likely to be achieved within the context of our equally urgent need to meet our deficit reduction targets. I say this with regret—because I believe that, in many respects, the Black Caucus budget is in fact more responsive to the urgency of the challenges we face and to the aspirations of most Americans for a sharper reordering of our national priorities. Nevertheless, both budgets do in fact point in a new direction and hold out the promise for a more hopeful American future.

Mr. Chairman, I urge the adoption of the Budget Committee resolution.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR], a member of the Committee on the Budget, who has been very helpful in the markup on this resolution.

Mr. OBERSTAR. Mr. Chairman, the Berlin Wall is crumbling, the two Germanys are moving toward reunification, the Iron Curtain is melting as East European nations discard the mantle of communism and move into the bright light of freedom, free elections, and democracy; the Soviet Union itself is removing its troops from Afghanistan, pulling forces out of its former satellites on the western border and moving itself in a direction of more openness. It is clear that the cold war is winding down, democracy has won, and it is time for the United States to scale back our own overseas military presence and convert those resources into peacetime needs.

The Committee on the Budget did exactly that; it produced a "rebuild America" budget. It makes a real start on unraveling this massive military buildup of the last decade, and investing part of the resulting peace divi-

dend into deficit reduction, and part of it into reinvestment in the human and physical capital needs that have gone unmet over the last 10 years.

In the course of our budget process I worked to develop my own "Main Street North" budget and circulated it among Democratic members of the committee. The committee's budget is largely along the lines of my own thinking; and in many cases, doing even better than I anticipated we could have done in reinvesting in human and physical capital needs. I compliment the chairman on the extraordinary work that he has undertaken in consulting with so many Members and so many groups in our own caucus, both in the Budget Committee and the Democratic caucus as a whole. This budget is a reinvest in America budget. It is one we can be proud to vote for. It accomplishes the goals of deficit reduction and rebuilding the strength of this Nation. It is one we ought to support.

Mr. Chairman, I would now like to take a moment to discuss the principal features of my own budget.

The events in Eastern Europe caught the world by surprise. Even the sunniest optimists could not have anticipated the swift succession of changes that swept across the Soviet Union's western front in the late months of 1989.

However, even as the first hammer began to chip away at that dreaded symbol of oppression, the Berlin Wall, Americans began to look at our bloated defense budget and anticipate the dividend that would emerge from it once the rationale for the cold war military buildup—the Soviet threat in Europe—diminished or disappeared.

The past decade of a $689.6 billion military buildup has also been a decade of domestic decline. Our Nation's roads, bridges, airports, waterways, sewage facilities, and rapid transit systems are badly in need of maintenance, repair, replacement, and, in some cases, expansion. Education, health care, housing, long-term care for the elderly, veterans benefits, nonmilitary research, child care, and other domestic needs have suffered from a decade of neglect as we prepared for a war that never came.

A FOUR-POINT PROGRAM

Now we have the opportunity to change our priorities, to reverse the flow of dollars from butter to guns. Earlier this year, during the five "Main Street North" public forums in Duluth, constituents lined up, one after the others, to present their views on Federal spending priorities. With very few exceptions, they pleaded for more Federal attention to human needs, and a retrenchment of the resources committed to the military, while also affirming the need to address deficit reductions. Drawing upon their heartfelt testimony; combining them with proposals currently under consideration in the House Budget Committee; and matching both against the demands of the Gramm-Rudman deficit reduction law, I have crafted my own "Main Street North" budget proposal. Based on the views presented at those forums, I offer a program that will realign the Nation's priorities by drawing down our unprecedented budget deficit and beginning to reinvest in our Nation's human and physical capital needs.

This program is based on four guiding principles:

First, cut defense spending at a reasonable rate. Meet the new, lower national security needs of the post cold war era, reduce forces at a measured, rational pace, balance weapons cuts and personnel cuts, eliminate some systems altogether and reduce others to real research.

Second, realize additional savings through specific cuts in nonessential nondefense spending.

Third, increase revenues through a modest combination of taxes and increased collections.

Fourth, satisfy the Gramm-Rudman requirements for deficit reduction while creating a small dividend for nondefense programs in the first year, and a much greater dividend in future years.

Using Congressional Budget Office estimates as a baseline, my budget proposal would meet Gramm-Rudman targets, eliminate the deficit and provide a $17 billion budget surplus by fiscal year 1995. Using projections from the Office of Management and Budget, which include more optimistic growth and revenue estimates, my plan would create a surplus of $302.8 billion in the course of 5 years. If either figure is accurate, or the actual surplus is found somewhere in between, this plan will soundly, reasonably, carefully channel our resources into deficit reduction, human and infrastructure needs, and possibly tax relief.

FIRST REDUCE DEFENSE SPENDING—$15.0 BILLION

Savings accrued from building down our national military posture is the lynchpin of the peace dividend. My program calls for the defense budget to be reduced $15.0 billion in actual spending and $30 billion in budget authority for future expenditures below the baseline—last year's budget figure adjusted for inflation—in the 1991 fiscal year. Furthermore, I propose additional, larger cuts in succeeding years. By this method, military spending will be cut a total of $82.4 billion in actual spending in fiscal year 1995.

The task of identifying specific defense programs for reduction or elimination is properly the responsibility of my colleagues on the Armed Services and Appropriations Committees. However, I do offer a number of suggestions:

Maintaining conventional forces for the defense of Europe consumes roughly half of our military resources. With the relaxation of the Soviet threat and the resurgence of Western Europe, the United States can and should reduce its presence there. Indeed, President Bush pledged in his State of the Union Address to bring home 125,000 of the 300,000 U.S.-troops stationed in Europe. I believe we can easily bring home two-thirds of our European forces, still maintain a strong presence on the continent with our NATO allies, and save $2.1 billion in budget outlays this year.

The B–2 Stealth bomber is the most expensive weapon ever built. Conservative estimates peg its cost at $500 million per plane. Others appraise it at twice that price. The B–2 is on the cutting edge of new technology. It is a breakthrough in aeronautical design and avionics. It is indeed a fascinating and exciting research and development project. However, its effectiveness as a penetrating bomber and its usefulness as a strategic weapon are questionable.

The B–2's selling point is its small radar image. However, once the bomber is found, it is defenseless. The plane carries no defensive weapons, only electronic countermeasures. It can easily be overtaken and outmaneuvered by standard fighter jets. It's payload is too small to carry an effective load of conventional bombs, so the plane is limited to nuclear applications, a mission that can be fulfilled more easily and cheaply by cruise missiles fired by B–1B and B–52H bombers from a "standoff" location. Limiting the B–2 program will save $1 billion this year and billions more in future costs.

Additional savings can be found by continuing to close down obsolete military installations, holding the strategic defense initiative [SDI] to research only, eliminating one aircraft carrier battle group and reducing two others, and terminating the Midgetman and rail-based MX strategic missile systems.

Since funding for weapons systems are spread out over several budget years, terminating or reducing these programs will produce additional billions of dollars in future savings.

Any cuts in the defense budget, however, should be made carefully and thoughtfully. They should be crafted with an overall defense strategy in mind, and in consultation with our allies. Also, major cuts cannot be made without personnel reductions. That means converting hundreds of thousands of soldiers into civilians, and moving a like number of civilian defense workers into nondefense jobs. It will also affect local economies as military bases and weapons plants are closed by the shrinking needs of the Pentagon.

These reductions themselves will create additional demand for Federal dollars to fund job training, facilities conversion, and economic development assistance. We must be sure that any final budget package contains money to meet these needs.

SECOND, REDUCE NONESSENTIAL NONDEFENSE EXPENDITURES—$2.6 BILLION

Even with ambitious reductions in military spending, we cannot meet the Gramm-Rudman target for this year without some reduction in nondefense areas.

The first nondefense item I would target is the Space Program. The NASA budget can be cut $1.2 billion by eliminating two expensive manned missions and research projects of dubious scientific or practical value, and concentrating our resources on unmanned missions.

Manned space exploration carries with it the romantic aura of courage and perseverance that brought the first European colonists to the Americas and settled the American West. The Space Program is important for scientific research and experimentation. However, I cannot support funding for manned missions because of the high costs involved.

In these days of tight, Federal budgets, there is vigorous competition for every dollar. Earthbound human needs—health care, hous-

ing, food, shelter, education, environmental protection—are our most pressing priorities. I feel we must forgo the luxury of manned space exploration at a time when these needs are going unmet.

Eliminating funding for space station Freedom will save $900 million in the first year. Eliminating plans for a manned Moon-Mars flight would save only $4 million this year, but would save $400 billion over the next 20 years.

Canceling work on the national areospace plane and eliminating two scientific research applications will net additional savings.

A great deal of scientific knowledge has been gathered by unmanned probes such as the *Voyager* and *Pioneer* spacecraft. These mechanical star travelers can rove through our solar system for many years, sending back pictures and scientific data from other worlds, at a fraction of the cost of a manned mission. These valuable programs should be continued.

Other nondefense discretionary spending can also be reduced by $1.4 billion by making technical adjustments. However, my program would protect entitlements and essential services from further cuts in the first year, and would provide a surplus in later years that could be available as additional funding for domestic needs.

THIRD, INCREASE REVENUES—$19.3 BILLION

In order to maintain essential nondefense programs at their current levels and still meet the Gramm-Rudman targets, my budget program includes a handful of revenue enhancements.

First: eliminate the "bubble" from the general income tax. This anomaly of the 1986 tax reform effort allows the tax rate to drop from 33 to 28 percent for incomes in the highest bracket. Keeping the high-end rate at 33 percent would net $4.2 billion in deficit reduction in the first year.

Second: a 1-year suspension of tax indexing would net an additional $5.2 billion. Indexing was a benefit to our Nation's economic health during the double-digit, runaway inflation days of the last decade. With inflation under control, indexing can be safely suspended for 1 year at little harm to the taxpayer.

Third: enact modest, specific increases in selected excise taxes, increase penalties for air pollution, and step up collections and enforcement of tax laws. These measures will produce some $9.7 billion of additional revenue.

FOURTH, MEET GRAMM-RUDMAN REQUIREMENTS FOR DEFICIT REDUCTION AND MAKE ADDITIONAL RESOURCES AVAILABLE FOR DOMESTIC NEEDS

The current year's Federal budget deficit stands at $100.5 billion. Gram-Rudman mandates a 1991 budget deficit of no more than $64 billion. My program would produce the $36.5 billion in deficit reduction needed to meet the Gramm-Rudman target.

My fiscal year 1991 budget plan would produce a modest $400 million bump in actual spending for child care, education, housing veterans benefits, and other underfunded domestic programs. It would also provide 3 billion in additional budget authority for allocations to these needs in future years.

This proposal would produce a total savings of $422.8 billion by fiscal year 1995. Of this total, $240 billion is realized from cuts in the defense budget. This is the true peace dividend.

My proposal would dedicate this dividend equally to the two most immediate and important needs: deficit reduction and domestic investment, yielding a total of $120 billion over the next 5 years for deficit reduction, and meeting the Gramm-Rudman target of a balanced budget in 1993.

A REASONED APPROACH

This proposal will not please everyone. It will not satisfy those who want drastic, immediate cuts in military spending; nor will it appeal to those who see a Soviet threat that still requires a growing defense budget. This proposal will do little in the near term to fund new initiatives; however, it will make a growing pool of resources available for initiatives in succeeding years. It will not reduce taxes, nor will it significantly raise them.

This proposal offers a reasonable, balanced approach to meeting the competing needs of defense, infrastructure, human resources, and deficit reduction without a significant tax increase. It uses a variety of methods to meet a wide range of needs. Most important, however, it eliminates the deficit and gives Congress some financial flexibility to address, in future budgets, the domestic needs that have gone begging during the decade of the 1980's. This budget will give us a clean ledger and a fresh start as we move into the next millenium.

Mr. FRENZEL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we have had a very interesting and quite a lengthy debate on the budget, on Humphrey-Hawkins, on budget alternatives, and I think it is appropriate now to think about putting them into perspective.

There are some common threads running through the discussions on both sides of the aisle. A few of them are these. First of all, this is only an exercise that we are performing in the House of Representatives. If this resolution is passed, it goes to an uncertain future in the other body, which looks like it has not achieved a consensus yet.

All Members admit that eventually the arrangement is going to have to be made in discussions between the President and Members of both parties in both Houses. In a sense, then, this is only the preliminary. The final bout will not come until we achieve summitry.

There are some other areas of agreement, and I think it is better to think in terms of agreement than to think in terms of all of the things that keep Members apart. One of these is that whatever kind of budget arrangement is made this year, it must be a multiyear agreement. One of the good features of the Panetta budget—and Members will notice I resisted the temptation to say one of the few good features—is that it mandates reconciliation on a multiyear basis.

□ 1340

I think that Republicans and Democrats would probably agree that when we come to a conclusion, it has to be one that takes us to a Gramm-Rudman deficit achievement by fiscal year 1993, and, at some time in the near future, to a balanced budget achievement without consideration of social security.

We have some other things on which we agree. We believe in certain priorities. But it seems to me quite obvious that the Democrat budget, which I find deficient, and the Republican budget, which Chairman PANETTA finds deficient, are similar in that they have been outrun by events.

The President's budget is one that was created nearly 6 months ago, created in a world that was quite different and in a country whose economic conditions were quite different. One could say that it has been overcome by political events around the world and by economic events in this country.

On the other hand, the Panetta budget suffers from the same problems as the President's budget, because it uses the economic assumptions of the President's budget in the first year, which is the prinicipal year in question.

So it, too, has been overrun, and even if it were to achieve, as it cannot because it has not reconciled all the savings, all of its savings, like the Bush budget, it would fall short by approximately $20 billion of meeting the sequestered target.

So I think we can say that if we say the Bush budget has been overcome by political events in the world and economic events in this country, we can say that the Panetta budget is equally obsolete because of economic events. In addition the Panetta budget has been overrun by history. It is rooted in a philosophy that has been obsolete since the middle of the Depression.

So obviously more is going to be expected of this House and of this Congress than it is willing to put forward in any of the alternatives. As a matter of fact, it has been said that the President's budget offered a cream puff, and that the Panetta budget sees the cream puff and raises it one Napoleon.

The only chef which has offered us any bullets on which to dine has been Chairman ROSTENKOWSKI, and while most of us have not been willing to accept his budget, I suspect many of us have muttered an aside from time to time that there is more truth than poetry in that budget. Certainly there is more suffering in what we are finally going to have to achieve than appears than either the Bush budget or the Panetta Democratic budget. Our future rations are going to be more bullets than cream puffs.

So I would say, let us not have any illusions that we are voting on truth and virtue here. We are voting on one tiny step which will move us toward the final compromise, the final compromise must be achieved or we will fall victim to what I think is an intolerable sequester of somewhere around $55 billion, give or take a couple of billion dollars.

With that, Mr. Chairman, I am going to thank Chairman PANETTA again for his many courtesies, for his thoughtfulness, and for his hard work, and I thank the other members of his committee, including both Republicans and Democrats.

Mr. Chairman, if the gentleman has one additional speaker, I would reserve my time until that speaker has concluded.

Mr. PANETTA. Mr. Chairman, I thank the gentleman from Minnesota [Mr. FRENZEL], and I yield 3 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I thank the chairman of the Budget Committee for yielding time to me.

Mr. Chairman, I rise in strong support of the fiscal year 1991 budget resolution as reported by the House Budget Committee.

I particularly want to commend Chairman PANETTA for his leadership. He has put together a health budget that rejects the Bush administration's assault on Medicare, puts more resources into the underfunded Medicaid program, makes funds available for the fight against AIDS, and provides increases for other high-priority, low-income health programs.

It is a health budget that I as a Democrat am proud to support. It is far superior to the Bush health budget, and far superior to sequestration. Chairman PANETTA, Mrs. BOXER, and their Democratic colleagues deserve a great deal of credit.

The committee budget rejects the Bush proposal to slash $5.5 billion from Medicare. It limits required Medicare cuts to $1.7 billion, the same amount which a sequester would produce. After the cutbacks and the payment reforms we have enacted in Medicare over the past several years, massive cuts can no longer be made without adversely affecting Medicare beneficiaries and, indeed, the viability of the delivery system itself. Even this $1.7 billion will be difficult to achieve. But it is far preferable to the Bush budget—and a far more responsible reduction target for the health care program that 33 million senior and disabled citizens depend on.

The committee budget rejects the Bush proposal to reduce Federal Medicaid payments to States by $675 million over the next 5 years. Instead, it commits much needed additional resources for improving the health of our poor citizens. It sets aside $285 million next year, and $7.55 billion over the next 5 years, for several critical Medicaid initiatives: reducing infant mortality by expanding Medicaid coverage next year for 38,000 pregnant women and 29,000 infants in near-poor families; improving the health of low-income children by extending Medicaid coverage to 76,000 children in families below poverty; authorizing coverage for community care services for 25,000 poor frail elderly as an alternative to nursing home placement; allowing coverage for community-based services for 22,000 individuals with mental retardation, epilepsy, or cerebral palsy to allow them to avoid institutional placement; improving access to hospice services to 40,000 terminally ill individuals; and providing coverage for preventive drugs to 80,000 low-income individuals with HIV infection who don't have full-blown AIDS but are at great risk of contracting pneumonia or other opportunistic infection.

The committee budget recognizes that the Bush budget does not put nearly enough into the fight against AIDS. The committee budget asumes an additional $700 million in discretionary funds for early intervention services and for emergency assistance to areas hard hit by the epidemic. The committee budget also makes a strong commitment to health research with respect to AIDS and other biomedical issues.

Finally, the committee budget provides for an additional $200 million for health programs targeted primarily to low-income mothers and children, including community and migrant health centers, the National Health Service Corps, and the childhood immunization program. There is no more cost-effective investment that the Federal Government can make than preventive services for mothers and children.

I urge my colleagues to vote for the committee budget.

Mr. FRENZEL. Mr. Chairman, before I yield back my time, I yield myself 1 minute to say again how much I, as a member of the committee, appreciate the good work that the chairman has done and the hard work that all the members of the committee have done.

We do not delude ourselves into thinking we are anywhere near done with the total chore. In the large sense, our work is really just beginning. But, based on what we have done, not always in agreement but always agreeably and always cooperatively, I have high hopes that we will be able to achieve a compromise, and much of that hope is based on the good hard work, and the highly motivated work, of Chairman PANETTA.

Mr. Chairman, I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume so that I may complete my time briefly before we proceed to the amendments.

I first of all want to begin by commending the gentleman from Minnesota [Mr. FRENZEL]. One of my great regrets is that the gentleman has decided that it is time to leave the institution after a career in which he has made a tremendous contribution not only to his own district but to the Nation as well by always being forthright, by always being direct in terms of his beliefs, and I think he has set a standard as a Member of the Congress in the sense that he truly is someone who is committed to his beliefs, and votes that way.

For that reason, I have tremendous admiration for the gentleman, and I appreciate the cooperation he has provided. Obviously, in the absence of any summitry, we both recognize that we would have to walk different tracks, at least at this stage, but we have come to this point in a cooperative fashion and in a fashion in which we both know we ultimately will have to sit at the same table and try to resolve the differences that exist. But I do want the gentleman to know how deeply I will miss him in the future in terms of the cooperation that is needed if in fact we are going to address these issues.

We have had a very good debate. We have talked about the various elements that are all part of the budget. We all recognize that budgets are not just numbers, they are not just dollar signs, that they really are a statement of priorities and a direction for the country in terms of where we are and where we must go.

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In addition, Mr. Chairman, as we proceed with this budget process, and it is essential that we do that, I think there are several things that we have to understand together, both sides of the aisle working together, hopefully, with the American people, in terms of recognizing the changes that have to take place.

There have been times during this debate when I have the sense that there are some Members who are operating in a time warp, and somehow they do not recognize the kind of changing world that does exist around us. It is truly a changing world—what is happening in Eastern Europe, what is happening with the Berlin Wall, what is happening within the Soviet Union. This is a world that is changing, like it or not, and I guess there are probably some Members that particularly do not like to have a changing world, but that is the reality.

In addition, it is not just something that is recognized by a few people. It is

something that is recognized, indeed, by the defense experts themselves. The former Chairman of the Joint Chiefs of Staff, William Crowe, recognized that change. Former Defense Secretaries—Mr. Schlesinger, Mr. McNamara—recognized that change. The Director of the CIA, Mr. Webster, came up here, and he said that indeed it is a changing world and a changing military threat. Even Richard Perle, former Assistant Secretary of Defense, recognized that not only is the threat changing, but it gives us the opportunity to do away with some of the weapon systems that were built up to, in fact, meet that threat.

So, the threat is changing, and even to those who would suggest that perhaps Lithuania somehow changes the nature of that threat, let me assure them that Lithuania is just further indication of the deterioration that is going on within the Soviet Union itself. It is not an indication of further strength in the Soviet Union. It is an indication of deterioration within the Soviet Union.

So, the threat is changing. And I think all of us need to recognize that, as this world changes, we need to move from a cold war economy to a peacetime economy, and that is the basic thrust of the legislation, the resolution, that we have presented to the Congress.

Mr. Chairman, we need to make that transition; that is the reality, as we try to confront the legacy of debt, the legacy of unmet needs that we have seen during the eighties. That is not going to be easy to do. The President's budget, which will be presented to us, confronts it by basically saying, "Maybe we need to follow the same path. Maybe we need to just kind of move forward with the same policies." Indeed, on the defense budget, the outlays in the President's budget provide for $4.3 billion above the 1990 outlays, about $7 billion more than what was provided in the 1990 outlays, and he pays for it through cuts in Medicare, and cuts in education, and nutrition and retirees.

So, it is pretty much a reflection of the policies we have seen in the past, and, for those Members who think that that is the course we ought to follow, then indeed that is the budget to support.

However, if, in fact, there is a recognition that this world is changing and that we do need to provide leadership in guiding that change, then I think we need to begin to consider some of the basic elements provided in the committee resolution.

Mr. Chairman, it does need to be a 5-year budget. We can no longer deal with just yearly budgets and expect that we are going to provide a strategy, a plan for the future. Gramm-Rudman, as a tool, unfortunately creates the incentive just to make it pass a certain date at the end of the year, suggesting, "Don't worry about what you're doing with the deficit. Don't worry about what you're doing with the deficit. Don't worry about the outyears. Don't worry about fiscal strategy for the future. Just get by."

Now this is no longer a time when we can just get by, and for that reason we have presented a 5-year budget that requires 5-year reconciliation.

Second, we focus on the non-Social Security deficit. For those who have raised the concern about what happens with the Social Security surplus, the reality is that we have used that surplus to mask the real deficit in this country, and it is time that we focus on the non-Social Security deficit.

If we want to say to the American people, "Let's reduce that deficit," then let us focus on what the deficit really is, not the one that is created by Gramm-Rudman by including the capitalization on the Social Security surplus, but let us remove it, and that is what this budget does.

Let us also try to target a balanced budget—within 3 years under Gramm-Rudman, as we have provided, or within 5 years—but target for a balanced budget so that we restore the resources we need for the future because indeed our leadership is worth nothing in the future unless we have those resources.

And lastly, yes, it does require some investment within our own society. If we are going to reverse the trend of the 1980's in which we increased defense spending, cut nondefense spending dramatically; if we are going to reverse it, we have to begin to make the transition from reducing the defense budget to making the investments in our own society, and, very frankly, that is recognized on both sides of the aisle.

I recognize some of the arguments, that maybe there is too much here, but the President himself goes out and talks about a kinder, gentler America. He talks about the need for greater attention to education. He talks about the need for greater attention to transportation, greater attention to drug enforcement, and indeed those are all necessary priorities for this country.

However, Mr. Chairman, there is no commitment of resources, and that is what this budget does; it not only identifies the need, but it is willing to commit resources. And out of the defense budget, yes, we take one-half for deficit reduction out of those savings, but one-half goes to those investments. And why not?

When it comes to the supplemental, and we are talking about foreign aid for Nicaragua and Panama, where do we go? We go to the defense budget. We used some of the money to give to Nicaragua and Panama.

For goodness sake. If we do that, why not make some of the defense savings and put it into health care and housing within our own country?

So, those are the kinds of key elements that we are going to have to focus on, and that is the challenge that really the Committee on the Budget tries to present to the Congress.

Let us talk about these difficult issues and the changes that are taking place in the world and agree that from this point on we need to step in a new direction. We need to walk toward a different America, an America that truly faces the changes that are taking place in the world.

So, it is in that spirit that I hope that Members will look to our budget resolution and allow us to take that first step. It is the first step in a long process.

The gentleman from Minnesota [Mr. FRENZEL] is absolutely correct. This is just the beginning, but give us a chance to make that beginning, and support the committee resolution.

Mr. Chairman, I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Chairman, I rise in support of House Concurrent Resolution 310, concurrent resolution on the budget for fiscal year 1991. The budget resolution we consider today is a worthy attempt to get a handle on the Federal deficit while at the same time meeting the needs of this Nation in light of a rapidly changing world.

The Budget Committee product gives true meaning to what to date has been a rhetorical call for a kinder and gentler Nation. It is the first step we have seen in years toward joining the world in beating swords into plowshares and redirecting our priorities in order to meet the future as a prepared and vital people.

In the Civil Service and Postal Service arena, this budget resolution does many of the right things. It recognizes reform of the Federal pay system as an important priority and earmarks over $670 million more than the President's budget for Federal civilian employee salaries. It maintains equity among Social Security, Federal civilian, and military retirees in accommodating a full cost-of-living adjustment for all groups. It rejects the President's proposal for major cuts in Federal employee health benefits.

Make no mistake—this budget is not all sweetness and light. While the budget includes a number of initiatives for restoring competitiveness and responding to needs neglected for the past decade, it also makes tough choices in the allocation of limited resources, calling for cuts in Medicare and certain other entitlement programs.

I am concerned that the budget resolution includes instructions to the Committee on Post Office and Civil Service to achieve $1 billion in fiscal year 1991 savings. The committee has never shirked its duty to act responsibly in Congress' deficit reduction efforts and will respond to reconciliation instructions with policy initiatives which promote equity and make sense. The committee has made it

abundantly clear, however, that we will not act to dilute the few benefits which Federal employees have left and we will not act to turn the U.S. Postal Service into a cash cow to alleviate the deficit problems suffered by the rest of Government.

Mr. Chairman, I support adoption of the budget resolution because I feel it embraces priorities which respond to the real needs of America. I urge my colleagues to join in this effort to face the Nation's future head-on.

Mr. KLECZKA. Mr. Chairman, today the House considers House Concurrent Resolution 310, the congressional budget resolution for fiscal year 1991. Though Congress drafts this budget blueprint annually, the budget resolution this year is most significant because it addressed the changing national priorities of our new decade.

This budget responds to the needs of American families, including health, education, nutrition, Head Start, and housing. It answers the call for action concerning U.S. competitiveness by increasing funding for our highway and aviation infrastructure, community development, science and research, and dislocated workers.

These vital domestic initiatives are supported through the peace dividend which is made possible by decreasing tensions between the superpowers. The peace dividend also must be devoted to deficit reduction if we are to maintain our standard of living and prepare for our children's future.

Concerning defense savings, the recent changes in the Soviet Union and Eastern Europe have made it possible for the United States to ease its reliance on heavy defense spending so common during the 1980's.

The House compromise on defense spending gradually but markedly reduces the Pentagon budget over the next 5 years. House Concurrent Resolution 310 would cut defense spending by $11.5 billion in 1991 to $295.5 billion. By 1995, defense outlays would be reduced to $266 billion, a 25-percent reduction from the spending baseline predicted by the Congressional Budget Office [CBO] for the 5-year period ending in 1995. It is my hope that even further defense savings will occur.

Specifically for families, the budget invests $2.5 billion for education. These include Pell grants, handicapped education, compensatory education, and dropout prevention programs. It provides a $3-billion increase in budget authority for new housing initiatives and expanded housing assistance, such as the much-needed McKinney homeless programs and $1.8 billion is earmarked for enforcement and prevention of crime and drug use. It also recommends full funding for the child care bill approved by the House and funds the Head Start Program to allow another 171,000 children to participate.

The budget plan also provides needed funds to help preserve our environment. It earmarks $611 million for the Environmental Protection Agency, the Superfund Program, which cleans up nuclear and toxic waste dumps, and for land acquisition to maintain and add to our national parks and forests. These funds would contribute to the goal of creating a cleaner and healthier environment for us to live in.

Enhancing U.S. competitiveness will be crucial in the 1990's. The budget resolution lays the groundwork for advancing U.S. research and development of new technologies, technical training for American workers, science and math education for high-technology literacy, and improved, less-congested highways for businesses to get their goods to market. The budget rebuilds our economic base and invests in America's future.

The other part of this plan addresses one of the primary concerns of my constituents in Wisconsin—the Federal budget deficit. The budget resolution meets the deficit reduction targets of the Gramm-Rudman law, reaching a zero deficit by 1993. In addition, the Social Security reserves are phased out of the budget by 1995. This will show clearly the annual budget surplus/deficit without smoke and mirrors. The budget would be balanced in 1995 without counting the Social Security trust funds.

This budget rejects the harsh cuts proposed by President Bush. It recommends a full 4.1 percent cost-of-living adjustment [COLA] for Social Security and Federal civilian and military retirees. The Bush budget recommends eliminating the 1991 COLA for Federal retirees and reducing COLA's for these retirees in the future. The budget resolution also includes a full 4.1 percent COLA for current Federal employees, compared to the 3.5 percent COLA in the President's plan.

The 1991 budget blueprint is a welcome shot-in-the-arm for the urgent needs and long-term investment in America that was neglected in the 1980's. Congress must take the lead to negotiate with the President to ensure that this blueprint for the 1990's becomes a reality. I urge my colleagues to join in support of the congressional budget resolution and work for its swift enactment.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise today in reluctant support of this budget resolution.

There are many reasons to vote against this resolution. It uses too many budget gimmicks to reach the Gramm-Rudman deficit target of $64 billion for fiscal year 1991. It is an unbalanced plan. It is not a bold approach. While the country has many critical and neglected needs, $90 billion of new initiatives is too much given our deficit problem. And while the revenue targets in this resolution are too high to be implemented by Democrats alone, they are too small for a bold deficit reduction plan.

On the other hand, I commend Chairman PANETTA for an excellent job of putting this resolution together. He has worked hard and consulted extensively to reach agreement with affected committees. I am particularly gratified that the Budget Committee reduced the huge and inappropriate reductions in the Medicare program advocated by the administration.

Mr. Chairman, I will vote for this budget only because it moves the process along. As my colleagues know, I recently proposed a much bolder deficit reduction plan with substantially greater revenue increases and entitlement reductions. I presented my plan as a challenge—a challenge to both the President and the bipartisan congressional leadership to enact a responsible fiscal policy that will enhance economic growth, reduce interest rates, reduce our dependence on foreign investors, restore our international competitiveness, and improve the living standard of our children. I remain fully and strongly committed to the deficit reduction plan that I presented last month, as well as to the budget process reforms that I have suggested to ensure that the budgetary savings and increased revenues are in fact dedicated to deficit reduction.

To implement the Budget Committee's resolution, the President will need to sign each appropriation bill and a reconciliation bill. I want to emphasize, however, that I will not convene the Committee on Ways and Means to develop a reconciliation bill without a preexistent bipartisan agreement that includes the President of the United States. I am particularly gratified that section 5 of this resolution contains specific language conditioning the reconciliation of revenues mandated in this resolution on just such an agreement. I am hopeful that negotiations leading to a bipartisan agreement on a substantial, multiyear deficit reduction plan can begin in the very near future. I am fully committed to that end.

Mr. Chairman, I am committed to work for a fair, balanced, and bold deficit reduction bill that will be signed by the President. It is imperative that we do so. Therefore, I urge my colleagues to support this resolution as a necessary step in the negotiating process toward a substantial deficit reduction agreement so critically needed by our Nation.

Ms. OAKAR. Mr. Chairman, alcohol is the Nation's No. 1 drug problem, and received a minimal amount of the current drug war budget for both treatment and prevention.

Alcohol becomes an illegal drug problem when it is consumed by hundreds of thousands of minors; children and adolescents. Even so, none of the war on drugs money was allocated for the illegal use of alcohol by minors.

An estimated 17.7 million adults have symptoms of alcohol abuse and cost the United States $128.3 billion per year in health care, lost employment, and reduced productivity; there is no available estimate of what the combined problems of alcoholism among the homeless costs.

When the budget for NIAAA was incorporated into the ADMS block grant formula, this prevented any increases to alcoholism, per the formula process; moneys have not appreciably increased since 1981, and yet the problem of alcoholism has risen sharply.

Because alcohol is a legal drug, it has not been targeted for funding; and yet, alcoholism is our Nation's leading drug problem and its human costs far exceed those of illicit drugs.

Almost all cocaine and narcotics addicts are also addicted to alcohol, but we are only funding their illegal addiction.

Eight of nine teenage car accidents are alcohol related.

We cannot begin to win a war that disgracefully eliminates the serious and often deadly drug of alcohol. Alcoholism is a socially acceptable form of drug addiction to many people, and we participate in this form of rationalization because alcohol is a legal drug, it is an available drug, it is a deadly drug bearing few warnings.

But it is alcohol that was and remains America's No. 1 drug of choice.

Because it is legal, many do not consider it to be dangerous. Because it is legal, it is readily accessible to all members of our society including our youngsters—to whom it is an illegal drug—and our elderly, to whom it is often a deadly drug in combination with prescribed medicines.

Mr. Chairman, I am deeply disappointed that there is a targeted minimal increase in education and treatment in alcohol and yet another illegal drug program, enforcement, et cetera, are funded in the billions. Our priorities concerning the war on drugs should have alcohol as a preeminent concern of our policies.

Mr. ACKERMAN. Mr. Chairman, I rise today to discuss some specific provisions of House Concurrent Resolution 310, the concurrent resolution on the budget for fiscal year 1991, namely, Federal pay, health benefits, and retirement.

The resolution recognizes that Federal pay reform is an important priority and includes over $670 million more than the President's budget for Federal civilian employee salaries. In fact, the report that accompanies this resolution states that:

The Budget Committee is aware of legislation pending in the Post Office and Civil Service Committee to reform the Federal pay system on a locality basis. In light of the Post Office and Civil Service Committee's intent to move such legislation to final passage, the Budget Committee will work to see that funding for such an important initative in fiscal year 1991 and in later years remains an important priority.

I am pleased that the Budget Committee recognizes that the Post Office and Civil Service Committee is serious about the need for Federal pay reform. The Subcommittee on Compensation and Employee Benefits has already conducted three hearings on H.R. 3979, Federal Employees Pay Comparability Act of 1990.

House Concurrent Resolution 310 rejects the President's proposal to tinker with the Federal Employees Health Benefits Program [FEHBP]. As our committee stated in its comments to the Budget Committee, "any changes in the health benefits program, absent total reform, are premature." The committee has conducted hearings on FEHBP reform and is continuing work on a legislative proposal to reform the program.

The budget resolution assumes a full cost-of-living adjustment [COLA] for Federal civilian retirees and rejects the President's call for a COLA freeze. Federal retirees deserve the same COLA as Social Security recipients and the Budget Committee has recognized that fact.

I am concerned, however, that the committee resolution requires the Committee on Post Office and Civil Service to achieve $1 billion in savings for fiscal year 1991. In the past, the committee has met the savings targets set out by the Budget Committee and will work to respond to this year's target. However, I must point out that Federal employees and retirees have sacrificed over $119 billion in cuts in pay and benefits since 1981. I believe that Federal employees and retirees have borne an unfair burden in the area of deficit reduction.

Mr. Chairman, I urge my colleagues to support a budget that is fair to Federal employees and retirees.

The CHAIRMAN pro tempore (Mr. FROST). Pursuant to House Resolution 382, the concurrent resolution is considered as having been read for amendment under the 5-minute rule.

The text of House Concurrent Resolution 310 is as follows:

H. CON. RES. 310

Resolved by the House of Representatives (the Senate concurring), That the budget for fiscal year 1991 is established, and the appropriate budgetary levels for fiscal years 1992, 1993, 1994, and 1995 are hereby set forth.

MAXIMUM DEFICIT AMOUNTS

SEC. 2. The following levels and amounts in this section are set forth for purposes of determining, in accordance with section 301(i) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985, whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution, shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $1,175,600,000,000.
Fiscal year 1992: $1,263,300,000,000.
Fiscal year 1993: $1,338,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,388,000,000,000.
Fiscal year 1992: $1,446,750,000,000.
Fiscal year 1993: $1,515,650,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $1,239,350,000,000.
Fiscal year 1992: $1,279,400,000,000.
Fiscal year 1993: $1,335,750,000,000.

(4)(A) The amounts of the deficits are as follows:

Fiscal year 1991: $63,750,000,000.
Fiscal year 1992: $16,100,000,000.

(B) The amounts of the surplus is as follows:

Fiscal year 1993: $2,350,000,000.

RECOMMENDED LEVELS AND AMOUNTS

SEC. 3. (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1990, October 1, 1991, October 1, 1992, October 1, 1993, and October 1, 1994:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $863,050,000,000.
Fiscal year 1992: $927,450,000,000.
Fiscal year 1993: $982,900,000,000.
Fiscal year 1994: $1,040,550,000,000.
Fiscal year 1995: $1,102,250,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1991: $18,600,000,000.
Fiscal year 1992: $22,600,000,000.
Fiscal year 1993: $22,900,000,000.
Fiscal year 1994: $25,450,000,000.
Fiscal year 1995: $27,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1991: $74,750,000,000.
Fiscal year 1992: $80,050,000,000.
Fiscal year 1993: $84,550,000,000.
Fiscal year 1994: $91,000,000,000.
Fiscal year 1995: $97,000,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,079,250,000,000.
Fiscal year 1992: $1,117,350,000,000.
Fiscal year 1993: $1,163,850,000,000.
Fiscal year 1994: $1,193,300,000,000.
Fiscal year 1995: $1,236,400,000,000.

(3) The appropriate levels of total new budget outlays are as follows:

Fiscal year 1991: $1,005,000,000,000.
Fiscal year 1992: $1,035,350,000,000.
Fiscal year 1993: $1,081,800,000,000.
Fiscal year 1994: $1,115,800,000,000.
Fiscal year 1995: $1,153,250,000,000.

(4)(A) The amounts of the deficits are as follows:

Fiscal year 1991: $141,950,000,000.
Fiscal year 1992: $107,900,000,000.
Fiscal year 1993: $98,900,000,000.
Fiscal year 1994: $75,250,000,000.
Fiscal year 1995: $51,000,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1991: $3,315,850,000,000.
Fiscal year 1992: $3,479,150,000,000.
Fiscal year 1993: $3,639,700,000,000.
Fiscal year 1994: $3,774,500,000,000.
Fiscal year 1995: $3,885,650,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1990, October 1, 1991, October 1, 1992, October 1, 1993, and October 1, 1994, are as follows:

Fiscal Year 1991:
(A) New direct loan obligations, $21,250,000,000.
(B) New primary loan guarantee commitments, $103,450,000,000.

Fiscal Year 1992:
(A) New direct loan obligations, $18,100,000,000.
(B) New primary loan guarantee commitments, $104,400,000,000.

Fiscal Year 1993:
(A) New direct loan obligations, $18,350,000,000.
(B) New primary loan guarantee commitments, $107,100,000,000.

Fiscal Year 1994:
(A) New direct loan obligations, $18,750,000,000.
(B) New primary loan guarantee commitments, $110,350,000,000.

Fiscal Year 1995:
(A) New direct loan obligations, $19,000,000,000.
(B) New primary loan guarantee commitments, $113,750,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new primary loan guarantee commitments for fiscal years 1991 through 1995 for each major functional category are:

(1) National Defense (050):

Fiscal Year 1991:
(A) New budget authority, $283,000,000,000.
(B) Outlays, $295,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal Year 1992:
(A) New budget authority, $280,500,000,000.
(B) Outlays, $287,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal Year 1993:
(A) New budget authority, $275,350,000,000.
(B) Outlays, $277,800,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.
Fiscal Year 1994:
(A) New budget authority, $270,400,000,000.
(B) Outlays, $275,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal Year 1995:
(A) New budget authority, $265,550,000,000.
(B) Outlays, $266,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(2) International Affairs (150):
Fiscal Year 1991:
(A) New budget authority, $20,300,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $1,950,000,000.
(D) New primary loan guarantee commitments, $7,000,000,000.
Fiscal Year 1992:
(A) New budget authority, $20,350,000,000.
(B) Outlays, $18,350,000,000.
(C) New direct loan obligations, $2,050,000,000.
(D) New primary loan guarantee commitments, $7,250,000,000.
Fiscal Year 1993:
(A) New budget authority, $20,700,000,000.
(B) Outlays, $19,000,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $7,500,000,000.
Fiscal year 1994:
(A) New budget authority, $21,350,000,000.
(B) Outlays, $19,150,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $7,700,000,000.
Fiscal year 1995:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $20,050,000,000.
(C) New direct loan obligations, $2,250,000,000.
(D) New primary loan guarantee commitments, $8,050,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 1991:
(A) New budget authority, $16,650,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $19,700,000,000.
(B) Outlays, $18,550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $21,200,000,000.
(B) Outlays, $20,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $22,250,000,000.
(B) Outlays, $21,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $23,050,000,000.
(B) Outlays, $22,550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1991:
(A) New budget authority, $6,050,000,000.
(B) Outlays, $4,150,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $1,650,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $4,900,000,000.
(C) New direct loan obligations, $1,950,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $5,250,000,000.
(C) New direct loan obligations, $2,150,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $7,050,000,000.
(B) Outlays, $5,000,000,000.
(C) New direct loan obligations, $2,350,000,000.
(D) New primary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1991:
(A) New budget authority, $18,800,000,000.
(B) Outlays, $19,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $19,850,000,000.
(B) Outlays, $19,800,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $20,550,000,000.
(B) Outlays, $20,500,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $21,250,000,000.
(B) Outlays, $20,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $21,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1991:
(A) New budget authority, $19,400,000,000.
(B) Outlays, $15,600,000,000.
(C) New direct loan obligations, $9,100,000,000.
(D) New primary loan guarantee commitments, $7,000,000,000.
Fiscal year 1992:
(A) New budget authority, $21,350,000,000.
(B) Outlays, $15,900,000,000.
(C) New direct loan obligations, $8,950,000,000.
(D) New primary loan guarantee commitments, $7,250,000,000.
Fiscal year 1993:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $14,200,000,000.
(C) New direct loan obligations, $8,800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
Fiscal year 1994:
(A) New budget authority, $16,650,000,000.
(B) Outlays, $13,750,000,000.
(C) New direct loan obligations, $8,750,000,000.
(D) New primary loan guarantee commitments, $6,700,000,000.
Fiscal year 1995:
(A) New budget authority, $17,500,000,000.
(B) Outlays, $12,900,000,000.
(C) New direct loan obligations, $8,600,000,000.
(D) New primary loan guarantee commitments, $6,750,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1991:
(A) New budget authority, $44,800,000,000.
(B) Outlays, $45,350,000,000.
(C) New direct loan obligations, $6,100,000,000.
(D) New primary loan guarantee commitments, $60,300,000,000.
Fiscal year 1992:
(A) New budget authority, $15,050,000,000.
(B) Outlays, $5,050,000,000.
(C) New direct loan obligations, $3,400,000,000.
(D) New primary loan guarantee commitments, $59,750,000,000.
Fiscal year 1993:
(A) New budget authority, $27,150,000,000.
(B) Outlays, $15,350,000,000.
(C) New direct loan obligations, $3,500,000,000.
(D) New primary loan guarantee commitments, $62,100,000,000.
Fiscal year 1994:
(A) New budget authority, $15,650,000,000.
(B) Outlays, $2,850,000,000.
(C) New direct loan obligations, $3,600,000,000.
(D) New primary loan guarantee commitments, $64,550,000,000.
Fiscal year 1995:
(A) New budget authority, $17,250,000,000.
(B) Outlays, $5,000,000,000.
(C) New direct loan obligations, $3,700,000,000.
(D) New primary loan guarantee commitments, $67,050,000,000.
(8) Transportation (400):
Fiscal year 1991:
(A) New budget authority, $31,850,000,000.
(B) Outlays, $30,650,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $33,500,000,000.
(B) Outlays, $32,450,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $35,200,000,000.
(B) Outlays, $34,400,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:

(A) New budget authority, $36,850,000,000.
(B) Outlays, $36,850,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $38,250,000,000.
(B) Outlays, $39,350,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1991:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $7,850,000,000.
(C) New direct loan obligations, $1,150,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1992:
(A) New budget authority, $8,250,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
Fiscal year 1993:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $7,750,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1994:
(A) New budget authority, $8,750,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,250,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1995:
(A) New budget authority, $8,900,000,000.
(B) Outlays, $8,400,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1991:
(A) New budget authority, $48,700,000,000.
(B) Outlays, $43,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $12,800,000,000.
Fiscal year 1992:
(A) New budget authority, $53,450,000,000.
(B) Outlays, $51,650,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $13,500,000,000.
Fiscal year 1993:
(A) New budget authority, $55,150,000,000.
(B) Outlays, $54,250,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $13,850,000,000.
Fiscal year 1994:
(A) New budget authority, $57,950,000,000.
(B) Outlays, $56,600,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,000,000,000.
Fiscal year 1995:
(A) New budget authority, $60,800,000,000.
(B) Outlays, $59,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $14,100,000,000.
(11) Health (550):
Fiscal year 1991:
(A) New budget authority, $67,750,000,000.
(B) Outlays, $66,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
Fiscal year 1992:
(A) New budget authority, $76,350,000,000.
(B) Outlays, $75,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
Fiscal year 1993:
(A) New budget authority, $84,150,000,000.
(B) Outlays, $83,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
Fiscal year 1994:
(A) New budget authority, $92,850,000,000.
(B) Outlays, $92,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $350,000,000.
Fiscal year 1995:
(A) New budget authority, $102,200,000,000.
(B) Outlays, $101,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $350,000,000.
(12) Medicare (570):
Fiscal year 1991:
(A) New budget authority, $124,750,000,000.
(B) Outlays, $103,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $136,850,000,000.
(B) Outlays, $117,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $151,000,000,000.
(B) Outlays, $132,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $166,150,000,000.
(B) Outlays, $148,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $182,150,000,000.
(B) Outlays, $166,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1991:
(A) New budget authority, $202,200,000,000.
(B) Outlays, $156,500,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $210,800,000,000.
(B) Outlays, $165,300,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $219,100,000,000.
(B) Outlays, $176,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $230,300,000,000.
(B) Outlays, $187,450,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $239,750,000,000.
(B) Outlays, $196,450,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1991:
(A) New budget authority, $3,800,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $4,450,000,000.
(B) Outlays, $4,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $4,850,000,000.
(B) Outlays, $4,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $5,350,000,000.
(B) Outlays, $5,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1991:
(A) New budget authority, $32,000,000,000.
(B) Outlays, $31,550,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $15,650,000,000.
Fiscal year 1992:
(A) New budget authority, $33,050,000,000.
(B) Outlays, $32,450,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $16,000,000,000.
Fiscal year 1993:
(A) New budget authority, $34,000,000,000.
(B) Outlays, $33,600,000.
(C) New direct loan obligations, $550,000,000.
(D) New primary loan guarantee commitments, $16,300,000,000.
Fiscal year 1994:
(A) New budget authority, $35,050,000,000.
(B) Outlays, $36,200,000,000.
(C) New direct loan obligations, $550,000,000.

(D) New primary loan guarantee commitments, $16,650,000,000.
Fiscal year 1995:
(A) New budget authority, $36,000,000,000.
(B) Outlays, $36,000,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $17,050,000,000.
(16) Administration of Justice (750):
Fiscal year 1991:
(A) New budget authority, $12,750,000,000.
(B) Outlays, $12,550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $13,450,000,000.
(B) Outlays, $13,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $14,550,000,000.
(B) Outlays, $14,550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $14,950,000,000.
(B) Outlays, $14,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $15,550,000,000.
(B) Outlays, $15,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1991:
(A) New budget authority, $12,900,000,000.
(B) Outlays, $11,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $12,850,000,000.
(B) Outlays, $12,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $12,950,000,000.
(B) Outlays, $12,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $13,050,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $13,650,000,000.
(B) Outlays, $13,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1991:
(A) New budget authority, $204,100,000,000.
(B) Outlays, $204,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $212,450,000,000.
(B) Outlays, $212,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $222,600,000,000.
(B) Outlays, $222,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $230,200,000,000.
(B) Outlays, $230,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $235,500,000,000.
(B) Outlays, $235,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(19) Allowances (920):
Fiscal year 1991:
(A) New budget authority, −$40,150,000,000.
(B) Outlays, −$40,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, −$19,500,000,000.
(B) Outlays, −$19,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, −$25,250,000,000.
(B) Outlays, −$25,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, −$28,150,000,000.
(B) Outlays, −$28,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal Year 1995:
(A) New budget authority, −$30,750,000,000.
(B) Outlays, −$30,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(2) Undistributed Offsetting Receipts (950):
Fiscal Year 1991:
(A) New budget authority, −$38,700,000,000.
(B) Outlays, −$38,950,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal Year 1992:
(A) New budget authority, −$40,700,000,000.
(B) Outlays, −$40,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal Year 1993:
(A) New budget authority, −$42,100,000,000.
(B) Outlays, −$42,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal Year 1994:
(A) New budget authority, −$44,150,000,000.
(B) Outlays, −$44,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal Year 1995:
(A) New budget authority, −$46,200,000,000.
(B) Outlays, −$46,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

RECONCILIATION

SEC. 4. (a) Not later than July 16, 1990, the committees named in subsections (b) and (c) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

HOUSE COMMITTEES

(b)(1) The House Committee on Agriculture shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $964,000,000 in budget authority and $948,000,000 in outlays in fiscal year 1991, $1,771,000,000 in budget authority and $1,771,000,000 in outlays in fiscal year 1992, $2,078,000,000 in budget authority and $2,078,000,000 in outlays in fiscal year 1993, $2,087,000,000 in budget authority and $2,087,000,000 in outlays in fiscal year 1994, and $2,094,000,000 in budget authority and $2,094,000,000 in outlays in fiscal year 1995.

(2) The House Committee on Banking, Finance and Urban Affairs shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $155,000,000 in budget authority and $155,000,000 in outlays in fiscal year 1991, $155,000,000 in budget authority and $155,000,000 in outlays in fiscal year 1992, $155,000,000 in budget authority and $155,000,000 in outlays in fiscal year 1993, $155,000,000 in budget authority and $155,000,000 in outlays in fiscal year 1994, $155,000,000 in budget authority and $155,000,000 in outlays in fiscal year 1995.

(3) The House Committee on Energy and Commerce shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $349,000,000 in budget authority and $2,049,000,000 in outlays in fiscal year 1991, $321,000,000 in budget authority and

$2,621,000,000 in outlays in fiscal year 1992, $333,000,000 in budget authority and $2,833,000,000 in outlays in fiscal year 1993, $345,000,000 in budget authority and $3,045,000,000 in outlays in fiscal year 1994, and $363,000,000 in budget authority and $3,263,000,000 in outlays in fiscal year 1995.

(4) The House Committee on Interior and Insular Affairs shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $343,000,000 in budget authority and $327,000,000 in outlays in fiscal year 1991, $365,000,000 in budget authority and $365,000,000 in outlays in fiscal year 1992, $377,000,000 in budget authority and $377,000,000 in outlays in fiscal year 1993, $389,000,000 in budget authority and $389,000,000 in outlays in fiscal year 1994, and $407,000,000 in budget authority and $407,000,000 in outlays in fiscal year 1995.

(5) The House Committee on Merchant Marine and Fisheries shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $200,000,000 in budget authority and $200,000,000 in outlays in fiscal year 1991, $208,000,000 in budget authority and $208,000,000 in outlays in fiscal year 1992, $216,000,000 in budget authority and $216,000,000 in outlays in fiscal year 1993, $223,000,000 in budget authority and $223,000,000 in outlays in fiscal year 1994, and $230,000,000 in budget authority and $230,000,000 in outlays in fiscal year 1995.

(6) The House Committee on Post Office and Civil Service shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to change budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to change budget authority and outlays, or (C) any combination thereof, as follows: reduce by $0 in budget authority and $1,000,000,000 in outlays in fiscal year 1991, reduce by $0 in budget authority and $720,000,000 in outlays in fiscal year 1992, increase by $0 in budget authority and $60,000,000 in outlays in fiscal year 1993, increase by $0 in budget authority and $70,000,000 in outlays in fiscal year 1994, and increase by $0 in budget authority and $70,000,000 in outlays in fiscal year 1995.

(7) The House Committee on Veterans' Affairs shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $220,000,000 in budget authority and $220,000,000 in outlays in fiscal year 1991, $230,000,000 in budget authority and $230,000,000 in outlays in fiscal year 1992, $240,000,000 in budget authority and $240,000,000 in outlays in fiscal year 1993, $250,000,000 in budget authority and $250,000,000 in outlays in fiscal year 1994, and $260,000,000 in budget authority and $260,000,000 in outlays in fiscal year 1995.

(8)(A) The House Committee on Ways and Means shall report (i) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays as follows: $0 in budget authority and $1,700,000,000 in outlays in fiscal year 1991, $0 in budget authority and $2,300,000,000 in outlays in fiscal year 1992, $0 in budget authority and $2,500,000,000 in outlays in fiscal year 1993, $0 in budget authority and $2,700,000,000 in outlays in fiscal year 1994, and $0 in budget authority and $2,900,000,000 in outlays in fiscal year 1995, and (ii) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, as follows: $615,000,000 in budget authority and $615,000,000 in outlays in fiscal year 1991, $591,000,000 in budget authority and $591,000,000 in outlays in fiscal year 1992, $585,000,000 in budget authority and $585,000,000 in outlays in fiscal year 1993, $579,000,000 in budget authority and $579,000,000 in outlays in fiscal year 1994, and $591,000,000 in budget authority and $591,000,000 in outlays in fiscal year 1995.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: $13,900,000,000 in fiscal year 1991, $18,000,000,000 in fiscal year 1992, $19,000,000,000 in fiscal year 1993, $21,000,000,000 in fiscal year 1994, and $23,000,000,000 in fiscal year 1995.

SENATE COMMITTEES

(c)(1) The Senate Committee on Agriculture shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $920,000,000 in budget authority and $920,000,000 in outlays in fiscal year 1991, $1,727,000,000 in budget authority and $1,727,000,000 in outlays in fiscal year 1992, $2,034,000,000 in budget authority and $2,034,000,000 in outlays in fiscal year 1993, $2,043,000,000 in budget authority and $2,043,000,000 in outlays in fiscal year 1994, and $2,050,000,000 in budget authority and $2,050,000,000 in outlays in fiscal year 1995.

(2) The Senate Committee on Banking, Housing, and Urban Affairs shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $205,000,000 in budget authority and $205,000,000 in outlays in fiscal year 1991, $155,000,000 in budget authority and $155,000,000 in outlays in fiscal year 1992, $155,000,000 in budget authority and $155,000,000 in outlays in fiscal year 1993, $155,000,000 in budget authority and $155,000,000 in outlays in fiscal year 1994, and $155,000,000 in budget authority and $155,000,000 in outlays in fiscal year 1995.

(3) The Senate Committee on Commerce, Science, and Transportation shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $200,000,000 in budget authority and $200,000,000 in outlays in fiscal year 1991, $208,000,000 in budget authority and $208,000,000 in outlays in fiscal year 1992, $216,000,000 in budget authority and $216,000,000 in outlays in fiscal year 1993, $223,000,000 in budget authority and $223,000,000 in outlays in fiscal year 1994, and $230,000,000 in budget authority and $230,000,000 in outlays in fiscal year 1995.

(4) The Senate Committee on Energy and Natural Resources shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $44,000,000 in budget authority and $28,000,000 in outlays in fiscal year 1991, $44,000,000 in budget authority and $44,000,000 in outlays in fiscal year 1992, $44,000,000 in budget authority and $44,000,000 in outlays in fiscal year 1993, $44,000,000 in budget authority and $44,000,000 in outlays in fiscal year 1994, and $44,000,000 in budget authority and $44,000,000 in outlays in fiscal year 1995.

(5) The Senate Committee on Environment and Public Works shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $299,000,000 in budget authority and $299,000,000 in outlays in fiscal year 1991, $321,000,000 in budget authority and $321,000,000 in outlays in fiscal year 1992, $333,000,000 in budget authority and $333,000,000 in outlays in fiscal year 1993, $345,000,000 in budget authority and $345,000,000 in outlays in fiscal year 1994, and $363,000,000 in budget authority and $363,000,000 in outlays in fiscal year 1995.

(6) The Senate Committee on Governmental Affairs shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to change budget authority and outlays, (B) changes in laws within its jurisdiction which provide spend-

ing authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to change budget authority and outlays, or (C) any combination thereof, as follows: reduce by $0 in budget authority and $1,000,000,000 in outlays in fiscal year 1991, reduce by $0 in budget authority and $720,000,000 in outlays in fiscal year 1992, increase by $0 in budget authority and $60,000,000 in outlays in fiscal year 1993, increase by $0 in budget authority and $70,000,000 in outlays in fiscal year 1994, and increase by $0 in budget authority and $70,000,000 in outlays in fiscal year 1995.

(7) The Senate Committee on Veterans' Affairs shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $220,000,000 in budget authority and $220,000,000 in outlays in fiscal year 1991, $230,000,000 in budget authority and $230,000,000 in outlays in fiscal year 1992, $240,000,000 in budget authority and $240,000,000 in outlays in fiscal year 1993, $250,000,000 in budget authority and $250,000,000 in outlays in fiscal year 1994, and $260,000,000 in budget authority and $260,000,000 in outlays in fiscal year 1995.

(8)(A) The Senate Committee on Finance shall report (i) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (ii) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (iii) any combination thereof, as follows: $615,000,000 in budget authority and $2,315,000,000 in outlays in fiscal year 1991, $591,000,000 in budget authority and $2,819,000,000 in outlays in fiscal year 1992, $585,000,000 in budget authority and $3,085,000,000 in outlays in fiscal year 1993, $579,000,000 in budget authority and $3,279,000,000 in outlays in fiscal year 1994, and $591,000,000 in budget authority and $3,491,000,000 in outlays in fiscal year 1995.

(B) The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: $13,900,000,000 in fiscal year 1991, $18,000,000,000 in fiscal year 1992, $19,000,000,000 in fiscal year 1993, $21,000,000,000 in fiscal year 1994, and $23,000,000,000 in fiscal year 1995.

CONDITIONAL RECONCILIATION OF REVENUES

SEC. 5. The President and the bipartisan congressional leadership should ultimately agree on a substantial, multiyear deficit reduction package, and the reconciliation of revenues mandated by this resolution will not be advanced legislatively unless and until such time as there is bipartisan agreement with the President of the United States on specific legislation to meet or exceed such reconciliation requirements.

SEC. 6. (a) In the House, budget authority, outlays, and new entitlement authority shall be allocated to the House Committee on Ways and Means for increased funding for programs under the committee's jurisdiction, if the Committee on Ways and Means reports legislation that—

(1) will, if enacted, make funds available for that purpose; and

(2) to the extent that the costs of such legislation are not included in this resolution, will not increase the deficit in this resolution for fiscal year 1991, and will not increase the total deficit for the period of fiscal year 1991 through 1995.

(b) Upon the reporting of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the House shall file with the House revisions to the allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of such Act as allocations, functional levels, and aggregates contained in this resolution. Committees of the House shall report revised allocations pursuant to section 302(b) of such Act for the appropriate fiscal year to carry out this section.

The CHAIRMAN pro tempore. No amendments are in order except the amendments printed in House Report 101-460, which shall be considered in the order and manner specified in the report, shall be considered as having been read, and shall not be subject to amendment. If more than one amendment made in order by House Resolution 382 is adopted, only the last amendment adopted shall be considered as having been finally adopted in the Committee of the Whole and reported back to the House.

It is also in order to consider any amendments provided for in section 305(a)(5) of the Congressional Budget Act of 1974 necessary to achieve mathematical consistency.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. KASICH: Strike all after the resolving clause and insert the following:

That the budget for fiscal year 1991 is established, and the appropriate budgetary levels for fiscal years 1992 and 1993 are hereby set forth.

MAXIMUM DEFICIT AMOUNTS

SEC. 2. The following levels and amounts in this section are set forth for purposes of determining, in accordance with section 301(i) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985, whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution, shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $1,169,500,000,000.
Fiscal year 1992: $1,245,600,000,000.
Fiscal year 1993: $1,326,900,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,364,400,000,000.
Fiscal year 1992: $1,438,500,000,000.
Fiscal year 1993: $1,506,400,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $1,233,100,000,000.
Fiscal year 1992: $1,273,600,000,000.
Fiscal year 1993: $1,321,200,000,000.

(4)(A) The amounts of the deficits are as follows:

Fiscal year 1991: $63,600,000,000.
Fiscal year 1992: $28,000,000,000.

(B) The amount of the surplus is as follows:

Fiscal year 1993: $5,700,000,000.

RECOMMENDED LEVELS AND AMOUNTS

SEC. 3. (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1990, October 1, 1991, and October 1, 1992:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $855,000,000,000.
Fiscal year 1992: $908,200,000,000.
Fiscal year 1993: $965,000,000,000.

and the amounts by which the aggregate levels of federal revenues should be increased are as follows:

Fiscal year 1991: $13,200,000,000.
Fiscal year 1992: $10,700,000,000.
Fiscal year 1993: $3,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1991: $77,100,000,000.
Fiscal year 1992: $82,500,000,000.
Fiscal year 1993: $89,000,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,052,500,000,000.
Fiscal year 1992: $1,104,700,000,000.
Fiscal year 1993: $1,145,700,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $999,000,000,000.
Fiscal year 1992: $1,029,400,000,000.
Fiscal year 1993: $1,066,600,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1991: $144,000,000,000.
Fiscal year 1992: $121,200,000,000.
Fiscal year 1993: $101,600,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1991: $3,277,235,000,000.
Fiscal year 1992: $3,469,560,000,000.
Fiscal year 1993: $3,644,932,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1990, October 1, 1991, and October 1, 1992, are as follows:

Fiscal year 1991:
(A) New direct loan obligations, $13,441,000,000.
(B) New primary loan guarantee commitments, $129,763,000,000.
Fiscal year 1992:
(A) New direct loan obligations, $12,961,000,000.
(B) New primary loan guarantee commitments, $122,186,000,000.
Fiscal year 1993:
(A) New direct loan obligations, $12,431,000,000.
(B) New primary loan guarantee commitments, $122,697,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations

and new primary loan guarantee commitments for fiscal years 1991 through 1993 for each major functional category are:

(1) National Defense (050):

Fiscal year 1991:

(A) New budget authority, $301,600,000,000.

(B) Outlays, $297,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $306,100,000,000.

(B) Outlays, $300,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $312,900,000,000.

(B) Outlays, $306,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1991:

(A) New budget authority, $18,100,000,000.

(B) Outlays, $17,000,000,000.

(C) New direct loan obligations, $1,276,000,000.

(D) New primary loan guarantee commitments, $11,009,000,000.

Fiscal year 1992:

(A) New budget authority, $19,100,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $1,325,000,000.

(D) New primary loan guarantee commitments, $11,440,000,000.

Fiscal year 1993:

(A) New budget authority, $19,900,000,000.

(B) Outlays, $18,500,000,000.

(C) New direct loan obligations, $1,372,000,000.

(D) New primary loan guarantee commitments, $11,855,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1991:

(A) New budget authority, $14,600,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $15,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1991:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 1992:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $447,000,000.

(D) New primary loan guarantee commitments, $1,150,000,000.

Fiscal year 1993:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $5,300,000,000.

(C) New direct loan obligations, $456,000,000.

(D New primary loan guarantee commitments, $1,200,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1991:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,800,000,000.

(C) New direct loan obligations, $5,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $18,200,000,000.

(B) Outlays, $18,600,000,000.

(C) New direct loan obligations, $2,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $18,500,000,000.

(B) Outlays, $18,700,000,000.

(C) New direct loan obligations, $3,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1991:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $7,926,000,000.

(D) New primary loan guarantee commitments, $8,250,000,000.

Fiscal year 1992:

(A) New budget authority, $25,100,000,000.

(B) Outlays, $20,000,000,000.

(C) New direct loan obligations, $7,835,000,000.

(D) New primary loan guarantee commitments, $8,250,000,000.

Fiscal year 1993:

(A) New budget authority, $23,600,000,000.

(B) Outlays, $19,400,000,000.

(C) New direct loan obligations, $7,423,000,000.

(D) New primary loan guarantee commitments, $8,250,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1991:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $2,144,000,000.

(D) New primary loan guarantee commitments, $79,998,000,000.

Fiscal year 1992:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $1,913,000,000.

(D) New primary loan gurantee commitments, $72,245,000,000.

Fiscal year 1993:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $12,700,000,000.

(C) New direct loan obligations, $1,856,000,000.

(D) New primary loan guarantee commitments, $72,446,000,000.

(8) Transportation (400):

Fiscal year 1991:

(A) New budget authority, $31,600,000,000.

(B) Outlays, $30,400,000,000.

(C) New direct loan obligations, $48,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $32,900,000,000.

(B) Outlays, $31,400,000,000.

(C) New direct loan obligations, $48,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $34,100,000,000.

(B) Outlays, $32,300,000,000.

(C) New direct loan obligations, $48,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1991:

(A) New budget authority, $9,200,000,000.

(B) Outlays, $8,000,000,000.

(C) New direct loan obligations, $795,000,000.

(D) New primary loan guarantee commitments, $405,000,000.

Fiscal year 1992:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $7,600,000,000.

(C) New direct loan obligations, $756,000,000.

(D) New primary loan guarantee commitments, $395,000,000.

Fiscal year 1993:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $7,300,000,000.

(C) New direct loan obligations, $767,000,000.

(D) New primary loan guarantee commitments, $420,000,000

(10) Education, Training, Employment, and Social Services (500):

New Budget authority, $39,800,000.

(A) Fiscal year 1991:

(B) Outlays, $39,300,000,000.

(C) New direct loan obligations, $5,000,000.

(D) New primary loan guarantee commitments, $12,614,000,000.

Fiscal year 1992:

(A) New budget authority, $40,400,000,000.

(B) Outlays, $40,700,000,000.

(C) New direct loan obligations, $4,000,000.

(D) New primary loan guarantee commitments, $13,440,000,000.

Fiscal year 1993:

(A) New budget authority, $42,000,000,000.

(B) Outlays, $42,300,000,000.

(C) New direct loan obligations, $3,000,000.

(D) New primary loan guarantee commitments, $14,187,000,000.

(11) Health (550):

Fiscal year 1991:

(A) New budget authority, $64,900,000,000.

(B) Outlays, $64,400,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $185,000,000.

Fiscal year 1992:

(A) New budget authority, $71,300,000,000.

(B) Outlays, $71,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $120,000,000.

Fiscal year 1993:

(A) New budget authority, $77,600,000,000.

(B) Outlays, $77,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $60,000,000.

(12) Medicare (570):

Fiscal year 1991:

(A) New budget authority, $125,100,000,000.

(B) Outlays, $101,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $137,600,000,000.
(B) Outlays, $115,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $153,500,000,000.
(B) Outlays, $128,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1991:
(A) New budget authority, $175,100,000,000.
(B) Outlays, $156,500,000,000.
(C) New direct loan obligations, $1,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $198,000,000,000.
(B) Outlays, $162,100,000,000.
(C) New direct loan obligations, $1,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $206,300,000,000.
(B) Outlays, $169,500,000,000.
(C) New direct loan obligations, $1,000,000.
(D) New primary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1991:
(A) New budget authority, $4,700,000,000.
(B) Outlays, $4,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $6,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1991:
(A) New budget authority, $30,500,000,000.
(B) Outlays, $30,100,000,000.
(C) New direct loan obligations, $741,000,000.
(D) New primary loan guarantee commitments, $15,752,000,000.
Fiscal year 1992:
(A) New budget authority, $31,100,000,000.
(B) Outlays, $30,700,000,000.
(C) New direct loan obligations, $630,000,000.
(D) New primary loan guarantee commitments, $14,486,000,000.
Fiscal year 1993:
(A) New budget authority, $31,800,000,000.
(B) Outlays, $33,100,000,000.
(C) New direct loan obligations, $502,000,000.
(D) New primary loan guarantee commitments, $14,279,000,000.
(16) Administration of Justice (750):
Fiscal year 1991:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $12,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $14,100,000,000.
(B) Outlays, $13,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1991:
(A) New budget authority, $10,600,000,000.
(B) Outlays, $10,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $450,000,000.
Fiscal year 1992:
(A) New budget authority, $11,000,000,000.
(B) Outlays, $11,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $660,000,000.
Fiscal year 1993:
(A) New budget authority, $11,300,000,000.
(B) Outlays, $11,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1991:
(A) New budget authority, $192,800,000,000.
(B) Outlays, $192,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $188,500,000,000.
(B) Outlays, $188,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $188,300,000,000.
(B) Outlays, $188,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(19) Allowances (920):
Fiscal year 1991:
(A) New budget authority, $0.
(B) Outlays, $100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 1991:
(A) New budget authority, −$38,000,000,000.
(B) Outlays, −$38,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, −$37,500,000,000.
(B) Outlays, −$37,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, −$39,900,000,000.
(B) Outlays, −$39,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

RECONCILIATION

SEC. 4. (a) Not later than , 1990, the committees named in subsections (b) and (c) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

HOUSE COMMITTEES

(b)(1) The House Committee on Agriculture shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $101,000,000 in budget authority and $101,000,000 in outlays in fiscal year 1991, $113,000,000 in budget authority and $113,000,000 in outlays in fiscal year 1992, and $125,000,000 in budget authority and $125,000,000 in outlays in fiscal year 1993.

(2) The House Committee on Armed Services shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination therefore, as follows: $1,000,000,000 in budget authority and $1,000,000,000 in outlays in fiscal year 1991, $393,000,000 in budget authority and $393,000,000 in outlays in fiscal year 1992, and $394,000,000 in budget authority and $394,000,000 in outlays in fiscal year 1993.

(3) The House Committee on Banking shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: −$95,000,000 in budget authority and −$95,000,000 in outlays in fiscal year 1991, $359,000,000 in budget authority and $359,000,000 in outlays in fiscal year 1992, and $719,000,000 in budget authority and $719,000,000 in outlays in fiscal year 1993.

(4) The House Committee on Education and Labor shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget

Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $0 in budget authority and $0 in outlays in fiscal year 1991, $0 in budget authority and $0 in outlays in fiscal year 1992, and $0 in budget authority and $0 in outlays in fiscal year 1993.

(5) The House Committee on Energy and Commerce shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisidiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $3,982,000,000 in budget authority and $7,182,000,000 in outlays in fiscal year 1991, $2,350,000,000 in budget authority and $7,150,000,000 in outlays in fiscal year 1992, and $1,314,000,000 in budget authority and $7,314,000,000 in outlays in fiscal year 1993.

(6) The House Committee on Interior and Insular Affairs shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $395,000,000 in budget authority and $395,000,000 in outlays in fiscal year 1991, $417,000,000 in budget authority and $417,000,000 in outlays in fiscal year 1992, and $416,000,000 in budget authority and $416,000,000 in outlays in fiscal year 1993.

(7) The House Committee on Merchant Marine and Fisheries shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(a)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $200,000,000 in budget authority and $200,000,000 in outlays in fiscal year 1991, $208,000,000 in budget authority and $208,000,000 in outlays in fiscal year 1992, and $216,000,000 in budget authority and $216,000,000 in outlays in fiscal year 1993.

(8) The House Committee on Post Office and Civil Service shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $0 in budget authority and $0 in outlays in fiscal year 1991, $0 in budget authority and $0 in outlays in fiscal year 1992, and $0 in budget authority and $0 in outlays in fiscal year 1993.

(9) The House Committee on Publicworks shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 204(c)(2)(C) of the Congressonal Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $51,000,000 in budget authority and $51,000,000 in outlays in fiscal year 1991, $51,000,000 in budget authority and $51,000,000 in fiscal year 1992, and $51,000,000 in budget authority and $51,000,000 in outlays in fiscal year 1993.

(10) The House Committee on Science and Technology shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $1,000,000,000 in budget authority and $1,000,000,000 in outlays in fiscal year 1991, $393,000,000 in budget authority and $393,000,000 in outlays in fiscal year 1992, and $394,000,000 in budget authority and $394,000,000 in outlays in fiscal year 1993.

(11) The House Committee on Small Business shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $101,000,000 in budget authority and $101,000,000 in outlays in fiscal year 1991, $105,000,000 in budget authority and $105,000,000 in outlays in fiscal year 1992, and $109,000,000 in budget authority and $109,000,000 in outlays in fiscal year 1993.

(12) The House Committee on Veterans' Affairs shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (C) any combination thereof, as follows: $30,000,000 in budget authority and $140,000,000 in outlays in fiscal year 1991, $31,000,000 in budget authority and $133,000,000 in outlays in fiscal years 1992, and $32,000,000 in budget authority and $134,500,000 in outlays in fiscal year 1993.

(13)(A) The House Committee on Ways and Means shall report (i) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (ii) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce budget authority and outlays, or (iii) any combination thereof, as follows: $NA in budget authority and $3,298,000 in outlays in fiscal year 1991, $NA in budget authority and $4,944,000 in outlays in fiscal year 1992, and $NA in budget authority and $6,222,000,000 in outlays in fiscal year 1993.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: $9,700,000,000 in fiscal year 1991, $8,600,000,000 in fiscal year 1992, and $1,900,000,000 in fiscal year 1993.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Ohio [Mr. KASICH] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. PANETTA. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute and would like to be granted the time in opposition.

The CHAIRMAN pro tempore. The gentleman from California [Mr. PANETTA] will be recognized for 30 minutes.

Mr. KASICH. Mr. Chairman I yield myself such time as I may consume. I just want to say to the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget, that he would have shocked everybody if he would have just said he rose to support my amendment.

I want to again lay out for those who are listening, the Members and their staffs, what I intend to propose today, and what it really is, is it kind of takes a little out of what the gentleman from California [Mr. PANETTA], the chairman, just said, and I guess I would call this the kinder and gentler substitute budget proposal, and, as my colleagues know, it is kind of funny because it encompasses a lot of the elements that the gentleman from California [Mr. PANETTA] just talked about, establishing priorities. But more important than all of that is to shoot down the road towards a balanced budget, which my proposal is able to do within a period of 3 years. As I mentioned earlier in the debate, I had a substitute proposal last year that froze defense and froze discretionary spending that would have put us at the Gramm-Rudman targets this year if it had been adopted. Unfortunately it was not, and it was not adopted, not because it was a bad proposal, but because of politics. In fact, it reminded me of last year, when I put this forward, of what John Kennedy used to say when he went to Columbus, OH. He used to say, "I get the loudest cheers and the fewest votes."

□ 1400

Well, whenever I come forward with this budget, I get a lot of slaps on the back and everybody tells me how wonderful it is, but you know, we got to the Rubicon and I put my toe in and now I am not so sure I can cross it.

Well, this year I hope it is going to be a little bit different, because if you took a look at what I did last year, you would see it was responsible and what

I am doing this year is I think equally as responsible and a very viable proposal. When I say a viable proposal, I mean that because it is not based on smoke and mirrors. It takes the economic assumptions that the administration budget rests upon, the same as the committee budget. We do not use the gold standard or any of those other notions that are fine in theory, but certainly not tested the way we would like in practice. It basically takes the budget and does two simple things.

One, it freezes defense at the current year. Now, the Bush administration, of course, does in fact cut defense. His budget went in 1 year ago before we had the massive changes that we have had throughout the world.

What my budget does is give us a hard freeze in defense, and I do not think that is an unrealistic step to take for those who are concerned about national security in light of the changes that have occurred within the last year.

The other thing that we do is we freeze discretionary spending at the current year.

Now, let me make it perfectly clear to everyone who is watching this debate that under my proposal people will get their full COLA's. I do not impact the COLA's of any of the people who have them coming in the next fiscal year. I also do not touch the entitlement programs. It was not my effort to do that.

Let me explain that when I freeze defense, a hard freeze in defense at this year's level, that to me meant that Republicans had to take a pretty good step and say that they were willing to say that defense had a share in deficit reduction. When I freeze discretionary spending, I am really saying to Democrats who are concerned about social spending that we need to freeze it for at least 1 year in order to achieve some significant deficit reduction.

In terms of the entitlement programs, I think everybody has those concerns right now and wants the entitlements to be delivered.

Let me tell you what is amazing. When I first asked my staff, Scott Salmon from the Budget Committee who did a fine job on defense spending which are even included in the Democrat budget proposal which provides a rational way in which we reduce defense spending and not have distorted reductions, but rather well-rounded reductions, and of course, Art Sauer, who is in his second year with the Budget Committee has worked on my proposal, and my own staff director, Greg Hampton on budget, I said to these guys, "Look, let's take a look at what we did last year and let us apply it to this year and see what we get."

I mean, it was to my surprise to realize that just a tiny little bit of restraint will go a long way in deficit reduction. I mean, I think that is the thing that is so amazing. That is the message that the Kasich substitute sends. It says that if we are willing to have a real freeze for 1 year in defense and in discretionary programs, we can have a balanced budget with a $5.3 billion surplus in 1993.

I think people who are sitting in their offices hearing this are shaking their heads and saying, "It can't be. How can this be so?"

But let me tell you, I took the budget proposal that I had, I offered it in committee, had Republican support in committee, took that budget proposal, it was sent down to OMB to be analyzed. I was projecting an $18 billion surplus in 1993. OMB's only criticism was, "You didn't figure food stamps the right way. The surplus will be $5.3 billion."

My revenue numbers are the same as the President's. My economic assumptions are the same.

Now, I want to tell you, there is not anybody in this House who politically cannot support a freeze of discretionary spending and a freeze of defense for 1 year and provide us a budget surplus in 1993.

Now, look, if you want to have more spending in the discretionary area, let me point this out. If the Appropriations Committee, for example, feels as though education ought to get increased, then they can take money out of the discretionary pot of some other program to establish their priorities. We are just saying that the amount of money in discretionary ought not to grow. We are not saying what the priorities ought to be. I mean, I think education is a big priority. So if we want to take something from one area and put it into another, we can do that.

But look, we all talk about reducing deficits. We all talk about the political problems in doing it. What I am saying is I am giving you a road map to send a clear message that we can do a better job in this Congress, that we can approach a balanced budget, that we can reduce our deficits, that we can show our concern for future taxpayers and future generations, and we can do it in such a way that I do not think you get any objection from anybody at home. In fact, the objection you ought to get is that if you vote against the Kasich substitute.

Now, for those Democrats who want to vote for the Panetta bill, fine. There is no inconsistency in voting for the Panetta bill and voting for the Kasich bill that says that we ought to have restraint.

And to Republicans who are worried about having to vote for the President, for me or against the President for me, it is not inconsistent to support the President and support my budget.

The President's budget, as the gentleman from Minnesota [Mr. FRENZEL] pointed out, is at least 10 months old or 1 year old. My proposal is a better reflection of where the world is today.

So what I want to say is that I want people who are following this debate not to think that this is some goofy proposal that was slapped together in the last minute, that is based on economic assumptions that are unrealistic or some other kind of fancy gimmicks in order to get us to a surplus, this is a solid, honest budget proposal that has been reviewed by staff, that has been reviewed by the OMB and by only freezing defense and freezing discretionary programs in 1993 we can have a $5 billion-plus budget surplus.

Mr. Chairman, I reserve the balance of my time and ask for support.

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, I rise in opposition to the amendment that is offered by the gentleman from Ohio [Mr. KASICH], but I do that recognizing that the gentleman from Ohio is perhaps one of the most conscientious members of the Budget Committee, and that I truly believe he is committed to trying to reduce the deficit, trying to make tough choices and trying to make the decisions that have to be made if in fact we are going to restore the resources that we need for the future.

I truly believe that as he normally does, he has made a very serious effort here at the budget proposal that has been offered here. It is an honest effort and it is one that I would commend to Members to take seriously.

In part, I think it is done out of the frustration that I guess we all sense when it comes to trying to confront the deficit issue. There is a lot of talk about dealing with deficits, but it is very difficult to confront those choices, particularly when the politics of the institution do not permit you really to make the tough choices that need to be made, either Presidential politics or congressional politics.

But it is out of that frustration that the gentleman has presented the budget that is before us. I think the best way to define it is that what he essentially does when you use a freeze is that you implement what could be called the minisequester. The sequester is the tool that is used under Gramm-Rudman when all else fails. When all else fails, Gramm-Rudman basically says to cut everything across the board, take an equal amount out of defense, take an equal amount out of domestic spending and reach the targets that you have to reach. But in the process of developing a resolution and in the process of hoping that we can resolve our differences responsibly, it is my view that we ought to ex-

haust every possible effort to try to focus on priorities, try to focus on need, before we have to resort to the kind of across-the-board approach that is recommended in the gentleman's amendment.

The challenge for those involved in the deficit process, the challenge is to sort out priorities. As we move from the cold war economy to the peace time economy, you have got to begin to make careful decisions about how we reduce defense, where we reduce defense, where investments are made within our own society and what programs in that process can be reduced.

□ 1410

Those are the kinds of decisions that take time, take care, and I think need to be handled responsibly by both the President as well as the Congress.

The approach of the substitute basically is one that says regardless of merit, regardless of the programs that work, regardless of the programs that do not work, we are going to freeze everything. We are going to cut everything across the board, and unfortunately, that results in a lot of hits in areas that, very frankly, need attention. The gentleman's budget, for example, with regard to education would cut about $3.2 billion. With regard to subsidized housing, it would cut about $10 billion out. With regard to FAA safety and improvement, which is obviously an area of great concern at the present time, it would cut about $1.2 billion. The veterans' medical care would be cut $1 billion, as well as other areas that I think are of priority attention in trying to look at our society and what needs to be confronted from education to drug enforcement, from transportation to health care, from housing to veterans. These are areas, I think, that demand attention right now, and we ought to have the will and the foresight and the care and the commitment to try to do that in a responsible way.

As I said, maybe we will reach this point. Maybe if we fail, if we cannot come together, if we cannot resolve our differences, then, indeed, we may reach this point in the form of sequester. I hope that does not happen.

I believe the purpose of offering a budget resolution, of trying to proceed with the process, is in the hope that we still have a chance. We still have the opportunity to do the right thing. I am not prepared to surrender yet, and for that reason I would oppose the Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just very quickly respond to the gentleman's kinder and gentler criticisms by saying that in the area, for example, of veterans' medical care or education, as I said earlier, there is nothing that would prevent the Committee on Appropriations from making those priorities. The only difficulty that we have is that we are unable to take the first step, which is to agree that the discretionary funding ought to be held at a certain level. I happen to believe that we ought to freeze it at this year's level, and we can establish our priorities as we move through the process here, certainly paying attention to the critical areas like veterans' medical care and education.

I just maintain that out of that pot of discretionary programs we can prioritize. The gentleman would like us to prioritize right off the bat. I am saying the first priority has got to be to freeze the money so then we can prioritize, because if we do not freeze the money, we will never get to the process of prioritizing.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, when the gentleman from Ohio determined to sponsor his amendment, I was thrown into a state of confusion. The amendment which he is offering is very similar to those which I have offered in the past whose basis is a freeze. Sometimes we freeze everything; sometimes we freeze some spending, sometimes we freeze some spending partially. The Kasich amendment is a hard freeze, but, nevertheless, it has the old freeze philosophy, one which I have admired for some time.

On the other hand, I was nervous that the gentleman's amendment would be so cunningly constructed that it might divert Republicans from supporting the President's budget and, therefore, make it look like there was less support for the President's budget. I am now convinced that many Republicans like both budgets and that they can vote for them as being superior items to the Panetta budget to which both are offered as amendments.

I would suggest to the membership that when it considers the Kasich budget, it should not consider it as perfection, or as an item pending against nothing. It has to be considered in comparison to the Panetta budget to which it is infinitely superior, and I will, therefore, support it.

I will say one thing further, Mr. Chairman. There has been an argument: "Does Kasich cut something?" Yes, it does. If we are going to have a budget that is going to meet Gramm-Rudman targets and put our economy back where it belongs, and if we are ever going to get the deficit down to zero, we are regrettably going to have to cut something.

At some point, the Members of this House are not going to be able to stake their reputations on always adding to everything, including new initiatives. At some point in the game we are going to have to stop spending.

The Kasich budget just serves us a little sterner notice that that day is on the way. I urge an "aye" vote.

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say a couple more things about this.

This is an election year, and Members are going to be going home this year, and people are going to be saying, "What are you doing about the deficit?" In fact, their opponents may be asking, "What are you doing about the deficit?"

What I maintain they can do, and they can hold their head up high and be proud to say that, "I supported a budget proposal that froze defense because of a world in which it can be accommodated. I voted for a budget that froze discretionary spending for just 1 single year, that I did not want to ask the senior citizens for their COLA sacrifice or for the very poor, their entitlements. I decided I needed to be compassionate enough to support them, but I did want to exercise some budget restraint, and as a result, I voted for this Republican's proposal because it, in 3 years, can provide us a budget surplus."

I do not think the proposal is perfect. I do not think it solves all the problems, but what it does is it sends a message and sets a tone that the Congress has got to change the way we have been doing things for the last 4 or 5 years, really for the last 40 years, when we get right down to it.

What I say to the Members is give it a chance, folks, and come to the floor and vote for this. Do not come up to me later and tell me, "It was a great budget," but you just could not do it. I mean, if Members are not going to do it, do not tell me it was a great budget.

The fact of the matter is if Members believe it is a good budget, take the chance, take the risk.

Members did not come to Congress for business as usual. I was in the back seat of a car on the way to the congressional basketball game the other night, and some of the guys were saying, "I am going to vote against this, I am going to vote against that budget, this budget. That is the politically smart thing to do." I looked at my friends and said, "What did you come to Congress for? Did you come to Congress to avoid hard choices and decisions, or did you come here to try to make a difference?" I think we are here to make a difference. That is why I am here. That is why the chairman is here. That is why the gentleman from Minnesota [Mr. FRENZEL] is here.

I urge the Members to come to the House floor and cast a vote in favor of the Kasich budget, send them a message that we can be a better Congress, that we can do a better job, and we

can provide budget surpluses and we can do a lot better by future generations by supporting this.

Mr. Chairman, I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. KASICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KASICH. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their name:

[Roll No. 83]

ANSWERED "PRESENT"—407

Akaka	Carr	Emerson
Alexander	Chandler	Engel
Anderson	Chapman	English
Andrews	Clarke	Erdreich
Annunzio	Clay	Evans
Anthony	Clement	Fascell
Applegate	Clinger	Fawell
Archer	Coble	Fazio
Aspin	Coleman (MO)	Feighan
Atkins	Coleman (TX)	Fields
AuCoin	Combest	Fish
Baker	Condit	Flake
Ballenger	Conte	Foglietta
Barnard	Conyers	Ford (MI)
Bartlett	Cooper	Frenzel
Barton	Costello	Gallegly
Bateman	Coughlin	Gallo
Bates	Courter	Gaydos
Beilenson	Cox	Gejdenson
Bennett	Coyne	Gekas
Bentley	Craig	Gephardt
Bereuter	Crane	Geren
Berman	Crockett	Gibbons
Bevill	Dannemeyer	Gillmor
Bilbray	Darden	Gilman
Bilirakis	Davis	Gingrich
Billey	de la Garza	Glickman
Boehlert	DeFazio	Gonzalez
Boggs	DeLay	Goodling
Bonior	Dellums	Gordon
Borski	Derrick	Goss
Boucher	DeWine	Gradison
Boxer	Dickinson	Grandy
Brennan	Dicks	Grant
Brooks	Dingell	Gray
Broomfield	Dixon	Green
Browder	Donnelly	Guarini
Brown (CA)	Dorgan (ND)	Gunderson
Brown (CO)	Dornan (CA)	Hall (OH)
Bruce	Douglas	Hall (TX)
Bryant	Downey	Hamilton
Buechner	Dreier	Hammerschmidt
Bunning	Duncan	Hancock
Burton	Durbin	Hansen
Bustamante	Dwyer	Harris
Byron	Dymally	Hastert
Callahan	Dyson	Hatcher
Campbell (CA)	Early	Hawkins
Campbell (CO)	Eckart	Hayes (IL)
Cardin	Edwards (CA)	Hayes (LA)
Carper	Edwards (OK)	Hefley
Hefner	Meyers	Schulze
Henry	Miller (CA)	Schumer
Herger	Miller (OH)	Sensenbrenner
Hertel	Miller (WA)	Serrano
Hiler	Mineta	Sharp
Hoagland	Moakley	Shaw
Hochbrueckner	Molinari	Shays
Holloway	Mollohan	Shumway
Horton	Montgomery	Shuster
Houghton	Moody	Sikorski
Hoyer	Moorhead	Sisisky
Hubbard	Morella	Skaggs
Huckaby	Morrison (CT)	Skeen
Hughes	Morrison (WA)	Skelton
Hunter	Murphy	Slaughter (NY)
Hutto	Murtha	Slaughter (VA)
Hyde	Myers	Smith (FL)
Inhofe	Nagle	Smith (IA)
Ireland	Natcher	Smith (NE)
Jacobs	Neal (MA)	Smith (NJ)
James	Neal (NC)	Smith (TX)
Jenkins	Nelson	Smith (VT)
Johnson (CT)	Nielson	Smith, Denny (OR)
Johnson (SD)	Nowak	Smith, Robert (NH)
Jones (GA)	Oakar	Smith, Robert (OR)
Jones (NC)	Oberstar	Snowe
Jontz	Obey	Solarz
Kanjorski	Olin	Spence
Kaptur	Ortiz	Spratt
Kasich	Owens (NY)	Staggers
Kastenmeier	Owens (UT)	Stallings
Kennedy	Oxley	Stangeland
Kennelly	Packard	Stark
Kildee	Pallone	Stearns
Kleczka	Panetta	Stenholm
Kolbe	Parker	Stokes
Kolter	Parris	Studds
Kostmayer	Pashayan	Sundquist
Kyl	Patterson	Swift
LaFalce	Paxon	Synar
Lagomarsino	Payne (NJ)	Tallon
Lancaster	Payne (VA)	Tanner
Lantos	Pease	Tauke
Laughlin	Pelosi	Tauzin
Leach (IA)	Penny	Taylor
Lehman (CA)	Perkins	Thomas (CA)
Lehman (FL)	Petri	Thomas (GA)
Lent	Pickett	Torres
Levin (MI)	Pickle	Torricelli
Levine (CA)	Porter	Towns
Lewis (CA)	Poshard	Traficant
Lewis (FL)	Price	Traxler
Lewis (GA)	Quillen	Udall
Lightfoot	Rangel	Unsoeld
Lipinski	Ravenel	Upton
Livingston	Ray	Valentine
Lloyd	Regula	Vander Jagt
Long	Rhodes	Vento
Lowery (CA)	Richardson	Visclosky
Lowey (NY)	Ridge	Volkmer
Luken, Thomas	Rinaldo	Walgren
Lukens, Donald	Ritter	Walker
Machtley	Roberts	Walsh
Madigan	Robinson	Washington
Manton	Roe	Waxman
Markey	Rogers	Weber
Marlenee	Rohrabacher	Weiss
Martin (IL)	Ros-Lehtinen	Weldon
Martin (NY)	Rose	Wheat
Martinez	Rostenkowski	Whittaker
Matsui	Roth	Whitten
Mavroules	Roukema	Williams
Mazzoli	Rowland (CT)	Wilson
McCandless	Rowland (GA)	Wise
McCloskey	Roybal	Wolf
McCollum	Sabo	Wolpe
McCrery	Saiki	Wyden
McCurdy	Sangmeister	Wylie
McDade	Sarpalius	Yates
McDermott	Sawyer	Yatron
McEwen	Saxton	Young (AK)
McGrath	Schaefer	Young (FL)
McHugh	Scheuer	
McMillan (NC)	Schiff	
McMillen (MD)	Schneider	
McNulty	Schroeder	

□ 1438

The CHAIRMAN. Four hundred seven Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. KASICH] for a recorded vote.

Five minutes will be allowed for this vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 305, not voting 22, as follows:

[Roll No. 84]

AYES—106

Ballenger	Gingrich	Ravenel
Barnard	Gordon	Ray
Bartlett	Goss	Ridge
Bateman	Grandy	Ritter
Bennett	Hall (TX)	Roberts
Bereuter	Hastert	Rogers
Billey	Hayes (LA)	Rohrabacher
Buechner	Herger	Roth
Burton	Hiler	Rowland (CT)
Callahan	Hoagland	Rowland (GA)
Carper	Houghton	Sabo
Chandler	Huckaby	Saxton
Chapman	Ireland	Schulze
Clinger	Johnson (CT)	Sensenbrenner
Coble	Kasich	Shays
Combest	Kolbe	Skaggs
Condit	Lancaster	Skeen
Cooper	Leach (IA)	Slaughter (VA)
Coughlin	Lent	Smith (NE)
Crane	Lewis (FL)	Spence
Dannemeyer	Lowery (CA)	Stangeland
Darden	Lukens, Donald	Stenholm
DeLay	Martin (NY)	Sundquist
DeWine	McCollum	Tallon
Dickinson	McEwen	Tauke
Dornan (CA)	McMillan (NC)	Tauzin
Downey	Miller (OH)	Taylor
Duncan	Miller (WA)	Thomas (CA)
Edwards (OK)	Moorhead	Thomas (GA)
English	Nielson	Upton
Fawell	Owens (UT)	Vander Jagt
Fish	Oxley	Weber
Frenzel	Patterson	Whittaker
Gallo	Petri	Wylie
Gekas	Pickle	
Gillmor	Porter	

NOES—305

Akaka	Clarke	Flake
Alexander	Clay	Foglietta
Anderson	Clement	Ford (MI)
Andrews	Coleman (MO)	Frank
Annunzio	Coleman (TX)	Frost
Anthony	Conte	Gallegly
Applegate	Conyers	Gaydos
Archer	Costello	Gejdenson
Aspin	Courter	Gephardt
Atkins	Cox	Geren
AuCoin	Coyne	Gibbons
Baker	Craig	Gilman
Barton	Crockett	Glickman
Bates	Davis	Gonzalez
Beilenson	de la Garza	Goodling
Bentley	DeFazio	Gradison
Berman	Dellums	Grant
Bevill	Derrick	Gray
Bilbray	Dicks	Green
Bilirakis	Dingell	Guarini
Boehlert	Dixon	Gunderson
Boggs	Donnelly	Hall (OH)
Bonior	Dorgan (ND)	Hamilton
Borski	Douglas	Hammerschmidt
Boucher	Dreier	Hancock
Boxer	Durbin	Hansen
Brennan	Dwyer	Harris
Brooks	Dymally	Hatcher
Broomfield	Dyson	Hawkins
Browder	Early	Hayes (IL)
Brown (CA)	Eckart	Hefley
Brown (CO)	Edwards (CA)	Hefner
Bruce	Emerson	Henry
Bryant	Engel	Hertel
Bunning	Erdreich	Hochbrueckner
Byron	Evans	Holloway
Campbell (CA)	Fascell	Horton
Campbell (CO)	Fazio	Hoyer
Cardin	Feighan	Hubbard
Carr	Fields	Hughes

Hunter	Mollohan	Shaw
Hutto	Montgomery	Shumway
Hyde	Moody	Shuster
Inhofe	Morella	Sikorski
Jacobs	Morrison (CT)	Sisisky
James	Morrison (WA)	Skelton
Jenkins	Murphy	Slattery
Johnson (SD)	Murtha	Slaughter (NY)
Jones (GA)	Myers	Smith (FL)
Jones (NC)	Nagle	Smith (IA)
Jontz	Natcher	Smith (NJ)
Kanjorski	Neal (MA)	Smith (TX)
Kaptur	Neal (NC)	Smith (VT)
Kastenmeier	Nelson	Smith, Denny (OR)
Kennedy	Nowak	
Kennelly	Oakar	Smith, Robert (NH)
Kildee	Oberstar	
Kleczka	Obey	Smith, Robert (OR)
Kolter	Olin	
Kostmayer	Ortiz	Snowe
Kyl	Owens (NY)	Solarz
LaFalce	Packard	Spratt
Lagomarsino	Pallone	Staggers
Lantos	Panetta	Stallings
Laughlin	Parker	Stark
Lehman (CA)	Parris	Stearns
Lehman (FL)	Pashayan	Stokes
Levin (MI)	Paxon	Studds
Levine (CA)	Payne (NJ)	Swift
Lewis (CA)	Payne (VA)	Synar
Lewis (GA)	Pease	Tanner
Lightfoot	Pelosi	Torres
Lipinski	Penny	Torricelli
Livingston	Perkins	Towns
Lloyd	Pickett	Traficant
Long	Poshard	Traxler
Lowey (NY)	Price	Udall
Luken, Thomas	Quillen	Unsoeld
Machtley	Rangel	Valentine
Madigan	Regula	Vento
Manton	Rhodes	Visclosky
Markey	Richardson	Volkmer
Marlenee	Rinaldo	Vucanovich
Martin (IL)	Robinson	Walgren
Martinez	Roe	Walker
Matsui	Ros-Lehtinen	Walsh
Mavroules	Rose	Washington
Mazzoli	Rostenkowski	Waxman
McCandless	Roukema	Weiss
McCloskey	Roybal	Weldon
McCrery	Saiki	Wheat
McCurdy	Sangmeister	Whitten
McDade	Sarpalius	Williams
McDermott	Savage	Wilson
McGrath	Sawyer	Wise
McHugh	Schaefer	Wolf
McMillen (MD)	Scheuer	Wolpe
McNulty	Schiff	Wyden
Meyers	Schneider	Yates
Miller (CA)	Schroeder	Yatron
Mineta	Schumer	Young (AK)
Moakley	Serrano	Young (FL)
Molinari	Sharp	

NOT VOTING—22

Ackerman	Hopkins	Russo
Armey	Johnston	Schuette
Bosco	Leath (TX)	Solomon
Bustamante	Mfume	Stump
Collins	Michel	Thomas (WY)
Espy	Mrazek	Watkins
Flippo	Pursell	
Ford (TN)	Rahall	

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The Clerk announced the following pair:

On this vote:

Mr. Armey for, with Mr. Ackerman against.

Messrs. HAYES of Louisiana, FISH, SABO, SKAGGS, EDWARDS of Oklahoma, McCOLLUM, and ROWLAND of Georgia changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. DANNEMEYER: Strike all after the resolving clause and insert the following:

That the budget for fiscal year 1991 is established, and the appropriate budgetary levels for fiscal years 1992, 1993, 1994, and 1995 are hereby set forth.

MAXIMUM DEFICIT AMOUNTS

SEC. 2. The following levels and amounts in this section are set forth for purposes of determining, in accordance with section 301(i) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985, whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution, shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $1,166,710,000,000.
Fiscal year 1992: $1,227,330,000,000.
Fiscal year 1993: $1,302,680,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,385,340,000,000.
Fiscal year 1992: $1,373,710,000,000.
Fiscal year 1993: $1,437,420,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $1,228,630,000,000.
Fiscal year 1992: $1,192,650,000,000.
Fiscal year 1993: $1,238,580,000,000.

(4)(A) The amount of the deficit is as follows:

Fiscal year 1991: −$61,920,000,000.

(B) The amounts of the surpluses are as follows:

Fiscal year 1992: +$34,680,000,000.
Fiscal year 1993: +$64,100,000,000.

RECOMMENDED LEVELS AND AMOUNTS

SEC. 3. (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1990, October 1, 1991, October 1, 1992, October 1, 1993, and October 1, 1994:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $852,170,000,000.
Fiscal year 1992: $889,940,000,000.
Fiscal year 1993: $940,730,000,000.
Fiscal year 1994: $993,260,000,000.
Fiscal year 1995: $1,057,300,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1991: $29,700,000,000.
Fiscal year 1992: $23,580,000,000.
Fiscal year 1993: $25,990,000,000.
Fiscal year 1994: $27,080,000,000.
Fiscal year 1995: $30,240,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1991: $77,122,000,000.
Fiscal year 1992: $82,479,000,000.
Fiscal year 1993: $89,042,000,000.
Fiscal year 1994: $95,075,000,000.
Fiscal year 1995: $100,451,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,048,900,000,000.
Fiscal year 1992: $1,010,100,000,000.
Fiscal year 1993: $1,044,000,000,000.
Fiscal year 1994: $1,059,760,000,000.
Fiscal year 1995: $1,092,250,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $966,630,000,000.
Fiscal year 1992: $914,420,000,000.
Fiscal year 1993: $943,030,000,000.
Fiscal year 1994: $954,410,000,000.
Fiscal year 1995: $983,890,000,000.

(4)(A) The amounts of the deficits are as follows:

Fiscal year 1991: −$114,460,000,000.
Fiscal year 1992: −$24,480,000,000.

(B) The amounts of the surpluses are as follows:

Fiscal year 1993: +$2,300,000,000.
Fiscal year 1994: +$38,850,000,000.
Fiscal year 1995: +$73,410,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1991: $3,315,850,000,000.
Fiscal year 1992: $3,479,150,000,000.
Fiscal year 1993: $3,639,700,000,000.
Fiscal year 1994: $3,774,500,000,000.
Fiscal year 1995: $3,885,650,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1990, October 1, 1991, October 1, 1992, October 1, 1993, and October 1, 1994, are as follows:

Fiscal year 1991:
(A) New direct loan obligations, $13,440,000,000.
(B) New primary loan guarantee commitments, $129,763,000,000.
Fiscal year 1992:
(A) New direct loan obligations, $12,962,000,000.
(B) New primary loan guarantee commitments, $122,187,000,000.
Fiscal year 1993:
(A) New direct loan obligations, $12,431,000,000.
(B) New primary loan guarantee commitments, $122,697,000,000.
Fiscal year 1994:
(A) New direct loan obligations, $12,056,000,000.
(B) New primary loan guarantee commitments, $124,207,000,000.
Fiscal year 1995:
(A) New direct loan obligations, $11,743,000,000.
(B) New primary loan guarantee commitments, $125,705,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new primary loan guarantee commitments for fiscal years 1991 through 1995 for each major functional category are:

(1) National Defense (050):
Fiscal year 1991:
(A) New budget authority, $301,630,000,000.
(B) Outlays, $296,740,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $304,650,000,000.
(B) Outlays, $299,710,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $307,690,000,000.
(B) Outlays, $302,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $310,770,000,000.
(B) Outlays, $305,730,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $313,880,000,000.
(B) Outlays, $308,790,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(2) International Affairs (150):
Fiscal year 1991:
(A) New budget authority, $18,350,000,000.
(B) Outlays, $13,980,000,000.
(C) New direct loan obligations, $1,276,000,000.
(D) New primary loan guarantee commitments, $11,009,000,000.
Fiscal year 1992:
(A) New budget authority, $19,080,000,000.
(B) Outlays, $14,540,000,000.
(C) New direct loan obligations, $$1,324,000,000.
(D) New primary loan guarantee commitments, $11,440,000,000.
Fiscal year 1993:
(A) New budget authority, $19,850,000,000.
(B) Outlays, $15,120,000,000.
(C) New direct loan obligations, $1,371,000,000.
(D) New primary loan guarantee commitments, $11,856,000,000.
Fiscal year 1994:
(A) New budget authority, $20,640,000,000
(B) Outlays, $15,730,000,000.
(C) New direct loan obligations, $1,417,000,000.
(D) New primary loan guarantee commitments, $12,251,000,000.
Fiscal year 1995:
(A) New budget authority, $21,470,000,000.
(B) Outlays, $16,350,000,000.
(C) New direct loan obligations, $1,457,000,000.
(D) New primary loan guarantee commitments, $12,624,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 1991:
(A) New budget authority, $15,230,000,000.
(B) Outlays, $15,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $15,840,000,000.
(B) Outlays, $15,810,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $16,470,000,000.
(B) Outlays, $16,440,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $17,130,000,000.
(B) Outlays, $17,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $17,820,000,000.
(B) Outlays, $17,780,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1991:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $3,500,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $1,100,000,000.
Fiscal year 1992:
(A) New budget authority, $5,410,000,000.
(B) Outlays, $3,640,000,000.
(C) New direct loan obligations, $448,000,000.
(D) New primary loan guarantee commitments, $1,150,000,000.
Fiscal year 1993:
(A) New budget authority, $5,620,000,000.
(B) Outlays, $3,790,000,000.
(C) New direct loan obligations, $456,000,000.
(D) New primary loan guarantee commitments, $1,200,000,000.
Fiscal year 1994:
(A) New budget authority, $5,850,000,000.
(B) Outlays, $3,940,000,000.
(C) New direct loan obligations, $414,000,000.
(D) New primary loan guarantee commitments, $1,250,000,000.
Fiscal year 1995:
(A) New budget authority, $6,080,000,000.
(B) Outlays, $4,090,000,000.
(C) New direct loan obligations, $404,000,000.
(D) New primary loan guarantee commitments, $1,280,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 1991:
(A) New budget authority, $17,060,000,000.
(B) Outlays, $17,850,000,000.
(C) New direct loan obligations, $5,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $17,740,000,000.
(B) Outlays, $18,560,000,000.
(C) New direct loan obligations, $2,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $18,450,000,000.
(B) Outlays, $19,310,000,000.
(C) New direct loan obligations, $3,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $19,190,000,000.
(B) Outlays, $20,080,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $19,960,000,000.
(B) Outlays, $20,880,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1991:
(A) New budget authority, $19,190,000,000.
(B) Outlays, $16,320,000,000.
(C) New direct loan obligations, $7,926,000,000.
(D) New primary loan guarantee commitments, $8,700,000,000.
Fiscal year 1992:
(A) New budget authority, $21,860,000,000.
(B) Outlays, $18,880,000,000.
(C) New direct loan obligations, $7,835,000,000.
(D) New primary loan guarantee commitments, $8,910,000,000.
Fiscal year 1993:
(A) New budget authority, $21,240,000,000.
(B) Outlays, $18,140,000,000.
(C) New direct loan obligations, $7,423,000,000.
(D) New primary loan guarantee commitments, $8,250,000,000.
Fiscal year 1994:
(A) New budget authority, $20,130,000,000.
(B) Outlays, $16,900,000,000.
(C) New direct loan obligations, $7,169,000,000.
(D) New primary loan guarantee commitments, $8,250,000,000.
Fiscal year 1995:
(A) New budget authority, $19,420,000,000.
(B) Outlays, $16,060,000,000.
(C) New direct loan obligations, $6,927,000,000.
(D) New primary loan guarantee commitments, $8,250,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1991:
(A) New budget authority, $44,970,000,000.
(B) Outlays, $45,400,000,000.
(C) New direct loan obligations, $2,144,000,000.
(D) New primary loan guarantee commitments, $79,998,000,000.
Fiscal year 1992:
(A) New budget authority, $14,960,000,000.
(B) Outlays, $5,150,000,000.
(C) New direct loan obligations, $1,913,000,000.
(D) New primary loan guarantee commitments, $72,245,000,000.
Fiscal year 1993:
(A) New budget authority, $27,670,000,000.
(B) Outlays, $15,850,000,000.
(C) New direct loan obligations, $1,855,000,000.
(D) New primary loan guarantee commitments, $72,445,000,000.
Fiscal year 1994:
(A) New budget authority, $16,900,000,000.
(B) Outlays, $4,130,000,000.
(C) New direct loan obligations, $1,784,000,000.
(D) New primary loan guarantee commitments, $72,607,000,000.
Fiscal year 1995:
(A) New budget authority, $18,610,000,000.
(B) Outlays, $6,360,000,000.
(C) New direct loan obligations, $1,721,000,000.
(D) New primary loan guarantee commitments, $72,806,000,000.
(8) Transportation (400):
Fiscal year 1991:
(A) New budget authority, $31,170,000,000.
(B) Outlays, $29,280,000,000.
(C) New direct loan obligations, $48,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $32,420,000,000.
(B) Outlays, $30,450,000,000.
(C) New direct loan obligations, $48,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $33,710,000,000.
(B) Outlays, $31,670,000,000.
(C) New direct loan obligations, $48,000,000.

(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $35,060,000,000.
(B) Outlays, $32,940,000,000.
(C) New direct loan obligations, $48,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $36,460,000,000.
(B) Outlays, $34,250,000,000.
(C) New direct loan obligations, $48,000,000.
(D) New primary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1991:
(A) New budget authority, $8,970,000,000.
(B) Outlays, $8,360,000,000.
(C) New direct loan obligations, $795,000,000.
(D) New primary loan guarantee commitments, $405,000,000,
Fiscal year 1992:
(A) New budget authority, $9,330,000,000.
(B) Outlays, $8,690,000,000.
(C) New direct loan obligations, $756,000,000.
(D) New primary loan guarantee commitments, $395,000,000.
Fiscal year 1993:
(A) New budget authority, $9,700,000,000.
(B) Outlays, $9,040,000,000.
(C) New direct loan obligations, $767,000,000.
(D) New primary loan guarantee commitments, $420,000,000.
Fiscal year 1994:
(A) New budget authority, $10,090,000,000.
(B) Outlays, $9,400,000,000.
(C) New direct loan obligations, $734,000,000.
(D) New primary loan guarantee commitments, $445,000,000.
Fiscal year 1995:
(A) New budget authority, $10,490,000,000.
(B) Outlays, $9,780,000,000.
(C) New direct loan obligations, $719,000,000.
(D) New primary loan guarantee commitments, $470,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1991:
(A) New budget authority, $40,030,000,000.
(B) Outlays, $38,740,000,000.
(C) New direct loan obligations, $5,000,000.
(D) New primary loan guarantee commitments, $12,614,000,000.
Fiscal year 1992:
(A) New budget authority, $41,100,000,000.
(B) Outlays, $39,760,000,000.
(C) New direct loan obligations, $4,000,000.
(D) New primary loan guarantee commitments, $13,440,000,000.
Fiscal year 1993:
(A) New budget authority, $42,520,000,000.
(B) Outlays, $41,120,000,000.
(C) New direct loan obligations, $3,000,000.
(D) New primary loan guarantee commitments, $14,187,000,000.
Fiscal year 1994:
(A) New budget authority, $44,080,000,000.
(B) Outlays, $42,630,000,000.
(C) New direct loan obligations, $2,000,000.
(D) New primary loan guarantee commitments, $14,854,000,000.
Fiscal year 1995:
(A) New budget authority, $45,790,000,000.
(B) Outlays, $44,290,000,000.
(C) New direct loan obligations, $1,000,000.
(D) New primary loan guarantee commitments, $15,548,000,000.
(11) Health (550):
Fiscal year 1991:
(A) New budget authority, $65,140,000,000.
(B) Outlays, $62,380,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $185,000,000.
Fiscal year 1992:
(A) New budget authority, $71,510,000,000.
(B) Outlays, $68,640,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $120,000,000.
Fiscal year 1993:
(A) New budget authority, $78,000,000,000.
(B) Outlays, $75,010,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $60,000,000.
Fiscal year 1994:
(A) New budget authority, $84,420,000,000.
(B) Outlays, $81,310,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $50,000,000.
Fiscal year 1995:
(A) New budget authority, $91,070,000,000.
(B) Outlays, $87,840,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $25,000,000.
(12) Medicare (570):
Fiscal year 1991:
(A) New budget authority, $124,730,000,000.
(B) Outlays, $103,090,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $139,850,000,000.
(B) Outlays, $117,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $154,710,000,000.
(B) Outlays, $131,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $171,010,000,000.
(B) Outlays, $146,660,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $188,640,000,000.
(B) Outlays, $163,330,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1991:
(A) New budget authority, $191,100,000,000.
(B) Outlays, $152,180,000,000.
(C) New direct loan obligations, $1,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $199,020,000,000.
(B) Outlays, $158,540,000,000.
(C) New direct loan obligations, $1,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $207,850,000,000.
(B) Outlays, $165,760,000,000.
(C) New direct loan obligations, $1,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $218,410,000,000.
(B) Outlays, $174,640,000,000.
(C) New direct loan obligations, $1,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $227,310,000,000.
(B) Outlays, $181,780,000,000.
(C) New direct loan obligations, $1,000,000.
(D) New primary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1991:
(A) New budget authority, $3,800,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $4,430,000,000.
(B) Outlays, $4,430,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $4,860,000,000.
(B) Outlays, $4,860,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $5,340,000,000.
(B) Outlays, $5,340,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $5,910,000,000.
(B) Outlays, $5,910,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1991:
(A) New budget authority, $31,600,000,000.
(B) Outlays, $30,270,000,000.
(C) New direct loan obligations, $741,000,000.
(D) New primary loan guarantee commitments, $15,752,000,000.
Fiscal year 1992:
(A) New budget authority, $32,380,000,000.
(B) Outlays, $31,000,000,000.
(C) New direct loan obligations, $630,000,000.
(D) New primary loan guarantee commitments, $14,486,000,000.
Fiscal year 1993:
(A) New budget authority, $34,880,000,000.
(B) Outlays, 33,440,000,000.
(C) New direct loan obligations, $501,000,000.
(D) New primary loan guarantee commitments, $14,279,000,000.
Fiscal year 1994:
(A) New budget authority, $34,510,000,000.

(B) Outlays, $33,010,000,000.
(C) New direct loan obligations, $488,000,000.
(D) New primary loan guarantee commitments, $14,500,000,000.
Fiscal year 1995:
(A) New budget authority, $33,760,000,000.
(B) Outlays, $32,210,000,000.
(C) New direct loan obligations, $464,000,000.
(D) New primary loan guarantee commitments, $14,701,000,000.
(16) Administration of Justice (750):
Fiscal year 1991:
(A) New budget authority, $13,670,000,000.
(B) Outlays, $12,630,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $14,220,000,000.
(B) Outlays, $13,140,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $14,790,000,000.
(B) Outlays, $13,660,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $15,380,000,000.
(B) Outlays, $14,210,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $15,990,000,000.
(B) Outlays, $14,780,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1991:
(A) New budget authority, $10,810,000,000.
(B) Outlays, $10,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $11,300,000,000.
(B) Outlays, $11,130,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $11,500,000,000.
(B) Outlays, $11,330,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $11,720,000,000.
(B) Outlays, $11,540,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $12,260,000,000.
(B) Outlays, $12,070,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1991:
(A) New budget authority, $145,030,000,000.
(B) Outlays, $145,030,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $95,930,000,000.
(B) Outlays, $95,930,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $77,200,000,000.
(B) Outlays, $77,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $64,270,000,000.
(B) Outlays, $64,270,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $54,970,000,000.
(B) Outlays, $54,970,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(19) Allowances (920):
Fiscal year 1991:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 1991:
(A) New budget authority, −$38,780,000,000.
(B) Outlays, −$38,780,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, −$40,930,000,000.
(B) Outlays, −$40,930,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, −$42,710,000,000.
(B) Outlays, −$42,710,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, −$45,150,000,000.
(B) Outlays, −$45,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$47,630,000,000.
(B) Outlays, −$47,630,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

RECONCILIATION

SEC. 4. (a) Not later than July 16, 1990, the committees named in subsections (b) and (c) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

HOUSE COMMITTEES

(b) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: $3,200,000,000 in fiscal year 1991, −$4,300,000,000 in fiscal year 1992, −$3,600,000,000 in fiscal year 1993, −$4,300,000,000 in fiscal year 1994, and −$3,100,000,000 in fiscal year 1995.

SENATE COMMITTEES

(c) The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: $3,200,000,000 in fiscal year 1991, −$4,300,000,000 in fiscal year 1992, −$3,600,000,000 in fiscal year 1993, −$4,300,000,000 in fiscal year 1994, and −$3,100,000,000 in fiscal year 1995.

GOLD BONDS

SEC. 5 (a) The Congress shall consider legislation authorizing the issuance of Treasury obligations redeemable in gold, that—
(1) are known as Eagle bonds;
(2) have an annual investment yield not exceeding 1.75 per centum;
(3) have an initial maturity of forty years, and may not be issued for less than twenty-five years;
(4) have principal and interest redeemable at maturity in gold;
(5) are intended to replace high-interest, short-term debt.
(b) The issuance of gold bonds is intended to achieve—
(1) a permanent reduction in the rate of interest on the public debt;
(2) a permanent reduction in the rate of interest on the private debt;
(3) a significant reduction of the Federal budget deficit;
(4) the elimination of the U.S. trade deficit.

ACCELERATED REVENUE RECOVERY

SEC. 6 (a) It is the sense of Congress that the Department of the Treasury, Internal Revenue Service shall initiate a program that seeks an acceleration of the collection of unpaid taxes.
(b) Revenues collected pursuant to this program shall be used solely for the purpose of reducing the Federal budget deficit.
(c) Collection and compliance procedures shall be undertaken in accordance with P.L. 100-647 with regard to the rights of taxpayers.

□ 1450

The CHAIRMAN. Under the rule, the gentleman from California [Mr. DANNEMEYER] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

Mr. PANETTA. Mr. Chairman, I rise in opposition to the gentleman from California, Mr. DANNEMEYER's amendment, and ask that I be granted the time in opposition.

The CHAIRMAN. The gentleman from California [Mr. PANETTA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, I yield myself 5 minutes.

I want to say just a few comments about what this budget resolution that I have the privilege to present to the House contains.

There is a hard freeze on defense in fiscal year 1991; that means the figures for 1991, and budget authority outlays are the same as they were for 1990. That is a little bit less than what the Bush administration asked for, but somewhat more than what the House Democrat budget presents. There is no change in entitlements. The growth that is anticipated as a result of an increase in the population will be provided for, including the COLA's for military, civilian, and retirees. The baseline growth for science and space and Justice as utilized, which results in increases. For instance, for administration of Justice, $2 billion over what we spent in this fiscal year, recognizing the additional burden the Department of Justice has in the drug war. The capital gains tax reduction for the first year is the estimate that is provided by the Congressional Budget Office, and the major component of this measure deals with recognizing that interest costs of the national debt in the next fiscal year would total some $270 billion.

This budget proposal would entail a major change in how we manage our monetary affairs. It would call for the issuance of gold-backed bonds. Last September, Mr. Wayne Angell, a member of the Federal Reserve Board, went to the Soviet Union and gave the Soviets advice that they should back the ruble with gold, and that the Soviet Government should issue gold-backed bonds. I had the privilege of meeting with Mr. Angell last fall and he advised me that he would hope that the U.S. Government would begin selling gold-backed bonds. These bonds could be sold in world markets for 2 percent per annum and that interest would be payable in gold. That is in contrast with the 8 percent, roughly, that we are currently paying to maintain our national debt. When we take six points off of the cost of servicing $3 trillion of the national debt, it will result, after about 5 years, in refinancing our national debt, with a reduction of annual interest expense of about $180 billion a year. That is not the whole deficit, but that is a good share of it. That is what this proposal entails.

We all know that we do not have the constituency to raise taxes. I do not want to raise them. I do not think there is a majority vote in the House to raise them. We are taxing ourselves at the rate of about 19 percent of GNP. The reality is we are spending too much, and the problem and the challenge that we have in Congress is how we develop a consensus for reducing the spending, and that is what this alternative presents.

I believe it is a reasonable way. It should not be a partisan issue. Paying less interest expense in maintaining our debt should be something that both sides of the aisle could support. I do not think many tears will be shed by sending less interest money to the bankers in New York City. It is the only means that this Member from California has been able to figure out how we can get out of this fiscal mess we are in. We are looking at increases in our national debt for the decade of the nineties in the neighborhood of $200 billion per year. That means if we do not change the course we are on, by the turn of the century the national debt will be close to $6 trillion. I do not know about other Members, but I do not choose to continue down this road because every day that we continue on the course we are now pursuing, that is, believing or acting that the debt bubble can grow in an indefinite amount, we are testing the point at which that debt bubble will explode in our face. I do not want to reach that time. This is a step we can take to avoid that.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. DURBIN) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1991

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from California [Mr. DANNEMEYER] has consumed 5 minutes.

Mr. PANETTA. Mr. Chairman, I reserve the balance of my time.

Mr. DANNEMEYER. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Chairman, I would like to take a moment to commend my colleague, the gentleman from California [Mr. DANNEMEYER], as I rise in support of his budget. I supported his budget in the past, and I rise in support of his budget today. The gentleman has done a service to this body and to this country over the past several years by bringing forth responsible budget resolutions that, if adopted, would go a long way toward not just reducing but eventually eliminating our national debt.

Mr. Chairman, I am reminded of a quote I read recently that goes like this: "God bless our children because they shall inherit the national debt." That national debt has just topped $3 trillion this month. That is a "3" with 12 zeros—1 trillion. Does any Member know what comes after trillion? If we take that figure and divide it by the approximately 250 million Americans, we will find that each American is in the red to the tune of about $12,000 each. That means that while we speak, every child born in America today is born $12,000 in debt. I do not know about other Members, but as one individual, I would like to think about leaving my children a home or leaving my children my assets, not my mortgage. We in this body are leaving our children our mortgage. That is selfish and it is wrong.

The debt is a topic that only gets discussion in this body. That is all it gets, lip service. When was the last time we had action? A vote on a balanced budget amendment? Or a line item veto? The point is, not since I have been here and not since a lot of other people have been here. Efforts to reduce spending are essentially treated with scorn in this place. We owe $12,000 each in this country, yet we cannot even get a vote on a balanced budget amendment or a line item veto. Not even a vote. I am not asking that it necessarily pass, we just want a vote. Of course, we want it to pass, but we ought to have a vote.

□ 1500

Mr. Chairman, there is a stalemate, obviously. The American people do not want higher taxes, and Congress does not have the guts to cut spending. So what can we do?

My colleague, the gentleman from California [Mr. DANNEMEYER] has a viable, sensible solution to this problem. The Dannemeyer budget makes reasonable cuts in defense and discretionary spending, and it includes full COLA's for social security recipients, military retirees, and veterans. It includes a capital gains tax reduction, which is what the President wants,

and most importantly, the Dannemeyer budget addresses a problem that is ignored by all the other budgets that are being offered today and that we will be considering, and that is the problem of our national debt and the interest that we pay on that debt.

The Dannemeyer budget reduces interest, and reduces it dramatically. It does not hurt anybody. It does not cut anybody's program. Nobody should be opposed to cutting interest. It is very simple. When the Government borrows money, we pay interest. If Congress could get out of that, I am sure they would, but they cannot, like everybody else. Although they exempt themselves from other areas, in this case they cannot exempt themselves from interest, and so we pay about 8 percent.

According to the committee budget, interest payments for fiscal year 1991 will cost the Federal Government and the taxpayers of the United States $182 billion. That is more money than we spend on the environment, the drug war, and education combined, and as a matter of fact it ranks third behind national defense and Social Security. That is a huge amount of money, and as a matter of fact it ranks third behind national defense and Social Security. That is a huge amount of money, and it eats up 15 percent of our entire budget. Yet we cannot get a vote on a balanced budget amendment or a line-item veto.

This year $1.1 trillion of public debt will mature at an average rate of approximately 8 percent. The Government will pay off old debt and issue new debt. The Dannemeyer budget asks a very valid question. Why should we issue new debt at 8 percent when we could issue it at 2 percent? Can anybody give me an answer to that question? How much less is it? Two percent.

The Dannemeyer budget would issue gold-backed bonds at roughly 2 percent. This proposal alone, just this proposal, would lower our interest rates by approximately $35 billion in fiscal year 1991. Over a 5-year period, as more debt is retired at around 8 percent and more bonds are issued at approximately 2 percent, the Dannemeyer proposal would save the American taxpayers almost $550 billion—that is billion—in interest alone without cutting benefits and without raising taxes.

Mr. DANNEMEYER. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in support of the budget offered by my friend from California Mr. DANNEMEYER.

The Democrat leadership of this House has tried to change its tune but they still dance to the beat of the tax and spend liberals. The 1991 Democrat budget calls for $62.3 billion in increased spending and $19.4 billion in tax increases in 1991 alone—a tax increase of $111 billion over the next 5 years.

Their Jimmy Carter-Michael Dukakis-type budget calls for more taxes, more spending and more borrowing. Congressman DANNEMEYER's budget offers us the opportunity to say "enough, we need fundamental reform!"

We need to look at new alternatives to the status quo. One such political reform is a return to a gold standard. Making America's money "good as gold" will lay the foundation for solid, irreversible economic progress for decades to come.

Inflation is the cause of so much of our economic, fiscal and budgetary problems. It eats away at the savings of elderly Americans. Inflation corrodes the income and assets of working people. Can we just wave a magic wand and have the evils of inflation go away? No, we cannot. What we can do, however, is recognize that a root cause of inflation is the instability of the dollar which has lacked legal definition since the early 1970's.

In 1971, an inflation rate of 4½ percent prompted President Nixon to impose wage and price controls. Today, inflation eats away at our savings at a 4- or 5-percent rate, and we call it a low inflation rate. The same can be said of interest rates, the prime rate and the unemployment rate. What was once regarded as a bust is now regarded as an economic recovery.

America is living on borrowed time. International debts, trade deficits, and budget deficits all cloud our financial future. A major goal of this Congress should be to ensure the economic vitality of the country, protect the life, prosperity and liberty of our people. One of the most useful things we could do to reach those goals is to support the Dannemeyer budget. At the least it is a protest against the budget madness we confront. At best it is a first step in restoring fiscal responsibility to this House.

Mr. Chairman, gold-backed bonds as a means of financing our debt and bringing down the level of deficit spending is an idea worth serious consideration, perhaps worth trying.

I support the Dannemeyer budget.

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one of the major problems facing the Nation today is, how do we pay our way out of the savings and loan debacle? As each month unfolds, we wonder when we will find out how much it is going to cost.

The reason I mentioned this and the relevance of the point I am discussing today of reforming our monetary system is that it is important for those of us who are policymakers here to recognize that when this Nation went down the road of separating the dollar from gold in 1968, consequences flowed from that decision, because when Congress responded to a request from President Lyndon Johnson to separate the link between the dollar and gold in 1968, this Nation changed the whole way we managed our fiscal and monetary affairs.

From the beginning of our history as a Republic, from 1789 until 1968, this Nation backed its currency with gold. One of the benefits of that interlude was that we had a relatively stable price structure. When we made the decision that we made in 1968, the inflation genie got out of that bottle, and we are living with the consequences today.

When we think about what happened to the savings and loan industry in this country, it is one example of how inflation, which Congress caused indirectly when we separated the link between the dollar and gold, has decimated an important industry in this country. And it happened, very simply, in this way: Up until the early 1980's, we said to the savings and loan industry in America, "Your mission in this Nation is to provide housing for the people of the country." And who could be against that? We said to the savers of our country, "Put your money in a savings and loan. We will pay you interest at 3 or 4 percent, and we will guarantee that those deposits will be insured by a depository of the U.S. Government to insure that the depositors are not going to lose their savings."

We said to the savings and loan industry, "Your mission is to violate a fundamental rule of banking: borrow short and lend long."

When we put our money into a savings and loan, if we looked closely at the passbook, we found that they had in most cases 90 days to return our money when we came in and asked for it. In most cases, when we walked in, they gave us the money right now. But read the fine print.

The savings and loan industry took the money that we deposited at 3 to 4 percent, and they loaned it out long-term at 5 and 6 percent for 30 years. When we let the inflation genie out of the bottle in 1968, we found, beginning in the early seventies, something happening in this country. Depositors began to realize that inflation was eating away at the value of their savings. As my colleague, the gentleman from New Hampshire [Mr. SMITH] mentioned, in 1971 President Richard Nixon imposed wage and price controls because the inflation rate in 1971 had reached the intolerable level of roughly 4 percent.

□ 1510

So, a depositor in 1971 was earning 3 to 4 percent on his money in a savings and loan, and inflation was taking that right away by depreciating the value of his savings.

So, what did the depositors do? They took their money out of the savings and loans beginning in the early 1970's, and they began to put them into money market accounts not insured by the Federal Government. Why? Because they got 8 and 9 percent return on their savings in money market accounts.

And where did the savings and loan executives get the money to repay the depositors that was being withdrawn from the savings and loans? I say to my colleagues, "You guessed it. They went to the money market accounts, and they borrowed it at 8 and 9 percent."

In addition, Mr. Chairman, I say to my colleagues, "If you are inclined with mathematical figures, if you've loaned money on a 30-year mortgage, fixed rate, at 6 percent, and you have to go into the credit market and borrow money to pay back depositors at 8 or 9, it doesn't take a genius to realize you're going to go broke."

Mr. Chairman, that is what Congress did to the savings and loan industry in this country as a result of separating the link between the dollar and gold in 1968.

Then, in the early 1980's, we figured out in a brilliant way, well, we have got to make up to the savings and loan industry, and so we modified what they could invest in. Theretofore they had been limited to housing, first trust deed mortgages, and we said, "We'll let you develop in commercial buildings, and land and investments so as to make up some of this loss that you have sustained," and that is when the hustlers in this country realized what a lead pipe cinch they had presented before their eyes because they went around this Nation buying up savings and loan with this increased authority.

My State of California is a sad example of how some people that had no conscience bought these savings and loans with the ability to expand investments beyond first trust deed mortgages. They invested in all kinds of wistful ventures, and, as a result, many of them went sour, and now we, the taxpayers of the country, are stuck with the bill.

Well, Mr. Chairman, I say, "You know my purpose in mentioning this is not to point fingers at anyone. There was nobody in this whole interlude that did this with a venal heart. It just happened, and there's enough blame to go around, and my point in mentioning it is that it's time to say that the experiment in America with a dollar backed by nothing is over. Twenty-two years should be long enough for any country to suffer under this illusion that we can manage our fiscal affairs in this manner."

Mr. Chairman, that is what this argument is all about in this budget resolution today because it will direct the Treasury of the United States to begin issuing gold-backed bonds for the purpose of refinancing the national debt of this country, and we will issue those bonds, we believe, according to the analysis of Wayne Angell, a member of the Federal Reserve Board, at roughly 2 percent a year in contrast to the current price that we have to pay to sell U.S. Treasury bonds at 8 percent, and that six points taken off the annual cost of maintaining our national debt will reduce the annual interest expense that we have to pay between $150 or $175 billion a year.

That is what this whole exercise is all about, and I would hope that my colleagues would see their way clear to support this budget resolution and the language it has in it which directs the Treasury to pursue in the manner that I have described.

Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all let me indicate my respect to the gentleman from California [Mr. DANNEMEYER] for his perseverance, if not for the substance of the proposal. It is one that we have seen in the past, similar obviously to budget substitutes that he has offered in the past. The biggest part of this, obviously, would come from the refinancing of all maturing Treasury debt with 40-year bonds with about 1.5-percent interest annually with both the principal and interest redeemable in gold.

The problem that we have, Mr. Chairman, is that obviously, looking at our gold stock, which is about $100 billion worth of gold, under the plan of the gentleman from California [Mr. DANNEMEYER] the likelihood is that, if we pay interest in gold, that about 1.5 percent on the refunded debt each year, according to the schedule that he has presented in his budget, our gold stock would be gone by the end of 1996.

Obviously we might be able to pick up a little gold from the world's producers, but the world's producers happen to be the Soviet Union and South Africa, and I would hate to depend on the political stability of either of those two nations.

Mr. Chairman, I wish there were a simple answer to the deficit. There is not, and for that reason I would oppose the substitute.

Mr. DANNEMEYER. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Chairman, I am not going to get into the details and statistics, but I think we all guess sometimes what is going to happen. We try to use what we have to work with.

Basically what I have to say, we go in year by year, and every committee trying to find money to do what we have to do. It is time we make a broad step, and I know we are all afraid of change in this Chamber sometimes, but it is time that we look at an approach that will take us through the years.

When I see economists finally coming around to speaking about what the gentleman from California [Mr. DANNEMYER] has been saying for years and years, that we have to try to base our debt on a gold bond, I think we have to go forward in some different direction in this Chamber.

We keep growing in debt each year. I see statistics that even show that through the end of the decade we will still be going in debt with using Social Security as an accounting against our deficit that we truly have.

What I am here to argue and to say is that I support the substitute of the gentleman from California [Mr. DANNEMEYER] because I believe it does offer us a substitute. It does offer us a change for the future of this country. We get rid of the interest, and, if we can just cut down the amount of percentage of our budget, it has to go to interest, and, as I listen to people yell for social programs, yell for defense spending and all, if we just had that money to work with, we would not have problems.

But I stand here to support the gentleman from California [Mr. DANNEMEYER]. I see it very much in the substitute of the gentleman from Ohio [Mr. KASICH]. We see a growing support for the approach he has each year.

I hope that the Members of this House will awaken and realize that we cannot continue to go down the road of deficit spending that we have been going. We have got to take a new approach, and in my opinion the gentleman from California [Mr. DANNEMEYER] has a very, very innovative, new approach to it. I support this substitute and hope that all the Members of this Chamber will do so.

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I noticed that my colleague, the gentleman from California [Mr. PANETTA] made the observation that, if this country were to proceed in accordance with this budget resolution, it would run out of gold sometime in the mid-1990's. Let me tell my colleagues why I think that is an inaccurate statement. I think it is honestly made on the part of the gentleman from California, but why I think it is inaccurate is we believe today there is about 100,000 tons of gold in the

world. About 40,000 tons of that gold is in the hands of governments around the world. We, the U.S. Government have 8,200 tons of it, and there are about 60,000 tons in private hands. The private holders of that 60,000 tons of gold have to pay a half to three-quarters of a point a year just to store it and to insure it. When the U.S. Government begins to issue a bond backed by gold, which says to the owner of that gold, bullion today, "We'll pay you 2 percent or a point and a half." that is an incentive for the owner of gold in private hands to bring that gold to the U.S. Treasury and say, "I'll take you up on that offer, U.S. Government. I trust the integrity of the U.S. Government."

□ 1520

Economically there is an incentive for the holder of gold to do that, because why? Because they are moving from holding an asset that costs them half a point a year to own to one that earns 2 points a year. That is a 2½ point move. That is why the owner of that gold has an economic incentive to come forward and return the transferred gold now held in bullion to the U.S. Government, and the U.S. Government will issue a bond to that holder of gold whereby in 30 or 40 years we would return the gold to them. That is how this system would work.

I believe we can use the gold bullion that would be brought to the Treasury of the United States and mint gold coins and sell them in the world market for cash and retire the short-term debt that is on the minds of all of us, some $3 trillion.

As to the gold the U.S. Government owns, 8,200 tons, no one has suggested in the whole history of banking or gold-backed currency in the world that a government has to have a dollar of gold behind each dollar of debt. No one has ever suggested that.

For instance, the commercial banking system today, if you put $1,000 into a bank in any place in this country, that bank is able by virtue of the fractional banking system to lend out $7,000 roughly. Banks create money out of deposits. That is how our fractional banking system functions.

What assurance do you have if your bank has lent out $7,000 that you will get your $1,000 back when you go to that bank? The only assurance you have is confidence that the banking system will function. Confidence is the way our system functions in the banking world.

The point I seek to make that is applicable to this argument of whether we have enough gold is that so long as people have the assurance that there is confidence in the system, they are going to have confidence that the U.S. Government will honor the obligation in 30 or 40 years to repay the gold.

I might recount to my colleague, the gentleman from California, what a private organization was able to do in this area. There is a mining company in America called Newmont Mining Co. They are in the gold mining business. About 2 years ago they borrowed half a billion dollars of gold bullion from the Bank of Nova Scotia and they sold that gold bullion on the world market for half a billion dollars cash money and they retired an equivalent amount of their debt that was being carried on their books at 8 percent per annum, and they gave a contract to the bank of Nova Scotia to return that gold in 5 years at 2½ percent interest. They effectively reduced the cost of maintaining a half billion dollars of their debt from 8 to 2½.

Now, if the Newmont Mining Co. is smart enough to figure out how to do that with the use of gold bond backing, and bear in mind that company had credibility to issue that repayment obligation, because why? They are in the gold mining business. I believe the U.S. Government can do the same thing.

The English ran the world for 200 years based on a pound backed by gold, a relatively small quantity of gold. The system operates on confidence, just as our banking system operates on confidence today.

This is why I believe with the gold stock the U.S. Government has and our ability to attract gold from the private holders around the world, we have an adequate gold supply to finance the scheme that I am talking about in this plan.

I guess as the bottom line, I can ask my colleague, the gentleman from California [Mr. PANETTA], for whom I have the greatest respect, if the gentleman does not like the scheme, what is his plan?

Because quite candidly and honestly, we are looking, as I remarked earlier, in the decade of nineties to a string of increases in the national debt of $200 billion a year, and we are scheduled to increase our national debt by $240 billion this year. That to me is the measure of the deficit, not the phony figure we claim is compliance with Gramm-Rudman, but how much are we going to increase the national debt by?

We are on a course today where we are going to end up this century, I hope in our lifetimes, in the year 2000 with a national debt of $6 trillion or more. I do not know your assessment of the stewardship of this job that you want to leave your children or grandchildren. I do not choose to continue on a course where someday the unborn generation is going to look back to me and say, "Father or grandfather, why did you do this to us? Why did you create a course in the Nation's history where all you did was unload debt?"

That is the spirit in which I make this, and frankly, it should not be a partisan thing. I hope that as the weeks and the days and the months unfold, the wisdom of this scheme will reach in to the intellect and the annals of your mind and convince you that it is a viable opportunity.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, first of all, I appreciate the gentleman yielding me this time.

I am very sorry that I did not get to comment on the budget that I intend to vote for, but I wanted to make two quick points.

One is that I am disappointed that there is not a targeting in any of the budgets offered today toward breast cancer research. When you consider that every 13 seconds a woman is diagnosed as having breast cancer, when you consider that 42,000 will die of breast cancer, and we have $17 million for research compared to $750 million increase in AIDS research, which I am all for, an increase in that area, but when you consider that 1 out of 9 women are dying and are diagnosed as having breast cancer, I think that is really unfortunate. I want to say to the Appropriations Committees when they look at this targeting, that they change it.

The other areas I am very concerned about is the area of alcohol education and treatment. The No. 1 drug in this country is still alcohol. With young people, 8 out of 9 accidents are caused by those teenagers driving who have been imbibing in alcoholic beverages, and yet we call it a drug that does not violate the law.

The fact is that when you drink and drive and you were too young and you overdrink and so on and kill people, that is against the law.

We ought to redefine what we mean by drugs in this country. I am going to put some statistics in here, because we have young kids who are 9 and 10 years old now imbibing in alcohol. We do not seem to have a conscience about that issue in this Congress, and I will be talking more about it in the future.

So I thank the Chairman for yielding this time to me and congratulate him on such a great job.

Mr. DANNEMEYER. Mr. Chairman, I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 48, noes 354, not voting 31, as follows:

[Roll No. 85]

AYES—48

Bartlett	Hancock	Shumway
Bentley	Hansen	Smith, Denny (OR)
Burton	Herger	Smith, Robert (NH)
Callahan	Holloway	Spence
Cox	Kasich	Stangeland
Craig	Livingston	Stenholm
Crane	McEwen	Sundquist
Dannemeyer	Moorhead	Tauzin
DeLay	Packard	Taylor
Dornan (CA)	Porter	Vucanovich
Douglas	Ravenel	Walgren
Early	Ritter	Walker
Fields	Rohrabacher	Weber
Gekas	Roth	Young (AK)
Gingrich	Schaefer	
Hall (TX)	Schulze	
Hammerschmidt	Sensenbrenner	

NOES—354

Akaka	DeFazio	Hefley
Anderson	Dellums	Hefner
Andrews	Derrick	Henry
Annunzio	DeWine	Hertel
Anthony	Dickinson	Hiler
Applegate	Dicks	Hoagland
Archer	Dingell	Hochbrueckner
Aspin	Dixon	Horton
Atkins	Donnelly	Houghton
AuCoin	Dorgan (ND)	Hoyer
Baker	Downey	Hubbard
Ballenger	Dreier	Huckaby
Barnard	Duncan	Hughes
Barton	Durbin	Hunter
Bateman	Dwyer	Hutto
Bates	Dymally	Hyde
Beilenson	Dyson	Inhofe
Bennett	Eckart	Ireland
Bereuter	Edwards (CA)	Jacobs
Berman	Edwards (OK)	James
Bevill	Emerson	Jenkins
Bilbray	Engel	Johnson (CT)
Bilirakis	English	Johnson (SD)
Bliley	Erdreich	Jones (GA)
Boehlert	Evans	Jones (NC)
Boggs	Fascell	Jontz
Bonior	Fawell	Kanjorski
Borski	Fazio	Kaptur
Boucher	Feighan	Kastenmeier
Boxer	Fish	Kennedy
Brennan	Flake	Kennelly
Brooks	Flippo	Kildee
Broomfield	Foglietta	Kleczka
Browder	Ford (MI)	Kolbe
Brown (CA)	Frank	Kolter
Brown (CO)	Frenzel	Kostmayer
Bruce	Frost	Kyl
Bryant	Gallegly	LaFalce
Buechner	Gallo	Lagomarsino
Bunning	Gejdenson	Lancaster
Byron	Gephardt	Lantos
Campbell (CA)	Geren	Laughlin
Campbell (CO)	Gibbons	Leach (IA)
Cardin	Gillmor	Leath (TX)
Carper	Gilman	Lehman (CA)
Carr	Glickman	Lehman (FL)
Chandler	Gonzalez	Lent
Chapman	Goodling	Levin (MI)
Clarke	Gordon	Levine (CA)
Clay	Goss	Lewis (CA)
Clement	Gradison	Lewis (FL)
Coble	Grandy	Lewis (GA)
Coleman (MO)	Grant	Lightfoot
Coleman (TX)	Gray	Lipinski
Combest	Green	Lloyd
Condit	Guarini	Long
Conte	Gunderson	Lowery (CA)
Conyers	Hall (OH)	Lowey (NY)
Cooper	Hamilton	Luken, Thomas
Costello	Harris	Lukens, Donald
Coughlin	Hatcher	Madigan
Courter	Hawkins	Manton
Coyne	Hayes (IL)	Markey
Davis	Hayes (LA)	Marlenee
Martin (IL)	Patterson	Smith (FL)
Martin (NY)	Paxon	Smith (IA)
Martinez	Payne (NJ)	Smith (NE)
Matsui	Payne (VA)	Smith (NJ)
Mavroules	Pease	Smith (TX)
Mazzoli	Pelosi	Smith, Robert (OR)
McCandless	Penny	Snowe
McCloskey	Perkins	Solarz
McCollum	Petri	Spratt
McCrery	Pickett	Staggers
McCurdy	Pickle	Stallings
McDade	Poshard	Stearns
McDermott	Price	Stokes
McGrath	Rangel	Studds
McHugh	Ray	Swift
McMillan (NC)	Regula	Synar
McMillen (MD)	Rhodes	Tallon
McNulty	Richardson	Tanner
Meyers	Rinaldo	Tauke
Mfume	Roberts	Thomas (CA)
Miller (CA)	Robinson	Thomas (GA)
Miller (OH)	Roe	Torres
Miller (WA)	Rogers	Torricelli
Mineta	Ros-Lehtinen	Towns
Moakley	Rose	Traficant
Molinari	Rostenkowski	Traxler
Mollohan	Roukema	Udall
Montgomery	Rowland (CT)	Unsoeld
Moody	Rowland (GA)	Upton
Morella	Roybal	Valentine
Morrison (CT)	Sabo	Vander Jagt
Morrison (WA)	Saiki	Vento
Mrazek	Sangmeister	Visclosky
Murphy	Sarpalius	Volkmer
Murtha	Savage	Walsh
Myers	Sawyer	Washington
Nagle	Saxton	Waxman
Natcher	Scheuer	Weiss
Neal (MA)	Schiff	Weldon
Neal (NC)	Schneider	Wheat
Nelson	Schroeder	Whittaker
Nowak	Schumer	Whitten
Oakar	Serrano	Williams
Oberstar	Sharp	Wilson
Obey	Shaw	Wise
Olin	Shays	Wolf
Ortiz	Shuster	Wolpe
Owens (NY)	Sikorski	Wyden
Owens (UT)	Sisisky	Wylie
Oxley	Skaggs	Yates
Pallone	Skeen	Yatron
Panetta	Skelton	Young (FL)
Parker	Slattery	
Parris	Slaughter (NY)	
Pashayan	Slaughter (VA)	

NOT VOTING—31

Ackerman	Ford (TN)	Ridge
Alexander	Gaydos	Russo
Armey	Hastert	Schuette
Bosco	Hopkins	Smith (VT)
Bustamante	Johnston	Solomon
Clinger	Machtley	Stark
Collins	Michel	Stump
Crockett	Nielson	Thomas (WY)
Darden	Pursell	Watkins
de la Garza	Quillen	
Espy	Rahall	

□ 1549

The Clerk announced the following pairs:

On this vote:

Mr. Armey for, with Mr. Gaydos against.

Mr. Stump for, with Mr. Thomas of Wyoming against.

Mr. Nielson of Utah for, with Mr. Hopkins against.

Mr. MOORHEAD changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. PANETTA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES of Illinois) having assumed the chair, Mr. GRAY, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995 had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1067

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1067.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON VETERANS' AFFAIRS TO FILE REPORTS ON H.R. 4390 AND H.R. 4557

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs have until midnight tonight to file reports on H.R. 4390 and H.R. 4557.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I would ask the distinguished chairman if that has been cleared on the Republican side?

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield, it was cleared with the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. GINGRICH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4428

Mr. GUARINI. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Indiana [Mr. HAMILTON] be removed from the list of cosponsors on my bill, H.R. 4428.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I have asked to proceed for the purpose of receiving the schedule from the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, obviously our

business for the day is finished, and there will be no more votes today. The House will have no legislative business on tomorrow.

On Monday, April 30, the House will meet at noon. However, there will be no legislative business.

On Tuesday, May 1, the House will meet at noon to take up again consideration of House Concurrent Resolution 310, the concurrent resolution on the budget for fiscal year 1991. We hope to complete consideration that day.

There will also be suspensions on nine bills. However, recorded votes will be postponed until Wednesday, May 2.

The bills are:

H.R. 4557, the Department of Veterans Affairs Health Professionals Compensation and Labor Relations Act of 1990;

H.R. 4390, providing for veterans' affairs grants to assist medical schools in establishing new research centers;

H.R. 743, negotiated Rulemaking Act of 1989;

S. 1485, Quad Cities Interstate Metropolitan Authority Compact;

H. Res. 282, authorizing the printing of the joint committee print entitled "Medical Alert";

H.R. 3048, designating the "Virginia D. Smith Animal Health Research Laboratory";

H.R. 3248, boundary change at Gettysburg National Military Park in Pennsylvania;

H.R. 3209, boundary change at Indiana Dunes National Lakeshore; and

H.R. —, to extend certain exceptions for Federal and military retirees employed for the 1990 census.

On Wednesday, May 2, and Thursday, May 3, the House will meet at 2 p.m. on Wednesday and 11 a.m. on Thursday and will consider H.R. 4380, authorizing appropriations for the superconducting super collider, an open rule with 1 hour of debate.

On Friday, May 4, the House will not be in session.

Mr. GINGRICH. Let me ask the majority leader, if I might, first of all, as he knows, a number of Members on our side have been very, very concerned about the President's drug and violent crime package which has been up here now since June. Does the gentleman have some notion of when we might expect that to be reported out of the committee and to come to the floor?

Mr. GEPHARDT. I cannot give the gentleman from Georgia a precise time, but I can say that the leadership on this side has had a number of meetings with the committee chairs and subcommittee chairs involved. We have asked them to develop their legislation in this area, and we are going to get it on the floor as soon as we possibly can and have it considered by the House, and we want to do that in a manner so that we can complete legislation this year.

Mr. GINGRICH. Good. I appreciate that very much.

Also, I noticed that yesterday President Bush, as part of a package of reform he sent up, mentioned the balanced budget amendment which, of course, has been around a long time. Does the gentleman know if there is any possibility of that balanced budget amendment coming to the floor at some point during this session?

Mr. GEPHARDT. I do not know at this point exactly if or when that may happen. I will be happy to check with the committees that have that legislation within them and see what action might be taken.

Mr. GINGRICH. Two more immediate things. Does the gentleman have any notion as to when we might appoint conferees on the child care conference?

Mr. GEPHARDT. We hope to do that in the next week. We are not absolutely sure, but we hope to get it accomplished next week.

Mr. GINGRICH. Good. That would be very helpful. We are concerned about that, of course, and would like to try to produce a signable bill during the conference.

Lastly, it has been I think very embarrassing to the administration and to the country to have asked for an emergency supplemental for Nicaragua and Panama, and actually have had Mrs. Chamorro inaugurated before we could get it out of the other body. There does seem to be some hope that the other body may finally be done with the supplemental. Does the gentleman know if we might be able to expedite going to conference on that supplemental once it occurs?

Mr. GEPHARDT. As the gentleman knows, we in the House acted on that bill in a timely manner, and our appropriators are waiting for the Senate to finish, and we are going to try to get that done as quickly as possible.

Mr. GINGRICH. Good. I appreciate that. As the gentleman pointed out, the Democratic leadership in the House was very responsive. I think the House did its job almost as rapidly as one could conceivably have expected, and it was very unfortunate that it got tied up under other circumstances. But I think it would be helpful both to our country and our neighbors to the south if we could move on that, and I thank the gentleman.

Mr. GEPHARDT. We agree.

Mr. GINGRICH. Good. I yield back the balance of my time.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO MONDAY, APRIL 30, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND GOVERNMENT OF PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-181)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, April 26, 1990.)

RELEASE OF AMERICAN HOSTAGES

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, there have been reports emanating out of terrorist circles that because of the Congress' resolution supporting Jerusalem as the united capital of Israel, the kidnapers of our hostages might now be reluctant to release any more hostages.

I state unequivocably that the U.S. Congress will not bow to pressure from kidnapers, murderers, terrorists, and thugs. President Bush is quite right when he says that the United States will make no deals with terrorists.

The fact is that the terrorist kidnapers will release our hostages when they deem it to be in their best interest to do so, not because they can be reasoned with or because they are nice people or because of what the U.S. Congress does or does not do.

Mr. Polhill was released because the Iranians who have control over some of the terrorists want better relations with the West to bolster their economy which is in shambles.

Mr. Speaker, our hostages should be released immediately with no strings attached. It is absolutely ridiculous for

the same people who took the hostages now to tell the U.S. Congress what to do.

THE NO NEW TAXES PLEDGE

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANCOCK. Mr. Speaker, at this time I would like to acknowledge the 86 courageous men who have taken a pledge to support the President's veto of any bill that contains tax increases by entering their names into the record. In 1988, the American people gave us a mandate of "no new taxes." These gentlemen who have signed the pledge to support the President have heard the American people and are standing firm on their promise and the 1988 Republican platform to oppose any attempts to increase taxes.

Mr. Speaker, today as we again take up the budget resolution the pressure exists to support the Democrats budget. I would like to point out that this budget contains $19.4 billion in tax increases which over a 5-year period will result in $117 billion in additional tax revenues. These tax increases are not only unnecessary, they are irresponsible.

Unfortunately, Mr. Speaker, the myth still exists that the only way to reduce the deficit to meet the necessary Gramm-Rudman target level of $64 billion is to increase taxes. This is absolutely not true. The only thing increased taxes will do and have ever done is to increase Government spending, resulting in an even higher deficit.

Therefore, Mr. Speaker, I congratulate these Members who understand that higher taxes are not acceptable, that higher taxes will not reduce the deficit and who have supported the American peoples mandate and have taken a stand against tax increases.

Mr. Speaker, I submit a copy of this letter into the RECORD directly following my statement.

A LETTER TO PRESIDENT GEORGE BUSH PROMISING SUPPORT FOR HIS VETO OF ANY TAX INCREASES

DEAR MR. PRESIDENT: We, the undersigned members of Congress, support your position—and the position of the 1988 Republican Platform—to oppose any attempts to increase taxes.

We will vote to sustain your veto of any legislation in the 101st Congress that raises taxes on the American people.

Dick Armey, Cass Ballenger, Joe Barton, Jack Buechner, Jim Bunning, Howard Coble, Jim Courter, Larry Craig, Bill Dannemeyer, Michael DeWine, Bob Dornan, John Duncan, Elton Gallegly, Newt Gingrich, Steve Gunderson, Mel Hancock, J. Dennis Hasteret, Wally Herger, Clyde Holloway, Andy Ireland, Jon Kyl, Norman Lent, Jim Lightfoot.

Richard Baker, Steve Bartlett, Tom Bliley, Dan Burton, Sonny Callahan, Larry Combest, Chris Cox, Phil Crane, Tom DeLay, Chuck Douglas, David Dreier, Mickey Edwards, George Gekas, Porter Goss, Fred Grandy, James V. Hansen, Joel Hefley, John Hiler, Duncan Hunter, James Inhofe, Robert Lagomarsino, Jerry Lewis, Bob Livingston.

Bill Lowery, Ron Marlenee, Bill McCollum, Howard Nielson, Michael Oxley, Stan Parris, Bill Paxon, Jim Quillan, Don Ritter, Tommy Robinson, Toby Roth, Claudine Schneider, James Sensenbrenner, D. French Slaughter, Lamar Smith, Gerald Solomon, Alan Stangeland, Don Sundquist, Craig Thomas, Bob Walker.

Donald "Buz" Lukens, Al McCandless, Bob McEwen, Carlos Moorhead, Ron Packard, Charles Pashayan, Jr., Tom Petri, Arthur Ravenel, Jr., John J. Rhodes, Dana Rohrabacher, Jim Saxton, Bill Schuette, Norman Shumway, Denny Smith, Robert C. Smith, Floyd Spence, Cliff Stearns, Tom Tauke, Barbara Vucanovich, Vin Weber.

□ 1600

INDIAN HOUSING IMPROVEMENT ACT OF 1990

The SPEAKER pro tempore (Mr. HAYES of Illinois). Under a previous order of the House the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, late yesterday this Member introduced the Indian Housing Improvement Act of 1990, and hereby invites other interested Members to cosponsor this very necessary initiative.

Nationally, the Bureau of Indian Affairs estimates that some 93,000 Indian or Native American people live in substandard housing—but in reality, this number may be substantially higher. In Alaska, a State survey for substandard homes claimed that 6,740 new homes were needed; the Bureau of Indian Affairs reported that 5,246 new units were required in Alaska. At least, the number in that one State alone is very substantial.

Furthermore, the 1980 census reported that 23.3 percent of all Indians in Indian communities lacked adequate shelter. If 23.3 percent of all Americans generally lived in grossly overcrowded or inadequate housing, the national conscience would be horrified.

Many Indian people in substandard housing are subsisting, if that is the proper description, in conditions that find 10 people living in 2 rooms. Nearly ¼ of all Indian people on reservations live in homes that lack running water or indoor plumbing. Some Indian people live in cars, tents, or makeshift shelters, or move away from their families and homelands because transitional housing funds have not been available to Indian applicants.

Thus, as a central provision in the Indian Housing Improvement Act of 1990, an increased authorization for the construction of new housing units is included. While there is a desperate need for more units than those authorized by this bill, this number represents what can be reasonably built, given the length of time required for construction projects and given the limit on our financial resources.

This Member has also included amendments to the McKinney Homeless Act that will make Indian tribes eligible applicants for the emergency shelter grants program, the supportive housing demonstration program, and section 8 assistance for single room occupancy. Indian eligibility, it appears, was simply overlooked. This Member's proposal would also belatedly amend the McKinney Act to make Indian tribes eligible applicants under the community mental health services block grant. In addition, this proposal would allow the Secretary of the Interior to provide educational services for homeless Indian children who attend Bureau of Indian Affairs schools or schools operated by tribes under contract.

In addition, this Member believes that through the HUD programs, not only can we begin to solve many of the housing problems that Indian or Native American people face, we can also begin to make significant improvements to existing Housing programs that benefit Indians. For example, the bill this Member is introducing will correct an omission by making rehabilitation of units an eligible activity for Indian housing authorities under the mutual help program and by making Indian housing authorities eligible to participate in the section 8 voucher program.

The legislation also corrects a current problem by amendment to FmHA programs that would prevent alienation of trust lands in the event of a default on an FmHA loan, and authorizes a child care demonstration project to make grants for providing child care services in or near lower income housing developed or operated by Indian housing authorities. Finally, it allows the Secretary of HUD to waive any matching requirements in Indian housing programs under certain specified conditions, and provides a new authority for the use of Federal funds for matching funds.

These and the other provisions of the Indian Housing Improvement Act of 1990 should at least help address many of the problems encountered in Indian country—from services for the very most vulnerable individuals—the homeless—to improvements and assistance in rehabilitating existing units and protecting the availability of the existing housing stock on the Nation's Indian reservations.

This Member plans to offer many of the provisions included in this bill during next week's markup of H.R. 1180, the Housing and Community De-

velopment Act of 1990 by the Committee on Banking, Finance and Urban Affairs. Other very crucial elements of the legislation will require a longer term effort, and the support of other Members of Congress will be needed and greatly appreciated. As a start this Member urges cosponsorship of this important and long overdue Indian housing reform legislations.

VACATING 60-MINUTE SPECIAL ORDER AND AUTHORIZING 5-MINUTE SPECIAL ORDER

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that my 60-minute special order for today be vacated and that I be permitted to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL LIBRARY WEEK

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, each year during National Library Week I take out a special order in recognition of the service that our libraries provide nationwide. We had scheduled a special order for yesterday. Many Members submitted statements.

Mr. Speaker, I usually begin my special order with a reading of the message from the President. Since I am going to condense this into 5 minutes instead of 60 minutes, I merely want to read one paragraph from the President's letter on National Library Week.

That paragraph states:

Throughout our Nation's history, libraries have been recognized as an invaluable educational tool. For children, the library is a magic kingdom to explore. For adults, it is a resource center as well as a storehouse of literature.

Mr. Speaker, the letter from the White House is as follows:

THE WHITE HOUSE,
Washington, April 19, 1990.

Barbara and I are delighted to send our warmest greetings to everyone celebrating the 33rd annual observance of National Library Week.

Throughout our Nation's history, libraries have been recognized as an invaluable educational tool. For children, the library is a magic kingdom to explore. For adults, it is a resource center as well as a storehouse of literature.

This year's Library Week theme, "Reach for a Star. Ask a Librarian," salutes the well-trained and knowledgeable professionals at every local library. I call on our citizens to express their appreciation to their local librarians for their tremendous work in serving the public—for all ages and from all walks of life.

During Library Week we also recognize that many adults do not enjoy the services that our libraries offer because they are unable to read. Illiteracy is one of America's most fundamental concerns. All of us can help overcome this problem by encouraging those who cannot read to enroll in literacy classes and by reminding parents to read to their young children.

Barbara and I have always been avid readers, and we continue to share our love of books with our 12 grandchildren. We urge every American to read—as much as you can and as often as you can. Take this opportunity to discover all that your local library has to offer.

GEORGE BUSH.

□ 1610

Despite the fact that the President has praised libraries, and despite the fact that the President has declared himself the education President, this administration, in its budget submission, has cut the Library Services and Construction Act by $100 million. The administration budget cuts library programs from $137 million to $40 million. Increases in interlibrary cooperation and literacy are more than offset by the zero and out LSCA title I and title II. No substitute legislation has been proposed for fiscal year 1991.

In my State of New York, we received $7.5 million in Federal Library Services and Construction Act funds. These include $5.2 million for public library services and $1 million for library construction and $1.3 million for interlibrary cooperation and resource sharing, one example of what the cut would mean. At the same time there are cuts at the State level and there are cuts at city level. Everyone is acknowledging that education is important. Our Governor of New York has declared this the "Decade of the Child." Our mayor has said that his administration will be devoted to children, and yet library services are being cut. We acknowledge the fact that education is of great importance, yet library services are being cut.

The President and the administration have set forth certain goals on education. Six major goals to work toward between now and the year 2000. Each one of those goals, including the goal that we should be No. 1 in math and science by the year 2000, and the goal that we should have 100-percent literacy by the year 2000 are goals that require that people know how to read. Young people, students cannot progress in science and math if they do not know how to read. Studies have shown Members that our young people read more books in the fourth grade than they do in the seventh grade. Part of the problem is that they have no exposure to opportunities to read books. Therefore, cuts in library services are really cuts in opportunities for education.

Since I do not have time to enumerate on each one of the goals, I would like to just make a brief statement on the benefits of the Library Services Construction Act, and ask that a written statement which contains each of these messages be entered into the RECORD. The Library Services Construction Act is a statement on that: Higher Education Act Title II Grant Program, and what that funding means; postal revenue foregone; the Library of Congress; information superhighway; access to Government information. All of these are written statements that I will have entered into the RECORD, with an explanation of the family learning centers, which is a new part of title VIII of Library Services Construction Act.

LIBRARY SERVICES AND CONSTRUCTION ACT

Federal aid for library services provided through the Library Services and Construction Act [LSCA] is small, but this investment is vital because it is targeted to support programs and services which otherwise could not or would not be adequately funded. LSCA dollars are put to work in every congressional district to support: The extension and improvement of services to communities which are unserved or underserved by libraries; library services for the elderly, the disadvantaged, and others for whom the provision of such services demands extra effort or special materials and equipment; the construction and renovation of library facilities, including those needed to make libraries accessible to persons with disabilities; and interlibrary cooperative networks which link libraries and their resources across city, county, and State lines to expand the information and other services available to our constituents.

The administration, however, has proposed to slash this critical Federal investment by nearly $100 million and to eliminate LSCA titles I and II. In my own State of New York, the impact of the loss of title I funds alone would be devastating. For example, home visits and other services provided by the New York Public Library to 36,000 disadvantaged and elderly persons would be terminated. Library-sponsored radio reading services for homebound persons living in rural and isolated areas would be eliminated. Education and Job Information Centers located in local libraries would be shut down, depriving 400,000 users of this important source of information about available job and education services.

The President's budget proposal is also disappointing because it calls for the repeal and defunding of several important improvements made in the act in the recently enacted LSCA amendments of 1989—Public Law 101-254. Fully implementing and funding these improvements will also help us to advance

toward meeting the education goals promulgated by the President and the Governors.

A new title VIII was created by Public Law 101-254 to support Library Learning Center programs at State and local public library agencies. Part A of title VIII, which I authored, authorizes $3 million for direct grants of up to $200,000 to local public libraries "to expand and improve opportunities for lifetime learning and the involvement of the Nation's families as partners in their children's education by providing comprehensive, family-oriented library services through Family Learning Centers."

At least 25 percent of the grant funds must be used for materials on child care and development, nutrition, parenting skills, and job and career information; and materials for children and adolescents. At least 10 percent of grant funds must be used for computer hardware and software which will be available for use by the public.

Grant applications must include assurance that as part of the Family Learning Center Program the library will be open evenings, Saturdays, and some Sundays and holidays to be convenient for working parents; provide staff with specialized training; establish an advisory committee which includes parents and other representatives of the community; establish a Family Library Loan Program; provide job and career information; and conduct special outreach activities to draw teen parents, single-parent families, and working parents to the library.

Priority is to be given to applications which "first, promise to serve a significant number of families on a regular basis; and offer innovative approaches to improving library services for families and approaches which show promise for replication and dissemination." Grants must be equitably distributed among States and between urban and rural communities.

Part B of title VIII authorizes $3 million for discretionary grants to support "model library literacy centers throughout the country to serve as resource centers for the dissemination of literacy materials and equipment to local public libraries" to assist them in addressing the needs of adults with limited literacy skills.

The LSCA amendments also permit State library agencies to use LSCA funds to address two critical problems facing public libraries: Technology and preservation. To provide help with meeting the staggering costs of purchasing and maintaining new information technology, States may now use a portion of their title II construction grants to acquire, install, or maintain technological equipment needed to provide access to information in electronic and other machine-readable formats. Assistance in meeting the emerging preservation needs of libraries is provided by an amendment to LSCA title III which permits State library agencies to use these funds to develop and implement statewide preservation cooperation plans through which endangered library resources can be systematically and cost-effectively preserved.

HIGHER EDUCATION ACT TITLE II GRANT PROGRAMS

Through HEA title II, Federal aid is provided to strengthen the collections of needy college libraries, to support fellowships for training in library and information science, to broaden access to information through the use of new technologies, and to purchase foreign periodicals.

POSTAL REVENUE FORGONE

Coming at the same time that the Postal Service has filed for a general rate increase, cuts proposed by the President in Federal support for preferred postal rates for libraries would result in massive postage rate increases which library budgets are ill-prepared to absorb. Interlibrary loans and rural books-by-mail programs would be drastically scaled back, if not eliminated altogether, and libraries in every community would be forced to shift scarce resources away from the purchase of new materials to pay for the new higher postage rates.

THE LIBRARY OF CONGRESS

Appropriations for the Library of Congress benefit libraries of all types in every community. The Library provides libraries in our districts with most of the cataloging and classification information they need for their collections. Through a system of regional libraries and depository collections, the Library provides access to books and periodicals in braille and recorded formats to millions of blind and visually impaired readers across the country. And by serving as the Nation's lending library of the last resort, the Library provides Americans with access to rare books and materials which would otherwise be unavailable.

INFORMATION SUPERHIGHWAY

Librarians support proposals for Federal funding to develop a National Research and Education Network [NREN]—or information superhighway—which would link supercomputers, national databases, academic and industrial researchers, and libraries through a unified, high-speed computer network. At a library linked to the proposed NREN, our constituents could obtain the texts of journal articles in electronic formats; a physician could transmit 3-dimensional x rays and CAT-scans to a specialist in another part of the country, and the smallest high-technology firm would have quick access to the same state-of-the-art scientific information as the largest conglomerate.

ACCESS TO GOVERNMENT INFORMATION

Libraries are concerned about proposed legislation that would fundamentally erode the ability of depository libraries to serve our constituents by requiring contributions or user fees for access to government information. With libraries located in every congressional district, the depository system has helped assure that every American has access to information by and about their government-information that, after all, their tax dollars paid for in the first place. The great cost burden of maintaining depository collections is borne completely by participating libraries without a penny of Federal aid. Imposing additional costs on depositories and their users would threaten the survival of this essential government information dissemination channel.

Mr. RANGEL. Mr. Speaker, I rise to pay homage to librarians of America during this week that is named in their honor. Just as importantly, however, I want to add my name to those who view this as a most appropriate time to consider the special work that our libraries do for all of us, to note where we could be as a society if we gave them the support that they deserve, and, sadly, where we are headed if we continue to neglect this Nation's library system.

How many of us have ever forgotten the first time that we entered that book-lined hall that seemed so huge, so formidable, and maybe even a bit eerie. Maybe the smell was a bit musty, certainly it was different from any other we had experienced as a young child. But even as we became more familiar with that place, came to understand that the books were there for us to read and to learn from, we often encountered greater mysteries in those stories about fictional people, strange places, and great adventures of the kind we had never seen before in our real lives.

But even as we were mystified, we grew in knowledge, in understanding of the world, its rainbow of people and places, and about ourselves. The library thus became a place that took us outside and beyond ourselves, expanded our horizons and elevated our dreams. For many of us, the books we found there planted the seeds of the work we would do later in life; for many of us, those books have much to do with who we came to be. Truly, the library was to many of us more than a room or a building; it was an incubator that nurtured children into adults, that drew knowledge out of ignorance.

That is the work of our libraries: They are places that can build wonderful dreams out of hopelessness; they can heal the saddest emotions; and they can plant seeds of ambition that we can then strive to achieve.

That is why I support National Library Week and why I would call on my colleagues to support adequate funding of our libraries for construction of library buildings, for books and for outreach programs that find ways to reach people of all socioeconomic levels.

Support of our libraries are not expenses for this society; they are among our most important investments. One word, one lesson learned from a book may be enough to save one child or 1,000 from the hopelessness that otherwise may lead them to drug abuse or to crime. One ray of hope, instilled through a story read in a tale of adventure, might be just enough to inspire that child who might otherwise be lost.

We must continue to invest in our libraries; we can do no less for the future of our children.

Mr. ANNUNZIO. Mr. Speaker, I would like to thank my colleague from New York for reserving this time to commemorate the 33d annual observance of National Library Week.

If this Nation is to be wise as well as strong, if we are to achieve our destiny, then we need more new ideas for more wise men reading more good books in more public libraries.

This quote is as relevant today as it was when it was phrased 30 years ago by President John F. Kennedy.

The more advanced and complex our world becomes, the more knowledge we must acquire. Much of this new knowledge is based on the wisdom of the past. There is no better source than our Nation's libraries for learning

about the past, so that we may improve the present and assure our future.

Libraries are an invaluable and often overlooked resource. Where else, other than in a library, is knowledge and information accumulated, cataloged, and made readily and easily available to everyone?

In my State of Illinois, there are approximately 3,000 school, public, academic, and special libraries. Over 25,000 people are employed, full or part time, in the libraries of Illinois. The money earned by Illinois' library employees, the money used to purchase books and other library materials, the earnings of local suppliers, the funds used for the acquisition and maintenance of buildings, and telecommunications and other utilities is recycled into other areas of the State's economy. The library industry is a vital component of Illinois' economy as an employer, a consumer, and a distributor.

The theme for this year's National Library Week is "Reach for a star, ask a librarian." There are presently more than 152,000 librarians and related professionals working in our Nation's libraries. These dedicated individuals have been in the forefront of many of the most important issues facing America today: literacy, censorship, education, intellectual freedom, and public access to government information. I congratulate them and applaud their valiant efforts.

Without a strong commitment on the part of Federal, State, and local governments to effectively support our Nation's libraries, the continuance of the valuable services they provide may be threatened.

Several funding bills now pending in the House have a direct impact on the variety and scope of services America's libraries can offer the public. Let us demonstrate our commitment to our Nation's library system when these measures come to the floor for a vote.

Mr. TOWNS. Mr. Speaker, I rise today to encourage my colleagues, during this National Library Week, to ensure full funding of programs which help maintain and improve the Nation's public library services.

In my own district, the public library system has become a very important provider of services to children and adults alike. However, I am disturbed that the Brooklyn Public Library must struggle to maintain many excellent programs, like the Education/Job Information Center, the Child's Place, and adult literacy tutoring, due to chronically inadequate funding. Public library hours were recently cut in response to budget shortfalls. Library officials inform me that cuts in Federal Library Services and Construction Act appropriations would cost at least two staff positions and a large portion of the library's book acquisition budget.

The Library Services and Construction Act has been signed into law, but many other pending measures deserve the full support of Congress as we shape the budget for fiscal year 1991. Upcoming postal rate increases threaten to bleed funds away from sorely needed literacy and child centered library activities, unless we move to protect Federal support for preferred postal rates for libraries. While Congress must find new ways to raise revenues to deal with the national budget deficit, proposed user fees for access to government information is a form of double taxation that we should not impose on taxpaying users and beneficiaries of library services.

Most importantly, protecting library services on the national, State, and local levels must be a priority if we intend to advance as a nation in the next decade and the next century. The coming age demands not only the full literacy of our citizens, but also a work force capable of lifetime learning. Our support for the many worthwhile library services now being developed and refined will ensure that we have built the foundation for a literate, flexible, and well-educated American work force for the 21st century.

Mr. ROE. Mr. Speaker, America's libraries stand as a testament to the endurance of its culture. They represent our country's commitment to learning and its determination to educate future generations of Americans.

Libraries are the guardians of our intellectual legacy and the protectors of our civilization's recorded history. From the small circulating libraries in our local communities to the great dome of our own Library of Congress, we have built a network of knowledge in this Nation. More important, we have nurtured a respect for the free expression and dissemination of ideas.

A library serves a community far broader than the people who cross its threshold. The rural books-by-mail services, the large-print books to the visually impaired—all the diverse library services to the disabled and the disadvantaged are outreaches into our communities to bring knowledge and enrichment to everyone from young children to the elderly.

The preferred postal rates that libraries receive make it possible for them to continue many of these outreach services. The interlibrary loan programs that connect our local, and regional libraries in an information network are dependent on postal preference for survival. We must continue to support this postal preference if we expect our libraries to continue this important work.

As chairman of the Science, Space, and Technology Committee, I want to specifically mention the National Research and Education Network [NREN] which is proposed in title XI of H.R. 3131. I have cosponsored this legislation with many colleagues on both the Science, Space, and Technology Committee and the Energy and Commerce Committee. This network would link supercomputers, national databases, academic and industrial researchers, and libraries through a high-speed computer system. I would urge my colleagues to support H.R. 3131, the National High-Performance Computer Technology Act of 1989, as it moves through the legislative process. This legislation will dramatically advance the availability and dissemination of critical scientific information to researchers across the Nation.

Mr. Speaker, Samuel Johnson said, "knowledge is of two kinds. We know a subject ourselves, or we know where we can find information on it." With the information explosion that we are living in today, all of us are increasingly dependent on places to find organized and readily available knowledge because we cannot hope to know or even know of all the useful knowledge that is generated every day.

Libraries and new high technology information networks are both repositories of what we know as well as bridges to what we will need to know in the future. Samuel Johnson also said, "the future is purchased by the present." Let us not forget this when we are asked to support funding for these important efforts.

Mr. FISH. Mr. Speaker, I am delighted to rise today in observance of National Library Week, to thank and honor the many librarians and library volunteers who maintain centers of knowledge for all Americans. In our libraries we can research the topics of our choice, attend lectures, classes, and movies on issues which interest us, and borrow books which take our minds into historical adventures, distant cultures and fantasy lands.

It is hard for me to conceive of a fully satisfying life without the pleasures of reading. Unfortunately, illiteracy deprives too many Americans of this joy. The Department of Education estimates that between 17 and 21 million people in the United States are illiterate. This is 13 percent of the adult population, and in New York, where the rate is conservatively 16 percent, this situation is even worse. Libraries and the people who run them are an essential resource in the literacy fight. In the 21st District of New York, which I represent, and around the Nation, libraries are conducting adult literacy programs, such as one on one tutoring projects, and English classes.

Additionally, our libraries provide us with a myriad of important community services such as job information centers, reading programs for disadvantaged children, and projects to keep senior citizens active. In the mid-Hudson Valley of New York, the library sponsored job information centers help residents locate possible employment opportunities, write their resumes, and fill out job applications. Story hours keep children interested in learning and the Lively Minds Program encourages seniors to write poetry, remain informed about their community, and continue to read.

As the president of the Board of Trustees of the Alice Desmond and Hamilton Fish Library, which serves Garrison, NY, my interest in libraries extends beyond my love of reading. Direct involvement with our library enables me to witness firsthand the vital role that a library plays in the life of a community. The Alice Desmond and Hamilton Fish Library sponsors parent/child workshops, art exhibitions, literacy programs, talks and concerts, as well as housing 15,000 volumes.

I believe most would agree that the expansion of our libraries into community services is an advantageous situation. Unfortunately, President Bush's budget proposal appropriates zero funds for title I and title II of the Library Services and Construction Act. If Congress does not allot monies for title I of the LSCA many of the library services which help the disadvantaged, unemployed, illiterate and elderly will receive no Federal funds. I know for the Alice Desmond and Hamilton Fish Library these drastic funding reductions will mean the effective end to the Literacy Volunteer Program.

Title II funds are responsible for giving money to libraries to expand or refurbish their physical buildings. Oftentimes this money is spent making our libraries accessible for the

elderly and disabled. Because all Americans should be able to take advantage of the many services our libraries offer, I believe this money is being well spent, and should not be zeroed out.

It has been said that "A great library contains the diary of the human race." In today's world our libraries not only house the history of mankind, but also serve as a guide to the future. The community services which our libraries provide brighten our Nation's future by teaching illiterate adults how to read, and encouraging our children to continue to read, aiding the unemployed in their search for a job, and making sure our senior citizens keep their intellects' active. Let's ensure that funds for these positive programs are reauthorized.

It is my privilege to stand today and honor the libraries, librarians and library volunteers who contribute so much to the education and pure enjoyment of our Nation.

Mr. DERRICK. Mr. Speaker, a White House Conference on Library and Information Services will be held in Washington during July 1991. The Conference will bring together library users, trustees, and friends groups, civic leaders, lawmakers, and librarians to develop recommendations for the improvement of the Nation's libraries.

The Conference will cover such topics as how public libraries can more effectively support literacy training and adult education programs, how to provide business and industry with improved access to needed information, how to meet the needs of children, senior citizens and the disabled, and how to better provide individuals in remote or economically deprived areas equal access to information.

The Conference will also address the concerns of other types of libraries besides public libraries. Much has been written about the problems of America's educational system and many solutions have been proposed to alleviate these problems. In order for our schools, colleges, and universities to be able to offer the curriculum needed and to provide the foundation needed to educate our students, the needs of the libraries at the hearts of these institutions must also be addressed and solutions formulated to the problems that confront them.

Recommendations resulting from the White House Conference will establish this Nation's agenda for library services for the first part of the 21st century. It is vitally important that America's libraries continue to explore ways to satisfy the diverse needs of our equally diverse population.

Mr. Speaker, I wholeheartedly support the goals of the White House Conference on Library and Information Services, and urge my colleagues to do likewise.

Mr. RAVENEL. Mr. Speaker, our country's libraries provide many services for all citizens, but the elderly seem to possess a special need for informational and recreational materials.

Public libraries in South Carolina and around the country have used title I funds obtained under the Library Services and Construction Act to develop new and innovative programs to reach the elderly. These programs range from providing large print books and books on tape to conducting storytimes and poetry readings in nursing homes to delivering books and other materials to homebound elderly patrons.

Many active senior citizens who are in good health would like to take advantage of all the good things a library can offer, but they do not have the opportunity. Let me give you an illustration of what can be accomplished with LSCA funds. Last year, in my district, the Colleton County Library was able to establish a library branch in the town of Edisto Beach using funds from this project. Prior to this branch, the residents of Edisto Beach had only very limited bookmobile service. The only alternative for the townspeople, most of whom are over 55, was to either drive 100 miles roundtrip to the Collection County Library in Walterboro or to purchase a Charleston County Library card and utilize out-of-county facilities which were still many miles away. Now the elderly residents of this community can take advantage of the information, recreational reading materials, programs, and services offered by the new branch library in their town.

Worthwhile projects like this are possible all over the United States, but only if public libraries are able to obtain the necessary funds to develop and implement them. LSCA funds are vital to the continuation and expansion of these programs for our senior citizens.

Mr. WELDON. Mr. Speaker, I would like to commend my colleague, Mr. OWENS, for taking time today to call this special order. As Congress continues to debate the Federal budget, it is fitting that we take this time to discuss one of the greatest treasures of America.

As a former teacher and the father of five, I fully understand the important role libraries play in our educational system. Books contain all the magic to fill a young child's dream and the information for a student's term paper. Libraries inspire the mind and help make learning an exciting experience.

Yesterday morning, a newspaper in my home district, the Delaware County Daily Times, ran a feature story on the innovative programs which the Delaware County Library System has adopted to increase the access of all citizens to its materials. By computerizing all of the holdings in the 27-member library system, users will have instant information as to the location of more than 1 million books. I ask that this article be printed in the RECORD.

LIBRARY LISTS ITS BOOKS ON COMPUTER

(By Joe Hart)

MEDIA.—Computerized cataloguing in Delaware County's 27-member library system literally puts 1 million books at the fingertips of the curious, officials announced last week.

The system—dubbed DCLS Delphi—replaces the traditional card catalogs that have been library staples for generations.

But while those card catalogs could tell only what was in each particular library, the Delphi terminals are programmed with the inventory of the entire library system—more than 1 million books in all, Library Services Director Harry Courtright said.

Some 64 Delphi stations have been set up in the libraries at a cost of about $325,000, Courtright said. The initial terminals were supplied to member libraries for free, though branches can purchase additional stations for about $3,300 each.

All of the county's major libraries have them and even the smallest will be fitted within a week.

Delphi terminals allow patrons to search for books by title, authority or subject. Even partial titles or authors names can be keyed in, with the computer supplying the rest of the information.

The system tells researchers whether particular books are checked out at each library. When more programs are added to the memory, the computer will be able to tell its user when the books will be returned, Courtright said.

"It's a tremendous resource for the libraries in Delaware County and the people who use them," he said.

The menu-driven system tells users what to do every step of the way. And an attached telephone offers recorded advice on how to operate the terminal.

"They're really user-friendly," Courtright said.

Officials were initially concerned that library patrons—especially those who might not be "computer literate"—would be put off by the new system. But that hasn't been the case.

"The staff has given the patrons very little help," said Lansdowne librarian Linda Kennedy. "We just plugged it in, turned it on, and let it go and they've had no trouble using it. Everybody seems really excited about it."

Kennedy, a librarian at Lansdowne for a decade, said she won't miss the old card catalogs.

"I can't wait till ours goes out the door," she said. "It's just so much easier * * * I just love this. I don't have to hunt from drawer to drawer and bend over."

There's usually a down side to computer automation, however, and the Delphi system is no exception—for those who don't return their books on time. Within a year, when the computer's programming is finished, deadbeats will run into problems.

"It will also tell you who owes money and it won't let you take books out" until the debt is paid, Courtright said.

Mr. FAZIO. Mr. Speaker, I wish to join my distinguished colleagues in saluting our public, school, college, and special libraries as we celebrate National Library Week. With the passage of time, the importance and breadth of services provided to American society by our libraries have rapidly increased. No longer are libraries merely passive repositories of books and related materials; today's library serves the expanding needs of every segment of society.

Libraries provide access to information in a wide variety of media—books, periodicals, videotapes, sound recordings, even personal computer software. They are community information centers, providing information on all manner of public services offered by public and private organizations—employment services, artistic exhibitions, aid to the elderly, or recent immigrants, et cetera. They provide space and support for voter registration, personal income tax preparation assistance, or meeting space for a range of community organizations, from Girl and Boy Scouts to great books discussion groups. Most recently, many libraries have been addressing the enormous problem of adult illiteracy by providing basic literacy instruction in libraries, including the establishment of family learning centers serving adults and their school-age children.

Public and other libraries throughout the Nation are assisted not only by Federal programs such as the Library Services and Construction Act, and the Depository Library Program, but also by Federal libraries, especially the Library of Congress. In addition to its services to the Congress, through the Congressional Research Service and other units, plus direct services to the public at its Capitol Hill facilities, the Library of Congress provides essential support to libraries nationwide. For example, it has been estimated that the cataloging services provided by the Library of Congress saved the Nation's libraries over $350 million in fiscal year 1989 alone. The Library of Congress provides books and other materials through interlibrary loans, answers reference inquiries, produces traveling exhibits that appear throughout the Nation, is the Nation's primary source for library services to blind and physically handicapped readers, conducts research into the cost-saving uses of such new forms of information technology as compact laser disks, and leads national activity in preservation of books and other library materials.

The libraries are our Nation's information infrastructure. We must care for those precious resources and promote their usage and preservation. National Library Week is a fitting occasion to recall this obligation.

Mr. SPENCE. Mr. Speaker, as we are all no doubt aware, recent statistics show a high rate of illiteracy in America. Unemployed individuals having inadequate reading and writing skills comprise a significant component of these figures. Illiterate adults have great difficulty not only in finding work, but in performing vital tasks necessary to daily living such as maintaining a checking account, filling out forms, and communicating with others.

In order to solve the problem of illiteracy, cooperation amongst the various Federal, State, local, and voluntary agencies involved in this effort must be encouraged. I am proud to say that the libraries in my State of South Carolina are providing a vital link between the illiterate and the improvement of their reading skills. Twelve county libraries in South Carolina received over $100,000 in title I funds to provide new-reader materials, computer equipment, and software programs, and to supply tutoring space for volunteers to work with those adults who are learning to read. All 12 of these libraries which received grants worked in conjunction with other organizations involved in literacy efforts such as the United Way, South Carolina Department of Social Services, and Literacy Volunteers of America.

In addition to the title I grants, the South Carolina State Library also received a title VI grant in conjunction with the South Carolina State Department of Corrections to develop and implement a program of literacy training in South Carolina's prisons. Studies report that a majority of inmates in South Carolina are functionally illiterate. Helping to provide them with the skills of reading and writing gives these inmates an opportunity to become more productive members of society upon their release.

The problem of illiteracy is great, but progress is being made. Continued LSCA funding is absolutely essential for the development and promotion of our statewide literacy education efforts and I urge my colleagues to support such funding.

Mrs. PATTERSON. Mr. Speaker, today, I am pleased to join many of my colleagues in observing National Library Week.

The public library is one of many institutions that determines the quality of life in our communities. Unfortunately, many of our public library buildings are not large enough or modern enough to accommodate the growth in population. More space, modern automation, computer technology, and building renovation are needed in order to meet the demands of a growing population and provide adequate facilities for citizens in the community.

Title II of the Library Services and Construction Act provides incentive grants to communities to raise matching funds for construction and renovation of public library buildings. In 1989 alone, title II construction planning involved 21 projects in 18 counties in my State of South Carolina. There is still a need for 22 additional new or expanded headquarters buildings and 50 new or enlarged library branches. At an average cost of $65 per square foot for new public library construction, it would take over $65 million to meet this need for additional space.

Continued support at an adequate level is necessary in order to encourage communities to provide modern public library facilities for their citizens throughout the Nation.

Mr. Speaker, I am pleased to have an opportunity to join the gentleman from New York in recognizing the contributions of our Nation's libraries and the Library Services and Construction Act that keep them going.

Mr. SPRATT. Mr. Speaker, I am pleased to participate in the special orders today in recognition of National Library Week. During this week, we take time to pay tribute to the many services that our libraries provide.

If the United States is to grow and prosper, we need to provide a high caliber of educational programs for our children. Research has shown that exposure to books and reading at an early age is an important factor to success in school. Public libraries play a vital role in this area by encouraging parents to read to their children and by introducing children to the world of books and reading. The President's National Goals for Education suggest that every parent be their children's first teacher. Therefore, it is vitally important for our public libraries to have the materials parents will need to work with their children.

Title I funds provided by the Library Services and Construction Act [LSCA] have been used to hire children's librarians, to purchase children's books and other materials, and to sponsor special programs such as summer reading clubs. In 1989 alone, over 35,000 children in South Carolina participated in the Statewide Reading Program and more than 150,000 attended at least one special program during the year at their local public library. Another 150,000 children throughout the State were introduced to the library during class visits or other Outreach programs.

The year of 1989 was designated the "Year of the Young Reader" in South Carolina. The theme of activities, "Give us books, give us wings," emphasized the importance of encouraging children to read and to grow with books. The year of the young reader culminated with the observance of Young Reader's Day on November 15, 1989. More than 600,000 children and adults across South Carolina participated in Young Reader's Day activities.

The future of our country depends on helping today's children become tomorrow's literate and informed citizens. Public libraries are enthusiastically working to meet this challenge, and LSCA funding is vital to this effort.

Mr. RAHALL. Mr. Speaker, the week of April 23 to 27, 1990 is being celebrated as it is every year as "National Library Services Week."

As in past years, I was so pleased yesterday to be able to meet with the able representatives of libraries and their needs from the State of West Virginia, and of course my own Fourth District.

For 8 long years during the Reagan administration I met with those good friends of mine on library needs, and we were firm in our resolve to bring about the rejection of President Reagan's proposals to zero fund libraries. And we were successful year after year.

When President Bush came to office, and knowing of his and Barbara's interest and concern for illiteracy in this country, I had high hopes that the library programs long supported, on a bipartisan basis, by the Congress, would encounter no threat from his Presidency.

Not so, Mr. Bush says the same thing that Mr. Reagan said—Federal support for libraries is no longer necessary. States can now take over and fund their remaining needs.

Not so—libraries—like our schools, roads, and bridges—have infrastructure needs—a library built and equipped 10 to 20 years ago need structural repairs, some have grown to need room to expand to serve their communities, others have obsolete technologies that need updating to more modern, state-of-the-art modes of operation.

I know and I even appreciate the President's greetings to those participating in this, the 33d annual observance of National Library Week. I regret that their love of books and of reading does not lend itself to today's information revolution.

The President proposed cutting 71 percent from current Federal funding for libraries—and that encompassed both public and academic libraries.

In 1987, Mr. Speaker, West Virginia had 181 libraries. Today, it has 178 libraries. Some have had to close, for lack of support. The State and most assuredly the local areas in my district, the county commissions, the local school boards, can no longer afford to include library needs in their budgets, and those who can have had to impose drastic cuts in the amount of funding available.

Yet Federal funding, Mr. Speaker, represents a mere 4 percent of public library support; the rest comes from local taxes and public donations.

I think we can afford, and I am confident my colleagues in the House will agree with me, to continue to provide this miniscule, yet desperately needed resource for this Nation's 115,000 public, school, academic, and special libraries serving the public.

I extend a warm hand of welcome to my own friends of libraries from my State and dis-

trict, and to the thousands of others who came from all the States and territories to celebrate National Library Week.

I know that our folks back home are busily preparing for the important preliminary State conferences about to take place in all the States, so that they will arrive in the Nation's Capital in a state of readiness to conduct the second White House Conference on Library Information and Services scheduled to take place in the near future.

On this important occasion, the Federal role in library services will be fully explored, and resolutions adopted by delegates to the Conference to improve and enhance that role.

NICARAGUAN ELECTION PROCESS

The SPEAKER pro tempore (Mr. HAYES of Illinois). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I was fortunate enough to join, with about 10 or so Congressmen and women and about 5 or 6 Members of the Senate, a delegation to Nicaragua yesterday to see the fulfillment of a 10-year effort to bring freedom to that torn little nation.

Nicaragua is a nation of not quite 3 million people, 600,000 of whom are in exile. Of course, unlike our election process which allows Americans overseas to participate and vote, they were not allowed to vote. Now, I understand that some of the network coverage last night showed the bizarre scene which occurred yesterday in their main stadium in the capital city of Managua. If you recall, during what the New York Times called a "treacherous transition period," the winning presidential candidate and distinguished lady, Violeta Chamorro, had to negotiate with the Sandinista Communists on just how her election victory could be transformed by a valid inauguration. Here is what they came up with and I hope that any person who hears my voice or reads the RECORD, Mr. Speaker, will treasure the system we have and understand the difference.

I mean, I was trying to picture what happened in Managua happening on the Mall, during one of the inaugurations that I have been fortunate enough to be a part of. One with President Carter, two with President Reagan, and one just last year with President Bush. Imagine having to separate the Mall, putting all the Republicans on one side and all the Democrats on the other. Then imagine letting the loser speak, not for a gracious 5 minutes, but a 50-minute harangue with rhetorical challenges to your Republicans or your Democrats such as, "Who killed my brother," to which one side of the mall would respond, "They did," all the while screaming, pointing fingers. And then imagine turning to the British representation and saying, "Here, there, the British will die; here, there, the British will die." Well, that was the scene in the stadium in Managua yesterday. The stadium separated the supporters of Violeta Chamorro who, interestingly, were waving the flag of Nicaragua, their flag since 1821. On the other side, with the colors of black and red, were the Sandinistas.

By the way, the Sandinista stronghold during the election was the capital city, because they had the city on the payroll with money borrowed from Cuba and Russia. In Managua, guess what the breakdown was in the stadium? Fully every seat taken on the Chamarro UNO side, with UNO representing 13 parties, the United National Organization. Every seat taken. On the other side, the Sandinista side, there were huge gaps and open sections. The Sandinista organizers paid some of their people, yet they could not even fill their side. Those of us in attendance, liberal and conservative, estimated the UNO-Sandinista split at about 70/30. Folks, that is the way the election would have turned out if it had been truly fair. Not 55-45 but 70-30. Violeta Chamorro had at least 15 percent of the votes stolen from her, but the margin was so big they still had to call it a landslide.

What happened when Daniel Ortega came into the stadium? He wanted to go to the side where 70 percent of the people are flying the blue and white flag. He knows he paid many of the people to come to the black and red Communist Sandinista side. He does not get 10 feet and the booing is so horrible he has to pull back and come to the Sandinista side. He is dressed in sort of a Gucci revolutionary style. His common-law wife, Rosa Ria, is wearing a black and red scarf wrapped around one knee of her designer jeans. She is in a Texas-style blouse. He is in an open shirt and denims. As Senator DODD said, at least he wasn't in the cockamamy fatigues like Castro.

Violeta Chamorro, when she comes in, goes to the Sandinista side. They start throwing water balloons at her. Some threw pop bottles—at least one or two of those. She has to run this gauntlet, but she makes her driver go slowly. Now, at first I saw that the water-filled balloons, were falling short. I thought, they have the wind, but they do not have the range. Suddenly, one went over her head, and then another one. Then they had the range and wind. Any minute one could have hit her in the face.

The ladies understand, the men too, with their hair spray, that a person would not look their best when hit by a balloon. I am praying to God, "Do not let a balloon hit her, please Lord." None hit her. It was like there was a bubble around her. They were going high, low, left, right. The guard soldiers were throwing themselves, catching balloons in the face, in the chest, with their arms. They did not get one close. When she took that oath after the 50-minute harangue of Daniel Ortega to the Communists, she spoke beautifully and powerfully, and she has united that country.

Vaya con dios, Madam President.

INTRODUCTION OF LEGISLATION TO HELP GUARDSMEN AND RESERVISTS WHO SERVED DURING ATOMIC EXPERIMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HARRIS] is recognized for 5 minutes.

Mr. HARRIS. Mr. Speaker, today I have introduced legislation which will provide selected veterans benefits to a small group of National Guardsmen and Reservists who participated in the atmospheric tests of nuclear devices during World War II. These guardsmen and reservists will be granted the same service connection as those provided for active duty personnel under Public Law 100-321, the Radiation-Exposed Veterans Compensation Act of 1988.

This bill will provide eligibility for service-connected disability compensation, Dependency Indemnity Compensation, hospital and medical care, burial and memorial benefits, and survivors' educational assistance. It does not provide readjustment benefits like VA home loans, GI bill educational assistance, or vocational rehabilitation as most of these guardsmen and reservists are more than 65 years old.

To me, these benefits are a matter of equity. During the debate on the Radiation-Exposed Veterans Compensation Act, these men were inadvertently omitted from coverage. Every man that served during these experiments was equally exposed to radiation and is now equally deserving of fair treatment. It is my hope that this legislation will guarantee that all medical expenses will be covered by the U.S. Government.

As a member of the Alabama National Guard, I am pleased to cosponsor this bill to provide benefits for this special group of guardsmen and reservists. I am also pleased that survivors will be granted both compensation and educational assistance.

More than 30 of my colleagues have already agreed to be original cosponsors of the legislation. As a member of the House Veterans' Affairs Committee, I feel sure that the bill will be considered in the near future.

AMERICAN WETLANDS ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Arkansas [Mr. ANTHONY] is recognized for 5 minutes.

Mr. ANTHONY. Mr. Speaker, 3 years ago, a young farmer and his father came into my office, laid some maps down on my desk and said they thought they had a wetlands problem. That particular problem was related to the swampbuster provisions of the 1985 Farm Act. Since that time, the scope of wetlands regulation has expanded far beyond the reach of swampbuster and for the first time, farmers and other landowners are being required to apply for a 404 permit from the Corps of Engineers in order to engage in activities that they and their ancestors have been doing for generations as normal practices.

We all know, however, that wetlands regulation goes far beyond the realm of farming. Every day, developers are purchasing land with certain industrial, housing, or economic goals in mind only to find out later that the land is subject to 404 and totally worthless for the purposes intended. The investment is wiped out and the landowner may even be subject to substantial costs of remediation or penalties.

Although wetlands regulation has provided some harsh results, we can't ignore our responsibility to preserve the resource. In many ways it is ironic that for most of our Nation's history, draining swamps and wet areas was a worthwhile civic endeavor seen to be in the interest of public health and safety and necessary for proper economic growth. Today, however, the same spirit of righteousness that once said "drain the swamps," is now crying for their restoration.

Ironic, perhaps, but it does underscore our ever growing understanding and appreciation for the environment. It is, perhaps, an ominous warning to us that practices we today take for granted may in the future be seen as environmentally irresponsible. Regardless of past policy, our attention today must focus on what steps are necessary to protect a valuable natural resource in such a manner that does not totally disrupt our current economic and social structure. We must never lose sight that an overzealous quest for environmental purity may choke to death the economic lifeblood of the civilization that supports the quest.

Last year, I formed a Special Arkansas Task Force on Wetlands that consisted of a broad cross section of interests ranging from agriculture to wildlife preservation and from industrial development and transportation to State and local governmental entities. Although the nature of the issue is one that does not lend itself to a solution that will be embraced 100 percent by all interested parties, I do feel that the input and suggestions from the Arkansas-based group did much to help me shape a total program that touches on the key interests expressed by those task force members. I would like to publicly thank the members of the Arkansas task force for their help and their expertise in this issue.

I am today introducing, along with some of my colleagues, a comprehensive package that I believe will bring some sense of reason to the wetlands regulatory process. My bill does not scrap the work that has been done in the area of wetlands regulation, it builds on the foundation already established with a focus on the wetland values most worthy of this Congress' attention.

First of all, my bill embraces the basic definition of wetlands currently used in the administration of swampbuster and section 404. Once defined, however, all wetlands will fall into four categories: prior converted wetlands—which are exempt from all regulation—nonconverted wetlands—which are subject to a certain degree of regulation—special nonconverted wetlands—which are wetlands currently in economic use but which retain valuable wetland values—and natural wetlands. The higher the value of the wetlands resource, the higher the level of regulatory protection.

As pointed out above, the wetlands issue is not just a farming issue. Wetlands regulation affects all economic activity. Because I feel it necessary for landowners—current or prospective—to have adequate notice of any regulation which attaches to their property, my bill instructs the U.S. Soil Conservation Service to continue their ongoing inventory of wetlands and expand the inventory to include all lands. In addition, the inventory shall describe those wetlands which contain special wetland values.

My legislation provides for determinations of five basic wetland values: water quality—determined by EPA as delegated to the States through section 401 of the Clean Water Act; sedimentation discharge—determined by SCS; wildlife habitat determined by the U.S. Fish and Wildlife Service; aquifer recharge—determined by the U.S. Geological Survey; and flood control—determined by the Corps of Engineers for large watersheds and SCS for small watersheds.

Each agency charged with making special value determinations will first have to publish a proposed rule in the Federal Register that will outline the process by which the value determinations will be made. I do not intend for my legislation to become a license for various agencies to run amok at the expense of private landowners. I do demand that they be upfront and explain at the front end—not through a manual issued years later—what test they will use so that landowners can gage actual determinations against an established test.

Likewise, I do not intend my legislation to be carte blanche to label everything a special value. For example, in a technical sense, it would be possible for the Fish and Wildlife Service to find wildlife habitat in any area, wetland or not. My bill, however, limits the finding of special wildlife habitat to that which is unique or unusual as a guarantee that truly special values are forever preserved without making every inch of the country regulated as a wildlife refuge. On the other hand, certain areas, such as prairie potholes, that are extremely valuable for perpetuation of our waterfowl species, must be preserved because too much is otherwise at risk.

Regulation based solely on use prohibitions and penalties is insufficient to properly protect, preserve, and restore our Nation's wetland resources. My bill includes a number of provisions that serve as positive incentives for landowners to engage in sound conservation practices.

Among my proposals for wetland preservation and restoration include a new program called the Conservation Conveyance Program. This program, similar to our current Conservation Reserve Program, allows the Secretary of Interior to accept bids for the purchase of fee title or permanent easement of lands with valuable wetland qualities. This provides the landowner a direct incentive to voluntarily place lands in a perpetual state of preservation.

My bill also amends the Internal Revenue Code in such a way that provides an incentive to reclaim and restore wetlands, or to actually donate them to governmental units or certain designated groups. For farmland owners, my bill encourages the restoration of wetlands as a method of gaining eligibility to USDA programs in such a way that is without cost to the Government.

When wetlands must be converted, and if we expect to continue growth in this country we must recognize that some wetlands will have to be converted, my bill assures that our policy of overall no net loss of wetlands focuses of the very values that make them valuable to us. Under my legislation, lands subject to swampbuster can be converted, but only as long as all special values are protected.

It is time we brought reason to the area of wetlands regulation to make preservation a practical and realistic goal. A simple definition in a manual may make easy reading, but it may also make terrible policy. It is time we focus on quality, not just quantity. It is time that we make penalties—such as those related to swampbuster—more in line with the nature of the violation so that local enforcers don't have to fear that reporting a small violation will place a family farm in bankruptcy. It is time we establish an administrative appeals process for all wetland determinations in order to make the agencies more responsive to regulatory impact on property values. It is time to stop telling rice farmers that putting rice levees on their farm is not a normal farming practice. It is time we come together and work on a solution rather than deciding who gets the blame.

A member of my task force from Arkansas very eloquently expressed the sentiment that I tried to capture in my legislation. He said:

Farmers and landowners do not want to destroy wetlands, they want them preserved like everyone else. However, since the benefit that accrues from wetland preservation is that of society in general, the total cost of preservation should not be borne solely by those who are subject to prohibitory regulation.

I believe my legislation places the responsibility of the landowner in a perspective that is reasonable. I also believe that a proper balance between landowner rights and resource conservation has been struck. Through my incentives for preservation and restoration, and through my process of mitigation, there will be an overall net increase in wetlands and special wetland values.

The value of wetlands regulation is one that touches every state in this country. I urge all my colleagues to join with me to correct abuses of the past and to preserve our resources for the future.

INTRODUCTION OF BILL TO IMPOSE AN EXCISE TAX UPON AMOUNTS RECEIVED IN CONNECTION WITH CERTAIN COMBINATIONS OF PARTNERSHIPS WHERE DISSENTING EQUITY HOLDERS DO NOT HAVE APPRAISAL RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I rise today to introduce a bill which imposes an excise tax on amounts received in connection with certain combinations of partnerships and real estate investment trusts, commonly known as roll-ups, where dissenting equity holders to not have appraisal rights in the transaction.

Mr. Speaker, there has been a recent trend on the part of partnership promoters and managers, particularly in publicly held real estate partnerships, to combine several partnerships into one publicly traded partnership. Investors are lured into trading their partnership interests for equity shares in the large publicly traded partnership on expectations of increased liquidity since such interests can be traded on an exchange. Unfortunately, many of these roll-up transactions have seriously reduced the value of the limited investors' interests.

For example, in one recent case, the value of investors' interests in the new publicly traded limited partnership were immediately reduced by 70 percent from the pre-roll-up appraised value, and 2 years after the roll-up the reduction had increased to almost 90 percent of the pre-roll-up appraised value. There are several reasons for the drastic reduction in value in this and similar cases. First, fees of general partners increase dramatically as the result of most roll-ups, and promoters, general partners, and investment advisers all obtain significant fees from these transactions at the expense of the limited investors. Second, economically sound enterprises are often combined with partnerships with serious operating difficulties in a roll-up. This combination assists the promoters and general partners in keeping weak properties in troubled partnerships from foreclosure, but seriously harms the investors in financially sound funds. Third, the general partner will, in some cases, accelerate residual interests in the partnership which otherwise would not be allowed until the liquidation of the partnership. Such acceleration further dilutes the interests of the limited investor in the ongoing enterprise.

Mr. Speaker, this situation cannot be tolerated. Unlike a tender offer in a corporate acquisition, limited partners in these partnerships do not have the practical ability to sell their interests at a fair price instead of reinvesting in the new partnership. Although limited partners are afforded a simple majority vote on the transaction, unlike a normal proxy solicitation, there is no opposing side or sophisticated analysts calling attention to potential abuses in a transaction. In these cases an investor typically receives a massive proxy document with a cover letter from the general partner reciting the advantages of the transaction. The ability of the limited partner to obtain a balanced assessment of the transaction is further reduced since in many cases, because there is no organized opposition to the transaction, the investor's broker will be compensated only if the limited investor votes to affirm the transaction.

The bill I introduce today would require a limited investor in a rollup transaction to receive dissenters' rights to redeem his or her equity interest in the entity for an amount in cash equal to the interest's proportionate share of the net value of the assets of the entity immediately prior to the rollup transaction. In this way, an investor may make a fair decision whether to join the new enterprise or liquidate the investment. If limited investors are not afforded this protection, then in general any amounts, gain, payments, fees, or other consideration resulting from such transaction and the resulting entity by the general partner, manager, investment adviser, broker, promoter, investment banker, underwriter, appraiser, or related entity would be subject to an excise tax equal to 50 percent of such gain or consideration. Because real estate rollup transactions may occur in limited partnerships as well as in real estate investment trusts, both entities are subject to the provisions of my bill, as well as consolidation of such entities into a corporation. The bill defines a rollup transaction as any acquisition or merger, if in connection with the transaction an offering is required to be filed with the Securities and Exchange Commission. I have attached to my statement a technical explanation of the bill.

Mr. Speaker, I am confident that the bill I introduce today will stop this abuse of investors. An investor should have a real choice whether to continue an investment in a changed entity or to liquidate the investment for fair value. An investor should not have the value of interests significantly and permanently reduced with no practical way out of the investment. I believe this abuse should be stopped immediately; accordingly, the bill is effective for rollup transactions occuring after April 26, 1990.

TECHNICAL EXPLANATION OF THE BILL

PRESENT LAW

Under present law, partnerships or real estate investment trusts (REITs) may combine to form other partnerships or REITs. Federal tax law does not impose sanctions in the event that persons with interests in such entities are not offered rights to dissent to such transactions and receive cash for their interests.

EXPLANATION OF PROVISION

The bill would impose an excise tax (in addition to all other taxes) on certain payments relating to prohibited rollup transactions. The amount of the excise tax is 50 percent of any gain or other income (whether or not recognized) of the disqualified person who receives a disqualified rollup-related payment, by reason of such receipt.

Under the bill, a prohibited rollup transaction means any acquisition of interests in or assets of a partnership or REIT by a partnership or corporation, or any merger or combination of partnerships or REITs into a partnership or corporation, that meets the following two criteria.

The tax is imposed in the case of these transactions, if in connection with the transaction, (1) there is an offering required to be registered with the Securities and Exchange Commission, and (2) dissenters' rights are not provided by each partnership or REIT that is a party to the transaction and that was in existence before the transaction.

The dissenters' rights required to avoid the excise tax under the bill must provide that each person with an equity interest (1) has a reasonable opportunity to dissent to the transaction, and (2) has the right to require the redemption of his equity interest for an amount in cash equal to his proportionate share of the net value of the assets of the entity immediately before the transaction. For this purpose, the net asset value is considered as not less than the amount represented (in documents filed with the SEC) to be the value of the consideration received in the transaction in exchange for his equity interest.

A disqualified person subject to the 50 percent excise tax on disqualified rollup-related payments means a general partner, manager, investment advisor to a party to the transaction, or any person performing services as a broker, dealer, underwriter, promoter, investment banker or appraiser in connection with the transaction, or any person related to any of them.

Under the bill, a disqualified rollup-related payment is any payment, fee or other consideration received by a disqualified person on account of services rendered in connection with the transaction, and any consideration received in the transaction in exchange for any interest in a partnership or REIT (or for the relinquishment of any right under a contract with any such entity). In addition, a disqualified rollup-related payment includes any payment, fee or other consideration (1) received on account of services rendered to the entity resulting from the transaction, or (2) received on account of holding any interest in an entity that is a party to the transaction (including any amount received in redemption or other disposition of the interest). Under the bill, if a disqualified person performs services in connection with the transaction or for the entity resulting from the transaction, then a disqualified rollup-related payment is considered to include any consideration received, including, for example, stock or debt of a corporation, or an option to acquire property, whether or not at a bargain price. The consideration subject to the provision includes not only the value of the option upon receipt, but also the amount treated as gain on exercise of the option. Consideration received by a disqualified person who performs such services is presumed to be subject to the provision regardless of whether the person may have also sold property to a partnership, REIT or other corporation that is a party to the transaction.

The bill would be effective with respect to prohibited rollup transactions occurring after April 26, 1990.

H.R. 4670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 54 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new section:

"SEC. 5882. TAX ON CERTAIN AMOUNTS RECEIVED IN CONNECTION WITH CERTAIN ACQUISITIONS OR COMBINATIONS OF PARTNERSHIPS OR REITS.

"(a) IMPOSITION OF TAX.—There is hereby imposed on any disqualified person who receives any disqualified rollup-related payment a tax equal to 50 percent of any gain or other income of such person by reason of such receipt.

"(b) DISQUALIFIED ROLLUP-RELATED PAYMENT.—For purposes of this section, the term 'disqualified rollup-related payment' means—

"(1) any payment, fee, or other consideration received by a disqualified person on account of services rendered in connection with a prohibited rollup transaction.

"(2) any consideration received in such transaction by a disqualified person in exchange for any interest in any specified entity which is a party to such transaction (or for the relinquishment of any right under a contract with any such entity), and

"(3) any payment, fee, or other consideration received by a disqualified person on account of—

"(A) any service rendered to the entity resulting from such transaction, or

"(B) holding any interest in such entity (including any amount received on redemption or other disposition of such an interest).

"(c) PROHIBITED ROLLUP TRANSACTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'prohibited rollup transaction' means any acquisition of interests in (or assets of) a specified entity by a partnership or corporation, or any merger or other combination of 2 or more specified entities into a partnership or corporation, if—

"(A) in connection with such acquisition, merger, or other combination, there is an offering required to be registered with the Securities and Exchange Commission, and

"(B) the dissenters' rights requirements of paragraph (2) are not met by each specified entity which is a party to the transaction and which was in existence before the transaction.

"(2) DISSENTERS' RIGHTS REQUIREMENTS.—The dissenters' rights requirements of this paragraph are met by any specified entity if—

"(A) each person who holds an equity interest in such entity has a reasonable opportunity to dissent to the transaction referred to in paragraph (1), and

"(B) each such person who dissents to such transaction has the right to require the redemption of such person's equity interest in the entity for an amount in cash equal to such interest's proportionate share of the net value of the assets of such entity immediately before the transaction.

The amount determined under subparagraph (B) with respect to any equity interest shall in no event be less than the amount represented (in any document filed with the Securities and Exchange Commission) as being the value of the consideration to be received in the transaction in exchange for such equity interest.

"(3) SPECIFIED ENTITY.—The term specified entity' means—

"(A) any partnership, and

"(B) any real estate investment trust (or entity intending to qualify as a real estate investment trust).

"(4) EQUITY INTEREST.—The term 'equity interest' means—

"(A) any interest as a partner, and

"(B) any stock (or other certificate of beneficial ownership) in a real estate investment trust.

"(d) DISQUALIFIED PERSON.—For purposes of this section, the term 'disqualified person' means—

"(1) any person who was a general partner, manager, or investment adviser to any specified entity which is a party to the prohibited rollup transaction and was in existence before such transaction,

"(2) any person performing services as a broker, dealer, underwriter, promoter, investment banker, or appraiser in connection with the prohibited rollup transaction, and

"(3) any person who is related (within the meaning of section 5881(c)(2)) to any person described in paragraph (1) or (2).

"(e) TAX APPLIES WHETHER OR NOT AMOUNT RECOGNIZED.—The tax imposed by this section shall apply whether or not the gain or other income referred to in subsection (a) is recognized.

"(f) ADMINISTRATIVE PROVISIONS.—For purposes of the deficiency procedures of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A."

(b)(1) The chapter heading and table of sections for chapter 54 of such Code is amended to read as follows:

"CHAPTER 54—GREENMAIL, ETC.

"Sec. 5881. Greenmail.

"Sec. 5882. Tax on certain amounts received in connection with certain acquisitions or combinations of partnerships or REITS."

(2) The table of sections for subtitle E of such Code is amended by striking the item relating to chapter 54 and inserting the following new item:

"CHAPTER 54. Greenmail, etc."

(c) The amendments made by this section shall apply to prohibited rollup transactions (as defined in section 5882 of the Internal Revenue Code of 1986) (as added by subsection (a)) occurring after April 26, 1990.

FOURTH ANNIVERSARY OF THE NUCLEAR ACCIDENT AT CHERNOBYL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to commemorate the fourth anniversary of the nuclear accident at Chernobyl, and to use this opportunity to urge the Soviet Union to provide urgently needed medical assistance to the victims of this accident. Also, it is critically important for the Soviets to immediately close the reactors still in operation on this site, as well as institute procedures and standards which are internationally recognized for the safe construction and operation of nuclear facilities.

The people of Byelarussia and the Ukraine were especially hard hit by this disaster. Because of the lack of medication and medical care, thousands of men, women, and children remain ill, and are expected to die from radiation exposure. Also, today, millions of people are living in regions with extremely high levels of radiation.

At first, the Soviet Union concealed this accident, and then, ignored its devastating consequences. Also, the full extent of this environmental and human catastrophe has yet to be completely disclosed for world scrutiny. Although recently the Soviets reluctantly approved some funding for the relocation and resettlement of individuals from areas contaminated by radiation, a much deeper commitment from the Soviets is required.

Mr. Speaker, on this fourth anniversary of this tragic accident, I call on the Soviet Union to release all information on the full extent of this environmental disaster, to take steps immediately to close the remaining reactors operating on the Chernobyl site, and to provide critically needed medical assistance to those who have been and continue to be exposed to dangerously high levels of radiation.

APPOINTMENT OF MARILYN LLOYD IN TENNESSEE MILITIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with you an event that took place on March 24, 1990, concerning our colleague, MARILYN LLOYD, Third District of Tennessee. Due to her interests and concerns for the Tennessee National Guard, she has been appointed an honorary major general in the Tennessee Militia by the adjutant general of Tennessee, Maj. Gen. Carl Wallace. I know that this honor is justly deserved as exemplified by the attached certificate. I extend my congratulations to my friend and colleague, MARILYN LLOYD.

TENNESSEE MILITIA

To all who shall see these presents, greeting: Know Ye, that reposing special trust and confidence in the patriotism, valor, fidelity and abilities of The Honorable Marilyn Lloyd I do appoint an honorary Major General in the Tennessee Militia to rank as such from the 24th day of March, nineteen hundred and Ninety. This officer will therefore carefully and diligently discharge the duties of the office to which appointed by doing and performing all manner of things thereunto belonging. All Officers, Warrant Officers, Noncommissioned Officers, and Soldiers of lessor rank are strictly charged and required to be obedient as is due an Officer of this grade and position. And this officer is to observe and follow such orders and directions, from time to time, as may be given by this, the Governor of the State of Tennessee, or other Superior Officer, acting in accordance with the rules and disciplines of War, and the laws of the State of Tennessee.

Done at the City of Nashville, this 24th day of March, in the year of our Lord one thousand nine hundred and Ninety.

PIECING TOGETHER THE ASAT PUZZLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker, I rise today to discuss the issue of antisatellite [Asat] weapons. In this year's budget request, the Administration is asking for a 180-percent increase in funding for the development of a new ground-launched Asat system. Despite the revolutionary changes that have taken place in East-West relations over the past year, the Department of Defense seems eager to enter into a new round of arms competition with the Soviet Union, a competition in weapons designed to destroy satellites.

At this juncture in history, the United States should be extremely deliberate in its decisionmaking about new weapons systems. Last year the U.S. Congress provided a mechanism for the administration to engage in some new thinking about the Asat issue, by mandating a comprehensive report on U.S. Asat arms control policy. That report, due May 1, will be the first major review of this issue since March 1984, when the Reagan administration submitted a report to Congress on U.S. Asat policy. Much has changed in the world since March 1984, and I sincerely hope that the Bush administration is taking these changes into account as it prepares its report.

The question of whether or not the United States should deploy an Asat system was one of the most contentious defense issues of the 1980's. Whether it will spark similar controversy during the 1990's remains to be seen, although I suspect that it will since the opposing camps on this issue seem about as far apart as ever. The purpose of my remarks today is to see if its possible to bridge some of the distance between those who support and those who oppose Asat deployment, in an attempt to reach a policy that both sides can live with.

To those in the administration working on the report due to Congress next week, I hope you are listening, for if the document you are preparing is little more than a regurgitation of the last administration's position on this issue, then I can guarantee that your study will be greeted with intense criticism.

ASAT DEBATE HISTORY

In many ways, the "Great Asat Debate" can be viewed as a case study of how opposing parties to a controversy take the same basic information and combine it to reach entirely different conclusions. A useful analogy is that of a jig-saw puzzle, with each piece representing a different aspect of the Asat issue. In the case of Asat proponents, existing Soviet Asat capabilities, United States reliance on satellites as force multipliers, and scenarios for conflict between the two superpowers piece together into an ominous image of United States deficiencies and the need for urgent Asat deployments.

For those opposed to Asats, these same pieces assemble into an entirely different picture, one of potentially disastrous consequences for U.S. national security if Asats are left unconstrained.

As I have observed and participated in the "Great Asat Debate" of the past decade, it has become clear to me that neither side of this controversy has come up with a picture that is either entirely complete or fully accurate. Both sides have tended to exaggerate their case in accordance with their own particular biases, institutional allegiances, and ideological predilections.

In many ways, the deficiencies in the arguments used in this controversy were unavoidable, given the context in which they were initially presented and subsequently repeated. The early years of the Reagan administration was a polarizing period, forcing otherwise sensible people to seek out extremes that they might otherwise not have adhered to.

The specific focus of the Asat debate during the 1980's was the Air Force's miniature homing vehicle [MHV] program. The MHV was initiated in 1977, and by 1983—at the height of the Reagan defense build-up—the program was requesting funds for both tests in space and for advanced procurement. The administration was stalling arms control discussions with the Soviets on all fronts, giving the impression that it felt United States national security was best achieved through unilateral pursuit of military superiority in all realms. In many ways, Asat became a lightning rod for congressional concerns not only about the implications of unconstrained United States and Soviet Asat deployments, but also about much, much more.

The MHV assumed symbolic significance above and beyond the issues that were germane to the weapon itself. This was especially true in the wake of President Reagan's March 1983 speech which lead to the creation of the strategic defense initiative. For those in support of the SDI, the MHV represented a foot in the door for more extensive space weapon deployments. For those opposed to SDI, the MHV was seen in the same light, and thus was a foot that needed to be blocked before it went anywhere.

The hand of Asat opponents was strengthened considerably by the technical deficiencies and cost overruns of the MHV system itself. By 1986, a program that initially was to cost a mere $500 million had a new price tag of $5.3 billion. In a cost-cutting move in 1987, the Air Force scaled the program back by two-thirds, thus curbing the system's capabilities even further. With the additional burden of a 3-year congressional prohibition on tests against objects in space, the program's termination was a fait accompli.

It has now been more than 2 years since the MHV was canceled, and much has changed in the world. We have a new administration, a new climate in East-West relations, new defense budget realities—including a diminished prospect for SDI deployments in space—and we have a new ASAT program. In light of these changes, it seems sensible for all parties involved in the ASAT debate to step back and take a fresh new look at both the current world situation and their own positions on the issue. I would like to believe that through such a process a consensus could be reached that would enable us to avoid such a protracted conflict this time around.

To those who have felt that an ASAT is one of the Nation's most serious military deficiencies, let me be quite candid for a few moments about the arguments that you have used to build your case. I will give a similar critique of arguments used by those opposed to Asat deployments.

CRITIQUE OF ASAT PROPONENTS

In a nutshell, Asat proponents have come to Congress each year arguing that the United States needs an ASAT for two principal reasons: First, in order to deter use of the Soviet Union's Asat, and second, so that in the event that deterrence fails, the United States can destroy Soviet satellites that directly threaten our military forces.

Let me start with some comments on the portrayals made of current Soviet Asat capabilities. I feel that any objective observer would conclude that the threat posed by the Soviet Union's coorbital Asat has been blown way out of proportion in recent years. Indeed, it seems that the longer the system goes untested, the more threatening it becomes.

Eight years ago the Soviet coorbital Asat was assessed in the following ways:

Leslie Dirks, then vice president of the Raytheon Corp., and former Director for Research and Technology at the CIA, said:

> The latest information I've had is the [the Soviet Asat] doesn't work. Anyone who has followed it closely would have to agree.

Gen. Lew Allen, then U.S. Air Force Chief of Staff, said:

> Our general opinion is that we give it a very questionable operational capability for a few launches * * * They have not had a test program that would cause us to believe it is a very credible threat.

In the time since these statements were made, the Soviets have abided by an 8-year-long test moratorium on their Asat. The simple truth is that the capability of the system cannot be getting better over time as a result of no testing, although you would think that it could in reading some of the congressional testimony delivered on this issue over the last few years.

The fact that the Soviets continue to test the SL-11 booster associated with the coorbital Asat is interesting, but is far less significant than it's made out to be. The success or failure of a kinetic kill Asat—such as the Soviets have—rests on the proficiency of the system's homing device, and the Soviets have not tested those sensors in a full-up test since June 1982. This means that they are left with the

same radar homing technology that was introduced with the system when it was first tested more than 20 years ago. All attempts to develop a more sophisticated optical seeker failed in the late 1970's and early 1980's.

For a balanced assessment of the Soviet Asat, I recommend a 1987 paper coauthored by Gen. Brent Scowcroft, William Perry, Joseph Nye, and James Schear. In their chapter of a book called Seeking Stability in Space, they state that the "significance" of the Soviet Asat "should not be exaggerated," since it is "a very crude system" which would require "two weeks or more" to destroy "any substantial number" of U.S. satellites, and its radar guidance and slow pace of attack would give its targets "opportunities for evasive action."

Scowcroft and his coauthors also had some edifying words on other Soviet Asat capabilities, which I think Asat proponents should concede in their statements on this issue. In terms of the residual Asat threat posed by Galosh AMB interceptors based around Moscow, they note that the use of these nuclear-tipped systems against satellite targets "is scarcely believable in any scenario except nuclear conflict." If used in an Asat mode, the nuclear bursts from Galosh interceptors would damage Soviet satellites in addition to United States targets.

Congressional testimony in support of developing a United States Asat never mentions these clear deficiencies in Soviet Asat capabilities. The timeframe of 2 weeks or more that it would now take for the Soviets to attack any substantial number of our satellites could be reduced to several hours or minutes, but we clearly are not at that point today. This brings me to another deficiency in the case presented by Asat advocates: We never hear any discussion of the implications for United States security if the Soviet Union does acquire a sky-sweeping Asat capability at all altitudes.

If the many pieces of the Asat puzzle could be assembled into a final picture in which the United States had a robust and effective Asat capability while the Soviet Union had none, then there would be little controversy on this subject. Indeed, there would be an overwhelming consensus to move ahead and deploy those Asats. Such an outcome is extremely unrealistic, however, and should not serve as the basis of U.S. decisionmaking. Prudent military planning must recognize that the Soviet Union could field an Asat system comparable to any sought by the United States, if only a few years later.

In fact, experience over the past 40 years shows that the Soviets have sought such equivalence in every aspect of military systems, from strategic missile forces to fighter and bomber aircraft, submarines and aircraft carriers. Each side has perceived any effort by the other side to achieve a pronounced advantage in a weapons system as a destabilizing effort, in some cases as an effort to achieve a first-strike capability, and has therefore redoubled its efforts to reverse the situation.

The goal of the Army's current Asat program is to develop the ability to attack a high number of Soviet satellites in a short period of time. Such a capability would enable the United States to degrade the Soviet Union's use of satellites during a military conflict. However, conferring on the Soviets a similar sky-sweeping Asat capability would greatly undermine our own use of military space systems.

The United States and Soviet space infrastructures are substantially different, with the Soviets commonly launching more than 100 satellites annually while the United States launches 20 or less. During the Falklands War, for example, the Soviet Union conducted 29 launches in 69 days. This is more launches in 2 months than the U.S. has achieved in 3 years. Because our launch infrastructure is so much less responsive and flexible than the Soviets, we would be at a substantial disadvantage in the event of an Asat shooting war. Indeed, the argument that the Soviet Union would be deterred from using its Asats in the face of a United States Asat capability really starts falling apart if the Soviets can replace their satellites and we cannot, while we are the ones that are more dependent on the satellites.

Three concerns emerge at this point that have not received any real discussion or analysis in the presentations made on Capitol Hill in support of Asat deployments.

First, are we prepared to lose our satellites in low Earth orbit in order to simply interrupt the Soviet Union's use of satellites in low Earth orbit? As a point of reference here, let me quote Ambassador Paul Wolfowitz, Under Secretary of Defense for Policy, who told the Senate Armed Services Committee last year that, "We would be in very deep trouble if we lost everything that is in low Earth orbit."

One can appreciate this assessment very well by considering the impact of last month's failure of our latest and most sophisticated overhead reconnaissance satellite, and then postulating the erosion of our military capabilities that would occur if we lost every other U.S. satellite in low Earth orbit. Since the most likely scenario for using Asats is just prior to an expected nuclear exchange, and during the ensuring nuclear war, generally assumed to be brief, our inability to rapidly replace important assets is a substantial deficiency.

Second, if Asats against satellites in low Earth orbit are left unconstrained, what confidence will we have in the survivability of our early warning and communications satellites in geosynchronous orbit? In other words, is our desire to shoot down Soviet satellites in low Earth orbit so strong that we are prepared to strongly encourage the Soviet Union to develop a new generation of Asats that could be upgraded to threaten United States satellites at all altitudes? With the new lightweight kill vehicles now being developed, which the Soviet Union could probably achieve a few years after we do, it becomes plausible to take an Asat that has been tested against satellites in low Earth orbit and mount them on larger boosters in order to pose a threat to high orbit satellites. As a point of reference here, let me refer again to the piece coauthored by General Scowcroft, which states: "Our interests weigh heavily in favor of suppressing all development of Asat capability at high altitudes." The four authors argue that "we have a considerable stake in staving off risks to communications and early warning satellites that afford both sides a critical margin of time to act—and react—rationally during crisis."

And third, if the United States does deploy an Asat capability, do we have realistic scenarios in which the use of these weapons does not make the conflict worse? Once again I will pull from a page by General Scowcroft and company, where it is written that "all scenarios involving the use of Asats, especially those surrounding crises, increase the risks of accident, misperception, and inadvertent escalation."

Let me touch on one last point before moving on to critique some of the arguments used in opposition to Asats. Specifically, let's look for a moment at the threat posed by Soviet Rorsat and Eorsat satellites.

The impression that many people walk away with when hearing arguments made in support of Asat deployments is that current Soviet satellites represent a unique tracking and targeting threat against United States naval forces for which there is no defense except shooting those satellites down. Anyone in the U.S. Navy could tell you that this isn't exactly accurate.

Our ships at sea have a whole host of nondestructive countermeasures that can be used to jam, evade, and confuse Soviet spacecraft. These nondestructive countermeasures are routinely tested in naval exercises, and they work. For example, Vice Admiral Hary Mustin, commander of the Ocean Safari exercise in 1985, reported that his battle group "disappeared from the face of the Earth, as far as the Soviets were concerned," and reappeared on the other side of the Atlan-

tic. "I can tell you," he said, "they were going bananas trying to find us."

When asked last year about the threat posed by Rorsats and Eorsats, Adm. Huntington Hardisty, commander-in-chief of the U.S. Pacific Command, told Congress:

> We continue to feel that the rate at which we gain fleet experience and capabilities against these Soviet systems probably exceeds their capability to provide surveillance information against our tactical fleet assets.

It's really the future threat that is driving the calculations in support of a U.S. Asat, yet this fact doesn't come across in most of the statements made on Capitol Hill in support of Asat deployment. Nor is it explained that the Soviet Union tracks United States naval forces with a wide range of systems, including aircraft, ships, submarines and ground stations. I might note, however, that the annual testimony for the past 3 years from the Director of Naval Intelligence—testimony which runs between 50 and 75 single-space pages—has never mentioned Rorsat and Eorsat in alarming terms.

CRITIQUE OF ASAT OPPONENTS

Now, let me turn the tables for a moment. In making their case against Asat deployments, Asat critics argue that the Soviet Union's Asat capability is so crude and ineffective that it is essentially useless, that Asat deployments would be extremely destabilizing, and thus we should move promptly to negotiate a treaty with the Soviets which places strict limits on Asat systems. There are some clear deficiencies in these basic arguments.

Just as I said earlier that the threat posed by the Soviet Union's coorbital Asat should not be overstated, so, too, that threat should not be understated. The Soviet Union does have an Asat. It has been tested 20 times since 1968, it appears to be maintained in an operational status, and thus in the event of a conflict with the United States, there seems little doubt that the Soviets would consider using the weapon against United States satellites.

In a similar vein, Soviet high-energy laser and electronic warfare technologies should not be casually dismissed as having no Asat potential. Although such approaches appear to need considerably more development before they represented serious Asat threats, such developments could take place during the years ahead. The Soviet Union has been working aggressively on directed energy research. Some of this activity was viewed firsthand last summer by a congressional delegation that visited the Sary Shagan testing facility. Other laser facilities at Sary Shagan, and elsewhere, were not visited and do represent research efforts of potential concern to the United States.

Asat opponents tend to minimize the potential threat from existing Soviet satellite and Asat systems, while focusing simply on the threat to United States satellites if Soviet Asat deployments are left unconstrained. The truth is that certain military satellites could be just as destabilizing as Asat's. The threat posed by Soviet spacecraft could very well increase in years to come. For example, what if the Soviet Union launched an advanced surveillance system capable of detecting, tracking, and therefore targeting mobile ICBM's, which both nations would rely on to ensure retaliation? Such satellites could help coordinate a first strike nuclear attack and thus would be an overpowering stimulus for Asat deployment. Similarly, if the Soviet Union launched into space a laser weapon or other device with a direct attack capability, would Asat opponents concede the need for an Asat capability?

On the issue of negotiating an Asat limitation treaty with the Soviets, Asat critics also leave some unanswered questions. Specifically, what precise verification measures are envisioned to ensure that the Soviet Union doesn't covertly develop an Asat capability? More specifically, how can these verification provisions be structured to ensure extremely high confidence in monitoring Soviet activities in the military space arena while also guarding sensitive components of the United States military space program against Soviet espionage?

One final observation has to do with the complementary actions associated with any attempt to enhance the survivability of U.S. military satellites. The question arises as to whether Asat opponents will show as much enthusiasm to invest in both satellite survivability measures and an expanded and streamlined launch capability as they have shown to divest from U.S. Asat Programs. Developing and maintaining a military space structure that is secure against the threat posed by residual Soviet Asat's, and which has the responsiveness and flexibility to replace lost assets during a time of conflict, will not be an inexpensive proposition. Yet, if the goal of Asat opponents is to constrain the threat posed to U.S. military satellites in ways other than through Asat deployments, then there is no excuse not to support aggressive satellite survivability measures and additional launch capabilities.

TEN PRINCIPLES FOR AGREEMENT

Having worked my way through some of the major arguments that have been aired from opposing sides of the Asat debate, let me now present a list of 10 principles that I would like to think both sides could agree upon.

First, the current threats from Soviet satellite and antisatellite systems are modest, yet could increase substantially.

Second, dismantlement of the Soviet Union's coorbital Asat would reduce the current threat posed to United States military satellites.

Third, changes underway in the Soviet Union could result in cutbacks in the Soviet space program, which might reduce the threat from Soviet military space activities. It may take several years, however, before we have a clear indication of such changes.

Fourth, in the face of this uncertainty, it is prudent for the United States to continue Asat research and development with an eye toward maintaining an ultimate option to deploy.

Fifth, a United States Asat capability alone would be a poor deterrent to Soviet Asat use unless or until the Nation substantially improved the survivability of its satellites and greatly enhanced its launch responsiveness.

Sixth, if either nation dramatically increased its real-time targeting capability from space, or deployed weapons in space, Asat deployments could become unavoidable.

Seventh, it would be far more difficult to roll back Asat capabilities after they are fully developed and deployed than it would be at the current time, when effective, dedicated Asat's are still under development.

Eighth, once an Asat competition begins, the United States will find it increasingly difficult to ensure protection of its satellites, despite ever more elaborate and costly countermeasures.

Ninth, it is not possible to achieve a complete ban on Asat's since a number of weapons have inherent Asat applications. However, these residual Asat's represent a substantially lower or less credible threat than from dedicated Asat systems.

Tenth, the monitoring capabilities needed to ensure verification of an Asat limitation agreement are not all currently in hand, and thus require further examination, investment, and demonstration.

SETTING A NATIONAL POLICY

These 10 principles—puzzle pieces if you will—can be assembled into a policy characterized in the following way:

The United States should preserve an option to deploy an Asat in the late 1990's if the two superpowers fail to reach agreement on limitations for both military space activities and Asat activities. The two nations should move promptly to begin Asat negotiations, with an early focus being dismantlement of the Soviet Union's coorbital Asat in exchange for destruction of the five United States Asat's left over from the cancelled MHV Asat Program. These five MHV's are kept in a storage bunker at LTV in Dallas, TX, at a cost of $5,000 per month.

As an aside, let me share a discussion I had not too long ago with Tony Battista, former staff director of the

House Armed Services Committee. Tony was in my office and we got to talking about the Soviet Asat Program, at which point he told me that during his 1987 visit to the Krasnoyarsk radar station, he asked the Soviets what they would offer the United States if we scrapped the MHV program. Specifically, he asked if the Soviets would take their existing 24 or so coorbital Asat interceptors out into a field and destroy them under United States supervision. The initial response from the Soviets sitting across the table was that they didn't have 24 Asat's, or whatever the number was that Tony said, but that they only had 16. Tony responded, "We can let our intelligence folks settle on the exact number, but would you take them out into a field and destroy them." The Soviets said they would. There have been other indications of Soviet willingness to scrap their Asat if the conditions were right. The time has come for the United States to press this proposal to see if it's real.

I should note here that there appears to be no discrepancy between United States and Soviet figures on the number of Soviet coorbital Asat vehicles. The unclassified report of Admiral Crowe's testimony before the Senate Appropriations Committee last year states that the Soviets have 16 coorbital vehicles. It should be recalled that during the INF negotiations the issue of how many intermediate-range missiles the Soviets had was a point of major controversy, yet the two sides did reach agreement on the dismantlement of those systems.

The time has also come for the two superpowers to begin fundamental discussions of the military activities in space, not simply focused on Asat or missile defense technologies, but also on the topic of surveillance activities from space. General Piotrowski, for example, testified last month before the Senate Armed Services Committee in support of a space-based wide-area surveillance system which, according to his estimates would represent "a United States investment of less than $10 billion [that] would result in a system capable of effectively tracking over $400 billion of Soviet and other potential adversaries' air and naval assets." While this may sound tantalizing, we need to think what it might mean if the Soviet Union acquires a similar space surveillance capability. Such a system would represent an overwhelming stimulus of Asat deployments, which would call into question all United States and Soviet space support systems during a period of conflict.

While the superpowers explore the prospects for negotiated limitations on Asat systems, they should agree to a 5-year ban on testing Asat's against targets in space. Since the Army's current Asat Program does not envision tests against objects in space until 1994, such a test ban would introduce only a short delay in the current schedule.

During this 5-year period, the United States should invest considerable funds in enhancing the survivability of its satellite systems; expanding U.S. launch capabilities and turnaround times; improving the Space Surveillance Network; and fully explore new verification techniques which could provide high confidence in detecting covert Asat activities.

One such verification technique involves the development of in-country ground-based monitoring devices that would detect the light reflected off of atmospheric aerosols during tests of high-power ground-based lasers. A group of scientists associated with Argonne, Los Alamos, and Livermore National Laboratory have found this to be a promising technique. One of the groups, for example, says that "our preliminary analysis suggests that it is feasible to build a laser monitor which detects all optical and infrared lasers, with sensitivity sufficient to verify weapon-level laser power and energy at long range by direct line-of-sight scattering from the air or the target and probably also at very long range by over-the-horizon scattering." The Congress appropriated $2 million to explore this concept during the current fiscal year, and will be providing more for next year.

With in-country monitoring devices such as this, site visits such as are becoming almost routine in United States-Soviet relations, and onsite human verification provisions like those included in the Intermediate-range Nuclear Forces Treaty, the verification task for Asat is likely to be far more manageable than it was thought to be a few years ago.

The policy I've described here involves preparation for both Asat deployments if the threat from space escalates considerably during the 1990's and strict Asat limitations if the superpowers can negotiate a reasonable agreement. Since space capabilities are not static, any Asat Treaty that is reached should be in the form of a 5-year renewable document with a withdrawal clause to protect us in the event of a substantial change in the Soviet military space force.

Such a policy would make sure that an Asat competition is not initiated prematurely, thus leading to an escalation of the threat to U.S. satellites, without us having first fully explored the options for a negotiated solution to the Asat problem. In addition, this policy would help avoid a fractious and polarizing debate on Asat's during the 1990's that could leave the United States without either an Asat or an Asat limitation regime. Finally, it seeks to build a constituency for the satellite survivability and launch responsiveness improvements that will be needed regardless of whether we strictly limit or proceed to deploy Asat's.

I, for one, can foresee the day when Asat's of sufficient capability could force both nations to largely abandon their reliance on space. This would happen after both sides spent untold billions to perfect the threat posed by their satellites against the military forces of the other nation, to develop Asat's capable of negating those satellites, and then to develop ground-based alternatives to the systems in space that have become threatened by prompt attack at the outset of a conflict.

The nature of the Soviet threat is evolving sufficiently that we should not rush to prejudge what it will be 5 or 10 years from now. Indeed, there are strong reasons to believe that Soviet military systems that we have thought might be deployed during the 1990's may never emerge. Because of the uncertainties, however, we do need to maintain our options. The policy I have described fits those goals, while striking a reasonable balance between opposing perspectives on the Asat issue, viewed in all its complexity.

Mr. Speaker, now is not the time for further platitudes on the Asat issue. Rather, it is a time to forge a coherent national policy. It is in that spirit that my remarks are offered today. I hope administration officials are listening, for they can expect a bruising battle on the Asat issue if the policy contained in the Asat report to Congress, due next week, is no more than a wornout laundry list of reasons why the United States needs to deploy an Asat and why Asat arms control is not workable. A simplistic analysis of that sort would show that the administration is out of step with the times. We hope for and expect something better than that. What we want and will be looking for is a serious discussion of how the administration plans to pursue this issue through diplomacy, and not simply through weapons deployments.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOPKINS (at the request of Mr. MICHEL), for today, on account of personal reasons.

Mr. BOSCO (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. STUMP (at the request of Mr. MICHEL), for today, on account of family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special

orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WELDON) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes each day, on April 30 and May 1, 2, and 3.

Mr. DREIER of California, for 60 minutes, on May 2.

Mr. BURTON of Indiana, for 60 minutes each day, on May 1, 2, 8, and 9.

Mr. BEREUTER, for 5 minutes, today.

Mr. DORNAN of California, for 5 minutes, today.

Mr. DORNAN of California, for 60 minutes each day, on May 1, 8, and 9.

(The following Members (at the request of Mr. OWENS of New York) to revise and extend their remarks and include extraneous material:)

Mr. HARRIS for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. ANTHONY, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. NAGLE, for 60 minutes, on May 9.

Mr. GAYDOS, for 60 minutes, on May 2.

Mr. OWENS of New York, for 60 minutes each day, on May 2, 3, and 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FORD of Michigan prior to the Kasich amendment.

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. BROOMFIELD in two instances.
Mr. MACHTLEY in three instances.
Mr. WALKER.
Mr. COBLE.
Mr. NIELSON of Utah.
Ms. ROS-LEHTINEN in two instances.
Mr. CONTE in two instances.
Mr. GREEN.
Mrs. MORELLA in three instances.
Mr. GINGRICH in two instances.
Mr. BUECHNER.
Mr. MARLENEE.
Mr. KOLBE.
Mr. MCEWEN.
Mr. DOUGLAS.
Mr. MICHEL.
Mr. CRAIG.
Mr. GILMAN.
Mr. CRANE.

(The following Members (at the request of Mr. OWENS of New York) and to include extraneous matter:)

Mr. GEPHARDT.
Mr. GUARINI.
Mr. FAZIO.
Mr. TRAFICANT in two instances.
Mr. VENTO.
Mr. BONIOR.
Mr. DONNELLY.
Mr. HAWKINS in three instances.
Mr. JOHNSON of South Dakota.
Mr. HALL of Ohio.
Mr. CLAY.
Mr. LAFALCE in two instances.
Mr. EVANS.
Mr. WEISS.
Mr. SLATTERY in two instances.
Mr. FRANK.
Ms. SLAUGHTER of New York.
Mr. UDALL.
Mr. YATRON.
Mr. RICHARDSON in two instances.
Mr. WYDEN.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 224. Joint resolution to designate the month of May 1990, as "National Trauma Awareness Month;" to the Committee on Post Office and Civil Service.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 258. Joint resolution to authorize the President to proclaim the last Friday of April 1990 as "National Arbor Day."

ADJOURNMENT

Mr. BROWN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until Monday, April 30, 1990, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first quarter of 1990 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1990

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Elizabeth Fine	3/25	3/31	Soviet Union				28.00				28.00
Commercial transportation							2,206.00				2,206.00
Committee total							2,234.00				2,234.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Hotel and meal expenses were paid by the Soviet Union.

JACK BROOKS, Chairman, Apr. 19, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1990

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Hon. Alan Wheat	1/3	1/3	England		217.00				57.30		274.30
	1/4	1/9	South Africa		730.00						730.00
Commercial transportation						6,185.00				6,185.00	
Rondalyn Kane	1/3	1/9	England		217.00				57.30		274.30
	1/4	1/4	South Africa		730.00						730.00
	1/9	1/13	Zimbabwe		684.00						684.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1990—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial transportation							6,185.00				6,185.00
Committee total					2,578.00		12,370.00		114.60		15,062.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE MOAKLEY, Chairman, Mar. 19, 1990.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3069. A letter from the Chairman, Council of the District of Columbia, transmitting his support for funds for trauma centers; to the Committee on the District of Columbia.

3070. A letter from the President, District of Columbia Board of Education, transmitting a letter concerning proposed rescission of funds to the District's public school; to the Committee on the District of Columbia.

3071. A letter from the Chairman of the Board, Student Loan Marketing Association, transmitting a report of the corporation's operations and activities for the year ended December 31, 1989, pursuant to 20 U.S.C. 1087-2; to the Committee on Education and Labor.

3072. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a report of actions taken by the Government of Panama with respect to modifying bank secrecy laws and other action to facilitate detection and prosecution of criminal activities, pursuant to Public Law 101-243, section 104(b) (104 Stat. 10); to the Committee on Foreign Affairs.

3073. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Steven E. Steiner, of Maryland, for the rank of Ambassador during his tenure of service as U.S. Representative to the Special Verification Commission, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3074. A letter from the Executive Director, Committee for Purchase From the Blind and Other Severely Handicapped, transmitting its 1989 report pursuant to the Inspector General Act Amendments of 1988; to the Committee on Government Operations.

3075. A letter from the Secretary, U.S. Consumer Product Safety Commission, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

3076. A letter from the Director, Administrative Office of the United States Courts, transmitting the fiscal year 1990 update to the long-range plan for automation in the U.S. courts; to the Committee on the Judiciary.

3077. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend title 38, United States Code, chapter 41, to revise the definition of "eligible veteran" and for other purposes; to the Committee on Veterans' Affairs.

3078. A letter from the Secretary of Transportation, transmitting the 15th annual report of activities of the Department's administration of the Deepwater Port Act, pursuant to 33 U.S.C. 20; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

3079. A communication from the President of the United States, transmitting his letter supporting budget process reform (H. Doc. No. 101-180; jointly, to the Committees on Government Operations, Rules, and the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3533. A bill to amend the Earthquake Hazards Reduction Act of 1977 to improve the Federal effort to reduce earthquake hazards, and for other purposes; with an amendment (Rept. 101-464, Pt. 1). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4111. A bill to amend the Mining and Mineral Resources Research Institute Act of 1984, and for other purposes; with an amendment (Rept. 101-465). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 4557. A bill to amend title 38, United State Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to revise and improve recruitment and retention of nurses in the Department by proving greater flexibility in the pay system for nurses, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes; with amendments (Rept. 101-466). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL:

H.R. 4636. A bill to authorize supplemental economic assistance for fiscal year 1990 to support democracy in Panama and Nicaragua, and for other purposes; jointly to the Committees on Foreign Affairs and Rules.

By Mr. SAWYER (for himself, Mr. FORD of Michigan, Mr. GILMAN, Mr. RIDGE, Mr. DYMALLY, Mr. MCNULTY, Mr. CHANDLER, Mr. UDALL, Ms. OAKAR, Mrs. MORELLA, and Mr. PARRIS):

H.R. 4637. A bill to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits; to the Committee on Post Office and Civil Service.

By Mr. WAXMAN:

H.R. 4638. A bill to revise the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and the Orphan Drug Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Mr. MADIGAN):

H.R. 4639. A bill to amend the Internal Revenue Code of 1986 to extend the credit for clinical testing expenses for certain drugs for rare diseases or conditions, and for other purposes; to the Committee on Ways and Means.

By Mr. ANTHONY (for himself, Mr. ESPY, Mr. HUCKABY, Mr. EMERSON, and Mr. HERGER):

H.R. 4640. A bill to establish a comprehensive system for the identification, valuation, preservation, and compensation to the owners of American wetlands and to provide tax incentives for transfers of wetlands to governments and certain other entities; jointly, to the Committees on Agriculture, Ways and Means, Public Works and Transportation, and Merchant Marine and Fisheries.

By Mr. BURTON of Indiana (for himself, Mr. FAZIO, Mr. DREIER of California, Mr. TORRICELLI, Mr. HYDE, Mr. ROTH, Mr. DEFAZIO, Mr. SMITH of New Jersey, Mr. BUSTAMANTE, Mr. DEWINE, Mr. FALEOMAVAEGA, Mrs. MEYERS of Kansas, Mr. KENNEDY, Mr. DONALD E. LUKENS, Mr. LIPINSKI, Mr. BLAZ, Mr. STALLINGS, Mr. GALLEGLY, Mr. PALLONE, Mr. HERGER, Mr. CONDIT, Mr. CRANE, Mr. MILLER of California, Mr. SCHUETTE, Mr. SHUMWAY, and Mrs. BENTLEY):

H.R. 4641. A bill to terminate United States development assistance programs for India if the Government of India is implementing a policy which prevents representatives of human rights organizations from visiting India in order to monitor human rights in that country; to the Committee on Foreign Affairs.

By Mr. COMBEST:

H.R. 4642. A bill to amend the Federal Crop Insurance Act to increase the level of coverage for which a producer may receive a subsidy, and to provide a catastrophic loss benefit for those producers, and for other purposes; to the Committee on Agriculture.

By Mr. COYNE:

H.R. 4643. A bill to amend title XVIII of the Social Security Act to include a percentage of the inpatient days attributable to patients in a hospital's psychiatric unit in the formula used to determine the eligibility of a hospital for a disproportionate share adjustment in the amount paid to the hospital for the operating costs of inpatient hospital services under part A of the Medicare Program; to the Committee on Ways and Means.

H.R. 4644. A bill to amend title XVIII of the Social Security Act to eliminate the limitation on amount of payment for end-stage disease services for patients dealing directly with Medicare; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. CRANE:

H.R. 4645. A bill to amend title 28, United States Code, to clarify the remedial jurisdiction relating to taxes of inferior Federal courts; to the Committee on the Judiciary.

By Mr. DONNELLY (for himself, Mr. EARLY, Mr. CONTE, Mr. FRANK, Mr. NEAL of Massachusetts, Mr. MAVROULES, Mr. MARKEY, Mr. ATKINS, Mr. KENNEDY, Mr. STUDDS, and Mr. MOAKLEY):

H.R. 4646. A bill to amend the Internal Revenue Code of 1986 to treat as an asset acquisition any hostile qualified stock purchase by a foreign person and to limit the deduction for certain interest where a foreign person acquires control of a domestic corporation; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 4647. A bill to amend the Federal Election Campaign Act of 1971 to reduce the limitation amounts for contributions to candidates for Federal office and to amend the Internal Revenue Code of 1986 to provide a tax credit for contributions to candidates for public office; jointly, to the Committees on House Administration and Ways and Means.

By Mr. DWYER of New Jersey:

H.R. 4648. A bill to suspend for a 3-year period the duty on famotidine; to the Committee on Ways and Means.

By Mr. EVANS:

H.R. 4649. A bill to prohibit the Secretary of Defense from granting a waiver of the Buy American Act or other buy-national laws in the procurement of goods or services, or in the negotiation of certain memorandums of understanding, unless the waiver is specifically authorized by statute and the Secretary has found that the waiver will not weaken the defense industrial base of the United States or otherwise endanger the national security; to the Committee on Armed Services.

By Mr. FAZIO (for himself, Mrs. MORELLA, Mr. STOKES, Mr. ACKERMAN, Mr. ATKINS, Mr. BEREUTER, Mr. BEVILL, Mr. BONIOR, Mr. BORSKI, Mrs. BOXER, Mr. BRENNAN, Mr. BRYANT, Mrs. COLLINS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. FORD of Michigan, Mr. FRENZEL, Mr. FROST, Mr. FUSTER, Mr. GLICKMAN, Mr. HAYES of Illinois, Mr. HORTON, Mr. HUGHES, Mr. JOHNSTON of Florida, Mr. KASTENMEIER, Mr. KILDEE, Mr. LANCASTER, Mr. DONALD E. LUKENS, Mr. MRAZEK, Mr. NEAL of Massachusetts, Mr. NELSON of Florida, Mr. PALLONE, Mr. PURSELL, Mr. RAHALL, Mr. RANGEL, Mr. ROE, Mr. SAVAGE, Mr. SMITH of Florida, Mr. TOWNS, Mr. VENTO, and Mr. WILLIAMS):

H.R. 4650. A bill to amend the Public Health Service Act to provide for adequate representation with respect to the availability of bone marrow pursuant to the bone marrow registry under such Act; to the Committee on Energy and Commerce.

By Mr. FLIPPO:

H.R. 4651. A bill to direct the Secretary of the Army to convey a certain parcel of land at Redstone Arsenal, AL, to the Solid Waste Disposal Authority of the city of Huntsville, AL; to the Committee on Armed Services.

By Mr. GAYDOS (for himself, Mr. SHAYS, Mr. MOODY, Mr. EVANS, Mr. FORD of Michigan, Mr. TOWNS, Mr. WILLIAMS, Mr. POSHARD, Mr. BERMAN, Mr. ROWLAND of Connecticut, Mr. PENNY, Mrs. KENNELLY, Mr. CLAY, Mr. KOLTER, Mr. KILDEE, Mrs. UNSOELD, Mr. RAHALL, and Mr. ATKINS):

H.R. 4652. A bill to amend the Occupational Safety and Health Act of 1970 to improve inspections, investigations, reporting, and recordkeeping in the construction industry, to require certain construction contractors to establish construction safety and health programs and appoint construction safety specialists, and for other purposes; to the Committee on Education and Labor.

By Mr. GEJDENSON (for himself, Mr. ROTH, Mr. FASCELL, Mr. WOLPE, Mr. KOSTMAYER, Mr. LEVINE of California, Mr. FEIGHAN, Mr. JOHNSTON of Florida, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. MILLER of Washington, Mr. HOUGHTON, and Mr. BEREUTER):

H.R. 4653. A bill to reauthorize the Export Administration Act of 1979, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GRANT:

H.R. 4654. A bill to designate the Federal building located at 1801 Gulf Breeze Parkway, Gulf Breeze, FL, as the "Bob Sikes Visitor Center"; to the Committee on Interior and Insular Affairs.

H.R. 4655. A bill to direct the Secretary of the Army to convey to the trustees of the Salem Wesleyan Church a certain parcel of land of the United States at the Jim Woodruff Dam and Reservoir project in Florida; to the Committee on Public Works and Transportation.

By Mr. GUARINI (for himself, Mr. RANGEL, and Mr. HUGHES):

H.R. 4656. A bill to amend title 28, United States Code, to make the qualifications for chief judge of the Court of International Trade comparable to the qualifications for chief judges of the district and circuit courts of the United States; to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. MONTGOMERY, Mr. BEVILL, Mr. BROWDER, Mr. HAMMERSCHMIDT, Mr. JONES of Georgia, Mr. JONTZ, Mr. KENNEDY, Mr. LAUGHLIN, Ms. LONG, Mr. OLIN, Mr. PARKER, Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. RAY, Mr. RIDGE, Mr. ROWLAND of Georgia, Mr. SANGMEISTER, Mr. STAGGERS, Mr. STENHOLM, Mr. TAYLOR, Mr. THOMAS of Georgia, Mr. WISE, Mr. HOYER, Mr. DEFAZIO, Mr. GRAY, Mr. WHITTAKER, Mr. BROOKS, Mr. GUNDERSON, Mr. WYDEN, Mr. VOLKMER, Mr. PEASE, Mr. SMITH of Iowa, Mr. DICKINSON, Mr. FLIPPO, Mr. ERDREICH, Mr. TALLON, and Mr. CALLAHAN):

H.R. 4657. A bill to provide that members of the Reserve and National Guard who participated in open-air nuclear tests during the 1950's and early 1960's and who have contracted certain radiation-related diseases shall be deemed, for purposes of certain benefits administered by the Department of Veterans Affairs, to have contracted those diseases in the active military, naval, or air service of the United States; to the Committee on Veterans' Affairs.

By Mr. HUGHES (for himself, Mr. MCCOLLUM, Mr. MAZZOLI, and Mr. SMITH of Florida):

H.R. 4658. A bill to amend the Controlled Substances Act to provide criminal penalties for illicit use of anabolic steroids and for coaches and others who endeavor to persuade or induce athletes to take anabolic steroids, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. LAFALCE (for himself, Mr. WYDEN, Mr. BOEHLERT, and Mr. BROOMFIELD):

H.R. 4659. A bill to establish a program to improve access by small and large private businesses to technical information and expertise within the Federal Government and selected States; jointly, to the Committees on Science, Space, and Technology and Small Business.

By Mr. MARLENEE (for himself, Mr. CAMPBELL of Colorado, Mr. UDALL, and Mr. WILLIAMS):

H.R. 4660. A bill to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUI (for himself, Mr. AUCOIN, Mrs. JOHNSON of Connecticut, and Mr. SCHULZE):

H.R. 4661. A bill to amend the Trade Act of 1974 to provide for the review of the extent to which foreign countries are in compliance with bilateral trade agreements with the United States; to the Committee on Ways and Means.

By Mr. OWENS of Utah:

H.R. 4662. A bill to amend the Federal Land Management and Policy Act to restrict certain land exchange authority under that act; to the Committee on Interior and Insular Affairs.

By Mr. ROBERTS (for himself, Mr. STENHOLM, Mr. OLIN, and Mr. WEBER):

H.R. 4663. A bill to develop and promote environmentally sound agricultural practices, and for other purposes; to the Committee on Agriculture.

By Mr. ROTH:

H.R. 4664. A bill to repeal the United States prohibition on air transportation with South Africa; to the Committee on Public Works and Transportation.

By Mrs. SAIKI:

H.R. 4665. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize certain additional uses of revenues generated on the sale of duty-free merchandise at off-airport locations in the State of Hawaii; to the Committee on Public Works and Transportation.

By Mr. SCHIFF:

H.R. 4666. A bill to amend title 18, United States Code, to provide standards and procedures for the U.S. Marshals Service to use in

designating court districts that need additional private facilities for the pretrial detention of Federal prisoners and to provide certain standards for entities providing such facilities; to the Committee on the Judiciary.

By Mr. SCHULZE:

H.R. 4667. A bill to suspend until January 1, 1993, the duty on 4,5-dichloro-2-n-octyl-4-isothiazolin-3-one and mixtures of 4,5-dichloro-2-n-octyl-4-isothiazolin-3-one and application adjuvants, with or without stabilizers; to the Committee on Ways and Means.

H.R. 4668. A bill to suspend until January 1, 1993, the duty on dicyclopentenyl-oxyethyl methacrylate; to the Committee on Ways and Means.

By Ms. SLAUGHTER of New York:

H.R. 4669. A bill to amend the Solid Waste Disposal Act to authorize Federal grants for the development of innovative recycling techniques; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 4670. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on amounts received in connection with certain acquisitions or combinations of partnerships of real estate investment trusts where dissenting equity holders do not have appraisal rights; to the Committee on Ways and Means.

By Mr. TORRES:

H.R. 4671. A bill to amend title 18, United States Code, to provide penalties for participation in street gangs and to provide additional penalties for felonies in furtherance of the activities of such gangs, and for other purposes; to the Committee on the Judiciary.

By Mr. TOWNS (for himself and Mr. FAUNTROY):

H.R. 4672. A bill to prohibit the Secretary of Health and Human Services from excluding individuals from donating blood; to the Committee on Energy and Commerce.

By Mr. VALENTINE:

H.R. 4673. A bill to suspend for a 3-year period the duty on keto ester; to the Committee on Ways and Means.

H.R. 4674. A bill to suspend for a 3-year period the duty on lisinopril; to the Committee on Way and Means.

By Mr. WISE:

H.R. 4675. A bill to amend the Internal Revenue Code of 1986 to provide incentives for small investors in oil and natural gas exploration; to the Committee on Ways and Means.

By Mr. LEVIN of Michigan (for himself, Ms. KAPTUR, Mr. GEPHARDT, Mr. BONIOR, Mr. CONTE, Mrs. MARTIN of Illinois, Mr. DINGELL, Mr. JONTZ, Mr. RUSSO, Mr. DORGAN of North Dakota, Mr. COYNE, Mr. APPLEGATE, Mr. BENNETT, Mrs. BENTLEY, Mr. BOEHLERT, Mr. BRYANT, Mr. CHAPMAN, Mrs. COLLINS, Mr. CONYERS, Mr. DEFAZIO, Mr. DURBIN, Mr. DYSON, Mr. EVANS, Mr. FORD of Michigan, Mr. FRANK, Mr. GAYDOS, Mr. GEREN, Mr. GILMAN, Mr. HARRIS, Mr. HEFNER, Mr. HENRY, Mr. HORTON, Mr. HUGHES, Mr. JOHNSON of South Dakota, Mr. KLECZKA, Mr. KILDEE, Mr. KOLTER, Mr. LIPINSKI, Ms. LONG, Mr. MARKEY, Mr. MAVROULES, Mr. MCDADE, Mr. MILLER of Ohio, Mr. MINETA, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. NOWAK, Mr. OBERSTAR, Mr. PANETTA, Mr. RAHALL, Mr. REGULA, Mr. RINALDO, Mr. ROBINSON, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mr. SANGMEISTER, Mr. SAWYER, Ms. SCHNEIDER, Mr. SHARP, Mr. SOLOMON, Mr. STAGGERS, Mr. STOKES, Mr. TAUZIN, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. WALGREN, Mr. WISE, Mr. WOLF, Mr. WOLPE, Mr. FEIGHAN, Mr. GUARINI, Mr. BUSTAMANTE, Mr. WILSON, Ms. OAKAR, Mrs. BYRON, and Mr. ECKART):

H. Con. Res. 312. Concurrent resolution urging certain "Super 301" actions under the Trade Act of 1974 with respect to Japan; to the Committee on Ways and Means.

By Mr. COX (for himself, Mr. DURBIN, Mr. WAXMAN, Mr. WOLF, Ms. SNOWE, Mr. FRANK, Mr. TAYLOR, Mrs. SAIKI, Mr. BROWN of Colorado, Mr. HUNTER, Mr. SCHIFF, Ms. PELOSI, Mr. ENGEL, Mr. CRANE, Mr. CAMPBELL of California, Mr. BROOMFIELD, Mr. GINGRICH, Mr. MILLER of Washington, Mr. RITTER, Mr. SMITH of New Jersey, Mr. ANDERSON, Mr. CARPER, Mr. SARPALIUS, Mr. KYL, Mr. DANNEMEYER, Mr. PAXON, Mr. BARTON of Texas, Mr. BARTLETT, Mr. BALLENGER, Mr. DELAY, Mr. DORNAN of California, Mr. DOUGLAS, Mr. DREIER of California, Mr. GOSS, Mr. HANCOCK, Mr. MCEWEN, Mr. ROHRABACHER, Mr. SOLOMON, Mr. WALKER, and Mr. BURTON of Indiana):

H. Con. Res. 313. Concurrent resolution in support of freedom of the press in Lithuania; to the Committee on Foreign Affairs.

By Mr. LANTOS (for himself, Mr. GILMAN, and Mr. PORTER):

H. Con. Res. 314. Concurrent resolution expressing the sense of the Congress regarding human rights violations against the Albanian ethnic minority in southern Yugoslavia; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. NIELSON of Utah (for himself, Mrs. MEYERS of Kansas, Mr. DICKINSON, Mr. BONIOR, Mr. PETRI, Mr. KOLTER, Mr. HANSEN, Mr. HAYES of Illinois, Mr. DANNEMEYER, and Mr. STALLINGS):

H. Con. Res. 315. Concurrent resolution expressing the sense of the Congress that Israel should take immediate steps to reopen universities in the West Bank and Gaza; to the Committee on Foreign Affairs.

By Mr. WILLIAMS (for himself, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. ANTHONY, Mr. APPLEGATE, Mr. AUCOIN, Mr. BERMAN, Mr. BOEHLERT, Mr. BOSCO, Mrs. BOXER, Mr. BRENNAN, Mr. BROWDER, Mr. BRUCE, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CARDIN, Mr. CLARKE, Mr. CLAY, Mrs. COLLINS, Mr. COSTELLO, Mr. DAVIS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DOWNEY, Mr. DURBIN, Mr. DYSON, Mr. ECKART, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FAZIO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK, Mr. FROST, Mr. GAYDOS, Mr. GILMAN, Mr. GORDON, Mr. GRAY, Mr. GUARINI, Mr. HARRIS, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. JOHNSON of South Dakota, Mr. KILDEE, Mr. KOLTER, Mr. LEACH of Iowa, Mr. MACHTLEY, Mr. MANTON, Mr. MARTINEZ, Mr. MCDADE, Mr. MCDERMOTT, Mr. MFUME, Mr. MILLER of California, Mr. MOLLOHAN, Mr. MOODY, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NAGLE, Mr. NOWAK, Mr. OBERSTAR, Mr. OBEY, Mr. OWENS of New York, Mr. PALLONE, Mr. PENNY, Mr. PERKINS, Mr. POSHARD, Mr. PRICE, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RIDGE, Mr. RINALDO, Mr. SABO, Mr. SARPALIUS, Ms. SCHNEIDER, Mrs. SCHROEDER, Mr. SIKORSKI, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. STALLINGS, Mr. STARK, Mr. SYNAR, Mr. TOWNS, Mr. VENTO, Mr. VISCLOSKY, Mr. WALGREN, Mr. WASHINGTON, Mr. WEISS, Mr. WELDON, Mr. WISE, and Mr. YATRON):

H. Con. Res. 316. Concurrent resolution expressing the sense of Congress on the strike of Greyhound employees; to the Committee on Education and Labor.

By Mr. GRANT:

H. Res. 385. Resolution providing for a mandatory recycling program for the House of Representatives; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 92: Mr. DEFAZIO and Mr. LAGOMARSINO.

H.R. 118: Mr. POSHARD and Mr. SHAYS.

H.R. 181: Mr. HUNTER.

H.R. 303: Mr. HOAGLAND.

H.R. 467: Mr. SERRANO.

H.R. 668: Mr. BENNETT.

H.R. 1006: Mr. ERDREICH.

H.R. 1086: Mr. HAYES of Louisiana.

H.R. 1400: Mr. WASHINGTON, Mr. COMBEST, Mrs. BOGGS, Mr. PERKINS, Mr. KILDEE, Mr. HYDE, Mr. COLEMAN of Missouri, and Mr. ROBERTS.

H.R. 1691: Mr. SIKORSKI, Mr. MARKEY, and Mr. DELLUMS.

H.R. 2265: Mr. MOODY and Mr. KYL.

H.R. 2285: Mr. RITTER, Mr. BUNNING, and Mr. GEKAS.

H.R. 2460: Mr. YOUNG of Florida.

H.R. 2700: Mr. SMITH of Texas.

H.R. 2776: Mr. RINALDO, Mr. BROWDER, and Mr. HAYES of Louisiana.

H.R. 2972: Ms. MOLINARI.

H.R. 3004: Mr. CROCKETT, Mr. MURPHY, Mr. PASHAYAN, and Mr. VOLKMER.

H.R. 3067: Mr. BRENNAN.

H.R. 3210: Mr. DIXON.

H.R. 3453: Mr. VOLKMER.

H.R. 3456: Mr. VALENTINE.

H.R. 3480: Mr. CONDIT, Mr. SABO, Mr. HALL of Texas, and Mr. CHAPMAN.

H.R. 3521: Mr. FORD of Michigan.

H.R. 3625: Mr. GORDON, Mr. OXLEY, Mr. CHAPMAN, Mr. GINGRICH, Mr. LAUGHLIN, Mr. SISISKY, Mr. DWYER of New Jersey, Mr. DERRICK, Mr. WELDON, Mr. BROWDER, Mr. SHAW, Mr. HAWKINS, Mr. PICKETT, Mr. IRELAND, Ms. ROS-LEHTINEN, Mr. EDWARDS of California, Mr. FLAKE, Mr. COURTER, Mr. LEWIS of Florida, Mr. WEISS, Mr. DELLUMS, and Mr. CRAIG.

H.R. 3768: Mr. ORTIZ.

H.R. 3800: Mr. ERDREICH, Mr. JACOBS, Mr. WYLIE, Mr. BROWN of Colorado, Mr. SHARP, Mr. KASICH, Mr. RHODES, Mr. MCCLOSKEY, and Mr. WELDON.

H.R. 3802: Mr. ANNUNZIO, Mr. ARCHER, Mr. BAKER, Mrs. BENTLEY, Mr. BROOMFIELD, Mr. BUNNING, Mr. CLAY, Mr. COBLE, Mr. DANNEMEYER, Mr. GALLO, Mr. GOSS, Mr. GRANT, Mr. INHOFE, Mr. IRELAND, Mr. MCCOLLUM, Mr. MCDADE, Ms. MOLINARI, Mr. MONTGOMERY, Mr. OXLEY, Mr. RAY, Mr. ROGERS, Mr. SPENCE, Mr. SUNDQUIST, Mr. SYNAR, Mr. WEBER, and Mr. YOUNG of Florida.

H.R. 3805: Mr. LENT, Mr. WATKINS, and Mr. ATKINS.

H.R. 3850: Mr. ROE, Mr. POSHARD, Mr. STOKES, and Ms. KAPTUR.

H.R. 3859: Mr. PANETTA.

H.R. 3860: Mr. STOKES and Ms. KAPTUR.

H.R. 3979: Mr. WEISS and Mr. MRAZEK.

H.R. 3980: Mr. JACOBS.

H.R. 4003: Mr. SOLOMON.

H.R. 4040: Mr. YOUNG of Alaska, Mr. NIELSON of Utah, and Mr. PETRI.

H.R. 4069: Mr. HUTTO, Mr. MILLER of Washington, Mr. DEFAZIO, Mr. HAMMERSCHMIDT, Mr. DENNY SMITH, and Mr. FALEOMAVAEGA.

H.R. 4112: Mr. LEVINE of California, Mr. PRICE, Mr. STARK, Mr. HORTON, and Mr. BEILENSON.

H.R. 4146: Mr. MOORHEAD and Mr. PACKARD.

H.R. 4149: Mr. FRANK, Mr. DINGELL, Mr. STARK, Mrs. COLLINS, Mr. FAUNTROY, and Mr. SANGMEISTER.

H.R. 4212: Mr. CALLAHAN, Mr. ALEXANDER, Mrs. KENNELLY, Mr. MCMILLEN of Maryland, Mr. TAYLOR, Mr. GORDON, Mr. HALL of Texas, Mr. LEATH of Texas, Mr. MCCRERY, and Mr. LAUGHLIN.

H.R. 4214: Mr. LAFALCE, Mr. BONIOR, Mr. PURSELL, Mr. FORD of Michigan, Mr. DINGELL, Mr. MANTON, Mr. PAXON, Mr. MARTIN of New York, Mr. ROTH, Ms. SLAUGHTER of New York, Mr. KLECZKA, Ms. OAKAR, Mr. KILDEE, Mr. VANDER JAGT, Mr. WOLPE, Mr. WALSH, Mr. MCHUGH, Mr. SAVAGE, Mr. EVANS, Mr. BOEHLERT, Mr. OWENS of Utah, and Mr. LENT.

H.R. 4220: Mr. STUMP.

H.R. 4254: Mr. DYSON.

H.R. 4261: Mr. BARNARD.

H.R. 4269: Mr. HORTON, Mr. MACHTLEY, Mr. VALENTINE, Mr. RAHALL, Mr. MCNULTY, Mr. NEAL of North Carolina, Mr. HUCKABY, Mr. TOWNS, Mr. GUNDERSON, and Mr. GALLO.

H.R. 4299: Mr. HENRY, Mr. TRAXLER, Mr. KILDEE, Mr. LAFALCE, Mr. KLECZKA, Mr. BONIOR, Mr. MOODY, Ms. OAKAR, and Mr. VANDER JAGT.

H.R. 4323: Mr. RIDGE, Mr. HENRY, Mr. TRAXLER, Ms. KAPTUR, Mr. KILDEE, Mr. LAFALCE, Mr. KLECZKA, Mr. BONIOR, Mr. MOODY, Ms. OAKAR, Mr. VANDER JAGT, Mr. FAWELL, and Mr. SAVAGE.

H.R. 4374: Mr. RITTER.

H.R. 4379: Mr. FORD of Michigan, Mr. KILDEE, and Mr. COLEMAN of Texas.

H.R. 4391: Mr. FUSTER, Mr. LEVINE of California, Mr. MORRISON of Connecticut, and Mr. DWYER of New Jersey.

H.R. 4397: Mr. CONDIT.

H.R. 4408: Mr. THOMAS of California, Mr. COYNE, Mr. SHAW, Mr. DICKINSON, Mr. DORGAN of North Dakota, Mr. HATCHER, Mr. PARKER, Mr. CHANDLER, Mr. GRANT, Mrs. VUCANOVICH, Mr. BALLENGER, Mr. CLARKE, Mr. LANCASTER, Mr. WALKER, Mrs. MARTIN of Illinois, Mr. JONES of North Carolina, Mr. RIDGE, Mr. HEFNER, Mr. LENT, Mr. HUTTO, Mr. CLINGER, Mr. SCHEUER, Mr. SERRANO, Mr. MARTIN of New York, Mr. VALENTINE, and Mr. ACKERMAN.

H.R. 4431: Mr. NOWAK and Mr. FAUNTROY.

H.R. 4432: Mr. WALSH.

H.R. 4488: Mr. ROWLAND of Connecticut, Mr. RHODES, Mr. PETRI, Mr. DORNAN of California, Mr. HORTON, Mr. HYDE, Mr. OXLEY, and Mr. MURPHY.

H.R. 4494: Mr. LIGHTFOOT, Mr. WHITTAKER, and Mr. BURTON of Indiana.

H.R. 4495: Mr. BROOKS and Mr. MONTGOMERY.

H.R. 4512: Mrs. COLLINS, Mr. LAGOMARSINO, and Mrs. JOHNSON of Connecticut.

H.R. 4520: Mr. LIPINSKI and Mrs. MEYERS of Kansas.

H.R. 4564: Mr. YATRON.

H.R. 4575: Mrs. LLOYD, Mr. SMITH of Texas, and Mr. DANNEMEYER.

H.J. Res. 459: Mr. OBERSTAR, Mr. SKAGGS, and Mr. NAGLE.

H.J. Res. 460: Mr. ALEXANDER, Mr. CHAPMAN, Mr. DYSON, Mr. GRANT, Mr. GOODLING, Mr. KANJORSKI, Mrs. LLOYD, Mr. NIELSON of Utah, Mr. MADIGAN, Mr. RINALDO, Mr. ROBERT F. SMITH, Mr. SCHUETTE, Mr. MILLER of California, Mr. BRENNAN, Mr. APPLEGATE, Mr. BOSCO, Mr. STALLINGS, Mr. PAYNE of Virginia, Mr. COSTELLO, Mr. LAUGHLIN, Mr. WHEAT, Mr. CLINGER, Ms. MOLINARI, Mr. BALLENGER, Mr. DUNCAN, Mr. CRANE, and Mr. OBERSTAR.

H.J. Res. 464: Mr. BOUCHER.

H.J. Res. 487: Mr. MAVROULES, Mr. ROWLAND of Georgia, Mr. LEWIS of California, Mrs. LLOYD, and Mrs. ROUKEMA.

H.J. Res. 495: Mr. ROE and Mr. RAHALL.

H.J. Res. 501: Mr. LIGHTFOOT, Mr. GEJDENSON, Mr. WALGREN, Mr. WEBER, Mr. ANDERSON, Mr. BEVILL, Mr. BORSKI, Mr. CARDIN, Mr. CARPER, Mr. CLARKE, Mr. COOPER, Mr. KLECZKA, Ms. MOLINARI, Mr. CRANE, Mr. BROOMFIELD, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. GAYDOS, Mrs. LOWEY of New York, Mr. GUARINI, Mr. MARKEY, Mr. HOUGHTON, Mr. ROHRABACHER, Mr. MCHUGH, Mr. YATES, Mr. BUECHNER, Mr. LEWIS of California, Mr. TRAFICANT, Mr. GOSS, Mr. LEVINE of California, Mr. MILLER of Washington, Mr. BEREUTER, Mr. GALLEGLY, Mr. KOSTMAYER, Mrs. COLLINS, Mr. DAVIS, and Mr. DICKS.

H.J. Res. 505: Mr. ACKERMAN and Mr. OWENS of New York.

H.J. Res 510: Mr. RICHARDSON and Mr. CRAIG.

H.J. Res. 513: Mr. DE LA GARZA, Mr. MOORHEAD, Mrs. BOGGS, Mr. DWYER of New Jersey, Mr. SMITH of New Hampshire, Mrs. MEYERS of Kansas, Mr. MARTINEZ, Mr. BROWN of California, Mr. COBLE, Mr. NEAL of North Carolina, Mr. SMITH of Vermont, Mr. HAMILTON, Ms. LONG, Mr. WYLIE, Mr. JACOBS, and Mr. FEIGHAN.

H.J. Res. 521: Mr. INHOFE.

H.J. Res. 531 Mr. POSHARD, Mr. INHOFE, Mr. FUSTER, Mr. MAVROULES, Mr. PALLONE, Mr. LEHMAN of Florida, Mr. MCDERMOTT, Mr. TOWNS, Mr. VALENTINE, Mr. HARRIS, Mr. FASCELL, Mr. FAUNTROY, Mr. SERRANO, Mr. MARTINEZ, Mrs. UNSOELD, Mr. COURTER, Mr. BATES, Mr. DIXON, Mr. MCNULTY, Ms. KAPTUR, Mrs. COLLINS, Mr. NIELSON of Utah, and Mr. OWENS of Utah.

H.J. Res. 543: Mr. MARTIN of New York Mr. WALSH, Mr. SPENCE, Mrs. COLLINS, Mrs. PATTERSON, Mr. WEISS, Mr. SAVAGE, Mr. MORRISON of Connecticut, Mr. SANGMEISTER, and Mr. HOCHBRUECKNER.

H. Con. Res. 23: Mr. JONES of Georgia, Mr. MILLER of California, Mr. NELSON of Florida, Mr. RAHALL, Mr. CHAPMAN, Mr. PAYNE of Virginia, Ms. MOLINARI, and Mr. BALLENGER.

H. Con. Res. 66: Mr. FAZIO.

H. Con. Res. 85: Mr. ATKINS, Mr. HALL of Ohio, Mr. DEFAZIO, and Mr. CONDIT.

H. Con. Res. 287: Mr. HORTON, Mr. BLAZ, and Mr. PALLONE.

H. Con. Res. 291: Mr. FRANK, Mr. SANGMEISTER, and Mr. BEREUTER.

H. Con. Res. 298: Mr. WEISS, Mr. LANTOS, Mr. SMITH of Florida, and Mr. BATES.

H. Con. Res. 300: Mr. GORDON, Mr. WYDEN, Mr. WISE, Mr. EDWARDS of California, Mr. ANNUNZIO, Mr. SMITH of Florida, Mr. COLEMAN of Texas, Mr. MCCLOSKEY, Mr. VISCLOSKY, Ms. LONG, Mr. MOAKLEY, Mr. LEHMAN of California, Mrs. PATTERSON, Mr. JONTZ, Mr. CARDIN, Mr. JOHNSON of South Dakota, Mr. CLEMENT, Mr. GEPHARDT, Mr. BONIOR, Mr. TALLON, Mr. BROOKS, Mr. RAY, Mr. BATES, Mr. HUBBARD, Mr. COYNE, Mr. KLECZKA, Mr. PERKINS, Mr. HOCHBRUECKNER, Mr. FEIGHAN, Mr. MANTON, Mr. AUCOIN, Mr. GEJDENSON, Mr. KILDEE, Mr. FORD of Michigan, Mr. SYNAR, Mr. HUCKABY, Mr. BEVILL, Mr. STAGGERS, Mr. RAHALL, Mr. WHITTEN, Mr. BROOMFIELD, Mr. WYLIE, Mr. MCCOLLUM, Mr. LANCASTER, Mr. DOWNEY, Mr. MCMILLEN of Maryland, Mr. HAYES of Louisiana, Mrs. BOGGS, Mr. KENNEDY, Mr. SERRANO, Ms. MOLINARI, and Mr. TOWNS.

H. Res. 312: Mr. ENGEL and Mr. BEVILL.

H. Res. 358: Mr. IRELAND.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1067: Mr. DORNAN of California.

H.R. 4308: Mr. SLAUGHTER of Virginia.

H.R. 4428: Mr. HAMILTON.

H.R. 4493: Mr. ROSE.

SENATE—*Thursday, April 26, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

O Lord, thou hast searched me, and known me. Thou knowest my downsitting and mine uprising, thou understandest my thought afar off. Thou compassest my path and my lying down, and art acquainted with all my ways. For there is not a word in my tongue, but, lo, O Lord, thou knowest it altogether.—Psalm 139:1-4.

Gracious Father in Heaven, the psalmist reminds us we have no secrets from Thee. Thou knowest the tendency of people in powerful positions to repress feelings—to "stuff" pain, frustration, anger, anxiety. Emotions implode rather than explode; pressure builds precipitating attitudes, actions or words later regretted.

In a culture which demands optimism, which treats pessimism as evil, we conceal discouragement. In these consummately stressful days, help the powerful people of the Senate, in the privacy of their hearts, to release to Thee emotions which are destructive when repressed, in the confidence that Thou dost understand. Free them, Lord, from the prison of repression. In Jesus' name who came to liberate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 26, 1990.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders this morning, there will be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 10 o'clock this morning, the Senate will resume consideration of Calendar Order No. 521, H.R. 4404, the emergency supplemental appropriations bill. For the information of Senators, rollcall votes are expected throughout today's session relative to this measure with the possibility of votes extending well into this evening.

Mr. President, at this time, I am not aware of how many and the subject matter of any amendments that may be offered to that bill. It is my hope that we could complete action on it today. It is not possible to predict that with certainty at this time, but we will proceed in the hopes that we can do so. There may be several votes during the day, and Senators should be alerted to that possibility.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2350 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

A DRUG-FREE LIFE

Mr. HARKIN. Mr. President, it is not every day that we have the privilege of starting with an uplifting experience, but I had that happen this morning. I thought I would relay to the Senators here and in their offices what happened this morning out on the steps of the Capitol. We had a group of young people from Council Bluffs IA, high schools—Malvern, the Iowa School for the Deaf—Thomas Jefferson, Abraham Lincoln, Lewis Central, and—here this morning to present a petition by 5,000 young people, pledging themselves to a drug-free life.

Mr. President, when you see these kids and their chaperones and the people who came with them, it underscores what I have said so often: That the war on drugs is not going to be won here in Washington, DC, and it is not going to be won just in our big cities, but it is going to be won all over America. It is going to have to take involvement from people from all walks of life, of all ages, but especially our young people.

Earlier this year, Mr. Dick Miller, who is a pharmacist in Council Bluffs, began to organize this petition drive. He used an organization called B-MAD [Body and Mind Against Drugs] founded 9 years ago, which uses the power of positive peer pressure by getting drug and alcohol free students to help grade school kids do the same. They have done a great job. He gave them a challenge earlier this year that if they could get this petition signed, he would bring them to Washington DC. In fact, the chief of police of Council Bluffs, Mark Moline, said if they got it done, he would drive the bus and, in fact, he did drive the bus.

I am really proud that the chief of police, Mark Moline and Lt. Ron Shaw of the Council Bluffs Police would

take the time to drive these kids to Washington, DC.

But to see this petition, 160 some feet long, with 5,000 student signatures, was something that is such an uplifting experience to start the day off right because, it demonstrates the strength of these young people's commitment to being drug-free. They have done a great job. Here is the pledge. It says:

I pledge myself a drug-free life. I will enjoy and practice the activities that show that I believe in myself. And I will join the crusade to stop others from taking alcohol and drugs.

Then they sign it. This is what they got 5,000 young people in the Council Bluffs and rural areas to sign.

The petition they signed reads:

Substance abuse is not just a big city, urban problem. The Nation's midland such as Iowa are experiencing drug abuse problems. Prevention education offers the greatest potential for effectively dealing with the drug problem. Additional resources should be earmarked for such education.

Mr. President, again underscoring the need to ensure that we do some reordering of our priorities, I understand that we have to interdict drugs coming into this country, that we need to beef up our law enforcement officials to make sure that we can have good arrests and make sure our prosecution is the best so we can put the drug pushers behind bars, but let us not forget that we have the best effect when we put the resources into early childhood education and into prevention programs.

As a parent of a 13 year old and an 8 year old, I can attest to the fact that the best pressure is peer pressure. Young people do listen to other young people, and when you have young people like this who are in high school, reaching down to their brothers, their sisters, their neighbors in grade school and talking to them about being alcohol and drug free, I tell you, that has more effect than any pronouncements from this Senate floor or the House or anywhere else.

Mr. President, I hope that other young people and parents, chiefs of police around the United States, would perhaps take a page from this book and do the same kind of project, get young people involved and get them into prevention.

Prevention and education, that is really where we get the most bang for the buck, and that is why we have to look ahead to our next generation, to make sure the next generation of young people is able to say no to drugs and no to alcohol.

I compliment Dick Miller for what he has done, Police Chief Mark Moline, Lt. Ron Shaw, the chaperones who are with them and, most important of all, I thank the young people for all that they have done, Mr. President, and to encourage them to keep up the good work, not only in keeping themselves drug- and alcohol-free but reaching out to as many young people as they can to make sure that they are alcohol- and drug-free. Specifically, I want to list by name those young people who have traveled to Washington by bus to present this petition this morning:

Shane Sayers, Trisha Alba, Danielle Eitmann, Rebecca Moline, Kim Cooper, Bryan Holder, Michelle Blachnik, Charity Boulton, Ryan Meis, Stephanie Hawkins, Jodie Hiatt, Brad Michael, Clay Chickering, Shawn Tackett, Clayton Westervelt, LeAnn Steppuhn, Brian Kruse, Janice Krause, Ellen Thayer, and Don Hunt.

I congratulate you for all your work and for your commitment to make Council Bluffs drug-free. All America can learn by your example.

Mr. President, I yield back the remainder of my time and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator may proceed for 5 minutes.

LITHUANIA

Mr. LIEBERMAN. Mr. President, it is not always the case in international politics that right and wrong are clearly on separate sides of an important issue, but I firmly believe that this is true today in Lithuania and the Baltic States. President Gorbachev himself has acknowledged that Lithuania was shamefully annexed by Stalin in 1940. Yet, he, President Gorbachev, is today engaged in an economic blockade that is slowly strangling the country of Lithuania. Factories are shutting down and food lines will soon grow.

President Landsbergis yesterday called this another Munich and he had reference, of course, to the statement and action of Prime Minister Chamberlain of England who referred to the dismembered Czechoslovakia as a small faraway country "about which we know little."

Mr. President, the issue today is whether we will consider Lithuania once again as a small faraway country about which we know little and care even less. I personally believe that we should have extended diplomatic recognition to Lithuania upon its declaration of independence. Far from being provocative, that would have been consistent with American foreign policy since 1940.

For 50 years, our State Department has continued to accept the credentials of the diplomatic representatives of an independent Lithuania and their Baltic neighbors. For 50 years, American Ambassadors to the Soviet Union have not visited the Baltic Republics in order to avoid bestowing a sense of legitimacy on the Soviet occupation of those countries. For 50 years, we representatives of the American people have extended our hope and support to the people of the captive nations. To cold shoulder, to turn our backs on the idea of diplomatic relations now with Lithuania and the Baltic States when it finally may mean something, is to me the worst form of timidity, vacillation, and is not at all true statesmanship.

I also reject the idea that we should not recognize Lithuania because its government is allegedly not in total control of its territory. That principle certainly did not stop us from recognizing President Endara of Panama after his election was nullified by Noriega. If we could recognize President Endara while he was hiding in basements of different houses in his country every night, we could surely recognize the duly elected fully supported government of Prime Minister Landsbergis in Vilnius, Lithuania.

I also believe that we should reject the Soviet arguments that the present situation is comparable to the American Civil War. That comparison is ridiculous. The Lithuanian people never asked to join the union. They were forcibly incorporated into the czarist empire as part of an era of the colonial expansion of the European peoples. They were victimized by the pact between Hitler and Stalin. Mr. President, Mikhail Gorbachev may be good but he is no Abraham Lincoln.

I would be the first to agree that this Lithuanian situation is a delicate one but I think we can clearly show our support for the Lithuanian people and their independence in constructive ways. We can, for example, recommend to the Soviets that they seek mediating forums such as the Conference on Security and Cooperation in Europe, the World Court, and the United Nations. We can suggest to the Lithuanian leadership that it accept transition procedures. We can recommend to both sides that Soviet military facilities be given special status in Lithuania for some transitional period of time. We can suggest that a Baltic free trade area is established that would economically link the Scandinavian countries, Germany, Poland, and the Soviet Union together with the independent Baltic States. None of those actions would destabilize or should destabilize President Gorbachev's government.

Mr. President, no leader, including Gorbachev, himself, deserves a blank check. No leader, including President Gorbachev, himself, and our interest in good relations with the Russians, is reason for us to sacrifice our first principles and our consistent diplomatic policy for the last 50 years.

President Landsbergis has told the world that he is willing to negotiate with Moscow, and he sent several delegations there only to find that nobody in the Soviet Union will meet with him. Moscow's only reply is to tighten the economic blockade as part of a campaign to break the spirit of the Lithuanian people.

Mr. President, for 45 years we have stood by the side of the peoples of Eastern Europe. We have done this knowing full well that it would anger Moscow, but we did so because we believed it was right. I see no reason to change that policy today.

Perhaps the most dramatic movement in our history of relations with Eastern Europe occurred in 1961 when President Kennedy went to Berlin shortly after the construction of the wall to declare that he was a Berliner. Today we must not allow the Berlin Wall to be replaced by an American wall of silence around Lithuania.

The United States cannot turn its back on any people who are striving to be part of a vision of a free and independent Europe. Lithuania and the Baltic States belong to that vision as much as any other European state, and the full of Europe will not be truly free, nor will the cold war truly be over until Lithuania and the Baltic States are free.

Mr. President, I thank the Chair and yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Minnesota is recognized.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. DURENBERGER. I ask unanimous consent that the time for morning business be extended for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF FRANK LAUSCHE

Mr. DURENBERGER. Mr. President, the excellent statement on Lithuania by my colleague from Connecticut is an opportunity for me, to say a few words, among the many that I would like to say, about a Slovenian who once served here. Slovenia is now part of Yugoslavia. Maybe it will not be for too long, because the Slovenians just voted three or four to one that they want to be Slovenians.

The greatest American Slovenian of all who served in this body from the State of Ohio was Frank Lausche. Frank died over the last weekend. I came to the Senate long after he was here. He was a legend, as far as I was concerned. He was one of those Democrats that voted like a Republican, before it became popular. The lesson for us, on both sides of the aisle, is that he always put the Nation's interest above his party's. "Vote for your country," was his constant refrain. I had never met a Senator who was so much a person as Frank Lausche.

Those of my colleagues who belong to the Democratic Party knew him as an independent. You know that his ADA rating 1 year was 8 percent, in one of the most liberal periods of time. You know the State and constituency from which he came are not among the most conservative or nonunion constituencies in this country. And it is with a great sense of how lucky I am to have known a person like that, that I rise to remind my colleagues that being yourself as a Member of this body has a tremendous bottom line to it. It is costly, but ultimately it is worth it.

Frank Lausche lived to be 94 years of age. He came practically every Wednesday morning to the Senate Prayer Breakfast at 8 o'clock, and he came at 8 o'clock because when he was here, it began at 8 and went until 9. So he always came at 8, and he drove himself until he was 94, drove his old car, and we all figured when he left to go out to his car, God help the pedestrians. But he did that because he was so fiercely independent in personal ways, and in what he said.

Lawton Chiles, who sort of supervised the prayer breakfast sometimes, gave him the name, the "Jeremiah" of our times. When we gathered in fellowship on these mornings, whenever we wanted to hear the voice of a prophet setting us straight on the mores of the times, we would turn to Frank Lausche where he sat at the front of the table.

So I just loved the man a great deal. I did not spend enough time with him, and that is an unfortunate thing about being in this place. There was so much to learn from him, both in his public life and his private life. But the best of all was that, for him, they were the same. It was not a private Lausche who did one thing and a Senator who did something else. He was the same person, regardless. He loved this body a great deal. He loved everybody in it. But he also had the nerve, so to speak, to always tell us when we were wrong, to praise us when we were right, and to remind all of us from whence we came.

Frank Lausche embodied qualities that are sorely needed in this body: conviction, candor and political selflessness. I am so grateful for what he gave to me over the years. I hope all of us in this place will learn the lessons of Frank Lausche's distinguished and fruitful life.

Mr. President, I ask unanimous consent that an article from the New York Times regarding Frank Lausche's death be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRANK LAUSCHE, EX-OHIO SENATOR AND 5-TERM GOVERNOR, DIES AT 94

(By Wolfgang Saxon)

Frank J. Lausche, an independent-minded Democrat who served as Mayor of Cleveland, Governor of Ohio and a two-term United States Senator, died Saturday at the Slovene Home for the Aging in Cleveland. He was 94 years old.

Nominally a Democrat, Mr. Lausche was philosophically a staunch conservative and was a good vote-getter; Over the years, he made some political capital with his antagonism toward organized labor, but in the end, that and his open disdain for the Democratic Party organization finished his political career in 1968 at the age of 72.

A tall, rugged man with bushy hair, Frank Lausche could be a charmer and spellbinder on the stump: Ignoring political issues, his oratory fixed on simple American virtues as he perceived them, urging citizens to cast their ballots with the nation in mind.

VOTE FOR YOUR COUNTRY!

"Listen to the voice of the Americans who fell on the battlefield!" he would exclaim. "Cast selfishness aside and vote for the good of your state and country!"

In that spirit, he focused on national concerns in the Senate and refused to do the routine favors that party officials at home expected from elected representatives in Congress.

Mr. Lausche was born on Nov. 14, 1895, in Cleveland, one of 10 children of immigrants from Slovenia, in Yugoslavia. His parents, of modest means, were leaders in their local community, but his father died when he was 13. The boy then worked as a lamplighter and sold newspapers.

LEAVES BASEBALL FOR LAW

He was a minor league baseball player before he joined the Army in 1918. He earned a commission, and after World War I gave up baseball in favor of the law, earning a degree from the John Marshall School of Law.

In 1931, when Ohio Democrats were undergoing a bitter division, Mr. Lausche backed the winning side and was appointed a municipal judge, Known as a crusader against gambling, he was elected Mayor of Cleveland in 1941 with a record 71 percent of the vote.

But he soon parted company with the party leadership. Through two terms as Mayor and five as Governor, he gained a reputation for being clean and independent, cautious and frugal. His conservative program of low taxes and budget surpluses brought him both the friendship of many Republicans and the dislike of liberals.

He served one term as Governor in 1945-46 and then four more terms from 1949 to 1956, and that year he won election to the Senate.

In 1967 Senator Lausche was the author of the first bill seeking to impose a uniform

Federal strip-mining regulatory system to replace varied and mostly ineffective controls then in force in the coal states. But the legislation languished on Capitol Hill until well after his retirement.

SUPPORTER OF KENNEDY

A surprise backer of John F. Kennedy, Mr. Lausche then opposed many policies of the Democratic President's Administration, including aid to education, foreign aid, medical care for the aged under Social Security and civil rights legislation.

Senator Lausche was defeated in his final campaign for the Senate, losing the Democratic primary in 1968 to a former member of the House, John J. Gilligan, who ran with strong labor support. Mr. Gilligan was defeated by Ohio's Attorney General, William B. Saxbe, a Republican.

Mr. Lausche once again showed his independence when he endorsed President Richard M. Nixon for a second term in 1972, saying the national security and popular welfare required it. He discounted Mr. Nixon's opponent, Senator George S. McGovern, as "indecisive and inconsistent." He had also supported Mr. Nixon in 1968.

He is survived by a sister, Josephine Lausche Welf of Cleveland.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS] is recognized.

Mr. BURNS. I think the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 2524 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. GRASSLEY. Mr. President, must I ask unanimous consent that morning business be extended?

The PRESIDING OFFICER. That would be an appropriate request at this time.

Mr. GRASSLEY. Mr. President, I so request.

The PRESIDING OFFICER. Without objection, the period for morning business is extended.

The Senator from Iowa is recognized for 5 minutes.

Mr. GRASSLEY. Let me assure the managers of a very important supplemental appropriation bill that must come up today and that I do not intend my remarks to interfere with their doing business. If they request my stopping, I will be glad to stop at any point.

DEFENSE FUNDING LEVELS

Mr. GRASSLEY. Mr. President, as the Congress continues to debate future defense funding levels, the declining budgets that we all know are coming make it imperative to manage our defense dollars to achieve the greatest possible return on that investment.

Yesterday I spoke about the problems afflicting the management of our defense resources. I characterized the essential problem as a disconnect between plans and execution. If this problem is not addressed, then the cuts we make in future defense budgets will have a very harmful impact on our national security.

Today, I would like to discuss the outline of a framework for contributing toward resolving the defense management paradox, as I described it yesterday. A number of reports have been published in recent years to set forth solutions to planning and execution problems. But they have focused mainly on reforming just the acquisition process.

But the nature of the paradox that confronts us such that all levels within the Department of Defense are affected. Therefore, in order to improve planning and execution of the defense program, the issue becomes not just acquisition reform, but rather management reform.

Secretary Cheney has recognized the need to go beyond acquisition reform in his defense management report. That is a report that was put out by Secretary Cheney last July as a response and an answer to the President's State of the Union Message in 1989 that this President was going to actually reform defense.

Defense management reforms are needed for the following reasons: First, to establish national security objectives; second, to set priorities for achieving those objectives; and third, to allocate resources to achieve those objectives.

And, of course, all of this must be done within the context of realistic funding constraints.

The reforms must incorporate measures of merit for tracking progress toward meeting the objectives. The reforms that pertain to Government Industry relationships and congressional defense related activities must be made in line with improvements in the defense management framework. The activities of all the players, whether DOD, industry, or those of us in Congress, should all be tied to the efficiency by which national security objectives are achieved.

The absolute key requirement for the Defense Department to make balanced gains in capability—that is, across the four capability pillars of modernization, force structure, readiness and sustainability—the absolute key is the establishment of defense program objectives.

And the defense management review that Secretary Cheney wrote recognized this and called for the Department of Defense components to submit program planning objectives, called PPO's. These PPO's were to be prioritized, and each would be assigned a road map for investment needs, something that they would use to explain how much money that ought to be required for a certain objective, the same judgments we must make here in the Congress. These road maps are very important. This part of the planning process would thereby tie objectives and resources together prior to our making decisions, not just us in Congress, but people in the whole process, the Defense Department, and every place else in government.

The defense management review recommendations, aside from the PPO's and the road maps concentrate mainly upon just reforming the acquisition system.

But the reform did not consider acquisition improvement within the larger context of defense management reform. In other words, the defense management review failed to address management of the majority of defense resources.

It is for that reason that I have put together a structure to help ensure our national security objectives are achieved and that our investment is balanced across the four capability pillars. To accomplish this, I have drawn upon modern management techniques, recognized by top management experts, to construct four essential pillars of effective defense management.

These management pillars incorporate and build upon the recommendations identified by the Secretary of Defense.

The four are:

First, a decisionmaking framework for setting objectives and for managing to achieve those objectives;

Second, an organizational structure of DOD elements, including responsibilities and reporting lines;

Third, the efficient allocation of resources, which governs the defense budget, personnel, and equipment resources that are used to achieve those objectives; and

Fourth, and last, quantitative measures of success which are very necessary for assessing progress toward achieving those objectives. These four management pillars apply to both industry and Government. In my estimation, Secretary Cheney's defense management review has considered only the first two of these pillars. But it is the final two that are the key for ensuring success. When taken together, these four pillars would ensure the following:

First, that national security objectives are set;

Second, that the management organization is streamlined toward achieving the objectives;

Third, that resources are aligned with the objectives, and

Fourth, that progress is tracked.

The reforms set forth by Secretary Cheney will encounter much resistance from a bureaucracy that is suc-

cessful in "working the system" and undermining threats to "business as usual." It is especially for that reason that pillars 3 and 4 are implemented. In the days ahead, I intend to speak more specifically about each of these four pillars and why they are important and also about the culture resistance, meaning culture resistance within DOD, within the military industrial complex where there is resistance to these reforms.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,867th day that Terry Anderson has been held in captivity in Beirut.

I would also like to bring to the attention of the Senate an article written by Martin Kramer which appears in the April 30, 1990, edition of the New Republic. While the recent release of Robert Polhill renders inaccurate some of the facts presented in the article, Mr. Kramer's trenchant analysis of the hostage situation is relevant and worthy of our attention. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD. as follows:

[From the New Republic, Apr. 30, 1990]

PRICES ARE NEGOTIABLE: HOSTAGE BAZAAR

(By Martin Kramer)

An editorial in the Tehran Times of February 22 set off the latest wave of expectation. "Muslim forces," it declared, "should work to get the hostages free with no precondition." The Tehran Times is the mouthpiece of Iran's president, Ali Akbar Hashemi-Rafsanjani, and Rafasnjani is the target of President Bush's repeated declarations that "goodwill begets goodwill." Iran's "goodwill" translates into the release of American hostages in Lebanon. The "goodwill" of the United States means the lifting of trade embargoes and a new beginning in Iranian-American relations. Administration officials may have the makings of a deal.

But no freed Americans have yet winced at bright camera lights in Damascus and Wiesbaden. In an unrelated development, Palestinian terrorist Abu Nidal surrendered three of his European hostages. But Rafsanjani has delievered only more editorials, all promising to use Iran's leverage with the Shiite groups that hold the Americans. The hitch: any understanding reached in the back channels of U.S.-Iranian diplomacy must now get through the rubbled back alleys of Beruit's southern suburbs, where the hostages are kept. Their keepers have some leverage of their own, and the real bargaining has only just begun.

There are three clusters of American hostages held in Lebanon. Each cluster is held by a Shiitte group that makes claims under a distinct name; each name is associated with a different logic for hostage-holding. There is a question about whether the three groups are completely separate, since all are affiliated with Hezbollah, the larger Shiite movement backed by Iran. But there are certainly three distinct Lebanese arguments for keeping foreigners in leg irons. Before Rafsanjani can deliver the American hostages, he will have to defeat them all.

Islamic Jihad is the most veteran of the hostage holding networks. The group originally rested upon the planning genius of Imad Mughniyya, a Shiite from South Lebanon, and the bomb-making skills of his cousin. Together they are believed by some analysts to have carried off the suicide bombings against American and French targets in 1983. In those glorious days Islamic Jihad had no private agenda but simply served Iran's Islamic revolution and Hezbollah.

But at the end of 1983, Kuwaiti authorities captured the bomb-making cousin and a group of coconspirators, following a failed attempt to blow up the American and French embassies. Mughniyya's cousin was sentenced to death by a Kuwaiti court, along with two other Shiites. Another fourteen defendants drew prison sentences. Since that time Islamic Jihad has devoted much of its energy to freeing those on Kuwait's death row. Islamic Jihad knew that the Emir of Kuwait would never surrender to a gang of schismatic Shiites on his own accord. But it did believe him to be an agent of the United States, who would slavishly do America's bidding. Islamic Jihad therefore took Americans in Lebanon as hostages and held them against the lives of the condemned Shiites in Kuwait. Sure enough, the Emir didn't free the convicted men, but he did refrain from giving the regal nod to the executions.

Through all of this, Islamic Jihad dutifully worked hand in hand with Iran. When foreign hostages were easy to come by—before the Syrian deployment in West Beirut in 1987—Islamic Jihad periodically seized Americans and Frenchmen as a favor to Iran. Iran then spent them for French financial concessions and U.S. arms. But Islamic Jihad prudently insisted upon keeping at least two Americans as a guarantee against the mistreatment or execution of the Shiites held in Kuwait, and as a bargaining chip for their eventual release. That's what thwarted the Iran mission of Robert McFarlane and Oliver North. And that's why Islamic Jihad still clings to Terry Anderson and Thomas Sutherland, both taken in 1985. (By keeping two hostages in separate places, Islamic Jihad can't be put out of business by the sudden discovery or death of one hostage.)

Of all the bands of hostage-holders, Islamic Jihad has the most intimate tie to Iran, but Iran also owes it the most. While the Gulf War lasted, it did noble service as an Iranian fifth column, both in Lebanon and Kuwait. In addition to Islamic Jihad's claim on Iranian gratitude, it holds the blue chip hostage. Anderson is the longest-suffering captive and a journalist who had legitimate business in Lebanon. His sister and fellow journalists have made him into a *cause célèbre*, and he commands the lion's share of sympathy for the hostages.

Islamic Jihad won't simply give away this prize, and for good cause. Although the Emir of Kuwait may have decided not to order the execution of the condemned "brethren," Islamic Jihad believes the release of its hostages might tempt him. So Rafsanjani must secure concessions from Kuwait, involving either the release of the condemned Shiites or a commutation of their death sentences. Failing that, Rafsanjani must persuade Islamic Jihad that he has found a more effective method for helping "the brethren" in Kuwait than the holding of American hostages. Gaining an explicit Kuwaiti concession will be tough, and getting the hostages without one will be tougher. Still, it is noteworthy that Islamic Jihad kept silent throughout the latest round of hostage speculation, and its most overt apologist in Hezbollah has hinted cryptically at progress. If there has been movement, it has probably been here.

A second cluster of American hostages is held by the Revolutionary Justice Organization. Its three Americans—Joseph Cicippio, Edward Tracy, and (in all likelihood) Frank Reed—were seized in the fall of 1986, just when Islamic Jihad seemed likely to trade away all its Americans. The logic of the Revolutionary Justice Organization holds that the very presence of American hostages has shielded the Shiite suburbs against hostile aggression. It would be folly to trade them all off for American arms, economic concessions to Iran, or Shiite detainees. Once the last American hostage goes free, what will prevent the Syrians, with American blessing and Saudi financial backing, from quashing Hezbollah in Beirut's Shiite suburbs? What will keep American agents and Israeli bombers from coming back to wreak vengeance? What will prevent a new Sabra and Shatila, this time perpetrated against Shiites?

Many of Hezbollah's Iranian backers have asked themselves the same questions and have sanctioned the Revolutionary Justice Organization. The group held other hostages—Frenchmen who were traded away by Iran, and other foreigners who were sold for cash. But Americans are talismans too precious to be bartered away, and the Revolutionary Justice Organization has made no systematic demands for their release. Instead, the Americans are threatened with death whenever the United States (or its "agents," such as Israel) seems poised to strike the Muslims of Lebanon.

To effect the release of these three, Rafsanjani has to convince the Revolutionary Justice Organization that its logic is flawed—that by holding American hostages, the group has tightened the Syrian noose around the Shiite suburbs, where Syrian forces now man checkpoints. The argument is a bit tortured, for though it may be true to a point, it may also be true that hostages *are* the best guarantee for the survival of their captors. Rafsanjani is arguing that less tangible guarantees—from the Syrians, of all people—will do almost as well. Presented with this argument, the Revolutionary Justice Organization tried to burst the latest bubble of hostage talk with an angry statement rejecting any release. Rafsanjani has only begun to undermine this rationale, which is also echoed by Hezbollah's hardline Iranian patron, former Interior Minister Ali Akbar Mohtashemi. "Freedom for the hostages," he maintains, "means breaking the chains of bloodthirsty wolves."

The third cluster of Americans is held by the Islamic Jihad for the Liberation of Palestine. Its captives are three American educators, taken together in January 1987: Robert Polhill, Alann Steen, and Jesse

Turner. The logic here recalls that of Islamic Jihad: take Americans hostage in order to force the hand of a third party holding Shiite detainees. In this case the third party is Israel: Islamic Jihad for the Liberation of Palestine proposes to exchange the three Americans for some 300 Shiites held in a prison camp run by the Israeli-backed South Lebanon Army. In an act of solidarity, the group has also added Palestinians imprisoned by Israel to its wish list. The group looks to the precedent of the 1985 hijacking of TWA Flight 847 to Beirut—a crisis resolved when Israel agreed to release more than 700 Shiite detainees to gain freedom for the American passengers. If it isn't too late to reenact the triumphs of the seventh century, why not those of 1985?

But the deal proposed by the Islamic Jihad for the Liberation of Palestine simply will not fly. When Israel released Shiite detainees for the hijacked Americans, Shiite fundamentalists held no Israelis. Now they do; as many as three Israeli servicemen are held by Hezbollah. They are the only key to the prison gates in South Lebanon and the cell door of Sheikh Abdul Karim Obeid, the Hezbollah cleric whom Israelis abducted last summer. Nor are the three American professors the moral equivalent of the TWA passengers. By the time they were abducted, these foolish souls had been warned many times to get out of harm's way and leave Muslim Beirut. Their plight has stirred more incredulity than sympathy among most Americans. In the unregulated market of hostage-trading, the three educators are junk bonds. Their value is uncertain, and is probably a good deal less than their owners think. Still, the United States has made it clear to Rafsanjani that "goodwill" can flow only after *all* of the American hostages are out; they must be worth something.

But their market value will become clear only after Israeli soldiers are swapped for Shiite detainees. Until then, the Islamic Jihad for the Liberation of Palestine cannot be seen to have abandoned the Shiite "strugglers" who languish in Israeli captivity. The group's latest statement still demands an "exchange." But when Israel does its deal for its soldiers, the Islamic Jihad for the Liberation of Palestine won't throw in the three professors as a bonus for Israel. At that point, the group's most logical tack would be to shift gears and offer its hostages in return for getting Hezbollah back into South Lebanon.

That may prove to be the most drawn-out negotiation of all. A year after the three wayward profs were spirited away, the rival Shiite Amal movement, with the backing of Syria, drove Hezbollah from its redoubts in the South. Since then, lots of bad blood has been spilled in internecine feuding. Some 3,000 Hezbollah sympathizers have been chased out of the South and are now demanding to go back. Their purpose, they declare, is not to displace Amal, but to prosecute their sacred struggle—their jihad—against Israel. If the Islamic Jihad for the Liberation of Palestine tied the release of the three professors to Hezbollah's return to the South, it could strike a heroic pose, and perhaps salvage a return on its hostages. But Rafsanjani would have to do a difficult deal with the Syrians and the Amal movement to allow Hezbollah's descent southward. The basis of that agreement—the so-called Damascus Accord—exists only on paper. Iran will have to subsidize its implementation with favors and straightforward payoffs.

Shiite hostage-holders and Syrian presidents don't get taken to the cleaners. Doing deals with them is bound to be punishing and protracted. Nor can Rafsanjani expect unanimous support at home for his efforts. Some domestic opponents who reject any reconciliation with the Great Satan are demanding that he bow out and let the hostage-holders choose their own course. Other critics are actively urging the hostage-holders to swallow their keys. Rafsanjani is playing three-dimensional chess with a dozen boards, and a mistake on any one of them could ruin his game.

But Rafsanjani draws upon a deep reservoir of *zerangi,* that manipulative guile raised to an art in Persian politics. He also knows how to issue veiled threats and make elusive promises. The hostage-holders need Iran's protection; the Syrians want that cutrate Iranian oil. Improved leverage has made Rafsanjani show (or feign) new optimism about his ability to bring the hostages out. The latest word from his camp followers puts the target date for release of all the hostages at the end of 1990, and suggests that they might be released in "stages" during the year. Each stage might well be the release of one of the cluster described above.

But there is always "Factor X": fidgeting by the Bush administration while Arabs and Persians practice their traditional art of commerce. This is not Eastern Europe. Middle Eastern history isn't on fast-forward, but advances frame by frame. A lot of patient work has created incentives without compromising principles, setting Iran's president in slow motion. But the "hostage process" can alway be arrested by some gaffe akin to the East Jerusalem debacle. Note how Bush took a needless risk by boasting of the amazing things he is doing behind the scenes to effect a hostage release. That hardly helps to convince the hostage-holders that the United States has made its final offer. Thankfully, Bush's attempted phone call to Rafsanjani went straight to a hoaxer. Who knows what new misunderstandings might have arisen? Persia's head of state cannot help wondering what stirs this inscrutable Occidental.

Martin Kramer is a fellow at the Woodrow Wilson Center in Washington, D.C., where he is writing a book on Hezbollah.

NOTCH BABIES

Mr. SPECTER. Mr. President, in 1977, Congress approved a plan designed to eliminate a perceived overadjustment for inflation contained in the Social Security benefit formula. This provided a new benefit formula for workers born after 1916. To protect people from an abrupt change in benefits, a transition formula was included in the new plan. This transition formula would have provided for a smooth changeover by dividing Social Security beneficiaries into three categories: those born before 1917, those born between 1917 and 1921—the so-called notch years—and those born after 1921.

The transition formula failed. Supporters of the plan knew benefits under the new plan would be lower—which was the intent—but they grossly underestimated the disparity they would be creating for the notch babies. Under the formula, benefits were expected to be 5 to 7 percent less than those projected under the 1972 law. Instead, workers with the same earnings record, retiring at the age of 65, and born only a few days apart, one in 1916 and one in 1917, experienced a difference in Social Security benefits of up to $1,300 each year.

The Social Security Administration reports that of the approximately 24 million retired American workers currently receiving benefits, approximately 6.6 million are and will be affected by the notch disparity.

The failure of the transition guarantee to protect those born in the notch years is primarily due to two provisions of the formula. First, post-age 62 earnings of people born after 1916 are excluded when calculating the benefits for these workers. Second, benefit increases occurring before the year a worker reached age 62 are not factored into his or her initial benefits, as they would have been under the former rules.

I am aware of the budget constraints facing us this year, but legislation to address the unfair treatment of those retired workers affected by the notch disparity must be passed.

I long have been working to seek a solution to this problem. As early as 1983 and again in 1985, I cosponsored legislation directing the Secretary of Health and Human Services and the Commissioner of Social Security to study the notch benefit disparity and report to Congress on how this problem could be corrected.

On September 30, 1986, I introduced legislation, S. 2892, to amend title II of the Social Security Act to restore benefits to notch babies. That bill was reintroduced as S. 1119 on May 1, 1987, and as S. 37 on January 25, 1989. I also joined Senator SANFORD in the 100th Congress in introducing S. 1830, the Social Security Notch Adjustment Act.

Senior citizens across the country, in addition to the many senior citizen organizations, have mobilized to protect and preserve their benefits from the budget ax. Senior citizens also wish to recoup those Social Security benefits lost due to the gross error in the automatic benefit increase provision in 1972.

On May 1, 1990, thousands of senior citizens, many from my home State of Pennsylvania, are scheduled to assemble at the Capitol to voice their opposition to the Social Security benefit inequity. They will ask Congress to vote on this notch issue, once and for all, in all fairness to them. They also urge Congress to separate the Social Security trust fund from the budget so that they and the future baby boomers will get their fair share of Social Security benefits. One important group in this effort is the Notch Babies Organization of Pennsylvania.

The time has arrived for us to send a strong message to senior citizens that

this body will preserve and protect all benefits which our elderly so richly deserve. Accordingly, I urge my collegues to join in supporting legislation to restore Social Security benefit equity.

RECRUITING NEW TEACHERS, INC.

Mr. KENNEDY. Mr. President, the United States educational system is in dire need of well-trained teachers. According to the Department of Education, between 1990 and 2000, we will need to hire 2.5 million new teachers, an average of 250,000 per year.

This increase in demand for teachers is especially critical with respect to minority teachers. While the number of minority students is increasing, the number of minority teachers is falling. If current trends continue, by 1995, minorities will make up 30 percent of the student population nationally, but will be less than 5 percent of the teacher population.

We also face a tremendous need for bilingual education teachers. This situation will also get worse: Between the years 1985 and 2000, the language minority population will increase at 2½ times the rate of the general student populaltion.

Our educational system is tragically underequipped to handle the particular needs of special education children. In 1986, 27,474 additional special education teachers were needed in the Nation's schools to fill vacancies and replace uncertified teachers.

Our system is facing a critical shortage in the number of fully qualified math and science teachers. By 1996, we will need twice as many math and science teachers as we have teachers qualified in these fields today. But for every new math or science teacher entering the field, 13 are leaving.

Mr. President, these shortages must be overcome if the United States is to remain competitive in the world economy. It is as simple as that.

While many individuals and organizations are working to address the teachers shortage, I would like to call my colleague's attention to one group that is making a heroic effort to increase the flow of talent into the teaching profession. Recruiting New Teachers, Inc., based in Cambridge, MA, has developed a multifaceted media campaign designed to encourage individuals to consider a career as a teacher. Every RNT radio or television advertisement aired is accompanied by a toll-free telephone number from which further information is available. RNT provides information on teaching careers, including information on how one can become a teacher, and targeted referrals for these potential teachers. They provide tailored recruitment lists to their network partners throughout the country. These network partners, such as colleges, universities, and school systems can then contact prospective teachers directly. RNT has benefited from philanthropic donations and an ambitious media campaign developed with the Ad Council and aired on television as a public service.

Since public service advertisements began appearing in April 1988, RNT has received more than 250,000 calls. Thirty percent of the respondents have been minorities, 69 percent of the respondents have been age 23 or over, and 55 percent of the respondents have a bachelor's or higher degree. Clearly RNT is reaching a sizable audience of people who have already completed their education but who are willing to consider a teaching career.

America needs more groups like RNT. Their work is vitally important to our future. We must educate our youth so that they will be properly prepared for life in the 21st century and beyond. Without an adequate supply of highly qualified and motivated teachers, we will fail to meet our goals.

Mr. President, RNT has a distinguished board of directors that is chaired by David Rockefeller, Jr. Its executive director is David Hasselkorn. I commend Mr. Rockefeller, the other trustees, Mr. Hasselkorn, and the able staff of this fine organization for the important job they are doing.

END OF AN ERA IN PEMBINA

Mr. BURDICK. Mr. President, newspapers have changed a great deal since 1910. That was the year Roy DeFrance purchased a weekly newspaper just south of the Canadian border and started a great family tradition. Roy was famous for his editorials and for the many years he lovingly handset his publication.

Now I note with nostalgia that the Pembina New Era has changed hands. Ione DeFrance, Roy's daughter, is retiring from the family business, and the new owner, Gunnard Ness, is expanding his chain of weekly newspapers in North Dakota. A new era has begun.

I ask unanimous consent that an Associated Press story about Roy and Ione DeFrance be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bismarck (ND) Tribune, Mar. 18, 1990]

PAPER ENTERS ITS OWN NEW ERA

PEMBINA.—If Roy DeFrance were still alive, he might sit down and write an editorial calling it the end of an era for the New Era.

But Roy DeFrance isn't alive and his daughter Ione DeFrance isn't fond of writing editorials.

Readers found out the hometown newspaper has changed hands in a routine news item in last week's paper.

It still will be the New Era with Noreen Hagness as editor, but things won't be quite the same.

The newspaper has been synonymous with the DeFrance family ever since 1910, when young Roy DeFrance—then a telegraph operator for the Great Northern Railway in St. Vincent, Minn—learned the local newspaper was for sale. He bought the galleys of type, the press and everything else needed to put together the handset publication.

He christened it the St. Vincent New Era.

"It was right at the turn of the century, and there was a new century coming up," his daughter said.

The paper stayed in St. Vincent until 1929, when the newspaper across the river in Pembina burned DeFrance and his paper crossed the Red River to become the Pembina New Era.

His daughter got started in the newspaper trade after 1941, when her father needed the help.

"After World War II started, the boys were all gone," she said. "I really got started then, setting type."

That was the main part of the trade DeFrance practiced—picking and assembling words, then sentences, then paragraphs of lead type a character at a time. He wasn't totally at odds with technology. He printed his newspaper on a cylinder press operated by electricity.

But the New Era drew attention from far away because it was one of the last handset newspapers in the United States. The Milwaukee Journal visited once for a photo story for its Sunday magazine.

The people at the New Era went on assembling rows of type by hand—persistently a part of a vanished era—until 1969, when DeFrance finally began contracting with Ness Press Inc. of Fordville to do its printing. That is the company that has now bought the newspaper from DeFrance's daughter.

DeFrance died in 1975, 99 years and five months old. The paper hasn't changed very much since then, but some.

There are a few more subscribers than there used to be. The New Era goes out to about 850 households. There were 765 subscribers in DeFrance's day.

And there aren't the editorials there once were. Ione DeFrance is a conservative but not like the fiery conservative her father was.

He who once wrote U.S. troops in Vietnam might learn from Sherman's March to the Sea and finish the business once and for all with a march into North Vietnam.

Ione DeFrance speculates occasionally about what sort of things her father might turn his pen to these days.

"Government spending was his main worry, and waste," she said. "I'm sure he wouldn't approve of all these protesters burning flags and this and that. He'd probably call them publicity hounds.

IN MEMORY OF SENATOR MATSUNAGA

Mr. DOMENICI. Mr. President, I have a few thoughts I would like to share with the Chamber about the passing of a dear friend of mine; Senator SPARK MATSUNAGA. Since Sparky's death this past Sunday there has been a tremendous outpouring of tribute to this truly great man. I could

certainly join my colleagues in this regard; Sparky's life is a testament to a man with a uniquely humanitarian dedication to this Nation, the State of Hawaii, and to Americans as a whole. This side of Sparky's life is well documented, people who never knew Sparky in person will always have the record of his accomplishments by which to remember him. I therefore would like to take this opportunity to address a more personal side of Sparky that I was very fortunate to be able to share.

Sparky was a very close friend of mine, sometimes I think that anyone who knew Sparky, and there are many, became a very close friend. Sparky always made the extra effort to ensure that the people around him shared in his warmth and friendship. This was a man who dedicated himself to working toward the betterment of the lives of so many. His passion and his undaunted dedication to the principles of humanity set Sparky's accomplishments apart from those of lesser motivations.

Senator MATSUNAGA'S term here in the Senate was marked not only by legislative accomplishements but also as one that directly involved the people of Hawaii who Sparky represented so well. Sparky knew only too well how far his office was from Hawaii. However, once a constituent made the journey to the Hart Building and sought out Sparky they were treated as special guests of the Senate. Anything else would have been unthinkable to Sparky. In my mind Senator MATSUNAGA will always occupy a special place at that table in the center of the Senate dining room surrounded as he so often was by smiling constituents.

It is not easy to stand on the floor of this Senate and talk about how much someone will be missed. It is particularly hard because Sparky was much more than a colleague; he was a close friend of myself and my family. When Sparky lived in Bethesda and Nancy and I lived in Rockville, Nancy would often drive in with Sparky's wife Helene and trade stories about our families. Nancy and I would like to extend our greatest condolences to the Matsunaga family. Through Helene we became closer friends because we shared so many experiences dealing with children and grandchildren. That closeness makes their loss particularly close to our hearts. Our thoughts go out to Helene, her friendship through the years has been very important to us, we wish her the best.

Sparky will be sorely missed. I know that the friendship and warmth he gave us will never be forgotten. His contribution to the lives of everyone here will live on; a lasting tribute to a truly great man.

COUNCIL BLUFFS, IA, STUDENTS FIGHT AGAINST DRUGS

Mr. GRASSLEY. Mr. President, I rise with pride to commend a fine group of students from Council Bluffs, IA, who participate in the drug awareness and reduction education program there.

They have come to Washington by schoolbus today to present to the Congress a petition that requests funding to fight against drug use and to increase the awareness of the drug problem in the Nation's heartland.

The students are the best example I know of how to defeat the death grip that drugs seem to have on our society—by individual action that assumes responsibility for the consequences of their actions and that assumes responsibility for the condition of their own communities.

These young American leaders know the danger and threat that drugs pose—they have seen the destruction up close.

They did not need someone from Washington to inspire them.

On their own initiative they have chosen to turn away from the allure of drugs. And they have decided to be an example to their friends who still may be using drugs.

Since they have firsthand experience of the drug problem in America's heartland—the young women and men of Council Bluffs remind us—as I have informed my colleagues many times—that drug abuse is not confined to our inner cities.

These young people manifest what I have been saying for quite some time: The war on drugs must be fought—and ultimately won—on the battleground of values.

The best antidrug program is still strong families, strong schools, and strong churches.

Because no Government program can match the moral power and persuasion of strong nongovernmental institutions.

However, all of us recognize that families in many neighborhoods and communities are under siege because of the scourge of drugs in their midst.

Certainly, Government cannot replace the family. But it can provide basic protection and resources necessary to sustain families—especially the neediest among us—as a bulwark against drugs.

And Government can provide individuals and society as a whole moral leadership by maintaining a standard of right and wrong conduct—manifested by laws and policies that make it clear and unambiguous that drug use is wrong and it must stop.

I know these young Iowans will all agree:

We can pass all the laws to fight illegal drugs we want.

We can implement all the policies against drug use we want.

However—if these policies and laws are not grounded in the people's commitment to fight drugs and their use, the laws and policies will be impotent.

That is why these young leaders are such a vital link in our fight against drugs. And that is why the efforts represented here today are so heartening and welcomed.

They are the ones who are able to reach out to their friends and other youth around them.

By taking a public stand against drug use, they are setting examples through their actions and educating their peers.

I believe they offer an invaluable influence in drug-use prevention.

It is through such outstanding efforts as represented by the students from Council Bluffs, IA, that will enable us to succeed in the war against drugs.

Again, I commend them for their invaluable contribution. Not only for the good of Iowa, but for the good of the whole Nation.

I am grateful, I am proud to represent them in the U.S. Senate, and I want them to know that they have my full support.

IMMIGRATION-RELATED DISCRIMINATION

Mr. KENNEDY. Mr. President, almost 1 month ago, the General Accounting Office released its final status report on the implementation of the employer sanctions provisions of the 1986 Immigration Act.

The report confirms exactly what many of us in Congress feared when employer sanctions were enacted in 1986—that they would produce discrimination against Hispanic American citizens, Asian-American citizens, and other ethnic minorities and legal immigrants.

The findings of the General Accounting Office are startling. The GAO conducted exhaustive employer surveys and concluded that fully 19 percent of employers have initiated illegal, discriminatory practices as a result of the Immigration Reform and Control Act of 1986. Ten percent of employers were engaged in national origins discrimination, and another 9 percent discriminated against job applicants based on their immigration status. The number of American citizens and legal immigrants wrongfully denied employment as a result must number in the thousands.

Clearly, this situation is intolerable, and it remains my position that employer sanctions should be repealed. The enforcement benefits of employer sanctions are not justifiable if they are at the expense of ethnic Americans who face new discrimination hurdles in their effforts to gain a job for which they are qualified.

So unless Congress finds a way to end this discrimination, the sanctions should be repealed.

The specific terms of the Immigration Reform and Control Act of 1986 required the Comptroller General to make a determination whether "a widespread pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment solely from the implementation" of employer sanctions. The law stated that if the Comptroller General makes that determination, then Congress has 30 days to consider a joint resolution approving his findings. If that resolution is signed by the President, the employer sanctions provisions are terminated.

The Comptroller General made that determination in his latest report, and on March 29 I introduced a joint resolution triggering the procedures to terminate sanctions.

I offered the original amendment creating this expedited procedure in the 1986 act in order to guarantee that Congress could act if discrimination developed.

Unfortunately, I believe congressional sentiment at this time is not to vote on repealing employer sanctions, but to try to reform them first before any repeal is found necessary. Therefore, it is my intention to pursue other remedies—to seek to address this alarming discrimination through a series of aggressive approaches.

Over the coming few days, I will be developing a working bill of tough immigration antidiscrimination measures which I believe should be considered by Congress as expeditiously as possible.

And, in addition, the Attorney General has designated Assistant Attorney General John Dunne, who heads the Civil Rights Division of the Justice Department, to chair a joint task force on immigration-related discrimination. In a hearing I chaired last week in the Judiciary Committee, Mr. Dunne indicated that the task force should present its recommendations to Congress within 120 days.

A number of remedial steps can be undertaken immediately through administrative action, and I have shared these with the Attorney General's task force. These include increased public education, establishing field offices for the Office of Special Counsel for Immigration-Related Unfair Employment Practices, reducing the confusing plethora of documents with which employers must contend, and involving the Department of Labor much more heavily in the employer education and enforcement process.

In addition, I believe we must address the scope of the discrimination coverage, bringing it more in line with practices under other civil rights laws. This would include, for example, permitting agricultural workers to be protected against discrimination, as well as permitting private rights of action and attorneys fees consistent with other long-standing civil rights statutes.

Finally, Mr. President, all of these steps will take time. In the interim, rather than repeal employer sanctions, I believe there should be a moratorium on enforcement while new employer education and other remedies take effect. Congress should act to establish such a moratorium if the Attorney General is unwilling to suspend enforcement for a period.

Discrimination in the enforcement of employer sanctions or any other aspect of the immigration law is intolerable. We should work urgently and vigorously to take every step possible to remedy this widespread discrimination, while continuing to hold out the prospect of repealing employer sanctions if that mission fails.

Mr. President, I ask that the text of the letter I have sent to Assistant Attorney General Dunne, as chairman of the Joint Task Force, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 25, 1990.

Mr. JOHN R. DUNNE,
Chairman, Attorney General's Joint Task Force, Department of Justice, Washington, DC.

DEAR MR. DUNNE: We appreciate your testimony and participation in the Committee's hearing last Friday to review the important issues raised by the Comptroller General's report on discrimination resulting from the implementation of employer sanctions. We look forward to working with you and the members of the Joint Task Force in dealing with the serious and urgent discrimination problems raised in the GAO report.

As I suggested to you at the hearing, I believe there are a number of both administrative as well as legislative remedies we should consider in responding to the GAO report—all necessary if we are to significantly reform employer sanctions and end the unintended discrimination that has resulted with their implementation. If we cannot achieve these essential reforms within a reasonable period of time, then we must consider repealing employer sanctions.

I listed some of them at the hearing, but I wanted to take this opportunity to follow-up in greater detail, and to formally bring these proposals to the attention of the Joint Task Force as it begins its review of the GAO report.

First, there are a number of administrative actions that can be taken now, under existing law, if the necessary regulatory actions and funding requirements are met. For example, the GAO found that employers' understanding of the 1986 immigration law actually decreased over the past three years. The obvious response to this is to dramatically increase public education programs beyond those currently sponsored by the Immigration and Naturalization Service (INS) and the Office of Special Counsel. This would suggest that the Administration should consider utilizing and funding other relevant agencies of government to expand a public education campaign—such as the Department of Labor and its field offices throughout the country, State employment agencies, the EEOC, among others.

There is wide agreement that the Office of the Special Counsel should establish field offices in light of the GAO finding that discrimination is most prevalent in California and Texas. This can be accomplished through administration action; if additional funding is required, I am confident Congress will be forthcoming.

The Administration can also implement part of the GAO's recommendation on reducing the number of documents by immediately promulgating regulations to reduce them to five or less while the Joint Task Force considers the larger, and longer-term question of establishing a single fraud-resistent and uniform employment eligibility system.

In addition, INS can immediately act to bring a greater degree of uniformity in its application and enforcement of employer sanctions. A number of enforcement related proposals have been brought to the attention of INS Commissioner Gene McNary, and they can all be implemented now, during the course of the Joint Task Force's review.

Also, more generally, in the area of administrative reform, I believe a far larger and continuning role must be played by the Department of Labor in the enforcement and fashioning of employer sanctions policy. In many respects, a law aimed at allowing only eligible workers to find and keep a job in America's workplace—the goal of employer sanctions—is really a labor law as much as it is an immigration issue. In hindsight, it was probably a mistake for the 1986 Act to give the Department of Justice and INS the sole responsibility for implementing a labor-related law. Unlike the Department of Labor, which has a well recognized and long established (and accepted) role in the American workplace, INS has had little or no experience with employers or in enforcing labor laws. Outside of the Southwest, most employers, as well as workers, consider it odd that INS, viewed as a border/immigration control force should be involved in enforcing workplace regulations and laws.

Perhaps the time has come to seriously consider shifting the primacy of employer sanctions enforcement from INS to the Department of Labor. It has regional and field offices across the country already enforcing and monitoring labor laws and workplace conditions. Until the law can be changed to accomplish this (if it is judged desireable by the Joint Task Force and Congress)—Department of Labor inspectors should at least be deputized by the Attorney General to enforce employer sanctions during the course of their ongoing workplace enforcement activities.

Finally, on issues requiring legislative action—beyond the need to provide additional authorization or appropriations—there are basically two areas that need particular attention. The first has been highlighted by Senator Simpson in his bill—and that is the question of developing a fraud-resistent care or system for determining employment eligibility in the United States—with all the underlying documentation and administrative problems, and questions of privacy, which that will entail.

While I have serious reservations about proceeding to a national identification card,

I nonetheless believe that this is a proper subject for review by the Joint Task Force.

The second area is how we can strengthen the anti-discrimination provisions of current law. I believe we must expand the scope and effectiveness of the anti-discrimination provisions of the immigration law, to make it comparable to our other anit-discrimination laws as it relates to coverage, terms and conditions of employment, private right of action, remedies and penalties and attorney's fees.

We hope you will look closely at both of these important areas of concern, which were also a principal focus of the GAO's findings and recommendations.

Again, we are pleased the Attorney General has now constituted the Joint Task Force and that it has begun its work. We were gratified at your pledge to report to Congress on your review of the GAO report within 120 days, and we look forward to working with you to accomplish this goal. In the meantime, we hope that you, your colleagues in the Department of Justice, and at INS, will consider taking some of the remedial administrative actions outlined here, even before the Joint Task Force recommends longer-term legislative reforms.

Many thanks for your consideration, and I am taking the liberty of sharing this letter with Secretary of Labor Elizabeth Dole, and INS Commissioner Gene McNary. With best wishes,

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Affairs.

THE DEATH OF SENATOR SPARK M. MATSUNAGA

Mr. WARNER. Mr. President, I rise today to express my deep sorrow on hearing about the death of my colleague, Senator Spark M. Matsunaga. Mr. President, among his colleagues he was known as "Sparky." Senator Matsunaga served in the Congress 27 years; 13 of those years he served here in the Senate as a Member of the Senate Finance Committee, the Veterans' Affairs Committee and the Labor and Human Resources Committee. He was a popular man here in the Senate and at home where he won his last two Senate races with 80 percent and 76 percent of the popular vote.

One of his greatest achievements in the Senate was gaining passage in the 100th Congress of a law redressing the injustices felt by west coast Japanese-Americans whose patriotism had been questioned and who were interned in camps during World War II.

Spark Masayaki Matsunaga was born in Kukuiula, on the island of Kauai, HI, to parents who had emigrated from Japan. He graduated with honors from the University of Hawaii with a degree in education in 1941. Upon the outbreak of World War II, he joined the Army's all Nisei 100th Battalion of the 442d Regimental Combat Team. Serving in Italy, that regiment became one of the most heavily decorated and famous units in the history of the Army. While fighting on Italian invasion beaches, Senator Matsunaga earned the Bronze Star medal and two Purple Hearts.

After the war, Senator Matsunaga recovered from his wounds and worked for the Interior Department and the War Assets Administration. In 1951, he graduated from Harvard University Law School. He was an assistant prosecutor in Honolulu from 1952 to 1954, then had a private law practice until 1963.

He was a member of the territorial House of Representatives from 1956 to 1959, serving as majority leader in 1959. After 14 years in the U.S. House of Representatives, he successfully ran for the Senate in 1976 to succeed Republican Hiram Fong, who was retiring.

Senator Matsunaga was an example of a true gentleman indeed. Soft spoken, he always greeted us warmly and treated the public and his constituents with the utmost respect and friendliness. Every time a group of constituents visited his Washington office, the group would be given a tour of the Capitol by one of his staff members and the tour ended in the Senate dining room where they dined as guests of the Senator. He liked being teased about how he was always "center stage" in this famous dining room.

I will surely miss my colleague as will all the Members of the Senate. My sympathy goes out to his family and friends here and in Hawaii. Senator Matsunaga will always be in our hearts and minds as we debate issues here in the Senate which he championed during the years he served as a U.S. Senator from the great State of Hawaii.

KEYNOTE ADDRESS BY ATTORNEY GENERAL DICK THORNBURGH AT VIRGINIA SUMMIT ON DRUGS

Mr. WARNER. Mr. President, in the next fiscal year, the Federal Government will spend over $10.6 billion nationwide in support of the National Drug Control Strategy. About one-fourth of that will go to directly support the State and local antidrug activities. The Commonwealth of Virginia will receive over $9.2 million in grants from the Department of Justice this fiscal year, over three times the $2.7 million the State received in 1989. One of the main goals of the Justice Department is to disrupt and destroy all the drug trafficking organizations. The Department of Justice has been successful so far of seizing and forfeiting immense profits and proceeds derived from the drug traffickers. In order for the National Drug Control Strategy to be successful, and for us to beat the drug traffickers, there will be a need for more cooperation among the Federal, State, and local branches of government.

Mr. President, I recently attended the Virginia Summit on Drugs banquet where Attorney General Dick Thornburgh gave an enlightening presentation on the specific resources and initiatives the Commonwealth of Virginia has used in combating the war on drugs. Mr. President, I ask unanimous consent that the entire text of the Attorney General's statement at the banquet be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

"THE WAR ON DRUGS: A VIEW TO VIRGINIA'S SUMMIT"

(Keynote address by Dick Thornburgh, Attorney General, at the Virginia Summit on Drugs Banquet, Apr. 16, 1990)

I am honored to join you this evening at this Virginia Summit on Drugs, especially to salute those of you in law enforcement for the brave part you are playing in the war on drugs. You have faced rough duty out there on the streets, I am well aware, and have fought your way up some steep slopes—to reach this summit. I want to pay you sincere tribute, as we look together at the real nature of those crimes that go hand-in-hand with drugs—the dirty hand which clasps the bloody hand, together forming the death grip of the drug abuser and the drug trafficker.

Increasingly, these days we are hearing naive talk about drug-abuse as "a victimless crime." We hear pundits, professors, and even judges, learnedly proposing to legalize drugs. What does this talk constitute but just the opposite of street smarts? Call it, I say, street ignorance. For it ignores the lessons of the street and indicates we still have a job to do to make people recognize the true risks that are associated with drugs.

Drugs are not a victimless crime. Far from it. Consider the risks to the institutions which undergird our society and values: families, schools, businesses, even our system of democracy itself. Not to mention the enormous costs that must be borne—eventually—by every citizen and taxpayer.

In the next fiscal year, the federal government will spend over $10.6 billion nationwide in support of our National Drug Control Strategy. About one fourth of that will go to directly support state and local antidrug activities. Virginia will receive over $9.2 million in grants from our Department of Justice alone, over three times the $2.7 million you received in 1989. But even with such funding, how can you ever "offset" what drugs have already done to the families of substance abusers? How can you ever "recover" the terrible cost to the children of drug addicts—especially those babies who enter into the world thrashing, trying to shake the shackles of a crack addiction they were born with?

Drugs a victimless crime? Think about the level of violence and homicide that attends that current crime wave, and then recall that well over half of those arrested for non-drug felonies test positive for drugs. With every drug purcahse, whether its made on some dark urban street corner or behind a rustic rural barn, that transactions represents that last stage in a criminal business enterprise that, in terms of production, marketing, and distribution, rivals the most efficient of legitimate, multinational consumer businesses. That one drug purchase—

and hundreds of thousands like it—support a network of multinational criminal conglomerates, who not only contribute to our domestic strife and the dissolution of our communities, but who also threaten the very democracies of our South American allies.

A victimless crime? The National Transportation Safety Board reported earlier this year that 33 percent of the truck drivers killed last year were impaired by drugs and alcohol, exposing countless other drug-free drivers to the risk of accident, injury, or death.

Those are only some of the risks, and each of you here knows of many others.

But what of responsibility? Who must face up to the daunting challenge of facing down drug abusers and drug traffickers. Everyone turns first, of course, to Uncle Sam. One of the most famous of fables is, "I'm from the federal govenment and I'm here to help." We are here to help, but it's no accident that President Bush's strategy is called a National Drug Control Strategy, not a federal one.

Yes, your federal government does have an important role to play in the war on drugs. Because, clearly, from just the law enforcement perspective alone there are some things that only the federal government can do: such as working across state lines and in other countries with our foreign counterparts, creating national and international intelligence networks, and dismantling the upper-most echelons of major criminal drug trafficking enterprises.

In the next few moments I'd like to highlight for you some of the major areas where we will be focusing the federal effort. It will quickly become apparent that there is a role here for everyone, and I'm not speaking just about government and its institutions. We must count on the unqualified support of many disciplines throughout American society: business, education, health care, and perhaps, most important, parents and individual citizens. We must all do our part. And we must work together, as true partners, if we're going to make a difference.

From a law enforcement perspective, our responsibility is to disrupt, dismantle, and destroy drug trafficking enterprises. This ambitious agenda reaches across the full spectrum of drug activity. We intend to disrupt the drug marketplace by displacing sellers and users alike. We intend to dismantle drug trafficking organizations by incapacitating their leadership.

And, most important, we intend to destroy the very infrastructure of these criminal conglomerates by seizing and forfeiting the immense profits and proceeds derived from their illegal activities. Recently, for example, we seized over $90 million dollars of the drug assets of just one of the major Colombian kingpins, stashed in four different countries. We're also going after the illegal income of General Noriega and other narcotraffickers.

As the President's National Drug Control Strategy emphasizes, there is a progression in our partnership efforts to fight the drug problem. Realistically, most of the enforcement activity directed toward the street drug user will come from the local and municipal levels of law enforcement.

But as we collectively direct our enforcement efforts further up the trafficking chain away from the purchaser to the retail sellers, to the mid-level distributors, and to the wholesalers, there is a need for increasingly more cooperation among the federal, state, and local branches of government. Many of these efforts result from informal arrangements with two or more police departments working together against a common target. But still other enforcement endeavors are the result of longstanding, established interagency cooperation.

One of the most successful of these initiatives has been and continues to be the Organized Crime Drug Enforcement Task Forces. The President's Drug Strategy recognizes these task forces for what they are—a model of effective, intergovernmental cooperation dedicated to dismantling organized drug networks at the highest possible level. This program will realize major resource enhancements next year—increases that will provide for more federal investigators and prosecutors, as well as support staff, across the country.

These Task Forces capitalize on the skills of nine separate federal agencies, including the DEA, FBI, and IRS, as well as significant support from state and local agencies.

In fact, I want to applaud one major success you've recently scored here in Virginia, through the Task Force under U.S. Attorney Henry E. Hudson. That is the OCDEFT undercover operation that dismantled the Tabar Organization. Amin J. "Amir" Tabar once worked for the Iranian embassy, but abruptly changed careers in 1987, and spent the next two years drug-trafficking in the DC/Northern Virginia-Maryland market. He will now spend the next twenty years in prison without prospect of parole.

Amir Tabar was convicted of trafficking in drugs from two continents. He orchestrated the smuggling of heroin and opium from Iran and handled shipments of cocaine from Mexico. His organization, with some fifty employees, did at least $5 million worth of drug-dealing through three Virginia used car dealerships. But no more.

Earlier I mentioned that one of our goals is to destroy the very financial infrastructure of these criminal drug enterprises. Experience has taught us that as important as it is to convict and imprison the drug kingpins, they are often replaceable. But, when we seize and forfeit their cash, their cars, their boats, their planes, their houses—and even their satellite dishes—these crime syndicates can't go on.

Nationwide, our forfeitures exceeded a half billion dollars last year—$160 million of which was turned back to cooperating state and local agencies.

Just as was done in the Tabar Case. Not only did we see a significant sentence imposed, but I'm pleased to report that we were able to seize and forfeit over one million dollars in assets—a quarter of a million in cash, real estate and sixteen cars.

I am also pleased to report that the three Arlington, Virginia police officers who took part in this undercover operation earned their department an equitable share in the Tabar forfeiture—$74,000. Appropriately, the moneys have been used to purchase Glock 9-millimeter pistols for all Arlington police officers, upgrading their protective firepower to help match the deadly weaponry of the drug-dealers.

We are forgoing other new partnerships as well. In Virginia you are fortunate to have two excellent Law Enforcement Coordinating Committees, directed by two fine LECC Coordinators in our U.S. Attorneys' offices: Sharon "Sam" Dibbley in the Eastern District, and Betty Fitzgerald in the Western District. Out of Alexandria, for example, Sam Dibbley has been staffing conferences for state and local law enforcement officials—on search and seizure warrants, drug-demand reduction, and asset forfeiture—thus recycling the experience gained back into more effective law enforcement.

The LECCs have also embarked on special partnership programs within the community. In two progressive outreach efforts to target the profits and proceeds of drug trafficking, the U.S. Attorney's Offices and federal agents are meeting with representatives of the banking and financial communities to provide them with an overview of money laundering and their role and responsibilities in curbing this criminal activity.

I hope that by mentioning just these few ways in which we are trying to attack the drug problem within our communities, you'll get some ideas of how you can work through existing channels or identify which new channels need forging.

I'd like to turn from American states like Virginia for a moment and focus on another America—Latin America—as it relates to our international endeavors. As you know, President Bush met recently with the Presidents of Bolivia, Colombia, and Peru to arrive at ways in which cooperation can be enhanced to strengthen comprehensive assaults against the production, trafficking, and consumption of illegal drugs. The United States is already committed to providing military surveillance, law enforcement, and economic assistance to these Andean nations. And, although our South American neighbors have demonstrated tremendous will, resolve alone is insufficient. They need our help—our resources as well as our moral support.

That is why I am leaving on Wednesday to chair our delegation to the special meeting of law enforcement leaders from the Organization of American States—the top police and prosecutors from 27 western Hemisphere nations. We will convene for three days in Ixtapa, Mexico, to map out specific ways in which we can work together to truly make the whole of our hemispheric effort more than the just sum of its parts.

At the top of our list, I will be urging all member nations of the OAS to ratify the United Nations Drug Enforcement Convention. We in the United States were one of the first nations to join this important undertaking to enhance law enforcement efforts worldwide. Over 100 nations drafted this new drug fighting treaty, which I was privileged to sign on our behalf in late 1988, in Vienna.

When fully implemented, this compact will establish a truly international network of cooperation unparalleled in law enforcement history. We can look forward to the day when bank secrecy laws no longer lead to dead ends. We can look forward to the day when, aided by mutual legal assistance treaties and obligations to extradite international drug felons, we can promise these nefarious crooks that there will be no safe havens. And we can look forward to the day when asset-forfeiture laws will have a worldwide reach into the rich coffers and deep pockets of the drug lords.

Events of the past year in our hemisphere can give us many reasons for hope. The level of enforcement activity in Colombia is unprecedented. Not only has President Virgilio Barco stood firm in the face of the assaults of the narco-trafficantes; he also showed his courage and mettle in extraditing by decree some 15 of their nationals to the United States to stand trial for drug trafficking violations.

No less exciting has been the end to the tyranny in Panama, whose self-declared ruler now awaits trial in Florida for drug trafficking. And the conviction and sentenc-

ing in Mexico of a number of persons, including Raphael Caro Quintero and Ernesto Fonseca Carrillo, who were responsible for the murder of DEA Special Agent Kiki Camarena.

These tales are every bit as exciting as Tom Clancy's "Clear and Present Danger," but they're a true testament to that special courage of narcotics officers everywhere in the world, beginning here at home.

Let there be no mistake. We all yearn for what President Bush has described as a kinder and gentler America. But we also recognize that, in order to achieve a kinder and gentler nation for all Americans, we're going to have to get rougher and tougher with some Americans—those involved in drug trafficking and the violence it inevitably spawns. Those who choose to violate our laws must, and will, be held responsible, and that's a job for all of us in law enforcement.

But this war won't be won by you committed men and women who police our streets and communities—alone. And it won't be own by soldiers in the Andean mountains—alone. The war on drugs will only be won when all of our citizens are enlisted as foot soldiers. When all of our citizens recognize the threat of drugs, and when all are prepared to do something about it—to help restore the sense of values which rules out drug dependency as an acceptable life style.

True, law enforcement solutions alone will never solve the drug problem. We must also reduce the demand for drugs. We must provide more and better programs of prevention, education, rehabilitation and treatment. But, all the while, we must keep up a sustained law enforcement effort.

In all of these efforts, our goal must be clear. It is an America—and a world—where "pot" once again means a useful cooking utensil, where "crack" is the sound of a baseball hitting a bat, where "grass" is something to mow, not to smoke, and where "heroin(e)" means a Helen Keller, A Christa McAulifee, A Sandra Day O'Connor and yes, a Barbara Bush.

That is a goal toward which we all can, and should, persevere. Thank you.

Mr. BYRD. Mr. President, has morning business been closed?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4404, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

COMMITTEE AMENDMENT BEGINNING ON PAGE 2, LINE 11

The PRESIDING OFFICER. The pending question is committee amendment No. 1 which the clerk will report.

The legislative clerk read as follows:

On page 2, beginning on line 11 insert new language as follows:

For additional expenses to meet the present emergency needs for "General expenses," $15,000,000, to remain available until expended.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, like our distinguished chairman, Senator BYRD, who made a statement last night in anticipation of this bill being laid down now, the Committee on Appropriations has moved this bill to the floor for this point of time, and we had some very spirited debate in the committee on various and sundry issues within this bill.

I might comment that the original dire emergency supplemental bill was primarily concerned with aid to Nicaragua and to Panama. And as you see in this bill print now, that issue is no longer the sole or main issue within the supplemental, because it has been joined by a number of other very important matters and policies of pressing concern, all of which deserve the careful, though I would say expeditious, hearing, and consideration here today.

I remind my colleagues on this side of the aisle, especially, that deficit neutrality will characterize all successful attempts to amend this supplemental appropriation bill. If an amendment is urgent enough to be considered at this time on the floor, it certainly then has to be important enough to merit the appropriate offset from another part of the measure.

We urge this not because of any policy of the committee, but by the Budget Act itself, which we are functioning under and to give this bill an opportunity to move to conference at the soonest date possible. We must move this bill. To that end, I hope that our debate today will be not only purposeful, but I hope it will be very brief.

I join with our chairman in offering this bill at this time as the best judgment and consensus of the committee. I also want to comment that I find over my tenure of service on the Appropriations Committee, the appropriations process has become more difficult and more difficult. That is because, in part, that we have strayed far from the matters relating only to appropriating money for providing the support to these various programs and agencies. We have increasingly found the appropriation vehicle as the vehicle to resolve all other unresolved issues and matters not of appropriation character, but of policy character, that should more purposefully move through the authorizing committees.

I want to, at some time, make a study on how many hours we have debated on this floor on an appropriation bill when it was not an appropriation matter. I would venture a guess, Mr. President, that we have spent more hours on this floor debating issues not under the jurisdiction of the Appropriations Committee than we have in debating the substantive matters within the appropriation bill, as it relates to the appropriations process.

These admonitions have been issued many times before, but I want to merely use them again as a point to say that the chairman of the committee, which has 29 members and is the largest committee of any committee of the Senate, 16 Democrats and 13 Republicans, and when you view the members within their respective party designation and you find the full range of political philosophy expressed and represented, it is no longer just a question of Democrat and Republican. It becomes a question of philosophy.

The chairman is really a maestro orchestrating a great symphony to keep the discorded notes out and harmonious notes in. It becomes increasingly difficult bearing upon the role and responsibility of the chairman.

The chairman and I have worked closely together over a period of years, and I am proud of that relationship, that working relationship, because it is undergirded by a sense of friendship and warm affection. The chairman and I do not agree on every issue, any more than any of my friends on this side of the aisle agree on all issues. For that matter, my wife does not agree with me on a lot of political issues.

That is not the point. The point is that we have this harmonious, wonderful, working relationship, and we have diversity within the committee, and that is part of the great pluralism of our society and of our democracy, which now we find our friends over in Eastern Europe trying to emulate, to get diversity, pluralism, rather than a monolithic, myopic thing.

I want to commend the chairman, again, for a marvelous performance in putting together controversial, very important issues, that have very distinctive viewpoints from the colleagues on the committee, and I am sure will be reflected here again on the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore [Mr. BYRD].

Mr. BYRD. I thank the very distinguished Senator from Oregon [Mr. HATFIELD] for his generous remarks, and I can return them in kind and in double measure.

I have served under several chairmen of the Appropriations Committee in my 32 years in the Senate: First, under Senator Hayden, who was the chairman of the Appropriations Committee when I came here, Carl Hayden; and Senator Richard B. Russell; and Senator Ellender; Senator McClellan; Senator Magnuson; Senator HATFIELD, and Senator Stennis.

So I have had excellent tutoring all along the way during the 32 years. They have all been excellent chairmen. We have a fine committee. It does compose 29 percent of the total Senate, and I have been favorably blessed by having worked with him as my teammate, worked in tandem with me, and always with the underlying basic solid friendship that is there and that exists between Senator HATFIELD and me.

He is a decent, fine person, and at all times he has given me help and cooperation and encouragement. It is true that we do not agree on some matters. That could not be expected of any two persons anywhere, at any time, and certainly over a period of time; and I could not be more fortunate in having as the ranking Republican member on that committee, Senator MARK HATFIELD.

I respect him, I admire him, and I am very fond of him.

Faithful are the wounded friends, and I consider MARK HATFIELD my friend. I hope he does not carry any wounds as a consequence of that, but I am proud of the association I have with him as a working team on that committee.

Mr. President, I am going to make a statement. I see the distinguished Republican leader on the floor. Does he wish to ask a question of me prior to my proceeding? I will be happy to accommodate him.

(Mr. KOHL assumed the chair.)

Mr. DOLE. If I might just address a question to the distinguished chairman of the Appropriations Committee. I know that after the statement there will probably be a major amendment by the Senator from West Virginia and the Senator from Louisiana [Mr. JOHNSTON].

I inquire of the distinguished chairman. I have an amendment I do not believe will be controversial. I have not had an opportunity to discuss it personally with the chairman. We have discussed it with the staff. It would appropriate $5 million for relief of earthquake victims in the country of Armenia. As the chairman knows, we had—I will not say a bitter debate—we had a good debate on the history. There was a devastating earthquake in December 1988 and there were 30,000 to 50,000 people killed there, a half million people homeless in a country of 4 million, a half million homeless.

I do not mean the amendment is controversial.

I have to be absent from the Senate from about 12 to 1 p.m. I am wondering if I might be able, after laying down the major amendment, to offer my amendment if I can work it out with the chairman and with the ranking member.

Mr. BYRD. The distinguished Republican leader will certainly have no problem with me in that regard. Senator LEAHY, the chairman of the subcommittee, is presently examining the amendment, and I will know when I hear from him as to what his reaction will be. Personally, I have no problem with it. I will be happy to support it. I will certainly step aside for the Republican leader to offer his amendment whenever it is convenient for him. I want it to be at his convenience.

Mr. DOLE. I do not want to interrupt a major amendment. I have discussed the amendment with Senator HATFIELD's staff and with Senator KASTEN personally on this side.

I agree that Senator LEAHY should have an opportunity to look at it and clear it before any action is taken. I did want to indicate, I understand there is about that much money that has not been allocated. If I do not offer it earlier, I am certain someone else will discover that and they will be here ahead of me. I do think this is certainly a meritorious cause.

Compared to other industrialized nations, I think we can say, without any satisfaction, the U.S. contribution has been minimal. Most of it has been transportation of food supplies and the expense of that to the Defense Department.

We have had millions of dollars privately donated to the Soviet Armenian Republic and this money would go to non-governmental organizations, again given directly to the Soviet Union.

I would say, having visited Soviet Armenia, if you want to go to a place that will make you cry, you visit some of the homes or you visit the school, which was devastated, and 400 young children wiped out in 40 seconds. While you are standing there the mothers come out of these little tin shacks and talk about the tragedy. That should not itself justify assistance.

In the history of this country we have been responsive to tragedies and certainly this was significant international calamity.

I thank the distinguished chairman and the ranking member, Senator HATFIELD.

Mr. BYRD. May I again say that the distinguished chairman, Mr. LEAHY, is looking over the amendment. I would certainly be happy to support it. As a matter of fact, I would like to be a cosponsor of it. I do not ask to be, because this is the amendment of the distinguished Republican leader. I do not want to in any way attempt to press my name in connection with it. But I am 100 percent with him in sympathy for those Armenians who suffered from the earthquake, and I just cite I will be happy to be a cosponsor with the Senator.

Mr. DOLE. I would say the amendment is being offered by myself and Senator LEVIN. I would be very pleased to have the distinguished chairman to be the lead sponsor of the amendment.

Mr. BYRD. I would not presume to take that leadership from the Senator. He is the leader and I would be happy just to join with him if he would like.

Mr. DOLE. I see the subcommittee chairman, Senator LEAHY, is on the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Vermont [Mr. LEAHY], and retain my rights to the floor, for the purpose of his responding to the Republican leader.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have been up in the meeting of the Defense Appropriations Subcommittee, and I apologize to the chairman. I just came down here. I have an understanding, Mr. President, that the distinguished Senator from West Virginia retains his right to the floor.

If I might ask the distinguished Senator from Kansas if he could just quickly summarize his amendment. I understand it is for $5 million, is that correct?

Mr. DOLE. It is an amendment offered by myself and the distinguished Senator from Michigan [Mr. LEVIN] and I believe, to acknowledge the cosponsorship of the chairman of the committee, Senator BYRD, and the ranking member, Senator HATFIELD. What it does is make available nongovernmental funds for humanitarian relief, transportation, materials provided for such relief, medical treatment, education, vocational training, to the victims of the Armenian earthquake of December 7, 1988.

As I was indicating to Senator BYRD, I have had an opportunity to visit Soviet Armenia and to see the devastation and point out there were 30,000 to 50,000 Armenians killed in this earthquake. There are up to 400,000 to 500,000 homeless in a country of about 4 million people. I point out that we have as a Nation been rather at the bottom of the list on support we have given to the victims of the earthquake.

Mr. LEAHY. Mr. President, I recall the visit the distinguished Republican leader made to Armenia. I applaud his own efforts in going there. I think his going there helped call attention not only in this country but in other countries the terrible suffering caused by that earthquake. I also recall not only talking with the distinguished leader

when he came back and knowing how deeply he felt about it, but also seeing the pictures that were on the news.

I do not think any one of us in our own experience in this country or elsewhere could envision something as terrible as what the distinguished leader saw when he was there.

I would note that in the fiscal 1990 foreign operations appropriations bill we did provide $5 million to assist those Armenian earthquake victims, which was recommended by the distinguished Senator from Kansas. I supported the inclusion of that $5 million and was strongly in favor of it.

I support this amendment to send additional aid to the earthquake victims in Armenia. I think it is in the best traditions of the American people. However, I am concerned about reports that the private voluntary organizations that are responsible for using these funds have had difficulty getting started there. I want to help but will this money get to the people in need?

Mr. DOLE. Will the Senator yield?

Mr. LEAHY. Of course.

Mr. DOLE. I agree in part with what the Senator from Vermont has indicated. But we have been in touch with AID, and they just had a team there and they reported back. They are now prepared to spend out the money. They are getting applications which are going to be far in excess of the $5 million.

I agree, as in any other case, if we get the Federal Government involved, it moves very slowly. But the AID mission has been there. We have been in touch with the group; they have indicated they are going to begin to spend that.

In addition, at Senator LEVIN's request we added transportation, which is one of the biggest bottlenecks in the Soviet Armenian Republic. We think that will require considerable additional money.

I know my friend from Vermont is sympathetic to this cause. If there is no disagreement, if we could adopt the amendment, I would be prepared to say this: If by day's end, or whenever we complete the bill, we have not been satisfied, or the Senator from Vermont has not been satisfied, that the money will be allocated, I will withdraw the amendment at that point.

As I pointed out to the distinguished chairman, I have to be absent from the Senate for about an hour and a half, and I would like to do it now, if I could. I think Senator LEVIN would be happy to come to the floor to make the case on that side. It is not a partisan matter.

I agree with the Senator. If they are not going to spend it, it should not be appropriated. But I think I can assure my colleague that the money will be spent properly through the PVO's, who are now in the process of getting their applications reviewed at AID.

Mr. BYRD. Mr. President, would this help the distinguished Republican leader? I would assure him that he would be first in line, as far as other Senators are concerned, with his amendment, once we can dispose of my amendment or amendments.

Mr. DOLE. That is fine with me.

Mr. BYRD. There will be a little money left in the outlay figure, and I assure the Senator that I will not let any other amendment come in that would chew into that until he has had a chance. And that would give the Senator from Vermont a little additional time, too.

Mr. DOLE. And I will work with the Senator from Vermont to assure him we are not going to appropriate money that is not going to be expended.

Mr. LEAHY. If the Senator from West Virginia will yield to me?

Mr. BYRD. Yes, I will yield.

Mr. LEAHY. As the Senator from Kansas knows, I am very sympathetic to aid to the earthquake victims. Certainly, I do not want to do anything to stop that.

I just want to make sure when we vote it, they will actually get it.

I thank the Senator from West Virginia for yielding.

Mr. BYRD. I thank the distinguished Senator and the distinguished Republican leader. I will keep his amendment in mind, and do as I promised.

Mr. President, I wish to review a little of the history of this bill. I do plan to offer an amendment, and I will summarize the amendment before I proceed.

The amendment that I shall send to the desk would reduce the appropriations for aid to Panama from $420 to $300 million.

This $120 million reduction in budget authority yields a reduction in outlays of $63.6 million.

Using the reductions in budget authority and outlays, the amendment would provide additional appropriations, for the following domestic programs: $50 million for Indian health facilities. These funds will enable the Indian Health Service to begin addressing the backlog of sanitation requirements for Indian housing. At the present time, that backlog is estimated to be $650 million, so this would be a good downpayment on that; $50 million, a good downpayment toward the $650 million.

For the Department of Energy, environmental restoration and waste management activities. These funds that I would include in my amendment would amount to $200 million. They would be used to accelerate the Department's efforts to clean up the numerous environmental problems at its facilities, at Federal facilities.

We are talking about a massive problem here, something that may equal or, who knows, surpass or come close to the figures that finally will evolve in connection with the savings and loan crisis. We are talking about billions of dollars. But this would be a good step forward, a good downpayment; $200 million.

Third, I would provide $8 million for the Department of Agriculture's Emergency Conservation Program. This additional amount, plus the $10 million already included in the bill, will provide full funding for this disaster program, and it would cover disasters in 21 States, which I will enumerate into the RECORD just a little later, so Senators from those States will know how much the amount will provide to each of their respective States.

Thirteen million dollars for the Soil Conservation Service, salaries and expenses. This appropriation gives the Secretary of Agriculture $13 million to carry out a section of the farm bill providing asisstance to farmers who suffered crop loss as a result of natural disasters.

Twelve million dollars for WIC, special supplemental food program. These funds would be used to provide additional funding to local health clinics to provide supplemental foods to low-income women, infants, and children who are at nutritional risk.

Mr. President, so that Senators may know how much of the $13 million we would give to the States in the special supplemental food program for women, infants, and children, I ask unanimous consent that a table be included in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN [WIC]

State	1989 program grant	Byrd amendment estimate
Alabama	$41,061,000	$262,525
Alaska	5,761,000	36,833
Arizona	35,895,000	229,496
Arkansas	25,024,000	159,992
California	172,979,000	1,105,949
Colorado	19,325,000	123,555
Connecticut	27,245,000	174,192
Delaware	4,583,000	29,302
District of Columbia	6,230,000	39,832
Florida	69,776,000	446,116
Georgia	61,237,000	391,521
Hawaii	9,290,000	59,396
Idaho	10,633,000	67,983
Illinois	76,768,000	490,819
Indiana	37,454,000	239,464
Iowa	18,744,000	119,841
Kansas	16,899,000	108,044
Kentucky	38,043,000	243,230
Louisiana	55,432,000	354,407
Maine	10,154,000	64,920
Maryland	23,550,000	150,568
Massachusetts	31,202,000	199,491
Michigan	66,860,000	427,472
Minnesota	27,942,000	178,648
Mississippi	38,739,000	247,679
Missouri	36,419,000	232,846
Montana	7,401,000	47,319
Nebraska	11,404,000	72,912
Nevada	7,097,000	45,375
New Hampshire	7,197,000	46,014
New Jersey	40,629,000	259,763
New Mexico	18,098,000	115,710

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN [WIC]—Continued

State	1989 program grant	Byrd amendment estimate
New York	152,195,000	973,065
North Carolina	54,851,000	350,692
North Dakota	7,119,000	45,516
Ohio	81,029,000	518,062
Oklahoma	30,069,000	192,247
Oregon	19,115,000	122,213
Pennsylvania	74,208,000	474,452
Rhode Island	7,907,000	50,554
South Carolina	39,551,000	252,871
South Dakota	8,563,000	54,748
Tennessee	41,307,000	264,098
Texas	129,806,000	829,920
Utah	19,308,000	123,447
Vermont	6,864,000	43,885
Virginia	37,644,000	240,679
Washington	26,636,000	170,298
West Virginia	16,469,000	105,295
Wisconsin	29,918,000	191,282
Wyoming	4,553,000	29,110
Guam	2,056,000	13,145
Puerto Rico	80,052,000	511,816
Virgin Islands	4,640,000	29,666
Undistributed	(9,115,000)	(58,277)
Total	1,923,816,000	12,300,000

Mr. BYRD. Mr. President, this overall amendment is deficit neutral, so no point of order would lie against it in that respect. It is deficit neutral in that the outlays resulting from the above increases in appropriations are fully offset by the outlay savings resulting from the reduced appropriation in aid to Panama.

The budget authority is within the overall levels allowed in the 1990 budget resolution. Therefore, the amendment is not subject to a Budget Act point of order under section 311(a).

That, in summary, is what the amendment would do. I will be offering the amendment on behalf of myself and Senators JOHNSTON, INOUYE, FORD, and ROCKEFELLER, and would welcome the cosponsorship of any other Senator on either side of the aisle.

Let me review a little of the history of this bill. After the United States intervened in Panama in the overthrow of General Noriega, the President requested $1 billion for that country.

The Congress acted quickly on phase I of that request, $500 million, of which a small amount was for humanitarian aid and a larger amount was for loans to jump-start the Panamanian economy.

In March, after the February 25 election of Mrs. Chamorro as the new President of Nicaragua, the President requested $300 million to aid the new Nicaraguan Government. At the same time he asked for rapid congressional action on the request for Nicaragua and the second half of the request for Panama.

Now here we are ready for Senate consideration of the supplemental. The Senate has passed an authorization bill for these funds for Nicaragua and Panama. The House has appropriated funds for these countries. In addition, the bill also includes funds for other domestic programs that are of extreme importance, including measles outbreak control and Head Start.

Senator LEAHY and I offered an amendment in committee during the markup on this bill earlier this week. Our amendment would have reduced the appropriations for Panama to $300 million, and we would have applied those outlays that would accrue therefrom to various other programs, one of which is Head Start. We were successful in adding $166 million for Head Start. We did not succeed in reducing the figure for Panama from the House figure of $420 million down to $300 million, but we were successful in getting the Head Start money in, $166 million. We were also successful in getting $44 million in for VA medical assistance.

So, in addition, the bill includes funds for domestic programs, such as the one I just mentioned—Head Start. I should say it includes—with respect to the measles outbreak control, we can thank Senator BUMPERS for offering an amendment to add moneys for that program, that very important program, and I am sure we will hear more about that during the debate—the low-income home energy assistance program, disaster assistance, unemployment compensation offices, food stamps and medical care for veterans, which I have already mentioned.

I made it clear, when the bill was marked up in the Appropriations Committee, that I disagreed with the magnitude of the President's request for Panama and Nicaragua. Senator LEAHY, as chairman of the appropriations subcommittee, and I worked together to develop and amendment that would, as I say, have reduced the figure for Panama. I want to pay tribute to Senator LEAHY for his excellent leadership that he has consistently shown in handling this difficult legislation and for his splendid cooperation in working with me on the amendment which we offered the other day in the committee, for his leadership in that regard and for the fine leadership that he demonstrated at the committee meeting and in defense of the amendment.

In carefully examining the President's request, I concluded that, in fact, there was much in his request for both countries, both Nicaragua and Panama, that did not fit the criteria of urgent emergency needs. I do not think the administration justified the $300 million for Nicaragua, but I swallowed by feelings in that regard and went along with the $300 million for Nicaragua.

With respect to Panama, I should say that I do not think it is an emergency to send $30 million to stimulate tourism in Panama. That is part of the administration's request: $30 million to stimulate tourism in Panama. That is something that can wait on the regular bill. We will have a regular bill coming along in a little while, in a few weeks, certainly before the end of the fiscal year, September 30, and we can address additional needs for Panama in that regular bill. We do not have to do it today. We do not have to do it now. It is not all that emergent. Why is $30 million in tourism so emergent for Panama at this moment? Why do we have to have in this bill $30 million for tourism in Panama? I will have a few words to say about the need for appropriations for tourism in West Virginia probably at some point. There are 49 other States that likewise would probably be happy to have some additional moneys for tourism; Vermont, for example. I see the distinguished Senator nodding his head in the affirmative.

I do not think that building $20 million worth of schools in Panama is an emergency. I do not think that has to be in this bill. What about our own schools building in this country? We have school building needs. Why is that a dire emergency right at this moment that we appropriate $20 million for schools in Panama?

I do not think the shelling out of $130 million to pay Panama's debts to the multilateral banks—did all Senators hear what I said? I did not say to pay our debt which as of April 25 was $3,000,361,000,000. That is what we owe and we are paying interest on that amount—$3,000,361,000,000 as of April 25. But the administration suggests that we put in this bill $130 million to pay Panama's debts to the multilateral banks, and that will be added onto the deficit, and we will pay interest on that additional amount in the deficit. We will continue to build up that deficit as we go along like this, and we have to pay interest on it.

So we provide $130 million for Panama to pay off Panama's debts to the multilateral banks, and our children and grandchildren will be paying interest on this massive national debt that has been tripled within the last 10 years. So we are going to hand out $130 million to Panama, and we will continue to pay interest on that $130 million, which is going to be added to the deficit until kingdom come.

I do not think that is necessary in this bill. We have a regular bill coming along. We can take another look at that. Just so Panama can borrow more, I do not think that is an emergency. I think paying our own debts, reducing the deficit, ought to be a higher priority than paying Panama's debts, certainly in this bill.

So I am proposing that Panama receive $300 million in assistance in this bill notwithstanding the language elsewhere which provides $420 million.

The administration has provided acceptable justification only, in my judgment, for $300 million in urgent assist-

ance to revive the Panamanian economy. There is certainly no urgency about contributing $130 million to help Panama pay its back debts to the World Bank and the International Monetary Fund. It is going to take months to raise the $600 million for that, and the Appropriations Committee can consider that part of the request in the regular foreign aid bill this fall.

Let me be a bit repetitive here because I think it ought to sink in. There is also no urgency about providing $30 million to develop tourism, $20 million for construction of schools, $6 million for technical assistance, $4 million for scholarships, and $6 million to develop nontraditional exports.

These may well be needed over the long term, but they certainly are not urgently needed to jump-start the Panamanian economy now.

The Appropriations Committee can, and it will consider, additional assistance to Panama should it be justified in only a few short weeks or months.

The amendment includes an additional $21 million for the emergency conservation program under the USDA Stabilization and Conservation Service. The bill currently contains $10 million for that program which is the amount that the House included. However, since the House acted, additional States have identified the need for disaster assistance—since the House acted.

The disasters covered by these funds include floods, tornadoes, brush fires, the earthquake in California, and Hurricane Hugo. The amendment that I am offering on behalf of Senators JOHNSTON, INOUYE, FORD, and ROCKEFELLER would provide full funding for this disaster program. The funds would cover disasters in 21 States. And we will list those States.

For the WIC, special supplemental food program for Women, Infants and Children Program, the amendment includes an additional $12.3 million. This program makes funds available to local health clinics through State departments of health and to Indian tribes to provide supplemental foods to low-income pregnant women, infants, and children up to 5 years of age who are determined by competent medical or nutritional professionals to be at nutritional risk.

As of 1986, only 62 percent of all eligible participants below 100 percent of poverty were served by the WIC program. The Appropriations Committee received a letter signed by 76 Senators—and I hope those 76 Senators are listening and will support this amendment—asking that $2.158 million be appropriated for WIC. However, due to budgetary constraints only $2.16 billion was appropriated.

This amendment will provide an additional $12.3 million and will increase the number of eligible participants that can be served by this program. The amendment also includes an additional $50 million in funds available for Indian sanitation facilities to address critical and basic human health needs. These funds will enable the Indian Health Service to begin addressing the backlog of sanitation requirements for Indian housing. There are not many Indians in my State, but that is an American need.

As I said some time ago when we had considerable debate on the amendment that I offered on behalf of myself and 18 other Senators to the clean air bill, we in West Virginia do not follow rivers and mountains and latitudinal lines to determine where patriotism stops and patriotism begins. Whatever affects Indians in Arizona or New Mexico, or wherever, affects all of us.

These funds will be used to address the highest priority items in the Indian country nationwide. The funds will address fundamental health requirements that most of us take for granted—running water, functional sewer systems, wells, septic tanks, water purification, and the like.

This amendment would also provide $200 million for a new account entitled Environmental Restoration and Waste Management in the Department of Energy. These funds are intended to accelerate the department's efforts to clean up the numerous environmental problems which have been documented at its facilities, especially the weapons production plants.

The department has acknowledged that these problems result from 40 years of inadequate attention. Moses was 40 years leading the Israelites through the wilderness in his quest for the promised land—the land of milk and honey. Well, Moses, in all of those 40 years, never was able to enter the promised land himself, but he was able to get within sight of it.

So we are talking about 40 years of inadequate attention to an environmental problem. The environment is the order of the day. We had Earth Day this past Sunday. I did not attend it. But I was on Earth as a part of the homosapien species that is being affected by the environment, which needs to be cleaned up.

So here is $200 million for a new account entitled Environmental Restoration and Waste Management in the Department of Energy, to accelerate the Energy department's efforts.

The department has acknowledged that these problems result from 40 years—that should be repeated, 40 years. That is over half of my lifetime. I do not think I will be around long enough to take care of the whole problem, but I want to do my bit right now. I am trying to do a little of my share right here on this bill.

The funds provided in this supplemental appropriation are needed to reduce or prevent near-term public health and environmental degradation from these federally owned or operated facilities.

We in the Senate have just passed the clean air bill. I must confess right up front that I did not vote for it, but there were reasons that I think are to be found sprinkled throughout the debate as to why I did not vote for the bill. Nevertheless, the Senate passed the bill, and I may vote for the conference report when it comes back from the conference. It may be improved when it comes back from the House, improved from my viewpoint, which is only one person's viewpoint. But we pledged to clean up the environment. Can we now continue to assume business as usual should prevail with respect to the health risks associated with the Federal Government's own facilities?

This amendment is deficit neutral. The savings resulting from the reduced appropriations for aid to Panama are used to fully offset the increased outlays which resulted from the increased domestic appropriations. As far as the budget authority is concerned, I am advised that according to the latest CBO weekly scorekeeping report there is sufficient budget authority remaining for fiscal year 1990 to accommodate the budget authority in this amendment without triggering a Budget Act point of order on the section 311(a).

In truth, Mr. President, we have barely begun to address one of the most serious environmental crises that this Nation has to face. This environmental horror is the cleanup of nuclear waste in Government facilities. We must provide the funds to support our glowing words of the last few months.

I believe there is a real emergency in this land, and it is the mess in our nuclear weapons complex facilities. These facilities which are under the jurisdiction of the Department of Energy are in dire need of cleanup of nuclear waste. In fact, at the end of August 1988, the nuclear reactor DOE uses to make materials for nuclear weapons was shut down for safety reasons. None has been reopened. A GAO study released last week indicated that two-thirds of the safety and health problems identified by the General Accounting Office in the Nation's nuclear weapons facilities remain unresolved.

There are 15 major facilities in 12 States, including such well-known plants as Hanford in Washington State, Savannah River in South Carolina, Rocky Flats in Colorado, Oak Ridge in Tennessee, and Fernald in Ohio, as well as the lesser-known plants in Kansas City, MO, and Amarillo, TX. Unlike civilian nuclear power plants, these plants produce nuclear fuel, the components of nuclear

bombs, and they have been operated without the extensive independent regulation to which the civilian plants are subject to.

This is the case where self-regulation has been an abysmal failure. The environmental problems created during 40 years of nuclear weapons production include thousands of abandoned and leaking waste disposal sites, spills of toxic and radioactive substances, and the release of other hazardous materials into the environment. In some cases the contamination is following pathways that could threaten the health of nearby residents, for example, seeping into their drinking water. Many of these problems stem from the fact that we did not know the dangers of radioactive waste when the plants were built, and disposal was careless.

When these plants were developed in the fifties, production needs were the top priority, not safety and environmental concerns. However, some of the problems stem from flagrant disregard for safety. For example, the Department of Energy confirmed a few days ago that 62 pounds of pure plutonium had been found in the ventilation system of Rocky Flats. That is 62 pounds of pure plutonium just in the ventilation system. Traces of radioactive waste have also been detected in ground water in the communities surrounding Rocky Flats.

Also at Rocky Flats, 70 FBI agents raided the Federal facility in early 1989 because there was so much evidence that Rocky Flats was acting in contravention of the law. The Department of Energy said that one of the incinerators had been shut down for safety and environmental reasons. That is disputed by the FBI which took infrared photographs in a night overflight of Rocky Flats. Those photographs indicate that the incinerator was burning radioactive wastes.

Last summer Admiral Watkins, as the new head of Department of Energy, issued a 5-year plan on the cleanup of these defense weapons facilities. He also reorganized the Department of Energy to centralize management of the cleanup. The Congress appropriated $2,218,000,000 for the Department of Energy's cleanup activities in fiscal year 1990.

In fact, the Congress thought that this was such an important problem facing the Nation that we added about $350 million to the President's request for defense waste management and cleanup. Admiral Watkins' 5-year plan recommended funding of $3,345,000,000 for fiscal year 1991.

Someone in the administration did not agree with Admiral Watkins because, when we received the President's budget, we discovered the administration was requesting only $2,791,000,000 for fiscal year 1991. That is $600 million that someone did not think was necessary for the cleanup efforts in fiscal year 1991. Yet we need to send Panama another half-billion now. Now, not next month, not next week. Do it in this bill. It was asked for several days ago. And they want it now—not 6 months from now, but right this minute.

I think someone has their priorities wrong. That is what we need to do. We need to discuss our priorities. That is one of the reasons I am offering this amendment on behalf of my colleagues. I think we ought to begin to discuss our priorities.

What are our priorities? How much do our domestic needs figure when we consider our priorities? If we are going to talk about foreign aid, let us discuss our priorities, or shall we just continue down the same old path that we have been walking for now these 40-odd years on foreign aid—never examining, just handing out more and more money to countries that have come to feel that they have an entitlement program? And we have given them good reason to feel that—just walk up to the window and get your check. You know how much it is. You know how much it is going to be. You know how much it is going to be before you come to the window.

We need a national debate on our priorities. This is a good way to start it. This is a good place to start it.

The Department of Energy is no longer even attempting to estimate the total costs for cleaning up these defense weapons facilities. The Department of Energy faces the enormous task of cleaning up 40 years of environmental contamination, controlling ongoing pollution which requires modernization of existing facilities and properly disposing of stored and newly generated waste.

Most of the potentially largest cleanup projects have yet to enter the planning phase. The Department of Energy is just beginning the process of determining the extent of contamination by old waste. We know that the Department of Energy will have to develop new technologies and treatment methods to accomplish its tasks. None of this will be cheap, and likely it will cost far more than we now think it will. It could take another 40 years. Who knows?

In 1988, the General Accounting Office estimated that total cleanup costs would exceed $100 billion. More recently, in testimony before a subcommittee of the House Energy and Commerce Committee in February, the Comptroller General estimated that cleaning up and modernizing the facilities will cost up to $155 billion. Moreover, he said, as more information is gathered, indications are that the final cost could be higher.

If the cleanup of the civilian facilities is any guideline, those costs over the past 5 years have escalated dramatically, either tripled or quadrupled depending on how one looks at it.

The analogy to the savings and loan bailout is not inappropriate here. Estimates for the savings and loan bailout seem to increase every time one turns around. I can remember when I thought they were estimated to be $130 million, lower, lower than $130 billion. I made a mistake to the one-thousandth degree—not $130 million, but $130 billion. That is real money. So it is $130 billion over the full 30 years. We first were talking about some $40 billion in the short term. We were not told what it would be in the long term. But it has had a way of becoming stretched, and stretched, and stretched, and who knows where it will end?

The most recent estimate that has been given was somewhere between $300 billion, and I believe I read that it would be as high as $500 billion, half a trillion dollars. So for all we know, those almost unimaginable numbers fit defense weapons cleanup as well.

I believe that the President's request for a second $500 million for Panama is not fully justified as a dire emergency. The chairman of the Foreign Operations Subcommittee, Mr. LEAHY, as I indicated earlier, had proposed to the full Appropriations Committee that Panama receive $300 million now.

We both agreed that the balance of Panama's needs could be met in a few months through the regular appropriations for foreign assistance. Thirty million dollars to stimulate tourism to Panama is just not an emergency. It is just not an emergency. One hundred thirty million dollars to pay Panama's debts to the multilateral banks so Panama can borrow more is just not an emergency, just not an emergency.

Twenty million dollars for building schools in Panama just is not an emergency. But cleaning up these nuclear weapons plants in the United States of America is an emergency now. I believe we have an obligation to help Panama.

It was our economic sanction that helped to devastate Panama's economy and our military intervention that caused great dislocation. So I am not unsympathetic to Panama's needs. I think we have a responsibility to help Panama to meet its immediate needs. But I have not seen the justification for the figures that we have been asked to put in this bill. And knowing that we are going to have a regular appropriations bill coming along within a few weeks, it seems to me we can wait a little while, get additional justifications and evidence before we trot out the full $500 million. The House made it $420 million. I think we can wait a little while, while we are showing some attention, giving some attention to the needs of our own people. Charity

begins right here; charity begins at home.

I believe we have an obligation to help Panama, but we have another bill to deal with those things that are not emergencies—the regular appropriations for foreign assistance. Let us deal with Panama's emergency needs now and put off until the appropriate place and the appropriate bill the assistance necessary for the long-term rebuilding of Panama's economic and infrastructure.

Let us meet the emergency needs of our own environment. To that end, we are proposing in this amendment to appropriate $200 million to the Department of Energy for the cleanup of these defense weapons facilities; these funds would go to Admiral Watkins' centralized Office for Environmental and Waste Restoration and Waste Management. If we, as a nation, are really serious about cleaning up the environment, let us begin to direct our attention to this most egregious of environmental problems, nuclear waste in Government defense facilities.

It is fine to demand that the private sector clean up, as we have just done in the clean air legislation recently passed by this body; let the polluters pay, as has so often been said. But should the Government set the example? The Government can lead the way by cleaning up its own house, as well. Let the Government clean up its own house.

We, in this Nation, have to realize that we have serious, festering problems that demand attention. We have ignored our domestic needs for nearly a decade, and the chickens are coming home to roost. We can no longer ignore the needs of the citizens who pay the bills. It is fine to help Nicaragua, and we have a responsibility, based on the long history, that we all are well acquainted with. We need to help Nicaragua. We must do it. And it is fine to aid Panama. We have a responsibility there, but those worthy efforts must be scrutizined closely because we have dire needs, dire emergencies right here at home.

The growing cynicism about foreign aid—and it is out there beyond the beltway—if you do not believe it, go out beyond the beltway and ask John Q. Citizen down there on the street corners in Sutton, WV, or in Beaver Falls, PA, wherever, what do you think about foreign aid? See what he says. See what that citizen down there, that farmer who is struggling to pay his taxes, thinks about $130 million in this bill to help pay off Panama's international bank debts.

Ask the people in any State tourism bureau or organization in this country what do you think about $30 million for tourism in Panama? It is a dire emergency. We have a dire emergency supplemental here; we have to have it now, $30 million. What do you think about it? See what they say; get their answers.

We can use some of that money in West Virginia. Here not too long ago I was standing right in this very place, and my good friend from Pennsylvania was standing where he is now, Senator SPECTER, and we were pleading for some assistance for the coal miners, and non-mine workers who would lose their jobs because the legislation that was then before the Senate, we were asking for $100 million.

I reminded the Senate at that time that we were being requested by the administration for $100 million for Panama. We had already taken action on phase I of the administration's request in February for Panama, but we were going to be asked for $100 million more.

Those who were questioning the need for $500 million to put bread on the table of our own coal miners and our non-mine workers, who would lose their jobs as a result of that legislation, I knew they would not question this request when it came to the floor. Or I had a good feeling some of them would not. Just let the administration say, how much do you want, 500 million? No questions asked. Let us give it to them right now. We have to have it before the Easter break. It cannot wait.

With no questions asked, $500 million; very few questions asked, at least. I am glad they did not ask for a billion. But phase 1, plus phase 2 amounts to 1 billion. But how many additional questions would have been asked if there had been a request for a billion in this bill?

The mood here is that we just go along. The administration asks and we bend the knee; we curtsy, yes; yes, yes, Mr. President. How much do you want for foreign aid? No questions asked; few questions asked. But the administration wants it indelibly written in stone. It cannot be effaced, while our own people cry out for help. Which of you, if your son asked for bread, would give him a stone, or if your son asked for a fish would give him a serpent. And so to our own people's needs we say "Give them a stone; do not give them bread." But when it is somebody else, oh, the State Department just rushes headlong; give them; give, give, give.

If you go out there and ask those people beyond the beltway—after all, they are the people who send us here. I am not sent here by the Panamanian citizens. I am sent here by American citizens in West Virginia. They live and they breathe; they bleed and they suffer, and they die. We are going to lose a Member of the other body after this census, if the census is ever finally completed. We are going to lose a Member of the other body. When I came to the House of Representatives we had six Members in the House and now we are going to be down to three. That is showing what is happening to West Virginia, and there are other States in the same predicament.

Why? Because we are losing people. Why? Because we cannot keep our people. Why? Because we do not have the attractions; we do not have the jobs to keep our young people. That is why.

Perhaps if we had $30 million from the Federal Government to spend on tourism in West Virginia, perhaps we could utilize that money and put some people to work who would pay taxes, who would help with the Federal debt. My constituents, my American constituents, come before the constituents of the world.

I hope Senators will read "Timon of Athens." There they will find a good analogy of the condition that this Nation finds itself in. Before the day is over I may talk a little about "Timon of Athens."

But we all know the story of the prodigal son, how he went to his father and said, "Father, give me my portion of my substance." The father gave him his portion and he went away in a far country and spent it in riotous living.

And there came a famine and he hired himself out to a citizen in that faraway country, and he tended the hogs, the swine, and he fained would have eaten the husks that were fed to the swine. Finally he came to himself. That is the key line in the scriptures. He came to himself. We have not come to ourselves yet. But we are in the position of this prodigal son. We have been prodigal. We have been profusely prodigal, as was Timon. But the prodigal son came to himself and he said "I must arise and go to my father and ask his forgiveness." So he went home. We have not come home yet. We are still up in the rarified atmosphere of this Chamber floating around. When are we going to come home? When are we going to come to ourselves and see where our prodigality is taking us?

So go out there and ask those people. Do not just read the editorials from the local newspapers and the metropolitan press. Go out there and read the little Braxton County newspapers or the Jefferson County newspapers, or the Wood County newspaper, or the Hancock County newspaper. Go out there and read those little newspapers in your hometowns; talk to some of the people who are out of work in your own hometown in your own States. Ask them how they like the idea. Ask some of the schoolteachers. Ask some of the school administrators what do you think about sending $20 million to Panama for schools?

President Bush said he wanted to be the education President. I want to help him. Senator LEAHY and I wanted to help him, so we put $166 million

into Head Start to bring it up to its full authorization. We say we want to be education Senators, education Senators. There were Senators before who were Presidents, here in this country as well as in Rome; 100 Senators; 100 Senators in the original Roman Senate. We want to be the education Senators. And we are putting our money where our mouths are. We are putting it in this bill, $166 million for Head Start. And we are not through yet.

So let us not ignore the needs of the citizens who pay the bills. It is time to think of them.

That growing cynicism out there is going to rip into foreign aid one day and it is going to rip into some of us if we do not start remembering the people back home first. We are stuck in a 1950's rut of throwing money at countries to shore them up and ensure and buy their friendship, and we will find out, if the going ever gets rough, what Timon found when he set out to borrow from some of those who had been the benefactors of his profuse giving: That those friends were fair weather friends and were worthless. One time we had the resources, the resources to do that. We did not have a $3 trillion debt. So we no longer have those resources. Our foreign aid programs are not crafted carefully or well. In these times of budget crisis they ought to be. It is about time that we stop being so freewheeling in our State Department foreign operations budgets.

We need every dollar that we can find to invest in critical needs here at home. So let us help our friends in the world, but let us be sure the dollars go to answer real needs. I cannot believe that $500 million is needed or $420 million is needed right now in this bill for Panama.

Remember our circle of friends who need help has just widened considerably in Eastern Europe. Try to be creative and find new ways to use foreign aid. That is what we need to do. Let us have a national debate. Let us titilate the appetite for debate out there beyond the beltway.

That is what I want to do here. Let us get a start. Let us jump start the debate. Let us jump start the debate about priorities, not only in foreign aid but throughout our entire budget. Let us jump start it.

We are talking about jump starting the economy in Panama and jump starting the economy in Nicaragua. Let us jump start the debate. Let us jump start the consideration with regard to where our priorities ought to be. Let us not just continue to go floating down the stream looking backward, over our shoulders, and never peering into the darkness ahead to say, "What is that?" Let us shine a flashlight out there on it. We only have a few dollars.

Flavius came to Timon and he said, "Here are your bills," and Timon said, "Well, sell some of my lands."

And Flavius, his honest and faithful steward said, "Your lands are already sold. You are bankrupt. You do not even have any credit left."

There can be a responsible foreign aid program. I am not saying there should not be any foreign aid program. I was on the Foreign Affairs Committee of the House when I came for my second term in the House of Representatives. When I was in my first term there, I had the very exalted position of being a member on the House Administration Committee. That was my committee assignment, the House Administration Committee. The second term, I was on the Foreign Affairs Committee. So I have been somewhat familiar with foreign aid matters and foreign appropriations for a long time.

But we need a responsible foreign aid program. We need to save vital dollars for our growing domestic needs. We can squeeze a little bit more out of the Federal budget for education, squeeze a little bit more from the Federal budget for the environment, for children, for our crumbling infrastructure.

Go out there beyond the beltway, south, east, north, or west, or at any points of the compass in between, and see what the needs are in the crumbling infrastructure: The bridges that need repair, the potholes in the roads. We have been building bridges and we have been building roads and we have been building schools and we have been building dams for other countries, now, for almost half a century. Let us see what our own needs are. Let us squeeze out a little more for our people—our people.

And I hope they are listening. Perhaps they will ask us: How did you vote? Did you remember me? Did you remember my needs? Or did you put someone else first?

Let us squeeze a little more out for health care in this country, and the myriad other needs at home. They are all crying out for long overdue attention. If we do not take a long, hard look at the way we parcel out our scarce dollars, the day will come when the American people are going to say, "Enough." And they would say "enough" now if they were fully attuned to what is going on.

The support for foreign aid programs is dwindling. We had a poll recently that demonstrated that the support out there for foreign aid programs is dwindling, and that will continue if those programs are not well justified and not well crafted.

It may be a little easier for us. We are dealing with somebody else's money. Oh, a little of it is mine; I pay taxes, too. But it is easy to stand up on this floor and be benevolent, philanthropic, and we all need to do some; we all need to be philanthropic. But read about Timon, who was excessively philanthropic, and then he swung from one extreme to another and became a misanthropist; from philanthropy to misanthropy.

Now, the responsibility lies right here in this body, and we are going to have a chance to step up to the bar and cast a vote today or tomorrow, or at some point. We do not have to knee jerk and say yes to every request sent here by any administration, Democratic or Republican.

Mt. Olympus is not at the other end of the avenue, the mount of all wisdom. There are 100 Members of this body and there is a collective wisdom here, and the Constitution reposes in this body and the other body of the Congress responsibility to legislate. So that is our job, and we will have an opportunity to say yes or no at some point on this amendment. We hold the purse strings.

I see where the President this morning is talking about a line-item veto. He wants a constitutional amendment, a line-item veto.

My friend, whenever we get started on that subject in here, there is going to be a long, long talk. A long talk. That constitutional amendment is not going to pass this body as long as ROBERT C. BYRD is here, and there are a few others who will stand with ROBERT C. BYRD. We are not going to roll over and play dead on that one.

So, Mr. President, just get ready. If you want to make that an issue and it comes up in this Senate, "Katie, bar the door." And we will throw every rule in the rule book that can be used against it.

So, if anybody in here has any big ideas that they are going to do something on the line-item veto, they better think twice.

Mr. McCAIN. Will the Senator yield?

Mr. BYRD. Yes, I will be glad to yield for a question.

Mr. McCAIN. I wonder if the Senator knows that I and the Senator from Indiana intend to bring up the line-item veto, as we have in the past?

I wonder if the Senator knows that we intend to comply with the wishes of over 70 percent of the American people who, in poll after poll, have become disgusted with the budget system which we have now, which gives us a $3.3 trillion national debt and a continuing deficit of enormous proportions while, indeed, we continue to load unnecessary, wasteful spending on the appropriations bills?

And I wonder if the distinguished chairman of the Appropriations Committee knows the President of the United States is on the right side of this issue, at least according to the will of the majority of American people. I

intend to abide by this will, and assist in their desire to get this deficit under control. It is not only breaking the backs of working men and women today, but it is breaking the backs of future generations of Americans.

So, I wondered if the distinguished chairman of the Appropriations Committee knows that not only has it been brought up in the past, but we will continue to bring it up in the future with the confidence that this popularly elected body will sooner or later bow to the overwhelming opinion of a majority of the American people who are totally correct in their view that a line-item veto, which 43 out of 50 Governors in America have and use, demand it.

I wonder if the distinguished chairman of the Appropriations Committee knows that. Yes, he can use every rule, he can use every ploy. I bow to and admire and respect his incredible knowledge of the parliamentary process here, and I am sure that this debate can be delayed for years and years.

But I am also convinced that as long as the overwhelming majority of the American people, led by a popularly elected President of an overwhelming majority, want it, that we will indeed have a line-item veto someday, and I hope it is not in the too distant future.

Those of us who believe in it, along with over 70 percent of the American people, believe that we will prevail.

Mr. BYRD. Mr. President, the Senator has given me much food for thought. Yes, I am well aware that the Senator stands for a line-item veto, and he can bring it up as often as he wishes. That is his right. He can offer it to this bill. If he wants to kill this bill, he can offer it to this bill. Yes, this Senator is well aware. And the Senator refers to a popularly elected President. The President of the United States is elected by electors, not by the people. By electors. Has the Senator read his Constitution lately?

Mr. McCAIN. Will the Senator yield so I can answer his question?

Mr. BYRD. I have several of the Senator's questions to answer before I yield.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. The Senator may sit here for quite a while before I get through now. He talks about a popularly elected President. Senators are popularly elected. The Members of the Congress represent the American people, and they are directly elected by the American people. There is no go-between, no electors between them.

Let us listen to the forefathers, the Founding Fathers who wrote this Constitution, and when the Senator gets ready to debate the line-item veto, I will teach him a little English history. I say with all due respect that Senators who are elected to be Senators ought to know enough about this institution and about the Constitution and ought to take pride in it in having been elected to be a Senator of the United States, a part of the legislative branch in which our founding forefathers reposed the responsibility of the control of the purse. And now some would seem to give that control to a President. It is foolish to think that a Senator would advocate that. The purse strings should remain here in the legislative branch. We will talk at length, I say to my friend. Yes, I will be here, and it will not happen if I can keep it from happening. The Senator may be here longer than I will be. That is up to the Lord and the people of Arizona and the people of West Virginia.

I have some sense of history and some sense of what our forefathers meant and some sense of the fact that they were well acquainted with English experience, the experience of Englishmen who at times resorted to the sword and the shedding of their blood, so that the control of the purse might remain with the peoples' representatives in Parliament.

What does the Senator know when he speaks of the great majority of the American people would favor this? Perhaps they do, but if they are fully informed, which they will be before that constitutional amendment passes this Senate, if they are fully informed, that majority, that so-called majority, will change, I bet you on that because the American people, once they are fully and rightly informed, will make the right decision.

If you give the President the line-item veto, he will strike out moneys for WIC; he will strike out moneys for education; he will strike out moneys for mass transportation. Not just this President. I am saying any President, whether he is Democrat or Republican; he puts his britches on the same way. It does not make any difference whether he is Democrat or Republican. I am going to fight him when it comes to the line-item veto, and the army may contain 1,000 Senators like the Senator from Arizona. I will take them all on. All on. "Lay on MacDuff; and damned be him that first cries, hold, enough."

Mr. SPECTER. Will the Senator yield?

Mr. BYRD. Not right now. I have several questions.

What a line-item veto means is the elimination of the need for the Congress. Franklin D. Roosevelt said, "Eliminate the Congress and we immediately cease to be a republic." If you turn over the control of those purse strings to the man downtown, whether he is a Democrat or Republican, you eliminate the need for a Congress. The Senator from Arizona does not need to be here any more. He will not need to be here any longer because the President will not only be the Chief Executive, he will be the chief legislator. It works something like this.

He would call me down to the White House one day and say, "Well, Bob, you're doing a great job for those people over in West Virginia," put his hands around my shoulder and, my goodness, how that would make me feel. He would hug me up a little close to him. "Good job, Bob. You did a great job down there. I know those coal miners like you, the way you stood up for them. They like you."

I would say, "Yes, Mr. President, they think a lot of me. They sent me here. I am now in my sixth term. I believe they will reelect me again. I do not know if the Lord will let me live."

He will say, "I'm sorry I couldn't be with you on that amendment," and I would say, "You are no sorrier than I am, Mr. President. I wish you could be with me."

He would say, "I have been watching your work on the Appropriations Committee all along. You have an item, I see, in the appropriations bill for Amtrak. I see you want to keep that passenger train running down there. And you have some moneys in there for cancer research. I want to help you, Bob."

"Yes, sir, Mr. President, I know you do."

"I want to help. I want to help you get that money for West Virginia. How are you going to be on the nomination of Mr. Bork?"

"Well, Mr. President, I thought and I thought and I thought," and I stuttered around a little bit, "but I cannot see it your way."

"Well, Bob, I wish you would give that another thought. I know you have money in there for Amtrak. You know, we have a treaty coming up there," Panama Canal Treaty or the Nuclear Weapons Treaty, whatever it may be. "How are you going to be on that treaty?"

"Well, I do not know, Mr. President. I kind of thought, based on the evidence of Dr. Teller and some of the other scientists, I might vote against the treaty."

He will say, "You know, Senator, I have a program, the thousand points of light program."

"You just stamped out 5,000 of those points of light when we passed the Clean Air Act without the coal miners."

"Well, Bob, let bygones be bygones. I want to help you with the items in the bill. Can you help me vote with you on this or that?"

Now, that is the way it would work, may I say to my friend, and I will venture to say that my arm is no less rubbery than the arm of the Senator from Arizona. I will say also to the Senator from Arizona that I have had

experts hold my arm. I have been able to say no to Lyndon B. Johnson. Mr. Reagan was a piker when it came to twisting arms compared to Lyndon B. Johnson. So that is how foolish it is to even suggest there be a line-item veto.

The way I feel about it, I am either going to be a Senator or I am just going to go home, dive under the bed, and say, "Here goes nothing."

I am going to be a Senator, and I am going to defend the constitutional prerogatives of this legislative branch. Oh, I know they will say, well, you are talking about a constitutional amendment.

If the people want to change those, they can. That is true. But let us take a while and let the people know what they are doing when they go down that road.

Mr. LEAHY. Mr. President, will the Senator from West Virginia yield to the Senator from Vermont for a question on that point?

Mr. BYRD. Yes.

Mr. LEAHY. Mr. President, I happen to concur with the Senator from West Virginia on this issue, but I note that the Senator from West Virginia has served longer on the Appropriations Committee than any of the rest of us and thus looked at a lot more budgets than the rest of us.

I remember in my days when I was here not as a Democratic Senator, President Johnson, I think, submitted the last balanced budget.

But I would ask the Senator from West Virginia two questions: One, is there anything in the law or the Constitution that prohibits the President of the United States from submitting a balanced budget to the Congress? And in the last 9 or 10 years, has the Senator from West Virginia seen any President submit a balanced budget to the Congress?

Mr. BYRD. There has been no balanced budget submitted to the Congress.

My LEAHY. Mr. President, I would ask the Senator from West Virginia, is there anything that would prohibit the President, if he really wanted a balanced budget, from submitting one?

Mr. BYRD. Well, he should submit a balanced budget to the Congress.

Mr. LEAHY. He does not need a line-item veto amendment to submit a balanced budget if he wanted to, does he?

Mr. BYRD. Certainly not.

Mr. LEAHY. I thank the Senator.

Mr. BYRD. I believe in the Constitution. I believe that the people would rue the day that the line-item veto was ever written into law or into that Constitution. I do not think to write it into law would be constitutional in itself. I think the Supreme Court would take care of that.

It is easy to say, oh, let us have a line-item veto and let the President have the responsibility.

That is our responsibility. The distinguished Senator from Arizona says that we have shirked our responsibility. Let the President do it. The President has not submitted a balanced budget, nor did his predecessor.

I am afraid, Mr. President, that I will not be able to take the time right now to answer all the Senator's questions, but I will be happy to give a great deal of time and attention to that whenever the item comes before the Senate. My suggestion is at that time most Senators could just go home and talk to the people about how they feel, because there would not be any votes going on here, unless we got into a mean filibuster. We have not had a mean one in a long time. We have not had a mean one like the old days.

So, Mr. President, we have the control of the purse, we have the oversight, and the legislative branch has the expertise. We know what the needs are at home. We know all too well what our budget situation is. It is time to stop business as usual now. We have turned the corner on a new decade and our own Nation is hurting and hurting severely. Poverty, homelessness, poor health abound right here, right here in Arizona, right here in Vermont, right here in West Virginia, right here in the District of Columbia. We do not even have to go outside the beltway to see the poverty and the homelessness. Charity begins at home, and it is time that we all remember that.

Mr. President, I know there are other Senators who wish to speak, and I am going to be fully protective of the Republican leader's amendment, so I ask unanimous consent that I may yield to—who was first, this Senator or this Senator?

Mr. SPECTER. I believe I was here first, I say to the Senator.

Mr. BYRD. I yield to the Senator for a statement—for how long?

Mr. SPECTER. My purpose, Mr. President, would be to raise a question with Senator BYRD on the presentation which the Senator has made. But I would seek the floor in my own right to direct a question, if the distinguished Senator from West Virginia can remain, and then I have a brief statement which would be made by myself after I have a brief discussion with Senator BYRD. But I would seek the floor in my own right.

Mr. BYRD. Mr. President, I do not mean to hog the floor, but I am going to protect my own amendment and I am going to protect the Republican leader's amendment. I yield to the distinguished Senator from Oregon [Mr. HATFIELD] for such time as he may desire to make a statement, with the request that I retain my rights to the floor.

Mr. SPECTER. I object to that.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. There is objection.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. The distinguished Senator from West Virginia has the right to yield for a question.

Mr. BYRD. I yield for a question. I yield for a question.

Mr. SPECTER. In that event, I will not prolong the debate on the process of yielding, as the distinguished Senator from West Virginia and I had a long discussion on that in the past.

The question which I would propound to the distinguished Senator from West Virginia turns on the issue of priorities and the very excellent speech which he has made for the past—I have been on the floor for 1 hour and 50 minutes. He has not been speaking for that entire time, but it has been a profound speech. I say it with great respect because the distinguished Senator from West Virginia as chairman of the Appropriations Committee lends great experience and wisdom to the appropriations process.

When the Appropriations Committee considered this issue of funding for Panama yesterday—and I would leave the issue of the line-item veto and come back to the pending amendment which is the amount of money for Panama—the consideration raised was whether money ought to be better spent on Eastern Europe as opposed to Panama. We had the vote, and the figure was established by the committee at $420 million instead of $300 million.

Now, the distinguished Senator from West Virginia has proposed an amendment today which would utilize $120 million for domestic programs, bringing the $420 million down to the $300 million figure. The programs which he has articulated are programs of enormous importance when he talks about the environment, health, farms. They are issues which a Senator would vote against at his peril, at his great peril. When the distinguished Senator from West Virginia talks about cynicism for foreign aid, and he mentions Beaver Falls, PA, I can vouch for that. When he says if you ask anybody, "what do you think of foreign aid?" they would tell you "no," I would go him one better, and I would say you will not have to ask somebody. I have open house town meetings. I was in Lancaster, PA; I was in Lebanon, PA; and I was in Washington, PA. I did not have to ask the people what they thought of foreign aid. They told me what they thought of foreign aid. And they do not want foreign aid to be provided by the U.S. Congress.

The distinguished Senator from West Virginia said "They would say enough now if they were fully attuned." Well, the Senator from West Virginia is right. This amendment at-

tunes the American people to what this issue is.

But, and I am coming to a question. The question is, "Why $300 million?" The distinguished Senator from West Virginia has eloquently articulated reasons why we should not have money for tourism in Panama, why we should not have money to pay the International Bank, and why we should not have $20 million for schools for Panama. But when the distinguished Senator from West Virginia allows $300 million to go to Panama, they are going to use that money for those purposes. They are going to use the money for the schools. They are going to use the money in part to pay the debt. They are going to use the money in part for tourism.

So that I come to the conclusion that the distinguished Senator from West Virginia is right as far as he has gone, but he has not gone far enough. The figure for Panama ought to be zero because if you line up these programs on one side you have a private sector revitalization credit of $185 million for Panama: $45 million for construction, $50 million for manufacturing earnings, $30 million for tourism, $35 million for commerce, $25 million for agriculture. Then you line up public sector investment programs of $140 million, and you line up assistance in clearing IFI arrears of $130 million. On the other side, when you include for health programs, $2.5 million; environment, $32.5 million; agriculture in the United States, $4 million; WIC, the Women, Infants, and Children Program, $11.6 million; there is no question that the American people will say "no foreign aid." We should not spend the money in Panama on those programs in comparison to spending the money in the United States on these programs.

We know that we spend $16 billion a year on foreign aid, less than or about 1 percent of our Federal budget. We do so because of a conclusion that it is in the national self-interest of the United States. I will not talk now, I will talk in a moment about Nicaragua and the necessity for that money and the programs of not having it advanced before the inauguration of President Chamorro yesterday. And that when we talk about Panama we talk about this money because Panama is important to the United States.

We have 15,000 military personnel which costs a lot more than $430 million. We have the Panama Canal which is vital for U.S. national interest. We have the protection of the Western Hemisphere. We have a military action in Panama which cost a lot more than money. It cost American lives. So when we talk about Panama we talk about national self-interest of the United States in proceeding to spend that money.

But when we "attune" the American people, in the words of the distinguished Senator from West Virginia, and put these matters side by side, there is no way that the American people will support any expenditures for Panama in preference to expenditures in the United States.

So when the distinguished Senator from West Virginia is attuning the American people he is doing a wonderful job, but the conclusion it seems to me is zero. So now I will come to one question.

My one question to Senator BYRD is, why should we allocate $300 million to Panama which he is proposing—that is his proposition—by only cutting $120 million? He is proposing spending $300 million for Panama. Why should we spend that money instead of putting up money for the homeless, for AIDS, for Women, Infants, and Children, education, and environment in the United States?

Mr. BYRD. Mr. President, the Senator has asked a very good and appropriate question. Before asking the question he builds a premise which is a very worthy premise, and which would automatically require the answer that the Senator has just stated. It should be zero. I will tell him why I am suggesting $300 million.

The administration recommended $500 million, and the subcommittee headed by Mr. LEAHY conducted hearings on the administration's request. Mr. Eagleburger came before that subcommittee as did Mr. Robson. Mr. Robson is the Deputy Secretary of the Treasury. Mr. John E. Robson came before the subcommittee, and Mr. Lawrence S. Eagleburger, Deputy Secretary of State. They both appeared in support of the administration's $500 million request.

Based on the hearings it was the subcommittee chairman's view, I believe, that there were certain of those requests that were made by the administration that were probably justified. They would have some short-term relationship to a jump start of the Panamanian economy.

So in an attempt to be reasonable, realizing that we have some responsibility to Panama—it may be a moving target. It is hard for one to draw a line and say there it is, it should be here, or it should be a little farther beyond—the subcommittee was of the opinion that the following items could be justified. I believe the Senator may have read them, or at least a number of them, or at least a number of them: $45 million for construction, $50 million for manufacturing, $35 million for commerce, $25 million for agriculture credits and inputs, $35 million for health sanitation, $20 million for agriculture infrastructure, $20 million for electric grid, $45 million for basic transportation communications, $20 million for administration of justice, $10 million for environmental protection.

I believe that adds up to $300 million. So it was on the basis of those figures that came out in the testimony that was either orally presented or submitted in writing by these administration witnesses that the $300 million figure was arrived at.

I could vote for zero. I would have no compunction supporting an amendment that wiped it all out. But I am trying to be responsible. I am trying to recognize that we need to do some things to help Panama. What are the "some things"?—those things which in the course of the subcommittee's hearings were indicated as being justified. That is how we arrived at the $300 million figure.

Mr. SPECTER. I would ask the distinguished Senator from West Virginia if he thinks it is more important to put $20 million into agriculture, which he recites as part of the figure, as opposed to the $17 million which he has allocated for agriculture in his amendment. I ask the distinguished Senator from West Virginia if it is preferable to put $10 million into environmental protection for Panama, as opposed to putting in the money for environmental restoration, which the Senator from West Virginia spoke so eloquently about as being necessary.

Mr. BYRD. I answer the Senator by asking a question: Is he supporting a zero figure for Panama? If he wishes to offer an amendment to cut the $300 million to zero, I would be happy to oblige him. I am not out here carrying the foreign operations appropriations flag, by any means.

I am trying to be reasonable and offer something here that I think would hopefully get a majority of the votes in the Senate and start a national debate on our priorities and cause the Senate to put on its brakes and take a look at what we are doing here and begin to debate and establish our priorities.

My priority is the United States first, over Panama, or anybody else, any other country; name any country the Senator wishes. So I put the United States first, last, and all the time. As Daniel Webster said in his oration at the laying of the cornerstone of the Bunker Hill Monument in 1825, I believe, "Let our object be our country, our whole country, and nothing but our country."

Mr. SPECTER. I would be glad to respond to the question the distinguished Senator from West Virginia put to me. I would answer it in the language of the distinguished Senator from West Virginia, and that figure is zero. When the Senator talks about being sent by West Virginia, I was sent by Pennsylvania.

As our distinguished colleague who joined us from the House of Repre-

sentatives, Congressman MURPHY and in Johnstown and Beaver Falls and Philadelphia and Pittsburgh, when these issues are brought before the American people, foreign aid is zero compared to an appropriation for the United States.

That is why I say to the distinguished Senator from West Virginia that when you put these figures up side-by-side, the figure comes out to be zero. When you are looking for 51 votes, you can get 51 votes if you make the whole foreign aid bill zero. You do not have to allocate any money for Panama and there is no logic in allocating 45——

Mr. BYRD. I want to be sure what I thought the Senator said. Is the Senator suggesting that this amendment made aid to Panama zero, that I need 51 votes in this Senate?

Mr. SPECTER. I am suggesting you get 91 votes. I am suggesting that in light of the persuasive speech which the distinguished Senator from West Virginia has made about America first, and placing the issue in terms of what cynicism lies outside of the Beltway, to use the words of the distinguished Senator from West Virginia, "They would say enough now, if they were fully attuned; The American people would say zero."

If you put an amendment on this floor which puts any item of aid for any foreign country besides the very important items like education; environment; AIDS; women, infants and children, then you would get many more than 51 votes. The only way these measures are passed is when we discuss them in committee and we discuss them on the floor, and it is really agreed to, without the political issue raised of comparing foreign aid to aid for the United States.

So that, in conclusion, I am saying that the logic of the distinguished Senator from West Virginia is not from $420 million to $300 million. It is from $420 million to zero, and that the logic is on our whole foreign aid package, from $16 billion to zero.

I made a trip to Panama recently and said during the discussion by the Appropriations Committee what I found. President Endara was hit on the head with a lead pipe and had many stitches in his head. Vice President Ford was pulled out from his car with a metal bar which ripped into his tendons an then was cracked across the head requiring 22 stitches, and 9 across his face. So that I voted for the $420 million in committee because it seemed appropriate to me. And we have delayed too long in approving $300 million for Nicaragua.

I am concerned that President Chamorro is keeping Humberto Ortega as head of the army because of the vacillation and the failure of this Congress to act.

I visited with her on Friday, April 6, and I raised the question, because it was then in doubt as to whether Humberto Ortega would stay in command of the army. She did not respond to me, and immediately after I departed, the President-elect of Costa Rica walked in, and she had a press briefing and said that Humberto Ortega was out as head of the army.

I do not know if I had any influence on that or not, but I was pleased it happened. And yesterday, she changed her mind and put Humberto Ortega in as head of the army. I think she looked toward the United States for weeks waiting for help to come and when she was inaugurated, former President Daniel Ortega chastized the United States.

I have not seen the text of the speech, but I am reasonably sure he said you cannot rely on the United States. They talk about money, but nothing has been forthcoming. She made arrangements as best she could. I am concerned with Ortega remaining head of the army, that we will have the Sandinista weapons going to El Salvador, and we will have traded one Central American war for another. That is the concern that this Senator has.

But I must say that the arguments made by the distinguished Senator from West Virginia are very powerful. They are politically overwhelming, and I make another statement that he would get 91 votes on zero.

Mr. BYRD. I thank the distinguished Senator for his fine contribution here. I think what I started out to do, and I see myself beginning to succeed now, and that is that we are beginning to debate priorities. That is what we need to do. I think we need to hear from the American people. They need to know more about what we are doing here and what we are doing about our priorities.

The Senator put his finger right on the point. They would vote zero. But it is up to us to try to reach some reasonable conclusion and try to advance a reasonable approach to what we see as a priority. I do not particularly see right now that Panama should be zero, but if any Senator should want to offer an amendment to make it zero and put the moneys all in domestic needs—I am talking about prioritizing now.

Let us put down the needs for Panama as against our own domestic needs. I will vote every time for our domestic needs first.

The reason I mentioned Beaver Falls, I have a half-sister living in Beaver Falls.

I hope that from what I have heard from the Senator now that he is 40 percent of the way, if not 100 percent of the way, toward voting for this amendment.

Mr SPECTER. I am not 100 percent of the way. I am 362 percent of the way. I go beyond 300 million. Almost to zero.

Mr. BYRD. I thank the Senator. I appreciate his comments. I think they would have been very helpful.

I have been asked to yield by the ranking member, and I yield to him.

Mr. HATFIELD. I thank the chairman of the committee for yielding a few moments to me to make an observation.

Mr. President, I have been here a number of years and I think that every foreign aid bill that came to the floor was one that was hotly contested and debated. There was a great deal of truth to what both the Senator from West Virginia and the Senator from Pennsylvania have indicated about the public's attitude toward foreign aid.

I would like to just make one broad comment and one specific one. The broad comment is simply foreign aid has to be further delineated between foreign military aid and foreign humanitarian economic aid. I have never been able to delineate or separate these entirely, but I have never consciously voted for a dollar or a dime for foreign military aid.

I do not consider that America should be anything but ashamed of the fact that it and the Soviet Union alternate year after year as the No. 1 arms peddler in the world, peddling arms into Third World countries like Panama and South America that cannot even feed their own people. If they cannot buy them, we give them. To me that is one of the very black chapters of American history, using taxpayers' money to fuel the arms appetites and infect other nations of the world with the kind of lust we have for military arms.

There is the other kind of foreign aid that is the foreign economic and humanitarian aid. Lest we think that we are somehow very generous people, only moving by our generosity, even in foreign economic aid, let us bear in mind that in many instances it is an indirect subsidy to American business. Much of our foreign aid comes right back into the American enterprise of selling materials, and rightfully so. But I do not think we ought to sort of feel that we are being so overly generous by giving foreign aid as if it had no quid pro quo. We get a lot of that back as a subsidy to our American business.

So I do not think we are moving from total generosity, although I recognize that great characteristic in the American people as a whole, probably far more in the American people than in the Government policies.

Let us recap for just a moment the history of Panama in recent years.

First, overall there was an attempted coup of the Noriega regime and I can recall very well an enthusiastic biparti-

san criticism of President Bush for not seizing that opportunity to further the activity that might oust Noriega.

Just bear in mind that was bipartisan, bipartisan, eloquent speeches given on both sides of the aisle, how the President of the United States did not seize this opportunity to get rid of Noriega.

Let us also remember on October 5, 1989, this Senate passed a resolution; it passed 99 to 1; good, solid bipartisan support; every Democrat voted for it, and every Republican but one voted for it. What it was was an invitation which he calls a second Gulf of Tonkin resolution, an invitation for the President to use all diplomatic, economic, political, and military power to replace the Noriega regime in direct contradiction to our treaty with the Association of American States to not intervene, no matter what, into another country political.

I was a "no" because I did not believe it was right then and I do not believe it is right today. Not that I supported Noriega, had any empathy for Noriega, but to me we were violating the treaty we made with our sister Latin American countries. Even our friends in Latin America criticized that invasion.

Let me remind ourselves today the major casualties of that invasion were civilians, not military, and let me tell you a loss of life is a tragedy whether it is an enemy life or our life, a civilian life or military life, but we lost the majority in that operation, that military invasion which I criticized at the time as being wrong; objectives noble, purpose noble, but the method wrong. Let us not forget that linkage between methods and goals. Nevertheless, what this money is for today is to repair the damage of what I considered the wrong policy but still the policy of my Government to repair the damage created by that military operation and invasion of Panama.

Let us remember this: what may be timber to my economy can be very easily tourism to the Panamanian economy. I am not here to judge, other than the fact that we need to rebuild schools; we need to rebuild homes; we need to rebuild the economic structure of that country because that invasion either caused or exacerbated an already existing situation of the economic life of not only Panama, but look at any Latin America country today. I think it is one thing to hand food, clothing, shelter, to repair that damage, and another thing to look at the long term to help them restore a stable economy in order to allow them to provide for their own future needs.

I support the full funding of this. I think it is our obligation under a very unique circumstance and collection of circumstances that we either caused or exacerbated. Therefore, we owe them. This is a bill that is due. I believe we ought to pay that bill.

Again, let me emphasize the point that there are short-term and long-term scaling down that national debt. It is very vital to the long-term stability, political economic stability of Panama, and we have, after all, still a great dependence on the Panama Canal, so we have another economic interest in Panama that is unique to foreign aid in general.

I also recognize that we have a problem of debt here in this country. There is no one that is more conscious of that, and that is why I voted against every military authorization and every military appropriation bill over the last 20 years, because we have been misappropriating moneys to help create greater debt in this country where we should be investing the moneys to reproduce and multiply the economy to offset the debt and reduce the debt. That is my own peculiar economic perspective.

I do not think we can stand up here on this floor and vote for all the military spending we voted for in the last 20 years and then find some reason to criticize the debt, because we have been part of it. That debt has not been created by the President alone in this country. It has been created by wrong policies that the President and the Congress have joined in supporting, passing, and establishing.

We cannot visit all the sins of our fathers, and yet at the same time I think we all bear plenty of responsibility and blame. There is enough blame to go around on all this as far as the debt is concerned.

I still feel we have a special unique obligation to the Panamanian people at this time in history. We ought to have the full funding of the President request.

Mr. JOHNSTON. Will the Senator from West Virginia yield to me without losing his right to the floor?

Mr. LEAHY. Mr. President, the Senator from Louisiana has been here for a long time. I wonder if I might have 1½ minutes to respond to what I think was a very wrong impression in this legislation.

Mr. BYRD. Mr. President, I yield such time as he may require, not to exceed 5 minutes, to the Senator from Vermont.

Mr. LEAHY. I will not take that much.

I want to note, Mr. President, there has been a suggestion made on the floor that it is possible that President Chamorro of Nicaragua has appointed Humberto Ortega or reappointed him as head of the military because of a delay in the foreign aid bill. This is a remarkable conclusion for anybody to reach, and I would only assume that somebody stating that does it somewhat with tongue in cheek.

The fact is there has been a great deal of criticism, at least privately, by key members of the Bush adminstration of that appointment. A number of them are very concerned about it, and were taken somewhat by surprise on it and feel that it does not reflect the assurances they have been making here.

Having said all that, I hope we are not now going to try to put their surprise or the blame now on to the Congress. Mrs. Chamorro knew full well $300 million is coming; it will be there fairly rapidly. The $300 million was supported by the chairman of the Senate Appropriations Committee. It was supported by the chairman of the subcommittee and by the full Appropriations Committee.

I know of nobody who is seeking to cut back that $300 million to Nicaragua. The House has put it in, and Mrs. Chamorro told me when she talked with me on the phone in the past few days that she knew it was coming and expected it was coming. She also told that to several others.

Mr. SPECTER. Will the Senator yield?

Mr. LEAHY. So let us not suggest, as my good friend has, that somehow we are the reason Ortega got appointed head of the military.

Maybe that is a good idea; maybe that is a bad idea. That is not what I am here to debate. But I do not think it had one tiny bit to do with this debate, and it would be fanciful to suggest otherwise.

Mr. SPECTER. Will the Senator yield for a question?

Mr. LEAHY. I do not have the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield the floor to the Senator from Pennsylvania for the purpose of his asking a question without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. My question would be in two parts, since it is one question. I direct it to the distinguished Senator from Vermont.

Question No. 1: Does the Senator know why Mrs. Chamorro, who had stated publicly that she would not keep Humberto Ortega as commander of the army, changed her mind?

And the second part of the question, Does the Senator personally know that none of the 100 Senators in this body will offer an amendment to reduce or eliminate the $300 million to Nicaragua?

Mr. LEAHY. Mr. President, If I might, I have been watching some of the zigs and zags down there in Nicaragua, and finding people in both the UNO party and the FSLN who will say something one day and do something the next day, I am not even going to suggest the motivations for that. It happens far too often down there for

anybody to try to follow it without a road map.

But I will lay very heavy—I guess probably we should not bet on legislation. I am willing to state unequivocally that $300 million for Nicaragua will pass. If the Senator from Pennsylvania or others want to say it will not, that is their judgment. My judgment is, it will pass.

If his judgment is it will not pass, he is free to make that judgment. But we will certainly know at some point when the legislation ends who was right, he or I. I suspect I will be right.

Mr. SPECTER. The Senator from West Virginia has the floor, and I shall not perpetuate the debate. But I look forward later today to discussing this further with the distinguished Senator from Vermont when there is an opportunity to obtain the floor.

I thank the distinguished Senator.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I yield to my colleague and chief cosponsor of the amendment, Mr. JOHNSTON, for such time as he may require to make a statement, and I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I thank my distinguished colleague and cosponsor of this amendment.

This amendment deals with $120 million. The question this amendment poses is, Should this $120 million be used for nonpriority needs in Panama or should it be used for emergency needs here in the United States? It is just that simple. It is just that clear-cut.

Mr. President, when I say these needs in Panama are not emergency needs, I think that is very clearly provable.

There is a $420 million total in this bill. What our amendment does is take $120 million of that, which is not for priority needs, which is not for emergency needs, and direct that to the United States for emergency needs, leaving $300 million to go to Panama for what the sponsors of that amendment think are priority needs in Panama.

Why do I say, Mr. President, that this $120 million is not for priority needs in Panama? It is obvious upon the very face of the purposes stated for this $120 million, which would go to Panama, that it is not for priority needs; $130 million is to clear arrearages with multilateral banks owed by Panama.

Mr. President, these arrearages to multilateral banks, this money owed by Panama to multilateral banks, was owed before Operation Just Cause. Operation Just Cause did not have anything to do with that money owed by Panama to multilateral banks. And, according to the administration itself, if they got this money it would take months to clear it out anyway.

So, why in the name of the United States Senate is it important in an emergency piece of legislation to come in and direct this money from the United States to Panama when it could not be paid off for many months, it is not caused by Operation Just Cause, and in no way is a priority need? Why, Mr. President? There is no reason for it.

Mr. President, there is another $30 million here that is directed to Panama for the development of tourism potential; tourism potential.

I hope Panama has a good tourism potential, and I suppose sooner or later we will consider very sympathetically that request for developing tourism potential. But an emergency need, Mr. President, an emergency need to develop tourism potential in Panama? That is absurd upon the very face of it, Mr. President.

And so on down the line: $20 million for constructing schools. There is not a cent even in our amendment for constructing schools in the United States, and I can tell my colleagues that there are schools that need constructing in my State of Louisiana. They are not being funded. I am sure there are schools in West Virginia that need constructing. It is not an emergency to construct schools in Panama.

Mr. President, I think I am familiar with Operation Just Cause. I do not believe there were schools that were attacked by our soldiers. Schools were not destroyed there, and it is not an emergency need.

Four million dollars for scholarships. Mr. President, scholarships are a great thing, but we are cutting back in this country on Pell grants, on all kinds of student aid grants, while we say we have to have $4 million emergency aid for scholarships to Panama. It does not support the country. It does not hold it together. It is just $4 million for scholarships. No emergency is involved, Mr. President.

There are a couple of other items here that are hard to determine. The development of nontraditional exports, whatever that is; in other words, exports that they have not had that they want to develop. We do not know what those are. It is probably a good idea. We hope it is a good idea, but they have never had it so therefore it cannot be an emergency and it certainly was not caused by Operation Just Cause.

There is $6 million for technical assistance. I guess that is consultants. Maybe that is important, but it clearly is not an emergency.

Mr. President, if we compare that to the uses to which the Senator from West Virginia [Mr. BYRD] and I, in our amendment, put this $120 million, then it is like night and day.

For example, we have $200 million, the biggest item here in budget authority, for DOE environmental restoration and waste management activities. Mr. President, if there is an emergency in the United States this is it.

Mr. BYRD. Mr. President, if I may on that point, the Senator was speaking about the need for scholarships in Panama as being a dire emergency?

Mr. JOHNSTON. That is apparently what the administration says, because there is $4 million, as I understand it, for scholarships out of this $420 million.

Mr. BYRD. Yes. Yes. Does the Senator know about the statement by Mr. Lawrence S. Eagleburger, Deputy Secretary of State, before the Foreign Operations Subcommittee of the Senate Appropriations Committee on March 20 of this year, in which he said with reference to Panama, "It has a high adult literacy rate." Not illiteracy, a literacy rate. "It has a high adult literacy rate, approximately 87 percent."

With that kind of a literacy rate, how does that compare with our own in this country? We do not have 87 percent in this country?

(Mr. BREAUX assumed the chair.)

Mr. JOHNSTON. Mr. President, I suspect we do not. And we are cutting back in this very budget—I mean the President's budget now pending before the Congress—on Pell grants, on student aid, right at a time when we are trying to get money for education in this country. We are cutting that back so we can send money to Panama for scholarships.

It may or may not be a good thing to do, but an emergency? There is no emergency to it, Mr. President.

That is enough. That can wait. I can say, Mr. President, what, in my judgment cannot wait is this nuclear waste cleanup.

There is a Hanford compliance agreement which was confected last year with respect to the cleanup of our nuclear reservation at Hanford. As most of my colleagues know—I think all of my colleagues know—Hanford was one of the first nuclear facilities commissioned during World War II. Of course, it was wartime in those days, and it was the war effort. They were not so careful about the environment. They were not so careful about rules and regulations and OSHA and EPA, which did not even exist in those days.

Mr. President, they created a grand and glorious mess. That problem needs attention now. There are 150 leaking tanks, I am advised, at Hanford, involving radioactive waste. They need to stabilize the liquid in those tanks because the real danger is not only the leaks, but there is a chemical reaction which is generating a hydrogen-based gas which offers some danger of explosion.

I do not mean to alarm people and say we are getting ready to have an explosion there, as they had in the Soviet Union at the town of Kyshtym in the 1950's. My colleague, Senator BYRD, will recall that in Kyshtym in the Soviet Union, in the 1950's—we did not know it in the 1950's, but we have found it out since—there was, in fact, an explosion involving nuclear waste where a sufficient amount of it was stored in some trenches and it developed a critical mass. There was a big explosion, and a large area in the Soviet Union was rendered uninhabitable.

I do not mean to say there is any imminent danger at Hanford. But I do mean to say there are 150 leaking tanks, that they are developing hydrogen gas, that the danger from hydrogen gas is an explosion.

So, Mr. President, I say this is a considerably higher priority, to clean up Hanford, than it is to give scholarships and to develop tourism in Panama.

We have a problem in Rocky Flats, which is another one of our tremendous nuclear facilities. There you have a problem with some 62 pounds of plutonium which is deposited in the ducts of that plant. It needs immediate attention. But probably an even higher problem in Rocky Flats is the nonradioactive wastes that threaten the water table. Once it gets into the water supply, the water supply is poisoned. These are volatile organic compounds. They are tremendously dangerous.

To quote the testimony of the GAO, the Comptroller General himself, he has stated with respect to this nuclear problem:

> DOE's nuclear weapons complex, considered in its entirety, is one of the most potentially dangerous industrial operations in the world.

Let me repeat that, Mr. President, because I think it underlines the kind of priority we are talking about. This is Mr. Bowsher, the Comptroller General of the United States:

> DOE's nuclear weapons complex, considered in its entirety, is one of the most potentially dangerous industrial operations in the world.

He goes on to say:

> Some of the buildings and equipment have deteriorated to the point where they now have safety and operational problems.

He further says:

> Ground water and soil contamination at DOE installations around the country is at levels hundreds to thousands of times above standards. At some locations, such as the Y-12 plant in Tennessee, environmental contamination has spread off site.

Mr. President, I do not mean to try to alarm people in the environs of these plants, but I do mean to say that when we have one of the most potentially difficult industrial problems in the entire world, when we have volatile organic compounds which are creeping toward the water supply, when we have uranium dust at Frenald, as to which they have already had big court judgments that would compensate people for cancer phobia and for diminution of property values and other big lawsuits pending, and the uranium dust problem not fully solved, when you have all of these problems not fully solved, Mr. President, I say that to put $200 million on environmental restoration and protection is considerably higher in terms of a priority than scholarships in Panama, than tourism in Panama, than arrearages to the banks which have existed for many, many months which were not caused by Operation Just Cause and which, in any event, even if we gave them the money, would take months to clear out.

Mr. President, I look at the agriculture emergency conservation program as to which we have committed $8 million. About the same amount, a little bit more than the existing amendment would permit to scholarships, would provide funding for disaster programs for farmers in 21 States. Disaster programs are, by their very nature, emergency programs.

This is a modest amount in the Byrd-Johnston amendment which we put to emergency conservation programs. It is a very high priority for Americans right here who pay the taxes that support this and is a considerably higher priority than the $120 million usage which was contained in the bill.

Mr. President, we commit $12.3 million to special supplemental food programs, the so-called WIC Program. If there is a high priority in this country, that is it. A study by Harvard shows that for every $1 spent on the WIC Program, we save $3 in later health costs. The WIC Program, of course, goes to pregnant women, and women and children right after birth in those key, critical times in their lives when their health is most fragile, when their health can be most affected by nutrition and help from the Government. That is what the WIC Program has been.

So the hardest conservative in this whole body, if he has read this study, would look at the WIC Program and say we should fund that, not because we are bleeding hearts, not because we are big liberals, as far as Government spending is concerned, but because for every buck we put in the WIC Program, the Government saves $3 in later health care costs.

That is what the study shows. Yet, Mr. President, at present only about 60 percent of those eligible nationally are served. In my State, which is one of the poorest States, one of the States most in need of WIC, only about 51 percent of the pregnant women and those newborn babies are served by the WIC Program.

Now this money is not enough to solve the whole WIC problem and make everyone eligible, but it would increase the eligibility, Mr. President. It would grant another $12.3 million in budget authority to the WIC Program. And I can tell you it is going to serve people who are just as deserving as those Panamanians who would be served by the $120 million. And they are Americans.

Mr. President, we have to take a harder look at foreign aid, I believe.

The American people have looked at foreign aid, and I can tell you how they feel in my State. They have had enough of foreign aid. Now maybe we should not eliminate foreign aid. The Senator from Pennsylvania says why not eliminate it. Maybe that is an argument for another day. But for this day, the Byrd-Johnston amendment says we have $120 million that we need right now to address emergency needs of Americans rather than funding scholarships and tourism programs and all of these grand and glorious things down in Panama.

Mr. President, we have a program now that is funded that helps farmers. It is an authorized bill right now to help farmers in disasters, but it has not been funded. We have in this amendment some $13 million to fund that program. Now, that helps farmers in Louisiana, in my home State.

Do you want to know in what shape the sugar farmers are, Mr. President? We had the toughest freeze of the century this past year. New Orleans has a tropical climate. They let kids out of school if you have snowflakes down there. We had Lake Pontchartrain frozen and frozen hard. We had snow and ice all over southern Louisiana. The marsh was frozen solid. It was the most incredible thing Louisiana natives have ever seen.

As an aside, I can tell you I went duck hunting and the whole marsh was frozen. The ducks would come in to land and not be able to hit the water as they usually do. They would hit the ice and just slide. When we would shoot a duck and the dog would go after it, the dog would be on top of the ice sliding around and breaking through.

That may be kind of funny if you are duck hunting, but if you are a sugar farmer it spells disaster, because our sugar farmers in Louisiana have had between 60 percent and 100 percent of their crop destroyed.

The unusual thing is that, in effect, it killed not only the sugar crop but the seed for next year's crop because when you cut the cane, the stubble comes up the next year. This frost killed the stubble. In effect, it killed the crop. These farmers will have no income for this year and no money to plant the new crop. And if they do not get the money by August, not only will

they have lost last year because of the freeze but they will lose next year because they cannot afford to plant the crop.

We have had meeting after meeting on this subject in my office and elsewhere among our delegation and with farmers in Louisiana. This is really the last train from the station. If we do not get this, Mr. President, we feel that our sugar farmers are out of business. I cannot tell you how serious it is in my State.

When I compare that small part of this amendment with arrearages to multilateral banks not caused by the invasion, I can tell you, Mr. President, this is a higher priority. This is an emergency. This needs attention today from the Senate. There are Americans hurting by a disaster, the dimensions of which have not been seen this century in my State. And there are other disaster payments for other States here. But I know about this in my State, and it is simply a higher priority.

It is time for this Senate to get its priorities straight about foreign aid. Foreign aid is a little bit like political money. Sometimes people spend political money as if it is monopoly money. I do not know whether the Senator from West Virginia has had that experience in 30 years in politics, maybe more than 30 years, but people raise political money and some people in the organization want to just go out and spend it as if there was no tomorrow—order up more stickers and more signs.

Mr. BYRD. The Senator is talking about consultants now, is he not?

Mr. JOHNSTON. Consultants and all the rest. They have a great idea about money. I think sometimes the Congress tends to be that way about foreign aid. I know the White House tends to be that way about foreign aid. It is wonderful to be a President, or to be the Secretary of State, or to be the Under Secretary, whatever, and promise all this money. You are a wonderful person, you are generous, you are helping starving people, hungry people, needy people, wanting people.

Everybody has wants, Mr. President. I do not mean to make light of the wants of the people in Panama. If our amendment is passed, we will give them $300 million, not all of which is a high emergency. But I tell you this $120 million has nothing to do with an emergency. It has nothing at all to do with an emergency. In fact, it is a little bit hard to say that in the regular bill, which will come along later in the year, you can justify this $120 million. But at that time, Mr. President, we will have a chance to have hearings. We will bring in the witnesses and we will ask the people from the State Department just why is it they want to spend $4 million on scholarships down in Panama, when we are cutting our educational needs of our own people. And they may have a very good answer and it may be persuasive to us. I may well vote for it after they make their case.

They certainly have not made their case now. They have not uttered the word "emergency" with respect to scholarships or construction of schools or $30 million to develop tourism potential. Is that supposed to be an emergency that ranks with farmers who have lost between 60 and 100 percent of their crops in our country, good, hard-working, tax-paying Americans?

Mr. President, charity begins at home. It begins at home, particularly when it is an emergency. This country has always passed muster when it comes to emergencies. When we had Hurricane Hugo, we helped the people. We did not finish the job because part of this money for emergencies is to help after Hurricane Hugo and part of it is to help after the earthquake in San Francisco. Part of it is to help farmers in natural disasters.

Mr. President, that is an American tradition, and we ought to follow it in this bill. We certainly should do it before we take care of wants, wants for countries outside of the United States.

I know the President feels a personal responsibility for Operation Just Cause. I certainly supported Operation Just Cause. But all of this money is not going to repair damage from Operation Just Cause. The $120 million that we seek to divert to American needs did not have a thing in the world to do with Operation Just Cause. Operation Just Cause did not create that debt to multilateral banks. It just had nothing to do with debts to multilateral banks.

Those debts were owed before Operation Just Cause. And, Mr. President, the tourism potential, I hope we can rebuild that, or I hope the Panamanians can rebuild that. They tell me it is a very pretty country. Well, in fact I have seen it. They say there is some very pretty parts of it, some island which is very beautiful. I hope they can develop that, and attract Americans and people from elsewhere.

But emergency? Is that an emergency to rank with the cleanup of our nuclear plants? Is that an emergency to rank with stopping the creeping of volatile organic compounds which threaten to get into the water supply in the Denver area from the Rocky Flats plant? I think not, Mr. President.

I think we need to think first things first. They used to have a group they called "America Firsters." I do not know whether that group was a good group or not. It seems to me it was before World War II. We need to recreate that name and that spirit when it comes to foreign aid.

I think what we ought to say is foreign aid, yes, but America first. Foreign aid, yes, but that which we can afford. Foreign aid, yes, but let us not unbalance this budget. Foreign aid, yes, but only to the extent that it is really needed and that we can afford it as a country, and only after we have taken care of those needs in this country which deserve priority consideration.

Mr. President, we do not go all the way in this amendment. The Senator from Pennsylvania asked a tough question of my colleague from West Virginia when he said why anything for Panama? Why anything for Panama? Why not keep it all at home?

Mr. President, legislation is made of compromises, and it is made of consensus. I think the distinguished Senator from Vermont who chairs the Committee on Foreign Operations, and who I believe is supporting this amendment, has come up with a proper kind of consensus, a blend of those who feel a real responsibility for Operation Just Cause, a blend of those who feel that it is in our interest to help Panama, those who feel that there are priority needs there, that we need to restore the economy, and that we need to restore confidence in Panama. But that is melded into those of us who are America Firsters, who think we need to tend to business here at home first before we go spreading our beneficence all over the world.

So it is a good compromise, $300 million in emergency aid to Panama. If there are further needs, we can consider it, and in the regular course of business.

We can have the witnesses in. You know, Mr. President, that congressional hearing process is really a good one because we have witnesses come up to justify their programs and ask them the tough questions. Why do you want this money for scholarships? Compare that need for scholarships to American need for scholarships. Maybe they can. Maybe they can do a good job of that. And maybe they will just be mumbling to themselves when the question is asked, and the implications of spending money on things that are neglected at home, maybe the implications of that will come home, and maybe they will not even ask for the money in the regular course of having to justify it.

But one of these urgent supplementals, Mr. President, is just that—it is urgent, it is quick. We do not have time to hold all the hearings, and bring in all the witnesses. We sort of have to take the word of the administration, and these figures are really not put together by mathematicians with scientific accuracy, and every dollar being justified. Rather it is kind of a Kentucky windage sort of thing. They pick a figure. Why not $420 mil-

lion? I do not mean to say these people are not in good faith but when you are in an urgent, emergency situation that is kind of the way you have to do it. You have to pick a figure and say well, why not spend $130 million to clear out these arrearages for these multilateral banks? You have to do that sometime anyway. Why not do it now and make us look good?

I say, Mr. President, let us not give them anything now under an emergency program that they cannot justify. Clearly, $300 million is a lot of money for an emergency program. We will come back and consider whatever the requests are in the regular bill. At that time, we will have a chance to consider the experts. We will have a chance to consider the witnesses and have them make their case.

Mr. President, I see my distinguished colleagues standing who may want the floor at this point. So I would like to revisit this matter at a later time and allow my colleagues to take the floor at this time.

I want to thank my distinguished colleague from West Virginia for yielding time to me. I want to thank him for his leadership on this amendment. He has his priorities straight, Mr. President. This amendment has the priorities straight, and I hope this Senate will overwhelmingly adopt it when it is offered.

Mr. BYRD. Mr. President, I thank Mr. Johnston, my distinguished colleague on the Appropriations Committee and the chief cosponsor of the amendment, for his excellent statement and for his support of the amendment.

I yield to the distinguished Senator from Alabama for a question, as I understand.

Mr. SHELBY. A statement and a question.

I thank the distinguished Senator and President pro tempore for yielding to me. I want to briefly commend him for sponsoring this, for showing the leadership on this, and helping us here in the Senate I hope put our priorities in order.

What are those priorities? Most of us have supported and will support aid to Panama in some form. But I am not sure that we need to send $420 million down there in an emergency situation. When we are dealing with this kind of money, we have needs in this country. We have needs State to State. We have the needs that the distinguished Senator from West Virginia has pointed out, such as Indian health facilities. I do not know many people in this country that have been mistreated more, abused more, than our native Indians. That would be $50 million for sanitation requirements and so forth.

Mr. BYRD. The Senator is correct.

Mr. SHELBY. The DOE environmental restoration—everybody in this Senate, including the distinguished Senator from Illinois, our Presiding Officer, knows what problems we have with that, having served with him continuously on the Armed Services Committee regarding the environment and the cleanup.

Think about our own problems as far as the agricultural emergency conservation program. We all have experienced disasters. My own State of Alabama had tremendous flooding in southeast Alabama. We have farmers down there that had beautiful lands that only now have rock left there to farm.

As far as the farm bill, we need it. We need help. But lastly, Mr. President, the WIC Program—think of all the times we have argued on the floor for trying to do something about infant mortality in the United States. My State of Alabama is one of the high-risk States dealing with infant mortality there. But we are not the only ones. What would the WIC Program do? This is $12.3 million of this. It is a lot of money for that program. It would be used to provide additional funding for the WIC Program, for low-income women, infants, and children who are at nutritional risk.

So it makes a lot of sense to take this $120 million and again follow the leadership of the distinguished Senator from West Virginia. I commend him again. I trust that he will add me on as a cosponsor of his amendment.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his question, for his statement, and for his desiring to become a cosponsor of the amendment. I will add his name before I send the amendment to the desk. I thank him.

Mr. President, there are several other things I wish to say regarding the amendment and the bill.

Mr. President, the Comptroller General of the United States, Charles A. Bowsher, appeared before the Subcommittee on Transportation and Hazardous Materials of the Committee on Energy and Commerce, House of Representatives, on February 23, 1989. He spoke on the subject of "Enormous Modernization and Cleanup Problems of the Nuclear Weapons Complex." This, in part is what he said:

> We are pleased to provide our views on what is needed to clean up and modernize the Department of Energy's nuclear weapons complex. My testimony is based on a large body of work, over 50 reports and testimonies since 1981, that we have completed on the environmental, safety and health aspects of the Department of Energy's nuclear weapons complex. Cleaning up and modernizing the complex would be a formidable task which is estimated to cost up to $155 billion.
>
> Let me stress that while cost estimates are not budget quality, they do serve to illustrate the magnitude of the problems within the complex. As more information is gathered, the indications are that the final cost could be higher.

In previous congressional testimony, I have used the problems in DOE's nuclear weapons complex as an example of how we have not invested wisely in key Government operations. We have consistently made short-term decisions which now leave us with extremely serious problems that would require long-term solutions with enormous costs.

The Department of Energy's own studies agree that production of nuclear material has been emphasized to the detriment of safety and environmental concerns. They also point out that capital investment to maintain many components in the complex averaged less than 2 percent, in contrast to a 4 to 7 percent level normally associated with industrial facilities.

The problem at the Department of Energy's complex are so serious that they have at least temporarily shut down key facilities that affect the Nation's ability to produce nuclear material for a weapon. Dealing effectively with these problems represents one of the major areas of explosive, unfunneled costs that will have to be dealt with at the same time we address the budget deficit.

A comprehensive and well-planned approach to address the problems is overdue, and further delays will only worsen the situation.

In the last session of the Congress, the debate was over whether major problems had existed in the Department of Energy's nuclear weapons complex. The debate in this——

Mr. PRYOR. Mr. President, I apologize to the distinguished Senator. I thought he had completed his remarks. I will be glad to wait.

Mr. BYRD. Would the Senator like to make some comments on the proposed amendment? I am glad to yield.

Mr. PRYOR. Mr. President, if I may respond to the distinguished chairman, I did not desire at this point to discuss the proposed amendment. However, I do strongly support the proposed amendment, and I also do ask respectfully that I may be added as an original cosponsor of the amendment.

There is one other section on which I might respond further to the distinguished Senator, Mr. President. This relates to the supplemental appropriation for several of the agencies of Government which have direct jurisdiction today over an issue called "wetlands." We have a tremendous crisis in the State of Arkansas, I say to the distinguished Senator from West Virginia, about what the rules are today with regard to wetlands, specifically, as to what the wetlands regulations mean to the farmer in our State.

Our farmers today are trying to plant. They do not know the rules of wetlands, the rules of the Corps of Engineers, the Soil Conservation Service, ASCS, EPA; they do not know the rules. They cannot, for example, even build a rice levee or tear down a rice levee without going to the Corps of Engineers for a permit. Well, how long does a permit take? It takes at least 90 days to receive a permit.

I just say further, Mr. President, to the very distinguished and able chairman, that at some point, before the conclusion of final disposition of the supplemental bill, in consultation with the distinguished Senator from Louisiana [Mr. JOHNSTON], and also the distinguished colleague, the Senator from Arkansas [Mr. BUMPERS], we may want to attach some form of a rider, some form of a moratorium, or something at least addressing the issue of wetlands, so that we can remove ourselves from this bureaucratic quagmire that we find ourselves in at the present time.

So I do not want the distinguished chairman to be surprised if at the appropriate time and place such amendment is offered. I will do that upon consultation with him and his staff, and others of my colleagues, who I know will be interested in being a part of this effort.

Mr. President, I am very appreciative of the Senator for yielding.

Mr. BYRD. I thank the distinguished Senator for alerting me to his interest in the matter which he discussed. I am very happy to discuss it further with him and to consider whatever he has in mind. I thank him for his request that he be made a cosponsor of the amendment and his name will be on the amendment as a consponsor when I sent the amendment to the desk.

Mr. President, the debate, as I say, in the last session of the Congress was over whether major problems existed in the Department of Energy nuclear weapons complex. The debate in this session can move from the recognition and acceptance that there are serious problems in the nuclear weapons complex to how to fund and deal with them. The role of this Congress and administration will be to strike a balance between maintaining our national security and protecting the public and the environment as well as establishing the pace at which the Nation moves its weapons complex into the 21st century. The remainder of my testimony provides specifically, one, scope of Department of Energy cleanup plans; two, the reasonableness of the cost estimates to implement these plans; three, structure needed to most effectively and efficiently resolve the problems; four, our views on the Department of Energy fiscal year 1990 budget; and five, comments on H.R. 761.

Before getting into the specifics I would like to begin with an overview of the complex end of the problems.

Again I say this is a statement by the Comptroller General of the United States, Mr. Charles A. Bowsher.

He is talking now with reference to the nuclear weapons complex and its problems. He went on to say:

Since World War II nuclear weapons played a dominant role in the Nation's defense strategy, DOE oversees weapons are located at 16 major installations around the country. The complex mission is to produce nuclear materials for weapons, naval materials, and naval fuel.

DOE funding requirements for nuclear defense activity in each of the last years has been about $8 billion. In total the complex represents a public investment of about $100 billion, includes the wide variety of plants with interrelated purposes such as nuclear reactors, specialized laboratories and uniquely designed plants for fabricating nuclear materials and nuclear waste facilities. The Department of Energy nuclear waste complex is considered one of the potential dangerous industrial operations in the world.

The operations routinely use and generate large quantities of a wide range of hazardous and radioactive materials. These materials must be transported and disposed of carefully by workers not only to prevent exposure to themselves but also to prevent these materials from being released into the environment because of lethal levels of radiation and high level heat generation. Many of the materials must be handled with special shielded equipment to prevent worker exposure.

DOE operations also involve controlling nuclear reactors and handling highly fissionable nuclear materials. The unfortunate Chernobyl accident represents the dangerous aspects of controlling nuclear reaction and nuclear material.

Finally, DOE operation must be protected against the more commonplace industrial dangers such as fires or other processing accidents. GAO work over the past several years has described a variety of unresolved safety, environmental and operational problems. Specifically we have called attention to the following: Serious safety questions regarding the operation of government production reactors at Savannah River, South Carolina, including the adequacy of the emergency cooling systems and need for ultrasonic testing to examine the reactor tanks for the possibility of cracks.

The problem that DOE facilities face, results from aging and inattention to capital improvements. For example, some buildings and equipment have deteriorated to the point where they now have safety and operational problems.

Furthermore, some equipment and/or processing used within the complex are obsolete making repair work difficult and spare parts virtually impossible to procure. Over 3,000 inactive waste sites at DOE facilities are the result of past hazardous and radioactive waste disposal practices that will require action. Groundwater and soil contamination at Department of Energy installations is found around the country; some at levels hundreds to thousands of times above standards, in some locations such as the plant in Tennessee. Environmental contamination has spread offsite.

Next Mr. Bowsher says:

I want to briefly discuss the reasonableness of cost estimate set forth in the DOE modernization report.

And this section of this testimony bears a subheading cost estimate very uncertain.

We have previously reported that the total cost of addressing the major problems within the complex is estimated up to $155 billion. The modernization plans calculation of costs differs from ours in methodology and scope. For example, the DOE modernization report highlights $81 billion for modernization and environmental restoration over the next 21 years. This $81 billion represents the additional funds and increment needed during the next 21 years over and beyond funding DOE programs each year at the fiscal year 1989 level of approximately $8 billion.

Further, the $81 billion represents cost only through 2010. In the environmental restoration area DOE recognizes that total cost could range from $40 billion to $70 billion and would extend beyond 2010. As I said earlier it is important to note that all of these estimates are not budget quality and are designed only to approximate the funds needed. In the final analysis, the true costs may be far higher. For example, some of the planned facilities will use new technologies such as the isotope separation facility and a high-temperature gas cooled reactor. The Department of Energy construction of such a facility has been prone to huge cost overruns. Further, many uncertainties exist with regard to how we can clean up existing environmental contamination and decontaminate large nuclear facilities.

The Department of Energy's modernization plan does not shed much light on what cleanup figures will be used. Finally we are not sure that all the problems within the complex have surfaced. For example, in the environmental area uncertainties still exist not only regarding the extent to which DOE sites can be cleaned up, not only regarding the size of the problems, but also regarding the extent to which DOE sites can be cleaned up.

Mr. President, I yield to the distinguished Senator from Vermont, the chairman of the Appropriations Subcommittee on Foreign Operations, for 15 minutes, with the understanding that I do not lose my right to the floor and that my speech will not be counted—well, now, wait a minute. I promised the Senator from Arizona, before he went to a committee meeting, that after 2 o'clock, upon his return, I would yield to him.

I see he is on the floor. If the Senator from Vermont will allow me to carry out my commitment to the Senator from Arizona first, Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arizona [Mr. MCCAIN] for——

Mr. MCCAIN. I do not think I will use it, Mr. President, but perhaps 15 minutes.

Mr. BYRD. For 15 minutes, without losing my rights to the floor and without its counting as a second speech.

Mr. President, I do not intend to hold the floor forever, but I do intend to finish my statement and I am going to protect the Republican leader on his amendment. But I will be glad to yield to any Senator who wishes to come to the floor to speak any time.

I yield to the distinguished Senator, my friend from Arizona [Mr. MCCAIN] under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is now recognized.

Mr. MCCAIN. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his courte-

sy in allowing me to speak on this very important amendment.

Mr. President, I do not wish to reopen the line-item veto issue. I am sure we will have ample time to ventilate that issue, as the Senator from West Virginia has made his intentions very clear, in the case that such an issue should come to the floor.

I would like to make one comment in response to the very illuminating and thoughtful comments that the Senator made. Again, I remind the distinguished chairman of the Appropriations Committee, 43 out of 50 States in America have the line-item veto. None of the terrible distortions of the democratic process that he forewarns us of have occurred in those 43 States.

All of the legislators and Governors, no matter what political stripe they are, support such a measure as an extremely important tool for legislative efficiency and for the eliminating of wasteful spending.

It seems to me there is only one significant difference between the States and the Federal Government. The States cannot print their own money and they do have balanced budgets, whereas our Federal budget is, of course, a monumental disgrace.

Mr. President, I want to speak about this amendment that is being proposed by the distinguished chairman of the Appropriations Committee and the distinguished Senator from Louisiana. It reduces the appropriations for aid to Panama from $420 million to $300 million, a $120 million reduction in budget authority that yields a reduction in outlays of $63.6 million.

Mr. President, as always, this is a very clever and intelligent amendment. Why? Because clearly, Mr. President, we are going to take this money that goes to foreigners, none of whom vote, and we are going to use it to satisfy some of the most urgent and important needs in our society.

As my friend from Pennsylvania stated earlier today, if it were put to a vote of the American people, this amendment would pass overwhelmingly. In fact, Mr. President, any foreign aid request before this body, if challenged with the alternatives presented by this amendment, clearly would not prevail because the American people understandably are most concerned about the conditions which need rectifying with our own society.

I am particularly interested, Mr. President, in the first listing in the summary of the Byrd-Johnston amendment that was handed out, which is $50 million in budget authority for Indian health facilities.

These funds would enable the Indian Health Service to begin addressing the backlog of sanitation requirements for Indian housing. At present, this backlog is estimated to be $650 million.

Mr. President, that is a wonderful idea. I come from a State that has 20 Indian tribes, the largest tribe in America, living in conditions of abysmal poverty, the worst conditions in the United States, and have been for this century and most of the last—Mr. President, it is wonderful.

But the question is, where was this money for the last 15 years when native American programs have been diminished in every parameter we want to use, whether real spending, percentage of the budget, percentage of GNP. Where was this request since 1975? According to the evidence that I presented on this floor, native American programs' funding has steadily, inexorably, and unconsciously declined as the need on native American reservations has dramatically, inexorably, and unconscionably increased?

So I applaud this with great warmth, and feeling I, perhaps more than any other Member of this body, support an increase in funding for Indian health facilities. God knows it is needed.

But the question that should be asked here is, why now, Mr. President? Why now, when we are facing a situation in Panama which borders on critical? In fact, in the view of some observers, Panama is already in crisis.

Mr. President, 23 American boys died in the invasion of Panama; 23 who gave their lives in that exercise. I am not prepared, Mr. President, to support a decision that may very well place the lives of Americans in danger again.

I can assure my colleagues that if we cut this funding, we will send a signal to dissident elements in Panama that the United States does not support the freely elected Panamanian Government, nor is it interested in stability in the region. Such a signal will encourage elements within Panama to disrupt their society, cause further unrest, and, indeed, risk American lives.

It may have escaped the notice of some, Mr. President, that not too long ago, a hand grenade was hurled into a night club in a major Panamanain city, injuring American servicemen who happened to be there that evening. I guarantee, Mr. President, the likelihood of the repetition of such incidents will be dramatically increased if we send a signal to the Panamanian Government and people that we are not interested in a one-shot, jump-start of their economy so they can regain the economic health which we all know is vital and critical to the maintenance of democracy in any—I repeat any—fledgling government.

My distinguished colleague, the chairman of the Appropriations Committee, said that the American people will ask "Are you going to put someone else first?"

I suggest, Mr. President, the majority of Americans applaud and appreciate the fact that the American people have put democracy and freedom first throughout the world for two generations.

The American people, and my constituents, Mr. President, will say it is not an accident that the statue raised by Chinese students in Tiananmen Square was a replica of the statute of liberty. They will say it is not an accident that a Czechoslovakian student at the height of the Czechoslovakian demonstrations, stood before an enormous crowd of freedom starved Czechs and said:

> We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.

Mr. President, my voters know that they need increases in these vital domestic programs. Native Americans in my State need to have their health facilities upgraded from unacceptable to rudimentary.

I suggest what this amendment does is present us with a Hobson's choice. It presents us with a choice of abandoning freedom for the people of Panama where there will be a continued United States military presence, where American men and women will be based for at least the next 10 years and where their lives will be risked by destabilizing that country, in return for which we will fund very much-needed and important domestic programs.

Mr. President, I also would like to say something about American citizens. There are a lot of American citizens in my State who are of Hispanic heritage. There are lots of them across the Southwest—the States of Texas, Oklahoma, New Mexico, Florida, and California. The largest and fastest growing percentage of America's population are American Hispanics. I say to my colleagues that these Hispanic Americans are concerned that we are going to abandon Hispanic democracies to economic chaos and political disruption. Yes, they care, Mr. President, whether we are going to give the same kind of support to Hispanic democracies that we seem to be more than willing to give to East European nations. I have heard some very interesting comments made about the democracies of Central America on the floor of this body as compared with those of Eastern Europe.

Mr. President, I suggest that freedom and democracy is precious to any individual no matter what his culture and his heritage or the color of his skin. I also point out that there is some $23 billion which has been earmarked by nations all over the world to help the economies of Eastern Europe recover. I am also sad to note that there has been very little, if any, support whatsoever earmarked from any other nation to Panama and Nica-

ragua. Indeed, it is America's primary responsibility.

So, Mr. President, this very intelligent, very compelling and very thoughtful amendment—because I always have the utmost respect for any amendment that the distinguished chairman of the Appropriations Committee presents to this body—is before us. Yes, it will present some very difficult choices for those of us who have to vote on this issue, and the distinguished chairman has assured us that we most certainly will. But, Mr. President, we are playing a dangerous game here. We told the people of Panama when we got rid of one of the most despotic dictators that had ever burdened any country, that we would help them, that we would assist them in maintaining a viable economy and rebuilding democratic institutions.

I will say, Mr. President, if we agree to this amendment, we are telling them, adios. We are telling them, no, we are not going to help you; we are just going to do as little as we can. Meanwhile, we may have some higher priorities for some other countries in different parts of the world.

Mr. President, I think it would be a very serious mistake if we adopt this amendment. I think we have an opportunity for peace and stability in a very volatile and unsettled part of our own hemisphere. I think a compelling case could be made that this should be our first priority. Mr. President, we cannot abandon these people because, if we do, not only do we abandon the principles and philosophies upon which this Nation was founded, but we may see the need for a return of U.S. military troops. That is the absolute last solution that any of us want to see repeated.

We cherish the memory of those 23 brave young Americans who sacrificed their lives in defense of the freedom of the Panamanian people. We do not want to see it happen again.

Mr. President, I thank again the distinguished chairman of the Appropriations Committee, for his courtesy and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Arizona. I hope he will consider further the amendment before he casts his vote. He can be sure the adoption of this amendment is not an abandonment of freedom and democracy in Panama. The Senate, with the House, in February, moved very expeditiously to comply with phase I of the request for Panama, which I believe was about $45 million in disaster emergency assistance and $500 million in loan guarantees, and there is $300 million in this bill. That is an abandonment of freedom and democracy anywhere—$300 million. That is $800 million. What is the GNP of Panama? I am told the gross national product of Panama is something like $4.5 billion. So here we are appropriating $300 million today which is 6⅔ percent of the total GNP of Panama just in this $300 million, 6 percent. Suppose some country in the world were to appropriate 6 percent of our country's GNP. What is our country's GNP? $5 trillion? Six percent of $5 trillion, how much money would that be we would be getting, this United States of ours? Six percent of $5 trillion. And here we are appropriating 6 percent, almost 7 percent, of the total GNP of Panama just right here in this little bit, $300 million. And then to imply that this is abandonment of freedom and democracy. We are saying we are not shutting you out. Come back and make your case. Let the administration come back and make its case. We will have the regular bill coming along shortly.

Anent what I have just said, I want to read an excerpt of the Honorable John E. Robson before the Foreign Operations Committee of the Appropriations Committee when he appeared with Secretary Eagleburger in support of this appropriation:

> The President has proposed economic assistance packages for Panama and Nicaragua that reflect two differences in the economic circumstances of the countries. As you may know, Deputy Secretary Eagleburger and I went to Panama in early January to assess the economic situation. We met with President Endara and his economic advisers as well as with representatives of the private sector. Based on those meetings and the followup work of an interagency team of U.S. experts, we formulated the strategy which we believe provides the basis for sustainable long-term economic recovery.

That is where we got the figure. That is where they came up with the $500 million request, based on those meetings. They met with President Endara and his economic advisers, as well as with representatives of the private sector. So then, based on those meetings and the followup work of the interagency team of U.S. experts, they have formulated this strategy. That does not sound like a very sound footing to demand that we have to appropriate $500 million in this bill. How do we know what the figure really should be?

So we are appropriating $300 million, which had been justified by the administration's witnesses before the Appropriations Subcommittee on Foreign Operations, according to that subcommittee, of which the distinguished Senator from Vermont is chairman. That is what we are doing. We are going along with that. The subcommittee thinks that much is justified. OK, let us appropriate that and come back on the regular bill and see what else they can justify.

Mr. LEAHY. Mr. President, I wonder if the distinguished Senator from West Virginia would be willing to yield to me for, say, 10 or 15 minutes, and I would be happy to lay out some of the thinking that went into the basic foreign aid bill and also why I joined with the distinguished Senator from West Virginia in seeking a different allocation in the committee than that with which the committee ultimately came out.

I wonder if the distinguished Senator would be willing to yield to me.

Mr. BYRD. Yes. Mr. President, I am going to yield the floor shortly in any event. I yield to the distinguished Senator for 15 minutes. I am not allocating time. We are not operating under a time agreement, but I ask unanimous consent that I may yield for not to exceed 15 minutes to the distinguished Senator from Vermont [Mr. LEAHY] with the understanding that I retain my rights to the floor and not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mrs. KASSEBAUM. Mr. President, before the distinguished Senator from West Virginia does that, I wonder if he will yield just a moment for a question, before the Senator from Vermont speaks.

Mr. BYRD. Yes.

Mrs. KASSEBAUM. The Senator raised the question about a regular bill coming along and why could we not address some of the issues at that time regarding the funding for Panama and Nicaragua. I think the statement by the chairman of the Appropriations Committee raises a point. I believe that has some merit, but along with that I would like to ask if some of the domestic items that we have now included in the dire emergency supplemental would not also be something that should be considered at the time when we look at the regular appropriations bills.

Mr. BYRD. They will be. They will be considered.

Mrs. KASSEBAUM. But are there not a significant number that are now included in the supplemental that we should take off as well?

Mr. BYRD. I am not sure I understand the question of the distinguished Senator.

Mrs. KASSEBAUM. If we would reduce the funds requested for Panama or Nicaragua because of our belief that some of those could be debated and handled during the regular appropriations process, I am merely asking, are there not a number of domestic items included under the dire supplemental emergency consideration that we could also put aside until the regular bills come through?

Mr. BYRD. The answer is no, may I say most respectfully to the Senator from Kansas. What we are putting in this bill for the environmental cleanup of the nuclear weapons facilities is a

mere drop in the bucket. But it is a start. We can be sure that by appropriating this little, measly $200 million, if the Senate accepts this amendment for that purpose, we will not be putting the problem behind us. We will be paying on that bill for years and decades to come in all likelihood.

What we are saying is that as far as the appropriations justifications are concerned, when they appeared before that subcommittee—and may I say I think the distinguished chairman of the subcommittee indicated at those hearings, if anyone wishes to read the hearings, that he knew much more about the situation and the problems in what the administration was requesting than those who testified on behalf of it.

I do not say that to cast any reflection on those witnesses who appeared there, but what I am saying is the Senate is going a long way in appropriating the $300 million, but why should we just blindly appropriate $500 million because the administration says we want $500 million. We ask our own agencies, when they come in with respect to appropriations requests for domestic items, to justify those requests.

I am the chairman of the Senate Appropriations Subcommittee on the Department of the Interior, and there we are talking about parks and forests and public lands and laboratories. We ask the agency heads, the departmental heads to come before the committee and justify the administration's request for these domestic items. We do not always give them as much as they request. Many times we do not. They have to come and justify those requests. Why then should we just willy-nilly and without any question, just blindfold ourselves and say, OK, if the Administration wants $500 million, we will ask no further questions; let us give it to them.

I say most respectfully to the Senator from Kansas, it was the judgment of the subcommittee that conducted the hearings that $300 million was all that the Administration fully justified. And combining that with the $500-plus million in loan guarantees and emergency assistance that was approved in February, plus the fact the regular bills are coming on soon, we think that some of these domestic needs which are waiting and crying out for attention ought to be given some consideration. The only way we know how to do it is to reduce the money that had been voted in by the committee for Panama.

Mr. LEAHY. Mr. President, if the Senator would be willing to yield some time to me—I agree with what the Senator from West Virginia said—I can lay out in about 10, 13 minutes or so, at least a summary of what we considered in the Foreign Operations Subcommittee and why I took the position I did in the full Appropriations Committee, why I joined with the distinguished chairman of that committee when we had the markup of the foreign operations part of the bill.

Mr. BYRD. Mr. President, I am going to yield the floor shortly. I would like perhaps to make a few more comments, very limited. I do not want to yield the floor until I offer the amendment. I ask unanimous consent that I may yield to the distinguished Senator from Vermont for not to exceed 15 minutes and that I not lose my rights to the floor. I assure all Senators that I will not retain the floor very long after that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from West Virginia. I compliment him both on his stamina and his grasp of the issues in framing this debate so far today.

Mr. President, when we started putting together this supplemental appropriations bill, we did it within the framework and the view of what was happening in the rest of the world. From the triumph of Solidarity in Poland last year, the victory by democratic parties in elections in East Germany just a few weeks ago, we watched in awe as the people of Eastern Europe threw off generations of tyranny. We have also seen the liberation of Panama from the Noriega dictatorship, the free election of a new Government in Nicaragua to replace the Sandinistas, the peaceful transition of power in Namibia and a civilian President, a civilian President freely elected in Chile. After decades of carrying out foreign aid programs based on cold war rationale, we now have a historic opportunity to reshape the whole purpose of our foreign aid.

But I am concerned that the Administration has not yet grasped the urgent need to design a coherent new foreign aid strategy. In place of new ideas, we got piecemeal foreign aid requests driven by the headlines of that day, supplementals tailored to fit press conferences, foreign aid programs shaped by political calculations rather than by a careful balancing of American foreign policy priorities and interests.

I commend the distinguished majority leader of the Senate when a few weeks ago he called on the Administration to send forward an overall foreign aid plan, to show us how it fits into our broader foreign policy and also, and very importantly, how it relates to the budget. The first opportunity to engage in real debate on new directions for foreign aid is the fiscal 1990 supplemental appropriations bill, that which is before us today, and we can have that debate on direction for foreign aid.

The distinguished chairman of the Appropriations Committee and I took a different position on the funding level for Panama, different than that reported by the committee Tuesday on the supplemental. He and I, as well as the majority leader and many other Senators, worked very closely on the foreign aid portion of the supplemental. I want to compliment the distinguished chairman of the Appropriations Committee on his hard work in our effort to develop a position to meet truly urgent needs in foreign assistance, but at the same time to fund critically important domestic, U.S. needs such as Head Start.

But the Appropriations Committee by a 15-to-14 vote, 1-vote margin, reported essentially the same aid levels passed by the House in its version of the supplemental appropriations. But the committee did adopt important provisions which I recommended, and I will review those later. But let us briefly review the reasons for the proposal that was offered by the chairman of the committee and myself when we went to markup Tuesday.

The distinguished chairman and I react much the same way. When the President first announced his intention to give $800 million to Panama and Nicaragua, in the 5 remaining months of this fiscal year, we agreed that is too much money, too fast, to give to two governments that do not have the capacity to absorb it all at once without great risk, waste, and misuse.

I support eventually the full $500 million to Panama and the $300 million for Nicaragua requested by President Bush. But I have always said it should be spaced out over a reasonable time and with tight management and auditing controls to avoid waste.

Let us put this aid request for Panama into perspective. First off, I have not heard from one single Senator, Democratic or Republican, that they are opposed to helping Panama, especially since our removal of General Noriega. Everybody agrees we are going to help them. But I have heard speeches from every single Senator in this body about how opposed they are to waste, how opposed they are to spending money when we do not need to, and so we should at least ask how we are going to spend it. Let me put it in perspective if I might.

Over the last 42 years, from the time I was 6 years old, between 1946 to 1988, the United States gave a total of $553 million in economic aid to Panama. Now in the $40 million in grants we gave Panama in February, plus the President's request of $500 million for Panama, we would end up providing Panama with $540 million in 1 year. That is in 1 year. In an emergency supplemental, we are asked to

give Panama as much aid as we gave them over 42 years.

Mr. President, I do not want to be cynical but one gets the impression that number might just have been picked a little bit out of the air.

That is why we asked for the hearings. That is why we specifically raised questions. If their experience in aid from the United States was to get about half a billion over 42 years, and handled that however handled, what experience would they have in getting 42 years' worth of aid in 5 months? I thought we ought to ask that question at least.

I am also concerned, I must say, Mr. President, that when we can suddenly find $800 million for Panama and Nicaragua the Administration continues to ignore the urgency of promoting American trade and investment in Eastern Europe. The door to those huge markets is opening wide, and our competititors, the Western Europeans and Japanese, are already out in front. This is after all the country which in trying to make Europe free fought in World War II, developed the Marshall plan, spent trillions of dollars in NATO, and now suddenly when democracy breaks out we say we ran out of money jsut about 1 year too soon. But thank goodness the Western Europeans and Japanese can now come in and take advantage of all the United States has sacrificed for 50 years.

Let me speak briefly of Panama. I visited Panama shortly after our invasion. I was deeply impressed with President Endara's vision. I yield to no one in my admiration about what he has said, what Vice President Ford and Vice President Arias said to us. I feel a close personal kinship with Vice President Ford and Panama. I feel that I am a personal friend as a result of our many discussions. These are three men whom I am convinced want what is in the best interests of this country and democracy. They speak of that really in one sentence. They consider the best interests of Panama to be as a democratic nation.

On my return, I fully supported the $550 million in emergency grants, credits, and guarantees that President Bush requested for Panama in February, and I helped on this floor and in the meetings off the floor to expedite that money. I know firsthand Panama needs aid from the United States to get its economy moving again. But I do not feel based on the hearings that I held—as the distinguished chairman says those transcripts are available—they can effectively use an additional $500 million requested by the President, or even the $420 million approved by our committee, in only 5 months, which is all that is left of the fiscal year.

I am not speaking against aid for Panama. I support aid for Panama. I am not speaking against President Endara, Vice President Ford, and Vice President Arias. I have a great deal of admiration for all three, and I want to help them. All I am saying is let us not send aid for the sake of aid. Let us make sure it really helps Panama, and let us make sure as the money goes it is effective.

The stated purpose of this request is to "jump start" the Panamanian economy. Then you have to ask how do these points jump start it? One hundred thirty million dollars on the part of the United States to clear Panama's arrears to the multilateral development banks where nearly $600 million is needed. We can pay off some of our debts. In fact, the administration concedes that process will take months before enough money can be raised. Thirty million dollars for tourism potential, $20 million for construction of schools, $6 million for techical assistance, $4 million in scholarships, $6 million to develop nontraditional exports.

These are probably good goals. Are they dire emergency supplementals? Let us take care of some of the basic needs of Panama. This Senate moved with alacrity to help the President's request for $540 million in grants and aid. I think we moved that through, I would say to my colleagues, faster than I have ever seen any nondomestic issue with a price tag like that ever moved through this. I have been here 16 years. Others have been here longer. But it was pretty darned fast. We can do it.

But the entire Panamanian national budget is less than $1.5 billion. The administration is asking Congress to approve over $1 billion in aid of all types to Panama, including over $500 million in grants in a single year.

Somebody has to say aid is one thing, but just throwing money to make us all look good is quite another thing. Let us help Panama, but let us not just buy a public relations stunt when we are doing it, not with the taxpayers' money.

I am not the only one to ask whether an economy as small and as disrupted as that of Panama can really absorb so much money all at once. In a speech in February at the State Department, the White House's own associate director of the Office of Management and Budget questioned whether Panama can realy use the equivalent of 20 percent of its entire gross domestic product.

Mr. President, I ask unanimous consent that an article from the Foreign Service Journal April issue recounting these remarks be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, to dump this money on Panama all at once is a prescription for waste and misuse of the American taxpayers' money. At the very least, we should stretch out aid to Panama so there is less incentive to throw money at problems without adequate planning and preparation.

Because of this concern, I recommended, and the committee agreed, to include language in the bill requiring semiannual audits by the inspector general of AID of the individual aid programs, and a comprehensive audit of the entire program in both Panama and Nicaragua at the end of fiscal 1991.

NICARAGUA

After decades of trying to destroy Nicaragua and its economy through the Contra war and economic sanctions, we have a moral obligation to help the Nicaraguan people rebuild their country. We will be sending aid to Nicaragua for years to come.

The request was $300 million this year for them, the President has asked for another $200 million next year, that is $500 million for 3.5 million people. Put that in perspective, that $500 million for 3.5 million people is a little bit less than all the development aid we need for 500 million people in black Africa in a year.

Let us at least be honest about it. Those numbers are not based on hard economic analysis. President-elect Chamorro and her advisers frankly told us they do not have access to essential economic and financial information. The Sandinistas have treated such information as state secrets. No realistic economic recovery program can be developed until the Chamorro administration gets access to the data it needs to plan rationally.

The AID Administrator has also confirmed that the Chamorro team does not have essential economic and financial information.

Mr. President, I ask unanimous consent that AID Administrator Ronald Rasken's letter to me of April 11 on this subject be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEAHY. Mr. President, Nicaragua's economy is a total shambles. The Chamorro government will be in the throes of a top to bottom reorganization of Nicaraguan society, with scant ability for months to manage and control hundreds of millions of dollars dumped on them all at once.

Mr. President, we have carefully reviewed the President's $300 million request—$200 million of it can reasonably be justified to respond to immedaite needs of the new Chamorro administration.

I ask unanimous consent that a paper prepared by the staff of the Foreign Operations subcommittee ana-

lyzing the President's request for Nicaragua be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. LEAHY. Mr. President, however, because of the strong concerns expressing by many Senators about the importance of sending a clear signal of support to Mrs. Chamorro, in our proposal Senator BYRD and I agree to increase the amount for Nicaragua to $300 million. There was no disagreement in the committee over this program.

But this huge infusion of cash makes all the more important the provision I recommended requiring special audits of the Nicaragua program over the coming months. And, as with Panama, we need to space out our aid to Nicaragua so there is time for the new government to pick up the reins of power, get needed economic data, and plan sensibly.

As guardians of the taxpayers money we should be especially concerned that the administration has already told us $178 million in cash will go directly and immediately into Nicaragua's Central Bank, which is about to undergo major reorganization. At the same time, Deputy Secretary Eagleburger stated to me that we will not have an AID mission up and fully operating in Managua until December.

I do not want to be the one to explain that to the American taxpayers if and when the scandals begin appearing in the press.

Mr. President, the supplemental which passed the House on April 3, 1990, contained $30 million to support the demobilization and resettlement of the Nicaraguan resistance. The Senate Appropriations Committee preserved those funds, but added language which takes into account developments in Nicaragua since April 3.

On April 19, agreements were signed by representatives of the Contras, Mrs. Chamorro, and the Sandinistas which set forth a series of steps for the demobilization of the Contras. A cease-fire was to take place immediately, and all armed Contras were to begin moving into five enclaves inside Nicaragua by April 22. By June 10, 1990, they all are to have turned in their weapons.

This is a reasonable arrangement with a procedure accepted by all parties. So far I am not aware of any reports that either side is falling to abide by the procedure.

Mr. President, Violetta Chamorro was inaugurated on Wednesday. There is no reason why another American tax dollar should go to any Contra who refuses to abide by these agreements signed by their leaders, Mrs. Chamorro and the Sandinistas. Accordingly, I included language in the bill that assistance for demobilization and resettlement shall be limited to Contras who agree to and are abiding by the terms of the cease-fire agreement and the addendum to the Toncontin agreement signed on April 19. I am pleased the Sente supports that language and fully expect the House to accept it in conference.

That $300 million is going to go through. My statement which will be longer in the RECORD will point out some of the concerns I had of that economy absorbing it. But there seems to be great symbolism attached to it. The $300 million I am willing to bet within my judgment, I am willing to stake my legislative judgment on it, will pass this body just as it did the other body, and $300 million will go to Nicaragua. As far as they are concerned, that is money in the bank, and I might say it is more money than they have in all their banks put together today.

Mr. President, I have taken more time than I told the distinguished Senator from West Virginia I fully expected to take.

EXHIBIT 1

[From the Foreign Service Journal, April 1990]

OMB OFFICIAL DISCUSSES FOREIGN AFFAIRS BUDGET

(By Richard S. Thompson, Professional Issues Coordinator)

Frank Hodsoll, executive associate director of OMB who previously spent 14 years in the Foreign Service, commented on the recently unveiled 1991 budget at a February 27 AFSA speaker Luncheon.

Hodsoll noted that the "150 function" foreign affairs account has been increased to $20 billion, reflecting the president's desire to pay up on arrears to the United Nations and other international organizations. Of the $20 billion, $15 billion is for foreign aid and about $5 billion for the conduct of foreign affairs, including State and USIA. Defense spending, at $303 billion, shows a nominal increase of 2 percent, a decline in real terms of 2 percent.

For years Congress has been cutting foreign aid requests, and this is iikely to continue in spite of needs in Eastern Europe and the developing world. During the transition years of 1991-92, the "peace dividend" will be small. We might even need more money for defense to move troops and prepare bases in the United States.

Three challenges in the foreign affairs budget were outlined. First, rethinking the form of our aid, which has changed little since the philosophy and mechanisms of our assistance were established following World War II. Reduced support for aid and congressional earmarking have meant our programs suffer from both capping and rigidity. We need to look at new approaches, such as contingency and regional allocations, and combine accounts where it would make sense. The bilateral versus multilateral aid balance should be reviewed.

Second, we need to look at our representation abroad, which Under Secretary of State for Management Ivan Selin is doing. We must reconsider our personnel, intelligence, and economic requirements. In USIA and public diplomacy, VOA, Radio Free Europe, and Radio Liberty require scrutiny.

Third, we need more economic analysis of our aid flows. Can Panama really use the half billion dollars requested, equal to nearly 20 percent of that country's GDP? Why do we provide PL 480 wheat to Poland, where farms are private and there is a reserve of wheat?

Hodsoll concluded by explaining his role as the manager of the U.S. government's $1.3 trillion budget, arguing that government management is better than often alleged. The effect of government actions on the economy must be followed closely. Most mismanagement can be corrected, as Secretary Jack Kemp is doing at HUD, for example. OMB is trying to focus on a few issues and effect change there, since sweeping change is not always practical in our political system.

Several questioners contended that U.S. foreign and domestic needs require new taxes. Hodsoll responded that the proposed 1991 budget achieves the Gramm-Rudman deficit reduction targets without new taxes, and it is clear the general population does not want a tax increase. The problem is that there is not a consensus on what should be cut. Also the world has changed since 1945. The West Europeans can do a lot in aid, especially Germany. The U.S. role is declining. The United States will have a share of 8 percent in the new European bank, compared with 20 percent in the older international financial institutions. We could probably better use the $15 billion we have for aid if we could change priorities.

Similarly, Hodsoll rejected a suggestion that we should increase the gasoline tax to avoid growing dependence on OPEC, commenting that any new tax would stimulate proposals for others.

Interest was also shown in moving base rights foreign aid to the Defense Department budget. Hodsoll said this was under discussion, but Defense was afraid the sums would simply be subtracted from other defense needs, and State was concerned about losing control over this important negotiating leverage. Whether certain bases are still critical is also at issue.

Hodsoll agreed that other agencies have increasing budgets but said he suspects many cuts can be made overseas. He added that the United States should have as few targets for terrorism abroad as possible.

The final questioner noted that the operations budget of the State department at the proposed 1991 level was not sufficient to make the infrastructure investment necessary to cope with developments such as Panama or Nicaragua. Hodsoll agreed more resources would be needed in discrete areas, but he warned that every agency has fat. OMB will work with agencies to make sure critical infrastructure needs are included in the 1992 budget, but agencies will be encouraged to look for cuts elsewhere in their budgets.

EXHIBIT 2

AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, DC, April 11, 1990.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to Public Law 101-119, I am reporting to the appropriate committees of Congress that the Agency for International Development (A.I.D.) has reprogrammed previously obligated funds to allow additional activities

with the National Democratic Institute and the National Republican Institute for International Affairs (NDI/NRI) to provide transition team support for the successful presidential candidate, Mrs. Chamorro, prior to taking office.

The November 1989 grant to the National Endowment for Democracy (NED) under Public Law 101-119 included assistance to a number of Nicaraguan organizations to promote and foster democratic activities and institutions through a subgrant to the NDI/NRI.

Up to $170,000 in funds still available in the NDI/NRI subgrant has been programmed for the urgent needs of President-elect Chamorro's transition team. The government elect is faced with a number of constraints that already threaten a smooth transition and further democratization in Nicaragua, such as post-election distribution of government assets; inaccessibility of key information on every sector of the economy; and lack of financial, material and human resources required to conduct an orderly transition of power. Other pressing issues that face the new government, such as the reduction in size of the security forces in Nicaragua and the demobilization of the Resistance, repatriation of displaced persons and refugees, high unemployment, hyperinflation, low productivity, and empty government coffers, need immediate attention if the transition to democracy and national reconciliation are to be realized successfully.

Much of the vital planning on the shape and course of the new government, including work on the resolution of these problems, is carried out during the transition period. With the inauguration less than one month away, it is urgent that this key planning be undertaken immediately.

Unfortunately, the new government is without funds or other resources to provide support to potential transition team members living abroad to go to Nicaragua to participate in the transition process.

This new activity allows for the provision of funds to the Chamorro transition team to cover necessary and urgent costs, including those for the services of outside consultants, which could also include a consultant in transition planning. Other costs would include office rental, telephone service, staff support, internal transportation, and miscellaneous expenses.

In addition, because of the special sensitivities involved in providing election support, A.I.D. imposed in NED's November grant special concurrent audit requirements and other election-specific requirements (e.g., certain specific campaign restrictions). Those are no longer applicable in this post-election period and would not be applied to the new activities.

Sincerely,

RONALD W. ROSKENS.

EXHIBIT 3

AID TO NICARAGUA

1. This request is the first installment in what will be a long and costly aid program for Nicaragua.

2. The President intends to request an additional $200 million in Fiscal Year 1991. We have now received that request.

3. In defense of the attached justification of this $300 million supplemental request, Secretary Eagleburger repeatedly emphasized that the dollar figures associated with each program element were "best estimates", but that he needed flexibility to move funds among the programs as circumstances dictate.

4. It is the Subcommittee Chairman's view that the following programs identified in the Administration's justifications are truly of an "emergency" nature:

	Millions
Agricultural inputs	$30
Petroleum imports	25
Private sector production imports	73
Repatriation and National Reconciliation	47
Emergency employment	10
Medical assistance package	4
Health Sector	10

The remaining programs are of a long-term developmental nature, which the United States will be assisting for years to come. The Nicaraguans themselves concede that they do not have access to economic and financial data from the Sandinistas to prepare a rational economic recovery program. They do not expect to have such a plan prepared before July or August.

The $50 million to be used to assist Nicaragua clear its arrears with the Multilateral Development Banks will probably not be disbursed in this fiscal year. The Nicaraguans inform us they will need $300 million this year to clear their arrears, and their plan for obtaining that amount of money is simply to appeal to the nations of the world to contribute. They primarily want the $50 million as a way to persuade other nations to contribute, along with the United States. The Nicaraguans concede clearing the arrears will be a lengthy process, and they do not expect any new inflows of assistance from the Multilateral Development Bank until sometime in 1991.

RECOMMENDATIONS

1. Provide an appropriation of $200 million in the Fiscal Year 1990 Supplemental and give the Administration the flexibility to reprogram funds among the programs. This amount, two-thirds of the request, should be an adequate infusion of emergency assistance for the Chamorro government to carry them through September 30th. In the coming weeks, the Fiscal Year 1991 regular appropriation bill for Foreign Operations will be brought to the Senate Floor. Additional aid to Nicaragua will undoubtedly be included in the 1991 appropriation bill. The President has asked for $200 million. More can be provided if the Foreign Operations Subcommittee is satisfied that these funds are being spent in accordance with a well documented economic recovery program prepared by the incoming Chamorro government.

2. Because of concerns about the ability of the Nicaraguan Government to manage and control these funds, we include language in the Supplemental that requires the Administration to notify the Committee before each obligation. In addition, we include language requiring semi-annual audits of the assistance programs by the Inspector General of the Agency for International Development, and a complete audit of the entire program by the General Accounting Office at the end of Fiscal Year 1991.

BEGINNING RECOVERY AND RECONSTRUCTION

(FY 1990—$300 million)

Production Inputs: Catalyst for Economic Recovery—$128 million

Agricultural Inputs ($30 million). To address the urgent needs of the first planting season, a balance of payments program to finance the importation of seed, fertilizer, agricultural chemicals, spare parts and equipment is essential. Two of the three annual planting periods take place during the remainder of FY90, the "primera" or principal season (May-June) and the "postrera" or secondary season (Aug.-Sept.). Together they represent approximately 80% of the demand for imported fertilizers (approximately 60,000 MT) and improved, hybrid seeds (rice, corn, beans, potatoes and vegetables) all currently in critically short supply. In addition, spare parts, agricultural chemicals and equipment are lacking to initiate the rehabilitation of traditional export crops such as coffee and bananas.

Petroleum Imports ($25 million). One of the greatest challenges in rebuilding the devastated economy will be the supply financing of oil and petroleum products. Nicaragua's import bill for these products which have been supplied mostly by the Soviet Union and Eastern Europe whose continued support is uncertain, was $37 million for the first half of 1989. Early indications from the Nicaraguan Transition Team are that its current supply of crude oil will be exhausted two to three weeks after the inauguration. Therefore, resources will be made immediately available for the importation of three to four months of critical petroleum products. Additional petroleum supplies would be sought from Mexico and Venezuela.

Private Sector Production Imports ($73 million). Foreign exchange will be required for the reactivation of the private sector. Resources will be made available for the importation of raw materials, equipment, intermediate goods and spare parts to rehabilitate existing facilities and stimulate new activities in both the industrial and agricultural sectors. This assistance will support the development of a policy reform agenda and the initiation of reform actions.

Normalizing Relations with the International Financial Institutions—$50 million

Arrears to IFIs ($50 million). These funds would assist the GON to clear arrears to the IBRD and IDB, estimated at about $234 million. They would be disbursed as part of the multilateral effort. The IFIs would be expected to review and redesign lending programs in Nicaragua in order to be able to begin disbursements in a timely fashion once arrears are cleared. US arrears-clearing support would be linked to a sound policy framework supported by the IMF.

Repatriation and National Reconciliation—$47 million

Voluntary Demobilization and Repatriation of Resistance in Honduras ($32 million). These funds would be used to support the demobilization of approximately 60,000 Nicaraguan Resistance members and families back to civilian life ($30M). The Observer Group for Central America (ONUCA), with the consent of the UN Security Council, may have a role to play in supporting the voluntary demobilization and safe conditions in Nicaragua in accord with the Central American Peace Process ($2M).

Refugee Programs ($15 million). The U.S. contribution to refugee activities under UN auspices would be approximately $15M: $10M for approximately 60,000 Nicaraguan Registered Refugees (UNHCR) and $5M for the reintegration of a larger, yet undetermined number of repatriating displaced Nicaraguans (CIREFCA).

Reestablishing the Foundations for Democracy and Economic Growth—$75 million

Emergency Employment ($10 million). In the spirit of national reconciliation and to address even higher unemployment levels, now estimated at 27%, as a result of the demobilization of Resistance and reduction of

the Sandinista armed forces, an emergency employment program would be initiated. Jobs would be created for activities such as the repair and improvement of existing public infrastructure, rehabilitation of schools and health clinics, renovation of deteriorated community facilities and other identifiable maintenance projects.

Medical Assistance Package ($4 million). Medicines, medical health personnel, equipment, supplies and services would be provided. Medicines and supplies would cover requirements for traumatic injuries, as well as more common treatments for endemic ailments such as severe malnutrition. This package would also respond, in part, to the medical needs of those victimized by years of civil strife in Nicaragua including the Resistance, civilians and the Sandinista Army personnel.

Economic Policy Planning Public Management ($1 million). Immediate access through a grant to a qualified Central American management institution to provide economic planning and public administration expertise to assist the new GON in overall economic policy planning including privatization, public sector management and public/private sector dialogue.

Assistance will be provided in the following area based on a sound economic reform plan:

Democratic Initiatives ($5 million). After a long hiatus, democracy has returned to Nicaragua. However, the institutions and processes of democracy are weak, and will require significant strengthening. This will be addressed through assistance to democratic institutions, a free press and democratic labor organizations.

Health Sector ($10 million). The health sector is confronted with an ever-increasing population (with growth in 1988 of 3.4 percent) and a shortage of foreign exchange. These funds will provide medicines, and pharmaceutical supplies and equipment currently in short supply. Particular emphasis will be given to child survival/maternal health programs which focus on nutrition, oral rehydration, and immunization.

Private Sector ($15 million). The Nicaraguan private sector has suffered from ten years of attempts to dismantle it; however a core remains and its reactivation is critical to renewed economic growth. Support will be provided to private sector associations to give private entrepreneurs access to technical expertise, new technology and investment to allow them to rehabilitate and modernize their operations.

Education Sector ($15 million). The rapid population growth, lack of budgetary resources and drain on human resources caused by the civil war have placed an enormous strain on the education system in Nicaragua. Critically needed commodities such as paper, textbooks, library materials and classroom equipment will be provided for primary schools. Scholarships will allow socially and economically disadvantaged young leaders to receive technical training in the U.S. University textbooks will be provided in technical fields, including economics, management and the physical sciences.

Agricultural Sector ($15 million). Agriculture accounts for roughly one-quarter of Nicaragua's GDP and employs more than 40 percent of the labor force. Over the past 10 years, mismanagement, lack of foreign exchange and poor economic policies have battered the agricultural sector. Resources will be used for small farmer credit, improved inputs supply and production marketing systems.

Mr. BYRD. Mr. President, I am almost ready to yield the floor, but I want to yield first to my distinguished friend and ranking member on the Democratic side on the Appropriations Committee, Mr. INOUYE, chairman of the Defense Appropriations Subcommittee, who, as we all know, has been a leader in recognizing the needs of the Indian population in this country, and who has certainly worked hard to do what he could do within our budgetary restraints to meet those needs; and the fact that there is $50 million provided in appropriations for our Indian health facilities, it is, in very considerable part, because of Senator INOUYE and because of his interest.

I would like to yield to Senator INOUYE, after which I will very briefly sum up and make a couple of points in summation and put some material in the RECORD, and then I will send the amendment to the desk.

I yield to the distinguished Senator from Hawaii for such time as he may require, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I thank my distinguished colleague, the President pro tempore of the U.S. Senate.

Mr. President, I rise this day with the unanimous support of the members of the Select Committee on Indian Affairs, and if I may be so bold as to suggest, with the unanimous support of 1,300,000 native American Indians of this country, on behalf of Senator BYRD's amendment to the supplemental appropriations bill.

Mr. President, clean water, water that is safe to drink, and waste disposal systems are taken for granted by most Americans. But on most Indian reservations and Alaska Native villages, these utilities simply do not exist or are inadequate or unsafe. In fact, in the continental United States, over 25 percent of the Indian homes have neither running water—and I am not speaking of safe water, just running water—or waste disposal systems. Though we knew the needs were many, in fiscal year 1990, the Congress appropriated $30 million for the sanitary facilities construction program. The hearing of the Select Committee on Indian Affairs held last year told us of the shocking magnitude of the problem.

Mr. President, the Indian Health Service, that is the administration service, told us that since 1979, appropriations for all years met about 2 percent of the need for sanitary construction facilities in all Indian areas for existing homes.

In Alaska alone, the Indian Health Service says there is an immediate need for spending at least $145 million just to raise all facilities to minimum standards for the community and safe waste disposal. For Indian communities in all States, the conservative estimate is that $800 million in construction funds are required, and those closest to the problem believe the need to be at least $1 billion.

Here we are speaking of $50 million, Mr. President. We cannot be inattentive to a problem of this magnitude, where our neglect will contribute to already existing problems of hepatitis B and other infectious diseases which will further reduce the health status of our fellow Americans.

Yet, the administration has chosen to eliminate sanitation construction funding in fiscal year 1991. Therefore, in 1991, Indian Health Service facility budget request contains no new funding for Federal or tribal construction of sanitation facilities. While the entire backlog of unmet need estimated at $676 million can be documented by the IHS, the administration did not request funding for this program.

Mr. President, in the interest of eliminating this backlog, the Indian Health Care Improvement Act Amendments of 1989 require the IHS to devise a 10-year plan to resolve this problem. We have reviewed this plan and are certain that the funding provided by this appropriation will ensure that at least 5 percent of this need will be filled in fiscal year 1990.

So if I may, on behalf of the native American Indian population of the United States, thank Senator BYRD for his leadership on this amendment. We have a long way to go to honor our commitments made to native American Indians and Native American Alaskans and should, at the minimum, provide assistance to secure water and sanitation facilities in Indian country.

Mr. President, I thank my colleague, the President pro tempore, for his time.

Mr. BYRD. Mr. President, I thank my colleague, the senior Senator from Hawaii, for his excellent statement and for his support and the fine representation that he has made and continues to make on behalf of the wonderful citizens of his great State of Hawaii and also the American Indians throughout this country.

I am not opposed to foreign aid, Mr. President. I wish to say that again. I do not oppose exercising our responsibilities as a world power. We have certain responsibilities. We cannot shun them, we ought not shun them, we must not shun them, and we will not shun them. But I do believe that America's foreign aid budget needs to be scrutinized in the light of our budget situation and our domestic needs here at home.

As the chairman of the Appropriations Committee, God knows and I know the straitjacket we are in when it comes to appropriating moneys to meet the needs of our people here in this country. It is becoming more and

more difficult. The needs are growing, and the constraints that are upon us are such that it is very depressing to chair this committee and realize that the committee cannot meet, this Senate cannot meet the needs of our own people—the health needs, the education needs, the infrastructure needs out there, building and rebuilding our roads and our bridges and community facilities and our schools, and providing the research that is needed to keep our country on the cutting edge of technology. We can go on and on and on and on down the list.

It is not an easy job. It is not all that onerous either. It is difficult to have to say no to your own constituents.

We just do not have the money. So I think it is time that we examine more carefully requests that come before us in the foreign aid field. We are forced to do that. I believe it was last year there was an agreement with the administration on the budget, but it fenced off defense and fenced off foreign operations. Why fence off foreign operations? What is so sacrosanct, what is so untouchable about the foreign operations budget that we want to fence it off, not to touch it?

Mr. President, the time has come to limit that foreign aid budget and give it the same scrutiny we give all other areas of the budget. And let us remember who pays the bill in the final analysis, the American people.

Let us remember that this body has a responsibility to carefully spend the people's tax dollars, not only on our domestic needs, but we have a responsibility to carefully scrutinize the budget requests when it comes to foreign operations. We have a responsibility to carefully spend those dollars. We are the stewards of the American people who send us here. So why should not someone arise and say let us stop, look, and listen before we jump?

Let us begin to stop the pattern of throwing money at the foreign aid budget. That is what we have been doing. Let us meet our responsibilities abroad, but let us do it wisely and well so that we do not neglect the dire needs of our own people, our own flesh and blood.

Business as usual has to come to a stop. We have to begin to get our priorities straight. We are a world power. America carries the responsibilities as a world power. But we will not stay a world power if we do not begin to take care of the myriad problems within our own shores.

This amendment starts us in that direction. It says whoa, wait a minute, wait a minute, just hold on a minute; is that dollar justified, or is it not?

So we are going three-fifths of the way, 60 percent of the way, $300 million of the $500 million request, to say nothing of the $540 million request that we fulfilled in February for Panama.

The environment concerns, health concerns, education, children, measles—we have moneys in this budget, thanks to Mr. BUMPERS, to deal with measles, to deal with the outbreak, to provide help, vaccinations—and all the rest need to come first in our consideration.

If we do not start to address these needs now we may have no need for a foreign aid program in the future because we will have become a diminished power without the resources in our economy to continue to be a power in the world. We just cannot continue to give and give and give and increase that national debt and increase the interest that we pay on it every year without asking some questions. The goose that laid the golden eggs is going to die and we are going to help kill it.

Mr. President, I ask unanimous consent to print in the RECORD at this point a list of the major sites within the nuclear defense complex.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAJOR SITES WITHIN THE NUCLEAR DEFENSE COMPLEX

Feed Materials Production Center, Ohio.
Reactive Metals Inc., Ohio.
Mound Plant, Ohio.
Y-12 Plant, Kentucky.
Savannah River, South Carolina.
Pinellas Plant, Florida.
Pantex Plant, Texas.
Kansas City Plant, Missouri.
Rocky Flats, Colorado.
Sandia National Lab, New Mexico.
Los Alamos National Lab, New Mexico.
Nevada Test Site, Nevada.
Sandia National Lab Livermore, California.
Lawrence Livermore National Lab, California.
Idaho National Engineering Lab, Idaho.
Hanford Reservation, Washington.

Mr. BYRD. Mr. President, I ask unanimous consent to print in the RECORD at this point the States that make up the unfunded emergency conservation program requests as of April 23, 1990.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Emergency Conservation Program

[Unfunded ECP Requests from States as of Apr. 23, 1990]

State and disaster:	*Amount requested*
Alabama:	
Flood	$12,105,160
Tornado	27,500
Arizona, brush fire	7,000
California:	
Flood	140,000
Earthquake	425,000
Connecticut, flood	12,500
Florida, flood	120,000
Georgia:	
Flood	1,777,500
Tornado	29,500
Hawaii, flood	22,146
Illinois, drought	223,700
Iowa:	
Flood	22,500
Drought	283,183
Kentucky, flood	3,750
Mississippi, flood	65,850
Missouri:	
Drought	42,500
Tornado	10,000
Nebraska, flood	25,000
New Mexico, flood	14,060
North Carolina, hurricane	1,000,000
North Dakota, flood	1,195
Oregon:	
Flood	98,938
Wildfire	15,340
Puerto Rico, hurricane	135,310
South Carolina, hurricane	1,543,426
Texas:	
Drought	68,250
Tornado	28,285
Virgin Islands, hurricane	252,203
Total	18,499,796

AMENDMENT NO. 1524 TO THE COMMITTEE AMENDMENT ON PAGE 2, LINE 11

Mr. BYRD. Mr. President, on behalf of Senators JOHNSTON, INOUYE, FORD, ROCKEFELLER, BURDICK, WIRTH, BINGAMAN, HARKIN, SHELBY, PRYOR, HEFLIN, MIKULSKI, and myself, I send to the desk the amendment about which we have been talking.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. JOHNSTON, Mr. INOUYE, Mr. FORD, Mr. ROCKEFELLER, Mr. BURDICK, Mr. WIRTH, Mr. BINGAMAN, Mr. HARKIN, Mr. SHELBY, Mr. PRYOR, Mr. HEFLIN, and Ms. MIKULSKI, proposes an amendment numbered 1524 to the committee amendment on page 2, line 11.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 13, strike the ".", and insert the following:

AGENCY FOR INTERNATIONAL DEVELOPMENT

ECONOMIC SUPPORT FUND

Notwithstanding any other provision of this Act, the additional amount appropriated to the "Economic Support Fund", to remain available until September 30, 1991, which shall be made available only for assistance to Panama, shall be limited to $300,000,000.

The following sums are appropriated for the following purposes:

DEPARTMENT OF AGRICULTURE

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For expenses to carry out section 201(k)(2) of the Agricultural Act of 1949 for 1990 crops damaged by a natural disaster in 1989, $13,000,000: *Provided*, That the Secretary shall spend not less than the amount appropriated herein.

EMERGENCY CONSERVATION PROGRAM

For additional expenses to meet the present emergency needs of the Agricultural Stabilization and Conservation Service, Emergency Conservation Program, $8,000,000, to remain available until expended.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN [WIC]

For an additional amount for necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $12,300,000, to remain available through September 30, 1991.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH FACILITIES

For an additional amount for provision of domestic and community sanitation facilities for Indians, $50,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For necessary expenses for "Environmental Restoration and Waste Management", including the construction and acquisition of necessary plant and capital equipment, as authorized by the Department of Energy Organization Act (Public Law 91-95), $200,000,000, to remain available until expended.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. JOHNSTON] is recognized.

Mr. JOHNSTON. Mr. President, I rise very briefly to reiterate my very strong support and cosponsorship of this amendment. As I said a moment ago, the basic issue that this amendment poses is whether the $120 million, which in our amendment is devoted to emergency priority needs in this country, should be spent in this country or whether that same $120 million, which does not relate to priority or emergency needs in Panama, should be spent to Panama. It is that clear. There is no doubt that the premise upon which this amendment is put in and offered to our colleagues is a correct premise.

I repeat that there are items in the present legislation which we seek to amend which would send money to Panama which have no emergency basis at all; $130 million to clear arrearages with multinational banks, neither caused by Operations Just Cause, not related to it in any way. That debt existed long prior to Operation Just Cause, and even if the money provided in this legislation were sent to Panama, it could not be paid off for months.

There is no justification at all for putting money in this legislation to provide for payment of multinational banks.

As to development of tourism, there is $30 million to develop tourism in Panama. Whether or not that is justified ought to await hearings, but it is clearly not justified by virtue of an emergency urgent supplemental.

The same thing is true for the construction of schools, some $20 million. Schools may or may not need to be constructed in Panama. They may or may not be. They are certainly not the responsibility of the United States. It may or may not turn out to be in the interest of the United States to construct schools in Panama. Schools remain in need and unconstructed in this country. But clearly there has been no predicate laid, there has been no foundation laid for $20 million for construction of schools in Panama.

The list goes on. Within the $420 million provided in this legislation there is more than $120 million which is not of an emergency nature. And what we do in our amendment, as we have been discussing, is to provide $50 million for Indian health services, $200 million in budget authority for environmental restoration at our nuclear plants. There are leaking tanks at Hanford, some 150. The radioactive in these tanks needs to be stabilized because it is producing a chemical reaction within the tanks which is producing hydrogen gas which can present a real danger. And the Fernald uranium dust has spurred lawsuits in Fernald, OH, which has resulted in judgments against the Department of Energy, and the problems remains unfixed. So we put $200 million in budget authority to deal with that problem in Rocky Flats, to deal with the problem in Fernald, to deal with the creeping volatile organic compounds which threaten in Rocky Flats to pollute the water and poison the water supply for the city of Denver.

Mr. President, we provide for emergency conservation programs that are unfunded in this country. We provide for $13 million for the Secretary of Agriculture to carry out provisions in the farm bill relating to natural disasters, to farmers in this country, and particularly farmers in my State who have suffered crop damages between 60 percent and 100 percent. We provide for special supplemental food programs, the WIC program for pregnant mothers and very young children who are without proper nutrition.

Mr. President, that WIC Program pays off, according to a Harvard study, $3 for every $1 spent in terms of dollars which need not be spent later to, in effect, repair the health of the damaged children.

So, Mr. President, it is emergency domestic needs in our amendment taking priority over nonemergency foreign needs. It is time we got our priorities straight.

I thank, once again, the Senator from West Virginia for his leadership. I am delighted to join with him as a cosponsor of this amendment.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his joining as cosponsor, for his strong support, and for the consistently good work that he does as a member of the Appropriations Committee.

Mr. President, I want to leave the floor at some point. I would like to get a little bite to eat. But I do not want any consent given to any Senator to call up an amendment, to set this amendment aside, because I certainly want to protect the Republican leader. I made a commitment to him earlier today. Other amendments could be called up otherwise, and the Republican leader would be out of his amendment because there is not much remaining in outlays from which to fund his amendment.

So, I insist on this amendment, the pending amendment, remaining before the Senate and that should not be set aside while I am off the floor.

I will be back to protect my own rights shortly.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, if nobody else is seeking recognition, I am shortly going to suggest the absence of a quorum.

But hearing again some concern, I will only reiterate, whatever happens, my judgment on Nicaraguan aid. I originally had been a member of the party that was led by the distinguished Vice President of the United States, Vice President QUAYLE, yesterday. I did not go because I stayed here to work on this issue. We have a lot of other matters in it, and I could not leave. I was very proud the Vice President went down to represent the country.

As I said yesterday on the floor, I commend President Bush for sending the Vice President and a distinguished bipartisan group of Senators and Members of the House of Representatives. I think it reflected, and should reflect to the Nicaraguans, the interest of this country to have that high-level delegation. I believe the Vice President is the highest ranking U.S. official we have sent there in a decade.

But, Mr. President, just so everybody understands, in Nicaragua and everywhere else, Nicaragua is going to get $300 million out of this package. I said earlier, to Nicaragua the $300 million they are going to get here is like money in the bank. In fact, as I said earlier, it is more money than they have in all of their banks put together, in hard currency, in the whole country.

So it is a tremendous infusion of cash and it is going to come. Some aid has already gone down that went down there yesterday in the nature of emergency aid. That $300 million is going to come.

No matter what the discussion is about this amendment before us, we

should understand that the amendment by the distinguished Senator from West Virginia does not cut that Nicaraguan aid. The amendment of the distinguished Senator from West Virginia reflects some very serious and very urgent needs of the United States of America, but does not cut the Nicaraguan aid and nobody should suggest otherwise.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I wonder if I might attract the attention of the distinguished Senator from Vermont on the issue of Nicaraguan aid, a subject which he and I had discussed for a moment earlier today?

The concern which this Senator has expressed on the failure of the Senate to act on this foreign aid bill turns on not only the question as to whether the $300 million will be in hand—although I have every expectation, as does the distinguished Senator from Vermont, that it will be in hand—but the timing.

As I said earlier, I made the trip to Central America and was in Nicaragua and talked to President Chamorro and others there. One of the key problems which they brought to my attention was planting season was about to pass. So it is not only a question of the reasonable certainty of the funds being in hand, but the question as to when they will be in hand.

I would be interested in the assessment of the distinguished Senator from Vermont as to what the timetable will be which he anticipates, as the chairman of the subcommittee, in terms of conferencing and in terms of final action and in terms of the transmittal of the dollars as it impacts on the planting season there. We ought to keep our eyes on the issue of speed, because the money is urgently needed. And perhaps he has some information as to the Contra issue, specifically on the reintegration of the Contras into their society.

So as we move forward on this bill, and I am hopeful we can get it completed today, I will be interested in the timetable.

Mr. LEAHY. If the Senator will yeild, if he would like an answer from me I will give it right now, because otherwise he will have to wait for a while. I am supposed to be at another matter. If he will yield?

Mr. SPECTER. I am delighted to yield.

Mr. LEAHY. The planting season I understand is until late May. I will make a suggestion to the Senator, if he is as concerned as I am, and I am sure he is. This is assuming there would be no money for planting—and this would be the first year in 200 years Nicaragua is not going to plant anything unless we send aid, and I would not want to leave anybody with that idea. The fact is they already have some ability to plant. This would be the first time in several hundred years they have not, otherwise. So I assume they are ready to start some planting. It is late May.

If they want to use U.S. aid for it, I suggest the distinguished Senator from Pennsylvania call his friends in the administration and urge them to get off the dime and get an AID mission down there and get some U.S. people in place. They could do it with or without this legislation, so when the bill is passed they can start using it.

I would hate to see again what sometimes has happened when we have had these dire emergency matters like Panama earlier this year, where we had zipped it through and then weeks later we find nothing has happened because they are still talking about it in the administrational bureaucracy, about getting somebody down there to kind of work the money out.

We have seen this so far this year in Panama, where all of a sudden they said: Whoops, Congress gave us the money and we forgot to put the people in there who were supposed to distribute it.

That is something that can be done right now. I happily join with the distinguished Senator from Pennsylvania to urge them to go down there. But do not think that somehow they will plant in Nicaragua if this moves, and they will not plant if it does not. After all, we are talking about aid of an extraordinary amount. We are talking about $300 million in aid to Nicaragua.

To put it in perspective, Mr. President, in 42 years, they have received $380 million in aid: 42 years, $380 million. And now, in 4 weeks, another $300 million. My God, this is something that is a dire emergency? Come on, let us be serious. It is as much symbolic as anything else. We are buying $300 million worth of symbolism. The money is going to go, but do not have anybody give the impression that after 10 years of trying to destroy Nicaragua, suddenly it is going to be destroyed if we take 3 or 4 days to try to figure out how we are spending the taxpayers' money around this place. In 42 years, we spent $380 million. In 42 days, we will spend another $300 million. Come on. Let us be serious. As I said, it is money in the bank as far as they are concerned, but it is also more money than all the banks put together. This is an extraordinary amount of money going into that small economy.

While it is coming, we actually ask about Head Start programs in the United States or women, infants, and children, or pregnant women who cannot feed themselves, the child they are carrying, or feed that child when it is born. If we ask to spend a day or so longer to ask that question, Nicaragua is not going to disappear in a day and a half while we ask about poor children in this country.

Let us be serious. There is not one single person in the administration that can stand here with a straight face and say $300 million is really the dire emergency supplemental we need for Nicaragua. They added up and gave the benefit of the doubt on every single cent. If they possibly could, they would come to a figure considerably less than $300 million.

I understand the President has put his prestige on the line on this, and I will back him on that. I voted for the $300 million. But, Mr. President, let us not stand here and think that this is some magic number or that it was put together after deep thought. It was a number as much picked out of the air as anything else.

So, while we are glossing up that symbolism and while we are painting that little sign, if we stop to ask about some U.S. citizens who also need some help and some dire needs in this country, where one out of every five children in this country is in poverty, one out of every five children in this country is in hunger, if we talk about that a little bit for another day or so, my God, Mr. President, do we have so many other things we have to do that we cannot do that? After all, it is the taxpayers' money; it is not ours. Nicaragua is going to get their $300 million. There is no question in anybody's mind in this country, nor in anybody's mind in Nicaragua. If people are a little bit anxious that they get it a day earlier or 2 days earlier, let me remind them $300 million is almost as much aid as has gone down there in the last 42 years.

Let me remind them also that there is a whole pipeline of requests coming in next year's budget for Nicaragua. Maybe if we had not put so much money in trying to develop a covert action policy instead of a foreign policy in Nicaragua we would not have to be spending so much money there. Maybe if we had not been so enamored of the idea of Contras, of military victory, the testimony we heard from Secretaries of State to others, they will march on Managua next year, something we heard for a few years and then people stopped, if we had not been so tied up with that, we would not be in this situation of having to pump money in. We will pump it in. We will pump in $300 million this year and pump in more money next year. I am willing to bet the United States

will be asking for money for years and years to come in Nicaragua. In all likelihood it will go.

But let us not forget some of the needs here at home at the same time. There is nothing wrong with that, Mr. President. I am proud to be the chairman of the Foreign Operations Subcommittee. I have worked extremely hard, along with my good friend BOB KASTEN, and others in this body, to put together a foreign aid bill. I want to make sure that the President of the United States, no matter who it might be, is successful in foreign policy because that is good for the whole country. I come from a State where we really believe in bipartisanship in foreign policy, and I have done everything possible in that committee to do it. But as a U.S. Senator representing the State of Vermont, I am also not going to lose sight of my responsibility to the constituents of my own State and to the other people in this country, because when I stand up there, Mr. President, and take my oath of office, I take it to protect the laws and the Constitution of the United States. That is part of my responsibility as a U.S. Senator.

So I will work to get a bipartisan policy through. I will work to support the President of the United States. Even though I feel $300 million is too much in too short a time, the President of the United States has made that a keystone of his foreign policy with Nicaragua. He has made his statement that he has, in effect, pledged that to them, and I will back up the President on that. I think it is too much in too short a time. I am convinced, after the hearings, the money is not justified, but I will back the President on that because it has become so important to him and to his policy in Central America.

But, Mr. President, if we take another day or another 2 days to determine some of the other needs of this country at the same time, Nicaragua is not going to fall in that time. The money will get there. Nor should we assume that nothing at all can happen in Nicaragua until this happens. Would we be as sympathetic had the Sandinistas won the election? We have done a number of things. The administration, to its credit, has worked very hard to try to end the Contra war. They have lifted the embargo. They have changed the sugar quota. The Vice President and a Senate delegation, led by the distinguished Senator from Indiana [Mr. LUGAR] went down there yesterday and gave some emergency medical aid. We will get this money. We will get the money.

Mr. President, if I can be excused, I will yield the floor or suggest the absence of a quorum.

Mr. SPECTER. I have the floor.

Mr. LEAHY. I do have some matters in—in 1 moment I will yield the floor.

Mr. SPECTER. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. LEAHY. I am sorry.

Mr. SPECTER. I yielded for a question earlier because the Senator could not wait because he had a commitment 11 minutes ago.

Mr. LEAHY. It is on domestic matters in the Senate Agriculture Committee, Mr. President. I yield back to my good friend from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I shall make a few comments about what the Senator from Vermont just had to say. I shall not ask the questions again which he did not answer. But when President Chamorro said to me that she needed the money for planting, she did not say it with the emotionalism or the volume of the loud rhetoric of the Senator from Vermont, but I do think she was serious and I can tell you she had a straight face.

The issue of planting is a matter of enormous importance. I am not the chairman of the Agriculture Committee, but I used to live in Kansas and work on a farm as a teenager and know that you plant in seasons. When President Chamorro said they needed money for planting, it is more than seeds; it is for equipment; it is for an entire arrangement of an agricultural process. It has been well known, not only as to what President-elect Chamorro said to me when I saw her on April 6, but it has been widely publicized, about the urgency of having the money in hand for the planting season.

I had asked the distinguished Senator from Vermont a rather basic question, and that was, what is the timetable? And he said he could not wait because he had another commitment. I abbreviated the basis of the question and the background of the concern to yield to him. For the next 10 minutes, we heard about one child in five in America being in poverty, one child in five being hungry.

My voting record on the social programs is as good as that of the distinguished Senator from Vermont. When he talks about why we had covert action and why we supported the Contras, my voting record on opposing aid to the Contras is at least as good as the Senator from Vermont because I opposed aid to the Contras on every vote, following the lead of the distinguished chairman at that time of the Appropriations Committee, and distinguished Senator from Oregon [Mr. HATFIELD].

When he talks about a straight face, the Nicaraguans, in addition to President Chamorro, talked about the urgency of the need.

I do not believe that this body has discharged its duty on the timetable which we have undertaken here.

I addressed a question briefly to the distinguished majority leader yesterday about that subject, as to why we could not take up the matter right after the Clean Air Act. I did not pursue that beyond his statement that the committee had not reported it out, because the question was what do we do from this point forward. But I do think it is important that we act and act very promptly.

I must express some concern when the distinguished Senator from Vermont says the $300 million is added, but that he has agreed to that request in deference to the President, although he, as chairman of the subcommittee on which I serve, thinks that it is not a necessary amount of money. That, frankly, concerns me because I am interested to know what is the appropriate sum of money for Nicaragua in terms of our subcommittee action and in terms of our committee action.

He talks about the oath of office and being a U.S. Senator. I do not know anyone here who is not, who has not taken the oath of office. The comments really remind me of the old saw about the lawyers. When you have the facts, you pound the facts. If you have the law, you pound the law. If you do not have the facts or the law, you pound the table. We are having a lot of table pounding; we are having a lot of raised voices and a lot of volume. We really have not come down to some of the very basic questions here as to moving the process along.

I am not sure of the figure $300 million. I was, frankly, assured when the subcommittee chairman, the distinguished Senator from Vermont, recommended that figure. And if he now says it is excessive, I wonder about it. But I do not know how we are going to go back and rethink or redo that.

Mr. President, from what I saw in Nicaragua, not only from talking to President Chamorro and to officials in her government, but in talking to our Embassy officials and talking to citizens and talking to a variety of people, there is no doubt in this Senator's mind about the urgency of the need for the aid. I think it is a great shame that the aid was not in hand prior to April 25, yesterday, when Mrs. Chamorro was inaugurated, because there has been a major political brouhaha in Nicaragua about whether the United States would fulfill its commitment, because until the money is in, the money is not in hand. There are a great many steps before the check will be in the mail from the Congress and a great many things can happen. A great many things can happen.

I think it will be in hand, but until it is we do not know for sure, and when is another complicated question.

This bill has a great many issues. This bill has a lot of controversy surrounding it. You know how efficient the Senate is on Fridays. When we finished last Thursday afternoon, we expected four to five votes last Friday. Many of us changed a great many plans. I had wanted to be in Erie to attend the funeral of the mayor of Erie, PA. But I stayed here, as most all of us did, and no action occurred. There was no action on Monday.

So when is it going to be enacted? When is it going to go to conference? When is it going to be enrolled? When is it going to go to the President? And then, when will it be disbursed? I am told that the end of April is an indispensable date, and the money is not going to be in hand by that time.

I expressed earlier today a concern; I said to the distinguished Senator from Vermont, who was present on the floor, my interest in discussing the issue of Humberto Ortega.

Then the distinguished Senator from Vermont took the floor and said he hoped nobody was suggesting that Humberto Ortega was kept as head of the army because we were slow in getting the money to Nicaragua.

I do not know why Mrs. Chamorro changed her mind. I know that the command position of the head of the Army of Nicaragua is a very, very important matter. When I arrived in Nicaragua on April 6, Friday after we went into recess, that was one of the first issues of concern which was discussed with the Embassy officials. As I had said earlier, the first item that I raised with President-elect Chamorro was what was going to happen to Humberto Ortega. I expressed my hope that she would not retain him. She did not respond at that time.

I had made the comment that we did not want to trade one Central American war for another and that if Ortega stayed in command of the Sandinista Army he might make the guns, munitions, and other equipment available to the guerrillas in El Salvador.

Immediately upon my leaving, Mrs. Chamorro had a meeting with the President-elect of Costa Rica. When that was concluded, she met the press, Friday afternoon, April 6, and made an announcement that Humberto Ortega would not be retained as the head of the army. Then in the media in the last few days, it surfaced that that was reopened and subject to reconsideration. And now we know from news reports that she has decided to retain Humberto Ortega as head of the army.

One of the questions I posed to the Senator from Vermont earlier today was, why did she change her position? His response was that politics in Nicaragua are subject to a lot of curlicues. I can understand that and the decision regarding Humberto Ortega may have had nothing to do with the failure of the Senate to act on this appropriations matter. It may have had absolutely nothing to do with our failure to act.

But I wonder about it. I think there is a distinct likelihood that the two may well be related because when President Chamorro did not have the $300 million in hand from the United States, and you had Daniel Ortega issuing the scathing denunciation of the United States—and I have not seen the text and do not know the details—but I would be surprised if he did not question our reliability in delivering the money which was not in hand. Then Mrs. Chamorro has to make her own arrangements.

It is probable that she retained Humberto Ortega not because she wanted to, in light of the fact that her closest advisers advised her not to, but she did so because she felt the necessity to retain him. Had the United States been beside her in a stronger position, it seems logical to me that she may well have made a different decision. Perhaps we will hear more about it as time passes.

In any event, Mr. President, I believe that we ought to conclude this bill today. We ought to advance the aid to Panama, and we ought to fulfill our commitments and show Nicaragua and President Chamorro at the earliest moment that we will back her and make her strong and make her successful so that when her term of office is over and another election is returned, we do not have Daniel Ortega and the Sandinistas back in power but we have a government headed by President Chamorro, which shares our values and will bring peace and prosperity and tranquility to Nicaragua.

Mr. HATFIELD. Mr. President, I just want to say to the Senator from Pennsylvania that he raises a very important and valid point, not only the timing for planting but for many other reasons we should expedite this whole bill.

I was very hopeful, as one of the managers of the bill, that we could complete it earlier this afternoon than even now. It is obvious that we have not reached that goal, and I am uncertain at this time when I could tell the Senator from Pennsylvania the answers to those questions that he legitimately and very appropriately raised: When are we going to finish the bill? When are we going to get to conference? When are we going to get it down to the President to sign? When are we going to get the money disbursed?

I am very hopeful that we still can finish this bill today or tomorrow, in order to present us with an opportunity to go to the House next week and finish the bill. I will do everything I can to expedite that.

Mr. President, we have colleagues on the floor at this time who I know have commitments. Rather than making some of my remarks in response to the other side, I would like to ask unanimous consent at this time to yield to the Senator from Indiana to use what time is necessary to express his views, and without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana [Mr. LUGAR] is recognized.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Oregon for yielding to me, and the Chair for recognizing me.

I come to speak on the pending amendment which is a very important amendment in regard not only to this debate but to the foreign policy of our country.

I cannot stress in any way, without being overly dramatic, what a great moment this poses for us. I am going to try to make some stark outlines of our choice, because I suspect that each Senator will have to make a very important decision, I hope fairly rapidly. I share the enthusiasm of the Senator from Pennsylvania, and certainly the manager of this bill on the Republican side for expeditious action.

Mr. President, both of the situations in Nicaragua and Panama share common elements. The first common element bringing us to this appropriations bill is that the foreign policy of the United States of America was to impose as dramatic, comprehensive and total sanctions policy on the economies of those two countries as we were capable of producing.

As the deliberate policy of this country, we tried to squeeze Panama and Nicaragua very hard, and we succeeded. We did not know the degree of our success until after the turn of events that brought the fall of General Noriega, and the election of Mrs. Chamorro. But we now know. It is clear, and it ought to be clear to Members of this body and the American public that we were enormously successful in devastating the economy of Panama, and of Nicaragua.

As previous Senators mentioned, eight Senators were in Nicaragua yesterday for Mrs. Chamorro's inaugural. It was a very important occasion, in many ways a very tough occasion for politics in that country. It reflected the bitterness and the polarization that spills out.

Imagine an inaugural in a stadium in which half of the seats, approximately 10,000 to 12,000, are taken by those with blue and white sashes and flags, a sea of blue and white backing Mrs. Chamorro, and the other half with Sandinista colors, and the President

elect of the country, Chamorro, coming in a white dress, her arms extended, standing there and being pilloried with balloons filled with water, with vegetables, with other objects that were in the hands of people in the stadium.

She courageously, in a gesture of reconciliation, reached out to the opposition. They pelted her. This is at a Presidential inaugural of a country. It gives you some idea of the flavor as the American delegation came in. The Sandinistas were saying, "Death to the Yankees," and not with a twinkle in the eye. They meant it. That was our reception.

If you take a look around that stadium, you see acres, square miles of devastation, where an earthquake hit years ago. Most of the rubble has been cleared up but not a single thing built. The stark outlines of a few buildings and their frameworks are still sitting there years later. This is a country that is flat on its back.

As a part of our policy, we helped bring that about. We were not alone in this. The Sandinista policies for 10 years pummeled their own people. We ought to be clear about that, Mr. President. The Marxist philosophy bankrupted the country. We made certain it did not recover until they had a free and fair election.

In Panama, Mr. President—and the memory of some wane apparently very rapidly—we strived for years, and the rhetoric on this floor resounded with thoughts about the evils of General Noriega. Senators fell all over themselves trying to point out ways in which General Noriega might be frustrated and brought under control. We were ingenious in attempting to think how we could strangle the economy of the country.

Mr. President, I simply find it preposterous to listen to the debate today that suggests somehow there is something wrong with the United States of America being concerned about the arrears in the debts of Panama. We did more than any other country to create those debts, to make it impossible for Panama to pay anybody. We tried to drive them into successive stages of bankruptcy. We have succeeded. We succeeded royally.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. LUGAR. Yes.

Mr. JOHNSTON. Does the Senator concur with the information which have received, which is that even if we provide this money it will be months before those debts can be paid?

Mr. LUGAR. I respond to the Senator by saying that Panama is a sovereign country, and it will be the expression of the Panamanians about the speed with which they make their arrangements with the international banks. As a witness of conversations with Vice President QUAYLE—and the two of us were asked by the President to visit Panama and visit President Endara earlier this year. Very pointedly, we asked the President and the two Vice Presidents of the country for assurances that the moneys that we were proposing be utilized in this manner. Those assurances were given.

The sum of money in this appropriation bill are the sums, the best calculations of Panamanian and American officials as to what it would take to liberate loans from the rest of the international community to provide Panama. We have assurances that they will move as expeditiously as they can to make that occur. It is absolutely necessary for the credit of the country.

Mr. JOHNSTON. I think the Senator has no information contrary to that which has been given that it may well be months before it will be paid off, and the point being the emerging emergency nature of the $130 million to pay off the loans, not the question of whether or not it is a good idea, but to provide them the money for which to do so, but simply the emergency nature. We are not dealing with something that travels in telecommunications speed. We are talking about something that if we gave them the money, then sometime along about the time that we pass the regular appropriations bill, they may or may not take a loan at all. Is that fair?

Mr. LUGAR. I think the information that we have maybe is the same. My own interpretation of this quite frankly is that the Panamanians have to have assurances, and they have to have at least the will of this Congress, and the figure of the President's hand to do business with these international banks and agencies.

In a technical sense, I cannot argue with the Senator as to what date specific transactions would occur. My impression is however that the assurance, the certainty of the action we are taking, the actual appropriations of money, is of the essence. It is purely an emergency for the credit of the country. I really have not found a dispute at least as I visited with Panamanians about that issue.

Mr. JOHNSTON. I wonder if the Senator can tell me what is the emergency nature of the scholarships, the $4 million for the scholarships provided in this matter?

Mr. LUGAR. Well, the answer to the Senator comes at least in other submissions that have come to the Congress, one of which is that adult literacy in some sections of Panama is 87 percent. That is a shocking fact, but it is of the essence in terms of some rehabilitation and restoration of their economy.

If the Senator were to ask me why is education important, a question—there was a question raised earlier about why is tourism important—these are basic elements of a plan for the revival of the Panamanian economy. Without these, the economy does not move. These are basic elements, and they are not very much, but they help provide a jump start, which combined with the facility for credit and if the arrears or promise of the arrears are paid off, may lead to the revival. That is the purpose of the appropriation.

Mr. JOHNSTON. Would the Senator agree that of the $420 million, to give $300 million now, in effect, no questions asked, no time to hear the witnesses, no time to really have the hearings; emergency aid ought to be enough to get the job done, get the economy jump started and let the $120 million go through the regular process so they can come in and justify to us? And if the Senator says the case is a strong one, then I am sure the witnesses could make that strong case; would it not be better, keeping in mind that it is only a matter of a few months between now and the end of this fiscal year, and they would have plenty of time within which to make the case for this money and perhaps even more?

Mr. LUGAR. I respond respectfully to the Senator that months have passed since the American activity took place in December in Panama. The situation was dire then and has become more dire since.

I simply respond to the Senator that the difficulty of his proposition is that all of the money was needed a long time ago. In my judgment, it is needed now, and I predict to the Senator that more money will be required.

Hearings were held in the Foreign Relations Committee, at least on the authorization side of this proposition; we heard good evidence as to the value and the timeliness of this request. This does not come as a surprise to many Senators who have been involved in the process.

Let me say, Mr. President, that the dilemma we are facing is one in which the United States has assumed for a long time a foreign policy commitment, and we have helped to devastate a country, Panama, and subsequent to that, we have met—the United States administrative officials and Panamanians—to try and think of how we might revive that economy.

(Ms. MIKULSKI assumed the chair.)

Mr. LUGAR. Madam President, the problem here is that the United States values the relationship with Panama. There has been remarkable debate about the importance of the Panama Canal, about the importance of having a stable democratic Panama as a good friend in perpetuity. And amazingly enough, following the American activity in December and the coming to power of President Endara, who coura-

geously has gone the course of an election last May and two great Vice Presidents of that country who have suffered physical terror and abuse, this country rejoiced that we had this opportunity.

Certainly, in the latter part of December and in January there was no question in the minds of most Americans that in order for the Panama Canal, for our forces, for our relations to be secure, that an expenditure of money would be required. And great care was exercised in trying to find a viable program, of parts that fit together at a minimum cost in outlays to the American Government.

That program was communicated, as I mentioned, Madam President, to President Endara of Panama by Vice President QUAYLE, and subsequent talks have occurred. President Endara will be in this country next week for further conferences with our President.

Let me simply outline, so there is a clear basis for the record, that the United States has made firm commitments to help Panama build its democracy and foster economic recovery. President Endara quickly formed an economic team, and despite all of the press speculation that somehow the leadership is not leaping to the floor, he performed this magnificently. Many persons throughout the world had no right to suspect that the Panamanian democracy born out of this crisis would function with this degree of skill that it has.

Panamanians have outlined and named objectives. They have pointed out to us these facts, Madam President, that since mid-1987—and that is just 2½ years ago—the output in Panama has declined in all sectors—manufacturing production dropped by 25 percent, and construction by 60 percent in that period. That was a direct effect of American sanctions. Real gross national product declined by 27½ percent in that 2½ year period of time, a real drop of 27½ percent. Unemployment went to 25 percent. Urban unemployment, 34 percent.

Those are the facts, and there has been very little to change those. It was in that spirit that Panama came to this country, and initially, a sum of $100 million was mentioned as a potential authorization appropriation.

Specifically, Panama is in arrears with other international financial institutions by $540 million, and the $130 million is absolutely critical to some understanding on the part of those institutions that the Panamanians are creditworthy.

Madam President, I do not propose, nor does any Senator, that the United States finance the entire rehabilitation of Panama. But if they are to be able to help them help themselves, they have to have the ability to borrow. It is extremely important that we assist in enhancing that proposition once again.

Madam President, I appreciate the appeal of the amendment. I have heard at least three Members of this body, the distinguished Members, all speaking about the important objectives in the United States of America. They are important causes. They are popular causes, for each one of us who is humane in this country.

I come not to argue against those propositions and the appropriators, and, hopefully, the appropriate committee people in each relevant committee will deal promptly and fairly with those situations. They may be dire emergencies, and that the appropriators will have to decide.

Madam President, I come to suggest that a very great division is about to occur here in which a suggestion is made that commitments to Panama on the part of our country ought to be truncated even in the face of the commitments that I believe clearly we have made as the people, and I believe that if that action is taken, that Panama's recovery will be stifling.

I believe that the trust and faith that has grown between our Governments and which is very important for the future activities in peace of the canal and of the commerce in our hemisphere, that that is likely to be soured somewhat.

Madam President, we rejoice in the thought now that somehow or other Castro in Cuba is without friends in Panama; that the Sandinistas, as a matter of fact, were badly hurt when they could no longer transfer shipments and launder money. But if there is to be any hope in Central America, Panama was pivotal to that, and we take them for granted now. It happened in December, and memories are very short, and it is now April and we have other causes, both foreign and domestic, but some of us, Madam President, remember the struggle over Panama.

We remember how important that victory was for Panamanians and for ourselves and how important it is that it be retained.

I would simply argue against the pending amendment that however well motivated and idealistic it may be with regard to certain objectives, it is not a good motion, it is not a timely motion; it is a motion that ought not to be made in conjunction with a very important foreign policy objective of our country, namely this assistance for Panama. I hope that the amendment will be defeated and the full amount that the Appropriations Committee has mentioned in this legislation will be forwarded by the Senate for consideration in Congress.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I ask unanimous consent now to yield to the chairman of the Appropriations Committee such time as he may like without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank my friend. I will require only a minute or two.

I wish to clarify one point with respect to the aid to Panama. The President's request of $420 million in aid to Panama included $15 million relating to environmental protection activities in that country.

In view of the fact that I have stated and others have stated the amendment we have today is a strong environmental amendment, which it will explain on its face, I felt that I should also make reference to the $15 million that is requested by the President for environmental protection activities in Panama.

Our amendment would give the administration flexibility with regard to how the $120 million reduction in aid to Panama would be allocated. However, it is clearly my intent, and I will support conference language to this effect, that the $15 million originally requested for these environmental activities in Panama be maintained at that level.

Madam President, I thank the distinguished Senator from Oregon for his courtesy in yielding.

Mr. HATFIELD. Mr. President, I now ask unanimous consent to yield to the Senator from New York as much time as he finds necessary without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. D'AMATO. Madam President, I am going to talk in opposition to this amendment because I think there are just so many reasons why this amendment is full of mischief. No one quarrels with attempting to fund badly needed health facilities or conservation programs, or to deal with crop losses due to natural disaster, or to fund the WIC Program for women, infants, and children. That can and must be strengthened.

But I think it is almost cynical to come before this body at this time and attempt to say that because one would support disaster relief for Nicaragua and for Panama, we therefore place a higher priority on aid to those outside this country than we do for our own people.

I do not think that is something that we should be undertaking. I recognize that there are times that some of us in this body on both sides may use these kinds of senatorial prerogatives, but I think it is wrong. I think it flies in the face of what this Nation is about, not

to speak of this body. I think it cheapens it.

LITHUANIA

Mr. D'AMATO. Madam President, I shall depart just for several minutes.

It has just been reported by one of the news organizations that a basic agreement on trade has been reached between the Soviets and the United States. I think there could not be a worse time for such a development.

I am wondering how the Soviets can think we are serious in saying to them, "Listen, you negotiate with the Lithuanians, do not use aggression, do not use economic aggression, do not coerce, but negotiate," when the forces of our Government work away as if nothing serious is taking place, as if the people's cry for freedom in Lithuania is not legitimate, and when we hear that nothing stands in the way of implementing this agreement and signing it.

Lenin once said that the West would sell the Communists the rope that they would use to hang us. That has changed a little. Instead, we are selling at a cut rate the rope that will be used to hang the Lithuanians.

Madam President, this is the wrong agreement. It comes at the worst time, while the people of Lithuania are struggling for freedom. It must be perceived that we turn our back to them and given them the back of our hand. It is a sellout of freedom and, to be quite candid, it is sickening.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1524 TO THE COMMITTEE AMENDMENT ON PAGE 2, LINE 11

Mr. D'AMATO. Madam President, for more than several years, a number of my colleagues and I urged this Government to take strong and definitive action as it related to Panama. Now I see an amendment that would do less than what we promised and what the Panamanian people need to nurture freedom, to give a capitalistic system an opportunity to grow, to set up a bastion of democracy in a hemisphere which is ours, where people go without, where people turn to communism, turn to radical movements, and where we have had a brave people stand up to the dictator. How quickly we forget, as Senator LUGAR said, how quickly we forget the pictures that flashed across the TV screens of the world showing President Endara beaten down, almost lose his life, Billy Ford beaten down. Now they are the President and Vice President respectively of Panama. They stood up against the dictator, and now they say to us, "Give us a chance, give us an opportunity," and we cheapen it. We are going to be one up. We are going to say you would rather vote to give aid to a foreign country than help those in our own country who are in need.

If the appropriators really feel that way and the Senate really feels we have to put more money into a bill, into a program, we have had a long time to do it, but you do not use this kind of technique to come forward and say, "Well, you mean to tell me that the needs of the people of Panama are greater than our own?" That is wrong.

Let me tell you, when I was in Panama this past January and visited the Panamanian people, I saw those who were displaced, and the thousands who are without homes and yet I also saw a spirit of people who had the yoke of oppression lifted off them. They did not look to the United States with hatred and emnity, nothwithstanding the 2 years they had to live with a double oppression—with the economic sanctions that we imposed and that of the dictator who enslaved them, who made them prisoners in their own homes. No. They said, "Thank God, you helped give us freedom."

I was touched, when I went to Mass in Panama City. Father Villanueva gave one of the most eloquent homilies, in which he asked sacrifices of his people and, yes, put a challenge to America. Let me just read for my colleagues part of that. He said, the fact is—

That the United States aided, created, and increased the power of Noriega's absurd Army, such that this isn't a present given to us—

He is talking about aid—

but ethically and morally, it justly is a restitution.

I know that this sermon is being accurately translated for you, Senator, and perhaps what you can emphasize to your colleagues in Washington—

Is it not prophetic? Here is Father Villanueva in January, suggesting that we had more than just a little to do with the problems that had befallen the Panamanian people. He said:

What you can emphasize to your colleagues in Washington is that it is a moral obligation and it is just compensation, and not a gift from the United States—all your restitution of what was taken away from us by those who were your unconditional allies: the Panamanian Defense Forces.

Have we forgotten? Have we forgotten the aid, the comfort, the help that we gave to Manuel Noriega all those years? What do my colleagues think about the Panamanian people? How do my colleagues think they are viewing us now? Do we say, well, this is charity? This is aid? They are not entitled?

Then he followed:

Dear brothers and sisters, let us not annoy the Panamanian Government by asking for political positions—

He was talking about the new government—

or by dividing up what Noriega—whose balloon deflated in front of El Carmen Church—called the pie. There is no pie left, because Noriega ate the whole pie.

And that is the fact. And yet, notwithstanding what we imposed upon the Panamanian people, not withstanding the importance of the canal, not talking about the national security ramifications and what it means for us to give democracy an opportunity—it is wonderful it is taking place in Eastern Europe—but what about in our own hemisphere? We are not going to help it?

We play these games, and that is what they are, they are games. And they are cheap games. They are not even good. It is not even close. I want to tell my colleagues something. If you want to give more money to these other programs, I will support that. But this is not the way, this is not the time, and that is not what this amendment was designed to do. It plays mischief with important foreign policy, which is important to the survival not only of Panama and democracy, but it will decide whether or not the President of the United States and, yes, this Congress, can keep its word.

Are we going to keep an emerging democracy on tenterhooks? Will Panama have to come back and plead for more? We recognize they are going to have to come back, but should we have them come back quarterly or semiannually? Maybe monthly? Maybe weekly?

For too long, the people of Panama endured. We should not torture them with this convoluted piece of legislation. It should be voted down.

Madam President, I yield the floor to my distinguished colleague from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Madam President, I feel the time we spent on this issue has been beneficial, and I certainly feel we have touched on some very significant issues, both on this particular vehicle and this amendment offered by the chairman of the Appropriations Committee.

But I think we ought to take a quick moment here, just to keep things in scale. I heard a great deal of talk here today about prioritizing. Somehow we are involved with the great exercise of reprioritizing our expenditures.

I wish I could take that with great seriousness, because the test is not here on $120 million relating to Panama. The real test would be when we take up the foreign aid bill of over $14.4 billion. That is big change, Madam President. That is not $120 million; that is $14.4 billion, divided about half and half, about half for military foreign aid, and about half for economic foreign aid.

We are not playing the game here today with the biggies. We are not playing with the accounts in that foreign aid bill of over $3 billion or over $1 billion. We are playing with our good cousins down south who do not have the kind of political muscle and the political power to exercise in the body politic here.

So let us not kid ourselves, if we are talking about kidding. Let us be very serious about trying to communicate to the great public out there what we are going to add, in this amendment, to the special supplemental food program known as WIC. There is no one on this floor who has supported that program more consistently for full funding than I have, and I believe very strongly in that. That is an account of over $1 billion, and it falls far from covering the eligible people in that account and in that program. Adding $11 million for the WIC Program is not reprioritizing the Nation's spending policies. So let us also be pretty clear as to what we are saying.

Then, to say that somehow we are reprioritizing the Nation's spending policies by putting $32 million in outlays to the Department of Energy environmental restoration and waste management activities of this Nation, let me remind my colleagues that we are, today, looking at a $155 billion bill; a $155 billion bill to clean up that nuclear waste. And the proposal by the administration is for $2.2 billion next year.

Take the Hanford, WA site for example; we have, over the last 4 years, starting in 1987, appropriated $173 million; $218 million; $232 million; $483 million; to a total of $1.1 billion. And now to try to say to the public that we are reprioritizing and we have new values and we are now going to take greater responsibility in the allocation of our funds by appropriating $32 million for the entire Nation? That is not playing against the biggies.

What about that $14.4 billion, divided $7 billion plus for foreign military aid? Let us not put it in contrast to Panama, for $120 million, to try to claim that we somehow have gotten religion and we are going to see the Nation's needs now met.

What would this vote be if we started with the military foreign aid, saying let us deduct this to return to the WIC Program maybe $500 million; or to the cleanup, another billion, and take some of that $7 billion out of that foreign military aid? I do not think we would be wearing our badges of virtue if that were the question before us.

It is amazing how we can, with respect to these little figures representing Panama, that is nobody's political threat or nobody's great political interest, perhaps, or nobody's great political influence, say we are going to take from Panama and give to WIC and take from Panama and give to the Indians and take from Panama and give to the cleanup of the nuclear waste.

I think we ought to keep this in scope and scale and perspective.

We can play with our press releases any way we want to. That is every Senator's right. It is an individual matter. But as one of the managers of this bill, if we want to say "no" to $120 million to Panama, that is one issue. That is fine. Let us argue it and debate it on that basis. But to get into this great matter of prioritizing and reestablishing our priorities in this country vis-a-vis this amendment just really does not make good sense.

I would be happy if this could become the new priority of our spending. But I am not going to be one who says it has happened if this amendment is agreed to—on the basis of this amendment, that we are going to pay more attention to our women and infant children; we are going to pay more attention to our Indians, our environmental problems, our agricultural problems, and all these other things. I will wait for the real test to come. I would like to be in the position to raise this amendment and offer some additions to this amendment for all these programs and deduct it from the foreign military aid, and see how many speeches we get here in support of that.

I am not just theorizing; I am going by the past record, Madam President, as the Senator from Maryland has known from the many times we have joined on occasions. Let us cut that nerve gas weapons system in our military Pentagon budget. Let us cut the SDI; let us cut the M–1 tank; let us cut the B–2; let us cut all these other weapons systems. Boy, we do not get very far, do we? We can raise the awareness of the Nation about hungry people and homeless people, about unmet medical needs, and all the other things, 37 million Americans not accessed to medical help, but, boy, that is not an argument that carries a great number of votes on this floor. It is postured and positioned and juxtapositioned against military spending.

So, I just feel very strongly that we are dealing here with a bill that we owe to the Panamanian people. This is not a matter of the administration versus the Congress, Madam President. Let me remind us again, and I repeat, it was a 99-to-1 vote to say to the President, and I quote from the resolution that passed in this body:

(2) The Congress hereby supports—

(A) the efforts of the President of the United States to restore constitutional government to Panama and to remove General Manuel Nortega from his illegal control of the Republic of Panama:

(B) The President's utilization of the full range of appropriate diplomatic, economic, and the military options in the Republic of Panama:

So we were party to that action that created the basic damage in Panama. I, therefore, do not see this as a typical part of a foreign aid package. This is an overdue bill. I do not know whether they can use it in the next month, 2 months, or 3 months, but let me say this. This bill is past due to the Panamanian people. Past due. We ought to pay up our indebtedness in that sense. I think that whatever is required to pay for the damages and to put that country on a stable economic base is in our national interest, as well as in the Panamanians' interest. We are not gifting anybody. We are not giving them a free ride. We are not providing some kind of wasteful foreign aid program here. We are paying off a debt.

Mr. CHAFEE. I wonder if the Senator might yield for a question?

Mr. HATFIELD. I will be happy to yield.

Mr. CHAFEE. Do I understand the original amount that came here on the floor, the $420 million, is less than the President requested?

Mr. HATFIELD. The Senator is correct. The President asked for $500 million. We have authorized only $470 million. The House appropriated $420 million. So we are restoring it, in the amendment that was acted upon in the committee carried by a 15-to-14 vote, to the House level of $420 million.

Mr. CHAFEE. Still, that is $80 million less than the President requested?

Mr. HATFIELD. Yes.

Mr. CHAFEE. So this bill in no way is just a patsy bill giving the President everything he asked for. It starts right off with an $80 million reduction.

Mr. HATFIELD. The Senator is correct.

Mr. CHAFEE. I want to thank the distinguished Senator from Oregon.

Mr. HATFIELD. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I am delighted that the amendment is attracting the passing of attention that it is getting. That encourages me to believe that indeed perhaps we are on our way to taking a closer look at our priorities.

I agree with my distinguished Republican counterpart that we need to look at military spending, too, and we are. That is exactly what we are doing. That is already underway. That is where this money is coming from. This money is coming out of defense. So we are already taking a look at defense, the so-called peace dividend. I am for applying as much of that peace dividend as we can to domestic needs.

We hear the plea that we owe this to Panama, that they are waiting. Madam President, we owe our first attention to the needs of the American

people. They have been waiting likewise. They have been waiting for years. I also agree that the regular bill should be examined carefully, but why not start now? This is the starting point. Why wait until the regular bill? Start now; $200 million is not just exactly chicken feed; $200 million is no small amount—or $120 million is really what this amendment amounts to.

So I welcome the attention that is being given to the amendment. I understand that at some point a point of order will be made against it. Of course, that requires 60 votes to waive, but I have my waiver motion in my pocket and that likewise is debatable and waivable. So perhaps we will have more speeches on both sides on the question. Let us air it out well and let the American people see and know what is going on.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, it is with a degree of reluctance that I take the floor this afternoon to speak on the matter before us.

I say reluctance because it has been a rare occasion indeed in my 9 years as a Member of this body when I have found myself in the regrettable position of opposing not only a person for whom I have the highest regard or a person with whom I hold the highest degree of affection, who has been extremely generous and kind to me over these 9 years in the Senate, and whose lead I have followed, I think, about—I was going to say 99 percent of the time. That was true a week ago. Now it is down to 98 percent of the time.

I regret that because he is someone I care about, respect, and his leadership has just been phenomenal on any number of great issues.

This is a matter that I would not normally take the floor on. But I bear the responsibility of chairing the subcommittee that deals with Latin America as a member of the Senate Foreign Relations Committee, along with Senator PELL, who was involved a few days ago in the reauthorization of the emergency assistance for Nicaragua and Panama.

I think I, as my colleagues will in some cases painfully recall, have approached the level of wearing out my welcome on matters involving Latin America over these past 10 years. I think some of my colleagues see me coming, and they assume I am coming to bore them, harangue them, or bother them about some matter affecting either El Salvador, Nicaragua, and lately Panama.

I must say to my colleagues just as an aside, I had that wonderful opportunity yesterday to attend the inauguration of Mrs. Chamorro in Nicaragua, along with a delegation made up of a number of our colleagues, Vice President QUAYLE and his wife, and a number of other distinguished guests. It was in fact a great day, a day that I questioned in my own mind whether or not we would ever see occur; that is, the inauguration of a freely elected person in Nicaragua. Frankly, I think the wisdom of this institution over the years in no small measure attributed to the events that occurred yesterday.

In my own view, had Contra aid prevailed and the Arias plan failed, we would not have had an election on February 25, and certainly there would have been no inauguration on April 25. But because President Arias did prevail, and because a majority of the people in this body supported that effort, then I think it is proper to say that we can take pleasure, direct pleasure, in the events that occurred there yesterday, and only hope that in the coming months that Mrs. Chamorro and her new government can succeed in establishing a firm and solid basis for a democratic nation.

Along with my colleagues as well, an overwhelming majority supported, I believe, the actions taken by the Bush administration on December 20. There again I think all of us regretted the fact that we had to choose that option, but I think most who followed the issues in Panama respected the fact that President Bush had on a number of occasions tried to convince the Organization of American States, individual Latin American leaders, and individual regional organizations to take a more direct and explicit role in trying to deal with the growing and dangerous problem posed by General Noriega. The fact that military action was used on December 20 was a choice that I think most people understood and accepted reluctantly but nonetheless approved that particular action.

As we all know, 26 Americans lost their lives in the hours immediately following that invasion. A number of others of course were injured. We now know at least 200 or 300 Panamanian civilians also lost their lives that day. It is always a sad day indeed when any single American loses his life in defense of their country or in defense of freedom or democracy.

I would like to believe that all of us accept the fact that these young men did not lose their lives in vain, but lost them in the defense of liberty and freedom, lost them in the defense of tryng to make it possible for a nation that was caught in the strangulation grip of a thug, where democracy had been aborted in the May and June elections of the year previous, or that year in fact, and the nation looked as though it were heading for nothing but further turmoil and difficulty in the months and years ahead.

So I happen to believe, and I know my colleagues believe that young Americans were fighting for us, fighting for freedom, and fighting for our interests when they lost their lives on that December morning.

But today we come to the issue of whether or not the amount appropriated by the committee by the narrowest of margins is a sufficient amount, an adequate amount, or whether a lesser amount would do the job. This is a difficult call. We are talking here about a difference of $120 million, which is not insignificant but in the context of an overall bill and in the context of foreign aid it is not necessarily an overwhelming amount if you start talking about the entire Federal budget.

But I would like to suggest that what is involved here is not so much the dollar amounts. That is important. I do not minimize that. But it is vitally important it seems to me that everywhere possible the administration and the legislative branch ought to try and work together in the conduct of our foreign policy.

I say that as someone who has disagreed with the administration. I would never suggest that any Member of this body, particularly this body, ought not to exercise their independent judgments when they have disagreements with any administration in the conduct of foreign policy. But I think we all accept the notion that wherever possible we try to sing out of the same hymn book when it comes to advancing the interests of the United States.

So it has been suggested that there are funds in here for Panama which are not necessary in the context of emergency assistance. I have listened to some of the comments made, and I am not going to quarrel with individual comments about some of that assistance.

But I think there is here a far more important question in how this will be read, how it will be viewed, and how it will be interpreted throughout the Americas when it comes to the issue of whether or not the United States can live up to a commitment made to provide the assistance that Panama needs at this particular point in order to establish democratic roots so that we may never have to revisit the issue of military action in Panama, or anywhere else for that matter in the region.

I would point out to my colleagues here that this is a bill that obviously does more than just provide foreign aid. As I understand it, about one-third of the bill appropriates money for foreign assistance and two-thirds

of the amounts appropriated are for domestic spending here. I gather the report goes through and recites the various programs at the domestic front including some military assistance. I guess military programs are included in this package.

We all know that foreign aid has never been a terribly popular program in this country. I have often said that the quickest way I know how to get a standing ovation in my home State is to stand up and suggest that in this particular year I am not going to spend any money on foreign aid. I find many of my colleagues find that an appealing approach; that foreign aid many people have a difficult time understanding the relationship between the investment in foreign aid, and how those dollars directly benefit the interests of the United States particularly when you start talking about foreign aid to countries where there is little or no constituency here at home to support those efforts.

We will all recall because it was only a few weeks ago that we all supported very strongly the necessary funds for Hungary and Poland. In fact, we had a rather lengthy debate about whether or not the funds were adequate. As I recall, many of us on this side of the aisle felt we should do more for Poland; more for Hungary. I think we accepted the notion it was in our interest, that these were countries that had just been achieving their freedom and independence, and that now is the hour to strike to provide the kind of resources that would help them consolidate that freedom, consolidate that democracy, and consolidate that liberty. I suggest there are probably dollars that were included in that package which would fall out of the parameter of an emergency.

I presume there were dollars there that were not going to be spent immediately that could have been held back and waited for another year before they were put forth. I think that is probably true in any package you look at. But I think we also felt as a body here that this was a historic moment that ought not be lost upon us. None of us wanted to be looking back a year or 5 or 10 years from now having said to ourselves, "Why did we not make that bit more of a commitment if it would have made the difference?" If anybody would suggest, for instance, if we had put a few more dollars into certain countries and freedom had been achieved, then those dollars would be well invested.

I am suggesting here, Madam President, reluctantly that I cannot predict and say, golly, if you do not do what the committee did, Panama will fall. That is ridiculous. I do not believe that. I also know that, knowing Latin America, things have been volatile over the years. This government is new and it is very fragile, and I will tell you far more fragile in Panama than in Nicaragua, because this government assumed power after December 20, having won the election but having been deprived of final count in June of the same year.

Mrs. Chamorro was elected, of course, on February 25 and inaugurated yesterday. There is a sense that there is pure legitimacy about her government. The Endara government lacks that same sense of absolute sense of legitimacy in the minds of some people in the region. So in a way it is a bit more fragile, even though they have consolidated their position and eliminated all of the opposition, particularly the opposition around General Noriega. So I urge my colleagues that we try and stick with this package.

(Mr. LAUTENBERG assumed the chair.)

Mr. DODD. I saw yesterday a number of leaders throughout the region at the inauguration, and all of them, without exception, expressed the hope that we would do whatever we could to be of help to these countries, to see to it that they had a chance to get going.

I say to those who would question whether or not these dollars could be better spent at home, of course, they could. I regret that we spend any money overseas. I wish we did not have to spend a nickel anywhere in the world. I would like to take all of our resources and spend them here and let everybody be strong and healthy enough around the world and democracy be established well enough that nobody had to look to any other country to borrow or to lend to in order to meet its needs.

I could use that $120 million for a good child care program. My colleagues know how much I care about that program. Or women, infant, and children programs. I need better schools in Hartford and some of our other poorest cities. Weaver High and Buckley High could use that $120 million.

I would be a fool to suggest otherwise to anybody here today. Unfortunately, the world is not that way. As much as all of us might like it to be so, the world is configured differently. Unfortunately, there are nations and people who are struggling to survive.

One of the things that makes us different than almost anyone else on the face of the Earth is that we have recognized that, and we understand that our wealth and our riches and our independence and freedom are not something we ought to own exclusively, but that other peoples were born with certain inalienable rights, such as life, liberty and the pursuit of happiness, and that we would like to see them have the opportunity, where they have been deprived of those rights, to achieve them.

What we are talking about here today is investing in nations to give those people the opportunity to enjoy those rights of life, liberty, and the pursuit of happiness. So the $120 million ought not really be the subject of the specific debate, but whether or not we ought to try and make the commitment to invest in these nations and give them the chance to succeed.

Mr. President, I say to you, for instance, that I would hope that at some point here in the not-too-distant future we would be talking about an American common market, watching a single market emerge in Europe, and the Pacific Rim countries continue to make it difficult for our industries to penetrate their markets and to sell to their consumers.

We need to try and improve the economic condition so these countries can grow strong, become partners and become consumers of American produced goods. Obviously, they are going to achieve that, in my view, if they have democratic institutions, embrace democratic values, and have the kind of infrastructure that makes it possible for them to get moving.

So, Mr. President, I realize that there are very few people who are Panamanian Americans or who may be Nicaraguan Americans, except in certain cities or quarters of this country. I do not know if I have but a handful in my own State that would be directly interested in this subject matter, except that I would like to think that my constituency at home understands that investing in fledgling democracies is in our interest.

Investing in a new, struggling government in Panama is in our interest. While it may not be seen in direct returns today, I suggest that in the not-too-distant future, we will applaud and not regret the fact that we have made this investment, and people throughout this country, while they would like to see the dollars come directly to them, understand this is a good investment for America. It is America doing what it does best, sharing with those that are less privileged in our own society but trying to make it possible for others to get on their feet.

Mr. President, it is with reluctance and for the reasons I stated at the outset, because I find myself on the opposite side of the authors of this amendment, whom I care about, whose leadership I follow and whose judgment I trust, but I believe in this case what the administration has put forward; while not absolutely correct—anyone that would suggest that some number is magical is certainly deluding not only themselves but everyone else, or trying to. But we have a number here. The message has been sent out, and the headline tomorrow is going to be, if we do not do that, that

we failed in our responsibility, in our commitment.

I do not like to have to say that but, unfortunately, that is how it will be read in most capitals throughout this hemisphere.

So I hope we can support the committee proposal as it has come out, which the administration and House suggested. We do a lot here, again, for domestic programs, although not as much as the distinguished chairman of the Appropriations Committee would like. I find myself in agreement with him in the priorities he has chosen, but for the reasons I stated, I believe that America's interest is to do the patriotic thing today, do what we have held ourselves out as in the eyes of the world on our willingness to make commitment, to stand firm and support nations seeking freedom in this particular year.

I point out to my colleagues, for instance, that our European colleagues are coming up with a fund now of $24 billion for Poland and Hungary. That is billions of dollars they are going to provide. They have also announced collectively that they are going to have to pull back on their commitment financially to Latin America because of the growing concerns in their backyard, if you will, in their neighborhood.

I would like to think that we might say to our Latin friends, our neighbors, that we will step forward here, not with $24 billion, not with $2 billion, but to step forward here with, in this case, $420 million for Panama. That is a fraction of what is going to be offered to our European struggling, new democracies in that part of the world, and we are participating in that, and I want to see us continue to do so.

These numbers are a pittance as compared to what is being offered by European democracies, industrial nations, to help their neighbors get on their feet. I would like to think at this hour that we at least would be able to provide the amounts that have been offered in the legislation. So with reluctance and regret, Mr. President, I oppose the present amendment and support the committee markup.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objections, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the names of Senators BUMPERS and LAUTENBERG be added as cosponsors to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank both Senators.

I ask unanimous consent that the name of Mr. CRANSTON be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I want to make it clear at the outset that I am strongly supportive of aid to both Panama and Nicaragua. I feel we have a responsibility to assist these countries in the difficult task of reconstructing their ravaged economies, as the United States has done much to contribute to their destruction. Yet I must concur with many Senators here who believe that the President's figure of $420 million is too high. We should not be giving dollars to support tourism in Panama at a time when vitally important domestic programs are drastically underfunded. We should not be designating money for scholarships as "emergency assistance" at a time when 150,000 poor women and children are about to be dropped from a Federal food assistance program in California alone.

VITAL NEED FOR ADDITIONAL FUNDING FOR WIC PROGRAM

Mr. President, I want to address one very important program which would receive additional funding under the Byrd amendment. The amendment would provide an additional $11.6 million in additional outlays and $12.3 million in additional budget authority for the WIC—Women, Infants, and Children—Food Supplement Program.

This money is vitally needed to prevent drastic cutbacks in this important Program. The WIC Program has proven over and over to be one of the most effective ways of improving the health and lives of low-income pregnant women and their children. Providing food supplements to pregnant women at nutritional risk is one of the best ways to increase the likelihood that their babies will be born healthy and with a real chance to develop and grow into productive citizens.

I learned this morning that because of unanticipated increases in specific food products used in the WIC Program, the State of California anticipates eliminating an estimated 150,000 participants from the California WIC Program for the second half of the current fiscal year. Ths means that approximately 34,000 low-income pregnant women, infants, and children will be cut off the program each month for the remainder of fiscal year 1990. I have also been advised that 24 other States will face significant cutbacks.

This level of cutback would be a disaster for low-income families in my State and throughout the Nation. It would mean that close to one-third of the 480,000 low-income pregnant women, infants and children currently receiving WIC food supplements in California would be cut off from this program.

Mr. President, the WIC program now only reaches about half the eligible population. We ought to be serving all of the eligible population. WIC has been proven to save babies' lives by reducing low-birthweights and the incidence of prematurity. Providing food supplements to low-income pregnant women and their infants is cost-effective and humane. This modest transfer of funds will not solve the funding crisis which this program is experiencing, nor will it enable us to achieve the substantial expansion of service that is direly needed. But this increase is a step in the right direction and should be followed by substantially higher increases in funding in subsequent appropriation bills.

I ask unanimous consent that an article which appeared in today's Sacramento Bee, describing the devastation that will occur in California if additional funds are not provided immediately for the WIC Program, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Apr. 26, 1990]

STATE CUTTING FOOD AID FOR WOMEN, KIDS

(By Nancy Weaver)

Faced with the threat of a $14 million deficit, state health officials are planning to drop 155,000 to 170,000 low-income women and children across California from a special nutrition program.

The Women, Infants and Children (WIC) program, which provides store vouchers to women and children who are in danger of not getting adequate nutrition, will be cut because of increasing food costs.

Within a few days, state health services officials will send out letter to local officials stating that the WIC caseload must be trimmed from nearly a half-million people to 309,000.

The letters confirm what state officials had told local WIC administrators and public health advocates in conversations during the last two weeks. They are appealing to the governor and legislature for help.

About 34,000 women and children each month will learn that their aid is ending in the state's desperate attempt to keep the program from going broke, state officials said.

Recipients are certified for six months at a time, and for many their aid simply won't be renewed. The first ones affected will be those whose six-month certification lapses Tuesday.

"It's traumatic and really a disservice to the community," said Sonia Parker, chief of maternal and child health programs for Sacramento County. "We'tell them that because of this directive from the state we can no longer continue them in the program."

No children over the age of 12 months, even if they have health problems such as anemia, will be served by the WIC program under the new guidelines. it is believed that most infants and pregnant or breast-feeding women will continue to get food vouchers from the WIC program.

State health officials told local WIC administrators that the program will run out of money in September unless the cuts are made.

Operating on $195 million in federal funds. WIC has never had enough money to serve all the eligible women and children. California doesn't contribute any state funds. The WIC program is designed to serve children up to 5 years of age who meet other health and income criteria. In California, only about a fourth of all eligible women and children are served by the program.

Stephen Kessler, the state's acting division chief for family health, said Wednesday afternoon that the costs of milk, orange juice, infant formula and other healthy foods bought for the program have gone up about 13 percent in the last year. An increasing caseload in many counties also has hurt the program, he said.

"We are significantly serving more WIC clients than we have federal funding available," said Kessler, "Anytime we're having to reduce 154,000 women and kids from the WIC program, it's indeed a serious situation."

The WIC program has grown by nearly 100,000 clients since last year, when the state solicited bids and won $50 million in rebates from a company providing infant formula for the program.

"We have a very high number of very high-risk individuals who need the program, and the doors were wide open so they came in," said Eloise Jenks, director of the Public Health Foundation, the largest WIC agency in the state. "Now, we're having to shut the doors again."

Lynn Simonson, a nutritionist with the Alameda County Health Department, said she dreads notifying the families that won't be allowed to continue with the program.

"This is going to be really hard to tell mothers that we have to take all kids off after one year—even with really sick kids," Simonson said.

Local WIC program officials and other advocate groups are asking the Legislature for money to help with the deficit and urging state officials to consider less dramatic cuts.

"The state has chosen the heaviest bludgeon approach. They should be taking a scalpel to it with a lot of expertise and finesse," said Laurie True, a food policy specialist with the California Rural Legal Assistance Foundation.

Steve Baranov, director of the Research and Education Institute at Harbor UCLA Medical Center, said the state's projections about higher costs may be too pessimistic.

"We believe there may be alternative, less drastic measures" to lower food costs, he said. His staff is working on a plan for nutritionists to tailor the vouchers for each individual client so that some may get less food, and more clients can be served.

A bill sponsored by state Sen. Marian Bergeson, R-Newport Beach, to provide $4 million in state funds for WIC is pending and that request may be increased to $7 million because of the threatened deficit.

"For every dollar that's invested in WIC, there's a savings of $3 later in health care costs," Bergeson said.

Chris Kahn, Bergeson's legislative assistant, said other emergency steps to avoid cuts are being discussed. "Appeals are going to be made to the governor, senators and other Assembly people so they also will explore ways of bailing out the program," he said.

WIC officials said many of the children and women who will be dropped are in need of supplemental food. "We will be taking something like 33,000 children off our program," said Jenks of the Los Angeles WIC office. "All of them are either ill or less than 18 months old. None of those children will be on the program."

Mr. BYRD. I thank the Senator from California [Mr. CRANSTON].

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I rise in opposition to the amendment, and I know that it is a well-intentioned amendment. I have said, as I made a number of public statements, it is time we take a look at foreign aid. I think we ought to take a look at all of it, not single out the small country of Panama at a rather critical time.

I certainly share the concerns expressed by the distinguished chairman of the committee and chairman of the subcommittee, Senator LEAHY, and others with reference to foreign aid. I listened to the distinguished Senator from Louisiana talk at great length about foreign aid, but only as it applies to Panama.

I must say I think we are responsible in a large part for the devastation of the Panamanian economy. I think that was justified; the sanctions were imposed because of the Noriega government, the Noriega dictatorship.

I can recall way back in 1978 when we were debating the Panama Canal Treaty, I voted not to give the Panama Canal away and that is an asset of several billions of dollars. I think the RECORD will reflect that even then there were a couple of us who were talking about Manuel Noriega and Torrijos and saying you should not turn over the canal to people like this, you should not turn over the government to people like that.

As it turned out, we were not prophets, but we just happened to call it right, because after the death and plane crash of Torrijos, Noriega became the maximum leader in Panama.

I remember at that time a lot of debate on the importance of Panama and the importance of an orderly transfer of American property to Panama, and many of us argued at the time about the cost. We argued about the drug traffickers. We should not be turning over an asset of that size with leadership that we anticipated that country would have.

It was a close vote. As I recall, one vote made the difference—or there were two votes in fact, one on April 18, 1978, one on March 16, 1978.

But the larger point I make is this: I am certainly prepared as one Member of the Senate to work with the distinguished chairman of the Appropriations Committee in reviewing foreign aid, period. But to say we are going to review foreign aid only with reference to Panama, if we are going to start basing foreign aid on a per capita basis, then there are going to be a lot of small countries going to be in real trouble if it is going to be based on population.

So it would seem to me that all the things the distinguished chairman has in mind if we can reduce aid to Panama and allocate it somewhere else, it would probably be laudable. And there may be other countries where we ought to take a look at foreign aid and allocate some of that to the American people. That might be laudable.

I do not have it in mind, but I assume if we look, if we had a total review of the foreign aid programs, we could possibly make some very drastic changes.

I do not share the view expressed by some of my colleagues: Oh, we ought to just take part of the peace dividend or raise taxes or vote to spend more money on foreign aid. I have a feeling that many of those who make those statements probably would not vote to increase foreign aid if there was a RECORD vote. And there may be some RECORD votes on foreign aid this year or next.

But I would say that Nicaragua and Panama are certainly important. They are emerging democracies, just as Poland and Hungary are emerging democracies, and we could hardly wait to push through an $800 million package for them. We almost had a race between the two parties on who could spend the most and who could stand up and say, "Well, we are for the emerging democracies" more, Republicans or Democrats.

The distinguished majority leader and myself just met with the President of Venezuela, President Perez. I remember visiting him in December. Of course, they produce a lot of oil and we are going to be short of oil, and we are going to be importing more than 50 percent of our oil before long. I remember him telling me a number of times in our visit that America should look south, as well as to Eastern Europe; that we have emerging democracies in our own hemisphere and they are very important to us, they are important allies, they are friends.

And they did not have their hands out, but they said what they were concerned about is that we were going to be so consumed with Eastern Europe that we are going to find it very convenient to slash any aid programs in any Latin American country. We are proving today that he was right.

If it is Poland or Hungary or Czechoslovakia, or maybe some other Eastern European country, certainly they deserve our help. I am proud to have played a part in the package we passed.

I believe the administration has made a case, and I think the amendment should be defeated. Then, if the distinguished chairman and ranking member of the subcommittee want to start a review of foreign aid, I think they will find a lot of us willing to help.

Let us not single out this small country, particularly where our Government is responsible in a large part for the economic devastation and the position they are in today.

We can draft amendments around here that certainly are enticing and attractive, sort of home consumption amendments. We could do that with aid programs to other countries, too. So, if we are going to start a precedent today, just picking off one country at a time, I think it is a mistake. In my view, it should be a broad review. It can still be done this year. And, if it is done, I will commit to the chairman right now that I will try to be helpful.

But to some of those who voted for the Panama Canal billions of dollars, and then today say we should not give $120 million to Panama, I find that hard to understand, particularly when there was a forewarning that people like Noriega would take over Panama. That is precisely what happened.

So for all the reasons stated, on this side of the aisle and by others, I hope this amendment will either be tabled or defeated. I think it is also subject to a point of order, which is a 60-vote requirement. There may be other parts of the bill; maybe the whole bill is subject to a point of order.

In any event, speaking as the Republican leader on behalf of the administration, I would certainly urge my colleagues on this side and the other side to defeat this amendment either through tabling or by an up-or-down vote.

Mr. President, I ask unanimous consent that the Senate voting record on the Panama Canal Treaty votes of March 16, 1978, and April 18, 1978, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Senate Voting Record No. 66, Mar. 16, 1978]

PANAMA CANAL NEUTRALITY TREATY

Title: Ex. N (95th-1st), The Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed on behalf of the United States at the Headquarters of the Organization of American States on September 7, 1977.

Subject: Adoption of the resolution of ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

Ex. N (95th-1st): Vote Nos. 32-66.

Result: Resolution of ratification agreed to.

YEAS (68)

Democrats (52 or 84%)

Abourezk, Anderson, Bayh, Bentsen, Biden, Bumpers, Byrd, Robert C., Cannon, Chiles, Church, Clark, Cranston, Culver, DeConcini, Durkin, Eagleton, Glenn, Gravel, Hart, Haskell, Hatfield, Paul G., Hathaway, Hodges, Hollings, Huddleston, Humphrey, Inouye, Jackson, Kennedy, Leahy, Long, Magnuson, Matsunaga, McGovern, McIntyre, Metzenbaum, Morgan, Moynihan, Muskie, Nelson, Nunn, Pell, Proxmire, Ribicoff, Riegle, Sarbanes, Sasser, Sparkman, Stevenson, Stone, Talmadge, Williams.

Republicans (16 or 42%)

Baker, Bellmon, Brooke, Case, Chafee, Danforth, Hatfield, Mark O., Hayakawa, Heinz, Javits, Mathias, Packwood, Pearson, Percy, Stafford, Weicker.

NAYS (32)

Democrats (10 or 16%)

Allen, Burdick, Byrd, Harry F., Jr., Eastland, Ford, Johnston, Melcher, Randolph, Stennis, Zorinsky.

Republicans (22 or 58%)

Bartlett, Curtis, Dole, Domenici, Garn, Goldwater, Griffin, Hansen, Hatch, Helms, Laxalt, Lugar, McClure, Roth, Schmitt, Schweiker, Scott, Stevens, Thurmond, Tower, Wallop, Young.

NOT VOTING (0)

Democrats (0).
Republicans (0).

[Senate Voting Record No. 119, Apr. 18, 1978]

PANAMA CANAL TREATY

Title: Ex. N (95th-1st), Order No. 2, The Panama Canal Treaty, signed on behalf of the United States at the Headquarters of the Organization of American States on September 7, 1977.

Subject: Adoption of the resolution of ratification of the Panama Canal Treaty which terminates prior United States-Panama treaty relationships concerning the canal and establishes a partnership arrangement for the operation, maintenance and defense of the Panama Canal by the United States and Panama through December 31, 1999.

Ex. N (95th-1st): Vote Nos. 67, 68, 74-77, 79-83, 86-119.

Result: Resolution of ratification agreed to.

YEAS (68)

Democrats (52 or 84%)

Abourezk, Anderson, Bayh, Bentsen, Biden, Bumpers, Byrd, Robert C., Cannon, Chiles, Church, Clark, Cranston, Culver, DeConcini, Durkin, Eagleton, Glenn, Gravel, Hart, Haskell, Hatfield, Paul G., Hathaway, Hodges, Hollings, Huddleston, Humphrey, Inouye, Jackson, Kennedy, Leahy, Long, Magnuson, Matsunaga, McGovern, McIntyre, Metzenbaum, Morgan, Moynihan, Muskie, Nelson, Nunn, Pell, Proxmire, Ribicoff, Riegle, Sarbanes, Sasser, Sparkman, Stevenson, Stone, Talmadge, Williams.

Republicans (16 or 42%)

Baker, Bellmon, Brooke, Case, Chafee, Danforth, Hatfield, Mark O., Hayakawa, Heinz, Javits, Mathias, Packwood, Pearson, Percy, Stafford, Weicker.

NAYS (32)

Democrats (10 or 16%)

Allen, Burdick, Byrd, Harry F., Jr., Eastland, Ford, Johnston, Melcher, Randolph, Stennis, Zorinsky.

Republicans (22 or 58%)

Bartlett, Curtis, Dole, Domenici, Garn, Goldwater, Griffin, Hansen, Hatch, Helms, Laxalt, Lugar, McClure, Roth, Schmitt, Schweiker, Scott, Stevens, Thurmond, Tower, Wallop, Young.

NOT VOTING (0)

Democrats (0).
Republicans (0).

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the name of Mr. KENNEDY be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. KASTEN. Mr. President, in a few moments I am going to make a motion to table the Byrd amendment. I do not in any way want to cut off debate.

I have had a discussion with the chairman of the Appropriations Committee and others who are interested in the amendment on that side. I think all of us agree that we have had, now, a complete discussion. So in a few moments, I am going to move to table the Byrd amendment.

Mr. BYRD. Mr. President, will the distinguished Senator yield for a question?

Mr. KASTEN. Certainly.

Mr. BYRD. Could we have an understanding somehow as to a time when there would be a vote? I wonder if this has been discussed with our majority leader and minority leader, because there may be some Senators throughout the Hill right now, and on a tabling motion there will not be any debate once that motion is made.

Mr. KASTEN. The reason I prefaced my comments by saying "in a few moments," I say to the distinguished chairman of the Appropriations Committee, is precisely that. Our leader has indicated to me that we are prepared to go forward with a vote within a few minutes, and maybe in the process of a few points that I am going to be raising here, we can see if it would be convenient for the vote to occur in 10 or 15 minutes.

Mr. BYRD. If we could check with our leader, too, perhaps we can agree on a time? Senator SASSER is here, and he wants to speak.

I will not interfere with the Senator any longer. I just wanted to raise that alarm.

Mr. KASTEN. I will yield the floor, and the Senator from Tennessee can make his statement.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Wisconsin for yielding to me.

Mr. President, I rise to add my strong support to the amendment of the distinguished chairman of the Appropriations Committee and the President pro tempore of the Senate, Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I think we can all agree that our distinguished friend from West Virginia understands the art of legislation. This amendment by the chairman of the Appropriations Committee, I think, is characteristic of his vision. I think it is a worthy amendment, Mr. President, because it clearly defines the issues that are before the Senate this afternoon.

The amendment that is offered by the distinguished chairman of the Appropriations Committee is about the priorities of this Nation. Where are we going to place the budget priorities of the American Government, here in the decade of the 1990's?

In these days of declining domestic productivity relative to our trading partners in Western Europe and Japan, in this era of staggering fiscal budget deficits, how should we spend the hard-earned money of the taxpayers of this Nation?

Mr. President, the amendment offered by the President pro tempore gives us an opportunity to cast a vote today for the people of the United States. We can either vote to meet the needs of the people of this country or, conversely, we can cast a vote for foreign aid that is unnecessary, in this Senator's view.

The Byrd amendment is very carefully drawn. It frames the issue perfectly, and the question is: What comes first around here, the needs and aspirations of the American people or more foreign aid?

I completely disagree with the distinguished chairman of the Appropriations Committee that the time has come for us to carefully examine our foreign aid expenditures. This is not 1948. This is not 1958. This is not 1968.

This is 1990, and this country is borrowing $300 billion a year to finance the operations of the U.S. Government. So we are not a Nation now with infinite resources, as perhaps we thought we were 20 and 30 and 40 years ago. Clearly, we are still a wealthy Nation, and as still the wealthiest Nation in the world, we have certain responsibilities to help needy allies, to help them help themselves, but not, I submit, at the expense of our own people, not by failing to take care of the pressing domestic priorities that are faced by this Nation.

I, frankly, cannot go back to my native State and face my constituents and tell them that there was such an emergency in the country of Panama that I voted to give Panama $30 million for the development of tourism because it was an emergency situation. There are emergencies and there are emergencies. Natural disasters in this country are emergencies. The inability of poor families in Appalachia to provide adequate nutrition for mothers and children is an emergency. In my State of Tennessee, fully 60 percent of the women and infants and children who would otherwise be helped by the WIC fund are not getting those resources, those valuable nutrients, simply because there are not adequate financial resources, we are told, to fully fund the WIC program.

There is a lot of talk about native Americans and the state in which they find themselves as we move down this decade toward the year 2000. Some of our friends from the West tell us there is an extreme state of emergency in Indian housing in this country, as far as our native American population is concerned.

I do not need to tell anyone in this body of the need to accelerate the cleanup of our nuclear facilities around this country, including my native State of Tennessee at Oak Ridge. That priority represents an emergency, I say to my colleagues, here in the year of the environment, less than a week after Earth Day.

Contrast those emergencies with providing $30 million to aid tourism in Panama. Is that an emergency of equal significance? Or providing $4 million for scholarships to Panamanian students, is that an emergency? Certainly we would like to see the students of Panama well educated. Certainly, we would like to see all who are able in Panama to go to a college or university. But how about the young men and women of this country who also aspire to higher education at a time when we have sharply escalating college tuition costs here in the United States?

Yes, I am in favor of providing $20 million to build new schools in Panama if we have the money and if our school system here in the United States is not without need. But how can we say it is an emergency to allocate $20 million to the country of Panama to build new schools when we know that there is a crisis in education right here in the United States?

How about providing Panama $130 million to repay loans from multilateral banks; is that an emergency? Are we to go on the money market and borrow an additional $130 million from our friends, the Japanese, so we can give it to the Panamanians so they can repay their loans to multilateral banks? The question comes, who is going to pay the debts of the United States of America that are accruing at the rate of over $300 billion a year? Who is going to pay off the deficit of the United States of America—this Government's deficit—that we have seen go from $900 billion in the space of a decade to now an indebtedness that exceeds $3 trillion?

Mr. President, I submit that the people of this country have been very generous with Panama. Following the invasion there, we released to the country of Panama, if memory serves me correctly, in excess of, $400 million. If this amendment is approved the bill that is before us today will provide another $300 million for the legitimate emergency requirements of Panama. And I say to my colleagues, we are talking about a country with a gross national product of only $5 billion, and in the space of less than 6 months, the U.S. Government will have transferred over $700 million to Panama. That translates out to a figure of about 18 percent of Panama's total GNP that has been flowing from the Treasury of the United States to the Government of Panama in less than 6 months. So we are already doing our share in assisting the people of Panama.

The distinguished chairman's amendment makes clear that in an emergency supplemental, we are going to provide emergency funding, and we are also going to defer those amounts which do not constitute an emergency. Yes, we do need to carefully consider our foreign aid responsibilities. As the chairman of the Foreign Operations Subcommittee has already pointed out, the President of the United States is requesting more money for Panama than we have provided to the country of Panama for the last 42 years. The President's request would provide $215 for every man, woman, and child in the country of Panama.

I remind my colleagues that we only provide $158 per capita for education, training, and employment funded by the Federal Government in the United States. If you add up how much we spend in the United States for community and economic development, for energy, for agriculture, for natural resources and environment, we spend only $172 per capita. Yet, we are going to send $215 for every person in the country of Panama under the President's proposal.

I ask, Mr. President, where are our priorities? I say that my priorities fall with those of the distinguished chairman of the Appropriations Committee. He knows that there are needs in this country which exceed the need to provide unnecessary foreign aid that is

not an emergency in this emergency supplemental appropriations bill.

The distinguished chairman of the Appropriations Committee knows that there are emergencies in this country. He knows there are quiet emergencies in small little houses all over Appalachia where mothers and fathers are looking for funds to try to provide adequate nutrition for a baby that they are expecting, to see that the mother has adequate nutrition, or adequate nutrition for a growing child up to the age of 5 years.

I submit it is an emergency when these children and their mothers, whether they be in Tennessee or West Virginia or South Carolina or wherever, cannot get access to the WIC Program simply because there are not enough funds for it.

I commend the distinguished Senator from West Virginia for his leadership in trying to allocate some funding to meet this quiet but desperate domestic emergency.

Mr. President, I think the distinguished chairman, by his amendment, helps put the priorities of the United States straight. Yes, we favor additional aid for Panama, but we also favor flowing some of these funds to meet these desperate emergencies that we have right here in the United States, the emergencies of our own people and of our own constituents and of our own citizens.

I say when you have a choice between unnecessary foreign aid that can be deferred, when you have a choice between providing $30 million for developing the tourism industry in Panama, or providing funds for the women, infants and children's feeding program, my vote is for the women, infants and children of this country.

Mr. President, I commend the distinguished chairman for setting our priorities straight today, and I urge, Mr. President, the adoption and approval of the Byrd amendment.

Mr. HEINZ. Mr. President, I have great respect for the work of the Senator from West Virginia, and for his effort here today. His amendment, because he has identified many worthy domestic programs in need of additional funding. And while I could support increases in funding for these domestic needs, I cannot do so based on the debate today.

The proponents of this amendment would have us believe that we are faced—at best—with a choice between equally valuable ends. At worst, the argument goes that we should not ship our taxpayers' money overseas to solve the problems of those on some distant, foreign shore when people here at home are more deserving of the help. The argument is that worthy as helping others may be, helping them does not help us.

Mr. President, helping Panama does help us. And the money spent there will directly benefit Americans—in the war on drugs, and by avoiding consequential spending of taxpayers' money in areas as diverse as immigration, military security, and social programs.

Panama is not a marginal interest of the United States. First, there is the Panama Canal, which the United States is slated to return to Panamanian sovereignty under the treaties now in force. Second, there is the history of Panama as a pipeline for drugs to the United States. Operation Just Cause, which we launched to topple the sordid and incompetent Noriega regime, was a costly investment in a vital American interest—a stable and democratic government in Panama.

The assistance to Panama that would be reduced by the pending amendment is not marginal or optional. The funds that will go to pay Panama's arrearages to multilateral banks are crucial, because they will help reopen lines of international credit that Panama needs to revive its economy.

Should our aid be insufficient, the Panamanian economy will deteriorate. The consequences of which could be civil disturbances, perhaps the takeover of the current government by another corrupt dictator. Unless we move forward with a comprehensive package of assistance now, we risk throwing away the lives of 23 American soldiers and 3 civilians who died in Operation Just Cause.

What are the impacts in the United States if we do not help Panama now? We don't have to look too far back in the past to find the answers.

MILITARY COSTS

According to the Joint Chiefs of Staff, maintaining security in the Canal Zone during the Noriega years added $150 million a year to our defense costs.

We have about 13,000 troops in Panama. Those young men and women are at risk. And, believe me, their deaths or injuries matter a lot back in the U.S.A. to their parents, and ought to matter to Congress.

The development assistance in this bill will ease the crisis in unemployment that would lead to civil disturbances and put our troops at risk.

IMMIGRATION

We already have millions of illegal aliens crossing our borders. Poor people, living on the fringe. Unless the situation in Panama improves we could see thousands upon thousands of Panamanians coming to this country with all the social costs that such mass immigration occasions.

WAR ON DRUGS

First, I want to discuss money laundering. Noriega's Panama laundered literally billions in drug money. The first step taken by the Endara government was to agree to put much tougher rules in place regulating bank transactions in cash. The institutional assistance aid in this bill is designed to help the Endara government keep that pledge.

Second, let's not forget the past use of Panama for drug transshipment. Noriega's Panama was a major transshipment point for drugs from elsewhere in the region. How big? We'll never know. But, in 1986 alone, before Noriega went rogue, the DEA and the PDF seized 900 kilograms of cocaine worth nearly $1 billion on the streets of our American cities. The next year, the effort netted 1,446 kilograms of cocaine worth more than $1½ billion on American streets.

The importance of the Panama Canal, the need to protect our youth from the drugs that could find a way to our shores via Panama, the additional risks to our American service people in Panama and the 35,000 civilians there, the increased social costs to handle an influx of illegal immigration, these matter to the citizens here in America.

It is imperative that we move quickly and decisively to shore up the Panamanian Government and revive the Panamanian economy. It is imperative for Americans. We can benefit Americans by approving the full package of aid for Panama we have before us today.

Mr. ADAMS. Mr. President, I would like to make a statement in support of the Byrd amendment under consideration today. As my colleagues are aware, this amendment would shift money within the dire emergency supplemental appropriations bill from Panamanian aid to a number of areas of domestic concern. While I do not want to belittle the importance of the United States commitment to Panama, I feel that given our country's deficit, and given the many pressing needs at home, more money in this supplemental appropriations bill could and should be spent within United States borders.

The largest portion of money in this amendment would be sent toward environmental restoration and waste management activities at Department of Energy [DOE] facilities. This is an account that profoundly affects Washington State. At the Hanford facility in Washington, we have tanks full of highly radioactive wastes that could explode. We have plutonium residues in the ventilation systems of a plutonium finishing plant. We have an environmental budget that falls short of meeting cleanup needs by more than $300 million in fiscal year 1991 alone.

Nationwide, the Department of Energy is short of the manpower and expertise needed to adequately address health, safety, and environmental needs at its facilities.

While shifting $32.5 million to DOE cleanup in 1990 will not solve all of the

environmental problems faced by Hanford and other Department of Energy facilities, it will be a good step toward addressing this problem. Further, by putting this additional money in this particular bill, we are acknowledging that cleaning up DOE facilities is, indeed, urgently needed.

This amendment also contains critically needed funds for the special supplemental food program [WIC]. It would provide $24.4 million of additional funding for local health clinics to provide supplemental foods to low-income women, infants, and children who are at nutritional risk. In recent testimony before the Senate Labor and Human Resources Committee hearing in Seattle, WA, several witnesses spoke of the vital role the WIC Program plays in helping drug abusing pregnant women to properly nourish their unborn children. Drug abuse in pregnancy is one of the most pressing health care issues in our Nation today. If ever there was a dire emergency, and a need for immediate assistance to citizens of our own country, this need must certainly rank near the top.

Recent studies and press coverage have drawn attention to the truly deplorable conditions existing in Indian housing projects on many reservations in this country. This amendment would direct funds to the Indian Health Service to begin addressing the backlog of sanitation requirements for the most pressing needs that have been identified. The present backlog is estimated to be $650 million, and while the funds made available under this amendment would make only a small contribution toward the reduction of this critical health problem, it is needed immediately.

As I noted at the beginning of my statement, Mr. President, I do not intend to write U.S. overseas commitments off. If we are wishing to address dire emergency needs in this bill, though, perhaps we should also look at cleaning up the messes in our own back yards.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, we are going to try to put together some kind of format by which we can agree to a vote, I would hope, at 5 minutes before 6. I see the Senator from Massachusetts and the Senator from South Carolina, both on the floor, would like to speak. Is it possible that we could allocate that time?

Let me, therefore, ask unanimous consent that a vote on the Byrd amendment—and it will be a motion to table the Byrd amendment—occur at 5 minutes before 6.

Mr. WIRTH. Reserving the right to object, who will allocate that time and how much time will be allocated? The Senator from Colorado would like to briefly comment in support of the Byrd amendment.

Mr. KASTEN. I will put myself in a position to try to allocate that time. First of all, how much time would the Senator like?

Mr. WIRTH. A minute and a half or 2 minutes.

Mr. KASTEN. A minute and a half, 3 minutes and 5 minutes. And that will be that I would end up with about a minute and a half or 2 minutes. Let us try to work within this rough understanding. I ask unanimous consent that a vote occur at 5 minutes before 6.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I do not see how the Senator's arithmetic works in the 10-minute period. That is Wisconsin arithmetic.

Mr. KASTEN. Five plus three is eight, plus a minute and a half is nine and a half, and I will speak for a half a minute.

Mr. HOLLINGS. Oh, half. I thought the Senator said a minute and a half.

Mr. KASTEN. I am hopeful my friends will cooperate by each shaving a minute or maybe 30 seconds off and we could work this out. I would like to yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection? If not, the unanimous-consent agreement is agreed to. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Mr. President, this debate this afternoon really is not about the support of the American people or the support of the United States Senate for the restoration of democracy in Panama. Clearly, it is not. There is a uniform sense in this body and among the American people of support for the restoration of democracy and the building of democratic institutions.

But, Mr. President, what really, basically, has taken place is that the President of the United States has said that there is $800 million in the defense budget that can be allocated to Nicaragua and can be allocated to Panama. What the Senator from West Virginia is saying is that if he can find $800 million for Panama and for Nicaragua, he can find funds to deal with some of the most critical needs facing the American people.

This is the first debate on the peace dividend, and it has been initiated by the Senator from West Virginia. Those of us who are supporting the Senator from West Virginia are saying we support the restoration of democracy in Panama. But not all of the administration's request for Panama—$500 million—is for an urgent need in that nation. Some of the purposes in the administration request can surely wait for the normal appropriations process. As the Senator from Tennessee has pointed out, the lifting of the sanction against Panama has already provided an infusion of resources; and the additional $300 million proposed in this amendment is a clear demonstration we are committed with additional resources. The remaining administration request can be accommodated by the Appropriations Committee through its regular process of markup for the 1991 Aid Assistance Program.

I am convinced that the Panamanian people and those who are involved in the restoration of democracy will find the American people are going to continue with their support. But this vote, quite frankly, Mr. President, is saying this: We have other urgent needs which ought to be accommodated in an urgent supplemental. The amendment of the Senator from West Virginia shifts the priorities of the administration's request to some of the most critical needs of the American people. That is the issue, and I hope the amendment of the Senator from West Virginia will prevail.

Mr. KASTEN. Mr. President, I would like to yield, if I could, 4½ minutes to the Senator from South Carolina.

Mr. HOLLINGS. I will try to limit my remarks, Mr. President. Let's be clear that this is not a debate with respect to finding $600 million for one purpose and then finding $600 million for the other. It is a debate strictly with respect to Panama and Nicaragua. I emphasize this point. Indeed, this is the reason I rise because I make no pretense to being the mother superior for Central America. The distinguished chairman of the Appropriations Committee, along with the Senator from Vermont, presented the amendment in the Appropriations Committee.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

	President's request	House passed	Byrd/Leahy (fund for emerging democracies)
Panama:			
Budget authority	500.0	420.0	300.0
Outlays	261.9	222.9	159.3
Nicaragua:			
Budget authority	300.0	300.0	300.0
Outlays	162.5	159.0	159.0
Chile Dev. Asst.:			
Budget authority			10.0
Outlays			0.9
Eastern Europe:			
EXIM direct loans:			
Budget authority			150.0
Outlays			21.9
Technical assistance:			
Budget authority			7.0
Outlays			3.7
Subtotal:			
Budget authority	800.0	720.0	767.0
Outlays	424.4	381.9	344.7

	President's request	House passed	Byrd/Leahy (fund for emerging democracies)
Other:			
Caribbean:			
Budget authority		15.0	3.0
Outlays		8.0	1.6
Hugo-E. Caribbean:			
Budget authority		5.0	
Outlays		2.7	
Africa:			
Budget authority		30.0	
Outlays		13.7	
ESF—Namibia:			
Budget authority			10.0
Outlays			5.3
Development fund for Africa:			
Budget authority			20.0
Outlays			1.7
EXIM medium term:			
Budget authority			
Outlays		5.2	5.2
EXIM (I-Match):			
Budget authority			[200.0]
Outlays			−2.3
Emergency Refugee and Migration Assistance:			
Budget authority		25.0	25.0
Outlays			
Subtotal, Other:			
Budget authority	0	75.0	58.0
Outlays	0	29.5	11.5
Migration and refugee assistance:			
Budget authority	70.0	75.0	75.0
Outlays	48.0	51.4	51.4
Total:			
Budget authority	870.0	870.0	900.0
Outlays	472.3	462.8	407.6

Mr. HOLLINGS. On this chart, the Senator from Massachusetts will see what the emergencies were just 48 hours ago. The emergencies presented by our distinguished chairman were Chile Development, Caribbean, Namibia, Development Fund for Africa, Eximbank, Exim (I-Match), Refugee and Migration Assistance. That is what the emergencies were 48 hours ago.

Now, when we voted on that in committee, I knew the Senator from West Virginia felt strongly about it, but I felt equally strongly that we not pinch pennies with the President in his judgment on Central America. Nicaragua is a basket case, and Panama after Noriega, after the ransacked banks, and in the wake of all the economic sanctions we imposed, Panama is another basket case. Accordingly, I thought what we ought to do is give the full amount, the $300 and $500 million.

In the vote Tuesday in the Appropriations Committee, by a mere one-vote margin, we adopted the House figure of $421 million. We cut it back from the $500 million to $420 million, and then of course we went along with the sum for Nicaragua of $300 million.

Now I have been up in the Budget Committee all day and they tell me Senator BYRD has an amendment, now, to make the package more attractive to me and Senatbr DECONCINI. I do not know whether that is the case or not. But we were the two Democrats who did not submit to the discipline. I was told that the amendment includes Indian health services, which Senator DECONCINI is interested in, plus the items that I am definitely interested in; that is DOE, environmental restoration and waste management activities, the Hugo-related agricultural emergency conservation program, and WIC, the supplemental food program which is dear to my heart. I wrote a book on the hunger crisis; toured areas of the country where hunger existed; and I worked with our late leader, our friend the Senator from Minnesota, Senator HUMPHREY, when we started the women, infants and children's feeding initative under the agriculture bill.

So I am put in a dilemma. I want to make it 100-percent clear that when I vote for aid to Nicaragua and Panama, I am not voting against the environmental cleanup in Savannah River or Hugo or WIC. Everybody knows my position on those issues.

I am going to work to fully fund every one of them. However, it is quite obvious to me that by changing the list of emergencies within a brief 48-hour period, the chairman is seeking the votes to cut the sum for Panama. We happen to differ on that. I intend to vote for the full amount.

But I could not let this particular debate and vote occur, and have my vote misconstrued. We all know how the campaign consultants distort your record, running ads that claim, oh, back in 1990, you voted against WIC, or back in 1990 you voted against Savannah River, or back in 1990 you voted against Hugo relief.

This is what brings me to the floor, which I had not intended to do. Specifically concerning Panama, I would simply add that I have been there. I have followed events there. I have talked to the Ambassador from Panama. I have talked to President Endara. I know Secretary Eagleburger went down and took the measure of their needs. I think, yes, if the Senator from West Virginia is correct and we do not need this amount for Panama——

The PRESIDING OFFICER. The Senator has used all of his time.

Mr. HOLLINGS. I can amend my remarks later on.

Mr. BYRD. Mr. President, I ask unanimous consent the Senator be allowed to finish his sentence at least.

Mr. HOLLINGS. If we do not need those moneys in Panama, then the distinguished chairman of Appropriations can show me where the money is being wasted. In that case, I would very definitely go along with him. And I would vote to cut at that point, when they are coming back for a full appropriation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, thank you, very much.

I want to associate myself with the comments of the distinguished Senator from Tennessee [Mr. SASSER] and the devastating analysis of the expenditure of money, and support the amendment offered by the Senator from West Virginia [Senator BYRD].

I would like to open one other window on this and that is the cleanup of nuclear weapons complex alluded to by the Senator from South Carolina. We have a major problem at the Rocky Flats plant in Colorado. The administration requested $9 million. Since that time we have changed contractors because the one there was not doing the job. We have had a major Federal raid on the facilities to find out what was going on there. We have had major problems related to the incineration that is going on there. Now we have just discovered that there are 62 pounds, Mr. President, of plutonium in the ducts. That is enough for seven or eight nuclear weapons.

We have to commit a great deal more money to the cleanup of Rocky Flats, and I think a lot of other facilities, and this is an opportunity to do it. The amendment of the Senator from West Virginia, of which I am a cosponsor, includes funds to help us clean this up. I must say it also helps us to wipe out a little bit of the waste that is in here.

Does the Senator from South Carolina know there is $30 million in the initial amendment for tourism, to encourage tourism in Panama? I have a great deal of difficult trying to explain that to my constituents that we are going to spend $30 million to promote tourism in Panama and we are not going to spend money to clean up the Rocky Flats Nuclear Weapons Plant in the backyard of a million citizens in Colorado.

Mr. President, I appreciate the opportunity to speak on this amendment because it contains important language for the clean up efforts at our Nation's Federal nuclear facilities. As you may know, one of those facilities—Rocky Flats—is located just outside of Denver, in my State of Colorado.

The Rocky Flats plant has been plagued by health and safety concerns. Most recently, almost 62 pounds of plutonium—enough to build 7 nuclear bombs—was found in the air ducts of the complex. Last summer a near criticality situation occurred at Rocky Flats that left the city of Broomfield fearful of contaminated drinking water. The budget request for environmental cleanup at Federal nuclear facilities was cut by $50 million this year. Even DOE officials now admit that the $89 million requested for next year will be insufficient to keep to cleanup commitments and to bring Rocky Flats into compliance with Federal and State environmental, health and safety laws. This mismatch between rhetoric and reality at DOE is inexcusable. All in all, our Nation's

commitment to clean up at its nuclear facilities is flagging and is taking on mammoth proportions.

I might point out, Mr. President, that the amendment offered by the distinguished chairman comes at a critical time. Just yesterday, Victor Stello, the nominee for the position of Assistant Secretary of Energy for Defense Programs, withdrew his name from consideration. The cleanup at Rocky and other nuclear facilities is essential to the health and well-being of our nuclear network and the communities in which they are located. We need to make sure that the money we do put in to clean up is spent well and spent effectively. My concern is that the administration send us another nominee for the top health and safety job at DOE—someone who is well qualified by experience and disposition to place health, safety and environmental concerns above production concerns.

I support this amendment, Mr. President, I want to see more attention given to the problems of Rocky Flats and surrounding communities and I think this amendment is a large step in that direction.

Mr. KASTEN. Mr. President, how much time remains?

The PRESIDING OFFICER. About a minute-and-a-half.

Mr. KASTEN. I would be pleased to yield 20 seconds of that time to the distinguished chairman of the committee.

Mr. BYRD. Mr. President, I thank the Senator.

The distinguished Senator from South Carolina outlined the proposal that I made in the committee the other day on which he indicated he would vote against a cut. He did not say we also included $44 million for the VA Medicare, $166 million for Head Start, and $11 million for flood control in the Southern States, plus $150 million for Eximbank in Eastern Europe.

We are trying to help the businessmen of this country to get in on the ground floor. The Germans are eating our lunch over there. So if we are going to have it all laid out, let us lay it out.

May I say I would love to have the vote of the distinguished Senator from South Carolina. He indicated the way I crafted this, perhaps he could vote for it. But I would be surprised. I was not counting on it. I would love to have his vote.

Mr. KASTEN. Mr. President, I wanted to make one very basic point. Why are we here? The reason we are here is because of the change in Panama and the change in Nicaragua in an emergency situation in which these two emerging democracies desperately need our help. They need our help not now. They needed it yesterday, the day before, and they have needed our help for months. These requests are emergencies.

A number of other issues that are on these different amendments—we added on some in committee, and we have now an opportunity to add on—are all very good programs. I support them. I think most people in this Senate support them.

But the emergency situation is that we have two brandnew fledgling democracies that desperately need our help, and they need it now.

We on a unanimous vote authorized $470 million for Panama. The administration wanted $100 million. If we were to adopt this number, it would be a 40-percent cut in aid to Panama from what the administration requested. This is an emergency. It would be a crime for us not to fund these two brandnew democracies and give them a chance. I hope that we will vote to table the Byrd amendment.

Mr. President, I move to table the Byrd amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to lay on the table the amendment of the Senator from West Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—51

Armstrong	Gorton	McClure
Bond	Graham	McConnell
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Burns	Hatch	Packwood
Chafee	Hatfield	Robb
Coats	Heinz	Roth
Cochran	Hollings	Rudman
Cohen	Humphrey	Sanford
D'Amato	Jeffords	Simpson
Danforth	Kassebaum	Specter
DeConcini	Kasten	Stevens
Dodd	Lieberman	Symms
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner
Garn	McCain	Wilson

NAYS—48

Adams	Ford	Metzenbaum
Baucus	Fowler	Mikulski
Bentsen	Glenn	Mitchell
Biden	Gore	Moynihan
Bingaman	Harkin	Nunn
Bradley	Heflin	Pell
Breaux	Helms	Pressler
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Burdick	Kennedy	Riegle
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Cranston	Kohl	Sasser
Daschle	Lautenberg	Shelby
Dixon	Leahy	Simon
Exon	Levin	Wirth

Not Voting—0

So the motion to lay on the table Amendment No. 1524 was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I want to express my views on why the Byrd-Johnston amendment was justifiably opposed in the context that it was being offered.

The distinguished chairman of the committee and President pro tempore certainly did a good job at making his amendment as attractive as possible on the second try, and it took Members of strong character and clear thinking to resist the chairman's siren song.

The distinguished chairman proposed to transfer $120 million in aid from Panama to domestic needs, which appeared to be a worthy proposal. However, there is little question that this particular proposal was politically motivated. It's no secret that the other party has been attempting to radically redirect the President's aid proposal. In its first attempt, the other party attempted to redirect aid from Panama to Eastern Europe in the committee markup. A one-vote margin spelled the defeat of this attempt. Nevertheless, there is no question that the original intent of the sponsors of the present amendment was to take money away from Panama and give it to Eastern Europe. When this attempt failed, a more politically palatable approach was pursued. This partisan approach was also doomed to fail, because a majority of Members in this Chamber understand and accept our commitments to the people of Panama and the security interests of the United States.

The security of the United States depends on a politically stable, as well as an economically and militarily secure Panama. The committee mark is a major step toward meeting these security needs. The United States also has some responsibility in helping Panama to rebuild after the December invasion to remove Noriega from power.

Mr. President, although our commitments and obligations to Panama and our security interests must be met, we certainly must also meet out commitments and obligations to our domestic needs. I intend to do what I can to meet these needs. In fact, this supplemental includes hundreds of millions of dollars for these domestic problems, including more money for disaster relief for farmers, fuel assistance for the poor, increased veterans benefits and increased funds for unemployment insurance. And, of course, in the regular budget and appropriation

cycle, these and other needs will be addressed further.

Mr. President, the amendment was misdirected and politically motivated, and the Senate, therefore, appropriately defeated it. I hope the Senate will proceed from this point on a more bipartisan basis.

The PRESIDING OFFICER. The question occurs upon the first committee amendment.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I believe the distinguished Republican leader has an amendment.

The PRESIDING OFFICER. The Senator from Kansas, the Republican leader.

AMENDMENT NO. 1525 TO COMMITTEE AMENDMENT ON PAGE 2, LINE 11

Mr. DOLE. Mr. President, as I indicated earlier today, I am offering this amendment for myself, the Senator from Michigan [Mr. LEVIN]; the Senator from West Virginia, the President pro tempore [Mr. BYRD]; and the Senator from Oregon [Mr. HATFIELD].

It provides $5 million for Armenian earthquake aid, and also covers transportation. There was some question raised this morning by the distinguished Senator from Vermont [Mr. LEAHY] whether or not they can spend the money. I have a letter from AID. They have finished their mission. There are a number of applications pending; they can spend the additional $5 million. And I hope the amendment could be accepted.

Last year, we did appropriate an additional $5 million for earthquake relief. But the needs remain enormous: more than 500,000 people remain homeless—for many of them, a shack would look like a palace.

There are also enormous medical needs. Private voluntary agencies have done great work, but there are still thousands who need immediate and long-term medical help.

One other area where help is especially needed: transportation. There are great quantities of supplies waiting right now in warehouses here in the country—ready to be shipped, but with no transportation available.

Senator LEAHY raised the question whether the money could be effectively expended. We have an answer from AID. The answer is: Yes.

AID has moved too slowly. Frankly, groups working in Armenia were slow in getting their act together.

But there has now been an AID needs survey team. Its report is ready. Applications are starting to come in. Significant spend-out will start in the near future.

Just one responsible Armenian-American group—the Armenian Assembly—itself has compiled project proposals way in excess of $10 million.

I would stress that this new money will be available for transportation. We could probably effectively spend the whole $5 million on backlogged transportation needs alone.

Appreciate cosponsorship of Senator LEVIN and Senator BYRD.

This program responds to critical needs, and reflects the best in America. I urge all Senators to join adopting this amendment.

I know of no objection to the amendment, but I will be happy to have anybody inquire about it.

Mr. BYRD. Mr. President, I join with the Republican leader in asking the amendment be accepted. As manager of the bill on this side, I am willing to accept the amendment.

Mr. LEAHY. If I can ascertain one thing?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I also ask unanimous consent that the letter which Senator DOLE has provided to me be printed in the RECORD, along with the amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, DC, April 26, 1990.

Hon. PATRICK J. LEAHY
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: This is in response to your request for factual information concerning the current and future operation of A.I.D.'s Armenia post-earthquake assistance.

A.I.D. has sent an assessment team to review and report on the current need for additional assistance to the earthquake affected areas. The team recently submitted a report of its findings. It concludes that the needs now and for the future include housing, health, and education/training activities which cross-cut many sectors.

A.I.D. is now in the process of reviewing the report and is preparing a request for proposals from private voluntary (PVO) and nongovernmental organizations (NGO) qualified and experienced to undertake these activities.

We have reviewed the proposed amendment and we agree that additional funds could be productively utilized with the cooperation and collaborative efforts of the PVO/NGOs presently operating in Armenia.

Sincerely,

RICHARD M. BROWN,
Director, Office of Egypt and European Affairs, Bureau for Asia, Near East and Europe.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of this amendment with Senator DOLE for earthquake relief for Armenia. I want to commend the minority leader for his leadership on this, and the cooperation offered by his staff. This is an example of a bipartisan, nonpartisan effort for humanitarian relief for suffering people that transcends politics.

The report that accompanies this supplemental legislation states that more than 500,000 Armenians remain homeless from the December 1988 earthquake, and the plight of many people in Armenia is increasingly desperate.

There have been questions about whether this money is needed. It is. Last year we appropriated $5 million for earthquake relief in Armenia, and the Agency for International Development has been preparing to spend the money wisely and appropriately. AID is in the process of completing the needs assessment and preparing the final report. The infrastructure is moving into place. This money today will be available through September 30, 1991. There are large and unaddressed needs in Armenia, and the applications to AID for much-needed and sound programs will far outstrip both this and last year's money. This money is desperately needed.

Mr. President, this amendment is in the finest tradition of Americans opening their hearts to unfortunate people in need. It will provide relief that is greatly needed and will make an important difference in both the short and long run in alleviating suffering.

Once again, Mr. President, I thank the sponsors of the bill, and Senator DOLE and his staff.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I would like to add as a cosponsor the distinguished manager on this side, Senator KASTEN, to the amendment and thank him for his assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. WALLOP. Mr. President, I will be very brief. I have no intention of objecting to this amendment or registering opposition to it. But I would like to point out that this puts Americans in a very complicated position because we have a natural, well-founded, and historical desire to help people who are victims of disaster. But I would point out that the Soviet Union, while they are accepting this aid from us for their victims in Armenia, are still spending over a couple of hundred million dollars a month to support the Government in Afghanistan.

So, while all of our hearts are with the Armenians, and they belong there, I tell my colleagues that what we are doing is we are relieving the Soviet Government from an obligation that it itself ought to shoulder before the priorities of American tax dollars go in there.

Having said that, I would ask the Republican leader if he would add me as a cosponsor of this. But just remind ourselves of what we are doing when we hear about the Soviet Union's desperate need for hard cash; they spend it outside their country on things that

are in violation of the rights and freedoms of others.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. DOLE. I do not quarrel with the Senator from Wyoming. In fact, I would point out the money will go to private voluntary organizations, not to the government. But his point is still well taken.

I also point out this will make a grand total of about $11 million in Federal aid to the Armenian people, compared to Italy, $100 million; West Germany, $80 million; Czechoslovakia, $35 million; France, $30 million; Poland, $8 million; and Great Britain, $40 million.

So we have not done a great deal, but we have done some. I certainly share the concern expressed by the distinguished Senator from Wyoming, and I am pleased to make him a cosponsor along with Senator CHAFEE and Senator MOYNIHAN and Senator THURMOND.

The PRESIDING OFFICER. Without objection, those Senators will be made cosponsors along with the Senator from Kansas.

Mr. LEAHY. I ask I be listed as a cosponsor.

Mr. DODD. Mr. President, I make a similar request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I also so ask.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas, [Mr. DOLE], for himself, Mr. LEVIN, Mr. BYRD, Mr. HATFIELD, Mr. KASTEN, Mr. WALLOP, Mr. CHAFEE, Mr. MOYNIHAN, Mr. THURMOND, Mr. LEAHY, Mr. DODD, Mr. REID, and Mr. PELL, proposes an amendment numbered 1525 to committee amendment on page 2, line 11.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment, add the following:

For an additional amount for the "Economic Support Fund," $5,000,000 to remain available until September 30, 1991, which sum shall be made available, notwithstanding any other provisions of law, for humanitarian relief, transportation of materials provided for such relief, medical treatment, and education and vocational training to the victims of the Armenian earthquake of December 7, 1988, which assistance shall be channeled through United States private and voluntary organizations and other United States nongovernmental organizations, provided that such funds are an addition to funds previously made available for such purposes; provided further, that of the funds made available by this paragraph for assistance for Armenia, up to one percent may be used by the Agency for International Development for costs of administering such program.

The PRESIDING OFFICER. Without objection, the Senator from Oregon will also be made a cosponsor.

Mr. PELL. Mr. President, I am pleased to cosponsor this amendment. When the earthquake devastated Soviet Armenia in December 1988, the world responded swiftly with appropriate emergency assistance.

Armenia is still reeling from the effects of the earthquake which left more than 25,000 dead, 100,000 injured, and more than a half a million homeless. Ethnic violence in Azerbaijan has contributed to the suffering of the Armenian people, and has exacerbated the refugee problem. This amendment would provide desperately needed refugee assistance, and would demonstrate our continued support of the Armenian people.

Mr. President, it would be a tragic mistake to drop our commitment to helping the Armenian people at this time. I urge my colleagues to adopt this important amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 1525) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1526

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, on behalf of myself, Senator LEAHY, and Senator WIRTH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin, [Mr. KASTEN], for himself, Mr. LEAHY, Mr. WIRTH, Mr. PELL, Mr. HATFIELD, Mr. D'AMATO, Mr. INOUYE, and Mr. DOMENICI, proposes an amendment numbered 1526.

On page 25, after line 21, insert the following:

"FORESTRY PROTECTION

None of the funds appropriated in this Act for Nicaragua or Panama shall be used for any project that would result in any significant loss of tropical forests."

Mr. KASTEN. Mr. President, this amendment is very simple. It requires that none of these funds be used to support projects that will result in the significant loss of tropical forests in Nicaragua or Panama.

Nicaragua and Panama have some of the most outstanding, and least disturbed forests in all of Central America. However, those forests are under severe pressure.

In Nicaragua, I would note particularly the efforts to protect the forest along the Nicaragua/Costa Rica border. These governments are now working together to establish the International System for Protected Areas for Peace, known as SI-A-PAZ.

In Panama, I would point out that the operation of the Panama Canal is dependent on the protection of healthy forest systems in central part of the nation. The water source for the canal is the rain forests in central Panama.

Because the economy in Panama is in such bad shape, people are leaving the cities, and moving into the forests. When they move into these areas, which on paper are protected as parks, they are cutting the forests. Unsustainable development is being touched off because of the need for short-term economic opportunities.

This legislation will be a key step in addressing the underlying problem—a sound economy. It also contains language to promote environmental protection. But it is critical that none of our funds be used for cross purposes, to fund forest destruction.

Since most of my colleagues are not familiar with the forests of Nicaragua in particular, I ask unanimous consent that a more detailed description of this critical natural resource be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

NICARAGUA'S FORESTS

Nicaragua is blessed with wide ecological diversity—from the humid tropical forest of the southeast (the Caribbean's largest unspoiled tropical rainforest), to the arid tropical pines of the highlands in the north-central mountains, The wide range of climatic, topographical and vegetational types, coupled with the demographic and social variations, tends to complicate the planning for sustainable natural resource management.

The motor which drives the economy of Nicaragua is rooted in agriculture. During the 1980s, the Nicaraguan government initiated a sweeping agrarian reform which resulted in the redistribution of the ownership pattern of agricultural land.

The approximate breakdown by ownership of agricultural land is as follows: 40 percent private; 40 percent cooperative; 13 percent State; 8 percent non-titled.

One of the key points in future social stability throughout the rural sector will be centered around the Ministry of Agriculture (MIDINRA). Vital to a stable relationship will be the technical help and availability of credit to the cooperative sector.

The second most important factor will be the emphasis and importance which is placed on the sustainable management of the non-agricultural lands (i.e. the forests).

Historically, in any agrarian-oriented economy, the forestry sector is neglected and sacrificed to relieve pressure from landless peasants. This problem is especially acute at the present time due to the bankrupt condition of the Nicaraguan economy, resulting in hungry and desperate people. This situation does not lend itself to long-term sustainable environmental management. Therefore, an integrated approach at the top levels of government, is vitally important to push for both social and ecological solutions.

The U.S., in its development assistance, must avoid any further threats that would undercut the forestry sector in Nicaragua. The aid that we provide should be building up the forestry sector for its other values (e.g. watershed management and fuelwood).

The western regions of Nicaragua, where over 80% of Nicaraguans live, has been deforested for agriculture and firewood. As a result, the country is losing millions of dollars in agriculture crop production due to both wind and rain erosion. Nicaragua also has a critical shortage of fuelwood and building materials. There are floods every year that destroy the infrastructure of the country, especially in Managua.

Agroforestry (i.e. reforestation, wind breaks, and soil conservation projects) should be put high on the list of programs that would provide an emergency response within a short term and also provide long term development. Agroforestry and reforestation projects would reactivate private sectors and generate employment for hundreds if not thousands of Nicaraguans.

A Brief Overview of Specific Regions from a Forestry Perspective: Managua & Southwest Region:

This area contains over 50% of the Nicaraguan population and is suffering from severe environmental degradation. There is a strong need for an agroforestry extension program. The UN has designated Lake Managua as one of three lakes worldwide to receive special international aid to correct their pollution problems. We need to make certain that there is no further degradation of Lake Managua's watershed.

Southeastern Region:

There are three ecological divisions in this region. (1) Inland is a humid tropical zone with a heavy influx during the past twenty years of subsistence farmers. (2) The Bluefield-Rama area was heavily damaged by Hurricane Joan in October 1988 (at least one million acres). Regeneration has taken place, but the greatest threat is from forest fires.

Southeastern tip of Nicaragua along Rio San Juan:

The forest surrounding the mouth of the Rio San Juan is the Caribbean's largest unspoiled tropical rainforest.

Northeast Region:

The predominate vegetation in this region is Caribbean Pine. The forest fire control plan which the Northeast Forestry Project had in the late 70s and early 80s needs to be reinstated.

North Central Region:

This region has three general ecosystems. (1) Pine forests which grow on harsh, low rainfall sites have been heavily overcut for industrial use and subsistance farming. There needs to be a vigorous forestry extension program which promotes reforestation and forest fire control. (2) North/Northeast of Matagalpa are virgin deciduous forests which have been virtually untouched due to rugged topography and their isolated location. A sound management plan which will provide protection from over-exploitation is needed. (3) The land around deciduous forests south/southeast of Matagalpa is presently used for cattle raising. Agroforestry would be a sustainable type of management for this land.

Northwest Region:

This area has suffered extensive environmental damage from cotton production, pesticide poisoning and over-cutting of the natural forests. A long-range forest extension program to foster agroforestry and the protection of the natural forests in the mountain ranges is needed.

Hope this helps. Please let me know the status of the proposed amendment. Thanks a lot.

Mr. KASTEN. This amendment is strongly supported by the U.S. environmental community. It will protect both the environment and economic opportunity in the democracies of Panama and Nicaragua.

I believe this amendment has been cleared, and ask for its immediate adoption.

Mr. BYRD. Mr. President, both the Republican ranking member and I know nothing about this amendment.

Mr. KASTEN. It was my understanding that the amendment had been cleared.

Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Mr. President, if the Senator will withhold? I may request a quorum call if we need it, but maybe I might just discuss this briefly, something about this amendment and what it would entail, if I may be recognized?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this amendment by the Senator from Wisconsin, the Senator from Colorado [Mr. WIRTH] and myself, is language to prohibit foreign aid money that might go, in this bill, to either Panama or Nicaragua to be used in any way for destruction of rain forests.

In last year's foreign aid bill, I expressed, as did the Senator from Wisconsin and others, concern that foreign aid, however nobly intended, might be used for purposes that were destructive not only to the environment of the recipient country, but destructive to the environment possibly hemispherewide; in some instances, worldwide.

We tried in last year's foreign aid bill, and I think successfully in some areas, especially those areas involving some of the international lending authorities, to limit U.S. foreign aid, at least to those matters of an environmentally sound nature.

I note, Mr. President, it would be my intent, as we go along to support amendments, to at least put some kind of environmental requirements on our foreign aid, if not tying our foreign aid to proenvironmental positions, at least stop our foreign aid from being used in a way that is destructive of the environment. I would not want to see the money that we may vote for Nicaragua and Panama in this aid package to be then used for destruction of rain forests in those two countries.

I suspect the majority of Senators would agree with it. That is what the amendment is. It adds no money. It takes away no money. It just says the U.S. dollars, foreign aid dollars, cannot be used for destruction of rain forests and, thus, for the degradation of the environment in this hemisphere.

If nobody else is seeking recognition, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, is there now an amendment pending?

Mr. KASTEN. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. KASTEN. There is an amendment pending. I understand we will be able to dispose of it now that it has been cleared by the leaders on both sides.

Mr. BYRD. Mr. President, on this side, I am prepared to accept the amendment and recommend its adoption by the Senate.

Mr. HATFIELD. Mr. President, I also accept it on this side.

The PRESIDING OFFICER. Has the Senator from Oregon completed his statement?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to commend the Senator from Wisconsin and the Senator from Vermont and all those who had a part in this amendment. I think it is a good amendment. I hope we will be extra careful in our foreign aid to be sure it is not used for purposes that are destructive of our environment. Therefore, I commend those who are supporting this amendment. I ask unanimous consent to be added as a cosponsor.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator PELL, of Rhode Island, also be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. And for Senator HATFIELD, of Oregon, I ask the same unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator for Wisconsin.

Mr. KASTEN. Parliamentary inquiry. In order to dispose of this amendment, is it first necessary that I ask unanimous consent the committee

amendments be set aside, or can we move directly to this amendment?

Mr. BYRD. Mr. President, we are ready to act on this amendment.

Mr. LEAHY. Mr. President, I ask unanimous consent, first, that Senator BYRD, of West Virginia, also be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Withoug objection, it is so ordered.

Mr. KASTEN. And, Mr. President, I ask unanimous consent the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. INOUYE], and the Senator from New Mexico [Mr. DOMENICI] be added as cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition?

Several Senators addressed the Chair.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. BYRD. Mr. President, did we adopt the amendment?

The PRESIDING OFFICER. we have not disposed of the amendment.

Mr. JOHNSTON. I am sorry.

Mr. LEAHY. Mr. President, I would like to discuss this amendment briefly with the senior Senator from Wisconsin. Specifically, I note the amendment prohibits the use of these funds to cause the significant loss of tropical forests.

So that there is no misunderstanding, I ask him to explain to other Sentors what we mean by that.

Mr. KASTEN. First, this provision would apply to the use of these funds that would touch off the direct, or indirect loss of tropical forests.

That means that these funds could not directly be used to fund projects that would result in the significant loss of forests.

It also means that these funds could not be used to fund projects that would touch off the loss of a significant forest area.

By significant, this amendment means more than just a few acres.

Mr. LEAHY. Let me give a couple of illustrations for clarity.

A direct loss of forest, for example, could be the clearing of a large forested area to establish a cattle ranch or row cropping.

An indirect action, for example could be the building of a road into a relatively undisturbed area that would open the area to clearing.

Mr. KASTEN. The senior Senator from Vermont is exactly correct.

Mr. LEAHY. And by significant, this amendment would not restrict the cutting of trees per se, but would prohibit the cutting of more than a few acres from any project, or the funding of projects that indirectly would lead to the cutting of more than a handful of acres of forests.

Mr. KASTEN. The Senator is correct.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1526) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1527

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1527.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, after line 2, insert:

"SALARIES AND EXPENSES

For expenses to carry out section 201(k)(2) of the Agricultural Act of 1949 for 1990 crops damaged by a natural disaster in 1989, $11,891,000: *Provided*, That the Secretary shall spend not less than the amount appropriated herein."

Mr. JOHNSTON. Mr. President, the amount transferred here, $11,891,000, is within the allocation in the bill. It is used to carry out section 201(k)(2) of the Agricultural Act of 1949 for disaster relief. My particular interest in this program, Mr. President, has to do with the disastrous loss, because of the freeze, in the sugarcane fields of Louisiana this last year. We had the coldest weather in the century. As I mentioned this morning, Lake Pontchartrain was frozen over. What sugar farmers have gotten in my State is 60 to 100 percent of the crop damaged. In addition to that, the seed for next year's crop was also damaged.

So, Mr. President, this is money within the allocation of the bill. It is deficit neutral for that reason. It carries out that section of the Agricultural Act of 1949.

Mr. President, I ask unanimous consent that this amendment be made the pending business before the Senate at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I only ask to hear what the request was.

Mr. JOHNSTON. Simply to make this the pending amendment because the committee amendments have not yet been cleared.

Mr. HATFIELD. I have no objection.

The PRESIDING OFFICER. There being no objection, the amendment will be considered at this point.

Is there further debate on the amendment?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I will ask for a quorum call unless the Senator from Louisiana can assure me that this has been cleared by the subcommittee ranking member on our side. I have no message from him that he has seen this and knows about it. I do not know about the chairman of the Agricultural Subcommittee on the Senate side. Has this been cleared by both sides?

Mr. JOHNSTON. Mr. President, is the Senator speaking of Senator COCHRAN?

Mr. HATFIELD. Yes.

Mr. JOHNSTON. I have not personally cleared it with Senator COCHRAN. I think it will be all right. But I do suggest the absence of a quorum, Mr. President.

Mr. BYRD. Is the Senator asking for a quorum? As I understand it, Mr. BURDICK, the chairman of the subcommittee on this side, is agreeable to the amendment.

Mr. JOHNSTON. That is correct.

Mr. BYRD. Let me say that I am agreeable to it. It is within the outlays; therefore, it is deficit neutral. I am willing to accept the amendment and hope that the Senate will adopt it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I have no knowledge as to whether the Senator from Mississippi [Mr. COCHRAN], the ranking member of the subcommittee, has seen the amendment or approves of it. I only ask the indulgence of the Senate until we can reach him and check it out. He may well support it, but I do not have that information.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, at the suggestion of chairman of the committee, I move to amend the

amendment by making the figure $11.891 million, $11 million even.

The PRESIDING OFFICER. The Senator is talking about page 3, line 6. Is that correct?

Mr. JOHNSTON. On my amendment, that is line 4, the figure $11.891 million. I want to modify it to read $11 million even.

The PRESIDING OFFICER. The Senator has a right to modify the amendment, so the amendment will be modified as stated by the Senator from Louisiana.

The amendment as modified is as follows:

On page 3, after line 2, insert:

"SALARIES AND EXPENSES

"For expenses to carry out section 201(k)(2) of the Agricultural Act of 1949 for 1990 crops damaged by a natural disaster in 1989, $11,000,000: *Provided*, That the Secretary shall spend not less than the amount appropriated herein."

Mr. JOHNSTON. Mr. President, Senator COCHRAN is now in the Chamber.

Mr. COCHRAN. Mr. President, we have looked at this amendment. I just have one question to ask of the distinguished Senator from Louisiana. In the reference to section 201(k)(2) of the Agriculture Act of 1949, is that section a specific crop or is it a number of crops that would qualify for aid under that section?

Mr. JOHNSTON. The section covers peanuts, soybeans, sugar beets, or sugarcane.

Mr. COCHRAN. So this is not an attempt to target this amount of money for any one specific crop but any of those crops that are described in that section would be eligible if they were otherwise entitled to benefits under the other terms of the act?

Mr. JOHNSTON. That is correct.

Mr. COCHRAN. Mr. President, we have no objection to this. There have been some severe disasters, as we all know, that have hit the agriculture sectors around the country, and I will be willing to recommend that the amendment be accepted as a part of this supplemental appropriations bill.

The PRESIDING OFFICER. Does the Senator yield the floor? The Senator has yielded the floor. Is there further debate?

Mr. LEAHY. Mr. President, I just want a chance to read the amendment. I understand it has been looked at from the appropriations point of view, but I just wanted to make sure it is not something within the jurisdiction of the Senate Agriculture Committee. It should be looked at from that point of view. I think we could do this very quickly. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, while the Senators are conferring with respect to the pending amendment, I ask unanimous consent that the pending amendment be set aside for 2 minutes in order that Senator HATFIELD and I may dispose of another amendment and save that much time.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered. The Senator from West Virginia is recognized.

AMENDMENT NO. 1528

(Purpose: To direct the Department of the Interior to proceed with the design and construction of the Franklin D. Roosevelt Memorial in accordance with the direction contained in the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1990 (Public Law 101-121))

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its consideration. This is on behalf of Senator INOUYE, Senator REID, and myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for himself, Mr. INOUYE, and Mr. REID, proposes an amendment numbered 158.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, after line 8, insert the following:

NATIONAL PARK SERVICE

CONSTRUCTION

Of the funds made available under this head in the Department of the Interior and Related Agencies Appropriation Act, 1990 (Public Law 101-121), not less than $5,852,000 shall be made available immediately for design and construction activities associated with Franklin Delano Roosevelt Memorial.

Mr. HATFIELD. Mr. President, this is a very straightforward, simple amendment to the Interior Subcommittee part of this appropriations bill. The Congress last session for the current fiscal year appropriated $5 million to start construction of the Franklin D. Roosevelt Memorial. That design had moved through many processes and had been signed off and approved by the required agencies such as the Fine Arts Commission and the Capital Planning Commission, and all the others that play a part in any kind of memorial.

Correspondence between the Assistant Secretary of the Interior for Policy and Budget, to the Assistant Secretary of the Interior over the Park Service had instructed the Park Service not to proceed with the memorial.

In one way, one could say this constituted a line-item veto, but I will not get into that argument at this point. Mr. President, basically, then in sequence there were some new appointments made to the Fine Arts Commission, and with these new appointees there was raised in that Commission a request to review the design. In reviewing the design, they asked the Architect, Mr. Halpern, to modify the design—not to change the design but to modify it in scope, and in developing a little more grass and a little less stone.

The problem is now, in order to get that redesigned, there is no money available, even though we appropriated $5 million for construction, that could be utilized for the costs of modifying the design. All this amendment does is instruct the Interior Department to proceed with what we have appropriated and what we have determined for current fiscal year 1990, and therefore free up that money to be used, a portion of that money, for the modification of the design.

Mr. President, it has been my pleasure during the past few months to serve with my distinguished colleague from Hawaii [Mr. INOUYE], as a Cochairman of the Franklin Delano Roosevelt Memorial Commission. Prior to my service as a cochairman of the Commission, I had served as a member of this Commission since the early 1970's. It is one of the oldest Federal commissions, a dubious honor since the goal of the Commission was to work itself out of existence by the construction of a memorial fitting to the memory of our 33d President.

Last year, in the fiscal year 1990 Interior appropriations bill, the Congress finally took the long-awaited step of appropriating funds to build the memorial according to the design that the Commission first submitted to the Congress in 1976 and which was approved by the Congress in 1978. It was exciting to all of us who had served on the FDR Memorial Commission to see the light at the end of the tunnel of this important project. No one was more gratified than the late former Senator and Congressman from Florida, Claude Pepper. As the Chairman of the FDR Memorial Commission until his death last year, he had revitalized the project and testified eloquently before the House Interior Appropriations Committee, in his last appearance before a congressional committee, on behalf of the fiscal year 1990 appropriations.

I am told that when President Bush visited Senator Pepper at his deathbed, Senator Pepper, despite his great physical frailty, urged the President to give full support to the memorial

and that the President assured him of that support.

Apparently that word has not been passed along to certain officials at the Interior Department. Contrary to instructions contained in last year's appropriations bill, a memorandum was circulated with the Department earlier this month requiring the deferral of all spending for the project. Contrary to law, no reprogramming request was forwarded to the Appropriations Committees of the Congress. This work stoppage has come at a critical moment in the construction program. The National Park Service was completing the arrangements to sign a contract for final design services and construction, and the Fine Arts Commission has requested additional work by the designer of the memorial for which he must receive the appropriated funds.

Mr. President, our amendment simply directs the Department of the Interior to proceed with the design and construction of the Franklin D. Roosevelt Memorial in accordance with the direction contained in last year's Interior appropriations bill.

This amendment would have no budgetary impact since it merely instructs the Department to spend money that has already been appropriated. I understand that the chairman of the Appropriations Committee, my dear friend and chairman, Senator BYRD, has cleared this amendment and I ask for the support of my colleagues.

There is no new money involved. We do not have to offset because it is existing appropriations we are addressing.

Mr. BYRD. Mr. President, I ask unanimous consent for one additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I support the amendment proposed by my good friend from Oregon on his own behalf and on behalf of Mr. REID and Mr. INOUYE. The amendment adds no money to the bill. It directs the administration to spend money for the construction of the FDR Memorial in the exact manner which was prescribed in the report accompanying the fiscal year 1990 Department of the Interior and related agencies appropriations acts.

This amendment ensures that construction begins. I accept the amendment on this side and urge that the Senate adopt it.

Mr. HATFIELD. I thank the Senator for his support.

Mr. INOUYE. Mr. President, I am pleased to join my colleague from Oregon, as a sponsor of this amendment dealing with the design and construction of the Franklin Delano Roosevelt Memorial Commission.

Mr. President, in the fiscal year 1990 Interior and related agencies appropriations bill (Public Law 101-121), Congress appropriated $5.8 billion for the design and construction activities associated with the Franklin Delano Roosevelt Memorial. However, staff of the Office of Management and Budget have taken it upon themselves to defer the construction of this project. Further, the National Park Service has been directed to develop other plans for the use of this money. This reprograming I note, was without prior consent of Congress.

This amendment does not appropriate any new monies, but ensures that the construction of the FDR Memorial does begin. Mr. President, I wholeheartedly support this amendment and urge its adoption by my colleagues.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 1528) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1527

Mr. JOHNSTON. Mr. President, if it is necessary to ask unanimous consent, I ask unanimous consent that we now consider the Johnston amendment that was temporarily laid aside.

The PRESIDING OFFICER. It is not necessary. The question will recur on the amendment of the Senator from Louisiana.

Is there further debate?

Mr. LEAHY. Mr. President, on this amendment we only have a question on authorizing. I will not object to it. I will just note for the distinguished Senator that I think I can clear up the question I have on the authorizing language but if not, I may be in a position to seek to revisit this during the committee of conference. I do not want the Senator to think suddenly we will come back on that. I know what he is trying to do for people in his State. I commend him for that. But I want to make sure we are not getting into an authorizing issue that we should not.

Mr. JOHNSTON. Mr. President, I thank the Senator. I think it does not do that. I thank him for his concurrence. I am thankful for the concurrence of the distinguished Senator from Mississippi.

Mr. COCHRAN. Mr. President, as to the provisions in the bill as they relate to the Agriculture and related agencies title, there are funds in here the Senate should know that would help pay the cost of expenses that were incurred in connection with disaster assistance for Hurricane Hugo damage, California earthquake damage, and other disasters that have occurred that have had a serious effect on agriculture in many parts of the country.

There is also a substantial amount of funding in this agriculture title to meet the needs of the Food Stamp Program. These funds are necessary to carry out this program in an orderly fashion for the balance of this fiscal year.

There are other provisions of this title for funding of programs that are needed before we act on our regular fiscal year 1991 appropriations bill.

Mr. President, H.R. 4404, the dire emergency supplemental appropriations bill for fiscal year 1990, as reported by the Appropriations Committee on Tuesday, April 24, appropriates a total of $852,255,000 in budget authority for program activities under the jurisdiction of the Agriculture, Rural Development and Related Agencies Subcommittee.

The largest item, and probably the most critical item, in the agriculture chapter is the supplemental appropriation of $705,000,000 to meet the needs of the Food Stamp Program. Participation and benefit costs continue to grow, and that is the current estimated amount based on recent trends and historical participation patterns. The committee recognizes the need to protect the benefits for low-income Americans.

During the past year, Hurricane Hugo, the California earthquake, tornadoes, severe storms and flooding have caused tremendous loss of life and devastation of property. To provide needed and necessary assistance as a result of the severity of the damage, the committee provided $137,000,000 in disaster assistance. Of that, $52,000,000 is provided for emergency watershed and conservation work which comes under the jurisdiction of the Department of Agriculture. These funds will permit the installation of emergency measures for immediate protection of life or property. Emergency work includes, but is not limited to, repairing diversions and levees, opening dangerously restricted channels, sloping of steep and eroding banks, and establishing quick vegetative cover on denuded land.

Because the 1990 crop insurance program is now estimated to be larger than was anticipated, additional funding is needed for administrative and operating expenses to cover insurance commissions owed to those who sell crop insurance policies. This bill appropriates an additional $15 million to cover the shortfall of the Federal Crop Insurance Corporation.

Other important items in the agriculture chapter of the bill include: (a) an appropriation of $1,200,000 for the pseudorabies eradication program and

$6,800,000 for the grasshopper control program, both of which are administered by the Animal and Plant Health Inspection Service [APHIS]; (b) an additional $13,900,000 for Food and Drug Administration generic drug activities; (c) supplemental funding in the amount of $3,655,000 for the Commodity Futures Trading Commission for additional staff to implement various reform proposals and to deal with recent trade practice abuses; and (d) an additional $4,700,000 to support the January 1990 caseload levels of the Commodity Supplemental Food Program.

In addition, this bill disapproves two rescission proposals, R90-1 and R90-2, which were submitted to offset the increased outlays of the Federal Crop Insurance Corporation. These rescissions would have caused the delay or cancellation of several construction projects needed to carry out the agricultural, research, extension, and teaching programs of the Department of Agriculture.

Mr. President, I support the agriculture chapter as reported by the Appropriations Committee. I commend the chairman of the committee, Senator BYRD, and the ranking member, Senator HATFIELD, for their dedicated efforts and work in bringing this bill to the floor.

Mr. BREAUX. Mr. President, Louisiana sugar cane growers have experienced their worst natural disaster in many, many years. A severe, record-breaking freeze struck Louisiana late last year.

The sugar cane crop for 1989 had been harvested, but, given the nature of sugar cane, which is produced on a 3-year cycle, second-year cane and plant cane were damaged badly. Estimates of an average acreage loss statewide have been as high as 50 percent. For some individual growers, acreage losses will be much higher. On the remaining acres, yields are expected to be down significantly.

Farmers' income next year will be reduced even more because some of the cane that will be able to be harvested will have to be used as plant cane instead of being able to be sold in the market. This natural disaster has serious ripple effects throughout the cane region of the State. The many communities, their residents, their economies, and affected agribusinesses all will be hurt by the freeze.

The Food Security Act of 1985, in section 1008, authorizes the Secretary of Agriculture, at his discretion, to provide disaster relief for soybeans, sugar beets, and sugar cane. On April 5, the Louisiana congressional delegation, in a meeting with Secretary of Agriculture Yeutter, urged the Secretary to use his authority to provide Louisiana sugar cane growers disaster relief administratively. The Secretary, unfortunately, refused to do so. Secretary Yeutter told our delegation that we would have to pass special legislation in the Congress to obtain disaster assistance.

The April 5 meeting was called and set up under the leadership of our delegation's senior Senator, the Honorable J. BENNETT JOHNSTON. Today, again under his leadership, we are trying to provide assistance for Louisiana sugar cane growers. I strongly support my senior Senator and join with him in his efforts to help our industry, a role in which he has served so well over the years. Indeed, section 1008 of the 1985 Food Security Act was enacted as a result of his leadership.

I urge my colleagues to join with Senator JOHNSTON and to support a provision for disaster relief for Louisiana's sugar cane growers. Though the bill we consider calls for assistance for foreign governments, this is also a time of critical need for some of our American farmers, specifically Louisiana sugar cane growers. For that reason, there is every justification to help those at home who have experienced an agricultural and economic disaster. Again, I urge your support.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 1527) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 2, LINE 11, AS AMENDED

The PRESIDING OFFICER. The question occurs at this point on the first committee amendment as amended by the Dole amendment.

The committee amendment on Page 2, line 11, as amended, was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 2, LINE 19

The PRESIDING OFFICER. The question occurs on the next committee amendment. The clerk will report.

The assistant legislative clerk read as follows:

On page 2, line 19, strike the numeral and insert $42,000,000.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 3, LINES 18 AND 19

The PRESIDING OFFICER. The question occurs on the next committee amendment. The clerk will report.

The assistant legislative clerk read as follows:

On page three, lines 18 and 19, insert new language as follows: pursuant to section 1513 of title 31, United States Code.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 4, LINE 4

The PRESIDING OFFICER. The question occurs on the next committee amendment which the clerk will report.

The assistant legislative clerk read as follows:

On page 4, line 4, strike line 4 and insert new language, as follows:

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic census and programs", $110,000,000, as a contingency reserve for the decennial census, to remain available until expended and to be available only to the extent that appropriations are insufficient to cover unanticipated expenses related to unforseen events such as lower-than-expected response rates, lower-than-expected employee productivity rates, or natural disasters.

ADMINISTRATIVE PROVISION

Services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population (as determined under regulations prescribed by the Secretary of Commerce) shall not constitute "Federal service" for purposes of section 8501 of title 5, United States Code.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $15,482,000 to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, a procurement for the Stuttgart, Arizona, Fish Farming Experimental Laboratory shall be issued by the Administrator of the National Oceanic and Atmospheric Administration or the Director of the United States Fish and Wildlife Service which includes the full scope of the work described in Department of the Interior Task Order No. 89-

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025, Contract No. 14-16-0009-86-007; Provided, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 5, LINE 19

The PRESIDING OFFICER. The clerk will report the next committee amendment.

The assistant legislative clerk read as follows:

On page 5, line 19, insert new language; as follows:

LEGAL ACTIVITIES

SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for "Salaries and expenses, antitrust division", $2,500,000.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 7, LINE 6

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The assistant legislative clerk read as follows:

On page 7, line 6, insert new language through line 20.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SECRETARY'S SPECIAL LITHUANIA INDEPENDENCE AND RECOGNITION FUND

For necessary expenses of the Secretary of State exclusively for the purpose of securing the lease or purchase of real property and buildings and paying the salaries and representational expenses of American diplomats and other personnel for the establishment of an American embassy in the independent Republic of Lithuania, $10,000,000 to remain available until expended: *Provided*, That such property as may be necessary shall be leased or purchased and diplomatic and other personnel be assigned to Lithuania as soon as possible if the United States formally recognizes the independent nation-state status of the Republic of Lithuania.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 8, LINE 5

The PRESIDING OFFICER. The clerk will report the next committee amendment.

The assistant legislative clerk read as follows:

On page 8, line 5, strike the numeral, and insert $23,003,000.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT BEGINNING ON PAGE 8, LINE 14 THROUGH PAGE 9, LINE 4

The PRESIDING OFFICER. The clerk will report the next amendment.

The assistant legislative clerk read as follows:

On page 8, line 14, insert new language through page 9, line 4, as follows:

Notwithstanding any other provision of law, the Federal Maritime Administrator of the U.S. Department of Transportation shall transfer to the Government of the Territory of American Samoa a 112 foot vessel to be used by that Government for interisland transportation of cargo and passenger: *Provided*, That such transfer shall be at no cost to the Government of American Samoa: *Provided further*, That the Department of Defense shall transport such vessel to American Samoa without reimbursement and any appropriations available to the Department of Defense in the current fiscal year shall be available for this purpose.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses",

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT BEGINNING ON PAGE 9, LINE 15, THROUGH PAGE 10, LINE 2

The PRESIDING OFFICER. The clerk will report the committee amendment.

The assistant legislative clerk read as follows:

On page 9, line 15, insert new language through page 10, line 2, as follows:

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

(INCLUDING RESCISSION)

For an additional amount for "Procurement of Ammunition, Army", $238,000,000, to be used only for the construction of the RDX production facility at the Louisiana Army Ammunition Plant to remain available for obligation until September 30, 1992: *Provided*, That the Secretary of the Army shall enter into a contract for construction of the RDX facility not later than August 1, 1990: *Provided further*, That of the funds appropriated under this heading in the Department of Defense Appropriations Act, 1988 (Public Law 100-202; 101 Stat. 1329-51), $238,000,000 are rescinded.

The PRESIDING OFFICER. The question in on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT BEGINNING ON PAGE 10, LINE 10, THROUGH LINE 18

The PRESIDING OFFICER. The clerk will report the next committee amendment.

The legislative clerk read as follows:

On page 10, line 10 insert new language down through line 18, as follows:

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", $9,000,000, to remain available until September 30, 1994.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for "Military Construction, Army Reserve", $9,000,000, to remain available until September 30, 1994.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT BEGINNING ON PAGE 11, LINE 1 THROUGH LINE 2

The PRESIDING OFFICER. The clerk will report the committee amendment.

The assistant legislative clerk read as follows:

On page 11, line 1, strike the figure $23,305,000 and insert in lieu thereof, on line 2, $143,308,000.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I wonder if we can get unanimous consent to

agree to the remaining committee amendments on pages 11, 12, 13, and 14; they are just a series of numbers.

Mr. COCHRAN. Mr. President, we have no objection to that on this side of the aisle.

Mr. BYRD. I make that request.

The PRESIDING OFFICER. Is there any objection to the request?

There being no objection, the request as stated by the Senator from West Virginia is agreed to.

COMMITTEE AMENDMENTS ON PAGES 11, 12, 13, AND 14, EN BLOC

The PRESIDING OFFICER. The question is on agreeing to the committee amendments, en bloc.

The committee amendments were agreed to en bloc, as follows:

Operation and Maintenance, Navy, $166,093,000;

Operation and Maintenance, Marine Corps, $21,236,000;

Operation and Maintenance, Air Force $289,308,000;

Operation and Maintenance, Defense Agencies, $62,056,000;

Operation and Maintenance, Army Reserve, $896,000;

Operation and Maintenance, Navy Reserve, $209,000;

Operation and Maintenance, Air Force Reserve, $1,190,000;

Operation and Maintenance, Army National Guard, $2,125,000;

Operation and Maintenance, Air National Guard, $2,199,000;

Aircraft procurement, Army, 1990/1992, $16,000,000;

Procurement of ammunition, Army, 1990/1992, $60,000,000;

Other procurement, Army, 1990/1992, $11,000,000;

Other procurement, Navy, 1988/1990, $16,500,000;

Aircraft procurement, Air Force, 1990/1992, $30,700,000;

Missile procurement, Air Force, 1989/1991, $25,000,000;

Missile procurement, Air Force, 1990/1992, $176,000,000;

Other procurement, Air Force, 1989/1991, $17,900,000;

Other procurement, Air Force, 1990/1992, $45,805,000;

Research Development, Test and Evaluation, Army, 1990/1991, $59,000,000;

Research Development, Test and Evaluation, Navy, 1989/1990, $5,000,000;

Research Development, Test and Evaluation, Navy, 1990/1991, $9,000,000;

Research Development, Test and Evaluation, Air Force, 1989/1990, $19,900,000;

Research Development, Test and Evaluation, Air Force, 1990/1991, $31,158,000;

Research Development, Test and Evaluation, Defense Agencies, 1989/1990, $18,500,000;

Navy Stock Fund, $11,000,000;

Air Force Stock Fund, $10,000,000;

Defense Stock Fund, $39,000,000;

Military Construction, Navy, 1989/1993, $10,000,000;

Family Housing, Air Force, 1989/1993, $8,000,000;

Military Construction, Army, 1990/1994, $16,000,000;

Military Construction, Navy, 1990/1994, $10,650,000;

Military Construction, Air Force, 1990/1994, $37,500,000;

Military Construction, Defense Agencies, 1990/1994, $5,810,000;

North Atlantic Treaty Organization Infrastructure, 1990/1994, $21,925,000; and

Family Housing, Air Force, 1990/1994, $36,522,000.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 15, BEGINNING WITH LINE 1, THROUGH LINE 13

The PRESIDING OFFICER. The clerk will report the next amendment.

The legislative clerk read as follows:

On page 15, beginning with line 1, strike down through line 9, and insert new language down through the end of the page, on line 13, as follows:

SEC. 202. Section 9080 of Public Law 101-165 is amended by inserting the following proviso before the period ": *Provided*, That this provision does not restrict the use of funds for the destruction and disposal of such firearms".

The PRESIDING OFFICER. The question is on agreeing on the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 16, BEGINNING ON LINE 1, THROUGH LINE 14

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 16, line 1, beginning with the (a), strike down through the (d) on line 14, as follows:

SEC. 203. Section 8127(b) of the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is hereby repealed.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on that table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENTS BEGINNING ON PAGE 16, LINE 17 THROUGH PAGE 20, LINE 5, EN BLOC

Mr. BYRD. Mr. President, would there be any objection to asking my friend from Mississippi to agree to the remaining amendments on pages 16, 17, 18, and 19, down to chapter III on page 20?

Mr. COCHRAN. We have no objection to the request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

Beginning on page 16, line 17 through page 20, line 5, insert new language as follows:

SEC. 204. (a) For additional amounts for Military Personnel as follows: "Military Personnel, Army", $192,000,000; "Military Personnel, Navy", $240,000,000; "Military Personnel, Marine Corps", $70,000,000; "Military Personnel, Air Force", $278,000,000.

(b) Notwithstanding any other provision of law, on the date of enactment of this Act, unobligated balances available to the Department of Defense from previous Acts making appropriations to the Department of Defense are hereby reduced and cancelled by such sums as necessary to reduce outlays for the Department of Defense by the same amount as increased by the sums provided for military personnel in subsection (a): *Provided*, That such reductions shall be applied by an equal percentage to the unobligated balances of each program, project, and activity as set forth in section 9046 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165) or other relevant Department of Defense Appropriations Acts: *Provided further*, That military personnel accounts, as well as programs and activities exempt from sequestration under section 255 of the Deficit Control Act of 1985, as amended, shall be exempt from the uniform reduction required by this section: *Provided further*, That for purposes of this section, the rescissions of Department of Defense funds contained in this Act shall occur prior to calculating the amounts of unobligated balances: *Provided further*, That for purposes of applying this section, the Office of Management and Budget shall determine outlays from unobligated balances cancelled under this subsection and provided by subsection (a) by multiplying cancelled amounts under this subsection and amounts provided in subsection (a) by the same first-year outlay rate for each account as was used for the most recent sequestration order under the Deficit Control Act of 1985 as amended.

SEC. 205 (a) Not less than 30 days before a cooperative project agreement is signed or amended on behalf of the United States in conjunction with the NATO Research and Development program, the President shall transit to the Committees on Appropriations of the Senate and House of Representatives a numbered certification setting forth the text and providing an explanatory statement on the purposes of the proposed agreement or amendment.

(b) Any cooperative project agreement or amendment referred to in subsection (a) shall contain a provision stipulating that United States participation under the agreement or amendment is subject to the availability of appropriated funds.

SEC. 206. (a) Of funds available during fiscal year 1990 under the heading "Research Development, Test and Evaluation, Defense Agencies", for the NATO Research and Development program—

(1) not less than $12,776,000 shall be transferred immediately upon enactment of this Act to the Defense Advanced Research Projects Agency to finance the advanced neural networks information processing technologies project; and

(2) not less than $12,224,000 shall be transferred immediately upon enactment of this Act to the Joint Technology Department program.

(b) None of the funds referred to in subsection (a) may be transferred from the AV-8(B) radar development, F/A—18 radar upgrade, medium surface-to-air missile, and multifunctional information distribution system projects.

SEC. 207. Funds available to the Department of Defense during the current fiscal year may be transferred to applicable appropriations or otherwise made available for obligation by the Secretary of Defense to fund the additional cost of pay and allowances, operational expenses and other costs associated with military operations in Panama known as Operation Just Cause: *Provided*, That funds transferred shall be available for the same purpose and the same time period as the appropriations to which transferred; *Provided further*, That the Secretary shall notify the Congress promptly of all transfers made pursuant to this authority and that such transfer authority shall be in addition to that provided elsewhere in this Act.

SEC. 208. None of the funds made available by this or any other Act shall be used by the Department of Defense to conduct a Request for Proposal for the development or acquisition of the Real Time Automated Personnel Identification Systems (RAPIDS) until such time as an operational test and evaluation of Individually Carried Record (ICR) technologies is completed.

SEC. 209. Of the amount appropriated in fiscal year 1990 for Air Force Operation and Maintenance, $29,000,000 shall not be obligated or expended until not less than $7,000,000 is expended as settlement for the pending dispute regarding Contract Numbered F29650-82-C-0201.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments, en bloc.

The committee amendments were agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 21, LINE 12

The PRESIDING OFFICER. The clerk will report the committee amendment.

The legislative clerk read as follows:

On page 21, line 12, insert the word "Haiti."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 21, LINE 15

The PRESIDING OFFICER. The clerk will report the committee amendment.

The legislative clerk read as follows:

On page 21, line 15, after 1961 insert "or pursuant to section 515 of such public law."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I ask unanimous consent that the remaining amendments down to the colon following 1990, line 17, page 25, be agreed to en bloc.

Mr. COCHRAN. We have no objection to that request, Mr. President.

COMMITTEE AMENDMENTS ON PAGE 21, LINE 22, THROUGH PAGE 25, LINE 21

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

Beginning on page 21, line 22, strike down through page 22, line 15 and insert new language as follows:

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

(a) Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended in the undesignated paragraph under the heading "HOUSING AND OTHER CREDIT GUARANTY PROGRAMS"—

(1) by striking out '$100,000,000" and inserting in lieu thereof "$500,000,000";

(2) by inserting after "principal" in the last proviso under such heading the following: ", of which amount $400,000,000 in commitments shall be available during fiscal year 1990 or subsequent fiscal years only for the purpose of providing housing and infrastructure in Israel for Soviet refugees: *Provided further*, That with respect only to the $400,000,000 in commitments to be made for housing and infrastructure in Israel referred to in the preceding proviso—

"(1) the guarantees shall be made available for loans made during or after fiscal year 1990, notwithstanding, the limitation contained in the third sentence of section 222(a) of the Foreign Assistance Act of 1961;

"(2) the guarantees shall be made available for loans in increments of at least $150,000,000 or the amount requested by the borrower, whichever is lesser; and that the Agency for International Development shall review the borrower's actual or planned expenditures to ascertain that such amounts have or will be expended in accordance with the preceding proviso;

"(3) section 223(j) of the Foreign Assistance Act of 1961 (22 U.S.C. 2183(j)) shall not apply to such commitments; and

"(4) fees charged by the Agency for International Development under section 223(a) of the Foreign Assistance Act of 1961 shall not exceed—

"(A) an initial fee of one-quarter of 1 percent of the total amount of commitment authority, and

"(B) an annual fee in an amount not more than one-half of 1 percent of the maximum face value of guarantees which may be issued for any one country in a fiscal year pursuant to the penultimate sentence of section 223(j) of such Act.".

(b) Section 222(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182) is amended by striking out "$2,158,000,000" and inserting in lieu thereof "$2,558,000,000".

ECONOMIC SUPPORT FUND

PANAMA

For an additional amount for the "Economic Support Fund", $420,000,000, to remain available until September 30, 1991, which shall be made available only for assistance for Panama: *Provided*, That of this amount up to $15,000,000 may be used for a debt-for-nature swap and for immediate environmental needs.

NICARAGUA

For an additional amount for the "Economic Support Fund", $300,000,000 to remain available until September 30, 1991, which shall be made available only for assistance for Nicaragua: *Provided*, That of this amount $30,000,000 shall be for assistance to support the voluntary demobilization, repatriation and resettlement of members of the Nicaraguan resistance and their families: *Provided further*, That such assistance may be made available to members of the Nicaraguan resistance who agree to and are abiding by the terms of the cease-fire agreement and the addendum to the Toncontin Agreement signed on April 19, 1990: *Provided further*, That such assistance referred to in the previous proviso shall be provided through the International Commission of Support and Verification (CIAV) established by the Secretary General of the United Nations and the Secretary General of the Organization of American States pursuant to the agreement of the Central American Presidents at Tela, Honduras, on August 7, 1989, unless the President notifies the Committees on Appropriations in accordance with the procedures contained in section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990: *Provided further*, That up to $8,000,000 of the funds made available by this subsection may be used for environmental activities, including the preservation of tropical forests, promotion of sustainable agriculture, control of pollution, and restoration of the natural resource base.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to.

Mr. BYRD. I move to reconsider the vote by which the committee amendments were agreed to en bloc.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we have had a request for a quorum call to be suggested at this point for the purpose of reviewing the committee amendment that appears on line 17, page 25. For that purpose, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE AMENDMENTS ON PAGE 25, LINE 22, THROUGH PAGE 57, LINE 4

Mr. BYRD. Mr. President, I ask unanimous consent that the next committee amendment, which begins on line 17, runs through line 21, on page 25 be skipped over for the time being and that the Senate proceed to the amendments en bloc, agree to the

amendments en bloc, following line 21 on page 25 over to page 57, through line 4 thereon.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, reserving the right to object, while we consider the request, I do not know that we will object. We do need to look at all that is included in all those pages before we can agree to that request. I hope we can. If we could have just a minute or two to look over the request.

Mr. BYRD. Absolutely.

Mr. COCHRAN. Is there a quorum call pending?

The PRESIDING OFFICER. Does the Senator from West Virginia withdraw his request for the moment?

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, with respect to the unanimous-consent request of the distinguished chairman, the Senator from West Virginia, we have no objection on this side to the request as stated by the Senator, if, as I understand correctly, we would accept the amendments down through line 4 on page 57.

Mr. BYRD. That is correct.

Mr. COCHRAN. We have no objection, Mr. President.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

On page 25, line 22, through page 57, line 4, insert new language as follows:

ADMINISTRATIVE EXPENSES

Up to $10,000,000, of the funds made available under the headings "Panama" and "Nicaragua" may be used for the purpose of paying administrative expenses incurred by the Agency for International Development in connection with carrying out its functions under such headings.

EVALUATION AND AUDIT

In order to monitor the uses and evaluate the effectiveness of Economic Support Fund programs provided under this Act for Nicaragua and Panama—

(1) the Administrator of the Agency for International Development shall—

(A) submit periodic reports to the Committees on Appropriations on such assistance assessing compliance with specific program objectives with particular emphasis on monitoring commodity import programs and cash transfers for balance of payments and budget support programs;

(B) in cooperation with the governments and nongovernmental organizations receiving such assistance, establish appropriate administrative systems and controls to ensure that the assistance is being used for its intended purposes;

(2) the Inspector General of the Agency for International Development shall, at least semiannually beginning six months from the date of enactment of this Act, audit the Economic Support Fund programs provided under this Act for Nicaragua and Panama to assess the financial management and administrative systems established by the Agency to control such programs, and report to the Committees on Appropriations and the Administrator its findings; and

(3) the General Accounting Office shall submit a report to the Committees on Appropriations not later than January 15, 1992, assessing the effectiveness of the Economic Support Fund assistance provided under this Act for Panama and Nicaragua, emphasizing commodity import programs and cash transfers used for balance of payments and budget support, in meeting stated objectives, the effectiveness of fiscal and administrative controls, and the application of lessons learned from the implementation of these programs to other similar programs administered by the Agency.

CARIBBEAN

For an additional amount for the "Economic Support Fund", $15,000,000, to remain available until September 30, 1991, which shall be made available only for assistance for countries in the Caribbean: *Provided*, That not more than fifty percent of the funds made available by this paragraph shall be allocated to any one country.

SUB-SAHARAN AFRICA

For an additional amount for the "Economic Support Fund", $10,000,000, to remain available until September 30, 1991, which shall be made available for assistance for sub-Saharan Africa.

SUB-SAHARAN AFRICA DEVELOPMENT ASSISTANCE

For an additional amount for "Sub-Saharan Africa, Development Assistance", $20,000,000, to remain available until September 30, 1991.

NOTIFICATION PROCEDURES

Prior to each obligation of funds made available for the "Economic Support Fund" and "Sub-Saharan Africa, Development Assistance" in this Act, the Committees on Appropriations of the House of Representatives and the Senate shall be notified in accordance with section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990.

PEACE CORPS

Amounts appropriated under the heading "Peace Corps" by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), may be made available for activities of the Peace Corps in Czechoslovakia.

EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

Notwithstanding the first proviso contained under the heading "Limitation on Program Activity" under "Title IV—Export Assistance" of Public Law 101-167, the medium-term financing program of the Export-Import Bank shall not exceed the gross obligations for the principal amount of direct loans contained under such heading in Public Law 101-167.

Title IV, "Export Assistance", of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is amended by inserting after the fifth proviso under the heading "Limitation on Program Activity" the following: *"Provided further*, That the Bank shall use all amounts appropriated to carry out the interest subsidy program to make commitments to commercial lending institutions and other lenders, subject only to the availability of qualified lenders under the program:".

TECHNICAL CORRECTION

Effective as of November 21, 1989, the 11th proviso under the heading "Migration and Refugee Assistance" in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167, 103 Stat. 1211) is amended by striking "sixth proviso" and inserting "ninth proviso".

CHAPTER IV

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

FIREFIGHTING

For an additional amount for "Firefighting", $176,800,000: *Provided*, That these funds shall be obligated fully prior to use of any other funds which may remain available from previous appropriations under this head.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $1,000,000: *Provided*, That the Secretary, acting through the United States Fish and Wildlife Service, is authorized to enter into renewable contracts for the payment of reasonable and customary costs for delivery of Newlands Project water rights acquired by the Service to benefit the Federal and State wildlife areas in the Lahontan Valley and the Fernley Sink in Nevada: *Provided further*, That the costs for delivery shall be those costs normally associated with the delivery of water to Newlands Project lands: *Provided further*, That the contracts shall be of a term not exceeding 40 years: *Provided further*, That any such contract shall provide that upon the failure of the service to pay such charges, the United States shall be liable for their payment and other costs provided for in applicable provisions of the contract subject to availability of appropriations and, the Secretary, acting through the United States Fish and Wildlife Service, in accordance with applicable State law, use water diversion, storage, and conveyance systems of Federal Reclamation Projects to benefit Federal and State wildlife areas in the Lahontan Valley and the Fernley Sink in Nevada.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST SERVICE FIREFIGHTING

For an additional amount for "Forest Service Firefighting", $256,700,000.

ADMINISTRATION PROVISION, FOREST SERVICE

Notwithstanding any other provision of law, funds originally appropriated under this head in Public Law 101-121, the Department of the Interior and Related Agencies Appropriations Act, 1990, in the amount of $371,000 for the Forest Service for the construction of an addition to the Starkville, Mississippi, research office shall be available for a grant to Mississippi State University as the Federal share in the construction of a new university facility; *Provided*, That comparable space shall be provided to the Forest Service without charge for a reasonable period.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Funds previously appropriated under this head for clean coal technology solicitations

to be issued no later than June 1, 1990, and no later than September 1, 1991, respectively, shall not be obligated until September 1, 1991: *Provided,* That the aforementioned solicitations shall not be conducted prior to the ability to obligate these funds: *Provided further,* That pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmative Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

CHAPTER V

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount to carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $7,800,000.

For an additional amount to carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $2,200,000.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", $99,600,000 from the Employment Security Administration account in the Unemployment Trust Fund, which shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based.

EMPLOYMENT STANDARDS ADMINISTRATION

SPECIAL BENEFITS

Such amounts, in addition to appropriations provided under this heading in Public Law 101-166, as may be necessary to be changed to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: *Provided,* That balances of reimbursements from Federal Government agencies under this heading unobligated on September 30, 1990, shall remain available for the payment of compensation, benefits, and expenses through September 30, 1991.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional $700,000 from the Black Lung Disability Trust Fund which shall be available for transfer to Departmental Management, Salaries and expenses, for expenses of operation and administration of the Black Lung Benefits Program as authorized by section 9501(d)(5)(A) of that Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For an additional amount for "Program operations" for health care for the homeless, $2,300,000.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease control, research, and training", $8,000,000, of which $7,000,000 is for measles outbreak control under section 317 of the Public Health Service Act, and of which $23,500,000, to remain available until expended, is for the purchase of a second vaccination for measles immunization.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

The second proviso under the heading "Alcohol, Drug Abuse, and Mental Health" in title IV of Public Law 101-164 is repealed and the amount provided in the first proviso for block grants under the Public Health Service Act is increased by $40,000,000.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

All funds collected in fiscal year 1990 in accordance with section 353 of the Public Health Service Act shall be credited to this account, to remain available until expended, for necessary expenses associated with the survey and certification of clinical laboratories.

FAMILY SUPPORT ADMINISTRATION

PAYMENTS TO STATES FOR AFDC WORK PROGRAMS

(RESCISSION)

Of the amounts available under this head in Public Law 101-166, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990, to carry out part C of title IV of the Social Security Act, $7,880,000 are rescinded.

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low income home energy assistance", $50,000,000 to remain available until October 31, 1990: *Provided,* That the Secretary shall obligate these funds on the basis of relative need to those States and other entities which promptly supplement their applications under the Act for the current fiscal year demonstrating both a substantial need for and the capacity to expend the additional funds.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

HUMAN DEVELOPMENT SERVICES

For an additional amount for carrying out the Head Start Act, $165,685,000.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE HANDICAPPED

Funds appropriated under section 619 of the Education of the Handicapped Act for fiscal year 1989 shall remain available for obligation through September 30, 1992.

RELATED AGENCIES

NATIONAL COMMISSION ON CHILDREN

For an additional amount for the National Commission on Children established by section 9136 of Public Law 100-203, $500,000, which shall remain available until expended.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

For an additional amount for carrying out the White House Conference on Library and Information Services, established by Public Law 100-382, $425,000, to remain available until expended.

CHAPTER VI—RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(DISAPPROVAL OF RESCISSION)

The Congress disapproves Rescission Proposal No. R90-1, in the amount of $4,075,000 relating to the Department of Agriculture, Agricultural Research Service, Buildings and Facilities, as set forth in the message of April 23, 1990, which was transmitted to the Congress by the President. The disapproval shall be effective upon the enactment into law of this Act, and the amount of the proposed rescission disapproved herein shall be made available for obligation.

COOPERATIVE STATE RESEARCH SERVICE

Of the $6,004,000 provided in Public Law 101-161 for higher education grants under section 1417(a) of Public Law 95-113, as amended (7 U.S.C. 3152(a)), $250,000 is transferred to Federal Administration for the necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department.

BUILDINGS AND FACILITIES

(DISAPPROVAL OF RESCISSION)

The Congress disapproves Rescission Proposal No. R90-2, in the amount of $41,008,000 relating to the Department of Agriculture, Cooperative State Research Service, Buildings and Facilities, as set forth in the message of Arpil 23, 1990, which was transmitted to the Congress by the President. The disapproval shall be effective upon the enactment into law of this Act, and the amount of the proposed rescission disapproved herein shall be made available for obligation.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For an additional amount for expenses for the Animal and Plant Health Inspection Service Service, $8,000,000, to remain available until expended.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For an additional amount for administrative and operating expenses, as authorized by the Federal Crop Insurance Corporation Act, as amended (7 U.S.C. 1516), $15,000,000.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For an additional amount for necessary expenses of the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), $4,700,000.

FOOD STAMP PROGRAM

For an additional amount for necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2027, 2028, 29209), $705,000,000, of which $135,000,000 shall be placed in reserve to be used only to the extent that such amount is required during the current fiscal year to meet program requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

For an additional amount for generic drug activities of the Food and Drug Administration under section 505(j) of the Food, Drug, and Cosmetic Act, $13,900,000.

INDEPENDENT AGENCY

COMMODITY FUTURES TRADING COMMISSION

For an additional amount for necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), $3,655,000.

CHAPTER VII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $190,000,000, to remain available until expended.

LOAN GUARANTY REVOLVING FUND

For an additional amount for "Loan guaranty revolving fund", $245,000,000, to remain available until expended.

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $94,000,000.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Medical administration and miscellaneous operating expenses", $1,300,000, to be derived by transfer from "Construction, minor projects".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY AND HANDICAPPED FUND

Of the amount provided for direct loan obligations under this head in title II, Public Law 101-144 (103 Stat. 839, 847), and subject to the provisos under that head, any part of such amount that is not obligated during fiscal year 1990 may be used for direct loan obligation thereafter.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(TRANSFER OF FUNDS)

For an additional amount for "Payments for operation of low-income housing projects", $72,000,000, to remain available until September 30, 1991: *Provided*, That such amount shall be derived by transfer from "Annual contributions for assisted housing", and the amount specified for the section 8 moderate rehabilitation program in the first proviso under that head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014) shall be reduced by such amount.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

Notwithstanding the repeal of section 107(b)(3) of the Housing and Community Development Act of 1974 by section 105(b) of the Department of Housing and Urban Development Act of 1989, funds appropriated under the Community Development Grants heading of the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Act, 1990, pursuant to such section 107 shall be available for grants to Indian tribes.

The paragraph under this head in title II of Public Law 101-144 (approved November 9, 1989) (103 Stat. 839, 849-850) is hereby amended in inserting, immediately before the final colon in the third proviso, a semicolon and the following: "and, the amounts set forth for the 27 other projects and purposes sspecified at page 19, and for the first 10 projects specified on page 20, of the Joint Explanatory Statement of the Committee of Conference on H.R. 2916 (House Report 101-297), shall be made available for such projects and purposes".

ADMINISTRATIVE PROVISION

Section 17(f) of the United States Housing Act of 1937 (42 U.S.C. 1437o(f)) is amended by inserting after "or City of New York" the following: "or State of Vermont".

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For an additional amount for necessary expenses, $500,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

CONSTRUCTION GRANTS

The last proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act, 1990 (Public Law 101-144) is amended by inserting "heretofore, herein or hereafter" after the word "sums" and ", and sums appropriated in fiscal year 1989 shall remain available for obligation until September 30, 1992" after the word "entities", and by striking the words "Trust Territory" and inserting the word "Republic" before the words "of Palau".

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", $500,000 to remain available until expended.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

(RESCISSION)

Of the funds appropriated under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144), $36,077,000 is hereby rescinded.

RESEARCH AND PROGRAM MANAGEMENT

(TRANSFER OF FUNDS)

For an additional amount for "Research and program management", $45,000,000, of which $18,000,000 shall be derived by transfer from "Research and development" and $27,000,000 shall be derived by transfer from "Space flight, control, and data communications".

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For necessary expenses of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, in carrying out their functions under title VI of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, 103 Stat. 1987, 2052) $500,000, to remain available until expended, to be derived by transfer from amounts provided under the head "Annual Contributions for Assisted Housing", and earmarked for modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 14371), in Public Law 101-144 (approved November 9, 1989, 103 Stat. 839, 844).

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For necessary expenses of the National Commission on Severely Distressed Public Housing, in carrying out their functions under title V of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, 103 Stat. 1987, 2048) $2,000,000, to remain available until expended, to be derived by transfer from amounts provided under the head "Annual Contributions for Assisted Housing", and earmarked for modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 (42 U.S.C. 14371), in Public Law 101-144 (approved November 9, 1989, 103 Stat. 839, 844).

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of additional obligations incurred carrying out the provisions of 23 U.S.C. 408, to remain available until expended, $5,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act or any other Appropriations Act for fiscal year 1990 shall be available for the planning or execution of programs the total obligations for which are in excess of $15,967,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408.

CHAPTER IX

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $99,000: *Provided*, That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1268 to 1269), $3,317,000 are rescinded for a net decrease of $3,218,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $50,000: *Provided*, That of the funds appropriated under this heading for fiscal year ending September 30, 1990, in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1269), $10,478,000 are rescinded for a net decrease of $10,428,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $7,750,000: *Provided,* That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1269 to 1271), $5,739,000 are rescinded for a net increase of $2,011,000.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1271), $6,583,000 are rescinded.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $4,840,000: *Provided,* That $640,000 of this appropriation, to remain available until expended, shall be available solely for the District of Columbia employees' disability compensation: *Provided further,* That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1271), $10,245,000 are rescinded for a net increase of $5,405,000.

PUBLIC WORKS

(RESCISSION)

Of the funds appropriated under this heading for fiscal year ending September 30, 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1271 to 1272), $8,810,000 are rescinded.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center Fund," $2,993,000.

REPAYMENT OF LOANS AND INTEREST

Of the funds appropriated under this heading for fiscal year ending September 30, 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1271 to 1272), $12,336,000 are rescinded.

REPAYMENT OF GENERAL FUND DEFICIT

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1272), relating to "Repayment of General Fund Deficit", $20,000,000, of which not less than $442,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise, or both), are hereby repealed.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", $3,349,000.

OPTICAL AND DENTAL BENEFITS

For an additional amount for "Optical and dental benefits", $543,000.

ENERGY ADJUSTMENT

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1273), relating to "Energy Adjustment", a reduction of $2,000,000, are hereby repealed.

EQUIPMENT ADJUSTMENT

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1273), relating to "Equipment Adjustment", a reduction of $6,100,000, are hereby repealed.

PERSONAL SERVICES ADJUSTMENTS

The provisions of the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1273), relating to "Personal Services Adjustment", a reduction of $31,550,000, are hereby repealed.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $76,102,000 to remain available until expended: *Provided,* That $24,215,000 of prior year authority is rescinded for a net increase of $51,887,000: *Provided further,* That $2,362,000 shall be available for project management and $2,116,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

WATER AND SEWER ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Water and sewer enterprise fund", $12,026,000: *Provided,* That of the funds appropriated under this heading for fiscal year 1990 in the District of Columbia Appropriations Act, 1990, approved November 21, 1989 (Public Law 101-168; 103 Stat. 1274), $17,680,000 are rescinded, including $697,000 for debt service and $13,951,000 for pay-as-you-go capital, for a net decrease of $5,654,000.

CHAPTER X

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Funds appropriated under this heading in the Treasury, Postal Service and General Government Appropriations Act, fiscal year 1990, Public Law 101-136, for the White House Conference on Indian Education shall remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for "Unanticipated Needs", $5,000,000, to remain available until expended, to enable the President to meet unanticipated needs arising from natural disasters occuring on March 13, 1990: *Provided,* That $2,500,000 of such additional amount shall be available to meet disaster assistance needs in the state of Nebraska, and $2,500,000 shall be available to meet disaster assistance needs in the State of Kansas.

CHAPTER XI

LEGISLATIVE BRANCH

U.S. SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Helene H. Matsunaga, widow of Spark M. Matsunaga, late a Senator from Hawaii, $98,400.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 02. The proviso under the heading "Department of the Interior, Bureau of Land Management, Firefighting" in Public Law 101-121 is amended by inserting "full" before the word "repayment" in the proviso, and by inserting at the end thereof "prior to the expenditure of any of such funds for any other purposes".

SEC. 303. In Public Law 101-148, Military Construction Appropriations Act, 1990, the last proviso under "Military Construction, Defense Agencies" is hereby repealed.

SEC. 304. Notwithstanidng any other provision of law, all projects contained in the State list included in House Report 101-307, for which funds were appropriated in Public Law 101-148, are hereby authorized for appropriations and for construction or execution.

SEC. 305. None of the funds provided in this Act shall be provided to any nation where it is made known to the President that the nation is providing military or economic assistance to Cuba.

SEC. 306. Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) is amended by adding the following subsection:

"(d) The term 'expert license applications' includes requests for approval of technical assistance agreements or services that would serve to facilitate launch of such satellites.".

SEC. 307. None of the funds appropriated by this or any other Act with respect to any fiscal year for Antarctic research may be obligated for procurement of Multibeam Bathymetric Sonar Mapping Systems manufactured outside of the United States.

SEC. 308. Section 319 of Public Law 101-164 is amended by inserting "training, salaries" after the word "reports"; inserting the words "including site acquisition, construction and equipment" after the word "expenses"; and inserting the word "grants" after the word "contracts".

SEC. 309. Notwithstanding any other provision of law, within 60 days of enactment, the Secretary of Transportation is directed to make available to the Tri-Country Metropolitan Transportation District of Oregon, $13,500,000 in funds previously appropriated for the acquisition of land in Gresham, Oregon, for the joint development project called "Project Break-Even".

SEC. 310. Funds appropriated under Public Law 101-164, the Department of Transportation and Related Agencies Appropriations Act, 1990, for Highway Demonstration Projects involving railroad overpasses in Las Vegas, New Mexico, may be used for construction.

SEC. 311. Of the funds approrpriated in section 108(d) of Public Law 101-130 and remaining avalable for obligation as of April 16, 1990, $4,700,000 shall be made available to the Forest Service for "Forest Research," $6,900,000 to the Forest Service for "State and Private Forestry," and $4,440,000 to the Forest Service for "National Forest System," *Provided,* That $15,153,000 of remaining unobligated balance appropriated in section 108(d) of said law and which are not needed under the provisions of this Act are hereby rescinded.

The PRESIDING OFFICER. Is there further discussion?

The question is on agreeing to the committee amendments, en bloc.

The committee amendments were agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the several committee amendments were agreed to en bloc.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 57, LINE 11 THROUGH PAGE 62, LINE 20

Mr. BYRD. I now ask unanimous consent that the Senate pass over the amendment on page 57 beginning on line 5 and going through the period and quotation mark and the period on line 10, set that aside and then proceed to agree en bloc to the amendments from there over to page 62 at the end of line 20 thereon.

The PRESIDING OFFICER. Is there any objection?

Mr. COCHRAN. Mr. President, we have no objection to the request.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

On page 57, line 11, through page 62, line 20, insert new language as follows:

SEC. 313. (a) Section 802(b)(1) of the Arizona-Idaho Conservation Act of 1988 is amended to read as follows:

"(1) in consultation with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity consulted;".

(b) Section 803(b) of the Arizona-Idaho Conservation Act of 1988 is amended—

(1) by striking "subject" and all that follows through "respectively"; and

(2) in paragraph (2) by inserting "subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, after "(2)".

(c) Section 8(c) of the Bicentennial of the United States Congress Commemorative Coin Act is amended to read as follows:

"(c) REPORT REQUIRED.—The Commission shall submit an annual report of expenditures to the Congress.".

SEC. 314. (a) The supervision and jurisdiction of the United States Capitol Police shall extend over any area with respect to which the Architect of the Capitol has contracted, or otherwise entered into an agreement, for parking space in the Union Station parking garage to accommodate personnel of the United States Senate whose parking privileges have been affected by the construction of the Judiciary Annex Building, and over any area and streets necessary to carry out such supervision and to travel between such parking area and the United States Capitol Grounds.

(b) In carrying out such supervision, the United States Capitol Police shall have, within any such area or street, jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for such personnel and property of such personnel and of the United States Senate within such area or street, and to make arrests for the violation of the laws and regulations of the United States and the District of Columbia.

(c) The provisions of subsections (a) and (b) shall be effective only during the period that there is in effect a contract or other agreement as referred to in subsection (a).

SEC. 315. (a) Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6) is amended—

(1) by inserting "(a)" immediately after "SEC. 101.", and

(2) by adding at the end thereof the following new subsection:

"(b) The Majority Leader, the Minority Leader, and the President pro tempore of the Senate, in appointing individuals to consultant positions under authority of this section, may appoint one such individual to such position at an annual rate of compensation rather than at a daily rate of compensation, but such annual rate shall not be in excess of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate.".

(b) The amendments made by this section shall be effective in the case of appointments made after the date of enactment of this Act.

SEC. 316. (a) Consistent with the purposes of Senate Concurrent Resolution 74 of the 101st Congress (agreed to October 26, 1989), and until October 1, 1992, the Sergeant at Arms and Doorkeeper of the Senate, upon the approval of the Committee on Rules and Administration of the Senate, from funds authorized to be expended by subsection (b) of this section, is authorized to provide for the donation of equipment and training to the Senat and Sejm of Poland by—

(1) purchasing and donating new equipment;

(2) donating used or surplus equipment of the United States Senate notwithstanding section 103 of the Legislative Branch Appropriations Act, 1978 (2 U.S.C. 117b);

(3) arranging for the preparation, delivery, installation, servicing, modification, and adjustment of, and the training, accessories and supplies for any items donated under paragraphs (1) and (2);

(4) replacing in the United States Senate used or surplus equipment that is donated under paragraph (2); and

(5) conducting such other transactions as necessary to carry out the purposes of section 2(c) of Senate Concurrent Resolution 74 of the 101st Congress.

(b) Of the unexpended and unobligated funds in the appropriation account for the Sergeant at Arms and Doorkeeper of the Senate within the contingent fund of the Senate which were appropriated for fiscal years prior to October 1, 1989, not more than $1,500,000 shall be available to the Sergeant at Arms and Doorkeeper of the Senate to carry out the provisions of subsection (a).

SEC. 317. (a) Effective with the fiscal year ending September 30, 1990, and each fiscal year thereafter, any unexpended and unobligated funds in the appropriation account for the "Secretary of the Senate" within the contingent fund of the Senate which have not been withdrawn in accordance with the paragraph under the heading "General Provisions" of Chapter XI of the Third Supplemental Appropriations Act, 1957 (2 U.S.C. 102a), shall be available for expenses incurred, without regard to the fiscal year in which incurred, for the conservation, restoration, and replication or replacement, in whole or in part, of items of art, fine art, and historical items within the Senate wing of the United States Capitol, any Senate Office Building, or within any room, corridor, or other space therein.

In the case of replication or replacement of such items, the funds available under this subsection shall be available for any such items previously contained within the Senate wing of the Capitol, or an item historically accurate.

(b) All such items of art referred to in subsection (a) shall be known as the "United States Senate Collection".

(c) Disbursements for expenses incurred for the purposes in subsection (a) shall be made upon vouchers approved by the Chairman of the Senate Commission on Art or the Executive Secretary of the Senate Commission on Art.

SEC. 318. Subsection (a) of section 3 of the Legislative Appropriations Act, 1989 (2 U.S.C. 68-6(a)) is amended—

(1) by striking out "during any fiscal year," and inserting in lieu thereof "during any fiscal year (1)"; and

(2) by striking out "; and inserting in lieu thereof ", and (2) from the Senate appropriations account, appropriated under the headings "Salaries, Officers and Employees" and "Office of the Secretary" to the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Secretary of the Senate, such sums as he shall specify; and".

SEC. 319. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act, shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force or the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

The PRESIDING OFFICER. Is there any further discussion?

The question is on agreeing to the committee amendments, en bloc.

The committee amendments were agreed to, en bloc.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the several committee amendments were adopted.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Now, Mr. President, I thank the distinguished Senator from Mississippi.

COMMITTEE AMENDMENT ON PAGE 64, LINE 8

Mr. President, I ask unanimous consent that the Senate now pass over the amendment beginning on line 21, page 62, section 320, and ending on line 7 with the word "budget.". on page 64 and that the Senate agree to the amendments on page 64 following line 7.

The PRESIDING OFFICER. Is there further discussion?

Mr. COCHRAN. We have no objection to the request.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 64, line 8 through line 20, insert new language as follows:

SEC. 321. The Secretary of the Army is directed to execute a local cooperation agreement prior to July 1, 1990, for construction of a modification of the existing Gulfport Harbor project in Mississippi as authorized by the Supplemental Appropriations Act, 1985 (Public Law 99-88), section 202(a) of the Water Resources Development Act of 1986 (Public Law 99-662), and section 4(m) of the Water Resources Development Act of 1988 (Public Law 100-676).

This Act may be cited as the "Dire Emergency Supplemental Appropriations for Disaster Assistance, Food Stamps, Unemploy-

ment Compensation Administration, and Other Urgent Needs, and Transfers, and Reducing Funds Budgeted for Military Spending Act of 1990".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Now, Mr. President, let me see if I may recapitulate here. The only amendments remaining are these: the amendment beginning on line 17, ending with the period on line 21, page 25; the amendment on page 57 which runs through lines 5 and 10 inclusive; and the amendment beginning on page 62, line 21, and running through line 7 on page 64.

Mr. COCHRAN. Mr. President, that is the understanding of this side as to what is left of the committee amendments to be taken up.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. So there are three amendments that remain. Mr. HELMS is interested in two of those amendments. Mr. HOLLINGS is interested in another of those amendments. The managers are ready, willing and able to proceed with any one of those amendments.

Mr. DODD. Mr. President, if the Senator would yield, I have a noncontroversial amendment which I think has been agreed to by all sides.

Mr. BYRD. Very well. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I have a parliamentary inquiry. Does the Senator from Connecticut have to ask unanimous consent to lay aside the committee amendments in order to proceed?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. Mr. President, I ask unanimous consent to lay aside the committee amendments for the purpose of proceeding to an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1529

(Purpose: Emergency relief for the people of Lithuania)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. KASTEN, proposes an amendment numbered 1529.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following:

EMERGENCY RELIEF FOR LITHUANIA THROUGH INTERNATIONAL RELIEF AGENCIES

Up to $5,000,000, of the funds available in Public Law 101-167 for the purposes of chapter 1 of part I of the Foreign Assistance Act of 1961 or pursuant to section 515 of such public law, may be made available through international relief agencies as emergency assistance to the people of Lithuania, notwithstanding any other provision of law.

Mr. DODD. Mr. President, this is a very simple amendment. It is designed to try to at least express what I believe are the needs of all of us here in this body and elsewhere, and that is our sense of solidarity with the people of Lithuania, but to do so in a way that is responsible.

I want to commend the chairman of the committee for an amendment that is already included in the legislation that I think is a tremendously worthwhile one, and one that I support.

This amendment authorizes a budget authority of $5 million to go to international relief organizations. If those international relief organizations are able to get assistance into Lithuania, we would like to provide some assistance to those organizations so the people of Lithuania might be the beneficiaries of some assistance.

We have written the language in a way, here, such that it would not require a budget waiver. It insists that these funds may—it does not insist, but rather, these funds may be made available through international relief agencies, notwithstanding any other provision of law.

This would cover the possibilities, here, of violating the Budget Act. Obviously, again we recognize under the function that allows spending for the Agency for International Development, they are in very lean circumstances. So this does not insist the moneys come out of there, but rather may come out of there.

Mr. President, I urge we adopt this amendment. I think it sends a very strong and worthwhile message.

I ask unanimous consent Senator KASTEN be listed as cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, as I understand it, this amendment is cleared on both sides with both the minority and the majority.

I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 1529) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, if there is no other Senator seeking the floor, I do have one issue that has been cleared. I ask unanimous consent to temporarily lay aside the pending amendment and have it be in order to consider an amendment which I will then send to the desk.

The PRESIDING OFFICER. Is there objection to laying the amendment aside? None is heard. It is so ordered.

AMENDMENT NO. 1530

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] for himself, Mr. KASTEN, and Mr. GRAHAM, proposes an amendment numbered 1530.

On page 27, line 19, strike all after "Provided," through "country" on line 21, and insert the following:

"That of the funds made available under this heading not less than $3,000,000 shall be made available only for Haiti to support the democratic electoral process; Provided further, That of the funds made available under this heading not less than $10,000,000 shall be made available only for Jamaica."

Mr. LEAHY. Mr. President, this amendment which I am offering jointly with the distinguished ranking member of the Foreign Operations Subcommittee, Senator KASTEN, and with Senator GRAHAM, would provide $3 million in economic support funds to support Democratic elections in Haiti.

As noted, it is an earmark.

These funds are in addition to $10 million in prior year development assistance to support urgent development needs in Haiti, including critical imports.

Few people can forget the photographs in the newspapers of the slaughter on November 27, 1987, when Haitians last went to the polls to try to elect a democratic government after decades of repressive rule by the Duvaliers. The remnants of the Ton Ton Macoutes, the Duvaliers' thugs who for years sowed terror throughout the country, attacked polling places and shot to death dozens of people waiting to vote. The army, rather than protect the voters, did nothing to prevent the attacks.

Since that tragedy the Haitian people have not given up their struggle for elections. We all hoped that time had come last year, but those hopes were dashed when General Prosper Avril reneged on his promise to hold elections and imposed a state of seige early this year.

Despite that setback, the Haitian peoples' desire for freedom was too strong for General Avril to contain. On March 10 Avril relinquished power and left the country, and today the potential for democratic elections in Haiti is greater than any time in recent history. Haiti's interim leaders have all expressed their strong desire for elections at the earliest possible time. However, the country is bankrupt, the transition government is beleaguered, millions of Haitians are unemployed and hungry, and without immediate assistance the chance for free elections may be lost.

The United States has a strong interest in assisting Haiti in this difficult transition period. Our intent is that the $3 million in Economic Support Funds will be used to support the electoral council, and to be in addition to other AID funds available for technical assistance and other electoral needs, including the costs of voter registration, printing of ballots, and to assist international monitoring of elections which will be key to preventing a repetition of the disastrous election of November 1987. I am aware that this amount is insufficient to meet urgent electoral needs and urge the Administration to make additional Economic Support Funds available for this purpose from existing resources.

The $10 million in development assistance is to finance critical imports of petroleum and other supplies during this fragile period, as well as to support continuing health and other development projects. As was the case in the House, we intend that these funds will be in addition to other development assistance previously allocated for Haiti. However, we strongly urge that none of these funds be transferred from sub-Saharan Africa, where development assistance cannot be spared.

Finally, I want to emphasize that the history of Haiti is one of repeated disappointments. No one can predict whether this will be the year for democracy to take hold. Therefore these $3 million in electoral assistance should not be expended until the following conditions are met: (1) the Government of Haiti has named the members of a genuinely independent electoral council to conduct free, fair and open elections; (2) such electoral council has established and publicly issued an electoral law; (3) dates for registration of voters and elections have been publicly announced; (4) official investigations have been reopened in connection with the disruption of the November 29, 1987 election; and (5) adequate steps are being taken by Haitian civil and military authorities to provide electoral security.

Mr. President, this last condition is the most difficult, and the most vital. The security situation remains precarious. Those who caused the disruption in 1987 are still at large and capable of repeating that terrible violence. In order for the Haitian people to feel that it is safe to go to the polls, the Haitian army will have to do its duty and protect them.

Haiti is at a critical juncture. It was in large part due to the effective diplomacy of the American Ambassador that General Avril gave up power creating this opportunity for democratic elections. Having helped set the stage for democracy the United States cannot now sit on the sidelines. We should do what we can to support the Haitian people at this critical hour.

Mr. President, I believe this amendment has been cleared by the other side. I know the ranking member of the Foreign Operations Subcommittee is a cosponsor. I urge its adoption.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I support this amendment which would provide assistance to Jamaica and Haiti. These are perhaps the principal areas in the region in which we have an ongoing political interest, as well. I compliment the Senator and urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 1530) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I have no idea how many amendments remain. There are three committee amendments that remain, but there may be, and I understand that there are, several other amendments.

I wonder if Senators who have amendments could let us know if they have amendments so we can proceed.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, in response to the request of the distinguished Senator, it does appear now that I will offer, or some other Member will offer, an amendment relating to wetlands. This is a very emotional controversy for our agricultural interests. I am not certain that amendment will be offered, I would like to say.

Should such an amendment be offered, let me assure the distinguished chairman of the Appropriations Committee that if I offer the amendment, I would be perfectly willing to agree to a reasonable time limitation on the amendment.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, if I may have the attention of Senators, I have discussed the status of this legislation with the distinguished chairman of the Appropriations Committee, with the acting Republican manager, and with the Republican leader. I am asking the staff of both sides to immediately request of all Senators a list of any amendments that are intended to be offered with suggested time limitations so that we can make an assessment of where we stand and how long we have to remain in session this evening. Depending upon the results of that, we will make a determination. We are going to finish this bill, and I would like to get some idea in that regard.

I will, in a few moments, after the lists have been prepared and the distinguished Republican leader comes to the floor, which he has indicated he will do shortly, propound a unanimous-consent agreement which, hopefully, will permit us to identify with specificity the amendments that remain and, if possible, to gain time agreements and, therefore, be able to judge when we will be in a position to complete action on this bill.

Mr. BYRD. Mr. President, in response to the distinguished majority leader, there are three committee amendments remaining. Only amendments to those amendments are in order, except by unanimous consent. I understand there are several amendments that are still hanging around, and some very controversial. I personally hope, as the manager of the bill on this side, that very controversial legislative amendments could be avoided on this bill. I recognize the right of any Senator to offer any amendment he wants to offer.

I had suggested earlier, may I say to the leader, that Senators who have amendments should let us know so that we know what kind of a timetable we are working under.

Mr. MITCHELL. I thank the distinguished chairman. We will be in a position to know that shortly when we receive from the staffs the lists of any amendments and I propound a unanimous-consent request. We will then find out whether we are going to get an agreement identifying and limiting amendments and time. If not, we will have to continue in session well into

this evening and throughout the day tomorrow to finish the bill. There will simply be no alternative to that.

So I hope Senators will cooperate in this regard and, as the distinguished chairman has indicated, refrain from offering controversial legislative amendments on this bill. But that will be the decision made by each Senator. We will, hopefully, in a very short time, be in a position to present a request, as I have indicated previously.

Mr. President, I thank my colleagues. I thank the distinguished managers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUMPERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I am pleased to see that my colleague from Vermont and also my colleague from Wisconsin are on the floor. I want to draw the attention of my colleagues to the language appearing on page 28 of the committee report of this bill. The language reads as follows:

> Because of Israel's demonstrated capacity to plan and implement a housing program, the committee believes AID administrative processing should be minimized. AID review should be limited to monitoring actual or planned expenditures and implementation to ensure conformity with the purposes set forth in the legislation. * * *

Mr. President, I absolutely agree about the urgency of putting these guarantees into place and getting the housing under way. Nothing should delay that. These comments that I am going to make are not intended to delay those guarantees in any way. The sheer volume of immigrants who need shelter demands that there be no delay.

But, Mr. President, this language is nevertheless troubling to me because, looking at it in isolation, one might think we are giving blanker approval to the Israeli housing sector's mode of operation.

It is the view of many observers, including myself, that the Israeli housing sector is sorely in need of reform. I added language to the supplemental authorization for this program pointing this out and giving the United States Government leverage to promote the efficiency of the housing sector in Israel, again, not for the purpose of causing any delay.

Therefore, I was pleased with the language that was found on page 28 of the report which reads as follows:

> To ensure that this urgent program is implemented as rapidly as possible, the Committee expects that a significant amount of the housing construction—whether it is regular construction, infrastructure, or modular, prefabricated housing—will be carried out by American concerns. It is the Committee's understanding that the Government of Israel agrees with this approach and intends to utilize American housing contractors and businesses.

Mr. President, granting fuller access to American firms is one of the important kinds of reforms that the Israeli Government and Israeli housing industry need to undertake and should undertake because it will expose the Israeli housing sector to a fuller range of free market forces—but it is only one of many reforms that should be undertaken.

I am afraid that many of the loan dollars guaranteed by this program will be wasted covering expenses that will not add a single square foot to any house in Isreal or improve anyone's housing situation. For example, land is terribly overpriced and hard to purchase; only 7 percent of the land is in private hands. It takes up to 2 years and sometimes more to get the needed permits to begin the construction of a house. Imports of housing materials are constrained by enormous import fees, taxes, and other charges. The supply of many building materials is controlled by cartels or monopolies. These and other policies, including Israeli tax and labor policies, should be reformed in order to make best use of the funds these guarantees would help make available.

I certainly hope the Isreaelis will adopt some of these reforms of their own accord. It would certainly be influential if there are to be further housing incentive guarantee programs.

I will pursue the administration and I will ask those who oversee the placement of these guarantees whether or not reforms are being made by the Israelis because I consider that to be an important element of building houses and of the reform of the Israeli economy.

I thank the President.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I first of all want to say that I agree with the thrust of the Senator's comments and, as he stated, we in our committee report noted similar views, and this simply is another way of reemphasizing the importance of these views.

It is also important that nothing said here should be viewed in any way as a delay in the implementation of the Housing Investment Guarantee Program. Time is of the essence. This is clearly an emergency situation.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I am supporting a provision that will help Israel accommodate the large and welcome inflow of Soviet emigres into that country. I do, however, have grave reservations about the way Israel may put these loan guarantees to use. My concern arises over the very high level of state ownership of housing in the State or Israel.

I am not only concerned over the high level of state ownership of housing, but also the high level of state ownership of everything else. It seems to me a large part of Israel's economic problems is the high level of socialism in that country. I hate to see us providing loan guarantees that may well yet be put to use increasing still higher the level of state ownership in that country.

I do not see there is much we can do about it at this point. It is a pressing situation, and the immigrants are arriving in large numbers, thank goodness, and need to be accommodated.

I hate to let the moment pass without raising that complaint and without expressing the hope that this and any further help by the United States, whether in the form of cash or loan guarantees, will not be used to exacerbate this problem of state ownership.

I wonder if the Senator from Minnesota might care to respond to that observation.

I will be happy to yield to the Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I certainly agree with the distinguished Senator from New Hampshire. I would hope there would be a private ownership of the housing stock in the State of Israel, particularly that built by American guarantees. It is an important thing.

I quite agree with the distinguished Senator from New Hampshire about the fact that there is too much State ownership in general, that there is too much public ownership and, as a result, there is an economy that is not, at the present time, as aggressive and as expansionary as it might be.

I think Israel could do much to improve in that regard. Certainly, the idea of private ownership of this housing stock is an important element in that.

I thank the Senator from New Hampshire.

Mr. HUMPHREY. I thank the Senator for his response, Mr. President. There is nothing we can do in Israel at this point. I do hope, however, this colloquy will be taken to heart and that government officials of that country will seek to use the assistance of the United States, whether in the form of cash or loan guarantee, to increase the stock of privately held housing.

For example, these housing units which will be constructed under this measure could well be sold to the tenants in 10 years, let us say, as a suggestion. I hope Isreal will consider doing that.

For my part, if any further measures of this kind come up during this year,

I intend to offer language that will require such a course of action.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. The Senator never yielded the floor.

The PRESIDING OFFICER. The Senator from New Hampshire retains the floor.

Mr. HUMPHREY. I beg pardon for the lapse of business. I will yield while I am discussing for a moment with the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is there a quorum call? Apparently not.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 1531

(Purpose: Technical amendments)

Mr. BYRD. Mr. President, I have three technical amendments for chapter 10 of the bill. I ask unanimous consent that they may be offered at this time and offered en bloc to be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Mr. President, reserving the right to object, and I shall not object, these amendments have been cleared on our side of the aisle. I support the chairman in his request to adopt these amendments.

Mr. BYRD. Mr. President, I thank my friend.

The PRESIDING OFFICER. Without objection, the pending committee amendment will be laid aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments en bloc numbered 1531.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 54, line 2, insert after the word "Needs", the following: "For Natural Disasters".

On page 54, line 3, strike "Needs" and insert the following: "needs for natural disasters".

On page 54, line 5, strike "That" and insert in lieu thereof the following:

"That, notwithstanding any other provision of law".

Mr. BYRD. Mr. President, the amendments relate to the President's unanticipated needs account for natural disasters. They are all technical in nature, correcting an account title and making clear the committee intent with respect to the funds appropriated.

I urge the adoption of the amendments en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 1531) was agreed to.

Mr. BYRD. Mr. President, I move en bloc that the vote on the amendments en bloc be reconsidered.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1532

(Purpose: Technical correction)

Mr. BYRD. Mr. President, I send an amendment to the desk, and I ask unanimous consent that the pending committee amendments be laid aside.

The PRESIDING OFFICER. Without objection, the pending committee amendment will be laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1532.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 24, delete "$19,900,000" and insert "$34,900,000";

On page 14, line 2, delete "$31,158,000" and insert "$16,158,000".

Mr. BYRD. Mr. President, this amendment is technical in nature. It corrects a drafting error in the bill. One of the programs recommended for rescission by the committee was included in the wrong fiscal year. The funds are rescinded from fiscal year 1990 research and development when the correct citation is fiscal year 1989.

This amendment corrects the error.

Mr. HATFIELD. Mr. President, I join the chairman and support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 1532) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have an amendment in behalf of Senator MOYNIHAN on Burmese assistance which is basically a technical change. I ask unanimous consent that the pending amendment be set aside, and that this amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1533

(Purpose: To make available funds for displaced Burmese nationals)

Mr. LEAHY. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] for Mr. MOYNIHAN, proposes an amendment numbered 1533.

Mr. LEAHY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In chapter III of title II of the bill, under the heading "MIGRATION AND REFUGEE ASSISTANCE", strike the period at the end and add the following: ": *Provided further*, That finds used pursuant to the last proviso (relating to assistance for Burmese students at camps on the border with Thailand) under the heading (MIGRATION AND REFUGEE ASSISTANCE' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) may be used to provide assistance to any Burmese person in Burma or Thailand who is displaced as a result of events relating to civil conflict.".

Mr. MOYNIHAN. Mr. President, I offer this amendment with the concurrence of the distinguished chairman and ranking member of the Foreign Relations Committee, Senators PELL and HELMS. It is an amendment that provides a technical change to the wording of the 1990 foreign operations appropriations bill.

In last year's bill the Congress appropriated a modest sum, $250,000 in humanitarian assistance, for Burmese who have been displaced as a result of the brutal suppression and civil conflict that exists in Burma. The displaced include "students", a term used to describe not only students, but also others, who fled the suppression of the Burmese Army that followed mas-

sive prodemocracy demonstrations in 1988.

Indeed, Tiananmen Square occurred in Burma before those dramatic events of last June. And many more were killed. The result was an exodus of students toward Burma's border with Thailand, to camps under the control of Burma's ethic minorities, who themselves have been in a state of civil war with the ruling military dictatorship since it seized power in 1962.

The appropriations law language now provides the assistance to the displaced students on the border with Thailand. Unfortunately, the State Department legal office—as is there job—have interpreted the wording narrowly, in the geographic sense of the border. While that would not have been such a problem 6 months ago, a major Burmese Army offensive has driven the student and minority camps off the border and deeper into Burma and Thailand. Indeed, many of the displaced Burmese have gone to Bangkok or other larger towns.

Efforts to remedy this legal problem through a colloquy on January 30 at the time of the repassage of the State authorization bill by myself and Senators PELL, KASTEN, and LEAHY, were not considered sufficient by State. Thus, the need for the change in statutory language. I understand that the State Department supports this change, as they earnestly want to provide the assistance that is so desperately needed.

I again thank Senators PELL, HELMS, LEAHY, and KASTEN for their support in this matter, and I also thank the managers of this bill, the President Pro Tempore, Senator BYRD, and Senator HATFIELD for their help and consideration.

Mr. President, I ask unanimous consent that a recent article in the New York Times by Steven Erlanger on the condition of Burmese refugees be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 18, 1990]

BURMESE ARMY'S SUCCESSES PRODUCE A NEW FLOOD OF REFUGEES FOR THAILAND

(By Steven Erlanger)

BANGKOK, THAILAND, April 17.—Advances by Burmese troops against rebellious ethnic minorities along the Thai border are creating a new refugee problem here, with thousands of Burmese seeking shelter and assistance in Thailand.

The Thais, who have hundreds of thousands of Cambodian refugees already on their soil and who have substantial business interests in Myanmar, formerly Burma, are rapidly turning against the Burmese, many of whom are hiding out in the cities to escape the police.

Thai officials and relief workers say there are now nearly 50,000 Burmese in Thailand, most of them lacking any documentation or legal status.

Most of those seeking assistance are Burmese young people who fled after the military cracked down on a prodemocracy movement two years ago. For a time they joined forces with the ethnic rebels fighting the Government in Yangon, but a combination of disillusionment, hardship and pressure by the military have gradually driven them to seek refuge in Thailand.

Fearful that even more Burmese will be drawn to this country, the Thais have put pressure on foreign governments, relief agencies and the United Nations High Commissioner for Refugees not to recognize the Burmese as refugees or give them aid. The Thais have already jailed or deported large numbers of Burmese as illegal immigrants.

U.N. AGENCY HALTS ASSISTANCE

Pressed by the Thais and by its own budget constraints, the High Commissioner's office here has stopped giving assistance of any kind even to those Burmese it recognizes as legitimate refugees, as opposed to economic migrants. it will not even interview asylum seekers from Myanmar's ethnic minorities.

Thai officials, who asked not to be quoted by name, argued that Thailand had behaved with great tolerance, risking harm to relations with the Burmese Government. They said that Thai law does not recognize refugees, that the Burmese are here illegally, and that the Thais had resisted requests from Yangon to deport all Burmese residing here.

"We have done little harm to them and have looked the other way," a senior Thai official said. "But we have 300,000 Cambodians here already, and thousands of Vietnamese and Laotians. We have some Vietnamese here from 1954 and even Nationalist Chinese. Are we to shelter everybody?"

After the military crackdown of August and September 1988, in which more than 3,000 Burmese demonstrators for democracy were killed, perhaps 5,000 Burmese students fled to border areas, where a dozen ethnic minorities have been fighting for autonomy from the government in Yangon, formerly Rangoon, since the 1940's.

The students vowed to fight alongside the minorities, but by early 1989, the number of students had dwindled to less than 3,000, and many were ill with malaria. Yet they feared persecution at home, and if discovered in Thailand, where many went to work or live temporarily, they were deported. On the border, at least, they were left alone.

But beginning with the dry season in December, the Burmese army has made a concerted effort to attack the strongholds of the ethnic minorities along the border. In the last 10 weeks, nearly all the major camps of the Mon and the Karen have fallen, including some, like Thay Baw Bo and Three Pagodas Pass, that had been considered too remote or well-defended to attack. The Burmese are now shelling Manerplaw, headquarters for the Karen, the Democratic Alliance of Burma and the All-Burma Students' Democratic Front.

The ethnic insurgents continue to resist. But only 500 students are still fighting alongside them, and the rest have joined a large flow of noncombatant refugees farther into Thailand. Relief officials and diplomats say at least 22,000 people have crossed the border in the last 10 weeks.

HOW THEY LIVE NOW

Many of the students wind up like Ko Hlaing Myint, 24 years old, Ko Thein Naing, 22, and Ko Aung Nge, 28, who share a tiny, bare room in Bangkok with five other Burmese youths. They each have one set of clothes, given to them by a church. The room has one fluorescent bulb, one mosquito net, no fan or furniture, and bars on the glassless windows. There is a toilet outside, with a bucket of water for sponge showers. The rent is $36 a month. When they do get temporary work, a risky prospect since they have no identification papers, the pay is $1.60 to $2 a day.

Mr. Thein Naing, the least educated, was sold for $72 to a Thai merchant in Ranong by a Burmese guide he trusted. He made bricks for a year, getting no wages, little food and poor shelter; finally he ran away.

Mr. Aung Nge served for four years in the Burmese Army, rising to lance corporal. After returning to civilian life as a construction worker, he joined early student-led demonstrations against the Government in October 1987 and then fled Yangon. He went to Thay Baw Bo, where he gave military training to students until last March, when he went to Mae Sot because of the shortage of food and medicine. He was arrested there, fined and then expelled from Thailand near Three Pagodas Pass, where he joined the Mon.

From there he made his way to Bangkok, where he was arrested again, spending 76 days in jail because he had no money to pay his fine. Expelled at the Burmese border, he immediately returned to Bangkok. Last week, he was interviewed by the High Commissioner's office, but received no documents and no money.

REQUESTS FOR AID ARE SPURNED

Mr. Hlaing Myint was a student leader at Mandalay University. He fled in August 1988 to join the Karen, leaving his pregnant wife behind. He had a month's military training, but did no fighting. He went from one camp to another, as they fell, then finally fled into Thailand. He was arrested, but the police took pity on him and gave him some money. He arrived in Bangkok on January 22.

The High Commissioner refused his request for assistance because officials there said he was educated and could work. But he had no papers and no work permit. He was given an April 2 appointment for an interview to see if he qualified as a refugee, but was arrested that morning and spent nearly a week in detention before paying his fine with money supplied by a charity. He has a new appointment with the High Commissioner's office on May 29.

"I think I cannot bear these conditions in Bangkok for a long time," Mr. Hlaing Myint said. "Even for tomorrow we have no money, only 20 baht," or 80 cents. "But I do not know where else I can go."

U.N. DOCUMENTS WERE IGNORED

Workers with the High Commissioner's office here say they are unable to provide even basic protection to people clearly needing and deserving their help.

For a time, the office gave letters to Burmese who qualified as refugees, saying that the person in question was "of concern" to the High Commissioner. As the influx accelerated and after some 350 letters had been issued, the Thais insisted in late January that no more letters be given out.

Some Burmese carrying the letters were deported anyway. Still, 20 to 30 Burmese a day show up at the High Commissioner's office, where four people now work full time, conducting a total of 10 interviews a day.

The American Embassy, Burmese say, is now more sensitive to their needs and their problems than it was a year ago. The Americans try to move Burmese with relatives in

the United States, even those without valid passports, out of Bangkok and with Thai permission, not calling them "refugees" or publicizing the cases.

But the number of cases remains tiny, currently less than a dozen. Of those, only five Burmese thus far have been able to go to the United States.

"No one is really standing up to the Thais on this one," a senior Western diplomat said. "There have been little victories, but nobody has very much to be proud of. And the situation is getting worse."

Mr. LEAHY. Mr. President, I understand that that amendment has been cleared by both sides and also by the majority and minority in the Foreign Relations Committee.

Mr. BYRD. Mr. President, this amendment is agreeable on the part of this side. I accept it, and I hope the Senate will adopt it.

Mr. KASTEN. Mr. President, we have had an opportunity to review the amendment. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 1533) was agreed to.

Mr. LEAHY. I move to reconsider the vote

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as I indicated earlier this evening, we have attempted to compile a list of all remaining amendments to the legislation that is pending, and I will now propound an unanimous-consent request to limit consideration to the following listed amendments.

As I read the list, it will become evident that "limit" is not the proper word to use in this regard, because it is a very substantial number; but although it represents only modest progress, it is at least some progress in precluding amendments, other than those which are to be listed. Both sides have been consulted, and I believe this is acceptable. But I will now propound it and read through the entire list.

Accordingly, Mr. President, I ask unanimous consent that in consideration of the remainder of this bill, H.R. 4404, the following amendments be the only amendments in order, in addition to the remaining committee amendments, and that no second-degree amendments be in order except where specified, or with respect to the listed Helms amendments on abortion and NEA, and that no points of order be deemed waived.

The amendments are: a Wallop amendment on MX rail garrison and F.E. Warren Air Force Base; a Hatch amendment regarding drugs; a Gramm amendment regarding the death penalty to murderers in the District of Columbia; a Hatfield second-degree amendment to the Gramm amendment; a Helms-Humphrey point of order on the committee amendment on page 57, lines 5 through 10; a Helms amendment to strike the committee amendment on page 57, lines 5 through 10; a Chafee second-degree amendment to a Bumpers-Pryor wetlands amendment; a Mack amendment on Cuba; a Gramm amendment on domestic programs; a Heinz-Specter amendment on the Beechwood housing development grant project; a Wilson amendment on dropouts; a Wilson second-degree amendment to a Kohl amendment on dropouts; an Armstrong amendment on refugees; a D'Amato amendment on EBRD Lithuania to prohibit contributions; a Kasten amendment on Namibia; a Dole leadership amendment; a Simpson amendment on Yellowstone; an Armstrong amendment on Lithuania; a Helms second-degree amendment to the committee amendment, re: Nicaragua; a Helms amendment on abortion; a second Helms amendment on abortion; a third Helms amendment on abortion; a Helms amendment on the NEA; a Helms amendment regarding the Soviet Union; a Helms amendment regarding Iraqi sanctions; a Kasten second-degree amendment to a Kennedy amendment on Chile; a Kasten second-degree amendment to a Wirth amendment on the UN; a Danforth sense-of-the-Senate resolution on court taxation; a Moynihan amendment on GSA public buildings; a Bentsen amendment on DOD impact in schools; a Kohl amendment on school dropouts; a Wirth amendment on the UN environmental program; a Wirth amendment on S&L bailout; a Riegle second-degree amendment to the Wirth amendment on S&L bailout funding; a Wirth amendment relative to section 320; a Levin amendment on Panamanian cooperation combating drug money laundering; an Exon possible second-degree amendment on abortion; a Biden amendment on a national crime information center; a Biden amendment on economic assistance to Andean nations; a Pell amendment on a reporting requirement to the Foreign Relations Committee; a Hollings amendment relative to section 614, State Department U.S.A. funding; a Hollings amendment relative to section 320; a Pryor amendment on wetlands regulations; an Inouye amendment condemning Iraq; a Conrad amendment on drought disaster assistance; a Kennedy-Harkin amendment on Chile; a Dixon amendment on the Air Force; a Byrd amendment relative to the Embassy in Lithuania; a Byrd amendment on study of foreign aid assisting U.S. investments abroad; a Bumpers amendment on food safety inspections; a Mitchell leadership amendment; a Nunn second-degree amendment to the Wallop MX rail garrison amendment; a Biden second-degree amendment to the Danforth resolution or amendment on court taxation; a Dole second-degree amendment to the Inouye amendment on Iraq; a Dole second-degree amendment to the Helms amendment on Iraq; a Dodd amendment on Central America.

Mr. HOLLINGS. Mr. Leader, reserving the right to object, it was pointed out in my point of order on 320, I would not have a Social Security amendment. If I did not prevail, if we are going to amend the Budget Act in the supplemental, then I would add the Social Security amendment.

Mr. MITCHELL. A Hollings amendment on Social Security.

Mr. DOMENICI. Reserving the right to object, Mr. Leader, I will not object. I just returned to the floor in the middle of your reading the list. Assuming the consent is granted, what is the leader's intention with preference to how we are going to proceed to finish this bill? Are we going to work tomorrow and Monday and Tuesday?

Mr. MITCHELL. Yes, we are going to stay right at it until we finish. We will work tonight and tomorrow and Monday and keep going until we finish.

As I indicated, I think it is clear this is really not much of a limitation, and this is a dire emergency supplemental appropriations bill. As you can see, as we are proceeding, more amendments are coming in. So there is no alternative.

Mr. DOMENICI. Is it fair to assume we will not be in on Saturday?

Mr. MITCHELL. I do not think we can make that assumption. It depends on the progress we make tonight and tomorrow.

Let me complete, if I might, the list and then respond to the Senator in that regard. I have an addition, a Stevens amendment on chemical retrograde, a Helms second-degree amendment to the Dodd Central America amendment, a Harkin amendment on drug-free schools, and a Harkin technical amendment, a Sasser-Bentsen second-degree amendment to the Hollings Social Security amendment. That is Sasser and/or Bentsen second-degree amendment to the Hollings Social Security amendment.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not, I have two entirely technical amendments. One is to put the Armenia matter in the proper page; one was to replace a word that was dropped in the printing. I would ask that I be allowed some appropriate time to bring up these two totally technical amendments that will take all of about 10 seconds. That can be added to the list.

Mr. MITCHELL. I propose the addition to the list the amendments identified by the Senator from Vermont. I have more additions here.

A Moynihan amendment regarding Social Security, a second Moynihan amendment regarding Social Security, to both of which a Bentsen second-degree amendment would be in order.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I think we both have what we call technical amendments. I assume at the time we discover they are not technical the leadership, with the chairman, and others, can make the determination.

Mr. MITCHELL. Yes.

Mr. DOLE. We have no objection. But I believe there is going to be a lot of legislating on an appropriation bill. So if the chairman needs any assistance, maybe some of us will be happy to help.

We have no objection.

Mr. BYRD. The leader has included the provision that points of order are not waived.

Mr. MITCHELL. That is exclusive.

Mr. President, I add a Kohl second-degree amendment to the Wilson dropout amendment to the list.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, I am advised by the Senator from New Mexico he would like a Social Security amendment.

Mr. DOMENICI. Since I have not had a chance to examine the Social Security amendment, I would like a Domenici amendment with references to the Gramm-Rudman-Hollings Social Security.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Mr. President, I will add a reservation as to the second-degree amendment to that for Senator SASSSER and/or someone else to the Gramm-Rudman-Hollings, a second-degree amendment to the Domenici amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I simply say to my colleagues that when I started reading the list we had approximately 53 amendments proposed to be offered by 34 Senators. I do not know what the number is now, but I assume it is over 60 amendments involving somewhere between 35 and 40 Senators. We are obviously going to finish this bill.

So please do not any Senators come to me over the next couple days and ask when can they leave or whether there is going to be any votes or not. We are going to stay until we finish. There is no other alternative to it. So we can plan on being here for a while this evening. We can plan on being here all day tomorrow.

I want to respond to the Senator from New Mexico specifically. We cannot exclude working on Saturday, if necessary. This is a very important bill. The President asked for this weeks ago and we did not meet the requested timetable of the administration. Now we are in a position of acting on it at some distant point in the future. And it is clear from what has occurred that the lure of an important bill has proven irresistible.

I do not know whether all these amendments will be offered. Senators, of course, have the right to do so. The one thing Senators do not have the right to do is to say they are going to offer amendments and then just do not show up and so inconvenience the full Senate. So I hope that out of this 35 or 40 Senators and this 60 or so amendments we can at least get Senators here this evening to offer amendments so we can start down this list and proceed.

I know the distinguished Senator from South Carolina is ready to go, and he has been patient and waiting.

I hope both sides will work to get Senators here. It is my intention to go for a while longer tonight to complete as much as possible, but not to attempt to stay all night or anything like that, and then to come back and start on the bill at 9 o'clock tomorrow and just stay here for a very long day tomorrow.

Senators should be prepared for that, with votes throughout the day. We have to try to finish this bill. It is very important legislation. Senators will have to make individual judgments as to whether or not to offer these many amendments, and managers will have to decide along with the leadership on how to respond to them.

It is obvious that we have a very long and difficult road ahead of us and there is no alternative but to stay here and work at it until we finish action on the bill.

Mr. DOLE. Let me underscore what the majority leader has said. I think there are probably well over 60, and that is not insurmountable, but it might be between now and some reasonable hour tomorrow. I am prepared to cooperate in every way with the leader and the distinguished chairman of the committee and Senator HATFIELD, the ranking member, if they decide to start tabling some of these nongermane amendments, or legislation on appropriations bill; otherwise, Mrs. Chamorro's first term may expire before we get the aid down there. I think she is kind of planning on it yet this year.

Mr. MITCHELL. Mr. President, I thank the managers for their cooperation, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have an amendment listed on the study of foreign aid assisting U.S. investments abroad. I would be happy to enter into an agreement for 20 minutes to be equally divided and with the understanding that I go with that amendment the first thing tomorrow, and that will get us rolling. I make that request, that it be 20 minutes equally divided. It provides for a study of foreign aid assisting U.S. investments abroad.

Some of our competitors make a condition to foreign assistance. They tie it up, they tie it, they tie in their business interests. It is about time we tried some of that. So this would be a study. I would begin with that at 9 o'clock. Is there any objection?

I ask unanimous consent then, Mr. President, that at 9 o'clock tomorrow morning I be recognized to offer that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. So there will be a rollcall vote around 9:20 tomorrow morning. That gets us off to a good start.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, if I can get the attention of the distinguished chairman, I think I have to get unanimous consent. It is a parliamentary situation. We can go now or first thing in the morning.

Mr. BYRD. Just ask unanimous consent, may I suggest to the distinguished Senator, and go now.

Mr. HOLLINGS. I ask unanimous consent for permission to offer the committee appropriations amendment on section 614 which is the State Department authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1534

(Purpose: To repeal certain provisions of law and to provide for the submission of reports under the Foreign Relations Authorization Act, Fiscal years 1990 and 1991)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. RUDMAN, proposes an amendment numbered 1534.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III of the bill, insert the following:

SEC. 307. (a) The following provisions of law are repealed:

(1) Section 614 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162).

(2) Section 302 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246).

(b)(1) Section 127(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended by striking out "February 3, 1990" and inserting in lieu thereof "120 days after the date of enactment of this Act".

(2) Section 153(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, is amended by striking out "January 1, 1990" and inserting in lieu thereof "January 1, 1991".

(3) Section 161(a) of that Act is amended in the second sentence by striking out "February 1, 1990," and inserting in lieu thereof "120 days after the date of enactment of this Act".

(4) Section 162 of that Act is amended by striking out "December 31, 1989," and inserting in lieu thereof "120 days after the date of enactment of this Act".

(5) Section 1005(b)(2) of that Act is amended by striking out by "December 31, 1989," and inserting in lieu thereof "not later than 120 days after the date of enactment of this Act".

(c)(1) Section 506(a) of part E of title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3756(a)), as amended by the third proviso under the heading "Organized Crime Drug Enforcement" of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) and by section 212 of Public Law 101-162, is further amended—

(1) in the text above paragraph (1), by inserting "required" after "setting aside the amount"; and

(2) in paragraph (1), by striking out "0.4 percent" and inserting in lieu thereof "$500,000 or .025 percent, whichever is greater,".

(2) Title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) is amended under the heading "Educational and Cultural Exchange Programs" of the United States Information Agency by striking out "$160,300,000" and inserting in lieu thereof "$156,506,000".

Mr. HOLLINGS. Mr. President, this repeal of section 614 goes to the State Department authorization and USIA. All of us, as Senators, remember the closing days of last year. What we have is a unique provision in law that we cannot have an appropriation for these two entities unless there is an authorization.

At the time we enacted the appropriations bill, the 1990 fiscal year authorization for State and USIA had not passed. As a consequence, we brought the further conference report to the floor with section 614. That put it at the 1989 level.

Now the authorization bill has passed, and what we want to do is repeal section 614 so that the State Department can spend its money, already appropriated, at the 1990 level that we debated and passed overwhelmingly, really by a voice vote finally, on final passage.

I do not think there is any dispute about the contents of this particular amendment. I think there is a question that was raised in committee relative to a point of order, that it did not conform to our 302(b) allocation, and this is where I would ask my colleagues' attention. It did conform to our 302(b) allocation at the time it passed. No question was raised there, because there was not any question to be raised.

No question should be raised now because no amounts in that 1990 bill have been changed. What has changed, if there is such a thing, is that our 302(b) allocation, was exceeded by the relief measure for Hurricane Hugo and San Francisco. But certainly not by the State Department's appropriation.

As a consequence, the State Department obviously is very much supportive of this particular amendment. Otherwise, they are cut some $311 million from the levels we approved in conference.

There is a list of things that have been brought to our attention by Secretary Baker. We had a hearing yesterday with the Secretary. There are critical shortages overseas, just exactly what our distinguished chairman of the Appropriations Committee was emphasizing relative to Eastern Europe. There was some $51 million that was cut from the USIA budget, the very budget that brought us the success of the Voice of America and the educational and cultural exchanges.

All we are asking is to repeal this particular section already in law, and with that repeal it happens automatically. It has nothing to do with actually appropriating this time, but only allowing the appropriation to get in step with the authorization; the appropriations which were enacted last year, all within our 302(b) allocation.

I yield to the distinguished Senator.

Mr. RUDMAN. Mr. President, last October Senator HOLLINGS and I brought a conference report to the floor that included funding for the State Department and the U.S. Information Agency. Despite the fact an authorization bill had not been enacted, we believed it was important to continue the operations of the Government in an orderly manner. Therefore we included a provision to waive section 15 of the State Department Basic Authorities Act, which requires an authorization prior to the obligation of appropriated funds. In an attempt to acknowledge the importance of the authorization process, we included a provision to maintain the State Department and USIA at continuing appropriations rates until enactment of an authorization or November 30, 1989—whichever came first.

This was not the first time it has been done. In fact, it had been done in almost every year of the years that I have served on this subcommittee.

We were somewhat surprised when the Foreign Relations Committee objected to this provision; we were even more surprised when the Senate voted 53-45 to sustain the position of the authorizing committee and support a delay in the obligation of appropriated funds until an authorization was enacted. This action was taken despite the fact the fiscal year had already begun and the House and Senate authorization conferees had only met once to discuss their differences.

As a result, the State Department and the USIA are operating at continuing appropriations rates. However, the authorization bill was enacted in February, and with the pending amendment the Senate has the opportunity to allow for the obligation of the funds originally appropriated in the Commerce-Justice-State conference report. Adoption of the amendment is consistent with the position taken by the Senate last October.

Except for several technical changes, this amendment is identical to legislation reported jointly by the House Foreign Affairs and House Appropriations Committees. It would repeal section 614 of the Commerce-Justice-State appropriations act. It would also repeal section 302 of the authorization act, which would extend to the Board for International Broadcasting the requirement that an authorization be enacted prior to the obligation of appropriated funds. This repeal is consistent with an agreement reached between Senator HOLLINGS and myself and the leadership of the Foreign Relations Committee.

There are also several technical changes to reporting dates contained in the authorization act. Finally, the amendment would correct two enrollment errors in the Commerce-Justice-State appropriations act.

Technically, this amendment violates the Budget Act, and I repeat, "Technically." Let me say that when the Commerce-Justice-State conference report was brought to the floor of the Senate, the subcommittee was within its section 302(b) allocation. Subsequent to consideration of that act, the Congress decided to provide additional funding for disaster assist-

ance for the victims of Hurricane Hugo and the California earthquake. Neither the Budget Committee nor any other Senator raised a Budget Act point of order in connection with that action. However, as a result the subcommittee would be in violation of its section 302(b) allocation if the amendment is adopted.

OMB Director Darman and my colleague, Senator DOMENICI, the ranking minority member of the Budget Committee, agree that this is a unique case. As Director Darman stated in a letter to House Subcommittee Chairman NEAL SMITH, "* * * your subcommittee had planned to accommodate funding at the section 614 repeal levels, only to have the plan overtaken by the disaster bill. * * * I now conclude it is unfair to insist on the points of order that could be raised against (a repeal of) section 614 if it is not offset."

I believe OMB Director Darman is correct. The Commerce-Justice-State Subcommittee should not be punished for the failure of the authorization committee to enact its legislation in a timely manner. Nor should it bear the burden for the unwillingness of the Congress to accommodate disaster funding consistent with the Budget Act. I urge adoption of the amendment so the Secretary of State and the Director of the U.S. Information Agency have the resources they need to respond adequately to a rapidly changing world.

Mr. President, I ask unanimous consent that letters from the Secretary of State and OMB Director Darman be printed in the RECORD at this point, and with that request I yield the floor.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, April 24, 1990.

Hon. WARREN B. RUDMAN,
U.S. Senate.

DEAR WARREN: I strongly support your efforts to repeal Section 614 of the Commerce, Justice, and State, the Judicary, and Related Agencies Appropriations Act, 1990 (PL 101-162). The President is concerned about Section 614's impact on his ability to successfully conduct U.S. foreign policy, and urges that this provision be repealed immediately.

Section 614 restricts funding for the Department of State and the United States Information Agency (USIA) to Continuing Resolution levels, making them the sole U.S. Government agencies which have been denied their FY 1990 appropriated funds in this way. Both the Senate and House passed full funding for these accounts. Section 614 was a temporary action which occurred in conference to spur passage of the Foreign Relations Authorization Act. It passed in February. Section 5614 was never intended to last this long.

Sweeping international changes make restoration of these funds imperative—we must have Section 614 lifted now or face serious consequences. Section 614 prevents us from effective operation of our programs and facilities in Eastern Europe, Panama, and Nicaragua. It endangers the security of our people, property, and information worldwide because we are forced to delay scheduled security and building improvements. It is restricting USIA's efforts to promote democratic values through broadcasting and exchange progams.

The President is particularly concerned that this law prevents us from meeting our financial obligations to the United Nations and other international organizations, jeopardizing U.S. leadership of these institutions at a time when the importance of international cooperation on issues such as refugees, has never been greater.

The Administration has made several efforts to resolve this issue, and as the enclosed letter from Dick Darman explains, the Administration does not believe repeal of Section 614 requires offsets in these very special circumstances.

We urge expeditious action to repeal Section 614, look forward to working with you to bring this about, and appreciate your efforts on our behalf.

Sincerely,

JAMES A. BAKER III.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 13, 1990.

Hon. NEAL SMITH,
Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter concerns the possible repeal of Section 614 of the Commerce, Justice, State Appropriations Bill for FY 1990. I was asked about this when I testified before the House Appropriations Committee on February 7, 1990. Representative Conte inquired about the need for offsets. I responded that I was torn on the issue.

On the one hand, I favored offsets—for all the obvious, conventional reasons. On the other hand, I felt it was unfair to penalize State and USIA for what had been our collective failure to insist on offsets in funding emergency relief for the California earthquake. I said I was about 93% of the way toward decision.

After the hearing, I asked my staff to review the programs under the Subcommittee's jurisdiction to see if any legitimate offsets could be found that would not unfairly penalize an innocent party. We discovered that the SBA Disaster loan fund had over $2 billion in available resources and that less than half of that total would be used during FY 1990. We therefore suggested rescinding $475 million of the SBA funds in order to offset the budgetary impact of repealing Section 614. This rescission would have had no impact on the disaster program in FY 1990. It seemed reasonable to propose the offset to maintain the important principle of providing offsets for discretionary supplemental appropriations.

Apparently, the offset that we proposed is not acceptable. In view of this response, I have been asked to consider once again my position on offsets—given that this is an unusual case.

The case is, indeed, unusual. At the time that the first Commerce, Justice, State conference was completed (October 19th), your Subcommittee was within your 302(b) allocation. The House-Senate Conference Report included the higher funding levels for State and USIA that we are now proposing to make available by repealing Section 614. At the time of the conference, you would have had enough room under your 302(b) allocation to repeal Section 614 without going over your limit.

On October 25th, however, Congress passed the second continuing resolution. It included earthquake disaster relief (with $500 million for SBA disaster loans and an increase in the SBA loan limitation to $1.8 billion). During consideration of the second continuing resolution, the House waived any Budget Act points of order that could have been raised as a result of the disaster assistance funding. In the Senate, no Member raised Budget Act points of order. In the interest of providing assistance to the State of California quickly, the Administration supported passage of the resolution.

The additional SBA funding (and the $219 million in associated outlays from increasing the loan limit) is now included in the Budget Committee's scoring of the Subcommittee allocation. It is the reason that you have only $45 million in budget authority and $39 million in outlays remaining in your 302(b) allocation.

Of the four subcommittees that received earthquake disaster funding, yours is the only one that remains under the 302(b) ceilings. The other three, Transportation, VA/HUD, and Treasury/Postal exceed their budget authority limits by a total of over $3.4 billion. This fact lends further credence to the view that your Subcommittee had planned to accommodate funding at the Section 614 repeal levels, only to have the plan overtaken by the disaster bill.

Given that the Congress did not raise the points of order against the second continuing resolution in October, and that that is what caused the current problem, and given the apparent absence of offsets that are both acceptable and fair, I now conclude that it is unfair to insist on the points of order that could be raised against your resolution (H.J. Res. 471) to repeal Section 614 if it is not offset. In reaching this conclusion, however, please let me assure you that I view this as a very special case. The peculiarities of timing involving your original intentions, the subsequent action which triggered the interest in repeal, and the intervening decision on disaster funding apply only to your Subcommittee and the Section 614 limit. I do not view this as precedential. Indeed, I continue to believe in the fundamental importance of offsets and intend routinely to seek them for discretionary supplemental appropriations.

With best regards,

RICHARD G. DARMAN,
Director.

Mr. SASSER. Mr. President, let me be blunt. This amendment is a budget buster. As such, I must oppose it. Let me explain why.

At the end of last year, due to a dispute between the Senate Foreign Relations Committee and the Commerce-State-Justice Subcommittee, a provision—section 614—was placed in the Commerce-State-Justice appropriation bill. This provision limited obligations for the State Department operating accounts to current operating rates or fiscal year 1989 levels, whichever was lower.

This limit was to stay in place until an authorizing bill was signed into law and subsequent legislation was enacted to repeal section 614. But, it also had the effect of lowering the amount

of spending in the Commerce-State-Justice bill. In effect, it helped the subcommittee stay within its budget allocation. And that is the rub.

Eventually the money was spent elsewhere. Now I am not complaining about the other choices made by that subcommittee—and the Congress for that matter—when it passed this appropriation bill last fall. But, the fact is that funds were never set aside for the State Department. They were spent on other programs.

Comes now this bill which would increase appropriations for the State Department. It increases appropriations by over $363 million in budget authority and $257 million in outlays.

This increase not only breeches the subcommittee's budget allocation—that is not what worries me so much—it also breeches the overall maximum deficit allowed under section 311 of the Budget Act. Every other item in this emergency supplemental appropriations bill has been offset. This is the only item to come before this body that does not have an offset.

What this amounts to is simply directing the Secretary of the Treasury to go out and borrow an additional $257 million, with $363 million in budget authority underlying that, borrow the money to give it to the State Department.

The administration has offered no legitimate offset for this new spending, and it is interesting to note that OMB originally refused to support this waiver without such an offset. But then OMB started to buckle and weave and dodge and turn. They are now silent on the issue. Perhaps the Secretary of State has talked to his former assistant over at Treasury, now the Director of OMB, Mr. Darman.

Without an offset, I am compelled to oppose this measure. I have no quarrel with the State Department. I have no quarrel with the distinguished chairman and ranking member of the subcommittee on which I serve, as a matter of fact. I am simply saying that without an offset, this breeches the Budget Act, and it puts us $257 million over. If we make this allowance for the State Department, where do we stop? Or why should we stop? There are other needs that I think are just as important as that one that is raised here for an additional $257 million for State Department operations this year.

So, Mr. President, I raise the point of order under section 311 of the Budget Act, and I yield to the distinguished Senator from Louisiana.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, permit me to say before the Chair rules, pursuant to section 904 of the Budget Act, I move to waive the provisions of that part of the act as cited by our distinguished chairman of the Budget Committee. I move the waiver. Can we be heard on this particular score just for a minute?

The PRESIDING OFFICER. A motion to waive is debatable.

Mr. HOLLINGS. I will be very brief. I am confident there is a misunderstanding because, when my distinguished chairman calls this waiver a budget buster, I can cite nothing better than the Sasser Good-Government Certificate. I read from the Budget Committee memorandum, dated November 13, 1989. I say to my colleagues, this is before section 614. Without 614, we brought the first conference report to the floor of the Senate and this is the report of the Budget Committee. I read:

> The conference Commerce, Justice, State appropriations bill is $100 million below the Senate 302(b) allocation in budget authority and $100 million below the Senate's 302(b) allocation in outlays.

That is when we brought back the first conference report. That was without section 614. The cardinal point here is that we had an appropriation included also for 1990, which the distinguished chairman of the Foreign Relations Committee took exception to, and he prevailed. He said, "You shan't put a waiver of the authorization in there along with your appropriations." We wanted to do that, and he prevailed on that score.

Incidentally, we had been checking with him. The whole idea was not to preempt the Senate Foreign Relations Committee. In fact, the House Foreign Relations Committee asked that we not put that section in until November 15. We had that section read "until November 30." But we had a certificate from the distinguished Budget Committee itself that we were $100 million below both budget authority and outlays of our 302(b) allocation. So this cannot be a budget buster. We have not added any money to it. They sent us back to conference when the Foreign Relations Committee prevailed. Thereupon, we said, "All right, if that is what you want to do, we will have to put in a section making the appropriations in accordance with the 1989 authorization." That is what section 614 said.

Yes, the State Department lost out. They have had to hold back programs and other initiatives for the months of October, November, December, January, February, March, and now into April. They passed the authorization bill in February and it's time to let them do their work. But striking 614 at this particular point of consideration by the U.S. Senate does not increase or decrease the bill at all. It just says get rid of that 614 and go to your goal of what we had passed in our original conference report.

We have the certificate right here. It is not a budget buster. What it does is bust the most vital and indispensible department of government in this era of perestroika, the fall of the Wall, ascendant capitalism, and expanding democracy. We all want to undertake new initiatives, we all want the State Department to get into the act in Eastern Europe and Central America. Yet here we threaten to cut the State Department to the bone on the basis of a technicality. This is absolutely wrong.

The OMB is not silent. I have a letter dated March 13, to the chairman of the subcommittee on the House side, which I ask unanimous consent to have printed in the RECORD, Mr. President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 13, 1990.

Hon. NEAL SMITH,
Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter concerns the possible repeal of Section 614 of the Commerce, Justice, State Appropriations Bill for FY 1990. I was asked about this when I testified before the House Appropriations Committee on February 7, 1990. Representative Conte inquired about the need for offsets. I responded that I was torn on the issue.

On the one hand, I favored offsets—for all the obvious, conventional reasons. On the other hand, I felt it was unfair to penalize State and USIA for what had been our collective failure to insist on offsets in funding emergency relief for the California earthquake. I said I was about 93% of the way toward decision.

After the hearing, I asked my staff to review the programs under the Subcommittee's jurisdiction to see if any legitimate offsets could be found that would not unfairly penalize an innocent party. We discovered that the SBA Disaster loan fund had over $2 billion in available resources and that less than half of that total would be used during FY 1990. We therefore suggested rescinding $475 million of the SBA funds in order to offset the budgetary impact of repealing Section 614. This rescission would have had no impact on the disaster program in FY 1990. It seemed reasonable to propose the offset to maintain the important principle of providing offsets for discretionary supplemental appropriations.

Apparently, the offset that we proposed is not acceptable. In view of this response, I have been asked to consider once again my position on offsets—given that this is an unusual case.

The case is, indeed, unusual. At the time that the first Commerce, Justice, State conference was completed (October 19th), your Subcommittee was within your 302(b) allocation. The House-Senate Conference Report included the higher funding levels for State and USIA that we are now proposing to make available by repealing Section 614. At the time of the conference, you have had enough room under your 302(b) alloca-

tion to repeal Section 614 without going over your limit.

On October 25th, however, Congress passed the second continuing resolution. It included earthquake disaster relief (with $500 million for SBA disaster loans and an increase in the SBA loan limitation to $1.8 billion). During consideration of the second continuing resolution, the House waived any Budget Act points of order that could have been raised as a result of the disaster assistance funding. In the Senate, no Member raised Budget Act points or order. In the interest of providing assistance to the State of California quickly, the Administration supported passage of the resolution.

Th additional SBA funding (and the $219 million in associated outlays from increasing the loan limit) is now included in the Budget Committee's scoring of the Subcommittee allocation. It is the reason that you have only $45 million in budget authority and $39 million in outlays remaining in your 302(b) allocation.

Of the four subcommittees that received earthquake disaster funding, yours is the only one that remains under the 302(b) ceilings. The other three, Transportation, VA/HUD, and Treasury/Postal exceed their budget authority limits by a total of over $3.4 billion. This fact lends further credence to the view that your Subcommittee had planned to accommodate funding at the Section 614 repeal levels, only to have the plan overtaken by the disaster bill.

Given that the Congress did not raise the points of order against the second continuing resolution in October, and that that is what caused the current problem, and given the apparent absence of offsets that are both acceptable and fair, I now conclude that it is unfair to insist on the points of order that could be raised against your resolution (H.J. Res. 471) to repeal Section 614 if it is not offset. In reaching this conclusion, however, please let me assure you that I view this as a very special case. The peculiarities of timing involving your original intentions, the subsequent action which triggered the interest in repeal, and the intervening decision on disaster funding apply only to your Subcommittee and the Section 614 limit. I do not view this as precedential. Indeed, I continue to believe in the fundamental importance of offsets and intend routinely to seek them for discretionary supplemental appropriations.

With best regards,

RICHARD G. DARMAN,
Director.

Mr. HOLLINGS. Mr. President, it is signed by Richard G. Darman and it says it is within our budget authority and outlay levels. It is not a budget buster at all. So we are back to where we were at the very beginning. Section 614 did not lower it except temporarily with the actual spending. If you want to look at it that way, we have saved money. But the actual enactment now for a repeal of that section does not bust the budget. It goes back to the original conference report, and I have the certificate for it, that we are within the 302(b) allocation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I wonder if I might direct a question to the distinguished chairman of the Budget Committee. I just want to make sure we have all our facts in agreement. Did I understand my friend, the chairman of the committee, to state that we needed section 614 to stay within our 302(b) allocation, or was that just a misstatement?

Mr. SASSER. At the time we originally passed the bill, we did not need section 614, I am advised.

Mr. RUDMAN. That is correct.

Mr. SASSER. Let me say to my distinguished friend that what occurred at the time of the letter or communication to which the distinguished chairman of the subcommittee refers, the subcommittee was, indeed, below its allocation level. But what occurred subsequent thereto was the using up of those funds for something else other than this State Department matter.

Now we come back and say we need these funds now for the State Department. What I am saying to my friend from New Hampshire is those funds have been used up. If we want to meet the needs here of the State Department, then we need to find an offset. If we do not do that, then we breech section 311 of the Budget Act.

Mr. RUDMAN. I thank my friend for his response. Let me cite three incontrovertible facts so there is no misunderstanding amongst our colleagues. Fact No. 1, when this subcommittee passed its legislation, it was well within its 302(b) allocation. No question about that. No question about that.

Incontrovertible fact No. 2. When those disaster relief packages came to the floor of the Senate, no one raised a point of order against them because we understood the enormous tragedy in South Carolina and in California. In fact, of the total package approximately $500 million of SBA disaster relief under the jurisdiction of the committee was included but included by a vote of the Senate that I believe was nearly unanimous, with no attempt whatsoever to get an offset.

Point No. 3. If the waiver that we are requesting is, in fact, passed by a supermajority of the Senate tonight, then the State Department will be in precisely the same position of every other agency of the Government at the end of October, exactly the same position. If we do not do it tonight, then essentially what is going to happen is that the State Department and USIA budget, which as I think the Senator from South Carolina pointed out is probably more needed than ever—in fact, it may be inadequate right now—is essentially going to be seriously diminished, and the net result will be that we will be paying disaster relief for Hugo and for the earthquake in California from the State Department and USIA budget.

Now, that makes no sense whatsoever. That is turning the world on its ear. Nobody ever intended, sitting in this Senate, when we heard the story from Senators HOLLINGS and THURMOND, and Senators WILSON and CRANSTON about what happened in their States, that somehow if we voted that relief, knowing that it would go well over the budget numbers for the year because of the emergency, somehow the State Department would be unable to operate, the USIA would be unable to operate, and the penalty for the humanitarian relief would come out of the hide of the State Department. That makes no sense whatsoever.

There are times around here when we have to waive the Budget Act. I have voted to waive it I think maybe once or twice in an extreme circumstance. This is one of those circumstances. The State Department, the U.S. Information Agency with its radio broadcasts all over this world to freedom-loving people, ought not to have to shut down transmitters because there was a hurricane in South Carolina or an earthquake in California. That is the effect of the motion of the Senator from Tennessee. I wish to waive it and I hope our colleagues will support me. I yield the floor.

Mr. PELL. I would like to express my strong support for the Hollings-Rudman amendment to repeal section 614. Repealing section 614 will allow the Department of State to spend funds that have already been appropriated.

If section 614 is not repealed it will have severe consequences for the Department of State. At a time when we should be expanding our diplomatic presence so as to take advantage of the changed world situation, we would have to close missions abroad and reduce our presence overseas. Failure to repeal 614 could result in the closure of more than 20 consulates and missions. It would also prevent us from opening new posts in such cities as Bratislava and Leipzig in the newly democratic Eastern Europe.

Repeal of section 614 is necessary so as to permit the United States to meet its treaty obligations to the United Nations and other international organizations. Currently the United States is paying only 40 percent of what it owes for this calendar year. Repeal of 614 would allow the use of already appropriated funds to pay all but $20 million of our current dues.

The United Nations has demonstrated its value in Nicaragua, where U.N. observers were key to the free election that ousted the Sandanistas, in Namibia, where the United Nations was midwife to that country's emergence as an independent democracy, and in the Persian Gulf, where the United Nations provided the framework for ending the bloody, costly, and danger-

ous Iran-Iraq war. It is our obligation to pay our dues; it is also in our vital national interest to pay.

The reason repeal of 614 causes a Budget Act problem is that the Senate has approved urgent supplementals to meet the disasters caused by Hurricane Hugo and the San Francisco earthquake. The funding for the foreign affairs agencies is completely within the level envisioned by the budget resolution.

The Budget Committee chose not to make a point of order against the budget-busting disaster relief measures. It would be unfair and contrary to our national interest to sustain a point of order now. In effect, we would be penalizing the State Department for our generosity toward the disaster victims. We would be paying for disaster relief by pulling down the American flag abroad, by forgoing opportunities to secure democracy in Eastern Europe, and by not meeting our obligations in the world. I do not think this was the intent of Senators when they voted to meet the genuine needs of victims of the natural disasters.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays. I guess you have to have, under the rule, 60 to waive.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from South Carolina is correct, 60 votes. Is there further debate?

Mr. SASSER. Mr. President, let me make it crystal clear. No one is contesting the fact that the funds used for disaster relief were used for a noble purpose. Most of the funds in this supplemental appropriations bill that is before this body, are being used for a noble purpose. They are being used for emergency aid for Panama, emergency aid for Nicaragua, funds for various and sundry worthwhile domestic projects such as Head Start. No one is questioning the fact that the funds used for disaster relief were used for a noble purpose.

What we are saying is that every other item in this supplemental appropriations bill was subject to an offset. Every expenditure was offset in some way. And comes now $257 million for the State Department and there is no offset for it. We are simply presented with a check, saying go out there and borrow $257 million additional to honor this check.

Why did we not do that for the Panamanian emergency aid or for the Nicaraguan aid or for the aid to Head Start? Those are all noble things. But we did not do it with them. We said they have to be offset.

Before we start weeping all of these crocodile tears for the State Department, let me make a few points. The first is that the State Department has been one of the fastest growing areas of the Federal budget. Since 1980, the total State Department operating budget has grown by 148 percent. That is right, in one decade, 148 percent—64 percent real growth above inflation for the State Department during the decade of the 1980's.

Some of my colleagues will argue, well, of course, we needed this increase for security for our diplomats and for our facilities overseas.

I do not deny that. I do not disagree with it. I agree we ought to spend money for the security of our diplomats and for the security of our embassies. But even when you exclude the security costs, in the past decade the State Department's budget has grown by 40 percent in real terms—$4.3 billion to the State Department in the past decade in real growth.

We could go down the list of some of the things that have occurred if we are going to start weeping crocodile tears for the State Department. Remember the Moscow Embassy? How many buildings do you know that are built 400 percent over budget and 12 years behind schedule?

The State Department inspector general recently reported that the Department has paid out at least $40 million in excessive overseas allowances and benefits—$40 million—that is twice as much as the State Department will receive under this amendment.

I remember a couple of years ago when hundreds of thousands of dollars in unsigned traveler's checks were found lying around in unlocked rooms in Foggy Bottom. We have never managed to get an accurate account of how large a loss the taxpayers took on that one.

The $2 million in new silverware the State Department just had to have. They just had to have $2 million worth of new silverware while they were telling the Congress that they had to close embassies down because we did not give them enough.

I do not want to stand up here and flog the State Department. I have been a defender of them since the time I came to the Senate. I think by and large I am willing to give our diplomats whatever they need. I think they do a good job under difficult circumstances. But there is no question that there is an inordinate amount of waste in the State Department operations. There is no doubt there has been a colossal growth in the State Department budget over the last decade.

All I am saying is why does everybody else have to have an offset here but not the Department of State? That is the only question I am asking. That is why I am raising this point of order. Why should we go to the bank and borrow $257 million from the Japanese to finance the State Department operations when we do not do it for emergency aid to Panama, to Nicaragua, or funds for Head Start that are in this supplemental appropriations bill, or other things?

It is just that simple. Do we treat them differently from everybody else? That is the only reason I am raising this point of order here this evening on the Budget Act. Do we want to save money or not? Do we want to find an offset or not? It is just that simple. We do not want to open up a floodgate here. If so, let us open it up right down the line and abandon the process.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. The distinguished Senator from Louisiana may go ahead, and I will follow him.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. In the Appropriations Committee we set a rule that was very clear, understood by anyone, and that is any amendment in addition to that which we started out with that added money had to be offset. That was the rule, Mr. President.

So everybody went to work looking for offsets. The Byrd amendment this morning which would have funded WIC, and Indian health, agricultural disasters, environmental cleanup, found an offset. It so happened that this body did not think the offset was proper because that offset had to do with Panama. This body looked at Panama, and said Panama today under these circumstances is more important than WIC, Indian health, agricultural disaster, and environmental cleanup.

It was a good debate. We all understood it. But, Mr. President, now the State Department is asking for some special treatment under the Budget Act. They are asking that they be allowed to break the budget by $363 million in budget authority, by $257 million in outlays because they say it was spent on something else. A worthy cause to be sure—disaster relief. Keeping in mind that this body said no to disaster relief, to other Americans, but now we are going to say we are being asked to say break the budget, and we were not being asked to break the budget this morning. But we are being asked to break the budget not a little bit, but a lot—$363 million for the State Department. Mr. President, if we do that, Senators mark this well, we open up the floodgates.

I have here the so-called master list of amendments. It is very difficult to tell precisely what these amendments do. But here is one that says $25 million, school dropout. That to me says it is a bust-the-budget amendment for $25 million.

Here is one that says DOD impacted schools. DOD impacted schools has to do with money. Frankly, that is one I wish we would fund because they are funded at $11 million less than last year. They are hurting, and it is a good purpose. But do you want to bust the budget for them as well?

Here is one on GSA public buildings. I do not know whether that involves money or not.

Here is one for $17 million, National Crime Information Center. Mr. President, if we are going to open the gate for this amendment are we going to say no to a National Crime Information Center?

Here is one, $5 million for food safety inspections. That is a great purpose, Mr. President. And it looks to me like we ought to fund it.

That is just the front page. That is only the first page of the master list of amendments. I do not know what else is in here. There are only some 20-something amendments here on the front page. You just heard those that involve money. I guess there are about three pages of these things.

Mr. President, the question is, Is the State Department a worthy enough cause for you to break the budget to the tune of $363 million in budget authority, and $257 million in outlays?

The House of Representatives considered this very matter, and the House said no. So, Mr. President, it seems to me that the Senate ought to say no as well. If we say yes, you immediately bust this budget by this fact alone, and you create a precedent for everybody else's pony to get under the tent. I hope we will not do that.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, right to the point being made, if we really needed an offset, I think I could have easily put in a third of a B-2 Stealth bomber and picked up $250 million easily out of the Federal budget. No attempt was made because it was not necessary. The distinguished Senator from Louisiana mentioned a raft of prospective amendments involving new spending, but what is really sad, listening to the Senator from Tennessee, is that their real objection has less to do with the budget than with their ax to grind with State. So it is not a budget point of order. It is a policy and fiscal point of order they are trying to make. They say we are spending too much money in the State Department.

We are privileged on this subcommittee to have the distinguished chairman of the Budget Committee as a member of the subcommittee. If he ever expressed this view in that subcommittee, in the full committee, on the floor when we passed it, or when we had the conference report, I will jump off the Capitol dome.

We never heard these objections before. We had the hearings. We just had the Secretary of State yesterday. Yes, I can tell you about the Moscow Embassy. Everybody knows about that fiasco. I have been trying my best. We have been through several administrations trying to straighten it out. It is a penetrated building, and we will have to tear it down. We do not need a GAO report or whatever they are talking about.

But there is another matter that this budget chairman and this budget member certainly know about, and that is the depreciation of the dollar because of our fiscal mess, because we have not paid our bills. Every time I pick up that State Department appropriation, I feel just like the Senator from Tennessee.

Egads, where is all this money going? Because I cannot explain it to the good people of South Carolina. I know that they are not for a Department of State. As the former Senator from Georgia used to say, we have an Asian desk at State, a European desk, a South American desk, and what we need is an American desk to stand up for the United States of America.

So I know the political nuances that are at work here. But what happens is that foreign currencies go up, up, up and away as our dollar goes down, down, down. So automatically that results in a 30-percent increase each year. I am really surprised to hear that there is only a 170-percent increase because you can add it up over a 10-year period.

Yes. We had terrorist activities. We had the Bobby Inman report. They recommended $4 billion for security. The next thing you know, we in the committee saw they were tearing down good buildings and losing good properties. It was absolutely ridiculous. It took us about 3 or 4 years of hearings and debates on this floor, Senator RUDMAN, myself and several others to stop that nonsense.

We have been holding the line on the State Department budget. But let me get to the real point to the effect that all the other measures had an offset.

I want to remind the Senator from Louisiana that this is a committee amendment of the Committee on Appropriations. That is the action we took on this particular amendment, and conducted it as a committed amendment.

I can tell you, if you really want to go through this bill, and we will, before we get through with these amendments, I will show the distinguished senior Senator from Louisiana what "shooting the moon" really means. We are truly going to have to shoot the moon in section 320. We are talking about $258 million here. But they put in one provision costing $31 billion this year, and $33 billion next year, and they did it without any discussion. The provision says, amend the Budget Act and use the working capital to bailout all those rascals in the savings and loan industry.

And I am trying to get more money in the FBI. They appeared this morning, and they are cutting the budget for combating white-collar crime, and I am trying to grab them in the savings and loans. The committee cut $64 billion. Look at the back page of this blooming bill if you want to know where money goes, if you are fiscally responsible. And we got together and agreed everything is going to be offset. You have a "shoot-the-moon" amendment in here, as old Senator Long would have said. Now they're telling us, "64 billion bucks, just put it off budget. Do not offset, just off budget." You have to learn how to talk to get along up here. And really balanced budgets, to be fiscally responsible, not offset, but off budget.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I wonder if I might ask the distinguished manager on this side two questions before I make my remarks. Will the Senator engage me in a couple of questions?

Mr. RUDMAN. Yes.

Mr. DOMENICI. Somewhere in the back of my mind I recall the issue of the diaster relief bill, which you alluded to in your previous. At that time, it was generally understood that we were going to break the budget targets and that some of the money was in fact coming out of the Subcommittee on Appropriations that funds the State Department. I also recall that something happened on the floor after we did that, with reference to that fact that we had, in fact, busted the budget without any point of order, and it seems to me that the Senator from New Hampshire was involved in asking the Senate to do something to rectify that situation. Do you recall what that was?

Mr. RUDMAN. I do recall. I offered a sense-of-the-Senate resolution that the committee should find an offset sometime soon after that action. I believe that action was either late in the evening on a Thursday or Friday. I said we ought to find an offset. I believe it passed unanimously, as the record will show, and I have not seen anybody do anything about it until tonight.

Mr. DOMENICI. I had one other question. Somebody said—I do not remember which Senator—that the U.S. House did not accomplish the same thing that the waiver tonight offered

by Senator HOLLINGS is going to accomplish; does the Senator have information on that? I thought a majority of the House agreed with this.

Mr. RUDMAN. The House was operating under the suspension of the rules. The vote was 276 to 149 in favor of this proposition, but, of course, it failed to gain two-thirds.

Mr. DOMENICI. I thank the Senator.

Mr. President, I am going to be very brief. I think all of the arguments have been made. Since I am not going to agree with the distinguished chairman of the Budget Committee—he has a tough job, and I greatly admire and respect him—I am going to vote for the waiver.

FIrst of all, everybody ought to know that we have a Budget Act, and we have a specific provisions in it that says it is not easy, but in the event you find a circumstance that truly justifies it, then you may waive.

So it is not as if we are doing anything that is illegal. In fact, the law itself contemplated events such as this one tonight, and if you agree with the Senator from New Mexico and the Senator from South Carolina and the Senator from New Hampshire and others, then you should vote that this is a very untoward and different circumstance, and I believe it is.

I do not accept any of the arguments that the distinguished Senator from Louisiana made with reference to further waivers for new amendments on the floor to this supplemental bill. Amendments for brand new programs, as meritorious as they are, are not like this issue. I want to take a couple minutes to tell you how I see it.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. DOMENICI. I want to finish my arguments, and I will be glad to yield at that time.

Mr. President, last Halloween the Appropriations subcommittee that handles some of our foreign programs, as well as the Commerce and Justice Departments, which is the subject matter before us tonight, came to the floor of the U.S. Senate with a conference report. That bill, after weeks of hearings, clearly laid out the level at which we should fund the USIA and the State Department and all of its activities. Incidentally, it included a rather substantial increase for the State Department inspector general, who is involved and engaged right now in badly needed overseas audits and management reviews which we are hearing about tonight. He and his staff are not going to be able to finish those.

The U.S. Information Service, which includes valuable activities that encouraged freedom's movement ahead. They are not going to be able to do their job in these emerging democracies. The appropriators said to the U.S. Congress, here is what we ought to spend on the State Department and the USIA.

Well, what happened was a very interesting situation on the floor. The authorization bill for the State Department, including those programs, was caught up in some kind of dispute, and it did not make it to the President's signature by the time that appropriation bill with the 1990 budget was here.

So what happened? In an effort to accommodate this dispute about not having an authorization bill, the appropriations conferees provided at the end of the bill, that no matter what is provided in the main text of the bill for the USIA and the State Department, we are going to spend at last year's levels. Most Members were expecting the authorization bill to come along shortly, which would release the fence. It did come along shortly but not in time. The fence could have been released. But what happened was that Hurricane Hugo and the California earthquake intervened.

Nobody expected it. We want to take care of emergencies, and so we did. And we spent money from various places, and indeed we spent some for programs from this particular subcommittee and its budget allocation. Then, the distinguished Senator, Senator RUDMAN said, "Where is the offset for these disasters?" Why was he asking? Of course, he is a budgeteer and worried about budgets. But he was asking because we had taken money out of the annual appropriation for the State Department, and he is wondering when are you going to offset that disaster spending so this State Department can operate in a very complicated and rapidly changing world?

The response of the U.S. Senate, unanimously, was we will find some setoff someday. They did not find them, then, or since.

So here we are tonight with the State Department well into its fiscal year. What would you expect if you were Secretary of State, and required to operate under last year's budget—to run the State Department under the appropriation for the prior year? I believe you would assume that the U.S. Congress would do what was right and take that fence off and fund the full appropriated account.

That is all this waiver does. That is all this proposal by the distinguished Senator from South Carolina does. It restores the annual appropriation to its level that we voted for last October, because we knew it was what they needed.

Is it the responsibility of the State Department of the United States to come over here tonight and provide an offset that we did not find for so long? Is it their responsibility to come over here and say: "We expect our annual appropriation. The reason for the fence is gone because you passed your authorization bill which was the reason for the fence." Or is it our responsibility, rarely as it may be, for 60 of us at least to do the right thing. Let us fund the State Department at the level that we agreed it needed for this year and not at the previous year's level. We agreed to the higher levels about all of the dramatic activity in Europe and Central America that demands the State Department of the United States be involved not less but more.

Without this budget waiver, the Department, with its inspector general, with its new relationship with Mexico and other new demands, is apt to close down activities we need more than ever in the new international environment.

So I conclude that this is exactly the kind of thing we had in mind when we wrote the waiver into the Budget Act.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. I am pleased to yield.

Mr. JOHNSTON. I said this matter had been defeated in the House of Representatives. It was so stated in my notes, and my notes are what I always rely upon. I am then since advised by the same person who wrote the notes that the matter was brought up in the House only on a Suspension Calendar and it failed to get the necessary two-thirds vote and so, therefore, was killed.

In other words, the notes and, therefore, I, were both correct.

Am I stating it correctly?

Mr. DOMENICI. Yes. The Senator stated it correctly. Senator RUDMAN'S response to the Senator from New Mexico was that because the House measure to repeal section 614 needed a two-thirds vote, it failed, but he informed me of the actual vote. He did not say it passed, but it was close to 2 to 1 in favor. The Senator is correct; under the two-thirds suspension requirement, the House measure failed. The Senator from New Hampshire merely reported the House bill had far more than the simple majority, more than 60, but legal approval required a two-thirds vote.

Mr. JOHNSTON. It failed, but it got a moral victory.

Mr. DOMENICI. It failed, but got a gigantic majority.

Mr. MACK. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. MACK. Again this is for the purpose of a question.

The Senator mentioned that the failure to provide a waiver would cut off funds necessary to continue the audits that would in fact impact USIA. I heard an earlier Senator refer to the fact that Radio Free Europe, Radio

Liberty, Voice of America would be affected.

I wonder if this would have impact on Radio Marti and TV Marti, two areas that I think are important in the sense of continuing to deliver that message of freedom which many of us have talked about earlier, an important message that had an impact in Eastern Europe, that clearly could have impact in Cuba as well. I wonder if someone would indicate that to me.

Mr. DOMENICI. I think it might be better if the manager on my side responded specifically. I am not aware it affects Marti or any others.

Mr. RUDMAN. To be specific, certain broadcast activities not affected, Radio Free Europe and Radio Liberty. All USIA broadcasts, an overwhemling number, Radio Marti, I assume, TV Marti, all of those would be affected and are being affected.

Mr. MACK. I say in response, I hope those who have been supportive in the past of Radio Marti and TV Marti will certainly take that in consideration and support a waiver of the provision.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, let me just say the reason that we are discussing this later here this evening and the reason it is being raised as a separate amendment is that the distinguished chairman of the Appropriations Committee did not want to include it in the supplemental appropriations bill because there was no offset and he knew it would be subject to a point of order. That is the reason the amendment of the distinguished Senator from South Carolina is not included in the supplemental appropriations bill here this evening.

Now, this issue is raised simply to call our colleagues attention to the fact that if this issue passes they will be voting to increase the budget deficit for fiscal year 1990 by $257 million. There is just no getting around that. I think everybody ought to understand that.

I do not raise this point of order because I have a vendetta against the State Department. Quite the contrary. We do not raise this point of order to cause any of our colleagues any undue difficulty. I find it frankly a little abusive that there is some breast-beating going on on this floor, "We are going to do the right thing; we are going to support the State Department.

Go right ahead and support the State Department, but I would say this poor "Joe Six Pack" that I hear my distinguished friend from Texas refer to quite often, or the folks who get out there and pull the wagon while we are doing the right thing, those are the folks who are going to have to reach in their back pocket and pay this $257 million that we are going to go out and borrow.

I am simply saying to my distinguished friend from South Carolina, who I hold in the highest esteem, let us do not take a couple big shots of barleycorn here tonight. Let us find an offset. He has a great idea. Let us find us a couple B-2 bombers. I think that is the way to do it. There is no need to increase the deficit; just get a wing on one of those B-2 bombers. That is all we have to do. And then the State Department can have their money and our colleague from Florida can listen to Radio Marti and maybe even go down to Havana and tune in or see the first test pattern from TV Marti, and we will not have to have to increase this deficit.

That is the reason that I as the chairman of the Budget Committee raise this point of order. I would love to see the State Department get the money. But I simply say that if we are going to do it with the State Department, we ought to do it for everybody else. We are simply asking here for offset. If one is not forthcoming, then we are going to increase the deficit. It is subject to a point of order and I would urge my colleagues not to vote tonight to increase the budget deficit for fiscal year 1990 by $257 million because that is exactly what you are going to be doing if you vote to waive this point of order this evening.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. For what purpose does the Senator from South Carolina seek recognition?

Mr. HOLLINGS. I move to waive section 311(a) of the Budget Act and ask for for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I think there may be people who are a little shocked to find that GRAMM, RUDMAN, and HOLLINGS are here apparently voting to bust the budget and all these people who so righteously talk about protecting the budget have been known from time to time to vote to waive the Budget Act not on technicalities but on new spending programs.

Mr. President, for one final time I would like to just outline the sequence of events we are talking about here.

First of all, last year we adopted a budget and the budget was a bipartisan compromise. Part of that budget was agreement on the level of spending for the 150 function which is the function that includes the funding that is under debate here. We set that out. We voted on it. We set a ceiling and a floor in that budget. Then the Appropriations Committee divided up the money within its subcommittees, again staying within that 150 function spending limit which was within the budget targets and within the budget guidelines, which had been adopted.

The subcommittee that now has the amendment before us kept its appropriation within the budget figure set out by that budget and within the requirements of our budget laws.

That appropriation bill was adopted by the Senate.

So far we have written a budget and we have written an appropriation bill within the budget.

Next there occurred a jurisdictional dispute, not a dispute about money, but a dispute about the political power of two committees, an authorizing committee and an appropriations subcommittee.

And, as a result of that dispute, a dispute not about whether this money is within the budget, not whether we have agreed to it in the budget—nobody disputes that that is a fact—but whether or not the authorizing committee must authorize the appropriations contained within the appropriations bill.

As a result of that dispute, a fence was placed around part of the State Department budget. It would be removed when the authorizing bill was enacted—a dispute about jurisdiction; not a dispute about money.

Now that fence must be removed because the authorizing legislation has been signed into law. We are having a great debate tonight, and I am sure everybody is having great fun, and it would have been a wonderful debate had it been on a relevant subject.

In fact, if our dear chairman of the Budget Committee had gotten up and made this point on the Hugo disaster assistance package, it would have been relevant and every word he said tonight would have been relevant. I wonder where he was that evening.

Where he was that evening was the same place everybody else was that evening. Nobody wanted to oppose the spending of a billion dollars on disaster relief assistance, so we sat here and that money was spent and nobody complained about it.

Now we reach the point after money was budgeted, appropriated, authorized, and now all of a sudden, to make some big political point, there is a point of order raised here and in an attempt to make the case that somehow this is a budget debate. That debate would have been a great debate about funding Hugo disaster aid, but it is a totally irrelevant and false debate about whether or not now we should release the money that we have already appropriated to fund the State Department.

If this were new funding, if this were an addition above the budget we adopted, above the appropriation that we adopted within that budget, there is no possibility that I would vote to

waive the Budget Act to allow this money to be spent. But the truth is, this money was budgeted, was appropriated, and now the fence must be lifted and the question is on a technicality; are we going to prevent the money from being spent?

So the question we are voting on here is not busting the Budget Act, it is about a technicality. The busting of the budget occurred because of a hurricane and an earthquake. This would have been a relevant debate that night and it should have occurred, and we should have come up with an offset. We did not.

But it is not relevant to the debate here, and that is why I intend to vote for this waiver. A waiver, as the distinguished Senator from New Mexico pointed out, was clearly contemplated in the law and intended to be used exactly for this kind of purpose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, if I may just make one final statement. Mr. President, this is a historic evening in the history of the U.S. Senate. Tonight, Mr. President, we have seen that tight-fisted, frugal trio of GRAMM, RUDMAN, and HOLLINGS all support a waiver of the Budget Act that, if it succeeds, will increase the indebtedness of the U.S. Government by $257 million.

I rest my case.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the motion of the Senator from South Carolina [Mr. HOLLINGS] to waive section 311(a) of the Budget Act for the consideration of amendment No. 1534 to H.R. 4404.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona [Mr. DECONCINI], the Senator from Hawaii [Mr. INOUYE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 30, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—62

Adams	Biden	Boren
Armstrong	Bond	Boschwitz
Bradley	Grassley	Nunn
Bryan	Hatch	Pell
Burns	Hatfield	Reid
Byrd	Heinz	Robb
Chafee	Hollings	Roth
Coats	Humphrey	Rudman
Cochran	Jeffords	Sanford
Cohen	Kassebaum	Sarbanes
Cranston	Kasten	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Dole	Lieberman	Specter
Domenici	Lugar	Stevens
Durenberger	Mack	Symms
Ford	McConnell	Thurmond
Garn	Mikulski	Wallop
Glenn	Moynihan	Warner
Gorton	Murkowski	Wilson
Gramm	Nickles	

NAYS—30

Baucus	Exon	Leahy
Bentsen	Fowler	Levin
Bingaman	Gore	Metzenbaum
Breaux	Graham	Mitchell
Bumpers	Harkin	Pressler
Burdick	Heflin	Pryor
Conrad	Helms	Riegle
Daschle	Johnston	Rockefeller
Dixon	Kohl	Sasser
Dodd	Lautenberg	Wirth

NOT VOTING—7

DeConcini	Lott	Packwood
Inouye	McCain	
Kennedy	McClure	

The PRESIDING OFFICER. On this question, the yeas are 62, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from New Hampshire.

Mr. RUDMAN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Can we pass the amendment by voice vote?

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1534) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LOW-INCOME HOME ENERGY ASSISTANCE

Mr. SPECTER. Mr. President, I support the pending legislation, H.R. 4404, the dire emergency supplemental appropriations bill for fiscal year 1990. I particularly support the additional funds for programs under the jurisdiction of the Labor, Health and Human Services and Education subcommittee. While I will not take the Senate's time by itemizing all of the subcommittee's provisions, I do want to highlight one item of vital importance to Pennsylvania, the provision of $50 million in additional funds for the Low-Income Home Energy Assistance Program.

Mr. President, like many other States, Pennsylvania experienced one of the coldest Decembers in history with exceptionally severe temperatures and skyrocketing heating oil prices. In the Commonwealth, heating oil prices increased from 85.2 cents per gallon in November 1989, to a high of $1.284 cents per gallon in early January. Although prices leveled off after that, they were still 99.6 cents per gallon in February. In the Philadelphia area, heating oil prices increased over 60 percent, from approximately 85 cents a gallon in the beginning of December 10 approximatley $1.40 by month's end.

In Pennsylvania, the Low-Income Home Energy Assistance Program provides an average basic grant of $225 to between 300,000 and 400,000 households, and a supplemental "crises" grant of up to $300 for households facing the shutoff of heating services. Due to the cold weather and sustained increases in the cost of heating oil this year, more families in Pennsylvania applied for Low-Income Home Energy Assistance Program crisis assistance than last year. This year, after 24 weeks into the program, the total number of Pennsylvania households that applied for crisis assistance was 92,318, as compared to 80,774 at the same time last year. As a result, Pennsylvania has spent 18.5 percent more than last year for crises benefits for all families. All of Pennsylvania's LIHEAP Program funds were expended by March 31, 1990. The State is currently using oil overcharge funds available through the Energy Conservation and Assistance Act to meet its LIHEAP payment obligations and keep the program funded through the winter.

Mr. President, the high costs of home heating seriously threatens the poor and elderly on fixed incomes. It has been repeatedly observed that the typical low-income household must devote 15 percent of its income to cover heat and energy bills, four times the percentage the typical middle income family must pay. Those on low and fixed incomes must often choose between maintaining a livable home environment, and other basic necessities such as, food, medicine, clothing and transportation. Without home heating assistance, it is not surprising that given such difficult choices, families often must sacrifice a livable home environment.

During December and January 1990, many tragedies occurred in households around the Nation due to this sacrifice. There were several incidents in which persons froze to death in their own homes or died in fires resulting from hazardous alternatives to oil heat such as candles, space heaters and illegal connections to the electric service of neighboring property.

Three such incidents occurred in Philadelphia over a period of just a few weeks and involved the deaths of three adults and five young children. Two senior citizens froze to death in their home which used oil heat. Apparently, their oil tank was empty and they had no telephone to call for help. In the two other cases, young children died in accidental fires as a result of a loss of home heating.

Mr. President, Pennsylvania and other States affected by the bitterly cold December weather, particularly States in the Northeast, have run short of funds. I long have supported this program, and respectfully urge my colleagues to provide the $50 million in supplemental funds for States in financial need due to the unforseen high cost of home heating during the 1989-90 heating season.

CORRECTIONAL EDUCATION

Mr. SPECTER. Mr. President, I support the pending legislation, H.R. 4404, the dire emergency supplemental appropriations bill for fiscal year 1990. This legislation includes necessary funding for many important Government programs, such as disaster assistance, food stamps, and unemployment compensation, in addition to providing for the transfer of funds among various Government programs as needed.

I also take this opportunity to call to the attention of my colleagues an important issue addressed by the pending bill's committee report; namely, correctional education.

The Department of Education serves as the principal source of Federal funding for correctional education. There are several offices within the Department which administer the funds that support these programs. The Office of Vocational and Adult Education allocates a portion of its grants to States to support corrections education, and chapter 1 programs for neglected and delinquent children in State-run institutions and for juveniles in adult facilities.

I long have been concerned regarding the attention accorded to these programs and the coordination among their activities. It is imperative that the Department monitor, provide information and technical assistance to State and local education agencies and ensure that funds are being spent as intended by Congress.

I believe it is necessary to develop and expand programs to provide training in literacy and marketable job skills for inmates. Therefore, language has been included, at my request, in the committee report accompanying the supplemental appropriations bill. This report language directs the Department of Education to designate a senior level official within the Office of Vocational and Adult Education to serve as the central focus for correctional education programs. This official will coordinate all programs within the Department, provide technical support to State and local educational agencies, and advise the Secretary on matters concerning correctional education policy.

In addition, the language specifies that the official must have experience in the corrections education field. This expertise is essential if we are to better address the special rehabilitation needs of the criminal offender. Finally, I have requested that the Department of Education report to the Committee on Appropriations by September 1, 1990, on steps being taken to develop a coordinated program to address correctional education needs in this country.

Mr. President, the committee report language is based on my work with Education Secretary Lauro Cavazos. I also am working with Bureau of Prisons Director Michael Quinlan to develop and expand correctional education programs. I have raised this issue personally with Director Quinlan in a number of recent meetings and with Secretary Cavazos during hearings on April 4, 1989, and February 21, 1990, before the Appropriations Subcommittee on Labor, Health and Human Services, and Education, on which I serve as ranking minority member. Director Quinlan and Secretary Cavazos have expressed interest in this area and are personally committed to expanding the Government's role in correctional education. Through the Judiciary and Appropriations Committees, on which I serve, I look forward to continuing working them toward this end.

This approach is based on the growing prison crisis facing our country on the Federal, State, county, and local levels. I long have worked to address crime on many fronts, including providing tough, mandatory sentences for career criminals, and working for additional funding to build more cells to house the expanding inmate population. Yet, we also must provide realistic rehabilitation for youthful, first and some second offenders.

During my tenure as district attorney of Philadelphia and during tours of jails as Senator, I learned first hand that many prisoners are routinely released as functional illiterates without a skill or trade. Therefore, it is not surprising that many of these inmates return to the streets and a life of crime. Approximately 20 years ago, on October 20, 1971, the National Advisory Commission on Criminal Justice Standards and Goals, on which I served, was appointed "to formulate for the first time national criminal justice standards and goals for crime reduction and prevention at the State and local levels." On January 23, 1973, the Commission released its "National Strategy to Reduce Crime," which set forth national goals and priorities for many aspects of the criminal justice system, including police, courts, corrections, community crime prevention, and criminal code revisions. At that time, the commission in its comprehensive report noted the significant role of education as a component of crime reduction and the importance of correctional facilities operating industrial programs that aid an inmate's reentry into society.

Noting that rehabilitation is essential to reducing the rate of recidivism among the inmate population, I introduced legislation in the 97th, 98th, 99th, 100th, and 101st Congresses—S. 1690, S. 59, S. 1190, S. 413, and S. 181, respectively—to encourage States to provide certain prisoners with training in a marketable job skill and basic literacy. In 1981, the Senate Judiciary Subcommittee on Juvenile Justice, of which I served as chairman, held hearings on a series of crime bills, including S. 1690, regarding State efforts in this area. At that time, witnesses testified in support of the bill's goals and purposes. In addition, on April 11, 1989, I introduced S. 746, the Crime Control Act of 1989, which includes an authorization for additional funding for the Federal and State correctional systems to develop and expand prisoner education and vocational training programs.

Mindful of the pressing need to address prisoner illiteracy, Congress also approved $40 million between fiscal years 1984 and 1986, which I advocated as the former chairman of the Appropriations Subcommittee on the District of Columbia, to expand education and vocational training programs at the District's Lorton Prison to establish a model rehabilitation program. Based on testimony provided by city officials, preliminary results of this program are impressive and encouraging. On June 28, 1988, the former Director of the D.C. Department of Corrections, Hallen Williams, testified before the District of Columbia Subcommittee that by December 1987, 6,000 inmates had completed the academic programs at Lorton, which include courses in Adult Basic Education, General Educational Development, Special Education, Life Skills and Job Readiness, and Employment Techniques, Awareness and Preparation. In the vocational area, 3,000 inmates had completed programs in accounting, automotive body repair, plumbing, landscape/gardening, and computer repair.

Such programs have enormous potential to provide former inmates with job opportunities. A related benefit is that inmates who participate in the programs are more likely to avoid reincarceration than those who do not. In 1988, Director Williams also reported that 73 percent of participating former inmates remained in the community, as compared with 52 percent

of those who did not participate in the vocational programs.

In light of Mrs. Bush's long-standing interest in promoting literacy, together we toured the Lorton facility in 1986 to explore first hand the initial implementation phase of the model vocational initiative. It is clear, therefore, that we must take advantage of what has been learned in the District's program and work to replicate it nationally.

Illiteracy is a serious problem facing our Nation. A generally used definition of literacy is the ability to read, write, and perform computation at a minimum of an 8th grade level. Reports indicate, however, that at least 23 million Americans can be considered illiterate. Of this total, an estimated 4 million individuals cannot read at all; 45 million adults read with only minimal comprehension.

The cost of illiteracy to society is staggering. Reports estimate that illiteracy costs between $200 and $237 billion annually in lost productivity, crime, accidents, employee errors, extra training programs, and lost tax revenue. In addition, the American Society for Training and Development estimates that American businesses spend $1 billion a year on basic education in addition to the billions they spend on specific occupational skills.

The problem of illiteracy among the inmate population is especially serious and complex. The Correctional Education Association reports that more than 3 million individuals are seriously invoilved with the criminal justice system each year, and currently there are more than 1 million inmates in our nation's prisons, jails, and juvenile detention facilities. The statistics provided by the association regarding inmate illiteracy are staggering: 8 out of 10 adult inmates lack high school diplomas; 20 to 40 percent have educational disabilities limiting educational development; more than 75 percent are functionally illiterate; and most have no or poor employment histories, with 40 percent being unemployed and 12 percent employed only part-time when arrested.

In light of the progress made in the past decade to address illiteracy, however, there are grounds for optimism. In May 1981, then Chief Justice Warren Burger recommended that all inmates released from prison should be literate and have a marketable skill. Shortly thereafter in November 1981, the Federal Bureau of Prisons Education Task Force recommended a mandatory literacy standard at the 6th grade level, which was established throughout the prison system in May 1982. The literacy standard was raised to the 8th grade level on July 1, 1986.

As reflected in materials provided by the Bureau of Prisons, all inmates are tested with the Adult Basic Level Examination [ABLE] to measure education achievement. If an inmate is below the 8th grade level, he or she must enroll in the education program for a mandatory 90-day period. Based on representations made to me, I am hopeful that the Bureau of Prisons will expand this education program to meet the increasing inmate population and lengthen the amount of time an inmate participates in the program.

While much more remains to be done, significant efforts are underway to expand correctional education. A recent report, "Learning Behind Bars: Selected Educational Programs for Juvenile, Jail and Prison Facilities," published by the Correctional Education Association and produced by WQED/Pittsburgh for the National Media Outreach Center, highlights a number of successful correctional education programs nationwide. I am pleased to note that of the 30 programs discussed in this notable report, the following are in my State of Pennsylvania: the Philadelphia Prisons, the Prison Literacy Project in Ardmore, and the Huntingdon Prison Literacy Project.

In addition, on February 24 through 27, 1990, a Correctional Education Leadership Forum was held in Washington, hosted by the International Correctional Education Association [CEA] in cooperation with the Association of State and Federal Directors of Correctional Education [ASFDCE] and the National Juvenile Detention Association. The American Correctional Association also has provided strong leadership in this field for approximately 30 years. Such activities provide valuable information and strong impetus for advancing the development of correctional education.

The issue of illiteracy generally and prisoner illiteracy specifically have far reaching and debilitating consequences for our nation. It is therefore incumbent upon us to press forward in developing correctional education as a national priority. Thus, the language in the committee report accompanying the bill we consider today represents a significant step toward this goal, and I urge my colleagues to join me in support of this initiative.

Mr. BURDICK. Mr. President, as chairman of the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Senate Appropriations Committee, I am pleased to present various recommendations for the 1990 Dire Emergency Supplemental Appropriations Act. These recommendations were approved by the Senate Appropriations Committee in its markup session on April 24, 1990.

The bill provides emergency watershed protection and conservation assistance through programs of the Department of Agriculture's Soil Conservation Service. In the aftermath of Hurricane Hugo, as well as other flood and storm disasters of last year, watershed damage to the countryside was extensive. Emergency funds of $42,000,000 will assure that necessary watershed and flood prevention technical assistance is available to help South Carolina and other States recover from the devastation of these disasters.

In addition, $10,000,000 is provided for the Emergency Conservation Program of the Agricultural Stabilization and Soil Conservation Service to help in meeting requests for assistance following various disasters, such as the earthquake, tornados, floods, drought, and hurricanes, experienced in 21 States.

The bill also contains provisions for immediate funding of top-priority programs underway at the Department of Agriculture [USDA], the Commodity Futures Trading Commission [CFTC], and the Food and Drug Administration [FDA]. The committee rejected the administration's proposed rescissions totaling $45,083,000 for USDA facilities of the Agricultural Research Service and the Cooperative State Research Service.

Two major areas of concern are reflected in the committee report under the $8,000,000 recommended for USDA's Animal Plant Health Inspection Service [APHIS].

First, the continuing threat of severe grasshopper infestations requires an emergency response by Congress. Immediate grasshopper control programs must be implemented in order to protect North Dakota, South Dakota, and Minnesota from serious economic losses. Especially on Conservation Reserve Program lands, where infestations are most critical, control efforts must get underway by mid-May. The committee has recommended $6,800,000 for APHIS to cooperate with States and producers in meeting this emergency.

Second, the committee has recommended $1,200,000 so that APHIS can join forces with industry in control and eradication of pseudorabies. Enhancing this cooperative effort will ensure that the 10-year pseudorabies eradication plan can be realized.

Noting that participation in the Federal Crop Insurance Program for the 1990 crop year is larger than initial estimates, supplemental funds of $15,000,000 are necessary to pay administrative and operating expenses. The administration proposed a change in authorization to allow for payment of these expenses out of the Federal Crop Insurance Fund. Instead, the committee has recommended a direct appropriation of the amount necessary to the administrative and operating expenses account from which these expenses have traditionally been paid.

For the Rural Electrification Administration, the administration proposed the reduction of insured loan levels of $23,500,000 for the electric program

and $105,900,000 for the telephone program. The committee rejected both of these proposals and further directs that the maximum amounts of loan funds be made available for obligation in 1990.

For the Food and Nutrition Service, the committee approved $4,700,000 for the Commodity Supplemental Food Program [CSFP]. Although Congress provided ample funds for expansion of the Commodity Supplemental Food Program in 1990, these funds were used by the agency instead to purchase replacement commodities when a shortage of nonfat dry milk supplies occurred early in the fiscal year. For the remainder of 1990, the funds recomended will ensure, at minimum, total actual monthly participation of 176,000 mothers, infants, and children and 111,000 seniors in CSFP.

Based on current estimates, the committee approved $705,000,000 in supplemental appropriations for the Food Stamp Program of the Food and Nutrition Service. Of this amount, $135,000,000 will be held in reserve to be used only if necessary to pay benefits to eligible households.

For the Food and Drug Administration, the committee agreed with the House in providing $13,900,000 for generic drug program activities. User fees, proposed by the administration, were rejected.

Finally, $3,655,000 in supplemental funds are recommended to enable the Commodity Futures Trading Commission to meet the increasing demand for oversight of trading on various commodity and futures index exchanges. These funds will allow the agency to employ 25 additional staff who will be responsible for surveilliance and investigation of commodity trading practices.

I am pleased to provide the foregoing summary of the provisions recommended by the Agriculture subcommittee to the 1990 dire emergency supplemental appropriations bill. These are immediate, worthwhle requirements that I believe deserve adoption by the Senate.

Ms. MIKULSKI. Mr. President, I rise in support of the committee reported version of this dire emergency supplemental appropriations bill.

The chairman of our full committee, Senator ROBERT BYRD, has done an outstanding job in bringing together the diverse elements of this bill.

As chair of the VA, HUD and Independent Agencies Subcommittee, there are a number of important programs I would like to mention.

I. DISASTER RELIEF

In title I of the bill, $50 million is provided to the Federal Emergency Management Agency for disaster relief payments to victims of recent storms, floods and tornadoes in the southeastern United States.

II. VETERANS PROGRAMS

For America's veterans, the bill provides new appropriations totaling $529 million; $435 million of this amount is for mandatory programs. These are in areas like VA pensions and the VA loan guaranty revolving fund, which have experienced greater than anticipated need since action on the regular 1990 VA appropriations bill.

In addition, the bill provides $94 million for VA medical care. These funds are needed to bring yearend medical care staffing to 194,638 full-time equivalents. This will allow for the restoration of cuts in staffing at all 172 of VA's hospitals.

These medical care dollars will also go to partially reduce the VA's $600 million medical care equipment backlog. At many VA facilities, equipment like CAT scans and dialysis machines are in short supply, and this will help alleviate the worst situations confronting the VA in this area.

III. HOUSING PROGRAMS

The bill contains a number of provisions related to the Department of Housing and Urban Development.

Most important among these is $72 million to meet a shortfall in the operating subsidy account for the Nation's 3,000 public housing authorities.

HUD has now admitted that there is a shortfall of $122 million in the operating subsidy as a result of higher than expected heating and insurance costs over the past year.

While less than the full amount needed to meet this shortfall, the funds in the bill will go a long way to guarantee that the public housing stock will not deteriorate from lack of routine maintenance and security.

IV. MISCELLANEOUS INDEPENDENT AGENCIES

Finally, the bill contains several provisions important to key Federal independent agencies.

American Battle Monuments Commission: $500,000 so they can rebuild their headquarters' office which was recently destroyed by fire.

NASA: $45 million for additional funds in salaries and expenses so they can meet important personnel needs in the shuttle program and as they prepare for beginning the Mission to Planet Earth initiative in 1991.

Housing commissions: $2.5 million is included to fund two independent commissions authorized by the HUD Reform Act of 1989. One commission deals with Native American housing and the other with severely distressed public housing. Both are to take up their tasks promptly upon receiving startup funds and develop plans of action for the Secretary of Housing within 12 months of their creation.

Mr. SANFORD. Mr. President, I rise today in support of H.R. 4404, the dire emergency supplemental appropriations bill. Once again, the chairman has brought to the floor responsible legislation, worthy of his strong leadership, that meets critical national and international needs.

I am particularly pleased that the committee provided $300 million for Nicaragua because the aid package is the result of strategic planning. In 1987, the International Commission on Central American Recovery and Development set out to draw a blueprint for economic development in Central America. The Commission was unique because it consisted primarily of Central Americans, with help from representatives of other donor countries and international organizations. There were four Nicaraguan members, two with ties to the Sandanista government and two affiliated with what was then the opposition. One of those commissioners, Francisco Mayorga, is now the chief economic advisor to President Chamorro as well as president of the Central Bank. Another, Enrique Dreyfus, is the new Foreign Minister.

The Nicaraguan aid package is based largely upon, and is entirely consistent with, the Commission's report. It provides urgently needed assistance for refugees, including the internally displaced. It provides support for agricultural products, petroleum, and equipment needed to plant crops for this year's season. It provides debt relief and money for schools, medical care, and roads. It anticipates the future, and is a more regional approach to Central America's economic development. The aid package is a solid, thoughtful program, and one that deserves our support.

Many of us have taken the position that the root causes of the problems in Central America are economic and social, rather than military, in nature. I for one, believe that is true. In order to break the vicious cycle of conflict we must strive to eliminate its causes—poverty and inequality. Of course we cannot fix all of Nicaragua's problems with this aid package, but it's a start, and a good one.

A similar comment can be made about the $166 million provided for Head Start. This appropriation will not fix all the problems with our educational system, but it's a start, and a good one.

Since 1980, Federal spending for education has decreased by 4.7 percent in real terms, despite public outrage over the decline of the American educational system. The low priority of education within the Reagan and Bush administrations has been particularly harmful to disadvantaged children who would benefit from the Head Start Act. At this time less than 20 percent of the eligible population for Head Start can be served by the program due to budget shortfalls.

The absence of funding for Head Start is inexcusable when put in the context of the extreme poverty faced

by children throughout this Nation. According to the U.S. Census Bureau, 1 in every 5 children in America—some 12.6 million youngsters under the age of 18—live beneath the poverty line. Children now constitute the poorest age group in the Nation.

While there is no easy answer to the problem of ingrained poverty, study after study has shown that early childhood education programs for disadvantaged children offer the best opportunity for breaking the cycle of poverty. Research indicates that disadvantaged children who participate in Head Start are more likely to graduate from high school and to attend a postsecondary educational institution than similar nonparticipants. Likewise, children enrolled in Head Start are less likely to receive welfare payments or be involved in delinquent activity, than similar nonparticipants. Head Start can significantly reduce the rate of teenage pregnancy, the rate of future criminal activity, and the need for future special education services. One dollar spent on Head Start today will return $6 in future expenses on these problems.

To expand the obvious benefits of Head Start, I introduced legislation earlier this year to increase funding for the program by $1 billion in fiscal year 1990. As a member of the Budget Committee, I have also made Head Start one of my top priorities in the fiscal year 1991 budget.

I am extremely pleased that the committee has recognized both the dire need for Head Start funding and the effectiveness of the Head Start Program in improving the educational potential of disadvantaged children. The $166 million appropriation for Head Start in this bill would allow 60,000 new disadvantaged children to enroll in the program and increase enrollment to 22 percent of the eligible population.

I thank the chairman for his leadership on this matter, and I hope that this appropriation signals a renewed commitment on behalf of the Federal Government toward funding for early education. Clearly, much more needs to be done, and I look forward to working with my colleagues to fully fund Head Start in the near future.

Mr. DURENBERGER. Mr. President, as the Senate today begins consideration of the supplemental appropriations bill, I want to call your attention to an article written by our colleague in the House, Representative WILLIAM BROOMFIELD. Representative BROOMFIELD points to the urgent need for the Congress to act now to provide aid and assistance to Nicaragua and Panama. I support this call to action, and urge my colleagues to pass this appropriations measure as quickly as possible.

Yesterday, I was privileged to attend the inauguration of President Violeta Chamoro. It was an exciting moment to witness this historic event. This experience further solidified my belief that United States assistance to Nicaragua and Panama is essential to begin consolidating the remarkable democratic gains in Central America.

I urge my colleagues to read and consider Representative BROOMFIELD's article. I further urge my colleagues to resist further delays in approving this vital appropriations measure.

Mr. President, I ask unanimous consent that Representative BROOMFIELD's article be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SLOW TO SUPPORT DEMOCRACY

[From the Washington Times, Apr. 24, 1990]

(By William S. Broomfield)

For years, congressional Democrats have argued that we should "give peace a chance" in Central America, that U.S. aid should support peaceful democratic change, not continued warfare. Now, with the birth of democracy in Panama and Nicaragua, congressional Democrats are suddenly timid about being the midwives for political liberty and free enterprise.

One year ago, Nicaragua and Panama were firmly in the grip of dictators determined to maintain their power. The prospects for democracy were bleak. Twelve months later, a freshly elected government is in power in Panama and one will take office tomorrow in Nicaragua. But the victories for freedom in Nicaragua and Panama will be lasting only if we now act boldly to "give democracy a chance."

Central America was the focus of the most divisive foreign policy debate in the United States since the Vietnam War. The last decade saw vicious partisan struggle in the United States and bitter civil war in Nicaragua. Thousands of Nicaraguans died fighting for their freedom. Ultimately, the heroic efforts of Nicaragua's democrats—with strong international support—decisively repudiated the Sandinista dictatorship.

In Panama, after years of narco-militarism and dictatorial rule, Operation Just Cause—with strong support of the Panamanian people—achieved the liberation of that country. In the process, 23 young Americans paid the ultimate price for freedom in Panama. The prospects for peace and democracy in Nicaragua and Panama have never been greater.

What has the U.S. response been? At a time when some are accusing President Bush of all sorts of timidity, lack of vision and poll watching, he developed a comprehensive answer to events in Central America. Mr. Bush lifted economic sanctions on Panama and Nicaragua. In January, the president requested a $542 million aid package designed to jump start the once-vigorous Panamanian economy. Immediately after the election of Violeta Chamorro, Mr. Bush requested $300 million for U.S. assistance to help rebuild Nicaragua and set a target date of April 5 for action by Congress on the aid package. Unfortunately, the rapid response of the president was not matched by Congress.

While Congress quickly approved $42 million in emergency aid for Panama, the majority of assistance to strengthen these emerging democracies in our hemisphere languishes. Despite all the political—and human—blood spilling over Central America in the last decade, congressional Democrats cannot bring themselves to work for the kinds of policies they claim to support; instead, they have resorted to neo-isolationism and inaction.

The president's aid request is fully funded by the transfer of existing resources from the Department of Defense. The president's package addresses long-term U.S. interests in Central America by laying the foundation for the institutionalization of democracy—if Congress will act. But aid for Panama and Nicaragua has not been approved because Congress is playing "politics as usual"—and in so doing is placing the future of democracy in our hemisphere at risk.

Action in the House was delayed, first by jurisdictional disputes and then by Democrats sensing an opportunity to fight yesterday's battle by restricting U.S. aid to El Salvador. Finally, on April 3 the House overwhelmingly passed the supplemental appropriations bill—but only after adding more than $1.2 billion in domestic goodies.

The Senate passed authorizing legislation but took no action on appropriating funds before the Easter recess—and evidently does not plan to act soon. The Senate chairman of a key subcommittee recently said that Panama and Nicaragua are of "slight economic, security and foreign policy importance to U.S. national interests." One wonders if he has heard of the Panama Canal.

A number of Senate Democrats have said assistance to Eastern Europe should have a higher priority than aid to Panama and Nicaragua—despite the more than $700 million Congress has already approved for Eastern Europe, despite the $1 billion or more in aid that is currently under consideration and despite the uncertain and unsettled conditions in many Eastern European states.

One powerful senator reportedly wants to divert funds to help workers dislocated by clean air legislation. And most disturbing, Senate Majority Leader George Mitchell has announced that he wants to delay Senate action until the administration submits a "meaningful long-term foreign aid plan."

Aid for Eastern Europe, human rights in El Salvador, displaced workers and foreign aid strategy all deserve serious attention by Congress. However, they do not deserve to be used as roadblocks in the way of democratization in Panama and Nicaragua. Let's quit playing political games with the future of the Panamanian and Nicaraguan people. Let's see a real and immediate "peace dividend" by financing the democratization of Panama and Nicaragua from savings in the defense budget.

Thousands of Nicaraguan freedom fighters want to lay down their guns permanently. The planting season approaches in Nicaragua with the country desperately short of seeds, fertilizer and agricultural equipment. In Panama, hopes for self-sufficiency grow dimmer by the day as economic recovery remains on hold. Continued inaction by Congress only guarantees an anti-American backlash.

Nicaragua has seen an opportunity for freedom stolen by the Sandinistas in 1979. Panama has seen a bright future hijacked by Manuel Noriega and narcotics traffickers. These nations need our help and deserve our help. The longer Congress vacillates, the more certain it becomes that historic opportunities will again be lost.

Mr. REID. Mr. President, I rise today to commend my colleagues on the Appropriations Committee for recognizing the emergency fire conditions in the West in the dire emergency supplemental appropriations bill.

In recent weeks we have all seen a Washington spring. On Saturday Washington had rain—rain which I am sure most complained about. That rain was followed by a perfect Sunday. A day of freshly watered trees giving a bright green glow to the 20th anniversay of Earth Day. So people tell me.

I was in Nevada over the weekend, celebrating the 20th birthday of Earth Day; 20 years old. That is young—fresh. Earth Day has many more birthdays ahead of it.

Nevada's forest and California forests—both share Lake Tahoe—on the other hand, look old and wizened. The conditions in the Sierra Nevada are not at all like the fresh, green spring of Washington. It is the height of summer for Nevada and California forests. Current fire conditions in the Toiyabe National Forest are equal to those usually experienced in July. With 3 months to go until we actually reach July, and little rainfall likely, the summer of 1990 threatens to be one of devastating fires for the Sierra Nevada forests.

The Forest Service and the Bureau of Land Management have a tremendous responsibility. the Sierra Nevada is turning from a bundle of kindling to a box of matches. The emergency fire fighting funds provided in the dire emergency supplemental appropriations bill will restore BLM emergency firefighting accounts to reasonable levels. Also provided in the supplemental bill is $256 million for repayment of Knutson-Vandenberg trust fund dollars borrowed by the Forest Service for firefighting. K-V dollars are essential to reforesting and other custodial forest work, and are also an important resource in the time of fire emergency, such as that present and growing in the West. Full replacement of those dollars borrowed means renewed forests and a renewal of a fire emergency resource.

Again, I thank my colleagues for looking past spring on Capitol Hill to summer in the West.

Mr. INOUYE. Mr. President, I am pleased to present to the Senate the defense appropriations chapter of the fiscal year 1990 supplemental appropriations bill.

Our chapter does three things. First, it provides necessary reductions to offset supplemental appropriations for several governmental activities, the largest being support of foreign assistance to Panama and Nicaragua. We do this by rescinding $1.5 billion of appropriations for various defense programs. Second, the committee proposes resolving the shortfall in military personnel appropriations by transferring $780 million to the military pay accounts by sequestering approximately 1.6 percent of the DOD's unobligated balances. Third, the committee appropriates $24 million for two high priority defense programs.

RESCISSIONS

First, let me quickly review the major reductions—the rescissions—in defense spending that we have proposed.

The committee recommends rescission of a number of programs which were identified by the Defense Department. However, the administration's proposal did not fully offset the outlay impact of the proposed Panama/Nicaragua supplemental. Therefore, the committee was required to provide alternative sources. In that regard, the committee has recommended several reductions.

The committee recommends rescission of $436.6 million to reflect savings resulting from the civilian hiring freeze instituted by the Secretary of Defense. This freeze was not assumed in either the 1990 budget request or the fiscal year 1990 Defense Appropriations Act, and, therefore, when we acted on the fiscal year 1990 bill, we appropriated funds in excess of what is now needed.

The committee recommends rescission of $52 million for major real property maintenance projects in Europe. Implementation of the Conventional Forces Europe [CFE] Treaty will result in the closure of many Army and Air Force bases in Europe. The recommendation does not affect recurring maintenance.

The committee recommends rescission of $18 million for excess flying hours. These flying hours were determined to be excess by the General Accounting Office.

The committee recommends rescission of $171 million based on the administration's decision to terminate the SR-71 airborne reconnaissance system. The fiscal year 1990 defense appropriations bill included an increase of $175 million to Operation and Maintenance, Air Force specifically for continued operation of the SR-71 aircraft. With the termination of SR-71 operations these funds are no longer required. Of the original appropriation, $4 million is retained to finish the partially completed overhaul of the SR-71 trainer aircraft.

The committee recommends rescission of $60 million in unobligated stock fund appropriations, one-half the amount currently available. If we did not rescind these funds, they could be used to build inventories in excess of the requirements of our declining force structure.

The committee recommends rescission of $60 million in Army ammunition procurement for the production of M-483 artillery rounds. We have retained $30 million to meet the costs needed to layaway the Mississippi Army Ammunition Plant.

The committee recommends rescission of $19 million in unobligated research and development funds appropriated for fiscal year 1990 for the Army to develop a new, nuclear-armed, surface-to-surface missile to replace the Lance missile in Europe. The action effectively terminates the program. Members will recall that, prior to the historic changes in Europe which are clearly leading to German reunification, NATO had endorsed R&D on the Follow-On-To-Lance [FOTL] missile in its short range nuclear forces modernization program. The committee believes these changes make deployment highly unlikely, and that any unobligated program funds should be saved.

The committee recommends rescission of $26 million from the Army's armored system modernization program recognizing delays in the defense acquisition process.

MILITARY PERSONNEL SHORTFALLS

Second, the committee has included bill language to resolve the shortfall in military personnel funding in fiscal year 1990. Mr. President, I think all Senators are familiar with this issue. The administration had the opportunity to exempt military personnel accounts from sequestration last summer. The President failed to do so in order to minimize the impact of sequestration on other defense programs, assuming that the DOD would be able to reprogram—to use transfer authority—to cover any shortfalls.

The Department has proposed these reprogrammings. Unfortunately, the four Defense Committees have not approved the sources proposed by the Defense Department for these transfers because they will increase the deficit. We are at an impasse. The Defense Department has not taken any action to reduce military personnel levels, and costs are being incurred at a rate that exceeds the amount of funding in the budget. Thus, funding would run out before the end of the fiscal year.

Mr. President, we are facing a train wreck if we do not take action to resolve this issue. This Senator, and I think all Senators, do not believe that our men and women in uniform should suffer because of our inability to resolve disagreements between Congress and the administration, over deficit reduction measures.

The solution that the committee has recommended to the Senate is fair. It is timely, in that it prevents furloughs, involuntary separations, early outs, slow-down in promotions and other extraordinary actions. It resolves the problem in a deficit neutral manner by reducing departmental nonpersonnel program by an equal percentage.

I believe the Senate would be remiss if we were to pass a supplemental that uses defense resources to provide for other Federal agencies, but left the fate of our military personnel undetermined.

NEW APPROPRIATIONS

Finally, we have appropriated $6 million for the bone marrow registry to increase the number of bone marrow donors and $18 million to recover from delays in Army National Guard and Reserve military construction projects caused by the DOD imposed construction freeze.

CONCLUSION

The committee has included several miscellaneous provisions which address various defense programs. One such proposal provides the authority for DOD to transfer funding to cover the costs of the Just Cause operation in Panama. Two provisions strengthen language adopted by the Congress in fiscal year 1990 regarding allocation and notification on NATO R&D programs. Another proposal relates to the payment of claims. In addition, the committee amends existing legislation to allow DOD to dispose of unserviceable firearms. Finally, the committee includes bill language to extend the availability of 1988 appropriations for construction of the RDX explosives plant at Louisiana Army Ammunition Plant.

Mr. President, before concluding, I would like to acknowledge the debt of gratitude I owe to my vice chairman, Senator STEVENS. His efforts in putting together this supplemental bill, and his indepth knowledge of national security programs, are greatly appreciated by myself as well as all committee members.

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. The Senate will return to session and consideration of this bill at 9 in the morning. There will be a rollcall vote at 9:20 tomorrow morning. There will be rollcall votes throughout the day and possibly into the evening as we attempt to make progress with as many amendments pending on the bill. I thank my colleagues.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, earlier this evening a unanimous-consent agreement was reached regarding further consideration of the pending bill. It now appears that there was a misunderstanding among some of the parties to that agreement, and lengthy discussions have made clear that it is not possible to correct the agreement in a manner which accommodates the concerns of all of the interested parties.

Accordingly, I ask unanimous consent that the previous unanimous-consent agreement with respect to this bill be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INAUGURATION OF VIOLETA CHAMORRO AS PRESIDENT OF NICARAGUA

Mr. KENNEDY. Mr. President, the inauguration of Violeta Chamorro in Nicaragua is a dramatic tribute to the irresistible desire for democracy of the human spirit and to the effectiveness of peaceful, negotiated solutions.

In voting the Sandinistas out and the UNO coalition in, Nicaraguans have done peacefully what United States-supported Contras could not do violently. Hundreds of millions of dollars in lethal weapons over a decade could not achieve what the Nicaraguan people did in 1 day at the ballot box.

All friends of freedom welcome the inauguration of Violeta Chamorro. Over the years, her unwavering commitment to a just and democratic Nicaragua has been a beacon of hope to her fellow citizens and to people everywhere who seek a better life.

The $300 million in funds to the new Government in Nicaragua will help jump start that failed economy and foster a spirit of reconciliation and renewal of Nicaraguan society. Wracked for a decade by a United States trade embargo, a United States-financed Contra war, and failed Sandinista policy, the Nicaraguan economy fell last year to the lowest level in the hemisphere. The aid contained in this bill is critical, and I urge the Senate to provide it.

Peace has at last come to Nicaragua but reconciliation remains a dream. That goal will require compromise on all sides and astute leadership from the new Government. I share a concern with many of my colleagues here in the United States and with the people of Nicaragua over the continued control of the Sandinistas over the military. Clearly, the transition will take time. But let us hope the new Government will move swiftly to bring about the depoliticization of the Armed Forces. We should give our strong support to President Chamorro in her effort to do so.

We are on the verge of a new era in Nicaragua—and perhaps all of Central America. The end of the cold war and the opening of the Berlin Wall have had a profound impact on the threats we perceive.

It is becoming increasingly clear that the root cause of the violence in Central America—and indeed most of the world today—is not the threat of a Communist takeover of our hemisphere but rather the evils of poverty, injustice, and a disproportionate distribution of power and wealth. Overcoming these crises is the true challenge before us.

Let us use the occasion of the democratic victory in Nicaragua to reflect on the mistakes of the past decade. And let us work to ensure that we learn from those mistakes.

Time and again over the last decade, I joined my colleagues on the Senate floor to debate United States assistance to Nicaragua. We debated U.S. mining of that nation's harbors by the CIA, U.S. covert efforts to overthrow the Sandinista government, and U.S. military aid to the Contras—and nothing worked.

Our trade embargo failed to topple Ortega; instead, it undercut the moderate elements of Nicaraguan society that America should have supported. The Reagan administration's policy on Nicaragua proved to be one of the most failed and ill-conceived United States foreign policies of the decade.

If we have learned anything over the last decade, it is that our military efforts in Nicaragua—overt and covert—have been an utter failure. We damaged the credibility of the United States and set back the hope for peace in the region.

Upon taking office, President Bush recognized the failure of our policy and wisely negotiated with Congress for a new bipartisan approach. Military aid to the Contras was abandoned in favor of a negotiated settlement in the context of the Central American peace process—a settlement that led to the democratic election of Violeta Chamorro.

The end of U.S. military aid to the Contras enabled one of the most important processes in the region to move forward—the peace efforts by the nations of Central America. The many efforts over the years—from Contadora to the Group of Eight to the Esquipulas Accords—laid a solid foundation for an end to the violence and bloodshed in Nicaragua.

Our experience in Nicaragua underscores the importance of working with the nations of the region in meeting challenges. Go it alone and we are destined for failure. Work together and you will succeed.

Finally, our experience in Nicaragua has lessons for El Salvador. The people of that nation, too, have suffered greatly over the last decade. More than 70,000 have died in that bloody conflict and Salvadoran society is increasingly polarized—economically and politically.

The time for a negotiated solution has come. Even the United States commander for the region, General Thurmond, has recognized that there is no military solution to the war in El Salvador. The current efforts to bring about a negotiated solution have breathed new life into that goal, and all of us hope that the efforts of the U.N. Secretary General to resolve the crisis will be successful.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

AMENDMENTS TO EXISTING FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 113

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to Public Law 94-265, was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an agreement between the Government of the United States of America and the Government of the People's Republic of China amending and extending the 1985 Agreement Concerning Fisheries off the Coasts of the United States, which was effected by exchange of notes at Washington, March 14 and 22, 1990. This agreement extends the 1985 agreement for an additional 2 years until July 1, 1992, and amends the port access procedures contained in the 1985 agreement. The exchange of notes, together with the present agreement, constitute a governing international fishery agreement within the meaning of section 201(c) of the act.

Because of the importance of our fisheries relations with the People's Republic of China, I urge that the Congress give favorable consideration to this agreement.

GEORGE BUSH.

THE WHITE HOUSE, *April 26, 1990.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 258. Joint resolution to authorize the President to proclaim the last Friday of April 1990, as "National Arbor Day".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

At 5:29 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of it reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3848. An act to require Federal despository institutions regulatory agencies to take additional enforcement actions against depository institutions engaging in money laundering, and for other purposes.

The message also announced that pursuant to the provisions of title 22, United States Code, section 276(h), to Speaker appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the second session of the One Hundred First Congress the following Members on the part of the House: Mr. DE LA GARZA, Chairman, Mr. YATRON, Vice Chairman, Mr. GEPHARDT, Mr. RANGEL, Mr. MILLER of California, Mr. GEJDENSON, Mr. COLEMAN of Texas, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. DELAY, Mr. GILMAN, and Mr. GOODLING.

At 5:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker makes the following supplemental appointments in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1465) entitled "An act to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes":

From the Committee on Ways and Means, for consideration of title VII and section 1001(10), 1006(f), 1006(g)(4), 4302, 8102(f) of the House bill and so much of section 8202 of the House bill as would add a new section 210(c)(5) to the Trans-Alaska Pipeline Authorization Act, and sections 103(b), 103(c), 356, 401(b), and 512 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. VANDER JAGT, and Mr. CRANE.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3848. An act to require Federal depository institutions regulatory agencies to take additional enforcement actions against depository institutions engaging in money laundering, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 26, 1990, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 258. Joint resolution to authorize the President to proclaim the last Friday of April 1990 as "National Arbor Day".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2877. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Environment), transmitting, pursuant to law, notification of the discovery of a 4.2 inch suspected mustard filled projectile on Dugway Proving Ground on April 4, 1990; to the Committee on Armed Services.

EC-2878. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Environment), transmitting, pursuant to law, notification of the discovery of two 4.2 inch and one Stokes mortar suspected mustard filled projectiles on Aberdeen Proving Grounds, Maryland, on April 9, 10, and 11, 1990; to the Committee on Armed Services.

EC-2879. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on a study with respect to converting the commissary resale of a warehouse function at David-Monthan Air Force Base, Arizona, to performance by contract; to the Committee on Armed Services.

EC-2880. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the State Energy Conservation Program for calendar year 1988; to the Committee on Energy and Natural Resources.

EC-2881. A communication from the Chairman of the Council on Environmental Quality, Executive Office of the President, transmitting a draft of proposed legislation to authorize appropriations for the Office

of Environmental Quality for fiscal years 1991 and 1992, and for other purposes; to the Committee on Environment and Public Works.

EC-2882. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to further amend section 553 of the Tariff Act of 1930 to permit transportation through the United States of lottery materials produced in Canada; to the Committee on Finance.

EC-2883. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during March 1990; to the Committee on Governmental Affairs.

EC-2884. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-192 adopted by the Council on April 10, 1990; to the Committee on Governmental Affairs.

EC-2885. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-193 adopted by the Council on March 27, 1990; to the Committee on Governmental Affairs.

EC-2886. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-194 adopted by the Council on March 27, 1990; to the Committee on Governmental Affairs.

EC-2887. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-195 adopted by the Council on March 27, 1990; to the Committee on Governmental Affairs.

EC-2888. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-196 adopted by the Council on March 27, 1990; to the Committee on Governmental Affairs.

EC-2889. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-197 adopted by the Council on March 27, 1990; to the Committee on Governmental Affairs.

EC-2890. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-198 adopted by the Council on March 27, 1990; to the Committee on Governmental Affairs.

EC-2891. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the 1989 annual report of the Administrative Office of the United States Courts and the reports of the proceedings of the Judicial Conference of the United States held during 1989; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Raymond C. Clevenger, III, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit;

David H. Souter, of New Hampshire, to be United States Circuit Judge for the First Circuit;

Samuel A. Alito, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit;

Joseph M. Hood, of Kentucky, to be United States District Judge for the Eastern District of Kentucky;

James F. McClure, Jr., of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania;

Lawrence M. McKenna, of New York, to be United States District Judge for the Southern District of New York;

Robert E. Jones, of Oregon, to be United States District Judge for the District of Oregon; and

D. Brock Hornby, of Maine, to be United States District Judge for the District of Maine.

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of June 7, 1989, September 6, 1989, November 13, 1989, February 28, 1990, April 8, 1990, April 21, 1990, and April 26, 1990 at the end of the Senate proceedings.)

**In the Army there are 605 promotions to the grade of colonel (list begins with Charles C. Abercrombie) (Reference No. 432).

**In the Army there are 80 promotions to the grade of colonel (list begins with Eldon W. Askew) (Reference No. 686).

**In the Army there are 127 promotions to the grade of lieutenant colonel (list begins with Brigitte T. Berg) (Reference No. 688).

*In the Army there are 46 appointments to the grade of brigadier general (list begins with Thomas F. Sikora) (Reference No. 746).

**In the Army there are 212 promotions and appointments to the grade of lieutenant colonel and below (list begins with Thomas F. Allen) (Reference No. 883).

*In the Marine Corps there are 11 promotions to the grade of major general (list begins with Martin L. Brandtner) (Reference No. 887).

*In the Air Force there are 32 appointments to the grade of major general (list begins with Edgar R. Anderson, Jr.) (Reference No. 963).

*LT. Gen. John T. Myers, USA, to be reassigned in the grade of lieutenant general (Reference No. 965).

*In the Army Reserve there are 12 appointments to the grade of major general and below (list begins with Kent H. Hillhouse) (Reference No. 966).

*In the Marine Corps Reserve there are 2 promotions to the grade of brigadier general (list begins with Albert C. Harvey, Jr.) (Reference No. 968)

*In the Marine Corps Reserve there is one promotion to the grade of major general (Mitchell J. Waters) (Reference No. 969).

*Lt. Gen. Robert J. Donahue, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 1039).

*In the Air Force there are 46 appointments to the grade of brigadier general (list begins with Jerrold P. Allen) (Reference No. 1042)

*In the Air Force Reserve there are 18 promotions to the grade of major general and below (list begins with Dale R. Baumler) (Reference No. 1061)

*Lieutenant General Donald S. Pihl, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 1112)

**In the Air Force there are 20 promotions and appointments to the grade of colonel and below (list begins with James C. Moore) (Reference No. 1115)

**In the Army there are 4 promotions and appointments in the grade of major (list begins with Timothy E. Bodey) (Reference No. 1116)

**In the Navy there is one promotion in the grade of lieutenant commander (Ammons Michael) (Reference No. 1117)

**In the Navy there are 3 appointments to the grade of commander (list begins with Lawrence Joseph Boland, Jr.) (Reference No. 1129)

**In the Air Force there are 2,086 promotions to the grade of lieutenant colonel (list begins with Barton L. Abbott) (Reference No. 1130)

**In the Army there are 197 promotions and appointments to the grade of colonel and below (list begins with Richard L. Adams) (Reference No. 1131)

**In the Marine Corps there are 125 appointments to the grade of colonel (list begins with Anthony C. Akstin) (Reference No. 1132)

*General James J. Lindsay, USA, to be placed on the retired list in the grade of general (Reference No. 1146)

*Lieutenant General Thurman D. Rodgers, USA, to be lieutenant general (Reference No. 1150)

**In the Air Force there are 5 appointments to a grade no higher than lieutenant colonel (list begins with Iris M. Hageney) (Reference No. 1152)

**In the Army there are 1,159 appointments to the grade of major and below (list begins with Timothy L. Adams) (Reference No. 1153)

**In the Air Force there are 2 appointments and promotions to the grade of major and below (list begins with Randall W. Martin) (Reference No. 1157)

**In the Navy there are 3 promotions to the grade of lieutenant commander (list begins with David A. Lewellyn) (Reference No. 1158)

**In the Air Force Reserve there are 6 appointments to the grade of lieutenant colonel (list begins with Robert A. Gross) (Reference No. 1164)

**In the Air Force Reserve there are 28 promotions to the grade of lieutenant colonel (list begins with James M. Bean) (Reference No. 1165)

**In the Navy and Naval Reserve there are 36 appointments to the grade of captain and below (list begins with Anthony J. Alleman II) (Reference No. 1166)

*Vice Admiral Jerome L. Johnson, USN, to be Vice Chief of Naval Operations and appointment to the grade of admiral (Reference No. 1172)

*Rear Admiral Michael P. Kalleres, USN, to be vice admiral (Reference No. 1173)

*Admiral Leon A. Edney, USN, to be reassigned in the grade of admiral (Reference No. 1205)

Total: 4,884.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 2524. A bill to authorize the Secretary of the Interior to provide funds for the repair and enlargement of the Tongue River Dam for the purposes of settlement of water rights claims of the Northern Cheyenne Tribe, for fish and wildlife enhancement, and for other purposes, to the Committee on Energy and Natural Resources.

By Mr. MACK (for himself, Mr. GRAHAM, Mr. WILSON, Mr. COCHRAN, Mr. HELMS, Mr. D'AMATO, Mr. MCCONNELL, and Mr. HOLLINGS):

S. 2525. A bill to recognize the importance of the domestic fruit and vegetable industry in United States farm policy, and to require the Secretary of Agriculture to conduct a study of the domestic fruit and vegetable industry, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOSCHWITZ (for himself, and Mr. LOTT):

S. 2526. A bill to establish a program to improve access by small and large private businesses to technical information and expertise within the Federal Government and selected States; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2527. A bill to direct the Secretary of Agriculture to conduct a study to determine the need for a National Forest Information Center and an expended environmental education program in New Mexico; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 2528. A bill to authorize the development of an interactive highway vehicle system pursuant to the Federal-Aid Highway Program; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself, Mr. SIMON, Mr. ADAMS, and Mr. GORE):

S. 2529. A bill to amend the Immigration and Nationality Act to exclude aliens who unlawfully withhold custody of children outside the United States; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2530. A bill to amend the Internal Revenue Code of 1986 to return the "Peace Dividend" to the taxpayers of the United States in the form of individual rate reductions; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2531. A bill to authorize the Secretary of the Interior to enter into a contract with the Navajo Academy, Inc; to the Select Committee on Indian Affairs.

By Mr. CRANSTON (by request):

S. 2532. A bill to authorize the Secretary of Veterans Affairs to enter into enhanced-use agreements with respect to designated VA facilities and to direct the disposal of such designated facilities by special disposition; to the Committee on Veterans Affairs.

By Mr. FORD (for himself, Mr. HOLLINGS, Mr. INOUYE, and Mr. MCCAIN):

S. 2533. A bill to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program, and for other purposes; considered and passed.

By Mr. PELL (for himself, Mr. SIMON, Ms. MIKULSKI, Mr. JEFFORDS, Mr. DODD, Mr. COATS, Mr. METZENBAUM, Mr. BRADLEY, Mr. MACK, and Mr. THURMOND):

S.J. Res. 301. Joint resolution designating October 1990 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for Mr. BOREN):

S. Res. 275. Resolution to permit the cast of the musical "SARAFINA!" to perform in the Hart Senate Office Building; considered and agreed to.

By Mr. REIGLE (for himself, Mr. GORTON, Mr. DIXON, and Mr. D'AMATO):

S. Res. 276. Resolution expressing the sense of the Senate regarding the actions of the Soviet Union toward Lithuania; to the Committee on Foreign Relations.

By Mr. PELL (for himself, Mr. DOLE, and Mr. PRESSLER):

S. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding human rights violations against the Albanian ethnic minority in southern Yugoslavia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 2524. A bill to authorize the Secretary of the Interior to provide funds for the repair and enlargement of the Tongue River Dam for the purposes of settlement of water right claims of the northern Cheyenne Tribe, for fish and wildlife enhancement, and for other purposes; to the Committee on Energy and Natural Resources.

TONGUE RIVER DAM AUTHORIZATION ACT

Mr. BURNS. Mr. President, this morning I rise to introduce legislation that is cosponsored by my colleague, Senator BAUCUS, to correct a dangerous and difficult situation that we have with one of the main rivers in Montana, the Tongue River.

The Tongue River runs through the southern part of Montana. It enters from Wyoming, entering along our southern border and empties into the Yellowstone River at Miles City, MT. It flows along the eastern boundary of the Northern Cheyenne Indian Reservation.

It is an earthen dam built back in the thirties by the State of Montana to create a reservoir down there essentially for irrigators. Water from this reservoir is really essential. In fact, it is the heart of the irrigators for both the tribe, the folks who live on the reservation, and the non-Indian irrigators growing crops along that river. The dam needs to be raised and strengthened to meet safety records and specifications. It is basically an unsafe dam at this time.

This project not only eliminates a potential catastrophe if the existing structure fails, but renovation of this dam would mean added economic benefits for southeastern Montana. The jobs created by this $185 million project could mean up to $½ billion of added economic activities to the area's economy now—a half billion dollars in economic activity.

It might not sound like a lot to some States, but it has a definite impact to the State of Montana.

In addition, the irrigation portion of this project will give local irrigators a more reliable supply of water well into the 21st century.

Mr. President, in my State, water is more important than land itself. We live in a semiarid climate. The water that comes down the Tongue River is very important to us. In fact, it has been said in eastern Montana that when the good Lord let it rain 40 days and 40 nights, we only got a quarter of an inch.

The Tongue River Dam rehabilitation program is the No. 1 project for the State of Montana. This effort is supported by the State and by the Northern Cheyenne Tribe, the Water Compact Commission, by the State Fish and Wildlife Service, by residents who live along the Tongue River. The costs of rehabilitation will be borne in part by the State of Montana on a matching basis with the Federal Government.

In addition to strengthening the dam, the bill Senator BAUCUS and I are introducing today will help to settle water rights claims between the State of Montana and the Northern Cheyenne Indian Tribe for water on the Tongue River.

The settlement of water rights in our State is a very, very delicate matter. This bill meets with the approval of the Northern Cheyenne and the Reserve Water Rights Compact Commission. More will have to be done to settle all of the water rights differences, but this legislation gives us a good start and a step in the right direction.

Mr. President, I ask unanimous consent that the text of our bill be printed in the RECORD. I also ask unanimous consent that copies of the letters of support from Gov. Stan Stephens, the Compact Commission, and the Department of Fish, Wildlife, and Parks also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tongue River Dam Authorization Act of 1990".

SEC. 2. PURPOSE

The purpose of this Act is to authorize the Secretary of the Interior to provide funds for the repair and enlargement of the Tongue River Dam, to settle water right claims of the Northern Cheyenne Tribe, and to enhance habitats of fish and wildlife.

SEC. 3. TONGUE RIVER PROJECT.

(a) IMPROVEMENT OF DAM.—The Secretary of the Interior, acting pursuant to the Act of June 17, 1902, and Acts amendatory thereof and supplemental thereto (32 Stat. 388, chapter 1093; 43 U.S.C. 371 et seq.) (commonly known as the "Federal Reclamation Law"), may plan, design, and construct improvements to Tongue River Dam, a State of Montana project (referred to as the "project"), and provide for the operation and maintenance of the project. The State of Montana shall provide a share of funds for the planning, design, construction, operation, and maintenance of the project. A portion of any increased capacity of the Tongue River Dam shall be provided to the Northern Cheyenne Tribe as part of any water rights settlement reached between the Northern Cheyenne Tribe and the State of Montana.

(b) AGRICULTURAL PURPOSES.—The Secretary of the Interior may assist the Northern Cheyenne Tribe in developing acreage for agricultural purposes under the Pick-Sloan Missouri River Basin Program under section 8 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (43 U.S.C. 390) (commonly known as the "Flood Control Act of 1944"), and other available programs. The act entitled "An Act to authorize the Secretary of the Interior to adjust reimbursable debts of Indians and tribes of Indians", approved July 1, 1932 (25 U.S.C. 386(a) (commonly known as the "Leavitt Act"), shall be applied to all irrigation investment costs, including project land acquisition, power supply systems, and on-farm costs. Lands developed pursuant to this subsection shall be located within the boundaries of the Northern Cheyenne Reservation.

(c) Nothing in this Act shall be construed to subject private irrigation districts to acreage limitation provisions of the Reclamation Reform Act of 1982.

SEC. 4. FISH AND WILDLIFE ENHANCEMENT.

The United States Fish and Wildlife Service, the Montana Department of Fish, Wildlife, and Parks, the Montana Department of Natural Resources and Conservation, and the Bureau of Reclamation shall identify project features for the enhancement of fish and wildlife habitats for development by the Secretary of the Interior.

Notwithstanding provisions of the Federal Water Project Recreation Act, P.L. 89-72, The Secretary of the Interior is authorized and directed to develop the mitigation and enhancement features provided for hereunder and to provide for the operation and maintenance thereof. The development of mitigation and enhancement features shall proceed on a pro-rated basis with other developments under this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Tongue River Project—

(1) $183,000,000 for planning, design, and construction of improvements, plus or minus such amounts as may be required by reason of ordinary fluctuations in construction costs after January 1990 as indicated by engineering cost indexes applicable to the type of construction involved; and

(2) such sums as may be required for operation, maintenance, and replacement of the works of such improvements.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, MT, April 25, 1990.

Hon. CONRAD BURNS,
U.S. Senate, Washington, DC.

DEAR SENATOR BURNS: I appreciate and commend your efforts in securing congressional authorization to rehabilitate the Tongue River Project. I have identified this project as my highest priority water development effort in Montana because it would rehabilitate an unsafe dam, resolve the Northern Cheyenne Tribe water rights dispute, and enhance fish and wildlife habitat. I support this legislation as a means to attain this goal.

The project, located approximately ten miles north of the Montana-Wyoming border, was constructed by the State of Montana during the late 1930s with financial assistance from the Public Works Administration. The project is critical to the economic viability of the local area and supplies water to numerous small towns, local industrial activities, and several thousand acres of irrigated land along the Tongue River, including those in the Northern Cheyenne Indian Reservation. The project has also provided for considerable multistate recreational use, including a world-class walleye fishery.

The introduction of this authorizing language comes at a crucial time for the Tongue River Project. As you know, the Tongue River Dam, found to be a high-hazard, unsafe dam as a result of the Corps of Engineers' dam safety inspection program, would likely fail during even a moderately large flood. The potential exists for loss of life and destruction of considerable property if the dam should fail, with economic losses estimated at $300 to $500 million. Land and property at risk along the Tongue River valley would include portions of the Northern Cheyenne Indian Reservation that border the Tongue River, and communities between the dam and Miles City. In view of the high risk, the facility is being operated very conservatively at a reduced reservoir pool level. However, this year's snowpack above the Tongue River Reservoir is 125 percent of normal, and it is not unusual for spring rainstorms to add significant runoff to the Tongue River. Such storms, combined with the above-normal snowpack, could severely strain the dam. While even under the most optimistic schedule it will be several years before the construction could begin, it is imperative that we act expeditiously to secure authorization and funding for the project.

The proposed rehabilitation project would ensure that the dam conforms to contemporary federal and state dam safety standards. This approach would also minimally increase storage capacity, which would provide water to satisfy reserved water rights claimed by the Northern Cheyenne Tribe without displacing existing irrigation, municipal, and industrial uses. The additional storage would also provide water for enhanced fish and wildlife purposes.

I fully realize that state support will be a key element in rehabilitation of the Tongue River Project; however, there are a number of reasons that federal funding assistance is also appropriate.

1. In its "Implementation Plan . . . A New Direction for the Bureau of Reclamation," the Bureau of Reclamation recognizes that dam safety is a high priority and that ensuring the safety of dams is "in the national interest." The existing Tongue River Dam is unsafe and could fail during a moderately large flood. It is essential that we bring the dam into compliance with contemporary dam safety standards.

2. The need for the efficient management of existing resources and facilities, rehabilitation and betterment of existing projects, and additions to projects for system optimization, water quality, and environmental protection are recognized important federal objectives, particularly in the contemporary U.S. Bureau of Reclamation's programs. The Tongue River Dam rehabilitation project is fully consistent with these policies.

3. The rehabilitated project will strive to enhance fish and wildlife habitat associated with the reservoir and downstream areas.

4. As trustee for the Northern Cheyenne Tribe, the federal government must be a participant in this project, first, because the tribe's existing water contract from Tongue River Reservoir is jeopardized by the dam's condition. Second, the rehabilitated project can serve as a vehicle for resolving federal reserved water right claims of the Northern Cheyenne Tribe. Third, if the dam were to fail, significant property damage would occur to Northern Cheyenne property.

I am encouraged by our commitment to the rehabilitation of the Tongue River Project. The issues involved with the project are many and complex, but I am confident that continued efforts such as yours will be key to remedying this hazardous situation.

Sincerely,

STAN STEPHENS,
Governor.

RESERVED WATER RIGHTS
COMPACT COMMISSION,
Helena, MT, April 24, 1990.

Senator CONRAD BURNS,
Hart Senate Office Building, Washington, DC.

Senator MAX BAUCUS,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BURNS: The Reserved Water Rights Compact Commission wishes to express its strong support for Congressional legislation authorizing the repair and enlargement of the Tongue River Dam. As you know, the Compact Commission was created by the Montana Legislature for the purpose of settling Indian and federal claims of reserved water rights in the State. We believe that this project can provide a physical solution to the difficult water rights issues involving the Northern Cheyenne Tribe and local water users. For this reason the Tongue River Dam rehabilitation is a critical component of Montana's negotiations with the Tribe.

Thank you for sponsoring the federal legislation concerning the Tongue River Dam.

We pledge our continued cooperation as this authorization moves forward.

Sincerely,

JOSEPH P. MAZUREK,
Chairman, Northern Cheyenne Negotiating Team.

MONTANA DEPARTMENT OF FISH AND WILDLIFE AND PARKS,
Helena, MT, April 24, 1990.

Senator CONRAD BURNS,
Dirksen Office Building, Washington, DC.

DEAR SENATOR BURNS: The Department of Fish, Wildlife & Parks supports your efforts in obtaining congressional authorization for the Tongue River project and appreciates the initiative you have taken to draft such legislation. As a member of the Tongue River Dam steering committee, we have reviewed your proposed legislation drafted as S. 2350 for the rehabilitation of the Tongue River Dam and settlement of the Northern Cheyenne reserved water rights. The department realizes the importance of rehabilitation the Tongue River Dam to bring it up to safety standards, and we appreciate the fact that rehabilitation and enlargement of the project are important considerations in the possible settlement of the Northern Cheyenne reserved water rights.

Although the wildlife mitigation and enhancement features as well as the operation of the reservoir to provide instream flows must still be defined in detail, the department is confident that rehabilitation and enlargement of the Tongue River Dam will provide new opportunities for fishing and hunting. We are currently reviewing several alternatives for environmental enhancement and mitigation so that we can select proposals for final design consideration. There is also a strong possibility that better streamflows in the Tongue River can be achieved through planned operation of the new project. The Tongue River has a popular resident fishery and is also an important spawning stream for several fish species that reside in the Yellowstone River.

If we can be of further assistance to you or your staff in this regard, please do not hesitate to contact us.

Sincerely,

K.L. COOL,
Director.

Mr. BAUCUS. Mr. President, I rise in support of this bill to rehabilitate the Tongue River Dam in southeastern Montana. This dam must be repaired, and quickly.

Built in the 1930's as a WPA project, the dam has been in the first stages of failure since 1978. A catastrophic failure of this dam would result in a wall of water sweeping 100 miles north, all the way to Miles City, MT.

Mr. President, if the Tongue River Dam were to fail, the towns of Birney and Ashland, MT, would likely cease to exist. Reliable estimates of damage have been placed at between $100 and $300 million dollars. Significant portions of the Northern Cheyenne Indian Reservation would be under water.

Mr. President, while this dam has not yet been breached, this is only a matter of luck. That luck cannot be expected to hold. Federal and State estimates show that the dam's spillway could be subjected to flows of 382,000 cubic feet per second, in times of heavy rains and snow pack melt. State officials believe that flows beyond 16,000 feet per second could breach the dam. These rates have been approached twice recently. Time is running out.

The bill introduced today is recognition that a grave danger exists. I will work together with Senator BURNS and any other Senator to see that this dam is stabilized. And quickly.

By Mr. MACK (for himself, Mr. GRAHAM, Mr. WILSON, Mr. COCHRAN, Mr. HELMS, Mr. D'AMATO, Mr. MCCONNELL, and Mr. HOLLINGS):

S. 2525. A bill to recognize the importance of the domestic fruit and vegetable industry in U.S. farm policy, and require the Secretary of Agriculture to conduct a study of the domestic fruit and vegetable industry, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DOMESTIC FRUIT AND VEGETABLE INDUSTRY

● Mr. MACK. Mr. President, I am introducing legislation today with my colleague, Senator GRAHAM, which is intended to draw needed attention to the state of the U.S. fruit and vegetable industry. Americans are becoming increasingly aware of the importance of fresh fruits and vegetables to a healthy diet. Numerous organizations, including the National Institutes of Health, the National Cancer Institute, and the American Heart Association have recommended fruits and vegetables as an essential part of a nutritious diet.

The fruit and vegetable industry has continued to supply our Nation with an abundance of fresh produce despite a host of challenges to its survival, including periodic freezes, labor shortages, lack of available crop insurance, and a diminishing supply of safe and effective food chemicals. Despite the importance of this industry, it is not mentioned in the Food Security Act of 1985.

Our legislation directs USDA to conduct a study on the current state of the domestic fruit and vegetable industry, so that we may heighten the awareness of the importance of this industry. It is our intention to incorporate this legislation into the farm bill so that we create a separate title for fruits and vegetables. I am grateful for the cosponsorship of my colleagues Senators WILSON, COCHRAN, HELMS, D'AMATO, MCCONNELL, HOLLINGS, and from my late colleague, Senator Matsunaga who agreed to cosponsor this legislation before his untimely death. I hope that the other Members of the Senate will support this bill.●

● Mr. GRAHAM. Mr. President, I spent the early morning hours of Friday, July 27, 1989, in the fields of north Florida picking pinkeye and whiteacre peas. By 9 a.m. that same morning we were on our way to sell the fresh vegetables we harvested at the local farmers' market.

I heard firsthand during this farm workday about the problems Florida growers face: Floods, drought, freezes, insects, environmental concerns, and, of course, the market. What was reconfirmed during the day is the fact, that one of the largest and most important industries in America—the fruit and vegetable industry—functions largely without the benefit of Federal price support programs. And most Florida growers like it that way.

Florida farmers are independent and proud of their ability to make a living without the Federal assistance. That's why I was surprised when the fruit and vegetable industry of Florida requested that Senator MACK and I introduce the legislation before us. Their reasons, though, were extremely sound.

Fruits and vegetables are nonprogram crops and therefore rarely figure into the Federal Government's overall farm policy. Because of this, the industry is not normally taken into account when Congress and the administration set agricultural priorities, for example, in research and development, or trade policy. In order to combat anonymity and promote the importance of the fruit and vegetable industry, we developed this bill.

First, the bill establishes that fruits and vegetables play an essential role in a healthy, nutritious diet—as the Surgeon General, National Academy of Science, and the National Institutes of Health have well documented. The bill declares that the domestic production of fruits and vegetables is a vital part of U.S. farm policy, and requests the Secretary of Agriculture to perform a survey of the current state of the fruit and vegetable industry.

The information gathered by this study will provide a solid data base for future farm policy decisions, particularly those that affect fruit and vegetable production, to be based. The data will also be a valuable snapshot of the needs and practices of today's fruit and vegetable industry. Finally, it is our intention to offer this legislation as an amendment to this year's farm bill; very similar language is already part of the House version. I encourage my colleagues, most of whom come from States where fruit and vegetables are a significant cash crop, to support the bill as part of the 1990 farm bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) fruits, vegetables, and specialty crops are a vital and important source of nutrition for the general health and welfare of the people of the United States; and

(2) fruits and vegetables are recommended as an essential part of a healthy, nutritious diet by numerous health organizations including the Surgeon General of the United States, the National Institutes of Health, the National Cancer Institute, the American Heart Association, the National Academy of Sciences, Committee on Diet, Nutrition and Cancer, the Department of Agriculture; and the Department of Health and Human Services.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) improve the Nation's dietary and nutritional standards by promoting domestically produced wholesome and nutritious fruit and vegetable products;

(2) increase the public awareness as to the difficulties domestic producers experience regarding the production, harvesting, and marketing of these products; and;

(3) aid in the development of new technology and techniques that will assist domestic producers in meeting the challenges of increased demands for fruit and vegetable production in the future.

SEC. 3. DECLARATION.

It is declared that the domestic production of fruits and vegetables is a keystone of the farm policy of the United States.

SEC. 4. STUDY OF THE FRUIT AND VEGETABLE INDUSTRY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct a study to determine the current state of the domestic fruit and vegetable industry. In conducting such study, the Secretary of Agriculture shall consult with such agencies or departments, as determined necessary by the Secretary of Agriculture, including the Environmental Protection Agency, the Department of Health and Human Services, the Department of Commerce, and the Department of Education.

(2) CONTENTS.—The study conducted under paragraph (1) shall include—

(A) a review of the availability of an adequate labor supply for maintaining and harvesting of fruits and vegetables;

(B) a review of the availability of crop insurance or disaster assistance for fruit and vegetable producers;

(C) a review of scientific and technological advances in the areas of genetics, biotechnology, integrated pest management, post harvest protection, or other scientific developments related to the production and marketing of fruits and vegetables;

(D) an examination of the availability of safe and effective chemicals for use in the production of fruits and vegetables;

(E) a review of the requirements and cost of labeling of fruits and vegetables in the industry, and the benefit of labeling of these products to consumers; and

(F) a review of Federal educational programs that teach the importance of fruits and vegetables to a proper diet.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall prepare and submit, to the appropriate Committees of Congress, the results of the study described in paragraph (a)●

By Mr. BOSCHWITZ (for himself and Mr. LOTT):

S. 2526. A bill to establish a program to improve access by small and large private businesses to technical information and expertise within the Federal Government and selected States; to the Committee on Commerce, Science, and Transportation.

NATIONAL TECHNICAL RESOURCE SERVICE ACT

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce the National Technical Resource Service Act of 1990. Companion legislation is being introduced today on the House side by JOHN LAFALCE, chairman of the House Small Business Committee, and RON WYDEN, chairman of the Small Business Subcommittee on Regulation, Business Opportunities and Energy. I want to thank them and the members of their staff for working with me and my staff to develop this very important legislation.

Technology transfer is a competitiveness issue. The goal of the Federal Technology Transfer Program is to improve the competitiveness of U.S. companies. But the current system is not working as it should. There are several hundred Federal laboratories in this country which spend more than $60 billion per year on research. Unfortunately, a very small percentage of Federal research is being commercialized. What is transferred tends to be intellectual property rather than specific know-how or technical information, which can be equally valuable. And the vast majority of businesses do not understand the Federal technology transfer system as it currently exists.

There appear to be many obstacles to the commercialization of technology from Federal laboratories. Large and small American businesses find it extremely difficult to identify, acquire, and properly use new technologies developed by Federal labs.

On the other hand, some say the Federal labs do not understand the priorities and pressures of the business world. This contention, along with the frustrations that come with dealing with the Federal bureaucracy, cause small businesses to lose interest in working with Federal labs.

The Federal Technology Transfer Act [FTTA] of 1986, was designed to provide a bridge between research performed at Federal labs and the private sector. FTTA authorized Federal lab directors to enter into cooperative research and development agreements [CRADA] with private firms. It also permits Federal inventors to be rewarded with at least 15 percent of any royalties received by the lab from the invention. The FTTA and CRADA's have certainly helped improve the technology transfer system, and I know there have been success stories; however, we still have a long way to go to perfect the system.

Public Law 100-418, the Omnibus Trade and Competitiveness Act, established the National Institute of Standards and Technology [NIST]—formerly the National Bureau of Standards. The law mandates that NIST establish regional centers for the transfer of manufacturing technology. There are currently three centers operational—Cleveland, OH; Troy, NY, and Columbia, SC. These centers provide for the transfer of technology developed by NIST to small- and medium-sized firms.

As I understand it, there are some legal and regulatory issues—such as legal liability, ownership of intellectual property rights, and access to facilities—which could cause a director of a Federal lab to ignore technology transfer. These directors must be made aware that technology transfer is a priority.

I believe one agency needs to be chosen to coordinate the transfer of Federal technology to the private sector. Perhaps it should be commerce—perhaps SBA. There needs to be an advocate in the administration to provide oversight for Federal technology transfer policy. That agency must also conduct a formal inventory of Federal laboratory resources. At this point Federal technology transfer efforts appear to be understaffed and poorly focused.

My legislation builds on the existing technology transfer programs. Title I authorizes NIST to create a Technology Resource Program comprised of experts, technologies, and ongoing research projects being conducted in Federal labs and agencies. Information about the program, including copies of studies and reports, could be accessed directly on a personal computer. Overnight, we would bring a tremendous library of Federal technical literature to the doorstep of every company in the United States.

Title II would authorize the U.S. Small Business Administration to subsidize access by small businesses to the Technical Resource Program, through the Small Business Development Center Program. With—centers nationwide, counseling on average—small business owners and managers each year, the SBDCS could be an important network for expanding access to Federal technical information.

Credit for the legislation I am introducing today properly goes to a Minnesotan, Joe Shuster. He has designed a model for gaining access to technical information and expert assistance which is practical and cost-effective. An informal survey of 25 companies, both large and small, using Shuster's model yields remarkable results. All described it as valuable and as having

contributed substantially to improved profitability. It is a model that we need to establish at the Federal level in order to make more efficient and effective the existing programs we have authorized.

I urge my colleagues to consider carefully the legislation I am offering here today. I welcome your cosponsorship. I am convinced the National Technical Resource Program will make a significant difference in the competitiveness of American small businesses.

Mr. President, I ask unanimous consent that a copy of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Technical Resource Service Act of 1990."

SEC. 1. (a) ESTABLISHMENT OF TECHNOLOGY RESOURCE SERVICEPILOT PROGRAM.—In addition to such other technology resource and technical information activities of the Department of Commerce's Technology Administration, the Secretary of Commerce (hereafter in this Act referred to as the "Secretary"), acting through the Director of the National Institute of Standards and Technology (hereafter in this Act referred to as the "Director"), is authorized and directed to create a Technology Research Service Pilot Program (hereafter in this act referred to as the "Program"). The Program shall run for five years from the date of enactment of this Act.

(b) PURPOSE.—The purpose of the Program shall be to provide private businesses, in States selected under subsection (e) of this section to participate in the Program, with improved access to Federal and federally-funded technology and expertise, as well as to equivalent technology and expertise from States and other sources, in order to accelerate the transfer of government-supported technology and expertise to businesses and to improve the productivity and economic competitiveness of these businesses.

(c) ACTIVITIES.—The program shall consist, to the extent the Secretary and Director deem appropriate, of the following—

(1) A database, accessible by computer to private businesses in participating States, which contains information on—

(A) research projects in federal laboratories;

(B) other federally-supported research projects, including research in universities;

(C) reports and other documents available from the National Technical Information Service;

(D) patents available for licensing from Federal laboratories and from federally-funded research projects;

(E) other technology resource services available from the Federal government and participating State governments; and

(F) technology transfer personnel and services available at Federal laboratories and the Federal Laboratory Consortium for Technology Transfer.

(2) Direct access to experts in Federal laboratories and elsewhere who are available, under terms to be set by the Secretary, to answer technical questions by telephone.

(3) Interactive access to databases of technical and business information in print.

(d) DATABASE CONTRACTOR.—The Secretary, acting through the Director and using a competitive selection process, shall select a non-Federal database contractor to create the Program's federal databases and network of experts and to manage them for the duration of the Program. The contractor must be able to provide access to experts other than, and complementary to, State and Federal experts. The contractor will further be required to provide a staff of information searching professionals to facilitate interactive accessing of technical and business information in print, as well as Federal and State databases.

(e) PARTICIPATING STATES.—Within twelve months from the date of enactment of this Act, the Secretary, acting through the Director and using a competitive selection process, shall select up to 5 States for participation in the Program. To be eligible for selection, a State shall provide such matching funds as the Secretary shall deem appropriate and shall establish a database of State research projects, licensable technologies and State services, as well as a network of experts available within the State.

(f) FEES CHARGED TO BUSINESSES.—Private businesses within participating States that wish to take advantage of the information and other services provided by the Program shall be charged as follows—

(1) for businesses with gross annual sales of $5 million or less, no charge;

(2) for businesses with gross annual sales greater than $5 million but less than $15 million, no charge during the first year after States are selected, 25 percent of cost of providing that information and services to the business during the next year, 50 percent during the year after that, and 100 percent thereafter;

(g) COOPERATION.—The heads of Federal departments and agencies shall provide the Secretary with such information and assistance as the Secretary may request in order to carry out the requirements of this Act.

(h) EVALUATION AND REPORT.—After three years of Program operation, and again after the end of the Program, the secretary shall evaluate Program operations and business use of the Program and shall report findings to the appropriate committees of Congress.

(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out the Program established under section 1 of this Act, there is hereby authorized to the secretary the following amounts—

(1) for fiscal year 1991, $2,000,000; and

(2) for each of fiscal years 1992, 1993, 1994, and 1995, $3,000,000.

SEC. 2. (a) SMALL BUSINESS DEVELOPMENT CENTER TECHNICAL ASSISTANCE PROGRAM.—The Small Business Act (15 U.S.C. 648) is amended by adding the following new section: "SECTION 24.—Any applicant which is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to increase access by small businesses in its service area to on-line databases for the purposes of facilitating technology transfer, such as that created by Section 1 of this Act or other privately or publicly-funded databases. The Small Business Development Center may seek to increase small business access by:

(1) defraying part or all of the cost of access to the databases for a limited period of time;

(2) training small businesses in use of the databases;

(3) demonstrating to small businesses the benefits of accessing the databases."

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Administration for each of the fiscal years 1991, 1992, and 1993 the sum of $5,000,000 to carry out the provisions of section 2(a) of this Act.●

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2527. A bill to direct the Secretary of Agriculture to conduct a study to determine the need for a National Forest Information Center and an expanded environmental education program in New Mexico; to the Committee on Energy and Natural Resources.

ENCHANTED NATIONAL FORESTS INFORMATION AND EDUCATION STUDY ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation which would direct the Secretary of Agriculture to conduct a study to determine the need for a National Forest Information Center and expanded environmental education program in New Mexico. I am pleased that my colleague from New Mexico, Senator DOMENICI, is joining me as a cosponsor of this legislation.

As a nation we continue to increase our awareness of the environment and the need to conserve its resources. The Forest Service can play an important role in this education process.

New Mexico is known as the land of enchantment. Much of that enchantment is included within its spectacular national forests. There are over 9 million acres of national forests in New Mexico. These lands not only provide open space and vistas unique to the Southwest, they also play an important role in the economy of New Mexico. An understanding and appreciation of the environment is the key for the public to participate in determining how their natural resources will be managed.

The Forest Service has an environmental education program; however, I am concerned that, in order to reach the public at large, this program needs a centralized focal point from which to provide educational and interpretation programs. This education center should probably be located near the major population centers of the State.

For example, the Sandia Mountains are managed by the Cibola National Forest and are considered the backyard to many who live there. The location of New Mexico's largest city next to a national forest presents an ideal situation for the Forest Service to develop a "living" classroom to help in the education of many of New Mexico's students. This bill would have the Forest Service develop alternatives to tap this "living" classroom.

New Mexico attracts many visitors each year; in fact, tourism is now the No. 1 industry in New Mexico. Many of these visitors come and leave the

State without knowledge of what opportunities their national forests provide. I believe it is critical for the Forest Service to reach out and inform people of what national forests offer. This legislation would also direct the Forest Service to study what options are available to inform visitors of the opportunities available in the national forests.

Mr. President, New Mexico is the Land of Enchantment and national forests are the lands of many uses. I believe the residents and visitors should be aware of the national forests in the Land of Enchantment and one of those uses should be the environmental education of our youth.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of this bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enchanted National Forests Information and Education Study Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) environmental education is fundamental to expending our understanding of the environment;

(2) the natural resources found on national forests in New Mexico, the Land of Enchantment, can contribute to environmental education programs;

(3) the Forest Service plays a vital role in the environmental education of all Americans;

(4) a center provide information on the national forests in New Mexico would increase public awareness of their national forests, increase participation in management decisions, and improve the public's appreciation of their national forests;

(5) there is not a central facility dedicated to providing information on the national forests in New Mexico to residents and out-of-State visitors; and

(6) in light of the opportunities provided by national forests and the importance of environmental education, it is necessary to identify, through a comprehensive study, the opportunities that are available to provide information to the public on the national forests of New Mexico and to expand the environmental education program for those forests.

SEC. 3. STUDY AND REPORT BY THE FOREST SERVICE.

(a) STUDY.—The Secretary of Agriculture, acting through the Chief of the Forest Service, shall conduct a study of the opportunities to establish a center to provide information on the national forests in New Mexico and to expand the environmental education program for those forests.

(b) REPORT.—Not later than 1 year after the date that funds are made available for the study referred to in subsection (a), the Secretary of Agriculture shall transmit the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(c) CONTENTS OF STUDY.—The study referred to in subsection (a) shall develop alternative means for the national forests in New Mexico to provide information that improves public awareness and participation in management of their national forests and to expand the environmental education program for those forests. Alternatives shall include an information and education center located in or near Albuquerque, New Mexico, and an expanded education outreach program.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. MOYNIHAN:

S. 2528. A bill to authorize the development of an interactive highway vehicle system pursuant to the Federal-aid highway program; to the Committee on Environment and Public Works.

INTERACTIVE HIGHWAY VEHICLE SYSTEM ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce the Interactive Highway Vehicle System Act of 1990. This proposed legislation, if enacted, will direct the Federal Highway Administrator to develop a national program for the use of new and innovative technologies developed to ease congestion on our roads. Dubbed "smart cars and smart highways," the technology allows a flow of information concerning traffic speed, alternative routes, location, and another helpful data to the driver through computer and sensors. With this information drivers can make informed decisions which will reduce unnecessary stops and delays. By reducing congestion, interactive highway vehicle systems will reduce fuel consumption and emissions thus reducing urban air pollution.

Since 1956, U.S. road travel has more than tripled and the number of vehicles miles traveled in increasing 5 percent per year. Already, two-thirds of peak hour travel on urban interstates is moving at less than 35 miles per hour. Estimates in 1987 put the cost of congestion at $42 billion for the 25 largest U.S. cities.

New highways must continue to be built. Expanding areas of development must be provided adequate transportation corridors. However, America must make better use of existing roads. The Nation's ability to compete in the world marketplace depends upon the ability to move people and products quickly, safely, and at a reasonable cost. Thes new technologies can help to do just that.

Mr. President, "smart cars and smart highways" are under development in Europe and the Pacific Rim. Unfortunately, America once again finds itself in the uneviable positon of playing innovative catch up. It is not too late. But we must begin now.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD, along with two recent New York Times articles, at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION. 1. SHORT TITLE.

This act may be cited as the "The Interactive Highway Vehicle System Act of 1990".

SEC. 2. IMPLEMENTATION PLAN.

(a) IN GENERAL.—The Administrator of the Federal Highway Administration shall develop a plan for the implementation of a comprehensive, interactive highway vehicle system on the Federal-aid highway system.

(b) EVALUATION—As part of the plan pursuant to subsection (a), the Administrator shall undertake an evaluation of existing and proposed interactive highway vehicle systems and their application to the Federal-aid highway system.

(c) DEMONSTRATION PROJECTS.—Within two years of the date of enactment of this Act, the Administrator shall identify one or more interactive highway vehicle projects for the Federal-aid highway system which will demonstrate the development of innovative and effective interactive highway vehicle systems.

(1) The Administrator shall assure that the interactive highway vehicle demonstration project identified pursuant to this subsection shall be—

(A) in an area in which heavy commercial traffic adds to congestion, and

(B) in an area in which commuter traffic causes significant congestion during peak hours.

(d) REPORT.—Not later than twelve months after the date of enactment of this section, the Administrator shall report to the Senate Committee on Environment and Public Works and the House Committee on Public Works on the plan pursuant to subsection (a), and the evaluation pursuant to subsection (b). The report shall contain recommendations on the opportunities of existing interactive highway vehicle systems for use on the Federal-aid Highway System, and shall make recommendations on what further developments would be appropriate.

SEC. 3. AUTHORIZATION AND APPROPRIATION.

(a) NATIONAL INTERSTATE INTERACTIVE HIGHWAY VEHICLE PLAN.—There are authorized to be appropriated to the Administrator of the Federal Highway Administration $10,000,000 to carry out the plan pursuant to subsection (a) of section 2 of this Act.

(b) DEMONSTRATION PROGRAM.—There are authorized to be appropriated to the Administrator of the Federal Highway Administration $10,000,000 for fiscal year 1992 to carry out the purpose of subsection (c)(1) of section 2 of this Act.

[From the New York Times, Apr. 25, 1990]

COMPUTERS TO HELP DRIVERS FIND THEIR WAY

(By Paul C. Judge)

Detroit, April 24—This summer the General Motors Corporation will begin a yearlong experiment on a 12-mile stretch of Los Angeles freeway to examine how 12 cars equipped with electronic navigation systems can elude congested highways by turning on to local streets shown on a computerized map. In Japan, the Honda Motor Company

announced last month that it plans to offer the first electronic navigation system as an option on some larger models, although it is tight-lipped about when the feature will be introduced.

A CAR WITH A SMART BUILT-IN ROAD MAP

By combining a "speed sensor," a gas-rate sensor, a compact disk drive and computer technology, Honda has developed a navigation system that can display a car's location on a dashboard-mounted screen.

To determine distance, a speed sensor measures the rotation of the transmission drive gear. A screen in the dashboard shows where the car is and the route it has traveled. The driver can adjust the map's size.

An inertial navigation unit calculates movement using data from the speed sensor and the gas-rate sensor. This information and the appropriate map, which is stored on 12-centimeter compact disks, are processed and sent to the screen.

A gas-rate sensor acts as a gyroscope for the system. It contains two heated wires, helium gas and a thermostat. When the car is moving straight, the helium is distributed symmetrically and the wires have the same temperature. When the car turns to the left, however, the helium shifts to the right, cooling the right wire. The temperature changes are translated into electronic data, which is used to locate the car on the map.

These and a half-dozen other car makers and electronics companies are coming closer to realizing a long-held goal: capitalizing on the increasing sophistication of computers to develop systems that help drivers find their way and, more important, may someday suggest alternatives to congested highways.

The systems would allow a driver to punch in a starting point and destination, and then view a map of the route recommended by a tiny computer. Eventually, it is hoped, the computer will be alerted by radio signal with up-to-the-minute traffic conditions, enabling the system to suggest local streets that might serve the driver better than the jammed highway. Such systems could be particularly popular in Japan, where drivers ply some of the most congested freeways, and in certain American cities.

Two other Japanese car makers, the Mazda Motor Corporation and the Mitsubishi Motors Corporation, both introduced prototype navigation systems at the Tokyo auto show last fall.

And in the United States, besides G.M., the Chrysler Corporation has a system less far along.

Motorola Inc. is working on a system that it says will be available to luxury car buyers by 1993. And Rockwell International hopes to market a receiver that could be incorporated into vehicle navigation systems.

But industry analysts say car navigation systems are still six to eight years away from being available at prices most car buyers will be willing to pay.

And some note that the real potential of car navigation systems will not be tapped until they can alert commuters to traffic snarls and provide alternative routes on the dashboard map displays. That would require public-private partnerships on a grand scale, to install the necessary systems, including road sensors that would measure the speed of traffic, a central computer to monitor conditions in the entire metropolitan area, and radio equipment that would broadcast the information to cars. Even optimistic industry experts say this could take a decade.

Federal highway officials are promoting a range of government and business initiatives. Two weeks ago, Transportation Secretary Samuel K. Skinner announced an $8 million project to test the traffic avoidance capabilities of various computerized navigation systems in Orlando, Fla.

"It's great to have a map in your car, but the point of having a system like that is as much traffic avoidance as navigation," said Andrew J. Kessler, a research analyst with Morgan Stanley. "If it can do that for $300, most commuters will buy it."

Two types of electronic-navigation systems are emerging.

The first combines measurements of distance and direction made by devices within the car—a technique known as dead reckoning—while the second relies on radio signals from navigation satellites to fix the car's location.

Both systems plot the car's position on a map displayed on a small screen in the dashboard. Compact disks are the medium of choice for storing digital road-map data, because of their large storage capacities and the ease of updating maps by issuing new CD's.

Both navigation systems also require sophisticated computer software, contained in logic chips, that constantly compares movements of the vehicle with the road data in the digital map, and makes adjustments to show the location of the car on the map (in addition to a dotted line that shows the recommended route).

These systems are still new, however, and errors do occur. The dead-reckoning system may be thrown off, for instance, when the car pulls into a parking lot, then turns back on to the main street. Steel beams in bridges, highway overpasses and railroad tracks create magnetic fields that can throw a compass off course. And the satellite-based systems come within 100 feet or so of pinpointing a car's location—which might not be accurate enough for an electronic map of, say, Manhattan. The satellite signal can also fade when a car drives through a tunnel or into an area dense with high buildings.

Some dead-reckoning systems rely on compasses and wheel sensors built into the antilock braking system to determine a car's location. When a car turns, the outside wheel travels slightly farther than the inside wheel. The sensors read this difference and thus can track direction. They also provide the navigation computer with precise measurements of the distance traveled.

A separate microprocessor compares this data with compass headings; by figuring the distance traveled, the system can approximate the path the car has taken. The next step is using algorithms to match the data from the sensors and compass to the roads displayed on a digital map.

General Motors appears to be farthest along among American auto makers pursing navigation systems. In 1985, G.M. bought the exclusive rights to a system developed by Etak Inc., which employs the compass and wheel-sensor combination.

Honda, instead of using a compass and wheel sensors for tracking a vehicle's movements, uses a device known as a gas-rate sensor mounted in the car's trunk. The sensor acts as a gyroscope, marking changes in a vehicle's direction.

Honda has not said when the system might be available in the United States or how much it would cost. A Honda spokesman declined to comment on published reports that Japanese buyers will pay $1,900 for the system.

A SATELLITE SYSTEM

A second approach to car navigation uses radio waves transmitted by satellites. A receiver in the car takes regular readings from at least three navigational satellites orbiting the earth and a computer plots the car's position using triangulation.

The system under development would obtain their navigational fix from a civilian frequency on a satellite network being assembled by the Department of Defense and called the Global Positioning System. The Pentagon expects the system to be complete in 1992.

The receivers required for tuning in to the Global Positioning System's civilian frequency are expensive, however. And some experts view the reliance on military satellites as another potential drawback.

"The Pentagon could shut G.P.S. down any time it wants, to recalibrate the system for some new military reason," said Robert D. Ervin, an engineer at the University of Michigan Transportation Research Institute.

The uncertainty surrounding G.P.S. has not deterred companies from pressing ahead with navigation systems that rely on the satellites. Chrysler's Acustar subsidiary has a system in the works. Rockwell International, the Government's prime contractor for the G.P.S. system, also hopes to market a receiver that could be incorporated into vehicle navigation systems.

Motorola is pursuing a system that combines radio telemetry from satellites and dead reckoning to locate a vehicle's position. Motorola hopes to deliver its navigation system by 1993, priced at around $3,000 and aimed at luxury-car buyers, said Randolph M. Doi, director of intelligent vehicle/highway systems research.

[From the New York Times, Apr. 12, 1990]

"SMART" CARS AND HIGHWAYS TO HELP UNSNARL GRIDLOCK

(By John H. Cushman, Jr.)

WASHINGTON, April 11.—Predicting a doubling of traffic in the next three decades, Federal highway officials are actively promoting a major program of computerization and automation that would fundamentally alter the designs of vehicles and highways.

In the latest move to assist researchers, Transportation Secretary Samuel K. Skinner announced an $8 million project today to equip 100 cars in Orlando, Fla., with computerized displays that will receive instantaneous traffic updates and detour instructions from a traffic management center.

Last month, in a report to Congress, the Department of Transportation called for a national research program, supported by Federal, state and local governments and by businesses and private groups, to foster the new technologies. At the same time, an increase in Federal research was endorsed in the new national transportation policy paper issued by the White House.

Neither the report nor the policy statement estimated the cost, but recent studies by Federal, state and industry specialists have found that tens of billions of dollars will have to be spent to stave off a paralysis on the nation's highways.

Researchers are focusing on three broad technologies: computerized dashboard maps to track the location of vehicles, roadside sensors and signals to manage the flow of traffic, and sophisticated steering and speed controls that might someday even let cars drive themselves on specially instrumented highways.

ALMOST HUMAN CHARACTERISTICS

Describing the Orlando project in a speech this afternoon to the American Automobile Association in Los Angeles, Mr. Skinner said he looked forward to new devices that would give "the car and the highway certain almost human characteristics to lift some of the load off the driver."

"This array of advanced electronics and communications technology will contribute a great deal toward reducing vehicle delay, increasing highway capacity and improving highway safety," the Secretary said. A text of the speech was provided by Mr. Skinner's office here.

The project is being sponsored by the automobile association along with the General Motors Corporation, state and local governments and the Department of Transportation. The Federal share of the project cost is $2.5 million.

"It's not a question of whether it is going to happen," said Mark R. Norman, director of policy development for the Highway Users Federation, a lobbying organization. "The real question is how fast it is going to happen, and how well are we going to do it."

California's transportation agency, a leading backer of the new research, is already beginning tests of a project similar to the Orlando project. The California project, called Pathfinder, provides traffic advice to 28 cars operating on a twelve-mile stretch of freeway and several parallel arteries in the corridor between Santa Monica and Los Angeles.

The project cost $40 million; to install such a system throughout Los Angeles, with its 4,750 miles of freeway lanes, could cost $2 billion.

The Orlando experiment improves on the California project, using nearly four times as many vehicles and providing a broader range of information on better displays covering an entire metropolitan area. The displays will suggest the best route to take to destinations selected by the drivers and will update the information quickly in response to accidents or traffic congestion. It is expected to go into operation in January 1992, and will be evaluated for a year.

CARS WITH COMPUTERIZED MAPS

John R. Wallace, director of electronic systems research at the Ford Motor Company, said the appearance of the new technology in cars would lag behind the installation of computerized traffic control systems like road signs whose messages vary with traffic conditions.

But in the next five years or so, he said, luxury rental cars will have computerized maps to help drivers find their way around unfamiliar streets. How fast the expensive systems catch on depends more on consumers' enthusiasm than anything else, he said.

Mr. Wallace said researchers had yet to resolve major obstacles to automotive equipment, not all of them technological.

"We don't want to have people plowing into people because they are looking down at their navigation systems," he said. "But there could be very simple displays, an arrow that would come on, very simple alphanumerics or even voice systems. The car will, in its very flat toneless voice, tell you to turn left at the next intersection."

Equipping cars wtih devices that will actually help control the vehicle's movements presents far more difficult legal problems, he said. For that reason, he added, the ultimate "smart" car "is the subject of incredible paranoia inside the industry."

For example, while cruise-control mechanisms that maintain a car's constant speed could easily be adapted to prevent tailgating, auto makers believe that installing such devices would leave them open to lawsuits in the event of collisions.

With a handful of limited demonstrations already in progress, experts say the technology is in hand for computerized roadside signals to smooth the flow of traffic and identification devices to automatically charge tolls so that traffic need not slow down at bridges and tunnels.

More complex systems are years away from being widely installed. "You'll see little steps before you see big steps," said Robert D. Ervin, head of engineering research at the University of Michigan's Transportation Research Institute in Ann Arbor. He predicted that the earliest systems would be geared toward the needs of businesses that have the most to gain financially by avoiding traffic delays.

THE HIGH COST OF CONGESTION

State and local governments are eager to expand such systems, especially around big cities where traffic congestion is most severe.

A study by the Texas Transportation Institute has found that congestion costs Los Angeles motorists $8 billion a year in delays, and that the cost of congestion in 11 other cities, including New York, exceeds $1 billion a year.

Estimates published in technical reviews say the installation of computerized traffic signal controls in Los Angeles, which has one of the most advanced systems in the nation, has led to reductions of 13.2 percent in travel time, 12.5 percent in fuel consumption and 10 percent in pollution.

With the nation's highway traffic expected to double over the next 30 years, the increasing use of such technologies seems inevitable.

FOREIGN RESEARCH EFFORTS CITED

Proponents of aggressive research on smart cars and roads point to major projects already being conducted by consortiums in Japan and Europe, and say that if the United States does not follow suit it will end up buying the technology from overseas.

The Highway Users Federation, a Washington lobbying group, has called for devoting $100 million a year for 10 years to such research. The Bush Administration has requested $13 million for such purposes in the fiscal year 1991, which begins next Oct. 1.

Mobility 2000, a group of government, industry and academic experts, has published staggering estimates of the costs involved in a full commitment to smart roads and vehicles.

A nationwide system of traffic management devices could cost $18 billion to build and $4 billion a year to operate and maintain, the group said. About $1 billion should be spent on research and development of driver information aids, such as computerized maps. And $2.5 billion would be spent on vehicle control devices.

But advocates say the rewards would be well worth the price.

"A doubling or tripling of lane capacity and a dramatic increase in safety is well within reach of the technology," Mobility 2000 said in a report last month.

Such technology, the report added "offers the only hope of really solving transportation problems instead of merely managing worsening conditions over time."●

By Mr. KERRY (for himself, Mr. SIMON, Mr. ADAMS, and Mr. GORE):

S. 2529. A bill to amend the Immigration and Nationality Act to exclude aliens who unlawfully withhold custody of children outside the United States; to the Committee on the Judiciary.

INTERNATIONAL CHILD PROTECTION AND RECOVERY ACT

● Mr. KERRY. Mr. President, the problem of international parental child abduction is growing. Since 1975 over 3,000 cases have been reported to the Department of State, the governmental agency under whose auspices this issue falls. The National Center for Missing and Exploited Children estimates that 300 to 350 cases may be reported this year alone. It is uncertain how many more will go unreported. The vast majority will not be resolved by simple communication between the abductor and aggrieved parent. The time has come to put into place a vehicle which will act as a deterrent to those individuals who are contemplating inflicting emotional and, all too often, physical trauma upon innocent children.

Today, I am introducing the International Child Protection and Recovery Act of 1990. The act would amend the Immigration and Nationality Act's grounds for exclusion to include any alien—including any permanent resident alien—who violates the human rights of a child with a lawful claim to U.S. citizenship by withholding the child outside the United States from the U.S. citizen parent.

As the number of international marriages increases, so do the incidents of abduction. Though circumstances vary, most of the abductions occur when difficulties arise within marriages, which have produced children, between a U.S. citizen and spouse with strong ties to a foreign country. U.S. courts generally award unsupervised visitation privileges to the parent with foreign ties—an action which provides ample opportunity for a parent, so inclined, to violate a child's trust as well as court order. But, in a large number of cases, the abductions occur with no warning of trouble in the relationship. The aggrieved parent is completely ignorant of any plan—or even the possibility—of abduction. They are so unaware of the cruel intentions of their child's "alien" parent, that no formal custody decree exists.

Regardless of whether one is the parent of a child with a valid claim to U.S. citizenship, the ability to reside in or visit the United States is a privilege, not a right. An individual should not be allowed to take full advantage of what the United States has to offer—sometimes more valuable to them than their child—when they have disrupted the life of a child of a U.S. citizen by depositing the child outside the United States, away from the love and protection of the U.S. citizen parent.

Many times their claim of concern for the child's welfare is invalidated by their abandonment of the child with relatives in their home country, and their own return to the United States. The act will serve as a deterrent to individuals contemplating such action.

Speaking off the record, officials at the Department of State have said that in especially difficult cases, the only alternative left to get a child back is to attempt reabduction—a potentially dangerous maneuver which is definitely not sanctioned by the Department.

But why? Why should a parent risk imprisonment, financial ruin—for these ventures are costly—or even, in extreme cases, death, because they trusted their spouses to treat their children in a humane fashion?

Adoption of a policy with backbone toward the aliens who disrupt the lives of U.S. citizen children must be undertaken immediately. We cannot continue to reward their actions with entry into the United States. To alleviate the childrens' confusion and suffering and for the sake of family reunification, we must act now. This issue is indeed one of human rights violation, not just domestic disagreement.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Child Protection and Recovery Act of 1990".

SEC. 2. Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) by striking out the period at the end of paragraph (33) and inserting in lieu thereof a semicolon; and

(2) by adding at the end thereof the following new paragraph:

"(34) Any alien (including any permanent resident alien) who—

"(A) after the entry of a court order granting primary or joint custody to a United States citizen of a child having a lawful claim to United States citizenship, detains, retains, or withholds custody of such child outside the United States from the United States citizen granted such custody, or

"(B) in the absence of a court order respecting custody, detains, retains, or withholds custody of a child, having a lawful claim to United States citizenship, outside the United States without the consent of the child's United States citizen parent,

except that such alien shall no longer be excludable upon the surrender of the child to the United States citizen granted such custody, or the United States citizen parent, whichever is applicable.".●

By Mr. ROTH:

S. 2530. A bill to amend the Internal Revenue Code of 1986 to return the "Peace Dividend" to the taxpayers of the United States in the form of individual rate reductions; to the Committee on Finance.

DEFENSE TAX REBATE ACT

Mr. ROTH. Mr. President, yesterday I came to this floor to outline my proposal to match the defense budget with changing defense needs. It's clear that the reduced Soviet threat will result in substantial savings to the Government—or what many are calling a peace dividend. Now the question arises—who should receive the dividend.

Some see this as a difficult question. I do not.

Since the end of World War II, the American taxpayer has been called upon to finance the cold war. Valiantly, they have accepted the burden of our country's and our allies' defense—often paying increased taxes in order to insure our Nation's safety. And, quite frankly, this expense has at times been made by sacrificing our country's ability to compete with the allies whose defense burden is relatively low by comparison.

With this in mind, Mr. President, the answer is clear: The taxpayers have paid their dues to the defense of the Nation and if a portion of those funds are no longer needed for that purpose, then they should be returned to the taxpayers. And this is my objective today—to introduce a plan that will return to the taxpayers the money that is rightfully theirs.

My plan would lower income taxes for modest- and middle-income taxpayers by reducing their rates. For high-income taxpayers, the rates would remain the same. Today there is bipartisan agreement that lower and middle income working class Americans are taxed too much—largely because of higher Social Security payroll taxes. Many have advocated a payroll tax pay cut as a result. But Americans do not want Congress to mess around with Social Security, because if it does then our children and children's children will be carrying the burden, and Americans want to carry their own weight. This is exactly what my proposal would do.

The bottom bracket, currently set at 15 percent, would be reduced to 12 percent. This amounts to 20-percent income tax reduction for lower and modest income Americans. For a working couple with taxable income of $20,000, this would be a 20-percent cut equal to $600, while a couple earning $30,000 would save $900 in Federal income tax—reducing their burden from $4,500 to $3,600. This rate reduction would more than offset the 1977 Social Security tax increase and their acceleration in 1983.

The next bracket, the 28-percent bracket, would be cut to 25 percent. This would amount to a 10.7-percent rate reduction—coupled with the benefit of the bottom bracket reduction—this would amount to a 14- to 18-percent tax cut for middle-income taxpayers—or a tax bill savings of about $1,500 for a couple earning $50,000.

For those above the so-called bubble, their taxes would not change. Thus, for the wealthiest taxpayers there would be no tax cut.

This tax plan would reduce the tax burden on middle-income taxpayers—across the board—no special interests and no spending proposals to benefit a particular constituency. These are taxpayers already pressed by property tax, State income taxes, Federal income taxes, payroll taxes. These are taxpayers who are faced with a variety of penalties built into the Tax Code—like the marriage penalty, the earnings test, taxes on Social Security benefits, loss of the benefits of the personal exemption because of inflation, and high payroll taxes without any tax deduction.

However, the largest tax benefit would go to those in the lowest tax bracket.

Now, some inside the beltway may think the idea of giving taxpayers back their hard-earned money may seem nothing short of outrageous. They may say, "Surely, Congress in its wisdom, can find some worthy cause to spend this money on." Frankly, I believe the projected budget of $1.5 trillion in the mid-1990's will be sufficient to meet our national needs. Within this enormous level of Federal resources we can do a much better job at setting priorities in keeping with the changing nature of our society. Congressional spending is limited only by the level of tax revenues and the maximum politically acceptable deficit. If the revenues are available, the money will be spent—some have already spent this so-called peace dividend 10 or 15 times already.

I believe that if Congress is going to undertake new spending, or even target money for deficit reduction, then it should be required to prioritize needs rather than slide by on the windfall of peace.

I have long maintained that the problem in America is not that Americans are undertaxed, but that Congress spends too much. Through most of the last half of this century, taxes and spending have been approximately equal to 18 or 19 percent of gross national product. However, in recent decades Federal spending, as a percent of GNP, has increased and now stands at its current level of 22 percent. This spending spree has got to stop, and I am proposing a plan to return these resources back to the taxpayers, from which they came.

A tax cut would allow taxpayers to spend their money as they see fit, not how Congress see fit. Workers would see their payroll tax increase more than offset by the personal tax cut, reducing the tax penalty on work.

Middle income taxpayers and especially spouses would also have enhanced work incentives, as well as relief from other taxes. Small unincorporated businesses and farmers would have more capital to save and invest. More productive resources would be devoted to production, leading to a larger economy and a higher standard of living.

Many will argue that this savings should be dedicated to the deficit, but we all know what Congress does with a windfall. I instituted a study in the Joint Economic Committee which found that for every dollar of tax increases during the 1980's, Congress spent $1.58. This would suggest that using the windfall for deficit reduction would most likely increase rather than reduce the deficit as the spending spirit it induces runs unchecked by the dividend's limitations. We'd find Congressmen spending two and three times what the defense savings would allow.

I would like to stress that my bill does nothing to change the deficit reduction schedule under Gramm-Rudman. This plan complies with Gramm-Rudman and is deficit neutral. When the law was passed, no one expected the benefit that results from restructuring our Armed Forces during this time change. Thus the tax refund is appropriate as a result of the restructuring, and we should continue on the course of reducing the deficit under Gramm-Rudman. I'm simply saying that rather than allow Congress and the special interest groups to get their hands on this money, we should give it back to those who paid it. And my bill benefits all but the top 5 percent of the wage earners in this country—with the low-income workers benefiting the most.

As far as the Social Security surplus is concerned—I agree that it should be taken off of the budget for Gramm-Rudman purposes. But I do not believe we should delay these tax cuts because of this problem. They are separate, and I am paying for the tax cut through dollars that relate to general spending. What my plan does is completely outside the issue of the Social Security system.

In short, the burden of government on the economy will be lightened by cutting both defense spending and personal tax rates. The overtaxed low- and middle-income families will be better off keeping more of their own money for their own purposes. If Congress wants new programs, then Congress will have to find a way independent of the defense budget to pay for them. I believe no one is in a better position than the American family to determine for themselves their own destiny and how to pay for education, housing, health costs, and other important family goals.

By Mr. BINGAMAN:

S. 2531. A bill to authorize the Secretary of the Interior to enter into a contract with the Navajo Academy, Inc.; to the Select Committee on Indian Affairs.

NAVAJO ACADEMY

● Mr. BINGAMAN. Mr. President, I rise today to introduce a bill that will help ensure the future stability of the Navajo Academy, a unique college preparatory school for gifted Native American youngsters in New Mexico, Arizona, and throughout the country.

This is a very simple bill, but it could be a very important one. This measure will enable the academy to amend its Indian Self-Determination and Education Assistance Act contract with the Department of the Interior to allow for long-term facility lease payments, subject to annual congressional appropriations. Such a contract amendment is necessary because despite a fine record of excellence over its 14-year history, the Navajo Academy faces closure next year if a new school facility is not found or constructed soon. To help finance a new school facility, the existing contract must be amended.

The academy currently leases a facility in Farmington, NM, but is under court order to vacate this space by mid-1991. At this time, the academy's board of trustees believes that no suitable facility exists for relocating the school. Accordingly, the board has turned to the private sector, the Navajo Tribe, the Department of the Interior, and the New Mexico congressional delegation for assistance in securing funding to construct a new school.

For some time, the board has been working with the Department and the Bureau of Indian Affairs to amend the academy's existing Public Law 93-638 contract. Although we all are hopeful that the contract will be amended without legislative action, the board has requested that this measure be introduced in the event that administrative negotiations break down. I am pleased to assist the board in this way because I believe Navajo Academy is an institution worthy of our utmost support.

As I mentioned earlier, the Navajo Academy is a unique college preparatory, residential school for Native American youngsters. The academy was established in 1976 to help deal with the extremely high dropout rate, the low education attainment level, and the low college attendance rate among Navajos and other Native Americans. The academy's mission has been to enroll some of the Southwest's most gifted Native American high school students in a rigorous education program that will help them become productive, competitive leaders of their tribes, States, and country. It is clear that the academy has succeeded in carrying out this mission. Last year, more than 90 percent of its graduates received scholarships to prestigious colleges and universities, including a science career scholarship from NASA.

The academy and its students certainly are justifiable sources of pride for the Navajo people, and I understand that the academy board has worked closely with the Navajo Nation's tribal government over the past few years to ensure the best educational opportunities possible for Navajo youngsters. Indeed, I am told that the tribe has demonstrated a firm commitment to the students of the academy. With the approval of appropriate tribal officials and entities, the Navajo Academy last year obtained a $700,000 private loan so that preliminary developmental work on a new school facility could proceed. In addition, the Navajo Nation has made available 640 acres of land for a new facility and has created a $1 million trust fund, the interest of which is to be used for the benefit of the Navajo Academy. Further, I have been told that the Education Committee of the Navajo Nation's tribal council is taking a leadership role in obtaining tribal endorsement of the project, as a priority for Native American children.

Mr. President, I am hopeful that all the interested parties—the academy's board of trustees, parents, students, the Department of the Interior, and the Congress—will continue to work together over the next few months to resolve the academy's facility problems as quickly as possible. As we proceed, however, I believe we must bear in mind that current facility plans and cost projections may not necessarily be the proper ones; those determinations must be made carefully, with input from all parties. I am confident that the academy's board and administration will work closely with the Department of the Interior and others as current and future needs, costs, and plans are developed and analyzed. I pledge to do all that I can to facilitate these deliberations.●

By Mr. CRANSTON (by request):

S. 2532. A bill to authorize the Secretary of Veterans Affairs to enter into enhanced-use agreements with respect to designated VA facilities and to direct the disposal of such designated facilities by special designation; to the Committee on Veterans' Affairs.

USE AND DISPOSITION OF DESIGNATED VA FACILITIES

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S 2532, the proposed "Act for the Use and Disposition of Designated VA Facilities". The Secretary of Veterans Affairs submitted this legislation by letter dated April 26, 1990, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 26, 1990, transmittal letter and enclosed section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2532

Be it enacted by the Senate and House Representatives of the United States of America in Congress assembled, That this Act may be cited as "Act for the Use and Disposition of Designated VA Facilities."

SEC. 2. Notwithstanding the provisions of section 5022 of title 38 United States Code, sections 303b, 483 and 484 of title 40 United States Code, and any other provision of law inconsistent with this section (except Federal environmental and historical laws and regulations and the Davis Bacon Act), the Secretary of the Department of Veterans Affairs (the "Secretary") may enter into enhanced-use agreements with respect to designated facilities and may direct the disposal of such facilities, by special disposition. Any designated property shall not be considered unutilized or underutilized for purposes of section 11411 of title 42 United States Code.

(b)(1) For purposes of this section:

(A) The term "enhanced-use agreements" means a written agreement, consistent with existing appropriation laws of title 31, United States Code, that may be entered into by the Secretary, pursuant to competitive procedures, with any person (whether an individual, trust, estate, partnership, association, company, corporation, Federal, state or local government unit, agency, authority or other entity) for a term not in excess of 35 years (20 years where construction of new buildings or substantial rehabilitation of existing buildings is not involved), either in whole or in part, or shared, of one or more designated facilities or parts thereof, for a use consistent with the Department's mission in return for the payment of consideration to the Department of Veterans Affairs (the "Department"), in cash or in kind (e.g., construction, alteration, repair, remodeling, improvement extension, maintenance, space, services or other benefit to the Department); provided that any consideration received shall reflect the government's contribution to the agreement. Any cash received under this paragraph shall be deposited in a special fund, to be known as the Enhanced-Use Fund. The Enhanced-Use Fund shall be available to the Department when so provided in appropriation acts, without fiscal year limitation.

(B) The term "designated facilities" means those facilities or parts thereof, including unimproved land, identified by the Secretary in a notice of designation.

(C) The term "notice of designation" means a two-part written notice by the Secretary to the Committees identifying one or more designated facilities with respect to which the Secretary proposes to enter into one or more enhanced-use agreements.

(D) The term "Committees" means the Committees on Veterans Affairs of the Senate and the House of Representatives.

(E) The term "special disposition" means a disposition by the Administrator of General Services of a designated facility (or the Department's interest therein) that is, or has been , utilized for an enhanced-use agreement.

(b)(2) Notice of designation shall be provided to the Committees not less than thirty (30) days prior to entering into the enhanced-use agreement, and shall (i) identify the facilities, (ii) explain the background, rationale, and economic factors (including a "cost-benefit" analysis) in support of the proposed enhanced-use agreement, (iii) specify the date on which a public hearing was held addressing the enhanced-use agreement's impact on local commerce, and (iv) outline such proposed agreement in general terms. Not less than ten (10) days prior to entering into the enhanced-use agreement, the Secretary shall advise the Committees of any changes or modifications of the information previously submitted, and provide a copy of the draft enhanced-use agreement.

(b)(3) At the end of, or during, the term of the enhanced-use agreement, the Secretary may direct the disposal of the designated facilities, or of the Department's interest therein, by requesting the Administrator of General Services to perform a special disposition of the facilities as authorized by this paragraph. Such special disposition may be for cash or such other consideration as the Secretary and the Administrator determine is in the best interest of the United States, may be accomplished by negotiating directly with the parties to the enhanced-use agreement or by competitive bid of negotiated sale, upon such terms and conditions as the Administrator deems appropriate; provided, however, that the Secretary shall provide, not less than sixty (60) days prior to such disposition, written notice to the Committees of the government's intent to take such action setting forth in such notice the background, rationale and economic evaluation of the special disposition, as well as the intended consideration, and the mode, terms and conditions of the action. Upon disposition, any cash proceeds, less that portion to reimburse the costs incurred for such disposition shall be deposited into the nursing home revolving funds, as prescribed by section 5016 of title 38 United States Code, or the Enhanced-Use Fund, as appropriate.

(b)(4) Except as deemed appropriate by the Secretary, any construction, alteration, repair, remodeling, improvement or extension carried out under this Act shall meet all standards applicable to construction of a Federal building and shall not be subject to any state or local law relating to building codes, permits, or inspections. When Federal standards are used, the Department shall conduct periodic inspections of such construction for the purpose of ensuring that such standards are being met.

(b)(5) The Department's interest in any enhanced-use agreement and in any facility subject to such an agreement shall not be subject, directly or indirectly, to any state or local laws relative to taxation, fees, assessments, or special assessments, except sales taxes associated with the construction, alteration, repair, remodeling, improvement or extension carried out under this Act.

(b)(6) Unless otherwise authorized, the authority to enter into enhanced-use agreements shall expire on September 30, 1993.

(b)(7) The total number of agreements authorized under this section shall not exceed 30.

SECTION-BY-SECTION ANALYSIS

Section 1 states that the short title of this bill is the "Act for the Use and Disposition of Designated VA Facilities."

Section 2 adds a new section 5026 to title 38, United States Code at Chapter 81, Subchapter II, "Use and Disposition of Designated Facilities".

Subsection (a) provides that notwithstanding the provisions of section 5022 of title 38, United States Code, sections 303b, 483 and 484 of title 40, United States Code, and any other provision of law inconsistent with this section, the Secretary of Veterans Affairs is authorized to enter into enhanced use agreements with respect to facilities designated by the Secretary and further authorizes the Secretary to direct the disposal of these facilities by special disposition. Any facility designated under this Act will not be considered unutilized or underutilized for the purposes of the McKinney Act, section 11411 of title 42, United States Code. However, the VA will be required to comply with all Federal environmental and historic preservation laws and regulations and the Davis Bacon Act.

Subsection (b)(1)(A) defines "enhanced use agreements" as a written agreement, consistent with existing appropriation laws of title 31, United States Code, entered into by the Secretary pursuant to competitive procedures with any person, company, corporation, or Federal, State, or local governmental unit, for a term not exceeding thirty-five years (twenty years where construction of new buildings or substantial rehabilitation of existing buildings is not involved), for the use of one or more designated VA facilities, or parts thereof; provided such use is consistent with the Department's mission. The consideration for the use of the designated facility may be in cash or in kind, e.g., the requirement to construct, alter, repair, remodel, improve, or extend and maintain or otherwise benefit one or more Department facilities, or provide space, services, or other benefits to the Department. The total consideration received by the Department should reflect the Government's contribution to the agreement. Cash or in-kind payments received as (or in lieu of) rent for the use of designated facilities will reflect the market value of renting such facilities, thus maintaining fair competition with the private sector. If cash is received, it will be deposited in a special fund, to be known as the Enhanced-Use Fund, which will be available for use by the Department as provided for in appropriation acts, without fiscal year limitation.

Subsection (b)(1)(B) defines "designated facilities" as those VA facilities or parts thereof including unimproved land identified by the Secretary in a notice of designation.

Subsection (b)(1)(C) defines "notice of designation" as a two-part written notice to the VA Committees by the Secretary which identifies one or more facilities for which the Secretary proposes to enter into one or more enhanced use agreements.

Subsection (b)(1)(D) defines "committees" as the Committees on Veterans Affairs of the House of Representatives and Senate.

Subsection (b)(1)(E) defines "special disposition" as a disposition by the Administrator of General Services of a designated facility or the Department's interest therein that is or has been utilized for an enhanced use agreement.

Subsection (b)(2) requires the Secretary to provide the respective VA Committees with a notice of designation not less than 30 days prior to entering into an enhanced use agreement, which identifies the subject facility, explains the background of the proposed use agreement, its rationale, the economic evaluation, including a cost-benefit analysis, for the proposed use agreement, specifies that the Department has held public hearings in the local community addressing the economic impact of such agreement on local commerce, and outlines the terms of the agreement. The Secretary is further required to advise the respective VA Committee at least 10 days prior to entering into such a agreement of any changes or modifications from the previously identified facilities, explain any changes in the agreement's rationale, economic evaluation, or terms, and to provide a copy of the draft agreement.

Subsection (b)(3) provides that the Secretary may direct the disposal of the designated facility or the Department's interest therein at the end or during the term of the enhanced use agreement, by requesting the Administrator of General Services to perform a special disposition. The special disposition of facilities may be negotiated directly with the parties to the enhanced use agreement. The disposition may be for cash or such other consideration as the Secretary and Administrator determine is in the United States' best interest, and may be accomplished by competitive bid or negotiated sale, the terms and conditions of which will be as determined by the Administrator. The Secretary further is required to provide the VA Committee with prior written notice, at least 60 days before effectuating such special disposition, setting forth the background, rationale, and economic evaluation, and the consideration, mode, and terms and conditions of the proposed disposition. Any cash proceeds from the disposition. Any cash proceeds from the disposition will be deposited in the nursing home revolving fund as presently called for by 38 U.S.C. § 5016, or in the Enhanced-Use Fund.

Subsection (b)(4) requires that, except as deemed appropriate by the Secretary, any enhanced construction (construction, alteration, repair, remodeling, improvement, or extension) must meet all standards applicable to the construction of a Federal building and will not be subject to any state or local building codes, permits, or inspections. When Federal standards are used the VA will conduct periodic inspections to ensure the Federal standards are met.

Subsection (b)(5) provides that the Department's interest in any enhanced use agreement and in any facility subject to such an agreement shall not be subject, directly or indirectly, to any state or local laws relative to taxation, fees, assessments, or special assessment, except sales taxes associated with the construction, alternation, repair, remodeling, improvement, or extension carried out under the Act.

Subsection (b)(6) states that the authority to enter enhanced use agreements will expire on September 30, 1993.

Subsection (b)(7) limits the total number of enhanced use agreements to thirty.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, April 26, 1990.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, entitled an "Act for the Use and Disposition of Designated VA Facilities." It is requested that this bill be referred to the appropriate committee and favorably considered for enactment.

The proposed bill would authorize the Secretary of Veterans Affairs to enter into enhanced use agreements for VA facilities or parts of VA facilities, as designated by the Secretary.

The legislation would free VA from the constraints of present law which effectively limit arrangements with the private sector to three years, thus discouraging efficient management of VA assets. In contrast, this proposal, if enacted, would permit VA, with prior congressional notice, to enter into competitive and highly advantageous arrangements whereby VA property is improved or managed in a more cost effective manner. In addition, it would enable VA to acquire services without direct Federal capital expenditure. Examples could include parking space, conversion of medical center space to nursing home care or day care facilities, and reconstruction of historic properties.

The proposal would not require new appropriations to VA nor would it be applicable to VA properties generally, but only to those properties specifically designated. In addition, detailed justification would be required on all designated properties and draft agreements. The proposed legislation is consistent with legislative authority already available to other land-holding departments and agencies including Defense and Interior.

If enacted, the Secretary could enter into enhanced use agreements with any person, company, corporation, or Federal, State, or local unit of government, for a term up to thirty-five years (twenty years where new construction or substantial rehabilitation is not involved), under which the designated facilities or parts thereof may be leased or shared for a use consistent with the Department's mission, with payment for such use, in cash or in kind, which could include (1) the responsibility to maintain, repair, construct, alter, remodel, improve, or extend the facilities, or (2) the provision of space, services, or other benefit to the Department. Any cash payments from public or private partners to the Department will be deposited in a special fund to be known as the Enhanced-Use Fund. The Enhanced-Use Fund would be available for use by the Department as provided for in appropriation Acts. The total consideration received would reflect the Government's contribution to the agreement. The Secretary would also be authorized to direct the disposal of any or all of the designated faciliites, or the Department's interest therein, that are or were utilized under an enhanced use agreement, by special disposition, provided the House and Senate Committees on Veterans Affairs are first given notice of the disposition. The agreements would be subject to Federal environmental and historic preservation laws and regulations as well as the Davis Bacon Act.

For the purposes of this bill, designated facilities are those identified by the Secretary in a Notice of Designation, which are deemed approved for an enhanced use agreement. Designated facilities can also include unimproved VA land. The Notice would be submitted to the respective VA Committees by the Secretary, identifying one or more VA facilities, or parts thereof, for which the Secretary proposes to enter into one or more enhanced use agreements. The VA Committees would be provided notice at least 30 days prior to entering into the use agreement(s), which will identify the facilities, or parts thereof, explain the background, rationale, and economic factors (including a cost-benefit analysis) in support of the use agreement, specify that the Department has held public hearings in the local community addressing the economic impact of such agreements on local commerce, and provide a general outline of the proposed agreement. A subsequent Notice will be submitted not less than 10 days prior to entering into the agreement, which will note any deviations from the agreement previously submitted to the VA Committees, providing a copy of the draft use agreement. Because such designation constitutes a determination of a continued Departmental requirements for the designated facilities, such facilities will not be considered unutilized or under-utilized for the purposes of section 11411 of title 42, United States Code.

Except as deemed appropriate by the Secretary, any construction, alteration, repair, remodeling, improvement, or extension carried out under this Act will meet all standards applicable to construction of a Federal building, but will not be subject to any state or local laws relating to building codes, permits, or inspections. When Federal standards are involved, the Department, however, will conduct periodic inspections to ensure that the applicable Federal standards are met. The Department's interest in any enhanced use agreement and in any facility subject to such an agreement will not be subject, directly or indirectly, to any state or local laws relative to taxation, fees, assessments, or special assessments, except sales taxes associated with the construction, alteration, repair, remodeling, improvement, or extension carried out under this legislation.

Finally, the proposed legislation would authorize the special disposition by the Secretary, acting by or through the Administrator of General Services, of a designated facility, or part thereof, or the Department's interest therein, at the end of or during the term of the agreement, that is or previously was, utilized for an enhanced use agreement. The dispositon would be for cash, or such other consideration as determined by the Secretary to be in the Department's best interest, and may be accomplished by negotiating directly with the parties to the agreement, or by competitive bid or negotiated sale, under terms and conditions which the Secretary deems appropriate. Any cash proceeds, less the cost of disposition, would be deposited into the nursing home revolving fund, or the Enhanced-Use Fund. Before any special disposition can occur, the Secretary must provide at least 60-days written notice to the respective VA Committees, in which the background, rationale, economic evaluation of the disposition, as well as the intended consideration, mode, and terms and conditions of the action are fully described.

No additional costs would result from enactment of this proposal.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal to the

Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

By Mr. PELL (for himself, Mr. SIMON, Ms. MIKULSKI, Mr. JEFFORDS, Mr. DODD, Mr. COATS, Mr. METZENBAUM, Mr. BRADLEY, Mr. MACK, and Mr. THURMOND):

S.J. Res. 301. Joint resolution designating October 1990 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

NATIONAL BREAST CANCER AWARENESS WEEK

Mr. PELL. Mr. President, I am today introducing a joint resolution which can make a difference in the lives and health of millions of American women.

Breast cancer. Two terribly frightening words. It will strike an estimated 150,000 women in 1990, and kill about 44,000 women. It is the second leading cause of cancer death among women, and the risk of developing breast cancer increases as a woman ages.

In my own State of Rhode Island, breast cancer will strike about 900 women in 1990. This year alone, almost 300 Rhode Island women will die of the disease.

Mr. President, many people don't realize that breast cancer also strikes men. In 1990, an estimated 900 men will develop breast cancer. Last year, 300 men across this Nation died from the disease.

That is bad news. But there is good news, too. Breast cancer is a life-threatening disease that we can do something about. We may not yet know how to prevent it. But we do know how to detect it early, and we do know that early detection saves lives.

Early detection, through self-examination and screening mammography, can significantly reduce breast cancer mortality. Fifty years ago, the 5-year survival rate for localized breast cancer was 78 percent. Now it is over 90 percent. The American Cancer Society estimates that a combination of early detection procedures can boost the survival rate of localized breast cancer to almost 100 percent. That is, indeed, a number we can live with.

Mr. President, most women detect breast cancer themselves. Yet many do not know how to self-examine, and many are afraid to try. The same is true with screening mammography. Fear, lack of access, cost, and lack of information, prevent many women from seeking a screening mammography. This is more than unwise; it is a prescription for disease and death.

We can do something about this, Mr. President. We can support the efforts of health care organizations, providers, and advocates who work each day to educate people about breast cancer and to teach that—while breast cancer can kill—it can also be conquered. The resolution I am introducing today can help send this message of hope to all by establishing the month of October 1990 as National Breast Cancer Awareness Month.

Mr. President, I am pleased to be joined in introducing this important joint resolution by Senators SIMON, MIKULSKI, JEFFORDS, DODD, COATS, METZENBAUM, BRADLEY, MACK, and THURMOND, and I look forward to working with them and with my other colleagues in the Senate to ensure its speedy consideration and passage.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 301

Whereas breast cancer will strike an estimated 150,000 women and 900 men in the United States in 1990;

Whereas one out of every ten women will develop breast cancer at some point in her life;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, killing an estimated 43,000 women and 300 men in 1989;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940s to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and physicians about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women over the age of 40 by using mammography as a screening tool;

Whereas women do not have mammograms for a variety of reasons, such as the cost of testing, lack of information, and fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That October 1990 is designated as "National Breast Cancer Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. HUMPHREY the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Mississippi [Mr. COCHRAN], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Wyoming [Mr. SIMPSON], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Mexico [Mr. DOMENICI], the Senator from Wisconsin [Mr. KASTEN], the Senator from Texas [Mr. GRAMM], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Kansas [Mr. DOLE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 34, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 373

At the request of Mr. COATS, the name of the Senator from North Carolina [Mr. HELMS], was added as a cosponsor of S. 373, a bill to amend the Internal Revenue Code of 1986 to allow an additional 50 percent deduction for the costs to employers of providing family leave in certain cases involving a birth, an adoption, or a serious illness of a child, spouse, or dependent of the employee.

S. 416

At the request of Mr. DOMENICI, the name of the Senator from Iowa [Mr. GRASSLEY], was added as a cosponsor of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost of living adjustment in annuities payable under Federal retirment systems for fiscal years 1990 and 1991, and for other purposes.

S. 1676

At the request of Mr. PELL, the name of the Senator from Arkansas [Mr. BUMPERS], was added as a cosponsor of S. 1676, a bill to strengthen the teaching profession, and for other purposes.

S. 1911

At the request of Mr. DODD, the name of the Senator from Maryland [Ms. MIKULSKI], was added as a cosponsor of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 1912

At the request of Mr. CRANSTON, the name of the Senator from Vermont [Mr. JEFFORDS], was added as a cosponsor of S. 1912, a bill to protect the reproductive rights of women, and for other purposes.

S. 2019

At the request of Mr. SYMMS, the name of the Senator from Iowa [Mr. GRASSLEY], was added as a cosponsor of S. 2019, a bill to amend title XVIII of the Social Security Act to eliminate the reimbursement differential between hospitals in different areas.

S. 2039

At the request of Mr. COCHRAN, the names of the Senator from Alabama [Mr. HEFLIN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2039, a bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms.

S. 2051

At the request of Mr. HEFLIN, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 2051, a bill to amend the Social Security Act to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another group practice have arrangements with colleagues to "cover" their practice on an occasional basis.

S. 2113

At the request of Mr. HEINZ, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2113, a bill to promote and assist in the development of the private sector, including small and medium-sized businesses, in Central and Eastern Europe through an export enhancement regime that will encourage direct private investment in such countries.

S. 2114

At the request of Mr. KENNEDY, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 2114, a bill to promote excellence in American mathematics, science, and engineering education; enhance the scientific technical literacy of the American public; stimulate the professional development of scientists and engineers; provide for education, training, and retraining of the Nation's technologists; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes.

S. 2187

At the request of Mr. COCHRAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2187, a bill to amend the Public Health Service Act to make grants to encourage States to establish offices of Rural Health to improve health care in rural areas.

S. 2189

At the request of Mr. PRYOR, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2189, a bill to establish a grant program to provide health insurance information, counseling, and assistance to individuals eligible to receive benefits under title XVIII of the Social Security Act, and for other purposes.

S. 2227

At the request of Mr. LEAHY, the name of the Senator from North Dakota [Mr. BURDICK], the Senator from Arkansas [Mr. BUMPERS], the Senator from California [Mr. CRANSTON], the Senator from Nevada [Mr. BRYAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Hawaii [Mr. INOUYE], the Senator from Nevada [Mr. REID], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 2227, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to reform the provisions of such Act governing exported pesticides, and for other purposes.

S. 2240

At the request of Mr. KENNEDY, the name of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Louisiana [Mr. BREAUX], the Senator from Indiana [Mr. LUGAR], the Senator from Missouri [Mr. DANFORTH], the Senator from Florida [Mr. MACK], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

S. 2302

At the request of Mr. BOND, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 2302, a bill to amend the Food Security Act of 1985 to revise and extend conservation programs under title XII, and for other purposes.

S. 2319

At the request of Mr. GARN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 2319, a bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to protect the deposit insurance funds, to limit the depository institutions, credit unions, and other mortgage lenders acquiring real property through foreclosure or similar means, or in a fiduciary capacity, and for other purposes.

S. 2388

At the request of Mr. CRANSTON, the names of the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from Texas [Mr. GRAMM], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Missouri [Mr. BOND], the Senator from Nevada [Mr. BRYAN], the Senator from Nevada [Mr. REID], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from Montana [Mr. BURNS], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. FOWLER], the Senator from Utah [Mr. GARN], the Senator from Ohio [Mr. GLENN], the Senator from Ohio [Mr., METZENBAUM], the Senator from Florida [Mr. GRAHAM], the Senator from Florida [Mr. MACK], the Senator from Iowa [Mr. HARKIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Vermont [Mr. LEAHY], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wisconsin [Mr. KOHL], the Senator from Mississippi [Mr. LOTT], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. SANFORD], the Senator from Alabama [Mr. SHELBY], and the Senator from Colorado [Mr. WIRTH], were added as cosponsors of S. 2388, a bill to provide for the striking of medals in commemoration of the Centennial of Yosemite National Park.

S. 2425

At the request of Mr. KERRY, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2425, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending and public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

SENATE JOINT RESOLUTION 206

At the request of Mr. GORE, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 206, a joint

resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultative parties, for the full protection of Antarctica as a global ecological commons.

SENATE JOINT RESOLUTION 235

At the request of Mr. HUMPHREY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution proposing a constitutional amendment to limit Congressional terms.

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alabama [Mr. SHELBY], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 277

At the request of Mr. LUGAR, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. GLENN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 277, a joint resolution designating October 6, 1990, as "German-American Day."

SENATE JOINT RESOLUTION 279

At the request of Mr. SPECTER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 279, a joint resolution to designate the week of September 16, 1990, through September 22, 1990, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 284

At the request of Mr. BYRD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Joint Resolution 284, a joint resolution to designate the week beginning September 16, 1990 as "National Give the Kids a Fighting Chance Week."

SENATE JOINT RESOLUTION 286

At the request of Mr. RIEGLE, the names of the Senator from Montana [Mr. BURNS], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Idaho [Mr. SYMMS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New York [Mr. MOYNIHAN], the Senator from Louisiana [Mr. BREAUX], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. DIXON], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Joint Resolution 286, a joint resolution to designate the week beginning May 6, 1990, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 292

At the request of Mr. PELL, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from New York [Mr. MOYNIHAN], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 292, a joint resolution to designate the year 1991 as the "Year of the Lifetime Reader."

SENATE JOINT RESOLUTION 293

At the request of Mr. RIEGLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 293, a joint resolution to designate November 6, 1990, as "National Philanthropy Day."

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. FORD, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of Senate Concurrent Resolution 96, a concurrent resolution to urge the administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade [GATT], or the proposed General Agreement on Trade in Services [GATS], and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

SENATE CONCURRENT RESOLUTION 124—RELATING TO HUMAN RIGHTS VIOLATIONS AGAINST THE ALBANIAN MINORITY IN YUGOSLAVIA

Mr. PELL (for himself, Mr. DOLE, and Mr. PRESSLER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 124

Whereas recent events in Eastern Europe underscore the need for a strong United States role in the promotion of human rights and democracy throughout that region;

Whereas the human rights situation in certain areas of Yugoslvaia, particularly in the Socialist Autonomous Province of Kosova, has deteriorated while other countries in Eastern Europe are embracing democratic freedoms and fundamental rights;

Whereas the Department of State's Country Reports on Human Rights Practices for 1989 cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press;

Whereas the Country Reports also document that these ethnic groups and regions, particularly against the ethnic Ablanian population of the Province of Kosova and to a lesser extent the ethnic Albanian population of the Republic of Macedonia;

Whereas the Government of the Yugoslav Republic of Serbia abrogated the autonomous status of the Socialist Autonomous Province of Kosova in March 1989 against the clear wishes of the ethnic Albanian population of that Province, which comprise the overwhelming majority of the population of that Province;

Whereas these serious and continuing human rights violations, in addition to the continued denial of autonomous status to the Province of Kosova, have precipitated a severe and continuing ethnic crisis in southern Yugoslavia;

Whereas the Albanian majority of Kosova have been denied the right to free trial and other civil rights;

Whereas the democratic movements in Kosova have attracted large numbers of Albanian supporters despite the severe restrictions on human rights and the democratic process;

Whereas the Government of Yugoslavia and the Government of the Republic of Serbia have responded through the use of force to suppress Albanian dissent which has arisen in opposition to these intolerable conditions;

Whereas the use of force by the Government of Yugoslavia and the Government of the Republic of Serbia has led to indiscriminate killing and brutal treatment of peaceful Albanian demonstrators by the police, mass arbitrary arrest and detention of Albanians, summary trial and imprisonment of Albanian peasants and workers, the banning of Albanian demonstrations and strikes, and the silencing of Albanian journalists and broadcasters; and

Whereas these human rights abuses and the abridgment of the civil rights of ethnic Albanians violate the principles of the Universal Declaration of Human Rights and the political obligations undertaken by the Government of Yugoslavia as a signatory to the Helsinki Final Act: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) expresses grave concern about the human rights abuses by the Government of Yugoslavia and the Government of the Republic of Serbia;

(2) urges the Government of Yugoslavia and the Government of the Republic of Serbia to cease the use of force in the Province of Kosova and to protect basic human rights and fundamental freedoms;

(3) urges the Government of Yugoslavia to investigate the indiscriminate killing of civilians by police forces;

(4) welcomes the decision of the Presidency of Yugoslavia to lift the state of emergency in the Province of Kosova and the decision of the Yugoslav courts to acquit Azam Vlasi and 13 other ethnic Albanian defendants of all charges against them;

(5) urges the Government of Yugoslavia and the Government of the Republic of Serbia to ensure that the lifting of the state of emergency results in the full restoration of freedoms curtailed under the state of emergency;

(6) urges the Government of Yugoslavia and the Government of the Republic of Serbia to restore full autonomous status to the Province of Kosova;

(7) urges the Government of the Republic of Serbia to begin a genuine dialogue with the recently formed Democratic Alliance Movement and other democratic forces in the Province of Kosova in the interest of re-

solving the political and economic crisis in that Province;

(8) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act to assure full protection of the human and civil rights of the Albanian nationality and all other national groups in Yugoslavia;

(9) requests the Department of State to monitor more closely and on-site the human rights conditions in Yugoslavia;

(10) requests the President to express the concerns of the Congress about the situation in the Province of Kosova and the increase in human rights violations in other areas of Yugoslavia to the highest levels of the Government of Yugoslavia;

(11) requests the President to prohibit Export-Import Bank loans or credit guarantees to the Federal Republic of Yugoslavia, where these are intended to finance projects within the Republic of Serbia, until there is a substantial improvement in the human rights situation and until all citizens of Yugoslavia are afforded equal rights.

● Mr. PELL. Mr. President, on behalf of Senators DOLE, PRESSLER, and myself, I am submitting a concurrent resolution regarding human rights violations against ethinc Albanians in southern Yugoslavia, particularly in the Province of Kosova. Congressmen TOM LANTOS and JOHN PORTER, cochairmen of the congressional human rights caucus, are introducing identical legislation today in the House of Representatives.

During the last 18 months the Yugoslav province of Kosova has been wracked by ethnic unrest and violence. At the root of this situation is the repressive campaign being waged by the Government of the Republic of Serbia, with substantial support from the Yugoslav National Government, against Albanians, who comprise 90 percent of the population of Kosova. In February 1989, a repressive state of emergency was imposed throughout Kosova and in the following month the province's autonomous status was revoked. Mass arrests and detentions have taken place, killings and beatings have occurred, and many other harsh and restrictive measures have been imposed on Kosova's Albanian majority.

This week the Presidency of Yugoslavia lifted the state of emergency in the Province of Kosova. The immediate impact of this action is to remove the ban on demonstrations and other forms of peaceful protest. It is imperative that the Serbian and Yugoslav Governments allow demonstrations to take place and fully restore other rights that were curtailed under the state of emergency. Otherwise, lifting the state of emergency will be a meaningless gesture.

Mr. President, as a signatory to the Helsinki Final Act, the Government of Yugoslavia has an obligation to promote and protect basic human rights and fundamental freedoms. It must be held accountable for violating these obligations with respect to its Albanian population. I believe that the resolution that we are introducing today does that.

It makes it clear that the American people will not tolerate continued repression in Kosova. It urges the Governments of Yugoslavia and Serbia to cease the use of force in Kosova, to restore Kosova's autonomous status, and to begin a genuine dialogue with democratic forces in Kosova, including the recently formed Democratic Alliance Movement. It also requests the President to monitor the human rights situation in Yugoslavia more closely, to raise Congress' concern about the situation in Kosova at the highest levels of the Yugoslav Government, and to prohibit Export-Import Bank loans to Yugoslavia in those cases where loans would go to the Serbian Republic until there is substantial improvement in the human rights situation in Kosova.

As a Nation committed to human rights and fundamental freedoms, we must do all that we can to see that Yugoslavia fulfills its obligations under the Helsinki Final Act. The winds of freedom and democracy which are sweeping across the rest of Eastern Europe must not die out in Yugoslavia's province of Kosova.●

SENATE RESOLUTION 275—RELATING TO A PERFORMANCE IN THE HART SENATE OFFICE BUILDING

Mr. MITCHELL (for Mr. BOREN) submitted the following resolution; which was considered and agreed to:

S. RES. 275

Resolved, That in honor of the opening of the acclaimed musical "SARAFINA," members of the cast will be allowed to sing in the Senate Hart Building on Tuesday, May 1 at noon, to share the music of a moving story about the black schoolchildren who suffer under apartheid.

SENATE RESOLUTION 276—REGARDING THE ACTIONS OF THE SOVIET UNION TOWARD LITHUANIA

Mr. RIEGLE (for himself, Mr. GORTON, Mr. DIXON, and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 276

Whereas on March 11, 1990, the Lithuanian Republic exercised its lawful right of self-determination by declaring the restoration of its independence from the Soviet Union;

Whereas the Lithuanian parliament has repeatedly called for peaceful negotiations with Soviet officials to work out mutually acceptable terms for Lithuania's exit from the Soviet Union;

Whereas Lithuanian parliament and the Lithuanian people have taken no actions to threaten Soviet property or the safety of Lithuanian residents;

Whereas the Estonian and Latvian Republics have also declared their intentions to restore independence and free and democratic governments;

Whereas the Government of the Soviet Union, however, has refused to negotiate and, instead, has taken provocative and intimidating actions, such as arresting Lithuanian citizens, swelling the Soviet military presence in Lithuania, occupying government buildings, obstructing freedom of the press, and expelling foreign diplomats and journalists; and

Whereas the Government of the Soviet Union has halted supplies of oil and natural gas to Lithuania in an effort to cripple the independence drive through economic sanctions: Now, therefore, be it

Resolved, It is the sense of the Senate that—

(1) the conflicting interests of the Union of Soviet Socialist Republics and the Lithuanian Republic should be resolved peacefully through negotiations between the Soviet leadership and the newly elected leaders of Lithuania, and not through force, intimidation, or economic blackmail;

(2) the United States should not continue "business as usual" with the Union of Soviet Socialist Republics as long as the Soviet Union maintains economic sanctions against Lithuania and refuses to enter into good-faith negotiations; and

(3) until the Government of the Soviet Union ends its policy of economic coercion against Lithuania, the United States Government—

(A) should not proceed with planned United States-Soviet negotiations on trade, civil aviation, maritime transportation, and investment and tax treaties;

(B) should not consider the granting of most-favored-nation trade treatment to the Union of Soviet Socialist Republics;

(C) should not support the granting of observer status in the General Agreement on Tariffs and Trade [GATT] to the Union of Soviet Socialist Republics;

(D) should consult with our Allies to encourage similar, coordinated responses to Soviet actions in Lithuania; and

(E) should be prepared to take similar actions should the Soviet government extend its coercive practices against the republics of Estonia and Latvia.

Mr. RIEGLE. Mr. President, the Lithuanian people have once again captivated the world's attention in recent weeks as they bravely stand behind their declaration of independence from the U.S.S.R., unswayed by the Soviet Government's ever-increasing tactics of intimidation. The Soviet leadership, however, has done a great disservice to democracy and to the Lithuanian people, by moving beyond intimidation to economic blackmail, cutting off vital supplies of oil and gas to Lithuania last week. The Lithuanian people now face perhaps the most vulnerable moment in their 3-year struggle to end the illegal Soviet occupation of their nation.

It is therefore vitally important that the people and Government of the United States now decisively demonstrate our support of Lithuanian self-determination. This support is dictated by our 50-year policy of not recognizing the illegal Soviet annexation of the Baltic States. But, more importantly, it is dictated by our commit-

ment to freedom and democracy throughout the world.

The Soviets often argue that the three small Baltic States should not be allowed to influence the fate of the vast Soviet empire. But the standoff in Lithuania is significant not for these three small nations alone; rather, it is an historical turning point for the world.

Will the Soviet leadership, in spite of its rhetoric about "openness" and "democratization," continue to frustrate the will of the Lithuanian people, or will it take a step backward to the old style, coercive Soviet approach to international relations?

And will the United States give carte blanche to the Soviet's unacceptable behavior? Or will we do our best to convince them to do the right thing—to choose negotiation over economic and psychological warfare?

Now is the time—as a Nation—to take a stand; to let Soviet leaders know that there is a limit to United States acquiescence. The United States must send a strong signal to the Kremlin that we consider their economic, military and psychological harassment of Lithuania unacceptable, and that we consider bilateral negotiations the only responsible way to resolve this standoff.

That is why I am introducing a resolution today expressing the sense of the Senate that the United States must not continue "business as usual" with the Soviets, as long as they maintain their economic blockade of Lithuania and refuse to negotiate. The resolution calls for the United States Government not to proceed with the planned United States-Soviet trade agreement, consideration of Soviet most-favored-nation trading status or Soviet observer status in the General Agreement on Tariffs and Trade; and to consult with out allies in an effort to encourage similar, coordinated responses; until the Soviet Government ends its hostile actions against Lithuania.

The time has come for the Bush administration to transcend its mere expression of support for Lithuanian self-determination and to back up its words with actions. I urge my colleagues to join me in sending this critical message to the White House, to Moscow, and to the people of Lithuania.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BYRD (AND OTHERS) AMENDMENT NO. 1524

Mr. BYRD (for himself, Mr. JOHNSTON, Mr. INOUYE, Mr. FORD, Mr. ROCKEFELLER, Mr. BURDICK, Mr. WIRTH, Mr. BINGAMAN, Mr. HARKIN, Mr. SHELBY, Mr. PRYOR, Mr. HEFLIN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BUMPERS, Mr. CRANSTON, Mr. KENNEDY, and Mr. SASSER) proposed an amendment to the committee amendment on page 2, line 11 of the bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes; as follows:

On page 2, line 13, strike the ".", and insert the following:

AGENCY FOR INTERNATIONAL DEVELOPMENT

ECONOMIC SUPPORT FUND

Notwithstanding any other provision of this Act, the additional amount appropriated to the "Economic Support Fund", to remain available until September 30, 1991, which shall be made available only for assistance to Panama, shall be limited to $300,000,000.

The following sums are appropriated for the following purposes:

DEPARTMENT OF AGRICULTURE

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For expenses to carry out section 201(k)(2) of the Agricultural Act of 1949 for 1990 crops damaged by a natural disaster in 1989, $13,000,000: *Provided*, That the Secretary shall spend not less than the amount appropriated herein.

EMERGENCY CONSERVATION PROGRAM

For additional expenses to meet the present emergency needs of the Agricultural Stabilization and Conservation Service, Emergency Conservation Program, $8,000,000 to remain available until expended.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $12,300,000, to remain available through September 30, 1991.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH FACILITIES

For an additional amount for provision of domestic and community sanitation facilities for Indians, $50,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For necessary expenses for "Environmental Restoration and Waste Management", including the construction and acquisition of necessary plant and capital equipment, as authorized by the Department of Energy Organization Act (Public Law 91-95), $200,000,000 to remain available until expended.

DOLE (AND OTHERS) AMENDMENT NO. 1525

Mr. DOLE (for himself, Mr. LEVIN, Mr. BYRD, Mr. HATFIELD, Mr. KASTEN, Mr. WALLOP, Mr. DODD, Mr. CHAFEE, Mr. MOYNIHAN, Mr. THURMOND, Mr. PELL, Mr. WALLOP, Mr. LEAHY, and Mr. REID) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the end of the pending amendment, add the following:

For an additional amount for the "Economic Support Fund," $5,000,000 to remain available until September 30, 1991, which sum shall be made available, not withstanding any other provisions of law, for humanitarian relief, transportation of materials provided for such relief, medical treatment, and education and vocational training to the victims of the Armenian earthquake of December 7, 1988, which assistance shall be channeled through United States private and voluntary organizations and other United States nongovernmental organizations, provided that such funds are an addition to funds previously made available for such purposes; provided further, that of the funds made available by this paragraph for assistance for Armenia, up to one percent may be used by the Agency for International Development for costs of administering such program.

KASTEN (AND OTHERS) AMENDMENT NO. 1526

Mr. KASTEN (for himself, Mr. LEAHY, Mr. WIRTH, Mr. PELL, Mr. HATFIELD, Mr. D'AMATO, Mr. INOUYE, Mr. DOMENICI, Mr. CHAFEE, and Mr. BYRD) proposed an amendment to the bill H.R. 4404, supra as follows:

On page 25, after line 21, insert the following:

"FORESTRY PROTECTION

"None of the funds appropriated in this Act for Nicaragua or Panama shall be used for any project that would result in any significant loss of tropical forests."

JOHNSTON AMENDMENT NO. 1527

Mr. JOHNSTON proposed an amendment, which was subsequently modified, to the bill H.R. 4404, supra, as follows:

On page 3, after line 2, insert:

"SALARIES AND EXPENSES

"For expenses to carry out section 201(k)(2) of the Agricultural Act of 1949 for 1990 crops damaged by a natural disaster in 1989, $11,000,000: *Provided*, That the Secretary shall spend not less than the amount appropriated herein."

HATFIELD (AND OTHERS) AMENDMENT NO. 1528

Mr. HATFIELD (for himself, Mr. INOUYE, and Mr. REID) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 32, after line 8, insert the following:

NATIONAL PARK SERVICE

CONSTRUCTION

Of the funds made available under this head in the Department of the Interior and Related Agencies Appropriation Act, 1990 (Public Law 101-121), not less than $5,852,000 shall be made available immediately for design and construction activities associated with the Franklin Delano Roosevelt Memorial.

DODD (AND OTHERS) AMENDMENT NO. 1529

Mr. DODD (for himself, Mr. KASTEN, and Mr. RIEGLE) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the appropriate place in the bill add the following:

EMERGENCY RELIEF FOR LITHUANIA THROUGH INTERNATIONAL RELIEF AGENCIES

Up to $5,000,000, of the funds available in Public Law 101-167 for the purposes of chapter 1 of part I of the Foreign Assistance Act of 1961 or pursuant to section 515 of such public law, may be made available through international relief agencies as emergency assistance to the people of Lithuania, notwithstanding any other provision of law.

LEAHY (AND OTHERS) AMENDMENT NO. 1530

Mr. LEAHY (for himself, Mr. KASTEN, and Mr. GRAHAM) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 27, line 19, strike all after "*Provided,*" through "country" on line 21, and insert the following:

"That of the funds made available under this heading not less than $3,000,000 shall be made available only for Haiti to support the deomcratic electoral process; Provided further, That of the funds made available under this heading not less than $10,000,000 shall be made available only for Jamaica".

BYRD AMENDMENTS NOS. 1531 AND 1532

Mr. BYRD proposed two amendments to the bill H.R. 4404, supra, as follows:

AMENDMENT No. 1531

On page 54, line 2 insert after the word "Needs", the following: "For Natural Disasters".

On page 54, line 3, strike "Needs" and insert the following: "needs for natural disasters".

On page 54, line 6, strike "That" and insert in lieu thereof the following:

"That, notwithstanding any other provision of law,".

AMENDMENT No. 1532

On page 13, line 24, delete "$19,900,000" and insert "$34,900,000";

On page 14, line 2, delete "$31,158,000" and insert "$16,158,000".

MOYNIHAN AMENDMENT NO. 1533

Mr. LEAHY (for Mr. MOYNIHAN) proposed an amendment to the bill H.R. 4404, supra, as follows:

In chapter III of title II of the bill, under the heading "MIGRATION AND REFUGEE ASSISTANCE", strike the period at the end and add the following: ": *Provided further,* That funds used pursuant to the last proviso (relating to assistance for Burmese students at camps on the border with Thailand) under the heading 'MIGRATION AND REFUGEE ASSISTANCE' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) may be used to provide assistance to any Burmese person in Burma or Thailand who is displaced as a result of events relating to civil conflict.".

HOLLINGS (AND RUDMAN) AMENDMENT NO. 1534

Mr. HOLLINGS (for himself and Mr. RUDMAN) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the end of title III of the bill, insert the following:

SEC. 307. (a) The following provisions of law are repealed:

(1) Section 614 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162).

(2) Section 302 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246).

(b)(1) Section 127(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended by striking out "February 3, 1990" and inserting in lieu thereof "120 days after the date of enactment of this Act".

(2) Section 153(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, is amended by striking out "January 1, 1990" and inserting in lieu thereof "January 1, 1991".

(3) Section 161(a) of that Act is amended in the second sentence by striking out "February 1, 1990," and inserting in lieu thereof "120 days after the date of enactment of this Act".

(4) Section 162 of that Act is amended by striking out "December 31, 1989" and inserting in lieu thereof "120 days after the date of enactment of this Act".

(5) Section 1005(b)(2) of that Act is amended by striking out "by December 31, 1989" and inserting in lieu thereof "not later than 120 days after the date of enactment of this Act".

(c)(1) Section 506(a) of part E of title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3756(a)), as amended by the third proviso under the heading "Organized Crime Drug Enforcement" of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) and by section 212 of Public Law 101-162, is further amended—

(1) in the text above paragraph (1), by inserting "required" after "setting aside the amount"; and

(2) in paragraph (1), by striking out "0.4 percent" and inserting in lieu thereof "$500,000 or 0.25 percent, whichever is greater,".

(2) Title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) is amended under the leading "Educational and Cultural Exchange Programs" of the United States Information Agency by striking out "$160,300,000" and inserting in lieu thereof "$156,506,000".

BIDEN AMENDMENT NO. 1535

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4404, supra, as follows:

On page 6, line 14, strike "$185,000,000" and insert "$202,000,000".

On page 6, line 17, strike the period and insert ": *Provided,* That $17,000,000 shall be used for the improvements and upgrades called for in the National Crime Information Center 2000 proposal.".

At the end of the bill, add the following new section:

SEC. . Of the total unobligated amounts available for the Department of Defense accounts entitled "Procurement" for the fiscal year 1990, $17,000,000 shall be withheld from obligation and expenditure.

INOUYE (AND KASTEN) AMENDMENT NO. 1536

(Ordered to lie on the table.)

Mr. INOUYE (for himself and Mr. KASTEN) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the end of the bill insert the following new title:

TITLE IV—IRAQ SANCTIONS

SECTION 1. This title may be referred to as the "Iraq Sanctions Act of 1990".

GENERAL PROHIBITION ON SUPPORT FOR IRAQ

SEC. 101. (a) Notwithstanding any other provision of law, no funds, credits, guarantees or insurance appropriated or otherwise made available by any Act for Fiscal Year 1990 or thereafter, shall be used to support or administer any financial or commercial operation, of any United States Government department, agency, entity or persons subject to United States jurisdiction, involving the Government of Iraq, its agencies, institutions or persons working on its behalf, including the processing of any "validated" or "general" export licenses or any documentation related to the importation of Iraqi-origin products into the United States or its territories, or possessions thereof.

(b) The Department of Commerce is instructed to include Iraq within Country Group S within supplement Number 1 to section 770 of the Export Administration Regulations ("EAR").

(c) This section shall become effective immediately upon the enactment of this Act, except for the performance of a contract or agreement entered into before the enactment of this Act.

(d) The penalties for violation of this general prohibition by exporters, exporting agents and entities under the jurisdiction of the United States, shall be the same as those contained in section 11 of the Export Administration Act of 1979, as amended, Public Law 96-72 (93 Stat. 529, as amended).

IRAQ TO BE CONSIDERED A TERRORIST NATION

SEC. 201. (a) Notwithstanding any other provision of law, for the purpose of the application of prohibitions, limitations, restrictions, and other requirements of the provisions of law contained in subsection (b), Iraq shall be considered a country which grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, has repeatedly provided support for acts of international terrorism, or otherwise supports international terrorism.

(b) The provisions of law referred to in subsection (a)

(1) Section 620A of the Foreign Assistance Act of 1961, as amended;

(2) Sections 563 and 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990;

(3) Section 555 of the International Security and Development Cooperation Act of 1985; and

(4) similar provisions of law.

(c) The President may not use any waiver authority provided under statutes referred to in subsection (b) of this section, or statutes made applicable by virtue of subsection (b)(4), or under section 40(b) of the Arms Export Control Act, with respect to Iraq, except as provided in section 301(a)(2) of this Act.

PROHIBITION ON TRANSACTIONS WITH IRAQ

SEC. 301. (a) Notwithstanding any other provision of law, the following are prohibited—

(1) the import into the United States of any goods or services of Iraqi origin, other than publications and materials imported for news publications or news broadcast dissemination;

(2) the export to Iraq of any goods, technology (including technical data or other information), or services from the United States, except publications and donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for humanitarian medical purposes;

(3) any transaction by a United States person relating to transportation to or from Iraq; the provision of transportation to or from the United States by any Iraqi person or any vessel or aircraft of Iraqi registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of any transportation by air which includes any stop in Iraq;

(4) the purchase by any United States person of goods for export from Iraq to any country;

(5) the performance by any United States person of any contract in support of an industrial or other commercial or governmental project in Iraq;

(6) the grant or extension of credits, loans or loan guarantees, by any United States person to the Government of Iraq, its instrumentalities and controlled entities;

(7) any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Iraq, or to activities by any such person within Iraq, after the date of the enactment of this Act, other than transactions necessary to effect such person's departure from Iraq, to perform acts permitted until the date of enactment of this Act, by paragraph (3) of this subsection, or travel for journalistic activity by persons regularly employed in such capacity by a news gathering organization;

(8) the acceptance, receipt, or holding by a United States depository institution of a deposit account from the Government of Iraq or from any agency or entity owned or controlled by the Government of Iraq except for such accounts which may be authorized by the President for diplomatic or consular purposes. For purposes of the preceding sentence, the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act. The prohibition contained in this paragraph shall take effect 45 days after the enactment of this Act; and

(9) any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding any of the prohibitions set forth in this Act.

(b) In light of the prohibition in Section 1(a) of this Act, section 251 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1881), and section 126 of the Trade Act of 1974, as amended (19 U.S.C. 2136) will have no effect with respect to Iraq.

(c) A civil penalty of not to exceed $250,000 may be imposed on any person who violates any license, order, or regulation issued under this Act.

(d) Whoever, other than an individual, willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than $1,000,000 or, if an individual, shall be fined not more than $500,000 or be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(e) This section shall become effective immediately upon the enactment of this Act, except for the performance of a contract or agreement entered into before the date of enactment of this Act.

(f) The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the provisions of this section. Such actions may include prohibitions or regulating payments or transfers of any property or any transactions involving the transfer or anything of economic value by any United States person to the Government of Iraq, its instrumentalities and controlled entities, or to any Iraqi national or entity owned or controlled, directly or indirectly, by Iraq or Iraqi national. The Secretary may redelegate any of these functions to other officers and agencies of the Federal government. All agencies of the United States government are directed to take appropriate measures within their authority to carry out the provisions of this section, including the suspension or termination of licenses or other authorizations in effect as of the date of the enactment of this Act.

(g) For purposes of this Act, the terms "person", "United States person", "good", "technology", "export", and "United States", shall be the same as those contained in section 16 or the Export Administration Act of 1979, as amended, Public Law 96–72 (93 Stat. 529, as amended), except that the term "controlled country" shall mean Iraq.

PROHIBITION ON EXPORT-IMPORT BANK ASSISTANCE TO IRAQ

SEC. 401. (a) Section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is amended in the last proviso of that section by inserting ", except with regard to Iraq," after "That".

PROHIBITION ON IMPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS FROM IRAQ

SEC. 501. (a) Notwithstanding any other provision of law, no crude oil or refined petroleum products of Iraqi origin may be imported into the United States.

(b) Subsection (a) does not apply to any import pursuant to a contract entered into before the date of enactment of this Act.

(c) A civil penalty of not to exceed $250,000 may be imposed on any person who violates any license, order, or regulation issued under this Act.

(d) Whoever, other than an individual, willfully imports crude oil or refined petroleum products into the United States, directly or indirectly from Iraq, or who willfully violates any license, order, or regulation issued under this section shall, upon conviction, be fined not more than $1,000,000, or, if an individual, shall be fined no more than $500,000 or imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(e) For purposes of this Act, the term "indirect" refers to the importation into the United States, either in whole or in part, from or through, any third party, country or entity. Crude oil and refined petroleum products of Iraqi origin shall include any crude oil and refined petroleum products that are commingled in any percentage amount with that from any other country or territory of origin.

STUDY AND REPORT ON THE INTERNATIONAL EXPORT TO IRAQ OF NUCLEAR, BIOLOGICAL, CHEMICAL AND BALLISTIC MISSILE TECHNOLOGY

SEC. 601. (a) The President shall conduct a study on the sale, export and third party transfer or development of nuclear, biological, chemical and ballistic missile technology to or with Iraq including—

(1) an identification of specific countries, as well as companies and individuals, both foreign and domestic, engaged in such sale or export of, nuclear, biological and ballistic missile technology;

(2) a detailed description and analysis of the international supply, information, support and co-production network, individual, corporate and state, responsible for Iraq's current capability in the area of nuclear, biological, chemical and ballistic missile technology;

(3) A recommendation of standards and procedures against which to measure and verify a decision of the Government of Iraq to terminate the development, production, co-production and deployment of nuclear, biological, chemical and offensive ballistic missile technology as well as the destruction of all existing facilities associated with such technologies.

(b) The President shall include in the study specific recommendations on new mechanisms, to include legal, political, economic and regulatory, whereby the United States might contribute, in conjunction with its friends, allies, and the international community, to the management, control or elimination of the threat of nuclear, biological, chemical and ballistic missile proliferation.

(c) Not later than December 1, 1990, the President shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report, in both classified and unclassified form, setting forth the findings of the study required by subsection (a).

STUDY AND REPORT ON IRAQ'S OFFENSIVE MILITARY CAPABILITY

SEC. 701. (a) The President shall conduct a study on Iraq's offensive military capability and its effect on the Middle East balance of power including an assessment of Iraq's power projection capability, the prospects for another sustained conflict with Iran, joint Iraqi-Jordanian military cooperation, the threat Iraq's arms transfer activities pose to U.S. allies in the Middle East, and

the extension of Iraq's political-military influence into Africa and Latin America.

(b) Not later than December 1, 1990, the President shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report, in both classified and unclassified form, setting forth the findings of the study required by subsection (a).

REPORT ON SANCTIONS TAKEN BY OTHER NATIONS AGAINST IRAQ

SEC. 801. (a) The President shall prepare a report on the steps taken by other nations against to curtail the export of goods, services and technologies to Iraq which might contribute to, or enhance, Iraq's nuclear, biological, chemical and ballistic missile capability.

(b) The President shall make every effort to encourage other nations, in whatever forum or context, to adopt sanctions toward Iraq similar to those contained in this Act.

(c) Not later than every six months from the date of enactment of this Act, the President shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report in both classified and unclassified form, setting forth the findings of the study required by subsection (a).

KOHL (AND OTHERS) AMENDMENT NO. 1537

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. PELL, Mr. KENNEDY, and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4404, supra, as follows:

On page 37, between lines 16 and 17, insert the following:

SCHOOL DROPOUT PREVENTION

The Secretary shall transfer—

$2.867 million of amounts made available in fiscal year 1990 from the Department of Education, Departmental Management,

to carry out the provisions of the School Dropout Demonstration Assistance Act of 1988, for expenses necessary to extend current grants authorized under title VI, part A of Public Law 100-297 for one additional year, $19,945,000, to remain available through September 30, 1991.

● Mr. KOHL. Mr. President, today I am filing an amendment on behalf of myself, Mr. PELL, Mr. KENNEDY, and Mr. MCCONNELL to the dire emergency supplemental appropriations bill and I ask unanimous consent that the text of that amendment, and the list of States affected by the loss of funding of this appropriation follow these remarks.

What this amendment seeks to do is to provide emergency funding for a program that supports school dropout assistance in 31 States throughout this Nation. Last year, when we considered the Labor, Health and Human Services Appropriations bill for fiscal year 1990, we did not have an authorization for this program. Since that time, the Senate has voted unanimously to reauthorize the program and the President has signed that legislation. But unfortunately, the funds needed to continue this needed program will cease to be available this summer. $19,945,000 is needed to carry the program through the next academic year.

Without a Federal commitment to continue the funding, without a strong signal from us, these programs will not be in operation when the academic year begins in September. It is that simple, and I believe it is critical that we respond now.

The problem, of course, is not a lack of support for the School Dropout Assistance Program. This, in fact, is the year of the dropout. The dilemma is finding an appropriate way to pay for it. So I have been searching for an offset. Now I would like in a perfect world, to have the luxury of financing this program through some other subcommittee's allocation—no offense to my distinguished colleagues who appropriate for defense, or foreign operations. In this Senator's mind, the Labor, HHS and Education funds are pretty lean, picked to the bone if you will, in contrast to spending in other areas.

But I anticipate those types of offsets won't be tolerated for the purpose of floor debate, and I'm trying to play by the rules.

So I have searched high and low within these accounts to find an offeset, perhaps to the amusement of those members who serve on the Labor, HHS and Education subcommittee, who have already scratched through what little was there to begin with. The choices aren't pretty. After exhaustive efforts, we have decided to file the amendment with the least of the evils as an offset.

The offset, which has been cleared by CBO as sufficient, would cut 0.8 percent—eight-tenths of 1 percent, or $2.8 million—from the Department of Education departmental management budget of $331 million. Last year the account received a 10-percent increase after $1 million had lapsed, unobligated. Approximately 60 percent of the program administration money is used for salary, consultants and benefits. I do not seek to displace workers. But somewhere in that 40 percent, I think there must be some room to find $2.8 million without causing excessing havoc.

But I am not locked into this particular offset. I have spoken with the Under Secretary of Education and I believe there is a mutual interest in getting funds to these dropout prevention programs this year—it is a matter of how to do it.

I want to alert my colleagues to my deep commitment to getting this job done, as well as my willingness to work within the confines of the rules to do it in the least detrimental manner. I thank those colleagues who are joining me in this effort and I welcome the support of all others whose cities and States would be negatively affected if we fail in this endeavor.

I thank the Chair.

There being no objection, the list mentioned earlier was ordered to be printed in the RECORD, as follows:

States currently receiving dropout prevention funds

[First year awards 1988] [1]

Alabama	$ 530,607
California	1,958,806
Colorado	789,548
Connecticut	219,657
Delaware	261,071
District of Columbia	641,345
Florida	650,910
Georgia	468,160
Iowa	240,154
Illinois	1,396,540
Kentucky	516,143
Louisiana	825,244
Maryland	854,507
Massachusetts	647,507
Michigan	960,350
Mississippi	359,437
Missouri	96,327
New York	2,914,060
North Carolina	676,243
Ohio	590,739
Oklahoma	977,572
Oregon	742,176
Pennsylvania	928,142
Rhode Island	245,300
South Carolina	637,803
Tennessee	424,453
Texas	2,140,497
Utah	238,855
Virginia	145,988
Washington	625,352
Wisconsin	1,056,970
Wyoming	174,533

[1] Grants are awarded on a 2-year cycle. These figures reflect only the first of the 2 years.●

CONTRIBUTIONS BY FEDERAL ANNUITANTS FOR HEALTH BENEFITS

GLENN AMENDMENT NO. 1538

Mr. MITCHELL (for Mr. GLENN) proposed an amendment to the bill (H.R. 1805) to amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholding of the annuity is insufficient to cover the required withholdings, and to make a technical correction relating to the life insurance program, as follows:

On page 4, add after line 14 the following new section:

SEC. 3. UNIFORM TERMINATION OF LIFE INSURANCE COVERAGE.

Section 8706(a) of title 5, United States Code, is amended in the first sentence by stiking out "or 12 months after the discontinuance of his pay, whichever is earlier".

On page 3, line 23, strike out "individual" and insert in lieu thereof "individual".

ROTH AMENDMENT NO. 1539

Mr. GARN (for Mr. ROTH) proposed an amendment to the bill H.R. 1805, supra, as follows:

At the end of the bill, add the following new section,

SEC. . REDUCTION IN AGE REQUIREMENT FOR WINDOWS AND WIDOWERS FOR RECEIVING CERTAIN COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION SYSTEM.

Chapter 81, of title 5, United States Code, is amended—

(1) in section 8133(b)(1) by sriking out "age 60 and inserting in lieu thereof "age 55"; and

(2) in section 8135(b) by striking out "age 60" and inserting in lieu thereof "age 55".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, May 10, 1990, in SR-301, to hold hearings. At 9:30 a.m., the committee will receive testimony on the Federal Election Commission's fiscal year 1991 budget authorization request, and at 10:30 a.m., testimony will be presented on the Senate policy on official mail.

For further information regarding these hearings please contact Carole Blessington of the Rules Committee staff on 224-0278.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on May 10, 1990, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on three measures currently pending before the subcommittee. The measures to be heard are:

S. 1767, to reimburse Montana and individuals for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison, and for other purposes;

S. 2343, to amend the Wild and Scenic Rivers Act by designating a segment of the Clarks Fork River in the State of Wyoming as a component of the National Wild and Scenic Rivers System; and

H.R. 2809, to provide for the transfer of certain lands to the State of California, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, April 26, 1990, at 3:15 p.m. in open session to receive a report from Secretary of Defense Cheney on the results of the major aircraft review by the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet in open session on Thursday, April 26, 1990, at 2:30 p.m. to receive testimony on ICBM modernization in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, April 26, 1990, at 10 a.m. to hold hearings on financial modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, April 26, 1990, at 2 p.m. for a continuation hearing of the April 3 hearing to receive testimony on the Department of Energy's decision plan related to the opening of the waste isolation pilot plant in Carlsbad, NM.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES, ENVIRONMENTAL OVERSIGHT, RESEARCH AND DEVELOPMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Environmental Oversight, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, April 26, beginning at 2 p.m., to conduct a hearing to consider scientific questions surrounding asbestos exposure, reauthorization of the Asbestos School Hazard Abatement Act [ASHAA] and implementation of the Asbestos Hazard Emergency Response Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, April 26, 1990, at 2 p.m., to hold a hearing on S. 1957, a bill to increase the purchase of commercial items by civilian agencies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, April 26, at 1:30 p.m., for a hearing on "reauthorization of the CDC Tuberculosis Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 26, 1990, at 2 p.m., to hold a hearing on the nomination of William M. Nickerson, to be U.S. district judge for the District of Maryland, James K. Singleton, Jr., to be U.S. district judge for the District of Alaska, Stephen M. McNamee to be U.S. district judge for the District of Arizona, and Jack D. Shanstrom to be U.S. district judge for the District of Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 26, 1990, at 10 a.m. to hold a hearing on the economic implications of changes in Puerto Rico's political status.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING THE SPRINGFIELD, SD, AMERICAN LEGION AUXILIARY UNIT NO. 132

● Mr. DASCHLE. Mr. President, I rise today to pay tribute to the members of American Legion Auxiliary Unit No. 132 in Springfield, SD. These dedicated individuals commit many hours and much energy to project that enhance the lives of veterans and other residents within their community. Their hard work and sense of civic purpose

are two of the reasons why Springfield, SD, is such a great place to live.

During the past year, the members of American Legion Auxiliary Unit No. 132 have donated time and money to the Special Olympics, the auxiliary emergency fund, and collecting broken eyeglasses for the needy. Also, the auxiliary sponsored a successful blood donor drive that surpassed all expectations, and this effort has become a regular feature of the auxiliary's activities.

The auxiliary's work does not stop with their local community. Unit No. 132 recently undertook a project to help collect money for the Make a Wish Foundation. Their contributions will make it possible for terminally ill children from throughout the country to have a wish come true.

These are just a few of the many fine projects sponsored by the members of the Springfield American Legion Auxiliary. Their commitment and dedication to serving their fellow citizens is a reminder that Springfield's veterans and their families have not finished serving their country.●

THE AGRICULTURAL CONSERVATION RESERVE AND ENHANCEMENT ACT

● Mr. DOMENICI. Mr. President, I rise today in support of S. 2302, the Agricultural Conservation Reserve and Enhancement Act of 1990, introduced in the Senate by my distinguished colleague from Missouri, Senator BOND.

Within its provisions, this bill would extend the authorization for 38 to 45 million acres in the Conservation Reserve Program [CRP] through 1995. The bill would mandate at least one more signup for highly erodible cropland, and would allow additional signups at the discretion of the Secretary of Agriculture. Further, the Secretary would be directed to offer additional incentives to plant hardwood trees on CRP acres.

The Conservation Reserve Program has worthy and well-defined goals: To reduce soil erosion, protect the long-run capacity to produce food and fiber, reduce sedimentation, improve water quality, create better habitat for fish and wildlife, curb production of surplus commodities and provide income support to farmers.

In my home State of New Mexico, the CRP is a very important program. Based on the latest available statistics, there were 1,475 CRP contracts in the State at the close of 1988. Approximately, 400,485 acres were placed under CRP contract through 1988 with an average rental payment of $38.29 per acre.

A recent economic assessment of the program conducted by the Economic Research Service [ERS] at the U.S. Department of Agriculture concluded the CRP does increase net farm income and does improve environmental quality. This program benefits are offset somewhat by higher food prices and administrative expenses. There is also the potential for down turns in rural economics, particularly in the agricultural input industries, where there is a large amount of CRP enrollment. The ERS estimates net economic benefits of the program range for $3.4 to $11 billion.

Mr. President, I strongly support language in this bill requiring the Department of Agriculture to study the future of the CRP and to provide to Congress a comprehensive report on options and recommendations, including cost estimates, for addressing this land as contracts expire. The Secretary would work with representatives of farm organizations, commodity groups, academia and industy. As CRP contracts expire, it will be critical that conservation achievements are not lost.

Mr. President, while there are other valuable provisions in this bill regarding integrated farm plans, swampbuster and multiyear set-asides, I want to express serious concerns about a certain provision within this bill.

Last fall, the Congress failed to do its work on time, and we had that planned train wreck, otherwise known as a sequester, At that time, CRP annual rental payments were not made to famers because of indecision as to whether or not such payments were subject to the sequester. I joined many of my colleagues in urging the administration to quickly reach a decision on this matter. Farmers across the Nation were financially dependent on these payments being made on a timely basis.

I am opposed to the provision this bill would exempt CRP annual rental payments from sequester. Mr. President, I strongly oppose any efforts to exempt any additional Federal programs from the deficit reduction process.

My opposition to exempting CRP rental payments from Gramm-Rudman-Hollings should not be construed as opposition to the CRP or this bill.

I strongly support CRP and I will work to see this important program is fully funded within our budget constraints. However, to the extent we broaden exemptions to Gramm-Rudman-Hollings, we both endorse a dangerous precedent that could erode this important law and weaken the budget discipline imposed by this law.

A major deficit reduction package is critical for this country, and agriculture would benefit from such a package just as all other sectors of our economy. Farmers and ranchers know, perhaps better than anybody, the costly effects of the high interest rates caused by our deficit, now estimated by the Congressional Budget Office for fiscal year 1991 at $160 billion.

Finally, Mr. President, I might add that the conservation title, as well as the entire farm bill, which will be reported out of the Senate Agricultural Committee must fit within the agreement on the budget. The Senate Budget Committee is now making up the budget resolution for fiscal year 1991.

Mr. President, it is with these reservations that I want to cosponsor Senator BOND's bill; it has valuable provisions relating to the Conservation Reserve Program. However, I want to be clear that all Federal farm programs over the next few years must operate within budget constraints.●

MOSAIC PROJECT TRACES FLORIDA JEWISH HISTORY BACK TO 1400's

● Mr. GRAHAM. Mr. President, we know that one of the fundamentals in shaping the future is understanding the past.

"MOSAIC: Jewish Life in Florida" is an outstanding example of our quest to understand history. The value of historical knowledge cannot be overstated.

The traveling MOSAIC exhibit will be on display in eight locations throughout Florida, starting this fall at the Historical Museum of South Florida in Miami.

Dr. Henry A. Green, director of Judaic studies at the University of Miami and director for MOSAIC, said he hopes this project will help define the past and show how people worked together. I commend those worthwhile goals.

Our Nation is the sum of contributions from people drawn to this great land from around the globe. And Florida, with its rich diversity, reflects the complex mosaic that we know as America. In 2 years, we will mark the 500-year anniversary of Columbus' discovery of the New World. Dr. Green, the director of this project, says that at least five crew members on Columbus' first voyage were conversos—Jews who converted to Christianity due to pressure of the Spanish Inquisition.

Since then, the contributions of Jewish Floridians have been many. Today, south Florida is home to one of the largest Jewish communities in the world.

Research to gather items for the MOSAIC exhibit has been done by hundreds of trained volunteers throughout Florida. More than 3,000 items—including photos, artifacts and graphics—will be shown with this exhibit that tells of Jewish life in Florida. This traveling MOSAIC exhibition will be a tribute to our continuing study of history and to our rich heritage.●

ACE RIVER BASIN PROJECT

● Mr. HOLLINGS. Mr. President, this past weekend we observed Earth Day around the country, and judging by the large rally here in Washington and in other cities across the Nation, the observance was a great success. Earth Day was an excellent 1-day effort to raise the environmental consciousness of our citizenry. Yet, the environment requires our individual and collective attention each and every day. We have a profound obligation in this regard.

With this in mind, I rise today to share with my colleagues one conservation success story from my home State, where an ambitious effort has been launched to protect and enhance the bottomland hardwoods, cypress/tupelo swamps, fresh, brackish, and saltwater marshes, and the estuary in the ACE River basin of South Carolina. Located primarily in Charleston, Colleton, and Beaufort Counties, the 350,000-acre ACE Basin is comprised of a series of islands and marsh habitats formed by three rivers—the Ashepoo, Combahee, and Edisto—hence the name ACE—that flow into St. Helena Sound. The basin is characterized by diverse natural habitats and is significant to the management and preservation of North America's fish and wildlife resources. Specifically, it is an important area for the migrating and wintering ducks in the Atlantic Flyway. Furthermore, the basin is the habitat for at least 17 rare or endangered species, including 6 federally listed species such as the wood stork and the bald eagle. Consequently, portions of the ACE Basin have been identified as high-priority habitat under the North American waterfowl management plan.

In the North American Waterfowl Management Plan, the loss and degradation of habitat have been identified as the major waterfowl management problem in the continent. The plan recommended the protection and enhancement of migration and wintering habitat through acquisition, protection, and management of wetlands by public and private conservation interests. From Maine to South Carolina, about 880,000 acres of wetlands and upland buffer habitat have been listed for protection and enhancement in the North American Waterfowl Management Plan. Within the ACE Basin alone, over 90,000 acres have been identified for protection under the plan.

I have been actively involved with this effort, working closely with the ACE Basin Task Force, which is comprised of Ducks Unlimited, the Nature Conservancy, the South Carolina Wildlife and Marine Resources Department, the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. Together, these various groups promote a range of conservation programs that have the potential to protect the entire basin. The task force is now working toward the establishment of an ACE Basin national wildlife refuge and a national estuarine research reserve.

Last year, I was able to initiate the designation of the refuge by earmarking $1.5 million in the Interior Appropriations bill. This year, President Bush joined me in supporting the effort and included another $1.5 million in his budget for this U.S. Fish and Wildlife Service refuge. Negotiations are currently under way to acquire the first tracts of land for the refuge.

Additionally, the task force, working with the Department of Commerce, has undertaken the establishment of a 28,000-acre estuarine reserve within the ACE Basin. The nomination of this site as a national estuarine research reserve demonstrates the State's strong commitment to long-term management of the area. The ACE Basin would contain the largest reserve along the Atlantic coastline, and the second largest in the United States. The site is planned for Federal designation in early 1991. Once designated, the site is eligible for up to $3 million in Federal acquisition and development funds.

These projects are a triumph for conservation interests in the State and across the country. But, the key to the success of this effort is the role of the landowners, who for years have been good land stewards. A primary goal of the task force is to work with these people to help them perpetuate and expand their land management programs. In some instances, key parcels of ecologically significant property are purchased by governmental agencies for long-term protection and public use. However, land acquisition constitutes only a limited portion of the total basin effort. For the most part, members of the Task Force provide technical assistance and set up management agreements whenever possible. Landowners are encouraged to protect ecologically valuable lands under conservation easements and deed restrictions. When land is placed under a conservation easement, the owners still retain title and access; however, they cannot significantly alter the habitat or develop it.

The Lane family of Charleston provides an excellent example of the cooperative efforts by landowners in the basin. Hugh Lane, Sr., Hugh Lane, Jr., and Charles Lane have been highly supportive of the project, and each has played an important role in getting other landowners to support it. All three gentlemen serve on Ducks Unlimited's ACE Basin Wetlands Advisory Committee which provides guidance and directs expenditures for Ducks Unlimited within the ACE Basin. Charles Lane is currently chairman of the committee.

On April 18 of this year, the Lane family signed a conservation easement on their 1,000-acre Willtown Plantation located on the South Edisto River. Prior to this, Hugh Lane, Sr., made substantial financial contributions to both the Nature Conservancy and Ducks Unlimited, including an initial contribution of $40,000 to get Ducks Unlimited's ACE Basin Wetlands America Fund started.

Additionally, Gaylord and Dorothy Donnelley, two of the Nation's most dedicated conservationists, donated Big, Sampson, and Warren Islands to the Nature Conservancy during 1987 and 1988, and Boulder Island to Ducks Unlimited this year. Subsequently, the Nature Conservancy has transferred the property to the National Fish and Wildlife Foundation to be included in the National Estuarine Research Reserve, and Ducks Unlimited will include its donation in the national wildlife refuge.

Last, Ted Turner, another ACE Basin landowner, has supported this effort wholeheartedly by placing his entire Hope Plantation—over 5,300 acres—under a perpetual conservation easement.

I have mentioned only three of the contributor families to the ACE Basin project, but there are numerous others who have contributed or plan to contribute their property, money and time to ensure the project's success. Believe me, they are all vitally important to this effort. Collectively, the contributions of these generous citizens and organizations have created an environmental success story in South Carolina.

In light of the recent observance of Earth Day, I wanted to share this story with my colleagues. It exemplifies what can be accomplished when individuals work together unselfishly to enhance and protect the environment. I salute all those who are working to make the ACE Basin project a success that all Americans can take pride in.●

NEW APPROACH TO UNITED STATES POLICY TOWARD CAMBODIA

● Mr. SIMON. Mr. President, I ask to insert in the RECORD at this point a statement by Senator Edmund Muskie to the Subcommittee on East Asian and Pacific Affairs of the Senate Committee on Foreign Relations, as well as a column written by Mary McGory about his testimony.

Our former colleague's statement strikes me as making a great deal of sense, and I would urge those in the executive department to examine it carefully. For reasons which I cannot fathom, we seem to be captive to

China's foreign policy whims and aims.

Following the Chinese leadership on Cambodia is, inevitably, going to lead us in the wrong direction.

I urge my colleagues to read the Muskie statement carefully. I would also urge my friends at the State Department and in the White House, who normally do not follow the CONGRESSIONAL RECORD very closely, to read this statement.

The material follows:

TESTIMONY OF HON. EDMUND S. MUSKIE, CHAIRMAN, CENTER FOR NATIONAL POLICY, TO THE SENATE SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS, FEBRUARY 28, 1990

(Report on a trip to Southeast Asia, and recommendations for a new approach to U.S. policy toward Cambodia)

I would like to summarize briefly today the findings and recommendations of a trip to Southeast Asia that I made on behalf of the Center for National Policy, of which I am chairman. We have prepared a long written report that includes extensive excerpts from key meetings, that I would be glad to submit for the record, should that be desirable.

My intention today is to give the main points, and to take any questions Members of the Committee might have.

For 15 years, from 1975 to 1989, as you Senators know, Cambodia was a nation largely outside of the consciousness of the American public. Senators Baucus, Danforth and Sasser went there; Senator Robb has recently been there, exhibiting great determination; Congressman Steve Solarz went briefly.

Basically, though, the history of American involvement in Cambodia prior to 1975, the story of what happened in Cambodia during the Khmer Rouge reign of terror between 1975 and 1979, and the facts of the 1979 Vietnamese invasion and 10-year occupation, were outside public focus in the United States.

As we know, all of this began to change with the release of the film, "The Killing Fields," detailing the atrocities committed by the Khmer Rouge, and with the plans of Vietnam to get ready to pull out. There began to be more press attention to the issue of Cambodia, and efforts were taken here in the Congress, and by the Administration, to step up aid to the non-communist resistance guerrillas fighting the Phnom Penh government.

The Jakarta Informal Meetings, bringing together Prince Norodom Sihanouk and the current Prime Minister, Hun Sen, were, I believe, considered positive, and a form of progress, by all of us.

Last year, of course, when the international conference on Cambodia convened in Paris, many of us were very hopeful. But Sihanouk's commitment to the Khmer Rouge became an insurmountable difficulty, standing in the way of a political settlement. U.S. policy sided with Sihanouk, and with China. Phnom Pehn and Vietnam said "no" to the Khmer Rouge, as you know, and all of our hopes for a settlement dimmed, as the conference broke up.

Prior to the Paris conference, with the Vietnamese pull-out that U.S. policy has long demanded on the horizon, it has seemed to me that the time might be approaching when the United States might be able to take on a new posture toward Indochina—positive and constructive—and begin to play a more active and leading role in the development of Southeast Asia.

The failure of the Paris conference was not a hopeful sign, however. It seemed that U.S. policy had only two choices at that point: to go along with Sihanouk's demand that the Khmer Rouge be imposed on Cambodia as the price of a political settlement, on the one hand, or to continue to support Sihanouk and his forces in a guerrilla war in coalition with Khmer Rouge, on the other.

It seemed to me that for all of us—whether members of the public, the press, members of Congress or U.S. government officials, the most difficult problem in knowing what to think or do about Cambodia remained: a lack of concrete, first-hand information.

Clearly, it was necessary to consider a new approach, if any progress were to be made. I therefore agreed to travel to Cambodia in my capacity as chairman of the Center for National Policy. It was my intention to observe firsthand the conditions there, and to develop a direct assessment of the effects, the consequences of present U.S. policy.

I asked Senator Robb to travel with me on the trip, and he made every effort to do so, for which I was most grateful. I regretted that we could not take this trip together, but I saw that he was very determined to find a way to see Cambodia, and I felt that he would eventually succeed, which he has clearly now done. I assume that he felt, as I did, that the time was much too short, but even a short time is better than nothing.

My own questions, as I prepared for this trip, were these: what is the reality of the situation in Cambodia today? What are Vietnam's objectives, and are they consistent or inconsistent with U.S. interests? What about Cambodia's neighbor, Thailand, an important U.S. ally? Is China right or wrong in its commitment to the Khmer Rouge?

Can peace be brought to Cambodia? Is genuine self-determination a possibility?

I was in the region for about two weeks, in Cambodia itself for almost a week. I traveled overland from Ho Chi Minh City to get to Phnom Penh, and I was able to spend a day at Angkor Wat. I talked with heads-of-state, with soldiers, with civilians, with government officials, and with representatives of non-governmental organizations. I spent a good deal of time with officials of the American government, both here in Washington and in Bangkok, discussing Cambodia prior to my trip there, and afterwards.

I had not been in Cambodia since 1965. I tell you frankly that I was shocked at what I saw this time. This country was, clearly, devastated by the Khmer Rouge. They not only killed large numbers of people; they also destroyed the infrastructure and the economic and social fabric of the nation.

There has been a visible rebuilding. It's modest, but it is real. It occurred in large part while the Vietnamese were still there. The Cambodians would be irrational if they had not preferred the results of the Vietnamese invasion to what had gone before.

The indigenous Cambodian government is not one that should be impossible for the United States to interact with. It is not beyond the pale as a matter of international comparison. It is communist, but not rabidly ideological.

It is in the process of making efforts to liberalize.

From the conversations I had and from my own observations, I have concluded that a fundamental redirection of U.S. policy must take place, if we are not to contribute to a return of tragedy to this nation.

This report describes the development of the trip and provides both direct excerpts and overall summaries of key meetings. The material speaks for itself, generally, but a few points should also be stressed.

First: as noted, the government of Cambodia in the fall of 1989 was a communist government in form, but it also included many non-communists, from earlier regimes. It did not appear monolithic; it did demonstrate pragmatism.

Second: from my observations not only of the government and its administration of Cambodian society, but also from what I saw of the searing evidence of the devastation of the Khmer Rouge period, and what I learned about the dominance of the Khmer Rouge in the resistance coalition, it became clear that the central question for U.S. policy had to be, simply, this: why should we insist on dismantling the existing government prior to elections, and thereby risk the return of chaos?

Under the circumstances, this appears to be the critical choice, if we really hope to move Cambodia toward a better future, in which the stability required for genuine and lasting self-determination can be maintained.

I think it is important, in bringing perspective to this point, to look at what is different in relation to Cambodia today, as compared with the period during which I was Secretary of State.

Starting with the most basic fact, from the perspective of the United States, our relations with the Soviet Union are entirely different, because the Soviet Union is different. Yes, we both still have massive nuclear arsenals, bigger and more dangerous now than they were then. But, quite obviously, the international political "expansionism" of the Soviet Union is a thing of the past—absolutely for now, if not irrevocably forever (something that we cannot know at this point).

It is patently obvious that the Soviet Union would like to reduce its commitment to Vietnam, not increase it.

So that's an important change fromn 1979 and 1980.

Second, in Vietnam itself, it is obvious that economic development is the preoccupation, not military adventures. Just as the rest of the region, Vietnam is trying to grow. It has not been as successful, but that is in part because of our embargo on aid.

So that's the second change.

Third is the change in Cambodia itself. It is not a country run by Vietnam; it's run by Cambodians. Again, I encourage everyone to go see for him or herself. You may not like the government, but it is definitely Cambodian.

There has never yet been a Cambodian government elected in a genuinely democratic election, and this government is no exception. But I emphasize that it is not an exception. Sihanouk inherited his power from the French, and Lon Nol inherited his from the force of arms. Hun Sen inherited his from the Vietnamese. He appears to have used it to benefit the country as much as to benefit a specific regime.

I would encourage all who are interested in him to read the report of our meeting in this document. It's long, eighteen pages, and I think quite interesting and instructive.

Finally, of course, there is the issue of China.

And here is where the U.S. confronts a dilemma that we have not yet faced up to: as

long as we continue to support China's wish to bring back the Khmer Rouge, we are on the wrong side in Cambodia.

Historically, the two forces in the region that have been perceived as seriously threatening, to their neighbors and each other, have been Vietnam and China.

Other countries in the region, especially Thailand, have long seen a need to balance between the two.

It is clear to me that Vietnam is ready for peace, for improved relations in the region; ready to reduce hostility with China.

China's objectives are less clear. There was some sign while I was in the region last fall that China might be moving to deal more with the Cambodian government, and with the Vietnamese. But on the crucial issue of the Khmer Rouge, they have not yet shown any real sign of flexibility as far as one can tell.

Again, let me stress that there is nothing to be said for bringing back the Khmer Rouge. Phnom Penh has been intransigent on this point; so has Hanoi. In this they are right and we should support them, not oppose them. This does seem like strange bedfellows.

But, it is not nearly as strange as U.S. support for a coalition that includes the Khmer Rouge.

Now let me briefly say a word on the recent Big Five meeting in Paris. Some signs are positive:

The goal is said to be self-determination through free, fair and democratic elections.

A U. N. role was stressed.

Diplomatic efforts were welcomed.

Withdrawal should be verified.

But, there were problems with Paris:

First, nothing was said about genocide, and this as you recall was one of the points at issue last summer in the international conference.

Second, there are a number of ambiguities in the recent Paris declaration that might be positive or negative, depending on what they are taken to mean. For example, the statement that "elections must be conducted in a neutral political environment in which no party would be advantaged" could imply a simple and desirable criterion for fair elections, or, it could be intended to imply that "advantages" gained by current government by virtue of legitimately earned political support must be eliminated—a little like insisting that there must be no advantage whatsoever to incumbancy.

There must be a concern with this process as it goes foward, to ensure that we are working toward the right objective: genuine self-determination, in conditions that will truly permit it.

Look at what it took in Namibia. I was there for the election last November, at the request of the White House; I saw it firsthand.

As you know, in Namibia the existing government remained in place; the U. N. saw to controlling the ceasefire, monitoring the electoral process, and the process of making the transition to a new government, after elections.

In Cambodia, at least as much as in Namibia, history requires that stability be maintained. The country is still fragile, but it functions.

It would be a tragedy to dismantle the present administrative structure; it has taken ten years to put it together. No one who looks at Cambodia, who has any judgement, any experience, could seriously suggest such a thing as being constructive, or even practical.

If the U.N. seat issue can be resolved, so that the U.N. is truly neutral, and not associated with the Khmer Rouge, then it seems likely that some kind of Namibia-like model can indeed work for Cambodia, but it is extremely important how the details of the U.N. idea are filled in.

These are my thoughts. But, really I would ask only two things of U.S. policymakers:

One, go to Cambodia; take an honest look; we have favored the other side for many years; let's be true to ourselves and look at both sides; (point about "tilting").

Two, it is time to send China a message, plain and clear: the U.S. wants good relations with China, but if China values U.S. good opinion, as we assume China does, then China can do this for the United States: say "yes" to elections in Cambodia, and be satisfied with that.

Let's have a ceasefire in Cambodia.

Let's stop the arms shipments.

Let's have elections.

Let's stop talking about power-sharing in advance of elections.

Let's have a new U.S. policy;

We will talk to both sides.

We will denounce the genocide that occurred at the hands of the Khmer Rouge, in clear and simple terms.

We will send a clear message to China: elections, yes; destabilizing the country, no.

Thank you very much for giving me this opportunity to appear before you today.

[From the Washington Post]

(By Mary McGrory)

A Battered Child of a Country

It's decade since he held public office, but Edmund S. Muskie could be at the point of performing the greatest public service of his career.

The former secretary of state, former senator from Maine, former vice presidential nominee and would-be president is attempting to rescue Cambodia from the clutches of the Khmer Rouge and to end the Vietnam War once and for all.

In 1968, Muskie was a casualty of President Lyndon B. Johnson's Vietman policy, He and Vice President Hubert H. Humphrey lost to Richard M. Nixon, who came in as the "peace" candidate—and kept the United States in the war for another 4½ years. Muskie doesn't want Cambodia to pay, again, for our mistakes. As chairman of the Center for National Policy, Muskie visited Cambodia and Vietnam and came back declaring our policy toward both is sick.

Muckie, long considered cautious, has boldly come out for recognition of Vietnam and talks with the communist Hun Sen regime in Phnom Penh. The Bush administration is adamantly opposed. But Muskie says it's time to move on.

He knows there is not much of a constituency on either point: Vietnam is still a painful subject, and a string of movies showing its ghastliness and futility keep a low-level resentment going. Recognition still makes lawmakers nervous. When asked about it, Senate Majority Leader George J. Mitchell (D-Maine), Muskie's protege, turned coy and refused to comment.

As for Cambodia, a handful of House members, mainly Chet Atkins (D-Mass.), keep pleading for justice and humanity. But while Congress clapped its hands sore when Vaclav Harvel urged on them moral action, nobody seems willing to take any risk for doing the right thing in this battered child or a country.

To the Senate Foreign Relations Committee, Muskie gave the best reason for caring about all these "Old unhappy, far-off things and battles long ago":

"We have intervened in that area of the world for the last 30 years. . . . We changed the history and the lives of that area of the world." He could have added, "and our own."

The backbone of our policy on Cambodia, braided into our policy on Vietnam, he suggested, is bitterness.

Only one Republican attended the hearing. Sen. Frank H. Murkowski (Alaska) did not come to defend the administration. "I never quite understood the logic of our position," he said.

Muskie finds the policy not just indefensible but incoherent. On the one hand, he points out, we say we abhor the Khmer Rogue, the marauders who murdered as many as 2 million Cambodians before the Vietnamese invaders topped them; on the other, we support Prince Sihanouk, China's pet, who hysterically insists on inclusion of the Khmer Rouge in any resolution.

It was our position for the last 10 years that nothing, including the Khmer Rouge holocaust, was as bad as the Vietnamese invasion of Cambodia. Withdrawal of troops was the first demand on a list of four that we drew up when the economically prostrate Vietnamese humbly sued for recognition.

Last September, they began to evacuate their troops. Although the retreat was accepted by the rest of the world, we whined about verification—while doing nothing about it. In recent days, to thicken the always-poisonous air, stories appeared about Vietnamese troops being called back by Hun Sen when his men were being clobbered by the Khmer Rouge.

The Vietnamese have been certified as "cooperative" on the excruciating question of the MIAs and POWs by John W. Vessey Jr., former chairman of the Joint Chiefs of Staff. Vessey says that "the Vietnamese say we keep raising the high bar."

Two chilly State Department types followed Muskie to the witness stand and talked about the United Nations—which has been suggested as an agent for running the country while an election is organized—functioning "horizontally and vertically" in Cambodia, about "structuring a framework for peace." These are words used by people who don't really want anything to happen.

The sticking point between us and Vietnam, they indicated, is that we insist on Vietnam backing our loathsome policy of sponsoring the Khmer Rouge in a four-part interim government, which Foggy Botton inexplicably calls "a comprehensive settlement."

"We have allowed ourselves to become the prisoners of Prince Sihanouk and China," said Sen. John F. Kerry (D-Mass.).

Muskie displayed a welcome truculence toward China, which President Bush thinks he understands better than anyone else in the world.

"They have got to begin to listen to other parties involved," said Muskie, the erstwhile conformist who seems to be enjoying his new role as outside agitator.●

PRESIDENT NIXON'S "SHOULD WE HELP GORBACHEV" PIECE

● Mr. WALLOP. Mr. President, I would ask that the following statement by former President Richard

Nixon be inserted in the RECORD. I believe that the article presents an accurate and timely assessment of the situation the United States faces vis-a-vis the Soviet Union.

While Mr. Gorbachev has changed dramatically the way we in the West view the Soviet Union, he has, in fact, done very little to change the domestic and foreign policies that have characterized his country for so many years. In the euphoria over Mr. Gorbachev and his new thinking, I think we have chosen to overlook a few old facts that remain unchanged today. First and foremost, Mr. Gorbachev is Communist. He would not be General Secretary of the Communist Party if he were not. Moreover, Mr. Gorbachev is a Russian nationalist with ambitions for his country not unlike those the Russian czars had for centuries before—we see clear evidence of this in Afghanistan and Angola. Finally, Mr. Gorbachev is a brilliant politician who has taken every opportunity to increase his hold on power and policy.

President Gorbachev has a huge task ahead. I must commend his willingness even to approach the challenge. But I do not believe that the United States should fall into the dangerous habit of propping up Gorbachev at any price—we are seeing the beginnings of that now in Lithuania. If Gorbachev is not willing to make the most fundamental economic reforms, reforms which would facilitate private property ownership and free enterprise, all the dollars in America will do nothing but prolong the economic crisis awaiting the Soviet Union. As President Nixon so concisely states, we should only help Mr. Gorbachev if "his reforms go far enough to have a chance to succeed and if as a result the Soviet Union becomes less oppressive at home and less aggressive abroad."

The statement follows:

[From the American Spectator, March 1990]

RICHARD NIXON: "SHOULD WE HELP GORBACHEV?", NOT IF YOU TAKE HISTORY SERIOUSLY

(Last December 4, former President Richard Nixon dictated a long analysis of East-West relations, and, in keeping with his standard practice, distributed copies to a close circle of friends. Portions have been reprinted elsewhere, but The American Spectator thought readers might be interested in seeing in a complete form what was on RN's mind a few weeks before the appearance of the much noted article in Daedalus by Mr. Z.—Ed.)

Before the Malta conference, Secretary Baker said that "this is the first Administration since the war which has been more concerned with the consequences of Communism's demise than with the threat of Communism."

A liberal magazine recently editorialized that we should help Gorbachev because of our interest in assuring the "success of an economically and politically liberal regime without any apparent expansionist ambition."

Time magazine has declared that Gorbachev wants to "transform the Soviet Union into a more democratic society."

The headline over a recent lead editorial in the New York Times proclaimed, "The Cold War Is Over." After Malta, President Bush took issue with that statement. He was right to do so. But as the "Spirit of Malta" washes over the West, he may soon find that he is a very lonely member of a virtually silent minority.

On all sides we hear that Western ideas have won and that Communism has been defeated. And yet a Communist, Gorbachev, is the most popular man in Europe. He is equal to Bush in popularity in the United States. Among American intellectuals—those with post-graduate training 85 percent view Gorbachev favorably as against 65 percent for Bush.

Before going along with the conventional Beltway wisdom, let us take a closer look at this exciting new superstar on the world scene. This we know:

He is a Communist. He wouldn't be General Secretary of the Communist Party of the Soviet Union if he weren't.

He is a proud Russian nationalist, with goals and ambitions for his country such as Russian leaders have had for centuries before Lenin.

He is a brilliant, pragmatic political leader who likes power, knows how to use it, and wants to keep it.

Let us examine what he has done. His political reforms have been an enormous public relations success abroad. They have also produced a less oppressive life for many in the Soviet Union. They are totally inadequate compared to a free, democratic society. But compared to what the Soviets had before, they are breathtaking. Where there was no freedom to criticize, there is now some. Where there was no freedom of press, there is now some. Where there was no freedom to emigrate, there is now some. Where there were no free elections, there are now some.

But keeping this last issue in context, while some Communist officials lost their positions in recent elections, Gorbachev strengthened his. He is the most powerful Soviet leader since Stalin during World War II, Stalin's foreign minister, Mololov, once told an American who was urging him to support the concept of free elections, "I like the idea of free elections. There is only one thing wrong with them. You don't know in advance how they come out." Gorbachev did not have this problem. He knew in advance how the elections would come out as far as any effect on his power was concerned.

Any objective observer must agree that glasnost, Gorbachev's political reforms, has produced less repression for his people at home and enormous popularity for him abroad. But his economic reforms, perestroika, have been a failure in every respect. The rhetoric has been impressive—joint ventures, cooperatives, private businesses, decentralized controls, and even some kind words about free markets. The results have been virtually nil. For example, in the ten years of Deng Xiaoping's economic reforms, the per capita income of the Chinese people has doubled; in the five years of Gorbachev's rule, including three in which perestroika was in effect, the per capital income of the Russian people went down.

Gorbachev's foreign policy has been a brilliant public relations success, particularly in the West. He withdrew the Red Army from Afghanistan and played a role in getting Vietnamese troops out of Cambodia and Cuban troops out of Angola. He announced unilateral cuts in his defense budget and reductions in his Warsaw Pact forces. Most important, he has repudiated the Brezhnev doctrine and has even been credited by some for the repudiation of Communism by the people of Poland, East Germany, Hungary, and Czechoslovakia.

For these reasons, Gorbachev's critics and friends alike agree that he is the most exciting leader in Soviet history. While he has only marginally changed the Soviet Union, he has profoundly changed the world.

But what does he really believe? For one thing, he has adopted a tolerant attitude toward religion, as did Stalin during World War II. Unlike Stalin, however, he meets the influence and power of the Pope cannot be measured by the number of military divisions he has. Gorbachev often speaks of God, as did Brezhnev, and he likes to say that his mother had an icon over her bed. All this is interesting, but it does not make him a closet Christian, just as his economic reforms do not make him a capitalist and his political reforms do not make him a democrat. In these areas, as is his initiative with the Pope, he has shrewdly said what many in the West want to hear. But it remains to be seen whether his policies will produce what responsible leaders in the West want to see—a truly freer, benign Soviet Union.

Rather than just applauding what he has done, let us examine why. When Gorbachev came to power five years ago, he found he was presiding over a military superpower and a Third World economic power. Everywhere he looked he saw Communism in crisis. All the Soviets' Third World conquests were enormously expensive losers, costing them $12 billion a year in foreign aid. Cuba, Vietnam, Ethiopia, Angola, and Nicaragua all required huge subsidies to avoid bankruptcy. Afghanistan was costing lives as well as money.

In Eastern Europe any observer could see that the explosive forces of dissent were just beneath the surface. Communism policies had produced stagnation rather than progress, and because of the massive advances in communication, the people of Eastern Europe knew it.

At home Gorbachev saw that the Soviet economy, plagued with corruption, drunkenness, inefficiency, and shortages, was falling further and further behind the West. He saw that Deng's economic reforms had produced a better life for the Chinese people. He found that all the major industrial nations of the world were aligned against him. He saw that his major potential adversary, the United States, finally recovering from the malaise of the late seventies and the recession of the early eighties, had a booming economy, a strong foreign policy, and a new defense initiative. SDI, that would cost the Soviet Union billions of dollars it didn't have just to keep up.

Gorbachev is a Communist, but he is not a fool. He is a leader of great courage and vision who is not afraid to make the bold play. He knew he had no choice but to reform at home and retrench abroad. Otherwise the Soviet economy would collapse and Marxism-Leninism would suffer total defeat.

And yet for two years, he temporized. He continued the policy of his mentor, Yuri Andropev, of trying to get a bad system to work better by eliminating drunkenness,

corruption, and inefficiency. All this produced was longer lines for vodka and acute shortages of everything else.

Three years ago he adopted bolder political and economic reforms. His purpose was not to abandon Communism but to save it. His economic reforms have failed, but his political reforms dramatically improved his image abroad, strengthened his political powers at home, and earned him the support of an energized Soviet intellectual class.

Even more important, Gorbachev has become the darling of Western intellectuals and pundits as well. He is so different from the old caricature of the sour, humorless Communist that many naively rush to the other extreme and gush that he is "just like us."

As a master of the PR game, he knows how to project the image that we want to see. In a revealing moment, a leading American television commentator said on the last day of the Malta meetings that Gorbachev understood the kind of relationship President Bush wanted to have with him—good-natured, informal, jocular—and had delivered exactly that during meetings. To continue the reporter's analysis, which was right on target, if Jesse Helms had been elected President last year and had been dragged kicking and screaming to summit meeting, Gorbachev would probably have tried to win him over by talking about the evils of abortion and pornography.

That does not mean, to use a phrase that has become almost meaningless, that he isn't "for real." It *does* mean that, as we would with any other master politician, we should look at his deeds as well as his words, the substance as well as the style. And one area where his words and deeds diverge dramatically is the one that is the most critical for American policy-makers: Soviet military power.

The defense cuts Gorbachev has announced have had a dramatic effect abroad in reducing Western fear of the threat of Communism. Secretary Gorbachev has stated that the Soviet military threat is less than at any time in the past fifteen years.

While Gorbachev's deteriorating economy may soon finally force him to cut back, he still spends 20 percent of Soviet GNP on defense, compared with six percent in the United States. In the five years Gorbachev has been in power, all three legs of the Soviet strategic nuclear triad—land, sea, and air—have been modernized. Soviet superiority in tanks, chemical weapons, and combat aircraft has been maintained and in some cases increased. Total Soviet military spending under Gorbachev has increased three percent every year he has been in office. In that same five-year period, U.S. defense spending has gone down by 11 percent.

What Cheney undoubtedly meant by his statement was that the likelihood that the Soviets' vast military power would be used against the West had diminished because of events in Eastern Europe. Whether or not that is true, there is still no question but that the Soviet Union's military might is greater now than when Gorbachev came to power. Even if he has been sounding to some hopeful ears like a dove, his bristling talons still make him look like a hawk.

The same is true of his foreign policy. Gorbachev has received kudos for withdrawing the Red Army from Afghanistan. But he was getting rid of a loser, and he still supplies his puppet government in Kabul with huge shipments of arms. His clients in Cambodia and Angola are still in power. He provides arms to North Korea and Libya, two notoriously aggressive nations that threaten their neighbors and export terrorism all over the world. He also provides arms to Cuba, which in turn are shipped to Communist rebels in El Salvador after being laundered in Nicaragua. CIA Director Webster has responded that Soviet intelligence activity is increasing under Gorbachev.

Eastern Europe is where we have seen the most spectacular developments. Many say he inspired what happened there. Some say he even encouraged it. Most ignore that it was Western ideals, combined with the failure of Communist ideals he still upholds and opposition to Soviet domination he represents, which brought millions into the streets in Poland, East Germany, Prague, and Budapast.

Gorbachev had two choices in Eastern Europe. He could have repressed the demonstrations by implementing the Brezhnev doctine. Or he could take credit for developments he could not contain. That he made the smart play and acted in his national interest does not qualify him for sainthood any more than Lenin's separate peace with the Germans during World War I meant that he liked the Kaiser.

The military option was not acceptable because it might not have worked. Even more important, Gorbachev had bigger targets than Eastern Europe—Western Europe and the United States. To do what was necessary to keep unpopular puppets in power in Eastern Europe, he would have had to abandon his enormously successful efforts to seduce Western Europe and the United States. A chance to psychologically disarm his potential adversaries in the West was worth losing his absolute control of Eastern Europe. And at the same time, these countries at least temporarily remain in the Warsaw Pact, and Gorbachev can let the West help foot the bill to keep their failed economies afloat.

Regardless of what he says publicly, Gorbachev cannot be pleased by what is happening in Eastern Europe. His predecessors would not have permitted it. He is not in a position to be able to try to stop it and still accomplish his broader goals. What we are seeing under Gorbachev is a profound shift in Soviet priorities. For seventy years Soviet foreign policy drove domestic policy. Domestic policy drives foreign policy. Foreign policy serves domestic policy.

The Soviet economic crisis is so great that foreign and defense policies must be managed in a way that will help resolve it. Whether it is defense, arms control, Eastern Europe, or the Third World, Gorbachev's first priority is to do everything he can to help the Soviet economy. By disarming the West psychologically, he removes fear, the glue that holds the Western alliance together and that provides the rationale for adequate defense budgets in the West. By projecting a benign image abroad, he increases his ability to get the credits, aid, and technology he needs to receive his sick economy. And there is a chance he may have his cake and eat it too if the West fails to see what he is doing and to make him pay a price for it.

This brings us to the central question in American foreign policy today: Should we help Gorbachev? If so, how?

The conventional wisdom is that we should help him. A leading East-West analyst concluded bluntly, "We should help those in the Soviet Union who are doing the right thing." But again, we must ask ourselves whether Gorbachev really is doing the right thing from our point of view. Is he a convert to Western ideas of political pluralism, individual rights, and free market economy? Whoever believes that will believe that Santa Claus is bringing my grandchildren the $150 Nintendo sets I am buying them for Christmas.

Gorbachev is making a vitue out of necessity. He has changed, but it is a change of the head, not the heart. At a time when he is using his head, we should not lose ours. In providing help for Gorbachev we should adhere to a fundamental principle. If his ultimate goal is to make life better for the Soviet people, we should help him. But we should not help him if his ultimate goal is to make life more difficult for the West by using Western subsidies to build a more formidable, more dangerous Soviet Union.

First, his economic reforms will not work unless they are radically expanded. Bailing out the Soviet economy as it exists now does Gorbachev no favor, just as a banker does no favor to a borrower by making him a bad loan. Massive Western aid now simply permits the Soviets to postpone making the tough decision to adopt reforms that will work. As Andrei Sakharov put it, "In the absence of radical reforms in the Soviet system, credits and technological aid will only prop up an ailing system and delay the advent of democracy."

What would be radical enough? Only measures the West takes for granted but that could destory Gorbachev as swiftly as a raging virus—lifting price controls, encouraging more entrepreneurism, decentralizing economic decision-making. His dilemma is that if his reforms go far enough to work, they would threaten the authority of all those, such as Gorbachev himself, who depend on the Communist party and the central government for their power.

Even if the reforms go far enough to work, it is not in our interest to help Gorbachev unless his foreign policy becomes less aggressive. Even as he issues calls for new thinking in foreign affairs, Soviet power is being applied against American interests in old wars in Afghanistan and El Salvador and for propping up anti-American regimes in Cuba, Nicaragua, North Korea, and Libya.

We can help Gorbachev only if the Soviet Union becomes less repressive at home and less aggressive abroad. For example, President Bush is right to support waiving the Jackson-Vanik provisions on providing Most Favored Nation treatment for Soviet products if the Soviet Union adopts new liberal immigration laws. On the other hand, we should not provide credits for food and consumer goods for the purpose of financing perestroika. The Soviet Union can pay for perestroika itself by cutting its budgets for defense and foreign adventure.

Today Japan is the second most powerful economy in the world in part because for a quarter century the United States relieved it from the responsibility for significant defense spending. We should do no such favor for the Soviet Union. If we subsidize the Soviet economy while it continues to expand and modernize its military machine, the result could be a Soviet Union that is stronger both economically and militarily than when Gorbachev found it and that threatens us more.

Gorbachev must understand that Central America is a neuralgic issue for the United States. Sending arms to an anti-U.S. government in the Western Hemisphere is unacceptable. The idea that Gorbachev is unaware that arms he provides for Cuba are

delivered to Nicaragua and then to rebels in El Salvador is ludicrous. The Soviet invasion of Afghanistan destroyed any chance for the Senate to approve SALT II. The continued use of Soviet arms by Communist rebels trying to overthrow the pro-U.S. government of El Salvador could destroy the chances for approval of a START treaty.

We should apply different standards in considering what aid to provide to new non-Communist governments in Eastern Europe. Even if we are not sure the reforms will work, we should gamble that these peoples' energy and creativity, suppressed for nearly a half-century, will be enough to finish the peaceful revolution they have begun. The euphoria of recent weeks aside, it is by no means a sure thing. As Gorbachev has learned, giving people the right to vote and choose their leaders is far easier than getting a stagnant economy to move again. Governing a democracy is far more difficult than governing a totalitarian system. Those who make revolution are seldom the best qualified to run a government.

Talk about a "Marshall Plan" for Eastern Europe trivializes a complex question. The nations of Western Europe suffered enormous physical damage in World War II, but they still had governmental and economic structures that enabled them to use the aid they received effectively. In Poland, East Germany, Hungary, and Czechoslovakia, the opposition forces generally do not yet have that capability. But we must nevertheless be generous with our aid, because we must do everything necessary to see that their efforts to rid themselves of Communist rule do not fail. What they need, in addition to credits in the short term, is expert advice on how to run an economy and how to govern a democracy. The Communists have lost the ideological battle. But the West has not yet won it. The ideals of freedom and free markets when they are celebrated but not implemented are meaningless.

Before going overboard and giving Gorbachev the aid he desperately needs for his terminally ill economy, we should not lose our historical perspective.

Let me quote from an editorial in the *New York Times*: "One week ago Russia came of age. She allowed her people all the fun and trappings of a real election—provoked not publicly by show of hands but in private in red curtained booths behind closed doors." Most people would assume that that editorial had been written about Gorbachev's Russia in 1989. In fact, it was written about Stalin's Russia in the 1930s. Gorbachev is not a Stalinist, but he is also not a Jeffersonian democrat. I am simply suggesting that we should examine his motives just as coldly as he is examining ours.

I do not question Gorbachev's sincerity. He is profoundly sincere in wanting to rescue the Soviet system from a terminal illness. He has been bold and courageous in adopting policies at home and abroad that serve that purpose. We should help Gorbachev . . . but only if his reforms go far enough to have a chance to succeed and if as a result the Soviet Union becomes less oppressive at home and less aggressive abroad.●

AUGUST WILSON RECEIVES HIS SECOND PULITZER PRIZE FOR DRAMA FOR HIS PLAY, "THE PIANO LESSON"

● Mr. HEINZ. Mr. President, I rise today to pay tribute to August Wilson, who on April 12, 1990, won his second Pulitzer Prize in 4 years for his play "The Piano Lesson." Mr. Wilson, the winner of the Drama Prize, had previously won the Pulitzer Prize for Drama in 1987 for his play "Fences."

"The Piano Lesson" is the fourth play in a Wilson cycle about black American life in different decades during the 20th century. The play is set in the 1930's and, as in so many of his plays, the locale is in his—and my—native Pittsburgh, where he lived until he was 33. "The Piano Lesson," which deals with a brother and sister at loggerheads over what to do with the ancestral piano they jointly own, has won Wilson worldwide critical recognition of his artistry and revelatory power, and has established him as one of this Nation's leading playwrights.

The cycle started with "Ma Rainey's Black Bottom," which met with tremendous success in 1985, when it received a Tony Award nomination and won the New York Critics' Circle Award for Best Play of 1985. "Ma Rainey's" success inspired Wilson, a black man, to continue with a series of plays on the black experience in America. Wilson's commitment to telling the story of the black American continued with "Fences" (1987), which won him his first Pulitzer Prize and a Tony, "Joe Turner's Come and Gone" (1988), and "The Piano Lesson" (1989).

In each of these plays, Wilson benefited from the expertise and insights of his director, Lloyd Richards, artistic director of the Yale Repertory Theater and a founder of the Eugene O'Neill Playwrights Conference in Connecticut, where he first became acquainted with Wilson's work. Wilson, 44, who began his career as a poet and a short-story writer, came to play writing late and largely self-taught, submitted five scripts to the O'Neill Conference before "Ma Rainey" was accepted by Richards. Since, Richards has championed Wilson's work and been a mentor and friend for the better part of a decade.

Henry James once observed that the power of truth in art is directly related to the amount of felt life concerned in producing it. This observation is certainly appropriate to August Wilson's work which has a revelatory power proportional to the passions and daily trials that he experienced growing up and living in 20th-century America. This artistry is found in a unique ability to bring his felt life to bear in powerful truth to a diverse audience.

Mr. President, for a man to receive one Pulitzer Prize in his lifetime is a tremendous feat. The fact that August Wilson has won two Pulitzer Prizes is a testament to this man's unique genius. I am pleased to recognize August Wilson for this very auspicious and inspiring achievement and ask that my distinguished colleagues join me in this salute.●

DIARIO LAS AMERICAS TO MARK 37TH YEAR

● Mr. GRAHAM. Mr. President, I rise to commend an outstanding editor and publisher from Miami, Horacio Aguirre.

Mr. Aguirre, through his professional dedication and contributions to our community, is a living symbol of one of our most cherished freedoms: The freedom of expression.

A native of Nicaragua, Mr. Aguirre came to Miami with a dream. On July 4, 1953, he founded Diario Las Americas newspaper. Today, Diario Las Americas is one of the largest Spanish-language newspapers in the country and a success by any measure. As our Nation celebrates its birthday this Fourth of July, Diario Las Americas will celebrate its 37th year. Mr. Aguirre personifies the American dream. He had an idea, he took a risk, he worked hard and he succeeded.

The Aguirre success story is also a salute to time-honored family traditions, because his son is fully involved as a manager of the newspaper. There are many ways children honor their parents, but carrying on the family business is among the highest honors. Mr. President, Horacio Aguirre is more than a successful publisher and proud father. He also is actively involved in the Greater Miami community.

Mr. Aguirre has been a leader in the business community, an adviser to local universities and decorated by the church. On May 1, 1990, the Florida Senate in Tallahassee will honor Mr. Aguirre with a resolution expressing admiration and respect. I am proud to add my voice to the chorus of praise for this man who has made our community a better place to live.●

FORMER SENATOR JAMES L. BUCKLEY ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, I would like to share a letter I have recently received from Judge James L. Buckley, a former U.S. Senator from New York. Judge Buckley endorses term limitation because it will help restore Congress to a body of citizen legislators.

Thomas Jefferson once remarked, "the principles of our Constitution * * * are wisely opposed to all perpetuation of power, and every practice which may lead to hereditary establishments * * *." Today seats in Congress are the equivalents of personal fiefdoms, and the wisdom of Jefferson is apparent: Congress is neither adequately representing its constituency, nor adequately attacking the crucial problems we presently face.

By establishing term limitation, we will ensure a steady stream of fresh idealism and new creativity to deal

with what are becoming persistent, if not permanent problems. A $3 trillion deficit is only one of the more glaring examples.

I ask that Judge Buckley's letter appear in the RECORD immediately following my remarks, and I again urge all Senators to join in this fundamental reform.

The letter follows:

U.S. COURT OF APPEALS,
DISTRICT OF COLUMBIA CIRCUIT,
Washington, DC, February 26, 1990.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building,
Washington, DC.

DEAR GORDON: Had the good people of New York decided to return me to the Senate in 1976, my first order of business in 1977 would have been to introduce the equivalent of Senate Joint Resolution 235. So please count me in as an enthusiastic supporter of a measure which, in significant degree, would restore the original concept of Congress as a body of citizen, rather than professional, legislators.

May the Powers smile on your enterprise.

Sincerely,

JAMES L. BUCKLEY.

INCIDENT IN SOUTH KOREA

● Mr. BUMPERS. Mr. President, the administration and others often talk about the risks we would run if we reduced our troop presence in South Korea. I must say, I find it ironic that my proposal last year on the defense appropriations bill to reduce the U.S. troop presence by 3,000 was considered dangerous, but the recent announcement by the administration that we will reduce our troop presence by 7,000 over 3 years was deemed to be in U.S. security interests.

But as I have stated before, there are risks associated with not reducing the U.S. troop presence, and recently in Seoul we have had a dramatic illustration of that. On April 8, U.S. Department of Defense personnel were involved in an incident that quickly changed a minor incident into a continuing front-page story throughout South Korea. Incidentally, it was trumpeted in the North Korean press as well.

At 1:20 in the morning in the Itaewon District of Seoul, a U.S. civilian employee of the Defense Department was involved in a minor traffic incident with a Korean national. Very quickly about 200 angry Koreans gathered to attack the Americans. According to followup reports, U.S. military police could not get the Korean police to intervene, and so our MP's intervened themselves. The crowd then turned on the MP's.

Mr. President, I ask that a foreign broadcast information service transcript of an April 14, 1990, Seoul broadcast on the incident entitled "Scuffle Swells Into International Incident" be printed in the RECORD at the conclusion of my statement.

While the South Korean Government sought to downplay the incident, as seen in the attached broadcast, it is clear that U.S. military authorities took it seriously. They took the extraordinary step of placing the entire Central Itaewon District, a well-known and well-frequented commercial district in Seoul, off limits to U.S. soldiers, civilian employees, and their dependents between midnight and 5 a.m. Three weeks after the incident, the "off-limits" restriction is still in place.

This incident was not a well-planned protest demonstration for the benefit of television cameras. This was a spontaneous display of resentment at the U.S. presence. As South Korea grows in economic and political strength and self-confidence, this resentment will only grow. Keeping an oversize United States force presence in South Korea will only inflame local passions more.

I am glad the President has decided to reduce the U.S. presence by 7,000 troops by 1993. But that will still leave 36,000 troops in place, at a time when South Korea's ability to defend itself against its smaller, weaker neighbor to the north is greater than ever. Even though South Korea's GNP grew at the lowest rate in the last 9 years, it still expanded 6.7 percent in real terms. It's time for South Korea to do more in its own defense, and for the United States to reduce its troop presence on the Korean Peninsula.

The transcript follows:

SCUFFLE SWELLS INTO "INTERNATIONAL INCIDENT"

SEOUL, April 14 (OANA-YONHAP).—An awkward follow-up by U.S. Military officials, a slow Police investigation and reckless news reports have inflated a minor confrontation between a group of Koreans and U.S. servicemen into an international incident.

On April 9, the American news agency Associated Press [AP], citing U.S. military authorities, said "a midnight mob" of Koreans had inflicted minor injuries on two U.S. Military Police officers and a civilian employee at 1:20 a.m. on April 8 in the Itaewon district of Seoul. AP said the reason a large number of Koreans had turned on the Americans was under investigation.

A day later, several daily newspapers in Seoul reported that the U.S. civilian, who had by then been identified as Kenneth W. McGowan, had driven over the foot of Paek Pong-hun, who was standing in the road trying to hail a Taxi, and that the car's wing mirror had struck the four-year-old son of one of Paek's eight companions.

According to later reports in the Korean press, two U.S. Military Policemen [MP] in a patrol car arrived on the scene as the Koreans stopped McGowan's Toyota and one of the MPs struck Paek on the arm with his club while brandishing his pistol threateningly. About 200 angry Koreans gathered to attack the Americans and their cars, inflicting minor injuries the reports said.

Whether the MP drew his pistol or just touched it, the image of an ugly American soldier "brandishing" his weapon at innocent civilians caught the attention of Koreans who would never tolerate a Korean policeman drawing his weapon on U.S. civilians.

On Wednesday, the U.S. military paper Stars and Stripes took the opposite tack in its report, headlined "Americans Flee Mob in Seoul," and the United States Forces Korea (USFK) distributed to Korean press organizations its own version of the scuffle. Use of the word "mob" in describing a group of law-abiding Koreans further stimulated the Korean press, as vernacular reports proved later.

Stars and Stripes and the USFK press release elaborated on how the Koreans "began beating and kicking the vehicle, shattering windows and causing significant damage to the car's body" and why the MPs "were unable to control the sense [as received] without the use of some force to protect themselves."

Neither, however, offered a reason for the heated tempers, saying the Koreans "suddenly attacked them and their vehicle."

The military daily came out with a more detailed report on the cause of the melee on Thursday [12 April], citing a Korean investigator as saying that McGowan's car ran over Paek's foot as he tried to negotiate his way through a large crowd of pedestrians wandering in the street. But neither the U.S. nor Korean investigators would comment on reports in Seoul newspapers that the crowd turned on the MPs after one of them pulled his pistol and waved it threateningly, the report added.

As for the on-the-scene investigation on Tuesday [10 April], the paper quoted "a Korean police spokesman" as saying, "McGowan took part in the investigation and the two MPs stayed away because 'there were too many news reporters observing'." But the foreign affairs' department at Yongsan Police Station, which is in charge of the Itaewon area, flatly denied the report, saying neither McGowan nor any of the other Americans involved had shown up while all five Koreans had, so that the on-scene investigation had to be called off.

On Thursday, USFK announced that it had placed the central Itaewon area off limits to American soldiers, civilian employees and their dependents from midnight to 5 A.M. beginning on Friday [13 April] to safeguard the health and welfare of USFK personnel. "When lives are at stake, no measure is too extreme," it said.

Aggravated by the statement, over a dozen Seoul newspapers on Friday dealt with the curfew in a barrage of criticism, quoting the USFK news release. What most infuriated the Korean newspapers and rallied other so-far-silent Korean dailies to join the press furore was the claim in the statement that "in this case, the two MPs involved had acted properly."

"The incident, which was chiefly caused by differences in customs and language barriers, is a mountain made out of a mole hill seeing that the latest USFK measures included the curfew," the state-run SEOUL SINMUN said in a commentary. The daily quoted Paek and denizens of Itaewon who witnessed the clash as saying they could not understand why USFK officials, who should apologize for the incident, had placed the area off limits.

"It is deplorable that Koreans must be made to endure suffering in their own country just because they cannot communicate with foreigners in a foreign language," another morning paper editorialized.

The three U.S. military servicemen reported to Yongsan Police Station Friday as asked, but they refused to make statements

except in writing and were sent back to their barracks, the foreign affairs section of the police station said.

The final decision on taking their statements is up to the prosecution, but they are expected to be booked without physical detention around April 16 and will be treated under the regulations of the Status of Forces Agreement, which denies Korean courts jurisdiction over U.S. military personnel unless the Korean Government judges it to be crucial, said a police officer who declined to be named.

In a separate but related statement issued by the National Police Headquarters on Friday, police booked 870 military and civilian members of the U.S. Armed Forces on various charges and transfered five others to U.S. authority last year, but none was put behind bars.●

YEAR OF THE LIFETIME READER

● Mr. PELL. Mr. President, in my capacity as vice chairman of the Joint Committee on the Library, I invite all Members of the Senate to join in cosponsoring Senate Joint Resolution 292, a joint resolution designating 1991 as "The Year of the Lifetime Reader."

I am pleased to announce that the other Senate members of the Joint Committee have agreed to cosponsor the resolution and accordingly I ask unanimous consent that Senators DECONCINI, MOYNIHAN, HATFIELD, and STEVENS be listed as original cosponsors of Senate Joint Resolution 292.

Literacy and reading are so essential to our national life that they must always rank high on the national agenda. In recognition of this fact, the Library of Congress has initiated the 1991—The Year of the Lifetime Reader campaign, which through local projects will promote libraries, literacy, and lifelong learning.

Senate Joint Resolution 292 calls on the President to declare 1991 as the Year of the Lifetime Reader, and encourages parents, educators, librarians, government officials, corporations, labor unions, and associations to observe the year with appropriate programs, ceremonies, and activities aimed at giving our citizens at every age and in every walk of life the gift, the joy, and the promise of reading. The Library of Congress is publishing a brochure containing specific suggestions for the year of the lifetime reader projects. First Lady Barbara Bush has agreed to serve as honorary chairperson of the Year of the Lifetime Reader campaign.

This campaign reinforces the hundreds of community partnerships established last year during the successful 1989—The Year of the Young Reader initiative, which also was led by the Library of Congress. Many Members of the Senate cosponsored the legislation supporting that program; now, it is my hope that they will add their names to this resolution, which extends the campaign to include projects related to adult literacy, family literacy and to the needs of blind and physically handicapped readers.

The 1991—Year of the Lifetime Reader, is a joint effort of the Center for the Book in the Library of Congress and the Library's National Library Service for the Blind and Physically Handicapped. Libraries across the Nation are being encouraged to participate, including the 150 regional and local partners of the National Library Service for the Blind and physically Handicapped and the 23 State centers for the book that are affiliated with the Library's Center for the Book. This list includes Arizona, California, Colorado, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Virginia, Washington, and Wisconsin. In no way, however, is this campaign limited to these particular States. It is a national effort that involves individuals and groups at all levels.

Many corporations and over 60 national organizations already have agreed to participate in the 1991—Year of the Lifetime Reader, effort including the American Library Association, the Association of American Publishers, the Business Council for Effective Literacy, Lions Club International, the National Alliance of Black School Educators, the National Association of Colored Women's Clubs, and Reading is Fundamental, Inc.

I urge all Members of the Senate to join us in promoting this worthy project.●

GAO REPORT ON APACHE DOES NOT TELL THE WHOLE STORY

● Mr. DECONCINI. Mr. President, last Thursday, the House Subcommittee on Oversight and Investigations, chaired by Representative DINGELL, held a hearing on a General Accounting Office [GAO] study on the AH-64 Apache helicopter requested by the subcommittee. The hearing was designed to grab headlines, but not to address the so-called problems with the Apache. The hearing was essentially an attack on old maintenance problems the Apache has encountered. But rather than disclose any new information at the hearing, the GAO focused on issues which the Army and the manufacturer of the aircraft, McDonnell Douglas, have worked closely together over the past year to resolve. Actually, instead of being attacked, McDonnell Douglas and the Army should be congratulated for establishing "Apache Action Teams" to address these issues.

While the GAO accountants pointed to charts and statistics detailing the Apache's performance, I believe it is equally or more important to state for the record what those closest to the Apache, the Army's commanders and pilots who have flown this aircraft, have said of its performance.

The 11 Apaches used during Operation Just Cause in Panama received justifiably high marks for their performance. Col. Gene Cole, commander of the 82d Aviation Brigade at Fort Bragg, said of the aircraft, "The Apaches performed the missions as we expected them to perform. They did exactly what we wanted. The Apache's survivability was even better than it's advertised to be." The survivability to the Apache's design was proven during Operation Just Cause. Three different Apache helicopters were hit by small arms fire 5, 13, and 23 times respectively—including hits at the rotor blades and engine. All flew safely back to base and all returned to combat within 36 hours. This validates the GAO's assessment that the Apache is a much more survivable aircraft in combat than the Army's older Cobra and Huey helicopters. I am convinced that these helicopters could not have sustained the types of attacks and brought their crews back alive in the manner of the Apache.

The Apache earned equally high praise for another recent performance. On April 2, 1990, just a few short weeks ago, Gen. Bill Tuttle, who as commander of the Army Materiel Command is responsible for acquisition of all Army equipment, sent a letter to the Secretary of the Army commending the performance of the Apache during Reforger 90, our joint-NATO exercise in Germany. He stated that, "Commanders at all levels in Europe have expressed their pleasure with aviation's performance." He goes on to say, "Especially noteworthy was the operational ready rates sustained by the AH-64 Apache units while supporting wartime optempos. The 5/6 Cavalry flew 488 hours on 272 sorties, maintaining on operational ready rate of 81 percent Fully Mission Capable and 92 percent Mission Capable."

Mr. President, there is a valid role for the GAO to play in analyzing military programs. However, I believe that in the case of the Apache, the high reviews given the aircraft by those most familiar with its operation and by those who actually fly the aircraft lead one to question the GAO's publicized conclusions. The GAO has raised valid maintenance issues involved with the Apache, but for more than 1 year these issues have been aggressively addressed by the Army and McDonnell Douglas. The Apache's high level of performance in the operation in Panama and in the NATO exercises prove that the Apache—the world's finest attack helicopter—remains a vital component of our national defense.●

TRIBUTE TO FRANK SCHRECK, JR.

● Mr. REID. Mr. President, it is with great pleasure that I rise today to recognize the accomplishments of an outstanding native Nevadan, Frank Schreck, Jr.

Frank Schreck grew up in Henderson, NV, where he attended Basic High School and excelled both in athletics and academics. He also was a successful entrepreneur. During the famous Las Vegas Helldorado Days, Frank bought popsicles in Henderson, transported them to parade and rodeo sites in Las Vegas, and sold them for profit. These profits were set aside for his school expenses.

When Frank graduated from high school, he received several offers to attend college on basketball scholarships. He was recruited heavily by several schools, and the University of Southern California even sent the cheerleading squad to Henderson to entice him to Los Angeles. However, his adviser and government teacher, Mike O'Callaghan, rescued him from the overzealous cheerleaders and, with the assistance of his parents, convinced him to accept a scholarship to Yale University.

After receiving his B.A. in 1965, Frank attended law school at the somewhat less conservative University of California Boalt School of Law in Berkeley. When he completed his degree in 1968, he returned to southern Nevada.

Since then, Frank has devoted considerable energy to assisting in Nevada's political process. His parents, Frank and Jo Schreck, taught him the importance of political and social responsibility at an early age, and to this day, Frank practices the lesson his parents taught him.

Frank has had many great accomplishments during his distinguished legal career. He has served as a member of the Nevada Gaming Commission, he has created one of the most prestigious law firms in Nevada, and he is one of the State's most respected attorneys. Frank Schreck is recognized throughout the world as a leading expert in gaming law, as evidenced by his position as President of the International Association of Gaming Attorneys.

In Frank's mind, however, other accomplishments seem more important. He has provided pro bono services for poor people in need of legal help. He has frequently represented minority clients who could not find an attorney willing to take up their cause.

Frank takes great pride in having represented teachers on education issues. He gives his staff time off to work on important social programs, and he gives generously to many charitable organizations. Frank Schreck is proud to be a benefactor to the St. Judes Home for Children, Catholic Community Services, City of Hope Hospital, the League of Women Voters and other programs. Quite honestly, if someone is in need, Frank doesn't know how to say no.

Currently, Frank is also serving as a member of the University of Nevada, Las Vegas (UNLV) Law School Advisory Committee, and he is a member of the UNLV's vision project which raises scholarship money for the school. He is committed to helping the university become not only one of the best schools in the West, but in the country.

Frank met his wife, Bonnie, at Disneyland where, in her words, they began a "Mickey Mouse romance." They began dating at UNLV basketball games and remain avid fans of the UNLV program. They have two children, Sydney and Derek, and I am confident that the Schreck values of hard work, social responsibility and activism will be carried through future generations.

Mr. President, I would like to congratulate and commend Frank Schreck for his dedication and service to the people of Nevada. He has set an example of leadership for all of us to follow.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations:

Calendar 724, L. Joyce Hampers, to be an Assistant Secretary of Commerce;

Calendar 725, Brig Gen. Arthur E. Williams, to be a member and President of the Mississippi River Commission;

Calendar 726, Thomas L. Sansonetti, to be Solicitor of the Department of the Interior;

Calendar 727, Mary M. Raether, to be a member of the National Council of Disability;

Calendar 728, Sandra S. Parrino, to be a member of the National Council of Disability;

Calendar 729, Alvis K. Waldrep, Jr., to be a member of the National Council of Disability;

Calendar 730, Anthony H. Flack, to be a member of the National Council of Disability;

Calendar 731, Peter H. Raven, to be a member of the National Science Board, National Science Foundation;

Calendar 732, Benjamin S. Shen, to be a member of the National Science Board, National Science Foundation; and

Nominations placed on the Secretary's desk in the Public Health Service.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

L. Joyce Hampers, of Massachusetts, to be an Assistant Secretary of Commerce.

MISSISSIPPI RIVER COMMISSION

The following-named officer for appointment to the positions indicated, under the provisions of section 2, Act of Congress, (21 Stat. 37) (33 United States Code 642):

To be a member and President of the Mississippi River Commission

Brig. Gen. Arthur E. Williams, 133-28-8513, U.S. Army.

DEPARTMENT OF THE INTERIOR

Thomas Lawrence Sansonetti, of Wyoming, to be Solicitor of the Department of the Interior.

NATIONAL COUNCIL ON DISABILITY

The following-named person to be a member of the National Council on Disability for the remainder of the term expiring September 17, 1991: Mary Matthews Raether, of Virginia.

The following-named person to be a member of the National Council on Disability for a term expiring September 17, 1992: Sandra Swift Parrino, of New York.

The following-named person to be a member of the National Council on Disability for a term expiring September 17, 1992: Alvis Kent Waldrep, Jr., of Texas.

Anthony Hurlbutt Flack, of Connecticut, to be a Member of the National Council on Disability for a term expiring September 17, 1991.

NATIONAL SCIENCE FOUNDATION

Peter H. Raven, of Missouri, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1994.

Benjamin S. Shen, of Pennsylvania, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1994.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Gregory M. Buchalter, and ending Douglas S. Mitchell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 20, 1990.

Public Health Service nominations beginning Richard L. Fodor, and ending Herbert L. Venable, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 20, 1990.

STATEMENT ON THE NOMINATION OF THOMAS L. SANSONETTI

Mr. McCLURE. Mr. President, on April 25, 1990, the Committee on Energy and Natural Resources ordered favorably reported the nomination of Thomas L. Sansonetti to be Solicitor

for the Department of the Interior by a vote of 19–0.

Mr. Sansonetti is an extremely well-qualified candidate for this position. He received his B.A. in foreign affairs, followed by his M.B.A., from the University of Virginia, and went on to earn his J.D. from Washington and Lee University. He has a broad legal background, having been in private practice in Gilletee, WY, for 7 years, and then serving for 2 years as the Associate Solicitor for Energy and Resources at the Department. For the past year, he has served as administrative assistant to Congressman CRAIG THOMAS and is therefore well aware of the issues currently before the Congress and the Department.

As a westerner, he has an understanding and appreciation of the problems which face many of the States in which the majority of our public lands are located. His experience in natural resources litigation and his firsthand knowledge of how both the executive and legislative branches of Government operate will enable him to make a smooth transition to the position of Solicitor.

I believe Mr. Sansonetti will serve the Department of the Interior very ably, and I urge my colleagues to join me in supporting his nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

EXTENDING THE CIVIL PENALTY ASSESSMENT DEMONSTRATION PROGRAM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2533, a bill to extend the Civil Penalty Assessment Demonstration Program introduced earlier today by Senator FORD and others.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2533) to amend the Federal Aviation Act of 1958 to extend the Civil Penalty Assessment Demonstration Program.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read the second time by title, and the Senate will proceed to its immediate consideration.

Mr. FORD. Mr. President, I ask my colleagues to pass S. 2533, to extend the authorization of the Federal Aviation Administration's [FAA] Civil Penalty Program, and to advance transportation in the State of Hawaii.

This bill would amend the Federal Aviation Act of 1958, to extend the FAA Civil Penalties Demonstration Program an additional 3 months through July 30, 1990. The program was originally authorized for 2 years, through December 31, 1989. Last fall, in the closing days of the session, we extended the program for 4 months through April 30, 1990, to allow the FAA to address significant concerns raised by industry and legal groups concerning the procedures used in the demonstration program.

The Administrative Conference of the United States reviewed the program and made some recommendations. On April 13, the U.S. Court of Appeals directed the FAA to stay actions under the program until the agency has corrected the administrative and procedural deficiencies in the program through rulemaking. On April 16, the FAA initiated action to address the court's concerns, and also implemented procedures to respond to the criticisms raised by the Administrative Conference. I urge my colleagues to join me in passing this short-term extension to keep the program alive until the FAA has had time to complete action on the technical changes, and until we have had an opportunity to review the program. Failure to act would mean the end of an important enforcement program which, though controversial in its implementation, has improved safety and security compliance in aviation.

Section 2 of the bill contains a provision to amend the Airport and Airway Improvement Act of 1982, to permit the State of Hawaii to use revenues generated by off-airport duty-free facilities for transportation-related purposes. The revenues could only be diverted if 150 percent of airport needs have been met for that specific year; the diversion applies only through December, 1994; and the amount is capped at $250,000,000. The Senate passed a bill containing these provisions on November 21, but the measure was not agreed to by the House. Since then, provisions have been added limiting Hawaii's eligibility for airport discretionary grants, and restricting potential increases in airport landing fees to the consumer price index. I understand that all affected parties have now agreed to this provision.

Mr. President, I hope my colleagues will join me in passing this legislation quickly to preserve important FAA programs, and to fulfill other transportation needs.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) section 905(d)(4) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1475(d)(4)) is amended by striking "28 month" and inserting in lieu thereof "31-month".

(b) The amendment made by subsection (a) shall be effective as of April 30, 1990.

SEC. 2. Section 511 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210) is amended by adding at the end the following new subsection:

(g) USE OF AIRPORT GENERATED REVENUES IN HAWAII.—

"(1) GENERAL RULE.—Notwithstanding the limitation on the use of revenues generated by airports contained in subsection (a)(12) of this section, the State of Hawaii may use for eligible transportation projects revenues generated on the sale at off-airport locations in the State of duty-free merchandise under a contract between the State and a duty-free sales enterprise.

"(2) LIMITATIONS.—

"(A) APPLICABILITY PERIOD.—This subsection only applies to revenues generated after the date of enactment of this subsection and before December 31, 1994, on sales referred to in paragraph (1) and to amounts in the Airport Revenue Fund of the State of Hawaii which are attributable to revenues generated before the date of enactment of this subsection on such sales.

"(B) COVERAGE OF AIRPORT CAPITAL AND OPERATING COSTS.—The State of Hawaii may use under paragraph (1) revenues generated on sales referred to in paragraph (1) in a fiscal year of the State only if the amount of such revenues, when added to the amount of funds received in such year by the State for airport capital and operating costs from all other sources (including revenues generated by such airports from other sources, unrestricted cash on hand, and Federal funds made available under this Act for expenditure at such airports), exceeds 150 percent of the projected airport capital and operating costs for such year.

"(C) ANNUAL CAP.—The amount of revenues generated on sales referred to in paragraph (1) in a fiscal year of the State of Hawaii which the State may use under paragraph (1) may not exceed the amount of the excess determined under subparagraph (B) for such year.

"(D) AGGREGATE CAP.—The maximum amount of revenues which the State of Hawaii may use under paragraph (1) may not exceed $250,000,000 in the aggregate.

"(E) REDUCTION DUE TO LANDING FEE INCREASE.—If any fee levied or collected by an airport operated by the State of Hawaii for a rental charge, landing fee, or other service charge from an aircraft operator for the use of airport facilities is increased in the period beginning on the date of enactment of this subsection and ending December 31, 1994, by a percentage which is greater than the percentage change in the Consumer Price Index of All Urban Consumers for Honolulu, Hawaii, published by the Bureau of Labor Statistics of the Department of Labor in such period and if, as a result of such fee increase, there is an increase in the revenues derived from such fee, the $250,000,000 limit established by subparagraph (D) shall be reduced by the amount of the projected increase in such revenues in such period less any portion of such increase which is attributable to changes in such Index in such period.

"(F) DETERMINATION OF COSTS AND PROJECTED INCREASES IN REVENUES.—The State of Hawaii shall determine capital and operating costs and revenues under subparagraph (B) and the amount of projected increases in revenues from fee increases referred to in subparagraph (E). Determinations shall be submitted by the State to the Secretary for approval. A determination shall be treated

as approved by the Secretary unless the Secretary disapproves such determination on or before the 30th day after the State submits such determination to the Secretary.

"(G) ELIGIBILITY FOR DISCRETIONARY GRANTS.—The State of Hawaii shall not be eligible for a grant under section 507(c) in any fiscal year in which the State uses under paragraph (1) revenues generated on sales referred to in paragraph (1). If the State receives a grant in a fiscal year in which the State as a result of this subparagraph is not eligible to receive a grant, the State shall repay all amounts received by the State under such grant to the Secretary for deposit in the discretionary fund established under section 507(c).

"(3) PERIOD OF USE.—Revenues generated on sales referred to in paragraph (1) in the period of applicability set forth in paragraph (2)(A) may be used under paragraph (1) in any fiscal year of the State, including a fiscal year of the State beginning after December 31, 1994.

"(4) DEFINITIONS.—In this subsection, the following apply:

"(A) Airport capital and operating costs.—The term 'airport capital and operating costs' means costs incurred by the State of Hawaii for operation of all airports operated by such State and costs for debt service incurred by such State in connection with capital projects for such airports, including interest and amortization of principal costs.

"(B) DUTY-FREE SALES ENTERPRISE; DUTY-FREE MERCHANDISE.—The terms 'duty-free sales enterprise' and 'duty-free merchandise' have the meaning such terms have under section 555(b) of the Tariff Act of 1930 (19 U.S.C. 1555(b)).

"(C) ELIGIBLE TRANSPORTATION PROJECT.—The term 'eligible transportation project' means a project for construction or reconstruction of a highway on a Federal-aid system which will facilitate access to an airport and which is located within 10 miles by road of such airport.

"(D) FEDERAL-AID SYSTEM; HIGHWAY.—The terms 'Federal aid system' and 'highway' have the meaning such terms have under section 101 of title 23, United States Code.".

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURES INDEFINITELY POSTPONED

Mr. MITCHELL. Mr. President, I ask unanimous consent the following calendar items be indefinitely postponed: Calendar items numbered 62, 67, 208, 31, 402, 316, 475, 386, and 425.

The PRESIDING OFFICER. Without objection it is so ordered.

CONTRIBUTIONS BY FEDERAL ANNUITANTS TO HEALTH BENEFITS THROUGH DIRECT PAYMENTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 359, H.R. 1805, a bill to permit Federal annuitants to make contributions for health benefits through direct payments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1805) to amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholding if the annuity is insufficient to cover the required withholdings, and to make a technical correction to the life insurance program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1538

(Purpose: To amend chapter 87 of title 5, United States Code, to provide for the uniform termination of insurance on an employee's separation from service, and for other purposes)

Mr. MITCHELL. Mr. President, on behalf of Senator GLENN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. GLENN, proposes an amendment numbered 1538.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, add after line 14 the following new section:

SEC. 3. UNIFORM TERMINATION OF LIFE INSURANCE COVERAGE.

Section 8706(a) of title 5, United States Code, is amended in the first sentence by striking out "or 12 months after discontinuance of his pay, whichever is earlier".

On page 3, line 23, strike out "indivdual" and insert in lieu thereof "individual".

Mr. GLENN. Mr. President, this amendment would make the termination of coverage under the Federal Employees Group Life Insurance Program uniform for all employees at the time of separation from service by eliminating the provision for termination 12 months after discontinuance of pay. This change will permit employees in nonpay status such as those on leave-without-pay to retain coverage by payment of their share of the insurance premiums. Under current law, such employees could lose their coverage.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1538) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1539

(Purpose: To amend chapter 81 of title 5, United States Code, to reduce the age at which a widow or widower may upon remarriage receive certain compensation under the Federal employees' compensation system)

Mr. GARN. Mr. President, I send an amendment to the desk on behalf of Senator ROTH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. GARN], for Mr. ROTH, proposes an amendment numbered 1539.

Mr. GARN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill; add the following new section,

SEC. . REDUCTION IN AGE REQUIREMENT FOR WIDOWS AND WIDOWERS FOR RECEIVING CERTAIN COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION SYSTEM.

Chapter 81, of title 5, United States Code, is amended—

(1) in section 8133(b)(1) by striking out "age 60" and inserting in lieu therof "age 55"; and

(2) in section 8135(b) by striking out "age 60" and inserting in lieu thereof "age 55".

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1539) was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments? If not, the bill is considered read the third time and passed.

The title was amended so as to read:

"To amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholdings if the annuity is insufficient to cover the required withholdings, to make a technical correction relating to the life insurance program, and to provide for the termination of life insurance coverage uniformly.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PERMITTING THE CAST OF THE MUSICAL "SARAFINA!" TO PERFORM IN THE HART SENATE OFFICE BUILDING

Mr. MITCHELL. Mr. President, on behalf of Senator BOREN, I send a reso-

lution to the desk to permit the cast of the musical "Sarafina!" to perform in the Hart Senate Office Building, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 275) to permit the cast of the musical "Sarafina!" to perform in the Hart Senate Office Building.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOREN. Mr. President, I ask that the Senate take up and consider the following resolution to allow the cast of the acclaimed musical "SARAFINA!" to perform in the atrium of the Senate Hart Building on Tuesday, May 1 at noon.

The cast of "SARAFINA!" consists of 30 South African actors, ages 15 to 25, who portray the story of schoolchildren in Soweto. It is a story of struggle but it is also a story of hope. The idea to write "SARAFINA!" began in 1984 when Winnie Mandela spoke with Mbongeni Ngema, the noted South African author and musician, about doing a show which would celebrate the children of South Africa's black townships. "SARAFINA!" was then written, choregraphed, and directed by Mr. Ngema, with the moving musical arrangements by Mbongeni Ngema and Hugh Masekela. The show's world premiere in Johannesburg in 1987 was followed by a critically acclaimed and enormously successful 2-year run on Broadway. The Washington opening on April 26 marks the beginning of a 5-week run at the Kennedy Center and a subsequent nationwide tour. By giving a voice to the children of South Africa, "SARAFINA!" is a powerful story of how the cruelties of apartheid touch both young and old.

I hope that my colleagues and their staffs will be able to hear the voices of "SARAFINA!" on May 1 in the Hart Building and see the show at the Kennedy Center during its run. I thank the Senate for considering this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 275) was agreed to, as follows:

S. RES. 275

Resolved, That in honor of the opening of the acclaimed musical "SARAFINA!," members of the cast will be allowed to sing in the Senate Hart Building on Tuesday, May 1 at noon, to share the music of a moving story about the black schoolchildren who suffer under apartheid.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WILDFIRE DISASTER RECOVERY ACT OF 1989

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 1011, the Wildfire Disaster Recovery Act of 1989, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1011) to provide for the establishment of the National Commission on Wildfire Disasters, to provide for increased planning and cooperation with local firefighting forces in the event of forest fires, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1011) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MAKING TECHNICAL CORRECTIONS TO THE ETHICS REFORM ACT OF 1989

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 553, a joint resolution to make technical corrections to the Ethics Reform Act of 1989 received today from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 553) to make technical changes in the Ethics Reform Act of 1989.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 553) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INFANT MORTALITY AWARENESS DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 546, a joint resolution to designate May 13, 1990, as National Infant Mortality Awareness Day.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 546) designating May 13, 1990 as "Infant Mortality Awareness Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 546) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

RECESS UNTIL 9 A.M.; JOURNAL OF PROCEEDINGS APPROVED; RESERVATION OF LEADER TIME; RECOGNITION OF SENATOR BYRD

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Friday, April 27; that following the prayer, the Journal of proceedings be deemed approved; that the time for the two leaders be reserved for their use later; and following the reservation of the leader time, Senator BYRD be recognized under the previous order to offer his amendment regarding the study of foreign aid assisting U.S. investments abroad.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, for the information of Senators, the first rollcall vote on tomorrow will occur around 9:20 or 9:25 a.m. on the Byrd amendment. Under the order, the Byrd amendment has a 20-minute time limitation. As I previously indicated, tomorrow's session could be a long one with votes possible throughout the day.

ORDER FOR NO AMENDMENTS TO THE BYRD AMENDMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be no amendments to the Byrd amendment on which there is a 20-minute time limitation scheduled for consideration at 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m. Friday, April 27.

There being no objection, the Senate, at 11:35 p.m., recessed until Friday, April 27, 1990, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 26, 1990:

THE JUDICIARY

KENNETH L. RYSKAMP, OF FLORIDA, TO BE U.S. CIRCUIT JUDGE FOR THE 11TH CIRCUIT VICE PAUL H. RONEY, RETIRED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), AND TO BE APPOINTED AS SENIOR ARMY MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 711:

To be lieutenant general

MAJ. GEN. DENNIS J. REIMER, [redacted], U.S. ARMY.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 26, 1990:

DEPARTMENT OF COMMERCE

L. JOYCE HAMPERS, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

MISSISSIPPI RIVER COMMISSION

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE POSITIONS INDICATED, UNDER THE PROVISIONS OF SECTION 2, ACT OF CONGRESS, (21 STAT. 37 (33 UNITED STATES CODE 642):

To be a member and president of the Mississippi River Commission

BRIG. GEN. ARTHUR E. WILLIAMS, [redacted] U.S. ARMY.

DEPARTMENT OF THE INTERIOR

THOMAS LAWRENCE SANSONETTI, OF WYOMING, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NATIONAL COUNCIL ON DISABILITY

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 17, 1991:

MARY MATTHEWS RAETHER, OF VIRGINIA.

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1992:

SANDRA SWIFT PARRINO, OF NEW YORK.

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1992:

ALVIS KENT WALDREP, JR., OF TEXAS.

ANTHONY HURLBUTT FLACK, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1991.

NATIONAL SCIENCE FOUNDATION

PETER H. RAVEN, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 1994.

BENJAMIN S. SHEN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 1994.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING GREGORY M. BUCHALTER, AND ENDING DOUGLAS S. MITCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 1990.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING RICHARD L. FODOR, AND ENDING HERBERT L. VENABLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 1990.

EXTENSIONS OF REMARKS

BENEFITS OF AUTOMATION ELUDE POSTAL SERVICE

HON. NEWT GINGRICH
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. GINGRICH. Mr. Speaker, as we look at the Postal Service's proposals to raise rates and cut services, I would encourage my colleagues to read the attached article from the Washington Post on the problems of innovation. It has become rather obvious that automation alone is not the answer. Postal officials will have to come up with innovative methods of incorporating automation and the retraining of their employees.

The article follows:

[From the Washington Post, Nov. 26, 1989]

BENEFITS OF AUTOMATION ELUDE POSTAL SERVICE

(By Dana Priest and Judith Havemann)

At the giant mail-processing center in New Orleans, 22 clerks sit in front of pigeon holes, the kind used 214 years ago by Benjamin Franklin's office, slowly examining each letter before placing it into its proper, numbered niche.

Mail handlers unload letter trays from trucks, wheeling them inside where others haul, lift, toss and sort mail all night and half the day.

In the middle of this scene from the 1950s is an island of innovation, the U.S. Postal Service's link to the 21st century: new, electronic sorting machines that flush 28,000 letters an hour past blinking electronic eyes and into one of 100 steel traps, each representing a carrier's route.

But the sorted letters must be picked up again by human clerks and delivered by human carriers. In the course of being sorted and delivered, a typical letter is touched by 14 humans' hands.

Decades after its first stab at modernizing, the Postal Service—a $41 billion-a-year government owned corporation with more employees than the U.S. Army—has undergone the most expensive, traumatic technological change in its history. The change has not yet been palpably beneficial.

Having poured $526 million into new sorting machines and other technology in the past 12 months, the Postal Services faces a $1.6 billion loss this year, declining business growth, lagging worker productivity and raids on its most lucrative business by private competitors.

"We've got to capture the savings dollar-for-dollar that these machines represent or we can kiss the Postal Service as we know it goodbye," Robert Setrakian, chairman of the Postal Board of Governors told postmasters in September.

Meantime, U.S. postal patrons can get ready to kiss the 25-cent stamp goodbye. As Postal Service costs continue to rise nearly 1½ times as fast as inflation, the board is prepared to raise postage rates again in 1991, probably to 30 cents for a first-class letter.

First-class mail delivery performance was at a five-year low last year, and complaints about late mail rose last summer by 35 percent, despite a sluggish 1 percent growth in mail volume.

Automation was to be the service's hope for a turnaround. But efforts to automate have been plagued by poor management and planning, costly changes of direction, internal scandal and an inability to achieve the paramount goal of moving the mail with fewer people.

With 822 new sorting machines like the one in New Orleans installed across the country in the last two years, the post office's total work force declined by only 1.1 percent. In the area most affected by automation, mail processing, the worker pool actually increased by 5,131 people, according to postal figures.

Work-force reductions are complicated by union contracts that provide postal workers with wages and benefits worth about $20 an hour and contain strict work and assignment rules, strong seniority rights, restrictions on the use of part-time employees and bans on layoffs.

The New Orleans post office is one example of how poor planning from above and labor restrictions from below can play havoc with efforts to cut costs.

Within an eight-month period, the facility received seven new 60-foot-long letter-sorting machines, had two others taken away and another four already in the plant retrofitted with new equipment. To make room, concrete walls were knocked down overnight and some of the new equipment was used to hold down still-drying floor tile.

Despite drastic decreases in the volume of mail handled, the service had to hire additional employees: technicians to run the new machines. Postal managers were unable to lay off people whose jobs were made redundant by technology. Instead, they transferred employees to areas where there was more work and adjusted work hours to better coincide with the new mail flow.

The changes affected workers' personal lives and depressed morale. "You're talking upheaval," said postmaster Charles K. Kernan, general manager of the New Orleans division.

About 550 processing clerks on the late-night shift downtown were told to begin work at midnight instead of 10 p.m. This meant a 10 percent pay cut because more of the shift occurred in daylight hours. The change also made it impossible for many parents to get home in time to send their children to school.

Wayne Cola, who works the letter-sorting machine, said his three children now must spend the night with his mother-in-law because he gets off later in the morning. "The kids don't like it," he said.

Postal officials in New Orleans also centralized mail processing so they would have more mail to feed into the machines. As a result, 22 of the 34 manual clerks in a nearby suburb were forced into the downtown processing center because there was no work for them elsewhere. They were put in one corner of the facility where they spend the day under-employed, sorting letters by hand.

"The mail is not coming in here so we have to slow down," to avoid looking idle, said C. J. Roux, a postal clerk. "We don't want to work ourselves out of a job."

The transfer infuriated some longtime employees, who had thought that they would be protected in desirable jobs because of their seniority.

"They shuffled me away like an old piece of furniture," said Alvin Coulon, a 27-year veteran of the post office and one of those transferred to the midnight shift in New Orleans. "No body knew nothing" about the change. "Nobody can do nothing about it," he said.

With more mail being sorted in processing offices, the goal across the country is to have letter carriers spend more time on the street, with larger quantities to carry. But some carriers are not happy about that possibility and they, too, admit to slowing their work pace.

"They knew the future," Joseph Williams, manager of the Carrollton post office in a section of New Orleans said of his disgruntled carriers.

Although automation was planned for years, some offices were caught off-guard when it finally arrived. For example, last fall a planned upgrade of some of the sorting machines in the main D.C. processing center, which serves Washington, as well as Montgomery and Prince George's counties, caused a drop in on-time deliveries from 93 to 79 percent because postal managers were unable to adjust to the temporary shutdown of some equipment.

The standard is 95 percent on-time arrival.

The most-advanced machine in the current automation plan is called a "multi-line optical character reader." [Its electronic eye can read a five- or nine-digit typed or printed Zip code and up to four lines of address. The machine translates the address or Zip code into a bar code symbol, which it sprays on the envelope, then sorts to a particular tray that represents a carrier's route. Bar code machines read and sort envelopes that contain the codes.

Officials point to San Diego as a model of the way automation should work. The success there is due largely to the innovative work of local managers who devised their own strategy for using the machines and, more important, figured out how to stop the workers from feeling threatened by the change.

"It's like a rock in the water," said San Diego division postmaster and general manager Margaret Sellers. "You start out with a ripple, if you don't do planning, you get a tidal wave."

First, Sellers created an automation team, with five subcommittees to manage the change and to sell it to employees. When she received the first sorting machine, she put it on display at a post office open house and then persuaded union leaders to hold meetings and to walk the workroom floor explaining to workers what the machines could and could not do.

"Our reaction at first was against it," said postal clerk Gary Pattee, an eight-year veteran. "It was hard to sell it to us because we thought we were out of here."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Instead, Pattee, like other workers, was encouraged to learn how to operate the mechanical letter-sorting machines, and he was paid for doing it on his own time. Now his skills and his position are more flexible.

Fast-growing San Diego has been insulated from some of the problems experienced elsewhere because redundant employees are used to handle an increasing volume of mail. Still, the office has been able to reduce the number of manual sorting clerks by 10 percent during the first year of automation.

The mission of the U.S. Postal Service is indisputably ambitious. Each day a work force of over 800,000 employees in 40,000 post offices and processing centers across the country, flies, ships, trucks and carries an estimated 537 million pieces of mail to 92 million households and 7.3 million businesses. The United States alone produces 40 percent of all the mail in the world and has kept the cost of its first-class stamp well below that of every other major capitalist nation.

Postal officials are lobbied by no fewer than 70 industry groups and must negotiate compensation and working conditions with four labor unions and three manager's organizations. Once a repository for political patronage jobs, its relationship with Capitol Hill today consists of 24 annual oversight hearings before committees in both houses of Congress. Its work has been made no easier by constant turnover at the top—there have been four postmasters general in the last five years.

The history of the service's efforts to automate is one that "makes me want to cry when I rehear it," in the words of Deputy Postmaster General Michael S. Coughlin.

D.H. Shepard first invented an "apparatus for reading" addresses in 1951, according to records of the Patent Office. A handwritten memoir by Omer M. Long in the postal archives shows what during the late 1950s and 1960s the then-Post Office Department had the lead in optical character readers.

"We were visited regularly by the foreign engineers trying to learn the state of the art," Long wrote. "Unfortunately, management . . . changed so often . . . or were totally unsuited for the position . . . that we lost all respect for lack of performance in the field."

Lawrence F. O'Brien, postmaster general in 1965–68, called the post office's 1960s research and development investment "laughable."

In 1978, then-Postmaster General William F. Bolger announced the invention of a nine-digit Zip code, which made it possible for new machines to read an envelope and sort it to a particular carrier's route. Reacting to opposition from commercial mailers and the public, Congress put a three-year hold on the idea. When the nine-digit code finally became policy, many fewer mailers than predicted used it.

There were other problems as well. In one 18-month period, the Postal Service gave $25 million in rate discounts to business mailers for using a nine-number Zip code that the new machines could process, but then failed to press them on the machines, according to the General Accounting Office.

Then in 1982, then-President Ronald Reagan appointed Peter E. Voss to the Postal Board of Governors. In 1986 Voss pleaded guilty to accepting kickbacks from a Michigan lobbying firm for his help in trying to steer a $250 million sole-source contract for optical scanners to Recognition Equipment Inc., a Texas firm.

Postmaster General Anthony M. Frank said the Voss scandal set the agency back 18 months in its effort to automate.

Foreign firms now dominate the field of mail-automating equipment. Contracts for many of the newly installed machines went to a Texas licensee of a West German firm, AEG Telefunken.

Last week, reaffirming its long-term commitment to automation, the Postal Board of Governors endorsed a five-year strategic plan that will cost over $5 billion. Frank has promised to keep costs 2 percent below inflation, to achieve historic productivity gains and to increase revenues.

"This is not a speed boat here. It doesn't turn on a dime," Frank said in an interview. "It is changing, it is slow, it is frustrating once in a while, but so is every large corporation."

POST OFFICES FACE THE FAX TO COMPETE

The U.S. Postal Service has decided that if it can't lick the competition, it will rent it space.

The Postal Service began leasing space to fax machines in post office lobbies on the East Coast this month charging rent, keeping part of the revenue generated by the machines and attempting to increase convenience, attract more customers and prove that the post office knows how to handle competition. Last year, about 1.3 million commercial fax machines took in about $4 billion for their owners, according to industry figures.

The Post Service, which once carried virtually all the packages in the United States, now has only 3 percent of that market, according to Postmaster General Anthony M. Frank. United Parcel Service did $6 billion in domestic and international business last year, according to Dun and Bradstreet. The Federal Express Corp., another competitor, took in $5.2 billion here and abroad in its most recently completed fiscal year.

In 1988, the last year for which figures are available, the Postal Service's Express Mail service, domestic and foreign, took in $551 million, postal officials said.

Roughly 1 million magazines are being delivered by private delivery services, including 800,000 by United Delivery Systems based in Grand Rapids, Mich., and several thousands by a delivery service owned by Time Warner Inc. in Atlanta.

In the international market, private companies now ferry mail from the United States to foreign countries, bypassing the Postal Service. Although international mail has been growing, the Post Service's share of it has dropped nearly 25 percent in the last five years.

—Judith Havemann

GORBACHEV IS OVERPLAYING HIS HAND IN LITHUANIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. BROOMFIELD. Mr. Speaker, in the past several days, I've talked with President Bush and other top administration officials, and talked as well with the President of Lithuania.

Events in Lithuania are moving faster than most people realize. President Landsbergis says the Soviet policy will soon lead to civil conflict and great human suffering.

President Gorbachev is overplaying his hand. He doesn't want to negotiate with the Lithuanians. He wants to make a terrible example of them.

From my conversations with administration officials, it's clear to me that line has been drawn by the White House. Where that line is precisely, I am not sure, but the Soviets are coming awfully close to crossing it.

Mr. Gorbachev wants to starve Lithuania into submission. That's a short-sighted policy. We should make it very clear to him that he may soon find his own economy starved for lack of western assistance.

THE MIAMI-DADE BRANCH OF THE NAACP HOSTS SECOND ANNUAL FREEDOM FUND AWARDS BANQUET

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, on June 9, 1990, the Miami-Dade branch of the NAACP will be hosting the Second Annual Freedom Funds Awards Banquet, a very special event which furthers our Nation's continuing pursuit of racial harmony. I would like to thank the Miami-Dade branch of the NAACP for asking me to serve as co-chairperson, an honor which I have happily accepted.

Mr. Speaker, I would like to commend the Miami-Dade branch of the NAACP for its tireless efforts to continue the struggle which began more than 80 years ago. It is unfortunate that a Nation as great as ours, conceived on the highest ideals of life, liberty, and the pursuit of happiness, has had to endure the harsh realities of racial prejudice.

The NAACP has built upon the ideals of men such as Frederick Douglass, Dr. Martin Luther King, Jr., Ralph Abernathy, and many others who have been dedicated to the cause of minority rights, rights which all men are guaranteed by their birthright. All Americans have a duty to emulate the ideals that these gentleman furthered, while the rest of America wallowed in the ignorance of racial prejudice. Outstanding individuals with the NAACP in my district who have furthered this cause include: Johnnie McMillian, president; Oza Jenkins, general chairperson, Second Annual Freedom Fund Awards banquet; A. Kate Kemp, first vice president; Brad Brown, second vice president; Richard Powell, third vice president; Shirley Johnson, fourth vice president; Peggy Demon, fifth vice president; Aroy Davis, sixth vice president; Deloris Wright, secretary; Janice Isley, assistant secretary; Willie Barnett, treasurer; C. Brian Hart, assistant treasurer; and executive committee members Neal Adams, Rev. Billy Baskin, Rev. Alexander Bostic, Rev. Victor Curry, Betty Ferguson, Doris Hart, Rev. G. David Horton, Rev. Florence Pratt-Hall, Mayor Robert Ingram, Billy Isley, Rev. Arthur Jackson, Jr., Joseph R. Kemp, Jr., Rev. Walter Richardson, Rodney Thaxton, Pat Tornillo, and David Honig, Esq.

The funds raised from the banquet will support programs to further the NAACP goals in providing equal opportunity and full citizenship

rights for all people. Among these include fair share directives, stay-in-school programs, voters registration campaigns and get-out-to-vote efforts.

It should be the hope of all Americans that one day we will no longer harbor racial prejudices, and realize that the color of one's skin does not limit the ability of individual's success. We should all strive to learn from our past inequities and do all that is possible to end the differences which, unfortunately, still exist in our country.

The Miami-Dade branch of the NAACP is one of the many branches of the NAACP and countless other organizations that will further our Nation's pursuit of racial harmony.

THE TEMPORARY DUTY SUSPENSION ON IMPORT OF LISINOPRIL

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. VALENTINE. Mr. Speaker, I rise today to introduce a bill which would suspend for a 3-year period the duty on Lisinopril. Lisinopril is imported from Ireland for processing into finished dosage form in Wilson, NC. Lisinopril is also manufactured in Puerto Rico, but the domestically produced material is insufficient in quantity to satisfy market demands and importation is necessary. Lisinopril, a synthetic peptide derivative, is an oral long-acting angiotensin converting enzyne [ACE] inhibitor. It is used for the treatment of hypertension, either alone or concomitantly with other antihypertensive agents. Lisinopril differs from other drugs in its class by virtue of its long half life and resulting once daily dosage which may enhance patient compliance.

This measure is non controversial and I urge my colleagues to support this bill as part of any tariff suspension legislation that comes before the House.

NYU'S FACULTY RESOURCE NETWORK

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. HAWKINS. Mr. Speaker, I would like to share with my colleagues news about an exciting new collaboration between New York University and 10 of our Nation's historically black colleges and universities: Benedict College; Bennett College; Dillard University; Johnson C. Smith University; Morehouse College; Spelman College; Stillman College; Talledega College; Tougaloo College; and Xavier University of Louisiana. Each of these colleges and universities has joined NYU's Faculty Resource Network—a program that links New York University with smaller liberal arts institutions in an effort to foster faculty development and new curriculum initiatives. In addition to the 10 historically black colleges and universities, 14 institutions from the New York-New Jersey-Connecticut area are already participating in the Network with NYU.

Since its inception in 1985, the Faculty Resource Network has been a pathmaking program in higher education which brings faculty members from smaller liberal arts institutions to the NYU campus where they can take advantage of extensive research and library resources and have the opportunity to work closely with colleagues in their disciplines.

The recent addition of the 10 historically black colleagues and universities to the Network, made possible by a grant from the Pew Charitable Trusts, will bring important benefits to all participants. At a time when retention of minority students is a critical issue in higher education, historically black colleges have a proven track record in retaining and graduating large numbers of their students. These institutions, therefore, can yield important insights into how best to educate minority students. For its part, New York University, as the largest private research university in the Nation, offers an impressive array of intellectual tools and talent to stimulate faculty and curriculum development.

On January 25, 1990, at the announcement of this new initiative in New York City, Dr. John Brademas, our former colleague and now president of New York University, was joined by Johnetta Cole, president of Spelman College; Leroy Reith, president of Morehouse College; and other distinguished presidents and officers of the participating institutions.

At this point, Mr. Speaker, I would like to request that the text of Dr. Brademas' remarks on this occasion be inserted in the RECORD.

REMARKS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

Let me tell you why this is a great day for New York University and its Faculty Resource Network.

Today, joining the Network, are ten historically black colleges. The significance of their inclusion has many dimensions.

MISSION OF THE FACULTY RESOURCE NETWORK

First, the mission of the Faculty Resource Network is to strengthen and invigorate the intellectual infrastructure of higher education—the activities of teaching and learning.

The men and women of the faculty are the heart of a college or university. It is they who carry out teaching and research. For the past five years, the Faculty Resource Network has linked New York University, a large urban research institution, with a group of smaller liberal arts colleges to foster development of faculty and new curricular initiatives.

Each year, the Network provides the opportunity for one or more faculty members from each affiliated school to be in residence here either during the academic year or over the summer months. Visiting professors can audit courses at NYU, use our library and computer facilities and, in collegial fashion, intereact with NYU scholars and teachers.

The value of these cooperative efforts is considerable.

Although the aim of the Network is to enrich the faculty experience and enhance the profession of teaching, the Network has another valuable benefit, keeping students engaged and eager to learn.

REACHING OUT TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

With the expansion of the Network to include ten new colleges, the advantages of the Network grow proportionately.

Today, we reach out to institutions that have played and continue to play a crucial role in American higher education, and we are confident that the historically black colleges will bring a fresh perspective to the Network.

For these colleges clearly have great experience in teaching and advising undergraduate students from minority groups. They boast impressive records in the area of student retention. Beyond keeping their students on the path to complete their undergraduate degrees, these colleges are highly successful in sending their graduates on to pursue advanced degrees.

And as president of a university well-known for its outstanding graduate and professional schools, I hope many of the graduates of the colleges we today welcome to the Network will consider coming here—to New York University—to continue their academic careers.

Another sign of the success of historically black colleges is their alumni, who have emerged as leaders in their communities and in the nation. Some of them are here with us today.

And, of course, one of the greatest leaders our country has ever known—the man whose birthday we celebrated only last week—Dr. Martin Luther King, Jr., was a graduate of one of these institutions, Morehouse College.

MUTUAL BENEFITS

I'm sure that our relationship with the historically black colleges in the Network will give us at NYU deeper insight into the education of minority students. And I have doubt that our collaborative project will have a significant impact not only on all members of the Network but also on higher education nationally.

Now having spoken to how I think we at NYU will gain from this venture, I want to give you some examples of how our new Network members will benefit.

Faculty from our new-member colleges will be able to participate in the Network's scholar-in-residence program. Several books, articles and a variety of new courses have already resulted from research done here at New York University under the auspices of the Faculty Resource Network.

The Network plans a series of interdisciplinary seminars to address issues in current scholarship and problems in curricular reform and teaching methods. And representatives from each of the new institutions we honor today will be invited to participate.

And, of course, our new-member colleges will have the opportunity to take advantage of New York City, a vibrant and exciting center for learning and culture.

THE CONTRIBUTIONS OF C.R. SMITH

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. HALL of Texas. Mr. Speaker, when C.R. Smith was buried last week, he was eulogized

as a man who left a great legacy—for aviation and for the world at large.

Mr. Smith, founder and long-time president of American Airlines, did more than build the foundation of what has become the largest airline in the Western World. He was a pioneer and a builder of the entire air transportation system.

Today that system is the lifeblood of our economy—indeed, of the world's economy. In that sense alone, he was the kind of leader of whom Thomas Carlyle said, "history is the biography of great men."

The values he expressed so clearly because the foundation on which American Airlines employees have built a vast enterprise.

American plans to honor C.R. Smith's profound and unique contribution by creating an aviation museum in his honor near the company's Dallas/Fort Worth headquarters. The museum will perpetuate Mr. Smith's legacy both among company employees and the public at large.

I believe it is entirely appropriate that Member of this House of Representatives also join in acknowledging the contributions of C.R. Smith.

A NATIONAL TECHNOLOGY EXTENSION SERVICE: HARNESSING AMERICAN SCIENCE FOR AMERICAN INDUSTRY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. LAFALCE. Mr. Speaker, today I join with my colleagues Mr. WYDEN, Mr. BOEHLERT, and Mr. BROOMFIELD to introduce legislation creating a National Technology Extension Service, which, I believe, could have a major impact on American economic competitiveness and the American standard of living. Senator BOSCHWITZ is introducing companion legislation on the Senate side. The Extension Service would enable American industry to tap the expertise of scientists and engineers in Federal laboratories and universities, in a way that has been demonstrated to be both inexpensive and very effective.

Hearings before the full House Small Business Committee last September established the importance of technology to long-term economic growth and international economic competitiveness. New technology can have a tremendous effect on the quality of a company's products, on its ability to produce at low cost, on its ability to introduce new products, and on its ability to compete in an international market. Nobel-prize winner Robert Solow of MIT and Edward Denison of the Brookings Institution have estimated that technological advances are responsible for more than half of the growth in American GNP per worker during this century.

But technological advance in the United States is not as rapid as it might be. Although the United States is the undisputed world leader in basic research and in many areas of applied research, it is not as quick as other countries in commercializing that research. For example, the United States has been slow to utilize the vast expertise in its Federal laboratories—a subject explored in a hearing before RON WYDEN's subcommittee last fall. Japan, by contrast, excels in commercializing research, including American research, which is a main reason for its striking economic performance since World War II.

A National Technology Extension Service is a way of harnessing our great strength in research for the needs of American industry. It would complement and enhance the effectiveness of current technology transfer efforts, such as those mandated by the Stevenson-Wydler Act of 1980 and its 1986 amendments. It would give small firms in particular the opportunity to access technical expertise which can be crucial to their ability to compete and survive. Section I of our bill authorizes the National Institute of Standards and Technology to create a user-friendly database of experts, technologies, and research projects in the Federal laboratories, which a business could access directly on a personal computer. Section II would authorize Small Business Development Centers to defray the cost of accessing the database, and others like it, for small businesses.

The Extension Service is modelled loosely on the United States agricultural research and extension system, which for nearly a century has funded agricultural research and disseminated the new technology to farmers. The system has generated a rate of return far higher than that on typical private investments. It is a major reason why agricultural productivity growth has been higher over the last 50 years than in any other broadly-defined sector of the American economy, and why the United States has long been the undisputed world leader in agricultural productivity.

The Extension Service would replicate the agricultural system on an economy-wide scale, using the latest computer and telecommunications technology. An informal survey of a representative sample of companies which use a State-level service similar to the one we are proposing found the average cost to be $17,000 per year per firm, and the average increase in profits to be $290,000. Although it can be hazardous to extrapolate to the entire economy, these numbers suggest that a National Technology Extension Service could have a major impact on our economic growth rate and standard of living, and on the international competitiveness of American goods.

Our bill would authorize $7 million in startup funds for the first year. If the program proves successful, our hope is that the Service could be made national in scope. The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Technology Extension Service Act of 1990."

SECTION 1. (a) ESTABLISHMENT OF TECHNOLOGY EXTENSION PILOT PROGRAM.— In addition to such other technology resource and technical information activities of the Department of Commerce's Technology Administration, the Secretary of Commerce (hereinafter in this Act referred to as the "Secretary"), acting through the Director of the National Institute of Standards and Technology (hereinafter in this Act referred to as the "Director"), is authorized and directed to create a Technology Extension Pilot Program (hereinafter in this Act referred to as the "Program"). The Program shall run for five years from the date of enactment of this Act.

(b) PURPOSE.—The purpose of the Program shall be to provide private businesses, in States selected under subsection (e) of this section to participate in the Program, with improved access to Federal and federally-funded technology and expertise, as well as to equivalent technology and expertise from States and other sources, in order to accelerate the transfer of goverment-supported technology and expertise to businesses and to improve the productivity and economic competitiveness of these businesses.

(c) ACTIVITIES.—The Program shall consist, to the extent the Secretary and Director deem appropriate, of the following—

(1) A database, accessible by computer to private business in participating States, which contains information on—

(A) research projects in Federal laboratories;

(B) other federally-supported research projects, including research in universities;

(C) reports and other documents available from the National Technical Information Service;

(D) patents available for licensing from Federal laboratories and from federally-funded research projects;

(E) other technology resource services available from the Federal government and participating State governments; and

(F) technology transfer personnel and services available at Federal laboratories and the Federal Laboratory Consortium for Technology Transfer.

(2) Direct access to experts in Federal laboratories and elsewhere who are available, under terms too be set by the Secretary, to answer technical questions by telephone.

(3) Interactive access to databases of technical and business information in print.

(d) DATABASE CONTRACTOR.—The Secretary, acting through the Director and using a competitive selection process, shall select a non-Federal database contractor to create the Program's federal database and network of experts and to manage them for the duration of the Program. The contractor must be able to provide access to experts other than, and complementary to, State and Federal experts. The contractor will further be required to provide a staff of information searching professionals to facilitate interactive accessing of technical and business information in print, as well as Federal and State databases.

(e) PARTICIPATING STATES.—Within twelve months from the date of enactment of this Act, the Secretary, acting through the Director and using a competitive selection process, shall select up to 5 States for participation in the Program. To be eligible for selection, a State shall provide such matching funds as the Secretary shall deem appropriate and shall establish a database of State research projects, licensable technologies and State services, as well as a network of experts available within the State.

(f) FEES CHARGED TO BUSINESSES.—Private businesses within participating States that wish to take advantage of the information and other services provided by the Program shall be charged as follow—

(1) for businesses with gross annual sales of $5 million or less, no charge;

(2) for businesses with gross annual sales greater than $5 million but less than $15 million, no charge during the first year

after States are selected, 25 percent of cost of providing that information and services to the business during the next year, 50 percent during the year after that, and 100 percent thereafter;

(g) COOPERATION.—The heads of Federal departments and agencies shall provide the Secretary with such information and assistance as the Secretary may request in order to carry out the requirements of this Act.

(h) EVALUATION AND REPORT.—After three years of Program operation, and again after the end of the Program, the secretary shall evaluate Program operations and business use of the Program and shall report findings to the appropriate committees of Congress.

(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out the Program established under section 1 of this Act, there is hereby authorized to the secretary the following amounts—

(1) for fiscal year 1991, $2,000,000; and

(2) for each of fiscal years 1992, 1993, 1994, and 1995, $3,000,000.

SEC. 2. (a) SMALL BUSINESS DEVELOPMENT CENTER TECHNICAL ASSISTANCE PROGRAM.—The Small Business Act (15 U.S.C. 648) is amended by adding the following new section:

"SEC. 24—Any applicant which is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to increase access by small businesses in its service area to on-line databases for the purpose of facilitating technology transfer, such as that created by Section 1 of this Act or other privately or publicly-funded databases. The Small Business Development Center may seek to increase small business access by:

"(1) defraying part or all of the cost of access to the databases for a limited period of time;

"(2) training small businesses in use of the databases;

"(3) demonstrating to small businesses the benefits of accessing the databases."

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Administration for each of the fiscal years 1991, 1992, and 1993 the sum of $5,000,000 to carry out the provisions of section 2(a) of this Act.

WAKE UP TO TOURISM

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. BUECHNER. Mr. Speaker, man's spirit of adventure and willingness to challenge the unknown is what lead to some of history's greatest intrepid explorers, such as Christopher Columbus, Ferdinand Magellan, and Marco Polo.

These men possesed an unrelenting desire for a higher quality of life and self enrichment. It was their spirit to reach beyond themselves which led each of them to discover new worlds, interesting people, and exciting opportunities for cultural and economic exchanges. Our world has become closer—more intimate—because of travel.

The business of travel and tourism has a tremendous impact on the global economy. In Washington, there is a bipartisan organization within the House of Representatives which is working to set a legislative agenda to enhance the economic benefits of tourism across the country. This organization is the Congressional Travel and Tourism Caucus. As a member of the caucus and presently serving on the steering committee, I enjoy the opportunity to promote the travel industry and am sure that the experience will continue to be both rewarding and challenging.

Today, travel and tourism is one of the world's largest industries. Statistics reveal that globally, tourism is increasingly becoming a major source of foreign exchange earnings for countries.

Here in the United States, the travel industry generates more jobs than any other industry except health services and is the largest "invisible" export for the United States in the services sector.

Just like the adventuresome explorers from another time, visitors from abroad are discovering a new land—America. During 1989, foreign visitors spent $34.3 billion in the United States or $450 million more than Americans spent abroad. For the first time in this country's history more money was spent by visitors coming to the United States than was spent by Americans traveling abroad. That means more jobs, more tax revenues, and more assistance with international balance of payments.

Mr. Speaker, tourism is also very important in my home State of Missouri. In fact, during my tenure in the Missouri Legislature, I had the privilege of serving on the Missouri Tourism Commission. Tourism is Missouri's second-largest industry, with a spending level of more than $5.8 billion last year.

"Wake-up to Missouri" is our State's promotional theme. Since 1983, we've been using that theme to let travelers know that Missouri has a great deal to offer—from the culturally rich urban areas and idyllic rural settings, to the mighty Mississippi River and majestic Ozark Mountains—Missouri has it all.

At home in Missouri's Second Congressional District there is variety of tourist attractions, including the Six Flags Over America Theme Park, the outstanding collection of the National Museum of Transportation, pristine Queeny Park, home of the St. Louis County Pops Orchestra, plus picturesque St. Charles, popular for its charming historic district and formerly the State's capital. The district is served by extensive transportation facilities, including one of the Nation's busiest airports, Lambert-St. Louis International Airport, Amtrak's Kirkwood Station, and three primary interstate highways.

Visitors are waking up to Missouri and the United States. Tourism is not just fun and recreation—it's good business!

I urge my colleagues to do all they can to support the tourism industry. Everyone in Missouri's travel industry works together—as partners—to keep tourism growing. That kind of cooperative efforts works great in my State—and it can be the key to our continued success nationally as well.

CHILDREN'S TELEVISION WORKSHOP OF NEW YORK CITY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. GREEN. Mr. Speaker, I rise to commend the Children's Television Workshop of New York City for the achievements of its public television series Square One TV. The New York Times headline of March 26, 1990 is "Making Math Come Alive on Television." That's what Square One TV is supposed to do, and now we have new research proof that the results it has been seeking are happening!

I am of course proud that my New York neighbors are succeeding with this project. But I take special pleasure in their accomplishment because it reflects so well on the help they receive from the National Science Foundation. The VA-HUD-Independent Agencies Appropriations Subcommittee of which I am the ranking member has provided the Foundation with funds to reach out to the American people in science education directions. Their support to Square One TV shows just how effective these new approaches can be.

The Square One programs are seen daily on public TV stations across the Nation at times when youngsters are at home. The research just out indicates that these viewers score up to 56 percent better on math tests conducted on fifth graders in Corpus Christi, TX. The program's producer, David Connell, says, "We show kids that the stuff they are learning in class has application in the real world." I believe that is a very worthwhile goal for the programs and for the National Science Foundation, and the research is welcome evidence that they are on the right track. We in the Congress can be very pleased that this has worked so well!

The article follows:

[From the New York Times, Mar. 26, 1990]

MAKING MATH COME ALIVE ON TELEVISION

(By Eleanor Blau)

There was the case of the robber in a monkey suit.

And of the woman who staged her own kidnapping.

And a woman who seemed to predict earthquakes.

The "Mathnet" team solved them all.

With calculators in holsters under their uniforms with deadpan looks and with the background theme of the old "Dragnet" detective series, Kate Monday (Beverly Leech) and George Frankly (Joe Howard) have been figuring things out on "Square One TV" since the mathematics series for 8-to-12 year-olds made its debut two seasons ago on public television.

Now, the daily half-hour program, which is produced by the Children's Television Workshop—the "Sesame Street" crowd—is pleased by some new calculations of its own.

A study of fifth graders in Corpus Christi, Tex., conducted by the workshop, reported that those who watched "Square One TV" improved dramatically in problem-solving.

Eve R. Hall, the director of research for "Square One TV," said 48 youngsters were tested at the start of the study. Then half

of them watched 30 episodes of "Square One" and everybody was tested again.

Viewers improved by an average of 46 percent in the number and variety of techniques they used to solve problems, Ms. Hall reported, and by an average 56 percent in the sophistication and completeness of their answers. Nonviewers did not improve at all, on average, in either category she said.

Both groups reflected the socioeconomic and ethnic mix of the area, which is two-thirds Hispanic, she said, and the results held regardless of students' backgrounds or sex.

The study, like the program, focused on ingenuity, not rote. One question, for instance, asked children to discover what was wrong with a game and to fix it. The game included a coin to be flipped, dials to be spun, elasticized loops hugging numbers on a board and cut-out players labeled "Green" and "Orange."

The flaw in the game was that it was unfair to Green; it could be made fairer in various ways, including moving loops or changing numbers on the dials.

"There is a great tendency among kids in our target age, when presented with a problem, to either see the answer right away or respond, "We haven't had that yet,'" said Dave Connell, who developed "Square One TV" and who writes much of its material.

THEY SIMPLY PRESS ON

"Square One," which also includes game shows, skits, music videos and animation, encourages children to search for solutions without feeling defeated, he said. For instance, on the "Mathnet" section, Jack Webb-like Kate Monday and her naive but smart partner, George Frankly, make mistakes but learn from them. "They do not get discouraged or depressed," he said. "They simply press on."

"We describe various ways of tackling a problem," Mr. Connell went on: by drawing a picture, for instance, by making a guess, by recalling how a similar problem was solved in the past or by asking an expert.

In the case of the monkey-suited robber, the initial suspect, a gorilla, is reported missing from his cage, and the "Mathnet" duo determine how far it could have traveled by learning, among other things, the length of gorillas' strides.

A clue in the case of the phony kidnapping is a telephone message consisting only of touch tones, each of which, it turns, out, stands for one of three letters.

And the fake quake-predictor is revealed after Kate and George learn about two kinds of earthquake waves.

During the season, which just ended, "Square One TV" is seen at 5 P.M. on Channel 13 and at 4:30 P.M. on Channels 21, 25, 31 and 49 in the New York area (Channel 25 is still running it) and at a wide variety of times elsewhere—including school hours when few children watch.

"MATHNET" IS THE STAR

Even so, the program has a respectable audience. In the second season of "Square One," 3.5 million households tuned in during an average week. (That's fewer than the 11 million who watch "Sesame Street," but that is a different sort of program for 2-to-5 year olds, is in its 21st season and is seen more times a day than "Square One" in many areas). Letters to "Square One" and word of mouth make it clear that the "Mathnet" segment is the biggest hit of the series.

The program does have its critics. For example, Elizabeth Fennema, education professor at the University of Wisconsin in Madison, said that she was not convinced that viewers learned much, that she and youngsters she knew found the program boring and that it offered stereotypes of women and minorities.

Dr. Elizabeth Stage, who has been on an advisory committee to "Square One" and who is executive director of the California Science Project at the University of California at Berkeley, said, "Everybody is stereotyped" on the program because it is a parody of television. "I think they've gone to great lengths," she added, not to make fun of one group more than another.

In fact, Dr. Stage said, her one reservation about the program was that, in using parody, "they sometimes end up showing people as fairly silly."

MAKING MATH COME ALIVE

But there is considerable praise for "Square One TV" among teachers familiar with it. Dr. Francis Fennell, for one, noted that some teachers show the program or taped parts of it to their classes.

Dr. Fennell, who recently headed an educational panel for The Arithmetic Teacher, a journal of the National Council of Teachers of Mathematics, and who teaches education at Western Maryland College in Westminster, Md., said, "I think that program makes math come alive."

Mr. Connell was the original executive producer not only of "Square One TV" but also of "Sesame Street" and "The Electric Company," a 1970's series for second graders with reading difficulties. But he met with skepticism when he proposed a math series.

"Math is not a spectator sport," the doubters told him. "But," he said, "most people think of math as being computation, arithmetic—not thinking—which is what it is all about. One of our advisers said arithmetic is to math what spelling is to literature."

In a country where it is almost fashionable to say "I'm no good at math," he said, and in which many youngsters dislike and fear the subject, television can change attitudes and provide role models. "We show kids that the stuff they are learning in class has application in the real world," he said.

Well, sort of the real world. In the monkey case, the gorilla winds up atop an 80-foot Hollywood sign with helicopters hovering as George Frankly reads it its rights to grunt with an attorney.

NATIONAL VOLUNTEER WEEK

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mrs. LOWEY of New York. Mr. Speaker, National Volunteer Week is a celebration of the human spirit. It is a recognition of the accomplishments of the many people in this country who generously donate their time and efforts for the good of others. In my own community of Westchester County, NY, we will be recognizing the contributions of many individuals and organizations who are representative of hundreds of others on Friday, April 27, 1990.

Among the many outstanding groups and individuals honored is the rape crisis helpline in White Plains, NY. This important support organizations is an emotional lifeline for many victims of sexual assault. Helpline volunteers offer assistance without interfering with police or medical work. They are there 24 hours a day to provide comfort and information to those who are victims of this horrible crime.

Also being honored is Edwardo Correia, a resident of Yonkers, NY, and a marketing research assistant for General Foods, USA. He has been a volunteer at Children's Village in Dobbs Ferry, NY, for over 3 years. During this time, he has tutored children, organized field trips, and arranged birthday parties. He has also been involved in INROADS, a national organization dedicated to preparing minority youths for corporate employment and community leadership. Edwardo Correia is a prime example of someone who is committed to making his community a better place and is willing to give of himself to see that it is.

Sylvia Begany, of Yonkers, is being recognized for her work at the Home for the Aged Blind and the Newman Center for Alzheimer's Care. As a retired nurse and someone who has experienced her own health problems and rebounded, she understands the difficulties many people with chronic illnesses face. She uses this experience to make a difference in the lives of elderly patients.

Belinda M. Jackson from Mt. Vernon, NY, is a young person with exceptional energy and a strong desire to help others. She is involved in Adolescents Karing About People, the Greater Centennial AME. Zion Church, the Leading Youth of Mount Vernon, and the YMCA Leaders club. In spite of consistently being committed to community service, Belinda still manages to excel at school.

Another individual deserves to be acknowledged as one whose selfless actions have made a noticeable difference in the lives of many. Dr. Robert Schultz of New Rochelle, NY, has been working as a volunteer staff person for AIDS-Related Community Services. As an AIDSline volunteer for the past 2½ years, Dr. Schultz has provided callers with current, accurate information about AIDS. In light of the many misconceptions about AIDS, it is comforting to realize that there are those dedicated to providing the facts while maintaining compassion and understanding.

While I am congratulating these and all volunteers, and although this week, in particular, is a tribute to their efforts, we should be thankful everyday for their tireless attempts to make our world a better place, one where futures will be brighter and where our fellow human beings will understand that others are willing to give of themselves to make their lives better.

CHILDREN AID IN DRUG WAR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. BURTON of Indiana. Mr. Speaker, I submit this article for the benefit of the Members.

[From the Indianapolis Star, Jan. 11, 1990]

ANTI-DRUG CAMPAIGN ENLISTS AID OF CHILDREN

Eleven is now the median age at which youngsters first use an illegal drug, be it tobacco, alcohol, marijuana or any of the terrible assortment of hard drugs.

That is why an innovative citywide "Just Say No" campaign starting tonight aims at enlisting more than 15,000 school children in the war on drugs.

Jim Arvin, coordinator of drug education for the Indianapolis Public Schools, and Christel DeHaan, president and chief executive officer of Resort Condominiums International will kick off the drive at 7 p.m. in the Public Assembly Room of the City-County Building.

RCI is the corporate sponsor of the yearlong effort, first of its kind in the nation, which will involve fourth, fifth and sixth graders at all 68 IPS elementary schools and 30 parachial schools and three private schools in Indianapolis.

Youngsters in that age group are the most vulnerable to tempting pleas to "just try it."

The audience of parents, teachers and administrators from all 101 schools will be briefed by Arvin; DeHaan: Mayor William H. Hudnut; Mickey Lentz, coordinator of support services for the Office of Catholic Education; Dr. James Adams, IPS superintendent, and IPS School Board President Stephen Hyatt.

Arvin will also introduce Becky Furste, co-chairperson of Indianapolis Challenge; Gary Porter, project consultant for "Just Say No"; Chief Paul Annee of the Indianapolis Police Department; Marion County Sheriff Joseph McAtee; Capt. Mike Sherman of the IPD narcotics division; Jeff Oberlies, Marion County deputy prosecutor; James Stutz, IPS supervisor of health, physical education and athletics, and Tim Mosier, IPS coordinator of drug and family life education.

RCI has provided kits, which will be distributed at the kick-off, for students who join their schools' "Just Say No" clubs and take part in their varied activities, which are designed to invite them to choose health and fitness as an alternative to drugs.

Arvin says there are 15,000 children in the targeted grades who could join. Considering the low median age for first-time use, and because school is the place where it is most likely to happen, getting them to join has a high priority.

"Drug abuse is the nation's most critical problem," says DeHaan, explaining the involvement of RCI, the world's oldest and largest vacation-exchange company.

The Indianapolis program has the backing of the Bush administration and drug czar William J. Bennett. It deserves the support of everyone who wants the community's children to grow up drug-free and healthy.

TRIBUTE TO STEVE REYNOLDS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. RICHARDSON. Mr. Speaker, this week, New Mexico mourns the death of a great public servant and a fine gentleman. Steve Reynolds, 73, died early Wednesday morning at St. Vincent Hospital in Santa Fe following complications from a 10 year bout with diabetes.

Serving as State engineer since 1955, Reynolds was recognized internationally as an expert on water issues in the Western United States. He planned and supervised the execution of an estimated 1.5 billion dollars worth of projects to conserve New Mexico's precious and scarce water supply.

Some of these projects were the Navajo Dam and Reservoir on the San Juan River, the Navajo Indian irrigation project, the San Juan Chama Transmountain diversion project, the Ute Dam and Reservoir and the Canadian River and the Brantley Dam and Reservoir on the Pecos River.

In his years as State engineer, Reynolds served 10 Governors from both parties and was regarded as a model of nonpartisanship and integrity. Like the water he devoted his career to preserving, he was a precious resource and will not be easily replaced.

I am enclosing for my colleagues' review an article reviewing Steve Reynold's life which appeared in the April 25, 1990 edition of the Albuquerque Tribune.

STATE ENGINEER REYNOLDS DIES, 73

(By Carlos Salazar)

Stephen E. Reynolds, the New Mexico state engineer who was one of the most powerful water officials in the West, died this morning.

Reynolds, 73, died at 12:30 a.m. today at St. Vincent Hospital in Santa Fe of complications after surgery on March 24 for a blocked femoral artery. Doctors removed his left leg below the knee the next day.

As state engineer, Reynolds ruled New Mexico's water resources for 36 years. He served under 10 governors.

Reynolds exercised the sole power to regulate water issues, a task that most water-short Western states assign to commissions and/or bureaucratic authorities.

Reynolds decided who got how much precious water and angered many over the years. But even his opponents respected him.

In the June 1989 issue of Governing magazine, Reynolds was called "The West's last water buffalo."

"There is no other Steve Reynolds. He is by far the most powerful individual dealing with water in the West," Steven Shupe, a former Colorado assistant attorney general who consults on regional water issues, said in the article.

It's estimated the federal government lavished more than $1 billion on water developments benefiting New Mexico during his tenure. Included was the big San Juan Chama project that diverts water from the Colorado River system through the Continental Divide into the Rio Grande basin.

New Mexico sets a two-year term for the state engineer, but 10 governors in a row, Democratic and Republican never bothered to reappoint Reynolds.

In 1980 former Gov. Jerry Apodaca said that his administration in 1975 "took a long, hard look" at Reynolds' operation, presumably to have him removed as the water czar.

"He'd been there so long, he practically had a monopoly on water policy. It was like (J. Edgar) Hoover of the FBI," Apodaca said. "But we found no vindictiveness, no personal involvements of any kind in his decisions. He knew everything about water; that great knowledge is Steve's security."

In the 1980s, Reynolds became a target for many environmentalists who thought he was too optimistic about the state's long-term water supplies.

Reynolds was born and reared in Decatur, Ill.

He received his mechanical engineering degree at UNM in 1939.

As a senior, Reynolds was captain of the UNM football team and in 1963 was honored by Sports Illustrated.

HELP AMERICA RECYCLE

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Ms. SLAUGHTER of New York. Mr. Speaker, today I am introducing the Recycling Initiatives Grant Act [RIGA], which could add a vital element to our solid waste management strategy.

Americans produce an astounding amount of garbage; more than 160 million tons of municipal solid waste per year. That's coming close to 1 ton per person, a truly shocking statistic. Almost as shocking is that only 10 percent of this trash is recycled. Another 10 percent or so is incinerated and the rest is put in landfills.

Landfilling is not a long-term solution. The Environmental Protection Agency [EPA] estimates that 50 percent of the landfills that existed in 1986 will be closed by next year. Within 20 years, more than 80 percent of the Nation's landfills will be closed.

What can we do with the more than 200 million tons of trash we bury each year? The obvious solution is to cut down on the amount of trash we produce and to recycle as much of the rest as possible.

Some States have already begun enacting voluntary and mandatory recycling laws and people are participating. However, in many instances, recyclable items are collected but then simply stored because there is no market for them. The current glut of news print means that many localities separate and collect newspapers only to put them in the landfill.

For recycling programs to succeed and grow, we need to create new methods to reuse products and market these recycled goods. We need to stop the debate about which comes first, the supply of recyclable items or the uses of this supply. We need to develop new recycling techniques, find new uses for products, establish efficient ways to collect and redistribute these items, and create the markets for these goods.

The Recycling Initiatives Grant Act will provide Federal grants to support research and development of innovative recycling techniques. At a total annual cost of $3 million, this program would be a cost-effective aid in the Nation's race to outpace our refuse production. Each $100,000 grant can support development of new methods to separate, collect, reuse, market, or produce goods with recycled materials.

This grant program will be authorized for 4 years, and so that the Congress and the Nation can benefit from the results of these grants, the recipients must report back to EPA and EPA to Congress. This necessary feed-

back will assist us as we work toward a national recycling policy in the future.

Let's put American ingenuity to work. I urge my colleagues to support this Recycling Initiatives Grant Act.

LEGISLATION TO AMEND SECTION 306 OF THE TRADE ACT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation which provides for the timely and effective review of the extent to which foreign countries are complying with bilateral trade agreements with the United States. I am pleased that my colleagues, LES AUCOIN, NANCY JOHNSON, and DICK SCHULZE have agreed to be original cosponsors of this legislation.

Chapter I of title III of the Trade Act of 1974, as amended in 1988, includes a provision that gives the U.S. Trade Representative discretionary authority to monitor implementation of each trade agreement entered into by the United States. Under this existing provision, section 306, if the Trade Representative exerts this discretionary authority, conducts a review, and concludes that a foreign country is not satisfactorily implementing a trade agreement, the Trade Representative is required to determine what further action will be taken under the authority granted under section 301 of the act.

Unfortunately, the current review process simply does not ensure adequate oversight of existing bilateral trade agreements. The review process needs to be opened up, so that our industries, who are directly impacted by these trade agreements, have access to the review process, have the right to petition their government, and can call attention to wrongdoing on the part of our trading partners. The absence of effective review procedures encourages foreign countries to enter into agreements with the United States and then disregard the commitments which were made.

The legislation which I am introducing today seeks to remedy this problem by amending section 306 of the Trade Act to allow an interested party to request, at certain intervals, a review of any existing bilateral trade agreement. Under the terms of my legislation, an interested party is defined as an individual that has a significant economic interest that has been adversely affected by the failure of a foreign country to comply with the terms of a trade agreement. Upon receipt of a written request for review, the Trade Representative would have 90 days to review whether or not a foreign country was complying with the terms of the appropriate trade agreement. In conducting their review, the Trade Representative is directed to take into account a number of factors including, among others, structural policies and tariff or nontariff barriers which may have contributed directly or indirectly to noncompliance with the terms of the trade agreement. The Trade Representative is also authorized to consult with the Secretaries of Commerce and Agriculture, with the U.S. International Trade Commission, and to receive public comment. Last, under this legislation, the Trade Representative will continue to have the discretionary authority to conduct reviews of existing trade agreements provided for under section 306.

These modifications will introduce a degree of accountability to our trade laws. The message is simple: If our trading partners agree to certain measures, they should be held accountable if they fail to abide by their commitments. Indeed, this proposition was clearly embodied in the section 301 process enacted by Congress in 1988. By adopting these provisions, Congress explicitly acknowledged that violations of trade agreements are unjustifiable, and are deserving of our attention. The legislation I am introducing today completes the process we formulated in 1988, so that trade agreements will have meaning, that there will be accountability and oversight in the process of implementing these very agreements.

Mr. Speaker, this legislation is designed to ensure that our trading partners do not take advantage of the United States. It does not redefine what foreign trade practices are unfair. Failure to comply with a trade agreement cannot be construed to be a fair trading practice. If we are not interested in exerting oversight of these trade agreements, perhaps we ought to think about taking away the Trade Representative's authority to enter into these agreements. We simply invite our trading partners to mouth the right words, but do nothing to require them to back up these words with specific actions. Such a trade policy does a real disservice to this country, and requires our immediate attention.

HONORING THE BETHESDA-CHEVY CHASE RESCUE SQUAD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mrs. MORELLA. Mr. Speaker, President Bush observed National Volunteer Week and the 50th anniversary of the volunteer Bethesda-Chevy Chase Rescue Squad with a visit to the squad's station in Bethesda, MD, on April 25. I was delighted to accompany the President to the rescue squad with Congressman CURT WELDON, chairman of the Congressional Fire Services Caucus and to congratulate the members of the squad, with a special congratulations to President George Giebel and Chief David S. Dwyer.

These volunteers, who sacrifice their time and put themselves at risk daily for their community, deserve as much recognition as we can give to them as beneficiaries of their efforts. Their services have proven to be indispensable to the citizens of the Bethesda-Chevy Chase area as the members of the rescue squad have risen above and beyond the call of their responsibilities.

Mr. Speaker, I am honored to pay tribute to the selfless efforts of the members of the Bethesda-Chevy Chase Rescue Squad and salute them for their devoted and compassionate efforts on behalf of Montgomery County, MD.

ON BEHALF OF THE CALIFORNIA CULTURAL ASSEMBLY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. FAZIO. Mr. Speaker, I rise to pay tribute to an organization that is celebrating its 10th year of exemplary community service, the California Cultural Assembly [CCA]. For the past 10 years, this organization has served as the only nonprofit arts presenter in the Sacramento region which successfully and consistently cultivates multiethnic audiences in the thousands.

The primary goal of CCA has been to break down the barriers of racism and prejudice within the Sacramento region. To achieve these ends, the organization has presented quality multicultural artistic and educational programs that instill self-esteem and pride among ethnic minorities.

Under founder Robbin Ware, the California Cultural Assembly has pioneered several programs and collaborations for Sacramento audiences to enjoy. For example, CCA was the founder and presenter of the first multicultural music concert at Oak Park and the first nonprofit organization to present jazz clinics and concerts for students of area high schools and community colleges. Furthermore, CCA is the publisher of the area's only comprehensive yearly multicultural arts calendar with monthly listings of programs produced by large and small nonprofit arts and cultural organizations.

Throughout its 10 years of service, CCA has provided a multitude of culturally sensitive and innovative artistic and educational programs which include: a 30-day Smithsonian Exhibit at the Crocker Art Museum entitled "Black Women: Achievement Against the Odds" in 1980; Cultural Renaissance Festivals in several area malls in 1982 and 1983; a 1984 exhibit displayed at the State Capitol Rotunda entitled "Women in American History: a Profile of black, white, Hispanic, Asian, and Native American women"; and annual jazz festivals that began in 1984 and are held in parks throughout the area.

This year, CCA has continued its tradition of excellent community programing with events such as the First Annual Symphony/Gospel Spectacular, a collaboration with the Sacramento Symphony, which was established to honor the birthday of Dr. Martin Luther King and Sacramento's First Annual Multi-Cultural Drum and Percussion Festival.

Mr. Speaker, I commend The California Cultural Assembly for providing the Sacramento region with outstanding artistic and cultural programs, and for providing the people of Sacramento a means to celebrate the tremendous cultural and artistic legacies of many cultures.

PRESIDENT BUSH AWARDS NORTHWEST PILOT PROJECT VOLUNTEERS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. WYDEN. Mr. Speaker, I am very pleased to announce the Northwest Pilot Project Access to the Arts Program was selected for a 1990 President's Volunteer Action Award. There were 2,000 nominations from across the country. They were chosen as one of 16 agencies that will be recognized at a White House luncheon with President Bush on April 27, during National Volunteer Week.

The Northwest Pilot Project Access to the Arts Program provides the opportunity for low-income elderly to attend cultural events. Having served as the co-director of the Gray Panthers for many years, and with my continued commitment helping seniors abstain better access to cost-effective quality health care, I realize the importance of senior programs. It is very exciting that I have the opportunity to recognize this program today.

This organization has provided elderly support services for over 20 years and averages transportation for over 350 people annually. The arts program was introduced approximately 2 years ago, following a survey which showed there was an interest to attend cultural events among the elderly living in downtown Portland. Program volunteers solicit tickets from performing arts groups and arrange transportation for the elderly.

In addition to obtaining tickets and transporting the elderly, they are responsible for collecting one-third of their funding. They are funded by three different sources, all contributing one-third of the total budget. The volunteers raise money through fundraising events and individual contributions. The remaining two-thirds is shared by the United Way and Multnomah County. I would also like to commend these two organizations for their support.

The President's Award is the most prestigious award presented for volunteer service. Established in 1982 to focus public attention on our Nation's volunteers, award recipients are honored for their own work and as representatives of volunteers nationwide. I would like to take a moment to recognize the awards program cosponsors for making this program possible.

The cosponsors are Volunteer—The National Center, a private nonprofit support organization, and ACTION, the Federal agency. These two volunteer groups work in cooperation with the White House Office of National Service.

I am very proud to offer my congratulations to the northwest pilot project. I ask my colleagues to join me in giving much-deserved recognition to the recipients of the President's awards, and to the many volunteers across the country.

We have a great tradition of volunteer programs which have contributed to the quality and diversity of our society. Let this award and its recipients be an example for us, of the good that results from giving.

REMEMBER EXERCISE TIGER

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. SLATTERY. Mr. Speaker, on April 28, 1944, 30,000 servicemen left the shore of Truto, England, on LST Troopcarriers to participate in a practice for the D-Day invasion, "Exercise Tiger." The troopcarriers were attacked by German E-Boats during the mock invasion and 749 servicemen lost their lives when three of the troopcarriers sank. James Oliver Cottrell, the brother of Evelyn Brannock of Perry, KS, was one of the 749 servicemen who lost their lives in service to our country during the mock invasion. I ask that we remember the sacrifices of these brave Americans and their families this Saturday, the 46th anniversary of "Exercise Tiger."

I would like to include in the CONGRESSIONAL RECORD a letter I received from Evelyn Brannock. I was deeply touched by the letter and the obvious love Evelyn has for her departed brother and her country. In addition, I would like to include in the CONGRESSIONAL RECORD articles from the Topeka Capital-Journal and from the Plymouth, England, Evening Herald, which describe "Exercise Tiger" and efforts to honor those who gave their lives for our country.

PERRY, KS,
September 26, 1989.

DEAR REPRESENTATIVE SLATTERY: Enclosed please find material taken from text to enlighten you on "Exercise Tiger".

As you have just read these articles, you know this was a rehearsal for D-Day.

My brother, James Oliver Cottrell, was one of these men who died in this pre-invasion, and his body never recovered. He was, I found out later in my search, on the LST #531.

Last year my family traveled to England to visit his memorial at Cambridge, something else the Army never disclosed to my parents. His name is on the Wall of The Tablets of the Missing in Cambridge and has been there since 1956. From there we went south to Torcross and walked along Slapton Sands. We stayed with Mr. Small and visited his monument, the Sherman Tank, and the monument the United States placed next to the tank in memory of these 749 Americans.

After returning from our trip, Mr. Small came over and stayed a week with us. At the request of many people who read the newspaper article of our trip, they wanted any information they could get on the subject. Mr. Small was key speaker, along with 13 men who survived the sinking of their ships. Much was to be learned in this meeting. (See enclosure)

I will never know for sure just how my brother died. Was he one that never got off his ship. Was he one that jumped overboard and died from the cold water. Was his body recovered, but not identified, or maybe it was identified and he is left still buried in a grave somewhere over there. Some of the English residents claim that some of the gravesites were never touched again. The not knowing is the hardest, but you learn to live with it.

I am convinced, along with many others, it is not fair, it is not right, to just pretend this never happened. Due to this listed as classified information and not declassified until 1972, this was passed over in our history books in our schools. My brother and 748 other American's like him, deserve the proper recognition they so rightly deserve. They died defending our Country so we may have a better and safer place to live.

So lets make a wrong, right, by doing what the State of Massachusetts did, file this into legislation, asking for annual observance of "Exercise Tiger" Day for the State of Kansas, on April 28th, and have this signed into law by our Governor Hayden.

Respectfully,

EVELYN BRANNOCK.

SOLDIER TO RECEIVE FAREWELL, FINALLY

(By Arron van Curen)

PERRY—A Perry family will get a chance in May to say goodbye to a brother killed in World War II.

The last time the Cottrell family said goodby to James Oliver Cottrell, then 20, he was boarding a train. Six months later he died in a torpedo attack in the English Channel.

"At that point there wasn't much to it because they never dreamed of him not coming back," said Ron Brannock, who later married Oliver's sister, Evelyn.

But Oliver did not come back. Not even his remains were returned from a watery battle site south of England.

And were it not for the campaign of an English beachcomber and similar efforts by Evelyn Brannock, the family might never have known how and why Oliver died.

Four of Cottrell's brothers and sisters and three of their spouses will travel to England in May to meet with this beachcomber and learn more about Operation Tiger, a practice run for the D-day invasion that led to the death of Cottrell and 748 other Americans.

Cottrell was one of 30,000 men brought to the southern coast of England to practice for the invasion of Normandy, France.

A crescent-shaped English beach called Slapton Sands is similar to Utah Beach, which was to be an invasion site at Normandy.

During an offshore maneuver in early morning darkness, nine German E-boats torpedoed three American troop ships. Two hours later, two of the ships had sunk.

To protect the secrecy of the invasion, then just six weeks away, the U.S. military offered no explanation when hundreds of death notices arrived at American homes shortly after April 28, 1944. Many of those notices came to eastern Kansas and western Missouri.

So the Cottrells knew only that their son and brother was missing in action and presumed dead.

"The folks got a telegram that came through the depot in Perry. That was the first they heard he was missing," Evelyn Brannock said.

In 1948, U.S. Army Adjutant General Edward F. Witsell wrote the Cottrells saying, "Your son was killed in action while aboard an LST engaged in preinvasion maneuvers." He wrote that the LST—an amphibious landing craft—had been attacked by German E-boats but offered no other details.

The Cottrells heard nothing more from the U.S. Army.

The soldiers' deaths might have remained unexplained and unheralded were it not for 16 years of effort by Ken Small, an English

innkeeper and beachcomber who became curious when he began to find jewelry and buttons buried at Slapton Sands.

Small badgered the Pentagon and American politicians until they revealed details of the incident.

The troops paticipating in Operation Tiger were aboard amphibious landing craft off Slapton Sands when nine German E-boats slipped through defensive lines and launched torpedoes into three ships.

The ships sank quickly, trapping hundreds.

More dead were found the next morning, floating upside down in the water because they had donned life vests incorrectly.

Even more died because confused American troops had fired on their own ships.

British aircraft had reportedly seen the German boats enter the area before the attack, but word did not reach the American ships.

The disaster was of such proportion and was considered to be such a blunder that it nearly led to cancelation of the D-day invasion, according to recent wire service reports. It was hushed up for the duration of the war and remained an official secret until last year.

Small's effort eventually led the U.S. Congress to recognize the men who died, and several private military groups in this country installed a commemorative plaque on Nov. 15, 1987.

News coverage of the Nov. 15 ceremony told many Americans the story of Operation Tiger, and it was one that most had never heard.

The Cottrells, who still live in and around Perry, were among the Americans who knew nothing of the tragedy, but they took special interest when they realized that Oliver Cottrell was killed there.

Evelyn Brannock clipped her first newspaper article about Operation Tiger in October 1987, and since has become an expert on the incident that killed her brother.

"I just wanted to know more about him. Maybe it would make me closer to him," she said.

She wrote to Small and other people named in news stories and became part of a group researching the incident.

"I wanted to expose this to more of the American people—people like myself who had loved ones who were killed," she said.

When she came across clippings that told of mass burials of soldiers in unmarked graves, she wrote to federal officials, including Sen. Bob Dole, R-Kan., to see which ship he was on.

Though rumors of a mass grave in an English sheep field persist, Army historians have assured Brannock that all soldiers' remains were exhumed.

They also have denied rumors that swimming American soldiers were captured by the German subs.

Through the research, Brannock learned that Oliver Cottrell's name is included on The Tablets of the Missing, a memorial to missing American soldiers at the American Cemetery at Cambridge, England.

"My parents never knew their son's name was on that wall, but it has been there since 1956," she said.

When Brannock and her family travel to England on May 23, they will meet with Small and with Manny Rubin, a survivor of Operation Tiger who now lives near Slapton Sands.

They will spend three days of a seven-day tour of France and England visiting the American Cemetery and Slapton Sands.

They plan to lay flowers at both memorials, Brannock said.

Family members taking the trip with the Brannocks will be a sister, Edith Newell, of Oskaloosa; a brother, Donald Cottrell and his wife Nova, both of rural Perry; and a second brother, Elmer Cottrell Jr. and his wife Ardell, both of rural Perry.

[From the Plymouth (England) Evening Herald, Apr. 29, 1989]

SALUTE TO "FORGOTTEN" WAR DEAD

(By Steve Brumwell)

On a crisp, sunny spring morning the golden bar of Slapton Sands is the very epitome of South Devon tranquility.

But 45 years ago, on just such a morning, that same beach was covered with the bodies of hundreds of young American Servicemen.

They were the victims of one of the worst disasters in America military history—Exercise Tiger.

Yesterday, some of the survivors made a poignant pilgrimage to the Devon coast on the anniversary of what proved to be a bloody curtain-raiser for D-Day.

The veterans were taken to Slapton aboard the Royal Navy destroyer HMS Bristol, and stood in silence on the flight decks as a wreath was cast into the sea.

As two Royal Marine buglers played Last Post, it was a moment to look over the beach to the rolling hills, and shed a tear or two.

For many years the true story of what happened off the Devon and Dorset coast on April 27-28, 1944, lived only in snippets of folk memory—a ghastly flotsam of corpses amidst the seaweed, and bodies buried in the fields.

FORGOT

It is only recently that a small band of writers have probed the secrets of Exercise Tiger.

Freelance writer Nigel Lewis first heard about the episode in September, 1987, and has now produced a book "Channel Firing: The Tragedy of Exercise Tiger" which exposes one of the most extensive cover-ups in the Second World War.

Mr. Lewis said: "It was arguably the biggest screw-up in American military history. "It was a hell of a story and I had never heard of it before. Eisenhower never even mentioned Exercise Tiger in his memoirs, but if America forgot, the people of Devon and Dorset remembered."

Mr. Lewis believes that up to 1,200 men died in a two-day training exercise because of a succession of blunders.

During the first phase, troops hit the beach at Slapton in a rehearsal for the Normandy landings.

A mis-timed barrage by American and British ships peppered the beach with live rounds, transforming the "mock" beachhead into grim reality.

TORPEDOES

The morning was bad, but the night brought worse. A convoy of eight landing craft, packed with GIs, made a leisurely progress along the coast before turning in a gigantic question mark in Lyme Bay.

They were protected by a single Royal Navy corvette, HMS Azalea, and when a prowling pack of German E-boats chanced on the convoy, the carnage began.

As torpedoes ripped into the lumbering landing craft many Americans were killed outright, or tipped into the sea where they died of exposure.

On the morning of April 28, Joseph McCann, of Landing Ship (Tanks) 515—just 15 years old—was in the first small boat looking for survivors.

He said: "I found a lot of my friends dead. It was a morning much like this. But the higher the sun rose, the sicker I got."

The young sailor had to leave the dead to the sea and concentrate on rescuing the living.

BEAUTIFUL

He said: "I never really thought my dead friends were at peace. After this ceremony I feel they have been put to rest at last."

Mr. McCann added: "I was told by an officer that morning to shut my mouth and never talk about what had happened. I guess it was just too close to Normandy. I only told my wife about it in 1985."

Captain of LST 515 was John Doyle, 72, of Montana. After casting the wreath on the still waters of Start Bay he said: "The ceremony was beautiful. It certainly meant a lot to me."

Dr. Eugene Eckstam of Wisconsin, was a 25-year-old medical officer abroad LST 507 when the craft was struck amidships by a torpedo. About half the 500 men on board died.

He said: "Most deaths were due to the cold water. When I was picked up three hours later I was only half conscious. I had been worried about getting strafed as we had heard of Germans machine-gunning survivors."

For many of the veterans the ceremony was the first opportunity to speak out about the tragedy and revisit the deceptively calm coastline where their young lives were so nearly ended 45 years ago.

CRITICISM OF THE MINE, SAFETY AND HEALTH ADMINISTRATION'S DISREGARD FOR MINER'S SAFETY

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. PERKINS. Mr. Speaker, I have been very concerned about the recent efforts by MSHA to revise and weaken the rules covering the ventilation of mines. I attended the Health and Safety Subcommittee meeting today that was taking testimony from MSHA officials concerning this issue. I was allowed to make a statement at this hearing and I would like to share that statement with the rest of the House of Representatives:

REMARKS BY HON. CARL C. PERKINS

Mr. Chairman, I appreciate the opportunity to participate in this hearing today and want to congratulate you and the other committee members of the subcommittee for their leadership in providing credible oversight of this and other critical agencies.

I know that this hearing is intended to touch on a wide variety of issues that are presently confronting the committee and MSHA. I look forward to hearing the testimony and participating in the process. I would like to take just a few minutes of the subcommittee's time and direct its attention to the most recent controversy surrounding MSHA, the reversal of ventilation safety standards.

My field office in Pikeville, KY, was recently visited by a large group of coal miners who were shocked at the fact that

MSHA had decided to move ahead with the revised rule making process surrounding the ventilation issue. This process is moving without any attempt to provide field hearings that allow the miners to voice their concerns to the administrators.

But aside from the lack of input that is being allowed the saddest part of all of this is that MSHA is going to ignore all of the warnings about the hazards of belt driven ventilation. I ask myself why does this agency choose to ignore more than 20 years of evidence to the contrary, why do they choose to ignore the criticisms of the national institute for occupational safety and health in the United States? The only answer that I keep coming back to is that they really do not care about the safety of today's coal miners.

When we have NIOSH stating that the use of belt air would raise the level of respirable dust in the mines—increasing miners' risk of contracting black lung and other respiratory diseases and add to the risk of fires and explosions by stirring up more float coal dust, I expect MSHA to listen and not ignore the warnings.

I just chaired a Black Lung Program oversight hearing in Prestonsburg, KY, this past Friday and see no reason to allow anyone to increase the number of people that must go through this particular misery of broken bodies and broken promises. The restrictions that are proposed to be weakened are ones that were fought for by the miners. Some miners even paid the highest possible price, their own lives, as a result of working in mines that had inadequate or dangerous ventilation systems.

I received a letter telling me not to worry since no mine in my district had requested to use the belt driven air system, yet. What am I supposed to do, ignore the same evidence that MSHA has and turn my back on the miners that are working in the mines approved for belt air? That would simply be unconscionable and I refuse to do that.

As I look over the list of changes and the increased dangers that will result I am simply astonished at the risks that MSHA is forcing on the miners. Phrases like "increases the risk of spreading fire to working areas", "increases the risk of methane ignitions and explosions", "increases the risk of mine explosions", "increases the risk of miners being trapped" are phrases I thought we were moving away from and not toward.

When MSHA was created it was with the intention of improving the working conditions and the health of the miners. To MSHA's credit there have been improvements in the mines over the last 20 years. But the reversal of these provisions and procedures will simply return us to a time when health hazards and mine explosions were not so unusual. This is a misguided policy aimed at satisfying the economic bottom line. I hope that this subcommittee continues to press MSHA about this and that you insist that such abuse of rule making power will not be tolerated.

I thank the subcommittee for your time and patience and appreciate your invitation to set in on this hearing.

TRIBUTE TO C.T. VIVIAN

HON. JAMES A. TRAFICANT JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to C.T. Vivian who will be the keynote speaker at a dinner on May 8, 1990 sponsored by the Youngstown Area Urban League. Mr. Vivian is a long time civil rights leader and coworker of the late Martin Luther King Jr. He has been in the forefront of the struggle for racial equality and a strategist of the civil rights movement. For more than three decades Mr. Vivian has been working to bring attention to the plight of black America and the disadvantaged.

Mr. Vivian has held many positions including national director of affiliates, in which he served on Dr. Martin Luther King Jr.'s executive staff, director of a prototype of Upward Bound in Alabama, director of the Ford Fellowship Program and the president for the Black Center for Strategy and Community Development. These are just a few of the positions Mr. Vivian has held. His list of contributions to organizations geared to community development and racial equality is exceptional.

C.T. Vivian has also been extremely active on the lecture circuit. He has lectured in Africa, Japan, Israel, Holland, and the Philippines. He is also an accomplished writer. His book "Black Power and the American Myth" is a best selling, nonfiction analysis of human dynamics in the process of black/white interaction. His wife Octavia Geans Vivian is also an accomplished writer who has written the only biography of Mrs. Martin Luther King which is titled "Coretta." Mr. Vivian has been featured in a variety of films and publications, including "Marquis Who's Who in America," "1,000 Successful Blacks: The Ebony Success Library"—Vol. 1, "Odyssey: A Journey Through Black America," "From Montgomery to Memphis"—A full length film about the Dr. Martin Luther King, "Unearthing Seeds of Fire: The Idea of Highlander," and "The Trouble I've Seen."

Mr. Speaker, I would like to take this opportunity to recognize C.T. Vivian for the many contributions he has made in the fight against racial discrimination and the struggle to make our communities a better place. He has helped lead the fight against racism and sexism and has worked tirelessly to improve our communities and our country. He is a true inspiration to all.

HONORING JOSEPH O'DWYER

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to a man, who for the past 39 years has dedicated his life to education. Joseph O'Dwyer is the headmaster of the Intermediate School in Killorglin, County Kerry, Ireland, which is the oldest coeducational secondary school in Ireland.

I have very good reason, Mr. Speaker, for inserting this statement into the RECORD today. The Cahillane Irish/American Scholarship Fund is being set up by a hard-working committee in the Northampton, MA, on behalf of an outstanding individual, Jim Cahillane. The purpose of this scholarship is to help students not only from Northampton, but for students in Killorglin as well. I am pleased to inform you, Mr. Speaker that Joseph O'Dwyer was an honored guest in my First Congressional District, as they dedicated the public fund-raising program for the new scholarship fund.

Founded in 1909, the Intermediate School was a converted library. Early in 1984, Joseph began to make plans for a new facility. It was through his hard work and perseverance that this new facility is currently in operation.

The school provides a comprehensive education for an area in Ireland where the population is relatively poor. The funding for the new school was not easy to get. However, Joseph was able to find it. He initiated a self-help program among secondary voluntary schools, whereby every school would contribute 100 pounds in any given year to help the poorest school to initiate a building project. This program proved to be very beneficial to Joseph's school. In fact, the Intermediate School received over 15,000 pounds for its project.

Mr. Speaker, in 1951, Joseph O'Dwyer succeeded his father, John O'Dwyer, as headmaster of the Intermediate School. In his 39 years of service to the field of education, Joseph has made a lasting impact on the many students that have attended his school. Through such programs with schools in Northern Ireland, Joseph has tried to foster new relationships and attitudes. This dedication to not only education, but to peace as well, should not go without recognition.

Without Joseph O'Dwyer, the new Intermediate School built on 6 acres of land, would probably not be flourishing today. The school provides education to over 600 students from families who are relatively dependent on social and economic assistance. These students are given the opportunity to help themselves and the local community. Through its well-rounded education, students have developed their talents and with respect to their individuality, the students have gone on to be responsible citizens of their country.

The development of the new school was a vital part of the development in the community of Killorglin. Joseph O'Dwyer has just about single-handedly brought the new school to Killorglin. In recognition of his tremendous support and hard work for education and peace, I salute Joseph O'Dwyer and wish the Cahillane Irish/American Scholarship fund many years of success.

THE CORNER OF BEAVER AND LEE IS CHANGED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. BENNETT. Mr. Speaker, recently I had the pleasure of being in Jacksonville, FL for the cutting of the ribbon of the Center for Achievement. The door was opened and many were there to acclaim this ancient location for a modern up-beat transition for those living in the neighborhood. Many people contributed to the re-doing of the old building, including the taxpayers of the United States, but Mrs. Gertrude Peele deserves special attention and she gets it in the enclosed article from the Florida Times-Union, of March 15. It is an inspiring story.

[From the Florida Times-Union, Mar. 15, 1990]

WE CAN'T JUST SIT HERE

SHE WON'T LET FEAR, CRIME TAKE HER STREETS AWAY

(By Ann Hyman)

His name is Tony. He is 19 years old. Things aren't going right for him in Jacksonville. He can't find work. He wants to get back in the Job Corps, go to North Carolina, learn to be a carpenter.

Somebody tells him that Women in Community Service Inc. can help him.

Then, they tell him that WICS is at 927 W. Beaver St.

"He was told to come to me, that I could help him—but, he was also told it's a very dangerous neighborhood. That was enough to make the young man turn around, but he didn't turn around. Because of the way he felt about where he wanted to go in life, he came on anyway. Nothing happened to that young man," said Gertrude Peele.

Mrs. Peele is godmother of 927 W. Beaver St., a cramped walkup where WICS—an organization that works with people, 16-21, who are seeking educational or vocational opportunities—and the Jacksonville chapter of the National Council of Negro Women Inc. share space.

Mrs. Peele knows about streets that are mean and dangerous. She knows the power of fear.

But, she is determined that fear won't win.

"Sometimes we build ourselves up with so much fear that fear becomes a barrier. We can't just sit here and stop doing because of the fear of crime and drugs. If that's the case, then the drug dealers and the criminals will completely engulf the whole system," she says.

She is soft-spoken, but her words are tempered steel.

Eleanor Roosevelt said that it is better to light a candle than to curse the darkness, Gertrude Peele got the word.

"I have to move beyond fear. We have to move through fear. How do I do it? I just keep moving. I just travel on my knees, if you want to know the truth. I pray and I keep moving."

Her second-story office looks out on a vacant lot. It's fenced, the weeds and bushes that push through the scrabbly dirt are trimmed back.

But, two years ago, there was no fence and the lot was overgrown and Mrs. Peele wondered why she saw so many small children hidden in the bushes. She watched what was happening, next door to her, and she realized that prostitutes were using the vacant lot as if it were a day-care center.

And, she saw something else.

The rundown vacant building at the corner of Beaver and Lee streets was too busy for an empty building.

Drugs and sex were for sale at the back door.

"It looked like business was booming every day," Mrs. Peele said.

Kids in the bushes. Dealers and users and prostitutes moving around in the derelict building like shadows casting more fear, more despair into the rundown neighborhood.

Mrs. Peele knew she had to light a candle.

"I remembered my grandmother who was certainly my mentor and she used to sing a song, "Brighten the Corner Where You Are." To me, it was personal. If the corner doesn't look like what I feel it should be, then it's up to me to create some idea to change it."

She bought the building and leased it to the National Council of Negro Women for $1 a year. The Department of Housing and Urban Development paid for the renovation.

The gargantuan rats that once tunneled through the place are gone. The dealers, the users, the hookers are gone.

At 10 a.m. Saturday, the Center of Achievement will be dedicated to serving the community, and the little building at the corner of Beaver and Lee will become part of the solution, rather than part of the problem.

Monday, it's down to business when a youth leadership training institute begins at 8:30 a.m.

Three groups will operate from the building—the National Council of Negro Women, WICS and Child Watch Partnership of Jacksonville, a child advocacy program. Under the umbrella of those three organizations, 29 programs are operated, as varied as passing out bags of groceries from a little food pantry to getting a young person signed up for the Job Corps.

"I expect it to become a mecca for women, youth and children, not necessarily just poor people. It is for people, affluent or poor, black or white, male or female. Sometimes affluent people have needs that can be so great and they have nobody to talk to about it. They are just as bad off as the poor person," she said. "Sometimes families are faced with what they think is a major problem, but they just don't know who to contact."

The Center of Achievement will help people find their way through red tape—and, when appropriate, it will simply go 'round the other way rather than bother with red tape.

"I think of a woman dying of AIDS. All she needed was a cold drink of water, but she didn't have a refrigerator. It took only three telephone calls to find someone with a refrigerator for that woman and to have it delivered to her house," Mrs. Peele recalled.

Gertrude Peele has a reputation for getting things done—and, she gets things done through conciliation, not intimidation.

"She's absolutely phenomenal. She's very special," said Carol Baumer, director of development with the Gateway Girl Scouts Council. "She's worked in some very difficult situations and she brings hope. I think that's of such value. She begins to turn projects around and makes people realize they can work together and solutions can be found and problems solved."

Ms. Baumer worked with Mrs. Peele in 1979 when Ms. Baumer was on the executive committee of the Junior League of Jacksonville. The League, the National Council of Jewish Women and the National Council of Negro Women worked together to establish the guardian ad litem program, a child's advocacy program operated through the courts.

"I've worked with her on many programs. She's a true champion for children's rights. Plus, she's so wonderful at pulling people together and at taking a step back and listening to what other people are saying."

Julia W. Taylor, director of development at the University of North Florida, admires Mrs. Peele's ability to look at any issue in all its implications. She has worked with Mrs. Peele on a number of projects, particularly concerned with children's advocacy.

"She's not going to just look out for the National Council of Negro Women. She goes beyond that. She's always very responsive, very pleasant and she gets things done. She's consistent. And, she operates in a national arena, too. She's on the national boards of many organizations," Ms. Taylor said.

Helene Coleman recalls working with Mrs. Peele on a presentation that examined apartheid—and had, as well, an agenda to get Jacksonville's Jewish and black communities talking at a time when the relationship was strained.

The program was sponsored by the National Council of Negro Women and the National Council of Jewish Women and the National Council of Christians and Jews.

"We had the most overwhelming crowd of people to come across the river on a Sunday afternoon to the Jewish Temple. It was really a very moving experience. It was a cementing of relationships."

Cement is a building material.

That's how Mrs. Peele sees her work—she's in the building trade.

"I'm hoping we don't face another century like the one we're leaving now," she says. "Maybe as we approach the 21st century, the community will realize that we must come together and we must make an effort to change."

The corner of Beaver and Lee is changed.

And, in a couple of weeks, Tony will be on his way to North Carolina to learn to be a carpenter.

GIVING OUR STUDENTS THE WORLD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, recognizing the lack of adequate funding for many of today's college students, it is a pleasure to

acknowledge an event that will provide college grants for deserving students.

On Thursday, May 10, 1990, Mr. Paul W. Bell, superintendent of schools in the Dade County Public School System, will be hosting the third annual Superintendent's Scholarship Ball. The theme of the ball is "Giving our Students the World," an appropriate title for such a worthy event. Being held at the Radisson Centre in Miami, the ball will benefit the College Assistance Program.

The cochairmen of the ball are Charles A. Citrin and R. Ray Goode. The executive committee members are Richardo H. Arlain, Richard I. Blinderman, Charles Crispin, Guarione M. Diaz, Daniel D. Dolan, Albert Dotson, T. Willard Fair, Howard Gary, Rabbi Gary Glickstein, Maritza Gomez, and Seth Gordon.

Also on the executive committee are Wilfredo Gort, Leopoldo E. Guzman, George Firestone, Annette Katz, Brenda Kinzig, Barry Kutun, Joseph P. Mastrucci, Phyllis Miller, Jose R. Pagan, Jr., John E. Porta, Henry Raattama, Jr., Gerald K. Schwartz, Darryl Sharpton, Lester Simon, Harry B. Smith, Marzell Smith, Joseph Solary, Patrick Tornillo, Richard J. Weiss, and David Wind.

It is imperative that we recognize the importance of education and the numerous benefits an education brings. There is a wonderful quote pertaining to students on the invitation to the Superintendent's Scholarship Ball, "* * * we can open up the world to them. They will do the rest."

HOW TO REACH FULL EMPLOYMENT AND BALANCED GROWTH

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. HAWKINS. Mr. Speaker, as the House embarks on the debate which determines the spending and revenue priorities of the Federal Government, I am struck by the underlying cynicism which seems to pervade our discussions.

As British playwright and poet Oscar Wilde once said, "A cynic is a man who knows the price of everything and the value of nothing."

We spend our time talking about the costs of carrying so much debt. We moan about mortgaging our future. We focus on price tags instead of looking at the value of certain investments which can reap quality, measurable benefits.

The Full Employment and Balanced Growth Act is 12 years old. It requires us to debate the economic goals and assumptions underlying the budget resolution. I urge my colleagues to break from the yoke of cynicism that ties you to caring only about balancing the almighty dollar at the bottom of a ledger.

Look instead at what can be achieved with some of those dollars; look at how investments in education, training, health care, nutrition, and housing and economic development, can increase the standard of living for our people, strengthen our businesses, and enhance our international competitiveness. Look at what the Federal Government can do to promote better jobs, education, and equal opportunity.

We must change our whole orientation. Stop worshipping at the altar of austerity and instead praise investing to meet national priorities.

Some might say such talk is pie in the sky; great rhetoric but surely not practical in achievement. But think small and restricted, and you will continue to get miniscule results.

I have been in public service for over 50 years, and I have seen many swings of the philosophical and ideological pendulum. The decade of the 80's was of restricted horizons. We fell behind on virtually every economic front. While the early years were characterized by deep recession, the later years were spent making up for the lost ground. For all intents and purposes, the end result has been that we've just about maintained the status quo. We have not advanced, we have not improved at a time when our competitors have made great strides.

The last decade of this century, then, is our final opportunity to forge ahead. Three-percent GNP growth rates are just not going to do it. Because we have not followed a full-employment and balanced growth path, we have forfeited hundreds of billions of dollars in total national production. Because we have not adequately educated nor trained our people, we have brought about losses in incomes for families, businesses, and farmers. This, of course, results in deficient Government revenues at every level.

If we want to solve our deficit problems, we need to invest in areas which will increase the productivity of the work force that keeps our economy going.

We must use the Federal budget as a tool for change. We must fully fund successful, cost-effective programs like Head Start preschool education, chapter one compensatory education, and expanded grants for postsecondary education. We must strengthen and expand teacher training, increase efforts to better teach our kids the math and science they need to know in our ever increasingly complex technological world. We must pass and then fund a national child care policy, so that parents can find and keep productive employment. We must strengthen and then expand our job training efforts.

This debate is about setting goals and a timetable for full employment and balanced growth. The goals and assumptions underlying the budget resolution should be based on prioritizing our spending and revenue levels to meet the national needs our great Nation demands as we enter the next century.

TRIBUTE TO THE ATHLETIC BOYS' CLUB

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. BUECHNER. Mr. Speaker, I rise today in tribute of an organization which, for the past 40 years, has given the youth of the North St. Louis County area the opportunity to excel on the athletic field. On Saturday, April 28, the St. Ann's Athletic Boys' Club will commence its 40th season, once again adding to the generations who have benefited from this outstanding organization.

The Athletic Boys' Club, known locally as ABC, is an all-volunteer, not-for-profit organization which exists only through the dedication of a group of hard-working adults. Over the years the club has built up an impressive athletic facility, replete with five athletic fields and a large fieldhouse and gym. Years ago, I brought junior football teams from Kirkwood to ABC. We were always welcomed with the same enthusiasm and spirit that exists today at ABC. Children from age 4 through 18 are taught to play baseball, softball, basketball, football, wrestling, soccer, and boxing. And even though the club focuses on athletic excellence, no aspiring athlete is ever cut from any team; there are no tryouts, for the men and women who run the club realize that every child, regardless of ability, deserves the chance to benefit from all of the gifts that come with sports. Several well-known athletes began with the club, most notably major league baseball players Ron Hunt and Jerry Reuss, and the former NBA player and Mizzou All-American, Steve Stipanovich, among others.

I am confident that the next 40 years will see the ABC continue to grow and prosper, while never straying from the original community spirit upon which it was founded.

Mr. Speaker, I am sure that there are many of us in this assembly who can look back to our youth with fond memories of days on the athletic field, and the lessons, discipline, and sheer joy that we derived from them. Perhaps some of these youngsters will grow up to be the athletic greats of the future. Others, no doubt, will go on to become businesspeople, doctors, lawyers, coaches, and certainly parents. Yet wherever the future finds them, it will find them better citizens for the years they spent with ABC. The gift of amateur athletics is that it gives children a sense of discipline and fair play that will be with them long after their athletic careers have ended. Today, on the occasion of the club's 40th anniversary, I ask this assembly to join me in saluting the past and present players, coaches, boosters, and parents of the Athletic Boys' Club for preparing our children for life, the greatest game in which they will ever play.

NORTH KOREAN THREAT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. BURTON of Indiana. Mr. Speaker, the following April 26, Washington Times article correctly emphasizes that the United States must take an extremely cautious approach to reducing our troop strength in South Korea. For those Members of Congress advocating drastic cuts in our troop commitment to South Korea, this article is a must:

[From the Washington Times, Apr. 25, 1990]

U.S. INTELLIGENCE UPGRADES ALERT TO NORTH KOREAN THREAT

(By Peter Almond)

A slow but continuing buildup of North Korean troops close to the demilitarized border with South Korea has prompted U.S. intelligence officials to reduce the warning time for a North Korean invasion to less than 24 hours.

The cut in warning time runs totally counter to huge increases in the amount of time the North Atlantic Treaty Organization has to prepare for an attack from Warsaw Pact nations—now nearly three months.

The short North Korean attack warning time signals the serious threat an increasingly isolated and potentially unstable North Korea poses to U.S. troops.

"We are advising to plan on zero warning time," said one intelligence official, noting that 70 percent of North Korea's 930,000-man ground force is on permanent war footing in bunkers and tunnels within 15 to 20 miles of the demilitarized zone.

The new, secret National Intelligence Estimate dropping the warning time from 48 hours to under 24 hours comes as the Pentagon plans a cutback of U.S. troops in South Korea and prepares to hand over control of ground forces to a South Korean general.

"It serves as a warning to be very, very careful about any changes in our military commitments to South Korea," said one U.S. official. "This is the one place in the world where we are closest to war. With [North Korean dictator] Kim Il-sung preparing to hand over power to his son, North Korea could be dangerously unstable."

Added to North Korea's attempts to get nuclear weapons, there is rising concern that the United States must not send any wrong signals to North Korea about U.S. willingness to defend South Korea.

It was just such a wrong signal that started the Korean War 40 years ago this June, historians have concluded.

"We must be very careful we don't send any wrong signals," said Sen. John McCain, Arizona Republican and member of the Senate Armed Services Committee, who visited South Korea in February. "The North Koreans have a very good, well-equipped, fanatical army. They could attack at a moment's notice."

Added Virginia Sen. John Warner, ranking Republican on the committee and an ex-Marine who served in the Korean War, "I am strongly in favor of shifting the defense burden [to South Korea] at the earliest possible date, but I want to be cautious that they [North Koreans] will not read this wrongly."

The two senators, however, appear to hold minority views in a Congress determined to cut the U.S. defense budget and shift more of the defense burden to allies.

Last week, Democratic members of the Armed Services Committee complained that Bush administration plans to cut 7,000 of the 42,500 U.S. troops in Korea over the next 2½ years and hand over military control to the South Koreans are too cautious.

Paul Wolfowitz, undersecretary of defense for policy, answered that any faster effort to cut the U.S. role "would be courting a much higher risk of war in Korea. . . . North Korea remains one of the most reckless and dangerous actors on the international scene."

But some defense officials are concerned that even the planned withdrawal pace may be too fast. They are upset that the Pentagon has failed to provide to Congress a substantial assessment of the North Korean threat.

Intelligence officials, however, say they have more difficulty finding out about the inner workings of the North Korean regime than almost anywhere else.

Kim Il-sung, the country's 78-year-old Stalinist ruler, is expected to hand over power to his son and heir, Kim Jong-il, at any time.

"Not a lot is known about that son, and what is known is not particularly comforting with regard to risk," said Rear Adm. William Pendley, director of plans for the U.S. Pacific Command.

Kim Jong-il is regarded as something of a playboy by U.S. and South Korean officials. Reportedly, he is not involved in government business. According to Maj. Gen. Jung Hwan Kim, defense attache at the South Korean Embassy, he spends most of his time watching movies and drinking. His mother died when he was very young, and his brother died in his father's swimming pool.

His questionable personality may be one reason his father is holding off a transfer of power. In some respects, said Gen. Kim, Mr. Kim can afford to wait and watch U.S. power decline in South Korea because of his firm grip on North Korea and the unlikelihood of a democratic upheaval as has occurred in Eastern Europe.

However, Gen. Kim said Mr. Kim is anxious about changes in Eastern Europe and the Soviet Union, and that both China and the Soviets are opening channels to South Korea. He could decide that it is "now or never" to reunite the country on his terms, according to U.S. officials.

"He knows that in the long term the situation favors the Republic of [South] Korea," said Gen. Kim . "I think there is some possibility of provocation in the short term. We must be ready for this."

U.S. military presence—A sample of American forces located in South Korea

Ground forces:	
Troops	31,600
Tanks	155
Armed personnel carriers	200
Air Force:	
Personnel	11,600
Fighter/bombers	84

ALONG THE 38TH PARALLEL

[North Korean-South Korean military comparison, January 1990]

	North Korea	South Korea
Ground forces:		
Troops	930,000	550,000
Infantry divisions	30	21
Armored brigades	15	1
Tanks	3,500	1,500
Armored personnel carriers	1,940	1,500
Artillery tubes	7,200	4,000
Multiple rocket launchers	2,500	37
Surface-to-surface missile launchers	54	12
Anti-aircraft artillery	8,000	600
Surface-to-air missie sites/missiles	54/800	34/210
Air Force:		
Personnel	70,000	40,000
Fighters	750	480
Bombers	80	0
Transports	275	34
Helicopters (including army)	280	280
Navy:		
Personnel	40,000	60,000
Attack submarines	23	0
Destroyers	0	11
Figates	2	17
Missile attack boats	29	11
Torpedo boats	173	0
Coastal patrol	157	79
Mine warfare	40	9

ALONG THE 38TH PARALLEL—Continued

[North Korean-South Korean military comparison, January 1990]

	North Korea	South Korea
Amphibious craft	126	52
Total personnel	1,040,000	650,000

Source: Defense Department.

ASBESTOS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. RICHARDSON. Mr. Speaker, I rise today to bring to the attention of my colleagues a recent article published in the Science magazine regarding the latest scientific research on asbestos.

We are all concerned about the health risks posed to us by asbestos. We are also becoming more aware of the increased costs of removing asbestos from our schools and public buildings. However, we may not be aware of the danger posed to us by the actual removal of asbestos from these buildings.

The following article discusses the different forms of asbestos and the health risks posed by them. I also have an indepth article from the January 1990 edition of Science magazine called Asbestos: Scientific Developments and Implications for Public Policy, available in my office for anyone who may be interested. I hope my colleagues will have the opportunity to read the following article and the additional material I have available, as I found it extremely interesting.

THE ASBESTOS REMOVAL FIASCO

Removal of asbestos from buildings could cost as much as $50 to $150 billion. The content of asbestos fibers in the air of buildings containing asbestos is harmlessly small and essentially the same as in outdoor air.* Asbestos in buildings, unless damaged, does not shed fibers. The removal process releases asbestos fibers which could result in more cancer in the workmen than would have resulted in the usual occupants had the asbestos been left in place.

A puzzling defect in federal legislation and regulations is an arbitrary lumping together of disparate minerals and calling the lot of them asbestos. As a result, chrysotile, a serpentine mineral, is tarred with association with the dangerous amphibole crocidolite. The two minerals differ in composition, color, shape, solubility, and persistence in human tissue. Chrysotile is a white mineral with composition $Mg_6Si_4O_{10}(OH)_8$. It tends to be soluble and to disappear in tissue. Fibers tend to be curly and excluded from the periphery of the lung. Crocidolite is blue, has the formula $Na_2(Fe^{3+})_2(Fe_{2+})_3Si_8O_{22}(OH)_2$, and is relatively insoluble. It persists in tissue. Its fibers are long, thin, and straight and penetrate narrow lung passages. About 95 percent of the asbestos in place in the United States is chrysotile.

Another puzzling defect in federal performance is failure to give sufficient weight to epidemiological experience relating to

*B.T. Moseman et al., Science 247, 294 (1990).

chrysotile mines in Quebec. These mines have been operating since before 1900 and have produced about 40 million tons of chrysotile. In keeping with the lax practice of earlier days, mining operations were accompanied by large amounts of chrysotile dust. Wives of miners were heavily exposed; they dwelt in homes near the mines. Four epidemiological studies of the Quebec chrysotile mining localities show that lifelong exposure of women to dust from nearby mines caused no statistically significant excess disease.

The Environmental Protection Agency has fostered the view that a single fiber can cause cancer. This hypothesis is unproven. We live on a planet on which there is an abundance of serpentine- and amphibole-containing rocks. Natural processes have been releasing fibers throughout Earth history. We breathe in about 1 million fibers a year.

Another puzzle is a lack of expeditious effort by the EPA to obtain rigorous measures of indoor and outdoor levels of fibers. It is only recently that appropriate measurements have been made using transmission electron microscopy. Use of this equipment permits identification and quantitation of asbestos fibers. One would think that in a $50- to $150-billion program the first priority would be an accurate assessment of the problem. This lack of concern about determining the facts of exposure is also reflected in EPA policies with respect to schools.

Public and private schools are required to inspect for asbestos and to inform parents if asbestos-containing materials are present. Schools must submit a plan detailing how they will deal with damaged asbestos. They can be fined $5000 per day for failing to meet deadlines. The EPA has recommended bulk sampling and visual inspection to determine a course of action rather than measurement of airborne levels of fibers.

The removal process releases fibers into the air, sometimes creating greater concentrations of them than before the abatement work began. Remedial workers are being exposed to high occupational levels. EPA itself estimates that one half of all asbestos removal projects are done improperly.

Panic has not been confined to schools. Building owners broadly have been ripping out asbestos. If anything, the rush to remove asbestos is accelerating. EPA requires that asbestos be taken out of buildings before they are demolished or renovated. In addition, some owners have noted that the presence of asbestos has made it difficult to lease, sell, or insure asbestos-containing buildings. The Environmental Contractor has published an estimate that this year $7 billion will be spent on asbestos abatement—an increase of more than 30 percent during 1989. The estimate for 1993 is $11.5 billion.

The credibility of EPA has already been damaged. Unless policies are modified, the sums wasted in abatement and litigation will proliferate. Regulations should be modified to take into account the greatly differing hazards of the various asbestiform minerals. Standards for indoor air should be based on actual measurements of types and amounts of fibers.—Philip H. Abelson

IT'S TIME FOR THE TRUTH TO BE KNOWN

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Ms. SLAUGHTER of New York. Mr. Speaker, it has been 4 years since the No. 4 nuclear reactor exploded at Chernobyl, Ukraine, causing the largest and most devastating nuclear disaster in history. Four years—and we still do not know the truth.

We do not know the true extent of the human and environmental costs of the disaster. Official Soviet counts of the number of people who have died from the Chernobyl accident range from 31 to 250; but a United States scientific panel has estimated that more than 70,000 people can be expected to die from cancers caused by Chernobyl. Nearly 2 million Ukrainian and Byelorussian children who have been affected by high radiation exposure are still not receiving adequate medical attention.

Tuesday's Washington Post reported that Soviet officials will now evacuate an additional 14,000 people from the Chernobyl region, determining that they are endangered by the radioactive dust that has piled up in the 20-mile danger zone around the plant. Time magazine recently ran disturbing photos of livestock raised in the Ukraine since the catastrophe. Those horrifying pictures of animals with severe physical deformities would seem to have come from a medical text or science fiction picture book, but they don't. They come from the farms and villages of Ukraine, and they remind us that the mysteries of Chernobyl must be uncovered.

The world can no longer tolerate the Soviets' refusal to disclose full information about the Chernobyl accident. The small Ukrainian children who still play barefoot in dirt with untold levels of radiation face an uncertain future, risking the development of thyroid tumors and even leukemia, which could cost them their lives.

Clearly, denial will not solve the tragic health and environmental problems of Chernobyl. The Soviet Government has a responsibility to its own people and to the global community to undertake a comprehensive and public study of the Chernobyl disaster, its aftermath, and the extent of radiation exposure incurred. The people of the Ukraine, Byelorussia, and indeed, the whole world, deserve to know at least this much if we are to prepare adequately for—and maybe even stave off—the long-term health and environmental problems of Chernobyl.

As the world celebrates Earth Week, let us all entreat the Soviet Union to clean up on Chernobyl. After 4 long years, it's time we learned the truth.

SUPPORT OF H.R. 3848, THE DEPOSITORY INSTITUTION MONEY LAUNDERING AMENDMENTS OF 1990

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mrs. MORELLA. Mr. Speaker, yesterday, I had the pleasure of joining the President in visiting the Bethesda Chevy-Chase Rescue Squad station as he marked the 50th anniversary of the volunteer squad and the third day of National Volunteer Week. Consequently, as the House considered and passed H.R. 3848, the Depository Institution Money Laundering Amendments of 1990, I was unable to cast my vote in support of the bill.

I cosponsored H.R. 3848 immediately after its introduction. I believe that money laundering is an essential part of the drug trade. Without money launderers, drug dealers would be left without a method to dispose of their ill-gotten gains. Financial institutions which aid drug dealers have no right to remain in business. H.R. 3848 will take financial institutions which launder money out of business permanently. I am pleased that the House has adopted this bill and I am hopeful for its quick enactment into law.

ON BEHALF OF ORANGEVALE OPEN ELEMENTARY SCHOOL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. FAZIO. Mr. Speaker, I rise to pay tribute to an institution that is celebrating 100 years of educational service to its community, the Orangevale Open Elementary School. For the past 100 years, Orangevale School has served as an excellent example of how a strong commitment to literacy and the spirit of voluntarism yields exceptional results.

The school has undergone many changes during its 100 years of existence. Built in 1890, the Orangevale School served 24 children, including those of the original settlers of Orangevale. Today, approximately 370 students attend Orangevale Open School ranging from kindergarten through the sixth grade.

Throughout this time, the Orangevale Open School has always remained committed to the belief that children should be allowed to grow and develop emotionally, socially, physically, and intellectually at their own pace.

Because the ultimate goal of the school is to have children feel excited about their education and develop a sense of awe and wonder about learning, Orangevale Open provides a wonderful learning experience for its students. The school's curriculum has a solid base in the traditional subject areas, including math, english, science, and social studies. The study of these subjects is combined with the development of valuable social skills, such as interpersonal relations, selfworth, and respect for others.

Last year, Orangevale Open was presented with the California Distinguished School Award. This award is given to schools with programs that promote and maintain educational excellence.

Another unique aspect of Orangevale Open is the caliber of parental involvement. Parents attend a monthly classroom meeting to discuss class events and curriculum with the teacher. In addition, approximately 15,000 hours will be spent by parents working directly in the classrooms this year. They correct homework, help in reading groups, provide cooking activities, and present small learning centers. This helps reduce the teacher/student ratio and results in more focused learning.

Outside the classroom, parents participate in field trips, assemble sceneries for plays, and support the PTA. This spirit of volunteerism is an integral part of the school's success.

In recognition of the school's birthday, a 100-year celebration was held at the school on April 19. The celebration featured a parade, speakers, and a short ceremony commemorating the burial of a time capsule. These events were followed by the school's annual open house where all classrooms could be visited. In addition, a history exhibit, which included photographs, was on display.

Mr. Speaker, I share the pride and honor felt by the Orangevale Open Elementary School in celebrating 100 years of exemplary educational service. I applaud them for their ongoing commitment to providing a unique learning experience for the children of Orangevale.

TRIBUTE TO TIANANMEN MEMORIAL FOUNDATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. GREEN. Mr. Speaker, I wish to pay tribute today to the Tiananmen Memorial Foundation [TMF], an organization in my congressional district, which seeks to further the welfare and human rights of Chinese around the world.

The TMF has created several avenues in which to pursue its objectives. One such avenue, the Tiananmen Memorial Human Rights Defense Fund, provides legal defense and other support for Chinese individuals whose human rights have been infringed. The Tiananmen Memorial Social Science Research Fund, also a branch of TMF, provides grants and fellowships for research on the economic and political infrastructure of China. TMF founded the Tiananmen Memorial Education Fund, which provides college scholarships to educational facilities and students in rural China.

On May 7, 1990, the TMF will sponsor a "Concert for Democracy in China." I ask you to join me in applauding the Tiananmen Memorial Foundation members for their effort to promote human rights and the welfare of all Chinese individuals, and to wish them all the best for a successful concert.

AN OMINOUS REPORT ON OUT-OF-HOME CHILD CARE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. MATSUI. Mr. Speaker, over the years I have focused many of my legislative efforts on improving the state of our child welfare system. Today the County Welfare Directors Association of California is releasing a report, the results of which are startling. At best, the report shows the foster care system in this county does not always work. At worst, the report details an ominous trend toward foster and out-of-home care that threatens the very fiber of the American family.

The statistics in the report being released today bring to light the horrible plight faced by many children who need social services. Efforts to bolster family situations to prevent kids from being taken from their homes and put into foster care or other out-of-home placements have been mediocre at best.

In 1989, there were nearly 80,000 kids in California living in out-of-home care. Between 1985 and 1989, the number of children in out-of-home placements in California increased by an astounding 65 percent. The 235-percent jump in the number of babies in foster care during that period is even more horrifying.

Not only do these trends exact tremendous human costs, but the financial toll for States paying for out-of-home care services when in many instances preventive services could have worked is staggering. The expenditures for out-of-home care in California increased by over $310 million between 1985 and 1989. Clearly, that amount is outrageous and should serve to renew and bolster our efforts to attack the problem at the core. The children of California who find themselves in need of social services deserve much better.

This report provides us with a graphic portrayal of the strengths and weaknesses of our child welfare and foster care programs. But more importantly, it offers us an opportunity to renew our efforts to address out-of-home placement trends for children and to develop new strategies to provide real alternatives to out-of-home care.

Family preservation services can be the key to a family struggling to remain together. A greater investment in preventive services will help countless children avoid the traumatic experience of being placed in out-of-home care.

I commend the California County Welfare Directors for conducting this study and for providing us with this useful documentation of what does and does not work in foster care and child welfare services. It is now up to legislators at all levels to reassess the current systems so progress in the short term and the long term can be reached. The quality of life for thousands of young people is at stake.

MAIL REFORM LANGUISHES BY THE BOOK

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. GINGRICH. Mr. Speaker, as we look at the Postal Service's proposals to raise rates and cut services, I would encourage my colleagues to read the attached article from the Washington Post on the problems of innovation:

[From the Washington Post, Nov. 27, 1989]

MAIL REFORM LANGUISHES BY THE BOOK

(By Dana Priest and Judith Havemann)

The Columbia Heights Post Office in Northwest, Thursday afternoon, one hour before closing and seven people are in line:

To the left, a chatty clerk admires the new gold belt a friend dangles before the cloudy plastic window that separates clerks from the public. "What are you doing this weekend?" she asks. "Nothing," her buddy replies.

Next to her, a coworker weighs a brown paper package and tosses it at cart, missing on the first try.

At the third window, a customer stands tapping her yellow pickup slip on the counter as the voices of clerks in the rear office seep through the walls.

"All Services," the sign read above each window position. No service, fumed the Rev. Afred Owens, as he stomped out of line and out the door.

"You would think you would have more people. It makes me angry," he said. "Once you get to the window, you have no problem, but I never wait over 10 minutes. I leave and come back . . . . I'll try again tomorrow."

The job of window clerk—one of the most coveted among the U.S. Postal Service's 800,000 employees—provides the public a regular glimpse into the workplace culture of one of the nation's largest employers.

It is a culture that postal officials, employees outside experts agree must adapt to new technology and change the way employees interact if the service is ever to increase productivity and avoid financial disaster.

So far tradition appears to be holding on.

Although the post office has spent more than $500 million on automation in the last year, it has failed to save money or improve service, raising questions about whether its rule-bound work force can be turned around fast enough, or at all.

A semi-governmental bureaucracy organized along military hierarchical lines, postal work is characterized by strong unions, rigid work rules and powerful seniority rights operating in an antiquated factory atmosphere that attempts each day to provide service to millions of customers for about 25 cents a transaction.

"The more centralized an organization is, the more it takes a first-class upheaval to change it," said Harrison Trice, professor of organizational behavior at the School of Industrial and Labor Relations at Cornell University.

The current impetus for change is simmering discontent at all levels and an atmosphere of entrenched habits and attitudes among both management and employees.

The disciplinary and grievance procedures outlined in the largest union contract have become a main channel of workplace communication, which at times seems absurd:

In Falls Church, a letter carrier received this written warning. "On January 9, 1988, you were instructed to have your mail ready at each delivery, to take all obvious shortcuts and to walk with normal gait; not to take "little baby steps." On January 21, 1988, you failed to do so."

In Philadelphia, a new postmaster tried to reduce absenteeism by taking across-the-board action against workers absent more than three times in 12 months. When a clerk died on the job, union activists blamed his death on the postmaster's work rules. It was later determined the employee had died of a drug overdose.

In Indianapolis, the postmaster ordered injured employees who returned to work but asked for light duty to sit in a large, glass-enclosed room in the middle of the work floor and read manuals, apparently in an effort to humiliate them into returning to full duty.

In Northern Virginia, American Postal Workers Union local president John C. Clements, wrote members of his chapter last April: "I have noticed a disturbing trend developing—that desire to 'quietly' resolve out our problems . . . . At the risk of sounding hardcore, I must make the following statement: Labor peace is Management's goal, not the Union's!

The posture of the two largest postal unions regarding reforms are as different as their two leaders.

Morris "Moe" Biller, 74, president of the 370,000-member American Postal Workers Union since 1980, is an old-line fighter who has refused to let his rank and file particiapte in Employment Involvement groups that are supposed to give workers a say in problem-solving and the management of their jobs. Likewise when the post office announced that Sears Roebuck & Co. would operate mini-post offices in its stores, Biller called out the troops. Union members mailed Sears thousands of letters of protest, some of them containing torn credit cards. In July, the Postal service relented.

By contrast, Vincent Sombrotto, 66, president of the 315,000-member National Association of Letter Carriers since 1978, is known as a reformer and has embraced attempts by postal officials to involve employees directly in decision-making about their jobs.

At the local level, managers see first-hand the lack of communication between supervisors and employees. Part of the problem, said postal and union officials, is that the thousands of rules outlined in official work manuals often have replaced reasonable discussion.

"Supervisors don't know how to make decisions unless they can find it in a book," said Phillip Tabbita, special assistant to the president of the American Postal Workers Union. "Common sense goes out the window, and good relations go out the window."

Typical, said Tabbita, is the way budget-driven mandates get translated into actual work orders. For example, if headquarters decides that budgetary constraints force it to keep sick leave down to 3 percent of any work week, officials will send that directive down the line. At the end, the message goes out to supervisors on the work floor that they must keep the sick leave taken by the crew on each of their shifts within that limit. But if someone is on maternity leave and someone else has an accident, the allotment for the entire crew is used up.

Management "tortures the supervisors in the process and they torture our people," said Tabbita.

"In my opinion, the line supervisor can never stand alone and take the blame for poor relations with supervisors in September. "The blame must also be pointed toward a supervisor's boss."

Visitors to processing facilities and post offices in Alexandria, Arlington, the District, Fairfax, Montgomery and Prince George's counties, Philadelphia, San Diego and New Orleans, point up that, at its core, the post office provides factory jobs to baby boomers in a white-collar era.

The workplace, for most, is a noisy, drab assembly line whose function is to get someone else's personal belongings—the mail—in and out the door.

To get through their shift, some employees said they mentally remove themselves from their work, which comprises tasks strictly defined by the union agreement.

"I think of my business I have on the side, or what the stocks are doing," said Chuck Muller, 33, a manual sorting clerk in San Diego.". . . I'm not even here when I'm at the case [work station]."

Felicia McFail, a window clerk at the main post office in Alexandria, described as "the best in the business" by her supervisor, light up when she talks about the professional calligraphy she does on the side.

Recently a visitor clocked McFail and two other clerks at the window: 12 transactions in 15 minutes.

The pace was slower in the back room, where mail is sorted. One clerk re-sorted missorted mail. One hand-counted each piece of stamped business reply mail to refund excess postage costs to the recipient. Another attempted to trace missing packages. Another hand-stamped letters marked "insufficient address."

Work life is complicated because the Postal Service hierarchical structure is superimposed over workers who have more formal education that their predecessors and may feel they have a right to more direct control of their workday.

"Back in the 1970s, we never told the union anything other than what we were required to do," said Deputy Postmaster General Michael S. Coughlin.

The Letter Carriers' Sombrotto said that in the past, "Management had goals and objectives, they sprung it on you, you grieved, went to arbitration and litigation; ultimately they won if they were right."

To try to overcome the us-vs.-them attitude, the Postal Service set up the Employee Involvement teams, Now there are also Management Involvement groups for supervisors.

But progress has been mixed.

The process, said William Burrus, American Postal Workers Union executive vice president, is an instrument to weaken the bond between employees and the union and "a way to get around the collective bargaining processing by talking directly to employees."

But local post offices and union locals have found ways to cooperate.

It was the union that pushed and won training for new window clerks and that has set up a national childcare task force that developed the first experiments with night care.

In San Diego and Northern Virginia, the local presidents meet regularly with top management and join in occasional pep talks or gripe sessions on the work floor.

Since 1982, the National Association of Letter Carriers has allowed the rank and file to participate in Employee Involvement groups, of which there are now about 5,000. Grievances have been dramatically reduced.

While the major contribution of some of these groups has been as simple as the purchase of office microwave ovens, there are also an increasing number of experiments in self-managed work.

At the District's post office at 45 L St. SW, employee teams have taken on the job of their supervisors. For a year, employees have come up with work schedules and monitored daily work performance and the general administration of the office. It was recently honored as the only post office in the District to have twice exceeded minimum postal standards in productivity, overtime reduction and safety.

"It's working well," said Joseph Henry of the union's involvement team. "The whole process of changing human behavior is a long-term process. . . . We're probably still looking four to five years away."

TRIBUTE TO THE VISITING NURSE ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Visiting Nurse Association of the Greater Youngstown Area. I am truly honored to recognize this excellent organization.

The Visiting Nurse Association has been serving the elderly and other individuals with handicapped conditions in Mahoning County since 1904. The men and women of this distinguished group have dedicated themselves to responding to the needs of these individuals. The Visiting Nurse Association is nonprofit groups and has excelled in providing essential home care services to thousands of needy people. Last year alone, this agency made nearly 26,000 visits to provide services such as skilled nursing, physical therapy, home health care, speech therapy, and occupational therapy.

The Visiting Nurse Association of Youngstown has certainly provided invaluable home care services to many of my constituents. I would also like to recognize a special woman who has spent her life serving her community through this worthy organization. Mary Lou Harrison devoted many years to helping others. Mary Lou Harrison is not only a towering example of leadership, but also a generous and caring individual and a very good friend. Although Mary Lou has now retired, her endless contributions to her community will not be soon forgotten.

Mr. Speaker, the Visiting Nurse Association has answered the cry for help from thousands of struggling individuals in the community. This distinguished agency has given new hope to those who thought they were alone in old age and times of illness. I thank this organization for its outstanding contributions and look forward to its continued growth and success.

H.R. 4629—POST SECONDARY EDUCATION DISCLOSURE ACT OF 1990

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. PERKINS. Mr. Speaker, I have introduced legislation, H.R. 2569, that would require all postsecondary institutions that are eligible to receive Federal assistance to disclose to their prospective students what the graduation/completion rates are for the programs they are offering.

I became interested in this matter when the Post Secondary Education Subcommittee met to receive testimony on the Student Athlete Right to Know Act that addresses the many concerns about what our student athletes are being told, or not being told, about the education they should be receiving. From the testimony I listened to, I became convinced that if more information is good for the student athlete then the same should be said for the rest of the students as well.

In this legislation I would require that each school be required to disclose to each current and prospective student the graduation rate and or completion rate for each of the various programs that are offered. This must be done prior to the enrollment or the entrance into any financial obligation by the student.

I see this legislation as a commonsense approach to an obvious need for more information on behalf of our students. As a Member that represents students that are labeled as "high-risk" when they enter school and borrow money to finance their education, I feel that this bill will improve their ability to make an informed choice about the potential success of their effort. If the completion rate is not reflective of the promises made then it will not be borne out in the statistics presented to the student.

I feel that this requirement will simply underscore the quality of the educational opportunities available in this country. At the same time I believe it will help us identify those institutions that are misrepresenting what they have to offer the student. If the criticism is that the institution simply wants to get the prospective student signed up to fill a chair for a few days then this will be reflected in the completion rates.

I hope to offer this bill as an amendment to the Student Athlete Right to Know Act when it is considered for markup next week by the Post Secondary Education Subcommittee.

THE TEMPORARY DUTY SUSPENSION ON IMPORT OF KETO ESTER

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. VALENTINE. Mr. Speaker, I rise to introduce a bill which would suspend for a 3-year period the duty on Keto ester. Keto ester is not manufactured in the United States and must be imported to meet the manufacturing needs here in the United States. Keto ester is used in the manufacture of Vasotec and Lisinopril, both of which are angiotensin converting enzyme [ACE] inhibitors for the treatment of hypertension. These important pharmaceuticals are manufactured into tablets in Wilson, NC. Vasotec is also highly effective in reducing the death rate of patients with severe heart failure and was the only ACE inhibitor to do this when it received additional approval in June 1988 for use in the treatment of congestive heart failure. This duty suspension, when approved, will help to contain present manufacturing costs associated with Vasotec and Lisinopril.

I urge my colleagues to support this noncontroversial bill as part of any tariff suspension legislation that comes before the House.

BOB McCRACKEN HONORED BY COMMUNITY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mrs. LOWEY of New York. Mr. Speaker, the heritage of the labor movement is rich with the accomplishments of individuals whose dedication to workers in this country has been extraordinary. One such man who has made significant contributions is Bob McCracken, president of CWA's Local 1103. The communications workers are fortunate to have a man of Bob's integrity and strength working on their behalf.

Bob McCracken has had the ability all his life to create positive situations out of adversity. His father died when he was only 2. However, his mother instilled a strength of character which has served him well. Part of that legacy was an emphasis on the importance of unions. Bob has been involved in CWA since 1961, first as an active member in local 1101 for 13 years and later as a member of local 1103. In both locals, he has been a leader, serving in various offices throughout his union career.

As the current president of local 1103, he has been instrumental in promoting workers' interests and objectives in delicate negotiations between management and labor. He has consistently been diplomatic, yet firm. His dedication to the goals of CWA has never wavered and his intrinsic belief in the labor movement as a force for good is apparent in his everyday actions as a union representative.

Besides his work with local 1103, Bob is involved in a number of altruistic causes in our community. He has been a successful fundraiser for the United Way Guiding Eyes for the Blind and the Westchester Burn Center. He has also been a coordinator for the union-management blood bank which has been critical in responding to life threatening circumstances.

On Friday, April 27, he will be honored again, this time, by those in his community from the Anthony J. Tocci Scholarship Foundation who recognize his worth as a human being, a friend, and a steward of his fellow citizens. The Anthony J. Tocci Scholarship Foundation is celebrating its 32d year of coming to the aid of young people who lack the financial means to gain a higher education and improving opportunity for a better future.

Bob and his wife, Carol, have two daughters, both of whom have chosen careers reflecting a desire to serve their community. Maureen is a registered nurse in New York City and Jacqueline is an elementary school teacher in Ulster County, NY.

I would like to congratulate Bob for making a difference in the Westchester-Putnam County area, and for this richly deserved honor.

HONORING JOHN H. DITTFACH

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. CONTE. Mr. Speaker, I rise today to honor a man who has dedicated his life to education. John H. Dittfach, professor of mechanical engineering, is retiring May 7, 1990, after 42 years of dedicated service to the University of Massachusetts, Amherst.

John joined the mechanical engineering department in September 1948, where he was an assistant professor. He was promoted 9 years later to professor, and for several years now he has served as the associate department head.

Throughout his entire career at the university, John worked diligently to teach his students up-to-date engineering. He spent many summers with companies such as Jacobs Co., Pratt & Whitney Aircraft Co., and Worthington Co. This experience was always carried forward into the laboratory to benefit his students.

Before coming to the University of Massachusetts, John earned his undergraduate and masters degrees from the University of Minnesota. While a student at the University of Minnesota, John was elected to the Tau Beta Pi Engineering Honor Society, the Alpha Chapter. He then was instrumental in establishing the Massachusetts Zeta Chapter at the University of Massachusetts in 1955. He served as this chapter's advisor for 20 years. John received the Tau Beta Pi Special Service Award in 1973 in recognition of his devotion to the society.

Mr. Speaker, John has served not only the students he has taught, but the community and this great country of ours. Prior to earning his degrees, he served in the military. He has been a member of the Society of Automotive Engineers for 42 years, and he served as the southern New England section chairman from 1961 to 1962.

The students and staff at the University of Massachusetts have long admired John Dittfach. He received the Dean's Service Award in recognition of his outstanding service to the College of Engineering and for his devotion to the students. He was also recognized by the university as the recipient of the Distinguished Teaching Award in 1965, which made him the fourth person to ever receive this very prestigious award.

Mr. Speaker, I am truly proud to honor John today. His dedication and devotion to education has been immeasurable. I would like to wish John a very happy and healthy retirement, and hope that he can now take some time for himself to enjoy the things that bring him inner joy and happiness.

MATT THOMPSON, AN EXTRAORDINARY VOLUNTEER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. BENNETT. Mr. Speaker, I have the distinct honor of having represented a district in Florida that, over the past 20 years, has had three outstanding people awarded with the top nationwide honors for voluntarism. By coincidence each of them is a black person.

Just recently, Matt Thompson visited me in Washington, DC. He was national volunteer of the year by the Joint Action in Community Service, a nonprofit organization of volunteers who assist former Job Corps students. Job Corps is a Federal job-training program. There are 5,000 such volunteers nationwide, and Mr. Thompson was deemed the best. Few of us can ever claim the distinction of having been called the best at anything. I submit for the record an article about Mr. Thompson that recently appeared in the Florida Times-Union, my hometown newspaper.

In 1987, Mrs. Arnolta (Momma) Williams was given the United Way's Alex de Tocqueville Award for Outstanding Volunteer, another important nationwide honor, presented to her by President Reagan.

And, of course, in 1970 my dear personal friend, the much loved Eartha White, received the Lane Bryant Award for "the person in America considered to have made the most outstanding voluntary contribution to his or her community during the past year," which was presented to her by President Nixon.

Mr. Speaker, I am proud to have represented such fine people in Congress. All of us in Congress draw strength from such people—people who work long hours to lessen the plight of others. Of course there are thousands of volunteers throughout the Nation, black and white, who don't receive such grand recognition, and I tip my hat to each and every one of them. But they do receive the most important source of recognition—the recognition that comes from within their own hearts.

DUVAL VOLUNTEER JOB COUNSELOR TO BE HONORED AS NATION'S BEST

(By Lilla Ross)

In the past three years, Matt Thompson has befriended and counseled about 700 young men who have left the Job Corps training program in search of new lives.

Some of them have dropped out of the federal job-training program, others have graduated. Some have a high school education and job skills; others don't. They range in age from 16 to 21.

Those who decide to settle in Jacksonville are contacted by Thompson or one or two other volunteers with Joint Action in Community Service, a nonprofit organization of volunteers who assist former Job Corps students.

Among the 5,000 Joint Action in Community Service volunteers nationwide, Matt Thompson is considered the best.

He has been named national volunteer of the year and will be honored Thursday at a luncheon at the Marina at St. Johns Place.

"He really cares," said Judy Collins, assistant regional director of Joint Action in Community Service in Atlanta. "These young people can tell when someone cares and is willing to take the time to talk to them.

"There were times when he was the only volunteer."

Thompson, 39, got involved in the program through his work as an assessment counselor at Private Industry Council.

"It was an opportunity to work with young people, to provide some direction, some guidance," Thompson said.

"Having been involved with social service for so long I had at my command a network of individuals and agencies that might be of help. And it was an opportunity to recruit employment applicants for Private Industry Council."

Thompson, a Jacksonville native who grew up in Blodgett Homes, works with Project Independence, a state program to help get people off welfare and into jobs.

"Over the past three years that I've been working with JACS, I have some way or another worked with more than 700 youths," he said. "I try to assist them with employment referrals, training referrals, or just sitting and talking.

"I think a lot of it has to do with a sincere commitment to making a contribution to the young people—to try to hope that Jacksonville will be made better because these former Job Corps students are making a positive contribution.

"I've heard people say that Job Corps people are losers, but I've seen them go on to get college degrees, graduate degrees and make significant contributions. Job Corps is another option for young people to acquire skills and an education."

He cited a 16-year-old who recently graduated from a Job Corps program with a general equivalency diploma and is eager to start a new life.

"At 16 they're usually dropping out of school," Thompson said.

But at 16, the boy's job opportunities will be limited, Thompson said, so he is hoping to interest him in continuing his education, if he can find a program that will accept a 16-year-old.

The prospects are not always so bright. Thompson works with young men who have dropped out of the Job Corps. They don't like the discipline of the program or they get homesick, he said.

Thompson said he does whatever is necessary to help.

"You're talking about adolescents, young people who may think they have all the answers or may have fear and apprehension about their ability to make smooth transitions into the world.

"That they have adult volunteers to help lead and guide them makes them more relaxed and comfortable. . . . The fact that we are volunteers makes a big difference. We do it because we want to do it not because we have to. It says something to them."

THE GRIM LEGACY OF THE CHERNOBYL DISASTER

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. BROOMFIELD. Mr. Speaker, 4 years ago today, the name Chernobyl became more than the name of a place in the Ukraine. It became a symbol of the potential dangers of nuclear energy when the No. 4 reactor at the Chernobyl nuclear plant exploded and experienced a meltdown. It also showed what can happen when a government takes chances by not providing proper safety measures at a nuclear energy facility, and by not being prepared to react if such an accident occurs.

After the reactor exploded at the No. 4 plant, it took Soviet authorities nearly 72 hours to announce officially to its citizens and the world that a nuclear accident had occurred. Soviet officials have always stated that 31 people died as a result of the accident. However, in November 1989, the newspaper Moscow News reported that 250 people who were at Chernobyl during or after the accident have died.

While Chernobyl has left the front pages of the newspapers and the TV screen, the grim legacy of the disaster continues to unfold. A recent Time magazine article on Chernobyl states:

Large populated areas surrounding the reactor site in the Ukraine and in nearby Belorussia remain contaminated with high levels of radioactivity. The poisoning of the land has created dire health problems and economic devastation. A new study by the chief economist of a Soviet government institute calculates that the cost of Chernobyl, including the price of cleanup and the value of lost farmland and production, could run as high as $358 billion—20 times as much as earlier official estimates.

Health problems continue to be severe. The National Research Council, a U.S. scientific panel, estimates that over 70,000 people can be expected to die from cancers caused by Chernobyl. Soon after the accident, Soviet officials ordered the permanent evacuation of villages within 19 miles of the plant. However, tests indicate that levels of radioactivity are still nine times higher than the acceptable limits in the inhabited towns and villages of Narodichi, a Ukrainian agricultural district that is 37 miles from the reactor. A doctor at the Central Hospital at Narodichi reports that in the past 18 months, there has been a dramatic rise in cases of thyroid disease, anemia, and cancer. Farmers have also experienced a sharp increase in the number of birth defects in their farm animals.

Mr. Speaker, the Chernobyl nuclear powerplant explosion is an ongoing disaster, not a one-time incident that happened 4 years ago. It is incumbent upon the Soviet government to fully disclose all information about the accident and its aftermath so that other nations can incorporate the information into their preparedness programs. Further, it is clear that the world has yet to realize the full number of victims of Chernobyl, and I would hope that the Soviet government is prepared to provide

these victims with whatever assistance they may require. Finally, the Soviet Union, as all nations, must abide by internationally recognized standards for the construction and operation of nuclear facilities.

There are great benefits that nuclear energy can bestow upon us. However, Chernobyl has also shown that care must be taken in the utilization of nuclear energy. Soviet officials must meet their responsibilities to the people who still suffer from the Chernobyl incident. They must also share with all of us any lessons learned from the disaster. In this way, meaning can be salvaged for the victims of this nuclear accident.

EXTENSION SERVICE VITAL FOR BETTER BUSINESS ACCESS TO THE $60-BILLION-PER-YEAR FEDERAL LAB NETWORK

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. WYDEN. Mr. Speaker, I'm very happy today to join with my colleagues Mr. LAFALCE, Mr. BOEHLERT, and Mr. BROOMFIELD, to introduce the "National Technology Extension Service Act of 1990."

I'm convinced that this bill will help lift the obstacles faced by many of our small businesses as they seek to identify and acquire technical knowledge from our sprawling, 700-facility, Federal laboratory network. As my friend JOHN LAFALCE already has stated, these technological advances are absolutely necessary to our Nation's industries as they attempt to compete in the global marketplace.

Without these scientific breakthroughs, key segments of our industrial base could falter—or even disappear beneath the tidal pull of foreign competition—competition which too often is more adept than we at accessing and using new technologies.

Technologies on the shelves within these Federal labs can help us design and deliver new products ranging from life-saving drugs to space-age durable metal alloys. They can boost our manufacturers through providing more efficient processing technologies.

In my view, Federal laboratory techniques are the keys to the competitive kingdom for many of our smaller manufacturers—folks who may not have the research capability or the bucks to do it on their own.

But how much of the $60 billion per year we spend on basic and applied Federal research—50 cents of every scientific dollar—is commercialized? Barely a trickle, according to an investigation by the Subcommittee on Regulation, Business Opportunities and Energy, which I chair and on which Mr. BROOMFIELD serves as ranking minority member.

In 1988, for example, patent license revenue earned on that $60 bill investment was less than $4 million. Though that's not the only measure of technology transfer efficiency, it's a dramatically puny return on investment.

Mr. Speaker, technology transfer simply hasn't been a priority at many labs. And beyond the underperformance of individual labs in this area, there's been no action at higher reaches in our Government demanding better technology transfer. Dr. Allan Bromley, director of the Office of Science and Technology Policy—the President's chief science advisor—admitted to my subcommittee last year that transfer efforts at the Federal level were "Byzantine."

What we have here, Mr. Speaker, is an absence of political will.

We've got good law on the books encouraging—no, mandating that Federal labs aggressively pursue transfer. Some labs—the National Institutes of Health and the Energy Department complex at Oak Ridge, TN—have put together new, model programs toward this end, although their track records are still relatively thin. And I want to applaud Secretary Watkins' tentative agreement with the National Center for Manufacturing Sciences for a new pilot program to encourage more technology transfer between his agency and this important industrial research cooperative.

But I still believe these programs are the exception rather than the rule within the Federal network. There is no top-down political leadership that operates to ensure technology transfer. Key vacancies persist throughout the administration hierarchy on technology policy. And philosophical battles rage at the highest administration levels as to whether encouraging transfer and cooperative technology agreements between Government and industry are either needed or appropriate.

In short, while Rome burns we fiddle.

Our technology-dependent, technology-driven businesses deserve real services, not lipservice.

This bill creates a system similar to the highly successful Federal agricultural extension services. We would create one-stop shopping through the Small Business Development Centers network, which would have access to a number of computerized databases and expert consulting systems. For a modest investment, business customers pursuing appropriate technologies could easily be connected with providers of that knowledge at Federal labs and elsewhere.

Mr. Speaker, I wish this sort of system weren't so sorely needed. I wish the labs could provide this outreach function on their own. In lieu of that, I think we need this program, and that it will pay for itself many times over in the development of new businesses and jobs. I urge my colleagues to support this project.

THE 100TH ANNIVERSARY OF THE NEW YORK STATE ASSOCIATION OF PLUMBING, HEATING, AND COOLING CONTRACTORS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. LAFALCE. Mr. Speaker, as chairman of the House Small Business Committee, I would like to take this opportunity to recognize an association of small enterprises which have worked to promote the health and welfare of citizens in the State of New York for 100 years.

On April 28, 1890, the New York State Association of Plumbing, Heating, and Cooling Contractors was founded in New York City. Originally known as the New York State Association of Master Plumbers, the organization has grown through the years to a membership of over 325 plumbing, heating, and cooling contractors throughout New York State. The group is now affiliated with the National Association of Plumbing, Heating, and Cooling Contractors.

I extend my congratulations to the association on its 100th birthday, and I commend all of its members for their skilled craftsmanship, dedication, and years of hard work. I would like to give my special thanks to members of the association's Buffalo chapter, located in my congressional district.

Plumbing, heating, and cooling contractors are not often singled out for praise. Yet we must recognize that their services are invaluable, and, indeed, essential. For the past century these plumbers, heating, and cooling contractors have worked to enhance the safety and comfort of thousands of businesses and households across New York State. For that we owe them our deepest gratitude.

NATIONAL CRIME VICTIMS' RIGHTS WEEK, APRIL 22-28, 1990

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. GEKAS. Mr. Speaker, "What about the victim?" This is a question that has greatly concerned me throughout my career in public service, and it is a question which this House addressed when it passed National Crime Victim's Rights Week for April 22 through 28, 1990.

All of us are concerned about the level of crime—violent crime—in our society. Every day we read about it in the newspapers and every night we watch it on the evening television news. But with increased awareness and attention turning toward the battle against crime, there is often someone who is lost among the headlines, the sound bites and the "tough on crime" rhetoric. That someone is the victim of crime and the victim's family.

Mr. Speaker, the numbers are staggering. Thirty-five million Americans are victimized by crime each year, with 6 million falling prey to violent crime. At this rate the U.S. Department of Justice estimates that five out of six United States residents will be the victim or intended victim of crime during their lifetime. In 1988, according to information published by the Bureau of Justice Statistics, one in four American households—23 million families—were touched by either a crime of rape, robbery, assault, burglary, household theft, or motor vehicle theft. Unaccounted for in this statistic are the grim figures for homicide (20,675), fatalities from drunk driving (18,500) and child abuse (1,225). Nor does it include the cata-

strophic physical injuries incurred by those involved in drunk driving accidents or unreported domestic violence.

Nineteen eighty-nine also proved once again that crime does not pay—the victim does. Figures recently released by the Federal Bureau of Investigation show that in the past year murder rose 4 percent, aggravated assault was up 5 percent and forcible rape increased 1 percent.

The reasons for the burgeoning crime rate are complex and numerous. The solutions are even more elusive. But one thing is for certain: An overloaded court docket resulting in long pretrial periods, a seemingly endless appeal process, and reduced sentences because of prison overcrowding only compound the suffering of victims.

If the physical pain of a violent crime were not enough, the victim of a brutal assault also suffers through a myriad of emotional pain such as confusion, anger, fear, a sense of being alone, self blame, and helplessness. I know from my experience with victims that those who have never endured this agony cannot imagine it.

If the perpetrator is even caught, the court process worsens the crime by dramatizing and compounding the victim's ordeal. There is the courtroom process, the lineups, the cross-examination, the appeals, and the agonizing waiting. As this drama unfolds the victim of the crime is left feeling isolated and pitiable. By the time this is all over, the victim often feels more like the criminal. Of course, the hallmark of our judicial system is that all accused persons are innocent until proven guilty, but the nobility of that system is no solace to someone who has faced death, felt the impact of a bullet or piercing knife, or known the violation of a brutal assault.

Of course, the real answer is to win the war against a crime, a task easier said than done. However, while the battle to make our streets safe rages, we must make an effort to show concern for victims of crime. That is why I have introduced legislation to designate this week—April 22 through 28, 1990—as National Crime Victims' Rights Week. This week is a time to express support for crime victims, to acknowledge the advocates who serve them, and to endorse the rights of victims and their role in the criminal justice system.

This week was marked by candlelight vigils, balloon lifts, and conferences held by numerous victim advocacy organizations across the country. For instance the National Victim Center sponsored a candlelight vigil in New York City and held an awards ceremony at Texas Christian University, and the National Organization for Victim Assistance [NOVA] held its 10th annual forum for crime victims in Washington, DC.

The highlight of National Crime Victims' Rights Week was a White House Rose Garden ceremony in which President George Bush and Attorney General Dick Thornburgh honored seven people who have made outstanding contributions in assisting victims of crime. Among those honored were Howard and Constance Clery of Bryn Mawr, PA. The Clerys dedicated their lives to preventing future campus victimization since the murder of their daughter, Jeanne, in her dormitory room by a fellow student at Lehigh University in April 1986. They founded the nonprofit organization, Security on Campus, Inc., and spearheaded a national campaign to obtain passage of legislation mandating that colleges and universities be required to publish their violent crime and drug and alcohol offense statistics. Four States have adopted such legislation, and Federal legislation, Crime Awareness and Campus Security Act of 1989, has been introduced in both Chambers of the Congress.

Other award recipients included Milton Cole of Jamaica Plain, MA; Sandra Heverly, of Las Vegas, NV; Dean G. Kilpatrick of Charleston, SC; Emelia "Mimi" Olson of Fort Thompson, SD; and John Walsh of Fort Lauderdale, FL. As President Bush stated at the awards ceremony, these recipients "embody the power of volunteerism, the power of the physically challenged, and the power of a just cause—the campaign to build an America where every victim of every crime is treated with dignity and the compassion they deserve."

Mr. Speaker, many groups and individuals throughout the country were instrumental in securing the passage of National Crime Victims' Rights Week in the House of Representatives. My office had the superb assistance of the Office for Victims of Crime of the U.S. Department of Justice, the National Victim Center, NOVA, and MADD—Mothers Against Drunk Drivers. I would also like to thank the 236 Members of Congress who cosponsored the House resolution, House Joint Resolution 464, to designate this week as National Crime Victims' Rights Week. Their compassionate concern for the crime victim and the advocates who serve them assured the passage of the legislation.

The adoption of National Crime Victims' Rights Week by the Congress of the United States was a pledge to the citizens of this country that we will continue the war on crime, that we will continue to advocate for victims of crime, and that we will do everything in our power statutorily, legislatively, and as individual members of society to curb the scourge of crime that is devastating the people of this great Nation.

FRANK J. COBO, MIAMI-DADE COMMUNITY COLLEGE 1990 OUTSTANDING ALUMNUS OF THE YEAR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Frank J. Cobo who was honored on April 20, 1990 as the Outstanding Alumnus of the Year at my alma mater, Miami-Dade Community College. I am especially proud of Mr. Cobo, for he is the second Cuban American to be recipient of this award.

Recipients of this distinguished award are graduates or former students of the college who have made distinguished contributions to their profession and have "put something back" to strengthen the institution that was instrumental in helping to achieve their present success.

Mr. Cobo is a 1965 honors graduate of Miami-Dade Community College and as a student on the north campus, he was an honor court justice, vice president of the student body, and president of the student senate.

Presently, Mr. Cobo is president of his own real estate company and has held a number of influential professional positions including executive assistant to a former Mayor Miami.

Mr. Speaker, Frank Cobo is a role model for all to follow for the tremendous contributions he has made to the Greater Miami area as a philanthropist. Helping fellow men, especially those who are less fortunate, is one of the most basic responsibilities we have as American. Mr. Cobo has gone above and beyond the most elementary forms of philanthropy, and has provided leadership and tireless dedication to a host of Florida civic and charitable organizations.

Among these organizations include the Dade County Alliance for Career Education of which he is president, March of Dimes, Theodore R. Gibson Memorial Fund vice president, Miami Youth Museum, and the Coconut Grove Chamber of Commerce. He is also a charter member and past president of the Miami-Dade Community College Alumni Association, as well as a member of the presidential blue ribbon committee for the Endowed Teaching Chair Program. Mr. Cobo has also endowed the Frank J. Cobo chair in real estate.

Frank has shown dedication to many, many other programs and is truly deserving of this special award. I am proud of his efforts which enrich the lives of others, as well as the welfare of the entire community. It is with pride and great pleasure that I congratulate Frank Cobo for his award and thank him for his many years of service to the Greater Miami area.

NATIONAL RECYCLING MONTH

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. HAWKINS. Mr. Speaker, I wish to turn the attention of my colleagues to Senate Joint Resolution 250 which passed in the House Wednesday, March 28, 1990. Senate Joint Resolution 250, sponsored by Senator CHAFEE, is identical to legislation introduced by my distinguished colleague, the gentleman from California, [Mr. DREIER,] and myself designating April 1990 as National Recycling Month. The timing of this legislation coincided with the celebration of Earth Day on April 22, 1990. At a time when America's environmental conciousness is on the rise, measures like National Recycling Month give us the opportunity to demonstrate our commitment to preserving our natural resources. With the support of various recycling and environmental groups, the gentleman from California, [Mr. DREIER] and I were able to construct a resolution that addresses the difficulties surrounding solid waste management and the steps we can take collectively to promote efficient methods of waste disposal.

America is facing a solid waste crisis of increasing proportions. However, there is still time to act prudently. We realize that through the efforts of people and communities wasteful consumption can be eliminated and resource conservation will help abate solid waste management problems. Our focus now must be on making every day an "Earth Day."

I thank my colleagues in the House for their assistance in supporting National Recycling Month and encourage all Americans to recycle so that we may fulfill our international commitment to the environment.

SCIENCE AND TECHNOLOGY IN THE NEW WORLD ORDER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. HALL of Texas. Mr. Speaker, this week is National Science and Technology Week [NSTW], a nationwide effort to encourage student interest in science and technology sponsored by the National Science Foundation through the financial support of corporate America.

This endeavor is both important and timely. Events in Eastern Europe and the Soviet Union this past year give new impetus to the process of global economic integration. And in the world economy that's emerging, the major sources of competitive advantage will be research and technology, and the scientists, engineers, and technicians who make them possible.

As a nation, we must increase our efforts to promote science and engineering education and bolster the vitality and productivity of America's current research enterprise. The NSF Director Erich Bloch described "A Research Infrastructure for International Competition" at a National Academy of Engineering Symposium: "Defining National Interests in an Age of Global Technology."

I insert the following excerpts from Mr. Bloch's remarks in the RECORD:

COMMENTS OF ERICH BLOCH

The overall theme of this meeting assumes a "Global Imperative." I take this as a shorthand term for current historical trends. Three such trends principally concern us:

First, our increasing dependence on technology as the basis of our standard of living. All nations are affected by this trend. Where access to natural resources was once a major source of economic success, today access to technology—which means access to knowledge—is probably more important. Those countries and peoples who can access, generate, and use knowledge efficiently will prosper.

Secondly, the increasing global economic integration brought about by communications, information, and transportation technology. Even large nations must now look outward, and deal with and within a world economy.

Third, the spread of industrialization and advanced technology to many countries that have not previously been serious players in the world economy. Global economic integration has been accompanied by—perhaps caused by—a rapid diffusion of technological capability, in the form of technically educated people.

The United States, in a dominant position in nearly all technologies at the end of World War II, is now only one producer among many. High quality products now come from countries that a decade ago traded only in agricultural products or raw materials.

Finally, I would include the dramatic political developments that have dominated the newspapers this year. The spread of democracy and the break up of the Soviet empire are rapidly creating changed political and economic conditions more rapidly than anyone could have imagined even six months ago.

The long term prospect is a rapid shift from a Cold-War emphasis on military confrontation to greater economic competition around the world. In effect, the organization of world affairs around a bipolar military confrontation is being rapidly replaced by a multipolar structure focussed on economic competition. This new world will provide all sorts of new opportunities, but it is a world in which the sheer size and military power of the United States will be much less important as a determinant of national influence and success. Our technical and scientific strength will be challenged much more directly than was the case in the past.

This, then, is the "Global Imperative"—the environment within which all our institutions must learn to function. And in making these adjustments the United States is at a disadvantage. Because our national attention has been focussed for so long on bi-polar military confrontation, many of our institutions—universities included—may be unprepared to function well in a more complex and fluid multi-polar world of economic competition.

Universities have an additional handicap in making this adjustment in that they have not traditionally thought of their mission in economic terms. They must learn to do this at the same time they try to adjust to the new global environment.

How should universities respond to this situation? If the answers are not clear, we are at least coming to have a good view of the questions. We have a good overview of the status, trends, and issues affecting American research universities—in effect, a baseline and a summary of the specific questions.

During the past two years I have had the privilege of chairing a working group of the Government-University-Industry Research Roundtable, operating under the aegis of the three Academies, to study these matters. The working group issued an interim report just a month ago that summarizes the major questions in a very useful way.

This report traces the post-war history of academic research in the United States, through the period of expansion in the late fifties and sixties, then through a decade of steady state—maybe even stagnation—after 1968, and then a period of growth and diversification in the eighties. This latter trend continues, as the number of institutions with significant research programs increases, and each institution seeks to broaden its activities.

Has there really been growth in the 80's? Yes.

In constant dollars, academic R&D expenditures nearly doubled during the decade of the 80's. It is clear that tightening university budgets are not the result of an overall decrease in federal funding—but that is not to say that tightening budgets are imaginary. In fact, there are real pressures on the university.

As diversification brings more players into the game, the pressures on the existing players continue to increase. These pressures stem from three main factors:

First, the environment within which research universities operate is becoming more complex, while traditional organizing and governing structures makes it hard for universities to adapt.

Second, qualified researchers and faculty people are becoming scarce. Increasing numbers of faculty are nearing retirement, and graduate training programs are producing fewer qualified replacements.

Third, financial resources are spread even more thinly. More institutions and more programs within each institution are competing for the available support, and each researcher costs more to support than in the past. Since support is not growing as rapidly as demand, more competitive pressure results. . . .

A more complex environment, too few people, and not enough money: That is what faces university administrators in the nineties. How does that translate into specific issues? These are some of the issues identified by the Roundtable working group:

What is the optimal role for universities within the overall national R&D effort? This is equivalent to a corporation's asking itself "what business are we in?" Universities can't do all kinds of research. Understanding how university research best fits in with research in national labs or industry—especially as the global environment changes—is a crucial part of defining what business universities are in.

And the answer might very well be different than the last time that this question was seriously asked: when Vannevar Bush wrote his "Endless Frontier."

What are the responsibilities of universities with respect to social problems, on either national or regional levels? This is a key part of the question of defining roles. Beyond a certain minimum level, public support for research is premised on an expectation of public benefit. How much should universities allow social forces outside the university to define their missions? There has to be an optimum balance between the need to stay independent and the need to generate support.

What is the proper balance between education and research? The combination of these has always been a major strength of the American system. No one doubts that it should be maintained. But we have to do better than simply to accept as dogma the idea that students are always better off with more research going on in their departments. Conceivably this is almost always true at the graduate level. But at the undergraduate level it is certainly true less often.

On this I would suggest that we have been drifting away from the proper balance. The pressures are all in one direction. Every university wants to increase the level of its research activity, because that is the way to higher prestige and standing. Most faculty members would prefer to teach less and research more, at undergraduate colleges as well as research universities.

But this cannot be the way to meet the needs of our undergraduate students. From the standpoint of the national interest, we need a better balance between teaching and research, and more emphasis on undergraduate education.

How should universities respond to the evolution of academic disciplines? In 1906, only a dozen or so universities were large enough to organize on disciplinary lines. Today all research universities are organized this way. But the academic disciplines were once well defined. Fifty years ago there was not much overlap between biology and physics. Today the fields are both overlapping and splitting endlessly into subspecialties.

At the same time the problems that research seeks to solve are becoming less well defined in disciplinary terms. This is especially true in industry, where any reasonable problem will require integrated research in half a dozen disciplines. If universities continue to define themselves in disciplinary terms, rewarding faculty and organizing in this way while the rest of the society moves in a different direction, the disjunction between the university and the society it serves can only increase.

How big should the academic research enterprise be? Is there any way to answer this question, either in absolute terms or relative to other advanced nations? In constant dollars, academic research has grown much faster than the economy as a whole in recent years, yet most of us are convinced that it should grow still faster. How can we justify this position? Clearly the academic sector cannot indefinitely grow faster than the economy.

Who should set the academic research agenda? Today we do it by making money available from many different sources for many different purposes, with some of it—NSF's support is mainly of this sort—available solely for purposes set by researchers themselves. Maybe this is the best way to do it. But the system we have developed in an unplanned manner. Maybe we ought to think about it. Other nations use a more directed approach.

Finally, How do we pay for all this? I have put this question last because it is all too easy to put it first, and focus on it to the exclusion of all else. Administrators must pay attention to budgets, but the danger is that one pays attention to nothing else. Surviving the next fiscal year is always the most important thing, because if we fail we won't have to worry about any of the other problems.

But I think it is likely that if we can answer the other questions I have suggested we will find that the budgets take care of themselves. Showing real progress on these issues would strengthen tremendously the case we make before Congress, state legislature and other institutions dependent on research and education.

That, in summary form, is how the Research Roundtable sees the American academic research enterprise and the issues it faces at this point in our history. As always, there are more questions than answers. But just identifying the questions should move us significantly towards some practical answers.

The answers to these questions must come from within the academic community—not from the government, the Academies, or the Roundtable.

TELL US MORE, NEVILLE

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. DOUGLAS. Mr. Speaker, America stands tall when it stands for our principle that free elections to decide the future of a people have been our beacon and polestar for the world. The Union Leader editorial by Jim Finnegan today shows how we are straying from that position.

[From the Manchester N.H. Union Leader]

TELL US MORE, NEVILLE

Lithuanian President Vytautas Landsbergis must have felt as if he were being asked to reinvent the wheel.

Landsbergis probably thought it was a settled understanding, at least among democratic leaders of the world, that to the degree that one nation's freedom is diminished, the freedom of all mankind is diminished. And here President Bush, by declaring in effect that he will now sit back and watch the Soviet Union tighten the economic screws on Lithuania, was requiring him to restate the principal lesson of this century—that freedom is indivisible.

Landsbergis, courageous leader of a brave (but not foolhardy) people, was equal to the task, asking plaintively:

"Can the freedom of one group of people be sold for the freedom of another?"

Well, contrary to the lessons of history, especially those presaging two world wars in this century, President George Bush seems to think so.

Any economic sanctions taken against the Soviets now, he said Tuesday, might prompt Moscow "to take action that would set back the whole case of freedom around the world."

That sounded so familiar that Landsbergis could not refrain from invoking the shades of "Munich." He was referring of course, to the 1938 agreement in which Great Britain, France, Italy and Germany forced Czechoslovakia to give Nazi Germany the Sudetenland, consisting of a fifth of its territory and most of its industry, as the supposedly "small price" for "peace in our time."

It is not simply President Bush's carefully-chosen words that offend (mustn't "make the wrong mistake," he quipped in using a Yogi Berra-ism); what offends is the appearance that he was officially giving voice to unofficially declared administration exasperation with Lithuania for seeking independence on its own timetable, rather than Soviet President Mikhail Gorbachev's.

In gliding over the fact that U.S. policy holds that the three formerly sovereign Baltic states of Lithuania, Latvia and Estonia were illegally annexed by the Soviet Union in 1940 pursuant to the Hitler-Stalin pact, which even Soviet leaders now acknowledge, Bush was explicit in expressing his fear that *any* U.S. economic sanctions taken now against the Soviet Union might prompt Moscow to retaliate.

Which is tantamount to saying that "the whole case of freedom around the world" depends largely on Moscow's mood of the moment concerning what it views as in its own interests.

Well George "Neville" Bush, that sounds to us rather like an open-ended invitation to a thus emboldened Moscow to do to Lithuania what it damned well pleases.

The appearance is that President Bush does not mind so much that Gorbachev is strangling Lithuanian freedom in its crib—but does wish he'd do so quietly.—Jim Finnegan

GOVERNMENT LABS SHOULD SHARE THE WEALTH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. ENGEL. Mr. Speaker, the Small Business Subcommittee on Regulation, Business Opportunities and Energy, which I serve on, recently held hearings about the problems of transferring discoveries made in Government laboratories to the private sector. I am inserting an article which addresses this important subject. I urge my colleagues to read this informative column.

[From the Salisbury (MD) Daily Times, Apr. 14, 1990]

GOVERNMENT LABS SHOULD SHARE THE WEALTH

(By Jack Anderson and Dale Van Atta)

WASHINGTON.—The American public doesn't even know what it's missing—some of the nation's most important discoveries are languishing on shelves because the federal government is slow to share its research.

The government spends $60 billion a year funding research and development. That money is poured into labs where scientists try to find cures for diseases, new ways to protect the environment and industrial innovations. The labs make great strides, but few of the discoveries ever benefit the American public.

That is because the federal government keeps private industry from turning these innovations into commercial products. Less than 10 percent of the inventions created in government-owned and operated labs are ever commercialized. Some government labs have ignored federal laws designed to encourage the tranfer of new technology to the private sector. Others have simply not set any guidelines for complying with the laws.

Congressional investigators say the problem has frustrated many government-sponsored scientists to the point that they flee to the private sector where they can capitalize on their inventions.

Three years ago, Dr. Michael Zasloff, a scientist at the National Institutes of Health, discovered important healing properties in the skin of frogs and other amphibians. He used the information to begin development of a new antibiotic.

But Zasloff ran into bureaucratic roadblocks and got little support from his bosses. He had to leave the government, join a university and form a partnership with a drug company to commercialize his breakthrough.

Either through inefficiency, incompetence or just plain over-protectiveness, the government is contributing in a big way to the trade imbalance with countries such as Japan, Korea, and Taiwan. Those nations allow government-financed technology to be mass produced. At the same time, the United States is falling behind in the markets for semiconductors, drugs and other key industries.

The Japanese even capitalize on inventions made in U.S. labs. Video cassette recorders are the most blatant example. They were developed in U.S. labs, but Japan has cornered the production market.

Rep. Ron Wyden, D-Ore., is leading the effort to force the government to loosen its grip on federally funded technology. Wyden told our associate Scott Sleek that government scientists are frustrated because they can't see their inventions through to fruition. And businesses are disgusted with the government because they can't get their hands on valuable information.

The Lure of Perks—Most U.S. business executives switch from one corporation to another several times during their careers. Usually they are looking for more money, but in some cases the lure is better perquisites—the little and large luxuries provided free of charge by the corporation.

We have seen a survey taken by the National Institute of Business Management. The survey asked executives at small and mid-sized companies about their perks. While millions of Americans would be happy if they could simply wring some health insurance out of their employer, the upper echelon of American workers enjoys a different benefit package.

The survey found that the most common perk is the company car, with 69 percent of the firms offering cars to some of their officers. Entertainment expenses ranked a close second at 67 percent.

Liability insurance and telephone credit cards are frequently included in the perk package. The up and coming perk of the '90s is the cellular phone in the company car. Of the firms surveyed, 31 percent gave car phones to their senior executives.

Another perk to watch is personal computers. Thirteen percent of the companies gave them to top executives so they could work at home.

One perk companies don't like to boast about is the corporate jet. Stockholders consider them to be an extravagance, but corporations are finding that having their own planes saves time and money. And a private jet is less likely to be the target of a terrorist attack when company bigwigs go overseas.

The Federal Aviation Administration says there are more than 3,500 private business jets registered in the United States, compared to 2,028 in 1978. That does not include the planes that are leased from fleet owners.

The used jet market is especially strong, with prices rising 30 percent last year.

The bottom line is that executives like the status of being able to summon a jet as they would a taxi. And it always makes a big impression on clients.

FOSTER CHILDREN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. FRANK. Mr. Speaker, on Saturday, April 28, a march is scheduled to be held on behalf of children in Fall River, MA. This march is sponsored by the ORPHANS Foundation, Inc., which is headed by Raymond R. Silvia, Jr. Raymond Silvia is himself a former foster child, and one who understands the many ways in which our society fails to provide fully and fairly for children who are in need of help. He has dedicated himself to working hard to improve the condition of children in our society, and we are all the beneficiaries of his energy and enthusiasm.

Mr. Speaker the mayor of Fall River, Carlton Viveiros has proclaimed next week as children's week in Fall River in honor of Mr. Silvia's efforts and I join Mayor Viveiros and State officials in strong support of Mr. Silvia's efforts. We owe him a great deal for his energy on behalf of children. Mr. Speaker, I ask in recognition of Mr. Silvia's work and in furtherance of his mission on behalf of children, that we print here an article by Mr. Silvia in the Fall River Herald News and an editorial about Mr. Silvia's efforts and those of Agnes Silva, the founder of LOVE, another important venture.

The article follows:

TOO MANY CHILDREN CRY IN SILENCE

"In the little world in which children have their existence whosoever brings them up, there is nothing so finely perceived and finely felt, as injustice," observed Charles Dickens, who, in classics like "Oliver Twist," "David Copperfield," and "Great Expectations," recorded the occasional joys and frequent troubles of childhood in 19th century England.

These fine perceptions and deep feelings, which Dickens deftly recognized, are perhaps one of the reasons why the experiences of childhood are so formative in the human personality. Allowing for genetic variations, a healthy, well-nourished childhood, with appropriate challenges to growth and responsibility, is the best preparation for a happy adult life, most psychologists agree.

Adults who suffer from emotional illnesses—from mild neuroses to anti-social or psychopathic behavior—are often struggling with the unresolved conflicts of childhood. Current research into the pathology of child abuse indicates that adults who mistreat children were, in their own childhood, victims of abuse or neglect.

With the social reforms that the industrial revolution forecast, and the ensuing electronic and technological revolutions, society might be expected to assure that no child of the modern age would ever suffer the pain of neglect, abuse, exploitation, hunger, or homelessness.

But, unfortunately, this happy condition has not come about. Human nature is so constituted that the infant is born helpless, and is much more dependent on parental nurture, for a much longer time, than the offspring of their species. High technology may keep a fragile baby alive, but only human love will enable the child to grow and be at home in the world.

On Saturday, two local organizations will join with child advocacy agencies in sponsoring a public march in support of abused and forgotten children. L.O.V.E. (Let Our Voices Enter) and O.R.P.H.A.N.S. (Orphans Rehabilitative Personnel, Health and Nutritional Services) were both launched by area residents.

Agnes Silva, founder of L.O.V.E., advocates more administrative and legislative action to protect and counsel children who have been sexually abused, to insure timely investigation and prosecution of all cases involving sexual abuse, and to provide treatment centers for juvenile ex-offenders.

Sexual abuse of children is not an aberration that occurs in remote or crime-infested areas. Since July 1989, more than 60 local children have been treated and counseled in the Pediatric Sexual Abuse Program at St. Anne's Hospital. Ninety-five percent of the time, the victims knew and trusted the perpetrators.

Raymond Silvia Jr., founder of the O.R.P.H.A.N.S. Foundation notes that "this march is 50 percent about the forgotten children—runaways, throwaways, children abandoned in hospitals, children of alcoholics, and those who move from one foster home to another." Some 3,000 to 4,000 "border babies" are born each year, contracting AIDS or fetal drug syndrome from their mothers.

The march, in which the public is invited to join, will begin at 1 p.m. at Kennedy Park. Agencies will distribute information on services available to children. The marchers will proceed on South Main Street to Government Center, where Mayor Carlton M. Viveiros and other speakers will address the crowd. Then 4,000 blue and pink ballons will be released, to bear aloft the silent pleas of abused and forgotten boys and girls.

[From the Fall River (MA) Herald News, Feb. 2, 1990]

MARCH WILL PLEAD ABUSED CHILDREN'S CAUSE

(By Raymond R. Silvia, Jr.)

We the people of Fall River started a project last year that will be a yearly event. That project is our concern for our children, and all the children in our world community. The event is the O.R.P.H.A.N.S. Foundation 2nd Annual Greater Fall River Has a Heart for Children March 1990 for Abused and Forgotten Children.

There are almost 100,000 people in Fall River, and each city in a 15-mile radius of Fall River has about the same amount of people. Our goal this year is to have as many people as possible to come and participate in this event, either as individuals or in groups.

Again we are asking all public and private agencies, and organizations from the above communities that offer services to children to set up information tables at the end of the march. This way parents and children who may need help from any of the agencies, or groups, can ask questions that day. Also it will give the public a chance to offer their services as a volunteer to our groups. Unfortunately many families within our communities don't know all the services that are available to their children.

Fall River in the last 15 years has come a long way in the areas of community development, commercial development and environmental issues. But we are also striving forward in the areas on the social issues confronting our neighborhoods, and our families. Our Police Department's programs for our children, in conjunction with the School Department's programs, have been model programs for other cities around the state. Programs for youth are directed to preventing sexual and physical abuses, drugs and crime.

As the media reports have shown over the last 12 months the problems and issues that pertain to children are multiplying at alarming rates. Such as sexual and physical abuses, runaways, throwaways, boarder babies. As well as the number of children growing up in poverty, hunger, and homelessness; the increasing numbers of children going into our foster care systems; and the illiteracy of our youth.

We are not saying we can eliminate these problems by walking. But by walking we can

show the children in our communities there are people who care and are publicly willing to show our support about their issues. With the state and federal deficits facing our economic systems, we must not cut our children's futures in the process. Children can't vote, but we as adults can have an impact on those cuts in children's programs. Our children are the world's future and ours as society. If, we forget our children today, will they as tomorrow's adults forget us as elderly?

Because in reality we can pay for the needed programs for our children today or pay three tenfold as a society in the years to follow. Paying for more jails, drug and alcohol rehabilitation centers, homeless shelters, or by crime and other social ills. Facts show preventive measures always cost less than curative measures.

This march, hopefully, will also let the individuals and groups in society who don't care what they do to the lives of our children, we will not tolerate their actions in our communities. Some say, how will our walking change things? If we look at history there have been many times when people have gathered together to overcome social problems—one of the reasons this country was founded.

A good example is the courage of the people behind the Iron Curtain who assembled for one day a week for months to show they want freedom for themselves and their families. At the beginning these individuals assembled under the threat of physical harm. But the Berlin Wall came down because of their perseverence.

We in a free society can assemble without the fear of physical harm to show support for your children, so please come and walk and use that freedom. The last week of April is Child Abuse Week. Last year, Fall River was one of the only cities in America that marched for children. Something we as walkers, and agencies were proud of; we hope our city will be proud, too. So let us paint a picture of our children, a picture of freedom—Freedom from abuses, hunger, poverty, homelessness, drugs and other social ills.

We hope that if we turn out in large enough numbers (with your help) here in Fall River every year that eventually, we will be a model for other communities in America. So that some day, we as a society won't have to look back and say: Where has our children's freedom gone?

WILL IT FRY IN PEORIA?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. MICHEL. Mr. Speaker, until a few years ago, the phrase "fat substitute" brought to mind an overweight basketball player who didn't make the starting five. These days we are aware of the danger of high cholesterol levels, and scientists are seeking fat substitutes of another kind. And, equally, until a few years ago, most folks, when they heard of my hometown of Peoria, immediately thought of the Caterpillar Co., or, as it is affectionately known, Cat.

But the Peoria Journal Star reports that Cat may have to make room in the pubic mind for Fat—a "fat substitute", that is. The Northern Regional Research Center in Peoria has announced the discovery of something called Oatrim, which "could rank among the most marketable products discovered" at the laboratory.

According to chemist George E. Inglett, who developed the product, "Oatrim has a double whammy, a magic bullet. It's a fat substitute and has fewer calories but it also reduces cholesterol."

Given the fact that we may all be eating differently—and better—because of what was discovered in Peoria, the old question might be rephrased and we will have to ask about food: "But will it fry in Peoria?"

At this point I wish to insert into the RECORD, "Peorian Invents Fat Substitute" from the Peoria Journal Star, Tuesday, April 24, 1990.

PEORIAN INVENTS FAT SUBSTITUTE

(By Clare Howard)

Scientists at the Northern Regional Research Center believe Oatrim, a fat substitute unveiled Monday, could rank among the most marketable products discovered at the Peoria laboratory.

"It's conceivable this could become a very substantial market because you can eat Oatrim at breakfast, lunch and dinner, "said chemist George E. Inglett, who developed the product. "It's conceivable it could become a multi-million-dollar or even a billion-dollar industry. I just don't know."

He said Oatrim could upstage Simplesse, the fat substitute announced with much hoopla earlier this year. Inglett announced this discovery in Boston at the 199th national meeting of the American Chemical Society.

"Oatrim has a double whammy, a magic bullet," Inglett said. "It's a fat substitute and has fewer calories but it also reduces cholesterol. Oatrim contains betaglucan, which reduces the bad LDL cholesterol and increases the good HDL cholesterol."

Oatrim is a feathery white powder which, when mixed with water, becomes a smooth, semi-solid gel that looks and feels like cream cheese but has almost no taste. It can take the place of fat in many cold foods including ice cream, frozen dairy desserts, margarine, cheese spreads, bakery products, cereals, yogurt, salad dressing, mayonnaise, peanut butter and beverages.

"It can be added to all the foods oat bran can't," said Inglett, 62. "This should greatly expand the market for oats."

More than a half-dozen major companies have contacted Inglett about the product. Inglett said he applied for his first patent for Oatrim on May 30, 1989, and will file two subsequent patents for improvements in the formulation.

"One very big company is interested. In fact, I have not talked with any company, that hasn't found it of interest," Inglett said. "If we make the right contacts, it shouldn't take long to reach the market."

Oatrim is made by heating oat bran or oat flour in water to 270 degrees Fahrenheit and adding an enzyme. After the betaglucan is released, the enzyme is killed and the solution put into a centrifuge to separate the soluble from insoluble materials. The soluble material looks like a light cream and becomes Oatrim when dried.

"Production is practical and not expensive," Inglett said.

Here is how 4 ounces of Oatrim frozen dessert stacks up against the same amount of premium vanilla ice cream:

Ice cream: 22 grams fat, 85 milligrams of cholesterol and 298 calories.

Oatrim frozen dessert: 0 grams fat, 4 milligrams cholesterol and 135 calories.

"Cholesterol levels are lowered 10 percent to 15 percent by eating 30 grams of Oatrim," Inglett said. "This is not a difficult thing to do. This is very practical. It's comparable to eating 8 ounces of an oat bran cereal.

"This is the real world. You don't have to eat Oatrim for 50 percent of your diet," he said.

A taste panel of 18 people trained to detect cereal flavors evaluated Oatrim-based products and consistently gave them high marks.

"They rated our soft-serve ice cream up there with superior premium ice cream made with lots of cream," Inglett said. "Oatrim is used in foods without changing the taste, texture or appearance."

Inglett said the recent Harvard University study that cast doubt on the ability of oat bran to lower cholesterol was misleading because it was based on subjects who had normal cholesterol levels. Studies have proven that oat bran lowers cholesterol in subjects with abnormally high levels, he said.

No studies have been done to see what effect the product has on people's cholesterol. However, Dr. Rosemary K. Newman of Montana State University tested it on chicks and found that it lowered their blood cholesterol levels 18 percent, the Associated Press reported.

"It certainly was effective in chicks," she said. "I'm excited about it" as a food for people.

Nearly a year ago, Inglett pinpointed Monday's meeting in Boston as the date he would announce his new product.

"If you disclose too soon you hurt the patent," he said. "But if you disclose too late you hurt the country and do a disservice to the agency.

"I would say Oatrim is a much better product than Simplesse. Simplesse is very good, but it doesn't have the qualities of beta-clucan."

Inglett said he has a personal interest in lowering cholestrol consumption in America. His wife had a heart attack 1½ years ago.

"People are not aware of how obese the American society is. The American diet needs a drastic overhaul. Our lifestyles have changed dramatically, but our diet is still back in the pioneer days," Inglett said.

HOLOCAUST ARCHIVES

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. WEISS. Mr. Speaker, I would like to share with my colleagues John C. Klotz' article entitled "Holocaust Archives Must Remain Open," which recently appeared in New York Newsday. This article discusses how the rising tide of anti-Semitism, in Eastern Europe could possibly effect access to various archives in that region, especially Germany's Berlin Document Center.

The Berlin Document Center was previously closed to western scholars. Under United States Control, however, it was recently opened and the names of at least a half-million previously unidentified victims of the Holo-

caust have been discovered. United States control of the Berlin Document center only represents a temporary solution. Future U.S. administrations may not want to continue an exercise of American sovereignty in the German heartland.

I urge my colleagues to look closely at Mr. Klotz' article and note his ideas for the documentation and preservation of the names of the victims of the Nazi Holocaust.

The article follows:

[From Newsday, March 23, 1990]

HOLOCAUST ARCHIVES MUST REMAIN OPEN

(By John C. Klotz)

Two recent events, one promising, the other unsettling, underscore the extent to which civilization as a whole has yet to grasp the enormity of the evil that was the Holocaust.

The promising event was the gaining of access to Nazi archives in Eastern Europe that were previously closed to western scholars. These archives have already yielded the names of at least a half-million previously unidentified victims of the Holocaust.

The unsettling event is the rise of anti-Semitism in Eastern Europe. Some worry that if the present openness of the Eastern European governments succumbs to a rebirth of cultural anti-Semitism, governments might deprive scholars of access to various archives.

That fear extends to prospective German control over Nazi archives stored at the U.S.-controlled Berlin Document Center, a possibility that World Jewish Congress president Elan Steinberg said would be "a catastrophe." Destruction or loss of any of the documents, he has said, "would cause irreparable harm to the cause of justice and historical truth."

But continued American control of the Berlin Document Center is at best a temporary solution. Future U.S. administrations may find it inexpedient to continue an exercise of American sovereignty in the German heartland.

Clearly, the present system of haphazard national jurisdiction of Holocaust archives is inadequate. Any solution must, however, preserve access to the archives without appearing to impose a solution from above on emerging democracies sensitive about their newly independent status.

The answer may lie in an international treaty on Holocaust archive preservation and access. If all states equally surrender sovereignty over applicable archives to a single international authority, then no state can complain that its sovereignty has been arbitrarily violated.

National states have had no difficulty in surrendering portions of their sovereignty for mutual benefit—as, for example, in the NATO and the Warsaw Pact alliances. Preservation and memorialization of Holocaust archives is a fit subject for international legislation. An international convention could establish an appropriate international commission to assume jurisdiction over the relevant archives.

The survival of the names of both victims and perpetrators would not then depend on the whim of transient political regimes but could rely on the force of international law.

Such a commission would complement, not supplant, the painstaking work at Israel's Yad Vashem center and that of Holocaust memorial committees in various countries. By giving the force of international law to the preservation of archives and the public's access to them, a commission would augment the vital work of the present memorial committees.

Our move from the industrial age to the information age has seen increasing ease of access to archives of all kinds and the miniaturization of the archives themselves. For example, the list of the 3.5 million enrolled voters in New York City complete with addresses comprises less than two billion bits of information which, in the new laser disk drives available to even home computers, would require only an inch or so of shelf space.

To make the names of the Holocaust victims as readily accessible to every computer in the world would establish the reality of the Holocaust in the medium through which future generations will communicate and think.

The number of names in itself will be incontestable refutation of revisionists who seek to cast doubt on the fact of the Holocaust.

The human species projects the dignity of the individual through an identifying name. We ascribe near magical qualities to our names and instinctively fear those who would deny dignity by substituting a number for them. Indeed, such a substitution was an integral part of the process of dehumanization intrinsic to the Holocaust. There is power in Name.

The collection, preservation and memorialization of the names of the victims of the Holocaust is a priority not only for the Jewish community but for the whole of contemporary society. Guaranteeing the survival of the victims' identities and memorializing their names for all time in an accessible form would not only prove conclusively that the Holocaust occurred, but also would ensure the ultimate defeat of those who sought to destroy the victims' humanity in the gas chambers.

H.R. 770, THE FAMILY AND MEDICAL LEAVE ACT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. CLAY. Mr. Speaker, I hope that very shortly the House of Representatives will consider H.R. 770, the Family and Medical Leave Act. This bill has been the subject of intense scrutiny and much debate over the past several years.

One provision of this bill will provide leave to workers to care for seriously ill, elderly parents. The importance of this provision cannot be overstated. Studies have demonstrated time and time again that the availability of family care is the primary factor in delaying institutionalization of the elderly. With a senior population increasing at a rapid pace, we must insure that longer lives for our senior citizens also means independence and freedom, to the greatest extent possible.

I want to commend the National Committee to Preserve Social Security and Medicare for lending its support to this legislation and working to create greater public understanding of the importance of elder care benefits. Recently, the National Committee added to its ongoing lobbying efforts an important grassroots mailing in support of the family and medical leave legislation. This mailing underscores the necessity of protecting the entire family—from the very youngest to the oldest. I look forward to working with the National Committee to Preserve Social Security and Medicare to insure family care benefits for the Nation's senior citizens.

Mr. Speaker, I insert an excerpt from this mailing reprinted in the RECORD immediately following this statement:

DEAR FRIEND: No one should be forced to choose between the health of a family member and a job! Yet, every day, many Americans are forced to make this intolerable and painful choice.

At Congressional hearings last year, National Committee member Myra Guski testified to her own personal tragedy when she was forced to resign a job she had held for ten years because her dying father needed her help in his last month of life. Unfortunately, Myra Guski's story is only one of many similar tragedies happening across the country.

Many of America's senior citizens rely on sons and daughters to provide care for them—Alzheimer's patients who need help with eating, bathing, dressing or getting to adult day care; and elderly cancer patients who need transportation to doctors, emotional support, and assistance before and after surgery.

Sadly, some family members who provide care to their aging parents face economic devastation when their employers threaten them with the loss of a job because they are away from their job temporarily.

America's strength depends upon preserving a strong family structure. We must protect wage earners and allow time off to care for sick parents and children if the family unit is to remain strong.

Congress is currently considering legislation, "The Family and Medical Leave Act of 1989", which will require employers to provide unpaid leave to parents when a child is born, adopted or seriously ill. The legislation also requires employers to provide unpaid leave when an employee's parent is seriously ill.

Unfortunately, big business groups are stalling progress on the bill, hoping that it will die. Even worse, business groups are urging Congress to exclude elderly parents from coverage under the bill and allow only personal medical leave or leave to care for young children. We must preserve a bill which protects elderly parents.

Many seriously ill seniors have nowhere to turn for help except to their families! What message are we sending to our young people if they see their parents lose jobs—at a time when they are already physically and financially strained to the breaking point because they are simultaneously caring for both an older and younger generation?

INTRODUCTION OF THE FAIR DISCLOSURE IN TAKEOVERS ACT OF 1990

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. EARLY. Mr. Speaker, today, the economic security of the United States is at risk. In this era of fast-paced corporate takeovers, the United States increasingly finds itself in a position of ignorance regarding who may ulti-

mately be minding the shop and the true status of our economic security. Some of our largest companies have been the target of a frightening takeover strategy by raiders. Under this technique, corporate raiders make a tender offer for the company's shares and, at the same time, enter a proxy fight for control of the company's board. The shareholders are then placed in an extraordinary dilemma. They are obligated to act in the best interest of the company and their own investment with virtually no real knowledge of what the raider intends to do with its new acquisition or what actions the raider has taken with respect to past acquisitions. Unfortunately, for employers, employees, investors, and others who have a responsibility for the economic stability of our Nation, the results can be far different from promises made at the time of the transaction.

I do not believe that current disclosure requirements mandated by our securities laws are adequate. Accordingly, Mr. Speaker, yesterday, I introduced legislation to amend the Securities and Exchange Act of 1934. The bill would create a new subsection 14(h) to the act. This new subsection provides for increased disclosures by acquirors who are seeking control of a target company by simultaneously engaging in a proxy contest and a tender offer. Under such circumstances, the bill would require the acquiror to, first, file the same information as is required of a public company which has filed a registration statement with the Commission in order to list and trade its securities; second, state the impacts of its past acquisitions on the companies acquired and the community; and third, state specifically any plans it has which will materially affect the business or impact the community of the target corporation. Finally, the amendment also requires that the acquiror's nominees for election to the board state their views and intentions regarding the acquiror's nominees for election to the board state their views and intentions regarding the acquiror's offer and other competing offers or alternative plans concerning the target corporation.

Throughout the 1980's, Mr. Speaker, hundreds of American companies have been the victims of the corporate takeover game. Norton Co., one of the largest employers in my home State of Massachusetts, became one such victim a few weeks ago. Norton's employees and management, along with thousands of constituents in its headquarters of Worcester and the rest of Massachusetts, have been gravely and rightly concerned about the future of this vital company. Norton manufactures abrasives, ceramics, engineering materials, and other strategic control products that have broad industrial and defense applications. Norton Co. has established an unparalleled record in business and corporate citizenship. It has maintained a record of excellent employee relations, and has made substantial educational and cultural contributions to the quality of life in Worcester and the rest of the State.

It was most distressing to witness, in recent weeks, how a company like Norton could suddenly become the target of a rapid-strike hostile takeover; in large part precisely because Norton had been financially conservative and could ultimately be manipulated by a hostile acquiror to generate large amounts of cash. Norton came face to face with an inescapable fact of corporate life. Once put in play, it must satisfy financial expectations of their current shareholders.

There is something amiss when a corporate raider can simply appear on the scene, on the eve of the annual meeting, with a combined tender offer and proxy solicitation, seeking control of its target company. The investment community and the public have a right to know a great deal more about such corporate raiders, via strict disclosure requirements, before such raiders are potentially entrusted with control of the corporate entities which are the financial life blood of our economic system.

The defects in current statutes were apparently a factor in precipating the lightning-quick tender offer-proxy fight which confronted Norton Co. several weeks ago. The experience of these past weeks tells me that we should not leave in place a regulatory regime which is likely to see other financially sound and well managed U.S. companies confronted by hostile takeovers on the eves of their own annual meetings.

Following is a section-by-section analysis of the bill, and I urge my colleagues to act now to support this necessary and important legislation.

SECTION-BY-SECTION ANALYSIS OF THE FAIR DISCLOSURE IN TAKEOVERS ACT OF 1990

SECTION 1—SHORT TITLE

This section provides that the Act may be cited as the "Fair Disclosure in Takeovers Act of 1990."

SECTION 2—PROXY SOLICITATIONS DURING TENDER OFFERS PROHIBITED UNLESS ACCOMPANIED BY ADDITIONAL INFORMATION

Subsection (a) amends Section 14 of the Securities Exchange Act of 1934 (Exchange Act) by creating a new subsection (h). The new subsection (h) provides for increased disclosures by acquirors who are seeking control of a target company by simultaneously engaging in a proxy contest and a tender offer.

When such a two-pronged takeover tactic is employed, this subsection requires that the acquiror must file a statement with the Commission which provides the same information as would be required if the acquiror were filing a registration statement which provides for the listing and trading of its securities pursuant to Section 12 of 15(d) of the Exchange Act. (This requirement would only apply if the acquiror is not currently subject to such sections.) In addition, it requires the acquiror to state the impacts of its past acquisitions on the companies acquired and the community. Concerning the corporation currently under consideration by the acquiror, the amendment requires the acquiror to state specifically any plans it has which will materially affect the business or the community of such corporation. And finally, the amendment requires that the acquiror's nominess for election to the Boards state their views and intentions regarding the acquiror's offer and other competing offers or alternative plans concerning the target.

Paragraph (1)(A) of subsection (h) provides, for purposes of the subsection, that the term "acquiring person" means either (i) a person who has made or announced an intention to initiate a tender offer, or (ii) a person, other than a natural person, who owns or controls the acquiring peson described in (i). Subparagraph (B) provides that the term "engage in a proxy contest" means to solicit, or to permit the use of one's name to solicit, any proxy, consent, or authorization in respect to any security registered pursuant to section 12.

Paragraph (2) states that it will be unlawful for an acquiring person to engage in a proxy contest unless such person has filed a statement with the Commission which contains the information required by subparagraphs (A) through (E).

Subparagraph (A) provides that, if the acquiring person does not have a class of security registered pursuant to section 12 or 15(d) of the Exchange Act, the statement filed by such person shall contain such information as would have been required if the acquiring person was subject to the reporting requirements of section 12 or 15(d). The practical impact of this requirement is that the acquiring person would disclose the same information as a public company which has its securities listed and traded on a national securities exchange.

Subparagraph (B) requires that the acquiring person provide specific information regarding acquisitions made within the last fifteen years. Under this subparagraph, the acquiring person must first provide information describing the acquisition, including the identity of the business acquired and the material terms of the acquisition. Secondly, the acquiring person must describe any material changes in the business which took place following the acquisition, including a discussion of any divestiture, recapitalization, disposal, relocation or closing of any part of such business. In addition, a description of any changes in the level or type of employment, employee compensation or benefits, research or development, capitalization, or in the product line or market share of such products must be provided. Thirdly, the acquiring person must disclose any other changes which affected the community in which the business operated, including impacts on employees, suppliers, creditors, customers of the business, and local governments.

Subparagraph (C) requires the acquiring person to describe any plans or proposals which the acquiror has considered over the past two years regarding the current takeover target. The description of such plans or proposals shall include a discussion of the business and community impacts listed in subparagraph (B).

Subparagraph (D) provides that the acquiring person's statement shall include a statement by its nominees for election to the Board of Directors of the takeover target. The nominees' statements shall describe the process and procedures which such nominees shall undertake to discharge their fiduciary duties if elected. In particular, the subparagraph requires the nominees to state whether they intend to accept and assist the acquiring person's offer, or whether they intend to seek or explore other competing offers or alternatives, and to state their reasons for pursuing either course of action.

Subparagraph (E) grants the Securities and Exchange Commission (the Commission) the authority to require any other information of the acquiring person, by rule or regulation, as is necessary or appropriate in the public interest or for the protection of investors.

Paragraph (3) grants the Commission the authority to exempt by rule or order any person from the requirements of this sec-

tion as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

Subsection (b) provides that the amendment made by subsection (a) of this section shall apply to any proxy solicitation on or after the date of enactment of this subsection, including any solicitation that is commenced prior to such date.

TRIBUTE TO ARIZONA'S ROBERTO RUIZ

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. KOLBE. Mr. Speaker, I would like to recognize the accomplishment of one of my constituents, Mr. Roberto Ruiz, president of Maya Construction Co., upon his selection as 1990 Small Business Administration's Arizona and Region IX Entrepreneurial Success Award.

This award honors businesses that began small, and after receiving Small Business Administration assistance, have grown into large businesses. As the SBA Regional Entrepreneurial Success Award winner, Mr. Ruiz and Maya Construction Co. become part of SBA's Hall of Fame.

Mr. Ruiz established Ruiz Engineering Corp. and Maya Construction Co. in 1977, utilizing his years of experience as a civil engineer both with the State and in the private sector. His plan was to develop the consulting engineering component of his business prior to undertaking construction activity. This enabled him to develop a solid business track record with projects across the entire spectrum of civil engineering. He then utilized the success and resulting profitability of the engineering concern to start Maya Construction Co.

In 1978 Maya was approved for participation in the Small Business Administration 8(a) program. This proved to be a significant and positive turning point in the history of the company. Then, as now, Maya specialized in contracting activities requiring specialized engineering knowledge and skills. These include concrete construction, highway and street construction, sewage and waterworks construction and general building construction.

The Small Business Administration 8(a) program was extremely instrumental in providing continued contract, financial, technical, and management support throughout Maya's formative years. The program enabled the firm to plan and organize for the future, and it provided the business with the needed flexibility to further develop and expand its financial and management resources.

In 12 years, Maya Construction has grown to become the largest Hispanic-owned business in Arizona. The company has experienced phenomenal growth during this period; from sales of $135,000 in 1979 to nearly $60 million in 1989. The firm employs over 350 Arizonans.

Through the guidance of Mr. Ruiz, the business has been able to respond to the many problems encountered by a small and growing concern. During this time, Mr. Ruiz has also found time to actively serve the community and to contribute both his time and resources to help many of those who are less fortunate.

As a result of the early partnership between the Small Business Administration and Roberto C. Ruiz, and the continuing leadership of Mr. Ruiz, Maya Construction Co. continues to grow and prosper.

THE REMOVAL OF CRAIG FIELDS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. LEVIN of Michigan. Mr. Speaker, I join my colleagues today in expressing my deep concern over the administration's decision to remove Craig Fields as the director of the Defense Advanced Research Projects Agency.

Ironically, the firing of Mr. Fields sends one of the clearest messages coming from the Bush administration and it is a disturbing one. It says the United States will continue to falter without a focused trade or economic policy.

Mr. Fields was a visionary in an administration dominated by economic advisers who are dangerously shortsighted. While others in the administration refused to admit that Government and industry must become partners in making the United States competitive in high technology, Fields created an oasis for fledgling technologies at DARPA.

Mr. Fields was one of the first to recognize that the United States was years behind in developing a high-definition television industry. DARPA funded research into high-definition display screens for use in the military, and Mr. Fields knew the connection this research had to civilian technology. He also knew the connection between commercial applications for advanced television and driver industries in electronics and semiconductors.

But Mr. Fields was a lone voice in the wilderness. Early on, Commerce Secretary Mosbacher talked about the importance of a Government role in developing advanced television technologies, but he was silenced by ideological purists within the administration.

Those purists argue that the Government shouldn't be providing seed money in industries that are too risky for private investors. What they fail to understand is that United States industry has been burned before, and is often wary of taking on competition that is heavily subsidized by foreign governments. United States television makers watched as television sets from Asian competitors were dumped in the United States, virtually wiping out United States firms. They watched as our consumer electronics industry went down the tubes.

The Chicago School ideologues may have won their battle with Craig Fields. Let's just hope the United States doesn't end up losing the war.

TRIBUTE TO ALFREDA KEMP

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mrs. Alfreda Kemp of Washington Township, MI. Mrs. Kemp is being honored as Mother of the Year by the St. Barbara's Group 481 of the Polish Womens' Alliance.

It is no surprise to me that Mrs. Kemp is receiving this high honor. I can personally attest to what a remarkable woman she is. I have been proud to call her a friend of mine for many years. Her energy, kindness, and desire to help others are legendary.

Alfreda, her brother and her sisters attended Transfiguration School, received the sacraments of Holy Communion, Confirmation and Marriage, and their children were baptized and parents buried at this church. Alfreda has had a longstanding commitment to her faith. She has been a member of group 481 for the last 50 years and continues to participate in many social functions with the group.

Alfreda is a widely traveled individual. The focus of her travels during the past 18 years has been on her roots in Poland. She has sponsored and successfully returned 13 guests from Poland. Her Polish background and culture are deeply rooted—a feeling I believe all of us of Polish descent share.

However, no commitment is more important to Alfreda than her responsibility as a wife and mother. Alfreda was married to Stanley Kemp at Transfiguration Church. They are the parents of five sons, Michael, Daniel, Edmund, Carl, and Fred and grandparents of nine, Susie, Dan, Jessica, Sarah, Tim, Andrew, Scott, Fred, and Stacey. Her strength and drive are surely motivated by these strong relationships.

One example of Alfreda's strength and drive is her upcoming graduation from Macomb Community College [MCC]. At the age of 60, when most people are satisfied with the knowledge they have lived a long and fulfilled life, Alfreda began attending MCC. On May 11, 1990, Alfreda, at age 68, will be receiving her associate degree in general studies.

Currently, Alfreda is serving on the Board of Review for Michigan Property Taxes in Washington Township. I have every expectation that Alfreda will continue to enrich not only her life, but the lives of others in her active community involvement.

I am honored to recognize Alfreda on the floor of the House for her lifetime of giving to others. Her unselfish disposition is instilled in the hearts and minds of those she touches. Alfreda's contribution to our community will not be forgotten. I wish her the very best.

WORKERS MEMORIAL DAY: A DAY OF REMEMBRANCE AND COMMITMENT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. VENTO. Mr. Speaker, I rise to call to the attention of my colleagues that Saturday, April 28, is Workers Memorial Day. It is also the 20th anniversary of the passage of the Occupational Safety and Health Act of 1970, which represented this Nation's commitment to a safe and healthy workplace.

The national AFL-CIO, in conjunction with its State affiliates and member unions have chosen this date to remember the thousands of American workers who are killed or injured on the job every year. In fact, more than 10,000 American workers die every year from job-related injuries and disease. That's almost twice the number of Americans killed in the 10-year Vietnam war.

Many of these workers are killed or injured because of unsafe working conditions. They come from every craft and industry; agriculture, firefighting, grain handling, mining, construction, manufacturing, transportation, steel, textiles, and many others. The hazards they face include unguarded machinery, trench cave-ins, explosions, electrocution, asphyxiation, drowning, falls, poisoning, cancer from exposure to toxic and hazardous chemicals, and more.

Aside from actual workplace fatalities, according to the Bureau of Labor Statistics every 6 seconds another worker is injured on the job resulting in a total of over 5.6 million injuries annually. Occupational exposures to toxic chemicals and hazardous substances can cause cancer, lung disease, birth defects, nervous system disorders, and other health problems thay may not become apparent until many years after exposure. The vast majority of these workplace accidents and diseases are preventable.

Safety on the job makes good business sense. Occupational injuries and illnesses cost our economy millions of dollars annually. Employees suffer from losing their ability to work and produce. Employers suffer by paying higher workers compensation costs and higher insurance premiums. Indeed, all of us bear the costs of workplace fatalities and injuries through higher costs.

America's workers expect the Occupational Safety and Health Administration [OSHA] to be their guardian in ensuring a safe and healthy workplace. Yet too often, OSHA has become bogged down in endless bureaucratic maneuvers which delay or prevent the issuance of needed safety standards in the workplace. A case in point is the 12-year fight by grain handlers to push OSHA to issue a grain dust standard for elevators and other grain facilities. In the last decade, 60 workers have been killed and 275 injured in grain dust explosions alone. The standard which OSHA finally issued permits up to one-eighth of an inch of dust in some grain facilities; certainly a sufficient amount to lead to combustion under many circumstances according to expert testimony. Therefore it should come as no surprise that this standard is being challenged in court at this time.

Yet even when OSHA may be inclined to act, the agency must constantly look over its shoulder to determine whether the political and financial gurus of the Office of Management and Budget [OMB] approve of their actions. IMB's priority is not safety in the workplace; it is reducing Government spending or regulatory activities that may well mean the difference between life and death in the workplace.

I was pleased to introduce legislation promoting workers' right to know about hazards in the workplace in 1983 and 1985. After much foot-dragging, OSHA finally took administrative action and issued a modest hazard communications standard in 1987. That same year, the House passed H.R. 162, the High Risk Occupational Disease and Notification Act, by a vote of 225 to 186. Unfortunately, the Senate did not act on this measure before the end of the 100th session. Last August, Chairman JOE GAYDOS of the Education and Labor Subcommittee on Health and Safety reintroduced this legislation again as H.R. 3067.

This important legislation would establish a Risk Assessment Board chaired by the Director of the National Institute of Occupational Safety and Health [NIOSH] to identify classes of workers who may be at risk because of workplace exposures to toxic or hazardous substances. The bill also establishes a protocol for notifying these workers and providing health care monitoring and counseling. Hopefully, this legislation will move forward during this session of Congress.

Workers Memorial Day is an occasion for all of us to remember those who have died working for their livelihood on the job. It is also an occasion for all of us to recommit ourselves to strict enforcement of our workplace health and safety laws.

TOMMY MARTIN PERFECT CHOICE FOR "AMERICAN HERO" AWARD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. GORDON. Mr. Speaker, I would like all of us today to recognize a man in my hometown who has distinguished himself both with his business success and his community service. That man is my friend, Tommy Martin, of Murfreesboro, TN.

To honor Mr. Martin's years of good deeds for his community, he has been selected to receive the first American Hero Award by the Jerry Anderson Foundation. The award is presented to the individual who best helps meet the foundation's goal, which is to find and nurture troubled and disabled youth, get them into a school environment, build self-confidence and a desire for learing and excellence, help them stay in school through graduation, and help them become productive citizens.

The foundation is named for Jerry Anderson, a former professional football player who lost his life in 1989 while rescuing two young boys from the Stones River.

Tommy Martin has personally helped more than 300 young people find jobs, in addition to many other positive activties.

Tommy began his business career as a grocery clerk in 1931. He soon caught the attention of the head of the Nashville agency for Mutual of New York insurance, and embarked on a career as a life insurance specialist. His career has been outstanding, to say the least.

He was unanimously chosen MONY Man of the Year for 1955, the company's highest honor, and he qualified for 50 company honor clubs and 36 National Quality Awards.

My alma mater, Middle Tennessee State University, has endowed a chair in Tommy's honor to provide instruction for students preparing for careers in insurance. He served as a trustee of the university, as well as of Martin College.

Tommy is famous around Murfreesboro not only for his achievements in the insurance business, but also for the amazing number of community activities that have drawn his help.

He once single handedly raised $32,000 in 5 hours to keep a hospital from closing. He led a drive to help a blind man start a grocery business. He sponsored parole for a prisoner.

Despite all these activities, he still managed to be a pillar of his and my church, St. Mark's Methodist, where he served as a steward, lay leader, and president of the Rutherford County Methodist Laymen's Club.

He has served as president of the chamber of commerce, the Lions Club, the Jaycees, the Rutherford County U.S. Savings Bond Association and as cochairman of the local industrial committee and as a director of Mid-South Bank & Trust Co. He also served as chairman of the board of the county hospital and as leader of the area Boy Scout fundraising campaign.

They call him unsinkable. He is truly unbeatable in his devotion to good deeds. Tommy Martin is the perfect recipient of the first Jerry Anderson American Hero Award.

JUDICIAL BRANCH ENCROACHES ON FUNDAMENTAL POWERS OF THE LEGISLATIVE BRANCH

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. CRANE. Mr. Speaker, as many of my colleagues are aware, the Supreme Court recently issued a decision which provides Federal judges with the power to issue a court-ordered tax increase as a remedy for a constitutional violation. I believe this decision, Missouri versus Jenkins, should be viewed with great concern by all Members of this Congress.

The Supreme Court's April 18, 1990, decision expands judicial power beyond that allowed by the Constitution while at the same time usurping a power which is the sole responsibility of the legislative branch—that power being the ability to levy taxes. Speaking for the four Justices in the minority on this issue, Justice Anthony Kennedy stated that the Court's "casual embrace of taxation imposed by the unelected, life-tenured Federal judiciary disregards fundamental precepts for

the democratic control of public institutions." In my view, the Court's decision clearly violates the intent of the Founding Fathers and the basic understanding that most Americans have regarding the role of the judicial and legislative branches of our Government. Article I, section 8, of the Constitution unequivocally states that "[t]he Congress shall have power to lay and collect taxes * * *." In this decision, the judiciary is clearly invading the prerogative of the legislative branch. Even the Washington Post agrees that the Supreme Court has gone too far in this case as is evidenced in the April 20, 1990, editorial which is reproduced at the end of my statement.

Mr. Speaker, Congress must respond to the Missouri versus Jenkins decision, and to this end I have today introduced legislation to prevent Federal courts from being able to levy taxes. My legislation would exercise the power given to Congress under article III of the Constitution to limit the jurisdiction of Federal courts. In brief, my legislation would state that "no inferior court established by Congress shall have jurisdiction to issue any remedy, order, injunction, writ, judgment, or other judicial decree requiring the Federal Government or any State or local government body to impose any new tax or to increase any existing tax or tax rate." Such legislation would ensure that in the future Federal courts could not resort to the remedy of ordering a governmental body to raise taxes.

I urge my colleagues to familiarize themselves with this Supreme Court decision if they have not done so already. I am convinced that once the details of this decision are known and its implications appreciated, my colleagues will realize that a congressional response is absolutely necessary. Mr. Speaker, Congress must take immediate action on this matter in order to prevent such constitutional abuses in the future, and I urge my colleagues to cosponsor my legislation.

[From the Washington Post, Apr. 20, 1990]

COURT-ORDERED TAXATION

The taxpayers of Kansas City, Mo., must be wondering if they have for years completely misunderstood all the civics courses they took in high school: the ones where they learned about the separation of powers and the inequity of taxation without representation. Here they have been going along innocently believing that elected officials—people whose positions must be in some measure responsive to the views of their constituents and whose tenure in office is dependent on those constituents' approval—are the ones who set and impose taxes. But in a case involving school desegregation in their city, a series of federal courts has insisted that these principles are flexible and can be disregarded by a judge who assumes ultimate authority for raising and allocating this burden. This week five justices of the U.S. Supreme Court agreed that the Kansas City judge could order local authorities to double property taxes.

This case is unprecedented in two respects. The first is the scope of the remedies ordered by the judge. He ruled that in order to overcome the effects of previous segregation the Kansas City schools had to be made so exemplary that suburban youngsters would choose to return to the inner city to school. All schools were required to be completely renovated and air-conditioned. Every classroom was to be equipped with 15 microcomputers. Swimming pools, a planetarium and a temperature-controlled art gallery were mandated. And extras such as a broadcasting system, a 25-acre farm, movie studios and a model U.N. with simultaneous translation facilities were found to be necessary to vindicate constitutional rights. The judge, of course, didn't have to consider the cost—hundreds of millions of dollars—or the competing demands for city money for health, social services or law enforcement.

The second astonishing aspect of the case is the expansion of judicial power into an area understood to be the prerogative of a representative body of elected officials. As Justice Anthony Kennedy and three colleagues protested, "[The court's] casual embrace of taxation imposed by the unelected, life-tenured federal judiciary disregards fundamental precepts for the democratic control of public institutions." The precedent for court-ordered tax increases to provide all sorts of services when constitutional rights are asserted is ominous. Imagine, for example, three separate federal judges in this city resolving cases involving St. Elizabeths, Lorton and Cedar Knolls ordering massive tax increases without regard to overall budget priorities, necessary expenditures not before the courts or even the cumulative impact of these three separate orders.

It is very hard to understand how the Supreme Court could have refused to review the fantastic remedies ordered by the Kansas City judge and why a majority of justices has approved the concept of judicially mandated taxes. There are other ways for a court to compel compliance with even an order like this without imposing a tax to pay for it.

A TRIBUTE TO CROWN POINT, IN, HIGH SCHOOL STUDENTS AND THEIR VIDEO AGAINST SUBSTANCE ABUSE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to 16 Crown Point, IN, High School students who have taken a positive and innovative initiative in educating their peers about the effects of drug and alcohol abuse.

From what originally began as a research paper assigned by their English teacher, Carol Wilson; these 16 high school seniors, Dee Ash, Cathy Benton, Rochelle Blankenship, Jered Dowdy, Debra Feller, Angie Ferro, Jeff Gang, Bill Hawkins, Al Noak, Chris Ortell, Chrystal Phillips, Sally Quasebarth, Chris Rogers, Sheryl Sacek, Tracy Sirbek, and Marcy Thalgott, wrote and produced a video to inform sixth fellow students about the dangers of substance abuse. Their message, which is also the title of the video, is simple yet powerful: "Be smart. Don't start."

The video includes informative and factual interviews with a local law enforcement agent and a doctor. Students learn that long-term use of marijuana can promote emphysema and lung cancer, cause intrauterine growth retardation in females and low-birth weights in newborns, and that excessive use of alcohol damages brain cells, the heart muscle, and the liver.

Perhaps, the most important message presented in the video is the fact that one's life can be full and complete without the influence of drugs and alcohol. Through the use of skits performed by several of the senior high school students and during a brief question and answer period after the video, students learn that they are not alone when confronted by peer pressure to experiment with illegal substances. Above all, students learn to respect themselves and to take responsibility for their own actions.

We so often hear about the negative aspects of alcohol and substance abuse. For example, we know that an estimated 72.4 million Americans, age 12 and above, have tried marijuana, cocaine, or other illegal drugs at least once in their lifetime. Or that in a 1989 survey conducted by the National Institute on Drug Abuse, 60 percent of the high school seniors surveyed have reported drinking alcohol in the last 30 days while 33 percent stated that they consumed five or more drinks in the last 2 weeks.

Mr. Speaker, I commend the efforts of these 16 students for their commitment and dedication to educating themselves and their peers about the devastating and life-altering effects of substance abuse. I am proud of their accomplishment and believe that through their actions, more young people will be inspired to "be smart and don't start."

CORPORATE TAKEOVER LEGISLATION

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today for myself and several other members of the Massachusetts congressional delegation dealing with the issue of corporate takeovers.

Mr. Speaker, over the past several months, every member of this House has become aware of increased attempts by foreign companies to take over U.S. companies. Reports of foreign companies doing business in the United States who are not paying their fair share of taxes have captured the attention of Members of the House such as Chairman ROSTENKOWSKI and Majority Leader GEPHARDT—as well as the Internal Revenue Service. Mr. ROSTENKOWSKI and Mr. GEPHARDT have both recently introduced legislation dealing with the foreign "tax gap."

In recent days, however, my colleagues in the Massachusetts congressional delegation have reached a fuller appreciation of the problem of foreign acquisitions of U.S. corporations due to a takeover attempt of one corporation—the Norton Co. of Worcester, MA. Norton is the subject of a hostile takeover battle by the British conglomerate BTR. Today, we propose legislation which would address, in a comprehensive, reasoned manner, the issue of foreign takeovers of U.S. corporations.

Let me state for the record, Mr. Speaker, that whereas our legislation is prompted by the Norton case, it is by no means targeted solely to that transaction. Many of the provisions of this legislation have long been recommended by some of the best and brightest corporate tax scholars in America.[1] Another provision of the bill is similar to a provision of the Omnibus Budget Reconciliation Act of 1989.

Mr. Speaker, it is high time that the Members of this House dealt head-on with the many loopholes in the tax laws which actually provide incentives for foreign companies to take over U.S. companies. In my view, these changes should have been made as part of the 1986 Tax Reform Act; the whole purpose of that legislation was to take tax considerations out of economic decisionmaking.

These many tax incentives are especially troubling when foreign companies take over U.S. companies, shut down U.S. operations, and cost American citizens their jobs. It seems perverse that American workers who lose their jobs are actually subsidizing—through the income tax laws—this type of activity.

Mr. Speaker, I urge that the Ways and Means Committee—on which I serve—take prompt action on my legislation. I insert a technical description of my legislation at this point in the RECORD:

PROPOSAL RELATING TO CERTAIN HOSTILE TAKEOVERS OF U.S. CORPORATIONS BY FOREIGN CORPORATIONS

SEC. 1.—Mandatory Section 338 Election in the Case of Certain Hostile Takeovers

PRESENT LAW

Under present law, a corporation may elect to treat the purchase of another corporation's stock as a purchase of the target corporation's assets under section 338 of the Internal Revenue Code. If such an election is made, the acquiring corporation may be able to obtain a stepped-up basis for the target's assets; the target corporation must recognize gain on the deemed sale of its assets.

If the section 338 election is made, the old target is deemed to have sold its assets as of the close of the acquisition date for their fair market value in a single transaction, and the new target is deemed to have purchased all of the assets of the old target as of the beginning of the day after the acquisition date. Thus, to the extent that the deemed purchase price of the stock exceeds the target corporation's adjusted basis in the assets, the target corporation must recognize gain.

EXPLANATION OF PROVISION

Under the bill, a section 338 election would be mandatory in the case of a hostile takeover of a U.S. corporation by a foreign person (directly or through one or more corporations or other entities). A hostile takeover is a takeover where a majority of the independent board members of the target corporation disapprove the takeover. Thus, under the bill, the target corporation would have to recognize gain on the appreciation in its assets.

For purposes of determining whether there is a qualified stock purchase triggering the mandatory 338 election, the following rules apply. First, the person who makes the offer to acquire stock of a corporation is treated as the purchasing corporation. Second, any stock acquired by a person acting in concert with the offereror (or any person related to the offeror) is treated as being acquired by the offeror. Third, the purchase is a qualified stock purchase, for purposes of the bill, if (1) the acquiring corporation acquires more than 50% of the target corporation's stock or (2) the acquiring corporation has effective control over the target corporation.

Under the bill, a foreign person can have effective control over a domestic corporation in several instances. As one example, the sponsors intend that a foreign person has effective control over a domestic corporation where the foreign person controls the board of directors of the domestic corporation. This can occur even where the foreign person does not own a majority of stock in the domestic corporation at the time of the acquisition.

For example, if the acquiring foreign person succeeds in replacing a majority of the members of the Board of Directors of the domestic corporation, the foreign person has effective control over the domestic corporation for purpose of the provision. Such a result could occur, for example, in the case of a proxy fight.

EFFECTIVE DATE

The provision applies to hostile qualified stock purchases, with respect to which the acquisition date is on or after April 26, 1990.

SEC. 2—Additional Limitations on Earnings Stripping

PRESENT LAW

Interest expenses of a U.S. corporate taxpayer are, in general, deductible. The Omnibus Budget Reconciliation Act of 1989 imposed limitations on interest deductibility, however, in the case of interest to a related party that is not subject to current U.S. taxation.

Under the provisions of OBRA '89, interest deductions are disallowed for interest paid to related parties that are not subject to U.S. tax on the interest received if the corporation's debt-to-equity ratio exceeds 1.5-to-1. The disallowance only applies to the extent that the corporation has "excess interest expenses", which is the excess of the corporation's interest expenses over 50% of its adjusted taxable income for the year.

EXPLANATION OF PROVISION

Under the bill, no deduction for "disqualified interest" as that term is defined under present law is allowed, regardless of whether the corporation has excess interest expenses. The provision only applies in the case of a foreign person acquiring (directly or indirectly) control of a domestic corporation in a hostile takeover.

The terms "control" and "hostile takeover" have the same meaning as in section one of the bill.

EFFECTIVE DATE

The provision applies in cases where control is acquired on or after April 26, 1990.

[1] For a discussion of issues surrounding section 338 of the Internal Revenue Code (sec. 2 of the bill), *see*, generally, Bittker and Eustice, *Federal Income Taxation of Corporations and Shareholders*, ¶ 11.47. See, also, Wellen, "A Revised Roadmap to Section 338," 32 Tax Notes 447 (1986); Ulbright, "Sec. 338 and Foreign-to-Foreign Stock Purchases," *Tax Adviser* (Dec. 1986); Emory, Swenson, Lerner, Fuller, J., "Deductibility of Unamortized Intangible Assets Pursuant to Section 338 Election," *Journal of Taxation* (July, 1989).

VERDA WELCOME, 1907-90

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. HOYER. Mr. Speaker, a great American leader from my home State of Maryland died this week. Verda Freeman Welcome, the first female African-American State Senator in American history, died over the weekend at the age of 83.

Verda Welcome was elected to the Maryland House of Delegates from Baltimore in 1958, was elected to the Senate in 1962 and served until her retirement in 1982.

I was fortunate to have been able to work closely with Senator Welcome as a member of the senate and as its president. In particular, Senator Welcome and I worked together on the Maryland Voting Rights Act. She was a special senator, beloved by the people who elected her and by her colleagues.

Verda Welcome's devotion to service in her community is demonstrated in the fact that although she retired from public office in 1982, Senator Welcome continued to maintain an office in the 3400 block of Holmes Avenue in Baltimore to keep in touch with the neighborhood until 1988.

Senator Welcome was a courageous public servant, who banded together a group of black Baltimore women known as "the valiant women" to defeat the Jack Pollack democratic machine in the Fourth district in 1958 when Ms. Welcome was first elected to the House of Delegates.

Senator Welcome was born in Lake Lure, NC in 1907. When her mother died, she stayed in school by taking night classes so she could help take care of her brothers and sisters during the day.

She moved to Baltimore in 1929, and 3 years later graduated from Coppin Normal School as a teacher. She taught in the Baltimore schools for 11 years.

In 1935, she married the late Dr. Henry C. Welcome. Before her political activity began, Verda Welcome was involved in many neighborhood causes.

One can imagine the obstacles in the way of a black female state senator in the 1960's. Once, while attending a legislative conference in Ocean City, then-Delegate Welcome was given a small, windowless room next to the furnace in the basement of the hotel. As a result, she introduced a public accommodations law that opened Maryland's hotels and public places to all citizens. It was my privilege to work with her on that legislation.

And in 1964, Senator Welcome successfully evaded an assassination attempt in front of her Baltimore home.

Senator Welcome had many specific accomplishments in the Maryland general assembly. She successfully sponsored the upgrading of Morgan State College into a university, and she was a pioneer in the earliest fights to ban cigarette smoking in public places.

Verda F. Welcome's compassion, courage, and convictions were a special addition to the Maryland senate and the entire State of Mary-

land. She will be deeply missed, but her memory will be one which the State takes great pride in for decades to come.

Generations of African-American men and women will be elected to office in Maryland and across the country. They will be standing on the shoulders of Verda Welcome, a quiet trailblazer for justice. It is incumbent on those of us who knew her to make sure that Verda Welcome's legacy is not forgotten.

THE NEED FOR A BALANCED BUDGET AMENDMENT

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. CRAIG. Mr. Speaker, today as each Member steps up and says his piece about the budget resolution and calls for affirmative action on our budget deficit, I would like to remind my colleagues that not only do we need to focus on the particular proposals within the budget resolution, but we also need to look at reforming the budget process as a whole.

Mr. Speaker, I am referring to enacting a balanced budget amendment to our Constitution. Since I first entered the House in 1980, I have worked diligently with Members like Mr. STENHOLM of Texas to build a coalition on this issue. Slowly, we have done that, and today we have 246 cosponsors on our balanced budget amendment, House Joint Resolution 268. Yet, even with a majority of support for this measure, it has not been considered—indeed, no balanced budget amendment proposal has been considered—by the Judiciary Committee or the full House during this session.

Now is the time, Mr. Speaker. Now is the time to have full debate on the floor of this House on the merits of a balanced budget amendment to the Constitution. I hope the House leadership will recognize the bipartisan support the balanced budget amendment has and allow House Joint Resolution 268 come to the floor for a vote during this legislative session.

Back in my home State of Idaho, we price ourselves on our fiscal responsibility. We work hard and live within our means. Mr. Speaker, those are values all of us profess to believe in, but Congress has not practiced any such fiscal responsibility in reality. Enacting a balanced budget amendment to our Constitution would move Congress back on to the road of fiscal responsibility. I urge my colleagues to remember that voting for or against the budget resolution and its amendments will not solve our deficit problems. Our deficit problems are caused by the system within which we work. The rules of the game presently encourage deficit spending. We need to change those rules to ensure that they encourage fiscal responsibility instead. Only then will our deficit problems be resolved.

THE INDUSTRIAL DEFENSE ACT OF 1990

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. EVANS. Mr. Speaker, as we debate the budget resolution today, we are about to begin a new era in our country's national security policy. The events inside the Soviet Union and eastern bloc have changed the shape of history forever. The threat to United States national security from the Soviet Union and its allies is now severely diminished. We can finally start to reap the peace dividend that Americans have worked so hard for.

Yet, we must continue to be prepared for future threats to U.S. national security from all corners of the globe. While we certainly have the luxury to reduce our defense expenditures from massive, cold war levels, we must also maintain our defense industrial base, the very foundation of our military readiness. Unfortunately, it is in sad shape. We have been increasingly losing our Nation's capability to produce defense goods at the expense of our foreign trade competitors. The saddest part of the whole situation is that it is happening with the assistance of our own Defense Department.

In a suit filed by the National Council of Industrial Defense [NCID], the NCID accused the Department of Defense of granting blanket waivers of the Buy American Act of 1933 in negotiating memorandums of understanding [MOU's] with foreign governments. These blanket waivers have come at a huge cost to American workers and business. Currently the DOD estimates that foreign contracts make up close to $4 billion of the Pentagon's annual procurement budget. Yet, the DOD fails to keep track of most foreign subcontracts. When the subcontracts are counted, NCID estimates that between $20 to $30 billion of the Defense Department's procurement budget goes to foreign contractors.

DOD claims that it must be allowed to grant blanket waivers because it gets into political questions that should be decided by the executive branch in handling foreign policy. Yet, it runs contrary to Congress' original intent of the Buy American Act to allow this multibillion dollar farce to continue.

Today, I am offering a bill that would require the Department of Defense to follow Congress' original intent in enacting the Buy American Act of 1933. The Industrial Defense Act of 1990 would require the Secretary of Defense to grant waivers of the Buy American Act on a case-by-case basis, opening up the Defense Department's compliance with the act to congressional scrutiny. I hope you will join me in helping assure American workers jobs and protecting the integrity of our Nation's defense industrial base.

CONGRATULATIONS TO THE 1989-90 WALTONVILLE SPARTANS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. POSHARD. Mr. Speaker, one of my favorite movies is "Hoosiers," based on the story of an Indiana high school team that overcomes the odds to win a State title. It could have just as easily been an Illinois school, because we take no back seat in our enjoyment of the game or quality of its play.

That story is told in real life each year in our State tournaments, and this year a team from my district lived that experience. They did not win the State title, but they did have a magical year filled with thrilling victories and agonizing defeats.

I'm proud to represent the city of Waltonville in Congress and to congratulate the 1989-90 Waltonville High School Spartans on their season. The Spartans were guided to a 20-10 season by Ed Belva, a man with whom I started my brief coaching career. I envy Ed's ability to teach the lessons you learn through team sports.

The Spartans reached the Eldorado Tournament finals, claimed runner-up in the Mid-South Conference, and then came on strong to win regional and sectional championships. Waltonville was defeated in the class A supersectional by the team that eventually won third place in the State.

I congratulate everyone associated with the team for the way they performed throughout the year. I wish them continued success both on and off the court, and hope they will always draw great satisfaction from their accomplishments this year.

I am entering into the CONGRESSIONAL RECORD the names of the people who played important roles in making this season so successful.

1989-90 WALTONVILLE SPARTANS

ROSTER

Matt Carpenter, Scott Haley, John Kiselewski, Ryan Norris, Jason Dees, Greg Winchester, Jason Newell, Tim Colle, Jeff Williams, Josh Davis, Ryan Winchester, Brice Sheriff, Matt Dressler, James Copple.

VARSITY CHEERLEADERS

Susan Wagner, Jennifer Schwankhaus, Stephanie Allison, Beth Bauza, Michelle Beckham, Karen Liggett, Wendy Cook Danyiel Carpenter.

ADMINISTRATION

Ed Belva, head basketball coach/athletic director; Matt Fisher, Assistant coach; James Jenkins, superintendent/principal; Barbara Lentz, cheerleader sponsor;
Jill Garrison, Vicki Allison, Melody Lappn, Danny Czerwinski, Managers.

JAPAN AND SUPER 301

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. WALGREN. Mr. Speaker, this morning's paper quotes the Trade Representatives as saying it is unlikely that the President will designate Japan a Super 301 country. If the Trade Representative is right, I can only conclude that the President is more concerned about appeasing the Japanese investors who finance our national debt, than about standing up for the American businesses who can help us get back in the black.

Japan is the world's second largest economy with a GNP of nearly $3 trillion. It is the second largest trading partner of the United States and is by far the largest potential market for new U.S. exports. While United States exports to Japan have increased over the last year, they remain far below what they should be, based on the quality and competitiveness of American goods and the size of the Japanese market. Despite intensive efforts by United States Trade Negotiators and United States businesses, our trade deficit with Japan has failed to fall below the $50 billion range.

The simple fact is that even America's most highly competitive industries—semiconductors, telecommunications, wood products, automotive parts, electronics, advanced metals, and many others—have been denied a fair chance to sell their products in Japan. Japan's closed system is the product of economic policies and collusive business practices that have been outlawed in this country for 100 years.

Failure to designate Japan under Super 301 will directly undermine the credibility of United States positions advanced in ongoing negotiations with Japan, such as the structural impediments initiative and signal acceptance of the status quo. For American manufacturers, acceptance of the status quo is in fact surrender.

Our Nation's security depends on a strong America—both technologically and industrially. I, therefore, call on the President to designate Japan as a priority country and its unfair trade barriers as priority practices under Super 301 of the 1988 Trade Act.

SDI NOW MORE THAN EVER

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. LIVINGSTON. Mr. Speaker, imagine the following: Shortly after Christmas, Moslem separatists in the Soviet Union assault an army depot believed to store nuclear weapons. Taken completely by surprise, Soviet guards are overrun. The Kremlin reacts quickly, however, and dispatches emergency reinforcements who uproot the insurgents and secure the base. That night, Soviet television informs the nation that "most of the material and ammunition has since been recovered."

Unfortunately, this scenario is not the plot of a new Robert Ludlum novel nor a sequel to "The Hunt for Red October." It is a real-life incident, recounted by Robert Fox of the London Daily Telegraph.

That incident reinforces a prospect of great concern to United States strategic planners: that a Soviet civil war could eventually involve nuclear weapons. Should this occur, an internal Soviet dispute could quickly be transformed into a global nuclear nightmare. Even today, if disgruntled elements within the Red army purposely launch a missile toward our shores, there is nothing America could do. Not a thing.

As democracy flowers throughout most of the world, it is tempting to see America's Strategic Defense Initiative—SDI—as spurious at best and anachronistic at worst. "The enemy is gone," we hear, "why spend billions on a weapons system to defeat an enemy that doesn't exist?"

That is a good question—but it is based on a false premise.

The fact that the Soviet Union is pulling troops out of Eastern Europe is irrelevant to the SDI program. SDI was never intended to halt a blitzkrieg invasion of Western Europe. SDI is inherently a defensive weapon. It has no offensive utility and indeed would be used if and only if another country launches a strike against America first.

For their part, despite pulling back from Eastern Europe, the Soviets have renewed their drive toward ballistic missile superiority, modernizing their SS-18's and mobile SS-24's and SS-25's. So while Gorbachev is idling on one front, his overall build-up proceeds apace.

Second and more important, the Soviets are but one of the adversaries against which SDI offers protection. Indeed, for all its imperialist designs, the Soviet leadership still, I believe, understands the true horror of nuclear weaponry. They know—many of them first-hand—the devastation wreaked on their homeland during World War II—estimated Soviet casualties: 20 million. Seeing that sort of destruction from conventional weaponry alone must give at least temporary pause to even the most ideology committed Marxist.

Clearly, the same cannot be said of leaders in, for example, Iran, Libya, and Iraq. Yet, they too will soon be owners of nuclear weaponry.

Look at the news: In late March, United States and British agents arrested 5 people in London for allegedly trying to smuggle 40 nuclear weapons triggers to Iraq. Two weeks later, customs officials in Britain, Turkey, and Greece seized pieces of steel tubing en route to Iraq. Officials believe the tubing was to be connected to form a hardened artillery barrel capable of firing nuclear missiles.

Libya and Syria each dream of being the Arab world's preeminent power, so each is racing to develop long-range ballistic missiles. Brazil, India, and Pakistan are also trying their best. "In all," states CIA Director William Webster, "at least 15 developing nations will be producing their own ballistic missiles by the year 2000."

With all those countries possessing literally thousands of intercontinental missiles, chances of a launch rise exponentially. Perhaps the launch could be accidental. More likely, however, it would be the deliberate work of a deranged mind. Libya's leader Mu'ammar Qadhafi exemplified this when he declared this spring that "if we had had a deterrent force of missiles able to reach New York—during the American raid—we would have directed them at that very moment."

Therein lies the danger that SDI can avert. It is America's insurance policy against both accidental launch and nuclear blackmail. Moreover, with a price not substantially greater than some of the missile programs now debated in Congress, SDI is financially feasible.

Importantly, though, the benefits of SDI do not stop at the ozone layer. Spin-off technology from SDI research is already reshaping our society and the promise of tomorrow's improvements is even greater. Computer engineers have incorporated SDI optical technology to produce a generation of an inexpensive supercomputer that works 1,000 times faster than ordinary models. A laser-treatment process orginally developed for the SDI program is now used to wash blood supplies of diseases such as herpes, measles, hepatitis-B, and AIDS. This could help reduce health care costs.

Even the U.S. auto industry will benefit. Temperature-resistant carbon fiber developed for SDI is being tested for use in car engines. These components are more durable than steel and will likely decrease maintenance costs.

These are but a few of the spin-offs America has already realized from SDI research. Clearly, more impressive spin-offs are coming—but only if we spend the effort and resources needed to reach them.

For 7 years, America's SDI program has been ridiculed by liberal Congressmen, misguided peaceniks and concerned scientists. Yet despite its rocky funding, the program has persevered. It helped prod the Soviets into accepting Ronald Reagan's medium-range missile reduction proposal, which culminated in the 1987 United States-Soviet arms reduction treaty. Owing to its clearly defensive nature, the future of SDI may hold even more arms reduction treaties.

That, however, will only happen if we make it happen. The choice is ours and the time to decide is now.

ENTREPRENEURSHIP IN THE UNITED STATES AND AROUND THE WORLD

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. MINETA. Mr. Speaker, recent events in Central and Eastern Europe have captured our imagination and inspired ideas as have very few international developments since the end of the Second World War. The burgeoning democracies on the eastern side of what was the Iron Curtain are now actively seeking the aid and counsel of the United States and the American people to help make a successful transition to freedom. The central question before us is this: How can we best help.

On April 8, 1990, an essay offering a thought-provoking approach to the challenges facing Central and Eastern Europe—and the

United States—was published by the Los Angeles Times. It's author is Mike Malone, a well-respected contributor to the San Jose Mercury News and the host of "Malone", a syndicated public television program produced by KTEH-TV in San Jose, CA. Mr. Malone argues forcefully, and persuasively, that it is entrepreneurship which will bolster the freedoms achieved in the Warsaw Pact. He believes that the United States should do all it can to foster free enterprise and unleash the creativity which has been welled up these last 45 years.

Mr. Speaker, Mike Malone in his article correctly points to his home and mine—California's Santa Clara County, better known to the world as Silicon Valley—for the model of creativity and free enterprise to help guide the transformation of Eastern Europe. I urge my colleagues to consider the course of action he details, and I am pleased to provide my fellow Members of Congress with the text of Mr. Malone's article.

HOW TO HELP EASTERN EUROPE

(By Michael S. Malone)

Eastern Europe is in a race with calamity.

Our immediate response, as always, will be to send money. But money to whom? To the new governments? For the past 45 years, that's what we've done for foreign governments, both democratic and tyrannical, benign and murderous—and the inevitable result nearly everywhere has been billions wasted on insane public works projects, dead currencies, poorly considered agricultural ventures and blind temporary solutions to serious long-term problems.

Our aid, for the most part, has harvested resentment, intractable debt and misery for its recipients when the initial cash infusion was used up and only the cash demand remained.

Is there any reason to assume that similar efforts towards Eastern Europe, even if made with the purest of motives, won't have identical results? In a country such as Poland, with its combination of ecological destruction, weak infrastructure and obsolete industry, can any amount of money stave off decades of impoverishment and unemployment?

Yes. But only if the money is offered intelligently. That will mean abandoning traditional aid programs and embarking upon radically new ones. Government-to-government money, food, even joint ventures with major U.S. corporations will not be enough.

There is only one proven way to turn an economy around and create thousands of new jobs in the time that Eastern Europe has available:

Entrepreneurship.

We must aid the emerging entrepreneurs in the newly freed republics of Eastern Europe. Only they can save their societies by quickly creating sufficient economic dynamism and employment.

There has been much talk lately about reviving the Marshall Plan. Consider an alternative. Call it the Terman Plan, after the visionary Stanford University professor who created Stanford Industrial Park and helped get Hewlett-Packard (among other great companies) under way.

Fifty years ago, Frederick Terman realized before anyone else that entrepreneurship was essential to the economic dynamo of the modern high-tech world. But more than that, he understood that for entrepreneurship to survive it must be cradled in a complex web of supporting institutions: the science and business departments of nearby colleges and universities; credit lines from banks; equity money from venture capitalists; suppliers and distributions and a whole army of consultants on everything from real estate and office equipment to public relations, law and bookkeeping.

Such an infrastructure is not easy to achieve. But when it works, as it did in Silicon Valley by the mid-1970s, an entrepreneurial community is an extraordinary thing to behold: an unsurpassed generator of wealth and employment.

The goal of the Terman Plan would be to foster such entrepreneurial communities in Eastern Europe. If similar structures can create miracles in a decade's time in South Korea and Taiwan, why not on even shorter notice in Bulgaria and Hungary, starting as they do with better-educated populations?

Unlike Western Europe, which suffers from a class structure that looks with ill-disguised contempt upon "shopkeepers," the countries of Eastern Europe are, for the moment at least, societies of near-equals. It is precisely from such settings that economic powerhouses emerge. In fact, a leavening of Eastern European entrepreneurship might be the one thing that Europe 1992 needs to succeed.

Furthermore, as was the Marshall Plan before it, the Terman Plan is something only the United States can do. Japan certainly can't help: It too is struggling to understand—and imitate—our unique ability to create innovative new companies.

Unfortunately, desire doesn't match ability. No one ever wants to help the entrepreneur. Even here in the United States, a country that was built by entrepreneurs and only retains its economic strength because of them, they are undermined by government and resented by big business. And entrepreneurs themselves, notoriously antisocial and by their very nature antipathetic to bureaucracies, rank and rules do little to help their cause.

Yet at the same time, entrepreneurial start-up companies are the most democratic of institutions. They are indifferent to race, age, class or gender, instead rewarding creativity, pluck and hard work. That's why, with communism effectively dead, and economic and political democracy at last earning its greatest hearing, we desperately need entrepreneurs to plead our case.

Consider the Silicon Valley company Mips Computer Systems Inc. On Dec. 12, just weeks after the fall of the Berlin Wall and days before the revolution in Romania, Mips had its initial public offering of stock. By the end of the day, given the closing price of $19.50 per share, the company was valued at about $400 million. About 20 of the largest shareholders made more than $1 million that day. Perhaps 200 more—nearly all employees—saw their net worth increase by $100,000 to $500,000.

Mips isn't unique. Here in Silicon Valley, we've become accustomed to meteoric companies bursting onto the stock tables. Hewlett-Packard, Intel, Advanced Micro Devices, Amdahl, Rolm, Tandem Computers, Apple Computer, Sun Microsystems—each in turn among the fastest-growing firms in American business history. Two thousand companies, a half-million jobs, scores of life-enhancing products, tens of billions of dollars in revenue—and all of it arose in just 20 years from the minds of entrepreneurs.

You can be sure that there are at least as many budding entrepreneurs in Eastern Europe, notably in retailing, agriculture and consumer products. The thriving black markets in those countries prove that these men and women exist. Freedom and capital are what they need to grow.

With help, the first new start-up firms in Eastern Europe would probably specialize simply in more efficient distribution of domestic and Western goods. But more sophisticated technology and manufacturing companies would appear soon thereafter.

Experience suggests, in this increasingly internationalized business world in which we now operate, that venture capitalists, bankers and professional service providers, if given some guarantee of an enduring free market environment, will quickly be just as eager to work under a Terman Plan with new start-up companies in Prague as they are with young firms in Sunnyvale.

The Terman Plan would have two distinct tasks:

First, it would help create an environment in Eastern Europe conducive to entrepreneurship. This could include providing Overseas Private Investment Corp. insurance against political instability; sponsoring modern labs, student scholarships and guest professorships at Eastern European universities; extending small business loans; providing computer networks armed with inventory control software; building "garage-type" industrial parks; helping underwrite second-sourcing agreements with U.S. manufacturers and even offering courses on writing business plans.

Then, building upon this environment, the Terman Plan could form a venture fund directed by the U.S. electronic industry and venture capital veterans (a surprising number of whom are themselves Eastern European refugees or the children of such refugees) dedicated to the formation of new firms in those countries.

Such a fund would operate as its private counterparts do: soliciting business plans, working with start-up teams and joining up with other venture firms on investments. And, as do other venture capital firms, it might actually make money as its new corporate charges "went public." These gains could be reinvested in the fund or even, remarkably, be returned to the U.S. government.

Such a program would cost no more than $300 million, two-thirds of that for investment. That's a tiny amount compared to our past wasted efforts in the rest of the world. And we might even get the money back; that is, if government officials can resist telling the fund directors where to invest for political, instead of sound economic, reasons.

Would a Terman Plan actually work? Ironically, the closest precedent for such a program was the opening of the American West—a legendary success. Still, success of a Terman Plan is not guaranteed. Every one of those thousands of new companies that would be created might turn out to be uncompetitive and fail. But then again, there might be a Mips or even an Apple in there, growing like topsy, spinning off dozens of other businesses that would sprout like seeds and grow into great plants. That's the thing about entrepreneurs. They are a messy and unpredictable lot.

MEMORIAL TO THE INDIANS OF BATTLE OF LITTLE BIG HORN

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. MARLENEE. Mr. Speaker, today I am introducing legislation that at last will give recognition to the fallen Indian warriors of the most famous battle ever fought in the Indian wars—the Battle of the Little Bighorn.

Lt. Col. George Armstrong Custer has long been honored along with 268 of his forces who died in this battle at what is now known as the Custer Battlefield National Monument in my congressional district of eastern Montana. In 1881, the U.S. Government erected a monument over the mass grave-site on Last Stand Hill for soldiers, scouts, and civilians attached to the 7th Cavalry who died there.

But the legislation I am introducing today will begin to restore historical balance to the battle. While many members of the Cheyenne, Sioux, and other Indian nations gave their lives defending their families and their traditional lifestyle and livelihood, nothing stands at the battlefield to commemorate those individuals.

My bill authorizes the design and construction of a memorial to the Indians who gave their lives in defending their homeland, who gave their lives in an effort to hold onto their heritage, their way of life.

But this legislation will do more than bring recognition to one group of courageous Indians. This year marks the 100th anniversary of the last battle fought by the Indians—the Battle of Wounded Knee. And, with the theme of "Peace Through Unity," this memorial recognizes that only through peaceful relationships among people of all races can our Nation achieve the unity that is so vital to continued strength and prosperity.

I wish to note that the entire State of Montana stands to benefit from erection of this memorial. Its establishment will further enhance the already worldwide and national significance of Custer Battlefield National Monument, increasing its drawing power as a major historical site in the United States.

Because of its significance in Indian history as the site of the last major victory by the Indians, Custer Battlefield has long deserved the recognition it has received. Now, with the establishment of this memorial, its importance will be fittingly elevated in the pages of U.S. history.

I ask my colleagues to join me in cosponsoring this important legislation.

FORMER SENATOR MILLARD E. TYDINGS HONORED BY MARYLAND CITIZENS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. DYSON. Mr. Speaker, I rise today to salute and pay tribute to the memory of Senator Millard E. Tydings, a former Member of both the U.S. House of Representatives and the U.S. Senate. His 28 years of congressional service follows many other achievements, most notably his service to the citizens of Maryland whom he served in the Maryland House of Delegates and his recognized bravery during World War II. In fact, his brilliant leadership on the battlefield not only saved lives, it also was the basis for a battle plan that was taught at West Point for years.

I am proud to inform my colleagues that Senator Tydings was a resident of Maryland's First Congressional District. This year would have been Senator Tydings 100th birthday and the mayor and city council of Havre de Grace, MD, have honored this great leader's memory by proclaiming 1990 as Millard E. Tydings Year.

Mr. Speaker, I am proud to share with my colleagues a short biography on Senator Tydings during his centennial celebration.

MAYOR AND CITY COUNCIL, HAVRE DE GRACE, PROCLAIM 1990 MILLARD E. TYDINGS YEAR

The Mayor and City Council of Havre de Grace, Maryland have honored one of their most distinguished citizens by proclaiming 1990, The Millard E. Tydings Year. Senator Millard Tydings was born Easter Sunday, April, 1890, and would have been 100 years old this year.

Senator Tydings served his State and nation his entire adult life, from 1916 to 1950, the first half of the 20th Century. A graduate of the old Maryland Agriculture and Engineering College at College Park, Maryland, he subsequently attended law school at the University of Maryland. He became an engineer and a lawyer, and was elected to the Maryland House of Delegates in 1916 shortly before his National Guard unit was activated.

When the United States declared war on Germany, Tydings' National Guard unit returned from nine months service on the Mexican border. He served in the American Expeditionary Forces on the battlefields of France in Maryland's Blue and Gray 29th Division. He returned home a Lieutenant Colonel in command of the division machine guns. He was decorated with the Distinguished Service Medal, and the Distinguished Service Cross, "for bravery beyond the call of duty." He developed the battle plan for one of the first major machine gun barrages to protect advancing infantry troops at the Battle of Etrayes Ridge. The Ridge was the last German fortification along the middle of the allied lines. The Tydings plan was taught for many years at West Point.

After the war he served in the Maryland legislature where he was elected Speaker of the House of Delegates. During his term as Speaker, he was the author of the bill combining the Maryland Agricultural and Technical College and the University of Maryland Technical School in Baltimore into the present University of Maryland.

In 1922 he was elected to the U.S. House of Representatives. In 1926, he was elected to the U.S. Senate where he served until 1950.

In the U.S. Congress he was a leader of the Conservative Jeffersonian Democrats. He believed that less government was the best government, that economy in national government was most important, and that a burgeoning national debt would be disastrous. In the early 1930's, he was fighting for pay as you go legislation in the Senate. He believed that World War II was coming as an extension of World War I, and he fought for an adequate navy and armed forces for our national defense. He passed the bill for fifteen new cruisers while a member of the Naval Affairs Committee in the 1930's. He also became Chairman of the Territories Committee, and in that capacity he authored and secured adoption of the Philippines Independence Bill. In 1946 he attended the independence ceremonies in Manila after the war.

Although he supported President Roosevelt and many of his measures to ease the ills of the Great Depression, he opposed a number of the New Deal programs.

In 1938 he was one of the principal leaders in the U.S. Senate in the fight against the "Supreme Court Packing Bill," which would have added four additional justices to the Supreme Court, thus giving President Roosevelt effective control of all three branches of our government.

This led to the famous Roosevelt Purge Campaign in 1938. President Roosevelt and five members of his Cabinet came into Maryland to campaign against Senator Tydings in the Democratic primary. The President did not succeed.

After World War II, the Senator authored the Armed Forces Unification Bill and became the first Chairman of the Armed Services Committee. He was also Chairman of the Senate Democratic Steering Committee, and a member of the Foreign Relations Committee, the Atomic Energy Committee, and the Subcommittee on Appropriations for Armed Services. He was urged strongly in some quarters for the Presidency. General Omar Bradley said Senator Tydings knew more about the armed forces of the U.S. and its allies than any one in the Congress of the United States.

Senator Tydings was defeated for reelection to the Senate in 1950. The campaign against him that year was condemned by a Senate investigating committee as a "vile backstreet campaign." It featured the use of a "composite photo" in campaign flyers which inserted a picture of Earl Browner, Communist Party leader, close to Senator Tydings. Senator Tydings had, in fact, never met him. Senator Tydings won the primary election in 1956, but shortly after was stricken with illness, and had to withdraw from the election.

He was a fighter for what he believed in and once said to a critic, "I don't want a seat in the U.S. Senate if I can't vote for what my conscience says is right."

His widow, Eleanor Davies Tydings, said Millard Tydings "had three great loves: the U.S.A., the State of Maryland, and the U.S. Senate." His wife said, "I am proud to have been his fourth love."

INTRODUCING A BILL TO RESTRICT LAND EXCHANGE AUTHORITY WHEN AIR QUALITY IS ADVERSELY AFFECTED

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. OWENS of Utah. I am introducing this bill today because of a glaring inadequacy in the way FLPMA land exchange authority is currently implemented. It doesn't protect our air. Specifically, I intend to insist that the Federal land manager, with the concurrence of

the EPA Administrator, determine that a proposed land exchange for construction of a powerplant will not degrade the air quality of a nonattainment area. This determination must be made before the land exchange can be approved.

A 2,000-megawatt powerplant has been proposed just across the border from our two States in northeastern Nevada. Because of prevailing winds and the 450-foot-high stacks which are envisioned, it is apparent that a sizable portion of the 64,000 tons of pollutants generated annually will drift toward areas in our States which are already struggling with air quality. Because of an incomplete environmental impact statement, determined by the EPA as inadequate, the effect of this plant on the air quality of nearby nonattainment areas was not even considered. Our bill will make that determination an integral part of any decision to exchange public lands for the purpose of building a major powerplant facility. The burden of proof will be on the Federal land manager to determine that the land exchange will not adversely affect air quality in a nonattainment area.

Under section 206 of FLPMA, land exchange authority is contingent upon the exchange being in the "public interest." Our bill states that the requisite public interest is not served if the purpose of an exchange is to construct a powerplant which will adversely affect air quality in a nonattainment area.

This is a question which we will address more and more often as the tentacles of energy-hungry, high-growth areas extend to the relatively clean air of the West in order to spread their pollution around and build facilities which would never be permitted in the areas they are designed to serve. But Salt Lake City's future growth should not be negatively affected by a plant in Nevada built to supply power to California. Nor should the cleanest air in the lower 48 States—centered directly on the site of this proposed plant—be degraded simply because its purity allows a permissible dilution of pollution. I do not look forward to the bleak and dreary future of an evenly polluted Nation from coast to coast. We would never allow a 1,000-mile sewer pipe from the West coast to pour effluent into our pure rivers in the mountain West. Neither should we stand by while the same thing happens to our air.

THE NATIONAL MARROW DONOR PROGRAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. COBLE. Mr. Speaker, it is my privilege and honor to join with my colleagues today to take a simple blood test in order to join the National Marrow Donor Program. This worthwhile effort is a national federal registry that matches unrelated marrow donors with those in need of a life-saving transplant. I applaud my colleague Representative BILL YOUNG of Florida for leading the national registry effort in Congress.

I decided to get involved in this program because of a group of outstanding high school students in the Sixth District of North Carolina. The Science Club at Page High School in Greensboro, NC, has become the first high school in the United States to initiate a drive to locate and register students for possible bone marrow donations. The students call their effort "The BMW Project." BMW stands for Bone Marrow Wanted.

While the students deserve praise for their willingness to get involved in such a noteworthy community project, special recognition must be given to Mr. Jim Woody, a biology teacher at Page High School. It was Jim Woody who first approached his students with the idea of starting a student registry. The idea came to him after watching a television program about how whites have a better chance of getting a marrow transplant than blacks. Only about 7 percent of the 96,000 potential marrow donors registered in a national registry now are nonwhite. While the Page High School BMW Project began as an effort to increase the number of minority registrants, it has grown beyond that to include the entire school.

The students became completely involved in The BMW Project. They went out and solicited funds from the business community. They sold cases of candy. They recruited other school clubs at Page to get involved. Their most important achievement was getting local lab interested in their efforts. Genetic Design, Incorporated, of Greensboro, NC, agreed to do the blood tissue typing at cost. Because this has become a fairly expensive procedure, many people are reluctant to join a donor program. We are grateful that Genetic Design has decided to get involved in this effort, and we commend company officials for their willingness to assist in such a worthy cause.

There is another Sixth District connection to today's registration of members of Congress. One of the labs which is used for the National Marrow Donor Program is located in our district. Roche Biomedical Lab of Burlington, NC, is one of the three labs which will be used to type and test the blood of potential donors. We congratulate Roche Biomedical for its involvement in this program.

As I said, I am honored to participate in this National Marrow Donor Program. We sometimes hear complaints about today's youth, but you will not hear that from me. Thanks to a group of dedicated students at Page High School in Greensboro, NC, someone facing a potential life-threatening blood disorder just might receive a second chance. Congratulations to everyone involved in The BMW Project.

PHIL KALTENBACHER: DEDICATED PUBLIC SERVANT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. TORRICELLI. Mr. Speaker, when Phil Kaltenbacher stepped aside as chairman of the Port Authority of New York and New Jersey earlier this month, he closed a chapter that was rich in accomplishment for the bi-state agency, for New Jersey, and for the metropolitan region.

Phil is one of those public officials who gives public service a good name; he viewed his duties at the port authority as both a joy and a high calling to contribute to a better future for the 17 million citizens of the region.

During his tenure, the port authority embarked on a complex multibillion-dollar capital plan to modernize our regional infrastructure to meet the global competition of the 21st century. He steered this program through many critical junctures, for which he deserves recognition as one of the region's master builders.

Beyond bricks and mortar, Phil Kaltenbacher helped New Jerseyans come to understand better the opportunities and competitive challenges inherent in the State's fast-growing role in the world economy. At the same time, he assured that the benefits from this growth flowed to the State's urban centers, as well as its suburbs.

Phil Kaltenbacher set a high standard of leadership that I believe will be well-maintained in the capable hands of his successor, Dick Leone. As a friend of both men, I think it is appropriate at this time of transition to pause and take note that Phil Kaltenbacher's years as port authority chairman were years when the public was extremely well served.

FLIGHT ATTENDANT SAFETY PROFESSIONALS DAY

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. LIGHTFOOT. Mr. Speaker, I was pleased to lend my support to legislation recently introduced designating July 19, 1990, as Flight Attendant Safety Professionals Day.

Flight attendants are professionals trained to respond to various emergencies and make split-second decisions in the best interest of their passengers. That, in fact, was the case when United Airlines flight 232 crashed in Sioux City, IA, on July 19, 1989. Thanks to the professionalism and expertise of the United crew, many of the passengers onboard were spared from an untimely death.

It seems appropriate that July 19th be chosen as the day to recognize the courage and dedication demonstrated by individuals who are entrusted with our safety. Traveling to and from Washington, DC, I appreciate the role of our flight attendants. I hope my colleagues will consider my comments the next time they are flying back to their congressional district. You might stop and think how your flights are more comfortable and secure due to the performance and skill of the flight attendants. Please join me in cosponsoring House Joint Resolution 533.

FAIR WINDS AND FOLLOWING SEAS FOR LT. STEPHEN R. CHAPIN, JR., U.S. NAVY

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. GEPHARDT. Mr. Speaker, it is a pleasure today to take this opportunity to recognize and honor Lt. Stephen R. Chapin, Jr., U.S. Navy for his outstanding service as congressional liaison officer for the U.S. Navy with the House of Representatives.

A 1985 U.S. Naval Academy graduate, Lieutenant Chapin was selected for this demanding assignment as a result of his distinguished service as surface warfare officer in USS *Doyle* (FFG-39). This included several extensive deployments to the Mediterranean Sea, Indian Ocean, and Persian Gulf as part of the Navy's Expeditionary Force to that crisis-plagued region.

During his tour with the Bicentennial Congress, I and many of my colleagues have greatly relied on Lieutenant Chapin's superb knowledge of Navy policy and outstanding assistance covering a variety of military matters. Of particular note, Lieutenant Chapin has been a key liaison between the House of Representatives and the U.S. Naval Academy. He has been instrumental in coordinating Military Academy Orientation Programs for congressional staff members. Additionally, on his weekends and free time both he and his wife, Julie, have been instrumental in supporting the House of Representatives Page Program with orientation programs and tours to the U.S. Navy Academy at Annapolis. During these tours he has served as a positive role model for the congressional pages, exemplifying the highest standards of the U.S. Navy.

It is my understanding that Lieutenant Chapin will be completing his current assignment in May and will be transferring to the Naval Reserve. A man of Lieutenant Chapin's talent and integrity is rare indeed. While his dedicated service will be genuinely missed, it gives me great pleasure today to recognize him before this body and to wish him and his wife Julie, "Fair winds and following seas," as he brings to a close his distinguished service in support of the House of Representatives.

THE PLAINS, VA, CELEBRATES 80TH ANNIVERSARY

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. SLAUGHTER of Virginia. Mr. Speaker, I am pleased to bring to the attention of the House that today, April 26, 1990, marks the 80th anniversary of the incorporation of the town of The Plains, VA. The Plains, located in Fauquier County, VA, has a long and colorful history.

In these days of rapid urbanization and hurried pace, The Plains is a delightful reminder of the simpler, more pleasant life in a sunny, country town. Farmers no longer send their produce into Washington from The Plains by train. However, the charming old train station is still there. So are the old well-kept country houses with big lawns, lovely churches, and small village shops and businesses. Today, as it was 80 years ago, farms, large and small, border the town and sustain foxhunting in Orange County Hunt territory and an agricultural way of life. These physical characteristics of the The Plains are certainly comfortable to the eye and the spirit.

Even more important are the town's people themselves. The Plains' residents have knitted together a sense of community spirit evidenced by smalltown friendliness and good neighbor practices. Everyone works together in civic endeavors from the town council to volunteer organizations like the Community League. The Plains Fire Department and Rescue Squad is noted for its competent, efficient service to the community. Perhaps one of the most interesting aspects about life in The Plains is that the smalltown library, staffed by volunteers and nicely landscaped, was once the town jail.

Mr. Speaker, I congratulate the citizens of the town of The Plains as they celebrate the 80th anniversary of their town and their special, rural way of life.

PREGNANT WOMEN TO REFRAIN FROM SMOKING

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. DURBIN. Mr. Speaker, cigarette smoking during pregnancy is one of the major preventable causes of low birthweight births and fetal and infant mortality. It has been estimated that the number of fetal and infant deaths could be cut by 10 percent if all pregnant women would refrain from smoking.

At a hearing held by the Select Committee on Children, Youth, and Families on April 23, 1990, Dr. Randall Todd described a promising program reduce maternal smoking. Dr. Todd is director of health promption and disease prevention for the Kent County Health Department in Grand Rapids, MI. The Kent County Health Department initiated a test program for pregnant women who were clients of the department's WIC clinic, to encourage and assist smokers in quitting smoking.

Simply by providing a 20-minute one-to-one counseling session including both information about the risks of smoking and a self-help manual to assist smokers in eliminating their smoking, the program was able to achieve a quit rate of 11 percent.

If this approach were replicated across the country, thousands of women could be helped to overcome their tobacco habit and improve the likelihood of a successful birth and healthy infancy for their children.

It has been said that a healthy baby begins with a healthy mother. Smoking hurts both the mother and the child, and Dr. Todd has shown that something can be done about it. I ask that his testimony and an evaluation of this program that appeared in the January 1990 issue of the American Journal of Public Health be printed in the RECORD.

REMARKS BY RANDALL L. TODD, D.H.SC., M.P.H

Mr. Chairman and members of the committee, thank you for giving me the opportunity to speak on behalf of thousands of infants who are being adversely affected by tobacco use. I understand that one of your primary focuses has been on the effects of illicit drug use among pregnant women. I would invite you, however, to consider the effects of a substance which is completely legal in this country, which is used by more than 25 percent of pregnant women and which has been scientifically demonstrated to have serious adverse side effects on the unborn fetus and neonate.

Smoking of tobacco during pregnancy is an important mofidiable risk factor for low birthweight, (1.2) and is also correlated with increased risk of early fetal loss. (3.4) It is projected that if all pregnant women stopped smoking, the number of fetal and infant deaths would be reduced by 10 percent. (5) An estimate of the average cost of neonatal care is $189 higher (1983 dollars) for infants born to smokers. (6) Smoking in pregnancy has also been linked to postnatal complications. Smoking doubles the risk of Sudden Infant Death Syndrome (SIDS). (7)

Clearly, attention needs to be given to this problem and methods need to be developed that will help pregnant women quit smoking or a least reduce their consumption of tabacco during their pregnancy. Traditional smoking cessation programs generally utilize multiple educational sessions often spread over a time frame of several weeks. Such programs often impose time and transportation barriers to the pregnant population. Recently, there has been a significant trend toward the use of self-help materials for smoking cessation which can be utilized by an individual without the need for attendance at formal clinic sessions.

These techniques must rely heavily on the ability and motivation of the individual to read the self-help literature.

I would like to share with you an approach to overcoming these barriers which was utilized on a pilot basis in the Kent County Health Department WIC Clinic.

The Kent County WIC Clinic currently maintains an average monthly caseload of just over 6,000 clients. We are presently in the midst of expanding to serve an average monthly caseload of 8,000. At this level we would anticipate approximately 4,000 pregnant women would utilize the WIC clinic over a 12 month period. Approximately 42 percent of pregnant women utilizing KCHD's WIC Program are currently smokers. This compares with an estimated 32 percent of all women of child-bearing age who smoke.

During our pilot, 81 percent of the smokers identified agree to participate. Participants were randomly assigned to one of three groups. The usual care (UC) group received printed information about the risks of smoking during pregnancy and completed the clinic in the traditional manner.

The multiple component (MC) group received a 20 minute one-to-one counseling session which included both risk information and behavior change components. The risk information component employed the "Because I Love My Baby" materials developed by the American Lung Association. These materials include a "flip chart" used by the health educator in presenting the information and a printed brochure given to clients to take home.

The behavior change component of the MC intervention employed a self-help manual adapted from Windsor, et al (5), and from the American Lung Association's "Freedom From Smoking" program. Behavior contracting and self-monitoring were the primary strategies. An individual behavioral contract was developed during the session which specified a quit date and selection of some significant other as a co-signer. Self-monitoring included charts of recording daily smoking behavior, and the development of an individualized plan of action for breaking recorded behavioral chains.

The risk information (RI) intervention was a face-to-face session of about 10 minutes duration. The health educator used the same "flip chart" as the MC group and provided the factual brochures, but did not present behavior change counseling, or furnish the self-help manual.

Of the three groups, those clients receiving the MC intervention achieved the best results. The MC group had a quit rate of 11 percent.

Implementation of the MC methodology as a routine part of WIC care for all pregnant smokers would require the addition of professional staff at a cost of approximately $19,000. This is a relatively small amount of money when compared to our overall County WIC budget of approximately $686,000. Unfortunately, increases in WIC funding are always attached to requirements for increase in caseload thus making it impossible to add even a part-time staff resource to address this important area. Locally, we are already contributing more than $130,000 to the WIC budget just to meet the basic requirements.

I would also share with you the fact that similiar approaches have been tried in other local WIC programs in Michigan with less promising results. I believe it is important to understand some of the differences which led to better results in Kent County. First, our program delivered its intervention during the regular clinic visit. We would not have had an 81 percent participation rate if we had asked smoking WIC mothers to return for a separate session. Secondly, we utilized our own staff to deliver the intervention. A WIC clinic is an extremely busy and often confusing place. In order for smoking interventions to be truely integrated into the WIC program, it is essential that the entire clinic staff understand and be committed to the concept.

In summary, we have seen that smoking rates among pregnant WIC clients exceeds the average rate of the population. There is no recruitment problem to get clients into the WIC program. In fact, we generally have a waiting list. Once in the WIC program a large percentage of smokers will agree to participate in a smoking intervention if offered and if it does not require an additional trip to the clinic. Brief smoking interventions (20 minutes or less) can be integrated into the WIC clinic flow with a minimal but critical addition to professional staffing levels. Such brief interventions can be demonstrated to produce quit rates in excess of 10 percent.

The WIC program should be expanded to include smoking interventions along with the nutrition education and provision of supplemental food that have proven so effective over the last 10-15 years. The additional cost of these interventions should be recognized with appropriate adjustments to the local staffing grants. In Kent County we have had to interrupt our provision of this needed service while we pursue other funding mechanisms.

Thank you for your attention and consideration.

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A Randomized Evaluation of Smoking Cessation Interventions for Pregnant Women at a WIC Clinic

(Jeffrey P. Mayer, PhD, Barbara Hawkins, MA, and Randall Todd, HDSc, MPH)

Abstract: Pregnant smokers attending a local health department WIC clinic were randomly assigned to one of two self-help smoking cessation programs or usual care. The multiple component program resulted in larger quit rates than usual care during the last month of pregnancy (11 percent vs 3 percent) and postpartum (7 percent vs 0 percent). Achieving quit rates in WIC similar to those in studies conducted at prenatal care settings, suggests that smoking cessation programs for low-income pregnant WIC clients are feasible. (Am J Public Health 1990; 80:76-78.)

INTRODUCTION

Estimates suggest that 32 percent of all woman of child-bearing age smoke with only 21 percent quitting during pregnancy.[1] Evaluations of self-help cessation programs have demonstrated some success with pregnant women receiving prenatal care at an HMO (health maintenance organization),[2] private practices,[3] hospital clinics,[4*] and local health departments.[5]

WIC (the Special Supplemental Food Program for Women, Infants, and Children) is an unexplored setting for smoking cessation research. Analyses of matched WIC-birth certificate data for Missouri in 1982 indicated that 45 percent of pregnant women WIC participants were smokers,** 50 percent higher than the 30 percent rate observed among all Missouri women that year. Data on 127,512 pregnant women enrolled in several state WIC programs from 1979 through 1985 suggested that smokers were 2.5 times more likely to deliver a low birthweight infant, and that very few participants stopped smoking following their enrollment in WIC.* * *

The present investigation is a randomized trial of a self-help smoking cessation program implemented at a local health department WIC clinic.

METHOD

The study was conducted from August 1985 to August 1986 at the Kent County Health Department in Grand Rapids, Michigan. A brief structured interview was used to characterize an incoming pregnant women as a current smoker (at least one cigarette per day), a nonsmoker, or a former smoker. Current smokers were asked to participate in the study and to complete an informed consent statement and a pretest. Following informed consent, participants were randomly assigned to one of three groups.

The usual care (UC) group received printed information about the risks of smoking during pregnancy and completed the clinic in the traditional manner.

The multiple component (MC) group received a 20-minute one-to-one counseling session which included both risk information and behavior change components. The risk information component employed the Because I Love My Baby materials developed by the American Lung Association. These materials included a "flip chart" used by the health educator in presenting the information and a printed brochure given to clients to take home.

The behavior change component of the MC intervention employed a self-help manual adapted from Windsor, et al,[5] and from the American Lung Association's Freedom From Smoking program. Behavioral contracting and self-monitoring were the primary strategies. An individual behavioral contract was developed during the session which specified a quit date and selection of some significant other as a cosigner. Self-monitoring included charts for recording daily smoking behavior, and the development of an individualized plan of action for breaking recorded behavioral chains.

The risk information (RI) intervention was a face-to-face session of about 10 minutes duration. The health educator used the same "flip chart" as the MC group and provided the factual brochures, but did not present behavior change counseling, or furnish the self-help manual.

During the postpartum WIC visit, the posttest was completed, which included questions about smoking during the final month of pregnancy as well as postpartum. The postpartum self-reports, on average, occurred 4.7 weeks following birth of the infant, a relatively short period. Saliva samples (N=66) were collected from the last one-third of the participants. The correlation between the saliva thiocyanate and self-report measures (r=.25) was similar to correlations found in more extensive analyses with larger samples that showed excellent sensitivity and specificity.[6,7] Saliva samples were equally distributed across groups (28 percent of MC participants, 30 percent of RI participants, and 32 percent of UC participants). Resource constraints did not allow collection of more complete data.

Demographic and health service data were abstracted from WIC program records for study participants and for the women who refused to participate. Agreement rates between different coders, and between the WIC record and prenatal care medical record, for a 30 percent random sample, were 99.2 percent had 87.9 percent, respectively.

RESULTS

Two hundred and seventy-one of 641 pregnant women entering the clinic were identi-

fied as current smokers (42 percent); 291 volunteered to participate in the study (81 percent). Of these 219, posttest data were collected from 186 (15 percent attrition rate) (about one-fourth actually refused to complete the posttest; three-fourths either moved from the community, left the WIC program, or miscarried). Those lost to follow-up were treated as continuing smokers in the following analyses.

Diferences between study participants and refusals on variables available from the WIC record were relatively minor for important variables as were study group differences (Table 1).

Table 2 presents the quit proportions and differences by treatment group for both follow-up periods. The MC group quit rate was higher than the UC group at both post time periods. While all UC participants had returned to smoking postpartum, some proportion of the participants in the MC and RI groups remained smoke free.

DISCUSSION

The 42 percent smoking rate among pregnant women entering the WIC clinic was similar to the estimates of Land and Stockbauer,** and was indicative of the important need for smoking intervention at WIC clinics. The quit rate for the MC group (11 percent) was just under that found at prenatal care settings serving low-income women. Both Windsor, et al, [5] and Secker-Walker et al,* in studies conducted at low-income public maternity clinics, reported quit rates of 14 percent.

Although limitations of the present formative evaluation study include small sample size, and lack of complete biochemical verification, the findings have preliminary implications for extending health education services to pregnant smokers visiting WIC clinics. The high level of program acceptance among our WIC participants (81 percent) is impressive. Although prenatal care settings see pregnant women more regularly, offering possibility of multiple health education contacts (and potentially improved quit rates), the WIC program, with broader eligibility than typically found at public prenatal care clinics, would seem to offer greater opportunity to reach a larger share of low-income women. Additionally, WIC clinics offer the advantage of a centralized site where health educators and public health nurses can be made available to provide one-to-one counselings.

TABLE 1.—COMPARISON OF MULTIPLE COMPONENT, RISK INFORMATION, USUAL CARE, AND REFUSAL GROUPS ON SELECTED DEMOGRAPHIC AND HEALTH CARE VARIABLES

Variables	Multiple component (n=72)	Risk information (n=70)	Unsual care (n=77)	Total (n=219)	Refusals (n=52)
Mean age	22.3	23.4	22.4	22.7	23.8
Parity (percent):					
Primiparous	33.8	27.9	23.4	28.2	21.2
Multiparous	66.2	72.1	76.6	71.8	78.8
Race (percent):					
Black	18.3	25.0	19.5	20.8	18.9
White	78.9	75.0	71.4	75.0	75.5
Other	2.8	0.0	9.1	4.2	5.7
Trimester prenatal care began (percent):					
First	88.7	80.3	82.7	84.0	NA
Second	11.3	18.2	16.0	15.1	NA
Third	0.0	1.5	1.3	0.9	NA
Trimester of first WIC clinic visit (percent):					
First	22.5	27.5	19.5	23.0	23.1
Second	54.9	44.9	48.1	39.3	50.0
Third	22.5	27.5	32.5	27.6	26.9
Source of payment (percent):					
Insurance or HMO	14.5	9.1	21.0	15.1	8.5
Medicaid	79.0	80.0	71.0	76.0	80.9
Self-pay or other	6.5	10.9	8.1	8.4	10.6
Received advice from physician to quit (percent):					
Yes	68.6	67.1	68.9	68.2	NA
No	31.4	32.9	31.1	31.8	NA
Mean number of years smoking	7.2	7.5	7.3	7.4	NA
Mean age smoking began	15.1	15.8	15.1	15.3	NA
Number of quitting attempts prior to pregnancy (percent):					
None	26.4	34.3	28.9	29.8	NA
One or more	73.6	65.7	71.1	70.2	NA
Number of quitting attempts following pregnancy (percent):					
None	69.4	64.3	66.2	66.7	NA
One or more	30.6	35.7	33.8	33.3	NA
Mean number per day prior to pregnancy	19.9	19.7	20.3	19.9	NA

Note: All differences between MC, RI and UC groups are not statistically significant at the .05 level using chi-square tests for categorical variables and ANOVA for differences between means. Differences between the total intervention group and the refusal group are also not significant. Sample size may vary slightly due to missing data. NA=not available from WIC record.

TABLE 2.—QUIT PROPORTIONS AND DIFFERENCES AT THE NINTH MONTH OF PREGNANCY AND POSTPARTUM

	At 9th month	Postpartum
Multiple component (N=72)	.111 (.039, .183)	.069 (.010, .128)
Risk information (N=70)	.071 (.011, .131)	.071 (.011, .131)
Usual care (N=77)	.026 (−.009, .062)	.000 (0.00, 0.00)
Total (N=219)	.068 (.035, .101)	.046 (.018, .074)

Note: 95% CI in parentheses

	Difference	95% CI
At 9th month		
MC vs UC	.085	(.004, .166)
RI vs UC	.045	(−.025, .115)
MC vs RI	.040	(−.054, .134)
Postpartum:		
MC vs UC	.069	(.011, .128)
RI vs UC	.071	(.012, .130)
MC vs RI	.002	(−.082, .086)

ACKNOWLEDGMENTS

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A CONGRESSIONAL SALUTE TO LENNA VICTORIA McCARBERY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of my community, Lenna Victoria McCarbery, as she completes her third term as president of the Zonta Club of the south bay area.

Mrs. McCarbery's dedication and service to others, sets an example for all of us to emulate. Not only president of the Zonta Club, Lenna has served as president of the San Pedro Business and Professional Women's Club and as Worthy Matron of the San Pedro Harbor Chapter No. 174 of the Order of Eastern Star. Currently, she also sits as a member of the board of directors of the harbor area YWCA and serves that organization as parliamentarian, personnel chairman and by-laws chairman. Furthermore, Mrs. McCarbery is a volunteer docent at Dominguez Ranch Adobe and a member of and by-laws chairman for the Polynesian Society of Los Angeles.

In addition to this impressive list of community work, Mrs. McCarbery has served professionally with the San Pedro Chamber of Commerce and the Redondo Beach Chamber of Commerce. Lenna is also a certified medical assistant and radiology technician. Despite her commitment to the community, somehow she finds time to be a wonderful wife to her husband, Dennis, and a mother to three children, Cynthia, Michael, and Margaret.

Lenna Victoria McCarbery certainly deserves our highest tribute. I commend her on her volunteerism and long history of service. My wife, Lee, and I wish her the best in the years to come. She is a caring and giving woman, who has enriched the lives of so many South Bay residents.

HONORING THE 100TH BIRTHDAY OF THE WALDOBORO WOMAN'S CLUB

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. BRENNAN. Mr. Speaker, I rise today in recognition of the 100th birthday of the Waldoboro Woman's Club in Waldoboro, ME.

In 1890, the Waldoboro Woman's Club was originally founded by two women as a literary club in order to pass the time during the cold Maine winters. Since that time, the club has grown to become an organization that provides many important services to its community. Just a few examples of the club's commitment are its assistance in local blood drives, providing scholarships and support for local students and numerous boys and girls clubs, and even providing the insurance money for an oxygen tent that it had purchased for the town.

The Waldoboro Woman's Club has had to work very hard to be able to be so generous to its community. Throughout the year the club sponsors raffles, cake sales, bazzars, and other fundraising activities to support the various projects in Waldoboro.

I would like to take this opportunity to congratulate the Waldoboro Woman's Club on the 100th anniversary of its founding, and I believe that they have truly lived up to their motto: "There is only one proof of Ability—Action".

SUPPORT FOR H.R. 770

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. UDALL. Mr. Speaker, I wish to express my support for H.R. 770, the Family and Medical Leave Act of 1989. The provisions of this legislation will guarantee job security, seniority, and health benefits for workers who need to take leave from work to care for a newborn, newly adopted, or seriously ill child. It also guarantees job security, seniority, and health benefits for workers who need leave to recover from a serious medical condition. The act also includes a family leave provision for the care of a seriously ill parent.

American workers should not be forced to choose between having a job and meeting their family needs. Our typical American family, where the father worked and the mother stayed at home to care for the child or aging parent is vanishing rapidly. Currently, less than 10 percent of our families fit this pattern. The majority of families are comprised of two-earner couples or single women raising their children without fathers present in the home. We need to face this reality and have the courage to respond to the changes in our society. There has been much talk about our commitment to family values. The Family and Medical Leave Act of 1989 will put that talk into action.

THE EGALITARIAN DOCTOR, KENNETH SHINE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. LEVINE of California. Mr. Speaker, it is with distinct pleasure that I rise today to express my admiration, respect, and gratitude to a good friend and a devoted doctor. Kenneth I. Shine, M.D., is a studious and caring leader who has worked tirelessly to improve the quality of medical care in our country. Dr. Shine currently works as dean of the University of California, Los Angeles, School of Medicine and is an active, practicing cardiologist. In addition to his many academic and professional duties, Kenneth Shine is highly regarded throughout the United States as a strong and vocal advocate of the medical community.

Dr. Shine has made enormous contributions to the advancement of health through his 17-year involvement in the American Heart Association. The first Los Angeles resident to serve as president of the AHA from 1986 to 1987, Ken has been particularly active in working to prevent the incidence of heart disease among minorities. His commitment to improving the quality of life in minority communities is also evident in his work as a member of the board of directors of the Charles Drew University of Medicine and Science, which participates in a joint medical school program with UCLA.

Among his numerous tasks, Dr. Shine encourages State legislators to provide more support of health care to indigent people and other targeted groups. He has also devised several programs designed to educate legislators on such matters as health care cost containment. On the Federal level, Dr. Shine is chair of the Workshop on Effectiveness of Health Care, a committee of the Institute of Medicine. As chair, Dr. Shine advises our Government on such issues as the need to support more research and better health care for those over 65.

A graduate of Harvard University and Harvard Medical School, Ken is also highly regarded as an innovator in medical education, particularly for his work in ambulatory education. Under this approach to teaching medicine, students work not only in hospitals, but also in medical offices, where patients in need of preventive services or with chronic problems are most likely to be found. A loving husband and devoted father of two, Kenneth Shine is a leading proponent of the medical university which would provide a broad medical education, incorporating the fields of law, management, history, and urban planning.

Mr. Speaker, it is for all of these reasons that Dr. Shine has been presented the 1990 Outstanding Achievement and Community Service Award by the Anti-Defamation League's Pacific Southwest Medical Division. I strongly urge my colleagues in the U.S. House of Representatives to join me in honoring my good friend Kenneth Shine for the many years he has selflessly devoted to improving medical care in this country.

ABRAHAM M. SIDORSKY RETIRES FROM NATIONAL SERVICE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. HALL of Ohio. Mr. Speaker, few men and women in our Federal civil service have compiled a record of achievement and dedication as Abraham M. Sidorsky, who retires on April 30, 1990, from the Headquarters Air Force Logistics Command at Wright-Patterson Air Force Base, OH.

Mr. Sidorsky has honorably served his country for nearly 47 years as an enlisted man and an officer in the Army and Air Force; an employee of the Veterans Administration, and finally, a civilian Air Force employee.

As a top specialist in procurement, Mr. Sidorsky has had a major role in planning the logistics support of our worldwide air defenses. His knowledge of contracting administration, management experience, and most of all—ability to work with people—have made him an exceptionally valuable civil servant.

Our national defense depends on the expertise of men and women like Mr. Sidorsky who work behind the scenes to keep our fighting forces ready for combat. Thanks for a job well done.

HONORING DEPARTMENT COMMANDER VINCENT COLASACCO, AN OUTSTANDING LEGIONNAIRE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. GILMAN. Mr. Speaker, I would like to avail myself of the opportunity to call to the attention of our colleagues an outstanding veteran, one who has personified the American Legion and all that it stands for.

Vincent Colasacco was born in Mamaroneck, Westchester County, NY, in 1922. From a young age, he was active in many sports, in which he excelled. He married the former Elizabeth Morra of Mount Vernon, NY. Their many years of happy marriage produced a son, James, and a daughter, Janice Vincent and Elizabeth enjoy six grandchildren.

When our Nation went to war in the wake of Pearl Harbor, Vincent Colasacco was quick to volunteer his services. During his 3 years in the U.S. Army, Vincent participated in five major battles in the European theater: The Ardennes; Central Europe; Normandy; northern France, and Rhineland. He received many decorations as a result of his World War II

service, including the Bronze Star Medal, the Good Conduct Medal, the European-African-Middle Eastern Service Medal; the American Campaign Medal, and the Army of Occupation Medal.

Upon the conclusion of his distinguished service in the Armed Forces, Vincent became active in the American Legion in his hometown of Throggs Neck. His hometown post, No. 1456, always considered him to be the embodiment of the American Legion Pledge: "devotion to mutual helpfulness."

Vincent's leadership abilities moved him rapidly through the Legion ranks. He served in many offices in his hometown post, which granted him a life membership on May 14, 1981. On the county level, he served as chairman of the military ball committee each year for 20 years, as a chairman of the distinguished guests committee for 12 years, as county vice commander, and finally as Westchester's County commander.

In his District he served as a committeeman for the National Commander's dinner for 25 years prior to his election first as district vice commander, and finally as district commander.

On the department level, Vincent served as the Americanism chairman for 1988 and 1989. Then, he was elected department commander for the State of New York.

This weekend, Vincent's fellow Legionnaires will be honoring him for a job well done. For over four decades, Vincent Colasacco has represented the best in the American Legion. His unselfish devotion is a tribute to all of his fellow veterans, and we are proud to have him represent our State.

Mr. Speaker, I invite all of our colleagues to join with me in saluting American Legion's Department Commander Vincent Colasacco, and his lovely wife Elizabeth, and wish him many productive and happy years to come.

TOP NSF HONOR GOES TO PENNSYLVANIAN

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. WALKER. Mr. Speaker, ever since the days of Ben Franklin, Pennsylvanians have provided the scientific and technological leadership that has made our Nation the economic power it is today. In a continuation of that tradition, yet another Pennsylvanian has been honored for his contributions to science.

Dr. Mark E. Davis, a native of Ellwood, PA, has been presented with the National Science Foundation's prestigious Alan T. Waterman Award. NSF makes this award annually to a single outstanding young researcher.

Dr. Davis is currently a professor of chemical engineering at the Virginia Polytechnic Institute and State University. He received the Waterman Award for his work synthesizing molecular sieves with microscopic pore sizes. This area of materials research has produced the magic membranes used to remove salts from seawater and separate out and recover industrial acids that would otherwise pollute the atmosphere. Dr. Davis' work makes a valuable contribution to our efforts to preserve and protect our environment, and allows us to better use Earth's resources to sustain human life.

Mr. Speaker, I am pleased to recognize this important work, and I congratulate Dr. Davis for his achievement.

SIX UNIVERSITIES CLOSED ON THE WEST BANK

HON. HOWARD C. NIELSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. NIELSON of Utah. Mr. Speaker, for the past 2 years all six Palestinian universities on the West Bank and Gaza Strip have been closed. As a result, some 15,000 university students as well as 40,000 high school graduates have been left stranded. The Palestinians have always taken pride in being the most educated group in the Arab world. The closing of the universities has had a devastating effect on the morale of young Palestinians and is fostering an atmosphere of resentment against the Israeli Government.

Today I am introducing a resolution that both acknowledges recent steps taken by Israel to reopen some of the schools, and urges them to continue in this direction by reopening the universities.

Reopening the universities would be an important step toward improving relations between the two parties and fostering an atmosphere conducive to peace. This is an education issue. Education should not be held hostage to the complex politics of the region.

METHOD OF SELECTING THE CHIEF JUDGE OF THE COURT OF INTERNATIONAL TRADE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. GUARINI. Mr. Speaker, today I am introducing legislation that would conform the method of selecting the chief judge of the Court of International Trade with the modified seniority method established in 1982 for selecting judges of the circuit court of appeals and the district courts.

The present method for selecting the chief judge of the court was established in 1980. It provides that the President is to designate one of the judges of the court who is less than 70 years of age to serve as chief judge. The chief judge so designated continues to serve as chief judge until he reaches the age of 70 years and another judge is designated as chief judge by the President.

Recently, in the report of the Federal Court Study Committee, appointed pursuant to the Federal Courts Study Act, it was recommended that Congress should not change the current modified seniority method of chief judge selection in the circuit court of appeals and the district courts. The report of the committee concluded that the current method "operates well in practice and is preferable to any other method. The statutorily specified term for chief judges is a definite improvement over the previous pattern of very short or very long periods of service".

The reasons supporting the recommendation not to change the current method for selecting the chief judges in the circuit court of appeals and the district courts also provide the reasons why the current method of Presidential designation for selecting the chief judge of the Court of International Trade should be changed to conform with the modified seniority methods applicable in the other courts. I urge my colleagues' strong support for this important legislation that modifies the term and succession procedures for the chief judge of the Court of International Trade.

TRIBUTE TO JASON AND SUSIE DITTLEMAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Jason and Susie Dittleman, of East Greenwich, RI, who have been chosen as the 1990 Small Business Persons of the Year by the East Greenwich Chamber of Commerce. Jason and Susie were selected for their outstanding entrepreneurial spirit as well as for their generous community service.

Jason and Susie first opened their business in 1976. East Greenwich Photo began as a very small business, with Jason and Susie as the only employees. Through their hard work and enthusiasm, Jason and Susie made East Greenwich Photo expand and grow from its humble beginnings into a thriving store with a staff of over 20 employees. They have also expanded their goods and services for their customers over the last 15 years. Jason and Susie now have their own film processing lab and custom frame shop. They also carry a full line of cameras and accessories, VCR's, Fax's, and cellular telephones.

Their entrepreneurial spirit and activities are certainly impressive yet equally impressive are their activities outside of their business. Jason and Susie raised two children during these years and have contributed countless hours to their community. East Greenwich Photo sponsors a Little League team each year. They also donate photo materials to a local camp for their photography classes. Jason serves as a member of the board of directors of the East Greenwich Chamber of Commerce as well as the East Greenwich Rotary Club. Susie does all the photography for the East Greenwich Chamber of Commerce at no charge. Their largest charity is the Rhode Island Special Olympics for whom they do photography for free.

It is with great pleasure that I salute Jason and Susie Dittleman for their outstanding entrepreneurial and civic spirit. Their contributions to their community not only in dollars but also in time and commitment are a tribute to their love of their community. I wish them, their family, and their business continued prosperity in the future.

A TRIBUTE TO TERESA AMATURO

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. YATRON. Mr. Speaker, today I rise to pay tribute to a bright, talented, and determined young woman from Reading, PA. This young woman is a member of junior class No. 633 of the Girl Scouts of America, and she is actively involved in making the life of her community better.

On June 27, 1990, a special ceremony will be held in honor of this young woman at Camp Woodhaven in Schuylkill County, PA, to recognize her successful completion of all requirements for the Girl Scout's Gold Award. Her hard work and constant effort to serve her neighbors and fellow Scouts makes her a deserving recipient of the Gold Award, which is the highest honor any Girl Scout can receive.

This young woman has been involved in scouting for many years, and has proven her abilities and climbed the Girl Scout ranks. Her achievements simply reflect her concern for humanity, which has been cultivated by the troop leaders who have helped this outstanding Girl Scout earn the Gold Award.

Mr. Speaker, it is indeed a pleasure for me to recognize Teresa Amaturo before you and other Members of the House of Representatives, as well as the rest of the Nation. There is no doubt that the Gold Award will be the first of many awards for this young woman. Let us take this moment to commend Teresa for her accomplishments and to wish her the best of luck and success in all of her future endeavors.

RECOGNITION FOR THE EFFORTS OF GARY CLINGER

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. McEWEN. Mr. Speaker, today I rise to recognize the outstanding efforts of Mr. Gary Clinger, a mail carrier from Lucasville, OH. His willingness to serve above and beyond the call of duty has saved the life of a young infant.

While delivering mail, one of Mr. Clinger's patrons solicited his assistance. He was handed a baby whose hysterical mother had indicated that it had stopped breathing. He attempted to first revive the baby with a slap on the back with no success. Next, he tried the Heimlich maneuver, again without any success. Finally, he initiated mouth-to-mouth resuscitation which opened the child's lungs so that it could begin breathing on its own.

Mr. Clinger remained with the distraught mother and monitored the child's progress until an ambulance arrived to take the child to the hospital. His eagerness to serve the patrons of the U.S. Postal Service demonstrate a desire to live up to the tradition of care and reliability the Post Office desires to maintain.

Mr. Speaker, as a public servant elected to serve the needs of our citizens, we can all greatly benefit from Mr. Clinger's example of service. I hope you, and all our colleagues, will join in commending the efforts of Mr. Clinger as I believe that we can all benefit from this fine example of service.

SOUTH DAKOTA REMEMBERS AND HONORS AMERICA'S GRAIN WORKERS—APRIL 28

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 1990

Mr. JOHNSON. Mr. Speaker, grain workers all across America have set aside tomorrow, April 28, as a very special day to remember and honor their fellow workers who have been killed or injured in the line of work, while engaged in helping to bring America's bountiful grain harvest to the tables of Americans and hungry people throughout the world.

The workers in our Nation's grain mills, elevators, and processing facilities take on essential tasks with courage and commitment to a job well done—but it is dangerous work and we need to do more to minimize the risks our grain workers face. In the last decade alone, 60 workers have been killed and 275 have been injured in grain dust explosions. In my home State of South Dakota, five such explosions took place during the past decade, resulting in four deaths, numerous injuries and untold family suffering. A 1985 explosion in Marion, SD, resulted in three of these deaths.

But explosions are not the only risk faced by our grain workers: asphyxiation, exposure to pesticides, drowning, and construction accidents also too often result in illness, injury or death.

Simply honoring and remembering the dead and injured is not sufficient. Grain workers and Members of Congress must commit ourselves to addressing the job site health and safety laws needed to prevent such tragedies in the future. For instance, accumulated grain dust is a deadly explosive, but reducing the amount of dust allowed to accumulate would substantially minimize risks to workers.

All Americans owe a great debt of gratitude to our grain workers, and it is my hope and expectations that tomorrow will be a day of remembrance and honor, but also a day of political commitment.

SENATE—*Friday, April 27, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Come unto me, all ye that labour and are heavy laden, and I will give you rest.—Matthew 11:28.

Gracious Father in Heaven, we thank Thee for the provision Thou has made to help us maximize the effectiveness in our labors. We thank Thee, Lord, for this generous invitation to come to Thee for rest—not the rest of idleness, but of efficiency; not the rest of laziness, but of power. The quiet rest of Him in whom dwells all power in Heaven and on Earth. Dear Lord, when our labors seem in vain, when no matter how hard we work we experience frustration, when we find ourselves uptight, help us to respond to Your gentle invitation to come unto You and find perfect peace.

In Jesus' name who invited us to come. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 27, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4404, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, the President pro tempore [Mr. BYRD] is recognized to offer an amendment on foreign aid and U.S. investment abroad on which there will be 20 minutes of debate.

The Chair recognizes the President pro tempore [Mr. BYRD].

Mr. BYRD. Mr. President, I thank the Chair.

During the markup of this supplemental measure, the distinguished Senator from Vermont [Mr. LEAHY] and I authored a provision to allocate a modest portion of the aid going to Panama, which we believe could not be productively used in the balance of fiscal year 1990, for the beginnings of the United States Bilateral Assistance Program of the countries of Eastern Europe. We would have begun with aid to Poland and Hungary in this supplemental, and then expanded to other East European countries, such as East Germany and Czechoslovakia, when the authorizing committee expanded our European SEED Program for fiscal year 1991.

The concept we had in mind in our provision was a $150 million program to be administered by the Export-Import Bank which is an American institution, and the concept was to get America in on the ground floor in Eastern Europe serving a broad, twofold policy:

First, Eastern Europe desperately needs Western capital. There is no debate about that. It needs American capital in particular areas which are in dire emergency shape, particularly the environmental and energy sectors.

The second prong of the policy would be to start reorienting our foreign assistance policy away from the simplistic one-way transfer of cash. This is a simplistic one-way transfer of cash—c-a-s-h, plain old greenback, backed up by Uncle Sam and the American people. We are already shouldered with a $3 trillion debt—to traditional client states, which is not particularly oriented toward increasing American competitiveness. "Just hand out the cash, boys." It is a one-way street. I believe we need to pursue the development of this two-pronged policy in the foreign assistance program for the 1990's. It is something new.

There can be no serious doubt that Eastern Europe needs Western capital, and that it most desperately needs it in the energy and environmental areas, which are, of course, closely interlocked. The news is rife with stories about countries, particularly West Germany and Japan, moving into Eastern Europe as fast as they can get there.

In a Washington Post piece dateline Leipzig, East Germany, February 16, 1990, the piece indicated that:

> West German companies are pouring into neighboring East Germany, sewing up business partners, and announcing cooperative ventures and other deals at a feverish pace. It is the selling of East Germany * * * a potential market of 17 million new customers, a reservoir of relatively skilled but cheap labor, a jumping off point for ventures farther east—and a chance to freeze out rivals from the rest of Western Europe, the United States and Japan.

There was another roundup piece from the Wall Street Journal dated March 25, 1990. It outlined how, "from Berlin to Belgrade, politicians and economists are drawing up blueprints for the construction of Eastern Europe's economies." The article continues, "Hungary, Poland, Czechoslovakia, Yugoslavia and East Germany are leading in creating what Westerners consider positive environments for doing business."

So, Mr. President, not only the West Germans but the Japanese and nearly everybody else are trying to get in on the act—except, it would appear the greatest foreign aid giver of them all, the United States of America.

There is growing concern in the United States business community about inadequate Government support for its trade and investment activities in Eastern Europe, as compared with the extraordinary efforts by Western European countries and Japan on behalf of their business sectors. Data on aid to all countries of Eastern Europe show that United States assistance—excluding debt rescheduling—is less than one-fourteenth of the total. In the all-important area of export and investment credits, United States assistance to United States business efforts to establish markets and presence is one-sixth that of West Germany, one-third that of the European Economic Community, one-third that of Japan, and less than France or Italy.

One of the highest quality programs to assist United States businesses to compete more equitably with officially assisted Western European and Japanese firms is the direct loan program of the Export-Import Bank.

Mr. LEAHY and I attempted to have $150 million of the money that was otherwise going to Panama—and which is needed as of now all in this great big hurry—go to the Eximbank, something to help the emerging East European countries, democracies, and to help United States businessmen to get in on the ground floor so that we can compete with West Germany and Japan and the other countries. But the Leahy-Byrd amendment went down to the tune of 15 to 14—a solid Republican vote against the amendment. Two Democrats joined the solid Republican vote in the committee. There was $150 million for the Eximbank, something that would help our people, and our U.S. businesses.

Japan has already signed two loans from its own Eximbank in Poland and Hungary for over $1 billion. Think of that. Japan has already signed two loans from its own Eximbank in Poland and Hungary for over $1 billion to support activities by Japanese countries. They are smart; they are shrewd, and I take my hat off to them. I wish we would catch up a little. We could use a little more brains than guts. I take my hat off to the Japanese. They already signed two loans from its own Eximbank in Poland and Hungary for over $1 billion to support activities by Japanese companies.

For the entire world—get this—the U.S. Eximbank has only $612 million available for its Direct Loan Program. It has no funds specifically available for United States business activities in Eastern Europe.

The consequence of inadequate support from Eximbank for United States commercial activities in Eastern Europe—by the way, if I were to offer that amendment here today on the floor, I have a feeling it would get knocked down. The Senate indicated yesterday it was more interested in taking care of unjustified needs in Panama right at this moment than in taking care of justified, flagrantly justified, needs here in this country. So I have a feeling if I offered that amendment here today in the Senate, it would get knocked down, if it took money away from Panama. If it took money away from some other domestic program, it might sail through and it might not.

To see that the United States has no funds, Eximbank has no funds specifically available for United States business activities in Eastern Europe, that was one of the thrusts of the amendment that was offered in the Appropriations Committee. Let us help our own businesses. The consequences of inadequate support from Eximbank for United States commercial activities in Eastern Europe are loss of short-term economic advantages and long-term loss of penetration in the hottest export and investment market of the next decade.

The need for United States Government help in the race for East European markets is urgent. In the words of Frank P. Doyle, senior vice president of General Electric, in testimony before the Senate Small Business Committee, "Can American technology, at the same time it helps American's international competitiveness and balance of trade, actually help where it is most needed, in Eastern Europe? Eastern Europe's environment is a total disaster. The Senate arms control observer group recently visited Leipzig and reported to me that the once stately buildings are collapsing from the acidic action of layers of ugly grime that cover everything. It is not only buildings that are coated with grime, but the lungs of the people. Parts of Poland are nearly uninhabitable, according to recent reports. Ailing individuals have to go down in mines"—think of this now—"ailing individuals have to go down in mines to get clean air, or use respirators during the worst days. Children and women are being devastated."

The New York Times of April 8, 1990, reports that "Central Europe's pollution is more dangerous and widespread than anything they have seen in the Western industrial nations," and that it occurs on a far greater scale than in the developing world, which does not have nearly as much industry.

A study of new mothers in the industrial region of Krakow in southern Poland showed concentrations of lead, mercury, cadmium, and other toxic metals in the placenta of every woman. Infant mortality, premature births and stillborn children occur at alarming rates. In the Katowice area, 21 percent of children under the age of 4 "are sick almost constantly." The water is contaminated, but since the Communist authorities hide the problem, the extent of the disaster is only now becoming understandable. In areas of Poland, the growing of food is banned because the soil is too poisoned. Much of this is due to the burning of extremely poor quality coal without any emission control whatever.

We have the kinds of technologies in this country that can help. As Flora Lewis wrote in the New York Times of April 10, 1990, this ecological disaster fueled by Eastern communism is an "area where Western experience, Western technology and Western help will have to be supplied to enable the East to dig itself out of its pits."

I have here on my desk a thick green book just produced by the Department of Energy entitled "The Directory of U.S. Coal and Technology Export Resources." DOE has just begun a program with Poland and a $10 million project for coal emission technology is getting underway. The possibilities are literally endless. These countries need 100 times, 1,000 more of this kind of assistance to even begin the lifesaving technological improvements needed to cure their poisoned environment.

Two hundred U.S. companies responded to the first Directory of U.S. Coal and Technology Export Resources. There is a substantial U.S. business base to roll up our sleeves now.

There are those who argue, incredibly, that Eastern Europe is not really America's business. There is an argument developing that we should leave Eastern Europe to Japan and West Germany, while we concentrate on our own backyard and take care of Central America. Here is a New York Times editorial from March 20:

> Western Europe and Japan are already addressing Eastern Europe's needs. These donors have less reason than Washington to put significant resources into Central America. And the Bush administration believes, reasonably, that Eastern European development is best helped through private investment rather than direct governmental aid.

Are we ready to sign up to the proposition that the development of Eastern Europe, with its great problems, but also its great potential, is for the Japanese and Western Europeans, but not us? We need to be busy in Central America. But the two cases are totally dissimilar. In Central America we have a situation where we are providing a traditional American assistance program, primarily a transfer of resources, one-way from here to there. Eastern Europe, as I have indicated, presents a different set of opportunities. Why does this have to be an either/or proposition?

Other nations do far more than do we in tying their foreign aid programs to their industrial and business interests. A recent report by the Center for Strategic and International Studies late last year, entitled "The Tied Aid Credit Issue: U.S. Export Competitiveness in Developing Countries," concluded that during the 1980's, U.S. trade competitors were enhancing their exports by tying economic aid to export sales. The United States, however, has continued to focus its aid on balance-of-payments support to strategically important governments, and direct basic needs to the poorest peoples. The impact of these practices on the U.S. trade position has been substantial, estimated in the report of $2.4 to $4.8 billion a year in losses to American exporters. Thus, the challenge to us is to somehow interweave our development assistance with our export competitiveness.

Mr. President, the amendment I propose on behalf of myself and several

colleagues is one which would require a study of the mechanisms by which we might enhance United States competitiveness through our foreign assistance programs, an approach which seems to be ideally suited to the tremendous opportunities we see available now in Eastern Europe. The study would be conducted by the Secretary of Commerce, to provide us with a commercial perspective that is surely missing in our foreign aid approaches, with the consultation of the Secretary of State, the Secretary of Agriculture, the Administrator of AID, the Secretary of Energy and other relevant officials. It would also explore the ways in which other countries tie their aid programs to their commercial and industrial sectors and attempt a comparison between our program and those of Japan, West Germany, France, the United Kingdom, and other donor nations.

Other nations do far more than we do in tying their foreign aid programs to their industrial and business interests. The United States has continued to focus its aid on balance of payments support, to strategically important developments, and direct basic needs to the poorest peoples. The impact of these practices on the U.S. trade position has been substantial, estimated in the report to which I have referred at $2.4 to $4.8 billion a year in losses to American exports. Thus the challenge to us is to somehow interweave our development assistance with our export competitiveness.

I hope that the Senate will adopt the amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD certain articles to which I have referred in my statement.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post]

CROSSING THE GERMAN BORDER: FIRMS SPEED ECONOMIC UNITY—DESPITE UNCERTAINTIES, QUICK DEALS ARE CUT

(By Glenn Frankel)

LEIPZIG, EAST GERMANY.—They cannot buy property. There are no taxation agreements or investment protections, nor even a stable currency. Yet, West German companies are pouring into neighboring East Germany, sewing up business partners and announcing cooperative ventures and other deals at a feverish pace.

It is the selling of East Germany—a form of economic reunification moving along a parallel track and sometimes far outpacing the speed of political unity.

Despite the chaos and the uncertainties surrounding East Germany's future, West German companies see a potential market of 17 million new customers, a reservoir of relatively skilled but cheap labor, a jumping off point for ventures farther east—and a chance to freeze out rivals from the rest of Western Europe, the United States and Japan.

For their part, East Germany's firms see the deals as a way of staying alive while making the painful transition from Stalinist stagnation to capitalist hyperactivism.

"We are being forced to learn the ropes of the market economy and if we don't learn it fast enough, we're dead," said Karl-Heinz Schroder of Mansfeld, an East German industrial and mining conglomerate. "There are certain companies that will survive in the world market and some that won't."

The new atmosphere of wheeling and dealing was on display this week at the Leipzig Trade Fair. During last fall's edition of this biannual event, the king was Communist potentate Erich Honecker and the atmosphere was sedate, cautious, even fearful.

Now that Honecker is gone, the new kings of Leipzig are West German businessmen and bankers, offering technical assistance and infusions of investment capital.

Everything here seems new and vibrant, from the 9,000 exhibitors from 60 countries—nearly 20 percent more than last year—to the West German beer and ice cream on sale at sidewalk stands. Even the portable toilets imported from West Germany sport signs reading, "We are looking for partners and employees for our operations in the GDR [East Germany]." A West Berlin phone number is displayed.

"It's a field day for the West Germans," said Walter Stock, a political scientist and adviser to several East German firms. "Our people are jumping at the first offer, and the first offer is usually a West German one."

The most feverish dealing has been in the automobile industry, where West Germany's Big Three—Volkswagen A.G., Adam Opel A.G. (a subsidiary of General Motors Corp.) and Daimler-Benz A.G.—have all announced joint ventures and sales agreements with their East German counterparts.

But others also are dealing. Robotron, East Germany's largest electronics conglomerate, announced it had made agreements with 15 "cooperative partners." The West German airline, Lufthansa, said it would buy 26 percent of East Germany's state-owned airline. And Siemens A.G., the giant West German communications firm, announced deals with three East German partners.

In most of these deals, say Stock and other experts, the term "joint venture" is largely a euphemism. East German law does not yet allow for corporate takeovers, and in any case, no one wants to pay for assets until it is clear what the East German mark is worth. This won't be known until after today's election and an ensuing monetary union between East and West.

Still, analysts say, the deals being signed today are certain to become the takeovers of tomorrow and many here have resigned themselves to the role of supplicant in the coming market economy.

"We've got to draw the conclusion that 40 years of socialism didn't deliver the goods, not just in the GDR but all over the East," said Werner Reinhold, a senior manager at IFA, the state-owned East German auto manufacturer. "We are the losers—you have to look at it that way."

Others warn that the pace is too fast and that East Germans are selling out too quickly and cheaply.

"I can understand the rush—our managers have no choice but to open up and find partners," said Stock. "But there is too much panicking. I encourage them to compare offers and not to jump at the first one, but it's very difficult to educate them."

On the surface, East Germany's economy, emerging from 40 years of rigid Stalinist centralism, is a disaster area; crumbling infrastructure, outmoded equipment, featherbedding, built-in inefficiencies and environmental negligence are only some of the problems. A massive set of legal restrictions on profits and the movement of capital is another.

Still, where some see disaster, others view opportunities.

"These are bright people and good workers and with a little hardware and some training they can leapfrog overnight," said Dana Robinson, trade expert for Intraco, a small American computer company based in Boca Raton, Fla. "The West Germans would like to keep us out of this market and keep it for themselves. But if the East Germans are smart, they won't sell so easily. They can hold out for better offers."

The $2.9 billion IFA deal with Volkswagen illustrates some of the promise and the pitfalls of the shotgun marriage of East and West. Reinhold said IFA received offers from Fiat, Citroen and Mitsubishi, but decided on Volkswagen both because the money was "acceptable" and because of special ties of language and heritage.

Under the joint venture, VW hopes to begin producing small-bodied Polo cars at IFA plants by year's end, and eventually to manufacture some 250,000 of them per year. For IFA, the deal means new technologies, cheaper component parts and modernized facilities. But the new equipment is certain to mean major layoffs: One IFA manager predicted up to 100,000 of the 215,000 workers employed at IFA's plants and in related electronics and supplies industries.

The deal also means the death of the Trabant, the small, two-cylinder car that came to symbolize both the hopes and the problems of East Germany. Many East Germans headed for the West in their Trabants, which sell new for as little as $3,000.

The cars provided mobility and an opportunity for freedom but are environmental and safety nightmares. Some at IFA tried to save the Trabant, arguing it was a distinctive and indigenous product, but VW's managers reportedly insisted that it be scrapped.

Like the Trabant, much of East Germany's economy is on a one-way ride to oblivion. Few business people will shed tears, but some believe that even though the country will gain in the long run, something distinctive may be lost along the way.

"The problem is we can't take the good things of socialism and capitalism and put them together," said Mansfeld's Schroder, 44. "Our generation has achieved some good things, but the young people really want this market economy. I am optimistic but there are some hard times ahead for us."

[From the Wall Street Journal]

EAST BLOC LEGAL OVERHAUL LURES INVESTORS

(By Craig Forman)

LONDON.—From Berlin to Belgrade, politicians and economists are drawing up blueprints for the reconstruction of Eastern Europe's economies.

Scores of laws to foster restructuring are in the works. But consensus is elusive. In such nations as Hungary and Poland, Western participation is considered more vital than in others, such as Bulgaria. Conflicts abound over foreign investment, private property and state planning. "There is an enormous difference of opinion on what should be done," says David Roche, a London-based strategist and Eastern Europe

expert at Morgan Stanley Group Inc., the U.S. investment bank.

Hungary, Poland, Czechoslovakia, Yugoslavia and East Germany are leading in creating what Westerners consider positive environments for doing business. General Motors Corp. has agreed to invest up to $150 million in a Hungarian car-making venture. General Electric Co. will buy a majority stake in Hungarian light-bulb maker Tungsram for $150 million. Renault is establishing a Czech truck venture. Publishers Rupert Murdoch and Robert Maxwell each have acquired stakes in Hungarian newspapers. And West German companies are stampeding to invest in East Germany.

Of course, with antique communication systems and bloated bureaucracies, Eastern Europe is no place to get rich quick. But amid the rapid legal changes, here is a businessman's Baedeker on what Western investors can and can't do in the more-aggressively restructuring nations.

HUNGARY

This is the most attractive Eastern European market because of new legislation that frees foreign investors to make investments they couldn't a year ago.

Private Property. Individuals and organizations can buy equity in formerly state-owned private enterprises. Foreigners can own real estate through majority-owned Hungarian affiliates. The new corporate law lets companies compete.

Foreign investment and Currency Convertibility. Approval is automatic for investments totaling 50% of a Hungarian enterprise. A permit is required for over 50% ownership, and 100% ownership is possible. Government review must be completed in 90 days. Overseas investors can repatriate profits in hard currency. But getting rid of forints, Hungary's currency, can be troublesome.

Privatization. The government expects to privatize up to a third of state enterprise. A state-property agency is being organized to supervise sales and establish competitive-bidding procedures.

POLAND

Poland's economic and legal transformation is short on specifics; while draft regulations are circulating, details of many are unavailable. But the foundation is a proposal to stabilize the economy this year and then restructure it.

Private Property. The government promises laws to reorganize the economy, introducing greater competition and free enterprise. But new legal protections for private property are unclear. Foreigners can't directly own real estate, and leases must be officially approved.

Foreign Investment and Currency Convertibility. Foreigners can own the majority of capital in a joint venture and establish wholly owned Polish units. But the government has restricted foreign investors' ability to repartriate hard-currency profits by outlawing hard-currency profits by outlawing hard-currency accounts in Polish banks. Officials say the curbs are temporary. Meantime, Poland is pioneering limited convertibility.

Privatization. The goal is to develop an ownership structure akin to that of industrially developed nations." The government aims to sell such state assets as housing and small enterprises through public auction. Investments by foreigners and public sales of equity in the largest compaines are foreseen.

CZECHOSLOVAKIA

Though Finance Minister Vaclav Klaus is among the strongest free-marketeers in Eastern European government, internal government differences are likely to water down new legislation.

Private Property. Legislation is expected to remove barriers to private business while boosting private property rights. The government is expected to reduce the role of central planning.

Foreign investment and Currency Convertibility. New laws are expected to allow foreign businesses greater power to hire and fire and establish joint ventures with Czech firms. Foreigners can own up to 99% of joint ventures. Unlike Hungary, the Czechs will limit hard-currency repatriation to a share of hard-currency earnings. It isn't clear the extent to which foreigners can directly manage the venture, according to consultants at Peat Marwick McLintock in London. Currency isn't fully convertible; foreign-currency accounts must be kept at the national bank.

Privatization. Expected in the future, though specific new legislation is still uncertain.

YUGOSLAVIA

Prime Minister Ante Markovic's government is introducing a sweeping austerity plan to halt economic decline and bring down four-digit inflation.

Private Property. New legal protections for private property were introduced in 1988 and strengthened in 1989. Foreigners can own real estate through Yugoslav affiliates.

Foreign Investment and Currency Convertibility. A law last year permitted foreign majority shareholders in joint ventures and wholly owned foreign entities incorporated in Yugoslavia. Companies can be established as joint-stock companies, limited liabilty companies, or partnershps. Fledging stock exchanges are under development. The currency, the dinar, is fully convertible.

Privatization. The government intends to sell an undetermined portion of state-owned assets through direct sales, employee-share schemes and competitive bidding.

EAST GERMANY

The government has taken only plodding steps toward free-market reforms, but further moves are likely after this weekend's elections. The prospect of German unification may accelerate progress.

Private Property. Government intends to stick to a "social-market" economy, dimming hopes for a quick boost to protections for property rights. Foreigners can't own real estate.

Foreign Investment and Currency Convertibility. A new joint venture law allows foreigners to own 49 percent. Permits can be given for a 51 percent stake, but generally only in small enterprises. There is no legislative limit on repatriation of profits, but administrative obstacles are possible.

Privatization. The government intends to sell stakes in some of its giant industrial enterprises, or kombinat, to workers and other investors, but it's uncertain whether majority control would be sold to foreigners.

[From the New York Times, Apr. 8, 1990]

RISING IRON CURTAIN EXPOSES HAUNTING VEIL OF POLLUTED AIR

(By Marlise Simons)

KATOWICE, POLAND.—In the depths of a salt mine in Poland, men, women and children lie in bed, bundled in coats and tugging at heavy blankets. In an upside-down world, they have come to this underground clinic to breathe clean and healing air.

Above ground, in more conventional clinics, doctors using portable inhalators administer moist and purified air to children. "Whenever the smog is heavy, the wards fill up," said Dr. Henryk Kowalski, a laryngologist at a regional children's hospital.

Clean air has become a luxury here and in the industrial zones of Central Europe, where poisonous gases and toxic dust roam freely. As the secrets of the Eastern bloc's formerly Communist nations become known, this one may be the saddest. In the years when Soviet-bloc rulers claimed that they were forming "a new socialist man," they were in many instances condemning this man and his family to severe lung and heart disease, cancer, eye and skin ailments and, often, sickly children and shorter lives.

AVOIDING THE TRUTH

In much of Eastern Europe, comprehensive health surveys are not yet available because Communist Governments hid or ignored many of the medical statistics.

But from East Germany to Bulgaria, physicians, biologists and other health specialists are now eager to talk. And visiting experts from the United States and Western Europe have said that Central Europe's pollution is more dangerous and widespread than anything they have seen in the Western industrial nations, and that it occurs on a far greater scale than in the developing world, which does not have nearly as much industry.

Health specialists throughout the region said that diseases traceable to a poisoned environment were consuming a large portion of public health budgets and boding ill for future generations. Similar problems from pollution affect many parts of the Soviet Union as well.

A study of new mothers in the industrial region of Katowice and Cracow in southern Poland showed concentrations of lead, mercury, cadmium and other toxic metals in the placenta of every woman. The study's author, Dr. Josef Niwelinski of the University of Cracow, said more than half of the 1,000 placentas examined were deformed or damaged, "most likely by the high level of carbon monoxide and sulfur dioxide in the air."

The findings were all the more worrisome, he said, because "we studied only the most healthy mothers with normal births."

Another group of doctors is studying why in this region so many babies are born prematurely or die in the womb. Its preliminary conclusions are that at least 50 percent of the cases are caused by chemical changes in the mother's blood that leave the child short of oxygen.

NEW TECHNOLOGY IGNORED

In the former East bloc nations as well as in the Soviet Union, the quality of air, water and food has deteriorated sharply over the past two decades as heavy industries and vehicles multiplied. To Western experts, the polluting practices seem all the more ruthless because they increased at a time when their dire consequences were already widely known.

Experts said the technology to control pollution from antiquated installations was well known and in some Eastern European countries was even produced for export. Yet there are only minimal controls on much of Eastern Europe's industrial emissions, or none at all.

Poland's pollution is widely described as the worst. The Polish Academy of Science

said a third of the nation's 38 million people live in "areas of ecological disaster." It said conditions were most hazardous in the coal and steel belt of Cracow and Silesia.

A HOSPITAL BEARS TESTIMONY

The Chorzow hospital in the sprawling industrial zone around Katowice, an area of extravagant pollution with more than 1.5 million inhabitants, seems to bear witness to the degradation.

Almost across the street from the hospital is a vast steel mill that has left the air dry and scorching. It forms a hellish circle with a power station and a chemical plant. The stink and smog from the plants were unmistakable inside the hospital wards.

Three members of the hospital board, eager to share their grievances with a visitor, cited a litany of ills. They said that there had been a sharp rise in cancer, heart disease and emphysema and that too many men were dying in their 30's and 40's. While general statistics for adults were scarce, the board said it was widely accepted that the life expectancy for adults in this region was four years less than the average for adults in the rest of the nation. They said public health was degenerating to a level of the postwar years.

"We have been telling the authorities about this for 20 years," said Dr. Jan Kern, director of health services. "They always told us they were doing research, that they were putting in new technology. But they cannot fool us. We get the patients."

BABIES WITH A BAD START

If the environment is harsh for adults, it is harder on the children. Dr. Bozena Cichos, a pediatrician in the children's hospital at Chorzow, said that in her nine years here she had seen a sharp rise in chronic bronchitis, asthma, pneumonia, meningitis and rickets. Underweight babies are becoming common, she said, and pregnancies of just 36 weeks—three or four weeks shortened—"are so normal now we don't even consider them short."

"Quite a few of these babies keep coming back," she said.

A new study in the Katowice area said 21 percent of the children up to 4 years old are sick almost constantly, while 41 percent of the childen under 6 have health problems, including hearing or seeing disabilities, anemia and low weight and height.

Some health experts in Eastern Europe say that as the environmental disaster is debated, there is a tendency to attribute all illness to pollution. They note that many adults and chidlren eat unhealthfully, with high-fat or unbalanced diets, and that heavy smoking is common. But even those habits are aggravated by smog, said Dr. Marion Glowacz, an internist.

SOIL UNFIT FOR PLANTING

While levels of pollution in Eastern Europe vary according to the type of industry, it is clear that wind and water spread the hazardous substances over large areas and that sulfur from coal burning affects the breathing of millions of people. Unsafe levels of heavy metals in drinking water and on land used for agriculture are widespread. In Silesia, the Polish authorities have banned the growing of vegetables in the widely contaminated soil.

The Czechoslovak Academy of Sciences recently disclosed that 50 percent of the country's drinking water does not meet even its outdated, lenient norms. In Prague, a city plagued by smog, many people complained of permanent headaches, asthma, nausea and intestinal trouble. And in northern Bohemia, home to many power plants and chemical works, officials said infant mortality was 12 percent higher than in the rest of the country; they said schoolchildren had to be sent to the mountains with their teachers at least one month a year.

"Fifteen years ago we knew our forests were dying, the children were losing immunity and water stopped being drinkable," said Pavel Seifer, a spokesman for the Czechoslovak Green Party. "But there was a party directive that the media should avoid information about the environment."

Mr. Seifer, who at the time was a journalist, added: "We were told we have to fight the efforts of the West. They want to bring us to our knees through ecology."

THE RISK OF SPEAKING OUT

Several physicians in Hungary and Bulgaria said that warning of the degenerative effects of industry on people's health was frowned upon, perceived as an attack on the system. When Dr. Nikolai Ivanov complained two years ago about a copper plant in Shrednogorie, Bulgaria, that was causing arsenic and lead poisoning among his patients, he was publicly criticized by the local Communist Party leader.

Although health officials in East Germany are still reluctant to respond to questions about public health, new unofficial reports indicate that in the industrial cities of Leipzig, Halle, Dresden and Karl-Marx-Stadt, rates of deaths caused by cancer and lung and heart diseases were 15 to 25 percent higher than in Berlin.

Even in the mountain towns of northern Czechoslovakia and southern Poland, long famous for their spas, smog has set in and acid rain has killed large stretches of forest.

Dr. Tereas Sregorczyk, a lung specialist in a sanitarium in Karpacz in southern Poland, said that her clinic was still operating effectively but that smog was hampering treatment in the sanitariums of the Jelenia Gora valley nearby. She said she often wonders what will happen to her little patients—220 children at the moment—who already need prolonged treatment for asthma, bronchitis and tuberculosis. "Most have been exposed to terrible pollution," she said. "I know we are too, but at least we developed our vital organs under more healthy conditions."

THE UNDERGROUND TREATMENT

Curing was less orthodox in a nearby uranium mine where about 500 adults were descending for regular breathing sessions. On a recent morning in the salt mine at Wieliczka, near Cracow, adults and children were resting in the dim light, surrounded by gray salt rock. The air 650 feet below the surface felt chilly but moist and exhilarating. Dr. Isabela Wroblewska pronounced it "as good for you as sitting in a strong sea breeze."

Stanislaw Pasierbeck, a factory worker from Zywiec who said his asthma attacks became unbearable five years ago at age 49, seemed accustomed to the alien world as he slipped off his blankets, fixed his miner's lamp and walked toward the nurse's station. "This is very good air," he said. "It is the only place where I can breathe deeply."

[From the New York Times, Apr. 10, 1990]

THE RED GRIME LINE

(By Flora Lewis)

PARIS.—Along with the other problems of uniting Germany, there are mountains of garbage. Literally, garbage. During those years behind the wall. East Germany indulged in a sneaky form of cooperation with West Berlin: waste disposal.

For Berlin, it was cheap, reportedly 1 percent of what disposal at mandatory standards would have cost. But then the East didn't bother with standards, just piling up 400,000 tons of detritus and 40,000 tons of toxic waste a year at unlucky sites in the countryside. And it was paid in hard currency, an estimated $700 million between 1975 and 1989.

Environmental degradation, far worse than had been estimated, is another dirty secret of Communist regimes now coming out, and another serious handicap in long-range programs to revive the economies and societies of the East.

There is special irony in this particular failure of Communism. The ideology never claimed to put rights and needs of the individual first—"bourgeois" notions, its advocates said disdainfully. But it asserted superiority in caring for the collective. Capitalists, by definition the argument went, are only concerned with their own profits. Communists put the community's interest first.

There is scarcely a human requirement that depends more directly on organized community responsibility than the environment. Individuals acting alone can't do much. And yet this has been one of the most spectacular failings of the centrally planned economies, seriously undermining the health services they once boasted about and making a nightmare of their development programs.

Marlise Simons of the New York Times reports that in the industrial region of southern Poland, adult life expectancy is four years less than in the rest of the country, because of air pollution. A clinic for people with respiratory ailments has been installed in a salt mine, where the air is clean. A study of 1,000 new mothers showed concentrations of lead, mercury and other toxic metals in every placenta, and half of them were damaged.

Health workers in the East have been aware of disaster for years, and now they learn that some of their countries even produced control technology, for export only. All are seriously affected. The Czechoslovak Academy of Sciences said 50 percent of the country's drinking water didn't meet it low standards. The Soviet Union has huge disaster areas. This year for the first time it appealed to the U.N. environment agency for help in stopping its secret self-destruction.

Officials have trouble explaining it. One reason is the way the plan worked, requiring only quantity of output. Investment and production goals were set in ways that discouraged maintenance and disregarded living and working conditions. "We lost contact with the people," one German Communist said "We focused on statistics."

Most important was the destruction of civil society, imposition of the one way systems that sent orders down the hierarchy and never allowed answers back. Degradation was gradual, so it didn't provoke the widespread horror of an explosive accident like the Chernobyl disaster.

In Hungary last year, even before the Communist collapse, mass demonstrations forced abandonment of plans to build a huge power producing dam on the Danube that would have been an ecological monstrosity. But that was exceptional.

After all, markets cost-consciousness, the need to please the customers, turn out to be more effective than central command even on such a basic social question as pollution.

And the right to associate, voice grievances and launch initiatives turns out to be as important for keeping the neighborhood

livable as it is for freedom and self-expression.

Industry and man-made changes of nature were causing environmental damage before there was Communism. Indeed, it was the dreadful conditions of the Industrial Revolution that led Karl Marx to expound his ideas of wiping out private property. The ecological results were just another of his miscalculations.

But they are results that affect not only the people concerned. This is another area where Western experience, Western technology and Western help will have to be supplied to enable the East to dig itself out of its pits. Even though it is now evident that pollution was also linked to ideology, it doesn't respect borders.

When the East-West divide disappears, there will still be the grime line to overcome in cleaning up Europe and its atmosphere.

[From the New York Times, Apr. 10, 1990]

FIRST, AID FOR CENTRAL AMERICA

"They're wrong," President Bush says of Senate Democrats who want to take half of the $800 million he has just earmarked for emergency aid to Panama and Nicaragua and give it to Eastern Europe's new democracies. and he's right.

Senator Patrick Leahy of Vermont argues that $800 million is "simply too much money" for "two countries of slight economic, security and foreign policy importance to U.S. national interests." Senator Robert Byrd of West Virginia agrees. By pitting off a good cause against another, the Democrats serve both poorly.

Granted, Republican Administrations have oversold the strategic significance of Central America. Ronald Reagan's obsession with ousting the Sandinistas, and George Bush's with arresting General Noriega, vastly distorted U.S. priorities.

But the record only reinforces the case for speeding emergency reconstruction aid to both Nicaragua and Panama. As Deputy Secretary of State Lawrence Eagleburger told a Senate subcommittee last week, the U.S. owes immediate help to both, and risks recurring crises if it fails to follow through. Too often in the past, apparent successes in the hemisphere turned sour because new governments couldn't establish their legitimacy through economic gains.

Even more important, both the new Panamanian government of Guillermo Endara and the Nicaraguan Government-elect of Violeta Chamorro inherit substantial U.S.-inflicted damage. In Panama, two years of sanctions were followed by a U.S. military invasion that led to about $1 billion in losses from pillaging by looters. In Nicaragua, an even longer period of sanctions plus the massively destructive contra war compounded the cost of Sandinista economic mistakes.

Views still differ on the wisdom of past U.S. policies. But to walk away from today's moral debts would dishonor America.

Eastern Europe's democracies also need help, but in different ways. As economic reforms take shape, foreign support can usefully underwrite specific aspects, like currency stabilization. But most Eastern European countries are just now beginning reforms. Effective help can be more sensibly designed in the debates over next year's budget.

Western Europe and Japan are already addressing Eastern Europe's needs. These donors have less reasons than Washington to put significant resources into Central America. And the Bush Administration believes, reasonably, that East European development is best helped through private investment rather than direct governmental aid.

Prime Minister Tadeusz Mazowiecki of Poland, now visiting the U.S., is not even asking for additional direct assistance at this point. He and President Bush last week signed a treaty to encourage U.S. business investment in Poland. And Mr. Mazowiecki also asks help in rescheduling Poland's $40 billion debt to Western banks and governments.

No other East European country is as far along the economic-reform road as Poland, nor as ready to receive aid. The others, too, surely can wait for reasonable consideration in the 1991 fiscal year, only about six months away. By then, Washington should produce additional help for them. Central America can't wait.

Mr. BYRD. Mr. President, there are to be 20 minutes on the amendment. I have not yet submitted it. I expect the time to have begun running, and I ask unanimous consent that even though the amendment has not yet been submitted, the time be charged.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOREN. Mr. President, reserving the right to object. I see the time is up. I would like to have an opportunity to speak for 3 minutes on this subject in support of his amendment, if that is possible under the time situation.

Mr. BYRD. Does the opposition need that time?

Mr. KASTEN. Reserving the right to object, and I shall not, if the time were to start now, the 20 minutes would begin. Was the Senator saying we should say half of the time has been—I did not understand the request.

Mr. BYRD. I started reading before I recalled what the agreement was. I did not want to cheat on the agreement. So I said let us start it running as of the time I began.

Mr. KASTEN. Further reserving the right to object, Mr. President, if I could facilitate things by saying I would like to speak on behalf of the amendment for 3 minutes, somewhere in this process, and any other agreements he would like to agree to with other Members, I hope we can proceed quickly. I wish to speak in favor of the amendment for not to exceed 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on this amendment be set at 9:30 and that the time between now and then be equally divided.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the majority leader. I yield to the distinguished Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. Senator BOREN.

Mr. BOREN. I thank my colleague from West Virginia, and I will be brief. I want to compliment the Senator from West Virginia on the remarks that he has made this morning. I think he has sounded an alarm that every single Member of this Senate should heed.

Just look at the facts, as the Senator from West Virginia has indicated. Japan and West Germany, as of January 1, 1990, have given $3 billion in aid to Poland—$3 billion. How much of it was in the form of direct grants? Seventeen percent. How much of it was in the form of credits that could be used only to buy products produced in their countries? Eighty-three percent. Turn around and look at what we did with $800 million that we gave.

As the Senator from West Virginia has indicated, most of it was cash. Most of it was cash. In fact, 78 percent of ours went in the form of cash. We desperately need to have new markets for our manufacturers. We need to create jobs here at home. We have a great opportunity, as the Senator from West Virginia has indicated.

These countries are building their infrastructure. Let us aggressively move in so that those factories will have American equipment in them produced by American jobs and American transportation systems and American produced telecommunication systems. And when they need spare parts, they will be buying American spare parts, and when they need service, they will be entering into relationships with our firms. Let us develop a market there. It will help them by providing these credits and by giving aid in the form of credits and create jobs here at home.

We desperately need a "Buy American" program. Other countries have increased their tied aid from $4 billion to $12 billion from 1984 to 1987. Some experts claim that last year we lost $4.8 billion in exports because we do not give aid in the form of credits to buy our products produced here at home.

The Byrd amendment will force a study of the positive impact of our foreign aid on the U.S. economy. Currently our Agency for International Development does not even have an accounting system that can tell us how many contracts and how much money ends up coming back into America from the foreign aid that we are giving overseas. This initiative is long overdue. I commend the Senator from West Virginia for it. Let us have a "Buy American" program.

I ask unanimous consent that I might be added as a cosponsor of his amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Senator, and I will add his name.

AMENDMENT NO. 1540

(Purpose: To require a study and report on how United States foreign assistance programs may promote United States economic competitiveness)

Mr. BYRD. Mr. President, I now send the amendment to the desk. I am offering this amendment on behalf of myself, Mr. DOLE, Mr. DOMENICI, Mr. BOREN, Mr. KASTEN, and Mr. ROCKEFELLER.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. DOLE, Mr. DOMENICI, Mr. BOREN, Mr. KASTEN, and Mr. ROCKEFELLER, proposes an amendment numbered 1540.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III of the bill, add the following new section:

COMMERCIAL ASPECTS OF UNITED STATES FOREIGN ASSISTANCE

SEC. . (a) The Secretary of Commerce, after consulting with the Administrator of the Agency for International Development, the Secretary of Agriculture, the Secretary of Energy, the Secretary of State, and appropriate United States business organizations, shall conduct a study which examines and explores the foreign assistance programs currently engaged in by the United States through the Agency for International Development and other appropriate departments and agencies of the United States government and explores mechanisms by which the international economic competitiveness of the United States may be enhanced through such programs. In undertaking this study, the Secretary shall—

(1) examine the foreign assistance programs of Japan, Germany, France, the United Kingdom, and such other international aid donors as the Secretary may designate, for the purpose of determining what mechanisms are in use to tie foreign assistance to the industrial and commercial interests of the donor nations, in particular, the programs currently being engaged in and planned by such countries in the East European countries of East Germany, Poland, Czechoslovakia, and Hungary; and

(2) determine, as far as possible, for each of fiscal years 1989 and 1990, and requested for fiscal year 1991, the dollar amounts and percentages of current United States programs which include United States business investment, exports, or other business-related activities, and shall compare that assessment with a similar assessment made for each of the other international aid donors examined by this study, on a region-by-region basis, with particular attention paid to the comparable efforts in the East European countries referred to in paragraph (1).

(b) Not later than September 1, 1990, the Secretary of Commerce shall prepare and transmit to the Committees on Foreign Relations and Appropriations of the Senate and the Committee on Foreign Affairs and Appropriations of the House of Representatives a report setting forth the findings of the study conducted under subsection (a).

Mr. BYRD. How much time remains on this side?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes 36 seconds remaining; 5 minutes remain on the side controlled by the Senator from Wisconsin.

Mr. KASTEN. Mr. President, I rise in support of the amendment. I am pleased that I have been added as a cosponsor of this amendment. What the Senator said, and also the Senator from Oklahoma, is exactly right. It is not only in Eastern Europe. We have looked at what the Japanese in particular have been doing in the developing countries of this world, in South America, in Africa, in other areas, and they are linking their development assistance directly to Japanese business. This is something the Senator from West Virginia, the chairman of the committee, has pointed out, and he is precisely right.

I think it is also important, Mr. President, although some of my friends at the Department of State might disagree, that this study is being directed by the Secretary of Commerce. I think that is important that it is directed by the Secretary of Commerce, who will work along with the Secretary of State and the Agency for International Development and also the Treasury in terms of putting together these programs.

I hope that along with this study some of the ideas which were included in a report which the former Director of AID Alan Woods put together, a report entitled "Development in the National Interests, U.S. Economic Assistance Into the 21st Century of Man." Some of the ideas incorporated in that report would be utilized in the process of the study. A number of those ideas were correct. It shows that the attitude at AID is not necessarily in opposition to the concerns expressed by all of us here this morning, but the fact is they just have not done it aggressively enough. I hope that this study will help in that way.

Specifically, we need to do more with Exim. Specifically, we need to do more with tied credits. And specifically, we need to do more in terms of the overall targeting of help to American companies in specific kinds of markets. I think that a number of these issues will be raised by the committee.

So I am pleased to be in support, and I am pleased to cosponsor this amendment.

Just one word on Exim programs in Eastern Europe. I believe that the Eximbank can operate adequately in Eastern Europe on existing appropriated funds. We believe that, as of right now, there is no need for additional appropriations at this time, and this study is not calling for it. I simply want to point out to my colleagues that Exim is open for business in Hungary; it is open for business short term only, in Poland; that is going to be expanded. It is also open in Czechoslovakia and Yugoslavia. We are making important inroads through Exim in Eastern Europe.

There are credit problems and a number of other issues with regard to our ability to determine creditworthiness of different kinds of facilities. But the banks are open. As of this point, there is no need for new money. And I can say, as a person who has been a strong advocate and supporter of the Eximbank even at times when the previous administration refused to fund the Eximbank, we took those dollars out of other places in the 150 budget, and Senator LEAHY and I will continue to be strong supporters of the Eximbank.

One word, Mr. President, about the environment. In our report on this emergency supplemental bill, we have included important language and important law with regard to the environment. The examples the chairman of the committee was listing are real and they exist not only in Eastern Europe but also in the Baltic States. I myself was in Riga, Latvia and saw for myself children who were born with defects and other kinds of problems because of the environmental situation that existed in the Baltic states, and that is true throughout the Ukraine, but it is also true in Eastern Europe. We need to help.

Also, this could be an example of where our technology can be used and effect a win-win situation. It will be American companies, American businesses, that will be providing environmental health and environmental equipment and cleanup equipment that can be used by Eastern Europe. So it could not only help the environment, it could also help U.S. business.

I simply want to say that we not only have no objection to the amendment on this side, we strongly support this amendment, and we strongly support the efforts of the chairman of the committee to move toward this study on how the U.S. foreign assistance programs may promote U.S. economic competitiveness.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. All time controlled by the Senator from Wisconsin has expired.

The President pro tempore controls the remaining 28 seconds.

Mr. BYRD. Mr. President, I think I will just let the 28 seconds run so Senators will have almost a half-minute longer in which to get here to vote. It is an important vote. It could be adopted by voice, but let the Senate go on record, unanimously, I hope, in support of the amendment.

The ACTING PRESIDENT pro tempore. All time has expired. The hour of 9:30 has arrived. The question is on agreeing to the amendment numbered 1540, proposed by the President pro tempore, the Senator from West Virginia. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is necessarily absent.

The PRESIDING OFFICER (Mr. KOHL). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 96, nays 0, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—96

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Robb
Byrd	Humphrey	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	Wilson
Ford	McCain	Wirth

NAYS—0

NOT VOTING—3

Domenici	Inouye	Riegle

So the amendment (No. 1540) was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 25, LINES 17 THROUGH 21

The PRESIDING OFFICER. The pending question is the excepted committee amendment on page 25, lines 17 through 21. Is there further debate on the amendment?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator HELMS.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, shortly I am going to offer an amendment but first I want to discuss it so that in the process there will be an explanation from some Member of the Senate about a matter in Nicaragua that not only puzzles me but gives me great concern.

Specifically, I wonder if any other Senator found the news from Nicaragua yesterday morning as confusing as I did. I am making no positive declaration about this matter. I am just raising questions.

Is it possible that, even as we are debating the question of providing aid to Nicaragua, President Chamorro has announced the appointment of General Humberto Ortega as Commander in Chief of the Army? Does that name sound familiar? She has appointed General Ortega as Commander in Chief of the Army.

I know the answer to the next question. Is not General Ortega the brother of Daniel Ortega, and a member of the nine-man directorate of the Communist Sandinista Front? For whatever reason he has been appointed; there may be a good reason. If so, I want to know what it is. But for whatever reason President Chamorro took this action, she sure did disappoint a lot of people in Nicaragua on her first test. The people of Nicaragua voted the Sandinistas out, and they did it overwhelmingly to the utter astonishment and perhaps to the dismay of the New York Times and the Washington Post. That happened on February 25. Yet on April 26, the Sandinistas still control the massive military apparatus that has kept them in power since 1979. Is this action by Mrs. Chamorro not a betrayal of the people of Nicaragua?

Indeed, President Chamorro's own political allies, are astonished. Two of the persons she intended to appoint to her cabinet have refused to serve—Mr. Jaime Cuadra, the proposed Minister of Agriculture, and Mr. Gilberto Cuadra—no relation—the proposed Minister of Construction and Transportation. Their names were announced, but they refused to serve because of the appointment of General Ortega.

Let me say right now that if any Senator has an explanation for this, do not hesitate to interrupt me because I just want to know the answer.

Mr. President, is this an act that will promote reconciliation? If so, what kind of reconciliation? Or is it an action that will block the process of reconciliation? Will other political leaders decline to serve? Or will it make it unwise for the Nicaraguan Resistance to lay down their arms? I am talking about the freedom fighters.

Frankly, Mr. President, if I were a member of the so-called Nicaraguan Resistance—and I prefer to call members of that group, "freedom fighters"—I would think twice about giving up my arms while the Communist Sandinistas still control the armed forces which have waged war against freedom in Nicaragua.

I have been in conversation with the leadership of the freedom fighters. They were dismayed early on when Daniel Ortega, as one of his last acts, shipped out tons of weaponry to his people in the boondocks of Nicaragua, arming the Communists with government weaponry. That was just before Daniel Ortega surrendered the office, after his defeat.

And the freedom fighters did not like that. And they certainly did not like it when the suggestion was made that they lay down their arms and come back into Nicaragua, while their opponents had no obligation to disarm.

As one of them put it to me, "I like my head attached to my body. I do not want to be assassinated when I am coming home." But Mr. Ortega's crowd already had the weaponry, and, now, Mr. Ortega's brother is in charge of the military. What is going on?

Of course, Mr. President, it is fortunate that the agreements signed by the freedom fighters strees that the laying down of arms is strictly voluntary. They were smart to put it that way and insist on that. Obviously, it would have been very dangerous for them to lay down their arms while the Communist Sandinistas are still fully armed and under the command of the idelogical hard-liner who conducted the war against the freedom fighters all along.

Question: Do Senators really believe that the American people will agree to the provision of aid to Nicaragua so long as the Communist commander is still in control? The American people are opposed to foreign aid in any case. I think my friend from West Virginia has made that point clear. They wonder about this budget being shipped overseas and to other countries, and they have been wondering about it for a long time. Every poll, I want to say to Senator BYRD, has said that. So he is exactly right, as is his custom.

But will the American people who are opposed to the concept of foreign aid in ordinary cases approve of giving foreign aid to a country whose army is controlled by Communists?

Mr. President, the taxpayers of the United States and this Government have no obligation to provide aid, and Nicaragua has no obligation to accept it. But I believe it would be a sound

policy for us to made clear to President Chamorro that the United States will not and cannot support Communists in control of the army. Why should we tax the miners in West Virginia to support a situation like that?

We cannot dictate to her. I am not suggesting that. But I am suggesting that we Senators have a duty to examine precisely what it is that we are doing.

No, we cannot dictate to her. But we are not obliged to give any money either. If we give money, we can state the conditions under which it is being made available.

I do not consider conditions of that kind to be an interference in the internal affairs of the recipient country, or the recipient government.

President Chamorro is a charming lady. I wish her well. But as far as this Senator is concerned, at least, she needs to understand that it should be a basic premise that freedom requires an army that is not beholden to totalitarian ideology. For that reason, I have an amendment which I have drafted and which I shall in due course propose.

The amendment would prohibit any aid in this bill being made available to the Government of Nicaragua if Ortega or any member of the nine-man directorate to the Sandinista National Liberation Front on February 25—the day of this election—holds any nonelected civilian or military post in the Government of Nicaragua.

Mr. President, perhaps some Senators may not be entirely familiar with the powers that are being conferred upon General Ortega, Daniel Ortega's brother. First, we must understand that this post is a new post that was not created until February 23, 2 days before the election. On that date, a new law governing the organization and administration of the EPS, which is the Sandinista Army, was passed by the Sandinista-controlled National Assembly. Does that give anybody any concern?

It does me. The term army under this law is equivalent to armed forces. It means, therefore, that General Ortega becomes the highest-ranked individual in the military and director of the general command.

His duties are broad and sweeping. His first duty is, and let me quote, "to guard and respect the political Constitution, national laws, and military laws." That comes even before his military duties. Take note.

It must be remembered that the Constitution to be guarded is, guess what, the Sandinista constitution; and the national laws, guess what, are the Sandinista laws passed by the Sandinista National Assembly. And since Mrs. Chamorro's coalition, UNO is already falling apart, it is not clear who will control the new National Assembly.

Thus, if General Ortega has a mind to do so, he could assert his interpretation of the Sandinista constitution and laws over and above that of President Chamorro.

Does that give any Senator any concern? Am I the only one?

Moreover, and let us go a little further, General Ortega has the power to command and administer the army, including the navy, air force and whatever. As such, he will appoint the chief of general staff and the entire echelon of the military. He is the head of the military council, which is the highest decision-making body in the army. He decides upon the granting power of military rank, the program of training, the organization of forces, and the military divisions of the country.

Mr. President, he is even responsible for the personal security of President Chamorro.

I ask again: Am I the only Senator concerned about all of this? What does the State Department have to say about it? What does the administration have to say about it? They are silent in seven languages.

It is also interesting that General Ortega, Daniel Ortega's brother, has broad powers to distribute favors to his friends and to the friends of the Sandinistas. He has the power to arrange the acquisition and production and conservation and improvement of arms equipment and other necessary items for the conduct of the army. He will let out the contracts for buildings, fortifications, air bases, naval facilities, and other military installations.

Should we not assume, therefore, that, as one of the major sources of government contracts, he wields tremendous power to reward the friends of the Sandinistas and to punish its enemies through denial of contracts?

So I ask again: Am I the only Senator bothered by this? Where is the State Department? What do they have to say about it? Maybe they have an answer.

Mr. President, I ask unanimous consent that a summary of the Sandinista army law of February 23, 1990, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Of course, when you get one Ortega, you really get two. Both Ortegas are members of the nine-man directorate of the Sandinista National Liberation Front that is responsible for the Communist domination of Nicaragua. The heart of the Communist Sandinista power is in the military might that is under their command and control. Through this military power the Communist Sandinistas have brutally terrorized and oppressed the Nicaraguan people. The Sandinista regime has been a ruthless military dictatorship, supported and encouraged by Cuba and the Soviet Union.

Mr. President, I ask unanimous consent that a list of the Sandinista directorate be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SANDINISTA DIRECTORATE AS OF FEBRUARY 25, 1990

1. Bayardo Arce—Vice-Coordinator FSLN and the Sandinista Executive Commission.
2. Thomas Borge—Minister of Interior.
3. Luis Carrion—Minister of Industry and Commerce.
4. Carlos Nunez—President of National Assembly.
5. Daniel Ortega—President of the Republic.
6. Humberto Ortega—Minister of Defense.
7. Henry Ruiz—Minister of Foreign Cooperation.
8. Victor Tirado—Member of Party Apparatus.
9. Jaime Wheelock—Minister of Agriculture—Livestock Development and Agrarian Reform.

Mr. HELMS. Therefore, Mr. President, the crucial question is whether the Nicaraguan people will be free. The question is, Who controls the military? How can Nicaragua be considered free as long as Humberto Ortega or any other member of the nine-man directorate retains any post, civilian or military?

If Mrs. Chamorro, for any reason, had to cave in to communism before she even began to rule, much as I respect and admire the lady, how can we expect her to be strong after making such a concession, which may very well be fatal?

On February 25, the people of Nicaragua overwhelmingly rejected the Communist regime of Daniel Ortega and all of the other Communists. They may have been voting for Mrs. Chamorro nominally. I do not know. That would require me to be able to read the mind of each and every voter. But in reality, the sum total of it was that the people of Nicaragua overwhelmingly voted to get rid of a totalitarian regime forced upon them 10 years ago.

I remind the Senate that I watched in dismay and astonishment when this Senate voted overwhelmingly to give the Communists in Nicaragua the seed money to set up shop. I raised some questions that day and the Senate said, "Down, boy, this will work out. We are experimenting with freedom."

Mr. President, citizens of the United States cannot imagine how deeply the Communist apparatus permeates the governmental structure in Nicaragua. The Sandinista Front and Sandinista army are tightly unified, both in ideology and in command structure. That is why I fear that if Humberto Ortega controls the army, he will control the new Chamorro government. That means, therefore, the $300 million pro-

posed in this bill—may be or may not be, I do not know which; I am asking the question—could or could not be simply aid to Communists?

This money may not help President Chamorro in the long run. It may only help the Communists consolidate their control and undermine the freely elected government.

As I said a minute ago, I remember well the similar debates which were heard on this Senate floor in 1979 and 1980. At that time, we were voting on the proposition of $75 million of the American taxpayers' money; today, it is $300 million. And back in 1979 and 1980, as I said earlier, I opposed the aid to the Communist regime that took over. And I did my best to point out that it would be used by Communists to consolidate their power. That is not some after-the-fact, "I told you so." This is a matter of record. So that is exactly what the U.S. aid did in 1980—helped the Communists consolidate their power. It provided the seed money for them to do it. As Paul Harvey says, "Now you know the rest of the story."

The $300 million we are being asked to appropriate today will have exactly the same effect, unless there is a real power change. The Communist Ortega brothers should not be in a position to get one dime of the American taxpayers' money.

I think we ought to ask ourselves this question: Unless President Chamorro repudiates the Ortega brothers—incidentally, she embraced Daniel Ortega on election day, and told him she loved him—and unless she shuts them out of the government, does she not run the very risk of becoming a figurehead at the very start of her administration?

I am aware, in case anybody wants to bring it up, that Mrs. Chamorro claims that she is going to take the post of Defense Minister and, therefore, will be able to control Humberto Ortega. If that is correct, why does she not control him now by stating clearly that no member of the Sandinista Communist directorate will have any place in the government?

I am old enough to remember what the allies insisted upon after the close of World War II. We insisted on a process of de-Nazification. We insisted that the Nazi leaders and their key followers could not have any role in government or in the news media. We realized that when a totalitarian regime is overthrown, the propagandists and ideologues of that regime cannot be expected to change their habits, any more than a leopard can change its spots.

By the same token—and I think Daniel Ortega has been candid enough to make this clear in statements that he has made over and over again in recent days—the Sandinistas, in the judgment of this Senator, cannot be allowed to retain any position of power or influence in a free Nicaragua. We have already seen that, in the 2 months since the elections, the Sandinistas have not only taken every step to consolidate and hold their ill-gotten gains during the past 10 years, but they have poured enormous quantities of weaponry into El Salvador to destabilize that country and strengthen the hand of the Communist guerrillas there.

And with Humberto Ortega as Commander in Chief of the army, President Chamorro would be hard put to control or prevent Humberto Ortega's clandestine operations.

Just for the record, and I will conclude momentarily there are 65,000 active troops in the Communist Sandinista armed forces—65,000. This is by far the largest in all of Central America. The armed forces have not been a part of the Nicaraguan Government—they have been an instrument of the Communist Sandinista Party. That is the case today and, unless I miss my guess and unless my information is totally wrong from Nicaragua, that is the case that will continue to be unless the new government acts promptly to change the situation.

Bear in mind that this is the same army that has received more than $5 billion in military aid from the Soviet Union, $5 billion as compared to what? This Congress fell all over itself fussing and fuming and excoriating the President and everybody else and we coughed up $227 million for the freedom fighters.

Five billion dollars from the Communists in the Soviet Union to this very army in Nicaragua, as compared to $227 million—million—that the freedom fighters in Nicaragua received from the United States.

This is an armed force that has received the most modern Soviet weaponry, such as tanks and self-propelled guns, such as the T-54 tank and the 122 mm artillery guns. They have Soviet light armor, such as the PT-76 amphibious tank and BMP armored personnel carriers. They have received missile attack boats. They have received attack helicopters such as the MI-8 and the MI-17 HIP assault helicopters, and the MI-25/35 HIND attack helicopter.

They received surface-to-air missiles, such as the shoulder-launched SAM-7, which, as every Senator knows, are used for air defense. They received some mobile SAM launchers.

In 1989, the Bush administration acknowledged and disclosed that the Soviet Union had shipped 12,000 tons of war-fighting materiel to the Communist Sandinista army.

But the regular army in Nicaragua is by no means the only problem. The Sandinistas, in addition to that 65,000 I was telling you about, the Sandinistas have built a reserve army of 200,000, again one of the largest in all of Latin America, organized in what are called the local militias. These local militias have been armed with the most modern Soviet weaponry and these militias exist in every part of Nicaragua.

Now does it become a little clearer why the freedom fighters are hesitant about laying down their arms? Just like one of them told me on the telephone, he said, "I like my head attached to my body. We need freedom in order to turn in our weapons." And I do not blame him.

Finally, there is the third force, which is the smallest but the most important, perhaps. It is not clear who will control these forces in the new government. They are the troops of the Ministry of Interior, the MINT troops, some 5,000 of them, highly trained, deeply motivated Communist agents, ruthlessly dedicated to the survival of Sandinista communism. This is the very same type of force that we have seen in operation in other Communist countries in transition, in Romania, in Georgia, in Armenia, in Azerbaijan, and so forth.

So we must assume that in Nicaragua these forces are likewise prepared to perpetrate murder and destruction for the survival of Marxist power. The Nicaraguan secret police operate in every block. Even our State Department has acknowledged that, grudgingly. The Nicaraguan secret police are in every workplace, in every school, in every organization. They have at their disposal groups of paramilitary gangs trained to harass individuals and break up peaceful gatherings.

So if I may make a suggestion to that delightful lady, the President of Nicaragua, President Chamorro would do well to examine what she has inherited. The last thing she needs is a stable full of Trojan horses poised to undermine and destroy the hope of freedom for which the Nicaraguan people overwhelmingly voted.

As long as the Sandinista Party controls these forces, the Communist Sandinistas have an enormous bargaining tool to demand—what? Cabinet posts and government control of the economy. I mention those just for openers. The mere changing of the head of government will have little impact on these forces, which are deeply rooted in the Communist society. There will be little impact, I emphasize, unless and until the Sandinista's command and control system is broken.

There is no surprise in the postelection statements of the arrogant and devious Brothers Ortega. The depth of this problem was revealed in the statement by the feared Thomas Borge, director of the secret police, in his capacity as Minister of the Interior, who is also another member of the nine-

man junta controlling the country. On February 7, Thomas Borge stated flatly that the army would not allow the revolutionary structures set up by the Sandinistas to be dismantled. His exact words:

This electoral coalition cannot govern because there have been deep transformations in Nicaragua that it would try to reverse, causing serious social consequences.

For example, with the existing Revolutionary Armed Forces * * * and the Interior Ministry * * * how can the officers obey hare-brained orders imparted by those who are appointed by UNO as ministers of defense and interior?

Since these structures are revolutionary, UNO will attempt to destroy them, causing chaos in Nicaragua. This will be a country without a government.

What he meant is that the revolutionary command structure will refuse to obey any orders by the new government that would dismantle the revolution and restore freedom. What he is saying to Mrs. Chamorro is, "You may have the job, but we have the power."

The civilian government, of course, particularly with this development, is pitifully weak and will have no countervailing force unless, perhaps, the freedom fighters of the Nicaraguan resistance are not demobilized and are brought in to defend the people against the Sandinista revolutionary power.

So I am raising these questions, Mr. President. I apologize to the Senate for having taken so much time. But we must ask ourselves the question, if we approve these funds and allow them to be given to a government that is only nominally in control, to a government that is beholden to a massive and malevolent military force nestling in the heart of the Nicaraguan society, will not a grave injustice have been done?

Mr. President, in just a moment I am going to send an amendment to the desk, but I suggest the absence of a quorum just momentarily.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have just been advised that the distinguished Senator from Pennsylvania [Mr. SPECTER] is on his way to the floor, desiring to address himself to the amendment.

AMENDMENT NO. 1541 TO THE EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 25, LINE 17

(Purpose: To prevent the provision of foreign aid to Nicaragua as long as certain Sandinista leaders maintain government or military posts)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1541,

On page 25, line 21, add before the period the following: ": *Provided further,* That none of the funds provided for under this subsection shall be made available to the government of Nicaragua as long as any person who was a member of the Directorate of the Sandinista National Liberation Front on February 25, 1990, holds any non-elected civilian or military post in the government of Nicaragua".

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I wonder if with the distinguished Senator from North Carolina on the floor—I do not intend to be long, but I wonder if he would be willing to answer a couple of questions?

Mr. HELMS. Well, I thought I was the one asking the questions, but I will be glad to answer any question I know the answer to.

Mr. LEAHY. I was just curious, to be able to answer some of the questions asked by other Senators here who have come to me and asked what they thought the schedule might be. I do not want in any way to suggest any restraints or anything else on the time the distinguished Senator from North Carolina may want to discuss this issue, but I was just curious if he has some idea of what we may be voting in this particular amendment.

Mr. HELMS. I am through now, but I ask no action be taken, as a matter of comity to Senator SPECTER. I did not know he was interested, but he called the Cloakroom. I will say to the Senator I have said all I am going to say.

Mr. LEAHY. Mr. President, that is true. I was actually looking at something else. The Senator did mention Senator SPECTER earlier and, obviously, we want to do that. I hope he is on his way.

Mr. HELMS. If the Senator will yield, I am advised that Senator SPECTER is on his way.

Mr. LEAHY. If the Senator is through, maybe I could make a couple of comments on the amendment itself. If the Senator has more to say, it is his amendment; I do not want to cut in.

Mr. HELMS. No, I do not. I thank the Senator.

EXHIBIT 1

SANDINISTA LAW ON DUTIES OF THE ARMY

The law governing the organization and administration the EPS—Sandinista Popular Army—was passed by the Nicaraguan National Assembly and went into effect on 2/23/90. It includes broad and sweeping powers for the Commander-in-Chief of the Army, a post now held by General Humberto Ortega, brother of former President Ortega and Minister of Defense under the Sandinista government.

The Commander-in-Chief of the Army, besides being the highest ranked individual in the military and director of the General Command, has the following duties inherent to his post:

To guard and respect the political Constitution, national laws and military laws;

To command and administer the Army;

To arrange the acquisition, production, conservation and improvement of arms, equipment, and other necessary items for the conduct of the army;

To perform acts of military protocol and make private contracts for the army;

To assign the officer who will occupy the chief of the General Staff (Estado Mayor) and the entire command echelon of the military;

To determine the military division within the country, and the organization of forces;

To arrange the acquisition, construction, maintenance and improvements of buildings, fortifications, air bases, naval facilities, and other military installations;

To decide on proposals from the military council in relation to composition of the staff of the army, definition of staff, granting of military rank, general plans for training, work, exercises, etc.;

To issue ordinances, orders, indications, directives, dispositions, instructions and methodology that regulate the government, organization, instruction, distribution and administration of the army;

To conduct inspections of the army or any facet thereof;

To represent legally the army;

To create businesses of supply and services for the army;

To direct the armed militias and armed reserves;

To decide requests of foreign troop transits over Nicaraguan territory;

To direct and control the Sandinista Navy;

To formulate a budget for the Sandinista Army;

To appoint officers to the positions of military attaches;

To appoint officers to represent the army before international groups.

The following major positions in the armed forces are subordinate to the Commander-in-Chief:

Chief of the General Staff (Estado Mayor);

Chief of major military units and commands;

Chief of the Sandinista Air Force;

Chief of the Sandinista Navy;

Chief of the Central Rearguard;

Chief of the Areas and Directorates; and

Chief of the High Command of Reserve Units.

The Commander-in-Chief also is the director of the Military Council, which is the highest decision-making body in the army. The Council reports directly to the Commander-in-Chief, and he has the power to appoint additional members to this council, over and above those who sit statutorily.

Finally, the Commander-in-Chief organizes the military group that is responsible for the security of the President of the Republic.

Mr. LEAHY. Mr. President, sometimes within our foreign aid we tend to micromanage just a tad. I have spoken clearly on assistance to Nicaragua. I have said that I thought the amount of money we are talking about for Nicaragua, $300 million, seemed like a great deal in such a short time and

that the United States' interests and Nicaragua's interests might be better served by stretching that out for a period of time so they could absorb it.

Yesterday, in answer to one other's Senator's question about the schedule on foreign aid to Nicaragua, I said in effect the $300 million is as good as money in the bank. They know they are going to get the $300 million. And then I added, parenthetically, that $300 million is actually more money than Nicaragua has in all their banks, literally, put together. I understand I am correct on that. It is a great deal of money.

Incidentally, the $300 million is approximately all the aid that we have given to Nicaragua in over 40 years. We are going to do it, and we are going to send this out in about 40 days, but it is about the amount we have given Nicaragua in 40 years. So it is a considerable amount of money and there may well be a temptation with it to say now we are going to step in and tell you how to run your government.

I do not think we can have it both ways, Mr. President. The United States Government has spent nearly 10 years trying to destroy Nicaragua. We have had the contra policy, which I think was one of the most disastrous policies in the postwar period in this country. It was an attempt to substitute a covert action policy for a foreign policy.

There has never been a time in our history that it has worked. This is just one more demonstration, for those who want to have historical axioms and lessons we can usually go by. We got one of that. We cannot substitute a covert action policy for a foreign policy, especially not here in our own hemisphere.

It was a colossal mistake and disaster. We have seen members of the past administration humiliated by it. Some were more than humiliated; they were indicted and convicted as a result of this.

The spectacle of a former President saying that he was not involved in the Iran-Contra illegal transfer of funds—we will take him at his word. He was under oath and maybe he does not remember it. He did say as former Commander in Chief he did not remember the man who had been the Chairman of his Joint Chiefs of Staff for a number of years, even though they used to meet quite regularly.

The fact is, though, it was a disastrous policy.

We ended up humiliating ourselves worldwide when it came out what was being done. It was kowtowing to the Ayatollahs of Iran, paying of ransom for hostages, hostages who are still being held today. It shows us how successful that was.

What came of it? The destruction of poor Nicaragua. This is a poor country. Some of the people live in devastating poverty. A combination of the Contra war, combination of some of the mistakes of the Sandinistas, a number of other things, the devastating hurricane in the Bluefields area, all these things, and we have a country now prostrate, just devastated by all this.

I have been down there many, many times and one can see a totally worthless currency, people cannot be adequately fed, machinery that is broken down and cannot be repaired, cannot be run, and an export market that is gone.

So now the United States has said, in effect—they have spent 10 years trying to destroy Nicaragua—we are going to try to do something to bring it back together. There is a democratically elected Government. To the credit of the past Government, they turned over power. We saw the former President, who seized power in a revolution, turn over the sash of the Presidency to the incoming President who won it by election. I cannot think of an historical analogy where a government, having seized power by revolution, has turned it over in such a democratic fashion.

Then President Bush announced that with this there would be a $300 million aid package, the embargo against Nicaragua would be lifted, sugar quotas would be adjusted, medical care would be sent and agricultural help would be given. I have said earlier that I thought that aid could be stretched out, but I agree with the other members of the Senate Appropriations Committee and with our distinguished chairman who felt as I did, felt it could be stretched out. We felt, in making this gesture, we backed the President of the United States in saying the $300 million would go to Nicaragua.

Having made that gesture, Mr. President, and not an insignificant gesture—this is, after all, almost as much aid as we have given Nicaragua in 40 years, total, cumulative—let us not say, by the way, we are going to pick your Cabinet for you, because after we pick the Cabinet, might we not also say we will tell you what laws to pass? After we tell you which laws to pass, maybe we should tell you which judges to appoint to enforce those laws. By the way, maybe your national assembly should meet only in these particular weeks. Maybe the makeup should be this way and maybe it should be that way.

Mr. President, we tried this in Nicaragua. We know the the local U.S. Marine commander was in effect the President of Nicaragua for many years. Do we want to go back to that way? I think not, not in our own hemipshere, not when we are telling other countries, the Soviet Union and others, to allow freedom to those they have dominated in the past.

We have to make our decision as a country. Do we accept the democracy and the elections in Nicaragua or not? If we accept them, then we make a further decision: Shall we send U.S. foreign aid or not? Our decision in sending U.S. foreign aid should be based on these kind of considerations: How will it be spent; will it be honestly accounted for; will there be waste and fraud? Those are legitimate questions to ask.

If we decide we want it as aid to the people, we make sure that it goes out to such things, as the distinguished Senator from Pennsylvania mentioned yesterday, as planting. Should it go to emergency food? Should it go to energy uses? It is legitimate to talk about where we want it directed, if we are going to send it, and then the country can either accept it or not. But to say with it we will also tell you how to run your own government, who to appoint, who not to appoint, then I think we step over the line, way over the line. I oppose this amendment.

Many of us are not happy with the choice of the head of the armed services, but Mrs. Chamorro won the election and it has been the policy of this country and this Congress to say we want democratic elections in Nicaragua. We have had them. Now we accept it. We might not like everything that comes out of it. I cannot imagine anybody who can say they are totally satisfied with every decision made in a democracy. That is really the reason for it. You make the decision. You have the elections. People get elected. They decide where to go. If you do not like what they do, next election you vote them out. But this "colossus of the north" should not tell this poor little country how they are going to run their own democracy.

Because of that, I will oppose the amendment. I spoke because I understood the Senator from Pennsylvania was on his way over here. He is in the Chamber, so I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I oppose the pending amendment because I believe that it is vital that the United States send aid to the new Government of Nicaragua in order to promote democracy and give that newly elected Government and President Chamorro a chance to survive.

The issue raised, however, is a very troubling one because it is very much in the U.S. interest to see Humberto Ortega out of the army and out of control of the army. But we are faced with a difficult decision, recognizing the sovereignty of Nicaragua and recognizing the ultimate right of President Chamorro to make her decisions, and the option of withholding aid in such a circumstance.

All factors considered, I believe that we should not withhold aid.

Mr. President, I am concerned that the United States Senate may be partly responsible, perhaps responsible, although not intentionally so, for what has happened in Nicaragua. I expressed this on the floor very briefly yesterday, because at one time, President-elect Chamorro said she would not retain Humberto Ortega in the army. Then as events unfolded and U.S. aid was not forthcoming, her decision was changed. So she now will retain Humberto Ortega as head of the army.

It may well be, although this is not subject to any kind of proof, that she was forced to make accommodations within Nicaragua because she did not have the requisite strength with the kind of solid prompt backing that the United States should have given Nicaragua by appropriating this money and having it in hand before she took the office.

I had occasion to visit with President-elect Chamorro on April 6. At that time, I raised the concern which has been very aptly put before this body by the distinguished Senator from North Carolina. I said to her, "Mrs. Chamorro, we are concerned in the United States, certainly in the U.S. Senate, and absolutely on the part of this Senator, with a retention of Humberto Ortega in the Army." I said, speaking for myself, We will not tell you what to do because that is your choice, but I think it is fair for us to express a view. And our view is that Humberto Ortega ought not to remain in the Army. A principle reason for that view is that in giving aid to Nicaragua, we do not want to see the Sandinistas retain military control so that they will export military weapons to El Salvador." So that we will be trading, so far as the United States perspective is concerned, one Central American war for another. No issue has torn apart the Seante in the 10 years that I have been here as has the Nicaraguan issue, with vote after vote after vote on aid to the Contras. I do not know of any issue that we have spent more time on in this body. I, for one, do not look forward to the future controversy on aid to El Salvador, if the guerrilla forces are strengthened by the Sandinistas.

So I made that presentation in a very soft way to Mrs. Chamorro. She did not make a commitment to me in the course of that meeting. And when I was exiting, the President-elect of Costa Rica came in to visit Mrs. Chamorro. At the conclusion of that meeting, as I later read in the press, Mrs. Chamorro had a press conference, and at that press conference she announced that Humberto Ortega would not be retained as commander of the army——

Mr. McCAIN. Will the Senator yield on that point for a clarification?

Mr. SPECTER. I was on a semicolon, but I do yield.

Mr. McCAIN. The announcement was, I might tell my friend, that Mr. Ortega would not remain as minister of defense. His present position, to which he is appointed, is the head of the armed forces. President Chamorro has assumed the position of minister of defense.

Mr. SPECTER. The distinguished Senator from Arizona is not correct on the facts. The facts are that she had earlier announced that Humberto Ortega would not be minister of defense. Then her son, who was her campaign manager, said in the media that the question was open as to whether he would remain as commander of the army. It was the position of commander of the army that she announced, as I was in midsentence in saying, that he would not be retained, at her press briefing on April 6. I was just about to read a communique which appeared on the wire services and put it into the RECORD on this precise point.

I ask unanimous consent that the full text be printed in the RECORD at the conclusion of my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. The text reads as follows:

Managua, 6 April. Nicaragua President-elect Violeta Chamorro today said that general Humberto Ortega, current defense minister and chief of the Armed Forces, will not be a part of her administration or continue in the army.

That he would not continue in the army. And that received considerable notoriety. Then, a few days ago, the question appeared in the media that there was some doubt as to what the status would be, that she might be in the process of changing her mind, and then in fact she has changed her mind.

The nagging question on my mind, Mr. President, is whether the failure of this body to act promptly and forcefully and show support for the newly elected Government of Nicaragua led President Chamorro to say, "Well, the check is supposed to be in the mail. But we know about checks in the mail, and I have to deal with the Sandinistas here. I have a lot of Senators coming down to visit me and they sing sweet songs but I need the money. We have a planting season and the planting season has to be accommodated by the end of April. And I have the Sandinistas. There are a lot of votes that Daniel Ortega has in the legislative body, and I may have to make an accommodation here to survive in this Government."

That is a very nagging consideration, because I know of no valid reason why this bill could not have been passed at least before the inauguration.

There is another factor, Mr. President. Had this amendment been put before the Senate in advance of her inauguration, and in advance of her assuming the powers of President, and in advance of her decision to put Humberto Ortega in as commander of the army, it would be a different position because in voting in favor of such a condition we would not have been trying to get her to change her mind. We would have been trying to influence her decision on a condition.

I am not saying that it would have been a right condition but tactically it would have been a very, very different position. So that we do not act after she has acted. We do not impose a condition which requires a change in a decision that she has made. It would be much easier for her to be in a position of thinking about it and hearing an expression of opinion by the Senate and then making the decision. She does not have to then say, "Well, I followed the direction of the Senate." She can say, "I heard them, but that was one of many factors, and it was not the reason for my decision." So I think now, if we are to enact this amendment, it would be pretty hard for her to change her mind for this aid. But I think this body has a certain degree of responsibility in the matter.

Yesterday, the distinguished Senator from Vermont and I—and he is on the floor at the moment—had a discussion about whether this aid would be forthcoming. I asked him a question. I said, can you personally vouch for the fact that no Senator among the other 98 will offer an amendment to delete the aid to Nicaragua? The question was not answered, and of course one Senator cannot vouch for what is on the mind of every other Senator. None of us can make a survey and be absolutely certain what is going to happen.

I did not anticipate the amendment by the distinguished Senator from North Carolina, but the amendment is on the floor. Contrary to the assurances that the distinguished Senator from Vermont expressed yesterday, who knows what is going to happen in any amendment which is pending on this floor? I oppose the amendment, and I am hopeful it will not be accepted. But it may well do. So that anybody who has said heretofore that President Chamorro had every expectation, conclusively knew the money was coming, simply is not the case. Too many things happened between the start to finish, especially given the vagaries and complexities of action in the Senate.

Mr. HELMS. Will the Senator yield?

Mr. SPECTER. I will.

Mr. HELMS. I thank the Senator.

Mr. President, I began my remarks—and my distinguished friend was in the

Chair at that time as well—by saying my purpose was to raise questions in the minds of Senators. I think the distinguished Presiding Officer will recall that. I will relieve the mind of the distinguished ranking Member of the Appropriations Committee. I am not going to pursue the amendment. I think I have sent a message by proposing it, and I am going to withdraw it.

I do not have the floor in my own right, and I cannot withdraw it until I do have the floor in my own right, but I would advise my friend from Pennsylvania that I agree with him. As always, he is eloquent, and even if I had not been persuaded at the outset not to press the amendment, he would have shaken me a little bit. I thank him. I thank him for his comments.

If I can get the floor, I will withdraw the amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield?

Mr. SPECTER. Mr. President, I shall yield within 1 minute, but I thank the distinguished Senator from North Carolina for his graciousness. No one in the Senate excels Senator HELMS on grace. As I frequently say, if there were two Senator HELMS in an elevator, no one would ever leave. You cannot leave after Senator HELMS leaves from an elevator. You cannot top him in graciousness on the Senate floor.

Substantively, I would conclude with just this comment on what Senator HELMS had commented earlier, and I agree with him, as he articulated, the crucial question is, Will Nicaragua be free? My answer is—and I am glad to have his concurrence—the chances are much better with the U.S. aid.

The second concern he raised is, Will this aid go to the Communists? I quite agree with him that it must not, but that at bottom the best way to see to it that Daniel Ortega does not become President again and the Sandinistas do not control Nicaragua is for this aid to go to Nicaragua and for the United States to support this democratically elected Government to make sure it succeeds. I yield the floor.

EXHIBIT 1

CHAMORRO SAYS NO TO HUMBERTO ORTEGA IN HER CABINET

MANAGUA, April 5 (ACAN-EFE).—Nicaraguan President-elect Violeta Chamorro today said that General Humberto Ortega, current Defense Minister and Chief of the Armed Forces, will not be a part of her administration or continue in the army.

She also said that none of the nine commanders who make up the national directorate of the Sandinist National Liberation Front (FSLN), in power since July 1979, will be a part of her government.

In brief remarks to ACAN-EFE at her residence, minutes after meeting with Costa Rican President-Elect Rafael Calderon, Chamorro said 49-year-old Gen. Humberto Ortega, brother of Nicaraguan President Daniel Ortega, will not remain in the Nicaraguan Armed Forces.

"He will not be a part of my government or remain in the army in any capacity," stressed Chamorro, who will take office on 25 April.

A protocol signed on 27 March by representatives of the incoming and outgoing governments calls for the high-ranking commanders of the armed forces to resign from party positions and stop being active militants of the FSLN.

At the beginning of this week, Gen. Ortega said at the Montelimar peace resort on Nicaragua's Pacific coast, during the seventh Central American summit, that he was willing to resign from his party's leadership in order to remain in the army as a professional military man.

Gen. Ortega's possible retention in the Nicaraguan Army has provoked a storm in Nicaragua, and there are even plans to hold a protest demonstration on 22 April.

The Workers Permanent Council (CPT), made up of four labor federations that supported Violeta Chamorro during the February elections, today announced a demonstration to protest the possibility that a top Sandinista official will remain in the new government.

Chamorro today met with the Costa Rican President-Elect who is on a Central American tour to strengthen diplomatic and cooperation ties.

Calderon, after meeting with current President Daniel Ortega also, said that the transition in Nicaragua is "making remarkable progress" and that "democracy is spreading" in this country.

The President-elect has already visited Guatemala, Belize, El Salvador, and Honduras. He will wrap up his tour in Panama tomorrow.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, again I thank the Senator for his gracious comments. I know no more gracious Senator than he. I withdraw the amendment.

The amendment (No. 1541) was withdrawn.

Mr. LEAHY. Mr. President, I will be very brief. My good friend from Pennsylvania, the distinguished Senator from Pennsylvania, has once again raised the question whether the money will go to Mrs. Chamorro. This, of course, is a matter of judgment. His judgment apparently is—he can speak for himself—that $300 million may be in jeopardy. My judgment is the $300 million will go to Nicaragua. All I can say for those who are watching the debate who want to keep score they can wait to see whether the $300 million gets passed by the Congress or not. If it does, I am right. If it does not, he is right.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I do not know if $300 million will go to Nicaragua. I happen to share the view of the Senator from Vermont that it eventually will. But looking over a list of the many amendments that will be proposed, it may be some time.

I find it somewhat bizarre that on this very important legislation we have wetlands regulation amendments, drought disaster assistance, MX rail garrison amendments, housing development grants.

When are we going to be able to move on this? I do not think it does this body great credit when we have a bill which clearly is a dire emergency supplemental to Christmas tree the bill to such a degree that not only is the bill in danger but it also loses a great deal of its meaning. At least, we ought to change the title of the bill. I can think of some rather colorful titles, but I will reserve those depictions.

I see my dear friend, the revered chairman of the Appropriations Committee, who yesterday admonished me to lay on Macduff, a quote from "McBeth." My response in all due respect to him is once more into the breach, dear friends, or fill up the gap with our English dead because we do intend to pursue the line-item veto.

Mr. President, I also rise to thank my friend from North Carolina for withdrawing his amendment. I think it would have been a mistake. I do, however, share his deep and sincere and informed concern about the appointment of Humberto Ortega as the head of the Nicaraguan Army. I have been a consistent and devoted critic of the two Ortega brothers for a long time.

I was flattered upon my arrival in Nicaragua recently for the President Chamorro inauguration to note that I was described in Barricada, the Sandinista newspaper, as the ultra-right-wing reactionary Senator from Arizona. That was one of the greatest compliments that the Sandinistas have paid to me amongst the many that they have bestowed on me in past years.

Mr. President, the fact is Mrs. Chamorro was elected. She was elected by the people of Nicaragua, not by the United States Senate, and not by the American people. One of Mrs. Chamorro's greatest vulnerabilities is the accusation by the Sandinistas that she is the puppet of the United States who will implement policies that are not necessarily in the interests of the Nicaraguan people—that she is at the beck and call of the United States Government.

As I said, I strongly disagree with Mrs. Chamorro's decision. But the fact is Nicaragua remains a sovereign nation. It has just experienced, I am overjoyed, to repeat, a free and fair election. She is the elected head of government and, in my view, she has every right to choose whoever she wants.

I am very concerned though, Mr. President, about the impact of this decision. I think it may cause severe problems. It may cause problems to

the Contras. It may interfere with their desire to reintegrate into Nicaraguan society.

I am concerned about the dismantlement of the Sandinista army. I am concerned about a lot of issues that this raises as to who is influencing the new President.

But I would like to remind my colleagues that when the ARENA won the last elections in El Salvador, there were some Members who wanted to reduce assistance or abridge our involvement in El Salvador because of their displeasure at the ascendency of the ARENA Party in El Salvador.

I resisted those efforts at that time as I do this effort today. I think that what was correct in El Salvador when a fair and free and fair election was held is also appropriate in Nicaragua today. Again, I would like to express my appreciation to the Senator from North Carolina, not only for his withdrawal of this amendment, but for his continued advocacy and lifelong dedication to democracy and freedom throughout the world, especially for his long and deep involvement in Central America.

So I hope we can move forward with this package. I was in Nicaragua along with many of my colleagues. They wonder whether the United States is willing only to help arm people and not willing to help provide the economic wherewithal necessary to restore an economy of a country where tragically the per capita income has fallen below that of Haiti.

I think we need to move forward with this aid package. I hope we can get this done as rapidly as possible.

I yield the floor.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 25, LINES 17-21

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from West Virginia.

Mr. BYRD. I hope now the Senators are prepared to vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DODD. Mr. President, 1 minute.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate vote on the amendment and within 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Very briefly, Mr. President, I just want to commend my colleague from Arizona for his comments on this matter. He has said it very well. The Chamorro government was elected February 25. They are putting together a government and certainly they are going to make decisions which all of us are going to have trouble with from time to time as we observe. But the fact is they have the right to chose the cabinet, Mrs. Chamorro and the people who serve with her. I do not know if she made a right or wrong decision. She could make a good case one way or the other. Time will tell. It may in fact have been a brilliant decision in terms of trying to reach and bring into her government the opposition of the people she fought with the most.

So I regret deeply the amendment of Senator from North Carolina. I think it would be tremendously harmful. It is somewhat ironic that, in the case of Chile where President Aylwin has been recently elected, he has no choice about his defense minister. General Pinochet will be the head of the Chilean Armed Forces because there he cannot be removed.

I do not find anyone standing up suggesting we ought to withhold aid to Chile because General Pinochet is going to be running the armed forces. I find it is somewhat inconsistent that we are going to cut off all aid to Nicaragua, this new government, after the years of debate because Mrs. Chamorro makes a choice we do not like.

So my hope would be that this amendment would be resoundingly defeated and send a very important message that we do not tolerate this kind of approach in dealing with newly elected democratic governments.

Mr. BYRD. Mr. President, the amendment has been withdrawn. The Senate is about to vote on the committee amendment. I think we ought to wake this place up a little bit around here. This is Friday. It is 10 minutes after 11 o'clock. We have been talking about an amendment that has been withdrawn.

I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the committee amendment?

If not, the question is on agreeing to the committee amendment.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

So the result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—96

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Robb
Byrd	Humphrey	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	Wilson
Ford	McCain	Wirth

NAYS—0

NOT VOTING—3

Domenici	Inouye	Riegle

So the committee amendment on page 25, lines 17 to 21, was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 57, LINE 5 THROUGH LINE 10

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I call up an amendment to the committee amendment that is presently pending.

The PRESIDING OFFICER. The clerk will report the pending amendment.

The legislative clerk read as follows:

On page 57, line 5, insert new language as follows:

SEC. 312. Section 117 of the District of Columbia Appropriations Act, 1990 is amended to read as follows:

"SEC. 117. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.".

AMENDMENT NO. 1542 TO THE COMMITTEE AMENDMENT BEGINNING ON PAGE 57, LINE 5 THROUGH LINE 10

Mr. ADAMS. Mr. President, I request the amendment to the pending amendment which I have at the desk be read. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington, [Mr. ADAMS] proposes an amendment numbered 1542 to the committee amendment:

On page 57 at line 10 strike the first period and insert the following: "*Provided*, That District of Columbia shall cause a study to be conducted on the need, in the District of Columbia, for a system of early childhood educational development programs which address the needs of pre-school and school-age children, and of working parents and parents on welfare seeking work.".

Mr. ADAMS. Mr. President, I will be very brief because this is a committee amendment that was adopted in the Appropriations Committee on a voice vote. What the committee amendment does, and I hope everyone here will support it, is to state that no Federal funds provided in this act shall be used to perform abortions except where the life of the mother would be in danger if the fetus were carried to term. It is an amendment to allow use of local funds, as in every State and every jurisdiction; to allow them to make their rules as to how they will spend their local funds.

I state to my colleagues there are segregated bank accounts that account for this. This is a dire emergency for the people of this area. It is a committee amendment. I hope it will be adopted. It is germane to the language in the bill, and I am very familiar with this particular provision on page 36, which provides for HCFA program management.

This was a bill originally sponsored by Senator MIKULSKI and myself for the regulation of clinical laboratories, and in particular it started because Pap smears and other examinations of women patients were being improperly performed throughout the United States. This particular act, and the funds that are in it, are the only way by which you can deterine pregnancy, you can determine the status of the fetus, you can determine whether or not a woman is in a position of having her life endangered.

So the amendment I have offered, and which was adopted by the Appropriations Committee, is not only relevant, it is relevant to the legislation that was put in by the House. This is House language on page 36. We have placed in the bill language that is relevant to the language in the House bill and it is also germane. The tests are that both be legislated, which they are, and that both be conceivably germane, and this is more than conceivably germane; it is an amendment that deals with clinical laboratories, the testing, and I hope my colleagues will adopt this committee amendment.

I yield the floor.

Mr. CRANSTON. Mr. President, I strongly support the initiative of the Senator from Washington [Mr. ADAMS], the chairman of the District of Columbia Appropriations Subcommittee, to repeal the unfortunate restriction that Congress permitted to be enacted on last year's District of Columbia appropriation bill.

I want to congratulate the Senator from Washington for his efforts to correct the great injustice that we have allowed to be inflicted upon the residents of the District of Columbia—citizens of the United States who are denied representation in the Congress of the United States.

As a result of the rider attached to the fiscal year 1990 appropriations bill, the government of the District of Columbia is the only local elected body in this country which has been denied the right, by an act of Congress, to provide local, non-Federal funds to help pay for abortion services for low-income, indigent women.

During the hearings on this measure last year, local health organizations describe indigent women, like one HIV-positive woman, who were suffering as a result of this cruel policy. They describe the circumstances which forced indigent women to delay obtaining an abortion until it became more costly and more dangerous because public institutions were barred from providing them.

This provision should never have been enacted and should be promptly repealed.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS] is recognized.

Mr. HELMS. Mr. President, I thank the Chair very much. Let me take just a moment, if I may, to explain the events that are now transpiring.

This is a replay of what happened last year and is going to result in a veto by the President of the United States of this bill. He has already made that clear. So we will delay and take up the time of Senators this day. If you want to add 4 or 5 hours to your working day today and miss your planes, that is up to you.

Shortly, I am going to raise a point of order under rule XVI of the Senate that the abortion language, which is contained on page 57 of the bill, lines 5 through 10, I will say to the distinguished Parliamentarian.

I tried to do my homework on this. I have consulted with the Parliamentarian both as to whether the point of order will lie and the germaneness aspect. Someone on the other side may appeal the ruling of the chair and there will go the tin soldiers marching up and down again in what is going to be an exercise in futility insofar as the bill with this provision in it escaping Presidential veto. Whatever suits the Senators suits me.

So, Mr. President, I make the point of order that the pending committee amendment to which I just referred and which my good friend BROCK ADAMS proposes to amend with a second-degree amendment, is legislation on an appropriations bill in violation of rule XVI.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I raise defense of germaneness stating the House has opened the door to legislation by incorporating a provision on page 36 at line 9 dealing with health care financing. The committee amendment, likewise, deals with the restriction on financing of health care.

The PRESIDING OFFICER. The Parliamentarian has advised the Chair that the threshold test has not been met. The Chair does not think the amendment at issue is conceivably germane to the proffered House language.

Mr. ADAMS. The Chair has agreed the provision on page 36 is arguably legislation, as I understand it, and, therefore, I appeal the ruling of the Chair that its interpretation on germaneness, of what is conceivably germane, is too narrow in this instance, and I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. ADAMS. Mr. President, is this on the point of order? Otherwise, there is no debate.

Mr. DOLE. I ask unanimous consent I may proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. ADAMS. Two minutes?

Mr. METZENBAUM. Reserving the right to object, and I do not intend to object, but I ask unanimous consent at the same time that I be accorded an equal 2 minutes.

Mr. ADAMS. I have no objection.

The PRESIDING OFFICER. There being no objection, the unanimous-consent request, as amended, is agreed to.

The Republican leader is recognized for a period of 2 minutes.

Mr. DOLE. Mr. President, I thank the Senator from Washington and the Senator from Ohio. I want to try to get back to what we were supposed to do out here on this particular legislation.

This was an urgent request by the President of the United States for emergency aid to Panama and Nicaragua. We can now see abortion is involved. We are going to have the death penalty. We are going to have some other amendments that are not particularly relevant to the subject matter. I say to my colleagues on both sides, I think it is the chairman's intention to finish this bill today, if possible. We never know what is possible in the Senate.

So I want to encourage my colleagues to try to be as cooperative as

we can. This is an important issue. I do not deny that. But this is not the only piece of legislation where we are going to have an opportunity to raise this question.

I just say, to get back to the original purpose, if we want to help the Panamanians and Nicaraguans who have been looking forward to our assistance, let us try to move on and dispose of some of these matters. If we can dispose of this, we can eliminate about four, five, six, or seven amendments on this side and then we can go back and get an agreement on the total number of amendments, maybe finish this bill today and then we can raise these very important issues at a later time. I do not know how many people want to debate the death penalty today on this bill. I do not, but it is going to happen. I hope we can reserve any debate on abortion and any action on abortion until some later time.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized pursuant to the unanimous-consent request.

Mr. METZENBAUM. Mr. President, I think there is merit to what the Senator from Kansas is saying, the minority leader, that on these appropriations bills, supplemental appropriations bills we get into a host of different areas. I am concerned that the thrust, with respect to the question of germaneness, will be directed at the issue of the District of Columbia and its concern for its women in need of abortion and that that same thrust and that same effort will not be raised in terms of the issue of capital punishment.

Mr. DOLE. It will be raised.

Mr. METZENBAUM. The Senator from Kansas indicates that it will be. I think that is reassuring. I hope that at some point the U.S. Senate will get to a point where when we have an appropriations bill, we stay on appropriations issue, period. I will never forget when Senator Magnuson would come to this committee and come to the floor and say, "Why is it every time I have a bill on the floor, I have abortion, I get this issue, that issue, but nobody wants to talk about the subjects that are in the bills themselves?"

I understand that point of view, but too often I find that we make a rule going one way for some issues and not the same way with respect to other issues. I think that if there were some rule to take all the stuff out, I would have no difficulty with it. But I am very concerned that my friend from North Carolina will be there supporting a capital punishment amendment and will not be nearly as worried about the germaneness issue and will be there with respect to some other issues as well.

Under those circumstances, I intend to support the Senator from Washington. But if he is defeated, then I hope that will set a pattern for the defeat of all allegedly nongermane amendments.

Mr. HELMS. Parliamentary inquiry?

Mr. DOLE. I am willing to make that pledge if we get the same treatment on both issues. We do not want to treat one issue one way and another issue another way. I agree they ought to be treated alike. I hope we can resolve it.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, I learn something new early day. Now I know a point of order is not debatable, but can the Parliamentation, through the Chair, inform the Senator from North Carolina where there is a precedent that germaneness is not debatable?

The PRESIDING OFFICER. Under rule XVI, questions of germaneness are to be submitted to the Senator without debate.

Presently, the yeas and nays have been ordered and the question before us is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HELMS. The Chair is absolutely correct. I was referring to an appeal. When was there a precedent that an appeal of a ruling of the Chair was not debatable?

The PRESIDING OFFICER. It is the opinion of the Chair that appeals from nondebatable questions of germaneness are also not subject to debate.

Mr. HELMS. But germaneness has not been submitted, I say to my friend in the Chair.

The PRESIDING OFFICER. The question before the body is a question that derives from an assertion of germaneness or a lack thereof.

Mr. HELMS. Let me disagree agreeably on that, and we will not take up the time of the Senate. I will continue my education on germaneness and appeals.

The PRESIDING OFFICER. The question is, Shall the decision of the chair stand as the judgment of the Senate? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is necessarily absent.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber desiring to vote?

The result was announced--yeas 45, nays 51, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—45

Armstrong	Boren	Breaux
Bond	Boschwitz	Burns
Byrd	Grassley	McConnell
Coats	Hatch	Murkowski
Cochran	Hatfield	Nickles
Conrad	Heflin	Pressler
D'Amato	Helms	Reid
Danforth	Humphrey	Roth
DeConcini	Johnston	Shelby
Dole	Kasten	Simpson
Durenberger	Lott	Stevens
Exon	Lugar	Symms
Ford	Mack	Thurmond
Garn	McCain	Wallop
Gramm	McClure	Warner

NAYS—51

Adams	Gore	Mikulski
Baucus	Gorton	Mitchell
Bentsen	Graham	Moynihan
Biden	Harkin	Nunn
Bingaman	Heinz	Packwood
Bradley	Hollings	Pell
Bryan	Jeffords	Pryor
Bumpers	Kassebaum	Robb
Burdick	Kennedy	Rockefeller
Chafee	Kerrey	Rudman
Cohen	Kerry	Sanford
Cranston	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
Dixon	Leahy	Simon
Dodd	Levin	Specter
Fowler	Lieberman	Wilson
Glenn	Metzenbaum	Wirth

NOT VOTING—3

Domenici	Inouye	Riegle

So, the ruling of the Chair was overturned.

The PRESIDING OFFICER. The ruling of the Chair is not sustained. The threshold has been established. The Chair now submits to the Senate whether the amendment is germane.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that I be excused from attendance in the Senate after 3 o'clock today until the commencement of business on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I hope that the Senate can proceed with business. I understand that the quorum call may last an hour. I hope that will

not be the case. There is much business to be done on this bill. I hope that we would get on with the vote on germaneness.

I have to say that I am very supportive of the substance of the committee amendment. I voted to uphold the Chair. It was a difficult vote for me, but I was the one who established the precedent several years ago requiring House legislation in the appropriation bill to which an amendment could be germane. I am not going to argue that point here. I am simply saying that I voted to uphold the Chair. I do not quarrel with anyone who voted otherwise. But I hope, now that that matter has been decided by the Senate, that we will not have an hour-long quorum.

I urge that we let the Senate get on with its business. The question of germaneness has been raised. There is no time for debate on that, and I am abusing the rules of the Senate in saying what I am. I have said enough, and I shall sit down.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I indicated earlier I wanted to be helpful to the leadership to try to expedite this bill, but apparently the leadershp did not want to expedite the bill. If we are going to try to change some minds, we need a little time in a quorum call. If we want to get into legislating on an appropriation bill, and there is no time agreement now, we can dream up a lot of things to do.

But the bottom line is that this is supposed to be an urgent supplemental for Panama and Nicaragua. That has been forgotten now, because we want to debate abortion all day and the death penalty for a day or two, and then something else. We need some time to convince some of our colleagues on this side to join us to try to expedite the completion of this bill.

We have a responsibility to the President of the United States on this side of the aisle. I understand there is no responsibility on the other side to the President's request. We feel strongly that we have waited long enough for final action on this bill. If we are going to have to get into all these different amendments, we are going to be here in the next week sometime.

We are trying to accommodate the leadership, and maybe we can do that if we have enough time to talk to some of our colleagues on this side, to encourage them that this is not a vote on the issue of abortion; this is a vote on trying to expedite this bill. There will be plenty of time to debate abortion and the death penalty and some of the other issues that will be coming up. So, unless the majority leader wishes to speak, I am going to suggest the absence of a quorum so we can try to go to work before we have another vote the same as the last vote.

Mr. MITCHELL. Mr. President, I share the view of my colleagues wanting to see prompt action on this bill.

The distinguished Republican leader indicated that there was concern on that side for the President's wish to act on this bill, and referred to the large number of amendments. Last night when I read the list off, there were about 60 amendments, and my recollection is about 30 of them were Republican amendments; about 30 were Democratic amendments.

I do not think either side has displayed any restraint in suggesting amendments to be offered that constitute legislating on an appropriations bill or that raise controversial matters.

I hope that we can proceed to final action on this bill as soon as possible. I once held out what has obviously been proven to be a vain hope that we could finish it by late last night. It is becoming increasingly likely that we are going to go late tonight and beyond.

I have no objection to a period of time that the distinguished Republican leader wishes to consult with his colleagues. I would like to have some indication of a specific timeframe on it so that we know that it is not merely a dilatory tactic to prevent action on the bill, because I know the Republican leader himself has stated he wants to move on the bill.

That is obviously what we want to do, and we want to proceed and continue to vote on amendments as they come up. If that means we have to vote on several amendments with respect to the subject of abortion, perhaps the best thing to do is go ahead and have those amendments and have the votes on them, and dispose of it in that way.

But I am pleased to accommodate whatever reasonable request the Republican leader may have in that regard.

Mr. DOLE. If the majority leader will yield, it just seemed to me it is in our mutual interest to complete action on this bill. We have a lot of different things we have to do. We are prepared on this side to try to convince one or two of our colleagues to sustain the Chair.

A lot of the amendments on this side are going to disappear if the Chair is sustained. I guess a good third of the amendments would go very quickly. Once the Chair is sustained on legislation on an appropriations bill, I am certain that that might set a precedent for most of the other amendments.

But in any event, if we want to spend the rest of the day and tonight arguing over abortion, we can spend the rest of the day and night.

The point I want to make again is the President would like us to pass this emergency aid bill. He wanted that a week ago, and he wanted it 2 weeks ago. But first we had to get a reauthorization. Then we had to get the CBI bill. Then we had to dispose of child care. Now we have to debate abortion and the death penalty and who knows what else before the day is out. We are prepared to do that. There is some indication maybe if we do not finish the bill, it may end up on the calendar next week. So we are not going to complete action on this bill, unless the leadership joins together and says, OK, let us finish the bill. Let us sustain the Chair.

Maybe, if I can persuade three Republicans who did not vote to sustain the Chair, to sustain the Chair, unless there were some other switches, that would let us proceed with the bill. So we need a little time to do that.

Mr. MITCHELL. Mr. President, I have no objection to that. I just would like to make one comment in response. It is not new but it appears to be increasingly the approach that if one does not get his or her way on a particular provision, then there will be a large number of amendments to delay action on a bill.

Obviously, any Senator has that right, in any event. But I must say that if we begin to accede to that approach, then of course the possibilities for all Senators are limitless. If Senators begin to sense that in order to get your way here, you make clear that if you do not get your way, you are going to indefinitely delay and offer an unlimited number of amendments to any pending bill, that will then become not an occasional tactic, but a regular and daily tactic. We will face it every time. It will not be one Senator or two Senators or three Senators; it will be 100 Senators.

So insofar as I am concerned, I hope we can resolve this. I have been trying very hard to persuade our colleagues, with little success so far, not to offer amendments, particularly not to offer amendments that are going to generate a lot of lengthy controversy and delay.

But I must say, at the same time, I do not accept the approach that says that if a particular position does not prevail, then there is going to be 1, 2, 20, 30 amendments. Anybody has that right, in any event. So I hope we can resolve it. I hope the Senator is successful.

But whether or not a delay ensues I do not think it ought to be a controlling factor in terms of what our decision is.

Mr. LEAHY. Will the Senator from Maine yield me just 1 minute?

Mr. MITCHELL. Yes.

Mr. LEAHY. Mr. President, I concur with the distinguished majority leader and the distinguished Republican leader that we must move forward.

As chairman of the Foreign Operations Subcommittee on Appropriations, I hope that the impression will not be left here that only one side of the aisle feels a sense of responsibility in supporting the President on his foreign aid request.

We spent a great deal of time on both sides of the aisle to help the President on his foreign aid request. I had some disagreements with the specific amounts and the way it is going to be spent, but it is clear from both the committee and on the floor that the majority of the Senate feels differently.

I am prepared immediately to vote on final action to bring about the foreign aid request that the Administration now supports, the $300 million for Nicaragua, and the $420 million for Panama. I just hope that the RECORD is very clear that there is not a sense of responsibility for the President's foreign aid package only on one side of the aisle. I do not think that was intentionally made, but that impression might have been left.

There are a great deal of Senators on both sides of the aisle who are, of course, united in trying to have a successful foreign policy in this country and help it to be successful.

Mr. BYRD. Will the majority leader yield to me for 30 seconds?

Mr. MITCHELL. Yes.

Mr. BYRD. Mr. President, so that Senators 50 years from now will not labor under the misunderstanding that when the question of germaneness is raised that it is a debatable question, I ask unanimous consent that debate be allowed to continue for another 5 minutes, equally divided between the two leaders.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I would like to make a suggestion. I accept and I think it is appropriate the Republican leader's request that he have a period of time to talk with Senators to see if he could persuade some to switch their votes and dispose of this matter. He also indicated he wants to move forward on the bill, which we all want to do.

May I suggest that we lay this committee amendment aside for a specific period of time, and then take up the next committee amendment so that during that consideration, the Senator could be engaging in these discussions and we could simultaneously be making progress on the bill itself. That would enable us to proceed in that fashion.

No one would be prejudiced on this. It would be for a period of time, or until we dispose of the next committee amendment. Then we can come back to this amendment. In the meantime, we could be doing both things at one time, so we are not wasting time.

Mr. ADAMS. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. ADAMS. I have no objection to that procedure. However, I believe the procedure more correctly to be followed—and I do object to it being put over unless we have the vote on germaneness which ordinarily, as the President pro tempore has pointed out, is automatic. It follows with no debate.

The vote occurs on germaneness now, and then, if the majority leader and the minority leader wish to set this amendment aside until a latter time and then at that point to set a time limit on it, I have no objection to that.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. But the distinguished Republican leader wants the time prior to the vote on germaneness, so if the Senator would permit, we could take up the other committee amendment. The Senator from Washington is not prejudiced in any way.

Mr. ADAMS. Well, the Senator from Washington is prejudiced by that in that it is an effort, of course, to undo the vote that has just occurred, and that is absolute prejudice to the Senator from Washington, as much as could be.

Therefore, I was calling for the regular order as the President pro tempore was; that we have the immediate vote on germaneness as under the precedents you do. Once the opinion of the Chair has occurred, there is no debate, there is an immediate vote.

Mr. MITCHELL. If the Senator will yield, the distinguished Republican leader is entitled to request a quorum call prior thereto.

Mr. ADAMS. I understand that.

Mr. MITCHELL. That is what he was indicating he was going to do.

Mr. ADAMS. He can establish a quorum call. In fact, I might say to the majority leader, it used to be the Allen rule—it could be used by ADAMS—put in a quorum call, answer to your name, and tie the thing up forever. I never used that rule here.

The PRESIDING OFFICER. Objection is heard.

Mr. ADAMS. I think the suggestion made by the majority leader is the correct one, which is we pass this issue, we put it in the bill. Then, if they wish to have a series of abortion votes we will vote them one, two, three, four, five, very quickly and move on.

We did not delay this bill. This was in the original appropriations bill. They delayed the objections of the other side. We have been trying to get to this. We just want to have a vote on it and, after we have had the vote, proceed on. If they want to vote four times on it, we would agree to quick time limits to vote on them immediately, Mr. President, so we could expedite the bill for the majority leader.

But I did want to point out this is prejudicial to do it this way. And, yes, I think our people are believers and will stay where they are.

The PRESIDING OFFICER. The Chair reminds the two leaders that both leaders this morning reserved their time, which is an appropriate use at this time.

Mr. DOLE. I would like to say one more word. I do not need any more time, and I know this is an important issue to the Senator from Washington. I have a feeling we are going to be able to address it later on, if not next week, the following week, whenever.

But I indicate there were certain promises made, at least indications made to the President of Panama, who will be here to see the leadership next Monday or Tuesday, I guess it is, and to Mrs. Chamorro, who was inaugurated on Wednesday, that we were moving with dispatch so we could get some aid to those two countries. We have had the debate on whether or not it should be reduced. I am just trying to find a way to make certain we can complete action on the bill.

I think it is in our mutual interest—rather than to try to sustain one controversial issue, rather than say we shoot now for another controversial issue—just do away with this issue right now. The issue is aid to Panama and Nicaragua plus some related matters that are important to the chairman of the committee and the ranking member and others. So I hope some on the other side will reconsider their vote. This is not a vote on the issue; this is a vote on sustaining the Chair, in this case on the issue of germaneness.

One way to expedite it would be to find four votes somewhere. I am going to do the best I can in the next few minutes to do that. If we cannot, we will vote.

Mr. HUMPHREY. Will the Republican leader yield?

Mr. DOLE. I will be happy to.

Mr. HUMPHREY. I know the majority leader wanted to speak. I do not wish to interpose myself, but I wanted to speak before we moved on to something else, Mr. President. I want to remind my colleagues that the President—the White House, I should say—has stated unequivocally and adamantly this bill will be vetoed if the Adams language remains when it reaches the President's desk. So all the effort to be put into this bill in the next day or two or three is almost certain to be wasted if the Adams language remains.

The second point I want to make is this. The majority leader understandably expressed regret at finding himself in the situation where, because one thing happened, he finds himself

faced with four or five amendments which otherwise would not be offered. And I can understand that. But, the suggestion seems to be that those who are prepared to offer those additional amendments, and I am one, are the unreasonable parties when, in fact, the situation is this: The Adams language is so lacking in germaneness, so utterly lacking in germaneness, that even the Chair, which after all is in the hands of the Democrats, advised by the Parliamentarian, who, after all, is hired by the Democrats, refused to put the question of germaneness to the body. The Adams language is so utterly lacking in germaneness, the Chair refused to put it to the body. So, then an appeal from that ruling was raised and here we are.

It seems to me the unreasonableness is on the part of those who insist it is germane when even the Chair will not put it to the body. So we do not accept the onus one bit.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, with all due respect to the Senator from New Hampshire, he has made a statement that creates an unfortunate and inaccurate implication. When the Senator from New Hampshire says, "after all, the Parliamentarian is hired by the Democrats," he is obviously seeking to create an implication that the Parliamentarian's rulings are such as to favor the Democrats. That is inaccurate and unfair. I have been majority leader for a year and a half, and I have never once on any occasion of any kind sought to influence the Parliamentarian on any ruling.

I told the Parliamentarian when I became the majority leader that I expected one thing and only one thing of the Parliamentarian. That is that each and every ruling made by the Parliamentarian should be made squarely on the merits. It is not the responsibility nor the role of the Parliamentarian to be involved in political determinations or to weigh political factors in any way. I have tried very hard to conduct this Senate in a very fair and balanced way for all concerned, and I want the Senate to know that any implication that the rulings made by the Parliamentarian have been influenced because the Democrats are in the majority of this body is most unfortunate, most inaccurate, and most unfair.

I say to the Senator from New Hampshire and all the Members of the Senate, as long as I am majority leader that will be the case. I think it has been unfortunate that in the past there have been circumstances where that implication has been created, but that is not now the case, and it is my hope that, if nothing else I accomplish in this job, it is to depoliticize the office of the Parliamentarian and the rulings of the Parliamentarian.

I just want that to be clear so there is no implication whatsoever that, on this or any other ruling of any kind, there has been any effort to introduce that.

Mr. BYRD. Will the majority leader yield to me on this point?

Mr. MITCHELL. Certainly.

Mr. BYRD. Mr. President, the Apostle Paul said, "Let your speech be always with grace, seasoned with salt, that ye may know how ye ought to answer every man."

I hope that my speech will be with grace and seasoned with salt.

Mr. President, the Parliamentarian does not rule; he advises the Chair. It is the Chair that rules.

We all seek the advice of the Parliamentarian, but it is not the Parliamentarian that rules. And when we imply that the Parliamentarian, through the Chair, is ruling on a question of order, we are implying that the Chair is abusing its position as well.

I happen, by the grace of God and the support of my colleagues here, to be the President pro tempore of the Senate. And I can walk up right now and take that chair if I wish to do it, and do that against anyone other than the Vice President of the United States. But I will never be guided by the Parliamentarian if I think that Parliamentarian is wrong and if I am in that Chair. But I also must recognize that, for the Parliamentarian, his is a full-time business. And I must concede, to begin with, that I should expect that he knows more about the rules and precedents than I do.

But if there is ever a time that I think he is wrong, then I am going to rule the other way if I am in that chair. If the Senate wants to overrule the Chair, then it may do so. But that Parliamentarian has never been partisan in his advice to the Chair. I join with the majority leader in saying that is an implication that ought not to be left to stand.

When I became majority leader at the beginning of the 100th Congress, I put that Parliamentarian in that position, and I said to him, "You call it as it is." And I never attempted to impose my opinion on that Parliamentarian. If I differ with him, I can say so here on the floor, if I differ with the Chair's ruling. But that Parliamentarian would have to say, as he would have to say in the case of Senator MITCHELL, that neither of these two majority leaders, Senator BYRD when he was majority leader, or Senator MITCHELL who is now majority leader, has ever sought to tell him that he must advise the Chair this way or must advise the Chair another way.

When we get to the point that we imply that the Parliamentarian is being partisan—he cannot speak to the Senate; he cannot defend himself—I think we ought to be a little more careful.

The PRESIDING OFFICER. The Senator from West Virginia is advised that the unanimous-consent time has expired and the time of the Democratic leader has expired. The Republican leader has 4 minutes 56 seconds left.

Mr. BYRD. Mr. President, I will close by saying I voted as the Senator from New Hampshire voted. I hope we will not continue this tone of debate further. Let the Parliamentarian rest and let us get on with other things. The Parliamentarian is entitled to be defended and so is the majority leader.

Mr. HUMPHREY. Mr. President, will the Republican leader yield?

Mr. DOLE. I have about 4 minutes left on leader's time. I think we are going to get an agreement to vote at 1:30. That will give my colleagues who want to speak on other matters an opportunity to speak.

Mr. HUMPHREY. Mr. President, the majority leader is correct. I apologize to him and to the Parliamentarian. In the year and a half he has been majority leader, I see no evidence whatever of any duress applied to the occupant of the chair or the Parliamentarian. But in my 12 years I have, may I say. I will not go further than that. But I do apologize to the majority leader and to the Parliamentarian and retract that portion of my statement.

Mr. MITCHELL. I thank my colleague.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I want to thank my colleague from New Hampshire. It is a gracious statement.

Mr. GRAMM. I wonder if the leader will yield on his time.

Mr. MITCHELL. We have apparently reached an agreement on a vote at 1:30 on the germaneness. Could we get that agreement and then there would be time for other Senators? There will be 45 minutes when Senators may address the Senate. May I inquire of the Republican leader and the Senator from Washington if that will be agreeable?

Mr. DOLE. It is agreeable to me.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the question of germaneness on the committee amendment occur at 1:30 p.m. and that the time between now and then be available for debate on the bill by any Senator.

The PRESIDING OFFICER. The majority leader has propounded a unanimous-consent request.

Mr. METZENBAUM. Reserving the right to object, and I have no intention to object, it is my understanding that at 1:30, we go to a vote, no quorum calls, no other intervening business and it is at that point, 1:30, there is a vote. Is that the understanding of the Republican leader?

Mr. DOLE. At 1:30. There may be a quorum call between now and 1:30.

Mr. METZENBAUM. I understand that.

Mr. BYRD. Will the distinguished majority leader yield? There might be some items we can take care of. I hope we will allow some intervening business.

The PRESIDING OFFICER. The Chair advises the majority leader and those Senators present that there would have to be specific consent to prevent a quorum call during the 45 minute period or even at 1:30.

Mr. BYRD. Mr. President, I hope Senators will let us proceed with intervening business.

Mr. DOLE. We intend to vote at 1:30. If somebody rushes in here——

Mr. MITCHELL. Mr. President, I think we have to rely on good faith of Senators here. Senator DOLE has indicated his intention to have a vote at 1:30.

Mr. METZENBAUM. Will the unanimous consent include a quorum call not be in order?

Mr. MITCHELL. Mr. President, I so amend my request.

The PRESIDING OFFICER. The Senate has heard the unanimous-consent request propounded by the majority leader. Is there any objections? Hearing none, it is so ordered.

Several Senators addressed the Chair.

Mr. MITCHELL. Mr. President, I merely want to thank my colleagues and hope that we will be able to work our way out of this.

The PRESIDING OFFICER. The Senator from Maine is recognized.

LITHUANIA: CAUGHT IN THE MIDDLE

Mr. COHEN. Mr. President, sometime ago we heard Vaclav Havel, whose words took wing and touched the hearts of his countrymen long before he was let out of prison. He addressed a joint session of Congress, and during that session how many times did all of us rise to applaud his words. He thanked the United States for having contributed to the salvation of the Europeans for a third time. He said, "You have helped us survive until today." And of the United States he said: "It became the most powerful nation on Earth, and it understood the responsibility that flowed from this."

I mention this in connection with the debate that continues to take place about Lithuania. Today, the French and the Germans advise the Lithuanian people to relax and to finish out their incarceration time quietly. I would like to say that our policy pertaining to Lithuania has been that we have always stated that its incorporation in the Soviet Union has been an illegal act; that we favor self-determination for the Lithuanian people and that we are fundamentally opposed to use of force by the Soviet Union to suppress dissent in that country.

There are tanks in Vilnius, people being beaten, they have been put on a starvation diet, while the eyes of the world, the free world, turn away. We find ourselves in a position that when Mikhail Gorbachev sneezes, the world catches pneumonia. The perception is his success and survival determines the future of freedom, possibly the fate of the world.

Mikhail Gorbachev is a very important leader. He may even be, as Time magazine indicated, the dominant man of the decade. But the vicissitudes of life and, indeed, of politics itself render no man or woman indispensable.

Mr. President, there are two views about Mikhail Gorbachev. There is the liberal view, on the one hand, that we must help him in every way because he is presiding over the democratization of the Soviet Union. There is also the conservative view that we must help him in every way because he is presiding over the disintegration of the Soviet Union.

Unfortunately, the Lithuanian people are caught in the middle of this ideological matrimony. They want out of a union they never wanted into. They are told that they must abide by the Soviet Constitution. Mr. President, three countries were kidnaped in 1940. They have been held hostage for 50 years and are now told by the free world that they are bound by the law of the kidnapers.

What do we say about the American citizens who are held hostage by Moslem kidnapers? Are they bound by the laws of the Islamic Jihad?

Conservatives may be accused of trying to use this as an excuse to sabotage the emerging relationship of a kinder, gentler Soviet Union or take us back to the cold war. First, let me suggest that I absolutely favor the arms control negotiation process underway. I favor a START agreement, a CFE agreement, a chemical weapons treaty, a peaceful nuclear explosion treaty, a threshold test ban treaty. I do not want to see them undermined. I am not suggesting anyone go to war over Lithuania, nor even that we go to the wall over Lithuania.

What I am suggesting is we need not go overboard in embracing Mikhail Gorbachev at the very moment that he is engaged in the brutal suppression of a people who want out of their incarceration. At a minimum, we ought to ask the United Nations to take up the issue of whether a nation that is illegally forced into a union is bound by that union's laws.

Second, we ought to demand that the lights of the camera that never blinks be turned back on. In China we saw a solitary, faceless, young man stop an entire column of tanks and force them to move from side to side. In that moment, he froze history itself. It was captured on film for all of us to see. Yet, when Mikhail Gorbachev said no press allowed in Lithuania, the press folded up; it moved out without a whimper much less a bang.

Mr. President, Larry Hughes, who is the chairman of the Hearst Trade Group and former president of William Morrow, was honored recently and he made a speech about the role of book publisher in helping to preserve intellectual freedom at a time of repression. I would like to read very quickly his words.

He said:

My own part has been almost entirely confined to human rights as it has dealt with books, writers and publishers. And over the years I have often wondered what good our obviously small and seemingly inadequate protests really did.

Letters, telegrams, newspaper or magazine articles urging the freeing of those writers and publishers jailed and/or tortured for their writings or publications seemed so useless against the high red brick walls of the Kremlin or against the confident heartless governments of dozens of totalitarian countries around the globe.

And yet today we see a playwright who was in jail six months ago now presiding as president of Czechoslovakia. We see Lech Walesa preparing to run for the presidency of Poland. We mourn the loss of Andre Sakharov but rejoice that at the time of his death he was helping to structure a new constitution for his country. Andrei Plesu, a Rumanian writer, who under the old regime was in real need of our help, is now Minister of Culture of his country.

How did this all happen? It happened not because of any one single event or person. It happened because of many things and many people—not because of a thousand points of light but because of a thousand points of pressure—or, if you like, a hundred thousand points of pressure.

But I urge all of us not to relax but to keep up the pressure, indeed to increase it. The old power structures didn't give up or bend because they wanted to. They were forced to do so under pressure. The jailers didn't unlock the cell doors of Jacob O. Timmerman or Natan Sharansky or Nelson Mandela just to be Mr. Nice Guys. The doors sprung open because of unrelenting pressure from many sources and many people. And so I like to think that all the letters, articles, phone calls to government officials both here at home and to our embassies abroad and to foreign powers both friendly and unfriendly—all the fund raising for book shows like America Through American Eyes—all of those thousand little things combined with many, many other organizations and individuals, all helped to build up a head of pressure so strong that the red bricks split and the walls came tumbling down and "human rights" which was once just a phrase has become a truly serious cause for many book writers and book publishers.

Mr. President, it is not the cause of book writers and publishers. It is the cause of Members of this Senate and Members of the House and, indeed, the administration to keep the points of pressure on and to help allow the

Lithuanian people to have self-determination and freedom that they no longer enjoy.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with consideration of the bill.

Mr. BYRD. Mr. President, I ask unanimous consent that I may call up an amendment by Mr. LEVIN and Mr. PELL which has been agreed to on both sides and can be accepted and adopted.

The PRESIDING OFFICER. Is there objection to the Senator's request? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1543

(Purpose: To ensure Panamanian cooperation combating drug money laundering)

Mr. BYRD. Mr. President, I send to the desk the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. LEVIN for himself, Mr. PELL, Mr. KERRY, Mr. SIMON, and Mr. HARKIN, proposes an amendment numbered 1543.

Mr. BYRD. Mr. President, let the amendment be read so that the Senate will know what it is.

The assistant legislative clerk read as follows:

At the appropriate place in the bill, insert the following: *"Provided further,* That no more than 80 percent of the funds for Panama may be provided unless the conditions set forth in paragraphs (1) through (4) of section 2(b) of S. 2364 of the One Hundredth and First Congress (as passed the Senate on April 5, 1990) are met.

Mr. LEVIN. Mr. President, this amendment reaffirms the Senate's intent to combat international drug traffickers. It reiterates our intention to achieve the cooperation of the Endara government in battling international drug traffickers and money laundering of illicit drug money.

On April 5, the Senate passed the authorization for this supplemental appropriation. In that legislation, we approved the following:

It is the policy of the United States to support the efforts of the Government of Panama to ensure that abuses of Panama's private and public institutions by drug traffickers and money launderers will not again be permitted to occur.

Mr. President, this amendment references the already-passed language from the April 5, 1990, authorization, and restates our intention to eliminate the ability for international drug traffickers to launder their dirty and corrupt money. This language provides a specific mechanism for the United States to achieve that universally-desired goal.

I'd like to thank the floor managers of the bill. This amendment will facilitate improved cooperation between the United States and Panama to eradicate money laundering and drug trafficking.

Mr. BYRD. Mr. President, this amendment has been agreed to on both sides, and I am prepared to accept it on this side and hope that the Senate will adopt it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1543) was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, if my colleagues will bear with me, I have about 5 to 6 amendments that can be disposed of really in a matter of a minute. Let me describe what I will be presenting. One will be a technical correction so that the amendment of the distinguished Senator from Kansas [Mr. DOLE] and the distinguished Senator from Michigan [Mr. LEVIN], myself, and others on Armenia relief can be put in the right place in the bill; a couple other technical amendments of that nature; an Armstrong refugee amendment, a Hatch amendment on Indian drug funding, a Kennedy and others, amendment on Chile, aid for the poor in Chile. All of these have been cleared. I tell you that just as a matter of description and I will now make the appropriate request.

I ask unanimous consent that the language of amendment 1525 agreed to earlier be inserted in the bill on page 29, after line 3.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1544

Mr. LEAHY. Mr. President, I send a technical amendment to the desk on behalf of myself and Senator KASTEN. I ask unanimous consent that the pending business be set aside and this be immediately considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. KASTEN, proposes an amendment numbered 1544:

On page 25, line 3, insert "only" after the word "available".

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1544) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1545

(Purpose: To ensure funds are available for Soviet Pentecostals, Evangelicals and Baptists caught in the Soviet Underground Railroad)

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Mr. ARMSTRONG. Its purpose is to ensure funds are available for Soviet Pentecostals, Evangelicals, and Baptists caught in the Soviet underground railroad. I ask unanimous consent that the pending business be laid aside and that the amendment by Senator ARMSTRONG be immediately considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. ARMSTRONG, proposes an amendment numbered 1545.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Chapter III of title II of the bill is amended in the paragraph under the heading "Bilateral Economic Assistance: Migration and Refugee Assistance" by inserting after "Israel:" the following: *"Provided further,* That of the funds allocated in this account, an equitable share shall be made available to Pentecostals, Evangelicals and Baptists to fund the existing 2,000 semifunded refugee admissions numbers for the Soviet Union, unless sufficient unused refugee admissions numbers could be reallocated within this fiscal year to allow adequate funding and admission of this group:".

Mr. ARMSTRONG. Mr. President, for many years there has been a largely secret and very effective underground railroad operating between the Soviet Union and the United States. The freight it carried was precious cargo indeed—thousands of Christian families fleeing persecution for their religious beliefs, beliefs which are among the most cherished and protected in our Constitution.

Here is how it used to work. Christian religious refugees would apply to emigrate, using the polite diplomatic fiction that they were going to live with relatives in Israel, because Soviet authorities have tended to be more permissive about emigration to Israel. After traveling to Vienna or Rome, they declared their true intention of emigrating to the United States.

This system worked fine until recently when the State Department, late last fall, decided to save money by avoiding the considerable cost of housing Soviet religious refugees in expen-

sive European capitals. Instead, all Soviet refugee processing is being handled from our embassy in Moscow.

Now, the State Department has learned of one group that was particularly disadvantaged by the U.S. change in refugee processing: About 900 families—that is, approximately 6,000 individuals—of Soviet Pentecostals, Evangelicals, and Baptists. These families had given up their homes, their life savings, their jobs, their ration cards, and their internal passports and proceeded to Moscow where they were given exit visas for refugee processing centers in Rome and Vienna. To their surprise and dismay, they can no longer pretend to be going to Israel and proceed speedily to Vienna and Rome. They now must wait in Moscow for the United States to complete its many months of processing. Their hope is that, eventually, they will be allowed to travel directly from Moscow to the United States.

Once their plight was brought to the attention of U.S. officials, the State Department did schedule interviews for these 6,000 with Immigration and Naturalization Service [INS] officers by the end of August of this year. State claims this is adequate to ensure these families are all brought into the United States by January 1, 1991, but it doesn't appear possible if you talk to some of the volunteer refugee organizations. They tell me that today, once refugees are interviewed by our embassy, they are told their paperwork will be ready in 6 months. Then these men and women must apply for exit visas again and secure a seat on Aeroflot—an ordeal that often takes more than a year if you have only rubles to spend.

So today we have about 6,000 people, mostly families, spread around Moscow without any means of self-support. The State Department could have alleviated the problem, but they did not. To them, a year of limbo for a victim of a U.S. policy change is not too much. My own view is that these refugees' first experience of the United States ought to be a better one than that of a bureaucratic snafu causing distressed families a year of needless misery and uncertainty.

My amendment directs the State Department to do one of two things to fix the problem. They are required either to use an equitable share of the resources available in this section of the bill to fund the existing 2,000 semifunded refugee admissions numbers—actually these are completely unfunded—or to reallocate refugee admissions numbers within this fiscal year to allow adequate funding and admission of this group.

Others more familiar with the ins and outs of refugee processing tell me the United States expects to have many unused refugee admission slots for this year. They report fewer Ukrainians are applying than originally anticipated, that the Vietnamese Government has slowed the applications of Vietnamese refugees causing an anticipated shortfall in Vietnamese refugees, and that we may even have fewer Cubans than expected. My amendment does not direct any cuts to these existing refugee allocations; it just instructs the State Department to reallocate any unused billets to this group of Soviet refugees caught by the shift in United States policy.

If a reallocation is not possible, my amendment directs the application of resources available in this section of the bill to fund the existing unfunded refugee slots. Senators may ask themselves if these provisions would affect other refugees who are also disadvantaged, especially Soviet Jews whom many of us have gone to great lengths to protect.

Frankly, there is absolutely no reason this amendment should have any adverse impact on refugee numbers already agreed to. In fact, it is the specific intent of this Senator that the funding for these 2,000 unfunded refugee slots not come from a bureaucratic tradeoff of these 2,000 unfunded slots against 2,000 slots that are already funded for other classes of refugees.

The State Department's refugee programs section tells me, to meet this year's increased refugee burden, it has cut per refugee payments to volunteer groups from the usual $560 per refugee for reception and placement costs to $525 per refugee. Part of the $75 million in the migration and refugee assistance section of this bill is designed to reimburse these organizations, but many of them report they have been budgeting $525 per refugee since the budgetary cut, and therefore might not require a full $35 per refugee repayment. Cutting some of this payback is one method by which the State Department could—without disadvantaging any other class of refugee—provide funds for all or part of the 2,000 unfunded slots for Soviet evangelical refugees.

My amendment does not take care of all 6,000 evangelicals caught in the U.S. policy shift. But it should allow us to process the first third of them by early this summer, thereby speeding up the entire process for the remaining two-thirds. I certainly hope the Secretary of State will ensure the most needy 2,000 are selected first, processed quickly and brought into the United States.

It is conceivable that there might still be some delay in the availability of direct airline flights to the United States aboard Aeroflot. Therefore, the State Department should also investigate every feasible method of transportation for those 2,000 exiting under this provision. They should explore methods which, with proper assistance from American volunteer agencies, would permit those whose cases have previously been adjudicated in Moscow to travel directly to Rome or Vienna, layover for not more than 48 hours in either city, and then connect with a flight to the United States.

The Senate, indeed the Congress, needs to intervene promptly and decisively in this matter to ensure these 900 families caught in the U.S. policy change are processed quickly and compassionately. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1545) was agreed to.

AMENDMENT NO. 1546

Mr. LEAHY. Mr. President, I am going to send to the desk a Hatch amendment on Indian drug funding, and I ask unanimous consent that the pending business be set aside for immediate consideration of an amendment by Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont, [Mr. LEAHY], for Mr. HATCH, proposes an amendment numbered 1546.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . DEVELOPMENT ASSISTANCE FOR ANTI-NARCOTICS EFFORTS OF BOLIVIA AND PERU.

(a) Of the funds appropriated for fiscal year 1990 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance)—

(1) up to $25,000,000 should be available only for Bolivia,

(2) up to $20,000,000 should be available only for Peru, for the purpose of—

(A) providing alternative income, employment, and social services for individuals involved in illicit coca and marijuana production,

(B) supporting investment in infrastructure, farm credit and extension services, and other development projects in non-coca production areas, and

(C) otherwise assisting such countries in continuing their anti-narcotics efforts.

The PRESIDING OFFICER. Is there debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1546) was agreed to.

AMENDMENT NO. 1547

Mr. LEAHY. Mr. President, lastly, I am about to send an amendment to the desk on behalf of Mr. KENNEDY and others regarding health aid to Chile. I ask unanimous consent that it be in order to set aside the pending business for the immediate consideration of the amendment by Senator KENNEDY and others.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. KENNEDY, for himself, Mr. HARKIN, and Mr. LEAHY, proposes an amendment numbered 1547:

At the appropriate place in the bill, add the following:

"For an additional amount for 'Health, Development Assistance', $10,000,000, to remain available through September 30, 1991, which shall be made available only for assistance for Chile.".

Mr. KENNEDY. Mr. President, this is an amendment providing essential funding for urgent health care needs in Chile. This appropriation of $10 million to the health care system in Chile will help those sectors hurt most during the long years of dictatorship—the poor and their children.

I recently had the honor of attending President Patricio Aylwin's inauguration in Chile. The new government has made it clear that their No. 1 social priority is health care, and they deserve our support.

Chile's primary public health care system is on the verge of collapse.

Over the last 16½ years of authoritarian rule, public sector spending for health care declined 55 percent. Twenty percent of the population is without coverage of any sort—virtually all of whom live in impoverished communities.

Chile once had a national health care system offering free universal coverage, but General Pinochet moved swiftly to dismantle it in the early days of his dictatorship.

Virtually all of the leaders of the public health care system were fired, imprisoned, expelled, and in some instances tortured and killed. General Pinochet sold many clinics and hospitals, and turned much of the health system over to local authorities without adequate funding.

Investment in clinics serving the poor and lower income levels has declined dramatically. Hospitals are plagued by dangerous technical and sanitary problems, and by old and poorly operating equipment.

Many hospitals can do little more than treat the most life-threatening conditions—leaving other critical cases unattended.

Diseases such as malaria once thought eradicated have reappeared in Chile. Typhoid fever once under control has now become a problem again.

Infant mortality has increased and remains much higher among the poor population. In each of the last 3 years, as many as 10,000 infants have died needlessly in Chile because of poor health care and inadequate living conditions—babies that could probably have been saved had a decent level of health care been provided. The overall infant mortality rate in Chile is 20 per 1,000 births. Among the poor, the rate is 87 per 1,000.

Many Chileans do not receive a decent level of nutrition. Between 1969 and 1984, the percentage of families with incomes insufficient to purchase the level of calories which the FAO and the WHO set as minimal rose from 48 to 61 percent.

A recent study found that in a low-income area of Santiago, 72 percent of the families consumed less than the minimum number of calories; most subsist on tea and bread.

In many countries, there is little hope or ability to address these dire needs immediately. But the situation in Chile is different.

The new government has made this issue a priority, and has developed extensive plans for meeting the health needs of the poor.

The health ministry has proposed to assist 158 clinics in poverty areas, to support a mobile primary health care service, to provide maternity child care in poor areas, to fund rural health education, and to finance drug abuse and alcoholism prevention.

Modest support now by the United States can make a significant difference in ensuring that these plans succeed. The people of Chile have suffered enormously over the last decade and a half—and all of us in the Congress are well aware that the United States bears its share of responsibility for that suffering.

Now, we have a chance to join in investing in a brighter future for the long-suffering families of Chile who bore the heaviest brunt of our misguided policies of the past. I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, this amendment would provide $10 million in development assistance for urgently needed children's health care in Chile.

The economic growth Chile enjoyed during the years of dictatorship under General Pinochet were achieved at the expense of the most vulnerable, Chile's children. Despite that economic growth, according to the U.N. Children's Fund, in 1972, the year before President Allende's assassination, Chile spent 8.2 percent of its national budget on health. In 1986 that figure had dropped to 6 percent.

What were the consequences of this decline? Health clinics have fallen into disrepair and hundreds of thousands of people living in poverty are without access to basic nutritional and health care. In contrast to the national average of 19 per 1,000, infant mortality in the 100 poorest communities is between 50 and 87 per 1,000. Malaria, once virtually eradicated, has reappeared. The budget of the Chilean School of Public Health, the source of scientific and technical expertise for the country's public health system, has been cut back drastically.

President Alwyn, Chile's first democratically elected president in 15 years, has made rebuilding the country's health care system a priority. His administration plans to rehabilitate 158 rural and urban primary health clinics in the poorest communities, with a priority given to maternal and child health. He wants to implement a system of mobile clinics equipped with basic services to get immediate care to an estimated 310,000 urban poverty dwellers who have no access to health care.

Another goal is to train several hundred rural health providers in poor communities with an estimated 770,000 people.

A special concern is mental health counselling for victims of torture and other human rights abuses, including the families of the disappeared.

Mr. President, by the time this year is out we will have provided over a billion dollars to the new democratic governments in Panama and Nicaragua, but nothing to support democracy in Chile. These $10 million will send a signal that we recognize the heroic efforts of the Chilean people in repudiating years of dictatorship, and that we want to help the Alwyn government address its most pressing humanitarian needs.

Mr. HARKIN. Mr. President, I rise in support of the amendment offered by the Senator from Massachusetts [Mr. KENNEDY] and myself which will provide $10 million for development activities in Chile. This assistance is intended to rebuild the health care system in Chile, with a primary focus on the primary health care network there.

As the Senate focuses on the dramatic political changes in Panama and Nicaragua and directs its attention on whether to include nearly a billion in aid to those two countries, we should not loose sight on the historic change that took place in Chile in December of last year.

Then, more than 7 million Chileans, more than 90 percent of all eligible voters, cast their ballots in the first presidential election in that country in 19 years.

Christian Democrat Patricio Aylwn, a moderate in temperament and politics, handily defeated his two rivals. Equally important, the election itself, and the fact that the elections were conducted freely and fairly with its results accepted, signaled the end of the military dictatorship of General Augusto Pinochet.

Also revealing of the new era of political civility and democracy was the fact that Mr. Aylwn's two political rivals, Hernan Büchi and Errazuriz, personally congratulated Chile's new president-elect on the night of the election.

The government of Patricio Aylwn, who was inaugurated on March 11, faces major hurdles before democracy is finally consolidated in a country whose political culture was ravaged by 17 years of military dictatorship.

According to the Constitution written by the previous government, General Pinochet remains as head of the army. Also because of preferential rules written into Chile's electoral laws, the previous government nominated nine senators, on its own without popular vote, which helped deny Aylwn's electoral coalition of 17 parties, a majority in the newly elected Chilean senate.

Investigation of past human rights abuses is another important and politically sensitive issue that President Aylwn must resolve. The most important and notorious is the Letelier-Moffitt case, involving the September 1976 car bombing and assassination of Orlando Letelier and Ronni Karpen Moffit on the streets of Washington, DC.

In order to restore military relations, Chile, according to United States law, must take action toward prosecuting those who murdered Orlando Letelier and Ronni Karpen Moffitt.

Just as important, the Aylwn government must meet the needs of the poor and lower-income Chileans, who were victimized by Pinochet's economic programs as well as the repressive policies of its military regime.

Accordingly, President Aylwn has made health care its first social priority. The new government knows that his government must show poor Chileans that democracy can deliver real benefits and help them meet their most basic human needs.

Over the past 17 years, the Pinochet regime set about to destroy the public health care system in Chile. Doctors and health care workers were exiled, imprisoned, tortured, and some were killed.

The previous government cut public sector spending for health care by 55 percent. From 1980 to 1986, the health care system moved from a 60-40 to a 30-70 state-private sector ratio.

As a result, Chile's public health care system now stands on the verge of imminent collapse.

Investment in clinics serving poorer and lower income Chileans declined dramatically over the past 17 years. Dangerous technical and sanitary problems now plague Chile's hospitals. Battlefield-like hospitals now aim for little more than to prevent patients' deaths.

The lack of effective primary care among poor Chileans has resulted in the reappearance of illnesses that had previously been considered eradicated, including malaria and polio. Chile's infant mortality has actually increased recently, and in poor communities the rate ranges up to 87 per 1,000 live births, nearly five times the national average.

As a result of neglect by the military regime, nutrition—a key to public health—has declined. From 1969 to 1978, the percentage of Chilean families whose incomes were insufficient to purchase the levels that the FAO and WHO set as minimums rose from 47.6 to 54 percent. By 1984, that percentage rose yet again to 61 percent.

The trend continues. A recent study found that in low-income zones in Santiago, 72 percent of the families consume less that the minimum number of calories. Most live on tea and bread.

The new Aylwn government, led by its health minister, Dr. Jorge Jimenez, a graduate of Johns Hopkins' public health program, has developed comprehensive plans for developing health care for Chile's poor.

The health ministry plans to improve Chile's health care network, promote maternal child care in poor and urban communities, support both governmental and nongovernmental health care units, train rural health promoters, and provide mental health counseling to human rights victims.

Mr. President, the plans are there, but the money is not.

The $10 million for health care in Chile, which will be directed at reconstructing its primary health care network, may represent a small amount when compared to the $800 million the President requested for Panama and Nicaragua.

But this small investment will have a huge impact—in both symbolic and real terms—on hopes for democracy in Chile.

In actual terms, U.S. aid would shore up Chile's public health care system at this critical time in that country's reborn democracy.

On a symbolic level, this aid would demonstrate U.S. commitment and support for democracy and stability in Chile.

Mr. President, support for democracy in a country where freedom has been suppressed for a generation is a truly dire emergency.

The PRESIDING OFFICER. Is there debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1547) was agreed to.

Mr. LEAHY. Mr. President, I wish to note my appreciation for the tremendous help of the distinguished Senator from Wisconsin [Mr. KASTEN], our distinguished chairman, Senator BYRD, and Senator HATFIELD to clear these matters. I yield the floor.

Mr. WALLOP. Mr. President, I ask unanimous consent that I might be permitted to proceed briefly as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Will the distinguished Senator withhold so that I might offer an amendment very quickly?

Mr. WALLOP. I will be happy to yield for that purpose.

AMENDMENT NO. 1548

Mr. GRAMM. Madam President, I send an amendment to the desk on behalf of Mr. STEVENS and ask for its immediate consideration.

The PRESIDING OFFICER. (Ms. MIKULSKI). The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for Mr. STEVENS], proposes an amendment numbered 1548.

Mr. GRAMM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

SEC. . Title VI of Public Law 101-165 is amended by striking the amount "$10,000,000" and inserting in lieu thereof the amount "$18,000,000".

Mr. GRAMM. Madam President, this is the amendment that I understand is agreed to on both sides. It has to do with retrograde of chemical munitions being brought home from Germany. I ask the amendment be agreed to.

Mr. BYRD. Madam President, this amendment has been examined on this side. It is acceptable. I join in hoping that the Senate will adopt it.

Mr. GRAMM. Madam President, I ask unanimous consent that a letter concerning this matter from Secretary Cheney be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, April 26, 1990.

Hon. TED STEVENS,
Ranking Minority Member, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR TED: As you know, the administration wishes to complete the removal of chemical munitions from the Federal Republic of Germany (FRG) during this calendar year. The FY 90 appropriations language placed a limit of $10M on the funding for that purpose until I certify to the Congress that chemical munitions have been destroyed at our Johnston Island disposal plant.

We have experienced delays in the Johnston Island operation, and I feel it is imperative that we proceed deliberately in that activity so we have absolute assurance of a safe and environmentally sound operation. In order to continue with the President's objective of munitions retrograde this year, I ask your assistance by removal of the $10M cap on the total appropriation of $27.61M. This would allow us to proceed with ship modifications, fabrications of secondary steel shipping containers, and other preparatory actions. In compliance with the appropriations language, we will move no munitions from the current storage site in

the FRG until the Johnston Atoll Chemical Agent Disposal System has destroyed agent and the appropriate notification has been made to Congress.

Sincerely,

DICK CHENEY.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 1548) was agreed to.

Mr. GRAMM. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. I ask unanimous consent that I might be permitted to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Chair.

(The remarks of Mr. WALLOP pertaining to the submission of Senate Resolution 277 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. WALLOP. Madam President—

Recent reforms in the Soviet Union are important steps, but justice demands that more be taken. Recent improvements in human rights practices by the ruling Communist officials are not complete, nor have they been institutionalized. The people of Lithuania, Latvia, and Estonia both demand and deserve lasting guarantees of their fundamental rights. The Government of the United States does not and will not recognize the unilateral incorporation by force of arms of the Baltic States into the Soviet Union.

These are the words of President George Bush, proclaiming June 14, 1989, as Baltic Freedom Day.

For almost 50 years, the policy of the United States has been as President Bush stated it 10 months ago. The validity of that policy was proven when, even more recently, the Kremlin itself admitted, for the first time, the existence and illegality of the infamous Molotov-Ribbentrop Pact which cynically divided Poland between Nazi Germany and the Soviet Union, and extinguished the independence of the Baltic States.

Today our policy of 50 years could have real meaning. Yet, now that the people of the Baltic States are demanding to again be free republics—now we waver. Now we blink. At the first moment when our support would not be symbolic but real, the United States is willing to go back on its word. Politics, domestic or foreign, has its reality—but so does national integrity.

For the first time since 1940, our support for the Republics of Latvia, Lithuania, and Estonia is in doubt. Until today our support of the Baltic Republics was clear. It was meaningful. It was right.

The United States, simply stated, should not abandon our integrity and our 50-year-old profreedom policy, and we most clearly ought not to do so carelessly—by accident or drift. Honesty requires that we know—and publicly acknowledge—that our current position is a reversal of that of the last 50 years.

Even more importantly, we must know why we are reversing that policy; why we believe support for the Soviet State is more important than support for the freedom of the Baltic States. Why is U.S. support of Mikhail Gorbachev so vitally important? Will, he change for the better if change for the worse bears no consequences?

Is U.S. support of Gorbachev important to the Baltic States? What do we fear a Gorbachev successor might do in Lithuania, that Gorbachev himself has not done by sending tanks down the main street of Vilnius; cutting off the Republic's supply of oil, gas, industrial materials, even food; sending a Lithuanian Parliamentarian to the hospital critically wounded; and expelling most Western journalists to keep the rest of the world from seeing what occurs? Do we fear that someone other than Gorbachev would take more drastic military action to control the breakaway Republic? I doubt the Lithuanians find Gorbachev's slow strangulation a pleasant alternative to an immediate invasion of troops. Worse, one wonders if we would even react to that today. The irony is, Gorbachev has more demonstrable resistance to his position on Lithuania inside the Soviet Union than outside.

One wonders why the vaunted American press seeks to make the victim, the cause. Were they so silent when South Africa removed their presence? Do they not care about freedom when it comes to their man of the decade? What hypocrisy.

Is U.S. support of Gorbachev necessary for stability? I would argue not. We have supported Gorbachev, abandoning Lithuania—who will argue that stability has resulted? The situation has deteriorated considerably. U.S. failure to at least make bold statements has contributed not to stability, but to instability. Until now, the leaders in the Baltic Republics have not asked the United States to take unilateral action. Their people have for 50 years counted on U.S. moral support of their historic independence. Not even receiving that, they are understandably impatient at U.S. floundering, vacillation, and policy weakness. That impatience, fueled by our reticence, increases many-fold the risk of violence—violence which will be on our shoulders should it occur. No one proposes hasty or reckless United States actions which might precipitate a violent reaction by the Soviet Government. However, complete inaction could have even more devastating results.

Are we then supporting Gorbachev in the name of peace? Whose peace? And at what price?

Does the U.S. support Gorbachev to help ensure the success of perestroika? How can we even make such a claim when the people of Lithuania slowly starve at the hand of perestroika's architect? And if in fact we fear that the grand scheme of perestroika will fail, should we not discover that now, rather than risk greater violence down the road by raising false hopes for freedom?

Are we supporting Gorbachev because he is threatened from within his own government, and any indication of withdrawal of U.S. support might weaken him? President Bush spoke powerful words last June stating U.S. support for the Baltic States, and Gorbachev did not fall from power. Does Gorbachev hold power by such a thin thread today that he may be overthrown merely because the President of the United States repeats the same words he spoke last June? If that is so, then surely we have bet on the wrong horse. And, frankly, does anyone really believe Gorbachev is so weak? He has recently been granted such broad new powers that he can simply dissolve governments in the Republics and govern by Presidential rule. That is not weakness—it is dictatorship.

So why should anyone believe that Mikhail Gorbachev needs U.S. support?

Even more fundamental, is the question of whether we ought to give it. What is he doing that warrants our abandoning the Baltic Republics? Is he granting arms concessions that in any way diminish the aggressive power of the Soviet State? On the contrary, we are learning more each day about ongoing violations of the INF agreement and retreats from concessions at the arms control table. Is he granting real freedom to Soviet citizens? Is he institutionalizing reforms to ensure they outlast his rule? Perhaps so, but the reforms being institutionalized are those which substantially strengthen his grip on power.

Surely, if we no longer support self-determination for freedom, if we no longer are affronted by a silenced world press, if we are going to sacrifice our Nation's honorable commitments to prop up the head of a foreign state, we must know that he has a vision for his country that is worth such sacrifice and support. If Gorbachev is really the initiator of change, rather than its captive, surely he must have a goal. Yet I challenge any one to identify that goal. The Soviet Union is

indeed undergoing change, but to what end?

I believe there are leaders today who have clear new visions for their nations that are compatible with the American vision of freedom and democracy. In Eastern Europe, Lech Walesa and Vaclav Havel are testaments to such vision. President Vytautas Landsbergis has a goal for Lithuania—restoration of his people's place in the world as citizens of a democratic republic, freed from Soviet domination.

And what stands in the way of Landsbergis' vision is Mikhail Gorbachev and Western collaborators. Gorbachev, in contrast to the new leaders in the changing East bloc, has demonstrated no vision for his country or people. Reform, yes, but for what purpose? To accomplish what end? To bring what freedoms to his empire? Little of what is said by Kremlin leaders today makes one confident that they intend to establish a new order.

In fact, Gorbachev has stated quite openly, most recently in an address just 2 weeks ago to the 21st Komsomol Congress, that the objective of his reforms is not pluralistic democracy—not freedom but the enactment of the ideals of Lenin and Marx:

> The party and the Central Committee have defined their stand perfectly clearly. * * * Our objective is the revolutionary renewal of socialism, not repudiation of the choice by Lenin, the Bolsheviks, and the people on October 1917. Our aim is the cardinal renewal of the country, the modernization of its economy and sociopolitical structure in the interest, first and foremost, of society having not less but more freedom and social justice. The party, in restructuring its ranks, must preserve its main purpose, to be the expressor of the interests of the working class, the toiling peasantry and the people's intelligentsia, the generator and conduit for socialist aspirations. Such is our credo—humane and democratic socialism—such is the worthy aim, the implementation in practice of which should be the life's cause for the younger generation, and its revolutionary deed for the good of the country and the people.

This is Gorbachev's vision—not the competition of ideas but the credo of Lenin, which, even if it could create an economy strong enough to keep its subjects fed, clothed, and warm, denies something even more fundamental—the freedom of mind and spirit of each individual.

That is what is sought today in Lithuania. It is a quest that has support around the world, including the heart of Gorbachev's empire. On March 31 and again on April 9 thousands of people rallied in support of Lithuanian independence. These demonstrations were in Leningrad, in Kiev, in Donetsk, and in Moscow. Last month 71 members of the Moscow City Soviet sent a telegram to President Landsbergis indicating their support of his efforts; 75 members of the Moscow City Soviet wired the same message to Gorbachev. Do we undercut them to sustain Gorbachev?

In Sofia, Bulgaria, independent students' associations demonstrated for Lithuanian independence near the Soviet Embassy. In Warsaw, Poland, a bishop officiated at a Mass in support of Lithuania independence, the Presidium of the National Coordinating Commission of Solidarity for Handicraft expressed support, the Polish Independence Party organized a rally in Gdansk. The Universal Party of Slavs even offered military assistance to Lithuania.

And just this past weekend Boris Yeltsin condemned Gorbachev's actions in Lithuania, calling them "an intolerable violation of human rights." How can these people who arguably have so much to fear from Gorbachev, be so bold while we remain so timid?

We welcome the changes that have taken place in the world in recent months: Newly granted freedom of expression in and emigration from the Soviet Union and Soviet leaders' moves toward economic reforms. But it is not enough.

"In You Can't Go Home Again," Thomas Wolfe wrote:

> Go, seeker, if you will, throughout the land and you will find us burning in the night * * * to every man his chance, to every man, regardless of his birth, his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever he thinks his manhood and his vision can combine to make him—this, seeker, is the promise of America.

That is the vision of our forefathers for this country, it is ours today. It is also the vision of Violeta Chamorro, of Vaclav Havel, of Lech Walesa, of Vytautas, Landsbergis, of so many others striving today to create institutions to ensure the freedom of all who follow them.

We owe it to ourselves, to the thousands who have died fighting tyranny in the Soviet Empire and the millions who have been its victims, indeed to the cause of freedom itself, to be sure that Mikhail Gorbachev shares a vision before we mortgage our history—and the world's future—to him.

Are there things we can do? Of course. We do not have to extend trading privileges. We should make the Soviet Union argue its case in the United Nations or the World Court. We should demand Soviet explanation and judge it according to their own promises. We should reaffirm our belief in self-determination and our outrage at its repression. Gorbachev has no reason to resist counsel to use force if we acquiesce in its use. In short, we are not helpless and should not act as if we were.

How can you negotiate freedom? One either is or is not free—would Patrick Henry have said, "Give me liberty or give me negotiations"? Would we have heard of him if he had?

Madam President, I ask unanimous consent that a letter that was an advertisement in the New York Times last Sunday from Lane Kirkland, president of the AFL-CIO, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AFL-CIO ON LITHUANIA

Hon. GEORGE BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the more than fourteen million members of the AFL-CIO, I urge you to move swiftly and surely to confer U.S. Government recognition on the legitimately elected government of the Republic of Lithuania. As part of this process, I urge you to exchange ambassadors and, with Congressional support, to extend MFN status to Lithuania.

Now, as never before, the brave Lithuanian people are looking for support from all nations that respect democracy and human rights. The AFL-CIO is proud of its fraternal association with the Lithuanian Workers' Union, a labor organization that is a part of the Sajudis movement. We are writing to you about our concerns in response to a direct appeal for help from the chairman of the Lithuanian Workers' Union, Kazimieras Uoka, and to an appeal from President Vytautas Landsbergis. In electing President Landsbergis, Deputy Uoka, and other Sajudis candidates to high office, the people of Lithuania have made a historic and fateful decision to proclaim their inalienable right of national sovereignty.

The people of Lithuania have spoken clearly and unequivocally for their national independence. This is why the AFL-CIO stands with President Landsbergis and all Lithuanian citizens and patriots. And this is why we condemn the tactics of intimidation and repression adopted by the Soviet Union against a democratically-elected sovereign state. Such violation of international law deserves to be criticized resolutely by the United States.

While the AFL-CIO welcomes the gradual opening up of the Soviet political system, we believe that Soviet progress in moving away from totalitarianism deserves to be encouraged further. The U.S., therefore must not remain silent when significant Soviet abuses of human and national rights occur.

We are certain, as we were in our steadfast support for Soladarnosc in Poland, of the ultimate success of the peaceful struggle for national self-determination waged by the Lithuanians and other peoples forcibly absorbed into the USSR.

I hope that, in this compelling instance, the United States can speak out clearly and forcefully in behalf of liberty in a way that is consonant with our democratic tradition.

Respectfully,

LANE KIRKLAND,
President, AFL-CIO.

Mr. LOTT. Madam President, I ask unanimous consent that I be allowed to proceed for 3 minutes.

The PRESIDING OFFICER. The Senator may proceed.

THE SENATE'S USUAL POSTURE

Mr. LOTT. Madam President, the Senate is in its usual posture and it is not very flattering. It is daylight outside, so why are we meeting and

having votes? Ordinarily, we wait until night for our serious business, although last night we were in session from 6 o'clock until approximately 12 o'clock, and we had one unanimous vote.

As what appears to be usual, the Senate does not know where it is heading or how long it is going to take to get there. Supposedly, grown men and women allow themselves to stagger forward on a bill like this with little or no information. We are not sure what is next or what is after that or whether we are going to be in tonight or not. We do not even know about tonight.

I have tried to hold back my rage at how this legislation has been handled, but I cannot do it any longer. What amazes me is why other Members stand mute and allow this legislation to be dealt with the way it is and allow themselves to be treated the way they are treated.

I guess it is because they basically feel it is hopeless to complain. After you are here for a couple of years, you quit complaining and roll over and go with the system. If they would complain and demand something better, maybe some things would be different.

Look at what we have been doing this morning. What a joke. We had a vote on a noncontroversial committee amendment saying that a specified amount of money may be used for environment or agriculture in Nicaragua. I think it was a unanimous vote. Then we had a vote on whether or not to sustain the ruling of the Chair.

I realize that this body just systemically disregards the ruling of the Chair. If we want to, we go to the substance and do not pay any attention to whether it is germane or not.

But we voted to overrule the ruling of the Chair, still an amazing procedure to this Member of the Senate.

Let us look at the history of this legislation. Let me get to the substance here. I realize the way it works around here. Ordinarily, we try to talk about something unrelated to the bill we are supposed to be dealing with.

Let me talk a little about the bill to see if it has any impact at all. The legislation was requested by the President of the United States over a month ago as urgent dire supplemental appropriations. What a joke. Dire. If it were dire, why would we not have acted on it earlier? The President asked for it over a month ago.

But, no, we did not want to move right into this urgent dire supplemental approriation. We wanted to take our time. The President of the United States said we really need to do this before we go home for the Easter week. Maybe there was not enough time to get it put together. We needed to be gone for 10 days so we disregarded that.

Then it was suggested it would really be helpful if we could go ahead and get it before the inauguration of Mrs. Chamorro as President of Nicaragua. That was this week, and that has come and gone.

Finally, it was brought to the floor on Thursday with no Members having seen what was going to be in it until about 4 o'clock the previous day. Members did not have a chance to look at the bill or the report until Wednesday afternoon. Then we spent 4 or 5 hours on the first major amendment that came up, 4 or 5 hours before we finally had a vote at about 6 o'clock on Thursday night. Then we had one more vote between 6 and 1.

Now today, right now, we are tied up on an issue that is really not even germane, not germane to this legislation. We are again getting into a debate on abortion in the District of Columbia.

We continue to put ourselves through these exercises. Why do we do it? It was put in the bill. Now we are trying to get it out. We have been assured by the President's representatives that if the bill comes to him with this in there, he is going to veto the bill. Are we daring him? What are we trying to do? Is this an urgent dire supplemental appropriation, or is it not?

Why do we not take up the basic things we have to have to keep certain offices open around the country, the funds for countries trying to move toward democracy, some of the area programs that really are urgent, maybe some veterans programs? We all have programs we think are urgent and need to be in there.

But, no, we have to continue to inject issues that do not belong, pile on, trying to get Members to change the vote in sustaining the ruling of the Chair. Some think the Senate looks good in all this. I think we look like kindergarten children; no rules, no order, no schedule. We look nongermane.

The language in this bill dealing with abortion is nongermane. We should not have it in there. If this is urgent and dire supplemental appropriations legislation, why do we have up to 60 amendments pending? There are a lot of them that I like. I like the amendment by the Senator from Arkansas [Mr. PRYOR] on wetlands, and I like the death penalty the Senator from Texas is going to offer.

But 60 amendments were pending, over 60 last night were pending. What are we doing? Who are we kidding? We ought to dispense with all those amendments, vote on the basic issues, and get this supplemental legislation out of here. We are going to need some leadership to get it done. I think the Senate looks very poor in the way we are conducting our business.

I yield my time, Madam President.

VOTE ON COMMITTEE AMENDMENT ON PAGE 57, LINES 5 TO 10

The PRESIDING OFFICER. The hour of 1:30 p.m. having arrived, the Chair submits the question.

Is the committee amendment on page 57, lines 5 to 10, germane to the House language appearing on page 36, lines 9 to 15?

Mr. DOLE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is necessarily absent.

The yeas and nays resulted, yeas 54, nays 42, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—54

Adams	Gore	Mitchell
Baucus	Gorton	Moynihan
Bentsen	Graham	Nunn
Biden	Harkin	Packwood
Bingaman	Heinz	Pell
Bradley	Hollings	Pryor
Bryan	Jeffords	Robb
Bumpers	Kassebaum	Rockefeller
Burdick	Kennedy	Roth
Byrd	Kerrey	Rudman
Chafee	Kerry	Sanford
Cohen	Kohl	Sarbanes
Cranston	Lautenberg	Sasser
Daschle	Leahy	Simon
Dixon	Levin	Specter
Dodd	Lieberman	Stevens
Fowler	Metzenbaum	Wilson
Glenn	Mikulski	Wirth

NAYS—42

Armstrong	Exon	Mack
Bond	Ford	McCain
Boren	Garn	McClure
Boschwitz	Gramm	McConnell
Breaux	Grassley	Murkowski
Burns	Hatch	Nickles
Coats	Hatfield	Pressler
Cochran	Heflin	Reid
Conrad	Helms	Shelby
D'Amato	Humphrey	Simpson
Danforth	Johnston	Symms
DeConcini	Kasten	Thurmond
Dole	Lott	Wallop
Durenberger	Lugar	Warner

NOT VOTING—3

Domenici	Inouye	Riegle

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 42. The judgment of the Senate is that the amendment is germane. Therefore, the point of order falls.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, let me thank my colleagues on this side. I think if we could have had some accommodation, we still would have been

a couple votes short. I thank my colleagues for their flexibility because this is an issue of whether we can get aid to Panama and Nicaragua, not an abortion bill.

I hope we might get unanimous consent later on today on the Panama or Nicaragua portion and leave the rest of it here. We can play with it the rest of the year. But I hope we can get unanimous consent to pass that part of it so we can get aid to Panama and Nicaragua. If we want to debate abortion and the death penalty and everything else people can dream up, fine with me. It may not be fine with the majority leader.

But as the Republican leader and someone who is trying to be helpful to the President, why can we not just except out the aid to Nicaragua and the aid to Panama. It is going to take a while to get it down there even after we go to conference and it is signed by the President.

So I hope maybe sometime later today we might make an appropriate request, which will not be objected to, we make certain that we help our friends in areas where we have an obligation. Having said that, I am advised there would be no need for a rollcall vote on the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The President pro tempore of the Senate, the manager of the bill.

Mr. BYRD. Madam President, I ask for the yeas and nays on the Adams amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on that amendment? If not, the question is on agreeing to the amendment in the second degree. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the the Senator from Hawaii [Mr. INOUYE] and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

Mr. SIMPSON. I announce that the the Senator from New Mexico [Mr. DOMENICI] is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—96

Adams	Boschwitz	Chafee
Armstrong	Bradley	Coats
Baucus	Breaux	Cochran
Bentsen	Bryan	Cohen
Biden	Bumpers	Conrad
Bingaman	Burdick	Cranston
Bond	Burns	D'Amato
Boren	Byrd	Danforth
Daschle	Jeffords	Nunn
DeConcini	Johnston	Packwood
Dixon	Kassebaum	Pell
Dodd	Kasten	Pressler
Dole	Kennedy	Pryor
Durenberger	Kerrey	Reid
Exon	Kerry	Robb
Ford	Kohl	Rockefeller
Fowler	Lautenberg	Roth
Garn	Leahy	Rudman
Glenn	Levin	Sanford
Gore	Lieberman	Sarbanes
Gorton	Lott	Sasser
Graham	Lugar	Shelby
Gramm	Mack	Simon
Grassley	McCain	Simpson
Harkin	McClure	Specter
Hatch	McConnell	Stevens
Hatfield	Metzenbaum	Symms
Heflin	Mikulski	Thurmond
Heinz	Mitchell	Wallop
Helms	Moynihan	Warner
Hollings	Murkowski	Wilson
Humphrey	Nickles	Wirth

NAYS—0

NOT VOTING—3

Domenici	Inouye	Riegle

The amendment (No. 1542) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR BYRD SETS NEW RECORD WITH VOTE NO. 12,134

Mr. MITCHELL. Mr. President, may I have the attention of my colleagues? To all the Members of the Senate, we have just observed and participated in an important moment in the history of the Senate and the Nation.

The distinguished President pro tempore of the Senate, Senator ROBERT BYRD of West Virginia has now established a new record of total Senate votes cast. This was his 12,134th vote. The previous record was held by former Senator William Proxmire, who cast 12,133 votes in his Senate service.

That record no longer stands.

Senator BYRD cast his first Senate vote on January 7, 1959, in the first session of the 86th Congress.

Now in his 32d year, Senator BYRD has maintained a voting attendance record of 98.4 percent during his long Senate service.

It is an ironic thing that his first vote was cast on an adjournment motion. Although a poet once observed that "We may our ends by our beginnings know," that has not been the case with Senator BYRD's record in the Senate. Indeed, that first vote marked the beginning of the distinguished Senate career which I know and hope has many, many more years to run with many, many more votes to cast.

I congratulate the distinguished Senator from West Virginia on breaking the record for the total number of votes cast. It is appropriate that a man who has devoted so much of his life to the U.S. Senate should now hold the all-time record for Senate votes cast. I think I can assure Senator BYRD that he can rest easy with his new record, for I deem it unlikely that any of his other colleagues will surpass that record.

I now ask all of my colleagues to join me in expressing our admiration and respect for Senator ROBERT C. BYRD.

[Applause; Senators rising.]

Mr. BYRD. Thank you.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, let me also extend my congratulations to my friend and colleague, the distinguished chairman of the Appropriations Committee and President pro tempore and former majority leader on his 12,134th vote. I have not checked mine lately, but I do not think I am close.

I think standing maybe out of respect for the Senator from West Virginia, we ought to take the rest of the day off. [Applause.] So we could properly celebrate this auspicious occasion.

I know my colleagues on this side of the aisle join me in congratulating my friend, the Senator from West Virginia, not just for the number of votes cast, but if I know Senator BYRD as I think I do, he never cast any of those votes without knowing precisely what he was voting for or against, and that is not a requirement around here.

I know in the case of my friend from West Virginia, he knew what the issue was and precisely where he wanted to be on that issue. In addition to that, I think it is just another indication of the record he is making in the U.S. Senate. There is no doubt in my mind when another history is written, when another person writes the history of the Senate, as Senator BYRD is in the process of doing—we will have another volume available very soon, or volumes—they will look back on this era and they will note the significance of this giant in the Senate, ROBERT C. BYRD.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Chair.

It is difficult to speak of my senior colleague from West Virginia on behalf of all of our citizens in West Virginia who are going through difficult times, but whose times are less difficult because of the work and the skill that my senior colleague has lavished upon our State, and in fact upon our country, over these 32 years.

In fact, if I might correct the Republican leader, I suspect that if we are to show our respect for Senator BYRD, we will complete the matter at hand to complete the bill.

Senator BYRD is unlike any other Senator in this body. He is respected by every single one, envied by many, and duplicated by none.

His hard work is an important work in America, and it is a work that is harder to attach to the instincts of our people in a society which has grown more affluent, and where the making of money has become so important and the meaning of public service and of giving of oneself to others has taken on perhaps less meaning in recent years.

Senator BYRD belies this trend and by the force of his personality bends the nature of this trend, because his only interest is in hard work and service to other people.

He is a very tough man. He has had to be a tough man. He has had to be a tough man to grow up, to survive what life dealt him, which was not easy in its beginnings. But he was forged in the crucible to tough times in a hardy State, and he has made of himself the American public figure that I think we all regard as extraordinary.

I can say that my sense of good fortune, my sense of having learned from Senator BYRD, having had the good fortune to serve with Senator BYRD, not just in the Senate, but in my own much shorter career, has made me very proud to be an associate.

I like to have it known that I am the junior Senator from West Virginia and that I work with the senior Senator from West Virginia, because his name is ROBERT C. BYRD. What he has done for the people of our State is beyond measure. The people of our State know that, of course, because they have returned him to this body and to the other body for many years. But if they could know as I do what he does when others have gone home and the light in his office burns on and he crafts his amendments and works his ways, they would feel as I do.

My mind drifts back only recently to the delicate and controversial, but in a sense, majestic effort on behalf of the coal miners of West Virginia, and others affected.

The effectiveness of the senior Senator from the State of West Virginia is extraordinary. I pay tribute to him. I do so particularly on behalf of the people of West Virginia, because I think that is the way he would want it.

I think the fact that he has served this Nation in ways which are great and has contributed enormously to the competitiveness and strengthening of our State, of our Nation, is at the fiber of the will of our people of West Virginia. But he has always kept his soul in his roots, and his roots are where life is hard in this country, and he has never forgotten that.

His junior colleague and his constituents respect him, are grateful to him, and honor him on this day, as the majority leader indicated, which is really a day in the history of the Nation of great note.

I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we are very proud to honor this great Senator from West Virginia today. He is a remarkable man. He has made a remarkable record in the Senate. He is one of the ablest parliamentarians who ever served in this Senate throughout the history of the Senate. I think we all owe him a great debt of gratitude. I would like to express my personal appreciation to him for the fine service he has rendered to the United States of America.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will be brief. Records are made to be broken and this record will be broken in time.

I knew this was going to come up before long. During the previous vote, I received a note from Mrs. Charlotte Holt, on my staff, saying, "Senator, after this vote, your total will be 12,133. Now you are tied with Senator Proxmire's record. On the next vote you will hold the record. Thanks and congratulations."

That was why I asked for the yeas and nays on the amendment by Mr. ADAMS.

Now, why was that amendment important to me on this particular record-breaking vote? I will not read the entire amendment. I will just read a phrase in it: "early childhood educational development programs."

I started to school in a little two-room schoolhouse down in Mercer County, WV. Teachers were not paid very much in those days, but they were highly dedicated.

I remember that I was inspired by my teachers and by my foster parents to try to excel, whether it was in the classroom or in the workplace.

I used to memorize my history lesson at night by the light of a kerosene lamp. I would recite those lessons the next day. When I moved to Raleigh County and went into a different school, the teacher took me up before the senior class. I was in the fifth grade at that time. She took me up before the senior class and said, "I want ROBERT BYRD to recite" this or that, or whatever it was. It happened to be a history lesson, as I recall.

I say that to say this, that the education of our young people is the thing that is most important, as we look down the road and contemplate the future of this great country. Whether we are talking about the future economic security or the future military security of this country or to stay on the cutting edge of technology, we need to educate our young people. And it is not only the amount of dollars we expend. It is the quality of the teacher and the ambition of the student that count.

I said a moment ago that my foster father and my teachers and my foster mother inspired me. My foster father never bought a cap buster for me. He did not have much money at Christmastime. I was looking at one of his old payroll slips the other day, where he had earned something like $40, $45 in a 2-week period loading coal down in the mines. He did not buy me a cap buster or a cowboy suit. He bought me a drawing tablet or a water color set. And my teachers inspired me to excel. I wanted to excel. I wanted to please my teachers and they inspired me in that way.

So I think it is important that we, today, think of our young people in those terms, how we can inspire them to excel.

The Scriptures say:

> Happy is the man that findeth wisdom, and the man that getteth understanding.
>
> For the merchandise of it is better than the merchandise of silver, and the gain thereof better than fine gold.

I think I missed a word there, but you have to understand, I am a little excited at this point.

Aristotle said that the educated are as superior to the uneducated as the living are to the dead.

We need to inspire our young people to study and to try to excel.

I used to like baseball when I was a boy, and football around the sandlots and communities where I lived—coal mining communities at that time—and basketball. I took great interest in those sports when I was in high school. I was a kind of a runt in that respect and could not compete with some of the larger boys. And I still respect athletics. It has a great place in our society.

But I think we have stood our values on their heads. The important thing is to educate the mind and, while athletics has its place and helps us to develop a spirit of teamwork and all those things, it is the education of the mind and the development of the heart in a spiritual way that really count most.

I can understand how people talk about their big football teams, how they have the number one football team and all that, but no football game ever changed the course of history. I am more interested in how well the players can spell, how well they can add and subtract, divide and multiply. I want to give all things their proper place, but we have stood the values of this country on their heads when we fail to recognize the scholar—the boy or the girl, the young men and the young women who have applied themselves in the laboratories and libraries, and who, even when they get through high school and through graduate school, continue to strive to

learn as long as they live, just for the sake of learning, the joy of learning.

I hope with these few remarks that I might inspire some who may be watching or listening that, indeed, we need to do everything we can to set right our values, and put the emphasis where it should be, that is, on the education of our people.

I am very grateful for the comments of my colleagues. I particularly thank the distinguished majority leader for his kindness in calling this to the attention of the Senate, and his many other kindnesses. And I thank the Republican leader for his kindness, also. And I thank my colleagues Senator ROCKEFELLER and Senator THURMOND for their gracious comments. I thank my staff. I see they are here in the Chamber. I am proud of them, too.

Mr. President, that explains why I wanted to have a rollcall vote on the Adams amendment.

Let me just finish by saying that I have five grandchildren. I had six; I lost one. He was only 17, 6 foot 5, weighed 300 pounds, wore a size 15 triple-E shoe—a pretty good-sized man. He could have made a fine football player. But now he is gone.

One of the other grandsons graduated from Princeton University 3 years ago with honors. Another one is graduating next month from the University of Virginia, and he is a physics major. And then my baby grandson, Erma's and mine, our baby grandson, is a freshman at the University of Virginia. And he is going to be a physics major also. And I have a granddaughter who is finishing her junior year at Roanoke College. She is an excellent student. These are all excellent, excellent students.

They are a little unlike I am, in that they will watch football games and basketball games on television. My problem in watching them is, if I get started watching them, I will watch all through the holidays, and then I will end up saying, "What have I to show for my time?" Well, they watch them. They like them. But they are also excellent students. Of course, I am no more proud of my grandchildren than other grandparents are. But my point is, the emphasis should be on education, the education of our young people, and we should encourage them to study, to learn, and to excel.

I took a piece of plastic clay
And idly fashioned it one day
And as my fingers pressed it still
It moved and yielded to my will.
I came again when days were past.
The bit of clay was hard at last.
The form I gave it, it still bore,
And I could change that form no more.
I took a piece of living clay
And gently formed it day by day.
And molded with my power and art
A young child's soft and yielding heart.
I came again when years were gone,
He was a man I looked upon.
He still that early impress wore,
And I could change him nevermore.

Again, I thank my colleagues for their courtesies, their many kindnesses and, in this instance, their recognition of something that I am proud of but, as I say, it will be broken in due time by some other Senator. I expect to hold this record a long time, but I will applaud the Senator who breaks this record, even were I here only in spirit, for he was diligent in his business.

Again, I thank all my colleagues and I hope they will forgive me for taking the time here at this point to say these few words. It will be the last time, I guess, I will ever talk on the subject of breaking the voting record. I thank you all.

[Applause; Senators standing.]

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1549

Mr. DIXON. Mr. President, in order to continue the fine record of the distinguished senior Senator from West Virginia, I am prepared to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself and Mr. NUNN, proposes an amendment numbered 1549.

At the appropriate place in the bill, insert the following:

"Notwithstanding any other provision of this Act, the language in this Act restricting obligation or expenditure of funds appropriated in fiscal year 1990 for Air Force Operation and Maintenance pending settlement of the dispute regarding Contract Numbered F29650-82-0201 is hereby nullified."

The PRESIDING OFFICER. The Senator will be advised that it takes unanimous consent to consider an amendment at this point, other than an amendment to the pending committee amendment.

Mr. DIXON. I ask unanimous consent to move this amendment at this time, Mr. President.

Mr. GRAMM. Reserving the right to object, and I will not object, Mr. President, I would simply like to ask that, in withholding, I be recognized next to present an amendment on this section.

The PRESIDING OFFICER. Is the Senator asking unanimous consent for that purpose?

Mr. GRAMM. I ask the Senator to amend his unanimous-consent request.

Mr. DIXON. I am sorry, Mr. President. There was sufficient stirring about of my colleagues. I am not able to understand what has transpired.

The PRESIDING OFFICER. The Senator from Texas has asked that the Senator from Illinois amend his unanimous-consent request to include his request to be recognized next to offer an amendment to this same section.

Mr. ADAMS. Reserving the right to object, does the Senator mean to offer an amendment to the amendment being offered by the Senator from Illinois, or to the amendment that is pending by the Senator from Washington?

Mr. GRAMM. Mr. President, I have an amendment to this section that I have been waiting to offer. I will be willing to let the Senator from Illinois deviate from the standard order, but I want to be certain we come back to it and I have an opportunity to offer an amendment to this section.

Mr. DIXON. I do not have any problem with that. I had earlier indicated to the manager, the distinguished chairman of the committee, that at the conclusion of the debate on the abortion question, I was prepared to go with this amendment. That was, I think, in compliance with the understanding we had with the managers. I do not have any problem going to the Senator's amendment next.

Mr. ADAMS. Parliamentary inquiry, Mr. President.

Mr. HATFIELD. Reserving the right to object, as one of the managers of the bill, I would like to ask the Senator from Texas what his amendment is.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, my amendment is a death penalty in the District of Columbia for drug murder.

Mr. HATFIELD. Parliamentary inquiry, Mr. President. It is no news that I will be very strong in my opposition, along with some other colleagues, and Senator LEVIN. We would like to be in a position to offer a second-degree amendment, subject to a mandated life sentence. I would like to ask the Chair if we are getting into this kind of a unanimous consent where one is linked to the other? Are my rights protected to offer an amendment in the second degree once the Senator from Texas is recognized for his death penalty amendment?

Mr. DIXON. Mr. President, while the Chair is waiting to rule on that, may I make an observation?

The PRESIDING OFFICER. The Chair is prepared to respond to the inquiry of the Senator from Oregon. The parliamentary posture at this time is as follows: The Senator from Illinois has asked unanimous consent to consider the amendment which he has submitted. The Senator from Texas has asked that that unanimous-consent request be modified to include his right to offer an amendment immediately after disposition of the amendment of the Senator from Illinois on a subject which relates to the

same section of the supplemental appropriations bill.

On the question of the Senator from Oregon, should we reach the amendment of the Senator from Texas, it would be in order for the Senator from Oregon to offer a second degree.

Let me make an inquiry. Is the Senator from Texas proposing to offer—should his unanimous-consent request be granted—what will be a second-degree amendment?

Mr. GRAMM. Mr. President, let me make it clear that I would never try to inject the protection of myself on top of my dear colleague from Illinois. He has asked that we deviate from the normal procedure, as I understand it, because his amendment is not to this section. I just want to be sure that we come back to this section, which is why I asked that it be amended.

We do have a pending committee amendment, so that my amendment would be an amendment in the second degree.

The PRESIDING OFFICER. With that understanding of the nature of the amendment the Senator from Texas will offer, there is no further second-degree amendment available to the Senator from Oregon.

Mr. HATFIELD. Mr. President, may I then say I plan to object to any unanimous-consent agreement that fouls up this process in such a confused way; that we ought to go back to the committee amendment and then work from there on.

I really feel as managers of the committee we ought to be able to handle and dispose of committee amendments. I am going to object to setting aside any committee amendment. I am going to object to setting aside any other order of procedure except to deal with the business of the committee. We have already gotten off here to the byways and the pathways on abortion and legislation on appropriations. If we are going to finish this bill—I am just going to have to give notice—I am going to object to anything that deviates from getting those committee amendments disposed of and getting this bill out of here.

The PRESIDING OFFICER. Does the Senator from Oregon object to the unanimous-consent request of the Senator from Illinois?

Mr. HATFIELD. Notwithstanding the issue, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Illinois.

Mr. DIXON. Then I wonder if the managers will yield to a question from the Senator from Illinois?

The PRESIDING OFFICER. Will the managers yield for a question from the Senator from Illinois?

Mr. DIXON. Mr. President, let me explain the dilemma of the Senator from Illinois to the managers. This amendment directs the attention of the Senate to a provision put in this bill in the committee amendments during the process in the committee. Obviously, at some point in time, you have to reach, unless this part has already been adopted, that provision that was adopted in the committee which was a provision that the Secretary of the Air Force and the Air Force take exception to because it directs payment of a bill while a lawsuit is still pending. So somewhere at some point in time we are going to get to it.

I do not see what is served in the overall process by objecting to my proceeding to that point now. It has nothing to do with the death penalty. It is not a very exciting subject at all.

It has to do simply with some money that the Air Force takes exception to the committee committing for a purpose the Air Force does not agree to while a lawsuit is pending.

Mr. HATFIELD. Will the Senator yield for a response——

Mr. DIXON. Yes, I will be delighted to do that.

Mr. HATFIELD. Since I raised the objection. On this Friday morning when we started to do the business pending before the Senate, namely the Senate supplemental appropriations, it was very clearly stated we were going to the committee amendments. We were not going to set aside committee amendments to take up other amendments along the way. We were going to start with the first committee amendment on page 25; we were going then to the second committee amendment, and right down until we finished the committee amendments. The chairman of our committee and I made very clear that we would not agree to setting aside the committee amendments.

No person's rights have been abridged or negated or even diminished by taking the committee amendments first, disposing of them, and then the rest of the bill is open to amendments.

Mr. DIXON. I have no problem with that, if we can get somebody over here to do the committee amendments. But if this Senator and the other 99 are going to sit around for the next hour-and-a-half while the managers look for somebody to go to another amendment, the managers are on notice that there is a Senator here who has an amendment.

I have managed from time to time on this floor and been on that telephone back there by the hour trying to get somebody over here with an amendment. I have an amendment. The Senator from Texas has an amendment. Somebody else has an amendment. Let them go. And you are on notice this Senator has an amendment.

Mr. HATFIELD. Will the Senator yield?

Mr. DIXON. I am delighted.

Mr. HATFIELD. There is no requirement to get someone over here to offer an amendment. The committee amendment is the pending business of the Senate, is it not, I inquire of the Chair.

The PRESIDING OFFICER. The pending business of the Senate is the committee amendment.

Mr. HATFIELD. All right, let us dispose of it.

Mr. DIXON. Let us get rid of it.

Mr. HATFIELD. And then we can go to any other amendment.

Mr. DIXON. I would be delighted to accommodate the Senator from Oregon in that fashion.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1550

(Purpose: To provide the death penalty in the District of Columbia for a drug-related murder)

Mr. GRAMM. Mr. President, I had not intended to offer my amendment because of a belief that the subject matter it reaches was beyond the provision before us in the sense that it would be nongermane as legislating on appropriations. But, Mr. President, in light of the ruling that was imposed on the Chair by the action of the Senate, I believe the amendment that I had wanted to offer is now germane because with the expansion of the definition of germaneness I believe this amendment now qualifies.

Mr. President, let me make it clear what I am trying to do so people understand the importance of this issue. I also want to make it clear that we clearly have jurisdiction in this area. I am not going to take a long time. I am eager to get on with it, as I know my dear friend from Illinois is.

First of all, let me define the problem. For the last 3 years the Federal City, the District of Columbia, has seen the number of murders on its streets grow by an average 32 percent a year compounded for 3 years. The level of homicides in the Federal City is a national record and a national disgrace.

Mr. President, we in the Congress have a responsibility to make policy in the Federal City. The Constitution gives us exclusive legislation in all cases. Even when we moved to set into law the so-called home rule provision, we clearly reserved to the Congress the right to enact legislation at any time that we deemed it was appropriate.

Despite the explosion in the number of people who are killed in drug homicides on the streets of the District of Columbia, we find ourselves in a position where there is no effective deterrent. Where people are being killed, the person who is accused of the murder in some cases is being apprehended. We end up with long waits for trials. We end up with some people

being sent to jail. Sentence is probated, people are being let out of jail because of overcrowding, and as a result this national tragedy continues.

Mr. President, the objective of my amendment is twofold. First, it is to set out concrete penalties and minimum mandatory sentences for murder related to a drug felony in the District of Columbia. And second, the objective is to put into place the availability of the death penalty where the court determines that that penalty is warranted.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1550.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, at line 10, strike the word "term:" and insert the following: ⁶⁶ term. This section shall be effective May 15, 1990.

"SEC. . (a) It shall be unlawful in the District of Columbia to intentionally kill, or counsel, command, induce, procure, or cause the intentional killing of an individual during the commission of an offense involving a controlled substance.

"(b) A person who commits an offense describes in subsection (a) shall be sentenced to any term of imprisonment which shall not be less than 20 years, and which may be up to life imprisonment and the imposition or execution of such sentence shall not be suspended nor shall probation be granted nor shall the person be eligible for parole prior to serving the minimum sentence, or may be sentenced to death.

"(c) A person shall be subjected to the penalty of death for an offense under this section only if a hearing is held in accordance with the procedures provided in section 408 of the Controlled Substances Act."

Mr. GRAMM. Mr. President, I want to make my germaneness argument now, and I will try to be brief.

Mr. President, on page 43, beginning on line 4 of H.R. 4404 in the House language section, we have funds made available which have not been authorized. Not only have these funds not been authorized, they have certainly not been authorized for a period of 2 years, so we are here legislating on an appropriations bill.

Second, Mr. President, we are legislating in an area relating to housing where these funds clearly are intended to be used as part of our ongoing Public Housing Program, where new regulations have been put into place by the Housing Secretary concerning drug felonies committed in public housing and our effort to rid public housing of illegal drug use.

Since the amendment which I have submitted is targeted at the general problem of drug murders, that amendment—by the stretched definition of germaneness established on the vote that we took earlier today—is germane because it amends a section where we are legislating on an appropriations bill, where the legislation is related to providing a new authority to expend funds; and where those funds are being expended in relation to drug abuse in public housing. We are addressing a facet of that drug problem related to effective deterrent, where the drug problem generates the tragic murder of our fellow citizens in the District of Columbia.

Mr. President, I think this amendment is vitally important. I think the Nation demands that we take action in the District of Columbia. The District of Columbia has been a test case in our resolve to deal with the problem of illegal drugs.

I think we are all disappointed with our lack of progress in this area. One of our problems has been that we have not had an effective deterrent because at the same time that the crime problem has expanded we have found ourselves in a position of seeing that the sentences being handed down by the courts of the District of Columbia are failing to deter drug violence. The District of Columbia does not have the death penalty. The District of Columbia does not have minimum mandatory sentences without parole for those who kill our fellow citizens in the commission of all drug related murders.

The amendment that I have sent to the desk is an amendment that establishes a minimum mandatory sentence to be imposed on those who are convicted of drug murders. This sentence is to be not subject to suspension or probation, and a person who is found guilty of a drug murder will not be eligible for parole prior to serving the minimum sentence, which is 20 years in prison.

In addition, we add the final deterrent, and that is the deterrent that, where there has been a murder related to a drug crime, we make available to the court the ultimate deterrent and remedy of capital punishment.

Mr. President, I believe that this amendment is vitally important. I think it is a national tragedy and shame that our Nation's Capital ranks at the top of the list in terms of the number of people who are killed senselessly every night while most of us are asleep.

I think it is vitally important that we move ahead in terms of setting into law a procedure that will allow us to deal with this problem.

Mr. President, I know there will be those who say that this is in the jurisdiction of the District of Columbia. Well, Mr. President, the Constitution of the United States in article 1, section 8, clause 17 gives exclusive jurisdiction of legislation in all cases involving the Federal City to the U.S. Congress, to us.

In addition, when we have exercised our authority to delegate in the so-called home rule provisions we have explicitly reserved our right to legislation in those areas where we believe that a national need existed. In the Federal City at this moment, we have literally hundreds of drug homicides that are under investigation or that are under prosecution. I believe that the people of the District of Columbia strongly support the amendment. It is our constitutional obligation to put in place the measures needed to protect the people who work and live in the Federal City. This amendment gives us the authority to do it.

Mr. President, as I said earlier, and I say this prior to yielding the floor, it had not been my intention to offer this provision at this time. I had intended to wait until we dealt with the authorizing bill. But we have moved far afield from the traditional area of appropriation. We have voted today to expand the parameters of germaneness, and I believe that this amendment is germane based on legislation in the House appropriation bill, and, therefore within the parameters that have been established by a vote here today. I have sent this amendment to the desk and I ask for its consideration. I urge my colleagues to provide for the District of Columbia the effective protection that this amendment will provide.

Mr. President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator will please suspend.

The Senate is not in order. Those who have conversations not related to the business before the Senate will please adjourn to the Cloakroom.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I will not go back into a long history in explaining my efforts over the years about serving in the Senate and keeping the appropriations bill clear of the legislation which does nothing but bog down the appropriations process, and does not resolve the issues that usually are attached thereto.

I know that notwithstanding the recent vote—and I certainly agree with the Senator from Texas on how far we reduce the threshold of germaneness by that last vote on abortion. I did not participate in that outcome. But, nevertheless, I still think that there is a threshold at which we can still consider a legitimate role of germaneness.

I am going to make a motion on a matter here relating to rule XVI, challenging this amendment offered by the Senator from Texas. I do raise a point of order that this constitutes legislation on appropriation. I so raise this issue as a matter of under rule

XVI as constituting legislation on appropriation.

Mr. GRAMM. Mr. President, I raise the defense of germaneness. Mr. President?

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I raise the following defense of germaneness. There is legislation on the appropriations bill that was adopted by the House that is now before us that relates to public housing and the drugs in public housing, and which sustains the defense of germaneness under the precedent that we set earlier today.

I argue that the amendment that I have presented is germane to this provision of the House bill in that the House bill contains legislation on an appropriation bill, where there has been no authorization, much less an authorization which is expanded for 2 years. These funds are clearly for purposes of ongoing programs that involve drug abuse, and the penalty which I propose to provide for the District of Columbia to deal with drug-related murders is within the parameters of the Constitution and is germane to this legislation.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. For what purpose does the Senator seek recognition?

Mr. METZENBAUM. An inquiry of the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, the Senator from Ohio is recognized.

Mr. METZENBAUM. I thank the chair.

The Senator from Texas directed our attention to section page 43, and said that there is some reference therein to a matter of drugs. I see the reference to housing. I do not see any reference to drugs. Maybe I am overlooking something.

Would the Senator from Texas be good enough to assist?

Mr. GRAMM. I would be happy to respond to my dear colleague from Ohio. These funds are provided and will be used in part for an ongoing program initiated by the Secretary of HUD to rid public housing of drugs.

The amendment that I have sent to the desk strengthens the penalty for drug murders. I argue that, prior to the vote taken earlier today, my amendment would possibly have been nongermane. But given the new germaneness standards which we have established, I believe that my amendment is germane.

Mr. METZENBAUM. I am asking whether or not there is somewhere in this bill—the Senator said page 43—that there is some reference to drugs. The Senator is telling me something about the housing funds that are to be found on page 43; saying they are used in some manner for drugs. I do not think it says that in the legislation. The Senator may know that. I do not know that. I do not even know it is a fact.

So I guess I would have to ask the Senator how he gets the drug subject into this issue at this point?

Mr. GRAMM. If my colleague will yield, I can answer it in a straightforward way.

First of all, the provision that says the funds will be available until September 30, 1991, is legislation on an appropriations bill. That is some of the House legislative language to which my argument is tied.

Second, the funds that are provided—$72 billion—for the use by HUD in low-income housing projects, will be used in part for working relationships between HUD and local law enforcement, including law enforcement in the District of Columbia related to drug abuse, drug felons in public housing and similar, related initiatives, such as programs to reduce drug generated violence in public housing.

My amendment is related to drug murders in the District of Columbia, and that is the connection. Prior to the vote we cast earlier today, my amendment would have in all probability been nongermane. But I would argue that based on the precedent we have set here today which has stretched germaneness, that my amendment is in fact, germane, given the purpose to which these funds which are provided with an authorization on an appropriations bill, will be put.

Mr. METZENBAUM. Will the Chair yield for a question?

The Senator from Ohio wants to know whether or not the matter that is presently before us, the amendment of the Senator from Texas deal with respect to the issue of germaneness, is a debatable motion?

The PRESIDING OFFICER. The question of germaneness is not debatable. Therefore, this discussion is going on because there was no objection when the Chair asked if there was objection; that is, it is going on by consent.

Mr. METZENBAUM. Mr. President, I——

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I want to say to my colleague from Texas I am totally in disagreement, insofar as attempting to put a capital punishment on this piece of legislation.

I have the floor.

Mr. GRAMM. If he will yield one more time——

Mr. METZENBAUM. No. I want the Senator to respect my right to speak.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. What concerns me is that the Senator from Texas is known as one of the great States' righters in this country, and what he is doing with this amendment is totally violating the concept of States' rights notwithstanding the fact that the District of Columbia is not a State. But notwithstanding that, he is attempting to legislate for this community the laws that should govern its conduct.

I am as aware as the Senator from Texas is of what has happened in the District of Columbia, and I am as concerned and shocked as he is. For us to come out on the floor of the U.S. Senate and take a piece of legislation that does not have one single word that I have found—and the Senator has not directed me to anything—about the subject of drugs, and inject into it this very controversial issue to do with capital punishment, I think is highly inappropriate for one who believes that States ought to have the right to make their own laws, and I assume the District ought to have the right to make its own laws.

I would really hope that the Senator from Texas would not attempt to press this issue, which he himself knows is not germane.

I see the Senator from Kansas on the floor. I know he previously had addressed himself to the whole question of the propriety of abortion, capital punishment and other issues coming before us. I know I did not vote with him on the previous vote, but notwithstanding that, I think the whole issue of capital punishment goes much further afield than does the issue of abortion.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized.

Mr. GRAMM. Let me make it clear that earlier today the Senator from Washington asked that the ruling of the Chair be overturned based on language on page 36, lines 11 through 15, which never mention the word "abortion" and where any relationship to abortion is certainly at least as tenuous and as thin as the relationship which I have proposed here.

It is not this Senator who has spoken on the issue of germaneness and the narrowness of that issue. It is, instead, this great body, which has by majority vote said that such an amendment was germane to the language on page 36, lines 11 through 15.

Finally, Mr. President, in response to my colleague from Ohio, the Constitution gives us clear authority in all legislative cases, the exclusive authority in the Federal City, the District of Columbia. This is not a State. This is a legal entity under the exclusive legislative jurisdiction of the Congress, and if we do not help to stop the murder of our fellow citizens by drug thugs on

the streets of Washington it will not be stopped.

Mr. ADAMS. If the Senator will yield, he did mention my name.

The PRESIDING OFFICER. Does the Senator yield?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold, the Chair recognizes the Senator from Washington.

Mr. ADAMS. I wanted to state to the Senator from Texas that the particular reference to section 353 of the Public Health Service Act is a particular statute which does contain the language that provides a close connection. I also wanted to indicate to the Senator, who is the ranking member of the District of Columbia Committee, if he wishes to bring that matter up when we hold our markup session on that, or before the Government Operations Committee, the Senator would be certain that he will have the opportunity to do so. The connection was just much closer, that is all, if the Senator reads section 353 of the Public Health Services Act.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I know we are probably speaking in circles, because somebody could object. But I indicated earlier to the Senator from Ohio that we should not be here debating abortion or the death penalty. What I hope we can do—and I cannot do it now unless the point of order is withdrawn—is postpone the committee amendment until May 3. That is next Thursday. That would take care of the debate on abortion and the debate on the death penalty, and we can get back to some of the business that we would like to accomplish here; that is, to pass the supplemental, and aid to Panama and to Nicaragua, and we can resolve these issues later.

I make a parliamentary inquiry: Is it now permissible to move to postpone the committee amendment until next Thursday, May 3?

The PRESIDING OFFICER. The Chair would advise the Senate Republican leader that regarding the question raised about the motion to postpone at this point in business, this is a question without precedential ruling. It has never been put before the Senate before.

The Chair further advises the Senate Republican leader that if he does press this motion to postpone, that the Chair would put the question on the Senate for a decision as to whether or not it is appropriate; and appropriateness of the motion would be put to the Senate.

Mr. DOLE. The majority leader just entered the Chamber. I am not trying to surprise anybody. I am trying to find a way to avoid debating the death penalty and abortion and get back to the supplemental. One thought that occurred to me was just to postpone the debate until next Thursday. If we are not on the bill, we will do it some other time. If we are still on the bill, we can go back and debate abortion and the death penalty.

It is my hope that we can make some progress. We have not made much today, because we have been discussing, since about 1 o'clock, abortion and now we are on the death penalty. That would take two or three votes.

I will yield to the distinguished majority leader. This is not a leadership motion. I would not offer a leadership motion. But it is a motion that can be made by any Member, and the motion would be simply to postpone the pending committee amendment until Thursday, May 3. Then we can go on with the amendment of the Senator from Illinois and other amendments that may be offered yet this afternoon and set these aside. If we finish the bill, we will never hear from them again on this particular issue.

The PRESIDING OFFICER. The chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I was not aware of this prior to my just entering the Senate Chamber a moment ago, and I would like to have the opportunity to discuss it with the distinguished Republican leader.

Mr. DIXON. If the distinguished majority leader will yield, may I make a further comment while we are on Murphy's rules. Let me just make an observation, Mr. President. I hope some of my colleagues will consider somewhat cogent, in support of what the majority leader has said.

I have been here all day while we debated abortion. I wanted to offer an amendment to the bill involving an issue relative to the bill and an issue in the bill concerning money in this bill, and because the committee amendment is pending, I am out of order so that we can now return from the debate on abortion to the death penalty in the District of Columbia.

This Senator would like to talk about the bill. I would like to know whether we cannot get some semblance of procedural good sense around here, rather than anarchy, so that we can deal with the subject matter of this piece of legislation. To the extent that the distinguished leaders might accomplish that purpose, I believe it would serve a useful end result.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader has suggested the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oregon [Mr. HATFIELD] is recognized.

Mr. HATFIELD. Mr. President, I make an inquiry as to the parliamentary situation we have at the moment.

The PRESIDING OFFICER. There is a point of order that has been raised as to the amendment of the Senator from Texas on grounds that it is legislation on an appropriations bill. The Senator from Texas has asserted a defense of germaneness.

Mr. HATFIELD. What is the question now pending before the body?

The PRESIDING OFFICER. The defense of germaneness is the question before the Chair. The Chair will examine the proffered language of the amendment to come to a ruling on this question and the Chair is now in the process of reviewing it.

Mr. HATFIELD. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I would like to ask unanimous consent to withdraw my point of order that I made, and to be back to square one where the Senator from Texas has merely proposed his amendment in the second degree.

The PRESIDING OFFICER. Without objection, the point of order is withdrawn.

Mr. HATFIELD. Mr. President, what is the parliamentary situation? Is the amendment in the second degree now pending?

The PRESIDING OFFICER. The Senator is correct. The amendment in the second degree of the Senator from Texas is now pending.

Mr. HATFIELD. Mr. President, I have taken these steps in consultation with the author of the amendment. I would like now at this point to move to table the Senator's amendment in the second degree to the second committee amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to lay on the table the amendment of the Senator from Texas.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Michigan [Mr. RIEGLE], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. GARN], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Arizona [Mr. MCCAIN], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER (Mr. GORE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 27, nays 60, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—27

Adams	Glenn	Levin
Burdick	Harkin	Metzenbaum
Chafee	Hatfield	Mikulski
Cohen	Jeffords	Mitchell
Conrad	Kennedy	Moynihan
Cranston	Kerry	Packwood
Danforth	Kohl	Pell
Durenberger	Lautenberg	Sarbanes
Fowler	Leahy	Simon

NAYS—60

Baucus	Exon	McConnell
Bentsen	Ford	Murkowski
Biden	Gore	Nickles
Bond	Gorton	Nunn
Boren	Graham	Pressler
Boschwitz	Gramm	Pryor
Bradley	Grassley	Reid
Breaux	Hatch	Robb
Bryan	Heflin	Rockefeller
Bumpers	Heinz	Roth
Burns	Hollings	Sasser
Byrd	Humphrey	Shelby
Coats	Johnston	Simpson
Cochran	Kasten	Specter
D'Amato	Kerrey	Symms
Daschle	Lieberman	Thurmond
DeConcini	Lott	Wallop
Dixon	Lugar	Warner
Dodd	Mack	Wilson
Dole	McClure	Wirth

NOT VOTING—12

Armstrong	Helms	Riegle
Bingaman	Inouye	Rudman
Domenici	Kassebaum	Sanford
Garn	McCain	Stevens

So the motion to lay on the table amendment No. 1550 was rejected.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, are we now on the question of the death penalty proposal made by the Senator from Texas?

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. Mr. President, now that we are on the substantive issue, I want to say this is a very important notebook that I want to acquaint all of my colleagues with. It is put out by the National Coalition To Abolish the Death Penalty, and it deals with substantive issues like arbitrariness, cost of execution, crime rate statistics, death qualification, deterrence, extraditions, general death penalty, innocence in death row, juveniles, and many other chapters.

I will read quickly, but I do want the Senate to be fully aware that we are dealing with a very serious issue here, and I am going to make every effort to make certain the Senate does not adopt this amendment in the second degree.

Mr. DIXON. Mr. President, will the Senator from Oregon yield for a question without yielding his right to the floor?

Mr. HATFIELD. I am happy to yield.

Mr. DIXON. This Senator and others had obligations tonight of some importance, but we are prepared to stay to do what is necessary. Is my friend from Oregon telling me that if I stay tonight, I am going to have the distinct pleasure of hearing the Senator from Oregon enlighten us about every line, every comma, every period in that particular looseleaf binder he has just referenced in his earlier remarks?

Mr. HATFIELD. Mr. President, does the Senator suggest I should put this to a vote as to whether I should read this?

Mr. DIXON. Mr. President, I request my colleague only answer this Senator's question.

Mr. HATFIELD. I am very happy to respond. I merely want to say I am prepared to debate this issue on its merits and at length. I am not in any way trying to hold up the Senate. I am willing to set this amendment aside, or the committee amendment aside, or the death penalty issue aside for other business of the Senate. But, until whatever the leadership wishes to do is announced, I shall proceed to read.

Mr. President, chapter I. And I will yield to the leadership at any moment the leadership wishes me to yield.

Mr. DOLE. How about Monday?

Mr. HATFIELD. "The arbitrariness."

Mr. MITCHELL. Will the Senator yield?

Mr. HATFIELD. Without losing my right to the floor.

Mr. MITCHELL. We hope to be in a position to interject in just a few moments. In the meantime, I know we all look forward to hearing the Senator's dissertation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, in this whole matter of the death penalty, the argument is being used that it is a deterrent, and that is the main argument we constantly hear from the Judiciary Committee and all these other enthusiasts for the death penalty; that it is a deterrent. We impose the death penalty and that discourages crime.

We have some very interesting statistics from the FBI. I think most people accept the FBI as a legitimate and authentic source to quote.

Mr. LAUTENBERG. May we have order in the Senate? I want to hear the Senator's discussion.

The PRESIDING OFFICER. The Senate will come to order. Those Members in the aisles will please take seats. Members conversing will please cease audible conversation or go to the cloakrooms.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, the FBI has made an analysis of 50 States in the Union on the ratio of murders per 100,000, distinguishing between those States with the death penalty and those States without the death penalty. The average murder rate in the 37 States with the death penalty, 1986, was 7.46; 7.46 per 100,000. In the 13 States without the death penalty, the murder rate was 4.81 per 100,000, almost half as much as those States with the death penalty.

In 1987, the average murder rate in the 37 States with the death penalty was 6.94 percent while the States' average murder rate in the 13 States without the death penalty was 5.1 percent.

The most recent study on the relationship between the death penalty and homicide rates conducted for the United Nations Committee on Crime Prevention and Control in 1988 concluded that this research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming, and the evidence as a whole still gives no positive support to the so-called hypothesis of deterrence.

If the death penalty is truly a legitimate deterrent, which I think I have already disproven by the FBI statistics, then, as I indicated in a previous debate, we ought to maximize the deterrence by televising the executions. at prime time. That is how we then should act if we give any credibility or legitimacy to the theory of deterrence.

Mr. SYMMS. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, if we still want to cling to the idea that there is any legitimacy or any evidence at all to support the argument of deterrence, then I think it is incumbent on us to maximize that factor to lower or to restrain the murder rate. I can think of nothing more effective, as far as broadcasting this kind of action, than televising it.

When I raised this question before in an argument or debate of the death penalty, people were in horror of the idea of televising of this macabre, this ghoulish action employed by States, of

executing people. They did not want to see the smoke coming out of their ears and their eyes. They did not want to see those horrible descriptions of those who have witnessed executions coming into the lives, into the living rooms of the American people.

We want to hide the idea. We may say we are for the death penalty, but we do not want to see it. We do not want to be there. We do not want to be cognizant of the cruelty, the barbarity, the brutality, the dehumanizing of the sanctity of human life.

I am always concerned about how selective we are about the sanctity of life; are we not? It is interesting how we have been through these debates on abortion and we get so excited about the importance of life. Then we get into capital punishment and then we challenge it with, either from my point of view, sanctity; or its irrelevance.

I am not suggesting there is any virtue around this place in being consistent, but that is one of the reasons why I do oppose abortion, except for saving the life of the mother. That is why I do oppose the death penalty. That is why I do oppose war and all instrumentation of war. But I am not making that argument here on this issue at this time.

I think we ought to be honest with ourselves as to whether or not deterrence is enough of a reason, when the statistics contrariwise prove so vividly that deterrence is not actually evident between those States with capital punishment and those States without capital punishment.

Mr. President, we have faced this subject, of course, many times, and we probably will face it again. But it saddens me that we have to stop in the middle of an appropriations bill to argue a nonappropriations matter. But we have done it on a lot of other issues that are not really relevant to the appropriation matters. Two years ago it was the death penalty for drug related homicides; last fall the death penalty for terrorists acts; and now the death penalty for the District of Columbia.

It is always some variation to the theme that brings this matter to the floor. Support for the death penalty is the culmination of a primal urge for revenge and a search for simplistic solutions to gut-wrenching national problems. We are never going to eliminate the drug problem by merely saying let us execute all drug dealers, or even if we said all drug users. We have to address the root causes of these problems.

Nowhere is this trend more evident than in the bizarre and macabre gubernatorial campaigns in Texas, Florida, and California. I am here today to say, as I have said before, that the death penalty will not solve this Nation's violent crime epidemic. We are not really being honest with ourselves or with the public when we imply, or infer, or even explicitly state that the death penalty will do so. Violent crime is merely a symptom of our society's ills. Imposition of the death penalty only perpetuates the circle of violence and drags our society into a downward spiral of hate, revenge and vindictiveness.

No one deplores the acts of violent criminals more than I do. My opposition to the death penalty obviously does not mean that I grieve for the victims and their families and friends any less than the death penalty supporters.

But, is the death penalty the appropriate channel for our grief, for our anger? Clearly not. Government-sanctioned killing will not wipe the pain away any more than it will stop the violent crime.

Let us look at the facts. Throughout my tenure in this body, I have heard numerous arguments in favor of the death penalty, and I have heard them over and over and over again.

Very few of those arguments, however, have been supported by sound empirical evidence. Most of them are grounded in emotionalism. Instead of concrete descriptions of how capital punishment benefits our society, I hear some of my colleagues appeal almost exclusively to emotion, describing gruesome murders and horrendous acts of violence as a justification for the death penalty. Such arguments accomplish little, except to raise an emotional smoke screen by preventing us from seeing the real issues and making intelligent decisions.

Legislation to reestablish a Federal death penalty has been pending since the 93d Congress, and the difference between our debate now and then is that today we have a large body of data from which to draw our conclusions, and that data all denies any relevance of the death penalty to the commitment of crimes, vis-a-vis the statistics I have just recited. We cannot continue to use outdated data, preassumptions or presuppositions for emotional appeals to justify the death penalty. The old speeches must be left in the files, and we must evaluate the facts as they are known today.

It has been said if you hold unsound presuppositions, facts will make no difference at all and you will be able to create a world of your own, totally incapable of being touched by reality, for rhetoric becomes reality.

Many believe that a murderer forfeits his right to life. But what benefit to society does the death penalty carry with it? Even if some feel that these criminals deserve death, it is still ludicrous to implement this form of punishment if it does nothing to address the root causes of violent crime.

Mr. President, I do not speak here from theory and from philosphy. I speak also from very, very intimate practical experience. In 1958, I was the Republican candidate for Governor of my State and the Democratic incumbent Governor and I cochaired a repeal of the death penalty effort that we were making in that same election year. But we failed in getting the people or Oregon to repeal the death penalty. When I was elected Governor in November 1958, I inherited, I believe, eight people on death row. I want to say to all my colleagues, and I know others who are former Governors have probably faced the same experience, that I do not attempt to portray this experience as an exclusive experience, but I know many others who have been former Governors probably had a similar experience.

I feel very strongly about this issue as a nonlawyer and as one who understands the law both from philosophy and from a political science point of view. I had said in my campaign that unless the people of Oregon return the State to sanity and abolish the death penalty that I would be forced to uphold that law when I took my oath of office, even though I personally disagreed with it, for I do not believe that a public official should impose his personal whims when he has the responsibility to uphold, to implement the law without some empirical reason and data.

I said if there is new evidence, if there is any other reason to believe a mistrial had occurred, I would execute very quickly my commutation authority on those sitting on death row.

The first case came to my desk not very long after I was inaugurated. And there was absolutely no evidence of a mistrial, no additional evidence, no new evidence. There was not one excuse that my attorney could find for me to set aside the death penalty in this particular case.

I relate this because I am not sure I would do the same today as I did at that time. But, nevertheless, at that time, I let the law take its course, and the man was executed in the gas chamber.

Let me tell my colleagues part of the surroundings that happened there. We do not have a Governor's residence in our State. We had our own mortgaged house. But they insisted on stringing a special telephone into my home, for the execution was to take place at midnight and that telephone linked up to the warden of the penitentiary in the surrounding area of the death chamber. So that at the last moment I could call the warden, and say I have changed my mind, stopping the execution.

About quarter 'till midnight, the last written letter of the prisoner was delivered to me by hand at my home. I had to read that letter, that last appeal, and that, believe me, when the full course of one's life is in your lap,

upon your decisionmaking alone, is a very lonely road. I wrestled and I went through every emotion known to humanity, I am sure, to try to decide what was the proper thing, As I say, I let the execution take place.

Many times I feel like and I have asked the Lord's forgiveness because I have felt very strongly that I should have done otherwise, but I cannot undo history. At the time, I felt it was the wise and the right action to take, no matter how difficult.

Fortunately, in one sense of the word, not for the victim, not for the prisoner who was executed, but for the other seven on death row—and a woman was next in line for my consideration—I made certain that this execution was fully and completely reported. I wanted as much graphic detail in the public press as possible. And I am happy to say, in the next opportunity at the ballot box, the people of Oregon were so repulsed by this action, they repealed the death penalty, and I immediately commuted all the sentences of those on death row.

I do not relate this for dramatics or for emphasis except to say that I do come to this issue out of experience in war where, in amphibious landing craft, in two of the bloodiest operations in the Pacific, where we took in the troops and brought out the dead, that I have seen how life has been wasted in war, how life is wasted by official sanction, how life is wasted in the abortion clinics of this country. Therefore, I speak today purely from the basis, in that sense, so my colleagues know where I am coming from, of either biases or prejudices based upon my own experiences and my own involvement.

Nevertheless, that is only one consideration, not for my colleagues to take but for me to take. But for my colleagues to consider and for me to consider is the empirical data. Does the death penalty serve a purpose? I submit to my colleagues, it does not. It does not. I think some of the practices today in our prisons and in our States and in our Nation, in jurisprudence and in criminal prosecution and implementation, too often translates into the fact that life imprisonment does not mean life imprisonment. I know that there are people who support the death penalty because they say a murderer is subject to parole within 5, 7, 10 years and he has really not served life in prison.

Senator LEVIN of Michigan, and I, who have been battling this together, in tandem, have submitted amendments mandating life imprisonment without the possibility of release as a substitute; mandatory life imprisonment, not subject to parole.

I have my reservations about that because I think sometimes you cut off all hope of any kind of regenerating of the spirit and mind, repentance and rehabilitation. With all of those factors, you sometimes destroy even the possibility of a rehabilitated person. But nevertheless, choosing amongst what we might call the lesser of two evils, I really feel we would adopt the mandatory sentence as against the death penalty and at least be a step up on the ladder of humanitarianism and civilization rather than this barbaric practice in which we engage now.

Deterrence, as I say, is so often used, as a rationale. In other studies from 1940 to 1986, which precede the data that I just reported a short time ago, sociologists William Bailey and Ruth Peterson examined homicide records to determine whether murder frequencies declined in response to the frequency of capital punishment. This study again indicated they looked for the short-term deterrence during the month in which the execution was carried out and the longer-term deterrence during the subsequent months, and they found that in neither case, neither in the short term nor in the long term, did these acts of execution have any impact as it related to the rates of crime before and after the events.

Bailey and Peterson took their analysis a step further, reasoning that the deterrent effect of executions might vary according to the amount of publicity that those executions received. But again they came up emptyhanded. They found no evidence that supported the conclusion that highly or moderately publicized executions deterred homicides.

Their study also examined homicide rates in States with and without the death penalty, as did the death penalty, as did the FBI studies, and the conclusion was residents of jurisdictions with capital punishment ran at that time, pre-1986, a slightly but significantly greater risk of being killed. And the FBI Uniform Crime Report supports the same conclusion as I indicated.

Not only is the death penalty not a deterrent but is enormously expensive to implement. We are always talking about the cost of life imprisonment as a substitute for the death penalty. Let us not assume that the death penalty in its application is inexpensive. Because of the necessary constitutional protections required in death penalty cases, such litigation is long and complex. Statistics show that it costs the taxpayers anywhere from two to six times as much to execute a person than it does to incarcerate him for life.

Let me repeat this because this always comes as a surprise. Statistics will show that the cost to the taxpayers is anywhere from two to six times as much or more to execute a person than it is to incarcerate that same person for life.

While the average cost of incarcerating a prisoner for 40 years is between $500,000 and $800,000, capital cases in Texas in 1988, cost $2 million each—$2 million each—an act that ended it all, as against life imprisonment being $400,000 to $800,000. Florida also has a study that taxpayers shelled out $57.2 million in 1988, to execute 18 people. That is even higher, amounting to well over $3 million per execution. It is estimated that Californians would save themselves $90 million per year by abolishing the death penalty.

Now, these are some of the cost accounting records relating to capital punishment.

We spend a lot of time on this floor talking about the importance of cost effectiveness, cost-benefit ratios, all those other measurements of money, project, and program. If our goal is to maximize the benefits we get from our crime fighting dollars, and I believe it is, we will not institute capital punishment. It is not cost effective. The death penalty is clearly not cost effective.

Think of what we could accomplish if we reordered our budget priorities in a way that empowers the poor, the hungry, the uneducated, the dispossessed, the minorities rather than wasting millions to execute people in a misguided effort to be tough on crime, while not spending the money to train people to hold meaningful jobs and reduce the odds of their becoming involved in crime, to give our police the infrastructure to fight crime, to treat drug addicts, to help the peasants in South America grow alternative crops to the crops that they grow now that feed the drug market, or to give more children a chance with Head Start. That is deterrence, Mr. President. That is deterrence, not executions, not capital punishment. This is the true deterrence.

Such efforts, however, take time and commitment, take vision. They require a long-term effort to address the causes, not the symptoms, and such efforts do not allow us to stand up to vote for the death penalty and beat our chests and pontificate about how tough we are on crime. Such efforts do not allow us to walk away and claim we have solved the problem of violent crime.

Mr. President, I have the feeling, and I believe others share this observation, that we go in cycles about this subject and this is one of those cycles where political benefit comes to those who are for capital punishment.

I will not get into the penalties or into other areas, but I find that there are election campaigns going on in parts of the country where capital punishment is the real hot button issue. Candidates are out vying one with the other, who is going to be tougher on capital punishment, who is going to be more brutal on capital punishment, who is going to be more

extensive on capital punishment than the other candidate. Sometimes these candidates have just found this issue and have gone 180 degrees from what they previously held as a viewpoint on the issue. Wet the finger, put it in the air, and find out which way the wind is blowing.

I have read a lot of articles about those experts on the sideline and the columnists say about how the abortion issue has caused a lot of people to sort of rethink this issue as they are up for reelection and how many have waffled, and many have reversed their positions because the wet finger goes up in the air.

Well, I would like to see some analysis given to this issue of how many wet fingers are going up in the air today on the capital punishment question and where the political courage is of reversing their convictions and reversing their positions because of the wet finger in the air.

That is part of our political culture. I am not really being cynical, but merely raising this as a fact that is happening in our political life today. I think it would be very interesting to give some attention to how this is, rather, an issue that has now moved into the turmoil of politics and political campaigning.

We live in an imperfect world and human beings are fallable and I am one of them.

Our judgments are imperfect, and I am one of those who has had judgments that were imperfect. But there is one thing that is very, very specific. It does not vary one bit. And that is that death is final. We can make all the mistakes in the world, in spite of our jurisprudence, our trial procedures, all the other things. We have all read the cases of the person who is serving a term in prison. When the true culprit makes himself or herself known, 20 years, later they apologize and please the person. But had that been an execution, there is no one to apologize to or to restore their rights and their liberties.

One of these days, if this discussion continues on longer than I think it will or that I hope it will, I think we ought to address some of those facts about how many wrong executions have occurred. There are such facts—wrong executions but no way to correct them.

With all of our other imperfections, we have a chance to correct them along the way but not when death occurs in the gas chamber or on the gallows or in the electric chair or before the firing squad. That is final.

There is no way to correct human error, fallibility, human fallibility, and human imperfections. There is no margin of error, and no room for miscalculation. Death is final. I believe not only is it immoral for us to decide who lives and who dies, but because of our imperfections we are often incapable of making such decisions without making mistakes.

In this century alone, according to one study that I will just touch on, published in 1987, more than 350 people in the United States had been erroneously convicted of crimes potentially punishable by death—116 of those 350 people were sentenced to death, and 23 of them were actually executed. There was no margin for error for those 23. Some retribution, or some restitution, and other actions were able to be taken with the others, but not the 23. At least the 23 innocent lives were taken to satisfy the lust for revenge—23 innocent lives.

Being responsible for the taking of innocent human life is a terrible burden to bear, and no person should be put in the position where that possibility exists.

Mr. President, neither have our judgments improved over time. Indeed, our justice system shows sign of becoming less reliable in its meeting out of the death penalty. In the 2-year period, from 1987 to 1989 alone, those 2 years, at least 12 people who received the death sentences have been determined by the courts to be innocent. In a 2-year period, recent 2 years, 1987 to 1989, the people going through the whole judicial process, sentenced to death, and fortunately, enough time elapsed for the courts to reverse the action and prevent 23 innocent people from being executed.

Mr. President, I continue to be amazed and appalled by our fascination with the death penalty, particularly since a vast majority of the free world has rejected such a barbaric form of punishment. Among the Western democracies, the United States stands virtually alone in this regard. I often think about the great labels that we apply to ourselves, referring to the great Western civilization as if it were a superior civilization or of the great Western Judeo-Christian civilization as if we were somehow morally set apart by having served institutions that follow the Judeo-Christian religion.

Look at our actions. And I must confess to you that some of the meanest, nastiest letters I get condemning me for my views on capital punishment come from brothers in religion who spent the first part of the letter quoting Bible Scriptures and the second part of the letter telling me how vile a person I am for not supporting the death penalty, to remove from this Earth all of those who have vented God's law.

It is amazing how we can mix religion with political positions. I admit I have a religious conviction. I am not the actual ultimate judge. But I read the Scriptures, there was an order that came in the New Testament that substituted love for the law; forgiveness is the key to the Christian faith, forgiveness and redemption—forgiveness.

I therefore usually respond to some of these letters with a discussion that ends in no one being persuaded to the other person's point of view. But I do say that I do not like to lower and employ the name of God to support any political position that I take because I do not want God to have to be blamed for some of my political positions.

I think when you look through at the fact of these Western democracies, these Western Judeo-Christian civilizations and so forth, we had better look at capital punishment which has been abolished throughout Western Europe and in our own hemisphere. It has been eliminated in all but a few countries in the West. In fact, throughout the world, the trend since World War II has been toward elimination.

What do you think is going to happen in these new democracies in Eastern Europe? One of the first political actions they will take is to abolish capital punishment to show they have come out from the dictatorship's autocratic rules, godless, atheistic communism that rules their lives with all the execution squads at their beck and call. They will assure the world that their liberty has been assured and they will have taken these actions to abolish the capital punishment as some have done.

I yield to the majority leader.

Mr. MITCHELL. I want to thank my friend and colleague for his courtesy in yielding.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I have discussed this matter with the distinguished Republican leader, the chairman of the Appropriations Committee, and the ranking member, and with a number of other Senators.

We have worked out a schedule under which eight amendments would be considered on Monday. I am about to propound to the Senate an unanimous-consent agreement which, if obtained, would enable us to recess for the day and permit Senators, to the extent possible, to meet their obligations.

I apologize to all Senators who have been inconvenienced. But as you know, it is now a very difficult process to get this bill through. We hope we are going to be able to early next week.

I will propound the request now, and then will comment on the Monday schedule following that.

Mr. President, I ask unanimous consent that the pending committee amendment and the other committee amendments be laid aside. When the

Senate resumes consideration of H.R. 4404 on Monday, at noon, I ask that Senator DANFORTH be recognized to offer an amendment on court taxation, and that following the disposition of that amendment, the following Senators be recognized to offer the following amendments in the order listed.

Senator WIRTH, an amendment regarding savings and loans; Senator CONRAD, an amendment regarding drought disaster assistance; Senator DIXON, an amendment regarding the Air Force; Senator KOHL, an amendment regarding dropouts; Senator WILSON offering a possible second-degree amendment to Senator KOHL's amendment; Senator PRYOR, an amendment regarding wetlands, with Senator CHAFEE to offer a possible second-degree amendment to the Pryor amendment; then Senators SIMPSON and BAUCUS for an amendment regarding Yellowstone; and, then Senator WIRTH for an amendment regarding the U.N. environment program.

I further ask unanimous consent that no call for regular order serve to bring back either committee amendment until these amendments have been disposed of.

The PRESIDING OFFICER (Mr. PRYOR). Is there objection?

Mr. METZENBAUM. Reserving the right to object, I do not intend to object. Would the leader be good enough to advise as to whether it is his intention to bring each of those matters to a vote during the course of the day or to stack them for a vote at a later point in the day?

Mr. MITCHELL. That is what I am about to address following gaining the consent. It is my intention to stack them at the end of the day.

Mr. METZENBAUM. Would the leader be good enough to advise as to whether or not he has had an opportunity to discuss with the chairman of the Judiciary Committee the Danforth amendment which has to do with matters relative to the constitutional issue of court jurisdiction? I know Senator BIDEN has some interest, and the Senator from Ohio has an interest.

Mr. MITCHELL. I am advised by the majority floor staff that Senator BIDEN's staff has been notified that the amendment would be brought up at noon, and they have indicated that he would be present at that time. I have not personally discussed it with him.

Mr. METZENBAUM. I appreciate the majority leader's advice. Is the majority leader in a position to advise as to whether the Danforth amendment is a sense-of-the-Senate resolution?

Mr. MITCHELL. Yes, I am advised that it is a sense-of-the-Senate resolution.

Mr. METZENBAUM. I appreciate the inquiry.

Mr. WIRTH. Reserving the right to object, and I shall not object, because the first Wirth amendment, S&L amendment, should be listed as the Wirth-Riegle amendment, and the United Nations amendment should be listed as the Wirth-Pell-Gore amendment. I ask unanimous consent that the unanimous-consent request be altered accordingly.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Mr. President, I renew my request, as modified at the request of the Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement follows:

Ordered, That on Monday, April 30, 1990, at 12 noon, when the Senate resumes consideration of H.R. 4404, the dire emergency supplemental appropriations bill, the pending committee amendment, and the other committee amendment, be laid aside and the Senator from Missouri (Mr. DANFORTH) be recognized to offer his amendment on court taxation.

Ordered further, That following the disposition of the Danforth amendment, the following Senators be recognized to offer the following amendments: Wirth-Riegle, savings and loans; Conrad, drought disaster relief; Dixon, Air Force, Kohl, dropouts; Pryor, wetlands; Chafee, possible 2nd degree to Pryor wetlands amendment; Simpson-Baucus, Yellowstone; and Wirth-Pell-Gore, U.N. environmental program.

Ordered further, That no call for the regular order bring back the committee amendments until the listed amendments have been disposed of.

Mr. MITCHELL. Mr. President, let me be a little more precise about the intended schedule for Monday so Senators may be aware. Although this agreement does not include time limitations, these amendments have been discussed in, I believe, every case, or almost every case, with the Senators directly, and we expect that the amendments will be considered at approximately the following times:

The Danforth amendment at noon, for approximately 1 hour.

The Wirth-Riegle S&L amendment at 1 p.m., for approximately 1 hour.

The Conrad amendment at 2 p.m., for approximately 1 hour.

The Dixon amendment at 3 p.m., for approximately 2 hours.

The Kohl dropout amendment at 5 p.m. I do not have an approximate time on that.

The Pryor wetlands amendment thereafter, and I do not have a precise time on that.

The Simpson-Baucus Yellowstone amendment thereafter. I do not have a time on that.

The Wirth-Gore U.N. environment amendment. I have no time on that.

We have been assured by these Senators that they will be present. This, obviously, will not work if Senators do not show up to offer their amendments. On both sides I commend the staff for the diligent effort in this regard. They have obtained these assurances directly from the Senators and their staffs.

It is my intention that the votes on these amendments that may be ordered on Monday not occur prior to 7 p.m.; that if the times follow approximately as anticipated—and obviously it will not occur precisely as we anticipate—that by about 7 we should be ready to vote on all of these amendments.

Therefore, Senators should be aware that on Monday evening, beginning at 7 p.m., there could be as many as 10 votes, since there are eight amendments with two possible second-degree amendments to them. So Senators should be aware of that and make their plans accordingly.

We have to make progress on this bill, and this enables us to discontinue our activities today and to make substantial progress at that time. And then we still, of course, have the problem of the two major controversial issues that remain before us, but we will have gone a long way to dealing with many pending amendments.

Mr. DOLE. Mr. President, let me underscore what the majority leader said. Senators have given us their personal commitments that they will be here and be prepared at the approximate times indicated by the majority leader. This was worked out to accommodate Senators on both sides, for Senators, who could not be here on Monday for votes until later in the day or to offer amendments until later in the day.

I know that my colleagues will support the leadership in the effort that we have made to accommodate everyone. I thank the majority leader. This may be a test case, and this may set a pattern for later agreements by the leadership. So people know now that they are responsible to show up, and they can avoid a lot of difficulty for other Members. If there is any time in between and the distinguished managers had amendments they could take, that could be slipped in.

Mr. BYRD. Mr. President, how about including that if the offeror of the amendment is not there, one of the managers can offer the amendment in his place, barring some sickness or other legitimate excuse.

Mr. MITCHELL. Mr. President, if I might comment. I believe these are contested amendments, and while I think every one of the Senators would like to have the distinguished chairman of the committee arguing his case on his behalf, each probably wishes to at least address the subject himself to some degree.

As the distinguished Republican leader indicated, I hope this sets a pat-

tern for the way we can do business that accommodates as many people as possible. As we have seen today and in the past, that can often be very difficult. So if the distinguished chairman would not mind, I would prefer to go forward on this basis, at least for this first time, and maybe include that at some later opportunity.

Mr. BYRD. May I inquire as to whether any of these are second-degree amendments?

Mr. MITCHELL. The amendments to be offered that I have identified are not, but they are subject to second-degree amendments. I have just been advised that my previous statement of a possible second-degree to the Kohl amendment will not occur. We were advised that was a possibility. Evidently, it will not now occur. I believe that Senator CHAFEE retains the right to have a possible second-degree to the Pryor amendment.

If I might add, that is possible to any of these amendments. We have not attempted to preclude them. I have merely identified those where we had been advised of possible second-degree amendments. No implication should exist that a Senator is precluded from offering a second-degree amendment to any of the others where there was no such implication.

Mr. BYRD. If I might have the Republican leader's attention, too, suppose a tabling motion is offered to one of these amendments and the Senate is going to have to wait until 7 o'clock to determine whether or not that tabling motion is agreed to, that means that if the tabling motion fails, the second-degree amendment could be offered at that time. If the tabling motion cannot be voted on until 7, what do we do, go on to the next amendment?

Mr. MITCHELL. That is correct. That is obviously one of the potential defects. What would be my intention, then, if it failed, we would then follow to completion the rollcall votes scheduled and return to the subject matter of the pending amendment.

Mr. BYRD. Mr. President, I have no objection. I sympathize with the efforts and appreciate the efforts of both leaders to try and expedite this matter. They are doing the very best they can.

Mr. DOLE. If the majority leader would yield briefly, I say also to the chairman and the ranking Republican, the manager of the bill, I will take it upon myself on this side to try to make certain that our people show up. They have made a commitment to us, and we will try to see that they deliver on that.

There are no more votes, are there?

Mr. MITCHELL. There will not be any more votes.

I am advised in response to the question of the Senator from Ohio that regarding the Danforth sense-of-the-Senate amendment, that Senator SIMON has been advised and will be present, as well, along with Senator BIDEN.

So that should be adequately covered.

Mr. HATFIELD. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. HATFIELD. If I understand the Senator's first part of his motion, he moved to set aside both the remaining unresolved committee amendments, so any amendment becomes to the bill freestanding as a separate amendment?

Mr. MITCHELL. Yes, and subject to amendment.

Mr. President, I thank my colleagues for cooperation. As the distinguished Republican leader indicated, we all hope this works out. It may help us in dealing with such matters in the future.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SELLING OF AMERICA: JAPAN AND THE SUPER 301 PROCESS

Mr. BYRD. Mr. President, by April 30, the U.S. Trade Representative is required to identify and report to Congress U.S. trade liberalization priorities, including the priority practices which, when eliminated, have the most significant potential to increase U.S. exports. The U.S. Trade Representative is also required to identify the priority foreign countries whose trade practices are at issue.

What does this mean in plain English? It means that by the end of this month, Ambassador Carla Hills, the U.S. Trade Representative, must tell the Congress which countries engage in unfair trade practices. She must tell the Congress which unfair trade practices hurt America the most, and she must tell the Congress which trade practices, if eliminated, would do the most to enhance our ability to sell our goods overseas.

Mr. President, today Ambassador Hills announced that only India engages in trade practices that hurt America. I am utterly dismayed—and that is an understatement, utterly dismayed—given the persistence of our enormous trade deficit, that only one country, and that being India, engages in trade practices that impede American exports. And that one country engages in only two practices that impede our export sales.

I am astonished. No, Mr. President, I am thunderstruck; I am thunderstruck that the administration has determined that only one country and only two trade practices are set as priorities for liberalization. Only one country; only two practices. I guess that means that if we solve those two problems, the portion of our trade deficit attributable to unfair trade practices will be eliminated.

If you will excuse me, Mr. President, that boggles the imagination. What happens to Japan? What happens to Japan?

I understand in reading the polls that the American students are not very good on geography, and we are not teaching geography much in our schools any more. But I believe that any geographical map will still show that Japan is still on the map, and if there is a map that has to do with unfair trade practices, Japan will be very prominent on that map.

What happened to Japan? How did it slip off the map?

I am aware that in recent weeks, after long negotiations, the administration reached agreement on revision of Japan's exclusionary procurement policies on supercomputers and satellites; reached an agreement. And that is not the first agreement that we have reached with Japan. After intensive talks, we have reached an agreement on a variety of structural impediments in Japan's society that we believe impede our ability to sell American products in Japan.

These developments, whether or not in the light of history one can depend on them as far as the future is concerned, at least they were positive in nature.

I am glad that Japan has agreed—and it remains to be seen how much that means—I am glad that Japan has agreed to allow U.S. companies to bid on Japanese contracts for supercomputers and satellites; I am heartened by the agreement on structure impediments.

Again, I say, I salute the Japanese. They have it all over us when it comes to being tough negotiators, and they are very shrewd business people, and I can only admire them for that.

I wish I could say the same for our own, through Democratic and Republican administrations.

I am dismayed that the administration, though, has concluded that Japan should not be cited this year as a priority country for trade liberalization.

Mr. President, Japan will not allow 1 pound of American rice sold in Japan, I am advised. The Presiding Officer at this moment comes from the State of Arkansas, and it is rice-growing country down there in that neck of the woods. Nor will Japan allow us to even display American rice, I am told.

West Virginia is not a rice-growing State, but as I said, our hackles get up. We do not follow the rivers or mountains or latitudinal lines or longitudinal lines, or whatever, to establish where our patriotism ends and begins. Wherever it hurts America, it hurts West Virginians.

As Webster said—and I will repeat it again, I think it is twice in the same day; but it is good to recall Webster—when he spoke at the laying of the cornerstone at the Bunker Hill Monument—I will have to check my mental computer a little bit to see whether it was 1823 or 1825, but anyhow this is what he said:

Let our object be our country, our whole country, and nothing but our country.

So if it is Arkansas, that is our country; if it is Mississippi, that is our country; if it is the rice-growing areas of this country, that is my country. If it is the coal-producing area of this country, I will establish my flag standard there. But it is still our country, America.

Now to be told that Japan will not even allow us to display American rice, will not allow 1 pound of American rice to be sold in Japan—those notes that have been handed to me, and I thought that was very worthwhile to interrupt this excellently prepared speech to take cognizance of those notes.

As the coauthor, along with the distinguished Senator from Missouri [Mr. DANFORTH] of the Super 301 provision of the Trade and Competitiveness Act of 1988, I believe the administration has failed to read this legislation closely. It has failed to understand that results are what counts.

Results are what counts, not just agreements. Agreements are worthwhile. We need to have agreements. But what are the results? Not just good intentions; results.

So, all of the cheering as we march down the field and we cross the 10-yard line and the 20-yard line and the 30 and then the 50 and on, all of these cheers from the grandstand do not mean anything. You have to put that score on the scoreboard. That is what counts.

So, all of the agreements are fine. All of the good intentions are fine. But results are what counts.

I believe we cannot afford to let Japan off the hook quite so easily. In not naming Japan, the administration has signaled that agreements and good intentions are sufficient. That is enough. Just state your good intentions, and we will just be satisfied. In not naming Japan, the administration has signaled that agreements and good intentions are sufficient. It is unfortunate, but accurate, I believe, to say that in the case of Japan, results have not often followed the direction outlined in trade agreements.

The semiconductor agreement is just one example of this tendency. The purpose of the Super 301 provision is to provide a process whereby U.S. trade liberalization targets are established, by practices and by country, with concrete measures of whether those targets are met. In the case of Japan, there has been no meaningful progress on the chief measure of whether there has been improvement in the opening of foreign markets to United States goods.

The bottom line, then, Mr. President, is have we been able to sell more to Japan? Have our exports to Japan increased? Has Japan opened its markets to United States products? Has Japan abandoned its unfair trade practices? I am sad to say, Mr. President, the answer is no. The Super 301 provision is grounded in results. Results, not just good intentions. Not agreements. Not kind words. Results.

Are we now able to sell more to Japan? Despite being named last year as a priority country, Japan's imports of United States goods have remained stagnant at roughly $4 billion a month through January 1990.

There was progress last year, Mr. President, but only in the months leading up to the naming of Japan as a priority country under Super 301. United States exports did increase in the early months of 1989. But once Japan was named a priority country, the progress stopped. No progress has been made since. It makes one kind of wonder, does it not?

To top it off, although the United States trade deficit fell sharply in February of this year, United States exports to Japan decreased to $3.8 billion. That means we were able to sell fewer goods to Japan this past February than we had sold each month since Japan was named a priority country under Super 301 last year. I do not consider this to be progress except in the wrong direction. It is not progress in the right direction.

So, Mr. President, I am more than just a little disappointed that the administration has let Japan off the hook. I believe it is essential that Japan understand that it is results, measured by export sales, that matter. Export sales over the past year are very revealing—there has been no progress. We have not been able to sell more of our goods to Japan.

I sincerely hope that the recent agreements, and hopefully one on wood products, will bring about increased United States exports to Japan. But until that happens and there are increased sales at the cash registers, Japan must remain our top priority for trade liberalization.

Agreements mean nothing until the results are in. And if the results do not follow, then the agreements are not worth the paper they are written on. Letting Japan off the hook is a serious mistake.

Mr. President, I think the Congress ought to take a look at this. I think the Congress ought to take a look at this in the interest of our own producers, our own manufacturers, our own farmers. And I hope the Congress will take a look at this, and I would hope there will be other progress.

Mr. HATFIELD. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. HATFIELD. The Senator has certainly raised an issue of great concern to all of us, particularly those of us on the Pacific Coast, who are probably the primary trade partners with Japan. I want to say to the Senator that there is some good news on the horizon. I think some of our efforts are reaching a success point. For a number of years, Japan has been buying what we call squared logs from our area of the Northwest—Oregon, Washington. That is the first step in what is called a manufactured log. It is really sort of an artificial action, taken to comply with the law.

For some 20 years I have been, as the Senator knows, putting an amendment in the Appropriations Committee dealing with a ban on log exports from Federal public lands. Fifty-one percent of my State is owned by the Federal Government. The State of Oregon now, by its own actions, by the vote of the people, have asked us to authorize them to ban all sales of logs, not only to Japan, which is the major customer, but ban all sale of logs from State public lands. But out of the 3.7-billion-board feet that are exported into the foreign market in recent years from the Northwest, 2.9 billion are from private lands. That means that we are in a legal thicket, perhaps—at least I am told so by some attorneys—of trying to ban those exports from private lands, although there are those who feel we can.

The Senator has been talking about the unfairness and the uneven playing field toward American business people. Let me take that one step further.

To the Japanese consumer in Japan, in the housing, home-building area, he is paying more for materials that are bought in Oregon out of a log, raw material, shipped to Japan, manufactured into building materials in Japan, than if the Japanese bought manufactured wood materials from our State. That is hard to understand. The structural impediments that have maintained this uneven playing field are really costing the Japanese consumer more money.

I am happy to say, a few weeks ago, just before the public announcement, Ambassador Matsunaga, the former Japanese Ambassador in Washington and a man with whom I found great simpatico trying to resolve and work out these problems and who is now

one of the chief negotiators representing Japan on these discussions, trying to eliminate some of these structural impediments, called me to say that they have made significant progress, that they hope to be able to finalize in the June meeting that has now subsequently been announced publicly, that would provide an opportunity for mill operators in Oregon and Washington to ship, not logs or raw material, but manufactured material that escalates the job potential in our area. At the same time it makes a more competitive market price for the Japanese themselves.

So, it has really been almost, as the Senator talked about, mindboggling. I agree some of the things the Senator read are mindboggling, but I think it is also mindboggling that the Japanese Government maintained certain trade restrictions that cost their own people more in trying to keep out American lumber or wood products.

I wanted to add that to the comments of my colleague.

Mr. BYRD. Yes, the distinguished Senator points out a very ironic fact. It is true that Japan will buy that which she cannot produce. She will buy it. We can export logs and wood products and other raw materials that Japan cannot produce itself. And I am glad to see that there are areas of our country, and areas across the trade board, where American exporters can make some headway in Japan.

But it is only there, I would say as a kind of general proposition, in those areas that American exporters do have something that kind of helps to balance off the rest of the sheet.

But I am talking about trade practices in general. I say to my colleague, my mind boggles with admiration for the Japanese, their ingenuity, their resourcefulness. They just take our trade negotiators' shirts, and that has been the case for a long time.

Mr. HATFIELD. Will the Senator yield?

Mr. BYRD. Yes.

(Mr. BURDICK assumed the chair.)

Mr. HATFIELD. What happened to this great imagery that used to be written out, fiction and nonfiction both, about the Yankee nontrader, about the ingenuity of the early Americans to go into the world market dominated by the great powers and really come out with a pretty good deal?

Mr. BYRD. No question about it. They had the ingenuity, and the work product of the American tradesmen were superior. We need to get back to taking great pride in our products, trying to excel, as I was talking a little earlier today, not only in the classroom but in the workplace, pride in our products.

The technology that the Japanese use so well in so many instances orgiginates here in the United States. We develop the technology. We conduct the research, develop the technology with our very fine American brains, and then the Japanese pick up the technology and they commercialize it and they outsell us.

Through the kind of practices that they have so well developed, they will simply flood the markets here in the United States, undersell our products here at home, and undersell them if it means that the Japanese are selling them at a loss, because the Government in Japan stands behind the business people. It stands behind Japanese business. It gives them loans, gives them grants, gives them all kinds of advantages. They can undersell to the point that they lose. They do not make any profit. But they are willing to do that for a while in order to drive out the American manufacturer, the American producer and they have been very successful at it in one area after another.

I simply have to blame our own people for not seeing that, not standing up to that, not insisting, and our own selves for not taking the pride in our products to the extent, and being as ingenious and as assiduous and as persistent and as determined as are the Japanese. The Japanese recognized a long time ago something we had not recognized, and that is economic security is national security. That is really national strength. Economic security. We have helped the Japanese a great deal in those terms.

I simply close by saying I thank the distinguished Senator from Oregon. He puts his finger right on the head of the nail, just like he does so often. We can blame ourselves for a lot of this. We do not have to come in second place. We still have the wherewithal to come in first place. As I have already said, this is not the first administration that has done it, but for some reason or other, we just do not understand the Japanese. It is a conservative society; it is a homogenous society and they are out there to win. They are out there looking for first place. They do not want second place or third place. It is first place, and they are demonstrating they are able to make it come about.

But we need some help from our own administration. It is beyond my comprehension to think that we do not cite Japan, only cite India.

There are other days and other opportunities to speak on this and other subjects.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. BYRD. I believe we have two amendments that have not been agreed upon. One by Senator BRADLEY. Has this been cleared, may I ask the distinguished manager? It is a VA-HUD amendment on the EPA lead demonstration project, and one for Senators HEINZ and SPECTER, HODAG funds extension. If these are cleared, we will dispose of them.

Mr. HATFIELD. They have been cleared.

Mr. BYRD. I thank the distinguished Senator from Oregon.

AMENDMENT NO. 1551

(Purpose: To provide an extension to the Beechwood Housing Development Grant project in Pittsburgh, PA)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration, on behalf of Senators HEINZ and SPECTER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. HEINZ, for himself, and Mr. SPECTER, proposes an amendment numbered 1551.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, after line 10, insert:

Section 17(d)(4)(G) of the United States Housing Act of 1937 shall not be applicable to the Beechwood Towers Housing Development Grant project, number PA008HG401, through December 31, 1990, and any cancellation of the Grant resulting from the application of section 17(d)(4)(G) prior to December 31, 1990, shall be rescinded and the Grant restored to the project.

Mr. HATFIELD. Mr. President, basically this amendment would permit a housing project in Pittsburgh to continue to be able to use a housing development grant fund previously made by HUD. It does not in any way have a budgetary impact. Project sponsors experienced some unexpected delays, and this will merely make the moneys available on a continual basis. I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, on this side, as I have already indicated, we are ready to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1551) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1552

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of Mr. BRADLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. BRADLEY, proposes an amendment numbered 1552.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, after line 16, insert:

ABATEMENT, CONTROL AND COMPLIANCE

Of the funds appropriated under this head in the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144), $500,000 shall be available for a lead storage battery recycling pilot project for the state of New Jersey, to remain available until expended.

Mr. BYRD. Mr. President, this amendment has been cleared by Senators MIKULSKI and GARN. It would earmark $500,000 for the recycling of batteries in the State of New Jersey. Currently, these batteries are frequently incinerated, placing harmful lead particles in the air. This incineration can result in harmful human lead ingestion at great expense to our health care system. Funds in the amendment will result in trying to develop safer and less expensive means of dealing with this source of lead. I hope that the Senate will adopt the amendment.

Mr. HATFIELD. Mr. President, the chairman is correct. It has been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1552) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PALATINE POSTAL PROCESSING FACILITY

Mr. DIXON. Mr. President, a serious problem has arisen between the village of Palatine, IL, and the U.S. Postal Service. Originally, I had contemplated introducing an amendment to this bill which would prohibit the Postal Service from constructing a mall processing facility on the McDade site in that town. In deference to the desire of the chairman of the appropriations committee and the Senate leadership to avoid any unnecessary amendments on the supplemental bill, I will refrain from offering my amendment at this time. It is my intention, however, to see this unfortunate situation resolved—to see it resolved quickly and fairly.

Mr. President, I want to make it clear to all concerned with the acquisition and development of the proposed postal site that the final location of this facility remains quite uncertain.

To reinforce the concern of the Senate on this matter, I would request the assurances of my friend, the chairman of the Senate Appropriations Committee, that he will watch this issue and will consider my request, if made, during consideration of the fiscal year 1991 Treasury, Postal Service and general government appropriations bill.

Mr. BYRD. Mr. President, I respond to the senior Senator from Illinois that I would be willing to work with him on this matter. I would hope and expect that the Service and the community could work together this year to facilitate a decision which responds to the concerns of all parties involved. If the Senator from Illinois sponsors an amendment on this subject in fiscal year 1991, I would certainly be willing to consider his amendment.

Mr. DIXON. I thank the chairman of the committee. This matter is of great importance to the people of Palatine. The village opposes construction of the facility on the McDade site because it is a commercial site which can generate over $2 million in annual tax revenues. Let me assure the distinguished chairman, however, that this is not a case of the "not in my backyard" syndrome. The village has proposed building the facility on an adjacent site, the Brandt site. To the extent that the value of the McDade property exceeds the value of the Brandt site, and to reimburse the service for the costs of redesign and relocation, the village and the developer are prepared to pay the Service over $3 million. The overwhelming majority of the citizens that live in the village, and even live next to the Brandt site, favor the switch.

When all these facts are reviewed, I am confident the Postal Service will see the benefits and will develop the Brandt site.

BIDEN AMENDMENT TO SUPPLEMENTAL FUNDING FOR NATIONAL CRIME INFORMATION CENTER [NCIC]

Mr. BIDEN. Mr. President, earlier today I intended to offer an amendment to provide $17 million to the Federal Bureau of Investigation to upgrade the FBI's National Crime Information Center [NCIC].

NCIC is literally the single most important weapon in the arsenal of Federal, State, and local law enforcement agencies. NCIC is an advanced computer system that links the more than 16,000 law enforcement agencies in the United States. Specifically, NCIC collects, analyzes, and stores information on wanted fugitives, stolen cars, missing children, and illegal weapons.

Every day, almost 1,000,000 requests are processed by NCIC for Federal, State, and local law enforcement agencies at a cost of about 3 cents per inquiry. The accomplishments of NCIC speak for themselves. In 1988, NCIC helped to locate: 132,000 wanted persons; 33,740 missing children; and more than $1.1 billion in stolen property.

The NCIC system, however, is more than an effective tool for law enforcement. It is also a critical tool for officer safety, as important as the officer's bullet proof vest or sidearm. Every time a police officer makes a traffic stop—the most dangerous police stop—the officer checks NCIC before approaching the vehicle to see if the car might harbor wanted or dangerous persons.

This additional money is needed because the current NCIC system is approaching its limit. NCIC's 20-year-old technology is simply inadequate to handle the dramatic increase in the number of inquiries from Federal, State and local agencies, along with an increase in the number of wanted person and stolen property files in the system.

Originally, my amendment would have transferred $17 million to the FBI to implement the first phase of this 5-year upgrade to NCIC, the so-called NCIC 2000 project. These funds are needed to purchase new hardware and to develop a state-of-the-art software program. These funds would have been off set from the Pentagon's procurement budget, which will total approximately $150 billion this year.

I will not offer my amendment today. If it came to a straight up-or-down vote to fund this critically needed law enforcement project by taking $17 million from the Pentagon's $150 billion procurement budget, I believe that the Senate would agree to my amendment.

Unfortunately, a point of order under the Senate rules could be raised against my amendment, which requires a super-majority of 60 votes to waive. And I am a realist. Getting a 60-vote majority, particularly against the Appropriations Committee, is unlikely. So I will withdrawn my amendment today.

However, I still intend to fight to fund the NCIC 2000 project in the regular fiscal 1991 budget. In particular, I would like to see $17 million of the $372 million that will be deposited in the Justice Department's asset forfeiture fund next year used for NCIC 2000.

Under current law, the Justice Department can already use forfeiture funds to buy computers and related hardware to track cases. NCIC provides critical investigative support in these cases. I think it would be entirely appropriate to require the Justice Department to put NCIC 2000 at the top of the list of projects that will be funded from the forfeiture fund.

I look forward to working on this with my colleague from South Caroli-

na [Mr. HOLLINGS], the chairman of the Appropriations Subcommittee for the Justice Department. I know he is a strong supporter of this project, as he is for law enforcement generally.

SUPPORT FOR ADDITIONAL CENSUS BUREAU FUNDING

Mr. BINGAMAN. Mr. President, I am particularly pleased that the supplemental appropriations package that is before the Senate at this time includes $110 million of additional funding for the Bureau of the Census. I commend the members of the Appropriations Committee for their hard work on this legislation, and for acknowledging the necessity for adequately funding the Census Bureau.

Due to a lower than expected mail response rate and across-the-board budget cuts, the Census Bureau has suffered from a serious budgetary shortfall. Without the additional $110 million included in the supplemental appropriations bill, the Census Bureau would be faced with some very difficult problems. Much of their planned coverage improvement efforts would have to be cut back or eliminated, and certain of their other operations may have to be prematurely discontinued or altered in such a way as to make the accuracy and usefulness of the data questionable.

The Census Bureau was expecting and relying upon a 70 percent mail response rate. As of the last estimate, the mail response rate was only 63 percent. At an estimated $10 million cost for every 1 percent short of the projected 70 percent mail response rate, an additional amount of approximately $70 million is necessary to properly enumerate those households that did not return their forms. In addition, it is necessary to compensate for the reduced productivity experienced due to the higher workload caused by the lower mail response rate. It is of great concern that there is sufficient funding to allow for the households that did not respond through the mail to be accurately enumerated.

Conducting the 1990 Census is an enormous undertaking. The degree of success with which it is accomplished will have implications that reach forward through the next decade. Census data are used for many purposes such as distributing State and Federal funds to those places which need them, planning adequate services in communities, and of course, apportioning seats in the U.S. House of Representatives. To use inaccurate information for these purposes would be extremely detrimental to the well-being of our Nation.

In order to successfully carry out the census, sufficient funding is essential. Without sufficient funding, I am concerned that the Census Bureau will be forced to make shortsighted management decisions which will result in a less accurate census. The Census Bureau must be able to follow through with its plans for coverage improvement programs, and other operations which will add to the accuracy of the figures. To abandon those operations at this late stage would certainly damage the integrity of the census process. Earlier this year there was concern about the elimination of the Vacant/Delete Program specifically. I feel that this is a worthwhile program and the additional funding provided for in the supplemental appropriations package will ensure that this program will be carried out. The Vacant/Delete program is expected to add 2 million persons to the census count—many of whom are minorities. This is of particular importance because minorities have historically suffered the devastating and far reaching impact of an undercount.

I hope that the Census Bureau has done the best possible job so far. I would hope that with the additional funding provided for in the supplemental appropriations bill, the 1990 Census will be carried out in a timely and efficient manner.

Again, I applaud the Appropriations Committee on their work on this legislation, and I offer my strong support for the provision for additional funding for the Bureau of the Census.

TECHNICAL CORRECTION—LAS VEGAS, NM, RAILWAY OVERPASS

Mr. BINGAMAN. Mr. President, I am pleased that the dire emergency supplemental appropriations bill contains a technical correction amendment to release funding for construction of the Las Vegas, NM, railway overpass project. Without a doubt, this is a project that requires immediate attention for safety reasons. The problem stems from slow moving trains on tracks that run through the middle of the city of Las Vegas. This creates a very serious safety condition. We have, in fact, had public testimony reporting on school children actually crawling under moving train cars to cross the track. This, of course, is simply unacceptable. In addition, the tremendous amount of rail traffic makes the possibility of an emergency vehicle being impeded a very real concern.

Unfortunately, language in the last year's transportation appropriations bill inadvertently limited the funding for this project to preliminary engineering. It was always our intent that the funding would be available for construction purposes and had, in fact, appropriated enough for the entire job. This provision makes the necessary correction by stating clearly that the funds are to be made available for construction, so that this needed safety project can proceed.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLITICAL PARTICIPATION BY FEDERAL CIVILIAN EMPLOYEES

Mr. MITCHELL. Mr. President, I have previously discussed with the distinguished Republican leader my intention to proceed to consideration of S. 135, which is the Hatch Act, and then to file a cloture motion and to seek, I anticipate, unanimous consent that the cloture vote occur on the motion to proceed next Tuesday evening.

This is legislation on which there is some disagreement and, as has been my practice, I made clear my intentions in this regard to the distinguished Republican leader several days ago. It is my hope that by setting a cloture vote Tuesday evening, we will be able to complete action on the supplemental appropriations bill prior to that time. This will give us all day Monday and all day Tuesday to complete action on that. Then we will have a cloture vote on the motion to proceed to the Hatch Act reform on Tuesday evening. The acting Republican leader is aware of this.

Accordingly, Mr. President, I move that the Senate proceed to the consideration of Calendar Order 295, S. 135, the Hatch Act reform.

The PRESIDING OFFICER. The question is on agreeing to the motion and the motion is debatable.

Mr. MITCHELL. Mr. President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

George Mitchell, John Glenn, Tom Daschle, Jim Sasser, Patrick Leahy, Alan J. Dixon, Charles S. Robb, Paul Simon, Frank R. Lautenberg, Herb Kohl, David Pryor, Wendell Ford, D.K. Inouye, Dennis DeConcini, J.J. Exon, Bob Kerrey.

Mr. HATFIELD. Mr. President, if the Senator will yield, may I say for the Record I concur with the majority leader's statement, and I have been instructed by the Republican leader to support this rather complicated and

unusual procedure to serve a most difficult situation.

Mr. MITCHELL. I thank my colleague.

Mr. President, I withdraw the motion to proceed to Calendar Order 295, S. 135, the Hatch Act.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the cloture motion just filed occur next Tuesday at 7 p.m. and that the mandatory live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARKING THE FOURTH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

Mr. DOLE. Mr. President, April 26 marked the fourth anniversary of the devastating nuclear disaster that took place in Chernobyl. Even though 4 years have passed, there is still a great deal of pain and suffering. Part of the reason is because the Soviet Government has been slow in releasing accurate information about what really happened. The world scientific community needs to know the facts to better understand and treat the illnesses of the people who were affected. Some information has been made available, but not enough. Much of the disturbing news about Chernobyl comes from journalists who have toured the area.

Photographs in the April 9 issue of Time magazine are the first pictures to be seen by the world and it is not a pretty sight. These photographs were taken within the past 4 months and they show young children still living in contaminated towns.

Levels of radioactivity are still nine times as high as the acceptable limits. Animals are being born horribly deformed.

One of the questions that is still unanswered is: How many people are we talking about? How many people have been affected by this terrible explosion?

Well, the Soviets have always told us that only 31 died from the accident, but the Moscow News reported in November of 1989 that 250 people died. A recent high level U.S. scientific panel study came up with even more shocking news: they predict that "the number of people expected to die from cancers caused by the reactor explosion at Chernobyl will be at least four times greater than previously estimated. Instead of the projected 17,400 fatal cancers throughout the Northern Hemisphere, the actual number of deaths from Chernobyl may be over 70,000."

There are hundreds of thousands of people in Ukraine still living in high radiation areas who are still, after 4 years, not receiving adequate medical attention. The poisoning of the land has created dire health problems and economic devastation.

The world can no longer tolerate Soviet refusal to fully disclose information about a disaster that affects not only Soviet citizens, particularly Ukrainians and Byelorussians, but people throughout the world. The Ukrainian Minister of Health said in an April 24 Radio Free Europe/Radio Liberty broadcast that "many of the problems that have arisen today are a direct result to either official secrecy or misinformation after the accident." This is intolerable.

So today, on behalf of the victims of Chernobyl, I ask that we not forget the people who are suffering from this tragic event. And I ask the Soviet Government to give us an honest account of what really happened on April 26, 1986.

And I ask the Soviet Government to provide more help to the victims of Chernobyl. I understand that the Soviet Legislature is due to consider a proposed $26 billion emergency program to help people in affected areas. We will be watching for the results of this legislation in the Soviet Union with a great deal of interest.

Also, I was pleased to hear that there was a 24 hour telethon on Soviet television yesterday, to raise money for victims to Chernobyl. With current cost estimates for Chernobyl running as high as $358 billion, we need to help these people out as much as we can.

HUMAN RIGHTS IN YUGOSLAVIA

Mr. DOLE. Mr. President, yesterday, the distinguished chairman of the Foreign Relations Committee submitted a concurrent resolution relating to human rights violations against the Albanian ethnic minority in Yugoslavia. I am a cosponsor of Senate Concurrent Resolution 124.

We have seen dramatic changes throughout Eastern Europe over the past 5 months. Only a year ago, democracy and freedom were faint hopes in the hearts of the people of Eastern Europe. But today, the dream of democracy has begun to turn into a reality for millions and millions of people.

Last weekend, the people of Croatia, in Yugoslavia, voted in the first democratic multiparty elections in over 40 years. Like the people of Poland, Czechoslovakia, Hungary, Romania, and East Germany, the people of Croatia have voted for a future of freedom.

Everywhere in Eastern and Central Europe, freedom seems to move like a tidal wave, sweeping away decades of tyranny and repression.

Everywhere, that is except the Serbian Republic of Yugoslavia. A few days ago, the Serbian authorities lifted a state of emergency which was instituted in the province of Kosova in February of last year. That is a welcome step—but by itself it means little.

Chinese authorities lifted the state of emergency they imposed at the time of the Tiananmen affair. Would anyone argue that any semblance of free expression or justice has returned to the People's Republic of China?

Even more to the point, the brutalization and repression of ethnic Albanians by Serbia started long before the state of emergency was imposed. And, our concern about the perpetuation of those policies of repression has not ended because the state of emergency has been lifted.

Earlier this year, over 30 Albanians were killed, and countless hundreds arrested and imprisoned without charge during prodemocracy demonstrations in Kosova. Arbitrary arrests and violent harassment of Albanians marked the state of emergency period.

But, the suffering of the Albanian people did not end there. Thousands of Albanians have lost their jobs—because they are Albanians and because they want democracy.

Albanian media have been shut down, and journalists and broadcasters gagged. Repression has reached the schools, too; teachers have been fired and disciplined, and the teaching of the Albanian language has been severely curtailed.

Mr. President, the state of emergency has been lifted by the Republic of Serbia, but the human rights abuses continue. That is why this resolution was introduced in the Senate and in the House. The Congress must speak out on this matter.

This concurrent resolution urges the administration to take concrete steps to communicate the deep concern of the United States Congress with respect to the systematic human rights abuses against the Albanian population in Yugoslavia.

Moreover, it requests that the President prohibit Export-Import Bank

loans or credit guarantees to the Federal Republic of Yugoslavia, where these are intended for projects in the Republic of Serbia, until there is substantial improvement in the human rights situation and until all citizens of Yugoslavia are afforded equal rights.

This resolution does not request that economic benefits be witheld from the other republics, such as Slovenia and Croatia, which are making visible and substantial strides toward democracy.

The Government of Yugoslavia is a signatory of the Helsinki Final Act, and as such it has an obligation to ensure the fundamental freedoms and human rights of all people who live within Yugoslavia—regardless of their ethnicity.

Mr. President, the Albanian people in Yugoslavia have suffered for a long time. As Americans, I believe we must do all we can to promote human rights, freedom, and democracy throughout the world, for all nations large and small.

THE LATE ROBERT BREEN, 1909–90

Mr. DURENBERGER. Mr. President, on March 31 of this year, an outstanding Minnesotan, who contributed much to the theatrical heritage of Minnesota and of the Nation, died in New York.

Robert Breen was an innovator and an artist, a person of great dedication and skill who had his roots in Minnesota and, not incidentally, shared my alma mater, St. John's Prep School at Collegeville.

His love of theater and determination to make it available to a variety of artists and patrons led him to establish the theater at the College of St. Thomas in St. Paul, MN. But that was just the beginning of efforts that would have nationwide impact. His experiment in theater led to the foundation of the Federal theater project which became the basis for reactivating the American National Theater and Academy, chartered by Congress in 1935.

I would like to honor the accomplishments of this former Minnesotan, by entering into the RECORD his obituary as it appeared in Variety on April 11, 1990.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From Variety, Apr. 11, 1990]

ROBERT BREEN

Robert Breen, 80, actor, director and producer of many theatrical productions, died March 31 of Alzheimer's disease.

Born in Hibbing, Minn., he grew up in St. Cloud, where his father, Henry, built the Breen Hotel. Robert attended St. John's Academy in St. Cloud, then studied at the U. of Iowa, where he made his first appearance, in 1931, in a presentation of "Ten Nights In A Bar Room." He also appeared in several other collegiate and regional theater ventures.

He returned to Minnesota where, at age 22, he was asked to establish the theater at the College of St. Thomas in St. Paul.

In 1934, Breen was awarded federal funds as part of an experiment that led to the foundation of the Federal Theater Project. He and his wife, Wilva Davis, formed the Chicago unit of the Federal Theater, the first in the country.

In 1939 he came to New York and during World War II served as a sergeant in the Air Force.

After the war Breen returned to New York. He and the late Robert Porterfield, of the Abingdon, Va., Barter Theater, discussed the National Theater Foundation Plan, which became the basis, in 1946, of the reactivated American National Theater and Academy, a dormant organization chartered by Congress in 1935.

Breen became ANTA's first executive director, with Wilva Davis as his assistant. He created and was general director of the ANTA Experimental Theater, the ANTA Album productions and the ANTA Play Series. He initiated the Intl. Theater Institute.

From 1947-51, Breen produced 25 plays for limited runs. Writers included Bertolt Brecht ("Galileo"), Jerome Moross and John LaTouche ("Ballet Ballads") and Jan de Hartog ("Skipper Next To God"). Stars such as Charles Laughton and John Garfield appeared for Equity minimum.

Many of the shows went on to success in regional theaters.

Breen also returned to the stage, in the title role of "Hamlet," in a State Theater of Virginia revival. In 1949, at the invitation of the Danish government, he produced the play and repeated the part at its supposed setting, Kronburg Castle, Elsinore, Denmark, for the Hamlet Festival. He secured U.S. State Dept. assistance and transportation from the U.S. Air Force. He was awarded one of three Hamlet medals by the Danes for his interpretation of the role.

The ANTA Play Series, under Breen's supervision, included productions of "The Tower Beyond Tragedy" with Judith Anderson, "The Cellar And The Well," a hit revival of "Twentieth Century" with Jose Ferrer and Gloria Swanson. "The House Of Bernarda Alba" with Katina Paxinou. "Peer Gynt," "The Little Blue Light" with Arlene Francis, Melvyn Douglas and Burgess Meredith, "Peer Gynt" with John Garfield, "Mary Rose" and "Getting Married."

The series also brought the Louis Jouvet company and its Parisian performance of "L'Ecole des femmes" to Broadway.

Before leaving ANTA in 1951, he convened the first National Theater Assembly of professional, community and educational groups in 1951 to form a national American theater. His foundation plan led ultimately to the establishment of the National Endowment for the Arts in 1965.

Also in 1951 he arranged with the State Dept. for American participation in the first Berlin Festival. That included performances of "Oklahoma," "Medea," the Hall Johnson Choir, the Juilliard String Quartet and Angna Enters.

In the 1950s, Breen revived "Porgy And Bess" in partnership with financier Blevins Davis. He directed and coproduced the Gershwin classic, which had a record 305-performance run at the old Ziegfeld Theater, New York.

The production toured internationally from 1952-56, playing in 29 countries and 89 cities. It was seen in the U.S., Canada, South and Central America, London and most of the principal cities on the Continent and the Soviet Union, North Africa and the Middle East. Truman Capote accompanied the tour to the USSR and wrote an account of it, "The Muses Are Heard," which appeared in the New Yorker and then in book form.

Survived by his wife and two stepsons.

SENATOR DOMENICI PARTICIPATES IN SCIENCE EDUCATION CONFERENCE

Mr. DOLE. Mr. President, Senator DOMENICI is necessarily absent today. He is in New Mexico sponsoring a Science Education Conference. Teachers from all over New Mexico had been invited. He also invited Dr. Luther Williams, senior science advisor at the National Science Foundation to share his ideas with New Mexico's educators. Others participating include scientific experts from Sandia and Los Alamos Laboratories and academics from New Mexico's universities.

The goal is a simple, but critical one: To help teachers teach better and to help students learn more, especially in the area of science. The seminar will explore ways for better coordination of resources and the development of new initiatives to encourage more students to do well in science education. This is exactly the kind of education outreach that America needs in order to be competitive.

Senator DOMENICI put this conference together as part of his ongoing commitment to education excellence. He has spent a great deal of time working on ways to keep children at risk from dropping out; developing ways to improve vocational education; and working on the particular challenges that face young Hispanic and other minority students.

In spite of our late session last night, the Senator from New Mexico was eager to catch the first plane to Albuquerque this morning so that he could spend most of today and Saturday working on education issues affecting his State and the country.

AMBASSADOR CHIC HECHT

Mr. HATCH. Mr. President, I would like to say a few words this morning about a former colleague of ours—Senator Chic Hecht of Nevada—who has taken up the challenge of respresenting our country as Ambassador to The Bahamas.

In his years in the Senate, I always admired the diplomacy and cooperative spirit with which Chic addressed the many issues before our Nation. His convictions were clear and well reasoned, and he retained a willingness to work with others to forge mutually acceptable solutions. Today, those diplomatic skills will be tested in his capacity as Ambassador. Our relations with

The Bahamas not only involve areas of common interest and agreement but also touch upon some difficult issues, such as the actions needed to eliminate shipment of drugs through Bahamian waters and airspace. He will have to craft a balanced approach that promotes solutions on those questions that sometimes divide us without creating resentments that undermine those common interests that unite us.

Today, his actions as Ambassador are reaffirming the confidence many of us have expressed in his talents. As evidence of his bright prospects, I ask unanimous consent to have printed in the RECORD an editorial that appeared in the Nassau Guardian on March 3, 1990, that takes note of the positive start our former colleague has already made in this respect.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Nassau Guardian, Mar. 3, 1990]

THE CHIC HECHT APPROACH

For whatever it is worth, it appears early in the game that the United States Ambassador to The Bahamas, Mr. Chic Hecht will have warmer relations with the Bahamian Government than his predecessor.

A low key individual who has made it clear he will not be making any waves, Mr. Hecht took a giant step towards cementing a good image with the powers that be in an address before the Bahamian Women's Club of Freeport on Monday past.

The approach Mr. Hecht is taking is one of conviction that this country is doing a great job in maintaining a fine relationship with the United States. In fact he stated as much in a lead story in the Freeport News this past Tuesday.

"I don't think there is another country anywhere in the world that has a better relationship with the United States of America than the Commonwealth of The Bahamas," he was quoted.

If this particular sentiment is conveyed to the State Department, the road to certification for The Bahamas should be that much easier. The suspicion of inaccurate information on The Bahamas being "officially" communicated to the State Department might well diminish during Mr. Hecht's tenure here.

He seems already to have impressed the Minister of National Security and former Attorney-General, Mr. Paul Adderley who often appears to be at odds with certain American officials. Mr. Adderley has indicated that so far he has a good feeling about Mr. Hecht.

So perhaps, Mr. Hecht might be able to thaw out the relationship and warm up the frigid areas between his Embassy and The Bahamas Government. All that glitters is not gold however and it is quite likely that at some point issues will come up to test severely the growing bond which is developing between Mr. Hecht and the Government.

There are extradition matters and the view of other American officials on our cooperative efforts which will place him firmly in the middle of the two parties. How he responds when these instances come up, will determine more profoundly just how he is categorized by the government.

We think it is beneficial for all concerned if the American Embassy here and the government have a relationship where there is great understanding of the respective roles to be played. The American Embassy has shown an interest in reaching out beyond drug-fighting to help Bahamians in other spheres of our society.

There is a conscientiousness demonstrated constantly in the development of young Bahamians. Mr. Hecht reemphasised that trend during his address in Freeport.

He stressed the need to properly educate the children of the nation so that in the future they would be on par with their peers around the world in a variety of "skills."

"In my opinion, education is most important for the youth of any country. Give the kids a good education, so they can compete worldwide with the skills they need because every year, technology changes in all of our countries. Family values have to be instilled in the home, religion has to be instilled in the home and this is the type of education that we need, said Mr. Hecht.

Presently the Embassy has a number of programmes which provide exposure and educational opportunities for Bahamians from every walk of life. It could be that in his own soft-touch manner, Ambassador Hecht will be able to boost the image of The Bahamas even in the eyes of our staunchest American critics.

One thing is certain, the government appears much more comfortable with the present ambassador than his predecessor.

HAVING THE MASS-MAIL COSTS PRINTED IN THE RECORD

Mr. FORD. Mr. President, on January 25, 1990, I submitted the summary tabulation of the mass-mail costs of the Senate for the first quarter of this fiscal year for publication in the CONGRESSIONAL RECORD, pursuant to Senate Resolution 212. Today I am submitting the report for the second quarter, for the period January 1 through March 31, 1990. This report sets forth the mass-mail volumes and costs for each Senator and each other office of the Senate for the quarter. The costs are total costs, including postage, paper, and production costs. The population figures used for the per capita calculations are from the State Population and Household Estimates: July 1, 1989, issued March 1990 by the Bureau of the Census.

In addition, Mr. President, I am requesting that a report from the U.S. Postal Service for the second quarter also be included in the RECORD. This report is required by the act making appropriations for the legislative branch for fiscal year 1990. Under that act, as soon as practicable after the close of the second quarter of the fiscal year, the Postal Service is required to submit to the Clerk of the House, the House Commission on Congressional Mailing Standards, the House Committee on House Administration, the Secretary of the Senate, and the Senate Committee on Rules and Administration a statement of the postage costs for the House and the Senate, respectively, for the first half of the year. The Commission on Congressional Mailing Standards and the House Committee on House Administration are required to consider promulgating such regulations for the House of Representatives as may be necessary to ensure that postage expenses for official mail for the House do not exceed the amount appropriated for that purpose, and the Senate Rules Committee is required to do the same for the Senate.

Mr. President, I am pleased to advise my colleagues that the Postal Service is projecting a surplus of approximately $6 million in the Senate official mail account for this fiscal year. The Senate expenditures for the first two quarters show restraint and fiscal responsibility by this body, and I compliment my colleagues. If this practice continues, and I am confident it will, the Senate will spend less on postage in fiscal year 1990 than the amount appropriated. The Senate policy on official mail works. This report reflects what many of us have been saying for years. The Senate has shown restraint on official mail, and the separate account now reflects the Senate's frugal spending.

Finally, Mr. President, I would like to mention that the Rules Committee has scheduled a hearing on May 10 regarding the Senate's mail cost control procedures. The procedures that the Senate is now operating under are set forth in Senate Resolution 212, agreed to November 19, 1989. At the time Senate Resolution 212 was agreed to, it was amended to be effective for this fiscal year only. The Rules Committee agreed to hold hearings on this policy before its floor consideration for fiscal year 1991. Senators will be receiving shortly a letter from me and from Senator STEVENS, the ranking minority member of the Rules Committee, advising them of the hearing and inviting their advice and comments regarding the Senate mail cost control procedures.

Mr. President, I ask unanimous consent that the two reports be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING MAR. 31, 1990

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita
Adams	752,000	0.15795	$111,199.34	$0.02336
Armstrong	1,000	0.00030	925.29	0.00028
Baucus	279,380	0.34663	46,1858.45	0.05814
Bentsen	47,000	0.00277	10,765.61	0.00063
Biden	0	0.00000	0.00	0.00000
Bingaman	37,012	0.02422	7,574.35	0.00496
Bond	340,150	0.06593	44,851.81	0.00869
Boren	0	0.00000	0.00	0.00000
Boschwitz	11,835	0.00272	2,257.55	0.00052
Bradley	634,650	0.08204	95,197.45	0.01231
Breaux	514	0.00012	1,101.60	0.00025
Bryan	109,677	0.09872	15,611.27	0.01405
Bumpers	0	0.00000	0.00	0.00000
Burdick	825	0.00125	163.05	0.00025
Burns	3,800	0.00471	974.86	0.00121
Byrd	2,000	0.00108	265.38	0.00014
Chafee	91,500	0.09168	12,059.54	0.01208
Coats	0	0.00000	0.00	0.00000

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING MAR. 31, 1990—Continued

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita
Cochran	0	0.00000	708.80	0.00027
Cohen	58,050	0.04750	10,445.17	0.00855
Conrad	5,637	0.00854	4,842.17	0.00734
Cranston	1,983,090	0.06823	288,484.97	0.00993
D'Amato	0	0.00000	0.00	0.00000
Danforth	95,500	0.01851	12,132.45	0.00235
Daschle	75,175	0.10514	11,584.74	0.01620
DeConcini	0	0.00000	0.00	0.00000
Dixon	99,850	0.00856	12,719.28	0.00109
Dodd	0	0.00000	0.00	0.00000
Dole	0	0.00000	0.00	0.00000
Domenici	761	0.00050	648.36	0.00042
Durenberger	52,345	0.01203	13,363.39	0.00307
Exon	6,025	0.00374	824.69	0.00051
Ford	0	0.00000	0.00	0.00000
Fowler	51,250	0.00796	6,540.05	0.00102
Garn	0	0.00000	0.00	0.00000
Glenn	178,500	0.01637	33,224.94	0.00305
Gore	12,979	0.00263	4,281.95	0.00087
Gorton	2,550	0.00054	463.76	0.00010
Graham	249,450	0.01969	94,751.59	0.00748
Gramm	0	0.00000	0.00	0.00000
Grassley	93,950	0.03308	17,046.42	0.00600
Harkin	62,098	0.02187	11,636.05	0.00410
Hatch	126,650	0.07419	16,734.60	0.00980
Hatfield	4,150	0.00147	16,904.36	0.00599
Heflin	622,400	0.15114	90,186.84	0.02190
Heinz	257,125	0.02136	62,457.98	0.00519
Helms	0	0.00000	0.00	0.00000
Hollings	0	0.00000	0.00	0.00000
Humphrey	0	0.00000	0.00	0.00000
Inouye	412,000	0.37050	59,728.67	0.05371
Jeffords	0	0.00000	65.79	0.00012
Johnston	2,050	0.00047	511.90	0.00012
Kassebaum	0	0.00000	0.00	0.00000
Kasten	61,000	0.01253	10,163.27	0.00209
Kennedy	0	0.00000	0.00	0.00000
Kerrey	0	0.00000	0.00	0.00000
Kerry	30,420	0.00514	7,779.11	0.00132
Kohl	0	0.00000	0.00	0.00000
Lautenberg	5,237	0.00068	7,230.75	0.00093
Leahy	29,200	0.05150	5,604.13	0.00988
Levin	0	0.00000	0.00	0.00000
Lieberman	258,825	0.07991	34,843.42	0.01076
Lott	0	0.00000	0.00	0.00000
Lugar	1,175	0.00021	203.81	0.00004
Mack	0	0.00000	0.00	0.00000
Matsunaga	0	0.00000	0.00	0.00000
McCain	0	0.00000	14,319.95	0.00403
McClure	0	0.00000	288.09	0.00028
McConnell	241,780	0.06487	39,485.78	0.01059
Metzenbaum	0	0.00000	0.00	0.00000
Mikulski	0	0.00000	0.00	0.00000
Mitchell	63,327	0.05182	11,246.02	0.00920
Moynihan	1,292,600	0.07201	223,741.74	0.01246
Murkowski	181,700	0.34478	35,838.94	0.06801
Nickles	157,350	0.04881	24,899.04	0.00772
Nunn	0	0.00000	0.00	0.00000
Packwood	23,500	0.00833	7,414.65	0.00263
Pell	119,050	0.11929	18,340.06	0.01838
Pressler	0	0.00000	0.00	0.00000
Pryor	73,650	0.3061	12,124.23	0.00504
Reid	47,038	0.04234	15,589.85	0.01403
Riegle	20,811	0.00224	12,831.90	0.00138
Robb	0	0.00000	0.00	0.00000
Rockefeller	143,260	0.07715	27,902.23	0.01503
Roth	0	0.00000	418.58	0.00062
Rudman	0	0.00000	0.00	0.00000
Sanford	253,550	0.03859	33,432.51	0.00509
Sarbanes	8,100	0.00173	2,346.03	0.00050
Sasser	82,900	0.01678	11,694.60	0.00237
Shelby	30,134	0.00732	25,674.08	0.00623
Simon	900	0.00008	1,076.31	0.00009
Simpson	121,320	0.25541	15,718.57	0.03309
Specter	266,750	0.02216	35,172.49	0.00292
Stevens	193,050	0.36632	29,848.11	0.05664
Symms	35,510	0.03502	6,180.00	0.00609
Thurmond	0	0.00000	0.00	0.00000
Wallop	202,550	0.42642	45,227.24	0.09522
Warner	115,400	0.01892	18,925.06	0.00310
Wilson	0	0.00000	0.00	0.00000
Wirth	43,800	0.01320	8,337.87	0.00251

FOR THE QUARTER ENDING MAR. 31, 1990

Other offices	Total pieces	Total cost
The Vice President	0	$0
The President pro-tempore	0	0
The Majority Leader	0	0
The Minority Leader	0	0
The Assistant Majority Leader	0	0
The Assistant Minority Leader	0	0
SEC of Majority Conference	0	0
SEC of Minority Conference	0	0
Agriculture Committee	0	0
Appropriations Committee	0	0
Armed Services Committee	0	0
Banking Committee	0	0

FOR THE QUARTER ENDING MAR. 31, 1990—Continued

Other offices	Total pieces	Total cost
Budget Committee	0	0
Commerce Committee	0	0
Energy Committee	0	0
Environment Committee	0	0
Finance Committee	0	0
Foreign Relations Committee	3,185	2,735.91
Governmental Affairs Committee	0	0
Judiciary Committee	0	0
Labor Committee	0	0
Rules Committee	0	0
Small Business Committee	1,650	304.52
Veterans Affairs Committee	0	0
Ethics Committee	0	0
Indian Affairs Committee	0	0
Intelligence Committee	0	0
Aging Committee	71,800	13,996.63
Joint Economic Committee	21,300	5,648.18
Joint Committee on Printing	0	0
Democratic Policy Committee	0	0
Democratic Conference	0	0
Republican Policy Committee	16,200	10,279.84
Republican Conference	0	0
Legislative Counsel	0	0
Legal Counsel	0	0
Secretary of the Senate	0	0
Sergeant at Arms	0	0
Narcotics Caucus	0	0

U.S. POSTAL SERVICE,
DEPARTMENT OF THE CONTROLLER,
Washington, DC, April 24, 1990.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the second Postal Quarter, Fiscal Year 1990, is enclosed. Total postage and fees for the quarter is $3,140,625.

A summary of Senate franked mail usage based upon the first two Postal Quarters of actual data for Fiscal Year 1990 is as follows:

Volume	45,441,998
Revenue per piece	$0.1519
Revenue	$6,901,432.00
Provisional payments (prorated to March 9, 1990)	$10,443,097.00
Excess in provisional payments	$3,541,665.00

The first two Postal Quarter results, when projected to an annual figure based upon historical trends for Senate franked mail, provide the following adjusted estimates for fiscal year 1990:

Volume	115,628,494
Revenue per piece	$0.1533
Total revenue	$17,725,848.00
Current appropriation	$23,688,000.00
Estimated surplus	$5,962,152.00

A copy of the comparable report for the U.S. House of Representatives is also enclosed.

If you or your staff have any questions, please call Tom Galgano of my staff on 268-3255.

Sincerely,

JAMES S. STANFORD,
General Manager, Official and International Mail Accounting Division, Office of Accounting, Washington, DC.

FRANKED MAIL—SENATE

[Postal Quarter II fiscal year 1990]

Subcategories	Pounds	Pcs per pound	Pieces	Rate (dollars)	Amount (dollars)
1. Direct Sacks:					
1st Class					
Priority—Under 16 oz					
Priority—16 oz and over					
3d Class					
4th Class—Special Bk					
4th Class—Regular					
Total					
2. Outsides:					
1st Class					
Priority—Under 16 oz					
Priority—16 oz and over	16,812	.0513	862	32.2542	27,803
3d Class					
4th Class—Special Bk					
4th Class—Regular	66,586	.0493	3,280	10.5635	34,648
Total	83,398	.0497	4,142	15.0775	62,451
3. Letters:					
1st Class	43,458	61.2088	2,660,012	.2501	665,269
Priority—Under 16 oz					
3d Class					
Total	43,458	61.2088	2,660,012	.2501	665,269
4. Post Cards:					
1st Class					
3d Class					
Total					
5. Flats:					
1st Class	26,306	4.9870	131,188	.8773	115,091
Priority—Under 16 oz					
Priority—16 oz and over					
3d Class					
4th Class—Special Bk					
4th Class—Regular					
Total	26,306	4.9870	131,188	.8773	115,091
6. Drop Mail:					
1st Class					
Priority—Under 16 oz					
Priority—16 oz and over					
3d Class					
4th Class—Special Bk					
4th Class—Regular					
Total					
7. Other:					
1st Class					
Priority—Under 16 oz					
Priority—16 oz and over	24,292	.7008	17,023	4.8733	82,958
3d Class					
4th Class—Special Bk					
4th Class—Regular	46,517	.5334	24,811	3.6105	89,580
Total	70,809	.5908	41,834	4.1243	172,538
8. CPEDCM (Or Pouches):					
1st Class	6,203	24.0197	148,994	.2881	42,925
Priority—Under 16 oz	620	1.1516	714	2.4014	1,715
Priority—16 oz and over	26,784	.3928	10,520	3.5155	36,983
3d Class					
4th Class—Special Bk					
4th Class—Regular					
Total	33,607	4.7677	160,228	.5094	81,623
9. Agriculture Bulletins:					
1st Class					
Priority—Under 16 oz					

FRANKED MAIL—SENATE—Continued

[Postal Quarter II fiscal year 1990]

FRANKED MAIL—SENATE—Continued

[Postal Quarter II fiscal year 1990]

Subcategories	Pounds	Pcs per pound	Pieces	Rate (dollars)	Amount (dollars)
Priority—16 oz and over					
3d Class					
4th Class—Special Bk	76	.0263	2	9.2000	18
4th Class—Regular	3,253	.0280	91	6.1191	557
Total	3,329	.0279	93	6.1828	575
10. Yearbooks:					
1st Class					
Priority—Under 16 oz					
Priority—16 oz and over					
3d Class					
4th Class—Special Bk	5,373	.6877	3,695	1.2575	4,646
4th Class—Regular					
Total	5,373	.6877	3,695	1.2575	4,646
Total Outside DC (See Attachment)	38,112	7.8783	300,259	.4243	127,401
3d Class Bulk Rate	262,135	54.5322	14,294,796	.1043	1,491,582
1st Class Presort—PI					
1st Class Residual—PI					
Address Corrections (Forms 3547)			3,344	.3000	1,003
Address Corrections (Third Class)			103,510	.2500	25,878
Contractor mailings					
Subtotal	566,527	31.2485	17,703,101	.1552	2,748,057
Mailing List Corrections—10 names or less					
Mailing List Corrections—More than 10 names					
Mailgrams					
Registry Fee					
Certified Fee					
IPA—Int'l Priority Airmail					
Special Delivery Fee					
Special Handling Fee					
Return Receipt Fee					
Postage Due/Short-paid Mail			908	.2717	247
Express Mail Service					392,201
Permit Fees					120
Adjustment					
Grand total					3,140,625

THE DEATH OF FORMER OHIO SENATOR FRANK LAUSCHE

Mr. THURMOND. Mr. President, I rise today to pay tribute to my former colleague and friend, Frank Lausche. For those of us who had the pleasure of knowing him and working closely with him, Frank Lausche's death leaves a void in our lives. He was a man of personal integrity and principle, who always put the needs of his country ahead of partisan politics.

Senator Lausche was 1 of 10 children of parents who came to this country as teenagers from Slovenia, which is now part of Yugoslavia. Frank Lausche's father died when he was only 12, and he got a job lighting gas street lamps for only $2 a week. Later, he helped his mother in the wine shop and cafe that she ran.

When World War I broke out, he went to Army Officers Training School and became a second lieutenant. After the war, he signed a contract to play professional baseball, but then decided to go to law school instead. Baseball's loss turned out to be our country's gain. He worked his way through law school, graduating second in his class at the John Marshall School of Law in Cleveland. He became a top trial lawyer, and then entered politics. He was appointed a municipal judge in 1931 and was elected to the county court in 1936, where he became known for being tough on crime.

He was elected mayor in 1941 and was reelected in 1943 with a then record 71 percent of the vote. The next year, he became the first Catholic ever elected Governor of Ohio. After being defeated 2 years later, he won the Governor's job back in 1948. He was elected three more times after that. As governor, he was widely praised as a strong conservationist after he initiated a large reforestation program in Ohio in the 1950's.

In 1956, Frank Lausche was elected to the Senate for the first of two terms. In the Senate, he gained a reputation for voting his conscience. He put his country ahead of his party, and he called on others to do the same. Mr. President, I know the full Senate—especially those who served with him or who knew him—joins me and my wife Nancy in extending our heart-felt sympathies to his surviving sister, Josephine Lausche Welf of Cleveland, and other surviving members of his family.

I ask unanimous consent that an article appearing in the Washington Post be included in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 22, 1990]

FRANK LAUSCHE, OHIO SENATOR, 5-TERM GOVERNOR, DIES AT 94

(By Martin Weil)

Frank J. Lausche, 94, a former Democratic senator from Ohio who also served five terms as governor of his state and was known as a colorful maverick who often strayed from the party fold, died yesterday at the Slovene Home for the Aged in his native Cleveland.

A son of immigrants, Sen. Lausche was a rumpled six-footer who read poetry and had played professional baseball. He worked his way through law school, excelled at oratory and showed a warm, personal touch that made him for years one of his state's most popular vote-getters.

A Democrat who often took conservative positions and was said to act frequently as though he were a Republican, Sen. Lausche long appeared immune to party discipline. Without clear ties to a powerful machine or special interest groups, he appeared to thrive through the strength of his personality.

In a state with a strong Republican tradition, he succeeded as a Democrat through a militant frugality, a nonpartisan approach to many issues, and the evident sincerity with which he called on constituents to "cast selfishness aside and vote for the good of your state and your country."

Sen. Lausche, who first ran for elective office in the 1920s, and had been a trial court judge and mayor of Cleveland, was mentioned in 1956 as a possible candidate for the Democratic nomination for president.

A sister-in-law, Antonia Lausche, said the two-term senator, who had remained in the Washington area after leaving office in 1969, died of congestive heart failure. She said he had entered a hospital here in the first week of January and was flown to Cleveland in February.

Visitors to his Bethesda home noted that his mind was very sharp, the sister-in-law said, but that his health was failing steadily in recent years.

Frank John Lausche was one of 10 children of Louis and Frances Milavec Lausche, who came to the United States as teenagers from Slovenia, now part of Yugoslavia.

After his father died, the 12-year-old Lausche got his first steady job, lighting gas street lamps for $2 a week. Later, he helped his mother in the wine shop and cafe that she ran.

Teenage athletic prowess won him a job in 1916 as third baseman with a minor league baseball team in Duluth, Minn., and in 1917 he played for a team in Lawrence, Mass. When the United States entered World War I, he went to Army officers' training school and became a second lieutenant.

After military service, he was on his way to Atlanta with another baseball contract in his pocket when the family decided that his proper destination was law school.

Clerking in a law firm by day, attending classes by night, he graduated second in his class at the John Marshall School of law in Cleveland. While becoming a top trial lawyer in the 1920s, he became a political district leader in the same neighborhood where he had carried out his lamplighting duties.

After two unsuccessful runs for the state legislature, he gave up politics until 1931, when his support of a mayoral candidate won him appointment as a municipal judge. Elected in 1936 to a county court, he became known for coming down hard on gambling and crime, and in 1941 he ran for mayor.

He won that race, and his reelection campaign in 1943 netted him 71 percent of the vote, then a record, and helped set his eye on the statehouse. Undeterred by warnings that no Catholic had ever been elected Ohio's governor, he won that post in 1944.

After being defeated for reelection in 1946, he won the job back in 1948, and was returned to the state Capitol three more times.

His solid record as governor included achievements as a conservationist. He was credited with a reforestation program that planted 27 million trees and with gaining passage of a bill requiring eastern Ohio's strip miners to plant over the land they mined.

In 1955, the year after the U.S. Supreme Court overturned school segregation, he strongly endorsed the decision in a message to the Ohio legislature, saying, "We simply cannot live as a free people if we . . . chip away from any member of our society the guarantees given to him by the Lord . . . and then reaffirmed . . . in our Constitution."

In 1956, he defeated incumbent Sen. George R. Bender (R-Ohio) and came to Capitol Hill, tantalizing political observers

for some time before he made it clear that when the Senate was organized, he would line up with the Democrats.

Nevertheless, Sen. Lausche's support for President Eisenhower had been no secret before he ran for the Senate and was not disguised when he took his seat.

During the Kennedy and Johnson administrations, Sen. Lausche frequently opposed White House-backed measures, and continued to oppose what he viewed as fiscal excess or insufficient skepticism in foreign policy.

He voted against establishing the Department of Housing and Urban Development, and against ratifying the nuclear test ban treaty in 1963. He also criticized proposals for a 1963 tax cut, and pronounced himself as "not in accord, in these times of fiscal stringency, with . . . spending money for the installation in the Washington Zoo of the elephant, platypuses and manatees, moose and scores of other rare animals," in 1962.

However, he voted for Medicare and for the 1964 and 1965 Civil Rights acts, as he had for earlier civil rights measures.

Early in the Vietnam War he supported the Johnson administration's foreign policy, but his support began to wane in 1968. In March of that year, he proposed that the Senate repeal the Tonkin Gulf resolution.

In 1968, opposed by the Ohio AFL-CIO and the Democratic state committee, Sen. Lausche was defeated for renomination in the Ohio primary.

His wife, the former Jane Sheal, whom he married in 1928, died in 1981.

In recent years, living alone in Bethesda, his sister-in-law said, he continued to "read his poetry [Robert Burns was his favorite] and his Bible."

Survivors include a sister, Josephine Lausche Welf of Cleveland.

S. 2530—ROTH DEFENSE REBATE

Mr. ROTH. Mr. President, yesterday I came to this floor to outline my proposal to match the defense budget with changing defense needs. It's clear that the reduced Soviet threat will result in substantial savings to the government—or what many are calling a peace dividend. Now the question arises—who should receive the dividend.

Some see this as a difficult question. I do not.

Since the end of World War II, the American taxpayer has been called upon to finance the cold war. Valiantly, they have accepted the burden of our country's and our allies' defense—often paying increased taxes in order to insure our nations safety. And, quite frankly, this expense has at times been made by sacrificing our country's ability to compete with the allies whose defense burden is relatively low by comparison.

With this in mind, Mr. President, the answer is clear: The taxpayers have paid their dues to the defense of the nation and if a portion of those funds are no longer needed for that purpose, then they should be returned to the taxpayers. And this is my objective today—to introduce a plan that will return to the taxpayers the money that is rightfully theirs.

My plan would lower income taxes for modest and middle-income taxpayers by reducing their rates. For high-income taxpayers, the rates would remain the same. Today there is bipartisan agreement that lower- and middle-income working class Americans are taxed too much—largely because of higher Social Security payroll taxes. Many have advocated a payroll tax pay cut as a result. But Americans do not want Congress to mess around with Social Security, because if it does then our children and children's children will be carrying the burden, and Americans want to carry their own weight. This is exactly what my proposal would do.

The bottom bracket, currently set at 15 percent would be reduced to 12 percent. This amounts to a 20-percent income tax reduction for lower and modest income Americans. For a working couple with taxable income of $20,000, this would be a 20-percent cut equal to $600, while a couple earning $30,000 would save $900 in Federal income tax—reducing their burden from $4,500 to $3,600. This rate reduction would more than offset the 1977 Social Security tax increase and their acceleration in 1983.

The next bracket, the 28-percent bracket, would be cut to 25 percent. This would amount to a 10.7-percent rate reduction—coupled with the benefit of the bottom bracket reduction—this would amount to a 14- to 18-percent tax cut for middle-income taxpayers—or a tax bill savings of about $1,500 for a couple earning $50,000.

For those above the so-called bubble, their taxes would not change. Thus, for the wealthiest taxpayers there would be no tax cut.

This tax plan would reduce the tax burden on middle income taxpayers—across the board—no special interests and no spending proposals to benefit a particular constituency. These are taxpayers already pressed by property tax, state income taxes, Federal income taxes, payroll taxes. These are taxpayers who are faced with a variety of penalties built into the tax code—like the marriage penalty, the earnings test, taxes on Social Security benefits, loss of the benefits of the personel exemption because of inflation, and high-payroll taxes without any tax deduction.

However, the largest tax benefit would go to those in the lowest tax bracket.

Now, some inside the beltway many think the idea of giving taxpayers back their hard earned money may seem nothing short of outrageous. They may say, "Surely, Congress in its wisdom, can find some worthy cause to spend this money on." Frankly, I believe the projected budget of $1.5 trillion in the mid-1990's will be sufficient to meet our national needs. Within this enormous level of Federal resources we can do a much better job at setting priorities in keeping with the changing nature of our society. Congressional spending is limited only by the level of tax revenues and the maximum politically acceptable deficit. If the revenues are available, the money will be spent—some have already spent this so-called peace dividend 10 or 15 times already.

I believe that if Congress is going to undertake new spending, or even target money for deficit reduction, then it should be required to prioritize needs rather than slide by on the windfall of peace.

I have long maintained that the problem in America is not that Americans are undertaxed, but that Congress spends too much. Through most of the last half of this century, taxes and spending have been approximately equal to 18 or 19 percent of gross national product. However, in recent decades Federal spending, as a percent of GNP, has increased and now stands at its current level of 22 percent. This spending spree has got to stop, and I am proposing a plan to return these resources back to the taxpayers, from which they came.

A tax cut would allow taxpayers to spend their money as they see fit, not how Congress sees fit. Workers would see their payroll tax increase more than offset by the personal tax cut, reducing the tax penalty on work. Middle income taxpayers and especially spouses would also have enhanced work incentive, as well as relief from other taxes. Small unincorporated businesses and farmers would have more capital to save and invest. More productive resources would be devoted to production, leading to a larger economy and a higher standard of living.

Many will argue that this savings should be dedicated to the deficit. But we all know what Congress does with a windfall. I instituted a study in the Joint Economic Committee which found that for every dollar of tax increases during the 1980's, Congress spent $1.58. This would suggest that using the windfall for deficit reduction would most likely increase rather than reduce the deficit as the spending spirit it induces runs unchecked by the dividend's limitations. We would find Congressmen spending two and three times what the defense savings would allow.

I would like to stress that my bill does nothing to change the deficit reduction schedule under Gramm-Rudman. This plan complies with Gramm-Rudman and is deficit neutral. When that law was passed, no one expected the benefit that results from restructuring our Armed Forces during this time of change. Thus the tax refund is appropriate as a result of

the restructuring, and we should continue on the course of reducing the deficit under Gramm-Rudman. I'm simply saying that rather than allow Congress and the special interest groups to get their hands on this money, we should give it back to those who paid it. And my bill benefits all but the top 5 percent of the wage earners in this country—with the low-income workers benefitting the most.

As far as the Social Security surplus is concerned—I agree that it should be taken off of the budget for Gramm-Rudman purposes. But I do not believe we should delay these tax cuts because of this problem. They are separate, and I am paying for the tax cut through dollars that relate to general spending. What my plan does is completely outside the issue of the Social Security System.

In short, the burden of Government on the economy will be lightened by cutting both defense spending and personal tax rates. The overtaxed low- and middle-income families will be better off keeping more of their own money for their own purposes. If Congress wants new programs, then Congress will have to find a way independent of the defense budget to pay for them. I believe no one is in a better position than the American family to determine for themselves their own destiny and how to pay for education, housing, health costs, and other important family goals.

Mr. President, I ask unanimous consent that the text of S. 2530 as introduced yesterday be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Defense Tax Rebate Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—INDIVIDUAL INCOME TAX PROVISIONS

SEC. 101. RATE REDUCTIONS.

(a) GENERAL RULE.—Subsections (a) through (e) of section 1 (relating to tax imposed on individuals) are amended to read as follows:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $32,450	12% of taxable income.
Over $32,450 but not over $78,400.	$3,894, plus 25% of the excess over $32,450.
Over $78,400	$15,381.50, plus 28% of the excess over $78,400.

"(b) HEADS OF HOUSEHOLD.—There is hereby imposed on the taxable income of every head of household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $26,050	12 percent of taxable income.
Over $26,050 but not over $67,200.	$3,126, plus 25 percent of the excess over $26,050.
Over $67,200	$13,413.50, plus 28 percent of the excess over $67,200.

"(C) UNMARRIED INDIVIDUAL (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined as in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $19,450	12 percent of taxable income.
Over $19,450 but not over $47,050.	$2,334, plus 25 percent of the excess over $19,450.
Over $47,050	$9,234, plus 28 percent of the excess over $47,050.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with following table:

"If taxable income is:	The tax is:
Not over $16,225	12 percent of taxable income.
Over $16,225 but not over $39,200.	$1,947 plus 25 percent of the excess over $16,225.
Over $39,200	$7,690.75, plus 28 percent of the excess over $39,200.

"(e) ESTATE AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $5,450	12 percent of taxable income.
Over $5,450 but not over $13,500.	$654, plus 25 percent of the excess over $5,450.
Over $13,500	$2,666.50, plus 28 percent of the excess over $13,500.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990, except that the tax tables added by such amendments—

(1) shall be adjusted under section 1(f) of the Internal Revenue Code of 1986 (relating to inflation adjustments); and

(2) shall be adjusted under section 1(k) of such code (relating to phase-in of tables) as added by section 102.

SEC. 102. PHASE-IN OF RATE REDUCTIONS.

(a) GENERAL RULE.—Section 1 is amended by adding at the end thereof the following new subsection:

"(k) TAX RATES FOR YEARS BEGINNING IN 1991 THROUGH 1995.—

"(1) IN GENERAL.—In the case of taxable years beginning in 1991 through 1995, each time the Secretary prescibes tables under subsection (f) for taxable years beginning in such calendar years, the Secretary shall—

"(A) adjust the 12 and 25 percent rates of tax applicable to each rate bracket by substituting for each the percentage determined as if—

"(i) the substitute percentage in effect for the preceding calendar year were in effect for the portion of such taxable year preceding October 1 of the calendar year; and

"(ii) the substitute percentage for the calendar year were in effect for the portion of such taxable year on and after October 1 of the calendar year; and

"(B) adjust the amounts setting forth the tax to the extent necessary to reflect the adjustments in the rates of tax under subparagraph (A).

"(2) SUBSTITUTE PERCENTAGES.—For purposes of paragraph (1), the substitute percentage shall be determined as follows:

"(A) In the case of the 12 percent rate of tax, the substitute percentage is:

1991	14.5
1992	14
1993	13.5
1994	13
1995	12.5

"(B) In the case of the 25 percent rate of tax, the substitute percentage is:

1991	27.5
1992	27
1993	26.5
1994	26
1995	25.5."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 103. WITHHOLDING TABLES.

Section 3402(a) is amended by adding at the end thereof the following new paragraph:

"(4) CHANGES MADE BY DEFENSE TAX REBATE ACT.—Notwithstanding the provisions of this subsection, the Secretary shall modify the tables and procedures under paragraph (1) to reflect the amendments made by sections 101 and 102 of the Defense Tax Rebate Act and such modifications shall take effect on October 1 of calendar years 1991 through 1995 as if there were a ½ percentage point reduction in the applicable rates of tax on each such date."

TITLE II—DETERMINATION OF DEFENSE BUDGET OUTLAYS.

(a) DETERMINATION.—The Secretary of the Treasury, after consultation with the Secretary of Defense, shall determine for each fiscal year if—

(1) the reductions in actual defense budget outlays for such fiscal year, are less than

(2) the reductions in Federal revenues for such fiscal year by reason of the amendments made by Title I of this Act.

(b) REPORT TO CONGRESS.—If the Secretary of the Treasury determines that the amount under subsection (a)(1) is less than the amount determined under subsection (a)(2), the Secretary shall report to the Congress such amount and shall specify the rates of tax which would be required to be in effect during the fiscal year to make up such deficit.

THE B-2 BOMBER

Mr. CRANSTON. Mr. President, yesterday Secretary Cheney presented the results of his major aircraft review of the House and Senate Armed Services Committee. In response to the dramatic changes taking place in the world today, the Defense Department has decided to cut the number of B-2's it plans to buy to 75.

The Pentagon is finally beginning to see the light. The decision to scale back the B-2 program underscores the fact that we do not need the B-2—not 132, not 75, the 16 we have is more than enough.

Secretary Cheney is clutching at straws to keep the B-2 alive. Simply put: This plane has no mission. There was nothing magic about the 132 planes the Air Force insisted it needed and there is nothing magic about this new number of 75. Our nuclear deterrent is robust without the B-2. Under the worst case scenario we would still have more than 8,000 warheads. And, the assertion that we need this plane because of its conventional capabilities begs the question—why should we risk a B-2 on a conventional mission that could be completed at far less risk with other aircraft.

I am also troubled by the decision to proceed with even one more plane when we have completed less than one percent of the testing on this aircraft. We should hold off on further procurement until we know what this overpriced plane can and cannot do.

S. 2009, the B-2 termination bill, legislation I introduced earlier this year with Senator Mr. LEAHY, would halt further production of the B-2 beyond the 16 planes in various stages of production. I urge my colleagues to support this effort.

Last year, Secretary Cheney himself told us not to "nickel and dime" the B-2. Well, the Pentagon's much-awaited review will cost us more than a few nickels and dimes. This "reduction" will still cost us over $60 billion—at over $800 million per plane the cost of each plane continues to soar—and that does not include the billions for operating a fleet of B-2's.

The Warsaw Pact is dead, but the behemoth bureaucracy at the Pentagon is makinbg over a half-hearted attempt to reflect this new reality in our defense budgets.

FUNDING FOR MEASLES OUTBREAK CONTROL

Mr. CRANSTON. Mr. President, I am very pleased that the fiscal year 1990 Supplemental Appropriations bill includes a total of $35.3 million for expanding measles vaccinations activities—$31.5 million of which would be new money. I congratulate the chairman of the Appropriations Committee, Mr. BYRD, the chairman of the Subcommittee on Labor and Health and Human Services, Mr. HARKIN and, especially, the Senator from Arkansas, Mr. BUMPERS, for their compassion and foresight in including this funding.

Mr. President, my State of California has been particularly hard hit by the measles epidemic. As many as 4,000 cases of measles have occurred in California during the first three and a half months of this year, resulting in at least 28 deaths. Because of the severity of the epidemic in California, I contacted the Appropriations Committee to urge that $35 million be made available for measles control. I ask unanimous consent that the text of my letter to the chairman of the Appropriations Subcommittee on Labor and Health and Human Services, Mr. HARKIN, be printed in the RECORD at the conclusion of my remarks.

The most essential step we must take is to stop the outbreaks of measles. That means identifying where they are occurring and vaccinating all individuals who have been exposed to the measles virus. Twelve million dollars of this funding would be used for this purpose.

Mr. President, it is also urgent that we take steps to prevent the outbreaks from occurring in the first place, and the funding in this bill provides us with a real opportunity to get ahead of the epidemic. The bill provides $23.5 million for the purchase of a second dose immunization for preschoolers and young people of college-entry age. The Centers for Disease Control have recommended a seconde dose—in order for individuals to be fully protected from measles—as the surest means of preventing further outbreaks of measles.

Mr. President, in a nation with the most advanced medical system in the world, I find it unconscionable that children in the United States of America should be dying of measles—a totally preventable disease. This legislation will help ensure that all American children are fully immunized against measles. I want to congratulate again the Appropriations Committee for taking such expeditious and compassionate action.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 20, 1990.

Hon. TOM HARKIN,
Chairman, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR TOM: I am writing concerning the upcoming mark-up of the FY 1990 Supplemental Appropriations bill. As you may know, measles has been breaking out in epidemic proportions all over the country. States are experiencing serious funding shortfalls and are unable to provide vaccinations to all who need them.

In California, a shortfall of $3.9 million in all childhood vaccination programs is anticipated for this calendar year—$2 million of which is for the measles vaccine. This funding is needed urgently in areas where outbreaks of measles is especially severe; an additional $4.2 million is needed to implement the national recommendations to provide a second dose of vaccine for certain populations, such as children entering elementary school, college students and youths in juvenile halls.

California has been the extremely hard hit by measles. As of April 7, California has officially documented 2,105 cases; however, state officials say that the actual number of measles cases is much higher, but because of backlogs, approximately 2,000 additional cases have not been formally counted. For comparison, as of April 7, 1989, a total of 306 cases were reported in California. In fact, in all of 1989, slightly more than 3,000 cases of measles were reported in the state resulting in 20 deaths. Most tragically, there have already been more deaths in California this year—28—than in all of last year.

Measles is epidemic in nearly all southern California counties and in four counties in central California. The disease has been particularly deadly to Hmong refugee children—former Laotian hill tribesmen who have settled in Sacramento and Fresno Counties. At least eight have died this year from the measles.

In northern California, Alameda County has been especially hard hit. In Alameda County, 103 cases of measles were reported last month—twice the number reported in February. That number is especially startling when it is compared to a total of 3 reported cases in all of 1988.

Tom, I believe that it is unconscionable that children in the United States of America should be dying of measles—a totally preventable disease. We can and must do better. This is not an issue that can wait until the next fiscal cycle. Children in California and in other states need their vaccinations now. I understand that $10 to $12 million is needed to for outbreak control and an additional $24 million is needed to provide the second dose of vaccine as is recommended by the Centers for Disease Control. I urge you to include this funding in the FY 1990 supplemental appropriations bill. Similar increases will be needed in FY 1991, and I will be contacting you again to make that request.

I deeply appreciate any assistance you can give on this vitally important issue.

With warm regards,

Cordially,

ALAN CRANSTON.

GODSPEED TO FRAN BACHMAN

Mr. HOLLINGS. Mr. President, 10 years ago, Fran Bachman, a bright and capable young woman from Branchville, SC, joined the legislative team on my personal staff. She has served loyally and diligently, earning the respect and affection of her colleagues in my office and in other Senate offices.

Now, however, she is moving on to far more important responsibilities. After recently giving birth to a second son, Michael, Fran has decided to become a full-time mother. Of course, here in the Senate a full-time worker means 8 hours a day. In the motherhood profession, a full-time worker

means pretty much 24 hours a day. It is perhaps the most difficult and also the most rewarding job around, and I admire Fran for her choice. I know that her husband Marc and her first son Jonathan will be delighted to have her home.

We will miss Fran, but we could not be more happy for her. On behalf of the Senate, I wish Fran and her young family the very best.

THE CONTINUING CAPTIVITY OF TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise today to inform my colleagues that today marks the 1,868th day that Terry Anderson has been held in captivity in Beirut.

I have spoken often on the issue of Terry Anderson's captivity, but he is only one of many hostages being held today in the Middle East. The inhumane practice of holding innocent parties against their will to make a political statement has become all to common. Hostage taking is not only immoral, it is categorically forbidden by international law. Specifically, the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, prohibits at any time and in any place whatsoever the taking of hostages. This provision applies even in the case of armed conflict not of an international character.

I, therefore, call upon all parties of whatever nationality to release any and all hostages currently being held.

THE DECOLONIZATION OF PUERTO RICO

Mr. MOYNIHAN. Mr. President, the decolonization enterprise initiated by President Woodrow Wilson in his Fourteen Points speech is still very much with us. What was once known as the Mandatory Territory of South-West Africa has just become the independent nation of Namibia. The headlines are dominated by what is, in fact, a decolonization struggle between the Soviet Union and its colony, Lithuania. The Senate has just voted to appropriate funds for earthquake victims in another Soviet colony: Armenia. The decolonization of the Soviet empire is an issue which will occupy our attention for, perhaps, decades to come.

I rise today, however, to remind my colleagues that the United States has not been immune to the attractions of empire building. We once lived in the era of Admiral Mahan and the age of coal-fired ships of the line and the strategic need for a global string of coaling stations. American strategists wrote of the vital American need for stepping stones across the Pacific: Hawaii, Guam, the Philippines. The Hearst press whipped up a war hysteria against Spain over its treatment of Cuba. Then on February 15, 1898 the battleship *Maine* went to the bottom of Havana harbor with the loss of 266 American lives. The warhawks claimed that Spain was responsible and demanded revenge and America went to war with the cry "Remember the *Maine*!"

Mr. President, we now know that it was not a Spanish mine which sank the *Maine.* In a masterful investigation headed by Adm. Hyman Rickover the U.S. Navy concluded in 1976 that "In all probability, the *Maine* was destroyed by an accident which occurred inside the ship." But no matter.

We went to war with Spain ostensibly over its treatment of our neighbors in Cuba and the sinking of the *Maine* in Cuba, but it was in the Philippines that Admiral Dewey first struck, sinking the Spanish fleet handily and gaining for the United States an empire with an afternoon's work. We, therefore, invaded Cuba, defeated the Spanish forces and acquired, in the process, the island of Puerto Rico. At the close of the war and as a result of the Treaty of Paris, America became a transoceanic empire. America's imperial phase had all the trappings of the colonialist, paternalistic mentality. Many Americans snicker over the Frence mission civilitrice, but they forget William Howard Taft's commitment to look after "our little brown brothers" in the Philippines.

Most of this empire has now been shed, but we are still grappling with the problem of the island of Puerto Rico. For 2 years Puerto Rico was governed by the military and from 1900 to 1952 the island was governed, frankly, as a possession of the United States. It was "non-self-governing" in the language of the Charter of the United Nations.

Is Puerto Rico a colony today? Most obviously, not. In July 1952, Puerto Rico became a full self-governing Commonwealth. Its constitution was approved by nearly 82 percent of those voting. Repeatedly, its citizens have had the opportunity to express their opinion through free and open elections. In 1967 only 0.6 percent of its voters opted for independence.

And yet, Mr. President, it would be folly to ignore the island's colonial legacy. It was a colony. This fact requires a special sensitivity on the part of the United States, a sensitivity which I am not at all sure we are today demonstrating. If we do not pay attention to Puerto Rico's colonial legacy, the world does. Resolutions calling for investigations of Puerto Rico's status became standard fare in the U.N. Decolonization Committee during the early 1970's. Only the most intensive lobbying effort in 1975 prevented a similar resolution from being adopted, an event which the New York times hailed as "a victory for common sense." I am happy to report that since that time the United States has successfully resisted resolutions condemning the U.S. role in Puerto Rico.

Mr. President, will this situation continue? We cannot be sure. It is a matter of the utmost delicacy. We are in the process of considering arrangements for a plebiscite there and I fear that too little attention is being paid here to this important process. I ask unanimous consent that a statement which I made yesterday in the Committee on Finance and an article from the San Juan Star concerning a congressional visit to the island in June 1989.

I hope that my colleagues will pay close attention to this situation. Mr. President, I urge my colleagues to work diligently to ease the United States through this final stage of its own "decolonization" process.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DANIEL PATRICK MOYHIHAN

I wish to state my growing sense that by the close of this session of Congress, and accordingly, of the 101st Congress itself, we will not have sent to the President a bill providing for a plebiscite on the status of Puerto Rico.

This would not be my wish. To the contrary. What I am about to say is sensitive. I have a limited, but I dare to hope, sufficient sense of just how sensitive. I mean no offense to anyone and devoutly hope that in the end I shall not have given any offense.

We recall with what great expectations this matter came before us at the outset of the first session of this Congress. On January 17 the Majority Leader received a letter from the heads of the three principle political parties of Puerto Rico (identical letters having been addressed to the Speaker of the House and to the President) asking for a "resolution of the status issue" through a vote of the people of the Commonwealth. The text is as follows:

"In the past election held on November 8, 1988, all three political parties, which represent the three alternatives for the ultimate political status of the People of Puerto Rico, included the need for the resolution of the status issue in the platforms they presented to the electorate.

"In accordance with the platform of the Popular Democratic Party, the Governor of Puerto Rico announced in his Inauguration the intention of the Government of Puerto Rico to pursue the resolution of the status question with the Govenment of the United States of America and convened a meeting of the leadership of the three political parties that represent the three formulas.

"As a result of this meeting we, the Presidents—of the Popular Democratic Party, representing Commonwealth, the New Progressive Party, representing Statehood, and the Independence Party, representing Independence—have agreed to express to the President and to the Congress of the United States of America, that the People of Puerto Rico wish to be consulted as to their preference with regards to their ultimate political status and the consultation should have the guarantee that the will of the People once expressed shall be implemented through an act of Congress which would es-

tablish the appropriate mechanisms and procedures to that effect.

"Towards the formulation of such an act of Congress and related policies, we request to meet with you at your earliest convenience.

"Conscious that since Puerto Rico came under the sovereignty of the United States of America through the Treaty of Paris in 1898, the People of Puerto Rico have not been formally consulted by the United States of America as to their choice of their ultimate political status, and in the understanding that we are taking a momentous decision in Puerto Rican history and confident of the commitment of the United States of America and of the People of Puerto Rico to the principles of self-determination and government by the consent of the governed, we remain,

"Cordially yours,

"Baltasar Corrada del Rio, President, New Progressive Party; Rafael Hernandez Colon, President, Popular Democratic Party; Ruben Berrios Martinez, President, Puerto Rican Independence Party."

Some weeks thereafter, in an address to a Joint Session of the Congress on February 9, 1989, President Bush endorsed this proposal. He said:

"There's another issue that I've decided to mention here tonight. I've long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favor statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referendum."

The response in Puerto Rico was one of great satisfaction and even greater interest. In June a year ago I accepted the kind invitation of the Committee on Energy and Natural Resources to take part in a hearing on the issue held in San Juan. I think it likely that a third of the population of the island watched our televised hearings all day long, and two-thirds watched the reruns during the evening. That same evening, I could not walk anywhere in town without being greeted by name, usually with some apt comment on the (few) questions which I had asked that day. The Energy Committee went forward with deliberate dispatch, and on August 2nd reported out the bill which is now before the Finance Committee.

That was three-quarters of a year ago. Nothing much has happened. It begins to look as if nothing might. On April 10, the chairman of the House Insular and International Affairs Committee, Ron de Lugo, stated:

"The House is still waiting for legislation from the Senate that was promised last year. At some time soon, we will cross a point when it will become impossible to pass a bill in the House."

What happened?

Here I must declare, indeed assert, the limits of my knowledge, still more my understanding. I am no stranger to Puerto Rico. I first was there in the Navy near to half a century ago. (And, come to think, before that had spent more time than my mother knew in a pool hall called Los Muchachos in the original Manhattan barrio just north of 96th Street where the tracks come above ground on Park Avenue.) In the Kennedy years I came to know and to admire Luis Munoz Marin, and, indeed, worked with many of his lieutenants and associates. I did not fail to note that for them the English term "Commonwealth" was rendered "Estado Libre Asociado" with the further provision in one of the party conferences that the latter never be translated back into English.

At the United Nations I came upon the fierce accusations from Cuba and other elements of the so-called nonaligned nations that Puerto Rico was held in colonial captivity. On behalf of President Ford I answered back with, I hope, equal fierceness that it was the fixed policy of the United States that the people of Puerto Rico were free to choose any relationship with the United States that they wished: commonwealth, statehood, independence.

Shortly thereafter I came to the Senate and am now in my fourteenth year on the Finance Committee. During this time I have recurrently found myself dealing with matters affecting Puerto Rico in the most direct and important ways. I think it fair to say that my colleagues have assumed my interest in these matters reflects the large number of Puerto Rican residents in New York State, which it surely does. But it also reflects my experience at the United Nations and generally with the process of colonialization and decolonialization. For make no mistake: in the first instance Puerto Rico was the spoil of a colonial war. It became an American colony. It has since evolved into much more than that, yet no one should doubt the explosive nature of the original relationship.

Moreover, I began to sense how precarious the situation of Puerto Rico was in the Congress. Puerto Rico had friends; it had no fully empowered member. A nonvoting resident commissioner in the House; no one at all in the Senate. Thus, in November 1984 the Reagan administration announced a wholesale revision of the Internal Revenue Code. The first version, known as Treasury I, simply abolished Section 936 of the Code, the economic cornerstone of the whole development policy conceived by Munoz and those of his time. We managed to block this; but only just. Treasury I was the work of the permanent government; it would be back.

This experience only confirmed my view that statehood would come sooner than anyone seemed to think. I had presented this view in a speech on the Senate floor the previous August.

"Having known Luis Munoz Marin, and being a friend and admirer of so many Puerto Rican leaders who carry on in his tradition, I must say that I have always assumed that this tradition views Commonwealth status as interim, as transitional.

"Temporary economic advantages can help prepare a society for statehood but can never indefinitely outweigh the civil advantage of full citizenship, which only statehood can confirm.

"I look to a Puerto Rico that appears at our portals asserting that the obligation of citizenship can never be fully met by a citizenship that is incomplete. In a word, I look at the day when a Puerto Rican sense of equality will animate a sense of the shared responsibility of equals.

"What I dread is a Puerto Rico coming to us in frustration and resentment at what it considers unequal treatment, looking to statehood as a remedy for grievances rather than a call to duty. Do these terms seem archaic, idealized? Perhaps. Yet I believe they would be recognized by the founders of this Republic, who have nothing to apologize for as regards to the realism of their ideals."

I might add that on that occasion I was defending the right of Puerto Rico to receive back excise taxes paid on liquor produced there. Nothing new in this. The second bill enacted by the first Congress imposed a tariff on Caribbean rum. I concluded:

"I urge the Senate to give consideration to this measure, and especially hope that it will come to the attention of our distinguished majority and minority leaders, who will one day, they or their successors, stand on the floor of this Senate and deal with the application by the Commonwealth of Puerto Rico for entry into the American union, asking that a pledge repeatedly made to the people of Pureto Rico be honored."

In the course of the years my views have not changed. They are known in Puerto Rico, and ought to be made known in the present debate. But I would make an important point in this regard. I have no quarrel with commonwealth status. To the contrary I have come to sense that to many of Munoz's time, and those who follow him, commonwealth was not a way station, an interim period prior to statehood. It was, to the contrary, the closest economically viable option to independence. Or at least, it was something this side of absorption into the union of the mainland.

I respect that. Just as I respect those for whom independence is the only acceptable outcome. My concern is that the process of making a viable choice should continue.

Leaving aside independence, where neither consideration arises, those who would choose between statehood and commonwealth status face a basic dilemma.

It is this.

Statehood automatically brings a huge increase in social welfare benefits. By an order of magnitude! Consider Supplementary Security Income. The current benefit in the commonwealth is about $32 a month for the blind, disabled, and aged who have insufficient Social Security or other benefits. The day statehood becomes effective, this benefit rises to $386, a tenfold increase, thereafter automatically indexed to inflation. Similar results occur across what is now a very wide range of programs. In the 1950s and later these benefits in the United States either did not exist or varied greatly from state to state. In the past 30 years, however, we have more and more tended to national benefit standards.

The impact of statehood on perhaps half the population of the island would be instantaneous and profound. And yet, at the same time, statehood means the loss of Section 936 benefits to industry, such that the economy loses a stimulus which has been absolutely central to economic growth in the past two generations. (Section 936, incidentally, was a program begun in the 1920s to encourage investment in the Philippines.)

By contrast, commonweatlh status retains—for a period at least—the economic stimulus of Section 936. But it probably means a continued low level of social welfare benefits. And the absence of a considerable range of Federal taxes. Given those perplexities, I would offer a number of suggestions.

First of all, the executive branch and the Congress have got to undertake as much analysis as the remaining time allows. With no intent to criticize, I must state that some of the departments of the executive branch have been fair to mute on this subject. The Treasury, at least, has come before us and "endorsed" S. 712 as reported out by the Energy Committee, and offered a number of suggestions and reservations. Other departments with programs affected have simply come up here with no views and less data.

Second, the parties in Puerto Rico should try to avoid taking positions that cause anxieties here in the Congress. Those supporting statehood should be most careful about advertising its welfare attractions. Members of Congress altogether friendly to the people of Puerto Rico—they are, after all, our fellow citizens—could very well not wish them to fall into the "welfare trap", as it is called, and not without reason. Take the Food Stamp program, as an example. This began in early 1975. By 1982 fully 60 percent of the Puerto Rican population was receiving food stamps. This cost the Federal government some $.9 billion a year. But what did it cost the people of Puerto Rico? I have to report that my impression from travels in the interior that it virtually destroyed Puerto Rican agriculture. As is well known, the Congress thereupon cut back on the program.

Similarly, those suppoting continued commonwealth status should take great care that the present seeming preference for statehood, as reflected in opinion polls, not persuade them that the best course is to put off a plebiscite. It is now common to read of this in the Puerto Rican press. I would presume to suggest, for example, that there is no reason the House of Representatives should be waiting on the Senate for a bill.

Let them write their own bill, and we will go to conference with them. This is the normal way in which we do business. One could wish that voices were heard in San Juan asking why the House seems to be running out the clock. For there will be no winners in such an eventuality, or at all events, that is my view. As for "enhanced" commonwealth status, that is surely a matter the Finance Committee will want to consider. I will make proposals. I hope others will do so as well. But time presses.

In the end, the great issues involved here are civic, not economic. Do the people of Puerto Rico wish to become Americans? For that is what statehood ineluctably implies. That is what statehood brings. Or do they wish to retain a separate identity? Of, but not in, the American union. This could be a perfectly intelligent choice, and of course, the option of eventual statehood or independence remains.

But to say again, the Congress must act. It is almost a century now since William Graham Sumner composed his bitter epitaph on the Spanish American War entitled, "The Conquest of the United States by Spain." His thesis, of course, was that by entering the colonial lists, we would become like other imperial nations, and suffer all their decadence and decline. Well, that hasn't happened. But we won't know until it is made perfectly clear that our offer to Puerto Rico of choice is in fact a fair-minded and efficacious offer. Which is to say, an offer which will shortly issue in an actual choice being made.

I ask that two important editorials, one from the New York Times, the other from the Washington Post, be appended to this statement.

[From the New York Times, Apr. 1, 1990]

THE 51ST AND 52D STATES

Puerto Rico is not America's Lithuania, but it is unhappy with its status as a highly dependent commonwealth. An overwhelming majority of 3.3 million islanders are agreed that they want change. But as Congress is learning, agreement stops there. What adds to the perplexity is a parallel but unrelated campaign to grant statehood to the District of Columbia.

A Senate bill supported by the Bush Administration would offer Puerto Ricans a chance to choose, by a binding vote next year, statehood, improved commonwealth status or independence. The problem is to assure a fair choice. If one or another side has plausible reasons for charging bad faith, the referendum could prolong the argument it is meant to end.

Polls for the first time show a narrow majority of Puerto Ricans now favors statehood. As sentiment has shifted, so has the tone of a longstanding debate. Statehood supporters now join with advocates of independence in decrying colonialism. Those clamoring for enhanced commonwealth status contend that the Senate bill is front-loaded unfairly in favor of statehood.

The argument springs from a complicated history. The U.S. acquired Puerto Rico from Spain almost incidentally in 1900. In 1917, Puerto Ricans became U.S. citizens, but not until 1947 did they elect a Governor. Five years later, Congress approved an ingenious commonwealth arrangement, giving a Spanish-speaking island home rule and exemption from Federal taxes but no vote in Federal elections.

Economically, the plan made sense. Using an additional tax break known as Section 936 of the revenue code, Puerto Rico has provided generous incentives for mainland investors. But politically, the island has been virtually a ward of Congress, without the clout it would wield with two senators and six or seven representatives, plus a Presidential vote.

This sense of being second-class citizens has given potent impetus to the statehood campaign. As statehood sentiment has waxed, so has uncertainty about Puerto Rico's tax exemptions, causing investors to hold back. To end the debate once and for all, Gov. Hafael Hernandez Colon, a commonwealth advocate, proposed a binding referendum.

But he now faults the Senate will as "terribly, dangerously unbalanced." It would phase in Federal taxes and phase out Section 936 over four years. Meanwhile, says the Congressional Budget Office, statehood could cost other U.S. taxpayers as much as $9.4 billion in additional Federal social spending; more than half the island's population remains below the national poverty line.

A very different view is taken by former Gov. Carlos Romero Barceló, a statehood proponent. He persuasively cites similar preferential treatment granted other incoming states. Congress can redress the balance by rewording the commonwealth choice to give its proponents more of what they seek: an increased international role, an open port for air carriers, a voice in Federal appointments and jurisdiction over natural resources.

What is unarguable and fundamental is Puerto Rico's right to self-determination. The choice is primarily between two forms of association with the United States. Even the minority favoring independence relies on reason rather than passion. Congress can reciprocate by specifying clearly and fairly what Puerto Ricans can expect, whichever way they vote.

[From the Washington Post, Apr. 24, 1990]

PUERTO RICAN STATEHOOD

A game is being played in a mostly indifferent Congress with the people and the future of Puerto Rico. The issue is the recurrent one in island politics of statehood or independence versus the present mixed status of commonwealth.

The last election on the island in 1988 was won by the commonwealth party, but it was close. In hopes of taking the distracting status issue away from the statehood advocates nipping at their heels, the commonwealthers decided to ask Congress to authorize a binding referendum. Puerto Ricans would choose among the three broad relationships with the United States, and Congress would agree in advance to give effect to the result.

The other Puerto Rican parties also supported the idea, as did the administration, on record as favoring statehood. Then came the problem, which persists, of defining the alternatives that would be voted on. The administration wanted to leave them vague. The Senate Energy and Natural Resources Committee rightly resisted, on grounds that the voters should know what they they were voting for. But the committee then produced a seriously misshapen bill, tilted sharply in favor of statehood. The legislation front-loaded the statehood option by providing that benefits would go up right away and taxes only later. Opinion polls on the island picked up an instant pro-statehood shift.

Now the Congressional Budget Office has done a study of the likely economic effects of statehood as outlined in the committee bill. From what might be called a welfare standpoint the island would gain (and the Treasury lose). Benefits would rise not just earlier than taxes, but as much as $2 billion to $3 billion a year more. But the Puerto Rican economy is dependent on a special provision in the U.S. tax code exempting from tax part of the income of U.S. companies that invest there. As a condition of statehood the exemption would be phased out. CBO says that would mean loss of jobs and calculates that within 10 years this loss on the job side would be greater than the gain in benefits. Puerto Rico would be both more dependent and worse off.

The bill has now gone to the Finance Committee, whose chairman ordered the CBO study. Finance, which has jurisdiction over taxes and many benefit programs, is scheduled to hold a hearing this week. The Agriculture Committee, which has jurisdiction over the food stamp program, an island mainstay, must also be heard from before the legislation can go to the floor. Then the whole process would have to be repeated in the House. There isn't time, and therefore there isn't likely to be a bill. The way the idea has been abused and mangled thus far, that would be a merciful result. But in the meantime the people of Puerto Rico have been badly jerked around.

[From the San Juan Star, June 17, 1989]

SENATORS COOL TO PDP "SPECIAL TREATMENT" PLAN

(By Carlos Galarza)

The Popular Democratic Party's proposal for special federal policy treatment continued to get the cold shoulder from U.S. senators during status hearings in Old San Juan Friday.

When PDP Vice President Miguel Hernández Agosto defended the party's key proposal of getting special legislative treatment from Congress, the idea got the same rebuff as when Gov. Hernández Colón made the proposal in Washington two weeks ago.

Sen. J. Bennett Johnston, D-La., chairman of the Senate Energy and Natural Resources Committee, and ranking Republican

Sen. James McClure of Idaho, rejected giving Puerto Rico the power to challenge the applicability of federal laws to Puerto Rico.

Hernández Agosto contended such a policy would cut litigation because Puerto Rico then could not challenge any federal law which Congress deemed to have "overriding national interest."

The senators, who were joined by Sen. Daniel P. Moynihan, a New York Democrat and member of the Finance Committee, did not appear to buy the argument.

Johnston offered Hernández Agosto a counter-proposal, suggesting that unless Congress mentioned Puerto Rico in federal legislation, it would not apply to the island.

"It's a good idea, but we like our idea better," Hernández Agosto said later during an interview. "I see a very positive attitude on their part of trying to understand our proposal and it all boils down to negotiations on this issue."

Hernández Agosto was one of the main speakers during the daylong hearings at the Government Reception Center that saw a parade of island political leaders address the senators about status and a proposed plebiscite.

PDP Resident Commissioner Jaime Fuster, who preceded Hernández Agosto on the stand, also made a defense of the federal policy proposal. "We are sensitive to the issue of federal policy as applied to Puerto Rico," he said.

Johnston and the other senators had a rough moment when they confronted the radical left of the island's independence movement.

Puerto Rican Socialist Party Secretary-General Carlos Gallisá pointed his finger at them and said, "You represent the colonial power and cannot be judge and player in this process."

Gallisa was followed to the witness stand by former PSP Secretary-General Juan Mari Bras, who predicted that the senators would see "thousands of independentistas" turn out for a demonstration today.

"You'll see that the people will not assimilate," Mari Bras told the senators.

The PIP-sponsored demonstration will begin with a 10 a.m. rally in front of the El Escambrón sports complex and conclude with a march to the site of the hearings.

Former Resident Commissioner Jaime Benitez made a pitch in favor of enhanced Commonwealth.

"If the PDP had not made the mistake of losing the elections in 1976, we would have had enhanced Commonwealth by now because that's what the people of Puerto Rico want," he said.

The other key PDP proponent to testify during the morning session was House Speaker José "Rony" Jarabo, who greeted the senators by saying, "Welcome to the marvelous world of Puerto Rico status politics, where everything is black and white, good and evil . . ."

Former NPP President Baltasar Córrada del Río was one of four members of the prostatehood faction who testified in the morning.

He attacked Commonwealth status, corporate tax exemption under Section 936 of the Internal Revenue Code. Corrada said that without statehood, Puerto Ricans would have "second-class citizenship."

Sen. Oreste Ramos, NPP-San Juan, said Puerto Rico is defined by U.S. law as an unincorpoated territory and contended that Commonwealth status does not exist and thus cannot be enhanced.

Sen. Rolando Silva, NPP-San Juan, adding a personal touch to his testimony, said he is a Vietnam War veteran who fought for the United States and now wants the right to equal representation.

Sen. Nicolas Nogueras, NPP-at-large, proposed to the senators that Commonwealth status go alone in a referendum. He said that if it fails to garner 51 percent of the votes, then statehood and independence should go alone in a plebiscite run-off.

During the afternoon session development administrator Antonio J. Colorado was submitted to tough questioning on Section 936. He and representatives of the island's business sector said that without 936 benefits Puerto Rico's economy would collapse.

However, their testimony was disputed by prostatehood tax expert Luis Costas Elena who said 936 could be eliminated immediately without affecting the island's economy.

He quoted a U.S. Treasury report that said 936 tax breaks in Puerto Rico cost the Treasury $1.641 billion in 1983. However, Colorado had told the senators that 936 does not cost the United States anything.

Moynihan, who is a member of the Senate Finance Committee, said 936 is not safe from attempts by Congress to eliminate it as has been attempted in the past.

Today's hearings are scheduled from 9 a.m. to 12 p.m. After a day off Sunday, the hearings will conclude Monday with a session scheduled from 8:30 a.m. to 11:30 a.m.

Senator Calms Fears Stirred by Memorandum

(By Manny Suarez)

Sen. J. Bennett Johnston, D-La., said categorically Friday that Puerto Ricans' U.S. citizenship could not be revoked by Congress under either commonwealth or statehood.

"Citizenship should not, will not and cannot be changed under statehood or commonwealth. Citizenship should not, will not and cannot be modified in any way under statehood or commonwealth. It is guaranteed," said Johnston in his opening statement at the Senate Energy and Natural Resources Committee hearings on status here.

Johnston's statement helped ease a controversy over Puerto Ricans' U.S. citizenship sparked at the start of June by a Library of Congress memo.

In the news conference before the hearings started at the Government Reception Center in Old San Juan, Johnston also said:

He did not have an opinion about the size of a majority that would be needed to permit Puerto Rico to become a state.

He did not consider that Puerto Rico was a colony under commonwealth.

That there was growing support in Congress for a "self-executing" bill that would enact whatever status preference the people select without more congressional legislation.

That the island's three parties would share equally in a $1.5 million federal appropriation to help them carry out their plebiscite campaigns.

The committee will not be able to extend the hearings in Puerto Rico as Gov. Hernández Colón had requested.

Johnston addressed the citizenship issue at a morning news conference, helping defuse the uproar sparked by a Library of Congress staff member. A memo from the staffer released during June 1-2 status hearings said Congress might be able to revoke Puerto Ricans' U.S. citizenship if the island became independent.

Johnston's comments that the memo was only concerned with the effects of Puerto Rican independence were praised by Hernández Colón, president of the proautonomy Popular Democrats.

Johnston's reassurance, however, had little impact on former Gov. Carlos Romero Barceló, leader of the pro-statehood New Progressive Party.

"The only way to guarantee citizenship is under statehood," he said. "Under commonwealth there will always be doubts, uncertainty and fear."

Also taking issue with Johnston were Dr. Myriam Ramírez de Ferrer, president of the pro-statehood Citizens in Civic Action, and by former Secretary of Justice Blas Herrero.

Ramírez de Ferrer said, "A little of what Johnston had to say was to resolve the hysteria that arose over the issue. But although we may not have it revoked under the present version of commonwealth, we do not know what would happen if the island became an 'associated republic.' "

"Associated republic" is used by the NPP to describe PDP plans for Puerto Rico's relations with the United States. NPP members contend it is a plan for independence.

Herrero said he had been studying the matter and found that citizenship legislation was contradictory.

"The matter is not as clear as Johnston presents it," he said. "I'll have my study done in about two weeks."

Johnston was also asked about another memo to the committee that said the island would have to vote overwhelmingly for statehood before Congress would grant it.

The memo pointed to such offshore states as Alaska and Hawaii that had several prostatehood referendums in which the people voted 90 percent in favor before they were accepted into the union as examples of the "super majority" required.

"The question of the majority needed is not one to be decided right at this moment," Johnston said.

When asked for a reaction, Romero Barceló said the "super majority" issue was raised by Hernández Colón and the PDP.

"If you must have a super majority it should be for commonwealth which deprives you of representatives and senators and sovereignty," he said. "To be able to participate as a state all you would need is a majority."

Aida Montilla, who attended the news conference as an analyst with WPAB radio on Ponce, asked if the committee truly intended to resolve the island's colonial" status.

"That's a loaded question." Johnston responded. "To answer yes or no is to say I believe that Puerto Rico's status is colonial and I do not believe that."

Montilla, a retired University of Puerto Rico professor, is an outspoken advocate of independence and is scheduled to address the committee Monday.

Johnston said there were three bills submitted to deal with the plebiscite, one of which was "self-executing." That means Congress would spell out the terms under which statehood or independence would be granted depending on which alternative won or what enhancement would be given if commonwealth won.

[From the Washington Post, June 2, 1989]

SENATE COMMITTEE OPENS HEARINGS ON PUERTO RICO

(By Judith Havemann)

With impassioned testimony televised live to Puerto Rico, a Senate committee opened hearings yesterday aimed at the permanent settlement of the Puerto Rican question: should the island seek to become the 51st state, an independent nation, or an "enhanced commonwealth" of the United States?

The Senate Committee on Energy and Natural Resources, which has jurisdiction over territories, began consideration of legislation calling for Puerto Ricans to decide their fate in a referendum in 1991.

The issue is nearly 100 years old, and sentiments have run so strong in Puerto Rico that extremists attempted to assassinate President Harry S. Truman in 1950 and shot up the House of Representatives in 1954 in the cause of independence. The question of status has dominated politics on the island since the Spanish American War.

But with the strong support of President Bush, committee chairman J. Bennett Johnston (D-La.) and the three major Puerto Rican political parties, a referendum seems more likely now than it has in decades.

Details of the three alternatives have been submitted to the Senate for consideration in hearings in the energy, finance, judiciary, commerce and armed services committees.

"I can assure you that Congress will make substantial changes to all three definitions, and I fully expect that the advantages of each option will be reduced from what the parties have proposed," Johnston said. "Congress will make budget neutrality an objective." The island receives about $6 billion annually in federal funds.

Former governor Carlos Romero Barcelo argued for statehood. "We are U.S. citizens with a difference: we are second class citizens who have no voice in our nation's future, who have no vote in Washington."

When Americans attacked Libya, "a Puerto Rican Air Force Commander was in the eye of the raid, and [Capt. Fernando L.] Ribas-Dominicci gave his life for his country," Romero Barcelo testified. "His mother did not vote for the president who gave the order to take action against Libya. She has no right to vote—she lives in Utuado, Puerto Rico."

Ruben Berrios Martinez, the Oxford-educated president of the Puerto Rican Independence Party, countered with testimony echoing claims that usually garner 4 percent to 7 percent of the vote in island elections.

The U.S.-Puerto Rican relationship "by whatever name, and whether by imposition or consent, contradicts the principle of representative democracy, is inconsistent with the values and principles of the American people and constitutes a growing source of embarrassment to the United States in the international community," he said.

Gov. Rafael Hernandez Colon, speaking for what he called the "real world" solution of an "enhanced commonwealth," called independence "impracticable," saying it "would wreck the Puerto Rican economy and it runs counter to the unswerving desire of the people of Puerto Rico to maintain their American citizenship."

"Statehood was and is unworkable because it would also disrupt the Puerto Rican economy and does not take into account another given: the fact that Puerto Ricans form a people, a distinct society with its own culture, ethos and language," Hernandez Colon said.

He was the only panel member to testify in detail, with the others scheduled to answer questions today.

Hernández Colón explored several major problems: the official language, whether Puerto Ricans should continue to be exempt from federal taxes, and whether the commonwealth can be legally enhanced to allow Puerto Rico the degree of autonomy it seeks.

The pro-commonwealth forces want tariffs on selected foreign imports; bilateral air transportation agreements with foreign counties; a non-voting commissioner in the Senate; recovery of excess federal lands; block grant funding from federal agencies; Spanish-language testimony in U.S. courts if requested; and the power to enter international organizations and agreements.

The existing commonwealth was established in 1952. In a 1967 plebiscite on Puerto Rico's status, 60 percent of the voters chose the commonwealth, 39 percent backed statehood and the independence party received less than 1 percent of the vote after boycotting the process.

[From the San Juan Star, June 2, 1989]

RHC STATUS PROPOSAL RAKED

(By Harry Turner)

WASHINGTON.—Gov. Hernández Colón and his vision of an enhanced Commonwealth ran into a buzzsaw of objections Thursday from Sen. J. Bennett Johnston, D-La., who found fault with nearly all the pro-autonomy proposals during a torturous afternoon for the governor.

One by one, Johnston picked apart the commonwealth provisions, suggested some be taken out of the plebiscite bill, said others should be sharply modified and contended still others were unworkable.

Johnston's unrelenting criticisms appeared to shake Hernández Colón, who looked worried and huddled with his advisers during breaks in the first day's plebiscite hearings by the Senate Energy and Natural Resources Committee.

To those with long memories, the attack was remindful of other occasions over the past 30 years when Popular Democratic Party leaders came enthusiastically to Congress with autonomy proposals, only to have their hopes shattered.

Johnston's views are all the more important because he is committee chairman and the driving force behind the plebiscite. It was to him that Hernández Colón first appealed late last year to get the plebiscite process moving.

Hernández Colón was the first witness to undergo extensive questioning by the committee. Puerto Rican Independence Party President Rubén Berrios and New Progressive Party President Carlos Romero will appear today.

The hearings are the start of the legislative process that is supposed to end in 1991 when Puerto Rico residents vote in a plebiscite between enhanced Commonwealth, statehood and independence and settle Puerto Rico's status turmoil for a long time, if not forever.

Johnston, although mild-mannered, was especially harsh with the centerpiece of the Popular Democratic Party's proposals—the creation of a federal policy that, in effect, would allow the Puerto Rican government to reject most federal laws and regulations.

This proposed policy mandates that almost all federal laws and regulations must take into consideration Puerto Rico's special economic, cultural, ecological and other conditions.

If a law doesn't, then Puerto Rico could either go to court to block its applicability or ask the president to declare it nonapplicable if Congress doesn't act.

"I think this (allowing the president to declare a law nonapplicable) would violate the separation of powers," Johnston told the governor. "This is probably not a good way to do it * * *. It may not be a good policy and it may not be workable."

The Louisiana Democrat also complained at several points that the proposed federal policy would result in "endless litigation."

He seemed more sympathetic, however, to giving Puerto Rico some kind of control over federal regulations and their administration on the island.

In what appeared to be a warning to all three statuses, Johnston said he believed that Congress, given the budget deficit situation, wouldn't pass a plebiscite bill that led to a further drain on the U.S. Treasury.

"It is certain that if a [status] definition includes an increased benefit, then Congress will be looking for a way to offset the cost of that benefit * * *. Congress will make budget 'neutrality' an objective during its consideration of these definitions."

Johnston backed up his words by telling Hernández Colón that the Commonwealth proposals of forcing Congress to treat Puerto Rico equally in all federal programs—worth between $850 million and $1 billion a year—were not feasible.

Johnston suggested that the mandatory provision be replaced with watered down language in which Congress would adopt equal treatment as a "goal" to be sought sometime in the future.

Although he didn't spell out his objections, Johnston also seemed disturbed by the PDP leadership's use of "autonomy" when describing the enhanced Commonwealth it seeks.

In the face of the committee chairman's steady objections, Hernández Colón appeared to backtrack on most issues during what must have been a long afternoon for him.

However, Johnston indicated in an opening statement that the other two statuses will also take their share of criticism from him and the rest of the committee.

"I can assure you that Congress will make substantial changes to all three definitions, and I fully expect that the advantages of each option will be reduced from what the parties have proposed," he said.

The Thursday hearings began in the morning with brief statements from Hernández Colón, Romaero and Berrios on their status goals. The three then sat together to take preliminary questions from committee members as a crowded hearing room audience, mostly from Puerto Rico, watched.

The political spectrum of those present ranged from San Juan attorney Jorge Farinacci, accused as a Machetero terrorist in a Hartford, Conn., armed robbery, to former Gov. Luis Ferré, 85, who recounted for the committee how he had first testified in Congress on behalf of statehood in 1936.

The morning session stayed pretty much on track until Romero and Hernández Colón got off on a tangent of why so many Puerto Ricans can't speak English.

A sizable number of committee members were on hand for the morning session, but in the afternoon usually only Johnston and Sen. James McClure, R-Ida., were present.

Berrios, in his testimony, made a strong plea to the committee to establish safeguards for the plebiscite campaigning so that neither the federal nor the Commonwealth government could skew the process.

Asked later whether he thought the Hernández Colón administration would use government resources to win the plebiscite, he snorted and said, "Of course."

Here are other major Commonwealth plebiscite proposals and Johnston's reaction to them:

The transfer to the Puerto Rican government of the power to negotiate with foreign countries over air routes. "It seems to me that that would be a burden for Puerto Rico," Johnston said, suggesting that Puerto Rico have some other kind of "input" on air routes.

The empowerment of Puerto Rico to license tuna boats, as part of its proposed jurisdiction 200 miles out to sea.

"We'd probably be better off not to accept that [tuna licensing]," the senator remarked.

CARPE DIEM

Mr. ROTH. Mr. President, before long the educational institutions of our Nation will receive more advice—in the form of commencement addresses—than perhaps any other body in the world, at least during the traditional times for graduation ceremonies.

Many of us remember the excitement of our own graduation being marred by speakers at these august occasions by their tendency to literally speak forever, while we fidgeted in our seats. It is not a universal characteristic of these ceremonies, but it happens more than we realize.

Fortunately, it is not always the case, and the opposite takes place when a speaker not only understands Shakespeare's "Brevity is the soul of wit," but also that it just makes good sense—to speak plainly and clearly, and then to leave the stage.

At last year's graduation at St. Andrew's one of America's great boarding schools, and a proud tradition in Delaware for many years, a rare occasion took place, namely, a graduation address that took only a few minutes.

It was given by the longtime headmaster of St. Andrew's, Jonathan B. O'Brien, and titled "Carpe Diem," or "Seize the Day." The title was taken from the Robin Williams character in the Academy Award nominated film, "Dead Poet's Society," which was filmed at the Middletown school, and in the town of Middletown. Viewers from all over the world discovered what we Delawareans have always known—that not only is St. Andrew's one of the finest boarding schools in America, it is located in a setting of spectacular natural beauty.

I believe my colleagues would be greatly interested in the remarks of Headmaster O'Brien. His address, "Carpe Diem," speaks for itself.

I ask unanimous consent that Mr. O'Brien's remarks be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

HEADMASTER JONATHAN B. O'BRIEN'S REMARKS AT ST. ANDREW'S SCHOOL, MIDDLETOWN, DE

I have only four pieces of advice. Each will take but a few seconds.

First. Recognize that life is quite short. The distance between your youth and beauty and my craggy old age is only 33 years. Believe me, that is not a long time. It will pass like a cool breeze on a hot day. So enjoy your lives. "Seize the day," as the Robin Williams character urges his students in *Dead Poets Society.* Don't waste your lives doing stupid or trivial things when there are so many magnificent and exciting ways to celebrate your lives.

Second. Don't spend your lives seeking happiness. I once heard William Bennett say that happiness is like a cat. It eludes those who seek it and jumps into your lap when you least expect it. He is right. Choose your goals wisely, and, with luck, happiness will be a byproduct of your quests.

Third. Listen to your hearts. Don't be followers. Inside each of you is a unique individual with a unique song to contribute to the world. The time has come for you to sing your song, not the songs of your parents or your teachers or your friends. Don't be afraid of hitting a few false notes. We all do. And don't worry about your song's popularity. Some of the most beautiful songs ever written have had small audiences.

Finally, and most important of all, love God and your neighbors. If we believe only in ourselves and live only for ourselves, we are doomed to live shallow, empty and, ultimately, lonely lives, and our songs become noisy gongs and clanging cymbals. But if we dedicate our lives to the service of God and our neighbors, even the most simple tasks become brilliant and clear, and we are constantly surprised by the number of cats which leap out of the shadows and onto our laps.

That's the last advice you will hear from me. Thank you for your many contributions to our lives. Good luck. God bless you. You leave with our love and affection. We will be listening for your songs.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for himself and Mr. HATCH):

S. 2534. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

By Mr. McCONNELL:

S. 2535. A bill to provide for a comprehensive health care plan for all Americans, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2536. A bill to amend title XIX of the Social Security Act to give States the option of providing for coverage for certain HIV-related services for certain individuals who have been diagnosed as being HIV-positive, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. CRANSTON):

S. 2537. A bill to amend chapter 32 of title 38, United States Code, to authorize the pursuit of flight training under that chapter; to the Committee on Veterans' Affairs.

By Mr. CHAFEE:

S. 2538. A bill to amend titles XVIII and XIX of the Social Security Act to improve the delivery of services at federally qualified health centers and rural health clinics, and for other purposes; to the Committee on Finance.

By Mr. GARN (for himself and Mr. MOYNIHAN):

S. 2539. A bill to authorize the establishment of a Senior Executive Service of the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. GARN:

S. 2540. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip space in the East Court of the National Museum of Natural History building, and for other purposes; to the Committee on Rules and Administration.

By Mr. SHELBY (for himself and Mr. HEFLIN):

S. 2541. A bill to direct the Secretary of the Army to convey a certain parcel of land at Redstone Arsenal, Alabama, to the Solid Waste Disposal Authority of the city of Huntsville, Alabama; to the Committee on Armed Services.

By Mr. GARN (for himself and Mr. MOYNIHAN):

S.J. Res. 302. Joint resolution providing for the reappointment of Anne L. Armstrong as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WALLOP (for himself, Mr. BURNS, Mr. McCLURE, Mr. SYMMS, Mr. BAUCUS, and Mr. SIMPSON):

S. Res. 277. Resolution to express the sense of the Senate strongly opposing any

future use of the milk production termination program as a method of controlling the production of milk and milk products; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself and Mr. HATCH):

S. 2534. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

SEX DISCRIMINATION IN THE UNITED STATES CODE REFORM ACT OF 1990

Mr. DOLE. Mr. President, I am pleased to join with my distinguished colleague from Utah, Senator HATCH, in introducing the "Sex Discrimination in the United States Code Reform Act of 1990."

THE HISTORY OF THE LEGISLATION

In 1981, President Reagan signed Executive Order 12336 establishing the task force on legal equity for women. The task force was established to provide for the systematic elimination of regulatory and procedural barriers which have unfairly precluded women from receiving equal treatment from Federal activities. The order further assigned to the Attorney General the responsibility to conduct a review of Federal laws and to identify and report to the President any provision that unjustifiably differentiates or which effectively discriminates, on the basis of sex.

In response to the executive order, then Attorney General William French Smith issued several reports identifying provisions of the Federal code that made substantive distinctions based on gender. These reports served as the basis for similar legislation that I have introduced in the past.

I first introduced the Sex Discrimination Reform Act in 1982. In 1983, the bill was unanimously approved by the Senate, but unfortunately, no action was taken by the House. In 1985, I reintroduced the Sex Discrimination Reform Act. Once again, the bill was unanimously approved by the Senate but failed to receive House action.

THE BILL'S MAJOR PROVISIONS

Like its predecessors, the Sex Discrimination in the United States Code Reform Act of 1990 would revise or eliminate over 150 statutory provisions that still contain some form of overt, substantive, gender bias. Let me briefly explain some of the important changes proposed by the bill.

Federal law criminalizes the act of interfering with a person's participation in various Federal activities because of race, color, religion, or national origin. The bill would add to this list by criminalizing the act of interfering in the same activities on account of a person's sex.

The Federal code contains several provisions that offer various benefits to the wives, widows, or dependent children of male workers, but make no corresponding provision for the husbands, widowers, or dependent children of female workers. This distinction appears in Federal laws covering such subjects as Government pensions, disability, and survivor's benefits; worker's compensation; and burial rights. The bill would eliminate this distinction, thereby ensuring that certain Government benefits are not denied to deserving recipients as a result of gender discrimination.

The bill would amend those portions of the Federal code that contain different requirements for men and women with respect to certain educational, training, and employment opportunities. 41 U.S.C. 35, for example, requires a minimum age of 16 for boys, but 18 for girls, in setting employment standards for Federal contractors. Similarly, 42 U.S.C. 633(A) gives priority to unemployed fathers over mothers and pregnant women concerning the testing and counseling of participants in work incentive programs. The bill would remove these inequities by equalizing the requirements for both men and women.

Finally, the bill would amend several Federal laws that use gender-based distinctions in defining criminal sexual activity. The code of military justice, for example, still defines rape and statutory rape as offenses that can only be committed by a man against a woman. The bill would revise these provisions by allowing the punishment of any offender who commits an act of sexual intercourse with another person not his or her spouse.

As you can see, the changes made by the Sex Discrimination in the United States Code Reform Act are not simply technical in nature. On the contrary, it is my hope that these amendments will provide concrete benefits to those individuals who may still be subject to unfair discrimination under the law.

WHAT THE BILL WOULD NOT DO

Let me also make another point here. The Sex Discrimination in the United States Code Reform Act would not amend controversial code sections such as the combat and selective service provisions of the military code and certain provisions of the criminal code. Any attempt to amend these code sections should, at a minimum be preceded by a formal investigation and hearing by Congress. Nor would the bill remove all gender-based terminology from the Federal code. Since there are literally thousands of these gender-based references, it is virtually impossible for a single bill to identify and amend each of these provisions as they appear in the Federal code.

CONCLUSION

Mr. President, this legislation represents a modest, but important, step in the effort to achieve full equality of women under the law. Today, Americans overwhelmingly believe that men and women should be treated as equal partners in society. Our Nation's laws should reflect this broad consensus—in both form and substance.

Mr. President, I ask unanimous consent that the full text of the Sex Discrimination in the United States Code Reform Act be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sex Discrimination in the United States Code Reform Act of 1990".

TITLE I—UNIFORMED SERVICES AND MERCHANT MARINE

AMENDMENTS TO TITLE 10, UNITED STATES CODE, RELATING TO THE UNIFORM CODE OF MILITARY JUSTICE

SEC. 101. (a) Section 920 of title 10, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) Any person subject to this chapter who commits an act of sexual intercourse with another person not his or her spouse, by force and without the consent of such other person, is guilty of rape and shall be punished by death or such other punishment as a court-martial may direct.

"(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with another person not his or her spouse who has not attained the age of 16 years, is guilty of carnal knowledge and shall be punished as a court-martial may direct.".

(b) Section 933 of title 10, United States Code, is amended by inserting "or a gentlewoman" after "gentleman".

AMENDMENTS TO TITLE 10, UNITED STATES CODE, RELATING TO THE ARMY

SEC. 102. Section 4651 of such title is amended by striking out "Under such conditions as he may prescribe, the Secretary of the Army may issue arms, tentage, and equipment that he" and inserting in lieu thereof "Under such conditions as the Secretary of the Army may prescribe, the Secretary may issue arms, tentage, and equipment that the Secretary".

AMENDMENTS TO TITLE 10, UNITED STATES CODE, RELATING TO THE NAVY

SEC. 103. The first sentence of section 7601(b) of such title is amended—

(1) by striking out "him" and inserting in lieu thereof "the Secretary"; and

(2) by striking out "he" each place it appears and inserting in lieu thereof "the Secretary".

AMENDMENTS TO TITLE 10, UNITED STATES CODE, RELATING TO THE AIR FORCE

SEC. 104. Section 9651 of such title is amended by striking out "Under such conditions as he may prescribe, the Secretary of the Air Force may issue arms, tentage, and

equipment that he" and inserting in lieu thereof "Under such conditions as the Secretary of the Air Force may prescribe, the Secretary".

AMENDMENTS TO TITLE 10, UNITED STATES CODE, RELATING TO THE ARMED FORCES GENERALLY

SEC. 105. (a) Section 311(a) of title 10, United States Code, is amended—

(1) by striking out "males" and inserting in lieu thereof "persons"; and

(2) by striking out "and of female citizens of the United States who are commissioned officers of the National Guard".

(b) Section 772(c) of such title is amended by striking out "his" and inserting in lieu thereof "the retired officer's".

(c)(1) Section 1431(b) of such title is amended—

(A) in the first and second sentences—

(i) by striking out "he" each place it appears and inserting in lieu thereof "the person"; and

(ii) by striking out "his" each place it appears and inserting in lieu thereof "the person's";

(B) in the third sentence—

(i) by striking out "he" each place it appears and inserting in lieu thereof "the member"; and

(ii) by striking out "his" and inserting in lieu thereof "the member's";

(C) in the fourth sentence, by striking out "him" and inserting in lieu thereof "the member";

(D) in clause (1) of the fifth sentence—

(i) by striking out "he is entitled" and inserting in lieu thereof "the elector's entitlement of";

(ii) by striking out "his being granted" and inserting in lieu thereof "the grant of"; and

(iii) by striking out "his" and inserting in lieu thereof "the elector's"; and

(E) in clause (3) of such sentence—

(i) by striking out "his" and inserting in lieu thereof "the elector's"; and

(ii) by striking out "his death" and inserting in lieu thereof "the member's death".

(2) Section 1431(c) of such title is amended—

(A) by striking out "his" each place it appears and inserting in lieu thereof "the member's"; and

(B) in the second sentence, by striking out "he" and inserting in lieu thereof "the member".

(3) Section 1431(d) of such title is amended by—

(A) striking out "he" the first place it appears and inserting in lieu thereof "the member"; and

(B) adding after "he" the second place it appears "or she".

AMENDMENTS TO THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

SEC. 106. (a) Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530) is amended—

(1) in subsection (1), by striking out "wife" and inserting in lieu thereof "spouse"; and

(2) in subsection (4)—

(A) by inserting "or she" after "he"; and

(B) by striking out "wife" and inserting in lieu thereof "spouse".

(b) Section 503 of such Act (50 U.S.C. App. 563) is amended—

(1) in subsection (1), by striking out "his widow, if unmarried, or in the case of her death or marriage, his minor children, or his or" and inserting in lieu thereof "the surviving spouse, if unmarried, or in the case of the surviving spouse's death or marriage, the minor children, or"; and

(2) in subsection (2), by inserting "or she" after "he".

(c) Section 504 of such Act (50 U.S.C. App. 564) is amended—

(1) by striking out "entryman" each place it appears and inserting in lieu thereof "enterer";

(2) by striking out "his" each place it appears and inserting in lieu thereof "his or her"; and

(3) by striking out "he" each place it appears and inserting in lieu thereof "he or she".

(d) Section 510 of such Act (50 U.S.C. App. 570) is amended—

(1) by striking out "entryman" each place it appears and inserting in lieu thereof "enterer";

(2) by striking out "his" each place it appears and inserting in lieu thereof "his or her"; and

(3) by striking out "he" each place it appears and inserting in lieu thereof "he or she".

AMENDMENTS RELATING TO ALLOTMENT OF PENSIONS OF INMATES OF THE SOLDIERS' HOME

SEC. 107. Section 4 of the Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes.", approved March 3, 1883 (22 Stat. 564; 24 U.S.C. 52) is amended—

(1) in the third sentence—

(A) by striking out "him" each place it appears and inserting in lieu thereof in each such place "the pensioner"; and

(B) by striking out "his";

(2) in the fourth sentence—

(A) by striking out "his" each place it appears and inserting in lieu thereof in each such place "the inmate's"; and

(B) by striking out "he" and inserting in lieu thereof "the pensioner"; and

(3) in the fifth sentence—

(A) by striking out "him" and inserting in lieu thereof "the pensioner"; and

(B) by striking out "his" and inserting in lieu thereof "the pensioner's".

MISCELLANEOUS AMENDMENTS RELATING TO THE UNIFORMED SERVICES

SEC. 108. (a) The Act entitled "An Act to authorize the burial in national cemeteries of the remains of certain commissioned officers of the Public Health Service", approved April 30, 1956 (70 Stat. 124; 42 U.S.C. 213 note), is amended by—

(1) striking out "wife, widow" the first place it appears and inserting in lieu thereof "spouse, surviving spouse"; and

(2) striking out "wife, widow" the second place it appears and inserting in lieu thereof "spouse".

(b) Section 551 of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "his" in subparagraph (A) and inserting in lieu thereof "the member's";

(B) by striking out "his" each place it appears in subparagraphs (B) and (C) and inserting in lieu thereof "such member's"; and

(C) by striking out "his designee" in subparagraph (E) and inserting in lieu thereof "the designee of such Secretary"; and

(2) in paragraph (2) by striking out "his" and inserting in lieu thereof "such member's".

TITLE II—ELIMINATION OF GENDER-BASED DISTINCTIONS UNDER THE SOCIAL SECURITY ACT AND THE RAILROAD RETIREMENT ACT

SOCIAL SECURITY ACT PROVISIONS

SEC. 201. (a) Section 213(a)(2)(B) of the Social Security Act (42 U.S.C. 413(a)(2)(B)) is amended—

(1) in clause (iii), by striking out "him" and inserting in lieu thereof "such individual"; and

(2) in the matter between clause (vii) and subsection (b), by—

(A) striking out "his primary" and inserting in lieu thereof "such individual's primary";

(B) striking out "(if a woman) or age 65 (if a man)";

(C) striking out "his having" and inserting in lieu thereof "such individual having";

(D) striking out "his quarters" and inserting in lieu thereof "such individual's quarters";

(E) striking out "his survivors" each place it appears and inserting in lieu thereof "the survivors of such individual"; and

(F) striking out "his record" and inserting in lieu thereof "such individual's record".

(b) Section 213(c)(1) of the Social Security Act (42 U.S.C. 413(c)(1)) is amended by striking out "him" and inserting in lieu thereof "such individual".

(c) Section 213(d)(2)(B) of the Social Security Act (42 U.S.C. 413(d)(2)(B)) is amended by striking out "his delegate" and inserting in lieu thereof "a delegate of the Secretary".

(d) Section 215(f)(5) of such Act (42 U.S.C. 415(f)(5)) is amended by—

(1) striking out "a man" and inserting in lieu thereof "an individual";

(2) striking out "his" each place it appears and inserting in lieu thereof "such individual's"; and

(3) striking out "he" each place it appears and inserting in lieu thereof "such individual".

(e) Section 402(a)(19)(G)(iv) of such Act (42 U.S.C. 602(a)(19)(G)(iv)) is amended—

(1) by striking out "mother" and inserting in lieu thereof "parent", and

(2) by striking out "she".

(f) The amendments made by this section shall apply on and after the date of the enactment of this title, and in the case of monthly benefits under title II of the Social Security Act shall only apply to benefits payable for months beginning on or after such date of enactment.

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 202. (a) Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking out all after "gross income and deductions" the second place it appears and inserting in lieu thereof "of the spouse who is carrying on the trade or business;".

(b) Section 210(a)(3)(A) of the Social Security Act (42 U.S.C. 410(a)(3)(A)) is amended by striking out "his father" and inserting in lieu thereof "such child's father".

WORK INCENTIVE PROGRAM

SEC. 203. (a) Section 433(a) of the Social Security Act (42 U.S.C. 633(a)) is amended by striking out all after the colon in the last sentence thereof and inserting in lieu thereof the following: "first, unemployed parents who are the principal earners (as defined in section 407); second, mothers or fathers, whether or not required to register pursuant to section 402(a)(19)(A), who volunteer

for participation under a work incentive program; third, other mothers or fathers and pregnant women, registered pursuant to section 402(a)(19)(A), who are under 19 years of age; fourth, dependent children and relatives who have attained age 16 and who are not in school or engaged in work or employment related training; and fifth, all other individuals so certified.".

(b) The amendment made by this section shall become effective on the date of the enactment of this title.

RAILROAD RETIREMENT

SEC. 204. (a) Section 2(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(c)) is amended—

(1) in subdivision (1)(ii)(C), by striking out ", in the case of a wife, has in her care (individually or jointly with her husband)" and inserting in lieu thereof "has in his or her care (individually or jointly with his or her spouse)";

(2) in subdivision (2), by inserting "or divorced husband" after "divorced wife" each place it appears;

(3) in subdivision (3)—

(A) by striking out "who (i)" and inserting in lieu thereof "who", and

(B) by striking out "; and (ii)" and all that follows and inserting in lieu thereof a period; and

(4) by amending subdivision (4) to read as follows:

"(4) The divorced wife (as defined in section 216(d) of the Social Security Act) or divorced husband (as defined in such section) of an individual, if—

"(i) such individual (A) is entitled to an annuity under subsection (a)(1) of this section, and (B) has attained age 62;

"(ii) such divorced wife or divorced husband (A) has attained retirement age (as defined in section 216(1) of the Social Security Act), and (B) is not married; and

"(iii) such divorced wife or divorced husband would have been entitled to a benefit under section 202(b) or 202(c) of the Social Security Act as the divorced wife or divorced husband of such individual if all of such individual's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in such Act,

shall, subject to the conditions set forth in subsections (e), (f), and (h) of this section, be entitled to a divorced wife's or divorced husband's annuity, if she or he has filed an application therefor, in the amount provided under section 4 of this Act.".

(b) Section 2(d) (45 U.S.C. 231a(d)) of such Act is amended—

(1) in subdivision (1)(i), by striking out ", and who, in the case of a widower" and all that follows and inserting in lieu thereof a semicolon;

(2) in subdivision (1)(ii)—

(A) by inserting "or widower (as defined in section 216 (g) and (k) of the Social Security Act)" after "a widow (as defined in section 216 (c) and (k) of the Social Security Act)", and

(B) by striking out "her care" and inserting in lieu thereof "her or his care";

(3) by amending subdivision (1)(v) to read as follows:

"(v) the widow (as defined in section 216(c) of the Social Security Act), who is married, or has been married after the death of the employee, the widower (as defined in section 216(g) of the Social Security Act) who is married, or has been married after the death of the employee, the surviving divorced wife (as defined in section 216(d) of the Social Security Act), the surviving divorced husband (as defined in section 216(d) of the Social Security Act), the surviving divorced mother (as defined in section 216(d) of the Social Security Act), and the surviving divorced father (as defined in section 216(d) of the Social Security Act) if such widow, widower, surviving divorced wife, surviving divorced husband, surviving divorced mother, or surviving divorced father would have been entitled to a benefit under section 202(e), 202(f), or 202(g) of the Social Security Act as the widow, widower, surviving divorced wife, surviving divorced husband, surviving divorced mother, or surviving divorced father of the employee if all of the employee's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in that Act. For the purpose of this paragraph—

"(A) the references in section 202(e)(3) and 202(g)(3) of the Social Security Act to an individual entitled under section 202(f) of that Act shall include an individual entitled to an annuity under paragraph (i) of this subdivision and an individual entitled to an annuity under paragraph (ii) of this subdivision,

"(B) the reference in section 202(f)(4) of the Social Security Act to an individual entitled under section 202(b) of that Act shall include an individual entitled to an annuity under subsection (c) of this section,

"(C) the reference in section 202(f)(4) of the Social Security Act to an individual entitled under section 202 (e) or (g) of that Act shall include an individual entitled to an annuity under paragraph (i) of this subdivision and an individual entitled to an annuity under paragraph (ii) of this subdivision,

"(D) the reference in section 202(f)(4) of the Social Security Act to an individual entitled under section 202(h) of that Act shall include an individual entitled to an annuity under paragraph (iv) of this subdivision,

"(E) the reference in section 202(f)(4) of the Social Security Act to an individual entitled under section 202(d) of that Act shall include an individual entitled to an annuity under paragraph (iii) of this subdivision,

"(F) the reference in section 202(e)(3) and section 202(g)(3) of the Social Security Act to an individual entitled under section 202(d) or section 202(h) of that Act shall include an individual entitled to an annuity under paragraph (iii) or paragraph (iv) of this subdivision, and

"(G) the references in section 202(g)(3) and section 223(a) of that Act shall include an individual entitled to an annuity under subsection (a)(1) of this section."; and

(4) by amending subdivision (2)(B) to read as follows: "the last month for which the widow or widower was entitled to an annuity under paragraph (ii) of subdivision (1) as the widow or widower of the deceased employee, or".

(c) Section 2(e)(5) (45 U.S.C. 231a(e)(5)) of such Act is amended by inserting "or divorced husband" after "divorced wife" each place it appears.

(d) Section 2(f)(2) (45 U.S.C. 231a(f)(2)) of such Act is amended by inserting "or divorced husband's" after "divorced wife's" each place it appears.

(e) Section 2(h)(3) (45 U.S.C. 231a(h)(3)) of such Act is amended by inserting "or divorced husband" after "divorced wife".

(f) Section 4(a)(1) (45 U.S.C. 231c(a)(1)) of such Act is amended by inserting "or divorced husband" after "divorced wife" each place it appears.

(g) Section 4(f)(2)(iii) (45 U.S.C. 231c(f)(2)(iii)) of such Act is amended to read as follows:

"(iii) the provisions of paragraphs (i) and (ii) of this subdivision shall not apply to the annuity of a widow, widower, surviving divorced wife, surviving divorced husband, surviving divorced mother, or surviving divorced father, who is entitled to such annuity on the basis of the provisions of section 2(d)(1)(v) of this Act.".

(h) Section 4(g)(5) (45 U.S.C. 231c(g)(5)) of such Act is amended to read as follows:

"(5) This subsection shall not apply to the annuity of a widow, widower, surviving divorced wife, surviving divorced husband, surviving divorced mother, or surviving divorced father, who is entitled to such annuity on the basis of the provisions of section 2(d)(1)(v) of this Act.".

(i) Section 4(h)(2) (45 U.S.C. 231c(h)(2)) of such Act is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Subdivision (1) of this subsection shall not apply to the annuity of a widow, widower, surviving divorced wife, surviving divorced husband, surviving divorced mother, or surviving divorced father, who is entitled to such annuity on the basis of the provisions of section 2(d)(1)(v) of this Act.".

(j) Section 4(i) (45 U.S.C. 231c(i)) of such Act is amended in subdivisions (1) and (2) by inserting "or divorced husband" after "divorced wife" each place it appears.

(k) Section 5(c)(3) (45 U.S.C. 231d(c)(3)) of such Act is amended—

(1) by inserting "or husband" after "wife" each place it appears in the first sentence thereof;

(2) by striking out "her care" and inserting in lieu thereof "her or his care"; and

(3) by inserting "or divorced husband" after "divorced wife" each place it appears in the second sentence thereof.

(l) Section 5(c)(6) (45 U.S.C. 231d(c)(6)) of such Act is amended—

(1) by inserting "or widower" after "widow";

(2) by inserting "or he" after "she" each place it appears; and

(3) by striking out "her care" and inserting in lieu thereof "her or his care".

(m) Section 6(a)(3) (45 U.S.C. 231e(a)(3)) of such Act is amended—

(1) by inserting "or divorced husband" after "divorced wife"; and

(2) by inserting "or divorced husband's" after "divorced wife's".

(n) Section 6(b)(2) (45 U.S.C. 231e(b)(2)) of such Act is amended by inserting "surviving divorced husband," after "widower," the first place it appears.

(o) Section 6(c)(2) (45 U.S.C. 231e(c)(2)) of such Act is amended by inserting "or divorced husband" after "divorced wife".

(p) Section 7(b)(2)(B) (45 U.S.C. 231f(b)(2)(B)) of such Act is amended by inserting "or divorced husband" after "husband".

(q) Section 7(d)(2)(i)(B) (45 U.S.C. 231f(d)(2)(i)(B)) of such Act is amended by inserting "or divorced husband" after "divorced wife".

(r) The amendments made by this section shall be effective with respect to annuities payable for months after December 1987.

TITLE III—MISCELLANEOUS AMENDMENTS

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 301. (a) Section 2108(3) of title 5, United States Code, is amended by striking out subparagraphs (F) and (G) and inserting in lieu thereof the following:

"(F) any parent of an individual who lost his or her life under honorable conditions

while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

"(i) such parent's spouse is totally and permanently disabled;

"(ii) such parent is widowed, divorced, or separated from the other parent and has not remarried; or

"(iii) such parent has remarried but is widowed, divorced, or legally separated when preference is claimed; and

"(G) any parent of a service-connected permanently and totally disabled veteran, if—

"(i) such parent's spouse is totally and permanently disabled;

"(ii) such parent is widowed, divorced, or separated from the other parent and has not remarried; or

"(iii) such parent has remarried but is widowed, divorced, or legally separated when preference is claimed;".

(b) Section 5561(3)(A) of title 5, United States Code, is amended by striking out "wife" and inserting in lieu thereof "spouse".

IMMIGRATION

SEC. 302. (a) The first sentence of section 283 of the Immigration and Nationality Act (8 U.S.C. 1353) is amended by striking out "wives" and inserting in lieu thereof "spouses".

(b) Section 340 of such Act (8 U.S.C. 1451) is amended—

(1) in subsection (a) by—

(A) striking out "his naturalization" and inserting in lieu thereof "his or her naturalization";

(B) striking out "his subversive" and inserting in lieu thereof "his or her subversive"; and

(C) striking out "his residence" and inserting in lieu thereof "his or her residence".

(2) in subsection (b) by—

(A) striking out "his residence" and inserting in lieu thereof "his or her residence"; and

(B) striking out "upon him".

(3) in subsection (d) by—

(A) striking out "his nativity" and inserting in lieu thereof "his or her nativity"; and

(B) striking out "his petition" and inserting in lieu thereof "his or her petition";

(4) in subsection (e) by—

(A) striking out "his citizenship" and inserting in lieu thereof "his or her citizenship";

(B) striking out "he may" and inserting in lieu thereof "he or she may"; and

(C) striking out "his citizenship" and inserting in lieu thereof "his or her citizenship".

(c) The first sentence of section 341(a) of such Act (8 U.S.C. 1452(a)) is amended by striking out "husband" and inserting in lieu thereof "spouse".

(d) Section 357 of such Act (8 U.S.C. 1489) is amended—

(1) by striking out "woman" each of the two places it appears and inserting in lieu thereof "person"; and

(2) by inserting before "her" each of the two places it appears "his or".

(e) The Act entitled "An Act to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes", approved June 25, 1910 (36 Stat. 826, chapter 395; 8 U.S.C. 1557) is amended—

(1) by amending the title to read as follows: "An Act to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of adults and youths, and for other purposes"; and

(2) by striking out "women and girls" each of the five places it appears and inserting in lieu thereof "adults and youths".

(f) Section 1 of the Act entitled "An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921", approved June 4, 1920 (41 Stat. 750, chapter 223; 22 U.S.C. 214) is amended by—

(1) inserting "or her" after "his" each place it appears; and

(2) striking out in the third sentence "widow" and inserting in lieu thereof "surviving spouse".

(g) Section 321 of the Immigration and Nationality Act (8 U.S.C. 1432) is amended in paragraph (3) of subsection (a) by striking out "the naturalization of the mother".

WALSH-HEALEY

SEC. 303. (a) Subsection (d) of the first section of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" (commonly referred to as the Walsh-Healey Act), approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35) is amended by striking out "no male person under sixteen years of age and no female person under eighteen years of age" and inserting in lieu thereof "no person under sixteen years of age".

(b) The first sentence of section 2 of such Act (49 Stat. 2037; 41 U.S.C. 36) is amended by striking out "each male person under sixteen years of age or each female person under eighteen years of age," and inserting in lieu thereof "each person under sixteen years of age".

CHILD NUTRITION

SEC. 304. Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended—

(1) in the third sentence of subsection (c), by striking out "of working mothers" and inserting in lieu thereof "from households in which both parents work or from single parent households in which the parent works"; and

(2) in the third sentence of subsection (f), by striking out "his" and inserting in lieu thereof "the Secretary's".

INDIAN AFFAIRS

SEC. 305. The Act entitled "An Act authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes" approved November 2, 1921 (42 Stat. 208, chapter 115; 25 U.S.C. 13) is amended by striking out "field matrons,".

SEC. 306. The Act entitled "An Act in relation to marriage between white men and Indian women" approved August 9, 1888 (25 Stat. 392; 25 U.S.C. 181 et seq.) is amended—

(1) by amending the title to read as follows: "An Act in relation to marriage between non-Indians and Indians";

(2) in section 1 (25 Stat. 392; 25 U.S.C. 181) by—

(A) striking out "white man" and inserting in lieu thereof "non-Indian"; and

(B) striking out "woman";

(3) by repealing section 2 (25 Stat. 392; 25 U.S.C. 182); and

(4) in section 3 (25 Stat. 392; 25 U.S.C. 183) by—

(A) striking out "white man" and inserting in lieu thereof "non-Indian"; and

(B) striking out "woman".

SEC. 307. The Act of June 7, 1897 (30 Stat. 62, chapter 3) is amended—

(1) in section 1 (30 Stat. 90, chapter 3; 25 U.S.C. 184) by—

(A) striking out "white man" and inserting in lieu thereof "non-Indian";

(B) striking out "woman" each place it appears;

(C) striking out "her death" each place it appears and inserting in lieu thereof "his or her death"; and

(D) striking out "mother" and inserting in lieu thereof "Indian parent"; and

(2) in section 1 (30 Stat. 83, chapter 3; 25 U.S.C. 274) by striking out "girls as assistant matrons and Indian boys" and inserting in lieu thereof "youths as dormitory aids and".

SEC. 308. Section 3 of the Act of September 21, 1959 (73 Stat. 592; 25 U.S.C. 933(c)) is amended by striking out "wife" and inserting in lieu thereof "or her spouse".

SEC. 309. Section 5 of the Act of February 28, 1891 (26 Stat. 795, chapter 383; 25 U.S.C. 371) is amended by striking out "father" and inserting in lieu thereof "parents".

TITLE 18

SEC. 310. (a) Section 245 of title 18, United States Code, is amended—

(1) in subsection (a), by striking out "his judgment" and inserting in lieu thereof "the judgment of such Attorney";

(2) in subsection (b), by—

(A) redesignating paragraphs (3) through (5) as paragraphs (4) through (6); and

(B) inserting a new paragraph after paragraph (2) to read as follows:

"(3) any person because of such person's sex, in violation of such person's right, that in fact is federally secured, not to be subject to discrimination on that account, and because such person is or has been participating, or in order to intimidate any person from participating, in any benefit or activity described in paragraph (2); or"; and

(3) in subsection (c), by striking out "his" each place it appears and inserting in lieu thereof "such individual's".

(b) Sections 2198, 3286, and 3614 of title 18, United States Code, and all references to such sections including the items relating to such sections in the table of sections, are repealed.

UNITED STATES COURT ADMINISTRATION

SEC. 311. Section 604(a)(7) of title 28, United States Code, is amended by striking out "widows" and inserting in lieu thereof "surviving spouses".

WORKERS' COMPENSATION

SEC. 312. Section 2 of the Act of August 16, 1941 (55 Stat. 623 chapter 357; 42 U.S.C. 1652) is amended in subsection (b) by—

(1) striking out "surviving wife" the first place it appears and inserting in lieu thereof "the surviving spouse";

(2) striking out "surviving wife" the second place it appears and inserting in lieu thereof "surviving spouse"; and

(3) striking out "his option" and inserting in lieu thereof "his or her option".

CIVIL RIGHTS

SEC. 313. Section 1981 of the Revised Statutes (42 U.S.C. 1986) is amended by—

(1) striking out "his legal representatives" and inserting in lieu thereof "his or her legal representatives"; and

(2) striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse".

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 314. Section 4 of the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and

for other purposes" (84 Stat. 1863, 33 U.S.C. 857-4) is amended—

(1) in subsection (a) by striking out "enlisted men" and inserting in lieu thereof "enlisted members"; and

(2) in subsection (c) by striking out "their widows" and inserting in lieu thereof "the surviving spouses of such members".

NATIONAL HOUSING ACT

SEC. 315. Section 222 of the National Housing Act (12 U.S.C. 1715m), is amended—

(1) by striking out "servicemen" each place it appears and inserting in lieu thereof "service members";

(2) by striking out "serviceman" each place it appears and inserting in lieu thereof "service member";

(3) by inserting "or her" after "his" each place it appears;

(4) by striking out "him" each place it appears in subsections (a) and (c), and inserting in lieu thereof "such Secretary"; and

(5) in subsection (g), by—

(A) striking out "serviceman's" each place it appears and inserting in lieu thereof "service member's";

(B) striking out "surviving widow" and inserting in lieu thereof "surviving spouse"; and

(C) striking out "widow" each place it remains and inserting in lieu thereof "surviving spouse".

TRADEMARK ACT

SEC. 316. Section 2 of the Act of July 5, 1946, commonly known as the Trademark Act of 1946 (15 U.S.C. 1052), is amended in subsection (c) by—

(1) striking out "his written consent" and inserting in lieu thereof "the written consent of such individual";

(2) striking out "his widow" and inserting in lieu thereof "the surviving spouse of such President"; and

(3) striking out "the widow" and inserting in lieu thereof "such surviving spouse".

UNITED STATES TERRITORIES

SEC. 317. (a) Section 5572 of the Revised Statutes (48 U.S.C. 1413) is amended in the first sentence by striking out "his widow, heir, executor, or administrator" and inserting in lieu thereof "the surviving spouse, heir, executor, administrator, or assigns of the discoverer".

(b) Section 5574 of the Revised Statutes (48 U.S.C. 1415) is amended in the second sentence by striking out "his widow, heir, executor, administrator, or assigns" and inserting in lieu thereof "the surviving spouse, heir, executor, administrator, or assigns of the discoverer".

(c) Section 5577 of the Revised Statutes (48 U.S.C. 1418) is amended by—

(1) striking out "his discretion" and inserting in lieu thereof "the discretion of such President"; and

(2) striking out "his widow, heir, executor, administrator, or assigns" and inserting in lieu thereof "the surviving spouse, heir, executor, administrator, or assigns of the discoverer".

FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

SEC. 318. (a) Section 203 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 843) is amended—

(1) in subsection (a)—

(A) by striking out "commencement of his employment" in the second sentence and inserting in lieu thereof "the commencement of employment";

(B) by striking out "he" the first place it appears in the second sentence and inserting in lieu thereof "the worker";

(C) by inserting "or she" after "he" the second place it appears in the second sentence;

(D) by inserting "or her" after "his" in the fourth sentence; and

(E) by striking out "advise him of his rights" in the fifth sentence and inserting in lieu thereof "advise the miner of the miner's rights";

(2) in subsection (b)—

(A) by striking out "from his position" each place it appears in paragraphs (1) and (2);

(B) by striking out "him" in paragraph (3) and inserting in lieu thereof "the miner"; and

(C) by striking out "his" in paragraph (3);

(3) by striking out "him" in the first sentence of subsection (c) and inserting in lieu thereof "the miner"; and

(4) by striking out "such miner" in the first sentence of subsection (d) and all that follows through the end of the sentence and inserting in lieu thereof "such miner, with the consent of the surviving spouse or, if there is no such surviving spouse, then with the consent of the surviving next of kin.".

(b) Section 402 of such Act (30 U.S.C. 902) is amended—

(1) in subsection (a)(2)—

(A) by inserting "or husband" after "wife" in the first sentence;

(B) by striking out "her" the first place it appears in the first sentence;

(C) by striking out "husband" in the first sentence and inserting in lieu thereof "spouse";

(D) by inserting "his or" before "her" each place it appears (after the amendment made by subparagraph (B));

(E) by inserting "or 'husband' " after " 'wife' " in the second sentence; and

(F) by striking out "The term 'wife' also includes a 'divorced wife' " in the third sentence and inserting in lieu thereof "The terms 'wife' and 'husband' also include a 'divorced wife' and a 'divorced husband', respectively,";

(2) in subsection (e)—

(A) by striking out "The term 'widow' includes the wife" in the first sentence and inserting in lieu thereof "The terms 'widow' and 'widower' include the spouse";

(B) by striking out "his" each place it appears and inserting in lieu thereof "the miner's";

(C) by inserting "or 'widower'" after "'widow'" in the second sentence;

(D) by striking out "a 'surviving divorced wife' as defined in section 216(d)(2) of the Social Security Act" (42 U.S.C. 416(d)(2)) in the third sentence and inserting in lieu thereof "a 'surviving divorced wife' and a 'surviving divorced husband' as defined in paragraphs (2) and (5), respectively, of section 216 of the Social Security Act" (42 U.S.C. 416);

(E) by inserting "his or" before "her" each place it appears in the third sentence; and

(F) by striking out "Such term also includes" in the third sentence and inserting in lieu thereof "Such terms also include"; and

(3) by striking out "widow" each place it appears in the third sentence of subsection (g) and inserting in lieu thereof "the miner's widow or widower".

(c) Section 411 of such Act (30 U.S.C. 921) is amended—

(1) in subsection (a)—

(A) by striking out "him" and inserting in lieu thereof "the Secretary"; and

(B) by striking out "his"; and

(2) in subsection (c)—

(A) by striking out "his" in paragraph (1) and inserting in lieu thereof "the";

(B) by striking out "his" in the first sentence of paragraph (2);

(C) by striking out "he" each place it appears in paragraph (3) and inserting in lieu thereof "the miner";

(D) by striking out "his" each place it appears in paragraph (3) and each place it appears in the first sentence of paragraph (4);

(E) by striking out "widow's," in the first sentence of paragraph (4) (after the amendment made by subparagraph (D)) and inserting in lieu thereof "or the miner's widow's, widower's";

(F) by striking out "he" in the first sentence of paragraph (4) and inserting in lieu thereof "the miner";

(G) by inserting "or husband's" after "wife's" in the second sentence of paragraph (4);

(H) by striking out "he" in the third sentence of paragraph (4) and inserting in lieu thereof "the Secretary"; and

(I) by striking out "his" in the fourth sentence of paragraph (4) and inserting in lieu thereof "such miner's".

(d) Section 412 of such Act (30 U.S.C. 922) is amended—

(1) in subsection (a)—

(A) by striking out "his widow" in paragraph (2) and inserting in lieu thereof "the widow or widower";

(B) by striking out "he were" in paragraph (2);

(C) by striking out "his" each place it appears in the first sentence of paragraph (3);

(D) by inserting "or widower" after "widow" each place it appears in paragraph (3);

(E) by striking out "her" in the first sentence of paragraph (3) and inserting in lieu thereof "the widow's or widower's";

(F) by striking out "he" in the first sentence of paragraph (3) and inserting in lieu thereof "the child";

(G) by inserting "or she" after "he" in the first proviso of paragraph (3);

(H) by striking out "his" the first place it appears in the first sentence of paragraph (5);

(I) by striking out "at the time of his death" each place it appears in the first sentence of paragraph (5) (after the amendment made by subparagraph (H));

(J) by striking out "a widow or a child" each place it appears in the first sentence of paragraph (5) and inserting in lieu thereof "a widow, widower, or child";

(K) by striking out "a widow, child, or parent" each place it appears in the first sentence of paragraph (5) and inserting in lieu thereof "a widow, widower, child, or parent";

(L) by striking out "at the time of his or her death" each place it appears in the first sentence of paragraph (5);

(M) by striking out "a brother only if he is—" in the fourth sentence of paragraph (5) and inserting in lieu thereof "a brother or sister only if the brother or sister is—";

(N) by striking out "who is," after "(2)" in paragraph (5); and

(O) by striking out "him" in paragraph (6) and inserting in lieu thereof "the Secretary"; and

(2) by striking out "his widow," each place it appears in the first sentence of subsection (b) and inserting in lieu thereof "the miner's widow, widower,".

(e) Section 413 of such Act (30 U.S.C. 923) is amended—

(1) in subsection (b)—

(A) by striking out "he uses" in the first sentence and inserting in lieu thereof "used";

(B) by striking out "his wife's" in the second sentence and inserting in lieu thereof "the wife's or husband's"; and

(C) by striking out ", widow," in the ninth sentence and inserting in lieu thereof "or the miner's widow, widower,"; and

(2) by inserting "or her" after "his" in subsection (c).

(f) Section 414 of such Act (30 U.S.C. 924) is amended—

(1) in subsection (a)—

(A) by inserting "or widower" after "widow" in paragraph (1);

(B) by striking out "her husband" and inserting in lieu thereof "the miner" in paragraph (1); and

(C) by striking out "his" in paragraph (2)(C) and inserting in lieu thereof "the claimant's"; and

(2) in subsection (e)—

(A) by inserting "widower," after "widow," in the matter preceding clause (1); and

(B) by striking out "his" in clause (1) and inserting in lieu thereof "the miner's".

(g) Section 421 of such Act (30 U.S.C. 931) is amended—

(1) by inserting "widowers," after "widows," in subsection (a); and

(2) in subsection (b)(2)—

(A) by striking out "if he finds" in the matter preceding subparagraph (A) and inserting in lieu thereof "upon finding"; and

(B) by striking out "by him" in subparagraph (F).

LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT

SEC. 319. Section 9 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 909), as renamed by section 27(d)(1) of the Longshore and Harbor Workers' Compensation Act Amendments of 1984 (Public Law 98-426; 98 Stat. 1654), is amended—

(1) in subsection (b) by—

(A) striking out "dependent";

(B) striking out "his compensation" and inserting in lieu thereof "such child's compensation"; and

(C) striking out "his discretion" and inserting in lieu thereof "the discretion of such Commissioner";

(2) in subsection (c) by striking out "dependent husband" and inserting in lieu thereof "widower"; and

(3) in subsection (g) by striking out "wife" each place it appears and inserting in lieu thereof "spouse".

CONSERVATION

SEC. 320. The last proviso of the subparagraph entitled "Federal Aid in Wildlife Restoration" under the paragraph "Fish and Wildlife Service" of the first section of the Act entitled "An Act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1943, and for other purposes", approved July 2, 1942 (56 Stat. 557; 16 U.S.C. 754) is amended by striking out "per man per day" and inserting in lieu thereof "per day".

GENERAL PROVISIONS

SEC. 321. Section 1 of title 1, United States Code, is amended by striking out the clause beginning "words importing the masculine gender" and inserting in lieu thereof "words importing the masculine or feminine gender include the other as well".

BENEFITS FOR INTERNEES

SEC. 322. Section 2004 of title 50, Appendix, United States Code, is amended—

(1) in subsection (d) by—

(A) inserting "or her" after "his";

(B) striking out "husband" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "widower"; and

(C) striking out "husband" in paragraph (4) and inserting in lieu thereof "widow, widower";

(2) in subsection (f)(7) by—

(A) inserting "or widower" after "widow"; and

(B) inserting "herself or" before "himself"; and

(3) in subsections (g)(4) and (i)(4) by—

(A) inserting "or her" after "his";

(B) striking out "husband" in subparagraph (A) and inserting in lieu thereof "widower"; and

(C) striking out "dependent husband" each place it appears in subparagraphs (B) and (C) and inserting in lieu thereof "widower".

SPOUSES OF FORMER PRESIDENTS

SEC. 323. The Act of August 25, 1958, as amended (72 Stat. 838; 3 U.S.C. 102 Note), is amended in subsection (e) by—

(1) striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse"; and

(2) inserting "he or" before "she".

INTERNAL REVENUE CODE

SEC. 324. (a) Section 3121(b)(3)(A) of the Internal Revenue Code of 1986 is amended by striking out "his father" and inserting in lieu thereof "such child's father".

(b) Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking out all after "gross income and deductions" the second place it appears and inserting in lieu thereof "of the spouse who is carrying on the trade or business; and".

TITLE IV—EFFECTIVE DATE

SEC. 401. Except as otherwise provided, the amendments made by this Act shall become effective upon the date of enactment.

Mr. HATCH. Mr. President, I rise today to join with the distinguished minority leader in introducing the Sex Discrimination in the United States Code Reform Act of 1990. This bill is similar to S. 86, which the Senate unanimously approved during the 99th Congress, and S. 501, which the Senate passed during the 98th Congress. Like those measures, this bill is introduced in the interest of revising or eliminating from the United States Code several provisions, which, on their face, substantively discriminate on the basis of gender. While this bill is very similar to those earlier bills, it does differ in two respects. It includes several additional noncontroversial amendments removing unnecessary distinctions based on sex from the Federal code and it omits some sections that have been altered or repealed by intervening legislation.

HISTORY OF THIS BILL AND EFFORTS TO ELIMINATE SEX-BASED LAWS FROM THE UNITED STATES CODE

This bill represents the culmination of many years of effort to discover and eliminate Federal code provisions that treat women unfairly or distinguish between men and women unnecessarily. Accordingly, I would like to take a few moments to discuss the efforts that have led to this bill.

Beginning in the mid-1970's, work began in earnest to identify and revise or eliminate statutes providing for the inequitable treatment of the sexes. The first effort to identify such laws was completed by the U.S. Civil Rights Commission in 1977. This study identified approximately 800 laws containing sex-based distinctions scattered throughout the Code. A second, more comprehensive effort was begun in 1976 pursuant to the directive of President Ford. The results of this study, issued in 1978 by the Civil Rights Division of the Justice Department, revealed more than 3,000 Code sections containing sex-based references.

Both reports noted that many of the identified provisions were obsolete, of relatively minor importance, or involved terminological problems having no substantive effect. Both concluded, however, that significant substantive problems had been identified, particularly with regard to the military, Federal retirement income policies, and employment benefits. Finally, both reports observed that because of their pervasiveness, the cumulative impact of these provisions was to imply an inferior or dependent status for women under the laws of the United States.

Neither of these studies resulted in omnibus legislation to eliminate the laws which had been identified as being sex-based. However, since the completion of these reports, many of the identified laws have been changed as part of larger legislative efforts to rewrite or amend certain portions of the Code, For example, the Defense Officer Personnel Management Act eliminated or revised scores of Code sections which subjected men and women to separate personnel standards and procedures. In 1983, the Social Security Amendments Act eliminated most of the remaining sex-based distinctions in the Social Security System.

In addition, Congress has enacted certain "rules of construction" designed to provide for equal treatment of the sexes. For instance, to ensure that the use of sex-based terminology does not inadvertently result in substantive discrimination, in 1947 Congress enacted 1 U.S.C. 1, which provides that: "In determining the meaning of any Act of Congress, unless the context indicates otherwise, words importing masculine gender include the feminine as well." Further, to address disparities in employment benefits, in 1971 Congress enacted 5 U.S.C. 7202(c), which provides that: "Notwithstanding any other provision of law, any provision of law providing benefits to a male Federal employee or his spouse or family shall be deemed to provide the same benefits to a female Federal employee or to her

spouse or family." However, it should be noted that the effect of this provision is limited because it applies, by its terms, only to "Federal employees" and not, for instance to members of the Armed Forces or employees of the Postal Service.

On December 21, 1981, President Reagan signed Executive Order 12336, establishing the Task Force on Legal Equity for Women. The task force was established "to provide for the systematic elimination of regulatory and procedural barriers which have unfairly precluded women from receiving equal treatment from Federal activities." The Executive order further assigned to the Attorney General the responsibility to complete a review of Federal laws, regulations, policies, and practices, and to identify and periodically report to the President on any language or provision that "unjustifiably differentiates, or which effectively discriminates, on the basis of sex."

On June 28, 1982, the Attorney General transmitted to the President's Cabinet Council of Legal Policy his first quarterly report, as required by the Executive order. The report included a list of more than 100 Federal statutes which on their face, made substantive distinctions based on gender. The list was generated by a 1977 computer search performed by the Department of Justice under President Ford's directive.

On October 1, 1982, S. 3008, the Sex Discrimination in the United States Code Reform Act, was introduced. This bill contained proposed amendments to most of the sex-based Code provisons identified in the first quarterly report. S. 3008 was referred to the Committee on the Judiciary, but because it was introduced near the end of the 97th Congress, no further action was taken on the bill. On February 15, 1983, the measure was reintroduced in the 98th Congress as S. 501. The bill was again referred to the Judiciary Committee and, then, to the Subcommittee on the Constitution, of which I was chairman.

In July 1983, the Attorney General transmitted the third quarterly report. This report contained an updated listing of sex-based laws, based on a more recent, comprehensive computer-assisted review of the United States Code conducted by the Civil Rights Division of the Department of Justice. As a consequence, it identified over 50 additional sex-based laws which had not been identified in the June 28 report. On September 7, 1983, the President met with his Cabinet Council on Legal Policy and accepted the Council's recommendation to propose amendments to most of these newly identified statutes. On September 12, 1983, pursuant to the President's recommendations, an amendment was filed S. 501 to eliminate the gender-based distinctions in these newly identified statutes.

On September 30, after approving the President's recommended changes and an amendment I offered to revise nearly 40 other laws containing sex-based distinctions, S. 501 was unanimously reported by the Constitution Subcommittee to the Full Committee. On November 10, 1983, the Judiciary Committee, with a quorum present, by voice vote, and without objection heard, ordered the bill reported as amended. On April 26, 1984, S. 501 was approved by voice vote in the full Senate. No further action was taken by the House of Representatives.

On January 3, 1985, S. 86 was introduced. It was identical to S. 501, as approved by the full Senate. On June 26, the subcommittee voted 5 to 0 on a voice vote to favorably report S. 86, with amendments, to the Judiciary Committee. On October 31, 1985, the Judiciary Committee approved S. 86, as amended, by voice vote. As mentioned earlier, on December 3, 1985, by voice vote the Senate unanimously approved S. 86, but again, the House of Representatives took no further action.

While significant progress resulted from efforts prior to the introduction of S. 86, the review by the Department of Justice found that numerous laws expressly providing for substantive differences in treatment on the basis of sex still exist throughout the Code. A handful of these are clearly obsolete or archaic, in which case they would be repealed by the bill I am introducing today. The substantive effect of some others has already been negated through agency action or court decision, in which case they would be amended to conform to existing practice and case law. A number of these laws, however, are of continuing applicability.

Thus, while the breadth of the statutory problem addressed by this bill should not be overstated, it should also be emphasized that the amendments made by this legislation involve much more than mere "technical" changes to language. Rather, a great many of the changes will positively impact upon individuals who, in a variety of relatively narrow areas, may otherwise be subject to unfair or arbitrary treatment under the law.

SCOPE OF THIS BILL

This legislation is targeted only at those statutes which, on their face, contain substantive, gender-based distinctions. Thus this bill does not address those provisions which some might regard as containing more subtle forms of discrimination. Generally, such provisions involve more complex policy issues, and as a consequence, should be dealt with through the consideration of separate legislation.

For similar reasons, this bill does not address controversial Code sections such as the Selective Service and combat limitations contained in title X, consistent with the bill's limited goal of eliminating those remaining gender-based distinctions which are clearly incompatible with settled, well-established public policy. Finally, this bill does not seek to eliminate from the Code sex-based terminology having no substantive effect, though I would encourage avoidance of such terminology in the drafting of new legislation.

OVERVIEW OF LAWS AMENDED BY THIS BILL

This bill would revise or eliminate from the Code countless statutory revisions which still contain some type of overt, substantive sex-based distinction. Most of the provisions can be categorized as follows:

CIVIL RIGHTS PROTECTIONS

Title 18, United States Code, section 245 provides a criminal provision punishing interference with a person's participation in various federally protected activities "because of his race, color, religion, or national origin." Thus, hypothetically, if an offender brandished a lead pipe and assaulted or intimidated individuals attempting to gain access to a public school because of the victim's "race, color, religion, or national origin," this provision could make the offender subject to Federal criminal sanction. This bill adds to 18 U.S.C. 245 a prohibition of interference in the same federally protected activities on account of a person's "sex." This will provide criminal penalties for sex discrimination in those areas where discrimination is already illegal. It does not expand the scope of protection beyond those areas already covered by civil penalties, but adds the additional weight of criminal punishment to prohibit abusive interference and forcible intimidation. To make this point absolutely clear, this bill adds to S. 86 language previously stated only in the report accompanying S. 86 (S. Rept. 99-194) which limits the provision to protection of "such person's right, that in fact is federally secured." Thus, this language, the report, and the intent of the authors of this bill is to expressly state that this provision does not create new classes of prohibited conduct, but adds potential criminal penalties for conduct already prohibited by other statutes.

This clarification resolves an ambiguity by excluding from the coverage of this bill any expansion of this language to include activities connected with demonstrations in front of abortion clinics. This bill simply does not address that question at all. Abortion is not among the class of activities "that in fact is federally secured" either by court interpretations or statute because of sex. The courts have

consistently held that the abortion decision is included within privacy doctrines, not doctrines protecting some activities on the basis of sex. Therefore, incidents connected with abortion clinic picketing may, if they satisfy all elements of an assault, battery, or other State or local offense, be actionable under State or local codes, but they are not actionable under this provision of the Federal code.

Similarly, the addition of the word "sex" to this provision of the Federal code is used as synonymous with gender and does not mean sexual orientation or sexual preference. Accordingly incidents in connection with closing of a bathhouse frequented by homosexuals, for example, would not give rise to a violation of 18 U.S.C. 245.

FAMILY BENEFITS

A large portion of the laws amended by this bill provide various benefits, rights, or privileges to the "wives, widows" or dependent children of male workers, but make no provision for the families of similarly situated female workers. This type of sex-based distinction was found in such areas as Government pension, disability, and survivor's benefits; worker's compensation; commissary privileges; transportation expenses; and burial rights.

In most instances, these distinctions were probably based on the assumption that benefits would not be needed by women's families because of the presumed existence of a wage-earning husband. In a few instances, however, the assumption may have been that benefits for "husbands and widowers" were unnecessary because certain occupations would be held by men only. In any event, such distinctions run counter to the fact that women have now entered a wide range of career fields, and often provide a significant, if not the sole, source of economic support for their families.

One of the technical changes this bill makes in S. 86 falls in this category. 42 U.S.C. 213 provides for the burial in a national cemetery of the remains of the "wife, widow or minor child" of certain officers and for the discretionary removal of such remains, if, upon the officer's death, he is not buried in an adjoining gravesite. This bill extends this benefit to all spouses. Since the discretionary removal clause of the law only becomes applicable, however, if the officer lives longer than his or her spouse, the language of S. 86 extending the removal provision to "surviving spouses" is deleted.

BARRIERS TO EQUAL OPPORTUNITY

Another category of laws which would be remedied by this bill discriminate against women with regard to certain educational, training, and employment opportunities.

Examples, include 41 U.S.C. section 35 which requires a minimum age of 16 for boys, but 18 for girls, in setting employment standards for Federal contractors. Similarly, 42 U.S.C. section 633(a) gives priority to "unemployed fathers" over mothers and pregnant women with regard to the testing and counseling of work incentive program participants. This bill goes beyond S. 86 to preserve the priorities for this program established by a 1982 amendment, yet remove any remaining sex bias from Public Law 97-300.

Another example is 25 U.S.C. section 274, which calls for the Bureau of Indian Affairs to train Indian boys as farmers and industrial workers, and Indian girls as assistant matrons. Of the same genre are laws which discriminate against women with regard to the use of military rifle ranges, the provision of military training equipment to educational institutions, and apprenticeships in the sea service.

FAMILY RELATIONSHIPS

Several of the statutes amended by this proposal are based on the view of men as the dominant or "more important" members of a family. For example, various sections of title X still give preference to "fathers" over "mothers" and "brothers" over "sisters" in distributing the effects of deceased military personnel. These unnecessary distinctions are eliminated.

CRIMINAL SEXUAL ACTIVITY

Another category of laws which would be amended by this bill involve the use of sex-based distinctions in defining criminal sexual activity. Both the Criminal Code and Code of Military Justice still define "rape" and "statutory rape" as offenses which can only be committed by a man against a woman. This bill revises both provisions by providing punishment for offenders who "commit an act of sexual intercourse with another person not his or her spouse." In one respect, this legislation differs from S. 86 in this category. S. 86 referred to the crime of carnal knowledge of a female under age 16 and not the offender's wife as "sexual abuse of a minor" and removed the gender identification of the victim. Removing the gender identification is certainly warranted, but the problems arise in that "carnal knowledge" and "sexual abuse" are different legal concepts. "Carnal knowledge" involves an act of sexual intercourse, while "sexual abuse" may involve other sexual acts. This bill remedies any potential ambiguity by retaining the term "carnal knowledge" to refer to the nature of the offense.

This bill also repeals obsolete statutes punishing seduction of a female passenger on an American vessel. It restores a provision dropped by S. 86 that requires a factual statement concerning any alien kept for prostitution or any other immoral purpose be filed with the Immigration and Naturalization Service. This provision of law was enacted pursuant to an international agreement which is still in effect and should therefore be amended to remove gender classes, rather than repealed. This bill makes such changes.

Similarly, statutes dealing with the use of interstate or foreign commerce for the purpose of prostitution are currently violated only if the offense involves transporting "women or girls". This bill extends the protections of this law to both sexes.

PROTECTIVE PROVISIONS

A final category includes laws which were enacted to protect women from discriminatory treatment. For instance, some of the statutes found in title 8 of the Code were intended to protect women from laws existing in the early part of the century in this country—and found likewise in the customs and conventions of foreign countries—making the citizenship status of a woman dependent on that of her husband. Similar statutes can be found in title 25 which were enacted to protect Indian women from tribal customs giving a non-Indian husband all of his spouses' tribal property, and divesting the children of such marriages of tribal property rights. In the same vein are sections of title 10 which restored benefits to nurses and other female medical personnel who received special appointments during World War II and were then demoted when the war was over.

CONCLUSION

In drafting this and previous versions of this bill, care has been taken not to address sex-based distinctions of a controversial nature or those of sufficient technical complexity to warrant independent consideration by the committee with the appropriate expertise. As I have already stated, those measures deserve individual attention, and I leave those issues for later consideration.

I do want to stress, however, that this bill does address several substantive problems that exist in the United States Code, and many of the changes are more than mere technical changes. These changes will positively impact women and will help to remove unfair or arbitrary treatment that currently exists under the law. I therefore encourage my colleagues to support this legislation and I hope that it can move forward as it did during the 98th and 99th Congresses.

By Mr. McCONNELL:

S. 2535. A bill to provide for a comprehensive health care plan for all Americans, and for other purposes; to the Committee on Finance.

COMPREHENSIVE AMERICAN HEALTH CARE ACT

Mr. McCONNELL. Mr. President, over the last year we have witnessed tremendous changes in Eastern Europe, with the spread of democracy and freedom, the apparent collapse of

communism, and the beginning of the end of the cold war.

The reason these historic events are happening is because we Americans met the challenge—we made a commitment to stop the spread of communism, we sacrificed in order to defend ourselves and our friends, and we stayed the course. Today, it appears our sacrifices are paying off.

Mr. President, it's time we met the challenge of the problems in our own country. Where we once defended ourselves against Communist aggression, we now need to defend our neighborhoods against the rising tide of crime and drug abuse. Where we once competed with the Soviet Union in military hardware, today we must compete with the Japanese in computer software.

HEALTH CARE: A CHALLENGE FOR THE 1990'S

One of the most important challenges on the home front today is health care. The good news about health care is that America has the highest quality of care available anywhere in the world. We have the best medical technology, the best health professionals, and the best-equipped hospitals.

The problem, Mr. President, is that many Americans do not have access to—or cannot afford—high-quality care. The cost of health care has skyrocketed to the point where it is beyond the reach of families, small businesses, and especially those living on a fixed income, like our senior citizens. As many as 37 million Americans simply go without health insurance because they can't afford it.

Catastrophic illness and long-term health care are not only an emotional and physical burden for patients and their families, but they also are very expensive. Many families see their entire life savings evaporate when a family member needs long-term care.

Health care providers also are feeling the pressure. Our country has the best-trained, hardest-working, most dedicated health professionals in the world. But many of them, especially in rural areas, are leaving the practice of medicine because they can't afford the malpractice insurance.

In Breathitt County, KY, for example, there is a new $8 million hospital with a delivery room and a nursery—but after a year-long search, it still hasn't found a doctor willing to deliver babies. This is happening throughout Kentucky, where four out of five family-practice physicians have stopped delivering babies altogether, or severely cut back the care they provide.

This is because most health care providers—like the rest of us—are feeling the pinch of health benefits being cut back while costs continue to rise. Reimbursements for Medicare and Medicaid have not kept pace with inflation, nor have they been distributed fairly.

Mr. President, our rural health network is at risk. Our children do not have the resources to meet the cost of long-term care. And average families in Kentucky and other States are forced to choose between health insurance and other basic necessities.

OUTLINE OF THE COMPREHENSIVE AMERICAN HEALTH CARE PLAN

Mr. President, I rise today to introduce the Comprehensive American Health Care Act to provide for the needs of American families. This legislation is designed to ensure that every American has access to the highest quality health care available. My plan also will help control the rising cost of health care. Finally, my comprehensive plan will help provide nursing home and other long-term care for our senior citizens.

EXPANDING HEALTH CARE ACCESS

To expand health care access for uninsured and underserved Americans, my plan takes a three-pronged approach: first, it provides a tax credit for health insurance to low- and moderate-income families. Those who qualify would receive a credit of $1,440, which would be refundable.

Second, my plan increases Federal support for rural health care by ending the discrimination against rural hospitals in Medicare, and by revitalizing the National Health Service Corps, which has a long history of encouraging health professionals to work in underserved rural areas.

Third, my plan expands the Federal vaccine and immunization programs, which protect children from catastrophic diseases. Some of these diseases, which we thought we had wiped out years ago, are making a deadly comeback in rural and inner-city areas.

CONTAINING HEALTH CARE COSTS: MEDICAL MALPRACTICE REFORM

We cannot hope to solve our health care problems unless we tackle its skyrocketing cost. For that reason, my plan offers some needed reforms of the medical liability system.

Liability costs are the fastest growing portion of health care expenses, accounting for $25 billion of the Nation's health bill, by some estimates. Even worse, medical malpractice fears have cut back prenatal care and delivery in 73 of Kentucky's 120 counties.

The reforms I am proposing—abolishing joint and several liability and encouraging alternative dispute resolution—are endorsed by the American Hospital Association and the American College of Nurse-Midwives, among others.

Another measure, to require anyone who brings a frivolous malpractice suit to pay part of the other side's legal costs, was recommended by a blue-ribbon malpractice task force commissioned by the Twentieth-Century Fund.

LONG-TERM CARE

Finally, my plan addresses the most difficult problem facing America's seniors: the cost of long-term care. My plan provides a refundable tax credit to pay for long-term care insurance premiums, and restores many of the important benefits lost in the repeal of the Medicare Catastrophic Coverage Act last year.

In addition, my plan would help protect seniors from deceptive or confusing insurance practices, by requiring the Secretary of Health and Human Services to establish uniform health insurance disclosure standards.

COST OF THE COMPREHENSIVE AMERICAN HEALTH CARE ACT

The cost of health care now consumes over $500 billion of America's resources—that is 11 percent of our Nation's GNP. Health care costs are bankrupting American families. Mr. President, I believe we can solve this problem—without bankrupting our country in the process.

We don't need grandiose schemes that would require massive tax increases or raise the Federal deficit even higher. And Mr. President, we should not force struggling small businesses to shoulder the cost of health care, or we will put a lot of companies out of business and a lot of people out of work.

Of course, high quality, accessible health care doesn't come cheap. According to staff estimates, the Comprehensive American Health Care Act will cost about $4 billion a year over the next 5 years, for a total of $21 billion.

I propose using some of our savings from reasonable defense reductions—the so-called "peace dividend"—to fund my Health Care Program.

For example, the Defense Department once planned to buy more than 100 B-2 bombers over the next 5 years, at a cost of $5 to $8 billion each year, or a half-billion dollars per plane. Now those plans will apparently be scaled back, to 75 bombers at last report. In the safer world we live in today, still more of those B-2's could be cut back to pay for better health care in this country.

Alternately, our commitment to protect Europe, which we have kept since the end of World War II, currently costs us a total of $180 billion each year. We have spent the last 45 years worrying about the rest of the world, and sacrificing our own standard of living. Now is the ideal time to turn our attention home again, and make quality health care a reality for every American family.

CONCLUSION

The best health care system in the world is still right here in America. Of course, there are considerable prob-

lems which we must address. But the solutions can be found right here as well. All we need is the same American ingenuity and commitment to excellence which has made our health care system—and our Nation—the envy of the world. Mr. President, I urge my colleagues to join me in addressing America's health care needs and challenges.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive American Health Care Act".

TITLE I—HEALTH CARE ACCESS FOR UNINSURED AND MEDICALLY UNDERSERVED INDIVIDUALS

Subtitle A—Tax Credits for Low and Moderate Income Individuals

SEC. 101. CREDIT FOR HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. HEALTH INSURANCE EXPENSES.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the qualified health insurance expenses paid by such individual during the taxable year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means 60 percent reduced (but not below zero) by 10 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the applicable dollar amount.

"(3) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection, the term 'applicable dollar amount' means—

"(A) in the case of a taxpayer filing a joint return, $28,000,

"(B) in the case of any other taxpayer (other than a married individual filing a separate return), $18,000, and

"(C) in the case of a married individual filing a separate return, zero.

For purposes of this subsection, the rule of section 219(g)(4) shall apply.

"(b) QUALIFIED HEALTH INSURANCE EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for insurance which constitutes medical care (within the meaning of section 213(d)(1)(C)). For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) DOLLAR LIMIT ON QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1) shall not exceed $1,200 ($2,400 in the case of a taxpayer filing a joint return).

"(3) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as qualified health insurance expenses.

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means, with respect to any period, an individual who is not covered during such period by a health plan maintained by an employer of such individual or such individual's spouse.

"(d) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made to the individual under section 101(b) of the Comprehensive American Health Care Act during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) MEDICARE-ELIGIBLE INDIVIDUALS.—No expense shall be treated as a qualified health insurance expense if it is an amount paid for insurance for an individual for any period with respect to which such individual is entitled (or, on application without the payment of an additional premium, would be entitled to) benefits under part A of title XVIII of the Social Security Act.

"(2) SUBSIDIZED EXPENSES.—No expense shall be treated as a qualified health insurance expense to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(3) COORDINATION WITH MINIMUM TAX.—Rules similar to the rules of subsection (h) of section 32 shall apply to any credit to which this section applies.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) ADVANCE PAYMENTS OF CREDIT FOR SOME INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall enter into an agreement with each State to provide for advance payments of the credit provided by section 34A of the Internal Revenue Code of 1986 (as added by this subtitle) to eligible individuals in the form of certificates usable for the purchase of health insurance. The certificates shall be available at such locations as the Secretary determines will ensure the widest distribution.

(2) ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—An individual shall be eligible for advance payments described in paragraph (1) if such individual—

(i) has income for the taxable year which results in a poverty ratio of not more than 1.49, and

(ii) has filed a certificate with the Secretary of the Treasury described in subparagraph (C).

(B) POVERTY RATIO.—For purposes of subparagraph (A)(i), the poverty ratio for any individual shall be determined by dividing such individual's family income for the taxable year (as determined for purposes of title XIX of the Social Security Act) by the income official poverty line for such year (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

(C) CERTIFICATE OF ELIGIBILITY.—A certificate described in this subparagraph is a statement furnished by the individual which—

(i) certifies that the individual will be eligible to receive the credit provided by section 34A of the Internal Revenue Code of 1986 for the taxable year,

(ii) certifies that the poverty ratio of the individual for such year will be not more than 1.49,

(iii) certifies that the individual does not have another certificate with respect to such credit in effect for such year, and

(iv) estimates the amount of qualified health insurance expenses (as defined in section 34A(b) of such Code) for such year.

(c) PROGRAM TO INCREASE PUBLIC AWARENESS.—Not later than the first day of the first calendar year following the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, in consultation with the Secretary of Health and Human Services, shall establish a public awareness program to inform the public of the availability of the credit for health insurance expenses allowed under section 34A of the Internal Revenue Code of 1986 (as added by this subtitle). Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures.

(d) COORDINATION WITH DEDUCTIONS FOR HEALTH INSURANCE EXPENSES.—

(1) SELF-EMPLOYED INDIVIDUALS.—Section 162(l) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 34A.".

(2) MEDICAL, DENTAL, ETC., EXPENSES.—Subsection (e) of section 213 of such Code is amended by inserting "or section 34A" after "section 21".

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Health insurance expenses.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

Subtitle B—Rural Health Initiatives

SEC. 111. ELIMINATION OF SEPARATE AVERAGE STANDARDIZED AMOUNTS FOR HOSPITALS IN DIFFERENT AREAS.

Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end thereof the following new subsection:

"(j)(1) On or before September 1, 1990, the Secretary and the Prospective Payment

Assessment Commission established under subsection (e) (in this subsection referred to as the 'Commission') shall each submit to the Congress a report recommending a methodology that provides for the elimination of the system of determining separate average standardized amounts for subsection (d) hospitals (as defined in subsection (d)(1)(B)) located in large urban, other urban, or rural areas under subsection (d)(2)(D). The methodologies set forth in such reports shall provide for the complete elimination of the average standardized amounts applicable to large urban, other urban, or rural area hospitals for discharges occurring on or after January 1, 1991. Such methodologies may provide for such changes to any of the adjustments, reductions, and special payments otherwise authorized or required by this section as the Secretary or the Commission determines to be necessary and appropriate to carry out the purposes of this subsection. But in no case may the Secretary or the Commission recommend or provide for a methodology that will result in total payments under part A of this title to hospitals at a level less than such hospitals were receiving on October 1, 1990.

"(2) Not later than October 1, 1990, the Secretary shall promulgate interim final regulations to implement the recommendations of the Secretary under paragraph (1) (including any recommended changes in the adjustments, reductions, and special payments otherwise authorized or required by this section).

"(3) If the Congress does not enact legislation after the date of the enactment of this subsection and before December 1, 1990, with respect to the average standardized amounts applicable to large urban, other urban, or rural area hospitals, then, notwithstanding any other provision of this section, the average standardized amounts for such hospitals for discharges occurring on or after January 1, 1991, shall be determined in accordance with the interim final regulations promulgated under paragraph (2).

"(4) On or before July 1, 1991, the Secretary and the Commission shall each submit to the Congress a report specifying the manner in which the average standardized amounts determined under the regulations and which became effective in accordance with paragraph (3) should be adjusted appropriately to reflect differences in the operating costs of providing inpatient hospital services (as defined in subsection (a)(4)) for different categories of subsection (d) hospitals.".

SEC. 112. SCHOLARSHIP AND LOAN REPAYMENT PROGRAM PRIORITIES.

(a) SCHOLARSHIP PROGRAM.—Section 338A(d) of the Public Health Service Act (42 U.S.C. 254l(d)) is amended—

(1) in paragraph (1), by striking "and" at the end thereof;

(2) in paragraph (2)(C), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(3) to individuals who reside in health manpower shortage areas;

"(4) to disadvantaged individuals and minorities;

"(5) to individuals who attend or plan to attend health professions schools that have records of training graduates who then intend to work in primary care fields and with underserved populations;

"(6) to nurses, nurse midwives, nurse practitioners, and physician assistants to increase access to perinatal care; and

"(7) to physicians who are willing to serve in a Health Manpower Shortage Area that has been identified by the Corps as having difficulties in attracting physicians.".

(b) LOAN REPAYMENT PROGRAM.—Section 338B(d) of the Public Health Service Act (42 U.S.C. 254l-1(d)) is amended—

(1) in paragraph (1), by striking "and" at the end thereof;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(3) to applications from individuals who are legal residents of health manpower shortage areas or who, at the time of the submission of the application, reside in a health manpower shortage area;

"(4) to applications from disadvantaged individuals and minorities;

"(5) to applications from individuals who have demonstrated an interest in providing primary care service for the underserved through the participation of such individuals in internship and externship programs such as the commissioned officer, student training and extern program, and other programs;

"(6) to applications from nurses, nurse midwives, nurse practitioners, and physicians assistants to increase access to perinatal care and other essential primary care health services; and

"(7) to applications from physicians in the primary care fields of pediatrics, general internal medicine, general practice, and obstetrics and gynecology who are willing to serve in a health manpower shortage area that has been identified by the Corps as having difficulties in attracting such physicians.".

SEC. 113. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include any qualified loan repayment.

"(b) QUALIFIED LOAN REPAYMENT.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.".

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 338B(g) of the Public Health Service Act is amended by striking "Federal, State, or local" and inserting "State or local".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. National Health Service Corps loan repayments.

"Sec. 137. Cross references to other Acts.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of the enactment of this Act.

SEC. 114. DEMONSTRATION PROJECT TO EVALUATE AVAILABILITY OF PRENATAL CARE SERVICES IN RURAL AREAS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall from amounts retained by the Secretary under section 502(b)(1)(A) of the Social Security Act (42 U.S.C. 702(b)(1)(A)) as amended by section 6502 of the Omnibus Budget Reconciliation Act of 1989, provide for a demonstration project evaluating the availability, accessibility, and use of prenatal care services by pregnant women residing in rural areas (as defined in section 1886(d)(2)(D) of the Social Security Act).

(b) EFFECTIVE DATES.—(1) The Secretary shall conduct the demonstration project described in subsection (a) within 18 months of the date of enactment of this Act.

(2) The Secretary shall transmit a summary of the demonstration project conducted under subsection (a) to relevant committees of Congress no later than 3 months after the date of completion of such project as provided in paragraph (1).

SEC. 115. INCREASED FUNDING FOR AREA HEALTH EDUCATION CENTERS.

Section 781(h)(1) of the Public Health Service Act (42 U.S.C. 295g-1(h)(1)) is amended by striking "$20,000,000 for each of the fiscal years 1990 and 1991" and inserting "$25,000,000 for each of the fiscal years 1990 and 1991".

SEC. 116. PREVENTIVE HEALTH SERVICES.

Part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended—

(1) in section 1901, by adding at the end thereof the following new subsection:

"(c) Of the amounts appropriated for each fiscal year under subsection (a), the Secretary shall make available not less than $25,000,000 in each such fiscal year to carry out section 1910A."; and

(2) by adding at the end thereof the following new section:

"SEC. 1910A. PREVENTIVE GRANTS FOR COUNTY HEALTH DEPARTMENTS.

"(a) IN GENERAL.—From amounts made available under section 1901(c), the Secretary shall make grants to county health departments to enable such departments to provide preventive health services.

"(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a county health department shall prepare and submit, to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require.

"(c) USE OF FUNDS.—A county health department shall use amounts provided through a grant received under this section to—

"(1) provide immunization services to control the spread of infectious diseases;

"(2) improve maternal and infant health;

"(3) reduce adolescent pregnancy and improve reproductive health;

"(4) improve health education and the access of individuals to preventive health services; and

"(5) provide such other services as the Secretary determines appropriate.

"(d) DEFINITION.—Not later than 30 days after the date of enactment of this section, the Secretary shall promulgate regulations that define 'county health department' for purposes of this section.".

SEC. 117. REVIEW OF HOSPITAL REGULATIONS WITH RESPECT TO RURAL HOSPITALS.

(a) IN GENERAL.—Within 12 months of the date of enactment of this Act, the Secretary of Health and Human Services shall review the requirements in regulations developed pursuant to section 1861(e) of the Social Security Act to determine which requirements could be made less administratively and economically burdensome for hospitals defined in section 1886(d)(1)(B) of the Social Security Act that are located in a rural area as defined in section 1886(d)(2)(D) of the Social Security Act without diminishing the quality of care provided by such hospitals to individuals entitled to receive benefits under part A of title XVIII of the Social Security Act. Such review shall specifically include standards related to staffing requirements.

(b) REPORT.—The Secretary of Health and Human Services shall report to Congress by April 1, 1991, on the results of the review conducted under subsection (a), and include recommendations on which regulations if any, should be modified with respect to hospitals located outside a metropolitan statistical area as described in subsection (a).

Subtitle C—Reauthorization of Federal Vaccine and Immunization Program

SEC. 121. EXTENSION OF PROGRAM OF GRANTS FOR IMMUNIZATIONS.

Section 317(j)(1) of the Public Health Service Act (42 U.S.C. 247B(j)(1)) is amended—

(1) in subparagraph (A), by striking "there are authorized" and all that follows in the first sentence and inserting the following: "there are authorized to be appropriated $185,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1995";

(2) in subparagraph (B), by striking "after the date" and all that follows and inserting the following: "after October 1, 1990, there are authorized to be appropriated such sums as may be necessary."; and

(3) by striking subparagraph (C).

SEC. 122. SUPPLY OF VACCINES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall acquire and maintain a supply of vaccines sufficient to provide vaccinations throughout a 6-month period.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $5,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1995.

SEC. 123. EXTENSION OF NATIONAL VACCINE PROGRAM.

Section 2106 of the Public Health Service Act (42 U.S.C. 300aa-6) is amended—

(1) in subsection (a), by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated $4,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1995."; and

(2) in subsection (b), by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1995.".

TITLE II—HEALTH CARE COST CONTROL

Subtitle A—Medical Malpractice Reform

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) there are serious flaws in the civil justice system under which tort claims are filed and resolved, including spiraling costs, unpredictability, impediments to United States competitiveness and inefficient use of the civil justice system;

(2) the cost of litigation has risen at a dramatic rate over the past 25 years and threatens to continue to rise at a similar rate for the foreseeable future;

(3) the rising cost of litigation has a direct and undesirable effect on interstate commerce and international competitiveness, and decreases the availability of products and services in commerce;

(4) excessive litigation has contributed to health care inflation through defensive medical practices and the high cost of medical malpractice insurance accounting for an estimated $25,000,000,000 of the health care bill of the United States in 1987;

(5) the medical malpractice crisis has contributed to the diminution of the availability of health care across the country, particularly in rural areas;

(6) the growing shortage of obstetrical care in the United States is particularly evident in the Commonwealth of Kentucky where 73 of 120 counties lack obstetrical care;

(7) there is a need for reasonable limits on the potential exposure of health care providers to liability for damages resulting from the provision of medical services, which contributes to the availability of health care, the net output of the economy of the United States, to the American consumer, and the general welfare; and

(8) because of the interstate nature of commerce and the pervasive nature of the involvement of the Federal Government in the provision of health care, no single State can act to address flaws in the civil justice system without threatening to inflict disparate and potentially discriminatory burdens, thereby diminishing the general welfare of the Nation and of the several States.

(b) PURPOSE.—It is the purpose of this subtitle to establish uniform rules of medical malpractice law, to encourage alternate means of dispute resolution, to provide fair and reasonable compensation for accident or injury, and to promote the free flow of commerce and the availability and affordability of liability insurance.

SEC. 202. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b) or (c), this subtitle shall apply to any civil action against any individual based on professional medical malpractice, in any State or Federal court, in which damages are sought for physical injury or for physical or mental pain or suffering or for economic loss.

(b) PREEMPTION.—This subtitle shall preempt and supersede Federal or State law only to the extent such law is inconsistent with this subtitle. Any issue arising under the provisions of this subtitle that is not governed by the provisions of this subtitle shall be governed by applicable State or Federal law.

(c) CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harborworkers' Compensation Act;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code, commonly known as the Foreign Sovereign Immunities Act of 1976;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation on the ground of inconvenient forum.

(d) ATTORNEY'S FEES.—

(1) IN GENERAL.—Subject to paragraph (3), and except as provided in paragraph (2), in any action brought pursuant to the provisions of this subtitle, the court shall provide for an award of costs and reasonable attorney's fees to be paid to the prevailing party by the other parties to such action.

(2) EXCEPTION.—Paragraph (1) shall not apply in any case in which the losing party was qualified for assistance by the Legal Services Corporation, in the State in which such party resides, pursuant to the limits and guidelines described in part 1611 of title 45, Code of Federal Regulations.

(3) LIMITATION.—The amount of attorney fees ordered to be paid to the prevailing party under this subsection shall be limited to either—

(A) a percentage of the prevailing party's costs and fees equal to the percentage of any damage award such losing party had agreed to pay as a contingency fee to the attorney of such party if such party had prevailed, if the attorney for such losing party was to receive compensation based on a percentage of the recovery; or

(B) an amount that does not exceed the amount of attorney's fees such party is paying the attorney of such party in such matter, if the attorney for such losing party was not receiving compensation based on a percentage of the recovery.

SEC. 203. JOINT AND SEVERAL LIABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), joint and several liability shall not be applied to a civil liability action that is subject to this subtitle. A person found liable for damages in any such action may—

(1) be found liable, if at all, only for those damages directly attributable to the pro rata share of fault or responsibility of such person for the injury; and

(2) not be found liable for damages attributable to the pro rata share of fault or responsibility of any other person (without regard to whether that person is a party to the action) for the injury, including any person bringing the action.

(b) CONCERTED ACTION.—

(1) APPLICATION.—This section shall not apply as between persons acting in concert where the concerted action proximately caused the injury for which one or more persons are found liable for damages.

(2) DEFINITION.—As used in this section, the terms "concerted action" and "acting in concert" mean the participation in joint conduct by two or more persons who agree to jointly participate in such conduct with actual knowledge of the wrongfulness of the conduct.

SEC. 204. ALTERNATIVE DISPUTE RESOLUTION.

(a) POLICY.—Because the traditional litigation process is not always suited to the timely, efficient, and inexpensive resolution of civil actions, it is the policy of the United States to encourage the creation and use of alternative dispute resolution techniques, and to promote the expeditious resolution of such actions.

(b) EXISTENCE OF OPTIONS.—In any action to which this subtitle applies, each attorney who has made an appearance in the case and who represents one or more of the parties to such action shall, with respect to each party separately represented, advise the party of the existence and availability of alternative dispute resolution options, including extrajudicial proceedings such as minitrials, third-party mediation, court supervised arbitration, and summary jury trial proceedings.

(c) CERTIFICATION.—Each attorney described in subsection (b) shall, at the time of the filing of the complaint or a responsive pleading, file notice with the court certifying that the attorney has so advised the client or clients of the attorney as required under subsection (b), and indicating whether such client will agree to one or more of the alternative dispute resolution techniques.

(d) ORDER GOVERNING FURTHER PROCEEDINGS.—If all parties to an action agree to proceed with one or more alternative dispute resolution proceedings, the court shall issue an appropriate order governing the conduct of such proceedings. The issuance of an order governing such further proceedings shall constitute a waiver, by each party subject to the order, of the right to proceed further in court.

SEC. 205. DEFINITIONS.

(a) DEFINITIONS.—As used in this subtitle:

(1) CLAIMANT.—The term "claimant" means any person who brings a civil action under this subtitle, and any person on whose behalf such action is brought, and, if such an action is brought through or on behalf of an estate, such term includes the decedent of the claimant, or, if it is brought through or on behalf of a minor or incompetent, such term includes the parent or guardian of the claimant.

(2) HARM.—The term "harm" means any harm recognized under the law of the State in which the civil action is maintained.

(3) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 206. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall become effective on the date of enactment of this Act, and shall apply to all civil actions filed on or after such date, including any civil action in which the harm or the conduct complained of occurred before such effective date.

(b) APPLICABLE TIME PERIOD.—If any such provision of this subtitle would shorten the period during which a person would otherwise be exposed to liability, the plaintiff may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this subtitle not later than within 1 year after the effective date of this subtitle.

SEC. 207. SEVERABILITY.

If any provision of this subtitle or the application of any such provision to any person or circumstance is held to be unconstitutional, the remainder of this subtitle and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Subtitle B—Preventive Health Practices Promotion

SEC. 211. DISTRIBUTION OF INFORMATION ON RECOMMENDED PREVENTIVE HEALTH PRACTICES.

(a) IN GENERAL.—Section 1804 of the Social Security Act (42 U.S.C. 1396b-2) is amended—

(1) in the heading, by inserting "AND DISTRIBUTION OF PREVENTIVE HEALTH INFORMATION" after "MEDICARE BENEFITS";

(2) by inserting "(a)" after "SEC. 1804."; and

(3) by adding at the end the following new subsection:

"(b)(1) The Secretary shall develop (and, from time to time, shall revise) a summary of recommended preventive health care practices for elderly individuals entitled to benefits under this title.

"(2) The Secretary also shall develop a 1-page form that may be used by elderly individuals to record information, such as a personal and family medical history, that may be useful to physicians in connection with furnishing appropriate health care.

"(3) The summary and form shall be developed in consultation with national physician, consumer, and other health-related groups and shall be based on recommendations of any appropriate task force or similar group established by the Secretary.

"(4) The Secretary shall provide for the distribution of—

"(A) the summary developed under paragraph (1), and the form developed under paragraph (2), to each individual at the time of the individual's first becoming eligible for benefits under part A under section 226(a) or section 1818, as part of other materials sent to such an individual at such a time, and

"(B) the summary developed under paragraph (1) to individuals entitled to benefits under this title in conjunction with general mailings sent under this title to such individuals.".

(b) DEVELOPMENT OF SUMMARY AND FORM.—The Secretary of Health and Human Services shall initially develop the summary and form described in section 1804(b) of the Social Security Act (as added by subsection (a)) not later than April 1, 1991, and shall first provide for the distribution of such summaries and forms by not later than October 1, 1991.

TITLE III—LONG-TERM CARE AND SENIOR HEALTH PROMOTION

Subtitle A—Long-Term Care Insurance Promotion

SEC. 301. TREATMENT OF LONG-TERM CARE INSURANCE OR PLANS.

(a) GENERAL RULE.—Chapter 79 of the Internal Revenue Code of 1986 (relating to definitions) is amended by inserting after section 7702 the following new section:

"SEC. 7702A. TREATMENT OF LONG-TERM CARE INSURANCE OR PLANS.

"(a) GENERAL RULE.—For purposes of this title—

"(1) a long-term care insurance contract shall be treated as a health insurance contract,

"(2) amounts received under such a contract with respect to qualified long-term care services shall be treated as amounts received for personal injuries or sickness, and

"(3) any plan of an employer providing qualified long-term care services shall be treated as an accident or health plan.

"(b) LONG-TERM CARE INSURANCE CONTRACT.—For purposes of this title, the term 'long-term care insurance contract' means any insurance contract if—

"(1) the only insurance protection provided under such contract is coverage of qualified long-term care services,

"(2) such contract does not cover expenses incurred for services or items to the extent that such expenses are reimbursable under title XVIII of the Social Security Act or would be so reimbursable but for the application of a deductible or coinsurance amount,

"(3) such contract is guaranteed renewable,

"(4) such contract does not have any surrender value, and

"(5) all refunds of premiums, and all policyholder dividends or similar amounts, under such contract are to be applied as a reduction in future premiums or to increase future benefits.

"(c) QUALIFIED LONG-TERM CARE SERVICES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified long-term care services' means necessary diagnostic, preventive, therapeutic, and rehabilitative services, and maintenance or personal care services, which—

"(A) are required by a chronically ill individual in a qualified facility, and

"(B) are provided pursuant to a plan of care prescribed by a physician.

"(2) CHRONICALLY ILL INDIVIDUAL.—

"(A) IN GENERAL.—The term 'chronically ill individual' means any individual who has been certified by a physician as—

"(i) being unable to perform (without substantial assistance from another individual) at least 2 activities of daily living (as defined in subparagraph (B)), or

"(ii) having a similar level of disability due to cognitive impairment.

"(B) ACTIVITIES OF DAILY LIVING.—For purposes of subparagraph (A), each of the following is an activity of daily living:

"(i) BATHING.—The overall complex behavior of getting water and cleansing the whole body, including turning on the water for a bath, shower, or sponge bath, getting to, in, and out of a tub or shower, and washing and drying oneself.

"(ii) DRESSING.—The overall complex behavior of getting clothes from closets and drawers and then getting dressed.

"(iii) TOILETING.—The act of going to the toilet room for bowel and bladder function, transferring on and off the toilet, cleaning after elimination, and arranging clothes.

"(iv) TRANSFER.—The process of getting in and out of bed or in and out of a chair or wheelchair.

"(v) EATING.—The process of getting food from a plate or its equivalent into the mouth.

"(3) QUALIFIED FACILITY.—The term 'qualified facility' means—

"(A) a nursing, rehabilitative, hospice, or adult day care facility, including a hospital, retirement home, nursing home, skilled nursing facility, intermediate care facility, or similar institution, licensed under State law, or

"(B) an individual's home if a physician, certifies that without home care the individual would have to be cared for in a facility described in subparagraph (A), except that such home shall be treated as a qualified facility only to the extent the cost of such services is not greater than the cost of similar services provided in a facility described in subparagraph (A).

"(4) MAINTENANCE OR PERSONAL CARE SERVICES.—The term 'maintenance or personal care services' means any service the primary purpose of which is to provide needed assist-

ance with any of the activities of daily living described in paragraph (2)(B).

"(5) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 213(d)(4).".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 of such Code is amended by inserting after the item relating to section 7702 the following new item:

"Sec. 7702A. Treatment of long-term care insurance or plans.".

SEC. 302. QUALIFIED LONG-TERM SERVICES TREATED AS MEDICAL CARE.

(a) GENERAL RULE.—Paragraph (1) of section 213(d) of the Internal Revenue Code of 1986 (defining medical care) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified long-term care services (as defined in section 7702A(c)), or".

(b) TECHNICAL AMENDMENT.—

(1) Subparagraph (D) of section 213(d)(1) of such Code (as amended by subsection (a)) is amended by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (C)".

(2) Paragraph (6) of section 213(d) of such Code is amended—

(A) by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (C)", and

(B) by striking "paragraph (1)(C)" in subparagraph (A) and inserting "paragraph (1)(D)".

(3) Paragraph (7) of section 213(d) of such Code is amended by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (C)".

SEC. 303. EMPLOYER PAYMENTS FOR LONG-TERM CARE INSURANCE NOT TREATED AS DEFERRED COMPENSATION.

(a) GENERAL RULE.—Subparagraph (B) of section 404(b)(2) of the Internal Revenue Code of 1986 (relating to plans providing certain deferred benefits) is amended to read as follows:

"(B) EXCEPTIONS.—

"(i) WELFARE BENEFIT FUNDS.—Subparagraph (A) shall not apply to any benefit provided through a welfare benefit fund (as defined in section 419(e)).

"(ii) PREMIUMS FOR LONG-TERM INSURANCE CONTRACTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), subparagraph (A) shall not apply to any amount paid or incurred for any long-term care insurance contract.

"(II) EXCEPTION.—Subclause (I) shall not apply to any amount paid or incurred by the taxpayer during any taxable year to the extent such amount exceeds the premium which would have been payable under the contract for such year under a level premium structure.".

(b) CAFETERIA PLANS.—Paragraph (2) of section 125(c) of such Code (relating to deferred compensation plans excluded) is amended by adding at the end thereof the following new subparagraph:

"(D) EXCEPTION FOR LONG-TERM CARE INSURANCE CONTRACTS.—For purposes of subparagraph (A), amounts paid or incurred for any long-term care insurance contract shall not be treated as deferred compensation to the extent section 404(b)(2)(A) does not apply to such amounts by reason of section 404(b)(2)(B)(ii).".

SEC. 304. LONG-TERM CARE INSURANCE TAX CREDIT.

(a) GENERAL RULE.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits), as amended by section 101, is amended by redesignating section 35 as section 36 and by inserting after section 34A the following new section:

"SEC. 35. LONG-TERM CARE INSURANCE CREDIT.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to applicable percentage of the qualified long-term care premiums paid during such taxable year.

"(b) APPLICABLE PERCENTAGE.—

"(1) IN GENERAL.—For purposes of this section, the term 'applicable percentage' means 20 percent reduced (but not below zero) by 1 percentage point for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the base amount.

"(2) BASE AMOUNT.—For purposes of paragraph (1) the term 'base amount' means—

"(A) except as otherwise provided in this paragraph, $25,000,

"(B) $40,000 in the case of joint return, and

"(C) zero in the case of a taxpayer who—

"(i) is married at the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such taxable year, and

"(ii) does not live apart from his spouse at all times during the taxable year.

"(c) DOLLAR LIMITATION ON AMOUNT DEDUCTIBLE.—

"(1) IN GENERAL.—The amount of the qualified long-term care premiums taken to account under subsection (a) for any taxable year shall not exceed the limitation determined under the following table:

"In the case of an individual with an attained age before the close of the taxable year of:	The limitation is:
40 or less	$200
More than 40 but not more than 50	375
More than 50 but not more than 60	750
More than 60 but not more than 70	1,600
More than 70	2,000.

In the case of a joint return, the limitation of this paragraph shall be applied separately with respect to each spouse.

"(2) INDEXING.—

"(A) IN GENERAL.—In the case of any taxable year beginning after December 31, 1991, each dollar amount contained in paragraph (1) shall be increased by the medical care cost adjustment for such taxable year. If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10.

"(B) MEDICAL CARE COST ADJUSTMENT.—For purposes of clause (i), the medical care cost adjustment for any taxable year is the percentage (if any) by which—

"(i) the medical care component of the Consumer Price Index (as defined in section 1(f)(5)) for August of the calendar year preceding the calendar year in which the taxable year begins, exceeds

"(ii) such component for August of 1990.

"(d) QUALIFIED LONG-TERM CARE PREMIUMS.—For purposes of this section, the term 'qualified long-term care premiums' means the amount paid by the taxpayer during the taxable year for any long-term care insurance contract covering the taxpayer, but only to the extent the amount so paid does not exceed the premiums which would have been payable under the contract for such taxable year under a level premium structure.

"(e) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made to the individual under section 304(b) of the Comprehensive American Health Care Act during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

"(f) COORDINATION WITH MINIMUM TAX.—Rules similar to the rules of subsection (h) of section 32 shall apply to any credit to which this section applies.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) ADVANCE PAYMENTS OF CREDIT FOR SOME INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall enter into an agreement with each State to provide for advance payments of the credit provided by section 35 of the Internal Revenue Code of 1986 (as added by this subtitle) to eligible individuals in the form of certificates usable for the purchase of long-term care insurance. The certificates shall be available at such locations as the Secretary determines will ensure the widest distribution.

(2) ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—An individual shall be eligible for advance payments described in paragraph (1) if such individual—

(i) has income for the taxable year which results in a poverty ratio of not more than 1.49, and

(ii) has filed a certificate with the Secretary of the Treasury described in subparagraph (C).

(B) POVERTY RATIO.—For purposes of subparagraph (A)(i), the poverty ratio for any individual shall be determined by dividing such individual's family income for the taxable year (as determined for purposes of title XIX of the Social Security Act) by the income official poverty line for such year (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

(C) CERTIFICATE OF ELIGIBILITY.—A certificate described in this subparagraph is a statement furnished by the individual which—

(i) certifies that the individual will be eligible to receive the credit provided by section 35 of the Internal Revenue Code of 1986 for the taxable year,

(ii) certifies that the poverty ratio of the individual for such year will be not more than 1.49,

(iii) certifies that the individual does not have another certificate with respect to such credit in effect for such year, and

(iv) estimates the amount of qualified long-term care premiums (as defined in section 35(d) of such Code) for such year.

(c) PROGRAM TO INCREASE PUBLIC AWARENESS.—Not later than the first day of the first calendar year following the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, in consultation with the Secretary of Health and Human Services, shall establish a public awareness program to inform the public of the availability of the credit for long-term care insurance expenses allowed under section 35 of the Internal Revenue Code of 1986 (as added by this subtitle). Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures.

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Long-term care insurance credit.

"Sec. 36. Overpayments of tax.".

SEC. 305. EXEMPTION FROM 10-PERCENT ADDITIONAL TAX; CERTAIN EXCHANGES NOT TAXABLE.

(a) EXEMPTION FROM ADDITIONAL TAX.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to additional tax not to apply to certain distributions) is amended by adding at the end thereof the following new subparagraph:

"(E) DISTRIBUTIONS USED TO PAY FOR LONG-TERM CARE INSURANCE CONTRACTS.—Any distribution made on or after the date on which the employee attains age 50 to the extent such distribution is used, not later than the day 60 days after the day on which such distribution is made, to pay premiums on a long-term care insurance contract for such employee.".

(2) TECHNICAL AMENDMENT.—Subparagraph (B) of section 72(t)(2) of such Code is amended—

(A) by striking "subparagraph (A) or (C)" and inserting "subparagraph (A), (C), or (E)",

(B) by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, any premiums paid on a long-term care insurance contract shall not be treated as paid for medical care to the extent such premiums are taken into account under subparagraph (E).".

(b) CERTAIN EXCHANGES NOT TAXABLE.—Subsection (a) of section 1035 of such Code (relating to certain exchanges of insurance contracts) is amended by striking the period at the end of paragraph (3) and inserting "; or", and by adding at the end thereof the following new paragraph:

"(4) in the case of an individual who has attained age 50, a contract of life insurance or an endowment or annuity contract for a long-term care insurance contract.".

SEC. 306. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to taxable years beginning after December 31, 1990.

Subtitle B—Medicare Benefit Improvements

SEC. 311. MEDICARE COVERAGE OF SCREENING MAMMOGRAPHY.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as revived by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subsection (s)—

(A) in paragraph (11), by striking all that follows "(bb))" and inserting a semicolon,

(B) in paragraph (12)(C), by striking all that follows "area)" and inserting "; and", and

(C) by inserting after paragraph (12) the following new paragraph:

"(13) screening mammography (as defined in subsection (jj));"; and

(2) by inserting after subsection (ii) the following new subsection:

"Screening Mammography

"(jj) The term 'screening mammography' means a radiologic procedure provided to a woman for the purpose of early detection of breast cancer and includes a physician's interpretation of the results of the procedure.".

(b) PAYMENT AND COVERAGE.—Section 1834 of such Act (42 U.S.C. 1395m), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in subsection (b)(1)(B), by inserting "and subject to subsection (c)(1)(A)" after "conversion factors", and

(2) by inserting after subsection (b) the following new subsection:

"(c) PAYMENTS AND STANDARDS FOR SCREENING MAMMOGRAPHY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, with respect to expenses incurred for screening mammography (as defined in section 1861(jj))—

"(A) payment may be made only for screening mammography conducted consistent with the frequency permitted under paragraph (2);

"(B) payment may be made only if the screening mammography meets the quality standards established under paragraph (3); and

"(C) the amount of the payment under this part shall, subject to the deductible established under section 1833(b), be equal to 80 percent of the least of—

"(i) the actual charge for the screening,

"(ii) the fee schedule established under subsection (b) or the fee schedule established under section 1848, whichever is applicable, with respect to both the professional and technical components of the screening mammography, or

"(iii) the limit established under paragraph (4) for the screening mammography.

"(2) FREQUENCY COVERED.—

"(A) IN GENERAL.—Subject to revision by the Secretary under subparagraph (B)—

"(i) No payment may be made under this part for screening mammography performed on a woman under 35 years of age.

"(ii) Payment may be made under this part for only 1 screening mammography performed on a woman over 34 years of age, but under 40 years of age.

"(iii) In the case of a woman over 39 years of age, but under 50 years of age, who—

"(I) is at a high risk of developing breast cancer (as determined pursuant to factors identified by the Secretary), payment may not be made under this part for a screening mammography performed within the 11 months of a previous screening mammography, or

"(II) is not at a high risk of developing breast cancer, payment may not be made under this part for a screening mammography performed within the 23 months after a previous screening mammography.

"(iv) In the case of a woman over 49 years of age, but under 65 years of age, payment may not be made under this part for screening mammography performed within 11 months after a previous screening mammography.

"(v) In the case of a woman over 64 years of age, payment may not be made for screening mammography performed within 23 months after a previous screening mammography.

"(B) REVISION OF FREQUENCY.—

"(i) REVIEW.—The Secretary, in consultation with the Director of the National Cancer Institute, shall review periodically the appropriate frequency for performing screening mammography, based on age and such other factors as the Secretary believes to be pertinent.

"(ii) REVISION OF FREQUENCY.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which screening mammography may be paid for under this subsection, but no such revision shall apply to screening mammography performed before January 1, 1993.

"(3) QUALITY STANDARDS.—The Secretary shall establish standards to assure the safety and accuracy of screening mammography performed under this part. Such standards shall include the requirements that—

"(A) the equipment used to perform the mammography must be specifically designed for mammography and must meet radiologic standards established by the Secretary for mammography;

"(B) the mammography must be performed by an individual who—

"(i) is licensed by a State to perform radiological procedures, or

"(ii) is certified as qualified to perform radiological procedures by such an appropriate organization as the Secretary specifies in regulations;

"(C) the results of the mammography must be interpreted by a physician—

"(i) who is certified as qualified to interpret radiological procedures by such an appropriate board as the Secretary specifies in regulations, or

"(ii) who is certified as qualified to interpret screening mammography procedures by such a program as the Secretary recognizes in regulation as assuring the qualifications of the individual with respect to such interpretation; and

"(D) with respect to the first screening mammography performed on a woman for which payment is made under this part, there are satisfactory assurances that the results of the mammography will be placed in permanent medical records maintained with respect to the woman.

"(4) LIMIT.—

"(A) $50, INDEXED.—Except as provided by the Secretary under subparagraph (B), the limit established under this paragraph—

"(i) for screening mammography performed in 1991, is $50, and

"(ii) for screening mammography performed in a subsequent year is the limit established under this paragraph for the preceding year increased by the percentage increase in the MEI for that subsequent year.

"(B) REDUCTION OF LIMIT.—The Secretary shall review from time to time the appropriateness of the amount of the limit established under this paragraph. The Secretary may, with respect to screening mammography performed in a year after 1992, reduce the amount of such limit as it applies nationally or in any area to the amount that

the Secretary estimates is required to assure that screening mammography of an appropriate quality is readily and conveniently available during the year.

"(C) APPLICATION OF LIMIT IN HOSPITAL OUTPATIENT SETTING.—The Secretary shall provide for an appropriate allocation of the limit established under this paragraph between professional and technical components in the case of hospital outpatient screening mammography (and comparable situations) where there is a claim for professional services separate from the claim for the radiologic procedure.

"(5) LIMITING CHARGES OF NONPARTICIPATING PHYSICIANS.—

"(A) IN GENERAL.—In the case of mammography screening performed on or after January 1, 1991, for which payment is made under this subsection, if a nonparticipating physician or supplier provides the screening to an individual entitled to benefits under this part, the physician or supplier may not charge the individual more than the limiting charge (as defined in subparagraph (B), or if less, as defined in subsection (b)(5)(B) or as defined in section 1848(g)(2)).

"(B) LIMITING CHARGE DEFINED.—In subparagraph (A), the term 'limiting charge' means, with respect to screening mammography performed—

"(i) in 1991, 125 percent of the limit established under paragraph (4),

"(ii) in 1992, 120 percent of the limit established under paragraph (4), or

"(iii) after 1992, 115 percent of the limit established under paragraph (4).

"(C) ENFORCEMENT.—If a physician or supplier knowing and willfully imposes a charge in violation of subparagraph (A), the Secretary may apply sanctions against such physician or supplier in accordance with section 1842(j)(2).".

(c) CERTIFICATION OF SCREENING MAMMOGRAPHY QUALITY STANDARDS.—

(1) Section 1863 of such Act (42 U.S.C. 1395z), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting "or whether screening mammography meets the standards established under section 1834(c)(3)," after "1832(a)(2)(F)(i),".

(2) The first sentence of section 1864(a) of such Act (42 U.S.C. 1395aa(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting before the period the following: ", or whether screening mammography meets the standards established under section 1834(c)(3)".

(3) Section 1865(a) of such Act (42 U.S.C. 1395bb(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting "1834(c)(3)," after "1832(a)(2)(F)(i),".

(d) CONFORMING AMENDMENTS.—

(1) Section 1833(a)(2)(E) of such Act (42 U.S.C. 1395l(a)(2)(E)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting ", but excluding screening mammography" after "imaging services".

(2) Section 1862(a) of such Act (42 U.S.C. 1395y(a)), as restored by section 201(a)(1) of the Medicare Catastropnic Coverage Repeal Act of 1989, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "subparagraph (B), (C), (D), or (E)" and inserting "a succeeding subparagraph",

(ii) in subparagraph (D), by striking "and" at the end,

(iii) in subparagraph (E), by striking the semicolon at the end and inserting ", and", and

(iv) by adding at the end the following new subparagraph:

"(F) in the case of screening mammography, which is performed more frequently than is covered under section 1834(c)(2) or which does not meet the standards established under section 1834(c)(3), and, in the case of screening pap smear, which is performed more frequently than is provided under section 1861(nn);"; and

(B) in paragraph (7), by inserting "or under paragraph (1)(F)" after "(1)(B)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to screening mammography performed on or after January 1, 1991.

SEC. 312. IN-HOME RESPITE CARE FOR CERTAIN CHRONICALLY DEPENDENT INDIVIDUALS.

(a) IN GENERAL.—Section 1832(a) of the Social Security Act (42 U.S.C. 1395k(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in paragraph (2)(A)—

(A) by inserting "(i)" after "(A)", and

(B) by inserting before the semicolon at the end the following: ", and (ii) in-home respite care for a chronically dependent individual for up to 80 hours in any 12-month period described in section 1861(kk)(4), but not to exceed 80 hours in any calendar year"; and

(2) by adding at the end the following new sentence:

"In the case of in-home respite care (described in paragraph (2)(A)(ii)) provided to a chronically dependent individual on any day, such care provided for 3 hours or less on the day shall be counted (for purposes of the limitation in such paragraph) as 3 hours of such care.".

(b) IN-HOME RESPITE CARE FOR CHRONICALLY DEPENDENT INDIVIDUAL DEFINED.—Section 1861 of such Act (42 U.S.C. 1395x), as amended by section 2(a)(2) of this Act, is amended by inserting after subsection (jj) the following new subsection:

"In-Home Respite Care; Chronically Dependent Individual

"(kk)(1) The term 'in-home respite care' means the following items and services furnished, under the supervision of a registered professional nurse, to a chronically dependent individual (as defined in paragraph (2)) during the period described in paragraph (4) by a home health agency or by others under arrangements with them made by such agency in a place of residence used as such individual's home:

"(A) Services of a homemaker/home health aide (who has successfully completed a training program approved by the Secretary).

"(B) Personal care services.

"(C) Nursing care provided by a licensed professional nurse.

"(2) The term 'chronically dependent individual' means an individual who has been certified by a physician as—

"(A) being unable to perform (without substantial assistance from another individual) at least 2 activities of daily living (as defined in paragraph (3)), or

"(B) having a similar level of disability due to cognitive impairment.

"(3) The 'activities of daily living', referred to in paragraph (2), are as follows:

"(i) Eating.

"(ii) Bathing.

"(iii) Dressing.

"(iv) Toileting.

"(v) Transferring in and out of a bed or in and out of a chair.

"(4)(A) The 12-month period described in this paragraph is the 1-year period beginning on the date that the Secretary determines that a chronically dependent individual has incurred out-of-pocket part B cost sharing (as defined in paragraph (5)(A)) in an amount equal to the part B limit (as determined under paragraph (5)(B)) for the year.

"(B) In the case of an individual who qualifies under subparagraph (A) within 12 months after previously qualifying, the subsequent qualification shall begin a new 12-month period under this paragraph.

"(5) For purposes of this subsection:

"(A) The term 'out-of-pocket part B cost sharing' means, with respect to an individual covered under part B, the amounts of expenses that the individual incurs that are attributable to—

"(i) the deductions established under section 1833(b), and

"(ii) the difference between the payment amount provided under part B and the payment amount that would be provided under part B if '100 percent' and '0 percent' were substituted for '80 percent' and '20 percent', respectively, each place either appears in sections 1833(a), 1833(i)(2), 1834(c)(1)(C), 1835(b)(2), 1866(a)(2)(A), 1881(b)(2), and 1881(b)(3).

"(B)(i) The part B limit for 1991 is $1,780. The part B limit for any succeeding year shall be such an amount (rounded to the nearest multiple of $1) as the Secretary estimates, for that succeeding year, will reflect a level of out-of-pocket part B expenses that only 5.5 percent of the average number of individuals enrolled under part B (other than individuals enrolled with an eligible organization under section 1876 or an organization described in section 1833(a)(1)(A)) will equal or exceed in that succeeding year.

"(ii) Not later than September 1 of each year (beginning with 1991), the Secretary shall promulgate the part B limit under this subparagraph for the succeeding year.".

(c) PAYMENT.—Section 1833(a) of such Act (42 U.S.C. 1395l(a)), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in paragraph (2), by inserting "(A)(ii)," after "subparagraphs" the first place it appears,

(2) in paragraph (3), by striking "(D)" and inserting "(A)(ii), (D),", and

(3) by adding at the end the following:

"Payment for in-home respite care for chronically dependent individuals shall be paid on the basis of an hour of such care provided. In applying paragraph (2) in the case of an organization receiving payment under clause (A) of paragraph (1) or under a reasonable cost reimbursement contract under section 1876 and providing coverage of in-home respite care, the Secretary shall provide for an appropriate adjustment in the payment amounts otherwise made to reflect the aggregate increase in payments that would otherwise be made with respect to enrollees in the organization if payments were made other than under such clause or such a contract if payments were to be made on an individual-by-individual basis.".

(d) CERTIFICATION.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) in the case of in-home respite care provided to a chronically dependent individual during a 12-month period, the individual was a chronically dependent individual during the 3-month period immediately preceding the beginning of the 12-month period.".

(e) STANDARDS FOR UTILIZATION.—

(1) Section 1862(a) (42 U.S.C. 1395y(a)), as amended by section 2(d)(2) of this Act, is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "and" at the end,

(ii) in subparagraph (F), by striking the semicolon at the end and inserting ", and", and

(iii) by adding at the end the following new subparagraph:

"(G) in the case of in-home respite care for chronically dependent individuals, which is not reasonable and necessary to assure the health and condition of the individual is maintained in the individual's non-institutional residence;"; and

(B) in paragraph (6), by inserting "and except, in the case of in-home respite care, as is otherwise permitted under paragraph (1)(G)" after "paragraph (1)(C)".

(2) The Secretary of Health and Human Services shall take appropriate efforts to assure the quality, and provide for appropriate utilization of, in-home respite care for chronically dependent individuals under the amendments made by this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1991.

SEC. 313. EXTENDING HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following new sentence: "For purposes of paragraphs (1) and (4) and sections 1814(a)(2)(C) and 1835(a)(2)(A), nursing care and home health aide services shall be considered to be provided or needed on an 'intermittent' basis if they are provided or needed less than 7 days each week and, in the case they are provided or needed for 7 days each week, if they are provided or needed for a period of up to 38 consecutive days.".

(b) PAYMENT UNDER PART B.—Section 1833(d) of the Social Security Act (42 U.S.C. 1395l(d)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) by striking "(d) No payment" and inserting "(d)(1) Except as provided in paragraph (2), no payment"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of home health services furnished to an individual enrolled under this part for which payment is made only as a result of the application of the last sentence of section 1861(m), payment shall be made under this part.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished in cases of initial periods of home health services beginning on or after January 1, 1991.

SEC. 314. EXPANSION OF HOSPICE BENEFIT.

(a) IN GENERAL.—Section 1812 of the Social Security Act (42 U.S.C. 1395d), as restored by section 101(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subsection (a)(4), by striking "90 days each" and all that follows through "with respect to" and inserting the following: "90 days each, a subsequent period of 30 days, and a subsequent extension period with respect to"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "90 days each" and all that follows through "lifetime" and inserting the following: "90 days each, a subsequent period of 30 days, and a subsequent extension period during the individual's lifetime", and

(B) in paragraph (2)(B), by striking "a 90- or 30-day period," and inserting "a 90- or 30-day period or a subsequent extension period,".

(b) CONFORMING AMENDMENT.—Section 1814(a)(7)(A) of such Act (42 U.S.C. 1395f(a)(7)(A)), as restored by section 101(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the semicolon at the end and inserting ", and"; and

(3) by adding at the end the following new clause:

"(iii) in a subsequent extension period, the medical director or physician described in clause (i)(II) recertifies at the beginning of the period that the individual is terminally ill;".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to care and services furnished on or after January 1, 1991.

SEC. 315. FINANCING THROUGH INCREASE IN MEDICARE PART B PREMIUM.

(a) INCREASE IN PREMIUM.—Section 1839 of such Act (42 U.S.C. 1395r), as restored by section 202(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following new subsection:

"(g)(1) Except as provided in subsection (f), the monthly premium for each individual enrolled under this part otherwise determined, without regard to this subsection, shall be increased (for months occurring in 1991 through 1995) by the following additional premium or (for months after December 1995) by such an additional premium determined in accordance with paragraph (2):

"(A) For months in 1991, $.80.

"(B) For months in 1992, $1.00.

"(C) For months in 1993, $1.00.

"(D) For months in 1994, $1.20.

"(E) For months in 1995, $1.30.

"(2)(A) The Secretary shall, during September of 1995 and of each year thereafter, determine and promulgate the additional premium under this subsection for months in the succeeding year. Such premium amount shall be equal to the amount the Secretary estimates to be necessary so that the aggregate amount of premiums collected under this subsection for months in the year will equal the total of the benefits and administrative costs which the Secretary estimates will be payable in such year from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund that are attributable to the amendments made by the Medicare Benefit Improvements Act of 1990. In calculating such additional premium, the Secretary shall include an appropriate amount for a contingency margin, and shall adjust such premium to take into account the amounts by which the additional premiums established under this subsection with respect to months in any year are greater or less than the amounts required to pay for benefits paid and such administrative costs incurred in such year that are attributable to the coverage of screening mammography, in-home respite care, hospice, and home health benefits under this part.

"(B) If any premium increase for a month under this paragraph is not a multiple of 10 cents, the Secretary shall round the increase to the nearest multiple of 10 cents.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1839 of such Act (42 U.S.C. 1395r), as restored by section 202(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in the second sentence of subsections (a)(1) and (a)(4), by inserting "(other than costs relating to the amendments made by the Medicare Benefit Improvements Act of 1990)" before the period;

(B) in subsection (a)(2), by striking "and (e)" and inserting ", (e), and (g)";

(C) in subsection (a)(3), by striking "subsection (e)" and inserting "subsections (e) and (g)";

(D) in subsection (b), by striking "determined under subsection (a) or (e)" and inserting "otherwise determined under this section (without regard to subsections (f) and (g))"; and

(E) in subsection (e)(1), by inserting "except as provided in subsection (g)," after "subsection (a)".

(2) Section 1844(a) of such Act (42 U.S.C. 1395w(a)), as restored by section 202(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following:

"In computing the amount of aggregate premiums and premiums per enrollee under paragraph (1), there shall not be taken into account premiums attributable to section 1839(g).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to monthly premiums for months beginning with January 1991.

Subtitle C—Senior Health Insurance Consumer Protection

SEC. 321. CERTIFICATION OF HEALTH INSURANCE POLICIES FOR THE ELDERLY.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall no later than 90 days after the date of enactment of this Act establish a procedure whereby health insurance policies for the elderly may be certified by the Secretary as meeting minimum standards and requirements set forth in subsection (b). Such certification shall remain in effect if the insurer files a notarized statement with the Secretary no later than June 30 of each year stating that the policy continues to meet such standards and requirements and if the insurer submits such additional data as the Secretary finds necessary to verify independently the accuracy of such notarized statement. Where the Secretary determines such policy meets (or continues to meet) such standards and requirements, he shall authorize the insurer to have printed on such policy (but only in accordance with such requirements and conditions as the Secretary may require) an emblem which the Secretary shall cause to be designed for use as an indication that a policy has received the Secretary's certification. The Secretary shall provide each State commissioner or superintendent of insurance with a list of all the policies which have received his certification.

(b) CERTIFICATION AND REQUIREMENTS.—The Secretary shall certify under this section any health insurance policies for the elderly, or continue certification of such a policy, only if he or she finds that such policy—

(1) meets or exceeds the National Association of Insurance Commissioners Model Act Standards;

(2) is guaranteed to be renewable on the basis of the same premium rate (or, if a different rate, a rate that is adjusted on a class basis);

(3) limits the exclusion of preexisting conditions in accordance with regulations prescribed by the Secretary;

(4) allows purchasers 30 days to rescind their purchase of the policy;

(5) provides that policies of such health insurance be written in simplified language which can be understood by purchasers, as specified in regulations prescribed by the Secretary; and

(6) meets or exceeds such other requirements as the Secretary (in consultation with State commissioners or superintendents of insurance) shall by regulation prescribe.

(c) STUDY AND REPORT.—The Secretary shall 3 years after the date of enactment of this Act conduct a study and issue a report to Congress on health insurance policies for the elderly. Such study and report shall be conducted and issued no later than 6 months after the 3-year period commencing after the date of enactment of this Act.

COMPREHENSIVE AMERICAN HEALTH CARE PLAN

I. HEALTH CARE ACCESS FOR UNINSURED AND UNDERSERVED AMERICANS

Health Insurance Tax Credits for Low and Moderate Income Americans.

Rural Health Initiatives.

Reauthorization of Federal Vaccine and Immunization Program.

II. HEALTH CARE COST CONTROL

Medical Malpractice Reform.

Preventative Medicine Initiative.

III. LONG-TERM CARE AND SENIOR HEALTH PROMOTION

Long-Term Care Insurance Tax Credits.

Medicare Benefits Expansion.

Senior Health Insurance Consumer Protection.

Estimated total cost is $21.1 billion over five years.

I. HEALTH CARE ACCESS FOR UNINSURED AND UNDERSERVED AMERICANS

Subtitle A. Tax Credits for Low and Moderate Income Individuals.

Subtitle B. Rural Health Initiatives:

Eliminate Medicare Urban/Rural Differential.

Expand and Target National Health Service Corps Assistance.

Study Barriers to Prenatal Care in Rural Areas.

Increase Funding for Area Health Education Centers.

Review Medicare Regulation of Rural Hospitals.

A. Health insurance tax credits (section 101)

Provides low and moderate income Americans tax-based assistance to purchase health insurance. Amount of credit is determined by income level and actual insurance expenditures. Credit is made refundable to reach taxpayers below filing threshold.

Taxpayers filing jointly with combined incomes of $28,000 or less would receive a maximum credit of $1,440; taxpayers filing jointly with incomes of $33,000 and above would receive a maximum credit of $240.

Taxpayers filing a separate return with incomes of $18,000 and below would receive a maximum credit of $720; taxpayers filing a separate return with incomes of $23,000 or more would receive a maximum credit of $120.

B. Rural health initiatives (sections 111-117)

Section 111.—Eliminate Medicare Urban/Rural Hospital Differential. Eliminates Medicare Part A reimbursement differential between urban and rural hospitals by FY-91, rather than FY-95 as is scheduled under current law. Harmless to urban hospitals.

Sections 112-113.—Expand and Target National Health Service Corps Assistance. Revitalizes National Health Service Corps program and increases funding for the NHSC loan repayment program. The NHSC program provides scholarships to and repays health practitioners willing to practice in rural and other medically underserved regions. Populations with high percentages of uninsured would be targeted.

Section 114.—Study of Prenatal Care in Rural Areas. Establishes a demonstration project to evaluate availability, accessibility, and use of prenatal care services by pregnant women residing in rural areas.

Section 115.—Increase Funding for Area Health Education Centers. Area Health Education Centers provide continuing education and clinical instruction in or near medically underserved areas for physicians, nurse practitioners, and other health care professionals. AHECs provide an important incentive for health care professionals to settle in rural areas.

Section 116.—Preventative Health Services. Allows country health departments to apply for grants to provide immunization services, maternal and infant health care, health education, and preventative health services.

Section 117.—Review Medicare Regulation of Rural Hospitals. Requires the Secretary of Health and Human Services to review regulations applying to rural hospitals to determine which requirements could be made less administratively and economically burdensome without diminishing quality.

C. Reauthorize Federal vaccine and immunization programs (sections 121-123)

Reauthorizes and expands Federal vaccine and immunization programs to require the Center for Disease Control to maintain a 6-month supply of vaccines.

II. HEALTH CARE COST CONTROL

Subtitle A. Medical Malpractice Reform.

Subtitle B. Preventive Health Practices Promotion.

A. Medical malpractice reform (sections 201-207)

Provides urgently needed reforms of the medical liability system recommended by the American Hospital Association and the American College of Nurse Midwives. Abolishes joint and several liability, deters frivolous suits by requiring the losing party to pay the attorneys' fee and costs of the prevailing party, and promotes the use of alternative dispute resolution in medical malpractice cases.

B. Preventative health practices promotion (section 211)

Requires the Secretary of Health and Human Services to develop and distribute to Medicare beneficiaries a summary of recommended health care practices for elderly individuals. Also requires the Secretary to develop a 1-page form to record personal and family medical history.

III. LONG-TERM CARE AND SENIOR HEALTH PROMOTION

Subtitle A. Long-Term Care Insurance Tax Credits.

Subtitle B. Medicare Program Enhancements.

Subtitle C. Senior Health Insurance Consumer Protection.

A Long-term care insurance tax credits (sections 301-306)

Provides senior and other Americans with tax-based assistance to purchase long-term care insurance. Assistance weighted to provide most assistance to seniors, but all taxpayers are eligible to receive the credit. Maximum credit is $1,000 to seniors over the age of 70; taxpayers aged 40 and less would receive a maximum credit of $40. Credit is made refundable to reach taxpayers below filing threshold.

B. Medicare program enhancements (sections 311-315)

Restores certain important benefits lost in the repeal of the Medicare Catastrophic Coverage Act. Provides for biennial mammography screening for Medicare beneficiaries. Home Health Care coverage would be expanded to a maximum of 38 consecutive days. In-home respite care would be provided for chronically dependent individuals. Would eliminate the 210-day lifetime limit for Medicare covered hospice care.

C. Senior health insurance consumer protection (section 321)

Requires the Secretary of Health and Human Services to establish a certification system for health insurance for the elderly. Certified policies would be required to meet or exceed the National Association of Insurance Commissioners Model Act Standards. Certified policies would be guaranteed to be renewable at the same premium rate or be adjusted on a class basis. Exclusion of preexisting conditions would be limited. Provides purchasers with a 30-day period to rescind their purchase of a certified study. Requires the Secretary of Health and Human Services to study health insurance policies for the elderly three years after enactment.

By Mr. MOYNIHAN:

S. 2536. A bill to amend title XIX of the Social Security Act to give States the option of providing for coverage of certain HIV-related services for certain individuals who have been diagnosed as being HIV-positive, and for other purposes; to the Committee on Finance.

MEDICAID AIDS AND HIV AMENDMENTS

Mr. MOYNIHAN. Mr. President, today, I rise on behalf of myself and Senators ADAMS, KENNEDY, DODD, and INOUYE to introduce the Medicaid AIDS and HIV Amendments of 1990. This bill, which was recently introduced in the House of Representatives by Congressman HENRY WAXMAN, directly addresses the public health emergency presented by the acquired immune deficiency syndrome [AIDS]. This legislation would expand access to health care through the Medicaid Program and would address the crisis in financing and delivering that health care.

The first of four provisions in the Senate bill, identical to the House bill H.R. 4080, will give States the option of creating a new category of eligibility in Medicaid by providing individuals infected with the human immunodeficiency virus [HIV] access to a variety of outpatient services including prescription drugs.

AIDS drugs have offered the only hope to individuals with HIV infection. The National Institutes of Health and the Food and Drug Administration have recommended and approved the use of some therapeutic drugs, notably AZT, as antiviral therapies and as prophylactic treatments used to prevent or delay the onset of illness. I would note that a Food and Drug Administration advisory council has recently recommended that AZT be approved as an antiviral therapy in HIV infected children. I would hope that this recommendation would be quickly implemented. Unfortunately, many of our poorest and most impoverished citizens infected with HIV do not have access to Medicaid until they are disabled by the disease—meaning that once they are sick and hospitalized Medicaid will pay the treatment costs, but it will not pay for the early intervention programs that prevent or delay hospitalization before the onset of illness. This bill would correct that impediment to early intervention and treatment.

Second, we would allow States to use their Medicaid Programs to pay for home and community-based care for children with AIDS. Hospitalization is not an appropriate nor is it a compassionate way to provide care for most children with AIDS and HIV infection. I would hope my colleagues would agree that for children without homes, programs such as Grandma's House here in Washington and Hale House in New York City provide the kind of environment a child needs to grow and strengthen and fight this disease. We should be doing all we can to promote such programs.

Third, this legislation mandates an enhanced Medicaid payment to hospitals which serve a disproportionate number of AIDS patients. The complexity of services required to treat people with AIDS places a tremendous burden on a hospital's ability to provide care to all of its patients. Many States' Medicaid Programs simply do not adequately reimburse hospitals for the costs of providing AIDS care and they are, as a result, incurring serious losses.

And finally, Mr. President, we would allow States the option of using their Medicaid dollars to pay for the private health insurance premiums of people who have had to stop working because of illness and who would otherwise become eligible for Medicaid. This provision would allow patients to maintain their private group health insurance coverage at a savings to the State and Federal governments.

Two epidemics struck with almost simultaneous impact and devastation in the 1980's, "crack" cocaine and AIDS. Both diseases. Both deadly. Both now disproportionately affecting the poor and vulnerable.

How and when we adequately respond to these diseases will have a far-reaching impact on the continuing ability of our health care system to provide needed health care services to all Americans including those addicted, infected, and those not. I would argue that to date we have not responded entirely appropriately nor entirely adequately to these epidemics, nor have we responded with sufficient urgency to those whose lives have been or will be lost to one or another or both of these diseases. Whatever the final impact of this disease, may we now, finally, make decisions about the kinds of care we will provide to people with AIDS and HIV and the types of policies we will implement in order to lessen the social as well as economic impact of this epidemic?

In the first decade of this disease we spent an enormous sum of money on AIDS research. And rightly so. But today we are at a crossroads of sorts—one with both financial as well as ethical implications. Simply put, we have not yet adequately transferred the medical advances developed in the laboratory to those most in need of the various life-sustaining therapies which have resulted from this research. This, too, must change.

I have long shared with other Senators a feeling ranging between disappointment and frustration that there seems to be so little interest in what was new in the Anti-Drug Abuse Act of 1988, Public Law 100-690. Indeed, I believe our drug bill got lost. And in particular, that part of the bill, section 2012—which is now statute—entitled "Purposes," which called for treatment upon request. To wit:

> It is the purpose of this subtitle * * * to increase to the greatest extent possible, the availability and quality of treatment services so that treatment on request may be provided to all individuals desiring to rid themselves of their substance abuse problem.

This provision of the law has been all but ignored. I would hope that similar obstacles to treatment for HIV and AIDS victims could be avoided as we debate and implement the ways in which our national health care system responds to the AIDS epidemic.

The epidemiology of this disease has changed. A recent report from the National Institute of Allergy and Infectious Diseases states this fact plainly.

> Minorities, primarily African-Americans and Hispanics, now constitute 45 percent of the 121,000 cases of AIDS reported since the epidemic began in 1981. In fact, some researchers predict that AIDS will become a "ghetto disease" by the year 2000 * * *.

> Furthermore, women and children of minority groups are markedly over-represented among persons with AIDS. Of all the cases of AIDS reported to date among adult women, approximately 52 percent are African-American, 20 percent are Hispanic, and 26 percent are Caucasian. The majority—about 76 percent—of children under age 13 who have AIDS are from the minority community. Roughly 52 percent are African-American and 23 percent are Hispanic.

May I remind the Senate that as of January of this year, 121,645 Americans had developed AIDS and 72,578 have died. Estimates of infection in the general population add to the alarm. Prevalence rates vary but the Centers for Disease Control [CDC] estimate that approximately 1 million persons are infected with HIV. A recent CDC morbidity and mortality weekly report states that:

> The number of cases of acquired immunodeficiency syndrome will continue to increase over the next 4 years, with a projected 52,000 to 57,000 cases to be diagnosed in 1990.

While AIDS has often been identified as an urban crisis and while it is disproportionately found there, among the poor and among minorities, there is growing concern about the ruralization of the epidemic. Recent statistics forewarn a greater impact across the country than previously thought. Between January 1989 and January 1990 the incidence—which CDC defines as an indicator of the growth of the epidemic at a given time—of AIDS cases in cities of more than 500,000 persons increased by 12 percent. In lesser cities and towns, the numbers are no less disturbing. In Austin, TX, for example, the number of new cases reported in that same period increased from 92 to 231. Minneapolis-St. Paul reported cases increased from 131 to 169. In my own State of New York, in Syracuse, the number of reported cases increased 64 percent in that same period. This trend is occurring in city after city. Just last week the New York Times reported a visit by our National Commission on AIDS to rural areas of Georgia where there are indications of an increase in the numbers of cases occurring in nonurban areas. Mr. President, I would ask that that article appear at the end of this statement.

The National Commission on Acquired Immune Deficiency Syndrome whose membership includes, among others, Secretaries Cheney, Derwinski, and Sullivan, unexpectedly released a preliminary report on the crisis on December 5, 1989. In it the Commission stated:

> Recent years have seen considerable advances in the development of new HIV-related drugs, including the prospect of treating HIV infection before symptoms develop. But scientific breakthroughs mean little unless the health care system can incorporate them and make them accessible to people in need.

The belief that Medicaid will pay for the health care needs of the growing number of low income people with HIV infection and AIDS is * * * a "Medicaid fantasy." According to a 1987 U.S. Hospital AIDS Survey, almost one quarter of all AIDS patients have no form of insurance, private or public. Less than 20 percent of the persons with AIDS treated in southern hospitals were covered by Medicaid, compared with 55 percent in the Northeast and 44 percent nationwide.

The impact of AIDS on our health care system is of tremendous concern and consequence. The statistics speak for themselves. The American Hospital Association recently testified that "the number of hospitals providing hospital-based AIDS services increased nearly 40 percent from 1987 to 1988 alone. In 1988, 59.4 percent of hospitals provided general inpatient care for People with AIDS [PWA], over 2.1 percent had a designated AIDS unit, and over 4.1 percent offered specialized outpatient programs." The costs of providing this care are staggering—ranging from $40,000 to $80,000 per patient.

In testimony recently given before Congressman WAXMAN's Subcommittee on Health on this proposed legislation, Robert Parrish, associate director of Atlanta's Grady Memorial Hospital, stated on behalf of the National Association of Public Hospitals that:

For 1987, inpatient costs averaged $681 per day while revenues averaged 80% of costs at $545 per day. Inpatient costs per patient per year averaged $17,910, and per admission costs were $11,441. By contrast, hospital revenues averaged $14,334 per patient per year and $9,156 per admission * * *. Average public hospital losses ($218 per day) were significantly higher than average private institution losses ($92 per day). For public hospitals, as well as private hospitals, losses were significantly greater for AIDS patients, at $136 per patient per day, than losses for other medical/surgical patients, at $26 per day.

Dr. Kenneth Thorpe of the Harvard University School of Public Health testified that:

A 1987 survey of hospitals * * * indicated that fewer than 5 percent of hospitals treat approximately 50 percent of all AIDS patients. Nationally * * * Medicaid reimburses hospitals at approximately 80 percent of reported costs. This translates into Medicaid payments of $3 to $4 billion below reported hospital costs. For many of the large public and academic medical centers in urban areas, losses associated with treating AIDS patients (as a proportion of costs) are even higher.

In 1988, in New York State, 34 hospitals provided care to almost 80 percent of the AIDS patients. Those 34 hospitals had, in aggregate, operating losses of over $740 million.

A case in point is our own New York Hospital which received its charter in 1771 from King George III, thus making it the State's oldest hospital and the second oldest in the Nation. But this hospital—an institution founded in the years just preceding the establishment of our Republic—has, since 1988, been forced to transfer $41 million from its endowment of $170 million to its operating budget in part to pay for the increasing demand of providing health care to people with AIDS, as well as to people unable to pay for services. Certainly, this cannot be allowed.

In summation, Mr. President, I would simply put it that we cannot, that we must not, say that we do not have the resources or the compassion to provide health care to people with AIDS and HIV infection. We can and we must.

In the first and only Presidential address on the subject, President Bush recently stated that:

America has the most sophisticated health care system in the world, but it is not without its problems. We face many challenges. Our system depends on private insurance and individual payments, as well as government programs. AIDS magnifies the challenges, including the challenge of expanding access, bringing costs under control, and overcoming obstacles to quality care.

Mr. President, we have accepted those challenges and we offer today, in this proposed legislation, solutions to these challenges. A beginning perhaps. But one to which I believe we must all commit ourselves.

Following are several articles and a summary of the bill's provisions. In addition, I would ask that at the conclusion of these remarks, the bill in its entirely be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid AIDS and HIV Amendments of 1990".

SEC. 2. OPTIONAL MEDICAID COVERAGE OF HIV-RELATED SERVICES FOR CERTAIN HIV-POSITIVE INDIVIDUALS.

(a) COVERAGE AS OPTIONAL, CATEGORICALLY NEEDY GROUP.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) by striking "or" at the end of subclause (X),

(2) by adding "or" at the end of subclause (XI), and

(3) by adding at the end the following new subclause:

"(XII) who are described in subsection (s)(1) (relating to certain HIV-positive individuals);".

(b) GROUP AND BENEFIT DESCRIBED.—Section 1902 of such Act is amended by adding at the end the following new subsection:

"(s)(1) Individuals described in this paragraph are individuals not described in subsection (a)(10)(A)(i)—

"(A) who have tested positively to be infected with the HIV virus and to have (as measured through an appropriate indicator, such as CD4-T4 cell concentration in the blood) an abnormally low immune function for which medical intervention is indicated to prevent decline in such function or to prevent opportunistic diseases related to AIDS (without regard to whether or not the individuals display symptoms of AIDS or opportunistic diseases related to AIDS);

"(B) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

"(C) whose resources (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of resources a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan.

"(2) For purposes of subsection (a)(10), the term 'HIV-related services' means each of the following services—

"(A) prescribed drugs,

"(B) physicians' services and services described in section 1905(a)(2),

"(C) laboratory and X-ray services,

"(D) clinic services, and

"(E) case management services (as defined in section 1915(g)(2)),

relating to treatment of infection with the HIV virus or treatment for (or prevention of) opportunistic diseases relating to AIDS.

"(3) In this subsection:

"(A) The term 'AIDS' means acquired immune deficiency syndrome.

"(B) The term 'HIV virus' means the etiologic agent for AIDS.".

(c) LIMITATION ON BENEFITS.—Section 1902(a)(10) of such Act is amended, in the matter following subparagraph (E)—

(1) by striking "and" before "(X)", and

(2) by inserting before the semicolon at the end the following: ", and (XI) the medical assistance made available to an individual described in subsection (s)(1) who is eligible for medical assistance only because of subparagraph (A)(ii)(XI) shall be limited to medical assistance for HIV-related services (described in subsection (s)(2))".

(d) CONFORMING EXPANSION OF CASE MANAGEMENT SERVICES OPTION.—Section 1915(g)(1) of such Act (42 U.S.C. 1396n(g)(1)) is amended by inserting "or to individuals described in section 1902(s)(1)(A)" after "or with either,".

(e) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended—

(1) by striking "or" at the end of clause (viii),

(2) by adding "or" at the end of clause (ix), and

(3) by inserting after clause (ix) the following new clause:

"(x) individuals described in section 1902(s)(1),".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance furnished on or after January 1, 1991.

SEC. 3. OPTIONAL STATE COVERAGE OF HOME OR COMMUNITY-BASED SERVICES TO CERTAIN CHILDREN WITH AIDS.

(a) STATE OPTION PROVIDED.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as amended by section 6405 of the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in paragraph (21), by striking "and" at the end,

(2) by redesignating paragraph (22) as paragraph (23), and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) home or community-based services (as described in section 1915(c)(1)) for children who—

"(A) have not attained the age of 18 years, and

"(B) have been diagnosed as having acquired immune deficiency syndrome (AIDS);".

(b) OPTIONAL ELIGIBILITY FOR CERTAIN CHILDREN.—Section 1902(a)(10)(A)(ii) of such Act (42 U.S.C. 1396(a)(10)(A)(ii)), as amended by section 2 of this Act, is amended—

(1) by striking "or" at the end of subclause (XI),

(2) by adding "or" at the end of subclause (XII), and

(3) by adding at the end the following new subclause:

"(XIII) who would be eligible under the State plan under this title if they were in a medical institution, who have not attained the age of 18 years, and who have been diagnosed as having acquired immune deficiency syndrome;".

(c) CONFORMING AMENDMENTS.—Section 1902 of such Act is further amended—

(1) in subsection (a)(10)(C)(iv), by striking "(20)" and inserting "(22)", and

(2) in subsection (j), by striking "(21)" and inserting "(23)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1991, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 4. ADJUSTMENT IN PAYMENTS TO HOSPITALS FOR INDIVIDUALS WITH AIDS.

(a) IN GENERAL.—Section 1923 of the Social Security Act (42 U.S.C. 1396r-4) is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(C) In order to be considered to have met such requirement of section 1902(a)(13)(A) as of July 1, 1991, the State must submit to the Secretary by not later than April 1, 1991, a State plan amendment that—

"(i) specifically defines, for purposes of subsection (f), the hospitals to be treated as disproportionate share hospitals (and includes in such definition any disproportionate share hospital described in subsection (b)(1) which meets the requirement of subsection (d)), and

"(ii) provides, effective for inpatient hospital services provided on or after July 1, 1991, for an appropriate increase in the amount of payment for such services provided by such hospitals, consistent with subsection (f).";

(2) in subsection (b)(1), by striking "subsection (a)(1)" and inserting "subsection (a)";

(3) in subsection (e)(1), by inserting "(other than paragraph (1)(C) thereof)" after "subsection (a)"; and

(4) by adding at the end the following new subsection:

"(f) ADDITIONAL PAYMENT ADJUSTMENT FOR HOSPITALS WITH DISPROPORTIONATE SHARE OF INPATIENTS WITH AIDS.—

"(1) PAYMENT ADJUSTMENT.—In the case of a hospital described in paragraph (2), in order to be consistent with this subsection, a payment adjustment must be made in an amount equal to at least 25 percent of the amount otherwise paid under the plan (taking into account payment adjustments otherwise made consistent with subsection (c)) to the hospital with respect to inpatient hospital services provided to individuals diagnosed with acquired immune deficiency syndrome (AIDS).

"(2) HOSPITALS WITH DISPROPORTIONATE SHARE OF INPATIENTS WITH AIDS DESCRIBED.—A hospital is described in this paragraph if the hospital—

"(A) is treated under the plan as a disproportionate share hospital (or, but for subsection (e), would be deemed to be a disproportionate share hospital under subsection (b)),

"(B) during the most recent previous calendar year for which data are available, had a number of admissions as inpatients of individuals who have been diagnosed as having acquired immune deficiency syndrome (AIDS) (regardless of the reason for admission or source of payment) which exceeds 250 (or such lesser number as the State may specify) or which exceeds 20 percent (or such lesser percentage as the State may specify) of the total number of admissions for that year, and

"(C) has made a reasonable effort to reduce the unnecessary admission as inpatients of at least some of such individuals through one or more arrangements for care through any one of the following: a provider (which may be the hospital itself) that receives funds under section 317(j)(2), 318(c), 329, 330, 340, 509A, or 1001 of the Public Health Service Act or title V of this Act or an entity (which may be the hospital itself) that has under any appropriations Act received funds as a comprehensive hemophilia treatment center or as an AIDS service demonstration project.".

(b) CLARIFYING AMENDMENT.—Section 1902(h) of such Act (42 U.S.C. 1396a(h)) is amended by inserting "(under section 1923 or otherwise)" after "under this title".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. PROVIDING FEDERAL MEDICAL ASSISTANCE FOR PAYMENTS FOR PREMIUMS FOR "COBRA" CONTINUATION COVERAGE FOR HIV-POSITIVE INDIVIDUALS.

(a) OPTIONAL PAYMENT OF COBRA PREMIUMS FOR QUALIFIED COBRA CONTINUATION BENEFICIARIES.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)—

(A) by striking "and" at the end of subparagraph (D),

(B) by adding "and" at the end of subparagraph (E),

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) at the option of a State, for making medical assistance available for COBRA premiums (as defined in subsection (t)(2)) for qualified COBRA continuation beneficiaries described in section 1902(t)(1);", and

(D) in the matter following subparagraph (E), as amended by section 2(c) of this Act, by striking "and" before "(XI)" and by inserting before the semicolon at the end the following: ", and (XII) the medical assistance made available to an individual described in subsection (t)(1) who is eligible for medical assistance only because of subparagraph (F) shall be limited to medical assistance for COBRA continuation premiums (as defined in subsection (t)(2))"; and

(2) by adding after subsection (s), as added by section 2(b), the following new subsection:

"(t)(1) Individuals described in this paragraph are individuals—

"(A) who have tested positively to be infected with the HIV virus (as defined in subsection (s)(3)(B)),

"(B) who are entitled to elect COBRA continuation coverage (as defined in paragraph (3)),

"(C) whose income (as determined under section 1612 for purposes of the supplemental security income program) does not exceed 133 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, and

"(D) whose resources (as determined under section 1613 for purposes of the supplemental security income program) do not exceed twice the maximum amount of resources that an individual may have and obtain benefits under that program.

"(2) For purposes of subsection (a)(10)(F), the term 'COBRA premiums' means the applicable premium imposed with respect to COBRA continuation coverage.

"(3) In this subsection, the term 'COBRA continuation coverage' means coverage under a group health plan provided pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, or title VI of the Employee Retirement Income Security Act of 1974.

"(4) Notwithstanding subsection (a)(17), for individuals described in paragraph (1) who are covered under the State plan by virtue of subsection (a)(10)(A)(ii)(XI)—

"(A) the income standard to be applied is the income standard described in paragraph (1)(C), and

"(B) except as provided in section 1612(b)(4)(B)(ii), costs incurred for medical care or for any other type of remedial care shall not be taken into account in determining income.

Any different treatment provided under this paragraph for such individuals shall not, because of subsection (a)(17), require or permit such treatment for other individuals.".

(b) CONFORMING AMENDMENT.—Clause (x) of section 1905(a) of such Act (42 U.S.C. 1396d(a)), as inserted by section 2(d) of this Act, is amended by inserting "or section 1902(t)(1)" after "1902(a)(1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance furnished on or after January 1, 1991.

SUMMARY OF THE MEDICAID AIDS AND HIV AMENDMENTS OF 1990

Section 1—Short Title.—Medicaid Aids and HIV Amendments of 1990

Section 2—Optional Medicaid Coverage of HIV-related Services for Certain HIV-positive Individuals.—

The prevention and early intervention proposal for Medicaid would amend existing Medicaid eligibility rules to create a new category of patients that States may elect (at their option) to cover. This new group of Medicaid-eligible patients would have to meet three criteria: (1) they must meet the current standards of poverty established by the State *and* (2) they must be infected with the AIDS virus (HIV) *and* (3) they must have serious immune deficiency for which medical intervention is needed to prevent further decline or AIDS-related illnesses.

This new optional coverage group would *not* be eligible for all Medicaid benefits. They would receive only outpatient services (i.e. HIV-related prescription drug coverage and other associated physician, clinic, lab services.)

With such an amendment, the Medicaid program will provide those services that those impoverished people who are HIV-infected need to slow or prevent further AIDS-related illness. By doing so, Medicaid will postpone, reduce, or eliminate the need to pay for many expensive hospitalizations and will also ease the burden of overcrowding that many public and private hospitals in high-incidence communities are experiencing. Medicaid may, in fact, save money by providing early prescription drugs instead of more expensive inpatient hospital care.

[Preliminary CBO estimate: 1990: $670 million. Five-year total: $5.5 billion]

Section 3—Optional State Coverage of Home or Community-based Services to Certain Children With AIDS.—

The Home and Community Care for Children with AIDS proposal would allow States to use Federal Medicaid matching funds to provide home and community-based care to children (i.e., under 18) with AIDS. This would allow States to create alternatives to hospital care and thus allow these kids to be treated at home, in foster care, or in other community settings. States may now provide such services if they apply to HCFA for a waiver to do so, but HCFA may only approve a waiver that is "budget neutral," i.e. that spends no more on home- and community-based care than would be spent on institutional care. Because OMB has construed such budget neutrality to be a very strict test, waivers have been very difficult to get. This legislation would eliminate the "budget neutrality" requirement for these services to children with AIDS.

[Preliminary CBO estimate: 1991: $10 million. Five-year total: $140 million]

Section 4—Adjustment in payments to hospitals for individuals with AIDS.—

The Disproportionate Share Adjustment for Medicaid Payment proposal would require States to pay a higher rate to hospitals that care for a large number of Medicaid AIDS patients. (Such an adjustment already exists in the law for hospitals that care for a large number of Medicaid or no-payment patients; this AIDS adjustment would be in addition to this existing Disproportionate Share Adjustment.) Such a rate increase can be justified by the resource requirements of treating AIDS patients (e.g., the above-average use of personnel and lab services, as well as the above-average length of stay) as well as the shortfalls of current reimbursements under Medicaid.

[Preliminary CBO estimate: 1991: $70 million. Five-year total: $500 million]

Section 5—Providing Federal medical assistance for payments for premiums for "COBRA" continuation coverage for HIV-positive individuals—

The Continuation of Private Insurance proposal would allow States to use Federal Medicaid matching funds to pay for continuation of group insurance coverage for HIV-infected persons who have left their jobs because of disability. This continuation coverage is already available by law, but is quite expensive for an individual since the patient must pay *both* the employer and employee share of the premium. It is, however, expected to be less expensive than allowing such insurance coverage to lapse and forcing Medicaid to pay health care and hospital bills. This provision would also help slow the process of private insurers shifting the cost of AIDS care into public programs.

[Preliminary CBO estimate: Section 5 alone—1991: 0. Five-year total: 0.

Section 5 with interaction with section 2—1991: $70 million. Five-year total: $710 million.]

[From the New York Times, Apr. 18, 1990]

SPREAD OF AIDS IN RURAL AREAS TESTING GEORGIA—HEALTH OFFICIALS FACED WITH TOUGH CHOICES

(By Ronald Smothers)

MACON, GA., April 17.—Since October, the number of AIDS cases in the area surrounding Macon has tripled to 76, catching health officials by surprise, confronting them with difficult choices on how to provide care and sorely testing community values.

"I was thrown out of my church and told not to come back," said a 33-year-old man who lives in the peanut-growing area southwest of here and who, like other AIDS patients, spoke on the conditions that his name not be used.

"That was back in 1987 when I tested positive and before I got full-blown AIDS," he said. "I drive four to five hours once a week to Atlanta to get treatments but I don't want to move away from here because I have family who are supportive and I get to see my two kids every other week."

In often poignant and tearful sessions, members of the National AIDS Commission heard similar complaints in a two-day tour of south Georgia.

An increase in AIDS cases in the South and in rural areas had led the commission members to wonder if they were witnessing a "ruralization of AIDS," said the chairman, Dr. June Osborne. They have reached only tentative conclusions so far, she said. But she added that she had come away with the impression that fear, bigotry and difficulty in finding treatment were clearly much greater problems in rural areas than in any of the urban areas they had visited.

"BEING PUNISHED FOR BEING SICK"

"We thought we had done the jobs of education about AIDS," she said. "But we haven't really done it. We didn't hear such fears expressed so intensely in urban areas and about so many people having to just make do because they are being punished for being sick."

The commission came to rural Georgia largely because of recent work in the state tracing the course of the disease. Dr. Joseph Wilber, director of the state office of infectious diseases, said one finding was that AIDS was spreading among women and particularly black women at the same rate in non-metropolitan areas as in big cities like Atlanta. This had not always been the case, he said, and has led officials to speculate that heterosexual transmission was increasing as a source of infection.

State studies in the last year have connected this increase in AIDS among black women to crack cocaine, sex with multiple partners for drugs or money and resulting syphilis infections, which Dr. Wilber and others believe make women and men more susceptible to contracting the AIDS virus through sexual contact.

With 3,275 reported cases of AIDS since 1981, Georgia ranks eighth among states in incidence of the disease. Of this number, 195 were females over 13 years old. Last year the State noted that 99 of these cases were among the 2.4 million population of metropolitan Atlanta while 94 cases of AIDS in women were in non-metropolitan rural areas of the state with cases among black women 8 times as high as among white women.

By comparison, 2,146 of the cases of AIDS in males were in the metropolitan area, while 692 cases among males was reported in rural areas. The Federal Centers for Disease Control reported 124,984 cases of acquired immune deficiency syndrome around the nation as of last December.

A Hispanic woman in her 20's, clutching her 2-year-old baby as she stood in a Macon clinic, said she had contracted AIDS from her husband, an intravenous user of drugs. Although she said she had been shunned by members of her church just outside the city, she has remained there because of support from family members and a growing AIDS support group. Some months ago she regularly traveled to Grady Memorial Hospital in Atlanta, the major treatment center for for AIDS in the state, for doses of the drug AZT to control the disease's symptoms.

"But I became just a number there and I stay here because I don't want to be just a number," she said, noting that the local clinic had recently been able to get supplies of AZT.

A gay man at the same clinic who is infected with the human immunodeficiency virus, which causes AIDS, said: "My lover and I always argue about whether to move to New York or Los Angeles. But I just don't want to go even with all the problems here. Bush talks about those thousands points of light, but whenever people here hear that I have HIV the lights go out and I am in the dark."

Belinda Mason, a commission member from Kentucky who contracted AIDS from a blood transfusion, said she had seen rural America at its "warm, supportive best" and at its "close-minded, bigoted worst" during the trip. "You're in small town America where people just are not good about people who are different," she said.

Some of this was evident in Waycross, a city of 20,000 residents in southeast Georgia, Waycross is the center of a small effort to help AIDS patients that covers 13 rural counties the size of Massachusetts with a population of 65,000. When commission members arrived at a local church, they were met by automobiles with identifying numbers indicating which AIDS sufferer they were to visit. They were whisked off secretly and in many cases they never knew the names of the people they were visiting.

QUICK DISMISSAL FOR PATIENT

Dr. Ted Holloway, district health official in the area, which has reported 42 cases of AIDS, told of a nurse who violated confidentiality by disclosing the name of an AIDS patient as she stood in a grocery line in a small town near the city. The man behind her was the patient's employer and by that afternoon he had lost his job and was forced to move away.

There were two AIDS patients in the area who are homeless and can not find places to live and there are numerous instances of doctors and hospitals that will not treat AIDS patients. No nursing homes will accept them.

"The hospitals here are struggling and there is a problem of access to health care for anything, much less AIDS, which is so costly to deal with," he said. "So although the numbers are relatively low in comparison to urban areas, the impact is so great given the lack of resources."

Dr. Donald C. Des Jarlais, a commission member who is director of chemical dependency research at Beth Israel Hospital in New York, said AIDS was clearly becoming a problem in rural areas where many people were not "emotionally ready" to deal with it. He said he detected in his talks with

many health-care workers, AIDS patients and others the small town reticence and even embarrassment to discuss sexual matters, or things deemed shameful like homosexuality or drug addiction.

"These things aren't real for them and no one really wants to discuss them," he said.

[From the New York Times, Apr. 23, 1990]

AIDS WAR SHUNNED BY MANY DOCTORS—PATIENTS ARE SAID TO MISS OUT ON LIFE-PROLONGING DRUGS

(By Bruce Lambert)

Nine years into the AIDS epidemic, most of the nation's physicians are still failing to take part in the fight to treat and control the deadly disease, many health experts say.

Many physicians decline to accept new AIDS patients. Others fail to take sexual and drug histories from patients, and neglect to counsel them on how to avoid infection. And experts say few doctors test their patients for the antibodies to the AIDS virus, which signal infection.

People in the early stages of the disease are going undiagnosed, missing out on life-prolonging drugs at the point when those drugs could do them the most good. Some are unwittingly spreading the human immunodeficiency (HIV) to new victims.

OVERWORKED CADRE OF DOCTORS

Because of most physicians still do not take on patients who have acquired immune deficiency syndrome, the growing number of infected people must often complete to get treatment from the small, overworked cadre of doctors who will accept them.

Some physicians find this deplorable.

"I know physicians who brag that they don't have a single HIV-positive patient in their practice," Dr. Patricia Kloser told the National AIDS Commission when it visited Newark recently. She directs AIDS services for University Hospital at the University of Medicine and Dentistry of New Jersey.

With an estimated 200,000 people infected with the virus, New York City has more AIDS cases than in any other city in the world. Still, the city's Health Department records show that 78 percent of local physicians and dentists have never done a single AIDS test.

SHORTAGE GROWS OUTSIDE CITIES

Although the city has about 25,000 physicians, the Gay Men's Health Crisis, the largest volunteer AIDS agency, has a referral list of just 45 qualified private AIDS specialists in Manhattan who are willing to take patients. There are only one or two for each of the city's other four boroughs, which have half the city's cases. Some Connecticut and New Jersey AIDS patients also rely on Manhattan doctors.

The problem exists across the nation. Outside of the major cities, the shortage of doctors is far worse. Patients may have to drive hundreds of miles for treatment.

Throughout the nation, doctors appear reluctant to learn more about the disease. When an AIDS organization in Albuquerque, N.M., sent invitations to 1,300 medical practitioners for a recent seminar on important new treatments, only one person showed up. In rural Georgia, 65 physicians were surveyed on whether they would take an AIDS patient. Two said they would.

OBSTACLES TO TREATMENT

Many doctors who do not treat AIDS patients have a number of shortcomings, including a lack of training, fear of infection, disdain for homosexuals and drug abusers, fear of scaring off non-AIDS patients, discomfort in discussing sex and drugs, and failure to recognize AIDS symptoms. They may also be reluctant to face the strain of seeing young patients die and to deal with the intricacies of AIDS testing and confidentiality.

All those factors are obstacles to effective treatment, which are compounded for people who lack health insurance or are poor and rely on Medicaid reimbursements. "Private doctors won't take people who don't have insurance and can't pay upfront," Mark Harrington of the AIDS Coalition to Unleash Power said.

Such patients must usually rely on municipal hospitals for treatment. Dr. Dennis P. Andrulis, president of the Public Health and Hospital Institute, said just 5 percent of the nation's hospitals care for half of its AIDS cases.

CALIFORNIA'S RESPONSE

Pressure is building on doctors to take a role in the fight against AIDS. Among those sounding the call are the new United States Surgeon General, Dr. Antonia Novello, and a growing number of state and local health officials, medical schools and medical organizations, which have been criticized as slow to respond.

California's Medical Association is at the forefront. Its leaders were alarmed by a study showing that 79 percent of state residents had visited a doctor but that AIDS was mentioned in only 6 percent of the visits. The group has undertaken a campaign urging patients to raise the subject of AIDS if their doctors fail to do so.

"We said we're not doing it, so you do it," said Dr. Mark I. Madsen, the organization's education director. "Physicians were waiting for patients to bring it up, and they were waiting for their doctors to say something—everybody was waiting for the other guy."

New York's State Health Commissioner, Dr. David Axelrod, is writing to all physicians in his state urging them to discuss AIDS with patients as routinely as they talk about diet, exercise, blood pressure, alcohol and smoking.

A WARNING IN DENTAL WORK

Dental work is also often overlooked as a vital early-warning system for HIV infection. Frequently the first signs are oral, including thrush and lesions. Chuck Partridge, an AIDS service advocate in Manhattan, said many adults under 45 years—the most likely age group to be infected with the virus—do not have physicians but do see dentists regularly. A national poll of 5,800 dentists last year found that only 31 percent said they were willing to treat AIDS patients.

With upwards of one million Americans estimated to be infected with the AIDS virus, health experts say it is malpractice to engage in medicine or dentistry without full knowledge of the disease. The California Medical Association is warning doctors that they could be sued by patients or their families if they neglect to learn about AIDS and its treatment and to use that knowledge to treat patients.

AIDS has implications for virtually every medical speciality, including obstetrics, psychiatry, dermatology, pediatrics, cardiology, oncology, gastroenterology, and neurology.

Yet most AIDS patients are cared for by a relatively small corps of specialists in private practice and public hospitals who have dedicated themselves to the cause. Most are infectious disease internists.

TRYING TO DO EVERYTHING

"We have such a small group of people trying to do everything," said Dr. Gabriel Torres, the medical consultant to the Gay Men's Health Crisis.

The Physicians Association for AIDS Care, which is based in Chicago, has 600 members nationally who have treated 58,000 patients for AIDS illnesses. It has a referral list of 2,000 doctors—a sliver of the country's 600,000 physicians and 180,000 dentists.

Often AIDS specialists are overwhelmed with cases and emotional stress. Frequently, one physician carries hundreds of patients. Some doctors must turn away new clients, and some have burned out.

Added to this is the fact that the pool of AIDS doctors also shrinks periodically because some are gay and are dying of the disease. Their patients are forced to seek care elsewhere.

The urgency of involving more doctors in treating AIDS was heightened by the discovery of drugs that slow the progression of AIDS, especially in earlier stages. AIDS experts estimate that at least half of those infected with the virus should be receiving treatment, and that the rest should be monitored every few months.

Those services do not require AIDS specialists and should be delivered by regular primary-care physicians, health experts say.

Despite this vast need for health care in the war on AIDS, most medical professionals remain an army in reserve. some doctors and dentists have been accused in formal bias complaints of refusing AIDS cases outright.

But usually the discrimination is more subtle than the outright refusal to treat patients, AIDS organizations say. Physicians may decline to become educated about AIDS, a disease that was discovered after most of them went to medical school. If a case arises, they turn it over to another doctor.

"They claim they have no expertise, but they make no effort to learn," said Dennis DeLeon, New York City's Human Rights Commissioner.

Doctors who are not educated about AIDS may fail to consider the possibility of that diagnosis, especially with patients who do not fit stereotypes. Some doctors have imperiled patients' lives by failing to properly diagnose AIDS and to prescribe correct treatment.

"A lot of doctors are saying they're not seeing HIV disease, but that's because they're not looking for it," said Dr. Iris Davis of New York Hospital.

A chilling example was cited by Dr. Tadd S. Lazarus of St. Clare's Hospital in Manhattan. Dr. Lazarus told of a well-educated, successful business-woman from Westchester County who became progressively disabled in recent months. Her doctors there could not pinpoint the cause. One suggested melancholia. Another joked about AIDS, but no one raised the disease as a serious possibility. Finally she went on her own for an HIV test, which was positive. Then she went to St. Clare's, where doctors immediately diagnosed the classic symptoms of AIDS. She is now on AZT and regaining normal functions.

INTIMIDATING, COMPLEX THERAPIES

Both the American Medical Association and the American Dental Association have urged their members to confront AIDS, and both defend their efforts. The critics ac-

knowledge progress but say it has not kept up with the epidemic.

Dr. M. Roy Schwarz, chairman of the American Medical Association's AIDS program, said he talks to many doctors who see AIDS patients. "The internist I go to has 30 or 40 patients with AIDS, and he says virtually every physician he knows has some," he said.

Dr. Woodrow A. Myers Jr., New York City's new Health Commissioner, said, "All physicians in this city are going to have no choice but to take care of people with HIV and AIDS."

Dr. Meyer's predecessor, Dr. Stephen C. Joseph, said the state should require physicians to be trained in AIDs diagnosis and treatment to remain licensed. But some medical experts say forced education will not work as well as voluntary programs.

To keep up, doctors are bombarded with AIDs conferences, lectures, brochures, newsletters, journals, satellite telecasts, audio tapes, videocassettes, books and computer networks.

Yet "AIDS Treatment News," a newsletter based in San Francisco, reported this month that many patients complain that their doctors are not up to date.

Doctors across the country are tackling the problem in their own way.

Dr. Rodney Hayward of Ann Arbor, Mich., is studying the issue of AIDS education in medical schools for the Robert Wood Johnson Foundation. He said the schools "have been slow to prepare new physicians to care for these patients—we're really approaching a crisis." Dr. Hayward.

Frustrated by a lack of money and staff to serve 700 patients, Dr. Daniel J. Barbaro quit as head of the public AIDS clinic at Parkland Memorial Hospital in Dallas. Now, as a private physician in Fort Worth, he gets AIDs cases from doctors who will not take them for whatever reasons.

Gordon Nary, director of the Physicians Association for AIDS Care, said such failures pose "a major moral and ethical dilemma."

"We have people whose lives may be lengthened, whose lives may be saved," he said, "but who is going to take care of these patients?"

By Mr. DASCHLE (for himself and Mr. CRANSTON):

S. 2537. A bill to amend chapter 32 of title 38, United States Code, to authorize the pursuit of flight training under that chapter; to the Committee on Veterans' Affairs.

VETERANS EDUCATION ASSISTANCE BENEFITS FOR FLIGHT TRAINING

● Mr. DASCHLE. Mr. President, I rise to introduce legislation to authorize the pursuit of flight training for chapter 32 veterans who are eligible for educational benefits under the Veterans Educational Assistance Program. I am pleased to be joined in sponsoring this bill by the distinguished chairman of the Senate Veterans Affairs Committee, Senator CRANSTON.

The purpose of this measure is to ensure that veterans who entered the service between 1974 and 1984 and are currently eligible for educational benefits have the same opportunity to obtain flight training benefits as their counterparts who currently receive these benefits under the Montgomery GI bill. Without access to these benefits, many chapter 32 veterans will not have the financial means to pursue a career in aviation.

My interest in flight training for veterans developed during my service on the House Veterans Committee in the mid-1980's. As a former chairman of that panel's Subcommittee on Education Employment and Training, I presided over hearings where I was told time after time by veterans that, as they enter the private job market, they are looking for opportunity, diversity, and quality, not just statistical employment. It thus became my strong conviction that the Federal Government's efforts to alleviate the employment problems of our Nation's veterans should focus greater attention on matching their skills and interests with vocations currently in demand. Flight training benefits meet that basic commonsense test.

Last year, both the Senate and House of Representatives acknowledged the value of providing flight training benefits to veterans by passing legislation to authorize such benefits for active duty service members and reservists who participate in the new GI bill. The central argument for that legislation was that it addressed two major concerns facing our country—veterans unemployment and pilot shortages.

There is little question about the need to expand employment opportunities currently available to veterans. The national unemployment rate for veterans is currently 4.6 percent. Also, nearly one-third of the homeless are veterans. Lack of adequate job training is one of the primary contributors to this national disgrace.

Moreover, at the same time many veterans struggle to find meaningful employment, our Nation is facing a serious pilot shortage. The Future Aviation Professionals of America [FAPA] estimate that in the next decade, America will need to fill approximately 32,000 jet pilot positions and up to 30,000 nonjet regional airline pilot positions.

The Aircraft Owners and Pilots Association [AOPA] has stressed that the Nation's 80,000 to 120,000 nonairline pilot positions, such as air ambulance pilots, crop dusters and corporate pilots, face similar shortages. As soon as 1992, AOPA reports current efforts to train commercial and instrumental pilots will leave us with a shortfall of over 4,000 pilots. Compounding the problem is the fact that within the next 10 years, we can expect to lose nearly 2,000 pilots annually due to retirement.

These statistics point to an indisputable fact—our Nation is facing a serious pilot shortage. Our Nation's veterans present one means of filling that void.

Last year Congress responded to this situation by authorizing flight training benefits for active duty service members and reservists under the GI bill. The legislation Senator CRANSTON and I are introducing today builds on that law by extending flight training benefits to chapter 32 veterans who qualify for VA educational benefits.

The eligibility criteria remains the same: veterans must have a valid pilot's license, meet the medical requirements for a commercial pilot's rating, and be pursuing training recognized as being necessary to obtaining a vocation in the aviation industry—training that must be authorized by the Federal Aviation Administration and the State Approving Agency. The educational assistance allowance under this measure is equal to 60 percent of the tuition and fees charged for dual flight instruction.

Finally, this measure establishes flight training as a 4-year test program.

I hope my colleagues will join me in recognizing those chapter 32 veterans who currently qualify for educational benefits under the Veterans Educational Assistance Program and are not currently receiving flight training benefits. The Nation needs more qualified pilots, and Congress has already acknowledged the role veterans can play in meeting this need. It is thus only fair, and wise, to extend flight training benefits to all veterans who qualify for educational assistance.●

By Mr. CHAFEE:

S. 2538. A bill to amend titles XVIII and XIX of the Social Security Act to improve the delivery of services at federally qualified health centers and rural health clinics, and for other purposes; to the Committee on Finance.

MEDICARE FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINIC AMENDMENTS

● Mr. CHAFEE. Mr. President, today I am introducing legislation that reforms Medicare reimbursement for community health centers. I introduced similar legislation last year that included reimbursement reforms for community health centers under Medicare and Medicaid. We were able to enact the Medicaid provisions, and I am reintroducing the Medicare provisions which were not adopted.

We have neglected an important, and perhaps critical, resource in our fight to improve basic health care services—community health centers. Over the years, I have come to the conclusion that community health centers should be our first line of offense in this effort. I believe that health centers are a crucial link in ensuring adequate health care for those who do not have insurance.

There are over 900 health clinics in the United States. These clinics provide primary and preventive services,

as well as acute care, to approximately six million Americans who might otherwise have nowhere to go for medical care. Although these centers are providing the type 8 care that we would most like to encourage, primary and preventive care, our investment in their efforts is falling short.

Medicare payments do not adequately cover the reasonable costs of providing care, because the method of reimbursement for providers in this program is completely unsuited to health clinics. As a result, many health centers are being forced to use limited public and private grants to subsidize the Medicare program. This situation has hampered the clinics' ability to provide care to the uninsured. Moreover, because health clinics serve a disproportionate share of low-income Medicare and Medicaid patients, there is virtually no capacity to shift costs.

The legislation I am introducing today would change the method of reimbursement under Medicare, and take into account the unique situation and composition of health clinics. This bill will increase the flow of Federal dollars into community health centers, allowing them to provide health care to a greater number of patients whether they are Medicare or Medicaid eligible, or have no insurance at all.

Last year I worked closely with my colleagues to pass what I believe was a first step toward increasing reimbursement for community health centers. The legislation increased payments to community health centers for services provided to Medicaid patients.

The bill that I introduce today will provide the same increased reimbursement under Medicare, that we achieved under Medicaid last year. Our legislation changes the Medicare reimbursement method for community health centers, ensuring that the Federal Government will cover 100 percent of the reasonable cost of providing medical care. This is especially important for health centers which serve a high percentage of Medicare patients.

The estimated cost of this proposal is $10 to $15 million, and would allow community health centers to serve an additional 250,000 people. For those of us who are actively involved in finding a solution to the number of individuals in this country who do not have access to health care, this proposal is a reasonable interim step.

Community health centers can and do play a critical role in our efforts to improve access to health care for all Americans. We have a choice: we can continue to reimburse our health centers inadequately, increasing the number of Americans who cannot find adequate health care, or we can provide reasonable reimbursement to community health centers, increasing the number of Americans who can find needed health care services in the most appropriate setting. I believe the choice is clear.●

By Mr. GARN (for himself and Mr. MOYNIHAN):

S. 2539. A bill to authorize the establishment of a Senior Executive Service of the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. GARN:

S. 2540. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip space in the east Court of the National Museum of Natural History building, and for other purposes; to the Committee on Rules and Administration.

By Mr. GARN (for himself and Mr. MOYNIHAN):

S.J. Res. 302. Joint resolution providing for the reappointment of Anne L. Armstrong as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SMITHSONIAN INSTITUTION LEGISLATION

● Mr. GARN. Mr. President, today, Senator MOYNIHAN and I are joining to introduce two pieces of legislation on behalf of the Smithsonian Institution. In addition, I am pleased to introduce a third Smithsonian bill.

The joint resolution provides for the reappointment of an incumbent member of the Board of Regents, Anne L. Armstrong of Texas. Ms. Armstrong has been a valued member of the Board of Regents since 1978. Her term will expire October 18, 1990, and the reappointment is for an additional term of 6 years, effective the day after the current term expires.

The first bill would establish a Smithsonian Senior Service. This senior service would provide a comparable program for the Smithsonian as the Senior Executive Service is for other Federal agencies. The Smithsonian is currently excluded from the Senior Executive Service. The proposed Smithsonian Senior Service would reflect many of the key characteristics of the Senior Executive Service, including a pay cap set at executive level IV, greater flexibility in the recruitment and management of senior personnel, and more equitable and attractive salary scales. Presently, salaries for Smithsonian executives is well below those who participate in the SES system. It is important for the Smithsonian to be able to offer comparable pay for their executives in order to maintain an educated and quality staff.

The second bill would authorize the construction of space in the East Court of the Natural History Museum. The bill authorizes the Board of Regents of the Smithsonian to plan, design, construct and equip this space in the East Court. The new construction is estimated at $30,000,000. More complete details about this construction are provided below.

I am pleased to present this legislation to the Senate for the Smithsonian and hope that the Senate will give them early consideration. I ask unanimous consent that a copy of each, as well as further detailed information about the background and purpose of each bill, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smithsonian Institution Senior Executive Service Act of 1990".

SEC. 2. SMITHSONIAN SENIOR SERVICE.

(a) With the approval of the Board of Regents of the Smithsonian Institution, the Secretary of the Smithsonian Institution may establish and promulgate regulations for a Smithsonian Institution Senior Executive Service that shall provide that—

(1) such Service shall be administered in a manner consistent with the provisions of section 3131 of title 5, United States Code;

(2) any position within the Smithsonian Institution at level IV or V of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code, or classified at a grade of GS-16, GS-17, or GS-18 of the General Schedule under subchapter II of such chapter, may be included as a position in such Service;

(3) positions established in such Service are consistent with section 3132(a)(2) of such title;

(4) rates of basic pay—

(A) shall not be more than the maximum rate or less than the minimum rate for the Senior Executive Service under section 5382 of such title; and

(B) shall be adjusted at the same time and to the same extent as rates in the Senior Executive Service under section 5382 of such title are adjusted;

(5) a performance appraisal system shall be established and administered consistent with subchapter II of chapter 43 of such title;

(6) officers and employees in the Smithsonian Institution Senior Executive Service may be awarded ranks by the Secretary of the Smithsonian Institution consistent with section 4507 of such title;

(7) performance awards may be paid to officers and employees of the Smithsonian Institution Senior Executive Service by the Secretary of the Smithsonian Institution consistent with section 5384 of such title;

(8) the provisions of title 5, United States Code, relating to employee benefits under chapters 63, 81, 83, 84, 85, 87, and 89 of such title shall apply to members of such Service; and

(9) such officers and employees may be removed from such Service by the Secretary of the Smithsonian Institution.

(b) Except as provided in subsection (a), the Secretary of the Smithsonian Institution may apply any provision of title 5, United States Code, that applies to an applicant for, or officer or employee in the Senior Executive Service under such title to

the Smithsonian Institution Senior Executive Service.

(c) The rate of basic pay payable to an officer or employee who, on the day before the date on which the Smithsonian Senior Service is implemented, is serving in a position to be included in the Service may not be reduced (solely by reason of such inclusion) so long as the employee's service continues without a break in service.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENT.

Section 2108(3) of title 5, United States Code, is amended by striking out "or the General Accounting Office;" and inserting in lieu thereof "the General Accounting Office, or the Smithsonian Institution Senior Executive Service;".

SMITHSONIAN SENIOR SERVICE

STATEMENT OF PURPOSE AND NEED

At its meeting on January 29, 1990, the Board of Regents of the Smithsonian Institution approved a proposal to seek authority to create the Smithsonian Senior Service (SSS) in order to provide comparability with the Senior Executive Service (SES) from which the Institution is excluded. The proposed Smithsonian Senior Service would reflect many of the key characteristics of the Senior Executive Service, including a pay cap set at that payable for Executive Level IV, greater flexibility in the recruitment and management of senior personnel, and more equitable and attractive salary scales.

The Institution has been unable to attract quality candidates to civil service employment at the $78,200 salary currently available for positions such as directors of the National Museum of American Art, Cooper-Hewitt National Museum of Design, National Museum of Natural History, Freer/Sackler Galleries, National Air and Space Museum, National Zoological Park, and the National Museum of Natural History. Moreover, in the past few years, senior research and scholarly staff have been lost to colleges and universities because of the comparatively lower level of Federal salaries and the inflexibility of management options.

When the Senior Executive Service was established, supergrade positions in certain organizations, including the Smithsonian, were excluded from coverage because, among other reasons, they did not carry direct executive branch management responsibilities. Nonetheless, the level of responsibility of those positions, which now total approximately 75 at the Institution, is essentially the equivalent of those in the SES. However, the pay cap for supergrade employees is Executive Level V (currently $78,200), whereas the pay cap for SES employees is Executive Level IV (currently $83,600), a difference of $5,400.

While recent pay legislation has dealt with SES, Executive Level, judicial, and congressional salaries, it has ignored supergrade personnel such as those at the Smithsonian who are responsible for some 6,000 staff; 180 million objects and specimens held in trust for the Nation; consolidated Federal and trust fund budgets approaching $600 million; and 19 museums, galleries, research facilities, and a zoological park.

Unless the Smithsonian Senior Service proposal is enacted and implemented, the salary gap between the Institution's supergrade personnel and people with comparable responsiblities elsewhere in the Federal system will continue to widen. Under present law on January 1, 1991, Level IV of the Executive Schedule will rise to $104,500 and Level V will rise to $101,000, while GS-18 will remain at $86,682. The gap between Level V and GS-18 salaries will be more than $14,000; that between GS-18 and the top rate payable to members of the SES (Level IV) will be $17,818, more than three times larger than it is at present.

Continued and increased inequity in senior Federal salaries will pose extraordinary problems of morale among current Smithsonian employees, and place the Institution at a severe disadvantage as it seeks to recruit scholarly and administrative talent to represent more fully the cultural and ethnic diversity of the Nation in its ranks. The proposal to establish a Smithsonian Senior Service, consistent with the principles and objectives of the SES, must be enacted.

S. 2540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL SPACE IN NATIONAL MUSEUM OF NATURAL HISTORY

The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip approximately 80,000 square feet of space in the East Court of the National Museum of Natural History building.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Smithsonian Institution for fiscal year 1991 not to exceed $30,000,000 to carry out this Act.

EAST COURT CONSTRUCTION FOR THE NATIONAL MUSEUM OF NATURAL HISTORY

STATEMENT OF PURPOSE AND NEED

At their meeting in September, 1989 the Board of Regents of the Smithsonian Institution reviewed a strategy for renewal of the Natural History Building which will involve construction of new space in the East Court of the building, together with renovation of space and replacement of systems throughout the existing structure. The new construction is estimated at $30,000,000 and the renovation at $116.3 million.

In October, 1989 the Regents' Audit and Review Committee examined the proposed strategy and recommended its approval by the full Board. The Board adopted the recommendation on January 29, 1990, and requested its Congressional members to introduce and support legislation to provide authority for construction of new space in the East Court of the Natural History Building.

The Institution has authority for the renovation work. Currently $10.95 million is available for its planning and design and an initial increment of construction. A further increment of $10.14 million has been requested for Fiscal Year 1991 in order to continue construction.

The Fiscal Year 1991 request also includes a request for $1.5 million for planning of the East Court construction. The availability of these funds is, in the first instance, dependent on enactment of appropriate authority.

S.J. RES. 302

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Anne L. Armstrong of Texas on October 18, 1990, be filled by the reappointment of the present incumbent for a term of six years, effective on the day after the current term expires.●

ADDITIONAL COSPONSORS

S. 416

At the request of Mr. DOMENICI, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 434

At the request of Mr. REID, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 513

At the request of Ms. MIKULSKI, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 513, a bill to amend chapters 83 and 84 of title 5, United States Code, to extent certain retirement provisions of such chapters which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

S. 682

At the request of Mr. SIMON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 682, a bill to amend chapter 33 of title 18, United States Code, to prohibit the unauthorized use of the names "Visiting Nurse Association," "Visiting Nurse Service," "VNA," "VNS," or "VNAA," or the unauthorized use of the name or insignia of the Visiting Nurse Association of America.

S. 814

At the request of Mr. DOMENICI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 1140

At the request of Mr. MITCHELL, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1140, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 1685

At the request of Mr. DANFORTH, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1685, a bill to suspend temporarily the duty on 6-t-butyl 2,4 xylenol.

S. 1791

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1815

At the request of Mr. BOSCHWITZ, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1815, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 1942

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1942, a bill to provide for home and community care as optional State-wide service, and for other purposes.

S. 2041

At the request of Mr. HEFLIN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

S. 2048

At the request of Mr. SARBANES, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2077

At the request of Mr. GRASSLEY, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 2077, a bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots.

S. 2113

At the request of Mr. HEINZ, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2113, a bill to promote and assist in the development of the private sector, including small and medium-sized businesses, in Central and Eastern Europe through an export enhancement regime that will encourage direct private investment in such countries.

S. 2222

At the request of Mr. BRADLEY, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 2356

At the request of Mr. SYMMS, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2356, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 2388

At the request of Mr. CRANSTON, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Mr. SARBANES], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2388, a bill to provide

for the striking of medals in commemoration of the Centennial of Yosemite National Park.

S. 2425

At the request of Mr. KERRY, the names of the Senator from Vermont [Mr. LEAHY], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 2425, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending and public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 2526

At the request of Mr. BOSCHWITZ, the name of the Senator from Alaska [Mr. STEVENS] was added as cosponsor of S. 2526, a bill to establish a program to improve access by small and large private businesses to technical information and expertise within the Federal Government and selected States.

SENATE JOINT RESOLUTION 276

At the request of Mr. LIEBERMAN, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 276, a joint resolution designating the week beginning July 22, 1990, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 278

At the request of Mr. ROCKEFELLER, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating July 19, 1990 as "Flight Attendant Safety Professioanls' Day."

SENATE JOINT RESOLUTION 281

At the request of Mr. DECONCINI, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. COATS], the Senator from California [Mr. CRANSTON], the Senator from California [Mr. WILSON], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 281, a joint resolution to designate September 13, 1990, as "Natinal D.A.R.E. Day."

SENATE JOINT RESOLUTION 295

At the request of Mr. DANFORTH, the names of the Senator from Texas [Mr. GRAMM], the Senator from Washington [Mr. GORTON], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 295, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes.

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. HATFIELD, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs.

SENATE CONCURRENT RESOLUTION 104

At the request of Mr. BIDEN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Concurrent Resolution 104, a concurrent resolution expressing the concern of the Congress regarding the Birmingham Six, and calling on the British Government to reopen their case.

SENATE CONCURRENT RESOLUTION 114

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Concurrent Resolution 114, a concurrent resolution expressing the sense of Congress regarding action by the Secretary of Agriculture and the Federal Crop Insurance Corporation to restore confidence in the Federal Crop Insurance Program pending consideration of legislation on the Crop Insurance Program.

SENATE CONCURRENT RESOLUTION 115

At the request of Mr. LAUTENBERG, the names of the Senator from Washington [Mr. ADAMS], the Senator from West Virginia [Mr. BYRD], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Concurrent Resolution 115, a concurrent resolution to express the sense of the Congress regarding future funding of Amtrak.

SENATE RESOLUTION 231

At the request of Mr. BRADLEY, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Resolution 231, a resolution

urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 263

At the request of Mr. LAUTENBERG, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Resolution 263, a resolution to express the Sense of the Senate regarding the need to establish a sound national transportation policy integrating all modes of transportation and maintaining a significant Federal role.

SENATE RESOLUTION 227—EXPRESSING OPPOSITION TO A 1990 AUTHORIZATION OF THE DAIRY TERMINATION PROGRAM

Mr. WALLOP (for himself, Mr. BURNS, Mr. MCCLURE, Mr. SYMMS, Mr. BAUCUS, and Mr. SIMPSON) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

S. RES. 277

Whereas section 210(d)(3) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(3)) (as added by section 101 of the Food Security Act of 1985 (Public Law 99-198)) required the Secretary of Agriculture to establish and carry out a milk production termination program (also known as the "whole herd buyout program") during the 18-month period beginning April 1, 1986, and authorized the Secretary to establish and carry out such a program for any of the calendar years 1988, 1989, and 1990;

Whereas subtitle D of title I of the Food Security Act of 1985 (7 U.S.C. 1446 note) established the National Commission on Dairy Policy and required the Commission to submit to the Secretary of Agriculture and Congress a report describing the results of its study and recommendations;

Whereas the National Commission on Dairy Policy submitted a report to the Secretary and Congress on March 31, 1988, that recommended that the milk production termination program be retained as a tool to keep supply and demand in balance;

Whereas the milk production termination program, a unique and untested approach to production control, was tested during the 18-month period beginning April 1, 1986, and proved to be ineffective in reducing milk production in the long-term by eliminating the capacity for production;

Whereas the milk production termination program removed 14,000 producers from the dairy industry for 5 years and reduced the dairy herd of the United States by approximately 1.3 million cows, heifers, and calves, but milk production (after termination of the program) quickly rose to levels that exceeded milk production levels that existed before implementation of the program;

Whereas the milk production termination program dealt a major blow to the beef cattle industry that resulted in large reductions in both the cash and future price of beef cattle and pork belly futures and further weakened an already unstable market; and

Whereas future prices continue to fluctuate in reduction to continued uncertanity about excess supplies of beef as the result of a milk production termination program: Now, therefore, be it

Resolved, It is the sense of the Senate that—

(1) the milk production termination program established by section 201(d)(3) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(3)) is—

(A) ineffective as a production control device; and

(B) highly detrimental to the domestic cattle industry of the United States; and

(2) authority for a milk production termination program should not be included as part of the dairy price support and production control program established in the successor statute to the Food Security Act of 1985 (Public Law 99-198).

Mr. WALLOP. Mr. President, I rise today to introduce a resolution on behalf of myself, Senators BURNS, MCCLURE, SYMMS, BAUCUS, and SIMPSON expressing the Senate's continued opposition to the authorization of any Dairy Termination Program in the 1990 farm bill.

I use the phrase "continued opposition" for good reason. Five years ago, the Senate refused to accept the Dairy Termination Program in its version of the farm bill. We were able to see it was a flawed proposal—not only in how it proposed to reduce milk production by reducing the number of cattle, but also the possible effects a buyout might have on cattle prices. Unfortunately, this provision was resurrected in conference, passed, and unleashed on the unsuspecting cattlemen of this country during a period of already low prices. Being a survivor of the first, and hopefully last Dairy Termination Program—believe it is in the best interest of both the dairy and cattle industry, not to revive the Dairy Buyout Program. It has been tested—and it clearly did not work.

We watched as the Federal Government followed its 1985 legislative mandate. The Federal Government in 1986 and 1987 bought over 1.3 million head of cattle from almost 14,000 dairy farmers who voluntarily sold their herds. Sixty-two percent of the cost of this program, or $1.51 billon fell on the shoulders of the taxpayer. While this program was an attempt to reduce milk production in the long run by reducing significantly the number of dairy cattle, it failed to provide any disincentives for increasing production, or expansion by farmers who did not take part in the buyout. Not surprisingly, this is exactly what has happened as both cow numbers and milk production numbers are on the rise. As early as the following year after the buyout, milk production surpassed pre-buyout levels. USDA analysis also pointed out that a majority of those accepted for the buyout, were on their last leg and it was estimated they would have been out of business by the early 1990's anyway, with or without the whole herd buyout.

However, Mr. President, my real motivation for offering this resolution was not to take a shot at the Dairy Program, nor to point fingers or cast blame. My real motivation was that we learn from our mistakes. It was to call the attention of all of my colleagues to what I and other Senators and most certainly members of the ranching community in Wyoming and many other States, conceive as a real problem. Not only have the ranchers in Wyoming asked me to point out the real damage this buyout program did, but more importantly, the real damage it could do again to the multibillion dollar cattle industry in the United States.

The cattle industry is a major player in both the economy and the way of life in Wyoming and many other States. Cattle are our No. 1 cash agricultural commodity and the life blood for many folks. As most ranchers know, cash and futures prices are spooky enough on their own, without any help from well intentioned, yet badly designed and implemented government programs. The passage of the Dairy Termination Program in the 1985 farm bill set the beef cattle markets in motion preparing for what they expected to be a large infusion of red meat. They were not dissapointed.

Even prior to the buyout, cattlemen wary of the effects of this legislated fix began culling their herds to beat the dairy program slaughter. And USDA numbers on the estimated slaughter jumped from 900,000 of dairy cattle to 1.6 million—understandably this put both cash and future prices in a tailspin. It has been estimated that ranchers lost millions due to this unintentional manipulation of the markets. Mr. President, it was this impact upon the cattle industry that has caused such strong opposition to any further consideration of a termination program in the 1990 Farm Bill.

The administration is opposed to any reauthorization of the Dairy Termination Program in the farm bill. I whole heartedly support this position and invite my colleagues to join me in setting the record straight about the Senate's true position on this issue.

I encourage my colleagues to join me in cosponsoring this resolution.

Mr. President, I would ask that articles describing some of the deleterious effects of this program in Georgia, Colorado, Washington, Montana, and several other States, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 27, 1986]

DAIRY-HERD BUYOUT MILKS RANCHERS

As taxpayers, we pay dairymen to produce milk. We pay them so well, they overproduce. So we buy the excess and give it away. Trying to solve the problem, we give

dairymen another payment to temporarily stop producing. Sound crazy? You bet it is.

Congress' most recent attempt to resolve the dilemma is the whole-herd buyout in the 1985 farm bill. About 14,000 dairymen will receive an average of more than $130,000 each to leave the dairy business for five years. The total price? More than $1.82 billion. Taxpayers are not the only losers. When a dairy cow is slaughtered, it becomes beef. And that subsidized beef production wreaks havoc on the unsubsidized beef producers.

But on the May 14 editorial page, Emerson Moran argues that the National Cattlemen's Association is simply trying to "defend the flank" because of our "traditional opposition to governmental interference in the livestock industry." He says ". . . this surge of red meat will simply slide around the fed-cattle market."

Let's set the record straight. NCA doesn't just claim the program will undermine fed-cattle prices, it did undermine them—along with cow, calf and feeder-cattle prices. Beef producers lost $25 million on cattle sold in the first week of the program alone, and prices continued to tumble! An oversupply of meat—no matter what the source—forces all meat prices to drop.

Furthermore, lower-quality dairy-cow meat competes directly with our high quality beef in two very important markets—ground beef and processed meats. About 40% of all beef is sold in these markets. In 1985, fed cattle provided 53% of the hamburger produced in this country, while cows provided only 33%.

Even if the impact of this program will be felt for only a "few months," as Mr. Moran alleges, this can be crucial for cattlemen whose entire annual income is derived from sales during those few months. Many feeder-cattle producers have been forced to sell during this period, and some will be forced out of business because of losses. The sad thing is that dairy producers are paid by the government to liquidate, while beef producers are forced to liquidate at substantially lower prices.

Mr. Moran's conclusion that this program will help out trade balance by offsetting "nearly half" of the meat imported into the U.S. is flat-out wrong. This additional dairy beef does not affect the quantity of meat imports in 1986, and will only slightly affect 1987 imports.

The beef industry is one of the few segments of agriculture not directly subsidized by the government, and we have every right to "defend our flank" when a government program sends subsidized meat crashing down on our markets.

DON BUTLER.
President, National Cattlemen's Assn.
Englewood, CO.

[From the New York Times, Apr. 10, 1986]

U.S. PLAN FOR DAIRY MARKET PUTS BEEF INDUSTRY IN A VISE

(By Iver Peterson)

BILLINGS, MT, April 9.—The Federal program to reduce dairy surpluses by slaughtering cows has wreaked havoc with the cattle industry and depressed beef prices far beyond expectations, cattle ranchers say.

Cattle ranchers in the West have estimated that the prospect that nearly 1.6 million dairy cows will be introduced into an already weak market has cut the value of the beef cattle inventory in the nation by $5 billion.

They say hopes of a recovery from years of drought and weak prices in the cattle industry have been all but wiped out by the new dairy program and that large numbers of cattle operators may be forced out of the business by winter.

"From where I'm standing it looks like an absolute disaster," said Pat Capser, an agricultural banker with First Bank in Billings. "I grew up in this business, I've been watching cattle ever since I could follow livestock prices, and I think this has been the greatest injustice ever done to the cattle industry."

NO MONEY FOR CALVES

Mr. Capser said that unless cattle prices recovered a quarter to a half of the cattle ranchers in eastern Montana who would normally borrow money to buy weaned calves this fall and feed them over the winter would not be able to do so.

The Federal Government plans to pay 14,000 dairy farmers to go out of business by buying up their herds and sending the cows to slaughter. On Tuesday the National Cattlemen's Association filed a suit in Federal District Court in Lubbock, Tex., to halt the dairy cow buyout created under farm legislation passed last year by Congress.

To reduce the tons of surplus milk, butter and cheese the Government has purchased and stored to keep dairy prices up, the bill requires the dairy industry to reduce production by 12.1 billion pounds from April 1 to Aug. 31, 1987.

The beef cattle industry had expected the increased competition from dairy cattle to result in about 930,000 dairy cows and calves going onto the market, in addition to normal selling by dairy farmers. It also took heart from assurances that the slaughter of dairy herds would be gradual and orderly and that Washington would buy 400 million pounds of red meat and keep it off the domestic market, easing the downward pressure on beef prices from the surge of cow slaughtering.

But on March 28, Agriculture Secretary Richard E. Lyng put the number of dairy cows to be "diverted" at more than 1.5 million. The Secretary also said the Government had immediate plans to buy only about 100 million of the 400 million pounds of beef it was committed to keeping off the market.

This leaves the Government purchase of the remaining 300 million pounds without a firm schedule. From the cattle industry's view, the sooner that the red meat is off the market the quicker cattle prices could recover.

Agriculture Department officials involved in the dairy program did not return calls seeking comment on the cattle rancher's complaints.

It is also apparent that dairy farmers are likely to keep their herds intact through the summer, when feed is cheap, and put them on the slaughter market in the fall.

These developments in rapid succession sent the beef futures market reeling last week, with contracts to buy beef this summer dropping down to the limit of $1.50 per 100 pounds for three out of five days and nearly to the limit on a fourth.

Prices paid by packing houses followed the futures market down, dropping $5, to about $55 per hundred-weight. A 1,000-pound steer, a typical weight, going to slaughter this week was suddenly worth perhaps $50 less than in the last week in March, before the Agriculture Department announcement of the dairy buyout.

OPPOSITION TO BRANDING

Indeed, the market recovered slightly on word that an animal rights group had filed a suit to stop the branding of the cheeks of dairy cows marked for slaughter. A judge ordered a delay in the brandings.

The cattle producers argue that they need around $80 per hundred pounds of live cattle to break even on their operations, but beef analysts are pessimistic that prices will return to that level.

The Department of Agriculture was taken by surprise at the market's reaction to Secretary Lyng's announcement, and its officials, pointing out that the dairy herd buyout amounted to only a fraction of the total beef herd, argued that the market was overreacting.

Cattle operators here concede that the psychology of beef marketing clearly overrode reason in the price plunge, but they point out that the blame for that does not lie out here, amid the spring grass and vast skies, but in the Washington offices of the Agriculture Department.

"What is strangling this industry is disruptions in the normal production flow, like this dairy buyout," said Max Thornton, a feedlot operator here. "I mean, our prices are being made in Washington, and you never know what a politician is going to do next. We believed that 900,000 head figure—there was no reason to disbelieve it—and the next thing we know, the figure is closer to 1.6 million."

The market slump is all the more bitterly resented here in Montana because it comes on the heels of the years of drought and the devastating range fires of two years ago. These developments, along with the soft prices throughout cattle country in recent years, led to a sharp reduction in cattle herds as ranchers cut their stock numbers or went out of business.

As a result, beef cattle inventories nationally are at their lowest levels since 1962, according to Mr. Capser. Since that should mean higher cattle prices, the survivors in the industry were looking forward to a good year starting this spring. Instead, the bottom fell out of the market.

Industry members seem to agree that the rising complexity of the cattle market, with its advanced commodity trading techniques, have increased the cattle ranchers' vulnerability to wide swings in beef prices. Cattle ranchers who had bought futures contracts expecting prices to rise this spring are instead receiving demands from brokers to cover the decline in prices.

The cattle ranchers point out that aside from some Federal controls of beef imports and access by relatively few ranchers to low-cost Federal grazing lands, the American beef industry receives none of the subsidies the dairy industry and crop farmers depend on.

Hard times like these, therefore, seem to bring out the jokes, like the one about a cattle rancher who won $1 million in the lottery and said he would keep on ranching until it was all gone.

"It's like they say around here," said Bob Tully, a cow and calf operator with a ranch north of Billings who has cut his herd by a half. "I started out with nothing and I've still got most of it left."

[From the Wenatchee (WA) World, May 4, 1986]

DAIRY PROGRAM HURTS HAY MEN

PASCO.—Washington's alfalfa growers say a federal program designed to reduce the nation's milk surplus also is milking their profits dry.

Columbia Basin hay growers, who were already braced for increased acreage being planted due to attractive prices the past two years, now face the prospect of having fewer customers.

The dairy cow buyout over the next 18 months was mandated by Congress as a way to reduce the nation's milk surplus.

Robert Diefe, State Agriculture and Conservation Service director in Spokane, said 34,000 producing milk cows in this state are destined for slaughter, and 22,000 already are on their way to slaughter plants. He said the remaining 12,000 cows will follow over the next 18 months.

These animals represent between 13 percent and 15 percent of the 224,000 milk cows in the state, according to the Washington Crop and Livestock Reporting Service.

Dairy farmers choosing to remain in business are paying about 38 percent of the cost, and the rest is being subsidized by taxpayers.

Hay growers think they as taxpayers, are helping to subsidize a program that is injuring them.

Boyd Gray, president of the Columbia Basin Hay Growers Marketing Information Committee of Pasco, said Thursday that hay prices have dropped from a high of $125 a ton to around $85 a ton.

Some of this is a seasonal decline as buyers wait for the new crop, but some is due to the dairy buyout and the expectation that there will be fewer cows to feed, says John Moore, Grant County extension agent.

Moore said he has heard that brokers representing dairies west of the Cascades are already trying to get hay growers to accept prices as low as $40 a ton.

He said the situation may not be as bleak as predicted because of the prospect that British Columbia dairy and livestock owners may come looking for Washington hay because of severe frost damage to Canadian hay fields.

DAIRY PROGRAM WILL CUT VOLUME BY ONE-THIRD FOR GEORGIA MILL

[From Feedstuffs, July 21, 1986]

(By Robert H. Brown)

WASHINGTON, GA.—"I'm going to lose about a third of my business," remarked Buzzy Randall, secretary-treasurer of Wilkes Mill & Feed Co., Inc., a small family-owned feed mill.

Business has been relatively good through the years since 1921 when the mill was established. Its market area is one of the South's better dairy centers. A large part of Atlanta's milk supply comes from the hills of Wilkes County and the surrounding area.

Now the picture is changing. When six county dairymen with 28% of the total number of dairy cows in the county decided to get out of dairying by taking advantage of the federal whole-herd buy-out, it was an economic blow to the community of about 4,700 people.

Randall's feed mill was just one of the local businesses to bear the financial brunt of the disappearing dairy operations.

He said his company would lose $400,000 to $500,000 in gross sales this year as a result of the sell-off of dairy operations.

George Grimaud, one of the dairymen who is selling his herd, is an example of what it means for one producer to go out of business, not only to the feed mill but to other allied industries in the area. He said he spent $160,000-$170,000 locally on supplies each year to run his family-owned dairy.

Another dairyman, Abner Dunn, figured he spent at least $2,000 a week on feed, and he added that he bought most of it locally.

Dunn said he is going to raise some cattle on his farm, but he will not spend anything like the $2,000 a week on feed that he did when he was operating a dairy.

At the feed mill, Randall said he doesn't know if he can replace the business the mill will be losing because of the dairy cow sell-off.

"I don't have any way of estimating the long-range effect," he said.

The area could regain some of the economy lost, provided the remaining dairies produce more milk and the former dairymen continue farming.

Bill Boyd, vice president of the Washington-Wilkes Chamber of Commerce, said he thinks there may be some other alternatives to help the agricultural economy.

Cattle, he said, is one alternative. But for the feed companies, selling feed to cattle producers is not a very promising business. In this part of the country, cattle are raised primarily on pasture. Grass is generally available the year round.

Selling cattle happens once or twice a year, whereas the sale of milk was daily bringing in cash money immediately. With cattle, days and weeks go by without incoming money to help the economy.

Boyd estimated that the county will lose $1.8 million in gross income from milk sales.

The farm supply stores are also going to feel the effects. Burdette Mill & Gin, Inc., is one. Dairymen bought a lot of fertilizer, seed and equipment of various types at Burdette.

Henry Harris, an official of the farm supplier, said, "We might be able to recoup some of that loss."

The company offers tractors, but Harris said he hadn't sold a tractor to a full-time farmer since 1982. The only buyers have been weekend farmers.

Much of the area's milk has gone to the Pet Dairy plant that has been maintained here for a number of years. The plant processes milk that is distributed to consumers over a wide area of northern Georgia, including Atlanta.

Keith Churchwell of Pet said he thinks the situation may not be as critical as some think. He predicted that the remaining dairymen will increase production to take up the slack. The alternative, he said, is to import milk from other areas, maybe as far away as Wisconsin.

In Georgia as a whole, the buy-out will take 179 of the total 850 producers out of business.

Morgan County, the state's leading milk producer, will lose 11 of 76 dairies, or 14% of the operations and 14% of its dairy cows. Putnam County, the second largest dairy producer, will lose 12 of its 50 dairies, or 24%, through the program.

[From Feedstuffs, Sept. 15, 1986]

INSIDE WASHINGTON

(By Danialle Weaver)

Beef producers were hurt by the "tremendous" market impact of the dairy termination program, according to Willard R. Sparks, president of Sparks Commodities, Inc. What's more, Sparks told a House ag subcommittee hearing on the program last week, the worst may not yet be over.

Just before passage of the 1985 farm bill, the cattle industry was near the end of a liquidation phase that began in 1982, Sparks said. Total beef and dairy cow slaughter in 1985 was down 1.2 million head from 1984 levels, the rate of breeding stock slaughter had slowed and cattle inventories declined to 105.5 million head on Jan. 1, the smallest cattle inventory in more than 20 years, he said. In the meantime, cattle prices declined as they typically do during a liquidation phase and were starting to go up again in November and December.

"The positive market psychology that existed at the time was dealt a serious setback with the passage of the farm bill." Sparks said, "The market realized that heavy dairy cow slaughter would occur in 1986, and this renewed fears that a new round of beef cow liquidation could also occur due to depressed cattle prices," he said.

During the first three months of 1986, beef cow producers and nonprogram dairy producers stepped up culling rates "in an effort to beat the onslaught of the dairy program slaughter," Sparks said. "The (U.S. Department of Agriculture) was indicating to the industry that (it was) targeting approximately 900,000 head of dairy cattle to be liquidated in the buyout program.

"The announcement of the actual sign-up level in late March with more than 1.5 million head of cows, heifers and calves to be slaughtered put the cattle market into an immediate tailspin from already depressed price levels. The fact that fully two-thirds of these cattle would be slaughtered in the April-August 1986 time period was just too much for the cattle market to bear." Sparks said.

Although USDA's red meat purchases finally helped to shore up prices, USDA didn't make its first ground beef purchase until the week of April 13, Sparks said. The meat wasn't actually removed from the market until mid-May, he said. The removal of the meat from the market, as well as the announcement of the sale of 90,000 metric tons of steer, heifer and cow beef, firmed up prices, he said. Once USDA actually began buying beef for Brazil, prices noticeably improved, he said.

Although USDA has bought 327 million pounds of beef, very little of that amount has hit the market. "Where's this meat going to go?" Sparks asked. The cold storage statistics don't say where it is, he said. Only half of all the meat USDA purchased will go to the hotel and restaurant trade, which has fixed supply and demand, he said. The rest will be sold over the counter in grocery stores.

Any changes in the meat supply, however minor, will show up at the grocery meat counter, he said. This will result in retail price decreases, he said. Therefore, cattle markets can expect a second impact when the meat is distributed.

The dairy termination program probably will produce only a temporary slowdown in dairy herds and milk production, Sparks said. Besides the fact that dairy cow populations "rebounded sharply" after the 1984 dairy termination program, "costs of production are declining at a faster rate than dairy support prices," he said. Cheap feed ingredient prices and low interest rates relative to support prices will sustain profit margins for producers remaining in business, and further improvements in production efficiency "could ultimately return milk production to the level experienced prior to the dairy termination program," Sparks said.

Mr. SIMPSON. Mr. President, I am most pleased to join with my fine Wyoming colleague, MALCOLM WALLOP, as an original cosponsor of this Senate

resolution stating our strong and firm resolve to oppose any further dairy termination programs as we look forward to debating the reauthorization of Federal agriculture programs—the farm bill—later this year.

I represent a fine group of constituents—and a number of them are cattle ranchers—Wyoming is not known as the Cowboy State merely for the benefit of the tourists—they're out there and they work awfully hard. These cattlemen do not contribute to the Federal deficit. They do not receive direct Federal payments as a result of any farm legislation. The beef cattle industry exercises market discipline. It was truly unfortunate when Congress enacted the dairy termination program—whole herd dairy buy out—as part of the 1985 farm bill because that program introduced 1,015,046 head of dairy cattle onto an already weak market. It cut the value of the beef cattle inventory in the Nation by 5 billion bucks.

The dairy termination program was supposed to reduce milk production nationwide which, in turn, would reduce Government purchases which, over the long haul, was supposed to reduce Federal outlays. Well, it sure did not work. After production fell for the first year, it once again leveled off and then began to increase. Congress stepped in again to debate changes in the program. That just does not make any sense.

I regret that Congress seems to have a sad history of providing agriculture with short-term benefits that too often turn into real long-term liabilities. It wasn't just beef cattle producers that were injured by that ill-advised dairy termination program. Dairymen who chose to stay in business paid 38 percent of the cost of that program through an assessment of 40 cents per hundredweight of the milk they produced. In Wyoming 24 dairymen chose to go out of business through this program—and collected 3.146 million smacks. That is not right. Today Wyoming has only one fresh milk processing facility in the State—and its milk is provided by only 13 dairymen. I don't believe they want to see another dairy termination program either.

We discussed this issue on the floor of the Senate back in 1986 and I trust we won't need to fight this battle over again this year. In 1986 we also amended the farm bill because of the nonprogram crops provisions—those crops that do not qualify for Federal subsidies. I am now ever more concerned that Federal agriculture policies which create negative effects on free market commodities may well force our nonsubsidized agriculture to say, "We, too, want some of that action—we've been quite long enough."

That would be really stepping backward—not forward. It surely makes no sense at all as we are attempting to negotiate an end to market-distorting agriculture subsidies worldwide through the Uruguay round of GATT negotiations. We enact budget resolutions each year calling for reductions in agriculture spending. We must stay the course toward a balanced Federal budget or everyone in this society—and future generations will pay a dear price.

Farmers and ranchers don't want runaway Federal deficits or a budget-busting farm bill. They want a bill that will help to restore profitability to farms and ranches by expanding markets, phasing down Government purchases and bringing supply into balance with demand. I trust we actually will be able to meet those goals in this year's farm bill debate.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BYRD (AND OTHERS) AMENDMENT NO. 1540

Mr. BYRD (for himself, Mr. DOLE, Mr. DOMENICI, Mr. BOREN, Mr. KASTEN, and Mr. ROCKEFELLER) proposed an amendment to the bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At the end of title III of the bill, add the following new section:

COMMERCIAL ASPECTS OF UNITED STATES FOREIGN ASSISTANCE

SEC. . (a) The Secretary of Commerce, after consulting with the Administrator of the Agency for International Development, the Secretary of Agriculture, the Secretary of Energy, the Secretary of State, and appropriate United States business organizations, shall conduct a study which examines and explores the foreign assistance programs currently engaged in by the United States through the Agency for International Development and other appropriate departments and agencies of the United States government and explores mechanisms by which the international economic competitiveness of the United States may be enhanced through such programs. In undertaking this study, the Secretary shall—

(1) examine the foreign assistance programs of Japan, Germany, France, the United Kingdom, and such other international aid donors as the Secretary may designate, for the purpose of determining what mechanisms are in use to tie foreign assistance to the industrial and commercial interests of the donor nations, in particular, the programs currently being engaged in and planned by such countries in the East European countries of East Germany, Poland, Czechoslovakia, and Hungary; and

(2) determine, as far as possible, for each of fiscal years 1989 and 1990, and requested for fiscal year 1991, the dollar amounts and percentages of current United States programs which include United States business investment, exports, or other business-related activities, and shall compare that assessment with a similar assessment made for each of the other international aid donors examined by this study, on a region-by region basis, with particular attention paid to the comparable efforts in the East European countries referred to in paragraph (1).

(b) Not later than September 1, 1990, the Secretary of Commerce shall prepare and transmit to the Committees on Foreign Relations and Appropriations of the Senate and the Committee on Foreign Affairs and Appropriations of the House of Representatives a report setting forth the findings of the study conducted under subsection (a).

HELMS AMENDMENT NO. 1541

Mr. HELMS proposed an amendment to the bill H.R. 4404, supra; as follows:

On page 25, line 21, add before the period the following: ": *Provided further,* That none of the funds provided for under this subsection shall be made available to the government of Nicaragua as long as any person who was a member of the Directorate of the Sandinista National Liberation Front on February 25, 1990 holds any non-elected civilian or military post in the government of Nicaragua".

ADAMS AMENDMENT NO. 1542

Mr. ADAMS proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 57, at line 10, strike the first period and insert the following: ": *Provided,* That District of Columbia shall cause a study to be conducted on the need, in the District of Columbia, for a system of early childhood educational development programs which address the needs of pre-school and school-age children, and of working parents and parents on welfare seeking work.".

LEVIN (AND OTHERS) AMENDMENT NO. 1543

Mr. BYRD (for Mr. LEVIN, Mr. PELL, Mr. KERRY, Mr. SIMON, and Mr. HARKIN) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the appropriate place in the bill, insert the following: *"Provided further,* That no more than 80 percent of the funds for Panama may be provided unless the conditions set forth in paragraphs (1) through (4) of section 2(b) of S. 2364 of the One Hundredth and First Congress (as passed the Senate on April 5, 1990) are met.".

LEAHY (AND KASTEN) AMENDMENT NO. 1544

Mr. LEAHY (for himself and Mr. KASTEN) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 25, line 3, insert "only" after the word "available".

ARMSTRONG (AND HELMS) AMENDMENT NO. 1545

Mr. LEAHY (for Mr. ARMSTRONG, for himself and Mr. HELMS) proposed an amendment to the bill H.R. 4404, supra, as follows:

Chapter III of title II of the bill is amended in the paragraph under the heading "Bilateral Economic Assistance: Migration and Refugee Assistance" by inserting after "Israel:" the following: *"Provided further,* That of the funds allocated in this account, an equitable share shall be made available to Pentecostals, Evangelicals and Baptists to fund the existing 2,000 semi-funded refugee admissions numbers for the Soviet Union, unless sufficient unused refugee admissions numbers could be reallocated within this fiscal year to allow adequate funding and admission of this group:".

HATCH AMENDMENT NO. 1546

Mr. LEAHY (for Mr. HATCH) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the appropriate place, insert the following:

SEC. . DEVELOPMENT ASSISTANCE FOR ANTI-NARCOTICS EFFORTS OF BOLIVIA AND PERU.

(a) Of the funds appropriated for fiscal year 1990 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance)—

(1) up to $25,000,000 should be available only for Bolivia,

(2) up to $20,000,000 should be available only for Peru, for the purpose of—

(A) providing alternative income, employment, and social services for individuals involved in illicit coca and marijuana production,

(B) supporting investment in infrastructure, farm credit and extension services, and other development projects in non-coca production areas, and

(C) otherwise assisting such countries in continuing their anti-narcotics efforts.

KENNEDY (AND OTHERS) AMENDMENT NO. 1547

Mr. LEAHY (for Mr. KENNEDY, for himself, Mr. HARKIN, and Mr. LEAHY) proposed an amendment to the bill H.R. 4404, supra as follows:

At the appropriate place in the bill, add the following: "For an additional amount for 'Health, Development Assistance', $10,000,000, to remain available through September 30, 1991, which shall be made available only for assistance for Chile."

STEVENS AMENDMENT NO. 1548

Mr. GRAMM (for Mr. STEVENS) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the appropriate place, insert:

SEC. . Title VI of Public Law 101-165 is amended by striking the amount "$10,000,000" and inserting in lieu thereof the amount "$18,000,000".

DIXON (AND NUNN) AMENDMENT NO. 1549

Mr. DIXON (for himself and Mr. NUNN) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the appropriate point in the bill, insert the following: "Notwithstanding any other provision of this Act, the language in this Act restricting obligation or expenditure of funds appropriated in fiscal year 1990 for Air Force Operation and Maintenance pending settlement of the dispute regarding Contract Numbered F29650-82-C-0201 is hereby nullified."

GRAMM AMENDMENT NO. 1550

Mr. GRAMM proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 57 at line 10, strike the word "term:" and insert the following: "term. This section shall be effective May 15, 1990.

"SEC. . (a) It shall be unlawful in the District of Columbia to intentionally kill, or counsel, command, induce, procure, or cause the intentional killing of an individual during the commission of an offense involving a controlled substance.

"(b) A person who commits an offense described in subsection (a) shall be sentenced to any term of imprisonment which shall not be less than 20 years, and which may be up to life imprisonment and the imposition or execution of such sentence shall not be suspended nor shall probation be granted nor shall the person be eligible for parole prior to serving the minimum sentence, or may be sentenced to death.

"(c) A person shall be subjected to the penalty of death for an offense under this section only if a hearing is held in accordance with the procedures provided in section 408 of the Controlled Substances Act.".

HEINZ (AND SPECTER) AMENDMENT NO. 1551

Mr. HATFIELD (for Mr. HEINZ, for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 45, after iine 10, insert: "Section 17(d)(4)(G) of the United States Housing Act of 1937 shall not be applicable to the Beechwood Towers Housing Development Grant project, number PA008HG401, through December 31, 1990, and any cancellation of the Grant resulting from the application of section 17(d)(4)(G) prior to December 11, 1990, shall be rescinded and the Grant restored to the project.".

BRADLEY AMENDMENT NO. 1552

Mr. BYRD (for Mr. BRADLEY) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 45, after line 16, insert:

ABATEMENT, CONTROL AND COMPLIANCE

Of the funds appropriated under this head in the Department of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriators Act, 1990 (Public Law 10-144), $500,000 shall be available for a lead storage battery recycling pilot project for the state of New Jersey, to remain available until expended.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be authorized to meet during the session of the Senate on April 27, 1990, at 10 a.m. to hold a hearing on the views of the private sector regarding the effectiveness of Super 301 and future action that should be taken under Super 301.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Armed Services Committee Subcommittee on Conventional Forces and Alliance Defense be authorized to meet in open session on Friday, April 27, 1990, at 9:30 a.m. to receive testimony on the Air Force's plans and in general review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, April 27, at 9:15 a.m., for a nomination hearing on Jessica Louise Parks, nominee, for member of the Merit Systems Protection Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, April 27, 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, April 27, at 10 a.m., in S-116 of the Capitol to hear the nomination of Paul Lambert to be Ambassador to Ecuador.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, April 27, at 10 a.m. in SD-419 to hold a hearing on international money laundering.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS AND THE HUMANITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and the Humanities of the Committee on

Labor and Human Resources be authorized to meet during the session of the Senate on Friday, April 27, at 9:30 a.m., for a hearing on "Reauthorization of the National Foundation on the Arts and the Humanities Act—second hearing on the National Endowment for the Arts."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Aviation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 27, 1990, at 9 a.m., on reauthorization of Federal Aviation Administration programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAVORED-NATION STATUS FOR HUNGARY

The text of H.R. 1594 as passed by the Senate on April 24, 1990, is as follows:

H.R. 1594

Strike out all after the enacting clause and insert:

SECTION 1. TABLE OF CONTENTS.

TITLE I—TARIFF PROVISIONS

Subtitle A—Amendments to the Harmonized Tariff Schedule of the United States

Sec. 1001. Reference.

PART 1—PERMANENT CHANGES IN TARIFF TREATMENT

Sec. 1101. Gloves, mittens, and mitts.
Sec. 1102. Certain chipper knife steel products.
Sec. 1103. Bicycles having 26-inch wheels.
Sec. 1104. Edible molasses containing nonsugar solids.
Sec. 1105. Tobacco processed in Caribbean Basin country.
Sec. 1106. Articles exported and returned.
Sec. 1107. Brooms.
Sec. 1108. Foliage-type artificial flowers.
Sec. 1109. Garments treated as water resistent.

PART 2—TEMPORARY CHANGES IN TARIFF TREATMENT

SUBPART A—EXISTING PROVISIONS

Sec. 1201. Extension of certain existing provisions.
Sec. 1202. Aromatic couplers and couple intermediates.
Sec. 1203. Certain hosiery knitting machines.
Sec. 1204. Parts and accessories of copying machines.
Sec. 1205. Toy jewelry, certain small toys and novelty goods.
Sec. 1206. Jacquard cards.
Sec. 1207. C-Amines.
Sec. 1208. Corned beef in airtight containers.
Sec. 1209. Menthol feedstocks.
Sec. 1210. Surgical gowns and drapes.

SUBPART B—NEW PROVISIONS

Sec. 1301. Calcium acetylsalicylate (calcium carbaspirin).
Sec. 1302. Bendiocarb.
Sec. 1303. Certain glass bulbs.
Sec. 1304. Octadecyl isocyanate.
Sec. 1305. Molten-salt-cooled acrylic acid reactors.
Sec. 1306. Dimethylbenzylidene sorbitol.
Sec. 1307. 4,4'-Isopropylidenedicyclohexanol.
Sec. 1308. Sulfachloropyridazine.
Sec. 1309. Thiothiamine hydrochloride.
Sec. 1310. Paramine acid.
Sec. 1311. Sucralfate.
Sec. 1312. Anthraquinone.
Sec. 1313. Theobromine.
Sec. 1314. Chlorhexanone.
Sec. 1315. Naphthalic acid anhydride.
Sec. 1316. K-Acid.
Sec. 1317. Broenner's acid.
Sec. 1318. D Salt.
Sec. 1319. Neville and winter's acid.
Sec. 1320. Anis base.
Sec. 1321. Naphthol as types.
Sec. 1322. Ceftazidime tertiary butyl ester.
Sec. 1323. Certain plastic web sheeting.
Sec. 1324. Magnetic video tape recordings.
Sec. 1325. Mixed ortho/para toluenesulfonomide.
Sec. 1326. 2,6-Dichlorobenzonitrile.
Sec. 1327. 1-[1-((4-Chloro-2-(trifluoromethyl)phenyl) imino)-2-propoxyethyl]-1-himidazole.
Sec. 1328. Certain Christmas ornaments.
Sec. 1329. Frozen carrots.
Sec. 1330. Impact line printers.
Sec. 1331. Amino acetanilide.
Sec. 1332. 6 Amino-2-naphthene sulfonic acid.
Sec. 1333. 8 Amino-2 naphthene sulfonic acid.
Sec. 1334. 5 (and 8) Amino-2 naphthalene sulfonic acid.
Sec. 1335. 5 Amino 2 naphthalene sulfonic acid.
Sec. 1336. 1-Naphthylamine.
Sec. 1337. 4 Amino-1-naphthalene sulfonic acid, sodium salt.
Sec. 1338. 1,4 Dihydroxyanthraquinone.
Sec. 1339. 7 Nitro naphth [1,2] oxadiazole 5-sulfonic.
Sec. 1340. 4-Chloro-α,α,α-trifluoro-o-toluidine.
Sec. 1341. 7-Amino-1,3-naphthalenesulfonic acid, monopotassium salt.
Sec. 1342. 2-Amino-4-chlorophenol.
Sec. 1343. 2,4-Diamino benzene sulfonic acid.
Sec. 1344. 2,5 Dichloro-4-(3-methyl-5-oxo-2 pyrazolin-1-yl) benzenesulfonic acid.
Sec. 1345. 7-Hydroxy 1,3-naphthalene disulfonic acid-dipotassium salt.
Sec. 1346. O-anisidine.
Sec. 1347. 1-Amino-2-bromo-4-hydroxyanthraquinone.
Sec. 1348. 2-Chloro-4-nitroaniline.
Sec. 1349. (1,3,3 Trimethyl-indoline-2-ylidene) acetaldehyde.
Sec. 1350. 2,3 Dihydro 1,3,3 trimethyl-2-methylene-1h-indole.
Sec. 1351. 2[(4 Aminophenyl) sulfonyl] ethanol hydrogen sulfate ester.
Sec. 1352. 7-Anilino-4-hydroxy-2 naphthalene sulfonic acid.
Sec. 1353. 1,4-Diamino-2,3 dihydroanthraquinone.
Sec. 1354. Castor oil and its fractions.
Sec. 1355. 0,0-Dimethyl-s-[(4-oxo-1,2,3-benzotriazin-3-(4h)-yl)methyl] phosphorodithioate.
Sec. 1356. Suspension of duty on certain machines for use in the manufacture of wheels for bicycles and on certain bicycle parts.
Sec. 1357. L-alanyl - L-proline, also known as ala pro.
Sec. 1358. Tfa lys pro in free base and tosyl salt forms.
Sec. 1359. Certain timing apparatus.
Sec. 1360. Ciprofloxacin hydrochloride, ciprofloxacin, and nimodipine.
Sec. 1361. Certain furniture and seats.
Sec. 1362. Wicker products.
Sec. 1363. (6R-(6A,7B(Z)))-7-(((2-Amino-4-thiazolyl)((carboxymethoxy) imino) acetyl) amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0) oct-2-ene-2-carboxylic acid.
Sec. 1364. N-(4-(((2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl) methyl)amino)benzoyl)-l-glutamic acid.
Sec. 1365. (1)3-Quinolinecarboxylic acid, 1-ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl)-, also known as norfloxacin.
Sec. 1366. 2,2-Dimethylcyclopropylcarboxamide.
Sec. 1367. N-Amidino-3,5-diamino-6-chloropyrazinecarboxamide monohydrochloride dihydrate, also known as amiloride hydrochloride.
Sec. 1368. Chemical light activator blend.
Sec. 1369. Gripping narrow fabrics.
Sec. 1370. BPIP.
Sec. 1371. MBEP.
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Sec. 1373. Rhodamine 2C base.
Sec. 1374. Polymin P and Polymin P hydrochloride.
Sec. 1375. Polymin SNA 60.
Sec. 1376. Ornithine.
Sec. 1377. Teicoplanin.
Sec. 1378. Acetoacet-para-toluidide (AAPT).
Sec. 1379. Acetoacetsulfanilic acid, potassium salt (AA sulfanilic acid potassium salt).
Sec. 1380. 6-Methyluracil.
Sec. 1381. Ethyl 2-(2-aminothiazole-4-yl)-2-hydroxyiminoacetate (ATHAET).
Sec. 1382. Ethyl 2-(2-aminothiazole-4-yl)-2-methoxyiminoacetate (ATMAET).
Sec. 1383. 4,4'-Methylene-bis-(2,6-dimethylphenylcyanate).
Sec. 1384. 2,2'-Bis(4-cyanatophenyl-1,1,1,3,3,3-hexafluoropropane.
Sec. 1385. 4,4'-Thiodiphenyl cyanate.
Sec. 1386. 1,1-Ethylidene-bis-(phenyl-4-cyanate).
Sec. 1387. Hydrocarbon novolac cyanate ester.
Sec. 1388. 4,4'-Methylene-bis-(3-chloro-2,6-diethyl aniline).
Sec. 1389. 4,4'-Methylene-bis-(2,6-diisopropyl aniline).
Sec. 1390. L-Carnitine.
Sec. 1391. Diphenolic acid.
Sec. 1392. 2,6-HNA.
Sec. 1393. ADC-6.
Sec. 1394. Diflunisal.
Sec. 1395. Trifluoromethylaniline.
Sec. 1396. Tamoxifen citrate.
Sec. 1397. Fenofibrate.
Sec. 1398. 6-T-Butyl 2,4 xylenol.
Sec. 1399. 2,4-Diamino-6-phenyl-1,3,5-triazine.
Sec. 1400. Iopamidol.
Sec. 1401. Iohexol.
Sec. 1402. p-Hydroxybenzaldehyde.
Sec. 1403. Ioxaglate.
Sec. 1404. 7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene.
Sec. 1405. Modeling pastes.
Sec. 1406. Mercuric oxide.
Sec. 1407. 2,3,6-Trimethylphenol (TMP).

Sec. 1408. Protective sports apparel.
Sec. 1409. 1,5 Naphthalene diisocyanate.
Sec. 1410. Self-folding telescopic shaft, collapsible umbrellas.
Sec. 1411. 1,6-Hexamethylene diisocyanate.
Sec. 1412. Certain in-line roller skate boots.
Sec. 1413. Certain veneer.
Sec. 1414. p-Tolualdehyde.
Sec. 1415. Diltiazem hydrochloride, and sustained release diltiazem hydrochloride.
Sec. 1416. Clentiazim.
Sec. 1417. Personal effects and equipment of participants and officials involved in the 1990 Goodwill Games.
Sec. 1418. Copper acetate monohydrate.
Sec. 1419. Parts of generators for use on aircraft.
Sec. 1420. Certain infant nursery monitors and intercoms.
Sec. 1421. Certain glass fibers.
Sec. 1422. Three-dimensional cameras.
Sec. 1423. Personal effects and equipment for World University Games.
Sec. 1424. Karate pants and belts.
Sec. 1425. Metallurgical fluorspar.
Sec. 1426. Certain piston engines.
Sec. 1427. Quizalofop-ethyl.
Sec. 1428. Insulated winding wire cable.
Sec. 1429. Diphenyldichlorosilane and phenyltrichlorosilane.
Sec. 1430. Theatrical, ballet, and operatic scenery, properties, and sets.
Sec. 1431. 4-Fluoro-3-phenoxy benzaldehyde.
Sec. 1432. Certain paper products.
Sec. 1433. Pigment red 178.
Sec. 1434. Acid black powder and presscake.
Sec. 1435. Pigment red 149 dry and pagment red 149 presscake.
Sec. 1436. Isoindolenine red pigment.
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PART 3—EFFECTIVE DATES

Sec. 1601. Effective dates.

Subtitle B—Miscellaneous Provisions

Sec. 1701. Certain forgings.
Sec. 1702. Bi-level rail passenger cars.
Sec. 1703. Certain extracorporeal shock wave lithotripter.
Sec. 1704. Foreign trade zones.
Sec. 1705. Certain entries of digital processing units.
Sec. 1706. Nuclear magnetic spectrometer.
Sec. 1707. Foreign repair of vessels.
Sec. 1708. Certain methanol entries.
Sec. 1709. Certain frozen vegetables.
Sec. 1710. Certain films and recordings.
Sec. 1711. Certain distilled spirits in foreign trade zones.
Sec. 1712. Reliquidation of certain entries and refund of antidumping duties.
Sec. 1713. Substitution of crude petroleum or petroleum derivatives.
Sec. 1714. Agglomerate marble floor tiles.
Sec. 1715. Ethyl tertiary butyl ether.
Sec. 1716. Canadian lottery material.
Sec. 1717. Metal oxide varistors.
Sec. 1718. Parts of ionization smoke detectors.

TITLE II—CARIBBEAN BASIN ECONOMIC RECOVERY

Sec. 2001. Short title.
Sec. 2002. Congressional findings.
Sec. 2003. Repeal of termination date on duty-free treatment under the Act.
Sec. 2004. Worker rights.
Sec. 2005. Reports.
Sec. 2006. Increase in duty-free tourist allowances.
Sec. 2007. Duty-free treatment for articles assembled or processed in beneficiary countries from components or materials produced in the United States.
Sec. 2008. Conforming GSP amendment.
Sec. 2009. Pilot preclearance program.
Sec. 2010. Application of Act in Eastern Caribbean area.
Sec. 2011. Promotion of tourism.
Sec. 2012. Agricultural infrastructure support.
Sec. 2013. Extension of trade benefits to the Andean region.
Sec. 2014. Treatment of articles grown, produced, or manufactured in Puerto Rico.
Sec. 2015. Trade benefits for Nicaragua.

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR TRADE AGENCIES

Sec. 3001. Office of the United States Trade Representative.
Sec. 3002. United States International Trade Commission.
Sec. 3003. United States Customs Service.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 4001. Technical amendments regarding nondiscriminatory trade treatment.
Sec. 4002. Customs user fees.
Sec. 4003. Drug paraphernalia.
Sec. 4004. Prohibition on the importation of all articles originating in Burma.
Sec. 4005. International terrorism, deny GSP.
Sec. 4006. Competitiveness Policy Council.
Sec. 4007. Other technical and miscellaneous provisions.

TITLE V—ADMINISTRATIVE PROCEDURES FOR NONCONTROVERSIAL TARIFF SUSPENSIONS

Sec. 5001. Initiation of investigations.
Sec. 5002. Investigations by the Commission.
Sec. 5003. Action by the President.
Sec. 5004. Alternative schedules.
Sec. 5005. Effective date.

TITLE VI—FEDERAL TIMBER EXPORT RESTRICTIONS

Sec. 6001. Short title.
Sec. 6002. Purposes.

Subtitle A—Federal Lands

Sec. 6101. Restrictions on exporting of unprocessed timber.
Sec. 6102. Information gathering.
Sec. 6103. Exclusions.
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Subtitle B—Sanctions; Definitions; Effective Dates

Sec. 6201. Penalties.
Sec. 6202. Debarment.
Sec. 6203. Regulations.
Sec. 6204. Definitions.
Sec. 6205. Effective dates.

TITLE VII—STATE LANDS

Sec. 7001. Restriction of exports of unprocessed timber from State lands.
Sec. 7002. Definitions.
Sec. 7003. Effective date.

TITLE I—TARIFF PROVISIONS

Subtitle A—Amendments to the Harmonized Tariff Schedule of the United States

SEC. 1001. REFERENCE.

Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section, chapter, subchapter, note, heading, subheading, or other provision, the reference shall be considered to be made to a section, chapter, subchapter, note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

PART 1—PERMANENT CHANGES IN TARIFF TREATMENT

SEC. 1101. GLOVES, MITTENS, AND MITTS.

(a) ICE AND FIELD HOCKEY GLOVES.—

(1) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.10.10:

"	6116.10.05	Ice hockey gloves and field hockey gloves	Free	25% ".

(2) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.92.10:

"	6116.92.05	Ice hockey gloves and field hockey gloves	Free	45% ".

(3) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.93.10:

"	6116.93.05	Ice hockey gloves and field hockey gloves	Free	45% ".

(4) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.99.30:

"	6116.99.20	Ice hockey gloves and field hockey gloves	Free	45% ".

(5) Chapter 62 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6216.00.10:

"	6216.00.05	Ice hockey gloves and field hockey gloves	Free	25% ".

(6) Chapter 62 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6216.00.34:

"	6216.00.33	Ice hockey gloves and field hockey gloves	Free		45%	".

(7) Chapter 62 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6216.00.44:

"	6216.00.43	Ice hockey gloves and field hockey gloves	Free		45%	".

(b) OTHER SPORTS GLOVES.—The article descriptions in subheadings 6116.10.10, 6116.92.10, 6116.93.10, 6116.99.30, 6216.00.10, 6216.00.34 and 6216.00.44 are each amended to read as follows: "Other gloves, mittens, and mitts, principally designed for sports use, including ski and snowmobile gloves, mittens, and mitts".

SEC. 1102. CERTAIN CHIPPER KNIFE STEEL PRODUCTS.

(a) IN GENERAL.—Subchapter IV of chapter 72 is amended by striking out subheadings 7226.91.10 and 7226.91.30 Harmonized Tariff Schedule of the United States and inserting in lieu thereof the following new subheadings, with the article description for subheading 7226.91.05 having the same degree of indentation as subheading 7226.91.50:

"	7226.91.05	Of chipper knife steel	Free		34%	
		Other:				
	7226.91.10	Of a width of 300 mm or more	9.6%	Free (E, IL) 7.6% (CA)	29%	
	7226.91.30	Of a width of less than 300 mm	11.6%	Free (E, IL) 9.2% (CA)	34%	".

(b) STAGED RATE REDUCTION.—Any staged rate reduction of a rate of duty set forth in subheadings 7226.91.10 and 7226.91.30 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the date of enactment of this Act and is scheduled to take effect after the date of enactment of this Act shall take effect as provided in that proclamation.

SEC. 1103. BICYCLES HAVING 26-INCH WHEELS.

Heading 8712.00 is amended—

(1) by striking out "65 cm" each place it appears and inserting in lieu thereof "63.5 cm"; and

(2) by striking out "4 cm" in subheading 8712.00.20 and inserting in lieu thereof "4.13 cm".

SEC. 1104. EDIBLE MOLASSES CONTAINING NONSUGAR SOLIDS.

Paragraphs (a)(i), (h)(i), and (ij) of Additional U.S. Note 3 to chapter 17 are each amended by striking out "1702.90.40,".

SEC. 1105. TOBACCO PROCESSED IN CARIBBEAN BASIN COUNTRY.

The Additional United States Notes for chapter 24 are amended by adding at the end thereof the following new note:

"5. For purposes of heading 2401, any tobacco grown in the United States, and any article of tobacco grown in the United States, that falls within any subheading of heading 2401 for which the rate of duty of 'Free' followed by the symbol 'E' appears in the special subcolumn of rate of duty column 1 and that—

"(a) has been processed, advanced in value, or improved in condition in a designated beneficiary country enumerated in general note 3(c)(v), and

"(b) is not processed, advanced in value, or improved in condition in any country other than such a designated beneficiary country or the United States,

shall, when imported directly from such a designated beneficiary country, be accorded duty-free entry as an eligible article for the purpose of the Caribbean Basin Economic Recovery Act.".

SEC. 1106. ARTICLES EXPORTED AND RETURNED.

The U.S. notes to subchapter II of chapter 98 are amended by adding at the end thereof the following new note:

"6. Notwithstanding the partial exemption from duties for the value of the metal product exported from the United States provided under subheading 9802.00.60, articles imported under subheading 9802.00.60 are subject to all other duties, and any other restrictions or limitations, imposed pursuant to title VII of the Tariff Act of 1930 (19 U.S.C. 1671, et seq.) or chapter 1 of title II, or chapter 1 of title III, of the Trade Act of 1974 (19 U.S.C. 2251, et seq., 19 U.S.C. 2411 et seq.).".

SEC. 1107. BROOMS.

Chapter 96 is amended—

(1) by inserting "wholly or in part" after "Whiskbrooms," in the superior article description for subheading 9603.10.10; and

(2) by inserting "wholly or in part" after "Other brooms," in the superior article description for subheading 9603.10.40.

SEC. 1108. FOLIAGE-TYPE ARTIFICIAL FLOWERS.

Subheading 6702.90.40 is amended by striking out "Artificial flowers, of" in the article description and inserting in lieu thereof "Of".

SEC. 1109. GARMENTS TREATED AS WATER RESISTANT.

The Additional United States Note 2 to chapter 62 is amended by striking ", lining or inner lining".

PART 2—TEMPORARY CHANGES IN TARIFF TREATMENT

Subpart A—Existing Provisions

SEC. 1201. EXTENSION OF CERTAIN EXISTING PROVISIONS.

Each of the following headings is amended by striking out the date in the effective period column and inserting in lieu thereof "12/31/92":

(1) Heading 9902.08.07 (relating to fresh cantaloupes).

(2) Heading 9902.29.04 (relating to p-toluenesulfonyl chloride).

(3) Heading 9902.29.06 (relating to dicofol).

(4) Heading 9902.29.10 (relating to 6-hydroxy-2 naphthalenesulfonic acid and its sodium, potassium, and ammonium salts).

(5) Heading 9902.29.11 (relating to triethylene glycol dichloride).

(6) Heading 9902.29.13 (relating to 2,6-dichlorobenzaldehyde).

(7) Heading 9902.29.14 (relating to dinocap).

(8) Heading 9902.29.21 (relating to m-hydroxybenzoic acid).

(9) Heading 9902.29.22 (relating to d-6-methoxy-a-methyl-2-naphthaleneacetic acid and its sodium salt).

(10) Heading 9902.29.23 (relating to triphenyl phosphate).

(11) Heading 9902.29.24 (relating to 3-amino-3-methyl-1-butyne).

(12) Heading 9902.29.28 (relating to α,α,α,-trifluoro-o-toluidine).

(13) Heading 9902.29.30 (relating to 8-amino-1-naphthalenesulfonic acid and its salts).

(14) Heading 9902.29.31 (relating to 5-amino-2-(p-aminoanilino)benzenesulfonic acid).

(15) Heading 9902.29.33 (relating to 1-amino-8-hydroxy-3,6-naphthalenedisulfonic acid; and 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (H acid, monosodium salt)).

(16) Heading 9902.29.35 (relating to 6-amino-4-hydroxy-2-naphthalenesulfonic acid (gamma acid)).

(17) Heading 9902.29.38 (relating to 3,3'-dimethoxybenzidine (o-dianisidine) and its dihydrochloride).

(18) Heading 9902.29.40 (relating to 2-amino-5-nitrophenol).

(19) Heading 9902.29.43 (relating to 1-amino-2,4-dibromoanthraquinone).

(20) Heading 9902.29.44 (relating to 1-amino-4-bromo-2-anthraquinonesulfonic acid (bromamine acid) and its sodium salt).

(21) Heading 9902.29.47 (relating to 4-methoxyaniline-2-sulfonic acid).

(22) Heading 9902.29.49 (relating to benzethonium chloride).

(23) Heading 9902.29.51 (relating to N-(7-hydroxy-1-naphthyl)acetamide).

(24) Heading 9902.29.57 (relating to N,N-bis(2-cyanoethyl)aniline).

(25) Heading 9902.29.59 (relating to 2,2-bis(4-cyanatophenyl)propane).

(26) Heading 9902.29.60 (relating to triallate).

(27) Heading 9902.29.62 (relating to paraldehyde).

(28) Heading 9902.29.63 (relating to aminomethylphenylpyrazole).

(29) Heading 9902.29.64 (relating to amino-J-pyrazolone; methylphenylpyrazolone).

(30) Heading 9902.29.66 (relating to m-sulfamino-pyrazolone (m-sulfamidophenylmethylpyrazolone).

(31) Heading 9902.29.67 (relating to 3-methyl-1-(p-tolyl)-2-pyrazolin-5-one (p-tolyl methyl pyrazolone)).

(32) Heading 9902.29.69 (relating to 3-methyl-5-pyrazolone).

(33) Heading 9902.29.71 (relating to barbituric acid).

(34) Heading 9902.29.74 (relating to terfenadone).

(35) Heading 9902.29.76 (relating to 2-n-octyl-4-isothiazolin-3-one and on mixtures of 2-n-octyl-4-isothiazolin-3-one and application adjuvants).

(36) Heading 9902.29.79 (relating to 2-amino-N-ethylbenzenesulfonanilide).

(37) Heading 9902.30.04 (relating to nicotine resin complex).

(38) Heading 9902.32.04 (relating to methylene blue).

(39) Heading 9902.36.06 (relating to metaldehyde).

(40) Heading 9902.38.06 (relating to mixtures of dinocap and application adjuvants).
(41) Heading 9902.38.07 (relating to mixtures of mancozeb and dinocap).
(42) Heading 9902.38.08 (relating to mixtures of maneb, zineb, mancozeb, and metiram).
(43) Heading 9902.38.10 (relating to mixtures of 5-chloro-2-methyl-4-isothiazolin-3-one, 2-methyl-4-isothiazolin-3-one, magnesium chloride, and stabilizers).
(44) Heading 9902.38.11 (relating to mixtures of dicofol and application adjuvants).
(45) Heading 9902.39.14 (relating to cross-linked polyvinylbenzyltrimethylammonium chloride).
(46) Heading 9902.40.11 (relating to bicycle tires, inner tubes, and rim strips).
(47) Heading 9902.51.01 (relating to certain wools).
(48) Heading 9902.61.00 (relating to certain knitwear fabricated in Guam).
(49) Heading 9902.70.13 (relating to certain kitchenware).
(50) Heading 9902.73.12 (relating to cable or inner wire for caliper brakes).
(51) Heading 9902.73.15 (relating to bicycle chains).
(52) Heading 9902.84.44 (relating to machines designed for heat-set, stretch texturing of continuous man-made fibers).
(53) Heading 9902.84.48 (relating to circular knitting machines and parts).
(54) Heading 9902.84.51 (relating to knitting needles).
(55) Heading 9902.85.12 (relating to generator lighting sets for bicycles).
(56) Heading 9902.87.14 (relating to caliper brakes).
(57) Heading 9902.29.27 (relating to tetraamino biphenyl).
(58) Heading 9902.29.88 (relating to cyclosporine).
(59) Heading 9902.66.03 (relating to frames for hand-held umbrellas).
(60) Heading 9902.26.14 (relating to synthetic rutile).
(61) Heading 9902.57.01 (relating to needlecraft display models, primarily hand stitched, of completed mass-produced kits).
(62) Heading 9902.29.52 (relating to 2,5-dimethoxyacetanilide).
(63) Heading 9902.29.61 (relating to 3-(4'-aminobenzamido)phenyl-β-hydroxyethylsulfone).
(64) Heading 9902.29.25 (relating to 4-chloro-2-nitroaniline).
(65) Heading 9902.29.07 (relating to 2-[(3-nitrophenyl)-sulfonyl]ethanol).
(66) Heading 9902.29.42 (relating to 4-chloro-2,5-dimethoxyaniline).
(67) Heading 9902.29.45 (relating to 3.4-diaminophenetole dihydrogen sulfate).
(68) Heading 9902.84.42 (relating to certain narrow weaving machines).
(69) Heading 9902.84.45 (relating to certain wool carding and spinning machinery).
(70) Heading 9902.84.50 (relating to certain lace braiding machines).
(71) Heading 9902.29.86 (relating to 2,4-dichloro-5-sulfamoylbenzoic acid).
(72) Heading 9902.25.04 (relating to graphite).

SEC. 1202. AROMATIC COUPLERS AND COUPLE INTERMEDIATES.

Headings 9902.29.01 and 9902.37.07 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are each amended by striking out "12/31/90" and inserting in lieu thereof "12/31/92".

SEC. 1203. CERTAIN HOSIERY KNITTING MACHINES.

Heading 9902.84.47 is amended—
(1) by striking out "12/31/90" and inserting in lieu thereof "12/31/92",
(2) by striking out "single cylinder fine gauge and all double cylinder" and inserting in lieu thereof "and parts thereof", and
(3) by striking out "or 8447.20.60" and inserting in lieu thereof ", 8447.20.60, or 8448.59.10".

SEC. 1204. PARTS AND ACCESSORIES OF COPYING MACHINES.

Heading 9902.90.90 is amended—
(1) by inserting "and accessories" after "Parts",
(2) by inserting ", and parts and accessories and accessory and ancillary machines which are intended for attachment to an electrostatic photocopier and which do not operate independently of such photocopier (provided for in subheading 8472.90.80)" after "(provided for in subheading 9009.90.00)", and
(3) by striking out "12/31/90" and inserting in lieu thereof "12/31/92".

SEC. 1205. TOY JEWELRY, CERTAIN SMALL TOYS AND NOVELTY GOODS.

Heading 9902.71.13 is amended to read as follows:

"	9902.71.13	Toy jewelry provided for in subheading 7117.19.10, 7117.19.50, 7117.90.40 (except parts) or 7117.90.50 (except parts) valued not over 5¢ per piece; and articles (except parts) provided for in heading 9502, 9503, or 9504 or subheading 9505.90 (except balloons, marbles, dice, and diecast vehicles), valued not over 5¢ per unit	Free	No change	No change	On or before 12/31/92	".

SEC. 1206. JACQUARD CARDS.

(a) EXISTING SUSPENSION.—Heading 9902.48.23 is amended—
(1) by striking out "4823.90.85" in the article description and inserting in lieu thereof "3926.90.90, 4823.30.00, 4823.90.85,", and
(2) by striking "12/31/90" and inserting in lieu thereof "12/31/92".
(b) CARDS TO BE USED AS JACQUARD CARDS.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.27	Cards, not punched, suitable for use as, or in making, jacquard cards (provided for in subheading 3926.90.90, 4823.30.00, or 4823.90.85)	Free	No change	No change	On or before 12/31/92	".

SEC. 1207. C-AMINES.

Heading 9902.29.29 is repealed.

SEC. 1208. CORNED BEEF IN AIRTIGHT CONTAINERS.

Heading 9902.16.02 is amended—
(1) by striking out "3%" and inserting in lieu thereof "Free"; and
(2) by striking out "12/31/89" and inserting in lieu thereof "12/31/92".

SEC. 1209. MENTHOL FEEDSTOCKS.

Heading 9902.29.05 is amended—
(1) by striking out "20 percent" in the article description and inserting in lieu thereof "30 percent", and
(2) by striking out "12/31/90" and inserting in lieu thereof "12/31/92".

SEC. 1210. SURGICAL GOWNS AND DRAPES.

Heading 9902.62.10 is amended to read as follows:

"	9902.62.10	Spunlaced or bonded fiber fabric disposable gowns of manmade fibers for use in performing surgical procedures (provided for in subheading 6210.10.40) and spunlaced or bonded fiber fabric disposable surgical drapes of manmade fibers (provided for in subheading 6307.90.70)	5.6%	No change (E*, IL) 3.3% (CA)	26.5%	On or before 12/31/92, except that in the case of goods originating in the territory of Canada, the effective period is on or before 12/31/98	".

Subpart B—New Provisions

SEC. 1301. CALCIUM ACETYLSALICYLATE (CALCIUM CARBASPIRIN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.07	Calcium acetylsalicylate (provided for in subheading 2918.22.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1302. BENDIOCARB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.08	2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb) (provided for in subheading 2932.90.10)	Free	No change	No change	On or before 12/31/92	".

SEC. 1303. CERTAIN GLASS BULBS.

Chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.70.11	Monochrome glass envelopes with both (1) gray, tinted skirted faceplates, and (2) either a video display diagonal of 14 inches and under or a transmission level of 37% or less (provided for in subheading 7011.20.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1304. OCTADECYL ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.09	Octadecyl isocyanate (provided for in subheading 2929.10.40)	Free	No change	No change	On or before 12/31/92	".

SEC. 1305. MOLTEN-SALT-COOLED ACRYLIC ACID REACTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.19	Molten-salt-cooled acrylic acid reactors and their associated parts, accessories, and equipment, imported as an entirety (provided for in subheading 8419.89.50, 8419.90.30, or 8419.90.90)	Free	No change	No change	On or before 12/31/92	".

SEC. 1306. DIMETHYLBENZYLIDENE SORBITOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.10	Dimethylbenzylidene sorbitol (provided for in subheading 2932.90.41)	Free	No change	No change	On or before 12/31/92	".

SEC. 1307. 4,4'-ISOPROPYLIDENEDICYCLOHEXANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.11	4,4'-Isopropylidenedicyclohexanol (provided for in subheading 2906.19.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1308. SULFACHLOROPYRIDAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.12	Sulfachloropyridazine (provided for in subheading 2935.00.39)	Free	No change	No change	On or before 12/31/90	".

SEC. 1309. THIOTHIAMINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.13	Thiothiamine hydrochloride (CAS No. 2443-50-7) (provided for in subheading 2934.10.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1310. PARAMINE ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.14	1,4-Diaminobenzene-2-sulfonic acid (CAS No. 88-45-9) (provided for in subheading 2921.59.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1311. SUCRALFATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.30.57	Sucralfate (provided for in subheading 2940.00.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1312. ANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.16	Anthraquinone (provided for in subheading 2914.61.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1313. THEOBROMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.17	Theobromine (provided for in subheadings 2939.90.10 and 2939.90.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1314. CHLORHEXANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.18	Chlorhexanone (provided for in subheading 2914.70.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1315. NAPHTHALIC ACID ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.19	Naphthalic acid anhydride (provided for in subheading 2917.39.10)	Free	No change	No change	On or before 12/31/92	".

SEC. 1316. K-ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.20	1-Amino-8-hydroxy-4,6-naphthalene-disulfonic acid, monosodium salt (CAS No. 85294-32-2) (provided for in subheading 2922.21.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1317. BROENNER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.21	2-Naphthylamine-6-sulfonic acid (CAS No. 93-00-5) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1318. D SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.22	2-Naphthylamine-1,5-disulfonic acid and the monosodium salt (CAS Nos. 117-62-4 and 19532-03-07) (provided for in subheading 2921.42.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1319. NEVILLE AND WINTER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.23	1-Naphthol-4-sulfonic acid and the monosodium salt (CAS Nos. 84-87-7 and 6099-57-6) (provided for in subheading 2908.20.10)	Free	No change	No change	On or before 12/31/92	".

SEC. 1320. ANIS BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.24	3-Aminomethoxy-benzanilide (provided for in subheading 2924.29.25)	Free	No change	No change	On or before 12/31/92	".

SEC. 1321. NAPHTHOL AS TYPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.25	3-Hydroxy-2-naphthanilide (CAS No. 92-77-3); 3-Hydroxy-2-naphtho-o-toluidide (CAS No. 135-61-5); 3-Hydroxy-2-naphtho-o-anisidide (CAS No. 135-62-6); 3-Hydroxy-2-naphtho-o-phenetidide (CAS No. 92-74-0); 3-Hydroxy-2-naphtho-4-chloro-2,5-dimethoxyanilide (CAS No. 4273-92-1); and N,N'-bis(acetoacetyl-o-toluidine) (CAS No. 91-96-3) (provided for in subheading 2924.29.14)	Free	No change	No change	On or before 12/31/92	".

SEC. 1322. CEFTAZIDIME TERTIARY BUTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.60.10	(6R, 7R)-7-[(Z)-2-(2-Aminothiazol-4-yl)-2-[(2-tert-butoxycarbonyl)prop-2-oxyiminol acetamido]-3-(1-pyridinium-methyl)ceph-3-em-4-carboxylate (Ceftazidime tertiary butyl ester) (provided for in subheading 2934.90.25)	Free	No change	No change	On or before 6/30/92	".

SEC. 1323. CERTAIN PLASTIC WEB SHEETING.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following new note:

"10. For purposes of heading 9902.56.03, the term 'nonwoven fiber sheet' means sheet comprising a highly uniform and random array of polyester fibers of 1.5 to 3.0 denier, thermally bonded and calendered into a smooth surface web having—

"(a) a thickness of 3.7 to 4.0 mils;

"(b) a basis weight of 2.5 oz. per sq. yd.;

"(c) a machine tensile strength of 30 lb. per sq. in. or greater;

"(d) a low cross-direction tensile (approximately ⅓ of MD tensile strength); and

"(e) a Frazier air permeability of 1.0 to 1.5 cfm per sq. ft."; and

(2) by inserting in numerical sequence the following new heading:

"	9902.56.03	Nonwoven fiber sheet (provided for in subheading 5603.00.90)	Free	No change	No change	On or before 12/31/92	".

SEC. 1324. MAGNETIC VIDEO TAPE RECORDINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.24	Video tape recordings of a width exceeding 6.5 mm but not exceeding 16 mm, in cassettes of United States origin as certified by the importers, and valued at not over $7.00 per pre-recorded cassette unit (provided for in subheading 8524.23.10)	Free	No change	No change	On or before 12/31/92	".

SEC. 1325. MIXED ORTHO/PARA TOLUENESULFONOMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.26	Mixed ortho/para toluenesulfonamide (provided for in subheading 2935.00.47)	Free	No change	No change	On or before 12/31/92	"

SEC. 1326. 2,6-DICHLOROBENZONITRILE.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.27	2,6-Dichlorobenzonitrile (provided for in subheading 2926.90.10)	Free	No change	No change	On or before 12/31/92	"

(b) WITH INERTS.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.13	Mixtures of 2,6-dichlorobenzonitrile (90%) and inerts (up to 10%) (provided for in subheading 3808.30.10)	Free	No change	No change	On or before 12/31/92	"

SEC. 1327. 1-[1-((4-CHLORO-2-(TRIFLUOROMETHYL)PHENYL) IMINO)-2-PROPOXYETHYL]-1-H-IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.28	1-[1-((4-Chloro-2-(trifluoromethyl)- phenyl)imino)-2-propoxyethyl]-1-H-imidazole (provided for in subheading 2933.29.30)	Free	No change	No change	On or before 12/31/92	"

SEC. 1328. CERTAIN CHRISTMAS ORNAMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.95.05	Christmas ornaments other than ornaments of glass or wood (provided for in subheading 9505.10.25)	Free	No change	No change	On or before 12/31/92	"

SEC. 1329. FROZEN CARROTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.07.10	Carrots, frozen (provided for in subheading 0710.80.70)	2.2¢/kg	No change	No change	On or before 12/31/92	"

SEC. 1330. IMPACT LINE PRINTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.65	Impact line printers using band drive mechanisms and capable of printing speeds of not less than 1,300 lines per minute (provided for in subheading 8471.92.65)	No change	No change	3.75%	On or before 12/31/92	"

SEC. 1331. AMINO ACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.29	4-Aminoacetanilide (CAS No. 122-80-5) (provided for in subheading 2924.29.45)	Free	No change	No change	On or before 12/31/92	"

SEC. 1332. 6 AMINO-2-NAPHTHENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.30	6-Amino-2-naphthalenesulfonic acid (CAS No. 93-00-5) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1333. 8 AMINO-2-NAPHTHENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.31	8-Amino-2-naphthalenesulfonic acid (CAS No. 119-28-8) (provided for in subheading 2921.45.20)	Free	No change	No change	On or before 12/31/92	"

SEC. 1334. 5 (AND 8) AMINO-2 NAPHTHALENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.32	Mixtures of 5- and 8-amino-2-naphthalenesulfonic acid (CAS No. 119-28-8) (provided for in subheading 2921.45.30)	Free	No change	No change	On or before 12/31/92	"

SEC. 1335. 5 AMINO 2 NAPHTHALENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.33	5-Amino-2-naphthalenesulfonic acid (CAS No. 119-79-9) (provided in subheading 2921.45.10)	Free	No change	No change	On or before 12/31/92	"

SEC. 1336. 1-NAPHTHYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.34	1-Naphthylamine (CAS No. 134-32-7) (provided for in subheading 2921.45.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1337. 4 AMINO-1-NAPHTHALENE SULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.35	4-Amino-1-naphthalenesulfonic acid, sodium salt (CAS No. 130-13-2) (provided for in subheading 2921.45.20)	Free	No change	No change	On or before 12/31/92	"

SEC. 1338. 1,4 DIHYDROXYANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.36	1,4-Dihydroxy-anthraquinone (CAS No. 81-64-1) (provided for in subheading 2914.69.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1339. 7 NITRO NAPHTH [1,2] OXADIAZOLE 5-SULFONIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.37	7-Nitronaphth-[1,2] oxadiazole-5-sulfonic acid (CAS No. 84-91-3) (provided for in subheading 2934.90.06)	Free	No change	No change	On or before 12/31/92	"

SEC. 1340. 4-CHLORO-α-α-α-TRIFLUORO-O-TOLUIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.38	4-Chloro-α,α,α-trifluoro-o-toluidine (CAS No. 445-03-4) (provided for in subheading 2921.43.10)	Free	No change	No change	On or before 12/31/92	"

SEC. 1341. 7-AMINO-1,3-NAPHTHALENESULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.39	7-Amino-1,3-naphthalenesulfonic acid, monopotassium salt (CAS No. 842-15-9) (provided for in subheading 2921.45.10)	Free	No change	No change	On or before 12/31/92	"

SEC. 1342. 2-AMINO-4-CHLOROPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.40	2-Amino-4-chlorophenol (CAS No. 95-85-2) (provided for in subheading 2922.29.10)	Free	No change	No change	On or before 12/31/92	"

SEC. 1343. 2,4-DIAMINO BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.41	2,4-Diaminobenzene-sulfonic acid (CAS No. 88-63-1) (provided for in subheading 2921.50.51)	Free	No change	No change	On or before 12/31/92	"

SEC. 1344. 2,5 DICHLORO-4-(3-METHYL-5-OXO-2 PYRAZOLIN-1-YL) BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.42	2,5-Dichloro-4-(3-methyl-5-oxo-2-pyrazolin-1-yl)-benzenesulfonic acid (CAS No. 84-57-1) (provided for in subheading 2933.19.424)	Free	No change	No change	On or before 12/31/92	"

SEC. 1345. 7-HYDROXY 1,3-NAPHTHALENE DISULFONIC ACID-DIPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.43	7-Hydroxy-1,3-naphthalene-disulfonic acid, dipotassium salt (CAS No. 842-18-2) (provided for in subheading 2908.20.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1346. O-ANISIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.44	o-Anisidine (CAS No. 90-04-0) (provided for in subheading 2922.22.10)	Free	No change	No change	On or before 12/31/92	"

SEC. 1347. 1-AMINO-2-BROMO-4-HYDROXYANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.45	1-Amino-2-bromo-4-hydroxy-anthraquinone (CAS No. 116-82-5) (provided for in subheading 2922.50.40)	Free	No change	No change	On or before 12/31/92	"

SEC. 1348. 2-CHLORO-4-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.46	2-Chloro-4-nitroaniline (CAS No. 121-87-9) (provided for in subheading 2921.42.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1349. (1,3,3 TRIMETHYL-INDOLINE-2-YLIDENE) ACETALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.47	(1,3,3-Trimethyl-indoline-2-ylidene)-acetaldehyde (CAS No. 84-83-3) (provided for in subheading 2933.90.39)	Free	No change	No change	On or before 12/31/92	"

SEC. 1350. 2,3 DIHYDRO 1,3,3 TRIMETHYL-2-METHYLENE-1H-INDOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.48	1,3,3-Trimethyl-2-methyleneindoline (CAS No. 118-12-7) (provided for in subheading 2933.90.39)	Free	No change	No change	On or before 12/31/92	"

SEC. 1351. 2[(4 AMINOPHENYL) SULFONYL] ETHANOL HYDROGEN SULFATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.49	2[(4-Aminophenyl)-sulfonyl]ethanol, hydrogen sulfate ester (CAS No. 2494-89-5) (provided for in subheading 2930.90.20)	Free	No change	No change	On or before 12/31/92	"

SEC. 1352. 7-ANILINO-4-HYDROXY-2 NAPHTHALENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.50	7-Anilino-4-hydroxy-2-naphthalenesulfonic acid (CAS No. 119-40-4) (provided for in subheading 2922.29.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1353. 1,4-DIAMINO-2,3 DIHYDROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.51	1,4-Diamino-2,3-dihydro-anthraquinone (CAS No. 81-63-0) (provided for in subheading 2922.30.30).....	Free	No change	No change	On or before 12/31/92	".

SEC. 1354. CASTOR OIL AND ITS FRACTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.15.15	Castor oil and its fractions (provided for in subheading 1515.30.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1355. 0,0-DIMETHYL-S-[(4-OXO-1,2,3-BENZOTRIAZIN-3-(4H)-YL)METHYL] PHOSPHORODITHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.52	0,0-Dimethyl-S-[(4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl] phosphorodithioate (provided for in subheading 2933.90.18)	Free	No change	No change	On or before 12/31/92	".

SEC. 1356. SUSPENSION OF DUTY ON CERTAIN MACHINES FOR USE IN THE MANUFACTURE OF WHEELS FOR BICYCLES AND ON CERTAIN BICYCLE PARTS.

(a) MACHINES.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.79	Wheelbuilding, wheeltruing, rim punching, tire fitting and similar machines for use in the manufacture of wheels for bicycles (provided for in subheading 8479.89.90).....	Free	No change	No change	On or before 12/31/92	".

(b) CERTAIN PARTS.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.87.15	Bicycle handlebar stems wholly of aluminum alloy, valued over $2.15 each (provided for in subheading 8714.99.90).....	Free	No change	No change	On or before 12/31/92	
	9902.87.16	Bicycle handlebar stem rotor assemblies (provided for in subheading 8714.99.90).....	Free	No change	No change	On or before 12/31/92	".

SEC. 1357. L-ALANYL - L-PROLINE, ALSO KNOWN AS ALA PRO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.53	L-Alanyl-L-proline (provided for in subheading 2933.90.50).....	Free	No change	No change	On or before 12/31/92	".

SEC. 1358. TFA LYS PRO IN FREE BASE AND TOSYL SALT FORMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.54	Trifluoroacetyl-L-lysine-L-proline in free base and tosyl salt forms (provided for in subheadings 2922.49.50 and 2922.49.30, respectively)	Free	No change	No change	On or before 12/31/92	".

SEC. 1359. CERTAIN TIMING APPARATUS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.91.06	Apparatus for measuring, recording, or otherwise indicating intervals of time, with clock or watch movements, battery or AC powered and with opto-electronic display only (provided for in subheading 9106.90.80).....	3.9% on the apparatus + 5.3% on the battery	No change	No change	On or before 12/31/92	".

SEC. 1360. CIPROFLOXACIN HYDROCHLORIDE, CIPROFLOXACIN, AND NIMODIPINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.30.55	Nimodipine (provided for in subheading 2933.39.35)..	Free	No change	No change	On or before 12/31/92	
	9902.30.56	Ciprofloxacin and its hydrochloride salt (provided for in subheading 2933.59.27).....	Free	No change	No change	On or before 12/31/92	".

SEC. 1361. CERTAIN FURNITURE AND SEATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.94.01	Furniture, seats, and parts thereof, of cane, osier, bamboo or other similar materials, including rattan (provided for in subheading 9401.50.00, 9401.90.25, 9403.80.30, or 9403.90.25)	Free	No change	No change	On or before 12/31/92	".

SEC. 1362. WICKER PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.46.02	Wicker products (provided for in subheading 4602.10.11, 4602.10.13, 4602.10.19, 4602.10.40, or 4602.10.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1363. (6R-(6A,7B(Z)))-7-(((2-AMINO-4-THIAZOLYL)((CARBOXY-METHOXY) IMINO) ACETYL) AMINO)-3-ETHENYL-8-OXO-5-THIA-1-AZABICYCLO(4.2.0) OCT-2-ENE-2-CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.58	(6R-(6a,7B(z)))-7-(((2-Amino-4-thiazolyl)((carboxymethoxy) imino) acetyl) amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0)- oct-2-ene-2-carboxylic acid (provided for in subheading 2941.90.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1364. N-(4-(((2-AMINO-5-FORMYL-1,4,5,6,7,8-HEXAHYDRO-4-OXO-6-PTERIDINYL) METHYL)AMINO)BENZOYL)-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.59	N-(4-(((2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl) methyl)amino)benzoyl)-L-glutamic acid (provided for in subheading 2936.29.20)	Free	No change	No change	On or before 12/31/92	".

SEC. 1365. (1)3-QUINOLINECARBOXYLIC ACID, 1-ETHYL-6-FLUORO-1,4-DIHYDRO-4-OXO-7-(1-PIPERAZINYL)-, ALSO KNOWN AS NORFLOXACIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.60	1-Ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl)-3-quinolinecarboxylic acid (Norfloxacin) (provided for in subheading 2933.59.27)	Free	No change	No change	On or before 12/31/92	".

SEC. 1366. 2,2-DIMETHYLCYCLOPROPYLCARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.61	2,2-Dimethylcyclopropyl-carboxamide (provided for in subheading 2924.29.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1367. N-AMIDINO-3,5-DIAMINO-6-CHLOROPYRAZINECARBOXAMIDE MONOHYDROCHLORIDE DIHYDRATE, ALSO KNOWN AS AMILORIDE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.62	N-Amidino-3,5-diamino-6-chloropyrazinecarboxamide, monohydrochloride dihydrate (Amiloride hydrochloride) (provided for in subheading 2933.90.36)	Free	No change	No change	On or before 12/31/92	".

SEC. 1368. CHEMICAL LIGHT ACTIVATOR BLEND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.63	Mixtures of dimethyl phthalate, t-butanol, hydrogen peroxide, and sodium salicylate (provided for in subheading 3823.90.29)	Free	No change	No change	On or before 12/31/92	".

SEC. 1369. GRIPPING NARROW FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.58.06	Fastener fabric tapes of man made fibers (provided for in subheading 5806.10.20)	7%	No change	No change	On or before 12/31/92	".

SEC. 1370. BPIP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.64	N,N'-Bis(2,2,6,6-tetramethyl-4-piperadinyl)-1,6-hexanediamine (CAS No. 612-55-7) (provided for in subheading 2933.39.47)	Free	No change	No change	On or before 12/31/92	".

SEC. 1371. MBEP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.65	Monobutyl-p-ethylphenol (provided for in subheading 2907.19.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1372. 2-ETHYLANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.66	2-Ethylanthraquinone (provided for in subheading 2914.69.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1373. RHODAMINE 2C BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.67	Rhodamine 2C base (CAS No. 41382-37-0) (provided for in subheading 2932.90.45)	Free	No change	No change	On or before 12/31/92	".

SEC. 1374. POLYMIN P AND POLYMIN P HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.11	Polymin P and Polymin P hydrochloride (provided for in subheading 3911.90.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1375. POLYMIN SNA 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.12	Polymin SNA 60 (CAS No. 28825-79-8) (provided for in subheading 3911.90.30)	Free	No change	No change	On or before 12/31/92	".

SEC. 1376. ORNITHINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.68	L-Ornithine, ethyl ester (L-2,5-Diamino-pentanoic acid) (CAS No. 84772-29-2) (provided for in subheading 2922.49.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1377. TEICOPLANIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.69	Teicoplanin (provided for in subheading 3003.20.00 or 3004.20.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1378. ACETOACET-PARA-TOLUIDIDE (AAPT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.70	Acetoacet-para-toluidide (provided for in subheading 2924.29.09)	Free	No change	No change	On or before 12/31/92	".

SEC. 1379. ACETOACETSULFANILIC ACID, POTASSIUM SALT (AA SULFANILIC ACID POTASSIUM SALT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.71	Acetoacetsulfanilic acid, potassium salt (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 12/31/92	"

SEC. 1380. 6-METHYLURACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.72	6-Methyluracil (provided for in subheading 2933.59.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1381. ETHYL 2-(2-AMINOTHIAZOLE-4-YL)-2-HYDROXYIMINO- ACETATE (ATHAET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.73	Ethyl 2-(2-aminothiazole-4-yl)-2-hydroxyiminoacetate (provided for in subheading 2934.10.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1382. ETHYL 2-(2-AMINOTHIAZOLE-4-YL)-2-METHOXYIMINO- ACETATE (ATMAET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.74	Ethyl 2-(2-aminothiazole-4-yl)-2-methoxyiminoacetate (provided for in subheading 2934.10.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1383. 4,4'-METHYLENE-BIS-(2,6-DIMETHYLPHENYLCYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.75	4,4'-Methylenebis-(2, 6-dimethylphenylcyanate) (provided for in subheading 2907.29.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1384. 2,2'-BIS(4-CYANATOPHENYL-1,1,1,3,3,3-HEXAFLUOROPROPANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.76	2,2'-Bis(4-cyanatophenyl)-1,1,1,3,3,3-hexafluoropropane (provided for in subheading 2929.90.10)	Free	No change	No change	On or before 12/31/92	"

SEC. 1385. 4,4'-THIODIPHENYL CYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.77	4,4'-Thiodiphenyl cyanate (provided for in subheading 2930.90.20)	Free	No change	No change	On or before 12/31/92	"

SEC. 1386. 1,1-ETHYLIDENE-BIS-(PHENYL-4-CYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.78	1,1-Ethylidenebis-(phenyl-4-cyanate) (provided for in subheading 2929.90.10)	Free	No change	No change	On or before 12/31/92	"

SEC. 1387. HYDROCARBON NOVOLAC CYANATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.79	Hydrocarbon novolac cyanate ester (provided for in subheading 3911.90.30)	Free	No change	No change	On or before 12/31/92	"

SEC. 1388. 4,4'-METHYLENE-BIS-(3-CHLORO-2,6-DIETHYL ANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.80	4,4'-Methylenebis-(3-chloro-2,6-diethylaniline) (provided for in subheading 2921.42.30)	Free	No change	No change	On or before 12/31/92	"

SEC. 1389. 4,4'-METHYLENE-BIS-(2,6-DIISOPROPYL ANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.81	4,4'-Methylenebis-(2,6-diisopropyl-aniline) (provided for in subheading 2921.42.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1390. L-CARNITINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.82	L-Carnitine (provided for in subheading 2923.90.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1391. DIPHENOLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.83	4,4-Bis(4-hydroxyphenyl)pentanoic acid (CAS No. 126-00-1) (provided for in subheading 2918.29.40)	Free	No change	No change	On or before 12/31/92	".

SEC. 1392. 2,6-HNA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.84	6-Hydroxy-2-naphthoic acid (provided for in subheading 2918.29.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1393. ADC-6.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.85	3-Amino-2-(1-hydroxyethyl)-pentanedioic acid, 5-methyl ester (provided for in subheading 2922.50.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1394. DIFLUNISAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.86	2',4'-Difluoro-4-hydroxy-3-biphenylcarboxylic acid (Diflunisal) (provided for in subheading 2918.29.40)	Free	No change	No change	On or before 12/31/92	".

SEC. 1395. TRIFLUOROMETHYLANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.87	3-(Trifluoromethyl-aniline (CAS No. 98-16-8) (m-Aminobenzotrifluoride) (provided for in subheading 2921.43.50)	Free	No change	No change	On or before 12/31/90	".

SEC. 1396. TAMOXIFEN CITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.88	Tamoxifen citrate (provided for in subheading 2922.19.10)	Free	No change	No change	On or before 12/31/92	".

SEC. 1397. FENOFIBRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.89	2-[4-(4-Chlorobenzoyl)phenoxy]-2-methylpropanoic acid, isopropyl ester (Fenofibrate) (provided for in subheading 3004.90.60)	Free	No change	No change	On or before 12/31/92	".

SEC. 1398. 6-T-BUTYL 2,4 XYLENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.90	6-t-Butyl-2,4-xylenol (provided for in subheading 2907.19.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1399. 2,4-DIAMINO-6-PHENYL-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.91	2,4-Diamino-6-phenyl-1,3,5-triazine (provided for in subheading 2933.69.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1400. IOPAMIDOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.92	Iopamidol (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 9/30/91	".

SEC. 1401. IOHEXOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.93	N,N'-Bis(2,3-dihydroxypropyl)-5-[N-(2,3-dihydroxypropyl)-acetamido]-2,4,6-triiodoisophthalamide (Iohexol) (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 9/30/91	".

SEC. 1402. p-HYDROXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.94	p-Hydroxybenzaldehyde (provided for in subheading 2912.49.20)	Free	No change	No change	On or before 12/31/92	".

SEC. 1403. IOXAGLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.95	N-(2-Hydroxyethyl)-2,4,6-triiodo-5-[2-(2,4,6-triiodo-3-(N-methylacetamido)-5-(methylcarbamoyl)benzamido)acetamido]-isophthalamic acid (Ioxaglic acid) (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 9/30/91	".

SEC. 1404. 7-ACETYL-1,1,3,4,4,6-HEXAMETHYLTETRAHYDRO- NAPHTHALENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.96	7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene (provided for in subheading 2914.30.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1405. MODELING PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.34.07	Modeling pastes (provided for in subheading 3407.00.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1406. MERCURIC OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.25	Mercuric oxide (provided for in subheading 2825.90.60)	Free	No change	No change	On or before 12/31/92	".

SEC. 1407. 2,3,6-TRIMETHYLPHENOL (TMP).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.97	2,3,6-Trimethylphenol (provided for in subheading 2907.29.30)	Free	No change	No change	On or before 12/31/92	".

SEC. 1408. PROTECTIVE SPORTS APPAREL.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following:

"11. The general column 1 rate of duty for articles provided for under heading 9902.62.01 is a rate equal to the column 1 rate of duty that would have applied to such articles under the Tariff Schedules of the United States on the day before the effective date of this schedule."; and

(2) by inserting in numerical sequence the following new heading:

"	9902.62.01	Ice hockey pants, field hockey pants, and articles provided for under subheading 6201.93, 6203.43, 6101.30, or 6103.43 which because of their design, fabric, construction and special features provide protection to athlete participants against the hazards of a sport such as injury from blows, falls, flying objects, road burns, or fire	The rates of duty prescribed in U.S. note 11 to the subchapter	No change	No change	On or before 12/31/92	"

SEC. 1409. 1,5-NAPHTHALENE DIISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.98	1,5-Naphthalene diisocyanate (provided for in subheading 2929.90.10)	Free	No change	Free	On or before 12/31/92	"

SEC. 1410. SELF-FOLDING TELESCOPIC SHAFT, COLLAPSIBLE UMBRELLAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.66.01	Self-folding telescopic shaft, collapsible umbrellas chiefly used for protection against rain (provided for in subheading 6601.91.00)	Free	No change	No change	On or before 12/31/92	"

SEC. 1411. 1,6-HEXAMETHYLENE DIISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.99	1,6-Hexamethylene diisocyanate (provided for in subheading 2929.10.50)	7.9%	No change (E,IL) Free (CA)	No change	On or before 12/31/92	"

SEC. 1412. CERTAIN IN-LINE ROLLER SKATE BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.64.02	Skating boots (provided for in subheading 6402.19.10) actually used in the manufacture of in-line roller skates	Free	No change	No change	On or before 12/31/92	"

SEC. 1413. CERTAIN VENEER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.21	Manmade or recomposed wood veneer not exceeding 6 mm in thickness, sliced from a block composed of wood veneer sheets produced from logs and flitches (provided for in subheading 4421.90.90)	Free	No change	No change	On or before 12/31/92	"

SEC. 1414. p-TOLUALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.00	p-Tolualdehyde (provided for in subheading 2912.29.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1415. DILTIAZEM HYDROCHLORIDE, AND SUSTAINED RELEASE DILTIAZEM HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.01	Diltiazem hydrochloride (provided for in subheading 2934.90.25, 3003.90.00, or 3004.90.60)	Free	No change	No change	On or before 12/31/92	"

SEC. 1416. CLENTIAZIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.04	(+)-cis-(2s, 3s)-3-(Acetoxy)-8-chloro-5-[2-(dimethylamino) ethyl]-2,3-dihydro-2-(4-methodxyphenyl)-					

		1,5-benzothiazepin-4(5H) one maleate (provided for in subheading 2934.90.25)	Free	No change	No change	On or before 12/31/92	".

SEC. 1417. PERSONAL EFFECTS AND EQUIPMENT OF PARTICIPANTS AND OFFICIALS INVOLVED IN THE 1990 GOODWILL GAMES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.98.00	Personal effects of aliens who are participants in or officials of the 1990 Goodwill Games, or who are accredited members of delegations thereto, or who are members of the immediate families of any of the foregoing persons, or who are their servants; equipment for use in connection with such games, and other related articles as prescribed by the Secretary of the Treasury	Free		Free	On or before 9/30/90	".

SEC. 1418. COPPER ACETATE MONOHYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.05	Copper acetate monohydrate (provided for in subheading 2915.29.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1419. PARTS OF GENERATORS FOR USE ON AIRCRAFT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.03	Parts of generators suitable for use on aircraft (provided for in subheading 8504.40.00 or 8525.20.20)	Free	No change	No change	On or before 12/31/92	."

SEC. 1420. CERTAIN INFANT NURSERY MONITORS AND INTERCOMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.85.25	Infant nursery intercommunication systems, each consisting in the same package of a pair of transceivers operating on frequencies from 49.82 to 49.90 mHz and an electrical adapter (provided for in subheading 8504.40.00 or 8525.20.20)	Free	No change	No change	On or before 12/31/92	
	9902.85.26	Infant nursery monitor systems, each consisting in the same package of a radio transmitter, an electrical adapter, and a radio receiver (provided for in subheading 8504.40.00, 8525.10.60, or 8527.39.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1421. CERTAIN GLASS FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.70.19	Fiberglass rubber reinforcing cord or yarn made from electrically nonconductive continuous fiberglass filaments 9 microns in diameter or 10 microns in diameter and impregnated with resorcinol formaldehyde latex treatment for adhesion to polymeric compounds (provided for in subheading 7019.10.10, 7019.10.20, or 7019.10.60)	Free	No change	No change	On or before 12/31/92	
	9902.70.20	Fiberglass tire cord fabric woven from electrically nonconductive continuous fiberglass filaments 9 microns in diameter or 10 microns in diameter and impregnated with resorcinol formaldehyde latex treatment for adhesion to polymeric compounds (provided for in subheading 7019.20.10, 7019.20.20, or 7019.20.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1422. THREE-DIMENSIONAL CAMERAS.

Subchapter II of chapter 99 is amended by adding in numerical sequence the following new heading:

"	9902.90.06	Cameras incorporating 4 fixed lenses which together are capable of producing a 3-dimensional effect (provided for in subheading 9906.53.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1423. PERSONAL EFFECTS AND EQUIPMENT FOR WORLD UNIVERSITY GAMES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.98.03	Personal effects of aliens who are participants in, or officials of, the 1993 World University Games, who are accredited members of delegations thereto, who are members of the immediate families of any of the foregoing persons, or who are their servants; equipment for use in connection with such games, and such other related articles as may be prescribed by the Secretary of the Treasury	Free	No change	Free	On or before 9/30/93	".

SEC. 1424. KARATE PANTS AND BELTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.62.04	Karate pants and karate belts (provided for in subheading 6203.42.40, 6203.43.40, 6204.62.40, 6204.63.35, or 6217.10.00)	8%	No change	No change	On or before 12/31/92	".

SEC. 1425. METALLURGICAL FLUORSPAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.29	Fluorspar containing by weight 97 percent or less of calcium fluoride (provided for in subheading 2529.21.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1426. CERTAIN PISTON ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.07	Internal combustion piston-type engines, of a cylinder capacity exceeding 50 cc but not exceeding 1,000 cc (provided for in subheading 8407.32.20 or 8407.33.20), to be installed in vehicles specifically designed for traveling on snow, golf carts, nonamphibious all-terrain vehicles, and burden carriers, (provided for in subheading 8703.10.00, 8703.21.00, or 8704.31.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1427. QUIZALOFOP-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.06	2-[4-[(6-Chloro-2-quinoxalinyl)oxy]-phenoxy]propionic acid, ethyl ester (Quizalofop-ethyl) (provided for in subheading 2933.90.20)	Free	No change	No change	On or before 12/31/92	".

SEC. 1428. INSULATED WINDING WIRE CABLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.44	Self-contained fluid filled submarine cable of 345 kilovolts (provided for in subheading 8544.60.40)	Free	No change	No change	On or before 12/31/91	".

SEC. 1429. DIPHENYLDICHLOROSILANE AND PHENYLTRICHLOROSILANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.07	Diphenyldichlorosilane and phenyltrichlorosilane (provided for in subheading 2931.00.40)	Free	No change	No change	On or before 12/31/92	".

SEC. 1430. THEATRICAL, BALLET, AND OPERATIC SCENERY, PROPERTIES, AND SETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.22	Theatrical, ballet, and operatic scenery and properties, including sets (provided for in subheading 4421.90.90, 5907.00.10, 5907.00.90, 9701.10.00, 9706.00.00, or 9813.00.65)	Free	No change	No change	On or before 12/31/92	".

SEC. 1431. 4-FLUORO-3-PHENOXY BENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.08	4-Fluoro-3-phenoxy benzaldehyde (provided for in subheading 2913.00.10)	Free	No change	No change	On or before 12/31/92	"

SEC. 1432. CERTAIN PAPER PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.48.18	Toilet paper, of cellulose webbing or webs of cellulose fibers, in rolls of a width exceeding 15cm (provided for in Subheading 4818.10.00)	3.5%	No change	No change	On or before 12/31/92	
"	9902.48.19	Handkerchiefs, cleansing or facial tissues or towels, all the foregoing of cellulose webbing or webs of cellulose fibers, in rolls of a width exceeding 15cm (provided for in subheading 4818.20.00)	3.5%	No change	No change	On or before 12/31/92	"

SEC. 1433. PIGMENT RED 178.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.32.10	Pigment red 178 (CAS No. 3049-71-6) (provided for in subheading 3204.17.10)	No change	No change	Free	On or before 12/31/92	"

SEC. 1434. ACID BLACK POWDER AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.32.05	Acid black 210 powder and acid black 210 presscake (CAS No. 112484-44-3) (provided for in subheading 3204.12.40)	Free	No change	No change	On or before 12/31/92	"

SEC. 1435. PIGMENT RED 149 DRY AND PIGMENT RED 149 PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.32.50	Pigment red 149 dry and pigment red 149 presscake (CAS No. 4948-15-6) (provided for in subheading 3204.17.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1436. ISOINDOLENINE RED PIGMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.32.30	Isoindolenine red pigment (CAS No. 71552-60-8) (provided for in subheading 3204.17.30)	Free	No change	No change	On or before 12/31/92	"

SEC. 1437. 3-AMINOPROPANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.31.18	3-Aminopropanol (CAS 156-87-6) (provided for in subheading 2922.19.50)	Free	No change	No change	On or before 12/31/92	"

SEC. 1438. RANITIDINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.20	N[2-[[[5-[(9 dimethyl-amino)methyl]-2-furanyl]methyl]thio]ethyl]-N'-methyl-2-nitro-1,1-ethenediamine, hydrochloride (ranitidine hydrochloride) (provided for in subheading 2932.19.50)	Free	No change	No change	On or before 12/31/92	"

PART 3—EFFECTIVE DATES

SEC. 1601. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(b) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer after September 30, 1990, and before April 1, 1991, any entry—

(A) which was made after the applicable date and before October 1, 1990, and

(B) with respect to which there would have been no duty, or a lesser duty, if any amendment made by section 1102, 1103, 1108, 1201(53), 1203, 1207, 1305, 1324, 1325, 1329, 1330, 1359, 1369, 1411, 1412, 1419, 1426, or 1430 applied to such entry,

shall be liquidated or reliquidated as though such amendment applied to such entry.

(2) For purposes of this section—

(A) The term "applicable date" means—

(i) if the amendment described in paragraph (1)(B) is made by section 1412, April 30, 1986,

(ii) if such amendment is made by section 1324, December 31, 1987,

(iii) if such amendment is made by section 1330, October 1, 1988,

(iv) if such amendment is made by section 1102, 1103, 1108, 1203, 1325, 1329, 1359, 1369, 1411, 1419, or 1426, December 31, 1988,

(v) if such amendment is made by section 1305, July 1, 1989,

(vi) if such amendment is made by section 1201(53) or 1207, December 31, 1989, and

(vii) if such amendment is made by section 1430, January 31, 1990.

(B) The term "entry" includes any withdrawal from warehouse.

(c) BROOMS.—The amendments made by section 1107 shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

Subtitle B—Miscellaneous Provisions

SEC. 1701. CERTAIN FORGINGS.

Notwithstanding sections 304 and 514 of the Tariff Act of 1930 or any other provision of law, the Secretary of the Treasury, within 180 days after the date of the enactment of this Act, shall, upon request filed with the appropriate customs officer, reliquidate entries numbered 85414397-7, 85414495-0, 85414647-9, 85414649-5, 85414983-2, 85414995-5, 85415031-3, 85415122-8, 85415244-7, 85415496-6, 85415619-7, 85415683-8, and 85415828-9, filed at the Port of Portland, Oregon, and, upon such reliquidation, shall refund the additional marking duties that were collected upon such entries pursuant to such section 304.

SEC. 1702. BI-LEVEL RAIL PASSENGER CARS.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall admit free of duty each bi-level rail passenger car that was—

(1) entered after March 14, 1988, and before January 1, 1989, and classified under item 690.15 of the Tariff Schedules of the United States; and

(2) designed for, and is for the use of, the Department of Transportation of the State of Florida.

If the liquidation of the entry of any such rail car has become final before the date of the enactment of this Act, the entry shall, notwithstanding any other provision of law, be reliquidated in accordance with the provisions of this Act and any duties paid with respect to such entry shall be refunded.

SEC. 1703. CERTAIN EXTRACORPOREAL SHOCK WAVE LITHOTRIPTER.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon request filed with the appropriate customs officer within 180 days after the date of enactment of this Act, entry numbered 86-707943-6, dated November 10, 1985, shall be reliquidated as duty-free and any duties paid with respect to such entry shall be refunded.

SEC. 1704. FOREIGN TRADE ZONES.

Section 3(b) of the Act of June 18, 1934 (19 U.S.C. 81c(b)), is amended by striking out "before January 1, 1991" and inserting in lieu thereof "on or before December 31, 1992".

SEC. 1705. CERTAIN ENTRIES OF DIGITAL PROCESSING UNITS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act, any entry of a processing unit that—

(1) was entered under item 676.15 or 676.54 of the Tariff Schedules of the United States;

(2) would not, if classified under item 675.15, have been subject to temporary duties under item 945.83 or 945.84 of the Appendix to such Schedules; and

(3) was made after January 16, 1986, and before July 2, 1987;

shall be liquidated or reliquidated as free of duty and the Secretary of the Treasury shall refund any duties paid with respect to such entry.

(b) PROCESSING UNIT.—For purposes of this section, the term "processing unit" means a digital processing unit for an automated data processing machine, unhoused, consisting of a printed circuit (single or multiple) with one or more electronic integrated circuits or other semiconductor devices mounted directly thereon.

SEC. 1706. NUCLEAR MAGNETIC SPECTROMETER.

The Secretary of the Treasury shall admit free of duty a Phillips Medical Systems 4 tesla nuclear magnetic resonance (NMR) spectrometer for the use of the University of Alabama at Birmingham. If the liquidation of the entry of the spectrometer becomes final before the date of the enactment of this Act, the Secretary of the Treasury, notwithstanding any other provisions of law, shall—

(1) within 15 days after such date, reliquidate the entry in accordance with the provisions of this Act, and

(2) at the time of such reliquidation, make the appropriate refund of any duty paid with respect to the entry.

SEC. 1707. FOREIGN REPAIR OF VESSELS.

(a) IN GENERAL.—Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end thereof the following new subsection:

"(h) The duty imposed by subsection (a) of this section shall not apply to—

"(1) the cost of any equipment, or any part of equipment, purchased for, or the repair parts or materials to be used, or the expense of repairs made in a foreign country with respect to, LASH (Lighter Aboard Ship) barges documented under the laws of the United States and utilized as cargo containers, or

"(2) the cost of spare repair parts or materials (other than nets or nettings) which the owner or master of the vessel certifies are intended for use aboard a cargo vessel, documented under the laws of the United States and engaged in the foreign or coasting trade, for installation or use on such vessel, as needed, in the United States, at sea, or in a foreign country, but only if duty is paid under appropriate commodity classifications of the Harmonized Tariff Schedule of the United States upon first entry into the United States of each such spare part purchased in, or imported from, a foreign country.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) any entry made before the date of enactment of this Act that is not liquidated on the date of enactment of this Act, and

(2) any entry made—

(A) on or after the date of enactment of this Act, and

(B) on or before December 31, 1992.

SEC. 1708. CERTAIN METHANOL ENTRIES.

Notwithstanding section 514 or 520 of the Tariff Act of 1930 or any other provision of law, the Secretary of the Treasury shall—

(1) reliquidate as free of duty—

(A) Entry No. 85322102-3, dated June 21, 1985, and

(B) Entry No. 85603168-9, dated September 20, 1985,

made at New York, New York, that consists of methanol, and

(2) refund any duties paid with respect to such entries,

if the appropriate certification of actual use for such entries is submitted to the appropriate customs officer by no later than the date that is 180 days after the date of enactment of this Act.

SEC. 1709. CERTAIN FROZEN VEGETABLES.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon request filed with the appropriate customs officer within 180 days after the date of enactment of this Act, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as free of duty any entry, or withdrawal from warehouse for consumption, made after December 31, 1989, and before May 1, 1990, of—

(A) cut and frozen green beans (provided for in subheading 0710.22.40 of the Harmonized Tariff Schedule of the United States), or

(B) frozen and off the cob whole kernel sweet corn (provided for in subheading 0710.40.00 of such Schedule),

that is the product of a foreign country to which nondiscriminatory (most-favored-nation) trade treatment applies, and

(2) refund any duties paid with respect to such entry or withdrawal.

SEC. 1710. CERTAIN FILMS AND RECORDINGS.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon request filed with the appropriate customs officer within 180 days of the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any article described in items 960.50 through 960.70 of the Appendix to the Tariff Schedules of the United States (as in effect on August 11, 1985) which was made after August 11, 1985, and before January 1, 1987, shall be liquidated or reliquidated as though such entry or withdrawal had been made on August 11, 1985 and the Secretary of the Treasury shall make the appropriate refund of any duties paid with respect to such entry or withdrawal.

SEC. 1711. CERTAIN DISTILLED SPIRITS IN FOREIGN TRADE ZONES.

Subsection (c) of section 3 of the Act of June 18, 1934 (48 Stat. 999, chapter 590; 19 U.S.C. 81c(c)) is amended—

(1) by striking out "domestic" before "denatured distilled spirits",

(2) by inserting "which have been withdrawn free of tax from a distilled spirits plant (within the meaning of section 5002(a)(1) of the Internal Revenue Code of 1986)" after "distilled spirits",

(3) by striking out "Notwithstanding" and inserting in lieu thereof "(1) Notwithstanding",

(4) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of the fifth proviso of subsection (a), distilled spirits which have been removed from a distilled spirits plant (as defined in section 5002(a)(1) of the Internal Revenue Code of 1986) upon payment or determination of tax may be used in the manufacture of production of medicines, medicinal preparation, food products, flavors, or flavoring extracts, which are unfit for beverage purposes, in a zone. Such products will be eligible for drawback under the internal revenue laws under the same conditions applicable to similar manufacturing or production operations occurring in customs territory.".

SEC. 1712. RELIQUIDATION OF CERTAIN ENTRIES AND REFUND OF ANTIDUMPING DUTIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law—

(1) the entries listed in subsection (b) shall be reliquidated within 180 days after the date of enactment of this Act,

(2) the importer of record of the entries shall not be liable for antidumping duties, and

(3) if any antidumping duties have been paid on the entries, either through liquidation or compromise under section 617 of the Tariff Act of 1930 (19 U.S.C. 1617), the Secretary of the Treasury shall refund the antidumping duties within 180 days after the date of enactment of this Act.

(b) APPLICABLE ENTRIES.—The entries referred to in subsection (a) are the following entries made at the port of New Orleans, Louisiana:

Entry Number	Date of Entry
74-222089	May 7, 1974.
74-225275	June 17, 1974.
76-237223	July 9, 1976.
76-247178	October 1, 1976.
79-251251	September 11, 1979.
80-223851	October 9, 1979.
80-224447	November 27, 1979.
80-224448	November 27, 1979.
80-225842	April 29, 1980.
80-225843	April 29, 1980.
80-225844	April 29, 1980.
80-225845	April 29, 1980.
80-226742	August 13, 1980.
80-226743	August 13, 1980.

SEC. 1713. SUBSTITUTION OF CRUDE PETROLEUM OR PETROLEUM DERIVATIVES.

(a) IN GENERAL.—

(1) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end thereof the following new subsection:

"(p)(1) When the articles manufactured or produced under subsection (a) or (b), or duty paid imported articles, are stored in common storage with other articles of the same kind and quality that were otherwise manufactured or produced, drawback shall be paid on the articles withdrawn for export from such common storage (regardless of the source or origination of the articles withdrawn) if—

"(A) inventory records on a monthly basis (not daily or transaction by transaction) demonstrate sufficient quantities of imported duty-paid articles, or articles manufactured or produced under subsection (a) or (b), in the common storage against which such withdrawal shall be designated;

"(B) the drawback paid does not exceed the amount of drawback that would be payable hereunder had all of the articles withdrawn from common storage been imported and duty-paid, or manufactured or produced under subsection (a) or (b); and

"(C) certificates of delivery, or certificates of manufacture and delivery, establishing the drawback eligibility of the imported duty-paid articles, or articles manufactured or produced under subsection (a) or (b), when required, are filed with the drawback entry.

"(2) For purposes of this section, the term 'common storage' includes all articles of the same kind and quality stored in an area regardless of the number of bins, tanks, or other containers utilized.".

(2) The amendment made by this subsection shall apply to all drawback entries which were liquidated, under protest or in litigation, in accordance with C.S.D. 88-1, or relevant predecessor decision letter versions thereof, and shall be reliquidated in accordance with such amendment.

(b) DRAWBACK ON SUPPLIES.—Subsection (b) of section 309 of the Tariff Act of 1930 (19 U.S.C. 1309) is amended by inserting "imported articles," after "foreign-trade zone,".

SEC. 1714. AGGLOMERATE MARBLE FLOOR TILES.

(a) RECLASSIFICATION.—Chapter 68 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking out subheading 6810.19.10 and inserting the following new subheadings with the article descriptions for such subheadings having the same degree of indentation as the article description for subheading 6804.22.60:

"		Floor and wall tiles:				
	6810.19.12	Agglomerate marble tiles	4.9%	Free (A, E, IL) 4.7% (CA)	40%	
	6810.19.14	Other	21%	Free (A, E, IL) 16.8% (CA)	55%	"

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(2) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law to the contrary, upon a request filed with the appropriate customs officer after September 30, 1990 and before April 1, 1991, any entry or withdrawal from warehouse for consumption of goods to which the amendment made by this section applies and that was made—

(A) after December 31, 1988; and

(B) before October 1, 1990;

and with respect to which there would have been a lower duty if the amendment made by this section had applied to such entry or withdrawal, shall be liquidated or reliquidated as though such entry or withdrawal had occurred on October 1, 1990.

SEC. 1715. ETHYL TERTIARY BUTYL ETHER.

(a) IN GENERAL.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new heading:

"	9901.00.52	Ethyl tertiary butyl ether (provided for in subheading 2909.19.10) and any mixture containing ethyl tertiary butyl ether	6.66¢/liter	No change (A, E, IL) 5.29¢/liter	6.66¢/liter	On or before 12/31/92 or the date before 12/31/92 on which Treasury regulation § 1.40-1 is withdrawn or declared invalid	"

(b) STAGED RATE REDUCTION.—Any staged rate reduction of a rate of duty set forth in heading 9901.00.50 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the date of enactment of this Act and would otherwise take effect after the date of enactment of this Act shall also apply to the corresponding rates of duty set forth in subheading 9901.00.52 of such Schedule.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

SEC. 1716. CANADIAN LOTTERY MATERIAL.

Section 553 of the Tariff Act of 1930 (19 U.S.C. 1553) is further amended—

(1) by redesignating the text of such section as subsection (a) of such section; and

(2) by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), the entry for transportation in bond through the United States of any lottery ticket, printed paper that may be used as a lottery ticket, or any advertisement of any lottery, that is printed in Canada, shall be permitted without appraisement or the payment of duties under such regulations as the Secretary of the Treasury may prescribe, except that such regulations shall not permit the transportation of lottery materials in the personal baggage of a traveler.".

This amendment shall be effective fifteen days after the date of enactment of this Act.

SEC. 1717. METAL OXIDE VARISTORS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new heading:

"	9902.85.33	Metal oxide varistors (provided for in subheading 8533.40.00, 8541.10.00 or 8541.50.00).....	Free	No change	No change	On or before 12/31/92	".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(2) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the appropriate customs officer after September 30, 1990 and before April 1, 1991, any entry, or withdrawal from warehouse for consumption, of an article to which the amendment made by this section applies that was made—

(A) after December 31, 1988, and

(B) before October 1, 1990,

and with respect to which there would have been a lower duty if the amendment made by this section had applied to such entry or withdrawal, shall be liquidated or reliquidated as though such entry or withdrawal had occurred on October 1, 1990.

SEC. 1718. PARTS OF IONIZATION SMOKE DETECTORS.

(a) IN GENERAL.—Chapter 90 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description in subheading 9022.90.60:

"	9022.90.70	Of smoke detectors, ionization type	2.7%	Free (A, B, E, IL) 2.1% (CA)	35%	".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(2) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law to the contrary, upon a request filed with the appropriate customs officer after September 30, 1990 and before April 1, 1991, any entry or withdrawal from warehouse for consumption of goods to which the amendment made by this section applies and that was made—

(A) after December 31, 1988; and

(B) before October 1, 1990;

and with respect to which there would have been a lower duty if the amendment made by this section had applied to such entry or withdrawal, shall be liquidated or reliquidated as though such entry or withdrawal had occurred on October 1, 1990.

TITLE II—CARIBBEAN BASIN ECONOMIC RECOVERY

SEC. 2001. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Expansion Act of 1990".

SEC. 2002. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) a stable political and economic climate in the Caribbean region is necessary for the development of the countries in that region and for the security and economic interests of the United States;

(2) the Caribbean Basin Economic Recovery Act was enacted in 1983 to assist in the achievement of such a climate by stimulating the development of the export potential of the region; and

(3) the commitment of the United States to the successful development of the region, as evidenced by the enactment of the Caribbean Basin Economic Recovery Act, should be reaffirmed, and further strengthened, by amending that Act to improve its operation.

SEC. 2003. REPEAL OF TERMINATION DATE ON DUTY-FREE TREATMENT UNDER THE ACT.

Section 218(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2706(b)) is repealed.

SEC. 2004. WORKER RIGHTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended—

(1) by striking out "and" after the semicolon at the end of subsection (b)(5);

(2) by striking out the period at the end of subsection (b)(6) and inserting "; and";

(3) by adding at the end of subsection (b) the following new paragraph:

"(7) if such country has not or is not taking steps to afford internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974) to workers in the country (including any designated zone in that country).";

(4) by amending the last sentence in subsection (b) by striking out "and (5)" and inserting "(5), and (7)"; and

(5) by amending subsection (c)(8) to read as follows:

"(8) whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights.".

SEC. 2005. REPORTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended by adding at the end thereof the following new subsection:

"(f) On or before October 1, 1993, and the close of each 3-year period thereafter, the President shall submit to the Congress a complete report regarding the operation of this title.".

SEC. 2006. INCREASE IN DUTY-FREE TOURIST ALLOWANCES.

(a) DUTY-FREE ALLOWANCE FOR RETURNING RESIDENTS.—Subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting the following new note at the end of the notes to such subchapter:

"4. As used in subheadings 9804.00.70 and 9804.00.72, the term 'beneficiary country' means a country listed in general note 3(c)(v)(A).";

(2) by striking out "subheading 9804.00.65 or 9804.00.70" and all that follows thereafter in the superior article description to subheadings 9804.00.65 and 9804.00.70 and inserting "subheadings 9804.00.65, 9804.00.70, and 9804.00.72 within 30 days preceding his arrival, and claims exemption under only one of such items on his arrival.";

(3) by striking out "$800" in subheading 9804.00.70 and inserting "$1,200";

(4) by inserting "or up to $600 of which have been acquired in one or more beneficiary countries" before the parenthetical matter in subheading 9804.00.70; and

(5) by inserting after subheading 9804.00.70 the following new subheading with the article description for the new subheading having the same degree of indentation as subheading 9804.00.70:

"	9804.00.72	Articles whether or not accompanying a person, not over $600 in aggregate fair market value in the country of acquisition, including— (a) but only in the case of an individual who has attained the age of 21, not more than 1 liter of alcoholic beverages or not more than 2 liters if at least one liter is the product of one or more beneficiary countries, and (b) not more than 200 cigarettes, and not more than 100 cigars, if such person arrives directly from a beneficiary country, not more than $400 of which shall have been acquired elsewhere than in beneficiary countries (but this item does not permit the entry of articles not accompanying a person which were acquired elsewhere than in beneficiary countries)	Free		Free	."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to residents of the United States who depart from the United States on or after the 15th day after the date of the enactment of this Act.

SEC. 2007. DUTY-FREE TREATMENT FOR ARTICLES ASSEMBLED OR PROCESSED IN BENEFICIARY COUNTRIES FROM COMPONENTS OR MATERIALS PRODUCED IN THE UNITED STATES.

(a) IN GENERAL.—U.S. Note 2 of subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking out "2. Any" and inserting "2. (a) Except as provided in paragraph (b), any"; and

(2) by adding at the end thereof the following new paragraph:

"(b) No article (except an article listed in section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) may be treated as a foreign article, or as subject to duty, if—

"(i) the article is—

"(A) assembled or processed in whole of fabricated components or materials that are a product of the United States, or

"(B) processed in whole of ingredients (other than water) that are a product of the United States,

in a beneficiary country; and

"(ii) neither the fabricated components, materials or ingredients, after exportation from the United States, nor the article itself, before importation into the United States, enters the commerce of any foreign country other than a beneficiary country.

As used in this paragraph, the term 'beneficiary country' means a country listed in general note 3(c)(V)(A).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to goods assembled or processed abroad that are entered on or after October 1, 1990.

SEC. 2008. CONFORMING GSP AMENDMENT.

Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended to read as follows:

"(b)(1) The duty free treatment provided under section 501 shall apply to any eligible article which is the growth, product, or manufacture of a beneficiary developing country if—

"(A) that article is imported directly from a beneficiary developing country into the customs territory of the United States; and

"(B) the sum of—

"(i) the cost or value of the materials produced in the beneficiary developing country or any 2 or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3), plus

"(ii) the direct costs of processing operations performed in such beneficiary developing country or such member countries,

is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

"(2) The Secretary of the Treasury, after consulting with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this subsection, including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary developing country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary developing country; but no article or material of a beneficiary developing country shall be eligible for such treatment by virtue of having merely undergone—

"(A) simple combining or packaging operations, or

"(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.".

SEC. 2009. PILOT PRECLEARANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subject to subsection (b), the Commissioner of Customs shall carry out, during fiscal years 1991 and 1992, preclearance operations at a facility of the United States Customs Service in a country within the Caribbean Basin which the Commissioner of Customs considers appropriate for testing the extent to which the availability of preclearance operations can assist in the development of tourism.

(b) RESTRICTIONS REGARDING PROGRAM.—

(1) Preclearance operations may not be commenced in the country selected for testing under subsection (a) unless the Commissioner of Customs and the Commissioner of Immigration and Naturalization jointly certify that—

(A) there exists a bilateral agreement between the United States Government and the government of such country which protects the interests of the United States and affords diplomatic protection to United States employees working at the preclearance location;

(B) the facilities at the preclearance location conform to Federal Inspection Services standards and are suitable for the duties to be performed therein;

(C) there is adequate security around the structure used for the reception of international arrivals;

(D) the government of such country grants the United States Customs Service and the United States Immigration and Naturalization Service appropriate search, seizure, and arrest authority; and

(E) United States employees and their families will not be subject to fear of reprisal, acts of terrorism, and threats of intimidation.

(2) In determining where to establish the operation described in paragraph (1), the Commissioner of Customs and the Commissioner of Immigration and Naturalization shall first determine the viability of establishing such operations in Jamaica. If the Commissioners determine, after full consultation with the Government of Jamaica, that it is not viable to establish pre-clearance operations in Jamaica, they shall so report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, including an explanation of how this determination was reached. Such report shall be submitted to those Committees within six months of the enactment of this Act. Following the submission of such a report, negotiations may be undertaken to establish such operations in another country.

(c) REPORT.—As soon as practicable after September 30, 1992, the Commissioner of Customs shall submit to the Congress a report regarding the preclearance operations program carried out under subsection (a). The report shall include—

(1) a summary of the preclearance operations, including the number of individuals processed, any administrative problems encountered, and cost of the operations;

(2) an evaluation of the extent to which the preclearance operations contributed to—

(A) the stimulation of the tourism industry of the country concerned, and

(B) expedited customs processing at United States ports of entry;

(3) the opinion of the Commissioner of Customs regarding the efficacy of extending preclearance operations to other countries within the Caribbean Basin that are developing tourism industries, and if the opinion is affirmative, the identity of those countries to which such operations should be extended and the estimated costs and results of such extensions; and

(4) such other matters that the Commissioner of Customs considers relevant.

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SEC. 2010. APPLICATION OF ACT IN EASTERN CARIBBEAN AREA.

It is the sense of the Congress that there should be undertaken special efforts in order to improve the ability of the Organization of Eastern Caribbean States countries and Belize to benefit from the Caribbean Basin Economic Recovery Act.

SEC. 2011. PROMOTION OF TOURISM.

(a) CONGRESSIONAL FINDING.—The Congress finds that the tourism industry must be recognized as a central element in the economic development and political stability of the Caribbean Basin region because of the potential that the industry has for increasing employment and foreign exchange earnings, establishing important linkages with other related sectors, and having a positive complementary effect on trade with the United States.

(b) FEDERAL AGENCY PRIORITY.—It is the sense of the Congress that increased tourism and related activities should be developed in the Caribbean Basin region as a central part of the Caribbean Basin Initiative program and, to that end, the appropriate agencies of the United States Government should assign a high priority to projects that promote the tourism industry in the Caribbean Basin.

(c) STUDY.—The Secretary of Commerce shall complete the study begun in 1986 regarding tourism development strategies for the Caribbean Basin region. The study shall include—

(1) information on the mutual benefits received by the United States and the Caribbean Basin economies as a result of tourist activity in the area; and

(2) proposals for developing increased linkages between the tourism industry and local industries in the region such as the agro-business.

SEC. 2012. AGRICULTURAL INFRASTRUCTURE SUPPORT.

It is the sense of Congress that in order to facilitate trade with, and the economic development of, the countries designated as beneficiary countries under the Caribbean Basin Economic Recovery Act, the Secretary of Agriculture should, in consultation with the Agribusiness Promotion Council, coordinate with the Agency for International Development the development of programs to encourage improvements in the transportation and cargo handling infrastructure in these countries for the purpose of improving agricultural trade between these countries and the United States. Such programs should focus on improving distribution of agricultural commodities and products in these countries, and the phytosanitary institutions, quarantine capabilities, and pesticide regulations of these countries regarding agricultural commodities and products.

SEC. 2013. EXTENSION OF TRADE BENEFITS TO THE ANDEAN REGION.

(a) FINDINGS.—The Congress finds that:

(1) United States antinarcotics policy places a high priority on assisting the nations of the Andean region of South America, the source of 100 percent of the world's supply of cocaine.

(2) The President and Congress have recognized that United States trade and economic policies play an important role in the overall United States antidrug strategy in the Andes.

(3) The extension of special trade preferences for articles from the Andean region would help revitalize the national economies of the Andes and further United States antinarcotics policy in the region.

(b) SENSE OF CONGRESS.—The Congress urges the President to—

(1) review the merits of extending the benefits provided under the Caribbean Basin Economic Recovery Act to the Andean region; and

(2) continue to explore additional mechanisms to expand trade opportunities for the Andean region, and report to Congress in a regular and timely fashion on the result of this review.

SEC. 2014. TREATMENT OF ARTICLES GROWN, PRODUCED, OR MANUFACTURED IN PUERTO RICO.

(a) IN GENERAL.—Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended by adding at the end thereof the following new paragraph:

"(5) The duty-free treatment provided under this chapter shall apply to an article (other than an article listed in subsection (b)) which is the growth, product, or manufacture of the Commonwealth of Puerto Rico if—

"(A) the article is imported directly from the beneficiary country into the customs territory of the United States,

"(B) the article was by any means advanced in value or improved in condition in a beneficiary country, and

"(C) if any materials are added to the article in a beneficiary country, such materials are a product of a beneficiary country or the United States.".

(b) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(2) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer after September 30, 1990, and before April 1, 1991, any entry, or withdrawal from warehouse—

(A) which was made after August 5, 1983, and before October 1, 1990, and with respect to which liquidation has not occurred before October 1, 1990, and

(B) with respect to which there would have been no duty, or a lesser duty, if the amendment made by subsection (a) applied,

shall be liquidated as though such amendment applied to such entry or withdrawal.

SEC. 2015. TRADE BENEFITS FOR NICARAGUA.

Notwithstanding any other provision of law, the President is authorized to designate Nicaragua as a beneficiary developing country for the purposes of title V of the Trade Act of 1974, as amended, and as a beneficiary country under the Caribbean Basin Economic Recovery Act, and any such designation may remain effective for the duration of the calendar year 1990.

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR TRADE AGENCIES

SEC. 3001. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—

(1) Subparagraph (A) of section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)(A)) is amended to read as follows:

"(A) There are authorized to be appropriated for the purpose of carrying out the functions of the Office—

"(i) $21,200,000 for fiscal year 1991, and

"(ii) $19,027,000 for fiscal year 1992.".

(2) Subparagraph (B) of section 141(g)(1) of the Trade Act of 1974 is amended—

(A) by striking out "for fiscal year 1990" and inserting in lieu thereof "for each fiscal year", and

(B) by striking out "$89,000" in clause (i) and inserting in lieu thereof "$98,000".

(b) PANELS AND COMMITTEES UNDER CANADA FREE-TRADE AGREEMENT—Paragraph (1) of section 406(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112, note) is amended to read as follows:

"(1) There are authorized to be appropriated to the Office of the United States Trade Representative—

"(A) $2,050,000 for fiscal year 1991, and

"(B) $2,050,000 for fiscal year 1992,

to pay during each of such fiscal years the United States share of the expenses of binational panels and extraordinary challenge committees convened pursuant to chapter 19 of the Agreement.".

SEC. 3002. UNITED STATES INTERNATIONAL TRADE COMMISSION.

Paragraph (2) of section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere)—

"(i) $42,430,000 for fiscal year 1991, and

"(ii) $46,673,000 for fiscal year 1992.

"(B) Of the amounts authorized to be appropriated under subparagraph (A) for each fiscal year, $2,500 may be used, subject to approval by the Chairman of the Commission, for reception and entertainment expenses.

"(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission for the making of any special study, investigation, or report that is requested by any agency of the executive branch, unless that agency reimburses the Commission for the cost thereof.".

SEC. 3003. UNITED STATES CUSTOMS SERVICE.

Subsection (b) of section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) There are authorized to be appropriated for the salaries and expenses of the United States Customs Service that are incurred in noncommercial operations (other than the air interdiction program)—

"(A) $521,882,000 for fiscal year 1991, and

"(B) $547,958,000 for fiscal year 1992.

"(2) There are authorized to be appropriated from the Customs User Fee Account for the salaries and expenses of the United States Customs Service that are incurred in commercial operations—

"(A) $671,645,000 for fiscal year 1991, and

"(B) $705,569,000 for fiscal year 1992.

"(3) There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air interdiction program of the United States Customs Service—

"(A) $143,047,000 for fiscal year 1991, and

"(B) $163,047,000 for fiscal year 1992.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 4001. TECHNICAL AMENDMENTS REGARDING NONDISCRIMINATORY TRADE TREATMENT.

(a) WAIVER AUTHORITY.—

(1) Paragraph (5) of section 402(d) of the Trade Act of 1974 (19 U.S.C. 2432(d)(5)) is amended—

(A) by striking out "the waiver authority granted by subsection (c) has been extended under paragraph (3) or (4) for any county for the 12-month period referred to in such paragraphs, and",

(B) by striking out "such authority will" in the first sentence thereof and inserting in

lieu thereof "the waiver authority granted under subsection (c) will",

(C) by striking out "60-day period" each place it appears and inserting in lieu thereof "105-day period",

(D) by striking out ", either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 153, a resolution" and inserting in lieu thereof "a joint resolution described in section 153(a) is enacted into law,",

(E) by striking out "adoption by either House" each place it appears and inserting in lieu thereof "enactment", and

(F) by striking out "a resolution" each place it appears and inserting in lieu thereof "a joint resolution".

(2) Subsection (d) of section 402 of the Trade Act of 1974 (19 U.S.C. 2432(d)), as amended by paragraph (1), is amended—

(A) by striking out paragraphs (1), (2), (3), and (4),

(B) by redesignating subparagraphs (A), (B), and (C) of paragraph (5) as paragraphs (1), (2), and (3), respectively, and

(C) by striking out "(5) If" and inserting in lieu thereof "If".

(3) Subsection (a) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(a)) is amended to read as follows:

"(a) CONTENTS OF RESOLUTION.—For purposes of this section, the term 'resolution' means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on _____ with respect to _____.', with the first blank space being filled with the appropriate date, and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the clause beginning with 'with respect to' being omitted if the extension of the authority is not approved with respect to any country.".

(4) Subsection (b) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(b)) is amended—

(A) by striking out ", and, in the case of a resolution related to section 402(d)(4), 20 calendar days shall be substituted for 30 days" in paragraph (2),

(B) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (3),

(C) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (3),

(D) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (4), and

(E) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (4).

(5) Subsection (c) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193) is amended by striking out "in subsection (a)(1)" and inserting in lieu thereof "in subsection (a)".

(b) BILATERAL COMMERCIAL AGREEMENTS.—

(1) Subsection (c) of section 405 of the Trade Act of 1974 (19 U.S.C. 2435(c)) is amended to read as follows:

"(c) An agreement referred to in subsection (a), and a proclamation referred to in section 404(a) implementing such agreement, shall take effect only if a joint resolution described in section 151(b)(3) that approves of the agreement referred to in subsection (a) is enacted into law.".

(2) Section 151 of the Trade Act of 1974 (19 U.S.C. 2191(b)) is amended—

(A) by inserting "or resolution" after "revenue bill" in subsection (b)(2),

(B) by inserting ", or approval resolution," in subsection (b)(2) after "implementing bill",

(C) by striking out "concurrent" in subsection (b)(3) and inserting in lieu thereof "joint",

(D) by striking out "revenue bill" each place it appears in subsection (e)(2) and inserting in lieu thereof "revenue bill or resolution", and

(E) by striking out "such bill" each place it appears in subsection (e)(2) and inserting in lieu thereof "such bill or resolution".

(3) Subsection (c) of section 407 of the Trade Act of 1974 (19 U.S.C. 2437(c)) is amended—

(A) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraph:

"(1) In the case of a document referred to in subsection (a), the proclamation set forth in the document may become effective and the agreement set forth in the document may enter into force and effect only if a joint resolution described in section 151(b)(3) that approves of the extension of nondiscriminatory treatment to the products of the country concerned is enacted into law.", and

(B) by redesignating paragraph (3) as paragraph (2).

(c) COMPLIANCE REPORTS.—

(1) Paragraph (2) of section 407(c) of the Trade Act of 1974 (19 U.S.C. 2437(c)(2)), as redesignated by subsection (b)(3)(B) of this section, is amended—

(A) by striking out "the 90-day period" and inserting in lieu thereof "the 135-day period",

(B) by striking out "either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 152)" and inserting in lieu thereof "a joint resolution described in section 152(a)(1)(B) is enacted into law that disapproves", and

(C) by striking out "the adoption" and inserting in lieu thereof "the enactment".

(2) Subparagraph (B) of section 152(a)(1) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)(B)) is amended to read as follows:

"(B) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the _____ transmitted to the Congress on _____.', with the first blank space being filled in accordance with paragraph (2), and the second blank space being filled with the appropriate date.".

(3) Paragraph (2) of section 152(a) of the Trade Act of 1974 (19 U.S.C. 2192(a)(2)) is amended—

(A) by adding "and" at the end of subparagraph (A),

(B) by striking out "407(c)(3)" in subparagraph (C) and inserting in lieu thereof "407(c)(2)",

(C) by striking out subparagraph (B),

(D) by redesignating subparagraph (C) as subparagraph (B).

(4) Subsection (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(f)) is amended to read as follows:

"(f) FINAL PASSAGE IN THE SENATE.—A resolution that has passed the House of Representatives shall, when received in the Senate, be placed on the calendar. The procedures in the Senate with respect to a resolution introduced in the Senate that concerns the same matter as the resolution that passed the House of Representatives shall be the same as if no resolution had been received from the House of Representatives, but the vote on final passage in the Senate shall be on the resolution that passed the House of Representatives.".

(5) Subsection (b) of section 154 of the Trade Act of 1974 (194 U.S.C. 2194(b)) is amended—

(A) by striking out "407(c)(2) and 407(c)(3)" and inserting in lieu thereof "and 407(c)(2)",

(B) by striking out "such sections" and inserting in lieu thereof "section 203(c) and the 135-day period referred to in section 407(c)(2).".

SEC. 4002. CUSTOMS USER FEES.

(a) MERCHANDISE PROCESSING FEE.—

(1) Subsection (a) of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is amended by striking out paragraphs (9) and (10) and inserting in lieu thereof the following:

"(9) For the processing of any merchandise that is formally entered, or withdrawn from warehouse for consumption, during any fiscal year, a fee in an amount equal to 0.17 percent ad valorem.".

(2) Paragraph (8) of section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(8)) is amended—

(A) by striking out "be based" in subparagraph (A)(ii) and inserting in lieu thereof "except as otherwise provided in this paragraph, be based",

(B) by striking out "and" at the end of subparagraph (A)(iii),

(C) by striking out the period at the end of subparagraph (A)(iv) and inserting in lieu thereof "; and",

(D) by inserting after clause (iv) of subparagraph (A) the following new clause:

"(v) in the case of agricultural products of the United States that are processed and packed in a foreign trade zone, be applied only to the value of material used to make the container for such merchandise, if such merchandise is subject to entry and the container is of a kind normally used for packing such merchandise.",

(E) by redesignating subparagraphs (A) and (B) as subparagraphs (D) and (E),

(F) by inserting before subparagraph (D), as redesignated by this paragraph, the following new subparagraphs:

"(A) The fee charged under subsection (a)(9)—

"(i) shall not exceed—

"(I) $553 for each manual entry, or

"(II) $550 for each automated entry, and

"(ii) shall not be less than—

"(I) $23 for each manual entry, or

"(II) $20 for each automated entry.

"(B) No fee may be charged under paragraph (9) of subsection (a) for the processing of any article that is—

"(i) provided for under any item in chapter 98 of the Harmonized Tariff Schedule of the United States, except subheading 9802.00.60 or 9802.00.80,

"(ii) a product of an insular possession of the United States, or

"(iii) a product of any country listed in subdivision (c)(ii)(B) or (c)(v) of general note 3 to such Schedule.

"(C) For purposes of applying paragraph (9) of subsection (a), expenses incurred in conducting commercial operations do not include costs incurred in—

"(i) air passenger processing,
"(ii) export control, or
"(iii) international affairs.",

(G) in subparagraph (D), as redesignated by this paragraph, by striking "or (10)" each place it appears, and

(H) in subparagraph (E), as redesignated by this paragraph, by striking "(a)(10)" and inserting "(a)(9)".

(3) Paragraph (10) of section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(10)) is amended—

(A) by striking out "under subsection (a)(10)" and inserting in lieu thereof "under paragraph (9) of subsection (a)", and

(B) by striking out the last sentence thereof.

(b) DISPOSITION OF FEES.—

(1) Subsection (f) of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(A) by striking out "All Funds" in paragraph (2) and inserting in lieu thereof "Except as otherwise provided in this subsection, all funds",

(B) by redesignating paragraph (4) as paragraph (5), and

(C) by inserting after paragraph (3) the following new paragraph.

"(4) No funds may be expended from the Customs User Fee Account, and no reimbursement made under paragraph (3), for the costs incurred in providing any service which is exempt from the fee.".

(2) Paragraph (3) of section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)) is amended to read as follows:

"(3)(A) The Secretary of the Treasury, in accordance with section 524 of the Tariff Act of 1930 and without regard to apportionment or any other administrative practice or limitation, shall directly reimburse, from the fees collected under subsection (a) (other than subsection (a) (9) or (10)), each appropriation for the amount paid out of that appropriation for the costs incurred by the Secretary—

"(i) in providing—
"(I) inspectional overtime services, and
"(II) all preclearance services,

for which the recipients of such services are not required to reimburse the Secretary of the Treasury, and

"(ii) to the extent funds remain available to make reimbursements under clause (i), in providing salaries for full-time and part-time inspectional personnel and equipment that enhance customs services for those persons or entities that are required to pay fees under paragraphs (1) through (8) of subsection (a) (distributed on a basis proportionate to the fees collected under subsection (a)(1) through (a)(8)).

Funds described in clause (ii) shall only be available to reimburse costs in excess of the highest amount appropriated for such costs during the period beginning with fiscal year 1990 and ending with the current fiscal year.

"(B) Reimbursement under this paragraph shall be made at least quarterly. To the extent necessary, reimbursement of approporiations under this paragraph may be made on the basis of estimates made by the Secretary of the Treasury and adjustments shall be made in subsequent reimbursements to the extent that the estimates were in excess of, or less than, the amounts required to be reimbursed.

"(C)(i) For fiscal year 1991 and subsequent fiscal years, the amount required to fully reimburse inspectional overtime and preclearance costs shall be projected from actual requirements, and only for the excess of collections over such projected costs for such fiscal year shall be used as provided in subparagraph (A)(ii).

"(ii) The excess of collections over inspectional overtime and preclearance costs (under subparagraph (A)(i)) reimbursed for fiscal years 1989 and 1990 shall be available in fiscal year 1991 and subsequent fiscal years for the purposes described in subparagraph (A)(ii), except that $30,000,000 of such excess shall remain without fiscal year limitation in a contingency fund and, in any fiscal year in which receipts are insufficient to cover the costs described in subparagraph (A) (i) and (ii), shall be used for—

"(I) the costs of providing the services described in paragraph (A)(i), and

"(II) after the costs described in subclause (I) are paid, the costs of providing the personnel and equipment described in subparagraph (A)(ii) at the preceding fiscal year level.

"(D) At the close of each fiscal year, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives summarizing the expenditures for which reimbursement has been provided under subparagraph (A)(ii).".

(c) EXTENSION OF FEES.—Paragraph (3) of section 13031(j) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended to read as follows:

"(3) Fees may not be charged—
"(A) under paragraphs (1) through (8) of subsection (a) after September 30, 2005, or
"(B) under paragraphs (9) and (10) of subsection (a) after September 30, 1991.".

(d) AGGREGATION OF MERCHANDISE PROCESSING FEES.—

(1) Notwithstanding any provision of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), in the case of entries of merchandise made under the temporary monthly entry programs established by the Commissioner of Customs before July 1, 1989, for the purpose of testing entry processing improvements, the fee charged under section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 for each day's importations at each port by the same importer from the same exporter shall be the lesser of—

(A) $550, or

(B) the amount determined by applying the ad valorem rate determined in such section 13031(a)(9) to the aggregate value of each day's importations at each port by the same importer from the same exporter.

(2) The fees described in paragraph (1) that are payable under the program described in paragraph (1) shall be paid with each monthly consumption entry. Interest shall accrue on the fees paid monthly in accordance with section 6621 of the Internal Revenue Code of 1986.

(e) RAILROAD CARS.—Subparagraph (B) of section 13031(b)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(B)) is amended to read as follows:

"(B) the arrival of any railroad car the journey of which originates and terminates in the same country, but only if no passengers board or disembark from the train and no cargo is loaded or unloaded from such car while the car is within any country other than the country in which such car originates and terminates; or".

(f) EFFECTIVE DATE.—The amendments made by this section, and the provisions of this section, shall take effect on October 1, 1990.

SEC. 4003. DRUG PARAPHERNALIA.

(a) STATISTICAL ANNOTATIONS.—The Secretary of the Treasury, the Secretary of Commerce, and the United States International Trade Commission shall take actions under section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)) to implement the recommendations of the Commission regarding additional statistical annotations that were made in the report of the Commission on Investigation 332-277, which was submitted to the Committee on Finance of the Senate in September 1989.

(b) REPORT.—By no later than the date that is 1 year after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the operational response of the United States Customs Service to the recommendations contained in the report of the United States Trade Commission described in subsection (a). The report submitted by the Commissioner of Customs under this subsection shall address the effectiveness of the United States Customs Service in monitoring and seizing drug paraphernalia, including crack bags, vials, and pipes.

SEC. 4004. PROHIBITION ON THE IMPORTATION OF ALL ARTICLES ORIGINATING IN BURMA.

(a) IN GENERAL.—After the date of the enactment of this Act, any article which is the growth, product, or manufacture of Burma may not be imported into the United States or any territory or possession of the United States.

(b) ENFORCEMENT.—

(1) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the provisions of this section.

(2) The regulations under paragraph (1) shall require any importer of any article that—

(A) is imported from, or has passed through, Burma, or

(B) is imported from, or has passed through, any foreign country whose nationals are allowed to acquire articles which are the growth of Burma by a treaty or agreement between Burma and the foreign country and/or such nationals,

to submit, at the time of the importation into the United States or any territory or possession of the United States, to the Secretary of the Treasury a statement certifying the country of origin of the article.

(c) COMPLIANCE WITH GATT.—The provisions of this section shall not apply if the President submits to the Congress a written statement certifying that the provisions of this section violate the obligations of the United States under the General Agreement on Tariffs and Trade.

SEC. 4005. INTERNATIONAL TERRORISM, DENY GSP.

Any country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 shall cease to be considered designated a "beneficiary developing country" for purposes of receiving benefits under the Generalized System of Preferences (GSP).

SEC. 4006. COMPETITIVENESS POLICY COUNCIL.

(a) MEMBERSHIP OF COUNCIL.—Section 5205 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4804) is amended—

(1) in subsection (b) by striking out "within 30 days after January 21, 1989" and

inserting in lieu thereof "no later than June 1, 1990";

(2) by striking out subsections (e) and (f) and inserting in lieu thereof the following new subsections:

"(e) CONFLICT OF INTEREST.—A member of the Council shall not serve as an agent for a foreign principal.

"(f) EXPENSES.—Each member of the Council, while engaged in duties as a member of the Council, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from the usual place of residence of such member, in accordance with subchapter I of chapter 57 of title 5, United States Code."; and

(3) by striking out subsections (l) and (m).

(b) EXECUTIVE DIRECTOR AND STAFF.—Section 5206 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4805) is amended by adding the following new subsections:

"(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS-16 of the General Schedule.

"(d) DETAILS.—Upon request of the Council, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this subtitle.".

(c) POWERS OF THE COUNCIL.—Section 5207 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4806) is amended—

(1) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) in subsection (c) (as redesignated under paragraph (1)) by striking out "60" and inserting in lieu thereof "120".

(d) ANNUAL REPORT.—Section 5208(a) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4807(a)) is amended by striking out "prepare and" and inserting in lieu thereof "on March 1".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 5209 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4808) is amended by striking out "1989 and 1990" and inserting in lieu thereof "1991 and 1992".

SEC. 4007. OTHER TECHNICAL AND MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO SECTION 337 OF THE TARIFF ACT OF 1930.—

(1) Subsection (e) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(e)) is amended by adding at the end thereof the following new paragraph:

"(4) The proceeds from the forfeiture of any bond posted under paragraph (1) or (2) shall be deposited into the general fund of the Treasury of the United States.".

(2) Paragraph (1) of section 337(g) of the Tariff Act of 1930 (19 U.S.C. 1337(g)(1)) is amended by adding at the end thereof the following new sentence: "The Commission may delay issuing an exclusion or a cease or desist order under this paragraph until the completion of all (or a portion of) the investigation with respect to the complaint if the Commission determines such delay is appropriate.".

(3) Subparagraph (C) of section 337(g)(1) of the Tariff Act of 1930 (19 U.S.C. 1337(g)(1)(C)) is amended—

(A) by striking "or otherwise" before "fails to appear", and inserting a comma; and

(B) by inserting before the semicolon ", or otherwise substantially fails to meet the requirements for participation in the investigation".

(4) Section 337(n) of the Tariff Act of 1930 (19 U.S.C. 1337(n)) is amended by adding at the end thereof the following new paragraph:

"(3) Any correspondence, private letters of reprimand, and other documents and files relating to violations or possible violations of administrative protective orders issued by the Commission in connection with investigations or other proceedings under this section shall be treated as information described in section 552(b)(3) of title 5, United States Code.".

(5) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) AMENDMENTS TO SECTION 777 OF THE TARIFF ACT OF 1930.—

(1) Subparagraph (A) of section 777(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1677f(c)(1)(A)) is amended by inserting "customer names," after "classified information".

(2) Section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) is amended by adding at the end thereof the following new subsection:

"(g) INFORMATION RELATING TO VIOLATIONS OF PROTECTIVE ORDERS AND SANCTIONS.—The administering authority and the Commission may withhold from disclosure any correspondence, private letters of reprimand, settlement agreements, and documents and files compiled in relation to investigations and actions involving a violation or possible violation of a protective order issued under subsection (c) or (d), and such information shall be treated as information described in section 552(b)(3) of title 5, United States Code.".

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) AMENDMENTS TO THE UNITED STATES-CANADA FREE-TRADE AGREEMENT IMPLEMENTATION ACT OF 1988.—

(1) Section 313(n) of the Tariff Act of 1930 (19 U.S.C. 1313(n)) is amended—

(A) by inserting ", except an article" before "made from or substituted for", and

(B) by striking "of 1988" the second place it appears and inserting a comma.

(2) Section 313(o) of the Tariff Act of 1930 (19 U.S.C. 1313(o)) is amended by adding at the end thereof the following new sentence: "This subsection shall apply to vessels delivered to Canadian account or owner, or to the Government of Canada, on and after January 1, 1994 (or, if later, the date proclaimed by the President under section 204(b)(2)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988.".

(3) U.S. Note 1 to subchapter XIII of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by adding at the end thereof the following new paragraph:

"(c) For purposes of this subchapter, the shipment to Canada of an article entered into the United States under heading 9813.00.05 shall not constitute an exportation, unless the article is a drawback eligible good under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988. This paragraph shall apply to shipments on or after January 1, 1994 (or, if later, the date proclaimed by the President under section 204(b)(2)(B) of such Act).".

(4) Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended—

(A) in subsection (a)(5)—

(i) by striking subparagraph (A) and inserting:

"(A) the date of notice of any determination described in paragraph (1)(B) or a determination described in clause (i), (ii), or (iii) of paragraph (2)(B),", and

(ii) by striking out the period at the end of subparagraph (B) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(C) the date as of which—

"(i) a binational panel has dismissed the binational panel review for lack of jurisdiction, and

"(ii) any interested party seeking review under paragraph (1), (2), or (3) has provided timely notice under subsection (g)(3)(B),

except that if a request for an extraordinary challenge committee has been made with respect to the decision to dismiss, the date under this subparagraph shall not be earlier than the date on which such committee determines that such panel acted properly when it dismissed for lack of jurisdiction,"; and

(B) in subsection (g)(3)—

(i) by striking "or" at the end of subparagraph (A)(ii), by striking the period at the end of subparagraph (A)(iii) and inserting ", or", and by adding at the end of subparagraph (A) the following new clause:

"(iv) a determination which a binational panel has determined under paragraph (2)(A) is not reviewable by the binational panel.", and

(ii) by inserting "or (iv)" after "subparagraph (A)(i)" in subparagraph (B).

(5) Section 777(d) of the Tariff Act of 1930 (19 U.S.C. 1677f(d)), as added by section 501(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, is amended—

(A) in paragraph (1)(A)—

(i) by striking "(but not privileged material as defined by the rules of procedure referred to in article 1904(14) of the United States-Canada Agreement)", and

(ii) by adding at the end thereof the following new sentence: "If the administering authority or the Commission claims a privilege as to a document or portion of a document in the administrative record of the proceeding in question and a binational panel finds that in camera inspection or limited disclosure of that document or portion thereof is required by United States law, the administering authority or the Commission, as appropriate, may restrict access to such document or portion thereof to the authorized persons identified by the panel as requiring access and may require such persons to obtain access under a protective order described in paragraph (2).";

(B) in paragraph (1)(B)—

(i) by inserting ", and persons under the direction and control," after "employees" in clause (ii),

(ii) by striking "and" at the end of clause (ii),

(iii) by striking all after "in order to" in clause (iii) and inserting "make recommendations to the Trade Representative regarding the convening of extraordinary challenge committees under chapter 19 of the Agreement, and"; and

(iv) by adding at the end thereof the following new clause:

"(iv) any officer or employee of the Government of Canada designated by an authorized agency of Canada to whom disclosure is necessary in order to make decisions regarding the convening of extraordinary challenge committees under chapter 19 of the Agreement.";

(C) in paragraph (3)—

(i) by striking "or" after "violate," each place it appears, and

(ii) by inserting "or knowingly to receive information the receipt of which constitutes a violation of," after "violation of," each place it appears; and

(D) in paragraph (4)—

(i) by striking "or" after "for violation,", and

(ii) by inserting "or receipt of information with reason to know that such information was disclosed in violation of," after "violation of,".

(6) Section 406(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by adding at the end thereof the following new paragraph:

"(4) If the Canadian Secretariat described in chapter 19 of the Agreement provides funds during any fiscal year for the purpose of paying, in accordance with Annex 1901.2 of the Agreement, the Canadian share of the expenses of binational panels, the United States Secretariat established under section 405(e)(1) may hereafter retain and use such funds for such purposes.".

(7) Section 408(c) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by striking all after "persons" and inserting "who would otherwise be entitled under Canadian law to commence procedures for judicial review of a final antidumping or countervailing duty determination made by a competent investigating authority of Canada.".

(8) Section 409(b)(3)(A) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by striking "section 305" and inserting "section 308".

TITLE V—ADMINISTRATIVE PROCEDURES FOR NONCONTROVERSIAL TARIFF SUSPENSIONS

SEC. 5001. INITIATION OF INVESTIGATIONS.

(a) PETITIONS.—

(1) Any person who—

(A) uses an article in the production of a product in the United States,

(B) imports an article into the United States, or

(C) distributes an article in the United States,

may file with the United States International Trade Commission (hereafter referred to in this title as the "Commission") a petition requesting the President to issue a proclamation under section 5003(a) that suspends the duty imposed on such article by any chapter of the Harmonized Tariff Schedule of the United States other than chapter 98 or 99, if the rate of duty applicable to such article is provided in rate of duty column 1.

(2) Any person who—

(A) produces in the United States—

(i) any article for which a duty is suspended by reason of a proclamation issued under section 5003(a),

(ii) any other article like, or directly competitive with, such article, or

(iii) any other article which is like, or directly competitive with, a product that is produced in the United States by means of a process which uses such article as a significant raw material or component,

(B) has—

(i) the capacity, and

(ii) the bona fide intent,

to produce such article, or any other article like, or directly competitive with, such article in the United States in significant quantities,

may file with the Commission a petition requesting the President to issue a proclamation under section 5003(b) that reinstates such duty.

(3) The Commission shall not accept a petition under paragraph (1) or (2) for the suspension or reinstatement of a duty on an article before the date that is 1 year after the date on which a bill is introduced in the House of Representatives or the Senate that would, if enacted, effect such suspension or reinstatement.

(4) Each petition filed under paragraph (1) or (2) shall contain—

(A) sufficient information (including a precisely defined article description) to enable the Commission to determine whether an investigation into the suspension or reinstatement of the duty is justified;

(B) sufficient information for the Commission to make a determination under section 5002(a); and

(C) such other information as the Commission may require.

(5)(A) Not later than the date that is 15 days after the date on which a petition is filed with the Commission under paragraph (1) or (2), the Commission shall determine whether the information provided in the petition is sufficient to justify an investigation under section 5002.

(B) If the determination made under subparagraph (A) is affirmative, the Commission shall—

(i) transmit a copy of the petition to the United States Trade Representative,

(ii) initiate an investigation under section 5002 of the suspension or reinstatement of the duty requested in the petition, and

(iii) publish in the Federal Register notice of—

(I) the initiation of such investigation, and

(II) the opportunity for public comment on such suspension or reinstatement of the duty.

(C) If the determination made under subparagraph (A) is negative, the Commission shall dismiss the petition and notify the petitioner of the basis on which such negative determination was made.

(b) PRESIDENTIAL REQUEST OR SELF-INITIATION.—

(1) Upon request of the President, or upon the initiative of the Commission, the Commission shall initiate an investigation under section 5002 of the reinstatement of any duty that has been suspended by any previous proclamation issued under section 5003(a).

(2) Upon initiating an investigation under section 5002 by the authority of paragraph (1), the Commission shall—

(A) transmit to the United States Trade Representative a written statement describing the article and duty that are the subject of such investigation and all information available to the Commission regarding justification of the reinstatement of such duty on such article, and

(B) publish in the Federal Register notice of—

(i) such investigation, and

(ii) the opportunity for public comment on such suspension or reinstatement of the duty.

SEC. 5002. INVESTIGATIONS BY THE COMMISSION.

(a) IN GENERAL.—If the determination made under section 5001(a)(5)(A) is affirmative or section 5001(b)(1) applies, the Commission shall conduct an investigation to determine—

(1) whether the article that is the subject of the petition filed under section 5001(a), or of the notice published under section 5001(b)(2)(B), is produced in the United States,

(2) whether any other article which is like, or directly competitive with, such article is produced in the United States,

(3) whether any other article is produced in the United States which is like, or directly competitive with, a product that is produced in the United States by means of a process which uses (or could use) such article as a significant raw material or component,

(4) whether any person has—

(A) the capacity, and

(B) the bona fide intent,

to produce such article, or any other article like, or directly competitive with, such article in the United States in significant quantities,

(5) whether any person who—

(A) produces in the United States—

(i) such article,

(ii) any other article like, or directly competitive with, such article, or

(iii) any other article described in paragraph (3), or

(B) is described in paragraph (4),

objects to a suspension of the duty imposed on such article by any chapter of the Harmonized Tariff Schedule of the United States other than chapter 98 or 99,

(6) whether any person not described in paragraph (4) or (5)(A) objects to that suspension of duty on such article,

(7) whether any quotas or other import restrictions are imposed by Federal law on such article,

(8) whether any international agreements to which the United States is a party affect trade in such article or in any other article like, or directly competitive with, such article,

(9) whether such article, or any article like, or directly competitive with, such article, is, or has been, the subject of any investigation during the preceding 5 years under—

(A) title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) or section 303 of the Tariff Act of 1930 (19 U.S.C. 1303),

(B) section 337 of the Tariff Act of 1930 (19 U.S.C. 1337),

(C) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.),

(D) chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.), or

(E) section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862),

(10) the aggregate value of such articles imported into the United States during the calendar year preceding the calendar year in which such determination is made,

(11) the aggregate value of such articles consumed in the United States during the calendar year preceding the calendar year in which such determination is made,

(12) the principal uses of such article in the United States,

(13) the duties that are imposed by Federal law on such article and the rates of such duties, and

(14) the aggregate amount of Federal revenue derived from the duties imposed by Federal law on such article during the fiscal year preceding the fiscal year in which such determination is made.

(b) PUBLIC COMMENTS.—During the course of any investigation conducted under this section, the Commission shall provide an opportunity for any person to submit written statements regarding the subject of the investigation and, upon request and after reasonable public notice, shall hold a hearing for the oral presentation of views on the subject of the investigation.

(c) REPORTS.—

(1) Not later than the date that is 75 days after the date on which an investigation under this section is initiated, the Commission shall—

(A) complete a preliminary report on the investigation conducted under subsection (a),

(B) publish a summary of the preliminary report in the Federal Register,

(C) provide a copy of the preliminary report to the petitioner, and

(D) make the preliminary report available for public inspection.

(2) On the date that is 30 days after the date on which a summary of the preliminary report on the investigation conducted under this section is published in the Federal Register, the Commission shall submit to the President a final report on the investigation. Such report shall include—

(A) the determinations made under subsection (a),

(B) a summary of comments received by the Commission regarding such investigation, including comments on the preliminary report completed under paragraph (1), and

(C) a copy of the transcript of any hearings held in the course of such investigation.

(d) DETERMINATIONS NOT SUBJECT TO JUDICIAL REVIEW.—The determinations made by the Commission under subsection (a) shall not be reviewable in any court.

SEC. 5003. ACTION BY THE PRESIDENT.

(a) SUSPENSION OF DUTIES.—

(1) During the 30-day period beginning on the date on which the Commission submits to the President under section 5002(c)(2) a final report on an investigation concerning the suspension of duties on an article, the President may issue a proclamation that suspends the duty imposed on such article by any chapter of the Harmonized Tariff Schedule of the United States other than chapter 98 or 99 if the President determines that—

(A) no person has a valid objection to such a suspension, and

(B) the sum of—

(i) the aggregate amount of Federal revenue derived from the duty imposed on such article by any chapter of the Harmonized Tariff Schedule of the United States other than chapter 98 or 99 during the fiscal year preceding the fiscal year in which such determination is made, and

(ii) the aggregate amount of Federal revenue derived during such preceding fiscal year from all the duties imposed on all articles that are the subject of a previous proclamation issued under this paragraph during the calendar year in which such determination is made,

does not exceed $100,000,000.

(2) The President may not issue a proclamation under paragraph (1) that suspends the duty imposed by the Harmonized Tariff Schedule of the United States on any article to which the rate of duty provided in rate of duty column 2 applies.

(3) In determining whether to issue a proclamation under paragraph (1), the President may take into account—

(A) the effect such a proclamation would have on the bargaining position of the United States in any continuing, planned, or prospective negotiations with any foreign country,

(B) the effect such a proclamation would have on the revenue of the United States,

(C) foreign policy considerations, and

(D) any other factors the President considers appropriate.

(4) If the President does not issue a proclamation under paragraph (1) with respect to any article that is the subject of a report submitted under section 5002(c)(2) during the 30-day period described in paragraph (1), the President shall publish in the Federal Register the reasons why the President is unable, or has declined, to issue such a proclamation.

(5) The duration of the suspension of duties provided in a proclamation issued under paragraph (1) shall not exceed 3 years. Such suspension may be extended by a proclamation issued under paragraph (1) with respect to subsequent investigations conducted under section 5002 for a period not to exceed 3 years for each such proclamation.

(b) REINSTATEMENT OF DUTIES.—

(1) During the 30-day period beginning on the date on which the Commission submits to the President under section 5002(c)(2) a final report on an investigation concerning the reinstatement of duty on an article that has been suspended by a proclamation issued under subsection (a), the President shall—

(A) determine whether any person has a valid objection to such suspension, and

(B) if the determination made under subparagraph (A) is affirmative, issue a proclamation that reinstates the duty which would be in effect if such suspension had not been made.

(2) The President shall publish in the Federal Register any negative determination made under paragraph (1)(A).

(c) DETERMINATIONS NOT SUBJECT TO REVIEW.—Any determination made by the President under this section shall be final and shall not be reviewable in any court.

SEC. 5004. ALTERNATIVE SCHEDULES.

The President may, by proclamation, establish—

(1) an annual deadline for the filing of petitions under section 5001(a) with respect to which—

(A) the Commission will be required to make determinations under sections 5001(a)(5) and 5002 during the calendar year, and

(B) the President will be required to make determinations under section 5003 during the calendar year, and

(2) a schedule for taking other actions under sections 5001, 5002, and 5003 that may differ from any time requirements set forth in such sections.

SEC. 5005. EFFECTIVE DATE.

The provisions of this title shall take effect on October 1, 1991.

TITLE VI—FEDERAL TIMBER EXPORT RESTRICTIONS

SEC. 6001. SHORT TITLE.

This title may be cited as the "Federal Timber Export Restriction Act of 1990".

SEC. 6002. PURPOSES.

The purposes of this title are—

(1) to make permanent the current Federal policy of restricting the export of unprocessed timber from Federal lands;

(2) to review and revise Federal policy with respect to the ability of timber operators to acquire and mill Federal logs in lieu of exported private logs;

(3) to promote the conservation of forest resources consistent with Federal resources management plans;

(4) to help relieve the critical short supply conditions in industries which rely on an adequate timber supply; and

(5) to effect measures aimed at meeting these objectives in conformity with the obligations of the United States under the General Agreement on Tariffs and Trade.

Subtitle A—Federal Lands

SEC. 6101. RESTRICTIONS ON EXPORTING OF UNPROCESSED TIMBER.

Notwithstanding the Act of April 12, 1926 (16 U.S.C. 616, 44 Stat. 242), and except as permitted by section 6103 or 6104 of this Act, no person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands shall—

(1) export such timber from the United States;

(2) sell, trade, exchange, or otherwise convey such timber to any other person for the purpose of exporting such timber from the United States; or

(3) use, or assist or conspire with any other person to use, such timber in substitution for unprocessed timber originating from private lands exported or to be exported from the United States.

SEC. 6102. INFORMATION GATHERING.

(a) REQUIREMENTS OF PERSONS ACQUIRING UNPROCESSED TIMBER.—In accordance with regulations issued under section 6203, each person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands shall report the disposition of such timber to the Secretary concerned on a quarterly basis.

(b) REQUIREMENTS OF PERSONS CONVEYING UNPROCESSED TIMBER.—

(1) IN GENERAL.—In accordance with regulations issued under section 6203, each person who sells, trades, exchanges, or otherwise conveys to another person unprocessed timber originating from Federal lands shall identify in writing the origin of such timber to that other person.

(2) ACKNOWLEDGEMENT.—The person to whom such timber is conveyed under this section shall submit to the Secretary concerned, in such manner as the Secretary may prescribe—

(A) written acknowledgment of receipt of the written identification of the origin of such timber under paragraph (1), and

(B) a written agreement to comply with all of the prohibitions in section 6101.

(c) REPORTS BY SECRETARIES TO CONGRESS.—The Secretary concerned shall, on the basis of the information received under subsection (a) and (b), report annually to the Congress on the disposition of unprocessed timber originating from Federal lands administered by that Secretary. The Secretary of Agriculture may meet this requirement by including such information pertaining to the National Forest system as part of the annual report required by section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (17 U.S.C. 1606(c), 88 Stat. 478).

SEC. 6103. EXCLUSIONS.

(a) EXEMPTION FROM PROHIBITION ON SUBSTITUTION.—The prohibitions contained in section 6101 shall not apply to a person if, before the unprocessed timber otherwise subject to the prohibitions is obtained—

(1) that person applies to the Secretary concerned, in such form as is prescribed in regulations issued by such Secretary, for an exemption of the prohibitions contained in section 6101;

(2) that person demonstrates in such application that the Federal lands from which the unprocessed timber will be obtained are not located in the same geographic area—

(A) from which that person exports any other unprocessed timber from private lands; or

(B) from which that person has exported unprocessed timber from private lands in the preceding 5-year period; and

(3) the Secretary concerned grants the exemption.

(b) DETERMINATION OF GEOGRAPHIC AREAS.—The Secretary concerned shall determine the boundaries of geographic areas for purposes of subsection (a)(2) in accordance with the procedures for rulemaking set forth in section 553 of title 5, United States Code. The Secretary shall consider whether persons other than the applicant for the exemption engage in commerce in unprocessed logs between the two geographic areas involved. Such commerce shall be sufficient to deny the exemption. Any such determination shall be reviewed at least once in each 2-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

SEC. 6104. SURPLUSES.

(a) DETERMINATIONS BY SECRETARIES.—The prohibitions contained in section 6101 shall not apply to specific quantities of grades and species of unprocessed timber from Federal lands which the Secretary of Agriculture or the Secretary of the Interior determines to be surplus to domestic manufacturing needs.

(b) PROCEDURES.—Any determination under subsection (a) shall be made in regulations issued in accordance with section 553 of title 5, United States Code. Any such determination shall be reviewed at least once in every 3-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

Subtitle B—Sanctions; Definitions; Effective Dates

SEC. 6201. PENALTIES.

(a) IN GENERAL.—Any person who violates this title, or any implementing regulation, or counsels, procures, solicits, or employs any other person to take an action in violation of this title or such regulation, shall be assessed a civil penalty by the Secretary concerned of not more than $10,000 for each violation.

(b) KNOWING VIOLATIONS.—Any person who knowingly violates this title, or any implementing regulation, shall be assessed a civil penalty by the Secretary concerned of not more than $1,000,000 or three times the gross value of the unprocessed timber involved in the violation, whichever is greater.

SEC. 6202. DEBARMENT.

If the Secretary concerned finds, after notice and an opportunity for a hearing on the record, that a person has violated this title or any regulation issued to carry out this title, such Secretary shall issue an order prohibiting that person from entering into any contract for the purchase of unprocessed timber from any Federal lands for a period of not more than 5 years. Such person shall also be precluded from taking delivery of Federal timber purchased by another party for the period of debarment. Such an order shall be subject to review in an appropriate District Court of the United States.

SEC. 6203. REGULATIONS.

Within 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall, in consultation, each prescribe new coordinated and consistent regulations to implement this title on lands which they administer.

SEC. 6204. DEFINITIONS.

When used in this title, the term—

(1) "acquire" means to come into possession of, either directly or indirectly, through a sale, trade, exchange, or other transaction;

(2) "affiliate" of another person described in paragraph (4) of this section is a person that—

(A) controls or has the power to control such other person,

(B) is controlled by or is subject to control by such other person, or

(C) with such other person is controlled by, or is subject to control by, a third person, except that in determining whether persons are affiliates, all appropriate factors shall be considered including, but not limited to, common ownership, common management, and contractual relationships;

(3) "Federal lands" means lands administered by the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense, and located west of the 100th meridian in the contiguous 48 States, excluding lands held in trust by the United States for the benefit of any Indian tribe or Indian individual;

(4) "person" means an individual, partnership, corporation, association, or other legal entity and shall include subcontractors and any subsidiary, parent company, or other affiliate;

(5) "private lands" means lands held or owned by a person but does not include lands held or owned by the United States, a State or political subdivision thereof, or any other public agency;

(6) "Secretary concerned" means the Secretary administering the Federal lands from which the unprocessed timber is removed;

(7) "substitution" is the practice of purchasing or otherwise obtaining timber from Federal lands west of the 100th meridian in the contiguous 48 States while at the same time exporting, or selling for export, timber from private lands west of the 100th meridian in the contiguous 48 States; and

(8) "unprocessed timber" means timber as defined by the regulations prescribed pursuant to section 6203 of this Act.

SEC. 6205. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect 30 days after the date of the enactment of this Act, but shall not apply with respect to timber removed pursuant to timber sale contracts entered into before the date of enactment of this Act.

(b) EXEMPTION FROM SUBSTITUTION.—Section 6101(3) shall take effect 1 year after the date of the enactment of this Act. During such 1-year period, section 6101(3) shall not apply with respect to the acquisition of unprocessed timber from Federal lands by a person who, in accordance with regulations of the Department of Agriculture and the Department of the Interior in effect on the date of enactment of this Act, demonstrates to the appropriate official that the Federal lands are in a tributary area as defined by the current regulations.

TITLE VII—STATE LANDS

SEC. 7001. RESTRICTION OF EXPORTS OF UNPROCESSED TIMBER FROM STATE LANDS.

(a) AUTHORITY TO PROHIBIT EXPORTS OF UNPROCESSED TIMBER.—The Secretary of Commerce shall prohibit or otherwise restrict the exportation from the United States of any unprocessed timber harvested from land owned or administered by a State (or any political subdivision thereof), based on the recommendation of the Governor of that State, but only if the Governor of that State has certified that the State supports such prohibitions or restrictions based on—

(1) a statute enacted by the State legislature;

(2) a statewide voter initiative; or

(3) an existing State statute.

This subsection shall not apply if the Secretary of Commerce finds that there are not in effect restrictions on the exportation from the United States of unprocessed timber from land owned or administered by the Federal Government.

(b) ABILITY OF SECRETARY TO REMOVE OR MODIFY EXPORT RESTRICTIONS.—The Secretary of Commerce may remove or modify such prohibitions or restrictions on the exportation from the United States of any unprocessed timber harvested from land owned or administered by a State (or any political subdivision thereof) if the Governor of such State modifies that State's certification consistent with the requirements of paragraph (1), (2), or (3) of subsection (a).

(c) SUBSTITUTION.—Each State may adopt provisions with respect to substitution.

SEC. 7002. DEFINITIONS.

When used in this title, the term—

(1) "State" means any of the several States located west of the 100th meridian in the contiguous 48 States;

(2) "State lands" means lands of a State or any political subdivision thereof; and

(3) "unprocessed timber" means timber as defined under the regulations prescribed pursuant to section 6203 of this Act.

SEC. 7003. EFFECTIVE DATE.

This title shall take effect upon the date of enactment of this Act.

Amend the title so as to read: "An Act to make miscellaneous and technical changes to various trade laws.".

ADDITIONAL STATEMENTS

A TRIBUTE TO AMY MOSELEY

● Mr. KOHL. Mr. President, I wish to take this opportunity to recognize Amy Moseley from Sparta, WI, for her heroic rescue of 17 elderly residents from a life-threatening fire. At this time, I want to briefly recount her courageous act.

On October 17 of 1989, Amy took a required course at Western Wisconsin Technical College on fire safety. She thought the class was interesting, but that she would never need the information. However, on October 21, as she was leaving the Parkside Villa, a Sparta retirement home where she works, she smelled smoke. She returned inside to find the upstairs television room on fire. She quickly contained the blaze by closing the door, a technique which she had learned in the fire safety class. What she did in the next few minutes, however, cannot be taught in any class: Amy Moseley is personally credited with saving the lives of 17 elderly residents by assisting them to safety. Not only did she help those 17, but she also carried 3 of the residents outside by herself.

On March 23, 1990, Amy Moseley received a letter of commendation from President George Bush, in recognition of her altruistic action.

Mr. President, I am honored to represent such a distinguished individual. I hope her deed has encouraged more people to recognize the importance of knowing, and practicing fire safety.●

COL. WILLIAM HIGGINS, USMC

● Mr. McCAIN. Mr. President I rise today to speak of Col. William R. Higgins, U.S. Marine Corps.

It has been over a year since Colonel Higgins was kidnaped while serving as a peacekeeper with the United Nations in Lebanon.

Colonel Higgins was kidnaped in February 1988 by terrorists from the Hezbollah while he was serving as the chief of the Lebanon Observation Group. This observation group is part of the United Nations truce supervision organization that has been monitoring the Israeli-Arab border since 1949.

It is important that we remember Colonel Higgins, particularly at this time. With the recent release of Robert Polhill, the press and public officials make continual reference to the remaining seven hostages.

Mr. President, we must remember that Colonel Higgins is still missing. For some reason, he has been left out of the count. Colonel Higgins served as a U.S. representative to the observation group. He was under orders that sent him to Lebanon to perform this duty. We have an obligation to Colonel Higgins, to the family of Colonel Higgins and to those in uniform serving in the defense of our Nation to not allow Colonel Higgins to be forgotten.

Mr. President, there are not seven hostages left. There are nine hostages left. Colonel Higgins and William Buckley still remain missing.

Mr. President, we must remember the family of Colonel Higgins, as we remember the families of all of those taken hostage in Lebanon. They, too, wait for their loved one to come home.

When we talk in Congress and in the press about the American hostages, I would ask that we remember Colonel Higgins, who, while serving his country, in the line of duty, was abducted and is still missing.

Mr. President, there are nine American hostages remaining to be brought home.●

NATIONAL MARROW DONOR PROGRAM

● Mr. SARBANES. Mr. President, thousands of people throughout the United States and the world suffer from Leukemia, aplastic anemia and other diseases of the bone marrow. Many of them could be cured by bone marrow transplants. Those patients who cannot locate a compatible donor in their families rely on the Department of Health and Human Service's National Marrow Donor Program's [NMDP] computerized registry of unrelated potential donors.

On December 21, 1989, I joined Senator BARBARA MIKULSKI in writing to Health and Human Services Secretary Louis Sullivan, calling attention to the limited success of the NMDP in finding matched donors in ethnic groups, particularly the Jewish and black populations. In February the bright future of JoAnne Johnson, a young black woman from Silver Spring, MD, ended when no donor match was found, despite the overwhelming response of the black community throughout the metroplitan area. Many of you have read about the ongoing struggle of Allison Atlas, the 20-year-old Jewish woman from Bethesda, who continues the search for a compatible donor to save her life. Again, the Jewish community has mounted a well-organized effort to locate a suitable donor. In our Senate community, Vasilios Markis, the brother of our friends Liria and Vagelis Makris, who are managers of the Senate Hair Salon, has leukemia and needs a bone marrow transplant. The Greek-Americans and others are joining together to organize a comprehensive donor testing program.

Senator MIKULSKI and I have written to the Senate Appropriations Committee requesting funding to permit an expanded HLA marrow typing program for the NMDP through the rest of fiscal year 1990. Immediate emergency funding is required for marrow testing in these populations to assure ethnic diversity in the NMDP registry and equal access to medical treatment for all Americans. I am pleased to report the supplemental appropriations bill contains $6 million for this purpose, a tribute to the organized efforts of many to bring this medfical emergency to the attention of the legislative and executive branches.

The National Marrow Donor Program has been assisting families to raise money for typing. But tissue typing costs are high. Family resources are stretched to the limit, and the money currently available to the registry does not go far enough. We are forcing patients and their families to raise money at the worse possible moment—when they are in a life threatening crisis. The Federal Government has an important role to play here, and this additional funding will send a message of hope to desperate families and help countless potential future victims of these life-threatening diseases.●

UNITED STATES-CANADA FREE TRADE AGREEMENT

● Mr. BRADLEY. Mr. President, on April 7, 1989, the Subcommittee on International Trade of the U.S. Senate Committee on Finance held oversight hearings on the United States-Canada Free-Trade agreement (Senate hearings 101-204).

Relevant correspondence from Revenue Canada, dated August 11, 1989 was received by the subcommittee too late to be included in the printed record of the hearing.

To ensure that the published record is complete, but without taking any position on the contents of the letter or the merits of the allegations, before the committee, I hereby request the August 11, 1989 letter from K.H. McCannon, Assistant Deputy Minister, Customs and Excise Branch, Revenue Canada be placed in the RECORD.

The letter from Assistant Minister McCannon follows:

REVENUE CANADA,
CUSTOMS AND EXCISE,
Ottawa, Canada, August 11, 1989.

Mr. J. SERENY,
President and Chief Executive Officer, Green Forest Lumber Limited, Toronto, Ontario.

DEAR MR. SERENY: I am writing further to your request, concerning an allegation that your company evaded the export charge on certain softwood lumber products exported to the United States.

A shipment of softwood lumber was made by GFL on October 13, 1988 to Brojack Lumber of Pennsylvania. The export notice accompanying states that the shipment contained "B.C. Spruce Lumber". According to the allegation, only part of the lumber in this shipment originated in B.C. The lumber on the top layers of the 13 bundles included in the shipment allegedly had marks indicating B.C. origin. However, the lumber beneath the top layer had the marks of the Ontario Lumber Manufacturers Association (OMLA).

A detailed review was conducted to verify whether the export charge liability was correctly set up and paid on the portion of the Ontario lumber included in the shipment. It was found that the charge was correctly set up and paid in Green Forest Lumber's monthly export charge remittance for October 1988.

It was also alleged that the value on the export notice accompanying the above shipment appeared inexplicably low compared to the sales invoice. It was found that the value used on the export notice was not correctly calculated. However, the error did not result in any underpayment of the export charge due to the fact that such values on the export notice are not used by the accounting department of Green Forest Lumber to calculate the export charge liability.

Since the applicable export charge liability on the shipment in question and on other similar transactions tested was correctly calculated and paid, we are satisfied that there was no intent by Green Forest Lumber to circumvent the export charge. We therfore consider the case closed in respect of the allegation.

Yours truly,

K.H. MCCANNON,
ASSISTANT DEPUTY MINISTER,
EXCISE BRANCH.●

UTAH'S COMMITMENT TO THE ENVIRONMENT THROUGH SUPPORT OF THE PRESIDENT'S TREE PLANTING PROJECT

● Mr. HATCH. Mr. President, I rise today to share with you and our colleagues the opportunity I have had to participate in the President's tree planting project as a representative of the great State of Utah. Today, the

Utah State tree was planted on the U.S. Capitol Grounds and now stands in living tribute to the commitment of Utahans to clean up the environment and support the President's nationwide tree-planting project. The 8-foot native blue spruce will serve as a constant reminder that Utah is for a clean America.

I also want to take this opportunity to thank Mr. Lon Clayton and Mr. Gerry Leary for their support and help in making this project a success. Mr. Clayton donated the blue spruce tree that will symbolize a clean environment for many years to come. Mr. Leary was instrumental in transporting the tree from Utah to Washington, DC; without his help the difficult task of moving a live tree across the country would have been much greater.

I invite my colleagues to take a moment to visit and enjoy the beauty of this monument from the people of Utah.●

A DRUG-FREE COUNCIL BLUFFS

● Mr. HARKIN. Mr. President, yesterday I spoke on the Senate floor about a group of courageous students from Council Bluffs who have pledged themselves to a drug-free life.

These 18 students, who traveled by bus from western Iowa to Washington, DC, presented me a petition signed by 5,000 elementary school children who pledged themselves to be drug and alcohol free. These students are members of B-MAD [Bodies and Minds Against Drugs], which was organized by Council Bluffs pharmacist Dick Miller nearly a decade ago. Joining the students and Mr. Miller in their journey to our Nation's Capital was Council Bluff's Police Chief Mark Moline and Lt. Ron Shaw.

Mr. President, I am submitting for all my colleagues' attention statements written by the two leaders of the B-MAD group, Don Hunt and Ryan Meis, two high school students in Council Bluffs. Their wisdom and insight into the drug problem, and their work with elementary schoolchildren, is very instructive and should be heard by all of us concerned with the spread of drugs and alcohol in our society.

I commend Don and Ryan for all of their good work to help make the youth of Council Bluffs drug and alcohol free.

I ask that the following statements of Don Hunt and Ryan Meis be printed in the CONGRESSIONAL RECORD.

The statements follow:

STATEMENT OF DON HUNT, COUNCIL BLUFFS DRUG FREE STUDENT

Hi, my name is Don Hunt and I am drug and alcohol free.

In today's society drugs and alcohol are becoming an increasingly alarming problem. Many of America's large east and west coast cities are mentioned when this problem is addressed but there is a failure to realize that the Midwest United States is also a part of this problem.

During the past few years I have noticed that the age at which a child is approached to use drugs is decreasing rapidly. No longer does an elementary student have to solely worry about how much he or she dislikes the opposite sex but must now combat the pressure of drugs.

One cadet of mine at Council Bluffs Police Academy Youth I Camp said to me, "Don, I don't want to go home?" I asked, "Why?" His reply was that he was scared because he knew that some of his family members were using drugs.

By working with elementary kids in B-MAD, Bodies and Minds Against Drugs, kids are aware that there is a problem, and they want help.

Alcohol among teenagers is increasing every day as students are falling victims to the so-called glamour and popularity of drugs in the world today.

Correctional facilities and rehabilitation centers are a great way to attack the drug problem of today, but education and prevention programs are the way to drastically reduce the problem for the future.

With the pressure of drug usage increasing daily, prevention programs must be implemented to prevent the problem from destroying America's Heartland.

STATEMENT OF RYAN MEIS

My name is Ryan Meis and I am drug and alcohol free. Let it be known that I have tried my best to be a representative example of rural Iowa. But I have failed. For I have become a minority in my own community.

Over half of the juniors and seniors polled at Abraham Lincoln High School in Council Bluffs have made the choice not to "Just Say No." They made this choice because of particular beliefs and attitudes.

Society today has made youngster believe that drug and alcohol use is acceptable to a given point. My friends drink, my parents drank in high school, and so did many of you.

Attitudes must change and the change begins with education. We need to teach the younger kids so that they may grow into the role of tomorrow's leaders, being sure that they lead us to the light, and not into the dark.

Council Bluffs has begun to tackle the enormous task of drug and alcohol abuse. A program founded by pharmacist Dick Miller called B-MAD (Bodies and Mind Against Drugs) is helping to exert positive peer pressure. The process involves the use of drug-free, successful teenagers as role models for elementary kids to pattern their lives after. This program is Council Bluffs-based and still remains in the city.

Another of the forward steps being taken is the DARE program. This is a national program that introduces youngsters to the harmful effects of drugs. The Council Bluffs Police Department is attempting to take this process a step further.

In the summer of 1989, they held the first Council Bluffs Police Academy Youth I Camp. It gave forty-eight sixth grade students the opportunity to have a week full of fun activities that can be performed without the intervention of drugs and alcohol. Role models from the B-MAD program were used as counselors. A great time was had by all but more importantly kids learned and formed their own beliefs and attitudes—some even new attitudes.

An elated grandmother wrote to us shortly after the week-long camp had ended. She was astounded by the great transformation her grandson had gone through. He was a cheerier kid and he had an improved attitude. All the kids were a little better off after their camp visit than before. If one child can be led straight, then they all can.

Council Bluffs and the rest of rural Iowa have made a commitment to achieving a drug free society. Abuse control starts early. Money is needed to help these programs succeed. Kids must be reached before they reach the threshold. We must proceed by striving for one peg at a time. But nothing works without money.

We in rural America should not be overlooked in lieu of the big cities. We need money to combat our drug and alcohol problem.

Attitudes can change, attitudes have changed, and attitudes will continue to change as long as you continue to help and care.●

SOCIAL SECURITY NOTCH—A CALL TO ACTION

● Mr. HARKIN. Mr. President, approximately 10 million Americans have been waiting 13 long years for Congress to address the Social Security notch—a glitch in the law which has reduced the benefits of individuals born between 1917 and 1926.

As a result of the 1977 amendments to the Social Security Act, individuals born between 1917 and 1926 receive substantially lower benefits than individuals born in earlier years. This reduction in benefits has caused suffering among older Americans, many of whom depend on their Social Security check to keep them out of poverty.

There are approximately 145,000 Iowans affected by the notch. When I came to the Senate 6 years ago, I made notch correction legislation a priority and I have supported and cosponsored legislation over the years which will provide relief to these individuals in a fiscally responsible manner.

In the 101st Congress, I cosponsored Senator SANFORD's bill, S. 1212, which will ease the financial inequity created by the Social Security notch. In the past, notchers were considered as those individuals who were born during 1917 and 1921. However, the financing formula of the Sanford bill calls for a gradual phase-in of a stable level of benefits for individuals who were born between 1917 and 1926, thus targeting the benefits to those who need them the most. Moreover, this legislation provides a lump sum payment of up to $1,000 per family for past periods of entitlement.

I want to give special thanks to Daryl Cooper, Joe Rodecap, and all the other Iowa activists who have kept the issue of correcting the notch in the forefront of political debate. Finding a solution to the Social Security notch is in the best interest of Congress, the Social Security system and the Nation. I urge my colleagues to join in the effort to redress the grievances of millions of persons who have

been unfairly penalized by the notch. Doing so will bring long-awaited justice to these beneficiaries and build greater confidence in the Social Security system.

Congress' failure to correct this problem will only serve to undermine confidence in the Social Security system.●

IN HONOR OF THE 100TH BIRTHDAY OF MRS. MARJORY STONEMAN DOUGLAS

● Mr. GRAHAM. Mr. President, it is an honor for me to rise today to pay tribute to a woman special to my State and to this country. In recent weeks, many friends and admirers have gathered to celebrate the 100th birthday of a great Floridian, Marjory Stoneman Douglas.

Mrs. Douglas is not only one of my favorite authors—she has served as a personal inspiration to me throughout my years in Government. I had the pleasure of honoring her centennial with her in Florida on Earth Day. I cannot think of a more fitting day to recognize the contributions this woman has made to the environment.

Like many Floridians, Marjory Stoneman Douglas came to the State from someplace else.

On a September day in 1915, 25-year-old Marjory put on a new blue taffeta dress and boarded a New York train bound for Miami.

She arrived with a single suitcase, little money, and no job.

The same way most of us leave office.

Mrs. Douglas arrived to a different Florida than the one I represent today.

She arrived to a Florida that was populated by less than 1 million people, spread out across a swampy expanse.

Today, that population approaches 14 million and is growing faster than any other in America.

She arrived to a State that was among the poorest in the Nation.

Today, it is one of the most prosperous.

She arrived with almost nothing.

And yet, Marjory Stoneman Douglas has given us a great gift: An appreciation of our rare and beautiful Florida and a commitment to preserve our State for generations to come.

Her fight to protect our heritage has been a labor of love.

She has awakened thousands of Floridians to the treasures that surround us.

She has fought to protect our wondrous natural resources.

She has helped us understand that the responsibility for preserving Florida's natural heritage is our responsibility.

She has altered the way we look at that great expanse, the Everglades.

When Mrs. Douglas arrived in Florida, the Everglades was viewed as an impenetrable and mysterious swamp.

She wrote a book about that swamp: "River of Grass." That title and that book may have singlehandedly changed more minds about the Everglades than any other action.

She taught us a lesson in the importance of simple beauty.

As we celebrate her 100th birthday, we remind ourselves of other lessons taught to us by Mrs. Douglas.

That life should be loved to its fullest.

That in every setback there is silver lining.

That we are the watchmen and women of all that surrounds us. It is ours to protect. And ours to preserve.

Mrs. Douglas has spent her lifetime protecting Florida's environment, but her efforts are a valuable example to a new generation of preservationists across the country, awakened by the celebration of Earth Day this past Sunday.

We hope that each new generation will produce its own Marjory Stoneman Douglas, to devote his or her life to preserving our natural resources.

It is our responsibility to instill in America's youth the same vision, commitment, and limitless energy which Mrs. Douglas has dedicated to protecting our environment.

In commemorating her 100th birthday, we thank her not only for her tireless efforts and for their results, but also for what we have learned from her about the value and necessity of environmental vigilance.

Happy birthday, Mrs. Douglas.●

BOND GOALS FOR BUDGET RESOLUTION

● Mr. BOND. Mr. President, I approach the fiscal year 1991 budget resolution with three basic goals.

First, I want the defense budget to be a realistic number which recognizes the changes in Eastern Europe; and thus the changed mission and needs of Armed Forces—but at the same time also recognizes that Gorbachev won't live forever, that circumstances can change quickly, and that new challenges will emerge.

What we need is an orderly builddown not a chaotic meltdown.

Mr. President, several weeks ago I outlined potential procurement cuts that could be made: in specific the cancellations of the LHX, the ATF, two aircraft carriers, the follow-on to Lance missile, and the MX rail garrison. Since then I continued my review of the defense budget—in particular taking a close look at those options which called for $25 to $35 billion cuts in budget authority [BA] and $15 to $20 billion in actual spending for fiscal year 1991.

These deliberations, have led me to the conclusion that I could support a budget resolution which cut as much as $17 billion in BA for defense in 1991, and nearly 9.0 in outlays. The total 5-year reduction of my approach would be in the neighborhood of $167.5 billion in BA, and $130.4 in actual spending.

For comparison purposes, this number is $5.5 billion below the President's 1991 outlays and $41.5 in additional savings over the 1991-95 period.

However, I must emphasize that this is about the limit that I can see for this year—beyond that it becomes more of a meltdown than a builddown.

I cannot, for example, support the Sasser plan to cut defense by $15.0 billion in actual spending this year—nor could I support the House Budget Committee's $11.5 plan. Both have huge cuts in the out years that I feel are simply more than we can absorb while ensuring our ability to defend our Nation. The Nunn approach is much more reasonable, and although I don't have all the details it appears to be a plan I could support.

In fact Mr. President, Senator NUNN raises many of the same points I raised, such as: Upgrading current systems rather than building all the new systems; not going forward with mobile systems of rail garrison and midgetman; cancelling the F-OTL; expanding the role of the Guard and Reserve; and retiring two aircraft carriers.

Along with these cuts I believe we can moderately tighten our belts in the operations and maintenance accounts; as well as RDT&E and military construction. One area of O&M in which savings will be possible is from reduced steaming hours given the cutbacks we have seen in the Soviet Navy.

Mr. President, my second goal in this process is to ensure that these savings are actually saved! Already the line is forming to spend, spend, spend. In fact, in the House Budget Committee, after cutting DOD by $11.5 billion in fiscal year 1991; and $250 billion over 1991-95, the first amendments offered were to take additional funds from DOD and transfer them to other programs! I am adamantly opposed to this approach.

Thus I will not support any budget resolution that tries to spend this ephemeral peace dividend.

Unfortunately both the Sasser and House plan fail this test miserably. In fact the House plan—which over the next 5 years saves $250 billion in defense—only cuts spending $205 billion. What in heavens name would they have done if the Berlin Wall had stayed up 1 year longer?

And the Sasser plan isn't much better. That approach makes 71 percent of its fiscal year 1991 spending

cuts in defense and, over the 5-year period, 93 percent of the spending reductions come from defense. This is simply irresponsible.

Unfortunately it appears as if the blessing of peace will be used as an excuse to continue more-of-the-same budgeting. And the discipline to hold the line on non-defense spending seems to have disappeared like the morning mists.

Mr. President, Congress needs to make tough choices and I for one believe we should start by freezing our domestic discretionary account—and then setting priorities within that account.

I am willing to spend more on critical, forward looking programs—housing, Head Start, the FAA and EPA—but I realize this means we have to be willing to spend less elsewhere. And I am willing to do just that.

For example, I would be willing to cut funds for the UN and eliminate EDA funding in exchange for additional CIAP and public housing funds. I would "trade" a real freeze in the legislative branch and cuts in SLIAG for additional dollars for Head Start and Parents as Teachers.

Thus, my measure of an adequate budget resolution is one that realizes that: First, yes, we can and should save more in defense, than the President's now outdated January budget, however; and second, that doesn't mean we should ignore the rest of the budget.

Finally, I will not vote for a budget which relies on smoke and mirrors, gimmickrey, and 1-year savings. We can't be shifting pay days—or moving advance deficiency payments back or forward 1 month. We can't be moving things on or off-budget simply to hide spending. We can't have asset sales or claimed savings that aren't reconciled.

Unfortunately, here again the House disappoints. Fully one-fifth of their deficit reduction comes from a line in the Panetta budget we affectionately refer to as a plug, but he calls "other savings and adjustments." These are usually old and tired ideas that have no chance of passage, but their budget simply deems them to occur.

Mr. President, this is no way to balance the budget, and I hope the Senate can do much better.●

DAYS OF REMEMBRANCE

● Mr. SIMON. Mr. President, this past week our Nation has observed the Days of Remembrance to remind us of the atrocities of the Holocaust. I rise today to honor the memory of those millions senselessly slaughtered in Europe during World War II.

As Americans, we take our freedom for granted. This freedom we believe is our birthright carries a great responsibility: We must be aware that freedom does not come without a struggle. We must never again allow the systematic extermination of an entire people while the world silently watches. The memory of those sentenced to the concentration camps must be preserved forever and stand as a testament to man's inhumanity to man.

Our world is changing. Who hasn't watched the dismantling of the Berlin Wall and felt her heart being touched? Who hasn't watched Lech Walesa leading his fledgling government and not felt encouraged? There is, however, a dark side to these changes. Along with the newfound freedom in other countries, we see rising anti-Semitism in the U.S.S.R., the brutal crushing of the students' rebellion in Tiananmen Square, and the oppression of ethnic minorities throughout the world. It is our duty as leader among the free nations to ensure that the Holocaust remains a lesson in our memories and our hearts, not a blueprint for future devastation. We must keep our promise to never forget.●

WOMEN AGAINST RAPE

● Mr. LAUTENBERG. Mr. President, rape is a growing national tragedy. It affects women of all racial, social, religious ethnic, and economic groups, and of all ages, physical abilities, and lifestyles. The incidences of rape are staggering. There were 77,700 reported rapes in this country in 1987. Unfortunately, this figure does not indicate the true number of rapes committed. According to a survey conducted by the Bureau of Justice Statistics, the number of rape incidences was closer to 150,000—twice the number of those reported.

Rape is largely invisible and misunderstood. The need to educate the public on this violent crime is clear. Misinformation and misunderstanding helps perpetuate myths that incorrectly place the blame on the victim. Myths like women who get raped "ask for it"; that if a woman wants to resist she can; that if a woman does not wear certain clothes when she goes out at night she will not get raped, places a stigma on the victims and discourages them to admit that they have been sexually assaulted.

And while rapes by strangers are underreported, rapes by acquaintances are even more severely underreported. The risk of being raped by someone a woman knows is four times greater than the risk of being raped by a stranger. Most women never report these acts because they are so confused by the dicotomy between their acquaintance rape experience and what they thought rape really was. The truth that rape usually occurs between people who know each other is difficult to accept.

When we as a society talk openly about rape, we enhance our ability to deal with it. Knowledge about the crime will help increase our power to combat it. WAR, Women Against Rape, is an organization in my State which has taken an active role in combating rape by assisting rape victims and their families through the provision of volunteer escort and counseling services and by providing safe and temporary housing for victims who fear returning to their homes immediately following the assault.

Organizations such as WAR provide a valuable service to the community. It is important that we support and encourage these organizations and private citizens in their efforts to reduce the crime rate and to educate the public in crime prevention and protection methods.●

GLOBAL CHANGE AND NATIONAL SCIENCE AND TECHNOLOGY WEEK

● Mr. GORE. Mr. President, it is a moral imperative for us fully and effectively to educate our children in the scientific disciplines. Although the educational problems we face are not confined to science and mathematics, a national deficiency in these areas will render us incapable of addressing the most pressing problems of our times. Exponential population growth and the concomitant rush of economic development have created global environmental crises of unprecedented proportions. Escalating emissions of greenhouse gases threaten fundamentally to alter our climate, and the halogenated chemicals we are dumping in increasing amounts into the atmosphere are destroying the ozone layer and placing life as we know it in jeopardy. Add to these problems the pollution that fouls our water and air, and the continuing destruction of the rain forests, and it is clear that our failure to encourage environmental acuity and activism will be devastating.

Mr. President, the National Science Foundation is rising to the challenge. This week is National Science and Technology Week [NSTW]—a nationwide campaign launched by NSF to encourage student interest in science and technology. The theme of NSTW is "Global Change: Options for Action." Throughout the week, NSF has worked to increase public awareness of the environmental crises we face by coordinating special presentations with schools in every State.

NSF has found that children everywhere are concerned about the fate of their planet and that their vision of the future is not bright. Addressing these concerns, NSF has distributed nationwide more than 50,000 science and environmental education packets for elementary and middle school students. These materials contain simple, interesting, hands-on science activities for children to perform with their

teachers and parents. The approach is innovative, creative—and desperately needed.

Mr. President, I would like to take this opportunity to commend NSF for the vision and leadership it has demonstrated. In addition, I ask that the following comments by Robert Corell and Mary Clutter, assistant directors for geosciences and biological, behavioral, and social science at NSF be placed in the RECORD.

The comments follow:

COMMENTS BY ROBERT CORELL AND MARY CLUTTER

Say "global change" and Americans are likely to recall the three months of record-breaking temperatures and drought last summer that destroyed crops from California to Georgia and ignited fires throughout the West. While the public may not appreciate the biogeochemical changes affecting the weather, they do appreciate the consequences of those changes on their lives and livelihoods. Increased awareness of the human and ecological dimensions of worldwide environmental changes—ozone depletion, greenhouse gases, erosion, desertification, deforestation, sea level rise, coastal pollution, acid deposition—makes them more than simply subjects of scientific inquiry. Global change is a major public policy issue worldwide.

NSF has a key responsibility to contribute to the U.S. Global Change Research Program. It does so by tapping intellectual resources in all fields of science and engineering. Among its many activities, NSF plays a major role in its support of Long Term Ecological Research sites. There scientists can study the role of climate change on ecosystems, the processes controlling flux of biologically mediated atmospheric gases, and the interactions of plants, animals, and microorganisms within a given environment. Scientists are also studying biodiversity, the loss of genetic diversity, and the conservation and restoration of natural ecosystems.

The Directorate for Geosciences is the major contributor to the Global Change Program at NSF. However, a new initiative in the Directorate for Biological, Behavorial and Social Science (BBS) is the program called Human Dimensions of Global Environmental Change. Using the insights and perspective of social scientists, this program can help us identify and understand the human and institutional actions that cause changes in the geosphere and the biosphere. Research supported by this program may also suggest ways to moderate and manage the environmental consequences of those actions.

This is a key addition to NSF's ongoing activities because—as our understanding expands—so does our recognition that global change is both a scientific issue and a public policy issue of far-reaching importance.●

FEL-PRO: LEADS THE WAY

● Mr. SIMON. Mr. President, I would like to bring to your attention a company from my home State, Illinois, that has successfully integrated social interests with corporate ones. Using a common sense approach, Fel-Pro has conquered many of the problems that most corporations haven't even begun to fight. Fel-Pro has shown society that caring about human beings and succeeding in the corporate world can be compatible entities.

Fel-Pro, a company in Skokie, IL, makes engine gaskets. It is a somewhat obscure company with a decidedly low-key product; the unique aspect of Fel-Pro is its devotion to its workers and their families. Fel-Pro provides a myriad of benefits to its employees and their children, spouses, and parents. Everything from day care, counseling services, day camp, and educational opportunities, to a 250-acre employee recreational park with a swimming pool has been taken into consideration to enhance the lives of Fel-Pro employees and their families.

This company has paved the way for corporations all over the United States to provide their employees with the benefits they deserve and need. Fel-Pro clearly understands that they stand to benefit financially and otherwise when their employees feel that they are valued. Fel-Pro's innovative and productive approach to business is a model that should be replicated nationwide. Many of the bills Congress has been grappling with to improve the quality of life for Americans might be working if other companies would follow this lead. I urge all of my colleagues to read the following article and to note the accomplishments achieved through human respect. I ask that the article be printed in full in the RECORD.

The article follows:

[From the Chicago Tribune, Mar. 7, 1990]

THE BOTTOM LINE IS BENEFITS

(By Elleen Ogintz)

At first, Scott Mies was skeptical. He doubted that any company looking at the bottom line would really care that much about its people.

"I always associated big business with being at odds with humanistic pursuits," said Mies, a former teacher. Then he went to work for Fel-Pro, a family-owned manufacturing company in Skokie that has been around since 1918.

It didn't take long for Fel-Pro, which makes engine gaskets, to turn Mies and, it seems, a lot of its other 1,900 employees into believers. "People really like their jobs here," said Mies, who runs the company's state-of-the-art day-care center. "There really is a spirit of brotherhood. I don't know where people could go from here and get a better deal."

"Nobody wants to work," said Mary Tom, a packager and single parent. "But if you have to work, this is as good as it gets."

This relatively obscure suburban company whose products are decidedly unglamorous is becoming known around the country for its devotion to workers and their families, for offering newly touted "family" benefits to make lives easier and better. And despite impressive financial outlays for the programs, the company claims they make economic as well as social sense.

Among the benefits: a $1,000 bond when a child is born; a kindergarten program; free summer camp; tuition benefits for employees and their children; counseling and other help with aged relatives; some funeral and legal expenses; a 250-acre park with swimming pool and baseball diamonds for employees' use; and Christmas turkeys, Thanksgiving Day pistachio nuts and Valentine's Day candy.

There's a company sculptor, a fitness center, summer jobs for workers' children, Father's Day and Mother's Day gifts—programs that far outpace offerings of even the most progressive companies.

Juan and Ramona Blanco are married and work for the firm. When their son started falling behind in 6th grade, a tutor paid for almost entirely by Fel-Pro—at a cost of more than $80 a week—came to the Blanco home in Chicago twice a week for a year. "Now he's doing OK," Blanco said.

Moreover, he's convinced that the company's summer day camp (employees pay only a minimal charge, for the bus from Fel-Pro to the camp) may have kept their son from getting involved with a gang.

"Here's someone who understands what you're going through and offers advice and comfort," said Paul Stoeck, who turned to the company's elder-care counseling program for help with his ill parents. "They've really offered me a port in the storm. Fel-Pro practices what a lot of companies talk about."

"In its comprehensiveness, Fel-Pro is in a [class] by itself," said Ellen Galinsky, an expert on work and family issues who recently visited the sprawling plant. She is co-founder of the New York-based Families and Work Institute, which researches these issues.

Elliot Lehman, who with his brother-in-law is a co-chairman of Fel-Pro, which was founded by their wives' grandfather and father, said, "We attempt to do for our people what they can't do for themselves or can only do at great inconvenience and expense." Except for his service during World War II, Lehman has worked at Fel-Pro for almost 50 years. The company's sales average $250 million a year.

His mission now, he said, is to convince corporate America of the benefits from taking care of workers and their families. The company, in fact, is considering a study in conjunction with the University of Chicago on how these programs affect business performance and profitability.

Lehman said that in his gut he knows the effect is positive, but he wants to be able to show it on paper. The biggest payoff, he said is a loyal, productive workforce—and a healthier society overall.

Susan Schmid, the daughter of a retired Fel-Pro blue-collar worker is the only one in her family to finish college. Thanks to Fel-Pro, she said, she was able to go to the University of Illinois at Urbana-Champaign. All through school, the company gave her summer jobs, and when she graduated it hired her full time to work in the engineering department. Now the company is paying for her to get a master's degree in business administration, at a cost of $5,000 a year.

"As long as I stay in manufacturing," she said, "this is the place I want to be."

RX FOR SOCIAL ILLS

Lehman noted that Fel-Pro's turnover and absenteeism rates are lower than comparable companies, that more than one-third of its workers have been with the company for 10 years or more, and that more than 60 percent have been there five years.

"People don't equate the kinds of things we do with the bottom line," Lehman said. "But how much are you willing to pay for trust and loyalty?"

This all comes at a time when American executives increasingly are grappling with

how to combat the skilled-labor shortage that they know is coming. When people ask Lehman how his company can afford these benefits, he replies that his company can't afford to not offer them. The family benefits, his executives say, represent 2 percent of the company's pretax profits, but they decline to release a dollar figure. "We think it's a worthy investment," said company Vice President Bob O'Keefe.

"Our general philosophy is that we can't have a healthy business in an unhealthy community," he said.

Lehman pointed out that if 350 children are attending Fel-Pro's summer camp in Carey rather than roaming the city streets, society benefits, not just Fel-Pro. If young children are being taken care of in a stimulating, healthful environment where they can see their parents during the day, that also will pay off later, he said. If scores of youngsters are going to college who otherwise might not have—through Fel-Pro's $2,800-a-year scholarships for all employees' children, not just the exemplary students—that also helps everyone.

Through its Neighborhood Fund, the company has paid out more than $1 million to help community organizations that its employees are active in: to buy pews for a church, computers for schools, equipment for a sports team, food for a local pantry.

"The idea is to direct some part of our charitable program to the grassroots level, where it would affect Fel-Pro people directly," said Elliott Lehman's son, Ken, who with his brother and two cousins divides the duties of company president.

NATIONAL FOOD-DRAGGING

Elliott Lehman, meanwhile, is frustrated that ideas that seem so obvious to him have yet to take hold across the country, even in Illinois. Fel-Pro, for example, is one of only two private companies other than hospitals that offer on-site day care in Illinois, according to the Day Care Action Council.

Last year, because its efforts are so far ahead of the norm, Fel-Pro was named by Working Mother magazine as one of the top five American companies for working mothers, sandwiched between such giants as Du Pont and Hoffman-LaRoche, a New Jersey pharmaceutical firm.

At the same time, Lehman and others are heartened that some bigger companies are beginning to embrace the same ideas. Johnson & Johnson and International Business Machines, for example, are two that have introduced sweeping programs to help workers coordinate the needs of families with their jobs, Galinsky said. Some 4,600 U.S. companies now offer some child-care assistance, though most don't provide on-site care as does Fel-Pro. And some companies are beginning to train managers to help employees cope with family-work conflicts, she said.

No longer does she get into arguments, she said, about whether these work-family issues really matter. But what it takes for a company to get actively involved, she believes, is someone inside the company willing to step out in front on these issues. Elliott Lehman travels the country speaking on family issues, serving on various committees and task forces, including the Illinois Public-Private Child Care Coalition and on a national advisory panel for the Child Care Action Campaign.

"We don't have a consumer product," he said. "We don't have a public relations department. If we can serve as a role model, we feel like we can make a contribution, above and beyond our product."

Lehman said Fel-Pro didn't plan to become a leader in this area; its programs just evolved as the company did what it felt was right, what its employees needed.

As other companies struggle to fill their ranks, Fel-Pro must update its application files every few months, so heavy is interest in jobs.

"We don't have any trouble getting good people," said Bob O'Keefe, vice president of industrial relations and a 45-year veteran. His three sons, he added, all work for Fel-Pro.

Clearly, when Fel-Pro executives talk about being a family company, they're not kidding. At least 100 employees are married to other company workers, and fully half of Fel-Pro's workforce has a relative at the plant. That includes the founders' family: Some among the fourth generation are now working there.

"Nobody wants to leave," said Nancy Huang, who works in the export department. "People all intend to stay here as long as they can."●

IN HONOR OF DICK NORMAN

● Mr. LAUTENBERG. Mr. President, I rise today to congratulate Dick Norman of Teaneck, NJ, for his continued dedication to youth through sports.

Dick became involved in Little League, Babe Ruth, and PAL over 25 years ago. He was responsible for developing leagues that permit every child to participate in sports regardless of previous experience or skill. His experience coaching led to his organizing Biddy Basketball in Teaneck in 1968. Through his efforts, the national registration rules for this junior basketball program were changed to avoid racial segregation and the exclusion of girls. For the 470-member league organization and for children around the country this was a major milestone and one that Dick should be proud of. His leadership and commitment have taught children the importance of friendship, teamwork, and spirit. Dick Norman went on to become assistant to the national director of Biddy Basketball.

In addition to his continued dedication as an advocate for youth involvement in sports. Dick has served on the citizens advisory on drugs for the Teaneck Township Council and as a member of the Bergen County Parks Commission. He was appointed by three New Jersey Governors to the board of trustees of the Youth Corectional Institution Complex where he served in an administrative capacity as well as a member of the parole board. This praiseworthy record exemplifies his commitment to public service.

Richard Norman, through the years, has given his time, expertise, and caring to the youth of Teaneck. His efforts have inspired many youngsters. I congratulate Dick on his retirement from Biddy Basketball and extend my best wishes for his continued success and happiness.●

FORMER REPRESENTATIVE ABNER W. SIBAL ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, the best way to stem the influence of big money in campaigns, is to limit congressional terms. Campaigns have become exorbitantly expensive, because challengers must match the sizable war chests that incumbents are easily able to collect. The problem is exacerbated by the high costs of media exposure, to which incumbents enjoy easy access. Any serious challenger has to be willing to spend a tremendous amount to insure his or her own exposure.

Limiting congressional terms would go a long way toward correcting this dilemma, without limiting freedom of political expression. First, there would be a greatly increased number of campaigns for open seats in which nonincumbents could run cheaper campaigns.

Second, holding office for the sake of holding office would disappear. The perks of a congressional career, high salaries, free mail, free travel, excellent retirement benefits, make it natural for an incumbent to want to stay. The power is addictive. Incumbents receive huge contributions from interest groups, and then spend ruthlessly to entrench themselves and protect their careers.

Term limitation would separate those candidates serious about public service from those bent on a high profile career. It would inject honesty into the system at all levels, including campaigns, because the interests of any candidate, whether incumbent or challenger, would be to represent constituents, and not to advance a career.

Mr. President, I ask that a letter I have received from Abner W. Sibal, a former U.S. Representative, appear in the RECORD immediately following my remarks. Mr. Sibal represented the Fourth district of Connecticut from 1961 to 1965.

The letter follows:

Hartford, CT, February 27, 1990.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HUMPHREY: In response to your letter of February 20 you may certainly cite me as supporting S.J. Res. 235, and I congratulate you and Senator DeConcini for sponsoring it.

The changes which have led to abuse in fund-raising practices over the relatively recent past, coupled with abuse of the frank have almost eliminated issues, ability and integrity as the important factors in congressional elections. It's regretable that steps such as yours must be taken since many members with longer service than 12 years have served with distinction, but Congress must regain the confidence and respect it once enjoyed as a co-equal branch of

government and it appears that S.J. Res. 235 is a way to move toward that goal.

Sincerely,

ABNER W. SIBAL.●

JUDICIAL TAXATION

● Mr. MACK. Mr. President, over the last few days, several of my colleagues spoke regarding the impact of the recent Supreme Court decision in Missouri versus Jenkins. In Jenkins, the Supreme Court issued a ruling stating that Federal judges have the authority to order legislative bodies to raise taxes whenever the judges consider a tax increase appropriate to remedy a constitutional violation.

There are very few issues that the American people have so uniformly espoused than that of less taxes. When I ran for Senate, I ran for something I believed in and continue to believe in: "Less taxes, less spending, less government, more freedom." Presidents Reagan and Bush, who have held the Executive Office for a decade now have maintained "no new taxes" as a vital component of their economic platform. Numerous other Members of Congress—those truly with the constitutional authority to levy taxes and who are responsive to the citizenry who do not want new taxes—have consistently advocated no new taxes.

The power to tax is the power to destroy. Such power was deemed so awesome by the framers of the Constitution that it was carefully placed in the hands only of the elected representatives of those who are taxed. Justice Kennedy made the point well in his dissent:

> The confinement of taxation to the legislative branches, both in our Federal and State Governments, was not random. It reflected our ideal that the power of taxation must be under the control of those who are taxed.

And yet, with the stroke of a pen, the U.S. Supreme Court has unilaterally authorized Federal judges to impose taxes as they see fit. Time and time again, we have seen the ill-effects of taxing power—more spending is encouraged followed by even more taxes, a vicious circle broken when American taxpayers voice their disgust at the economic ruin created. This is outrageous. For an unelected, unrepresentative individual sitting on a Federal bench to have the power to destroy the economic lives of Americans by taxation is worse than taxation without representation. It is tyranny.

I wholeheartedly support the efforts of my colleagues, who, either by statute or constitutional amendment, seek to overcome this tyranny.●

MEASURES INDEFINITELY POSTPONED

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following calendar items be indefinitely postponed. Calendar Order 123 and Calendar Order 135.

Mr. HATFIELD. Mr. President, that has been cleared on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order Nos. 518, 519, and 520 en bloc; that the bills be deemed read a third time and passed; that the motion to reconsider the passage of these bills be laid upon the table.

Mr. President, I further ask unanimous consent that any statements relating to these calendar items appear at the appropriate place in the RECORD and that the consideration of these items appear individually in the RECORD.

Mr. HATFIELD. Mr. President, that has been cleared on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF PAULA GRZYB

The bill (S. 1683) for the relief of Paula Grzyb was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMEDIATE RELATIVE STATUS FOR PAULA GRZYB.

(a) IN GENERAL.—Subject to subsection (b), for the purposes of the Immigration and Nationality Act, Paula Grzyb, the stepmother of a citizen of the United States, shall be considered to be an immediate relative within the meaning of section 201(b) of such Act, and the provisions of section 204 of such Act shall not be applicable in this case.

(b) DEADLINE FOR APPLICATION.—Subsection (a) shall only apply if Paula Grzyb applies for an immigration visa pursuant to such subsection within two years after the date of the enactment of this Act.

RELIEF OF WILSON JOHAN SHERROUSE

The bill (S. 1814) for the relief of Wilson Johan Sherrouse was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Wilson Johan Sherrouse shall be held and considered to be a child within the meaning of section 101(b)(1)(E) of such Act upon approval of a petition filed on his behalf by Victoria Sherrouse, a citizen of the United States, pursuant to section 204 of such Act. No natural parent, brother, or sister, of Wilson Johan Sherrouse shall, by virtue of such relationship, be accorded any right, privilege, or status under such Act.

RELIEF OF SHELTON ANTHONY SMITH

The bill (H.R. 756) for the relief of Shelton Anthony Smith was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar items 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, nominations in the Air Force; 744, 745, 746, 747, 748, 749, and 750, nominations in the Army; and 751, 752, 753, and 754, nominations in the Marine Corps; 755, 756, and 757, nominations in the Navy; and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

Mr. HATFIELD. Mr. President, that has been cleared on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Raymond C. Clevenger III, of the District of Columbia, to be U.S. circuit judge for the Federal Circuit.

David H. Souter, of New Hampshire, to be United States circuit judge for the First Circuit.

Samuel A. Alito, Jr. of New Jersey, to be U.S. circuit judge for the Third Circuit.

Joseph M. Hood, of Kentucky, to be U.S. district judge for the Eastern District of Kentucky.

James F. McClure, Jr., of Pennsylvania to be U.S. district judge for the Middle District of Pennsylvania.

Lawrence M. McKenna, of New York, to be U.S. district judge for the Southern District of New York.

Robert E. Jones, of Oregon, to be U.S. district judge for the District of Oregon.

D. Brock Hornby, of Maine, to be U.S. district judge for the District of Maine.

ON THE AIR FORCE

The following named officers for appointment to the grade of major general under provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. Edgar R. Anderson, Jr., xxx-xx-x... xx... Regular Air Force.

Brig. Gen. Donald J. Butz, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Robert E. Dempsey, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Albert J. Edmonds, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. John S. Fairfield, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. John C. Fryer, Jr., xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Eugene E. Habiger, xxx-xx-xx..., Regular Air Force.
Brig. Gen. William P. Hallin, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Donald G. Hard, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Ronald W. Iverson, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. James L. Jamerson, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Jay W. Kelley, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Walter Kross, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. James J. LeCleir, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Charles D. Link, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Robert M. Marquette, Jr., xxx-xx-x... Regular Air Force.
Brig. Gen. James C. McCombs, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Stephen M. McElroy, xxx-xx-x..., Regular Air Force.
Brig. Gen. James W. Meier, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Philip L. Metzler, Jr., xxx-xx-x..., Regular Air Force.
Brig. Gen. Kenneth V. Meyer, xxx-xx-xx..., Regular Air Force.
Brig. Gen. Carl G. O'Berry, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Richard J. O'Lear, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Raymond E. O'Mara, xxx-xx-xx..., Regular Air Force.
Brig. Gen. Robert W. Parker, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Michael D. Pavich, xxx-xx-xx..., Regular Air Force.
Brig. Gen. David J. Pederson, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Joseph W. Ralston, xxx-xx-x..., Regular Air Force.
Brig. Gen. Ralph R. Rohatsch, Jr., xxx-xx-x... Regular Air Force.
Brig. Gen. Michael E. Ryan, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Ronald C. Spivey, xxx-xx-xxxx, Regular Air Force.
Brig. Gen. Walter T. Worthington, xxx-xx-x... Regular Air Force.

The following officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of section 624, title 10 of the United States Code:

Col. Jerrold P. Allen, xxx-xx-xxxx Regular Air Force.
Col. George T. Babbit, Jr., xxx-xx-xxxx, Regular Air Force.
Col. Richard C. Bethurem, xxx-xx-xxxx, Regular Air Force.
Col. Bruce J. Bohn, xxx-xx-xxxx Regular Air Force.
Col. Roy D. Bridges, Jr., xxx-xx-xxxx, Regular Air Force.
Col. Jeffrey G. Cliver, xxx-xx-xxxx, Regular Air Force.
Col. Sebastian F. Coglitore, xxx-xx-xxxx, Regular Air Force.
Col. Stewart E. Cranston, xxx-xx-xxxx, Regular Air Force.
Col. Lee A. Downer, xxx-xx-xxxx Regular Air Force.
Col. Ralph E. Eberhart, xxx-xx-xxxx, Regular Air Force.
Col. Kenneth E. Eickmann, xxx-xx-xxxx, Regular Air Force.
Col. Jerry D. Gardner, xxx-xx-xxxx, Regular Air Force.
Col. Richard N. Goddard, xxx-xx-xxxx, Regular Air Force.
Col. Marcelite J. Harris, xxx-xx-xxxx, Regular Air Force.
Col. Henry M. Hobgood, xxx-xx-xxxx, Regular Air Force.
Col. Thomas C. Hruskocy, xxx-xx-xxxx, Regular Air Force.
Col. Joseph E. Hurd, xxx-xx-xxxx Regular Air Force.
Col. Kenneth R. Israel, xxx-xx-xxxx, Regular Air Force.
Col. Albert D. Jensen, xxx-xx-xxxx, Regular Air Force.
Col. William E. Jones, xxx-xx-xxxx, Regular Air Force.
Col. Nicholas B. Kehoe, III, xxx-xx-xxxx, Regular Air Force.
Col. Jerome A. Landry, xxx-xx-xxxx, Regular Air Force.
Col. Mark H. Lillard, III, xxx-xx-xxxx, Regular Air Force.
Col. Lester L. Lyles, xxx-xx-xxxx Regular Air Force.
Col. Michael A. McAuliffe, xxx-xx-xxxx, Regular Air Force.
Col. John O. McFalls, III, xxx-xx-xxxx, Regular Air Force.
Col. Michael D. McGinty, xxx-xx-xxxx, Regular Air Force.
Col. David W. McIlvoy, xxx-xx-xxxx Regular Air Force.
Col. Kenneth G. Miller, xxx-xx-xxxx, Regular Air Force.
Col. Kenneth A. Minihan, xxx-xx-xxxx, Regular Air Force.
Col. Bobbie L. Mitchell, xxx-xx-xxxx, Regular Air Force.
Col. Jimmey R. Morrell, xxx-xx-xxxx, Regular Air Force.
Col. David Oakes, xxx-xx-xxxx Regular Air Force.
Col. Charles H. Roadman, II, xxx-xx-xxxx, Regular Air Force.
Col. James C. Roan, Jr., xxx-xx-xxxx, Regular Air Force.
Col. Charles T. Robertson, Jr., xxx-xx-xxxx Regular Air Force.
Col. Hallie E. Robertson, xxx-xx-xxxx, Regular Air Force.
Col. Eugene D. Santarelli, xxx-xx-xxxx, Regular Air Force.
Col. James S. Savarda, xxx-xx-xxxx, Regular Air Force.
Col. Dale E. Stovall, xxx-xx-xxxx Regular Air Force.
Col. Richard T. Swope, xxx-xx-xxxx, Regular Air Force.
Col. Floyd K. Tedrow, xxx-xx-xxxx, Regular Air Force.
Col. Arnold R. Thomas, Jr., xxx-xx-xxxx, Regular Air Force.
Col. W. Thomas West, xxx-xx-xxxx, Regular Air Force.
Col. Joseph C. Wilson, Jr., xxx-xx-xxxx, Regular Air Force.
Col. William L. Worthington, Jr., xxx-xx-x... Regular Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, and 8373, title 10, United States Code:

To be major general

Brig. Gen. Dale R. Baumler, xxx-xx-xx...FV, Air Force Reserve.
Brig. Gen. Shirley M. Carpenter, xxx-xx-x...FV, Air Force Reserve.
Brig. Gen. Glenn W. Redmond, xxx-xx-xx...FV, Air Force Reserve.
Brig. Gen. James E. Simon, xxx-xx-xxxx FV, Air Force Reserve.
Brig. Gen. Raymond B. Stewart, Jr., xxx-xx-x...FV, Air Force Reserve.

To be brigadier general

Col. Almon B. Ballard, xxx-xx-xxxx FV, Air Force Reserve.
Col. Gerald F. Crump, xxx-xx-xxxx FV, Air Force Reserve.
Col. Jimmy G. Dishner xxx-xx-xxxx FV, Air Force Reserve.
Col. Ray F. Garman, xxx-xx-xxxx FV, Air Force Reserve.
Col. David C. Gildart, xxx-xx-xxxx FV, Air Force Reserve.
Col. James W. Hart, Jr. xxx-xx-xxxx FV, Air Force Reserve.
Col. John F. Harvey, xxx-xx-xxxx FV, Air Force Reserve.
Col. William H. Lawson, xxx-xx-xxxx FV, Air Force Reserve.
Col. David R. Smith, xxx-xx-xxxx FV, Air Force Reserve.
Col. William D. Tracy, xxx-xx-xxxx FV, Air Force Reserve.
Col. Frank D. Watson, xxx-xx-xxxx FV, Air Force Reserve.
Col. Wallace W. Whaley, xxx-xx-xxxx FV, Air Force Reserve.
Col. Walter L. Winters, Jr., xxx-xx-xxxx FV, Air Force Reserve.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent brigadier general

Col. Thomas F. Sikora, xxx-xx-xxxx, U.S. Army.
Col. Eugene S. Witherspoon, xxx-xx-xxxx, U.S. Army.
Col. Fredric H. Leigh, xxx-xx-xxxx U.S. Army.
Col. Robert E. Wynn, xxx-xx-xxxx U.S. Army.
Col. Harold W. Nelson, xxx-xx-xxxx U.S. Army.
Col. Harvey E. Brown, xxx-xx-xxxx U.S. Army.
Col. Frank F. Henderson xxx-xx-xxxx, U.S. Army.
Col. Salvatore P. Chidichimo, xxx-xx-xxxx, U.S. Army.
Col. George A. Landis, xxx-xx-xxxx U.S. Army.
Col. David E. White, xxx-xx-xxxx U.S. Army.
Col. Columbus M. Womble, xxx-xx-xxxx, U.S. Army.
Col. Herbert J. Lloyd, xxx-xx-xxxx U.S. Army.
Col. Ray E. McCoy, xxx-xx-xxxx U.S. Army.
Col. Kenneth W. Simpson, xxx-xx-xxxx, U.S. Army.
Col. Thomas H. Needham, xxx-xx-xxxx, U.S. Army.
Col. Walter L. Busbee, xxx-xx-xxxx U.S. Army.
Col. John C. Thompson, xxx-xx-xxxx U.S. Army.
Col. Ronald E. Adams, xxx-xx-xxxx U.S. Army.
Col. John N. Dailey, xxx-xx-xxxx U.S. Army.
Col. Harley C. Davis, xxx-xx-xxxx U.S. Army.
Col. Robert K. Guest, xxx-xx-xxxx U.S. Army.

Col. James S. Dickey, xxx-xx-xxxx, U.S. Army.
Col. Robert S. Hardy, Jr., xxx-xx-xxxx, U.S. Army.
Col. Stanley G. Genega, xxx-xx-xxxx, U.S. Army.
Col. Clair F. Gill, xxx-xx-xxxx, U.S. Army.
Col. John M. Pickler, xxx-xx-xxxx, U.S. Army.
Col. John M. Watkins, Jr., xxx-xx-xxxx, U.S. Army.
Col. William R. Holmes, xxx-xx-xxxx, U.S. Army.
Col. Vernon L. Conner, xxx-xx-xxxx, U.S. Army.
Col. George A. Fisher, Jr., xxx-xx-xxxx, U.S. Army.
Col. James L. Wilson, xxx-xx-xxxx, U.S. Army.
Col. Frederick G. Wong, xxx-xx-xxxx, U.S. Army.
Col. John W. Hendrix, xxx-xx-xxxx, U.S. Army.
Col. George E. Friel, xxx-xx-xxxx, U.S. Army.
Col. Frederick H. Essig, xxx-xx-xxxx, U.S. Army.
Col. John M. Keane, xxx-xx-xxxx, U.S. Army.
Col. Joe N. Frazar, III, xxx-xx-xxxx, U.S. Army.
Col. James F. Brickman, xxx-xx-xxxx, U.S. Army.
Col. Raymond T. Roe, xxx-xx-xxxx, U.S. Army.
Col. James W. Monroe, xxx-xx-xxxx, U.S. Army.
Col. John J. Cusick, xxx-xx-xxxx, U.S. Army.
Col. Tommy R. Franks, xxx-xx-xxxx, U.S. Army.
Col. Eric K. Shinseki, xxx-xx-xxxx, U.S. Army.
Col. James L. Noles, xxx-xx-xxxx, U.S. Army.
Col. Robert D. Kerr, xxx-xx-xxxx, U.S. Army.
Col. John N. Abrams, xxx-xx-xxxx, U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, Section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a);

To be lieutenant general

Lt. Gen. John T. Myers, xxx-xx-xxxx, U.S. Army.

The U.S. Army Reserve officers named herein for appointment as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Kent H. Hillhouse, xxx-xx-xxxx xxx-...
Brig. Gen. James H. Mukoyama, Jr., xxx-... xxx-xx-...
Brig. Gen. Paul G. Rehkamp, xxx-xx-xxxx.
Brig. Gen. Stephen H. Sewell, Jr., xxx-xx-x... xxx-...
Brig. Gen. Barclay O. Wellman, xxx-xx-xxxx xxx-...

To be brigadier general

Col. Thomas V. Bruner, xxx-xx-xxxx.
Col. William N. Clark, xxx-xx-xxxx.
Col. Max Guggenheimer, xxx-xx-xxxx.
Col. Thomas B. Murchie, xxx-xx-xxxx.
Col. Max L. Schardein, xxx-xx-xxxx.
Col. George J. Steiner, xxx-xx-xxxx.
Col. John M. Vest, xxx-xx-xxxx.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Robert J. Donahue xxx-xx-xxxx, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Donald S. Pihl, xxx-xx-xxxx, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. James J. Lindsay, xxx-xx-xxxx, U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a);

To be lieutenant general

Lt. Gen. Thurman D. Rodgers, xxx-xx-xxxx xxx-... U.S. Army.

IN THE MARINE CORPS

The following-named brigadier generals of the Marine Corps for promotion to the permanent grade of major general, under the provisions of title 10, United States Code, section 624:

Martin L. Brandtner.
George L. Cates.
Norman E. Ehlert.
William P. Eshelman.
Francix X. Hamilton, Jr.
Richard D. Hearney.
Harry W. Jenkins, Jr.
Robert B. Johnston.
John J. Sheehan.
Clyde L. Vermilyea.
Duane A. Willis.

The following-named colonels of the U.S. Marine Corps for promotion to the permanent grade of brigadier general, under the provisions of title 10, United States Code, section 624:

James R. Davis.
Paul A. Fratarcangelo.
Russell H. Sutton.
Mavin T. Hopgood, Jr.
Richard I. Neal.
Claude W. Reinke.
David A. Richwine.
Granville R. Amos.
Anthony C. Zinni.

The following-named colonels of the U.S. Marine Corps Reserve for promotion to the permanent grade of brigadier general, under the provisions of title 10, United States Code, section 5912

Albert C. Harvey, Jr.
Denis L. Shortal.

The following-named brigadier general of the Marine Corps Reserve for promotion to the permanent grade of major general, under the provisions of title 10, United States Code, section 5912:

Mitchell J. Waters.

IN THE NAVY

The following-named officer for appointment as Vice Chief of Naval Operations and appointment to the grade of admiral while serving in that position under the provisions of title 10, United States Code, sections 601 and 5035:

To be admiral

Vice Adm. Jerome L. Johnson U.S. Navy, xxx-xx-xxxx.

The following-named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Michael P. Kalleres, U.S. Navy, xxx-xx-xxxx.

The following-named officer for reappointment to the grade of admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be admiral

Adm. Leon A. Edney, U.S. Navy, xxx-xx-x... xxx-...

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning James C Moore, and ending James P Luczka, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 28, 1990.

Air Force nominations beginning Barton L Abbott, and ending Robert L Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 1990.

Air Force nominations beginning Iris M Hageney, and ending Harold D Rosenheim, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 20, 1990.

Air Force nominations beginning Randall W Martin, and ending Donald L Thornton, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 21, 1990.

Air Force nominations beginning Robert A. Gross, xxx-xx-xxxx and ending Oliver K. Williams, xxx-xx-xxxx which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 26, 1990.

Air Force nominations beginning Maj. James M. Bean, xxx-xx-xxxx and ending Maj. Harold C. Simms II xxx-xx-xxxx, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 26, 1990.

Army nominations beginning Charles C Abercrombie, and ending 221x, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1989.

Army nominations beginning Eldon W Askew, and ending Donna L Vandell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 6, 1989.

Army nominations beginning Brigitte T Berg, and ending Juli K * Zadinsky, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD September 6, 1989.

Army nominations beginning Thomas F Allen, and ending Stacey B * Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 3, 1989.

Army nominations beginning Timothy E. Bodey, and ending * Michael G. Skennion, which nominations were received by the

* Signifies nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Senate and appeared in the CONGRESSIONAL RECORD of February 28, 1990.

Army nominations beginning Richard L Adams, and ending Debra A Zankl, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 1990.

Army nominations beginning Timothy L Adams, and ending Lori S Ryan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 20, 1990.

Marine Corps nominations beginning Anthony C Asktin, and ending Charles F Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 1990.

Navy nomination of Michael Ammons, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 28, 1990.

Navy nominations beginning Lawrence Joseph Boland, Jr, and ending Robert Leslie Holdredge, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 1990.

Navy nominations beginning David A Lewellyn, and ending Stephen L Hendrix, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 21, 1990.

Navy nominations beginning Anthony J. Alleman, II, and ending Theodore D. Richards, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 26, 1990.

STATEMENT ON THE NOMINATION OF SAMUEL ALITO

Mr. LAUTENBERG. Mr. President, I rise in support of the nomination of Samuel Alito, Jr. to the U.S. Court of Appeals for the Third Circuit.

Sam Alito is an accomplished and distinguished lawyer. He has dedicated himself to Government service and he has excelled.

He is a graduate of Princeton University. He was a member of phi beta kappa. He attended the Yale Law School, where he contributed to the Law Journal.

He served in the Army Reserves after law school, and then worked briefly in private practice. He then clerked for Judge Leonard Garth, whom he would join on the third circuit.

Sam Alito has extensive experience as an appellate litigator. He served for almost 4 years as an assistant U.S. attorney in New Jersey. He went on to the prestigious office of the Solicitor General.

He served in the Office of Legal Counsel as a Deputy Assistant to the Attorney General. He then returned to New Jersey, as U.S. attorney in 1987. I supported his nomination for that position.

As Chief Federal Prosecutor for one of the largest districts in the country, he has led the effort to fight bigtime drug rings and organized crime. He has made environmental crimes a high priority.

He has the respect of the bar in our State. The ABA panel that reviewed his nomination rated him "well qualified."

Mr. President, I note for the RECORD that for virtually all of his professional career, Sam Alito has had just one client—the Government of the United States. He has represented his client with skill and integrity. He has been a strong and effective advocate.

As a judge, Sam Alito will have to make an important transition. He will have to shed the loyalties he's had to the office he led. When the law and the facts demand it, he will need the strength to rule against the Government.

Mr. Alito was asked about this in the hearing on his nomination. He assured the committee and the Senate that he recognized the significance of the transition that lies before him, and that he would shed those loyalties and above all else, he would be guided by the law.

I believe Mr. Alito has the experience and the skills to be the kind of judge the public deserves—one who is impartial, thoughtful, and fair. I urge the Senate to confirm his nomination.

STATEMENT ON THE NOMINATION OF D. BROCK HORNBY

Mr. MITCHELL. Mr. President, Calendar item 740 which we have just approved is the nomination of D. Brock Hornby to be U.S. district judge for the District of Maine.

Not only is that a subject of interest to me as a Senator from Maine, but it is a subject of considerable interest since the position for which Judge Hornby has just been confirmed is the district court judgeship which I once held.

Having served in that position, I recognize what a great honor and a privilege it is to serve as a United States district judge, and I want to say that I am pleased and proud that Judge Hornby has been nominated and now confirmed for that position.

I have known Judge Hornby for many years. I have great confidence in him. I am certain that he will do an outstanding job in that position.

And I might say to my distinguished colleague here, the acting Republican leader, there are many days and nights when I as majority leader think wistfully of my days as a U.S. district judge for the District of Maine, and today was one of them; nothing to do with the manager of the bill that we are considering, but rather to do with the subject matter, the difficulty, that we are considering.

When I was judge, it took only one vote to do anything. Nowadays it takes 51 and sometimes they are hard to come by.

But I wish, Mr. President, to thank my colleague for his consideration in these nominations, and I wanted to make a special note of my pleasure at the nomination to which I have just referred.

Mr. HATFIELD. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. HATFIELD. I make two observations. One, I am glad that the majority leader is where he is, as U.S. Senator, rather than back on the bench. I say that, I think, on behalf of most of my colleagues on this side, if not all. I think he has been a very fine majority leader, and we enjoy working together.

STATEMENT OF THE NOMINATION OF ROBERT E. JONES

Mr. HATFIELD. Mr. President, I also would like to make an additional observation on Calendar No. 739, regarding the nomination of Robert E. Jones, to be the U.S. district judge for the District of Oregon. The majority leader, Senator MITCHELL, and I presented these two candidates, Judge Hornby and Judge Jones, to the Judiciary Committee on the same day for their hearing, and now it is perhaps by chance that we are standing here tonight finalizing those nominations, which we both are proud to have had a part in.

I had the privilege of appointing Judge Jones to the Oregon State Circuit Court, when I was Governor, where he served for 11 years before he was then appointed to the Supreme Court of the State of Oregon and served with great distinction there. And now to have been a part of the nominating process for Judge Jones to be appointed as a U.S. district judge in Oregon, all of that constitutes a great deal of pleasure and pride, not only because of personal friendship, but because of the professional qualifications and extraordinarily fine record he has established.

I thank the majority leader for this opportunity.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY

RECESS AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m. on Monday, April 30, and following the time for the two leaders there be a period for morning business not to extend beyond 12 noon with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, on Monday, under the previous order, the Senate will resume consideration of

H.R. 4404, the emergency supplemental appropriations bill, at 12 noon.

As I previously announced, there will be as many as eight amendments considered during the day with rollcall votes which are ordered in connection with any of those amendments not to occur prior to 7 p.m.

Senators should be aware that there will be several rollcall votes on Monday evening, so they can adjust their schedules accordingly.

Mr. President, I thank my colleague.

RECESS UNTIL MONDAY, APRIL 30, 1990, AT 11:30 A.M.

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 11:30 a.m., Monday, April 30.

There being no objection, the Senate, at 6:06 p.m., recessed until Monday, April 30, 1990, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 27, 1990:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, AND TO BE APPOINTED AS CHIEF OF STAFF, UNITED STATES AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8033:

To be general

To be chief of staff, U.S. Air Force

GEN. MICHAEL J. DUGAN, [redacted] U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JAMES G. REYNOLDS, U.S. NAVY, [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate April 27, 1990:

THE JUDICIARY

RAYMOND C. CLEVENGER, III, OF THE DISTRICT OF COLUMBIA, TO BE U.S. CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

DAVID H. SOUTER, OF NEW HAMPSHIRE, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT

SAMUEL A. ALITO, JR., OF NEW JERSEY, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

JOSEPH M. HOOD, OF KENTUCKY, TO BE TO BE U.S. CIRCUIT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY.

JAMES F. MCCLURE, JR., OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

LAWRENCE M. MCKENNA, OF NEW YORK, TO BE U.S. CIRCUIT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

ROBERT E. JONES, OF OREGON, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF OREGON.

D. BROCK HORNBY, OF MAINE, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF MAINE.

AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. EDGAR R. ANDERSON, JR., [redacted], REGULAR AIR FORCE.
BRIG. GEN. DONALD J. BUGZ, [redacted], REGULAR AIR FORCE.
BRIG. GEN. ROBERT E. DEMPSEY, [redacted], REGULAR AIR FORCE.
BRIG. GEN. ALBERT J. EDMONDS, [redacted], REGULAR AIR FORCE.
BRIG. GEN. JOHN S. FAIRFIELD, [redacted], REGULAR AIR FORCE.
BRIG. GEN. JOHN C. FRYER, JR., [redacted], REGULAR AIR FORCE.
BRIG. GEN. EUGENE E. HABIGER, [redacted], REGULAR AIR FORCE.
BRIG. GEN. WILLIAM P. HALLIN, [redacted], REGULAR AIR FORCE.
BRIG. GEN. DONALD G. HARD, [redacted], REGULAR AIR FORCE.
BRIG. GEN. RONALD W. IVERSON, [redacted], REGULAR AIR FORCE.
BRIG. GEN. JAMES L. JAMERSON, [redacted], REGULAR AIR FORCE.
BRIG. GEN. JAY W. KELLEY, [redacted] REGULAR AIR FORCE.
BRIG. GEN. WALTER KROSS, [redacted], REGULAR AIR FORCE.
BRIG. GEN. JAMES J. LECLEIR, [redacted], REGULAR AIR FORCE.
BRIG. GEN. CHARLES D. LINK, [redacted], REGULAR AIR FORCE.
BRIG. GEN. ROBERT M. MARQUETTE, JR., [redacted], REGULAR AIR FORCE.
BRIG. GEN. JAMES C. MCCOMBS, [redacted], REGULAR AIR FORCE.
BRIG. GEN. STEPHEN M. MCELROY, [redacted], REGULAR AIR FORCE.
BRIG. GEN. JAMES W. MEIER, [redacted], REGULAR AIR FORCE.
BRIG. GEN. PHILIP L. METZLER, JR., [redacted], REGULAR AIR FORCE.
BRIG. GEN. KENNETH V. MEYER, [redacted], REGULAR AIR FORCE.
BRIG. GEN. CARL G. O'BERRY, [redacted], REGULAR AIR FORCE.
BRIG. GEN. RICHARD J. O'LEAR, [redacted], REGULAR AIR FORCE.
BRIG. GEN. RAYMUND E. O'MARA, [redacted], REGULAR AIR FORCE.
BRIG. GEN. ROBERT W. PARKER, [redacted], REGULAR AIR FORCE.
BRIG. GEN. MICHAEL D. PAVICH, [redacted], REGULAR AIR FORCE.
BRIG. GEN. DAVID J. PEDERSON, [redacted], REGULAR AIR FORCE.
BRIG. GEN. JOSEPH W. RALSTON, [redacted], REGULAR AIR FORCE.
BRIG. GEN. RALPH R. ROHATSCH, JR., [redacted], REGULAR AIR FORCE.
BRIG. GEN. MICHAEL E. RYAN, [redacted], REGULAR AIR FORCE.
BRIG. GEN. RONALD C. SPIVEY, [redacted], REGULAR AIR FORCE.
BRIG. GEN. WALTER T. WORTHINGTON, [redacted], REGULAR AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF SECTION 624, TITLE 10 OF THE UNITED STATES CODE:

To be brigadier general

COL. JERROLD P. ALLEN, [redacted] REGULAR AIR FORCE.
COL. GEORGE T. BABBITT, JR., [redacted], REGULAR AIR FORCE.
COL. RICHARD C. BETHUREM, [redacted] REGULAR AIR FORCE.
COL. BRUCE J. BOHN, [redacted] REGULAR AIR FORCE.
COL. ROY D. BRIDGES, JR., [redacted] REGULAR AIR FORCE.
COL. JEFFREY G. CLIVER, [redacted] REGULAR AIR FORCE.
COL. SEBASTIAN F. COGLITORE, [redacted] REGULAR AIR FORCE.
COL. STEWART E. CRANSTON, [redacted] REGULAR AIR FORCE.
COL. LEE A. DOWNER, [redacted] REGULAR AIR FORCE.
COL. RALPH E. EBERHART, [redacted] REGULAR AIR FORCE.
COL. KENNETH E. EICKMANN, [redacted] REGULAR AIR FORCE.
COL. JERRY D. GARDNER, [redacted] REGULAR AIR FORCE.
COL. RICHARD N. GODDARD, [redacted] REGULAR AIR FORCE.
COL. MARCELITE J. HARRIS, [redacted] REGULAR AIR FORCE.
COL. HENRY M. HOBGOOD, [redacted] REGULAR AIR FORCE.
COL. THOMAS C. HRUSKOCY, [redacted] REGULAR AIR FORCE.
COL. JOSEPH E. HURD, [redacted] REGULAR AIR FORCE.
COL. KENNETH R. ISRAEL, [redacted] REGULAR AIR FORCE.
COL. ALBERT D. JENSEN, [redacted] REGULAR AIR FORCE.
COL. WILLIAM E. JONES, [redacted] REGULAR AIR FORCE.
COL. NICHOLAS B. KEHOE, III, [redacted], REGULAR AIR FORCE.
COL. JEROME A. LANDRY, [redacted] REGULAR AIR FORCE.
COL. MARK H. LILLARD, II, [redacted] REGULAR AIR FORCE.
COL. LESTER L. LYLES, [redacted] REGULAR AIR FORCE.
COL. MICHAEL A. MCAULIFFE, [redacted] REGULAR AIR FORCE.
COL. JOHN O. MCFALLS, III [redacted], REGULAR AIR FORCE.
COL. MICHAEL D. MCGINTY, [redacted] REGULAR AIR FORCE.
COL. DAVID W. MCILVOY, [redacted] REGULAR AIR FORCE.
COL. KENNETH G. MILLER, [redacted] REGULAR AIR FORCE.
COL. KENETH A. MINIHAN, [redacted] REGULAR AIR FORCE.
COL. BOBBIE L. MITCHELL, [redacted] REGULAR AIR FORCE.
COL. JIMMEY R. MORRELL, [redacted] REGULAR AIR FORCE.
COL. DAVID OAKES, [redacted] REGULAR AIR FORCE.
COL. CHARLES H. ROADMAN, II, [redacted] REGULAR AIR FORCE.
COL. JAMES C. ROAN, JR., [redacted] REGULAR AIR FORCE.
COL. CHARLES T. ROBERTSON, JR., [redacted] REGULAR AIR FORCE.
COL. HALLIE E. ROBERTSON, [redacted], REGULAR AIR FORCE.
COL. EUGENE D. SANTARELLI, [redacted] REGULAR AIR FORCE.
COL. JAMES S. SAVARDA, [redacted] REGULAR AIR FORCE.
COL. DALE E. STOVALL, [redacted] REGULAR AIR FORCE.
COL. RICHARD T. SWOPE, [redacted] REGULAR AIR FORCE.
COL. FLOYD K. TEDROW, [redacted] REGULAR AIR FORCE.
COL. ARNOLD R. THOMAS, JR., [redacted], REGULAR AIR FORCE.
COL. W. THOMAS WEST, [redacted] REGULAR AIR FORCE.
COL. JOSEPH C. WILSON, JR., [redacted], REGULAR AIR FORCE.
COL. WILLIAM L. WORTHINGTON, JR., [redacted] REGULAR AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, AND 8373, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. DALE R. BAUMLER, [redacted]FV, AIR FORCE RESERVE.
BRIG. GEN. SHIRLEY M. CARPENTER, [redacted]FV, AIR FORCE RESERVE.
BRIG. GEN. GLENN W. REDMOND, [redacted]FV, AIR FORCE RESERVE.
BRIG. GEN. JAMES E. SIMON, [redacted]FV, AIR FORCE RESERVE.
BRIG. GEN. RAYMOND B. STEWARD, JR., [redacted]FV, AIR FORCE RESERVE.

To be brigadier general

COL. ALMOND B. BALLARD, [redacted]FV, AIR FORCE RESERVE.
COL. GERALD F. CRUMP, [redacted]FV, AIR FORCE RESERVE.
COL. JIMMY G. DISHNER, [redacted]FV, AIR FORCE RESERVE.
COL. RAY F. GARMAN, [redacted]FV, AIR FORCE RESERVE.
COL. DAVID C. GILDART, [redacted]FV, AIR FORCE RESERVE.
COL. JAMES W. HART, JR., [redacted]FV, AIR FORCE RESERVE.
COL. JOHN F. HARVEY, [redacted]FV, AIR FORCE RESERVE.
COL. WILLIAM H. LAWSON, [redacted]FV, AIR FORCE RESERVE.
COL. DAVID R. SMITH, [redacted]FV, AIR FORCE RESERVE.
COL. WILLIAM D. TRACY, [redacted]FV, AIR FORCE RESERVE.
COL. FRANK D. WATSON, [redacted]FV, AIR FORCE RESERVE.
COL. WALLACE W. WHALEY, [redacted]FV, AIR FORCE RESERVE.
COL. WALTER L. WINTERS, JR., [redacted]FV, AIR FORCE RESERVE.

SC ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent brigadier general

COL. THOMAS F. SIKORA, [redacted], U.S. ARMY.
COL. EUGENE S. WITHERSPOON, [redacted] U.S. ARMY.
COL. FREDRIC H. LEIGH, [redacted], U.S. ARMY.
COL. ROBERT E. WYNN, [redacted], U.S. ARMY.
COL. HAROLD W. NELSON, [redacted], U.S. ARMY.

COL. HARVEY E. BROWN, xxx-xx-xxxx, U.S. ARMY.
COL. FRANK F. HENDERSON, xxx-xx-xxxx, U.S. ARMY.
COL. SALVATORE P. CHIDICHIMO, xxx-xx-xxxx, U.S. ARMY.
COL. GEORGE A. LANDIS, xxx-xx-xxxx, U.S. ARMY.
COL. DAVID E. WHITE, xxx-xx-xxxx, U.S. ARMY.
COL. COLUMBUS M. WOMBLE, xxx-xx-xxxx, U.S. ARMY.
COL. HERBERT J. LLOYD, xxx-xx-xxxx, U.S. ARMY.
COL. RAY E. MCCOY, xxx-xx-xxxx, U.S. ARMY.
COL. KENNETH W. SIMPSON, xxx-xx-xxxx, U.S. ARMY.
COL. THOMAS H. NEEDHAM, xxx-xx-xxxx, U.S. ARMY.
COL. WALTER L. BUSBEE, xxx-xx-xxxx, U.S. ARMY.
COL. JOHN C. THOMPSON, xxx-xx-xxxx, U.S. ARMY.
COL. RONALD E. ADAMS, xxx-xx-xxxx, U.S. ARMY.
COL. JOHN N. DAILEY, xxx-xx-xxxx, U.S. ARMY.
COL. HARLEY C. DAVIS, xxx-xx-xxxx, U.S. ARMY.
COL. ROBERT K. GUEST, xxx-xx-xxxx, U.S. ARMY.
COL. JAMES S. DICKEY, xxx-xx-xxxx, U.S. ARMY.
COL. ROBERT S. HARDY, JR., xxx-xx-xxxx, U.S. ARMY.
COL. STANLEY G. GENEGA, xxx-xx-xxxx, U.S. ARMY.
COL. CLAIR F. GILL, xxx-xx-xxxx, U.S. ARMY.
COL. JOHN M. PICKLER, xxx-xx-xxxx, U.S. ARMY.
COL. JOHN M. WATKINS, JR., xxx-xx-xxxx, U.S. ARMY.
COL. WILLIAM R. HOLMES, xxx-xx-xxxx, U.S. ARMY.
COL. VERNON L. CONNER, xxx-xx-xxxx, U.S. ARMY.
COL. GEORGE A. FISHER, JR., xxx-xx-xxxx, U.S. ARMY.
COL. JAMES L. WILSON, xxx-xx-xxxx, U.S. ARMY.
COL. FREDERICK G. WONG, xxx-xx-xxxx, U.S. ARMY.
COL. JOHN W. HENDRIX, xxx-xx-xxxx, U.S. ARMY.
COL. GEORGE E. FRIEL, xxx-xx-xxxx, U.S. ARMY.
COL. FREDERICK H. ESSIG, xxx-xx-xxxx, U.S. ARMY.
COL. JOHN M. KEANE, xxx-xx-xxxx, U.S. ARMY.
COL. JOE N. FRAZAR, III, xxx-xx-xxxx, U.S. ARMY.
COL. JAMES F. BRICKMAN, xxx-xx-xxxx, U.S. ARMY.
COL. RAYMOND T. ROE, xxx-xx-xxxx, U.S. ARMY.
COL. JAMES W. MONROE, xxx-xx-xxxx, U.S. ARMY.
COL. JOHN J. CUSICK, xxx-xx-xxxx, U.S. ARMY.
COL. TOMMY R. FRANKS, xxx-xx-xxxx, U.S. ARMY.
COL. ERIC K. SHINSEKI, xxx-xx-xxxx, U.S. ARMY.
COL. JAMES L. NOLES, xxx-xx-xxxx, U.S. ARMY.
COL. ROBERT D. KERR, xxx-xx-xxxx, U.S. ARMY.
COL. JOHN N. ABRAMS, xxx-xx-xxxx, U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JOHN T. MYERS, xxx-xx-xxxx, U.S. ARMY.

THE UNITED STATES ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT AS A RESERVE COMMISSIONED OFFICER OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. KENT H. HILLHOUSE, xxx-xx-xxxx.
BRIG GEN. JAMES H. MUKOYAMA, JR., xxx-xx-xxxx.
BRIG GEN. PAUL G. REHKAMP, xxx-xx-xxxx.
BRIG GEN. STEPHEN H. SEWELL, JR., xxx-xx-xxxx.
BRIG GEN. BARCLAY O. WELLMAN, xxx-xx-xxxx.

To be brigadier general

COL. THOMAS V. BRUNER, xxx-xx-xxxx.
COL. WILLIAM N. CLARK, xxx-xx-xxxx.
COL. MAX GUGGENHEIMER, xxx-xx-xxxx.
COL. THOMAS B. MURCHIE, xxx-xx-xxxx.
COL. MAX L. SCHARDEIN, xxx-xx-xxxx.
COL. GEORGE J. STEINER, xxx-xx-xxxx.
COL. JOHN M. VEST, xxx-xx-xxxx.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT J. DONAHUE, xxx-xx-xxxx, U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD S. PIHL, xxx-xx-xxxx, U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JAMES J. LINDSAY, xxx-xx-xxxx, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. THURMAN D. RODGERS, xxx-xx-xxxx, U.S. ARMY.

MARINE CORPS

THE FOLLOWING NAMED BRIGADIER GENERALS OF THE MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

MARTIN L. BRANDTNER.	RICHARD D. HEARNEY.
GEORGE L. CATES.	HARRY W. JENKINS, JR.
NORMAN E. EHLERT.	ROBERT B. JOHNSTON.
WILLIAM P. ESHELMAN.	JOHN J. SHEEHAN.
FRANCIS X. HAMILTON, JR.	CLYDE L. VERMILYEA.
	DUANE A. WILLS.

THE FOLLOWING NAMED COLONELS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

JAMES R. DAVIS.	RICHARD I. NEAL.
PAUL A. FRATARCANGELO.	CLAUDE W. REINKE.
	DAVID A. RICHWINE.
RUSSELL H. SUTTON.	GRANVILLE R. AMOS.
MAVIN T. HOPGOOD, JR.	ANTHONY C. ZINNI.

THE FOLLOWING NAMED COLONELS OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912.

ALBERT C. HARVEY, JR. DENIS L. SHORTAL.

THE FOLLOWING NAMED BRIGADIER GENERAL OF THE MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MITCHELL J. WATERS.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS AND APPOINTMENT TO THE GRADE OF ADMIRAL WHILE SERVING IN THAT POSITION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

To be vice chief of Naval Operations
To be admiral

VICE ADM. JEROME L. JOHNSON, U.S. NAVY, xxx-x... xx...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. MICHAEL P. KALLERES, U.S. NAVY, xxx-x... xx...

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. LEON A. EDNEY, U.S. NAVY, xxx-xx-xxxx.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JAMES C MOORE, AND ENDING JAMES P LUCZKA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 28, 1990.

AIR FORCE NOMINATIONS BEGINNING BARTON L ABBOTT, AND ENDING ROBERT L WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 8, 1990.

AIR FORCE NOMINATIONS BEGINNING IRIS M HAGENEY, AND ENDING HAROLD D ROSENHEIM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 20, 1990.

AIR FORCE NOMINATIONS BEGINNING RANDALL W MARTIN, AND ENDING DONALD L THORNTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 21, 1990.

AIR FORCE NOMINATIONS BEGINNING ROBERT A. GROSS, xxx-xx-xxxx AND ENDING OLIVER K. WILLIAMS, xxx-xx-xxxx WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 26, 1990.

AIR FORCE NOMINATIONS BEGINNING MAJOR JAMES M. BEAN, xxx-xx-xxxx AND ENDING MAJOR HAROLD C. SIMS II, xxx-xx-xxxx WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 26, 1990.

IN THE ARMY

ARMY NOMINATIONS BEGINNING CHARLES C ABERCROMBIE, AND ENDING 221X, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 7, 1989.

ARMY NOMINATIONS BEGINNING ELDON W ASKEW, AND ENDING DONNA L VANDELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

ARMY NOMINATIONS BEGINNING BRIGITTE T BERG, AND ENDING JULIE K * ZADINSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 6, 1989.

ARMY NOMINATIONS BEGINNING THOMAS F ALLEN, AND ENDING STACEY B * YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF NOVEMBER 13, 1989.

ARMY NOMINATIONS BEGINNING TIMOTHY E. BODEY, AND ENDING * MICHAEL G. SKENNION, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 28, 1990.

ARMY NOMINATIONS BEGINNING RICHARD L ADAMS, AND ENDING DEBRA A ZANKL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 8, 1990.

ARMY NOMINATIONS BEGINNING TIMOTHY L ADAMS, AND ENDING LORI S RYAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 20, 1990.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING ANTHONY C AKSTIN, AND ENDING CHARLES F YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 8, 1990.

IN THE NAVY

NAVY NOMINATION OF MICHAEL AMMONS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 28, 1990.

NAVY NOMINATIONS BEGINNING LAWRENCE JOSEPH BOLAND, JR. AND ENDING ROBERT LESLIE HOLDREDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 8, 1990.

NAVY NOMINATIONS BEGINNING DAVID A LEWELLYN, AND ENDING STEPHEN L HENDRIX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 21, 1990.

NAVY NOMINATIONS BEGINNING ANTHONY J. ALLEMAN, II, AND ENDING THEODORE D. RICHARDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 26, 1990.

HOUSE OF REPRESENTATIVES—*Monday, April 30, 1990*

The House met at noon and was called to order by the SPEAKER pro tempore [Mr. BONIOR].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 26, 1990.

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore on Monday, April 30, 1990.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know, O God, that You dwell in Heaven above, and yet Your Spirit lives about us and in us. When we lift our voices in happiness or joy or satisfaction, You are there, and when we feel the weight of worry or pain, You are with us and forgive us and give us peace. As You are with us in all the moments of life, whatever our need or whatever our concern, we pray, O gracious God, that Your Spirit will be with us and bless us this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York [Ms. MOLINARI] please come forward and lead the House in the Pledge of Allegiance?

Ms. MOLINARI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H.R. 756. An act for the relief of Shelton Anthony Smith;

H.R. 101. An act to provide for the establishment of the National Commission on Wildlife Disasters, to provide for increased planning and cooperation with local firefighting forces in the event of forest fires, and for other purposes;

H.J. Res. 546. Joint resolution designating May 13, 1990, as "Infant Mortality Awareness Day"; and

H.J. Res. 553. Joint resolution to make technical changes in the Ethics Reform Act of 1989.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1594. An act to extend nondiscriminatory treatment to the products of the Peoples' Republic of Hungary for 3 years;

H.R. 1805. An act to amend title 5, United States Code, to allow Federal annuitants to make contributions for health benefits through direct payments rather than through annuity withholdings if the annuity is insufficient to cover the required withholdings, and to make a technical correction relating to the life insurance program.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1683. An act for the relief of Paula Grzyb;

S. 1814. An act for the relief of Wilson Johan Sherrouse;

S. 2533. An act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program, and for other purposes.

MFN FOR THE SOVIETS AND FREEDOM FOR LITHUANIA: THE TWO SHOULD GO HAND IN HAND

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, it sounds like Lithuania might surrender to the Soviet Union. That outcome shouldn't surprise anyone.

The Soviet blockade of Lithuania was the economic equivalent of an H-bomb.

Gorbachev demonstrated that trade can be a very powerful weapon. Trade may be bringing the Lithuanians to their knees in surrender.

But ironically a lack of trade is also bringing the Soviets to their knees. They are down on the ground begging America for most-favored-nation status.

America has nothing to gain from trade with the Soviets. But the Soviet Union has everything to gain from trade with us.

If we give MFN status to the Soviets, it will be nothing but a gift. Frankly, they don't deserve it.

If the Soviets can use trade as a weapon, so can we. The Soviets tell the Lithuanians they should postpone their independence for several years. Fine. America should tell the Soviets we are postponing their MFN status for several years.

When the Soviets give independence to Lithuania, we'll give MFN status to the Soviets.

Nothing could be fairer. The Soviets cannot expect to use trade as a weapon and then expect America to use trade as a gift.

It will send a message that America takes freedom seriously. America believes in economic freedom and it believes in political freedom. And it believes that both go hand-in-hand.

INTRODUCTION OF THE FEDERAL DISASTER ASSISTANCE PROGRAM OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 5 minutes.

Mr. GUNDERSON. Mr. Speaker, many of us involved in Agriculture are well aware that during the decade of the 1980's, we in this country pursued a new experiment in terms of protecting our farmers from any kind of disaster. We had recognized throughout preceding decades that the reality was, despite all our best efforts, that it was impossible to have any kind of control over the budget or give any kind of systematic concurrent control to the individual American farmer for protection from losses through the normal disaster programs that existed at that point in time. As a result of that, in the 1980's we tried to pursue something called Federal crop insurance. It was a concept under which we would take, frankly, about the same amount of money we had spent on the disaster programs previously and we would use that money to subsidize the Federal crop insurance program in this country.

Unfortunately, our experience with Federal crop insurance of the 1980's has not worked well. During my experience here in the Congress, we have every year had annual oversight hearings as to why Federal crop insurance

was not working and what may or may not be done to assist that process and improve Federal crop insurance.

I come from an area like many in Wisconsin where because, No. 1, forage crops are not necessarily covered, and, No. 2, because my farmers traditionally produce food for feed rather than a cash crop for sale, frankly we were experiencing something of about a 4- or 5-percent signup for crop insurance. That, unfortunately, is not a unique experience to Wisconsin. As a result of that, we have witnessed over the last 2 years, in 1989 and 1990, and now going back obviously even into 1988, when we had a major drought in this country, a recognition that because farmers were not utilizing Federal crop insurance sufficiently, we were still obligated as the Agriculture Committee and as a Federal response to the problems caused by natural disasters above and beyond the farmers' control to recognize the need at that point in time to pass disaster programs on top of the Federal crop insurance.

The administration, in submitting its ideas and proposals for the 1990 farm bill, recognized the reality of the 1980's and recognized the double exposure of the last 1980's and, as a result of that process, submitted a proposal to the Congress that perhaps it is time to fish or cut bait, that we either find a way to make Federal crop insurance work or we find a way to make a disaster program work within the context of our budget, but not both.

Tomorrow the Subcommittee on Conservation, Credit, and Rural Development will hear these differing proposals in committee hearing form as we begin that process of figuring out exactly where we are going to go or at least take one more step in that direction.

Today, I am introducting legislation called the Federal Disaster Assistance Program of 1990. I am introducing it because I am convinced that Federal crop insurance has not worked and it is time to look at other alternatives. Under my Federal Disaster Assistance Program, it will be formulated to a large part on the history of the disaster programs we have known over the last couple of years, where a county, when it reaches a disaster of certain proportions, becomes eligible, and then that farmer within that context also must receive the same amount of disaster before he will become eligible for the program.

□ 1210

Mr. Speaker, it is my belief that this kind of a program can be developed within the $800 million that we have set aside, and, in doing so, we will provide protection for all farmers across this country, not just a few farmers, for a few commodities in a couple of States that happen to benefit under Federal crop insurance.

However, along that same line, we will be able to provide this protection to farmers within the budget and also provide the opportunity for the insurance industry in this country to develop insurance up to that catastrophic level so that they would understand the total ability, and the realm and the severe that they would have before them in developing this type of program. They would have some limit on their exposure. We in the Government would also have limit on our exposure except in those rare forms when we had a major disaster drought, such as the drought of 1988.

Mr. Speaker, I would encourage my colleagues on the Committee on Agriculture in particular to look at this proposal, but, beyond that, I am going to ask every Member of Congress to look at this idea because this is clearly an issue we are going to have to resolve here on the floor and obviously in conference with the Senate and the administration.

We cannot within the context of our present budget exposure continue all programs regardless of their costs. We have got to make some tough decisions. I believe our disaster program encompasses that.

WE ARE AT A PROFOUND TURNING POINT FOR THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk today about the concept of a partnership for American progress, and I want to suggest that we are at a profound turning point for the United States. We are at a point where the people of America have an obligation to reexamine what we mean by citizenship and to reestablish the concept of active citizenship, and I think that it is very, very important that we examine why we have problems with drugs and violent crime, why we have problems within the welfare system, why our educational system has so many difficulties, and I want to suggest that one of the core reasons is that about a quarter century ago this country bought into the idea that, if only we kept raising taxes, and building bigger bureaucracies, and hiring more Government employees, they would solve the problem that somehow it was ultimately the policeman's obligation to take care of crime in the neighborhood, that it was the teacher's obligation to take care of learning, that somehow the doctor would make us well, and then later on that was shifted so that it was the Health Care Financing Administration that would take care of health care, but that in each case we had a new social contract, a contract in which the citizen would pay in taxes for goods and services from the Government; the Government, in return for taking the taxes, would provide the goods and services, and somehow America would then be successful.

Mr. Speaker, I think the lesson of this quarter century experiment in a bureaucratic welfare state is that it simply has not worked, that in fact we have to go back and renew the partnership which once made America such a dynamic and extraordinary country.

For most of our history the American people have understood that democracy, prosperity, safety and education required an investment, not just of our tax money, but of our time, of our courage, of our belief in a better future, a willingness to spend time on the children, our own children, our neighbors' children, a willingness to spend time helping police our own neighborhoods, a willingness to spend time with neighbors who were sick, in effect a partnership that created a society which was much more dynamic and much more powerful than the bureaucratic welfare state has proven to be.

On May 19 in a nationwide workshop which is called the American Opportunities Workshop we are going to explore this concept of active citizenship, and in that program, which will be available to over half the homes in America on the Family Channel, a workshop which will be available to over 500 workshop sites around the country by satellite television and a workshop which is the subject of a special supplement just being produced in the new issue of National Review, in that entire workshop, which will include the President and Vice President of the United States, and Secretary of HUD, Jack Kemp, as well as some prominent Democrats, Griffin Bell, the former Attorney General under Jimmy Carter, and Polly Williams, a State representative from Wisconsin who has authored a voucher program for poor children to have a real choice; in that setting we believe that it is very, very possible that we are going to see the kind of active citizenship which will lead people to commit themselves to a renewed partnership for American progress.

One of the things I would like to enter into the RECORD today is a paper I wrote for the special supplement for National Review entitled, "Creating Opportunities for Americans: The Job of Active Citizenship:"

The greatest single challenge facing the new citizens' activist movement—call it a Citizens Opportunities Movement—is the reestablishment of active, involved citizenship as normal, everyday behavior. A dynamic, exciting, prosperous America can be created

by the end of the 1990's. However, it will only exist if individual Americans are willing to invest the time, energy, resources and courage necessary to rethink and rebuild their own country.

No government bureaucracy will win the war on drugs. Only a true citizens' movement can force the necessary changes.

No government bureaucracy will create a generation of literate, educated hardworking citizens in the inner city. Only an outpouring of civic energy and commitment can create that level of change in individuals, families and communities.

No bureaucracy can move quickly enough to take advantage of the revolution in biotechnology and health care. Only millions of engaged citizens can develop the new approaches and new solutions that will combine a focus on wellness, better preventive medicine, home-based services and user-friendly technologies to create a revolution in access, cost and availability of health care.

No bureaucracy will force the bureaucratic welfare state and permissive attitudes to change. Only a true citizens' movement can mobilize the energy and focus the combination of anger and hope necessary to force politicians to change the current system.

Finally, no bureaucracy will create the caring, humanitarian, common-sense system that must replace the bureaucratic welfare state and permissive attitudes. Only individual Americans, working through voluntary associations and local government, will generate the number of ideas and experiments needed to invent the America that can be in the 1990's.

Our vision of a citizens' movement providing a new model of energetic, committed civic activity and generating new ideas, solutions and institutions is nothing new for Americans. The Committees of Correspondence during the Revolution were a citizens' movement. The Federalists were a loose citizens' organization dedicated to replacing the Articles of Confederation with a more effective government.

Active citizenship had become so pervasive in American life that Alexis de Tocqueville remarked on it over 150 years ago in his "Democracy in America." According to this great French analyst, the genius of America lay not in its government but in its churches, its neighborhoods and its thousands of voluntary activities. President Bush's Thousand Points of Light can take their heritage directly from the civic activists and diversity of individual and collective activity described by de Tocqueville.

In early America, our greatest civic enthusiast was Benjamin Franklin. In a way, he is the archetype of the American as creative activist. Consider just a few of his contributions to a better America. Benjamin Franklin published a newspaper, wrote the most famous Almanac of his day (an inherently political and common-sense document), organized a businessmens' civic group and founded a public library, a volunteer fire department, the American Philosophical Society and a small college which became the University of Pennsylvania.

As a citizen, Franklin proposed plans to pave, clean and light streets and to protect them with a nightwatch. He invented a modern stove, bifocal glasses and lightening rods (after discovering electricity). His contributions to science were so great he was elected a member of both the Royal Society of England and the French Academy of Sciences. Finally, Franklin served as an elected and appointed official. He was elected to the Pennsylvania legislature, the second Continental Congress and the Constitutional Convention. He was appointed agent to England for the colony of Pennsylvania and Minister to France for the United States during the Revolution. He wrote his own autobiography and helped write the Declaration of Independence.

Benjamin Franklin personified honest hard work. He would have understood thoroughly our belief that applying common sense focussed on opportunities and success will lead to a more prosperous America.

While Franklin was the most inventive, most creative and most active citizen of his era, he typified an American attitude. Americans were exciting and attractive to Europeans because they bubbled with energy, optimism and aggressive risk taking. When Americans saw a need they filled it first and called on government later, or not at all.

The bureaucratic welfare state has gradually sapped the courage, activism and creativity of American citizenship. For a century, we have been driving volunteerism out of public life and replacing it with bureaucracy. For a century we have been draining power away from local citizens' groups, local governments and town hall meetings and shifting them to State capitols and to Washington, DC.

I first came to really appreciate the disease of central bureaucratic control in 1981 when a school board member in Douglas County, Georgia told me she felt powerless. She felt that Federal regulations, state regulations and the deals made between the state legislature and the teachers union meant that she and her school board had almost no impact on education.

If an elected school board member feels trapped and powerless, is there any wonder the average parent feels overwhelmed? When the bureaucracy picks textbooks beyond your control, national commissions set graduation requirements beyond your control and state law establishes tenure which protects the bad teacher you want to complain about, it is very reasonable for parents to conclude they have lost control. The American people are pretty smart. If they cannot affect something they tend to ignore it. Bureaucracies rely on this phenomena to build bigger and bigger layers of control. The only time citizens are called on is for fundraising efforts.

This institutionalized apathy is perfect for the bureaucratic welfare state. It allows the bureaucracy to focus on its own values and its own convenience, knowing that citizens have been numbed into passivity. It allows bureaucracies to fail by every reasonable standard, without citizen outrage.

When bureaucracies do fail, the dominant culture of the bureaucratic welfare state simply ignores or ridicules private citizen alternatives. President Bush's Thousand Points of Light was initially treated as a joke by some people. It seemed incomprehensible to them for a public official to be proposing private action as a major strategy.

Consider the silence when President Bush visited Walter Annenberg and raised $50 million for the historically black colleges. If President Bush had proposed raising taxes to give $50 million to black institutions of higher education it would have been, the bureaucracy would have understood. But raising money without raising taxes caused only confusion: The new money did not appear in the Federal budget and therefore was not a topic worthy of comment in Washington.

Our vision is of a world larger than government and more dynamic that bureaucracy. We believe individual citizens can make a difference. We believe voluntary associations can make a difference. We believe entrepreneurial drive and creativity can establish new breakthroughs and new opportunities without and in some cases despite the bureaucratic welfare state.

What then can the active citizen do to help create the opportunities every American should have by the end of the decade? I think there are ten specific steps you can take to help change your country. I suspect you can invent or discover even more ways to be effective, and I hope you will write me with your success stories and your approach to citizenship. However, here are my initial suggestions for a life of active citizenship.

First, be inventive. Dream big. America was created by dreamers and visionaries. Look around you and decide what you want to improve and what opportunities you want to create. Have the courage to go outside the current debate, with ideas new enough and big enough to represent real opportunity.

Second, learn by doing. Real life is vastly more complicated than academic courses. Real entrepreneurs know that building a business, creating a job or solving a problem is a far greater challenge than any academic course can explain. Reading and studying can help, but the real key is to learn by doing. Take on a project and design it at a level to fit your resources and experience, but go ahead and start being a citizen doing civic things.

Third, try, try, try again. This was the key to Benjamin Franklin's life. It is the key to most entrepreneurs' success. (Colonel Sanders had gone bankrupt three times before he founded Kentucky Fried Chicken when he was 67 years of age.) Hard work, cheerful persistence and a willingness to try new ideas are the keys to successful citizenship.

Fourth, be noisy. We live in an age of multiple communications channels. From letters to the editors, to local radio talk shows, to specialized newsletters and cable access channels, there is an explosion of opportunity for noisy citizens. You should jump right in and start writing and talking about your ideas, your projects and your dreams. That will attract new resources and new energy to your efforts.

Fifth, build a team. America has always been a nation of joiners. Found an association, club or project that people can join and be part of. If you want to recycle, found a local activist group. If you want to promote literacy, found a local teaching team. The possibilities are endless and, if you are noisy as Point Four suggests, you will attract members.

Sixth, find little successes. Identify a specific goal, a person to be helped or a project that can be completed so your activities have a first success. That will attract the news media and build new energy while attracting new resources.

Seventh, be a demanding customer for government. We are currently getting the bureaucratic welfare state we tolerate. We must learn to complain more loudly and more aggressively when we don't get the service we deserve. If people applied to government the same standards they apply to private business, we would insist on dramatic changes in the bureaucratic welfare state.

Eighth, support those who share your goals. When you see someone trying to create opportunities, encourage them. When you see someone complaining about

the bureaucratic welfare state, reinforce them. When you see someone engaged in a good fight, join them. If people learn that their activism will be reinforced by fellow activists they will dare more and take more risks.

Ninth, vote and insist that everyone you know votes. For too long we have tolerated the nonvoter as an acceptable citizen. We can only change the bureaucratic welfare state and replace permissive values by insisting that voting is an obligation of citizenship. Freedom is frustrating and working for a better America is difficult. The Founding Fathers understood these principles and they lived by them. They believed in freedom so much that they pledged their lives, their fortunes and their sacred honor. We are only asking for a vote. We should insist that failure to vote is the moral equivalent of deserting the battlefield of self-government.

Tenth, if no one else will do so, run for office. For too many years Americans have complained about government without taking steps to change it. If no one else is prepared to run for Congress, state legislature, city council, school board or whatever, then you have an obligation to do so. Running and losing is honorable. I lost twice and ran for five years before winning a Congressional seat. It is better to try even if you fail than never to engage in self-government.

Two events over the past year have dramatically toughened my attitude about citizenship. I had the opportunity to meet Lech Walesa and Vaclav Havel, when they addressed joint sessions of Congress.

The founder of Solidarity in Poland and the president of Czechoslovakia are both relatively short men. Neither is charismatic in the movie star sense of the word. One is an electrician. The other is a playwright. Neither thinks of himself as a professional politician. Their charisma is based on courage, commitment and consistency of purpose.

As I listened to each explain his recent life I was ashamed of the low standard of citizenship we have come to accept. Walesa voluntarily climbed the wall to go back into the Gdansk shipyard, knowing he risked imprisonment and even death. Havel was a prisoner last October and was offered the Presidency in December. Both men risked their lives, their fortunes and their sacred honor for the cause of freedom.

Both Walesa and Havel thanked America for our commitment to freedom. Walesa started his speech to Congress with "We the People." The first three words in our Constitution were as precious in Warsaw as in Washington.

Havel quoted from the Declaration of Independence and cited the Founding Fathers' willingness to spend their lives translating their words into deeds.

These men and their courage should stand as an inspiration and a challenge to all Americans. We have held up the torch of freedom and changed Eastern Europe and the Soviet Empire. Now we must once again hold up that torch in our cities and towns. We must rally our country to create opportunities for our citizens. Only then can we reclaim the right to be what Jefferson called "the last best hope of mankind."

So when a businessman tells you he can't get involved because he might offend a customer, remind him of Walesa climbing back over the wall. When a citizen tells you she doesn't have time to vote, remind her of Havel's time in prison. It's time we ask Americans to act like Americans again.

□ 1220

On May 19 in the American Opportunities Workshop, we are going to lay out a framework for thinking about active citizenship. Anyone who wants to in either party can participate. Anyone who wants to who currently is an independent can participate.

As I said earlier, at 10 o'clock eastern time, Saturday morning, the American Opportunities Workshop will be on the Family Channel, and about half the television sets in America get that channel on cable. It will be available to over 500 workshops around the country. GOPAC is sponsoring it. If anybody wants to know if there is a workshop near them, they can call GOPAC and find out.

We are working to encourage every Member of the House and Senate in both parties to sponsor a workshop that day. Because we think it is possible to have a renewed partnership for American progress. We think we can re-create active citizenship, and that with active citizenship we can launch a citizens' opportunity movement that will replace the bureaucratic welfare state and will replace permissive attitudes.

Mr. Speaker, I want to take this time to encourage every American to participate in reestablishing the kind of America we want for our children and grandchildren and to reestablish the right of Americans and the duty of Americans to be active citizens so that together we can create the kind of 21st century that we want for our children.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and by special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. MOLINARI) to revise and extend their remarks and include extraneous material:)

Mr. GUNDERSON, for 5 minutes, today.

(The following Members (at the request of Mr. GIBBONS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

(The following Members (at the request of Mr. GINGRICH) to revise and extend their remarks and include extraneous material:)

Mr. OWENS of New York, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. MOLINARI) and to include extraneous matter:)

Mr. KOLBE.

Mr. SOLOMON.

(The following Members (at the request of Mr. GIBBONS) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. LANTOS in two instances.

Mr. MAZZOLI in two instances.

Mr. DELLUMS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1683. An act for the relief of Paula Grzyb; to the Committee on the Judiciary.

S. 1814. An act for the relief of Wilson Johan Sherrouse; to the Committee on the Judiciary.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 1, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3080. A letter from the Deputy Assistant Secretary (Logistics), Department of the Air Force, transmitting notification of the plan to study the conversion to contractor performance the security police and fire operation functions at Indian Springs Air Force Auxiliary Field [AFAF], Nevada, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

3081. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Peter Jon de Vos, of Maryland, to be Ambassador to the Republic of Liberia, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3082. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3083. A letter from the Director, the Woodrow Wilson International Center for Scholars, transmitting a report in response to the Inspector General Act of 1978, as

amended; to the Committee on Government Operations.

3084. A letter from the Chairman, U.S. Sentencing Commission, transmitting a report of amendments to the sentencing guidelines together with the reasons therefor, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

3085. A letter from the Assistant Secretary of the Army (Civil Works), transmitting views of the Secretary of the Army on the report from the Chief of Engineers, of Cypress Creek, TX, together with pertinent reports; to the Committee on Public Works and Transportation.

3086. A letter from the Acting Administrator, General Services Administration, transmitting a copy of a report of building project survey for the Naval Systems Commands in northern Virginia, and various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3087. A letter from the Secretary, Department of Commerce, transmitting a copy of the national implementation plan for modernization and associated restructuring of the National Weather Service, pursuant to 15 U.S.C. 313 nt.; to the Committee on Science, Space, and Technology.

3088. A communication from the President of the United States transmitting notification of his intent to suspend indefinitely Liberia from its status as a GSP beneficiary, and to designate five current beneficiaries as least-developed beneficiary developing countries, pursuant to 19 U.S.C. 2462(a) (H. Doc. 101-182); to the Committee on Ways and Means and ordered to be printed.

3089. A letter from the Secretary of Agriculture transmitting copies of the annual report tables on agricultural export activities carried out under the Agricultural Trade Development and Assistance Act of 1954; jointly, to the Committees on Agriculture and Foreign Affairs.

3090. A letter from the Comptroller General, General Accounting Office, transmitting a report of the variety of homelessness prevention programs implemented at State and local levels (GAO/RCED-90-89, April 1990); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

3091. A letter from the Secretary of the Interior transmitting a copy of the annual report for fiscal year 1989 covering the Outer Continental Shelf [OCS] Oil and Gas Leasing and Production Program administered through the Minerals Management Service, pursuant to 43 U.S.C. 1343; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

3092. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for fiscal years 1991 and 1992, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 4676. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of mixed alkylbenzenes; to the Committee on Ways and Means.

H.R. 4677. A bill to provide for the reliquidation of certain entries of diamond tool and drill blanks; to the Committee on Ways and Means.

By Mr. COURTER:

H.R. 4678. A bill to suspend for a 5-year period the duty on Dithiobisbenzanilide; to the Committee on Ways and Means.

By Mr. GUNDERSON:

H.R. 4679. A bill to establish a disaster assistance program for producers of agricultural commodities commencing with the 1991 and subsequent crop years; to the Committee on Agriculture.

By Mr. KOLBE:

H.R. 4680. A bill to authorize negotiation of a Mexico-United States Free Trade Agreement, and for other purposes; jointly, to the Committee on Ways and Means and Rules.

By Mr. RINALDO:

H.R. 4681. A bill to extend the temporary suspensions of duty on N1,N4,N4-Tris-(2-hydroxyethyl)-2-nitro-1,4-phenylenediamine; N1, N4-Dimethyl-N1-(2-hydroxyethyl)-3-nitro-1,4-phenylenediamine; N1,N4-Dimethyl-N1-(2,3-dihydroxypopyl)-3-nitro-1,4-phenylenediamine; N1-(2-Hydroxyethyl)-3-nitro-1,4-phenylenediamine and N1-(2-Hydroxyethyl)-2-nitro-1,4-phenylenediamine; to the Committee on Ways and Means.

H.R. 4682. A bill to amend title XVIII of the Social Security Act to improve Medicare benefits with respect to in-home respite care and home health services; jointly, to the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

372. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to chemicals which may be used in chemical warfare; to the Committee on Armed Services.

373. Also, memorial of the House of Representatives of the Commowealth of Pennsylvania, relative to the Junior Reserve Officer Training Corps [JROTC] Program. Referred to the Committee on Armed Services.

374. Also, memorial of the General Assembly of the State of Tennessee, relative to the 10th amendment to the U.S. Constitution; to the Committee on the Judiciary.

375. Also, memorial of the General Assembly of the State of Tennessee, relative to the highway trust fund and the airport and airway trust fund; jointly, to the Committees on Public Works and Transportation and Government Operations.

376. Also, memorial of the Legislature of the State of Wisconsin, relative to agent orange veterans; to the Committee on Veterans' Affairs.

377. Also, memorial of the Legislature of the State of Wisconsin, relative to veterans affairs health care facilities; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 286: Mr. INHOFE.

H.R. 563: Mr. SLAUGHTER of Virginia.

H.R. 961: Ms. OAKAR, Mr. DEWINE, Mr. BILIRAKIS, Mr. CAMPBELL of California, Mr. PEASE, and Mr. TRAFICANT.

H.R. 1720: Mr. CARR and Mr. LEWIS of Georgia.

H.R. 2649: Mr. HAYES of Louisiana.

H.R. 2825: Mr. TAYLOR.

H.R. 2951: Mr. HORTON and Mr. JONTZ.

H.R. 2952: Mr. HORTON and Mr. JONTZ.

H.R. 3819: Mr. BORSKI and Ms. PELOSI.

H.R. 4247: Mrs. JOHNSON of Connecticut and Mr. VOLKMER.

H.R. 4249: Mr. FLIPPO, Mr. DORGAN of North Dakota, Mr. FRENZEL, Mrs. JOHNSON of Connecticut, Mr. GEJDENSON, Mr. STANGELAND, Mr. SIKORSKI, Mr. MAVROULES, Mr. SHAYS, Mr. EVANS, Mr. DEFAZIO, Ms. KAPTUR, Mr. LANCASTER, Mr. SYNAR, Mr. OBERSTAR, Mr. CAMPBELL of Colorado, Mr. VENTO, Mr. JOHNSON of South Dakota, Mr. RITTER, Mr. MARKEY, and Mr. KOLTER.

H.R. 4278: Mr. FAWELL, Mr. RUSSO, Mr. VALENTINE, Mr. NIELSON of Utah, and Mr. ATKINS.

H.R. 4314: Mr. MORRISON of Connecticut, Mr. ROWLAND of Connecticut, Mrs. JOHNSON of Connecticut, and Mr. GEJDENSON.

H.R. 4369: Mr. FISH and Mr. SCHIFF.

H.R. 4492: Mr. FAUNTROY and Mr. BILBRAY.

H.R. 4520: Mr. CHAPMAN and Mr. HUGHES.

H.R. 4597: Mr. WALSH.

H.R. 4608: Mr. BARTON of Texas.

H.J. Res. 214: Mr. PAYNE of New Jersey, Mr. MCNULTY, Mr. MANTON, Mr. MACHTLEY, Mr. LEVINE of California, Mr. DE LA GARZA, Mr. BILBRAY, Mr. SMITH of Florida, Mr. BROOMFIELD, Mr. WALSH, and Mrs. MEYERS of Kansas.

H.J. Res. 427: Mr. ALEXANDER, Mr. ANTHONY, Mr. APPLEGATE, Mr. BEILENSON, Mr. BROWN of California, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. DEFAZIO, Mr. DELLUMS, Mr. FRANK, Mr. GALLO, Mr. GEJDENSON, Mr. GILMAN, Mr. GOODLING, Mr. GOSS, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HUTTO, Mr. IRELAND, Mr. JONES of Georgia, Mrs. KENNELLY, Mr. KILDEE, Mr. LANTOS, Ms. LONG, Mr. LOWERY of California, Mr. THOMAS A. LUKEN, Mr. MAZZOLI, Mr. MOODY, Mr. ROSE, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SHARP, Mr. SHAW, Mr. STEARNS, Mr. STENHOLM, Mr. STUDDS, Mr. SYNAR, Mrs. UNSOELD, Mr. VENTO, Mr. VISCLOSKY, Mr. DYSON, Mr. EARLY, Mr. FEIGHAN, Mr. GLICKMAN, Mrs. BOGGS, Mr. DINGELL, and Mr. WATKINS.

H.J. Res. 439: Mr. ATKINS.

H.J. Res. 443: Mr. EMERSON, Mr. QUILLEN, Mrs. UNSOELD, Mr. MACHTLEY, Mr. FRANK, Mr. GEJDENSON, Mrs. MEYERS of Kansas, Mr. PAYNE of New Jersey, Mr. FISH, Mr. MOORHEAD, Mr. MCDERMOTT, Mr. CROCKETT, Mr. ATKINS, Mr. MRAZEK, Mr. OWENS of New York, Mr. APPLEGATE, Mr. CARPER, Mr. ESPY, Mr. ENGEL, Mr. BEVILL, Mr. BORSKI, Mr. CARDIN, Mr. FAUNTROY, Mr. DIXON, Mr. MANTON, Mr. TRAFICANT, Mr. WILSON, Mr. SLATTERY, Mr. NAGLE, Mr. WOLPE, Mr. JONES of North Carolina, Ms. KAPTUR, Mrs. KENNELLY, Mr. MCDADE, Mr. WAXMAN, Mr. NATCHER, Mr. BRENNAN, Mr. BERMAN, Mr. MONTGOMERY, Mr. HUBBARD, Mr. HOYER, Mr. PANETTA, Mr. BENNETT, Mr. SCHEUER, Mr. VANDER JAGT, Mr. VENTO, Ms. PELOSI, Mr. DAVIS, Mr. VALENTINE, Mr. GONZALEZ, Mr. REGULA, Mr. EVANS, Mr. OXLEY, Mr. SMITH of Florida, Ms. LONG, Mr. OWENS of Utah, Mr. LENT, and Mr. WOLF.

H.J. Res. 490: Mr. MFUME, Mr. WILLIAMS, Mr. MOODY, Mr. GIBBONS, Mr. OXLEY, Mr. HAMMERSCHMIDT, Mr. WISE, Mr. BOSCO, Mr. BROWN of California, Mr. CONYERS, Mr. COOPER, Mr. DE LUGO, Mr. DONNELLY, Mr. DYMALLY, Mr. FALEOMAVAEGA, Mr. KOST-

MAYER. Mr. LEACH of Iowa. Mr. LIPINSKI, Mr. MCDERMOTT, Mr. MANTON, Mr. SARPALIUS, Mr. SAVAGE, Mr. SMITH of Vermont, Mr. SPENCE, Mr. STAGGERS, Mr. TRAFICANT, Mr. WALGREN, Mr. WATKINS, Mr. WILSON, Mr. GEJDENSON, Mr. TANNER, Mr. MARTINEZ, Mr. CHANDLER, Mr. RICHARDSON, Mr. GORDON, Mr. ALEXANDER, Mr. BATES, Mr. MOAKLEY, Mr. ANTHONY, Mrs. PATTERSON, Mr. JONES of Georgia, Ms. LONG, Mr. DURBIN, Mr. MARTIN of New York, Mr. YATRON, Mr. HENRY, Mr. VOLKMER, Mr. CARDIN, Mr. MINETA, Mr. OWENS of Utah, Mr. LAFALCE, Mr. ROE, Mr. BRUCE, Mr. SLATTERY, Mr. DE LA GARZA, Mr. PICKLE, Mr. ENGEL, Mr. DENNY SMITH, Mr. TAUZIN, Mr. RAVENEL, Mr. PORTER, Mr. LEWIS of California, Mr. HARRIS, Mr. BONIOR, Mr. SMITH of New Hampshire, Mr. WALSH, Mr. FRANK, Mr. RAY, Mr. SKELTON, and Mr. MCHUGH.

H.J. Res. 540: Mr. BAKER, Mr. BATEMAN, Mr. TAUKE, Mr. STANGELAND, Mr. MOLLOHAN, Mr. CONYERS, Mr. FORD of Tennessee, Mr. LAGOMARSINO, Mr. BRENNAN, Mr. LIPINSKI, Mr. TRAFICANT, Mr. QUILLEN, Mrs. JOHNSON of Connecticut, Mr. DEFAZIO, Mr. SKELTON, Mr. MATSUI, Mr. ARCHER, Mr. DORNAN of California, Mr. SAWYER, Mrs. MORELLA, Mr. DE LUGO, and Mr. AKAKA.

H. Con. Res. 172: Mr. HORTON and Mr. JONTZ.

H. Res. 374: Mr. GUNDERSON.

[Omitted from the Record of April 26, 1990]

H.R. 4557: Mr. EDWARDS of California, Mr. SMITH of New Hampshire, Mr. APPLEGATE, Mr. STEARNS, Mr. EVANS, Mr. PAXON, Mr. PENNY, Mr. STAGGERS, Mr. JONES of Georgia, Ms. LONG, Mr. GEREN, Mr. HOCHBRUECKNER, Mr. WYLIE, Mr. JAMES, Mr. LEATH of Texas, Mr. JENKINS, Mr. RICHARDSON, Mr. BROWDER, Mr. HEFNER, and Mr. TAYLOR.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

160. By the SPEAKER: Petition of city of Santa Barbara, CA, relative to the Cable Communications Act of 1984; to the Committee on Energy and Commerce.

161. Also, petition of South Mountain Sane, Maplewood, NJ, relative to the recent changes in Eastern Europe; jointly to the Committees on Armed Services; Banking, Finance and Urban Affairs; Energy and Commerce; and Education and Labor.

SENATE—*Monday, April 30, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the Honorable DALE BUMPERS, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Let us observe a moment of silence in memory of Leo Balducci who died Saturday, as we remember his faithful supervision of the Senate Page School for so many years.

"* * * we know that all things work together for good to them that love God, to them who are the called according to His purpose." Romans 8:28.

Sovereign Lord, in these days of explosive ferment and upheaval, radical change and uncertainty, help us to fulfill our destiny, "under God," as a nation. Enable the Senators and their staffs to take seriously the implications of our national legacy and the expectations of the world for which America, in the past, has done so much.

Gracious God, in these unprecedented critical days, give all of us and each of us the grace to be what we ought to be and to do what we ought to do. Deliver us from selfishness and greed. Emancipate us from everything inside ourselves that would hinder the fulfillment of our place in history.

In His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 30, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DALE BUMPERS, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BUMPERS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders this morning, there will be a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

At noon, the Senate will resume consideration of the emergency supplemental appropriations bill. Under the provisions of a unanimous-consent agreement granted last week, Senator DANFORTH will be recognized at noon today to offer a sense-of-the-Senate amendment on court taxation. Upon disposition of the Danforth amendment, the following Senators will be recognized in the order listed to offer amendments: Senators WIRTH, CONRAD, DIXON, KOHL, PRYOR, SIMPSON, and BAUCUS, and WIRTH.

Any votes ordered relative to these amendments will be stacked to occur not earlier than 7 p.m. this evening.

Under the order, the pending committee amendments have been laid aside until disposition of the above-listed amendments.

Beginning this evening, not earlier than 7, up to eight votes are possible. Therefore, Senators are on notice of the likelihood of several votes occurring this evening, not prior to 7, with the possibility of other votes occurring once we have disposed of the above-listed amendments.

CONFERENCE ON THE GLOBAL ENVIRONMENT

Mr. MITCHELL. Mr. President, today marks the opening of the Interparliamentary Conference on the Global Environment. It will be an important meeting. Parliamentarians from some three dozen countries will attend. To the extent possible, I encourage the participation of Senators.

Environmental concerns, from soil depletion and deforestation to the destruction of the atmospheric ozone layer, affect every nation on the face of the Earth.

Global warming is the most immediate threat we all face. The potential of temperature shifts that previously occurred over thousands of years now taking place instead, in a matter of decades, confronts us with an entirely unprecedented natural event.

Neither our Earth nor our human civilization has any experience of such a change. Our scientific analysts are doing their best to warn us of potential outcomes. But their warnings are of probabilities, not certainties or specifics.

They are well-founded probabilities, and they are becoming more well-founded each month.

Efforts are under way to improve the data base for those predictions. Individual nations are aggressively promoting improved ways to aggregate and project the data we collect.

But because short-term climate shifts are an entirely new phenomenon, our reading and interpretation of the data will always include some margin of error.

Climate change will affect the life of every human being.

But there are some, in this Nation and others, who argue that the scientific view must be final and unanimous before any concrete steps are taken to combat the causes of the problem.

But we do not wait for scientific certainty in other cases where a technical problem confronts us.

We apply experimental medical protocols in the effort to fight cancer, even when we do not know what the ultimate cancer-causing agent is.

We try to prevent the discharge of toxic wastes into the waterways, even though we may not know precisely which toxins pose the greatest threat to which organisms.

The call for scientific certainty is a double standard. It is not a standard we meet in any other legislative field. In this instance, it is a device for delay by those who are unwilling to act.

It is ironic, and potentially dangerous, that this argument is being raised in connection with what is the most serious, far-reaching, and irreversible environmental danger the world faces.

The Secretary General of the World Meteorological Organization has said:

The global warming to which we are already committed is irreversible. * * * By the time we detect it, it will be too late. * * *

The action of greenhouse gases is well known and not in dispute. They prevent some of the heat of the Sun's energy from reradiating back into space and warm the air near the Earth's surface. Warmer air at the Earth's surface affects the climate. And on the climate depends our ability to produce the major food crops on which human life depends.

The increase in greenhouse gases in the atmosphere has been measured. It is not in doubt. Their heat-conserving effects are scientifically known, and not in dispute. The question is not if the Earth will become warmer: It is when and by how much?

Given the facts that we know as well as the large uncertainties about regional effects, it is the responsibility of legislators in all nations, not merely some nations, to develop strategies for reducing the emission of these gases into the atmosphere.

When national boundaries cut across natural ecological systems, as they do on four of the five inhabited continents, the health and well-being of the natural environment is a matter of concern to all the nations affected. River systems, tidal patterns, wind flows, and rainfall respect no man-made boundary.

The challenge is to develop effective ways of preserving natural systems and simultaneously improve the living conditions of the people who rely on those natural systems.

The solution to such critical problems is not, as some seem to claim, to turn our backs on technology and reject the hope of improving life for mankind. The solution will instead come from a better understanding of the natural environment and technologies that respect its needs.

Officials working in the field of environmental protection often face two different and seemingly opposite points of view. One is that our goal must be to preserve intact and untouched as much of the environment as possible. The other is that humanity's moral duty is limited to the needs of our own species.

Although both points of view lead to diametrically opposed policies, both stem from the same fundamental premise. That premise is that humanity is in some way separate from nature; that human needs and desires are either damaging to nature or have an inherently higher claim on nature.

I believe that premise is mistaken.

People are as much a product and a part of the natural world as any other species.

And because humanity has the gift of consciousness, it also bears the greater burden of responsibility for stewardship.

A plant introduced into a new environment cannot be morally responsible for becoming a weed and choking a valuable water resource, as the water hyacinth plant in the Chesapeake Bay threatened to do. A fish introduced into a new habitat cannot be blamed for destroying the entire food chain, as the Nile perch in Lake Victoria has done.

We began to learn in this century that our planet and its surrounding atmosphere exist in a fragile balance that is all too easily disrupted.

It is time to use our knowledge and act to halt the destruction, to reverse the damage where possible, and to recognize that the future of our Nation rests as much on the survival of a livable Earth as it does on armaments and diplomacy.

Each of us is on the Earth for a relatively short time. In that time, we are stewards, holding the Earth's natural resources in trust for future generations. We can, and we must, convey to them the very basics of healthy human life—clean air, pure water, unpoisoned land.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all the leader time of the Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 12 noon with Senators permitted to speak therein for up to 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. DOLE. Mr. President, early this morning I had the privilege of meeting with President Bush. We talked about the supplemental appropriations, among other things. I think it is fair to say the President would appreciate it very much if the Senate could complete action on the supplemental. It has been in the Senate since April 5. In fact, I think he sent it to the Congress on March 13, and it was a dire emergency supplemental appropriations to provide aid for Panama and Nicaragua. Now other things have been added. Somebody said the total cost may reach $2.6 billion on a foreign aid request of $700 million.

But in any event the President at this moment, I understand, is meeting with President Endara of Panama. He said he would be a bit embarrassed to explain to him why we have not yet acted on his emergency request for aid since it was his understanding the Senate would move quickly after we had an authorization bill.

We had the authorization bill. Then we had CBI. Then we had child care. Now we could have intervening the Hatch Act because, if cloture is invoked tomorrow at 7 o'clock and we have not finished the supplemental, as I understand it, we would be on the Hatch Act. And I assume that the supplemental bill will go back to the calendar.

It would just seem to me from the point of my speaking, if we can be helpful on this side—I know there are many amendments on this side, there are many on that side.

I do not suggest that either side has more or less amendments, but I would be willing to join with the leadership on the other side, the Chairman of the Appropriations Committee, and the ranking Republican member, Senator HATFIELD, if there is a decision to start tabling all amendments, or discouraging amendments on this side of the aisle. We will be attempting today to discourage amendments. There are no time agreements on amendments.

We could debate each amendment for hour after hour upon hour, and I hope Members understand that the President made a commitment. He made a proper request of the Congress. We indicated in the bipartisan way we would act on that request, and the President very much would like to have final action because it has to go back to conference. If we dispose of it before 7 o'clock tomorrow evening it still has to go to conference.

There are a number of changes. It seems to me that we now have a problem on this supplemental. We have abortion and the death penalty. If anyone can come up with two more controversial issues than the death penalty and abortion amendments to an aid request for Panama and Nicaragua that are not particularly relevant, I would be hard pressed to think of any more controversial amendments.

But one way to dispose of these amendments is to table the committee amendment which would take both, as I understand, out of action so we can move on with relevant amendments. I want to pledge to the majority leader and the Chairman of the Appropriations Committee that I am, as the Re-

publican leader, prepared to help. I want to again make the request on behalf of the President that he would very much like action on this bill no later than tomorrow.

Mr. President, I reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2542 and S. 2543 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

TRIBUTE TO SENATOR SPARK MATSUNAGA

Mr. DIXON. Mr. President, it is with a deep sense of personal loss that I rise today to pay tribute to a friend and colleague, Sparky Matsunaga. His spirit of personal courage, in war, in peace, and in his last days fighting the cancer that would eventually kill him will not be forgotten.

Sparky Matsunaga did not come from a privileged background. His parents were plantation workers. By his own hard work, he put himself through the University of Hawaii and graduated with honors. He was a second lieutenant in the U.S. Army when the attack on Pearl Harbor occurred. Facing discrimination at home for being an American of Japanese descent, he was restricted from fighting in the war. He petitioned President Franklin Roosevelt to allow Japanese-Americans to join the ranks of other Americans in active duty. He would eventually join the 100th Infantry Battalion—one of the most highly decorated in history. His personal heroism would earn him two Purple Hearts and the Bronze Star Medal.

His service to his country and its people would continue in the U.S. Congress. After seeing the horrors of war, he became an advocate for peace. Through astute lobbying and his congenial manner, he would get Congress to set up the U.S. Peace Institute. Also unpopular at the time was the legislation to provide redress for Japanese-Americans interned during World War II. Sparky Matsunaga worked almost singlehandedly to pass both these measures.

In other legislative areas, he worked for a joint United States-Soviet exploration of Mars and to make Hawaii a center for space exploration. He championed support for education at all levels and for all people. As a poet and legislator he pushed for the establishment of the post of American Poet Laureate.

His final challenge would come with his battle with cancer. Despite the pain, he continued to serve his State and his Nation. His dedication to public service would bring him to the Senate floor in a wheelchair to vote for the passage of the Clean Air Act—his last vote.

Sparky Matsunaga is an example to our Nation of what we can be in spite of the obstacles placed before us. His courage and his devotion to peace will be missed by this Nation.

CONSUMER CHAMPION AWARD

Mr. GORTON. Mr. President, last week, the week of April 22 to 28, was our ninth annual National Consumer Week. It was observed by hundreds of organizations from both the public and private sectors and by many of our constituents.

The theme of this year's Consumer Week was "1990: New Consumer Horizons." This is especially appropriate as sustained economic growth continues to present consumers with a plethora of innovative products, each offering new options and new decisions. Providing useful information to consumers is a challenge we should make every effort to meet.

However, consumer information is not exclusively or even primarily the duty of the Federal Government. In a society based on free market concepts, success is most likely when all the components of that system work together toward the same goals. State and local governments, industry, professional associations, and individual citizens can help to ensure success by focusing on consumer needs.

To this end, I announced on Friday the formation of my own Consumer Champion Award. This award will be presented quarterly to a group, agency, or business individual from Washington State. The recipient of the award will be recognized for having taken specific action to inform or protect consumers or will have proven to have been their consistent, reliable friend over the years.

The first recipients of this award are a couple from Yakima, WA. They are truckers who last year decided they could no longer allow the public unknowingly to purchase food products that had been carried in tank trucks that had just hauled toxic, nonfood loads. They came forward, at great professional risk, and blew the whistle on this unconscionable and dangerous practice—known in the trucking industry as backhauling. They are Jim and Rikki Pomerenke.

As a result of their actions, I introduced legislation which would put an end to backhauling. The Senate Commerce Committee has approved the measure, joined with similar proposals by Senators GORE and EXON, and it is expected to be considered by the full Senate during the course of the next several weeks. The House has already approved a similar measure.

In the case of backhauling, a Federal solution is necessary, but we as legislators might never have had the opportunity to respond appropriately had this couple remained silent. Their courage contributed immensely to making our system work. It is therefore fitting that Jim and Rikki Pomerenke be recognized as Washington State's first consumer champions. I hope my colleagues will join me in extending to them gratitude and admiration. They set an excellent precedent for the awards to follow.

During my years as Washington's attorney general, one of my foremost interests was in consumer protection. I feel just as strongly now about its importance. As ranking Republican on the Consumer Subcommittee, I enjoy continuing to have the opportunity to work on behalf of consumers.

I hope that the consumer champion award will provide incentive and recognition to those who help make our free market system work through their concern for consumers. Mr. President, an informed consumer is the key to our continued prosperity, and deserves our attention not only during the week just past but throughout the year.0

SENATOR HELMS PRAISES THE NORTH CAROLINA POULTRY INDUSTRY

Mr. HELMS. Mr. President, I have boasted for years about the North Carolina poultry industry, and today I am going to do it again. But as Dizzy Dean or somebody once observed, "braggin' ain't braggin'—if it's so." And it is certainly so that North Carolina's remarkable farmers and workers have made poultry the largest food industry in my State.

Once again, North Carolina's Governor Martin has formally proclaimed the month of April as North Carolina Poultry Month, and I join him in applauding this splendid industry. Our State has more than 4,800 small family farmers producing poultry and eggs, and an additional 17,000 people work in hatcheries, feed mills, and

poultry processing plants. North Carolina's largest food industry—poultry—annually pumps nearly $1.5 billion into the economy of our State.

Moreover, Mr. President, North Carolina has the most diverse poultry industry in the Nation, ranking first in turkey production, second in duckling production, fourth in commercial broiler production, and eighth in egg production. In addition, the North Carolina poultry industry has always been conscious of product quality and consumer needs—offering everything from cold cuts to gourmet entrees. Consumers in North Carolina are fortunate to enjoy a wide array of wholesome, healthy, high quality poultry products.

The poultry industry's future continues to look bright. It will experience dynamic growth, per capita consumption of poultry will steadily increase, consumers will be treated to exciting new poultry products, and I fully expect the market to strengthen and grow in North Carolina.

So, Mr. President, I am enormously proud of all of the citizens involved in the North Carolina poultry industry, and I ask unanimous consent that the text of Governor Martin's proclamation of "North Carolina Poultry Month" be printed in the RECORD at the conclusion of my remarks.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

A PROCLAMATION—NORTH CAROLINA POULTRY MONTH, 1990

North Carolina's poultry industry represents a major agricultural industry in our state, exceeding one billion dollars in cash receipts for farm families.

North Carolina is also the most diversified poultry producing state in the nation, ranking first in turkey production, second in duckling production, fourth in commercial broiler production, and eighth in egg production.

The poultry industry employs thousands of our citizens and contributes significantly to the income of our farm workers. It bolsters our state economy and provides a nutritious, wholesome food to North Carolina families, and supplies markets worldwide.

Now, therefore, I, James G. Martin, Governor of the State of North Carolina, do hereby proclaim April 1990, as "North Carolina Poultry Month," and urge our citizens to recognize the importance of our poultry industry in our state and to enjoy a variety of poultry products.

FRANK REED RELEASED; SIX REMAIN

Mr. MOYNIHAN. Mr. President, I am happy to note that another American hostage, Frank Reed, was released today. Mr. Reed, former director of the Lebanon International School in Beirut, was abducted on September 9, 1986, and remained in captivity for over 43 months. He was released to Syrian officials by a group called the Islamic Revolutionary Dawn. The Syrian Government was said to have played a key role in facilitating the release—another remarkable show of conciliation from a regime so hostile to our country and ideals.

Mr. President, even with the good news of Mr. Reed's release, we must recall that six Americans remain hostage in Lebanon, including the longest held, Terry Anderson. Today is Mr. Anderson's 1,871st in captivity. As ever, our thoughts are with him, and with the other hostages and their families.

I ask unanimous consent that an AP wire story telling of Mr. Reed's release be printed at this point in the RECORD.

There being no objection, the AP wire story was ordered to be printed in the RECORD, as follows:

BUSH WELCOMES RELEASE OF HOSTAGE FRANK REED

(By Christopher Connell)

WASHINGTON.—President Bush today welcomed the release of hostage Frank H. Reed, thanked both Syria and Iran but said again, "We cannot rest until all hostages are free."

He called the news of Reed's release by kidnappers in Lebanon cause for joy, but expressed concern about the plight of 6 other Americans and 10 other Westerners who remain hostage.

"This is a joyous day for Mr. Reed, his family, his friends and all Americans," Bush said in a written statement just hours before his scheduled afternoon meeting with Robert Polhill, the American hostage freed last week after 39 months in captivity.

"With Mr. Reed's release, we have six innocent Americans that are still being held hostage in Lebanon," as well as the other foreign hostages, he said. "Their predicament weighs on our mind and tempers the joy we feel today."

The six Americans still hostage in the Middle East include Terry Anderson of The Associated Press. He is the longest held, and has been captive for more than five years.

As he did eight days ago when Polhill was let go, Bush thanked Syria and Iran, two states the United States has accused in the past of sponsoring terrorism.

"Once again, we wish to express our gratitude to all those who through their efforts helped in Mr. Reed's release," said Bush. "In particular we would like to thank the government of Syria for facilitating this release. We would also like to thank the government of Iran for using its influence to help bring about this humanitarian step."

Bush said, "We cannot rest, however, until all hostages are free. We urge all parties who either hold hostages or have any influence over the hostage takers to work for the expeditious and unconditional release of the remaining hostages."

Earlier, the Bush administration today dispatched a special recovery team to West Germany to greet Reed.

There was no immediate word from State Department officials on Reed's condition after 43 months in capitivity.

In Malden, Mass., Reed's wife, Fahima, said she was ready to travel overseas "as soon as I see the picture of my husband."

Earlier in the day, as optimism rose over the prospect of a release, the White House said it was "very hopeful" that a hostage would be freed. But it reiterated its policy of no deals with the kidnappers.

Reed, a hostage in Lebanon for 43 months, was liberated by Islamic militants and turned over of Syria, which played a middle-man role for the Bush administration, the State Department said in the first word of his release.

"We've got confirmation that he's been released and is in Syrian hands in Lebanon," said Kim Hoggard, a State Department spokeswoman, after receiving word from the U.S. Embassy in Damascus.

The State Department had kept an open telephone line to the Embassy in the expectation that Reed, former director of the Lebanon International School in Beirut, would be liberated.

Reed was seized in the Lebanese capital Sept. 9, 1986.

White House spokesman Marlin Fitzwater said the State Department hostage reception team was being dispatched to Wiesbaden, West Germany, where hostage Reed will be taken for treatment.

Amid reports in Iran that the planned release follows "extensive talks" between the Iranian government and the hostage-holders, Fitzwater said, "We've had a lot of third party intermediary kinds of messages back and forth with Iran. But there's nothing we can point to in terms of any specific reasons for this release."

"It is virtually impossible for us to know exactly the contributions of Iran in these kinds of matter," the spokesman added.

He reiterated that there will be "no deals" with the kidnappers.

"We know very little" about the Islamic Revolutionary Dawn, the group saying it would release Reed, Fitzwater said.

At the State Department, Ms. Tutwiler said the Islamic Dawn group "was unknown to us before yesterday's announcement." Ms. Tutwiler said it is probably associated with the Islamic Jihad, but added: "We know next to nothing about this group."

"No one knows precisely what motivates the hostage-takers in any of their activities, either in the taking of hostages or holding them or releasing them," Fitzwater said. "There is considerable speculation that Iran, Syria and others in that part of the world like to have better relations with the United States. The president has said goodwill begets goodwill. And we are hopeful that indeed that is the case, that they do want better relations."

Reed, 57, was director of the Lebanese International School when he was seized from his chauffeur-driven car near the Beirut airport on Sept. 12, 1986, as he was driven to play golf.

The Massachusetts native had lived in Beirut for eight years. He is a convert to Islam married to a Syrian Moslem.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4404 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4404) making dire emergency supplemental appropriations for disaster as-

sistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes,

The Senate resumed consideration of the bill.

Pending:

Gramm Amendment No. 1550 (to committee amendment beginning on page 57, line 5), to institute the death penalty for drug-related murders in the District of Columbia,

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri [Mr. DANFORTH] is recognized for the purpose of offering an amendment.

AMENDMENT NO. 1553

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], proposes an amendment numbered 1553.

At the appropriate place insert:

It is the sense of the Senate that neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to lay or increase taxes.

Mr. DANFORTH. Mr. President, the wording of this sense-of-the-Senate amendment is identical to the wording of a constitutional amendment resolution that I introduced in the Senate a week ago last Friday. That constitutional amendment now has, I think, 22 cosponsors, and it deals with the one issue of the power of the Federal courts to direct the imposition of taxes.

The origin of the constitutional amendment is a decision of the U.S. Supreme Court 2 weeks ago in a case called Missouri versus Jenkins. In that case the Supreme Court held that a Federal district court judge could order a school board to increase taxes, notwithstanding a State constitutional prohibition to the contrary.

Therefore, the issue that was raised by the U.S. Supreme Court is the issue of judicial taxation, and that is the question which is addressed by the constitutional amendment, and in exactly the same words, by this sense-of-the-Senate resolution.

Mr. President, I had always assumed that the power to tax was a purely legislative function, and that the Constitution was abundantly clear on this issue. However, the Supreme Court's decision certainly puts the issue in doubt. As a matter of fact, the Supreme Court expressly says that the power to order the imposition of taxes is now one that is held by the Federal judiciary. Therefore, it seems to me that we should put the Supreme Court's decision before the country as a whole, and allow the people to pass on the issue of judicial taxation.

The principle of no taxation without representation is a principle which antedates the country itself. It is a principle that was established by our British predecessors in the 17th century. It was a principle that was well known in the time of our own colonial days.

One need only reflect on the Stamp Act, on the Boston Tea Party and on the battle cry of those days, "No taxation without representation," to understand that one of the basic principles of American democracy is that the power to tax is one that is ultimately answerable to the American people; and that taxation should not be imposed by those who are either across the water, in the case of the British parliament in colonial days, or those who are located at Federal courthouses today.

The principle of legislative rather than judicial taxation, is borne out in our own Constitution. The taxing power of the Federal Government is vested in Congress in article I, section 8 of the Constitution. In the Federalist Papers, our forefathers explained the reasons for giving the legislature the taxing power. The power of the purse was a power that should only be held by elected, officials not by appointed officials. It should only be held by the legislative branch of the Government, by the Congress, and not by the courts.

In Federalist No. 78, Alexander Hamilton said that the judiciary is, in his words, "the least dangerous branch of Government." Hamilton also stated that the legislature holds the power of the purse. Similarly, James Madison in Federalist No. 48 said that, "The legislative department alone has access to the pockets of the people." So it was very clearly established in the minds of our own Founding Fathers that the legislative branch of Government alone had the power to tax. I think that it is really such a fundamental principle, one that is embedded in the Constitution itself, that it took many of us by surprise when the Supreme Court held that a Federal judge did have the power to order the imposition of taxes.

Many—including the occupant of the Chair, as a matter of fact—have asked me over the past week or so whether a court would be able to enforce remedies if it lacks the power to increase taxes. In other words, it is well understood that, particularly where there is a constitutional deprivation, a court has to have the power to act, a court has to have the power to make the situation right, to remove the constitutional deprivation.

So the question has been asked by a number of people, if we were to take from the Court the power that is assumed by the Court in Missouri versus Jenkins, then is the Court so weakened that it is unable to enforce constitutional decisions, or decisions on constitutional issues?

The syllogism underlying this question is as follows: Courts must have the power to remedy deprivations of constitutional rights. Ordering tax increases is a way of remedying constitutional deprivations. Therefore, courts must have the power to order tax increases.

Mr. President, it is absolutely clear that courts must have the power to remedy the deprivation of constitutional rights. There can be no question about that. A court cannot be powerless to right to wrong under the Constitution of the United States. But to agree that courts have the power to effectuate remedies does not mean that a court has the power to effectuate any remedy it wants, in whatever manner it pleases. The courts must be able to right a wrong, But that should not give the court a license to tailor remedies that are so sweeping and so broad that the court, in effect, has a blank check to do absolutely anything that it wants.

We have recognized here in Congress as recently as last year that there are certain limitations on courts, even in enforcing its most fundamental orders. Last year, the Congress of the United States dealt with the issue of Elizabeth Morgan. Elizabeth Morgan had been jailed here in the District of Columbia. It was pursuant to the contempt power of the court and the court had kept her in jail for, as I recall, almost 2 years because she had not divulged the whereabouts of her daughter. Congress stepped in and said the power of the court, even the power of the court to maintain its own majesty and to gain the compliance of parties in furnishing important information to the court, is not unlimited. Therefore, if the jail term was failing to force compliance we in the Congress said the court could not continue to do something that in the minds of many people in Congress was excessive or even ridiculous.

In the same manner, the courts do not have power, I would argue, to do absolutely anything they please. The courts can enforce remedies without imposing the increase of taxes. This should go without saying. If one looks back to the history of jurisprudence, not only in the United States but in Great Britain as well, before our country was a country, the power of a court to impose remedies, the power of the court to do what is necessary in order to enforce the law has not included the power of taxation.

As a matter of fact, the Supreme Court decision in the Jenkins case, which cites what it calls a line of cases favoring the idea of judicial taxation,

is really a fairly strained and I think a fairly week interpretation. The fact of the matter is that throughout history courts have enforced orders without taxing people, even in school desegregation cases, the subject matter of the Jenkins case. Courts have enforced school desegregation orders without ordering the increase in taxation.

Brown versus Board of Education was decided 36 years ago. Beginning with Brown versus Board of Education, there have been countless school desegregation orders and they have been effective orders. All of us remember back in the 1950's, for example, President Eisenhower sending in the troops in Little Rock. There are a number of ways to enforce the orders of courts without taxing. So to say that a court somehow becomes weakened, unable to act, unable to enforce the law if it cannot tax, really is a novel premise. It is not borne out by history.

Courts have repeatedly enforced the law without taxing. The power to hold a party in contempt is the power to enforce the will of the court. It does not require the imposition of taxes, which is a legislative function not a judicial function.

It is also true that if judges can raise taxes then they have the sweeping power to go well beyond what is necessary in order to remedy a constitutional deprivation. Courts can engage in sweeping policymaking because with the power to tax there is no practical restraint on what a court can do.

In the Jenkins case, the Kansas City School District case, the court did, of course, have the power to remedy the effects of school segregation. What happened in this case is that the Federal judge in question, Judge Clark, decided that he wanted to create a magnet school district in the Kansas City, MO School District which was so impressive and so laudable that it would attract children from outside the school district.

So in the name of remedying the effects of segregation, Judge Clark ordered that the Kansas City School District establish a planetarium, for example. He ordered that the Kansas City School District have 15 personal computers in every classroom. He also ordered that the Kansas City School District, a city school district, establish a 25-acre farm and he also ordered that U.N. General Assembly be created and wired for simultaneous translation.

All of these things have been ordered in the school district, and, the judge believes that this is going to be the goldplated, absolutely, ideal school district.

Is that one way to solve the problem of segregation? Perhaps it is. But does it go well beyond the solving of the problem of segregation and create a school district which many people would view as highly unusual, to say the least, a school district with a planetarium and a farm and the like?

But if a court has the power to impose a tax, if the court has the power not only to put in place whatever order it wants but to impose a tax to fund that order, then there is no restraint at all that exists on the Federal judge.

As a matter of fact, the details of the Federal judge's order are really beyond the review of the court itself by an appellate court. In this case, the Supreme Court of the United States denied certiorari, denied review on the question of the remedy of the planetarium and the farm, and so on. The court said we are not going to reach that issue. We are only going to decide whether a judge has the power to tax.

Mr. President, if any member of any legislative body decides that he wants to improve some part of Government, some development, some new program, or create some new spending process, that individual Senator does not just do it. There are all kinds of restraints on each one of us. First of all, we have to get legislative idea through the Senate, we have to get it through the House, and we have to get it through conference, and we either have to have the President agree or we have to override a Presidential veto. All of these checks are in place for some of the wonderful ideas that you and I might have about how to make the world a better place. But a Federal judge basically has no review outside of the judiciary. A Federal judge who decides that he has the best idea for improving a school district is not going to get those ideas checked by anybody.

If the judge says that the Kansas City, MO, school district should have a model U.N. Assembly wired for simultaneous translation, nobody is going to review him. The appellate court, in this case the Eighth Circuit Court of Appeals, is going to say and did say that it was not an abuse of discretion, but it did not really scrutinize the scope of the remedy.

The Supreme Court denied certiorari and nobody else has anything to say about it. So if the court has the power to tax in addition to the power to devise whatever remedy it likes, then the effect is that there is literally no restraint on the court. And, of course, Federal courts are beyond the reach of the electorate. If any Member of the Senate decided that what he wants to do is to improve some part of Government and spend more money and raise taxes, ultimately that Member of the Senate has to go back to the public. The people have a chance to boot us out of office. Maybe they will. It is going to be a political debate.

But Federal judges are not elected. They are appointed. They serve for life and nothing can happen to them. Even their salaries cannot be reduced.

So the old idea of no taxation without representation is turned on its head. The court, under the Jenkins case, has the power to tax and, with the power to tax, the possibility of doing far more than remedying a constitutional deprivation, but the power to design what I am sure will be—it is going to happen—a magnificent school district.

It is going to be tremendous, I am sure, for the kids who are interested in science to have a planetarium at their school district. But it does not seem to be a judicial decision to me. It seems to be legislative, and particularly when coupled with the power to tax.

So the constitutional amendment that I have introduced really just goes to one issue, one issue only, and that is the question of judicial taxation. The simple question is: Does a Federal judge have the power to order the imposition of taxes; does a Federal judge have the power to increase people's taxes? That really is the issue.

Another question that is put to me is: well, if courts are to be denied the power to order tax increases, should this be done by statute or should it be done by the Constitution? Maybe it can be done by either. Some people say that it is clear in the Constitution, and I guess it is, that Congress has the power to cut back on the ability of the lower Federal courts, not the Supreme Court, to impose remedies, and that a statute is easier to pass than a constitutional amendment, and therefore we should proceed by statute but not by constitutional amendment.

Of course, this is not the first time that the idea of a statutory reduction of the courts' power to impose a remedy has come before the Senate. It is normally called court-stripping when it is proposed. And It raises all kinds of philosophical issues about the relative power of Congress and the power of the Federal courts. In my opinion, it creates a separate kind of debate about whether Congress should, after the fact of a court decision, get in the business of trying to strip the court of jurisdiction to decide that kind of a case.

So a statute is one possible remedy for this situation. And maybe I will end up voting for a statute, I do not know. But I know that I have a very strong feeling right now that we should proceed with a constitutional amendment.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DANFORTH. Of course.

Mr. BYRD. The Senator, I think, is doing a great service by bringing this matter to the attention of the Senate. To proceed with a constitutional amendment, would that not in itself ipso facto be interpreted as conceding that under the current Constitution

the courts have the power to tax? I do not want to concede that.

Mr. DANFORTH. Mr. President, I think it was Justice Hughes who said that the Constitution is what the Supreme Court says it is. I totally disagree with the Jenkins decision. I think it was wrongly decided. In fact, one reason I have offered this sense-of-the-Senate resolution at this time is to maybe have some sort of caution light flashed before the Court. But once the Court decides an issue that is constitutional relating to the power of the courts and the power of Congress, the Court pretty much is stuck. And the tendency of courts is to follow their own precedents.

Now, some say that this particular decision is not really a holding of the court but that it is dicta. But what would happen, I think, in the next Supreme Court case is that the Court would simply decide it, say, well, this is the power of the judiciary. I do not want to concede it either. But I do want to fix it.

Mr. BYRD. I agree with the Senator. It needs fixing. But I am wondering if there is some way to get at this by statute without appearing to concede that the courts now have that power and that we are going to attempt to fix that by a constitutional amendment.

Mr. DANFORTH. Maybe it should be on a both and basis. As I say, I do not rule out the idea of a statute. I do know this, that when this has been attempted in the past, when the Supreme Court has spoken, and then Congress, Members of the Senate, for example, have introduced amendments to legislation or have introduced bills dealing with the problem, it immediately has been attacked as court-stripping. In other words, it has been immediately attacked as a set of narrowly fashioned, after-the-fact attacks on the jurisdiction of the Court to decide cases which are in our minds unpopular.

It is my view that we should be arguing about a different issue. We should be arguing about the fundamental power of the Court and the fundamental power of the legislative branch of Government, and that this kind of issue—where does the taxation power lie in Government—truly is a constitutional question. This is the essence of constitutional debate. And for that reason I think that this should be done with a constitutional amendment.

Mr. BYRD. I certainly want to join with the Senator when we determine really what the approach should be. I have not read the opinion. I noted something about this in the news media recently. But I have not read this. I am not in a position to know what the Court said, what its rationale was, until such time.

I just wonder if there is some approach, some statutory approach, that can be taken that would not involve court-stripping. Perhaps the Senator has examined it closely enough to assure him in his own mind that it cannot be done. But I am just wondering out loud if that can be done. I just do not want to concede that the courts have the authority under the Constitution to tax.

I will read the opinion, because the Senator has certainly titillated my interest and my concerns.

I compliment him again.

What is his sense-of-the-Senate resolution? How does his sense-of-the-Senate resolution read?

Mr. DANFORTH. The sense-of-the-Senate resolution, which I have sent to the desk, is exactly the same wording as the proposed constitutional amendment. It is very short.

Mr. BYRD. I like the sense-of-the-Senate resolution.

Mr. DANFORTH. It is straightforward. It says:

> • • • neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to lay or increase taxes.

Mr. BYRD. Is the Senator, in his sense-of-the-Senate resolution, saying that there is a distinction between the Court's having the power to instruct a State or political subdivision or an official thereof to increase taxes and the Court itself acting to increase taxes without instructing a political subdivision, State, or official? Does the Senator see a distinction?

Mr. DANFORTH. Yes. What happened in the Kansas City case where the district court judge did impose the tax increase directly, and the Eighth Circuit Court of Appeals held that in the future the court should not directly impose the tax increase as a matter of comity.

It really did not decide the constitutional issue, but it said that the court could order the local officials to impose the taxes, notwithstanding a State constitutional provision which limited the power of the taxing authority.

And the Supreme Court affirmed that. The Supreme Court said that there was no power, at least as a matter of comity, in the district court to actually order the increase of taxes.

I must say that since this amendment was introduced—this constitutional amendment resolution was introduced a week ago last Friday—all kinds of people have come up to me pointing out various defects in the amendment.

They have said, for example, well, the amendment should be written in such a way as to cover the direct imposition of taxes as opposed to the ordering of the imposition of taxes. Also, that it should cover courts enjoining the enforcement of State law requirements that would have limited the increase in taxes, which is precisely what happened in the Kansas City case.

I suppose that it would be possible to draft an absolutely airtight constitutional amendment which would be a little bit wordy, but it would be absolutely airtight. My hope is that in drafting constitutional language, we could do what we have traditionally done, namely use general expressions of public policy as opposed to writing the constitutional provision in a very lengthy verbase fashion, as in a statute.

So it is my view and certainly my intention that this proposed constitutional amendment covers the imposition of taxes, directly or indirectly. And maybe it should be so worded.

I wanted to point out during this debate that I have been in discussion with Senator BIDEN and with Senator SIMON, who are the chairmen of the Judiciary Committee and the Subcommittee on the Constitution of the Judiciary Committee. They have agreed to hold hearings at a very early date, hopefully in the next month or two, dealing with this subject.

I have absolutely no pride of authorship at all. Maybe the constitutional amendment that I have drafted could be done in a tighter fashion. I hope that it would not require redrafting. I mean, I hope that we could deal with constitutional subjects in general terms, rather than in extremely finicky detail. But this is what the committee system is all about, in my opinion.

So I welcome the opportunity to hold hearings on it. I am also sure that during the hearings, Senator HUMPHREY and Senator THURMOND, who are the authors of the statutory remedy, will be heard from and will press their idea about a statute.

Mr. BYRD. To pursue the matter a step further, might one jump to the conclusion that the Court could order the President of the United States and instruct him to raise taxes; to take steps to raise taxes?

Mr. DANFORTH. I think that under the Jenkins case, while the Jenkins case deals only with State and local officials, that if the Court has the power to raise taxes to remedy a constitutional problem, then it would have the power to raise any taxes, I would think.

Mr. BYRD. Does it have the power to instruct any official; an official who is not a State or political subdivision official? The President of the United States, for example, the chief executive? Could one jump? Would this be a quantum leap?

Mr. DANFORTH. I think the answer to that question is yes. I think this whole area is a quantum leap.

Mr. BYRD. I agree with the Senator.

Mr. DANFORTH. I thought that judicial taxation was not in the Constitution. It has been some time coming, I might say. There have been various judges. There is a Judge Johnson in Alabama, and a Judge Justice in Texas who have at least hinted at the possibility that courts could raise taxes.

I do not know of any case where this has been suggested at the Federal level. But I think that the reasoning of the Supreme Court in this case might apply in a Federal case. Of course, article I, section 8, of the Constitution, the taxing authority at the Federal level, is vested exclusively in the legislative branch.

But it seems to me that once the Court decides that in remedying constitutional problems, the Court can impose taxes, there really is no stopping it.

Mr. BYRD. So, even though in this case the Court is instructing a State official or an official of a political subdivision of the State to lay or increase taxes, does the Senator feel, then, that if that, by some wildest stretch of the imagination, could be conceded as a constitutional power under the present Constitution, that it is just another step beyond that to say that the Court could also instruct the Chief Executive of the United States or the Secretary of the Treasury to lay a tax? Instruct him to lay a tax; instruct him to increase taxes—it is just a step beyond that to move from the State jurisdiction, that States' sphere of action, to the national? To the Federal?

Mr. DANFORTH. I think that that is possible, but it may be that it is not very likely because the Federal Government does not necessarily have to have funds in the till to spend them. The fact that we can run deficits makes us different from State and local governments. So, on the State level, when they say, "Well, Judge Clark, you have ordered this massive program of the 25-acre farm and the 15 computers in the classroom and so on. We do not have the money to pay for that, and we cannot run deficits." Then the court says, "OK, I will furnish you the pot of money." At the Federal Government level they might just order us to spend the money for whatever and not worry about that. So it probably is a more live issue with respect to State and local governments than it is with the Federal Government.

Mr. BYRD. I thank the Senator. I think he is, as I say, rendering a service.

Mr. DANFORTH. I thank the President pro tempore.

Mr. BYRD. I think it would do well if we all take a close look at this opinion and talk about it some more.

Mr. DANFORTH. Mr. President, I totally agree with that. I just want to make a couple more points, and one is to follow on exactly what the President pro tempore has just said about the need for more careful attention to this issue; to just restate why I think this should be in the format of a constitutional amendment. I believe that the power to tax is so fundamental that it should be determined by the Constitution, and I believe that the protection of citizens from taxation without representation is so fundamental that it, too, should be protected by the Constitution, not just by statute.

I further believe that a constitutional amendment, while it is hard to do, and it should be hard to do, triggers a national debate, much more so than a statute does, and this issue really is basic to American democracy—it is absolutely basic, who is allowed to tax you. It is fundamental to American democracy. If the courts have the power, if a Federal judge has the power to impose taxes, that to me is such a big issue that it deserves a lively debate.

Now, I have offered a sense-of-the Senate resolution which is in exactly the same words as the constitutional amendment resolution. When I decided to do this late last week, I basically had two reasons.

First, I view the Jenkins case as being a green light for the courts to really get into this business in a big way, and it seemed to me that somebody should be throwing up a caution light. The second reason I did it was that I wanted to turn the meters on for Members of the Congress. I wanted people to start thinking about this in the context of, look, we are going to have to vote on this issue, so maybe we should go ahead and vote.

Now, my intention with respect to this sense-of-the-Senate resolution is probably not to press it to a vote today. The reason I say that is I have been talking with Senator BIDEN and I have been talking with Senator SIMON about having hearings. On one hand, I like the idea of pushing this concept forward and getting people to vote on it. On the other hand, I believe that this should be a constitutional amendment, and I think that before people start voting instantly on the words of the proposed constitutional amendment, we really should have some pretty careful analysis. Therefore, my inclination would be to give the hearing process a chance before rushing to the floor for a vote.

So what I propose to do, Mr. President—and I will ask unanimous consent after any other Senator wants to speak—is to lay this matter aside until some time later in the afternoon. Hopefully, by then Senator BIDEN or Senator SIMON will be back in the Senate—they are not available right now—and we could get a little colloquy on what sort of program we could set up to bring this matter before the Judiciary Committee.

My intention at that time would be probably to lay this aside, to not proceed then with a rollcall vote on the subject. But I do want to reserve that decision until later in the day. So I am not making any request right now. But after whoever would like to debate this subject now has spoken, then it would be my intention to ask this be laid aside and brought back sometime later on in the day after consultation with the floor managers of the bill.

Mr. GORTON. Will the Senator from Missouri yield?

Mr. DANFORTH. I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor. Who seeks recognition?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, on the subject of the amendment by the distinguished Senator from Missouri, I should like to congratulate him not only on being the first to bring this very serious matter to the attention of the Senate of the United States but for having drafted a constitutional amendment which is certainly persuasive enough to cause this Senator to join as a cosponsor, but also for having brought the matter to the attention of the Senate in this debate on this amendment.

I believe he is entirely correct when he says that we are dealing with a true fundamental issue of the Constitution of the United States as we respond to this 5-to-4 decision by the Supreme Court.

I join with the distinguished President pro tempore in wishing there were another way out, that perhaps the Congress did not have to take this up, that perhaps we might even be acceding to the position of the majority of the Supreme Court even by proposing a constitutional amendment.

On the other hand, it seems to me much more likely that we are deemed as acceding to this decision by doing nothing about it, and that we have only the choice to acquiesce or to use our constitutional powers to respond.

Perhaps we can deal with this matter with a statute. Nonetheless, since it is such a profoundly constitutional decision it may well be that a constitutional amendment is the only way which to deal with it.

The Senator from Missouri has said that he does not know whether or not he should bring this specific sense-of-the-Senate resolution to a vote here in the Senate. I simply would like to express my initial opinion that either

this sense-of-the-Senate resolution or perhaps one slightly amended from the present form ought to be brought to the attention of the Senate focused intensely enough so that it causes the vote to take place.

This sense-of-the-Senate resolution may anticipate, unjustly, the work of the Senate Judiciary Committee and careful drafting. I think it would be premature to ask Members of the Senate to vote on whether or not they wish this constitutional amendment to pass. But a sense-of-the-Senate resolution strongly criticizing the undercutting of the fundamental constitutional provisions relating to the separation of powers, and stating that this is and ought to be a congressional response to it, would seem to me to be appropriate at a very early stage in this debate, leaving the hearing process to determine whether or not it is most appropriate to deal with the challenge by statute, by constitutional amendment, and if by constitutional amendment exactly how that amendment should be phrased.

But we are at the very beginning of what is and ought to be a major debate on the separation of powers, and on the Constitution of the United States. I see nothing wrong, in fact I encourage the Senator from Missouri, for at least bringing something before this body which is appropriate to vote on now, and which gives at least the opinion of the Senate on the direction in which it ought to go, and in severe criticism of an inappropriate assertion of power on the part of the Federal courts.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

Mr. BYRD. Mr. President, will the Senator from Iowa yield to me very briefly without losing his right to the floor?

Mr. GRASSLEY. Yes.

Mr. BYRD. Mr. President, I want to take the floor to disagree with my friend, Senator GORTON. I hope that the Senator will not press his sense-of-the-Senate resolution for three reasons:

No. 1, there are entirely too many sense-of-the-Senate resolutions that are called up here.

No. 2, it has no standing whatsoever. It has no legally binding effect whatsoever. It is just an empty action, as a matter of fact. I hope he will wait and pursue that course which has some teeth in it whether it be statutory approach, the constitutional amendment approach, or both or whatever. I am not sure at this point as to which I would prefer. I intend to study the matter further about the sense-of-the-Senate resolution.

And, third, I would like to get on with this bill and not have more of these sense-of-the-Senate resolutions.

This sense-of-the-Senate resolution can generate quite a bit of talk. And it should. But there is a time to talk—and I do not think the preacher in Ecclesiastes says it precisely the way I will say it: There is a time to talk and a time to shut up and vote.

So I hope that the distinguished Senator will understand the position that I take, and my friend, also, from the State of Washington. I am not wanting to be cantankerous. I want to note, I think for the reasons I stated, that we ought not to approach it from the sense-of-the-Senate standpoint.

Mr. DANFORTH. Mr. President, if the Senator will yield, I do not know what the preacher from Ecclesiastes said about shutting up either, but I know it has been suggested on the floor of the Senate in recent weeks that perhaps the Senate do just that on occasion.

Mr. BYRD. Do what?

Mr. DANFORTH. Shut up. Maybe this is the occasion.

Mr. BYRD. Mr. President, I think I have heard the distinguished Senator from Missouri add that line to the Biblical phrase.

Mr. DANFORTH. Right, not one of the more eloquent lines in the history of the Senate.

Mr. BYRD. It can be an eloquent line if attached to the Scripture. It makes a lot of sense.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. GRASSLEY. Mr. President, I thank the Senator from Missouri for his leadership in this area. I am happy to help him in his efforts to keep this issue before the public and before this body.

But while I commend his work, I find it a little embarrassing that we have to reaffirm so fundamental a principle by a "sense-of-the-Senate" resolution as opposed to voting on the substance of a constitutional amendment. That we have to take this step perhaps only serves to underscore how far some members of our unelected and unaccountable Federal judiciary have drifted from principles of democratic governance.

Mr. President, many of the newly emerging democracies of Eastern Europe look to the United States for the principles of self-government. It is an axiom of our system that only that which is electorally correctable can ever be politically accountable. But after Missouri versus Jenkins, a single unelected Federal judge can now unilaterally order State and local taxes which are not authorized, or are even prohibited, by State law or constitution. This newly minted power puts State treasuries and taxation power at the mercy of an omnipotent Federal judge. Mr. President—this is what the Senator from Missouri is trying to do—correct this act of judicial tyranny.

As I look around this Chamber, I see many strong advocates for the primacy of the legislature in our democracy. And so I would expect that—if we are going to be consistent in our principles—this resolution would pass 100 to 0. After all, what could be a worse assault on the prerogatives of the legislative branch than the usurping of the taxation power?

This Chamber has shown no hesitancy to condemn the executive's encroachment of our authority.

The examples are endless in matters of foreign, as well as domestic affairs. So let me ask my colleagues, Do we not hold the third branch of Government to that same standard—or is it just that some might simply like the result reached by Judge Clark and Justice White in this decision?

But those who engage in result-oriented jurisprudence overlook the enormous consequences of the Jenkins decision. If left undisturbed, the same reasoning could mean that new taxes can be imposed by judges on our people to spend millions on new projects, such as new State hospitals and new prisons. A shortage of the people's dollars, or the people's own spending priorities, would be no limit to the aesthetic sensibilities of any Federal judge. As Justice Kennedy pointed out in his dissenting opinion, "There is no obvious limit" in the Jenkins ruling to prohibit judicial taxation in countless other categories of cases.

Mr. President, many may be tempted to carve out an exception in the prohibition against judicial taxation for school desegregation cases. But while good educational opportunities are worthwhile ends, they should not justify unconstitutional means. As an April 24 editorial in one of my State's leading newspapers, the Cedar Rapids Gazette, explained,

> The issue is not the needs and rights of the students, nor the judge's power to order specific and immediate remedial action. The issue is whether in this Nation an individual, elected by and responsible to no one, can unilaterally set the level of a tax. Prior to last week, the answer was a very simple no. Today it is a qualified "yes," and it is not an exaggeration to say that Americans are less free as a result.

Mr. President, I commend the Senator from Missouri and look forward to working with him and others to make sure that the American taxpayers have their freedoms fully restored. I, like the Senator from Washington, hope that some sort of a question like this would be actually voted upon by this body. I also agree with the Senator from West Virginia, the distinguished chairman of the Appropriations Committee, that too many sense-of-the-Senate resolutions come before

this body and in a sense, those votes may be meaningless.

But on the other hand, on a scale of 1 to 10 on which important constitutional issues are number 10, this surely would rank as number 10, compared to many of the sense-of-the-Senate resolutions that are at the lower end of that scale. So I hope we do pursue this.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore.

Mr. BYRD. Mr. President, the committee report accompanying H.R. 4404 inadvertently failed to contain an explanation of section 320 of the bill. Therefore, I send to the desk such explanation and ask that it be printed in the RECORD.

I shall read the explanation into the RECORD, and I shall ask staff to provide a copy on each Senator's desk. This is the explanation, Mr. President. It should have been in the committee report, and was inadvertently omitted.

Section 320. This provision would amend the Balanced Budget and Emergency Deficit Control Act of 1985 by adding two new sections to Section 251(a)(6) of the Balanced Budget Act. The first new section, subparagraph L, would exclude from the budget baseline and deficit calculations the Resolution Trust Corporation (RTC) use and repayment of loans from the Federal Financing Bank that are used for working capital requirements in resolving the savings and loan problem. The second new section, subparagraph M, would require that all other offsetting collections and disbursements of the RTC be assumed to net zero in calculating the budget baseline and the budget deficit, beginning with the 1991 budget.

As I say, Mr. President, that explanation in the report was inadvertently not included, and it will be placed on the Senators' desks and, of course, it now appears in the RECORD. This is an area that I understand will be debated at some point before the bill is passed.

Mr. HATFIELD. Mr. President, the matter has been cleared on this side of the aisle.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Missouri [Mr. DANFORTH].

Mr. DANFORTH. Mr. President, I ask unanimous consent that the pending amendment which I offered be temporarily laid aside to be brought back after consultation with the managers of the bill.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

Under the previous order, the Senator from Colorado has the right to be recognized.

AMENDMENT NO. 1554

(Purpose: To make an additional $19,100,000 available to the Department of Justice for financial fraud investigations)

Mr. WIRTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH], for himself, Mr. RIEGLE, Mr. DIXON, Mr. SASSER, Mr. SIMON, and Mr. PELL proposes an amendment numbered 1554.

Mr. WIRTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 6, strike the period and insert the following: ": *Provided*, That notwithstanding any other provision of this Act, $390,000,000 shall be available under the heading 'Economic Support Fund' and 'Panama' in chapter III of this title of which $0 shall be available for the promotion and development of tourism in Panama: *Provided*, That an additional amount of $7,600,000 is appropriated for 'Salaries and expenses, United States attorneys' and an additional amount of $11,500,000 is appropriated for 'Federal Bureau of Investigations, Salaries and Expenses' to be available for the investigation of fraud and other criminal activity in financial institutions.".

Mr. WIRTH. Mr. President, I ask unanimous consent that the "Dear Colleague" that Senator RIEGLE and I sent this morning to all Members of the Senate concerning this amendment be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WIRTH. Mr. President, we are all familiar with the fact that the S&L crisis is probably the most extraordinary financial crisis that this country has ever faced. We heard the very extensive debate on this and the discussion about Mr. Ryan to be head of the institution to watch over this. It was the last time that we had a chance in the body to debate the crisis and the size and scope of this, which, as you know, Mr. President, has grown remarkably.

Five years ago we were told that the size of the S&L crisis would be somewhere between $10 and $15 billion, not to worry. It then ballooned to $80 to $90 billion, and we were told that that was handleable, and just to take it easy, everything would be all right. And that administration then got out of town. We then got in, thank goodness, to the aggressive piece of legislation requested by this administration, which the Banking Committees in the Senate and the House moved on very expeditiously.

We spent 3 months on those committees doing absolutely nothing else except the S&L bailout legislation. That was an extremely important piece of legislation and set in place the first cut at the institutions that are necessary to clean up this terrible mess and to make the taxpayers whole and I would hope to allow us to pursue the wrongdoers in this particular area.

Unfortunately the S&L crisis has continued. The size of the economic problems in many areas of the country has been greater than understood. Some of the problems in those financial institutions have been greater than understood and Mr. Bowsher, the head of the General Accounting Office, the other day estimated that the size of S&L crisis cost over a long period of time, about 30 years I believe, was going to be about $350 billion and maybe as much as $500 billion.

Mr. President, there is nobody in this institution and nobody in the Congress who has not been asked by their constituents what is going on here? What happened? And each of us attempts to explain the fact that we had deregulation of these institutions in 1982 and that probably in some people's minds went too far.

I voted against it. I think it did go too far. Anyway, in 1982 we deregulated the industry and that moved in one direction. We also had many S&L's executives overstepping the bounds of what was prudent for them to do at a time that the regulatory structure was deregulated as well. We spent less money regulating and in the climate of the 1980's said: "Go ahead. Do it, whatever you want to do. Generally, we will trust you. Just go ahead and take those institutions."

And a lot of them went bankrupt as a result.

A third set of circumstances over which those institutions really had no control was rapidly declining economies in many areas of the country, particularly the Sun Belt areas of the country, and it was in particular I think in two or three States where we had enormous institutions cratering with enormous impact and the cost was tens of millions of dollars. Those three factors: Deregulation, the fact that we did not spend much money after passing the legislation in 1982; enforcing or regulating what was left of the law; and, third, the financial institutions themselves really overstepping their bounds and being in economies that were in real trouble were a great part of the problem.

But some of the problem as well as outright fraud and abuse within those institutions, people overstepping the bounds of the law, people acting in a fraudulent manner and in fact stealing from the American public.

One of the parts of the legislation, the Financial Institutions Reform and Recovery and Enforcement Act, the bill I spoke about that was passed last

year, was to provide to the FBI and to U.S. attorneys through the Justice Department the resources necessary to go out and find the people who had been performing illegally, people who had in fact been stealing, and to enforce the law to recover wherever possible the funding back to the American public.

We authorized $75 million for the Justice Department. That was the request that came in from the Justice Department that they felt was necessary, $75 million, to go predominantly to the FBI and to the U.S. attorneys' offices.

Unfortunately, that $75 million was not spent by the administration. We only appropriated and there was only spent $50 million and we remained with almost a 50-percent gap in enforcement in the S&L issue, a 50-percent gap. They asked for $75 million. They were authorized for $75 million. We have only spent $50 million. It seems to me that we have an obligation to our constituents to enforce the law. We have an obligation to our constituents to reach back in wherever possible and to recover ill-gotten gains.

That is the thrust of this amendment, to add another nearly $20 million to the Justice Department appropriation.

Specifically, what would this do? The FBI and the U.S. attorneys' offices requested from us more than 200 additional FBI agents and more than 100 additional U.S. attorney positions as well as a variety of support staff. We were able to give them part of that but a great number remain.

For example, under this legislation, under the amendment here, we will be able to bring the FBI almost up to the full complement that they requested. We will be able to pay for 103 additional special agents and 67 additional support staff for the FBI—again getting back up to the level that they requested in order to do the job. And it will allow us to add 115 additional assistant U.S. attorneys and a related number of support staff for the offices of U.S. attorneys around the country, again the amount that they requested.

The administration came to us 1½ years ago and told us what they needed to do the job. I think we should provide the full amount of money for them to enforce the law and to recover for the taxpayers the ill-gotten gains coming out of the S&L crisis. Not only will we be able to meet the demand that they have, but that will also have a variety of other ripple effects.

Let me give you some examples. The pending caseload of major bank fraud and embezzlement investigations at the FBI doubled between 1983 and 1989, major fraud and embezzlement investigations, major fraud, major embezzlement, number of cases doubled from 1983 to 1989, from 1,800 to 3,600.

Unfortunately, because they cannot pursue these cases, more than 1,000 of them are major, inactive at this point. The more than 1,000 major fraud and embezzlement cases are inactive now at the FBI because they do not have funds to pursue them. What does major mean? This involves losses of more than $100,000 and most of them are more than $1 million apiece. The FBI cannot pursue them because it does not have the funds to do so.

Further, what else does this mean, that the FBI cannot do? There have been more than 20,000 referrals—these are requests, letters coming in, notes to the FBI saying something is amiss here—more than 20,000 referrals to the FBI in the financial services industry which the FBI cannot answer.

What does that mean? Mr. President, that means that if a constituent of yours knows that something has been going on within one of these S&L's, that is, fraudulent behavior, and has chapter and verse on that and calls the FBI as the law enforcement agency, to say these people are cheating or these people are stealing, in 20,000 instances, the FBI does not have the resources to go after those referrals and to check it out. It is not to say all these referrals are real or not. But you know as well as I do that a lot of material comes into the FBI. The American people believe in the FBI. The American people call the FBI when there is a fraudulent occurrence. The American people would expect that the FBI would be able to reach in and enforce the law. Unfortunately, that is not the case.

So those are two of the problems. One, more than a thousand major fraud and embezzlement cases cannot be acted upon and are put in the inactive file because resources are not available. More than 20,000 referrals involving fraud in the financial services industry the FBI has been incapable of handling.

Further, additional resources are needed as soon as possible because the passage of time makes investigation more difficult, and many crimes go unpunished as the statute of limitations expires.

As long as we delay, these cases get more and more and more difficult to investigate, and in many of them the statute of limitations is going to expire and people are going to get away scot-free.

What we have to do is be able to pursue these causes so that we can get them while it is still possible.

So it seems to me this is a very logical thing for us to be doing. This bill is a dire emergency supplemental. I can think of no emergency more dire than the emergency surrounding the saving and loan institutions in the United States.

Where would the money come from? It seems to me it is appropriate for us in looking at this that we have to create an offset if we want to spend more money to enforce the law, if we want to spend more money to recover fraud from the savings and loan industry, if we want to put more people who have been stealing from their customers, from S&L's, and stealing from the taxpayers in jail. If we wanted to pursue more of those embezzlement cases, we have to spend more money to do it. If we are going to do it, then where does the money come from? So that is where the offset is needed in this legislation.

Where the offset comes, Mr. President, is from part of the Panama economic assistance package. Now which part is that? In the administration's description of the fiscal year 1990 supplemental of $500 million for Panama which they provided to all of us, this fact sheet was sent around to all of us. Part of that struck me, Mr. President. Part of the dire emergency supplemental request by the administration was for tourism.

The administration requested that we appropriate $30 million of dire emergency money for tourism, "to develop the potential for tourism and related services which could be a major contributor to economic growth in Panama." Part of this dire emergency supplemental is to promote tourism services in Panama.

Now that is not, in my opinion, a dire emergency supplemental, Mr. President, that we be promoting tourism in Panama. I am all for helping Panama. I think tourism is an important industry. But I do not believe it is a dire emergency supplemental and I do not believe it is an emergency compared to the S&L's.

What we have to do around here is to make decisions all the time. The amendment which I am offering, cosponsored by a number of Members of the Senate, is a simple transfer of money. It is a simple decision for the Senate to make. Do we want to spend $30 million promoting tourism in Panama in this dire emergency supplemental or do we want to spend the funding necessary to bring the FBI and the U.S. attorneys' offices up to the level of funding necessary for them to be able to enforce the law, recover fraud, investigate embezzlement, and so on in this enormous issue of greatest concern to the American taxpayer?

I cannot think of a simpler choice. I have been up here for 16 years and I cannot think of a simpler trade that is easier to make, more understandable, and more in line with what our constituents and I think really believe we ought to be doing.

So if you vote for the Wirth amendment, which I hope our colleagues will do when we get to the package of votes later this afternoon, if you vote

for the Wirth amendment you will be voting to increase the amount of funds necessary, giving them to the Justice Department for the FBI and U.S. attorneys for fraud, embezzlement, recovery of ill-gotten gains of people who have cheated and stolen from the American public. We are going to enforce the law. If we vote no on this amendment, we are going to be spending $30 million to promote tourism in Panama.

It seems to me that choice is pretty clear. That is why I am offering the amendment. I think in a dire emergency supplemental it ought to be precisely that, a dire emergency supplemental. And I think the dire emergency surrounds this amendment.

Mr. President, I yield the floor.

Mr. DIXON. Mr. President, may I first make an inquiry? Are we under any time constraints? Is there a time limit?

The PRESIDING OFFICER. There are no time constraints that are currently in effect.

Mr. DIXON. May I also inquire of my distinguished friend from Colorado whether I am now listed as a cosponsor of the amendment?

Mr. WIRTH. The distinguished Senator is a cosponsor of the amendment at the top of the list.

Mr. DIXON. I thank my friend from Colorado.

Mr. President, my friend from Colorado, Senator WIRTH, in his usual careful and analytical way, has precisely pinpointed a problem and brought to the attention of the U.S. Senate and the people of this country once again I think as important an issue as is presently before us in the Congress.

My friend in the chair may recall the debate we had not too long ago concerning the confirmation of Mr. Ryan as Director of the Office of Thrift Supervision. I hope that my colleagues in the Senate and those who are aware of that speech understand that I was never in that speech critical of Mr. Ryan as a person. I only suggested what a tremendous problem this is in the country and suggested that I thought we ought to bring to bear on that problem the finest resources available in the country.

Incidentally, I want to say in defense of Mr. Ryan that since that time he has come to my office with his staff. He has spent substantial time in my office discussing this problem. He has told me what he hopes to do to address in a very significant way this problem. I must confess that at least I am very impressed, may I say to my friend from Colorado and my friend in the Chair—because I now remember Mr. Ryan as a Virginian—I am very impressed with the fact that he is clearly demonstrating to me a profound concern. Let me tell you something. By now, having spent my adulthood in public service, I put a high value on real concern about these problems. And my friend from Colorado has pinpointed a matter of tremendous concern.

Mr. President, surely every Senator who has townhall meetings has had the experience I have had. When you go home and you talk about problems in the Government, someone will always raise the problem of the thrifts and discuss the fact that it is a bailout. And there is that perception out there. Most people do not really make the connection, I do not think, about the fact that we as a Government have placed our full faith and credit behind the deposit insurance system which saved the financial institutions of America during the deepest depression in our historical experience, and that we have some responsibilities there.

I do not like the bill we passed. I voted against the final bill. But I do not have any quarrel with the President recognizing the nature of the problem. I said that innumerable times. I give him credit for it. But people are saying out there: if they have stolen hundreds of billions, where are the people in the jails that stole all of these hundreds of billions? A very reasonable question. Where are those people who stole all this money, that bought all those yachts and race horses and big diamonds and fur coats? Why are they not all in jail?

My friend from Colorado wants to put them there. He wants to take out of this supplemental a few million dollars, otherwise going to Panama, to hire appropriate law enforcement authorities and prosecuting attorneys and others to send these people to jail.

Mr. WIRTH. Will the Senator yield momentarily?

The amendment is not just taking money from Panama, but from the promotion of tourism in Panama. I just want to make that clear. Of the overall Panamanian appropriation, this is the part designated for the promotion of tourisn in Panama.

I thank the Senator for yielding.

Mr. DIXON. I thank my friend from Colorado for so narrowly defining from where the money is taken. I voted to take $120 million out before. I would vote to just take $120 million out right now. Let us give $120 million back to Americans. I think they would receive it with open arms.

I think this omnibus—I love supplementals. This supplemental—I am going to depart from my text—the supplemental started out with some need for some aid in Panama and Nicaragua. They came up with a figure of $720 million. Most of us think that is too high. I voted to take out $120 million and put it in other places. I would vote to take out the whole $120 million. I want to make it clear for the record I would vote to take out more for both Panama and Nicaragua. I think the number is too high.

But I would remind the Chair, I would remind the Senate, and I would remind the taxpayers of America that this little supplemental appropriation that started out to take care of Panama and Nicaragua was $2.5 billion when it came out of committee. We have already waived Gramm-Rudman-Hollings and put in another $250 million in budget busting onto this thing. Before we are finished, it is going to be a fair number.

But I congratulate my friend from Colorado for his thoughtfulness, his incisiveness and his ability to find a place where 100 percent of America would probably agree we ought to take the money out. I do not know anybody—listen, I used to own a travel bureau. I sold it to my brother. But I will bet my brother, who is a good, conservative Dutchman back in Belleville, is not in favor of sending millions to Panama to promote tourism, and he is in the travel bureau business.

Let me put some things in the RECORD.

According to a March 1990 FBI survey, the FBI has 2,327 inactive fraud and embezzlement cases which have not yet been addressed because they do not have the personnel to do it; 2,327, Mr. President, of which 1,300 are major cases involving over $100,000.

There are thousands of people in America believed to have stolen hundreds of thousands of dollars who nobody is looking at because we do not have the personnel to look at them. They stole from the people of America.

The FBI is pleading for additional staffing, pleading for it.

The RTC and the FDIC have paid private attorneys hundreds of millions of dollars for civil litigation to recover against claims. We have to do something to get this money in. In 1989, the FDIC and the FSLIC, that we called FSLIC in our committee, paid fee counsel $177 million for legal work related to closed financial institutions. I am not condemning that.

I do not know about those amounts, whether the amounts are right amounts, but we ought to be doing something. I have said it how many thousands of times, we ought to put everybody who stole in jail. I used to be on the board of directors of a bank when I was a kid back in Illinois, and every time we made a major loan we used to worry about the reasonable prudent man rule. There is case law that says you can sue officers of banks and members of boards of directors for making bad loans, negligently making bad loans and violating the reasonably prudent man rule.

What happened to all that? I mean, nothing is happening.

The FBI, Mr. President, has received more than 20,000 referrals involving fraud. Just think of it; 20,000—why, that is half the size of my hometown—involved in fraud, that they cannot look at. They do not have the personnel to do it.

And, Mr. President, in case people do not know this, and I think most Americans suspect this is so, the statute of limitations is running. The statute of limitations is running. I happen to be a lawyer. I know what that means. But for Americans who do not, on most crimes there is a limit, and after a certain amount of years you cannot do anything about it any more. The time runs, the statute of limitations runs.

There are tens of thousands, if these numbers are right, of people out there in America who either stole, committed fraud, or did other things to make this mess a reality that impacts on every taxpaying American citizen, that are not being sued and are not being prosecuted and are not being put in jail because we have not put up the money to do it.

If we have hundreds of billions of dollars in problems here, I want to argue the average American is willing to spend a few bucks to put those folks away and to get the money from them, and would rather spend a few bucks on this than on promoting tourism for Panama.

I realize, Mr. President, we could make an argument for spending money on anything, and most of us, at one time or another, are probably guilty of having done that. But I would like to argue, as sincerely as I can, for a minute or 2, and then I will sit down, that, for all the honest, law-abiding, decent citizens of this country who are burdened by their Government, they would surely think that FBI people, IRS people, prosecuting attorneys, and others who will really do the work and solve some of the problems in this country are good investments. That is what my friend from Colorado is trying to do here.

I want to take, by relative standards even under this bill, a relatively modest sum of money, not extra money, and take it from one place over here in the bill and put it over here in another place in this bill to do this job.

I want to conclude by saying this. My friend from Colorado and another friend of mine, the distinguished Senator from Arkansas, Senator PRYOR, called my last speech on Mr. Ryan the "small potatoes" speech; itsy-bitsy small potatoes, I was talking about that day. This thrift outrage is not itsy-bitsy small potatoes, I say again. It is a big, big scandal and we ought to make a lot of people answer for it.

The people of this country have that right. They deserve that. To the extent we can accomplish that purpose in this bill, we should do so. I think it is time for the Senate to send a good message.

I know that nobody wants amendments on this bill who is in the managerial capacity; that is understood. But here is a good chance to come in and send a really solid message to the country that we are going to sue people and put people in jail and make people pay for the outrages that they have committed against the people of this country and their government in connection with this thrift scandal.

I am proud to be a cosponsor. I thank my friend from Colorado for his concern, and we will not vote on this until 7 this evening. I guess they are all stacked for that hour. I hope that my colleagues will talk to staffs about that, if they have not been following what is going on here, and would seriously consider what I consider to be a very serious, well-intentioned, and important amendment that could make a profound difference.

I hope the amendment of the Senator from Colorado is overwhelmingly adopted by the Senate.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. WIRTH. Mr. President, I thank my distinguished colleague the senior Senator from Illinois, for his help and support. He is a very knowledgeable and extraordinarily persuasive member of the Banking Committee, and I am very pleased to have his support for this amendment.

We were talking about tourism, moving back to the Senator's brother-in-law——

Mr. DIXON. This is my brother.

Mr. WIRTH. He probably enjoys the support given to the tourism industry, which my colleague supports and I support. Does my colleague know how much money the Federal Government spends now to promote tourism all across the United States?

Mr. DIXON. I have no idea.

Mr. WIRTH. In Maine, Illinois, Colorado, South Carolina, California—does the Senator know how much money we spend to promote tourism; $14 million.

Mr. DIXON. We want to spend more money in Panama than in America.

Mr. WIRTH. The proposal is made that we spend twice as much money promoting tourism in Panama as we do promoting tourism in all of the United States.

Mr. DIXON. That is remarkable.

Mr. WIRTH. My colleague probably does not believe that. I was astonished.

Mr. DIXON. Oh, I would believe the Senator from Colorado.

Mr. WIRTH. I would like to include in the RECORD at this point, Mr. President, the section on page 2 of the fact sheet on the Panama economic assistance:

Tourism: an estimated $30 million to develop the potential for tourism and related services.

Thirty million dollars for Panamanian tourism.

Thirty million dollars; $14 million to promote tourism all across the United States to affluent Europeans, affluent Japanese. Everybody is encouraging them to come. There is a burgeoning industry in the United States. Fourteen million dollars for all the United States; more than twice that for Panama.

That by itself, it seems to me, is a pretty persuasive argument for supporting this. Then, add on top of it all of the problems that we have: 20,000 unanswered referrals; 1,000 major fraud cases in the inactive file because they cannot be pursued. It is extraordinary.

Anyway, I think this amendment is just about as simple and cut and dried as it can be and, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DIXON. I want to say to my friend from Colorado, this amendment makes so much sense it may literally overwhelm us.

Mr. WIRTH. Mr. President, this is an amendment to the emergency appropriations legislation that would provide an additional $19.1 million to the Department of Justice to investigate and prosecute criminal activity in the S&L and financial institutions industry. Last year the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA] authorized $75 million annually for 3 years for this same purpose. However, the administration requested only $50 million for the current fiscal year. My amendment would increase funding to a level already authorized by FIRREA.

The need for this amendment is very simple: fraud and other criminal activity contributed significantly to the S&L crisis and our law enforcement officials do not have adequate resources to investigate and porsecute criminal activity in this area.

The savings and loan debacle, Mr. President, is arguably the largest financial crisis since the Great Depression. Illegal activity was widespread within the thrift industry and will cost taxpayers billions of dollars. Taxpayers rightfully expect the Federal Government to vigorously pursue individuals whose illegal activities contributed to the industry's losses. If we are serious about sending a message of "never again" to those involved in the financial industry, we must investigate and prosecute criminal activity related to the S&L crisis. We cannot let those in the financial services industry believe the Government will cover any

loss—no matter how big—and then let the perpetrators go unpunished.

Fraud and insider abuse contributed significantly to the financial crisis in the industry. An October 1988 report of the House Government Operations Committee found that insider misconduct caused or contributed to more than three-fourths of all thrift failures. Last June, the General Accounting Office [GAO] issued a report that examined 26 thrift failures and compared them to a sample of 26 solvent S&L's. The GAO found activities at each insolvent institution that appeared to be fraud and insider abuse. Investigations or legal actions had been initiated against 25 of these 26 thrifts or against persons associated with them. And most recently, Attorney General Richard Thornburgh spoke of an "epidemic of fraud" in the S&L industry and said that at least 25 to 30 percent of thrift failures can be attributed to criminal activity by S&L officers.

The $50 million already provided for fiscal year 1990 was used to increase staff in FBI and U.S. attorneys' offices throughout the country. Unfortunately, the funding was inadequate and more resources are urgently needed to investigate and prosecute criminal activity in the S&L industry. The additional personnel added as a result of the $50 million do not meet the staffing needs identified in a recent FBI survey. In this survey, FBI and U.S. attorneys' offices requested 224 more FBI agents, 113 more assistant U.S. attorney positions, and 142 more support staff positions than they received.

The FBI's pending caseload of major bank fraud and embezzlement investigations increased from 1,825 in 1983 to 3,605 by September 1989. Even with the $50 million appropriated in fiscal year 1990, there are more than 1,000 inactive major cases. These cases all involve losses of over $100,000 and many of them involve losses greatter than $1 million.

Moreover, there have bveen some 20,000 referrals involving fraud in the financial services industry that the FBI has been unable to examine because of a lack of personnel and other important resources. It's obvious that we need to give the FBI, and Federal prosecutors, more resources to handle this rapidly growing workload.

Additional resources are needed as soon as possible because the passage of time makes investigation more difficult. In addition, many crimes may go unpunished as statutes of limitation expire. The Denver FBI division indicated in a March 1989 teletype to FBI headquarters that at least four of its bank failure investigations "face serious statute of limitation problems with some of the potential counts already lost."

Aggressive pursuit of criminal activity in the S&L industry must be a part of any serious effort to resolve the crisis. Not only did the administration only request $50 million for the current fiscal year, the budget proposal for fiscal 1991 does not make a specific request to target criminal activity related to the S&L crisis. Instead, it appears the administration included some funds for this purpose within the overall request for investigating and prosecuting white collar crimes.

The administration's funding requests in this area—along with the long delay in selecting a replacement for M. Danny Wall as Director of the Office of Thrift Supervision and in filling other key positions involved in the bailout, the slow pace of resolving thrift insolvencies, and the circumstances that led to the resignation of Daniel Kearney—make me wonder if the administration is giving the S&L crisis the urgent attention it requires.

Resolving the S&L crisis will be among the most expensive undertakings in U.S. history. The thrift crisis could cost more than $325 billion and the American taxpayer will have a shoulder most of that burden. This must be a high priority. The administration got off to a strong start by proposing and pursing for the prompt passage of FIRREA. The Congress responded promptly by improving the legislation and moving it quickly. However, the administration's recent actions lead me to conclude that the thrift crisis is not receiving the urgent attention it needs and deserves.

My amendment would provide an additional $19.1 million for staff and expenses at the FBI and U.S. attorneys' offices. The FBI would receive $11.5 million and U.S. attorneys' offices $7.6 million. This division roughly parallels the allocation of the $50 million already in this year's budget.

With the addition of these resources, the FBI could hire about 103 special agents and 67 support employees and the U.S. attorneys offices could add an estimated 115 assistant U.S. attorneys and 115 support staff. This is a good first step, but I also believe we must work to see that the full $75 million is appropriated in fiscal year 1991. The addition of these resources will allow law enforcement officials to begin to attack the backlog of cases and prepare for new cases.

The funds for the amendment would be obtained from the tourism development assistance included in the administration's Panama economic assistance package. Although tourism assistance could provide some help in Panama's economic reconstruction, it certainly cannot be considered an urgent expenditure. There is, however, an urgent need for increased funds to investigate and prosecute criminal activity related to the S&L crisis. I believe this deserves higher priority than Panamanian tourism assistance.

Mr. President, this amendment will help us fulfill the commitment we made to the American people in FIRREA to target and prosecute criminal activity within the S&L industry. The American taxpayers deserve nothing less. The amendment will also send a strong message to those in the financial services industry who continue to violate the law that their actions will be punished.

I urge my colleagues to support the proposal and give the FBI and the U.S. attorney the resources they need to pursue aggressively individuals whose illegal activities contributed to the losses in the S&L industry.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 30, 1990.

DEAR COLLEAGUE: Last year, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) authorized $75 million annually for three years to investigate and prosecute financial institution crimes. The Administration, however, requested only $50 million for the current fiscal year. The funds were used to increase staff in FBI and U.S. Attorneys' offices throughout the country.

This level of funding is inadequate. The newly-added personnel do not meet the staffing needs identified in a recent FBI survey. In this report, FBI and U.S. Attorneys' offices requested 224 more FBI agents, 113 more assistant U.S. Attorney positions, and 142 more support staff positions than they received.

The FBI has received more than 20,000 criminal referrals which the agency has been unable to pursue. Even with the $50 million appropriated for FY 1990, the FBI has more than one thousand inactive major fraud and embezzlement cases. These cases all involve losses of more than $100,000 and many of them involve losses greater than $1 million. But the FBI does not currently have the resources to pursue the cases.

We intend to offer an amendment to the emergency appropriations legislation that would provide $19.1 million in additional funds to pursue fraud and other criminal activity in the S&L and financial services industry. This funding would approach the level already authorized by FIRREA and be used for additional staff and expenses of the FBI and the U.S. Attorneys' offices.

While the cost of the S&L crisis continues to grow—with losses mounting at a rate of several million a day—we have not provided adequate resources to pursue fraud and other crimes that contributed to thrift losses. Just last week, Attorney General Richard Thornburgh spoke of an "epidemic of fraud" within the S&L industry and said that at least 25 to 30 percent of thrift failures can be attributed to criminal activity by S&L offices. We cannot let those involved in the financial services industry believe the government will cover any loss—no matter how big—and then let the perpetrators go unpunished.

This amendment will help us fulfill the commitment we made to the American people in FIRREA to target and prosecute criminal activity within the S&L industry. The American taxpayers deserve nothing less.

We urge you to support the amendment. If you wish to cosponsor the proposal, or would like further information, please con-

tact us or Michael Perko of Senator Wirth's staff at 224-5852.

With best wishes,

Sincerely yours,

TIMOTHY E. WIRTH.
DONALD W. RIEGLE, Jr.

Mr. RIEGLE. Mr. President, in January 1989, even before President Bush's February 1989 announcement of the administration's plan to deal with problems afflicting our savings and loan industry, the Senate Banking Committee had arranged a comprehensive series of hearings on that matter. Among those hearings was one scheduled for February 9, 1989, to look at the issue of wrongdoing and fraud in the savings and loan industry.

President Bush announced his legislative plan to deal with problems in the S&L industry on February 6, 1989. In doing so the President stated that "unconscionable risk taking, fraud and outright criminality" were major factors in creating the industry crisis. He further stated that his administration would "make every effort to recover assets diverted from S&L institutions and to place behind bars those who have caused losses through criminal behavior."

The Banking Committee immediately requested Attorney General Thornburgh, rather than an Assistant Attorney General, to testify at the Febraury 9 hearing. At that hearing the Attorney General told of the serious problems of fraud and insider abuse affecting our Nation's financial institutions and said such practices "are believed conservatively to have been involved in 25 to 30 percent of the savings and loan failures." He then stated that the President's comprehensive plan to deal with the savings and loan problem would increase the budget of the Justice Department by approximately $50 million. Such an increase, the Attorney General stated, "could be used to provide on the order of 200 new investigators, over 100 new prosecutors, 30 or more other new attorneys, plus additional support personnel to strengthen the enforcement of criminal and civil laws concerning financial institution fraud."

The Congress worked very hard on the S&L bill to strengthen the ability of regulators and prosecutors to discover, stop and punish fraudulent behavior. We also extended the statue of limitations for financial institution crimes, increased jail sentences, and provided for forfeiture to the government of any illicit gains by fraudulent operators. We also decided that the Nation needed to devote even more resources to tracking down and punishing those who looted our savings and loan industry. Section 966 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 [FIRREA] signed into law by the President last August 9 authorized $75 million dollars, rather than the $50 million requested by the administration, to strengthen the Justice Department's ability to investigate and prosecute crimes involving financial institutions.

On April 23 the Attorney General made a major address about fraud in financial institutions. He said "attorneys from the Justice Department fraud squads talk about an epidemic of fraud among the S&L's presently in default." But the administration, despite the growing evidence of the degree of looting that took place in failed S&L's, has never requested the full amount of money authorized by Congress to go after wrongdoers. Instead it has continued to keep a cap on money expended to go after those who looted Government insured institutions. This is a foolish economy by the administration and is not consistent with President Bush's pledge that his "administration would make every effort to recover assets diverted from S&L institutions and to place behind bars those who have caused losses through criminal behavior."

Senator WIRTH's amendment is designed to provide that the enforcement money authorized by last year's FIRREA bill is appropriated so that the Justice Department has the needed resources to hire the toughest prosecutors and best investigators to go after crooks who have left the taxpayer holding the bag on the S&L problem. Spending money to prosecute wrongdoers will not only put S&L crooks in jail but could help defray the cost of the total problem if the criminal investigators are able to track down the illicit profits made by the such wrongdoers.

I am pleased to be able to join Senator WIRTH in offering this most important amendment.

Mr. WIRTH. Mr. President, what is the parliamentary situation? We had a unanimous-consent request last Friday, during the beginning of a filibuster, I believe. We had a unanimous-consent request, and a number of us agreed to offer amendments with the understanding that a certain amount of time will be set aside for the debate on those amendments, and then we were going to move on to other issues.

Will the Chair inform me, what was that unanimous consent? Is debate limited to an hour, or what is the situation?

The PRESIDING OFFICER. The Chair clarifies the question as asked by the Senator to indicate that although an agreement was reached to consider a certain number of amendments in a certain order, no specific agreement was reached with respect to how those amendments would be disposed of.

Mr. WIRTH. So having agreed to come at 1 o'clock and come at 1 o'clock, with an understanding there was an hour, and presented this amendment, anybody can come in during the afternoon or evening up until the time of the vote to further debate this amendment, is that correct?

The PRESIDING OFFICER. The next amendment in the order would be the amendment offered by the Senator from North Dakota [Mr. CONRAD].

Mr. WIRTH. Does that mean somebody could not come in and debate this amendment further? Is there a time agreement so that debate on this amendment is then precluded until we get to a vote, or can other Senators come in and discuss the amendment later?

The PRESIDING OFFICER. There is no specific time agreement on the amendment of the Senator or any other amendment.

Mr. WIRTH. So the hour that we agreed to was just a general descriptive time as to what might happen on the afternoon of Monday rather than a specific time, is that correct?

The PRESIDING OFFICER. The Chair would observe that the Senator has probably caught the flavor of that particular unanimous-consent agreement.

Mr. WIRTH. Finally, Mr. President, I ask unanimous consent that Senator CRANSTON, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. I yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, I will just take a few moments. It is not an amendment so manifestly with merit as to be passed overwhelmingly. The truth is, Mr. President, this is the third attempt to cut the Panama appropriation. We had it once in the Appropriations Committee. A second time it was voted down by the Senate in a close vote. Maybe they are beginning to prevail by lessening the amount each time. It seems to be a determined campaign to somehow or the other cut Panama.

These amendments are not intended to help tourism; not to clean up the Savannah River site, as was stated in last week's amendment; not to help women, infants, and children feeding; or not to help Hugo. They have pursued various tacks in their effort to cut Panama aid and that is what this is all about.

I can speak with some experience relative to both tourism and to the amounts needed to try to clean up this S&L mess. It so happens by a coincidence that last Thursday we heard the Attorney General of the United States, and the very points being made now by my distinguished colleague from Colorado we were insisting upon

because we can even make a better argument. The U.S. Attorney General had cut, in his request, white-collar crime enforcement by 65 positions. That is exactly what we were cross-examining him on. We asked: Why cut when we have over 1,000 cases backed up, from $100,000 to $1 million, that are just untouched for lack of personnel.

Of course, he indicated that that report and request was a misprint and that he had plenty of money and resources. But I rather believe that the distinguished Senator from Colorado is more nearly on target. I think we will be increasing the request because, if we are going to spend some $360 billion, a matter of $30 million or a matter of $300 million or $3 billion more for enforcement is nominal in the view of this Senator. So there is no argument about getting the money.

This is practically the 1st of May and we will be moving to mark up that bill in the next 90 days. We will have an appropriation where the funds will come just as quickly as any kind of supplemental can be expended. So we should not be distracted by the chicanery and the fraud and the crime of the savings and loan institutions. I am for cleaning 9 that up and we are going to do our dead level best to put in far more money than the Attorney General has requested.

Now, with respect to tourism, it so happens that the principal industry of Panama is tourism. The principal industry of my State of South Carolina now happens to be tourism. I can tell you that 30 years ago we could not get commissions for tourism. We did not have budgets. We had volunteers within our development board and we orchestrated what we called the committee on tourism, which now has been transformed, under subsequent administrations, into formal commissions. With the minimal amount of investment, but surely more than $30 million, in my State and other States, they do a great job. The community of Myrtle Beach I think spends millions of dollars—just one section of my State. The State of Virginia, I am confident, will spend more than the $14,300,000 that the Federal Government is spending right now.

Now, mind you it is not that we care more about tourism in Panama than tourism in the United States. It is because they did red line the United States Tourism and Travel Administration for several years, under President Reagan.

Incidentally, after the effort that we started in South Carolina, I implored our friend, the late Secretary of Commerce, Gov. Luther Hodges, to start a Federal tourism program when he came into the Kennedy administration. He said he would be glad to start one if I would give him back Jerry Albright. As Governor of South Carolina, I had a kind of affirmative action plan for recruiting brains and talent wherever I could find them. It so happened that I got the gentleman who instituted the Research Triangle, the gentleman who worked on Governor Hodges' technical training program, and the gentleman who worked on his tourism, all to come down to South Carolina. And so Jerry Albright came to Washington. The tourism initiative was headed up by Voight Gilmore, who is now a senior vice president of the travel agencies of the United States of America. The United States Travel and Tourism Administration has been doing an outstanding job, and they have been hamstrung.

I know full well that when you have a devastated area, you try to accentuate the positive. I am still trying to rebuild my own home in Charleston. But in the coastal region of South Carolina where Hugo hit, we are not moaning and growning or crying.

In contrast, we are devoting an extra effort for Spoleto, the arts festival that we will have next month. We have Leonard Bernstein, from the New York Philharmonic, and others coming down. We are spending what extra money we have to make sure, because we want to regenerate this greatest of South Carolina industries. Tourism revenues exceed $4 billion now in my State. In fact, I think by the year 2000 you could go from Little River, NC, down to Savannah, GA, and it will be veritably a French Riviera, just go right on up the coast: Hilton Head, Kiawah Island, Cape Romain, Santee Flyway, De Bordieu, Litchfield, Myrtle Beach, right on up to the North Carolina line.

So we have been soliciting and getting increased contributions right in my own backyard in the last couple of weeks. And I am trying now to work on several that have been generous in helping us here at the national level. To do what? To get people all back to work. I am confident that is what was in this particular plan for Panama.

And to the unknowing it sounds outrageous. How in the world here in an emergency supplemental can we be spending money on tourists? How in America can we spend money on anything that we destroyed down there? Well, obviously, our primary goal must be to try to get the people back to work in their primary industry, which is tourism.

So I look at the amendment of the Senator from Colorado for what it is. It is a third bite at the apple to cut Panama. They are trying to cut it. They have it from $500 million down to $420 million. They tried again to cut it down from $420 million. They could not. They tried again on the floor. They could not. Now they are trying again. That is exactly what this is.

I hope that this great interest in America's expenditure in tourism will persist because we will have that budget come up. I hope you will join me with the increases here and we will try to get for America double our present budget to get it up to what we did for Panama.

In fact I hope this amendment fails, so that we can put up $30 million. When my time comes to bat for America's tourism I can say the opposite of what the Sentor from Colorado said. I can say, aha, we did not question tourism when we were trying to help our friends down in Central America. Why not help our own people? That would be my argument. I hope I will be given that argument, and that this amendment will fail.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. Thank you, Mr. President.

I was delighted to hear the distinguished chairman's support for tourism in the United States. I believe we have an enormous amount to do. Recreation and tourism has also become, I believe now, the No. 1 industry in the State of Colorado; perhaps No. 2, but enormously important.

But the issue is not are we going to support tourism in the United States. I hope we support it more. The issue is one of relative priority. The Senator from South Carolina has to understand this is exactly what we are talking about here. We are talking about spending $30 million to promote tourism in Panama in an emergency supplemental bill—a dire emergency supplemental bill which requires us to spend $30 million to promote tourism in Panama. That is twice the amount that we spend to support tourism in all of the United States—all around the globe. That, by itself, makes no sense.

This is not an attempt to go after Panama, although I do believe the amount for Panama is too high. But this is what this amendment is all about, a question of priority. Do you think the American people really want us to spend $30 million promoting tourism in Panama when the S&L fraud extortion issue insider abuse continues unabated?

How bad is the fraud question, Mr. President? Again, let us remember this amendment says we are not going to spend money to promote tourism in Panama. Instead we are going to spend the same amount of money to try to clean up fraud and insider abuse at S&L. It is that simple.

We have discussed the relative merits of tourism in Panama versus tourism anyplace else.

Now let us discuss the size and scope of the fraud question.

Let me put some other things on the table. The distinguished Senator was absolutely correct in talking about the 1,000 backlogged cases that are on the inactive file because the FBI does not have the resources to enforce them. The Senator from Illinois talked about 20,000 referrals that have come in—20,000 referrals that have come in related to financial institutions that the FBI cannot respond to.

Let me give you some other data. In October 1988, a report of the House Government Operations Committee found that insider misconduct caused or contributed to more than three-quarters of all thrift failures. That is, after extensive discussion the House Government Operations Committee found that fraud or misconduct caused or contributed to more than three-quarters of all thrift failures, three-quarters coming out of this. And yet we are not enforcing them. We are not going after them.

Last June the General Accounting Office issued a report that examined 26 thrift failures and compared them to a similar sample of 26 solvent S&L's. It is a classic control group situation, those that have failed and those that have not failed.

In doing that analysis, Mr. President, the General Accounting Office found that activities at each of the insolvent institutions appeared to be fraud and insider abuse. Investigations, or legal action, have been initiated against 25 of these 26 thrifts or against persons associated with them. It is rampant in the S&L's that failed, according to the General Accounting Office study—or 26 that failed and 26 that did not.

Most recently, Attorney General Thornburgh, whom we referred to and discussed earlier, spoke these words, Mr. President: An "epidemic of fraud" in the S&L industry. The Attorney General said there is an "epidemic of fraud" and said that at least 25 to 30 percent of thrift failures can be attributed to criminal activity by S&L officers.

So we have three independent measurements of the size and scope of the fraud, insider abuse problem; House Government Operations Committee, General Accounting Office, and the Attorney General, So what are we trying to do?

We are trying to do something about this. We are trying to increase the amount of money available to the FBI and to U.S. attorneys to do the job they have told us they would like to do and to give them the resources they have told us they need to do the job.

The problem is very severe, and it is documented everywhere. The American taxpayer knows that something is very much amiss out there. They are asking each one of us, as they should: Senator, what are you doing about this? And that question could at least give them one small answer, which is to say well, we increased the enforcement capabiality of the FBI, and the U.S. attorney. We increased it to the level that they requested. We gave them all the resources they said they needed to pursue these 1,000 inactive back cases, the 20,000 referrals, and the epidemic of fraud referred to by the Attorney General.

That is the issue in front of us, Mr. President. The issue in front of us is, do we want to enforce, do we want to pursue the fraud, do we want to pursue the embezzlement, do we want to pursue the insider trading as aggressively as the FBI and the U.S. attorneys tell us they need to do it or do we want to spend money on tourism in Panama? It is a very, very simple choice which we will have on a vote later this afternoon.

Thank you very much, Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS Mr. President, we all can make the comparisons. Here we are comparing $30 million to promote Panamanian tourism versus $30 million to the savings and loan institutions. The truth, of course, is that this is a bill for Panama and Nicaragua. I would hope we could have stuck to just that purpose and not gotten into the gymnastics of all kinds of picayune offsets touching every program of the Federal Government.

But if the Senator wants to set off $30 million, then I want to set off the conscience of my colleagues with regard to the $33 billion fraud that is in this bill; not just a piddling $30 million for Panama, and not the fraud by S&L managers and operators, but the fraud by the U.S. Senate sitting right here now, where we have the spectacle under this particular dire emergency supplemental bill, Mr. President, section 320, putting off budget $33 billion for the S&L bailout. And he wants to grab the little fellow out there and the little savings and loan that got caught up by falling property values and so on. I want to catch the big Congress and Senators who are saying "Look, we believe in truth in budgeting, except as applies to ourselves, of course, when we finance the savings and loan bailout." We say "Do not Worry about it, do not provide for it, just put it off budget and get permission to do so by amending the Budget Act without any discussion."

I would say we have had a good dozen session perhaps of the Budget Committee this year. We have talked about the Moynihan initiative.

We have talked about the initiative of Senator SANFORD from North Carolina on how to get truth in budgeting. Various Members have said we ought to go to a 2-year budget process. Some have said let us amend the Budget Act to repeal Gramm-Rudman-Hollings. But at no time have we discussed or even raised the question of putting the S&L bailout off budget to the tune of $33 billion.

When we went into the Appropriations Committee in that meeting last Tuesday at 5 o'clock, we were all given the text of the bill for the first time. I went right to work because I knew I could be cross-examined on my section, and I wanted to make sure we had everything in there that we knew about and could justify. The staffs had been working these things up. And then we went down the different sections of the bill and reported it out.

But in the closing section, there was this monumental, $33 billion sleeper amending the Budget Act on a supplemental appropriation bill, all in violation of the rules of the Senate. I only found out about it the next day.

Mr. President, I have been working to ensure the integrity of Social Security, as have many other Senators, not just this year, but last year and previously thereto. Then, at the beginning of last year, the distinguished Senator from New York [Mr. MOYNIHAN] said let us put the Social Security funds out of the budget calculations and stop ransacking the Social Security trust fund.

I introduced a similar bill at the same time. After several weeks the distinguished Senator from New York [Mr. MOYNIHAN] joined with the distinguished Senator from Pennsylvania [Mr. HEINZ] and they wrote a "Dear Colleague" letter that we would spend only a portion of the surpluses to reduce the deficit, and over time phase the Social Security surpluses out of the budget calculation.

I resisted that and said, "Let us get it all off." And the exchange ensued over the next several months of 1989, where I finally got almost all of the Democrats on the Budget Committee as cosponsors on my bill, and then we began high-level meetings with the leadership. It certainly was not my intent to ever try to upstage our distinguished leader, on Social Security, Senator MOYNIHAN. He has been in the vanguard. He has done an outstanding job and served on the Greenspan Commission and continues to serve as chairman of that particular subcommittee in Finance.

I readily, in most instances, follow his leadership on this particular score. But there seemed to be some idea about whose bill they were going to put up. I made the suggestion that we have the leader lead us, Senator MITCHELL. And the fact of the matter is, Senator MITCHELL, with the Speaker on the House side in a joint appearance with Senator MOYNIHAN, myself and others, set forth an initiative, as a matter of principle and policy, to cease

counting the Social Security surpluses in our budget estimates.

Well, I had been promised on my own bill—and we were all joining in behind that bill—that we would bring it up on the short-term debt limit. At that particular time, I could understand our leader, Senator MITCHELL's dilemma. If I insisted that we maintain that particular promise, then some other good work of the Senate had to go wanting.

I said, all right, I will give up on that, but let me, on the final debt limit extension, get my vote. So I was promised an up-or-down vote then, and the rest of that is history. I did not get it at that time. And we were in the wee hours of the morning around here, and in the final days and nights of the session, when both Senator HEINZ and myself, for example, were promised a vote on Social Security in the earliest part of the coming session.

Now we are practically into May and have not heard of it. We were told to wait until we get up to the budget procedures. I am beginning to, as the expression goes, "smell a rat." What you say in polite language is that a suspicion is created that what we are going to do is take the valid proposal by Senator MOYNIHAN, work him into the Finance Committee extensions and treatments, say we will bring it up on a tax bill, and what they really mean is reconciliation, and by the time the distinguished Senator, author of the Moynihan initiative, gets a chance to raise it in the Finance Committee, they are going to look at him and say you cannot make that motion unless it is revenue neutral. And he will be put to the task of finding some $36.5 billion in offsets.

In December of last year Senator MOYNIHAN said there was no need to increase Social Security taxes on middle-American working people. In January, I said I agree, I want to be a cosponsor, and the way I would offset the FICA tax cut is with a value-added tax. And I, on the very first day, submitted such a proposal.

I have, since that time, updated the proposal with an actual budget. I have written articles in the Washington Post and in other publications about my plan.

I do not think we ought to be amending the Budget Act in a supplemental. Of course, the rules of the Senate do not hold that we ought to be doing that either. You can appeal that ruling and get a supermajority of 60 Senators, and if a supermajority of 60 Senators thinks it is important enough to put the S&L bailout off budget, then I think a supermajority of the Senate will think it important enought to safeguard Social Security.

On February 20 we had a sense-of-the-Senate resolution by Senator SASSER, the chairman of the Budget Committee, Senator KENNEDY and others, to the effect that it was the will of the Senate that we use the peace dividend to get rid of the deficit, and they used the words, stop the thievery and embezzlement of Social Security funds.

So the other evening I said, look, I intend to propose an amendment to attach the Moynihan plan to the supplemental. I was ready at that time, but the ranking member of the Budget Committee, the Senator from New Mexico, could not be with us on Friday, so I yielded to the request to wait for his return.

When we brought this issue up in the Budget Committee, the attitude was "scat." Everybody evacuated. We waited an hour. The distinguished chairman of the Budget Committee was there with me. I appreciated that. He and I sat there almost an hour and no one showed up.

When I finally spoke and concluded my remarks, the staff called their Senators, the room filled, the quorum was present and everybody hollered "Vote, vote, vote, vote."

The reason given for not supporting it was because it would cause an increase in the deficit. Of course, when the Washington Post reported on it and said it had no effect at all, that was amusing to me. They never will accurately write what is going on in this country.

Let me tell you your choice on the deficit. You can choose to ransack the Social Security trust fund in order to reduce the budget deficit, in which case you simply deepen the deficit in the trust fund on a dollar-for-dollar basis. Or you can protect the integrity of the trust fund by opting for honest spending cuts and tax increases to reduce the deficit.

What we have been doing, unless and until we approve Senator MOYNIHAN's initiative, is embezzle those surplus Social Security moneys as fast as they come in and allocate them to our spending on any and all programs, while claiming that our spending deficit is lower. And we talk about a surplus in Social Security that, which is absolutely false. Nothing is left in the trust fund but these little slips of paper, IOU's going in the drawer, and with another 5 years of this conduct we will add over $500 billion to the trust fund deficit. And when they go to spend the trust fund money in the next century, they are going to have to raise taxes from somewhere in order to get the money, or they are going to have to eliminate 500 billion dollars worth of spending somewhere.

I can tell you here and now there is no money there. There is no "there" there. And people ought to understand and understand it clearly.

Moreover, you cannot any longer say in Washington "Read my lips. I am against new taxes." They are for new taxes, beginning here in January of this year, when the FICA payroll tax went up yet again.

Senator MOYNIHAN said, in December, "Let us roll back this increase in Social Security taxes." President Bush says, "No, let us go ahead with this increase and stop messing around with Social Security."

And the dummy press acted as though Senator MOYNIHAN were the one who was messing around. He was the one trying to stop the messing around. The messing around is being done by the President, by you, by me, and by all the rest of us in this Congress who have been spending the money of Social Security on any and all spending programs for the Government—foreign aid, welfare, FBI, EPA, you name it. That is where your surplus Social Security moneys are going.

So, it is a very interesting thing now. We have new taxes and have had hearings. Ever since they started falsifying the figures on Gramm-Rudman-Hollings these last 3 years, I have proposed value-added tax. I testified that it could apply to all consumption: The more you consume, the more tax you pay. The less you consume, the less tax you pay. And to take care of the lower-income groups, we would exempt food, housing, and health care.

They still want to claim it is regressive. You do not have to talk about a regressive tax or no tax. You are now talking about which is the more regressive of the two taxes, because you either are going to have an increase in payroll taxes on middle- and lower-income Americans—most regressive in my judgment—or a value-added tax on all consumption, not just the wage earners of America.

So, we are beginning to paint ourselves into a corner, a delightful corner. The gymnastics you see going on the floor of the Congress are designed to avert the train wreck, so that when the two trains meet, namely, the train of fiscal irresponsibility meets that other train of reality coming down the track, all we need do is toot at each other because the problem will have been solved.

We first start with the President who puts in the OMB plug of 58.9 billion bucks. That is low balling the deficit for next fiscal year and saying, really, all we need to do is raise $37 billion in order to meet the $64 billion Gramm-Rudman-Hollings target.

So he puts in that low-ball estimate, which is exactly the stunt we pulled last year. We left at Thanksgiving and said we met the $100 billion target and when we came back in January the deficit was already $158 billion.

So we start at the kickoff on the 10-yard line of the other side, on the problem itself. We low ball the estimate by $58.9 billion to make our job

easier. Of course, we have been doing this for 10 years.

I do not have anything against those running for election this year. I will be running here in another 2 years. I know I will be labeled, "Here is the fellow who has been trying to tax us." I am going to say, "Here is the fellow who has been trying to pay the bills," so we quit raising the most discriminatory tax of all, namely, the interest cost on the national debt, jumping in increments of $30 billion. This year it is $27 billion. The total debt is already in excess of $3 trillion.

So you have a new $27 billion spending program that began on October 1 of this year. Everybody is against spending. But here we are going to spend $27 billion for nothing, just for the carrying charges.

Up in the Budget Committee we are trying to put a figure on all the various programs, Senator KENNEDY's health program, Senator DODD's child-care program, Vice President QUAYLE's go to Mars program, education, research, all the initiatives that everybody is running around the country saying they are all for, and if we had to do them all and start them this year, it would cost about 19 billion bucks.

Here we are going to spend $27 billion right this fiscal year for absolutely nothing.

Alternatively, if we can get rid of the deficit and debt and interest costs, we can allocate moneys for good programs. So I think we have to excise this fiscal cancer and not go along with another sham, with both sides trying to hide the problem and banboozle the public on a bipartisan basis. Bipartisanship on this score is what has gotten us in all this trouble in the first place.

We bipartisanly snooker the American public. We say as pollsters and politicians posterity can do nothing for us; we see no reason to do anything for posterity. Let us look at the next election and to heck with the next generation around here, put it in a supplemental; sneak it by; never discuss it; never have a hearing on it; just amend the Budget Act. We sneak by $33 billion for the S&L bailout, but raise heck about $30 million for tourism in Panama.

Of course, I have indicated to Senator MOYNIHAN that he should bring up his FICA tax rollback proposal. If he does not—and, of course, if the super majority feels that this is the time to amend the Budget Act—then I will. But I would certainly yield to the leadership by Senator MOYNIHAN on this score because I think he is being misled about waiting on the Finance Committee to consider it, waiting for a tax bill. It seems like the leadership on budget has said we cannot wait on the S&L bailout. We have to get going right now and amend that Budget Act right here in April of this year. If they want to sneak this in, then I think that we ought to sneak in something for the good of the American people and stop what has been characterized by the Senator from New York as the thievery in Social Security.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Colorado.

Mr. WIRTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that Bruce Moore of the Department of the Interior's departmental manager program be allowed the privileges of the floor as if he were a member of my staff during the consideration of my amendment to H.R. 4404, the supplemental appropriations bill for fiscal 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1555

(Purpose: To forgive producers who have been adversely affected by a major disaster or emergency occurring in 1990 from repaying certain advance deficiency payments, with an offset)

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment for the purposes of considering the amendment offered by the Senator from North Dakota?

Without objection, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. PRESSLER, proposes an amendment numbered 1555.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . (a) Section 14 of Public Law 101-220 (7 U.S.C. 1421 note) is amended by striking "refunded, such refund shall not be required to be made prior to July 31, 1990." and inserting "refunded—

"(1) the refund shall not be required to be made prior to July 31, 1990:

"(2) in the case of producers on a farm that is located in a county that is affected by a major disaster or emergency in 1990 declared by the President under the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.), the refund shall not be required, for that portion of the crop for which a disaster payment is made under section 201(a) of the Disaster Assistance Act of 1988 or section 101(a) of the Disaster Assistance Act of 1989; and

"(3) in the case of producers on a farm that is located in a county with respect to which the Governor of the affected State has a request pending for such a declaration, the refund shall not be required prior to the date the portion of the crop for which a disaster payment is made under section 201(a) of the Disaster Assistance Act of 1988 or section 101(a) of the Disaster Assistance Act of 1989.".

(b) None of the funds appropriated or otherwise made available by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990 (Public Law 101-161) shall be used to pay the salaries of officers and employees who carry out the export enhancement program established by section 1127 of the Food Security Act of 1985 (7 U.S.C. 1736v) to the extent that the aggregate amount of funds, and the value of commodities, used to carry out the program during fiscal year 1990 exceeds $522,000,000.

Mr. CONRAD. Mr. President, this amendment is a simple one. It is simple, but it is critically important.

Mr. President, this amendment would forgive farmers who are plagued by continuing drought from making advance deficiency repayments on bushels that were lost due to the drought in 1988 or 1989. The cost of this amendment is $30.8 million. It is offset in the amendment itself by reducing the budget authority for the Export Enhancement Program by $44 million which will produce the $30.8 million of outlays to make this amendment budget neutral.

Mr. President, let me just take a moment to explain in layman's language what this is all about. Back in the droughts of 1988 and 1989 farmers received part of their deficiency payments in advance of planting. Deficiency payments are simply the difference between the target price for a commodity and the market price. In other words, if wheat has a target price of $4 and the market price is $2.50, a farmer receives, simply put, a deficiency payment of $1.50 bushel.

Advance deficiencies are made based on an estimate of what the relationship between the target price and the market price will be. The advance deficiency provides a 40-percent payment in advance of the anticipated deficiency payment. So, in our example, the farmer would receive 40 percent of $1.50 a bushel, or 60 cents.

In fact, Mr. President, that is what occurred back in 1988 and 1989. The problem was, after they had received that advance payment, the drought sharply reduced commodity supplies. As a result, the price rose in the marketplace and the deficiency payment was, thereby reduced. The farmer was then asked to pay back the deficiency payment that he had received, the advance deficiency, the 40 percent of the projected deficiency payment, because the price had gone up. In addition, the 1988 disaster legislation prohibited farmers from receiving a deficiency

payment and a disaster payment on the same bushel.

Unfortunately, Mr. President, rising prices eliminated deficiency payments on the few bushels that he did produce. The Disaster Act of 1988 also eliminated deficiency payments on the bushels that he lost because of the drought. The result is that we are asking farmers to pay back deficiency payments because of a price increase and income they never received because those bushels were lost to the drought.

Mr. President, at the time of the 1988 bill, I said on the floor of the Senate, on July 28, 1988, at page 10204 of the CONGRESSIONAL RECORD: "Mr. President, one reason that I am offering this amendment"—the amendment I was referring to was a delay in the payback of the various deficiencies that we have been discussing—"is because of the uncertainty of the budget numbers. Very frankly, I want to be very direct about this. If we learn later on that there is more budget room than we were told of today, I will move next year to forgive the repayment of these advance deficiencies. We do not know that now. We do not know that there is room, if there are additional savings or not. But the best way we can preserve the flexibility and give farmers that added hope is to act now to defer the repayment until July 31 of next year. That makes this virtually a no-cost amendment unless we find there is additional budget room, at which time I will move as I say, to give farmers that additional assistance."

Mr. President, the record is clear. At the time of the 1988 drought, I came to my colleagues and I said we ought to forgive these advance deficiencies as part of the drought relief bill. The administration at that time said no, the savings are not going to be sufficient to pay for the drought relief package that we have. And so they said you cannot forgive the advance deficiencies now.

I said at that time, let us delay the repayment of advance deficiencies until we determine whether or not the administration is right on the budget issue. Let us find out if the savings are sufficient to add to this package.

Do you know what, Mr. President? We found that the savings were sufficient. The administration's calculations were wrong. In fact, the savings as a result of the drought in 1988 were $10 billion, the cost was $6.4 billion, so there were $3.6 billion of additional savings.

In 1989, I made the same argument. Once again we were told there were not sufficient savings to pay for forgiveness of advance deficiencies. We were told that the savings from the drought would be about $970 million. Instead, they turned out to be about $3 billion. The cost of the drought package was $1.2 billion. So we had additional savings of $1.8 billion.

Mr. President, the drought continues. I have provided for my colleagues a handout that shows the headlines across my State in recent days.

Following are a few of those headlines:

"Drought Looms for a Third Year"; "Dust Bowl Dry Festers on Prairie"; "Farmers Caught Between a Drought and a Dry Place, Look for Aid"; "'90 Drought: It's Official"; "Farmers Wonder Just When Drought Will End"; "Drought is Now a 'Natural Disaster'"; "North Dakota Mediator Says Farmers Need Good Crop to Stay Alive."

Mr. President, I will just read a couple of brief comments from these articles which have appeared in the press in my State over the last 7 or 8 days.

The first story is an article that appeared April 22. The headline is, "We're in Drought's Tightest Grip. Moisture Worse Than '88; Cattle Sold for Lack of Feed."

The story begins like this, Mr. President:

Like some Norse troll, the Midwestern drought that seized the Nation's agricultural midsection more than 2 years ago has gotten smaller, uglier, and meaner.

Two years ago, it covered nearly everything between the Rocky Mountains and the Appalachians with what was called—in the terms used by the National Weather Service—severe to extreme drought.

By now, the area of mid-America in severe to extreme drought has shrunk to cover not much more than North Dakota and northwest Minnesota. If it's any consolation, nearly everything west of the Rockies is still in severe to extreme drought.

Mr. President, the next story, entitled, "Dust Bowl Dry Festers on Prairie," begins this way:

North Dakota's thirsty topsoil may be moist enought to till, but farmers planting their spring crops could be risking a Dust Bowl reprise if rain doesn't come * * *

The quote from an agricultural expert. The State Game and Fish Commissioner says:

My understanding is when that moisture comes back, it's going to be 4 or 5 years before we're able to recover.

Agriculture's drought woes, well documented since the statewide dry spell began in 1988, haven't abated in the aftermath of what the National Weather Service called the driest North Dakota winter since statehood.

Let me repeat that, Mr. President: the driest winter in 100 years in my State.

Subsoil moisture levels are "very alarming," judged adequate in only 4 percent of the State by the latest State Agricultural Statistics Service report * * *

The next article I would refer my colleagues to says: "Drought is now a natural disaster." This article says:

The dry weather in North Dakota is so serious it's no longer considered a drought but instead a natural disaster, two State officials said Saturday.

Mr. President, I ask unanimous consent to have these articles printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CONRAD. Mr. President, it is no longer a drought; it is a natural disaster. My State is at risk. My State is facing the most severe economic pressure in its 100-year history and we are here asking for assistance. We are here asking, not just for my State, but for any State that continues in extreme drought. The repayment forgiveness that we are asking for here today would only apply for those bushels that were lost in 1988 or 1989, never produced, never got the benefit of the higher prices.

And we are asking, Mr. President, that forgiveness occur only if the drought continues, only if we have a disaster declaration by the President of the United States. That is the only way anyone could be covered under this proposal.

Mr. President, we are asking that the cost of this be offset, fully and completely, so there is no addition to the deficit as a result of this measure. The amendment will reduce the cap on the Export Enhancement Program by $44 million to produce the $30.8 million of outlays CBO says is necessary to fund the program.

Mr. President, why take a nickel from the Export Enhancement Program? Well, Mr. President, I would be the last one to stand on this floor to ask for taking money from the Export Enhancement Program unless there was strong evidence that money was not needed in the Export Enhancement Program. It appears there are sufficient funds within the Export Enhancement Program to fund its expected activities, and at the same time have the resources necessary to provide the drought relief that we seek.

Mr. President, I would like the record to reflect that for fiscal year 1990, the Export Enhancement Program is authorized at $566 million. The Department of Agriculture informs me that $183 million of awards have been completed.

In addition, there are $210 million of outstanding initiatives that are obligated. In addition, there are $132 million of awards under consideration that might be obligated. That is a total of $525 million, probably much less, Mr. President. The Export Enhancement Program is authorized at $566 million. That is at least $41 million that is available. We need $44 million.

Remember, of the $525 million, $132 million is under consideration, has not been obligated, and there is a good chance that some of it will not be obligated. In fact, CBO scores the Export Enhancement Program at $500 mil-

lion, even though they are authorized $566 million, because they anticipate only $500 million will be used. Therefore, there is room to take out the $44 million to fund the drought relief package I have outlined today.

Mr. President, one always hesitates to stand and ask for something from one's colleagues, but I am standing and asking today because my State and States that surround it, including Montana and Minnesota to the east, and South Dakota to the south, are in serious trouble. The farmers of our States are being asked to repay money by July 31 of this year, Mr. President, which they simply do not have. They do not have the money to pay back.

Mr. President, frankly this should have been included in the drought packages of 1988 and 1989. We were told then there was not sufficient savings to fund this part of the program. That turned out to be wrong. We have a chance to right that wrong today.

Mr. President, I ask very sincerely of my colleagues that they will consider this request and honor it. It is terribly important, not only to my State, but to any farmer who is caught in the grip of continuing drought.

Mr. President, I reserve the remainder of my time.

EXHIBIT 1

WE'RE IN DROUGHT'S TIGHTEST GRIP

(By Stephen J. Lee)

Like some Norse troll the Midwestern drought that seized the nation's agricultural midsection more than two years ago has gotten smaller, uglier and meaner.

Two years ago, it covered nearly everything between the Rocky Mountains and the Applachians with what was called—in the terms used by National Weather Service—severe to extreme drought.

By now, the area of mid-America in severe to extreme drought has shrunk to cover not much more than North Dakota and northwest Minnesota. If it's any consolation, nearly everything west of the Rockies is still in severe to extreme drought.

The big corn and soybean states—Iowa, Illinois, Indiana—and the Southern Plains winter wheat regions have gotten plenty of moisture in recent months.

But farmers in North Dakota and northwest Minnesota just getting out into the fields face even worse conditions than the nightmarish spring of 1988, to this point at least. Even if predicted rains fall this week, it will take a lot more moisture than that to break the drought.

Northwest North Dakota is about as dry as it's ever been at this time of year, and one of the driest areas of North Dakota is Divide County, tucked into the northwest corner against Montana and Canada.

Crosby, the Divide County seat, is nearly 11 inches behind in precipitation since Jan. 1, 1987, according to the NWS. That's equal to losing a full growing season of rain in Crosby, based on historical records. Moreover, 1 inch of that deficit has been earned since Jan. 1, as less than half the normal precipitation had fallen there by April 15.

It's measurably worse now than either of the previous two years' beginning of the crop year, said Keith Brown, Divide County extension agent.

"Right now, it's worse than it was last year," Brown said. "Last winter (1989) we had some snow, but we really never had any significant snow cover this winter."

The cumulative effect of more than two years of moisture deficits is building up, he said.

"We had some stored soil moisture going into 1988. There's virtually no subsoil moisture now," Brown said.

Many of the county's farmers fallow half their land each year to conserve moisture, and that has helped, Brown said. "I think we have enough for germination provided they don't overwork the soil."

Some cattle producers already have begun selling their cows rather than hope for pasture and hay crops to provide enough feed.

Farmers will put in their small grains crops of durum, barley and oats. But they will scrimp on buying and applying seed, fertilizer and herbicides. That will save expenses and besides, there's not much yield potential to spend money on when the water to grow the crop just isn't there, Brown said.

Weather experts contradict each other when they speculate when and if the drought pattern will break.

The drought started in some parts of Minnesota in October 1986 and has not abated, said Greg Spoden, climatologist with Minnesota's Department of Natural Resources. No one really knows if the pattern will continue, but one thing is clear. So far it has, Spoden said. It just means it will take more abnormal weather on the wet side to make it up. And the odds of having that kind of year get worse with each day of less-than-normal precipitation, he said.

The heavy snows and then rains over much of Minnesota and North Dakota in March were made to order, Spoden said. They were much needed and very effective. The top-soil still retains some of that moisture, although the hot, dry winds of last week evaporated a lot of it. But subsoil moisture levels remain way below normal.

Much of the soil in western North Dakota has less than 2 inches of stored water in the top three feet or so, and much of that is not available to many crops that can't root down deep enough to reach it, county agents said.

In the case of Crosby, for example, it will take more than twice normal rains from April 1 through July 31—the growing season for small grains—to make up the 11-inch deficit. In an average year, only about 8 inches of rain falls on Crosby during those four months.

Eight inches, crop experts say, is about the minimum amount of water needed to grow a minimum what crop, one that's barely worth harvesting.

DUST BOWL DRY FESTERS ON PRAIRIE—FARMERS CAUGHT BETWEEN A DROUGHT AND A DRY PLACE, LOOK FOR AID

(By Dale Wetzel)

North Dakota's thirsty-topsoil may be moist enough to till, but farmers planting their spring crops could be risking a Dust Bowl reprise if rain doesn't come, a farm spokesman said Monday.

The specter of thick clouds of blowing dirt, already a reality in some counties, is but one of a list of drought-related wounds continuing to fester, officials said at a drought planning session.

"I don't know what to do, and I'm speaking for many farmers," said Monty Burke, a McKenzie-area farmer who is president of the North Dakota Farm Bureau.

"If they don't put the crop in, they know that they're in trouble, and if we do put the crop in and it gets to blowing on us, we know we're trouble," he said.

So serious is the problem that Lloyd Jones, the state game and fish commissioner, says he now refers to North Dakota's plight as a natural disaster.

"It's gone beyond a drought. I don't think we're giving proper attention to the issue when we just refer to it as a drought," Jones said.

"My understanding is when that moisture comes back, it's going to be four or five years before we're able to recover."

Agriculture's drought woes, well documented since the statewide dry spell began in 1988, haven't abated in the aftermath of what the National Weather Service called the driest North Dakota winter since statehood.

Subsoil moisture levels are "very alarming," judged adequate in only 4 percent of the state by the latest state Agricultural Statistics Service report, said Agriculture Commissioner Sarah Vogel.

The state's rangeland isn't faring much better. Eight-one percent of it is considered to be in poor or very poor shape, Vogel said. Hay production has plummeted from 5.2 million tons in 1986 to 2.96 million tons on Dec. 1, 1989.

Gov. George Sinner already is considering whether to declare a statewide drought disaster, even though spring planting has just begun.

"It's a difficult question," Sinner said. "It is early in the planting season, and you don't want to cry wolf and have the rains come, and lose your credibility with the federal agencies."

Farmers' problems, while a key concern, are only the beginning:

Jones said 40 to 50 lakes are virtually certain to suffer fish kills unless the situation improves. He is particularly conerned about Devils Lake, where the fish could begin dying in large numbers in July.

North Dakota's wetlands have virtually dried up, rendering the state's waterfowl production almost non-existent, Jones said.

The state Water Commission is monitoring Cavalier, Fort Yates, Mohall, Parshall and Stanley for possible water problems, said Milton Lindvig, director of the commission's hydrology division.

Robert Allan, the state fire marshal, said he had reports of prairie fires in January, "which is almost unheard of in North Dakota."

Sinner said he would explore the possibility of assistance from the U.S. Army Corps of Engineers in hauling water and drilling wells for cattle ranchers, although an agency spokesman, Donald Reuter, said that route would be difficult.

Robert Christman, head of the North Dakota division of the U.S. Agricultural Conservation and Stabilization Service, said more liberal emergency feed provisions for cattlemen are in the offing. Regulations should be ready by mid-May, he said.

Sinner said he likely will extend a series of fire-prevention measures now required on public lands to private land as well. That would ban trash and brush burning during times when the danger is considered extreme.

Sinner said he also would look into whether farmers could receive federal farm program or crop insurance benefits without actually planting a crop, because tilling could prompt disastrous erosion.

"I'll have to get my thinking cap on in the next couple of days," Sinner said.

DROUGHT IS NOW "NATURAL DISASTER"

(By Rodd Aubrey)

BISMARCK.—The dry weather in North Dakota is so serious it's no longer considered a drought but instead a natural disaster, two state officials said Saturday.

Agriculture Commissioner Sarah Vogel and Game and Fish Commissioner Lloyd Jones said the drought is the worst of the century.

"This is a long-term situation, even more significant than even a drought," Jones said. "It's so abnormal."

Vogel said she's unsure how farmers will manage through such a tough year, despite disaster aid they're likely to get.

She said if rains fall every week this spring, there could be enough moisture for crops.

"However, if it were to skip a week or two and turn hot like it did last year, the crops would have nothing to draw on in the subsoil," she said. "That is the danger and that is what has me the most worried."

The two made their comments Saturday afternoon on the news show "Prairie Public Journal."

Larry Manthe, a forecaster at the National Weather Service, said scattered thundershowers are expected Sunday night, as well as Tuesday through Thursday. The storms could generate from a trace to up to an inch or more of precipitation, he said.

But the upcoming rains won't end the drought.

"It takes a long time to break a drought," Manthe said. "Just a few days of thundershowers won't break it."

Last week, Gov. George Sinner declared a statewide fire emergency because of the dry conditions. Under the plan, people can't burn outdoor fires or travel off main roads when the weather service declares the fire danger very high or extreme.

The same day Sinner made his announcement, a grass fire burned 640 acres of land along the Missouri River south of Bismarck. Other smaller fires were reported across the state as well.

Jones said that even if the state begins getting normal levels of moisture, it will take a long time to recuperate. Lake Sakakawea's levels are so low, for example, that it may take five years of regular rainfall before it's back to normal.

Jones also predicted more animals would die because of the drought.

The drought was one of the reasons 1,000 geese died near the Tewaukon National Wildlife Refuge earlier this month, he said. As water levels drop, the quality of what's left dimishes.

In addition, more animals are gathering to the few spots where water is available, spreading diseasees quickly, he said.

Wind erosion also dwindles the amount of vegetation for animals to eat, he said.

Vogel said wind erosion is three times as bad this year as it was last.

FARMERS WONDER JUST WHEN DROUGHT WILL END

WING.—Sanford Williams usually sees snowdrifts in his fields all winter. But this year he saw powdery clumps of dirt, the legacy of a drought that refuses to lossen its grip on his North Dakota farm.

He got 10 inches of snow and a half inch of rain earlier this month but the moisture was far from enough.

"We're still terribly, terribly dry," Williams said late last week. "When the snow melted there wasn't any runoff. It went right into the soil. We need very, very substantial amounts of moisture to do us any good at all."

Jerry Murrey, 52, who farms about 10 miles west of Williams, worries that the water tables beneath farms and rural towns will drop, drying up their wells. Murrey, who's been farming all his life, never has seen such dry conditions.

"You pray that it's going to end," he said.

Williams, 37, said his wheat crop last year averaged 19 bushels an acre compared to an average of 40. The previous year, he got only about 3 bushels an acre, and his barley and oats crops were total failures.

Last year brought rains and relief to many states. Farmers planted more crops and the drought faded from the headlines. But it persisted in North Dakota.

January and February were warm and dry with temperatures reaching into the 40s. Fargo reported the warmest January on record.

Most of western North Dakota has less than 4 inches of moisture in the soil—not nearly enough to nourish William's grain, which needs nearly twice that amount.

Even in the fertile Red River Valley farmers have been praying for rain. A foot of snow in Fargo two weeks ago brought smiles to their faces.

North Dakota farmers normally produce about 16,000 pounds of potatoes per acre, but last year's crop averaged only 11,000 pounds per acre.

The valley potato crop was so small last year that most growers don't even have enough potatoes to meet their contracts with processors, said Lloyd Schmidt, executive director of the Red River Valley Potato Growers Association.

American Crystal Sugar Co., in Moorhead, Minn., saw its production plummet from a record 6.4 million tons in 1987 to 4.9 million tons in 1988. The company's growers harvested 5.5 million tons last year but the sugar content was depleted by the drought.

John Enz, the state's climatologist, said warm weather prior to the last week's snowfall thawed the frozen soil, allowing it to absorb much of the snowmelt.

"We couldn't have asked for a better scenario," Enz said. But he added that it's much too early to declare the drought over.

"Now we've picked up enough moisture that perhaps the top 18 to 24 inches of soil will be wet," he said. "We have enough water to grow the crops into June, but then we'll need rain."

Last Week's snow brought .63 of an inch of precipitation to Williams' 2,200-acre farm, but he figures he'll need up to 8 inches before planting time.

Williams, the father of three young boys, acknowledges that much rain is unlikely, but he remains hopeful. The alternative is to leave cropland unplanted to conserve moisture.

Federal disaster aid has kept him and other North Dakota farmers afloat. The state got more than $400 million in assistance for 1988 crops and about $95 million last year.

"You've got money available, but you're going backward on your equity," Williams said. "We're also putting off much needed capital purchases such as new farm equipment."

Hay for cattle also has been scarce, forcing Williams to sell off part of his herd. He faces the prospect of selling more cattle this year if the rains don't come.

"If we lose our cattle," he said, "then we've lost our livelihood out here."

Mr. COCHRAN. Mr. President, let me say that the distinguished Senator from North Dakota has been very resourceful and very aggressive in his effort to obtain the largest amount of disaster assistance possible from the Federal Government for the farmers and ranchers and others who are entitled to benefits in the State of North Dakota.

He is a member of the Agriculture Committee, which has jurisdiction over the farm programs and legislation that defines eligibility for benefits such as deficiency payments, and other farm program benefits. It is a pleasure for me, as a member of that committee also, to work with him on those programs.

We are right now, as a matter of fact, writing a 1990 farm bill that will set out the legal authority for the Department of Agriculture to make program payments to farmers who participated in and who are eligible to participate in those programs.

We also worked together to write the Disaster Assistance Act, which was referred to in the argument in support of this amendment.

It was at that time that the Committee on Agriculture had an opportunity to try to devise some additional eligibility for those farmers who had suffered serious damage as a result of disasters—drought, floods, and disasters that occurred in the agriculture sector 2 years ago. We all remember the devastation caused throughout the country by those adverse weather conditions and the problems we had in the food chain, with price fluctuations that were caused at that time.

One of the ways that we approached the problem that year with the administration in order to gain support for the bill was to use the money that would have otherwise been spent by the Department to make program payments to compensate disaster victims.

The way we went about that was, as the Senator mentioned, to use the funds that would be saved in the deficiency payments to make disaster payments to those who were drought victims or flood victims, because throughout agriculture, the prices increased unexpectedly because of the reduced supply of crops in many commodity areas.

While the Department may have projected at the beginning of the 1988 crop year that farmers would be entitled to deficiency payments, by looking ahead at the crop prices that were anticipated, knowing what the target prices were they could anticipate that at the end of the planting season when farmers were marketing their crops that there would be deficiencies owed by the Secretary of Agriculture under these programs to individual

farmers. Because of pressures brought by the Agriculture Committee members—the Senator from North Dakota one of them, and with many of the rest of us joining in this chorus suggested that advance deficiencies be made to farmers. Also for budget reasons, the Agriculture Committee members, were trying to use that as a way to get around, in effect, the requirements of the Gramm-Rudman-Hollings Act and avoid sequester. These little tricks are sometimes used to satisfy the requirements that we here in the Congress impose upon the programs and the way they are administered.

The point is that if you were a disaster victim in 1988 and did not produce a crop, you could not sell your crop at market, therefore, you did not earn anything from the increased prices. You did not have anything to sell or you had so much less than you would have had because your crop was devastated by bad weather.

Then, as we were writing the farm bill, the question came up, do you get to keep your deficiency payment even though you did not produce anything and could not sell it and did not incur a deficiency, or do you get a disaster benefit? The decision was made that, across the board, we would have this rule written into the law: You either received your deficiency payment or a disaster benefit; you were not entitled to both as a matter of law.

That is the problem which is identified in this amendment. Some farmers, of course, when they received the deficiency payment, used it, spent it, paid off an old debt, whatever you do with money that you get under a Government agriculture program. However, when, you found you would get more from the Government from disaster benefits, you wanted to qualify for disaster benefits.

The eloquent arguments were made at the time, let us postpone the repayment of the deficiency payment because a lot of farmers just simply do not have the money to repay the advanced deficiency payment; it has already been spent. A grace period was permitted by the Congress, which postponed the requirement to make the advanced deficiency repayment if you elected to receive a disaster payment.

We are confronted with a situation of what to do about that now. The deficiency repayments have been deferred again. We are in 1990, and we are at a point where it is time to pay them back. A lot of farmers have paid them back; in fact, most have done so. I suggest to the Senate, that the question is, Do we make an exception for those identified in this amendment? There are a lot of exceptions that probably could be justified on the basis of need, and there is no doubt, when there is a disaster, the victims are never fully compensated, no matter how generous the disaster assistance program. I wish that when Hurricane Camille hit the gulf coast of Mississippi, there had been enough money in the Federal budget to fully compensate every Mississippi disaster victim that year. There was widespread and deep devastation throughout the State of Mississippi and other States. Other Senators can remember disasters of similar proportions that have hit their States. The Senator from South Carolina today talked about the devastation and the problems and the recover from Hurricane Hugo. We can remember Hurricane David. I have just returned from Ocean Springs, MS, where they are still suffering the effects of Hurricane Helena that came through that small town.

We continue to wrestle with the problem: How do we deal fairly with the citizens of our Nation when they are beset with a natural disaster, whether we are talking about a drought, a tornado that rips through a town in Kansas, a hurricane that devastates the gulf coast, or floods in West Virginia. We have seen a lot of varied disasters, and we continue to deal with them.

One of the first bills that I recall the Senate passing when I came to the Senate was a disaster relief act that was designed to have a standard for relief that would be made available to disaster victims. It bypassed the temptation for the Congress to enact ad hoc disaster assistance bills each time there was a disaster. The notion was that Senators and Congressmen from the affected States would come to the Congress and urge special legislation whenever a disaster would strike.

That was the pattern. That is what happened in Camille; it happened in Hurricane David. As a matter of fact, I think that was the one that sort of ended it all, because the Congress got carried away to the extent it was making loans and then forgiving the loans. The disaster assistance was so generous in some respects that the Members realized they could not continue to afford that kind of disaster assistance benefit program on an ad hoc basis. We needed a standard for disasters—the SBA loan program, emergency food stamps, unemployment insurance benefits, Farmers Home Administration loans at low-interest rates for certain kinds of needs that agriculture producers would have. Many different kinds of benefits are now part of a package that is administered by the Federal Emergency Management Agency. That agency, of course, coordinates the benefits, and every time there is a disaster, they come in and take a look. Governors certify which areas are the hardest hit, and qualify for benefits. We make direct payments of loans, of grants to local governments for bridge repairs, road repairs and so forth. That is a wide range of entitlements under those programs that were enacted.

For example, we do not have such a special disaster benefit package in place. There is a federally subsidized crop insurance program for those who want to take advantage of Government assistance. There are, as I pointed out, Farmers Home Administration loans and other benefits under the regular disaster assistance statute.

But, what this request of the Senate is today is to make an exception to the exception. We would like very much to do that. But why not make a similar exception for the people of Ocean Springs, MS, who suffered disaster consequences? They have not been reimbursed in any special way.

What we are being asked to do now is to anticipate the probabilities that some farmers in the States of North Dakota and maybe others are going to have problems this year because of the continuing drought—in fact, the effect that they will have on this year's crop and in consideration of that continuing need to forgive a repayment requirement from a 1988 disaster.

I am simply trying to explain to the Senate what is at issue here; not whether there is a need, not whether it would be a very generous thing and sensitive thing for the Congress to do to yield to the request of the Senator from North Dakota, but trying to put in perspective what is being asked.

Every effort was made in the writing of the Disaster Act of 1988 to be fair to every disaster victim, and to use the funds that were available to the committee at the time in as sensitive and fair a way as possible to fully compensate victims of weather disaster that year.

Not everybody was happy. There are farmers in my State who feel that they should have gotten more out of that program. There were cutoffs of eligibility. A certain level of disaster loss would have had to occur in each county to be certified as eligible for certain disaster benefits under that act. That is an arbitrary percentage. We even wrote in there that you needed to administer this disaster program on a case-by-case basis. And in spite of these arbitrary cut offers of eligibility every effort would be made to ensure that the maximum benefits could be available to each producer.

In writing the bill we said to the Secretary of Agriculture that these eligibility guidelines and rules, in spite of that being sensitive we authorized him to make some exceptions in trying to achieve fairness. But you reach a point where you would be unfair to the other victims if you made such an exception as that being requested by the Senator in this amendment. Other victims of that disaster, other victims of

future disasters, may see an opportunity to come in and get a little bit more, if your Senator is willing, and just keep asking for deferment of repayments. You may reach a point where the Congress gives in and says, oh, OK, that was good enough for some farmers but not for all.

Mr. President, there is a point at which we have to look at the amendment in a critically analytical way and make a decision as to whether or not it should be included in this supplemental bill.

Mr. CONRAD. Will the Senator yield on that point?

Mr. COCHRAN. I am happy to yield on that.

Mr. CONRAD. Will the Senator acknowledge that the only way anyone gets the benefit of what I am proposing here today is if you suffer a third disaster? In other words, the Senator makes the point that it is somehow unfair to others who also suffered in the 1988 disaster who are not victims of the continuing disaster. Would the Senator acknowledge that the only way you benefit from what I am proposing here today is to suffer a third year of drought disaster?

Mr. COCHRAN. Mr. President, I acknowledge that is the argument of the Senator. I am suggesting that is an argument only, that he is arguing in behalf of a benefit that was made available under the 1988 Disaster Act.

If the argument is being advanced that this is for the crop-year's disaster that has not yet been planted, harvested, sold and for which a deficiency payment or a disaster benefit has not yet been established, then this amendment is certainly not an emergency amendment, not a dire emergency supplemental matter and should not be on this bill.

I think we hear the point loud and clear. We are talking about a benefit that the Senator is claiming is now earned because of a continuing drought in a certain part of this country. That is 1990, the 1990 crop-year. The Senator is asking to be relieved of an obligation to repay a 1988 deficiency payment.

If there is a disaster for which the Congress responds this year with a special disaster assistance package, it should include all of those who are involved in the drought or who are suffering from adverse weather conditions. We should look at the entire agriculture sector to determine whether or not there should be special disaster relief legislation this year.

To come into the Senate when we are considering a supplemental appropriations bill and to add a section to make this narrow eligibility available for some farmers, in this Senator's judgment, is an appropriate way to legislate that entitlement.

Mr. CONRAD. Will the Senator yield?

Mr. COCHRAN. I will have a few more points to make and I will make them. The Senator can continue to argue them in behalf of his amendment. If I have said anything in these few statements the Senator would like to question, I would be happy to yield.

Mr. CONRAD. The Senator would to this extent. What we are seeking to do here today is to address the dire emergency—the Senator questions whether it is a dire emergency. I say to my good friend that we face the payback on July 31. This is probably the last legislative vehicle that we can use to address that.

I say to my friend, once again, that you only get help if you, in fact, have the third year of disaster. It takes a Presidential declaration.

I might add to my friend the letter that came from USDA responded to an earlier version of the amendment that says it works if a government has an application; that only suspends the decision until the President makes a determination. So only if you are faced with a disaster, Presidentially declared, do you get any help under this provision, and the reason——

Mr. COCHRAN. Mr. President, I reclaim my time and I will be glad to continue to debate the amendment. But I have the floor now. I think I will continue my argument, and when I have completed my argument, the Senator can, of course, reclaim the floor and talk as long as he likes.

Mr. President, the amendment also suggests that to get the funds to make these payments to those who would be entitled under this amendment, we should divert funds otherwise available for the administration of the export enhancement program.

The Senator, I think, mentioned $44 million of budget authority that is available for the export enhancement program to fund this special disaster assistance program that is estimated to cost about $30 million between now and the end of this fiscal year.

I hope Senators will notice what that could do to our efforts to protect agricultural markets from unfair competition in the international marketplace. The export enhancement program is one of those programs that has been very successful in offsetting unfair practices such as, the erecting of barriers to trade by competitors, the use of subsidies in international agriculture trade by the European Community and others, which deprive our farmers and our exporters of the opportunity to compete in many markets around the world. That is what the export enhancement program is designed to do, and it has been very effective in achieving that result.

This year we are estimating that agriculture trade is going to bring into the United States over $40 billion. This is a very valuable contribution in the effort to reduce our trade deficit, to maintain our healthy economy, and to keep ourselves moving in the right direction as we try to manage the future of our economy.

I want to suggest that this could have a very serious effect on our continuing ability to maintain the openness of these markets for agriculture producers and exporters. It is not at all certain that this is a fair trade in terms of offsets of one program for benefits to a selected group of producers.

Let me also just raise one question, since I know the Senator from North Dakota is going to respond further to some of the remarks that I have made. In looking at his amendment, there is a question as to whether or not by legislation a special category of beneficiary is created. It has to do with not just being in an area declared to have been affected by a major disaster or emergency by the President, but there is a provision reciting eligibility "in the case of producers on a farm that is located in a country with respect to which the Governor of the affected State has a request pending for such a declaration."

Mr. CONRAD. Will the Senator yield?

Mr. COCHRAN. Let me complete my remarks, and I will let the Senator talk as long as he wants without interruption. I will be happy to yield when I have completed my question. I am raising a question, and I will yield to the Senator for a question.

Mr. CONRAD. I want to inform the Senator that the amendment has been changed to address that concern.

Mr. COCHRAN. Could the Senator send me a copy of the amendment so I will know what is in it?

Mr. CONRAD. If the Senator would like, I will read the language that has been changed to address the concern.

Mr. COCHRAN. I will sit down and let the Senator talk, but I do raise the question about the definition of eligibility in the amendment. The amendment that I was handed by our subcommittee staff and this provision in it, which suggested to me that a special category of beneficiary was being identified in this language which, in my judgment, amounts to legislating a new category of eligibility, which the Agriculture Committee has not passed on. We have not had any meetings to discuss this, and if that is not the effort being made by the Senator, I am sure he will point that out.

I suggest to the Senate that this is a very special suggestion being made by the Senator. I think we should be as generous and sensitive to the problems that he has in his State with his agriculture producers. We want to do that in every State, though, and I want to be sure that the Senate fully understands what we are being asked to do.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Mississippi raises a point that deserves a response. We have attempted to respond by altering the amendment in a way that addresses the concern that he raised.

I just read from the amendment itself:

In the case of producers on a farm that is located in a county with respect to which the Governor of the affected State has a request pending for such a declaration, the refund shall not be required prior to the date the President makes a decision on the request, for that portion of the crop for which a disaster payment is made under section 201.

In other words, Mr. President, the Governor's request would only provide protection until the President decides. I hope that addresses the concern of the Senator from Mississippi.

The Senator also makes the point about the importance of the export enhancement program. No one could agree more. But I point out that last year we had $770 million budgeted and only used $388 million. That is less than half. This year, as I have outlined, there is $525 million that might be used in an authorization of $566 million, so there is $41 million available at least. We are using $44 million in this amendment.

The other point I want to make is that the Department has sent a letter to Senator LUGAR, which may have been distributed to our Senate colleagues, that again addresses a previous version of the amendment. We took note of concerns that were raised by Senators like the good Senator from Mississippi, in order to address legitimate issues that were raised. The letter from the Department indicates that this amendment applies to both lost and produced bushels. It does not. It applies only to lost bushels, crops that were never produced and never got the advantage of the increase in price because they were never produced.

No. 2, I want to make the point to my colleagues that we have altered the part of the amendment that deals with the question of a Governor's declaration of natural disaster. We have eliminated that problem by indicating that the Governor's declaration of disaster and application for a Presidential declaration would only delay repayment until the President has decided the matter. Until the President has acted on the matter, that is the fair way to provide relief. If the President makes a disaster declaration, the amendment provides for the forgiveness of the advanced deficiencies at that point. The administration said there was not going to be sufficient savings from farm programs in 1988 and 1989 to forgive deficiencies. That is the reason we worked to obtain a deferral on the payback. That is the reason we deferred repayment in 1989, to find out if there were sufficient savings or not. In both cases the administration was wrong. There were sufficient savings, more than sufficient savings to provide the additional relief.

So now we are not asking to go back and forgive it for 1988 and 1989 for everybody. We are asking that we address those that have continuing drought this year, a third disaster, a Presidentially declared disaster. It does not seem unreasonable; it does not seem unfair. When California had an earthquake, we responded; when South Carolina had a hurricane, we responded; when much of the Nation had a drought in 1988 and 1989, we responded. Mr. President, my State is faced with drought again. It is not a question of maybe or what the future will hold.

We face a drought now, the driest winter in 100 years, Mr. President, the driest winter in 100 years, and we need help. I do not like standing and asking for help from my colleagues, but I am compelled to do so by the circumstances.

Mr. BURNS. Mr. President, I rise in support of an amendment offered by my colleague, Senator KENT CONRAD of North Dakota. The amendment that Senator CONRAD has crafted is a fair one. It would forgive the advance deficiency payments that producers received on production that was subsequently lost.

Mr. President, no one knows better than I the effects the ongoing drought has had in the Northern Great Plains of this Nation. Montana has been as parched as any of its neighbors. Even as spring brings renewed optimism to the farms and ranches of the Northern Plains, the specter of drought looms on the horizon. There are areas of my State where drought has become an ongoing tragedy.

The amendment offered here would serve to return some equity to an injustice that has been compounded by the drought and the bureaucracy. Producers who signed up for the program received their advance deficiency payments on crops not yet harvested, suffered through a terrible drought that prevented them from harvesting a crop, have now found themselves being asked to repay the advance deficiency payments.

Mr. President, these people have no funds to repay the deficiency payment. The crop that they counted on harvesting and selling to repay the Government payment never came up. They never made a dime on the production that this amendment covers. Money that was spent on seed and feed and other operating expenses was a sunk cost for which there was no return. There simply can't be a repayment.

Mr. President, this is not Government money that is making anyone a fat cat. This is Government money that serves as a needed safety net for our family farms across this country. Let us make it a safety net that works.

I yield the floor.

● Mr. LUGAR. Mr. President, I must oppose this amendment, as does the administration. I do so for several reasons.

First, there is the question of cost. The sponsors of the amendment list its cost at $30.8 million. I wonder how many of my colleagues realize that this budget score is derived from a February 1989 baseline—that is, from projections of crop and weather conditions that are well over a year old?

Now, since the issue at hand deals with fiscal 1990 expenditures, the February 1989 baseline is the right one to use, officially speaking. Let us be fully aware, however, that CBO did not expect many disaster declarations in Northern Plains States in 1990. How could they? How could they have forecast 1990 weather a year ahead of time? That is why this amendment costs only $30.8 million.

USDA, however, has estimated the amendment's cost on a current-conditions basis. The Department believes that costs would run between $125 and $200 million. CBO concurs with at least the lower end of this estimate, depending on exactly which overpayments are affected by the amendment, a subject also in dispute.

My second difficulty with this amendment is that these overpayments have been delayed three times already. First, they were delayed until July 31, 1989. Then they were delayed until December 31, 1989. Finally, on the last night of last fall's Congressional session, they were delayed until July 31, 1990.

I know that some farmers are suffering and would prefer not to pay back the money they owe. But we have, in effect, made them an interest-free loan of this money for over 2 years, since they first received the advance payments in the spring of 1988.

Throughout our discussions of the two disaster assistance acts passed in 1988 and 1989, we consistently spoke of delay, not forgiveness, in unearned advance deficiency payments. We also established the principle that farmers would not receive both deficiency payments and disaster payments as to the same bushel's worth of production.

By forgiving these debts now, however, we will violate both these principles. The payments were to be delayed, not forgiven; now forgiveness is the order of the day. And since farmers received disaster payments for bushels they failed to produce, they were not to be entitled to a deficiency payment on that bushel as well; but now, under this amendment, they are so entitled.

My third objection to the amendment is that it does not require farmers to demonstrate a 1990 crop loss in order to qualify for forgiveness. Instead, all farmers in a county declared a disaster are eligible for forgiveness, whether or not they themselves suffered a loss. Anyone who has farmed knows that one side of a county can be devastated while the opposite end of the county produces good yields. Why is there no needs test in this amendment?

Fourth, I believe this amendment calls into question the whole system of advance deficiency payments. We make these advances at planting time, and they help farmers' cash flow. They have been a useful farm policy tool. But we make them to farmers on the clear understanding that if final payments should be much less than expected, any unearned portion of the advance will be refunded.

If we now set the precedent that advance payments will be forgiven if the political pressure is great enough, I know one Senator who will look very closely at whether the 1990 farm bill should allow advance payments to the same degree as in the past. And to the extent that the Secretary has any discretion whether to offer advance deficiency payments, I suspect that discretion will be very sparingly used.

Barley producers have raised what may be legitimate questions about the calculation of their deficiency payment. It appears to me that USDA has done nothing inconsistent with the 1985 Food Security Act, but there is a plausible case to be made that in the new farm bill, which the Agriculture Committee is working on now, we should either include malting barley prices in setting the barley target price, or, more likely, simply allow producers of malting barley to operate outside the farm program.

Such considerations, however, have nothing to do with past deficiency payment calculations. Farmers knew the rules of the farm program when they signed up, and they made their decisions accordingly. I see no reason to change the rules retroactively.

On November 21, 1989, the Senator from North Dakota and I entered into a colloquy on the Senate floor on these issues. During the course of an amendment which the Senator then offered, I pointed out some concerns I had with further delay in advance deficiency payment refunds. The Senator said, and I quote, "With respect to the deferral of payments authorized by this amendment, I will not seek further delay in repayment except in extraordinary circumstances. Specifically, I will not seek such a delay except for producers suffering crop losses of 35 percent or more in the 1990 crop year."

Now, the Senator's statements at that time referred to further delays in repayment, not outright forgiveness. However, in his statement upon introduction of his amendment, the Senator stated, and I quote again, "Barley producers are not asking that advance deficiency payments on their short crop be forgiven, only that repayment be delayed until July 31, 1990."

As I have previously said, the amendment before the Senate today would not require producers to suffer a crop loss of 35 percent or more before qualifying for forgiveness. Instead, the test would be whether the producer happened to reside in a county for which a disaster declaration has been made or requested.

The real question in my mind, though, is not whether today's amendment is consistent with the understanding we had last fall. Whether it is or not, I still regard it as a bad precedent, for the reasons I have stated. We have passed two very generous disaster bills in a row, and the 1989 bill has so far overrun its budget by $500 million. The time has come for a more rational and restrained approach to these problems, and we can begin by rejecting this amendment.●

Mr. DOLE. Mr. President, the amendment to the emergency supplemental which was proposed by the Senator from North Dakota recognizes the continuing effects of the drought that has plagued parts of this country since 1988. I recognize the disastrous consequences this drought has dealt to farmers' incomes in these areas, and in no way discount what the rural communities have endured.

My home State of Kansas suffered, too, from the drought years of 1988 and 1989. Kansas wheat farmers felt the blow as their 1989 winter wheat harvest fell by 152 million bushels from 1987 levels. That is a 42-percent decline in production. I introduced legislation last year to provide disaster assistance for those farmers and for all producers of this country who were adversely affected by the drought. Certain Senators held up the passage of that important relief package until they knew if a disaster was going to occur in their State.

The 1988 Disaster Assistance Act foresaw the need for repayment, but in recognizing the depleted cash-flow of producers delayed them until July 31, 1989. Since then, Congress has further delayed the repayment on several occasions. Today, some advance payments have been repaid, while others are due on July 31, 1990.

The Senator from North Dakota has proposed an amendment which targets a specific geographical location which continues to experience continued drought. The amendment does not recognize the fact that some advance payments have already been repaid. Nor does the amendment reflect a fundamental principle of the 1988 and 1989 Disaster Acts: that farmers were not to receive both a disaster payment and a deficiency payment on the same bushel's worth of production.

A very important issue which this amendment ignores is equity. Farmers would not benefit from the amendment unless they lived in a county declared a disaster area for 1990. In such counties, farmers would not have to prove an individual 1990 crop loss. Therefore, some farmers who had a 1988 disaster would not be eligible for forgiveness, whereas some farmers who did not have a 1988 disaster would be eligible. Also, what about those producers who complied with the law and have repaid their advance payments? Are we to reissue those payments? This amendment sets the stage for a nightmare of paperwork and outcry from producers who have already recognized the intent of the law.

In order to offset the cost of this amendment, the Senator from North Dakota has proposed to cut the Export Enhancement Program [EEP] and redirect those funds. This would undercut one of the most successful trade packages in the 1985 farm bill. EEP has been a major workhorse in combating foreign trade barriers and keeping foreign markets open for our agricultural commodities. USDA believes that this proposed cut in EEP to pay for deficiency payment forgiveness might seriously endanger export sales under EEP, since the program was cut to $566 million in last year's budget reconciliation bill.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOSTAGE RELEASE

Mr. DOLE. Mr. President, I indicate my thanks to all those who have been involved in the release of yet another hostage that has just been announced, Frank Herbert Reed, and say thank you for all of us and for all Americans and, more particularly, for members of Mr. Reed's 91-year-old mother and his family.

Again, it could be an indication of improving relations with some of the countries who are holding the hostages, whether it be Iran, groups controlled by Iran, or hostages being held in Lebanon.

I particularly thank President Asad and those Syrian officials who have been cooperative and helpful in hostage release of Mr. Polhill and now the release of Mr. Reed.

In my view, the leaders of those countries should understand that we are grateful and that we do consider this to be a humanitarian thing to do. But we will not be satisfied until all American hostages and all other hostages are released. We are opposed to terrorism in any form and will not condone terrorism in any form.

I do know that some of the leaders in that part of the world are frustrated sometimes by what we do in the Congress and by the resolutions we pass that are quite sensitive in that part of the world. I hope that we do not pass any resolutions here in the next few days. Let us give everything a chance to work. The bottom line is let us do all we can to free all the hostages, including, of course, the Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. DIXON. Mr. President, I announce that I am prepared to go forward with the amendment that is listed in the series of amendments to be debated this afternoon with the rollcall stacked, I think, at 7 o'clock this evening. This is an amendment by this Senator in his capacity as chairman of the Subcommittee on Readiness, Sustainability and Support of the Armed Services Committee which has, as my colleagues know, jurisdiction of military construction in this country and all over the world.

The amendment is cosponsored by Senator SAM NUNN, the chairman of the committee, and I would simply not want to proceed further without my distinguished colleagues, the senior and junior Senators from Idaho, being here because it affects their State and one of their constituents.

But I am here to put them on notice that I am here prepared to go ahead. We are the next amendment in line and we are on the Dixon-Nunn amendment.

While I am waiting, I might take this opportunity, Mr. President, to clarify my position well in advance, particularly because I see my distinguished friend, the chairman of the Appropriations Committee, on the floor. I want to make it clear in the fullest sense that I do this in my capacity as a Senator and in my capacity as the chairman of the jurisdictional subcommittee.

I hope everybody understands I have absolutely no quarrel with my warm friends who represent the State involved, who are doing their work as they see it for their constituents. This is not my idea in the first instance. May I make that clear, Mr. President, that I am acting in my capacity as a Senator and in my capacity as a Senator who has the responsibility of chairing a major subcommittee of the Armed Services Committee that has about a third or better of the military budget, a good deal of which is military construction.

The matter involved here is one in which the Air Force takes strong exception to what occurred when the supplemental was marked up in committee. They have come to me. I think discussions have taken place between the Senators who represent the State involved and the Air Force as recently as this morning. I had said from the beginning I would not go forward unless the Air Force wanted me to. I am informed they still want me to.

I do hope that everybody understands here that I am an instrument of my own committee, the subcommittee I chair, and the Senate. I do not pass in any way personally upon any of this nor do I have a personal quarrel with anybody here. I am doing my job as a Senator, and I sure hope, as this thing unfolds, nobody thinks otherwise, because sometimes some of these things are not as much fun as other things around here.

Having said that, I see that my colleague is here, and if he is ready, I am ready.

Mr. President, if I may make inquiry of the Chair. I do see my colleague, the senior Senator from Idaho, here. My understanding is that there is a 2-hour time limit, evenly divided; is that correct.

The PRESIDING OFFICER. There are no formal time limitations on amendments.

Mr. DIXON. I thank the Chair. The chances are it will take a good deal less time without a time limit to do this.

AMENDMENT NO. 1549

Mr. DIXON. At this time I believe the desk has my amendment. Perhaps that is the best way to start. I ask that the amendment be read.

The PRESIDING OFFICER. Unanimous consent is needed to seek to set aside the pending Conrad amendment.

Mr. DIXON. I ask that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself and Mr. NUNN, proposes an amendment numbered 1549.

At the appropriate point in the bill, insert the following:

"Notwithstanding any other provision of this Act, the language in this Act restricting obligation or expenditure of funds appropriate in fiscal year 1990 for Air Force Operation and Maintenance pending settlement of the dispute regarding Contract Numbered F29650-82-C-0201 is hereby nullified."

Mr. DIXON. Mr. President, I thank the clerk.

Mr. President, the reason we have this language in here nullifying a provision of this supplemental appropriation bill is that the committee amendment containing this feature of the supplemental has been adopted and this provision is part of the bill.

This supplemental appropriation, like all supplementals, has as great deal in it. I do not know how many Senators have gone to the trouble of looking at the list, but there is a long list in this supplemental. It is not just, as we know, Panama and Nicaragua; it is a whole lot of other things.

One of the provisions in this bill, Mr. President, is a provision which fences some money. It precludes the Air Force from expending $29 million in the O&M account, the operations and maintenance account, until not less than $7 million is paid to Shipco General, Inc., a construction company in Idaho, to settle a claim.

In other words, the Air Force is now being in a position of not being able to expend $29 million until they pay $7 million to a contracting company, Shipco General, Inc.

The Secretary of the Air Force has written me a letter. Because, Mr. President, when they called me and asked me to take exception to this on the floor, I said, you know, "Frankly, I do not have a dog in this fight. I do not have any particular desire to go out and quarrel with my colleagues about a matter that, quite candidly, could be rather personal to them involving something in their State."

As a general matter, Mr. President, it would not be the practice of this Senator under these circumstances to come to the floor. I am just not interested in coming out here and causing grief to my colleagues. That is the kind of a hairpin I am and the way I have operated for a long time in public service. But I also take my responsibilities seriously. We ought not to be in this place if we do not.

The Secretary of the Air Force—not he personally, but when his office contacted me, I said, "Look, if you want to send me a letter from the Secretary of the Air Force telling me your problems and saying what you want to do, that is my job and I will do it."

Well, every Senator, in accordance with the Senate rules, has on his desk a "Dear Colleague" letter from me as chairman of the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services. I point out, Mr. President, I acted after

clearing it through my chairman, the chairman of the Armed Services Committee, Senator NUNN, and after conferring with him. So he has full knowledge of everything and his imprimatur is on this amendment. He is a cosponsor of it.

Here is what I say:

Dear COLLEAGUE: H.R. 4404, the FY1990 Supplemental Appropriations Bill, contains a provision which would preclude the Air Force from spending certain operation and maintenance funds until not less than $7 million is paid to Shipco General, Inc., a construction company, to settle a contract claim, notwithstanding the pendency of a lawsuit concerning this claim.

The attached letter from Secretary of the Air Force Donald B. Rice strongly opposes this inappropriate interference with the ongoing litigation of this contract dispute.

Senator Nunn and I will offer an amendment to nullify this provision in this bill.

And that is what I have done.

My dear friend and distinguished colleague will present his side of this. But let me present the Air Force's side and then I think the 100 Senators here, using the exercise of their own sound judgment, I am sure, can make their decision about what ought to be done.

As I said, this bill has in it a provision that fences $29 million in the Air Force's O&M account which says you cannot do anything with this unless you pay $7 million to Shipco General, Inc., a construction company. The Secretary of the Air Force has sent me a letter objecting to that. My amendment would take that out and leave this in the courts.

Here is the story as told to me by the Air Force. May I say I do not know anything about these facts. I do not know Shipco. I do not know about this case. What I know is given me by the Air Force and I am here to present the Air Force point of view. Here is what the Air Force says:

Shipco, an Idaho construction company, received a $3.5 million contract to rehabilitate 155 housing units at Kirtland Air Force Base in New Mexico during 1982-1983. So they got a contract from the Air Force to rehabilitate 155 housing units for $3.5 million in Kirtland. The Air Force terminated Shipco for failure to make progress and Shipco's surety completed the work. The Air Force paid Shipco and its surety $4.5 million, which includes Shipco cost claims for extra work and the surety's higher cost to complete the work.

So a lot of this sounds familiar. Here is a $3.5 million contract. Already $4.5 million at that point, I am sure, had been spent. The Air Force stopped the work. The Air Force got surety to complete it. The Air Force paid $4.5 million for surety to complete the work.

Shipco filed a claim for $35 million, 10 times the amount of the contract. The claim for some reason I do not understand was subsequently reduced to $14 million.

After determining that the matter should be treated as a termination for convenience, rather than a default, the Armed Services Board of Contract Appeals—there is an Armed Services Board of Contract Appeals that heard this—ruled that approximately $12 million of the costs were unallowable because they involved consequential damages. That portion of the ruling is now under appeal to the U.S. Circuit Court of Appeals.

All that part of this has been litigated in the administrative agency that has jurisdiction, the Armed Forces Board of Contract Appeals, and it is up on appeal.

Last September, this same board directed the parties to negotiate two issues. One, the amount of profit on the work Shipco performed; and two, excess surety costs which the Air Force was trying to recover back. The provision in this bill seeks to guarantee that Shipco receives at least $7 million, which is twice the value of the contract.

Here we have a contract that was for $3.5 million for 155 rehabs that the Air Force has already paid $4.5 million on, where there is litigation and there has been a hearing and it is up on appeal. And now under this bill, if this supplemental remains intact and passes, they would get another $7 million. So we would have spent, in effect, for 155 housing rehabs in New Mexico, if my addition serves me, $11.5 million for a $3.5 million deal.

Here is what the Secretary of the Air Force says to me in an April 26 letter, which I am going to put in the RECORD in a second.

Dear SENATOR DIXON: The Senate supplemental appropriations bill contains a provision (Section 207) which restricts the obligation and expenditure of $29,000,000 of Air Force Operation and Maintenance funds. The Air Force is strongly opposed to this provision.

Section 207 states:

Of the bill before us, the supplemental—

Of the amount appropriated in FY 1990 for Air Force Operation and Maintenance, $29,000,000 shall not be obligated or expended until not less than $7,000,000 is expended as settlement for the pending dispute regarding Contract No. —.

Then naming it, which is in the amendment.

This is the Secretary of the Air Force, Don Rice, part of this administration, saying to me this. I will go on and quote directly.

The referenced contract was a $3.5 million contract for the renovation of military family housing at Kirtland AFB, New Mexico. The Air Force terminated this contract for default for failure to make progress, and Shipco's surety completed the work. The Air Force paid Shipco and its surety approximately $4.5 million which includes Shipco's claims for extra work and the surety's higher costs to complete the work. Pursuant to the disputes procedure in the contract as required by the Contract Disputes Act of 1978, Shipco appealed the termination to the Armed Services Board of Contract Appeals (ASBCA) and successfully persuaded the ASBCA to convert the termination into a termination for convenience.

Shipco initially submitted a termination for convenience claim of $35 million but later reduced the amount to $14 million. Although the Air Force settled and paid Shipco part of its claim, the Air Force refused to pay an amount for consequential damages claimed by Shipco in the amount of $12 million since these kinds of damages are not allowed under the standard termination for convenience clause. Shipco appealed to the ASBCA which upheld the Air Force position. The only remaining issue concerning Shipco's termination claim is the amount of profit, if any, Shipco made on the work it performed. Shipco has claimed a profit of approximately $550,000 whereas the Air Force believes that Shipco would not have made any profit. The ASBCA returned the profit issue to the parties for negotiation. In January 1990, Shipco appealed that part of the ASBCA decision concerning consequential damages to the Court of Appeals for the Federal Circuit (CAFC) where the case is still pending.

So it is in the appeals court. The litigation is up on appeal.

The Air Force is strongly opposed to Section 207 for several reasons. First, the case is before the appropriate forums for resolution. Section 207 constitutes an interference with the contract disputes process established by Congress in the Contract Disputes Act of 1978 and will undoubtedly encourage other contractors to seek a similar course of action.

Second, the figure of $7 million is clearly directed to recovery of consequential damages which are not allowable. The ASBCA decision in this regard is based on long-established precedent and is consistent with decisions of the U.S. Claims Court and the U.S. Court of Claims (now the CAFC). Shipco has admitted in its legal papers before the ASBCA and the CAFC that there is no precedent for its position.

I do not say that. That is what the Secretary of the Air Force says. So far as I know, it is true, but I do not know.

Third, even if the Air Force could otherwise negotiate concerning consequential damages, there is no apparent support, such as a detailed audit, for the $7 million "floor" or the $29 million for that matter. Shipco's figures have fluctuated widely over time; despite having earlier reduced its claim from $35 million to $14 million, Shipco just two months ago notified the contracting officer that its damages at Kirtland AFB were $31 million. Congress should be especially wary of legislating any specific dollar figure in light of these circumstances. We must also not lose sight of the fact that these figures pertain to a $3.5 million contract.

We hope this information is helpful and would ask your assistance in opposing Section 207.

DONALD B. RICE.

Mr. President, I ask unanimous consent that this statement from the Secretary of the Air Force in the form of this letter of April 26 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE AIR FORCE,
Washington, April 26, 1990.

HON. ALAN J. DIXON,
Chairman, Subcommittee on Sustainability, Readiness and Support, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR DIXON: The Senate supplemental appropriations bill contains a provision (Section 207) which restricts the obligation and expenditure of $29,000,000 of Air Force Operation and Maintenance funds. The Air Force is strongly opposed to this provision.

Section 207 states:

Of the amount appropriated in FY 1990 for Air Force Operation and Maintenance, $29,000,000 shall not be obligated or expended until not less than $7,000,000 is expended as settlement for the pending dispute regarding Contract No. F29650-82-C-0201.

The referenced contract was a $3.5 million contract for the renovation of military family housing at Kirtland AFB, New Mexico. The Air Force terminated this contract for default for failure to make progress, and Shipco's surety completed the work. The Air Force paid Shipco and its surety approximately $4.5 million which includes Shipco's claims for extra work and the surety's higher costs to complete the work. Pursuant to the disputes procedure in the contract as required by the Contract Disputes Act of 1978, Shipco appealed the termination to the Armed Services Board of Contract Appeals (ASBCA) and successfully persuaded the ASBCA to convert the termination into a termination for convenience.

Shipco initially submitted a termination for convenience claim of $35 million but later reduced the amount to $14 million. Although the Air Force settled and paid Shipco part of its claim, the Air Force refused to pay an amount for consequential damages claimed by Shipco in the amount of $12 miillion since these kinds of damages are not allowed under the standard termination for convenience clause. Shipco appealed to the ASBCA which upheld the Air Force position. The only remaining issue concerning Shipco's termination claim is the amount of profit, if any, Shipco made on the work it performed. Shipco has claimed a profit of approximately $550,000 whereas the Air Force believes that Shipco would not have made a profit. The ASBCA returned the profit issue to the parties for negotiation. In January 1990, Shipco appealed that part of the ASBCA decision concerning consequential damages to the Court of Appeals for the Federal Circuit for Federal Circuit (CAFC) where the case is still pending.

The Air Force is strongly opposed to Section 207 for several reasons. First, the case is before the appropriate forums for resolution. Section 207 constitutes an interference with the contract disputes process established by Congress in the Contract Disputes Act of 1978 and will undoubtedly encourage other contractors to seek a similar course of action.

Second, the figure of $7 million is clearly directed to recovery of consequential damages which are not allowable. The ASBCA decision in this regard is based on long-established precedent and is consistent with decisions of the U.S. Claims Court and the U.S. Court of Claims (now the CAFC). Shipco has admitted in its legal papers before the ASBCA and the CAFC that there is no precedent for its position.

Third, even if the Air Force could otherwise negotiate concerning consequential damages, there is no apparent support, such as a detailed audit, for the $7 million "floor" or the $29 million for that matter. Shipco's figures have fluctuated widely over time; despite having earlier reduced its claim from $35 million to $14 million, Shipco just two months ago notified the contracting officer that its damages at Kirtland AFB were $31 million. Congress should be especially wary of legislating any specific dollar figure in light of these circumstances. We must also not lose sight of the fact that these figures pertain to a $3.5 million contract.

We hope this information is helpful and would ask your assistance in opposing Section 207.

DONALD B. RICE.

Mr. DIXON. I say this again without knowing it. This is in my notes. My friend from Idaho may want to dispute it.

The Air Force, in the arguments given me, claims that the two Senators, or someone, has—they say the two Senators from Idaho have introduced a private relief bill that has been referred to the Judiciary Committee, to pay $14 million to Shipco for this $3.5 million. That private bill is accompanied by a Senate resolution referring the private bill to the claims court for a review.

They go on. I am not going to burden the Senate unnecessarily. But should that be true, and I presume it is true but I yield and I would believe anything my friend from Idaho would say in that regard, I assure my colleagues. I am reading from the papers given me.

But it would appear we have here, in an oversimplification, what began as a simple $3.5 million contract for a rehab in New Mexico by an Idaho contractor, in which—and I do not know the facts—there was a dispute about the work being done, and the contract was terminated.

It was completed, I take it, by someone else under the surety bond. The Government paid $4.5 million already. A hearing has been had by the jurisdictional administrative agency. That is on appeal to the court of appeals, and I presume will ultimately be disposed of.

I am told, if this is true, that there is also a special bill, and I suppose all of us at one time or another have introduced one. I think I have introduced one in the 9 years I have been here. I hope I do not have to do more than another one for the next 9; one every 9 or 10 years would be plenty.

But, as I would do in certain situations, and I have no criticisms of this, my friends apparently had a special bill here sent to the Judiciary, and that will ultimately be resolved.

On most of those not much is done, but sometimes I guess some are disposed of adequately. But there are all kinds of other things floating around about this. I simply press the case for the Air Force, which is asking me to do this, that if we go ahead and permit this to stay in the supplemental, so far we will have paid $11.5 million on a $3.5 million contract, which I do not think is very wise. It may be the Air Force in the end is going to pay more if they lose this lawsuit. That is their problem. They did not come asking me to get them a good result, obviously only to see it does not happen on this bill. That is the position of this Senator on the jurisdictional authorizing committee.

Beyond any closing comments I might have, I expect this is all I want to say on the subject. But I ask my colleagues to consider whether we are going to start doing this, because I think it is a precedent that may come to some grief in time. I yield the floor.

Mr. McCLURE. Mr. President, I, of course, rise in strenuous opposition to the amendment of the Senator from Illinois. It will help perhaps if we sketch a little of the background of why we are, first, in the procedural sense and, second, on the substance of the amendment and of the claim.

First, in the procedural sense, there was no effort by the Senator from Illinois or anyone else to oppose the committee amendment when the committee amendment was before the Senate and the committee amendment was adopted without objection. Since that time, apparently the Air Force has contacted—apparently, and I do not mean to misquote the flow of events; I do not know what they were, so I say apparently—apparently since the Senate approved the committee amendment, the Air Force has asked the Senator from Illinois to undo that action by an amendment that is not an amendment to the committee amendment, but says, "Notwithstanding any other provision of law"—another way of getting around the committee amendment, even though the committee amendment has been adopted.

Now, with respect to some of the process background—and I do not mean to belabor this subject too much, but I do want the Senate to understand why we are here. It is not exactly as the Air Force would have you believe.

Mr. President, during full committee markup of the supplemental, I offered an amendment which was unanimously adopted and is part of the bill under consideration today. I rise to explain why I offered this amendment so my colleagues will better understand the history of this dispute with the Air Force.

Mr. President, I think we all agree that the Government should be responsible for damage it inflicts as a result of a wrongful act. In a nutshell, that is what this amendment is designed to address. In this instance, the Air Force made a unilateral, arbitrary decision to terminate a contract for default. I want you to remember that. They took the action claiming there

was a default on the part of Shipco. Some 3 years later and after thousands of dollars expended by the affected small contractor, the Armed Services Board of Contract Appeals held that the contract was terminated, not for default, as the Air Force had claimed, but for the convenience of the Air Force. It was after 3 years of litigation that that determination was made. Since that time, I have been working with this small contractor to return him to the position he was in prior to the Air Force's unjustified action.

Mr. President, least anybody have any doubt about it, I never heard about Shipco. I did not know any of the persons involved until this matter was called to my attention following the reversal of the Government's actions by the Armed Services Board of Contract Appeals.

Mr. President, I have met with the most arrogant, foot-dragging bureaucratic resistance I have experienced while serving as an elected official, and I have been in elective office of one kind or another for 40 years. It is only as a result of this resistance that I felt compelled to deal with this problem in this fashion.

For the benefit of my colleagues, let me give a brief history of this dispute to demonstrate the need for the amendment. Prior to the award of this construction contract at Kirtland Air Force Base, NM, Shipco General, Inc., had previously performed numerous Government construction contracts for the Department of the Air Force at such places as Grand Forks Air Force Base, ND, Travis Air Force Base, CA, Mountain Home Air Force Base, ID, and elsewhere. Shipco had completed all of its prior Federal Government construction contracts on schedule and to the complete satisfaction of the Federal Government authorities. It is important to recognize that in the past all of their contracts have been happy. The Government was happy. The contractor was happy.

But something happened at Kirtland Air Force Base. Shipco was awarded the Kirtland Air Force Base contract in October 1982 for the construction of repairs and renovations of 155 onbase houses. Shipco commenced construction promptly and initially was making satisfactory progress on the contract.

I want to refer again to that happy prior experience with the Air Force because, anticipating nothing different in this case, in this case Shipco commenced construction. Based upon all their experience in the past, they went ahead and bought a lot of the materials. They had no reason not to. Their experience had told them that they were going to get along fine on this contract, too.

They stored numerous expensive materials at the job site and processed the payment request in accordance with Government regulations. The Kirtland Air Force Base contracting authorities refused to make initial payments to Shipco. Because of the failure of the Air Force contracting authorities to process payment for Shipco at the beginning of the job, Shipco became cash negative in excess of $500,000 within the first 3½ months. Shipco did not have and did not need an extensive line of credit prior to its work at Kirtland Air Force Base. Because of the large cash negative problem created by the Air Force, Shipco applied for and received its first extensive line of credit from a bank in Idaho. The bank was secured by proceeds from the Kirtland contract.

Shipco had to employ an attorney, who, in turn, made written demands and threatened litigation in order for Shipco to receive its first progress payments at Kirtland Air Foce Base. Although the attorney was able to get progress payments commenced, Shipco remained cash negative throughout the job and was never able to retire the line of credit with the Idaho bank.

The contractor did not create that situation. The Government created that situation. Shipco had difficulty in getting the Air Force authorities to accept the work that was performed by Shipco. The Air Force inspector at Kirtland subjected Shipco to a rigorous standard of inspection that exceeded the standards set out in the contract documents. Materials that Shipco was required to use on its contract under the terms of the contract specifications were rejected by the inspection personnel because they were "unsatisfactory" and Shipco was required to replace these materials with a higher quality product not specified in the contract. This was not required by the contract; it was required by Government personnel.

Shipco personnel visited the housing units constructed by the other contractor, which contained the identical specified materials as the Shipco contract and found that these materials were acceptable to the inspection authorities when they were installed by the other contractor but the materials had not been acceptable to the Air Force when installed by Shipco.

The Air Force amended Shipco's contract—they did not ask Shipco. They amended the contract to make a daily delivery of two completed housing units acceptable to the Air Force.

That was a demand for a change in the contract and they told Shipco you take this change or we will not make your progress payments. They now try to say that was voluntary. Let me ask you how voluntary it is when a small contractor with a gun at its head will say, I will try to get along with you.

The Air Force now says that was your fault, you did not have to do that, you are bound by it. Shipco protested this amendment to the contract but they were compelled to accept it. After Shipco's contract was amended to require Government acceptance of two completed buildings per day, that is a new provision in the contract, not in the contract at all before this, Shipco continued to make progress under the contract.

Shipco was ahead of its overall contract progress. Even after they got the two buildings per day requirement forced on Shipco, the Air Force refused to accept the two units per day. They threatened Shipco with termination of its contract and the Air Force could not accept two buildings per day.

Shipco met with representatives from the Air Force and explained that the Government acceptance of two buildings per day was only being prevented by the unreasonably high inspection standards of the Air Force inspection personnel not required by the contract. The Air Force would not accept this as a just justification.

On October 27, 1983, now almost 7 years ago, the Air Force terminated Shipco's contract for an alleged default even though Shipco was ahead of the overall progress schedule at the time. They were ahead of schedule under the contract. The Air Force terminated them for default. The termination was based upon the failure of the Air Force to accept two buildings per day from Shipco.

At the time Shipco's contract was terminated—get this, because it will tell you something about how they were operating at the time at Kirtland Air Force base with respect to this contractor—the contracting authorities had the base security police armed with M-16 rifles go to the job site and at gunpoint force a lockup of the job, abandonment of the jobsite, and the physical departure from the base of all construction personnel.

When one plumber protested this action, he was arrested by the security police.

Shipco was unable to perform an inventory of materials and progress to the time of termination because they were thrown off the base by the security personnel. The job was simply abandoned in the condition that it existed at the moment the security police arrived.

Shipco and its attorney attempted to get the termination set aside through negotiations with the contracting authorities but was unable to persuade them to reinstate the contract. At the time of termination the Air Force was withholding retainage from Shipco. The Air Force was refusing to pay for any Shipco claims for an equitable adjustment, increasing Shipco's contract by the cost of the overinspection, and the Air Force refused to pay the final fine progress payments to Shipco.

Because the Air Force alleged that Shipco had defaulted in their contract, Shipco's subcontractors made claims against Shipco for breach of the subcontracts. Of course they were unable to pay the subcontractors their final progress payments because the Air Force had not paid Shipco the final progress payments. Shipco was unable to retire the bank line of credit and Shipco was unable to pay its suppliers and employees because the job which has previously been in a cash negative position had now been terminated with a large unpaid outstanding payable from the Air Force which would not be paid.

Shipco appealed the termination of the contract to the Armed Services Board of Contract Appeals, claiming that the termination was not, in fact, for default but for the convenience of the Government.

I want you to remember that. They appealed on the basis that the termination was not, in fact, for default, but it was for the convenience of the Government. The Government did not want them there, the Government decided to get them out of there, the Government got them out of there, but it was not the fault of Shipco.

Shipco's bonding company, with Shipco's approval, completed the construction of the project, but, of course, was forced to hire new job site management, go through a learning and startup curve, replacing construction materials which had been vandalized or lost due to the weather, when the jobsite had been abandoned at gunpoint by Shipco, and was required to perform an increased scope of the work because of Air Force demands for added work items.

That is something the Air Force did not tell Senator DIXON. The part of the reason that it cost more to get the contract was they added work items to the construction completion.

I am going to recite here something, not because this was an experience that Shipco alleged happened to them, but it tells you something of what was happening at Kirtland Air Force Base in that period of time now nearly 7 years ago.

The project manager hired by the bonding company—this is not Shipco. This is the company that comes in after Shipco had been kicked off the job. This project manager testified at the trial of the Shipco case before the Armed Services Board of Contract Appeals, and in that testimony he described an incident in which an inspector who had previously performed inspector's wife's illness. The inspector pointed out a dishwasher that was being installed on the project and told the project manager that his wife could be much benefited by having a dishwasher to relieve her of the difficulties she experienced when trying to wash dishes in her ill condition.

The inspector went on to tell the project manager that inspections would be a lot easier if the inspector did not have the problem of worrying about his wife's dishwashing problems.

Mr. President, I am not telling you this story because it was Shipco's experience, but I am telling you that story because it is so consistent with the kinds of problems Shipco was having before they were kicked off the job.

The project manager refused to install a dishwasher at this invitation and inspections became more difficult for the bonding company thereafter.

Mr. President, that is a pattern of the conduct that Shipco had been seeing before this, although they did not allege any of this shakedown attempt themselves. But, the shakedown attempt did occur to the contractor that took Shipco's place in the completion of the project.

But that is not the basis upon which the Board of Contract Appeals made their decision, nor was it what Shipco asked them to make the determination on. Shipco's appeal was decided on the question of entitlement, which converted the termination from default into a termination for the convenience of the Government. There is a very, very important and significant difference between those two.

Shipco also was awarded entitlement to extra money for the higher inspection standards. Because of the termination being for the convenience—and remember this—that was not decided until 3 years after the termination of the contract, and after expenses of litigation, before finally the Government was told you could not do it the way you tried to do it. You said it was his fault and it was not his fault, it was for the convenience of the Government. Because it was for convenience of Government and not for default, Shipco was entitled to be paid for its costs incurred, impacts, interest, settlement costs, and so on, together with extra compensation for the elevated inspection standards.

The Air Force repaid the bonding company its impacts, and has paid Shipco a small fraction of the moneys owed to Shipco, but has otherwise refued to pay Shipco anything; anything, nearly 7 years after they are thrown off the job.

Because of the Air Force's refusal to pay Shipco in full, Shipco's creditors having been unpaid, there are numerous suppliers, subcontractors, banks, former employees, and trade auditors in New Mexico, Idaho, Utah, California, and elsewhere who have not been paid by Shipco and cannot be paid by Shipco until the damages are paid to Shipco by the Air Force.

The principals of Shipco have had numerous lawsuits filed against them personally because they personally guaranteed many of the trade accounts. Real estate properties, including the home of the president of Shipco have been foreclosed upon. A family trust has had to take out bankruptcy because of the creditors that assert claims arising out of the Kirtland Air Force Base contract.

Shipco has lost its creditworthiness, lost all of its banking lines of credit, lost its bonding capacity, lost its equipment, and lost its ability to continue as a viable business entity, not because of their fault, but because of the action of the Government.

Shipco's only solution to reestablishing itself and paying off the numerous unpaid creditors, restoring its bank lines of credit, and attempting to reobtain a bonding line so as to continue in business, is through the Air Force payment of Shipco's claims from Kirtland Air Force Base.

Until that happens, Shipco will remain a financial black hole. Mr. President, I believe there is a real miscarriage of justice which can be corrected by the Air Force. I am very concerned that the Air Force is unwilling to deal with this problem in good faith, and that is why I feel so strongly about this matter and have been willing to push it to this point.

Mr. President, there is a little bit more history and background to where we are here today. Last year I offered report language which has accepted by the DOD conference committee. The language fenced $29 million of Air Force operation and maintenance funds until a settlement was reached on this matter.

I received a letter from Under Secretary Anne Foreman saying that the Air Force would negotiate in good faith to resolve this matter. Remember, Mr. President, that this has occurred nearly 7 years after the termination of the contract, nearly 4 years since the board of contract appeals reversed the contention of the Air Force and said, "You cannot terminate that contract for default; there was no default." There must be a contract termination on the basis on the convenience of the Government. And we finally put the language into a report on an appropriation bill saying to the Air Force, "Settle this contract dispute."

The response was, "Hey, we do not owe them anything, but, yes, we will negotiate." Well, what happened? The Air Force has failied to even respond to the Shipco request to negotiate. That was only last fall, 6 months ago. So perhaps 6 months does not sound like a very long time, but to me, Mr. President, that is hardly good faith.

I believe the Government, in this case the Air Force, should be more responsive to men and women of this country. I do not believe that this amendment is a perfect solution of the problem. However, until the Air Force

demonstrates a willingness to act in good faith and respond to a small contractor who has been wronged by Government action, I am left with no alternative.

Senator DIXON informed the Senate last week he intended to contest this because he had been contacted by the Air Force and directed by them to raise this issue. We have met with the Secretary of the Air Force for over an hour this morning, trying to find out why it was they object.

After all is said and done, about all I can really figure out is the Air Force said we are not going to pay. We do not have to pay. We do not care what you say, we are not going to pay.

That is exactly the treatment Shipco has been getting for several years now. It is suggested by my colleague that there is a bill for personal relief pending in the Judiciary Committee. That is true; there is a bill for personal relief.

When I ran into this problem with the Air Force last year, and after we put this report language in the appropriations bill last year, and after the Air Force said, we do not think you are doing this right, we should not have to negotiate, they said, in effect, why do you not introduce a bill for personal relief and settle it that way. So I introduce that bill.

What was the response of the Air Force? I introduced the bill in the Judiciary Committee in March 1989. The Air Force was requested by the Judiciary Committee to comment on the bill and failed to do so. I almost said refused. They stonewalled. They did not do anything. The Judiciary Committee came back again and asked, "Can we receive your comments on this bill for personal relief?" That was 6 weeks ago, and the Judiciary Committee, to the best of my knowledge, has not yet received a reply to the request for comments on legislation.

Mr. President, I recite that because it has been recited by the Senator from Illinois, and because I think the Senate is entitled to understand that I believe that that is a part of the pattern that we have experienced. I do not know what else we can do when the Air Force says, "We do not intend to pay; we do not think we owe it. We are not going to pay any attention to the language in the Appropriations Committee report, because we do not think we have the authority to negotiate a settlement where we do not think we owe anything," when they then object to the language we try to draw to bring about a bill for personal relief.

There is, it seems to me, a fundamental question of fairness which needs to be addressed here. It is not what the amount of the original contract was; it is not how much as been paid for the housing; it is not how much the Government has already paid; it is what has happened to one individual contractor in this country, a small outfit that dared do business with the Government. And when the Government decided in one case, after years of happy relationships in all other cases, that they were going to get this fellow off of the job, they drove him off the job, and they refused then, and refuse now, to pay. They said we are going to kick you out for default.

Even the Armed Services Board of Contract Appeals said, "You cannot get away with that." They refuse to even adjust it, as though it had been a contract termination for convenience of Government in the first instance. If they had treated it as a contract for cancellation of the contract for convenience of Government, all of these other events would not have transpired. It is clearly a case where the Air Force was wrong. They have been found to be wrong, and they refuse to make whole the person that was hurt.

Regarding the amount of money, I do not know what the appropriate amount of money is, but I do know if you look at the items in contention and the time value of money and the amounts still owed and the interest on those amounts still owed, it aggregates at least $29 million. Probably updated, it is over $30 million today. The report language that I had in the bill last year said up to $29 million, negotiate. The Air Force said, "We will negotiate." The Air Force did not negotiate.

My own best guess is that if you are going to try to put this fellow back into business where he was at the time the contract was terminated nearly 7 years ago, it would take at least $7 million. So I put a floor in the amendment this time. The Air Force said, "We do not want to negotiate. We do not know what the amount should be, because we do not think we owe anything, and we do not intend to pay anything." So I put a floor in of $7 million. Somewhere between 7 and 29. The Air Force says, "Both figures are ridiculous, we will not even talk about them."

My friend from Illinois said he is only doing job as subcommittee chairman. I suggest to my friend from Illinois, just as a prosecuting attorney has duties, so do Senators. A prosecuting attorney's job is not just to prosecute the guilty, but to protect the innocent. A job of a Senator of the United States is not just to represent the Government, but to see that the Government treats its citizens fairly.

I submit to you that in this instance, the Government is not treating its citizens fairly, demonstrably on the record; it is not treating its citizens fairly, and if we are going to get any justice, it will not be because we have persuaded the Air Force to be kinder and gentler, it is because we will have ordered them to do something they should have done without order but refuse to do. I think the duty of a Senator is not just to say yes, sir, to the Air Force, I will do what you want, Mr. Air Force. Our duty is to protect the interest of the citizens of this country, as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I understand that my friend, the distinguished junior Senator from Idaho, will also be speaking in a moment about this. I will be reasonably brief. I may ultimately say a few words in closing again as well. I do feel compelled to respond to my distinguished friend from Idaho who has served here for a great many years, both in the House and Senate, in my view with distinction. He is a man I greatly admire.

Not too very long ago, I expressed to him in private my personal regard for him and my admiration for the fact that in the prime of his life, after many distinguished years of public service, he had opted on his own without any direction from his constituency to retire and enjoy other things in life, and I congratulated him on his profound good judgment in seeing that there are other things but being inside this Beltway. I feel the warmest regard for him, and I take into account his statement about the duties of a Senator in comparing those to the duties of a prosecutor in arriving at the truth. I have served in other lives as a prosecutor, and I did defense work as well, and I have served as a trial lawyer I think in one part of my life of some reputation.

I would be the first to concede I do not know the truth about this argument or where all of the merits may be. My on experience in most litigation I was ever in my lifetime that was hotly contested was that most of it was in dispute and a good deal of it was hard to understand. I can remember trying simple automobile accident cases where there were 11 or 12 witnesses and everybody told a different story. I am absolutely of the opinion that every one of the 11 or 12 were telling the truth as they saw that automobile accident.

This is a little more complicated than an automobile accident, and there is a little bit more money involved. I do not really know who is right or who is wrong.

Here is what I know, though, that there has been a lot of litigation already. I hold in my hand the 1990 Commerce Clearing House report on this case at page 22,355 of that report. I am not familiar with these kinds of cases. If we were doing an appellate court case or something of that type, I would give you direct citations.

I am going to put this in the RECORD. But this is almost the equivalency of what we see, may I say to my colleagues, in written opinions in the appellate courts of our States and of the Federal Government. Here is an opinion that has been rendered. Here is a page talking about all kinds of numbers and everything that has been disputed. Here is all kinds of opinion about this case that goes on almost interminably as lawyers are almost always bound to. But here are six pages on this case, Mr. President.

Part of this case on appeal from this decision to a court of a higher level. I do not know who is right. Another part of this case has been re-referred to the administrative agency that heard this whole thing in the first place. They are saying to them in the part that has been referred back to find out two things.

I have counsel from the Armed Services Committee here who understands these matters better than I. I am a lawyer but this is not the work I did in my other life.

This part is up on appeal. The court has also sent this back and said to the parties negotiate two things, one, the amount of profit on the work which Shipco actually performed, and two, excess surety costs which the Air Force is trying to recover.

So part of this whole decision has been rendered, part has gone up to the appeal court for the Federal circuit involved. Other issues have come back to the board to try to resolve it between the parties.

I am instructed here that a letter has been sent by the Air Force—my friend refereed to the Judiciary Committee—to Senator HEFLIN, who is the jurisdictional subcommittee man in that committee, on this whole dispute from the resolution of it on the Judiciary Committee.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. DIXON. I am delighted to yield.

Mr. McCLURE. Does the Senator know when that letter has been sent, if it has been sent?

Mr. DIXON. I do not. I am told that the letter has cleared and not yet transmitted.

Mr. McCLURE. It has not yet been transmitted to the committee.

Mr. DIXON. That is correct.

Here is the only point I make. Again, I stress what I said in the beginning of this whole discussion. I do not have a dog in this fight. I am just here doing my job as a Senator for the jurisdictional committee, but all of this is in tremendous dispute everywhere, apparently. What is clear about this supplemental is that that dispute is resolved by this supplemental appropriations bill.

I will just tell you my own historical experience which is probably worth nothing, but I feel compelled to tell the story anyway. I went to the Illinois Legislature as a kid in my twenties in the Illinois House. I will never forget the biggest fight I ever remember in the Illinois House was over a couple hundred dollars for a State policeman uniform that got all messed up in an automobile accident. I do not know how it ever got in the legislature in a private piece of legislation. But even in the Illinois Legisilture, in the 1950's, where the budget for a biennium of 2 years was only a billion or so, a couple hundred dollars was not much money. We spent, as I recall, days arguing about whether the price of the belt was right and the pants, the shirt, and everybody got involved in it. It do not know whatever happened to that. But I remember that everybody could understand a couple hundred dollars and had an opinion about it.

What is my point? I am telling you if we are going to start getting in here and disputing all these things about contacts and what is the right way to get rid of them, and what is the right amount, and so forth, and that is going to be a subject of public discourse and debate in the Senate of the United States, we do not have time for this work.

I guess my point is, Mr. President, that without regard to who is right or who is wrong, I have to say from a simplistic standpoint I think with due reference to everything here and the highest personal regard to the Senators involved that the Air Force is right in saying this is not the way to settle this dispute. I am confident that that is correct. I ask unanimous consent to print this opinion in the RECORD for what it is worth.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[¶ 22,355] Shipco General Incorporated

ASBCA Nos. 36034, 36035, and 37842, September 26, 1989. Contract No. F29650-82-C-0201.

Defaults—Remedies of Contractor After Improper Termination—Termination for Convenience Clause—A contractor was entitled to recover for loss of business, loss of bonding capacity, loss by its principals for property used as security, or other similar items after a default termination was found to be improper and was converted by the board to a termination for the convenience of the government, because its recovery was limited by a Termination for Convenience Clause. The contractor erroneously relied on the Termination for Default Clause that provided that the contract would be equitably adjusted if the default termination were converted to a convenience termination because that provision applied only if there was no Termination for Convenience Clause. The contractor also argued that its contract rights and remedies were in addition to other rights and remedies; however, the subparagraph of the Default clause upon which it relied referred exclusively to government rights and remedies. The contractor's argument that the conversion constituted a change entitling it to an equitable adjustment under the Changes clause was denied because of the express contract provisions concerning terminations.

Convenience Terminations—Recovery—Profit—A contractor is entitled to recover profit after its contract was terminated for the convenience of the government if it can prove that the contract would have made a profit, A contract was terminated for default; the termination was later converted by the board to a termination for the convenience of the government. The contracting officer concluded that the contract was a loss contract and denied recovery for profit. However, there was insufficient evidence of the profitability of the contract, and the matter was remanded to the parties to negotiate.

Bonds and Sureties—Performance Surety—Performance v. Payment Bond.—A surety for both performance and payment was not entitled to recover for cost payments it made prior to the termination of a contract, because those payments were made pursuant to the payment bond and therefore were not compensable by the government, However, the surety was entitled to recover the unpaid balance of the contract price for additional work it performed to complete the contract.

Bonds and Sureties—Performance Bond Surety—Improper Default Termination.—Because the government improperly terminated a contract for default, the performance surety that completed the contract for default, the performance surety that completed the contract was entitled to not only the balance of the contract price, but also any reasonable excess costs that it incurred in completing the contract. The rationale for such entitlement is that if the government had found another contractor to complete the work, it would have incurred such additional costs but would not have been able to recover them to the original contractor because its death termination was improper.

For the appellant: Maddox and Snuffer, Murray, Utah, by Denver C. Snuffer, Jr. For the government: Col. Robert L. Schaefer, USAF, Chief Trial Attorney, and Mark E. Landers, Trial Attorney.

Before Buro, Spector and Riismandel, Administrative Judges.

Burg, Administrative Judge: This contract in the amount of $3,522,220, for renovation of 155 military family housing units at Kirkland Air Force Base, was terminated for default on 27 October 1983. By decision dated 10 April 1986 the termination for default of this contract was converted to a termination for convenience and we determined the applicant was entitled to eleven (11) equitable adjustments for extra work. *Shipco General, Inc.*, ASBCA Nos. 28206 and 29942, 86-2 BCA ¶ 18,973. On 26 November 1985 appellant filed a settlement proposal seeking $12,564,963. This was followed by a certified settlement proposal filed by appellant on 22 May 1986 revising its claim to $35,235,853. Thereafter, the termination contracting officer was instructed not to conduct any negotiations because the Air Force Office of Special Investigations was conducting an investigation involving an allegation of false claim submission on the part of Shipco. The Department of Justice also instructed the Termination Contracting Officer, that no negotiations go forward. By letter dated 29 April 1987 appellant's counsel was notified by the contracting officer as follows:

1. On 24 April 1987, the office received authorization to commence negotiations on Shipco General Inc's claims under contract

number F29650-82-CO2010 [sic]. Accordingly, and at your request, we have scheduled an intial fact-finding session for 1000 hours on 12 May 1987 to initiate negotiation on the 11 claims sustained by the ASBCA.

2. To maximize the productivity of this fact-finding session, we again ask that you provide all available documentation and cost data, including hours, rates, materials, and all other appropriate detail, for each sustained claim in accordance with DAR 7-602.29(a).

Appellant arrived for the meeting on 12 May 1987 prepared to discuss settlement of its entire termination claim and, when informed that the meeting was limited to the 11 claims for which the Board had found entitlement and that, as indicated in its letter this was a fact-finding meeting so the Air Force would listen but would not negotiate, appellant insisted that a reporter be present to record the meeting. The meeting was reconvened on 13 May 1987. From review of that transcript and the letter quoted above, it is clear that appellant misinterpreted the purpose of the meeting. Appellant focused on the first sentence of the letter rather than reading it as a whole. The letter is quite specific that the subject of the meeting was the 11 claims which our decision of 10 April 1986 concluded constituted contract changes for which appellant was entitled to equitable adjustments. These items have now been settled and paid in the amount of $179,398 and they are no longer at issue before us in ASBCA No. 36034.

At the meeting noted above on 13 May 1987, appellant filed a certified revised settlement proposal. Unlike the previous proposals, it was handwritten. In it, appellant reduced its termination claim from $35,235,983 to $14,039,074. By final decision dated 23 September 1987 the termination contracting officer disallowed $14,061,880 and determinated that $(22,806) was an appropriate settlement for termination for convenience of the contract. The $22,806 was offset against the amount due appellant for the 11 claims for which we had concluded it was entitled to an equitable adjustments, resulting in the payment of $179,398 pluus interest noted above. The final decision disallowed $11,604,247 claimed by appellant as settlement expenses and is the remaining subject of ASBCA No. 36034. The settlement expenses claimed by appellant include the following:

Element of proposal:	*Amount*
Serverance [sic] pay	$6,000
WR profit guarantee	55,000
WR certificate of deposit for bonding	100,000
Losses on other contracts:	
Over-runs at Randolph AFB	160,227
Over-runs at Mt. Homes AFB	219,813
Additional material costs at Mt. Homes AFB	39,539
Loss of efficiency:	
Work capital	1,800,000
Administrative personnel	272,845
Credit worthiness	1,890,000
Loss of business	5,315,985
Lease contract liquidated damages	50,265
Loss of Kenworth trucks	90,721
Loss of Ditchwitch	32,231
Improper progress payments	327,923
Loss of Bluth apts	175,000
Interest:	
Working capital loans	182,225
II note	436,797
Bluth apts. loss	20,825
Penalties:	
Federal and State tax	29,123
Gross receipts tax	12,691
II Admin. costs	80,000
Labor costs to negotiate	58,815
Lawyer fees	257,064
Grant shippen	16,248
Total	11,629,337

Following the termination for default, appellant's surety, Industrial Indemnity Company, completed performance and incurred costs in excess of the amount still unpaid on the contract. Because, in order to obtain payment and performance bonds, for this contract, appellant, its "principals" and unnamed "others" has indemnified the surety, agreeing to reimburse Industrial indemnity in full for all sums which the surety paid or all costs incurred as a result of any liability on the payment and performance bonds, appellant filed claims in the amount of $1,180,000. In a second final decision issued on 23 September 1987, the same day as the final decision the appeal from which has been docketed as ASBCA No. 36034, the contracting officer made a unilateral determination that $930,000 was allowable for the claimed excess costs of completion. Appellant's appeal from this final decision seeking $1,725,000 for costs incurred and sums paid by Industrial Indemnity, was docketed as ASBCA No. 36035. Modification P00007, dated 10 December 1987, allowed payment of $1,050,179.45 in partial settlement of the termination claim and consisted of $930,496 (including the $930,000 discussed above) as a "partial payment" and $119,683.45 as interest on that payment. By final decision dated 4 August 1988 the Government rescined the above-noted final decision of 23 September 1987 and demanded return of the $1,050,179.45 on the basis that the recognized excess surety costs allowed by the earlier final decision exceeded the contract price and were thus noncompensable. Appellant filed a timely appeal from the 4 August 1988 final decision which was docketed as ASBCA No. 37842.

The Government has filed a Motion for Summary Judgment in ASBCA Nos. 36034 (Termination for Convenience-Settlement Costs) and ASBCA No. 36035 (Excess Costs of Completion) which is opposed by appellant. Appellant argues that there are serious factual disputes which require an evidentiary hearing making a motion for summary judgment inappropriate.

ASBCA NO. 36034

Appellant has advanced a number of arguments to support its position that it is entitled to recover for loss of business, loss of bonding capacity, property loss by principals of appellant used as security, and other items of a similar nature. One of its primary arguments is that it was not paid in accordance with the Termination for Default clause since the "rights" referred to in that clause include the prompt payment of the contractor's claims, that appellant was not paid at the time of the termination in 1983, and that, therefore, the Board must determine "how much Shipco is to be paid to restore them 'as if the notice of termination had been issued pursuant to' the Termination for Convenience Clause." The particular provision of the Termination for Default clause upon which appellant relies provides that:

(e) If, after notice of termination of the Contractor's right to proceed under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the delay was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, in the foregoing circumstances this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination, and the contract modified accordingly.

Appellant cites no precedent, arguing that these are matters of first impression. We also have found no precedent. We attribute that not to the fact that this is a unique and new argument presented by appellant but to the fact that appellant has failed to apply a basic principle of contract interpretation—namely, that a contract must be read as a whole. The provision quoted above requires the termination to be treated as a termination for convenience. Since the parties both agree that the contract before us contained a termination for convenience clause, settlement of the claim must be pursuant to that clause which provides:

(e) In the event of the failure of the Contractor and the Contracting Officer to agree, as provided in paragraph (d), upon the whole amount to be paid to the Contractor by reasons of the termination of work pursuant to this clause, the Contracting Officer shall pay to the Contractor the amounts determined by the Contracting Officer as follows, but without duplication of any amounts agreed upon in accordance with paragraph (d),

(i) with respect to all contract work performed prior to the effective date of the Notice of Termination, the total (without duplication of any items) of—

(A) the cost of such work;

(B) the cost of getting and paying claims arising out of the termination of work under subcontractors or orders as provided in paragraph (b)(V) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the Notice of Termination of Work under this contract, which amounts shall be included in the cost on account of which payment is made under (A) above; and

(C) a sum as profit on (A) above, determined by the Contracting Officer pursuant to 8-303 of the Armed Services Procurement Regulation, in effect as of the date of execution of this contract, to be fair and reasonable; provided, however, that if it appears that the Contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (C) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

(ii) The reasonable cost of the preservation and protection of property incurred pursuant to paragraph (b)(ix); and any other reasonable cost incidental to termination of work under this contract, including expense incidental to the determination of the amount due to the Contractor as the result of the termination of work under this contract.

The total sum to be paid to the Contractor under (i) above shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly

assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor under (i) above, the fair value, as determined by the Contracting Officer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b)(vii).

The termination for convenience clause quoted above is quite specific as to the compensable costs under a termination for convenience claim. The cases have consistently held that the termination for convenience clause does not permit recovery for types of costs sought by appellant for "loss of efficiency" such as amounts for the loss of business, loss of bonding, loss of credit worthiness, and involuntary bankruptcy. See *William Green Construction Co.* v. *United States*, 477 F.2d 930 (Ct.Cl. 1973); *H & J Construction Co.*, ASBCA No. 18521, 75-1 BCA ¶ 11,171.

We recognize that appellant maintains it is not seeking consequential damages, that it is only asking to be made whole "as if" the termination for convenience occurred back in 1983. Regardless of what one calls it, appellant's recovery is limited to items specifically permitted by the termination for convenience clause or those which have been specifically provided in the contract or by statute. It does not cover types of costs which appellant now seeks. We do not know whether appellant has abandoned an argument presented to the Government prior to the final decision, namely, that it is entitled to recover these costs under subparagraph (e)(ii) of the termination for convenience clause set forth above as "reasonable cost(s) incidental to termination of work under this contract." To the extent appellant still maintains that position, it is in error. Nor is lost profit recoverable under the termination for convenience clause. *Nolan Brothers* v. *United States* [13 CCF ¶82,495], 405 F.2d 1251 (Ct. Cl. 1969).

Appellant also argues that it is entitled to recover because of "rights" preserved under subparagraph (f) to the termination for default clause which provides:

(f) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

Appellant's reliance on that clause is misplaced. That clause specifically pertains to the Government, not to a contractor. Where a contract contains a termination for convenience clause, recovery has been limited to that clause and other common law recovery for breach of contract was precluded, *William Green Construction Co.* v. *United States, supra.*

Another argument made by appellant is that conversion of the termination for default to a termination for convenience constitutes a contract change for which appellant is entitled to an equitable adjustment pursuant to the Changes clause of the contract. The termination for default clause provides the method of adjustment if such termination is found to be in error. Namely, the termination shall be treated as a termination for convenience if that clause is present in the contract. Since this contract contained the termination for convenience clause, appellant's recovery is pursuant to that clause and not to the changes clause in the contract.

In his final decision, the contracting officer concluded that this was a loss contract and that appellant, therefore, was not entitled to recover profit. Appellant challenged that this is a loss contract. It points to a series of computations which were presented to the contracting officer during his deposition, where, when one of the figures was varied, the result was the same as previously. While mathematically that could occur, when the actual figures are inserted into the computation more than one will probably vary, so that the result may differ. We are not persuaded, therefore, that the formula used by the Government is inappropriate. Whether appellant was in a loss position will have to be recalculated. If it results in appellant's not being in a loss position, it will be entitled to profit. If it results in appellant's being in a loss position, appellant will not be entitled to profit. That is a matter for the parties to compute.

ASBCA NOS. 36035 AND 37842

In ASBCA No. 36035 appellant seeks costs incurred by its surety for which it and its "principals" and "others" (unspecified) are liable in excess of the amount allowed by the contracting officer in his final decision. That decision was rescinded and demand for repayment has been demanded of a substantial amount already paid to appellant and its surety jointly. Appellant's appeal from this later final decision has been docketed as ASBCA No. 37842. Since the Board and parties agreed that ASBCA No. 37842 would be combined with the earlier appeals and no new pleadings would be required, the file in ASBCA No. 36035, including the Government's Motion for Summary Judgment, will be consolidated with ASBCA No. 37842.

The Government argues that payments by Industrial Indemnity, appellant's surety, made for costs incurred prior to termination of this contract, were made pursuant to the payment bond and that it erroneously considered the repayment as made pursuant to the performance bond and concluded that costs were compensable to the amount paid. The final decision demanding repayments was issued and the earlier final decision withdrawn when this alleged error was recognized.

To the extent that the payments were for subcontractor costs incurred prior to termination of this contract, payments were pursuant to the payment bond. Recovery for such payments by appellant's surety for costs incurred prior to the termination of this contract is as a subrogee to appellant and, therefore, is limited to the amount appellant would have been entitled to receive. *United States* v. *Munsey Trust Co.*, 832 U.S. 235 (1947); *Peerless Insurance Co.*, ASBCA No. 28887, 88-2 BCA ¶ 20,730. In addition to that recovery, the surety would be entitled to recover up to the unpaid balance of the contract price for additional work it performed in completion of the contract. Where the termination for default has been held erroneous, a surety may also be entitled to recover reasonable excess costs of completion on the rationale these are costs which the Government would have incurred had it found another contractor to complete the contract and which it would not have been able to recover from the contractor. *Carchia* v. *United States* [19 CCF ¶ 82,617], 485 F.2d 622 (Ct.Cl. 1973).

SUMMARY

The Government's Motion for Summary Judgment is partially granted as to ASBCA No. 36034 in accordance with the foregoing and denied in ASBCA No. 37842. ASBCA No. 36035 is consolidated with ASBCA No. 37842 and ASBCA No. 36035 is stricken from the docket and all documents in that docket are transferred to and become part of ASBCA No. 37842. The matter is remanded to the parties for negotiation of any remaining amounts in accordance with this opinion. In the event the matter has not been resolved within 90 days from the date of this decision, the parties are to inform the Board so that further proceedings can be scheduled.

Mr. DIXON. It goes in the RECORD, but it shows a lot of time has been spent and a lot of lawyers and judges and others have looked at this already.

I shall read one more thing the Air Force advised me about on the question of time and reasonableness here: I am told by the Air Force that Shipco had problems getting the units to pass final inspection that they were doing, and Shipco in an attempt to set a delivery schedule offered to deliver 10 houses a day. That is the Air Force's side of it.

The Government indicated that the delivery schedule of that kind was unrealistic and Shipco would not be able to do it. The Air Force contends it reduced it to two houses per day and the contract was formally modified to include this two-houses-per-day schedule and the Air Force says Shipco could not meet that and the Government finally terminated the contract for default.

Mr. SYMMS. Will the Senator yield for a question on that one point?

Mr. DIXON. I will, except I do not know the facts other than what I read off that printed page. I admit that.

Mr. SYMMS. If I could say this and then I will speak. I do not want to interrupt my friend from Illinois.

Mr. DIXON. I do not mind the Senator interrupting.

Mr. SYMMS. I make one point. All the details my good friend bring out now are totally irrelevant because the Armed Services Board of Contract Appeals has already stated the reason this contract was defaulted was because of convenience for the Government. It was not because of default of the work. That was the rule. Those details are irrelevant.

Mr. DIXON. I thank the Senator from Idaho.

Mr. President, he has gone right to the heart of it.

The next thing I wanted to read was this. Here is what the Air Force says in direct answer to that point. ASBCA is the board that heard this.

The ASBCA rejected Shipco's primary arguments that the Government had overinspected the work and had failed to make progress payments. However, the ASBCA ruled that the two-houses-per-day modification was not supported by consideration, notwithstanding the fact that Shipco itself had proposed a ten-house-per-day delivery schedule. Based on this narrow, legal technicality, the ASBCA converted the default termination into a termination for convenience. Shipco General, Inc., ASBCA Nos. 29206, 29942, 86-2 BCA ¶ 18,973

Then the Air Force goes on to say:

Shipco then filed an application for attorney's fees under the Equal Access to Justice

Act, . . . which entitles prevailing parties to attorney's fees unless the Government's position was substantially justified or special circumstances make an award unjust. The ASBCA ruled that the Government's position in terminating the Shipco contract for default was substantially justified. *Shipco General, Inc.*, ASBCA Nos. 29206 and 29942, 87-2 BCA ¶ 19,877. At the time of this decision, the "substantial justification" test meant that the Government's position had to be more than reasonable. Accordingly, the ASBCA stated: "However, we conclude, based on the particular facts present in the appeal, that the Government's position in ASBCA No. 29206 (the termination for default) was more than reasonable, and, therefore, was substantially justified within the meaning of the Equal Access to Justice Act."

Mr. McCLURE. Will the Senator yield?

Mr. DIXON. Yes.

Mr. McCLURE. Is the Senator trying to read that section on the basis to indicate that the Board of Contract Appeals did not set aside their determination and the Air Force determination was a defaulted contract rather than a convenience of the Government? Is that the purpose for reading that section?

Mr. DIXON. No; my purpose for reading that section is they found that the convenience part, while appropriate, did not, notwithstanding that, allow attorneys' fees or anything for Shipco and that the Government acted reasonably.

Mr. McCLURE. If the Senator will yield further. Let us be very careful when reading that to say that it said they were not entitled to attorneys' fees. It did not say "or anything."

Mr. DIXON. I did not mean to say "or anything." I do not think I said that.

Mr. McCLURE. The Senator did say that. I just want to make the point that the finding with respect to the Equal Access to Justice Act has nothing to do at all with the determination that it was wrongful to have terminated for fault, and it was only correct to characterize the termination as convenience of the Government and not for default of the Government.

That language has nothing to do and can have nothing to do with the finding of the Board of Contract Appeals that the termination was not for default of the contract. Am I not correct?

Mr. DIXON. I guess in answer to the Senator's question, let me tell you what this Senator is saying, may I say to my dear friend for whom I have the highest personal regard. I am not saying anything about this dispute, about who is right, because I do not know. I have never been there. I do not know anybody at Shipco. I never sat down with the Air Force and walked through this. I have never gone to New Mexico and looked at where they are building the buildings. I do not pretend to come here and know anything.

The only thing I am saying here, as a lawyer in my other life and still am, and as a Senator, I can read that this thing is in litigation. It has been tried at the administrative level where we created a law in the Congress saying it ought to be tried, parts on appeal, parts down with the board still being disputed, under a direction to make two decisions of factural questions there, much as you make a decision in a court of a factual thing, applying the law to the facts. The whole thing is in dispute.

All I am saying is the facts. I do not have any personal argument with anything the Senator from Idaho or his colleague may say here, and would probably rather be in another place than here in this argument. All I am trying to say is the supplemental appropriation bill in question, H.R. 4404, is not the place to be solving this.

I do not have any problem with my colleagues accommodating the thing in committee. I was not there and did not know about it. I am just saying it does not belong on this bill. That is all I am saying.

In that regard, I think the Air Force is right; Not on the dispute itself. The Air Force may be wrong on the dispute. The Supreme Court may later make the Air Force pay more than the $7 million floor my friend from Idaho suggests, the bottom number, with the top being $29 million. But I do not know what the number is and I do not believe this is the place to determine it. That is all this Senator is saying.

Mr. SYMMS. Mr. President, it is certainly not this Senator's wish to have to be here on the floor to take issue with my good friend with whom I came to the Senate from the State of Illinois. I think he knows my admiration and respect for him. I had the privilege to work with him on the Armed Services Committee for the 2-year period that I spent on that committee. I must say that it was 2 years that I truly enjoyed in the Senate, being a part of the Armed Services Committee.

But I want to say every Senator has a dog in this fight. The reason we have a Defense Department is to defend individuals against tyranny and government oppression.

There has been a terrible wrong, in my opinion, against Shipco and the people that own Shipco. It has decimated the livelihood of a family. And it has been determined by the Armed Services Board of Contract Appeals that the Air Force did terminate the contract for the convenience of the Government.

Now I do not know exactly what happened. I have suspected that the Air Force wanted some other contractor besides Shipco to continue to do that work. They could find no default. Senator McCLURE made the case very well here and I hope Senators will follow it carefully. Shipco had done numerous jobs for the Air Force on military bases that had all been satisfactory and where there had been no problems.

Every Senator has a dog in this fight because we are talking about an individual that in my opinion has been wronged. I think the case was made. I will not go back over the case. I urge my colleagues if they are not here, if their staffs will please tune in, get the RECORD, see what Senator McCLURE stated.

I think it is no secret here in the chamber that the Air Force is probably one of this Senator's favorite bureaus. But I want to tell my colleagues if it were the IRS treating a citizen this way, Senators would be outraged. The Air Force is a very popular bureau with most people in this country. But if it were the IRS or some other agency that is less popular, there would be outrage around the Senate floor because of the way this company had been wronged by a giant Government bureaucracy.

There are a few things that disappoint me. I thought this morning that we might have had some kind of an agreement. The senior Senator from my State and I met in the Secretary's office this morning with the Secretary and others. It was my understanding if we had something that only affected Shipco, was not precedent setting, and did not take funds out of operations and maintenance, that it would not be opposed.

I think that was a good-faith understanding, and I do not fault those involved for changing their position because I think since that time other parties have entered the fray. But I had a very good friend of mine who used to be in the military. He told me one time that the Defense Department has too many lawyers and not enough warriors.

So what happens is they have a lot of lawyers interfering, and pure and simple justice will be denied on the basis of a rigid legal interpretation by a faceless bureaucracy. Poor little old Shipco; it is just too bad, fellows. We are washing our hands of it. We cannot set any kind of precedent just to keep one company from going under.

So because of the chintziness, if you will, of the Federal Government for the short term, they will suffer in the long term over this in more ways than one.

One reason is this drives the small entrepreneurs out of the business of Government contracting, period. How can people compete with this? How can they stand this? How can a small individual stand up against the Government?

They wait, they wait, they wait while the Government carries on without penalty or loss. The contracting officer who started this dispute in Kirtland Air Force Base, for all I know, has retired from the Air Force now and is drawing a pension. And I do not begrudge him the pension.

But I want to make the case, in the meantime, Shipco's owners have been badly wronged. What we want is a solution. It may be unfortunate it has to be debated on the Senate floor, but it seems to me this is the last recourse.

If the Air Force is going to oppose the private relief bill, if they are going to oppose the report language that Senator MCCLURE inserted in the report last year, if they are going to oppose the amendment this year, what they are really saying is they oppose any settlement of the Shipco case.

In my opinion, this is wrong. It is poor policy. We should not condone it. And we should not necessarily just bow down and take it, as Members of the U.S. Senate, from the bureaucracy.

Set aside that this happens to be a very popular bureaucracy, the United States Air Force. Set that aside and think back about the rights of these individuals.

They have been bankrupted. They have lost their money, their equipment, their bonding capacity. The family has suffered terribly; the very home in which the family lives may soon be lost, all because the Air Force refused payment. It has had a direct impact on where we are today.

The Air Force has refused payment and created a whole series of events that have led to the bankruptcy, the insolvency, and the destruction of some very fine people.

Mr. President, I know of no more that needs to be said. I think Senator MCCLURE, my senior colleague, has outlined this as clearly as is possible, and my colleague from Illinois has presented the Air Force's point of view.

I want to go back and repeat one thing that I think is very important. If the contract had been terminated for convenience rather than default at the outset, Shipco could have paid off all its liabilities. The company would not be in the situation it is in today and my colleague and I would not be here on this floor.

What happened here is a giant, faceless bureaucracy kind of pushed this aside, and 3 years the Armed Services Board of Contract Appeals determined the termination was strictly for convenience of the Government. I think that is a very important point.

It has now been 7 years since this all started.

My senior colleague made it very clear. We do not know how much is just. What is a person's life worth? Those are questions that are difficult to answer. I hope my colleagues will not support the Dixon amendment. I hope they will keep the bill as the Appropriations Committee had thought that it should be. It appears there is going to be opposition. We thought we had worked out substitute language. But I personally can see no point to offering it now. Either we are going to help right what I consider to be a wrong, or we are going to turn our backs on it, wash our hands of it, hope the problem goes away and hope that a lot of small contractors do not find out about cases like this, so they will continue to bid, so the Government can get competitive bids on the projects that they do, so the taxpayers can be properly treated.

Mr. President, this is strictly a case of a very rigid, unrelenting, patient bureaucracy running roughshod over a single individual from my State, and I must say I resent it greatly. I am disappointed, to say the least, that we have been unable to get some kind of a resolution out of this that seems to be just and fair.

I have to say also I can understand better some of the complaints my constituents have been making to me recently with respect to the seeming inflexibility of the Air Force in handling other matters in the State.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. MCCLURE. Mr. President, I will once again appeal to our colleagues not to vote for the Dixon amendment. I do not think either my colleague or I have taken great pleasure in the hours and hours of time we spent trying to get a resolution of this problem over the months and now years of time that we have been working with it.

I do not think we really relish the idea of coming to the floor of the Senate and asking our colleagues to involve themselves in the plea of one small contractor for justice.

It has been suggested that the amendment is imperfect. My colleague has made reference to the fact that we, this morning, negotiated—I should not say negotiated; we had a conversation with the Secretary of the Air Force. And with General Moore, the head of congressional relations. And with the chief counsel for the Air Force.

We were trying to find a way in which we could state this so that they would not find the objection they have found and asked the Senator from Illinois to raise on their behalf.

I thought, as my colleagues had recited, that we, perhaps, had found something which in good faith would permit them to withdraw their objection at this time. My understanding is that they have not so communicated with the Senator from Illinois.

But I will say to my colleagues, if indeed we find a better way to solve this problem than is the language contained in this amendment, and we can get an agreement on it before the conference on this bill is completed, I for one will be very happy to substitute a better solution for the one outlined here.

I do not mean to be boring in repetition, but after the weeks and months and years of effort to bring this to a resolution, I have found no other solution that promises the equitable relief which one small outfit seeks and deserves.

I hope the amendment is rejected, and again I will reiterate, if a better solution is found between this time and the time this conference on this bill with the other body is completed, and we can apply that better solution, I, for one, would applaud and embrace that better solution.

But pending that and until such event, it is my hope that the Senate will support the action taken in the Appropriations Committee, at subcomittee and full committee level, and presented to the Senate in the form of the committee amendment, which has heretofore been adopted by the full Senate. I yield the floor.

Mr. DIXON. I yield the floor, Mr. President. As I understand the previous order, Mr. President, this amendment will come up for a vote in the schedule at 7 o'clock in its order.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I do not believe that is the order. I do not believe the order sets the first vote at 7. I believe the order sets it at not before 7. I am not sure that the order that was entered sets forth the order in which the votes shall occur.

The PRESIDING OFFICER. The Senate will vote on the amendment now unless it is set aside by consent.

Mr. DIXON. Mr. President, I am happy to set it aside until later. I do not mind voting on it now, but I thought there was some kind of an understanding we were not going to vote until 7. I am obviously here, but I am suspicious that some of my colleagues may not be, and I would not want to inconvenience anyone.

If I may respectfully inquire of the Chair, what happened to the Wirth amendment that I debated with others earlier? When is that going to be considered?

The PRESIDING OFFICER. All of those amendments were set aside by consent. There was an informal under-

standing that there would be no votes until 7 p.m.

Mr. DIXON. I am willing to set mine aside by unanimous consent and go along with whatever procedure the distinguished leaders and my friend, the distinguished President pro tempore and chairman of the Appropriations Committee, may ultimately resolve be the correct procedure.

Mr. BYRD. Mr. President, the majority leader at some point during the afternoon, I am sure, will take the floor and attempt to get an order that would place the votes in whatever sequence he may at that time wish to have the order state. At this point I cannot find the language in the CONGRESSIONAL RECORD pertaining to the agreement. It does not show up on the calendar precisely with respect to the points that have been raised here. But for now I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, on page S5195 of the CONGRESSIONAL RECORD of April 27 the majority leader is quoted in part as follows:

> It is my intention that the votes on these amendments that may be ordered on Monday not occur prior to 7 p.m.; that if the times follow approximately as anticipated—and obviously it will not occur precisely as we anticipate—that by about 7 we should be ready to vote on all of these amendments.
>
> Therefore, Senators should be aware that on Monday evening, beginning at 7 p.m., there could be as many as 10 votes, since there are eight amendments with two possible second-degree amendments to them. So Senators should be aware of that and make their plans accordingly.

The agreement itself that was entered into does not specificate at all with respect to the voting on the amendments or with respect to the time when the votes will begin. It is my understanding that the majority leader will at some point in the afternoon seek to sequence the amendments and indicate as to when the time for voting will begin. That will remain to be ordered by the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have a technical amendment which I ask unanimous consent may be in order for me to bring up at this time with the understanding that no more than 4 minutes would be utilized on it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1556

Mr. BYRD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from West Virginia [Mr. BYRD], proposes an amendment numbered 1556.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 7, strike out all on line 20 and insert in lieu thereof: "government of the Republic of Lithuania in Vilnius."

Mr. BYRD. Mr. President, this technical amendment seeks to avoid any confusion over existing United States policy concerning the Baltic nations. We all know that for the last 50 years the United States has steadfastly refused to recognize the illegal Soviet occupation of the Baltic nations. During these five decades we have also continued to host diplomatic legations in Washington, DC. Those legations are the remnants of the preoccupation governments of Lithuania, Latvia, and Estonia. By maintaining that relationship, the United States has continued to recognize the existence of the nation-state of Lithuania, even though the Soviets have been in de facto control of Lithuanian territory and the government there.

Unfortunately, the current committee language does not make that distinction clearly enough. The provision, in providing money for the President to use at his discretion, reads as follows:

> That such property as may be necessary shall be leased or purchased and diplomatic and other personnel be assigned to Lithuania as soon as possible if the United States formally recognizes the independent nation-state status of the Republic of Lithuania.

The amendment changes the phrase "independent nation-state status of the Republic of Lithuania," to read "independent government of the Republic of Lithuania in Vilnius." This may not seem like an important change, but I am told that in the jargon of diplomatic recognition it is substantial. The United States has continued for 50 years to recognize the nation-state status of Lithuania; it is the new Government in Vilnius that lacks diplomatic recognition. This modification correctly states the existing situation.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. With respect to the Subcommittee on Foreign Operations, and the Commerce Subcommittee of the Appropriations Committee, on the Republican side of the aisle, we are prepared for this technical amendment that the Chair offers at this time. We support it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 1556) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1557

(Purpose: To increase appropriations for the School Dropout Demonstration Assistance Act of 1988)

Mr. KOHL. Mr. President, in behalf of myself, Senators PELL, KENNEDY, MCCONNELL, WILSON, LEVIN, NICKLES, SHELBY, LIEBERMAN, BIDEN, SIMON, KASTEN, DODD, HOLLINGS, ROTH, HATFIELD, SPECTER, BOREN, FORD, HEINZ, and BENTSEN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. KOHL], for himself, Mr. PELL, Mr. KENNEDY, Mr. MCCONNELL, Mr. WILSON, Mr. LEVIN, Mr. NICKLES, Mr. SHELBY, Mr. LIEBERMAN, Mr. BIDEN, Mr. SIMON, Mr. KASTEN, Mr. DODD, Mr. HOLLINGS, Mr. ROTH, Mr. HATFIELD, Mr. SPECTER, Mr. BOREN, Mr. FORD, Mr. HEINZ, and Mr. BENTSEN, proposes an amendment numbered 1557.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 37, between lines 16 and 17, insert the following:
>
> SCHOOL IMPROVEMENT PROGRAMS
>
> (INCLUDING TRANSFER OF FUNDS)
>
> For an additional amount for "School Improvement Programs," $19,945,000, to remain available until September 30, 1991, for continued funding of existing dropout prevention demonstration projects funded in 1989, as authorized by title VI-A of the Elementary and Secondary Education Act of 1965, as amended: *Provided*, That $2,400,000 of the amount provided herein shall be derived by transfer from funds appropriated in Public Law 100-436 for part E, section 465, of the Higher Education Act, as amended.

Mr. KOHL. Mr. President, I do not plan to take much of the Senate's time

this afternoon. Briefly, this amendment will provide $19,945,000 for fiscal year 1990 to continue funding of existing dropout prevention demonstration projects funded in 1989. Without this appropriation school dropout programs in 31 States will cease this summer, and there will be no funding for the academic year beginning in September.

I will not elaborate on the need to prevent kids from dropping out of school. It is something on which I think we can all agree. As Secretary Cavazos recently stated:

> We are suffering from an education deficit far more threatening to the economic health and well-being of many Americans than the more publicized budget and trade deficits.

My amendment is one means of fighting this education deficit and meeting the domestic emergency facing the United States.

Mr. President, the offset for this amendment is acceptable to the administration. Indeed, it was developed with their cooperation appropriately scored by CBO and cleared by the Budget Committee. The offset would be obtained from surplus funds that are available for cancellation payments under the Perkins loan program for certain public service careers.

As I indicated to my colleagues last week, I would have preferred to not have to transfer money from one education account to another. But my understanding from the Department of Education is that requirements for these payments have been declining each year. Using $2.4 million of these surplus funds for an offset will not curtail or eliminate any activities or have any effect whatsoever on any programs or recipients.

Mr. President, let me conclude by thanking my colleagues for their help in working through this amendment. I want to express my appreciation to Senators HARKIN and SPECTER, as well as the distinguished chairman and ranking minority member, of the Appropriations Committee.

I also want to thank my cosponsors and apologize to one of them in particular, Senator LEVIN, whose name was inadvertently omitted when I filed the amendment last Thursday. Senator LEVIN has played a key role in focusing attention on this problem.

I also express my appreciation to Senators MCCONNELL, WILSON, NICKLES, KASTEN, HATFIELD, ROTH, and HEINZ, who have joined in this truly bipartisan effort; also to staff on the Senate Labor Committee, particularly Amanda Broun and Ann Young, who have been very helpful in the development of this amendment.

Mr. President, this year alone, projections tell us that over 650,000 American students will drop out of school. Approximately 8,300 of those students live in my home State of Wisconsin. Today, as we consider this bill, over 1,000 teenagers will drop out of high school, according to the Children's Defense Fund. We can expect these numbers to increase if we don't provide the economic resources for dropout programs.

The futures of high school dropouts are not particularly bright. More than a third of all high school dropouts cannot find work when they leave school. And when they do—it's usually temporary work. Eighty-six percent of all newly created jobs will require at least 4 years of high school or more. Today's and tomorrow's jobs require basic workplace skills: reading, writing, and computation skills. I believe these skills are better taught in the classroom than on the job site. As a businessman, I understand the burden of having an employee who cannot read an inventory sheet. The Commission on Workplace Quality reports that 1 out of 10 17-year-olds is functionally illiterate. How can we expect to address the needs of these kids—if they are not in school?

Yet there are individuals, agencies, schools, and others who are working to resolve this crisis. We in Congress have a responsibility to provide funds to meet the goals set by the President and the Nation's Governors for increasing the high school graduation rate.

In Wisconsin, we have three programs working to increase the graduation rate by preventing kids from dropping out of high school. The first is through the Lac du Flambeau tribe, the second through the Milwaukee Area Technical College, and the third through the Milwaukee public schools. The Milwaukee public schools have set up a demonstration project in eight elementary schools. Their comprehensive curriculum includes 100 activities at each grade level. These activities address areas of personal and social development critical to children "at risk" of dropping out of school. In addition, the program provides troubled students and their families with educational materials on alcohol and drug prevention.

Another project, run by the Milwaukee Area Technical College, is called "Project Hold." This program has helped over 800 teenage students return to school by helping them recognize the importance of a high school education. Consequently, these efforts have led to the awarding of a high school diploma or equivalent to over 74 percent of its students. The success at MATC does not stop here. Over 50 percent of these students have gone on to postsecondary education. Without this amendment, these projects—and similar projects in 31 States—would be eliminated.

We must continue to raise the high school graduation rate above the current 71 percent figure. There should be very little discussion in the Senate Chamber on whether or not we provide adequate funding for this program. It is essential that we act immediately to ensure continuation of these programs which are succeeding in their efforts to raise the Nation's high school graduation rate, and I urge my colleagues to join me in this effort.

I thank the Chair.

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by the Senator from Wisconsin [Mr. KOHL]. Over 750,000 American students will drop out of school this year. They will have many reasons for doing so, including poor teachers, broken homes, devastated communities, poverty, drug use, and the need to go to work. Whatever the cause, their decision is a tragedy for them and for the Nation.

These dropouts—along with the other 4.2 million young adults who have no high school diplomas—will have a higher rate of unemployment, greater dependency on social welfare programs, and lower income—22 percent lower than that of the average high school graduate. They represent a significant loss for the Nation in terms of the contribution to our national well-being that they will be unable to make.

A report recently issued by the Department of Education shows that 28 percent of our Nation's 18 and 19 year olds have not graduated from high school. The figures are even higher for minorities: 42 percent of black and 52 percent of Hispanic 18 and 19 year olds failed to gradute. If we consider 20 and 21 year olds, the figures look slightly better, but are still too high: 15 percent of whites and 18 percent of black 20 and 21 year olds have not graduated. The number for Hispanics remains intolerable: 45 percent have not graduated.

The report is encouraging in that it shows the gap between black and white dropout rates has narrowed significantly in the last decade. This improvement points to the effectiveness of Federal and local education programs targeted at this population.

Nonetheless, dropout rates—especially the high levels for Hispanics and even higher levels for native Americans—continue to be grossly unacceptable. In my own State of Massachusetts, black students continue to drop out at twice the rate of whites, while Hispanic students drop out at three times the rate of whites.

As part of the national education goals endorsed in January by the Governors and the President, we agreed to raise the graduation rate of high school students to 90 percent by the year 2000. The amendment offered by Mr. KOHL would provide funds for the only Federal program specifically designed to stem the tide of school drop-

outs. This program is vitally important if we are serious about reaching our goal.

In 1987, Congress passed the School Dropout Prevention Demonstration Act, resulting in $45.6 million in grants over 2 years to local educational agencies, community-based organizations, and private/public partnerships for the development of innovative ways to keep students in school. These methods range from early intervention services for first and second graders to transition programs that help dropouts return to school.

Many of these programs have had notable success. In rural Illinois, Operation Rebound provides transportation, private tutors, and counseling for at-risk students and one-time dropouts who might not otherwise graduate or make the transition back to school. Half of the 300 students served each year go on to higher education.

In Massachusetts, the Cambridge public schools have used their grant to bring social workers and psychologists into 10 schools to work with at-risk students, their families, teachers, and school administrators. Federal funds have also allowed them to hire translators so that teachers can work more closely with parents of Hispanics, Portuguese, and Haitian students.

In Portland, OR, School District No. 1 helps at-risk students through a combination of six programs—drug and alcohol counseling, parent outreach, peer counseling, attendance monitoring, transition services for return students, and a student service center. After only 2 years, the freshman dropout rate has fallen 10 percent.

Through these and other dropout programs, we can help our students and our Nation. At the same time we can acquire better information on how to prevent dropouts. With the data and information generated from this program, we will make major strides in understanding the problems that lead students to drop out and identifying concrete steps to address this crisis.

The action we are taking today would provide funds for the program to continue in the next school year. The President has requested $45 million for the program in 1991. Today's amendment would avoid what would otherwise be a gap in funding between 1989 and 1991.

This modest investment will yield high returns: The Chicago public schools estimate that for each dollar we invest in dropout prevention, we will receive $12 in increased tax revenues and lowered social welfare costs and crime. This kind of investment speaks for itself.

I urge my colleagues to vote in favor of this amendment.

Mr. PELL. Mr. President, I am very pleased to be joining Senators KOHL and KENNEDY in offering this amendment to provide $21 million for the continuation of the School Dropout Demonstration Assistance Act. As the author of both the original act and its reauthorization, I place a very high priority on this program. This is the Federal Government's only effort devoted solely to reducing the Nation's high and most alarming rate of school dropouts.

It funds innovative approaches to attacking the very serious dropout problem that pervades American education. In its short period of existence, it has worked and worked well. This is no time to interrupt funding.

In fiscal year 1989, this program received $21.7 million in appropriations. For fiscal year 1991, the administration has requested a $45 million appropriation. However, no dollars have been appropriated for fiscal year 1990. Without fiscal allocations for fiscal year 1990, current successful projects will have to close their doors by the end of this school year. This disruption will permanently terminate many successful projects. Other projects will be greatly weakened. Either way, it will be to the detriment of students, parents, and communities.

The Dropout Assistance Act currently provides grants to 88 projects in 32 States. These include projects in Iowa, Oregon, Tennessee, Pennsylvania, Texas, California, Kentucky, and Georgia to name but a few.

We also have a highly successful project in Providence, RI. This project, the Providence Dropout Collaborative, was formed as a partnership between the Urban Field Center of the University of Rhode Island and the Providence School System. It has brought together the collaborative efforts of the school system, business, community-based organizations, and parents. The program, I am very pleased to report, is making solid headway. It has been able to reduce the dropout rate in Providence from 50 to 42 percent. This success, I know, is mirrored in the 88 other projects throughout the Nation. We must continue this progress.

Building a world-class work force requires us to call upon the full talents of every member of our society. The need to strengthen our competitiveness in the international market demands nothing less. We must keep our students in school and ensure that time spent there is productive. Otherwise, these school dropouts will be an endless drain on our economy. They will either be unemployed and require direct Federal and State assistance, or they will be permanently held to low-skill, low-paying jobs that offer little hope of expanding our national productivity and economic growth. It is both wrong and unwise to let our Nation lose ground in the global economy because high-skilled jobs go unfilled while unskilled workers remain unemployed.

The administration's budget request for the School Dropout Program is a recognition of the urgency of combating the dropout problem. The President's voice is a welcome addition to what we have been saying for many years. I am greatly concerned, however, that just when there is strong support from the White House, we in Congress might fail to take the action I believe so necessary in this area.

For over 25 years our Nation's dropout rate has been a consistent 25 percent. Among minorities in our major cities, it reaches as high as 80 percent. This is a situation we have finally begun to address on the national level, and we simply cannot afford a halt in the progress we are making.

Mr. President, I urge my colleagues to support this amendment to provide uninterrupted funding for the School Dropout Demonstration Program.

Mr. KOHL. Mr. President, I would not think we need a rollcall vote on this amendment unless that is desirable to another Member.

I reserve the remainder of my time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this amendment has been cleared on this side. I do not believe it will require a rollcall vote. Senator HARKIN, chairman of the Labor-HHS Education Subcommittee, supports the amendment, and has no objection to it. Senator HATFIELD is here, and he will speak to the wishes of Mr. SPECTER, the ranking member.

The amendment does have an offset and it is deficit neutral. As Senator KOHL has explained, this amendment extends 1989 dropout demonstrations that now exist in 31 States and the District of Columbia. These demonstrations expire on August 31, 1990, and the amendment will extend them until September 30, 1991.

As the Dropout Demonstration Program receives no funding in fiscal year 1990, this amendment is necessary to extend these demonstrations for 1 year, when we expect the fiscal year 1991 funds will be available against which they can compete. The offset comes from surplus funds available from the teacher cancellation payment under the Perkins Loan Program.

I commend the distinguished Senator and his fellow cosponsors in offering the amendment on my side. I am prepared to accept the amendment, and hope that the Senate will adopt it.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Oregon.

Mr. HATFIELD. Mr. President, I am happy to join with my colleague from

Wisconsin [Mr. KOHL], in cosponsoring this particular amendment. I think Senator KOHL has put his finger on one of the most tragic of all of our educational problems of which we have too many; that is, the dropout. I know of nothing that creates a greater and more potent candidacy for delinquency and difficulties than the school dropout. So it is not just a matter of the loss of the educational experience for the individual but it is the impact upon the family, the community, and the country.

I might say we have had two such projects in operation in our State; one in the metropolitan area of Sheridan where we have had special emphasis on the middle school level, although it has covered everything from kindergarten through the 12th grade. We have had substantial and very definite success in this program of monitoring, and counseling, and all things that go in to make up the program. This Senator is urging our support for it.

We have another program in a more rural setting. There we have had an almost unbelievable phenomenal success in returning to the classroom and for graduating 482 out of 484 students over a 5-year period. As I say, nobody believes it hardly when they see what has happened here, unless they know the detail and the reasons behind it.

So I commend the Senator. We certainly can testify from our State about the cost-benefit ratio, and the cost effectiveness of this program.

Mr. President, I rise to support the efforts of my colleague from Wisconsin [Mr. KOHL] to extend funding for the National School Dropout Demonstration Program for fiscal year 1990.

Congress authorized this program as part of the Hawkins-Stafford School Improvement Amendments of 1988 in order to address the growing national problem of school dropouts. Two-year grants were awarded to support local efforts to keep our elementary and secondary students in school to complete their education.

This immensely popular program, which prompted 852 applications for funds to the Department of Education in 1988, is currently in place in 89 communities. Local educators and community organizations across the country are identifying potential dropouts and preventing them from leaving school, encouraging reentry into school, and assisting at-risk students in the elementary and secondary grades. These functions could not be more vital.

Yet the continued funding of this program is in jeopardy. While both the House and Senate have passed reauthorization legislation, it was not done in time for the fiscal year 1990 appropriations process. Therefore, funding for these programs is due to expire shortly. It is my belief that we must continue our commitment to decrease the high number of school dropouts in this country.

In my State, Mr. President, two dropout demonstration programs are currently operating—one in the Portland public school district and one at the West Valley Academy in Sheridan, OR. Let me briefly share with my colleagues, the tremendous work of these two programs.

In Portland, funds have been used to develop a cluster plan to serve students at risk of dropping out of school in kindergarten through 12th grade, with a special emphasis on middle and high school students. The project has enhanced the coordination of in-school services, attendance monitoring, peer counseling, and prevention of the use of drugs and alcohol. During the last 2 years, this effort has yielded a substantial decrease in dropouts, particularly in the ninth grade where students have been served both in middle school and in high school.

West Valley Academy in Sheridan, which has been in existence for 5 years, has successfully graduated or returned to their home public school setting, 482 out of 484 students. This remarkable record has been accomplished by creating a family setting which nurtures these troubled youngsters in every sense of the word.

The at-risk children admitted to West Valley Academy first undergo extensive evaluation and are then placed with the teacher who seems to best meet the particular student's specific needs. Compassion, love, and personal support are designed to enhance each student's self-image. Until their emotional state of mind and self-concept is stabilized, these children will be destined to fail.

Clearly, both of these extraordinary programs need to be replicated and enhanced. Through additional Federal funds in fiscal year 1990, our Nation can continue to make an investment that will pay incredible dividends.

Mr. KASTEN. Mr. President, I rise in support of extending funds for the National School Dropout Demonstration Program for fiscal year 1990.

The main purpose of the program is to support local efforts to keep our elementary and secondary students in school to complete their education. Local educators and community organizations across the country are identifying potential dropouts and preventing them from leaving school, encouraging reentry into school, and assisting at-risk students in the elementary and secondary grades.

Mr. President, in my State, three dropout demonstration programs are currently operating—the Milwaukee Area Technical College, the Lac du Flambeau Band of Lake Superior Chippewa Indians, and the Milwaukee public schools. These projects, along with 86 other programs across the country, will be required to close their doors at the end of the school year if funding is not continued.

While both the House and Senate have passed reauthorization legislation, it was not done in time for the fiscal year 1990 appropriation process. Therefore, funding for these programs will expire in August. Mr. President, it is important that we continue our commitment to decrease the high number of school dropouts in this country.

It is essential that we continue to support a dropout program that is working. I stand committed to working toward education programs that enhance our chance of success in the future—and that is why I support this amendment.

Mr. KOHL. Mr. President, I would like to thank Senators BYRD and HATFIELD for their support, and I would also like to request that Senator SIMPSON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment?

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, approximately 25 percent of America's graduating class of 1990 will not be in a cap and gown and march down the aisle. Instead of the diploma, they can look forward to receiving perhaps a welfare check, perhaps a low-paying, menial job, or, unhappily, some all too many will be lured into joining a drug gang and for their pains may have a short, glamorous life that ends with a bullet in the head.

They have not the prospect of real opportunity before them. That has been short cut, tragically. This Nation cannot afford to lose that talent. It is not fair to those kids; it is really not fair to the rest of us. The cost to society both in economic terms and in terms of the lost potential, the productivity, the energy that our society requires, compel us to do all that we can to see to it that each one of them stays in school and leaves it as a graduate, fully prepared for the challenges of the future.

Congress recently reauthorized the School Dropout Demonstration Assistance Act to do just that, to help students stay in school and to complete their education. Never has that been more on point; never has the need been greater. Virtually every day we use the phrase "competition in the global marketplace." Well, it is a global marketplace, and it is increasingly competitive. Our youngsters must stay in school and must at least have the basic skills of communication, the rudimentary knowledge of math and science that are demanded at a minimum by the job market.

Unfortunately, because the act had not been reauthorized prior to the fiscal year 1990 appropriations process, Congress did not include funding for the dropout assistance program in the fiscal year 1990 education appropriations bill. So without an emergency appropriation, the Department of Education will be unable to sustain current grant awards, denying service of the kind that this amendment provides for the at-risk youth in 31 States. Mine is one. California alone stands to lose close to $2 million in dropout assistance in six separate school districts. That is why I commend the Senator from Wisconsin [Mr. KOHL], and join with him and others in offering this amendment to the urgent supplemental appropriations bill, to provide that necessary support to keep current grantees funded.

The offset included in the amendment does meet with the approval of the Department of Education. So, Mr. President, it is as simple as this: If we want to avoid an enormous and tragic loss, if we want to prevent incalculable human suffering that is in fact avoidable, if we want to save significant public expenditures that we will otherwise have to make in a remedial sense, and not a very cost-effective way either, if we want in short to maintain a highly skilled work force, and young people who are prepared not just for the workplace, but for citizenship, then we must keep them in school, and the Senate must support our amendment. It is that simple, Mr. President.

I commend my friend from Wisconsin, and I urge my colleagues to join with him in passing this necessary amendment. I thank the Chair and yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I want to thank Senator WILSON for his support.

SCHOOL DROPOUT PREVENTION DEMONSTRATION PROGRAM

Mr. SIMON. Mr. President, I rise in support of this amendment providing continued funding to the School Dropout Prevention Demonstration Program. This amendment will ensure that the temporary lapse in the authorization of the school dropout program does not force those programs to lay off staff and strand their participants, even temporarily. It would be ironic and tragic if those programs which have shown success so far in developing innovative approaches to the dropout problem are jeopardized because the Federal Government "drops out" in terms of its support for the efforts.

Eighty percent of all prison inmates are high school dropouts. This suggests that if we can keep more kids in school, we can keep more kids out of prison. Our Nation's schools are desperately in need of help in finding innovative solutions to this problem. This is true especially in the inner city. The Chicago Public Schools have a dropout rate of 43 percent, nearly three times the national average. The dropout rate is as high as 80 percent for Hispanic students in some urban areas of the country.

In 1984, the President set out a goal of raising the high school graduation rate to 90 percent by the year 2000. President Bush and the Nation's Governors recently established the same goal for the Nation. In the intervening 6 years between the two goal-setting processes, there was no significant progress on this problem. Unless we help schools find effective ways of stemming the tide of dropouts, the next 10 years will once again show little progress on meeting the Nation's goal.

By funding innovative demonstration programs, the School Dropout Prevention Demonstration Program helps schools test and prove a variety of approaches to keeping at-risk students in school. The demand for funding demonstrates the need for the program: In fiscal year 1988, there were 850 applicants, but only about 10 percent of those applications could be funded with the $21 million available.

Mr. President, it is essential that we find effective solutions to the dropout program. I urge my colleagues to support this amendment to the supplemental appropriations bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 1557) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I have three technical amendments, Mr. President, of which the distinguished ranking member, Mr. HATFIELD, is aware. I ask unanimous consent that I may offer these three amendments at this time, and that the pending amendments be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1558

(Purpose: To correct drafting errors in the Vaccine Compensation Act)

Mr. BYRD. I send an amendment to the desk on behalf of Mr. BUMPERS.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. BUMPERS, proposes an amendment numbered 1558.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. SECTION 1, TECHNICAL AMENDMENTS.

(a) SECTION 2111.—Section 2111 of the Public Health Service Act (42 U.S.C. 300aa-11) is amended—

(1) in subsection (a)(5)(A), by striking out "without prejudice" the second time it occurs,

(2) in subsection (d), by striking "(d) except as provided in paragraph (3)," before "(d) ADDITIONAL INFORMATION", and

(3) in subsection (e), by striking "(e)" before "(e) SCHEDULE".

(b) SECTION 2113.—Section 2113(c) of the Public Health Service Act (42 U.S.C. 300aa-13(c)) is amended by inserting "the" after "special masters of".

(c) SECTION 2115.—Section 2115 of the Public Health Service Act (42 U.S.C 300aa-15) is amended—

(1) in subsection (e)(2), by striking, out "the Program," the second time it occurs and all that follows through "limited to the costs" and inserting the following: "the Program, in awarding compensation on such petition the special master or court may include an amount of compensation limited to the costs",

(2) in subsection (f)—

(A) in paragraph (2), in the second sentence, by striking out "section 2121(b)" and inserting "section 2121(a)", and

(B) in paragraph (4)(B), in the last sentence, by striking out "subsection (i)" and inserting "subsection (j)", and

(3) in subsection (j), by inserting "and" after "1992,".

(d) SECTION 2121.—The last sentence of section 2121(a) of the Public Health Service Act (42 U.S.C. 300aa-21(a)) is amended to read as follows: "If a person elects to receive compensation under a judgment of the court or is deemed to have accepted the judgment of the court, such person may not bring or maintain a civil action for damages against a vaccine administrator or manufacturer for the vaccine-related injury or death for which the judgment was entered.".

SEC. 2. EFFECTIVE DATES.

The amendment made by section 1(d) shall take effect as if such amendment had been included in section 6601(n) of Public Law 101-239. The amendments otherwise made by this Act shall take effect on the date of the enactment of this Act.

Mr. BYRD. The proposed amendment corrects drafting errors in provisions of the fiscal year 1990 Budget Reconciliation Act (Public Law 100-239) which relate to the Vaccine Injury Compensation Act. The Vaccine Injury Act, includes provisions to establish a trust fund to compensate families of children injured or killed as a result of side effects of childhood vaccines. Unfortunately, when minor changes were made to the Vaccine Injury Compensation Act, one of the drafting errors significantly changed the system, allowing claimants to receive compensation through the compensation system, and still file a civil suit for damages. This result was not intended and is contrary to the original purpose of the Vaccine Compensation Act.

This amendment is technical in nature and ensures that the compensation system functions as originally intended.

The amendment has been cleared by the chairman and ranking member of the Labor and Human Resources Committee and the Appropriations Committee.

I recommend the adoption of the amendment by the Senate.

Mr. HATFIELD. Mr. President, the amendment has been cleared with respect to the subcommittees on our side, the Republican side. I urge the amendment's adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 1558) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1559

Mr. BYRD. I send an amendment to the desk on behalf of Mr. INOUYE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. INOUYE, proposes an amendment numbered 1559.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 37 after line 12 insert the following:

SCHOOL IMPROVEMENT PROGRAMS

In addition to any other amount provided in this bill for "School Improvement Programs" an additional amount is hereby provided to carry out the Drug-Free Schools and Communities Act of 1986, $2,038,000: *Provided*, That $1,698,000 shall be for programs for Indian youth under section 5133 and $340,000 shall be for programs for Hawaiian Natives under section 5134: *Provided further*, That $494,000 of the total amount provided herein shall be derived by transfer from funds appropriated in Public Law 100-436 for carrying out Public Law 98-524.

Mr. BYRD. Mr. President, last November the Congress passed the Transportation Appropriations Act which included a comprehensive drug package. For the programs in the Department of Education, the drug package we passed and which is now included in Public Law 101-164 was very specific about how the funds should be allocated. Subsequent to our passage of the drug package, the Congress passed Public Law 101-226, which reauthorized the Drug Free Schools and Community Act Program. This subsequent law changed the allocation of drug free schools funding especially for programs for Indian youth and Hawaiian natives. The Department chose to follow the earmarks included in the appropriations bill, which shortchanged the Indian youth and native Hawaiian programs by a total of $2,038,000. This amendment restores funding to those two subsections of the Drug Free Schools Program so that the amount they receive is identical to the amount intended by Public Law 101-226, the most recent authorizing legislation for this program.

Mr. President, the offset is from a rescission of funds provided 2 years ago for a national conference which has not occurred, and at this time is not likely to occur.

Mr. President, I recommend the adoption of the amendment.

● Mr. INOUYE. Mr. President, I rise in strong support of the supplemental appropriations bill. While there are several important funding provisions contained in this bill to address the urgent and dire needs of domestic and foreign programs, this bill also offers Congress an opportunity to clarify the intent of authorizing language under the Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), and to correct a problem in funding which arose under the Department of Transportation Appropriations Act (Public Law 101-164).

Mr. President, members from both the Select Committee on Indian Affairs and the Committee on Labor and Human Resources were very disturbed to learn that the Department of Education is ignoring explicit statutory direction as contained in Public Law 101-226. The purpose of these amendments, as enacted on December 12, 1989, was to revise certain programs and to provide direction for new funding increases provided under the fiscal year 1990 Department of Transportation appropriation. Nearly $180 million was added to the Department of Education's budget to address the war on drugs, yet the 1 percent and 0.2 percent increase to be made available to American Indian and native Hawaiian programs respectively was not included in the distribution plan for fiscal year 1990. Fortunately, under the direction and thoughtful consideration of Senator KENNEDY and Senator HATCH, the full set-aside was restored on behalf of American Indian and native Hawaiian programs.

Mr. President, I am offering this amendment to honor the commitments made to American Indian and native Hawaiian students so that their schools and communities can work with them to prevent the spread of alcoholism and drug abuse. This amendment will address the helplessness, hopelessness and despair of alcoholism and drugs which affect Indian communities at rates which exceed the alcohol or drug related morbidity and mortality rates by 3, 5 or as much as 20 times the national average. The adequate and necessary funding offered by this amendment will continue to offer approximately 600,000 Indian youth and 85,000 native Hawaiian youth an opportunity to build their self-esteem, to be proud of their heritage and prevent the spread of alcoholism and drug abuse. The solutions to the problems of alcoholism and substance abuse are within reach, the continuation of the Indian program, under this bill, will provide American Indians, Alaska Natives and native Hawaiians with the Federal resources to continue leveraging other tribal resources to combat the effects of alcohol and drugs in their communities.

Mr. President, I want to thank Senator HARKIN for providing our committee with guidance and support on this amendment.●

Mr. HATFIELD. Mr. President, the amendment has been cleared on the Republican side of the aisle. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 1559) was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1560

(Purpose: Technical amendment)

Mr. BYRD. I send a technical amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1560.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, line 22, strike out "$8,000,000," and insert in lieu thereof "$31,500,000,".

Mr. BYRD. Mr. President, this is a technical amendment. It is necessary to reflect action taken by the full committee and simply changes the $8,000,000 figure that appears on page 35, line 22, to $31,500,000. This does not add to the bill as reported by the committee but simply corrects a printing error.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side of the aisle. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 1560) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon [Mr. HATFIELD] for his cooperation in moving these technical amendments along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I have just gotten to the floor. I do want to apologize to the distinguished chairman of the Appropriations Committee because I do not quite understand the sequence that we are in right now.

I was actually in the Chamber on Friday afternoon late when the distinguished majority leader propounded the unanimous-consent agreement. Under that particular agreement propounded on Friday, as I recall, the Senator from Arkansas was to follow the Senator from Wisconsin, Senator KOHL, and I understand that the Kohl amendment now has been agreed to and other technical amendments have been agreed to.

My question, Mr. President, probably to the most distinguished Parliamentarian the Senate has ever known, is, am I losing my right if I wait, say, 30 minutes to offer an amendment, or what is going to be the procedure now until 7 p.m.?

Mr. BYRD. The Senator is not losing his right to offer the amendment. He is listed as having an amendment on wetlands but it does not require him to be here in any particular sequence. However, he is here in accordance with the sequence set forth by the majority leader. But he will not lose his right to offer the amendment.

Mr. PRYOR. Mr. President, is there a window of opportunity should I decide to offer the amendment?

The PRESIDING OFFICER. Yes, the Senator does have that opportunity right now.

Mr. PRYOR. Mr. President, I would like to advise the distinguished chairman and ranking member of the Appropriations Committee that we are in conference on this amendment. It is possible—I do not say probable—that an agreement can be reached, and I would say that in a very few moments I will try to give the distinguished chairman and the ranking member a "yes" or "no" as to whether the amendment will actually be offered. I just did not want to lose my right. I appreciate the distinguished chairman protecting my right.

Mr. BYRD. Mr. President, I hope that the distinguished Senator will proceed with his conference. And I hope, furthermore, that he is successful in working out an agreement that will ease the labors of the distinguished Senator from Oregon [Mr. HATFIELD] and other Senators.

Mr. PRYOR. Mr. President, once again let me respond to the generosity of the distinguished chairman. I would feel very reluctant to proceed with my amendment if the distinguished Senator from Rhode Island, Senator CHAFEE, were not in the Chamber because I understand he has reservations about it or at least he did on Friday when we left for the weekend.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, a few moments ago I inquired of the distinguished chairman of the Appropriations Committee, the Senator from West Virginia, if I would be losing my right to offer the amendment on wetlands if I did not actually offer the amendment at 6 p.m.

I know there was a general unanimous-consent agreement on Friday. Since that time, Mr. President, I am pleased to announce to my colleagues that there is the appearance of an agreement being reached. It is also my understanding that at approximately 6:20 p.m. this evening—that is now 50 minutes from now—several Senators who have been involved in this merging of an agreement and an understanding will appear on the floor for the purpose of a colloquy. So that will take place, depending upon the schedule at that moment, but approximately at 6:20 p.m. we will have a colloquy relative to this agreement.

I must say, we worked through the course of the day with several Senators and their offices. In addition to that, Mr. President, we have worked closely with the White House, OMB, EPA, the Corps of Engineers, the Soil Conservation Service, and other interested agencies that have been involved in the wetlands issue.

So we shall return shortly, approximately at 6:20, to engage in such a colloquy to announce the agreement relative to or resulting from the meetings today.

Mr. President, I yield the floor.

AMENDMENT NO. 1561

(Purpose: To authorize the Secretary of Agriculture to compensate owners of property damaged by forest fires that were permitted to burn out of control)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] for himself, Mr. WALLOP, Mr. BURNS, and Mr. BAUCUS, proposes an amendment numbered 1561.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, after line 24, insert the following new paragraph:

SETTLEMENT OF CLAIMS, FOREST SERVICE

The Forest Service is hereby authorized and directed to negotiate, compromise and settle certain claims against the United States resulting from the Mink Fire (Bridger-Teton National Forest and Yellowstone National Park), Clover-Mist Fire (Yellowstone National Park and Shoshone National Forest), Storm Creek Fire (Yellowstone National Park and Gallatin-Custer National Forests), and Canyon Creek Fire (Lolo, Helena, Lewis and Clark National Forests) which were originally classified as prescribed fires but subsequently became wildfires. The Forest Service is directed to negotiate, compromise and settle the original claims, or the claims filed by an insurer subrogated to the rights of a claimant, and to negotiate any other claims filed within 90 days of the date of enactment of this Act. Notwithstanding any other provision of the law, the Secretary of the Treasury is authorized and directed to pay the amount of cash settlement from the Claims, Judgments, and Relief Act Fund (Public Law 95-26). Provided further, the Secretary of the Treasury shall make no payments for claims which are determined by the Forest Service or the Department of Justice to be invalid under current law.

Mr. SIMPSON. Mr. President, this amendment is presented to the Senate with regard to the fires of Yellowstone National Park, and it has been a rather contentious issue for some time, not only the policy of the fire management, but the possible compensation of those persons who had property destroyed.

I do not think anyone can forget the tragedy of the fires that consumed millions of acres in and around Yellowstone Park in 1988. The park has now begun to heal. We are witnessing some very interesting and exciting changes in that ecosystem as Mother Earth attempts to heal herself and go forward, and fire is very much a part of that ecosystem.

But we must not forget that as those fires raged out of control and left the boundaries of the park, that they burned millions of acres of forest land and caused millions of dollars of private property damage and loss. Innocent citizens in Wyoming and Montana stood by as their cabins, their summer homes, their stores, their trailer homes, and their vehicles were consumed by flames, flames that could not be fought because of the policy of "Let it burn."

So Senator WALLOP and I joined with our colleagues from Montana, Senator BAUCUS and Senator BURNS, and imme-

diately began efforts to obtain funding to compensate these persons. Our efforts were originally thwarted by the Forest Service, who claimed no responsibility for the fires because of the "Let it burn" policy.

We were told that since the fires—and the inability to control them—were not the fault of the Forest Service, that they should not have to pay for the damages. It is very important for my colleagues to note that this policy has since been reviewed and revised. The Forest Service must now monitor weather and fire conditions and actively fight fires if they have the potential to become "wild fires."

This is a very important change in our firefighting policy. We have these citizens of Wyoming and Montana who individually suffered thousands of dollars of property damages due to an inappropriate and now truly outdated Federal policy. Even though 2 years have passed, it is only fair and appropriate that these citizens be entitled to make their case and to receive Federal reimbursement for losses without having to go through a lengthy and expensive court case.

There is precedent for what we do here.

We were first unsuccessful in our previous efforts to obtain moneys to compensate these victims, partially because we just did not have sufficient information about the total number of claimants and the total amount of damages claimed. Two weeks ago, we received the necessary information from the Forest Service. There are a total of 92 claims totaling $7.8 million approximately.

This would be the maximum amount of compensation. The actual amount paid out will very likely be less. It will be less under this amendment because it will be based upon the total validity and accuracy of the claim.

In this amendment, Congress is in no way making a statement as to what we believe each claim might be worth. That responsibility is left entirely to the Forest Service. Those officials will closely review and scrutinize each single claim and determine the amounts due for actual property losses. This amendment is our attempt to direct the Forest Service to negotiate compromise and settle these claims without casting any blame or laying any responsibility on that agency for their failure to initially attempt to control the fires.

Senator MALCOLM WALLOP and I, joined by the able Senators from Montana, ask our colleagues to join us in our efforts to help make these citizens whole again. We do make available to victims of hurricanes and earthquakes and tornadoes and flooding, and other acts of God. This is as it should be. Victims of a Federal policy which allowed these fires to burn uncontrolled in and around Yellowstone National Park deserve no less.

So the amendment as presented directs the negotiation, compromise, and settlement of these claims. There is an important clause in the amendment. I believe it helped to rock this amendment off of dead center—it states very clearly:

Provided further, That the Secretary of the Treasury shall make no payments for claims which are determined by the Forest Service or the Department of Justice to be invalid under current law.

I think that is appropriate. We are not here to seek a blanket appropriation. Nothing in this amendment would indicate that at all. That is not its purpose. It simply provides that if you "prove up" and you make your case, then you are going to receive compensation.

I will be pleased to try to answer questions.

Mr. WALLOP. Mr. President, the summer of 1988 found some of the most spectacular parts of Wyoming and Montana literally ablaze. Of the 249 fires that raged throughout the summer, only 28 were prescribed natural fires. The others burned unchecked—blackening habitat, killing wildlife and destroying millions of dollars of personal property.

Even considering the dryness of the land, such fires were unimaginable. The resulting devastation was profound enough to demand major revisions in the national fire policy. The "let-burn" policy was basically suspended and replaced with a more cautious management plan.

Millions of dollars of private property was caught in the paths of the wildfires and reduced to ashes. In the cases of the Mink Fire, the Storm Creek Fire, the Clover-Mist Fire and the Canyon Creek Fire the fires were originally classified as prescribed burns but subsequently became wildfires. Private citizens, frustrated because the firefighters could not stop the blazes, had absolutely no choice but to watch as their property burned.

Private property damaged or destroyed in those four fires has now been identified and quantified. Mr. President, I join my colleagues—Senator SIMPSON, Senator BAUCUS, and Senator BURNS in seeking funds for the legitimate compensation due the people who were aggrieved by an inflexible public policy that just didn't work.

Other than by expensive litigation, there is no way for these people to seek restitution for the damages they have suffered through absolutely no fault of their own.

We ask specifically that the Forest Service be given the discretion to determine the validity and accuracy of these Wyoming and Montana fire claims and to make payments only for the amount of actual property loss.

This is the action of a responsible government.

Mr. BURNS. Mr. President, I am pleased to join my colleagues Senator SIMPSON, Senator BAUCUS, and Senator WALLOP in offering this amendment which is very important to a number of people in our States. Our amendment directs the Forest Service to compensate Montanans and Wyomingites who suffered property damage and loss during the severe fire season in and around Yellowstone Park in 1988.

I want to thank the chairman, Senator BYRD, and his staff Charlie Estes and Sue Masica. The ranking member on the Interior Subcommittee, Senator MCCLURE, and his staff Jeff Cilek and Mark Walker, for their assistance and cooperation in including this provision in this bill. I also want to thank my good friend and colleague, Senator SIMPSON, and Laurie Goodman on his staff for all of the work they did to get this amendment added to this bill. Senators SIMPSON, WALLOP, BAUCUS, and I have all united on this issue a number of times to try and get these folks some compensation. I am extremely pleased that we have finally had some success.

The 1988 fires were the most severe on record in the Yellowstone area. The Storm Creek, Canyon Creek, Clover Mist, and Mink fires all started as natural ignitions that were allowed to burn as prescribed fires. However, once the fires got out of control they were classified as wildfires. I am sure that many of my colleagues remember those fires. They made the national news and sparked intense criticism of the Forest Service's and Park Service's so-called let-burn policy.

The Forest Service and Park Service have stood by their let-burn policy. However, as a result of the 1988 criticism, the Secretaries of Agriculture and interior did appoint a Fire Management Policy Review Team to review national policies and to make recommendations to address the problems experienced during the 1988 fire season. The agencies will admit that the policies needed reviewing—and the Review Team includes some pretty incriminating statements in their final report—but the Forest Service has refused to compensate many of the claimants. In fact, they have denied 45 of the 48 claims decided to date. There are currently 92 claims filed as a result of Storm, Canyon Creek, and Clover Mist fires.

Our amendment directs the Chief of the Forest Service to negotiate, compromise and settle these claims, and any claims filed within 90 days of the date of enactment of H.R. 4404. The language leaves discretion in the hands of the Forest Service so that compensation will be made only for actual damages. However, we certainly

intend for the Chief to pay claims which may have been previously denied because of opinions about the let-burn policy and to pay all claims which have merit.

I said before that the Fire Management Policy Review Team's final report dated May 5, 1989, included some incriminating statements about the policies in place in 1988. I want to take a moment to outline some of those statements so that my colleagues can see for themselves that the Federal Government's policy was partially responsible for the damage done to the claimants' property, and therefore should compensate them. I think that the most tell-tale statement in the report is the review team's recommendation that, "No prescribed natural fires are to be allowed until fire management plans meet these standards"—meaning compliance with current policy, direction, and the additional requirements recommended by the report. It is clear that the review team does not want what happened in 1988 to happen again, and believes that unless the policies are changed, it might.

I could cite a number of other examples from the report, but will only mention a few others in the interest of time. The review team in its findings makes the point that the "let burn" policy is intended to allow fires to play a natural role in national parks, but they found that in "some cases this policy has been interpreted to allow managers to manage prescribed natural fires with essentially no prescriptions." The review team also found that some of the fire management plans in place during the 1988 fires "do not meet current agency or departmental policy and contain inadequate prescriptions." So even if the Forest Service maintains that the let burn policy was not at fault, I would suggest that there is evidence that the plans in place implementing that policy were.

Mr. President, I know the people in Montana and Wyoming are not complainers. They would not be making these claims unless they truly felt that they had been victimized. I know many of them feel strongly about the fact that they were wronged. They were evacuated from the area and not allowed back on their property to take preventive measures and as a result, their haystacks, equipment, and buildings were either damaged or destroyed. These are people who make an honest living working the land. They are not out to take the Federal Government—they just want to rebuild their lives. I hope that this amendment will give that opportunity.

Mr. BAUCUS. Mr. President, I rise in support of this amendment. This has been a long road. The people of Wyoming and Montana have waited a long time for the Federal Government to acknowledge that something went wrong—terribly wrong—during the fire season of 1988.

While our memory of that catastrophic fire season that burned fully 30 percent of Yellowstone National Park and tens of thousands of acres of private land has dimmed, for those who lost homes and ranches and livelihoods, the memory of that wall of fire is as vivid as if it happened yesterday.

For 2 years now, I have worked with Senator SIMPSON and Senator WALLOP as well as my colleague, Senator BURNS, to make sure that those who paid the price for decisions made in Washington, DC were not forgotten. Time and again, we looked for a way to secure some sort of compensation for those who lost property as a proximate cause of the "let burn policy" that caused most of this problem.

Citizens of the West have a long history of facing natural disasters with stoicism. Forest fires are one of the hazards that the people of Wyoming and Montana are intimately familiar with. But fires that are intentionally allowed to burn, and grow, and gain momentum—until they are virtual fire-storms—are fires of another sort. Then, no effort by man can combat or alter their course of destructive whimsy.

Mr. President, there has been much debate about the wisdom or folly of the Federal Government's forest fire fighting policy during that terrible summer. I do not intend to debate decisions made then. However, there can be no doubt that had several of these fires been fought aggressively from the start, the tragic results might very well have been different.

Mr. President, I particularly want to thank the Senator from West Virginia, the chairman of the Appropriations Committee, Senator BYRD, and also particularly thank Mr. Charlie Estes, who is on the staff of the Appropriatins Committee. Senator BYRD has worked very diligently, very hard to help find the dollars to help compensate people damaged by the fires, and Charlie Estes, with Senator BYRD, has worked equally diligently. I very much thank not only the efforts of the Senators from Wyoming, Senator WALLOP and Senator SIMPSON, as well as my colleague from Montana, but the chairman of the Appropriations Committee, Senator BYRD, and his very able staff, led by Mr. Charlie Estes.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I have reviewed the language proposed by the Senator from Montana and Wyoming. With the understanding that I believe I do understand the language correctly and what I have heard the Senator say as well, and with the understanding that the language does not direct the Forest Service to pay the claims but, rather, to negotiate in good faith with the claimants, I can support the amendment. If the intent is to force the Forest Service to pay the claims which are not valid, then I would have to oppose the amendment on the basis that it would increase the bill's outlay totals and would therefore be a violation of the Budget Act. But the language, as I read it, does not force that. It provides that the Secretary shall make no payments for claims which are determined by the Forest Service or the Department of Justice to be invalid under current law. I believe Senator SIMPSON stated that when he offered the amendment. I ask the Senators if they would clarify their intent with respect to the amendment. Am I correct?

Mr. SIMPSON. Mr. President, I say to the chairman of the Appropriations Committee, that is correct. There is no attempt here to force a settlement upon the Federal Government.

I want at this point to commend the fine staff of the Senator from West Virginia: Charlie Estes and Sue Masica have been very helpful to my staff; Bob Harrison and Mark Smith have worked for Senator BAUCUS; a very fine bit of help from Leslee Bennett from Senator BURNS' staff, and, as I say, the staff of Senator BYRD, to arrive at a result which would not force the chairman of the Appropriations Committee to exercise the Budget Act in order to resist this amendment. That is the purpose for the phrase they are directed to negotiate, compromise, and settle certain claims, and then, of course, the final proviso, which I have previously read. So there is no forcing mechanism. It is "prove up", and, if you do not prove up you fall by the wayside.

Mr. BYRD. Mr. President, with that explanation, I am ready to recommend that the amendment be agreed to.

Mr. SIMPSON. Mr. President, I thank the Senator from West Virginia for his help and assistance which has enabled us to reach this point without question.

Mr. HATFIELD. Mr. President, I would like to commend the sponsors of this amendment and staff for having worked it out in this way. I think it certainly is a good solution to a situation that does call for resolution, and I merely want to comment that I appreciate very much their efforts.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1561) was agreed to.

Mr. SIMPSON. I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I also thank the ranking member of the

committee for his support and of Senator MCCLURE's staff, Jeff Cilek and Mark Walker. I appreciate the willingness and help of all concerned. I thank the body.

Mr. President, I forgot one person. You can often do that here. It is like when you thank people at the Rotary Club. You forget the principal one. From my own staff, a lovely lady, Laurie Goodman. I sincerely thank her. I appreciate very much her consistent help for now about 3 years worth of effort. So to Laurie Goodman, my heartfelt thanks for her fine work.

Mr. DIXON. Mr. President, if the distinguished managers are presently without any business with respect to the bill itself, I seek unanimous consent to proceed as though in morning business to make some remarks about a matter, but I do not want to impose upon the managers.

Mr. BYRD. The Senator will not be imposing on this Senator.

Mr. DIXON. Mr. President, I ask unanimous consent to proceed as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADMINISTRATION IN WONDERLAND

Mr. DIXON. Mr. President, when we leave Washington, we often talk about going back to the real world. By implication, therefore, Washington is not a real place. The administration provided powerful evidence for that proposition in two major decisions it made last week—two decisions that are totally out of touch with reality and which might only make sense in Alice's Wonderland, where everything is slightly out of whack.

Certainly the administration's offset policy had a certain "wonderland" quality to it. It is a decision that is totally out of touch with reality. It is also a decision that totally disregards the statutory instructions for development of offset policy.

As my colleagues will remember, the Congress, in the 1989 Defense Authorization Act, directed the President to establish an offset policy and to monitor and control offset arrangements that involve military systems. The President was also directed to enter into negotiations with all foreign governments that demand offset arrangements. Despite these clear Congressional instructions, the administration has announced a policy that does not meet the requirements of the 1989 law.

The policy statement released by the White House may make sense in "wonderland" Mr. President, because in "wonderland" nothing needs to make sense. But I do not see how it makes sense in the "real" world because it neither follows the clear statutory mandate nor deals with the real problems our businesses face in international competition.

On one hand, the White House stated that "offsets are economically inefficient and market distorting." The President then went on to say, however, that "the decision whether to engage in offsets, and the responsibility for negotiating and implementing offset arrangements, resides with the companies involved."

What the President is really saying, therefore, is: Let these companies be blackmailed into negotiating offset agreements with foreign governments and government corporations. Such an administration policy is nothing more nor less than a sacrifice of the subcontracting industrial base of the United States. The requirements for offsets are levied by the prime contractors on their subcontractors, who must then give up a portion of their production and their technology to manufacturers in the purchasing country.

Therefore, the subcontractors are ultimately placed at a competitive disadvantage as a result of offset requirements.

This administration has—through the guise of this nonpolicy—said, go ahead and transfer defense technology, jobs, and capability to foreign competitors through offsets. I have always been under the impression that the U.S. Government should negotiate policy agreements with foreign governments. This administration, however, seems content to have offset policy set by agreement between American companies and foreign governments.

Mr. President, that is a clear abdication of the administration's responsibility in this area. Foreign countries have developed policies regarding offsets—misguided though they are—but our administration says private industry must deal with offsets on its own!

In just the last 2 months, my office has been contacted by a number of major defense companies asking for help. In trying to sell their quality defense products overseas and here in the United States to the Defense Department, they are being blackmailed by foreign countries into offering huge offsets. The reason these companies came to me is because they cannot get any help from the administration.

Just a few weeks ago, a West German firm offered 100 percent offsets to Great Britain if the English would consider that firm's tank. Yet this administration sits around and issues a do-nothing policy.

The President's statement also directed "The Secretary of Defense in coordination with the Secretary of State, to lead an interagency team to consult with foreign nations with a view to limiting the adverse effects of offsets in defense procurement." This is not what Congress told the President to do. Congress, by statute, said: "The President shall enter into negotiations with foreign countries that have a policy of requiring an offset arrangement * * *" we could not have been more clear. We did not say, "consult." we said, in law, "begin negotations."

Mr. President, the administration must have decided it likes "wonderland," and particularly the Red Queen, because the administration acted like the Red Queen last week by treating Craig Fields, the Director of the Defense Advanced Products Research Agency [DARPA], like one of the Red Queen's subjects. Every time she was the least bit unhappy the Red Queen was apt to scream "off with his head" at whichever hapless subject she blamed for her unhappiness.

The administration did not ask for Craig Field's head, but it did remove him as DARPA Director. Why did this happen? Because he was doing the kind of job that needs to be done, and because he was using his legal authority aggressively and effectively. That is not allowed in "wonderland."

I have spent a lot of time working on the defense industrial base issues since I began serving on the Senate Armed Services Committee. I cannot think of anything more important than maintaining our military technological edge with U.S.-developed and U.S.-manufactured technology. There is a real linkage between civilian and military technology. In many vital so-called dual-use technologies, the military market alone is not large enough to support the kind of research and development effort needed to keep the United States a jump ahead of our potential adversaries and so-called allies. That means we have to have a strong civilian high-technology industry, and we must have an environment in the United States that helps our high-technology firms maintain their international competitiveness.

But there are some in the Office of Management and Budget and at the White House who seem to think that this approach represents industrial policy and that it therefore must be opposed. What Dr. Fields understands, however, is that this analysis isn't about code words like industrial policy. Instead, it's about common sense. The forced departure of Craig Fields as DARPA's Director makes it look like the administration is more concerned with industrial policy ideological purity than it is with our national security.

I would strongly urge the administration to review its offset policy and the demotion of Dr. Fields. I can assure those seeking to circumvent our intent that Congress is not about to join them in "wonderland"; by approving the removal of Craig Fields for doing an outstanding job. Congress is not about to sit still for the nonpolicy

on offsets that the administration has proposed.

Mr. President, I urge the administration to return to reality. It should reward those, like Craig Fields, who do such great work, instead of removing them. It should follow the law and recognize the real international situation our businesses face, instead of leaving our businesses at the "Mad Hatters" tea party, where they can get no tea, and no protection from foreign governments' ever-increasing offset requests. Only then will we begin to make progress.

Mr. President, I suppose if there is no one around who wants to do some other business, I am prepared to suggest the absence of a quorum.

Mr. McCLURE. Will the Senator withhold?

Mr. DIXON. Yes. I yield the floor.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

JEFFREY CILEK

Mr. McCLURE. Mr. President, there are certain landmarks in life, in the life of those in the Senate, and in the Senate staff and their families. Today is one of those, as a young man who has served the Senate Committee on Appropriations for over 5 years, who was on my staff before joining the Appropriations Committee staff, is now leaving the employment of the Senate and going out into that other cruel world out there, where the rewards may be more monetary than personal. But he has found the personal reward, rather than monetary, in working in the Senate. I refer, of course, to Jeffrey Cilek.

Jeff joined the committee staff, I believe, in December 1984, if I am not mistaken, and has served the Subcommittee on Interior and Related Agencies since that time with a great deal of zeal and skill.

It goes without saying that I suspect for all of us we will miss him, not just his diligence and his capabilities which are certainly many—I do not say that casually—but because there was more than that. There was the good nature and the ability to work with other people and, also, never to lose a sense of humor which sometimes around here is the only redeeming grace we have.

Late at night when things are tougher, and they have been for a long, long while, and the staff oftentimes works very late at night, that sense of humor becomes invaluable because it is the sense of humor that redeems situations that have gotten too tense and perhaps too personal, allows people to step back and reevaluate their positions, and see if indeed there is not a way in which a seemingly intractable problem can be solved.

Jeff has that capacity. I know from talking to other members of the staff, at times when I was not there, it came to the fore, the ability to get people to take another look, to work together and to resolve issues.

I also say Jeff is one of the most innovative members of staff that I have had, in trying to find a way to solve a problem that seemed insolvable. Of course, some of those—where we have found those measures, those ways to succeed, where others sought to block the effort—perhaps are not too happy with Jeff who found ways for us to succeed. That, too, is a measure of his success.

But I think it is fair to say that I personally will miss Jeff in the rest of the months of this year. I am sure other members of the subcommittee and subcommittee staffers will miss Jeff as well.

But I think it is fitting that the Senate, as we deal with an appropriations bill—perhaps it is an accident of timing that we can take the time while on the appropriations bill upon which he has given so much time and work—would also be able to say thanks to a job well done. We appreciate your service, we wish you good luck in the job outside the Congress of the United States, and we hope to see you often in the future.

Thank you, Mr. President.

TRIBUTE TO JEFF CILEK

Mr. HATFIELD. Mr. President, though this particular supplemental appropriations bill may seem an unusual forum for a tribute, I would like to offer a few words on behalf of Jeff Cilek, who will soon, much to our chagrin, leave the committee staff for other employment.

Jeff has served as clerk and later as minority clerk of the Appropriations Interior Subcommittee since December 1984. Though the Interior bill can hardly boast of a generous allocation, that subcommittee oversees hundreds of line items and fields perhaps more requests from Members than any other Appropriations Subcommittee. Despite the burdens of oversight which come with that territory, and the attention which Jeff has had to give to the most tedious minutiae, he has served the committee and its members with diligence, intelligence, and good humor.

Mr. President, we will suffer a great loss on the retirement of our colleague and friend Senator McCLURE. That sad goodbye will only be made more so for Appropriations Committee members and staff by Jeff's concurrent departure. He has been a great help and he will be greatly missed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that Brian Moran of my staff be permitted privileges of the floor today and each day we are on the supplemental appropriation bill, H.R. 4404.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent that the Danforth amendment be the order of business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1553

Mr. THURMOND. Mr. President, I rise today to support the amendment previously offered expressing the Senate's disapproval of the recent Supreme Court decision in Missouri versus Jenkins.

As we know, this ruling grants Federal judges the unprecedented power to order tax increases as a judicial remedy.

Last week on the Senate floor, I expressed serious concerns with this decision and urged my colleagues to support S. 34, a bill which I have cosponsored as introduced by Senator HUMPHREY to restrict the remedial jurisdiction of Federal courts in this area. This legislation currently has 22 cosponsors, and I firmly believe that this bill is adequate to alter the recent Supreme Court decision. Under article III of the Constitution, Congress clearly has the power to regulate the remedial jurisdiction of the Federal courts.

Mr. President, the recent Supreme Court ruling extends the power of the judiciary into an area which has traditionally been reserved to State and local governments. It has been a fundamental lesson in American history that this Nation opposes taxation without representation.

In high schools across the country, students learn as a basic premise of American democracy that the legislative branch alone has the power to

tax. For over 200 years, elected representatives with authority to tax were directly accountable to the people through the ballot box. Yet, now, the American people do not have this same protection, the same accountability, when taxes are imposed by unelected, life-tenured Federal judges. Now that the Supreme Court has sanctioned judicially imposed taxes, the American citizenry lacks adequate recourse to show their opposition to unnecessary tax increases. While the American public cannot vote a Federal judge out of office, they can properly look to the Congress to remove the power to tax from an independent and insulated judiciary.

The role of the Judiciary is to interpret the law, not to legislate. I firmly believe that the Jenkins decision expands the power of Federal courts into the role of legislating. Under the Constitution, the power to tax is an exclusive legislative right of Congress and the States. This power is derived through article I, section 8 and the 10th amendment in the Constitution.

Mr. President, I urge my colleagues to support this amendment and efforts to alter the Jenkins decision restoring the proper balance of authority between the legislative and judicial branches of Government.

Mr. President, I ask for the yeas and nays on the Danforth amendment, No. 1553.

Mr. DANFORTH. Mr. President, if the Senator will withhold that, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold? The Senator asked for the yeas and nays.

Mr. THURMOND. Mr. President, I withhold. We do not have a quorum.

The PRESIDING OFFICER. The Senator has suggested the absense of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WETLANDS

Mr. PRYOR. Mr. President, I see several Senators on the floor. I would just like to inquire of any of the Senators who are handling this bill at this time, is there any objection to Senator BUMPERS and myself and hopefully Senators CHAFEE and BAUCUS—I think they are on their way here—engaging in a short colloquy?

If there is no objection, Mr. President, we would like to announce the agreement which will be printed in full tomorrow in the RECORD between the White House, the Environmental Protection Agency, the Office of Management and Budget, the Corps of Engineers, and the U.S. Department of Agriculture as to a very complex issue regarding wetlands.

Mr. President, over the past several years we have seen the development of this issue basically, which was, in fact, in the past, in 1972, in the Clean Water Act, ultimately referred to as swampbuster in the 1985 agriculture bill. We have ultimately seen regulations which have come from various agencies of Government which have very much complicated the lives of many thousands of American farmers throughout our agriculture community.

Mr. President, I would like to say at the beginning that the farmers in our country, to a large part, are the environmentalists of this country; they are the people who year after year and generation after generation rely upon that particular block of land to support not only themselves, to provide a livelihood, but also to provide the food and fiber that feeds and clothes this country and many parts of the world today.

We would also like to say, Mr. President, that pursuant to this agreement, we are pleased to announce that farmers for the first time in a long, long period of time will know the rules. They will know the rules. They will have an understanding about whether they can construct a rice levy; whether they can level their land as they have been in the past, many, many years on the same piece of land; whether they can maintain or not maintain their ditches, that area is going± to be finally concluded in the agreement which will be placed in the RECORD tomorrow.

Also, we strongly feel that this agreement, which has been hammered out during most of this day, is an agreement that represents common sense, of reasonable people coming together with a hard and tough problem and the ultimate result being a commonsense approach to what we have called a very, very difficult decision.

I think, Mr. President, that many farmers across our country tonight hopefully will appreciate this agreement, because it will send a clear signal basically that those normal farm practices that they have been engaged in in the past several years, that they can continue to engage in those practices without any fear of losing the support of Federal or other programs which enable them to plant and grow and produce on normal crop acreage.

Mr. President, I especially wish to thank our colleagues, Senator CHAFEE and Senator BAUCUS, for the instrumental part that they have played in forging this agreement. Also involved, of course, was the senior Senator from Arkansas, who has been a mover in this whole area of attempting to bring about a commonsense approach to a very hard, complex issue, the wetlands concern.

We have also had in our meetings today representatives of the distinguished Senator from Louisiana [Mr. JOHNSTON]; and also Senator BREAUX and Senator BOREN's staff. All of us have worked hard with the various agencies that I have mentioned in the opening part of my statement. We think that this is going to be a very splendid agreement; that it will not in any way endanger the wetlands of our country; and that it will also provide a very clear understanding to our American farmers as to what they can do and what they cannot do with the lands that they are today farming.

Mr. President, I know that my distinguished colleague, the senior Senator from my State, is going to want to make a statement at this point. Hopefully, we will have Senator CHAFEE, Senator BAUCUS, and others to engage in a colloquy on this.

Mr. President, I yield the floor.

Mr. BUMPERS. Mr. President, I want to first of all thank my distinguished colleague for his leadership on one of the most critical issues to face agriculture, not just in my State but in the country. What has happened is that several Senators such as my distinguished colleague, Senator PRYOR and Senator JOHNSTON and I, all of whom like to think of ourselves as strong environmentalists who have been protective of wetlands in this country, have become greatly concerned about the expansion of wetlands regulation, creating an obvious unintended result, a chaotic result, as a matter of fact.

I not only want to thank my colleagues, Senator JOHNSTON and Senator PRYOR, for their role in helping get these negotiations started, I want to thank the EPA and the Corps of Engineers for the candor and honesty with which they have negotiated throughout this day on this issue. It has obviously come down to the point where everybody agrees that to have allowed the situation to continue as it now exists would have been a potential disaster for American agriculture and therefore for the entire country.

Mr. President, just so we are all talking about the same thing, I would like, if I may, to catalog how we got into this situation. In 1977, we passed the Clean Water Act. It was that bill that contained what has become the famous—what some people consider infamous—section 404 permitting process.

Incidentally, I see my good friend and colleague from Rhode Island [Mr. CHAFEE], is on the floor and I thank him for his help and I invite his attention to these comments, and to comment later on the accuracy of what I am saying and how we are going to deal with it.

It was in the 1977 Clean Water Act that we gave the Corps of Engineers the authority to issue 404 permits. These 404 permits, contrary to popular opinion, do not deal with cutting and dredging. They deal with how you dispose of the fill dirt. In order to dispose of fill dirt, whether you are a drainage district or a farmer, you have to get a 404 permit.

I voted for that, and we all applauded it and said, "We are on our way to reducing water pollution and also to saving the wetlands of America." But in that same bill, there was a provision called 404(f), and one of the reasons I voted for that bill was because it said, "Normal farming practices are exempt."

In my conversations with my good friend from Rhode Island the other day, Senator CHAFEE, we discussed this. He said, "I do not understand why you and Senator PRYOR are upset because normal farming practices are exempt." I will come back to that in just a moment.

But here is what is said under 404(f) so far as agriculture is concerned. We said that normal farming practices are exempt from the requirements of 404, as are emergency flood control measures, maintenance, construction of ponds and ditches, temporary sedimentation basins, farm roads, forest roads, and mining roads. All of those things were exempt.

And everything went along swimmingly for 13 years. Then all of a sudden the Corps of Engineers, EPA, the Soil Conservation Service, and the Fish and Wildlife Service issued a new manual which they had worked on for 2 years. Everybody had sort of been breathlessly awaiting this manual.

In January of 1989, the manual came out. The manual said—and bear in mind, normal farming practices had been exempt, that land comes under section 404 if it has three criteria—if the soil that you are farming is hydric, if it has wetlands hydrology—and, No. 3, if it contains or is capable of containing hydrophytic vegetation.

I am not a hydrologist, so I do not understand a lot of these terms, but those are the three criteria. They said if it meets those criteria, it is wetlands and you must get a 404 permit, subject to the normal farming practices exemption.

There is some controversy on this. Some of my farmers have told me that the corps has come out and said their soil was hydric, and therefore they fell under the 404 process because the corps assumed the land met the other two standards. This is wrong and the corps and the EPA have assured me that it will be corrected. The above criteria have left to an explosion of land falling under section 404.

In the region of what we call the delta, on both sides of the Mississippi River—and I see the Senator from Illinois over there; he is very familiar with the delta, but I am talking in particular about the delta in Arkansas, Louisiana, and Mississippi—84 percent of this land was placed under section 404. This includes the richest acreage in my State and 19 million acres on both sides of the river, in Louisiana, Arkansas, and Mississippi. It made 19 million acres subject to section 404.

Think about that. We just appropriated $2 million 2 years ago to set up the Delta Commission to report back to us how can we alleviate poverty in the delta. Why, Tunica County, MS, the poorest county in America, in the heart of the delta, where they have nothing but cotton and rice and soybeans, has nearly 50 percent poverty rate. It is the poorest county in America. But the perverse effect of the expansion of wetlands regulation would have been to say: You cannot farm in Tunica County anymore unless we give you a permit or unless you fall under an exemption. Unfortunately, neither the corps nor the EPA has done a very good job in communicating, what the exemptions are, and these farmers are planting in fear.

I have a chart, Mr. President, which I will offer for the RECORD later, and every Senator in the U.S. Senate ought to look at that chart and see how much soil in his State is classified as hydric; to see where we are headed with this.

So, Mr. President, again I want to say that hundreds of farmers have come to me. One farmer, who along with his grandfather and father, farmed lands for 70 years, was suddenly told that his soil is hydric, and if he wants to keep farming it he is going to have to get the corps permission.

Of course, I know that was a perverse and unintended result because EPA and the Corps of Engineers today—and they deserve a lot of credit; they have negotiated in good faith—are saying to America's farmers, "We did not intend this result." They have agreed to ensure farmers that if they are farming as they always have, then a 404 permit is not necessary.

They are right now in the process of drafting a statement concerning normal farming practices, including rice and fish farming, crop rotations, and land leveling, that I hope we can all agree on and submit for the RECORD tomorrow. I think it will solve 90 to 100 percent of our problem.

I want to again thank my colleagues for the work they have done in making that possible.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, indeed there was a problem, and clearly the Senator from Arkansas and others from the delta area, the Senators from Louisiana, felt their farmers had not properly received the word that there had been apparent changes.

Through consultation with the distinguished Senators from Arkansas and the Senators from Louisiana and others, plus representatives from the EPA and from the Corps of Engineers, we were able to work out an understanding on this situation. Tomorrow there will be a letter from the Corps of Engineers, and I believe also EPA, setting this forth in a little more detail.

The problem has been resolved, and I am very grateful to the Senators involved for not pressing forward with their amendment because I felt it presented great problems from the point from which I was approaching this matter.

I will not get into a discussion of the 404 Program. Since it has been resolved, I think enough has been said.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, first of all I congratulate the Senators from Arkansas for bringing this matter to the attention of the Senate. Suggestions have been made that certain practices which are normal, customary practices in the agriculture sector had been brought into question. Regulation from the administration was going to cause an enormous burden of red tape, new procedures, and of getting permission from everybody you can think of to continue to engage in these normal agricultural practices.

It reminded me of the debate when I was a member of the Public Works Committee in the other body when this act first was being proposed. We were reviewing it. The Senator from Louisiana [Mr. BREAUX] who now serves in this body was a member of that committee at the time.

We worked very hard with the Administration and with other members of that committe to try to clearly establish that normal agricultural and silvicultural practices were respected under this new 404 Permit Program that was being established under this legislation.

I know the Senator from Rhode Island [Mr. CHAFEE] may have been involved in that legislation as a Member of the Senate. I do not remember that, but I deeply appreciate his courtesies in working out this agreement.

But I do remember that we very carefully crafted the language to ensure that a farmer would not have to go to the Corps of Engineers, get clearance from the Fish and Wildlife Service or other Federal agency before he could plan his crop every year. Of particular concern was rice farming and the practices connected with erecting dikes, putting in a rice crop every year. These were very real concerns. The fact that it comes up again indicates that somebody had not received the word that the language in

the law clearly purports to exempt those normal agricultural practices.

Just last month, because of the rumors that were flying around that all the new, oppressive standards and regulations were being imposed, I wrote a letter to bring to the attention of the administration these concerns. I was very pleased, Mr. President, and satisfied that we had been able to explain the situation when I received, on April 19, a letter from the U.S. Environmental Protection Agency and the Department of the Army, Office of Assistant Secretary, which deals with the administration's position on this very issue.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF WATER,
Washington, DC.
DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC.
April 19, 1990.

HON. THAD COCHRAN,
U.S. Senate,
Washington, DC.

Dear Senator Cochran: Thank you for your letters of March 27, 1990, to Administrator Reilly and Lieutenant General Hatch concerning implementation of the Section 404 permit program in relation to certain farming activities. As the national program managers for the Clean Water Act Session 404 program, we appreciate the opportunity to respond to your concerns. We share your deep interest in this issue and recognize the need to work expeditiously to provide appropriate clarification.

We strongly agree that it is incumbent upon our agencies to communicate effectively to landowners and farmers how the Section 404 program may apply to their activities. This communication is critical in assuring that the regulated public understands regulatory requirements that may apply, and to minimize any misconceptions and confusion that may exist concerning our program. As your letters recognize, it appears that some misunderstanding has arisen regarding the relationship of the Section 404 program to certain farming operations involving, in particular, rice levees and construction of catfish ponds. We understand these concerns, and have recently initiated several actions that will allow farmers to understand better the regulatory program and provide more efficient and equitable mechanisms for implementing provisions of the Section 404 program. These actions include:

Progress toward developing a general permit authorizing discharges of dredged or fill material associated with the construction of levees and ditches for the construction of catfish ponds.

Initiating a review of the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Interagency Manual) with the Soil Conservation Service and the Fish and Wildlife Service to determine what, if any, modifications are necessary. As part of the review, we will be holding public meetings to solicit technical comments on the Interagency Manual. The first meeting is scheduled for May 5, 1990 in Baton Rouge, Louisiana.

Initiating EPA is developing of clear and easily understood information for the agricultural community regarding Section 404 regulatory requirements, focusing on wetlands jurisdictional determinations in agricultural areas and the applicability of the Section 404(f) exemptions to agricultural activities.

In addition to these actions, we are committed to continuing to work with representatives of the agricultural community to explore other opportunities to improve the effectiveness of our wetlands protection efforts, remaining ever-mindful of the special needs and concerns of the Nation's farmers. We will work diligently to ensure that the Section 404 requirements are better understood by all participants in the permit process, and are convinced that improved communication is essential to the program's ability to successfully provide far and equitable protection for the Nation's critical aquatic resources. In that regard, we intend to contact the Department of Agriculture to develop an effective means of distributing information to farmers concerning the relationship between the Section 404 program and agricultural activities.

Your letters also raise a concern regarding the changing environment in the Federal treatment of wetlands under Section 404. There are two issues related to this concern to which we would like to respond. First, it is our position that discharges of dredged material associated with the construction of rice levees in wetlands which are in established agricultural crop production are "normal farming activities" within the meaning of Section 404(f)(1)(A) and are therefore exempt from Section 404 regulation under the following conditions:

The purpose of these levees is limited to the maintenance and manipulation of shallow water levels for the production of rice crops; and

Consistent with current agricultural practices associated with rice cultivation:

The height of the rice levees should generally not exceed 24 inches above their base; and

The material to be discharged should generally be derived exclusively from the distribution of soil immediately adjacent to the constructed levee.

Second, we understood that concern has been expressed that our agencies may be using only one parameter (i.e., soils) to delineate wetlands in areas currently in agriculture. In fact, all three parameters of the wetlands technical criteria (i.e., hydrophytic vegetation, hydric soils, and wetlands hydrology) must be considered when making a wetlands determination. The definition of wetlands in our regulations (33 CFR 328.3(b); 40 CFR 230.3(t) and 232.2(r)) provides for a three parameter approach in identifying an area as wetlands. Moreover, the Interagency Manual, cooperatively developed by the Corps of Engineers, Environmental Protection Agency, Fish and Wildlife Service, and Soil Conservation Service, describes field indicators for all three paramenters (i.e., hydrology, soils, and vegetation) and articulates methods for delineating wetland boundaries. In general, field indicators of all three parameters must be demonstrated in making a wetlands delineation. However, in describing these indicators for determining the presence of the three parameters, the Interagency Manual identifies certain assumptions which may apply. For example, there will be circumstances where the wetlands hydrology indicators (i.e., the hydrological indicators listed in the Interagency Manual, including, for example, visual observations of inundation or soil saturation) are not readily observed in the field (e.g., the site visit is during the dry season). Section 3.37.11 of the Interagency Manual states that "[i]f an area meets the field indicators for hydric soils *and there is no indication of significant hydrologic modification,* then it can be assumed that the area meets the wetland hydrology criterion" (emphasis added).

In routing situations, positive indicators of soils, vegetation, and hydrology are sought. However, there are circumstances where such indicators are not available, for example where wetlands vegetation is not present due to clearing activities or as a result of winter die-off of annual vegetation. When this occurs, under the Interagency Manual the type of soils present and the hydrology will indicate the type of vegetation that would be present under normal circumstances. Similarly, the presence of hydric soil indicators and the absence of modifications to the hydrology can indicate the presence of wetlands hydrology.

As provided in the Interagency Manual, while a site is effectively and legally drained to the extent that it no longer meets the regulatory wetlands hydrology criteria (as interpreted by the Interagency Manual), it is not a wetland subject to jurisdiction under Section 404 of the Clean Water Act. In addition, in making determination, agency staff are required to ensure that hydrology is not determined based solely on soil characteristics in areas currently in agriculture. Areas in agriculture are considered disturbed areas and indicators of all three parameters are evaluated utilizing the "disturbed area" section of the Interagency Manual (Sections 4.20 through 4.23). In making determinations, indicators of all three parameters are evaluated and the hydrology parameter is not assumed to exist based solely on soil characteristics in areas currently in agriculture.

We hope this letter addresses your concerns. If you have any additional questions, please contact us or David G. Davis, EPA Office of Wetlands Protection, (202) 475-7791, or David Barrows, Office of the Assistant Secrtary of the Army (Civil Works), (202) 695-1376.

Sincerely yours,

LAJUANA S. WILCHER,
Assistant Administrator for Water, U.S. Environmental Protection Agency.
ROBERT W. PAGE,
Assistant Secretary of the Army (Civil Works).

Mr. COCHRAN. I am just going to read a couple of things that relate to catfish ponds in the Mississippi Delta and another that relates to levees in connection with rice farming. The administration understands these concerns and sets forth their understanding of the relationship between the section 404 permit program and agriculture activities.

Although I do not have a copy of the agreement that has now been reached among the agencies involved, I am told that this agreement today builds on this commitment and maybe further clarifies the situation so far as any new regulations are concerned. For that reason, because it is a matter that

ought to be put to rest, farmers ought not to be overreached by any Federal agency in carrying out the intent of this law. I again congratulate my friends from Arkansas and others who have worked on this issue to put it at rest.

Mr. JOHNSTON. Mr. President, I thank my friend from Arkansas, Senator PRYOR, who has worked so hard as the leader of our team. This is a vitally important subject in my State because we went from some 500,000 acres to 4.2 million acres under the 1989 change, and the regulations have not yet come out. So we do not exactly know with what we are going to be saddled. I hope this language which the Senator from Arkansas has worked out is going to give us some clarity so that my farmers in Louisiana, who farm that 4.2 million acres, will be able to continue their normal practices.

I wish to ask my friend from Arkansas one question that is of special concern in Louisiana. That is where we take land from farming to agriculture and back again, particularly from rice to crawfish, sometimes back again. That is a normal practice in Louisiana. We have some 130,000 acres of crawfish, I believe it is, at this time. And that has expanded as fast as people find out about the delicacies and the flavor of crawfish. We hope that expands a whole lot more. Under the language the Senator has perfected and has been agreed upon, that practice is envisioned as a continuation of farming practice, is it not?

Mr. PRYOR. Mr. President, if I may respond to my friend from Louisiana, who has been very helpful in working out this ultimate solution to this problem, I think the Senator from Louisiana has reference to crop rotation. This, by the way, is another very sound environmental practice used by farmers in our part of the country; for example, for a few years to grow rice and then switch to soybeans, and back and forth. This keeps the land healthy. It keeps it in a state where it would, I think, be very beneficial to the environment.

Normal crop rotation under this proposed agreement will be exempt. The proposed agreement, if I might also answer the Senator from Louisiana and respond just a moment to the Senator from Mississippi—and I appreciate very much the compliments of both Senators—has not been formalized. This agreement will be finalized this evening, hopefully, if not in the morning, and will be spread upon the RECORD tomorrow, signed off by the White House, OMB, EPA, and all of the respective agencies that have been involved. But crop rotation will now be exempt, and it should be exempt.

Mr. JOHNSTON. Mr. President, I thank again my friend from Arkansas. This is a vitally important subject in Louisiana. I would also like to alert my colleagues, those who are concerned about wetlands—and I guess that includes everyone; I know Senator CHAFEE has been one of the leaders in wetlands—to say that our concern about farming in wetlands is not that we want to destroy the wetlands. To the contrary, we want to keep the wetlands. As a matter of fact, later on this year, as the year unfolds, we are going to be asking for a lot of help in Louisiana on our wetlands problem, because we are losing 40 to 60 square miles a year of wetlands.

Our problem really is not development. It is not taking the bottomland hardwoods and developing them into soybeans, which is a practice we do not want to do, which has been done in the past. Our problem is really the subsidance of our wetlands, the compaction of the ground that is starved for silt and freshwater that it used to receive from the Mississippi River. In order to stem that practice, we are going to need some serious money to try to minimize the action of the Mississippi River by getting freshwater and silt back in there. So that will unfold later this year.

But I want to thank the Senator from Rhode Island for working with us, and especially the Senator from Arkansas for being our leader.

Mr. BURDICK. Mr. President, I commend the efforts of my colleagues from Arkansas and Louisiana to ensure that section 404 of the Clean Water Act is not carried out in a way that would jeopardize the normal farming, silvicultural and ranching activities of this Nation.

It is incumbent upon the EPA and corps to implement the section 404 program in a manner that is both consistent with the exemptions provided by law and equitable to our landowners and farmers.

Earlier today these agencies agreed in principle to take steps to ensure that farmers and ranchers understand both the exemptions and any regulatory requirements that may apply; to minimize any misconceptions and confusion that may exist concerning the section 404 program; to work more closely with the Department of Agriculture's Cooperative Extension Service and land grant universities to determine what constitutes normal farming activities and to assure that that information is conveyed to farmers; and to immediately direct their field staffs to carry out these actions and provide notice to the public through the media.

The EPA and the corps have agreed further to transmit the text of this agreement to the Senate tomorrow.

Mr. CHAFEE. Mr. President, I would not only like to thank the Senators that I mentioned previously, plus the distinghished Senators from Mississippi, but also to thank their staffs. This has been an elaborate matter that we have been working on starting last Thursday, extending into Friday. I know that the staffs were here yesterday, Sunday, trying to iron out this understanding and agreement with the absolutely forthright cooperation of the Corps of Engineers' representatives and the EPA. There were very helpful. I think it is worthwhile mentioning not only that those in the administration were so forthright and of such great assistance but also the staffs of the Senators from Arkansas, Louisiana, and Mississippi.

Mr. PRYOR. Mr. President, I thank the distinguished Senator from Rhode Island once again, not only for his cooperation but his very generous comments. I would like at this point to bring to the attention of my colleagues, an article from page 1 of the New York Times last week, entitled "For Farmers, Wetlands Mean a Legal Quagmire."

Mr. President, seeing the distinguished Senator from Missouri [Mr. DANFORTH] on the floor of this time, this particular New York Times article made reference to one of Senator DANFORTH's constituents, a young 35-year-old farmer by the name of Mr. Rick McGowen. He lived, I think, in the central part of Missouri. He has a 208-acre farm. It talks about the nightmares that Mr. McGowen has suffered during the last 3 to 4 years because of various interpretations by the respective agencies that deal with the regulation of wetlands. This is what this agreement, Mr. President, attempts to solve.

For example, he said that he is troubled again on this particular farm in 1987——

The PRESIDING OFFICER. Senators in the back of the Chamber are asked to take their seats.

Mr. PRYOR. I might just say, Mr. President, to the Senator from Missouri, that I am talking about one of his fine constituents, Mr. Rick McGowan, who has had a great deal of trouble with the agencies that regulate his 208-acre farm. Mr. McGowan, from the New York Times, said his trouble began in 1987 when we set out to repair a break in a levee caused by a flood from a small stream, and it raised the rest of the levee which had subsided over the year to its original height.

Well, one thing led to another, operating under a 1986 Corps of Engineers definition, he finds that in 1989 the corps, and Fish and Wildlife, and other agencies of the Government sort of changed the definition of wetlands. There was no hearing, there was no right to respond, and as a result what happened, one of the representatives of one of these agencies came to Mr. McGowan's farm. He found what Mr. McGowan called some grain sorghum.

It was interpreted by this official from the agency as a cattail. Therefore, it had been wetlands; therefore, Mr. McGowan could no longer plant there.

Now he has $40,000 in legal fees, and I think truly that the agreement that so many had been a part of shaping, Mr. President, will resolve not only Mr. McGowan's dilemma, and his crisis but many thousands of farmers across the country.

Mr. President, I had indicated earlier that Senator BUMPERS and I and others would be offering an amendment on this matter. Because of this agreement, the necessity of that amendment is negated. So I ask unanimous consent to withdraw the Pryor-Bumpers amendment as it related to wetlands.

Mr. BUMPERS. Would the Senator withhold that request? I was just thinking, I do not see any harm in allowing the amendment to lay around.

Mr. PRYOR. I yield to the wisdom of my senior colleague, and I vitiate that request.

Mr. BUMPERS. I thank the Senator.

The PRESIDING OFFICER. The Chair advises the Senator that the amendment has not yet been offered.

Mr. BUMPERS. Mr. President, has the Senator from Louisiana spoken on this subject yet?

Mr. JOHNSTON. If the Senator will yield, I made maybe a forgettable speech, but I did speak.

Mr. BUMPERS. I heard people out in the corridor talking about hearing one of the most unforgettable speeches, but I did not know it was that of the Senator.

Mr. JOHNSTON. I tell the senior Senator from Arkansas, I did speak on this matter. One of our concerns is, as I discussed with the junior Senator from Arkansas, because we go from rice frequently to crawfish and sometimes to catfish. Now we are even going into other species, sometimes redfish, striped bass, which is becoming very big in Louisiana. Not only does it not harm the environment, it is really good for the environment, as the Senator knows with the bird life that loves all of those kind of ponds. As I understand from the junior Senator, that is considerd tantamount to crop rotation, which would be allowed.

I hope my colleagues will specifically reference aquaculture in this amendment because it is an important thing in my State.

Mr. BUMPERS. Crop rotation will be addressed and I will see that your concern gets to the proper people immediately.

I might also make two observations: First, if the Japanese, the Koreans, and the Taiwanese continue to empty the oceans, seine the oceans, we are going to be pleading with people in Louisiana, Mississippi, and Arkansas to grow more catfish because there is not going to be any sealife left if these drift nets continue to be used in our oceans, which is literally seining the oceans dry.

Mr. JOHNSTON. The Senator is exactly correct. As a matter of fact, I am informed that the capacity of the oceans to produce fish is about at an optimal level, that there are really no other frontier areas to fish. Consequently, the fight is not over opening new areas, but fights over existing areas between us and the Japanese in the Sea of Alaska, the Caribbean, and elsewhere.

So the frontier is in aquaculture, which is the fastest growing form of agriculture.

Mr. BUMPERS. Those three nations I mentioned have up to 30,000 miles of drift nets in the oceans at any given hour of the day. I intend—I do not mind saying this on the floor now because we have been working on it for the last 10 days—sometime this week or next to offer a resolution of the U.S. Senate calling on the President to convene an international conference of all nations, and certainly all literal nations, who have shorelines on the oceans, to try to start negotiating agreements very much like the Frank Church amendment on the national forests, multiple-use sustained yield, and get all the nations of the Earth to agree that we will not take out more than the ocean is capable of producing.

The Senator has made a very cogent point that caused me to get into drafting this resolution because right now we are a borderline. We are probably taking out more right now than the oceans are capable of reproducing.

Ever since I was a first grader, I was taught that if push came to shove in this world the oceans ultimately would feed us. Of course, that was when we had 2 billion people. We now have 5.2 billion, headed for 10 billion.

I see the Senator from Illinois wishes to speak on this also. I want to make one other point.

The Senator from Arkansas [Mr. PRYOR], just placed in the RECORD an article from the New York Times, a very cogent article about how regulations have gone awry, and can create so much havoc.

But the main point I want to emphasize to the Senator offering that article, if you read the article, I do not want anybody here to believe that this is an Arkansas-Louisiana-Mississippi problem just in the delta. The people discussed in that article are Missouri and Iowa.

If I had that chart here—and I am going to see that every Member of the Senate gets a copy of the chart—Florida has 17 million acres of hydric soils. California, Texas, Georgia—Georgia has almost 16 million acres of hydric soils. You are not talking about a highly localized issue here. You are talking about something that, if carried to its extreme, would render this country not only incapable of exporting, but incapable of feeding itself. That is how drastic it is.

Mr. JOHNSTON. Was the Senator talking about this chart?

Mr. BUMPERS. I have seen that one. That is not the one. There is a numerical chart showing each State, how many acres in the State and how many of those acres are hydric.

For example, in Arkansas, we have 13.5 million acres of low cropland; 13½ million acres and over 8 million of it is hydric. You could see what that would have done to us. I know the Senator from Illinois wants to get back to drift nets and the ocean. So I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. First of all, I want to commend the two Senators from Arkansas, the Senators from Louisiana, Mississippi, and anyone else who had something to do with working out this agreement.

If I could get the attention of the senior Senator from Arkansas for just a moment, with this conference idea, let me tell you one other factor that we ought to be looking at in the oceans. The Senator mentioned the population figures. As our population goes up, not surprisingly, the water table of the nations of the world are going down. So not too long ago you had the Foreign Minister of Egypt saying if there is another war in the Middle East in the next 20 years, it is likely to be over water rather than land.

One of the things that we have to do is to spend some money, do some research on finding an inexpensive way of converting saltwater to freshwater. It will dramatically change the world.

Very interesting—way back when John Kennedy was President of the United States, he was asked at a press conference what kind of scientific breakthrough he would like to see in his administration. John Kennedy said, you have heard me talk about getting a man to the Moon, but let me tell you more important than that if we could accomplish it, would be to find an inexpensive way of converting saltwater to freshwater. He asked for an appropriation of $100 million and temporarily we got it. We are down to about $3 million on something that could dramatically improve the lives of people.

Ironically, it is tied in because Antarctica, because of the warming of the Earth, is gradually going to have the ocean level rise. If we could find an inexpensive way, we would help the Southwest United States, North Africa. I was in Mauritania on the coast of North Africa one time. They

were growing 9 percent of their own food.

I just ask the Senator from Arkansas if he could broaden that international conference just a little so that we could look at this whole question also of using the resources of the ocean to see if we cannot cooperatively take a look at research to convert, in an inexpensive way, saltwater to freshwater?

Mr. BUMPERS. The Senator's point is extremely well made, and I will be delighted to include that. One has to only look as far as southern California at this very moment to find out how critical water supplies can get. They are in their third or fourth year of drought there. If they do not get relief soon, people are literally going to be leaving southern California in droves.

Having said that to the Senator, I want to make two other points. First, the table which the distinguished Senator from Louisiana just handed me is not the same table I saw, but the figures are the same as the table I have and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In acres]

State	Crops	Hydric soils	Crops in hydric soils
Alabama	8,526,400	4,295.400	850,000
Alaska	(1)		
Arizona	2,576,000	476,700	37,600
Arkansas	13,895,300	8,770,800	5,085,700
California	11,910,200	2,798,900	1,819,700
Colorado	11,862,400	1,719,700	870,600
Connecticut	558,700	205,800	21,600
Delaware	554,300	349,000	115,000
Florida	7,810,000	10,735,300	6,870,100
Georgia	6,568,400	7,009,400	614,000
Hawaii	(1)		
Idaho	7,664,300	1,184,400	805,400
Illinois	27,884,700	2,816,600	2,393,900
Indiana	15,993,200	1,325,700	1,044,100
Iowa	30,976,800	1,767,900	1,511,100
Kansas	31,359,200	1,781,600	760,800
Kentucky	11,814,000	850,500	409,800
Louisiana	8,779,400	19,573,800	4,886,800
Maine	1,522,400	1,822,700	223,200
Maryland	3,328,500	1,132,800	348,000
Massachusetts	498,800	511,700	73,200
Michigan	12,354,100	8,288,900	1,942,200
Minnesota	26,613,900	12,507,200	4,200,800
Mississippi	11,390,500	6,339,900	3,041,600
Missouri	27,571,400	2,481,800	2,211,700
Montana	20,205,900	2,464,400	946,000
Nebraska	22,402,000	2,538,600	955,400
Nevada	1,164,100	1,271,100	436,200
New Hampshire	282,300	246,200	48,800
New Jersey	1,049,000	422,000	210,300
New Mexico	1,285,600	496,100	22,600
New York	9,783,900	6,336,000	3,050,400
North Carolina	8,675,000	7,438,300	1,614,900
North Dakota	28,311,100	2,793,500	1,085,900
Ohio	15,161,000	2,654,200	1,782,200
Oklahoma	18,706,300	2,079,300	856,000
Oregon	6,322,300	1,776,200	1,181,500
Pennsylvania	8,488,900	2,517,200	1,251,900
Rhode Island	63,100	73,900	6,100
South Carolina	4,786,700	4,693,400	524,000
South Dakota	19,650,200	2,385,800	720,900
Tennessee	10,947,700	2,387,000	801,800
Texas	50,362,400	14,901,300	5,860,200
Utah	2,529,000	868,100	437,300
Virginia	6,788,900	2,049,600	430,700
Washington	9,138,000	1,548,600	666,400
West Virginia	2,463,200	227,600	140,900
Wisconsin	14,851,000	2,328,100	1,425,900
Wyoming	3,342,200	1,229,200	437,300

[1] Not available.

Mr. BUMPERS. Mr. President, we will send this to every Senator so they will know exactly what was involved in their State, so that if this issue comes up again, they will know exactly what the issue is in their State.

Let me return to another point. That is, I have been intending to come over here and deliver a barn-burning speech on a matter of great interest to me and has been for some time, and that is population. When I was in the first grade, there were 2 billion people on this planet. Today there are 5.2 billion people on this planet. A lot of demographers say that by the year 2025 there will be 10 billion people on this planet. Robert Wright, probably the most noted futurist in America, says that this Nation can only sustain 1.2 billion people in perpetuity.

You talk about drugs, you talk about the nuclear holocaust, you pick out what has been said on this floor a thousand times as the No. 1, most pressing issue in the world, and I challenge you, because I promise you, no other problem can be solved until that problem is solved.

Mr. SIMON. If my colleague will yield just for a moment, what he is saying is absolutely vital, but this is also why using the resources of the ocean to make land that is now desert land productive is vital. When you are in Egypt, you can just see where the vegetation from the Nile ends. It is dramatic. All these countries of North Africa that are desert lands today could be productive lands. So that what you are saying is absolutely vital.

From the beginning of time to the year 1830, we accumulated 1 billion people. It took another century to get to 2 billion. And now, as the Senator says, we are up to 5.2 billion. But I commend my colleague from Arkansas, who, more than most of us, has had a vision of how we can build a better world, and it is another illustration of it right here.

Mr. BUMPERS. I thank the Senator for his very generous comments. I do not want to delay the voting. I assume that as soon as I take my seat we will start voting. I know how popular you are when you keep talking. But on the subject of population, we hear about the greenhouse effect and how trees and particularly the tropical rain forests are essential to dealing with global warming because trees absorb carbon dioxide.

So what happens? We are clearing 100 acres of tropical rain forests every minute. Think about that. One hundred acres a minute of just tropical rain forests. Why? Population. How does that work? Well, the President of Brazil, for example, was moving settlers from the slums of Sao Paulo and Rio into the Amazon Basin, giving them 5 acres; they slash and cut. Why? They use the wood for energy to cook their food, and they use the land to grow food.

Why do they have to have more land? Because we are adding 100 million people a year to the population of the planet. You are not going to deal with ozone depletion. You might deal with that one. That is one that has a lot of hope to it, but you are not going to deal with greenhouse effect and global warming by adding 100 million people a year, about 40 percent of whom will come from the Third World nations, where they are already starving, where the water is already polluted, where the life expectancy is often below 40 years. You are not going to deal with any of those problems.

So how do we address it? I certainly do not want to make this supplemental any more complicated than it already is, but last year we spent $305 billion on defense in the United States. Last year all the nations of the Earth spent $1 trillion on weapons. Last year the whole world spent $3 billion on family planning, three-tenths of 1 percent as much as we spend on weapons.

You tell me, if this population explosion continues, as most people say it is going to, what happens in the year 2025 when a nation with no water, 4 or 5 years of drought, 150, 200 million people starving to death, but they have nuclear weapons and the capacity to delivery them. Their neighbor is affluent and has food in storage, not suffering from so much drought, but refuses to help their starving neighbors. What incentive do you have to restrain the starving nation with nuclear weapons, when nobody will come to their rescue? Maybe nobody can.

I have seen agricultural exports go down in this country, and food consumption is obviously rising. One of the reasons we do not even contribute to the United Nations fund for family planning is because of that, I belive it is called, the federated planned parenthood program. One of the reasons we do not contribute is because they also disseminate family planning information in China. They do not recommend abortions. They do not force abortions. They try to teach people not to have big families that they cannot sustain and afford. But we will not even contribute to that little minuscule effort by the United Nations, because they actually go into China and disseminate planned parenthood, family planning information.

Mr. President, sometimes I think we are living in a loony bin around here. You can get people to talk about anything under the shining Sun, billions for drugs, hundreds of billions for weapons. But you start trying to hone in on those long-range problems that spell catastrophe for all of us but especialy our children and grandchildren, you cannot get two lines in the newspaper, you could not get a red line on a camera and, above all, you cannot get the attention of Members of Congress.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. What is the present order on when we will commence voting?

The PRESIDING OFFICER. There is presently no order with respect to when we will commence voting.

Mr. BUMPERS. Mr. President, a further parliamentary inquiry, for purposes of clarification, I had understood we would start voting not earlier than 7 but does that mean we will not start voting until someone asks for a rollcall vote on a particular amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. I thank the Senator. I did not discommode anybody after all. I am pleased to know that.

Mr. BYRD. What is the pending amendment before the Senate?

The PRESIDING OFFICER. The pending amendment is the Danforth amendment.

The Senator from Colorado.

Mr. WIRTH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WIRTH. We had had an agreement earlier that six or seven or eight amendments would be considered prior to the vote. Is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. WIRTH. The final amendment is this very small UNEP amendment of Senator WIRTH, Senator PELL, and Senator GORE; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WIRTH. It would be appropriate to offer that very briefly now and then go on to voting on the whole list; is that correct?

The PRESIDING OFFICER. The Senator can lay aside the pending amendment by unanimous consent and offer his amendment.

Mr. WIRTH. After this amendment is offered, would the Senate then go on to vote on the series of amendments starting with the Danforth amendment, is that correct, if the vote were requested to be considered at that time?

Would there by any other business under the previous unanimous-consent request that was entered into on Friday night?

The PRESIDING OFFICER. There would not be any further aspects of the consent request made for each vote.

Mr. DANFORTH. Mr. President, if the Senator will yield, maybe I could add clarification.

Mr. WIRTH. I would be happy to yield and receive clarification.

Mr. DANFORTH. Mr. President, it is my understanding that the unanimous-consent agreement is that there will be no votes before 7 o'clock. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DANFORTH. And I am now waiting to try to convene Senator BIDEN, Senator SIMON, and Senator THURMOND for the purpose of a colloquy relating to my amendment. It is possible that we will have a rollcall vote on my amendment.

Senator THURMOND has indicated that he would like to ask for the yeas and nays. On the other hand, it is possible that we can agree not to have a rollcall vote on the amendment or even to withdraw the amendment, depending on what comes out of that colloquy.

Senator BIDEN has been delayed on a flight here from somehwere else. It is my understanding that he should arrive in the Senate fairly shortly.

Senator SIMON has another commitment that he is required to engage in between now and about 7:30.

So it would be my hope that around 7:30 we could conduct that colloquy, and after that colloquy, we would be in a position to determine whether or not a rollcall vote would be required on the Danforth amendment.

Mr. KASTEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KASTEN. Who has the floor?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. KASTEN. Will the Senator yield?

Mr. WIRTH. I yield the floor.

Mr. KASTEN. I ask the Senator from Colorado if his amendment is the amendment for UNEP that still has the offset in the programs.

Mr. WIRTH. That is correct.

Mr. KASTEN. I say to the Senate that amendment is not acceptable at this time to the chairman of the Foreign Operations Subcommittee, Mr. LEAHY, and it is not acceptable to me with this offset. If the intention was to somehow bring the amendment up and have it before us and discuss it at a different time—I see the Senator from Vermont is not here—that is fine but the idea was to have it accepted.

We are not willing to accept the amendment at this time. I did not know what the purpose of the Senator bringing the amendment up at this time could be.

Mr. WIRTH. We had hoped we were going to be able to work this out and have the amendment accepted. Let me ask the Senator from Wisconsin if it would appear to be productive to work to try to find this $2½ million for the UNEP program.

Mr. KASTEN. I am pleased if it were $2½ million and not $5 million. That is progress right there.

Mr. WIRTH. For the remainder of this year.

Mr. KASTEN. Let me say at least from my point of view—the Senator from Vermont is not on the floor—I think it might be more efficient to try to work it out without the Senator putting the amendment forward at this time. But it is up to him.

If he were going to make a modification to the amendment, for example, he would then be in the position of withdrawing the amendment and sending up a new amendment. The only problem we have, as the Senator knows, is determining what the emergency nature for UNEP is, but, more importantly, the offset from the International Military Training Program which we believe is an important program and does not have extra money in it for the offset. I would be happy to proceed in any way the Senator wishes.

Mr. WIRTH. I thought that we had at least on our side been able to work this out. I think it is not appropriate. I will not offer the UNEP amendment then at this time. If it is appropriate under the unanimous-consent request that we agreed to last Friday, then the first step is to ask for a vote and then what order do votes occur on the amendments, the six or seven amendments? Will that be answered?

The PRESIDING OFFICER. Is the Senator posing an inquiry?

Mr. WIRTH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REPROGRAMMING OF APPROPRIATED FUNDS FOR THE PURCHASE OF BLACKWELL ISLAND NEAR COEUR D'ALENE, ID

Mr. McCLURE. Mr. President, last year I requested that $500,000 be provided to allow the Bureau of Land Management to purchase a 25-acre parcel of land near the town of Coeur d'Alene, ID. The land was to be jointly purchased by the BLM and the city of Coeur d'Alene to be developed and used as a boat ramp, docking facility, and boat trailer parking area for boaters using Lake Coeur d'Alene, incidentally one of the most scenic lakes in the country.

The need for the facility arose because the only public boat-launching facility in the area was downtown Coeur d'Alene and was too small to serve the ever-increasing needs of this resort town. The city of Coeur d'Alene had raised over $500,000 for the purchase and development and had requested BLM assistance in obtaining the property. The owners of the prop-

erty were willing to sell and an appropriate appraisal had been made.

Recently, due to unforeseen difficulties facing the landowners, the property has been taken off the market. The BLM has indentified three other parcels of land in the Coeur d'Alene BLM District which, if this money were reprogrammed, would provide boating access and recreational opportunities for the public. Although these parcels are not on Lake Coeur d'Alene, they will assist the area in meeting the recreational demand and assist the development of tourism in northern Idaho. Thus the county commissioners of Kootenai County are in full support of the BLM's proposal.

The three parcels are along the Clearwater River in Lewis and Clearwater Counties. The Spaulding site owner has proposed a land exchange for other BLM lands in scattered parcels, as has the owner of the Pardee land above the city of Orofino. The costs of preparing these lands for exchange is estimated at $15,000 per parcel or $30,000 total. The Medley property in Orofino would be purchased in fee title for approximately $250,000 and would cost approximately $30,000 to process.

I am requesting that of the $500,000 appropriated for the purchase of Blackwell Island, $480,000 be used by the BLM for the purchase of lands or the exchange of lands and processing costs of these properties by BLM.

Mr. President, the remaining $20,000 in the Blackwell Island account will give the BLM flexibility in case the Blackwell Island property returns to the market in this fiscal year. The Coeur d'Alene BLM office feels that if it is returned to the market, they may be able to obtain an option to purchase this land at a later date. I fully support their efforts and request that the entire Senate agree to this reprogramming request.

Mr. BYRD. Mr. President, neither I nor my colleagues disagree with this request. I am happy to honor the request of the Senator from Idaho.

Mr. McCLURE. I thank the senior Senator from West Virginia.

AMENDMENT NO. 1153

The PRESIDING OFFICER. The Chair recognizes Senator BUMPERS.

Mr. BUMPERS. Mr. President, for reasons I do not understand, this is one of the busiest days I have had personally since I have been in the Senate. For that reason, I have not been able to be here to speak on behalf of the Danforth resolution. As I understand it, this is a sense-of-the-Senate resolution. Or is it a sense-of-the-Congress resolution?

Mr. DANFORTH. The resolution that is now pending is the sense-of-the-Senate resolution which incorporates into the resolution the exact language of the proposed constitutional amendment.

Mr. BUMPERS. I thank the Senator very much, and I applaud his efforts.

Mr. President, let me say, first of all, I seldom find myself on the side of Chief Justice Rehnquist and Justices Scalia, O'Connor, or Kennedy. I think I may have voted for one constitutional amendment when I first came to the Senate, but I find myself now in a position of strongly disagreeing with the case of Missouri versus Jenkins.

I take a lot of interest in the Constitution. The thing that sets this Nation apart and the things that I hammer on educationally all the time are that our children do not know enough about our constitution; how it was drafted, what the Federalist Papers said, what role Madison and Hamilton and all of our Founding Fathers played in the drafting of what to me is the most perfect organic law ever put together.

Arthur Schlesinger, Sr., said one time that those people who gathered in Philadelphia in 1787 represented the greatest assemblage of minds ever under one roof in the history of the world. And the more I study the Constitution, the more I read Supreme Court decisions, the more I read the Federalist Papers, the more I believe that Arthur Schlesinger, Sr., was exactly right.

Mr. President, the Constitution is a sacred document to this Senator, and I do not want it tampered with capriciously or whimsically. The American people in their infinite wisdom have only seen fit to amend that document 16 times. There are 26 amendments. And, as you know, the first 10 were adopted as the Bill of Rights shortly after the Constitution was. And those 16 amendments, if you take out the fact that in the 1920's we decided we would not drink and in the 1930's we decided we would, you take those out and there are only 14.

The founders were very wise because they made the amending process difficult; two-thirds of the Senate, three-fourths of the States. And the reason they made it difficult is because they wanted to make sure there was a full-blown debate before we tampered with that organic law.

And yet, Mr. President, I think there have been something like 10,000 resolutions offered in the Congress to change the Constitution, to amend the Constitution, in the past 10 years—10,000. I bet there are a dozen to two dozen pending in the Senate right now. The President has five he wants. I am not going to vote for any of them.

But all I am saying is you are dealing with the document that has made us the freest Nation on Earth. Sometimes I think we are too free.

Getting back to my concern about children not understanding the Constitution, I think so many of our youngsters believe that this society is all take and no give. The Constitution not only provides for rights; it provides for duties.

I was in East Germany 3 days before they voted. Those people were rhapsodic about the right to vote to determine their own destiny. Incidentally, they are as excited about the possibility of getting their air cleaned up as they are about democracy and reunification. But 3 days after I left East Germany, there was an election held in which 90 percent of the people voted; many of them, almost all of them voting in a free election for the first time in 60 years. And I came home and the first newspaper article I see is the hottest Governors race in the history of Texas drawing a whopping 30 percent of the eligible voters.

I had a case one time, I was representing a client in a divorce case. I did not like him. I did not like him because all he could talk about was getting out of paying for the support of his children. I tried about 500 divorce cases when I was a country lawyer. It is a terrible indictment, but too few parents ever walked in and said: "I want my children taken care of, whatever it costs." Almost invariably the first question was what is the least do you think you can get me off for. I do not relate to that. My children are my whole life.

But I had a client one time, as I was pointing out, that I really did not like. And when the judge got through with that case, he asked the other attorney to make a presentation and he asked me to make a presentation, and I did. And when I sat down, my client said: "Dale, do you think the judge would let me address the bench?" I said, "Well, I will see." I said, "Your Honor, my client says he would like to make a statement to the court." He said, "Well, let him stand up and make it."

And he stood up and he proceeded to give that judge a really good down-home lecture about his rights. And the judge, to his everlasting credit, said, "Now, you have given me this fine lecture on your rights and I am going to tell you about your duties. Your duties are that you are going to support your spouse and these two children." I could have hugged that judge around the neck even though he was sticking it to my client.

So many people in this country think it is all freedom. And how do they think we keep the freedom? You keep the freedom by being an enlightened voter and voting responsibly. When Thomas Jefferson talked about the duty of the electorate, he was not talking about going to the polls and voting for the guy who looks cutest with the best blow dried hair that day. He was talking about knowng what the issues were in voting.

Now, this brings me to the amendment of the Senator from Missouri.

I am going to cosponsor his sense-of-Senate resolution. But I want to issue this caveat. I have not carefully studied the language that he is proposing as a constitutional amendment. I intend to. And the Judiciary Committee at some point is going to hold hearings and there will unquestionably be some changes made.

But I do not understand the logic of the court in saying that a life-tenured judge, confirmed by the U.S. Senate, can arbitrarily order officials to raise taxes on people who have no say-so. That violates everything I know about democracy and represenative government, Mr. President. Alexander Hamilton said specifically in Federalist Paper No. 78, "The court shall have no power over the purse."

I understand, intellectually, what the courts say. They are saying you cannot deprive somebody of a constitutional right because of money. In the Kansas City case, here was a school plan that was going to cost $600 million, double the school tax in Kansas City, to accommodate what I consider to be a rather grandiose plan—computers in every classroom, swimming pools, the whole 9 yards, the kind of things all of us would like our children to enjoy when they are in school. But double the tax on the people to achieve that plan? Why could the judge not have said, "Look, as long as you have a good integration order, and nobody, white or black, is being discriminated against, let's implement a reasonable plan and make sure that money is used in a nondiscriminatory way." It seems to me that the court could have avoided the thicket into which they have walked.

Now, I get my taxes raised. I live in Montgomery County, MD. They raise my taxes every year. They do not ever say, "Come see me sometime, and we'll discuss it." Nothing. I just get a notice in the mail. I appealed one time and they just sent me a second notice saying "Your taxes are still the same."

In Montgomery County, the county board can raise my taxes. But in Little Rock, AR, they cannot do that. The only way you can raise somebody's taxes in Arkansas is by a vote of the people. Now here you had a district judge in Kansas City who said, "I hereby raise your taxes by 100 percent."

The Court of Appeals for the Eighth Circuit and the Supreme Court both said: "You cannot do that. You can order the board or you can order the city or the county or the State officials to raise taxes, but you cannot do it."

So they reversed the decision to that extent, but then they said you can accomplish the same thing by ordering somebody else. You can order these officials to raise taxes.

What are they going to do in the State of Arkansas where you cannot raise taxes without a vote of the people? You can order them, I suppose, to submit a tax increase to the people. But if the people say no, that means no. What is a democracy, except our right to decide for ourselves?

So, I do not know what the court would do in that case. They said in the Jenkins case that if there is a Missouri law that puts a cap on how much tax you can raise, and that law keeps somebody from a constitutional right, that law can be waived.

That is stretching it pretty far. If these Supreme Court judges were elected, it might make a little more sense. Mr. President, as I say, I am not signing onto the precise words of the resolution of the Senator from Missouri, but he has brought to this body one of the most compelling constitutional issues I have seen since I have been in the Senate. I do not take these constitutional proposals lightly.

I know what most of them are, the 10,000 that have been introduced around here in the last 10 years. A Senator throws it in the hopper, makes a barn-burning speech, rushes back to his press secretary, and says: "Tell the folks my heart is with them." And happily, that is the last we hear of that constitutional amendment.

But this is different. And I am going to treat it differently. I have gone home and I have made speech after speech about my reverence and awe of the Constitution, and how I do not think it ought to be tinkered with. But I draw the line here.

I have the utmost respect for the majority who wrote this decision and who agreed to it. But unless I change my mind, Mr. President, I intend to support a well-crafted constitutional amendment.

I will tell my colleagues the other thing the Court has done, in my opinion. They have guaranteed that this is going to be the 27th amendment to the Constitution. We will have no problem, in my opinion, in the Congress on getting a two-thirds vote. And we will have no problem getting a three-fourths vote of the States.

I say intellectually I understand it, but it flies right in the face of what Madison and Hamilton said. I disagreed with Robert Bork on that original intent theory. How can you have original intent on things that you could not possibly have foreseen 200 years ago?

But the one thing they did foresee was at some time, someday, the court might try to levy taxes. And they said specifically, "The court shall not have that right."

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, while there is a lull, I thought I would just bring the Senate up to date on what has happened today with respect to this particular sense-of-the-Senate resolution.

Two weeks ago this coming Wednesday, the Supreme Court decided the case of Missouri versus Jenkins. The issue raised by that case is whether or not Federal judges have the power to order tax increases.

A couple of days after that decision by the Supreme Court, I—with, it is now up to about 25 cosponsors—introduced a constitutional amendment resolution which provides that neither the Supreme Court not any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to lay or increase taxes.

I then this morning offered a sense-of-the-Senate resolution incorporating precisely those same words. The theory of the sense-of-the-Senate resolution was, first of all, to try to at least flash some caution light for future courts, so, hopefully, they are not going to go wild after the Jenkins decision. And second, to give Members of the Senate an opportunity to focus on the issue of the constitutional amendment.

I suppose late last week, before I offered the sense-of-the-Senate amendment to both Chairman BIDEN of the Judiciary Committee, and Chairman SIMON of the Constitutional Amendment Subcommittee of the Judiciary Committee, we agreed at the time if we could have a clear committee on the part of the committee that there would be some progress, particularly hearings in the committee and a good-faith effort to do something, then it would probably be better not to have even a sense-of-the-Senate vote at this point in language which is a draft of a constitutional amendment resolution.

Subsequently, this afternoon, Senator THURMOND was on the floor, and Senator THURMOND asked for the yeas and nays. I asked Senator THURMOND whether he would withhold the yeas and nays. He said that he wanted to be assured not only that there would be hearings in the Judiciary Committee, but also that the Judiciary Committee would do something, that it would report out something, either with or without approval, or without any statement at all on whether the Judiciary Committee approves or disapproves either the constitutional amendment or the statute.

Senator THURMOND prefers a statutory solution to this problem. My preferences is for a constitutional amendment. I think on a matter relating to the basic powers of Government, it really is a constitutional issue and I am hesitant in getting into what others have called court stripping with respect to a statutory solution.

That is how we stand. I am told Senator THURMOND is on his way to the floor. My hope is that we could get some kind of colloquy going among the involved Senators—Senator THURMOND, Senator BIDEN, and Senator SIMON—and then get a decision whether or not we want a rollcall vote at this time. If Senator THURMOND wants a rollcall vote, that is fine with me.

On the other hand, if we can get a commitment hopefully to get something reported out of the Judiciary Commttee and not have it just bottled up forever, my own view would be that would be the best possible result.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is my hope we will not proceed to a rollcall vote on this sense-of-the-Senate resolution because of the tremendous complexities involved in this issue.

I can think of no more far-reaching decision the Court has handed down, when it has, in effect, authorized the imposition of taxes or has entered an order that a district court has the power to set aside State constitutional limitations.

This may even be a more far-reaching decision than Brown versus Board of Education. In fact, it may be that we have to go back to Marbury versus Madison, in 1803, where the Supreme Court of the United States decided that the Court itself had the power to decide constitutional issues, to find a decision which is as far-reaching as is this decision.

I was absent earlier today when Senator DANFORTH and Senator BYRD engaged in a colloquy on this subject, but I have since read the transcript.

Senator DANFORTH has presented a powerful position on the Federalist Papers and the origin of the power to tax being the power to destroy, and the foundation of the Boston Tea Party and the Constitution on the issue of no taxation without representation, and his description that the Court is not a representative body but that the Congress is the representative body, and that it is anomalous and really inconsistent with some of the very basic constitutional provisions for the Court to assert the ultimate authority to tax.

The distinguished Senator from Missouri then analyzed a variety of alternatives that the Court might have pursued of lesser import than the imposition of the tax. But it may be that at some point there is no way to see to it that a constitutional remedy is enforced without the imposition of a tax. Were that to be the situation, there would be a head-on conflict between two of the most fundamental provisions of our constitutional government. It may be a conflict between the two most fundamental provisions of our Constitution because the central power of the Congress, perhaps other than the authority to declare war, or perhaps even including the power to declare war, because it happens so infrequently, and perhaps is outmoded today with wars being fought without being declared, is the power to tax. But, similarly, the central power of the Supreme Court is the responsibility to carry out the mandate of the Constitution. It is very hard to separate a remedy from the assertion or declaration of a constitutional right. I was very surprised, Mr. President, in 1982, when this body, by a vote of 58 to 38, decided that the Court ought not to have the remedy of busing to enforce a constitutional right.

It is my view that we have issues here which are of such tremendous importance that we ought not to make a decision at this time and that we ought not to vote on this matter at this juncture. This is an issue which has been running through the Federal decisions for many, many years.

If we are to proceed with a statute, for example, Mr. President, I think we are running directly into court-stripping, and that this issue ought not be decided by Congress on a statutory base. It may well be that as a matter of public policy the Supreme Court of the United States has gone too far in taking on the power to order taxation. But the one principle that I think is fundamental over all others is that the Supreme Court of the United States is the final arbiter of the Constitution.

I applaud what the distinguished Senator from Missouri has had to say about not being in favor of a statute but being in favor of a constitutional amendment, so that this issue, if we are to observe the authority of the Supreme Court to be the final decisionmaker, ought to proceed in the mode of a constitutional amendment.

This business of court-stripping has been considered very extensively in some of our hearings. During the hearing on Chief Justice Rehnquist, for example, questions were propounded about the authority of the Congress to take away jurisdiction of the Court in first amendment issues. At least as to first amendment issues, Chief Justice Rehnquist stated in his confirmation proceedings that the Congress lacked that kind of authority.

As I read the decision in Missouri versus Jenkins, there are a great many open questions. For example, at page 15 of the slip opinion, starting at page 14, the majority opinion says:

> We turn to the tax increase imposed by the district court. The State urges us to hold the tax increase violated article III, the 10th amendment and the principles of Federal-State comity. We find it unnecessary to reach the difficult constitutional issues, for we agree with the State that the tax increase contravened the principles of comity that must govern the exercise of the district courts equitable discretion in this area.

So there may be another bar by the 10th amendment which is not comprehended within the Supreme Court's opinion.

But in sum, Mr. President, these are very weighty issues, and I, for one, would not like to be called upon to make a judgment on this state of the record at this time on these very, very important principles.

I am ranking member, with Senator SIMON, on the Constitutional Law Subcommittee, and speaking for myself, I would be prepared to proceed to hearings at the earliest possible opportunity. For myself, I would be prepared to start immediately. We ought to have constitutional scholars; we ought to have people who are recognized in the field come before the Senate. But most importantly, we ought to have a chance to reflect on this very important issue and not be called upon to rush to judgment with a vote on a sense-of-the-Senate resolution this evening.

I thank the Chair and yield the floor.

Mr. SIMON. Mr. President, I concur with my colleague from Pennsylvania. I think we ought to proceed with some caution. We have not had a chance to examine this issue. Rather than adopt a sense-of-the-Senate resolution tonight of which we do not know its significance, I think we are much better off having hearings and having them expeditiously. As for the subcommittee, I say to this body that we will report something out favorably or unfavorably. I am not trying to bottle anything up. But I think we ought to be very careful as we proceed.

Let me just say to my colleague from South Carolina [Mr. THURMOND]—if I may have his attention for a moment—I assured him we would not have this dialog until we notified him, until he was on the floor. It started before I was on the floor. I did not try to evade my commitment to Senator THURMOND. But I can give the Senator from Missouri and the Senator from South Carolina assurances that I personally would like to proceed to hold hearings and consider this matter. I think it would be a great mistake for us to adopt a sense-of-the-Senate resolution. If we decide to go ahead, then I am going to speak on this tonight. But I think we ought to proceed with some caution in this area that, frankly, has all kinds of ramifications beyond the obvious.

I know Senator THURMOND has requested the yeas and nays. I would prefer, if we could get agreement from the Senator from Missouri and the Senator from South Carolina, that we move expeditiously to hearings. I will give a commitment on the only area I can give a commitment, and that is the subcommittee, that we would report something out favorably or unfavorably. I hope we can proceed from there.

Mr. BUMPERS. Mr. President, is the Senator finished?

Mr. SIMON. I am finished.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, I spoke a moment ago about my concern with this decision. I am very pleased to associate myself with the remarks of the Senator from Pennsylvania and the Senator from Illinois on not going to a vote on this.

I may disagree slightly with the Senator from Illinois about proceeding expeditiously, if that means in a hurry. When you are talking about an amendment to the Constitution, I belong to the wait-just-a-minute club. While I want to redress the problem that we have talked about here, I do not want to do it hurriedly. I want the Judiciary Committee—and I know they will; I know my distinguished friend from Illinois will be part of those deliberations—to consider this very cautiously, with a great deal of deliberation and make sure that every word in the amendment, if such a constitutional amendment comes out of the Judiciary Committee, has been well conceived and thought out. If there is a legislative remedy, which I doubt, then I would prefer that, as long as it is not court-stripping. I have a real problem with court-stripping. I stood on this floor back in the 1970's and early 1980's time and time again when we tried to deprive the Courts' jurisdiction over cases involving busing, abortion, the separation of church and state—every kind of issue that somebody disagrees with. And some always wanted to take away the right of the courts to make decisions.

Once you take the Courts' right to render a decision on what is and what is not constitutional, then you are really started down a terrible road.

So I would like to urge, and earnestly solicit my friend from South Carolina to allow the yeas and nays to be withdrawn—with the assurance that this amendment is going to the Judiciary Committee, that hearings are going to be held, and that the amendment is going to be considered.

This is one of these cases where I doubt that the Senator from South Carolina feels any stronger about this issue than I do. But still, I want us to proceed in a very cautious and intelligent way. And in a way that when it comes back to this floor again for deliberation, we will know the Senator from South Carolina, the Senator from Illinois, and all the other members of the Judiciary Committee, including the Senator from Pennsylvania, have given this their very best shot.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am an original cosponsor of a proposed statute to alter the Jenkins decision. In fact we introduced one on the first legislative day last year when it looked like the Supreme Court was going to consider this question. I did not know which way the Court was going. But it turned out the Court went the way that we feared they might. We introduced S. 34 before this decision was handed down.

I have consulted with various constitutional scholars, and they said that a statute will remedy the situation. It is not necessary to have a constitutional amendment. I am willing to support both. I have joined Senator DANFORTH in support of his constitutional amendment. This is similar to the flag burning issue. In that situation, I felt that a constitutional amendment was necessary but supported a statute in the hopes that it would suffice. Our constitutional advisers thought a constitutional amendment was necessary with that issue but feel here that a statute will suffice.

On the flag issue, a statute was passed. I voted for that too. Senator BIDEN did also. Here I will go for both. This is such an important issue. This goes back to the very foundations of our Government. The legislative body makes the law. The legislative body imposes the taxes. The executive branch merely enforces the law. The Supreme Court as part of the judicial branch, does nothing but interpret the law.

I was shocked when this decision was handed down. I want to commend the able Senator from Missouri for his interest in trying to get something done. Either one suits me, either one. I will go for both. I do not think the constitutional amendment is necessary. I think the statute will do it as these advisers have said.

All this amendment today, introduced by the Senator from Missouri, says is that it is the sense of the Senate that the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision to lay or increase taxes. It merely says that the courts do not have the power to order officials to lay taxes.

Of course they do not have that power. They never had that power. This is a new quotation that has just arisen in the history of this Nation. We cannot permit this decision to stand. It was a 5 to 4 decision. We have to do something about it.

I felt that we ought to pass the sense-of-the-Senate resolution to let the American people know how we feel. We can later discuss whether we need a constitutional amendment or a statute. The Judiciary Committee is going to go into the details and hear that. But it does not hurt to promptly let the people of this country know that we are not going to stand for the courts of this land levying taxes or ordering officials to levy taxes. That is my position.

If you want to have an amendment tonight, if you want to vote on this, it suits me. If the chairman of the Judiciary Committee is willing to hold hearings on this constitutional amendment and the statute, and agree to report it out by a certain date and back to the Senate, I will not push for a vote on this amendment tonight.

Mr. SIMON. If my colleague will yield.

Mr. THURMOND. I am glad to yield to the able Senator from Illinois.

Mr. SIMON. The chairman of the committee is not on the floor. I cannot speak for the chairman. I cannot speak for the subcommittee. I can assure you I will hold hearings and we will report it out favorably or unfavorably. Whether it is statute or constitutional amendment I cannot tell you.

Mr. THURMOND. If the committee will act on this matter—I just want to get action—one way or the other and report it out favorably or unfavorably and let it to come to the Senate. The entire Senate ought to act on this matter. This is a matter of great import to the whole Nation. It is a matter that affects the Constitution of this country. We ought to act on it.

We ought to have the courage to act on it and not be afraid of these judges. These judges have not been elected by anybody. We have been elected by the people. The Congress is the body under the Constitution to levy taxes and not the judiciary. If the chairman of the Judiciary Committee is willing to tell us that they will hold hearings and report it back to the Senate, that satisfies me. I just want to see a vote.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I understand the concerns of my distinguished colleague from South Carolina. But I think he has to understand the concerns of many of us as well.

There is no argument about the fact that this is a major momentous decision. It is the decision that I am not certain at this moment whether I support or whether I disagree with. It is a

decision that came about in a civil rights case where the community was not accepting its responsibility in order to meet the burdens of the desegregation order. As a consequence, it went to the Supreme Court. And, it is a very conservative Supreme Court. There is no wild-eyed liberal Supreme Court. This is a Supreme Court that has four or five members appointed by President Reagan and President Bush. They came to a conclusion on this subject. I have not had a chance to read the decision. I have only read the newspaper reports.

Now we have the Chairman of the Constitutional Subcommittee indicating his willingness to conduct hearings, and indicating a willingness to report it out of the Constitutional Subcommittee. But I think the Senator from South Carolina is attempting to establish a very dangerous precedent, one that he has used previously; but I say, I do not think we ought to do it on a regular basis; that is, to say to a committee we will send a measure to you but you have to bring it back to the floor of the Senate by a date certain.

I wish I could say to my friend on the Commerce Committee, Senator HOLLINGS, I have some measures over there I would like to be able to be certain that committee acted on and move them forward. I think there are some issues that are in the Armed Services Committee that I would like to see acted upon and brought back to the floor of the Senate. I think there are some issues that have to do with the Appropriations Committee I would like to get some action on and have a vote up or down on the floor of the U.S. Senate. I think there are issues in every committee in this body.

But I do not know of any committee of this body where we have established the practice of saying we will send something to you from the floor, then you have to report it back by a date certain, and it has to come back to the floor of the Senate.

I respect my colleague from South Carolina. I know of his strong feelings on this subject. I stand here, and I am not prepared to say he is wrong. He may be right. I really do not know enough about this decision. I have not had a chance to read it. I have not had a chance to study it. I have not had a chance to think about its implications.

You have the Chairman of the Constitutional Subcommittee saying he will pick it up and bring it back to the Judiciary Committee. You are the ranking member of that Judiciary Committee. That Judiciary Committee, of which I am also a member, has the right to report it out, to recommend it for passage. It has the right to report it out and recommend it and indicate it is opposed to it or it has the right to take no action whatsoever.

But I would urge upon my colleague the fact that telling a committee of which you are the ranking member——

Mr. BYRD. Mr. President, may we have regular order, in that Senators should address other Senators through the Chair, not in the second person?

Mr. METZENBAUM. I thank the Senator from West Virginia.

I think it is important that we not get to a point where we start to send matters to a committee and advise the committee or direct the committee that they have to act within a certain period of time or else. I do not think that is good legislating. I do not think that is the procedure we use around this body, that we have used in the number of years I have been here. I have seen it happen in a few cases in the instance of the Senator from South Carolina. But I think it does not work. And it is not the right legislative procedure to be followed.

I hope my friend and colleague from South Carolina will not push that matter.

He is on the committee. If the votes are there, send the bill out to the floor, and so be it. If they are not, there ought not be any arbitrary obligation on the part of the committee to send it to the floor.

Mr. LEAHY. Mr. President, I just remind the Senate that, while we can debate and discuss constitutional amendments here tonight, constitutional amendments are not going to pass tonight or this week. The Senator from Ohio is absolutely right. We can debate the issue of the death penalty. The question of the death penalty is not going to be settled tonight or this week. We can debate abortion. The ultimate question of abortion is not going to be settled tonight or later this week.

The fact is, Mr. President, we are here on a dire emergency supplemental appropriation bill, for disaster assistance, unemployment compensation, refugees, and a major foreign aid package, in part to be provided for the new Government of Nicaragua upon the inauguration last week of President Chamorro. Another part is involving the country of Panama, in anticipation of a visit by the President of Panama, who is here in this country today.

It is wonderful to have these debates. It gives everybody a chance to speak at great length. I am sure it looks good to the folks back home, but the fact is we are not going to settle the Nation's questions of abortion, the death penalty, constitutional amendments or anything else today. We are here on a dire emergency supplemental appropriation. Let us act like it is a dire emergency supplemental appropriation, and either pass the darn thing or vote it down, one way or the other.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from South Carolina.

Mr. THURMOND. I just want to say that we are not discussing subject matter jurisdiction. We are addressing the remedial jurisdiction of the federal courts. Can the judges order officials to put on taxes? In my opinion, the Constitution does not permit it. I think that is a terrible decision. I have received a reaction from my constituents, and I have received reactions from other States, as the ranking member of the Judiciary Committee and former chairman, and they want to know what are we going to do about it.

I think we ought to act reasonably. The able chairman of the Judiciary Committee is here, and I would be glad to hear what he has to say. As I understood the distinguished Senator from Illinois, he said that he would report it out of the subcommittee promptly, and I wonder if the chairman would act with reasonableness so as to get it to the Senate within a reasonable time.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, there is a changing set of agreements that has been going on in the last couple days. Let me say what I am prepared to agree to. That is, that I am prepared to agree to have the Senate Judiciary Committee thoroughly look at this question and hold legitimate, genuine hearings, calling in the leading constitutional experts for and against this proposition. I am also prepared to commit that the Senate Judiciary Committee, subcommittee and full committee will work its will.

I am not prepared, and will not again ever agree on the floor of the U.S. Senate, to report out anything by a date certain. If the Senate wishes to have the will of the committee be heard, whatever that will is, assuming the will is that we do not want to do anything, then fine, send it back to us; send it to us for your consideration. But if the Senate really only wants a guarantee that they are going to get to vote on something that may not be worthy of a vote, then bypass us, vote on it now.

I am prepared to vote on this resolution now. Let us do it. We are wasting too much time. Or take our word for it that we will take it to the committee, we will hold hearings. I cannot speak for the chairman of the subcommittee. We have autonomous subcommittees in our Judiciary Committee, and I have not learned to be authoritative enough, but I can tell you one thing. I will not agree that this will go above

or before anything from the constitutional amendment on a balanced budget. I will not agree it will climb above the docket of 25 other important things this committee has a responsibility to report out.

If my colleagues conclude on the committee that they are willing to bypass the debate on the constitutional amendment on a balanced budget, bypass the constitutional amendment debate on the line-item veto, bypass the legislation we have before us, which is incredibly controversial, about the question of aliens and the changes in the immigration law, bypass the legislation relating to the crime bill, bypass the legislation relating to everything from the death penalty to habeas corpus, then, so be it.

But I am, quite frankly, tired of the U.S. Senate politely, but firmly, directing me as chairman to set the agenda of my committee. If you want to set the agenda, vote, but I will not agree to anything other than an honest, straightforward consideration of this proposal, a full-blown hearing, or set of hearings, and no attempt to delay one way or another. But it will have to get in line with the other constitutional amendments.

I respect my colleague from South Carolina more than I can say, and all who knows us know that to be true, but we have so many constitutional amendments that we might as well save them up and declare ourselves a second Founding Fathers and have a new bill of rights. We have so many of them rattling around in my committee. So if you all want a resolution to go on record that courts should not tax—and I subscribe to that position, they should not tax—then let us vote on a sense of the Senate.

But I doubt if we said to the chairman of the Appropriations Committee, we want a guarantee from him that the first appropriations bill he will report out will be A, B, or C, and within that bill the first matter to be considered will be the dam located in Oshkosh, he would be on the floor, and this place would come to a screeching halt within 10 seconds. I am learning from the masters around here, like the chairman of the Appropriations Committee, the chairman of the Finance Committee and the chairman of the Agriculture Committee. I am not signing on any more.

So if we want to vote, let us vote. If we want to guarantee that this Senator, as chairman of the committee, will guarantee that there are full-blown legitimate hearings and that this matter will get in line in its place within the committee, I will guarantee that. Short of that, obviously, I do not dictate what happens in the Senate, but I will no longer participate in the dictation of my demise as chairman of the committee. Thank you very much.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I think that, as I understand it, the chairman of the Judiciary Committee has made a reasonable suggestion. The chairman has stated that there will be full-blown hearings. The chairman, as I understand it, has stated that he will not attempt to bottle this up, but that the committee will be allowed to work its will. The chairman has further said if the members of the committee want to move this ahead in the line, they will be allowed to do that.

I believe that they will want to do that, because I think the present state of affairs with the Supreme Court decision operates as an engraved invitation to every Federal judge throughout the country that raising taxes is the order of the day. I, therefore, do believe time is very much a matter of importance with respect to this amendment.

So I would hope that the members of the committee would decide that. I agree with those who say that the Senate should not be voting on what amounts to the wording of a constitutional amendment tonight.

I thought when I first thought up this amendment it was a great idea. I really believe, on reflection, that this is a matter of sufficient importance that even in the form of a sense-of-the-Senate amendment we should not be voting on specific wording tonight.

Therefore, my suggestions would be—and it is my amendment we are talking about—that the Senate not press this to a vote. In fact, the yeas and nays have not even been ordered. So that would be my thought, that we would take the chairman's offer and then dispose of it.

Mr. SIMON. Will the Senator yield?

Mr. DANFORTH. Yes.

The PRESIDING OFFICER. The Senator from Missouri has not yet yielded the floor.

Mr. DANFORTH. I yield.

Mr. SIMON. If I follow the Senator from Missouri, he is in a situation where he is considering withdrawing the amendment, is that correct?

Mr. DANFORTH. That is correct.

Mr. President, I do withdraw the amendment.

The PRESIDING OFFICER. The Senator has the right. The amendment is withdrawn.

The amendment (No. 1553) was withdrawn.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader sought recognition.

Mr. THURMOND. Could I say a word?

Mr. MITCHELL. Certainly. I yield to the distinguished Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. In view of the statement by the able chairman of the Judiciary Committee that there will be no delay or efforts to block consideration of the proposed constitutional amendment or the statute in the committee and that they could be reported out in a reasonable time and also reserving the right to offer a statutory remedy here to any other bill up in the Senate and since Senator DANFORTH has withdrawn his amendment, I think that settles the matter for tonight.

The PRESIDING OFFICER. The majority leader.

Mr. BIDEN. Will the Senator yield?

Mr. MITCHELL. I yield.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I have been down this street once before. I want to make sure I did not mislead anyone. The way the Senator from Missouri characterized what I said is precisely correct. The way the Senator from South Carolina characterized it is slightly different. I did not agree to report anything out. I agreed to let the committee work its will. It may be that the committee works its will and concludes it never wishes to report anything out, that it never wishes to bring it up even. That is what I am committed to do. I think that the Senator from South Carolina meant to say that. I do not want to mislead anybody in this body about what is going to happen. I hope we will resolve it and resolve it expeditiously.

Mr. HUMPHREY. Mr. President, the Danforth amendment represents a commendable statement of the Senate's commitment to the core constitutional principles which were repudiated by the Supreme Court's recent decision in *Missouri* v. *Jenkins*. The four dissenters from that decision did not exaggerate when they described Jenkins as an "expansion of judicial power beyond all precedent" and a grave blow to our system of representative democracy.

Judicial taxation is taxation without representation. And whether taxes are dictated by a king in ermine robes or a judge in black robes, taxation without representation is tyranny.

The Jenkins decision starts us down the road to the tyranny of judicial taxation. It is imperative for the U.S. Congress to do all it can to prevent one further step down that road.

For that reason, I support the Danforth amendment as an initial step in that effort. It is important for the Senate to promptly put itself on record against judicial taxation. And I commend Senator DANFORTH for his initiative.

But this amendment will hardly resolve the serious threat to our system

of Government posed by the specter of judicial taxation. In the coming months, we must do more.

Under article III of the Constitution, Congress has unquestioned power to regulate the jurisdiction of the lower Federal courts—the courts which Congress alone created and which have no jurisdiction directly emanating from the Constitution. Lower Federal court jurisdiction is constitutionally defined by the legislative mandate of Congress.

We can and must exercise that power to prevent the tyranny of judicial taxation. S. 34, the Judicial Taxation Prohibition Act, represents an effective and reasonable response to the threat posed by the Jenkins decision. Since I introduced that bill over a year ago, 21 additional Senators have cosponsored it. The JTPA would merely restore the lower Federal courts to the status they have held throughout their history that is, vested with extensive powers to enforce their judgments, but lacking the power to dictate tax policy. That power must be reversed exclusively to the elected legislatures.

I urge all my colleagues to give careful consideration to S. 34, and to lend it their support. In the meantime, I strongly endorse the amendment offered by Senator DANFORTH as an important expression of the Senate's commitment to the preservation of representative democracy and its rejection of judicial taxation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1563 TO AMENDMENT NO. 1554

(Purpose: To make an additional $25,000,000 available to Department of Justice for financial fraud investigations)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] proposes an amendment numbered 1563 to amendment No. 1554.

Mr. HEINZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following: ": *Provided*, That of the funds appropriated for Research, Development, Testing, and Evaluation, Air Force, 1990-91, in P.L. 101-165, $30,000,000 available for 'Space Boosters' is rescinded: *Provided*, That an additional amount of $7,600,000 is appropriated for 'Salaries and expenses. United States attorneys' and an additional amount of $11,500,000 is appropriated for 'Federal Bureau of Investigations. Salaries and Expenses', both amounts to be available for the investigation of fraud and other criminal activity in financial institutions.".

Mr. HEINZ. Mr. President, the Senator from Colorado has brought to the attention of the Senate a very important and necessary opportunity, and that opportunity is for us to provide the necessary funds for the Justice Department and the FBI to pursue the thieves who have looted the savings and loan associations that we know have been taken advantage of.

At the same time, as the Senator from Colorado has provided, I think, a very important service to the Senate, this body, in doing so, I am concerned that his amendment, which is financed by reducing the appropriations for Panama—which itself has already been reduced—would send the wrong message to the new government in Panama and would further undercut the support we are trying to give that country as it recovers from not only the economic problems visited upon it, the mismanagement that it has suffered from; also, let us face it, it is trying to recover from a brief but quite devastating war that we were in the forefront of bringing about, a brief war, a fairly bloodless war but a war nonetheless, fortunately a war in the cause of freedom and democracy.

The source of this money that I propose in my amendment is a different source. My amendment is a perfecting amendment to that of the Senator from Colorado, and basically it simply says that we will take the money in the form of a rescission from an account that would fund what is known as the space boosters program. As to the space boosters program, according to the members of the Appropriations Committee, they have indicated to my staff that this is not money that the Appropriations Committee feels is necessary to be spent. It is not money that the Air Force seeks to spend. They do not want to spend it. And the rescission in the amendment for the space boosters program will exactly offset the funds that the Senator from Colorado seeks to appropriate for——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania still retains the floor.

Mr. DIXON. I wonder if he will yield for a question.

Mr. HEINZ. I am pleased to.

Mr. DIXON. Mr. President, may I inquire of my friend, the distinguished senior Senator from Pennsylvania, do I understand that he is offering a second-degree amendment to the Wirth amendment, that instead of taking the money from the Panama tourist funds it would take it out of the Air Force bomber program?

Mr. HEINZ. No. The Senator is almost correct.

Mr. DIXON. That is the closest I have been in a long time. Where is the Senator taking it from?

Mr. HEINZ. It comes from the space booster program.

Mr. DIXON. The Senator would rather cut space boosters and increase the Panama tourist fund?

Mr. HEINZ. First, I would like to take a gentle but firm objection to the fact that we are necessarily cutting tourism for Panama. I am not quite sure what is left of the appropriation for Panama. I am not sure I can vouch for the Senator's characterization of it. But I would say this: I think to further cut the Panama appropriation sends the wrong message to the people in Panama. I do think that it would be a preferable strategy to take the money from an account that nobody wants to spend. The Air Force does not want to spend the money we have appropriated for the space boosters program. I am told that the members of the Appropriations Committee do not want to spend it, and apparently the administration does want to spend money for Panama.

So unless the Senator has some kind of moral objection, I would hope he would support the amendment.

Mr. BYRD. Will the Senator yield?

Mr. HEINZ. I am pleased to yield to the chairman of the Appropriations Committee.

Mr. BYRD. Would he be agreeable to making that $25 million instead of $30 million, for this reason? The Air Force and the Defense Department have identified about $25 million in fiscal 1990 funds. The space booster program is available for higher priority purposes. They cannot be sure it will be above that.

Mr. HEINZ. Would the chairman advise me whether or not that would be a sufficient offset?

Mr. BYRD. It would not fully offset the $30 million. But I am just expressing the hope there could be a reduction agreed to on the part of the authors of the amendment as well so perhaps we could accept this and get on.

The PRESIDING OFFICER. The Senator from Pennsylvania still retains the floor.

Mr. HEINZ. Mr. President, let me just say what the chairman of the Appropriations Committee has proposed is fine with me, but I feel I need to advise the Senate that it may not result—I do not know what the spend-out rates are—in a budget neutral amendment. The best way to solve that would be if the Senator from Colorado could agree to reduce his amendment just a small amount, maybe by $3 or $4 million. If he would be willing to do that, I think we could all agree.

The PRESIDING OFFICER. Does the Senator from Pennsylvania wish to retain the floor?

Mr. HEINZ. No. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, the Senator from Colorado initially had a very simple amendment. We debated this 7 hours ago and that was a simple amendment that said what we want to do is to provide the money requested by the FBI and the U.S. attorneys' offices for the purpose of pursuing fraud and related activities surrounding the S&L industry, a very simple proposition.

Then where was the offset? We debated the other day at great length the Panama account, and in the Panama account was some $30 million to promote tourism in Panama. The Senator from Illinois and I had quite an extensive discussion about that this afternoon saying that it did not seem to us in a dire emergency supplemental we ought to be providing funding for promotion of tourism in Panama, twice as much money as would be provided for the promotion of tourism by the Federal Government in the U.S. overall. It seemed to be a very simple trade: the S&L crisis and a dire emergency in the United States. And we ought to fund it.

Now, 7 hours later, after this has been noticed—we talked about this on Friday—we sent a Dear Colleague letter around and it was sent to everybody. The program comes back in with a request for a second-degree amendment to cut a research program for the future generation of space boosters.

I thought we had in this country—and I have just heard from the administration—a significant set of commitments to space in the United States, that space was a priority of the administration. We talked about it and talked about it, and I think it is a priority. This is not a military program. This research program for the future generation of space boosters essentially is going right ahead with giving us the opportunity for space boosters in a whole variety of new opportunities.

So I think this is a very ill-conceived amendment and I would oppose the amendment. I hope we could go back and vote on the initial very simply tradeoff of pursuing the S&L crisis versus tourism.

I yield the floor.

Mr. DIXON. I want to fully support my friend from Colorado, who has been very forthright in his statement about this amendment.

If my friend from Pennsylvania wants to offer a second-degree amendment, well, that is fine with me. But I want to say that I think that the issue before us, the Wirth amendment, is a very clear one. Do you want to spend $30 million for advertising tourism in Panama or do you want to spend $30 million to send the crooks in this country that defrauded the savings and loan to jail? Now that is a good issue. I want to have a vote on it.

If you want to take a choice about whether you take it out of tourism funds from Panama or sending folks into space, that is OK with me. I vote to take it out of tourism for Panama.

I would hope that we would reject the amendment by the Senator from Pennsylvania and support the amendment by the Senator from Colorado, which is a very forthright, straightforward amendment and one that I think is entirely appropriate and one that the American people support.

Mr. DOLE. Mr. President, I just want to say it is easy to pick on Panama. They do not have much going for them, apparently, in this body. That happens to be their principal industry. We are trying to get them back on their feet. I do not know if we can use any more money or not. I am advised all the money they can use for prosecutors—we want prosecutors. We want all the things they need as far as the S&L corruption is concerned.

Keep in mind Panama may be an easy target and we have tried that before. The reason they are requesting this money is because they are trying to get back on their feet. That is their single biggest industry. It is not true in America but it is in Panama. That is why the request was made. So I would hope if we cannot agree to the substitute by the Senator from Pennsylvania that maybe we would just defeat both amendments.

Mr. DIXON. Will the minority leader yield?

Mr. DOLE. Yes.

Mr. DIXON. I yield to the majority leader, always.

Mr. MITCHELL. Mr. President, whatever we do, I think we should vote. I think the subject has been thoroughly explored. There will be at least three and possibly four votes now if the second-degree amendment is offered and a vote is held on that first if it cannot be worked out.

When I said the vote would occur not earlier than 7, I had in mind shortly after 7. I know that many Senators were here present and ready to vote. It is my hope that we can either agree that the amendment will be accepted—if it is not accepted I think we all agree we have to vote. Sometime you reach a point where Senators have to vote and express their will.

Mr. WIRTH. We can vote on it, Mr. President, immediately.

Mr. DIXON. Mr. President, I asked a question and yielded to the majority leader.

Will the minority leader yield.

Mr. DOLE. I do not have the floor.

Mr. MITCHELL. I yield to the Senator from Illinois.

Mr. DIXON. Does the minority leader know that the appropriation in the supplemental appropriation bill for tourism money for Panama is twice what we spend for the 50 States in the United States of America?

Mr. DOLE. I hear that.

Mr. LEAHY. Will the Senator yield on that?

Mr. DOLE. Let me respond to the question, because I was asked the question.

As I indicated, we have a little more going for us in the United States than they have in Panama. We have devastated their economy. We imposed sanctions. A lot of Panamanians were killed. They have been devastated.

If you do not have any interest in Panama, get up and make those arguments if you want.

It just seems to me that we have a special responsibility in this case. And if we do not have a special responsibility, I do not know what one is. It is easy to get up and make fun of Panama. They do not have any lobbyists around here. I have not seen anybody around knocking on our door. We need to do what is right for Panama.

Yes, just take it out of tourism. It is not a joke in Panama. That is about all they have to sustain them and get them back on their feet.

Mr. MITCHELL. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, so Senators will understand on Panama, the needs of Panama are serious. As I have said before, I had a different package in mind. But just so everybody will understand, the distinguished Senator from Illinois, the distinguished minority leader and others, there are no earmarks in here for tourism or anything else in Panama. And we have very specifically—I am chairman of the Foreign Operations Subcommittee that handles this bill.

And I hope that the distinguished Republican leader might hear this, if I might have the attention of the distinguished Senator from Kansas and the distinguished Senator from Illinois.

As chairman of the subcommittee that handles the foreign aid package, along with the distinguished Senator from Wisconsin [Mr. KASTEN] we specifically did not earmark any money on Panama. We had, between the two of us, differing ideas on what the total amount should be. But I felt very strongly that the President of the United States and the Secretary of State and the Panamanians and the President of Panama and the Panamanian Government should have as much leeway as possible in determining how that money should be spent.

Let me read what it says in the bill. It says for Panama:

> For an additional amount for the "Economic Support Fund", $420,000,000, to remain available until September 30, 1991, which shall be made available only for assistance for Panama: *Provided,* That of this amount up to $15,000,000 may be used for a debt-for-nature swap and for immediate environmental needs.

Which was the amendment that I had.

But we have tried to give much flexibility to the Government of Panama and to the Government of the United States in handling the foreign aid request. I would hate very much to see us now start earmarking within that because I do not think any one of us can state today precisely what each specific need of Panama might be between now and the time the major bill comes through. So I urge Senators not to start earmarking the Panama legislation.

Mr. DOLE. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. DOLE. As I understand it, I do not know who is doing the earmarking, but somebody said there is $30 million for tourism. The Senator from Colorado said it and the Senator from Illinois said it. I do not know where they found $30 million in the bill for tourism.

The subcommittee chairman points out that there are not any earmarks, it is $420 million, so I do not know how they get $30 million for tourism.

Mr. LEAHY. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The majority leader retains the floor.

Mr. LEAHY. If I could just respond to that very briefly.

The $30 million for tourism was part of the administration's justification for the $420 million. But the Senate Appropriations Committee made no earmarks except for the provision that up to $15 million could be used for specific environmental needs, and even that is not earmarked. It is up to that amount could be used.

Mr. MITCHELL. I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I have not followed this debate as carefully as some, but when I heard that the pending amendment would take funds away from the Army's Space Booster Program, I decided to address this issue.

We have just had a successful launch of the shuttle. We just put into orbit the Hubble telescope. While it is not related to the Army, it is still relevant to the Space Research Program.

For quite some time now, many of us have been urging a summit at the White House on space. It seems to me that to take funds away from this program at this time would send the wrong message and would be counterproductive to our efforts. I do not think that the temporary situation regarding Panama should outweigh our long-range Space Research Program.

So, Mr. President, I urge that we defeat both amendments. Then, let us figure out a way to find money in an appropriate account to finance the investigation of fraud in the S&L crisis.

The PRESIDING OFFICER. The majority leader retains the floor.

Mr. MITCHELL. I yield to the distinguished Senator from Pennsylvania.

AMENDMENT NO. 1563, AS MODIFIED

Mr. HEINZ. Mr. President, I modify my amendment and send the modification to the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment (No. 1563), as modified, is as follows:

In lieu of the language proposed to be inserted, insert the following: ": *Provided*, That of the funds appropriated for the Defense Stock Fund in P.L. 101-165, $21,000,000 is rescinded: *Provided*, That an additional amount of $7,600,000 is appropriated for 'Salaries and expenses, United States attorneys' and an additional amount of $11,500,000 is appropriated for 'Federal Bureau of Investigations, Salaries and Expenses', both amounts to be available for the investigation of fraud and other criminal activity in financial institutions.".

Mr. HEINZ. Mr. President, let me take a moment to explain this modification. I have listened to the Senator from Alabama and the Senator from Colorado about their reservations about the space boosters program. This modification would provide an offset, an equivalent offset of $21 million, that is unneeded and unspent in what is known as the defense stock fund account.

I do not believe there is any objection to that, but let us find out. If there is, let us vote.

The PRESIDING OFFICER. The majority leader retains the floor.

Mr. MITCHELL. I yield to the Senator from Colorado.

Mr. President, I yield the floor so the Senate may continue.

Mr. WIRTH. Will the Senator from Pennsylvania explain to us where the offset account is coming from?

Mr. HEINZ. From the defense stock fund.

The PRESIDING OFFICER. The Senator from Colorado retains the floor.

Mr. WIRTH. Will the Senator from Pennsylvania explain to us what the defense stock fund is?

Mr. HEINZ. This is money that is unobligated. It is in the form of a rescission from a larger pot of money. I am sure the Senator, being on the Armed Services Committee, is very familiar with the defense stock fund, and I do not need to explain it further to him.

Mr. WIRTH. Mr. President, I yield to the Senator from Illinois.

Mr. DIXON. Mr. President, I object to modification of the amendment.

The PRESIDING OFFICER. The author has the right to modify his amendment without asking unanimous consent to modify. The amendment has been modified.

Mr. WIRTH. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I want to confer with staff people on the Armed Services Committee, where I serve as chairman of one of the subcommittees, and where I have served for a number of years, about the amendment my friend from Pennsylvania has just offered.

But for my friend from Pennsylvania to suggest to my colleagues in the U.S. Senate that the defense stock fund is a matter of no consequence is a remarkable statement. It is a fund that has been maintained for a good many years by the Government in connection with our concerns about potential emergencies and the need to be prepared in the event of surge requirements.

I want to confer with people on staff before I would be willing to suggest that this is a sensible amendment.

I understand my colleagues who are concerned about the Wirth amendment are now trying to find some softer alternative for a selection process for Senators, rather than voting to try to solve the fraud and criminality in the thrift industry at the expense of tourism in Panama.

But if my friends in the Senate think that the defense stock fund is a better alternative than tourism in Panama, I can assure them that should this amendment be adopted, I will have a great deal to say about it later.

Mr. President, I know everybody is otherwise involved in discussions around here, but I want to remind my colleagues, as a member of the Armed Services Committee, that we are cutting defense to the bone this year. The Secretary of Defense has been before our committee this week. I see the Senator from Nebraska, in charge of our strategic responsibilities; he was there. The Senator from Georgia, chairman of the committee, was there, and other members of the committee, when the Secretary of Defense, on his own initiative, came in to advocate massive cuts in the B-2 program, massive cuts in the C-17 program for our airlift, massive cuts in our advanced tactical fighter program and other things.

We all know the other things that are being advocated in the House. My friend, the distinguished chairman of the Budget Committee, has advocated, to meet our budgetary requirements, even different cuts.

Now other people come in here almost as an afterthought and say let us cut another $25 or $30 million out of defense.

I remind my colleagues that this entire supplemental is mostly taking money out of defense. If everything we are going to do is to take money out of defense, and when we get in an

argument with the Senator from Colorado about what I consider to be a good amendment to take some money out of tourism for Panama and we want to take more money out of defense, I want to remind my distinguished colleagues there is a limit to this.

There is a limit about how much defense can stand in cuts. And I hope that my colleagues will think seriously about cutting something they do not even know about.

Here is my distinguished colleague, a learned Member who came from the House, and has for many years here been a great public servant, who is asking: What is the fund all about? If he does not know, on the Armed Services Committee, and my knowledge of it is limited, the average Member does not know at all. And to make this kind of a cut at this time of night is an outrage, Mr. President. If we are going to do that just to avoid taking some money out of money for Panama, I think it is a sad day in the U.S. Senate.

Why do we not leave this the way the Senator from Colorado offered it in the first place? That was a very straightforward selection process for Members of the Senate and I hope that, in time, my friend from Colorado will move to table the amendment by the Senator from Pennsylvania and let us find out whether, at sometime in the evening like this, we are ready to make these kinds of uninformed decisions at the expense of our American defense capabilities.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest, to expedite the business of the Senate and to prevent further delay, or to minimize further delay, that this amendment be set aside; that we proceed to vote on the two other amendments that are to be disposed of this evening; that while those votes are occurring, the discussion that is now occurring be continued privately with an effort to resolve the matter between the principals who have expressed an interest in it; that if they are able to do so, then we would know that and be able to dispose of it at the conclusion of the other two votes. If they are unable to do so, then we would vote on this matter at that time.

This discussion has been going on now for quite a long time. New suggestions are being made on the floor during debate. I think prudence—and also accommodating more Senators—would be served if Senators would agree to that.

I inquire of the distinguished Senator from Colorado and the Senator from Pennsylvania if they would be agreeable to that and will let me proceed to get consent to vote on the Conrad amendment and the Dixon amendment, and while those votes are occurring, to let the principals continue this discussion.

Mr. WIRTH. It is perfectly agreeable to me. Mr. President.

Mr. HEINZ. Mr. President, that would be most agreeable.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, accordingly I ask unanimous consent that the pending amendment be set aside and that the Senate proceed without any intervening action or debate to vote on or in relation to the following amendments in the order as listed: the Conrad amendment, No. 1555, and the Dixon amendment, No. 1549; and that the pending amendment recur following disposition of the Dixon amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object, I seek recognition for the purpose of adding original cosponsors. I assume I would not be precluded from doing that by an unanimous-consent request.

Mr. MITCHELL. I suggest as soon as we get this agreement, I ask consent the Senator be recognized for the purpose of adding the cosponsors.

The PRESIDING OFFICER. Is there objection? The Senator from Arkansas.

Mr. PRYOR. Reserving the right to object, and I will not object, may I respectfully suggest, Mr. President, to our majority leader, that any and all votes we have this evening possibly could be a 10-minute votes, not to run beyond 10 minutes? We are all here, and it would save a tremendous amount of time.

Mr. MITCHELL. Mr. President, I am reluctant to do that on the first vote because I do not know where each Senator is, and we have tried to accommodate every Senator. I will suggest that we will do that on the second vote, but if the Senator will permit me a little flexibility on that to judge where Senators are when they get here?

Mr. EXON. Reserving the right to object, and I shall not object, I appreciate what the leader is trying to do. Following up on the suggestion just made, about the quality of life once again, would it be possible, Mr. President, to speed things up, if we could get agreement on the unanimous-consent request that the Senator has just made with the understanding that the first vote would be a 15-minute vote, that the following vote would be a 10-minute vote—that is on the Conrad amendment as I understand it—and following that, if agreement is not reached between the two parties on the matter that the Senator is setting aside, we would limit 10 minutes of debate before the following vote which would be for 10 minutes? Is it possible to work out something like it to try to bring this to a head?

Mr. MITCHELL. I believe it is possible, and what I suggest we do is that, during these votes, I will attempt to get agreement of the parties for such an agreement and will propound it at that time.

Mr. EXON. The Senator does not think this is the time to propound that? I yield to the superior——

Mr. MITCHELL. No. I have attempted to accommodate all Senators. I do not know physically where each Senator is now, neither side. If we could get the vote started, I think we could move it along that way, and then I could attempt during those votes to get that accommodation.

Mr. EXON. I do not object.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Has there been a request made——

The PRESIDING OFFICER. Does the Republican leader reserve the right to object?

Mr. DOLE. The Senator indicated he did not know where everyone was physically. I cannot find one Senator who might want to have a motion to table the Conrad amendment.

I understand that will be done for him.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, is it in order to request the yeas and nays on the Conrad amendment, No. 1555?

The PRESIDING OFFICER. A request would be in order at this time.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The majority leader retains the floor.

Mr. MITCHELL. Mr. President, I understand now that the distinguished Senator from Oregon is going to move to table that amendment. I would like to ask unanimous consent that the Senator from North Dakota be recognized for the purpose previously stated, prior to that tabling motion.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senators BAUCUS, DASCHLE, PRESSLER, BOSCHWITZ, BURNS, and GORTON be added as original cosponsors to the Conrad amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, on behalf of the Senator from Mississippi [Mr. COCHRAN] I have been asked to make a motion to table the Conrad amendment. I so move and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator Maryland [Ms. MIKULSKI] and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] and Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—52

Armstrong	Gramm	Nickles
Biden	Hatch	Nunn
Bingaman	Hatfield	Packwood
Bond	Heinz	Reid
Bradley	Helms	Robb
Bryan	Humphrey	Rockefeller
Byrd	Kassebaum	Roth
Chafee	Kasten	Rudman
Coats	Levin	Simon
Cochran	Lott	Simpson
Cohen	Lugar	Specter
D'Amato	Mack	Stevens
Danforth	McCain	Symms
Dixon	McClure	Thurmond
Dole	McConnell	Warner
Domenici	Metzenbaum	Wilson
Garn	Mitchell	
Glenn	Murkowski	

NAYS—43

Adams	Exon	Kohl
Baucus	Ford	Lautenberg
Bentsen	Fowler	Leahy
Boren	Gore	Lieberman
Boschwitz	Gorton	Pell
Breaux	Graham	Pressler
Bumpers	Grassley	Pryor
Burdick	Harkin	Riegle
Burns	Heflin	Sanford
Conrad	Hollings	Sarbanes
Cranston	Inouye	Sasser
Daschle	Johnston	Shelby
DeConcini	Kennedy	Wirth
Dodd	Kerrey	
Durenberger	Kerry	

NOT VOTING—4

Jeffords	Moynihan
Mikulski	Wallop

So the motion to table the amendment (No. 1555) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the Dixon amendment be a 10-minute vote; that thereafter, there be 10 minutes equally divided on the Heinz amendment, No. 563; that immediately following the expiration or yielding back of that time, the Senate, without any intervening action or debate, vote on or in relation to the Heinz amendment; that immediately upon dispositon of the Heinz amendment, the Senate, without any intervening action or debate, vote on or in relation to the Wirth amendment, as amended, if amended.

Mr. STEVENS. Mr. President, reserving the right to object, it is my intention to make a motion to table the Dixon amendment.

Mr. MITCHELL. Then I modify my request that the vote be on or in relation to the Dixon amendment so that the Senator could make the tabling motion.

Mr. KASTEN. Mr. President, reserving the right to object, I say to the majority leader I did not hear the beginning of the unanimous-consent request. I wish to ask of the majority leader if anything in his unamimous-consent request would have make it impossible for me to raise a point of order with regard to the underlying Wirth amendment before the disposition of the Heinz amendment?

Mr. MITCHELL. Mr. President, I ask that the request be modified to make clear that with respect to the Wirth amendment and the Heinz amendment, that a point of order may be raised.

The PRESIDING OFFICER. Is their objection to the majority leader's request? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, Senators should be aware that there will be a 10-minute vote on the Dixon amendment, 10 minutes equally divided on the Heinz amendment, a vote on that or in relation to it, a point of order or a motion to table, and a vote on the Wirth amendment. So there will be three more votes spread over the next 40 minutes.

I thank my colleagues for their cooperation.

Mr. STEVENS. Mr. President, is it in order now to move to table the Dixon amendment?

The PRESIDING OFFICER. It is.

Mr. STEVENS. I move to table the Dixon amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maryland [Mrs. MIKULSKI] and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—39

Armstrong	Hatch	Murkowski
Bond	Hatfield	Nickles
Boschwitz	Heinz	Packwood
Burns	Helms	Pressler
Cochran	Humphrey	Roth
D'Amato	Inouye	Rudman
Danforth	Jeffords	Sanford
Dole	Johnston	Simpson
Domenici	Kassebaum	Specter
Durenberger	Kasten	Stevens
Garn	Lott	Symms
Gramm	McClure	Thurmond
Grassley	McConnell	Wilson

NAYS—57

Adams	Dixon	Lieberman
Baucus	Dodd	Lugar
Bentsen	Exon	Mack
Biden	Ford	McCain
Bingaman	Fowler	Metzenbaum
Boren	Glenn	Mitchell
Bradley	Gore	Nunn
Breaux	Gorton	Pell
Bryan	Graham	Pryor
Bumpers	Harkin	Reid
Burdick	Heflin	Riegle
Byrd	Hollings	Robb
Chafee	Kennedy	Rockefeller
Coats	Kerrey	Sarbanes
Cohen	Kerry	Sasser
Conrad	Kohl	Shelby
Cranston	Lautenberg	Simon
Daschle	Leahy	Warner
DeConcini	Levin	Wirth

NOT VOTING—3

Mikulski	Moynihan	Wallop

So the motion to lay on the table amendment No. 1549 was rejected.

VOTE ON AMENDMENT NO. 1549

Mr. McCLURE. Mr. President, I think the yeas and nays were ordered on the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1549) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1563, AS MODIFIED

Mr. EXON. Mr. President, what is the pending business?

The PRESIDING OFFICER. Under the unanimous-consent agreement, there will now be a 10-minute debate on the Heinz amendment which is an amendment in the second degree. The time is controlled by Senator HEINZ, the proponent, and the manager in opposition.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Illinois [Mr. DIXON] control

the time in opposition to the Heinz amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? There are 5 minutes allocated to each side controlled by Senator HEINZ and by Senator DIXON.

Who yields time?

Mr. DIXON. Mr. President, I yield 2 minutes to the distinguished senior Senator from Nebraska against the amendment.

The PRESIDING OFFICER. The Senator from Nebraska has been yielded 2 minutes.

Mr. EXON. Mr. President, I have been advised by those on this side that the Senator from New Hampshire has asked for 1 minute, so he wants 1 minute of the 5 minutes.

This is an ill-conceived amendment and I hope that we can understand what it is. The Senator from Colorado offered an amendment to take $30 million of the emergency supplemental appropriations and transfer that $30 million to drug enforcement. The Senator from Pennsylvania has amended that to leave the $30 million in the so-called urgent supplemental but take it away from national defense for this fiscal year.

Mr. President, I think all members that I know of on the Armed Services Committee are opposed. Chairman NUNN is opposed to this amendment. I advise all that within the next day or so the Budget Committee is going to pass out of that committee a very high number to cut defense, to declare a peace dividend.

Meanwhile, back at the ranch right now we are struggling with an $800 million supplemental appropriation for national defense requested by the President. The reason for this is that the President did not protect military personnel from the sequester cuts under Gramm-Rudman last year. We are struggling as best we can in the Armed Services Committee. I hope we can vote the Heinz amendment down and send a clear signal to the United States that the Armed Services Committee is struggling at this time to meet its commitments.

If the Heinz amendment is adopted, I believe that I can predict that it will have to come out of that $800 million supplemental. That means that we are going to have some people laid off in the armed services. I think that is not what the Senate wants right now. I hope that we will turn down the amendment offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DIXON. Mr. President, I yield myself 1 minute against the amendment.

May I have the attention of Senators? What does this defense stock fund do? It is a revolving fund that buys fuel. Now listen to this. Right now we are losing $4 a barrel on fuel. We are paying $27.50 and we are giving it to the services for $23.50. Medical supplies, clothing for our troops, the kinds of nitty-gritty stuff we really need.

We have already in this supplemental taken out $39 million. The Senator from Pennsylvania wants to take out an additional $21 million when we are slashing defense to the bone everywhere. I hope my colleagues in the Senate will not do this to the services without any kind of a hearing. I think it is a very egregious and dangerous amendment and I hope we do not adopt it.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, the Senator from New Hampshire has asked for some time.

Mr. DIXON. I yield 1 minute to the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, what I have to say applies not only to the pending amendment but to the amendment sponsored by the Senator from Colorado and the Senator from Illinois. I hope we would vote against both of them. We will not have intervening debate.

I would not expect logic to prevail at this hour but let me point out that the Senator from South Carolina and the Senator from New Hampshire try to administer the Commerce, Justice, State and Judiciary Appropriations Subcommittee with some amount of judgment. We consult with the Attorney General of the United States on a regular basis and all of the division heads last year on the financial institution fraud initiative. We funded it with $107,800,000 of new money, of which $81 million was for the FBI and $20 million was for U.S. attorneys. This year, we will again appropriate even more.

I would only say that this is an emergency supplemental and what we ought to really do is to let the appropriating committee—unless there has been evidence of some great negligence—appropriate and not do this kind of ad hoc switching around on the floor. We have funded this initiative and funded it well. I think we ought to vote down both of these amendments.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HEINZ. Mr. President, I yield myself a minute and a half.

Mr. President, the issue before us is very simple. Do we want to take money away from Panama after all the difficulties that that country has had, where the Panama Canal is, and do we want to take money from helping that country recover and use it to fund a domestic program that many of us support, namely going after the crooks that looted our S&L's, or do we want to take the money, as this amendment proposes, from a fund that puts up money for office supplies, equipment, fuel, maintenance of miscellaneous kinds, which the Appropriations Committee has already reduced by some $39 million?

What this Senator proposes in the way of a $21 million reduction amounts to less than one-ten-thousandth of the entire defense budget. And yet I hear people in opposition saying we are going to lay off thousands of people.

Mr. President, we have heard about the Washington Monument syndrome. When you are going to do damage to a budget, you say the world is going to come to an end and we are going to close the Washington Monument. I say we can get along with $21 million less in the defense stock fund. I urge my colleagues to do Panama a favor and support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HEINZ. Mr. President, I yield a minute and a half to my friend and colleague from Pennsylvania.

Mr. SPECTER. Mr. President, I support the second-degree amendment. I believe that we ought not to touch the allocation to Panama because it is urgently needed and long overdue.

When the distinguished Senator from Colorado proposes that funds be taken from the Panama allocation and put into the savings and loan, that is a tempting offer. I think my colleague from Pennsylvania [Mr. HEINZ] has found a good resolution. We essentially have three priorities here. First, is the Panama money; second, an allocation for savings and loan; or, third, the defense stock fund. The amendment offered by my colleague, Senator HEINZ, I think reaches an appropriate accommodation. Therefore, I support his second-degree amendment so that we do not have to take that money from Panama but can have an additional allocation for enforcement of the savings and loan program.

I thank the Chair, I thank my colleague, and I yield the floor.

Mr. HEINZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. I move to table the second-degree amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table is not in order at this time. The yeas and nays have been ordered on the second-degree amendment.

Who yields time?

Mr. EXON. Mr. President, I do not believe that the Chair ruled the yeas

and nays have been ordered. Had they been ordered previously?

The PRESIDING OFFICER. I am informed that the yeas and nays have been ordered.

Mr. EXON. I can still move to table, can I not?

The PRESIDING OFFICER. The motion to table is not in order until the time allocated pursuant to the unanimous-consent agreement has expired, and the Senator from Pennsylvania still has 1 minute 44 seconds on that.

Mr. EXON. I thank the Chair. I will move at the appropriate time.

Mr. HEINZ. Mr. President, how much time remains?

The PRESIDING OFFICER. 1 minute and 44 seconds.

Mr. HEINZ. I reserve the remainder of my time.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. HEINZ. I do not yield any time at this point.

Mr. President, I see the Senator from Colorado on his feet.

Mr. DIXON. I yield the remainder of our time to the Senator from Colorado.

Mr. WIRTH. I thank the distinguished Senators from Colorado and Illinois.

Mr. President, this was not something thought up in the middle of the night. The American people have been watching an S&L crisis emerge and explode, and ask that we have the FBI and a number of U.S. attorneys that can go after the fraud, waste, abuse, and outright embezzlement. A thousand major inactive cases; 20,000 referrals unanswered by the FBI. The major cases have doubled from 1983 to 1989. That is on the record, not done in the middle of the night.

What we are trying to do is provide the FBI and U.S. attorneys with the money that they requested. So where do we find the money? It is not done in the middle of the night. We noticed this last week, looked around at the various accounts, and which one jumped out—$30 million for the promotion of tourism in Panama, something that was debated at great length here in the afternoon. That is twice the amount of money than we use to promote in all the United States. This is not an anti-Panama vote, it is a rational budgeting vote. We have a choice between the S&L's and the funding for tourism in Panama.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I yield myself 45 seconds.

The position of the Senator from Pennsylvania is simply this, that we need to unleash all the available weapons against those crooks who treated our federally insured savings and loans like personal piggy banks.

In that respect, the Senator from Colorado and I seek to achieve the same objective. The only difference is I seek to achieve it without cutting the President's proposal to aid Panama and have found moneys that are unspent, unused, and unnecessary in the Defense Department accounts.

Mr. President, I yield what remaining time I have to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator has 25 seconds.

Mr. KASTEN. Mr. President, the issue here has become muddled. We are trying to solve a problem for the Senator from Colorado by taking an offset somewhere other than in Panama. It now seems as if it has gotten so confused some people do not want to take it from the defense account, some people do not want to take it from other accounts.

I think the cleanest way to deal with this issue is to deal with it directly, and that is to say that the Wirth amendment, the underlying Wirth amendment is in violation of the Budget Act because it adds money to the State, Justice, and Commerce appropriations account.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KASTEN. Therefore, Mr. President, the adoption of the Wirth amendment would cause the State, Justice, and Commerce Subcommittee to exceed the allocations of outlays under 302(b) of the Budget Act. Pursuant to section 302(f) of the Congressional Budget Act, I raise the point of order against the underlying Wirth amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Mr. President, I move to waive the Budget Act with reference to 302(f) of the Budget Act.

The PRESIDING OFFICER. The motion is in order.

The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, I ask for the yeas and nays on the budget waiver.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KASTEN. I do not think there is any reason to pursue this any further.

The PRESIDING OFFICER. The Senate will be in order. There is no debate on the motion. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chambers who desire to vote?

The yeas and nays resulted—yeas 48, nays 50, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—48

Adams	Ford	McCain
Baucus	Fowler	Metzenbaum
Bentsen	Glenn	Mitchell
Biden	Gore	Moynihan
Bingaman	Grassley	Nunn
Bradley	Harkin	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Inouye	Riegle
Byrd	Johnston	Rockefeller
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
Daschle	Kerry	Shelby
DeConcini	Lautenberg	Simon
Dixon	Levin	Specter
Exon	Lieberman	Wirth

NAYS—50

Armstrong	Gorton	McConnell
Bond	Graham	Murkowski
Boren	Gramm	Nickles
Boschwitz	Hatch	Packwood
Breaux	Hatfield	Reid
Burns	Helms	Robb
Chafee	Hollings	Roth
Coats	Humphrey	Rudman
Cochran	Jeffords	Sanford
Cohen	Kassebaum	Simpson
D'Amato	Kasten	Stevens
Danforth	Kohl	Symms
Dodd	Leahy	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Garn	McClure	

NOT VOTING—1

Mikulski

So the motion was rejected.

The PRESIDING OFFICER. The Chair must rule on the point of order raised by Senator KASTEN to the amendment of the Senator from Colorado that transferring budget authority among several subcommittees of the Appropriations Committee would cause allocation of budget authority and the outlays allocated to the Subcommittee on Commerce, State and Justice to be exceeded in violation of section 302(f) of the Budget Act.

The point of order is sustained.

The amendments fall.

Mr. SIMON. Mr. President, I am pleased to support H.R. 4404, the fiscal year 1990 supplemental appropriations bill. This bill provides supplemental funding for several items that are of great interest to Illinois. I want to thank Senator HARKIN, in particular, for his interest in and support of providing additional funding to address a shortfall in the unemployment insurance program.

The committee has included $99.6 million in supplemental funding for the unemployment insurance system. This money is needed to help make up for a significant shortfall in funding that resulted primarily from the administration's overly optimistic projections of the number of unemployment claims. Current projections indicate that the fiscal year 1990 shortfall may be as high as $113 million. Unemployment insurance resources were depleted even further by a $24 million Gramm-Rudman-Hollings reduction.

Our State unemployment insurance programs have faced reduced funding for a number of years. These reductions have made it increasingly difficult for States to provide unemployed persons with necessary services. Further cuts at this time will seriously compound the problem. I regret that the administration has opposed supplemental funding even though the vast majority of the shortfall this year resulted from the administration's own unrealistic projections. I appreciate, however, the Appropriations Committee's willingness to work with me and other Members who expressed interest in this issue—20 of my colleagues joined me in a letter to the committee requesting the restoration of funding for the unemployment insurance system. The committee has gone a long way toward restoring that funding. I am grateful for the committee's cooperation. Mr. President, I ask that a copy of my letter to the committee be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMON. In addition, I want to thank the committee for its interest in and support of the Chicago Public Schools. The report accompanying the fiscal year 1990 supplemental appropriations bill encourages the Department of Education to give favorable and prompt consideration to an application for assistance from the Chicago Public Schools. Mr. President, national attention has been focused on the Chicago schools and the remarkable school reform initiative that is underway there.

In 1989, the Chicago Public Schools began implementation of an unprecedented and ambitious restructuring effort aimed at decentralizing the management of Chicago's elementary and secondary schools, enhancing parental involvement in educational activities, and increasing the achievement of Chicago's public school children. Implementation of the first phase of the reform initiative—the election of some 5,400 new school council members—has generated a new wave of enthusiasm, spirit, and hope throughout the city.

The local school council concept is the centerpiece of Chicago's school reform efforts and should be supported in every possible way. One problem that has surfaced is the dire need for training for these new council members, the majority of whom are parents. Many of them have never conducted a meeting, hired or evaluated personnel, developed a budget, or constructed a school improvement plan—responsibilities they must now carry out. Effective training for the school council members has been identified by the school system and community leaders as critical to the smooth implementation of school reform in Chicago.

I am pleased that the committee has identified $500,000 that can be made available for this purpose. Efforts to achieve national educational goals must include direct assistance to the Nation's largest school districts, such as the Chicago Public Schools, in order to help them achieve the systematic, structural reforms that can be very costly to implement.

I also applaud the committee for its work on funding for the Head Start Program. The additional $166 million recommended in H.R. 4404 is an important investment in our Nation's children, and particularly those who are most at-risk of educational failure. These funds are vitally needed to preserve the high quality of Head Start services and bring new disadvantaged children into the program. The Chicago Public Schools, a major Head Start grantee in Chicago, is facing a critical shortfall in funding for Head Start services in the 1990 program. The supplemental funds in H.R. 4404 should help to significantly alleviate that funding shortfall.

EXHIBIT 1

U.S. SENATE,
Washington, DC., April 2, 1990.

Hon. TOM HARKIN,
Chairman, Subcommittee on Labor, Health and Human Services, Education, Committee on Appropriations, U.S. Senate Washington, DC.

DEAR CHAIRMAN HARKIN: We are writing to urge the Appropriations Committee to appropriate supplemental funding to the unemployment insurance system. As you know, the unemployment insurance program provides support to individuals who are out of work while they search for a job. It is a vital life-line program, and supplemental funds are needed to prevent a shortfall of at least $100 million for unemployment insurance operations.

The shortfall is primarily the result of the Administration's overly optimistic assumptions on the projected number of unemployment claims. Current economic assumptions indicate that the Administration's projections will shortchange state unemployment offices by nearly $100 million. In addition, unemployment insurance resources were further cut by $24 million in Gramm-Rudman-Hollings reductions.

Our state unemployment insurance programs have faced reduced funding for eight years. These reductions have left the states hardpressed to provide services necessary to unemployed persons. Many states have been forced to close or consolidate offices. Further cuts at this time could seriously jeopardize the ability of our unemployment insurance programs to handle claims in a timely matter.

Past administrations have always requested supplemental appropriations when unrealistic economic projections have caused a shortfall in funding. This year, the Administration has neglected to take this responsible step. We believe supplemental funding of the unemployment insurance program is of vital importance; accordingly, we urge the Committee to provide these much needed funds.

Thank you for your attention to this matter.

Cordially,

Lloyd Bentsen, Carl Levin, Alan Cranston, Christopher J. Dodd, John Heinz, Bob Kerrey, Harry Reid, Joe Lieberman, Paul Simon, Don Riegle, Dan Coats, Richard H. Bryan, Wendell Ford, Richard Shelby, Brock Adams, Edward M. Kennedy, Slade Gorton, Wyche Fowler, Jr., Alfonse D'Amato, John F. Kerry, and Dave Durenberger.

Mr. RIEGLE. Mr. President, I would like to note for the RECORD that I was necessarily absent from the proceedings of the Senate on Friday, April 27, due to a long standing commitment to travel to an Indian reservation near Sault Ste. Marie in Michigan's Upper Peninsula. I had agreed several months ago to be the principal speaker at the dedication of Bay Mills Community College's new wing and the opening of their native American art exhibit.

Bay Mills, one of only two tribally controlled community colleges east of the Mississippi River, has grown from 11 students in 1981 to some 253 students today and serves all seven federally recognized tribes in Michigan. This college has demonstrated an exceptional commitment to education in the native American community, despite very difficult obstacles, and I felt it was necessary to be there to give active support to their excellent and important work.

Had I been present, I would have voted as follows:

Rollcall No. 66: In favor of a Byrd amendment No. 1540 to require a study and report on how U.S. foreign assistance programs may promote the U.S. economic competitiveness;

Rollcall No. 67: In favor of a committee amendment relating to the preservation of tropical forests and other environmental activities in Nicaragua;

Rollcall No. 68: Against sustaining the ruling of the Chair that the threshold relationship between the committee amendment relating to the use of Federal funds to perform abortions in the District of Columbia;

Rollcall No. 69: In favor of germaneness as it pertains to the committee amendment to restrict the use of Federal funds to perform abortions in the District of Columbia;

Rollcall No. 70: In favor of an Adams amendment to provide for a study in the District of Columbia for a system of early childhood developmental programs;

Rollcall No. 71: Against tabling an amendment to institute the death penalty for drug-related murders in the District of Columbia.

ISRAEL HOUSING GUARANTEES

Mr. LEAHY. Mr. President, I want to mention one other program in the supplemental—the provision of $400 million in loan guarantees to Israel for

a housing program to absorb tens of thousands of Soviet Jewish refugees.

This is a credit guaranty, and no appropriation of new funds is necessary. Under this language the United States will guarantee, through its Housing Investment Guaranty Program, loans Israel will contract in the commercial financial markets. The only risk to the United States is if Israel defaults on payments, and Israel has never defaulted on its loan payments before.

There is one issue related to the Israel Housing Guaranty Program that is of concern to me—whether any of this loan guaranty assistance could be used to support or expand Israeli settlements in the West Bank or Gaza. As I noted in my remarks when Senator KASTEN and I introduced legislation in February of this year on the Israeli Housing Guarantee Program, I strongly support longstanding American policy, followed by administrations since the 1960's, that Israeli settlements in the occupied territories are an obstacle to peace.

My understanding of the administration's position is that it supports enactment of the Israel Housing Guaranty Program, but that it does not intend to implement the program until satisfactory assurances regarding its use have been negotiated directly between the two governments involved. For that reason, my understanding is that the administration believes that specific legislation to require that the use of these resources to limited to the pre-1967 territory of Israel is not required.

All United States assistance agreements with Israel contain a prohibition on the use of United States aid beyond the June 1967 borders. It is certainly the clear intention of this Senator that none of this loan guaranty will in any way be used to support or otherwise aid Israel in any settlement activity outside the pre-June 1967 borders. The only purpose of this assistance is to help Israel construct housing for immigrants from the Soviet Union inside the pre-1967 borders of Israel.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. Progress will continue on the bill. We expect further action on the bill tonight and then the Senate will return to the bill at 9:30 in the morning with rollcall votes expected in the morning.

It remains my hope, which I expressed at the end of last week and early today, that we could complete action on this bill tomorrow. We are willing to proceed in the hope and expectation that we will be able to achieve that result.

I thank the distinguished Republican leader for the cooperation that he has shown today as well as the chairman of the Appropriations Committee and ranking member. We have spent the entire day trying to work this matter out. I believe we have made some substantial progress. I thank all of my colleagues who participated in that.

We are going to proceed on the bill tonight although there will be no further rollcall votes. Then we will be back on the bill at 9:30 tomorrow.

I repeat my very strong hope that we can complete action on this important measure tomorrow.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I have, if this is an appropriate time, a series of amendments which have been cleared. It will take about a minute and a half.

Mr. WIRTH. Will the Senator suspend for 10 seconds?

Mr. LEAHY. I yield without losing my right to the floor.

Mr. WIRTH. I ask unanimous consent that Senators LEVIN, ROCKEFELLER, BRYAN, and KERREY be added as cosponsors to the Wirth amendment. I thank the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. KASTEN. Will the Senator yield? I would like to enter a motion to reconsider the last vote.

I do so. I move to reconsider the last vote by which the point of order was sustained.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KASTEN. I thank the Chair.

Mr. LEAHY. Mr. President, just so I can explain what I am going to do, I am going to make a unanimous-consent request to be able to offer an amendment by Mr. CRANSTON and Mr. KERREY of Nebraska. I believe it has been accepted by both sides.

It provides that $5 million will be available to development assistance. Funds may be used between the national relief agencies to help children in Cambodia so long as no funds go either directly or indirectly to the Khmer Rouge and no new budget authority is involved. No outlays are required.

I believe it has been accepted on both sides. Mr. President, I did that in the way of description of it. I now ask unanimous consent that the pending business be temporarily laid aside and it be in order to send an amendment to the desk that I just described for its immediate consideration.

The PRESIDING OFFICER. Is there objection to temporarily setting aside the pending amendment? Hearing none, it is so ordered.

AMENDMENT NO. 1564

(Purpose: To provide up to $5,000,000 through international relief agencies to children within Cambodia)

Mr. LEAHY. Mr. President, I send an amendment on behalf of Mr. CRANSTON and Mr. KERREY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. CRANSTON, for himself, and Mr. Kerrey, proposes an amendment numbered 1564.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . (a) Notwithstanding any other provision of law, up to $5,000,000 of the total amount of funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), which funds were—

(1) appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), or

(2) otherwise made available through the exercise of the authority contained in section 515 of that Act,

may be made available to the President to provide emergency assistance through international relief agencies to children within Cambodia.

(b) None of the funds made available pursuant to subsection (a) may be made available, directly or indirectly, for the Khmer Rouge.

Mr. HATFIELD. Mr. President, if the Senator will yield——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Vermont seek recognition? The Senator is recognized.

Mr. LEAHY. Mr. President, I understood an amendment that I just offered had been cleared on the Republican side of the aisle. I am advised by the distinguished Senator from Oregon, my good friend, that it has not been cleared as the others were pending.

Rather than delay things and raise any confusion, because of the manner in which we work here and in the effort that is always made to make

sure that there matters are cleared on both sides, I think it would probably be a lot easier if we took this up in the morning. I am sure it will be cleared. I have discussed it further with the Senator from Oregon and others.

So I ask unanimous consent that it be in order to withdraw the amendment I offered in behalf of Mr. CRANSTON and Mr. KERREY of Nebraska, and that we go back to the regular order.

The PRESIDING OFFICER. The Senator may withdraw his amendment as a matter of record. The amendment is withdrawn.

The amendment (No. 1564) was withdrawn.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, as the Senator is aware, I was hopeful that we would include in this supplemental appropriations bill an additional amount for the Child Abuse Challenge Grant Program for the purpose of restoring the cuts that 23 States experienced in fiscal year 1989. For example, Michigan was notified last October that its grant had been reduced by 62 percent.

The Michigan delegation has sought an explanation for the cut from the Department of Health and Human Services. After a meeting between HHS officials and delegation staff members as well as correspondence between HHS and the State of Michigan, we are still waiting for a clear explanation of exactly why our State experienced such a draconian reduction and what must be done to avoid this same thing from happening again.

The result of this cutback in funding in my State is that Michigan has been hindered in its efforts to operate a statewide program of child-abuse and neglect prevention.

While I am disappointed that there is no opportunity to address this problem in the fiscal year 1990 supplemental appropriations bill, it is my understanding that the subcommittee chairman will work with me and my colleague, Senator RIEGLE, in trying to obtain increased funding for the Child Abuse Challenge Grant Program in fiscal year 1991.

Mr. HARKIN. I appreciate the Senator's concern and understanding. The Senator may be sure that I will be happy to work with him to see what can be done in fiscal year 1991. In order to address funding for Michigan in this bill, we would have to change the distribution formula for the Child Abuse Challenge Grant Program. This obviously is a matter for consideration by the authorizing committee. However, in so far as funding levels, it is my intention to work with my colleague from Michigan in the 1991 bill.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Will the manager of the bill be good enough to yield for a question?

Mr. BYRD. Yes.

Mr. METZENBAUM. Does the manager of the bill have any intent of either taking any additional amendments tonight or entering into any unanimous-consent agreements with respect to such amendments yet this evening?

COMMITTEE AMENDMENT ON PAGE 57, SECTIONS 312 AND 117, AS AMENDED

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to vote on the committee amendment appearing on page 57, as amended by the Adams amendment, as amended by the Gramm amendment, with one vote.

The PRESIDING OFFICER. Is there objection?

Mr. ADAMS. Mr. President, the Senate of the United States is once again called upon to pass judgment on the reproductive rights of women of the District of Columbia. There are some who argue that this issue has no place on a bill to provide dire emergency appropriations for a wide range of topics. Others argue that to allow the District of Columbia government to utilize its own funds to assist women in the free exercise of those rights would invite a veto of this entire bill by President Bush. I would like to briefly address both of these concerns, but to do so it is essential that I first provide some of the historical background to this discussion.

It must be recalled that the current total prohibition on the use of any funds, Federal or local, for the performance of abortions in the District has been in existence for only the last 2 years. It has become a feature of the present administration's increasingly hard line on the topic of the reproductive rights of women. From 1980 until 1989, congressionally imposed restrictions on the use of Federal funds for abortions in the District of Columbia specified that Federal funds could be utilized only in cases where the life of the mother was threatened, and in cases involving rape, incest, and ectopic pregnancy.

On three separate occasions, President Reagan signed legislation containing this restriction on the use of Federal funds, leaving the District of Columbia free to utilize its own revenues as it saw fit. Last year, President Bush vetoed the District of Columbia appropriations bill because it attempted to restore Federal policy toward the District to where it had been during the Reagan administration. I stated my intention to revisit this issue, and the presence of section 312 in this dire emergency supplemental bill is consistent with that commitment.

With respect to the concern that this amendment does not belong on this bill, I am aware that the subject matter of this legislation is intended to be dire emergencies. President Bush considers the needs of Panama and Nicaragua to be dire emergencies, and we agree by providing millions of dollars for each country. In addition, a wide range of additional dire emergencies are covered in this bill, with funds included for watershed protection, an experimental laboratory for fish farming, salaries and expenses for Government employees, volcano monitoring, and even $10 million for President Bush to use "for the day when diplomatic relations can be established with Lithuania." Thus, we have provided dire emergency funds for an event that has not even yet occurred.

I have no quarrel with the numerous dire emergencies provided for in this legislation. But in reviewing the entire list, I find no emergency so dire or in need of immediate attention as the need to restore this fundamental right to the government of the District of Columbia and to the women who reside here. President Bush recently stated his belief that the majority of the District's funds come from the Federal Government. That statement was incorrect. I am hopeful that his staff has advised him that he was in error, that in fact, we actually provide less than 15 percent of the District's budget. Perhaps the President's opposition to allowing the District to utilize its own revenues as it sees fit was a product of his erroneous view of the Federal Government's contribution to the District budget.

Today's morning news carried reports that the President's senior policy advisors are unanimous in their advice that he veto this entire bill if section 312 remains. Quite frankly, I am losing interest in those threats as a factor in determining what we in the Congress should include in legislation. We have heard that threat on minimum wage reform, clean air legislation, child care, and several other topics. A White House temper tantrum, accompanied with the threat to "take my ball and go home if you don't play my way," seems to me an

insufficient reason to send U.S. Senators scurrying for cover.

There may be some benefit in having Mr. Darman and Mr. Sununu get on the phone to President Chamorro and President Endara and explain to them why it was more important to deny women of the District of Columbia their reproductive rights than it was to provide dire emergency assistance to their governments.

Mr. President, I seek no quarrel with President Bush, but I firmly believe he is badly out of step with the American people on this issue. I have known George Bush for many years, and served with him in the House of Representatives. I knew him when he was prochoice. But something happened on the long road to the White House, and I am frankly perplexed at the President's attitude and posture on this subject. I sincerely hope that some day soon he will stop listening to Mr. Darman and Mr. Sununu and begin listening to his wife, his daughters, and to the women of America. When that day arrives, amendments such as this will become unnecessary.

The PRESIDING OFFICER. Is their objection to the request of the Senator from West Virginia? Hearing none, the request is agreed to.

The question is on agreeing to the committee amendment pursuant to the unanimous-consent agreement.

The committee amendment was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, if I might inquire of the distinguished chairman, if I understand the agreement, so I have it for the record, we have adopted the Gramm amendment that was not tabled the other evening and the amendment of the distinguished Senator from Washington [Mr. ADAMS].

Mr. BYRD. Yes. The Republican leader is correct. By this vote, by a single vote in accordance with the unanimous-consent order that preceded it, the Senate has agreed to the amendment on page 57, sections 312 and 117, as amended by the amendment of Mr. ADAMS, as amended by the amendment of Mr. GRAMM of Texas.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Let the RECORD show that a very definitive no vote was cast by the senior Senator from Oregon.

Mr. METZENBAUM. The same effect. The Senator from Ohio cast a negative vote.

Mr. BYRD. Let the RECORD show that I heard both the Senators cast negative votes. They were outnumbered; that was their problem.

TELEPHONE ACCESS

Mr. KASTEN. I wish to enter into a colloquy with my distinguished friend and colleague from Oregon, and member of the Labor, Health, and Human Services Subcommittee on Appropriations.

Mr. HATFIELD. I would be honored to enter into a colloquy with my good friend from Wisconsin.

Mr. KASTEN. There is language in the supplemental that recognizes the need for restoring telephone access between elderly and disabled Americans and their local Social Security offices. Would the Senator explain what this report language will do to help provide better telephone accessibility.

Mr. HATFIELD. The committee has received numerous complaints about their inability to reach a local Social Security office, along with compliants about busy signals, and inadequate information once they did get through on the 800 line. As a result, the report language urges the Social Security Administration to ensure that SSA telephone numbers are readily available to the public as an alternative to the 800 number service by listing local office numbers in telephone directories.

Mr. KASTEN. I wish to commend the chairman and the other members of the Labor, HHS and Education Subcommittee for recognizing the need for restoring this very important telephone access. However, it is my understanding that telephone access to local Social Security offices is not available for our silent partners—the deaf community. I am sure the subcommittee is aware that there are no local office number listings in the telephone directories for our more than 22 million hearing impaired Americans, because there are no TDD telephones in local Social Security offices.

Mr. HATFIELD. Mr. KASTEN, I wish to commend the Senator for noticing this unfortunate oversite by the Social Security Administration.

Mr. KASTEN. This is not the American way and I am sure not what the Social Security Administration intends. Therefore, I strongly urge and request that the committee include, in the 1991 appropriations, a requirement that Social Security provide total access to the deaf. This includes installing TDD's in local offices and listing those local numbers in telephone directories.

Mr. HATFIELD. Again, I thank Mr. KASTEN for bringing this important matter to the committee's attention. You can be assured that we will discuss this issue in committee to ensure total access is provided to all Americans—including the deaf community.

Mr. KASTEN. I thank the Senator for his interest in this important matter.

RESTORING ACCESS TO LOCAL SOCIAL SECURITY OFFICES

Mr. PRYOR. Mr. President, I applaud the leadership of the pending measure for calling for the restoration of access between the public and their local Social Security office. It is only too clear that the agency's flawed 800 number will never be an acceptable substitute for services from experienced staff in local social security offices.

As chairman of the Senate Special Committee on Aging, I have been fighting to keep the Social Security Administration from becoming yet another faceless bureaucracy, where elderly and disabled individuals are left with anonymous and poorly trained 800 number operators when trying to get help from the agency.

To keep the Social Security Administration from losing the human touch, I recently introduced S. 2158, the proposed Social Security Office Access Restoration Act. The bill will enable Social Security beneficiaries to contact their local Social Security representative, which was wrongly severed with the installation of the agency's 800 number.

I am very pleased that the distinguished chairman of the Labor, Health and Human Services Appropriations Subcommittee, Mr. HARKIN, and the committee's very able ranking minority member, Mr. HATFIELD, are cosponsors of this bill. I extend a very special thanks to them, as well as to the ranking minority member of the Appropriations Subcommittee, Mr. SPECTER, for including report language for the fiscal year 1990 supplemental appropriations bill urging the Social Security Administration to restore telephone access to agency field offices.

The very serious problems with the Social Security Administration's 800 number were first revealed at an Aging Committee hearing last year. At that time, we learned that busy signal rates were as high as 60 to 70 percent in a number of metropolitan areas and that as many as one in four answers to questions about the Supplemental Security Income Program were wrong or incomplete.

Despite assurances at that time that the 800 number's poor access and accuracy flaws were being eliminated, a year later they persist. The fundamental problem, I believe, is that 800 number systems were designed for telemarketing, not for programs as complex and critical as those administered by the Social Security Administration. Nor were they intended where a personal, caring response is essential to the definition of service.

Why is personal, caring service from the agency so crucial? Unlike other Federal agencies, the Social Security Administration is charged with serving

those who may be in a period of great upheaval or grief due to the loss of a loved one, the end of a career, or the occurrence of a crippling injury. Individuals look to the agency to obtain the benefits which they earned during their working years—not for the runaround.

Is it any surprise that many Social Security beneficiaries are wary about placing their financial security in the hands of an 800 number operator? Hardly, when it means someone, who knows where, with relatively little training and dozens of calls backed up, and who there is virtually no chance of ever reaching again, making decisions that determine their ability to keep food on the table and to pay medical bills. Hardly, when only yesterday they could reach an experienced Government representative in their community.

Although the new Commissioner of the Social Security Administration has taken a number of steps to make the agency more responsive, these steps still fall short of ensuring telephone access to local Social Security offices on a permanent basis. Unless this objective is fully achieved, I will keep working for enactment of S. 2158. Again, I commend the managers of the pending bill for their important contribution in this regard.

I know my good friend, the distinguished chairman of the Labor, Health and Human Services Appropriations Subcommittee shares my concerns about the impact of the agency's 800 number on the quality of service to the public. I hope to continue working with you to ensure that access between elderly and disabled individuals and their local Social Security office is fully restored.

I welcome this continued opportunity.

Mr. PRYOR. I thank the Senator from Iowa. I would also like to urge your support for a related effort, of which the distinguished Senator from Wisconsin [Mr. KASTEN] just a moment ago spoke to the Senator from Oregon [Mr. HATFIELD].

Mr. HARKIN. You are, of course, referring to the need to ensure access to individuals with hearing impairments as well. Clearly, high-quality service to these individuals also must be provided by the Social Security Administration. In the upcoming deliberations over the fiscal year 1991 appropriations bill, as well as in my capacity as chairman of the Subcommittee on Disability Policy, you can be sure that I will keep these concerns in mind.

Mr. PRYOR. Again, I thank the distinguished Senator. I know the disabled community has no better friend than the Senator from Iowa.

Let me also express my appreciation to the Senator from Wisconsin for his leadership on this issue. I hope to continue working with him on this vital matter.

Mr. KASTEN. I appreciate the kind words of the Senator from Arkansas. I am confident that our shared efforts will help ensure that the deaf community has full access to the Social Security Administration.

DROPOUT PREVENTION

Mr. SPECTER. Mr. President, increasing the quality and availability of education is vital to both our national security and our domestic well-being.

Unfortunately, one of the greatest threats confronting our educational system is a burgeoning school dropout rate. That problem alone breeds failures throughout our social and economic system, including crime, unemployment, chronic dependence, an increase in tax-supported benefits and, most importantly, a waste of human resources.

Mr. President, the Department of Education estimates that 20 to 29 percent of all students who enter the ninth grade do not graduate 4 years later. Translated, that means the number of school dropouts each year exceeds three-quarters of a million children.

A recent study conducted in the Philadelphia School District, for example, found that almost one-third of the city's 19,000 students who entered the ninth grade in 1984, dropped out of school before the end of their senior year. Of those dropouts, the study found that 37 percent were Hispanic, 33.8 percent were black, and 26.3 percent were white.

From these and other studies we have learned that dropouts represent a tremendous drain on society. But high dropout rates trigger a string of other problems as well—ignorance, illiteracy, crime, and an unskilled work force to name a few. The loss in potential revenue and productivity adds up to $200 million annually, and as much as $200 billion over the lifetime of the dropout population.

Mr. President, when the Congress took up the fiscal 1990 Labor, HHS, and Education bill last year, the authorization for the Department of Education's dropout prevention demonstration program had not yet been renewed. It was only last month, in fact, that the Dropout Prevention Demonstration Act was signed into law.

The amendment now before the Senate provides $19.9 million to continue existing demonstration projects. Because we are well into fiscal year 1990, the amendment provides the Department of Education the authority to extend the existing 89 projects that were funded in fiscal year 1988 and 1989, rather than starting a new competition so late in the fiscal year. These existing projects were funded in 32 States including Pennsylvania, Iowa, Oregon, Illinois, and Texas.

What do these projects accomplish? By applying the latest, most innovative educational techniques, these projects help identify potential dropouts and work to keep them in class. They also encourage those who have already dropped out to reenter the classroom.

Mr. President, this amendment would provide the funds to continue these critically important demonstration projects through the remainder of fiscal 1990 and into fiscal 1991. I urge my colleagues to join me in support of this amendment.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to exceed 5 minutes, and that Senators may speak therein for not to exceed 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PASSING OF STEVE REYNOLDS

Mr. DOMENICI. Mr. President, I rise to share with my colleagues a few words over the great loss I feel as a result of the passing last week of Steve Reynolds.

For 35 years, Steve Reynolds served the people of New Mexico as our State engineer. In that position, under a total of 10 Governors, he became an institution throughout the West, a true legend in his own time.

For my colleagues who do not come from the West, the office of State engineer in New Mexico holds a significance as important as any in all of State government. The State engineer holds responsibility for the appropriation of water, and for settling water disputes in a land where that resource is scarce and sacred.

In the stories and editorials about Steve Reynolds last week, there was talk of his zealous defense of our water, as well as his enormous success in bringing important water development projects to New Mexico. That was certainly true.

But Steve's importance to the people of New Mexico reached far beyond those successes. His greatness really came from his absolute and total integrity and dedication—first, last, and always—to the people of New Mexico.

During half a lifetime in service to New Mexico, Steve Reynolds brought to public service the very highest standards, as well as enormous knowledge and understanding of the issues. He was admired not only by New Mexicans, but by natural resources experts throughout our Nation, experts who counted on Steve Reynolds for his even-greater knowledge and expertise.

At meeting after meeting, the questions always came down to this: "What does Steve think about the issue? What does he recommend?"

No State in the West failed to benefit from Steve's vast knowledge, his determination, his total sense of fairness.

Over the years, I was greatly honored to know Steve as a friend. I will miss him greatly. While many in New Mexico were not so fortunate as I was to know Steve personally, they, too, will miss him for his absolute dedication to the welfare and the future of New Mexico.

To Steve's daughter, Nancy Treat, to her husband, and to their two sons, I extend my heartfelt sympathies.

Mr. President, in order to give my colleagues a better sense of the greatness of Steve Reynolds, I ask unanimous consent that several editorials and articles regarding this outstanding American be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, Apr. 26, 1990]

STEVE REYNOLDS

State Engineer Steve Reynolds is dead, and New Mexico has lost one of its most devoted public servants ever. The elder statesman of Western water administrators, Reynolds died early Wednesday of complications from surgery March 23 for a blocked femoral artery. He was 73 years of age.

In a state often wracked with political dissension, Reynolds remained as state engineer for 35 years and through 10 chief executives.

In a state where political favoritism and fear of political retribution is an everyday fact of life in dealing with the state and its institutions, Reynolds remained a rock of nonpartisan independence.

In charge of an office which controlled the natural resource that represents life itself in the arid Southwest, Reynolds throughout his career remained the most unassuming of men in his personal demeanor.

Born in 1916 in Decauter, Ill., Reynolds earned a degree in mechanical engineering at the University of New Mexico in 1939. He later taught at UNM, then at New Mexico Institute of Mining and Technology, where he was when college friend Gov. John F. Simms tapped him for the position of state engineer in 1955.

Reynolds took a loosely organized, haphazardly enforced old West system of water law, the doctrine of prior appropriation, and shepherded it intact into the 20th century. The doctrine provides that he who had used the water the longest was entitled to have first crack at it, regardless of the importance some latter-day user might attach to his project. Reynolds spent much of his career in office extending the protection of state law over the water rights of New Mexicans from all walks of life. He wisely resisted efforts to change the system or to replace it with something more malleable in the hands of social architects—or politicians.

He was a faithful steward who leaves for his successor a system of water law administration free of the taints of political influence and ineptitude. This state will not soon know another public servant of the stature of Steve Reynolds, for almost half of his life New Mexico's keeper of the water.

[From the Las Cruces Sun-News, Apr. 28, 1990]

WE LOST A FIGHTER

New Mexico has lost a valiant fighter for its interests with the death of Steve Reynolds, the state engineer.

Reynolds, who died Wednesday at 73, won the gratitude of all New Mexicans with his gritty, resourceful and tenacious fight to prevent other states from depleting our water supplies. The value of his services is demonstrated by the fact that he was first named state engineer in 1955 and had served under 10 state governors.

He was a central figure in the long court fight over El Paso's plans to tap the underground water supply in Dona Ana County. His knowledge and dedication to the interests of New Mexico will be sorely missed.

[From the Albuquerque Tribune, Apr. 27, 1990]

STEVE REYNOLDS—ONE-OF-A-KIND MAN TOOK STAND FOR RIO GRANDE; WE THANK HIM

"Two roads diverged in a wood and I
—I took the one less traveled by,
And that has made all the difference."

The words of American poet Robert Frost never have been more appropriate than in an epitaph for Steve Reynolds.

Reynolds was one of a kind.

The state engineer for New Mexico died Wednesday at the age of 73. His official title was limited to state engineer. His power was limitless. Governors for the past three decades have allowed him to make all decisions regarding the state's water and water rights.

Never did he let them down.

But Reynolds' knowledge was not always so respected.

In 1956, after he had been state engineer about a year, he made the unpopular decision to declare the existence of the Rio Grande Basin. That move prevented anyone from drawing water from the Rio Grande without taking steps to protect the river's flow.

Consider the environmental attitudes that have changed in the mere 20 years since the recent celebration of the Earth Day anniversary and you'll have some small idea of how radical Reynolds' thinking was to his day.

Experts now agree that Reynolds' decision saved the Rio Grande from drying up.

Experts now use phrases like "the moral equivalent of John Wayne," and "tower of integrity" to describe Reynolds.

But it wasn't always that way.

Reynolds took the road less traveled by. And that has made all the difference for New Mexico.

We thank him. And we'll miss him.

[From the New Mexican, Apr. 27, 1990]

STEVE REYNOLDS

Steve Reynolds, who died early Wednesday in Sante Fe after 35 years of stellar leadership and stewardship in protecting New Mexico's water resources as state engineer, was highly respected as a public servant and as a man.

That is obvious from the adjectives used by those many public officials and others who were asked to comment about Reynolds after his death. Some of the adjectives and phrases of praise used about the man whose service extended through 10 governors were: Without peer in his field. One of the state's and the nation's greatest public servants. A great man. A tower of integrity. Toughness. Devotion. Intelligence. Diplomacy. Courage. Credibility.

His family announced that a memorial service would be held for Reynolds, but a date has yet to be selected. Many people who knew Reynolds well, and many others who knew about him because of his years as the state's water boss, are memorializing him with words now, but surely must be thinking of a more permanent way to help future generations to know of and to understand the scope of Reynolds' contributions to the history of New Mexico in the preservation of the state's limited and precious water supply.

It would be most appropriate for a state facility, especially one of the public works dealing with water, to be named after Reynolds.

Since 1955, he had headed the State Engineer's Office, which determines water rights and uses in New Mexico. In this role, he fought at public hearings and in the courts to protect New Mexico's water rights in agreements with other states.

Great foresight was another characteristic for which Reynolds was known. Thanks to good planning by his office, water is being stored in New Mexico for future use. In the last 30 years, more than $1.5 billion in water projects have been completed or begun in New Mexico.

In a state in which political considerations so often override good judgment and common sense, Reynolds exemplified a rare degree of integrity and independence and concern for the common man.

He deserves a memorial to remind future New Mexicans of his years of striving to protect a valuable resource that far too many people take for granted. Steve Reynolds watched it for us.

May the next person to stand that watch try to follow Reynolds' example of proper and valiant stewardship of the state's water supply.

[From the Albuquerque Journal, Apr. 27, 1990]

REYNOLDS SPENT HIS LIFE PROTECTING STATE'S WATER

(By Charles T. DuMars)

Everyone dies, this is no secret. But no one really believed Steve Reynolds would die, because he had been state engineer as long as we could remember. He had survived diabetes and gout and a car wreck and never missed work. All of us hoped that this made him immortal, but it didn't. His impact on New Mexico, however, continues beyond his death. He has left a legacy of water policy that I hope will never change, but I must admit I am afraid.

Steve and I often talked about why he felt the way he did about water. Steve hated the thought of allowing water to become a political resource allocated by government. He would say, "If you liked the way liquor licenses have been allocated by the state, you would love water allocation in New Mexico if politics got involved in water. If the water code could be changed on a whim in every session, the water law of New Mexico would be replaced by politics."

Unless you knew Steve well you could never understand the complexity of the man. He loved New Mexico, he wanted her to retain all of her God given resources for her citizens, and he wanted her water resources to be managed in a way that made

the maximum contribution for all New Mexicans.

Steve was stubborn. He would adopt a well reasoned position and stick to it. He would fight and out-prepare the opposition. He knew politics and politicians, used them, respected them if they had ability but abhorred the thought of them ever obtaining the power to allocate the water resource.

He once told me that when he was young his aunt told him, "Steve, I am tired of arguing with you. Even if you're wrong, you always get the last word." And, as he often told me, "Chuck, the court may have agreed with you and said I was wrong, but at least I was wrong for the right reasons."

He once told me how he got to be the way he was. He often said, (no doubt out of humility), that his brothers were smarter than him, but he learned the value of study and hard work and that was the source of what little ability he had.

He learned these values at a carnival that came to town when he was 11 years old. He used the one dime he had to have a ride, tried for the brass ring and failed. Everyone else used up their dimes and left. But he sat and studied the merry-go-round as it turned. After a while he realized that the up and down movement had worn the rotating arm at the center and after a certain number of turns, one horse would get close enough to get the ring. He borrowed a dime from a friend, got on the right horse and rode free the rest of the afternoon.

Steve found the horse of honesty and fairness in allocation of water in New Mexico and likewise rode it unerringly until his death.

He got angry at stupidity and greed and dishonesty and crushed it where he could. But he didn't hate anyone for their position. He was perfectly willing to take on any person on any issue and did. Yet, he never showed disrespect for an opponent, and he always respected ability and said so. Most importantly, he loved New Mexicans, he wanted a fair system of water law so they could get a fair chance at using the resource. He devoted his entire life to his dream of equality of access to water resources for all New Mexicans. I have never found such unselfishness in any other person I have met, but I have read of such people.

I am worried that now, after his death, politics may creep in and that the principle of fairness so treasured by him may be lost. Only time will tell us how enduring this principle will be without him at the helm. I can only say that Steve Reynolds was a giant in the area of resource allocation, who devoted his life to keep politics out of water. I pray that those of us still living do not forget the lessons he taught us.

[From the El Paso Times, Apr. 27, 1990]

WATER CHAMPION GONE

Steve Reynolds was a big man, a tall, angularly built fellow. Among experts on the terribly complex issues of water, he was a giant.

Reynolds, as state engineer, protected New Mexico's water as if it were his own for 35 years. Equally important, he fashioned much of the water law in effect today in the Western states.

He understood about water as few people have or do. And he was a fighter for his beliefs, a formidable enemy if on the opposite side. His honesty and integrity are unquestioned in every quarter. Reynolds was not loved by everyone, but he was respected by all in the circle he chose for his long and fruitful career in New Mexico state government.

Over the last several years, his health deteriorated, primarily because of diabetes. He died Wednesday in Santa Fe at 73 years of age. New Mexico and the West will have difficulty in finding another such champion for the cause of water for us all.

[From the Santa Fe New Mexican, Apr. 26, 1990]

N.M. LEADERS MOURN DEATH OF WATER CZAR

(By Peter Eichstaedt)

Steve Reynolds, who as a state engineer for 35 years managed the allocation of New Mexico's precious water resources, died early Wednesday at St. Vincent Hospital. He was 73.

Reynolds was hospitalized March 22 for a diabetes-related circulatory problem that he had been battling for nearly 10 years. Two days later doctors amputated his right leg below the knee and he remained in intensive care until his death. The exact cause of death was not released.

Reynolds developed a reputation during his tenure as an articulate and knowledgeable expert on water law in the Southwest. He was asked frequently to provide advice on national water law and water use.

Reynolds served in his appointed position under 10 governors, and both Republican and Democratic mourned his death.

"One of the state's and one of this nation's greatest public servants has passed away," Gov. Garrey Carruthers said. "Steve Reynolds defined for all of us professionalism, integrity, diplomacy, courage and credibility."

Sen. Pete Domenici, R-N.M., called the death of Reynolds "a great loss to New Mexico."

"He was a tower of integrity, bringing to public service the very highest standards," Domenici said. "His goal was always clear: fairness and just treatment for everyone in our state."Former Gov. Bruce King called Reynolds "truly one of the dedicated public servants. He never had any other interests except the people of New Mexico."

There also was a private side of Reynolds.

His daughter, Nancy Treat of Farmington, said she and Reynolds "were always real good buddies."

"He had a good sense of humor and he was very fond of his two grandsons," she said.

Phil Mutz, who assisted Reynolds in the operation of the State Engineer's Office, has been appointed acting state engineer.

Eddit Binder, a spokesman for Carruthers, said he didn't know when the governor would appoint a replacement for Reynolds.

Treat said the family will announce a memorial service for Reynolds at a later date. A spokesman for McGee Memorial Chapel said the body will be cremated.

Reynolds was first appointed state engineer in 1955 by Gov. John F. Simms. The two had attended the University of New Mexico together.

During an interview 31 years later, Reynolds said he had expected the job to last 18 months at the most. And he said he worried at first about knowing little about state water law.

He said he was not particularly smart but added the smart man is not always the one who finishes first. "It's the guy who does his homework who comes out ahead," Reynolds said:

In the last 30 years, more than $1.5 billion in water projects have been completed or begun in New Mexico.

The projects include Navajo Dam and reservoir on the San Juan River, the San Juan/Chama water diversion project, the U.S. Army Corps of Engineers' flood- and sediment-control dams in the Rio Grande and Pecos River basins, the Ute Dam and reservoir on the Canadian River, and the Brantley Dam and reservoir on the Pecos River near Carlsbad.

Reynolds received many honors and awards during his career.

In 1973 he was one of the first recipients of the state Distinguished Public Service Award. He also received an honorary doctor of laws degree from New Mexico State University in 1977 and an honorary doctor of laws degree from UNM in 1988.

In 1989 the National Governors' Association recognized Reynolds for distinguished service to state government.

Reynolds was born Dec. 11, 1916, in Decatur, Ill.

He received a bachelor's degree in mechanical engineering from UNM in 1939.

Reynolds was student body president at UNM his senior year and football captain during the 1938 season.

Following his graduation, Reynolds worked as an engineer for Phillips Petroleum Co. in Hobbs. In May 1942, he joined the faculty at UNM as an assistant professor of mechanical engineering.

He was on military leave as a naval officer from April 1943 to February 1946.

Reynolds left UNM in June 1946 to join the New Mexico Institute of Mining and Technology in Socorro, where he was involved in a weather-modification research program. He was at Tech when Simms appointed him state engineer.

Reynolds is survived by Treat. He was preceeded in death four years ago by his wife, Jan Elizabeth.

ENHANCED STATE MEDICAID MATCHING FUNDS EXTENSION FOR TRAINING OF NURSES AIDES PURSUANT TO OBRA 1987

Mr. PRYOR. Mr. President, I am concerned about a number of issues surrounding the quality of care of nursing homes and the implementation of the sweeping reforms included in OBRA 1987. Among those issues is the required training of nurse aides.

Under OBRA 1987, States are to train and certify as competent to provide care all nurse aides working in nursing homes certified by Medicare or Medicaid. Nurse aides—or nursing assistants—provide some 80 percent of all hands-on care provided to nursing home residents. And, our reliance upon them for the care of our most disabled and vulnerable older citizens is only increasing as our nursing shortage worsens, especially in nursing homes. Because the training of nurse aides has been inadequate in many States, we provided for this training requirement in OBRA 1987.

An issue of particular importance to States concerns how they are to pay for the costs of training nurse aides. Beginning July 1, 1990, States will receive only the 50-percent administrative matching rate for the costs of

their nurse aide training programs. This is in contrast to the Federal medical assistance percentage [FMAP], which can range from 50 percent to nearly 80 percent, which States receive for the costs of delivering health care under their Medicaid programs. States have made the persuasive argument that the costs of nurse aide training should be considered a part of their service delivery system and should therefore be reimbursed at the FMAP rate.

In recognition of the costs associated with high quality training programs and the financial burdens facing so many of our States, OBRA 1987 provided for a temporary higher Federal Medicaid matching rate for startup costs incurred by States and nursing homes to implement training and testing of nurse aides. This so-called enhanced matching rate expires on June 30, 1990, just 2 months from now. Unfortunately, for reasons that I will describe shortly, few States have been able to avail themselves of this short-term financial assistance.

It is the duration of the existing enhanced match I would like to address today. I want to take just a few moments to discuss an amendment that I, together with my good friend and fellow Arkansan, Senator BUMPERS, as well as Senators RIEGLE and ROCKEFELLER, have considered offering to H.R. 4404, the dire emergency supplemental appropriations bill. This amendment, which was requested by the Southern Governors' Association, the National Governors' Association, Governor Clinton of Arkansas, and the nursing home industry, would help to save State Medicaid programs considerable dollars, as they continue their efforts to carry out congressional intent concerning the quality of care in our Nation's nursing homes.

Our amendment would simply extend the period during which States can receive an enhanced match for the balance of the current fiscal year—until October 1, 1990. This 3-month period would provide us with additional time to evaluate the extent to which States have been able to avail themselves of the enhanced matching funds.

I have had the opportunity to take this particular concern up with the distinguished chairman of the Finance Committee, Senator BENTSEN. Following his counsel, we will not offer this amendment at this time. Instead, we will take it up in another forum, hopefully in the near future.

Mr. BENTSEN. I would like to commend the Senator from Arkansas for his leadership in raising this important matter. I recognize that this issue is time-sensitive, and that Texas, Arkansas, and other States, will be affected if the matching rate period is not extended for a time that is consistent with the intent of OBRA 1987.

The Finance Committee, as a part of its 1989 reconciliation bill, approved an extension of the enhanced matching rate until October 1, 1990. Regrettably, the extension provision developed by the committee was removed from the Senate bill when the Senate voted to strip all provisions that would increase Federal spending. Subsequently, the conferees agreed to extend the matching rate, but only until July 1, 1990. They also agreed to a provision that required the Secretary of Health and Human Services to issue proposed regulations clarifying the nurse aide training requirements for the States within 90 days of enactment. I know that it is important that we address this matter as soon as possible. Nonetheless, I believe that it is most appropriate for us to address this issue in the Finance Committee.

Mr. PRYOR. I appreciate the esteemed chairman's comments. Consistent with his suggestion, we will not offer our Medicaid amendment at this time.

Mr. President, I would like to however, take just a few more moments to describe why our States face this predicament. Because of delays in the issuance of Federal regulations, many States have not yet implemented the nurse aide testing and training requirements. Thus, these States will not have incurred by June 30 those expenses which would be eligible for the temporary enhanced Federal funding for which Congress provided. I must point out here that HCFA only just issued in March proposed regulations for this program.

Nearly 1 year ago—in May 1989—I convened a hearing of the Special Committee on Aging, to address HCFA's failure to provide guidance to the States as required by Congress under OBRA 1987. One year later, after Congress extended the OBRA deadlines to October 1, 1990, because of the HCFA's inaction, there is finally some movement by HCFA. Now, however, States are about to lose their opportunity for help with the costs of their nurse aide training programs. OBRA 1987 would have given States this enhanced matching rate for 15 months after the date the Secretary was to have established the requirements for nurse aid training; unless the current situation is changed, this enhanced rate almost certainly will expire before the final regulations are issued.

Mr. BENTSEN. I want to assure my colleagues that I concur with the views expressed by my esteemed colleague from Arkansas that the Federal Government should be as supportive as possible of States and providers with regard to effective implementation of the comprehensive nursing home reforms enacted in 1987. I would like to say at this time that if it becomes necessary to extend the June 30 deadline retroactively, I will make every effort to ensure that States are recompensed for the costs incurred.

Mr. PRYOR. I thank Senator BENSTEN for his encouraging remarks and look forward to working with him to resolve this important issue as soon as possible.

THE FALL OF SAIGON—15 YEARS LATER

Mr. HELMS. Mr. President, 15 years ago today a North Vietnamese soldier crashed his Soviet tank through the gates of the Presidential Palace in Saigon and the Vietnam war was over. Many liberals in the West chose to celebrate this development. "Indochina Without Americans: For Most, a Better Life" ran the New York Times headline of an April 13, 1975, story from Cambodia.

But it is now 15 years later. Have most of the people of Indochina seen a better life?

Not the Cambodians. Perhaps as many as 2 million of them died at the hands of the Cambodian Communists known as the Khmer Rouge.

Not the Laotians. Many of them became the victims of poison gas called yellow rain.

Not the Vietnamese, North or South. In this morning's Washington Times, a former U.S. arms negotiator Ken Adelman specified the body count after the fall of Saigon: 65,000 murdered outright, 500,000 who died trying to escape, hundreds of thousands in re-education camps.

Mr. President, Indochina today is a Communist-built catastrophe of human suffering. In Cambodia two groups of Khmer Rouge, one backed by the Vietnamese and one backed by the Communist Chinese, compete for power without regard to the destruction they are causing to the country and its people.

Vietnam itself is an economic disaster area. It is among the poorest countries in the world with an estimated per capita income of $150 per year. In 1988 Marxist economics produced starvation in large parts of the country.

The Vietnamese Communist Party and Government remain firmly in the hands of the North Vietnamese. Last month a critic of the slow pace of reform was kicked off the Politburo. This month Directive 135 was issued warning that the Army would be used to crush dissent.

Mr. President, the Vietnamese Army remains a threat to its neighbors. Over a million men are under arms, double that of anyone else in Southeast Asia. The North Vietnamese have never renounced their claim to large parts of Thailand. According to an unclassified estimate by CIA, 40 to 50 percent of the Vietnamese national budget goes to the military.

Last year 40,000 Vietnamese safely reached refuge in Hong Kong. Rather than be sent back to Vietnam, one refugee committed suicide last winter. Many are still being lost at sea, particularly since some of the countries of the region have directed their officers to push off Vietnamese boats trying to land.

The United States policy toward Vietnam is the same as our policy toward Libya—no relations and no trade. Until the Vietnamese Communists account for our POW/MIA's and cease to be a threat to their neighbors in the region, the policy should remain.

Mr. President, I ask unanimous consent that the article, "Exploding 15 Years of Myths" by the Honorable Kenneth Adelman in the April 30, 1990, issue of the Washington Times be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Apr. 30, 1990]

EXPLODING 15 YEARS OF MYTHS

(By Ken Adelman)

Vietnam still burns as an issue, 15 years after that war ended so ignobly on April 30, 1975.

Movies, novels, articles and plays pour forth with ferocity. University courses on the Vietnam War are jammed with kids wondering what happened so far away which burns so hotly in our collective consciousness.

Given Vietnam's emotional punch and intellectual jumble, it's time to rectify myths which persist despite undisputed evidence to the contrary.

Like how the United States had to pull out to "Stop the Killing" in Vietnam. Tragically, it was after we pulled that so much killing began.

At least 65,000 Vietnamese died—Southerners murdered by conquering Northerners—after our helicopters left the embassy roof. Hence, more Vietnamese died in the few months after the war ended than Americans perished during our long involvement there.

Add on some half a million Vietnamese who subsequently died trying to flee the communist regime, and thousands more who languished in its grisly "re-education camps."

Happily, around 1.5 million Vietnamese did escape, "including a significant number of former revolutionaries and people who sympathized with the revolution, now sickened by the society they have helped bring about."

Among them was Doan Van Toai, who poignantly wrote these words in a marvelous new book "The Vietnam Debate—A Fresh Look at the Arguments," edited by professor John Norton Moore, chairman of the U.S. Institute of Peace.

Today's commentators may dismiss the hordes of "boat people" as fleeing because Vietnam is poor. But Vietnam has always been poor. Yet its citizens never fled in any numbers before Vietnam turned communist and repressive.

Then there's the myth of the "domino theory," which palpably came true once Laos and Cambodia came under Hanoi's harsh hold.

Some Americans snickered at the notion that a "bloodbath" would follow a communist expansion into South Vietnam and elsewhere in Southeast Asia. Others merely sincerely doubted it.

Weeks before the fall, Sen. Mike Mansfield told his colleagues how Cambodia's Prince Sihanouk had personally assured him that, after we withdrew our support, maybe four or five Cambodians would be killed by the Khmer Rouge after they seized power.

No one snickers now. For everyone knows of the bloodbath's ghastly proportions. Pol Pot launched the second-largest genocide in modern history, with deaths between 1 and 3 million of his people.

The killing fields in Cambodia, coupled with the massacres in Vietnam itself, led Richard Nixon to conclude: "Certainly the record is clear for all to see: A communist peace kills more than an anti-communist war."

The myth that the Vietnam War was essentially a civil war in the south too has been disproved. Documents from Hanoi show how the war was always controlled from there.

The much-vaunted National Liberation Front, or Viet Cong, in the South was a tool at best, or enemy to Hanoi at worst. The 1968 Tet Offensive, which so demoralized us Americans, broke the Viet Cong infrastructure.

The war was won, not by guerrilla fighting, but by conventional warfare. It was North Vietnamese regulars who invaded the South, when Hanoi sent 22 of its 23 divisions south, retaining only forces enough to prevent a coup.

This happened, lest we forget, after the Paris Peace Accords were signed and their signatories won the Nobel Peace Prize. Following the North's victory, in blatant violations of the accords, not one single South Vietnamese was given power.

The myth that Ho Chi Minh was above all an ardent nationalist is refuted by an eminent scholar of that movement, Robert F. Turner, who writes how Ho had previously betrayed non-communist Vietnamese to the French. Ho, who did not set foot in Vietnam between 1911 and 1941, was a fervent communist rather than a romantic nationalist.

And the prevailing myth that our military involvement revealed an aggressive America—or Amerika, as it was then written—is outrageously false. Our involvement there was truly noble. It sprang from the best of intentions.

Lacking among successive U.S. administrations was any motive for resources, conquest or expanded global power. We simply sought to retain our credibility as a reliable ally, so damaged afterward. In particular, we sought to prevent the very genocide and regimes of terror and misery that arrived after we left.

As Mr. Moore writes so accurately, "So many of the popularly accepted arguments were pure myth."

But the last word, on this 15th anniversary, belongs to Doan Van Toai, who holds many people responsible. "It is a blame many Americans share with many Vietnamese, myself included, with all those who believed that it was morally preferable to accept a communist revolution than to fight against it."

APRIL 1990 SIGHTINGS OF FOREIGN DRIFT NET VESSELS IN THE NORTH PACIFIC

Mr. MURKOWSKI. Mr. President, I once again stand before you to speak on the subject of high seas drift netting. Short of poison and explosives, high seas drift nets are the most environmentally dangerous fishing gear known to man.

In the North Pacific alone, a daily total of up to 30,000 miles of netting is stretched in spring, summer, and fall, and although the target is squid, a multitude of other marine life forms are also caught, causing the incidental deaths of hundreds of thousands of sea birds, marine mammals, and both salmon and steelhead trout. Worse, Mr. President, they provide an almost perfect cover for vessels illegally targeting on immature salmon and steelhead trout, and ignoring the lower-value squid altogether.

As my distinguished colleagues will recall, it was because of these problems that Congress 2 years ago passed an act introduced by Senator STEVENS and myself which required our Government to negotiate better controls over these fisheries.

Today there is evidence that we still have not done enough. Despite the agreements we so carefully cultivated with Japan, Taiwan, and South Korea—the three known drift netting nations—we are still detecting drift net vessels fishing where they will inevitably intercept salmon.

Last week, for 3 consecutive days, our Coast Guard surveillance aircraft found and took photos of several drift net vessels. These ships, Mr. President, were found operating in an area 600 to 700 miles north of where the legitimate squid fishery occurs. The obvious conclusion is that they were not fishing for squid, but for salmon.

Most disturbing, Mr. President, is that according to markings shown in these photos, at least some of these vessels may be from North Korea—a country with which we have no agreement to limit, lessen or even monitor fisheries impacts. Other vessels appeared to be Japanese, Korean, or Taiwanese. I say appeared, because it has become a common practice for these fish pirates to cover or paint over their vessels' names and identifying numbers.

I do not know if the ships in these photos really are North Korean vessels, or are the disguised vessels of some other country. What I do know, Mr. President—what I most emphatically do know—is that our efforts to gain drift netting agreements with Japan, Korea, and Taiwan are not doing the job and the countries in question must be made aware that the United States and Alaska will not standby and see our salmon resources decimated.

Any effort aimed solely at high seas enforcement is doomed to failure, because we cannot take action against violators unless we have an agreement in place, and we cannot afford to have our negotiators follow outlaw fishermen around from country to country seeking new agreements every time a fish pirate decides to reflag his vessel to a nation without a fishery agreement.

We must instead attack the problem from more than one direction. Specifically, we must address the markets for illegally taken fish, as well as the illegal taking itself.

Several weeks ago, my good friend Senator HATFIELD of Oregon joined me in introducing S. 2285, a measure that for the first time would attack the problem at the cause, rather than the effect.

First, it calls for agreements calling on the countries that purchase salmon to require that the imported salmon from countries that do not produce salmon be accompanied by a certificate of legal origin—a document that could only be issued by a government with legal salmon fisheries. Second, it requires the Secretary of Commerce to establish a system for issuing U.S. certificates of legal origin, so that exports of U.S. fish are not interrupted to purchasing countries. It also requires the Secretary—after consulting with the Secretary of the Treasury—to advise Congress as to whether any additional restrictions or changes are needed. Finally, the bill provides the administration with access to the economic sanction process found in the Fishermen's Protective Act of 1967, to be used in case any country continues to deal in illegally taken salmon. This is virtually the only fisheries oriented sanction available, yet does not currently cover trade in illegally taken species.

Mr. President, S. 2285 embodies a simple, straightforward concept. Instead of chasing fish pirates around the high seas, we must cut off the market that keeps them in business. I call on all Members of this body concerned about our fisheries, our international trade and our marine environment. We must get on with the job of protecting our resources before they are lost.

Mr. President, I ask unanimous consent that a description of the North Pacific squid and large mesh drift net arrangements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH PACIFIC SQUID AND LARGE-MESH DRIFT NET ARRANGEMENTS

Japan	Taiwan	Korea
Number of vessels (in 1989):		
460 squid, 200+ large mesh	240 squid and tuna	150 squid.
Date of arrangements:		
June 26, 1989	August 24, 1989	October 2, 1989.
April 12, 1990	March 29, 1990	
Enforcement effort:		
At-sea and dockside will report activities	At-sea and dockside will report activities	At-sea and dockside will report activities.
In 1989: 5 patrols for 600 vessel-days, 1 United States on 1 Japan patrol, 1 Japan on United States flight.	2 patrols for 200 vessel-days, 1 AIT on 1 Taiwan patrol, 1 Taiwan on AIT flight	1 United States on 1 ROK patrol, 1 ROK on United States flight.
In 1990: 5 patrols for 600 vessel-days, 1 United States on 1 Japan patrol, 1 Japan on United States flight.	3 patrols for 310 vessel-days for a continuous presence	1 patrol continuously, 2 patrols in peak months.
Transmitters:		
In 1989: Test by United States and Japan	10 percent of F/V, all transports	10 percent of F/V, all transports.
In 1990: All vessels	10 All vessels	All vessels.
Boarding and inspection:		
Under INPFC	Under agreement	Under agreement.
Retention of salmon:		
Prohibited	Prohibited	Prohibited.
Scientific observer reports:		
Data exchanged in 30 days: 89 report by 6/1/90, 90 report by 5/31/91	Data exchanged in 30 days: Summary by 4/1/91, report by 5/31/91	Data exchanged in 30 days: Summary by 4/1/91, report by 6/30/91.
Vessel regulations:		
Must be licensed, limited entry, ID must be displayed, list provided U.S., must report location.	Must be licensed, limited entry, ID must be displayed, list provided U.S., must report location.	Must be licensed, limited to 160 vessels, ID must be displayed, list provided U.S., must report location.
At-sea transfers:		
Prohibited	Only by Taiwan vessels carrying transmitters and subject to inspection. Restricted and inspected landings.	Only under ROK managers carrying transmitters and subject to inspection. Restricted and inspected landings.
Fishing records:		
Monthly effort and catch, reported in 6 months	Monthly effort and catch: 89 results reported by 6/30/90, 90 results reported by 5/31/91.	Monthly effort and catch reported in 6 months.
Net regulations:		
Must be marked, cannot be discarded	Must be marked, cannot be discarded	Must be marked, cannot be discarded.
Research cruise:		
In 1989: 2 North Americans scientists on small mesh vessel. 1 United States on 1 Japanese large mesh.		
In 1990: 7 North American scientists on 4 small and 1 large mesh		
Time and restrictions for 170E–145W:		
January–April: 36n (large mesh only)	20n	Closed.
May: 37N (large mesh only)	34N (Large mesh only)	37N.
June: 40N	40N	40N.
July: 42N	42N	42N.
43N (170–145W) (squid only)		
August: 44N	44N	44N.
45N (170–170W) (squid only)		
46N (170–145W) (squid only)		
September: 46N	46N	46N.
October: 44N	44N	44N.
November: 42N	42N	42N.
December: 40N	40N	Closed.
Time and restrictions west of 170E:		
Janurary–April 36N (large mesh only)	36N	36N (160E–170E).
May: 30N (large mesh only)	38N	38 (160E–170E).
June: 40N (large mesh only)	40N	40N (160E–170E).
July: 38N (large mesh only)	42N	42N (160E–170E).
August: 38N (large mesh only)	44N	44N (160E–170E).
September: 38N (large mesh only)	46N	46N (160E–170E).
October: 44N (large mesh only)	44N	44N (160E–170E).
November:	42N (large mesh only)	42N
42N (160E–170E).		
December: 40N (large mesh only)	40N	40N (160E–170E).
Scientific observers:		
In 1989: 9 United States, 5 Canadian, and 32 Japanese on 32 F/V	1 AIT for 30 retrievals	1 United States for 45 retrievals.
In 1990: 35 United States, 10 Canadian and 29 Japanese on 74 small mesh, 12 North American and 12 Japanese on 24 large mesh.	14 AIT on 14 F/V for 45 days, 10 CCNAAon 10 F-v for 60 days, 2 AIT and CCNAA in roving platform.	13 United States and 13 ROK for 26 F/V for 45 retrieivals.

Note: Where one fishery only is specified that area is closed to the other fishery.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO PANAMA—MESSAGE FROM THE PRESIDENT—PM-114

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on developments since the last Presidential report of October 19, 1989, concerning the national emergency with respect to Panama that was declared in Executive Order No. 12635 of April 8, 1988. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

2. On December 20, 1989, I ordered U.S. military forces to Panama to protect the lives of American citizens in Panama, to exercise the right and obligation under the Panama Canal Treaty to protect and defend the Canal, to assist the democratically elected government in Panama to return to power, and to bring General Noriega to justice in the United States. Since that date, civil order and civilian rule have been restored to Panama, and General Noriega awaits trial in the United States. On December 20, 1989, I directed the Secretary of the Treasury and the Secretary of State to lift the economic sanctions with respect to the democratically elected Government of Panama, headed by President Endara, and, in cooperation with that government, to effect an orderly unblocking of Panamanian government assets in the United States. The Panamanian Transaction Regulations, 31 C.F.R. Part 565 (the "Regulations"), administered by the Office of Foreign Assets Control ("FAC") of the Department of the Treasury, were amended accordingly to clarify that all obligations owed the Government of Panama first falling due on or after December 20, 1989, may be paid, and that property in the United States in which the Government of Panama obtains an interest on or after that date is not blocked, with the exception of payments made into certain blocked accounts for pre-December 20, 1989, obligations. The Regulations were also amended to authorize any person holding a blocked reserve account pursuant to section 565.509 ("509 Account") (1) to transfer the unadjusted gross balance of such account, with applicable interest, to the Government of Panama, or (2) to apply for a specific license to transfer an amount other than the gross balance upon concurrence of the Government of Panama.

I am enclosing a copy of the amendment to the Regulations, 55 *Fed. Reg.* 3560 (Feb. 1, 1990). This was the only amendment to the Regulations since my last report of October 19, 1989.

3. Over the past 6 months the licensing section of FAC issued fifteen (15) specific licenses authorizing U.S. companies to establish 509 accounts on their books. Since the imposition of the sanctions, a total of fifty-three (53) U.S. companies have been authorized to establish 509 accounts.

FAC is currently engaged in effecting the orderly transfer of funds to the new Government of Panama. The Panamanian Embassy and consular space in the United States have been reopened, and bank accounts have been unblocked on a case-by-case basis as requested by the new government. Upon issuance of the regulatory amendment of February 1, 1990, a mechanism was also provided to unblock amounts held in 509 accounts by general or specific license, depending on the circumstances.

Each licensed transfer of blocked funds has stringent reporting requirements, and the reports are being tracked and closely monitored. FAC has initiated a review process to examine outstanding 509 Account licenses, scrutinize open enforcement files, and identify companies that may have failed to comply with the requirements of the Regulations to either pay into Account No. 2 or establish a 509 Account.

Additional Panama compliance activities included frequent FAC staff phone contact with affected U.S. parties, numerous speeches to trade groups, such as the Council of the Americas, and publication of a Panama fact sheet entitled "What You Need to Know About U.S. Economic Sanctions."

As of March 12, 1990, FAC had released $256 million of the total $426 million blocked to the control of the Government of Panama in the manner described above. This $256 million was comprised of $82 million from escrow accounts at the Federal Reserve Bank of New York, $31 million from blocked accounts at commercial banks, and $142.8 million from 509 accounts. I am attaching a fact sheet to the end of this report outlining these transfers of blocked funds.

The $82 million released from the Federal Reserve Bank of New York consisted of the entire balance ($10.2 million) of Account No. 2, which contained payments by U.S. companies to the Government of Panama, and a portion ($72 million) of Account No. 3, which contained escrowed United States Government payments to the Government of Panama. (Account No. 1 originally contained $10.5 million of Government of Panama funds that were located in the United States prior to the sanctions. These funds were used to fund operations of the Embassy in Washington of then-President Delvalle and were completely expended before September 1, 1989.)

The $169.7 million remaining blocked consists of $122.6 million in the Federal Reserve Bank of New York that has been set aside by the Government of Panama to fund payment of Panama's arrears to international financial institutions, $1.5 million in commercial banks for which the Government of Panama has not requested unblocking, and $45.4 million in 509 accounts. The remaining 509 Account balances are subject to bilateral negotiations between the Government of Panama and U.S. firms that have both debts to and obligations owed from the Government of Panama.

4. During the most recent reporting period, FAC continued to take actions to promote compliance with the Regulations and to tighten measures to deny the illegal Noriega regime funds belonging to the Panamanian people. Despite the economic hardships sometimes involved for U.S. persons in Panama, FAC stressed the importance of complete compliance with the Regulations by all persons in the United States and all U.S. persons and their controlled Panamanian entities in Panama. Several significant enforcement actions have taken place since the last report.

In September 1989, following written notification by FAC to over 150 U.S. entities with interests in Panama and specific orders to a number of U.S. companies and their Panamanian subsidiaries to cease and desist from making indirect payments of employee income and educational taxes to the Noriega regime, all recipients of such instructions certified that they had brought themselves into full compliance with the Regulations. This initiative had the immediate effect of denying tax revenues to the Noriega regime as well as promoting full compliance with the Regulations.

As the result of this enforcement effort, several U.S. firms also prevented voluntary disclosures to FAC of prior actions taken in violation of the Regulations. Other indications of willful or inadvertent noncompliance with the Regulations are being systematically investigated by FAC. The circumstances of voluntary disclosures and measures taken to ensure full compliance with the Regulations may be considered mitigating factors in seeking criminal indictments or applying FAC civil penalties under the Regulations.

In compliance with instructions from FAC, a major U.S. oil company notified the Noriega regime in late September 1989 that the Government of Panama was required to pay on a cash basis for any future fuel oil deliveries. After considerable protest, regime officials agreed to this procedure, which placed further financial pressure on the Noriega regime.

Also in September 1989, FAC initiated civil penalty actions against the Panamanian Directorate of Consular and Maritime Affairs in New York and its two principal officers, in whose bank accounts the Government of Panama had an interest. Since all Government of Panama accounts in the United States were blocked effective April 8, 1988, each unlicensed transaction involving such accounts was determined to be in violation of the Regulations.

On October 31, 1989, FAC published a notice in the FEDERAL REGISTER adding the names of Panamanian dictator General Noriega, his wife, and 32 companies to the existing list of 134 firms and individuals in Panama who act for or on behalf of Cuba. The listing of Noriega and the other entities as Specially Designated Nationals of Cuba in Panama had the effect of applying the full force of the U.S. trade and financial embargo against Cuba to Noriega and the other designated persons and firms operating in Panama. The action taken was another step to halt the channeling of funds to the illegal Noriega regime and to undermine the extensive network of commercial and financial collusion between the Noriega and Castro regimes.

On November 27, 1989, following coordination with FAC, the U.S. Customs Service at Dallas-Fort Worth International Airport seized a helicopter part that had been imported for repair by a U.S. company. Inspection of documents revealed that the owner of the aircraft part was the Panamanian Air Force. The merchandise was seized for violation of the Regulations as an attempted unlicensed transfer of property in which the Government of Panama had an interest.

On November 30, 1989, I directed that Panamanian flag vessel not be permitted to enter U.S. ports after January 31, 1990. This measure was intended to deny the Noriega regime revenue from vessel registrations as well as illegal income in the form of bribes and kickbacks. I wanted to make it very clear that there would be no accommodation with the illegal Panamanian regime. This directive was rescinded by my directive of December 20, 1989, upon the fall of the Noriega regime, to lift the economic sanctions with respect to the new democratically elected Government of Panama and to take steps to effect an orderly unblocking of Panamanian Government assets in the United States.

On January 24, 1990, FAC issued a blocking order freezing a wire transfer of $300,000 being made by a Specially Designated National of Cuba in Panama who was attempting to transfer funds from its account in a London bank to a Bahamian bank, through a bank in Miami. The FAC blocking order required that the Miami bank not complete the transfer and place the $300,000 in a blocked account. This action constituted the first FAC blocking of major funds tied directly to the Noriega regime and was the first case in which an international wire transfer by a Specially Designated National of Cuba was blocked in midstream.

5. On December 20, 1989, I ordered U.S. troops into Panama to safeguard American lives, protect the integrity of the Panama Canal Treaties, assist Panama to restore democracy, and bring General Noriega to justice. I undertook this action after all peaceful means to resolve the crisis had been exhausted. Our action reflected the unique circumstances in Panama that evolved from our Treaty commitments and obligations and achieved all our objectives. The new government in Panama is a *de jure* government, freely elected by the Panamanian people on May 7, 1989, and certified by the Noriega-appointed Electoral Tribunal on December 27, 1989. The new government moved quickly to restore normal government functions; it has named a full Cabinet, Supreme Court, and regional and municipal authorities. The Legislative Assembly held its first session, as required by the constitution, on March 1, 1990. The Government of Panama's top priorities are economic recovery and the organizing of a civilian-controlled Public Force. Internationally, the new government has been recognized by 45 states, including Japan and major European and Latin American states. The United States is committed to assisting the democratic transition in Panama.

6. The expenses incurred by the Federal Government in the 6-month period from September 20, 1989, through March 20, 1990, which are directly attributable to the exercise of powers and authorities conferred by the declaration of the Panamanian national emergency, are estimated at $737,088, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, the Office of the General Counsel, and the Customs Service), the Department of State, the Federal Reserve Board, the National Security Council, and the Department of Defense.

7. On April 5, 1990, I issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions, the blocking of Panamanian government assets in the United States was continued to permit completion of the orderly unblocking and transfer of funds I directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency will not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a). I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1706(d).

GEORGE BUSH.

THE WHITE HOUSE, *April 30, 1990.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 2542. A bill to amend title 38, United States Code, to establish a program to provide postsecondary educational assistance to students in health professions who are eligible for educational assistance under the Reserve GI Bill Program in return for agreement for subsequent service with the Department of Veterans Affairs; to the Committee on Veterans Affairs.

S. 2543. A bill entitled the "Admiralty Island National Land Management Act of 1990"; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2544. A bill to amend title 10, United States Code, to require the Secretary of the Navy to permit and facilitate the construction in United States shipyards and related facilities of combatant vessels and components for allies of the United States; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 2542. A bill to amend title 38, United States Code, to establish a program to provide postsecondary educa-

tional assistance to students in health professions who are eligible for educational assistance under the Reserve GI bill program in return for agreement for subsequent service with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS HEALTH PROFESSIONS EDUCATIONAL AMENDMENTS

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation which will assist the Department of Veterans Affairs in recruiting health professionals. This legislation is a companion bill to H.R. 3199 which was introduced by Congressman CHRIS SMITH of New Jersey and which passed the House in October 1989. The bill would amend title 38, United States Code, to establish a program to provide additional postsecondary educational assistance to students in health professions who are eligible for educational assistance under the Reserve Montgomery GI bill program in exchange for the student reservists agreement to subsequent service with the Department of Veterans Affairs. I believe this bill to be an innovative and creative approach in providing necessary medical personnel for the Department of Veterans Affairs.

Under the current Montgomery GI bill, most reservists are eligible to receive $5,040 from the Department of Defense to assist with the financing of their undergraduate studies. This legislation would enable VA to provide an additional $400 per month to a reservist who majors in a health care profession and in return agrees to work in a VA health care facility for a period of obligated service. This bill will provide benefits only for the time when the student is taking his or her health related courses. To get the additional $400 the recipient must agree to serve 1 year in a VA health care facility for every year of assistance they receive from VA. If the reservist does not fulfill his or her obligation with VA then the reservist will be obligated to repay the benefit amount, plus interest and penalty; repayment would be directly to VA beginning on the date of the breach of contract.

This new program would permit VA to target certain health professionals for participation in the program. The program is discretionary. Therefore, enactment would permit the Secretary to determine the extent to which it will be implemented. The purpose of this legislation, of course, is to provide incentives to those individuals pursuing careers in the medical profession to choose to work in VA medical facilities.

VA health facilities are experiencing difficulty in recruitment and retention of many health professionals. The problems are most serious for physical and occupational therapists, pharmacists, and nursing staff. These shortages exist not only in VA but in the private sector and the Department of Defense as well.

Mr. President, I recognize that this legislation will not alone solve the significant recruitment problems which face our Nation—including VA. However, it will provide VA with an additional tool to help in recruitment efforts. Let me also note that during the last session of Congress the House and Senate passed major nurses' pay bills. The House and Senate Veterans' Affairs Committee staffs are currently attempting to resolve differences in those bills. I look forward to working with my House and Senate colleagues to reach a reasonable compromise.

Mr. President, I look forward to working with the distinguished chairman of the Committee on Veterans' Affairs, Senator ALAN CRANSTON, and the other committee members on this very important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Health Professionals Educational Amendments of 1990".

SEC. 2. HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAMS.

(a) "COORDINATION WITH DEPARTMENT OF DEFENSE PROGRAMS.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following new subchapter.

"SUBCHAPTER V—RESERVE MEMBER STIPEND PROGRAM

"§ 4351. Authority for program

"As part of the Educational Assistance Program, the Secretary of Veterans Affairs may provide assistance in the form of reserve member stipends under this subchapter.

"§ 4352. Eligibility: individuals entitled to benefits under the Reserve GI Bill program

"(a) To be eligible to receive a reserve member stipend under this subchapter, an individual must—

"(1) be accepted for enrollment or be enrolled as a full-time student at a qualifying educational institution in a course of education or training that is approved by the Secretary and that leads to completion of a degree in a health profession involving direct patient care or care incident to direct patient care;

"(2) be receiving benefits under chapter 106 of title 10; and

"(3) have scored above the 50th percentile on the Armed Forces Qualification Test.

"(b) For purposes of subsection (a)(1) of this section, a qualifying educational institution is an accredited institution, as determined by the Secretary, located within a State.

"§ 4353. Amount of reserve member stipend

"The Secretary shall pay to an individual selected to receive a reserve member stipend under this subchapter the amount of $400 (adjusted in accordance with section 4331 of this title) for each month the individual is pursuing satisfactorily a program of education or training specified in the agreement entered into under section 4304 of this title. Payment of benefits under this section to an individual for any period shall be in addition to benefits paid to the individual for the same period under chapter 106 of title 10.

"§ 4354. Obligated service

"An individual receiving a reserve member stipend under this subchapter shall provide service in the full-time clinical practice of the individual's profession as a full-time employee of the Department for the period of obligated service specified in the agreement entered into under section 4304 of this title.

"§ 4355. Breach of agreement; liability

"(a)(1) Subject to paragraph (2), an individual who is receiving or has received a reserve member stipend under this subchapter and who fails to perform the service for which the individual is obligated under section 4354 of this title shall be liable to the United States in an amount determined in accordance with section 4317(c)(1) of this title.

"(2) An individual who fails to perform the service for which the individual is obligated under section 4354 of this title shall not be liable for the repayment of the amount referred to in paragraph (1) of this subsection if the Secretary determines that the failure is the direct result of the individual being ordered to active duty pursuant to section 2135(a) of title 10 for failure to participate satisfactorily in required training as a member of the Selected Reserve.

"(b) Any amount owed the United States under subsection (a) of this section shall be paid to the United States during the one-year period beginning on the date of the breach of the agreement.".

"(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"SUBCHAPTER V—RESERVE MEMBER STIPEND PROGRAM

"4351. Authority for program.
"4352. Eligibility: individuals entitled to benefits under the Reserve GI Bill program.
"4353. Amount of reserve member stipend.
"4354. Obligated service.
"4355. Breach of agreement; liability.".

(b) PERIODIC ADJUSTMENTS IN AMOUNT OF RESERVE MEMBER STIPEND.—Section 4331 of such title is amended—

(1) in the first sentence of subsection (a)(1), by striking out "amount and the maximum tuition reimbursement amount" and inserting in lieu thereof "amount, the maximum tuition reimbursement amount, and the maximum reserve member stipend amount"; and

(2) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3) The term 'maximum reserve member stipend amount' means the maximum amount of a reserve member stipend that may be paid under subchapter V of this chapter, as provided in section 4353 of this title and as previously adjusted (if at all) in accordance with this subsection.".

(c) CONFORMING AMENDMENTS.—(1) Section 4301(a) of such title is amended—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(3) the reserve member stipend program provided for under subchapter V of this chapter.".

(2) Subsections (a) and (b) of section 4302 of such title are each amended by inserting "under subchapter I or II of this chapter" after "Educational Assistance Program".

(3) Paragraphs (1)(A), (2)(D), and (5) of section 4304 of such title are each amended by striking out "subchapter II or III" and inserting in lieu thereof "subchapters II, III, or V".

(c) EFFECTIVE DATE.—No reserve member stipend may be paid under subchapter V of chapter 76 of title 38, United States Code, as added by subsection (a), for any period before October 1, 1990.

By Mr. MURKOWSKI:

S. 2543 A bill entitled the "Admiralty Island National Monument Land Management Act of 1990; to the Committee on Energy and Natural Resources.

ADMIRALTY ISLAND NATIONAL MONUMENT LAND MANAGEMENT ACT

Mr. MURKOWSKI. Mr. President, today I am introducing the Admiralty Island National Monument Land Management Act of 1990. The bill addresses southeast Alaska land management issues related to the people of Angoon, AK, and the shareholders of Kootznoowoo, Inc., their ANCSA village corporation. Angoon is the only village on Admiralty Island, AK, located near Juneau.

This bill, in slightly modified form, was reported unanimously from the Committee on Energy and Natural Resources in 1988, and passed by the Congress as H.R. 2596. However, the bill was not signed by the President because of concerns over the revenue-related impacts of one of the provisions in the bill.

The provision which caused the administration to veto H.R. 2596 is not in the bill I introduce today. However, the resource management provisions of the bill remain essentially the same.

In essence, the bill accomplishes a series of land management objectives, none of which are major in themselves, but cumulatively resolve a number of longstanding problems.

These issues include resolution of a litigated dispute between Kootznoowoo and the Forest Service over an administrative site in Angoon; renaming the Admiralty Island Wilderness Area by its native name "Kootznoowoo" (Fortress of the Bears); providing for the consolidation of certain native land selections of Kootznoowoo, Inc.; and authorizing a study of potential Federal land acquisitions and cooperative land management agreements by the Forest Service on Admiralty Island, most of which is a national monument and enjoys wilderness status.

Mr. President, this bill also has a provision related to the settlement of the aboriginal claims of the native residents of the southeast Alaska villages of Haines, Ketchikan, Petersburg, Tenakee Springs, and Wrangell. The native residents of these villages were unable to organize corporations pursuant to the Alaska Native Claims Settlement Act, and, as a consequence, may not have been afforded a just and equitable settlement of their aboriginal claims under that act.

This bill directs the Secretary of the Interior, in consultation with the Secretary of Agriculture, to prepare a study of the history of native occupation and use of Haines, Ketchikan, Petersburg, Tenakee Springs, and Wrangell and to recommend whether the native residents of those communities may have claims which were not adequately addressed by the Alaska Native Claims Settlement Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE AND PURPOSE.

(a) TITLE.—This Act may be cited as the "Admiralty Island National Monument Land Management Act of 1988".

(b) PURPOSE.—The purpose of this Act is to improve Federal management of lands on Admiralty Island, Alaska, as provided herein.

SEC. 2. FINDINGS.

The Congress hereby finds that:

(a) Admiralty Island National Monument, Alaska, is an area of unparalleled natural beauty containing multiple values including but not limited to, fish, wildlife, forestry, recreational, subsistence, educational, wilderness, historical, cultural, and scenic values of enduring benefit to the Nation and the Native people residing therein; and

(b) Land management and Federal administration of Admiralty Island National Mounment may be enhanced by Federal land acquisitions, through land exchanges or otherwise, and by cooperative agreements between the Federal Government and the indigenous residents of the Island, the people of the City of Angoon and the Native Village Corporation, Kootznoowoo, Incorporated.

SEC. 3. LAND ACQUISITION AND EXCHANGE.

(a) Section 506(a) of the Alaska National Interest Lands Conservation Act (Public Law 94-487, as amended) is hereby amended by adding at the end thereof the following new paragraph:

"(9)(A) The Secretary is authorized and directed to: Enter into such cooperative agreements and agreements for land acquisitions, through exchange or otherwise, with Kootznoowoo as are deemed necessary by the Secretary to carry out the purposes specified in section 101 and 503 of this Act and to improve the management of Federal lands on Admiralty Island.

"(B) The Secretary shall make every effort to complete agreements within eighteen months of the date of enactment of this paragraph.

"(C) The Secretary shall report to Congress before the end of such eighteenmonth period on the status and results of negotiations with Kootznoowoo. The report shall include, but not be limited to, any Kootznoowoo properties proposed to be acquired by the United States, any Federal land or other compensation to be offered in exchange, and the text of any proposed or executed agreements.

"(D) Any lands on Admiralty Island acquired by the United States pursuant to this paragraph shall be added to and incorporated within the Admiralty Island National Monument.

"(E) The inability of the Secretary and Kootznoowoo to reach agreement shall not preclude subsequent negotiations at any time for the purposes of land exchanges or other matters.

"(F) Enactment of this paragraph shall not create any right or cause of action by Kootznoowoo, Incorporated, or any other party against the United States".

SEC. 4. LAND SELECTION CONSOLIDATION.

(a) Section 506(a)(5) of the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended) is hereby amended by adding at the end thereof the following new subparagraphs:

"(C) In order to consolidate Federal land ownership and improve management of all land and timber resources in the area, the lands between such sale area and lands lying to the east of such sale area which have been or may be conveyed to Kootznoowoo pursuant to this paragraph (5) shall be made available by the Secretary for an exchange between the Federal government and Kootznoowoo, Inc. pursuant to the terms of Section 1302(h) of this Act. If such sale is voluntarily terminated, or is cancelled or forfeited in accordance with applicable law and regulations, then the lands within the sale area shall also be made available for exhange. The availability of these lands for exchange shall continue for one year following the date the sale is completed and closed, or for one year following its termination, cancellation or forfeiture, whichever is later. Nothing in this section shall affect valid land selections which the State of Alaska has filed with the Federal Government pursuant to Public Law 85-508, nor shall this section cause these lands to be removed from entry pursuant to the Mining Law of 1872."

"(D) Subject to lode mining claims, known as KAEL 1-216 inclusive, and valid existing rights, the subsurface estate in the lands conveyed to Kootznoowoo, Incorporated, pursuant to subparagraph (C) shall be granted to Sealaska Corporation."

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) Section 703(a)(1) of the Act is amended by deleting the words "Admiralty Island National Monument Wilderness" and inserting in lieu thereof "Kootznoowoo Wilderness".

(b)(1) All rights, title and interests to that portion of the approximately 17.34 acres comprising the Angoon Administrative Site which, pursuant to paragraph (c)(2) of this section, the Secretary dedicates the uses related to the administration of the Tongas National Forest, are hereby confirmed in the United States, said parcel being a valid existing Federal administrative site as referenced in section 506(a)(3)(A) of the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended). Said administrative site is located on Admiralty Island in Township 50 South, Range 68

East, Section 31, C.R.M. and Township 50 South, Range 67 East, Section 36, C.R.M.

(2) Within one year of enactment of this paragraph, the Secretary of Agriculture shall adjust, and resurvey as necessary, the boundaries of the Angoon Administrative Site to include only that portion of the site described as follows:

(A) those lands which lie within the following described boundaries, comprising 4.68 acres more or less:

Beginning at Corner 1, also Corner 9 of U.S. Survey No. 8756;

Thence N 45 degrees 30 minutes W, 540.79 feet to Corner 2,

Thence N 45 degrees 00 minutes E, 876.60 feet to Corner 3,

Thence S 45 degrees 30 minutes E, 540.79 feet to Corner 4,

Thence S 45 Degrees 00 minutes W, 876.60 feet to Corner 1, also Corner 9 of U.S. Survey No. 8756, the point of beginning.

(B) those lands which lie within that area adjoining the northeastern boundary of the 4.68 acre tract and the mean high tide line of Kootznoowoo Inlet, subject to a perpetual public easement for the existing Angoon-Killisnoo Road; and

(C) an easement for road and utility access to the 4.68 acre tract from the western or southern boundary of the 17.84 acre site. To the maximum extent feasible, the Secretary shall locate said easement to connect to and follow the existing right of way for Relay Road, which lies between Lots 1 and 6 of the Samuel G. Johnson subdivision. Said easement shall be at a precise location and of dimensions which the Secretary determines is reasonably necessary for present and projected Federal uses of the site related to administration of the Tongass National Forest. Said easement shall be subject to any valid existing rights except those of Kootznoowoo, Inc. and, provided further, the easement shall not be located on any lands conveyed by Kootznoowoo, Inc. to a third party prior to June 1, 1988 without the express consent of such party: *Provided,* That the Secretary shall exclude from the lands so retained those lands which were occupied on June 1, 1988 by structures and improvements that were not constructed by or for the United States including easements related thereto, or which were constructed by or for the United States but which the Secretary determines are not reasonably necessary for present or projected Federal uses related to the administration of the Tongass National Forest: *Provided further,* That the Secretary shall not exclude from the 4.68 acre tract any lands occupied by existing power or utility lines or poles, and the lands so occupied shall be subject to an easement to allow for their continued use, maintenance, and repair.

(3) Title to all lands within the 17.34 acre administrative site which are not included by the Secretary in the adjusted area provided by paragraph (c)(2) shall be conveyed by the Secretary of Agriculture by quitclaim deed to Kootznoowoo, Incorporated.

(4) The provisions of paragraphs (c)(2) and (c)(3) are subject to the condition precedent that Kootznoowoo, Incorporated executes an appropriate written agreement acceptable to the United States Attorney for the District of Alaska to dismiss, with prejudice, the pending litigation entitled Kootznoowoo, Inc. v. United States Department of Agriculture, Forest Service, Civil No. A84-575, in the United States District Court for the District of Alaska, and agrees therein that Kootznoowoo, Incorporated and the United States shall each bear their own costs of said litigation, including attorneys' fees.

"SEC 6. STUDY.

"(a) Congress recognizes that the Native residents of the villages of Haines, Ketchikan, Petersburg, Tenakee Springs, and Wrangell were unable to organize Village Corporations, Urban Corporations or Group Corporations pursuant to the Alaska Native Claims Settlement Act [43 U.S.C §§ 1601-1629e], despite pursuit of such means as were available to them for redress of their grievances, and accordingly may not have been afforded just and equitable treatment for the settlement of their aboriginal claims consistent with the intent, purpose, and promise of the Alaska Native Claims Settlement Act.

"(b) The Secretary of the Interior, in consultation with the Secretary of Agriculture, is hereby authorized and directed to prepare a written study of the history of the villages of Haines, Ketchikan, Petersburg, Tenakee Springs, and Wrangell in relation to the history of the villages described in ANCSA Sections 16 (a) and (d) and the villages of Sitka and Juneau. Such agencies and instrumentalities of the United States Government as may have information relevant to this study are hereby authorized and directed to cooperate in the research for and preparation of this study. The representatives of the Natives of the five affected villages, the State of Alaska, Sealaska Corporation, the Sealaska Heritage Foundation, the Tlingit and Haida Central Council, the Alaska Federation of Natives, and such other historical and cultural organizations as are interested are invited and encouraged to cooperate in the study.

"(c) The study shall be completed and delivered by the Secretary of the Interior to Congress on or before January 1, 1991. The Secretary of the Interior shall also submit any legislation necessary to implement the study recommendations to the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources within three months after submitting the study.

"(d) The study shall include:

(1) Determination of whether the history of Native occupation and use of Haines, Ketchikan, Petersburg, Tenakee Springs, and Wrangell indicates that such communities have an equitable claim to Native Corporation status under ANCSA.

(2) Identification of public or private land and other assets that can be made available for conveyance to Native Corporations organized by the Native residents of each of the five villages in the event they are accorded such status.

(3) Identification of the means of properly funding any such Native Corporations.

"(e) In this Section 6, 'ANCSA' means the Alaska Native Claims Settlement Act (Pub. Law 92-203, 85 Stat. 688), as amended."

ADDITIONAL COSPONSORS

S. 513

At the request of Ms. MIKULSKI, the names of the Senator from Louisiana [Mr. BREAUX], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 513, a bill to amend chapters 83 and 84 of title 5, United States Code, to extend certain retirement provisions of such chapters which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service.

S. 667

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 667, a bill to amend the Federal Unemployment Tax Act with respect to employment performed by certain employees of educational institutions.

S. 1685

At the request of Mr. DANFORTH, the name of the Senator from Virginia [Mr. ROBB] was withdrawn as a cosponsor of S. 1685, a bill to suspend temporarily the duty of 6-t-butyl 2,4 xylenol.

S. 1933

At the request of Mr. HEINZ, the names of the Senator from Delaware [Mr. ROTH], the Senator from Oregon [Mr. HATFIELD], the Senator from Rhode Island [Mr. PELL], of the Senator from Vermont [Mr. LEAHY], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 1933, a bill to provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin and to enact a fire service bill of rights and programs to fulfill those rights.

S. 1938

At the request of Mr. GRAHAM, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1938, a bill to amend the Internal Revenue Code of 1986 to stimulate investment through a reduction in the capital gains tax.

S. 2006

At the request of Mr. GLENN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2006, a bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes.

S. 2046

At the request of Mr. BURDICK, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 2046, a bill to establish a National Infrastructure Council and for related purposes.

S. 2112

At the request of Mr. METZENBAUM, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2112, a bill to amend the National Labor Relations Act to prevent discrimination based on participation in labor disputes.

S. 2155

At the request of Mr. KERREY, the names of the Senator from Nebraska [Mr. EXON], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Arkansas [Mr. PRYOR], the Senator from Arkansas [Mr. BUMPERS], and

the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2155, a bill to amend the Federal Home Loan Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity.

S. 2186

At the request of Mr. MCCONNELL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2186, a bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor.

S. 2214

At the request of Mr. PACKWOOD, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2214, a bill to provide incentives to health care providers serving rural areas, to eliminate the Medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes.

S. 2240

At the request of Mr. KENNEDY, the names of the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Arizona [Mr. DECONCINI], the Senator from Washington [Mr. GORTON], the Senator from Nebraska [Mr. KERREY], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Arizona [Mr. MCCAIN], the Senator from Indiana [Mr. COATS], the Senator from Virginia [Mr. ROBB], the Senator from North Dakota [Mr. CONRAD], the Senator from Nevada [Mr. BRYAN], the Senator from Iowa [Mr. HARKIN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

S. 2250

At the request of Mr. DECONCINI, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2250, a bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes.

S. 2314

At the request of Mr. FOWLER, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 2314, a bill to amend the Agricultural Act of 1949 with respect to the level of milk price support in effect for 1991 through 1995.

S. 2365

At the request of Mr. DECONCINI, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2365, a bill to amend the Controlled Substances Act to prohibit advertisements intended to promote or facilitate the distribution or transfer of a schedule I controlled substance.

S. 2401

At the request of Mr. KASTEN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2401, a bill to amend the Food Security Act of 1985 to eliminate barriers to Great Lakes maritime trade, and for other purposes.

S. 2425

At the request of Mr. KERRY, the names of the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Connecticut [Mr. DODD], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2425, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending and public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 2536

At the request of Mr. MOYNIHAN, the names of the Senator from Washington [Mr. ADAMS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. DODD], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2536, a bill to amend title XIX of the Social Security Act to give States the option of providing for coverage for certain HIV-related services for certain individuals who have been diagnosed as being HIV-positive, and for other purposes.

SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 282

At the request of Mr. WILSON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 282, a joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Child."

SENATE JOINT RESOLUTION 289

At the request of Mr. SIMON, the names of the Senator from Illinois [Mr. DIXON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Indiana [Mr. COATS], the Senator from Delaware [Mr. ROTH], the Senator from North Dakota [Mr. CONRAD], the Senator from Massachusetts [Mr. KERRY], the Senator from Arizona [Mr. DECONCINI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 289, a joint resolution to designate October 1990 as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 294

At the request of Mr. PELL, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from North Dakota [Mr. CONRAD], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. WARNER], the Senator from Alabama [Mr. SHELBY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alaska [Mr. STEVENS], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 294, a joint resolution to designate May 4, 1990, as "Department of Education Day."

SENATE JOINT RESOLUTION 295

At the request of Mr. DANFORTH, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nebraska [Mr. EXON], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 295, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the Supreme Court or any inferior court of the United States from ordering the laying or increasing of taxes.

SENATE CONCURRENT RESOLUTION 53

At the request of Mr. DODD, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of Senate Concurrent Resolution 53, a concurrent resolution concerning Iranian persecution of the Baha'is.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DANFORTH AMENDMENT NO. 1553

Mr. DANFORTH proposed an amendment to the bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At the appropriate place, insert:

It is the sense of the Senate that neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to lay or increase taxes.

WIRTH (AND OTHERS) AMENDMENT NO. 1554

Mr. WIRTH (for himself, Mr. RIEGLE, Mr. DIXON, Mr. SASSER, Mr. SIMON, Mr. PELL, Mr. CRANSTON, Mr. KERRY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. BRYAN, and Mr. KERREY) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 7, line 5, strike the period and insert the following: ": *Provided*, That notwithstanding any other provision of this Act, $390,000,000 shall be available under the heading 'Economic Support Fund' and 'Panama' in chapter III of this title of which $0 shall be available for the promotion and development of tourism in Panama: *Provided*, That an additional amount of $7,600,000 is appropriated for 'Salaries and expenses, United States attorneys' and an additional amount of $11,500,000 is appropriated for 'Federal Bureau of Investigations, Salaries and Expenses' to be available for the investigation of fraud and other criminal activity in financial institutions.".

CONRAD (AND OTHERS) AMENDMENT NO. 1555

Mr. CONRAD (for himself, Mr. PRESSLER, Mr. BURNS, Mr. BAUCUS, Mr. DASCHLE, Mr. BOSCHWITZ, and Mr. GORTON) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the end of the bill, add the following new section:

SEC. . (a) Section 14 of Public Law 101-220 (7 U.S.C. 1421 note) is amended by striking "refunded, such refund shall not be required to be made prior to July 31, 1990." and inserting "refunded—

"(1) the refund shall not be required to be made prior to July 31, 1990:

"(2) in the case of producers on a farm that is located in a county that is affected by a major disaster or emergency in 1990 declared by the President under the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.), the refund shall not be required, for that portion of the crop for which a disaster payment is made under section 201(a) of the Disaster Assistance Act of 1988 or section 101(a) of the Disaster Assistance Act of 1989; and

"(3) in the case of producers on a farm that is located in a county with respect to which the Governor of the affected State has a request pending for such a declaration, the refund shall not be required prior to the date the President makes a decision on the request, for that portion of the crop for which a disaster payment is made under section 201(a) of the Disaster Assistance Act of 1988 or section 101(a) of the Disaster Assistance Act of 1989.".

(b) None of the funds appropriated or otherwise made available by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990 (Public Law 101-161) shall be used to pay the salaries of officers and employees who carry out the export enhancement program established by section 1127 of the Food Security Act of 1985 (7 U.S.C. 1736v) to the extent that the aggregate amount of funds, and the value of commodities, used to carry out the program during fiscal year 1990 exceeds $522,000,000.

BYRD AMENDMENT NO. 1556

Mr. BYRD proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 7, strike out all on line 20 and insert in lieu thereof: "government of the Republic of Lithuania in Vilnius."

KOHL (AND OTHERS) AMENDMENT NO. 1557

Mr. KOHL (for himself, Mr. PELL, Mr. KENNEDY, Mr. MCCONNELL, Mr. WILSON, Mr. LEVIN, Mr. NICKLES, Mr. SHELBY, Mr. LIEBERMAN, Mr. BIDEN, Mr. SIMON, Mr. KASTEN, Mr. DODD, Mr. HOLLINGS, Mr. ROTH, Mr. HATFIELD, Mr. SPECTER, Mr. BOREN, Mr. FORD, Mr. HEINZ, Mr. BENTSEN, Mr. RIEGLE, Mr. SASSER, Mr. CHAFEE, and Mr. SIMPSON) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 37, between lines 16 and 17, insert the following:

SCHOOL IMPROVEMENT PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "School Improvement Programs," $19,945,000, to remain available until September 30, 1991, for continued funding of existing dropout prevention demonstration projects funded in 1989, as authorized by title VI-A of the Elementary and Secondary Education Act of 1965, as amended: *Provided*, That $2,400,000 of the amount provided herein shall be derived by transfer from funds appropriated in Public Law 100-436 for part E, section 465, of the Higher Education Act, as amended.

BUMPERS AMENDMENT NO. 1558

Mr. BYRD (for Mr. BUMPERS) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . SECTION 1. TECHNICAL AMENDMENTS.

(a) SECTION 2111.—Section 2111 of the Public Health Service Act (42 U.S.C. 300aa-11) is amended—

(1) in subsection (a)(5)(A), by striking out "without prejudice" the second time it occurs,

(2) in subsection (d), by striking "(d) except as provided in paragraph (3)," before "(d) ADDITIONAL INFORMATION", and

(3) in subsection (e), by striking "(e)" before "(e) SCHEDULE".

(b) SECTION 2113.—Section 2113(c) of the Public Health Service Act (42 U.S.C. 300aa-13(c)) is amended by inserting "the" after "special masters of".

(c) SECTION 2115.—Section 2115 of the Public Health Service Act (42 U.S.C. 300aa-15) is amended—

(1) in subsection (e)(2), by striking out "the Program," the second time it occurs and all that follows through "limited to the costs" and inserting the following: "the Program, in awarding compensation on such petition the special master or court may include an amount of compensation limited to the costs",

(2) in subsection (f)—

(A) in paragraph (2), in the second sentence, by striking out "section 2121(b)" and inserting "section 2121(a)", and

(B) in paragraph (4)(B), in the last sentence, by striking out "subsection (i)" and inserting "subsection (j)", and

(3) in subsection (j), by inserting "and" after "1992,".

(d) SECTION 2121.—The last sentence of section 2121(a) of the Public Health Service Act (42 U.S.C. 300aa-21(a)) is amended to read as follows: "If a person elects to receive compensation under a judgment of the court or is deemed to have accepted the judgment of the court, such person may not bring or maintain a civil action for damages against a vaccine administrator or manufacturer for the vaccine-related injury or death for which the judgment was entered.".

SEC. 2. EFFECTIVE DATES.

The amendment made by section 1(d) shall take effect as if such amendment had been included in section 6601(n) of Public Law 101-239. The amendments otherwise made by this Act shall take effect on the date of the enactment of this Act.

INOUYE AMENDMENT NO. 1559

Mr. BYRD (for Mr. INOUYE) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 37 after line 12 insert the following:

SCHOOL IMPROVEMENT PROGRAMS

In addition to any other amount provided in this bill for "School Improvement Programs" an additional amount is hereby provided to carry out the Drug-Free Schools and Communities Act of 1986, $2,038,000: *Provided*, That $1,698,000 shall be for programs for Indian youth under section 5133 and $340,000 shall be for programs for Hawaiian Natives under section 5134: *Provided further*, That $494,000 of the total amount provided herein shall be derived by transfer from funds appropriated in Public Law 100-436 for carrying out Public Law 98-524.

BYRD AMENDMENT NO. 1560

Mr. BYRD proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 35, line 22, strike out "$8,000,000," and insert in lieu thereof "$31,500,000,"

SIMPSON (AND OTHERS) AMENDMENT NO. 1561

Mr. SIMPSON (for himself, Mr. WALLOP, Mr. BURNS, and Mr. BAUCUS) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 32, after line 24, insert the following new paragraph:

SETTLEMENT OF CLAIMS, FOREST SERVICE

The Forest Service is hereby authorized and directed to negotiate, compromise and settle certain claims against the United States resulting from the Mink Fire (Bridger-Teton National Forest and Yellowstone National Park), Clover-Mist Fire (Yellowstone National Park and Shoshone National Forest), Storm Creek Fire (Yellowstone National Park and Gallatin-Custer National Forests), and Canyon Creek Fire (Lolo, Helena, Lewis and Clark National Forests) which were originally classified as prescribed fires but subsequently became wildfires. The Forest Service is directed to negotiate, compromise and settle the original claims, or the claims filed by an insurer subrogated to the rights of a claimant, and to negotiate any other claims filed within 90 days of the date of enactment of this Act. Notwithstanding any other provision of the law, the Secretary of the Treasury is authorized and directed to pay the amount of each settlement from the Claims, Judgments, and Relief Act Fund (Public Law 95-

26): *Provided further,* That the Secretary of the Treasury shall make no payments for claims which are determined by the Forest Service or the Department of Justice to be invalid under current law.

EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING

DASCHLE AMENDMENT NO. 1562

(Ordered referred to the Committee on Veterans' Affairs.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill (S. 2537) to amend chapter 32 of title 38, United States Code, to authorize the pursuit of flight training under that chapter, as follows:

On page 3, lines 3 and 4, strike out the parenthetical matter.

At the end of the bill, add the following new section:

SEC. 2. AMENDMENTS TO THE MONTGOMERY GI BILL ACTIVE DUTY AND SELECTED RESERVE PROGRAMS TO PERMIT BENEFITS FOR SOLO FLIGHT TRAINING.

(a) ACTIVE DUTY PROGRAM.—Section 1432(f)(1) of title 38, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(b) ACTIVE DUTY PROGRAM.—Section 2136(g)(1) of title 10, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective with respect to flight training received under chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code, on and after the first day of the second month following the month in which this Act is enacted.

Amend the title so as to read: "A bill to amend chapter 32 of title 38, United States Code, to authorize the pursuit of flight training under that chapter, and for other purposes.".

● Mr. DASCHLE. Mr. President, last Friday I, along with the distinguished chairman of the Senate Veterans' Affairs Committee, Senator CRANSTON, introduced legislation to authorize the pursuit of flight training for chapter 32 veterans who are eligible for educational benefits under the Veterans Educational Assistance Program.

The purpose of S. 2537 is to ensure that veterans who entered the service between 1974 and 1984 and are currently eligible for educational benefits have the same opportunity to obtain flight training benefits as their counterparts who currently receive these benefits under the Montgomery GI bill. Without access to these benefits, many chapter 32 veterans will not have the financial means to pursue a career in aviation.

Today, I am submitting to the Senate an amendment that I intend to offer to both S. 2537 and the Montgomery GI bill Active Duty and Selected Reserve Programs that would permit education benefits for solo flight training. The purpose of this amendment is to strengthen the flight training benefits provided to eligible chapter 30 and chapter 32 veterans by ensuring that the high cost associated with obtaining a commercial rating does not prohibit veterans from pursuing an career in aviation.

Currently, veterans who pursue a career in aviation are required to obtain both their instrument and commercial ratings. To obtain an instrument rating, an individual must obtain a minimum of 120 hours of dual flight instruction. S. 2537 enables veterans to pursue their instrument rating by providing reimbursement for 60 percent of the costs associated with dual flight instruction.

Individuals who pursue the next step, their commercial rating, are required to obtain 30 hours of solo flying hours along with an additional 30 hours of dual flight instruction. Currently, veterans are reimbursed for 60 percent of the costs associated with their dual flight instruction but are not eligible to receive partial reimbursement for their solo flying hours which can range from $50 to $75 an hour. Unfortunately the high cost associated with obtaining a commerical rating, coupled with the fact that veterans are not currently allowed to receive reimbursement for solo flying hours, means that, for many veterans, the goal of pursuing a career in aviation will remain only a dream. The amendment I am offering today would provide reimbursement for 60 percent of the costs of solo flight training and enable more veterans to pursue a career in aviation.

I am confident that regulations currently in place will provide the necessary safeguards to ensure that reimbursement for solo flying hours is not abused. Current regulations require each holder of a part 141 pilot school or provisional pilot school certificate to establish and maintain a current and accurate record of the participation and accomplishment of each student enrolled in an approved course of training conducted by the school. The regulations specifically state that the student's logbook is not acceptable for this record, thereby ensuring the proper oversight of accumulated solo flying hours.

I urge my colleagues to join me in adopting this amendment to strenghten the flight training benefits provided to our Nation's veterans. I ask unanimous consent that the full text of S. 2537 appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING.

(a) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE.—Section 1641 of title 38, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) The Secretary may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 1673(b) of this title) by an individual entitled to basic educational assistance under this chapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid pilot's license and meets the medical requirements necessary for a commercial pilot's license; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"(2) This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.".

(b) BENEFIT AMOUNT AND ENTITLEMENT CHARGE.—Section 1631 of such title is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this section, each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of section 1641(b) of this title shall be paid a monthly benefit under this chapter in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(2) No monthly benefit payment may be paid under this chapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(3) The number of months of entitlement charged in the case of any individual for a program of education described in paragraph (1) of this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such program by the monthly rate of educational assistance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under subsection (a) of this section.".●

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

HEINZ AMENDMENT NO. 1563

Mr. HEINZ proposed an amendment, which was subsequently modified, to amendment No. 1554 proposed by Mr. WIRTH (and others) to the bill H.R. 4404, supra, as follows:

In lieu of the language proposed to be inserted, insert the following: ": *Provided*, That of the funds appropriated for the Defense Stock Fund in P.L. 101-165, $21,000,000 is rescinded; *Provided*, That an additional amount of $7,600,000 is appropriated for 'Salaries and expenses. United States attorneys' and an additional amount of $11,500,000 is appropriated for 'Federal Bureau of Investigations. Salaries and Expenses', both amounts to be available for the investigation of fraud and other criminal activity in financial institutions." .

CRANSTON (AND KERREY) AMENDMENT NO. 1564

Mr. LEAHY (for Mr. CRANSTON, for himself, and Mr. KERREY) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the end of the bill, add the following new section:

SEC. . (a) Notwithstanding any other provision of law, up to $5,000,000 of the total amount of funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), which funds were—

(1) appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), or

(2) otherwise made available through the exercise of the authority contained in section 515 of that Act.

may be made available to the President to provide emergency assistance through international relief agencies to children within Cambodia.

(b) None of the funds made available pursuant to subsection (a) may be made available, directly or indirectly, for the Khmer Rouge.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to receive testimony on S. 2415, the Solar and Geothermal Power Production Incentives Act of 1990.

The hearing will take place on May 15, 1990, beginning at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the committee, SD-364, Washington, DC 20510.

For further information, please contact William B. Conway, Jr., senior counsel for the committee at (202) 224-7149.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on May 11, 1990. The focus of the hearing will be to review investigations of the production of a radar jammer system [ASPJ]. The subcommittee will hear witnesses from the Department of Defense, the Office of the Inspector General—Department of Defense, and the General Accounting Office.

The hearing is scheduled for 9:30 a.m., in room 342 of the Senate Dirksen Office Building. For further information, please contact Ed Gleiman, subcommittee staff director, on 224-2254.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs scheduled oversight hearing for April 30, beginning at 2 p.m. has been changed and the committee will be holding a markup on Tuesday, May 1, 1990, beginning at 2:30 p.m., in 485 Russell Senate Office Building on S. 143, the Indian Development Finance Act; S. 2354, the Housing and Community Development Act of 1974; S. 2075, the Indian Environmental Regulatory Enhancement Act of 1990; S. 381, Recognition of Mowa Bank of Choctaw Indians; S. 1413, Recognition of Aroostook Band of Micmacs Settlement Act; S. 1747, Ponca Restoration Act; S. 1918, recognition of Jena Choctaw Indians and other committee business to be followed by an oversight hearing on S. 1203, the Indian Economic Development Act of 1989; S. 1650, the Indian Employment Opportunity Act of 1989; and the Supreme Court's decision in cotton petroleum.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Armed Services Committee Subcommittee on Defense Industry and Technology be authorized to meet in open session on Monday, April 30, 1990, at 2 p.m. to receive testimony of national and defense critical technology plans in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL INFRASTRUCTURE COUNCIL ACT

● Mr. SASSER. Mr. President, I am pleased to join with my colleagues Senators BURDICK, MOYNIHAN, BAUCUS, LAUTENBERG, WARNER, MITCHELL, BENTSEN, REID, LIEBERMAN, BREAUX, SANFORD, and HATFIELD in cosponsoring S. 2046, the National Infrastructure Council Act of 1990. I commend the distinguished chairman of the Environment and Public Works Committee, Mr. BURDICK, for bringing the need for a national infrastructure policy to the forefront of the Senate's agenda. The development of a coordinated long-range national infrastructure strategy is vital to the future economic health and well-being of this Nation.

I believe that the establishment of a National Infrastructure Council is the logical next step in addressing our Nation's massive infrastructure problems. The deterioration of our highways, bridges, water, rail, and mass transportation systems did not happen overnight. Effective, far-reaching solutions cannot and will not occur over a short period of time. As the National Council on Public Works Improvement in its final report to the President and the Congress stated:

No single approach by itself will be adequate. More money alone will not suffice. More effective management alone will not get the job done. Technology alone will not save the day. The complexity of these systems and their attendant problems demand a broad-based strategy.

Mr. President, many estimates have been forthcoming regarding the price tag for infrastructure improvement. The final bill will indeed be massive. The greatest cost, however, has come as a result of a lack of policy coordination. Now, more than ever, it is important that we direct our limited dollars prudently and efficiently. The proposed National Infrastructure Council would not only coordinate national infrastructure policy, but provide critical recommendations for prioritizing the necessary capital investment.

In addition, the establishment of a National Infrastructure Council would provide an important clearinghouse for the dissemmination of information on a wide range of infrastructure issues. The technical assistance and technology transfer provisions of S. 2046 would provide valuable infrastructure information at every level of government, but particularly for smaller communities, such as Henning and Tracy City in Tennessee, which often lack the technical expertise to manage sophisticated infrastructure systems.

Mr. President, the coordination of an effective national infrastructure policy should be the first step toward addressing our public works shortfall. The establishment of a National Infrastructure Council is a necessary link in the development of a national infrastructure strategy. I join my colleagues in support of S. 2046, the National Infrastructure Council Act of 1990.●

M. DAVID MERRILL HONORED

● Mr. HATCH. Mr. President, I rise today to pay a brief but warranted tribute to a sincerely outstanding individual from the State of Utah, Mr. M. David Merrill.

Mr. Merrill, a professor of instructional technology at Utah State University, was recently named person of the year in educational technology for 1989. This prestigious national distinction, which is awarded annually by Educational Technology magazine, recognizes individuals for continued contributions to educational technology research and development.

A graduate of Brigham Young University with advanced degrees from the University of Illinois, Mr. Merrill returned to Utah in 1987, where his national reputation in instructional design theory and expert systems had led to positive, cooperative relationships between Utah State University and corporations, such as IBM, which are committed to furthering educational technology applications.

Additionally, Mr. Merrill has been ranked fifth nationwide among influential scholars in the field of instructional technology, is listed among the most productive educational psychologists in the Nation, and is one of the most frequently cited authors in computer-based instruction literature.

M. David Merrill, who can best be characterized by his enthusiastic, pioneering spirit, is truly a leader in his field. I know that I join many of my fellow Utahns in offering him my warmest congratulations on his well-deserved recognition and in wishing him continued success in his efforts to better not only Utah but the entire Nation.●

BREAST CANCER DEATHS: A NEEDLESS TRAGEDY

● Mr. SIMON. Mr. President, nearly every family has been touched on the tragedy of breast cancer. And it need not be so. As Marilyn Quayle so eloquently said recently, "We must declare all-out war against the tragedy of breast cancer." I have written a column about the steps we must take to conquer this disease and I ask that it be printed in the RECORD.

The column follows:

Marilyn Quayle, wife of Vice President Dan Quayle, testified before a House committee recently about her mother's breast cancer. "My mother lost her battle, but I am determined to win her war," she said.

Her mother died, and far too many women are dying of breast cancer—needlessly.

One out of ten women in the United States will develop breast cancer during her lifetime. The five-year survival rate if the cancer has not spread is 90 percent. But if it has spread, that figure drops to 66 percent.

The key is early detection.

The difficulty is that the leading method of detection is mammography, which costs an average of $100, but can run as high as $200. Often is is not covered by insurance—and we have about 31 million Americans without any health insurance, more than half of them women.

The leading national cause of cancer deaths among women is lung cancer, and the second highest is breast cancer.

But in Illinois the leading cause of cancer deaths among women is breast cancer. For reasons I do not fully understand, nationally 16 percent of all cancer is breast cancer, but in Illinois it is 29 percent.

In Illinois, and other states, many women do not take the precaution of mammography because of the cost. Not surprisingly, the death rate of women who have breast cancer is much higher among the poor.

For example, on Indian reservations, with their disheartening poverty, the death rate for women who get breast cancer is well above the national average.

Shirley Randolph of the Illinois Department of Public Health recently testified: "Over 7,000 cases of female breast cancer are diagnosed in Illinois each year—yet hundreds, maybe thousands, of additional cases are not diagnosed due to barriers associated with poverty and the inability of poor women to access screening services."

Ninety-three percent of breast cancer cases occur in women over age 40.

Somehow we have to see that this high-risk population gets regular screening.

The irony is that if we could work this out, we would not only save lives; taxpayers would save money. The costs that go with the problems of breast cancer, after it has spread, can be enormous.

WHAT CAN WE DO?

1. Medicare should cover mammography screening. At present it does not.

2. Private insurance companies should be encouraged to include yearly tests after age 40 as part of their routine coverage.

3. We must do more to educate women about the problem. If they feel lumps, they should see their physicians. Fortunately, four out of five lumps are not cancerous, but if that fifth one is caught quickly, the result can be life-savings.

4. Some method of paying for screening for those unable to afford the cost must be found.

5. We need more emphasis on research into the cause and treatment of breast cancer.

During the Vietnam War 57,000 Americans died, a tragic loss. But during the same period 330,000 American women died of breast cancer, also a tragic loss.

We must win the war against breast cancer.●

MODIFIED FINAL JUDGMENT—BELL OPERATING COMPANIES

● Mr. McCLURE. Mr. President, I want to share with my colleagues a measure passed by the Idaho State Legislature urging the Congress to remove restrictions imposed on the Bell operating companies by the modified final judgment. I think my colleagues will find House Joint Memorial 15 most interesting, and I ask that it be placed in the RECORD.

The material follows:

IDAHO STATE SENATE,
March 9, 1990.

Re Transmittal of Idaho House Joint Memorial 15: MFJ Relief.

Hon. JAMES A. MCCLURE,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR MCCLURE: The State of Idaho's Centennial Legislature, assembled in the Second Regular Session, has enacted House Joint Memorial 15 which encourages the United States Congress and President George Bush to remove restrictions that were imposed on Bell operating companies by the Modification of Final Judgment (MFJ).

Pursuant to Joint Rule 6 of the Senate and House of Representatives of the State of Idaho, House Joint Memorial 15 has been filed with the office of the Secretary of State of the State of Idaho and has been duly recorded therein. The legislation also has been sent to members of Idaho's Congressional delegation and to the President of the United States.

Through House Joint Memorial 15, both Houses of Idaho's Centennial Legislature have resolved that removal of restrictions "that prohibit Bell operating companies from engaging in the manufacture of telecommunications equipment and customer premises equipment and the provision of information services are in the public interest of the Citizens of the State of Idaho and the Citizens of the United States of America." Idaho House Joint Memorial 15 encourages the United States Congress and the President of the United States to enact appropriate legislation that removes these restrictions.

We encourage you to enroll House Joint Memorial 15 in the official Congressional record.

Respectfully submitted,
SENATOR MICHAEL D. CRAPO,
Senate President Pro Tem.
REPRESENTATIVE TOM BOYD,
Speaker of the House.

HOUSE JOINT MEMORIAL NO. 15

Whereas advances in technology have brought our society to the threshold of the information age; and

Whereas the national welfare will be greatly enhanced by bringing about the universal availability of the information age to the American people through the development and deployment of innovative technologies; and

Whereas the provision of information services, and the removal of judicially imposed restrictions on the development and availability of such services, will stimulate and encourage use of information age technology by the American people; and

Whereas it is the responsibility of Congress, rather than the courts, to determine communications public policy including its effect on economic competitiveness, national security, and foreign trade which are essential elements of a sound national telecommunications policy; and

Whereas the continued economic growth and international competitiveness of American industry are dependent upon permitting all American companies to provide information services, to conduct research and to design, develop, manufacture, and market software, firmware, telecommunications equipment and customer premises equipment for all American residential, business and governmental telecommunications users; and

Whereas it is imperative that American industry provide new and innovative telecommunications services and an efficient, reliable, state-of-the-art, and internationally competitive public telecommunications network to serve the growing needs of the people of the United States; and

Whereas existing new and innovative telecommunications technologies are less accessible and less affordable in rural and small communities than in larger, urban centers; and

Whereas the Federal Communications Commission is the appropriate federal agency, in conjunction with appropriate state regulatory agencies, to ensure fair competition in the telecommunications industry, while protecting the interests of the basic local exchange customers; and

Whereas the court order, referred to as the "Modification of Final Judgment" (MFJ) that broke up the former Bell System, prohibits the divested Bell operating companies from participating in certain telecommunications markets, namely, manufacturing and information services and long distance services; and

Whereas the MFJ has prevented some two-thirds of America's domestically owned telecommunications industry from competing with foreign telecommunications firms in the United States; and

Whereas, removal of MFJ restrictions on manufacturing of telecommunications equipment and customer premises equipment and on provision of information services would foster American competitiveness because:

(a) Removal would facilitate competitiveness with foreign telecommunications companies who are free to compete in markets in the United States;

(b) Removal would help bring needed telecommunications technologies that are already in existence, but which the Bell operating companies are prohibited from providing by the MFJ, to hearing impaired persons, rural schools and hospitals and others who might benefit from improved and affordable telecommunications;

(c) Removal would help stimulate the invention of new and innovative telecommunications technologies and facilitate access of said innovations to rural America;

(d) Removal would encourage investment in research, development, design and manufacture of telecommunications and customer premises equipment.

Now, Therefore, be it

Resolved *by the members of the Second Regular Session of the Centennial Idaho Legislature, the House of Representatives and the Senate concurring therein,* That we urge the President of the United States, George Bush, and the Congress of the United States to remove restrictions that prohibit Bell operating companies from engaging in the manufacture of telecommunications equipment and customer premises equipment and the provision of information services, in the public interest of the citizens of the state of Idaho and the citizens of the United States of America, through the passage of appropriate legislation: Be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, George Bush, and to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 30, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through April 27, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H.Con.Res. 106). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S.Con.Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 23, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Chairman.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 2D SESS. AS OF APR. 27, 1990

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
Budget authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,993.0	3,122.7	−129.7
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 106. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount [MDA] in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS APRIL 27, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,068,600
Permanent appropriations and trust funds	954,917	791,226	
Other legislation	639,255	638,374	566
Offsetting receipts	−237,825	−233,738	
Total enacted in previous sessions	1,356,347	1,195,862	1,069,166
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution:			
Salaries of judges	−2	5	
Payment to judicial officers' retirement fund	−4	−4	
Judicial survivors' annuities fund	−3	−3	
Fees and expenses of witnesses	−2		
Justice assistance	−4		
Fisherman's guaranty fund	1	1	
Administration of territories	−1		
Firefighting adjustments	−624	−192	
Federal unemployment benefits (FUBA)	5		
Advances to unemployment trust fund	(48)	(48)	
Special benefits	−24		
Black Lung disability trust fund	52	32	
Vaccine improvement program trust fund	7	7	
Federal payment to railroad retirement	1	1	
Retirement pay and medical benefits	−4		
Supplemental security income	263	263	
Special benefits, disabled coal miners	21		
Grants to states for Medicaid	−907		
Payments to health care trust funds	(325)	(325)	
Family support payments to States	84	84	
Payments to states for AFDC work programs	15	15	
Payments to states for foster care	−83		
Health professions student loan insurance fund	−25	−7	
Guaranteed student loans	−175		
College housing and academic facilities loans	−3	−3	
Rehabilitation services	−79		
Payments to widows and heirs	[1]	[1]	
Reimbursement to the rural electrification fund	111	111	
Dairy indemnity program	[1]	[1]	
Conservation reserve program	720		
Special milk program	−2		
Food stamp program	−800		
Child nutrition programs	−74		
Federal crop insurance corporation fund	[1]		
Agriculture credit insurance fund	342		
Rural housing insurance fund	[1]		
Rural communication development fund	[1]		
Payments to the farm credit system financial assistance corporation	−2		
Coast Guard retired pay	−17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	−3	−2	
Readjustment benefits	−62		
Compensation	448	398	
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	238	238	
Disaster relief	−1,100	−883	
Total entitlement authority	−1,757	62	
VI. Adjustment for Economic and Technical Assumptions	−28,685	−26,763	−8,900
Total current level as of April 27, 1990	1,325,905	1,169,160	1,060,266
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining: Over budget resolution		3,960	

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS APRIL 27, 1990—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Under budget resolution.....	3,495	.....	5,234

[1] Less than $500,000.

Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to total.●

MISSOURI YOUTH RECEIVES AWARD FROM THE PRESIDENT

● Mr. BOND. Mr. President, I rise today in recognition of 17-year-old Clarence Wilson, of St. Louis, who is being honored by President Bush for his efforts to clean up a drug and violence infested area of his city. Clarence has overcome many obstacles and succeeded in starting a neighborhood association for crime prevention. The street Clarence lives on has a sign, erected by him that reads, "Welcome to Thomas Street—no drugs, no loitering, no loud music." Clarence Wilson's efforts have been so impressive that other organizations in St. Louis have drafted him as an advisor and speaker to other youth in the area. Everywhere Clarence speaks, he sparks enthusiasm and hope to people who otherwise see no end to the drugs and violence in their neighborhoods.

Clarence Wilson is a wonderful role model for people of all ages. The success of his efforts show us that we can win the war against drugs. I join with the President in wishing Clarence continued success and I hope he will remain dedicated to drug and violence prevention.●

RALLY FOR LIFE

● Mr. ARMSTRONG. Mr. President, I am sure that my colleagues are aware that hundreds of thousands of Americans gathered here in Washington on Saturday to attend the "Rally for Life." This rally drew people from around the country who believe that our Nation's abortion policy—a policy that permits the destruction of unborn human life throughout pregnancy—must change.

I share these convictions, and I marvel that, even as this gathering was taking place, the Senate had pending before it legislation that would authorize the District Government to pay for abortions on demand in a city where more babies are aborted each year than are born.

I wonder if we have reflected on the reality behind such statistics, the reality that abortion is a destructive act that extinguishes the lives of the most vulnerable among us. Vice President QUAYLE, who spoke at Saturday's rally, likened our abortion on demand policy to "shooting out the stars." He said:

It is as if we were shooting out the stars, one by one, preparing ourselves for an unending night of the most fearful darkness.

Mr. President, I would like to insert the text of Vice President QUAYLE's address into the RECORD, and I commend it to the attention of my colleagues.

The remarks follow:

REMARKS BY THE VICE PRESIDENT, PRO-LIFE RALLY, WASHINGTON, DC

Thank you.

Your tremendous turnout today—in the hundreds of thousands—is a powerful demonstration of your commitment and caring.

This is a day of both celebration and protest—a day of great sadness overcome by an even greater hope. This day can begin a healing of the terrible wound which, for almost two decades, has torn at our country's heart.

I want to thank you for your sacrifice, your courage, and your faith in the enduring decency of this nation. You and the millions like you all over this land have stirred a renewal of the American spirit, an awakening of conscience and compassion after too many years of complacency and self-concern.

Today we confront a national tragedy: an infant can be aborted, for almost any reason, up to the time of its birth. The great majority of Americans, in poll after poll, object to that. They may disagree about how best to turn the situation around. But almost all stand together against the terrible reality of unlimited abortion on demand. That overwhelming majority constitutes the largest coalition—I might say, the biggest tenent—in American politics.

Some endeavors are more important than partisanship, and surely more important than personal advancement. Protecting the least of our brethren is such a cause.

The pro-life movement is the humanitarian movement of our time. Some of those who defend the status quo accuse you of extremism. But their extremism cannot stand the light of honest discussion or the test of reasoned debate.

Will the American people continue to accept the notion that unborn children are disposable? Our answer is: Not in this country. Not now. Not ever.

Twenty years ago, abortion may have seemed the easy way out for a society reeling from the collapse of a moral consensus. Instead, it turned out to be a way to shift onto women and children the burdens of the sexual revolution. And along with it came a dramatic increase in other forms of mistreatment of children: abuse, abandonment, exploitation in pornography and prostitution.

Should we be surprised?

None of us, woman or man, can presume to judge those faced with a problem pregnancy. But no one can be proud that, here in our nation's capital, abortions outnumber live births. No one can be comfortable with the way minority children, especially Black and Hispanic babies, are lost in greater proportion than others. And the loss of some 25 million children in total to abortion since 1973 has been unspeakable.

It is as if we were shooting out the stars, one by one, preparing for ourselves an unending night of the most fearful darkness. You have been voices against the night: Caring for women in need and children in danger, opening your homes to the homeless and fatherless, adopting and nurturing, you redeem your country's future by living the ideals of its past.

There are no easy victories in any great cause. They are won as much by patience and persistence as by numbers and skill. But this we may confidently say: the worst years are behind us. The conscience of our country is stirring.

When the human dimension of an issue is clearly presented to the American people, they will always, always choose justice for the weak and mercy for the helpless. That is our heritage, made richer by every generation of Americans who confronted their society's shortcomings, opened their hearts, and did what had to be done to set things right. Today we reaffirm that heritage.

In both justice and mercy, we can save those children, one by one by a million, until at last no one will be cast away. No one will be cut off from us. No one will be denied a place in our family.

Thank you.●

RESOLUTION OPPOSING ANY FURTHER USE OF THE DAIRY TERMINATION PROGRAM

● Mr. McCLURE. I rise in support of the efforts of Senator WALLOP to oppose any further use of the Dairy Termination Program as a method of controlling dairy production. I do so knowing of the importance of both the dairy industry and the beef industry to the State of Idaho. I support this resolution because the Dairy Termination Program damaged not just the beef producers of Idaho but the other small businesses which relied upon the dairies which went out of business.

When this legislation was passed as a part of the Food Security Act of 1985, the Federal Government held enormous stocks of nonfat dry milk and cheese and was purchasing more every day as dairy producers continued to overproduce in response to lucrative Government support prices. To stem this tide the national milk associations proposed that the Federal Government pay milk producers to leave the business by selling their herds to be slaughtered. This was a great deal for farmers who were ready to retire or who just plain wanted out of farming. It was not so great a deal for cattle producers, farmers who raised hay and barley and corn silage to support these dairies. It was not such a great deal for the small town parts suppliers and other support businesses which relied on these dairies for business. The ripple effect in the small rural towns was extensive. But only the dairymen who participated in the buyout were the beneficiaries of Government money.

In all, over 14,000 dairies went out of business. This meant the slaughter of 1.3 million cows, calves, and heifers. This dealt a major blow to the beef cattle industry as it caused large drops in both the cash and futures prices of beef cattle and also in pork. This came

at a particularly difficult time for the cattle industry as the industry had suffered through more than 10 years of below average prices. The Dairy Termination Program further weakened an already unstable market.

There is no doubt that the dairy industry needed to reduce production in a way that would not adversely affect its producers. I was in favor of altering the dairy program in a way which would slowly reduce support prices which would reduce the incentive to produce over a sufficient period of time to allow the industry to adjust. This was done but the Dairy Buyout Program was also implemented.

Some would say that the termination program worked. Commodity Credit Commission net removals under the price support program dropped by more than half—from 12.3 billion pounds milk equivalent in fiscal year 1985 to 5.4 billion pounds milk equivalent in fiscal year 1986. Similarly, CCC outlays dropped from $2.3 billion to $1.2 billion during this time. However, it appears that post-buyout milk production has rebounded faster than originally estimated. Although early 1987 production was 3 percent below 1986, by the last quarter of 1987 it was 3 percent higher. Milk production has continued to increase and with new technology such as bovine somatatrophin coming on line, milk production has the potential to increase substantially.

When this happens will the dairy industry turn again to the Federal Government to buy dairy farmers out of business? The original program only required dairy farmers who sold out under the DTP Program to stay out of dairy production for 5 years. Does the dairy industry expect the Federal Government to buy them out again? If so, perhaps I should go into the dairy industry so the Government can buy me out of business.

At best dairy termination programs such as the one legislated in the FSA of 1985 are only temporary fixes to the problem. Unfortunately, it is one that plays havoc with other agricultural interests mainly beef, pork, and hay producers. I will not support any additional dairy termination programs. If the dairy industry needs assistance to control production it will need to be done in a way which will not damage other agricultural producers.

Mr. President, I thank you for this time and urge my colleagues to support not only this resolution but any efforts to impose another dairy termination program on rural America.●

TRIBUTE TO ROSA PARKS

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to a great American, Rosa Parks, an individual whose valiant stand played a major role in the civil rights movement. On May 4, she will be honored with the American Heroine Award by the South Jersey chapter of the National Conference of Christians and Jews and the Jewish Community Relations Council.

December 1, 1955, will remain an important date in the battle for civil rights in America. On that day in Montgomery, AL, a soft-spoken seamstress refused to give up her seat on a bus to a white passenger and was arrested. On December 5, she appeared in court and was fined $14 dollars for breaking the Montgomery segregation law. That brave woman was Rosa Louise Parks.

Rosa Park's action and arrest triggered a reaction that helped dismantle a system of discrimination that had lasted for generations. On December 5, 1955, blacks began a boycott of the Montgomery bus system that lasted over a year.

On December 20, 1956, Federal marshals served an injunction prohibiting segregation on Montgomery buses. Blacks would no longer, and could no longer be required to sit at the back of the bus. The next day, for the first time in history, blacks and whites rode together on an unsegregated basis in Montgomery.

Despite her role in this historic event, Ms. Parks has remained a private person, but one with strong convictions. Throughout her life she has continued to stay active in civil rights forums and seminars, and in urging young and old to register to vote. She has participated in political rallies for causes she believes in. For 20 years, she served as a member of the staff of U.S. Representative JOHN CONYERS in Detroit.

She has been the recipient of many awards that have included the Springarn Medal for Civil Rights, and the Eleanor Roosevelt Woman of Courage Award. The Southern Christian Leadership Conference sponsors an annual Rosa Parks Freedom Award, and she is known as the mother of the modern civil rights movement.

As Ms. Parks is honored by the South Jersey chapter of NCCJ and the Jewish Community Relations Council, I extend to her my heartiest congratulations and very best wishes. Mr. President, Rosa Parks is an inspiration to all people in the fight for civil and human rights. She is an American heroine.●

FORMER CONGRESSMAN DAVID W. DENNIS ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, although the term limitation movement may not seem powerful inside the Beltway, it grows daily among the public from the States we represent, in size and fervor. In over 20 States, petitions to Congress to adopt a term-limitation amendment have been introduced. In nine States, those petitions have or will be debated in committee or on the floor, and in two State legislatures, term-limitation petitions have passed.

Alongside the growing movement in the State legislatures, is an equally growing movement from all segments of the public. I have received countless letters and calls from businessmen, senior citizens, entrepreneurs, and college professors. People from every range of location profession and ideology praise term limitation, and ask how they can get involved. Mr. President, eventually Beltway-insider views will no longer matter—the overwhelming public demand will drown out the snide pundits who have become detached from the public.

I have also received numerous letters from former Members of Congress who from the perspective of experience can see the need for this urgent reform. These former Members have moved on from Congress, and live under the laws they helped enact. Most agree that term limitation is the most far-reaching, fundamental reform we can undertake.

I ask that one such letter from Mr. David W. Dennis, be printed in the RECORD immediately following my remarks. David Dennis represented the 10th District of Indiana from 1969 to 1975. Former Members of Congress provide current Members with a unique perspective. I urge all Senators to listen to those who have made laws, and who now live under them.

The letter follows:

LAW OFFICES OF DENNIS & VERTESCH,
Richmond, IN, April 24, 1990.

Hon. GORDON J. HUMPHREY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: As a former member of Congress (10th District, Indiana, 1969–1975), I do support Senate Joint Resolution 235.

I have come to this conclusion somewhat reluctantly, but I believe it to be necessary in order to secure the continuance of true citizen representation, as contemplated by the founding fathers.

I am

Sincerely yours,

DAVID W. DENNIS.●

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, this proposal has been agreed to, I think, all around. Certainly the two leaders and Senator HATFIELD and I and the staffs have made every endeavor to contact other Senators. So therefore these are the remaining amendments that we know about.

I ask unanimous consent that, other than the committee amendment, section 320, and amendments thereto, the only amendments remaining in order are as follows: BUMPERS, on food safety, one amendment; one amendment for Senator PELL, Foreign Relations reporting language; one amendment by Mr. DECONCINI on GSA buildings; and an amendment by Mr. MOYNIHAN on GSA buildings; an amendment by Mr. BIDEN on Andean nations with a possible Kasten second-degree amendment which would have to be relevant thereto; an amendment by Mr. WIRTH on U.N. environmental program with a possible Kasten amendment which would be required to be relevant thereto; one Central America amendment by Mr. DODD if there are any further cuts in Central American funding; one amendment by Mr. MACK on Cuba; one amendment by Mr. METZENBAUM in the second-degree if relevant to the Mack Cuba amendment; one amendment by Mr. KASTEN on Namibia; an amendment by Mr. HATCH on drug helicopters to Colombia; one amendment by Mr. D'AMATO on Lithuania with relevant second-degree amendments in order thereto; one amendment by Mr. ARMSTRONG on Lithuania with relevant second-degree amendments thereto in order; and one amendment by Mr. HATFIELD; one amendment by Mr. BYRD; and no motions to recommit without instructions in order.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object, I want to thank the distinguished chairman, the President pro tempore, Senator BYRD, Senator HATFIELD, the majority leader, and all my colleagues. We have made a good-faith effort; in fact, we have been working on this side all day long to shrink the number of amendments but, second, to make certain everybody who had a genuine amendment would have the opportunity to offer it. I am hoping even though we have six listed on this side that only one may be offered. There may be more than that, but I think there are some that will not be offered.

So, we have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the two leaders for the work they have done to help bring the bill to this point and for the excellent work that they have done today, and their staffs. Both leaders have had their staffs working with committee staffs, and this listing of amendments is the result of that work by our staffs. I think it has taken a long time to get to this point. I hope that the Senate can complete action on this tomorrow.

As the Republican leader has said, in his opinion, and I share it, several of these amendments probably will not be called up, so let us hope that will happen.

There will be a vote on cloture tomorrow evening. I believe it is 7.

We will begin tomorrow morning at 9:30 on the bill. Let us hope we can complete action tomorrow.

Mr. President, anent the agreement that has just been entered, I would add this proviso, that all of the amendments enumerated are first-degree amendments except as specified to be second-degree amendments.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement?

Is there objection? Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That when the Senate resumes consideration of H.R. 4404, the dire emergency supplemental appropriations bill, other than the pending committee amendment, and amendments thereto, the only amendments in order be the following amendments, with all amendments to be in the first degree unless otherwise specified:

Bumpers, food safety;
Pell, foreign relations reporting language;
DeConcini, GSA buildings;
Moynihan, GSA buildings;
Biden, Andean nations;
Kasten, relevant 2d degree to Biden;
Wirth, U.N. environment;
Kasten, relevant 2d degree to Wirth;
Dodd, Central America, if further cuts in Central American funding;
Mack, Cuba;
Metzenbaum, relevant 2d degree to Mack;
Kasten, Namibia;
Hatch, drug helicopters to Colombia;
D'Amato, Lithuania, relevant 2d degree amendments;
Armstrong, Lithuania, relevant 2d degree amendments;
Hatfield; and
Byrd.

Ordered further, That no motions to recommit with or without instructions be in order. (April 30, 1990)

ORDERS FOR TOMORROW

RECESS UNTIL 9 A.M.; MORNING BUSINESS; RECESS FROM 12:30 TO 2:15

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. Tuesday, May 1, and following the time for the two leaders there be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

I further ask unanimous consent that on tomorrow, the Senate stand in recess from 12:30 to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business, I move in accordance with the previous order that the Senate stand in recess until the hour of 9 a.m. tomorrow morning.

The motion was agreed to, and the Senate, at 10:38 p.m., recessed until Tuesday, May 1, 1990, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 30, 1990:

DEPARTMENT OF JUSTICE

JAMES L. WEBB, OF OKLAHOMA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS VICE LAURENCE C. BEARD, RETIRED.

FEDERAL LABOR RELATIONS AUTHORITY

PAMELA TALKIN, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS EXPIRING JULY 1, 1995. (REAPPOINTMENT.)

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be rear admiral

CAPT. ROBERT C.J. KRASNER, MC, U.S. NAVY, XXX-X... XX...

EXTENSIONS OF REMRKS

CONGRATULATING SENATOR ROBERT C. BYRD ON THE OCCASION OF CASTING HIS 12,134TH VOTE IN THE U.S. SENATE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. RAHALL. Mr. Speaker, it is with intense personal and professional pride that I rise to offer my congratulations to the Honorable ROBERT C. BYRD, the senior U.S. Senator from West Virginia, on the occasion of having cast his 12,134th vote in that body, on behalf of the people he serves with love and compassion in his own beloved State as well as for an entire Nation.

For 32 years, ROBERT C. BYRD was first and foremost father, grandfather, husband, and friend to his family, helping to mold his children and his grandchildren in such a way as to raise them to become active, caring, and productive citizens.

During those 32 years of being there for his family, ROBERT C. BYRD has been there for the family of humankind, working as the chosen leader of the Democrat Party, the esteemed majority leader of the Senate. In that capacity alone, he took the time to become the most knowledgeable Parliamentarian of this century, as has no equal among his peers today. That honor, and it is an honor, didn't just happen, but came about as a result of a restless intellect, steeped in the importance of the traditions of the U.S. Senate, and yearning to know and understand it all. Not being the kind of man to rest on his laurels, ROBERT C. BYRD has always taken the next step, and has left that legacy for the next generation to learn from—and he has done it in his own lifetime. I can only imagine what his next project might be, for I know his mind is never still, his hand never idle, and he deeply believes that there is no limit to his ability to use knowledge for its own sake and the well being of others.

ROBERT C. BYRD is living proof that coming from humble beginnings is not necessarily a strike against one's ability to overcome adversity and to become a nationally known figure. From a very young age, I believe ROBERT C. BYRD knew that while it is one thing to be recognized for achievement above and beyond what society may require of us, it is quite another to be recognized for the achievement you require of yourself. We have all heard of the men down through history who marched to a different drummer. He is such a man.

ROBERT C. BYRD came to the Senate without a law degree, but he didn't let that stop him. He labored long and hard for 10 years, in his spare time—and there hasn't been a lot of spare time for this man who has promises to keep—but he obtained his law degree just as he has achieved all those things that were important for him to achieve in order to become the best U.S. Senator possible.

ROBERT C. BYRD, having a depth of love for the traditions of the great body in which he is privileged to serve, has read into the Journal of the proceedings of the U.S. Senate, every day for many years, a lesson on the history of that proud institution as it went about the business of the people.

He has recently published an account of those history lessons, in a beautifully written and illustrated book that will become a scholar's delight in years to come when future historians are seeking to know what ROBERT C. BYRD knows and has kindly, deftly and learnedly imprinted for posterity between the pages of his labor of love.

As other great men before him have found, ROBERT C. BYRD has lived his professional and his personal life in the knowledge that the future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects. He has lived his life, in the Senate, in his State, and in his home, surrounded by the family he deeply cares for, as a man who knows how to blend passion, reason, and courage in a personal commitment to the ideals and enterprises of an America he reveres.

I am told that his first vote upon being sworn in as U.S. Senator was to vote for adjournment. In his 32d year, the year in which he proudly broke the record for having cast the most votes in that body—12,134 of them—he voted for legislation calling for the care and education of children. It is a most fitting way for ROBERT C. BYRD to have been enabled to cast that record-breaking vote—for he has always been most concerned about the kind of America we want to pass on to our children.

For 32 years, and for many more to come, ROBERT C. BYRD has stood and will stand tall and proud, as one among us who has spent his life in the admirable pursuit of a way in which to bequeath to our descendants a better and safer world—better and safer than the one we live in today—one in which people are free from the terrors of want, of poverty, of ignorance, of greed, of war and oppression, free and able, as he has been, to realize their own talents and to fulfill their own destinies.

Archimedes said: "Give me a place to stand, and I will move the world."

ROBERT C. BYRD has shown that one man can move the world, and so can we all. The statement that his 32 years of public service makes is this: Few will have the greatness to bend history itself, but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of his generation, and perhaps of generations to come.

Congratulations Senator BYRD, and while I am about it, let me say to you that I will savor, still use in my own public service effort on behalf of West Virginia, all that I learned from you, who gave me my first serious, meaningful job as an aide in your Senate Office. I will never forget, and you can be sure that I am still learning from you, your words, your deeds.

I look forward to doing so for at least another 32 years!

ADDRESS OF BENJAMIN MEED, CHAIRMAN OF THE ANNUAL DAYS OF REMEMBRANCE COMMEMORATION OF THE HOLOCAUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. LANTOS. Mr. Speaker, last week in the great rotunda of the U.S. Capitol, many of us here attended the annual National Civic Commemoration of the Days of Remembrance. Organized by the U.S. Holocaust Memorial Council, this sober ceremony paid tribute to the memory of the 6 million victims of the Nazi Holocaust. The chairman and organizer of this most outstanding event was my dear friend Benjamin Meed, a survivor of the Warsaw Ghetto and member of the Holocaust Council.

Mr. Speaker, Benjamin Meed's address opening at the Civil Commemoration is a profound and moving statement. I ask that it be placed in the CONGRESSIONAL RECORD, and I urge my colleagues to give it serious thought.

The text of the speech follows:

REMARKS BY BENJAMIN MEED

Mister Ambassadors, Mr. Secretaries, Members of Congress, members of the United States Holocaust Memorial Council, distinguished members of our Armed Forces, honored guests, my fellow survivors, and dear friends.

It is a great honor for me, a survivor of the Warsaw Ghetto, to welcome you here today. From the Warsaw Ghetto to this magnificent Rotunda is a long way.

Only a decade ago, a unanimous Congress created the United States Holocaust Memorial Council and charged it to perpetuate the memory of the victims of the Holocaust. These days of remembrance have since become a time of reflection and contemplation for all Americans.

We gather today in the Nation's Capitol to "Remember the Voices That Were Silenced." We are here to mourn, to remember, and to affirm our resolve that mass tyranny, bigotry, and systematic killing of men, women, and children will never take place again, anywhere. We recall the millions of people who were murdered, among them more than a million Jewish children. But we also recall the frightening silence of indifference. It came from around the world—from ordinary people and national leaders

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

alike. Those who could have raised their voices in protest chose not to speak.

And indeed, only 4 months into this new decade, historic political changes in Eastern Europe have begun to unfold before our very eyes, and have certainly given us much to think about.

Poland, Romania, Czechoslovakia, and Hungary have recently instituted new governments. Now, we are confronted with the imminent unification of Germany. Have history's lessons taught us how to proceed? What forces must the world set into motion—yes, what safeguards—need to be implemented? or will the world, once again, remain silent?—I hope not.

There is much to celebrate in the newly emerging free nations of Eastern Europe. And yet, as the companion of freedom we find a resurgence of anti-semitism. In the Soviet Union, there is a newfound fear—of a resurgent nationalism rooted in tradition that is deeply anti-semitic. From Germany we have heard a long overdue apology but also talk of forgetfulness, of amnesia, of revisionism, and diminishing the significance of the crime. Some say forgive, most ask that we forget. We cannot.

The challenge is here, today, for us to write history's new chapters, and to not let others rewrite it in camouflaged texts—history which has been engraved with the blood of innocent people and the lives of American and Allied soldiers, our liberators. Surely, the uniqueness of the Holocaust with the lost 6 million Jewish lives, and many millions more, make this obligation very clear. This uniqueness is the universal lesson. A lesson we shall never forget.

On this most solemn of days, let us strengthen our resolve to preserve the authenticity of history and to assure a place in history for our children. Let our voices be heard—and no longer silenced—as we confront new and volatile forces, and lay the groundwork for the 21st century.

REMEMBERING A FORMER COLLEAGUE J. KENNETH ROBINSON

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. MAZZOLI. Mr. Speaker, I rise today to honor former Virginia Congressman, J. Kenneth Robinson, who passed away on April 8.

I entered the House with Ken in 1971, and I always considered him a friend as well as a colleague. I had the fortune to serve with Ken on the House Permanent Select Committee on Intelligence for several years.

After a distinguished career in the Army during World War I, Ken served in the Virginia State Senate until he was elected to Congress in 1970. Ken also served with distinction on the House Appropriations Committee, becoming the fifth ranking Republican before his retirement in 1985.

He was raised in Frederick County, VA, and his district included the northern suburbs of Richmond, to the Shenandoah Mountains and Winchester.

Ken also distinguished himself in the field of agriculture. He graduated from Virginia Polytechnic Institute with a degree in horticulture. He helped run his family orchard business and also was past president of the Virginia Horticulture Society and the Frederick County Fruit Growers. While on the Appropriations Committee, Ken worked hard on agricultural issues to best serve his districts needs.

I extend my sympathies to his wife, Kathryn and his children and family. He will be deeply missed by all of us here in the House.

HAPPY BIRTHDAY GOV. EDMUND G. "PAT" BROWN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to stand before my colleagues today and call their attention to an outstanding leader in California, Gov. Edmund G. "Pat" Brown, as he celebrates his 85th birthday.

As a prominent leader in the State of California, Governor Brown has made numerous contributions to our State, and the citizens of California continue to benefit from his legacy.

Governor Brown was instrumental in providing California with superior statewide transportation systems and statewide water programs. Additionally, he brought innovative ideas and thoughtful debate to California's education community, successfully enabling the university and State college programs to rank the best in the country.

Much of the growth of California can be attributed to Governor Brown's personal efforts to focus attention on the growing concerns of the people and issues affecting the State itself. His dedication and commitment to service clearly indicate his compassion for people and his concern for the progress of the State of California.

On April 24, 1990, Governor Brown will celebrate his 85th birthday with a gala dinner in Sacramento. This day is a celebration not only for the Governor, but for all Californians who have benefitted from his many years of service. I congratulate Governor Brown on his birthday and join with his family and friends in wishing him many wonderful years ahead.

Mr. Speaker, I ask that my colleagues join me in wishing Gov. Edmond "Pat" Brown a wonderful birthday. May he have an enjoyable day and continued happiness and good health.

SALUTE TO CARMEN J. GAITA, SR., RETIRED POLICE CHIEF OF TOTOWA BOROUGH, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to salute a truly outstanding public servant, citizen and human being who has dedicated his life to protecting his community.

I am speaking of Chief Carmen J. Gaita Sr., who retired this year after more than four decades with the Totowa Borough Police Department, and 19 distinguished years as its chief. For his innumerable contributions to his community, his State and our Nation, Chief Gaita will be honored with a dinner on Thursday, May 3, at the Russian Hall.

Mr. Speaker, I know this event will be well-attended, and that the evening's proceedings will be a great source of pride, not only to Chief Gaita, himself, but to this devoted family; his wife of 42 years, Lucille; his son, Carmen, Jr., the former mayor of Little Falls, NJ; his daughter, Lucille, and his two grandchildren, Lauren and Steven Gaita.

For the RECORD, Mr. Speaker, I would like to insert Chief Gaita's official biography, one that is filled with details of continued achievement and outstanding community service:

CHIEF CARMEN J. GAITA, SR.

Chief Carmen J. Gaita, Sr., son of the late Antonio and Maria Gaita was born in the borough of Totowa on July 14, 1924. He lived his entire life in Totowa, being educated at Memorial Grammar School and graduated from Passaic Valley High School. While at Passaic Valley High School, he received various awards and held the position of chief of the safety patrol.

He enlisted in the United States Navy during World War II, having served four years. Upon discharge as aviation storekeeper, he furthered his education by attending Bergen Junior College, Teaneck, New Jersey. On January 1, 1949 he was appointed to the borough of Totowa Police Department. He progressed through the ranks and was promoted to sergeant on March 16, 1953. Was elevated to lieutenant August 16, 1957, he earned his captain's bars March 16, 1963, and was promoted to deputy chief on April 15, 1970. He was appointed chief of police on January 1, 1971.

Chief Gaita pursued his police profession with basic and advanced courses in police and civil defense work, conducted jointly by the State police and F.B.I. Since a member of the Totowa Police Department, he has been the recipient of seven citations, awarded for outstanding and heroic duty. Carmen has been a member of the North Jersey Patrolmen's Benevolent Association Local No. 80 for the past 42 years, served as president and having been awarded a silver life membership in the said organization during 1969 by its officers and members. He was the president of the North Jersey Police Burial and Benevolent Fund, Inc., having held that position for the past 35 years.

Along wth his great service to the borough of Totowa and his outstanding career with the police department, Chief Gaita served as president of the New Jersey State Association of Chiefs of Police during the year 1977 and 1978. As a member of the Passaic County Chiefs Association he served as president during 1976. He was also a member of the International Police Chiefs Association and served on the executive committee from 1977 to 1987.

In addition, he is a life member of the borough of Totowa Fire Department, joining the Volunteer Fire Company No. 1 in 1946 and served as president and treasurer for many years. He is also a life member of the Totowa First Aid Squad, Inc., being one of the five original organizers and presently serving as a trustee. He organized the Totowa Police Athletic League in 1952, upon realizing the great need for recreation for the youths of the borough of Totowa.

In 1962 he was elected by the citizens of the borough of Totowa to serve on the board of education. He was again re-elected to his second term in 1965, serving for a total of six years, during which time he also served as president.

Chief Gaita is a member of Christ Episcopal Church and a past church warden. He is a member of Totowa Borough Memorial Post No. 227 American Legion, a member of Little Falls Lodge 263 F and AM, and a life member of the Italian American Club and served as president for many years.

Mr. Speaker, I appreciate the opportunity to

present a brief profile of a truly outstanding public servant, civic leader and human being who has truly made his community, his State and our Nation a better place to live, Carmen J. Gaita, Sr., retired police chief of Totowa Borough, NJ.

THE EXPORT FACILITATION ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. GEJDENSON. Mr. Speaker, I have introduced legislation that would amend the Export Administration Act of 1979. H.R. 4653, the Export Facilitation Act, received the unanimous approval of the Subcommittee on International Economic Policy and Trade of the Committee on Foreign Affairs.

As originally conceived just after World War II, and as implemented since that time, the intent of the Export Administration Act was to deprive the East Bloc of Western technology that would contribute to its military development, to the detriment of our national security. The events in Eastern Europe compel us to question the basic premises on which these export controls are based.

It is now in the interest of the United States to provide advanced technology to the countries of Eastern Europe. It is in our interest to have them develop economically, to promote democracy and open communication with the West, and to help them to remain free of Soviet control. With the proper safeguards, we should be willing to sell them such technology, not in spite of our national security interest, but because of it.

However, at a time when bold action is called for, the executive branch has been the scene of bureaucratic tugs of war between cabinet level departments. At a time when the very existence of the multilateral body, Cocom is jeopardized, the U.S. is still dotting "i's" and crossing "t's" rather than writing new pages. At a time when an already impatient Germany is reunifying, merging Europe's greatest industrial power with the nation that had the closest ties to the Soviets, we must reconsider the structure of our export control system.

Hopefully the administration will be coming forth shortly with its proposal for Eastern Europe. Hopefully this proposal will recognize a change in thinking that reflects concerns raised on Congress on both sides of the aisle. These concerns are based on the increasing isolation of the United States, even from its closest allies at Cocom.

And it is no wonder. In February, the U.S. offered a much heralded proposal for the decontrol of machine tools. The administration's proposal was so far behind the times that it would have decontrolled nothing that is made today.

Unless the administration changes its tune, the United States could well be the catalyst for the disintegration of Cocom—at which point the U.S. could play by itself with all of its high tech toys.

In addition to responding to the changes in Eastern Europe, this bill is motivated by certain basic principles: To limit bureaucratic wrangling and inefficiency; to maintain the effectiveness of Cocom; to promote government accountability and due process; and to foster U.S. competitiveness.

In order to achieve these objectives, the legislation would take a number of important steps:

First, it would ease restrictions on exports to Eastern Europe and the Soviet Union; the bill provides that the U.S. will propose to Cocom to decontrol all items which can now go to the PRC on an expedited basis. For items above this level of technology, for countries of Eastern Europe with adequate safeguards against diversion, there shall be favorable consideration for civil end uses.

Second, the bill would create a license free zone in Cocom. This would mean that as of September 30, 1991, there would be no permission required to export to, or reexport from Cocom countries. If the executive branch determined that a country was not properly enforcing export controls, it could require licenses for that country.

A very high percentage of U.S. exports go to our Cocom allies and are subject to the burden of export controls without significant benefit. In 1989, the Commerce Department granted 27,500 licenses to Cocom—38 percent of the total—and only 10 were denied. Also, with the coming of a borderless European Community in 1992, it may be rather difficult to enforce export controls within the European Community.

Third, this legislation would sunset the list of controlled items. By October 1, 1992, all items would be removed from the commodity control list unless they are reinstated with justification for each item. The control list is cumbersome and out of date. Items are on the control list without justification and just stay there. We need to change the inertia of the system.

Fourth, the bill would define critical terms so as to properly distinguish between munitions—controlled by the State Department—and dual use items—controlled by Commerce. If something is on the list of munitions controlled multilaterally by Cocom, then it would be on the U.S. munitions list. If an item were not on the international list, then it would be subject to control by Commerce.

The State Department could still decide to impose foreign policy controls on items that fall off the U.S. munitions list. This section would also establish a process to resolve jurisdiction disputes between Commerce and State in a timely manner.

There are a number of other important provisions in the bill: Providing for the routine decontrol of items as technology advances; providing for notice of Cocom actions to U.S. exporters; giving the Commerce Department a representative at Cocom; clarifying the role of the Defense Department in the review of license applications; increasing the penalties for willful violations of the Act; and eliminating the prohibition on judicial review.

This bill is not only the product of bipartisan cooperation, it is the product of bipartisan participation. Members from both parties have contributed extensively to its provisions. I urge its rapid consideration and passage.

ARIZONA CATTLEMEN'S ASSOCIATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. KOLBE. Mr. Speaker, on January 9, 1990, the Today Show on NBC–TV aired a piece which presented the cattle grazing industry in an unfair manner. It was totally one sided in its presentation of the issues. As you might imagine, cattle growers throughout the West reacted angrily. But their response has also been positive; in the best traditions of American democracy, they have petitioned their elected officials.

Last week, a delegation presented a rather impressive stack of signatures to me. It included the names of over 4,000 people from the State of Arizona representing 120 different occupations. In addition, 2,000 names from 28 other States and 2 foreign countries. This impressive demonstration clearly shows that there is a lot of concern over the way so much of America's media distorts the issues surrounding cattle grazing on public lands; but the concern goes beyond a simple television program.

The signers of these petitions realize that cattle grazing on the public lands of the Western States is a significant part of a healthy economy in those States, and an important part of the American food chain. They believe that our lands should continue to be used for a variety of purposes, including recreation, farming, wildlife preservation, and livestock grazing. They also know that often those leasing the vast tracts of public land for cattle grazing have provided the only stewardship of that land. Yes, there have been abuses; yes, there has been overgrazing. But such incidents are isolated in comparison to the good work cattle growers do to preserve, protect, and improve public lands.

Mr. Speaker, we need a debate about how our Nation's public lands should be used. But the public's knowledge in that debate is not enhanced by distorted images presented by the national news media.

Mr. Speaker, I am including with my remarks, a copy of the resolution which accompanied the petitions. The original signatures have been placed in the hands of the Secretary of the Senate.

RESOLUTION REGARDING GRAZING ON PUBLIC LANDS

Whereas, cattle grazing on the Public Lands of the western states is a significant part of a healthy economy in those states; and

Whereas, beef calves raised on public lands of the West are a significant part of the American food chain as well as America's agricultural economy; and

Whereas, contrary to the opinion of environmental activists, the western livestock industry is not an isolated, freestanding, expendable segment in America; and

Whereas, false information on cattle grazing in the West is being presented as truth to the American public and was so presented on January 9, 1990, on NBC's Today Show: Now, therefore, be it

Resolved, That state and federal legislators be informed that removal of cattle from public lands would be disruptive to the economy of the western states as well as the American food chain and would adversely

affect the Consumer Price Index; and be it further

Resolved, That these legislators be informed of the determination of the undersigned that management of public lands should continue for multiple use, including cattle grazing, as a practice vital to the preservation of resources, the continued productivity of those rangeland resources and the well being of wildlife.

REMARKS BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF, GEN. COLIN L. POWELL, UPON HIS ACCEPTANCE OF THE EISENHOWER LIBERATION MEDAL OF THE U.S. HOLOCAUST MEMORIAL COUNCIL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. LANTOS. Mr. Speaker, last week in the Great Rotunda of the U.S. Capitol, Gen. Colin L. Powell, Chairman of the Joint Chiefs of Staff, was awarded the Eisenhower Liberation Medal by the U.S. Holocaust Memorial Council. This award was a key part of the annual "National Civic Commemoration of the Day of Remembrance," which paid tribute to the memory of the 6 million victims of the Nazi Holocaust.

The Eisenhower Liberation Medal is given in honor of the American soldiers and officers who helped liberate the European concentration camps in 1945. The award is given to individuals whose actions—like those of Gen. Dwight David Eisenhower, Supreme Commander of Allied Forces in Europe during World War II—symbolize America's historic commitment to the defense of freedom.

General Powell is a most fitting and appropriate recipient of this distinguished medal. He has served as Chairman of the Joint Chiefs of Staff since October 1, 1989. Prior to that appointment, he was assistant to the President for national security affairs from December 1987 until January 1989. Colin Powell has a distinguished military career, beginning with his commissioning as a second lieutenant in the Regular Army in 1958, and including service on two occasions in Vietnam, and command of a number of key military units.

Mr. Speaker, the liberation of the concentration camps in 1945—the event which the Eisenhower Liberation Medal commemorates—was a moving and dramatic event for both victims and victors. When survivor and liberator met hope and freedom embraced. Then as now, the response of the survivor was gratitude. For the soldier, the responsibility was and is to bear witness.

Mr. Speaker, Colin Powell's remarks on receiving the Eisenhower Liberation Medal is an important and sober statement I ask that it be placed in the CONGRESSIONAL RECORD, and I urge my colleagues to give it serious attention.

REMARKS BY GEN. COLIN L. POWELL

With much emotion, Mr. Meyerhoff, I accept this medal on behalf of all the brave soldiers who liberated Europe.

As a soldier who's seen some combat, I have vivid images of that first group of soldiers to discover each of the concentration camps. Particularly that group of battle-hardened veterans of the 4th Armored Division who in the early days of April 1945 came upon the camp at Ohrdruf.

Months earlier, they had burst from the Normandy beachhead like a roaring forest fire, raced 700 miles across France, and taken more prisoners and engaged and destroyed more enemy units in a shorter period of time than any other unit in modern history. They were tough. They were fearless. They felt they were invincible.

Then they stumbled onto the camp at Ohrdruf. Listen to the words of one infantryman: "I guess the most vivid recollection of the whole camp is the pyre. * * * It was a big pit where they had stacked bodies, stacked bodies and wood and burned them. I guess I'll never forget the ashes. * * *"

The 4th Armored shuddered to a halt. Nothing had prepared them for this.

Generals Eisenhower, Patton, and Bradley had to see it for themselves, unable to believe the reports of their forward units. "The smell of death overwhelmed us even before we passed through the stockade," General Bradley recalled. He said that Eisenhower turned pale and silent, but insisted that he would see the entire camp.

Thirty-two hundred bodies had been thrown into shallow graves. Other emaciated corpses simply lay where they had died. General Patton moved off and went behind a barracks and threw up. Out of character for Eisenhower, he become violently angry and turned and snapped at a soldier standing nearby. Every word the General spoke was filled with his immense revulsion. One man described his words that day as "falling like icicles."

General Eisenhower finally left the camp and went to Third Army headquarters and cabled Washington. His message read: "We are constantly finding * * * camps * * * where unspeakable conditions exist. From my own personal observation, I can state unequivocally that all written statements up to now do not paint the full horrors." Later he would say to Marshall, "For most of it, I have no words."

Those soldiers would never be the same again. The camps were a turning point in their lives. They had confronted an utter disregard for the nobler aspirations of which mankind is capable. That is why they insisted at once on remembrance. And that is why we must never forget.

These are not events disconnected from the present world. Look at Ohrdruf, for example. In 1989, that small town has been liberated a second time. Forty years of dedication and vigilance by the free peoples in the NATO alliance have liberated Ohrdruf again. Today, the people of Ohrdruf look forward to a reunited Germany in which they too can enjoy the healing sun of democracy and economic prosperity.

So long as America and her allies stand guard around the world, so long as our great strength never falters, so long as we tell ourselves, "We will never forget," other oppressed peoples will eventually feel that sun too. Such a world must be our fondest hope. That is why we must always be strong. That is why days like this are important. That is why we must always remember.

Thank you. Shalom.

THE RETIRED SENIOR VOLUNTEER PROGRAM OF SACRAMENTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the Retired Senior Volunteer Program of Sacramento and their outstanding volunteers. Through the Federal ACTION Agency's Older American Volunteer programs, the RSVP has given 16 years of excellent service to the citizens of Sacramento.

Since 1974, the Retired Senior Volunteer Program has helped my community by assisting in our hospitals, schools, public agencies, and charitable organizations to assist our citizens with their everyday needs such as transportation, counseling, food distribution, making toys for homeless children, tax preparing, and even crime prevention. The program has helped many seniors, disadvantaged and disabled individuals achieve their highest level of functioning as they strive for independent community living. Through their knowledge, maturity and caring these older volunteers exemplify the spirit of volunteerism in California. It is through the dedicated work of these talented volunteers, that the Retired Senior Volunteer Program has been able to offer our citizens a place to turn. The active involvement of the volunteers we honor today is an example of the effective method of how the ACTION Agency helps people to help themselves.

Mr. Speaker, I highly commend all the volunteers and staff of the Sacramento Older American Volunteer programs for their many accomplishments and the vital assistance they have provided to the citizens of Sacramento. I salute their dedication and commitment to the welfare of our great State and extend all my best wishes for much success in all of their future endeavors.

HOSTAGE AFFAIR MUST BE BROUGHT TO AN END

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. COUGHLIN. Mr. Speaker, today's media reports are indicating that educator Frank Herbert Reed of Massachusetts has been freed by the Islamic fundamentalists who held him captive in Lebanon. I would like to express my personal appreciation to all of those who were involved in this action.

This release represents another step toward the improvement of relations between the United States and those who have sponsored the Hezbollah organization in the past. Such an improvement in relations can only serve to benefit all sides.

But, Mr. Speaker, while the release of Frank Reed certainly offers further reason to be optimistic about America's future relations with the sponsoring nations, it will not by itself resolve the current state of affairs. Additional Americans, including my constituent Joseph Cicippio and five others, continue to languish in cruel captivity at the hands of those whose countrymen, ironically, they had sought to serve.

Mr. Speaker, America is a great nation, with vast resources, and a near boundless reservoir of enthusiasm for good relations with all peoples. At the same time, however, our Nation is one that is, above all perhaps, resolved to seeing justice prevail. The injustice of even one innocent American held against

his will precludes the kind of improvement in relations that would benefit all parties to the hostage affair.

As President Bush has said on more than one occasion, "Good will begets good will." I hope those who can influence the kidnapers in Lebanon will continue to exercise their ability to improve this tragic situation. Only following the release of all of the Americans held hostage in Lebanon can we truly turn the page to a new chapter in the Middle East.

SELFLESS COURAGE OF BOB TUR AND BYRON ALPERSTEIN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. LEVINE of California. Mr. Speaker, today I rise to recognize and thank reporter Bob Tur of KNX newsradio, and photographer Byron Alperstein for their courageous actions during one of southern California's most devastating storms.

On January 17, 1988, Bob Tur and Byron Alperstein set out for Redondo Beach in a KNX helicopter to report on the storm's effects on the coastal community. From the air, they were able to see that the storm was capsizing small boats, the high surf was destroying the breakwater, and portions of the Portofino Inn were beginning to collapse. While hovering above the scene monitoring police radio dispatches, the two heard the fire department's request for assistance in evacuating the hotel. Realizing that there were no other helicopters around, Bob and Byron responded, putting thoughts of personal risk aside.

For more than an hour, Bob guided the helicopter through strong winds and torrential rain to rescue 50 hotel guests stranded on the roof of the collapsing hotel. Flying in near zero visibility, trying to avoid power lines and light standards, the two ferried the guests to a parking area 400 yards away.

Mr. Speaker, in averting what could have become a tragic loss of life, Bob Tur and Byron Alperstein demonstrated a selfless courage that deserves special recognition. I ask my colleagues in the House to join me in honoring these two men for their heroism.

CONGRESS SHOULD CORRECT MISTAKE MADE IN 1977

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. WELDON. Mr. Speaker, the American people have had enough. For nearly a decade, senior citizens have asked Congress to fix the Social Security "notch" and for an equal number of years, they have been turned down.

It is time that we, as a Congress correct the mistakes made in 1977. As we are all aware, people born between 1917 and 1921 have found that their Social Security benefits are lower than those people born in 1916. The disparity is not based on their earnings history. They receive lower benefits because they were born in the so-called "transition years." We know it better as the "notch."

In trying to prevent the Social Security system from running dry, Congress instituted sweeping changes in 1977 which reformed the formula by which benefits are calculated. Unfortunately, this change hurts people who are forced to draw their small income from this new formula. This hardly seems fair. In fact, I wonder how many of my colleagues would like to have their paychecks computed on the basis of the year they were elected to Congress.

Congress made these changes in 1977 because they feared that the Social Security system was running dry. Those fears should be well erased by now. During the next decade, annual Social Security surpluses are expected to average more than $121 billion per year. So let's drop the fiction that we need to pay lower benefits to ensure the solvency of Social Security.

I have cosponsored legislation, H.R. 2707, which would restore equity and fairness to individuals born in the "notch" years. The bill, however, would hardly break the Social Security System. Adoption of this legislation would still permit the trust funds to grow to more than $1.3 trillion by the end of this decade.

I have heard plenty of people complain that we should not fix the "notch" because it will increase the deficit. To that I say, "hogwash." The Social Security trust funds should not be used to hide the deficit. Those moneys have been collected to pay for retirement benefits, not to hide the deficit. Yes, fixing the "notch" will cost money, but it is money set aside exclusively to pay for such benefits.

Mr. Speaker, since I came to Congress in 1987, I have failed to see any concrete action on any legislation to address the "notch." I call upon my colleagues to reflect on this problem. To those who agree on the need for real reform, let us join together to find a solution. To those who continue to preach inaction, let them be wary of our growing strength and numbers.

JEAN HOWARD, ELKS MOTHER OF THE YEAR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. SOLOMON. Mr. Speaker, like other Members of the House, I often rise to praise someone in my district whose life represents citizenship at its best, whose actions inspire everyone. I do so today. And this one is really special to me.

Mrs. Jean Howard of Glens Falls, NY, has been named Mother of the Year by Glens Falls Lodge 81, Benevolent and Protective Order of Elks. When Exalted Ruler Louis Vandenburg made the announcement recently, I thought Committee Chairman Franklin V. LaDeau and the Elks could not have made a more appropriate choice. Let me tell you something about Jean Howard.

When I moved north to Glens Falls, NY, many years ago, Don and Jean Howard were two of the first people I met. They are two of the oldest friends I have, and I can think of few friendships I value as highly. When I say that I speak for everyone who knows them.

A good mother centers her life on her family, and Jean Howard has been no exception. She has raised two sons, Donald, Jr. and Robert; and four daughters, Carol, Donna [Usher], Patrica [Sullivan], and Marjorie [Peters].

That would be enough, but it only begins to describe Jean Howard. She has been like a mother to Glens Falls Elks, and a pillar to the community in general. Jean Howard is one of those people who makes you stand back in awe and say: "How does she do it?" She has been active for years with the Warren-Washington Counties Association for Retarded Citizens, serving as vice president for 2 years and president for 3. The association singled her out for her service in 1982. She has also frequently manned the phone banks for the Center for the Developmentally Disabled. She has been a helping mother at BOCES, assisting such outdoor activities as picnics, swimming, and other field trips.

Jean has served as chairlady and cochairlady of Ladies of the Elks for several terms. At the lodge's 100th anniversary celebration, she chaired the committee in charge of the Past Exalted Rulers Recognition Night. She was also active in the lodge's Scout troop and annual blood drives.

Mr. Speaker, that will give you a partial idea of the kind of person Jean Howard is. This Sunday, May 6, she will be honored at the lodge with a reception. It's going to be my pleasure to speak at that event, and present her with a flag that flew over this Capitol Building. And I will be as proud as I have ever been to join her family and many friends in paying tribute.

Mr. Speaker, I ask you and everyone present to join me today in saluting Jean Howard, Glens Falls Elks' Mother of the Year, and a very special lady.

TRIBUTE TO DR. RICHARD L. WENZEL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Ms. KAPTUR. Mr. Speaker, the distinguished philosopher Will Durant, once said, "The health of nations is more important than the wealth of nations." Certainly, many people would agree with this statement; but I can think of only one person who has dedicated his life to this philosophy by overseeing the health of the people living in my district for the past 20 years. Dr. Richard L. Wenzel, Toledo and Lucas County Health Commissioner is retiring this month, after a lifetime commitment to good health. Dr. Wenzel, a native Ohioan, has nobly served the people of Lucas County by guarding the welfare of the community. He is well respected by members of the community for his vast knowledge of medicine, dedication to public health, and commitment to being an excellent physician. I'm sure Toledo and Lucas County will miss his leadership, but they have benefitted and progressed from his guidance.

Dr. Wenzel was born in Marietta, OH which is still the home of his 93-year-old mother. He graduated from Marietta College, with honors in 1943 and earned a medical degree from Ohio State University in 1946. He continued his education as an intern at Jersey City Medical Center and and began his residency in obstetrics and gynecology at St. Ann's Hospital for Women. From 1948–53, Dr. Wenzel practiced medicine in the U.S. Army Medical Corps

in the Pacific as a preventive medicine officer. After his army discharge, he obtained the post at the Columbus health department as chief of communicable disease. He furthered his education at the University of Michigan by graduating with a master's degree in public health in 1957. In 1958–60, he worked for the Marietta and Washington County public health system. Through the 1960's he worked as a professor at the University of Michigan's school of public health. Dr. Wenzel was certified in public health by the American Board of Preventive Medicine in 1963. He has also served as a consultant to the Michigan Public Health Department and the U.S. Public Health Service's division of Indian health. In 1970, he was recruited for the Toledo position and has held that position for the past two decades. In 1977 he was named chairman of the governing council of the largest specialty section of the American Public Health Association and served on the governing council of APHA, the world's largest public health organization. He has also been a consultant for community health studies in Cleveland; Fort Wayne; Aurora, IL; Muncie, IN; Fairfax County, VA; and Branch County, MI. Obviously, Dr. Wenzel has had a well-rounded career in the study of health.

These are only some of the accomplishments of Dr. Richard Wenzel. His dedication to his career, devotion to the health of the Toledo's community, and commitment to gaining knowledge through education on all health issues has earned him respect throughout Toledo and Lucas County. His perseverance in serving the people of his community has made him a well known man throughout Ohio. It gives me great pleasure to share with my colleagues in the House of Representatives the life of a man Toledo knows and respects so well, Dr. Richard Wenzel.

IN TRIBUTE TO ERNA P. HARRIS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1990

Mr. DELLUMS. Mr. Speaker, I rise to pay tribute to and to honor Ms. Erna P. Harris, who has been, and continues to be a stalwart fighter for justice. She is a beloved and honored member of the deservedly well-known political community in my district, Berkeley. If Berkeley is known as a city which cares about social and economic justice, about political equality, about peace abroad, about the reduction of nuclear weapons and nuclear power, and how all these are interrelated, it is because of individuals such as Erna Harris.

Ms. Harris, who is just 81 years young, continues to have her sagacious smile, her energy for good work, and her wicked sense of humor about the very serious issues that she has tackled. She is a graduate of journalism from Wichita University, now Wichita State University, which she chose over scholarships to universities in Oklahoma because they were segregated. As an African-American, she "was not going to go to one more segregated school."

Some of the more serious, and unpopular causes that she wrote about and published during World War II, were criticisms of the draft, internment of Japanese-American citizens and confiscation of their lands, and the Red Cross' segregation of blood plasma according to whether they were from European-Americans or African-Americans. The Red Cross denied this but the paper got anonymous calls from Red Cross workers that the story was true and the policy was eventually changed.

Ms. Harris has been a member of the Women's International League for Peace and Freedom, and a member of their international board. As an activist against the Vietnam war, she was a peace delegate, committed to George McGovern, to the Miami 1982 National Democratic Party Convention and partook of the antiwar demonstrations within the convention.

Berkeley was the home for five decades of a strong, consumer founded cooperative supermarket, the Consumers Cooperative, and Ms. Harris has been not only a major supporter of the work of the co-op but also a member of its center council and board of governors. She continues to work on such issues because it gives her pleasure; the work makes her face shine, and the consequent smile and good humor is our luck to share.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 1, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 2

8:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to resume consideration of proposed legislation to strengthen and improve U.S. agricultural programs.

SR-332

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 2494, to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and S. 1441, to enhance the Federal Trade Commission's ability to prevent consumer fraud.

SR-253

Environment and Public Works

To hold hearings on S. 1140, to require Federal agencies to assess whether hazardous substance treatment, storage, or disposal facilities owned or operated by such agencies are in compliance with Federal and State environmental laws.

SD-406

Labor and Human Resources

To hold hearings to examine drug treatment in the criminal justice system.

SD-430

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.

S-146, Capitol

Banking, Housing, and Urban Affairs

Business meeting, to mark up S. 566, authorizing a new corporation to support State and local strategies for achieving more affordable housing and to increase homeownership, and S. 2388, to provide for the striking of medals in commemoration of the Centennial of Yosemite National Park.

SD-538

Foreign Relations

To hold hearings on the nominations of Charles H. Thomas, of Maryland, to be Ambassador to the Republic of Hungary, and Steven E. Steiner, of Maryland, for the rank of Ambassador during his tenure of service as U.S. Representative to the Special Verification Commission.

SD-419

2:00 p.m.

Armed Services

Conventional Forces and Alliance Defense Subcommittee

To resume closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Department of the Navy's force structure and modernization plans.

SR-222

Judiciary

To hold hearings on the nominations of Stanley F. Birch, Jr., of Georgia, to be United States Circuit Judge for the Eleventh Circuit, John D. Rainey, to be United States District Judge for the Southern District of Texas, and Samuel Grayson Wilson, to be United States District Judge for the Western District of Virginia.

SD-226

Select on Intelligence

To continue closed hearings on intelligence matters.

SH-219

Joint Economic

To hold hearings to examine changes in U.S. economic power and the impact of those changes on national security, focusing on education and training of workers.

B352 Rayburn Building

MAY 3

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue consideration of proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
SD-124

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA), focusing on aeronautics and space technology.
SR-253

Energy and Natural Resources
To hold oversight hearings on applications received by the Department of Energy for authority under section 3 of the Natural Gas Policy Act to import Canadian natural gas to serve markets in the Northeastern U.S. and applications received by the Federal Energy Regulatory Commission for authority under section 7 of the Natural Gas Policy Act to construct and operate natural gas pipeline facilities in the U.S. to deliver such gas to markets in the Northeast.
SD-366

Governmental Affairs
To hold hearings on AIDS education for school-aged youth.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

Banking, Housing, and Urban Affairs
To resume hearings on modernizing the financial services industry.
SD-538

Finance
To hold hearings to examine the decline of corporate income tax revenues and to compare the corporate tax burden in the U.S. with that in other industrialized nations.
SD-215

Foreign Relations
To hold hearings on implementation of verification of the INF Treaty (Treaty Doc. 100-11).
SD-419

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

Commission on Security and Cooperation in Europe
To hold hearings to examine the current situation in Lithuania, focusing on the parliament's plans and goals.
SH-216

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Corps of Engineers.
SD-192

Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on ICBM modernization.
SR-222

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on the agenda for the environmental summit in Houston, Texas.
SD-419

Commission on Security and Cooperation in Europe
To hold hearings on the status of Soviet involvement in Afghanistan.
SD-430

MAY 4

8:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue consideration of proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

9:30 a.m.
Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on S. 2171, authorizing funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on defense industrial adjustment, and S. 2097, to promote and encourage alternative nondefense facilities and to provide adjustment assistance to communities adversely affected by the termination or curtailment of defense contracts or the closure or realignment of military installations.
SH-216

Joint Economic
To hold hearings on the employment-unemployment situation for April.
2359 Rayburn Building

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
SD-138

Labor and Human Resources
To hold hearings to examine the effects of smoking on world health.
SD-430

MAY 7

9:30 a.m.
Governmental Affairs
To hold oversight hearings on implementation of the U.S.-Canada Free Trade Agreement (P.L. 100-449).
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

Select on Indian Affairs
To hold hearings on S. 2203, to settle certain claims of the Zuni Indian Tribe, S. 2075, to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality, and S. 1934, to revise the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian Housing assisted under such Act.
SR-485

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the National Science Foundation and the upcoming scientific manpower crisis.
SR-253

2:15 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1848, to implement and provide financial assistance for a research and demonstration program for natural gas and coal cofiring technologies.
SD-366

2:30 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the jurisdiction between the Commodity Futures Trading Commission and the Securities Exchange Commission.
SH-216

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and

manufacture telecommunications equipment.
SR-253

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for the highway trust fund and related Federal-aid highway programs and on highway policy issues.
SD-406

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study, on S. 1189, to establish the Office of Ocean and Coastal Zone Management and to require coastal States to implement coastal zone water quality improvement plans.
SR-253

MAY 10

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Federal Election Commission, and to review Senate policy on official mail.
SR-301

Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990's.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the B-2 low observability and counter-Stealth analyses.
S-407, Capitol

Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 2268, to revise the Airport and Airway Improvement Act of 1982 (title 5 of P.L. 97-248) to authorize funds for fiscal years 1991 and 1992 for airway improvement.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1767, to reimburse Montana and individuals for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison, S. 2343, to designate a segment of the Clarks Fork River in the State of Wyoming as a component of the National Wild and Scenic Rivers System, and H.R. 2809, to provide for the transfer of certain lands to the State of California.
SD-366

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA), focusing on space science and applications.
SR-385

MAY 11

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 2483, to improve educational assistance programs for veterans, S. 2484, to improve the housing loan program for veterans, and veterans employment programs, including section 401 of S. 2100.
SR-418

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 1810, to authorize the Attorney General to conduct a pilot program within the Department of Justice to determine compliance with the Fair Housing Act.
SD-226

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe personnel levels for fiscal year 1991, focusing on the state and capabilities of the U.S. Marine Corps for special operations and low intensity conflict.
SR-222

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review commercial space programs.
SR-253

Energy and Natural Resources
To hold hearings on S. 2415, to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978.
SD-366

Environment and Public Works
To hold hearings on proposed legislation to finance environmental protection facilities in small communities, including S. 1296, S. 1331, S. 2184, and S. 1514.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine environmental labeling of consumer products.
SR-253

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2170, to prescribe the conditions under which contractors receiving operating-differential subsidy of their affiliates may engage in coastwise or intercoastal trade.
SR-253

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.
SR-253

Veterans' Affairs
To hold hearings on titles I and III of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act, S. 1887, to allow for Kentucky Vietnam veterans to receive a one-time bonus from the Commonwealth, S. 2454, to increase the estate limits for certain incompetent institutionalized veterans, S. 2482, to clarify the eligibility of certain minors for burial in national cemeteries and to authorize use of flat grave markers in a section of Florida National Cemetery, S. 2102, to modify certain congressional reporting requirements imposed upon the Secretary of Veterans Affairs for certain administrative reorganizations within the Department of Veterans Affairs, and proposed legislation to expand radiation presumptions for veterans.
SR-418

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Strategic Defense Initiative.
SD-628

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review the Administration's technology policy and priorities.
SR-253

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, and the Office of Inspector General.
SD-138

2:30 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on the Department of Energy national security budget request for fiscal year 1991.
SR-253

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine ways to expand U.S. exports abroad.
SR-253

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

JUNE 7

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on veterans prosthetics and special-disabilities programs.
SR-418

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

JUNE 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's satellite programs.
SR-253

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2358, providing U.S. consumers the opportunity to enjoy the technological advancement in sound recording by use of digital audio tape recorders.
SR-253

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's ocean and coastal programs.
SR-253

Veterans' Affairs
To hold hearings on title II and section 402 of S. 2100, relating to veterans physician pay and health issues, S. 1860, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war, S. 2455, to provide for recovery by the U.S. of the cost of medical care and services furnished for a non-service-connected disability, S. 2456, to extend expiring laws authorizing the Department of Veterans Affairs to contract for needed care and to revise authority to furnish outpatient dental care, and other proposed legislation.
SR-418

JUNE 19

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1974, to require new televisions to have built in decoder circuitry designed to display closed-captioned television transmissions.
SR-253

JUNE 26

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

JUNE 28

9:30 a.m.
Veterans' Affairs
Business meeting, to consider pending legislation relating to veterans compensation and health-care benefits.
SR-418

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

SENATE—*Tuesday, May 1, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*And he shall turn the heart of the fathers to the children, and the heart of the children to their fathers * * *.*—Malachi 4:6.

Almighty God, Father of us all, thank Thee for this remarkable prospect with which the Old Testament closes. We pray for our children in a day when peer pressure is sometimes almost overwhelming, neutralizing other influences.

Help us as parents to make adequate time for our children. Help us to surround them with affection as well as discipline and counsel and direction. Help us to be models which are safe for them to emulate.

Breath of God, breathe Thy love and healing into our families. In His name who said,

** * * Suffer the little children to come unto me, and forbid them not: for of such is the kingdom of God.*—Mark 10:14.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE.
Washington, DC, May 1, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders, there will be a period for morning business, not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 9:30, the Senate will resume consideration of H.R. 4404, the emergency supplemental appropriations bill. Last night, the managers of the bill were successful in securing a unanimous-consent agreement which now limits the remaining amendments in order to the supplemental appropriations bill. A list of those amendments can be found at page 2 of the Senate Legislative Calendar.

In addition, only one committee amendment has yet to be addressed, and that amendment will be pending when we resume consideration of the bill this morning at 9:30.

Rollcall votes can be expected throughout today's session relative to the supplemental appropriations bill, and it is my hope and intention that the Senate will complete action on this bill by 7 p.m. this evening, at which time the Senate will vote on the motion to invoke cloture on the motion to proceed to S. 135, the Hatch Act reform.

The Senate will recess today from 12:30 p.m. until 2:15 p.m. in order to accommodate the party conference luncheons.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all the time of the Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to extend beyond 5 minutes each.

UNOCAL "CLUNKER" INITIATIVE

Mr. SYMMS. Mr. President, I take the floor today to commend the efforts of a certain noteworthy organization that has shown by its actions last Friday that it truly does care about the environment. That organization announced an innovative and highly effective program to address the air quality in the Nation's most polluted city, Los Angeles.

Included in this program is a very promising initiative offering the residents of Los Angeles $700 to hand over their pre-1971 automobiles and then scrapping those automobiles to recycle the metal. This offer comes out to be 40 percent over the average Blue Book value of the same automobiles. At such a price, I anticipate a good number of southern Californians will give up their old clunkers.

Back in 1970, new cars emitted about 20 times as much as a new car today. Consequently, most pre-1971 cars are today polluting up to 30 times the average of the 1990 models. Taking just one of those cars off the road could do as much good for the air quality as getting 30 people to car pool, or removing 30 new cars from the road.

What is getting one car off the road worth? In the Senate Environment Committee debate, it was suggested that getting a person to car pool rather than drive to work was worth about $50 a month. This new initiative will accomplish the same thing for about 40 cents a month. Mr. President, I call that a lot of environmental bang for the buck. This seems to me like a very positive way to try to solve this, a very innovative way and, interestingly enough, it did not take a Government law to have it happen.

Who is this innovative, environmentally-minded organization who put so much thought and effort into an idea that will truly have some consequences on the quality of our environment? Was it the National Resources Defense Council with their $16 million annual budget? Or maybe it was the Wilderness Society applying the $20 million that goes into their coffers annually. Could it have been the National Wildlife Federation allocating a small portion of their $86 million budget to such a worthwhile project?

No, Mr. President, it was none of the above. It was announced today by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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none other than Unocal Oil Co. Yes, my colleagues heard me right, one of those greedy corporate monsters which the environmental community labels as "big oil." I think the environmental community might pick up a point or two from this big oil initiative and just look at how much can be accomplished with 40 cents.

All too often, I think the national environmental groups spend their money lobbying Congress, spending their money here wining and dining the staffs of the various committees, sending out fundraising letters, propping up various political campaigns and the environmental value of those expenditures is suspect. Certainly it is not the return on the money that a simple buying of clunkers, old cars will have, as recommended by the very innovative managers of the Unocal Oil Co. which, incidentially, Mr. President, is the second-largest fertilizer distributor in my State.

Mr. President, I call on—in fact, challenge—national environmental groups to start putting their money where their mouths are, put their minds together and devote some resources to initiatives that will produce real and positive improvements in the environment. I challenge them to no more than merely match the initiative announced by Unocal, then we can really see who has the health and welfare of our planet at heart.

I long to see the day when people with a lot of environmental zeal will simply start buying up the old pre-1971 cars and recycling them. That would have a very positive impact on the quality of our air.

Mr. President, I see no other Senator seeking recognition. I ask unanimous consent I might extend my time for 5 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A VACUUM OF SILENCE ABOUT LITHUANIA

Mr. SYMMS. Mr. President, I rise today to address the very serious situation in Lithuania and to call on the most powerful force on this Earth to become involved in what quite possibly is the most important issue of our time.

I want this force to help me launch a peace offensive in the Baltics.

It is not often that this Senator calls on this force, this most powerful force on Earth, for help. On the contrary, I am quite often at odds with this force.

Now, Mr. President, you and my colleagues may wonder who or what this "most powerful force on Earth" is.

The most powerful force on Earth, Mr. President, is the media—the people who sit behind the word processors, who run the cameras and talk into microphones.

I am calling on the media, the newspapers, television networks and radio stations to point their cameras and microphones at the terrible, terrible things that are going on in Lithuania today.

For the last few days, this Senator and other Senators have risen to protest the economic warfare being waged by the Soviet Union against the poor people of the independent Republic of Lithuania.

We all know what is going on over there. There is no mystery—despite the fact that Gorbachev literally kicked the media out of Lithuania—about what is going on over there.

Is it not interesting, that Gorbachev kicked out the media and they made not so much as a whimper. What happened to the righteous indignation we usually hear when they are excluded?

Yet we all know of the power the media wields. They are truly the most powerful force on Earth and I am asking for their help.

Despite what I or others say America seems paralyzed by the irrational idea that our foreign policy depends on Gorbachev.

Hogwash.

Our Nation was founded the principle of liberty, not only for ourselves, but for people everywhere. American blood has been shed around the globe in the name of freedom. But no one is asking Americans to shed blood now. The Lithuanians are only asking that we recognize that they, too, deserve to be free.

Today Mr. President, I am asking the most poweful force on Earth to focus their cameras and microphones on that tiny country of Lithuania.

I am willing to give Mr. Gorbachev the benefit of the doubt. He may have an argument for his acts of economic aggression, and I, for one, would like to hear his arguments.

I would also like to hear from President Landsbergis.

Today, Mr. President, I am calling for a great debate, telecast live on television all over the planet, carried live by radio to every nation on the globe, reported by Dan Rather, Bernard Shaw, Peter Jennings, Ted Koppel, Tom Brokaw, Jane Pauley, Bryant Gumbel, Deborah Norville, Barbara Walters, Harry Reasoner, Morley Safer, Mike Wallace, Paul Harvey, Jill Brooke, Charles Kuralt.

On March 27, in a radio commentary, Dan Rather said:

> Somebody said, "Well, Lithuania trying to break away from the Soviet Union is like Rhode Island or California trying to break away from the United States." Baloney. Rhode Island and California sought to come into the United States. * * * Such was not, and is not the case with Lithuania, Estonia and Latvia. * * * Why is the United States of America—the land of the free, home of the brave—not throwing itself fully, completely into support for freedom, democracy and independence for the freedom-loving peoples of Lithuania, Latvia, and Estonia? What is going on here?

And that is Dan Rather. I will tell Dan what is happening—nothing. But, Dan, if you are listening or watching, you can help. Let us start calling on Mr. Gorbachev and Mr. Landsbergis to take center stage and debate.

Mr. President, if we have to, let us bring Walter Cronkite out of retirement.

This would be the superbowl of debates. Mr. Gorbachev standing behind his podium arguing before the court of world opinion for denying the people of Lithuania the freedom they seek and Mr. Landsbergis behind his podium pleading his cause for freedom for his people.

Mr. President, today I called a nationwide radio talk show, the "Rush Linbaugh Show," and asked his listeners to help me call for a public debate between the leaders of the Soviet Union and Lithuania.

My office was immediately bombarded with dozens of calls saying, "Keep it up, STEVE. How can we help?" And I intend to keep it up.

Within minutes of that call, I was called by the USA Radio Network which has 642 affiliate stations. They gave me a chance to ask for help on all 642 of those stations and the phones started ringing again.

I have a call in to Ted Turner. I am going to ask Mr. Turner to use his influence and network to help stage the superbowl of debates. It will be bigger and better than the Goodwill games.

Now, Mr. President, some may think I am making light of the issue. I assure you I am not. I am dead serious.

If Mr. Gorbachev can make a case for his actions, I want to give him a forum to do just that. I want to give him all the credibility he can earn by convincing freedom-loving people around the world that he is right to starve the Lithuanian people into submission to the Soviet Empire.

I expect that there are many who will say, there goes STEVE SYMMS again; Gorbachev will never consent to a debate. They may be right, Mr. President, but we will never know unless we give him the chance.

I am calling on the League of Women Voters to help if they can. They have experience in putting on debates and every one of us in this Chamber has probably been in a League of Women Voter-sponsored debate.

In the next few days Mr. President, I plan to call every television network, every radio network, every radio talk show and as many editors as I can to ask them to help raise the flag for freedom.

Let us have a debate. Let the two leaders stand up before the world and explain their positions.

No more tanks. No more sabre rattling. No more rationing. No more threats. It is time to talk.

In summary, Mr. President, I know the situation seems to be changing daily with respect to Lithuania, but I do think that the most powerful force, in terms of the political arena in the world, is the news media. I think the news media has been incredibly silent with respect to launching a peace offensive in the Baltics. It is not often that I will call on the news media necessarily for help, but I want to say that the news media, I think, has the ability, they have the word processors, they have the cameras, they have the microphones—they have the ability to be the spokesmen for the world, if you will, for the people of Lithuania who are seeking freedom.

In the last day or so, I note that President Landsbergis is calling upon his Parliament to possibly put on hold their efforts for independence. I regret that decision, but I understand it totally in view of the fact that there was really a vacuum of silence in the world with respect to Lithuania as they were seeking independence.

A lot of Senators have risen on the floor—I laud them for it and I have done so myself—to protest the economic warfare that is being waged by the Soviet Union against the poor people of the independent Republic of Lithuania. We all know what is going on over there. There is no mystery despite the fact that Gorbachev literally kicked the media out of Lithuania. We still understand what the issue is.

It is interesting that Gorbachev is the idol of the American-left news media. He was in fact made the Time magazine's Man of the Decade. But they have been surprisingly silent now as Gorbachev has kicked the media out of Lithuania. I am surprised about the lack of righteous indignation we usually hear if they were excluded.

The other day the distinguished senior Senator from Wyoming [Mr. WALLOP] made the observation in front of a Senate Press Gallery, loaded with cameras and media people, that what would they do if France, for example, were doing likewise to one of the islands in the South Pacific? Would they stand by if Argentina did something like this? Would the news media stand by? If Brazil did something like this, would the media stand by? No. They would not. But when Gorbachev and the Soviet Union does it, it seems to make it OK.

I do not know whether that says they are terrorized and frightened to death of the superior nuclear arsenal that is at the disposal of the Soviet dictators or whether it says they have somehow been mesmerized by the smile of Mr. Gorbachev and are ignorign the iron teeth that lie behind that smile.

Mr. President, I think if we think that our foreign policy depends totally on the survival of Mr. Gorbachev then we are headed for a very difficult time ahead. That is my major concern. It seems to me there should be some basic principles of human rights of liberty, not only for ourselves but for people everywhere. It would make a more consistent position for the United States, one that would be consistent with the fact that many, many Americans have shed their blood around the globe in the name of freedom. It would make a better tribute to them for us to have stood and stand firmer with those good people in Lithuania.

No one is asking for the American soliders to go to Lithuania and shed blood. The Lithuanians are not asking that. All they are asking is the United States simply recognize them.

I would ask the news media, the most powerful force in terms of political ideas available to mankind, to focus their cameras and microphones on the tiny country of Lithuania.

I am willing to give Mr. Gorbachev the benefit of the doubt. He may have an argument for his acts of economic aggression. I am pleased to see some reports that they may start to be relaxing some of it. But I would like to see if Mr. Gorbachev is so sure about this to see him and Mr. Landsbergis stand up and debate this. The only people that can make this happen are the worldwide media.

In fact I brought this up with the leader of Pravda when Senator KASTEN hosted him for a luncheon last week. He said that would not be possible at this time. I said you should call on not only your own media apparatus but those of the free world, CNN, ABC, NBC, et cetera, to focus on this, and demand that we stage a super bowl of the idea war, if you will, of the debate.

I wonder where all the media people are. A report should be carried live on every radio station to the globe. We have people like Dan Rather, Bernard Shaw, Peter Jennings, Ted Koppel, Tom Brokaw, Jane Pauley, Bryant Gumbel, Deborah Norville, Barbara Walters, Harry Reasoner, Morley Safer, Mike Wallace, Paul Harvey, Jill Brooke, Charles Kuralt.

On March 27, to his credit Dan Rather said the following:

> Somebody said, "Well, Lithuania trying to break away from the Soviet Union is like Rhode Island or California trying to break away from the United States." Baloney. Rhode Island and California sought to come into the United States. * * * Such was not, and is not the case with Lithuania, Estonia, and Latvia. * * * Why is the United States of America—the land of the free, home of the brave—not throwing itself fully, completely into support for freedom, democracy and independence for the freedom-loving peoples of Lithuania, Latvia, and Estonia? What is going on here?

That is Dan Rather.

What I would call upon the major media networks to do is say that over and over and over, get it around the world, and demand Mr. Gorbachev come out, and Mr. Landsbergis, stand on the center stage, and debate this issue. No sabres, no tanks, no warfare—just the idea of whether or not the Lithuanians are entitled to have an opportunity to be free.

Mr. President, I have with me the Washington Times article by syndicated columnist Pat Buchanan, dated April 25, 1990. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Apr. 25, 1990]

UNITING BEHIND A CYNICAL POLICY

(By Pat Buchanan)

As Nashville Chamberlain flew to Munich, there was much on his mind. The Sudetenland was historically German; it had been ceded to Czechoslovakia at Versailles; its people had been mistreated; they wanted to reunite with their kinsmen. Had a plebiscite been held, a majority would have voted to go home to Germany. Moreover, the prime minister did not want his country going to war over a "faraway people about whom we know very little."

That was his reasoning; what is our excuse?

Why are we appeasing Soviet President Mikhail Gorbachev?

Vilnius has not asked for tanks or troops; she has only asked that the United States, the lighthouse of freedom, stand beside her in this terrifying hour in which she has chosen to stand up for liberty.

The conduct of the United States Government passes from the inexplicable to the shameful. When even the leader of tiny Estonia can come to Vilnius to offer a symbolic sword of defense, why are we behaving like this? Comes the chorus: We must save Mr. Gorbachev.

But if the Soviet dictator is the sort of man who will choke a country to death, why save him? If we look away, as he strangles Lithuania, what kind of people are we?

To watch the American Establishment unite behind this cynical policy is as instructive as it is disheartening.

Addicted to summits and showplace agreements, the White House and State Department are said to be enraged with President Vytautus Landsbergis. Is it not ever thus: Blame the victim. Henry Kissinger suggests Lithuanian freedom may have to be postponed, so as not to interfere with the Great Game of statesmanship.

The U.S. press ablaze with righteous indignation when South Africa booted reporters out of its black townships, meekly accedes to Mr. Gorbachev's order to get out of Lithuania. Having canonized him Man of the Decade, the Establishment press has a vested interest in his image and is moving to cover that investment.

In the great tradition of Walter Duranty, The New York Times' man in Moscow who won a Pulitzer covering up Josef Stalin's Ukrainian holocaust, columnist John Oakes demands that President Bush lean on the Lithuanians: "If [they] . . . are deceived into thinking . . . a sympathetic America

will continue to support them right down the line—the results could be catastrophic for the Lithuanians, destructive for President Gorbachev, and highly dangerous for the United States."

"Catastrophic for the Lithuanians"? But how would a Moscow apologist like Mr. Oakes know better than this persecuted people what is in their interest? And if choking Lithuania is "destructive" of Mr. Gorbachev, whose fault is that?

"Dangerous for the United States"? Why? What will Moscow do, should Mr. Bush lose his practiced self-control and blurt out, "God Bless Lithuania!" Shower us with rockets?

Mr. Landsbergis may be a prickly character, whose timing and tactics are less than perfect. But there is no doubt who is right here. There is no doubt where history will place him—beside the murdered Imre Nagy of Hungary, beside Poland's Lech Waleas, beside President Vaclav Havel. Defiant Lithuania is exposing Mr. Gorbachev as a bully and thug—the man, we now recall, who dropped millions of mines camouflaged as toys on Afghan villages. As the Lithuanians stand up, we see Moscow clearly now, and, no longer through a glass darkly. Not pretty, is it? In his fulmination against the American Right, Mr. Oakes betrays himself and his class. They have always been more comfortable with "reform" communists than with their conservative countrymen whom they obviously despise.

Good to know. Because, the true allies of the Right are not in the State Department, nor at The New York Times. They are in the streets of Moscow, marching for Lithuania. They are the millions, from Ukraine to Kamchatka, the Kola Peninsula to the Aral Sea, who have had a bellyful of perestroika and glasnost and want freedom.

Even the neoconservatives have abandoned the Right, to join the Establishment. But they are not only wrong in principle, they are wrong in terms of cold pragmatism and national interest.

A poll by The Wall Street Journal poll may show that, by 3-to-1, we Americans prefer Mr. Gorbachev to Lithuania. But does anyone think these numbers will stand up, as broken Lithuamia goes down?

We are a moral people. When this Baltic republic, abandoned by the West, goes under, we will be disgusted with our conduct; and, when the victor of Vilnius arrives in May, a crocodile grim from ear to ear, we will take it out on him, because we were cowardly when we should have been brave. And, if bankrupt and broken, Lithuania is still holding out when Mr. Gorbachev walks down that ramp, to swap smiles and toasts, anyone think we will cheer him?

The West's affairs with Mr. Gorbachev is over, finished.

What kind of Soviet Union do we want? That is the issue. Is is not a free Russian federation, whose republics choose to be there, whose people are rid of a bloodstained party that has oppressed them for 72 years? Mr. Gorbachev has revealed himself to be an enemy of that Russia; why, then, is he our indispensable friend?

Winston Churchill said of the men at Munich that, faced with a choice between dishonor and war, they chose dishonor and got war. All that was asked of us was that we show as much moral courage as tiny Estonia. We failed the test. Whatever the Lithuanians think of us now, they are surely right.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that since it is close to 9:30 a.m., I may speak as if in morning business until about 9:35 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of Senate Joint Resolution 303 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that morning business be extended for no more than 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAXATION

Mr. BURNS. Mr. President, I rise today to discuss a couple of related matters, the first being my support as one of the original cosponsors of a resolution from my distinguished colleague from Iowa [Mr. GRASSLEY] and his statement. I associate myself with his statement of just a little while ago on National Tax Freedom Day.

This coming Saturday, May 5, gives us all a great deal of relief. We look forward to that day because after that we can start working for ourselves again.

This resolution informs the taxpayer that the money they make after May 5 is theirs. Everything that they make the first 125 days of the year belongs to the Government.

Forty-five years ago, Tax Freedom Day was on April 1. Last year, the date was May 3 and this year the tax man cometh and he can ask for 2 additional days.

My constituents are like every one else in the United States. They believe they are paying too much in taxes and the Government is not acting fiscally responsible with their money.

We could probably take issue with some of that, because we also understand that the demands that the public makes on what they expect Government to do enters into it.

The Nation's nominal income is estimated to grow only 5.7 percent, while the total tax hike is projected to increase 7.2 percent. That is one step forward and two steps back. Stated simply, Mr. President, the average taxpayer is going to pay higher and higher taxes.

It is a shame that the average working men and women of this country will spend 2 hours and 45 minutes out of an 8-hour workday to satisfy Federal, State, and local tax collectors. That is an hour and 20 minutes more than the worker spends on housing and household operations.

I believe we are headed toward the day when the IRS will have one tax form for all taxpayers, consisting of just 2 lines. The first one will say:: "How much did you make last year?" You write that in, and the next line says: "Please send it in." And I think that is going to be a sad day for this country.

Ironically, the Tax Freedom Day occurs the same week that Senator DANFORTH has proposed a constitutional amendment dealing with taxation. I understand that that amendment has been withdrawn, but we have assurances, and I applaud Senator DANFORTH, Senator BOND, and Senator BIDEN, for considering this in the Senate Judiciary Committee because, I for one, am supportive of that legislation.

I think it is going to take a constitutional amendment.

I just do not understand. I am not an attorney, and I do not understand all the jargon dealing with the Jenkins case in Missouri. But you do not need to be a rocket scientist—you just need a little bit of horse sense—to understand that the Federal court should not have the power to order the imposition of taxes. Several Members have come to the floor and stated the views of the Founding Fathers regarding taxation without representation, and I would have to concur with that.

Before coming to the U.S. Senate, I was out in local government as a commissioner. There you know how to deal with budgets and the first-year process of budgeting for local government. After all, that is the only true representative government because it is close to the people. That is kind of where the rubber hits the road and you understand the budgeting process.

You also understand the real value of maintaining reserves. I can remember my first year as a county commissioner. If you did not do anything but protect the integrity of the reserve system, then you have done a good job. In a time when tax bases were going down and we were trying to scramble for money, many departments wanted to go into their reserves in order to shore up that year, thinking they could save money the next and replenish the reserves. It just could not be done. We were very cautious about that in Yellowstone County, MT, so we maintained the integrity of the budget.

I think we could bring the same kind of mentality to the Federal Government and start building on that. I believe that we must draw the line on unelected officials' dictating policy, especially in the collection of taxes. I think the constitutional amendment is in order to ensure this fundamental right is retained by the people through their elected representatives.

Like I say, I can remember when I was an elected commissioner. I do not know how it is everywhere else, but I can tell you, you get a snowstorm in Yellowstone County, MT, they do not call the motor grader to plow the road; they call the county commissioner. That is how close to the people and how responsible you are to those people.

I support the constitutional amendment of the Senator from Missouri and applaud the efforts made by him and the members of the Senate Judiciary Committee and Senator THURMOND, from South Carolina. They have taken an attitude now to look at this situation, and I think it could be that one of the great, great things that is happening in constitutional government in this country is to not allow the courts to start setting tax policy for this Nation. So I hope all of my colleagues will give their full consideration for the far-reaching implications of the Supreme Court's decision. I think it is almost a historical landmark in this country as far as the attitude of government.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EDUCATION ARTICLE BY FRANK NEWMAN

Mr. KENNEDY. Mr. President, last week the New York Times published an article that described four important, low cost ways to improve our schools. The article was written by Frank Newman. Mr. Newman, formerly president of the University of Rhode Island and currently president of the Education Commission of the States, is one of the Nation's leading educators.

His prescriptions are simple and direct: Use tutors and role models for every at-risk child, involve parents, expect more from all students, and pay greater attention to the needs of individual students.

These suggestions are not a complete answer to our educational problems. Nor are they brand new, flashy initiatives. But all of these have been tried and extensively evaluated. The bottom line is simple: These steps make a positive difference. And, importantly, implementing these ideas is a straightforward, low cost proposition. Given the budget pressures facing Federal, State, and local governments, we must make the maximum possible use of ideas like these.

I hope my colleagues will take the time to read this important, informative article. I ask unanimous consent, that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 15, 1990]

FOUR QUICK FIXES FOR OUR SCHOOLS

(By Frank Newman)

DENVER.—As the U.S. struggles in its role as an international leader, there is widespread consensus that schools and school systems need a top-to-bottom restructuring. To achieve the sort of results that are needed will take at least 10 years of hard, consistent effort.

But there are at least four things communities, schools and parents can do today to improve schools. These are not complete answers nor are they new. They are, however, concrete approaches that have been tired and shown to improve schools and learning.

Use tutors and role models for every at-risk student. The easiest way to improve school performance is to improve the motivation of the students coming in. Rhode Island has introduced a plan to mentor every interested third-grader, starting in 1991, using college and high school students and people from the community. The cost? Minimal.

In San Antonio, middle and high school students—many with academic problems of their own—have mentored elementary students in a six-year program in which both groups' grades show marked improvement. One student mentor attributed his improved performance to his new responsibility: "I have this kid depending on me. I can't let him down."

Involve parents. Probably the most obvious and most powerful strategy to improve student performance is parental involvement—parents working with teachers and helping students take on more difficult learning projects.

A program conducted by the Yale psychiatrist James Comer in seven school districts has demonstrated that through intense parent and community involvement, schools can dramatically improve the learning of poor, urban minority youngsters. In all the districts, parents are involved in developing policy, working in the schools and supporting student academically. Achievement and self-esteem have risen and social development has improved significantly.

In 1981 Missouri created the "Parents As Teachers" project. It works because it involves parents in education from the very beginning and trains them to be their children's first and best teacher. More than anything else, the interest and involvement of parents says to children that things like reading and learning are important.

Expect more from all students. Extensive research has shown that the expectations teachers and parents have for children markedly affect their performance and behavior. The province of Ontario in Canada has long expected students, at all ages, to be critical thinkers and problem solvers—not merely pencil pushers who fill in little dots on multiple choice and standardized tests. Ontario students regularly outperform U.S. students on international assessments of mathematics and science.

Vermont, Kansas and California recently set new expectations and higher goals; New Mexico, Nevada and Maine have just held state conferences to redefine and upgrade their expectations of students and schools. Parents and other interested citizens can and should raise the issue of expectations with their principals, superintendents and boards of education.

Know students as individuals. In most high schools, teachers see as many as 150 students a day in class. It's virtually impossible to be aware of and respond to that many students' individual needs, talents and learning styles.

By changing assignments and the way teachers work with each other, a coalition of schools led by Theodore Sizer of Brown University has demonstrated that this pupil-teacher ratio can be cut to 80 to 1. The result at these schools is improved attendance, better grades and higher graduation rates. Any school can easily reorganize its curriculum and schedules.

Thirteen years ago, Middle College High School, created by La Guardia Community College in Long Island City, N.Y., began accepting only dropouts from surrounding high schools. Yet, almost 85 percent of these students graduate and most on to college. The secret? The school limits enrollment to 500 and teachers and principals know every student.

These are four straightforward approaches that work and that communities can take right now. And the cost is almost nothing. There are, of course, other things that need to be done that are more costly, more involved and will take much longer: for example, schools must be radically changed to include more hands-on learning; teachers and principals need to be retrained. School systems need more flexibility at the school level while providing greater accountability.

But these four steps will help children today—and they will assist us in the urgent task of more fundamental reforms. We need to expand what we know works.

SAMMY L. DAVIS, CONGRESSIONAL MEDAL OF HONOR

Mr. LUGAR. Mr. President, on Friday, April 27, 1990, the Veterans of Foreign Wars of the United States, Mooresville Post 1111 in Mooresville,

IN, honored Sammy L. Davis, a Congressional Medal of Honor recipient. It is wholly appropriate that a tribute be established and this ceremony be held at Mooresville High School, because it is essential that our youth understand the price paid in defense of our Nation. These young people could have no better example of devotion, duty, and patriotism than Sammy L. Davis. I would ask that the Congressional Medal of Honor citation be placed in the RECORD as a permanent testament of this Hoosier's heroism.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

THE CONGRESS TAKES PLEASURE IN PRESENTING THE MEDAL OF HONOR TO SAMMY L. DAVIS

Rank and organization: Sergeant, U.S. Army, Battery C, 2d Battalion, 4th Artillery, 9th Infantry Divison. *Place and date:* West of Cai Lay, Republic of Vietnam, 18 November 1967. *Entered service at:* Indianapolis, Ind. *Born:* 1 November 1946, Dayton, Ohio, *Citation:* For conspicuous gallantry and intrepidity in action at the risk of his life and beyond the call of duty. Sgt. David (then Pfc.) distinguished himself during the early morning hours while serving as a cannoneer with Battery C. at a remote fire support base. At approximately 0200 hours, the fire support base was under heavy enemy mortar attack. Simultaneously, an estimated reinforced Viet Cong battalion launched a fierce ground assault upon the fire support base. The attacking enemy drove to within 25 meters of the friendly positions. Only a river separated the Viet Cong from the fire support base. Detecting a near-by enemy position. Sgt. Davis seized a machinegun and provided covering fire for his guncrew, as they attempted to bring direct artillery fire on the enemy. Despite his efforts, an enemy recoilless rifle round scored a direct hit upon the artillery piece. The resultant blast hurled the guncrew from their weapon and blew Sgt. Davis into a foxhole. He struggled to his feet and returned to the howitzer, which was burning furiously. Ignoring repeated warnings to seek cover, Sgt. Davis rammed a shell into the gun. Disregarding a withering hail of enemy fire directed against his position, he aimed and fired the howitzer which rolled backward, knocking Sgt. Davis violently to the ground. Undaunted, he returned to the weapon to fire again when an enemy mortar round exploded within 20 meters of his position, injuring him painfully. Nevertheless, Sgt. Davis loaded the artillery piece, aimed and fired. Again he was knocked down by the recoil. In complete disregard for his safety, Sgt. David loaded and fired 3 more shells into the enemy. Disregarding his extensive injuries and his inability to swim, Sgt. Davis picked up an air mattress and struck out across the deep river to rescue 3 wounded comrades on the far side. Upon reaching the 3 wounded men, he stood upright and fired into the dense vegetation to prevent the Viet Cong from advancing. While the most seriously wounded soldier was helped across the river. Sgt. Davis protected the 2 remaining casualties until he could pull them across the river to the fire support base. Though suffering from painful wounds, he refused medical attention, joining another howitzer crew which fired at the large Viet Cong force until it broke contact and fled. Sgt. Davis' extraordinary heroism, at the risk of his life, are in keeping with the highest traditions of the military service and reflect great credit upon himself and the U.S. Army.

COMPLETION OF CLAFLIN COLLEGE'S CAPITAL CAMPAIGN

Mr. THURMOND. Mr. President, on Friday, April 27, 1990, Claflin College, South Carolina's oldest historically black college, celebrated the completion of its first capital campaign. I had the pleasure of serving as honorary national cochairman for the campaign along with Dr. Jonas T. Kennedy of Bennettsville, SC. The campaign was a great success and, in fact, exceeded the college's goal of $3.5 million.

Unfortunately, as a result of the Senate's late session on Friday, I was unable to attend the college's ceremony as I had intended. Instead, Mr. Tom Moss of my staff attended the event and delivered the remarks which I had prepared for the occasion. These remarks reflected the fine accomplishments of the college, and acknowledged the support of the many friends of the college around our great Nation.

Mr. President, I am very proud of the outstanding achievements of the Claflin College administration, faculty, staff, students, and alumnae, and I was truly disappointed that I was unable to attend this historic event. For this reason, I ask unanimous consent that the speech, which I prepared for the ceremony, be placed in the RECORD at the conclusion of these remarks and that my colleagues take a moment to read about this historic fundraising campaign.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STROM THURMOND AT CLAFLIN COLLEGE, APRIL 27, 1990

I am pleased to announce another first in the 120-year history of South Carolina's oldest historically black college—Claflin College. On December 31, 1989, Claflin College successfully concluded its first capital campaign, exceeding the $3.5 million goal.

A number of grants and gifts made during the campaign will be received over a period of several years. Several proposals submitted during the campaign may still be funded, yet at the end of the capital campaign, Claflin College had in hand more than $3.6 million.

As honorary national cochairman of the capital campaign, along with Dr. Jonas T. Kennedy of Bennettsville, South Carolina, I have learned a great deal about Claflin's history. Methodist missionaries bought the campus from the former Orangeburg female college to establish the first school for black students in our State.

Boston philanthropist Lee Claflin and his son, William, a former governor of Massachusetts, donated the funds to purchase the property and thereby founded Claflin College.

From the beginning, then Claflin University, was open to all people. The 1869 articles of incorporation affirm:

"No instructor in said university shall ever be required by the trustees to have any particular complexion or to possess any particular religious opinions as a test of office, and no student shall be refused admission to or be denied any of the privileges, honors, or degrees of said university on account of race, complexion, or religious opinions * * *" This too was a first for a South Carolina school.

Two of the buildings on this campus, which are on the National Register of Historic Places, were designed by a Claflin alumnus and instructor. William Wilson Cooke of Greenville, designed Lee Library and Tingley Memorial Hall before he left Claflin to become the first black senior architectural designer in the U.S. Supervising Architect's Office in Washington D.C.

We have seen more Claflin "firsts" in our own day. In 1980 the honorable Ernest A. Finney, Claflin class of 1952, became the first black associate justice on the South Carolina Supreme Court.

In 1988, the Reverend Joseph B. Bethea, Claflin class of 1953, became the first black bishop of the South Carolina United Methodist Conference.

This capital campaign was conducted to ensure that students, armed with a quality college education, will achieve other firsts in service to the church, the government, business, and the arts, throughout the United States and South Carolina.

During this campaign, several large national foundations discovered Claflin College. The Lilly Endowment of Indianapolis made the largest single donation in Claflin history with a $300,000 investment in the honors program, plus another $105,000 for the office of institutional development.

The Bush Foundation of St. Paul and the Hewlett Foundation of Menlo Park, California, invested $152,000 to renovate Tingley Hall (administration and classrooms), Bowen Hall (teacher education), and Laymen's Hall (honor's program). The Bush Foundation added nearly $100,000 more for faculty development.

The Arthur Vining Davis Foundations of Jacksonville, Florida put $100,000 worth of new books on the shelves of the H. V. Manning Library.

Mr. Earl Middleton will mention some of the other significant gifts to the campaign, but I would like to pay tribute to Dr. and Mrs. Jonas T. Kennedy.

The Kennedy's gave several hundred thousand dollars to build the magnificent health and physical education center on this campus in 1980. Last year they issued a dollar-for-dollar matching challenge to the college and the United Methodists of S.C. to pay off the last $150,000 owed on that building.

Thanks to their generous gesture, Claflin College was able to burn the mortgage in September and set its sights on a new 200-bed dormitory. By the way, you will be pleased to know that I personally spoke with the Assistant Secretary for Higher Education at the Department of Education this morning, and Claflin's application looks promising.

The many foundations, corporations, and individuals who have contributed to the capital campaign have dramatically strengthened Claflin College and charted the course for a new century of progress. Your efforts will help educate the children of tomorrow, and I commend all who participated in this worthy endeavor.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,872d day that Terry Anderson has been held in captivity in Beirut.

I also ask unanimous consent that an article from today's Washington Post concerning the release of Frank H. Reed be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 1, 1990]

AMERICAN HOSTAGE REED IS RELEASED BY SHIITES—IRANIANS SAY NEXT STEP IS UP TO UNITED STATES

(By Caryle Murphy)

DAMASCUS, SYRIA, April 30.—Frank H. Reed was released tonight by Shiite Moslem captors after 44 months as a hostage in Lebanon, the second American freed as part of an apparent Syrian-Iranian initiative to improve ties with the United States.

The 57-year-old educator and Massachusetts native was handed over to U.S. Ambassador Edward Djerejian at Syria's Foreign Ministry in the same manner that American educator Robert Polhill was released April 22 after being held 39 months.

The authoritative, English-language Tehran Times, in an editorial in its Tuesday edition, warned that "now the ball is in the court of the U.S. and Western countries."

The daily said that unless there is "an appropriate response" such as pressure on Israel to release its Arab prisoners, "there is no chance for the continuation of Iranian mediation" on the hostage issue.

Reed and Polhill are the first Americans released from captivity since the fall of 1986, when three others were let as part of the clandestine Iran-contra arms-for-hostages deal between Washington and Tehran.

With Reed's release, six Americans and nine other Westerners remain hostages, most of them thought to be held by factions of the Iranian-backed Hezbollah movement.

Reed, looking thin and pale, said after arriving here that he felt "rather odd" without the blindfold he was forced to wear 24 hours a day for much of his 3½ years in captivity.

Reed said he felt basically well, having received "adequate food and fresh fruit" in captivity as well as clean clothes and the opportunity to bathe and shower "fairly regularly."

"Our problem was the passage of endless time. We had no information," he said. "In fact, there were times when I really didn't even know what month it was."

While his captors offered him the possibility of watching non-news programs on television, Reed said he refused "because I didn't want to be entertained when I'd lost my freedom."

Reed, who was director of a private school in Beirut before being kidnapped on Sept. 9, 1986, also told Syrian television in an interview today that during his captivity he was never told why he was seized. "The bottom line was, I was an American," he said. Summing up his captivity, he said: "It was lonely. It was boring."

As he struggled at the press conference to keep from breaking down, Reed, who wore a dark suit and blue tie, said he could not answer some questions out of concern for those still held. He thanked the Syrian government for helping to facilitate his release and expressed hope that other foreign hostages will soon be freed.

"I hope with Godspeed my colleagues that are still hostages somehow will be released," he said.

The group that released him, which called itself the Organization of Islamic Dawn, said Sunday he would be carrying a message to the U.S. government.

Djerejian thanked Syria for helping to gain Reed's release. He said the Syrians had told him they had worked closely with Iran on the matter, and he said the U.S. government viewed this "as an encouraging sign."

[In Massachusetts, Reed's family rejoiced at the news of his release. "He's out! He's out!" said Reed's wife, Fifi, upon learning from State Department officials that the transfer was completed in Damascus. "He is with the Syrians now."

[Mrs. Reed, 39, was making plans to travel to West Germany with their son, Tarek, 9, to reunite with Reed, who accepted a government offer for medical tests at U.S. facilities in Wiesbaden, West Germany. Family members had gathered early today at the apartment of Reed's 91-year-old mother, Leota Sprague, in Malden, a suburb of Boston. She quietly gave thanks to God on learning of her son's release. "I am not a crier," she said. "I'm weeping now, but I did not sit and cry."]

Syrian Foreign Minister Farouk Charaa said, "I hope this second gesture of goodwill will be met with a similar gesture of goodwill during the process of releasing the rest of the hostages."

Polhill's release by another Hezbollah faction, the Islamic Jihad for the Liberation of Palestine, was characterized as a "goodwill initiative" by his captors, who asked for a similar response from the United States.

Islamic Jihad also demanded the release of about 400 Lebanese Shiite and Palestinian prisoners held by Israel and its ally, the South Lebanon Army. Four low-ranking prisoners were released last week, but the South Lebanon Army said it did this merely to show traditional goodwill for the end of the Moslem holy month of Ramadan.

Washington made no reciprocal goodwill gesture to Iran for Polhill's freedom. President Bush called Syrian President Hafez Assad to thank him for helping gain Polhill's release, but Bush said there would be no improvement in ties with Tehran until all American hostages are free.

Reed, a former New Hampshire school principal and native of Malden, was set free despite widespread anger among Moslems generated by the U.S. House of Representatives' approval April 24 of a resolution affirming support of Jerusalem as the undivided capital of Israel. A senior Hezbollah leader in Lebanon called the House action "monumentally ill-intentioned" as a response to Polhill's release and said he hoped no other hostages would be freed.

The Tehran Times, in an editorial for Tuesday's edition that it made available today, said that "release of two American hostages without any preconditions and solely for humanitarian and Islamic causes was an extreme gesture of goodwill and self-sacrifice by Lebanese Moslem groups," and added, "Naturally, without an appropriate response from the West, there is no chance for the continuation of Iranian mediation.

The editorial said Iran and its Lebanese allies expect Washington to exert pressure on Israel to release a "significant number" of Arab prisoners. It specifically named Sheik Abdul Karim Obeid, a Shiite cleric abducted from Lebanon last July by Israeli forces.

Polhill and Reed were released after several weeks of statements from Iranian officials that they intended to resolve the hostage crisis. Iranian President Ali Akbar Hashemi Rafsanjani reportedly has decided that freeing the hostages is necessary before he can overcome his economic estrangement from the West, which has been a major obstacle to rebuilding Iran's warravaged economy.

Syria, which has 40,000 troops in Lebanon and its own intelligence connections with some Hezbollah factions, has made no demands of Washington for its cooperation in freeing the Americans. But Syrian officials and Western diplomats here say Assad expects that U.S.-Syrian relations will improve if he helps end the hostage crisis.

Syria, seeking to avert a strain with Iran, a key ally, has emphasized that Tehran played a key role in both Polhill's and Reed's release. Bush's failure to thank Iran following Polhill's release is thought to have created tension between the two countries.

Diplomats here caution, however, that Syrian and Iranian success in freeing the other hostages from their independent-minded proxies in Lebanon is uncertain.

Some of their fundamentalist allies have parochial demands for letting their captives go and, in the view of analysts, some are demands Iran and Syria cannot fulfill.

"I'm not so optimistic about the hostages," one diplomat said.

"Maybe some hostages will be freed but I think it will be hard to have the hostage situation [totally] resolved.

"There will always be groups which have different political aims [from Damascus and Tehran] and the big countries behind these groups may not have 100 percent control over them."

In an indication of such differences, senior Hezbollah leader Hussein Musawi told the Associated Press in Beirut today he hoped that no other American hostages would be released because of the congressional support of the Jerusalem resolution.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business has expired. Morning business is closed.

Mr. HOLLINGS. Mr. President, now pending before the Senate, I take it, is the dire emergency supplemental and committee amendments. Is that right?

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes.

The Senate resumed consideration of the bill.

COMMITTEE AMENDMENT ON PAGE 62, LINE 21

The ACTING PRESIDENT pro tempore. The pending question is the committee amendment on page 62, line 21, through page 64, line 7.

Mr. HOLLINGS. Mr. President, on page 62, commencing on line 921 is section 320, dealing with the amendment of the Budget Act. I am not trying to preempt our distinguished chairman and ranking member of our Budget Committee. I understand they will join us momentarily. I prefer to wait for their presentation as to why they think it absolutely imperative that we amend the Budget Act on the supplemental.

The President has submitted his budget and this is a Democratic Congress. We, in turn, ought to submit ours.

I hasten to comment accurately that the President has submitted a fraudulent budget and that it is not incumbent upon us to submit a Democratic fraud. On the contrary, it is our job to submit an honest budget. In that light, I have been working many years in the vineyards. We have been discussing all manner of amendments to the Budget Act to repeal Gramm-Rudman-Hollings, to permit 2-year budgeting, and so on. We have debated Senator SANFORD's initiative to compel comprehensive truth in the way we treat our budgetary affairs. We have had the Moynihan initiative that would stop the thievery; namely, the use of the Social Security surpluses to mask the true deficit. And we have talked about my amendment which said simply remove Social Security surpluses from the calculations. Yet during all of these discussions, I never have heard this latest one.

The whole thrust and intent of the Budget Act was that we ought to submit proposals in an orderly fashion on the floor, and that the entire membership of the Senate would be on notice. Proposals would be referred to the Budget Committee. The committee would obviously hold hearings, because we would not amend the Budget Act willy-nilly. And after the hearings, the Budget Committee would report out.

But under no circumstances could you just make a fundamental change by amendment on the floor on any bill. And for the leadership of the Budget Committee here in the U.S. Senate to take this present initiative, I think we ought to hear from them as to what is the dire emergency need for amending the Budget Act in this surreptitious fashion.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

Mr. MACK. Mr. President, I have an amendment on Cuba that was reserved in the unanimous-consent request. But I do not intend to offer the amendment on this bill. I want to make a statement as to why.

I believe that the amendment will in fact be stripped from the supplemental in conference.

Second, I think it is important that we move on with this piece of legislation, that we get down to the President the supplemental which will provide the $720 million to Panama and to Nicaragua.

Third, I will have an opportunity at the appropriate moment to offer the amendment, which I intend to do, and offer the amendment at a time at which I believe it will become law.

I have just a couple of comments with respect to what the amendment is.

Most people probably do not realize that there is a significant loophole in the embargo that we have on Cuba today. In fact, in a 5-year period there were some $1.5 billion worth of trade with foreign subsidiaries of United States companies that were engaged in trade with Cuba. The amendment would have taken us back prior to 1975.

There are four provisions that I will mention. It restores the embargo to U.S. subsidiaries abroad. It would place a prohibition on non-U.S.-flag vessels from docking in U.S. ports if they had docked in Cuba to engage in trade within a 6-month period. It provides Presidential authority to reduce economic aid to countries that buy Cuban sugar up to the value of sugar bought in the past year, and provides for up to $50,000 in civil penalties.

I might add that all of these provisions that I have just mentioned either were passed by the Senate last year or were part of the original embargo, that is, language prior to 1975, or were unanimously passed by a House committee during this past year. So I am confident that we will eventually pass this particular legislation. I just feel that trying to push forward with the idea today is the wrong time, and we will have an opportunity to do that later.

I yield the floor, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the committee amendment on page 62, line 21, through page 64, line 7.

Mr. SASSER. Parliamentary inquiry. That amendment is in the bill; is that correct?

The PRESIDING OFFICER. This was an excepted committee amendment.

Mr. BYRD. The answer is, yes, the amendment is in the bill.

Mr. SASSER. As I understand it, the distinguished Senator from South Carolina is moving to delete that amendment. I will direct my question to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, responding to my distinguished colleague from Tennessee, I have been awaiting, of course, for an explanation of why we ought to amend the Budget Act. This particular section, 306, amends the Budget Act through a legislative mechanism that is in violation of the Budget Act. And for the chairman and the former chairman and our distinguished ranking member to come forward under a dire emergency supplemental, never having discussed this matter whatever in committee, either the Budget or Appropriations Committee, I wanted first to listen to them and see if maybe I could be persuaded that this is indeed a dire emergency and should be in the supplemental. But if they do not persuade me, I will be constrained to make a point of order under section 306 of the Budget Act.

I do not yet make that point of order. I want to listen to the distinguished chairman. We have never had the opportunity, very interestingly, to hear from either Senator about this particular provision.

Mr. SASSER. Well, Mr. President, I see the distinguished ranking member is on his feet. I will defer to him, and perhaps he might wish to make a proper explanation.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I first say to my friend from South Carolina, I truly appreciate his attitude here, and I will do my best, briefly, to explain why I think we ought to do this. But I clearly understand that it is subject to a point of order, one that the distinguished Senator described.

Frankly, if the distinguished Senator wants to make the point of order after I have had a few moments, and perhaps Senator SASSER has a couple minutes, I am not at all sure, if he desires to make it, that we will not let the Chair rule that it is subject to a point of order and take it out.

So I am going to try to explain why I think we ought to do this, as best I can, and what I have done in an effort to get this amendment where it is.

There is not any question, Mr. President, that technically this amends the Budget Act and, therefore, is subject to a point of order, procedural point of order, a serious one, nonetheless, in that it has not been reported out by the appropriate committees.

Having said that, I do want the Senate to know that this was not taken lightly, because the ramifications of not doing something like this should not be taken lightly. So it is my understanding that we have discussed this amendment. I have not done this personally with each and every one, but I understand the chairman of the Banking Committee and the ranking member of the Banking Committee of the U.S. Senate supports this. I understand the chairman of the Budget Committee supports this. I am the ranking member, and I support it. I believe there are a couple of other committees that we have conferred with at the ranking member's level, and we did not get any objection to it. I will not state that until I have their names here with specificity.

Let met try to explain a technical problem with reference to the Resolution Trust Corporation and the appropriation process and budgeting. The first point: This amendment has nothing to do with the money that has been raised that is available to be used by the Resolution Trust Corporation as it pertains to on-budget/off-budget of that money established in last years savings and loan bill.

As you recall, when we created the Resolution Trust Corporation, there was a very big debate, I say to my good friend, the chairman of the Appropriations Committee, as to whether all that money we raised that is sitting there to be used, how much should be on budget and how much should be off budget.

The first point I want to make is that this amendment has nothing to do with the established accounting system. That is done, and we are not changing it. Here is the anomaly. Is it urgent? I do not know. If you can fix it before the year is out, if you believe what I am going to tell you is urgent, then this is not necessary on this bill.

But I believe if it is not fixed in some way related to this amendment, then here is what is going to happen. Here, the Resolution Trust Corporation can carry out its mandate under the law, to use a portion of its money for working capital to purchase assets of failed thrifts.

Again, I want to repeat: We are not changing the accounting system established last year. But here it is. The intriguing thing is that we all know they are going to have to spend the working capital to buy assets. That is the very nature of cleaning up the mess.

When they spend that money to buy assets, the expenditure of the money is an expense item under the current technical interpretation of Gramm-Rudman-Hollings. Example: If in a given year they spend $30 billion to buy assets, they are cleaning up the mess, I say to the chairman. When RTC purchases assets to resolve the S&L mess, the deficit is $30 billion higher.

That means that Gramm-Rudman targets have been adversely affected by $30 billion by the mere expenditure to purchase the assets. Whether we like the way we did it or not is not the issue. You spend that working capital to buy assets, and you buy $30 billion worth. You have then and there during that fiscal year required that we save an additional $30 billion to meet the Gramm-Rudman targets. Is it not interesting that technically you have now spent that money and you have assets?

The year ends. You have been charged for 30 billion dollars' worth of purchased assets. You own them. You sell them in the next fiscal year. Let us assume in the next year you sell $20 billion of them, because you are not going to do this all in any short period of time.

The way the technical interpretation of Gramm-Rudman-Hollings is, you get no credit for the $20 billion yet. You have $20 billion in assets. You are going to sell them. You have been charged for the $30 billion to buy them.

Gramm-Rudman requires you to reduce the deficit by an additional $30 billion. The year ends, and what are we subject to? We are subject to manipulating and playing games with the expenditures to buy assets, and then you sell them to get the money back.

Plain and simple, all we are saying is that this is a multiyear transaction of buying and selling, and that you should not, in any given year, charge Gramm-Rudman targets with the expenditure for which you get assets. But rather, you should leave the accounting to a multiyear, so that you get the offsets when you sell the assets that are in your inventory that you spent the money for.

Frankly, I am not here to try to convince anyone that the Resolution Trust Corporation as it was set up could not have been set up better. I am not here defending how we financed it. Those are finished. I am not trying to change any of that.

I am merely suggesting with my friend, the chairman of the Budget Committee, joined by the chairman of the Banking Committee and the ranking member, in consultation with OMB, with the help of CBO, to try to fix what I have just described, which is an anomaly that is brought about by Gramm-Rudman-Hollings accounting.

It has nothing to do with trying to cheat on the deficit. It has nothing to do with words we have used in the past about playing around the edges of the budget process or not charging the budget, when in fact the deficit is accruing; gimmickry. It has nothing to do with that.

If somebody has a better way to fix this very strange anomaly, I am for it. But I can assure Senators, here is what is going to happen. In the year we are in, this big pot of money that is already there, it is reflected in the budget, is going to be spent, about $30 billion of it, to buy assets.

The assets we are going to own, we are going to get charged $30 billion when we spend the money to buy, and that will go into the deficit. We will then have to find $30 billion more to hit the Gramm-Rudman targets, even though the assets that we bought are going to be sold and liquidated in future years.

But if they are done in a different timeframe, you will create these kinds of ups and downs in the budget numbers which really have nothing to do with the real deficit, No. 1.

No. 2, you are going to invite activities on the part of OMB or the Resolution Trust Corporation, or others, to try to play games with the way we buy and sell. Because who wants to be charged a full $30 billion in 1990 and say we have broken the budget by $30 billion, when we spent existing money to buy assets we have to buy with money that is already accounted for in the budget process?

But technically, the expenditure of that money to buy the assets is exactly the same as if you appropriated it. You get the exact same negative on the deficit as if you had appropriated in an appropriation bill enough budget authority to spend $30 billion. In reality, the RTC gets its working capital from the Federal Financing Bank. I just do not believe this is the way we want to do it.

If we would have known about these kinds of ins and outs when we drew up Gramm-Rudman, we would have tried to fix it, I think. I do not think we would have had the expenditure to buy assets, if it happens in a given year, all be charged against the budget, even though in the next year you are going to sell them and get resources and assets back.

I do not think we would have included that in the Gramm-Rudman targets. But it is there, by interpretation of both CBO and OMB, that the event that I have described would be charged as an expenditure, even though in the next year what I have just described would clearly wipe out the expenditure when the assets are sold.

Frankly, I do not want to engage in a lengthy debate. I asked the appropriators, along with the chairman of the Budget Committee, to include this because I thought it might be a helpful tool. If this is going to delay the bill, or if anyone assumes that this is an effort to create any kind of gimmickry, I clearly am not part of that, do not intend it.

And if the point of order is made and we are serious about it, I will acknowledge that it is subject to a point of order and the amendment can be dropped.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, this particular amendment was presented to me as what I would characterize as a good Government amendment, an amendment that was supported by the Congressional Budget Office, by the Office of Management and Budget, by the chairman and ranking member of the Banking Committee, an amendment presented in an effort to prevent an artificial distortion of the budget deficit, that would thereby trigger an excessive sequester under the Gramm-Rudman-Hollings Act.

Like the distinguished ranking member of the Budget Committee, this is not a matter that I feel strongly enough about that if a point of order is raised, I would move to waive it. But I would say that this provision neither authorizes nor appropriates a single dollar for the savings and loan bailout.

Moreover, without this provision, the 1991 budget deficit and resultant sequester thereto could be artificially increased by tens of billions of dollars.

I see the distinguished chairman and ranking member of the Appropriations Committee on the floor, I have been advised by the Appropriations Committee that a sequester as large as $70 billion could result if this provision is not enacted. This would cause cuts as high as 28 percent in defense outlays and cuts of 25 percent in domestic programs.

The distinguished ranking member of the Budget Committee is quite correct. This is an effort, as I understand it, to secure operating capital for the Resolution Trust Corporation, money that will be borrowed in 1 year, but that would come back into the Treasury as early as the next year.

If we do have a sequester as high as $70 billion in 1991, I am advised that the converse of that would be that by 1992 collections resulting from the return of the working capital could reduce the deficit by tens of billions of dollars, thereby potentially bringing the budget artificially into balance by 1992.

This is why the administration maintains that the Resolution Trust Corporation desperately needs working capital to finance the buying, holding and selling of assets of insolvent thrifts. That is why the administration has come to the Budget Committee with this proposition. It appears to make sense to me that we would not want to artificially distort the deficit for Gramm-Rudman-Hollings purposes as we try to work our way through this very difficult problem surrounding the Resolution Trust Corporation.

Mr. President, that is my explanation for this being included in the appropriations bill. It was represented that time was of the essence here; that this was the vehicle to which this amendment should be attached; that it perhaps would not be possible to move budget reform legislation to the floor of the Senate, conference it, and get it passed in final form prior to this borrowing taking place and prior to the artificial distortion of the deficit occurring.

Mr. President, I rest my case. If we have not been sufficiently persuasive with the distinguished Senator from South Carolina, and, frankly, I doubt that we have been. If we have not been sufficiently persuasive, if he wishes to go ahead and raise his point of order, I do not intend to waive it. I might say that we might come to regret that on down toward the end of this year if we do see these enormous sequester numbers coming down on our head. We will try to form the Budget Act in time to avoid that problem, but, as the Chair knows, we are not always successful in these endeavors.

So, having said that, Mr. President, I yield the floor.

Mr. HOLLINGS. Mr. President, when you have worked in the vineyards as we have, trying my best to force truth in budgeting, and yet to be accused now of defending truth in budgeting by artificially distorting, then you have got my attention.

I want to artificially distort, the two Senators said, artificially distort.

Mr. President, who is doing the distortion? And what we have here is artfully, not artificially, but very artfully distorted. In one breath they said, we have not authorized the appropriation of a single additional dollar; in the next breath, they said that if I do not go along with the amendment, it is going to cause a horrendous sequester—$70 billion. So one minute this is just a technical amendment involving no additional dollars, and the next minute it is worth 70 million bucks. One minute, it is technical; the next minute, it is real.

Let us talk to the real threat that is going on here and the maneuver that is afoot. Let us first answer as to the alleged technical nature of this amendment, because this is a good opportunity for the Senate to sober up. As our distinguished former President said, if this is not the time to start doing something about this deficit and debt and horrendous interest costs, then when is? If this is not the place, then where is the place?

So this is just not a little quibble about a technicality. This is real, and they know it is real. It is a shenanigan that is part and parcel of the larger budget fraud.

The entire thrust is, Mr. President of the United States, you take care of $58.9 billion of the deficit with your fraudulent OMB plug. Now we need to be certain that the $33 billion for S&L working capital is not used to lighten the task at the summit. And when we get to that summit, before we get through, we will take other revenue-losers off-budget, and then we'll claim we only need to find $10 billion to reach the Gramm-Rudman-Hollings target. So we will have a $10 billion summit, and we will take it out of defense and we will congratulate each other on solving the deficit problem with the peace dividend.

Well, you cannot solve the problem just with the peace dividend, you cannot solve it just with taxes, you cannot solve it just with spending cuts, you cannot solve it just with asset sales. You have to solve it with all of the above. That is how badly off we really are—$300 billion in spending more than we have taken in in revenues this year, more last year. You have a true $300 billion deficit this particular year. And therein is our problem.

I want to get to answering this assertion that the issue here is technical. Wrong. It is substantial. Oh, no, this is not a little accounting technicality. I am not really interested in these accounting maneuvers. I am interested in the effects. In 1989, when we first got into this S&L bailout for Resolution Trust Corporation monkeyshine, we said we needed $50 billion. We said, we have already taken the snapshot, this money is for 1989, so put that on budget. But we are going into '90, so we will put the next $30 billion off budget—$20 billion in 1990 and $10 billion in 1991. So when we continue this machination, you have added then to the $20 billion for this year. Then we put $10 billion in '91, and you add the $33 billion for 1991 under this particular provision. That would be $43 billion in 1991.

The CBO says, concerning the Resolution Trust Corporation and what we have done in 1989 and 1990, that we are talking about capital, that we just temporarily put up the money to purchase assets, which we will sell in later years. We will address this argument in a minute.

Meanwhile, concerning the plan to roll back FICA taxes, we are going to keep patting the distinguished senior Senator from New York on the head and telling him what a nice gentleman

he is, and what a really important subject it is, and we really appreciate it, and in concept we agree, and what a grand fellow he is. But do not ever think we are going to vote for his plan, because we are hooked on $136 billion in money from the trust funds—Social Security, airport and airways, highway, Federal finance bank, Medicare, you name it.

As we work our way to the summit, the media does not have the foggiest idea what is going on. They accept the fraud hook, line, and sinker, and this is why we are misled. that is why we can meet, as we did last Thanksgiving, and claim we have reduced the deficit to $100 billion, meeting the Gramm-Rudman-Hollings target, yet by Christmas time the deficit has already soared to $159 billion.

That is what they are now prepared to do yet again, and they will all say that the current-year deficit is spilt milk, let us move on. They now emphasize the word "Hollings" in Gramm-Rudman-Hollings, like I have a bone to pick, like I revere Gramm-Rudman-Hollings so. Certainly, I think it is a good law if it is adhered to. But there are so many laws that are violated.

Right to the point. We have not adhered to Gramm-Rudman-Hollings in the last 3 years, and that is why I shocked them—I thought I would—by asking for a divorce from Gramm-Rudman-Hollings. They did not pay any attention. That is why I proposed a value added tax, because I knew we were going to have to get both spending cuts and real revenues, both, to try to deal with the deficit mess. And we get deeper and deeper and deeper in the hole.

The current issue is not technical, it is real. It is substantial. And they say we are purchasing assets? But these are very dubious assets. They are what the bankers euphemistically call nonperforming assets. In the vernacular, these assets are known as dogs, cats, white elephants, boo boos, turkeys. We will not get our money back in full, I can tell my colleagues that.

Every time we pick up a paper we see the S&L bailout estimate go up and up. They started off at $150 billion, the next estimate was $200 billion, then $300 billion, $360 billion; then $400 billion, then $425 billion.

Too bad we don't treat other asset purchases so charitably and generously. Do they say to the distinguished Senator from Rhode Island [Mr. PELL] that we ought to fully fund his student loan program and put it out of the Gramm-Rudman-Hollings calculations. Because those certainly are quality assets. The young students who borrow that money, they are going to pay it back. So perhaps we ought to put Pell grants under section 306 of the Budget Act in this wonderful amendment because we want to treat assets differently. And I would consider the students participating in the Pell grants as a real asset compared to the nonperforming assets we are purchasing from the S&Ls.

What about the farmers, the farmers' loans from the Government. What about those? We make loans to the farmers and, after all, they are going to pay back. Should these assets be out of the G-R-H calculation.

But we are all hell-bent to put massive expenditures for the Resolution Trust Corporation off budget. We won't do it for students or farmers, but for the rascals in the S&Ls, yes, we ought to take care of them.

Or consider the REA Program—every dollar paid back. What a tremendous asset and wonderful program. Yet they red line it, get rid of it; call it waste, fraud, and abuse. The Grace Commission dared to classify it in the waste, fraud and abuse category.

But now we claim these are assets. They claim we purchase $30 billion worth of S&L assets and we are going to get $30 billion back, and so this is just a little technicality. Meanwhile, we try to red line rural electrification in America. Or, if you have REA, count it. But when it comes to the S&L crooks, don't count it. Out of sight, out of mind.

Or what about low-income housing? I just read the story in the morning paper about the audit revealing mismanagement in HUD programs for the elderly. The very last line is:

> The auditors told Kemp he needs to develop a program to sell the centers that are coming under HUD's control because of defaults.

I never heard the chairman of Banking, Housing and Urban Development come over and say, let us recognize these HUD properties as assets and not count it. So we have no housing for the homeless; no assets in low-income homes. But for the S&L crooks, the sky is the limit.

Or consider the $9 billion in foreign military sales, which are wonderful assets. We are going to get the money back. And if we throw in a cake and a key and a Bible we might get a hostage back, too. Yes, we are going to put that $9 billion in foreign aid on budget. But no such treatment for the Resolution Trust Corporation and S&L assets. That is what the Senator calls real assets. So we are going to change the rules under a dire emergency supplemental, because it is allegedly an anomaly brought about by Gramm-Rudman-Hollings.

I guess any truth in budgeting truly is an anomaly, in this body. I remember Mark Twain said: "The truth is such a precious thing, it should be used very sparingly." Yes, an anomaly.

Well, when we get truth in budgeting—and we had it momentarily for 2 years under Gramm-Rudman-Hollings—it worked extremely well. But at Christmastime of 1987, we began discovering these technicalities and anomalies and dodges.

Mr. President, what they really do not want to talk about is the larger budgetness. We are in fiscal gridlock. As I have just emphasized, we have a true deficit of $300 billion. We were supposed to have "Morning in America," but we are having "Morning After in America."

What is really happening, as the distinguished chairman of the Budget Committee pointed out in session just a week ago, we have run up a bill of $1.4 trillion under Reaganomics. What a terrible thing it was. I happened to be one of the Senators who did not vote for it in 1981. In fact, that year I voted for the spending cuts and against the tax cuts.

Mr. BRYAN assumed the chair.

Mr. HOLLINGS. Mr. President, I tried to hold the line as best I could in 1981 because we had just finished a major effort to keep President Carter's last deficit below the deficit that he inherited from President Ford. There was a conscience at one time in this body. There was a conscience in this Government.

President Lyndon Baines Johnson—I will never forget it—was very sensitive to the charge of wanting both guns and butter. "Mr. President, how do you expect to pay for Vietnam, the guns, and your Great Society, the butter?" When we came to the end of his term in 1968, we had to levy a surtax. He really would have been run out of town if he said "Read my lips, no taxes, we are not going to pay the bill."

At that time, there was a definite environment of fiscal responsibility, and President Johnson led the way. He said we are going to levy a 10-percent surtax on income. There was not any argument about rich versus poor, regressive versus unregressive, or anything else; we levied the tax. That still was not enough, so we cut $5 billion out of spending. Almost 2 months into the fiscal year, we cut another $5 billion. As a consequence, we gave Richard Milhous Nixon a $3.2 billion surplus in 1969.

Can you imagine that, Mr. President? Can you imagine this Government, like your State and my State operating in a surplus, in the black. The city mayors have to, as well, or they would lose their bond rating; the Governors would lose their bond rating. But up here all you can lose is the next election. So what you do is engage in shenanigans such as section 320 of the dire emergency supplemental appropriations, never discussed in the Budget Committee, never discussed in the Appropriations Committee, never discussed at all if they could have sneaked it by.

So we had a conscience as President Carter left office. As chairman of the Budget Committee, I said, "Mr. President, you are going to leave a deficit bigger than the one you inherited from President Ford." He said "How much?" I said, "You inherited a $66 billion deficit from President Ford, and the Congressional Budget Office has just estimated that your last deficit is going to be nearer $75 billion." Can you imagine that? If we could ever get down to $75 billion during my days in the Senate, I would be happy. I would be happy just to get below $100 billion in real terms.

Carter said, "That cannot happen." I said, "It is going to happen unless you leave me alone to straighten it out. There is OMB; they are the culprit." Even under the Democratic administration, I said, "You tell that crowd at OMB to leave me alone. I will get the votes."

I went right down here—I will never forget it—in the well of the Senate and took some of my more liberal friends aside—the distinguished Senator from Washington, Senator Magnuson; Senator Church of Idaho; Senator Culver of Iowa; Senator Birch Bayh of Indiana; Senator Gaylord Nelson of Wisconsin; Senator George McGovern of South Dakota. I said you fellows have to give us the votes because we Democrats are going to end up with the biggest deficit in history—$75 billion. They did not want to vote for cuts. I said you have to uphold the program. And so we cut—the word was reconciliation. The House would not even pronounce it at that particular time, would not go along. Bob Giaimo did go along. In that regard, we cut the deficit back to $58.7 billion, down from $66 billion.

So, I repeat, this $33 billion for the S&Ls is not a little technicality. We rarely have an opportunity to discuss thoroughly the budget, the deficit, the fiscal policy of the U.S. Government on this floor. Instead, it is all machinations. It is all parliamentary maneuver. It is all procedure and no substance.

Three weeks ago, I wrote an article for the Washington Post. I wrote that what we ought to do is forget about Gramm-Rudman-Hollings, and forget about all these machinations, and decide where this country is, where we want it to be in 5 years, where we want it to be in another 10 years, and how do we get there, how do we pay for it? Lay it out to the American people, and quit acting like we have passed some kind of test because we technically complied with Gramm-Rudman-Hollings, because we know it is a charade and we manufacture the charade as we go into the summit, with the American people believing us. We need to stop the politics and the bickering. The President can do better on that score. He will gig you and knife you and undermine you, and then appear with a nice pleasant smile on TV and say, "I hope we can stop the bickering."

So the American people think that if we get the two together, the Congress and the President, that we have accomplished something. They are wrong. Bipartisan summits are the cancer not the cure. We got together at Christmas with President Reagan in 1987. Again the next year and last year. We said a deal was a deal. We in the Budget Committee waited and waited for meetings. But we did not have any meetings, and then on a Friday afternoon, at 7 o'clock we looked up at the TV and, my gracious, there was the chairman of my Budget Committee, the ranking member, the President and everybody around, leaders of Congress, saying a deal was a deal. But other congressional leaders were conspicuous by their absence. They did not want to get caught in the picture because they knew the deal was irresponsible.

Now the White House is trying to roll the Congress again, and we are trying to help them with this particular amendment. Put the S&L money off budget, do not count it. Issue the bonds. If you want to go to Mars, issue go-to-Mars bonds or wherever else you want, just have the off-budget, bond approach. You do not have to put anything on budget that you do not want. It is total fiscal irresponsibility.

I received yesterday from Robert D. Reischauer a letter, it says:

> DEAR SENATOR: This letter responds to the two questions we discussed in our phone conversation earlier today. First, Section 320 of H.R. 4404, the Dire Emergency Supplemental Appropriations Act for 1990, as reported by the Senate Committee on Appropriations, would represent an amendment to the Balanced Budget and Emergency Deficit Control Act of 1985, the Gramm-Rudman-Hollings Act.

So it would represent an amendment.

Second—

And I quote from Dr. Reischauer—

> under current law and accounting procedures, the net expenditures of the Resolution Trust Corporation, including those financed by working capital borrowed from a Federal financing bank will be included in CBO's sequestration calculations under the Balanced Budget Act.

Now, there it is. This is not a technicality. It is the law. He is citing current law and accounting procedures. If my distinguished friend from New Mexico wants to change the accounting procedures—and we had many amendments when we adopted Gramm-Rudman-Hollings—he knows how difficult that is. We had to give and take, and take and give, and get a united Congress, a majority of the House, a majority of the Senate and the President together. He knows better than any. He can put in his changed accounting procedures, and then let me have it apply for the farmers and let me have it apply for housing and students and the Lockheed loan and the Chrysler loan and any other advances we make in Federal financing and say that what we are really buying in that student is an asset in the future. We know that that student is going to really bring in four times the income as a college graduate than what he would as a high school graduate, and we will have far more income tax paid by that individual. And so that is an asset and we ought to count it as such and not account for it here when we spend money.

The whole thrust of Gramm-Rudman-Hollings was to cut out all of these accounting arguments and get it all on top of the table so we could look at it all as a whole picture. But section 320 that they have snuck in here is designed to get it off the table. It is to get it off the table and say that it should not be counted.

We have, Mr. President, a desperate situation because if we do not get ahold of ourselves now and own up to the deficit for what it is and stop using the trust funds, then the ox is in the ditch.

I gave notice that I would make a point of order regarding section 320 and they could appeal by moving to waive the Budget Act, and if they succeeded, I certainly would move to take Social Security off the accounting, and, if successful, I would move to roll back the FICA payroll tax.

Now, let me touch Social Security. Last year, and even before then, we realized that we are beginning to spend lots of Social Security moneys on non-Social Security expenses. When we passed the Gramm-Rudman-Hollings in 1985, we only spent $9 billion in Social Security moneys. This year we will spend $66 billion, next year $74 billion. As Senator Dirksen said, we are getting into real money.

No one has worked longer and harder for the integrity of Social Security than our distinguished senior Senator from New York, Senator MOYNIHAN. He has been a member of the Greenspan Commission. He is chairman of the Social Security Subcommittee on Finance. I have followed his leadership and willingly now would follow his leadership on this particular score. He sent a letter with our distinguished colleague from Pennsylvania last year at the beginning of the session advocating that we use Social Security funds for a couple, 3 more years and then stop. I said, if you are really going to do it, you have to do it immediately.

I went whole hog, to exclude all of Social Security from budget calculations. And we negotiated throughout the year. I had over 20-some cosponsors, with the leader among them. We had a press conference with the distinguished majority leader present. We

had the Speaker of the House there. We put it forward as congressional policy. That was late last year.

Earlier in the year, I said to my distinguished majority leader, Senator, what I need is a vote when we consider the debt limit extension. I do not want to play games and have any surprises. And when we reached that debt limit bill, it was a temporary debt limit and Senator MITCHELL pleaded, look, if we do that, we invite a whole raft of amendments; this is only temporary.

So I yielded. He said you will get an up-and-down vote on the permanent debt limit before we leave here in a few weeks. When we reached the permanent debt limit and I was ready to bring that matter up, as you remember, it was 1 o'clock in the morning. Senator HEINZ was participating in the main in that exchange. We were told look, let us get this bill, let us go home for Thanksgiving and at the first part of the year we will get you your up-and-down vote on Social Security. Now it is May and the first part of the year has passed.

I have followed Senator MOYNIHAN's leadership throughout, since he submitted this initiative in December of last year, and he has been doing a stalwart job. But I think the leadership may have persuaded him that it is a matter for the Finance Committee.

If we wait for the Finance Committee to consider it, what really happens, as they say in reconciliation, is that if you call a motion, it must be made revenue neutral. And if he is backed into that particular corner, then it is going to be very difficult to find the moneys, the $36.5 billion, to offset the Moynihan initiative.

That is very disturbing to me, and I have talked to the majority leader and told him I was prepared, if they were going ahead here with section 320, to go ahead with the Moynihan amendment. I was told that perhaps Senator MOYNIHAN did not want to do it. I do not want to do it on this. I think amending the Budget Act is totally inappropriate on this particular score, but if the super majority or 60-some votes of the Senate is willing to amend the Budget Act this way, then obviously I am put to the task of looking out for far more important initiatives than the accounting of the resolution trust company.

I think we ought to give some attention to Social Security. I think the Senator from New York is correct, we ought to stop the thievery. In fact, 79 Senators adopted a resolution on February 28 of this year as a sense of the Senate that we use the peace dividend from the Pentagon budget, allocate it to eliminating the deficit and the debt. They used the words in that resolution "stop the thievery." The word "thievery" was used.

So we now know how 79 Senators on both sides of the aisle feel. So I think I have more—79 Senators—for Social Security than they have for the scoundrels in the S&L's. So I am put to the task of bringing Social Security up, which brings me to the point that this particular initiative is being finessed and we are going to say it is too late in the year; it is not budget neutral; it is not this; it is not that.

I have had the balance, you would call it, to propose a tax, if we can pronounce that word in this body, a tax in order to raise revenues. The tax must be substantial, as I pointed out. Over 10 years now, we have been spending $200 billion to $300 billion more than we are taking in. So no one initiative, spending cuts or otherwise, is going to suffice.

So you need some real money and you need a value-added tax, a consumption tax on everybody as compared to a payroll tax on working Americans—far less regressive that is than the payroll Social Security tax on working Americans alone.

In fact, it is a dirty shame to increase payroll taxes this past January, with surplus revenues coming in in excess of $1 billion a week, all of it being spent on foreign aid, spending on welfare, spending on any and every program. By decreasing the budget deficit using surplus Social Security dollars, we are simply increasing the deficit in the trust fund by an equal amount.

In fact, it has been estimated by CBO that if this continues, in addition to the Social Security deficit we have now, we will add another $500 billion or more in the next 5 years, not to the surplus, not to reserves, but to the Social Security deficit, and thereby lower our spending deficit.

That is the game that has been played. We have been trying to put a stop to that and a stop should be put to it. On that particular score, I would be obligated on any financial measure to bring this up. My emphasis is that we are not trying to grandstand or upstage the leadership of the distinguished Senator from New York. But Social Security is not a single-Senator issue. We are all interested in it.

To Senator HEINZ' credit, when we were bringing up Gramm-Rudman-Hollings in 1985, in August of that year, Senator HEINZ of Pennsylvania said it should be put off of the accounting. That was 5 years ago.

So there are Senators on both sides of the aisle interested in Social Security and who have had their various measures, initiatives, motions made. There were freezes voted for in this body in 1985, and I give credit for that. But the truth of the matter is that we get very sticky when it comes to doing something real in this body. We hide behind the parliamentary maneuvers on for instance, the capital gains tax. I happen to have a different view, both politically and substantively with respect to capital gains. But I would long since have gone ahead and allowed Senators to vote for it. They have the votes. I would not vote for it. But they have the votes. Let them show in fact and not in just arguments that it cost revenues to the Treasury. Then we can easily point out that rather than the big-spending Congress, we have the President and the White House trying to take care of their rich friends and in the process caused an increase in the deficit.

So rather than parliamentary maneuver around, I would have given them a vote. We have not had a vote on that. The maneuver now is I guess if they are not going to ask for a waiver of the Budget Act, as we were told up until this morning, that this means they do not want to get into the Social Security issue. They really do not want to get into Social Security. They will do anything in the world to get by.

Question: Do you want to get by? Here is the choice concerning taking RTC out of the calculations to the tune of $33 billion for 1991 in addition to the $10 billion we have already passed, or $33 billion in spending compared to $36.5 billion under Senator MOYNIHAN's initiative. They say, well, we do know a little bit of arithmetic. Rather than losing the $33 billion, we are going to stand up against losing $36.5 billion without a hunch. So, they reckon, we had better not ask for a waiver.

I wish they would ask for a waiver. In a sense, I wish they would get the waiver. Then we could set the real wedge in for truth in budgeting, in fairness in fiscal policy, and in stopping the "thievery," as the distinguished Senator from New York has pointed out.

If they can set that precedent for me, then I want to be able to use their argument about being technical. The Senator from New Mexico comes and says this is just technical. He says it is just a little technicality in assets, and he is the only fellow that has had the audacity to call what those savings and loans have dumped into our laps as "assets." They are turkeys, they are dogs, they are white elephants, they are nonperforming assets as the bankers call them. That is what they are. They are all bailing out as fast as they can, and it is growing bigger than anything we have ever had.

Then the chairman himself of the Budget Committee says we do not want to unofficially distort for Gramm-Rudman-Hollings purposes, inferentially saying that the Senator from South Carolina, the author of Gramm-Rudman-Hollings, wants to unofficially distort. His section 320 would avoid the unofficial distortion. Then he goes on in the same breath almost to say it is going to cost $70 bil-

lion to sequester. That is not artificial. That is real.

So there we are, Mr. President. I will withhold the point of order or allow others to make it. I see the distinguished senior Senator from New York on the floor. Our distinguished colleague from Florida has been waiting. I will withhold further debate in making that point of order until others have completed their comments.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. MOYNIHAN] is recognized.

Mr. MOYNIHAN. Mr. President, I rise briefly to express my great appreciation and admiration for the way in which the distinguished Senator from South Carolina, my friend for many years in the Senate, has set forth the facts concerning the Social Security trust funds and the U.S. budget, and the way in which he is insistent that the Senate address this subject in this Congress. And it will, sir. He knows that has been assured by the majority leader—that there will be a vote on this matter. There may be several.

The majority leader is well aware that a Senator can have a vote about any issue he or she wishes. But the point is he wishes, he desires a vote; the majority leader wants a vote, too.

We have to deal with this elemental issue of honesty. These are trust funds. In 1941, when a very distinguished professor at Columbia University named Luther H. Gulick, an authority on public administration matters, was down here working on the New Deal a bit, he called on President Roosevelt. He said:

> You know, Mr. President, I think that it is time to give up the separate Social Security payroll tax and merge it with the general revenues. It makes more economic sense.

In a memo which we found in the Roosevelt Library in Essex County, NY, Gulick records that the President said that maybe it would make sense as an economic matter, but that the separate tax was not there for economic reasons. It was there so that money would be set aside and no darned politician in the Senate or the House could get their hands on it. He said no darned politician in the Congress can get their hands on that money.

But he never thought that it would be a President who would get his hands on the money that quickly. But, sir, that is why you have a numbered account, your numbered account. That is why you have a trust fund and a special bond that never sells below par, to ensure confidence in a system of which Americans were doubtful and suspect, and to this date the majority of nonretired adults in our country do not think they are going to get their social security.

Well, why pay when they see what is happening with the trust funds? Two things I point out to my friend, and I think him for the urgency with which he presses this issue.

The trust funds are now rising at $1 billion a week. By 1995, it will be $2 billion a week. By 1998, it will be $3 billion a week. By the year 2000, $4 billion a week. If we cannot break a $1 billion a week habit, do not even think about a $4 billion a week habit. We either address this now, or we will draft into a situation of financing the American republic with the pension contributions of the American people, something which would be far from the imagining of Franklin Roosevelt and Robert F. Wagner.

It is elementally a matter of trust. It is also a matter of tax equity.

We amended the Constitution to provide a graduated income tax, and effectively we are repealing that 16th amendment without saying so in this. I make the point that as a pension contribution, the Social Security tax should not be described as regressive. Benefits are related to the earnings you pay taxes on, and the benefit formula is progressive. But when it becomes a mode of financing the American Government, we would have the most regressive tax system of any society on Earth, something we could not have contemplated years ago. But we have drifted into this.

I make a final point because the Senator has been so patient. It needs to be recorded that this is the first time, Mr. President, we have ever had to deal with a subject of this kind. There has never been such a revenue stream in history. The way things now stand, we will bring in $3 trillion by the year 2018, excluding interest. That would purchase the New York Stock Exchange today.

In 1977, when we put the contribution rates in place—Gaylord Nelson, our beloved former colleague did it in the Finance Committee—we created this surplus coming on stream 10, 15 years out. We never debated it. You will not find it in discussion. A few knew it meant going to a partially funded system, but it was not discussed at that time.

In 1983—the Senator was kind enough to refer to the Social Security amendments of that year—we did not change the rate structure. We simply moved a few of the rate increases forward to get a little money a little earlier.

The last increase legislated in 1977 took place on January 1 of this year. But now we clearly have to ask what to do with the surplus. We could save it. GAO urged us to do it. The National Economic Commission warned us, but we are not.

In testimony before the Finance Committee, Mr. President, our good friend, the Chairman of the Federal Reserve Board, Dr. Alan Greenspan, was asked by me, "You have urged that we save the surplus?" He said, "Yes."

I said, "Sir, in terms of the economic impact in the outyears, is there any difference between what we are now doing and going back to a pay-as-you-go system?" He said, "None." Because we are not saving it, but he did not elaborate. He said "none."

That is the thought, that something close to a subterfuge is taking place. The Federal Government implicitly undertook to save this money when we put those rates in place. We are not saving it. Bonds are accumulating, but they do not constitute economic savings. They constitute future obligations against an economy that will not be of large consequence.

So, Mr. President, we are going to have to face this in this Senate this year, as the Senator from South Carolina says. If we do not do it today, we will do it shortly, and we may do it more than once. I mean, this is a subject about which the more Senators think, the more they will think alike, and the more they will recognize that we cannot go on with this basic breach of trust; that the Social Security trust funds are held in trust by us. Those moneys are not general revenues; they are trust funds.

It is a concept that is central to American jurisprudence and polity. Any other arrangement in private life where we are using trust funds could be calamitous, and it will be calamitous for this Congress if we will not address the requirements of trust with respect to the maintenance of these trust funds.

Mr. President, I thank my friend once again. There is one thing certain; when FRITZ HOLLINGS thinks something has gone wrong, something is being done that is not right, he will be heard. And over a generation, since the years of John F. Kennedy, I have known him, and he has prevailed, year in and year out.

He has had an extraordinary American career, and it is an honor to serve in the same body with him.

Mr. HOLLINGS. I thank my distinguished colleague.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. Mr. President, in the third century B.C. an Athenian general observed that whenever the army of Athens was under the greatest threat, when their lines were about to be overrun, when it appeared as if their prospects for victory were at their bleakest, it was at that point in time that the Athenian general staff back in the

capital would decide it was appropriate to reorganize the army.

I believe we have arrived at one of those reorganizational steps, that at a time when the savings and loan crisis is at its bleakest, with every propsect of getting worse, when we are faced with financial challenges on all fronts, we have now decided that it is time to reorganize what is supposed to be the fundamental economic discipline of Federal fiscal policy, Gramm-Rudman-Hollings.

Mr. President, the reports that we are receiving are coming with increasing frequency and severity as to the status of the savings and loan industry and our attempts at its rescue. To quote just three items, on April 25, the Wall Street Journal carried an item entitled, "RTC Mulls Plan To Sell Property at Big Discounts."

It states:

The Resolution Trust Corporation is considering a plan to reduce prices of real estate the government has repossessed and is having trouble selling.

It goes on to say:

RTC chairman William Seidman compared the proposed policy to a department store markdown, calling it the "Filene's basement plan." Under the plan, if a property doesn't sell after six months, the RTC could reduce the price to 15 percent below the price set by private appraisers. After three more months without a sale, the price could be reduced 5 percent more. After that time, the property would be reappraised.

In today's Washington Post, Mr. President, there were two articles back to back. The first is entitled "Sinking Deeper Into S&L Debt," and it states:

L. William Seidman walked two blocks from his office at the Federal Deposit Insurance Corp. to the White House two weeks ago to personally deliver the bad news to President Bush: Cleaning up the nation's insolvent savings and loans is going to cost many billions of dollars more than the administration has planned to spend.

Mr. President, adjacent to that article and reminiscent of the statement of the Athenian General, what was the response of the administration to the bad news delivered on April 5 of the fire sales, the bad news of 2 weeks ago that there would be many billion dollars more required for the savings and loan rescue? The answer is the "President Said To Be Urging FDIC Chief To Step Down."

The White House has been feuding for months with Federal Deposit Insurance Corp. Chaiman L. William Seidman about savings and loans, but now they seem to have reached agreement on at least one issue: Seidman should step down soon.

Mr. President, I ask unanimous consent that those three articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 25, 1990]

THRIFT AGENCY DELAYS VOTE ON PROPERTY SALES

Savings and loan bailout officials delayed action yesterday on a proposal to speed the sale of repossessed real estate after a top bank regulator said he feared the plan could hurt struggling institutions.

The board of the Resolution Trust Corp. was set to vote on a new policy that would have allowed the agency to sell properties as much as 20 percent to 30 percent below their appraised value.

However, it agreed to delay a vote for two weeks after Comptroller of the Currency Robert Clarke said he feared the effect of cut-price sales on financial institutions operating in fragile real estate markets.

"I think we have to be awfully careful," said Clarke, who regulates nationally chartered banks and is a member of the RTC board.

"We have a number of institutions out in the marketplace holding an awful lot of property * * * that we'd like to keep out of the RTC. I'm not sure we know as much about the broader consequences * * * as we should," he said.

The agency's current policy is to sell no property in six distressed states—Texas, Oklahoma, Louisiana, Colorado, New Mexico and Arkansas—for less than 95 percent of its appraised value. It is intended to prevent properties from being "dumped," sending depressed properties even lower.

However, agency officials are having difficulty attracting bids close to the appraised price and want to offer a reduced price without a costly and time-consuming second appraisal.

In addition, qualified appraisers are hard to find in some areas of the country because RTC ethics rules preclude hiring anyone implicated in an S&L failure.

RTC Chairman L. William Seidman, while agreeing to the two-week delay, said speeding real estate sales is essential to holding down the taxpayer cost of the S&L bailout.

"We are sitting here with billions of dollars of property which is costing us huge amounts of money as long as we keep it," Seidman said.

"We've got to convince bidders they can get a bargain from us. * * * Otherwise, we won't have any customers," he said. "* * * The first citizen volunteering to buy out of patriotic motives has yet to come forward."

The policy under consideration would permit the RTC to sell property for 85 percent of appraised value after it had gone unsold for six months, or four months in the case of single-family homes. It would allow an additional 5 percent cut after three more months.

The plan also would allow the agency to sell properties at well-advertised auctions for as little as 70 percent of appraised value or, in the case of properties appraised at less than $100,000, for the highest bid regardless of the appraisal.

The proposal drew praise from analysts who complain real estate sales so far have been too slow. They said that after the changes the agency would still comply with last summer's S&L bailout law, which requires properties in distressed areas be sold at 95 percent of "market value" rather than appraised value.

"Market value is not what an appraisal says it is. It's what a buyer is willing to pay," said Robert Litan of the Brookings Institution. "As long as you have a sufficient number of bidders, that is the market price."

Joseph E. Robert Jr., chairman of J.E. Robert Cos., an Alexandria real estate management firm, said he doubted prices would be further depressed by quicker sales.

"The market has already taken in to consideration the overhang and the fact that the RTC has this property," he said.

[From the Wall Street Journal, Apr. 25, 1990]

RTC MULLS PLAN TO SELL PROPERTY AT BIG DISCOUNTS

(By Paulette Thomas)

WASHINGTON.—The Resolution Trust Corp. is considering a plan to reduce prices of real estate the government has repossessed and is having trouble selling.

In a signal that it's having a tough time selling the property, the thrift bailout agency said in a meeting yesterday that it may slash prices below appraised values more than originally planned. Its real-estate portfolio may eventually total as much as $100 billion.

RTC Chairman William Seidman compared the proposed policy to a department store markdown, calling it the "Filene's basement plan." Under the plan, if a property doesn't sell after six months, the RTC could reduce the price to 15 percent below the price set by private appraisers. After three more months without a sale, the price could be reduced 5 percent more. After that time, the property would be reappraised. For residential property, the first markdown could occur after four months.

"It's costing us every day because we are not making the sales that we could be making," said Mr. Seidman. The RTC has taken control of about $16.4 billion in foreclosed real estate, but it sold only about $2 billion of that since the agency was created in August.

The board delayed for two weeks any decision after Robert Clarke, comptroller of the currency, said he was concerned that the policy could hurt other real-estate prices. The agency will re-examine the proposal during that time.

The RTC said the proposed policy wouldn't violate a provision in the savings-and-loan restructuring law that restricts the RTC from selling real estate below 95 percent of the market value in depressed areas. The agency argues that market value shouldn't be set exclusively by appraisers, but by what price attracts buyers.

The RTC may also consider how to guarantee loans for some private borrowers to finance purchases of RTC real estate, said David Cooke, executive director of the agency.

Separately, the RTC tapped Greenwich Capital Markets Inc., a Greenwich, Conn., investment banking specialist that deals in asset-backed securities and mortgages, to act as its adviser in setting policies for securitizing mortgages and loans held by the RTC thrifts. In addition to the $250,000 policy contract, Greenwich will launch a pilot project to bundle some RTC assets to be sold in blocks. The amount of that contract will depend on the extent of the assets in the securitization program.

[From the Washington Post, May 1, 1990]

SINKING DEEPER AND DEEPER IN S&L DEBT

(By Jerry Knight and John Berry)

L. William Seidman walked two blocks from his office at the Federal Deposit Insurance Corp. to the White House two weeks ago to personally deliver the bad news to

President Bush: Cleaning up the nation's insolvent savings and loans is going to cost many billions of dollars more than the administration has planned to spend.

Seidman warned that so much cash is needed so quickly to pay off depositors that the cleanup will run out of money by early next year, according to sources familiar with the meeting.

Seidman's assessment was no surprise to Bush, say top aides who have been warning the president that the S&L cleanup costs will send the federal budget deficit soaring. Driven mostly by the extra S&L spending, the fiscal 1990 federal budget deficit will grow past the $180 billion mark, and possibly past $200 billion, the Congressional Budget Office predicts. Only three months ago, the administration pegged this year's deficit at $121 billion.

Seidman gave Bush no estimate of how much more the government will have to spend to protect depositors' savings in the sick thrifts, the sources familiar with their meeting said. Figures bandied about in the past have ranged from $50 billion to $500 billion. Until recent weeks, the most widely accepted figure was $164 billion.

Until the administration gets a better idea of how much cash is needed, no decision can be made on where the money might come from, a Treasury Department official said. While stressing that there is no plan to raise taxes to pay for the thrift cleanup, the official also emphasized that the administration will pay whatever it costs to keep the promise to protect depositors.

The S&L cleanup is turning out to be unexpectedly costly because more thrifts are in trouble than previously thought, and their losses are bigger than projected, Seidman told the president. The FDIC chairman also serves as head of the Resolution Trust Corp. (RTC), the new S&L cleanup agency.

The costs of the thrift cleanup are becoming clearer as the RTC overcomes start-up difficulties and shifts its newly built bureaucratic machinery into high gear. In April, the administration gave the go-ahead to an aggressive effort to shut down insolvent thrifts whose losses are mounting daily by millions of dollars.

The plan calls for "resolving" 141 thrifts by the end of June by spending $51 billion either to pay off their depositors and shut them down or to pay private investors to take them over. That spending is swelling the federal deficit and raising urgent questions both in the administration and Congress about the cleanup's impact on the 1991 budget.

Even though part of the money being spent now will be recovered when assets from failed institutions are sold, the entire amount counts as a budget outlay immediately. If the rules are not changed on how these outlays are shown in the federal budget, the spending could make it impossible to meet the 1991 deficit target of $63 billion set by the Gramm-Rudman-Hollings law.

An amendment to change the Gramm-Rudman rules and exempt S&L cleanup spending from the deficient calculations was approved by the Senate Appropriations Committee last week with the backing of the Bush administration.

The Treasury is in the process of borrowing more than $40 billion to finance the current stage of the cleanup. Though administration officials insist the growing cost is coming as no surprise to financial markets, some analysts believe the additional borrowing is one factor behind the recent rise in long-term interest rates.

Higher rates are a problem for the entire economy, and they add directly to the cost of the S&L cleanup by increasing operating losses at some thrifts and reducing the value of their assets.

Uncertainty about interest rates is one of many factors that make the ultimate cost of the thrift cleanup impossible to calculate with any precision. The government is borrowing the money, and much of the total cost will consist of the interest payments. The administration is in the midst of figuring new estimates and plans to disclose how much more money will have to be spent in a report to Congress by the middle of this month.

When an S&L fails, the government has to put up enough cash to cover all insured accounts of up to $100,000. Usually, the government gives that money to a financial institution, which takes responsibility for maintaining the accounts or paying off the depositors if they want their money. In rare instances, the depositors are paid off directly by the government.

In exchange for covering the deposits, the government takes over the failed thrift's assets. Most of the assets are either loans worth less than the amount owed on them or real estate that has been repossessed because a borrower could not repay a loan.

The government's loss will be the difference between what it had to pay the depositors and what it gets when it eventually disposes of the loans, the real estate and other assets. Since selling the assets will take years, the government will have to pay billions of dollars to manage and sell the assets and won't know its true losses until the last asset is sold.

The S&L cleanup legislation signed by the president last August provided $50 billion to cover the remaining costs of thrift resolutions that were started before 1989 and $50 billion for the current cleanup.

Rep. Bruce F. Vento (D-Minn.), head of a congressional task force overseeing the RTC, recently calculated that the cleanup will cost at least $40 billion more than was provided by the legislation.

The much larger cost estimate made in April by the General Accounting Office of $325 billion included not only money to cover losses and administrative expenses but also the interest that will have to be paid to borrow that money.

Bert T. Ely, a private thrift consultant in Alexandria, figures the cleanup would cost about $125 billion if the government wrote a check today to cover all the losses of all the S&Ls that have failed or are likely to fail. But an immediate outlay of that magnitude would have to be financed by a tax increase.

The biggest factor in the final cost is how many thrift institutions eventually fail. Currently, there are about 2,900 thrifts. The official estimate last summer was that 560 of them would require government help because they were already insolvent. "Insolvent" means that if you added up all their obligations to depositors and other debts, they would not have enough assets to pay them off.

But everyone involved, including Seidman and other administration officials, the GAO, congressional experts and private analysts, acknowledges that more than those 560 institutions will have to be "resolved," as cleanup jargon puts it.

[From the Washington Post, May 1, 1990]

PRESIDENT SAID TO BE URGING FDIC CHAIRMAN TO STEP DOWN

The White House has been feuding for months with Federal Deposit Insurance Corp. Chairman L. William Seidman about savings and loans, but now they seem to have reached agreement on at least one issue: Seidman should step down soon.

Seidman, who will be 69 next month, has been saying for some time that he does not intend to remain in office until his term expires in 1991.

During their meeting at the White House recently, President Bush reportedly told Seidman this would be as good a time as any for him to leave. Bush wants to name his own FDIC chairman to head the cleanup of the S&L industry, two administration sources familiar with the meeting said. "It's no secret we would not be upset if he leaves. It's not like we're trying to talk him into staying," said one source who was there.

By law, the FDIC chairman is one of the few high-ranking government officials who do not serve at the pleasure of the president and cannot be fired. Neither the White House nor Seidman would comment on a report that the president offered Seidman an ambassadorship as an incentive to give up his post early.

Though the White House would not miss Seidman, Congress would. He is regarded as the administration's most influential voice in Congress, the person in the administration who is most respected by the Democrats who control the House and Senate banking committees.—Jerry Knight.

[From the Washington Post, May 1, 1990]

THE UNCERTAINTIES OF THE SAVINGS AND LOAN BAILOUT

(By Tobey)

Estimates of how much it will cost the Federal Government to protect deposits in the Nation's troubled S&Ls have ranged from $50 billion to $500 billion. Here's how the bailout works and some of the reasons it's so difficult to figure the true cost.

What happens:

An S&L gets in trouble when the money it owes to depositors exceeds the value of what it owns—stocks, bonds, real estate and loans due to be repaid by businesses and individual borrowers.

When the government decides to take over an insolvent thrift, it must come up with enough cash to make up the difference between what the thrift has on hand and what the depositors are due. The government must borrow those funds by issuing government bonds.

After taking over an S&L, the government takes control of the thrift's assets and must either manage them or sell them.

Over time, the government will sell the thrift's assets to recoup the money it paid to depositors.

The uncertainties:

More thrifts are in trouble than was estimated earlier, and it is taking longer than expected for the government to either close them down or sell them in trimmed-down form to new owners. Both trends inflate the final cost of the bailout.

Much of the cost of the bailout is the interest on the bailout bonds it issues for periods ranging up to 40 years. Because interest rates fluctuate, the total cost of the bailout is difficult to project.

The assets at the troubled thrift include loans that are unlikely to be paid in full and

real estate that is worth less than the loan originally issued for it. It's difficult to figure how much these assets are really worth today.

Until all the assets are sold, no one will know exactly how much the bailout will cost. But timing the sales is tricky. Selling now could depress the real estate market even further. Selling later adds to short-term cost of maintaining foreclosed property.

Mr. GRAHAM. Mr. President, this state of affairs, which I think can fairly be described as the most serious financial debacle in the economic history of the United States of America, brings us to the issue before us today.

I am pleased that the chairman and ranking member of the Budget Committee have indicated that they will not request a waiver, so the Senate will not today have to, as a body, face this question. But I think it is important that there be a clear statement and understanding of what the issue is.

I commend my friend and colleague from South Carolina for his very lucid statement, and I also commend my colleague from New York for his recognition of the relationship of this issue to a tangled web of other fiscal issues, specifically, how are we going to treat the Social Security surplus.

First, what would this amendment do? I might say, Mr. President, that I attempt to answer that question with some uncertainty. This amendment has not been considered by the Senate Banking Committee, which was the originator of the savings and loan rescue plan, FIRREA, to which this amendment is now essentially directed.

I understand, although I do not serve on the Budget Committee, that this amendment was not heard by the Budget Committee to whose underlying statute this amendment is offered. I also understand that this amendment was not heard by the Appropriations Committee, although it is to a supplemental appropriations bill, a dire supplemental appropriations bill, that this item has been posed.

If those assumptions are all correct, we come to this legislation today without the fully developed record, the opportunity for a variety of points of views, both among our colleagues and within the informed public, to comment on the wisdom of this proposal. So, as I attempt to explain what it does, I do so within those limitations.

As I understand the amendment, it is essentially in two parts. Subparagraph (1) relates to a new concept, a concept which is not defined in this statute and, in my opportunities to explore, is not defined elsewhere, and that is the concept of working capital requirements. It would propose, under that statement of working capital requirements, to excluse from the calculation of Gramm-Rudman-Hollings those disbursements made to the Resolution Trust Corporation for the purposes of a working capital. It is estimated that those sums will amount to approximately $31 to $32 billion in fiscal year 1991. That is subparagraph (1).

Subparagraph (m) relates to a section in the 1989 FIRREA act which said that we would take the $50 billion that the administration then thought would be the necessary cost of accomplishing this rescue and divide it into $30 billion that would be placed off budget and $20 billion that would be placed on budget. The $20 billion that were placed on budget were to count against Gramm-Rudman-Hollings. They would, therefore, be part of the calculation of the deficit.

There was a convenient matter of the calendar. The decision to place that $20 billion on budget was made after the date which the Gramm-Rudman-Hollings deficit target was established, the so-called snapshot period. And, therefore, while it counted, it did not require any additional sacrifice, alteration, or effort by the 1989 Congress in order to come into compliance because it essentially counted against previous years. I am going to return to that point shortly.

Only $10 billion of that $20 billion, however, has actually been spent.

So now we have the uncomfortable situation that we have $20 billion that might actually have to count against the deficit, and what subparagraph (m) would do would be to take that $10 billion off the calculation of Gramm-Rudman-Hollings.

That is my understanding, Mr. President, of what this amendment would do.

Let me place this in the context of a specific example. Let us take a savings and loan institution which had $1 billion of insured deposits and had $500 million of assets, as determined under the 1989 Savings and Loan Act, as the appraised value of the assets of that insolvent savings and loan institution. In calculating how that deficiency would be paid, the first $500 million, that is, the difference between insured deposits and assets, would be paid out of a portion of the $50 billion that we authorized last year. It could come from the $30 billion that was off budget or what is left of the $20 billion that was on budget.

The second $500 million, that is, that portion that is supposedly represented by assets, the Resolution Trust Corporation is authorized to borrow up to 85 percent of those assets, $425 million in this hypothetical, from a working capital fund, which would allow them to essentially carry those assets until such time as they were able to sell them. That is how the process is intended to work.

The effect of this amendment would be to clearly take all of the funds that were directed at the $425 million off Gramm-Rudman-Hollings and would take those that were directed at the $500 million, which is the permanent loss, and the $75 million, which is supposed to be a short-term gap financing for RTC until such time as the full $500 million is recovered to the extent to the $10 million appropriated last year on budget, which is still unspent, that would go off Gramm-Rudman-Hollings.

As I stated, Mr. President, it is difficult to give a fully confident explanation of the evidence because of the way this matter has arrived today, but I believe that is a fair description.

The question is why should we not succumb to this tempting proposal, a proposal that would have the effect of relieving us of approximately $40 billion of expenditures which otherwise are going to create a problem in arriving and achieving our Gramm-Rudman-Hollings target for fiscal year 1991? The most fundamental reason is that the effect of that is not to cause this $40 billion plus to vaporize, to go away; it is to allow us to temporarily mask it so our grandchildren can pay for it.

Mr. President, here is a chart of the Gramm-Rudman-Hollings targets. That is the black, more or less declining horizontal line beginning 1986, projected to fiscal year 1991. That is the target line that we are supposed to be operating on as we drive down the Federal budget deficit.

The rather embarrassing pink bars in back of that black horizontal line are what has been actually happening to the Federal debt. In 1986 we had a Federal debt of a modest $2.12 trillion, when we started this process of fiscal discipline that was going to get us to a balance Federal budget.

Projected to fiscal year 1991, our Federal budget deficit, the actual amount of the national debt, is $3.403 trillion. So in a 5-year period in which we are supposed to be exercising Federal fiscal discipline we have increased the national debt by approximately 50 percent, or $1.3 trillion dollars. That is what we have accomplished.

Who is going to be paying that national debt? Mr. President, my daughter and her husband gave us some very good news recently and that is that in November of this year, we will become grandparents. We are very pleased and excited about this event. It is going to be not so exciting nor pleasant for me to tell my first grandchild that even within the brief period that I have served in the United States Senate, that I have added over $1 trillion to what my grandchild, over his or her lifetime, is going to have to carry in terms of the Nation's debt.

What we are proposing to do here today, should we continue with this practice, will be to add another $10 bil-

lion to those pink charts of the national debt.

Second, Mr. President, we should not do this because it will undermine what is left of the discipline of Gramm-Rudman-Hollings. Let me go back in time just a few months, when we were debating the savings and loan rescue bill. One of the most controversial items was whether we should put the $50 billion—and that is what the administration, less than a year ago, estimated would be the total cost of paying off this debacle—whether we should put that $50 billion on budget or off budget. On budget or off budget; we debated that for days. The House had a similar debate.

The fundamental position of the administration was that we should put this off budget because, if we were to put it on budget, we would have to seek a waiver from Gramm-Rudman-Hollings and that would have very negative consequences. It was pointed out it was going to cost us a lot of money to put this off budget, because we would have to be financing the cost of the savings and loan rescue plan at a higher interest rate than we could if the Treasury borrowed directly with on-budget financing. That cost was estimated last year to be between $5 and $10 billion over the life of this plan.

The administration said that is all right. We will pay the $5 to $10 billion because it is so important that we not put at risk the discipline of Gramm-Rudman-Hollings. Who were the people that were saying that? Well, on August 3, 1989, the person saying that was the President of the United States of America. Here is what the President of the United States of America said on August 3, 1989:

> While Gramm-Rudman-Hollings is not perfect, it represents the only available institutional requirement for fiscal discipline by the Congress and the executive branch. Exempting $44 billion in spending from this budget process, as would occur under the conference provisions—

Which had provided for the $50 billion to be in an on-budget status—

> would be unprecedented. It would also seriously undermine the future value of Gramm-Rudman-Hollings as a source of budgetary restraint—risking adverse effects on both markets and the economy.

That is what the President of the United States said, Mr. President. He was not the only one, however, who called the alarm. On July 11, 1989, in an editorial piece under his name in the Wall Street Journal, Secretary of the Treasury, Brady said:

> It is essential the public understands that the underlying principle at stake here is not how best to finance the S&L plan, but whether to allow the S&L legislation to become the vehicle by which the fiscal discipline placed on government spending by Gramm-Rudman-Hollings is destroyed.

Mr. President, that was what was being said just a matter of a few months ago, that we were about to destroy the fiscal discipline and the integrity of the U.S. Government if we were to allow an exemption to Gramm-Rudman-Hollings because we would save the $5 to $10 billion as a result of on-budget financing.

Mr. President, I ask unanimous consent to have printed in the RECORD, the letter from the President, a letter from the Chairman of the Federal Reserve Board, Mr. Greenspan; a letter from the Secretary of the Treasury; the Wall Street Journal op-ed piece from the Secretary of the Treasury; a letter from the ranking minority member of the Budget Committee; floor statements by the Senator from Texas; a letter from various Senators, further editorials from the Wall Street Journal and Washington Post, all on the issue of the impact of taking last year's attempt at savings and loan rescue and placing it on budget and therefore requiring exactly what is being suggested today, and that is an exemption from Gramm-Rudman-Hollings.

I ask unanimous consent all of those be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, August 3, 1989.

Hon. ROBERT DOLE,
Republican Leader,
U.S. Senate, Washington, DC.

DEAR BOB: I have repeatedly urged the Congress to act on legislation to resolve the crisis in the savings and loan industry. Indeed, the insolvent thrift institutions have had estimated losses of more than $6 billion since I proposed legislation on February 22 and asked Congress to take action within 45 days.

The conference report currently before the Congress incorporates key reforms that I requested. It also adds other important provisions developed by Congress through long and serious effort. Unfortunately, the conference agreement includes a financing plan that amends the requirements of the Gramm-Rudman-Hollings budget process, as well as other provisions that will reduce asset recoveries for the taxpayers and add inappropriate subsidies. If the conference report is presented to me in its current form, I will veto the bill.

While Gramm-Rudman-Hollings is not perfect, it represents the only available institutional requirement for fiscal discipline by the Congress and the executive branch. Exempting $44 billion in spending from this budget process, as would occur under the conference provisions, would be unprecedented. It would also seriously undermine the future value of Gramm-Rudman-Hollings as a source of budgetary restraint—risking adverse effects on both markets and the economy.

I am prepared to work with Congress to bridge the divergent positions on the financing issue in a manner that preserves the budgetary discipline of Gramm-Rudman-Hollings. It is essential to resolve this dispute this week before Congress adjourns for the August recess. Working together in a bipartisan spirit, we can achieve a fully responsible result for the American public.

Sincerely,

GEORGE BUSH.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Subtitle B of Title V (p. 356) of the April 10, 1989, Committee Print of S. 413, the Financial Institutions Reform Recovery, and Enforcement Act (FIRREA) of 1989, authorizes the Resolution Funding corporation (REFCORP) to borrow $50 billion from the Treasury. It does so rather than raise the funds through the private capital markets. This change to the Administration's REFCORP funding proposal raises questions about the scoring of budget deficit effects.

As we understand the Senate bill, although the $50 billion in REFCORP bonds must be purchased by Treasury when issued, there is no limitation on when the REFCORP bonds would be issued. Consequently, as under the Administration's plan, REFCORP would be expected to raise $10 billion in FY 1989, $25 billion in FY 1990, and $15 billion in FY 1991 to fund expected RTC expenditures in those years. Unlike the Administration's plan, however, the Senate proposal would be deemed to incur additional outlays in 1989, 1990 and 1991 as Treasury purchases the REFCORP bonds, assuming that REFCORP were still considered to be a government sponsored enterprise and not an on-budget agency. Accordingly, this would increase the Federal deficit by roughly $10 billion in 1989, $25 billion in 1990 and $15 billion in 1991.

If the Senate proposal intended, instead, to direct REFCORP to borrow from Treasury in advance of its need to supply funding to the RTC, that restraint, in conjunction with the requirement that REFCORP borrow only from the Treasury, could undermine the view that REFCORP is, in fact, a government sponsored enterprise. If REFCORP is viewed as a government agency and not a government sponsored enterprise, then the borrowings from Treasury and the funding provided to the RTC are simply intragovernmental transfers. The effect of this, relative to the Administration's plan, would be to increase outlays by roughly $9 billion in 1989, $22 billion in 1990 and $12 billion in 1991.

Clearly, the budget outlays increases that would have to be recorded in either case would seriously jeopardize the bipartisan efforts to date to reach a budget agreement between the Administration and the Congress. They would likely make such agreement impossible unless the GRH targets were changed. But, as I have testified before your committee, I think changing the targets would be irresponsible for a host of reasons. Adverse economic and financial market effects would surely flow from either a failure to achieve a credible budget agreement that meets the GRH deficit reduction targets or a decision to change the targets. The cost of the adverse economic effects would far outweigh any small savings projected from using Treasury financing under the Senate bill.

Again, I respectfully urge you to reconsider the net costs of your approach in relation to the Administration's approach. On bal-

ance, it seems clear to me that the economic and market risks associated with the secondary effects of your approach argue strongly against it—and argue in favor of the alternative we have recommended.

I look forward to discussing this with you further as you move toward mark-up.

With best regards,

RICHARD G. DARMAN,
Director.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, July 12, 1989.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR: I am responding to your request of July 11 for my views on the method of financing of the savings and loan rescue plan—in particular, whether I favor the House or Senate budgetary treatment provision. Let me begin by saying that I have and continue to support the position of the Administration on this matter as expressed recently by Secretary Brady. In other words, I favor the Senate version.

In my judgment, the Gramm-Rudman-Hollings (G-R-H) budget process has been very useful in exerting discipline on the federal budget and, more fundamentally, on the federal government's claim on economic resources. We should not at this time threaten that process by setting a precedent that might be used in the future to undermine necessary fiscal discipline. The outlays authorized in this bill are not a new commitment. Rather, they reflect the realization of liabilities that have been accumulating over several years in association with the federal government's pledge to preserve the balances of insured depositors. Thus, I do not believe that financing these outlays through private industry borrowing violates the spirit of G-R-H.

The financing proposed by the Administration, and largely incorporated in the Senate bill, poses less risk than on-budget financing, with an exemption from G-R-H, that budgetary discipline will be weakened in the future. The establishment of a separate corporate funding entity using private sector funds would be difficult to replicate should there be an attempt to circumvent G-R-H budgetary discipline in the future. In contrast, treating such financing on-budget with an exemption could easily be followed again and would be more of a temptation for those who wish to avoid the hard budgetary choices that must be made.

Little more than $1 billion invested in U.S. Treasuries will finance through interest and amortization the expected nominally higher interest cost on REFCORP bonds relative to on-budget Treasury obligations. This is a small "insurance" premium for better budget discipline, which would avoid ultimately greater costs.

I should also mention that the Administration's off-budget financing plan ensures that the S&L industry will shoulder a continuing share of the cost of clean-up. It has been rather widely agreed that the industry should appropriately be expected to contribute to the resolution of the problem, with the size of the industry's contribution limited by what it can reasonably afford. The details of the Administration's plan reflect this understanding and ensure that industry resources remain committed to this purpose. Thus, there is no danger that this portion of the resolution costs will in the end be shifted to the taxpayer as there is under the House approach in which the industry's contribution could be given back to the industry.

I hope that you find these comments to be helpful as you attempt to complete work on this most important piece of legislation.

Sincerely,

ALAN GREENSPAN.

THE SECRETARY OF THE TREASURY,
Washington, July 12, 1989.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: Enclosed is a copy of the Op-Ed piece I wrote on the S&L financing which is currently being considered in conference. In spite of some imperfections in Gramm-Rudman-Hollings, it is enormously important to financial markets and finance ministers that we do not punch holes in this element of U.S. fiscal discipline. We are especially sensitive to this on the eve of the summit with other heads of state and finance ministers.

The Op-Ed piece expresses my concern that the final legislation contain the financing plan proposed by the Administration and adopted by the Senate. In my opinion, actions which indicate that we are willing to eviscerate the Gramm-Rudman-Hollings process would be negatively reflected in the world financial markets.

Very truly yours,

NICHOLAS F. BRADY.

[From the Wall Street Journal, July 11, 1989]

NO TIME TO WAIVE GRAMM-RUDMAN

(By Nicholas F. Brady)

After years of bad investments, poor business practices, fraud and abuse, the savings and loan industry is about to enter a new era of responsible regulation and management, sound business practices and fiscal solvency. This era will dawn thanks to the combined efforts of the Bush administration and Congress to resolve the thrift industry's financial problems and create a system that will ensure that the excesses that have plagued the industry in the 1980s will not occur again. In all likelihood, by the middle of this month Congress will send the president a bill that could be signed into law.

Congress has ignored the pressures of the S&L lobby and refused to lower the capital standards that will place the industry on a sound financial footing. With considerable amounts of their own capital at risk, S&L operators will think twice before taking excessive risks or engaging in unsound activities.

Congress has acted wisely in this respect. But in its eagerness to resolve the S&L crisis expeditiously and economically, Congress is in danger of adopting a financial plan that will set a precedent that, in the long run, will place a far greater burden on the taxpayers than will the S&L solution. The financing plan contained in the House version of the bill has two serious flaws. First, it shifts to the government ultimate responsibility to contribute funds that should come from the thrift industry. Second, and most important, it exempts this substantial increase in government spending from the Gramm-Rudman-Hollings deficit-reduction limits.

PRESERVE G-R-H DISCIPLINE

In contrast, President Bush's plan fulfills the government's obligation to stand behind deposit insurance while requiring that the S&L industry shoulder directly as much of the financial burden of the solution as it is able to bear. The Bush plan also fulfills an equally important obligation to taxpayers—the preservation of the G-R-H fiscal discipline essential to the reduction of the deficit.

It is essential the public understands that the underlying principle at stake here is not how best to finance the S&L plan, but whether to allow the S&L legislation to become the vehicle by which the fiscal discipline placed on government spending by G-R-H is destroyed.

A simple comparsion of the two plans reveals the essence of the issue. Both provide $50 billion to handle institutions that are, or will become, insolvent during the period beginning Jan. 1989, and extending three years after enactment of the legislation. There is broad agreement that the $50 billion will be sufficient. The Bush administration, the Federal Deposit Insurance Corporation, the Federal Reserve and both the House and Senate have subscribed to the $50 billion figure. It is over the way to raise the $50 billion that the administration and some members of Congress differ.

The Bush plan creates the Resolution Funding Corporation (REFCO), a private corporation capitalized by the contribution of S&L industry funds. To finance the resolutions of insolvent thrifts REFCO will issue bonds. These REFCO bonds will be backed by U.S. Treasury bonds purchased solely with the S&L industry's contribution to REFCO. When the Treasury bonds reach maturity, their value will be $50 billion, the amount required to pay off the principal of the REFCO bonds. Thus, by the purchase of Treasury bonds with industry funds, the S&L's contributions are locked into REFCO; they cannot escape and the industry's participation in the financial plan is assured. In addition, industry funds will be used to pay a portion of the interest on the REFCO bonds, with the government picking up the shortfall.

Under the House plan the $50 billion is raised by the Treasury issing bonds directly, while the industry contribution is in effect held in escrow by the government. Consequently, industry funds are not locked in and there is no guarantee that the S&L industry will not succeed in reclaiming these funds for its own uses in future years.

Given the effectiveness of the S&L lobby, this is a real possibility. The Farm Credit System was similarly financed in 1987, but in 1988 the member banks persuaded Congress to allow them to reclaim a substantial portion of their funds. Nevertheless, proponents of the House approach claim it is preferable because direct-issue Treasury bonds will carry an interest rate as much as one-quarter of one percentage point lower than the REFCO bonds. It is true that REFCO bonds will pay a slightly higher interest rate to compensate investors for the fact that they are not issued by the Treasury directly.

For this reason, proponents of the House plan claim it will save the taxpayers at least $125 million a year over 30 years. But they are extremely short-sighted to base their calculations on these savings alone. The financing of the S&L plan cannot be addressed in a vacuum; it must be placed in the larger context of the federal budget and deficit, and it is in this respect that the House plan's creators have failed to think through the consequences of their proposal. By issuing Treasury bonds for direct government financing, the House plan places the full burden of the $50 billion on the federal

budget, thereby exceeding the G-R-H deficit-reduction targets. To make their plan work they will seek a waiver from the G-R-H provisions. Proponents claim this is a "more honest" approach than the Bush plan.

This is sophistry. The Bush plan counts every dollar of taxpayer funds spent on its S&L plan in the budget deficit and against the G-R-H targets. The point that opponents of the Bush plan attempt to obfuscate is that the $50 billion raised under the Bush plan comes from private, not taxpayer, funds. The Bush plan keeps these private funds out of the budget deficit—as it should. In contrast, the House plan puts these funds in the budget deficit and then uses a waiver to slide this inflated deficit out from under G-R-H.

The House plan sets a precedent of seeking an exemption from G-R-H for every new spending program that finds its way through Congress. A waiver granted to the S&L financing plan will be no less than a license for the inevitable demands for exemptions for costly new legislation on everything from nuclear-waste cleanup to the war on drugs. And if these waivers are granted, they will make a mockery of the G-R-H process and our commitment to deficit reduction. By contrast, the Bush financing plan will make it far more difficult for a program to claim the S&L solutions as a precedent for federal funding. To qualify under the standards the administration sets, a project would have to provide substantial, up-front private funds. And thus, the discipline of G-R-H will remain in place.

It is fashionable in some quarters to belittle G-R-H, to call it a sham, to disregard its impact on the U.S. economy. But those who take this attitude do so at our peril. While it is not perfect, G-R-H is our chosen, established mechanism for reducing the deficit. The financial markets and our international trading partners take our adherence to G-R-H very seriously. Lest anyone doubt that the world pays attention to G-R-H, simply consider what occurred in the fall of 1987. On Sept. 23, Congress passed a bill that eased the G-R-H targets and moved them off into the future. In less than three weeks long-term interest rates rose by more than half a percentage point.

Because the G-R-H waiver is masked as part of the S&L legislation, it may take a little time for the financial markets to fully realize its magnitude and effect. But once they do, interest rates are likely to respond. When this happens, the central rationale for the House financing plan—the $125 million a year in savings—disappears. An increase of only one one-hundredth of a percentage point on all short- and intermediate-term federal debt (a total of $1.5 trillion) would increase Treasury borrowing by $150 million a year. If interest rates increase by one-tenth of a percentage point Treasury borrowing costs would rise by 1.5 billion per year. This dwarfs the $125 million extra annual cost associated with the Bush plan. These simple calculations show the House financing plan for what it is—penny wise and pound foolish.

INTERNATIONAL CREDIBILITY

It would be equally foolish to ignore the damage we will do to our international credibility if we begin exempting new spending programs from G-R-H. Our trading partners are very concerned about our deficit. Their main barometer of our fiscal resolve is G-R-H. If we begin to waive G-R-H and waiver on our commitment to fiscal responsibility we lose both credibility and our ability to press for improvements in trade imbalances with these countries.

As the House financing plan demonstrates, it would be easy to speak the language of fiscal restraint while laying the groundwork for vast amounts of new spending. But it is not words that will convince the financial markets, our trading partners and the American public that we are serious about reducing federal spending. Ultimately, our deeds, not the rhetoric in which we cloak them, will speak for us. If we are to maintain a strong domestic economy and remain a credible world leader, the message our actions must carry is that we are committed to reining in government spending and living by the standards of fiscal discipline we have set for ourselves. By adopting the Bush financing plan in conference Congress can send forth this message.

COMMITTEE ON THE BUDGET,
Washington, DC, August 2, 1989.

DEAR COLLEAGUE: When the Senate takes up the conference report on the savings and loan bill, you will be asked to decide whether to waive the Budget Act to allow "on budget" financing. I urge you to vote no on this question.

The plan adopted by the conferees follows closely the House-passed bill, which CBO scored as increasing the deficit by $9.8 billion in FY 1989. Given current levels of spending and revenue for FY 1989, this would give rise to a point of order under Section 311(a) of the Budget Act.

In simple terms, Section 311(a) provides that it is not in order to consider legislation which would cause us to breech budget resolution totals or the deficit target established by Gramm-Rudman-Hollings. To waive this point of order, 60 Senators must vote in the affirmative.

Let me be clear on one point. The financing plan included in the Senate bill—the so-called "off budget" plan—would be subject to the same point of order. It too would cause CBO to score an increase in the FY 1989 deficit.

All waivers, however, are not created equal. Any plan will run afoul of 1989 budget totals—and thereby violate the Budget Act—because we are considering this legislation late in the fiscal year. The difference between the two plans comes next year and the years after.

We did not make room for direct Treasury financing of S&L obligations in the budget for FY 1990. Instead, on May 18, by a vote of 63-37, we adopted a budget which assumed the Administration's financing plan. We took this course because the alternative—waiving the $100 billion deficit target for FY 1990—was considered unacceptable.

Dodging the $100 billion target is no more acceptable today than it was in May.

This is not a technical dispute. We are not being asked to decide an accounting question—"on" versus "off budget." Both plans put the spending financed with borrowed funds off budget. The crucial difference lies in how they go about it.

The Senate bill would establish a funding corporation sufficiently private in nature to exclude it from the budget. This is not unprecedented. We have created other corporations which combine private capital with government sponsorship and do not consider these part of the federal budget.

The House bill, on the other hand, simply says that outlays "shall not be counted" when determining whether we have met the deficit target. It provides an irresistibly easy model for other programs looking to get out from under budget constraints. It is certainly an easier route to follow than establishing a government-sponsored enterprise.

Proponents of the House financing plan say that the exclusion from Gramm-Rudman-Hollings deficit targets is justified by potential interest savings. In testimony yesterday before the Senate Banking Committee, the Chairman of the Federal Reserve Board addressed this issue.

While noting the uncertainty in any estimate—due to the uncertainties about interest rates—Chairman Greenspan suggested that $1 billion to $1.5 billion invested today for 30 years would offset any interest savings resulting from direct Treasury funding. He called this a "very small insurance policy" for the improved fiscal discipline that would result from adhering to the Gramm-Rudman-Hollings targets.

There is far more at stake here than the cost of the S&L rescue. This is not a decision about including the cost of the S&L insurance activities in the budget. It is a decision about maintaining the discipline of fixed deficit targets and living with Gramm-Rudman-Hollings.

When the Senate considers the conference report, I urge you to vote no on the motion to waive the Budget Act.

Sincerely,

PETE V. DOMENICI.

U.S. SENATE,
Washington, DC, June 7, 1989.

Hon. DONALD RIEGLE, Jr.,
Chairman, Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.
Hon. HENRY B. GONZALEZ,
Chairman, House Committee on Banking, Finance and Urban Affairs, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We, the undersigned, are opposed to the proposal contained in the House version of the FSLIC recapitalization bill which would raise the deficit by $50 billion but exclude this enormous increase from calculation of the deficit under the Gramm-Rudman-Hollings Act.

The practice of raising the deficit but exempting the increase from the only mechanism in place to control the deficit is fraudulent. It undermines every effort Congress has made to move toward a balanced budget and to sustain the economic expansion and it shatters our fragile credibility with the public.

If the Senate/House conference committee agrees to this proposal, we will vote to sustain a budget point of order against the conference report.

Since the timely enactment of the FSLIC recapitalization bill is vital to the taxpayer and to the health of the economy, we urge you to adopt the Senate funding mechanism.

Yours respectively,

Jake Garn, Phil Gramm, Arlen Specter, Pete V. Domenici, Bob Dole, Al Simpson, Connie Mack, Orrin G. Hatch, Conrad Burns, Christopher Bond, Richard G. Lugar, Bill Armstrong, Malcolm Wallop, Bob Kasten, Steven Symms, Chuck Grassley, John Heinz, Warren B. Rudman, Rudy Boschwitz.

John H. Chafee, Dave Durenberger, Gordon Humphrey, Jesse Helms, Slade Gorton, Dan Coats, John McCain, Pete Wilson, Don Nickles, Thad Cochran, Frank H. Murkowski, Nancy Landon Kassebaum, Ted Stevens, Bill Roth, John Danforth, Mitch

McConnell, Jim Jeffords, Strom Thurmond, James A. McClure, Bill Cohen.

[From the Wall Street Journal, Apr. 13, 1989]

WE NEED YOU, TOTO

Dorothy, the Tin Man, the Scarecrow and the Cowardly Lion were overawed by the Wizard of Oz until Toto, Dorothy's little dog, ran around behind the curtain and began tugging at Frank Morgan's pants cuff. "Pay no attention to the man behind the curtain," roared the wizard, but Dorothy was too smart for that. She followed Toto and discovered that the wizard and the man behind the curtain were one and the same. Old Frank was just a genial fraud.

Where are you now that we need you, Toto?

Yesterday morning the Senate Banking Committee started marking up a 600-page thrift bailout bill that has had only one controversial issue; which party's Wizard of Oz accounting is the more ingenious? Both have been trying to figure out a way to hide the first tranche of the thrift bailout, a rather conspicuous $50 billion.

The Treasury wants to take it off-budget, raising the money with bonds issued by a new corporation that up on the Wizard's big screen would be made to look like something other than a federal agency. The Democrats want to put the $50 billion in the current fiscal year's budget, turn it over to that same corporation and lend back what it doesn't need immediately to the Treasury. This at least would be on-budget, but it too has a little Wizard of Oz twist. Putting it into the Fiscal 1989 budget is not to exercise rectitude but to escape the discipline of Gramm-Rudman.

The secret of that is to stay out of the "snapshot." Under Gramm-Rudman, the Office of Management and Budget (OMB) is required in August to offer its best guess of what the federal budget deficit will be for the coming fiscal year. If the estimate is on target, Gramm-Rudman doesn't kick in and force a closing of the gap. The Democrats want to get that $50 billion into this year's budget so it won't show up in the OMB snapshot. Since some could be loaned back to the Treasury, at least in theory, no one is hurt. You got that, Toto?

By a very narrow margin, the Democrats may have the better of it. At least they aren't trying to pretend that government borrowing isn't really government borrowing. Because the Treasury will do the borrowing, borrowing costs will be lower, everyone seems to agree. Finally, the government might be able to spend the money earlier, shutting down more of those Ponzi schemes the thrifts are running at substantial costs to the taxpayers while Congress is making up its mind.

Treasury, however, argues that appearances are what count. If the Democrats seem to be dodging Gramm-Rudman, the bond markets will react badly and the cost of all Treasury borrowing will rise. If the $50 billion is off-budget, so this argument goes, the markets won't notice. Are you still with us, Toto, or have you by now gone yelping off into the night?

Now, we all have some reason to worry about the ease with which the Democrats have found a way to beat Gramm-Rudman. Our the other hand, the Treasury's off-budget ploy doesn't thrill us, either. An off-budget federal obligation, however well-disguised, still is a federal obligation. That $50 billion is only a first tranche. The way things are going—especially with the House trying to dilute the Treasury's limited efforts to discipline the thrifts—we could eventually be talking about real money.

Congress caused the mess and neither Congress nor the Treasury knows how to skin out of it gracefully, or for that matter, even how to eliminate the reasons for it. Wizard of Oz accounting no doubt looked like the only course. The problem is that there still are a few Totos around.

[From the Washington Post, Aug. 8, 1989]

BYE-BYE, GRAMM-RUDMAN

With the passage of the S&L cleanup legislation, the Gramm-Rudman budget rules are now bent and mangled beyond repair. They were in bad shape even before this bill came along, but it forced a major collision in what had become a budgetary demolition derby. This time—for once—it was really no one's fault. The S&L bill was essential. It had to be passed. It responded to a great financial emergency of a sort that no set of rules could have foreseen. This episode demonstrates that automatic legal procedures alone aren't going to get the deficit down.

The Bush administration said it was necessary to raise $50 billion for the cleanup, but wanted to circumvent Gramm-Rudman's limits on the deficit by keeping it off the budget. Most of the congressional Democrats sought to keep it on the budget so that the money could be borrowed through the Treasury, saving several billion dollars. But that would have required legislating an explicit exception to Gramm-Rudman, and the administration fought it furiously on grounds that it would set a precedent for all sorts of further exceptions. The quarrel nearly defeated the bill last week—and that was peculiar, for the two sides had efficiently settled much deeper questions of public policy in the bill. This final explosion over financing was a reflection of politicians' anxieties as they see the country's financial realities drifting farther and farther from the Gramm-Rudman targets.

In the final compromise that saved the bill, the two sides agreed to evade Gramm-Rudman both ways. Instead of $50 billion, only $30 billion will be raised off-budget. The budget is becoming less accurate as a measure of the government's actual commitments.

The remaining $20 billion will find its way around Gramm-Rudman by another route. One of Gramm-Rudman's eccentricities is that it applies only to future years, never the present one. This $20 billion will be spent on the budget, but on this year's budget. At the mad tea-party, the rule was jam tomorrow and jam yesterday, but never jam today. American fiscal policy under Gramm-Rudman has worked out a much more pleasant regimen; it's always jam today, and austerity is never to begin until the next fiscal year. This provision helps explain how the deficit, in violation of Gramm-Rudman's strict injunction, has actually risen over the past two years.

It would be better for the country if the Gramm-Rudman targets were met. But that won't happen without courage and fiscal good sense, now both in short supply.

[From the Washington Post, July 31, 1989]

FINISHING UP THE S&L BILL

As it emerged from the conference, the S&L reform bill is a remarkable achievement. The administration sent a strong bill up to Congress, and Congress has strengthened it.

One quarrel continues to boil: Should the cost of the cleanup be on the budget or off? That is a minor issue compared to the enormous improvements in financial safety standards that this bill offers, but it could still derail it. The conference put the costs on the budget, requiring an exemption from the Gramm-Rudman limits on the deficit. The White House wants the financing to be off-budget. Any exemption from Gramm-Rudman, it argues, would set a dangerous precedent. That logic would be more compelling if the administration and Congress were not collaborating this summer in the debasement of the Gramm-Rudman process with billions of dollars' worth of gimmicks and evasions to make an oversized deficit look smaller.

Our budget is better because it saves money. But on or off, the financing mechanism is not worth delaying final enactment of the bill. The losses of the bankrupt S&Ls are rising at a rate of more than $10 million a day, and it's money that is going to have to come from the taxpayer.

This legislation would impose radical changes on the savings and loan industry. The S&L scandal—the greatest financial scandal in American history—is the result of political meddling in the regulatory system on behalf of certain well-connected operators who got into trouble. As the rules went slack, the thieves and confidence artists arrived like flies at a picnic. The new rigor being demonstrated by the administration and the House Banking Committee is, in some part, penance for the sins of their predecessors. But they have chosen the right remedies.

They would insulate future S&L regulators from manipulation by politicians and lobbyists. They would—in a crucial improvement—require S&L owners to put substantial amounts of their own money into their businesses as an incentive to prudence. They would forbid S&Ls to put depositors' money into highly risky investments—junk bonds, for example. They offer credible assurance to the public that the S&Ls will never again be subject to the kind of mismanagement and deliberate looting that the past decade has seen.

In writing this bill, both the administration and Congress have closely followed banking standards. While a good many banks have failed in recent years, the banking system as a whole remains sound, and its deposit insurance fund is solvent—unlike the S&Ls'. As the new requirements take hold, S&Ls will evolve rapidly into institutions that look and behave very much like banks. The sooner President Bush signs this legislation into law, the better for the stability of the economy and the protection of the public.

[From the Washington Post, Apr. 10, 1989]

THE S&L BUDGET DODGE

On budget or off budget? To close down the bankrupt S&Ls, the government is going to have to raise at least $50 billion to pour into deposit insurance over the next several years. But that threatens to push the budget deficit up far beyond the limits that the Gramm-Rudman-Hollings Act sets. To get around that embarrassment, the Treasury proposes a familiar expedient: don't count the $50 billion in the budget. Raise it and disburse it, but keep it off budget.

That's a bad idea. It would get the government back into the slippery and silly business of hiding certain costs off the budget

simply because it is not convenient to count them. Worse, it drives up the cost to the taxpayer. When the government borrows off-budget, through agencies that do not have quite the government's full credit behind them, the bonds carry higher interest rates than those the Treasury sells. Over the 30-year life of the bonds, that difference in interest costs could come to billions of dollars.

Sen. Donald W. Riegle, the chairman of the Senate Banking Committee, thinks that's too much to pay for the luxury of circumventing the Gramm-Rudman-Hollings Act and the deficit limits. He would keep the whole operation on the budget. What about the Gramm-Rudman-Hollings Act? One of its many peculiarities is that it always applies to the years ahead, never to the current year. Sen. Riegle would float the bonds this year, then pass the money over to the S&L cleanup squad as needed.

The Treasury objects vigorously to that suggestion. It sees an endless line of big expenditures, all pleading for exemption from the Gramm-Rudman-Hollings Act, and it wants to avoid creating a precedent that they can follow. That's a serious consideration. But the answer isn't the kind of tricky, into-one-pocket, out-of-the-other-pocket scheme that it has devised. Sen. Riegle's plan is better—and a lot cheaper.

There's a still better possibility. Congress could deal with the S&L fiasco directly and honestly. It could raise the money routinely through the Treasury, at the low Treasury borrowing rate, and amend the Gramm-Rudman-Hollings Act to say that it doesn't apply to that $50 billion. It's not a precedent that other spending could follow, because in the case of the S&Ls the money has already been spent. That makes it fundamentally different from the money for environmental protection, education or defense. The S&L money's gone. There's nothing left but a big hole in the government's S&L deposit insurance fund. The government is already legally obligated to fill that hole. Why not just acknowledge that truth, and finance the consequences in the cheapest and simplest way available—on the budget?

Mr. GRAHAM. Mr. President, I was stating what I felt were the reasons not to adopt this proposal to take this component of the financing of the savings and loan plan out of the discipline of Gramm-Rudman-Hollings.

A third reason is that, if we are going to have a waiver from Gramm-Rudman-Hollings, it should be only in exceptional circumstances. The purpose of Gramm-Rudman-Hollings was to impose a difficult discipline. It was not intended to be a belt made of weakened elastic, that we would stretch whenever we wanted. It was intended to require some degree of sacrifice, some requirements of choice, some degree of vision as we attempted to bring our Federal fiscal accounts into order.

On Saturday nights at 11:30 there is a popular television program called "Saturday Night Live." One of the regular features of that is an actor who plays the role of the church lady and pontificates on various issues of ethics and morals. The church lady has a phrase, when someone has committed an act or uttered a statement that she feels to be less than of the standards required, she says, "Isn't that convenient." That is, convenient to take a position, to espouse a position that is ethically flawed. I believe we have adopted a convenient policy.

Why do we put the Social Security surplus into the calculation of Gramm-Rudman-Hollings? Why do we put in the Highway Trust Fund? Why do we put in the Aviation Trust Fund? Those would all seem to be examples of funds that were intended to serve a specific purpose that were financed from a designated revenue source, that were intended to give to each American the feeling that every time I filled up my car with gas, some of that money I was paying was going to make my roads better; that when I paid that surcharge on my airline ticket it would make the air travel safer; and when I paid that biweekly amount of payroll tax, it would help secure my status as an American retiree, deserving of respect and dignity.

But we have put all of those into the Gramm-Rudman-Hollings calculations because it is convenient to do so since they all mask the size of the deficit. Since those are all winners, they make the deficit look smaller. But when it is inconvenient because we are talking about a fund that is demanding resources, that would have the effect of increasing the size of the deficit, we want to take it off.

Mr. President, fourth, and finally, as to why we should not do this. I hate to say to my colleagues, but what we are talking about with the savings and loan and what the Senator from South Carolina alluded to earlier, the report in today's paper on the Department of Housing and Urban Development, these are not the only crises waiting for America. These are not the only land mines waiting for us to discover.

I have the privilege of chairing a select subcommittee of the Senate Banking Committee with responsibility of reviewing the Department of Housing and Urban Development. We have described ourselves as the group trying to find out what made the cheese of the Department of Housing and Urban Development so attractive to the rats that have rushed to chew away at it.

One of the issues that we looked at was a not very well known enactment of the 1982 Congress called Federal Managers Financial Integrity Act, [FMFIA]. This act was passed in 1982 as a means of giving some discipline through disclosure of how well Federal agencies were operating. They submit, on an annual basis, a report as to their status of internal controls.

On April 18, our select subcommittee received a report from Mr. Donald Chapin, the Assistant Comptroller General of the U.S. General Accounting Office, on how well this act has worked, specifically as it related to the Department of Housing and Urban Development, but more generally it applied to the executive branch of the Federal Government.

Here is what Mr. Chapin said:

Despite the performance of thousands of internal control evaluations and agency plans to correct the material internal control weaknesses identified, we see little overall improvement in the condition of controls throughout the Government since the passage of the Financial Integrity Act. Frequently, agency actions to improve controls have taken the form of systems improvement plans that were not well executed. In addition, many systems have continued to deteriorate or failed to keep pace with new demands and additional control weaknesses have appeared.

That, Mr. President, was an introduction of a report which went on to identify 14 areas that are being monitored by the General Accounting Office as being those potential land mines. I will not read all of the areas, although I ask unanimous consent to have the full report of Mr. Chapin printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, let me read the first of the areas the General Accounting Office identified. The first happens to be the issue we are now discussing, the Resolution Trust Corporation.

The management and disposal of approximately $200 to $300 billion of thrift assets will pose unprecedented management problems. A sale of this magnitude is unparalleled in history. The desire and potential to acquire these assets at bargain basement prices will make this area highly susceptible to fraud, waste, and abuse.

Second is the Internal Revenue Service receivables.

The existence of accounts receivable in excess of $60 billion which have grown about 300 percent since 1980 places this issue in the significant loss area.

Next, management of seized and forfeited assets. "This issue has been characterized by mismanagement which has been the subject of considerable press attention."

Medicare questionable claims: "The tens of billions of program dollars coupled with considerable potential for fraud and abuse indicates a high potential for financial savings from our efforts. Identified payments of $527 million by Medicare in 1985 that should have been paid by private insurance carriers illustrate the magnitude" of this issue.

Mr. President, the GAO goes on to identify these other land mines that we have out here. So let us not believe that by taking this off Gramm-Rudman-Hollings that we can breathe a sigh of relief and say this is that exceptional case; we have seen it; we identified it; we understand the limits

of our exposure, and we are going to wash ourselves of it by vaporizing, by ignoring it.

Mr. President, we face as a Nation tremendous opportunities as we look toward the decade of the 1990's. The world is adopting our values. Thomas Jefferson is standing at the side of world leaders from Prague to Managua. The question is, will we, as a Nation, will we as the Nation that started this tremendous revolution, be there as a strong political and economic ally and participant of this new wave of freedom?

We, Mr. President, have the obligation to carry on a 200-year tradition of national pride and international leadership. This is an arcane area, the issue of how we should deal with this particular financial debacle in which forum that great battle for freedom be fought, but if we do not start soon, if we do not commence the process of applying real discipline to our activities and having the honesty and candor to face the consequences of our current actions, if we do not desist from a policy that says let your grandchildren pay, Mr. President, we are walking on a path that will put tears in the eyes of Thomas Jefferson as he stands beside those great world leaders who are the current evangelists of his words.

Our immediate past President used to ask a series of questions which I think are appropriate for this debate today and with which I conclude: If this is not the place to make the stand for fiscal discipline, where will that place be? And if now is not the day on which to take our stand, when will the time be? Thank you, Mr. President.

EXHIBIT 1

U.S. General Accounting Office

FEDERAL INTERNAL CONTROL AND FINANCIAL MANAGEMENT SYSTEMS: MAJOR REFORM EFFORTS ARE NEEDED

(Statement of Donald H. Chapin, Assistant Comptroller General, Accounting and Financial Management)

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to provide GAO's perspective on the condition of internal control and financial management systems in the federal government and actions needed to help eliminate the system weaknesses that exist throughout the government.

In 1982, the Congress passed the Federal Managers' Financial Integrity Act to strengthen internal control and accounting systems throughout the federal government and reduce fraud, waste, abuse, and mismanagement. At that time, audits of government programs and media reports had identified a large number of serious problems in areas that cut across all agencies and programs. Unfortunately, as discussed in our November 1989 report, *Financial Integrity Act: Inadequate Controls Result in Ineffective Federal Programs and Billions in Losses* (GAO/AFMD-90-10), 7 years after passage of the act, little has changed. Agency reviews, audits, and newspaper and other media reports continue to identify serious problems that paint the picture of a government unable to manage its programs, protect its assets, or provide taxpayers with the effective and economical services they expect and deserve.

WEAK INTERNAL CONTROL SYSTEMS EXIST THROUGHOUT THE GOVERNMENT

Despite the performance of thousands of internal control evaluations and agency plans to correct the material internal control weaknesses identified, we see little overall improvement in the condition of controls throughout the government since passage of the Financial Integrity Act. Frequently, agency actions to improve controls have taken the form of systems improvement plans that were not well executed. In addition, many systems have continued to deteriorate or failed to keep pace with new demands and additional control weaknesses have appeared. Some long-standing weaknesses, hidden before, have been identified. The Financial Integrity Act has opened our eyes to the problems of government, and we now have identified most of the weaknesses that put the government at high risk to fraud, abuse, waste, and mismanagement. But, we have not done enough to correct the problems that are being reported.

Mr. Chairman, to illustrate a point, I would like to read an excerpt from an article entitled, "The Stench at FHA."

"FHA has approved marginal or hopeless projects, let promoters milk them . . . and then abandon them. And while FHA has sat dumbly by, other promoters have gone from city to city defaulting on project after project. It has permitted still others to default on loans but continue to collect rents for up to five years. . . . In the last 30 months, the GAO has submitted to Congress 11 reports indicating FHA for derelictions ranging from misrepresentations of its income to slovenly neglect of its own foreclosed property."

That quotation is similar to many others written over the past year. However, there is one significant difference. It comes from an April 1966 *Reader's Digest* article.

In this respect, we have learned little in 24 years. Also, we have accomplished little in the 7 years since the passage of the Financial Integrity Act. We must have a new and larger commitment from all levels of agency management, the Office of Management and Budget (OMB), and the Congress to take appropriate and timely actions to make a real change that will materially reduce the number of serious internal control weaknesses. Commitment means people, new ways of doing things over a sustained period of time, and money. The debacle at the Department of Housing and Urban Development (HUD) has had one positive result; it has refocused needed governmentwide attention on the importance of strengthening the Financial Integrity Act. If we are ever to achieve the act's objectives, however, emphasis must shift from merely reporting under the act to correcting long-standing weaknesses. The situation at HUD has also opened many eyes to the need for additional legislative and administrative actions to strengthen financial management in the federal government. I will mention these actions later in my testimony.

FINANCIAL MANAGEMENT SYSTEMS ARE WEAK AND IMPROVEMENT ARE SLOW, COSTLY AND OFTEN INEFFECTIVE

As with internal controls, we see very little progress in the government's efforts to strengthen its financial management systems. Many of the existing systems are weak, outdated, and inefficient, and cannot routinely produce relevant, timely, and comprehensive information. We have old systems that provide a flood of information but little reliable operational and cost data that are essential to monitor program performance, control costs, anticipate overruns, and provide a basis for program and budget planning.

The ever increasing size and complexity of federal programs and overall pressures to reduce the budget deficit will require the availability of adequate and accurate financial information for the successful performance of program management and oversight functions. As the President's fiscal year 1989 Management Report stated, "Once a leader in the early days of automation, the Government's financial systems and operations have eroded to the point that they do not meet generally accepted standards."

The federal government has planned corrective actions and provided billions of dollars for financial management improvement programs. However, these efforts to improve existing systems and develop and acquire new automated systems have and continue to experience massive problems. For example, design flaws, misjudgments in requirements, and poor program management caused the Navy to halt installation of a new automated management information system after spending an estimated $230 million over 9 years to develop the system. Unfortunately, the Navy's experience is not uncommon.

If the government is to strengthen its programs and run them in an efficient and economical manner, it must better manage its system improvement projects.

A STRONG WORK FORCE IS NEEDED TO MEET CURRENT AND FUTURE CHALLENGES

A key factor in the development, implementation, and maintenance of sound federal programs is a strong federal work force. Today, the federal government needs to attract, motivate, and retain committed people at all levels who can develop new ideas and innovative approaches and see them through to effective implementation. Concern is mounting over the impact that both the federal pay structure and the turnover in leadership positions are having on the government's ability to acquire and retain top quality people to carry out its programs.

As experienced employees retire or leave government service and additional staffing needs develop, it is becoming increasingly difficult to hire individuals with the experience and qualifications needed to accomplish the government's mission. The government's general pay scale causes additional problems because it severely restricts the financial incentive programs an agency can implement to reward and retain quality personnel. In addition, we do not really have a governmentwide training program for accountants and financial management systems personnel. We have to make an investment in people, both in terms of compensation and training. Otherwise, I am afraid problems will continue to manifest themselves.

ACTIONS NEEDED TO STRENGTHEN CONTROLS AND ACCOUNTING SYSTEMS

The legislative and executive branches of government must form a partnership, with the common goal of achieving effective and economical federal programs through, in part, the development of sound internal control and financial management systems. We cannot merely think in terms of tomor-

row, waiting for something to happen. The poor state of the government's systems demands that we think and act today.

THE PROBLEMS SHOULD NOT BE LEFT TO THE AUDITOR

Agency top management must be committed to strong internal control and financial management systems and should be directly involved in ensuring that needed corrective actions are identified and implemented in a timely manner. With this commitment must also come increased coordination between agency management officials and those in audit organizations such as the Offices of Inspectors General and GAO. For example, last year GAO and the Inspector General and top agency officials at the Department of Transportation worked closely together to identify agency programs needing management attention and actions that could help resolve the existing problems. We need more of this interaction where management and auditors come to grips with major agency problems.

THE ADMINISTRATION MUST STRENGTHEN THE FINANCIAL INTEGRITY ACT PROGRAM

The government's basic internal control and financial management deficiencies are known and, in many instances, have been known for many years, but they remain uncorrected. The identification of deficiencies is an important step, but it is not enough. Agencies must also act effectively to correct them. In the past, no effective mechanism existed to ensure that agencies took the needed corrective actions. In our November 1989 report, we urged, among others, the following actions.

Agencies should be required to link the Financial Integrity Act internal control review and reporting process with the budget process. Agencies should identify corrective actions that require incremental funding and major reprogramming in the current budget. This should assist senior decisionmakers in assessing the magnitude of corrective action funding requirements.

Agencies should establish senior-level policy committees or take other steps to provide top management oversight of the internal control and reporting process. This should result in better anticipation and consideration of critical issues and more actions to resolve them.

Agencies should be encouraged to include a narrative statement in their Financial Integrity Act reports explaining the processes used to ensure that completed corrective actions were effective. The validation process should provide assurance that material weaknesses no longer exist and allow managers to focus their attention and resources on other issues.

The administration is clearly aware that serious problems exist in the federal government. As the Director of the Office of Management and Budget stated in testimony before the Senate Committee on Governmental Affairs,

"The recently exposed HUD problems are not unique, not merely peculiar to a particular agency under what some describe as absentee management. . . . There are analogous problems in other agencies."

For its part, OMB has established a management integrity program that is intended to minimize and prevent fraud and waste in federal programs and operations. It has assigned responsibility to deputy secretaries and deputy administrators in each agency to ensure the success of this program. Through the reviews and evaluations conducted under this effort, OMB has identified over 100 high risk areas in the 16 largest and many smaller federal agencies and plans oversight and agency reporting on the actions to correct the problems.

INCREASED CONGRESSIONAL OVERSIGHT AND FINANCIAL MANAGEMENT LEGISLATION NEEDED

The Congress can also significantly contribute to effective corrective action through its oversight role. We have recommended that its authorizing, appropriations, and oversight committees hold annual hearings using Financial Integrity Act reports, plans for corrective actions, and audited agency financial statements as the focal point in the process of reviewing agency actions to correct internal control and accounting system weaknesses. Such hearings could help assure the Congress that corrective measures are implemented and that they are effective.

In this connection, the widespread occurrences and significant dollar and programmatic impact of federal accounting system weaknesses, in particular, highlight the need for a new approach to federal financial management. We have long been a strong advocate of legislation which would establish a chief financial officer (CFO) structure for the federal government, with counterpart chief financial officers in each of the major agencies; and require the annual preparation and audit of agency financial statements and a report to the President and the Congress.

The legislatively established chief financial officer would develop a long-range governmentwide financial management plan. The supporting structure would provide direction and continuity when leadership changes occur in the administration as well as at the agency level. Establishing a CFO structure would help give financial management the prominence, permanence, and continuity necessary to achieve reform and enable the government to better manage its financial affairs, save billions of dollars, and help restore the accountability of managers and the credibility of government.

The report to the President and the Congress would include (1) the annual financial statements, (2) the audit report on those financial statements, (3) a summary of the Financial Integrity Act reports on the systems of internal control, (4) a report summarizing the corrective actions taken with respect to the material weaknesses identified in the Financial Integrity Act reports, and (5) other information the agency head considers appropriate to fully inform the President and the Congress concerning the agency's financial management.

The preparation of audited financial statements is an essential part of the solution. It is critical because it demonstrates whether an organization's financial systems and personnel are capable of accumulating, analyzing, summarizing, and reporting on its financial condition and operating results. Preparing the statements also forces agencies to acknowledge their systems problems.

For years, the federal government has insisted that publicly traded companies, as well as state and local governments, submit their financial statements to the scrutiny of an independent audit. The federal government should do no less. Annual audits promote discipline in the recording and processing of data simply because people know that the information is subject to review. Further, the improved quality of the financial information that can be obtained when accurate financial statements can be prepared enables agencies to place greater reliance upon this information in making decisions and monitoring program implementation. Hopefully, until legislation is passed, the administration will continue to work with GAO to expand the number of agencies and departments preparing financial statements and submitting them for audit.

Our recent financial audit of the Federal Housing Administration (FHA) is a good example of why accurate and audited financial statements are needed. FHA's financial reports, which identified losses of $858 million for fiscal year 1988, were misleading in the extreme. In fact, after making the required adjustments identified during the audit, the losses were $4.2 billion, or almost five times greater than management's best information showed them to be.

Our initial financial audits throughout government have revealed problems with financial systems. Frequently they are so severe that information needed to manage agency operations, as well as to prepare agency financial statements, is unreliable and seriously deficient. Generally, these problems are more serious and deep-seated than either we or agency managers realized before our audits. Subsequent audits of the same agencies show improvements, but also show that systems cannot be fixed overnight. Many times, it takes 2 or 3 years to cure some of these situations. Subsequent audits serve to monitor the improvement effort, give guidance, and keep the pressure on. We believe that the preparation of audited financial statements has had a major positive impact on the improvement of systems and, correspondingly, the reduction in the government's exposure to fraud, waste, and abuse.

HUD'S LEADERSHIP HAS RECOGNIZED THE DEPARTMENT'S FINANCIAL MANAGEMENT NEEDS

For its part, HUD's leadership has recognized the need for central direction and qualified leadership in the financial management of its programs. HUD reported in its 1989 Financial Integrity Act report and the Secretary has publicly announced, that in order to bring financial integrity to agency programs, it had established a special task force on Program Financial Management headed by an under secretary to strengthen financial management in 26 program activities; would soon appoint a chief financial officer for the Department who will be responsible for overhauling accounting and financial reporting policies, ensuring the development and operation of a sound financial management system, and establishing comptrollers for the major HUD activities such as FHA; and would prepare annual financial statements and have them audited by an independent accounting firm beginning with fiscal year 1990.

Further, in December 1989, the Congress passed legislation that, among other things, created a CFO position in HUD, created comptrollers in each of HUD's major programs, and required annual audited financial statements for each of HUD's major programs. Legislation such as this should have a very positive effect on HUD and is needed across the government.

IMPROVEMENTS WILL REQUIRE MONETARY INVESTMENT

One final point needs to be stressed: It will take substantial monetary investment across the government to acquire the financial management systems that are needed and to attract and train personnel to operate them. In an era of severe budget restraint, there may be a temptation to take shortcuts to hold down these costs. I strongly believe, however, that new systems will

ultimately pay for themselves. The payoff will come not only in terms of better efficiency and prevention of loss from fraud, waste, abuse, and mismanagement, but also in greater confidence in the integrity of government operations and program decisions.

GAO'S "HIGH RISK" PROGRAM

Are there other HUDs today? Unfortunately, I believe there are. To what extent, we are not quite sure, but there are unexploded bombs out there that need to be defused before they explode. We have developed a "high risk" program that focuses on what we think are some of the more vulnerable areas in the government today. Under the program, we have identified 14 major areas (see attachment I) we believe to be highly vulnerable; are focusing, in conjunction with efforts of agency management and the inspectors general, on the root causes of serious long-standing weaknesses to develop approaches to solve the problems associated with these programs; are monitoring agency corrective actions and reporting the results to the appropriate congressional committees; and will recommend legislative actions necessary to ensure that corrective measures are implemented.

Mr. Chairman, the active involvement of the Congress and hearings such as this one, directed at improving HUD's programs, are critical to correcting the internal control and financial management systems problems facing the government today. Without strong congressional oversight, the changes needed to safeguard federal assets and ensure the efficient and economical operation of federal programs will not occur. I look forward to working with you and other interested members of the Congress to achieve the internal control and financial management improvement initiatives discussed today.

This concludes my formal statement. I will be happy to answer any questions you or members of the Subcommittee may have.

ATTACHMENT I

INITIAL AREAS SELECTED FOR SPECIAL GAO AUDIT OR REVIEW

Resolution Trust Corporation—The management and disposal of approximately $200 to $300 billion of thrift assets will pose unprecedented management problems. A sale of this magnitude is unparalleled in history. The desire and potential to acquire these assets at bargain basement prices will make this area highly susceptible to fraud, waste, and abuse.

Internal Revenue Service Receivables—The existence of accounts receivable in excess of $60 billion which have grown about 300 percent since 1980 places this issue in the significant potential loss area. In light of the budget deficit, the potential for reducing or stabilizing the growth rate offers major dollar savings and thus warrants special review and oversight.

Management of Seized and Forfeited Assets—This issue has been characterized by mismanagement which has been the subject of considerable press attention. Responsibility for managing the program rests with the Customs Service and the U.S. Marshall's Service. Both organizations have been identified by their respective departments as having significant internal control weaknesses. Improvements in the management and control of this program will lend support to the war on drugs and increase public and congressional confidence in the program.

Medicare Questionable Claims—The tens of billions of program dollars coupled with considerable potential for fraud and abuse indicates a high potential for financial savings from our efforts. Identified payments of $527 million by Medicare in 1985 that should have been paid by private insurance carriers illustrate the magnitude of potential savings.

ERISA/PBGC.—The Department of Labor's and IRS's enforcement of ERISA has a significant impact on ensuring that employee benefit plans are free of mismanagement, fraud and abuse that place plan assets at risk and threaten the benefits of plan participants. The adequacy of their oversight has a direct financial effect on the potential for loss by the Pension Benefit Guaranty Corporation, an organization that has been unauditable in the past. The underfunding of approximately 20 percent of the plans insured by PBGC is estimated at $20 to $30 billion but is concentrated in particular industries where downturns could have a significant impact. The potential $2.2 billion impact on the fund of one company's bankruptcy, LTV Corporation, demonstrates the vulnerability of this program, and thus the taxpayers' exposure to potential losses.

Guaranteed Student Loans—The large number of banks, state agencies, and schools participating in guaranteed student loan programs coupled with poor systems to protect the federal government's financial interest creates the potential for significant abuses and losses. A high proportion of defaults and publicized abuse by certain proprietary schools suggest the need for improved program controls.

State Department Real Property Management Overseas—There is adequate evidence of waste, mismanagement, and poor controls in this area as illustrated by the construction fiasco at the U.S. Embassy in Moscow. There is high potential for financial savings through better property management. Corrective action over the years has been minimal, but recently State has begun to show an interest in addressing these issues.

DOD Inventory Management Systems—Department of Defense inventories exceed $100 billion of which unneeded or excess inventory exceeds $30 billion.The excess inventory along with numerous other indicators (e.g., the failure to cancel orders where excess stock is already on hand) reflect financial management problems. Management incentives focus on filling orders and obligating funds. There is no corresponding focus on reducing costs or controlling or securing stock, i.e., economy and efficiency. The current pressure to reduce the DOD budget in response to recent world events provides additional incentives to make major improvements in the supply system.

DOD Major Systems Acquisition—The total estimated cost of major systems currently being developed or produced exceeds $900 billion. Following established management controls to deliver capable and supportable weapons to the user when and where needed, and at reasonable cost, has been the exception rather than the rule. As a result, DOD continually buys higher cost systems which substantially exceed original estimates, are delivered much later than originally scheduled, and do not meet the capabilities advertised. GAO will review the effectiveness of management initiatives to address these long-term problems and their means of achieving savings.

NASA Contract Management—NASA will spend $11 billion in 1990 on contracts and has a very decentralized contract administration process. In this environment, there is considerable potential for mismanagement, fraud, and abuse. The potential for large savings exists if better contract controls and oversight can be achieved.

Farmers Home Administration Loan Programs—FmHA has made billions of dollars of credit available to the nation's farmers. Delinquent farm loan borrowers held $11.1 billion, or 48 percent, of the agency's $23.3 billion in outstanding loans as of September 30, 1989. FmHA is responsible for protecting the government's interest, as well as helping farmers who cannot get help elsewhere. Recognizing congressional concern to reduce the deficit, any potential for controlling loan losses warrants added review and oversight.

Superfund Enforcement and Contractor Oversight—The Congress has authorized $10 billion for the Superfund program but estimates of federal funds needed to complete the cleanups are many times that amount. To avoid wasting federal resources, the Environmental Protection Agency (EPA) needs to (1) ensure that parties who contaminate sites pay their fair share of the clean-up costs and (2) effectively manage clean-up contractors who get over 75 percent of Superfunds's outlays. GAO will explore cost and conflict of interest control and whether EPA uses its full authority to compel private party cleanup.

Urban Mass Transportation Administration Grants—UMTA currently manages active grants totalling $30 billion with over $3 billion in new grants each year. The number of staff available to UMTA for project oversight is limited. Based on recent GAO survey work, increased oversight of the grant application review process and adherence to grant provisions is needed. The criteria for deciding what projects get funded and in what amounts is limited, and, in some cases, projects are funded at the sole discretion of the Administrator.

Department of Energy Contractor Oversight—DOE relies on contractors and consultants for most of the needed to fulfill its mission. For example, DOE obligated about $15 billion for procurement in 1988. The Department has had a history of inadequate contractor oversight and bonus awards to contractors in situations that would appear to be highly questionable. While this may be due in part to lack of expertise or inadequate staffing, it also may be due to DOE's philosophy of "least interference" with its operating contractors. GAO will examine DOE's potential for improvements in control, accountability, and efficiency.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to the senior Senator from Florida, I apologize when I almost interrupted the Senator. I did not know he was retaining the floor. I did not intend to interrupt. I am sincerely sorry.

Mr. President, I will only speak for 5 minutes at the most. There is one thing that is certain: This amendment is subject to a point of order because it has not been reported out by the Budget Committee. So when the distinguished Senator makes the point of order, a point of order will be granted.

The Senator from New Mexico joined the chairman of the Budget

Committee and a number of Senators, including the chairman and ranking member of the Banking Committee and others, who proposed this amendment. It will fail. There have been some very good discussions today about our fiscal problems, many of which I concur with. There have been some very good discussions about Social Security, some of which I agree with and some of which the Senator from New Mexico does not agree with. On the other hand, we are going to debate those issues one of these days. It is predicted we will debate the Social Security issue before the year is out. I hope so.

I do not intend to argue the Social Security trust fund issue. The distinguished Senator from Florida raises some very good issues about contingent liabilities of this national Government. Clearly, my silence on that score should not indicate that I do not agree with him; I do. There are some very serious problems about not having an appropriate law or an accounting system with reference to the contingent liabilities.

Aside from that, let me just make the point on this amendment—and I do not want to appear to be one who is predicting as if I know more than anyone else; I do not—but let me just say there is no doubt in this Senator's mind, there is no doubt in my mind that before this year is out, just as we have said we are going to debate Social Security, there is no doubt that the change that is recommended in the accounting system for the working capital of the Resolution Trust Corporation will become law, or we will waive the effect of the technical way of accounting one of the two.

We will do that with all of the discussions about fiscal responsibility because the amendment that we are talking about here essentially has nothing whatsoever to do with fiscal responsibility, with the economic state of affairs, with the ultimate cost of the bailout of the savings and loan system—nothing whatsoever to do with it.

The Congressional Budget Office was cited by my good friend from South Carolina. I will not put the long dissertation by the Director in the RECORD. I will merely tell the Senate that in a letter dated April 27, page 2, the Director of the Congressional Budget Office essentially says that what we are talking about here ought to be done because it really has no effect on fiscal policy but an awful lot of effect on the annual balanced Budget Act calculations.

So we came here saying why not be realistic. We made a mistake in including the working capital expenditures as part of the Gramm-Rudman calculations.

Now, I thought someone would ask the question, how are you sure that this comes out neutral, that the expenditure, which I explained a while ago for the acquisition of assets, which you will get charged with in the year of the expenditure because of technicalities of Gramm-Rudman-Hollings accounting, how are you sure that over the period of time the sale of the assets will be neutral?

I merely remind Senators that we are talking about RTC working capital. The Resolution Trust Corp. must borrow money to make those expenditures, and they are bound under law to borrow no more than 85 percent of the value of their assets. And that is audited every 3 months by the General Accounting Office, so that if there are losses, they have to borrow less, so they always have no more than 85 percent borrowed out of that already established fund. We may engage in an argument for 2 weeks on whether it was properly accounted for or not.

But that has nothing to do with how we currently treat the expenditure of working capital in the budget. When as a matter of fact, in the same accounting system on an annual basis, the entire expenditure for acquiring assets would be part of increasing the Gramm-Rudman deficit for, which you would either have to raise taxes or cut expenditures. When in the very next year, the assets which are being held, are sold, we do not count asset sales toward lowering the deficit.

So we thought it would be helpful to correct this for working capital. Some think it will not. So when the point of order is made we ought to pull the amendment, and in the next 3 or 4 months when we get to deciding what is the deficit against which we are going to sequester, sometime or another, sooner or later, we will decide that this method of accounting under the balanced Budget Act is absolutely irrelevant and all it does is charge you out of a pot of money that is already there and accounted for, charging you the expenditures when you buy assets but does not give you credit when you sell the assets. And I do not believe the Congress is going to leave that accounting system under anyone's notion of fiscal responsibility because it is fiscally insane to do it otherwise, so we will fix it—not today because the point of order will win.

I do not intend to have the Senate vote on that point of order, so the amendment will go. I repeat, it will be back and it will get passed because when it is understood, it will, indeed, be an amendment and it will not affect our fiscal policy over the long term—exactly as the Director of the Congressional Budget Office says, no effect whatsoever, on the internal operations of the working account, says he, which is all we are trying to fix.

I thank the Chair and I yield the floor.

Mr. HOLLINGS. Mr. President, going immediately to the discourse of my distinguished colleague from New Mexico, I would ask unanimous consent to include in the RECORD at this point a letter from the Congressional Budget Office, Robert D. Reischauer, dated April 27, and a letter also from Robert D. Reischauer dated April 27, to Honorable JAIME L. WHITTEN, chairman of the House Appropriations Committee. This is the letter in full that I think we ought to include in the RECORD and I am going to quote just a couple parts from it.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 27, 1990.

Hon. ERNEST HOLLINGS,
U.S. Senate, Washington, DC.

DEAR SENATOR: This letter responds to the two questions we discussed in our phone conversation earlier today.

First, Section 320 of H.R. 4402, the Dire Emergency Supplemental Appropriations Act for 1990, as reported by the Senate Committee on Appropriations would represent an amendment to the Balanced Budget and Emergency Deficit Control Act of 1985 (the Gramm-Rudman-Hollings Act).

Second, under current law and accounting procedures the net expenditures of the Resolution Trust Corporation, including those financed by working capital borrowed from the Federal Financing Bank, will be included in CBO's sequestration calculations under the Balanced Budget Act.

I am enclosing a copy of the letter to Chairman Whitten that I mentioned in our conversation. It notes that the Office of Management and Budget has not yet indicated how it will handle receipts and RTC asset sales in its sequestration calculations.

With best wishes.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 27, 1990.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in response to a request by your Committee for our interpretation and the budget impact of Section 320 of H.R. 4404, the Dire Emergency Supplemental Appropriations Act for 1990, as reported by the Senate Committee on Appropriations.

Section 320 would amend the Balanced Budget and Emergency Deficit Control Act of 1985 (the so-called Gramm-Rudman-Hollings Act) to effectively exclude the activities of the Resolution Trust Corporation (RTC) from sequestration calculations and from the Congressional budget resolution procedures. Two new sections would be added to Section 251(a)(6) of the Balanced Budget Act, which govern the calculation of the budget baseline and the need for deficit reductions. The first new section, subparagraph L, would exclude from the budget baseline and deficit calculations the RTC use and repayment of loans from the Federal Financing Bank (FFB) that are used for working capital requirements in resolving the savings and loan problem. The second new section, subparagraph M, would require

that all other offsetting collections and disbursements of the RTC be assumed to net to zero in calculating the budget baseline and the budget deficit, beginning with the 1991 budget. The combined effect of the two sections is to remove effectively any budget impact of the RTC from the Balanced Budget Act calculations and also from the Congressional budget resolutions estimates.

Section 320 would have no effect on the Congressional budget scoring for the current fiscal year because the 1990 budget resolution made no assumption for RTC working capital needs, and because subparagraph M would not apply to 1990. The budget effect for 1991 depends upon whose estimate is used for the RTC activities. In CBO's analysis of the President's proposal for 1991, we estimated that the RTC would have net outlays of $31 billion in fiscal year 1991 and net receipts of $13 billion in fiscal year 1992. The President's January budget, in contrast, estimated $7.3 billion in net outlays by the RTC in 1991. A detailed discussion of our baseline projections of RTC spending is contained in Appendix A to our March 1990 report, *An Analysis of the President's Budgetary Proposals for Fiscal Year 1991.* I am enclosing a copy of this discussion for your information.

The budgetary impact of RTC activities is highly uncertain, both with respect to the ultimate cost of resolving the savings and loan problem as well as the year-to-year cash flows. Closing or selling hundreds of insolvent thrifts may involve potential swings of tens of billions of dollars from year to year. For example, the CBO baseline estimates for 1991 and 1992 show a swing of $44 billion for RTC net spending.

CBO's baseline estimates were made in late February when there was very little information available from the Administration about the RTC spending plans. Therefore, we had to make a number of critical assumptions that are subject to change as more information becomes available. One assumption, for example, was that the RTC would borrow $24 billion from the FFB in 1990, and another $31 billion in 1991. Recently, the RTC Oversight Board approved plans to borrow $45.3 billion from the FFB during the current calendar year quarter, which ends June 30. If the RTC were to borrow this amount and spend it before September 30, our current deficit estimate for 1990 of $159 billion would be too low by $21 billion. It would also lower our baseline deficit estimate for 1991 by a corresponding amount. This is another illustration of the potential volatile impact of RTC activities for the federal budget.

CBO has argued for some time that RTC spending should be included in the budget totals but largely excluded from the Balanced Budget Act calculations. The rationale for the exclusion is that such spending does not affect national saving in the way that most federal spending does. Unlike most recurrent federal expenditures, RTC spending for thrift resolution involves only an exchange of one asset or liability for another. These transfers of assets leave private income and wealth unchanged, and thus do not affect saving or consumption.

Excluding most RTC activities from the deficit calculations in the Balanced Budget Act would also be consistent with the current treatment of asset sales under the act. The act excludes nonroutine asset sales from the budget baseline used to compute the spending cuts under the automatic deficit reduction provisions. It is unclear whether RTC asset sales under current law are covered by this exclusion. Unless a statutory change is made, the Office of Management and Budget would have to make its own interpretation. If OMB were not to count RTC asset sales as receipts, it would certainly make sense for the Congress also to exclude RTC's expenditures of working capital to acquire these assets. Counting asset acquisitions but not sales against budget targets would overstate outlays over time and needlessly and inconsistently bias budget policy toward fiscal constraint.

CBO's argument for excluding RTC activities from the Balanced Budget Act does not apply to its interest expenses. RTC's interest outlays for its working capital borrowing from the FFB are not merely an exchange of assets but represent a true increase in the government's cost. Section 320 of H.R. 4404 would exclude these interest costs as well as all other RTC activities. CBO's baseline estimates of RTC's interest payments to the FFB are $3 billion for 1991 and $4 billion for 1992.

I hope that this information meets your needs.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO'S BASELINE PROJECTIONS OF RTC SPENDING

The Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), enacted in August 1989, established the mechanisms for dealing with the savings and loan crisis. The Federal Deposit Insurance Corporation (FDIC), through the Federal Savings and Loan Insurance Corporation (FSLIC) Resolution Fund, is to complete the resolution of institutions sold before March 1989. The Resolution Trust Corporation (RTC) is to close or sell savings and loan institutions that are currently insolvent or expected to fail through August 1992, and the new Savings Association Insurance Fund (SAIF) is responsible for dealing with problem thrifts after that date.

The legislation provided the RTC with $50 billion to close or subsidize the sale of hundreds of insolvent thrift institutions—$18.8 billion from the Treasury, $1.2 billion from the Federal Home Loan Banks, and another $30 billion to be borrowed through the off-budget Resolution Funding Corporation (REFCORP) starting in 1990. The $50 billion was intended to pay for insurance losses that could never be recovered. In the process of resolving the problem thrifts, however, the RTC will need cash far in excess of the $50 billion authorized by FIRREA to finance the purchase of assets that will subsequently be sold. For example, if an institution has assets with a book value of $100 million and insured liabilities of $130 million, a liquidation could require the RTC to spend $130 million, a liquidation could require the RTC to spend $130 million immediately in cash to pay off creditors. It is further possible that an amount less than the book value would be recovered in future years as assets were sold, say $70 million. In this example, up-front cash of $130 million would be necessary, even though the ultimate loss would be only $60 million. Theoretically, the use of working capital is temporary. But if recoveries from asset sales are less than initially estimated, some of the working capital may not be repaid and the government's ultimate losses will increase.

The need for working capital appears to be substantial. The Administration has indicated a range of $40 billion to $100 billion—because the least costly method of resolving many institutions is believed to be through liquidations or "clean-bank" transactions, which require the RTC to strip out bad assets and sell them separately. Such transactions require much more up-front cash than selling or merging the entire institution. RTC's authority to borrow working capital for this purpose is not unlimited, however. FIRREA effectively caps RTC's obligations so that its liabilities may not exceed its assets, with assets in receivership valued at 85 percent of their net realized value, an amount that cannot be known at the time and would have to be estimated. FIRREA does not specify the source of working capital or the form that the borrowing could take.

The Department of Justice recently clarified the legal authority of the RTC to raise working capital by borrowing from the Federal Financing Bank (FFB), and the RTC Oversight Board has announced that the RTC will begin borrowing from the FFB very soon. Funds borrowed from the FFB will add to the federal deficit when spent. Another potential source of working capital is the RTC's $5 billion line of credit with the Treasury, although the RTC expects to use this source of funds primarily for emergency purposes. In addition, the RTC could use private markets to raise off-budget funding for insolvent thrifts to supplement its FFB borrowing, but this form of financing would be more costly and has limited usefulness.

BASELINE PROJECTIONS FOR THE RTC

The budgetary impact of spending by the RTC is still highly uncertain, even for 1990 and 1991. Closing or selling hunderds of insolvent thrifts may involve potential swings of tens of billions of dollars from year to year, depending on a host of interrelated factors that are extremely difficult to predict, including:

The number of institutions that the Office of Thrift Supervision will identify for the RTC caseload;

The form of the resolutions, with liquidations requiring much larger cash expenditures up front than assisted acquisitions, but resulting in more cash income in subsequent years;

The order in which cases are resolved: if institutions with larger losses are resolved first, there will be greater spending in initial year;

The pace of resolutions, which has been slow to date;

The form and timing of borrowing of working capital; and

The timing and value of asset sales.

Also, the RTC could take steps that would increase or accelerate its use of working capital and affect the budget as well. For example, it could delay some or all of the REFCORP borrowing, thus shifting outlays from 1991 to 1990. Such a delay would also allow the RTC to borrow working capital equal to 100 percent of the unused REFCORP borrowing authority, whereas if the REFCORP funds were used to purchase assets, borrowing for working capital would be limited to 85 percent of the value of the assets acquired. Also, it could overvalue some of its assets, thus allowing additional borrowing, and could seek Congressional approval, without statutory changes required, to make use of its legal authority to incur net obligations beyond $50 billion. (FIRREA technically allows the RTC to spend a net of $68.8 billion, though the higher figure was apparently unintended.)

Given these uncertainties and the volatile nature of spending for this purpose, a number of assumptions had to be made in updating the CBO baseline to include the RTC's use of working capital. The baseline assumes that $24 billion will be borrowed from the FFB in 1990, and another $31 billion in 1991. Other critical assumptions are spelled out below. The net result is to increase CBO baseline projections for RTC outlays by $19 billion in 1990 and by $26 billion in 1991 from the January baseline levels (see Table A-3). Because this additional spending in 1990 and 1991 would permit the acquisition and subsequent sale of more assets, baseline outlays in later years are negative, and below previous estimates by a total of almost $25 billion over the 1992-1995 period.

TABLE A-3.—CBO AND ADMINISTRATION ESTIMATES OF RTC SPENDING

[By fiscal year, in billions of dollars]

	1990	1991	1992	1993	1994	1995
CBO February baseline and reestimate of the President's budget	33.0	31.0	−13.0	−13.0	−10.0	−7.0
CBO January baseline	14.0	4.9	−3.5	−6.9	−4.8	−3.3
Change from January to February	19.0	26.1	−9.5	−6.1	−5.2	−3.7
President's 1991 budget	2.3	7.3	0	0	0	0
Difference from February baseline	30.7	23.7	13.0	13.0	10.0	7.0

Source: Congressional Budget Office; Office of Management and Budget.

THE BASELINE COMPARED WITH THE PRESIDENT'S BUDGET

The President's budget provides few details about the assumptions used to estimate spending for the RTC over the next five years, and several financial statements normally included are missing. In the President's 1991 budget request, the RTC uses only limited working capital, largely by spending previous appropriations and REFCORP funds for temporary lending to thrifts to replace funds borrowed at high interest rates. These loans are technically repaid and that cash is reused when the institution is finally closed. Proceeds from asset sales are also used for working capital.

The CBO reestimate of the President's budget is identical to the baseline, because no legislation is proposed in the budget. Thus, CBO's estimate of RTC outlays exceeds the estimates in the President's budget by about $31 billion in 1990 and $24 billion in 1991, but is lower by $13 billion in 1992 and 1993, $10 billion in 1994, and $7 billion by 1995 (see Table A-3). A more detailed discussion of the assumptions underlying the CBO baseline follows.

BASELINE ASSUMPTIONS

The CBO baseline assumes that the RTC will borrow from the FFB until it reaches the statutory cap on its outstanding obligations. However, there is some uncertainty about the amount of this cap. While it appears that the intent of the Congress was to limit the RTC to net spending of no more than $50 billion, the formula limiting RTC's obligations in FIRREA failed to include Treasury appropriations of $18.8 billion in 1989. Thus, FIRREA technically allows the RTC to spend a net of $68.8 billion. The Administration has indicated that it will honor the $50 billion ceiling, and the General Accounting Office, when calculating RTC's net cumulative losses, will assume that the $50 billion limitation applies. Consistent with this treatment, the CBO baseline assumes that the RTC will borrow as much as it can pay back from liquidating assets, while realizing net losses of no more than $50 billion over time.

A key to determining the amounts the RTC is likely to borrow are the expected proceeds from the sale of assets, which represent the second largest source of cash to the RTC. Estimating the pace and size of sale proceeds realized by the RTC is highly speculative, given that there is little historical precedent for sales of this magnitude, and given the competing goals of minimizing the losses to the federal government, minimizing the effects of disposal of assets on local economies, and generating sufficient cash for case resolutions. CBO's estimates assume that the RTC will recover an average of about 70 percent of the estimated value of assets at the time they are acquired. Collections are expected over an eight-year period after the assets are placed in receivership; more than 75 percent of the collections is expected in the first four years. CBO's caseload projections are based on RTC's priorities for selecting cases for resolution.

CBO estimates that the RTC could borrow about $55 billion in working capital and pay it back from asset sales over the next 10 years. During the 1990-1992 period, cash raised by the Resolution Funding Corporation ($30 billion), remaining 1989 Treasury contributions ($9 billion), asset sales ($37 billion), repayments of advances ($11 billion net), and FFB borrowing ($55 billion) would allow the RTC to spend about $120 billion on case assistance, and make interest ($8 billion) and principal ($13 billion) payments to the FFB (see Table A-4).

TABLE A-4.—PROJECTED USES AND SOURCES OF RTC CASH, FISCAL YEARS 1990-92

[In billions of dollars]

	1990	1991	1992
RTC disbursements:			
Case resolutions	62	55	3
Advances (loans) to thrifts	2	0	0
Interest payments to FFB	1	3	4
Principal payments to FFB	0	0	(13)
Total disbursements	65	58	20
RTC sources of cash:			
REFCORP funding	19	11	0
Asset sales	4	14	19
Repayment of advances	9	3	1
Treasury appropriations	(9)	0	0
FFB borrowing	(24)	(31)	0
Total sources	65	58	20
Net outlays	33	31	−13

Notes.—Items in parenthesis do not count toward the calculation of RTC's budget outlays. RTC principal repayments to the FFB are repayment of agency debt, and do not add to the deficit. Treasury appropriations and proceeds from FFB borrowings are a means of financing agency spending, and do not count as offsetting collections to the RTC or reduce outlays. RTC—Resolution Trust Corporation; FFB—Federal Financing Bank; REFCORP—Resolution Funding Corporation.

Source: Congressional Budget Office.

RTC'S ADDITIONAL FUNDING NEEDS

The $120 billion included in the baseline for RTC case resolutions for 1990 through 1992 is probably sufficient to resolve 250 to 350 insolvent institutions, but is almost certainly not enough to resolve the 500 to 600 institutions now in the RTC caseload or expected to join it during the next three years. Almost all of that spending is expected to occur before the end of 1991, when the RTC would run out of cash—both for insurance losses and for working capital. CBO now estimates that by 1992 the RTC will need at least an additional $25 billion to $30 billion for net losses, plus working capital of at least the same amount, in order to resolve the entire inventory of 500 to 600 insolvent thrifts. This estimate does not include costs for additional thrifts that are likely to become insolvent in the next few years. Under current law, SAIF would have to handle cases that remain after the RTC authority to resolve cases ends in 1992.

THE BUDGET TREATMENT OF RTC SPENDING

The President's budget distinguishes between two types of working capital: "normal," which is repaid from asset sales within months, and "extraordinary," which is repaid from asset sales over a long period of time. The normal working capital, which is included in the President's budget, is paid off within a fiscal year and has little impact on the deficit.

The President's budget makes a case for excluding the "extraordinary" working capital from the budget calculations used to determine sequestration amounts under the Balanced Budget Act. CBO agrees that such spending has no real economic effect. Moreover, the case-based budget is ill suited for measuring the long-term impact on taxpayers of RTC's activities, which increases the deficit in early years while lowering it in later years when the proceeds from asset sales off-set other government spending.

The Balanced Budget Act excludes asset sales from both the budget baseline and the calculation of budgetary savings—except for "routine, ongoing" asset sales or sales previously mandated by law. It is not clear whether RTC asset sales are covered by the exclusion; if they are, so that asset sales would not count as receipts, it would also make sense not to count RTC's expenditures of working capital to acquire the assets. Counting asset acquisitions but not sales against budget targets would overstate outlays over time and needlessly and inconsistently bias budget policy toward fiscal constraint. Nonetheless, the act contains no provision that would allow this difficulty to be resolved, and CBO believes that a statutory change would be required to exclude the spending of working capital from the deficit totals used for the Balanced Budget Act.

Indeed, a clear economic case exists for excluding from the act's baseline deficit calculation all of RTC's net expenditures except payment of interest on RTC's debt to the FFB. (Repayment of principal does not count as an outlay in any event.) This case is based on the fact that such spending does not change the government's balance sheet and does not affect national saving in the way that most federal spending does. The same case cannot be made for the interest on government borrowing, whether through the FFB, REFCORP, or the Treasury. (Table I-5 shows CBO's deficit estimates excluding noninterest outlays of the RTC.)

Mr. HOLLINGS. The Senator is saying that the Congressional Budget Office recommends this. You can tell what a soup we are really in when the doctor comes along and says you better watch out; you might get well.

First, he is quoting the Resolution Trust Corporation Act. He says on page 2, "It is unclear whether RTC asset sales under current law are covered by this exclusion."

Mr. President, it is not unclear at all. Section 251, subsection 6(i) of the Congressional Budget Act annotated on page 399, if you look at it, it says,

Assuming for the purposes of this paragraph and subparagraph (a)(i), paragraph 3 that the sale of an asset or prepayment of a loan shall not alter the deficit or produce any net deficit reduction in the budget baseline except that the budget baseline estimate shall include asset sales, mandated by law before September 18, 1987, and routine ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986.

Now, apparently our distinguished Congressional Budget Office Director is saying he does not know whether this is routine. Unfortunately, it is going to be all too routine. It has been going on for 30 years. I do not know of anything more routine than that.

Then he goes on, Mr. President, since our distinguished friend from New Mexico quoted that letter, and says—listen to this—

Counting asset acquisitions but not sales against budget targets would overstate outlays over time and needlessly and inconsistently bias budget policy toward fiscal constraint.

The congressional budget officer says you better watch out; we might attain fiscal constraint. Can you imagine that?

When the cancer comes and we are trying to get rid of the cancer, he says if you do that, get rid of it, then we are really in the soup. That is what dismays me. Of course, the distinguished congressional budget officer said, I quote again from that first letter, RTC working capital would be "included in CBO's sequestration calculations."

Enough said. No use to get into that complicated miasma to which the Senator from New Mexico would lead us. The truth is that we have more important things to talk about.

No. 1, I am prepared to make the point of order. I am not delaying the Senate. I want to salute the very erudite and cogent statement made on this particular score by the Senator from Florida [Mr. GRAHAM]. I think the U.S. Senate is fortunate to have him on our Banking Committee watching these matters more closely than this Senator and many others. He emphasizes the debate last year where we wasted $5 billion to $10 billion by putting it off budget. How much we waste again by putting last year off. All we put off budget was the $20 billion. Last year all we put off budget was $20 billion for the year 1990. Now we are discussing the year 1991. We already excluded $10 billion in 1991. This section 320 of the urgent supplemental would exclude another $33 billion for a total of $43 billion. Then we have the OMB plug of $58.9 billion. Then we hide another $136 billion by robbing the trust funds and now we are ready for the summit.

That is why this discourse this morning is so important. We do not want to air these issues. They have sold the media on the idea, and they really do not even cover this as a story, because it is a nonstory. You will hear charge and countercharge. But wait until they get to the summit, and when the President and the Congress sit down you will get the real news.

There is a tremendous need to cover this right now because you are going to see the common ground—the deal—on which they will meet. That is why it is just political posturing in Washington to get the Democrats blaming the Republicans and the Republicans blaming the Democrats.

They do not think about that grandchild that the Senator from Florida is going to have. I am going to have one, my eighth one, next month. In fact, I feel very good about this. I have followed my distinguished senior colleague and he has done everything. I try to catch up with him. The only thing I have been able to do that he has not been able to do so far is have grandchildren. He is catching up with me on that particular score.

In any event, I will have my eighth. That poor child will be indentured as it comes into this world.

I do appreciate what Senator GRAHAM has done for the entire Senate on this score because he brings into focus what we ought to be talking about. But let me say a word first about Social Security and Senator MOYNIHAN before I make the point of order.

Certainly with the greatest sense of history, the Senator from New York always rivets me to his comments. I try to read everything he puts out, and he is a prolific writer. He is tremendously talented, and right on target when he uses that one word "trust." It always was intended that the Social Security moneys would be trust funds and not for general spending purposes.

I wanted it to be understood by the Senator from New York that I would bring this matter up in the Budget Committee. We heard the same arguments in Budget that you are now hearing on the floor of the U.S. Senate.

Several said the Moynihan plan would increase the deficit, and the media so casually reported that it really was not binding at all. That is why the Senators did not vote for it, because what we would do was just hortatory, aimed at the Finance Committee. Well, all budget directions in a concurrent resolution of the budget implore the committees to that particular amount but do not instruct the committee. It has to be done with Social Security the same as with income tax or with a special excise tax or value added tax or whatever.

Yes. It was affecting the deficit, but we waited an hour in committee; no one appeared. Just like this morning. We waited an hour. No one appeared. Then when they finally came in, they said, "Vote, vote, vote." We were not able to make our case.

I think the Senate should be put on notice that, this year, we have worked ourselves into the imperative of making a choice of which deficit and which tax we prefer. In other words, you can stand for the Social Security deficit by spending trust fund money to the tune of $500 billion over 5 years. That was the trouble with the Rostenkowski initiative. Rostenkowski said freeze COLA's and continue to spend Social Security surpluses. Sure, his plan would balance the budget, but it would do so by spending a half a trillion dollars of Social Security money.

So you can choose to have a budget deficit or a Social Security deficit, one or the other. You cannot avoid it. And thereby you are brought to the necessity of a tax, either a value added tax or some other.

All the same time, if you stand for the Social Security tax increase of January 1, then say so. And let the RECORD show that President Bush, for one, supports the January 1 Social Security tax increase.

We will have a summit. The media just do not want to cover the truth of the matter. We are bogged down in all of this maneuver and minutia when the truth of the matter is that we ought to put our fiscal house in order decisively so we can deal with the challenges and tasks of the day, both here and abroad.

We want to spend more money for education. We are going to spend more money on the environment. We are going to spend more money on nuclear cleanup. We are going to spend more money on research. We are going to spend more money on child care. We will have to spend more money on RTC, on HUD, and now the Pentagon.

So we are going to be spending more money. It is pure folly to think we can get by with a little excise tax here, and a little enhancement there, or whatever. It has to be a traumatic discipline. They have shown the discipline in Europe. That is why they have won their freedom. We can continue to lead economically, and win our economic freedom if only we show the same kind of courage and discipline at this time.

With that in mind, Mr. President, I raise the point of order that section 320 of the Dire Emergency Supplemental Appropriations Act is out of order and in violation of section 306 of the Congressional Budget Act annotated in that it has not been referred to the Budget Committee and reported thereupon by that committee.

The PRESIDING OFFICER. The committee amendment before the body does contain matters within the jurisdiction of the Budget Committee, and as it was not reported by that

committee, the point of order under section 306 of the Budget Act is well taken.

Mr. HOLLINGS. That rules out section 320.

Mr HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, now that the third committee amendment has been set aside by the ruling of the Chair, that leaves us, pursuant to a unanimous-consent agreement reached last night, with approximately a dozen amendments left for this supplemental appropriations bill.

Assuming that each of these amendments will be raised, I only want to put the Senate on notice that when we reconvene following our luncheon period, Senator BUMPERS of Arkansas will be prepared to take up the first on the list of this group of amendments on food safety; and I would like the other Members of the Senate to be aware that, following that, we expect to move a number of these amendments in rather rapid order, because I think a goodly number are not controversial, or we do not expect to have a great deal of debate.

There may be one out of a dozen that will probably elicit some debate, but the others should move rather rapidly. So I hope Senators who are interested in these amendments that they suggested during this unanimous-consent agreement will be on the floor ready to offer those amendments. Senator BYRD, our chairman, and I, will be here promptly at that hour and be ready to complete this bill this afternoon.

I assure the majority leader that that is our commitment to him, to finish this bill, and with the cooperation of our colleagues, I believe we can do so.

Mr. MITCHELL. Mr. President, I thank my colleagues very much. The Senator from Oregon and the distinguished chairman of the Appropriations Committee, Senator BYRD, have worked very diligently and with great patience on this bill, and I appreciate the effort they are making to complete action on this bill today.

Mr. President, I ask unanimous consent that I now be allowed to address the Senate as in morning business, and that upon the completion of my remarks, the Senate stand in recess until the hour of 2:15 P.M.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SOVIET COMPROMISE WITH LITHUANIA

Mr. MITCHELL, I am heartened by indications that the Soviet Union may be seeking a formula for compromise with Lithuania regarding the acceptance of Lithuanian independence. There is reasons for hope that the political confrontation will be resolved by negotiation.

I believe that a peaceful diplomatic solution to the crisis can and must be found.

We in Congress have joined the President urging the Soviet Union not simply to acknowledge the necessity of negotiations, as President Gorbachev has agreed in word, but to take concrete steps toward a peaceful resolution of the dispute.

Sadly, President Gorbachev has done just the opposite. The economic coercion, while it is not military force, was instituted to intimidate Lithuanian leaders to accede to Moscow's terms. Even as there are reports of a new willingness to compromise, Soviet leaders reportedly suspended some coal shipments to Lithuania.

Clearly such action does not represent a good faith effort to facilitate fair and meaningful negotiations.

I believe that the United States should not only condemn such actions, but should concretely demonstrate our objections to the coercive course the Soviet Union has pursued.

The United States should act not only to express our disapproval of the measures already taken, but also to make clear our view that further Soviet sanctions would make a mockery of President Gorbachev's commitment to a peaceful resolution of the dispute.

Negotiations cannot be conducted on a fair or reasonable basis if one party attempts to impose its terms by pressuring the other. It is impossible to have a meaningful dialog, let alone negotiations, if one side holds the other by the throat.

A negotiated settlement is predicated upon a free and fair exchange of views and an atmosphere of mutual respect. Notwithstanding Moscow's stated support for negotiations, Soviet actions have undermined the basis for such free discussions and a solution based on equity and compromise.

The United States seeks a peaceful resolution of the current situation. But we must not leave the impression that we believe a negotiated solution can be born of economic sanctions.

We should not lead President Gorbachev to infer that the United States condones his decisions to cut off supplies of vital raw materials to Lithuania. Yet I fear that the United States, by failing to take concrete steps to express our opposition, may be leading Gorbachev to precisely this conclusion.

I hope that President Bush will give careful thought to the gravity of this potential misunderstanding.

We in America support Lithuanian independence. We have done so for 50 years. I fully agree that we should not take any action that would result in forestalling the realization of the Lithuanian people's desire for freedom.

But it is of critical importance that the United States be consistent and clear. If we do not believe Moscow's approach is correct, and if we believe economic coercion is incompatible with meaningful negotiations, we should demonstrate our position through tangible measures.

I have already expressed my belief that the United States should take action regarding some of the pending subjects of negotiation with the Soviet Union. I believe that the decision regarding a specific American response appropriately belongs to the President. I believe there would be broad bipartisan support for such measures if decided upon by President Bush, and have so advised the President.

The summit is still a month away. I sincerely hope that by then a fair and equitable process of negotiation between the Soviet Union and Lithuania will have begun.

The United States should do everything possible to encourage that result.

I urge President Bush to clearly demonstrate that the United States supports a free and independent Lithuania and that the United States also believes that economic coercion is incompatible with meaningful negotiations. It would be unfortunate for all if the United States fails to make its position clear.

Mr. President, I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15.

Whereupon, at 12:38 p.m., the Senate recessed until the hour of 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

The PRESIDING OFFICER. The Republican leader is recognized.

CAMPAIGN FINANCING REFORM

Mr. DOLE. Mr. President, I wanted to indicate for the record that at noon today this Senator and a number of other Republican Senators announced their campaign reform package and I would underscore, as I did at the press conference, that we are serious about this. We believe it represents a big step in the right direction. We also believe that it presents sort of a moment of truth for some in the press who continue to distort the Republican position and do not fully explain the Republican position.

So I would just say that anyone who objectively studies our proposal I think will find it has a great deal of merit. It may not be perfect in the eyes of some because some have different views on what they would like to

do. Some would like to perpetuate one party in power.

We would like to make politics more competitive, eliminate PAC's, eliminate for the most part any so-called soft money, close the millionaires' loophole so it would be more difficult for people with lot of money, millions and millions of dollars, to spend in campaigns, and a number of other things that in my view are really campaign reform.

So I would just challenge some of those who hold different views and who also are members of the press to take a look at the Republican proposal, try to report it objectively, just once. It will not hurt anything. You will get over it and you can go back to your ways later. But take a look at the Republican proposal because in my view it does reflect a step in the right direction.

I am hoping the Democratic proposal will also be a step in the right direction.

I said at the press conference that I am eager to work with the distinguished majority leader at the appropriate time after we have had the bills up for a while, after we had our debate, after we talked about provisions in the Republican proposal and provisions in the Democratic proposal because it seems to me the American people, those who understand the campaign financing or the financing of campaigns, believe that we should make some changes.

So, we have taken the first step. We have 34 cosponsors. We have others who will be joining as cosponsors on the Republican side. We believe we have a pretty good consensus on our side. We hope that is a pretty good consensus on the Democratic side and in the final analysis we will have bipartisan campaign reform leaving the Senate, say, within the next 30 days.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1565

(Purpose: To provide additional funds to the Food Safety Inspection Service)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. HARKIN, and Mr. PRYOR, proposes an amendment numbered 1565.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $6,884,000: *Provided*, That none of the funds appropriated or otherwise made available by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990, Public Law 101-161, shall be used to pay the salaries of personnel who carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $556,000,000.

Mr. BUMPERS. Mr. President, today, I am offering an amendment, along with my colleagues, Senators HARKIN and PRYOR, to provide an additional $6,884,000 for the Food Safety and Inspection Service of the USDA. This amendment is very straightforward. We are requesting the additional moneys to help overcome the $10.2 million shortfall in funding for FSIS, largely caused by the decision not to implement the improved processing inspection [IPI] less-than-continuous inspection process and Gramm-Rudman. We are attempting to get our offset from the Export Enhancement Program [EEP], which currently has $566,000,000. Because CBO has projected a 70-percent spendout of EEP funds, we are requesting a reduction in funds of $10 million in order to raise the necessary funds.

The choice of EEP funds for an offset was a tough call, but we face a very difficult situation in the meat and poultry industry if adequate funds are not made available. Under a proposal adopted by the FSIS internally to absorb the shortfall, the most striking recommendation was to furlough all FSIS employees for a period of 4 days at the end of September, followed by a partial freeze on hiring. The furlough would help raise $4.4 million, and would be the quickest way to cover most of the shortfall since 86 percent of the FSIS budget is for salaries and expenses. The partial hiring freeze saves an additional $2.5 million.

Of course, a 4-day furlough corresponds into a 4-day shutdown of the meat and poultry processing industry. Over 240,000 hourly workers in the red and white meat industry will be out of work in 6,578 plants throughout the United States. In my State of Arkansas, 46 meatpacking, 35 poultry processing, and 62 combined plants will be out of business.

The ripple effect throughout the country of this shutdown will be the loss of $700 million per day. This includes the loss of hourly wages, the loss of livestock and poultry purchases, and the loss of all wholesale and retail sales. This is a staggering loss to the economy, and it does not even include the losses attributable to the 9,800 FSIS employees who will lose 4 days of pay and benefits.

Mr. President, I think the necessity of our action speaks for itself. Let me again state that seeking offset funds from the EEP was a tough call, but the loss to the agricultural export trade will be made up many times over in the agricultural economy by preventing losses in the meat and poultry industry.

Mr. HARKIN. Mr. President, I am pleased to cosponsor this amendment. The amendment provides $6.884 million for the USDA's Food Safety and Inspection Service. The Department of Agriculture has indicated that without additional funds, it will have to lay off all of the meat inspectors across the country for the final 4 days of the fiscal year. This amendment addresses that concern and provides additional resources to cover training and other costs that the Department desires.

If the furloughs were to occur, about 6,600 meat and poultry plants would have to close for those days causing great disruption to the entire industry. I have seen estimates that this would idle about 220,000 workers and would cost the industry about $700 million for every day that the plants were closed—a most unreasonable price to pay for a relatively small shortfall in the FSIS account.

Senators HEFLIN and CONRAD and I wrote to Secretary Yeutter in February to inquire about the availability of FSIS funds. In Secretary Yeutter's response on April 2, he indicated that the FSIS was under considerable budget pressures for a number of reasons including the 1.4 percent sequester, the absorption of increased employee health benefit costs and cost of living increases. A very large portion of the FSIS budget is dedicated to salary and salary-related costs making absorption of these added expenses difficult.

In his letter, the Secretary did confirm the possibility of a 4-day furlough in the last 4 days of the fiscal year.

I would thank Senator BUMPERS for all of his work on this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, the Senator from Arkansas [Mr. BUMPERS] has submitted an amendment which we have reviewed and are prepared to recommend its acceptance by the Senate. The Food Safety and Inspection Service is an agency, as the Senate knows, that has the responsibility for inspecting every food animal or bird at the time of its slaughter. The agency also inspects almost all meat and poultry food processing plants on a daily basis. In all, over 7,000 establishments receive food inspection services from the Food Safety and Inspection Service. It is also responsible for the inspection of imported food containing meat and poultry and for the monitoring of meat and poultry products as they move through distribution and storage systems.

I am advised that this office projected some time ago that it was going to have a shortfall in its appropriation for this fiscal year, and it submitted a request through the regular channels. But in the Office of Management and Budget, it encountered some difficulty and was not included in the request submitted by the President formally to the Congress. It is obvious, on a review of the amount of money available to that agency from the appropriation that was made available to it, that it could be short over $4 million by the end of the fiscal year. It could be as high as $6.9 million, which is the amount included in the amendment of the Senator from Arkansas.

What we hope to do is to look at the exact funding needs of FSIS before we complete action in the conference on this appropriations bill. We will try to make a determination of exactly how much is needed, whether it is $6.9 million or maybe only $4.6 million, and come back with a report to the Senate of an amount that will ensure that there will not be a furlough of employees, as the Senator correctly states could result from a shortfall of funding.

We do not want FSIS to have to furlough employees. It is a labor-intensive agency. Over 86 percent of the agency's funds are spent on paying employees and benefits. If the Agency is going to have the people to carry out its responsibilities it is important that they have the money to pay them and keep them on the job. If they are not on the job, the plants shut down. That would be terrible. It would be devastating, as pointed out by the Senator, to the economy of the country.

Therefore, we recommend to the Senate that this amendment be accepted.

Mr. BUMPERS. Mr. President, I thank the Senator from Mississippi for his cooperation and for his comments. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD. Mr. President, the Office of Management and Budget regretfully did not approve the supplemental request of $6,884,000 submitted by the Department of Agriculture on behalf of the Food Safety Inspection Service.

The Food Safety Inspection Service is responsible for ensuring the safety, wholesomeness, and accurate labeling of meat and poultry products, whether produced and processed domestically or internationally.

In this role, FSIS employs about 7,500 full-time inspectors, veterinarians, food technologists, and compliance officers nationwide. Over the past few years, meat and poultry production has increased dramatically, placing greater demands on a shrinking agency work force.

Regulations proposed last year to reduce the intensity of inspections at meat and poultry processing plants were heartily opposed through public comment. Even though never implemented, the approved agency budget assumes savings from the proposed regulation of $4,610,000 in salaries and expenses.

Other demands on the agencies have required the absorption of pay increases, retirement benefits, and workmen's compensation costs. Freezes have been imposed on hiring and training while laboratory tests and travel restrictions have been enforced. Further cutbacks imposed through sequestration have only exacerbated an already critical situation for food safety.

Today we are faced with a serious problem. If the Food Safety Inspection Service is denied supplemental funds for 1990, its last resort will be to furlough employees for at least 4 days. The impact on the meat and poultry industry will affect sales, production, processing, and employment.

Without the presence of FSIS inspectors and technicians, the meat and poultry industries will shut down. Each day of a shutdown will cost the red meat industry up to $700 million and will lay off over 220,000 employees. More than 100,000 poultry plant employees will also be laid off.

To ignore the needs of the Food Safety Inspection Service for supplemental funding of $6,884,000 would be fiscally irresponsible. I am disappointed the administration would force the agency to furlough inspectors, forcing the shutdown of both the meat and poultry industry, by ignoring its request for a supplemental.

I compliment the distinguished Senator from Arkansas [Mr. BUMPERS] on calling up this amendment. Weighing the importance of his amendment to the American public, I recommend support for the amendment that has been proposed. I congratulate him, and I thank him.

I have quite a growing poultry industry in West Virginia, and I think the distinguished Senator from Arkansas has done the American people not a favor, but a service today.

I personally thank him on behalf of my own State and its people, and recommend the Senate adopt the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 1565) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1566

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Senators PELL and HELMS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. PELL, for himself, and Mr. HELMS, proposes an amendment numbered 1566.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, line 17, insert before the colon ", and the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs in accordance with the procedures contained in section 634A of the Foreign Assistance Act of 1961, as amended".

On page 26, Line 20, after the word "Appropriations" insert ", the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs".

On page 27, Line 2, after the word "Appropriations" insert ", the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs".

On page 27, Line 5, after the word "Appropriations" insert ", the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs".

On page 29, line 15, insert before the period ", and the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs in accordance with the procedures contained in section 634A of the Foreign Assistance Act of 1961, as amended".

Mr. BYRD. Mr. President, this amendment simply provides that reports required in this bill relating to foreign aid matters go to the Foreign Relations Committee as well as the Appropriations Committee. I have no objection to the amendment. I understand that it is acceptable to the minority manager.

Mr. COCHRAN. Mr. President, the amendment has been reviewed on this side of the aisle. There is no objection to its being included in the bill and approved by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1566) was agreed to.

Mr. BYRD. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1567

(Purpose: To provide for the lease of Marine Corps helicopters to Colombia)

Mr. COCHRAN. Mr. President, I send an amendment to the desk on behalf of Senator HATCH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HATCH, proposes an amendment numbered 1567.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . LEASE OF MARINE CORPS HELICOPTERS.

(a) Upon entry into force of any lease agreement with the Government of Colombia which is consistent with the authorities of chapter 6 of the Arms Export Control Act, the President shall exercise his authority under section 61 of that Act—

(1) to lease to the Government of Colombia four AH-.1J Cobra helicopters from the current stocks of the Marine Corps for use by the Colombian National Police in carrying out anti-drug interdiction operations in Colombia; and

(2) to provide training of Colombian personnel by Department of Defense personnel (before transfer of the helicopters is made) in the operation, maintenance, logistics support, and deployment of such helicopters, such training to be carried out in consultation with the Director of National Drug Control Policy.

(b) For purposes of this section, the determinations required by paragraphs (1) and (2) of section 61(a) of that Act shall be deemed to have been made as of the entry into force of the lease agreement described in subsection (a) of this section.

Mr. HATCH. Mr. President, my amendment addresses the urgent situation facing our Andean neighbors in their efforts to battle the drug cartels and rid their countries of the scourge of drugs. During the February meeting in Cartagena, Colombia, President Bush pledged to supply the Andean countries with United States economic, military, and law enforcement assistance in return for continued counternarcotic efforts and sound economic policies. Such a program is necessary, but it does not address the emergency situation that has arisen in the Andeas.

My amendment offers increased military support for the courageous law enforcement efforts being waged by President Virgilio Barco and the Colombian people against the drug trafficking cartels, and it offers increased protection for the law enforcement personnel and equipment the United States has sent to assist the Colombians.

Last August, President Barco put the drug trafficking cartels and the rest of the world on notice—Colombia and the Colombian people will not tolerate drugs, and they are serious in their efforts to wage all-out war against the cartels. More important, President Barco has vowed to uphold the Constitution and the rule of law, pledging that his government will "not tolerate human rights abuses by any group."

Yet in the face of this courageous commitment by President Barco and the Colombian people, the drug trafficking cartels have responded with increased terrorism. They have resorted to indiscriminate bombings and targeted assassinations in the hope of building a public consensus against the counternarcotic efforts of the Colombian Government.

Following a self-declared truce in January, cartel assassins brutally gunned down presidential candidate Bernardo Jaramillo Ossa as he was attempting to board a plane in March. As if that was not enough, 2 weeks ago a bomb exploded on a highway crowded with Easter holiday travelers, indiscriminately killing over 20 people and wounding over 100, many of them children. And just last week, a drug cartel assassin brutally murdered presidential candidate Carlos Pizarro Leon Gomez. Pizarro, a former guerrilla commander often spoke of the dangers of his campaign. But he remarked "we cannot allow death to keep us from doing what must be done for the good of democracy and the country."

Since last August, three presidential candidates have been assassinated. Think what kind of a reaction this would envoke in this country. Such actions are an outrage and serve to highlight the daily bombings and murder waged against all aspects of Colombian society.

In an effort to assist President Barco and the Colombian people, the United States has supplied law enforcement assistance in the form of military equipment and personnel to assist in training and investigations. Operating in this hostile environment is extremely dangerous, and our Drug Enforcement Administration [DEA] personnel and our unarmed military helicopter assets, which the United States has provided to Colombia to transport apprehension teams in country, are constantly exposed to hostile gunfire. These unarmed helicopters are transporting United States agents and are potential targets for automatic weapon fire and surface-to-air missiles that may have fallen into the hands of drug traffickers in Colombia.

My amendment calls for the President to exercise his authority under chapter 6 of the Arms Export Control Act to lease four AH-1J Cobra gunships from the U.S. Marine Corps inventory, to the Colombian National Police. The "J" model is a fine, twin engine aircraft. It is easily maintained, carries all the requisite ordinance for drug operations, and are used by the Marines to train their own helicopter pilots.

The AH-1J, following a period of training by United States Marines, would be flown by Colombian military personnel and provide a significant defensive deterrent against lethal action by the smugglers and would allow the Colombians to effectively dismantle known cocaine laboratories in the remote locations in the mountains and valleys of Colombia. Again, the purpose of these helicopters would be to provide armed escort to the United States and Colombian transport traffickers; and to launch targeted attacks against known, identified drug smuggler cocaine laboratories in Colombia. No U.S. troops would be used to fly these antidrug missions.

This part of my amendment sends the right signal to the Colombian people and our brave DEA personnel in Colombia. We will be protecting the transport of our people into dangerous parts of the Colombian jungle, and we will be giving the Colombians an asset to overmatch the drug smugglers. In short, we will be providing a tool to Colombia that will allow them to eliminate the cocaine business from their country.

Mr. President, my amendment addresses the urgent and dire needs of our Andean neighbors and is consistent with the President's commitment. The situation and the timing are critical; the time to act is now. I believe the United States has an obligation to

take advantage of the environment we have helped create. This is the opportunity the American public has invested in and opportunity we cannot afford to waste.

Mr. COCHRAN. Mr. President, this amendment would permit the lease of four Marine Corps helicopters to the Colombia National Police to use in antinarcotics operations. The amendment has been cleared, as I understand it.

Mr. BYRD. Mr. President, on this side, I am prepared to recommend adoption of the amendment.

The PRESIDING OFFICER. The question is an agreeing to the amendment.

The amendment (No. 1567) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there are only half a dozen names—actually, there are nine names—on the list of amendments that are entitled to be called up—some of these depending upon whether or not some of the others on the list are called up. Therefore, looking at it in that regard, instead of nine amendments on the list there are probably about four, and perhaps not even four, that would be called up. I urge Senators who intend to call up their amendments on that list, please come to the floor and call them up.

The managers are here. We will be very glad to discuss those amendments. Some of them we can accept, perhaps; some we would not.

I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask uanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1564

(Purpose: To provide up to $5,000,000 through international relief agencies to children within Cambodia)

Mr. BYRD. Mr. President, I have a slot on the list. I shall not use it. I send an amendment to the desk in behalf of Senator CRANSTON and Senator KERREY of Nebraska, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report:

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. CRANSTON, for himself and Mr. KERREY, proposes an amendment numbered 1564.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . (a) Notwithstanding any other provision of law, up to $5,000,000 of the total amount of funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), which funds were—

(1) appropriated by the Foreign Operations. Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), or

(2) otherwise made available through the exercise of the authority contained in section 515 of that Act,

may be made available to the President to provide emergency assistance through international relief agencies to children with Cambodia.

(b) None of the funds made available pursuant to subsection (a) may be made available, directly or indirectly, for the Khmer Rouge.

Mr. BYRD. This amendment provides that up to $5 million of development assistance may be made available through international relief agencies to help children in Cambodia so long as no funds go directly or indirectly to the Khmer Rouge. There is no new budget authority and no offset required.

This amendment is acceptable on this side.

Mr. HATFIELD. Mr. President, the amendment has been cleared on the Republican side. I urge its adoption.

Mr. CRANSTON. Mr. President, last week ABC aired a Peter Jennings' special documenting the devastating effects of current United States policy on Cambodia.

In this program, the plight of millions of Cambodian children was brought to light: desperately sick children covered with flies, unable to receive medicine; children without school supplies; children without hope; children kept in darkness and despair in part because United States policy prohibits aid to Cambodia.

Our policymakers see in Cambodia a nation of pawns, not people, in some regional power game.

It is on behalf of the people, Cambodia's future, its children, that I offer an amendment. This amendment will allow up to $5 million to be spent for humanitarian aid to the children of Cambodia, channeled through international relief agencies.

There are already many such international aid organizations operating in isolation in Cambodia: the International Red Cross, Oxfam, the American Friends, the Lutheran World Service, the Mennonites, Church World Service, UNICEF, are just a few. They need more resources: medicines, even pencils and schoolbooks. I hope with this amendment that we can begin to put both politics and policy differences aside and reach out to the children of Cambodia, addressing what is truly an international tragedy.

Today we are considering a dire emergency supplemental bill that provides $300 million in aid to Nicaragua and $420 million to Panama. This aid is premised on humanitarian concerns and on the assumption that the United States has an obligation to assist those countries that have been damaged directly or indirectly by U.S. policies. By both these standards the children of Cambodia must surely be judged deserving.

American policy has undeniably contributed to the Cambodian tragedy. We invaded the country in 1971 and continued to bomb it for another 2 years. Since 1978, following the Vietnamese invasion of Cambodia that revealed for the first time the full horror of Khmer Rouge rule, American policy has been to isolate and destroy the Vietnamese-backed government in Phnom Penh. Now, in 1990, we continue to support a non-Communist resistance who work in coalition with the Khmer Rouge to overthrow that government.

But I am not here today to debate what our policy goals in Cambodia should be. It is not the time to do so.

I am here to rectify in one small measure the lack of morality in our policy. We speak of "comprehensive settlements," of "quadripartite coalitions," of "United Nations trusteeship." This is the jargon of diplomacy, of a cold and calculating policy that provides assistance to the non-Communist resistance in their border war while keeping the rest of Cambodia in an aid and trade embargo.

Let us today, with this $5 million in assistance to the children in Cambodia, separate the "real politik" of our policy from the real people of Cambodia. In our political dispute with the Phnom Penh government, let us not punish the people. They have suffered enough.

Let us not condemn Cambodia's future because we are still fighting over Cambodia's past.

Mr. KERREY. Mr. President, I would like make a few comments about an amendment offered by myself and the Senator from California, Senator CRANSTON, earlier today. The amendment is straight forward. It simply makes available $5 million for humanitarian aid for children in Cam-

bodia to be provided through international relief agencies operating in Cambodia.

It is the intent of the sponsors that funds be made available to international relief agencies for health, education, shelter, and other emergency needs. It is our intent that the aid be made available quickly, for humanitarian purposes, and without waiting for a resolution of the political issues which surround United States policy toward Cambodia.

Mr. President, I recently visited Cambodia. I was there but 3 short days. I do not profess to be an expert on Cambodia, but several things stand out clearly. One is that there are thousands of children in great need of basic medical care, shelter, clothing, and similar necessities of life. Another is that there is a group of nongovernmental organizations, some from the United States, some from other countries, working in Cambodia to help people at the most basic level. For many Cambodians these people are their only source of assistance on these issues. They turn to nongovernmental organizations rather than their government for assistance. These relief organizations know the situation in Cambodia and the people. They can put to very good use the funds provided by this amendment.

There are many policy issues facing us with regard to Cambodia. They will not be quickly resolved. This amendment does not address those, except to the extent that it restates what we are told U.S. policy is—and what I believe it should be—that no funds are to be made available directly or indirectly to the Khmer Rouge.

Cambodia stands almost unique among 20th century nations. Its needs, while not unusual in developmental terms, nevertheless exist in an unusual context—a context for which we in this country bear at least some responsibility. Consequently, I urge that we provide this aid as quickly as possible, that we provide it for the basic needs of Cambodian children, and that we provide it through the mechanisms which have already laid the groundwork for helping the Cambodian people.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1564) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1568

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself and Mr. DECONCINI, proposes an amendment numbered 1568.

On page 28, line 9, after the word "Namibia" insert the following: ": *Provided*, That funds made available for Namibia under this heading may not be obligated or expended unless the President determines and reports to the Congress that it is not the policy of the Government of Namibia to intervene militarily in Angola or to support military intervention from its territory into Angola.".

Mr. KASTEN. Mr. President, I did not cut off the clerk. I wanted the amendment read in full because it is a very straightforward amendment. We simply are talking about an amendment with respect to the assistance that we recommend for the new Government in Namibia. While the new independent Government in Namibia was inaugurated within this month there remains some concern about the military activity in Angola, and whether or not the new Government of Namibia supports that action.

This amendment has the effect of conditioning our aid on the President's certifications that this new Government has a policy of military nonintervention in Angola, and it does not provide assistance to individuals or to groups for the purposes of intervening militarily in Angola.

Mr. President, I would like to say that Senator LEAHY, the chairman of the Foreign Operations Subcommittee, has cleared this amendment. So as far as our Foreign Operations Subcommittee is concerned, it is not an amendment in dispute.

My understanding is the Senator from Illinois [Mr. SIMON] has some concern about the amendment, although he may not require a record vote. So what I would like to do is suggest the absence of a quorum, in the hope that we can expedite the process by which this amendment can be agreed to.

I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I understand that my distinguished colleague from Wisconsin has introduced an amendment on Namibia.

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMON. I rise in opposition to this amendment. I am not going to ask for a rollcall, because I am a political realist in terms of what I think would happen on such a rollcall. But first of all, the United States is among the family of nations in supporting Jonas Savimbi, and I think we cannot expect—I see my colleague coming on the floor now—other African nations to be joining us in this regard. Namibia is brand new among the nations of Africa. It is the last colony that is now a free and independent nation, and it looks like it is off to a good healthy start. It is a multiparty nation, which is granting basic liberties to its people in much the same way Botswana is doing.

I think it is a great mistake, and I hope it will be considered carefully when this bill goes to conference, for us to condition our aid to Namibia with this kind of a stipulation. I think it sends precisely the wrong message. I certainly favor the aid to Namibia, and Namibia is in the kind of a situation where they have no ability to get involved in a meaningful way in the Angolan conflict anyway.

I think we have to recognize that our position of eminent loneliness in supporting Jonas Savimbi is not a position that any African country, with a possible exception of the one, joins us in. And I think we would be much better off not having this amendment.

But again, having said that, I am not asking for a rollcall, because I recognize what would happen in a rollcall. But I think it is unwise, and I hope my colleague from Wisconsin and others will consider it carefully when we go to conference.

Mr. KASTEN. Mr. President, let me just respond very briefly.

First of all, I think that all of us, by having the bill coming forward with $10 billion for Namibia, are making a very strong statement in providing them with money. I think that that shows the support. I, working along with the Senator from Arizona [Mr. DECONCINI] and others, have worked with a number of people, both on the Foreign Relations Committee, as well as some people at the State Department, to moderate the language in this amendment. It was written exactly as it is now. I thought we had reached a position where it had been moderated adequately.

I thank the Senator from Illinois for his comments. We will work carefully together in following the situation, a brand new situation, and I hope very much the outcome will be what both he and I could agree with.

Mr. SIMON. If my colleague will yield, I want to again commend him for having this money in here for Namibia. My hope is that we can work out some language that would be mutually satisfactory. I think it is desira-

ble both from our perspective and from the perspective of Namibia.

Mr. KASTEN. I agree, and I thank the Senator from Illinois.

Mr. President, I do not believe there is further debate on the amendment. I ask that we proceed.

Mr. SYMMS. Mr. President, I want to express my full support for Namibia amendment being offered by my colleague, Senator KASTEN. I believe that if we are to provide $10 million to the new Namibian Government, we ought to seek assurances that the money is not expended contrary to our interests.

Namibia has hopeful prospects for economic growth and development, with rich natural resources, a multiparty coalition government and a democratic constitution But there are valid concerns about the new Namibian Government, largely because of SWAPO's previous role in Angola and their indebtedness to the Angolan Communist government which provided them safe harbor and bases from which to infiltrate neighboring Namibia.

Reports from Namibia state that Sam Nujoma, once SWAPO's leader in exile and the newly elected President of Namibia, is bringing to Namibia from Angola massive amounts of weaponry for use by the Namibian Army. Last week, at a private reception, a member of my staff addressed this issue with the new Namibian Foreign Minister, a former SWAPO official. The Foreign Minister expressed surprise at the reports, and professed that Namibia was not interested in intervening in Angola's war.

Now personal assurances are fine, but I have a problem with SWAPO because they also pledged to abide by the tripartite agreement. However, on April 1 of last year, several hundred SWAPO guerrillas were caught redhanded invading Namibia and were apprehended by the U.N. peacekeeping forces. SWAPO has several other blemishes on their record, including the missing detainees, many of whom were tortured and died in SWAPO camps in Angola, devoted to guerrillas to fight against UNITA, and Nujoma just admitted to a new violation of the tripartite accord by announcing that nearly 700 guerrillas are to be returned to Namibia with a billion dollars' worth of arms—those same guerrillas were supposed to have been repatriated as voters last year under the terms of the 1988 agreement. In short, there is ample cause for watchfulness on the part of the United States regarding Namibia.

If the new Namibian Government, as the Foreign Minister has suggested, has no wish to become involved in Angola's war, then it should not hesitate to grant the United States Government assurances to that effect. To support this amendment simply reinforces the United States view that the Namibian Government should focus on economic growth and stability rather than the Angolan conflict. To not support the amendment would give a green light to SWAPO to reengage its forces against UNITA and could provoke the SWAPO-dominated government into escalating the war regionwide. This could only undermine the delicate peace process underway in both Angola and South Africa, since Namibia rests at the strategic position in between those two countries.

President Savimibi has already warned SWAPO against hostile maneuvers to his south. He could not sit idly by should SWAPO consider joint operations in northern Namibia. We should take this first step toward ensuring that the Angolan war does not spill across the border by passing this amendment and conditioning the release of $10 million to aid to assurances that Namibia will not intervene in the fighting between UNITA and the Communist MPLA.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 1568) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, I was about to bring up an amendment on behalf of another Senator, but I understand it is already taken care of.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. LIEBERMAN]. Without objection, it is so ordered.

AMENDMENT NO. 1569

Mr. D'AMATO. Mr. President, this morning, I spoke to President Landsbergis, the President of Lithuania, by telephone. As a matter of fact, the conversation started at about 20 minutes to 10, and we spoke until 5 minutes to 10.

I asked the President of Lithuania whether or not the Soviet embargo, as it related to natural gas, was continuing; whether or not the press accounts that we had received that the Soviets had indicated that they were willing to negotiate—indeed, had that taken place? Had they received any assurances from the Soviets as to when and where? And, more particularly, I asked questions related to the media reports that supplies of natural gas would be doubled.

As a matter of fact, the President said to me that the blockade was even more encompassing. He indicated that the Soviet stranglehold continues unabated, notwithstanding the reports to the contrary.

He told me that his country desperately needed medical supplies and food processing supplies—citrus—for much of its food. And he said that unemployment was a growing problem and they had a real concern that many others who were now working would be unemployed due to no energy.

On the lighter side—and he was not light when he said they desperately need help, and would need foreign credits to make possible the purchase of supplies that he said are still coming by way of truck that they send out—he said one of the other things that they could utilize were bicycles, as increasing numbers of his people are turning to this form of transportation.

Mr. President, I understand the necessity of fostering relations with the Soviets that are in the interests, not only of the United States, but of all the nations and peoples of the world. But I think we are embarked upon a course of action which necessitates our turning away from the truth and the facts as they are, not as we would like them to be; that the Soviets are, indeed, violating those standards which they have set forth, those standards that they talk about in perestroika and glasnost, and that they are ready to just put this aside, set up a propaganda smokescreen and say, "We are willing to negotiate," when indeed they are not. They are using raw aggression. They are pressing and attempting to stifle the call for freedom from the people of Lithuania.

I think President Landsbergis was, unfortunately, maybe more accurate than some would like us to believe when he said last week that this was Munich revisited. I believe that as the free nations of the world turned their heads aside to what was really taking place at that point in history, that that is exactly what is taking place today.

While the aggression may not be as open and as naked, it is, nevertheless, undeniable. On the altar of world political expedience, on the altar of the publicity and the polls, which govern so many, just as it did Prime Minister Baldwin in his days when he was Prime Minister of England, so, too, are many of us being cowards. Somehow we have come to the defense of Mr. Gorbachev and his use of force, undeniable, whether it is the borders which have been closed down, whether it has

been the removal of the media, whether it has been now the cutoff of essential supplies to the people of Lithuania. How dare we acquiesce, and acquiesce we do, and more than that, by saying that we are prepared to go forward?

Mr. President, we, the United States of America, have achieved great comity and accommodation, if you wish to call it, by the Soviets as a result of a policy that said steadfastly that unless you recognize the human rights of not only our people but others, unless you begin to live within the so-called common house that recognizes individual rights and freedoms, we will not make available most-favored-nation status to you for trade purposes; we will not make available to you the technological achievements that we have achieved under our free and democratic system; they will be denied to you.

Indeed, it is not out of the sense of generosity that the Soviets now come to us, but rather out of a sense of need. The nations of Eastern Europe that now have a taste and breath of freedom have so because we had the courage to stand and we had a policy that said we will deny you the kinds of economic opportunities unless and until you come into the house of nations and respect—yes, respect—and give legitimacy to the fact that each person has inalienable rights, and freedom is one of those. Freedom cannot be bartered.

Now we are bartering. And here we have great strength. We possess the ability by what? By saying to the Soviets, "If you want most-favored-nation status, if you want to trade, if you want the doors of technology to open to you, if you want all that flows as it relates to the nations of the world who work together and recognize and respect individual rights, why, then certainly the people of Lithuania should be accorded those rights."

Mr. President, I am not suggesting to you that there are not very important and legitimate needs of the Soviets that have to be met as it relates to Lithuania. Obviously, they have their own security and their national security interests. Obviously, they have bases which are important to them. Obviously, they need access to ports. Obviously, there are economic situations that should be negotiated, and President Landsbergis understands that and his Foreign Minister, who I spent 2 days with, told me that and said we are ready to negotiate but we cannot and will not negotiate for one principle which is undeniable and that is the principle of freedom and independence; that is their right.

When Mr. Gorbachev says on the one hand, "I am ready to negotiate," he throws in a string which brings back independence and talks about a timetable as it relates to independence, a timetable as it relates to withdrawal of troops, a timetable as it relates to military installations, the manner by which economic vital considerations should be undertaken. Certainly, those are things that can and should be negotiated where timetables may be essential for both sides, but not the underlying issue of freedom and independence.

I find it very difficult for us to say there has been a policy that has achieved and has helped bring us to the point we have attained today and yet not be able to apply that principle. Even at the 11th hour, more so now, what a terrible singal we send out to the world, what a terrible signal we send to the Soviets. Notwithstanding the Soviet's protestations—and I brought this up with Secretary Baker today—how is it that we can say do not use force, negotiate, and then stand by as force is applied and say, notwithstanding what is taking place, the use of economic aggression—and that is force—we are ready, willing, and able to proceed as it relates to conferring on the Soviet's most-favored-nation status. I think it would be a terrible error, while we are saying one thing, to undertake this agreement with the other hand. What are the Soviets to believe? Are we not sending mixed signals? Are we not really saying we are saying these things to appease the American public but you just continue? We are saying you should not use force, you should negotiate, on the one hand, while we see the Soviets tightening the screws, tightening the lasso around the necks of those who cry out for independence, in this case, the Lithuanians.

It is with that in mind that I am prepared to offer an amendment which says, if I might be permitted:

It is the Sense of the Senate to urge the President not to submit any U.S.-Soviet trade agreement or enabling legislation thereto to the Senate for approval until at least:

(1) the Soviet Union has lifted its economic embargo against Lithuania, and

(2) the Soviet Union has entered into negotiations with the duly elected representatives of the Lithuanian people, with the intended result the Soviet recognition of the independence of the government of the Republic of Lithuania in an orderly and expeditious manner.

Mr. President, I believe that it is absolutely essential the Soviets understand that there will be no most-favored-nation status, as badly as we want to continue the road toward peaceful coexistence, an end to the madness of a nuclear arms race, toward opening borders, the democratic process coming to more and more nations. We cannot sit by while, undeniably, the rights and the freedoms of the people of Lithuania are transgressed. It is Lithuania today. Who will it be tomorrow?

It is at a time when the Soviets need our help and cooperation more than at any other time, that we are not willing to stand for the basic principles that have brought us to the tables so that we enjoy the position which we have, which is not one just of strength, but of strength built upon a moral certainty that what we have represented not only is good for the United States but what is basic and undeniable to every single human being, every individual—the right of freedom.

AMENDMENT NO. 1569

(Purpose: Relating to the President's announced intention to submit to the Senate a trade agreement with the Soviet Union after the Summit)

Mr. D'AMATO. Mr. President, I submit this amendment on behalf of myself, Mr. DECONCINI, Mr. MURKOWSKI, Ms. MIKULSKI, Mr. HELMS, Mr. SPECTER, and others immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. DECONCINI, Ms. MIKULSKI, Mr. HELMS, Mr. MURKOWKSI, Mr. SPECTER, and Mr. DIXON, proposes an amendment numbered 1569.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

The Senate finds that:

On March 11, 1990, the Supreme Council of the Republic of Lithuania declared the resumption of the independence it enjoyed from 1918 until its forcible occupation by the Soviet Union in 1940;

In response to that action, on April 17, the Soviet Union imposed economic sanctions against Lithuania by cutting back on the delivery of oil and natural gas;

The Soviet Union's economic sanctions have caused a great hardship on the people of Lithuania;

The Deputy United States Trade Representative on April 26 announced substantial agreement on a trade pact between the United States and the Soviet Union that would grant most-favored-nation status to the Soviet Union;

Such trade agreement and any implementing legislation must be approved by the Congress; and

Implementation of such a package while the Soviets continue their economic sanctions against Lithuania would constitute implicit support for Soviet activities in Lithuania;

It is the sense of the Senate to urge the President not to submit any United States-Soviet trade agreement or enabling legislation thereto to the Senate for approval until at least:

(1) the Soviet Union has lifted its economic embargo against Lithuania, and

(2) the Soviet Union has entered into negotiations with the duly elected representatives of the Lithuanian people, with the intended result the Soviet recognition of the independence of the government of the Re-

public of Lithuania in an orderly and expeditious manner.

Mr. D'AMATO. Mr. President, why do I offer this amendment? I offer this amendment to send a signal to the Soviets that the Congress of the United States, and the Senate in particular, because it will call for Senate ratification as it relates to most-favored-nation status, that we are serious. And, secondly, to also indicate, hopefully to the administration, that they tell the Soviets that they will not be able to even submit this, that the Senate is very strong in its position. I would not like to see a situation where our President went down the line so far that he felt compelled to go forward, and then we had a situation where the President would actually submit the trade package, the most-favored-nation status, to this body and then put us in the position of whether or not we are going to turn our back on our leader. That is something I hope will never be the case.

I would like to see us act with one voice, in a uniform manner.

I hope that by adopting this amendment overwhelmingly, we would send a signal not only to the administration but to strengthen the administration in dealing with the Soviets, in letting them know that this is not just rhetoric, that we are serious, that there will be no most-favored-nation status conveyed upon them unless they follow the basic conditions which have been laid out in this amendment.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I commend the distinguished Senator from New York for his initiative on this issue.

Mr. President, there is no doubt that President Bush is in a tough spot. He must show somehow United States support for Lithuania without contributing to the tension and ultimately diminishing the chances for independence. But there is a point when caution turns to acquiescence and American silence is interpreted as a green light for repression. President Bush said recently that he did not "want to make the wrong mistake." But inaction can be just as big a mistake as overreaction. As President Landsbergis pointed out, it was excessive caution at Munich that gave us the disastrous policy of appeasement in the 1930's.

The United States loudly proclaims its support for self-determination in Poland, Hungary, and the rest of Eastern Europe. But that is easy. After years of struggle, those countries have thrown off tyranny and are on the road to freedom. Lithuania's struggle is just beginning. Do we remain silent because the Baltic question poses a problem for Gorbachev? Are we afraid to slow down progress in some other area of United States-Soviet relations? Mr. President, we must stand for freedom always, not just when it is convenient.

Some may argue that Gorbachev has done so many good things that we can afford to wink at his intransigence in the Baltics and hope that he will come around later. What they overlook is that Mr. Gorbachev does not act because of a desire to accommodate the West. He acts in the best interests of the Soviet Union, and in many cases he has simply recognized reality. Reducing defense expenditures, negotiating arms control agreements, restructuring the Soviet economy, and pushing for a more open society are all things that serve the Soviet Union. Relinquishing control of Eastern Europe was a recognition of reality; the Soviet Union could no longer afford to maintain its hegemonic influence there.

Now I am hopeful that President Gorbachev will be convinced that Baltic independence, though it may be difficult, will also be beneficial to the Soviet Union in the long term. Benefits will accrue through better relations with the West and increased access to our markets and technology. The Soviet Union wants and needs increased trade with the United States and the rest of the industrialized West. It should be made clear to Gorbachev that improvement in our bilateral trade relationship is unlikely, given the present situation. This is where America has leverage.

Mr. President, U.S. policy cannot hinge on the political fortunes of a foreign leader, no matter how much we hope for his success. If we start down that path, we give Gorbachev veto power over our foreign policy. We cannot abandon our half-century commitments to our old friends, the Baltic nations, because it is inconvenient for our new found friend, President Gorbachev. Regardless of our actions, who knows he may not survive this crisis. If he does, he may not survive some future crisis, and if we sell out Lithuania now they may never get another chance. Our only option is to continue to insist on Baltic self-determination, and to make that position clear to the world.

Just as Gorbachev's Soviet policies will reflect Soviet goals and national interests, so must our decisions be based on what we view as best for America's national interest. We do not frame our arms control position or our stand in trade negotiations around what will help Gorbachev. We make the decisions we think will yield the outcome we desire. In this case our goal has long been self-determination for the subjugated peoples of the Baltic nations. Our decisions should reflect that goal.

A Washington Post editorial on April 25, 1990, correctly pointed out that the "danger in the United States' muted response so far is that it is susceptible to being interpreted as acquiescence, encouraging the Soviets to go farther." We must consider the effect of our being too mute on the Lithuanians. They must be reminded that we support their cause, freedom and independence, and will say so, and the Soviet leadership must be reminded that we will take appropriate steps to reinforce that cause as the situation evolves, and so we ought not be overly timid in saying so.

Mr. President, I support the amendment of the Senator and hope that it will be adopted by the Senate.

Mr. D'AMATO. Mr. President, I thank the distinguished Senator from West Virginia, the President pro tempore, for his support. I know of his deep interest in this fight for freedom and his sending the kind of signal that I believe the free world must hear and the people of Lithuania particularly. They are wondering where we are. Where is our moral leadership? Have we abandoned them in their hour of need?

That is what they are wondering. They have not lost heart. I have asked President Landsbergis and he said the peoples' will is strong. But I think they have to share a question that many of us have asked: Why is it that we have not taken a more aggressive position as the United States?

Mr. President, I am pleased to add two original cosponsors, the Presiding Officer, Senator LIEBERMAN, and Senator KASTEN. I ask unanimous consent that their names be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. There are some who asked me whether or not I would be willing to submit this amendment as it is to a voice vote. I think it is important that we have a rollcall vote on this amendment. I think it is important that we be recorded. I do not think we can be saying two things; that quietly we are saying we should or should not. I think people have to stand up, and I think it is important that in this country, in the United States of America, in this body, in the Senate of the United States, we be prepared to make our views known.

It would seem to me that if anything, we send a powerful message on behalf of freedom and we strengthen the administration's hand so that they can say—because Secretary Baker will be meeting with Mr. Shevardnadze in a matter of hours—look, you cannot continue this business. And if you continue the economic embargo, if you continue your aggressive tactics, then all that we have worked for—yes, the United States and the Soviets—will be lost. And it should be forfeited because we do not have the right to deny freedom to anyone, any country at any time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

Mr. BRADLEY. Mr. President, the suppression of Lithuania's long-held aspirations for self-determination and independence is a lost opportunity for President Gorbachev and President Bush alike. It's a lost opportunity for President Gorbachev to make progress on his commitment to radical reform. And it is a lost opportunity for President Bush to demonstrate where the United States stands on an issue of fundamental principle.

The Soviet Union is an economic basket case. Radical economic reform is essential to its long-term survival. But radical economic reform cannot be imposed from Moscow. It has to come from the people. Yet Gorbachev cannot mobilize grassroots support for painful measures like higher prices, bankruptcies, and unemployment by suppressing legitimate desires for greater autonomy. On the contrary, the tighter Moscow squeezes, the greater the alienation on the part of the Soviet peoples. That is the difference between Poland and the U.S.S.R. Poland has a political consensus on what kind of future the people want and the necessary steps to get there. The people support the government and endure hardship because they believe it will lead to a better life.

The Soviet people don't have this belief. Many of them believe Gorbachev is more interested in recentralizing control than in dispersing power to the people and winning the trust and consent to the governed. His embargo of Lithuania and his refusal to negotiate with the freely elected representatives of the Lithuanian people confirm this view. As one astute observer of the Soviet scene, Dimitri Simes, recently put it:

> The preservation of the empire through force is incompatible with perestroika. And that is what the Lithuanian crisis is all about: Gorbachev may temporarily succeed against the Lansbergis government, but other republics are waiting in line to demand their sovereignty. And it is easy to imagine a Moscow caught up with false hopes of empire at the expense of democratic reforms.

Gorbachev and his advisors may believe that forcing Lithuania to its knees is necessary to teach other republics a lesson. The problem is that from the standpoint of progress, it is the wrong lesson. It is a lesson from the Communist past that bodes ill for the prospect of a democratic future.

It is a lost opportunity for George Bush as well. We are entering an era where American influence will increasingly depend on economic power and moral persuasion, not military might. President Bush up to this date has lost an important opportunity both to uphold American principles such as democracy and self-determination and to promote Soviet progress.

To again quote Simes:

> In the end it is not up to us to save the Soviet Union in spite of itself. But neither is it in the American interest to make it easier for the Kremlin to suppress those very trends that could make the USSR a benign member of the international community. The real choice is not between perestroika and Lithuanian independence. Rather it is between the cause of Soviet democratization and saving the empire. On this issue, both Gorbachev and Bush find themselves on the wrong side of history.

It may not be too late to revive the opportunity. Hopefully, this expression of the Senate's views on where America should stand will both educate and embolden President Bush. The times demand leadership, and we must not be found wanting.

Mr. LEAHY. Mr. President, several weeks ago the minority leader of the Senate, Senator DOLE, made a thoughtful statement about the way we sometimes do business around here.

Rather than spend time facing the tough issues, he said, we fall back on the last resort of the armchair lawmaker: sense-of-the-Senate resolutions.

Sometimes these resolutions are innocuous. Other times they are pernicious.

The amendment offered by my friend from New York is politically appealing. It is also pernicious.

Who wants to stand down here and vote against the freedom-loving people of Lithuania? Not me.

Who wants to stand down here and vote against a resolution that will undoubtedly be read as a green light to the heavy-handed policies of Mr. Gorbachev? Not me.

But I will oppose this amendment.

There are encouraging signs of progress between the Soviets and the Lithuanians. The intervention by the Germans and the French has lead both sides to hold out hope for compromise on Lithuanian independence.

If we are going to pass any sense-of-the-Senate resolutions, it should be to encourage these negotiations now underway.

This is the wrong time for the United States Senate to storm in and sacrifice the recently concluded United States-Soviet trade agreement to score domestic political points.

We need to be encouraging trade with the Soviet Union and other countries. We need to expand our markets and help the Soviet Union develop into a more reliable trading partner.

This is not some favor we are granting the Soviets. We are the world's largest debtor Nation. This will not be turned around by sense-of-the-Senate resolutions.

Let us vote on this resolution, if we must. But let the Senate be guided by common sense—and defeat this amendment.

WHY LITHUANIA NEEDS OUR HELP

Mr. HELMS. Mr. President, it will not harm the United States relationship with the Soviet Union to pass this amendment; in fact, it will strengthen that relationship and put us in a stronger position to deal for peace.

The United States stands firm on the principle of freedom. For more than 40 years, we have never recognized the incorporation of the Baltic States into the territory of the Soviet Union. We still do not recognize the incorporation of the Baltic States into Soviet territory.

This amendment is precisely in accord with that policy. The people of Lithuania have voted in democratic elections to elect a free Parliament. That body, the first representative body in Lithuania in more than 40 years, voted to proclaim independence, and then sought negotiation to arrange a peaceful transfer of interests on both sides.

If we had recognized the new government of President Landsbergis immediately, it would not have changed that policy, nor would it have increased the possibility that the Soviet Union would take violent and bloody measures. It would simply have given United States approval to an honorable, decent, and just action by the Lithuanian people.

In recent days, I have noticed an attempt by some to blame the victim. How dare Lithuania state its legal position? How dare Lithuania insist that the seizure of its country by the Soviet Union had no legal basis? How dare Lithuanian be so rash as to demand its freedom at a time when the Western World has decided that Gorbachev is a nice man?

But why should we blame the victim? Why should the oppressed be blamed simply for the assertion of its rights? Doesn't Gorbachev's attempt to hold on to the ill-gotten gains of the Soviet Union demonstrate to us that the West holds less in common with him than some thought?

Mr. President, another accusation I have heard was that if we gave Lithuania any legal encouragement, we would tempt the Lithuanians to take rash actions that would give the Soviet Union the excuse for violent oppression.

Mr. President, that accusation is absurd. No one who has observed the statesmanlike, judicious, and nonviolent policy of President Landsbergis and his associates could honestly come to that conclusion. The simple assertion of just and proper rights could never, by itself, become the pretext for violent action by the Soviets. If any violence were to occur in Lithuania, the violence would have to be instigated

and initiated by the Soviet Union itself.

In fact, just the opposite would occur. The Soviet Union would have been encouraged to negotiate peacefully. If the United States had immediately used its prestige to uphold the justice and reasonableness of the Lithuanian action, and encouraged our allies to concur, the Soviet Union would stand isolated in its brutal and unjust policy. The fact that the United States and the free world failed to stand up for the principles of freedom simply encouraged the Soviet Union to be intransigent and refuse to negotiate.

We should remember that Lithuania has not refused to negotiate. It has refused to negotiate only about the central question, its independence. Everything else appears to be negotiable. The Lithuanians realize that it may take years to make the transition, given the links between the Soviet economy and Lithuania. But sovereignty should not and cannot be negotiable.

And now we see what is happening. The laws that Gorbachev wants enforced were not even in force when Lithuania took its action. The Soviet Union passed an ex post facto law demanding new terms and conditions for independence. And now it is taking actions to strangle the hope for independence, and force the Lithuanians to abrogate their act of independence. The policy of going slow and doing nothing—even in principle—will result in further repressive measures that can only make our relationship with the Soviet Union more difficult.

No nation that bases its policy on principle should have cause to regret that action. It is entirely false to maintain that the choice is between freedom in Lithuania and an improved relationship with the Soviet Union. That is a false division. The truth is that there can be no relationship with the Soviet Union that is based on reality unless Lithuania obtains its freedom.

The measure proposed here today does not give diplomatic recognition to the Landsbergis government. It simply puts the Senate on record as opposing the proposed United States-Soviet Trade Agreement at least until the Kremlin terminates its economic embargo of Lithuania. It is a measure that is in the great tradition of the American people. And it may even give the Lithuanians a breathing space to negotiate for practical independence on free and equal terms.

EXPLANATION OF VOTE ON D'AMATO AMENDMENT

Mr. SANFORD. I think this is the worst kind of legislation, a "Sense of the Senate" resolution that illustrates a meddlesome involvement in foreign policy with no hearing and no thoughtful consideration, offering gratuitous advice on a delicate diplomatic subject. This kind of resolution has no force of law, but it has the capability of creating great mischief.

There have been suggestions that this kind of off-the-cuff resolution be restricted by requiring a substantial number of cosponsors, or the approval by the appropriate committee. This resolution is another reminder that such a rule change is needed.

Mr. BYRD. Mr. President, it seems to me it might save time, if it would be agreed to by all Senators and the leadership, if we could postpone this vote temporarily. There is, I believe, one more amendment that is going to be called up. May I ask the distinguished Senator from Colorado, Mr. WIRTH, if it is his feeling that there will be a rollcall vote on his amendment?

Mr. WIRTH. I do not at this point know. I think we should just play it out and see where that goes. I think we are at this time pretty close to getting to that point.

I wonder if the distinguished Senator, the leader, and other Senators would agree to postponing this rollcall vote until immediately following the rollcall vote on final passage so they can be back to back.

Mr. D'AMATO. Certainly.

Mr. BYRD. I thank the Senator.

Mr. President, I ask that the pending amendment be temporarily laid aside, and the two leaders can determine the cycle of when they want to have this rollcall vote. It seems to me it would be well if it could be immediately before the final passage so that they can be back to back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on final passage so that will be understood as well.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senate Republican leader, Mr. DOLE.

HOUSING GUARANTEES FOR SOVIET JEWS IN ISRAEL

Mr. DOLE. Mr. President, I want to take a few moments to discuss one important provision in the bill, dealing with housing and infrastructure guarantees for Soviet Jews resettling in Israel.

I have studied this problem and this provision. I believe that, on balance, it is in the United States interest to approve these housing guarantees.

I was in Israel 2 weeks ago. My visit there, and my talks with israel's leaders, reflect the very special relationship we have with Israel. We provide a great deal of support to Israel—as we should.

It is in our interest—by fostering stability in the vital Middle East region. It is in our interest, too—because Israel remains the region's principal democracy. As leader of the free world, America must always stand clearly and unequivocally beside any free nation threatened, as Israel is, by outside hostile forces.

Nonetheless, there are serious questions that should be raised about our overall aid relationship with Israel. I have spoken about some of those questions previously.

One key question is whether Israel has in place the right kind of market-based economic policies to make the most effective use of our aid—whether that aid is direct, or, like these housing guarantees, indirect.

Around the world we are pushing nations that receive our aid to practice austerity, to rely on free market mechanisms, to do away with practices such as irrational subsidies of industry and wage indexing.

It is reasonable to ask whether Israel is moving in the directions that we would like to see it move in economic policy. Senator BOSCHWITZ, for one, has pressed the Israeli Government hard on the need for reform of its overall economic policies. In the course of debate on this bill, Senators BOSCHWITZ and HUMPHREY have raised specific questions about Israeli policy in the housing field, which would impact on the effectiveness of the guarantees.

I think it is worthwhile putting in the RECORD—and I ask unanimous consent to do so—the executive summary of a study done at the Hoover Institution at Stanford University. It was done by a prominent economist named Alvin Rabushka. This study was brought to my attention by Senator SYMMS.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SCORECARD ON THE ISRAELI ECONOMY: A REVIEW OF 1989

REPORT CARD FOR THE GOVERNMENT OF ISRAEL

Period	Course title	Grade
1	Budget	D-
2	Taxation	D
3	Money and Capital Markets	C-
4	Business	B
5	Price Controls	D-
6	Labor	F
7	International Trader	C-

Mark codes: A=Superior, B=Good, C=Satisfactory, D=Poor, F=Unsatisfactory.

(By Alvin Rabushka, Senior Fellow, Hoover Institution, Stanford University, Senior Fellow, IASPS)

HIGHLIGHTS OF THE SCOREBOARD

Before rating the making of economic policy in Israel in 1989 and summarizing the performance of the Israeli economy, it is important to describe the entity that we call the Government of Israel. A pile of disconnected parts does not make a machine. Similarly the various units of the Government of Israel do not constitute a coherent political system. The Government of Israel consists of several parts that often work at

longgerheads with each other: the cabinet, with its various ministries and minions of bureaucrats controlled alternately by leaders from the Likud and Labor Parties; the key committees in the Knesset (Israel's legislature), especially the Finance committee; and the Bank of Israel, indirectly controlled by the Ministry of Finance and the cabinet. For example, Prime Minister Yitzhak Shamir heads the Likud Party, but he has little influence on econonic policy. Economic issues fall to his colleagues in the Ministries of Economic Planning, Industry and Trade, and Housing, among others. Deputy Prime Minister and Minister of Finance Shimon Peres, head of the Labor party, is the key player in Israel's economic policy-making theater. A source of high drama is the recurrent feuding between himself and Likud Minister of Industry and Trade Ariel Sharon. It is no surprise that Israel's highly fragmented government makes haphazard, uncoordinated, and often-times contradictory economic policy decisions. The "system" is not really capable of making comprehensive, coordinated policy and then systematically implementing it.

In addition to the formal institutions of government, indirect participants in the decision-making process include the General Federation of Labor (Histadrut), which, despite its close association with the Labor Party, often resists fellow Laborite Shimon Peres's Finance Ministry measures, the Manufacturers' Association, the Chamber of Commerce, and Labor and Likud Party rank-and-file. The economic interest groups frequently tug and pull in opposite directions. On some issues, the Minister of Finance may win the day; on others, the Minister of Industry and Trade; and so on for the Bank of Israel and other units of Government. From time to time the Knesset Finance Committee will reject proposals submitted by the ten-member Ministers Committee on Economic Affairs. Therefore, rating the performance of the Government of Israel becomes an exercise in evaluating the decisions made by the relevant piece of the decision-making puzzle in what passes for the economic policy-making process. In the academic spirit, we assign letter grades of A, B, C, D, and F for superior, good, satisfactory, poor, and unsatisfactory on each dimension of economic policy.

BUDGETARY POLICY

Budgetary Policy receives a letter grade of "D−," which is on the borderline between poor and unsatisfactory. The Government failed to attain its minor policy initiatives of introducing user charges for secondary school tuition and health services. (It will doubtless try again in 1990.) To its credit, the Finance Ministry managed to keep actual outlays closely in line with budgetary estimates, no small feat. However, the forecast deficit of NIS 1.66 billion set forth in the January budget statement ended the year with estimates ranging as high NIS 6 billion, equal to 8-9 percent of GNP. This deficit should be set in the context of a budget surplus equivalent to 4 percent of GDP in fiscal year 1986/1987, a modest surplus valued at 0.4 percent of GDP in fiscal year 1987/1988, and a total deficit of 3 percent in fiscal year 1988/1989. Overall, the Government made little progress in using its spending authority to introduce growth-oriented reforms into the economy.

TAX POLICY

Tax policy receives a letter grade of "D," for poor performance. The low grade of "D" signifies the Government's confusion over the concept of "net taxation," which subtracts transfers from gross taxes to arrive at a peculiar measure of the tax burden that completely fails to take into account individual incentives to work, save and invest. (Chapter 2 on taxation explains the faulty reasoning that underpins this concept.) The low grade also criticizes the Government's anti-growth decision to impose a 3 percent surcharge on upper-income Israelis, thereby increasing the top marginal rate of income tax from 48 to 51 percent on annual taxable income over $48,000. The increase in the top marginal rate puts Israel in direct opposition to a global trend that has seen marginal rates come down sharply in the United States, the United Kingdom, Australia, New Zealand, and more than 50 countries in every corner of the globe during the latter years of the 1980s. By raising the top rate from 48 to 51 percent, Israel sent the world a signal that it was not serious about encouraging work, saving or investment, because it planned to tax away a higher share of each individual's earnings. The surcharge also reversed course from the important tax reform of 1987 in which Minister of Finance Moshe Nissim pushed through a reduction in the top marginal rate of tax from 60 to 48 percent, a genuine tax-rate cut.

Several positive measures kept Israel from an unsatisfactory grade in tax policy. First, the 15 percent levy on imported services was cut in half in April and phased out altogether later in the year. Second, the Ministry of Finance proposed to reduce corporate taxation from a combined 45 percent rate to an overall 40 percent rate by 1992. Third, customs duties were lowered, but rate reductions were required by the terms of the U.S.-Israel Free Trade Agreement and the Israeli accord with the European Community.

In aggregate terms, tax revenues fell short of the January budget estimates by about NIS 2.5 billion. The shortfall was due primarily to reduced economic activity, which diminished both income tax and customs collections.

MONEY AND CAPITAL MARKETS

Money and capital markets receives a grade of "C−," largely on the basis of the Bank of Israel's success in carrying out further liberalization of the country's capital markets. Its conduct of monetary policy, consisting largely of targeting interest rates either to influence the level of economic activity and real wage rates, or preserve foreign exchange, was unsatisfactory. In the face of sharply rising unemployment, the Bank of Israel failed to arrest the rate of inflation, which increased from 16.4 percent in 1988 to surpass 20 percent in 1989. It watched the Minister of Finance implement currency devaluations in January and June. It allowed the banks to charge borrowers usurious rates of interest as high as 60 percent during early 1989 and succeeded only in forcing the rates down to about 30 percent, still usurious, during the latter half of the year. Depositors received negative interest on shekel accounts.

No progress was made during the year in selling the banks to private investors. The Government of Israel is the majority shareholder of all the country's domestic banks, but was unwilling or unable to persuade the banks' controlling shareholders to agree to equalize voting rights, which is a necessary precondition for privatization. Throughout the year it threatened legislation but the cabinet only approved a bill to be sent to the Knesset in late November after a year of unnecessary wrangling.

The bright spot was the progress made in further deregulating the capital markets. Retirement funds were accorded greater freedom in their investments away from compulsory holding of government bonds. Mutual funds were given permission to make partial allocations in foreign equities. Restrictions on the size of mortgage loans were eliminated. New foreign currency accounts were established which carry interest in the currency of the depositor's choice. Israelis were permitted to pay for small amounts of imported goods and services with a local international credit card. Finally, the compulsory purchase of government bonds by retirement funds was reduced from 75 percent to 72 percent. The funds were authorized to invest the remaining 28 percent in corporate bonds, equities, real estate, and banks deposits, which broadened the choices available in 1988.

BUSINESS

Grading business activity requires computing an average that takes into account policy developments that affected the privatization of state-owned enterprises (SOEs), the Histadrut sector, monopolies, and general business regulation. Overall, business receives a gradfe of "B−," which is largely derived from the successful privatization of the Jerusalem Economic Corporation, the progress made in taking Israel Chemicals Ltd. to final sale, assuming that the opposition of some members of the Knesset Finance Committee can be overcome, and the steady progress achieved in preparing nearly a dozen more SOEs for sale, either to private investors or offered to the public through the Tel Aviv Stock Exchange. Also, the relatively high grade of B− reflects partial deregulation of the gas and oil markets, achieved by the Minister of Energy over the extant oil and gas cartels.

Dragging down what might have been an even higher grade was the deepening crisis of the Histadrut sector, typified in the enormous operating losses and huge internal and external debts of its major industrial flagship, Koor Industries, Ltd., a conglomerate consisting of hundreds of firms and thousands of employees. Koor began the year in financial trouble and ended the year on the verge of foreclosure. So long as the Histadrut is both employer and employee at Koor, there seems little likelihood that Koor or any other part of its industrial empire will ever become profitable enterprises, able to stand on their own feet without government subsidies, bailouts or protection from competition.

Finally, the Government of Israel did little in 1989 to improve the plight of the small businessman or entrepreneur by eliminating the impediments, discriminatory treatment and bureaucratic obstacles that frustrate new business and job creation.

PRICE CONTROLS

Price controls receive a letter grade of 'D−", signifying a barely passing mark. The year began with the likely prospects of a letter grade of "F," because in the wake of the devaluations of the shekel on December 27, 1988, and January 3, 1989, the Government imposed price controls in January on a list of products that extended government price supervision from 20 percent of products within Israel at the end of December 1988 to approximately 50 percent of products within Israel. The saving grace of the extension of price controls was that the ordinance expired on April 30, 1989, leaving price supervision on the list of products that

was under price control the previous December.

In general, the "D−" grade is also assigned to the view held by government officials that prices of numerous products and services have to be controlled because Israel is a small country and monopolies would take a advantage of consumers without government regulation. However, this is true only because Israel imposes numerous tariff and non-tariff barriers to the free import of goods and services. In free-trading Singapore, with a population of only 2.65 million, virtually all prices are free to reflect least-cost world levels. The application of free-trade principles to Israel would eliminate the requirement and justification for virtually all price controls. Until Israel moves significantly in the direction of free trade in goods, services, and money, the area of price controls will continue to receive a very low grade.

The year's only positive note was the adoption of an administrative measure to facilitate the process of price increases for some 18–20 categories of goods. Manufacturers would no longer require advance approval to raise prices effective September 29, 1989. Instead, they could post notice of prospective price increases, which would automatically take effect within a designated period of time unless vetoed by the interministerial price committee.

LABOR MARKETS

Labor market policy receives the grade of "F", which stems from the country's continued domination by a single labor union, the General Federation of Workers, or Histadrut. Strikes and threatened strikes throughout the year disrupted economic activity and interfered with the Government's ability to make major strides in putting progrowth policies into place. Histadrut bears full responsibility for compelling Minister of Finance Shimon Peres to raise the top marginal rate of income tax from 48 to 51 percent as part of the package deal negotiated between Histadrut and the Treasury in February, in which Histadrut agreed to accept a cut in real wages for its members. But Histadrut also forced the Government to issue special government bonds to Histadrut's pension funds that yielded a rate of return of 6.2 percent, compared with a market rate of 2–2.5 percent by year's end. Histadrut extorted other benefits for its members as part of the wage accord. It successfully resisted the imposition of user charges for secondary school tuition and health services, even for very wealthy people, as the Knesset refused the Treasury's policy requests in these areas. Meanwhile, Histadrut's own business sector continued to weaken as its flagship Koor Industries disclosed staggering losses.

INTERNATIONAL TRADE

International trade receives a grade of "C−", which is due primarily to lower tax and tariff barriers to the import of goods and services. Partially offsetting those improvements and their potential benefit to Israeli consumers was the application of a wider range of nontariff barriers.

A correctly-valued exchange rate is also critical to international trade. Given that Israel's inflation rates exceed those of its main trading partners, the devaluations of the shekel restored the competitiveness of Israeli exports, which means that the tax on exports due to an overvalued currency was reduced. Ideally, the Government should strive to maintain stable internal prices that would allow it to maintain a stable exchange rate and vice-versa. But unless the Government makes an unshakable, ironclad commitment to price and exchange-rate stability, it will be forced periodically to devalue the shekel to prevent currency overvaluation. Finally, the Government was unable to attract significant foreign direct investment.

On balance, 1989 was a dismal year for the Israeli economy. Most economic indicators signalled a steadily weakening economy throughout the course of the year. Nor did the Government make truly substantial progress in adopting economic policies to lay the foundation for a renewal of long-run growth.

A STATISTICAL SUMMARY OF ISRAEL'S ECONOMIC PERFORMANCE IN 1989

The highlights of the economy's performance during 1989 appear below:

Real gross domestic product (GDP) grew in the range of 1.1 percent.

Private consumption per capita fell 3.5 percent.

Fixed investment declined 3 percent. Investment in machinery and equipment fell 2.9 percent.

Industrial output fell 4.8 percent during the first three quarters.

Consumer prices increased from a rate of 16.4 percent in calendar 1988 to a rate exceeding 20 percent in 1989.

Unemployment rose from the 1988 average of 6.5 percent to an average rate of unemployment over the second and third quarters of 1989 exceeding 9 percent.

The balance-of-payments current account registered a surplus of $1 billion due to falling imports and strong export performance beginning with the second quarter. Exports rose at 10.6 percent while imports remained stable in dollar terms (declining 7 percent in volume terms), thus reducing the trade deficit from $5.3 billion in 1988 to $3.9 billion in 1989. The dark side is that the failure of capital imports to rise bodes ill for future growth and also reduces customs revenue.

Domestic defense spending declined 2.6 percent, despite expenditures necessitated by the intifada. Defense imports fell 30 percent.

Industrial profitability declined from an average return on equity as a percentage of industrial output of 3.6 percent during 1986–1988 to 2 percent during 1989.

Mr. DOLE. Mr. President, the study represents a report card on Israeli economic policies, from a free market perspective. As Senators who read this summary, or get the original study, will see—Israel does not get very high grades from Professor Rabushka: Budget, D−; taxation, D; price controls, D−; labor, F; and so forth.

I commend this study to the attention of all Senators, as we consider this and all other aid to Israel.

In any case, for very good reason, we do provide Israel nearly $4 billion—not the $3+ billion usually cited—in aid every year. That includes direct aid and side benefits. Some of those side benefits are not widely understood by the American public—perhaps not even by some Members of Congress. So I ask unanimous consent to include in the RECORD two studies done by the Congressional Research Service [CRS] on this issue. They give a good rundown on our total aid to Israel, direct and indirect.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 8, 1988.

(Updated March 8, 1989.)

To: ——— ———.

From: Clyde R. Mark, specialist in Middle Eastern Affairs, Foreign Affairs and National Defense Division.

Subject: U.S. Laws that Benefit Israel.

In your letter of January 19, 1988, you requested a list of economic and financial benefits Israel enjoys from the United States, the legislation authorizing those benefits, and the value, if available, of the benefits. The following list is divided into three parts: I. Foreign Assistance: Economic Support Fund, Foreign Military Sales, Other Programs, Other General Assistance; II. Economic; and III. Military/Political

Not every passage in law benefiting Israel is included in the list. Some have been repealed and others are no longer relevant. For example, the statement that the United States should be responsive to Israel's defense needs (Sec. 28 of P.L. 95–384 (92 Stat 730), September 26, 1978), was overtaken by the supplemental assistance in 1979, or in another example, the ban on aid to Egypt (Section 620(p) of the Foreign Assistance Act) was dropped in 1974 after Egypt cooperated with the Kissinger "shuttle diplomacy."

I. FOREIGN ASSISTANCE

Economic Support Fund

Cash Transfer.—Economic Support Fund (ESF) assistance is given to Israel as a government-to-government cash transfer not tied to any particular program, with no A.I.D. accounting as to how the money is used. Israel established a separate bank account for ESF funds in accordance with Title II of P.L. 99–591, and does provide A.I.D. with specific requests for expenditures from the account. Israel provides an annual letter to A.I.D. with assurances that Israel will import from the United States non-defense goods valued at an amount at least equal to the ESF assistance for that year.

Legislation.—Sec. 532(b)(2) of P.L. 95–384 (92 Stat 734) September 26, 1978; repeated in subsequent years.

Value.—$1.2 billion in FY 1987, $1.2 billion in FY 1988, and $1.2 billion in FY 1989: from 1979 through 1989, Israel received $12.3 billion in ESF cash transfers.

Early Transfer.—In 1982, Israel requested that U.S. aid for FY 1984 be made available within the first quarter of the fiscal year (since changed to the first 30 days of the fiscal year) to allow Israel to meet immediate budgetary needs.

Legislation.—Title II of P.L. 98–473 (98 Stat 1890), October 12, 1984, stated that ESF should be made available before January 1, 1985; Sec. 202(a)(2) of P.L. 99–83 (99 Stat 211), August 8, 1985, said the aid should be transferred within the first 30 days of the fiscal year; repeated in subsequent years.

Value.—According to A.I.D. testimony submitted to the House Appropriations Committee in 1988, Israel invests the lump-sum payment in U.S. Treasury bonds to earn interest on the funds until they are used. (See testimony before the Foreign Operations Subcommittee on March 17, 1988, in U.S. Congress. House of Representatives. Committee on Appropriations. Foreign Operations, Export Financing, and Related Pro-

grams Appropriations for 1989. Hearings, Part 3, 100th Congress, 2nd session. Washington, U.S. Gov't. Print. Off., 1988. p. 404-405.) In addition, if one assumes that the United States borrows funds for the lumpsum transfer, the early payment costs the United States between $40 and $60 million per year in interest. According to testimony submitted to the House Foreign Affairs Committee in 1985, the cost for FY 1986 and FY 1987 was expected to be $66 million per year. (See U.S. Congress. House of Representatives. Committee on Foreign Affairs. Foreign Assistance Legislation for Fiscal Years 1986 and 1987. Hearings and Markup, Part 3. 99th Congress, 1st session. Washington, U.S. Gov't. Print. Off., 1985. p. 437-438.)

ESF Linked to Debt Repayment.—Israel's ESF assistance from the United States should equal or exceed the amount Israel owes to the United States in repayment for past debts.

Legislation.—Sec. 534 of P.L. 98-473 (98 Stat 1902), October 12, 1984, repeated in subsequent years.

Value.—Israel received $1.2 billion in ESF for each FY 1988 and 1989, and owed the United States $1.18 billion for FY 1988, and $1.26 billion for FY 1989, according to the Israeli government request for assistance submitted to the United States in January 1988. The annual amount Israel owes to the United States will decrease following a refinancing of the debt. See *Debt Refinancing* below.

Foreign Military Sales

Loan Repayment Waiver.—Repayment for all or part of the Foreign Military Sales (FMS) loans to Israel is waived, meaning the loans are grants.

Legislation.—Sec. 4 of P.L. 93-199, December 26, 1973; repeated in subsequent years.

Value.—Israel received $1.8 billion in military grants in FY 1987, $1.8 billion in military grants in FY 1988, and $1.8 billion in military grants for FY 1989: from 1974 through 1989, Israel received $16.4 billion in military loans that do not have to be repaid.

FMS Drawdown.—Under an Office of Management and Budget policy, FMS loans and grants (foreign loans) available to a country are drawn down in equal amounts. Israel has been granted a waiver to the practice, allowing it to draw down the grants before the loans.

Legislation.—Sec. 531 of P.L. 98-473 (98 Stat 1901), October 12, 1984; repeated in subsequent years.

Value.—Unknown; saved Israel principal and interest payments by delaying loans until grants were depleted, or until interest rates declined.

FMS for Research and Development in the United States.—Under existing practice, FMS funds are used for purchase of goods and services in the United States, and are not used to finance research and development (R&D). Israel is allowed to finance R&D in the United States with FMS funds. The waiver originated with Israel's development of the Lavi aircraft. The Lavi was canceled in September 1987, but the waiver was continued in FY 1989.

Legislation.—Sec. 101(b)(3) of P.L. 98-151 (97 Stat. 969), November 14, 1983; repeated in subsequent years.

Value.—Congress earmarked $150 million for FY 1987 and $150 million for FY 1988: from FY 1984 through FY 1988, Congress earmarked a total of $900 million in FMS funds for Lavi R&D in the United States. The Foreign Assistance Appropriations for FY 1989, P.L. 100-461, signed October 1, 1988, earmarked $150 million of the FMS grants for R&D for advanced fighter aircraft.

FMS for R&D and Procurement in Israel.—Section 42 of the Arms Export Control Act states that FMS funds should be used for procurement in the United States. In 1983, Israel requested that FMS funds be transferred to Israel for procurement for the Lavi and other military purchases. The Lavi was canceled in September 1987.

Legislation.—Sec. 101(b)(3) of P.L. 98-151 (97 Stat. 969), November 14, 1983; repeated in subsequent years.

Value.—Congress earmarked $300 million for FY 1987, and $400 million for FY 1988: from FY 1984 through FY 1988, Congress earmarked $1.5 billion in FMS funds for Lavi and other procurement in Israel. Following cancellation of the Lavi in September 1987, Congress continued to earmark funds for procurement in Israel. P.L. 100-461 of October 1, 1988, set aside $400 million of FMS grants for defense procurement in Israel.

Cash Flow Financing.—Beginning in 1974, the U.S. allowed a few countries making multiyear purchases of defense articles and services from the United States with FMS to commit only that portion of their FMS loans that was required to pay the amount due in the current year rather than set aside the full amount of the purchase. Israel applies cash flow financing to its FMS purchases in the U.S.

Legislation.—None.

Value.—Israel can buy other equipment with the FMS funds that would have been committed to pay for multiyear purchases. Cash flow financing implies that the U.S. will guarantee future FMS levels to pay for the deferred payments.

FMS Extended Amortization.—In practice, most countries have 12 years in which to repay FMS loans. Israel and a few other countries were granted a 10-year grace period, during which only a reduced interest payment was made, followed by a 20-year repayment period.

Legislation.—None.

Value.—Delayed repayment allowed Israel to utilize its funds for other purposes during the grace period, and then repay loans in deflated dollars.

FMS Credits for Sophisticated Weapons.—Israel is excluded from a ban on underdeveloped countries using FMS credits to purchase sophisticated weapons systems, such as missile systems and jet aircraft.

Legislation.—Sec. 4 of P.L. 90-629 (82 Stat 1322), October 22, 1968. (See 22 U.S.C. 2754.)

Other Programs

Refugee Resettlement.—Congress earmarked funds from the Migration and Refugee Assistance account for resettling Soviet and East European Jewish refugees. Later, the refugee definition was expanded to include Ethiopian and other Jews, and the use of the funds limited to Israel because many of the Jewish refugees preferred to migrate to other countries.

Legislation.—Sec. 101(b) of P.L. 92-352 (86 Stat 489), July 13, 1972, repeated in subsequent years.

Value.—Israel received $25 million resettling Jewish refugees in FY 1987, $25 million in FY 1988, and $28 million in FY 1989: from FY 1973 through FY 1989, Israel received $394.5 million for Jewish refugee resettlement.

American Schools and Hospitals Abroad.—In 1969, Congress named 6 Israeli institutions that were to receive ASHA funds. Previously, selection of recipients was left to the Department of State. The practice of naming the institutions was dropped after a few years, but Israeli institutions continue to receive ASHA funding.

Legislation.—P.L. 91-175 (83 Stat 805), December 20, 1969, earmarked funds for Israeli institutions listed in Senate Report 91-603.

Value.—Israeli institutions have received over $80 million in grants through the ASHA program from 1967 to 1988.

Energy and Selected Development.—Section 106 of the Foreign Assistance Act of 1961, as amended, provides funds for energy resource and other selected development. Section 106(f) provides funds for cooperative projects among Israel, the United States, and developing countries; in effect, supporting Israel's foreign aid program.

Legislation.—Sec. 101 of P.L. 98-473 (98 Stat 1888), October 12, 1984, repeated in subsequent years. (See 22 U.S.C. 2151d.)

Value.—Israel received $5 million in FY 1987, $5 million in FY 1988, and $5 million in FY 1989: Israel has received $22 million in grants from FY 1985 through FY 1989, for selected development projects in third countries.

Desalting Plant.—The United States and Israel shared the cost of a prototype seawater desalting plant to produce fresh water and electrical power, (Section 219 of the Foreign Assistance Act of 1961, as amended).

Legislation.—Sec. 104 of P.L. 91-175 (83 Stat 806), December 30, 1969. (See 22 U.S.C. 2179.)

Value.—Israel received $20 million in grants.

Air Base Construction.—To facilitate Israel's withdrawal from the Sinai Peninsula following the Camp David agreements, the United States agreed to assist in constructing two air bases in Israel to replace two air bases left behind in Sinai.

Legislation.—Sec. 3 of P.L. 96-35 (93 Stat 89), July 30, 1979. (See 22 U.S.C. 2349, 2349a, 2349b, 3401.)

Value.—$800 million in grants.

Housing Guarantees.—Section 221 of the Foreign Assistance Act of 1961, as amended, provides U.S. funds for loan guarantees for investors constructing new housing in foreign countries.

Legislation.—Sec. 105 of P.L. 91-175 (83 Stat 805), December 30, 1969. (See 22 U.S.C. 2183, which earmarks $25 million for Israel for FY 1982.)

Value.—Israel received $200 million in housing guarantees between 1972 and 1980.

Regional Cooperation.—Section 202(c) of the International Security and Development Cooperation Act of 1985 (P.L. 99-83), states that it is the policy of the United States to support Middle East peace by financing scientific and technical cooperative development projects among Israel, Egypt, and other nations.

Legislation.—Sec. 8 of P.L. 96-35 (93 Stat 92), July 20, 1979, stated that it was the sense of Congress to create the program, and Sec. 8(c) of P.L. 96-92 (93 Stat 701), October 29, 1979, created the regional cooperation section; funding repeated in subsequent years. (See 22 U.S.C. 3406.)

Value.—From 1979 through 1989, about $42 million has been obligated or requested to fund the regional cooperation. Israel's share of the $42 million is not known.

Regional Cooperation Scholarships.—Part of the funds earmarked for Regional Cooperation (See above) were set aside to finance scholarships for Arab students studying in Israel and Israeli students studying in Arab countries (also called Arab-Israeli Peace

Scholarships). The earmark was established in 1987 and repealed in 1988.

Legislation.—Sec. 564 of P.L. 100-202, December 22, 1987; Section 564 was repealed by Section 558 of P.L. 100-461 of October 1, 1988.

Value.—$500,000 for Israeli students studying in Arab countries and $500,000 for Arab students studying in Israel.

Binational Foundations.—The purpose of the four U.S.-Israel binational foundations—agriculture, industrial development, science, and education—is to foster cooperation between Israelis and Americans. Israel and the United States contribute equal amounts to fund the programs.

Legislation.—None.

Value.—U.S. contributions to the foundations: $1.5 million to the U.S.-Israel Education Foundation in 1956, and an additional $5 million in 1985; $30 million to the U.S.-Israel Binational Science Foundation in 1972, and an additional $20 million in 1985; $30 million to the U.S.-Israel Binational Industrial Research and Development Foundation in 1977, and an additional $25 million in 1984; and $40 million to the U.S.-Israel Binational Agricultural Research and Development Fund in 1977, and an additional $15 million in 1985.

Other General Assistance

Open-Ended Authorization.—The President was authorized to transfer to Israel aircraft and equipment to maintain and protect the aircraft as may be necessary.

Legislation.—Sec. 501 of P.L. 91-441 (84 Stat 909), October 7, 1970; extended by Sec. 807 of P.L. 95-79 (91 Stat 323), July 30, 1977; expired 1979.

Supplemental Assistance.—Israel received supplmental assistance after the 1973 war, after signing the 1979 peace treaty with Egypt, and for economic reforms in 1985.

Legislation.—P.L. 93-199 (87 Stat 836), December 26, 1973; P.L. 96-35 (93 Stat 90), July 20, 1979; Sec. 208 of P.L. 99-83 (99 Stat 213), August 8, 1985.

Value.—$2.2 billion in 1973, $3 billion in 1979, and $1.5 billion in 1985.

Multiyear Assistance Commitment.—According to press reports, Israel has sought commitments from the United States for future aid levels. Officials at the Israeli embassy confirm that such requests have been made and state that Israel has received U.S. assurances of minimum aid levels for future years. U.S. Office of Management and Budget officials state that no multi-year aid commitments are made, but that aid levels may be "straightlined" (projected at the same rate as the current year) for planning purposes and that some people may misconstrue the straightlining as a commitment.

Legislation.—None.

Assistance Conditions.—There are few conditions placed on U.S. aid to Israel, but other nations do have conditions attached to their U.S. aid. For example, aid to Egypt is conditioned on continued Egyptian adherence to the Camp David Agreements and on implementing economic reforms.

Legislation.—Sec. 1206 of P.L. 99-83 (99 Stat 190), August 8, 1985, includes the peace effort condition, and Sec. 202(b)(3) of P.L. 99-83 includes the economic reforms provision.

II. ECONOMIC

Debt Reform.—The United States will guarantee loans from private institutions to be used to refinance U.S. Government military loans made at 10 percent or more interest. Israel owes the United States about $10 billion, of which about $8 billion were military loans. Of the $8 billion in military loans, about $6 billion were made at rates of 10 percent or more. According to press accounts, Israel refinanced about $5 billion of its military loans in 1988.

Legislation.—Foreign Military Sales Debt Reform section of P.L. 100-202, December 22, 1987.

Value.—According to press accounts, Israel will save about $150 million per year in debt service payments by refinancing its military loans.

Free Trade Area.—In 1981, Israel requested negotiations with the United States to eliminate trade barriers between the two countries. In 1983, Israel and the United States agreed to establish a Free Trade Area to eliminate trade barriers over a ten year period. Congress passed implementing legislation to allow the agreement to enter into force.

Legislation.—Title IV of P.L. 98-573 (98 Stat 2948), October 30, 1984, authorized the President to negotiate the agreement, and P.L. 99-47 (99 Stat 82), June 11, 1985, implemented the agreement. (See 19 U.S.C. 2112, and 19 U.S.C. 2518.)

Value: Unknown.

Non-NATO Ally.—The Defense Authorization bill of 1987 added Section 27(j)(1) to the Arms Export Control Act to give the President authority to enter into agreements with non-NATO countries on the same basis as NATO countries for cooperative development of defense weapons. The Conference Report (House Report 99-1001) accompanying the bill stated that the Congress intended for Israel to be one of the non-NATO countries eligible for cooperative development projects. Non-NATO status also will benefit Israel in bidding for U.S. defense contracts and in buying U.S. defense equipment and services.

Legislation: Sec. 1103(a)(2)(D) of P.L. 99-661 (100 Stat 3816), November 14, 1986, added subsection (j)(1) to Section 27 of the AECA: Section 1105(f) of P.L. 99-661 called for an annual report from the Secretaries of State and Defense naming Non-NATO allies; on February 2, 1987, the Secretary of State informed the House Foreign Affairs Committee by letter that Israel was designated a non-NATO ally.

Value.—Unknown.

Strategic Defense Initiative.—Israel and the United States signed a Memorandum of Understanding on May 6, 1986, providing for Israeli involvement in SDI. According to the Washington Jewish Week of November 13, 1986, Israel and the United States signed contracts in November 1986, providing for Israeli research on an anti-tactical ballistic missile (ATBM) as part of the SDI research. Israel seeks U.S. cooperation in developing the "Arrow" missile as an ATBM to counter Soviet-built SS-21 missiles reported to be in Syria and Soviet-built Frog and Scud missiles in several Arab arsenals.

Legislation.—Sec. 212 of P.L. 99-661 (100 Stat 3816), November 14, 1986, earmarks $50 million of the $3.2 billion SDI research, development, test, and evaluation funds for ATBM R&D.

Value.—According to Defense News of December 21, 1987, "Arrow" development will cost $200 million per year for the next 3 years, and the U.S. will pay 80% of the cost and Israel will pay 20% (or $40 million per year). Defense News also said that the U.S.-Israel ATBM agreement allowed Israel to pay 10% (or $4 million per year) of its share with FMS funds.

Arab Boycott.—U.S. law forbids U.S. companies or individuals from complying with the Arab boycott of Israel.

Legislation.—Section 8 of the Export Administration Act of 1979, P.L. 96-72 (93 Stat 503), September 29, 1979.

Value.—Unknown.

Alaskan Oil.—Section 28(u) of the Mineral Leasing Act of 1920 prohibits the export of Alaskan oil. An exception to the prohibition is contained in Section 7(d)(3) of the Export Administration Act of 1979, which states that countries signing bilateral oil supply agreements with the United States before June 25, 1979, may purchase Alaskan oil. Israel signed a bilateral oil supply agreement with the United States on June 21, 1979. The agreement, the only U.S. bilateral oil supply agreement, states that Israel may buy U.S. domestically produced oil if Israel cannot get oil from other sources. Thus far, Israel has been able to get oil on the international market, and has not implemented the agreement.

Legislation.—Sec. 7(d)(3) of P.L. 96-72 (93 Stat 503), September 29, 1979.

Value.—Unknown.

FMS Offsets.—Foreign countries "offset" the cost of military equipment purchased from the United States by selling component parts to the United States for final assembly in the equipment. For example, Israel produces the rudder for F-16 aircraft purchased from the United States with FMS funds.

Legislation.—None.

Value.—According to press accounts, Israel receives about $150 million per year in offsets.

FMS Third Country Sales.—Israel has requested, but not yet received, permission to sell Israeli-made military equipment to third countries that would pay Israel with U.S. contributed FMS funds. Section 42 of the Arms Export Control Act (22 U.S.C. 2791) states that FMS funds should be spent in the U.S. for U.S.-produced defense articles and services. A third country would seek a waiver from the Section 42 restriction that would allow it to use FMS funds to pay Israel for Israeli produced weapons.

Legislation.—None.

Value.—None.

Agricultural Materials Research and Development.—The Secretary of Agriculture is encouraged to enter into cooperative development projects for agricultural products, in particular latex. Israel was added to the list of countries in 1984.

Legislation.—Sec. 7 of P.L. 98-284 (98 Stat 183), May 16, 1984. (See 7 U.S.C. 178e.)

Value.—Unknown.

Israel Bonds.—Israel Bonds were excluded from the tax provision that treated income from low interest rate bonds as interest rather than capital gains. The exclusion made Israel Bonds more attractive to U.S. investors.

Legislation.—Sec. 1812(b)(5) of P.L. 99-514 (100 Stat 2834), October 22, 1986. (See 26 U.S.C. 7872.)

III. MILITARY/POLITICAL

Pre-Positioning.—The United States prepositions U.S. military equipment and supplies in Israel for use in emergencies. According to reports, Israel requested that it have access to pre-positioned supplies in case Israel were attacked, but Israel embassy officials deny that such a "two-key" arrangement exists.

Legislation.—None.

Value.—Unknown.

U.S. Weapons.—Section 3 and 4 of the Arms Export Control Act describe conditions placed on the use of U.S.-supplied military equipment. Violation of the conditions

could result in a country being denied access to military credits, guarantees, or sales. The conditions include transferring U.S.-supplied weapons without the permission of the President and using military equipment for purposes other than self defense. All military supply contracts between the United States and recipient countries contain the same conditions. On one occasion, after the July 1976 Israeli attack on the Entebbe, Uganda, airport, the Department of State determined that Israeli use of U.S. weapons was legitimate self defense. On three occasions, in April 1978, following the Israeli invasion of Lebanon, in August 1979, following an Israeli attack in Lebanon, and in June 1981, following the Israeli bombing of the Iraqi nuclear reactor, the Department of State notified Congress that Israel "may have violated" the AECA and the 1952 U.S.-Israel agreement (TIAS 2675), but no further action was taken and Israel continued to receive U.S. weapons (although aircraft deliveries were delayed in 1981). On another occasion, in the summer of 1982, following the Israeli invasion of Lebanon, the Department of State notified Congress (in a classified letter) that Israel misused cluster bombs and cut off further supply of cluster bombs to Israel. Also, Israeli officials have admitted that U.S. weapons were supplied to Iran and militia forces in southern Lebanon without the President's permission.

Legislation: Sec. 3 (22 U.S.C. 2752) and Sec. 4 (22 U.S.C. 2754) of P.L. 90-629, as amended.

Value.—Unknown.

Palestine Liberation Organization Negotiations.—On September 1, 1975, Secretary of State Kissinger signed an assurance to Israel stating the United States would not negotiate with, or recognize, the PLO unless and until the PLO recognized Israel and accepted U.N. Resolutions 242 and 338. Congress incorporated the policy statement in law in 1984, and added an additional condition that the PLO must renounce terrorist. The ban on negotiating with the PLO covers all U.S. Government employees or individuals acting on behalf of the United States. The Secretary of State announced on December 14, 1988, that the PLO had met the conditions and that a United States representative would meet with a PLO official.

Legislation.—Sec. 535 of P.L. 98-473 (98 Stat 1902), October 12, 1984, repeated in subsequent years.

U.N. Support for the PLO.—The United States will reduce its contributions to United Nations organization if they offer financial support for the PLO.

Legislation.—Sec. 614 of P.L. 95-426 (92 Stat 963), October 7, 1978, repeated in subsequent years; also Sec. 114 of P.L. 98-164 (97 Stat 1020), November 22, 1983, reduced U.S. contributions to the U.N. Committee on the Exercise of the Inalienable Rights of the Palestinian People and the U.N. Special Unit on Palestinian Rights, repeated in subsequent years; and Sec. 705 of P.L. 100-204 (101 Stat 1390), December 22, 1987, added the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

U.S. Quit the U.N. if Israel is Expelled.—The United States will suspend its participation in the U.N. and reduce its contribution to U.N. activities if Israel is expelled.

Legislation.—Sec. 115 of P.L. 98-164 (97 Stat 1021), November 22, 1983, repeated in subsequent years.

PLO Membership in IMF.—If the PLO is admitted to membership or observer status in the International Monetary Fund, the United States might reduce its support for the IMF. U.S. representatives to the IMF were told to convey U.S. intentions to the IMF.

Legislation.—Sec. 37 of P.L. 79-171, added by Sec. 7 of P.L. 96-389 (94 Stat 1554), October 7, 1980.

Close PIO/PLO Offices.—Title X, Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, states that it is illegal for the PLO to maintain an office in the United States. The Washington, D.C. Palestine Information Office, which received its funding from the PLO, was designated a foreign mission and closed by the State Department on December 3, 1987. A Palestine Affairs Center, under the auspices of the Arab League, opened in Washington in April 1988. The Department of Justice directed the PLO office in New York, housing the PLO observer mission to the United Nations, to close by March 21, 1988, in compliance with the law. A U.S. District Court ruled in August 1988 that the United States was bound by the U.N. Headquarters Agreement to allow the PLO to maintain an office in New York. The Justice Department did not appeal the decision.

Legislation.—Sec. 1003(3) of P.L. 100-204 (101 Stat 1407) December 22, 1987.

U.S. Embassy in Israel.—The United States, citing U.N. resolutions, does not recognize Israel's annexation of Jerusalem or the designation of Jerusalem as its capital. The United States embassy in Israel is in Tel Aviv. Israel wants the United States to move its embassy to Jerusalem to legitimize the Israeli claim to the city. Some Members of Congress, in support of the Israeli position, proposed banning the expenditure of funds for a new embassy any where except Jerusalem, but the legislation bans funds for a new U.S. embassy any where in Israel, Jerusalem, or the occupied West Bank.

Legislation.—Sec. 130 of P.L. 100-204 (101 Stat 1344), December 22, 1987. (See 22 U.S.C. 4862.)

U.S. Funds for the United Nations Relief and Works Agency.—No U.S. funds may go to UNRWA, the organization providing food, shelter, medical treatment, and other services for Palestine refugees, unless UNRWA takes all possible measures to ensure that no military training is provided to refugees in UNRWA facilities.

Legislation.—Sec. 301(c) of the Foreign Assistance Act of 1961, as amended, added by Sec. 108(a) of P.L. 91-175 (83 Stat 805), December 30, 1969.

Israeli Participation in the International Atomic Energy Agency.—U.S. contributions to the IAEA are conditioned on Israel's right to participate in the Agency. The IAEA voted to suspend Israel's membership after the 1981 Israeli attack on Iraq's nuclear facility.

Legislation.—Sec. 195 of P.L. 97-377 (96 Stat 1830) December 21, 1982. (see 22 U.S.C. 2222.).

[CRS Issue Brief]

ISRAEL: U.S. FOREIGN ASSISTANCE FACTS

(By Clyde R. Mark, Foreign Affairs and National Defense Division)

SUMMARY

Israel is not economically self-sufficient, and relies upon foreign assistance and borrowing to maintain its economy. For the past five years, the United States has provided $3 billion in grants annually to Israel. Since 1976, Israel has been the largest annual recipient of U.S. foreign assistance, and is the largest cumulative recipient. In addition to U.S. assistance, Israel receives about $1 billion annually through philanthropy, an equal amount through short- and long-term loans, and about $500 million or more in Israel Bonds proceeds.

Should the United States set conditions on its aid to Israel to extract political or economic concessions? Does the special treatment granted to Israel set precedents for other U.S. recipients? Are the charges that Israel has misused U.S. aid valid, and if so, what should the United States do about it? Should the United States increase aid to Israel to help resettle Jews emigrating from the Soviet Union?

The United States provided $1.2 billion in Economic Support Fund grants, $1.8 billion in Foreign Military Sales grants, $25 million in refugee resettlement grants, and $7.5 million in cooperative development grants for Israel for FY 1990.

ISSUE DEFINITION

For most Members of Congress, the issue is not if Israel should receive U.S. foreign assistance, but under what conditions Israel should receive the aid. Should the United States attach conditions to the aid in order to get Israel to cooperate with the peace process or to stop building settlements in the occupied territories? Should the United States increase aid to Israel for resettling Jewish refugees? Does Israel receive preferential treatment?

BACKGROUND AND ANALYSIS

Country Data

Country data were taken from the following sources: Agency for International Development, *A.I.D. Congressional Presentation FY1987;* Central Intelligence Agency, *The World Factbook 1985;* U.S. Dept. of Commerce, *Foreign Economic Trends,* August 1985; and the Central Bureau of Statistics of Israel.

Population ('89): 4.54 million (FET).

Population growth rate ('89): 1.5% (FET).

GNP: ('88) $33.8 billion; ('89) $40.1 billion (FET).

Per capita GNP ('89): $8,899 (FET).

Annual per capita GNP growth rate/long term ('65-'86): 2.6%.

Annual GNP growth rate/short term: ('88) 0.7%; ('89) 2.8% (FET).

Annual inflation rate/long term ('70-'82): 52.3%.

Annual inflation rate/short term: '82-132%, '83-191%, '84-445%, '85-183%, '86-19.7%, '87-16.1%, '88-16.4%, '89-20.0%.

Unemployment rate ('84): 5.9%, ('85): 6.7%, ('86): 7.4%, ('87): 6.1%, ('88): 6.4%, ('89): 6.6%.

Avg. life expectancy ('85): 74.5 yrs. (A.I.D.).

International debt ('88): $25.5 billion) (FET).

Debt service payments as a % of export earnings ('83): 19.6% (Debt service ratio for all developing countries in 1982 was 19.9%.)

Avg. per capita growth rate of agricultural production ('74-'83): 0.0%.

Proportion of the labor force in agriculture ('82): 5.6%, ('87): 5.2% (CBS).

Major crops: Wheat, citrus fruit.

Major exports and value ('86): diamonds, citrus fruit, textiles/$6.76 billion (FET).

Major imports and value ('86): milit. equipment, diamonds, oil products/$8.91 billion (FET).

PROGRAM BACKGROUND

Since 1976, Israel has been the largest annual recipient of U.S. aid and is the largest recipient of cumulative U.S. assistance. From 1949 through 1965, U.S. aid to Israel

averaged about $63 million per year, over 95% of which was economic development assistance and food aid. A modest military loan program began in 1959. From 1966 through 1970, average aid per year increased to about $102 million, but military loans increased to about 47% of the total. From 1971 to the present, U.S. aid to Israel has averaged over $2 billion per year, two-thirds of which has been military assistance. In 1971, economic assistance changed from specific programs, such as agricultural development, to the Commodity Import Program (CIP) for purchase of U.S. goods. CIP ended in 1979, replaced by largely unconditional direct transfers for budgetary support. The 1974 emergency aid for Israel, following the 1973 war, included the first military grant aid. Economic aid became all grant cash transfer in 1981, and military aid became all grant in 1985.

The FY1989 U.S. aid of $3.0 billion in grants was made available to Israel in October 1988; $1.2 billion in Economic Support Funds (ESF) grants, and $1.8 billion in Foreign Military Sales (FMS) grants, of which $150 million is to be spent in the United States for research and development (R&D) for advanced aircraft and $400 million is to be spent in Israel for defense procurement. Israel received a grant of $5 million for its foreign assistance program, a $28 million grant for refugee resettlement, and shares a $5 million program with Egypt for cooperative development programs to promote the Egyptian-Israeli peace treaty.

Beginning in the mid-1970's, Israel could no longer meet its balance of payments and government deficits with imported capital (gifts from overseas Jews, West German reparations, U.S. aid) and began to rely more on borrowed capital. Growing debt servicing costs, mounting government social services expenditures, perennial high defense spending levels, and a stagnant domestic economy combined with worldwide inflation and declining foreign markets for Israeli goods pushed the Israeli economy into a near crisis situation. The "unity" government, which took office in September 1984, instituted a series of "preliminary steps" intended to resolve some of the economic problems and "emergency" measures in July 1985, to cut government subsidies, freeze wages and prices, raise taxes, and other measures. Inflation was cut from the high of 445% in 1984 to an annual level of 20% for 1986 and 1987. Unemployment settled down to 5.5% for the second quarter of 1987, after a high of 7.8% for the same period in 1985. Israel still runs government deficits and balance of trade and payments deficits, although the gaps have been reduced.

The Administration requested $1.2 billion in economic grants and $1.8 billion in military grants for FY1990.

UNITED STATES ASSISTANCE TO ISRAEL, FISCAL YEARS 1949–89

[In millions of dollars]

Year	Total	Military		Economic		Food for Peace		Export-Import Bank loan	Jewish refugee resettlement grant	Housing loan guaranty	American schools and hospitals grant	Other loan	Other grant
		Loan	Grant	Loan	Grant	Loan	Grant						
1949	100.0							100.0					
1950													
1951	35.1				0.1			35.0					
1952	86.4				63.7		22.7						
1953	73.6				73.6		(1)						
1954	74.7				54.0		20.7						
1955	52.7			20.0	21.5	10.8	.4						
1956	50.8			10.0	4.0	25.2	1.6						
1957	40.9			10.0	16.8	11.8	2.3						
1958	85.4			15.0	9.0	34.9	2.3	24.2					
1959	53.3	0.4		10.0	9.2	29.0	1.7	3.0					
1960	56.2	.5		15.0	8.9	26.8	4.5	.5					
1961	77.9	(1)		16.0	8.5	13.8	9.8	29.8					
1962	93.4	13.2		45.0	.4	18.5	6.8	9.5					
1963	87.9	13.3		45.0		12.4	6.0	11.2					
1964	37.0			20.0		12.2	4.8						
1965	65.1	12.9		20.0		23.9	4.9	3.4					
1966	126.8	90.0		10.0		35.9	.9						
1967	23.7	7.0		5.5			.6	9.6			1.0		
1968	106.5	25.0				51.3	.5	23.7			6.0		
1969	160.3	85.0				36.1	.6	38.6					
1970	93.6	30.0				40.7	.4	10.0			12.5		
1971	634.3	545.0				55.5	.3	31.0			2.5		
1972	480.9	300.0			50.0	53.8	.4	21.1		50.0	5.6		
1973	492.8	307.5			50.0	59.4	.4	21.1	50.0		4.4		
1974	2,646.3	982.7	1,500.0		50.0		1.5	47.3	36.5	25.0	3.3		
1975	783.0	200.0	100.0		324.5	8.6		62.4	40.0	25.0	2.5		20.0
1976	2,362.7	750.0	750.0	225.0	475.0	14.4	(1)	104.7	15.0	25.0	3.6		
TQ [3]	292.5	100.0	100.0	35.0	50.0	3.6		12.6			1.3		
1977	1,787.5	500.0	500.0	245.0	490.0	7.0		0.9	15.0	25.0	4.6		
1978	1,822.6	500.0	500.0	260.0	525.0	6.8		5.4	20.0		5.4		
1979	4,913.0	2,700.0	1,300.0	260.0	525.0	5.1		68.7	25.0	25.0	4.2		
1980	2,146.0	500.0	500.0	260.0	525.0	1.0		305.9	25.0	25.0	4.1		
1981	2,408.4	900.0	500.0		764.0			217.4	25.0		2.0		
1982	2,245.5	840.0	550.0		806.0			6.5	12.5		3.0	17.5	(4)
1983	2,500.6	950.0	750.0		785.0				12.5		3.1		
1984	2,626.6	850.0	850.0		910.0				12.5		4.1		
1985	3,371.7		1,400.0		1,950.0				15.0		4.7		[5] 2.0
1986	3,643.5		1,722.6		1,898.4				12.0		5.5		[5] 5.0
1987	3,035.2		1,800.0		1,200.0				25.0		5.2		[5] 5.0
1988	3,034.9		1,800.0		1,200.0				25.0		4.9		[5] 5.0
1989	3,039.9		1,800.0		1,200.0				28.0		6.9		[5] 5.0
Total	45,849.2	11,212.5	16,422.6	1,516.5	14,057.6	588.5	94.1	1,203.5	394.0	200.0	100.4	17.5	42.0

[1] less than $100,000. [2] Desalt plant. [3] TQ=Transition Quarter, when U.S. fiscal year changed from June to September. [4] CCC loan. [5] Coop. Aid.

KEY ISSUES

(1) Should Israel's aid be cut to allow the United States to provide assistance to the newly emerging democracies of Eastern Europe or Central America?

One congressional proposal suggested that Israel and several other countries should have their U.S. aid reduced by 5% (for Israel, a $150 million cut) with the proceeds used to finance aid programs in Poland, Panama, Hungary, Nicaragua, or other countries. Proponents of the proposal point out that a few countries—Israel, Egypt, Philippines, Pakistan, Turkey, Greece, and others—receive the greatest proportion of U.S. aid, and can afford to take a reduction to allow other nations to receive aid. Opponents state that Israel cannot afford to have its aid cut, and that Israel is a strategic ally of the United States.

(2) Should the United States provide supplemental aid to Israel to resettle Soviet Jews?

Recent press reports suggest Israel has requested $400 million in housing guarantees and $500 million in ESF grants over a 3-year period to help resettle Soviet Jews in Israel.

(3) Should the United States use aid to extract political or foreign policy concessions from Israel?

It has been suggested that the United States should provide aid to Israel only if Israel takes actions or meets conditions in keeping with U.S. policies. For example, the United States might withhold assistance unless Israel stopped establishing settlements in the occupied territories, or unless Israel reversed its annexation of the Golan Heights and east Jerusalem. U.S. Presidents and Secretaries of State have rejected applying such conditions to U.S. aid to Israel, and Israeli leaders reject such conditions as a violation of their sovereignty. (In 1953, the United States withheld an aid payment to Israel until Israel stopped a water diver-

sion project which violated a U.N. demilitarized zone.)

(4) Should the United States attach economic conditions on aid to Israel?

Opponents of attaching economic conditions suggest that Israeli officials are capable of making the changes needed to restore the economy, and that any such outside interference is a violation of Israeli sovereignty. Proponents of conditions suggest that Israel should demonstrate its capability to implement austerity measures before aid is given to Israel.

(5) Does special treatment granted to Israel set precedents for other countries?

As pointed out in the June 25, 1983, General Accounting Office (GAO) report, U.S., Assistance to the State of Israel (GAO/ID-83-51), favorable treatment given to Israel may establish precedents for other U.S. aid recipients and may be detrimental to the United States. Israel's supporters justify the unusual treatment accorded to Israel because of the special relationship between the United States and Israel and because of Israel's unique economic and political status. The GAO list of precedents includes:

Cash flow financing: Israel is allowed to set aside FMS funds for current year payments only, rather than set aside the full amount needed to meet the full cost of multi-year purchases. GAO believes that cash flow financing creates a commitment to furnish aid in future years at a level sufficient to meet the future payments. Egypt and Turkey now use cash flow financing.

FMS loan repayment waiver: In 1974, President Nixon suggested that loan repayments be waived for Israel. From 1974 until 1984, the United States waived repayment of part of Israel's annual FMS, and since 1985, has waived repayment of the total FMS. The waiver avoids establishing a program and personnel to oversee the program if the same amount were given as a Military Assistance Program grant. Egypt and Sudan also have received loan repayment waivers.

ESF cash transfer: The United States gives all ESF funds directly to the Government of Israel rather than under a specific program. There is no accounting of how the funds are used. (Israel does send an annual letter describing U.S. exports to Israel compared to the ESF amounts.) A number of other nations receive part of their ESF as cash transfers, but not under such flexible conditions.

FMS offsets: Israel receives offsets on FMS purchases (contractors agree to offset some of the cost by buying components or materials for Israel). Although offsets are a common practice in commercial contracts (countries dealing directly with U.S. firms), GAO said offsets on FMS sales were "unusual" because FMS is intended to sell U.S. goods and services.

Early transfers: In 1982, Israel asked that the ESF funds be transferred in one lump sum early in the fiscal year rather than in four quarterly installments, as is the usual practice with other countries. The United States pays more in interest for the money it borrows to make lump sum payments. In March 1985, an A.I.D. official estimated that it cost the United States between $50 million and $60 million to borrow funds for the early, lump-sum payment. In addition, the U.S. Government pays Israel interest on the ESF funds invested in U.S. Treasury notes, according to A.I.D. officials in March 1988.

FMS drawdown: Israel is permitted to draw down the grant (waived) portion of its FMS credits before the loan portion, thus delaying paying interest on the loans. Usually, loans and grants are drawn down at an equal rate. (As of Dec. 31, 1987, Israel had about $156 million in "unexpended" funds in its FMS account.)

Apart from the precedents cited by GAO, there are other unusual features of the Israel aid program.

ESF, loan payment linkage: The Continuing Appropriation for FY 1985 (P.L. 98-453) stated that annual ESF aid to Israel be at least equal to the annual amount Israel owes the United States in payments on past loans.

FMS for R&D: Israel asked for and received permission for a "one-time-only" use of $107 million in FY77 FMS funds to be spent in Israel to develop the Merkava tank (prototype completed 1975, Merkava added to Israeli arsenal 1979). Israel asked for a similar waiver to develop the Lavi ground-attack aircraft. In November 1983, Congress added an amendment to the FY 1984 Continuing Appropriation (P.L. 98-151) that allowed Israel to spend $300 million of FMS funds in the United States and $250 million of FMS in Israel to develop the Lavi. Between 1983 and 1988, Congress earmarked a total of $1.8 billion (through FY1987) for the Lavi. GAO reported in January 1987 that the United States provided $1.3 billion of 41.5 billion Lavi development costs between 1980 and 1986. On Aug. 30, 1987, the Israeli cabinet voted to cancel the Lavi project, but asked the United States for $450 million to pay for cancelled contracts. The State Department agreed to raise the FMS earmark for procurement in Israel from $300 million to $400 million to pay Lavi cancellation costs. For each fiscal year 1988 and 1989, Israel received $150 million for U.S. and $400 million for Israeli procurement of "advanced aircraft."

FMS third-country sales: FMS funds are intended to be used to purchase U.S.-made weapons and equipment. Israel has requested, according to press reports, that the United States permit countries to use U.S.-furnished FMS funds to purchase weapons and equipment from Israel. Proponents of the proposal say the third-country sales would help Israel's arms industry and benefit U.S. companies providing components to Israel. Opponents say the sales would hurt U.S. arms industries competing with Israeli industries and that the United States would lose control over the kinds of weapons provided, the use of the weapons (for defensive purposes only), and the transfer of weapons to other countries.

FMS for in-country purchase: According to reports, Israel has requested that part of the FMS funds (in addition to the Lavi funds) be transferred to Israel for Israeli defense expenditures and purchases from Israeli arms industries. The Senate Foreign Relations Committee set aside $250 million of the $1.8 billion FMS grant for defense procurement in Israel in the FY1986 foreign aid bill. The $300 million set aside in the FY1986 continuing resolution may be used for the Lavi or for other activities. Since the Lavi was cancelled on Aug. 30, 1987, the Israelis have asked that FMS funds for in-country purchases continue. Israel received $400 million of the $1.8 billion FMS for use in Israel in FY1988, $400 million in FY1989, and $400 million in FY1990.

Multi-year commitment: Press reports say Israel has requested a multi-year aid commitment rather than a single-year program. On Feb. 17, 1985, the Israeli newspaper Haaretz reported that the United States and Israel signed an agreement which guaranteed Israel $1.8 billion in FMS grants for the next three years, FY1986, FY1987, and FY1988. According to Haaretz, a clause in the agreement allowed Israel to increase its requests if the need arises. Israeli officials confirmed that a "concurrence" letter in January 1985 set the FMS levels at $1.8 billion for FY1986, FY1987, and FY1988, but said that DOD suggested that Israel agree to the levels.

Camp David aid parity: Egypt claims that it was promised approximate parity with Israel in U.S. aid. If such a promise were made and if the United States keeps the promise, it is conceivable that Egypt will request an increase in aid comparable to Israel's request and may ask for additional benefits, such as third-country FMS sales, FMS funds for R&D, FMS in-country purchases, ESF loan payment linkage, or multi-year commitments.

(6) Are the charges that Israel has misused U.S. aid valid?

The United States stipulates that U.S. aid funds cannot be used in the occupied territories. In January 1985, U.S. officials questioned Israel about reports that U.S. refugee resettlement assistance was being used to settle Ethiopian Jews near Hebron, on the West Bank. According to the New York Times (Jan. 18, 1985), Israeli officials responded that the Hebron processing center would not necessarily be the permanent home for the Ethiopians. A Jersalem Post report (Mar. 12, 1985) said the Ethiopians in Hebron were not recent immigrants. Over the years, a few Members of Congress have suggested that Israel may be using U.S. assistance to establish Jewish settlements in the occupied territories, but because the U.S. aid is given as budgetary support without any specific project accounting there is no way to tell how Israel uses U.S. aid.

Also, the United States stipulates that U.S. military equipment provided through the FMS program can be used only for internal security or defensive purposes, and that U.S. weapons and equipment cannot be transferred to a third country without U.S. approval. In 1978, 1979, and 1981, the executive branch notified Congress that Israel "may have violated" U.S.-Israeli agreements by using U.S. weapons for non-defensive purposes, and in 1982, the United States suspended shipments of so-called cluster bombs after allegations that Israel violated an agreement on the use of the bombs. Israel maintains that the weapons were used for defensive purposes. In 1982 testimony before Congress, executive branch officials said Israel transferred U.S. arms to Iran and the "South Lebanon Army" without U.S. permission.

CONGRESSIONAL ACTION

FY 1986

The FY 1986 foreign assistance authorization bill (P.L. 99-83, Aug. 8, 1985) provided a 2-year authorization earmarked for Israel: $1.2 billion in ESF grants and $1.8 billion in FMS grants per each of the fiscal years 1986 and 1987. In addition, Israel received $750 million in ESF grant supplemental aid from FY 1985. Israel's aid for FY 1986 was appropriated through the continuing resolution, P.L. 99-190 of Dec. 19, 1985. Of the military aid, $150 million was earmarked for Lavi R&D in the United States and $300 million was earmarked for the Lavi or other activities in Israel.

Effect of Gramm-Rudman-Hollings: Under the authority of the Balanced Budget and Emergency Deficit Control Act of 1985, P.L. 99-177 signed on Dec. 12, 1985

(Gramm-Rudman-Hollings or GRH), and according to the Sequestration Report for FY 1986 (Federal Register, vol. 51, no. 10, Jan. 15, 1986, or the Jan. 21, 1986, GAO report to the President (GAO/OLG 86-1)), FY 1986 foreign assistance was reduced by 4.3%. GRH cuts affected Israel as follows:

[In millions of dollars]

	Fiscal year 1986 scheduled	GRH 4.3-percent cut	Total after GRH
Economic support fund	$1,200	$51.6	$1,148.4
Foreign military sales	1,800	77.4	1,722.6
Fiscal year 1985 supplemental ESF	750	0	750
Total	3,750	129	3,621

The $750 million supplemental ESF was authorized and appropriated in FY1985 and was not affected by GRH. The $1.2 billion EST was paid to Israel on Oct. 30, 1985 (in accordance with law, see Section 202(a)(2) of P.L. 99-83). Israel returned $51.6 million.

FY 1987

The Administration requested $1.2 billion in ESF grants and $1.8 billion in FMS grants for Israel for FY1987, the same amounts authorized under the 2-year authorization in P.L. 99-83. The House Appropriations Committee reported out (H.Rept. 99-747) an appropriations bill (H.R. 5339) for FY1987 on Aug. 5, 1986, which included $1.2 billion in ESF grants and $1.8 billion in FMS grants for FY1987 for Israel. Of the $1.8 billion in FMS grants, $150 million may be used by Lavi research and development in the United States and $300 million may be used for Lavi or other defense procurement, including R&D in Israel. The House Appropriations Committee's bill protected the Israeli earmarked funds from any Administration cuts, but stated that the Israeli funds would be subject to Gramm-Rudman-Hollings cuts if GRH sequestration became necessary.

The Senate Appropriations Committee reported an appropriation bill (S. 2824, S. Rept. 99-443) on Sept. 16, 1986, which earmarked $1.2 billion in Economic Support Fund (ESF) grants and $1.8 billion in Foreign Military Sales (FMS) grants for Israel. Of the $1.8 billion in FMS grants, $300 million was earmarked for procurement in Israel, and $150 million was earmarked for Lavi procurement in the United States. The bill also earmarked $5 million for Israel for cooperative development projects and $25 million for the resettlement of Jewish refugees in Israel.

Neither the House nor the Senate passed foreign assistance appropriations bills. On Sept. 25, 1986, the House passed (201-200) a continuing resolution, H.J. Res. 738; the continuing resolution contained the language of H.R. 5339. The Senate passed H.J. Res. 738 on October 3 (82-13), but with amendments. The two Houses finally agreed to amendments on October 17 (H. Rept. 99-1005), and the continuing resolution was signed into law, P.L. 99-591, on Oct. 18, 1986.

The continuing resolution, P.L. 99-591, provided $1.2 billion in ESF grants, all as direct transfer to be paid within 30 days from October 18, $5 million in U.S.-Israel cooperative development funds, $25 million for refugee resettlement in Israel, and $1.8 billion in FMS grants, of which $150 million was earmarked for Lavi expenditures in the United States and $300 million for Lavi or other expenditures in Israel. As in previous years, the continuing resolution allowed Israel to draw its grant FMS before drawing loans, stated that Israel's ESF assistance should not be less than the amount Israel owed the United States for past loan repayments, and protected the Israeli ESF and FMS funds from foreign assistance cuts but not from Gramm-Rudman-Hollings sequestration.

FY 1988

For FY 1988, Israel requested $1.2 billion in Economic Support Fund grants, to be made available in the first quarter of the fiscal year, and $2.42 billion in Foreign Military Sales grants, $300 million of which would be for procurement in Israel.

The Administration requested $1.2 billion in ESF grants and $1.8 billion in FMS grants for FY 1988.

The Senate Foreign Relations Committee reported an authorization bill (S. 1274, S. Rept. 100-60) on May 22, 1987, that provides $1.2 billion in ESF grant, and $1.8 billion in FMS grant for Israel. Of the $1.8 billion in FMS, $150 million is for Lavi R&D in the United States and $300 million is for military procurement in Israel. There was no further action on S. 1274. The House Foreign Affairs Committee reported H.R. 3100 (H. Rept. 100-294) on Aug. 26, 1987, which would authorize the same amounts for Israel. H.R. 3100 passed the House (286-122) on Dec. 10, 1987.

The House Appropriations Committee reported H.R. 3186 (H. Rept. 100-283) on Aug. 6, 1987, which provides $1.2 billion in ESF grants, $1.8 billion in FMS grants, of which $150 million if for Lavi R&D in the United States and $300 million is for military procurement in Israel, $25 million for refugee resettlement in Israel, and $5 million for cooperative development.

The continuing resolution, H.J. Res. 395 (P.L. 100-202), signed by the President on Dec. 22, 1987, appropriated $1.2 billion in ESF grants for Israel and $1.8 billion in FMS grants for FY 1988. Of the FMS grants, $150 million may be used on advanced aircraft research and development in the United States and $400 million may be used for defense procurement in Israel. Israel also received $5 million for cooperative aid projects and $25 million for refugee resettlement.

FY 1989

In November 1987, Israel and the United States reached an agreement to keep FY 1989 aid at the FY 1988 levels, $1.2 billion in ESF grants and $1.8 billion in FMS grants.

The House amended the full text of H.R. 3100 (passed by the House on Dec. 10, 1987) to H.R. 4471, a bill to amend the Foreign Assistance Act with respect to activities of the Overseas Private Investment Corporation. Apparently the House was attempting to force the Senate to consider H.R. 3100, the 2-year authorization bill, because the Senate did not complete action on S. 1274, the authorization bill for FY 1988 and FY1989. H.R. 4471 (with H.R. 3100 attached) passed the House (267-112) on May 12, 1988

The House Appropriations Committeee reported H.R. 4637 (H. Rept. 100-641) on May 19, 1988. H.R. 4637 passed the House (328-90) on May 25. H.R. 4637 appropriated $1.2 billion in ESF, $1.8 billion in FMS, $27.5 million in refugee assistance, and $5 million in cooperative development assistance for Israel for FY1989.

The Senate Appropriations Committee reported H.R. 4637 on June 22, 1987 (S. Rept. 100-395), with amendments. The Senate version provided $1.2 billion in ESF, $1.8 billion in FMS, and $5 million in cooperative development funds, but raised the refugee assistance to $28 million. H.R. 4637 passed the Senate (76-15) on July 7, 1988. The House agreed (327-92) to the conference report (H. Rept. 100-983) on September 28, and the Senate agreed (voice vote) to the conference on September 30. The President signed the bill (P.L. 100-461) on Oct. 1, 1988.

FY 1990

Authorization: The Administration requested $1.2 billion in ESF grants and $1.8 billion in FMS grants for Israel for FY1990. The Foreign Relations Authorization Act, FY1990 and FY1991 (H.R. 1487), reported on Apr. 6, 1989 (H.Rept. 101-17), provided $25 million for each fiscal year for refugees settling in Israel. H.R. 1487 passed the House on Apr. 12, 1989, by a vote of 338-87. S. 1160, which included $25 million for Israeli refugees was reported to the Senate on June 12, 1989 (S. Rept. 101-46). On July 21, the Senate passed H.R. 1487, in lieu of S. 1160. The House agreed to the conference report on Nov. 15, and the Senate agreed to the conference report on Nov. 16, 1989.

H.R. 2655, the foreign aid bill, included $1.2 billion in ESF and $1.8 billion in FMS grants for Israel. H.R. 2655 was reported on June 16 (H. Rept. 101-90) and passed the House on June 29, 1989, by a vote of 314-101. H.R. 2655 was sent to the Senate, where it was referred to the Foreign Relations Committee. S. 1347, a foreign aid authorization bill, was reported out of committee on July 18, 1989 (S. Rept. 101-80), and included $1.2 billion in ESF and $1.8 billion in FMS grants for Israel. Neither H.R. 2655 nor S. 1347 were brought to the Senate floor for a vote.

Appropriation: H.R. 2939, a foreign aid appropriations bill that included $1.2 billion in ESF grants and $1.8 billion in FMS grants for Israel, was reported to the House on July 19, 1989 (H. Rept. 101-165), and passed the House on July 21, 1989, by a vote of 329-69. H.R. 2939 was reported by the Senate Appropriations Committee (H. Rept. 101-131) on Sept. 14, 1989, and passed the Senate on Sept. 26, 1989, by a vote of 89-11. The conference report was filed on Nov. 11. The House passed the conference report on Nov. 14, and the Senate passed the conference report on Nov. 15. The President vetoed H.R. 2939 on Nov. 19, 1990 (H. Doc. 101-113).

Meanwhile the House Appropriations Committee reported (H. Rept. 101-249) H.J. Res. 407, a continuing resolution that included $1.2 billion in ESF grants and $1.8 billion in FMS grants for Israel, on Sept. 26, 1989, and the House passed the continuing resolution on the same day by a vote of 274-152. The Senate passed H.J. Res. 407 on Sept. 28, 1989, by a vote of 100-0. The President signed the bill into law on Sept. 29, 1989 (P.L. 101-100).

H.R. 3743, an appropriations bill introduced on Nov. 20, 1989, to replace vetoed H.R. 2939, passed the House by a vote of 310-107 on Nov. 20, 1989. The Senate passed H.R. 3743 by voice vote on Nov. 20, 1989. The bill was signed into law on Nov. 21, 1989 (P.L. 101-167). The act provided $1.2 billion in ESF and $1.8 billion in FMS for Israel.

Sequestration. The Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings) was implemented on Oct. 16. Under GRH, Israel's aid was reduced by 5.3%. Also, Congress agreed to a .43% across-the-board cut in foreign aid to pay for narcotics control programs, and the

Senate agreed to a .133% across-the-board cut to pay for expanded Peace Corps programs. With the 3 cuts totaling $175.89 million, Israel received $2,824.11 million on Oct. 31, 1989, $1,129.644 million in ESF paid directly to Israel and $1,694.466 million in FMS made available for Israel in its FMS account.

ISRAEL'S AID FISCAL YEAR 1990: PRELIMINARY

[In millions of dollars]

Program	Fiscal year 1990 scheduled	GRH 5.3 percent cut	Narc control 0.43 percent cut	Peace Corps 0.133 percent cut	Fiscal year 1990 adjusted
ESF	1,200	63.6	5.16	1.596	1,129.644
FMS	1,800	95.4	7.74	2.394	1,694.466
Total	3,000	159.0	12.9	3.99	2,824.11

But with passage of the appropriation bill and the budget reconciliation bill, Israel's aid picture changed. The Senate Peace Corps funding was dropped, so Israel will have the $3.99 million in aid restored. The narcotics control funding remained, so the .43% or $12.9 million cut in Israel's aid will remain. The Congress and the Administration agreed in the reconciliation bill that the deficit could be met by sequestering funds for 130 days rather than the full year, and that not all accounts would be cut, ESF and FMS among them. The $159 million will be restored to Israel. After the adjustments, U.S. aid to Israel for FY1990 is as follows:

ISRAEL'S AID FOR FISCAL YEAR 1990: AFTER SEQUESTRATION

[In millions of dollars]

Program	Fiscal year 1990 scheduled	GRH 1.4 percent cut	Narc. control 0.43 percent cut	Fiscal year 1990 adjusted
ESF	1,200.0	No	5.16	1,194.8
FMS	1,800.0	No	7.74	1,792.3
Refugee	25.0	No	.1075	24.9
United States-Israel Coop	7.5	.105	.0323	7.4
Total	3,032.5	.105	13.0398	3,019.4

H.R. 4404, a supplemental appropriations bill introduced on Mar. 27, 1990, included $400 million in housing loan guarantees for Israel for fiscal year 1991, and an additional $5 million in refugee and migration funds for Israel for fiscal year 1990 (H.Rept. 101-434). The housing guarantees and the refugee resettlement grants are for resettling Soviet Jews in Israel. H.R. 4404 passed the House on April 3 by a vote of 362-59.

FY1991

The Administration requested $1.2 billion in ESF grants and $1.8 billion in FMS grants for Israel for FY1991.

Mr. DOLE. As I said, this AID relationship reflects our special bilateral relationship. I have not gone through the record in great detail, but I am virtually certain that I have supported every one of the AID programs and side benefit programs described in these documents. Probably most Members of the Senate have a similar record of support.

So we do have this important relationship, including this very special AID relationship. That is the backdrop for our consideration of housing guarantees—which, if enacted, will expand one of the present side benefits.

During my visit to Israel, I did discuss the issue of the influx of Soviet Jews at some length with Israeli officials. I was deeply impresssed both by the magnitude of the task, and the commitment not only of the government but of the Israeli public—to do whatever is necessary to provide a new life for these people.

Right now it is housing but I would say I think in the future it is probably going to be jobs too, because they are highly skilled people in nearly every case. Jobs were going to be very difficult to come by.

I visited a so-called absorption center where newly arriving Soviet Jews are processed, and provided support for their transition to life in Israeli society. There I learned of the enormous monetary costs involved, and of the challenge of providing housing and jobs for what most expect to be a total of 1 million or more immigrants.

To experience the human dimension of the problems involved, I met with several families in the initial stages of their resettlement. It was a touching experience. These people obviously feel they have truly come home.

Ultimately, they will make an enormous contribution to their adopted country, Israel. Right now, though, they do require a lot of support—and it costs a lot of money.

Jews around the world are responding generously to the enormous need. I understand that American Jews, operating through a variety of private organizations, are pledged to provide $500 million. That is on top of the several hundreds of millions of dollars they already provide in voluntary support for humanitarian projects in Israel.

It is right that the U.S. Government should help, too. The issue of Soviet Jewry has been very high on the United States agenda for many years. The issue has been on the agenda of every United States-U.S.S.R summit, of every Congress, of every encounter between senior United States and Soviet leaders.

One of the happiest results of the ERA of glasnost in the Soviet Union is that there has now been a major breakthrough on this issue. Basically, with some still important exceptions, the Soviets are permitting Jews to emigrate. Hundreds of thousands of them are lined up to do so, and most will end up in Israel.

We have worked hard to achieve this end, and we have a responsibility to assist in this very positive end-game operation.

So, in sum, I support U.S. involvement, and I support the concept of housing guarantees.

On this bill, I will offer no amendments dealing with this matter.

I do want to make some comments on the program as it has been structured, though, and raise a few questions that I think deserve careful consideration by the administration, the Congress and—most important—the American taxpayer, who will underwrite this program.

As has been obvious in the media, one important area of concern to the administration and to many Americans is Israeli settlement policy, as it relates to Jerusalem and the occupied territories.

The administration has made absolutely clear that it will seek commitments from the Israeli Government that United States-provided guarantees will not support housing in the occupied territories. At the same time, the administration strongly hopes that the issue is not specifically addressed through legislative language.

In other words, we have been advised they would rather not have specific legislative language.

The administration feels, rightly, that it should have maximum freedom of action in negotiating the required commitments from the Israeli Government.

I do not want to spend a lot of time on this particular aspect of the broader immigration issue, but I do think it is important to note that this is a serious concern.

The recent revelation that the Shamir government underwrote the cost of acquiring property in old town Jerusalem—property which appears to actually be owned by the Greek Orthodox Church—has focused new attention on the sensitivity of the whole issue of new settlers and settlements.

That incident happened to explode while I was in Israel, so I saw firsthand how volatile the whole matter was, to all of the ethnic and religious groups represented in Jerusalem.

I note that even the American-Israel, Public Affairs Committee [AIPAC], certainly the foremost lobbying organization on issues involving Israel, has issued a rare criticism of the Shamir government on that particular issue. I ask unanimous consent to include a New York Times article on the AIPAC statement in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 25, 1990]

JEWS IN U.S. TERM ISRAEL INSENSITIVE IN AIDING SETTLERS—STEP CALLED PROVOCATIVE—MOVE INTO CHRISTIAN QUARTER OF JERUSALEM COULD HURT RELATIONS, GROUP SAYS

(By Thomas L. Friedman)

WASHINGTON, April 24.—The leading pro-Israeli lobby in the United States told the Israeli Government today that its covert sponsorship of a Jewish settlement in the

Christian Quarter of Jerusalem could seriously damage the relationship between the two countries.

The American Israel Public Affairs Committee, known as Aipac, is the most politically influential Jewish organization in Washington and the one taken most seriously by Israel, the way in which settlers moved into the Christian Quarter was insensitive and provocative.

Aipac warned Mr. Shamir that American Jews could not support the move and that the settlement was having a serious effect on the relationship between the two countries.

ISRAEL DEFENDS DECISION

The Israeli Foreign Ministry rejected international criticism of the Government financing of the settlement. In a sharply worded statement, it asserted, "It is the right of Jews to live everywhere, and to purchase or rent property in all parts of the Land of Israel, and especially in Jerusalem." [Page A11.]

American Jewish leaders are concerned that the Shamir Government's backing for settlers moving into the Christian Quarter could erode support for Israel from non-Jews in the United States. Muslims and Christians view any entry of Jewish settlers into their quarters as the first step toward diminishing their presence and influence there.

The message was one of several unusually emphatic gestures today by leading American Jewish organizations. Organizations called on Mr. Shamir to repudiate the $1.8 million covertly provided by his Government to Jewish settlers seeking to lease St. John's Hospice, a complex of four buildings in Jerusalem.

Leaders of American Jewish groups told Israel that its move created the impression that the Israeli Government cannot be trusted when it says that it is not using American money to support settlement activities. Israel's role in the settlement could also deter American Jews from donating money to Israel for fear it would end up in the hands of religious zealots, the leaders warned, and could tarnish Israel's record in promoting religious tolerance in Jerusalem.

Successive Israeli Governments have argued that the city should remain undivided and the capital of Israel—not only because of the Jewish claim to Jerusalem, but because Israel has insured that the rights of Christians and Muslims are protected there.

Abraham H. Foxman, national director of the Anti-Defamation League of B'nai B'rith said:

"The time now is for the Israeli Government to repudiate this incident, to fire those responsible and to make a clear statement by the Prime Minister indicating that this was not and is not Government policy. I think nothing short of that will restore credibility to the Israeli Government when it is essential for its dealings with friends and allies."

The anger within the Bush Administration over the Shamir Government's activities in Jerusalem was reflected in a statement on Monday by the State Department spokeswoman, Margaret D. Tutwiler. She called the settlers' move into the Christian Quarter "an insensitive and provocative action" and described the Israeli Government's financing as "deeply disturbing."

Miss Tutwiler also criticized the Israeli Government for its indecisiveness on entering talks with Palestinians even as it made decisions about funding new settlements.

The Shamir Government has asked the United States for $400 million in housing loan guarantees—over and above the $3 billion that Israel receives annually in military and economic assistance—to help resettle Soviet immigrants. The request is pending before Congress.

As a result of the erosion in trust between the Bush Administration and Mr. Shamir's Government, Secretary of State James A. Baker 3d testified before Congress last month that the Administration would insist on guarantees from Israel, that a loan guarantee would not be spent on housing in the occupied territories, a use that would violate United States law.

Normally Israel provides the United States with a pro forma declaration that aid was spent on housing projects within Israel's pre-1967 boundaries. But Mr. Baker indicated that the Bush Administration might demand a more rigorous guarantee for this housing loan, possibly even requesting that Israel end all new settlement building.

When asked for the latest Administration position on loan guarantee. Miss Tutwiler said, "When the new Israeli government is formed, we will then be working out exactly what those assurances would be."

One Administration official commented: "If we have a Government in Israel that is acting responsibly then the sorts of guarantees that we will seek could well be different from those we would seek from a Government that is acting irresponsibly. There has to be some degree of trust.

"Right now, it is very difficult to have any trust in this caretaker Government, given the incomprehensible and provocative way it is behaving," he said.

Mr. DOLE. So, obviously, the broader issue of where and under what circumstances the Israeli Government provides housing for any new settlers—whether they are long-time residents of Israel, or new arrivals—is something that deserves careful attention.

The administration will be pursuing this directly with the Israeli Government. And I think the American public will strongly back the administration's insistence that our guarantees not be used to underwrite settlements in the occupied territories, or such provocative resettlement cases as we have just seen in Jerusalem.

But let me turn from the broader question of resettlement policy, to the specifics of the Housing Guarantee Program. And let me stress upfront: I am asking some questions. Questions that I think our Government ought to ask, and our taxpayers deserve to have answered as this program is structured and implemented.

The bottom line question, of course, is: What will the program cost?

Some have asserted that this program—since it is a loan guarantee, and not a direct appropriation—is free; no cost to the taxpayer.

That is just not the case. Clearly there will be administrative costs. I know of no program ever devised by the mind of legislator or bureaucrat that did not cost any money to run.

I cannot estimate that cost. And, admittedly, by U.S. Government budget standards, those costs will not be enormous—but it is just not accurate to pretend they do not exist.

A more important consideration is that of fees. Under the existing program of guarantees for foreign nations—which being vastly expanded for Israel—countries benefiting from the guarantees are required to pay fees to us, for services provided in the processing of making the guarantees.

The Senate Appropriations Committee has reduced the standard fees for Israel. In other words, Israel will pay a lesser fee than would any other country utilizing the program.

The first questions I would ask, then—that could be addressed in conference, and by the administration, as it considers this program—are these:

What is the justification for a partial waiver of the fee for Israel?

In comparison to other similar programs, dollar for dollar, what monetary benefit will Israel derive from a partial waiver? Put another way, how much will a partial waiver cost the American taxpayer?

I should add, in this regard, that a very informal estimate I have received from an AID official indicates the cost to the taxpayer will be in the neighborhood of $25 to $30 million over the life of these loans.

A second cost issue is the so-called subsidy cost to the American taxpayer of our guarantees. This is an extremely complex, technical financial and bookkeeping matter. I will not attempt to explain it in detail.

I will just say this: The U.S. guarantee represents a subsidy—a cost of placing and servicing the loan that would be borne by the borrowers in the absence of the guarantee, but because of the guarantee will be borne by the United States; specifically, by the Treasury Department; and ultimately by our taxpayers.

The Office of Management and Budget [OMB] has standard formulas for calculating that subsidy cost. Using OMB's standard formula as it applies to a borrowing nation with Israel's established credit rating, the Congressional Budget Office [CBO] has estimated that the subsidy cost to the American taxpayer will be about $715 million for this $400 million dollar program.

I ask unanimous consent to have printed in the RECORD the CBO memo providing this estimate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 1, 1990.

Hon. ROBERT DOLE,
United States Senate, Washington, DC.

DEAR SENATOR: You asked for an estimate of the cost of the proposed program to provide $400 million in loan guarantee authority to finance housing and infrastructure in Israel for Soviet refugees. Under current

scorekeeping conventions, credit authority would be scored over the next several years as the loans are estimated to be committed. But, the "scoring" of credit in the federal budget has little to do with cost.

As we have stated in our report on credit reform, the subsidy provided by Federal credit programs more accurately reflect the long-term cost of credit assistance. Under credit reform, as proposed by the Administration, the $400 million in loan guarantees would require scoring a subsidy charge equal to the market value of the additional risk the U.S. Government would incur by entering into the guarantee commitments. Using the OMB subsidy model and assuming the average spread and fees for paper with the risk equivalent of Israel's, we estimate the subsidy provided by the guarantee would be approximately 19 percent, or $75 million.

This estimate may understate the long-term cost of the guarantee if the "special relationship" between Israel and the U.S. as codified in the Cranston amendment, Section 530 of the Foreign Operations Appropriations bill is applicable. Every year since fiscal year 1985, Congress has promised to appropriate enough money through the economic support fund for Israel to meet its debt service requirements. If extended to the financing of these credits, the result will be that the U.S. will reimburse Israel for the cost of servicing the debt. If this occurs, the U.S. will pay the principal and interest on this borrowing. Given the interest differential between the cost of direct federal borrowing and the cost of raising funds through a federal guarantee, the present value cost to the U.S. would be full $400 million in principal plus an interest differential of $18.4 million over the life of the loan.

Sincerely,

ROBERT D. REISCHAUER.

Mr. DOLE. So another specific question:

What will be the subsidy cost to the American taxpayer of the $400 million Israeli program? Is the CBO estimate accurate?

Another and even more fundamental cost question is whether or not the United States ultimately will actually pay for the increased debt service costs that Israel will inevitably face, because it will have increased debt.

Israel will be borrowing $400 million. That will be new debt; additional debt. Right now, Israel's debt service payment to us is more than $1.2 billion per year. We give Israel $1.2 billion in cash assistance—economic support fund [ESF] payments. The fact that the two numbers are identical is not a coincidence.

Under the so-called Cranston amendment, we have more or less pledged to give Israel enough ESF to cover its annual debt service payment.

The Cranston amendment does not force us to do that. But the logic of that amendment does in an important way drive our ESF levels.

For good reason, we do not want to just flat-out forgive Israel's debt. That would set a very bad precedent. So we have devised this system, which amounts to de facto debt forgiveness. Israel owes us x dollars, so we give it x dollars in ESF to make the payment.

Sometime after it starts borrowing money under the housing guarantees, Israel will have to start repaying that money. It will be making higher loan repayments than it would if it hadn't borrowed the money.

That cannot be disputed. But it does raise these questions:

Considering the political realities in the world, and the nature of our special relationship with Israel, are we in fact setting in train a process that will lead to greater Israeli debt, hence greater annual debt service payments, and inevitably higher U.S. ESF payments to Israel?

What is a reasonable estimate of the cost of those projected higher ESF payments?

The same CBO memo I have already included in the record estimates that from this perspective the so-called present value cost to the American taxpayer—what would have to be shelled out this year to cover these "down the road" ESF payments—would be $400 million. CBO then adds the cost of the interest differential between direct Federal borrowing and utilizing guarantees—another $18.4 million.

The bottom line: This $400 million loan guarantee will cost the American taxpayer more than $400 million; more than if we simply gave the $400 million to Israel this year.

And there are still other questions. One troublesome question is what Israel will do with the loans we are guaranteeing. The image is of a whole bunch of simple houses and apartments, to provide housing for some needy immigrants.

But the reality may not be as simple as that.

In the first place, the guarantees cover not only housing, but the so-called infrastructure for building houses. That means the loans we guarantee could be used for roads, or utility systems, or parks, or perhaps even consulting services.

That may be OK—I am not saying it is automatically bad. But we should not be laboring under the misimpression that we are just building houses for needy persons.

Another important question is what kind of housing is likely to be built as a result of these guarantees. The existing program requires that 90 percent of any guarantees be provided for housing for people with below-median income. This bill waives that requirement entirely.

As a result, this guarantee could be used to support luxury housing, at virtually any price range.

Lest anyone think this is an idle concern, I might point out that on my just-completed trip to Israel, I visited one new settlement near Bethlehem. I saw there new houses, being provided to settlers under Israeli Government subsidies. There were probably 100 or more houses already built, and another 30–40 under construction.

They were not shacks. They looked like they might fit in pretty well somewhere up off embassy row in the District, or in Fairfax or Montgomery County. An American official resident in Israel estimated that, if identical houses were built in an urban center in Israel, the likely cost would be in the range of $300,000–$400,000 per unit.

These homes were being built under the general subsidy program the Israeli Government provides to housing in the occupied territories.

Now to be clear: the homes I saw were not specifically for new immigrants. Our new housing guarantees are to be restricted to new immigrants. I do not know what kind of homes they might end up in. I do not know what kind of subsidies the Israeli Government will provide them.

But that is just the point. No one does. And we have taken out any restrictions in our program, limiting the Israeli Government in any way. If the Israeli Government wants to build them luxury housing, it can.

If it wants to build them housing using only inefficient, State-owned enterprises—who, according to one estimate, produce housing twice as costly as that which could be provided by private companies—it can do that.

There are no restrictions—and, in fact, no U.S. Government management or oversight, period—in the law, none.

This is, in effect, a blank check, in terms of how the loans can be used in supporting a housing program. In fact, when you consider the matter of fungibility of money which is a concern of the Administration, it is a blank check, period—a point I will be addressing in a moment.

But this general matter of how the money will be used raises three specific questions:

Since Israel will be totally exempt in this bill from any restrictions on what kind of housing or infrastructure it can build under the guarantee program, what are Israel's plans for using the guarantees? What kind of housing or infrastructure will it build?

If it intends to build modestly priced housing for large numbers of people, why do we need to waive the standard 90 percent requirement I mentioned above?

In our negotiations with Israel on implementing the program, will we require Israeli commitments to use most or all of the money for submedian income families, as we do for other countries? Or will we allow Israel to do whatever it wants with this money?

I think all Americans—especially those struggling with their own mortgages, or totally shut out of the hous-

ing market, have a right for answers to those questions.

As I have pointed out a number of times, we also have countless tens of thousands of homeless in this country. We do not hear their voice much, but they might ask: What about us?

And they might ask it more loudly when they find out we are about to embark on a big program to provide housing to people living in a foreign land—especially if we are leaving open the possibility that we will be subsidizing housing for a privileged few, instead of many needy people.

So I guess it is fair to add this question to my list:

How do we justify this program, in light of the suggestion by some that we have not done enough to respond to the needs of our own homeless population?

That is a question, I might add, that has been asked of me. I did not raise it. Some one asked me.

Of course, I have not even raised the question of fungibility. Our guarantees will permit Israel to borrow $400 million. That money will go into Israel's treasury.

Our language requires that money—that particular pile of dollar bills—to be used only for housing new immigrants. But what keeps Israel from taking $400 million of its own money, that it would otherwise use for its housing program, and now use it elsewhere?

I do not see anything that would prevent Israel from doing just that. I presume this is a real—not artificial—concern. I know that Israel will spend more than $400 million of its own funds for immigrant housing—no doubt about it. They have a big job, big responsibility, and they are trying to meet it.

I also happen to think that Israel's commitment to the resettlement program is so strong that it will find the money to implement it, no matter what we do. That is certainly commendable on Israel's part—and I certainly do not mean to imply otherwise. It is a real, and commendable commitment to a genuinely humanitarian program and a genuinely humanitarian need.

But the logical result is this: The $400 million under the Loan Guarantee Program will free up $400 million to use elsewhere, anywhere.

Weapons development, subsidization of inefficient state enterprises, providing unjustifiable wage increases in response to union pressure, anything, anywhere in the Government's budget.

Now the fact is: All of our aid is probably fungible, in that sense. But that does not make it any less true that this aid is fungible, too. Let us recognize that and not kid ourselves that we really can somehow stop Israel from using this $400 million for anything it wants.

And let me conclude with one final and important point. At least if we are providing these guarantees, we should have a right to expect that American companies in the housing field that provide building materials, or prefab housing, or construction related services have a chance to compete fairly for any related contracts that are let by the Israeli Government.

The fact is that, right now, Western European firms very much have the inside track. It is not Israel's fault, or some conscious design of the Israeli Government. But it is a fact.

The EEC finalized its free trade agreement with Israel several years before we did. As a result, all the provisions of the EEC agreement are already in place, fully implemented, including those provisions covering the elimination of Israeli tariffs on the import of EEC house building materials.

Our free trade agreement, more recently signed, is still being phased in. Housing materials are on something called the "C" list. Tariffs for "C" list items have not yet been eliminated. So United States house building material entering Israel still is saddled with tariffs that can reach 40 percent.

The disadvantage to our industry is clear.

Again, there is nothing untoward about all this. It is a coincidental part of the way our free trade agreement is being implemented.

But in light of this housing guarantee program, I conclude with this last question:

In our negotiations with the Israeli Government to implement the Housing Guarantee Program, should we not make it a requirement that the Israeli Government immediately remove any tariffs on United States supplied house building material that would place American suppliers at a disadvantage in comparison to other suppliers?

Mr. President, I have listed a few questions. I do not have the answers. But I do think we in the Congress, and the American taxpayers—we all should have the answers.

As I said at the outset, I support the concept of this program. I do not intend to hold up this bill, by insisting that my questions be answered now. I do not want to hold up implementation of the program, so I will not offer any amendments, either substantive, or to require a report addressing the questions I have raised.

I do urge Senate and House conferees to include in the conference report an admonition to the administration to consider all of these questions and provide the Congress relevant information. I also hope the conference report will urge the administration, in its negotiations with the Israelis, to press them on some of these same points, particularly on Israel's intentions in utilizing the loans generated by this program.

But I do hope that all the Members of the Senate and the House, and especially the conferees on this bill from both bodies, will address these questions.

I hope the administration will, too, as it negotiates this matter with the Israeli Government and puts in place its own implementing policies and regulations.

Finally, I hope the American people—the American taxpayer—will think about the questions I have raised.

We have many important responsibilities around the world. There are many critical needs; many worthwhile causes. But we have limited resources, and we are saddled with a big, big debt, and we are paying some $180 billion a year in interest. The simple fact is we cannot do it all.

We have to start thinking more about priorities. I and others have made that point before.

We need to start subjecting all proposals for new spending or new commitments to more rigorous tests—of priority, of affordability, of common sense, whether it be agriculture, drugs, education, highways, or foreign aid.

We need to end the practice of kneejerk approval of certain kinds of proposals. In this age of deficit crisis at home, and vastly expanding foreign aid needs overseas, every program must be scrutinized carefully, no matter which country is the recipient.

Mr. President, I wish we had the resources to meet all the important needs of our own society. I wish we had the resources to respond generously to the legitimate needs of every ally and every friend, including our special friend Israel, all around the world.

But we do not. We just do not have it.

It is time to face up to that reality, and in my view the sooner we start the better.

In closing, Mr. President, let me say that I have used figures throughout this statement. Some were estimates of the Congressional Budget Office, some from the Agency for International Development and other sources. I do not know whether they are close, but I do think we ought to find out—we ought to demand that our conferees find out—what the real figures are, before we agree to the conference report. As I said, some estimates suggest this loan guarantee program will ultimately cost more than $400 million. If that is true, Members of the Senate need to know.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Colorado.

AMENDMENT NO. 1570

(Purpose: To provide $5,000,000 for the United Nations Environment Program Fund and to reduce funds available for the International Military Education and Training Fund)

Mr. WIRTH. Mr. President, I have an amendment to the bill, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. WIRTH], for himself, Mr. PELL, Mr. CHAFEE, and Mr. KERRY, proposes an amendment numbered 1570.

Mr. WIRTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, between lines 19 and 20 insert the following:

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For an additional amount for necessary expenses for "International Organizations and Programs", $5,000,000 for payment to the United Nations Environment Program Fund, to carry out the provisions of section 2 of the United Nations Environment Program Participation Act of 1983.

On page 30, after line 20, insert the following:

GENERAL PROVISIONS

(RECISSION)

SEC. 301. Of the funds appropriated to or for the use of the Department of State for fiscal year 1990, the following funds are hereby rescinded from the following account in the specified amount:

International Military Education and Training Program, $7,500,000.

Mr. WIRTH. Mr. President, this is the week after Earth Day. A week ago, all around the globe, tens if not hundreds of millions of people came together. They rallied. They planted trees together. They protested together. They rejoiced in many ways about their humanity and oneness with the globe and also registered their concerns with each other, and with their Government, that the world is severely threatened.

I do not think there is any thoughtful observer who does not look carefully at the problems of global warming, destruction of the rain forest, dimunition of species, the pollution of oceans, and rapid population growth, without being alarmed about what is going on; without understanding our interdependence with people all the way around the globe, and without understanding the need for governments to get along with each other and work together to start to solve these enormous global environmental problems.

As we are here in the Senate, at the Marriott downtown, a group of global parliamentarians from 35 countries are in town. They have been drawn together in a conference sponsored by the U.S. Senate, sponsored and partly paid for out of appropriations voted by the U.S. Senate, in order to bring parliamentarians together from around the world to focus on a number of great issues.

There are seven working groups downtown right now, Mr. President. Three of those groups are chaired by Members of the minority in the Senate, four by Members of the majority; Senator BOSCHWITZ, Senator HEINZ, and Senator CHAFEE are on the Republican side; Senator GORE, Senator BAUCUS, Senator KERREY, and myself are on the Democratic side. We are all attempting to come to some very significant conclusions with parliamentarians from countries as small as the Maldives, a tiny country which sits out in the Indian Ocean. If we have global warming and the level of the ocean rises, the Maldives are going to have some very significant problems. Global warming will effect countries as small as that and countries as enormous and complicated as Indonesia.

What people told us on Earth Day, Mr. President, what these global parliamentarians are telling us now, and what millions and millions of people around the world have been telling us for some time, is that we must redefine what we mean by national security. Our security no longer is simply a function of our relationship with the Soviet Union. The cold war is over and the Berlin Wall has fallen. We cannot define our national security or our international security on the basis of a bipolar relationship.

Our security now is defined by our relationship with the globe, how rapidly we come to grips with that relationship and how soon we arrest the rapid degradation that is all around us. Unfortunately, as we understand that, Mr. President, and I know the Chair understands that, and many Members of this body understand that, many of our institutions continue with business as usual. They continue acting as if the world is the same today as it was before the fall of the Berlin Wall.

What this amendment is all about, Mr. President, is a shift in priorities. What this amendment is all about is saying, do we understand that the definition of security has changed, that the world has changed, that our security is now defind in environmental terms and not in solely military terms, and that it is time for us to change our spending patterns to reflect this change in reality.

What this amendment does Mr. President, is very simple. It shifts $5 million from the International Military Education and Training Program, the IMET Program, which was established during the height of the cold war in the early 1950's, to train foreign military officers and to bring them to this country to counter similar Soviet programs. That was what this program was designed to do.

IMET is now about a $50 million a year program. My amendment will transfer $5 million from this program to the United Nations Environmental Program, which reflects a different definition of national securities and a different definition of our international obligation.

The United Nations Environmental Program was established in 1973 and has become increasingly effective and increasingly used. The United States increasingly must understand that our obligations reach to a whole service of intertwined, interlocking, international institutions and not to the old, tired, cold war threats. The IMET Program is to train people in relation to the Soviet Union and the alleged threat from them. The UNEP Program is to attempt to train people and work with our ability to solve the international environmental issues.

UNEP resulted from the Stockholm Conference on the human environment. Senator PELL, the consponsor of this amendment, was a delegate to the Stockholm Conference in 1973 and has been our chief supporter of UNEP and the whole Stockholm dream ever since.

UNEP was established to facilitate international cooperation and action on global and regional environmental programs. Unfortunately, our support for UNEP in 1977 was twice what it is today; we have cut it in half over the last 10 years. This, despite the fact that we have at the same time given UNEP some very, very sharply increased responsibilities.

For example, UNEP was the primary institution negotiating the Montreal protocol, a model of an international agreement related to the limitation of fluorocarbons and release into the atmosphere—an obsolutely precedent setting and extraordinarily important endeavor.

UNEP was the institution that negotiated the Montreal protocol. UNEP also set a foundation for the International Panel on Climate Change, which I will come to in a little bit.

The IPCC is a very important international forum for the discussion of the important issue of climate change, especially the burning of fossil fuels and the creation of carbon dioxide.

UNEP established a network for the Basle Convention. You may say, what is the Basle Convention? The Basle Convention was a very important international agreement related to the transnational migration of hazardous waste.

What that means is, rich countries were taking their toxic waste, going over and buying off poor countries, and dumping their waste there. We subscribe to the international Basle Convention. To stop this, who do we ask to police it? We asked UNEP to police it.

All of this is very well and good. UNEP has done a good job. In fact, there is a very interesting General Accounting Office report on the U.S. participation in this environmental program. The purpose of this was to say, the report was to ask the questions, we have all of these responsibilities to carry out. How well are they doing it? The GAO report is a very good one and it concludes that UNEP has done very well. I ask unanimous consent to have the executive summary of this printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

[U.S. General Accounting Office]

UNITED NATIONS: U.S. PARTICIPATION IN THE ENVIRONMENT PROGRAM, JUNE 1989

EXECUTIVE SUMMARY

Purpose

The Chairmen of the House Committee on Foreign Affairs, and its Subcommittee on Human Rights and International Organizations and Congressman Gerald Solomon asked GAO to review selected issues concerning the U.N. Environment Program. Specifically, GAO was asked to examine (1) the Program's accounting practices, financial reserves, and status of its trust funds; (2) the general level of efficiency and effectiveness of its headquarters and field programs; and (3) the level of U.S. influence in the Program.

Background

The U.N. Environment Program was established in 1973. The Program's purpose is to act as a catalyst, coordinating and promoting participation of all countries and international organizations in national and international efforts to (1) preserve and enhance the environment and natural resource base and (2) help all countries to deal with environmental problems.

The Program has two primary bodies—a Governing Council and a Secretariat. The Governing Council consists of representatives from 58 countries, including the United States. The Council promotes international cooperation in the field of environment and provides general policy guidance for the direction and coordination of environmental programs within the U.N. system. The Secretariat, headed by an Executive Director, is responsible for carrying out the Program's activities.

The Program is financed through the U.N. budget, voluntary contributions to the Environment Fund, trust funds, and other miscellaneous income. The United States is the major contributor to the Environment Fund. In 1988 the United States contributed $7.8 million and $9.5 million was appropriated for 1989.

Results in brief

The Program appears to have adequate controls over its budget execution, financial and fund program reserves, and trust funds. Its financial rules and regulations, including its system of internal controls, biennial auditing by the U.N. Board of Auditors, and oversight by its Governing Council on which the United States is represented, provides a reasonable framework for financial management and accountability. Nevertheless, its financial reserve may be set too high, its support cost budget has exceeded established guidelines and it may be administering too many marginal, small-scale projects.

U.S. government and nongovernment organization officials commented favorably on the general level of the Program's efficiency and effectiveness. The United States has a strong influence within the Program because of its high-level of contributions and leadership role in environmental issues. GAO's report is based on information provided largely on an unverifiable basis and the views of U.S. and other officials.

Principal findings

Environment Fund, Reserves, and Trust Fund

The Environment Fund for the 1988–89 biennium budget amounted to $87.8 million funded by voluntary contributions from member states, and carryover funds from prior years. The budget consisted of $25.8 million for operating expenses, $60 million for the Program's environmental programs and projects, and a $2 million fund program reserve. The reserve is used to meet unforseen needs and to finance unanticipated projects.

The Program also has a financial reserve, which is adjusted each biennium to equal 7½ percent of its biennium budget. For the 1988–90 biennium the fund was $6.6 million. The financial reserve, which has never been used, was established to guarantee the financial liquidity and integrity of the Environment Fund.

The Program administers 22 trust funds, which had a balance of $17.4 million in December 1987.

Efficiency and Effectiveness

A comprehensive self-evaluation of its headquarters and field programs indicate that the Program has achieved success in creating various conventions and protocols on environment conservation. It has also addressed several environmental issues of global importance, such as ozone depletion and the "greenhouse" effect. The evaluation identified weaknesses in project design, interlinkages among programs, and a tendency to dispense funds on many small projects rather than on a few major programs. This evaluation led to organizational changes and improved management procedures.

Department of State and several U.S. government agencies and nongovernment organizations reported that the Program has effectively fulfilled its catalytic role and has coordinated several environmental initiatives of special interest to the United States. The Program is considered to be an effective forum for discussing and initiating actions on environmental issues and programs to which the United States attaches importance.

U.S. Influence

A general perception among participating U.S. government agencies and nongovernment organizations is that the United States has a strong influence within the Program. State officials told GAO that the United States is satisfied with the level of U.S. influence and that the Program supports activities of high priority to the United States and keeps political issues to a minimum.

Action Program Not Prepared

While State has established general goals to guide its participation in the Program, it has ceased annual preparation of action programs that define, in specific and measurable terms, U.S. goals and objectives and establish a specific plan for achieving them. Accordingly, even though U.S. participation appears to be going well, it is difficult to measure the extent to which U.S. interests are being served.

Recommendations

We recommend that the Secretary of State direct the Assistant Secretary of State for International Organization Affairs to establish an action program or a similar formulation that would define objectives and priorities for U.S. participation in the Program, and would specify a plan for achieving them.

Agency comments

In its comments on a draft of GAO's report, the State Department confirmed that it no longer prepares a detailed action program but pointed out that a document is prepared with some of the same features. In subsequent discussions with GAO, State officials agreed that a more comprehensive action program to guide U.S. participation in the Program is needed and said they will develop one.

Mr. WIRTH. A whole lot of new responsibilities are being given UNEP as well, Mr. President. They are now working on international agreements on biological diversity, on the relationship between forest and climate change, an extremely important issue addressed by the President in his State of the Union Message, and working on various issues related to helping developing countries deal with their environmental problems.

I have a very fine memorandum from Noel Brown at the United Nations on the increased responsibilities of UNEP. I ask unanimous consent that the first 2 summary pages of that also be printed in the RECORD. It defines very well the significant responsibilities that UNEP has taken on.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM FROM UNEP

Pursuant to our discussion, I am forwarding herewith certain items of information which I hope will be helpful in preparing the arguments necessary for the support of UNEP in the critical area of its financing:

1. At the 15th Session of the Governing Council where Governments had a chance to review and assess current environmental situations and to acknowledge the fact that environment had indeed moved to the top of the world's agenda, they were unanimous in their conclusion that UNEP was being asked to undertake additional tasks which could not be carried out without "substantial increases in the voluntary contribution to the Environment Fund." To this end, they set a target of $1 hundred million for contribution to the Environment Fund by the year 1992 and called upon governments to increase their contribution to the Fund by at least 35 percent per annum from 1 January 1989.

2. In identifying the areas in which the additional resources would be utilized, Governments approved a supplementary programme proposed by the Executive Director currently budgeted at $35 million for the biennium 1990–91, a copy of which is attached.

3. As should be clear from the supplementary programme, UNEP has identified such critical areas as:

Studies on the implications of climate change and rising sea levels in coastal areas,

Conserving biological diversity,

Relationship between change in the forests and climate,

Facilitating the implementation of the Montreal Protocol where many of the developing countries have considerable difficulties in discharging their responsibilities in this regard,

Facilitating the implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes,

Establishment of regional nodes of the Global Resource Information base, and

Assisting developing countries in assessing their environmental problems and strengthen their environmental institutions.

4. These areas will undoubtedly be supplemented by others, perhaps less precisely defined, but urgent, nonetheless, wherein UNEP's assistance is increasingly being called. As environment becomes increasingly a popular cause—as a recent outpouring of Earth Day will attest—there will be clearly a broader public support base for sound environmental policy as well as increasing demand for action by UNEP in those areas where it is most competent, such as standard setting, consensus building, treaty formulation and authoritative scientific information. Increasingly, also, UNEP will be called upon to facilitate the preparatory process for 1992, particularly in areas dealing with the environment components of the agenda where UNEP's twenty years' worth of experience will prove to be invaluable.

5. In any event, it is encouraging to note that such countries like the United Kingdom has recently doubled its contribution, and others, as far as they are able, are endeavouring to meet the 35 percent target. In this, the United States stands in a special position having been the principal contributor throughout the years and more especially having exerted the leadership necessary for the Montreal Protocol to become a reality. We would hope that this same kind of leadership will obtain in these challenges facing UNEP, especially as it seeks to exploit the window of opportunity opened by the changing conditions of the world.

6. As more developing countries press the case for equity, UNEP is called upon to help translate this into a meaningful dialogue as we did in the discussions at Montreal. Given our solid relationship with industry and our encouragement for the development of environmentally benign technology, as well as reasonable procedures for its transfer, we believe that both the US Government and industry will have a critical role to play.

7. As US credibility increases in the environment field, we consider the proposed supplementary request, if approved, will send another clear signal to the world of the confidence that US places in the United Nations and the extent to which it is committed to strengthen the organization in discharging its duties. This is very much in keeping with the new spirit in the world which is placing a much higher value on the Organization as the world confronts a series of global challenges which can only be resolved through maximum co-operation and the solid support of such countries like the US, whose commitment to freedom and democratic principles is now becoming increasingly a new global value.

Mr. WIRTH. Mr. President, we have established a record of need. We have a very clear record of a job well done. And we have a very important set of new responsibilities being given to UNEP. We also have an administration that says it supports UNEP. For example, the administration, in the White House press release on the 70-nation declaration on climate change said that this administration urges all countries to join and intensify the ongoing work on the intergovernmental panel on climate planning with respect to the framework convention.

In addition, in his remarks at the IPCC meeting at Georgetown the President said, "The United States is strongly committed to the IPCC process of international cooperation on global climate change." I ask unanimous consent that these documents be printed in the RECORD as well.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

[From the White House, Nov. 7, 1989]

UNITED STATES JOINS 70 NATIONS IN UNANIMOUS CONSENT DECLARATION ON GLOBAL CHANGE

The United States is strongly committed to the IPCC process of international cooperation on global climate change. We consider it vital that the community of nations be drawn together in an orderly, disciplined, rational way to review the history of our global environment, to assess the potential for future climate change, and to develop effective programs. The state of the science, the social and economic impacts, and the appropriate strategies all are crucial components to a global resolution.

The stakes are very high; the consequences very significant. The United States remains committed to aggressive and thoughtful action on environmental issues.

[From the UNEP North American News]

Mr. Reilly: The community of nations today faces an array of daunting environmental threats—acid rain, global warming, wildlife habitat destruction, the loss of species, stratospheric ozone depletion. The earth's climate may change dramatically, and with it, life as we know it on this remarkable planet. UNEP can play a vital role in meeting these challenges.

UNEP helped to catalyze negotiation of the Vienna Convention and the Montreal Protocol on protection of the ozone layer, as well as the Basel Convention on Transboundary Movement of Hazardous Wastes and their Disposal. UNEP serves as an honest broker, bringing together governments to work on such difficult and potentially contentious issues as global warming and the protection of biological diversity. By providing an effective forum for negotiations among governments and for fostering solutions, UNEP can contribute a great deal to resolving the difficult issues we face. The 1992 Conference on Environment and Development should provide an ambitious agenda to guide UNEP well into the 21st century.

STATE DEPARTMENT STATEMENT

Last August, the State Department submitted to Congress a report which stated that "[UNEP's] programs provide the United States with a forum for making significant impact on the environmental policies of other countries, and an opportunity to address issues with transboundary implications." The report went on to say that UNEP's critical work and probable future role in the negotiation of a convention on global warming "warrants serious consideration by the United States of increasing contributions to UNEP through its environment fund, as called for at the May 1989 Governing Council meeting."

SUMMIT OF THE ARCH,
July 16, 1989.

PARIS ECONOMIC SUMMIT—JULY 1989

We advocate that existing environment institutions be strengthened within the United Nations system. In particular, the United Nations Environment Program urgently requires strengthening and increased financial support. Some of us have agreed that the establishment within the United Nations of a new institution may also be worth considering.

Mr. WIRTH. The Administrator of EPA, Mr. Reilly, in the UNEP North American News, also wrote a very strong statement about how important UNEP is, Mr. President. The State Department has also told us in testimony that UNEP's programs are extremely valuable.

Lastly, at the economic summit in Paris the United States stated that we advocate existing environmental institutions being strengthened within the United Nations system. The United Nations Environment Program is just such an institution.

What are we doing? The need is there. The world is changing. The administration says it supports this program but, unfortunately, when the UNEP came for an emergency supplemental of their own to try to fund these programs, the response was not very strong.

The Appropriations Committee suggested to the Foreign Relations Committee that the UNEP program be funded at the level of $17 million.

The administration, unfortunately, requested only $8 million. The Senate, thank goodness, appropriated $10 million last year and the House appropriated $12 million. We agreed with the House in conference and we were $5 million below the authorized level.

Since that time, a whole series of new programs have arisen, and the purpose of this amendment, Mr. President, is to get us back to the originally authorized level of funding and to a level that will meet the needs of this extraordinarily important international institution.

Where does the money come from? As I pointed out, it will come from the IMET Program, International Military Education and Training Program. One might ask, is there enough money in the program to do that? After all, we are spending only $48 million on IMET.

But, if we were to pick just two things that would equal the amount of the transfer, we could add together Spain and Korea. In Spain we have had a lot of base negotiation problems and the Koreans are doing very well,

thank you very much. It seems to me this change of events would suggest we certainly can move funding from this old cold war program designed for the world of 1950.

IMET is an old, cold war program. Let us transfer $5 million out of this program and put it to use in this very exciting, forward-looking United Nations program which deals with our priorities of the future.

Mr. President, I hope my colleagues will support this amendment as they reflect on the future of our national security concerns.

I yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from Rhode Island.

Mr. PELL. Mr. President, I am pleased to be a principal cosponsor of the pending amendment offered by my friend and distinguished colleague from Colorado [Mr. WIRTH]. This amendment, increasing funding for the United Nations Environment Program to $17 million, deserves the full and vigorous support of the entire Senate.

In recent years, environmental issues have occupied an increasingly prominent position on the world agenda. Exemplifying the importance of this area of global concern, the Paris Economic Summit held this past July included the environment as a topic for discussion—a fact that sets this Summit apart from the 14 that had preceded it. Of equal significance, fully a third of the final communique of the Summit was devoted to environmental issues.

As environmental issues have become an inextricable part of the complex framework of international affairs, the United States' contribution to the U.N. Environment Program has lagged. In fact, the U.S. contribution has fallen by 50 percent in real terms since 1977.

The United States spends some $5.5 billion annually on our own Environmental Protection Agency—money that is very well spent. But as the global nature of so many of our environmental problems are increasingly understood, it makes no sense that we spend less than three-tenths of 1 percent on the global effort.

Last August, the State Department submitted to Congress a report which stated that "[UNEP's] programs provide the United States with a forum for making significant impact on the environmental policies of other countries, and an opportunity to address issues with transboundary implications." The report went on to say that UNEP's critical on global warming "warrants serious consideration by the United States of increasing contributions to UNEP through its environment fund, as called for at the May 1989 Governing Council meeting."

Mr. President, UNEP played an integral part in developing the Montreal protocol to protect the ozone layer. It played a crucial role in developing the Cairo plan of action under which African nations have begun to cooperate in solving their environmental problems. UNEP's International Register of Potentially Toxic Chemicals is helping developing nations control these dangerous chemicals. UNEP's Regional Seas Program continues to further sound management of marine resources.

Now is the time to provide modest additional resources to allow UNEP to step up its important work. As requests from around the globe pour into UNEP for assistance, it is crucial that the United States strengthen its commitment to the only international organization devoted exclusively to protecting our global environment. I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield to no one in this body on my own strong record on the environment, including fighting for funding for the United Nations Environment Program. In fact last year I was the one who successfully argued and got a 25-percent increase in the administration's request for UNEP. We did that in the congressional operations bill last year. That was not an easy thing to do.

I supported the House in conference that led to an additional $2 million in UNEP. I included strong report language supporing UNEP in the committee report. So I do not have to lay out my credentials for support of this program.

I might also say I am not a strong supporter of the IMET program and I commend the Senator from Colorado for his own statements on that. I might say, unlike some who can just do the speaking when it does not involve them, there are a couple of very important IMET programs in Colorado and I commend his courage in speaking out on them.

I was the Senator who successfully pushed 2 years ago to set a ceiling on IMET for the high-income countries. I forced a $7 million reduction in the subcommittee for IMET in this year's appropriation. In fact I attempted to cut off IMET entirely for high-income countries in conference with the House and probably would have been successful in that except for the strong opposition of the other body.

I required a full-scale report on the IMET Program from the GAO. I commend that to everybody here when it comes out very soon. In fact, I made it very clear in the Foreign Operations Subcommittee that there are going to have to be reforms made in the IMET Program if it is to continue.

I intend to work strongly to see that UNEP is fully funded and adequately funded as we go on. But I intend to offer an amendment which will, in effect, be a substitute. I will be doing that soon on behalf of myself and the ranking member of the subcommittee, Senator KASTEN.

Before I do that, however, I wish to yield to my good friend, the Senator from Wisconsin, who has a statement.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, our primary concern is that the amendment, in order to fund $5 million in additional funding for UNEP, would reduce the International Military Education and Training Program by $7,500,000, a reduction of some 15 percent.

The $47 million available for IMET was itself a compromise, reached in the fiscal year 1990 appropriation bill. It was also a reduction to the administration's request.

Mr. President, we have received no formal request for additional funds for UNEP. We have no justification whatsoever that these funds are required, especially in the context of a dire emergency supplemental bill.

The senior Senator from Vermont and I as the chairman and ranking member of the Foreign Operations Subcommittee, increased funding for UNEP in the Senate version of the fiscal year 1990 appropriations legislation and agreed to a further increase when that bill was in conference. Our record of support for this institution, notwithstanding the problems it has had, is strong.

Therefore, it is regrettable that we must speak against further funding for a program for which we have fought so hard in the Senate. Indeed, the Foreign Operations Subcommittee under its last three chairmen has been the leader in almost all the international environmental issues which the Senate has considered. We do not take a back seat to anyone on issues confronting the environment in the international arena.

The amendment would create serious problems for the IMET Program, which is an important part of our security assistance policy. Cutting 8 percent of a program with less than half a fiscal year to go will surely result in wasted resources. The net effect of this reduction at this time could have the same efect as a 14 percent to 16 percent cut at the beginning of the fiscal year.

Mr. President, all of the fiscal year 1990 IMET money has been allocated. Because IMET programs are small, a cut of this magnitude would disrupt many of its ongoing 106 country programs and would result in cancellation of as many as 300 foreign students this year. IMET programs are the only security assistance the United States provides to many smaller countries.

Reduction in IMET may appear insignificant, but takes on great importance to smaller recipients.

In conclusion, a cut of this magnitude to any program in this stage of the fiscal year is simply not a reasonable way to proceed. I would hope that the Senator from Colorado would reconsider and withdraw his amendment.

AMENDMENT NO. 1571

Mr. LEAHY. Mr. President, I understand the way the procedure has been set up, there is room at this point for the distinguished Senator from Wisconsin [Mr. KASTEN] to offer an amendment. I ask unanimous consent it be in order for me to offer for myself and Senator KASTEN an amendment to the pending amendment.

The PRESIDING OFFICER. Hearing no objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. KASTEN, proposes an amendment numbered 1571.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

To the pending amendment, strike the first word "for" and all that follows through the end of the amendment, and insert in lieu thereof the following:

Of the funds made available in Public Law 101-167, for "International Organizations and Programs", an additional $5,000,000 may be made available for payment to the United Nations Environmental Program Fund, to carry out the provisions of section 2 of the United Nations Environmental Program Participation Act of 1983.

Mr. LEAHY. Mr. President, this amendment, if it is agreed to, will make up to $5 million of existing funds available to assist the United Nations Environment Program.

Let me say in offering this, Mr. President, the distinguished Senator from Colorado has been very strong and very forceful, as well as the distinguished Senator from Rhode Island, in speaking for the need for this. The distinguished Senator from Colorado has been even more forceful in the cloakrooms, in the elevator, the steps coming up here and the steps going out of here. I thought for awhile that he was actually my shadow over the past few days in arguing for this.

I hope that he will accept this as a way to go forward. It is not every single thing he has asked for. I think it is considerably more than was in there. I say that in telling him that I concur completely with him on the need to add funds to UNEP and the need to get controls on the other program, IMET. In my judgment, this is the best we can do in this bill.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I appreciate the cooperation of the distinguished chairman of the subcommittee. I understand where we are at this later hour on the bill and I appreciate the forbearance of my colleagues.

I would like to register my appreciation to the chairman and to the ranking member, the distinguished Senator from Oregon. I think that with this amendment we are starting to move away from the cold war mentality of the 1950's and to the environmental or the global mentality of the 1990's. This is a small step, but we often begin important journeys with small steps.

I hope, Mr. President, that as we get to conference and as we get into the 1991 funding, and I know how strongly the distinguished Senator from Vermont feels about the UNEP program and about environmental issues overall, the Members of the Appropriations Committee will keep a special eye for the UNEP program and all that we are asking them to do.

They will not get much help from the administration, unfortunately. The administration put out a set of talking points opposing this additional funding with the usual things saying the United States has strongly supported UNEP and boasting about their fiscal year 1990 request of $8 million which, in fact, was half of what was authorized and, in fact, two-thirds of what the distinguished chairman of the appropriations subcommittee got into the program. They boast about their requesting $10 million this year, a 25-percent increase over the fiscal year 1990 request, without pointing out that the fiscal year 1990 request is really pretty small and that, overall, what we see is a 50-percent decline in U.S. support for UNEP since 1977.

Mr. President, I ask unanimous consent to print in the RECORD the administration's talking points on this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNEP FUNDING

Provision: Provide an additional $5 million in FY '90 for the United Nations Environmental Program (UNEP).

The Administration *opposes* an additional $5 million in FY '90 for UNEP.

The United States is committed to the need to address environmental issues globally and *has strongly supported UNEP from its inception.* Furthermore, we have consistently maintained our standing as the largest contributor to the Environment Fund. Our FY '90 request of $8 million reflects this support.

The Administration's FY '91 request of $10 million for UNEP *reflects a 25% increase over our FY '90 request* and reaffirms the United States commitment to UNEP and to addressing environmental issues through international organizations and multilateral fora.

In addition to our request for UNEP, the President's FY 1991 budget includes *new* requests for contributions to three environmental programs within the IO and P account: FAO's Tropical Forestry Action Plan (TFAP), the World Meteorological Organization's Special Fund for Climate and Atmospheric Environmental Studies, and the International Tropical Timber Organization.

Mr. WIRTH. Having said that, I know that one of the things we are attempting to do is to raise the importance of this set of priorities. That is the purpose of this amendment. I greatly appreciate the understanding of the distinguished Senator from Vermont and the distinguished Senator from Oregon. I thank them very much. I will be most pleased to accept this amendment. Half a loaf is certainly better than none. I yield the floor.

Mr. LEAHY. Mr. President, I ask the distinguished Senator from Oregon, Senator HATFIELD, be named a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, this amendment provides that the administration may use an additional $5 million of the amount appropriated for international organizations and programs for the United Nations Environmental Program Fund.

I offer this amendment primarily because I cannot support the offset which the senior Senator from Colorado has suggested, which would have cut more than 15 percent of the International Military Education and Training Program. That program is one of the better programs we support, and such a cut would do a great deal of harm to our efforts to carry on relations with the military of many other countries. The IMET Program is the only general military assistance which teaches human rights as part of its curriculum and attempts otherwise to make the military of other countries much more sensitive to our principles and ideals. It would be tragic if that program were cut so drastically.

I think the Senator from Colorado makes a valid point that additional funds may be necessary for environmental programs and my amendment would allow the Administration to make use of funds from the IO&P account for that purpose. The total amount we provided for IO&P in this fiscal year is $265,115,000—obviously a much larger pot of money from which to seek funds than the $47 million the original amendment would have cited.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1571) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1572

Mr. HATFIELD. Mr. President, on the unanimous-consent agreement, I had a slot for offering an amendment and I would like to do that now at this time. I send to the desk an amendment on behalf of Senator BRADLEY and the chairman of the Appropriations Committee, Senator BYRD, and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. BRADLEY, for himself, Mr. BYRD, and Mr. HATFIELD, proposes an amendment numbered 1572.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 37 after line 12 insert the following:

SCHOOL IMPROVEMENT PROGRAMS

In addition to any other amount provided in this bill for "School Improvement Programs" an additional $4,000,000 is hereby provided to carry out the Javits gifted and talented education program as authorized by title IV, part B of the Elementary and Secondary Education Act of 1965, as amended: *Provided,* That $480,000 of the amount provided herein shall be derived by transfer from the funds appropriated in Public Law 100-436 for part E, section 465, of the Higher Education Act, as amended.

Mr. HATFIELD. Mr. President, this amendment adds $4 million to the Gifted and Talented Education Program. Only 12 percent of grant applications have been funded, and additional funds are desperately needed to extend this program to other States, as was intended in the original law. The amendment is deficit neutral as it is offset by reductions in the Student Loan Cancellation Program.

This amendment has been cleared on our side of the aisle, and I know of no objection on our side of the aisle. I yield to my chairman to speak for his side of the aisle.

The PRESIDING OFFICER. The Senator from West Virginia is recognized in his own right.

Mr. BRADLEY. Mr. President, I rise to offer an amendment to add $4 million for the Jacob J. Javits Gifted and Talented appropriation.

Mr. President, the Gifted and Talented Program is terribly important. The needs of these students are real. More than 50 percent of the identified gifted students achieve below their ability level, and few teachers in gifted education are properly trained to design curriculum for these students.

The additional funding will add to the $9 million current funding to establish a $13 million total appropriation. Out of 231 grant applications last year, only 28 applications, 12 percent, received Federal funding for gifted and talented education programs. That means that many outstanding programs went unfunded, including many in New Jersey, which has received no Federal support for gifted and talented education. I am particularly concerned that strong consideration be given to the New Jersey Education Information Resource Center [NJEIRC] Program.

New Jersey has yet to establish a comprehensive approach to teaching gifted and talented students, particularly those students in urban areas. The NJEIRC has proposed to establish a center to act as the network headquarters for the program's schools. The NJEIRC has developed a comprehensive model to address the problems of underrepresentation in gifted and talented programs for the economically disadvantaged, those with limited English speaking ability, and minority groups. Their proposal addresses the major problems that, in the past, have hindered the development of effective gifted education programs in our cities.

Mr. President, gifted and talented children represent an invaluable national resource, one that remains sadly underdeveloped. I truly believe that our leadership position in the world depends on our commitment to our youth. Our goal must be to do everything in our power to help all students reach their potential level of intellectual development. This small increase of funding is a step in the right direction to achieve this end.

Mr. BYRD. Mr. President, this amendment has been cleared on this side, and I recommend its adoption by the Senate.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1572) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I am pleased that the Senate has finally completed action, almost; we have one other amendment on which there has been a rollcall vote ordered. I am pleased that the Senate will very soon complete action on the fiscal year 1990 dire emergency supplemental appropriations bill. This bill was reported by the Appropriations Committee on April 24 and has been considered on the Senate floor now—this is the fifth day. The Senate is in its fifth day of consideration of this bill. The Senate, I believe, has adopted more than 170 amendments.

There are many who are anxious to see action on the bill completed quickly. The President wants the aid to Panama and Nicaragua, which is included in the bill, in the amounts of $420 million and $300 million respectively. Many in Congress have championed additional funds in the bill for disaster relief.

Mr. President, I wish to thank my distinguished colleague, Senator HATFIELD, the ranking Republican on the committee, for his cooperation and support throughout the process in this bill from the markup to the managing of the bill on the floor.

I want him to know how much I appreciate his strong support, and it has been effective support, his teamwork and his cooperation, and especially his friendship.

The senior Senator from Vermont [Mr. LEAHY], who is the chairman of the Foreign Operations Subcommittee, also deserves a special thanks for his very diligent and careful scrutiny of the foreign assistance requests which were considered by the Senate.

I thank the other members of the committee on both sides of the aisle—the other chairmen and ranking members of the subcommittees that were particularly involved in the bill.

Their cooperation is very much appreciated, as is the cooperation of all Members of the Senate in the processing of this complicated dire emergency supplemental appropriations bill.

I express my heartfelt thanks to the majority leader and to the Republican leader. They have demonstrated strong leadership and strong support in moving this bill along. Both the majority and minority leaders worked hard on this bill to develop time agreements, and I am very grateful to them.

I thank also the members and the staffs of the Senate Appropriations Committee. I thank the members of my own staff—Jim English, the director of the Senate Appropriations Committee staff, and all the subcommittee staff on my side of the aisle, and the clerical staff. And I also thank the members of the minority staff who likewise worked hard and who showed a similar dedication toward their work. It is this fine dedication and teamwork on the part of the staffs that follows through on the teamwork that is demonstrated by the chairman and the ranking member and the members on both sides of the aisle on the committee, and without that professional work on the part of staffs, we certainly would find it extremely difficult to carry on our services in behalf of the people.

All of the committee staff members are very professional, and they work well together on both sides of the aisle. This helps the members to complete their work expeditiously and effectively.

Mr. President, I ask unanimous consent that a letter by Robert D. Reischauer, Director of the Congressional Budget Office, dated April 27, addressed to the Honorable JAMIE L. WHITTEN, chairman of the Committee on Appropriations, U.S. House of Representatives, with copies to the Honorable SILVIO CONTE and the Honorable MARK O. HATFIELD and to myself, be included in the RECORD, together with a letter addressed jointly to me and to Mr. HATFIELD by Senators SASSER and DOMENICI.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, April 20, 1990.

Hon. ROBERT C. BYRD,
Chairman,
Hon. MARK O. HATFIELD,
Ranking Member, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR HATFIELD: This is to recommend for inclusion in H.R. 4404, the fiscal year 1990 Dire Emergency Supplemental Appropriations bill, an amendment regarding the budgetary treatment of the Resolution Trust Corporation.

The amendment addresses technical budgetary changes that are consistent with the intent of the Financial Institutions Reform, Recovery and Enforcement Act of 1989. The amendment will prevent enormous swings in the deficit which would distort the true amount of deficit reduction needed to meet the Gramm-Rudman-Hollings deficit targets. Without this amendment, the estimated deficit and the resulting sequester could be artificially increased by tens of billions of dollars for fiscal year 1991 without changing the long-term deficit reality.

This language has the support of the chairman and ranking members of the Banking, Housing, and Urban Affairs Committee. The Office of Management and Budget has no objection to this language or its inclusion in the supplemental.

We hope that you will agree that we need to accomplish this goal. We look forward to working with you on this matter. Thank you for your assistance.

Sincerely,

JIM SASSER,
Chairman.
PETE V. DOMENICI,
Ranking Member.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 27, 1990.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in response to a request by your Committee for our interpretation and the budget impact of section 320 of H.R. 4404, the Dire Emergency Supplemental Appropriations Act for 1990, as reported by the Senate Committee on Appropriations.

Section 320 would amend the Balanced Budget and Emergency Deficit Control Act of 1985 (the so-called Gramm-Rudman-Hollings Act) to effectively exclude the activities of the Resolution Trust Corporation (RTC) from sequestration calculations and from the Congressional budget resolution procedures. Two new sections would be added to Section 251(a)(6) of the Balanced Budget Act, which govern the calculation of the budget baseline and the need for deficit reductions. The first new section, subparagraph L, would exclude from the budget baseline and deficit calculations the RTC use and repayment of loans from the Federal Financing Bank [FFB] that are used for working capital requirements in resolving the savings and loan problem. The second new section, subparagraph M, would require that all other offsetting collections and disbursements of the RTC be assumed to net to zero in calculating the budget baseline and the budget deficit, beginning with the 1991 budget. The combined effect of the two sections is to remove effectively any budget impact of the RTC from the Balanced Budget Act calculations and also from the Congressional budget resolution estimates.

Section 320 would have no effect on the Congressional budget scoring for the current fiscal year because the 1990 budget resolution made no assumption for RTC working capital needs, and because subparagraph M would not apply to 1990. The budget effect for 1991 depends upon whose estimate is used for the RTC activities. In CBO's analysis of the President's proposals for 1991, we estimated that the RTC would have net outlays of $31 billion in fiscal year 1991 and net receipts of $13 billion in fiscal year 1992. The President's January budget, in contrast, estimated $7.3 billion in net outlays by the RTC in 1991. A detailed discussion of our baseline projections of RTC spending is contained in Appendix A to our March 1990 report, "An Analysis of the President's Budgetary Proposals for Fiscal Year 1991." I am enclosing a copy of this discussion for your information.

The budgetary impact of RTC activities is highly uncertain both with respect to the ultimate cost of resolving the savings and loan problem as well as the year-to-year cash flows. Closing or selling hundreds of insolvent thrifts may involve potential swings of tens of billions of dollars from year to year. For example, the CBO baseline estimates for 1991 and 1992 show a swing of $44 billion for RTC net spending.

CBO's baseline estimates were made in late February when there was very little information available from the Administration about the RTC spending plans. Therefore, we had to make a number of critical assumptions that are subject to change as more information becomes available. One assumption, for example, was that the RTC would borrow $24 billion from the FFB in 1990, and another $31 billion in 1991. Recently, the RTC Oversight Board approved plans to borrow $45.3 billion from the FFB during the current calendar year quarter, which ends June 30. If the RTC were to borrow this amount and spend it before September 30, our current deficit estimate for 1990 of $159 billion would be too low by $21 billion. It would also lower our baseline deficit estimate for 1991 by a corresponding amount. This is another illustration of the potential volatile impact of RTC activities for the federal budget.

CBO has argued for some time that RTC spending should be included in the budget totals but largely excluded from the Balanced Budget Act calculations. The rationale for the exclusion is that such spending does not affect national saving in the way that most federal spending does. Unlike most recurrent federal expenditures, RTC spending for thrift resolution involves only an exchange of one asset or liability for another. These transfers to assets leave private income and wealth unchanged, and thus do not affect saving or consumption.

Excluding most RTC activities from the deficit calculations in the Balanced Budget Act would also be consistent with the current treatment of asset sales under the act. The act excludes nonroutine asset sales from the budget baseline used to compute the spending cuts under the automatic deficit reduction provisions. It is unclear whether RTC asset sales under current law are covered by this exclusion. Unless a statutory change is made, the Office of Management and Budget would have to make its own interpretation. If OMB were not to count RTC asset sales as receipts, it would certainly make sense for the Congress also to exclude RTC's expenditures of working capital to acquire these assets. Counting asset acquisitions but not sales against budget targets would overstate outlays over time and needlessly and inconsistently bias budget policy toward fiscal contsraint.

CBO's argument for excluding RTC activities from the Balanced Budget Act does not apply of its interest expenses. RTC's interest outlays for its working capital borrowing from the FFB are not merely an exchange of assets but represent a true increase in the government's cost. Section 320 of H.R. 4404 would exclude these interest costs as well as all other RTC activities. CBO's baseline estimates of RTC's interest payments to the FFB are $3 billion for 1991 and $4 billion for 1992.

I hope that this information meets your needs.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO'S BASELINE PROJECTIONS OF RTC SPENDING

The Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), enacted in August 1989, established the mechanisms for dealing with the savings and loan crisis. The Federal Deposit Insurance Corporation (FDIC), through the Federal Savings and Loan Insurance Corporation (FSLIC) Resolution Fund, is to complete the resolution of institutions sold before March 1989. The Resolution Trust Corporation (RTC) is to close or sell savings and loan institutions that are currently insolvent or expected to fail through August 1992, and the new Savings Association Insurance Fund (SAIF) is responsible for dealing with problem thrifts after that date.

The legislation provided the RTC with $50 billion to close or subsidize the sale of hundreds of insolvent thrift institutions—$18.8 billion from the Treasury, $1.2 billion from the Federal Home Loan Banks, and another $30 billion to be borrowed through the off-budget Resolution Funding Corporation (REFCORP) starting in 1990. The $50 billion was intended to pay for insurance losses that could never be recovered. In the process of resolving the problem thrifts, however, the RTC will need cash far in excess of the $50 billion authorized by FIRREA to finance the purchase of assets that will subsequently be sold. For example, if an institution has assets with a book value of $100 million and insured liabilities of $130 million, a liquidation could require the RTC to spend $130 million immediately in cash to pay off creditors. It is further possible that an amount less than the book value would be recovered in future years as assets were sold, say $70 million. In this example, up-front cash of $130 million would be nec-

essary, even though the ultimate loss would be only $60 million. Theoretically, the use of working capital is temporary. But if recoveries from asset sales are less than initially estimated, some of the working capital may not be repaid and the government's ultimate losses will increase.

The need for working capital appears to be substantial. The Administration has indicated a range of $40 billion to $100 billion—because the least costly method of resolving many institutions is believed to be through liquidations or "clean-bank" transactions, which require the RTC to strip out bad assets and sell them separately. Such transactions require much more up-front cash than selling or merging the entire institution. RTC's authority to borrow working capital for this purpose is not unlimited, however. FIRREA effectively caps RTC's obligations so that its liabilities may not exceed its assets, with assets in receivership valued at 85 percent of their net realized value, an amount that cannot be known at the time and would have to be estimated. FIRREA does not specify the source of working capital or the form that the borrowing could take.

The Department of Justice recently clarified the legal authority of the RTC to raise working capital by borrowing from the Federal Financing Bank (FFB), and the RTC Oversight Board has announced that the RTC will begin borrowing from the FFB very soon. Funds borrowed from the FFB will add to the federal deficit when spent. Another potential source of working capital is the RTC's $5 billion line of credit with the Treasury, although the RTC expects to use this source of funds primarily for emergency purposes. In addition, the RTC could use private markets to raise off-budget funding for insolvent thrifts to supplement its FFB borrowing, but this form of financing would be more costly and has limited usefulness.

BASELINE PROJECTIONS FOR THE RTC

The budgetary impact of spending by the RTC is still highly uncertain, even for 1990 and 1991. Closing or selling hundreds of insolvent thrifts may involve potential swings of tens of billions of dollars from year to year, depending on a host of interrelated factors that are extremely difficult to predict, including:

The number of institutions that the Office of Thrift Supervision will identify for the RTC caseload;

The form of the resolutions, with liquidations requiring much larger cash expenditures up front than assisted acquisitions, but resulting in more cash income in subsequent years;

The order in which cases are resolved: if institutions with larger losses are resolved first, there will be greater spending in initial years;

The pace of resolutions, which has been slow to date;

The form and timing of borrowing of working capital; and

The timing and value of asset sales.

Also, the RTC could take steps that would increase or accelerate its use of working capital and affect the budget as well. For example, it could delay some or all of the REFCORP borrowing, thus shifting outlays from 1991 to 1990. Such a delay would also allow the RTC to borrow working capital equal to 100 percent of the unused REFCORP borrowing authority, whereas if the REFCORP funds were used to purchase assets, borrowing for working capital would be limited to 85 percent of the value of the assets acquired. Also, it could overvalue some of its assets, thus allowing additional borrowing, and could seek Congressional approval, without statutory changes required, to make use of its legal authority to incur net obligations beyond $50 billion. (FIRREA technically allows the RTC to spend a net of $68.8 billion, though the higher figure was apparently unintended.)

Given these uncertainties and the volatile nature of spending for this purpose, a number of assumptions had to be made in updating the CBO baseline to include the RTC's use of working capital. The baseline assumes that $24 billion will be borrowed from the FFB in 1990, and another $31 billion in 1991. Other critical assumptions are spelled out below. The net result is to increase CBO baseline projections for RTC outlays by $19 billion in 1990 and by $26 billion in 1991 from the January baseline levels (see Table A–3). Because this additional spending in 1990 and 1991 would permit the acquisition and subsequent sale of more assets, baseline outlays in later years are negative, and below previous estimates by a total of almost $25 billion over the 1992–1995 period.

THE BASELINE COMPARED WITH THE PRESIDENT'S BUDGET

The President's budget provides few details about the assumptions used to estimate spending for the RTC over the next five years, and several financial statements normally included are missing. In the President's 1991 budget request, the RTC uses only limited working capital, largely by spending previous appropriations and REFCORP funds for temporary lending to thrifts to replace funds borrowed at high interest rates. These loans are technically repaid and that cash is reused when the institution is finally closed. Proceeds from asset sales are also used for working capital.

The CBO reestimate of the President's budget is identical to the baseline, because no legislation is proposed in the budget. Thus, CBO's estimate of RTC outlays exceeds the estimates in the President's budget by about $31 billion in 1990 and $24 billion in 1991, but is lower by $13 billion in 1992 and 1993, $10 billion in 1994, and $7 billion by 1995 (see Table A–3). A more detailed discussion of the assumptions underlying the CBO baseline follows.

TABLE A–3.—CBO AND ADMINISTRATION ESTIMATES OF RTC SPENDING

[By fiscal year, in billions of dollars]

	1990	1991	1992	1993	1994	1995
CBO February baseline and reestimate of the President's budget	33.0	31.0	−13.0	−13.0	−10.0	−7.0
CBO January baseline	14.0	4.9	−3.5	−6.9	−4.8	−3.3
Change from January to February	19.0	26.1	−9.5	−6.1	−5.2	−3.7
President's 1991 budget	2.3	7.3	0	0	0	0
Difference from February baseline	30.7	23.7	13.0	13.0	10.0	7.0

Source: Congressional Budget Office; Office of Management and Budget

BASELINE ASSUMPTIONS

The CBO baseline assumes that the RTC will borrow from the FFB until it reaches the statutory cap on its outstanding obligations. However, there is some uncertainty about the amount of this cap. While it appears that the intent of the Congress was to limit the RTC to net spending of no more than $50 billion, the formula limiting RTC's obligations in FIRREA failed to include Treasury appropriations of $18.8 billion in 1989. Thus, FIRREA technically allows the RTC to spend a net of $68.8 billion. The Administration has indicated that it will honor the $50 billion ceiling, and the General Accounting Office, when calculating RTC's net cumulative losses, will assume that the $50 billion limitation applies. Consistent with this treatment, the CBO baseline assumes that the RTC will borrow as much as it can pay back from liquidating assets, while realizing net losses of no more than $50 billion over time.

A key to determining the amounts the RTC is likely to borrow are the expected proceeds from the sale of assets, which represent the second largest source of cash to the RTC. Estimating the pace and size of sale proceeds realized by the RTC is highly speculative, given that there is little historical precedent for sales of this magnitude, and given the competing goals of minimizing the losses to the federal government, minimizing the effects of disposal of assets on local economies, and generating sufficient cash for case resolutions. CBO's estimates assume that the RTC will recover an average of about 70 percent of the estimated value of assets at the time they are acquired. Collections are expected over an eight-year period after the assets are placed in receivership; more than 75 percent of the collections is expected in the first four years. CBO's caseload projections are based on RTC's priorities for selecting cases for resolution.

CBO estimates that the RTC could borrow about $55 billion in working capital and pay it back from asset sales over the next 10 years. During the 1990–92 period, cash raised by the Resolution Funding Corporation ($30 billion), remaining 1989 Treasury contributions ($9 billion), asset sales ($37 billion), repayments of advances ($11 billion net), and FFB borrowing ($55 billion) would allow the RTC to spend about $120 billion on case assistance, and make interest ($8 billion) and principal ($13 billion) payments to the FFB (see Table A–4).

TABLE A–4. PROJECTED USES AND SOURCES OF RTC CASH, FISCAL YEARS 1990–92

[In billions of dollars]

	1990	1991	1992
RTC disbursements:			
Case resolutions	62	55	3
Advances (loans) to thrifts	2	0	0
Interest payments to FFB	1	3	4
Principal payments to FFB	0	0	(13)
Total disbursements	65	58	20
RTC sources of cash:			
REFCORP funding	19	11	0
Asset sales	4	14	19
Repayment of advances	9	3	1
Treasury appropriations	(9)	0	0
FFB borrowing	(24)	(31)	20
Total sources	65	58	20
Net outlays	33	31	−13

Notes.—Items in parenthesis do not count toward the calculation of RTC's budget outlays. RTC principal repayments to the FFB are repayment of agency debt, and do not add to the deficit. Treasury appropriations and proceeds from FFB borrowings are a means of financing agency spending, and do not count as offsetting collections to the RTC or reduce outlays. RTC = Resolution Trust Corporation; FFB = Federal Financing Bank; REFCORP = Resolution Funding Corporation.

Source: Congressional Budget Office.

RTC'S ADDITIONAL FUNDING NEEDS

The $120 billion included in the baseline for RTC case resolutions for 1990 through 1992 is probably sufficient to resolve 250 to 350 insolvent institutions, but is almost cer-

tainly not enough to resolve the 500 to 600 institutions now in the RTC caseload or expected to join it during the next three years. Almost all of that spending is expected to occur before the end of 1991, when the RTC would run out of cash—both for insurance losses and for working capital. CBO now estimates that by 1992 the RTC will need at least an additional $25 billion to $30 billion for net losses, plus working capital of at least the same amount, in order to resolve the entire inventory of 500 to 600 insolvent thrifts. This estimate does not include costs for additional thrifts that are likely to become insolvent in the next few years. Under current law, SAIF would have to handle cases that remain after the RTC authority to resolve cases ends in 1992.

THE BUDGET TREATMENT OF RTC SPENDING

The President's budget distinguishes between two types of working capital: "normal," which is repaid from asset sales within months, and "extraordinary," which is repaid from asset sales over a long period of time. The normal working capital, which is included in the President's budget, is paid off within a fiscal year and has little impact on the deficit.

The President's budget makes a case for excluding the "extraordinary" working capital from the budget calculations used to determine sequestration amounts under the Balanced Budget Act. CBO agrees that such spending has no real economic effect. Moreover, the cash-based budget is ill suited for measuring the long-term impact of taxpayers of RTC's activities, which increase the deficit in early years while lowering it in later years when the proceeds from asset sales off-set other government spending.

The Balanced Budget Act excludes asset sales from both the budget baseline and the calculation of budgetary savings—except for "routine, ongoing" asset sales or sales previously mandated by law. It is not clear whether RTC asset sales are covered by the exclusion; if they are, so that asset sales would not count as receipts, it would also make sense not to count RTC's expenditure of working capital to acquire the assets. Counting asset acquisitions but not sales against budget targets would overstate outlays over time and needlessly and inconsistently bias budget policy toward fiscal constraint. Nonetheless, the act contains no provision that would allow this difficulty to be resolved, and CBO believes that a statutory change would be required to exclude the spending of working capital from the deficit totals used for the Balanced Budget Act.

Indeed, a clear economic case exists for excluding from the act's baseline deficit calculation all of RTC's net expenditures except payment of interest on RTC's debt to the FFB. (Repayment of principal does not count as an outlay in any event.) This case is based on the fact that such spending does not change the government's balance sheet and does not affect national saving in the way that most federal spending does. The same case cannot be made for the interest on government borrowing, whether through the FFB, REFCORP, or the Treasury. (Table I-5 shows CBO's deficit estimates excluding noninterest outlays of the RTC.)

Mr. BYRD. Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I commend the distinguished chairman of the committee and the ranking member for their perseverance, patience, and steady leadership in guiding the bill to this point. I appreciate very much their efforts. It has been very difficult.

We are all familiar with the rules of the Senate, which permit unlimited debate and unlimited amendment, but I think the managers have handled the bill very well, and I am pleased that we are at this point.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quourm call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I and the distinguished Republican leader and the managers are unaware of any Senator who wants a rollcall vote on final passage of this bill. I had earlier discussed the matter with some of my colleagues who had requested it, but they are now agreeable to proceeding without a rollcall vote on final passage.

I accordingly ask unanimous consent that the rollcall vote on final passage be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I also ask that unanimous consent that upon the disposition of this matter, the time between then and 7 p.m. be for debate on the pending cloture motion on the motion to proceed to S. 135, the time to be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues, and I now yield the floor.

VOTE ON AMENDMENT NO. 1569

The PRESIDING OFFICER. Is there further debate on amendment 1569?

There is no further debate. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Tennessee [Mr. GORE], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—73

Armstrong	Bryan	Danforth
Biden	Burns	DeConcini
Bingaman	Byrd	Dixon
Bond	Coats	Dodd
Boschwitz	Cochran	Dole
Bradley	Cohen	Domenici
Breaux	D'Amato	Durenberger
Ford	Kerry	Pryor
Garn	Kohl	Reid
Glenn	Lautenberg	Riegle
Gorton	Levin	Rockefeller
Graham	Lieberman	Roth
Gramm	Lott	Rudman
Grassley	Lugar	Sarbanes
Hatch	Mack	Shelby
Hatfield	McCain	Simon
Heflin	McClure	Specter
Heinz	McConnell	Stevens
Helms	Mikulski	Symms
Hollings	Mitchell	Thurmond
Humphrey	Moynihan	Wallop
Jeffords	Murkowski	Wilson
Johnston	Nickles	Wirth
Kassebaum	Packwood	
Kasten	Pressler	

NAYS—24

Adams	Daschle	Metzenbaum
Baucus	Exon	Nunn
Boren	Fowler	Pell
Bumpers	Harkin	Robb
Burdick	Inouye	Sanford
Chafee	Kennedy	Sasser
Conrad	Kerrey	Simpson
Cranston	Leahy	Warner

NOT VOTING—2

Bentsen	Gore

So the amendment (No. 1569) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, it is with some reluctance that I am forced to oppose this appropriations bill. It has a number of essential provisions in it that I strongly support, such as vital additional money for the Head Start, Food Stamp, Unemployment Insurance, and Pseudorabies Eradication programs. I also want to say, at the outset, that I endorse and support the $400 million in off-budget housing loan guarantees for Israel.

I cannot, however, support the levels of funding this bill provides for Panama and Nicaragua. I therefore supported Senator BYRD's attempt to significantly lower the amount of assistance the bill provides for Panama. I was greatly disappointed that this modest, sensible amendment was defeated on a very narrow 51-to-48 vote.

I also want to make it crystal clear that I think it was a huge mistake not to adopt the Wirth-Dixon amendment to provide for additional U.S. attorneys and additional FBI agents to deal with the tremendous backlog of S&L fraud cases. There are over 20,000 case referrals and over 2,327 inactive cases that the Department of Justice has not been able to pursue yet because they simply do not have enough FBI agents and attorneys to do so. This backlog is appalling. What makes it even worse is the fact that over 1,300 of the inactive cases, and literally thousands of the referrals, involve cases of fraud and embezzlement of amounts over $100,000.

Unfortunately, we cannot get back every nickel that was stolen. However, I do not think that the American people will forgive us if we do not make every attempt to get every penny that we can.

I think that the Senate would have adopted the Wirth-Dixon amendment, and I think it was unconscionable that a procedural device was used to prevent the Senate from working its will.

As to the Panama and Nicaragua assistance, I want to make it clear that I do not object to the concept of providing some assistance to these two countries. Indeed, I think a good argument can be made that some amount of assistance is in our national security interest.

The Panama Canal is a transportation facility of undoubted strategic importance. We sent troops into Panama earlier this year because of our strategic interests there, and because of another crucial American interest—our interest in doing everything we can in the war on drugs. We do, therefore, have interests in Panama, and some United States assistance may be appropriate to protect our interests.

The same thing is true in Nicaragua. We spent well over $300 million over the last 8 years or so in an effort to bring democracy to Nicaragua. That effort has now succeeded, but the local economy there is in shambles and some degree of United States help may be a good idea.

Having said that, however, I must also say that this bill is not the place to provide that help. This is a dire emergency supplemental. It should only be used to supplement ongoing programs where the need is critical. This is no place to begin new programs, yet that is exactly what this bill does with respect to Panama and Nicaragua.

This bill gives us no way to judge budgetary priorities. It does not help us decide how to allocate our foreign assistance budget among the many worthy competing needs. It gives us no way to determine how our foreign assistance budget fits into our overall budget. It doesn't tell us how to balance foreign aid with domestic needs.

This bill doesn't do these things because a supplemental cannot do them. It is not designed to do them. That process can only take place in the budget resolution and in the regular, annual appropriations bills.

We are only weeks away from considering the budget resolution. The regular fiscal year 1991 appropriations bills will be before us soon after that.

Today is therefore the wrong day to be debating assistance to Panama and Nicaragua. An urgent supplemental is not the place to create new spending programs without the regular procedural protections that help us judge spending priorities.

We have a lot of pressing needs here at home—needs that are, at best, being inadequately met in the Federal budget. Before we add major new foreign assistance moneys to the budget, I want to be satisfied that crucial domestic priorities are not being sacrified. That means being able to look at both the entire foreign aid budget and our domestic budget at once. That cannot be done today, and, for these reasons, and the other reasons I mentioned earlier, I must therefore vote against this legislation.

VETERANS HEALTH CARE

Mr. CRANSTON. Mr. President, I rise today to urge my colleagues' support for the $94 million supplemental appropriation included in the bill for the Department of Veterans Affairs health-care system for the current fiscal year. On April 3, 1990, the House of Representatives passed the fiscal year 1990 dire emergency supplemental with $50 million for the VA medical care account. Although I applaud the worthwhile efforts of the House, I am convinced that more is needed to keep the VA health-care system on track this year, and I am delighted that the Senate Appropriations Committee heeded the urgent recommendations presented by the Senator from Arizona [Mr. DECONCINI] and myself to provide a substantial increase over the House add on. This major supplemental appropriations bill will, if the House agrees, stop the financial hemorrhaging in VA facilities across the country.

This supplemental, coupled with the President's promising VA budget request for the medical care account for fiscal year 1991, can signify the turning point in the long struggle to enable VA to get back on its feet again. We've got to provide a period of stability so the system can catch its breath and focus on providing high-quality health care rather than responding to fiscal emergencies every day.

The current crisis in VA medical care has been brewing for the last several years and is the result of seriously inadequate administration requests combined with inaccurate administration representations regarding the needs of the VA health-care system. Over the last 4 fiscal years alone, fiscal year 1987–1990, Congress has added over $1.7 billion to the administration's appropriations requests for VA medical care. Even those increase, however, proved to be inadequate to maintain the VA health-care system at the program levels intended by the Congress. Hidden shortfalls in funding for the direct costs of patient care repeatedly forced VA to divert funds from equipment and maintenance and repair in order to keep staffing and workload levels at or close to intended levels.

Eventually, this kind of cannibalization of equipment and other nonrecurring funding was pushed beyond tolerable limits. The amounts available for diversion to direct care costs were exhausted; VA's direct care capacity fell off; and enormous backlogs of new and replacement equipment, prosthetics, and maintenance and repair needs developed. Many VA medical centers were forced to cut back in various ways. They reduced staff; they closed beds and even entire wards; they shut down innovative and effective programs, such as, for example, drug and alcohol treatment and hospital-based-home-care programs; they curtailed community nursing home placements; and they postponed activations of completed facilities.

That was the kind of situation that was overwhelming VA health-care programs when, in September 1988, I chaired hearings that highlighted the severe funding problems in that system. At the hearing, the committee heard strong and consistent testimony from the witnesses that this was the worst fiscal crisis they had ever seen in VA. To address the severe funding issues that faced VA in fiscal year 1989, I initiated and was joined by 24 Senators in an October 1988 letter to President Reagan, and by 41 Senators in a January 1989 letter to President Bush, urging submission of an fiscal year 1989 supplemental appropriation. The fiscal year 1989 $345 million supplemental that was finally enacted on June 30, 1989, was just over half of the amount I had recommended but was $42 million more than the President had finally requested on March 24, 1989. These funds were use to begin rebuilding VA's staffing level and restoring programs and services which had been closed down or curtailed as well as to make a major reduction in the prosthetics backlog and a small dent in the equipment backlog.

The fiscal year 1990 VA, HUD, and Independent Agencies Appropriations Act was enacted on November 9, 1989, as Public Law 101–144 with an appropriation of $11.434 billion for VA's medical care account. That amount, combined with the $50 million appropriated for that account for VA drug-abuse treatment programs in the Department of Transportation appropriation measure (Public Law 101-164), exceeded the administration's request by $743 million. When these appropriations were enacted, it seemed that the funding level for fiscal year 1990 should be minimally adequate though probably austere. Unfortunately, at the beginning of fiscal year 1990, there was a $252.4 million shortfall due to a $158.4 million Gramm-Rudman sequestration and a $94 million VA miscalculation in personnel costs. This shortfall continues to pose

a grave threat to VA health care in the current fiscal year.

Because of the dire situation that VA facilities are facing in the current fiscal year, 40 Senators joined me in a bipartisan letter that I sent to President Bush on December 22, 1989, urging him to submit a request for a fiscal year 1990 supplemental. Two months later, on February 27, 1990, I personally delivered to President Bush a second bipartisan letter signed by 52 Senators and making the same appeal. Since no such request was submitted, Congress has taken the initiative to provide added funding.

At the Veterans' Affairs Committee's February 23 hearing, VA's then Chief Medical Director testified that "the budget in the hospital system now is approximately at the same level we were a year ago". A year ago, we were told that VA was experiencing a fiscal crisis; as I have noted, witnesses in September 1988 characterized the fiscal condition of the VA health-care system as the worst fiscal crisis that VA had ever faced. Thus, this year, according to VA's Chief Medical Director, the situation is still that bad.

Also at the February 23 hearing, VA field witnesses from the Baltimore, Chicago, Seattle, and Gainesville VAMC's testified under oath about specific funding shortfalls at their facilities. All four witnesses stated that community nursing home placements have been reduced, generally from 6 to 3 months. They also noted reductions in patient workload and serious equipment needs. Dr. Stanley Geyer, chief of staff at the Seattle VAMC, said that he had brought with him "a 20-some page list of equipment that we need to buy at the Seattle Hospital." Joseph Moore, director of the Lakeside VAMC in Chicago, said that replacement equipment funding "continues to be bad for us" and funding for new equipment "gets worse each year." Malcolm Randall, director of the Gainesville VAMC, stated that the VA facility is "turning away people who apply for care who feel that they are entitled to care." Barbara Gallagher, director of the VAMC in Baltimore, said that the VA facility is not furnishing inpatient care to any category B or C veterans. The other witnesses stated that their facilities were seeing very few category B or C veterans.

After this budget hearing, I received, from Secretary of Veterans Affairs Edward Derwinski, a March 15, 1990, letter which stated that "current fiscal year 1990 funding—$72 million more than we had estimated we would need * * * will permit a balanced program in which VA will provide care to all service-connected and low-income veterans expected to seek care this year." Unfortunately, Secretary Derwinski's assertion is not borne out by the facts. The $72 million VA calls extra is actually not even enough to maintain current services. Jack Powell, the executive director of the Paralyzed Veterans of America, put the issue well at the committee's April 4 hearing on the future structure of the VA health care system when he asked, "Is it an honest, objective assessment if you start out from the standpoint that you have a $72 million surplus while your hospitals are indicating millions of dollars of shortfall?"

Even in the short time since our February 23 hearing on the budget, further cuts have been made to important programs and services across the VA health care system. For example, the Martinez, CA, VAMC has recently closed a 45-bed ward and put a freeze on hiring. The Salem, VA, VAMC reported a $1.57 million fiscal year 1990 shortfall as of January 31, 1990. According to a January 8–11, 1990, survey by a field representative of the Veterans of Foreign Wars, the San Francisco VAMC will experience a shortfall of nearly $5 million in fiscal year 1990. A report based on a January 29–February 2, 1990, visit by field representatives of the American Legion to the Birmingham, AL, VAMC notes that there is a fiscal year 1990 budget shortfall of approximately $500,000, which has prompted such actions as the reduction of 20 FTE, delays in filling vacant positions, and inadequate beds in the blind rehabilitation center to meet the demand for such services. A survey of the same facility by field representatives of the Veterans of Foreign Wars during January 8–12, 1990, placed the fiscal year 1990 shortfall at $1.5 million.

In a January 18, 1990, VA document entitled "Budgetary Implications for Fiscal Year 1990," the Minneapolis, MN, VAMC reported:

> The Department of Veterans Affairs health care system has been plagued by severe underfunding in Fiscal Year 1989 and it appears that this situation will not reverse itself in fiscal year 1990. * * * Financial restrictions have * * * [made] it impossible to fully utilize the new Medical Center. Unfunded salary costs, as well as mandatory absorption of other costs, has continued to compound difficulties in meeting both workload demands and mandated employee levels.

These financial restrictions mean that the Minneapolis VAMC will be unable to complete activation of the 80 remaining beds in its extended-care center, unable to activate of the Twin Ports Outpatient Clinic, and unable to fill approximately 100 vacant positions. In addition, there will continue to be a shortfall for the costs of medical supplies and long waiting lists for care.

A March 21, 1990, VA inspector general review of the Portland, OR, VAMC points to budget problems at this facility as well. The IG concluded:

> "The medical center does have a resource shortage problem which has led to the diversion of some patients to community hospitals, a limited hiring freeze, cut backs in selected services, the closing of one ward, and not opening another ward. * * * The medical center would require a substantial amount of funds (currently estimated by the medical center a $10.9 million) to open closed wards and provide a full range of medical services to all veterans.

The Lincoln, NE, VAMC had to reduce staffing by 11 and convert $383,000 from previously restricted accounts in order to get through fiscal year 1989. During fiscal year 1990, the Lincoln facility has had to reduce FTEE by another seven and severely restrict new hires. The facility will have difficulty meeting current workload demands, and its medical supply inventories will be depleted by the end of the fiscal year.

In February 1990, the Denver VAMC took steps to address its fiscal crisis. Dialysis services were reduced to a single 12-hour shift three times per week, medical service admissions were limited, both a psychiatric and a surgical ward were closed, and the Drug and Alcohol Program was reduced.

Across the VA health care system, there is an enormous replacement equipment backlog. Despite the expenditure of $50 million for such equipment from the fiscal year 1989 supplemental appropriation, that backlog is expected to be $638 million at the end of the current fiscal year. Such huge—and growing—replacement equipment needs pose a major threat to the quality of health care services at VA facilities. Although I am still very disturbed by the cannibalization of equipment funds to pay for staffing and supply needs, I am pleased that the $94 million supplemental will permit a reduction of this backlog by about 8 percent.

This year, as never before, Congress has been faced with difficult spending choices as the changing needs of our Nation and world—to assist a growing elderly population, to fight against the tragedies of the AIDS and drug epidemics and of environmental degradation, to recover from natural disasters such as the northern California earthquake, and to encourage democratic governments in Eastern Europe and elsewhere—come on top of our trillion dollar deficit.

There is no question but that the current fiscal year 1990 funding level would mean that tens of thousands of veterans would this year be denied the quality of care—or denied care entirely—that we owe them. I therefore urge all of my colleagues to demonstrate by their support for this $94 million VA health care supplemental that maintaining our Nation's commitment to caring for our veterans is a promise that will not be sacrificed. I thank the Chair of the VA, HUD, and independent agencies Appropriations Subcommittee, Ms. MIKULSKI, the chairman

of the full committee, Mr. BYRD, and the ranking minority members of each unit, Mr. GARN and Mr. HATFIELD, for their great cooperation. In addition, I want again to express my appreciation for the hard work of the Senator from Arizona [Mr. DECONCINI], a member of both the Veterans' Affairs and Appropriations Committees, for his dedicated—and successful—efforts with me to increase the amount for the VA health care system in the Senate bill.

AIDS

Mr. GRAHAM. Mr. President, at this time of year, when we are considering the fiscal year 1990 supplemental appropriations bill for disaster assistance, I would like to take the opportunity to stress the importance of Federal AIDS research activities. The AIDS epidemic is a public health emergency, a qualified disaster.

I am not going to offer another amendment or ask for more money for a Federal program. Instead, I must simply raise an important issue, and that is the tremendous impact AIDS has on our Nation's health and health care resources.

At the end of March 1990, over 128,000 AIDS cases had been recorded by the Centers for Disease Control, and close to 1 million people are infected with the HIV virus. AIDS research is a crucial means to prevent the increasing transmittal of the disease and to enable us to find a cure.

The National Institute of Allergy and Infectious Diseases [NIAID], under the National Institutes of Health [NIH], has established Centers for AIDS Research [CFAR's] at 11 universities. The 5-year grants will promote AIDS research, with the ultimate goal of improving the diagnosis, treatment, and prevention of AIDS.

The CFAR Program is designed for groups of researchers and investigators with established reputations in the AIDS field and ongoing AIDS research grants from NIAID and NIH. The CFAR Program aims to consolidate and to focus the AIDS research activities at these universities.

Efforts such as CFAR's could make AIDS a manageable chronic disease, with increased life expectancy and eventual research advances in other areas, such as immunology and epidemiology. We must continue to fund CFAR's and other vital Federal AIDS research. I urge my colleagues in the Senate to join me in supporting the CFAR Program at the appropriate time.

Through creative and interactive AIDS research programs, such as the CFAR's, we continue to escalate our battle against AIDS. We must continue to combat and to control this onerous and tragic disease.

Mr. HARKIN. I agree with my colleague from Florida.

DOMESTIC REFUGEE RESETTLEMENT FUNDING

Mr. WILSON. Mr. President, as the Senate continues debate on the supplemental appropriations bill, I want to take this opportunity to discuss refugee resettlement programs.

I am extremely pleased this supplemental provides additional funding to make up for shortfalls in the State Department's overseas refugee assistance and processing programs.

Clearly, the United States must continue in its humanitarian mission and provide assistance to refugees worldwide. Since 1980, when the Refugee Act of 1980 was enacted, we have resettled over 1.3 million refugees in this country. The Appropriations Committee deserves great credit for working to this end.

But frankly I am disappointed by the failure of HHS and OMB to request supplemental funds for domestic refugee programs.

We must remember that refugee policy does not end with the actual processing and admissions into the United States. That is only the beginning as the long resettlement process begins.

Most, if not all refugees, enter the United States with minimal English skills, competitive job training, or education. For this reason, programs were enacted through the Refugee Act to help promote self-sufficiency so that refugee families could become functioning and contributing members of society.

Without the training and services these programs provide, there is, in all likelihood, little hope that these individuals can become productive members of society, which is truly unfortunate given the tragedies and persecution these people have already endured and from which they escaped.

Despite the intent of the Refugee Act which says that States be reimbursed for the cash and medical programs they provide to refugees during the first 36 months of resettlement, we are finding that funding is inadequate to the point that this reimbursement period has dropped to just 4 months.

This means that instead of paying the costs associated with public assistance programs beginning in the 37th month as the act provides or even in the 25th month as was the case last year, States and local governments are having to pick up the tab beginning after the 4th month. When a refugee is unable to attain self-sufficiency and thus provide for a family, the refugee must rely on public assistance, which the States must pay. Unfortunately, Mr. President, it is extremely difficult for a refugee family to become self-sufficient in just 4 months.

Sadly, instead of seeking an appropriate level of funding—one that is linked in some responsible manner to refugee admissions—the administration's response has been to reduce the reimbursement period despite rising admissions. Effective January 1, 1990, that fell from 24 to just 4 months, which means a cost transfer of over $85 million to the States.

Let me underscore the point that other States are not immune to these funding transfers. While California, Florida, and New York, to name but three, are home to the largest concentrations of refugees, other States such as Illinois, Oregon, Massachusetts, Pennsylvania, and Minnesota are having to shoulder, increasingly, the financial responsibility for refugee programs even though refugee policy is a Federal responsibility driven in large part by foreign policy considerations.

We know this for a fact: States have little say in the policy, but they are being forced to pay more and more of the costs. That is patently unfair.

I would appreciate the thoughts of the chairman and ranking member of the Labor-HHS Appropriations Subcommittee, Senators HARKIN and SPECTER, on these matters that are under their subcommittee's jurisdiction.

Mr. HARKIN. I am pleased Senator WILSON has raised this issue, Mr. President, and I want to assure my colleague from California that we on the subcommittee are aware of his concerns in this area. He is correct when he states that Congress must recognize the fact that current refugee policy is shifting a greater burden to the States than was intended under the Refugee Act of 1980.

For the benefit of Senators, I want to state that we did put forward an effort during last year's appropriations process to increase this appropriation. Unfortunately, the House deferred its appropriation because the programs had not been reauthorized. So when we went to conference we were unable to secure additional funding necessary to address the increased admissions level.

I also want to underline Senator WILSON's statement that the administration's budget request for these programs underestimates the domestic need associated with its admissions request. For instance, the administration raised the ceiling on refugee admissions after we had already completed our markup. Unfortunately, HHS has not come forward to request supplemental funds despite our urging them to do so last year. This is placing great strain on many States in fiscal year 1990, including my home State of Iowa, and I intend to make sure the administration takes whatever actions are necessary to maintain all ongoing State refugee program operations.

We are concerned that these programs must be maintained, and we will work to address these inequities within our 302(b) allocation for fiscal

year 1991. Although our 302(b) allocation has not yet been determined, there will inevitably be intense competition for scarce resources among many worthwhile social programs under the jurisdiction of the Labor, HHS, and Education Appropriations Subcommittee.

Mr. SPECTER. I would like to add to Senator HARKIN's remarks by saying that it is difficult to make up for the shortfall in these programs in light of the deficit problems and the administration's budget request. As he states, we did urge the administration to come forward for supplemental funding last year, and feel it should have come forward with a request this year at the time funds were being sought to address shortfalls in overseas programs.

The subcommittee is concerned that current trends in refugee policy may be placing a disproportionate fiscal burden on local government, and I fear that current refugee services may soon reach a level that is insufficient to ensure an effective resettlement process, which ultimately works against the very people we are trying to assist, the refugees themselves.

I look forward to working with our subcommittee chairman, Senator HARKIN, Senator WILSON and other Members as we look for ways to secure an appropriate funding level in these programs, one that recognizes refugee admissions levels.

Mr. WILSON. Mr. President, I appreciate the remarks my colleagues have expressed on this matter because, as they recognize, States need additional assistance, and I look forward to working with them as we discuss this issue further during the fiscal year 1991 budget process.

RESETTLEMENT FUNDING

Mr. PACKWOOD. Mr. President, I appreciate the remarks of my colleagues, Senator WILSON, Senator SPECTER, and Senator HARKIN on the very important issue of funding for refugee resettlement programs. As they so eloquently explained, the Refugee Act of 1980 envisioned a partnership between the Federal Government and State refugee programs. The Federal Government was to be responsible for the cash and medical costs of resettling refugees for 36 months after their admission to the United States. Sadly, a decade later, this partnership has deteriorated. Federal reimbursements to the States have fallen to just 4 months for categorical assistance programs despite increasing refugee admissions. The States, however, continue to uphold their part of the agreement by taking the substantial difference out of their own budgets.

It is a little known fact—but only too well known to those of us from States affected—that over 80 percent of refugees settle in about a dozen States. My home State of Oregon is a good example of the impact this has on those States. Oregon ranks 11th nationally in terms of the number of refugees it has resettled since 1975. This may not sound impressive, until it is put into context. With a total population of 2,690,000, Oregon ranks 30th nationally in population size. My State has resettled a total of 25,439 refugees since 1975, which means that almost 1 of every 100 residents of Oregon is a refugee.

The people of Oregon have welcomed refugees from Southeast Asia, Eastern Europe, Russia, and other areas. Communities have initiated their own local efforts to lend support and assistance to these new residents, overcoming language and cultural barriers. We do not lament the fact that because of circumstance or by choice many people forced to flee their own countries have settled in our State. After a period of adjustment and assistance, the majority of them have enriched our culture and become productive citizens. Many have brought needed skills, and some have started their own businesses. But this does not happen overnight. Refugee resettlement programs are the necessary transitional step.

Because of the many cuts in Federal reimbursement to the States for refugee resettlement costs, Oregon and the other top dozen States are literally out of pocket millions of dollars. The Federal Government makes decisions about refugee admissions, and a handful of States end up picking up the tab. These States are doing the best they can, but in no way can they keep the Federal Government's promise of 36 months of resettlement assistance to those who need it. This is not fair to the refugees, who may come to this land of promise only to find themselves among the poor and destitute. And it is certainly not fair to the States which, because of circumstance, are assuming a huge fiscal burden cast upon them by the Federal Government.

Mr. President, I deeply regret the fact that the shortfall in refugee funding for 1990 is not addressed in this supplemental appropriations bill. It is my hope and that of my distinguished colleagues from the affected States that this issue will be a major focus in the budget process for 1991.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY ON THE SUBJECT OF BONE MARROW TYPING

Ms. MIKULSKI. Mr. President, I would first like to express my appreciation for the chairman of the Subcommittee on Defense, Mr. INOUYE's work on this provision to include $6 million in the fiscal year 1990 dire emergency supplemental appropriations bill to permit an expanded human leukocyte antigen [HLA] bone marrow typing program through the Navy Medical Research and Development Command. I greatly appreciate his support, along with that of the full committee chairman, Senator BYRD, for this life-saving program. I would also like to commend my colleague, Senator SARBANES, for his efforts on behalf of the bone marrow donor program.

Mr. INOUYE. I thank the Senator for her kind words, and I congratulate her in turn for the work she has undertaken in support of this very important program. The subcommittee appreciates her initiative in bringing this matter to its attention and arguing persuasively for the additional funding.

Ms. MIKULSKI. Mr. President, I would like to take this opportunity to clarify the intent of this appropriation and the issues to be discussed in conference. It is my expectation that the focus of the activities to be conducted with these funds shall be HLA tissue typing, with a particular emphasis on increasing the number of ethnic minorities to be added to the national registry. Is that the chairman's intent?

Mr. INOUYE. Yes, my colleague is correct.

Ms. MIKULSKI. As the chairman knows, the National Heart, Lung, and Blood Institute currently manages the Federal contract for the National Marrow Donor Program. Is it the committee's intent that any program funded under this provision will involve the full cooperation of the Navy and the National Heart, Lung, and Blood Institute?

Mr. INOUYE. Yes, the Senator is correct. It is the intent of the committee that the Navy and the National Heart, Lung, and Blood Institute should cooperate fully in evaluating how the funds allocated under this provision should be spent.

Ms. MIKULSKI. Mr. President, I would like to raise three more issues about which I would hope the chairman can obtain further clarification during conference with the House. First, there has been some concern expressed about the relationship of the National Marrow Donor Program to other private bone marrow registries. It is particularly important that all patients accessing any registry be informed of the existence of all other registries. The issue of access to registries is an important one.

A second issue which should be clarified further is whether all of the typing to be financed with the supplemental funds shall be HLA-A and HLA-B testing only, or whether resources are better used for carrying out HLA-DR typing as well.

Finally, there is a need to clarify how the National Marrow Donor Program [NMDP] will allocate funds to those entities in need of funding for the typing of potential donors.

May I ask the chairman whether he agrees with me that these issues are important and should be clarified further in conference?

Mr. INOUYE. I would agree wholeheartedly with my distinguished committee colleague. She has my commitment that I shall do my utmost to ensure that these issues are given full consideration in conference.

There also is another issue which should be raised in conference which deserves further elaboration. Mr. President, there is a need to improve the effectiveness and cost aspects of the HLA typing procedures. The National Heart, Lung, and Blood Institute already is engaged in research in this area. I understand the Navy may propose to use some of the funds provided in this supplemental to undertake research with the same objective. There is little debate about the need for additional research. However, Congress and the taxpayers deserve some assurance whether such research efforts by both organizations truly are necessary, and if so, that they will be complementary and not duplicative.

Ms. MIKULSKI. Once again, I express my deep appreciation for the chairman's efforts on behalf of this program. Because of his efforts, tens of thousands of names can be added to the national registry within the next few months, sending a message of hope to the thousands of patients throughout the United States who suffer from leukemia, aplastic anemia, and other bone marrow diseases. Let me just restate that it is my fervent hope that these funds be used for the addition of as many names as possible to the national registry in the most expeditious manner.

Mrs. KASSEBAUM. Mr. President, I must oppose this bill today because I believe it once again illustrates the many flaws in the way we conduct the people's business. As happens so often, this legislation has become a magnet for all kinds of amendments that clearly belong elsewhere.

Parts of this bill are genuinely needed and should be approved. The basic purpose, aid to Panama and Nicaragua, is one I support, though I question the specific levels of funding included here. Other parts of this bill for some domestic programs are needed, but frankly only because we did not do our work well last year.

Still other parts of this bill are neither dire nor urgent. It is simply loose language looking for a home and we, regretably, have provided one with this legislation. Abortion and the death penalty are serious issues that deserve careful debate, but not in the context of a supplemental appropriations bill. There are other similar examples spread throughout this bill.

Mr. President, I do not fault the Appropriations Committee or our leadership for all of this. They undoubtedly share some of the same frustrations. We, as a body, simply have not shown the self-restraint and discipline and serious purpose that should be the norm, not the exception, in dealing with complex legislation of this type.

Important as many parts of this bill are, I cannot vote for what amounts to business as usual.

Mr. BIDEN. Mr. President, I was planning to offer an amendment to this bill to provide $125 million in economic assistance for the three coca-producing nations of the Andes—Bolivia, Colombia, and Peru. Unfortunately, the administration opposes my amendment. So rather than hold up this important legislation, I will not offer my amendment at this time, and will wait until we have a full debate on the national drug strategy.

However, I would like to take a few moments to discuss the subject of my proposal—the current situation in the Andean region.

I believe that a phenomenal opportunity lies before us in the Andes—an opportunity that we cannot afford to waste.

This opportunity is the dramatic decline in the price of the coca leaf—the raw material for cocaine—in the Andean countries, which provides us a chance to help encourage coca farmers to get out of the business.

The free fall of coca prices is no coincidence—it is the direct result of events in the last 7 months.

Last August, Senator Luis Galan, a candidate in Colombia's Presidential elections, was brutally assassinated, most likely by the Medellin cartel. Colombian President Barco immediately declared total war against the drug cartels.

The results of this courageous effort, thus far, are striking: many leading traffickers have been extradited to the United States, millions of dollars worth of assets have been seized, hundreds of labs have been destroyed, and one of the most notorious leaders of the Medellin Cartel—Rodriguez Gacha—is dead.

In September, at the direction of Congress, the President proposed the national drug control strategy—the first comprehensive plan this country has ever had to attack the drug problem.

In February, the Presidents of each of the three coca-producing nations held a historic summit with President Bush, beginning a new partnership against the blight that affects the entire Western Hemisphere.

This confluence of events, and the increased commitment on the part of all nations to fight cocaine cultivation, has contributed to this remarkable reduction in coca leaf prices.

This price drop is dramatic, particularly in Bolivia, the source of roughly 30 percent of the world's supply of cocaine. Last August, before the crackdown in Colombia began, the price of a 100-pound bag of coca leaf in Bolivia was $89. In mid-August, the crackdown in Colombia began. And the price quickly dropped. By October, the average was $35. In December—$19. In March, the most recent month for which data are available, the average price was $12 a bag.

For peasants that grow coca in Bolivia, the break-even point is considered $30 per 100-pound bag. The result, then, should be obvious—coca farmers are losing a bundle of money. Not surprisingly, they are getting out of the business.

As a result, coca farmers are eradicating their fields, at a record pace. In 1989, Bolivia eradicated 2,504 hectares of coca, just half of its target of 5,000 hectares. Thus far in 1990, Bolivia has nearly surpassed its eradication totals for all of 1989. In the past 3 months, Bolivia eradicated 2,318 hectares. And with each proceeding month, a new record is broken. In March, Bolivia eradicated 829 hectares, nearly 10 times the amount of March 1989, and one-third of the total for 1989.

Don't take my word for it, just ask the State Department, which supplied me with these figures.

What is happening here? I think the answer is clear—the cartels are on the run, their organizations have been disrupted, and they are not buying coca from Bolivian peasants. The reduced demand for coca leaf grown in Bolivia has sent the price plummeting.

This provides a chance to provide economic assistance—right now—to induce Bolivian peasants into the legal sector. If we act now, with relatively little money, we stand a better chance of moving farmers out of the business of growing coca, and into other crops and regional industries.

When I first heard the initial reports of the price decline, I proposed the idea of providing immediate economic help. On February 28, in a foreign relations hearing, I made the suggestion to Drug Director Bennett. At the time, he promised me that he would consider my idea.

Since then, Mr. Bennett has written to me to declare the administration's opposition to my proposal. While the letter is not that illuminating, the message is clear—my proposal does not fit with the President's strategy.

Now I find this somewhat odd. Instead of claiming success for Colombia's war on the cartels and seeking to capitalize on it, the administration has chosen not to respond to these new developments. I would have thought that the administration would be proud of its achievements, and seize the moment.

Instead, the administration clings to its initial plan to wait until fiscal 1991 to send new economic aid for crop substitution and development.

This inflexibility, to say the least, is discouraging. Dramatic events are happening in the Andes. But the administration chooses—somewhat obstinately—to stick to a plan that is already out of date.

I believe we should act now, while the opportunity exists, rather than waiting until the beginning of the fiscal year, which is 5 months away.

The drop in coca prices gives the Andean nations—and the United States—a window of opportunity, however brief, to convince farmers in coca-growing regions to switch to legal alternatives. But the window will slam shut in a matter of months.

If alternative means of employment are not available, farmers will become quickly disillusioned and return to their coca fields, or, worse yet, move up the chain and become involved in processing coca paste.

In March, a senior economic advisor to the president of Bolivia, Samuel Doria Medina, testified to this in an appearance before the Judiciary Committee. Mr. Doria Medina declared that coca leaf prices were at an unprecedented low level, and that the opportunity to wean farmers away from the coca trade would be short lived.

Unfortunately, little economic assistance is available now. We have appropriated just $56.3 million in economic aid for the Andean nations in the current fiscal year; and much of the aid is development assistance—project assistance which often spends out slowly.

My proposal would have added $125 million in economic assistance—right now—to help the Andean countries at this critical moment in the drug war.

These countries desperately needed help. As we have all learned, cocaine production in the Andes has become a vital component of the regional economy. Quite literally, the Andean nations have become hooked on drugs.

In Peru, for example, profits generated by the cocaine trade account for 25 percent of export earnings in Peru. In Bolivia, as many as 300,000 people—nearly 20 percent of the work force—depend on the cocaine trade, directly or indirectly, for their livelihood.

When enforcement against the traffickers succeeds, then obviously there is going to be great economic disruption. Or to put it more bluntly, as a one-time Bolivian Finance Minister has stated, "We would have rampant unemployment; there would be open protest and violence." The sum of $125 million may sound like a lot of money. But the fact is that the administration has proposed spending $2 billion for the so-called Andean Plan.

Moreover, I would remind my colleagues, we appropriated $125 million in new military assistance and law enforcement aid to the Andean countries just last fall. The administration, by the way, has asked for $175 million in new economic aid for the coming fiscal year.

My approach, Mr. President, does not undermine the President's strategy, as some may argue. Rather, it enhances it.

The President's strategy calls for increased enforcement, followed by new economic assistance to promote crop substitution and alternative development in fiscal 1991. I agree with the concept of this approach—that increased enforcement must precede new economic help.

But where I disagree is in the timing of this approach. I believe we must follow enforcement with immediate economic assistance, rather than waiting until the beginning of the fiscal year.

Some will undoubtedly argue that the choice between providing new money now and providing new money in fiscal 1991 is a distinction without a difference.

But I think it makes all the difference in the world. Not only because the Andean countries need the help now, but because as a practical matter, new fiscal 1991 money will not arrive on the scene until 10 to 12 months from now, at a minimum.

Why am I so sure of that? Because recent experience tells me that is so. In 1988, Congress approved $5 million in funds to protect judges in Colombia that are under constant threat of attack from the narcoterrorists. When did that money arrive? A majority of it, we later learned, got to Colombia in the summer of 1989.

This is not an isolated incident. Last fall, Congress approved $125 million in new military and law enforcement assistance for the Andean nations.

You know how much has been spent to date? Not one dime. It was only a few weeks ago that the administration briefed Congress on its plan. And only now is the administration reaching final agreement with the Andean countries on how that money will be spent.

So let's not kid ourselves. Time is of the essence, and we frankly cannot wait until next spring for economic help to arrive on the ground in the Andes.

Mr. President, as I said at the outset, I had hoped to offer this amendment today on the bill before us. But I have decided not to pursue this matter at this time. However, I intend to continue making the case that the Andean nations need economic help—now—to take advantage of the opportunity that lies before us.

KANSAS DISASTER ASSISTANCE STATEMENT

Mr. DOLE. Mr. President, I would like to take a few minutes to express my appreciation to the Appropriations Committee and its distinguished chairman, Senator ROBERT C. BYRD, for including an amendment to provide $2.5 million in disaster assistance for Kansas communities devastated by the March 13 tornadoes. This money will go a long way toward helping these Kansans and their communities put their lives together in the wake of one of the worst twisters in history.

In March of this year, the town of Hesston and the surrounding communities were hit with two disasters: First, the tornado, and second, the news that the area was ineligible for Federal Emergency Management Agency disaster assistance. The reason given—their uninsured losses from the disaster were too small for FEMA to step in.

Well, a quick look at the town of Hesston after the Tornado would convince anyone that a declaration of a Presidential disaster was more than merited. In large sections of this town of 3,000 people, nothing, literally nothing remains standing. So, while the losses may not be as large as if the tornadoes had hit a major city, the area has been devastated and its citizens are in great need.

We are not the first, nor the last community to find ourselves in this situation. Senator KERREY was faced with a similar problem after a rural area of Nebraska was hit by tornadoes. We both learned, much to our distress, that small communities are at a severe disadvantage in qualifying for Federal disaster assistance.

Although I think in the coming months we need to look closely at the problem of rural discrimination by FEMA, the need in Kansas is urgent and severe. This special appropriation will come as an answer to the hopes and prayers of this community. I again want to express my thanks to Senator BYRD for including this amendment and express my hope that it will survive the House and Senate conference on this bill.

Mr. LEVIN. Mr. President, I would like to thank the chairman of the full Appropriations Committee and the chairman of the Appropriations Subcommittee on Agriculture for providing funds to keep the Commodity Supplemental Food Program at USDA going. Part of that $4.7 million, which the committee has included in its supplemental appropriations bill, will help provide food for thousands of mothers and children and senior citizens in the State of Michigan and across the country. Without this money, they would probably have been removed from the program.

The shortfall that this emergency appropriation makes up for occurred because the USDA had miscalculated the availability of nonfat dry milk for the program nationally and was forced to buy more expensive evaporated milk. This miscalculation would have caused operators, who administer the program and the food that it provides, to reduce their caseload, denying es-

sential nutrition to poor mothers, babies, preschoolers, and senior citizens.

I would also like to thank the chairmen for including sufficient funds for watershed and flood prevention operations in the Soil Conservation Service. Several areas in the State of Michigan experienced flooding in 1989, causing extensive damage to road systems, bridge crossings, road and stream banks, public facilities, and businesses. Destruction of the riverine environment and sediment loading to Lakes Michigan and Huron was extensive. The funds that have been earmarked for SCS will allow the implementation of an emergency watershed protection program to reduce further erosion and remove debris and sediment.

ARMSTRONG AMENDMENT NO. 1545

Mr. SIMPSON. Mr. President, I rise to comment on the amendment of Senator ARMSTRONG, which would require the State Department to expend some of its fiscal year 1990 funds being provided in this supplemental appropriations bill on the admission of 2,000 Soviet refugees who are Pentacostals or Evangelical Christians.

I will not oppose this amendment, because it has been worked out in such a way that it will not act to disrupt the admission of other needy refugee groups which the Congress and the administration have agreed to admit during the annual refugee consultation. In addition, I believe the amendment has an appealing aspect of basic fairness to it, given the extreme and inordinate attention that our Government has given to some other refugee groups from the Soviet Union.

However, this amendment still effectively serves to earmark a certain amount of the Refugee Bureau's budget for the admission of a particular refugee group, and I think earmarking is very bad public policy. Earmarking is the congressional micromanagement of foreign policy—personified. Earmarking restricts the Refugee Bureau from allocating these resources intelligently—a tricky task given the rapidly changing environment of international refugee assistance and resettlement needs. Finally, earmarking is often done by Congress in response to the powerful pressure of the special interest groups. These groups typically have their own narrow interests in mind—not the national interest.

If Congress cannot create and guide a refugee policy that is in the national interest, then it should keep hands off of refugee policy, period. We should not fall victim to the pressure tactics of narrow special interest groups. We must do what is best for our country as a whole, and what is best for the needs of all refugees, worldwide.

Let me give an example of what we have been up to. For fiscal year 1990, the Refugee Assistance Program must now comply with the following $22.1 million in earmarks: $9.5 million for Bulgarian Turks; $5 million for Iraqi Kurds; $4.8 million for refugees to Israel; $1.5 million for the headquarters budget of the International Committee of the Red Cross; $500,000 for antipiracy efforts; and $250,000 for Burmese refugees.

I do not think that any of these fine groups or activities are necessarily undeserving. But let's face it: If they really deserve our money, then the Refugee Bureau will get it to them. If the Bureau does not give it to them, it is probably because there are more important refugee priorities somewhere else in the world. For example, the $22.1 million in earmarks I mentioned required the Refugee Bureau to make an 11 percent reduction in U.S. contributions to meet the basic needs of refugees in camps overseas—and those needs include simple food, basic shelter, and medical assistance.

I do not mean to be an absolutist about this. Certainly there will be a rare occasion when an earmark might be necessary. I might even go for one myself now and then. However, earmarking has become a regular national pasttime around here. It hurts our Refugee Program, and I believe it should stop. While I will not oppose this amendment today, I would like to put my colleagues on notice that future attempts to earmark refugee assistance funds will be met with spirited resistance from me.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass?

So the bill (H.R. 4404), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer [Mr. KERREY] appointed Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, and Mr. GRAMM, conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I ask unanimous consent for 1 minute to make an observation on the bill we just passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I take this opportunity to express my appreciation for the excellent cooperation of the Members being here. I think we lost less time on this bill waiting for amendments than we have, in my memory. Members were here to offer their amendments and take up the business of the Senate and help expedite the bill. I thank the Members for that.

Of course, again, it always takes leadership, and I commend my leader, the chairman of the committee, for his excellent orchestration of this very complex measure and to all the staff on both sides I am also grateful. It was a privilege to be in tandem with the Senator from West Virginia. I thank all my colleagues for helping finish up this very complex bill.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon for his kind comments.

Mr. President, I am pleased that the Senate has finally completed action on the fiscal year 1990 dire emergency supplemental appropriations supplemental bill. This bill was reported by the Appropriations Committee on April 24 and has been considered on the Senate floor for a total of 5 days. The Senate has adopted more than 170 amendments.

There are many who are anxious to see action on this bill completed quickly. The President wants the aid to Panama and Nicaragua, which is included in this bill in the amounts of $420 million and $300 million, respectively.

Many in Congress have championed additional funds in this bill for disaster relief. The supplemental appropriations bill includes additional funding for relief and recovery from the devastation caused by Hurricane Hugo, the Loma Prieta earthquake, and wildfires which have devastated Federal lands principally in the Western United States. Funds are also included to help certain Midwestern States recover from the effects of ruinous tornadoes. Funds are included for continuing cleanup and damage assessment work resulting from the calamitous *Exxon Valdez* oil spill in Prince William Sound, AK, on March 24, 1989. Language in the committee report accompanying the bill directs

the Department of the Interior to redirect previous appropriations in order to protect public safety from threats of chronic eruptions by Mount Redoubt Volcano, also in Alaska. Additional funds have been provided to the Soil Conservation Service for watershed and flood prevention activities; and closer to home, the bill includes emergency funds to renovate the Corps of Engineers headquarters building, which was seriously damaged by a fire on March 23, 1990.

In addition to these diaster relief activities, the supplemental appropriations bill contains $110 million requested by the administration to complete the 1990 decennial census; $30.5 million for measles outbreak control; $166 million for Head Start; $705 million for the Food Stamp Program; and $94 million for veterans medical care; $245 million for the veterans loan guaranty revolving fund; and $190 million for veterans compensation and pension benefits.

Many of the items which I have mentioned are funded at lower amounts, or in some cases, not funded at all, in the House-passed dire emergency supplemental appropriations bill. When the Senate conferees sit down with their House counterparts, we will have to resolve more than 170 amendments.

Mr. President, before I close, I feel compelled to register my disappointment with the outcome on the Byrd-Johnston amendment which failed by a 48 to 51 vote on April 26. This amendment would have reduced funding for Panama from $500 million requested by the President, and $420 million which was included in the House-passed bill, to a level of $300 million. An appropriation of $300 million would still have been a substantial sum to assist a nation the size of Panama for the remaining 4 months, or so, that this money will be available.

More importantly, the Byrd-Johnston amendment would have reallocated these savings from the Foreign Aid Program to a number of very important domestic programs; domestic programs which desperately need additional funding now, but which apparently are not going to receive any increase from this supplemental appropriations bill.

Included in the Byrd-Johnston amendment, was money to clean up serious environmental problems at the Department of Energy's weapons production facilities. The Byrd-Johnston amendment sought to reorder the administration's priorities. Our amendment would have provided $200 million to accelerate the cleanup of environmental hazards at the Department of Energy's facilities. Unfortunately, that amendment failed.

The Byrd-Johnston amendment would also have provided an additional $50 million for sanitation facilities for American Indian housing. There currently exists a backlog of $675 million in sanitation needs for Indian homes. I do not believe that there is any group in the world that is more deserving of our assistance than the American Indian community. Unfortunately, the amendment failed.

Among other things, the Byrd-Johnston amendment would have provided an additional $12.3 million for the Women, Infants and Children Supplemental Food Program. These funds would have been provided to the neediest of Americans, who are at nutritional risk. Unfortunately, the amendment failed.

The Senate has chosen not to fund these very important domestic programs that were included in the Byrd-Johnston amendment. The Senate has chosen, instead, to send a very generous sum in the amount of $420 million in foreign aid to Panama. The Senate has made its decision, but I want to call the attention to the closeness of the vote. It was rejected by a vote of 48 to 51, with 99 Senators voting. We cannot continue to ignore crying domestic needs. We must be sure scarce tax dollars are used efficiently.

Mr. President, by a vote of 96 to 0 the Senate adopted an amendment which will hopefully start the process of reorienting our foreign aid programs away from simplistic one-way cash transfers to client States, and toward increasing American competitiveness. The amendment calls for a study, to be conducted by the Secretary of Commerce, that would examine various mechanisms we might incorporate into our foreign aid program to enhance America's competitive position. I hope this is the beginning of a process which will bring increased rationality into our foreign aid program. This will be particularly important as we attempt to deal with the challenges of revitalizing Eastern Europe.

On March 11, 1990, the nation of Lithuania reasserted its independence. Now, after five decades of declaring our steadfast moral support, the United States has an opportunity to provide concrete evidence of our continuing commitment to Baltic self-determination. We have included a provision appropriating $10,000,000 for the establishment of an embassy in Vilnius—VILL nee us. This provision does not restrict the President's prerogative in deciding when to recognize the government of President Landsbergis. But it does clearly spell out our desire to recognize the Lithuanian Government as soon as possible, and is in keeping with our long-standing policy toward the Baltic countries. When President Bush feels it is appropriate to recognize the new Government of Lithuania, he will have ready the resources he needs to implement his decision.

Mr. President, I want to thank my distinguished colleague, Senator HATFIELD, the ranking Republican on the committee, for his cooperation and support throughout the processing of this bill, from the markup to the managing of the bill on the floor. I want him to know how much I appreciate his strong and effective support, his teamwork and cooperation, and especially, his friendship.

The senior Senator from Vermont [Mr. LEAHY], who is the chairman of the Foreign Operations Subcommittee, also deserves a special thanks for his very diligent and careful scrutiny of the foreign assistance requests which were considered by the Senate.

I also thank the other members of the committee, on both sides of the aisle. Their cooperation is very much appreciated, as is the cooperation of all Members of the Senate in the processing of this very complicated dire emergency supplemental appropriation bill.

I wish to express thanks to the majority leader and the Republican leader. They have demonstrated strong leadership and strong support in moving this bill along. The leadership worked very hard on both sides of the aisle, to develop time agreements, and I am very grateful. I thank, also, the members and staff of the Senate Appropriations Committee. All of the committee staff members are very professional and work well together on both sides of the aisle. This helps the members to complete their work expeditiously and effectively.

Mr. HELMS. Mr. President, I ask that the record reflect at this point that had there been a rollcall vote on passage of the dire emergency supplemental appropriations bill, I would have been obliged to cast my vote in the negative.

There are a number of reasons why—including, of course, the enormous additional expenditure of Federal funds. Also, I must say that I found it most discouraging last week when the Senate voted to override an obviously correct parliamentary ruling by the Chair. This was an unbecoming act by the Senate, and it occurred on an issue of great importance. Moreover, I viewed it a deliberate political act aimed at a confrontation with the President.

The President has made clear that he will veto this legislation, which he should.

MOTION TO INVOKE CLOTURE RELATIVE TO S. 135, HATCH ACT REFORM AMENDMENTS

The PRESIDING OFFICER. Under the previous order, the pending business is the motion to proceed to S. 135, the Hatch Act reform amendments. All debate on the amendment between

now and 7 p.m. will be equally divided and controlled in the usual form.

The Senate proceeded to the consideration of the motion to proceed.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. MITCHELL. I am pleased that the Senate is moving to proceed to debate S. 135, the Hatch Act reform bill. It is a debate that is long overdue.

The original Hatch Act was passed in 1939. At that time, no hearings were held on the legislation. It passed the Senate by unanimous consent with little debate. We now have had over 50 years of experience under the act. During that time, Federal employees have been denied many of the basic rights of freedom of expressing and action enjoyed by millions of other American citizens.

In 1966, almost 25 years ago, Congress established an independent bipartisan commission to investigate and study Federal laws limiting political participation by Federal employees. The Commission's report recommended strong sanctions against coercion of Federal employees or misuse of official position, but also recommended that, beyond clear and specific limits, "political participation should be permitted as fully as for all other citizens."

In 1974, Congress lifted most restrictions on political activities by employees of State or local governments who work in programs funded in whole or in part with Federal funds.

In the following Congress, in 1976, both houses of Congress voted to repeal many of the prohibitions on the Hatch Act, but President Ford vetoed the bill. The veto was sustained on April 29, 1976, when the House of Representatives fell 26 votes short of the two-thirds necessary to override.

Since the 1974 changes in the Federal law, 13 States have reformed their own statutes governing the political activities of States employees. Congressional inquiry has found no adverse effects from these changes in State laws. Not a single attorney general of those States had voiced any concern that easing restrictions has led to coercion or improprieties within the affected State work forces.

On November 17, 1987, the House of Representatives passed Hatch Act Reform legislation, H.R. 3400, by a vote of 305 to 112. On May 19, 1988, the Senate Governmental Affairs Committee approved an amendment in the nature of a substitute to H.R. 3400 by a vote of 9 to 3.

During the 100th Congress, I was a member of the Senate Governmental Affairs Committee.

I participated in the drafting of the committee substitute.

I voted for it.

The legislation now before the Senate, S. 135, is the same legislation that I supported as a member of the Governmental Affairs Committee in 1988. As majority leader, I am pleased to now bring it to the Senate floor for action.

S. 135 strengthens existing law both to prohibit coercion against Federal employees, and to guard against improper political activity.

It is different from the bill vetoed in 1976, and from the legislation, H.R. 20, that already has passed the House of Representatives in the current Congress.

S. 135 will continue to prohibit Federal or Postal employees from:

Running for public office in a partisan election, as the candidate of any political party.

From soliciting campaign contributions from the general public, and

From coercing the public, or coercing other Federal employees under their authority.

At the same time, S. 135 will allow 3 million Federal and Postal employees to exercise the same constitutional rights that are enjoyed by other Americans. It would restore their political rights: away from work; out of uniform; and on their own time.

These rights include:

Participating in voter registration drives;

Circulating nominating petitions for candidates;

Speaking out at local community caucuses in favor of candidates;

Holding office in a political party or club; and

Working in a political campaign, helping with such chores as stuffing envelopes, answering telephones, attending rallies, or engaging in similar activities.

The bill would eliminate many confusing, contradictory, often senseless Federal regulations that restrict ligitimate political expression.

Federal and Postal workers currently are told that they can put political advertisements on their cars, but none bigger than 15 by 30 inches.

They are also told they can put a lawn sign on their own property, but only if it is no larger than 14 by 22 inches—in other words smaller than what is allowed on their cars.

Under current law, Federal and Postal workers can go to political rallies but they can't talk or carry signs. They can write letters to editors, but cannot send any letter to more than five newspapers.

Many of the restrictions under current law are illogical and unnecessary. They defy rational explanation.

One example exists in the State of Maine, where there are two major shipyards. One is Bath Iron Works, which builds Navy cruisers and destroyers. It is privately owned. The other is Portsmouth Naval Shipyard, which overhauls Navy submarines. It is publicly owned.

Bath Iron Works employes approximately 10,000 shipyard workers. They are all private employees. There is no restriction of their political rights.

Portsmouth Naval Shipyard employs approximately 8,000 shipyard workers mostly from Maine and New Hampshire. They are all Federal employees. Under the Hatch Act, their political rights are restricted.

Shipyard workers at Portsmouth Naval Shipyard are no different from shipyard workers at Bath Iron Works. The State of Maine is proud of them all.

There is no difference in how hard they work. There is no difference in the pride that they feel in contributing to our Nation's defense.

There is no difference in their love for their families or their communities—and in the importance that each and every one of them has in community life.

Shipyard workers are part of Maine's maritime heritage. They are part of our New England tradition. They are all citizens, and should all freely play a role in our American democracy.

The only difference between a shipyard worker at Bath Iron Works and a shipyard worker at Portsmouth Naval Shipyard is that Portsmouth workers are Federal employees. Because of that fact, they are denied the same political rights enjoyed by workers at Bath.

There is no logic to that difference. There is no compelling national defense interest that overrides the political rights of an electrician or pipefitter who works on the shipyard waterfront in Portsmouth.

Away from the shipyards, on their own time, when their work clothes are changed, shipyard workers at Bath Iron Works and Portsmouth Naval Shipyard should enjoy the same rights: To play softball, pursue hobbies, attend the church of their choice, participate in community meetings, or if they choose, work in political campaigns.

It is a matter of personal choice. And individual trust. Political rights are at the very core of community life and American Democracy.

Democracy in Poland and Eastern Europe has been restored in large part also because of the assertion of political rights by workers at a shipyard in Gdansk, Poland.

Poland's shipyard workers formed the Solidarity Movement, which all Americans have applauded. Last November, the leader of that movement, Lech Walesa, stood before a joint session of Congress and proclaimed that "the ideals which underlie this glorious American Republic and are still alive here, are also living in faraway Poland."

Today that same shipyard worker from Gdansk is considered a possible candidate for President of Poland.

When Lech Walesa addressed the Congress of the United States, no one asked if the Hatch Act applied to him.

If he runs for President in Poland, no one will ask: "Does the Hatch Act apply to him?"

If Lech Walesa were a shipyard worker from Bath Iron Works, the Hatch Act would not apply. But it most certainly would if he were a shipyard worker from Portsmouth Naval Shipyard.

That is illogical. It is also wrong.

S. 135 would reform the Hatch Act, and in only a modest way. Under the Senate bill, there will still be restrictions. It is a compromise from the greater reform already passed by the House of Representatives.

The rights of shipyard workers in Kittery, ME, and Portsmouth, NH, should be no different from those in Bath, ME. The spirit of democracy now alive in Eastern Europe, first asserted by shipyard workers in faraway Poland, should not be denied Federal workers here at home.

The ideals which underlie our American Republic are living today both abroad and at home—and are reflected in this Hatch Act reform legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise today to state my opposition to this legislation. In 1976, the President of the United States vetoed legislation very similar the bill we are considering today which was reported by the Committee on Governmental Affairs last year. In 1976, President Ford vetoed similar legislation because it was "bad for the employee, bad for the government, and bad for the public." Mr. President, this legislation, like that legislation, is "bad for the employee, bad for government, and bad for the public."

Mr. President, this legislation is bad for the Federal employee because it unleashes irresistable pressures to become a captive soldier in political armies inside and outside the Government.

This legislation is bad for the Federal Government because it would undercut the neutral, nonpartisan administration of programs by civil servants. It would nourish a working environment where politics replaces merit.

This legislation is bad for the public because it would foster the creation of employee interest groups inside the Government that might sabotage the will of the American people. The Federal work force is the servant of the American people, to act as their instrument not as their foil.

Proponents of this legislation ignore the adverse impact of this legislation on the Government and on the American people and focus attention exclusively on the Federal employee. They would have you believe that the Hatch Act oppresses Federal employees and that S. 135 would set them free. The truth is the very opposite. The Hatch Act protects Federal employees from inside and outside coercion. And this legislation would, in practice, restrict their freedom.

Mr. President, a similar debate might be held regarding section 603 of title 18, United States Code. That provision, among other things, forbids the staff of the Senate from making campaign contributions to their respective Senators. This provison, it might be argued, robs Senate staffers of the right to contribute to Senate campaigns, a right enjoyed by the entire American populus except for the oppressed few.

But we all know why this provision was passed and has been retained on the books. Section 603 was not enacted to oppress, or even to trade employee rights for the honor and privilege of Government service, but to protect the employee. Were it not for section 603 and similar provisions, it might become expected of Senate staffers to make such contributions. Since it is not possible to outlaw expectations, the only way to protect Senate staffers is to prohibit this form of political activity. Similar expectations will arise if Hatch Act protections are removed. It does little to solve the problem to declare against coercion.

After two centuries of trial and error, America and Federal employees have come to appreciate the genius of a politically neutral Federal work force responsible to an elected President and his political appointees. This system allows Government to be both responsive to popular will yet fair and impartial in the administration of our laws. This system rests squarely upon the Hatch Act. It is the reason why a politically neutral work force can function subordinate to political appointees without itself becoming politicized. This legislation is a serious threat to the delicate balance of this much admired system.

In his veto message in 1976, President Ford stated that if legislation like the committee reported bill became law, "pressure could be brought to bear on Federal employees in extremely subtle ways beyond the reach of any anti-coercion statute so that they would inevitably feel compelled to engage in partisan political activity." In my opinion, this would be the inevitable result of this legislation. Proponents of this legislation do not seem to appreciate the expectations, the pressures, and the coercion that will spring forth if this legislation is enacted.

Proponents suggest that the merit system protects the Federal employee so well that the Hatch Act is no longer necessary. That suggestion is much like the notion that because we are entering a period of relative peace throughout the world, we no longer need strong defense. Both suggestions reverse cause and effect. Just as it is a strong defense that fosters peace, so, too, it is the Hatch Act that maintains the merit system. Its purpose and function for 50 years has been to insure that civil service is based solely on merit and not on politics.

Proponents rely on one clause of the bill which tracks verbatim a 1907 Executive order that "no person in the Executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof."

As later history was to show, the 1907 Executive order did not adequately protect Federal employees. Its terms, like the provision in this legislation do not address expectations. Its terms do not address subtle pressures. Its terms do not address postelection reprisals, whether they are direct or indirect, harsh, or subtle, flagrant or disguised. It does not address the expectations, pressures, and coercive efforts directed by nongovernmental individuals and groups against Federal employees.

These lapses are not the fault of the 1907 Executive order. That order was merely an addendum to Civil Service Rule I which prohibited employees from taking "an active part in political management or political campaigns." This legislation overturns Civil Service Rule I by permitting, some would say even encouraging, active involvement in political campaigns. It will lead us back to a situation pre-1939, in which the fundamental safeguard of employees does not exist and all that remains is an order outlawing coercion.

The point is not only that this legislation contains a poor formulation of protection for the Federal employee but also that no formulation can be adequate once employees are free to engage in partisan political activity including direct involvement in political campaigns. No drafting technique can overcome the proclivities of human nature.

Once Federal employees are free to engage in partisan political activity, it will only be human nature for them to believe that it would please their politically appointed superior to exercise their new political rights under this

legislation in a manner that pleases the superior.

It will only be human nature for employees to try to get an edge on their competition by engaging in the partisan politics of the superior.

It will only be human nature for other employees who had not engaged in the partisan politics of the superior to feel it is necessary to do so to eliminate the edge of their competitors. Since it is only human nature to try to get ahead, employees will engage in political activity pleasing to the political hierarchy.

Mr. President, the Hatch Act has served us well. In spite of all the efforts of Presidents through the years and in spite of all the civil service regulations, the problem of the spoils system was not ultimately solved until Congress enacted the Hatch Act in 1939. Since then, the Hatch Act has protected the Federal employee, fostered a more efficient and effective work force, and enhanced the confidence of the citizenry in the fairness of their Government. It has been good for the employee, good for the Government, and good for the public.

Why do we now risk a return to the spoils system? Why do we risk repealing the only remedy that has worked? Why do we risk undermining the merit system?

Each Senator will have to decide whether there is sufficient cause to scuttle the only effective remedy for the spoils system this Nation has known. In addition, it should be noted that there has been no clamor for change. No Governmentwide polls of Government employees have been offered to show their desire for change. In fact, a poll last year in Government Executive magazine reveals that over 60 percent of Federal employees oppose a loosening of the Hatch Act.

While the Federal employee unions and the postal groups support change, the weight of other testimony given during hearings held by the committee in the 100th and 101st Congresss stands in opposition to this bill. Senior advisors of the Bush administration, Common Cause, the American Bar Association, the Federal Bar Association, the National Academy of Public Administration, the Chamber of Commerce, and the American Farm Bureau have all voiced strong opposition to this legislation. In addition, scholars and former Government officials have likewise opposed the bill.

The central question before us is the quality of Government service that the American people should receive and the protection from political pressure that the Federal employee should enjoy. That is why organizations not normally outspoken on these types of issues have come forward to voice vigorous opposition to this legislation.

Some have cited first amendment concerns with the present law. The American Civil Liberties Union testified last year that they believe the Hatch Act violates the Constitution. However, on more than one occasion, the Supreme Court has specifically rejected the ACLU argument. Thus, there is no constitutional imperative to vote for this bill. The only constitutional issue before us is the claim of the administration that this bill violates the Constitution by unduly restricting the activities of political appointees.

Proponents believe they have answered the problem of how to draw a bright line between permissible and impermissible conduct. They would permit partisan political activity off duty and prohibit such conduct on duty. Simple, is it not? The problem is that the bright line between on duty and off duty has little to do with Hatch Act concerns. As the Federal Bar Association made clear to the committee when it testified last Congress, the concern is whether expectations, pressures, and coercion are imposed upon the Federal employee and not the time of day the employees engages in partisan political activity. The fact that an employee engages in political conduct off duty does not answer the question whether he has been pressured on duty.

In addition, few of us would find it appropriate for employees of the Federal Election Commission to engage in partisan politicking at night and serve as umpires over partisan politics by day.

Few of us would find it appropriate for an employee of the Internal Revenue Service to be a soliciting support for a partisan candidate at night and conducting an audit of a local business by day.

Few of us would find it appropriate for an assistant U.S. attorney to be a campaign manager for a partisan campaign at night and prosecuting political corruption during the day.

These, Mr. President, are but a few examples of what we could expect if this legislation is enacted.

In upholding the constitutionality of the Hatch Act in United Public Workers, C.I.O. versus Mitchell, the Supreme Court considered the question of off duty political activity. The majority held that—

> We do not find persuasion in appellant's argument that such activities during free time are not subject to regulation even though admittedly political activities cannot be indulged in during working hours. The influence of political activity by government employees, if evil in its effects on the service, the employees or people dealing with them, is hardly less so because that activity takes place after hours.

The bright line of on duty and off duty of S. 135 is a mirage.

Proponents also argue that this legislation is not a repeal of the Hatch Act protections, but simply a reform. I disagree. The protections afforded to Federal employees in this legislation are simply redundant of protections already provided in the criminal code, title 18. Instead, it can be argued that the Senate bill removes from the Hatch Act the protections afforded to civil service employees in title 5. During the Governmental Affairs Committee hearing on this legislation, then Acting Deputy Attorney General Edward Dennis responded to a question as to whether this bill is effectively a repeal of current law.

Mr. Dennis:

> We (the Department of Justice) view S. 135 as a virtual repeal. I know it is couched in its structure and its title suggests amendments to the Hatch Act, but in our judgment, with those provisions being eliminated that relate to office in a political party and the other very significant election activities that you mentioned would be permitted under S. 135, it eviscerates the Hatch Act to such an extent that we feel it would be an insignificant factor insofar as regulating this critical area.

Finally, Mr. President, the proponents of S. 135 argue that Federal employees are confused by the regulations and opinions issued under the Hatch Act. The confusion, it is argued, has a chilling effect on permissible political activity.

While this argument has some merit, proponents of this legislation overstate its case. In upholding the constitutionality of the Hatch Act in United States Civil Service Commission versus National Association of Letter Carriers, the Supreme Court specifically considered the question of whether the act was "unconstitutionally vague and overbroad." In response, a majority of the Court held that, "it seems to us that although the prohibitions may not satisfy those intent on finding fault at any cost, they (the prohibitions) are set out in terms that the ordinary person exercising ordinary common sense can sufficiently understand and comply with, without serious sacrifice to the public interest."

In fact, the regulations governing what is considered permissible and impermissible political activities can be found in title 5, Code of Federal Regulations, section 733. There are 13 permissible activities and 16 impermissible activities found in these regulations.

While Federal employees may be confused by what is and is not permissible activity, the regulations are not as confusing as the proponents purport them to be. Proponents of reform frequently mention the several thousand administrative decisions of the former Civil Service Commission which predated the passage of the Hatch Act in 1940, and the effect of these rulings on current interpretation and enforcement of the act. As the Office of Special Counsel has pointed out,

Some individuals have erroneously referred to these decisions as "rules" or "regulations," creating the false impression that there are some 3,000 rules or regulations currently governing political activity by Federal employees. Such individuals clearly misapprehend the legal and historical significance of those decisions.

Rejecting the argument set forth by the National Association of Letter Carriers in the aforementioned case, the Supreme Court ruled that the proper subject of inquiry was not the "several thousand adjudications of the Civil Service Commission," but rather the regulations that were extracted from them. The Court held that,

It is to these regulations purporting to construe Section 7324 as actually applied in practice, as well as the statute itself * * * that we address ourselves in rejecting the claim that the Act is unconstitutionally vague and overbroad.

In addition, Mr. President, I do not understand the logic of the argument that if the implementation of a law is confusing, the law should be repealed. One would hate to see this argument applied to the Bill of Rights, which has for nearly two centuries raised an endless stream of litigation designed to clarify its application. The appropriate response to the argument is to do what is necessary to eliminate the confusion.

Recent Federal appellate court cases in the second and eleventh circuits have further clarified the issue of what is and is not permissible political activity. The distinction drawn by the courts appears very straightforward to us. The Court in Blaylock versus United States Merit System Protection Board held that the Hatch Act's prohibition against taking an "active part in political management or in political campaigns" encompasses only active participation in, on behalf of, in connection with, organized efforts of political parties or partisan committees, clubs, and candidates. In an effort to clarify the existing regulations in light of these appellate court decisions, the Office of Personnel Management, in conjunction with the Office of Special Counsel, should promulgate new regulations to clarify the restrictions on political activity.

Since my analysis has led me to conclude that the Hatch Act is good for the employee, good for the Government, and good for the public, and since I believe that claims of confusion over the implementation of the act have some merit, I plan to propose a substitute amendment in lieu of this legislation that the Office of Personnel Management be directed to issue new regulations that would clarify and simplify the guidance that has been given to Federal employees with respect to the Hatch Act. This proposal would satisfy the best argument of proponents for change without risking the benefits of the Hatch Act for American society. Moreover, I am sure that we are all aware that this legislation, if passed, would be vetoed. This proposal, in contrast, would not be.

The choice for the Senate is clear: Whether to do some good or whether to make a major mistake.

Proponents of the bill suggest that the legislation is a modest proposal. Proponents argue that this bill represents the middle ground between the administration, on the one hand, and the House-passed bill on the other.

The bill tracks the House version in all its particulars with only two exceptions. Whereas the House version permits Federal employees to engage in virtually any political activity off duty, S. 135 would not permit an employee: First, to run for partisan political office or second, to solicit campaign contributions except from fellow employee-members of a union or group for their own PAC. While it is true that the bill we are considering is less drastic, I do not believe it cannot accurately be called a mild or toned down change in the Hatch Act.

In order to understand this, one must compare what Federal employees may do under the Hatch Act with what they may do under this legislation and the bill passed by the House:

WHAT EMPLOYEES MAY DO NOW

First, register to vote and vote.

Second, contribute money to partisan political campaigns.

Third, express their views in private and in public—though not in a concerted way to elicit support for a candidate or party.

Fourth, attend conventions and rallies but only as a spectator.

Fifth, run as an independent candidate in certain partisan contests in designated areas with a high concentration of Federal employees.

Sixth, assist in nonpartisan voter registration drives.

Seventh, campaign for or against political referendum questions.

Eighth, participate as a nonpartisan pollwatcher or election judge.

Ninth, wear buttons—off duty or, subject to various agency restrictions, on duty.

Tenth, participate in nonpartisan campaigns.

ADDITIONAL ACTIVITIES EMPLOYEES COULD DO UNDER S. 135

First, hold office in a political party.

Second, distribute campaign literature and solicit votes—off duty.

Third, organize and participate in phone banks—off duty.

Fourth, organize and participate in political meetings—off duty.

Fifth, publicly endorse candidates and urge others to support them—off duty.

Sixth, solicit contributions to the PAC of a Federal employee organization to which both the employee and the donor belong—off duty.

ADDITIONAL ACTIVITIES EMPLOYEES COULD DO UNDER THE H.R. 20

First, run for and hold public office—off duty.

Second, solicit contributions—off duty.

But for the provisions dealing with running for office and soliciting contributions, the House bill and S. 135 are identical. Both renounce the principle of a neutral, nonpolitical Federal work force. Both are oblivious to the expectations, pressures, and coercion that would be borne with this legislation. Both would strike the keystone from the arch of our merit system. Both would scuttle the only remedy that has worked to vanquish the evils of the spoils system.

This legislation should be rejected.

Ms. MIKULSKI. Mr. President, as a cosponsor of the Hatch Act reform amendments, I strongly urge my colleagues to vote for cloture, and for this bill.

Federal employees are citizens and should possess all the rights of citizens, including the right to participate in the political process.

This is a good, reasonable, balanced bill. It restores to Federal employees the right to participate in political activities in their spare time, while at the same time protecting these employees from undue pressure to participate in partisan activity.

Under current law, the secretary who works for FDA and lives in Rockville, MD, can't go door-to-door on a Saturday afternoon on behalf of her favorite candidate for mayor. The attorney who works for the FTC can't host a get-together in his home for his college roommate who's running for the State legislature.

Why should we impose these unreasonable restrictions on citizens who simply want to have a voice in how their communities are governed?

Mr. President, political participation is dropping off in our Nation. Voters are tuning out. Citizens feel they do not have the time or the interest to get involved. That's dangerous. We need the active participation of the citizenry to keep democracy alive.

Meanwhile, we are telling Federal workers—who are among the brightest, best-informed, and most public-spirited Americans—that they're not allowed to make their voice heard. That doesn't make sense. We should welcome their active involvement, should they choose to devote their spare time to political activity.

Mr. SARBANES. Mr. President, I rise today in strong support of the motion to proceed to consideration of S. 135, legislation to modify and clarify the Hatch Act to enable Federal civilian and postal employees to engage more fully in the democratic process. This proposal is identical to that reported by the Governmental Affairs

Committee last year, and I want to commend the chairman and other members of the committee for their perserverance and commitment to needed Hatch Act reforms.

As you know, the Hatch Act was passed in 1939 in response to a prevailing atmosphere which served to undermine the development of a professional civil service. While over 60 new Federal agencies had been created by the end of 1934, only 5 had been placed under the jurisdiction of the Civil Service Commission, resulting in a staffing policy based on political patronage over merit competition. The proliferation of patronage positions generated concern in the Congress that some civil servants might be concentrating on partisan interests over national interests. Consequently, the Hatch Act, a proposal to severely restrict the political activities of civil servants, received swift congressional approval.

It is important to this discussion to note that abuses which preceded passage of the Hatch Act did not result from voluntary participation in partisan politics by Federal civilian and postal employees. Rather, the Hatch Act was passed originally to protect civil servants from coercion and improper use of official authority by supervisory personnel. However, one of my greatest concerns is the possibility that under current law, attempts may still be made to influence the political activities of subordinates. Such concerns have been justified by recent events, including a case in the State of Washington during the last Presidential election when Navy shipyard workers were notified that their participation in the State's Presidential caucuses would constitute a violation of the Hatch Act.

Our goal must be to ensure the integrity of a nonpartisan civil service and protect against political corruption while at the same time protecting the basic right of all Americans to participate in their Nation's political process. In my view, the legislation we are now considering furthers this effort greatly by clarifying current law by specifically stating what is permitted and what is prohibited under the Hatch Act. S. 135 sets out a clear distinction between political activity on the job and political activity on an employee's own time. Pursuant to S. 135, participation in on-the-job political activities is prohibited without exception and civil servants would not be allowed to solicit campaign contributions from the general public. However, Federal civilian and postal employees would be protected against partisan coercion and would be allowed to participate in a wider range of political activities during their own time.

I have been a longtime supporter of efforts to reform the Hatch Act and during the 94th Congress voted as a Member of the House of Representatives for legislation to repeal many of the act's prohibitions on political activities. As you know, this proposal was vetoed by President Ford. I deeply regret that the House failed by 26 votes to override the veto and am very pleased to have an opportunity to actively participate in continued efforts to make necessary modifications to the Hatch Act.

Mr. President, certainly it was not the intention of the 76th Congress, when passing the Hatch Act, to prohibit a subset of American citizens from participating fully in the political process. The legislation we have before us would ensure that this special group, Federal civilian and postal employees, enjoy the same basic rights as other citizens—the right to participate freely and fully in our Nation's political system. Enactment of such reforms is long overdue and I urge my colleagues to join me in strong support of this very important legislation.

IT IS TIME FOR HATCH ACT REFORM

Mr. BURDICK. Mr. President, I rise to offer my hearty support for S. 135, legislation to reform the Hatch Act, and to urge my colleagues to vote to invoke cloture on the motion to proceed to the consideration of this bill.

The Hatch Act, which is more than 50 years old, has become outdated and virtually incomprehensible. It has led to the enactment of some 3,000 separate administrative rulings governing the political actions of Federal civilian and postal employees. Reform is clearly needed, and I believe that the bill before us provides a reasonable approach. S. 135 would allow Federal and postal employees to participate more fully in the political process during their time off the job while protecting them from political coercion on the job.

I am an original cosponsor of this legislation because I believe public employees have the same right as other Americans to participate in the electoral process. Those who join the Federal work force are characterized by their dedication and commitment to service to our Nation. These qualities are the very ones which are called for in the political arena, and to deny public employees access to some of the most basic political privileges is unfair and unrealistic.

I do not claim that working as a Federal or postal employee is exactly the same as being a salesperson or health care professional. Of course, we must ensure that no public employee will take undue advantage of his or her position to launch a bid for partisan office or pressure fellow employees to support a particular candidate or point of view. It is because of these concerns that S. 135 includes protections against such undesirable situations.

The effort to bring Hatch Act reform to the Senate floor has been a long one, and I commend all those who have been a part of it. Such public employee organizations as the American Postal Workers Union, the National Association of Letter Carriers, the National Treasury Employees Union, the American Federation of Government Employees, and the National Federation of Federal Employees are to be commended for their commitment to the principle of fair treatment for public employees and for their excellent work in keeping this issue before Congress.

Let us enact Hatch Act reform this year. Thank you.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, we know from previous experience on the floor in years past that all we seem to need to do is mention the Hatch Act and the helmets go on, the foxholes get dug, "man the barricades" is the call, and we prepare for battle. The attitude is that the lines are drawn, there is something sacred that we cannot approach without something akin to upsetting the Constitution, or that it ranks right along with God, flag, and motherhood in the America psyche, that it is not changeable, and that it is not amendable even to be made more workable, to be made more practical, and to be made more clear.

Mr. President, that is basically what S. 135 does. It is not a revolutionary change in how we handle our civil service, nor is it something that destroys the rights of people because they are loyal to this country and are part of Government service.

S. 135, the Hatch Act reform amendments bill, would amend the 1939 statute that prohibits most Federal civil and postal employees from being politically active. S. 135 proposes changes that would allow these civil servants to participate voluntarily—underline "voluntarily"—as private citizens in the Nation's political process. The Hatch Act was passed in 1939, and has been reviewed a number of times through the years—from 1947 to 1966, 1975, 1976, 1978, it has been looked at. So why bring it up now?

There are some events that occurred that combine to make amendment of the Hatch Act a major civil service issue in the 100th Congress—this being the 101st that we are in now, but in the 100th Congress.

During the 1984 Presidential election, the presidents of three major Federal and postal employees unions endorsed Walter Mondale's candidacy. They followed that up in their unions' newsletters, and encouraged their membership to vote for it. The American Federation of Government Employees, the National Association of

Letter Carriers, and the American Postal Workers Union were the unions involved.

The three presidents of these unions have been Government employees. They were on leave from their Government jobs to perform the role of being heads of their unions, which is permitted. None of them had been away less than 16 years. In other words, they had held their positions outside their Government jobs on leave from those Government jobs for over 16 years. Nevertheless, the Office of Special Counsel brought suit against these men, asserting that they violated the prohibition against active political participation as judged under the Hatch Act.

The Merit Systems Protection Board upheld the OSC finding, and they penalized those three presidents. They suspended them from their jobs for 60 days. That was a very symbolic gesture because they had already been off their jobs for over 16 years. So that 60-day penalty did not mean a whole lot to them. Because they had been on leave from those jobs, the suspension had no effect. But the board's decision was viewed as a way of establishing the principle of this case.

This was appealed in two Federal circuit court cases. The Merit Systems Protection Board order was reversed on findings that no Hatch Act violations had occurred. Despite requests from the Merit Systems Protection Board and the Office of Personnel Management to appeal that court decision to the Supreme Court, the Office of the Solicitor General declined that invitation. So appeal was never made.

But the prosecution of Bill R. Blaylock and Sid Brody on grounds which had never been before asserted with regard to the Hatch Act raised the issue of partisan enforcement of the Hatch Act. This was not protecting Government employees. It was using the authority of the Hatch Act in a way never intended for partisan use, to enforce the Hatch Act, using that as the excuse, and using that enforcement power in a partisan way.

A number of Members of Congress pointed out that the intent of the Hatch Act was to prevent political coercion in the workplace. Yet employee coercion was not at issue in the actions of these three union presidents.

Finally, another concern about the Hatch Act was one concern that pushed for a lot of concern and a lot of debate at that time. Finally the vagueness of the statute continues to generate much concern. We had one witness who testified before the Governmental Affairs Committee, and I will quote his statement.

> We cannot advise our members with confidence since advisory opinions of the special counsel are not subject to judicial review. It is only after employees jeopardize their jobs that a determination is made on whether or not an activity is permitted under the Hatch Act. Many decisions are not published and so are not readily available, resulting in an inability to ascertain the precise extent of prohibited and protected activities or the penalties involved.

Mr. President, let me follow up on that a little bit and give some examples of that.

S. 135 is a modest proposal developed by the Governmental Affairs Committee on a somewhat bipartisan basis. We had a 10-to-4 vote. So we had a couple of the Members on the Republican side supporting the vote out of committee. What it would do basically is eliminate many of the complicated and restrictive rulings that presently govern the political activities of Federal civilian and postal employees.

The committee held 2 days of hearings on the Hatch Act in February 1988 and 1 day in July 1989. Much of the testimony focused on the fact that under current law Federal civilian and postal workers must comply—hear this—with some 3,000 separate administrative rulings about what kinds of political activities are permissible. The bulk of these rulings are from pre-1940 days, back before there even was a Hatch Act, but they were folded into this when the Hatch Act was finally put together.

Witnesses have testified that this set of rulings have become confusing, illogical, and have been trivialized over the years.

Let me say before I give some of these examples. I was somewhat lukewarm on changes in the Hatch Act initially back some years ago. The Hatch Act has worked well, I think. I think it should be something that can be changed from time to time so it retains its vibrancy, its applicability in any period of time. But I was lukewarm about changing the Hatch Act. But the more we got into it, the more we realized that just simple fairness demands that we make some changes, that we clarify what the intent is of the Hatch Act, how it is going to be applied, and how it will work.

Every American wants to see every other American participate in the political process as much as possible. But in some cases it may be necessary to limit some of that political activity for the overall benefit of everyone. I support that idea. But in addition to the example I have of what happened in the Mondale campaign, and the improper interpretation of the Hatch Act to prevent things that it was never intended to apply to, to that example, add these:

If "Hatched"—if subject to the Hatch Act—you may wear a campaign button on the job, and write a $1,000 check to a candidate, but you cannot give any in-kind contribution of your time, not even something like going over to help stuff envelopes or circulate a nominating petition, something very simple.

If "Hatched," you cannot wave a political poster at a rally, but you can put it on your car or post it on your front lawn.

If "Hatched," you may express your opinion about a candidate publicly, but you cannot make a speech or campaign for or against a candidate. The fine line on this one became a very serious issue in the State of Washington during the last election when Navy shipyard workers were notified they could not actively participate in the State's Presidential caucuses without violating the Hatch Act. They could not even attend the caucuses, not just to vote, but we know how the caucus system works, and they could not attend. The Hatch Act was given as the reason.

The current Hatch Act even extends to letters to the editor on partisan politics. That is another one. Up until last year, for example, employees could write letters to the editor in support of a candidate, but not more than five such letters to any one newspaper or no more than one such letter to five different newspapers. These are laughable, I guess, but they are actually in the law, and we attempt to administer these things.

If you were a Federal employeee, what would you do? Well, you probably would figure, unless you felt very strongly about it, you are just going to stay out of the system and forget it before you get in trouble.

We pointed these issues out, these laughable matters, for several years, but there has been no action on correcting it. At the hearing we held, people were chuckling when we explored how nonsensical some of the Hatch Act restrictions are. Yet, it should not be a humorous matter.

The right of American citizens in good standing to participate in the politics of the Nation is a serious and important constitutional right. It is not something we take lightly. It is a right that, if restricted at all, should be restricted only to the extent necessary to prevent more profound violations from occurring.

The Hatch Act was passed 50 years ago. The development of a professional civil service was being undermined by patronage appointments. At that time more than 60 new Federal agencies had been created by the end of 1934, but only 5 had been placed under the jurisdiction of the Civil Service Commission. This meant that the majority of these agencies were being staffed strictly on the basis of political patronage rather than on merit competition.

This rapid growth of patronage jobs, more than 300,000 new jobs in the Government, a fraction of the size that we have today, but 300,000 jobs,

created congressional concern that some civil servants might be working for partisan rather than national interests.

In 1939, a special Senate investigation disclosed that political appointees in the WPA—the Works Progress Administration—had truly, honestly, coerced relief workers into making political contributions in return for their jobs. The Hatch Act was passed without congressional hearings, with little debate, in order to protect Federal employees. It was fast action.

The Senate vote on the act was so hasty that a subsequent amendment had to be offered on the House floor to exempt the President, Vice President, and Members of Congress from the Hatch Act restrictions that would have prevented them from even seeking reelection, because they would have been Government officials already in office. They could not have gone out and actually campaigned. So it was passed so fast that there had to be a second action to even permit elected officials to run again for office.

In passing that Hatch Act, Congress attempted to guard the civil service from undue political influence by prohibiting Federal workers from engaging in partisan political activities altogether, none, period.

Fifty years later we have a dramatically different situation. We have an established professional service hired on a competitive merit basis, and we also have a system of checks and balances and appeals processes to guard against political abuses. I believe that a compelling case has been made for restrictions on the political liberties of today's work force.

At the same time, I am acutely aware of public concern that too dramatic a change in the Hatch Act might serve to repoliticize the civil service and expose workers to coercion. What we face in proposing reform of the Hatch Act is a balancing act, an admitted balancing act. We must balance the need to protect the integrity of the civil servants with our duty to protect the constitutional right of all citizens who participate in the Nation's political processes.

Mr. President, under the bill, "Hatched" employees would enjoy more freedoms after hours, after their work hours are finished, by being allowed to work voluntarily, as private citizens, for the candidates and causes of their choice. They would be allowed to carry posters at a political rally, stuff envelopes, participate in voter registration drives, and distribute campaign material while off the job. These are basic rights that other Americans just take for granted.

Some restrictions on off-the-job activity provided for in current law would remain. First, current law prohibitions against Federal and postal employees soliciting campaign contributions from the general public would remain. No campaign contribution soliciting.

Second, this bill would keep current law prohibitions against "Hatched" employees running for partisan elective office. They could not do that. So that is continued. At the same time, it would allow them to run for offices within party organizations or affiliated groups. For example, an employee could be a precinct chairman or convention delegate, a privilege that Federal and postal workers do not enjoy today.

S. 135 would ensure the continued protection of "Hatched" employees from political coercion, by making a clear distinction between activity on the job and activity off the job, away from work on an employee's own time. All political activity on the job would be banned. And this even includes the wearing of campaign buttons, which is allowed under current law.

S. 135 would retain all current law prohibitions and penalties against the use of one's official position to influence other employees and increase the criminal penalties for those convicted of such abuse. In some ways, I view this as strengthening the Hatch Act.

In addition, S. 135 would prohibit Federal workers from engaging in any political activity while wearing a uniform or insignia that identifies them as a Federal or a postal employee.

The Department of Justice, the opponents of the bill, have charged that provisions of S. 135, intended to prevent abuses, will be ineffective in achieving that goal as a practical matter because of the difficulties inherent in proving even the most patent abuses.

Mr. President, I find a statement like that from the Justice Department a little disturbing. It is incredible that these officials having the primary responsibility for upholding the laws of our land and laws of our Nation would maintain that criminal statutes are ineffective because of difficulties in providing the charges.

Indeed, I would believe such difficulties are often the case, but surely Justice officials would not advocate repealing the statutes involved in those cases just because it might be difficult in proving.

Mr. President, I urge my colleagues to give Federal workers the job protection they deserve, but at the same time give them the right to participate more fully in the political processes, a right denied to them for over 50 years. So I urge my colleagues to support S. 135.

Mr. President, I believe that action by the Senate on Hatch Act reform is long overdue. I know how the feelings go on this. Feelings run high at just the mention of the Hatch Act. The House has twice passed its version of Hatch Act reform, a version quite different from what we have in the Senate. The most recent version, H.R. 20, they passed on April 17, 1989, by a vote of 297 to 90.

I introduced S. 135, the Hatch Act Reform Amendments of 1989, in January 1989, and the Governmental Affairs Committee held a hearing on it in July 1989. The committee approved the bill without amendment by a vote of 10 to 4, reported to the Senate on October 17, 1989.

I think this legislation has very widespread support. I know we have 54 Senators currently signed up as cosponsors of the bill, so I just hope we get by the cloture vote here and we immediately proceed to the consideration of S. 135.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I yield such time as the Senator may desire.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. LIEBERMAN] is recognized.

Mr. LIEBERMAN. Mr. President, I am proud to rise in support of S. 135 and express my personal hope that cloture is invoked tonight so we can take up this important piece of legislation.

I rise with a certain special sense of personal satisfaction because when I was at law school, which as the Presiding Officer can imagine was a few short years ago, I wrote a paper on the subject of the Hatch Act, and naturally, as befits a law school student, concluded that it was outrageously unconstitutional.

So I consider it to be just another one of the continuing series of miracles that brought me to this great body, so that I have the opportunity now, almost 23 or 24 years later, to stand in this Chamber and argue that we try to right some of the wrong that I think was done in the original passage of the Hatch Act.

The fact is that this act does strip Federal employees of one of the most fundamental rights of our society, one of the truly defined American rights, which is the right to participate in the political process.

I think if we in our society are ever going to limit the right of full political participation, we ought to put the burden of proof on those who would suggest that we adopt or sustain a law that would do that. We ought to demand that they make the fullest showing of fact that there is not just a hint or suspicion of a problem, but a clear record of evidence that there is a problem.

I see none of that in the statements or the arguments of those who oppose S. 135. What I see are fears that come from another time and are unrelated to the facts of civil service life today and the reality of our law, which prohibits and punishes all of the activities

and more that those who oppose S. 135 fear.

Mr. President, I worry not only that the Hatch Act as it exists now is bad for those who work for the Federal Government, but I think it is also bad for the body politic in general because our political system depends on popular participation.

And yet by the Hatch Act, we preclude the participation of literally millions of our fellow Americans and millions of our fellow Americans who uniquely are prepared to play active roles in the life of our Government, because Government is their work. Ultimately, excluding whole segments of the public from political participation will weaken our Government.

Even if one agreed with the basic premise of the Hatch Act, which I clearly do not, it is a fact that the act has failed to establish a comprehensible, rational system for regulating the political activities of Federal and postal employees.

I think it has failed to do so because of the inherent inconsistency, the inherent objectionable quality to attempting in America to prohibit political liberty. When we do that, we end up creating a crazy quilt of restrictions that are arbitrary and ultimately ridiculous.

Last year, at the hearings held before the Governmental Affairs Committee on this proposal, some of the arcane rulings that are part of the regulations pursuant to the Hatch Act were described, and Chairman GLENN mentioned some of them.

But does it make any sense when it comes to political signs, for instance, that a Federal employee can lawfully display a 15-inch to 30-inch political sign on his car, but it is unlawful for him to display the same size sign on his lawn or to hold any sign at a political rally, looking at the TV news today and seeing the footage from Red Square in Moscow, the May Day celebration, where there are Soviet citizens demonstrating against the Soviet policy in Lithuania, holding up signs objecting to the policy, waiving Lithuanian flags?

The fact that an American citizen who happens to be a Federal employee could not go to a political demonstration in this country and wave a similar political sign is to me simply unacceptable.

What has happened as a result of this crazy quilt of regulations that make really ultimately no sense is that Federal employees have found themselves confused and have ultimately chosen the cautious course, which is not to participate at all. And that has meant complete abstention from the political process, including activities that are lawful.

Plainly, the time has come for Hatch Act reform. Perhaps in 1939 when the act was adopted there may have been some concern about political influence in the appointment of people to civil service positions, but even at the outset, the Hatch Act was an overreaction to a problem. It was the classic use of a meat cleaver to deal with a problem that really required a scalpel.

Our professional civil service today is well established and there are numerous civil and criminal statutes in place to protect employees from intimidation and improper conduct and to protect the public from the improper mixing of political activity and government authority.

This legislation before us, S. 135, would remove some of the most ridiculous extreme limitations on Federal and postal employees. Truck drivers, nurses, janitors, postal workers, secretaries, and mechanics, 3 million Federal and postal employees in all, would no longer be excluded from exercising their political rights simply because they are Federal and postal workers. They would be free on their own time to hand out campaign literature, to work on voter registration, to put a sign up in their yards, and participate in a political meeting.

This bill retains strong limitations on political activities by Federal employees. In fact, in my opinion, it retains too many limitations. It still prohibits Federal employees from running for partisan office.

Why should an individual who works for the Internal Revenue Service and lives in Alexandria, VA, for instance, be prohibited from running for a local board, a board of finance, a board of education, where he or she can contribute to the life of that community?

But I understand that many people believe we should move slowly in changing the law. This is a temperate, moderate bill. It strikes a balance. It preserves an independent civil service, and better protects the rights of Federal and postal workers.

I hope that the Senate this evening will open the door by invoking cloture to striking a blow for freedom and democratic principles that are so fundamental to our country, by passing this legislation and removing the archaic restrictions that bar the Federal work force from more fully participating in the democratic process.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield the distinguished leader 7 minutes.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized for 7 minutes.

Mr. SIMPSON. Mr. President. I thank the manager.

This is a most curious thing, to be dealing with a bill first enacted in 1939. There was a reason why this bill was enacted in 1939, and why in the year 1990 it is still on the books. During that period of time, the control of the Senate and the House has been mostly under the administration of the Democratic Party. Both parties should be concerned with this bill, but I have a hunch this next vote will be a pretty good straight-shot partisan vote. That's curious to me because the Democratic Party has sustained this fine piece of legislation on the books all those years.

Yes, there are some regulations that govern Federal employees. They sometimes lead to confusion and to frustration. But think how many times we pass legislation here solely out of frustration. We do that with veterans legislation. We are going to try to do it with atomic radiation fallout. We tried to do that with agent orange.

We do a lot of that here. It is called frustration. The reason it is frustrating is because you know you cannot get to first base on it most of the time. So yes, there are some frustrating little things about what you can do and what you cannot do under the Hatch Act:

You can register and vote.

You can assist in voter registration drives, but you cannot work to register voters for one party only.

You can express opinions about candidated and issues.

You can participate in campaigns where none of the candidates represent a political party; that is, school board.

You cannot be a candidate for public office, nor can you campaign for or against a candidate in a partisan election.

You can contribute money to political organizations, but you cannot collect others' contributions.

You can attend political fundraising functions, but you cannot sell tickets to others for such function.

You cannot make campaign speeches to elect a partisan candidate.

You can wear or display political badges, buttons or stickers, but you cannot distribute such campaign material to others in partisan elections.

You can attend political rallies and meetings, but you cannot organize or manage such rallies and meetings.

You can join political clubs or parties, but you cannot hold office in such a club or party.

You can sign nominating petitions, but you cannot circulate these petitions.

You can campaign for or against referendum questions, constitutional amendments, municipal ordinances.

The House bill was a massive overhaul of the Hatch Act. The Senate, I will say this, certainly moderated it, and that is good.

The President has obviously promised a veto of any revision to this act because of one thing; the same reason

President Ford said about why he vetoed it

The compromising position that could result for Federal employees and will result, it is called pressure. Pressure could be brought, and will be brought, on Federal employees in extremely subtle ways beyond the reach of any kind of anticoercion statute. It is a fine line to walk from an employer's suggestion to flat out coercion. It is not only difficult to define, but is difficult to enforce.

On a personal level, I watched my remarkable father serve as Governor of Wyoming. He then ran for reelection as Governor in 1958 and was defeated. He had some deep personal views about capital punishment that were not akin with his constituency. He did not believe in it. In Wyoming that is a pretty hazardous place to be.

But let me tell you what really happened so that in 4 minutes you can hear the real ring of it against the wall. In that campaign—and this is pretty small potatoes politics—after the election they went out to the parking lot. They looked around to see what size the bumper stickers were that they had torn off. They had been torn off because the Democrat had defeated the Republican, and they were all out looking for their friends to get some jobs. They went out and said, "We could tell on your bumper sticker, even though you rubbed it off"—used a little SOS on it—that you were a Simpson supporter. So, therefore, you will be jettisoned out of your seat. It does not matter what you are doing here because we have not been in charge for a long time. We have a lot of people lusting for work."

Now the Republicans do that kind of thing, too, and they are good at it.

So they not only did that, they checked the stationary to see the names of people who had been in State government, and checked the mailing lists. Ladies and gentlemen, have you ever seen real small, pinheaded partisan people who lurk in real life politics? They keep score. Democrat or Republican, they have long memories, like elephants. They play tough. They have total recall, and they can remember every single guy who was a Democrat and then shifted his registration. We are talking about real life.

Let us just look at that last campaign. Let us say you happened to be a Dukakis supporter. You love him. No Hatch Act. You campaign. You pass out stuff. You wear the button, of course, after hours. You preach the word, and Bush wins. You lose. And I tell you, I know what the law says, and I do not care what it says. I do not care how good you put it. You lose. There are certainly penalties against coercion. We all know that. But I know politics better than I know anything else after 25 years, and I know the people who get involved in some of these things who really do not care about Government as much as they care about just blasting the other party out of the office. Period.

And you know that you are going to have people who know their jobs. They are fine people, but I know the zealots. I know the guys who say, "Get that guy. Get him." I know how they screen the ranks. I know how they pick their friends. I know how they punish their enemies. Then there's the issue of fundraising in the office. Boy, that will be a dazzler when the supervisor puts the screws to the little guy down there and says, "Don't worry, I will be by after hours to talk about it."

Then you need to remember how a Democratic Senator will work with a Democratic bureaucrat, how a Republican Senator will work with a Republican bureaucrat. It ought to chill you. That is why nothing has been done since 1939. It would not be good for this country to change this law. That is why we had a Hatch Act in the first place.

The real honest-to-God Federal worker does not want a thing to do with this so-called reform measure. He is cringing, thinking, "Boy, are they really going to get that thing done? And, if they do, that is going to hurt me," because he is a pro and he does not want the pressure. And this nagging subterranean, nonidentifiable, subtle, plain old pressure is not what the real pro wants.

Well, all the Federal unions hang out around here. We are right in the middle of Virginia and Maryland. And, boy, they do a tattoo on our dome all day long about this and other things. They want to come at us on this one. But I will tell you, this is one of those you vote for and hope to Heaven it does not pass. That is what you hope for on this one. I think it is a vote you are going to take too far. It is a bad bill.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. GLENN. How much time is remaining on my side?

The PRESIDING OFFICER. The Senator has 4 minutes and 17 seconds.

Mr. GLENN. I yield such time as the Senator from Alaska may use.

The PRESIDING OFFICER. The Senator from Alaska, Senator STEVENS, is recognized for up to 4 minutes and 17 seconds.

Mr. STEVENS. I thank the Chair and the Senator from Ohio.

Mr. President, the bill we are discussing today would reform the Hatch Act—not repeal the Hatch Act. We are talking about relaxing some restrictions so that our Federal civil servants can participate more fully in the political process, a right taken for granted by most Americans. We are talking about fairness.

The legislation reported out of the Governmental Affairs Committee in October of last year is identical to a bill which was reported out of that committee during the last Congress. I supported that bill in 1988 and I continue to support the bill now.

Under the Senate bill, Federal employees would be allowed to participate in political activities while off duty and away from the worksite. This involvement could include handing out brochures, putting up yard signs, helping with telephone banks, and other functions commonplace to most Americans.

The Senate bill differs from the House-passed bill in that Federal employees would not be permitted to run for any partisan political office at any level. The Senate bill also restricts solicitation and acceptance of political contributions to a fellow member of the same employee organization for that organization's multicandidate political action committee. Again, only while both employees are off duty and away from the worksite.

Let me remind the Senate of the restrictions which remain in effect under the Senate bill.

Federal employees could not engage in any political activity while on duty, while in a Federal building, while wearing a uniform or official insignia, or while using a Government vehicle.

Federal employees could not run for partisan political office at any level of Government.

Federal employees could not solicit political contributions from the general public.

Federal employees could not give a political contribution to someone in order to encourage that person to vote, or not to vote.

Federal employees could not give, solicit, or accept a contribution while in a Federal facility.

In addition, Federal employees could not wear political buttons—something they are now allowed to do.

The Federal work force in 1939 needed the Protections of the Hatch Act restrictions. Civil servants were being coerced into participating and contributing to political campaigns out of fear for their jobs. Today's Federal employees are much more aware of the civil and criminal penalties which have been enacted to protect them. Violations would still be subject to fines of up to $10,000, imprisonment of up to 3 years, or both as provided in title 18 of the United States Code.

Mr. President, I ask unanimous consent to have reprinted at the end of my remarks a list of the statues and statutory provisions which are intended to insure a politically neutral Civil Service. These provisions are not changed by S. 135.

Mr. President, the Senate bill is a balance between protecting the impartial administration and enforcement of Federal laws and the advancement of Federal Civil Service based solely on merit—a laudable concern expressed by the Department of Justice—and the basic constitutional right of all Americans to participate in their country's political process.

I urge support of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATUTES AND STATUTORY PROVISIONS WHICH ARE INTENDED TO INSURE A POLITICALLY NEUTRAL CIVIL SERVICE

The following statutes, enacted after passage of the Hatch Act in 1939, serve a useful purpose in preserving the neutrality of the work force and negating practices relating to the spoils system:

Civil Service Reform Act of 1978, P. Law 95-454, 92 Stat. 111.

CHAPTER 23—MERIT SYSTEM PRINCIPLES

5 U.S.C. §2301(b)(1) Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.

5 U.S.C. §2301(b)(2) All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to *political affiliation* * * *

5 U.S.C. §2302(b)(1) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority discriminate for or against any employee or applicant for employment—

(E) on the basis of marital status or *political affiliation*, as prohibited under any law, rule, or regulation . . .

(3) coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity.

Federal Criminal Code provisions—18 U.S.C. §594, 595, 597, 598-607.

18 U.S.C. § 594 prohibits the attempt or use of intimidation, threat, or coercion for the purpose of interfering with another's right to vote. A person in violation of this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

18 U.S.C. § 595 prohibits any person employed by the federal government in an administrative capacity from using his official authority for the purpose of interfering with, or affecting, the nomination or election of certain candidates for national office. Violators are subject to a fine of not more than $1,000 or one year in prison, or both.

18 U.S.C. § 597 prohibits the making, offering, solicitation, acceptance or receipt of expenditures in consideration for one's vote or the withholding thereof. Violation of this section carries a fine of not more than $1,000 or maximum imprisonment of one year, or both. If the violation is willful, a fine of not more than $10,000 and imprisonment of not more than two years, or both, shall be assessed.

18 U.S.C. § 598 prohibits the use of congressional appropriations for work relief, or the exercise of authority conferred by an appropriations act, for the purpose of interfering with an individual's right to vote. Violation of this section warrants a fine of not more than $1,000 or imprisonment for not more than one year, or both.

18 U.S.C. § 599 prohibits a candidate from the direct or indirect promise or pledge, or the use of his influence, of the appointment of any person for the purpose of procuring support for his candidacy. Violators shall be fined not more than $1,000 or imprisoned not more than one year, or both. Willful violation carries a maximum fine of $10,000 or two years in prison, or both.

18 U.S.C. § 600 prohibits promise or special consideration for employment, position, compensation, contract, appointment or other benefit made possible by an Act of Congress to any person in return for any political activity, or the support of a candidate or political party. Violators of this section shall be fined no more than $10,000 or imprisoned no more than one year, or both.

18 U.S.C. § 601 prohibits causing any person to make a contribution for the benefit of any candidate or political party through the denial of deprivation of any employment, position, or work with an agency of the federal government. A maximum fine of $10,000 or imprisonment of not more than one year, or both shall be levied against violators.

18 U.S.C. § 602 makes it unlawful for a candidate for Congress, elected representative, employee or officer of the federal government to knowingly solicit contributions, within the meaning of section 301(8) of the Federal Election Campaign Act of 1971, from any other officer, employee or person. Any individual in violation of this section shall be fined no more than $5,000 or imprisoned not more than three years, or both.

18 U.S.C. § 603 prohibits any officer or employee of the United States from making any contribution to any other officer, employee, Senator or Representative, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Violators are subject to a fine of not more than $5,000 or three years in prison or both.

18 U.S.C. § 604 prohibits solicitation or receipt of any assessment, subscription or contribution for any political purpose, from any person known to be receiving or entitled to compensation, employment or benefit generated by Congressional appropriation for work relief purposes. Violators shall be fined not more than $1,000 or imprisoned not more than one year, or both.

18 U.S.C. § 605 prohibits the disclosure, for political purposes, of the names of persons on relief, to a political candidate, committee or campaign manager, or the receipt of such a list. Violators shall be fined not more than $1,000 or imprisoned not more than one year, or both.

18 U.S.C. § 606 prohibits officers of employees of the United States from discharging, promoting, or degrading the rank of any other officer or employee for giving, withholding, or neglecting to make a political contribution. Violators shall be fined not more than $5,000 or imprisoned not more than three years, or both.

18 U.S.C. § 607 makes it unlawful to solicit or receive any contribution in a room or building occupied in the discharge of official duties by any person mentioned in section 603 above. Any person in violation shall be fined not more than $5,000 or imprisoned not more than three years, or both.

Expansion of the Competitive Service.

At the time the Hatch Act was passed, only about 10% of all federal employees were covered. Now there are few employees who are not covered and the Hatch Act Reform bill will continue such broad coverage. Further 5 U.S.C. § 1308 requires that Congress be provided with an annual report setting forth a statement in the administration of the competitive service, the rules and regulations and exceptions thereto in force, the reason for exceptions, etc. Section 3302 gives the President sole discretion for providing for necessary exceptions of positions from the competitive service and thus, possibly from Hatch Act coverage.

Government in the Sunshine Act, P. Law. 94-409, 5 U.S.C. § 552b, and the sunshine provisions of other various statutes.

Freedom of Information Act, 5 U.S.C. § 552.

Federal Election Campaign Act Amendments of 1984, P. Law 93-443, 88 Stat. 1263.—Includes public financing of presidential election and limits contributions and expenditures for federal candidates;

Strengthened oversight functions of Congress; and Whistleblower Protections.

Mr. STEVENS. Mr. President, in view of the time constraints, let me just say a few words to the Senate about this act. It has been 50 years since it was passed. The two great parties have each occupied about half of that time in the control of the Federal Government. But times have changed, Mr. President. We are approaching a time now when the demographics of society show us that we are going to have to have incentives to get bright young people to come into the Federal Government. What incentive is there now? Pay? Are we going to tell them we are going to pay them, offer incentive payments to bring young people in? I do not think that is the wave of the future. The wave of the future is participation by young people in Government. They see it all over the world. And yet, here comes a young person into the Federal Government to see whether he or she wants to take a job with the Federal Government. And what do you tell the young people about political activity? As the Senator from Ohio said, you cannot stand on the corner and raise a political sign. Of course, you can give money.

I wonder about the statements we have been hearing today if people really understand this bill. There is plenty a Federal employee can do to influence politics. The question is, What can you do to be involved in politics? The young people of this country want to participate. And I believe that to tell them—as the Senator from Ohio and the Senator from Connecticut have pointed out, sure you can put a little sign on your front yard or you can put a bigger one on your car and you can wear a button and you can give a thousand dollars. That is not what they want. They want to be able

to go to caucuses; they want to feel the spirit of the democracy of America.

How do you get that? How do you get that and listen to people who are living in the past? I grew up in Indiana. My grandfather was a Government employee for a while. I remember when they used to come around and get contributions from my grandfather. Those days are gone. There is nothing in this bill that would authorize that. There is nothing in this bill that would authorize anyone to discriminate against a person because they declared themselves to be in support of one person or another in a Federal campaign. Nothing. Nothing that would repeal the protections that are there for the Federal employee now.

I congratulate my friend from Ohio, and, as he said, he came into this argument. Sentor GLENN did. I remember sitting down talking to him when he first became chairman of our committee. He was skeptical. "Prove it to me."

Prove it to me, that this has to be done in order to protect the Federal employee and at the same time give him or her greater participation.

Through the years, I congratulate my good friend, JOHN GLENN, he has come around. He sees it. I spent time in the Federal Government as a civil servant. I did not have anyone tell me not to put a bumper sticker on my car. I could do that. I could contribute.

What people do not understand is the protections in this bill are protections to allow you to get out and be part of a group that goes to a caucus, goes to a precinct meeting and expresses yourself on issues. I think that is what the young people want to do.

From my point of view, I think this is the thing most people are missing, and our President is missing it. The people in his Justice Department are missing it.

The time will come when we are going to have a hard time getting more bright young people to come into Government and, I think this current Hatch Act is a disincentive to the young people who want to be vibrant activists in this system of ours today. I think there is a distrust in the Hatch Act that is no longer warranted.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH] is recognized for 3 minutes.

Mr. ROTH. Mr. President, in closing the debate, I would like to briefly sum up the arguments against this legislation:

First, current law under the Hatch Act is designed to protect Federal employees from political coercion. S. 135 severely erodes this protection by making Federal employees vulnerable to indirect, subtle pressures. Let there be no doubt that if this bill becomes law, Federal employees will feel obligated to engage in certain activities to further their career, even in the absence of explicit coercion.

Second, let me be clear, both supporters of current law and S. 135 want to protect against political coercion. Current law is a proven, effective method for doing so, while this legislation fails to acknowledge the notion that coercion is often done in subtle ways.

Third, this legislation will permit a Federal work force with sensitive responsibilities such as law enforcement, tax collection, Federal election oversight, and the awarding of Government contracts to become identified with certain political parties or causes. Public identification of Federal employees with partisan politics would erode public trust in the Government.

Very frankly, I doubt very seriously that the reason the youth is not becoming more involved in Government is because of the Hatch Act.

Fourth, this legislation will present an unprecedented opportunity for Federal employees to solicit contributions from other Federal employees who belong to the same employee union. This will breed subtle pressures within the work force to contribute to certain political actions.

Fifth, political coercion at the State level, where protections similar to those at the Federal level are not in law, has resulted in numerous prosecutions. The Office of Special Counsel has recently prosecuted cases of coercion in Akron, OH, and Niagara Falls, NY. The Department of Justice has investigated cases of political corruption in Clark County, IN, and Chicago, IL.

Sixth, opponents of this legislation include Common Cause, the American Bar Association, the Federal Bar Association, the National Academy of Public Administration, the National Taxpayers Union, and the Chamber of Commerce. Proponents are Federal and Postal employee unions and the ACLU.

Seventh, surveys indicate that Federal employees do not support Hatch Act reform. More than 35 percent of Federal personnel specialists surveyed believe Hatch Act reform would have a negative effect on the work environment, while only 11 percent said it would have a positive effect, and the remainder said it would have no effect or had no response.

In 1987, the Senior Executives Association published a survey of their members. More than 70 percent of the members who responded to the survey favored the current law. But what is even more revealing is some of the comments made by respondents:

The additional "freedom" in exercising rights of citizens would quickly turn into political favoritism, with different sets of Senior Executives careerists and GS careerists "in" or "out" of favor depending on election results.

And, further, they said:

The bill could be very harmful for professionals in the career service. Incoming appointees would be under great pressure to award those who worked the hardest for the party that won.

For anyone who doubts a return to the spoils system, I urge them to listen to these Federal employees. The Hatch Act protects them now. The Hatch Act reflects the historical and continuing necessity to balance the rights of Federal employees as citizens with the overwhelming public interest in an impartial, politically neutral, and independent civil service. The changes being proposed harm that balance.

For that reason, I urge Senators to vote against proceeding with this legislation.

Mr. President, I have here from the executive office of the President, a statement of administration policy in which it is said:

The Administration opposes the enactment of S. 135. If this bill were presented to the President, his senior advisers would recommend its disapproval.

S. 135 repeals virtually all of the Hatch Act's restrictions on partisan political activity by Federal employees. This bill would allow unrestricted, off-duty partisan electioneering and political activity by all Federal employees. Such activity would undermine the integrity and independence of the traditionally non-partisan civil service.

Under S. 135, Federal employees would be vulnerable to both direct and subtle political pressures. They could be presented to "volunteer" help in campaigns and to make financial contributions in order to curry favor with one political party or another. The bill's proposed safeguard against abuse is inadequate and largely unenforceable.

The Administration believes the Hatch Act, which has served to protect the public interest for half a century, is a valuable safeguard of governmental integrity and should be preserved.

I yield back the floor reserving the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 30 seconds to the distinguished chairman.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 30 seconds, chargeable to the Senator from Delaware.

Mr. GLENN. What we are proposing is to bring some clarity from confusion concerning the Hatch Act. On the job, "no politics of any kind" clarifies that. It does not even permit what is permitted now. No politics of any kind on the job.

But off the job, you still cannot solicit money, you cannot run for elective office, but you can participate in the political process as every other American, with those very sensible restrictions. I yield back the remainder of my time.

The PRESIDING OFFICER. The time controlled by the Senator from Ohio is yielded back. The Senator from Delaware still controls 38 seconds.

Mr. ROTH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The hour of 7 p.m. has arrived. The time for debate under the unanimous-consent agreement having expired, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

George Mitchell, John Glenn, Tom Daschle, Jim Sasser, Patrick Leahy, Alan J. Dixon, Charles S. Robb, Paul Simon, Frank R. Lautenberg, Herb Kohl, David Pryor, Wendell Ford, D.K. Inouye, Dennis DeConcini, J.J. Exon, Bob Kerrey.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 135, the Hatch Act reform amendments, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

The PRESIDING OFFICER (Mr. BREAUX). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 70, nays 28, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—70

Adams	Cranston	Hatfield
Baucus	D'Amato	Heflin
Biden	Daschle	Heinz
Bingaman	DeConcini	Hollings
Boren	Dixon	Inouye
Bradley	Dodd	Jeffords
Breaux	Domenici	Johnston
Bryan	Durenberger	Kasten
Bumpers	Exon	Kennedy
Burdick	Ford	Kerrey
Burns	Fowler	Kerry
Byrd	Glenn	Kohl
Chafee	Gore	Lautenberg
Cohen	Graham	Leahy
Conrad	Harkin	Levin
Lieberman	Packwood	Sasser
Lott	Pell	Shelby
McCain	Pryor	Simon
Metzenbaum	Reid	Specter
Mikulski	Riegle	Stevens
Mitchell	Robb	Warner
Moynihan	Rockefeller	Wirth
Murkowski	Sanford	
Nunn	Sarbanes	

NAYS—28

Armstrong	Grassley	Pressler
Bond	Hatch	Roth
Boschwitz	Helms	Rudman
Coats	Humphrey	Simpson
Cochran	Kassebaum	Symms
Danforth	Lugar	Thurmond
Dole	Mack	Wallop
Garn	McClure	Wilson
Gorton	McConnell	
Gramm	Nickles	

NOT VOTING—1

Bentsen

The PRESIDING OFFICER. On this vote, the yeas are 70 and the nays are 28. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The pending question before the Senate is the motion to proceed to the bill, S. 135.

The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The Clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

MORNING BUSINESS

Mr. MITCHELL. I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEETING WITH PANAMANIAN PRESIDENT ENDARA

Mr. DOLE. Mr. President, the distinguished majority leader and I met this afternoon with Panamanian President Endara—who is here on an official visit.

I had the opportunity to meet President Endara in Panama last December—coincidentally, just 2 weeks before the United States intervention which ousted Noriega, and led to Endara's selection as President.

He impressed me then with his courage and determination—and has impressed all of us since with the energy and dedication he has brought to the task of establishing his government.

I might also say—he has learned quickly how to deal with our press. In our meeting, one reporter tried hard to get him to say something critical about the slow pace of congressional action on the Panama aid package—but he stuck to the diplomatic high road.

He did make clear that Panama needs our help, and needs it quickly. And both the majority leader and I pledged our best efforts to move the supplemental as quickly as possible.

The President also reaffirmed something he told me in Panama, and has said publicly since: What Panama needs, more than aid, is investment, technology, tourism, and trade. That's where Panama sees its future.

I would like to put in the RECORD an eloquent speech that President Endara gave at the National Press Club today. It makes this same point, and many other important points.

I would like to take particular note of the emphasis that President Endara placed on the issue of drugs and money laundering in his speech. He said, and I quote: "We are in a partnership with the United States in this global war on drugs." His actions to date suggest he takes this partnership seriously, and is working hard, to again use his words, "to eliminate any chance that the tyranny over the mind that comes from drugs and drug money will ever return" to Panama.

Mr. President, it was a pleasure to welcome President Endara to the Senate. I commend his speech to all Senators.

PRESIDENT GUILLERMO ENDARA'S REMARKS TO NATIONAL PRESS CLUB LUNCH, MAY 1, 1990

"All men are created equal."

"God who gave us life, gave us liberty."

"Almighty God hath created the mind free."

I would like to begin with these words by Thomas Jefferson, chiseled in his Memorial forever, because they inspire the thought and actions of the government of Panama.

The years 1989 and 1990 will be remembered as a time of triumph for democracy. But, we in Panama look back more than two decades for the beginning of our struggle to regain our liberty and to assert our right to be equal.

It was finally in June of 1987 that the dam of dictatorship broke and a flood of cries for freedom rushed like a torrent through the country

We called upon the people of Panama to be good citizens, to stand up for decency, to march for human rights and democracy, to face the armed power of the military with nothing but the righteousness of our cause and a white handkerchief. They answered that call. People marched as one into the

streets of our cities in a moral crusade which was non-violent, truly national, encompassing all classes and ages, all religions and regions, from all walks of life.

Then, two years later, on May 7, 1989—almost exactly one year ago—Panama had an election. On that day, despite intimidation and fraud on the part of the government, the people of Panama spoke—clearly, with one voice, throughout the country, for all the world to hear. They voted overwhelmingly for the opposition coalition, ADO-Civilista.

Yet, the dictator tried to cheat the people of their victory, attempting to annul a peaceful process, tarnished only by his own illegal and fraudulent actions. But when even that failed, he worked to choke the voice that called for freedom. When we tried to claim the victory for democracy, which was rightfully ours, we were beaten and battered and arrested and jailed. Never forget the blood that flowed that day in May and was recorded for history and for the whole world to witness.

Politically and morally, the people of Panama were victorious, but there were other forces that we could not vanquish by ourselves. The guns were too many; the power and control of the dictator, too great; his alliance with international criminal conspiracies, too powerful.

When we sought a peaceful way out at the negotiating table to avoid additional suffering to our people, the dictator would have none of it and saw it as another opportunity to impose his almighty will. When we sought help from our friends and from our neighbors, all kinds of outmoded, old-fashioned legalistic barriers were raised. Only the United States and Costa Rica were with us.

Do not let the story of our sacrifices and yours be written by those who see the world through the dark and unlit windows of the past. Let us, the people of Panama, write the story of our own struggle, and we will tell the truth for the whole world to hear: Panama was liberated, not destroyed. All who were in Panama during those days will bear witness to these facts. We are today a free nation. If anybody has any doubts, anywhere in the world, please do not waste your time with Byzantine discussions: come to Panama, travel to any corner of the cities or of the countryside, talk to the people, breath the air, see for yourself.

If you do, you will find that our struggle has taken on a new meaning now and a different dimension. We are struggling now to make Panama a better place to live in, a better place for foreigners to visit, and a better place to leave to our children and future generations. Our struggle now is to preserve democracy, to attain economic recovery and progress, and to show the world that we are good, friendly, hard-working, honest and creative people, not a nation of drug-traffickers and money-launderers.

We want to eliminate any chance that the tyranny over the mind that comes from drugs and drug money will ever return, with its sequel of moral corrosion and social degradation, for you as well as for us. We want this for its own merits and our protection. Consider that close to one-half of our population is 19 years of age or under, and that one-fourth is under 10 years. We must protect this precious resource because the future of our country depends on it.

For years, we breathed the rotten air of corruption, drugs and money launderers. They are gone today and we do not want them back; this form of tyranny has ended. When I ran for President, I promised the people that the new Panama would not tolerate their activities on our soil. One of my first acts as President was to appoint an Attorney General who immediately ordered the freezing of over 200 bank accounts that were tainted with money made from drugs. Shortly thereafter the new government issued a decree requiring our banks to record and to report every cash transaction in excess of ten thousand dollars.

We are in a partnership with the United States in this global war on drugs. It is a true alliance of interest and of effort. We will continue to work with the United States to find ways to make that alliance, and our partnership, stronger and more effective. When it comes to the war on drugs, I assure you, that the U.S. has no better friend than the new government of Panama. Winning that war is in our own interest too.

We are also struggling in my country against the new enemies of freedom which are also the oldest enemies of man: poverty, disease, ignorance, and unemployment. Democracy cannot long survive where children starve, where the sick go untreated, and where those who want to work are idle.

Conservative estimates place unemployment at the 20 percent level nationally, and up to 30 percent in urban areas, primarily around both entrances of the Canal in the Pacific and in the Atlantic sides, where roughly one million people live, out of a total population of almost 2 and a half million. According to three-year-old statistics, the government provided jobs to 22 percent of the working population, while the private sector of the economy provided about 35 percent. (Incidentally, the Canal operation accounted for only 3 percent. But while the mean monthly salary in Panama was four hundred and fifty dollars, it was fifteen hundred dollars in the Canal area).

We must reduce the size of the public sector in Panama, and increase the role of the private sector in the economy, to enable it to provide more jobs for Panamanians. The service sector with more than 50 percent, the agricultural sector with 30 percent, and the manufacturing sector with 15 percent, of the jobs in the private sector, must be strengthened. Toward this end, we are delineating clear government policies to encourage the initiative of private domestic and foreign investment.

More than a third of our total imports come *from* the United States. About two thirds of our total exports come *to* this country. The United States is an important business partner and we want to expand and increase our commercial exchange.

Illiteracy is also a threat to democracy and freedom. We have eleven per cent illiteracy rate nationwide but it skyrockets to sixty-three per cent among the native Indian population. We must provide adequate education to them as well as to the half-million sudents between the ages of six and fifteen who crowd our schools, and to the more than fifty thousand younsters who attend our three universities. We depend on them and on the development of their minds and skills to build the country of the future which we all want.

This is our call to arms today, for we are stil embattled. This is our challenge today, for our democracy is still at risk. This is our task today in Panama—to feed those who are hungry, to care for those who are sick, to find shelter for these who cannot escape the tropical sun or rain, to educate those who want knowledge, to find jobs for those who seek work.

With your generous help we are going to be able to meet the immediate basic human needs of our people, until the long term economic policies and measures which are being put in place begin to bear fruit. We will reconstruct and return prosperity to our land. Panama will be a showcase of freedom and of free enterprise for all the Hemisphere to see and for all the world to participate in. Your investment in our well-being will grow and multiply in value—not only for all Panamanians but for people throughout the world.

We want to participate as full-fledged members of the democratic world that is taking shape. The political revolution that has reshaped the face of this world over the past months will be followed by an economic revolution. All of Europe will soon be one giant, productive, united, powerhouse of an economy. Soon it will be so in Asia and the Pacific where new economic forces are taking shape. We want to be part of this exciting world, and we want to contribute to its progress and well-being.

We, the leaders of the democracies in this Hemisphere, must find the wisdom and the will to plan together, to work together, to produce together, and to trade together in a way that will make our nations prosper together in peace. I propose a new Alliance for Growth and Freedom, and I invite all democratic governments of our Hemisphere to join in the effort. I do not propose the mere transfer of wealth from those who have to those who have not. I propose an Alliance which will benefit all participants as partners, as equals with their economies and private sectors truly engaged and involved, with obstacles to trade and investment eliminated once and for all. Let us think big; let us be bold. We live in an exciting time.

Let me, in closing, say a few words about a couple of topics which give me concern.

Last week, all the world celebrated the twentieth anniversary of Earth Day. Every year, that celebration reminds us—ever more powerfully—of our common plight on this planet that we share. The environmental movement is based on the notion that, to combat the despoliation of our planet, we must put the common good above narrow national interests, that there should be a new definition of national interest which includes the health and welfare of other human beings. This movement rises above nation states and national boundaries and unites all men and women in a common effort to meet a common threat. To save the world, all the world must work together, and when it comes to cleaning up our planet, national boundaries are more of a hindrance than a help. Slowly and painfully we have finally learned: When we put poison in our environment, we endanger more than our forests, streams and wildlife; we also poison ourselves.

The same can be said about human rights. For the first time in human history, we have come to realize that the cause of human rights transcends national boundaries, that the people of the world have an absolute right to intervene in the affairs of a nation or government engaged in the wholesale violation of human rights. The cause of human rights—like the environmental movement—cuts across borders and boundaries and makes traditional notions of national sovereignty obsolete.

Will that same sense of common purpose and shared destiny ever unite the peoples of this Hemisphere in their quest for social justice and economic prosperity? Surely it is worth our time and talent to explore better

ways to bring our peoples together to the benefit of all. Surely the hope of genuine cooperation and collaboration among the nations of this Hemisphere is not just an idle daydream.

To build this kind of an economic community in this Hemisphere will take time and trust, but first we need the will. Let us pledge at least that we will begin to work on a declaration of hope. Let us spell out a vision of the future that might one day bring us together in a Greater American Economic Union. When that moment comes, it will be a new day for all Americans, from the North as well as the South.

There is already a new day in Panama. We are building a new nation. You have given us some of the tools to begin. Now watch us work. Panama is the place to be, today and also tomorrow.

For myself and for all the people of Panama, thank you for the honor that you pay to my country by inviting me to speak to you on this occasion.

NEVADA'S SMALL BUSINESS PERSON OF THE YEAR—LINDA MONTGOMERY

Mr. BRYAN. Mr. President, I rise today to recognize one of our Nation's outstanding business persons. Mrs. Linda Montgomery of Las Vegas, NV, has been selected by the U.S. Small Business Administration as the SBA Small Business Person of the Year for the District of Nevada. This is a truly praiseworthy achievement of which we should all be very proud.

Mrs. Montgomery is the owner of the Learning Center, a computer training center which she founded in 1985. The center's courses are geared to the business professional who requires effective personal computer training in a short timeframe. In the span of 5 years, the center has grown from a 1 classroom, 1 instructor operation to its current facility of 7 instructors and 6 classrooms, offering 32 courses. In addition, in September 1989, the Learning Center opened the TLC Career School providing a 9-week curriculum to prepare individuals for the job market.

This kind of growth requires more than hard work. It begins with the foresight to anticipate the integral role personal computers would play in today's business world. It depends upon an unusual degree of flexibility to meet the rapid pace of expansion both within the field of computers and in the economic boom of the Las Vegas area. Most of all, it mandates a keen business mind to maintain fiscal control of an ever expanding business.

Mr. President, Mrs. Montgomery is a valuable member of the Las Vegas Chamber of Commerce and the Las Vegas community. But she is also the type of person who is invaluable to our Nation's international economic welfare. At a time when our Nation is struggling to regain our former economic dominance, Mrs. Montgomery sets an example of the success for which we should all strive. Our recognition of her achievements is important not only to reward a job well done, but to provide an example of the ingenuity which the United States must harness to overcome the increasing international economic competition that we face.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NICARAGUA—MESSAGE FROM THE PRESIDENT—PM-115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on developments since my last report of October 25, 1989, concerning the national emergency with respect to Nicaragua that was declared in Executive Order No. 12513 on May 1, 1985. This report also provides final information on total Administration expenses directly incurred in exercise of emergency authorities pursuant to that order from May 1, 1985, through my termination of the national emergency on March 13, 1990. Executive Order No. 12513 prohibited: (1) all imports into the United States of goods and services of Nicaraguan origin; (2) all exports from the United States of goods to or destined for Nicaragua except those destined for the organized democratic resistance; (3) Nicaraguan air carriers from engaging in air transportation to or from points in the United States; and (4) vessels of Nicaraguan registry from entering United States ports. On March 13, 1990, in Executive Order No. 12707. 55 *Fed. Reg.* 9707 (March 14, 1990), I terminated the emergency declared with respect to Nicaragua and lifted the economic sanctions imposed on that country, in response to the successful completion of a democratic presidential election in Nicaragua.

1. The declaration of emergency was was pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* ("IEEPA"), the National Emergencies Act, 50 U.S.C. 1601 *et seq.* ("NEA"), chapter 12 of title 50 of the United States Code (50 U.S.C. 191 *et seq.*), and section 301 of title 3 of the United States Code. The termination of emergency and removal of sanctions were made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including those just noted. This report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c).

2. The Office of Foreign Assets Control ("FAC") of the Department of the Treasury issued the Nicaraguan Trade Control Regulations implementing the prohibitions in Executive Order No. 12513, effective May 7, 1985, 50 *Fed. Reg.* 19890 (May 10, 1985).

3. Since my report of October 25, 1989, fewer than 20 applications for licenses have been received by FAC with respect to Nicaragua, and the majority of these applications have been granted. Of the licenses issued in this period, some authorized exports for humanitarian purposes, covering donated articles beyond the scope of the exceptions to the export ban. Certain licenses authorized the export of equipment to *La Prensa*, the major opposition publication in Nicaragua, as well as to other opposition press groups. A license was also issued to the Free Trade Union Institute of the AFL–CIO to export equipment and supplies to the Nicaraguan Confederation of Trade Union Unity in Managua for use during the elections that were held on February 25, 1990, in Nicaragua. Our licensing action was taken pursuant to Public Law 101–119, which was enacted by the Congress to provide assistance for free and fair elections in Nicaragua.

4. Since my last report, several cases have been referred to the FAC civil penalties division for civil penalty actions. The companies in question are based in the United States and engaged in unauthorized exports to Nicaragua from the United States. We expect at least four of these exporting companies to be assessed penalties.

In addition to cases currently under civil penalty consideration, there are approximately 34 companies under active investigation by the U.S. Customs Service. These cases involve unauthorized importation and/or exportation of goods between the United States and Nicaragua.

5. The U.S. Government expects to have greatly improved relations with Nicaragua now that the new Nicaraguan government has taken office, particularly in light of President Chamorro's commitment to democratization and to a free market economy. For these reasons, I terminated the national emergency with respect to Nicaragua on March 13, 1990.

6. The expenses incurred by the Federal Government in the period from November 1, 1989, through May 1, 1990, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to Nicaragua are estimated at $119,667.48, all of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Customs Service, as well as in FAC and the Office of the General Counsel), with expenses also incurred

by the Department of State and the National Security Council.

7. For the full period of the national emergency with respect to Nicaragua (May 1, 1985, through March 13, 1990), the total expenditures of the Federal Government directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency are estimated at $1,309,783.48, all of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Departments of State and the Treasury, and the National Security Council.

8. The February 25, 1990, democratic election in Nicaragua ended the unusual and extraordinary threat to the national security and foreign policy of the United States previously posed by the policies and actions of the Sandinista government in that country, and led to my termination of the national emergency to deal with that threat. Accordingly, this is the last periodic report that will be submitted pursuant to 50 U.S.C. 1703(c). This report also constitutes the last semiannual report and the final report on Administration expenditures required pursuant to 50 U.S.C. 1641(c).

GEORGE BUSH.

THE WHITE HOUSE, *May 1, 1990.*

BUDGET REQUEST OF THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT—PM-116

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1991 Budget request and 1990 Budget supplemental request.

The District's general fund 1991 operating budget request is $3,241 million. Total 1991 Federal payments anticipated in the District's budget are $540 million. The District's 1990 general fund budget supplemental request contains $111 million in cost increases and $131 million in budget authority rescissions, for a net decrease of $20 million. This transmittal does not affect the Federal budget.

There are three District budget issues to which I would direct your attention. First, I encourage you to continue the abortion funding policy that the Congress established in the District's 1989 and 1990 appropriations laws, which prohibit the use of both Federal and local funds for abortions.

Second, the 1991 Budget proposes to modify and make permanent the 1990 pilot project that requires the District of Columbia to charge Federal establishments directly for water and sewer services. Inappropriate charges and excessive usage have been eliminated through this pilot project. As a result, Federal appropriations under the pilot program for water and sewer services for 1990 will be roughly $4 million (or about 12 percent) lower than under the old, lump-sum payment system.

Third, I ask that the Congress reinstate the President's apportionment authority over the Federal payment to the District of Columbia. Directing immediate disbursement of the Federal payment at the start of the fiscal year increases Treasury's cost of borrowing. Further, the Congress very clearly did not intend to exempt this payment from sequestration in the original Gramm-Rudman-Hollings Act as current law permits.

GEORGE BUSH.

THE WHITE HOUSE, *May 1, 1990.*

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 2:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 756. An act for the relief of Shelton Anthony Smith;

S.J. Res. 153. Joint resolution designating the third week in May 1990 as "National Tourism Week";

H.J. Res. 546. Joint resolution designating May 13, 1990, as "Infant Mortality Awareness Day"; and

H.J. Res. 553. Joint resolution to make technical changes in the Ethics Reform Act of 1989.

At 5:57 p.m., a message from the House of Representatives, announced that the House has passed the following bill, without amendment:

S. 1485. An act to grant the consent of Congress to the Quad Cities Interstate Metropolitan Authority Compact entered into between the States of Illinois and Iowa.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 2545. A bill to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle; to the Committee on the Judiciary.

By Mr. THURMOND (by request):

S. 2546. A bill to amend title 38, United States Code, chapter 41, to revise the definition of "eligible veteran", and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROTH (by request):

S. 2547. A bill to reform the Federal pay system, and for other purposes; to the Committee on Governmental Affairs.

By Mr. METZENBAUM (for himself, Mr. DODD, Mr. KENNEDY, Ms. MIKULSKI, Mr. SIMON, and Mr. ADAMS):

S. 2548. A bill to amend the Fair Labor Standards Act of 1938 to increase penalties for employers who violate the child labor provisions of such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SYMMS:

S. 2549. A bill to temporarily suspend the duty on certain radio-tape player combinations; to the Committee on Finance.

By Mr. SYMMS:

S. 2550. A bill to extend the temporary duty suspension on certain entertainment broadcast band receivers; to the Committee on Finance.

By Mr. SYMMS: (for himself and Mr. DOLE):

S. 2551. A bill to clarify the application of the Internal Revenue Code of 1986 with respect to personal use of airplanes; to the Committee on Finance.

By Mr. SIMON:

S. 2552. A bill to establish programs to improve elementary school instruction in foreign languages and cultures; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself, Mr. KASTEN, and Mr. DIXON):

S. 2553. A bill to amend the Caribbean Basin Economic Recovery Act, the generalized system of preferences, and section 301 of the Trade Act of 1974 to require countries to maintain certain environmental standards, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 2554. A bill to include the Territory of American Samoa in the Supplemental Security Income Program; to the Committee on Finance.

By Mr. CRANSTON:

S. 2555. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. JEFFORDS, Mr. SIMON, Mr. DASCHLE, and Mr. BINGAMAN):

S. 12556. A bill to amend title 38, United States Code, to expand the list of diseases presumed to be service-connected in the case of veterans who were exposed to radiation from a nuclear detonation and to eliminate the requirement that the listed diseases become manifest within certain time periods; and to require that the Secretary of Veterans Affairs consider creation of similar presumptions for veterans who were exposed to radiation from another activity; to the Committee on Veterans' Affairs.

By Mr. MURKOWSKI:

S. 2557. A bill to redesignate the Chief Medical Director of the Department of Veterans Affairs as the Under Secretary of Veterans Affairs for Health Services and Research and to redesignate the Chief Benefits Director of that department as the Under Secretary of Veterans Affairs for Benefits; to the Committee on Veterans' Affairs.

By Mr. BRYAN (for himself and Mr. REID):

S. 2558. A bill to amend section 1307 of title 18, United States Code, to permit radio and television advertising of casino gambling; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. SPECTER, Mr. DODD, Mr. BRADLEY, Mr. SIMON, and Mr. BINGAMAN):

S. 2559. A bill to provide for a comprehensive approach to drug abuse prevention and treatment, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY (for himself and Mr. BURNS):

S.J. Res. 303. Joint resolution designating May 5, 1990, as "National Tax Freedom Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 2545. A bill to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle; to the Committee on the Judiciary.

DRUNK DRIVING CHILD PROTECTION ACT

Mr. BIDEN. Mr. President, today I am introducing the Drunk Driving Child Protection Act of 1990. Simply put, this bill increases the penalty for drunk and drugged driving by an additional year and a $1,000 fine for offenses in which there are minors in the car.

Drunk driving is one of the most serious public health problems in the country.

Each year, more than 24,000 people are killed in alcohol-related crashes—in other words, one person is killed every 20 minutes by a drunk or drugged driver.

Two of every five Americans will be involved in an alcohol-related traffic accident in their lifetime.

More than a million alcohol and drug related accidents occur on our highways every year, causing a half of a million injuries.

And more than 40 percent of all teenage deaths result from car accidents—half of these involve drinking.

We have made a great deal of progress in recent years in fighting back against drunk driving. Virtually every State in the country has strengthened their laws against drunk driving, largely as a result of aggressive efforts by Mothers Against Drunk Driving [MADD] and other concerned groups.

In Congress, I have worked to pass tough laws to crack down on drunk and drugged driving.

In 1986, I was the Democratic floor manager for the Comprehensive Anti-Drug Abuse Act, which created a new Federal offense with a maximum 15 years in prison for operating a bus, train, or other common carrier under the influence of alcohol.

And in 1988, I coauthored the provisions of the omnibus anti-drug abuse bill that explicitly recognized that drunk driving is a violent crime—requiring States to compensate drunk driving victims in the same way that other violent crime victims are compensated.

We have made progress. But when 24,000 Americans are killed every year by drunk drivers, it's clear that much, much more needs to be done.

All drunk drivers should have stiff and certain punishment. But when a drunk driver puts a child at risk, such reckless acts should be punished even more severely.

That's why I am introducing the Drunk Driving Child Protection Act of 1990 to increase the penalty for drunk driving whenever a child is in the car. If there is a minor present, my amendment allows a judge to impose an additional 1 year in prison and an extra fine of $1,000 on top of the punishment of the current penalty for drunk driving.

My bill will attack the problem of drunk driving with children in the car on two fronts. First, my bill will boost the penalty for drunk driving on Federal lands. There are more than 200,000 miles of roads on Federal land—more than in any single State in the country. Second, my bill will increase the penalty for drunk drivers who are behind the wheels of buses, trains, and other common carriers that operate on our highways.

Drunk and drugged drivers are a danger to our entire society. They not only risk their own lives, but also the lives of countless others. That's why we've enacted tough drunk driving laws in the past several years. But when they risk the lives of innocent children—who have no choice whether to get in the car with a drunk parent or other adult—the law should be even more severe. A stiffer penalty is a matter of simple justice.

I am pleased that Senator THURMOND, with whom I have worked closely on antidrunk driving legislation, is cosponsoring this bill. I look forward to working with him to move this legislation through the Judiciary Committee as quickly as possible.

I ask unanimous consent that a copy of the bill, an explanatory factsheet, and a letter in support of the bill from Mickey Sadoff, president of Mothers Against Drunk Driving, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drunk Driving Child Protection Act of 1990".

SEC. 2. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended by—

(1) striking "For purposes" and inserting "(1) Subject to the provisions of paragraph (2) and for purposes"; and

(2) adding to the end thereof the following:

"(2) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than one year and an additional fine of not more than $1,000, or both, if—

"(A) a non-driving minor was present in the motor vehicle when the offense was committed; and

"(B) the law of the State, territory, possession, or district applicable to the offense does not provide an additional term of imprisonment for an act described in subparagraph (A).".

SEC. 2. COMMON CARRIERS.

Section 342 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "Whoever"; and

(2) adding at the end thereof the following:

"(b) In addition to any term of imprisonment imposed for an offense under subsection (a), the punishment for such offense shall include an additional term of imprisonment of not more than one year and an additional fine of not more than $1,000, or both, if a non-driving minor was present in the common carrier when the offense was committed.".

FACT SHEET: "DRUNK DRIVING CHILD PROTECTION ACT OF 1990" TO BE INTRODUCED BY SENATOR JOSEPH R. BIDEN, JR.

CURRENT FEDERAL LAW

Drunk driving is punishable under two provisions of the federal criminal code. Under the Assimilative Crimes Act, crimes committed on federal lands that are not specifically punishable under the federal criminal code are punishable under the state law in which the federal land is located. Thus, when a federal judge sentences a person for drunk driving on federal land, the judge applies the state penalties.

In addition, the 1986 drug bill made it a federal crime to operate a common carrier (e.g., bus, rail train, airplane) under the influence of alcohol or drugs, punishable by up to 15 years in prison and $10,000 fine.

THE BIDEN "DRUNK DRIVING CHILD PROTECTION ACT OF 1990"

Senator Biden's bill amends both provisions of federal law to increase the penalty when a minor is present in the vehicle. First, under the Assimilative Crimes Act, Senator Biden's bill would allow federal judges to impose an additional penalty, beyond the applicable state law, of not more than one year imprisonment and an additional fine of not more than $1,000, where a minor is present when the drunk driving offense occurs. This provision would extend to the more than 200,000 miles of roads on federal lands—more than in any single state.

Second, the bill amends the common carrier provisions to increase the penalty for operating a common carrier under the influence of drugs or alcohol when a child is riding in the vehicle by up to one year imprisonment and an additional $1,000 fine.

In addition, this legislation—developed in cooperation with the Delaware and national offices of Mothers Against Drunk Driving—will serve as a model for the states to follow in enacting tough drunk driving laws.

MOTHERS AGAINST DRUNK DRIVING,
Hurst, TX, April 27, 1990.

Senator JOSEPH BIDEN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: Mothers Against Drunk Driving is delighted to stand with you in support of the "Drunk Driving Child Protection Act of 1990" Bill which will enhance the criminal sanctions for individuals who choose to drive drunk with minor children in the vehicle.

No one should choose to ride with an intoxicated driver. However, minor children rarely have the opportunity to choose. For example, MADD gets calls almost daily from divorced parents, ordered to send their children for visitation with the non-custodial parent, knowing that that parent drives drunk with the child.

An enhancement of up to one year of additional incarceration and up to $1,000 additional fine for each minor child, we believe, will have a deterrent effect.

We trust that this federal legislation will serve as an incentive for the states to follow in enacting similar criminal statutes. We also believe this legislation will encourage states to specifically consider patterns of drinking and driving in determining the best interest of the child in civil suits affecting the parent-child relationship.

As always, MADD remains extremely grateful for your prompt attention to our legislative goals regarding drinking and driving.

Respectfully,

MICKY SADOFF,
National President.

Mr. THURMOND. Mr. President, today, I am pleased to join with my distinguished colleague, Senator BIDEN, in introducing the Drunk Driving Child Protection Act of 1990. This important legislation amends Federal law to increase the penalties for those who drive under the influence of drugs or alcohol when a minor is present in the vehicle.

Under current law, drunk driving is punishable under two provisions in the Federal criminal code. First, under the Assimilative Crimes Act, crimes that are committed on Federal lands that are not specifically punishable under the Federal criminal code, as is the case with drunk driving, are punishable under the State law in which the Federal land is located. In other words, when a Federal judge sentences a person for drunk driving on Federal land, he or she applies the State penalties. The second provision, which was enacted in 1986 and which I introduced, makes it a Federal offense to operate a common carrier, such as a bus or train, while under the influence of alcohol or drugs. Violators may be punished by up to 15 years imprisonment. This bill amends both of these provisions by increasing the terms of imprisonment by 1 additional year, as well as increasing the fines, when a minor is a passenger.

Mr. President, it is clear that no individual should get into a vehicle with an intoxicated person behind the wheel. Fortunately, as adults, we can refuse a ride with a friend or relative who has been drinking. Instead, we can offer to drive the person ourselves or offer that individual a place to stay for the night. Yet, our Nation's children are not always in a position to choose for themselves. They are truly the innocent victims of drunk drivers.

Any person who would get behind the wheel of a car or common carrier while under the influence of drugs or alcohol should certainly be subjected to tough penalties. However, any person who would risk the life of a child passenger should face even tougher penalties.

In closing, this legislation is strongly supported by Mothers Against Drunk Driving. It will send a signal to those who would drink and drive with children in their vehicle that such conduct will not be tolerated. These enhanced penalties will deter individuals from recklessly putting the lives of their innocent passengers at risk. This legislation is needed to further limit the risk of harm to our Nation's children.

For these reasons, I urge my colleagues to support this legislation.

By Mr. THURMOND (by request):

S. 2546. A bill to amend title 38, United States Code, Chapter 41, to revise the definition of "eligible veterans", and for other purposes; to the Committee on Veterans' Affairs.

VETERANS EMPLOYMENT AND TRAINING AMENDMENTS

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce at the request of the Department of Labor the Veterans' Employment and Training Amendment of 1990. This amendment, which is very simple, would permit active duty military personnel who are within 90 days of separation from service, to receive a variety of veterans' employment and training services. I have a longstanding interest in veterans' employment issues, and I am pleased to introduce this legislation.

Specifically, the proposal would expand the existing definition of "eligible veteran" in chapter 41 of title 38, to include military service personnel who are eligible for discharge or release from the service under conditions other than dishonorable within 90 days. As earlier mentioned, it would permit the Department to provide employment and training services under the Disabled Veterans' Outreach and the Local Veterans' Employment Representative Programs to military service personnel before they leave active duty. This legislation should help servicemen and women in making informed choices about future civilian employment, and should also reduce the reliance upon unemployment compensation for ex-servicemembers.

Mr. President, I ask that the copy of the bill and transmittal letter from Secretary Elizabeth Dole be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Employment and Training Amendment of 1990."

SEC. 2. Paragraph 4 of section 2001 of title 38 United States Code is amended by deleting the word "or" before subparagraph "(B)", deleting the period after the word "disability" and adding in lieu thereof a comma, and adding the following language at the end thereof: "or (C) served on active duty for a period of more than 180 days and is eligible for discharge or release from active duty under conditions other than dishonorable within 90 days."

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, DC, April 23, 1990.

Hon. DAN QUAYLE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to enclose for the consideration of Congress a draft bill entitled the "Veterans' Employment and Training Amendment of 1990."

The draft bill would expand the definition of "eligible veteran" in Section 2001 of Title 38 U.S.C. for the purpose of providing services to military service personnel who have substantially completed their period of active service and have decided to leave the military for civilian careers. Under the proposal, such personnel who are within 90 days of separation could be provided a variety of veterans' employment and training services. We expect that the provisions of such services in the period prior to separation would enhance the transition of valued military service members into the civilian economy and reduce the reliance on Unemployment Compensation for Ex-Servicemembers (UCX).

We would point out that Congress recently enacted the "Veterans Benefits Amendments of 1989" (Public Law 101-237) which includes a provision for the Secretary of Labor to establish a three year pilot program, in at least five but not more than ten states, to furnish employment and training information and services to military personnel who are within 180 days of their separation. We believe that it is important to provide employment services to all separating military service personnel and not be restricted to just a few states. In so doing, we can coordinate our proposal with the existing demonstration authority and services currently provided to veterans. This can be accomplished within existing budgetary resources.

We urge that this bill receive prompt and favorable consideration.

The Office of Management and Budget advises that there is no objection to transmittal of the draft bill to Congress from the standpoint of the Administration's program.

Sincerely,

ELIZABETH DOLE.

EXPLANATORY STATEMENT

This draft bill would amend the definition of "eligible veteran" found in section 2001(4) of title 38 U.S.C., which applies to programs under chapter 41 of this title, *Job Counseling, Training and Placement Services for Veterans.*

The proposal would expand the existing definition of "eligible veteran" to include military service personnel who are eligible for discharge or release from the service under conditions other than dishonorable within 90 days.

The existing definition of "eligible veteran" in Section 2001(4) of Chapter 41 incorporates by reference the definitional language found in section 2011(4), of Chapter 42—*Employment and Training of Disabled and Vietnam Era Veterans.* Section 2011(4) provides;

"The term "eligible veteran" means a person who (A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge or (B) was discharged or released from active duty because of a service-connected disability."

This proposal would permit the Department to provide employment and training services under the Disabled Veterans' Outreach program (DVOP) and the Local Veterans' Employment Representative (LVER) program to military service personnel before they leave active duty and allow them to make informed choices concerning military retention and future civilian employment. The bill would also reduce the reliance on Unemployment Compensation for Ex-Servicemembers.

By Mr. ROTH (by request):

S. 2547. A bill to reform the Federal pay system, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL PAY REFORM ACT

● Mr. ROTH. Mr. President, I rise to introduce by request the Federal Pay Reform Act of 1990 as transmitted by the Office of Personnel Management today. This legislation represents a year-long effort by the Bush administration to improve the ability of the Federal Government to recruit and retain the best and the brightest for Federal service. As the ranking Republican member of the Committee on Governmental Affairs, I believe that as the committee proceeds to consider Federal pay reform it is critical that this proposal receive a thorough and fair review.

The diversity of jobs and skills of the Federal Government's 2 million strong work force is as varied as the 50 States from which they come. In my home State of Delaware more than 5,000 Federal employees work diligently to provide such services as care in veterans hospitals to the issuing and delivery of Social Security checks, and insuring the safety of our highway, rail, and air transportation systems.

Across our country, Federal employee are dedicating their careers to public service, whether it be a customs officials protecting our borders, a medical scientist searching for cures for cancer and AIDS, or a social worker providing moral and inspirational support to help retrain a displaced worker for a new career. It is critical that we do our utmost to attract and retain the best employee possible.

Unfortunately we are failing in our efforts—the Federal Government is experiencing a quiet crisis. At a time when communication and technological advances in the workplace provide fertile ground for sweeping improvements in employee productivity, we must do more to attract and retain highly educated and well-trained employees. The Federal Government is simply not doing enough to meet this challenge, which will only become greater and greater. The reforms incorporated in this legislation seek to move us closer to meeting these challenges.

In its 1989 report, "Leadership in America—Rebuilding the Public Service," the National Commission on the Public Service, chaired by Paul Volcker, pointed to some startling statistics:

Only 13 percent of Federal Government senior executives interviewed would recommend that young people start their careers in government, while several recent surveys show that less than half the senior career civil servants would not recommend a job in government to their own children;

Of the 610 engineering students who received degrees at MIT and Standford in 1986, and the 600 who graduated from Rensselaer Polytechnic Institute in 1987, only 29 took jobs in government at any level; and

More than 50 percent of the respondents to a recent survey of Federal personnel officers said recruitment of quality personnel had become more difficult over the past 5 years.

The General Accounting Office recently testified before the Committee on Governmental Affairs that of 64 college students in various discussion groups, only 2 indicated a willingness to accept a starting salary at the Federal entry-level rate. While the pay gap between the private and Federal sector is a significant factor contributing to the failure of the Federal Government to recruit and retain the best possible employees, it is not the only factor.

We must do more to promote the ideal of public service and all Americans must recognize the value these public servants are providing. And we must do more to ensure that civil servants know what their responsibilities are and know how they are performing. We must provide Federal employees with the assurance that they will be rewarded appropriately for their service. If employees are not recognized for their service, or told how they can perform their jobs better, we will continue down the slippery slope of a Federal Government that can't do. And this is unacceptable at a time when the Federal Government has the capability to be more responsive to the needs of the American people.

This legislation seeks to remedy this slide. It is designed to achieve five objectives:

First. Restructuring the pay system to reflect diverse labor markets. The general schedule and it associated performance management and recognition system will be replaced by two basic white-collar pay systems: a Federal national pay system for professional recruited on a nationwide basis and a Federal locality pay system for employees recruited on a local basis.

Second. Increasing flexibility in the pay system to adapt to special situations and needs. The bill provides for a range of new authority including new recruitment, retention, and relocation bonuses and allowances; expanded authority to hire above minimum entrance rates; and travel expenses for job candidates and new appointees.

Third. Strengthening the link between the performance of an employee and his or her pay. The legislation provides that under both the national and locality pay systems, employees whose performance falls below the fully successful level will not be entitled to receive the annual pay adjustment. Under the locality pay system, employees will progress to the midpoint of the pay range based on service within that grade level, however progression beyond that point will be based on performance. Both systems will have performance cash awards of two to twenty percent of basic pay for high performance employees. A greater reliance on a pay-for-performance system will mirror movement in the private sector toward this type of system. It is my understanding that these changes are taking place in the public sector as well—several cities including Scottsdale, AZ and Sunnyvale, CA have implemented pay-for-performance programs.

The pay-for-performance system will not be implemented until 1994 for the locality pay system and 1995 for the national pay system. This will provide the administration several years to train Federal managers to conduct proper performance appraisal reviews and provide an opportunity to develop a fair and equitable performance rating system.

Fourth. Instituting a credible, effective, and enduring pay adjustment process. The President's pay agent will recommend pay adjustments based on data from the Bureau of Labor Statistics and consultations with a new national employees pay council by November 1 of each year in time for the President's annual budget submission.

Fifth. Providing immediate relief for critical pay problems. This includes geographic differentials in three high labor cost areas—New York, San Fran-

cisco, and Los Angeles, and nationwide five-percent salary increases for some college entry level occupations.

Mr. President, I would like to briefly outline with more specificity some of the more immediate changes within the administration's proposal which will help to remedy some of the Federal Government's most critical recruitment and retention problems. The legislation will provide:

Greater authority to hire above the minimum rate within a grade level. This will provide agencies more flexibility in hiring college graduates and other entry level employees at a higher wage if the applicant has special skills.

Relocation bonuses with service agreements. Agencies would be given the flexibility to establish relocation bonuses, up to 25 percent of basic pay, which would be available to employees who must relocate to fill a position in which the agency is having difficulty filling. An employee receiving such a bonus would have to agree to work for the Federal Government for a certain period of time.

Staffing differentials of up to 60 percent of basic pay in areas where OPM determines there are local labor market anomalies for identified occupations, grades, and locations. This would replace OPM's current authority to provide special pay rates to meet recruitment and retention needs.

Advance pay for new hires. This would provide agencies with flexibility to provide new hires with two pay periods of advance pay prior to beginning of work. This helps new hires with moving expenses and costs of settling in a new city.

Travel and transportation expenses for employment interviews and new hires. This matches private sector policy with regard to recruitment of new employees.

Exemption of up to 400 positions governmentwide from the pay ceiling to help recruit in the hardest areas. This is primarily for scientists and engineers. For instance, Secretary Watkins at the Department of Energy is still having a very difficult time recruiting nuclear scientists to help with the cleanup of DOE's nuclear facilities.

Authority to establish geographic differentials, of up to 25 percent of basic pay, for employees in areas where the government is experiencing recruitment and retention difficulties. This authority would be provided to the President's pay agent.

Mr. President, if we fail to address comprehensive pay reform, we run the risk of an increasingly fragmented civil service, with different departments and agencies of government being paid on different scales and competing with each other for employees. This was how the system operated prior to 1949, when the current general schedule and classification system was enacted. That same year, a task force of the original Hoover Commission reported that under the various pay and classification systems at the time,

> inequality and inconsistency result from the absence of uniform pay policies for all employees and the organization for the control of pay administration in the Federal Service is incomplete and cumbersome.

Mr. President, I fear a return to these problems if we fail to act. Increasingly, the Governmental Affairs Committee is approached by various groups and agencies which want a separate pay scale and authority to develop their own system. While this legislation does provide increased flexibility for individual agencies to use special recruitment tools and retention bonuses, these flexibilities are being offered in the context of a governmentwide approach instead of on an ad hoc, agency by agency, basis.

Having said this, there is another aspect to the reform effort which must be mentioned. We cannot ignore the budget implications of our actions, yet we must not be too immoderate to simply shift the pay rates without providing greater incentives to recruit and retain employees. Perhaps, we should look to the National Commission on Public Service for direction, which recommended:

> In determining the appropriate (pay) increase, the Commission concludes that the current goal of national comparability between public and private pay is simplistic and unworkable, and is neither fair to the civil service nor to the public it serves. The Commission recommends a new civil service pay-setting process that recognizes the objectives fact that pay differs by occupation and by localities characterized by widely different living costs and labor market pressures.

In the context of Federal pay reform, I would like to bring to my colleague's attention legislation I introduced early in the 101st Congress, S. 68, which would provide an early retirement window for Federal employees. This is not part of the legislation I am introducting today, but I strongly believe the two ideas can go together. I envision the early retirement legislation as a transition for the Federal work force, a transition to a leaner, but better paid work force. As we move through the 1990's, the Federal Government must begin to take advantage of the technological advances in the workplace, to help improve worker productivity. Work stations, advanced communications, faxes, can all help improve productivity in the workplace. And the early retirement bill could provide the transition to this more productive, better paid work force.

At the same time, we will have shifts within the Federal Government. Some Departments will be increasing their work force, while others, like Defense, will be slimming down. Budget savings from the early retirement bill could be partially used to help fund some of the increases in spending for higher salaries under any of the pay reform proposals.

Finally, Mr. President, I would like to commend the Bush administration for putting its efforts into addressing this quiet crisis—a crisis which will continue until remedies are enacted to meet the challenges ahead. This is a complex task, but like the reform of the Federal Employee Retirement System several years ago, it is a task this Congress must consider if we are going to remain competitive with the private sector in attracting and retaining valued employees.

Mr. President, I ask unanimous consent that the statement of purpose and justification, key features of the Federal Pay Reform Act of 1990, a sectional analysis, and the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Pay Reform Act of 1990".

AMENDMENTS TO CHAPTER 51 OF TITLE 5, UNITED STATES CODE

SEC. 2. Chapter 51 of title 5, United States Code, is amended—

(1) in section 5101—

(A) in paragraph (1)(A) by inserting after "work" the following: "under the same pay system and, if applicable, in the same pay area"; and

(B) in paragraph (1)(B) by inserting after "paid" the following: "under the same pay system and, if applicable, in the same pay area";

(2) in section 5102—

(A) in subsection (a)(1)(E) by inserting "and" after the semicolon at the end thereof;

(B) in subsection (a)(1)(F) by striking out "and" at the end thereof;

(C) by striking out subsection (A)(1)(G);

(D) in subsection (a)(4) by striking out "and" at the end thereof;

(E) in subsection (a)(5) by striking out "in the General Schedule." and inserting in lieu thereof a semicolon;

(F) by adding at the end of subsection (a) the following new paragraphs:

"(6) 'pay system' means the Federal National Pay System under subchapter I of chapter 53 or the Federal Locality Pay System under subchapter III of chapter 53; and

"(7) 'pay area' means a pay area under subchapter III of chapter 53.";

(G) in subsection (c)(3) by striking out "Department of Medicine and Surgery, Veterans' Administration" and inserting in lieu thereof "Veterans Health Services and Research Administration of the Department of Veterans Affairs";

(H) in subsection (c)(25) by striking out "maximum rate for GS–18" and inserting in lieu thereof "rate for level V of the Executive Schedule";

(I) in subsection (c)(27) by striking out "or" at the end thereof;

(J) in subsection (c)(28) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(K) by adding at the end of subsection (c) the following new paragraphs:

"(29) administrative law judges appointed under section 3105;

"(30) judges of boards of contract appeals established under the Contract Disputes Act of 1978;

"(31) employees whose pay is fixed under section 5376; or

"(32) employees under a special occupational pay system under chapter 54.";

(3) in section 5104—

(A) by amending the material preceding paragraph (1) to read as follows: "The Federal National Pay System, the symbol for which is 'NS', and the Federal Locality Pay System, the symbol for which is 'LS', are the pay systems for positions to which this chapter applies. These pay systems are divided into grades of difficulty and responsibility of work, as follows:";

(B) in paragraph (1) by striking out "Grade GS-1" and inserting in lieu thereof "Grade LS-1";

(C) in paragraph (2) by striking out "Grade GS-2" and inserting in lieu thereof "Grade LS-2";

(D) in paragraph (3) by striking out "Grade GS-3" and inserting in lieu thereof "Grade LS-3";

(E) in paragraph (4) by striking out "Grade GS-4" and inserting in lieu thereof "Grade LS-4";

(F) in paragraph (5) by striking out "Grade GS-5 includes" and inserting in lieu thereof "Grade LS-5 and grade NS-10 include";

(G) in paragraph (6) by striking out "Grade GS-6 includes" and inserting in lieu thereof "Grade LS-6 and grade NS-11 include";

(H) in paragraph (7) by striking out "Grade GS-7 includes" and inserting in lieu thereof "Grade LS-7 and grade NS-12 include";

(I) in paragraph (8) by striking out "Grade GS-8 includes" and inserting in lieu thereof "Grade LS-8 and grade NS-13 include";

(J) in paragraph (9) by striking out "Grade GS-9 includes" and inserting in lieu thereof "Grade LS-9 and grade NS-14 include";

(K) in paragraph (10) by striking out "Grade GS-10 includes" and inserting in lieu thereof "Grade LS-10 and grade NS-15 include";

(L) in paragraph (11) by striking out "Grade GS-11 includes" and inserting in lieu thereof "Grade LS-11 and grade NS-16 include";

(M) in paragraph (12) by striking out "Grade GS-12 includes" and inserting in lieu thereof "Grade LS-12 and grade NS-17 include";

(N) in paragraph (13) by striking out "Grade GS-13 includes" and inserting in lieu thereof "Grade LS-13 and grade NS-18 include";

(O) in paragraph (14) by striking out "Grade GS-14 includes" and inserting in lieu thereof "Grade LS-14 and grade NS-19 include";

(P) in paragraph (15) by striking out "Grade GS-15 includes" and inserting in lieu thereof "Grade LS-15 and grade NS-20 include";

(Q) by striking out paragraphs (16), (17), and (18);

(4) in section 5105(a) by inserting after the first sentence the following new sentence: "The standards shall specify the pay system under which the Office has determined each class of positions shall be placed under section 5106(d).";

(5) in section 5106 by adding at the end thereof the following new subsection:

"(d) The Office of Personnel Management shall determine in its sole discretion whether each class of positions shall be placed under the Federal National Pay System or the Federal Locality Pay System in order to best meet the personnel management needs of the Government. Classes of positions under the Federal National Pay System shall typically be those classes for which the Government recruits nationally, whose incumbents are usually college graduates, and which are generally professional or administrative in nature. Classes of positions under the Federal Locality Pay System shall typically be those for which the Government recruits locally, whose incumbents are not usually expected to be college graduates, and which are generally clerical or technical in nature.";

(6) section 5108 is amended to read as follows:

"§ 5108. Classification of positions above NS-20

"(a) Subject to subsections (b) and (c), a position the duties of which exceed in difficulty and responsibility the level described for NS-20 shall be paid under section 5310.

"(b) In the case of an Executive agency, the Office of Personnel Management may require the agency to obtain the approval of the Office for the classification of a position above NS-20, or may impose numerical limitations on the number of positions which each agency may classify above NS-20.

"(c) The President, rather than the Office of Personnel Management, shall exercise the authority under subsection (b) in the case of positions proposed to be placed in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.";

(7) in section 5109(a) by striking out "GS-14" and inserting in lieu thereof "NS-19";

(8) by repealing section 5109(b);

(9) in section 5115 by striking out "and 5114"; and

(10) in the analysis for chapter 51 by amending the item relating to section 5108 to read as follows:

"5108. Classification of positions above NS-20.".

AMENDMENTS TO CHAPTER 53 OF TITLE 5, UNITED STATES CODE

SEC. 3. (a) Subchapter I of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER I—FEDERAL NATIONAL PAY SYSTEM

"§ 5301. Establishment; definitions

"(a) The Federal National Pay System, the symbol for which is "NS", is the pay system under which positions designated as "NS" under chapter 51 are paid. It is the policy of the Government that pay for the NS Pay System be based on the principles that—

(1) NS pay rates be competitive (within the comparability range as defined in subsection (c)(3)) with the pay of employees in the non-Federal sector for the same levels of work;

(2) pay for individual employees be tied to performance;

"(3) there be equal pay for substantially equal work under the NS Pay System; and

"(4) pay distinctions be maintained in keeping with work distinctions.

notwithstanding the principle set forth in paragraph (1), the President, having considered the likely effect on the ability of agencies to recruit and retain well-qualified employees, may establish minimum and maximum NS pay rates below the level described in paragraph (1) when he determines that such action is necessary because of national emergency or serious economic conditions affecting the general welfare.

"(b) The NS Pay System shall consist of—

"(1) 11 grades, designated NS-10 through NS-20, each of which shall have a range of rates of basic pay under which the maximum rate of basic pay shall exceed the minimum rate of basic pay by no more than 40 percent of the minimum rate of basic pay; and

"(2) a range of rates of basic pay described in section 5310 for positions above NS-20.

No rate of basic pay under this subchapter may exceed the rate paid for level V of the Executive Schedule under subchapter II.

"(c) For the purposes of this subchapter—

"(1) 'agency', 'employee', 'position', 'class', and 'grade' have the meanings given them by section 5102;

"(2) 'NS Pay System' means the Federal National Pay System;

"(3) 'comparability range' means the range encompassing amounts 10 percent above and below the trend line describing the central tendency of appropriately weighted non-Federal pay data reported by the Bureau of Labor Statistics survey;

"(4) 'trend line' means a line developed by statistical techniques determined appropriate by the President's Pay Agent (as designated under section 5302(b)(1);

"(5) 'consult' means to seek and give consideration to the views of one or more labor organizations through a procedure, which shall be in lieu of any procedure or requirement under chapter 71, under which an agency shall—

"(A) inform a labor organization of any proposed substantive change;

"(B) afford the labor organization a reasonable opportunity for the presentation of views and recommendations;

"(C) consider such views and recommendations before taking final action; and

"(D) provide to the labor organization a written statement of the agency's reasons for taking such final action; and

"(6) 'Office' means the Office of Personnel Management.

"§ 5302. Adjustment of NS Pay System

"(a) The President, in accordance with the provisions of this section but otherwise in his sole discretion, shall adjust the minimum and maximum rates of basic pay of grades NS-10 through NS-20 of the NS Pay System each year, effective on the first day of the first applicable pay period beginning on or after January 1. The President shall fix such rates so that the midpoints of the ranges of rates of basic pay will generally be within the comparability range unless he determines in his sole discretion, under subsection (b)(3), that such levels are inappropriate, in which case he shall make such adjustment as he considers appropriate.

"(b) The President shall—

"(1) designate such official or officials of the executive branch as he considers appropriate as the 'President's Pay Agent';

"(2) direct the Pay Agent to prepare and submit to him, by November 1 of each year, a report recommending minimum and maximum rates of basic pay to take effect 14

months later for each grade of the NS Pay System that will result in the midpoints of the ranges of rates of basic pay generally being within the comparability range. The report shall include an explanation of the reasons for the particular rates recommended, and shall include the views submitted by the National Employees Pay Council under subsection (d);

"(3) include in the President's budget for the fiscal year during which the pay adjustment will take effect the President's decision as to the minimum and maximum pay rates the President will put into effect for the NS Pay System. If, in any year, the President decides in his sole discretion that national emergency or serious economic conditions affecting the general welfare require that the pay adjustment be less than would be needed for the midpoints of the ranges of rates of basic pay to be generally within the comparability range, the President shall report to Congress his reasons therefor and his assessment of the impact of such decision on the Government's ability to recruit and retain well-qualified employees; and

"(4) put into effect, effective as required by subsection (a), the pay adjustment for the fiscal year in question, and report to Congress thereon.

"(c) The President's Pay Agent, as designated under subsection (b)(1), shall—

"(1) direct the Bureau of Labor Statistics to prepare such surveys as the President's Pay Agent, in its sole discretion, determines appropriate, of non-Federal rates of pay for work that may be compared with work performed by employees covered under the NS Pay System;

"(2) on the basis of such survey, determine, in the President's Pay Agent's sole discretion, what minimum and maximum pay rates for the NS Pay System would be necessary for the midpoints of the ranges of rates of basic pay generally to be within the comparability range and further determine in the President's Pay Agent's sole discretion, what rates within such comparability range would be appropriate in order to allow agencies to recruit and retain well-qualified employees, taking into consideration such factors as—

"(A) turnover and vacancy rates and patterns of career progression for employees under the NS Pay System;

"(B) unemployment rates and trends for non-Federal workers;

"(C) indicators of trends in the quality of employees under the NS Pay System; and

"(D) the need to provide Government services economically.

"(3) give thorough consideration to the views of the National Employees Pay Council established under subsection (d) in carrying out the responsibilities under paragraphs (1) and (2);

"(4) convene one or more public hearings under such procedures as the President's Pay Agent may, in its sole discretion, determine to be appropriate to obtain the views of interested parties on the Pay Agent's responsibilities under paragraphs (1) and (2), and give appropriate consideration to such views; and

"(5) submit to the President the report required by subsection (b)(2).

"(d) The President's Pay Agent, as designated under subsection (b)(1), shall establish a National Employees Pay Council. Each labor organization which has been granted consultation rights by the Office under section 7117(d)(1) shall, at the request of the Pay Agent, designate a representative to serve on the Council. The Pay Agent shall provide for meetings with the Council to discuss the matters within the Pay Agent's purview under this subchapter, and shall include any views submitted by the Council, or by individual members thereof, on the Pay Agent's responsibilities under subsections (c)(1) and (c)(2) in the report to the President under subsection (b)(2).

"§ 5303. Setting individual rates of basic pay

"(a) New appointments shall be made at the minimum rate of the appropriate grade. However, under regulations prescribed by the Office which provide for such considerations as the existing pay or unusually high or unique qualifications of the candidate, or a special need of the Government for the services of the candidate, the head of an agency may appoint, with the approval of the Office in the case of an appointment in an Executive agency, an individual at a rate of basic pay above the minimum rate of the appropriate grade.

"(b) The rate of basic pay to which an employee is entitled is governed by regulations prescribed by the Office in conformity with this subchapter and chapter 51 when—

"(1) the employee is transferred from a position in the legislative, judicial, or executive branch to which this subchapter does not apply;

"(2) the employee is transferred from a position in the legislative, judicial, or executive branch to which this subchapter applies to another such position;

"(3) the employee is demoted to a position in a lower grade;

"(4) the employee is reinstated, reappointed, or reemployed in a position to which this subchapter applies following service in any position in the legislative, judicial, or executive branch;

"(5) the employee's type of appointment is changed;

"(6) the employee's employment status is otherwise changed; or

"(7) the employee's position is changed from one grade to another grade.

For the purposes of this subsection, an individual employed by the Appalachian Regional Commission under section 106(2) of title 40, Appendix, who was a Federal employee immediately prior to such employment by the Commission and within 6 months after separation from such employment is employed in a position to which this subchapter applies, shall be treated as if transferred from a position in the executive branch to which this subchapter does not apply.

"(c) Unless a higher rate of basic pay is paid under subsection (b), an employee who is promoted or transferred from a position under this subchapter to a position in a higher grade under this subchapter is entitled to basic pay at the lowest rate of the higher grade which exceeds the employee's existing rate of basic pay by an amount prescribed by regulation of the Office, but not less than 6 percent. If, in the case of an employee so promoted or transferred who is receiving basic pay at a rate in excess of the maximum rate of the employee's grade, there is no rate in the higher grade which exceeds the employee's existing rate of basic pay by such prescribed amount, the employee is entitled to—

"(1) the maximum rate of the higher grade; or

"(2) the employee's existing rate of basic pay, if that rate is higher.

If an employee so promoted or transferred is receiving basic pay at a rate saved to the employee under subchapter VI on reduction in grade, the employee is entitled to—

"(A) basic pay at a rate that exceeds the rate which the employee would be receiving if subchapter VI were not applicable by the amount prescribed under the first sentence of this subsection; or

"(B) the employee's existing rate of basic pay, if that rate is higher.

However, in the case of an employee who is repromoted or transferred to a grade in which the employee formerly served, unless a higher rate of basic pay is paid under subsection (b), the employee is entitled only to basic pay at the lesser of—

"(i) the rate determined under the preceding three sentences, as applicable; or

"(ii) the rate in the grade the employee would have attained had the employee remained continuously in that grade.

"(d) An employee in the legislative branch who is paid by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such as an employee, and a Member of the Senate or House of Representatives who has completed two or more years of service as such a Member, may, on appointment to a position to which this subchapter applies, have the employee's initial rate of pay fixed—

"(1) at the minimum rate of the appropriate grade; or

"(2) at a rate of the appropriate grade that does not exceed the highest previous rate of pay received by the employee during that service in the legislative branch.

"(e) The rate of pay established for a teaching position as defined by section 901 of title 20 held by an individual who becomes subject to subsection (b) of this section is deemed increased by 20 percent to determine the yearly rate of pay of the position.

"(f) An employee of a county committee established pursuant to section 590h(b) of title 16 may, upon appointment to a position subject to this subchapter, have the employee's initial rate of basic pay fixed at the minimum rate of the appropriate grade, or at any higher rate of such grade that does not exceed the highest previous rate of basic pay received by the employee during service with such county committee.

"§ 5304. Merit increases

"(a) Effective on the same day that any increase in the minimum and maximum rates of basic pay of the grades of the NS Pay System takes effect under section 5302, the rate of basic pay of an employee whose most recent performance rating was at the fully successful level or a higher level shall be increased by the same dollar amount that the minimum rate of basic pay of an employee whose most recent performance rating was below the fully successful level may not be increased.

"(b)(1) Effective on the same day that any adjustment in the minimum and maximum rates of basic pay of the grades of the NS Pay System takes effect under section 5302, the rate of basic pay of an employee whose most recent performance rating was at the fully successful level or a higher level may be increased, in addition to the increase under subsection (a), by an amount determined under this subsection, but in no case may the rate of basic pay be increased above the maximum rate of basic pay of the employee's grade.

"(2) The amount of any additional pay increase under this subsection shall be determined by the head of the agency, subject in

the case of an Executive agency to such regulations and criteria as the Office may prescribe. The aggregate amount of additional pay increases paid by an agency under this subsection shall, in the case of an Executive agency, be within minimum and maximum limitations prescribed by the President's Pay Agent, as designated under section 5302(b)(1), in its sole discretion.

"(3) If a labor organization representing employees of an agency under the NS Pay System has been accorded exclusive recognition under section 7111 or has been granted national consultation rights under section 7113, the agency shall consult with that labor organization on any criteria the agency will use at the level of recognition for determinig eligibility for and the amount of additional pay increases under this subsection.

"(4) An employee may request reconsideration of a decision not to provide an additional pay increase to the employee under this subsection, or of the amount of such an increase. Such reconsideration may be made only by an employee who is in a higher position in the agency than each employee who made, reviewed, or approved the decision. The failure to receive an additional pay increase under this subsection, or the amount of such an increase, may not be appealed.

"(c)(1) Under regulations which the Office shall prescribe, the benefit of increases in rates of basic pay under this section shall be preserved for an employee whose continuous service is interrupted in the public interest by service in the Armed Forces, or by service in essential non-Government civilian employment during a period of war or national emergency.

"(2) Under regulations which the Office shall prescribe, the benefit of increases in rates of basic pay under this section shall be preserved for an employee whose position the Office has determined should not be covered under subsections (a) and (b) because of the adjudicatory responsibilities of the position or for other reasons of good administration.

"(d) The Office shall prescribe such regulations as it considers necessary for the administration of this section in Executive agencies.

"§ 5305. Geographic differentials

"(a) The President's Pay Agent, as designated under section 5302(b)(1), may from time to time, in its sole discretion, authorize payment of a differential for employees under the NS Pay System in any geographic area or locality where the Pay Agent determines the Government would, in the absence of such a differential, encounter serious difficulty in recruiting or retaining employees. The Pay Agent may adjust the amount of or terminate such a differential at any time.

"(b) In determining whether a geographic differential is needed in an area or locality, and what the amount of such differential should be, the Pay Agent shall consider the pay rates being paid by non-Federal employers in the area or locality, as shown by surveys the Pay Agent may request the Bureau of Labor Statistics to conduct, as well as other factors the Pay Agent considers appropriate, such as the factors described in section 5302(c)(2). The Pay Agent shall give thorough consideration to the views of the National Employees Pay Council, as established under section 5302(d), in carrying out the Pay Agent's responsibilities under this section.

"(c)(1) A geographic differential, which shall be stated as a percentage of the rate of basic pay of the employee to whom it is payable, may not exceed 25 percent of the employee's rate of basic pay. A geographic differential shall be payable to each employee in the area or locality for which the differential is established.

"(2) A geographic differential may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a geographic differential may not be appealed.

"(3) A geographic differential shall be paid in the same manner and at the same time as the employee's basic pay is paid.

"(4) The Office shall prescribe such regulations as it considers necessary governing the payment to employees of geographic differentials established by the President's Pay Agent.

"§ 5306. Staffing differentials

"(a) The President may from time to time, in his sole discretion, authorize payment of a differential for employees under the NS Pay System in one or more classes in one or more areas or locations when he determines that the Government would, in the absence of such a differential, encounter difficulty in recruiting or retaining employees. The President may, in his sole discretion, adjust the amount of or terminate such a differential at any time.

"(b) In determining whether a staffing differential is needed, and what the amount of such differential should be, the President shall consider the pay rates being paid by non-Federal employers, as well as other factors he considers appropriate, such as the factors described in section 5302(c)(2).

"(c)(1) A staffing differential, which shall be stated as a percentage of the rate of basic pay of the employee to whom it is payable, may not exceed 60 percent of the employee's rate of basic pay.

"(2) A staffing differential may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a staffing differential may not be appealed.

"(3) A staffing differential shall be paid in the same manner and at the same time as the employee's basic pay is paid.

"(d) The President shall prescribe such regulations as he considers necessary for the administration of this section. The President may authorize the exercise of the authority conferred on him by this section by the Office of Personnel Management.

"§ 5307. Supervisory differentials

"(a)(1) The Office may from time to time authorize payment of a differential for an employee under the NS Pay System who has supervisory responsibility for one or more employees not under the NS Pay System, if—

"(A) the midpoint of the range of rates of basic pay for the subordinate employees is higher than the midpoint of the range of rates of basic pay for the supervisory employee; and

"(B) one or more of such subordinate employees would, in the absence of such a differential, be paid more than the supervising employee.

"(2) For the purposes of comparing the pay of a supervising employee under the NS Pay System with the pay of subordinate employees not under the NS Pay System, additional pay, differentials, and allowances that are not a part of basic pay may be taken into consideration.

"(b)(1) A supervisory differential, which shall be stated as a percentage of the supervising employee's rate of basic pay or as a dollar amount, may not cause the supervising employee's pay to exceed the pay of the highest paid subordinate employee by more than 3 percent.

"(2) A supervisory differential may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a supervisory differential may not be appealed.

"(3) A supervisory differential shall be paid in the same manner and at the same time as the employee's basic pay is paid.

"(c) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

§ 5308. Recruitment and relocation bonuses

"(a) The Office may authorize the head of an agency to pay a bonus to an employee who is newly appointed to a position under the NS Pay System, or to an employee under the NS Pay System or under any other pay authority in the executive, legislative, or judicial branch who must relocate to accept a position under the NS Pay System, if the Office determines that the agency would be likely, in the absence of such a bonus, to encounter difficulty in filling the position.

"(b)(1) The amount of a bonus under this section shall be determined by regulations of the Office, but may not exceed 25 percent of the annual rate of basic pay of the position to which the employee is being appointed or relocated.

"(2) Payment of a bonus under this section shall be contingent upon the employee entering into an agreement with the agency to complete a period of employment with the agency, with the required period determined pursuant to regulations of the Office. If the employee voluntarily fails to complete such period of service or is separated from the service before completion of such period of service for cause on chages of misconduct or delinquency, the employee shall repay the bonus on a pro rata basis.

"(3) A bonus under this section shall be paid as a lump sum, and may not be considered to be part of the basic pay of an employee.

"(4) Under regulations of the Office, a recruitment bonus may be paid to a newly-hired employee before the employee enters on duty.

"(c)(1) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

"(2) If a labor organization representing employees of an agency under the NS Pay System has been accorded exclusive recognition under section 7111 or has been granted national consultation rights under section 7113, the agency shall consult with that labor organization on any criteria the agency will use at the level of recognition for determining eligibility for and the amount of relocation bonuses under this section.

"§ 5309 Retention allowances

"(a) The Office may authorize the head of an agency to pay an allowance to an employee under the NS Pay System—

"(1) if the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee, and

"(2) if the agency determines that the employee would be likely to leave in the absence of a retention allowance.

"(b)(1) A retention allowance, which shall be stated as a percentage of the rate of basic

pay of the employee, may not exceed 25 percent of such rate of basic pay.

"(2) A retention allowance may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a retention allowance may not be appealed.

"(3) A retention allowance shall be paid in the same manner and at the same time as the employee's basic pay is paid.

"(c)(1) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

"(2) If a labor organization representing employees of an agency under the NS Pay System has been accorded exclusive recognition under section 7111 or has been granted national consultation rights under section 7113, the agency shall consult with that labor organization on any criteria the agency will use at the level of recognition in determining eligibility for and the amount of allowances under this section.

"§ 5310. Pay for senior NS positions

"(a)(1) This section applies to employees in positions that are classified above NS-20 under section 5108, but that are not—

"(A) Senior Executive Service positions under section 3132; or

"(B) positions in the Federal Bureau of Investigation and the Drug Enforcement Administration Senior Executive Service under section 3151.

This section shall also apply to scientific and professional positions established under section 3104.

"(2) An employee paid under this section shall not be covered by sections 5302, 5303, and 5304, but shall be subject to the other provisions of this subchapter.

"(b) Subject to regulations and criteria prescribed by the Office of Personnel Management, the head of an agency may set the rate of basic pay of a position to which this section applies at not less than 120 percent of the minimum rate for NS-20 under section 5302 nor more than the rate for level V of the Executive Schedule.

"§ 5310a. Performance-based cash awards

"(a)(1) Effective on the same day that any increase in the minimum and maximum rates of basic pay of the NS Pay System takes effect under section 5302, an employee whose most recent performance rating was at the fully successful level or a higher level may be paid a cash award under this section.

"(2) A cash award under this section shall be of an amount determined appropriate by the head of the agency, but may not be more than 10 percent of the employee's rate of basic pay. Notwithstanding the preceding sentence, the head of the agency may authorize a cash award under this section of more than 10 percent of the employee's rate of basic pay if the head of the agency determines that exceptional performance by the employee justifies such an award, but in no case may an award under this section exceed 20 percent of the employee's rate of basic pay.

"(b) A cash award under this section may not be considered to be part of the basic pay of an employee, and the failure to pay a cash award, or the amount of such an award, may not be appealed.

"(c)(1) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

"(2) If a labor organization representing employees in an agency under the NS Pay System has been accorded exclusive recognition under section 7111 or has been granted national consultation rights under section 7113, the agency shall consult with that labor organization on any criteria the agency will use at the level of recognition for and the amount of cash awards under this section.

"§ 5310b. Aggregate limitation on pay

"The aggregate amount of basic pay, differentials, bonuses, allowance, and performance-based cash awards paid under this subchapter to any employee in any calendar year, including any allowance under section 5948, may not exceed the rate payable for level I of the Executive Schedule at the end of such calendar year. The Office shall prescribe such regulations as it considers necessary for the administration of this section.".

(b) Subchapter II of chapter 53 of title 5, United States Code, is amended in section 5318—

(1) by striking out "section 5305 of this title in the rates of pay under the General Schedule" and inserting in lieu thereof "section 5302 in the minimum and maximum rates of basic pay of the Federal National Pay System"; and

(2) by striking out "rates of pay under the General Schedule" and inserting in lieu thereof "minimum and maximum rates of basic pay of the Federal National Pay System".

(c) Subchapter III of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—FEDERAL LOCALITY PAY SYSTEM

"§ 5331. Establishment; definitions

"(a) The Federal Locality Pay System, the symbol for which is "LS", is the pay system under which positions designated as "LS" under chapter 51 are paid. It is the policy of the Government that pay for the LS Pay System be based on the principles that—

"(1) LS pay rates be competitive (within the comparability range as defined in section 5301(c)(3)) with the pay of employees in the non-Federal sector for the same levels of work in the pay area;

"(2) pay for individual employees be tied to performance;

"(3) there be equal pay for substantially equal work in each pay area under the LS Pay System; and

"(4) pay distinctions within pay areas be maintained in keeping with work distinctions.

Notwithstanding the principle set forth in paragraph (1), the President, having considered the likely effect on the ability of agencies to recruit and retain well-qualified employees, may direct that the overall percentage adjustment in LS pay rates be held below the level described in paragraph (1) when he determines that such action is necessary because of national emergency or serious economic conditions affecting the general welfare.

"(b) The LS Pay System shall consist of 15 grades, each of which shall have a range of rates of basic pay in each pay area established under section 5332. For each grade in each pay area, the maximum rate of basic pay shall exceed the minimum rate of basic pay by no more than 40 percent of the minimum rate of basic pay. No rate of basic pay under this subchapter may exceed the rate paid for level V of the Executive Schedule under subchapter II.

"(c) For the purposes of this subchapter—

"(1) 'agency', 'employee', 'position', 'class', and 'grade' have the meanings given them by section 5102;

"(2) 'LS Pay System' means the Federal Locality Pay System;

"(3) 'comparability range', 'trend line', and 'consult' have the meanings given them by section 5301;

"(4) 'Office' means the Office of Personnel Management; and

"(5) 'President's Pay Agent' means the President's Pay Agent as designated under section 5302(b)(1).

"§ 5332. LS pay areas; adjustment of LS Pay System

"(a)(1) The Office, in accordance with the procedures in subsection (c), shall in its sole discretion establish a number of pay areas, which shall encompass all locations in which employees under the LS Pay System have their official duty stations. The boundaries of the pay areas shall be determined by the Office on the basis of such factors as local labor market patterns, commuting patterns, and practices of other employers.

"(2) The Office, in accordance with the procedures in subsection (c), shall request the Bureau of Labor Statistics to prepare each year such surveys as the Office in its sole discretion considers appropriate, of non-Federal rates of pay in each pay area for work that may be compared with work performed by employees covered under the LS Pay System.

"(b)(1) The Office, in accordance with the procedures in subsection (c), shall report to the President's Pay Agent by October 1 of each year the minimum and maximum rates of basic pay the Office, in its sole discretion, recommends take effect 15 months later for each grade of the LS Pay System in each pay area that will result in the midpoints of the ranges of rates of basic pay generally being within the comparability range. The Office shall further recommend, in its sole discretion, where within the comparability range the midpoints should be located for each pay area in order to allow agencies to recruit and retain well-qualified employees, taking into consideration such factors as—

"(A) turnover and vacancy rates and patterns of career progression for employees under the LS Pay System in the pay area;

"(B) unemployment rates and trends for non-Federal workers in the pay area;

"(C) indicators of trends in the quality of employees under the LS Pay System in the pay area; and

"(D) the need to provide Government services economically.

"(2) The Office shall include in its report the recommendations of the Federal Labor-Management Pay Committee under subsection (c).

"(c)(1) In carrying out its responsibilities under subsections (a) and (b), the Office shall give thorough consideration to the views of the Federal Labor-Management Pay Committee. The Committee shall consist of—

"(A) the Chairman, who shall be the Chairman of the Federal Prevailing Rate Advisory Committee under section 5347(a)(1);

"(B) five members designated by the Office from among individuals nominated by the heads of agencies having employees under the LS Pay System; and

"(C) five members designated by the Office from among individuals nominated by labor organizations certified under chapter 71 as exclusive representatives of employees under the LS Pay System.

In designating the members nominated by labor organizations, the Office shall take into consideration the relative numbers of

employees represented by such organizations, but no more than 2 members may be from any labor organization, nor more than 4 members from any council, federation, alliance, association, or affiliation of labor organizations.

"(2) The Committee shall advise the Office on the Office's responsibilities under subsections (a) and (b), and on any other matters relating the LS Pay System on which the Office may seek the Committee's advice.

"(3) Conclusions and recommendations of the Committee shall be formulated by majority vote. The Chairman of the Committee may vote only to break a tie vote of the Committee. The Committee shall make an annual report to the Office for transmittal to the President's Pay Agent under subsection (b). Any member of the Committee may include in the annual report recommendations and other matters the member considers appropriate.

"(4) The Committee shall meet at the call of the Chairman. However, a special meeting shall be called by the Chairman if 5 members make a written request to the Chairman to call a special meeting to consider matters within the purview of the Committee.

"(5) Members of the Committee described in paragraphs (1)(A) and (1)(B) shall serve without additional pay. Members described in paragraph (1)(C) may not be considered employees of the United States for any purpose by reason of their membership on the Committee, and are not entitled to pay from the Government of the United States for services rendered to the Committee.

"(6) The Committee, with the approval of the Office, may establish one or more subcommittees, on a regional basis or otherwise.

"(7) The Office shall provide such clerical and professional personnel, as appropriate and necessary to carry out the Committee's functions under this subchapter. Such personnel shall be responsible to the Chairman of the Committee.

"(d) The President's Pay Agent, after reviewing the report submitted by the Office under subsection (b), including the report submitted by the Federal Labor-Management Pay Committee under subsection (c), shall report to the President by November 1 of each year the overall average percentage by which the President's Pay Agent recommends, in its sole discretion, that basic pay under the LS Pay System be adjusted 14 months later so that the agencies will be able to recruit and retain well-qualified employees and so that the midpoints of the ranges of basic pay for all pay areas will generally be within the comparability range.

"(e)(1) The President shall, in his sole discretion, determine each year the overall average percentage by which basic pay under the LS Pay System shall be adjusted so that the midpoints of the ranges of rates of basic pay for all pay areas will generally be within the comparability range, unless he determines in his sole discretion, under the following sentence, that such overall average percentage is inappropriate, in which case he shall determine such overall average percentage as he considers appropriate. If in any year, the President determines, in his sole discretion, that national emergency or serious economic conditions affecting the general welfare require that the overall percentage adjustment for the LS Pay System be less than would be needed for the midpoints of the ranges of rates of basic pay for all pay areas to be generally within the comparability range, the President shall report to Congress his reasons therefor and his assessment of the impact of such decision on the Government's ability to recruit and retain well-qualified employees.

"(2) The President shall include the overall average percentage determined under paragraph (1) in the budget for the fiscal year during which the pay adjustment will take effect and shall communicate such overall average percentage to the Office for implementation under subsection (f).

"(f) The Office shall put into effect such adjustments of minimum and maximum rates of basic pay for each grade of the LS Pay System in each pay area, effective on the first day of the first applicable pay period beginning on or after January 1 of the fiscal year in question, that the Office, in its sole discretion, determines appropriate so that the overall average percentage adjustment for all pay areas will equal the percentage determined by the President under subsection (e). The Office shall report thereon to the President and Congress, and shall include in its report the report submitted by the Federal Labor-Management Pay Committee under subsection (c).

"(g) In pay areas where employees under the LS Pay System receive an allowance under section 5941, the amount of such allowance, and any tax advantage thereon, shall be taken into consideration in setting minimum and maximum rates of basic pay for the pay area.

"(h) The Office shall determine, by such means as it determines appropriate in its sole discretion, minimum and maximum rates of basic pay for each grade of the LS Pay System for areas outside the United States, as defined in section 5921(4).

"§ 5333. Setting individual rates of basic pay

"(a) New appointments shall be made at the minimum rate of the appropriate grade for the pay area. However, under regulations prescribed by the Office which provide for such considerations as the existing pay or unusually high or unique qualifications of the candidate, or a special need of the Government for the services of the candidate, the head of an agency may appoint, with the approval of the Office in the case of an appointment in an Executive agency, an individual at a rate of basic pay above the minimum rate of the appropriate grade in the pay area.

"(b) The rate of basic pay to which an employee is entitled is governed by regulations prescribed by the Office in conformity with this subchapter and chapter 51 when—

"(1) the employee transferred from a position in the legislative, judicial, or executive branch to which this subchapter does not apply;

"(2) the employee transferred from a position in the legislative, judicial, or executive branch to which this subchapter applies to another such position;

"(3) the employee is demoted to a position in a lower grade;

"(4) the employee is reinstated, reappointed, or reemployed in a position to which this subchapter applies following service in any position in the legislative, judicial, or executive branch;

"(5) the employee's type of appointment is changed;

"(6) the employee's employment status is otherwise changed; or

"(7) the employee's position is changed from one grade to another grade.

For the purposes of this subsection, an individual employed by the Appalachian Regional Commission under section 106(2) of title 40, Appendix, who was a Federal employee immediately prior to such employment by the Commission and within 6 months after separation from such employment is employed in a position to which this subchapter applies, shall be treated as if transferred from a position in the executive branch to which this subchapter does not apply.

"(c) Unless a higher rate of basic pay is paid under subsection (b), an employee who is promoted or transferred from a position under this subchapter to a position in a higher grade under this subchapter is entitled to basic pay at the lowest rate of the higher grade for the pay area which exceeds the employee's existing rate of basic pay by an amount prescribed by regulation of the Office, but not less than 6 percent. If, in the case of an employee so promoted or transferred who is receiving basic pay at a rate in excess of the maximum rate of the employee's grade, there is no rate in the higher grade in the pay area which exceeds the employee's existing rate of basic pay by such prescribed amount, the employee is entitled to—

"(1) the maximum rate of the higher grade in the pay area; or

"(2) the employee's existing rate of basic pay, if that rate is higher.

If an employee so promoted or transferred is receiving basic pay at a rate saved to the employee under subchapter VI on reduction in grade, the employee is entitled to—

"(A) basic pay at a rate of the employee's grade in the pay area that exceeds the rate which the employee would be receiving if subchapter VI were not applicable by the amount prescribed under the first sentence of this subsection; or

"(B) the employee's existing rate of basic pay, if that rate is higher.

However, in the case of an employee who is repromoted or transferred to a grade in which the employee formerly served, unless a higher rate of basic pay is paid under subsection (b), the employee is entitled only to basic pay at the lesser of—

"(i) the rate determined under the preceding three sentences as applicable; or

"(ii) the rate in the grade the employee would have attained had the employee remained continuously in that grade.

"(d) An employee in the legislative branch who is paid by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, and a Member of the Senate or House of Representatives who has completed two or more years of service as such a Member, may, on appointment to a position to which this subchapter applies, have the employee's initial rate of pay fixed—

"(1) at the minimum rate of the appropriate grade for the pay area; or

"(2) at a rate of the appropriate grade for the pay area that does not exceed the highest previous rate of pay received by the employee during that service in the legislative branch.

"(e) The rate of pay established for a teaching position as defined by section 901 of title 20 held by an individual who becomes subject to subsection (b) of this section is deemed increased by 20 percent to determine the yearly rate of pay of the position.

"(f) An employee of a county committee established pursuant to section 590h(b) of title 16 may, upon appointment to a position subject to this subchapter, have the employee's initial rate of basic pay fixed at the minimum rate of the appropriate grade for the pay area, or at any higher rate of such grade that does not exceed the highest previous rate of basic pay received by the employee during service with such county committee.

§ 5334. Merit increases

"(a) Effective on the same day that any increase in the minimum and maximum rates of basic pay of the grades of the LS Pay System for the pay area takes effect under section 5332, the rate of basic pay of an employee whose most recent performance rating was at the fully successful level or a higher level shall be increased by the same dollar amount that the minimum rate of basic pay of the employee's grade is increased. The rate of basic pay of an employee whose most recent performance rating was below the fully successful level may not be increased.

"(b) The rate of basic pay of an employee under the LS Pay System shall be increased by an amount prescribed by the Office in its sole discretion, but not less than 3 percent of the employee's rate of basic pay, upon the completion of—

"(1) each year of service in the employee's current grade, if the employee's rate of basic pay immediately before such increase is in the bottom one-third of the range of rates of basic pay for the grade in the pay area; and

"(2) each two years of service in the employee's current grade, if the employee's rate of basic pay immediately before such increase is above the bottom one-third of the range of basic pay for the grade in the pay area, but less than the dollar amount that is midway between the minimum and maximum rates of basic pay for the grade in the pay area,

provided that the employee's most recent performance rating immediately prior to each such increase was at the fully successful level or a higher level. No increase in an employee's pay under this subsection may increase the employee's rate of basic pay above the dollar amount that is midway between the minimum and maximum rates of basic pay for the employee's grade in the pay area.

"(c)(1) In addition to any increase under subsection (a) or (b), the head of the agency may grant an increase in the employee's rate of basic pay in accordance with the provisions of this subsection.

"(2) The amount of any additional pay increase under this subsection shall be determined by the head of the agency, subject in the case of an Executive agency to such regulations and criteria as the Office may prescribe. The aggregate amount of additional pay increases paid by an agency under this subsection shall, in the case of an Executive agency, be within minimum and maximum limitations prescribed by the President's Pay Agent, in its sole discretion.

"(3) An employee's rate of basic pay may not be increased under this subsection higher than the maximum rate of basic pay for the employee's grade in the pay area.

"(4) If a labor organization representing employees of an agency under the LS Pay System has been accorded exclusive recognition under section 7111 or has been granted national consultation rights under section 7113, the agency shall consult with that labor organization on any criteria the agency will use at the level of recognition in determining eligibility for and the amount of additional pay increases under this subsection.

"(5) An employee may request reconsideration of a decision not to provide an additional pay increase to the employee under this subsection, or of the amount of such an increase. Such reconsideration may be made only by an employee who is in a higher position in the agency than each employee who made, reviewed, or approved the decision. The failure to receive an additional pay increase under this subsection, or the amount of such an increase, may not be appealed.

"(d) Under regulations which the Office shall prescribe, the benefit of increases in rates of basic pay under this section shall be preserved for an employee whose continuous service is interrupted in the public interest by service in the Armed Forces, or by services in essential non-Government civilian employment during a period of war or national emergency.

"(e) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

§ 5335. Staffing differentials

"(a) The President may from time to time, in his sole discretion, authorize payment of a differential for employees under the LS Pay System in one or more classes in one or more locations or pay areas when he determines that the Government would, in the absence of such a differential, encounter difficulty in recruiting or retaining employees. The President may, in his sole discretion, adjust the amount of or terminate such a differential at any time.

"(b) In determining whether a staffing differential is needed, and what the amount of such differential should be, the President shall consider the pay rates being paid by non-Federal employers, as well as other factors he considers appropriate, such as the factors described in section 5302(c)(2).

"(c)(1) A staffing differential, which shall be stated as a percentage of the rate of basic pay of the employee to whom it is payable, may not exceed 60 percent of the employee's rate of basic pay.

"(2) A staffing differential may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a staffing differential may not be appealed.

"(3) A staffing differential shall be paid in the same manner and at the same time as the employee's basic pay is paid.

"(d) The President shall prescribe such regulations as he considers necessary for the administration of this section. The President may authorize the exercise of the authority conferred on him by this section by the Office of Personnel Management.

§ 5336. Supervisory differentials

"(a)(1) The Office may from time to time authorize payment of a differential for an employee under the LS Pay System who has supervisory responsibility for one or more employees not under the LS Pay System if—

"(A) the midpoint of the range of rates of basic pay for the subordinate employees is higher than the midpoint of the range of rates of basic pay for the supervisory employee; and

"(B) one or more such subordinate employees would, in the absence of such a differential, be paid more than the supervisory employee.

"(2) For the purposes of comparing the pay of a supervising employee under the LS Pay System with the pay of subordinate employees not under the LS Pay System, additional pay, differentials, and allowances that are not a part of basic pay may be taken into consideration.

"(b)(1) A supervisory differential, which shall be stated as a percentage of the supervising employee's rate of basic pay or as a dollar amount, may not cause the supervising employee's pay to exceed the pay of the highest paid subordinate employee by more than 3 percent.

"(2) A supervisory differential may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a supervisory differential may not be appealed.

"(3) A supervisory differential shall be paid in the same manner and at the same time as the employee's basic pay is paid.

"(c) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

§ 5337. Recruitment and relocation bonuses

"(a) The Office may authorize the head of an agency to pay a bonus to an employee who is newly appointed to a position under the LS Pay System, or to an employee under the LS Pay System or under any other pay authority in the executive, legislative, or judicial branch who must relocate to accept a position under the LS Pay System, if the Office determines that the agency would be likely, in the absence of such a bonus, to encounter difficulty in filling the position.

"(b)(1) The amount of a bonus under this section shall be determined by regulations of the Ofifce, but may not exceed 25 percent of the annual rate of basic pay of the position to which the employee is being appointed or relocated.

"(2) Payment of a bonus under this section shall be contingent upon the employee entering into an agreement with the agency to complete a period of employment with the agency, with the required period determined pursuant to regulations of the Office. If the employee voluntarily fails to complete such period of service or is separated from the service before completion of such period of service for cause on charges of misconduct or delinquency, the employee shall repay the bonus on a pro rata basis.

"(3) A bonus under this section shall be paid as a lump sum, and may not be considered to be part of the basic pay of an employee

"(4) Under regulations of the Office, a recruitment bonus may be paid to a newly-hired employee before the employee enters on duty.

"(c)(1) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

"(2) If a labor organization representing employees of an agency under the LS Pay System has been accorded exclusive recognition under section 7111 or has been granted national consultation rights under section 7113, the agency shall consult with that labor organization on any criteria the agency will use at the level of recognition in determining eligibility for and the amount of relocation bonuses under this section.

"§ 5338. Retention allowances

"(a) The Office may authorize the head of an agency to pay an allowance to an employee under the LS Pay System—

"(1) if the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee, and

"(2) if the agency determines, in its sole discretion, that the employee would be likely to leave in the absence of a retention allowance.

"(b)(1) A retention allowance, which shall be stated as a percentage of the rate of basic pay of the employee, may not exceed 25 percent of such rate of basic pay.

"(2) A retention allowance may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a retention allowance may not be appealed.

"(3) A retention allowance shall be paid in the same manner and at the same time as the employee's basic pay is paid.

"(c)(1) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

"(2) If a labor organization representing employees of an agency under the LS Pay System has been accorded exclusive recognition under section 7111 or has been granted national consultation rights under section 7113, the agency shall consult with that labor organization on any criteria the agency will use at the level of recognition in determining eligibility for and the amount of allowances under this section.

"§ 5339. Performance-based cash awards

"(a)(1) Effective on the same day that any increase in the minimum and maximum rates of basic pay of the LS Pay System takes effect under section 5332(b), an employee whose most recent performance rating was at the fully successful level or a higher level may be paid a cash award under this section.

"(2) A cash award under this section shall be of an amount determined appropriate by the head of the agency, but may not be more than 10 percent of the employee's rate of basic pay. Notwithstanding the preceding sentence, the head of the agency may authorize a cash award under this section of more than 10 percent of the employee's rate of basic pay if the head of the agency determines that exceptional performance by the employee justifies such an award, but in no case may an award under this section exceed 20 percent of the employee's rate of basic pay.

"(b) A cash award under this section may not be considered to be part of the basic pay of an employee, and the failure to pay a cash award, or the amount of such an award, may not be appealed.

"(c)(1) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

"(2) If a labor organization representing employees in an agency under the LS Pay System has been accorded exclusive recognition under section 7111 or has been granted national consultation rights under section 7113, the agency shall consult with that labor organization on any criteria the agency will use at the level of recognition for determining eligibility for and the amount of cash awards under this section.

"§ 5340. Aggregate limitation on pay

"The aggregate amount of basic pay, differentials, bonuses, allowance, and performance-based cash awards paid under this subchapter to any employee in any calendar year may not exceed the rate payable for level I of the Executive Schedule at the end of such calendar year. The Office shall prescribe such regulations as it considers necessary for the administration of this section.".

"(d) Subchapter IV of chapter 53 of title 5, United States Code, is amended—

"(1) in section 5343(b)—

(A) by striking out "2 years" and inserting in lieu thereof "3 years"; and

(B) by striking out "between each 2" and inserting in lieu thereof "each year between";

(2) in section 5343(e)(1)—

(A) in paragraph (A) by striking out "96 percent" and inserting in lieu thereof "92 percent";

(B) in paragraph (B) by striking out "100 percent" and inserting in lieu thereof "96 percent";

(C) in paragraph (C) by striking out "104 percent" and inserting in lieu thereof "100 percent";

(D) in paragraph (D) by striking out "108 percent" and inserting in lieu thereof "104 percent"; and

(E) in paragraph (E) by striking out "112 percent" and inserting in lieu thereof "108 percent";

(3) in section 5344(a) by striking out "45th day, excluding Saturdays or Sundays," and inserting in lieu thereof "150th day";

(4) by inserting a new section 5345, to read as follows:

"§ 5345. Wage limitations

"Notwithstanding any other provision of this subchapter, the President may direct the Office of Personnel Management to impose a limitation on the maximum adjustment that will be made in wage rates in any wage area during a calendar year, if the President determines in his sole discretion that such a limitation is required by considerations of equity with employees under the NS Pay System and the LS Pay System. In making such a determination, the President shall take into consideration any effect such limitation is likely to have on the ability of agencies to recruit and retain well-qualified employees.";

(5) in section 5347(a)(1) by inserting after "States" the following: "(other than as Chairman of Federal Locality Pay Advisory Committee)"; and

(6) in section 5347(g) by striking out "equal to the maximum rate currently paid, from time to time, under the General Schedule" and inserting in lieu thereof "of the Senior Executive Service".

(e) Subchapter VI of chapter 53 of title 5, United States Code, is amended—

(1) in section 5361 by amending paragraph (5) to read as follows:

"(5) 'covered pay schedule' means the Federal National Pay System, the Federal Locality Pay System, or any prevailing rate schedule established under subchapter IV;";

(2) in section 5362(c)—

(A) by striking out "chapters 54 and" and inserting in lieu thereof "chapter";

(B) by inserting "or" after the comma at the end of paragraph (2);

(C) by striking out paragraph (3); and

(D) by redesignating paragraph (4) as paragraph (3);

(3) in section 5363(a)—

(A) by inserting "or" after the semicolon at the end of paragraph (1);

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2); and

(4) in section 5363(c)(2) by striking out "subchapter or chapter 51, 53, or 54 of this title" and inserting in lieu thereof "chapter or chapter 51".

(f) Subchapter VII of chapter 53 of title 5, United States Code, is amended—

(1) by amending section 5371 to read as follows:

"§ 5371. Health care positions

"(a) For the purposes of this section—

"(1) 'employee' and 'position' have the meanings given them by section 5102; and

"(2) 'health care' means direct patient-care services or services incident to direct patientcare services.

"(b) The Office of Personnel Management may, in its sole discretion and notwithstanding any provisions of subchapter I or III or chapter 51 or 61, make applicable to an employee in a position involving health care responsibilities any provision of chapter 73 of title 38, concerning employees in the Veterans Health Services and Research Administration of the Department of Veterans Affairs.";

(2) by amending section 5372 to read as follows:

"§ 5372. Pay for administrative law judges and board of contract appeals judges

"(a) For the purposes of this section, 'judge' means an administrative law judge appointed under section 3105 and a member of a board of contract appeals established under the Contact Disputes Act of 1978.

"(b)(1) The President shall, in his sole discretion, establish and from time to time adjust 3 or more rates of basic pay for judges, of which the minimum rate may not be less than the minimum rate for NS–20, as in effect from time to time, and the maximum rate may not be more than the rate for level IV of the Executive Schedule, as in effect from time to time.

"(2) The rates of basic pay that are established and adjusted under this subsection shall be printed in the Federal Register and shall supersede any prior rates of basic pay for judges.

"(c) The Office of Personnel Management shall determine, in its sole discretion, at which rate of basic pay each judge shall be paid. In making such determination, the Office shall consider the complexity and variety of the cases assigned to the judge, and any administrative responsibilities of the judge, and may consider the judge's length of service as a judge. Notwithstanding section 1104(a)(2), this authority may not be delegated to the head of any agency.

"(d) The Office of Personnel Management shall prescribe such regulations as it considers necessary for the administration of this section.";

(3) in section 5373 by striking out "maximum rate for GS–18" and inserting in lieu thereof "rate for level V of the Executive Schedule";

(4) in section 5374 by striking out "and step of the General Schedule set forth in section 5332 of this title" inserting in lieu thereof "of the Federal National Pay System";

(5) in section 5375—

(A) in paragraph (1) by striking out "GS–7, Step 5" and inserting in lieu thereof "NS–12";

(B) in paragraph (2) by striking out "GS–8, Step 5" and inserting in lieu thereof "NS–13";

(C) in paragraph (3) by striking out "GS–9, Step 5" and inserting in lieu thereof "NS–14"; and

(D) in paragraph (4) by striking out "GS–10, Step 5" and inserting in lieu thereof "NS–15"; and

(6) by adding at the end thereof the following new sections:

"§ 5376. Pay for critically needed positions

"(a) For the purposes of this section—

"(1) 'agency' has the meaning given it by section 5102;

"(2) 'employee' means—

"(A) an employee under section 5102; and

"(B) an employee in a position under the Executive Schedule under sections 5312-5317;

"(3) 'position' means—

"(A) a position under section 5102; and

"(B) a position under the Executive Schedule under sections 5312-5317.

"(b) Notwithstanding subchapter II of chapter 31, chapter 51, or subchapter I, II, III, or VIII, the Office of Management and Budget, in consultation with the Office of Personnel Management but otherwise in the Office of Management and Budget's sole discretion, may authorize the head of an agency to set the rate of basic pay for an employee under this section rather than under subchapter I, II, III, or VIII, as otherwise applicable.

"(c)(1) An employee's rate of basic pay may be set under this section only if the employee's position—

"(A) requires expertise of an extremely high level in a scientific, technical, professional, or administrative field; and

"(B) is critical to the agency's successful accomplishment of an important mission.

"(2) No more than 400 positions may be paid under this section at any time. No more than 30 of these 400 positions may be positions that would otherwise be paid under subchapter II. The Office of Management and Budget, in consultation with the Office of Personnel Management but otherwise in its sole discretion, shall allocate these positions among the agencies, and may change such allocations at any time.

"(d) The head of the agency may set an employee's rate of basic pay under this section at any rate that exceeds the rate that would otherwise be applicable under subchapter I, II, III, or VIII, but that does not (in combination with any bonuses; performance, rank or cash awards; differentials; allowances; or other cash payments during the calendar year) exceed the rate payable for level I of the Executive Schedule at the end of the calendar year, unless the President approves payment of a higher rate for the employee.

"(e) The Office of Management and Budget, in consultation with the Office of Personnel Management, may by regulation permit the payment to employees whose pay is fixed under this section of recruitment and relocation bonuses under section 5308.

"(f) The Office of Management and Budget, in consultation with the Office of Personnel Management, may prescribe such regulations, criteria, and guidelines as may be necessary for the administration of this section. The Office of Management and Budget may require the agency to obtain the prior approval of the Office of Management and Budget before paying an employee under this section.

"§ 5377. Differentials, bonuses, and allowances for other positions

"(a) At the request of the head of an Executive agency, the President may in his sole discretion authorize the payment to one or more categories of employees of the agency who are not subject to subchapter I or III of—

"(1) geographic differentials in accordance with section 5305;

"(2) staffing differentials in accordance with section 5306 or 5335, as appropriate;

"(3) supervisory differentials in accordance with section 5307 or 5336, as appropriate;

"(4) recruitment and relocation bonuses in accordance with section 5308 or 5337, as appropriate; and

"(5) retention allowances in accordance with section 5309 or 5338, as appropriate.

"(b) No differential, bonus, or allowance may be authorized under this section that would cause an employee's aggregate compensation (including basic pay, differentials, bonuses, allowances, performance-based awards, and other cash payments) to exceed the rate payable for level I of the Executive Schedule at the end of the calendar year.

"§ 5378. Bar to judicial review

"There shall be no judicial review of determinations entrusted to the sole discretion of the President, the President's Pay Agent, the Office of Management and Budget, or the Office of Personnel Management or the Director thereof, by any provisions of this chapter, chapter 54, or section 5532(g), 8344(i), or 8468(f). For the purposes of such chapters and sections, 'sole discretion' means exclusively that there shall be no judicial review.".

(g) Subchapter VIII of chapter 53 of title 5, United States Code, is amended—

(1) in section 5382(b)—

(A) by striking out "the minimum rate of basic pay payable for GS-16 of the General Schedule" and inserting in lieu thereof "120 percent of the minimum rate of basic pay for NS-20 of the Federal National Pay System"; and

(B) by striking out "section 5308 or"; and

(2) by amending section 5382(c) to read as follows:

"(c) Subject to subsection (b), effective at the beginning of the first applicable pay period commencing on or after the effective date of an adjustment in the minimum and maximum rates of basic pay of the Federal National Pay System or of the rates of pay of the Executive Schedule, each rate of basic pay for the Senior Executive Service shall be adjusted by an amount determined by the President in his sole discretion to be appropriate.";

(3) in section 5383(b)—

(A) by striking out "fiscal" each place it appears and inserting in lieu thereof "calendar"; and

(B) in subsection (b)(1) by inserting "subsection (e) or" after "under".

(h) The analysis for chapter 53 of title 5, United States Code, is amended—

(1) by striking out the items relating to subchapter I and inserting in lieu thereof the following:

"SUBCHAPTER I—FEDERAL NATIONAL PAY SYSTEM

"Sec.
"5301. Establishment; definitions.
"5302. Adjustment of NS Pay System.
"5303. Setting individual rates of basic pay.
"5304. Merit increases.
"5305. Geographic differentials.
"5306. Staffing differentials.
"5307. Supervisory differentials.
"5308. Recruitment and relocation bonuses.
"5309. Retention allowances.
"5310. Pay for senior NS positions.
"5310a. Performance-based cash awards.
"5310b. Aggregate limitation on pay.";

(2) by striking out the items relating to subchapter III and inserting in lieu thereof the following:

"SUBCHAPTER III—FEDERAL LOCALITY PAY SYSTEM

"Sec.
"5331. Establishment; definitions.
"5332. LS pay areas; adjustment of LS Pay System.
"5333. Setting individual rates of basic pay.
"5334. Merit increases.
"5335. Staffing differentials.
"5336. Supervisory differentials.
"5337. Recruitment and relocation bonuses.
"5338. Retention allowances.
"5339. Performance-based cash awards.
"5340. Aggregate limitation on pay.";

(3) by inserting after the item relating to section 5344 the following new item:

"5345. Wage limitations.";

(4) by striking out the items relating to sections 5371 and 5372 and inserting in lieu thereof the following:

"5371. Health care positions.
"5372. Pay for administrative law judges and board of contract appeals judges."; and

(5) by inserting after the item relating to section 5375 the following new items:

"5376. Pay for critically needed positions.
"5377. Differentials, bonuses, and allowances for other positions.
"5378. Bar to judicial review.".

SPECIAL OCCUPATIONAL PAY SYSTEMS

SEC. 4. (a) Chapter 54 of title 5, United States Code, is amended to read as follows:

"CHAPTER 54—SPECIAL OCCUPATIONAL PAY SYSTEMS

"Sec.
"5401. Definitions.
"5402. Establishment of special occupational pay systems.

"§ 5401. Definitions.

"For the purposes of this chapter, 'agency', 'employee', and 'position' have the meanings given them by section 5102.

"§ 5402. Establishment of special occupational pay systems

"(a) The President's Pay Agent, as designated under section 5302(a)(2)(A), may in its sole discretion establish one or more special occupational pay systems under this chapter for positions in occupations or groups of occupations that the Pay Agent determines, for reasons of good administration, should not be classified under chapter 51 or paid under subchapter I or III of chapter 53.

"(b) In establishing special occupational pay systems, the President's Pay Agent shall—

"(1) identify occupations or groups of occupations for which chapter 51 and subchapter I or III of chapter 53, as applicable, do not function adequately;

"(2) consider alternative approaches for determining the pay for employees in positions in such occupations or groups of occupations;

"(3) give thorough consideration to the views of agencies employing such employees and labor organizations representing such employees, as well as other interested parties;

"(4) publish a proposed plan for determining the pay of such employees in the Federal Register;

"(5) conduct one or more public hearings;

"(6) notify each House of Congress of the establishment of a special occupational pay system at least 90 days in advance of the date the system is to take effect; and

"(7) publish in the Federal Register a final plan setting forth the details of the special occupational pay system.

"(c) A special occupational pay system may not—

"(1) provide for a waiver of any law, rule, or regulation that could not be waived under section 4703(c);

"(2) provide a rate of basic pay for any employee in excess of the rate for level V of the Executive Schedule; or

"(3) provide a combination of basic pay and any form of additional pay, differential, bonus, allowance, or performance-based cash award for any employee in any calendar year, in excess of the rate payable for level I of the Executive Schedule at the end of such calendar year.".

(b) The item relating to chapter 54 in the table of chapters at the beginning of part III of title 5, United States Code, is amended to read as follows:

"54. Special Occupational Pay Systems ..... 5401".

TIME OFF DUTY AS AN INCENTIVE AWARD

SEC. 5. Section 4502 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) The Office of Personnel Management may by regulation permit agencies to grant employees time off duty, without loss of pay or charge to leave, as an award in recognition of superior accomplishment or other personal effort that contributes to the quality, efficiency, or economy of Government operations.".

ADVANCES OF PAY

SEC. 6. Section 5522 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) Under regulations prescribed by the Office of Personnel Management, an agency may provide for the advance payment of basic pay, covering not more than 2 pay periods, to any individual who is newly appointed to a position in the agency and who has to relocate to accept such appointment."; and

(3) in subsection (d), as redesignated, by striking out "subsection (a)" both times it occurs and inserting in lieu thereof "subsection (a) or (c)".

PREMIUM PAY AMENDMENTS

SEC. 7. Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5541(2)(C) by striking out "subchapter III" and inserting in lieu thereof "subchapter I or III";

(2) in section 5542—

(A) by striking out "GS-10" each place it appears and inserting in lieu thereof "NS-15 in the case of an employee under the NS Pay System, or LS-10 for the applicable pay area, in the case of an employee under the LS Pay System,";

(B) by striking out "GS-14" and inserting in lieu thereof "NS-19"; and

(C) by adding at the end thereof the following new subsection:

"(c) This section shall not apply to an employee who is subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938, as amended. In the case of an employee who would, were it not for the preceding sentence, be subject to this section, hours of work in excess of 8 hours in a day shall be deemed to be overtime hours for the purposes of such section 7 and hours in a paid non-work status shall be deemed to be hours of work.";

(3) in section 5543 by striking out "subchapter III" and inserting in lieu thereof "NS-15 in the case of an employee under the NS Pay System, or LS-10 for the applicable pay area, in the case of an employee under the LS Pay System,";

(4) in section 5544—

(A) by adding at the end of subsection (a) the following: "This section, other than the sixth sentence, shall not be applicable to an employee who is subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938, as amended. In the case of an employee who would, were it not for the preceding sentence, be subject to this section, hours of work in excess of 8 hours in a day shall be deemed to be overtime hours for the purposes of such section 7 and hours in a paid non-work status shall be deemed to be hours of work."; and

(B) in subsection (b) by striking out "subchapter III" and inserting in lieu thereof "subchapter I or III";

(5) in section 5545—

(A) in subsection (c) by striking out "GS-10" and inserting in lieu thereof "NS-15 in the case of an employee under the NS Pay System, or LS-10 for the applicable pay area, in the case of an employee under the LS Pay System,"; and

(B) in subsection (d)—

(i) by striking out "irregular or intermittent";

(ii) by striking out "subchapter III" and inserting in lieu thereof "subchapter I or III"; and

(iii) by amending paragraph (1) to read as follows:

"(1) may apply to an employee in a position which by its nature inherently involves physical hardship or hazard only if the Office determines such application to be appropriate; and";

(6) in section 5546a—

(A) by striking out "GS-9" and "GS-09" and inserting in lieu thereof "NS-14";

(B) by striking out "GS-11" and inserting in lieu thereof "NS-16"; and

(C) by striking out "GS-12" and inserting in lieu thereof "NS-17"; and

(7) in section 5547—

(A) by striking out "GS-15" and inserting in lieu thereof "NS-20"; and

(B) by amending subsection (b) to read as follows:

"(b)(1) Subject to regulations prescribed by the Office of Personnel Management, the provisions of the first sentence of subsection (a) shall not apply to an employee who is paid premium pay by reason of work on, or in support of, an emergency involving a direct threat to life or property, including a forest wildfire emergency.

"(2) Notwithstanding paragraph (1), no employee (other than an employee subject to the second sentence of subsection (a)) may be paid premium pay under sections 5542, 5545 (a), (b), and (c), and 5546 (a) and (b) to the extent that the aggregate of basic and premium pay for such employee for the aggregate of all pay periods in any calendar year would otherwise exceed the maximum annual rate of basic pay for NS-20 in effect at the end of such calendar year.".

REEMPLOYMENT OF RETIREES

SEC. 8. (a) Section 5532 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency, waive the application of the provisions of this section on a case-by-case basis for employees in scientific, technical, professional, or administrative positions for which there is exceptional difficulty in recruiting or retaining a qualified employee. The Office shall prescribe regulations establishing criteria for the exercise of this authority.".

(b) Section 8344 of title 5, United States Code, is amended by adding at the end thereof of the following new subsection:

"(i) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency, waive the application of the provisions of this section on a case-by-case basis for employees in scientific, technical, professional, or administrative positions for which there is exceptional difficulty in recruiting or retaining a qualified employee. An employee to whom such waiver applies shall not be deemed an employee for the purpose of chapter 83 or 84 while such waiver is in effect. The Office shall prescribe regulations establishing criteria for the exercise of this authority.".

(c) Section 8468 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency, waive the application of the provisions of this section on a case-by-case basis for employees in scientific, technical, professional, or administrative positions for which there is exceptional difficulty in recruiting or retaining a qualified employee. An employee to whom such waiver applies shall not be deemed an employee for the purposes of chapter 83 or 84 while such waiver is in effect. The Office shall prescribe regulations establishing criteria for the exercise of this authority.".

TRAVEL AND TRANSPORTATION EXPENSES FOR CANDIDATES AND NEW APPOINTEES

SEC. 9. Chapter 57 of title 5, United States Code, is amended—

(1) in section 5703—

(A) in the catchline by inserting after "pay" the following: "; interview expenses"; and

(B) by adding at the end thereof the following: "An individual being considered for employment by an agency may be paid travel or transportation expenses under this subchapter to travel to and from pre-employment interviews determined necessary by the agency."; and

(2) in section 5723—

(A) in the catchline by striking out "; manpower shortage positions"; and

(B) in subsection (a) by amending paragraph (1) to read as follows:

"(1) travel expenses of a new appointee or a student trainee when assigned on completion of college work; and"; and

(3) in the analysis—

(A) by amending the item relating to section 5703 to read as follows:

"5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay; interview expenses."; and

(B) amending the item relating to section 5723 to read as follows:

"5723. Travel and transportation expenses of new appointees and student trainees.".

UNIFORM ALLOWANCES

SEC. 10. (a) Subchapter I of chapter 59 of title 5, United States Code, is amended—

(1) in section 5910(a) by striking out "$125" each place it appears and inserting in lieu thereof "$400";

(2) by amending section 5902 to read as follows:

"§ 5902. Increase in maximum uniform allowances

"Notwithstanding section 5901, the Office of Personnel Management may from time to time, by regulation, adjust the maximum amount for the cost of uniforms and the maximum allowances for uniforms under section 5901, and such adjustment shall also adjust the amount prescribed under the first sentence of section 5901."; and

(3) by amending section 5903 to read as follows:

"§ 5903. Regulations

"The Office of Personnel Management may prescribe such regulations as it considers necessary for the administration of this subchapter.".

MISCELLANEOUS AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 11. Title 5, United States Code, is amended—

(1) in section 575(c)(10) by striking out "grade GS-15 as provided in section 5332 of this title" and inserting in lieu thereof "NS-20";

(2) in section 2301(b)(3) by striking out "private" and inserting in lieu thereof "non-Federal";

(3) in section 3104(a) by striking out "outside of the General Schedule" and inserting in lieu thereof "above NS-20 without regard to the provisions of chapter 51";

(4) in section 3109(b)—

(A) by striking out "subchapter III" both places it appears and inserting in lieu thereof "subchapters I and III"; and

(B) by striking out "highest rate payable under section 5332 of this title" and inserting in lieu thereof "rate for level V of the Executive Schedule";

(5) in section 3132(a)(2) by striking out "in GS-16, 17, or 18 of the General Schedule" and inserting in lieu thereof "classified above NS-20";

(6) in the analysis for chapter 33 by amending the item relating to section 3324 to read as follows:

3324. APPOINTMENTS ABOVE NS-20.";

(7) in section 3304a(a) by striking out "in GS-16, GS-17, or GS-18" and inserting in lieu thereof "classified above NS-20";

(8) in section 3313 by striking out "GS-9" and inserting in lieu thereof "NS-14";

(9) in section 3324—

(A) by amending the catchline to read as follows:

"§ 3324. Appointments above NS-20";

(B) by striking out "in GS-16, 17, or 18" and inserting in lieu thereof "classified above NS-20"; and

(C) by amending clause (1) to read as follows:

"(1) in the United States Tax Court";

(10) in section 3594(c)(1)(A) by striking out "GS-15 or above of the General Schedule" and inserting in lieu thereof "NS-20 or above";

(11) in the analysis for chapter 43 by striking out the item relating to section 4302a;

(12) in section 4302(b)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(B) by inserting before paragraph (2), as redesignated, the following new paragraph;

"(1) three or more levels of summary performance ratings, including a fully successful level and at least one level above the fully successful level and at least one level below the fully successful level;"; and

(C) by amending paragraph (4), as redesignated, to read as follows:

"(4) evaluating each employee annually in writing on such standards;";

(13) by repealing section 4302a;

(14) in section 4304 by amending subsection (b)(1) to read as follows:

"(b)(1) Each agency shall submit to the Office for review each performance appraisal system under this subchapter, and may operate such system unless directed otherwise by the Office under paragraph (3).";

(15) in section 4501(2) by amending paragraph (A) to read as follows:

"(A) an employee as defined by section 2105; and";

(16) in section 5595(a)(2)(i) by striking out "minimum rate for GS-18" and inserting in lieu thereof "rate for level V of the Executive Schedule";

(17) in the analysis for chapter 57 by striking out the item relating to section 5752;

(18) by repealing section 5752;

(19) in section 5941 by adding at the end thereof the following new subsection:

"(c) For the purposes of this section, rates of pay under section 5372, subchapters I, III, and VIII of chapter 53, the Foreign Service Act of 1980, and chapter 73 of title 38 are deemed to be fixed by statute.";

(20) in section 5948(g)(1)—

(A) by amending paragraph (A) to read as follows:

"(A) subchapter I of chapter 53, relating to the NS Pay System;";

(B) by striking out paragraph (C); and

(C) in paragraph (D) by striking out "specially qualified scientific or professional personnel" and inserting in lieu thereof "senior personnel";

(21) in section 6301(2)(x) by striking out "highest rate payable under section 5332 of this title" and inserting in lieu thereof "rate for level V of the Executive Schedule";

(22) in section 7201(a)(2)(A) by striking out "General Schedule" and inserting in lieu thereof "NS Pay System or the LS Pay System";

(23) in section 8133(e)—

(A) by striking out "GS-2" and inserting in lieu thereof "LS-2 for the applicable pay area"; and

(B) by striking out "GS-15" and inserting in lieu thereof "NS-20";

(24) in section 8141(b)(1) by striking out "rate of basic pay payable for step 1 of grade GS-9 in the General Schedule under section 5332 of this title" and inserting in lieu thereof "minimum rate of basic pay for NS-14";

(25) in section 8142(c)—

(A) in paragraph (1) by striking out "GS-7" and inserting in lieu thereof "NS-12"; and

(B) in paragraph (2) by striking out "GS-11" and inserting in lieu thereof "NS-16";

(26) in section 8143(a)(1) by striking out "GS-2" and inserting in lieu thereof "LS-2 for the applicable pay area";

(27) in section 8143(b) by striking out "GS-7" and inserting in lieu thereof "NS-12";

(28) in section 8340(g)(1)—

(A) by striking out "GS-15" and inserting in lieu thereof "NS-20";

(B) by striking out "General Schedule" and inserting in lieu thereof "NS Pay System";

(29) in section 8431 by striking out "5308 and 5382(b)" and inserting in lieu thereof "5301(a), 5331(a), 5372(b), 5373, 5376(d), 5382(b), and 5402(d)"; and

(30) in section 8476(d)(1) by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

REFERENCES IN OTHER LAWS

SEC. 12. In the case of any provision of law not amended by this Act that makes reference to the General Schedule or a grade or rate of pay thereof, or to a provision of law amended by this Act, the Office Personnel Management shall determine the appropriate successor reference under the amendments made by this Act.

RELATED PAY SYSTEMS

SEC. 13. (a) Section 403 of the Foreign Service Act of 1980 is amended—

(1) by inserting "(a)" before "The President";

(2) by striking out "GS-15 of the General Schedule under section 5332 of title 5. Salary rates established under this section shall be adjusted in accordance with subchapter I of chapter 53 of title 5." and inserting in lieu thereof "NS-20 of the Federal National Pay System."; and

(3) by adding at the end thereof the following new subsection.

"(b) Effective on the first day of the first applicable pay period beginning on or after the effective date of an adjustment in the minimum and maximum rates of basic pay of the Federal National Pay System under section 5302 of title 5, the President shall, in his sole discretion, adjust the rates of basic pay for the Foreign Service Schedule by amounts consistent with the adjustment under section 5302. There shall be no judicial review of such adjustment.".

(b) Section 4107 of title 38, United States Code, is amended—

(1) in subsection (a) by striking out "chapter 53 of title 5" and inserting in lieu thereof "subsection (k)";

(2) in subsection (b)(1) by striking out "chapter 53 of title 5" and inserting in lieu thereof "subsection (k); and

(3) by adding at the end thereof the following new subsection:

"(k) Effective on the first day of the first applicable pay period beginning on or after the effective date of an adjustment in the minimum and maximum rates of pay of the Federal National Pay System under section 5302 of title 5, the President shall, in his sole discretion, adjust the rates of basic pay for positions provided in section 4102 and paragraph (1) of section 4104 by amounts consistent with the adjustment under section 5302. There shall be no judicial review of such adjustment.".

(c) Section 1009 of title 37, United States Code, is amended—

(1) by amendment subsection (a) to read as follows:

"(a) Effective on January 1, 1991, and on the first day of January of each year thereafter, the President shall make an adjustment, by a percentage determined by the President, in the current rates of—

"(1) the monthly basic pay authorized members of the uniformed services pursuant to section 203(a) of this title;

"(2) the basic allowance for subsistence authorized members of the uniformed services pursuant to section 402 of this title; and

"(3) the basic allowance for quarters authorized members of the uniformed services pursuant to section 403(a) of this title.";

(2) in subsection (b)—

(A) by striking out paragraph (1);

(B) by redesignating paragraph (2) as paragraph (1); and

(C) in paragraph (3)—

(i) by redesignating that paragraph as paragraph (2); and

(ii) by amending that paragraph, as so redesignated, to read as follows:

"(2) subject to subsections (c) and (d) of this section, provide all eligible members with the same overall percentage increase in each element of compensation set forth in subsection (a) of this section.";

(3) in subsections (c)(1), (c)(2), and (d)(2)(A) by striking out "(b)(3)" each place that it appears and inserting in lieu thereof "(b)(2)";

(4) in subsection (d)(2)(B) by striking out "in the General Schedule rates of basic pay for civilian employees" and inserting in lieu thereof "described in subsection (b)(2) of this section"; and

(5) by adding at the end thereof the following new subsection:

"(g) Basic pay authorized for members of the uniformed services may not be paid at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule under title 5.".

EFFECTIVE DATES AND TRANSITION

SEC. 14. (a)(1) Except as otherwise provided by this section, the amendments made by this Act shall become effective on such dates as the President in his sole discretion may determine appropriate, but not later than the first day of the first applicable pay period beginning on or after January 1, 1995. The President shall direct his Pay Agent to take such actions as may be necessary to ensure that appropriate Bureau of Labor Statistics surveys and other necessary data are available on a timely basis for the implementation of this Act.

(2) In putting the amendments made by this Act into effect, the President may make applicable to employees under the General Schedule any provision of these amendments that, by the terms of such provision, will apply to employees under the Federal National Pay System or the Federal Locality Pay System. In putting the amendments made by this Act into effect before the rates of basic pay of the Federal National Pay System or the Federal Locality Pay System take effect, the President or his designee may direct that any reference in such amendments to such rates of basic pay be deemed to refer to a rate of the General Schedule the President or his designee determines in his sole discretion to be appropriate.

(b) No employee's rate of basic pay may be reduced below the rate in effect on the date of enactment of this Act by reason of the amendments made by this Act.

(c) Effective on the first day of the first applicable pay period beginning on or after January 1, 1991, the President may establish geographic differentials of up to 8 percent of basic pay (except as provided in the last sentence of this subsection), which may be paid to each General Schedule employee whose duty station is in—

(1) the New York-Northern New Jersey-Long Island, NY-NJ-CT Consolidated Metropolitan Statistical Area;

(2) the San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area; and

(3) the Los Angeles-Anaheim-Riverside, CA Consolidated Metropolitan Statistical Area.

Geographical differentials under this subsection shall be administered in a manner consistent with section 5305(c) of title 5, United States Code, as amended by section 3 of this Act, and may be reduced or eliminated as the amendments made by this Act are put into effect. No such reduction or elimination shall have the effect of reducing the total amount of pay, determined by adding basic pay and geographic differential, which any employee is receiving. In the case of any employee whose rate of pay is fixed under section 5303 of title 5, United States Code, as in effect prior to the enactment of this Act, the Office of Personnel Management shall determine in its sole discretion what, if any, geographic differential shall be payable under this subsection.

(d) Effective on the first day of the first applicable pay period beginning on or after January 1, 1991, the President may establish staffing differentials equal to 5 percent of basic pay, which may be paid to each General Schedule employee whose position—

(1) is in GS-5 or GS-7; and

(2) is in a class that is determined by the Office of Personnel Management in its sole discretion as likely to be included under the Federal National Pay System under the criteria in section 5106(d) of title 5, United States Code, as added by section 2 of this Act.

Staffing differentials under this subsection shall be administered in a manner consistent with section 5306(c) of title 5, United States Code, as amended by section 3 of this Act, and may be reduced or eliminated by the Office of Personnel Management in its sole discretion as the amendments made by this Act are put into effect. No such reduction or elimination shall have the effect of reducing the total amount of pay, determined by adding basic pay and staffing differential, which any employee is receiving.

(e) Section 5948(d) of title 5, United States Code, is amended—

(1) by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995"; and

(2) by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

(f)(1) Effective on the first day of the first pay period beginning on or after January 1, 1994, the minimum and maximum rates of basic pay for each grade of the Federal National Pay System (the rates of basic pay of which System shall be put into effect on such date) shall be set at rates that exceed the corresponding rates of the General Schedule as in effect immediately prior to such date by amounts determined under the procedure set forth in subchapter I of chapter 53 of title 5, United States Code, as in effect prior to the enactment of this Act. Corresponding adjustments shall be made under section 403(b) of the Foreign Service Act of 1980 and section 4107(k) of title 38, United States Code. Such adjustments shall be the only adjustments under such procedure during fiscal year 1994, and shall be the last adjustments under such procedure.

(2)(A) Effective on the first day of the first pay period beginning on or after January 1, 1994, the rates of basic pay of the Federal Locality Pay System shall be put into effect. The minimum and maximum rates of basic pay for each grade in each pay area shall be the minimum and maximum rates of basic pay of the corresponding grades of the General Schedule, as in effect immediately prior to such date, as further adjusted under section 5332 of title 5, United States Code, as amended by this Act.

(B) Beginning on January 1, 1994, the rates of pay of the Federal Wage System shall be determined in accordance with the provisions of subchapter IV of chapter 53 of title 5, United States Code, as amended by this Act.

(g) There shall be no judicial review of actions taken under this section.

STATEMENT OF PURPOSE AND JUSTIFICATION

To accompany a draft bill "To reform the Federal pay system, and for other purposes."

PURPOSE

The primary purpose of this draft bill is to modernize and reform the Federal pay system. Key objectives of the proposal include:

Restructuring the pay system to reflect diverse labor markets;

Instituting a credible, effective, and enduring pay adjustment process;

Increasing flexibilities in the pay system to adapt to special situations and circumstances;

Strengthening the link between the performance of an employee and his or her pay; and

Providing immediate relief for critical pay problems.

No employee's basic pay would be reduced as a result of any of these reforms.

JUSTIFICATION

The Federal white-collar pay system is exhibiting widespread problems that can no longer be ignored. The popularity of pay demonstration projects, accelerating growth of special salary schedules, inability to recruit and retain critical personnel, widely reported dissatisfaction, and continuing legislative efforts to take specific agencies or occupations out of the General Schedule are all testimony to the need for reform.

The General Schedule is 40 years old; it was created by Congress in 1949 to provide uniformity in pay practices for all Federal white-collar employees across the country. In 1962 the comparability principle was added to the General Schedule, making comparability with a private sector, national labor market the theoretical basis for schedule adjustments.

Labor markets and work force demographics have changed markedly in recent years and the pace of such changes is expected to accelerate in the years ahead. The General Schedule system with its monolithic structure and rigid underpinnings is incapable of adapting to this increasingly diverse and dynamic economic environment. It is past time to modernize the Government's pay system to make it responsive to such differences; without change, the Government's ability to succeed as an employer in attracting and keeping a high-quality work force at a reasonable cost will be seriously jeopardized.

Proposed alternatives to modernize the Government's pay system are not new. For more than 20 years studies have been recommending change, with recurring themes. Paying employees on the basis of occupational labor market and geographic differences has been recommended by the 1972 report of the Job Evaluation and Pay Review Task Force, headed by Philip M. Oliver; the General Accounting Office's 1975 report titled "Federal White-Collar Pay Systems Need Substantial Changes"; former President Ford's 1976 Panel on Federal Compensation, headed by Vice President Rockefeller; former President Carter's 1977 Federal Personnel Management Project (Ink Task Force) Report; the 1980 report of the American Society for Public Administration, titled "Federal Compensation Reform, an Examination of Issues"; and former President Reagan's 1983 Private Sector Survey of Cost Control headed by Peter Grace. Most of these studies also recommended expanding the survey upon which Federal salaries are based to include

many more jobs and State and local governments.

More recently, in its 1989 report, "Leadership in America—Rebuilding the Public Service", the National Commission on the Public Service, headed by Paul A. Volcker, concluded that "the current goal of national comparability between public and private pay is simplistic and unworkable . . . ." The Commission recommended a new pay setting process that recognizes the fact that pay differs by occupations and by localities. It also said the Government must pay competitive salaries if Government service is to remain a viable career choice and in return for competitive pay, the Government should demand competitive performance.

In early 1988, the Office of Personnel Management undertook a comprehensive research initiative to explore alternative approaches for setting white-collar pay. The study involved intensive research conducted within OPM by its compensation specialists and the commissioning of an independent study by the Wyatt Company, an internationally recognized firm known for its compensation expertise. The research conducted by both groups illustrated that the Federal pay system is out of line with the pay practices of other employers and that pay levels for similar work vary widely by geographic area and occupation. Both groups concluded that the current General Schedule is inflexible and cannot be sufficiently responsive to labor market forces and pay variations.

The Wyatt Company specifically recommended the establishment of a national schedule for professional and administrative occupations, supplemented by geographic differentials for employees in high labor cost areas, and local salary schedules for clerical and technical positions. It also advocated movement away from automatic step increases to pay-for-performance for all employees above range midpoints, and identified a need for delegation to agencies of some pay authorities and increased flexibility in program administration. Many of The Wyatt Company's recommendations have been incorporated into this proposal.

In addition to considering the numerous studies that have been done on the Federal compensation systems, in September 1989 the Director of the Office of Personnel Management established a Task Force on Pay Reform to provide an opportunity for a wide spectrum of interested parties to be involved in discussions and to develop options for consideration in developing a pay reform proposal. The Task Force, which met four times, was composed of representatives from Federal agencies, unions and management associations, public interest groups, and private sector experts. Careful consideration was given to the Task Force deliberations in the drafting of this bill.

Mindful of the need to spend scarce resources judiciously, this proposal is designed to allocate payroll dollars so that the Government is no longer substantially overpaying for some occupations and locations while severely underpaying others. The current system relies on the highest common denominator to address all individual problems. The proposed new system is designed to deal with common broad needs then address specific problems separately. Although there are costs associated with the reform, they will be distributed over a five-year period in order to minimize budget impact.

The major features of the draft proposal are:

Two basic white-collar pay systems—the National Pay System for occupations having a national labor market and the Locality Pay System for occupations having local labor markets;

Also, a separate system for Administrative Law Judges and members of boards of contract appeals and authority to establish other separate systems for occupations that are fundamentally incompatible with the basic framework;

New processes for adjusting pay rates and expansion of the salary survey universe to include State and local governments;

New pay flexibilities including new or revised differentials, allowances, and bonuses; expanded authorities to hire above minimum entrance rates; payment of travel and transportation expenses for first jobs; and new pay incentives for critically needed personnel;

Institution of pay-for-performance provisions for most white-collar workers;

Special early relief measures to address the most pressing problems; and

Modification of the blue-collar wage system to align Federal rates more closely with prevailing market rates.

INCREASED MARKET SENSITIVITY

The draft bill increases market sensitivity in the Federal pay system by replacing the monolithic General Schedule and the Performance Management Recognition System with two basic pay systems—the National Pay System and the Locality Pay System.

Federal National Pay System: The National Pay System will cover occupations for which recruitment is normally conducted from a national labor market, whose incumbents are usually college graduates, and which are generally professional or administrative in nature. The system will have eleven grades, NS-10 through NS-20, plus a single pay band at the top for senior, nonmanagerial positions that are classified above NS-20. The pay band for the Senior National Pay System positions will be based upon a formula linking it to the rates for NS-20 and Executive Schedule level V.

A National Employees Pay Council will be created, whose views on the National Pay System will be given thorough consideration by the President's Pay Agent.

Under the National Pay System, the President's Pay Agent will be authorized to establish geographic differentials in any areas where the Government would encounter serious difficulty in recruiting or retaining employees without the differential. These differentials may be up to 25 percent of an employee's basic pay.

Federal Locality Pay System: The Locality Pay System will cover occupations for which recruitment is normally conducted from local labor markets and which are generally clerical or technical in nature. The system will have fifteen grades, LS-1 through LS-15. Local pay areas will be defined by the Office of Personnel Management, after giving thorough consideration to the views of a new Federal Labor-Management Pay Committee, in consideration of such factors as local labor market patterns, commuting patterns, and the practices of other employers.

The Federal Labor-Management Pay Committee will have five management and five labor organization members, with an independent Chairman who is also the Chairman of the Federal Prevailing Rate Advisory Committee. The new committee will function much as the Federal Prevailing Rate Advisory Committee does for the Federal Wage System.

Administrative Law Judges and Members of Board of Contract Appeals: There will be a separate pay system for Administrative Law Judges and members of boards of contract appeals, having at least three rates established by the President. The minimum rate will be at least equal to the minimum rate for NS-20, and the maximum rate will be not more than the rate for executive Schedule level IV. The Office of Personnel Management will determine the rate applicable to each judge or member.

Special Occupational Pay Systems: There will be authority to establish special pay and job evaluation systems for occupations that have characteristics that make them fundamentally incompatible with the basic pay system. Although these special occupational systems are expected to be rare, protective services and health care occupations are likely candidates for early consideration.

In order to assure full consideration by all concerned groups, there will be consultation with agencies and labor organizations, as well as other interested parties; publication of the proposed plan in the Federal Register; public hearings; and Congressional notification before a special occupational system becomes effective.

In order to minimize staffing competition between the Department of Veterans Affairs and other agencies for medical personnel, the draft bill also authorizes the Office of Personnel Management to apply any provisions of the pay system of the Department of Veterans Affairs, Veterans Health Services and Research Administration to health care occupations in other agencies.

AN EFFECTIVE, CREDIBLE ADJUSTMENT PROCESS

The current adjustment process of the General Schedule has failed to function effectively. Budget pressures combined with comparability adjustment figures that are neither credible nor realistic have made the current system virtually inoperable. The adjustment process for both the National and Locality Pay Systems will be improved by enhancing the representativeness of surveys used to measure competitors' salary levels through the inclusion of state and local governments, together with other modifications peculiar to each system.

Federal National Pay System: National Pay System rates will be adjusted by the President each January based on non-Federal survey data collected by the Bureau of Labor Statistics. The President's Pay Agent will recommend an adjustment that would set National Pay System rate ranges with midpoints generally within a comparability range representing rates between +/− 10 percent of the trend line describing the central tendency of appropriately weighted non-Federal pay data identified in the BLS survey. In determining its recommendation, the Pay Agent will assess the ability of agencies to compete successfully in the labor market, considering such factors as turnover and vacancy rates and patterns of career progression, unemployment trends, indications of trends in the quality of National Pay System employees, and the need to provide Government service economically. The Pay Agent's recommendations will be made after giving thorough consideration to the views of the new National Employees Pay Council and holding public hearings. The President may implement the Pay Agent's recommendation or another amount. If the President's decision falls below the comparability range, the reasons and an assessment of the impact on the Government's ability to recruit and retain

well-qualified employees must be reported to Congress.

Under this proposal, the Pay Agent's recommendation regarding pay will be made in time to be incorporated in the budget for the year the increases are to take place. This is a significant improvement over the pay adjustment process for the General Schedule, since the machinery outlined in the current law comes into play only after critical budget decisions have been made.

Federal Locality Pay System: Under the Locality Pay System, all the schedules will be adjusted each January. The Bureau of Labor Statistics will conduct salary surveys of the non-Federal sector in each local area, as directed by the Office of Personnel Management.

The Office of Personnel Management will give thorough consideration to the views of the Fedeal Labor-Management Pay Committee and the Committee will recommend to the Director of the Office of Personnel Management the local adjustments necessary to set Local Pay System rate ranges with midpoints generally within a comparability range representing rates between +/− 10 percent of the trend line describing the central tendency of appropriately weighted non-Federal pay data identified in the BLS surveys of the local areas. Considering the Committee's recommendations and taking into account the same factors as are used in setting National Pay System rates, the Office of Personnel Management will recommend local adjustments and an overall average adjustment figure to the President's Pay Agent. In turn, the President's Pay Agent will recommend to the President an overall average adjustment to the Locality Pay System rates. Both the Office of Personel Management's and the Pay Agent's recommendations must be generally within the comparability range.

As with the National System, the President may implement the Pay Agent's recommendation or another amount. If the President's decision falls below the comparability range, the reasons and an assessment of the impact on the Government's ability to recruit and retain well-qualified employees must be reported to Congress. The decision will be made in time to be incorporated in the budget for the year the increases are to take place. Each January, the Director of the Office of Personnel Management will implement the appropriate adjustments in each local area.

INCREASED PAY FLEXIBILITY

The rigidities of the current pay system provide little leeway for responding to special individual, local, or occupational staffing conditions and circumstances. For example, the current system requires uniform starting salaries for entry-level jobs, regardless of the unique qualifications of an individual, and provides no monetary incentives to attract, retain, and relocate critical workers.

This draft bill includes a number of proposals authorizing new or expanded flexibilities in the white-collar pay system. Except as otherwise noted, these authorities are expected to be delegated to agencies under regulations issued by the Office of Personnel Management.

Staffing Differentials: Staffing differentials may be authorized by the President, or, as delegated, the Office of Personnel Management, to address labor market anomalies for identified occupations, grades, and locations. These would replace special salary rates and could be up to 60 percent of an employee's basic pay, in contrast to the 30 percent maximum that applies to special salary rates.

Recruitment and Relocation Bonuses and Retention Allowances: Agencies could pay recruitment and relocation bonuses of up to 25 percent of basic pay to employees being appointed or relocated. Payment of the bonuses would be contingent upon employees entering into service agreements.

Individuals could be given retention allowances of up to 25 percent of basic pay, based upon unusually high or unique qualifications of the enmployee or a special need of the agency for the employee's services.

Agencies would be required to consult with labor organizations representing employees of the agency through exclusive recognition or national consultation rights on the criteria to be used in determining eligibility for and the amount of these bonuses and allowances. Consult means, in lieu of any other labor relations processes, to inform the labor organization of any proposed substantive change; afford them a reasonable opportunity to make recommendations; consider the recommendations; and, provide the labor organization a written statement of the agency's final action and reasons for it.

Above-minimum Entrance Rates. Authority to hire above the minimum rate, which currently exists for positions at GS–11 and above, will be extended to all grades. As under current law, a candidate's existing pay or unusually high or unique qualifications, or a special need of the Government for the candidate's services will continue to be the considerations in the use of this authority. Delegation of this authority by the Office of Personnel Management to agencies will be permitted.

Travel and Transportation Expenses for Candidates and New Appointees: Currently, payment of travel and transportation expenses incurred in moving to a first Federal job or in a pre-employment interview is restricted to shortage category occupations. In order to allow the Government to be more competitive, especially in college recruitment, this restriction to shortage categories will be eliminated.

Incentives for Critically Needed Personnel: The draft legislation authorizes exemption from current pay ceilings of up to 400 critically needed top jobs filled by world class experts in scientific, technical, professional, or administrative fields, on an as-needed basis. Up to 30 of the positions may be from the Executive Schedule and paid a rate higher than they would otherwise receive. The balance of the exemptions would be from the National Locality and Senior Executive Service systems. The positions would be allocated by the Office of Management and Budget, after consulting with the Office of Personnel Management. The new ceiling on the basic and total pay would be the Executive Schedule level I rate, unless the President, on a case-by-case basis, approves a higher rate.

In addition, the Office of Personnel Management could waive dual compensation restrictions on a case-by-case basis for military or civilian retirees who are reemployed in scientific, technical, professional, or administrative positions for which there are exceptional recruitment or retention problems.

Time Off Duty as an Incentive Award: The Office of Personnel Management may authorize agencies to grant employees time off duty without loss of pay or charge to leave, as an award for superior accomplishment or other personal effort that contributes to the quality, efficiency, or economy of Government operations.

Advances of Pay: Under the proposed legislation, the Office of Personnel Management may prescribe regulations for agencies to provide advance payment of basic pay, covering not more than two pay periods to any newly appointed individual or to any individual who has to relocate.

Uniform Allowances: The Office of Personnel Management may adjust the maximum amount for the cost of uniforms.

Expanded Authority to Pay Supervisory Differentials: Agencies will be authorized to pay supervisory differentials when supervisors have subordinates under different pay schedules who are paid more. Unlike the current authority for General Schedule supervisors of Federal Wage System employees, which is restricted to comparisons of basic pay, it will be permissible to consider total pay in setting the supervisory differential. However, the midpoints of the respective basic pay ranges must also be inverted. The supervisor's differential could not cause the supervisor's pay to be more than 3 percent above the subordinate's pay.

Aggregate Limitation on Total Pay: The aggregate limitation on total pay, including allowances, differentials, bonuses, premium pay and performance awards, for the National Pay System, Locality Pay System, and Special Occupational Pay Systems and any systems established under demonstration projects would be Executive Schedule level I. For the up to 400 critical positions exempted from current pay ceilings, agencies could set basic pay or a combination of basic pay and any bonuses, awards and other payments up to Executive Schedule level I. The President could make ceiling exceptions for any reason he deems appropriate.

Physicians Comparability Allowance Program: The proposed legislation extends the Physicians Comparability Allowance Program, providing that allowances and service agreements may be entered into through September 30, 1995 and extended through September 30, 1997.

STRONGER LINKAGE BETWEEN PERFORMANCE AND PAY

The current General Schedule pay system places a heavy emphasis on entitlement and longevity. Excluding managers under the Performance Management and Recognition System (about 10 percent of the total), the 1.4 million General Schedule workers are entitled to receive the full annual pay adjustment regardless of their performance. Most also receive regular increases that move them through the rate range, based on the amount of time they have spent in the grade.

This draft bill creates a strong relationship between performance and pay. Under both the National and Locality Pay Systems, employees whose performance falls below the Fully Successful level will not be entitled to receive the annual pay adjustment.

Also, under the National Pay System, there will be no automatic progression through the pay range; individuals will be advanced through the range based solely on performance. Under the Locality Pay System, individuals will progress to the midpoint of the pay range based primarily on time spent in the grade; progression beyond the midpoint, however, will be based solely on performance.

Both pay systems will also have provision for performance-based cash awards of up to

ten percent of basic pay, or, in exceptional cases, up to 20 percent of basic pay.

Agencies will be required to consult with labor organizations representing employees of the agency through exclusive recognition or national consultation rights on the criteria to be used in determining eligibility for and the amount of merit pay increases and performance-based cash awards. Consult means, in lieu of any other labor relations processes, to inform the labor organization of any proposed substantive change; afford them a reasonable opportunity to make recommendations; consider the recommendations; and, provide the labor organization a written statement of the agency's final action and reasons for it.

The Office of Personnel Management would be authorized to exempt employees from the merit pay and performance-based cash awards provisions of the National and Locality pay systems because of adjudicatory responsibilities or for other reasons.

TRANSITION TO NATIONAL AND LOCAL SYSTEMS AND IMMEDIATE RELIEF FOR CRITICAL PAY PROBLEMS

Under the draft legislation, the current schedule adjustment mechanism will continue to operate for 1991 through 1993. The General Schedule will be split into the National and Locality Pay Systems in January 1994, and implementation of the new schedule adjustment process for the Locality System will begin in 1994. The current schedule adjustment process will be used to set pay for the National System in 1994. In January 1995, the National System will be adjusted by the new survey and schedule adjustment mechanism.

In order to provide immediate temporary relief to several chronic and urgent, pay-related staffing problems while the systems are being implemented, the bill provides that the President may pay, beginning in January 1991:

Geographic differentials of up to 8 percent in the three highest cost metropolitan areas—Los Angeles, San Francisco, and New York; and

Nationwide 5 percent staffing differentials for GS-5 and 7 entry-level positions for which the Government normally recruits nationally and whose incumbents are usually college graduates.

Except for the new National and Locality Pay Systems, which have specific implementation schedules, other provisions may be implemented as the President determines appropriate, but not later than January 1995. As indicated in the President's 1991 budget message, the Administration intends to implement recruitment and relocation bonuses, retention allowances, and the extension of authority to hire above the minimum step to all grades in 1991.

Other provisions planned for early implementation include banding of Senior National Pay System positions into one pay range; the new pay system for Administrative Law Judges and members of boards of contract appeals; staffing differentials to replace special salary rates; authority to establish geographic differentials in other high-cost areas; extended authority to pay travel and transportation expenses for new appointees; basic and total pay of up to Executive Schedule level I for up to 400 critical positions; authority to waive limitations on premium pay for emergency and rescue work; advance pay checks for new appointees who relocate; new uniform allowance provisions; and, authority to waive dual compensation restrictions on reemployed retirees in certain positions with exceptional staffing problems.

At the President's discretion, the merit pay and performance-based cash awards provisions of this bill may be implemented prior to the splitting of the General Schedule, for some or all positions. This will facilitate design and testing of various pay-for-performance plans prior to system-wide implementation.

MODIFICATIONS TO THE FEDERAL BLUE-COLLAR WAGE SYSTEM

Four changes are proposed for the blue-collar Federal Wage System, which will make pay practices more consistent with those of the private sector and those proposed for the local white-collar system.

Beginning in 1994, prevailing market rates will be matched to the Federal Wage System midpoint—step 3 of the 5-step system—rather than step 2 as under existing law.

The effective date of wage schedules will be changed from 45 work days after the starting date of surveys to 150 calendar days. This will make permanent the 90-day delay in implementation of Federal Wage System adjustments that has been mandated annually by temporary legislation in recent years. This is consistent with this draft bill's permanent movement of white-collar pay adjustments from each October to January of the following year.

The President may direct the Office of Personnel Management to impose a limitation on maximum adjustments to wage schedules during any year if the President determines such a limit is required by consideration of equity with employees under the National and Locality Pay Systems. In making such a determination, the President will consider the likely effect on the ability of agencies to recruit and retain well-qualified employees.

Finally, in order to lessen the burden on non-Federal employers who participate in surveys, reduce the cost to the Government of conducting surveys, and to be consistent with practice under the Locality Pay System, the current requirement for full scale wage surveys every two years will be changed to at least every three years. Based on experience with Federal Wage System surveys, it is not expected that this change will have any significant effect on survey results.

OTHER IMPROVEMENTS TO EXISTING SYSTEMS

Hazard Pay: The current hazard pay provisions for General Schedule employees will be modified to provide more equitable pay treatment for white-collar workers. This will permit the Office of Personnel Management to correct a current problem under which employees who are exposed to a hazard on an intermittent basis can receive a differential while those who are exposed to the same hazard on a regular and recurring basis often receive no additional compensation. It is not the intent, however, to implement this change in a manner that will lead to compensation of employees for hazardous duty under both the classification of their positions and the hazard pay program.

Overtime Pay: The current duplicative overtime computations for employees covered by both title 5 and the Fair Labor Standards Act will be eliminated, greatly simplifying overtime administration. In order to preserve all existing benefits, the FLSA definition of overtime will be modified for Federal employees to include work in excess of 8 hours per day. Hours in a paid non-work status will also be counted in determining FLSA overtime eligibility.

Allowance, Differentials and Bonuses for Other Pay Systems: The President may authorize the payment of geographic, staffing and supervisory differentials; recruitment and relocation bonuses; and, retention allowances to employees not covered by the National Pay System or the Locality Pay System.

SECTION ANALYSIS, A BILL TO REFORM THE FEDERAL PAY SYSTEM, AND FOR OTHER PURPOSES

The *first section* provides a title for the bill, the "Federal Pay Reform Act of 1990."

Section 2 consists of amendments to chapter 51 of title 5, United States Code, concerning position classification. Most of these amendments are technical or conforming in nature. The major substantive amendments are as follows:

Paragraph (3) amends section 5104, where the statutory definitions of General Schedule grade levels have appeared. No change is made in the definitions themselves, but they become applicable to the two new pay systems created by the bill, the Federal National Pay System (the "NS Pay System") and the Federal Locality Pay System (the "LS Pay System"). The NS Pay System has 11 grades designated NA-10 through NS-20, which include positions now classified in GS-5 through GS-15. The LS Pay System has 15 grades, designated LS-1 through LS-15, which include positions now classified at GS-1 through GS-15. Where the two systems overlap, positions are classified as NS or LS in accordance with determinations made by OPM under section 5106, discussed below. The definitions for GS-16, 17, and 18 are eliminated. NS positions which warrant classification above NS-20 are dealt with under section 5108, also discussed below.

Paragraph (5) amends section 5106 to require OPM to determine which classes of positions to place in the NS Pay System and which to place in the LS Pay System to best meet the personnel management needs of the Government. Those placed in the NS Pay System are typically those for which the Government recruits nationally, whose incumbents are usually college graduates, and which are generally professional or administrative in nature. Those placed in the LS Pay System are typically those for which the Government recruits locally, whose incumbents are not usually expected to be college graduates, and which are generally clerical and technical in nature.

Paragraph (6) amends section 5108 to provide for the classification of positions which exceed NS-20 in difficulty and responsibility. In the case of executive agencies, OPM has the authority to require prior approval for such a classification, or to impose numerical limitations on the number of such positions in any agency.

Section 3 consists of amendments to chapter 53 of title 5, United States Code, concerning pay rates and systems. Some of these amendments are technical or conforming in nature. The major substantive provisions are as follows:

Subsection (a) amends subchapter I in its entirety to provide for the new NS Pay System. Section 5301 sets the pay-setting policy for the new system, and provides that each grade from NS-10 through NS-20 has a range of rates of basic pay under which the maximum rate exceeds the minimum rate by no more than 40 percent of the minimum rate. No rate of basic pay may exceed the rate for level V of the Executive Schedule.

Section 5302 provides for the annual adjustment by the President of the minimum and maximum rates of basic pay for each grade of the NS Pay System each January. The pay adjustments are based on Bureau of Labor Statistics surveys of non-Federal pay. A Pay Agent designated by the President determines what NS maximum and minimum pay rates are necessary to insure that the midpoint of the rate range for each grade is within the "comparability range," that is, ten percent above or below the rates reported by the BLS survey. The Pay Agent also determines where within the comparability range the NS midpoint should be, based on the consideration of such factors as turnover and vacancy rates and patterns of career progression, labor market conditions, indications of trends in the quality of NS employees, and affordability to the Government.

In performing these functions, the Pay Agent is required to give thorough consideration to the views of the National Employees Pay Council (consisting of all Federal employee unions with which OPM consults on Governmentwide personnel regulations) and to hold public hearings to seek the views of other interested parties.

The Pay Agent submits a report (including the views of the National Employees Pay Council) to the President, who then indicates in his budget, a year in advance of the effective date of the pay increase, exactly what minimum and maximum pay rates he has decided to put into effect for the NS Pay System. If the President decides that national emergency or exceptional economic conditions affecting the general welfare require that pay be held below the comparability range, he is required to assess the effect on the recruitment and retention of well-qualified employees.

Section 5303 provides pay-setting rules for employees under the NS Pay System that are identical to those previously applicable to employees under the General Schedule, with two exceptions: new appointments above the minimum of the rate range for individuals with superior qualifications are permitted at all grades (they were formerly restricted to GS-11 and above) and employees who are repromoted to a grade formerly held are generally entitled only to the rate they would have had if they served continuously in the higher grade.

Section 5304 provides for merit increases for employees under the NS Pay System. Any employee whose performance is rated fully successful or better will, at the time the rate ranges are adjusted under section 5302, receive a merit increase equal in amount to the increase in the minimum rate for the employee's grade. In addition, and effective at the same time, such an employee will receive an additional basic pay increase in an amount determined by the agency head. The Pay Agent prescribes minimums and maximums for the aggregate amount of such additional increases that agencies are required to grant. (It is the intention to set this amount at the level previously spent under the General Schedule for within-grade increases and quality step increases.)

Section 5305 authorize the President's Pay Agent to establish geographic differentials, of up to 25 percent of basic pay, for NS employees in areas or localities where the Pay Agent determines the Government would otherwise encounter difficulty in recruiting or retaining employees. Geographic differentials are paid to every NS employee in a designated area, and are not a part of basic pay.

Section 5306 authorizes the President to establish staffing differentials, of up to 60 percent of basic pay, for NS employees in occupations or levels, in one or more areas or locations, where he determines the Government would otherwise encounter difficulty in recruiting or retaining employees. Staffing differentials are not a part of basic pay.

Section 5307 authorizes OPM to establish supervisory differentials for an NS supervisor of non-NS employees if the midpoint of the rate range of the supervisor's position is lower than the midpoint of the rate range for the subordinates' positions and, without such a differential, the subordinates would actually be paid more than the supervisor. A supervisory differential could increase the supervisor's total pay to exceed the subordinates' pay by three percent. A supervisory differential is not part of basic pay.

Section 5308 authorizes OPM to permit agencies to pay lump-sum bonuses of up to 25 percent of basic pay to a newly appointed NS employee or to an employee who must relocate to an NS position, if the agency would otherwise have difficulty in filling the position. An employee must enter into a service agreement under which he or she agrees to complete a specified period of service with the agency in order to receive such a bonus.

Section 5309 authorizes OPM to permit agencies to pay retention allowances, of up to 25 percent of basic pay, to employees who would otherwise be likely to leave the agency and who have unusually high or unique qualifications or for whose services the agency has a special need. A retention allowance is not a part of basic pay.

Section 5310 provides for pay for NS employees whose positions are classified above NS-20. The head of the agency sets pay for those positions at any rate between 120 percent of the minimum rate for NS-20 and the rate for level V of the Executive Schedule. Employees in these positions are not subject to sections 5302, 5303, or 5304, but are eligible for the differentials, allowances, and bonuses of the NS Pay System.

Section 5310a authorizes the payment of performance-based cash awards to employees under the NS Pay System. Cash awards may be up to ten percent of basic pay, or, in exceptional cases, up to 20 percent of basic pay.

Section 5310b limits to level I of the Executive Schedule the aggregate amount of basic pay, differentials, bonuses, allowances, and performance-based cash awards an NS employee may receive in a calendar year.

Subsection (c) of section 3 amends subchapter III of chapter 53 in its entirety to establish the Federal Locality Pay System. Under section 5331, the 15 grades of the LS Pay System each have a rate range of up to 40 percent. No rate of basic pay may exceed the rate for level V of the Executive Schedule.

Section 5332 provides OPM with the authority to establish LS pay areas on the basis of such factors as local labor market patterns, commuting patterns, and the practices of other employers. This section also directs OPM to recommend to the President's Pay Agent appropriate minimum and maximum rates of basic pay for each LS grade in each pay area, so that LS pay is within the "comparability range" of non-Federal pay in the pay area as shown by Bureau of Labor Statistics surveys, and using the same adjustment factors as the NS Pay System. OPM has authority to set pay for overseas LS employees.

In carrying out these responsibilities, OPM is advised by the Federal Labor-Management Committee, which consists of five members nominated by agency management, five members nominated by Federal employee unions, and a Chairman (who is also the Chairman of the Federal Prevailing Rate Advisory Committee). The Committee operates by majority vote, and submits an annual report to the Office for transmittal to Congress.

After receiving OPM's recommendations, the President's Pay Agent recommends to the President an overall average percentage LS Pay System adjustment, and the President makes the decision on the overall average adjustment. OPM puts the new LS pay rates into effect. Like the NS Pay System, the LS Pay System's general adjustment occurs in January of each year.

Section 5333 provides for setting pay for LS employees, and is the same in substance as section 5303 for NS employees.

Section 5334 provides for merit increases for LS employees. They receive general increases and additional basic pay increases in the same manner as NS employees under Section 5304, but also, if in the lower third of the rate range, are assured of receiving increases in basic pay of three percent each year, or three percent every second year if the employee's pay is above the lower third but below the midpoint of the rate range. An employee's performance must be fully successful or better to receive such an increase, and the increase may not raise the employee's pay above midpoint.

Since LS pay would be locality-based, LS employee may not receive geographic differentials, but are eligible for staffing differentials (under section 5335), supervisory differentials (under section 5336), recruitment and relocation bonsus (under section 5337), and retention allowances (under section 5338). They are eligible for performance-based awards (under section 5339), and are subject to the level I aggregate pay limit (under section 5340).

Subsection (d) of section 3 amends subchapter IV of chapter 53, concerning prevailing rate systems. Aside from conforming changes, these amendments change the full-scale surveys to every 3 years and change the prevailing rate, at which Federal pay is equated with private sector pay, from step 2 to step 3 of the five-step rate range. The changes also delay the effective dates of Federal wage increases, to parallel the new January effective date for the NS Pay System (replacing the old General Schedule October effective date). Adjustments in Federal wage increases are subject to Presidentially-imposed limitation, if equity with NS and LS employees so requires.

Subsection (e) amends subchapter IV of chapter 53, to make grade and pay retention applicable to the NS and LS Pay Systems in the same way they applied to the General Schedule.

Subsection (f) amends subchapter VII of chapter 53. Amended section 5371 authorizes OPM to extend to NS or LS employees any provision of title 38, United States Code, concerning health care personnel in the Veterans Health Services and Research Administration of the Department of Veterans Affairs.

Section 5372 is amended to establish a new pay system for administrative law judges and judges of boards of contract appeals. The President would set 3 or more rates for judges which may not be less than the minimum rate for NS-20 or more than the rate for level IV of the Executive Sched-

ule. Judges are placed in the appropriate rates by OPM.

New section 5376 authorizes OMB to permit agency heads to set pay for no more than a Governmentwide total of 400 critical positions without regard to normal pay limits, but the maximum pay may not exceed level I of the Executive Schedule, unless the President approves a higher rate. OMB allocates the 400 positions among agencies and may require an agency to obtain OMB approval before paying an employee under this authority. Up to 30 of the positions could be Executive Schedule positions.

New section 5377 permits the President to authorize the payment of geographic and staffing differentials, recruitment and relocation bonuses, and retention allowances to employees under other pay systems.

New section 5378 bars judicial review of certain authorities entrusted to the President, the Pay Agent, OMB, and OPM by various provisions of the bill.

Section 4 amends chapter 54 of title 5, United States Code, to replace the provisions of the Performance Management and Recognition System (which is eliminated) with a new authority for the President's Pay Agent to establish special occupational pay systems for occupations or groups of occupations that the Pay Agent decides, for reasons of good administrations, should not be under the NS or LS Pay System. The process for establishing such new systems includes consultation with agencies and Federal unions, public hearings, publication of proposals in the Federal Register, and a 90-day delay after Congress has been notified before any special occupational pay system takes effect. A special occupational pay system may not provide for the waiver of any law, rule, or regulation that could not be waived as part of a demonstration project under chapter 47 of title 5. Basic pay under a special occupational pay system may not exceed the rate for level V of the Executive Schedule, and total pay for an individual may not exceed the rate for level I.

Section 5 of the bill authorizes OPM to permit agencies to grant employees time off duty as an incentive award for superior accomplishment.

Section 6 of the bill allows agencies to pay new hires an advance of up to 2 pay periods' basic pay if they have to relocate to accept the job.

Section 7 of the bill consists of amendments, mostly conforming in nature, to subchapter V of chapter 55 of title 5, United States Code, concerning premium pay. Two substantive amendments are to provide that hazardous duty premium pay may be applied to inherently hazardous positions if OPM approves such application, and to eliminate the current duplicative overtime computations for employees covered by both subchapter V and the Fair Labor Standards Act. Such employees will have their overtime computed only under the Fair Labor Standards Act, but hours in excess of eight hours in a day are deemed overtime hours. Another substantive amendment is to allow employees doing emergency work to receive premium pay without regard to the usual biweekly limit on premium pay, although they are subject to an annual aggregate pay limitation of the maximum rate for NS-20.

Section 8 of the bill amends sections 5532, 8344, and 8468 of title 5, United States Code, to permit the Director of OPM to waive, on a case-by-case basis, the normal financial penalties on reemployed military or civilian retirees when there is exceptional difficulty in filling a scientific, technical, professional, or administrative position.

Section 9 permits agencies to pay travel expenses for job interviews and travel and transportation expenses for any new appointee where the agency finds it desirable to do so, rather than just for the limited categories of new appointees for which such payment was previously permitted.

Section 10 increases the maximum uniform allowance from $125 per year to $400 per year, and permits OPM to adjust this maximum in the future by regulatory action when necessary.

Section 11 consists of miscellaneous technical and conforming amendments to title 5, United States Code.

Section 12 permits OPM to determine the appropriate successor reference in the case of any reference to the General Schedule or a grade or rate thereof in any provision of law not amended by this Act.

Section 13 amends the Foreign Service Act and title 38, United States Code, to provide that annual adjustments in the pay schedules for the Foreign Service and for employees in the Department of Veteran Affairs' Health Services and Research Administration are tied to the annual adjustments in the NS Pay System. The President will adjust military pay and allowances each year by amounts he determines appropriate.

Section 14 provides for effective dates and transition provisions relating to the implementation of the bill's provisions. Generally, the President determines when the various provisions are put into effect after enactment, but all of the provisions are required to be effective by January 1, 1995. No employee's rate of basic pay may be reduced by reason of any of the bill's provisions.

Effective in January 1991, the President would be authorized to put geographic differentials of up to 8 percent of basic pay into effect in the New York, San Francisco, and Los Angeles Consolidated Metropolitan Statistical Areas. Effective at the same time, the President would be authorized to put into effect five percent pay increases in the form of staffing differentials, for employees in GS-5 and GS-7 who are in occupations slated for the NS Pay System.

The physicians' comparability allowance program, now slated to expire on September 30, 1990, is extended through the transition period, to September 30, 1995. At that time, a review will be made to see if the program is still needed.

Effective in January 1994, the rates of basic pay of the NS and LS Pay Systems take effect, and the rates of the NS Pay System will be set under the old General Schedule pay adjustment process for the last time. The rates of pay of the LS Pay System will be set under the new law, and rates under the Federal Wage System will be set under the amended prevailing rate law.

Effective in January 1995, with the NS Pay System adjustment under the new procedure, the bill's provisions will be fully effective.

OFFICE OF PERSONNEL MANAGEMENT,
Washington, DC, May 1, 1990.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: The Office of Personnel Management submits herewith a legislative proposal entitled the "Federal Pay Reform Act of 1990." This legislative proposal would modernize the system for paying the Government's employees. We request that it be referred to the appropriate committee for early consideration.

It has become more and more evident that the Government's 40-year-old pay structure is in sore need of reform. The monolithic, nationwide General Schedule for all white-collar civilian occupations has shown itself to lack the flexibility needed to respond effectively to diverse and changing labor market conditions. As the Government has come to need more specialized skills for its many functions, we have encountered serious difficulty in recruiting and retaining critically-needed employees. However, the issue of Federal pay must be carefully considered in light of the Government's fiscal situation

This legislative proposal would address these problems with a combination of interim relief provisions and a long-term restructuring of the Federal pay system. As the President indicated in his budget for fiscal year 1991, we would provide immediate pay increases for certain entry-level positions and for three geographic areas where we have encountered the most severe difficulties in hiring, and agencies would be given additional flexibilities to help them in recruiting badly needed workers.

With these interim relief measures in place, we would then proceed with a more fundamental restructuring, which has been developed through discussions with a wide range of interested parties. The process of comparing Federal and non-Federal pay would be made more credible by taking into consideration what the Government needs to pay in order to recruit and retain well-qualified employees. For occupations where labor markets tend to operate on a local basis, we would move to locality-oriented pay-setting. All departments and agencies would be given new abilities to respond to different personnel needs, with a variety of pay differentials and bonuses.

New efforts would be made to link pay and performance, in order to motivate and reward our employees. Special provisions would address the needs of particular groups, such as administrative law judges and our most senior scientists and technical experts, and flexibilities would be included to deal with other special categories in the future.

Taken together, and phased in gradually in order to avoid any sudden increases in budgetary outlays, these changes will assist the Government in recruiting and retaining employees of the caliber necessary to continue our Nation's proud tradition of excellence in the public service.

The Office of Management and Budget advises that the enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

CONSTANCE BERRY NEWMAN,
Director.

FACT SHEET—THE FEDERAL PAY REFORM ACT OF 1990

The Administration is submitting legislation to Congress to reform and modernize the Federal civilian pay system covering more than 1.4 million white-collar workers.

In developing the proposal, the goal was to design a pay system which:

Enables the Government to compete for the talent it needs;

Treats employees fairly; and

Spends precious taxpayer dollars wisely.

The Administration's proposal reform focuses on four key areas:

1. A STRUCTURE TO REFLECT GEOGRAPHIC AND OCCUPATIONAL VARIATIONS IN PAY

At present, the General Schedule pays employees in the same grade level identical base salaries regardless of where they work in the United States. Non-Federal pay rates vary widely across the country and by occupation, causing Federal employees to be either overpaid or underpaid in relation to their non-Federal counterparts. The Government has an unfair competitive advantage over other employers in some locations and for some occupations and is hampered in its ability to recruit and retain a qualified workforce in others.

The Administration's proposal introduces the concept of market-sensitive pay by replacing the current monolithic General Schedule pay system with two basic pay systems—the National Pay System and the Locality Pay System.

Occupations recruited from a national labor market will be covered under the National System (primarily professional and administrative positions) while occupations normally recruited from local markets will be covered under the Locality System (primarily technical and clerical positions).

The National System will have a nationwide pay scale with opportunity for added geographic differentials in exceptionally high labor cost areas. The Locality System will have different pay scales for different geographic areas. There will also be flexibility to establish separate pay and job evaluation systems for occupations with unique labor market characteristics which do not land themselves to the basic framework (e.g. health care and police). Also, a special pay system will be established for administrative law judges and members of boards of contract appeals.

2. NEW FLEXIBILITIES TO RESPOND TO SPECIAL SITUATIONS AND CIRCUMSTANCES

The lack of flexibility in the current pay system hinders the Government's ability to respond to difficult or unusual recruitment conditions. For example, the current system requires that most new employees be hired at the minimum of the pay grade for the job regardless of the individual's qualifications. The current system also lacks monetary incentives to attract, retain and relocate high quality individuals who are in short supply in the labor market.

The Administration's proposal includes several new or expanded flexibilities including:

Recruitment bonuses and retention allowances which will give agencies tools for getting particularly well-qualified individuals in hard-to-fill occcupations to come to, and remain in, the Federal service;

Relocation bonuses to encourage employees to move from one location to another, particularly from a relatively low cost to a relatively high cost area;

Authority to exempt up to 400 critically-needed top jobs from normal pay limits;

Expanded authority to pay new hires with unique or special qualifications or for whom the Government has a special need, above minimum pay of the grade at all grade levels.

3. A STRONGER LINK BETWEEN THE PERFORMANCE AND PAY OF AN EMPLOYEE

The current pay system places a heavy emphasis on entitlement and longevity increases. Excluding managers currently covered by a merit pay system, the 1.4 million General Schedule workers are entitled to receive the full annual pay adjustment regardless of their performance. Almost all receive regular pay increases based on time-in-grade in addition to the annual pay schedule adjustments.

The Administration's proposal creates a strong relationship between pay and performance. Under both the National and Locality Pay Systems, an employee whose performance is less than fully successful, as measured by performance appraisals, will not receive the annual pay adjustment.

Under the National Schedule, individuals will be advanced through the pay range based solely on performance. Under the Locality System employees' performance must be at least fully successful to progress to the middle of the pay range for their grade; pay increases above the middle of the range can be earned based on exceptional performance. Each agency will have flexibility in designing pay for performance systems tailored to their needs and environment.

4. AN EFFECTIVE PAY SURVEY AND ADJUSTMENT PROCESS

The current pay adjustment process for the General Schedule does not function effectively. Recommendations for annual adjustments now occur after critical budget decisions on the coming year have been made. In addition, budget pressures, combined with comparability adjustment figures that are neither credible nor realistic, have made the current system virtually inoperable. Employee representatives, public interest groups, and the Government itself lack confidence in the process.

Under the Administration's proposal the formal recommendation from the President's Pay Agent involving Presidential decisions on pay will be made in time to be incorporated in the budget. The proposal will also enhance the reliability of the surveys used to measure pay in the labor market by including State and local government workers—a significant and highly relevant portion of the nation's workforce that is currently excluded from the surveys by law.

The Pay Agent's recommendations for pay adjustments will factor in the Government's ability to compete along with measures of what other employers are paying. Thus, the Agent will recommend an adjustment within a "comparability range" of plus or minus 10 percent of the middle of non-Federal pay. Factors to be considered will include turnover and vacancy rates in Federal jobs, unemployment rates, and the quality of recruits to Federal jobs.

Federal employee unions will have the opportunity to contribute their views during the pay adjustment process through two committees; one for the National, and one for the Local Systems. Public hearings will also provide a broad spectrum of views.

Immediate relief

While the Administration's proposal is designed to restore the Government's competitive position in the marketplace, the magnitude of the changes involved as well as budget realities means that full implementation of the new system will take several years. Therefore, the proposal contains several measures to provide immediate relief in the most pressing problem areas. These include:

A differential of up to 8 percent of base pay in 3 high labor cost areas—the Los Angeles, New York and San Francisco Consolidated Metropolitan Statistical Areas;

A 5 percent increase in starting salaries for college-entry level positions;

Recruitment, retention, and relocation bonuses;

Expanded authority to hire above the minimum pay rate of each pay grade;

Exemptions from normal pay limits for up to 400 world class experts; and

Authority to pay travel and transportation expenses for new employees and pre-employment interviews.

KEY FEATURES OF THE FEDERAL PAY REFORM ACT OF 1990

I. PURPOSE AND OBJECTIVES

The Administration is proposing a comprehensive measure to modernize and reform the Federal pay system. Key objectives of the proposal include:

Restructuring the pay system to reflect diverse labor markets;

Increasing flexibilities in the pay system to adapt to special situations and circumstances;

Strengthening the link between the performance of an employee and his or her pay;

Instituting a credible, effective, and enduring pay adjustment process; and

Providing immediate relief for critical pay problems.

II. BASIC DESIGN/RESTRUCTURING

The monolithic General Schedule (GS) and its associated Performance Management and Recognition System (GM) will be replaced by two basic white-collar pay systems:

Federal National Pay System (NS) with nationwide rates and the opportunity for added geographic differentials of up to 25 percent in exceptionally high labor cost areas with area-wide staffing problems; and

Federal Locality Pay System (LS) composed of a number of pay schedules reflecting various local labor markets throughout the country.

Coverage of the two new systems will be along occupational lines:

National system will cover jobs for which recruitment is normally conducted from a national labor market (e.g., clerical, technical, and some administrative jobs).

The essence of the current position classification system will be maintained for these two new pay systems.

No employee's rate of basic pay will be reduced below that in effect upon enactment of the Reform Act by reason of amendment made by the Act.

Special provisions include:

Banding supergrade positions into one senior NS pay range. The minimum rate is set at 120 percent of the minimum NS-20 (GS-15) rate, the maximum rate is set at Executive Schedule level V, and progression through the rate range is based on performance.

A special multi-level pay system for Administrative Law Judges and members of boards of contract appeals (currently GS-15-18). The President will set rates for three or more pay levels and OPM will determine the rate applicable to each judge or member. In determining rates, OPM will consider the complexity and variety of cases and any administrative responsibilities assigned. The minimum rate will be no lower than the minimum NS-20 rate and the maximum rate will be no higher than the Executive Schedule level IV rate.

An exemption from current pay ceilings of up to 400 critically needed top jobs filled by world class experts in scientific, technical, professional, or administrative fields. Up to 30 of these positions may be Executive Schedule jobs. The Office of Management and Budget will allocate the 400 positions to agencies in consultation with the Office of Personnel Management (OPM). Total and

base pay for these jobs will be limited to the Executive Schedule level I rate unless the President, on a case-by-case basis, approves a higher salary.

The new minimum rate for the Senior Executive Service (SE) schedule (now no less than the minimum GS-16 rate) will be increased to no less than 120 percent of the minimum NS-20 (GS-15) rate; the maximum rate will remain at no more than the Executive Schedule level IV rate. The SES schedule will be adjusted by the President when either the NS schedule or Executive Schedule is adjusted. The aggregate limitation on SES total pay will remain at the Executive Schedule level I rate.

A provision allowing OPM to exempt certain positions, such as those with adjudicatory responsibilities, from the performance-based pay aspects of the National Pay System.

A provision for waivers, on a case-by-case basis, of dual compensation restrictions when Federal retirees are reemployed in scientific, technical, professional, or administrative positions for which there are exceptional recruitment and retention difficulties.

A provision allowing the President to extend the payment of geographic, staffing, and supervisory differentials; recruitment and relocation bonuses; and retention allowances to employees not under the two new major pay systems.

In addition, the President's Pay Agent will be authorized to establish separate pay and job evaluation systems for those few occupations which are fundamentally incompatible with the national and locality pay systems. The legislation does not mandate which occupations will be covered by these special occupational pay systems. Appropriate consultation, notifications, and hearings are required prior to establishing such systems. The special systems may not waive laws and regulations that cannot be waived for demonstration projects (i.e., merit system principles; discrimination protections; protections from political pressures; and leave, insurance, and annuity programs). Although special occupational pay systems are expected to be rare, protective services and health care occupations are likely candidates for early consideration. A related section allows OPM the option of applying provisions of the Department of Veterans Affairs pay system to health care positions now under the General Schedule.

III. KEY FEATURES OF FEDERAL NATIONAL PAY SYSTEM

Organizational Structure:

A Pay Agent of one or more Executive Branch officials will be designated by the President;

A National Employees Pay Council (NEPC) will be created, giving unions holding government-wide consultation rights with OPM (currently 10, however the number is not limited in law) the opportunity to provide advice on pay matters;

The Bureau of Labor Statistics (BLS) will conduct appropriate surveys of non-Federal pay rates.

Schedule Adjustment Process (after the transition period):

Each year, the Pay Agent will recommend to the President a schedule adjustment which establishes a Federal pay structure with midpoints generally within a comparability range of +/−10 percent of the trend line describing the central tendency of appropriately weighted non-Federal pay data reported by the BLS survey. This recommendation will be made by November 1 so it can be taken into consideration in the preparation of the President's budget for the following fiscal year. In determining the appropriate amount to recommend within the comparability range, the Pay Agent will:

Assess the ability of Federal agencies to compete in the labor market, considering such factors as Federal turnover and vacancy rates and career progression patterns, quality trends of the existing work force, unemployment trends in the non-Federal sector, and the need to provide Government services economically;

Meet with and give thorough consideration to the views of the NEPC and hold public hearings.

The President may implement the Agent's recommendation or select a different NS adjustment figure within the comparability range. Under circumstances of national emergency or serious economic conditions, the President may determine that a lesser amount is appropriate. In such event, the President will report to Congress his reasons and an assessment of the impact of the decision on the Government's ability to recruit and retain well-qualified employees.

Geographic Differentials:

Geographic differentials up to 25 percent of base pay may be authorized in high labor cost cities.

Pay Range, Pay Progression, and Grades:

Progression through the rate range will be based on performance.

Only employees rated as Fully Successful or higher will receive annual raises reflecting the schedule adjustment.

Pay range width may not exceed 40 percent (currently 30 percent). Formal pay steps within the grade ranges will be abolished.

The 11 grades of NS-10-20 will equate to GS-5-15. (The one senior NS pay band above NS-20, corresponding to GS-16-18, will be part of the National System although basic pay for the band will be set under separate provisions.)

IV. KEY FEATURES OF THE FEDERAL LOCALITY SYSTEM

Organizational Structure:

Local pay areas will be established to encompass all locations in which employees under the LS pay system have official duty stations, on the basis of such factors as local labor market and commuting patterns and practices of other employers. The OPM Director will make the final decision on pay area boundaries after giving thorough consideration to the views of the Federal Labor-Management Pay Committee (FLMPC).

The FLMPC will also recommend salary schedule adjustments to the OPM Director. The Committee will have 5 labor members, 5 management members, and a Chairman. The Chairman of the FLMPC will also be Chairman of the existing blue-collar Federal Prevailing Rate Advisory Committee. With OPM approval, the FLMPC may establish one or more subcommittees on a regional or other basis.

BLS will conduct appropriate local salary surveys of non-Federal pay rates.

Adjustment Process (after the transition period):

By October 1 of each year, the OPM Director will recommend to the President's Pay Agent (1) local schedule adjustments which establish Federal pay structures with midpoints generally within a comparability range of +/− 10 percent of the trend line describing the central tendency of appropriately weighted non-Federal pay data reported by the BLS surveys and (2) a resultant system-wide average LS adjustment figure. In determining the appropriate amounts to recommend within the comparability ranges, the OPM Director will: Consider the same factors used in setting NS rates; and consider the recommendations of the FLMPC on the various local and average adjustments.

The Pay Agent will review the OPM Director's recommendation and recommend an average LS adjustment figure to the President. This recommendation will be made by November 1 so it can be taken into consideration in the preparation of the President's budget for the following fiscal year.

The President may implement the Agent's recommendation or select a different average LS adjustment figure within the comparability range. Under circumstances of national emergency or serious economic conditions, the President may determine that a lesser amount is appropriate. In such event, the President will report to Congress his reasons and an assessment of the impact of the decision on the Government's ability to recruit and retain well-qualified employees.

All local schedules will be adjusted on the same date in January of each fiscal year, to coincide with the adjustment of the National Schedule.

Pay Range, Pay Progression, and Grades:

Only employees rated Fully Successful or higher will receive annual raises reflecting the schedule adjustment.

Pay range width may not exceed 40 percent (currently 30 percent). Formal pay steps within the grade ranges will be abolished.

Time-in-grade increments of 3 percent (similar to steps) will be used up to midpoint of the rate range for employees rated Fully Successful or higher.

Progression beyond the midpoint of the range will be based solely on performance.

The 15 grades of LS-1—15 will equate to GS-1—15.

V. SPECIAL AUTHORITIES COMMON TO BOTH THE NATIONAL AND LOCALITY PAY SYSTEMS

Staffing differentials for identified classes (occupation and grade combinations) of positions in one or more locations will replace Special Salary Rates. These will be used to address labor market anomalies and may be up to 60 percent of the employee's rate of basic pay. They will not be basic pay.

Authority to hire above the minimum rate, which currently exists for positions at GS-11 and above, will be extended to all grades. As under current law, a candidate's existing pay or unusually high or unique qualifications, or a special need of the Government for the candidate's services will continue to be the considerations in the use of this authority. Delegation of this authority by OPM to agencies will be permitted.

Recruitment and relocation bonuses of up to 25 percent of basic pay may be authorized. These new bonuses will be used to address staffing problems and will require employee service agreements in return. They will not be basic pay.

Up to two pay periods of advance pay will be authorized to assist new appointees required to relocate for a job.

Retention allowances of up to 25 percent of basic pay will be authorized to avoid the loss of essential employees who have unusually high qualifications or to meet special agency needs. They will not be basic pay.

New supervisory differentials (not basic pay) will be authorized to alleviate pay inversions when supervisors have subordinates under a different pay system. Differentials will be payable only if the basic pay

range midpoint for the subordinate is higher than the basic pay range midpoint for the supervisor and the subordinate is actually higher paid than the supervisor. Unlike the current authority for General Schedule supervisors of Federal Wage System employees, which is restricted to comparisons of basic pay, it will be permissible to consider total pay in setting the new supervisory differentials. A supervisory differential could not cause the supervisor's pay to be more than 3 percent above the subordinate's pay.

Travel and transportation expenses for new appointees may be granted to pay for expenses incurred in moving to a first Federal job. Payment of such expenses will no longer be restricted to shortage category occupations. Payment for expenses associated with pre-employment interviews of job candidates will also be authorized. This will allow the Government to be more competitive, especially in college recruitment.

Hazard pay provisions will be reformed to provide more equitable pay treatment for white-collar workers. The current 25 percent maximum on hazard pay will be retained.

Performance-based cash awards of up to 10 percent of an employee's basic pay may be given at agency discretion to employees rated Fully Successful or higher. In exceptional cases, the award may go up to 20 percent of basic pay. (These awards are separate from those currently authorized under the incentive awards program.)

Time off as a productivity incentive may be granted to employees for contributions beyond job requirements as an alternative to cash awards.

Overtime pay calculation methods for employees covered by the Fair Labor Standards Act will be greatly simplified. No employee will receive less of an overtime benefit than previously provided.

Waivers of limitations on premium pay will be authorized for employees performing emergency or rescue work. This will permit appropriate compensation for employees who engage in emergency and lifesaving operations.

The statutory limit on uniform allowances will be increased from $125 to $400 and OPM will regulate future adjustments to this annual limit on agency payments for employee uniforms.

VI. CHANGES TO FEDERAL WAGE SYSTEM (BLUE-COLLAR PAY SYSTEM)

Prevailing market rates will be matched to step three, the middle step of Federal Wage System (FWS) schedules, instead of the current step two in order to better align average Federal rates with market rates.

Full scale local wage surveys will be conducted at least every three years (instead of every two years), with interim surveys to update pay data conducted in intervening years.

The effective date of wage schedules will be permanently changed to 150 days after the start of wage surveys. This will have the effect of making permanent the 90-day delay in FWS schedule adjustments which has been mandated annually by temporary legislation in recent years. It will also parallel the new January effective date for the NS and LS pay systems (replacing the old GS October effective date).

The President may direct OPM to impose a limitation on maximum adjustments to wage schedules during any year if the President determines such a limit is required by consideration of equity with employees under the National and Locality Pay Systems. In making such a determination, the President will consider the likely effect on the ability of agencies to recruit and retain well-qualified employees.

VII. KEY PROVISIONS FOR 1991 OR EARLY IMPLEMENTATION INCLUDE BOTH TEMPORARY/INTERIM ACTIONS AND SELECTED PERMANENT PROVISIONS

Immediate Relief Temporary Provisions Effective in 1991

In addition to the 1991 across-the-board General Schedule adjustment:

Geographic differentials of up to 8 percent (taking into account special salary rates, as appropriate) for GS workers may be authorized in three high labor cost Consolidated Metropolitan Statistical Areas—New York, San Francisco, and Los Angeles. They will not be basic pay.

Nationwide 5 percent salary increases (differentials) may be authorized at GS-5 and GS-7 for college entry-level occupations. They will not be basic pay.

Early Implementation of Permanent Provisons

In addition to the 1991 across-the-board General Schedule adjustment and immediate relief provisons, the President's 1991 budget also provides for:

Recruitment and Relocation Bonuses;

Retention Allowances;

Authority to hire above the minimum rate at all grades.

Other provisons not mentioned in the 1991 budget but planned for early implementation include:

Travel and transportation expenses for new appointees and pre-employment interviews;

Banding supergrade positions into one pay range;

Exemption of up to 400 critical top jobs from normal pay limits although these jobs will be limited to level I of the Executive Schedule unless the President grants an exception on a case-by-case basis;

Waivers of dual compensation restrictions on reemployed retirees in certain positions with exceptional staffing problems;

Staffing differentials to replace special salary rates;

Geographic differentials for high labor cost areas with area-wide staffing problems;

A special pay system for Administrative Law Judges and members of boards of contract appeals;

Waivers of limitations on premium pay for emergency and rescue work;

Advance paychecks for new appointees who relocate;

New uniform allowance provisions.

VIII. TIMETABLES AND MEASURES FOR TRANSITION TO NEW PAY SYSTEMS (ASSUMES REFORM PROPOSAL WILL BE ENACTED BY OCTOBER 1990)

The General Schedule will continue to exist in 1991, 1992, and 1993 and the current annual pay adjustment process will be used. The authority to establish geographic differentials will go into effect in January 1991.

Effective in January 1994, the General Schedule will be split and the transition to NS and LS pay system schedules will take effect.

The current General Schedule process will be used for adjusting the National Schedule in 1994.

In January 1994, LS pay system schedules will be adjusted in each pay area under the new permanent procedures.

Beginning in January 1995, the National Schedule will be adjusted by the New survey machinery, which includes the first use of State and local government survey data.

For the Federal Wage System, beginning in 1994, prevailing rates will be matched to the midpoint—step 3—on the FWS 5-step system, rather than step 2 as at present.

By Mr. METZENBAUM (for himself, Mr. DODD, Mr. KENNEDY, Ms. MIKULSKI, Mr. SIMON, and Mr. ADAMS):

S. 2548. A bill to amend the Fair Labor Standards Act of 1938 to increase penalties for employers who violate the child labor provisions of such act, and for other purposes; to the Committee on Labor and Human Resources.

CHILD LABOR ACT OF 1990

● Mr. METZENBAUM. Mr. President, I rise to introduce the Child Labor Act of 1990. At the outset, I would like to salute the special efforts of Senator DODD. The Senator from Connecticut is a tireless champion of the rights of children, including their right to be free from exploitative conditions.

As we all know, the children of America are our future. But the ever-increasing number of child labor law violations casts an ominous shadow across that future. A preliminary report by the General Accounting Office documents that in 1987 and 1988, 128,000 children were injured and 59 were killed in the workplace. Only 37 of the 59 employers involved in these deaths were cited and fined for serious safety and health violations by the Department of Labor's Occupational Safety and Health Administration [OSHA]. The average fine assessed for each workplace fatality was $740.

Recently, the Department of Labor increased its enforcement of child labor laws. In addition, Secretary Dole has made worker health and safety one of her top priorities. I applaud the Secretary for these efforts. But increased institutional will and enforcement will not fully address the problem.

Current child labor laws are woefully inadequate to protect our children in the workplace. If an employer willfully violates a Federal child labor law and that violation results in the death or serious bodily injury to a child worker, the violation is classified as a simple misdemeanor punishable by up to 6 months in prison. Further, I know of no employer that has ever spent 1 day in jail for a willful violation of child labor laws that resulted in death or serious injury to a child. Employers who willfully violate child labor laws must no longer be allowed to get away with the murder and mutilation of our children.

The Child Labor Act of 1990 will help bring these violators to justice. This bill establishes a maximum allowable penalty of 10 years for a willful violation resulting in death, and 7

years for a willful violation resulting in serious bodily injury.

Fortunately, most child labor law violations are not criminal felonies. However, civil violations are often serious and repeated. This bill will bar willful and repeated violators from receiving Federal grants and loans for a specified period of time, and from paying the subminimum training wage. Civil fines are increased from $1,000 to $10,000. Further, in an attempt to educate and warn the public, the Department must make available to schools the name and location of violators and the nature of the violation.

Mr. President, the disgrace of illegal child labor is nationwide. My home State of Ohio now ranks third in child labor law violations among the 34 States that compile such data. A large percentage of these violations were in the most dangerous category: Permitting teenagers to work in hazardous occupations. The Department intends to review its regulations on hazardous occupations for teenagers and close loopholes in enforcement. Our bill facilitates this process by adding poultry processing, fish and seafood processing, and schoolbus driving to the current list of hazardous occupations.

Finally, the Child Labor Act of 1990 does not seek to put an end to all child labor. Indeed, I applaud our young people who work because of economic necessity or the learning experience or both. Education, however, should be every child's first priority. Toward that goal, this bill requires that certificates of age that are already compiled for child workers must include certification that the child is at least meeting the minimum State requirements for school attendance.

I urge all my colleagues to support this important legislation. I ask unanimous consent that the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2548

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Labor Act of 1990".

SEC. 2. CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following new subsection:

"(f) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, shall, on conviction be punished—

"(1) in the case of a willful violation that causes serious bodily injury to an employee described in section 3(l) but does not cause death to the employee, by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for 7 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for 14 years, or by both; or

"(2) in the case of a willful violation that causes death to an employee described in section 3(l), by a fine in accordance with section 3571 of such title 18 or by imprisonment for 10 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for 20 years, or by both.".

SEC. 3. CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended—

(1) by striking "$1,000" and inserting "$10,000";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "(1)" after the subsection designation;

(4) by adding at the end the following new paragraphs:

"(2) Notwithstanding any other provision of law, any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, on more than one occasion, shall, on such additional violation, be ineligible—

"(A) for any direct or indirect Federal grant or Federal guaranteed loan, for 5 years after the date of the determination; or

"(B) to pay the training wage authorized by section 6 of Fair Labor Standards Amendments of 1989 (29 U.S.C. 206 note).

"(3) The Secretary shall post and otherwise make available to affected school districts the name of each employer who violates the provisions of section 12, relating to child labor, or any regulation issued under such section, together with a description of the location and nature of the violation.".

SEC. 4. CERTIFICATION OF SCHOOL ATTENDANCE FOR CHILD LABOR CERTIFICATION.

The first sentence of section 3(l) of the Fair Labor Standards Act of 1939 (29 U.S.C. 212(d)) is amended by inserting before the period at the end the following: "and certifying that the person is at least meeting the minimum State requirements for school attendance".

SEC. 5. HAZARDOUS CHILD LABOR OCCUPATIONS.

The Secretary of Labor shall find and declare that poultry processing, paper baling, fish and seafood processing, school bus driving, and handling power-driven meat slicing machines in restaurants (among other occupations declared by the Secretary) are occupations that are particularly hazardous for the employment of children between the ages of 16 and 18 for purposes of section 3(l) of the Fair Labor Standards Act of 1938.●

● Mr. DODD. Mr. President, I rise today to address an issue that should be a matter of historical curiosity, not the regrettable subject of today's headlines—the exploitation of children in the work place. Over 50 years ago we enacted a national child labor law to protect children from working at too young an age, for excessive hours, or in hazardous occupations. Unfortunately, recent GAO studies and special enforcement efforts by the Department of Labor indicate that child labor remains a modern-day problem. For thousands of children across the country, current law and current enforcement don't provide the necessary protection.

Therefore, today I am joining with my colleague, Senator METZENBAUM, in introducing a bill to strengthen our child labor laws. In addition, Senator METZENBAUM and I will be examining the issue in detail at a joint hearing on May 8 of the Subcommittee of Children, Family, Drugs and Alcoholism and the Subcommittee on Labor, both of the Committee on Labor and Human Resources.

The Fair Labor Standards Act [FLSA] and its regulation prohibit most paid employment under age 14, limit the hours which 14 and 15 year olds may work, and prohibit employment under age 18 in specified hazardous occupations, including meatprocessing, construction, operating power-driven machines, baking, and commercial driving. The Department of Labor enforces these provisions, and employers are subject to fines for violations.

Since the mid-1980's, there has been a dramatic increase in the violations of these child labor standards. According to a GAO study released last month, the number of children found to be illegally employed reached almost 22,500 in 1989, up from 9,200 in 1983, and remains above the levels reached during the late 1970's. For 3 days in March, the Labor Department assigned investigators across the country to focus on child labor violations. In that 1 week, they found over 12,500 violations. Almost half of the businesses investigated were breaking the law.

These violations are deeply troubling because of the damage done to the individual young people and because of what they say about the future prospects of this generation of America's youth. Tragic examples of exploitation, or injury, and even of death have surfaced recently.

A January New York Times story describes 11-year-old Maria Mendez on a Friday morning trimming threads from belts at a Manhattan garment factory. When the New York State Department of Labor asked youth across the State to fill out questionnaires on their work, three-quarters of the 400 thousand surveys came back, 56 percent of them documenting child labor violations. The stories spanned urban, suburban and rural settings. For example, a 15-year-old told of working as a cook up to 45 hours during a school week, where he lost a finger while using a slicer and suffered a third-degree burn on his arm from a deep frying machine. At a hearing last month before the House Subcommittee on Employment and Housing, Ms. Suzanne Boutros told how her 17-year-

old son died while delivering pizzas in Indiana for Domino's Pizza. Needless to say, all these employers were breaking the law.

Equally troubling are studies that document the connection between excessive work demands and difficulties in school. After school and summer jobs are a time-honored tradition for American teenagers. This is a positive tradition, for such part-time jobs can help tremendously in developing a young person's confidence and skills, and in many cases the added income is important to family finances. But if children are too young, or hours too long, this employment erodes the child's success at school.

Today a majority of teenagers work while still in school, and many put in long hours. More than a third of 10th graders hold paying jobs and 60 percent of 12th graders are employed, working an average of 20 hours per week. About half of these teenagers work in restaurants or retail stores.

A study by researchers from the Universities of California and Wisconsin found that working teenagers have lower grades, do less homework, miss school more often and enjoy school less than their unemployed classmates. If work consumes too much time—more than 14 hours a week for sophomores and 19 hours a week for seniors—their grades drop by half to three-quarters of a point. Finally, although teenagers often benefit greatly from the skills learned at their jobs, they may be learning negative lessons as well. Increased use of cigarettes, drugs, and alcohol is most common among seniors who work more than 20 hours per week. Putting all this in perspective, the good news is that young people reap the benefits of employment with relatively small amounts of time on the job. But with longer hours teenagers pay an unintended and unacceptable price.

As we look toward the 21st century, we know that the skills required by our future economy will exceed those demanded today. In 1984 about 42 percent of the jobs in the United States required education beyond high school. Between 1984 and 2000, it is estimated, 52 percent of new jobs will require education beyond high school. Any policy that undercuts better education for today's youth is woefully short-sighted. During the same period, the labor force as a whole will continue to shrink, thus creating more pressure on employers to hire young people, and—apparently—to violate our existing child labor laws. Given these economic trends, it becomes imperative that we take a fresh look at our child labor laws and their enforcement. Our policies for education and youth employment must go hand in hand, helping young people to strike the right balance.

This bill would increase the civil penalties for violations, would subject the most extreme violators to criminal penalties, and would expand the list of hazardous occupations in which youth employment is restricted. Even with such strengthening of the statute, the law will be only as effective as are the enforcement practices. I hope the Labor Department's March strike force operation was just the beginning of a sustained increase in investigations, coupled with administrative strengthening of regulations on child labor. Only if employers take our child labor laws seriously and comply fully will we protect our Nation's youth from tragic and unnecessary losses, whether the loss of good health in an unsafe workplace or the forfeiture of their educational opportunities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Labor Act of 1990".

SEC. 2. CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following new subsection:

"(f) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, shall, on conviction be punished—

"(1) in the case of a willful violation that causes serious bodily injury to an employee described in section 3(1) but does not cause death to the employee, by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for 7 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for 14 years, or by both; or

"(2) in the case of a willful violation that causes death to an employee described in section 3(1), by a fine in accordance with section 3571 of such title 18 or by imprisonment for 10 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for 20 years, or by both.".

SEC. 3. CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended—

(1) by striking "$1,000" and inserting "$10,000";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "(1)" after the subsection designation;

(4) by adding at the end the following new paragraphs:

"(2) Notwithstanding any other provision of law, any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, on more than one occasion, shall, on such additional violation, be ineligible—

"(A) for any direct or indirect Federal grant or Federal guaranteed loan, for 5 years after the date of the determination; or

"(B) to pay the training wage authorized by section 6 of Fair Labor Standards Amendments of 1989 (29 U.S.C. 206 note).

"(3) The Secretary shall post and otherwise make available to affected school districts the name of each employer who violates the provisions of section 12, relating to child labor, or any regulation issued under such section, together with a description of the location and nature of the violation.".

SEC. 4. CERTIFICATION OF SCHOOL ATTENDANCE FOR CHILD LABOR CERTIFICATION.

The first sentence of section 3(l) of the Fair Labor Standards Act of 1939 (29 U.S.C. 212(d)) is amended by inserting before the period at the end the following: "and certifying that the person is at least meeting the minimum State requirements for school attendance".

SEC. 5. HAZARDOUS CHILD LABOR OCCUPATIONS.

The Secretary of Labor shall find and declare that poultry processing, paper baling, fish and seafood processing, school bus driving, and handling power-driven meat slicing machines in restaurants (among other occupations declared by the Secretary) are occupations that are particularly hazardous for the employment of children between the ages of 16 and 18 for purposes of section 3(l) of the Fair Labor Standards Act of 1938.●

By Mr. SYMMS:

S. 2549. A bill to temporarily suspend the duty on certain radio tape player combinations; to the Committee on Finance.

S. 2550. A bill to extend the temporary duty suspension on certain entertainment broadcast band receivers; to the Committee on Finance.

TARIFFS ON CONSUMER ELECTRONICS

● Mr. SYMMS. Mr. President, I would like to introduce two bills to suspend the duty on certain imports of consumer electronic goods.

The products that fall into these categories are not manufactured in the United States. They are low end, unsophisticated models chiefly produced in Third World countries, by both United States and foreign companies, as a means of keeping costs down.

RADIO TAPE PLAYER COMBINATIONS

The 1988 figures on U.S. imports for consumption provided by the U.S. Department of Commerce put the value on this product category at $549 million. Projected 1989 totals would amount to $640 million. At the 1989 import volume, the U.S. duty loss of 3.7 percent on these products would be just under $20 million. Once that importers' cost reduction is passed onto the consumers, retail prices, based on usual markup percentages, would drop by $50 million at the same volume, and even lower if retail prices drive sales volume higher.

CLOCK RADIOS

According to industry figures, $200 million of the affected clock radios were sold in the United States in 1989. At that volume the duty loss of 6 percent on these products would be $12

million. Without the continuation of the existing duty suspension, increased costs to American consumers based on normal markup ratios would be $36 to $42 million.

Unlike some other industries that rarely lower prices as costs are reduced, the history of price decreases in the consumer electronics industry over the past decade demonstrates that any importer savings would likely be passed onto the consumer. Whereas the index for all products listed in the Bureau of Labor Statistics, Consumer Price Index [CPI] as of December 31, 1988, had increased to 120.5 versus 100 for the CPI base period of 1982–84, the index for sound equipment dropped to 91.9.

Buyers of low end entertainment products such as radio tape player combinations and clock radios are especially likely to make purchasing decisions based on cost factors. Such buyers would benefit from the duty suspensions as they would make the affected equipment that much more affordable.

Mr. President, I hope my legislation will receive favorable consideration later this year by the Finance Committee and the full Congress.

I ask unanimous consent that the two bills be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RADIO TAPE PLAYER COMBINATIONS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.95.05	Radio broadcast receivers capable of operating without an external source of power, combined with tape players which are incapable of recording (provided for in subheading 8527.11.11).	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply with respect to goods entered, or withdrawn from warehouse for consumption, after the 15th day after the date of the enactment of this Act.

S. 2550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENTERTAINMENT BROADCAST BAND RECEIVERS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting the following in place of existing Subheading 9902.85.27:

"9902.85.27	Entertainment broadcast band receivers valued not over $40 each (provided for in subheading 8527.19.00 or 8527.32.00) incorporating timekeeping or time display devices, not in combination with any other article, and not designed for motor vehicle installation.	Free	No change	No change	On or before 12/31/92".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply with respect to goods entered, or withdrawn from warehouse for consumption, after the 15th day after the date of the enactment of this Act.●

By Mr. SYMMS (for himself and Mr. DOLE):

S. 2551. A bill to clarify the application of the Internal Revenue Code of 1986 with respect to personal use of airplanes; to the Committee on Finance.

TAX TREATMENT OF TRAVEL ON COMPANY AIRCRAFT

● Mr. SYMMS. Mr. President, together with Senator DOLE, I am introducing legislation to remedy an unfair situation in the Tax Code that should have been redressed long ago.

Similar language was agreed to by the Committee on Finance last year as part of the budget reconciliation legislation for fiscal year 1990, but it was, unfortunately dropped, along with several other meritorious changes in the tax laws, when the Senate decided to adopt a bare-bones package. As a result, we are introducing this Finance Committee approved language as a free-standing bill.

At the outset, I would like to bring up the problem the Finance Committee addressed in some perspective.

BACKGROUND

Prior to the Treasury Department's recent regulations, many companies had a longstanding practice of allowing employees and their families to fly on a space available basis in otherwise unoccupied seats when the company plane was on a business trip.

No income was imputed to these employees or to their family members and, generally, there was no challenge by the IRS. If there was ever an issue with the IRS, it was usually whether the aircraft was on a valid business flight, not whether a "hitchhiker" on a business flight had to report income.

In 1984, Congress codified the tax treatment of many types of fringe benefits in order to resolve an ongoing dispute with the Treasury Department that had resulted in the enactment of a moratorium on Treasury regulations and efforts to tax various benefits.

One of the types of fringe benefits that was codified as tax-free in 1984 was the tax treatment of free or reduced fare rides by airline employees on aircraft owned by their employer or by other airlines.

Because of the magnitude of this benefit to airline employees, the explicit statutory provision may have been understandable. Unfortunately, it created an implication that "hitchhikers" on company aircraft were taxable on the value of their flights.

THE 50-PERCENT-OF-CAPACITY RULE

After the fringe benefit legislation was enacted, the Treasury Department published temporary and proposed regulations which attempted to establish values for flights by "hitchhikers" on business flights on company aircraft. These regulations proved our worst fears were justified. The regulations were very controversial, and the Senate explicitly rejected them in a record vote in 1985.

Recognizing that its position had been contrary to congressional intent, Treasury modified its position. In letters to Senator DOLE, Senator PACKWOOD, and Congressman ROSTENKOWSKI, then-Assistant Treasury Secretary Pearlman conceded that Congress did not intend to tax the value of these flights. However, the letter provided that the Treasury would value these flights at zero for tax purpose only if 50 percent of the seats of the aircraft were occupied by employees flying for business reasons. This "50 percent of capacity rule" has been incorporated in the Treasury regulations.

WHY THE CURRENT REGULATIONS ARE MISGUIDED

The 50 percent-of-capacity rule was an effort to make the job of the IRS easier. It was a "Bright Line" test to determine if a flight was being made for business reasons.

Unfortunately, the test does not work. Having 50 percent of the available seats occupied by employees does not, in itself, make a flight a business flight. Some or all of those employees might not be flying to further the company's business. Thus, the taxpayer must still establish facts to prove the flight was a business flight.

All the 50-percent-of-capacity test accomplishes is that companies no longer can offer employees and their families the ability to ride tax-free on a company plane when there are seats that otherwise will remain empty and despite the fact that there is no additional cost to the employer.

If the issue is whether the flight is made to transact business, the 50-percent-of-capacity rule is not an appropriate way to make the determination.

We all know that a plane can be on a real business trip with only one passenger. I know in my State a company often will have to send an engineer or other expert to a remote mining site, for example, and no one is ever going to question whether or not the trip is for business reasons. It wouldn't matter if the plane could have held 8 or 10 passengers. If the company needed that one employee at the site, the flight was a business flight.

If the goal is to encourage taxpayers to report their income accurately on their tax returns, the appropriate way to accomplish this is either to audit taxpayers suspected of noncompliance or to increase penalties on those who fail to comply.

Over the last several years, Congress has both increased IRS staffing and added increased penalties on those taxpayers who do not comply with the tax laws. The substantial understatement penalty, for instance, was enacted to address just such problem. The 50-percent rule, on the other hand, is simply an arbitrary rule in the Treasury's regulations which does nothing to improve compliance with the tax laws.

THE 50 PERCENT OF CAPACITY RULE SHOULD BE DROPPED OR SUBSTANTIALLY MODIFIED

The legislation we are introducing today is the least we can do and is a very measured response to this all too real problem.

As a matter of good policy, the Treasury Department should change their administrative rule to provide that no "hitchhikers" on company aircraft should ever be taxed on the value of a flight so long as the aircraft is flying for valid business reasons.

But the legislation we are introducing today is a much tighter rule than that. It simply says that, for every business passenger, one "hitchhiker" can ride tax free.

This is not a big change, but it certainly would work better in the real world than the 50 percent of capacity rule now in the regs. For example, companies could allow employees to fly on a space available basis whenever the company has to fly on business. And a businessman-pilot could take his spouse along on a business trip.

There is no revenue impact to this change because companies have not been offering rides to corporate hitchhikers ever since the regulations have been out.

This legislation is the best of all possible worlds. It corrects an annoying problem in the regulations and it has no revenue impact. It should be enacted into law.●

By Mr. SIMON:

S. 2552. A bill to establish programs to improve elementary school instruction in foreign languages and cultures; to the Committee on Labor and Human Resources.

GLOBAL ELEMENTARY EDUCATION ACT

● Mr. SIMON. Mr. President, today I am introducing a bill to improve elementary school instruction in foreign languages and cultures. This bill, the Global Elementary Education Act of 1990, has been introduced in the House by my good friend, Representative SANGMEISTER, and I look forward to working with him on this important piece of legislation. I want to thank my good friend and colleague, Senator DODD, for cosponsoring this bill. I am also proud to be a cosponsor of his bill, S. 1690, the Foreign Language Competence for the Future Act. I look forward to working with Senator DODD to move both pieces of legislation.

I am introducing the Global Elementary Education Act today because the need to understand global events and to communicate with foreign countries has never been greater than it is today. In order to meet this challenge we must address the deficiencies in our education system. America lags sorely behind other nations in foreign language competency due to a shortage of foreign language teachers and foreign language courses. In particular, we must encourage language study at the elementary school level, and we must provide incentives to our teachers to participate in the advancement of foreign language competency.

In its 1983 report, "A Nation at Risk", the National Commission on Excellence in Education wrote:

> Achieving proficiency in a foreign language ordinarily requires from 4 to 6 years of study and should, therefore, be started in the elementary grades. We believe it is desirable that students achieve such proficiency because study of a foreign language introduces students to non-English speaking cultures, heightens awareness and comprehension of one's native tongue, and serves the Nation's needs in commerce, diplomacy, defense, and education.

Exposing a child to languages at a young age enhances his or her proficiency in other languages and in the comprehension of their first language, therefore, improving overall school performance.

The Global Elementary Education Act of 1990 includes four major sections. The first section provides grants to establish language institutes to retrain elementary and secondary teachers to teach foreign languages and culture, geography, and international studies at the elementary school level. The second section will provide grants to higher education institutions to develop innovative and model programs to train students who want to become elementary school teachers of languages and international studies. The third section encourages the establishment of reciprocal elementary teacher exchange programs, with a preference given to nontraditional language study sites and to teachers who have never been abroad. Finally, the bill directs the Secretary of Education to designate an office in the Department of Education to coordinate and disseminate children's literature in other languages, videotapes, computer software, and teacher's kits relating to geography and international study.

International events of the past year will have substantial impact on America's future prosperity and security. The tumbling of the Iron Curtain, the future reunification of the two Germanys, and the unification of the 12-member European market will create new economic and trade challenges. As the world changes and communications become closer and more frequent, America must increase its competence in international awareness and foreign language ability. The unification of the European Community will create a unified market of 320 million consumers. This enormous economic restructuring will increase the European Community's national gross domestic product by at least 5 percent and will create an additional 2 million jobs.

In order to remain a world economic leader and to increase our influence in the world's marketplace, America must become more competent in its knowledge of international events, cultures and languages. Although English is widely spoken around the world, the ability to speak a foreign language will better prepare us to do business with foreign competitors. It may be easy to buy goods from a foreign competitor if we do not speak the language, but if we wish to sell our goods to foreign nations, we need to learn their languages. Language, in and of itself, is a form of advertisement. The Chinese would probably have found Coca-Cola much more appealing if they did not read Coca-Cola as "Bite the Wax Tadpole." Selling to individuals in their native tongue makes for better business.

America's deficiencies in the areas of foreign language and international studies have proven to be a roadblock to economic growth. Thirty-three percent of U.S. corporate profits are generated by international trade while four out of five new jobs are created as a result of foreign trade. Yet, the Coalition for the Advancement for International Studies [CAFLIS] claims that of the corporations responding to its survey, nearly 40 percent failed to take advantage of international business opportunities due to insufficient knowledge of foreign cultures and languages.

Our future prosperity and security is tied, to a large degree, to our ability to communicate with other nations. If we wish to protect this prosperity and security, we must begin by exposing our children to the languages and cultures of other nations.

Mr. President, America's competence in foreign language ability and inter-

national awareness must be encouraged. Americans have the ability and the incentive to do so and the Global Elementary Education Act of 1990 provides such incentive. Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Elementary Education Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) due to the educational deficiencies of Americans in the areas of international studies and foreign languages, the United States is ill-prepared to meet the changing needs of a global society;

(2) studies have consistently shown that basic language and culture orientation should begin at the elementary school level yet only 17 percent of United States public elementary schools offer any form of foreign language instruction and 33 States report a shortage of foreign language teachers at the elementary or secondary school levels;

(3) over 48 percent of elementary schools, which do not currently teach foreign languages, are interested in offering them;

(4) the current United States trade deficit reflects the inadequate state of America international training and cultural awareness;

(5) 4 out of 5 new jobs in the United States are created as a result of foreign trade yet few American business leaders are able to speak any foreign language and as a result are hiring personnel from abroad; and

(6) the President's Commission on Foreign Languages and International Studies, the National Governor's Association, and the Council of Chief State School Officers have all stressed the need for increased training in foreign languages, geography, world history, and international studies to enhance our national security and economic competitiveness.

SEC. 3. FOREIGN LANGUAGE INSTITUTES.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to provide grants on a matching basis to eligible entities for the establishment and operation of foreign language institutes for the professional development and retraining of elementary and secondary school teachers for elementary school teaching in the areas of foreign languages and culture, geography, and international studies. Such institutes shall allow teachers from other fields to retrain as foreign language teachers.

(b) APPLICATION REQUIRED.—To receive a grant pursuant to this section an eligible entity shall submit an application at such time and containing such information as the Secretary shall require. Such application shall contain assurances that representatives of local educational agencies, institutions of higher education, teachers, and school administrators have been consulted in the development of the application.

(c) PRIORITY.—In awarding grants pursuant to this section, the Secretary shall give priority to applications which contain assurances that the institute established and operated by the eligible recipient shall—

(1) serve States or local educational agencies which serve high proportions of children eligible for assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

(2) not serve more than 200 teachers; and

(3) supply not less than one-half the cost of the institute.

(d) REGIONAL CONSORTIA.—A consortia of States may apply to the Secretary to establish and operate a regional foreign language institute.

(e) FUNDS FOR INSTRUCTOR TRAINING.—The Secretary may permit an eligible entity to use to 10 percent of its grant for reasonable administrative costs and the training of institute instructors.

(f) ELIGIBILITY ENTITY.—For the purposes of this section the term "eligible entity" means a State, local educational agency, institution of higher education, or consortia thereof.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $22,000,000 to carry out this section for fiscal year 1991 and for each of the 4 succeeding fiscal years.

SEC. 4. PRESERVICE TRAINING OF ELEMENTARY SCHOOL TEACHERS.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to provide grants to institutions of higher education to develop innovative and model programs in preservice elementary teacher education in the areas of foreign language and culture, geography, and international studies.

(b) PROPOSALS.—To receive a grant under this section, an institution of higher education, on behalf of its school of education, and in cooperation with a liberal arts department, shall—

(1) submit a proposal to the Secretary of Education at such time and containing such information as the Secretary shall require; and

(2) submit a copy of the proposal to the appropriate State educational agency or agencies that administer elementary, secondary, and postsecondary programs for review and comment.

The Secretary shall not take any action on a proposal until 45 days after submission of such copy under paragraph (2). The Secretary shall not draw any adverse inference from the failure of a State educational agency or agencies to comment on a proposal.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1991 and each of the 4 succeeding fiscal years.

SEC. 5. TEACHER EXCHANGES.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to provide grants on a competitive basis to qualified State and local educational agencies, institutions of higher education, nonprofit international exchange organizations, nonprofit education associations, or a consortia thereof, for reciprocal elementary teacher exchange programs. In making such grants, the Secretary shall give preference to nontraditional language study sites and to programs providing exchanges for teachers who have never been abroad.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 1991 and each of the 4 succeeding fiscal years.

SEC. 6. DEVELOPMENT OF FOREIGN LANGUAGE AND CULTURE INSTRUCTIONAL MATERIALS.

(a) ASSIGNMENT OF RESPONSIBILITY.—The Secretary shall assign to the Office of Elementary and Secondary Education the responsibility for—

(1) coordinating the development of, and disseminating, foreign language and culture instructional material, including children's literature in foreign languages, videotapes, computer software, and teacher's instructional kits relating to international study; and

(2) expanding the use of technology in teaching foreign languages and culture at the elementary school level with a particular emphasis on expanding the use of technology in teaching foreign languages and culture at elementary schools that have few or no resources available for teaching foreign languages and cultures.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for fiscal year 1991 and for each of the 4 succeeding fiscal years.

SEC. 7. REGULATIONS.

The Secretary shall prescribe such regulations as may be necessary to carry out this Act within 90 days after the date of enactment of this Act. Such regulations shall establish procedures for the selection of grants for the distribution of funds, and for the evaluation and review of the results of the programs authorized by this Act.

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "Secretary" means the Secretary of Education;

(2) the term "institution of higher education" has the meaning provided by section 1201 of the Higher Education Act of 1965;

(3) the term "State educational agency" has the meaning provided by section 1471 of the Elementary and Secondary Act; and

(4) the term "local educational agency" has the meaning provided by section 1471 of the Elementary and Secondary Education Act of 1965.●

By Mr. LAUTENBERG (for himself, Mr. KASTEN, and Mr. DIXON):

S. 2553. A bill to amend the Caribbean Basin Economic Recovery Act, the generalized system of preferences, and section 301 of the Trade Act of 1974 to require countries to maintain certain environmental standards; to the Committee on Finance.

INTERNATIONAL TRADE AND ENVIRONMENT

● Mr. LAUTENBERG. Mr. President, I rise today to introduce the Global Environmental Protection and Trade Equity Act on behalf of myself, Mr. KASTEN, and Mr. DIXON. This bill is the same as the amendment Mr. KASTEN and I offered to the miscellaneous trade bill. However, we withdrew that amendment in return for Senator BENTSEN's promise to hold hearings on our legislation before the August recess.

The bill would encourage environmentally sound economic development in both developing and developed countries. It also would help level the playing field for U.S. businesses who suffer a competitive disadvantage be-

cause of the costs of complying with U.S. environmental laws. The bill would achieve these goals by linking the grant of U.S. trade benefits to the adoption of effective environmental standards in recipient countries, and by making the failure to adopt such standards an unfair trade practice under section 301 of the Trade Act.

Specifically, the bill prohibits the President from granting Caribbean Basin Initiative or Generalized System of Preference status, which entitle certain products of eligible countries to favorable tariff treatment, to a country unless it does two things. First, it must enact effective natural resource protection and pollution abatement and control standards to protect air, water, and land. Second, those standards must be generally observed.

The U.S. Trade Representative, working with private industry, international and U.S. environmental groups, and information supplied by United States and foreign embassies, will determine what is an effective standard, and whether those standards are being generally observed. These determinations will be made in much the same way that it has been determined, for GSP purposes, that a country is affording its workers internationally recognized worker's rights.

However, these prohibitions are not absolute. The environmental requirement for CBI status can be waived if the President believes it is in our national security or economic interest to do so. The President may also waive the environmental requirement for GSP status if he determines it is in the national economic interest. These standards are consistent with the standards used to waive other requirements in the GSP and CBI statutes.

Second, this legislation makes the failure to establish effective natural resource protection and pollution abatement and control standards to protect the air, water, and land an act, policy or practice which is unreasonable under section 301. The failure to adopt such environmental standards will not be considered unreasonable if the foreign country is advancing in trying to establish effective pollution standards, or if such acts, policies and practices are consistent with the level of economic development of the country.

We are pleased to say that this legislation is supported by the Sierra Club, the National Wildlife Federation, the United Steelworkers of America, and the Development GAP, a nonprofit development policy and resource organization. These groups recognize the enormous responsibility America has as leader of the free world to assure that government sponsored economic development occurs in a manner consistent with a clean and healthy environment. I ask unanimous consent that a copy of their letters of support appear in the RECORD after my remarks.

Mr. President, our bill has two equally important goals.

The first goal is to encourage economic development that is environmentally sound, and in so doing, create a cleaner global environment. A clean environment cannot be created simply through the passage of environmental laws in our own country. It cannot be sustained even if every day were Earth Day in America.

That's because pollution of the air and water does not stop at a country's borders. We live in one world, a world that shares its air and water with many other countries. If Americans want to continue to breathe clean air, drink clean water, eat uncontaminated food and enjoy our forests and wildlife, we are going to have to encourage other countries to clean up their environment as well. To paraphrase a popular saying, when it comes to the environment, it's a small world after all. Especially with countries at the dawn of their development, like those eligible for CBI benefits, and for countries that are not yet fully developed, like those eligible for GSP, America can encourage environmentally responsible development through the judicious use of its trade benefits.

The people of the Caribbean nations are painting on a clean canvas. The newly developing countries still have a partly empty page. Do we want them to paint their development in the gray of soot and the brown of untreated water? Or do we want them to choose the green of protected forests, and the clear sparkling blue of water protected from sewage and sludge? Although we do not have absolute control over what they do, we can use the incentives we provide to help them make environmentally acceptable choices.

Ample evidence already exists that pollution is a global issue. An April 16 Washington Post article, hauntingly described how pollution even in one town can affect other countries. The pollution of Bitterfeld, East Germany, is so severe that its children fall ill soon after birth, and its people live 5 to 8 years less than the average East German. The drinking water contains many times the European Community standards for heavy metals and other pollutants. The air has killed so many trees that even the most ambitious cleanup efforts would not reverse the damage.

However, what's critical for this debate is that the pollution has not only sickened the people in Bitterfield. It has not only poisoned East Germany's forests, water, and air. According to the Post, the region "is one of the most prolific polluters in an industrial belt stretching from southern East Germany through southern Poland to northern Czechoslovakia—a region that scientists blame for much of the pollution damage throughout Central and Western Europe."

Studies have also "traced pollutants falling on Western European countries back to their source: East Germany and its neighbors." I ask unanimous consent that this article appear in the CONGRESSIONAL RECORD following my remarks.

There are countless other examples of how one country has reaped the bitter harvest of another's environmental irresponsibility. According to the Congressional Research Service, the burning and clearing of tropical forests in Southeast Asia, Africa, and Brazil has caused a loss of biological diversity in many of the world's habitats. Experts predict that by 2000, some 15 percent of all plant species will be eliminated. Even more significantly, these fires may cause as much as 20 to 25 percent of the world's total carbon dioxide emissions, substantially contributing to the greenhouse effect and possible climate change.

According to State of the World 1989, an annual report by Worldwatch Institute, the excessive draining of the Soviet Union's Aral Sea for irrigation has hurt regional agriculture, fisheries, and vegetation stretching as far as Afghanistan and Iran.

Even soil erosion has effects beyond the borders of the country where it occurs. In Bangladesh, years of deforestation in the Himalayas by China, India, and Nepal increased soil erosion, causing more frequent and devastating floods. This could have been avoided if Bangladesh, India, Nepal, and China had cooperated with reforestation measures.

We in America are not the only ones who care about our environment. The goal of environmentally sound economic development is one which many developing countries support. Despite political and economic turmoil, Caribbean governments have responded to the region's environmental challenge; 23 of the 28 countries have Caribbean coasts, including most CBI countries, are signatories of the United Nations Environmental Program's [UNEP] Caribbean action plan. Originally focused on the problems of Caribbean oil spills, the plan is now addressing environmental impact assessments, public awareness campaigns and watershed management. Our own Environmental Protection Agency is working closely with the UNEP on this.

Last year, the leaders of CARICOM, a group of Caribbean countries whose goal is long-term regional development, affirmed the importance of environmental considerations in economic decisionmaking and resolved to take strong action to address these issues. Both Belize and Costa Rica have ministries of natural resources which encompass environmental concerns. El Salvador, Panama, and Guatemala

have created environmental agencies. If these small countries can take steps to protect their environments, then so can others.

While some of our foreign trading partners already realize the importance of the environment, others are only beginning to appreciate the terrible long term costs of pollution. This legislation may speed that realization.

We in the United States learned the hard way about the human costs of pollution. We've seen our children, our friends and our family suffer from pollution caused illness. We are now witnessing the tragic legacy of disease and death caused by environmental neglect in Eastern Europe. We can point to our own costly burdens in cleaning up Superfund toxic waste sites. According to a recent EPA estimate, the cost to clean up the hazardous waste sites that we now know about is $18.6 billion. That number is expected to grow as more sites are identified and targeted for cleanup. We have already appropriated over $7 billion through this fiscal year on this effort. Other, poorer countries may not be able to devote such resources to cleaning up their environmental mistakes. For them, a million in prevention is worth several billion in cure.

America must take the lead in convincing our neighbors that cutting corners on environmental protection is a false economy. Just as we have encouraged the adoption of other American values around the globe, it is up to us to encourage countries to develop with respect for their environments. If countries expect preferential trade benefits in our market, it is reasonable to expect them to do certain things in return. They should clean up not only because it's in our interest. They should clean up becasue it's in their interest. The second goal of our bill is to help level the playing field for American businesses who are hurt in the world marketplace by the cost of complying with our environmental laws. In 1986, CRS estimates that American industry spent $12.3 billion on pollution compliance. That figure has already increased, and will certainly rise again as a result of the recently enacted clean air legislation.

That's money our industry cannot spend on research and development. It is money they do not have available to modernize their factories or promote their products overseas. It is money they must recoup by charging higher prices to their customers. In short, it is money they spent on protecting the environment, not on improving their competitive position in the world. Though it is money well spent, it leaves less for other things.

When foreign industry subjects its workers and citizens to pollution that we would not tolerate and which we require our industries to prevent—then American industry operates at a disadvantage. American industry loses sales because its costs are higher. American workers may lose jobs, as our industries move offshore where the environmental requirements are more lenient. Meanwhile, Americans lose as we suffer the consequences of others' environmental irresponsibility.

By conditioning trade benefits on the adoption of effective pollution standards in the developing world, and by making the lack of such standards an unfair trade practice, we are helping to minimize the competitive disadvantage under which American business operates, while encouraging a cleaner environment. We are making sure that foreign governments which tolerate environmental degradation do not reap economic benefits in our markets because of their lack of responsibility.

And, by making the failure to adopt effective environmental standards an unfair trade practice, we can also encourage the more developed countries, who do not qualify for GSP or CBI status, to also improve their environments.

Some may argue that including environmental criteria in the GSP and CBI is inappropriate because these benefits were intended to promote economic development in backward countries. However, many similar criteria are already included in the law. A country cannot qualify for GSP status if it has expropriated U.S. property, if it fails to afford internationally recognized worker rights, or if it serves as a sanctuary for terrorists. Similarly, a country is ineligible for CBI benefits if it lacks an extradition agreement with the United States, if it has expropriated U.S. property without compensation, or if it pirates U.S. television or movies.

These criteria were put into the law because a judgment was made that furthering these national policies was as important as furthering the economic development of GSP and CBI countries.

It is time we made the same judgment about protection of the environment. If we expect GSP countries to respect the rights of workers, and CBI countries not to pirate U.S. television or movies, I see no inconsistency in expecting these same countries to respect the environment. The health of our children, and our quality of life is at stake.

This bill does not force U.S. standards for clean air, water, and land on developing countries. It allows each country to determine for itself what sort of a pollution code best meets its needs, as long as that code is effective. I want the strongest possible environmental protection around the world. But I am not about to say that what is a good standard for the United States is necessarily good for every other nation in every case.

Some may have concerns about the ability of developing countries to assume the financial burdens of protecting their environment. Certainly there may be considerable short term costs. But the long-term costs of neglect are even greater, as we have learned here in America. These countries cannot afford not to protect their environment.

Consider what we spend each year to clean up our toxic wastes and to take care of those sickened or dying from pollution. Think of the human cost of shortened lives, stunted growth, people who can't breath and have lost hope. Developing countries cannot afford these mistakes.

I would like to turn now to the portion of our bill which modifies section 301. Section 301 applies to our trading partners in the developed as well as the developing world. Our legislation, as I have explained, would make the failure to adopt effective pollution standards an unfair trade practice. This is consistent with the existing law, which already defines unfair trade practices to include denying workers the right to organize and bargain collectively, failing to provide a minimum child employment age, and failing to provide standards for minimum wages, hours of work, and the occupational health and safety of workers.

Why should the failure to adopt environmental standards be considered an unfair trade practice? Because just as countries which exploit their workers are engaging in an unfair trade practice which results in lower production costs, so too, countries which allow the exploitation of their environment are reaping the benefits of lower production costs. Nonunion labor, child labor and lack of a safe working environment all save employers money, at least in the short term. That's one of the reasons we have labor standards as part of a trade bill.

We need to level the playing field for the cost of pollution abatement and control, just as we have done for the cost of fair labor practices. The lack of an effective environmental code is as unfair as the lack of a just labor code.

As to the argument that these requirements violate GATT, I would simply say that the amendment is modeled after the labor standards in section 301 and in the GSP law. To date, there have been no successful GATT challenges to the labor standards which this environment standard resembles.

Some may argue that adding an environmental requirement to 301 could cause retaliation. In other words, it could cause countries with different or stricter environmental standards to require that our products be produced in conformity with their standards. I find

this very unlikely. First, this bill does not require that countries have the same standards for environmental protection as the United States, so it provides no justification for retaliatory actions by other countries. Second, past experience with requirements similar to this has proven that countries do not use them as an excuse to rataliate. For instance, we defined failure to respect international worker rights as an unfair trade practice, yet countries with different notions of worker rights from ours have not sought to impose their standards on us. This is because the worker rights provision of section 301 is carefully designed to respect cultural and national variations in labor codes and conduct. So too, is our proposed environmental requirement.

Before I yield the floor, I'd also like to inform Senators how this bill differs from one offered to the Clean Air Act by Senator GORTON. While this legislation shares many of the goals of that amendment, which I and 46 of my colleagues supported, it differs in several significant ways.

However, unlike the amendment offered by the Senator from Washington, it deems such practices effective under section 301 of the Trade Act if the country is working toward the adoption of environmental standards, or if its existing standards are consistent with the country's level of economic development. Thus, our bill provides greater flexibility for a country to receive trade benefits while working toward a more environmentally sound development policy.

This legislation is designed to promote and reward environmentally intelligent economic development while assuring a level playing field for American industry. I believe it is a modest effort, one that uses American trade benefits and trade laws to achieve an important national goal—a cleaner global environment.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARIBBEAN BASIN.

Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended—

(1) by striking "and" at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6), and inserting "; and",

(3) by inserting immediately after paragraph (6) the following new paragraph:

"(7) if such country does not have effective natural resource protection and effective pollution abatement and control standards to protect air, water, and land or if such country's standards are generally not observed.", and

(4) by striking "and (5)" in the last sentence and inserting "(5), and (7)".

SEC. 2. GENERALIZED SYSTEM OF PREFERENCES.

Section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended—

(1) by striking "and" at the end of paragraph (6),

(2) by striking the period at the end of paragraph (7), and inserting "; and",

(3) by inserting immediately after paragraph (7) the following new paragraph:

"(8) if such country does not have effective natural resource protection and effective pollution abatement and control standards to protect air, water, and land or if such country's standards are generally not observed.", and

(4) by striking "and (7)" in the last sentence and inserting "(7), and (8)".

SEC. 3. DEFINITION OF UNREASONABLE ACT OR POLICY.

Section 301(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2411(d)(3)(B)) is amended—

(1) by striking "or" at the end of clause (ii),

(2) by striking the period at the end of subclause (V) of clause (iii) and inserting ", or", and

(3) by adding at the end the following new clause:

"(iv) constitutes a failure to establish effective natural resource protection and effective pollution abatement and control standards to protect air, water, and land.".

NATIONAL WILDLIFE FEDERATION,
Washington, DC, April 16, 1990.

Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: The purpose of this letter is to indicate the support of the National Wildlife Federation for your proposed amendment to the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)); the Generalized System of Trade Preferences (Section 504(O) of the Trade Act of 1974); and Section 301 of the Trade Act of 1974. The amendment, which promotes the adoption of environmental standards in countries seeking trade benefits made possible by this legislation, is an important way of assuring long-term, environmentally sustainable growth in this region.

The amendment prohibits benefits being granted to countries which do not have effective pollution abatement and control standards for air, water, and solid wastes. This corrects one of the deficiencies of U.S. legislation: a lack of attention to the severe environmental problems affecting the world. Your amendment will ensure that U.S. trade activities will not generate the kind of development that is based on the rapid degradation of natural resources rather than their environmentally sound, sustained use.

Your amendment is a welcome addition to the growing legislative interest in the relationships among trade laws, the negotiation of trade agreements, and social and environmental concerns. We look forward to your amendment becoming a part of the Caribbean Basin Economic Recovery Act, the Generalized System of Trade Preferences legislation, and Section 301 of the Trade Act of 1974.

Sincerely,

LYNN A. GREENWALT,
Vice President, International Affairs.

THE DEVELOPMENT GROUP FOR ALTERNATIVE POLICIES, INC.,
Washington, DC, March 30, 1990.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: We have reviewed your proposed amendment to the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) and are pleased to endorse this initiative. We consider it to be an important attempt to link improvements in U.S.-Caribbean trade with long-term environmental considerations, thus helping to ensure more sustained economic growth in the region.

In endorsing your amendment, we are mindful of the close similarity between your proposals and those of the representatives of several Caribbean organizations who addressed Members of the U.S. Congress at Study Missions sponsored by the Subcommittee on Western Hemisphere Affairs in Barbados in 1987 and 1988.

We are also pleased to note that your initiative is consistent with the statement issued at the end of the first CARICOM Ministerial Conference on the Environment, which was held in Trinidad and Tobago on 31 May 1989. In that statement the Ministers affirmed their support for the priority now being given to environmental issues in the region and confirmed their resolve to take strong action to address these issues. Your effort to incorporate similar environmental concerns in the CBI, as well as in other trade-related legislation, is thus in step with views widely held throughout the region.

Although the amendment is sufficiently strong as it is, you may want to make it somewhat more comprehensive by including pointed reference to "inland and coastal waters and soils" as areas for special attention.

In closing, we would like to emphasize that we are very encouraged by your initiative and look forward to the successful incorporation of the amendment in the Caribbean Basin Economic Recovery Act.

Yours sincerely,

ATHERTON MARTIN,
Caribbean Coordinator.

SIERRA CLUB,
Washington, DC, April 30, 1990.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: The Sierra Club would like to endorse your proposed amendment to the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) which we understand you will introduce to Congress this April. The Sierra Club supports your attempt to link sound environmental protection and pollution abatement measures with sustainable economic growth in the Caribbean region.

We further understand that the measure reflects a statement issued by the CARICOM Ministerial Conference on the Environment, held in Trinidad and Tobago on May 31, 1989. This CARICOM statement upholds the high priority that the Ministers present placed on environmental needs in the Caribbean region, and concludes by reaffirming CARICOM country resolve to address environmental issues. In short, your efforts to incorporate environmental concerns into the Caribbean Basin Initiative mirrors the high degree of commitment towards ecological protection already evolving in the region.

We look forward to rapid inclusion of this amendment in the Caribbean Basin Recovery Act.

Sincerely,

LARRY WILLIAMS,
Washington Director,
International Program.

UNITED STEELWORKERS OF AMERICA,
Washington, DC, April 17, 1990.

Senator FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: USWA expresses support for your amendment to various U.S. trade laws which would condition trade flows upon the adoption and implementation of environmental pollution abatement and control standards established by our trading partners.

Environmental protection is not an advantage which can be pursued only by a few countries. The adverse consequences of pollution are now having global impacts. Even more onerous would be the flight of industrial activity to those countries with a less sensitive concern for environmental degradation.

Additionally, environmental obligation assumed by industry in some countries should not be a burden in international trade where the margin of competition is due to the lack of environmental regulations by our trading partners.

Your legislation addresses this concern by withdrawing trade preference from CBI and GSP countries, which do not have effective environmental regulations in place.

Workers and communities in developing countries, hard pressed for the measures to promote economic development, are also desirous that the need for foreign capital investments not be used as a license to ravage their environment and destroy their health. In many countries people are unaware that new industrial processes release toxic substances into the environment. The amendments introduced by Senator Lautenberg would focus the attention of governments on this problem.

Also using the Section 301 procedure to include lack of environmental standards, your legislation expands the scope of the measures which have trade impacts and which rightfully should be subject to scrutiny as being unfair trade practices. Petitions under a new Section 301 definition, however, do not necessarily involve mandatory actions by the government but will induce consultation with our trading partners over the failure to establish effective environmental standards.

The salutary impact from such a scrutiny will be beneficial to both trade and environmental policies, especially since the latter are increasingly more international in character. Your bill will provide an opportunity to challenge the legitimacy of such producers, insensitive to environmental concerns, to engage in international trade. USWA supports this initiative.

Sincerely,

JOHN J. SHEEHAN,
Legislative Director.

[From the Washington Post, Apr. 16, 1990]

EAST GERMANY'S BITTERFELD; GRIMIEST TOWN IN DIRTIEST COUNTRY

(By Marc Fisher)

BITTERFELD, EAST GERMANY.—Kurt and Christa Apel spent Good Friday sitting on the steps in the back of their soot-covered rowhouse, rocking their baby granddaughter, worrying that she will die before her time.

"Her eyes already water whenever, she's outside," Christa Apel said of Isabela, who is nine months old and is, so far, the only member of the family who has not developed bronchial problems. "This place is dirt, dirt, dirt—just filth."

Kurt Apel, a 57-year-old electrical worker who says he has been taken for 75, walked around the puddle of black water that separates his house from Bitterfeld's aluminum plant. "Look, even near the garbage," he said. "There's no mice, no nothing. Nothing lives here. Nothing can live here."

Bitterfeld, 110 miles south of Berlin, is the dirtiest place in the most polluted country in the world, according to government statistics and Greenpeace, the international environmental group. It is the capital of East Germany's chemical industry, a place where towering smoke-stacks release plumes of bright yellow, jet black and hazy brown smoke—a total of more than 15 times the East German average of sulfur dioxide and dust.

But Bitterfeld's pollution does not only sicken the people here and help poison East Gemany's forests, water and air. It is one of the most prolific polluters in an industrial belt stretching from southern East Germany through southern Poland to northern Czechoslovakia—a region that scientists blame for much of the pollution damage throughout Central and Western Europe.

Studies by the International Institute for Applied Systems Analysis, a U.S. and Soviet-founded research center near Vienna, have traced pollutants falling on Western European countries back to their source; East Germany and its neighbors.

In this grimy town, children fall ill soon after birth and life expectancy is five years below the national average for men, eight years below for women. The pollutants—waste from chemical and steel production and especially the outmoded brown coal that East Germany uses for energy—have deprived residents of the simple joy of a sunny day. Friday was partly sunny 10 miles away, but Bitterfeld sat under its constant grey haze.

"Nobody has any idea how to clean up Bitterfeld," said Jeffrey Michel, and environmental consultant who has worked for the East German government. "There's actually been talk of simply entombing the whole area."

Here, rivers flow red from steel mill waste, drinking water contains many times the European Community standards for heavy metals and other pollutants, and the air has killed so many trees—75 percent in the Bitterfeld area—that even the most ambitious clean-up efforts now being planned would not reverse the damage. East Germany fills the air with sulfur dioxide at almost five times the West Germany rate and more than twice the Polish rate, according to a recent study.

One chemical plant near here dumps 44 pounds of mercury into the Saale river each day—10 times as much as the West German chemical company BASF pumps into the Rhine each year. Every day, each one of East Germany's sputtering Trabant autos coughs as much carbon monoxide into the atmosphere as do 100 Western cars equipped with catalytic converters.

The extent of East Germany's environmental mess has become public only since the Communist regime was thrown out last fall. "In 1986, I was kicked out of East Germany when I was trying to get information on forest death," said Sten Nilsson, a Swedish forest ecologist who has collected data showing that many East German forests "are dead, completely. The country is on the verge of total ecological collapse."

Nilsson's East German colleagues knew what was happening years ago. But they remained silent on orders from their government. "Actually, the East Germans were in the very forefront of measuring the effects of pollution," Nilsson said. "They told their government. The message they got back was to plan to replant the forests because the government refused to get rid of the brown-coal heating system."

The East German government ordered scientists to develop species of trees that would resist pollutants. "But that is, of course, nonsense," Nilsson said.

The new East German government has admitted its problems—symbolically renaming its Ministry of Environmental Control the Ministry of Environmental Protection—and developed an extensive plan to slow the pace of damage.

But countries in the throes of transition to a market economy are in no position to invest heavily in environmental controls. East Germany spends less than half of one percent of its budget on the environment. The comparable figure in West Germany is 1.2 percent of a much larger budget.

East Bloc countries need foreign investment, and scientists around the world are trying to convince Western governments that it is in their interest to help.

"Spending money on cleaning up your own country is like throwing away money if the pollution comes from somewhere else—and it does," said Robert Pry, director of the Vienna institute. "Now Holland is seriously considering shipping their equipment for cleaning up smokestack emissions to East Germany, not out of altruism, but for their own protection."

The West German government has pledged about $600 million in environmental aid to East Germany, including money to scrub smokestack exhausts, decrease the amount of brown coal being burned, and extract mercury and other metals from water before it is dumped in the Elbe river. But the West German Institute for Economic Research estimates that it could cost $200 billion during the next 20 years to clean up East Germany's ecological catastrophe.

Bonn has begun to cut back on its own contribution to the East German disaster, slowly reducing the amount of trash it dumps there—a practice the Communist regime found to be a steady source of hard Western cash. Last year, West Germany sent 4.5 million tons of garbage over the border; this year, that figure has been reduced by about one-third.

Reversing the unnatural death of East Germany will be slow, expensive and at times politically unpopular. "With every bit of information we get, the situation looks gloomier," said West German Environment Minister Klaus Toepfer. "It will take a good decade just to get to grips with the worst pollution."

The impending rush of Western investment also worries East German environmentalists. "They are scared that Western companies will come in and do things they're not allowed to do at home." Pry said. "And they will. It's up to the Western countries to help the East Bloc prevent their economic turnaround from raping the environment."

Both East and West Germany are trying to do that. Environmental officials in both

Bonn and East Berlin want to change East German laws as quickly as possible to make standards as strict as in West Germany.

There is, so far, broad popular support for action. Ecological concerns were a primary force behind last fall's popular uprising in Eastern Europe; in East Germany, crowds demanded statistics on the health effects of their poisoned air and water even before turning their wrath on government corruption and the Stasi secret police.

But despite the spreading recognition that places like Bitterfeld are the globe's festering wounds, neither Germany has figured out what to do. Even as scientists collect data showing frighteningly high levels of nitrates in infants born in the Bitterfeld area, governments are trying to balance economic and ecological needs.

Shutting down polluting plants means losing thousands of jobs. Already the East German government has announced it will close 10 percent of Bitterfeld's decades-old plants, laying off nearly 1,000 to 17,000 workers. That frightens Bonn politicians wary of any act that might cause more miserable East Germans to move West.

And it frightens plant managers, who have posted billboards in the town square exhorting residents to support local industry. "Chemicals are necessary!" the signs say. "Our desolate environmental condition is produced by extraordinarily high pollution of air, water and earth. But chemicals belong to our life and without them we cannot move to the future."

Some area residents have lived with the situation for so long, they don't know what to think. Ingrid Wurst, a 37-year-old assembly line worker, stopped a foreign visitor on the street and said, "May I ask a question please? Does it really smell awful here?"

But many Bitterfeld residents have used their new freedom to travel to cleaner places; often they return ready to sacrifice for less pollution.

"You come back and it's a worse than you ever realized," said Axel Roder, 26, whose 6-year-old and 18-month-old children have chronic bronchial infections. "I'm not leaving; my friends are here. But they have to shut down some of these places. Even if two-thirds of the people are let go." ●

By Mr. INOUYE:

S. 2554. A bill to include the territory of American Samoa in the Supplemental Security Income Program; to the Committee on Finance.

INCLUSION OF AMERICAN SAMOA IN THE SUPPLEMENTAL SECURITY INCOME PROGRAM

● Mr. INOUYE. Mr. President, I am introducing an amendment to the Social Security Act, which will include American Samoa under the Supplementary Security Income Program to provide basic assistance for 1,600 aged and disabled individuals residing in American Samoa.

Many of the men and women I seek to help have been caught between two systems. When Social Security went into effect in American Samoa, this group of people was nearing retirement and did not contribute enough to qualify for minimum benefits. The territorial retirement system did not begin until 1971, and many of these people had already left the work force or had so little time remaining that they were also excluded from benefits under this system.

The Commonwealth of the Northern Mariana Islands [CNMI] was included under the supplementary security income program in 1976. This has been fortunate for their handicapped and needy elderly. In 1988 there were 590 recipients in CNMI who benefited from the program.

American Samoa currently does not receive aid for dependent children or food stamp benefits, and there is no dire need for this form of assistance. However, the elderly and handicapped individuals, some 1,600 of them, have no personal resources and nowhere to turn. Even the territorial government is severely strained financially at the present time to meet their needs. This measure will help relieve the critical needs of these elderly and handicapped persons.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. I urge my colleagues to support this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SUPPLEMENTAL SECURITY INCOME BENEFITS PROGRAM TO AMERICAN SAMOA.

(a) IN GENERAL.—The 7th sentence of section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended by inserting "and title XVI (as in effect pursuant to the amendment made by section 301 of the Social Security Amendments of 1972)" before "also".

(b) CONFORMING AMENDMENTS.—

(1) Section 1614(e) of such Act (42 U.S.C. 1382c(e)) is amended by inserting ", American Samoa," before "and".

(2) Section 1614(a)(1)(B)(ii) of such Act (42 U.S.C. 1382c(a)(1)(B)(ii)) is amended by inserting "or national" after "citizen".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on January 1, 1991.●

By Mr. CRANSTON:

S. 2555. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the lower Merced River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and National Resources.

DESIGNATION OF LOWER MERCED RIVER IN CALIFORNIA

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to designate the lower Merced River as a component of the National Wild and Scenic Rivers System. Identical legislation is being introduced in the House today by Congressman GARY CONDIT.

In 1987, Congress enacted legislation designating 71 miles of the main stem of the Merced River and 43 miles of the South Fork of the Merced River as components of the National Wild and Scenic Rivers System. At that time, I also was seeking wild and scenic river designation of the lower 8 miles of the Merced. But because of opposition from Mariposa County which needs an additional water supply, the final bill designated the lower Merced as a study river. Last week, however, the Mariposa County Board of Supervisors unanimously approved a resolution endorsing the inclusion of the lower Merced River in the National Wild and Scenic Rivers System as proposed in this legislation.

Specifically, the bill designates 8 miles of the lower Merced River from 300 feet upstream of its confluence with Bear Creek to the maximum control storage of Lake McClure. It classifies 4 miles of the river as recreational and 4 miles as a wild river.

Additionally, the bill withdraws the entire length of the main stem of the Merced River and portions of the South Fork from mineral entry, subject to valid existing rights. This withdrawal is essential to protect the river's recreational use and prevent cumulative impacts of dredging in the riverbed.

Finally, the bill includes language directing the Secretary of the Interior to approve the Saxon Creek project, which is necessary to assure an adequate supply of water for Mariposa County. The project, which would pump water from the Merced River near its confluence with Saxon Creek, would not adversely impact the river's suitability for inclusion in the National Wild and Scenic Rivers System.

Mr. President, this legislation is supported not only by the Mariposa County Board of Supervisors, but also the Merced Canyon Committee, Friends of the River, American Rivers, and the Wilderness Society. I'm very pleased to introduce it and hope the 101st Congress will grant the lower Merced River the protection it deserves.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF THE LOWER MERCED RIVER.

(A) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) MERCED, CALIFORNIA.—The main stem from a point 300 feet upstream of the confluence with Bear Creek downstream to a point of maximum control storage of Lake McClure (elevation 867 feet mean sea level) approximately 8 miles. The Secretary of the Interior shall administer the lower Merced River as recreational, from a point 300 feet upstream of the confluence with Bear Creek

downstream to a point 300 feet west of the boundary of Mountain King Mine; and as wild, from a point 300 feet west of the boundary of Mountain King Mine to the maximum flood control storage of Lake McClure, as generally depicted on the map entitled Merced Wild and Scenic River, dated April 1990. The requirements of subsection (b) of this section shall be fulfilled by the Secretary of Interior through appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource Area, Bakersfield District, Bureau of Land Management. For the purposes of the segments designated by this paragraph, there shall be authorized the appropriate sums as may be necessary for the acquisition of lands, interest in lands and for development."

"SECTION 2. WITHDRAWAL FROM MINERAL ENTRY.

"(a) In addition to the wild river segments covered by Section 9(a)(iii) of this Act, the recreational river segments on the main stem of the Merced River and the scenic river segment on the South Fork Merced River are withdrawn, subject to valid existing rights, from settlement, location, entry and appropriation under the public land laws, including the mining laws. This withdrawal includes: (1) on the main stem of the Merced River from the west boundary of the Mineral King Mine, from the normal high water mark on the south side of the river to the northern margin of the Yosemite Railroad grade on the north side of the river, a distance of 22 miles, and (2) on the South Fork Merced River between normal high water marks on either side of the river, from 1.5 miles upstream of Hite Cove to 0.5 downstream of Hite Cove, a distance of 2 miles.

"SECTION 3. SAXON CREEK PROJECT.

"(a) To the extend and in a manner consistent with the purposes of this Act, including Section 7, the Secretary of Interior shall permit the construction and operation of such pumping facilities and associated pipelines as identified in Bureau of Land Management right-of-way application CACA 26084, filed by the Mariposa County Water Agency on November 7, 1989, and known as the "Saxon Creek Project" to assure an adequate supply of water from the Merced River to Mariposa County."

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. JEFFORDS, Mr. SIMON, Mr. DASCHLE, and Mr. BINGAMAN):

S. 2556. A bill to amend title 38, United States Code, to expand the list of diseases presumed to be service connected in the case of veterans who were exposed to radiation from a nuclear detonation and to eliminate the requirement that the listed diseases become manifest within certain time periods; and to require that the Secretary of Veterans Affairs consider creation of similar presumptions for veterans who were exposed to radiation from other activity; to the Committee on Veterans' Affairs.

RADIATION-EXPOSED VETERANS COMPENSATION AMENDMENTS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce S. 2556, the proposed "Radiation-Exposed Veterans Compensation Amendments of 1990." This bill delivers on my promise on February 6—page S833 of the RECORD—to introduce legislation to modify the provisions in current law under which radiation-exposed veterans and their survivors receive compensation from the Department of Veterans Affairs. Our bill is designed to reflect the latest scientific knowledge about the biological effects of radiation. Joining me as cosponsors of the bill are the following committee members—Senators DECONCINI, MITCHELL, ROCKEFELLER, GRAHAM, and JEFFORDS—along with Senator SIMON, long a leader in radiation-exposed veterans' issues, and Senators DASCHLE and BINGAMAN.

SUMMARY OF PROVISIONS

Mr. President, this bill contains three basic provisions—the first two of which would amend section 312(c) of title 38, United States Code—that would:

First, remove all limitations on the presumption period for the diseases listed in that section as presumptively service connected for radiation-exposed veterans.

Second, add to the list of diseases cancer of the salivary gland and cancer of the urinary tract.

Third, in a freestanding provision (a) require that, within 180 days after enactment, VA and the Department of Defense jointly develop a list of military activities that are likely to have resulted in exposure to ionizing radiation above background levels but are not included within the definition of "radiation-risk activity" in section 312(c) of title 38; (b) require the Secretary to direct the VA Advisory Committee on Environmental Hazards to evaluate whether there is a reasonable possibility that there is an association between the maximum level of exposure from the activity and the diseases listed in section 312(c)(2); (c) require that, within 120 days after being directed to conduct an evaluation, the advisory committee report to the Secretary the findings of the evaluation and any recommendations it considers appropriate to assist the Secretary in deciding whether to establish presumptions of service connection; (d) require the Secretary, within 60 days after receiving a report on a listed activity, to establish a presumption of service-connection for each disease listed in section 312(c) for veterans who participated in that activity, unless the Secretary determines that there is no reasonable possibility of an association between the maximum level of exposure from the activity and particular disease; and (e) provide that, if the Secretary finds, on a case-by-case basis, that an individual's listed disease did not result from that exposure, the presumption of service connection will not apply to that individual's disease.

BACKGROUND

Mr. President, as my colleagues know, I have long been involved in efforts to address the needs of veterans who were exposed to radiation during their military service, including providing compensation for disabilities that might have resulted from that exposure. My efforts and those of other Members of Congress culminated in the enactment in 1988 of the Radiation-Exposed Veterans Compensation Act of 1988, Public Law 100-321. That legislation represented a compromise between House-passed legislation, H.R. 2616, and S. 1002, which I introduced and which the Committee on Veterans' Affairs favorably reported as title II of S. 9 and the provisions of which the Senate passed on December 4, 1987.

That law added to section 312 of title 38 a new subsection (c) that established a presumption of service connection for 13 diseases manifested in veterans who participated onsite in nuclear weapons tests or in the post-bombing occupation of Hiroshima and Nagasaki. To qualify as service connected under section 312(c), the diseases must appear within 40 years after the veteran's exposure to radiation, except that leukemia must appear within 30 years.

The Senate bill relied heavily on the findings from the 1980 report of the National Academy of Sciences Committee on the Biological Effects of Ionizing Radiation. That report—known as BEIR III—represented the best information available at that time on the cancer risks faced by individuals exposed to ionizing radiation. Various Members of Congress contributed proposals ultimately reconciled in the legislation that became Public Law 100-321. I believe the final result was both a compassionate and a fiscally responsible response to the serious and continuing needs and concerns of radiation-exposed veterans and their families.

In late December of last year, the National Academy of Sciences released the newest report of the BEIR Committee, BEIR V. This report contains new and important analyses of the effects of radiation, based on recently conducted studies using newly developed methods of analysis. First, the researchers had available 10 more years of information on the health status of the Japanese survivors of the atomic blasts. Second, a binational group of scientists developed a new way of measuring the doses received by individuals at various places in Hiroshima and Nagasaki, enabling scientists to adjust estimated exposures based on whether, for example, people were shielded by buildings. And, finally, the NAS Committee made use of new biostatistical techniques for analyzing the complicated array of available data.

The BEIR V findings are very significant. The report estimates that lifetime excess cancer risk following low-level radiation exposure is three to four times greater than previously thought. This has heightened concern about the health effects of low-level ionizing radiation and supports the approach to compensation Congress adopted in Public Law 100-321 and which the legislation we are introducing today would continue and expand.

At my request, the Office of Technology Assessment has reviewed BEIR V and found that "the information in the report is reliable and the analyses sound". Mr. President, I ask unanimous consent that OTA's April 25, 1990 report on its review of BEIR V be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, April 24, 1990.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: Enclosed is OTA's review of the National Research Council Report, "Health Effects of Exposure to Low Levels of Ionizing Radiation," the fifth report of the Committee on the Biological Effects of Ionizing Radiations (BEIR V). We believe that the information presented in the report is reliable and the analyses sound, though we did not review the original data on which the analyses are based.

The BEIR Committee relied heavily on the work of the Radiation Effects Research Foundation (RERF), a highly respected collaboration of Japanese and American scientists responsible for following up the human consequences of the atomic bombings of Hiroshima and Nagasaki. They also relied on data from other well-studied populations of radiation-exposed individuals. Information from experimental studies on laboratory animals and other appropriate epidemiologic studies were referred to when they added significantly to the discussion.

Changes in the quantitative risk estimates for a number of cancers, as well as clarifications in the shape of the dose-response curves have occurred since the 1980 BEIR III report, the predecessor of BEIR V. These changes were brought about mainly by the results of continued followup of the exposed populations and by a 1986 revision of the dose estimates for Hiroshima and Nagasaki atomic bomb survivors by RERF.

The enclosed Staff Paper concentrates on the BEIR V findings for cancer risks. I understand this is of greatest concern to the Veterans' Affairs Committee, based on conversations between Michael Cogan of your staff and Hellen Gelband, of the OTA Health Program, who prepared the review. Please do not hesitate to contact me if you have further questions (4-3695) or to have your staff contact Ms. Gelband (8-6590). I hope you find this review helpful in preparing your upcoming legislation.

Sincerely,

JOHN H. GIBBONS.

OTA REVIEW OF: HEALTH EFFECTS OF EXPOSURE TO LOW LEVELS OF IONIZING RADIATION, BEIR V

INTRODUCTION

"Health Effects of Exposure to Low Levels of Ionizing Radiation," the fifth report of the Committee on the Biological Effects of Ionizing Radiations ("BEIR V"), builds upon and updates work of earlier BEIR committees, most closly following the 1980 "BEIR III" report. (The 1988 BEIR IV report is about radon and other internally-deposited alpha emitters.) Of greatest interest to the requester of this review, the Senate Committee on Veterans' Affairs, the report contains an updated discussion of the risk of cancer after exposure to external ionizing radiation. BEIR V also covers genetic effects and somatic effects other than cancer, and effects on individuals exposed to radiation in utero. This review concentrates on cancer risks.

The BEIR V Committee relied heavily on the work of the Radiation Effects Research Foundation (RERF), a collaboration of Japanese and American scientists who have followed up the atomic bomb survivors in Hiroshima and Nagasaki. The work of RERF, both in estimating exposures to individuals and in carrying out their "Life Span Studies" of the survivors, has been reviewed extensively and is considered extremely reliable. The other major sources of information used in BEIR V also are reliable and well reviewed. The conclusions of BEIR V appear to be consistent with the data available. The report outlines clearly the uncertainties still remaining and the potential for greater understanding as the exposed populations are followed further in time.

SOURCES OF EPIDEMIOLOGIC DATA FOR BEIR V

Conclusions about which types of cancer are considered radiogenic (inducible by radiation) are based on the long-term followup of several populations exposed to high doses of radiation in the past. The populations are well established and have been followed carefully for many years by respected researchers. The atomic bomb survivors of Hiroshima and Nagasaki make up the only general population group exposed to a single high dose of ionizing radiation (mainly gamma), and provide most of the information used in BEIR V for making quantitative estimates of risk by cancer site. The other cohorts are made up of people irradiated for medical reasons generally in the 1930s, 40s, and 50s. Of these, a large cohort of English ankylosing spondylitis patients has provided most information about a wide variety of cancer sites. The other cohorts, two of fluoroscoped tuberculosis patients and one cohort of women irradiated for postpartum mastitis, whose radiation was more confined, provide information on a more limited number of cancer sites.

Throughout the report, other epidemiologic studies and data from studies in experimental animals are discussed where appropriate, but heaviest reliance is placed on the studies mentioned above.

CHANGES SINCE BEIR III

The major sources of change since BEIR III stem from longer followup of exposed populations and new dose estimates for the atomic bomb survivors. Longer followup has led to larger numbers of cancer cases, allowing more precise estimates of risk, as well as initial information on long-term cancer risks for individuals who were very young at the time of exposure (particularly those who were children in Hiroshima and Nagasaki at the time of the bombs). Additional followup has also led to changes in the mathematical models that best describe the doses-response relationships for the various cancers.

RERF released new dose estimates for Hiroshima and Nagasaki in 1986, which differed substantially from the estimates available before then. These estimates are widely considered to be more accurate than the previous ones, and the most appropriate basis for risk calculations. The new estimates benefited from detailed analysis of the nature of the two atomic explosions and the resulting gamma and neutron radiation that would have resulted from them. There were also changes in the assumptions made about the shielding effects of materials between the airborne radiation and survivors. The biggest change came from a reduction in the estimated neutron dose, which lowered dose estimates overall, and made negligible the contribution of neutrons in both Hiroshima and Nagasaki. The lowered doses had the effect of raising the risk estimates per unit of radiation (i.e., each unit of dose is, therefore, somewhat more potent than previously estimated).

SUMMARY OF RESULTS FOR SPECIFIC TYPES OF CANCER

Cancers showing elevated risk in human beings after gamma irradiation

Leukemia.—The risk for all types of acute leukemia and for chronic myeloid leukemia is raised by irradiation of the bone marrow. Age at exposure strongly influences the magnitude of the excess risk and its time course. In the atomic bomb survivors, excess leukemia mortality was seen only in those who received doses of 0.4 Gray (Gy) (40 rad) and above, and risks for individuals exposed at less than 20 years of age were initially higher (though declined faster) than for individuals who were older at the time of exposure. Excess risk of chronic lymphatic leukemia has not been seen in epidemiologic studies.

Female Breast.—Breast cancer risk in females is elevated by irradiation. The effect is strongly affected by hormonal factors and by age at irradiation. Excesses have been observed to begin about 10 years after irradiation.

Lung.—Lung cancer risk is elevated by irradiation, seen in a number of studies, including the followup of atomic bomb survivors. Age at exposure and sex do not appear to modify the excess absolute risk significantly.

Stomach.—Stomach cancer risk is elevated by irradiation. Age at exposure and sex significantly affect the magnitude of the excess risk. From the data on atomic bomb survivors, women are at high risk than men, and those exposed at less than 30 years of age have a comparatively higher risk than those exposed at older ages.

Thyroid.—Thyroid cancer risk is elevated by irradiation. Radiogenic thyroid cancers arise from a particular cell type (follicular epithelium), and are usually not fatal. The magnitude of risk is affected strongly by age at exposure and sex, with exposure at young ages (under 5) having the greatest effects, and the risk for women being higher than that for men. Higher incidence of thyroid tumors, though not mortality, is documented in the atomic bomb survivors.

Esophagus.—Esophageal cancer risk is elevated in several irradiated populations, including the atomic bomb survivors, but details of the dose-response relationship are limited. Risk for females appear to be higher.

Colon and Rectum.—Colon and rectum cancer risks are elevated after irradiation. The excesses are seen at beginning at least a decade after exposure. In the atomic bomb survivors, the increased risk of colon cancer is evident only in those who had more than one gray exposure. Evidence of an increased risk of rectal cancer among the atomic bomb survivors is only "suggestive."

Bone.—Bone cancer risks are elevated in medically-irradiated (gamma and x-rays) populations. The Japanese atomic bomb survivors have shown no excess of bone cancer, however.

Central nervous system.—Risks of central nervous system cancers, including malignant and benign growths of the brain, meninges, and peripheral nerves, are elevated after irradiation, particularly after medical exposure in childhood. No excess of these cancers has been seen among the atomic bomb survivors.

Ovary.—The risks of ovarian cancer are elevated in the Japanese atomic bomb survivors. Results from other cohorts are equivocal.

Urinary Tract.—Risks for cancers of the urinary tract, mainly the bladder, are elevated in several exposed populations, including the atomic bomb survivors (specific tumors included bladder, kidney, and ureter).

Parathyroid glands.—Risks for parathyroid gland cancers are elevated in some irradiated populations, though they occur less frequently than do nonmalignant abnormalities of these glands. Cancers occur very late, on the order of 30 years after exposure. No excess has been seen in the atomic bomb survivors.

Skin.—Risks for basal and squamous cell carcinomas of the skin are elevated in some medically- and occupationally-exposed (uranium miners) populations. No excess has been seen in the atomic bomb survivors.

Lymphoma and multiple myeloma.—Multiple myeloma risks are elevated among a number of exposed populations, including the atomic bomb survivors. Evidence for other types of lymphoma is equivocal.

Salivary glands.—An excess risk for cancers of the salivary gland is apparent in the major irradiated cohorts. Increased incidence, though not mortality, is apparent in the atomic bomb survivors.

Cancers not demonstrating elevated risk in human beings after gamma irradiation

Small Intestine.—No human irradiated populations have demonstrated elevated risks for cancers of the small intestine, though intensively irradiated laboratory animals have shown some increases.

Liver.—Significantly elevated risks for liver cancer have not been noted in gamma-exposed populations. Elevated risks have been seen in populations exposed to chronic irradiation by internal alpha- and beta-emitters.

Uterus.—While some population show a suggestive excess risk for uterine cancer, they are not statistically significant, and are difficult to interpret. This question is considered unresolved.

Testes.—No epidemiologic data suggest an excess of testicular cancer.

Prostrate.—Non-significant excesses of prostate cancer have been seen in some irradiated populations after long followup; any association would appear to be weak.

Nasal cavity and sinuses.—Gamma-exposed populations have shown no excess of nasal cavity or sinus cancers. There is evidence that internally-deposited alpha emitters can cause these cancers.

Pharynx, hypopharynx, and larynx.—The major epidemiologic cohorts have shown no excess of these cancers. Some evidence of excesses in small studies of very heavily radiated individuals does exist, however.

Pancreas.—Cancer of the pancreas does not appear to be elevated in irradiated populations.

Mr. CRANSTON. Mr. President, on January 23, 1990, I asked VA's Advisory Committee on Environmental Hazards to advise me about its plans for reviewing this report. The March 5, 1990, reply stated:

I do not expect that the Committee will be able to consider the BIER V report before its fall 1990 meeting.

I regret that the Advisory Committee will not be responding more promptly to this important report.

Mr. President, I ask unanimous consent that my January 23, 1990, letter and the March 5 reply be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, January 23, 1990.

Mr. OLIVER MEADOWS,
Chairman, Veterans' Advisory Committee on Environmental Hazards, Department of Veterans Affairs, Washington, DC.

DEAR OLIVER: As you know, the National Research Council of the National Academy of Sciences recently issued the fifth report of its Committee on the Biological Effects of Ionizing Radiation—the so-called BEIR V report. The report, "Health Effects of Exposure to Low Levels of Ionizing Radiation," expresses significant new concerns about the type and risk of adverse health effects that might result from exposure to low-level radiation. My understanding is that this latest report contains significant new findings regarding the risk of low-level radiation exposure, the diseases that may be associated with such exposure, and manifestation periods. I expect shortly to introduce legislation to make changes, based on BEIR V, in the Radiation-Exposed Veterans Compensation Act of 1988 (P.L. 100-321).

I would appreciate your advising me of the plans of the Advisory Committee on Environmental Hazards to review BEIR V and the timetable for such a review. In your reply, please include a description of any assignment the Committee has received from the Secretary to review BEIR V or other radiation issues that might affect veterans' compensation or medical care.

Thank you for your prompt attention to this request. As always, I greatly appreciate your cooperation with regard to matters relating to veterans who may have been exposed to environmental hazards.

With warm regards,

Cordially,

ALAN CRANSTON,
Chairman.

DEPARTMENT OF VETERANS AFFAIRS,
GENERAL COUNSEL,
Washington DC, March 5, 1990.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your inquiry of January 23, 1990, concerning the fifth report of the Committee on the Biological Effects of Ionizing Radiation (BEIR V) and what, if any, actions the Veterans' Advisory Committee on Environmental Hazards intends to take with respect to it.

As you know, following Secretary Derwinski's decision not to appeal from a court decision invalidating certain regulations implementing Public Law 98-542, the Committee's attention was directed toward assisting the Department in developing appropriate research evaluation criteria. Following that, the Committee met to apply those criteria to the question of whether there exists a significant statistical association between exposure to a herbicide containing dioxin and the subsequent development of non-Hodgkin's lymphoma. At the Committee's next meeting in May 1990, we will be considering whether there exists such an association with respect to soft-tissue sarcomas and other cancers.

Based upon the magnitude of that task and the Secretary's interest in addressing the Agent Orange issue as expeditiously as possible, I do not expect that the Committee will be able to consider the BEIR V report before its fall 1990 meeting. Based upon conversations that I have had with Department staff, I fully anticipate that the Committee will be asked for its views on this important report at that meeting.

Thank you for your continued interest in the Committee.

Sincerely,

FREDERICK, L. CONWAY
(For Oliver Meadows, Chairman, Veterans' Advisory Committee on Environmental Hazards).

BASIS FOR AMENDING CURRENT LAW

Mr. CRANSTON. Mr. President, the legislation we are introducing today would expand the list of diseases considered presumptively service-connected—by adding cancer of the salivary gland and cancer of the urinary tract—and would eliminate the 40- and 30-year time limits set forth in section 312(c) of title 38 during which the diseases listed in section 312(c) must be manifested to qualify for compensation. The urinary tract, as used here, specifically includes the kidney, renal pelvis, ureter, urinary bladder, and urethra. It does not include the organs of the reproductive system.

Our goal is to continue to ensure that the Government's response to the health problems of veterans who were exposed to ionizing radiation from atomic detonations during their service takes into account the latest scientific knowledge about the true effects of ionizing radiation, while, of course, giving these veterans the benefit of reasonable doubt.

We believe that BEIR V provides ample support for adding these diseases and eliminating the latency-period restrictions in current law.

NEW PRESUMPTIVE DISEASES

Cancer of the salivary gland is rare in the United States. National Cancer Institute data indicate an annual incidence of 1.2 cases per 100,000 males. BEIR V found a dose-dependent increase in Japanese atomic-bomb survivors that indicated "relatively high"

susceptibility of salivary glands to radiation-induced carcinogenesis.

Urinary-tract cancers are more common. For example, the annual incidence rate for urinary bladder cancer is 6.1 per 100,000 U.S. males; the incidence of kidney cancer is 4.6 per 100,000 U.S. males. BEIR V data demonstrate notable associations between bladder and kidney cancer and radiation exposure. The data show an especially strong, dose-dependent connection between radiation and bladder cancer.

In addition, previous studies, discussed in BEIR V, have indicated that cancers of other organs in the urinary system (such as the renal pelvis, ureter, and urethra) are associated with radiation exposure.

Mr. President, the bill does not propose to add certain other diseases that BEIR V indicates could be radiogenic. These were omitted for two reasons. First, the strength of the association with radiation exposure generally was lower or not significantly higher than for the diseases included in the bill. Second, the number of cases of the omitted diseases that might be radiation-related is extremely small compared to the number of cases that are most likely related to other risk factors, such as smoking and diet.

The standard we have applied in making these distinctions basically is the same one I described on April 25, 1988, during consideration of the final version of the legislation that became Public Law 100-321, when I stated that Congress should include presumptions of service-connection for any disease "shown to be strongly associated with radiation and which has not been shown to be strongly associated with any other risk factors."

The amendments contained in this bill are consistent with this standard, are fiscally responsible, and—in light of new scientific knowledge—are necessary to ensure that veterans receive compensation for diseases that may well have been incurred in service in the Armed Forces.

ELIMINATING LATENCY-PERIOD LIMITATIONS

Mr. President, this bill also would eliminate current latency-period limitations because BEIR V shows that these limitations are no longer supportable. The report presents results from a statistical model of Japanese atomic-bomb survivors indicating that, although the leukemia mortality rate peaked within 10 years after fallout exposure, a statistically signficant increased mortality rate "has persisted at a diminished level." This is consistent with another finding in BEIR V regarding patients who received x-ray treatment for ankylosing spondylitis. The report found that these patients were subject to higher-than-normal death rates within 2 years after irradiation, peaking within 5 years, then declining. According to BEIR V, however, "the excess death rate remained significantly elevated for more than 15 years, after which it appeared to persist with little change." BEIR V also found that the increased risk of death persists much longer than previously suspected—perhaps indefinitely in the case of certain other radiogenic diseases.

COST

The Congressional budget office has informally esitmated that the total cost for adding the two diseases and eliminating all latency period would be $6.3 million in budget authority and $5.8 million in outlays in fiscal year 1991. CBO estimates that the costs in the outyears would be $9.1 in budget authority and $8.4 in outlays for fiscal year 1992; $12.1 in budget authority and $11.1 in outlays for fiscal year 1993; $15.1 in budget authority and $13.9 in outlays for FY 1994; $18.8 in budget authority and $16.9 in outlays for fiscal year 1995. Our committee's March 12, 1990, fiscal year 1991 budget views and estimates recommended $11 million in new budget authority and $10.1 in outlays to provide for enactment of radiation-exposed veterans legislation.

OTHER ACTIVITIES INVOLVING EXPOSURE TO IONIZING RADIATION

Mr. President, the bill also would establish a mechanism to ensure that the compensation system continues to reflect the latest scientific knowledge about radiation and its effects. During the past year or so, we have seen an enormous amount of activity in this field. Reputable scientists, including some of those involved in the BEIR V report, have raised questions about many types of activities not covered by current law that might expose servicemembers or the general population to an increased risk of certain diseases, primarily cancer.

For example, an article in the March 1, 1990, New York Times reported that independent measurements of radiation received by flight crews on commercial—and thus, presumably, military—aircraft exceed some Federal radiation standards. The data, presented to the aviation subcommittee of the Society of Automotive Engineers aeronautical section confirms an estimate by the Federal Aviation Administration last year that some pilots and flight attendants absorb dangerous levels of ionizing radiation.

As chairman of the Committee on Veterans' Affairs, I have received expressions of concern from veterans who were exposed to radiation during their service aboard U.S. Navy ships that took part in the disposal of radioactive waste and from veterans who served aboard nuclear submarines.

BEIR V's new data showing increased cancer risks even at "low" levels of exposure strongly suggest the need to re-examine many types of activities involving radiation exposure levels previously considered safe.

Mr. President, we do not yet have sufficient evidence of linkage between radiogenic cancers and these activities to justify our proposing the extension of section 312(c) of title 38 to cover those who participated in them. These concerns, however, must not be ignored. The record compiled in connection with the enactment of section 312(c) in 1988 indicates that the Government knew or had reason to know about the radiation risks of participation in nuclear tests, yet failed to warn or take even rudimentary measures to protect those who participated or to follow up on their health status. I would not be surprised to learn that a similar attitude prevailed with respect to other military activities involving ionizing radiation.

Section 3 of the bill would require the Secretary, in consultation with the Secretary of Defense, to compile, within 180 days after enactment, a list of all activities not defined under current law as "radiation-risk" activities but involving potential exposure to ionizing radiation that exceeds background levels. Immediately upon including an activity in this list, the Secretary would be required to direct the VA Advisory Committee on Environmental Hazards to carry out an evaluation of whether there is a reasonable possibility of an association between the maximum exposure from the activity and the diseases listed in section 312(c)(2) of title 38. Within 120 days after being directed to carry out an evaluation, the Advisory Committee would be required to provide the Secretary with a report of its findings and recommendations. Within 60 days after receiving a report regarding a particular activity, the Secretary would be required to establish a presumption of service connection for those who participated in the activity and suffer from one of the diseases listed in section 312(c) unless the Secretary determines that the available credible scientific evidence clearly establishes that there is no reasonable possibility of an association between the maximum exposure from the activity and a particular listed disease. Where a presumption is established, VA could still overcome the presumption in an individual case by showing that a particular individual's condition resulted from another cause.

I foresee that this part of the bill would require immediate action with respect to the activities of medical technicians, crew members of ships that disposed of nuclear wastes, flight crews of aircraft, and crew members of nuclear-powered submarines or surface ships.

It is important also to note that the VA Advisory Committee has the responsibility—under the statute creat-

ing the Advisory Committee, section 6 of Public Law 98-542—to evaluate scientific studies relating to possible adverse health effects of exposure to ionizing radiation. This responsibility clearly encompasses a duty to evaluate any possible association between radiation exposure during service and diseases not included in section 312(c) of title 38, including exposure resulting from activities either within the current-law definition of "radiation-risk" activities or the other activities that would be listed pursuant to this bill. For example, if the Secretary included military "service as a medical x-ray technician" in the list of other activities involving exposure to radiation, compiled under section 3(a) of the bill, this would immediately raise concerns about the effects of radiation on the health of women—a veterans population not implicated in the radiation-risk activities identified in section 312(c) of title 38. BEIR V provides ample evidence that ionizing radiation has a strong association with ovarian cancer and female breast cancer. If this activity were listed as a result of this bill, and perhaps even if it were not, the Advisory Committee has a duty under current law to evaluate any possible association between the activity and the cancers listed in section 312(c) of title 38 as well as other diseases.

CONCLUSION

The Committee has scheduled hearings on this bill and other compensation and pension legislation for May 17. I look forward to working with my colleagues on this important effort to ensure that the system we use to compensate veterans for these serious, often-fatal diseases incurred as a result of their service to our Nation is consistent with the latest scientific knowledge about the biological effects of radiation.

Mr. President, I ask unanimous consent that the text of our bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Radiation-Exposed Veterans Compensation Amendments of 1990".

SEC. 2. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR CERTAIN RADIATION-EXPOSED VETERANS.

Section 312(c) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking out "to a degree" and all that follows through "subsection)";

(2) in paragraph (2), by adding at the end the following new clauses:

"(N) Cancer of the salivary gland.

"(O) Cancer of the urinary tract.";

(3) by striking out paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 3. ADJUDICATION OF CLAIMS BASED ON EXPOSURE TO IONIZING RADIATION.

(a) IDENTIFICATION OF ACTIVITIES INVOLVING EXPOSURE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs (hereafter in this section referred to as the "Secretary"), in consultation whith the Secretary of Defense, shall compile a list of the types of activities (other than the activities described in paragraph (3)(B) (as redesignated by section 2) of section 312(c) of title 38, United States Code) in which individuals serving on active duty, active duty for training, or inactive duty training have participated and which likely would have exposed such individuals to levels of ionizing radiation above background levels. In compiling the list, the Secretary shall, to the extent feasible—

(1) describe the times and places at which exposure to each listed activity may have occurred;

(2) specify the maximum level of radiation to which participants in each listed activity may have been exposed; and

(3) provide information sufficient to make possible the identification of the individuals who, while so serving, participated in each of the activities.

(b) EVALUATION BY THE ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS.—Immediately after including an activity on the list referred to in subsection (a), the Secretary shall direct the Veterans' Advisory Committee on Environmental Hazards (established by section 6 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (38 U.S.C. 354 note) and hereafter in this section referred to as the "Advisory Committee") to evaluate, and make a finding as to, whether there is a reasonable possibility that there is an association between the maximum level of exposure experienced by participants in the activity and one or more of the diseases specified in section 312(c)(2) of title 38, United States Code. Evaluations and findings made pursuant to this subsection shall be made on the basis of available scientific evidence.

(c) REPORT OF EVALUATION.—The Advisory Committee shall promptly make the evaluation required by subsection (b) with respect to each activity included on the list referred to in subsection (a) and, not later than 120 days after receiving a direction under subsection (b), submit to the Secretary a report regarding the results of the evaluation. The Advisory Committee shall include in the report its findings and such recommendations as it considers appropriate to assist the Secretary in carrying out subsection (d).

(d) DETERMINATIONS.—(1)(A) Except as provided in paragraph (2) and subject to subparagraph (B), the Secretary shall, within 60 days after receiving a report of an evaluation under subsection (c), establish for purposes of section 310 of title 38, United States Code, a presumption that each of the diseases specified in section 312(c)(2) of such title if incurred by an individual who participated in an activity included on the list referred to in subsection (a) during the individual's service on active duty, active duty for training, or inactive duty training was incurred in such service. The Secretary shall establish the presumption without regard to whether there was any record of the disease during that service.

(B) A disease will not be presumed to have been incurred during active duty, active duty for training, or inactive duty training based upon a particular individual's participation in an activity included on a list referred to in subsection (a) if—

(i) there is affirmative evidence to contravene the presumption established under paragraph (A);

(ii) there is evidence to establish that the individual suffered an intercurrent injury or disease which is a recognized cause of the disease for which a claim for benefits is made, an the individual suffered from the intercurrent injury or disease between the date of separation from service and the onset of the disease for which a claim for benefits is made.

(2) The requirement in paragraph (1)(A) regarding the establishment of a presumption shall not apply with respect to a disease incurred by a participant in an activity included on the list compiled pursuant to subsection (a) if the Secretary determines that the available credible scientific evidence clearly establishes that there is no reasonable possibility that there is an association between that disease and participation in that activity.

(e)(1) REPORTS TO CONGRESSIONAL COMMITTEES.—Within five days after the list referred to in subsection (a) is initially compiled, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the list. Thereafter, whenever an activity is added to the list the Secretary shall immediately report that fact to such committees.

(2) Within 120 days after receiving a report of an evaluation under subsection (c), the Secretary shall submit to the committees named in paragraph (1) a copy of that report and a report of the actions that the Secretary has taken and is planning to take with respect to the matters pertaining to the evaluation. The Secretary shall include in the report a detailed explanation of any determination that the Secretary has made or plans to make under subsection (d)(2).

(f) DEFINITIONS.—For the purpose of this section, the terms "active duty", "active duty for training", and "inactive duty training" shall have the meanings provided in paragraphs (21), (22), and (23), respectively, of section 101 of title 38, United States Code.

Mr. DASCHLE. Mr. President, I am pleased today to join the distinguished chairman of the Senate Veterans' Affairs Committee, Senator CRANSTON, and Senators MITCHELL, DECONCINI, ROCKEFELLER, JEFFORDS, SIMON and BINGAMAN in sponsoring the Radiation-Exposed Veterans Compensation Amendments of 1990. The goal of this legislation is to ensure that the Government's response to veterans who were exposed to ionizing radiation from atomic detonations during their service takes into account the latest scientific knowledge about the true effects of ionizing radiation, while giving these veterans the benefit of reasonable doubt.

My interest in this legislation began during my tenure in the House of Representatives, where I served on the House Veterans' Affairs Committee and introduced legislation to establish standards for VA disability compensation for veterans exposed to ionizing

radiation from atomic detonations. My colleagues will vouch for the fact that it has been a long, tough battle to secure legislation that provides disability compensation for these two groups of veterans. We've battled against tremendous odds, including Government denials of the importance of scientific evidence linking radiation exposure to disease and Government reluctance to give our Nation's veterans the benefit of the doubt. Finally, 40 years after the injuries, Congress enacted the first compensation for certain radiation-exposed veterans in 1988.

Today, we are one step closer to claiming victory for the hundreds of veterans who are suffering diseases linked to their exposure to ionizing radiation from atomic detonations. This legislation makes three important changes to the current law. First, it would add cancer of the salivary gland and cancer of the urinary tract to the list of 13 cancers presumed to be service-connected for veterans who participated in a radiation-risk activity.

Second, it would eliminate the two current limitations on the time period following exposure within which the specified cancer must appear.

Third, it would require the Department of Veterans Affairs to give special consideration for purposes of granting compensation to veterans suffering from the list diseases who participated in activities that involved radiation exposure but are not considered "radiation-risk activities" under current law.

Most importantly, this legislation reflects the major findings presented in the newest report of the National Academy of Sciences' Committee on the Biological Effects of Ionizing Radiation, known as BEIR V. Unlike previous studies on the effects of radiation the BEIR V study had access to 10 more years of information on the health status of the Japanese survivors of the atomic blasts and made use of new biostatistical techniques for analyzing the complicated array of data. As the chairman of the Senate Veterans' Affairs Committee pointed out, the Office of Technology and Assessment has reviewed the BEIR V report and found the information both reliable and sound.

The BEIR V report substantiates what veteran who were exposed to ionizing radiation during their service have known all along-that lifetime excess cancer risk following low-level radiation exposure is three to four times greater than previously thought.

I hope my colleagues will consider the findings of the BEIR V report and join me in supporting legislation to compensate those veterans who were exposed to radiation during their service aboard U.S. Navy ships that took part in the disposal of radioactive waste and veterans who served on nuclear submarines.

Mr. SIMON. Mr. President, I am pleased, today, to join my colleague from California, the distinguished chairman of the Senate Veterans' Affairs Committee, in a bill that would amend provisions enacted in the 1988 radiation-exposed veterans compensation law, Public Law 100-321.

The changes which would take place upon passage of this bill would update the law to reflect major new findings presented in the latest report of the National Academy of Sciences' Committee on the Biological Effects of Ionizing Radiation, known as BEIR V.

This report has been judged as reliable and sound by various representatives, including the Office of Technology Assessment.

The report identifies several types of cancer associated with exposure to radiation and includes analyses and computer models indicating increased cancer risks at far lower exposures than most scientists previously recognized.

The changes this bill would bring about are needed to reflect fair treatment for affected veterans.

We need to pass this bill. Earlier I said the first legislation was more than a good beginning. This makes the legislation even better.

By Mr. MURKOWSKI:

S. 2557. A bill to redesignate the Chief Medical Director of the Department of Veterans Affairs as the Under Secretary of Veterans Affairs for Health Services and Research and to redesignate the Chief Benefits Director of that department as the Under Secretary of Veterans Affairs for Benefits; to the Committee on Veterans' Affairs.

DESIGNATION OF CERTAIN UNDER SECRETARIES OF VETERANS AFFAIRS

● Mr. MURKOWSKI. Mr. President, I rise to introduce legislation which would designate as Under Secretaries of Veterans Affairs the individuals responsible for the Veterans Health Services and Research Administration [VHS&RA] and the Veterans Benefits Administration [VBA] of the Department of Veterans Affairs.

I am introducing this legislation because it has become clear that these offices must have a title which accurately reflects the importance of the duties performed by these individuals who are entrusted with responsibility for administering VA's health care and benefits systems. The legislation would not change the actual rank or pay of the offices or the individuals who serve in them. They would remain at executive compensation level III.

VA's Chief Medical Director is the head of VHS&RA and is responsible for 172 medical centers, 233 outpatient clinics, 194 readjustment counseling centers. He directs over 194,000 employees, a budget of over $12 billion, and is responsible for inpatient treatment of over 1 million veterans a year. VA will provide 21 million outpatient visits in 1990. The CMD also oversees a medical research budget of over $200 million annually.

Similarly, the head of VBA, the Chief Benefits Director, is responsible for the delivery of disability compensation benefits to almost 2.2 million veterans with diseases or disabilities which arose while they were on active duty, disability pensions to 592,000 low income veterans with disabilities or diseases which arose subsequent to their active duty, service-connected surviviors' benefits to the survivors of 320,000 veterans who died due to a disease or injury which occurred while the veteran was on active duty, and non-service-connected survivors' benefits for 563,000 low income survivors of veterans who died due to a cause which arose subsequent to service.

VBA administers veterans education programs which will provide education and training to 359,000 veterans and survivors in 1990. The head of VBA will be responsible for the vocational rehabilitation of 28,000 disabled veterans this year. VBA programs also include the home loan guaranty program which is expected to guaranty the loans necessary to purchase 177,000 homes in 1990. VBA has physical possession of 17,000 houses which it has acquired and must resell. VBA also administers what would be the fifth largest life insurance company in the country if it were in the private sector.

Chief Benefits Director and Chief Medical Director are honorable titles and enjoy decades of tradition. However, to the uninitiated these titles communicate neither the scope of responsibility nor the importance of the duties assumed by the public servants who perform those duties and meet those responsibilities.

In short, these officers are not perceived to be Presidential appointees, requiring the advice and consent of the Senate, and equal in both rank and responsibility to Under Secretaries. In Washington, perception becomes reality. Enactment of this legislation would ensure that perception and reality agree. It would allow the heads of VBA and VHS&RA to interact with other agencies, with the Executive Office of the President, and with the public as the Under Secretaries they now are in all respects, but for title. America's veterans would be the beneficiaries of the enactment of this bill and I urge my colleagues to join me in its support.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNDER SECRETARY OF VETERANS AFFAIRS FOR HEALTH SERVICES AND RESEARCH.

Section 3(b) of the Department of Veterans Affairs Act (Public Law 100-527; 102 Stat. 2635) is amended—

(1) in the first and second sentences of paragraph (1) and in paragraph (2), by striking out "Chief Medical Director" each place it appears and inserting in lieu thereof "Under Secretary of Veterans Affairs for Health Services and Research";

(2) in the third and fourth sentences of paragraph (1), by striking out "Chief Medical Director" and inserting in lieu thereof "Under Secretary"; and

(3) by striking out "CHIEF MEDICAL DIRECTOR" in the subsection heading and inserting in lieu thereof "UNDER SECRETARY OF VETERANS AFFAIRS FOR HEALTH SERVICES AND RESEARCH".

SEC. 2. UNDER SECRETARY OF VETERANS AFFAIRS FOR BENEFITS.

Section 3(c) of such Act is amended—

(1) in the first and second sentences of paragraph (1) and in paragraph (2), by striking out "Chief Benefits Director" each place it appears and inserting in lieu thereof "Under Secretary of Veterans Affairs for benefits";

(2) in the third and fourth sentences of paragraph (1), by striking out "Chief Benefits Director" and inserting in lieu thereof "Under Secretary"; and

(3) by striking out "CHIEF BENEFITS DIRECTOR" in the subsection heading and inserting in lieu thereof "UNDER SECRETARY OF VETERANS AFFAIRS FOR BENEFITS".

SEC. 3. CONFORMING AMENDMENTS.

(a) CONTINUATION OF SERVICE.—(1) Section 3(f) of such Act is amended by striking out "may continue to" and inserting in lieu thereof "may be designated as the Under Secretary of Veterans Affairs for Health Services and Research by the President and may".

(2) Section 3(g) of such Act is amended by striking out "may continue to" and inserting in lieu thereof "may be designated as the Under Secretary of Veterans Affairs for Benefits by the President and may".

(b) REFERENCES.—Section 10 of such Act is amended—

(1) in paragraph (4), by striking out "Chief Medical Director of the Department of Veterans Affairs" and inserting in lieu thereof "Under Secretary of Veterans Affairs for Health Services and Research"; and

(2) in paragraph (6), by striking out "Chief Benefits Director of the Department of Veterans Affairs" and inserting in lieu thereof "Under Secretary of Veterans Affairs for Benefits".

(c) COMPENSATION FOR CONTINUED SERVICE.—Section 11(f) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) who serves as Under Secretary of Veterans Affairs for Health Services and Research or Under Secretary of Veterans Affairs for Benefits under subsection (f) or (g), respectively, of section 3.".

(d) PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.—Paragraph (2) of section 12(c) is amended by striking out "Chief Medical Director, the Chief Benefits Director" and inserting in lieu thereof "Under Secretary of Veterans Affairs for Health Services and Research, the Under Secretary of Veterans Affairs for Benefits".

(e) COMPENSATION LEVEL.—Section 5314 of title 5, United States Code, is amended—

(1) by striking out

"Chief Medical Director, Department of Veterans Affairs.

"Chief Benefits Director, Department of Veterans Affairs."

and inserting in lieu thereof the following:

"Under Secretary of Veterans Affairs for Health Services and Research.

"Under Secretary of Veterans Affairs for Benefits.".●

By Mr. BRYAN (for himself and Mr. REID):

S. 2558. A bill to amend section 1307 of title 18, United States Code, to permit radio and television advertising of casino gambling; to the Committee on the Judiciary.

ADVERTISING OF CASINO GAMBLING

● Mr. BRYAN. Mr. President, I am introducing today legislation to remove a discriminatory provision in current law which prohibits the gaming industry from radio and television advertising. The time has come to correct this glaring inequity.

There are archaic provisions of Federal law which forbid radio and television advertising by the gaming industry. It's crazy to outlaw advertising of private companies when at the same time, States all ovr the country are encouraging people to wager in State-run lotteries. Private enterprise must be put on a level playing field with government sponsored wagering.

There is no good reason why the gaming industry shouldn't be permitted to buy advertising from radio and television stations, other than some old fashion prejudice. There is no other medium which has the reach and potential to encourage visitors to Nevada. This is a valuable tool other tourists destinations have that is now denied Nevada.

Gaming is the life blood of Nevada's economy. This legislation should greatly assist our effort to attract more tourist to Nevada. Recently, the Las Vegas Convention and Visitors Authority voted a large increase in the advertising budget to meet the intense competition for tourists. With a massive expansion of hotel rooms coming on line in the next several years, we must use every tool possible to expand our industry's reach.

Mr. President, I urge my colleagues to work with me to correct this deficiency in current law.●

By Mr. KOHL (for himself, Mr. SPECTER, Mr. DODD, Mr. BRADLEY, Mr. DECONCINI, Mr. LIEBERMAN, Mr. SIMON, and Mr. BINGAMAN):

S. 2559. A bill to provide for a comprehensive approach to drug abuse prevention and treatment, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE ASSISTANCE TO SUBSTANCE ABUSING FAMILIES ACT OF 1990

Mr. KOHL. Mr. President, today I am introducing a bill to create a coherent system of prevention and treatment services for parents with drug and alcohol problems, especially women of child-bearing age, and their children. I am pleased to have my distinguished colleagues, Senators SPECTER, DODD, BRADLEY, DECONCINI, LIEBERMAN, SIMON, and BINGAMAN, join me in sponsoring this legislation. It will ensure comprehensive, coordinated services within communities and at the State and Federal level for children, youth, and families at risk of substance abuse.

This legislation has been endorsed by the National Council on Alcoholism and Drug Dependency, Therapeutic Communities of America, the National Association of State Drug and Alcohol Directors, and the American Association for Marriage and Family Therapy. In addition, helpful advise in crafting the bill was extended by the National Coalition on Alcoholic and Drug Dependent Women, the National Mental Health Law Project, the American Public Welfare Association, the Association of Junior Leagues International, the Child Welfare League, the Coalition on Child Abuse, the National Organization for Women, and many others.

Mr. President, no one in the Senate would question the need to address the crisis drug abuse poses for millions of American children and families. I am talking about a crisis with human faces: Pregnant women hooked on drugs and alcohol, infants born addicted, and fathers locked in a cycle of alcoholism, drug use and violence. This Public Health Emergency now threatens the well-being of hundreds of thousands of mothers and fathers and children. It will overwhelm our hospitals, child welfare agencies, and schools unless we take immediate steps to remedy it.

Last summer, I chaired a hearing before the Governmental Affairs Committee, looking at the need to coordinate prevention and treatment services for alcoholic and drug dependent women. The statistics I heard then frightened me. In Milwaukee, in my home State of Wisconsin, 500 pregnant women will need drug and alcohol treatment services this year. But there is only one residential drug treatment center for women and children in the entire State. And that center—Meta House—can serve only 10 to 12 women a year.

My home State has also seen a sharp jump in reports of child abuse and neglect associated with parental drug and alcohol problems. Overall reports soared from about 10,000 in 1983 to some 31,000 in 1988. Forty-one percent of the affected children were under

the age of five. Wisconsin is not unique. In New York City in 1988, 41 percent of all reports of child abuse and neglect categorized as high risk involved drugs. And half of all child abuse fatalities that year were attributed to parental drug abuse. Cities and States are having a hard time finding child welfare workers with any background in identifying drug use. And the workers they have cannot keep up with all the cases.

It should come as no surprise that child poverty rates have soared in Wisconsin as well. Between 1979 and 1987, the number of children living in poverty increased by 52 percent. The problems of parental substance abuse, child maltreatment, and poverty are intimately connected. And we cannot solve one or the other without addressing them all.

Without more residential drug treatment centers, women will have to choose between keeping their children or getting sober. Without more prevention and treatment options, the child welfare system will remain under siege. Without more drug treatment slots, prenatal care and WIC providers will have no place to refer the addicted pregnant women they see. And without maternal and child health, drug and alcohol treatment, and child welfare agencies working together, thousands of women and children will continue to fall through the cracks.

The legislation we are introducing today would address all these issues in a comprehensive, coherent fashion. It would provide prevention and treatment services for parents, especially women of child-bearing age. It would guarantee services for affected infants, toddlers, and school-age children, such as education, health and child welfare. And it would provide coordinated programs for adolescents at risk of substance abuse.

Coordination is critical. No single agency can meet the needs of all these children and families. All too often, local providers must struggle with conflicting Federal funding requirements designed for narrow categories of clients and problems. But families at risk need access to a broad range of services, including drug and alcohol treatment, health care, social services, and housing assistance. This bill would help establish new and better ways to coordinate such essential programs within communities, States, and the Federal Government.

In closing, there are some who will look at the authorizing figures attached to this bill and say they cost too much. As a businessman, I would be the last one to take for granted the total cost of this package, $455. But the fiscal and human costs of not enacting these proposals are much, much greater.

According to a recent study by the inspector general of Health and Human Services, we spend $5 billion a year to provide acute care for 100,000 infants born exposed to cocaine. I repeat, Mr. President, $5 billion a year. That doesn't include the longer-term health, education, and social services necessary to prepare these children for school or help them graduate. When you multiply out those costs, the numbers go right off the charts. So, I urge my colleagues to join us in investing in prevention and treatment and America's future now by cosponsoring this legislation.

Mr. President, I ask unanimous consent that a summary, the text of the "Comprehensive Assistance for Substance Abusing Families Act of 1990" appear in the RECORD in its entirety. I further ask unanimous consent that statements of support from the National Council on Alcoholism, the American Association for Marriage and Family Therapy, the American, Society of Addiction Medicine, National Association of State Drug and Alcohol Abuse Directors, and the Therapeutic Communities of America appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Assistance to Substance Abusing Families Act of 1990."

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the sharp rise in parental drug and alcohol abuse has triggered a National health emergency;

(2) as many as 375,000 infants a year, accounting for 11 percent of all births, are exposed to illegal drugs and alcohol;

(3) children suffering from exposure to alcohol and drugs are at much greater risk of poor health, developmental delays, and even death;

(4) recent sharp jumps in the infant mortality rate in a number of cities are directly tied to parental drug and alcohol abuse;

(5) in the majority of States, parental drug and alcohol abuse is now the most prevalent characteristic in reported cases of child abuse and neglect;

(6) the fiscal costs of parental drug and alcohol abuse are as serious and far-reaching as the tragic human costs;

(7) drug and alcohol exposed infants are stretching hospital resources to the breaking point;

(8) drug and alcohol affected infants are flooding an already overburdened child welfare system;

(9) the Inspector General has determined that it costs $5,000,000,000 a year to provide acute care and foster care for 100,000 infants exposed to crack cocaine;

(10) the learning and behavioral disabilities associated with drug and alcohol exposure during infancy may lead affected children to overwhelm public school systems;

(11) targeted prevention and comprehensive treatment programs for parents would provide an essential remedy, but such programs are few and far between;

(12) significant barriers to treatment, including lack of child care, remain for alcoholic and drug dependent women; and

(13) maternal and child health is endangered by lack of access to prenatal care and drug and alcohol treatment.

(b) PURPOSES.—It is the purpose of this Act to—

(1) provide for the development and provision of comprehensive, coordinated, and continuous prevention and treatment services for parents with drug and alcohol problems and their children;

(2) address the crisis in child welfare, education and health services for young children and families posed by the related problems of parental drug and alcohol abuse, AIDS, and homelessness; and

(3) provide for the development of comprehensive programs and coordinate health, education, and social services for youth at risk.

TITLE I—PROVISIONS RELATING TO THE PUBLIC HEALTH SERVICE ACT

SEC. 101. INTERAGENCY COMMITTEE ON PARENTAL DRUG AND ALCOHOL ABUSE.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq) is amended by inserting after section 508 the following new section:

"SEC. 508A. INTERAGENCY COMMITTEE ON PARENTAL DRUG AND ALCOHOL ABUSE.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and implement a program to gather information concerning existing impediments in Federal laws, regulations, and practices that interfere with the provision of comprehensive, coherent local treatment services to parents with drug or alcohol problems, especially pregnant and post-partum women, and with the provision of comprehensive, coherent preventive services to children, youth and families at risk, and to make recommendations for the prompt removal of such obstacles.

"(b) ACTIVITIES.—In implementing the program established under subsection (a), the Secretary shall—

"(1) conduct and support research on the best ways to promote and provide incentives for coordination, at the local service provider level, of comprehensive, coherent treatment services to parents with drug or alcohol problems, especially pregnant and postpartum women, and of comprehensive, coherent preventive services to children, youth and families at risk;

"(2) coordinate all research, prevention and treatment, health care and social services, educational programs, and other activities within the Department of Health and Human Services that relate to children, youth and families at risk due to parental drug and alcohol abuse and coordinate, through the Interagency Committee on Parental Drug and Alcohol Abuse (established under subsection (c)), such activities with similar activities of other Federal Agencies and private agencies;

"(3) establish and maintain a liaison with appropriate private entities, other Federal agencies, and State and local public agencies concerning activities relating to children, youth and families at risk due to parental drug and alcohol abuse;

"(4) collect, analyze, and disseminate information, studies, and other data relating to children, youth and families at risk due to parental drug and alcohol abuse and develop standards, criteria, and methodologies for the provision of improved comprehen-

sive, coherent local services to children, youth and families at risk due to parental drug and alcohol abuse; and

"(5) undertake any other additional information and research activities that the Secretary determines necessary and appropriate to carry out this section.

"(c) ESTABLISHMENT OF COMMITTEE.—

"(1) IN GENERAL.—To carry out the activities described in paragraphs (2) and (3) of subsection (b), the Secretary shall establish an Interagency Committee on Parental Drug and Alcohol Abuse (hereafter referred to in this section as the 'Committee').

"(2) COMPOSITION.—The Committee shall be composed of—

"(A) members appointed by the Secretary from appropriate institutes and agencies within the Department, including—

"(i) the Office for Substance Abuse Prevention;

"(ii) the Office for Treatment Improvement;

"(iii) the Office of Maternal and Child Health;

"(iv) the Indian Health Service;

"(v) the Bureau of Health Care Delivery and Assistance; and

"(vi) the Office of Human Development Services;

"(B) members appointed by the Secretary of the Interior that shall include a representative of the Bureau of Indian Affairs;

"(C) members appointed by the Secretary of Agriculture;

"(D) members appointed by the Secretary of Defense;

"(E) members appointed by the Secretary of Education;

"(F) members appointed by the Secretary of Housing and Urban Development;

"(G) members appointed by the Secretary of Labor; and

"(H) five members appointed by the Secretary from among physicians, scientists, community-based nonprofit organizations, and advocates who represent private entities involved in informing the public concerning the child health and development effects of parental alcohol and drug abuse.

"(3) CHAIRPERSON.—The Secretary shall designate the chairperson of the Committee.

"(4) COMPENSATION AND EXPENSES.—

"(A) COMPENSATION.—Members of the Committee who are not regular full-time employees of the United States government shall, while attending meetings and conferences of the Committee or otherwise engaged in the business of the Committee (including traveltime), be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service under GS-18 of the General Schedules established under section 5332 of title 5, United States Code.

"(B) EXPENSES.—While away from their homes or regular places of business on the business of the Committee, members of such Committee may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"(5) OTHER INFORMATION.—The Secretary ensure that the Committee is provided with such staff, information, and other assistance as the Committee may require to carry out its activities effectively.

"(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report that shall contain—

"(1) a review of all Federal activities and programs to—

"(A) prevent and treat drug and alcohol abuse and deliver necessary, related services to parents, especially women of child-bearing age;

"(B) to provide prenatal care to pregnant women who abuse drugs or alcohol; and

"(C) to assist drug and alcohol exposed infants, from birth through enrollment and attendance in school;

"(2) recommendations for improvements in programs and activities conducted by Federal agencies, State and local governments, and private voluntary organizations—

"(A) to prevent and treat drug and alcohol abuse and deliver necessary related services to parents, especially women of child-bearing age;

"(B) to provide prenatal care to pregnant women who abuse drugs or alcohol; and

"(C) to assist drug and alcohol exposed infants, toddlers and school age children;

"(3) recommendations for improving the coordination of existing programs and activities—

"(A) to prevent and treat drug and alcohol abuse among parents, especially women of child-bearing age;

"(B) to provide prenatal care to pregnant women who abuse drugs or alcohol; and

"(C) to assist drug and alcohol exposed infants, toddlers and school-age children; and

"(4) an assessment of the professional and technical assistance available for States, local governments, and other public and private nonprofit organizations.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1991 through 1995 to carry out this section.".

SEC. 102. INTERAGENCY PREVENTION CHALLENGE PROGRAMS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) (as amended by section 101) is further amended by inserting after section 508A the following new section:

"SEC. 508B. INTERAGENCY PREVENTION CHALLENGE PROGRAMS.

"(a) PROJECTS FOR AT RISK PARENTS.—

"(1) ESTABLISHMENT.—The Secretary shall establish a challenge grant program for State and local entities through the establishment of interagency demonstration projects to assist parents with alcohol and drug problems, including pregnant and postpartum women, and their children.

"(2) CONSULTATION.—In allocating resources under paragraph (1), the Secretary shall consult with the Interagency Committee on Parental Drug and Alcohol Abuse established under section 508A(c), and allocate such resources on the basis of the plan submitted collaboratively by the participating Federal entities.

"(3) REQUIREMENTS.—To be eligible to receive assistance under the program established under paragraph (1), the participating Federal entities shall submit a single plan to the Interagency Committee on Parental Drug and Alcohol Abuse. In developing such plan, the Secretary should include participants from the—

"(A) Department of Health and Human Services, including the Office for Substance Abuse Prevention, Office of Human Development Services, Bureau of Health Care Delivery and Assistance, Indian Health Service, the Office for Treatment Improvement, and the Office of Maternal and Child Health;

"(B) Department of Education;

"(C) Department of Agriculture;

"(D) Department of the Interior (that shall include a representative from the Bureau of Indian Affairs);

"(E) Department of Labor; and

"(F) Department of Defense.

"(4) ACCOUNTABILITY.—The Secretary shall submit an annual report to the appropriate Committees of Congress concerning the status of progress with respect to programs developed under this section. Such report shall include a section concerning collaborative efforts developed and implemented within relevant Federal entities as well as a section concerning State and local coordination. The report shall also include—

"(A) a plan designed to meet Federal, State, and local needs as such relate to prevention and treatment, education, and delivery of health and social services and any other related services necessary to address drug and alcohol problems among parents and their children;

"(B) the allocation of funds at State and local levels; and

"(C) how goals and objectives, as stated in the plan, are being accomplished.

"(5) EVALUATION.—The Secretary shall conduct evaluations to determine the effectiveness of the projects assisted under this section.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $30,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1995.

"(b) PROJECTS FOR HIGH RISK YOUTH.—

"(1) IN GENERAL.—The Secretary shall establish a challenge grant program for State and local entities through the establishment of interagency demonstration projects to assist youth at risk of alcohol and drug problems.

"(2) CONSULTATION.—In allocating resources under paragraph (1), the Secretary shall consult with the Juvenile Justice Coordinating Committee. Such resources shall be allocated based on the plan submitted collaboratively by the participating Federal entities.

"(3) REQUIREMENTS.—To be eligible for assistance under this subsection, the participating Federal entities shall submit a single plan to the Juvenile Justice Coordinating Committee. In developing the plan, the Secretary should include participants from the—

"(A) Department of Health and Human Services, including the Office for Substance Abuse Prevention, Office of Human Development Services, Bureau of Health Care Delivery and Assistance, Indian Health Service, the Office for Treatment Improvement, and the Office of Maternal and Child Health;

"(B) Department of Justice;

"(C) Department of Education;

"(D) Department of Agriculture;

"(E) Department of the Interior which shall include a representative from the Bureau of Indian Affairs;

"(F) Department of Labor; and

"(G) Department of Defense.

"(4) ACCOUNTABILITY.—The Secretary shall submit an annual report to Congress concerning the status of progress with respect to programs developed under this subsection. Such report shall include a section concerning collaborative efforts developed and implemented within relevant Federal

entities as well as a section concerning State and local coordination. The report shall also include

"(A) a plan designed to meet Federal, State, and local needs as such relate to prevention and treatment, education, and delivery of health and social services and any other related services necessary to address drug and alcohol problems among high risk youth;

"(B) the allocation of funds at State and local levels; and

"(C) the manner in which goals and objectives, as stated in the plan, are being accomplished.

"(5) EVALUATION.—The Secretary shall conduct evaluations to determine the effectiveness of the projects assisted under this subsection.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $30,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1995.".

SEC. 103. PUBLIC EDUCATION REGARDING ALCOHOL AND DRUG USE DURING PREGNANCY.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end thereof the following new section:

"SEC. 509H. PUBLIC EDUCATION REGARDING DRUG AND ALCOHOL USE DURING PREGNANCY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish and implement a program to inform the public of any dangers to maternal and child health resulting from drug and alcohol use during pregnancy and the post-partum period.

"(2) DUTIES OF SECRETARY.—In implementing the program established under paragraph (1) the Secretary shall—

"(A) develop educational programs and materials and public service announcements for women of child-bearing age and their male partners concerning the dangers to maternal and child health resulting from alcohol and drug use during pregnancy and the post-partum period, and the dangers to health throughout childhood posed by parental drug and alcohol abuse;

"(B) make such programs, materials, and announcements available to States, local governments, school systems, the media, community-based nonprofit organizations, health-related facilities, and such other entities as the Secretary determines appropriate to further the purposes of this section; and

"(C) conduct, support, and encourage the coordination of research on the effect of alcohol and drug use during pregnancy and the post-partum period.

"(3) CONSULTATION.—In developing programs, materials, and announcements under paragraph (2)(A), the Secretary shall consult with the Interagency Committee on Parental Drug and Alcohol Abuse established under section 508A(c), the Secretary of Education, medical and public health entities, consumer and advocacy groups, and other appropriate entities.

"(b) ASSISTANCE.—The Secretary may provide technical assistance and make grants to States—

"(1) to assist such States in the development of educational programs and materials and public service announcements for women of child-bearing age and their male partners concerning the dangers to maternal and child health resulting from the use of alcohol and drugs during pregnancy and the post-partum period, and the dangers to health throughout childhood posed by parental drug and alcohol abuse; and

"(2) to assist in the distribution of such programs, materials and announcements through such States.

"(c) EVALUATION.—The Secretary shall conduct evaluations to determine the effectiveness of the projects assisted under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.".

SEC. 104. COMPREHENSIVE PREVENTION AND TREATMENT SERVICES FOR WOMEN IN PRISON.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) (as amended by section 103) is further amended by adding at the end thereof the following new section:

"SEC. 509I. COMPREHENSIVE PREVENTION AND TREATMENT SERVICES FOR WOMEN IN PRISON.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Office for Treatment Improvement and the Director of the Office of Maternal and Child Health, shall make grants to eligible entities for the establishment of pilot programs at not fewer than 20 State and local jails or prisons to provide comprehensive drug and alcohol abuse treatment services for women and in the event of pregnancy, prenatal and post-partum care.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be a public or private nonprofit entity with demonstrated experience in the provision of drug and alcohol abuse treatment services for women and for pregnant women and prenatal and post-partum care;

"(2) provide or arrange for the provision of intervention services for female inmates, including—

"(A) drug and alcohol abuse and addiction treatment services, with priority given to discrete treatment units that provide detoxification if necessary, comprehensive drug and alcohol abuse education, the development of individualized treatment plans, individual and group counseling, and ongoing access to self-help groups;

"(B) in the event of pregnancy, prenatal and post-partum health care;

"(C) support services (such as counseling to address family violence and sexual assault);

"(D) life skills training (such as parenting and child development classes);

"(E) education services (such as literacy and vocational training); and

"(F) after care services;

"(3) provide or arrange for the provision of ancillary health and social services and such other assistance as will ensure that females can maintain contact with their children and that such children will receive age appropriate alcohol and drug abuse education and counseling; and

"(4) prepare and submit, an application, to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a description of the services to be provided with the assistance provided under a grant awarded under this section.

"(c) EVALUATION.—The Secretary, acting through the Directors of the Office for Treatment Improvement and the Office of Maternal and Child Health shall conduct evaluations to determine the effectiveness of the projects assisted under this section and disseminate the results of such evaluations.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 1991 and such sums as may be necessary in each of the fiscal years 1992 through 1995.".

SEC. 105. COMPREHENSIVE FAMILY PRESERVATION SERVICE GRANTS.

Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended—

(1) by inserting after the part heading the following:

"Subpart 1—General Provisions"; and

(2) by adding at the end thereof the following new subpart:

"Subpart 2—Provisions Relating to Both Alcohol and Drug Abuse

"SEC. 480. COMPREHENSIVE FAMILY PRESERVATION SERVICE GRANTS.

"(a) IN GENERAL.—The Secretary shall make grants to States to assist such States in developing statewide, comprehensive coordinated, multidisciplinary, interagency systems to provide early intervention and family preservation services for families at risk of drug and alcohol abuse and their children.

"(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall annually prepare and submit, to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including an assurance that such State has established, or will establish, a State Interagency Coordinating Council.

"(c) CONTINUING ELIGIBILITY.—

"(1) FIRST TWO YEARS.—To be eligible for an initial or first subsequent grant under subsection (a), a State shall include in its application submitted under subsection (b) for such grant, assurances that assistance received under such a grant shall be used to assist the State in planning, developing, and implementing the Statewide system required under subsection (d).

"(2) THIRD AND FOURTH YEAR.—

"(A) ASSURANCES.—To be eligible for a second or third subsequent grant under subsection (a), a State shall include in its application submitted under subsection (b) for such grant, information and assurances demonstrating to the satisfaction of the Secretary that—

"(i) the State has adopted a policy that incorporates all of the components of a Statewide system in accordance with subsection (d) or obtained a waiver of such from the Secretary under subparagraph (B);

"(ii) assistance provided under such grant shall be used to plan, develop, and implement the Statewide system required under subsection (d); and

"(iii) the Statewide system of the State will be in effect not later than the beginning of the fourth year of the participation of the State in the grant program established under this section, a State need only conduct multidisciplinary assessments, develop individualized family service plans, and make available case management services.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may permit a State to continue to receive assistance under this section during the period for which the

application for the second subsequent grant was made even though the State has not adopted the policy required by subparagraph (A)(i) prior to receiving assistance under such application, if the State demonstrates in such application—

"(i) that the State has made a good faith effort to adopt such a policy;

"(ii) the reasons why the State was unable to meet the timeline and the steps remaining before such a policy will be adopted; and

"(iii) an assurance that such policy will be adopted and made effective prior to the start of the period for which the application for the third subsequent grant is submitted.

"(3) FIFTH AND SUCCEEDING YEARS.—To be eligible for a grant under (a) after the third subsequent grant, a State shall include in its application submitted under subsection (b) for such grant information and assurances demonstrating to the satisfaction of the Secretary that the State has in effect the statewide system required under subsection (d).

"(d) REQUIREMENTS FOR A STATEWIDE SYSTEM.—

"(1) IN GENERAL.—A statewide system of coordinated, comprehensive, multidisciplinary, interagency programs providing intervention early in family formation and family preservation services for children at risk and their families shall include the minimum components described in paragraph (2).

"(2) MINIMUM COMPONENTS.—The statewide system required under this section shall include—

"(A) a definition of the term 'family at risk' (that includes failure to provide nurturance that a child needs) that will be used by the State in carrying out programs under this section;

"(B) timetables for implementation of the State plan ensuring that appropriate intervention services will be available prior to the beginning of the fifth year of the participation of a State in the grant program under this section to children and families at risk because of substance abuse;

"(C) a timely, comprehensive, multidisciplinary evaluation of the needs of the family and child at risk;

"(D) an individualized family service plan, including case management services to be provided in accordance with such service plan to be developed with the family;

"(E) a statewide child abuse and neglect reporting system that shall act as a child find system for family preservation services;

"(F) a public awareness program focusing on family preservation;

"(G) a central directory that includes intervention and family preservation services, resources, experts available in the State, research and demonstration projects being conducted in the State, and a toll-free hotline for parents;

"(H) a comprehensive system of personnel development with cross-training programs;

"(I) a single line of responsibility in a lead agency designated or established by the Governor for carrying out—

"(i) the general administration, supervision, and monitoring of programs and activities receiving assistance under this section to ensure compliance with this section;

"(ii) the identification and coordination of all available resources within the State from Federal, State, local and private sources;

"(iii) the resolution of intra- and interagency disagreements; and

"(iv) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention and family preservation services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination;

"(J) policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this section are appropriately and adequately prepared and trained, including—

"(i) the establishment and maintenance of standards that are consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing early intervention and family preservation services; and

"(ii) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel that meet appropriate professional requirements in the State; and

"(K) a system for compiling, analyzing, publishing and disseminating data on the numbers of children at risk and their families in the State in need of appropriate early intervention and family preservation services, the numbers of children and families served, the types of services provided, and outcomes for families and children and other information required by the Secretary.

"(e) WAIVER AUTHORITY.—Notwithstanding any other provision of law, States may use, in addition to amounts made available under subsection (h), amounts made available under section 470 for family preservation services.

"(f) STATE MATCH.—States shall provide State funds for use in the program established under this section in an amount that equals 10 percent of the amount provided to such States under this section and section 470. State expenditures for programs consistent with this section may be used to meet such matching requirement, except that assistance under this section shall not be used to replace or substitute for State efforts.

"(g) EVALUATION.—The Secretary shall conduct evaluations to determine the effectiveness of the projects assisted under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $150,000,000 for fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.

"(i) DEFINITIONS.—As used in this section:

"(1) FAMILY AT RISK.—The term 'family at risk' means one which fails to provide essential nurturance for a dependent child or children;

"(2) FAMILY PRESERVATION SERVICES.—The term 'family preservation services' means time limited intensive services not to exceed 90 days to families in crisis where there is a threat to remove the child or children.".

SEC. 106. MODEL STATE GRANTS FOR COORDINATED, INTEGRATED SERVICES.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 3—Model State Grants for Coordinated, Integrated Services.

"SEC. 550. MODEL STATE GRANTS FOR COORDINATED, INTEGRATED SERVICES.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, the Secretary of Labor, and the Attorney General, shall provide make grants to not less than 10 nor more than 15 States to enable such States to establish model coordinated education, health, and social service programs for children, especially children living in areas of concentrated poverty and social dislocation.

"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), a State shall prepare and submit, to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including a designation of a lead agency within the State to be responsible for improving the coordination of services for children. Such services shall include health or mental health, education, early education and child care, welfare, juvenile justice, alcohol and drug prevention and treatment, or other social services that can be shown to be effective in preventing long-term damage. Such agency shall have experience and expertise in providing educational, health or mental health, welfare, juvenile justice, alcohol and drug prevention and treatment, or other social services for children.

"(c) ASSURANCES.—To be eligible to receive assistance under subsection (a), a State shall provide assurances that it will—

"(1) provide personnel sufficient to staff the lead agency designated under subsection (b); and

"(2) establish a program to coordinate health, education, and welfare programs for children.

"(d) EVALUATION.—The Secretary shall conduct evaluations to determine the effectiveness of the projects assisted under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1991, and such sums as may be necessary in each of fiscal years 1992 through 1995.".

TITLE II—PROVISIONS RELATING TO THE SOCIAL SECURITY ACT

SEC. 201. SSI PRESUMPTIVE DISABILITY BASED ON CERTAIN GENETIC, CONGENITAL, ALCOHOL OR DRUG RELATED IMPAIRMENTS FOR CHILDREN UNDER 4 YEARS OF AGE.

(a) IN GENERAL.—Section 1614(a)(3)(C) (42 U.S.C. 1382c(a)(3)(C)) is amended—

(1) by inserting "(i)" after "(C)";

(2) by inserting ", except as provided in clause (ii)," after "mental impairment"; and

(3) by adding after and below the end the following new clause:

"(ii) In the case of any child under the age of 4 years with a genetic, congenital, alcohol or drug related impairment (including cystic fibrosis, Down's syndrome, junctional epidermolysis bullosa, Hirschprung's syndrome, Tourette syndrome, Prader Willi syndrome, spina bifida and alcohol, cocaine and other drug syndromes) the medical severity of which cannot be accurately determined by clinical or laboratory techniques because the child is too young, and with respect to whom the Secretary has determined that it is probable that, when the child is older, medical professionals will be able to administer a test that accurately demonstrates (by acceptable clinical and

laboratory diagnostic techniques) that the child suffers from an impairment or impairments of sufficient medical severity to qualify the child for benefits under this title, the Secretary shall presume such child to be disabled or blind, as the case may be, for purposes of this part. Such presumption may be rebutted at any time by evidence that the child's impairment is not of the requisite severity.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to determinations made with respect to benefits for months after September 1990.

SEC. 202. EXPANDING MEDICAID COVERAGE FOR FREE-STANDING ALCOHOL AND DRUG TREATMENT PROGRAMS FOR WOMEN OF CHILD-BEARING AGE.

(a) PURPOSE OF TITLE XIX MODIFIED.—Section 1901 of the Social Security Act (42 U.S.C. 1396) is amended—

(1) by striking "and (2)" and inserting "(2)"; and

(2) by inserting after "self-care" the following: "and (3) at State option, free-standing alcohol and drug treatment services so that treatment may be provided to alcoholic and drug dependent women of child-bearing age eligible for assistance under this title who (A) desire to rid themselves of drug and alcohol problems and (B) whose income and resources are insufficient to meet the cost of treatment,".

(b) FREE-STANDING ALCOHOL AND DRUG ABUSE TREATMENT CENTER SERVICES.—Title XIX of such Act (42 U.S.C. 1396 et seq.) is amended by redesignating section 1926 as section 1927 and inserting after section 1925 the following new section:

"FREE-STANDING ALCOHOL AND DRUG ABUSE TREATMENT SERVICES

"SEC. 1926. (a) At the option of the State, the State plan for medical assistance described in section 1902(a) may include as medical assistance, free-standing alcohol and drug treatment center services and related case management services (described in subsection (b)(3) under the plan to all alcoholic and drug dependent women of child-bearing age eligible for assistance under this title who desire to rid themselves of their alcohol and drug problems.

"(b)(1) In this title, the term 'free-standing alcohol and drug treatment center' means a not-for-profit treatment center, which is not directly affiliated with any hospital, which provides alcohol and drug treatment services, including counseling, to alcoholic and drug dependent women of child-bearing age.

"(2) In this title, the term 'free-standing alcohol and drug treatment center services" includes alcohol and drug treatment services from 21 days to 9 months in a residential setting for women and their children and alcohol and drug treatment services in an outpatient setting, including individual and group counseling and comprehensive day treatment programs for women and their children.

"(3) In subsection (a), the term 'case management services' means services which will assist individuals eligible under the plan in gaining access to needed medical, social, educational, and other services.

"(4) In subsection (b), the term 'counseling' shall also include outreach and services for male partners of alcoholic and drug dependent women.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1990.

TITLE III—PROVISIONS RELATING TO EDUCATION

SEC. 301. THE HEAD START ACT.

Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end thereof the following new subsection:

"(e) Special consideration for enrollment opportunities under program established under this Act shall be provided to children who were born exposed to alcohol or drugs.".

SEC. 302. STUDY OF PREPAREDNESS OF SCHOOL DISTRICTS TO ACCOMMODATE DRUG AND ALCOHOL EXPOSED STUDENTS.

Not later than September 30, 1991, the Secretary of Education shall prepare an submit, to the appropriate Committees of Congress and to the President, a report concerning the preparedness of the school system of the United States to meet the special needs of children born affected by alcohol or drugs. Such report shall include—

(1) a national assessment of the educational needs of children who are born affected by alcohol or drugs and of the extent to which such needs are being met from Federal, State, and local efforts;

(2) a plan, including cost estimates, to be carried out during the 5-year period beginning on September 30, 1990, for extending existing special education programs to all pre-school and elementary school children born affected by alcohol and/or drugs, including a phased plan for the training of the necessary teachers and other education personnel necessary for such purpose;

(3) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities; and

(4)(A) an assessment of the number of teachers and other educational personnel needed to carry out such programs;

(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

(C) the number of other educational personnel needed to carry out programs for children born affected by alcohol or drugs.

TITLE IV—PROVISIONS RELATING TO OTHER ACTS

SEC. 401. PROTECTION AND ADVOCACY FOR THE DISABLED.

Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001) is amended—

(1) in paragraph (7)(A), by inserting ", or the alcohol or drug abuse of the mother of a child" after "impairments"; and

(2) in paragraph (8)(D), by inserting "including children who are affected by the alcohol or drug abuse of their mother" after "in children".

SEC. 402. CHILD ABUSE PREVENTION AND TREATMENT ACT.

Section 205(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115(b)) is amended—

(1) by striking out "$48,000,000 for fiscal year 1988" each place that such occurs and inserting in lieu thereof "$89,000,000 for fiscal year 1991"; and

(2) by striking out "and such sums as may be necessary for fiscal years 1989, 1990, and 1991" each place that such occurs; under section 15(B) strike "$9 million" and insert in lieu thereof "$49 million".

SEC. 403. EXPAND INSTITUTIONAL ELIGIBILITY FOR WIC.

Section 17(f)(1)(C)(ix)(II) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)(ix)(II)) is amended by inserting "or providing such services to residential alcohol and drug treatment programs serving such women and juveniles" before the semicolon.

SEC. 404. HOUSING ASSISTANCE TO PREVENT UNNECESSARY FOSTER CARE PLACEMENT.

(a) BUDGET AUTHORITY.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by adding at the end thereof the following new subsections:

"(a) INCREASE IN BUDGET AUTHORITY.—The budget authority available under section 5(c)(7)(A)(ii) of the United States Housing Act of 1937 for assistance under 8(d) of such Act is authorized to be increased by $35,000,000 on or after October 1, 1990, by $35,000,000 on or after October 1, 1991, and by such sums as may be necessary for each of the fiscal years 1992 through 1995.

"(b) USE OF FUNDS.—The amounts made available under this section shall be used only in connection with existing housing programs under section 8 for occupancy by families where the provision of housing is a significant factor in avoiding initial or continued placement of a child in foster care.

"(c) ALLOCATION.—The amounts made available under this section shall be allocated by the Secretary of Housing and Urban Development on the basis of a national competition among applicants that best demonstrate a need for the assistance under this section. To be considered for assistance, an applicant shall submit to the Secretary a written proposal containing a report from the state welfare agency containing the number of families that, if eligible for and given housing assistance, could be taken off the foster care rolls.".

(b) UNITED STATES HOUSING ACTS.—

(1) OF 1937.—Section 3(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)) is amended by adding at the the end thereof the following new sentence: "The temporary absence of a child from the home due to placement in foster care shall not be considered in considering family composition and family size.".

(2) OF 1949.—Section 501(b)(3) of the Housing Act of 1949 (42 U.S.C. 1471(b)(3)) is amended by adding at the end thereof the following new sentence: "The temporary absence of a child from the home due to placement in foster care shall not be considered in considering family composition and family size.".

SEC. 405. GRANTS FOR DRUG AND ALCOHOL ABUSE TREATMENT FOR NATIVE AMERICAN PREGNANT AND POST-PARTUM WOMEN.

(a) IN GENERAL.—The Indian Health Service shall make grants to entities to provide assistance to drug and alcohol abuse treatment programs relating to Native American pregnant and post-partum women and their infants, that meet the requirements of subsection (b).

(b) REQUIREMENTS.—

(1) DISTRIBUTION.—In making grants under subsection (a), the Indian Health Service shall give priority to those drug and alcohol abuse treatment centers which provide comprehensive outpatient and residential services to women and children.

(2) SERVICES.—An entity shall not be eligible for a grant under subsection (a) unless such entity provides the Indian Health Service with an assurance that such entity will use assistance provided under such grant to provide, arrange for the provision of, or refer individuals to, services that shall include—

(A) intervention services for pregnant and post-partum women, including—

(i) drug and alcohol abuse and addiction treatment services;

(ii) support services (such as child care and transportation services);

(iii) education and skill building services (such as parenting and job seeking skill services);

(iv) integration and coordination of drug and alcohol abuse treatment services with prenatal or post-partum health care services;

(v) medical screening procedures of pregnant women for past and present drug and alcohol use and abuse; and

(vi) after care services;

(B) interventions where infants are at risk, including—

(i) direct intervention, treatment, or rehabilitation of infants, which may include other siblings, to reduce or prevent the impact of maternal drug and alcohol abuse on such children; and

(ii) supportive services for biologic or foster parents affected by maternal drug and alcohol abuse;

(C) service delivery strategies that may include—

(i) strategies for the coordination, for purposes of identification or service delivery, of tribally operated health services, family violence and homeless shelter programs, programs under part A of title IV of the Social Security Act, and section 17 of the Child Nutrition Act of 1966, crisis pregnancy centers programs, public housing programs, and prison programs, with other likely points of access for high risk women;

(ii) strategies concerning the involvement of significant others (such as male partners or pregnant women) as direct intervention targets or strategies to aid in the outreach and service delivery processes for women;

(iii) strategies for co-locating multiple facilities to facilitate the delivery of services; and

(iv) innovative strategies (such as case management) to ensure the coordinated utilization of generally unrelated service systems; and

(D) other services necessary to improve pregnancy outcomes, reduce drug and alcohol abuse among women of childbearing age, and increase the stability of the family home environment.

(c) APPLICATION.—The Indian Health Service shall not make a grant under subsection (a) unless—

(1) an application for the grant is submitted to the Indian Health Service;

(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary;

(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Indian Health Service determines to be necessary to carry out this section; and

(4) the application contains an assurance that the applicant will provide funds, other than Federal funds, in an amount that is not less than 10 percent of the amount of the grant under subsection (a).

(d) EVALUATION.—The Secretary shall conduct evaluations to determine the effectiveness of the projects assisted under this section.

(e) APPROPRIATION.—There are authorized to be appropriated to carry out this section, $20,000,000 in fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.

SEC. 406. PROJECTS FOR PREGNANT AND POST-PARTUM WOMEN.

Section 509F of the Public Health Service Act (42 U.S.C. 290aa-13) is amended—

(1) in the heading, by striking out "MODEL";

(2) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) The Secretary, acting through the Director of the Office, shall make grants to entities to provide assistance to outpatient and residential drug and alcohol abuse treatment programs relating to pregnant and post-partum females and their infants, that meet the requirements of subsection (c).";

(3) by striking out subsection (c) and inserting in lieu thereof the following new subsection:

"(c)(1) In making grants under subsection (a), the Director of the Office shall ensure that grants are reasonably distributed among projects that provide outpatient and residential treatment.

"(2) An entity shall not be eligible for a grant under subsection (a) unless such entity provides the Director with an assurance that such entity will use assistance provided under such grant to provide, arrange for the provision of, or refer individuals to, services that shall include—

"(A) intervention services for pregnant and post-partum females, including—

"(i) drug and alcohol abuse and addiction treatment services;

"(ii) support services (such as child care and transportation services);

"(iii) education and skill building services (such as parenting and job seeking skill services);

"(iv) integration and coordination of drug and alcohol treatment services with prenatal or post-partum health care services;

"(v) innovative methods of outreach to identify and recruit target populations for services early in the pregnancy of individuals of such populations;

"(vi) implementation and routinization of effective screening procedures of pregnant women for past and present drug and alcohol use and abuse; and

"(vii) after care services;

"(B) interventions where infants are at risk, including—

"(i) direct intervention, treatment, or rehabilitation of infants and very young children to reduce or prevent the impact of maternal drug and alcohol abuse on such children; and

"(ii) instrumental, informational, and emotional support and resources for biologic or foster parents of infants affected by maternal drug and alcohol abuse;

"(C) service delivery strategies, including—

"(i) strategies for the coordination, for purposes of identification or service delivery, of family violence and homeless shelter programs, programs under part A of title IV of the Social Security Act, and section 17 of the Child Nutrition Act of 1966, crisis pregnancy centers programs, public housing programs, and prison programs, with other likely points of access for high risk females;

"(ii) strategies concerning the involvement of significant others (such as male partners of pregnant females) as direct intervention targets or strategies to aid in the outreach and service delivery processes for females;

"(iii) strategies for co-locating multiple facilities to facilitate the delivery of services; and

"(iv) innovative strategies (such as case management) to ensure the coordinated utilization of generally unrelated service systems; and

"(D) other services necessary to improve pregnancy outcomes, reduce drug and alcohol abuse among females of childbearing age, and increase the stability of the family home environment.";

(4) in subsection (d)(2), by striking out "; and" and inserting in lieu thereof "including assurances as required in subsection (c)(2);";

(5) in subsection (d)(3), by striking out the period and inserting in lieu thereof "; and";

(6) in subsection (d), by adding at the end thereof the following new paragraph:

"(4) the application contains an assurance that the applicant will provide funds, other than Federal funds, in an amount that is not less than 10 percent of the amount of the grant under subsection (a)."; and

(7) by adding at the end thereof the following new subsection:

"(f) There are authorized to be appropriated to carry out this section $75 million for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 through 1995.".

SUMMARY OF THE COMPREHENSIVE ASSISTANCE FOR SUBSTANCE ABUSING FAMILIES ACT OF 1990

I. PROGRAMS FOR ALCOHOLIC AND DRUG DEPENDENT PARENTS

Prevention and alcohol/drug treatment funding for pregnant and post-partum women ($75 million through the Office for Substance Abuse Prevention).

Prevention and alcohol/drug treatment funding for pregnant and post-partum Native American women ($20 million through the Indian Health Service Act).

Public education regarding alcohol and drug use during pregnancy ($5 million through the Department of Health and Human Services).

Prevention and alcohol/drug treatment programs for women in prison ($20 million through the Office for Treatment Improvement).

Expanding Medicaid coverage for free-standing alcohol and drug treatment programs for women of child-bearing age.

Expanding WIC coverage to include residential alcohol and drug treatment programs serving women and children.

Establishing an Interagency Committee on Parental Drug and Alcohol Abuse to coordinate federal activities and promote coordination at the state and local level.

Creating a Challenge program to encourage interagency funding of prevention and treatment programs ($30 million).

II. PROGRAMS FOR YOUNG CHILDREN AND FAMILIES

Family preservation and support programs for those at risk of abuse and neglect ($150 million for child welfare services added to Title IVE of the Social Security Act).

Increasing funding for child abuse and neglect prevention and treatment programs ($40 million increase in state grants).

Expanding access to SSI Disability Benefits for infants and young children affected by prenatal exposure to alcohol and drugs.

Ensuring special and compensatory education programs give consideration to children affected by prenatal exposure to alcohol and drugs (Headstart and Protection and Advocacy for the Disabled).

Increasing access to low-income housing for families at imminent risk of foster care

placement ($35 million increase for Section 8 housing).

Mandating the Department of Education study the preparedness of school districts to meet the special needs of children born affected by alcohol or drugs.

III. PROGRAMS FOR HIGH RISK YOUTH

Establishing incentive grants for interagency funding of programs for high risk youth ($30 million through the Juvenile Justice Coordinating Council).

Creating model state grants for coordinated, integrated services for children and youth ($50 million through HHS).

NATIONAL ASSOCIATION OF STATE ALCOHOL AND DRUG ABUSE DIRECTORS,
Washington, DC, April 2, 1990.

Hon. HERBERT KOHL,
U.S. Senate, Hart Senate Building, Washington, DC.

DEAR SENATOR KOHL: I am writing on behalf of the members of the National Association of State Alcohol and Drug Abuse Directors [NASADAD] to express our strong support for your efforts to address the critical alcohol and other drug abuse treatment and prevention needs of women of child bearing age and their children.

The legislation that you are planning to introduce includes many timely and necessary elements to enhance public education about the dangers of alcohol and other drug use during pregnancy, to provide additional treatment services for women and promote coordination of federal activities relating to parental alcohol and other drug abuse.

Enclosed is a copy of the results of a recent NASADAD survey of publicly funded treatment services that highlights the continuing need for increased resources to provide additional treatment services to women.

The States reported that in FY 1989 total funding for publicly supported alcohol and other drug abuse prevention, intervention and treatment services was $1.9 billion, including $468 million in Federal block grant funds. Of the total funding, over $349 million, almost 20 percent, was specifically earmarked for services to women. In addition, women are served along with men in most treatment programs.

The State indicated that approximately 548,326 women are currently receiving treatment services per year including 29,842 pregnant women. The number of additional women needing treatment is conservatively estimated at about 4 million, including 250,362 pregnant women.

The State Alcohol and Drug Abuse Agency Directors look forward to working with you to ensure the delivery of increased alcohol and other drug abuse prevention and treatment services to all who are in need, including women and their children, and to foster coordination between the federal government and the States in the planning and delivery of these services nationwide.

Sincerely,
JOHN S. GUSTAFSON, *President.*

THERAPEUTIC COMMUNITIES OF AMERICA,
March 29, 1990.

Senator HERBERT KOHL,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: On behalf of the Therapeutic Communities of America (TCA), the premier national organization of drug-free, self help, substance abuse treatment and rehabilitation agencies, I endorse the "Comprehensive Drug Abuse Prevention and Treatment Act" you are set to introduce shortly.

As you know, substance abuse poses one of the greatest challenges to lawmakers in Washington, D.C. The plan you have put forward, in my estimation, is a realistic and *comprehensive* approach to eradicating drug use in America.

Please consider us an ally in this effort. We will be happy to provide additional support as needed on this critical matter.

Sincerely,
R. DOUGLAS CHIAPPETTA,
Director, National Office.

AMERICAN SOCIETY OF ADDICTION MEDICINE, INC.,
Washington, DC, March 27, 1990.

Hon. HERB KOHL,
Hart Senate Building, Washington, DC.

DEAR SENATOR KOHL: I am writing on behalf of the American Society of Addiction Medicine (ASAM) to endorse your "Comprehensive Drug Abuse Prevention and Treatment Act of 1990."

ASAM is a national medical specialty society of 3600 physicians who specialize in treatment and research in addiction, and in the education and certification of physicians in this field. We applaud your comprehensive approach to the problem of drug abuse prevention and treatment, in which you provide for education, research, and treatment on the problem of parental drug and alcohol abuse, and specifically on the problem of high risk youth, pregnant women, and the family. We support your requirement that all Federal agencies collaborate, and that a Committee be established to ensure cooperation and collaboration.

ASAM's members are fully engaged in addressing all aspects of the addiction problem through the Society's more than twenty-five (25) committees, and our Board has recently adopted public policy positions relevant to the subject of your bill. I have enclosed these for your consideration, to be used as you deem fit.

May I suggest that you give consideration to including in your proposed legislation a provision for the education of physicians and medical students about the diagnosis and treatment of addiction? Among the nearly 600,000 U.S. physicians, there are few who can responsibly practice medicine today without some knowledge of addiction. Yet little is taught in medical schools, or in most other areas of medical education.

Please know that ASAM will support your bill, and that you may reach me at (202) 244-8948, should you wish to call on me for assistance.

Sincerely yours,
JAMES F. CALLAHAN, D.P.A.,
Executive Director.

Mr. BRADLEY. Mr. President, I rise as a cosponsor of this bill offered by my colleague from Wisconsin [Mr. KOHL] to provide a comprehensive approach to the prevention and treatment of drug-addicted pregnant women and their families. Making sure these women, their drug-exposed infants and other children in their families receive the social and health care services they need is absolutely critical if we are to make any headway in getting these women off drugs. The emphasis of this bill is appropriately on the coordination of services because we know that without addressing the many needs of this population, any one treatment program or service is unlikely to succeed.

For several years now I have worked in Congress to help make Medicaid health care services available for more poor pregnant women and infants. I think policymakers as a whole have recognized the importance of prenatal care and its link to healthy babies. The National Commission to Prevent Infant Mortality has helped educate the public about the problem of infant mortality and the fact that the United States ranks behind 19 other industrialized countries in its infant death rate. Many of us in Congress continue to work to improve the availability of prenatal care for pregnant women and primary care for children. But we know that for many poor families adequate care is only a part of the solution; this is especially true for drug-addicted pregnant women.

Our efforts to decrease the U.S. rate of infant mortality will not fully succeed unless we address the problem of drug addiction. A recent survey of hospitals showed that 11 percent of all pregnant women use illicit drugs. One expert estimated that 75 percent of these women are using either cocaine or crack—the most difficult addiction to treat. As many as 375,000 infants each year may be affected and, for those who are, the effects are heartbreaking.

Babies born to drug-addicted women are much more likely to be born prematurely or at low birth weight, which dramatically raises the risk of infant mortality. Those who survive often have serious medical and developmental problems. Many are addicted to their mother's drug and suffer from withdrawal. So many are saddled with learning and behavioral problems as a result of their traumatic early life that full socialization into our society is extraordinarily difficult.

The economic and social costs are enormous. Hospital treatment for these babies in neonatal intensive care units can be as much as $1,768 a day. And some of these babies stay hospitalized for months. Just recently the Washington Post and others in the media have exposed this city's "boarder baby" problem. Many hospitals are having to rear the babies of drug-addicted mothers because, after providing the intensive care treatment the babies need, their mothers never return to bring them home. The problem is burdening the health care system and overwhelming foster care services.

This bill also recognizes that children born to drug addicted pregnant women are often the victims of abuse and neglect. The bill attempts to address the needs of these children by bolstering child welfare services; providing increased funding for child abuse prevention and treatment pro-

grams; and assuring access to existing early childhood education programs. These child support provisions and the ones dealing with coordinated programs for high risk youths are small but necessary steps in trying to break the cycle of poverty, addiction, and neglect.

Mr. President, we must make sure that comprehensive treatment and support programs are available to drug-addicted pregnant women and their infants and children. We must get these women off drugs, for the sake of their babies, their families, and themselves.

Mr. LIEBERMAN. I am pleased to join with Senator KOHL, Senator DODD, and my other colleagues in support of legislation to provide treatment for families addicted to drugs or alcohol. In particular, I am proud to be associated with a bill that will target assistance to children who were born addicted to crack or other deadly drugs, for these babies are truly innocent victims of America's drug problem.

I learned first hand about the woeful inadequacy of current drug treatment programs for families, particularly mothers and their children, from a hearing I conducted on the drug problem in Connecticut last year. Effective treatment for women with a drug or alcohol addiction problem is in terribly short supply. Too many women must face an awful dilemma: To get help giving up drugs, they must also give up their children. In Connecticut today, there is only one program for women that allows them to keep their children with them during treatment. Needless to say, the amount of space available in that program is not sufficient to meet demand in New Haven, where it's based, let alone the whole State. That is a tragedy.

There is cost associated with this legislation, but there is substantially greater cost associated with the problem of pregnant women and children addicted to harmful drugs. It can cost up to $1,500 a day to keep a baby in a neonatal unit when that baby is born addicted to a drug. With more than 300,000 such babies born each year, most of them needing weeks or months of hospital care, the cost to society adds up to over $10 billion. Isn't it more cost effective to try to get women off drugs before children are conceived or born?

We must not kid ourselves by thinking we're being fiscally prudent if we reject a bill like this one due to its cost, because the taxpayers are paying a much bigger price tag every day as a result of the health care needs of families addicted to drugs. And we must also realize that the Nation's drug problem will not be solved by tough law enforcement alone, though that is an important part of any solution. We must provide treatment for all who want to get off drugs because, if we do not, their addiction will continue and, all too often, they will give birth to new generations of addicts. That is the harsh and cruel reality which this legislation seeks to change.

I thank Senator KOHL for his leadership on this issue, and I share his concern and his desire to deal with the problem head on.

Mr. President, I ask unanimous consent that certain materials in support of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE REGARDING THE COMPREHENSIVE ASSISTANCE FOR SUBSTANCE ABUSING FAMILIES ACT OF 1190

The National Council on Alcoholism and Drug Dependence (NCADD) applauds Senator Herb Kohl and his cosponsors for the introduction of legislation which offers a humane, comprehensive, and potentially effective public health approach to the needs of growing numbers of alcoholic and other drug dependent pregnant women and their children. If enacted, it may reduce the toll of alcoholism and other drug addictions on women and their families.

This legislation sends a clear message that the enhancement and coordination of services is the appropriate response to pregnant addicts and affected children. The flurry of prosecutions of pregnant addicts and the enactment of punitive laws in a number of states flies in the face of an assessment of alcoholism and other drug dependence as treatable illnesses. Punitive actions also obscure the real issues: the virtual absence of comprehensive alcoholism and drug treatment services to meet the needs of pregnant addicts and their children and poor coordination of public health and social service systems which provide services to this population.

The NCADD, with its some 200 state and local affiliates across the country, has spearheaded a national coalition to aggressively address the issues of limited treatment services, poor coordination among health and social services agencies as well as the civil rights concerns raised by punitive actions against pregnant addicts. The Coalition on Alcohol and Drug Dependent Women and Their Children draws its membership from alcoholism and drug organizations, maternal and child health agencies, child welfare groups and individuals and organizations which address legal issues.

ASAM POLICY STATEMENT ON CHEMICALLY DEPENDENT WOMEN AND PREGNANCY

(By James F. Callahan, D.P.A.)

BACKGROUND OF THE PROBLEM

Because of the adverse effects on fetal development of alcohol and certain other drugs (including nicotine, cocaine, marijuana, and opiates) the chemically dependent woman who is pregnant or may become pregnant is an especially important candidate for intervention and treatment. Similarly, prevention programs should target all women of childbearing age.

Recently, public concern for preventing fetal harm has resulted in punitive measures against pregnant women or women in the postpartum period. These measures have included incarcerating pregnant women in jails to keep them abstinent and the criminal prosectuion of mothers for taking drugs while pregnant and thereby passing these substances to the fetus or newborn through the placenta.

The American Society of Addiction Medicine is deeply committed to the prevention of alcohol- and other drug-related harm to the health and well-being of children. The most humane and effective way to achieve this end is through education, intervention, and treatment. The imposition of criminal penalties solely because a person suffers from an illness is inappropriate and counterproductive. Criminal prosecution of chemically dependent women will have the overall result of deterring such women from seeking both prenatal care and chemical dependency treatment, thereby increasing, rather than preventing, harm to children and to society as a whole.

POLICY RECOMMENDATIONS

The American Society of Addiction Medicine supports the following policies:

1. Prevention programs to educate all members of the public about the dangers of alcohol and other drug use during pregnancy and lactation. These should include:

Age appropriate school-based education throughout the school curriculum.

Public education about alcohol and other drug use in pregnancy and lactation, including health warning labels and posters as well as radio and television messages, educational programs and written materials.

Prenatal education about alcohol and other drugs for all pregnant women and significant others, as part of adequate prenatal care.

Professional education for all health care professionals, including education of obstetricians and pediatricians in the care of chemically dependent women and their offspring.

2. Early intervention, consultation, and case finding programs specifically designed to reach chemically dependent women.

Screening for alcohol and other drug problems in all obstetric care services, as well as in all medical settings.

Adequate case finding, intervention, and referral services for women identified as suffering from chemical dependency.

3. Treatment services able to meet the needs of chemically dependent women.

Appropriate and accessible chemical dependency treatment services for pregnant women and women of childbearing age and their families, including inpatient and residential treatment. Services to care for the children and newborns of these patients should be provided. Without adequate child care arrangements, chemically dependent women are often unable to engage in the treatment they need.

Adequate facilities for the outpatient and aftercare phases of treatment for chemically dependent women.

Adequate perinatal care for chemically dependent women in treatment, sensitive to their special needs.

Adequate child protection services to provide alternative placement for infants or children of persons suffering from chemical dependency who are unable to function as parents, in the absence of others able to fulfill the parent role.

4. Research:

Basic and clinical research on the effects of alcohol and other drugs used during pregnancy.

Model programs, with evaluation component, for case finding intervention and treatment of chemically dependent pregnant women, and for case finding, intervention, and treatment of infants and children affected by maternal alcohol and/or other drug use.

5. Law enforcement:

State and local governments should avoid any measures defining alcohol or other drug use during pregnancy as "prenatal child abuse," and should avoid prosecution, jail, or other punitive measures as a substitute for providing effective health services for these women.

6. Preservation of patient confidentiality:

No law or regulation should require physicians to violate confidentiality by reporting their pregnant patients to state or local authorities for "prenatal child abuse."

AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY,
Washington, DC, April 4, 1990.

Hon. HERB KOHL,
Hart Building, Washington, DC.

DEAR SENATOR KOHL: The American Association for Marriage and Family Therapy is pleased to offer its support for the concepts contained in the Comprehensive Assistance for Substance Abusing Families Act of 1990, which you intend to introduce shortly. We appreciate your taking a comprehensive, multidisciplinary approach to substance abuse prevention and treatment services.

In particular, we appreciate your effort to improve federal agencies' ability to address substance abuse and related needs and services in the context of family preservation. Your bill will enhance ongoing and proposed family preservation efforts in a growing number of states.

It is AAMFT's strong belief that policies to address substance abuse and its related problems must be viewed from a family perspective. The dramatic increase in babies born with exposure to alcohol and other drugs, and their subsequent stay as hospital "boarder babies" or in foster care, clearly demonstrates the need to address the needs of women of child-bearing age and their partners both before and after the birth of a child.

Toward this goal, we appreciate your attention to the mental health needs of parents and their children with alcohol and drug related problems. Increasingly, marriage and family therapists are treating individuals and families for substance abuse and related problems, e.g. lack of parenting skills, and family dysfunction resulting in child abuse and neglect and foster care placements, to name but a few. Your legislation will enhance the work already being done by marriage and family therapists and other professionals to help individuals and families avoid and/or sustain recovery from the devastation caused by substance abuse. Toward this end, it is esential that marriage and family therapists be included as providers of service under this important legislation.

On behalf of the 17,000 members of AAMFT, we appreciate your effort to address the nation's substance abuse problem in a comprehensive manner. AAMFT looks forward to working with you in the development of this important legislation.

Sincerely,

MARK R. GINSBERG, PH.D.,
Executive Director.

USING FAMILY THERAPY TO TREAT ADOLESCENT DRUG ABUSE

Treating an adolescent's drug abuse without involving the rest of the family is like trying to repair auto engine problems without considering how every component under the hood works together. Effective treatment engages the whole family.

That is the essence of three NIDA research projects which studied the effectiveness of using family therapy to treat adolescent drug abuse, says Dr. Meyer Glantz of NIDA's Prevention Research Branch, which funded the studies.

"The family therapy approach is based on the premise that if someone—particularly an adolescent—is doing something undesirable, you look to the whole family 'system,' [the patient plus family members] to understand that behavior." Glantz says. "Dysfunctional behavior in an individual is often associated with a dysfunctional family system."

In a study of 127 adolescents NIDA grantee Dr. Robert Lewis of Purdue University and his research team randomly assigned the teenagers and their family members to one of three treatment programs. After 5 years of study, Lewis found family therapy—counseling involving the whole family system—more effective in treating adolescent drug abuse than family drug education classes.

"More than half the adolescents in family therapy greatly reduced their drug use during treatment." Lewis says, while only 37 percent of the adolescents involved in family drug education diminished or ended their use of drugs. In family drug education classes, all family members learn about drugs' effects on an individual's health and on the family but do not receive counseling or therapy.

In many instances, an adolescent's drug abuse problem may be partially caused by problems within a family. For example, kids may turn to drugs to get attention. If a drug abusing adolescent is treated individually and the family environment has not changed, the adolescent may return home and resume the same roles that led to drug abuse. Lewis says.

According to Glantz, family therapy doesn't just provide treatment, it also can prevent non-using siblings from becoming addicted because the family's actions that may have facilitated drug use in one child will have changed.

Lewis plans to track the adolescents involved in his study and their non-drug/using siblings for the next 2 years to see how effective family therapy is in preventing future abuse.

Several studies have shown that family therapy has been very effective in both getting and keeping individuals off drugs, says Lewis. That fact has made family therapy the preferred treatment for drug abusers who have intact families.

However, until the studies described here, research evaluating drug abuse treatment programs geared specifically for adolescents had focused only on isolated components of family therapy, such as reestablishing parental influence or teaching teenagers and sibling to resist peer pressure to use drugs. These are the first studies with adolescents to combine the most effective elements of family therapy into one treatment program.

Like Lewis, NIDA grantee Dr. Harvey Joanning, director of a 4-year family therapy study at Texas Tech University, found 7 to 12 sessions of family therapy more effective for reducing adolescent drug abuse than similar exposure to family drug education classes. He also found family therapy more effective than peer group therapy, in which several adolescents are counseled at one time. "By the end, most adolescents [in family therapy] were either stabilized or improved."

In addition, adolescents in family therapy were more likely to report improved communciations with their mothers (or with both parents, if the father was present) than those assigned to group therapy or family drug education classes.

"It's important to keep in mind that success means different things to different people," Joanning says, "For the parent it might be 'get my kid to do what I say.' For the adolescent it could mean 'get my parents off my back.' For social service workers it's usually 'keep them off drugs.' For me, success means creating a social environment in which an adolescent's behavior can be stabliized and guided. You just can't do that without the family."

Not surprisingly, parents who view drug abuse as "the kid's problem," about one-third of those assigned to family therapy, are more difficult to work with than those who accept the whole family approach, Joanning says.

"One of the biggest problems was getting everybody in at the same time," he says. "We had to spend weeks on the telephone just getting them organized enough to come in. For some, it was the fist time they had done anything together as a family in years.

Joanning is careful to underscore that family patterns do not cause adolescents to abuse drugs. "Drug abuse," he explains "emerges from a variety of social interaction patterns involving the family, the peer group, the school system, the legal system, and the community at large.

"One approach jumps from focusing on the individual alone to another level of abstraction: the family system. That doesn't mean adolescent drug abuse is the family's fault."

Dr. Howard Liddle, a NIDA grantee who conducts family therapy at the University of California, agrees. His Adolescents and Families Project has studied about 200 cases since 1985. Like Joanning, Liddle is comparing the success of family therapy, peer group counseling, and family drug education classes in reducing adolescent drug abuse.

The family therapy program Liddle is using aims to treat drug abuse by transforming relationships among as many as five family subsystems: the adolescent, parents, siblings, the extrafamilial systems involved, and other generations.

First, the family as a whole is observed, then the therapist works closely with each subsystem to improve communications and effect change.

Working with the adolescent, the family therapist must first acknowledge the teen's often long-ignored unhappiness. "This doesn't work with some teenagers," Liddle says. "Some of them are so hopeless, so despairing, you just can't reach them with this line of reasoning. It's important not to minimize or ignore their despair. It takes a tremendous amount of compassion."

The therapist's aim for parents. Liddle says, is to "rekindle the parental love and commitment they once had for their child." Parents who repeatedly fail to deal with their children's behavior often come to the conclusion that they'll never make a difference and give up trying. Liddle says.

Drawing from the broader field of adolescent development. Liddle views adolescence as a time of relationship transformation, rather than "an incurable disease or something you can outgrow. Let's not assume that every kid using drugs is the result of a screwed up marriage. Traditional treatment models tend to zoom down to just one or two dimensions. But people exist in many domains; their problems are multi-dimensional."

From preliminary analyses conducted thus far. Liddle says he's convinced family members can become "effective healing resources" for each other, even after years of hurt, struggle, and failure. "You can unleash a powerful healing force in a family," he says. "Once you've done this kind of therapy, you can't go back to the individualistic, reductionistic approach. You know too much."

Joanning, who is now conducting research at Iowa State University, says. "You can isolate a teenager and detox him in a hospital. But if you don't work with the family when he gets out, it's just a revolving door back to the wolves."

By Mr. GRASSLEY (for himself and Mr. BURNS):

S.J. Res. 303. Joint resolution designating May 5, 1990, as "National Tax Freedom Day"; to the Committee on the Judiciary.

NATIONAL TAX FREEDOM DAY

Mr. GRASSLEY. Mr. President, I rise today on behalf of the American taxpayer, a far too often forgotten creature here in Washington, by introducing a resolution with Senator CONRAD BURNS to commemorate Tax Freedom Day. We, and our legislative brethren in State and local governments, often act as though we have never even heard of the American taxpayer. Our Government is never shy about deducting its share from our people, but rarely seems to listen to their concerns.

That is why I want to recognize May 5, 1990, as National Tax Freedom Day, a date on which American workers finally begin to work for themselves instead of the enormous government apparatus that they have spent over 4 months of the year working for.

I commend the Tax Foundation for diligently pursuing this cause by highlighting government's increased yearly tax take. According to the Tax Foundation, the Nation's nominal income is estimated to increase by only 5.7 percent, while taxes are projected to increase by 7.2 percent. In other words, tax increases will surpass individual income growth in 1990.

Fortunately, in my own State of Iowa, Tax Freedom Day arrives a few days earlier on April 26. But, this is little compensation to my overtaxed constituents.

Moneys raised through taxation are spent by government entities with little regard to the effort that hard-working Americans expend on a daily basis to produce them. We spend and spend more in Washington, with the result being massive budget deficits on one hand and still heavily taxed workers on the other. We are simply continuing to take too much from the paychecks of our workers and spending money like there is no tomorrow. Such spending practices are reckless and irresponsible on our part. I think we can and should do better. At least, our taxpayers deserve to know that their hard-earned dollars are being spent in a responsible manner. Ideally, we should pledge to bring our fiscal house in order and to lessen the burden that we have placed on our citizens. Taxpayers are angered at us and for good reason.

That's 125 days, Mr. President. Let me repeat, 125 days is the amount of time it takes the average American to pay his or her taxes in 1990, as calculated by the Tax Foundation. Sadly, this is a record amount of time—2 days more than required last year. Looked at another way, 1 hour and 47 minutes of every working day is spent by Americans in paying Federal taxes and nearly another hour for State and local taxation. We might have a more sound Federal fiscal policy if we spent half that time listening to American taxpayers of always asking for more.

In 1984, Tax Freedom Day was April 28. In 6 short years, we have added another week's worth of taxes to the American people. Can we truly look our constituents in the eye and state with conviction that they have received that much more in government services to justify such a tax increase? I don't think so, Mr. President. Instead, we can look at a Government awash in debt, too often spending its money for frivolous congressional pay raises, pork barrel spending, or pornographic National Endowment for the Arts exhibits than for basic services that taxpayers are willing to pay for. It's easy to spend the taxpayer's money. Mr. President. And as the year proceeds, we're going to see all kinds of proposed tax increases coming out of the woodwork. It's time to say enough is enough and mean it.

My hope is that this resolution will help focus more attention on the plight of the taxpaying public. Although it's unlikely that this measure will pass in time for this year's tax Freedom Day, I urge my colleagues to join Senator BURNS and myself as we work toward directing the attention of Congress and the American people on this issue and the passage of this resolution.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 303

Whereas it requires an average of 125 days for United States taxpayers to satisfy all Federal, State, and local tax obligations before they can begin working for themselves instead of for the government;

Whereas in 1990 the average taxpayer will forfeit over 34 percent of the taxpayer's income to the tax collector; and

Whereas the Tax Foundation, a nonprofit, nonpartisan research and public education organization founded in 1937 to monitor the tax and spending activities of Federal, State, and local governments, estimates that the average worker will spend two hours and forty-five minutes of each eight-hour day, three minutes more than in 1989, to pay the worker's 1990 combined tax burden: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 5, 1990, is designated as "National Tax Freedom Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 309, a bill for the relief of Vasikaran Ratnarajah.

S. 310

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 310, a bill for the relief of Imelda Villanueva Locquiao.

S. 311

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 311, a bill for the relief of Masayshi Goda, his wife Nobuko Goda, and their children, Maki Goda and Eri Goda.

S. 312

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 312, a bill for the relief of Ikechukcwu J. Ogujiofor, Joy I. Ogujiofor, and Godfrey I. Ogujiofor.

S. 313

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 313, a bill for the relief of Masami Kawata.

S. 416

At the request of Mr. DOMENICI, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems of fiscal years 1990 and 1991, and for other purposes.

S. 434

At the request of Mr. REID, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 473

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 473, a bill for the relief of Isamuy Yasutomi.

S. 526

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 526, a bill for the relief of Hee Man Cheng.

S. 528

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 528, a bill for the relief of Clayton Timothy Boyle and Clayton Louis Boyle, son and father.

S. 529

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 529, a bill for the relief of Dr. Samuel J. Wong and Mrs. Agnes J. Wong, husband and wife.

S. 814

At the request of Mr. DOMENICI, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 1511

At the request of Mr. PRYOR, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1515

At the request of Mr. MITCHELL, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 1515, a bill to amend the Internal Revenue Code of 1986 to permit private foundations and community foundations to establish tax-exempt cooperative service organizations.

S. 1766

At the request of Mr. DANFORTH, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1766, a bill to amend titles XVIII and XIX of the Social Security Act to require providers of services under such titles to enter into agreements assuring that individuals receiving services from such providers will be provided an opportunity to participate in and direct health care decisions affecting such individuals.

S. 1918

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1918, a bill to provide for Federal recongition of the Jena Band of Choctaws of Louisiana, and for other purposes.

S. 2041

At the request of Mr. SYMMS, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

S. 2214

At the request of Mr. PACKWOOD, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2214, a bill to provide incentives to health care providers serving rural areas, to eliminate the medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes.

S. 2216

At the request of Mr. COATS, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2216, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug related offenses.

S. 2227

At the request of Mr. LEAHY, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2227, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to reform the provisions of such Act governing exported pesticides, and for other purposes.

S. 2229

At the request of Mr. DODD, the names of the Senator from Virginia [Mr. ROBB], the Senator from Alabama [Mr. HEFLIN], the Senator from Nebraska [Mr. KERREY], the Senator from Illinois [Mr. DIXON], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other pruposes.

S. 2250

At the request of Mr. DECONCINI, the names of the Senator from Vermont [Mr. JEFFORDS], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 2250, a bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes.

S. 2366

At the request of Mr. BOND, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 2366, a bill to encourage States to establish Parents as Teachers Programs.

S. 2425

At the request of Mr. KERRY, the name of the Senator from Hawaii [Mr. INOUYE] was added as cosponsor of S. 2425, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending and public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 2429

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as cosponsor of S. 2429, a bill to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes.

S. 2430

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as cosponsor of S. 2430, a bill to amend the Zuni-Cibola National Historical Park Establishment Act of 1988 to enlarge the time in which the Secretary of the Interior may accept a leasehold interest for inclusion in the park.

S. 2432

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as cosponsor of S. 2432, a bill to provide for payments in lieu of taxes to be made with respect to certain lands comanaged by the Bureau of Land Management and the Secretary of the Army.

S. 2438

At the request of Mr. BAUCUS, the name of the Senator from Nebraska [Mr. EXON] was added as cosponsor of S. 2438, a bill to amend title XVIII of the Social Security Act to make certain modifications in the Medicare Program with respect to payments made under such program to hospitals located within rural areas with fifty (50) beds or fewer, to improve the delivery of health services to individuals residing in rural areas, and for other purposes.

S. 2444

At the request of Mr. MACK, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from New York [Mr. D'AMATO], the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 2444, a bill to require limitations and restrictions concerning trade and other transactions with Cuba.

S. 2491

At the request of Mr. PRESSLER, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BURNS], and the Senator from Montana [Mr.

BAUCUS] were added as cosponsors of S. 2491, a bill to provide a minimum State share for certain housing programs.

S. 2497

At the request of Mr. LEVIN, his name was added as cosponsor of S. 2497, a bill to establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations.

SENATE JOINT RESOLUTION 242

At the request of Mr. THURMOND, the name of the Senator from Nevada [Mr. BRYAN] was added as cosponsor of Senate Joint Resolution 242, a joint resolution designating the week of April 22 through April 28, 1990, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. LOTT], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 265

At the request of Mr. DODD, the name of the Senator from California [Mr. CRANSTON] was added as cosponsor of Senate Joint Resolution 265, a joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

SENATE JOINT RESOLUTION 267

At the request of Mr. THURMOND, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from New York [Mr. D'AMATO], the Senator from Idaho [Mr. SYMMS], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Washington [Mr. ADAMS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Florida [Mr. MACK], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Dakota [Mr. PRESSLER], the Senator from Tennessee [Mr. SASSER], the Senator from Hawaii [Mr. INOUYE], the Senator from Maine [Mr. COHEN], the Senator from Wyoming [Mr. SIMPSON], the Senator from New York [Mr. MOYNIHAN], the Senator from Connecticut [Mr. DODD], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], the Senator from Nebraska [Mr. EXON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Delaware [Mr. ROTH], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 267, a joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 277

At the request of Mr. LUGAR, the name of the Senator from Massachusetts [Mr. KERRY] was added as cosponsor of Senate Joint Resolution 277, a joint resolution designating October 6, 1990, as "German-American Day."

SENATE JOINT RESOLUTION 290

At the request of Mr. LEVIN, his name was added as cosponsor of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean war.

SENATE JOINT RESOLUTION 296

At the request of Mr. LEVIN, his name was added as cosponsor of Senate Joint Resolution 296, a joint resolution designating August 7, 1990, as "National Neighborhood Crime Watch Day."

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. PRESSLER, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as cosponsor of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BUMPERS (AND OTHERS) AMENDMENT NO. 1565

Mr. BUMPERS (for himself, Mr. HARKIN, and Mr. PRYOR) proposed an amendment to the bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At the appropriate place in the bill, insert the following:

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $6,884,000: *Provided*, That none of the funds appropriated or otherwise made available by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990, Public Law 101-161, shall be used to pay the salaries of personnel who carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $556,000,000.

PELL (AND HELMS) AMENDMENT NO. 1566

Mr. BYRD (for Mr. PELL, for himself and Mr. HELMS) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 25, line 17, insert before the colon ", and the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs in accordance with the procedures contained in section 634A of the Foreign Assistance Act of 1961, as amended".

On page 26, line 10, after the word "Appropriations" insert ", the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs".

On page 27, line 2, after the word "Appropriations" insert ", the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs".

On page 27, line 5, after the word "Appropriations" insert ", the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs".

On page 29, line 15, insert before the period ", and the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs in accordance with the procedures contained in section 634A of the Foreign Assistance Act of 1961, as amended".

HATCH AMENDMENT NO. 1567

Mr. COCHRAN (for Mr. HELMS) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . LEASE OF MARINE CORPS HELICOPTERS.

(a) Upon entry into force of any lease agreement with the Government of Colombia which is consistent with the authorities of chapter 6 of the Arms Export Control Act, the President shall exercise his authority under section 61 of that Act—

(1) to lease to the Government of Colombia four AH-1J Cobra helicopters from the current stocks of the Marine Corps for use by the Colombian National Police in carrying out anti-drug interdiction operations in Colombia; and

(2) to provide training of Colombian personnel by Department of Defense personnel (before transfer of the helicopters is made) in the operation, maintenance, logistics support, and deployment of such helicopters, such training to be carried out in consultation with the Director of National Drug Control Policy.

(b) For purposes of this section, the determinations required by paragraphs (1) and (2) of section 61(a) of that Act shall be deemed to have been made as of the entry into force of the lease agreement described in subsection (a) of this section.

KASTEN (AND DECONCINI) AMENDMENT NO. 1568

Mr. KASTEN (for himself and Mr. DECONCINI) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 28, line 9, after the word "Namibia" insert the following ": *Provided*, That funds made available for Namibia

under this heading may not be obligated or expended unless the President determines and reports to the Congress that it is not the policy of the Government of Namibia to intervene militarily in Angola or to support military intervention from its territory into Angola."

D'AMATO (AND OTHERS) AMENDMENT NO. 1569

Mr. D'AMATO (for himself, Mr. DECONCINI, Ms. MIKULSKI, Mr. HELMS, Mr. DODD, Mr. DIXON, Mr. MURKOWSKI, Mr. SPECTER, Mr. LIEBERMAN, and Mr. KASTEN) proposed an amendment to the bill H.R. 4404, supra, as follows:

At the appropriate place insert the following:

The Senate finds that:

On March 11, 1990, the Supreme Council of the Republic of Lithuania declared the resumption of the independence it enjoyed from 1918 until its forcible occupation by the Soviet Union in 1940;

In response to that action, on April 17, the Soviet Union imposed economic sanctions against Lithuania by cutting back on the delivery of oil and natural gas;

The Soviet Union's economic sanctions have caused a great hardship on the people of Lithuania;

The Deputy United States Trade Representative on April 26 announced substantial agreement on a trade pact between the United States and the Soviet Union that would grant most-favored-nation status to the Soviet Union;

Such trade agreement and any implementing legislation must be approved by the Congress; and

Implementation of such a package while the Soviets continue their economic sanctions against Lithuania would constitute implicit support for Soviet activities in Lithuania;

It is the sense of the Senate to urge the President not to submit any United States-Soviet trade agreement or enabling legislation thereto to the Senate for approval until at least:

(1) the Soviet Union has lifted its economic embargo against Lithuania, and

(2) the Soviet Union has entered into negotiations with the duly elected representatives of the Lithuanian people, with the intended result the Soviet recognition of the independence of the government of the Republic of Lithuania in an orderly and expeditious manner.

WIRTH AMENDMENT NO. 1570

Mr. WIRTH (for himself, Mr. PELL, Mr. CHAFEE, Mr. GORE, and Mr. KERRY) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 20, between lines 19 and 20, insert the following:

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For an additional amount for necessary expenses for "International Organizations and Programs", $5,000,000 for payment to the United Nations Environment Program Fund, to carry out the provisions of section 2 of the United Nations Environment Program Participation Act of 1983.

On page 30, after line 20, insert the following:

GENERAL PROVISIONS

(RECISSION)

SEC. 301. Of the funds appropriated to or for the use of the Department of State for fiscal year 1990, the following funds are hereby rescinded from the following account in the specified amount:

International Military Education and Training Program, $7,500,000.

LEAHY (AND OTHERS) AMENDMENT NO. 1571

Mr. LEAHY (for himself, Mr. KASTEN, and Mr. HATFIELD), proposed an amendment to the bill H.R. 4404, supra, as follows:

To the pending amendment, strike the first word "for" and all that follows through the end of the amendment, and insert in lieu thereof the following:

Of the funds made available in Public Law 101-167, for "International Organizations and Programs", an additional $5,000,000 may be made available for payment to the United States Environmental Program Fund, to carry out the provisions of Section 2 of the United Nations Environmental Program Participation Act of 1983.

BRADLEY AMENDMENT NO. 1572

Mr. HATFIELD (for Mr. BRADLEY and Mr. BYRD) proposed an amendment to the bill H.R. 4404, supra, as follows:

On page 37 after line 12 insert the following:

SCHOOL IMPROVEMENT PROGRAMS

In addition to any other amount provided in this bill for "School Improvement Programs" an additional $4,000,000 is hereby provided to carry out the Javits gifted and talented education program as authorized by title IV, part B of the Elementary and Secondary Education Act of 1965, as amended: *Provided*, That $480,000 of the amount provided herein shall be derived by transfer from the funds appropriated in Public Law 100-436 for part E, section 465, of the Higher Education Act, as amended.

FINANCIAL ASSISTANCE TO THE SIMON WIESENTHAL CENTER

KENNEDY AMENDMENT NO. 1573

Mr. MITCHELL (for Mr. KENNEDY) proposes an amendment to the bill (S. 2300) to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, CA, for the education programs of the Museum of Tolerance, as follows:

On page 2, line 2, after the word authorized, insert the following: ", subject, to the availability of appropriations,".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 1, at 10 a.m. in SD-419 to hold a hearing on U.S. participation in the Law of the Sea Convention.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 2 p.m., May 1, 1990, for a hearing to receive testimony on S. 1831, to direct the Secretary of Agriculture to convey certain lands to the town of Taos, NM; S. 2014, to direct the Secretary of Agriculture and the Secretary of the Interior to provide interpretation and visitor education regarding the rich cultural heritage of the Chama River gateway region of northern New Mexico; S. 2143, to establish the Organ Mountains National Conservation Area in the State of New Mexico and for other purposes; S. 2165, to establish the Glorieta National Battlefield in the State of New Mexico; S. 2254, to establish the Pecos National Historical Park in the State of New Mexico and for other purposes; S. 2429, to establish the Mimbres Cultural National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico and for other purposes; S. 2430, to amend the Zuni-Cibola National Historical Park Establishment Act of 1988 to enlarge the time in which the Secretary of the Interior may accept a leasehold interest for inclusion in the park; and S. 2432, to provide for payments in lieu of taxes to be made with respect to certain lands comanaged by the Bureau of Land Management and the Secretary of the Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on May 1, 1990, beginning at 2:30 p.m., in 485 Russell Senate Office Building to consider for report to the Senate S. 143, the Indian Development Finance Act; S. 2354, the Housing and Community Development Act of 1974; S. 2075, the Indian Environmental Regulatory Enhancement Act of 1990, S. 381, recognition of Mowa Band of Choctaw Indians, S. 1413, recognition of Aroostook Band of Micmacs Settlement Act; S. 1747, Ponca Restoration Act and S. 1918, recognition of Jena Choctaw Indians to be followed by an oversight hearing on the Indian Economic Development Act of 1989; S. 1650, the Indian Employment Opportunity Act of 1989; and the Supreme Court's decision in cotton petroleum.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 1, 1990, at 2:15 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Armed Services Committee Subcommittee on Strategic Forces and Nuclear Deterrence be authorized to meet in open session on Tuesday, May 1, 1990, at 9:30 a.m. to receive testimony on Department of Energy facilities, complex modernization, and environmental and waste management activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 9:30 a.m., May 1, 1990, for a hearing to receive testimony on the Department of Energy's Uranium Enrichment Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILIES, DRUGS AND ALCOHOLISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Children, Families, Drugs and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, May 1, 1990, at 10 a.m., for a hearing on "Reauthorization of the Community Services Block Grant."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WATERMAN AWARD

● Mr. FORD. Mr. President, Kentucky's history is replete with remarkable men and women who contributed to the progress of our State and our Nation. One of them was honored recently. Dr. Mark E. Davis, a professor of chemical engineering, received the prestigious Alan T. Waterman Award presented by the National Science Foundation each year to a single outstanding young researcher. Dr. Davis pursued his entire engineering education at the University of Kentucky, receiving a bachelor's degree in 1977 and his doctorate in 1981. His accomplishments bear proud tribute to the high quality of engineering education and research training provided by our State university.

Dr. Davis received the award for his work in synthesizing molecular sieves with microscopic pore sizes. These sieves have a wide range of applications including the separation and recovery of industrial acids that would otherwise escape and damage the environment. Work like Dr. Davis' brings us one step closer toward improving the planet we are committed to protect. I want to congratulate Dr. Davis on his receipt of the NSF Waterman Award.●

NEED A LIFT?

● Mr. STEVENS. Mr. President, continuing its long service to the young people of our country, the American Legion has published its 39th edition of "Need a Lift?" It is one of the best informational handbooks I have seen on educational opportunities for scholarships, loans, careers, and employment.

The handbook is valuable to students, parents and school counselors, and also contains sources of educational assistance for veterans and their dependents. This year's booklet contains a computerized scholarship search application. "Need a Lift?" is available for a nominal fee of $2 from the American Legion, National Emblem Sales, P.O. Box 1050, Indianapolis, IN 46206.

Since it is important for students to have as much information as is available about scholarship and financial aid opportunities, I ask that section IV of the handbook be printed in the RECORD.

Students considering careers in the military service of our country may wish to contact local recruiting offices for additional opportunities to finance their education through programs such as the Army College Fund.

The material follows:

SECTION IV—SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

A. FEDERAL PROGRAMS (LISTED ALPHABETICALLY)

1. U.S. Department of Education provides the largest source of funding for financial aid programs. These programs are listed in the following paragraphs. Applications are available at postsecondary schools and high schools. The "Student Guide: Financial Aid from the U.S. Department of Education, 1990-90" may be obtained by writing to Federal Student Aid Programs, Student Guide, P.O. Box 84, Washington, DC 20044. Federal student aid questions may be directed to the toll-free Federal Student Aid Information number: 1-800-333-INFO.

a. College Work-Study Program (CWSP). This program provides on-campus and off-campus employment to undergraduate and graduate students enrolled in colleges and eligible postsecondary institutions who need financial aid to meet college expenses. The wage paid is at least the current Federal minimum wage, but it may also be related to the type of work and its difficulty. In arranging a job and assigning a work schedule, the aid administrator takes into account the student's health, class schedule and academic progress.

b. Pell Grant Program. Formerly called the Basic Grant Program, this program makes funds available to eligible students attending participating colleges, community/junior colleges, vocational schools, technical institutions, hospital schools of nursing, and other participating postsecondary institutions. To apply for the grant, an applicant must demonstrate need and be an undergradate student enrolled on at least a half-time basis. For the 1989-90 award period, individual awards will depend on program funding. The maximum award for the 1988-89 academic year was $2,200. To apply for a Pell Grant, a student must complete either the Federal form called "Application for Federal Student Aid" or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid: the Financial Aid Form (FAF), the Family Financial Statement (FFS), the Pennsylvania Higher Education Assistance Agency (PHEAA) form, the Student Aid Application for California (SAAC), or the Illinois State Scholarship Commission's form (AFSSA). Further information may be obtained from the Office of Student Financial Aid at the institution or a high school guidance counselor.

c. Perkins loan (formerly National Direct Student Loan Program-NDSL). These loans are available to students enrolled at least half time (and in some cases less than half-time) in a regular program of study at a participating school and who demonstrate need for financial assistance. Aggregate loans may not exceed $18,000 for a graduate student including undergraduate loans; $9,000 for students who have not completed their bachelor's but have completed 2 years leading to a bachelor's degree; $4,500 for any other student. Repayment of the loan begins nine months after a borrower ceases to carry at least one half the normal academic work load, and it is to be repaid within 10 years. Your "grace period" may be different than nine months if you are less than a half-time student. Interest of 5% will begin at the time the repayment period begins. You may defer repayment or have portions of your loan cancelled under certain conditions.

d. Plus loans and supplemental loans for students (SLS). PLUS loans are for parent borrowers. SLS loans are for students. Interest rates are variable (maximum 12%). Like Stafford Loans, they are made by a lender such as a bank, credit union, or savings and loan association. It is not necessary to demonstrate need. Parents, graduate students and independent undergraduates may borrow $4,000 per year. In exceptional circumstances, the financial aid administrator may authorize dependent undergraduates to apply for an SLS. All borrowers must begin repaying these loans within 60 days, unless the borrower is entitled to a deferment and the lender agrees to let the interest accumulate until the deferment ends. The negotiation of each loan is between the student and the lending institution. Individuals who desire more information or wish to initiate a loan should discuss the matter with the lender and the school financial aid administrator.

e. Stafford loan (formerly guaranteed student loan-GSL) This program provides loans to students for educational expenses, and is available from eligible lenders such as banks, credit unions, savings and loan asso-

ciations, State agencies and schools. Students must be enrolled on at least a half-time basis in participating postsecondary institutions, ranging from vocational and technical schools to degree-granting institutions. All applicants must undergo a needs test. For new borrowers, the interest rate is 8 percent for the first 4 years of repayment and 10 percent after that. A 5 percent origination fee is charged, which will be deducted proportionately from each loan payment. The money is passed on to the Federal Government to help reduce the Government's cost of subsidizing these low-interest loans. Your Lender may also charge you an insurance premium of up to 3 percent of the loan principal.

Loans must be repaid. Repayment normally is over a 5-10 year period. The amount of the student's repayment depends on the size of his or her debt. The more the student borrows, the higher the payment will be. Failure to repay on a timely basis can damage a person's credit rating and may lead to legal action to recover the debt.

Deferment of payment may be granted for a variety of reasons as listed in the publication, "Student Guide: Financial Aid from the U.S. Department of Education, 1989-90" listed above. Deferments are not automatic and must be applied for through your lender.

Depending on your need, you may borrow up to $2,625 a year, if you're a first or second-year undergraduate student; $4,000 a year, if you have completed 2 years of study and have achieved third-year status; $7,500 a year, if you're a graduate student. The total Stafford Loan debt you can have outstanding as an undergraduate is $17,250. The total for graduate or professional study is $54,750, including any loans made as an undergraduate.

f. Supplemental educational opportunity grant (SEOG) program. This grant program is for students with exceptional financial need (priority given to PELL grant recipients). Students must be enrolled as an undergraduate or vocational student in a regular program of study at an educational institution participating in the program. In some cases, awards may be made to less than half-time students. Graduate students are not eligible. The amount of the award may be up to $4,000 yearly.

There are other Federal programs you can get information about from your State educational agencies. These programs are:

g. The Paul Douglas Teacher Scholarship. Encourages outstanding high school graduates to pursue teaching careers after they finish postsecondary education. Provides scholarships of up to $5,000 for each year of postsecondary education to students who graduate from high school in the top 10 percent of their class, and who meet other selection criteria their State educational agency may establish. Generally, students are required to teach two years for each year of scholarship assistance they receive. Check with your State Scholarship Agency for information.

h. The Robert C. Byrd Honors Scholarship. Students who demonstrate outstanding academic achievement and show promise of continued excellence may receive $1,500 for their first year of postsecondary education. These scholarships are selected by the agency in the State responsible for supervising public elementary and secondary schools.

2. U.S. Department of Health and Human Services administers programs of assistance for students enrolled in health professions programs.

a. Exceptional Financial Need Scholarship Program provides a scholarship to encourage students with exceptional financial need to pursue careers in medicine, osteopathic medicine, dentistry, optometry, podiatric medicine, pharmacy, or veterinary medicine. Applicants should be citizens, nationals or lawful permanent residents of the United States or District of Columbia, the Commonwealths of Puerto Rico, or the Mariana Islands, the Virgins Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands and the Federated State of Micronesia. Scholarships will cover all or a part of the cost of tuition, and other reasonable educational expenses including fees, books, laboratory expenses and other costs of attending school. No service or financial obligation accompanies the scholarship. For information, write: Health Resources and Services Administration, Bureau of Health Professions, Division of Student Assistance, Parklawn Building, Room 8-38, 5600 Fishers Lane, Rockville, MD 20857. To apply for the program, contact the Director of Student Financial Aid at the school where you intend to apply for admission or where you are enrolled.

b. Program of Financial Assistance for Disadvantaged Health Professions Students is a program that provides financial assistance without a service or financial obligation to disadvantaged health professions students who are of exceptional financial need to pursue a degree in medicine, osteopathic medicine, or dentistry by providing financial support to help pay for their costs of education. Federal funds for this program are allocated to participating accredited health professions schools located in the United States and Puerto Rico. These schools are responsible for selecting the recipients of such assistance. You are eligible to apply if you are a citizen, national or lawful permanent resident of the United States or the District of Columbia, the Commonwealths of Puerto Rico or the Mariana Islands, the Virgin Islands, Guam, American Samoa or the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated State of Micronesia; are accepted for enrollment or are enrolled in a participating health professions school as a full-time student; and are determined by your school's Financial Aid Director to be of "exceptional financial need" and to meet "disadvantaged" criteria.

Depending on funding available, a student may receive funds to cover the costs of tuition and other reasonable education expenses including fees, books, laboratory expenses and other costs of attending school.

To apply, contact the Director of Student Financial Aid at the school where you intend to apply for admission or where you are enrolled, or write to the address in (a) above.

c. The Health Education Assistance Loan (HEAL) Program is a federally insured loan program for eligible graduate students in schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, public health, pharmacy, chiropractic, or in programs in health administration, clinical psychology, or allied health.

Eligible borrower—must be a citizen, national or permanent resident of the United States and accepted for enrollment as a full-time student, or already in full-time attendance and in good standing at an eligible HEAL school. Pharmacy students must have satisfactorily completed three years of training toward a pharmacy degree.

Eligible schools—Accredited health professions schools are eligible to participate in the HEAL Program if the school has an agreement with the Secretary. Foreign schools are not eligible under the HEAL Program even though some are eligible for the Guaranteed Student Loan Program.

Eligible lenders—Financial or credit institutions (including banks, savings and loan associations, credit unions, or insurance companies), State agencies, pension funds, eligible HEAL schools, and non-profit private entities designated by a State.

Loan limitations—Medical, osteopathic, dental, veterinary, optometric or podiatric students may borrow up to $20,000 per year, not to exceed $80,000 for all years. Pharmacy, chiropractic, health administration, clinical psychology, public health or allied health students may borrow up to $12,500 per year not to exceed $50,000 for all years.

Loans may be used solely for tuition, other reasonable education expenses, including fees, books, supplies and equipment, and laboratory expenses, reasonable living expenses, reasonable transportation costs that relate directly to borrowers' educational expenses, and the HEAL insurance premium.

Interest—The HEAL program does not provide a subsidy payment for interest. The amount of interest which may be charged to the borrower on the unpaid balance of the loan may not exceed the average bond-equivalent rate during the prior calendar quarter for 91-day Treasury bills sold at auction, plus three percent, rounded to the next higher ⅛ of one percent. Payment of principal and interest may be deferred while the borrower is a full-time student and during specific eligible periods of deferment. For more information contact the Director of Student Financial Aid at your school, or write to address in (a) above: Room 8-39.

d. The Health Professions Student Loan Program is a program of long-term, low interest loans to assist students having need for financial assistance to undertake the course of study required to become a physician, dentist, osteopathic physician, optometrist, pharmacist, podiatrist, or veterinarian. Funds are allocated to accredited schools of medicine, dentistry, osteopathic medicine, optometry, pharmacy, podiatric medicine, and veterinary medicine which are located in the United States and Puerto Rico, and which participate in the student loan program.

Each school participating in this program is responsible for selecting the recipients of loans and for determining the amount of assistance a student requires. Students applying for assistance under this program should apply through the school in which they have been accepted for enrollment or in which they are enrolled.

You are eligible to apply for a loan at a school that participates in the Health Professions Student Loan Program if you are:

1. A citizen, national, or a lawful permanent resident of the United States or the District of Columbia, the Commonwealth of Puerto Rico or the Marianna Islands, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands the Republic of Palau, the Republic of the Marshall Islands, and the Federated State of Micronesia;

2. Accepted for enrollment or enrolled as a full-time student in a course leading to a degree of doctor of medicine, doctor of dental surgery or equivalent degree, doctor of osteopathic medicine, doctor of optometry or equivalent degree, bachelor of science

in pharmacy or equivalent degree, doctor of pharmacy degree, doctor of podiatric medicine or equivalent degree, or doctor of veterinary medicine or equivalent degree; and

3. In need of the loan to be able to pursue the course of study.

Note: Students enrolled in schools of medicine or osteopathic medicine must demonstrate exceptional financial need.

Preprofessional students, interns, residents, and students seeking advanced training are not eligible for assistance under this program.

The maximum amount you may borrow for each school year is the cost of tuition plus $2,500 or the amount of your financial need, whichever is the lesser. The interest rate is five percent (5%) for all loans made on or after November 4, 1988.

For information, contact the Director of Student Financial Aid at your school, or write to the address in (a) above.

e. National Health Service Corps (NHSC) Scholarships are awarded to U.S. citizens enrolled or accepted for enrollment as full-time students in accredited U.S. schools of allopathic or osteopathic medicine, dentistry, and other health disciplines needed for the mission of NHSC. These scholarships include a monthly living stipend and payment of school tuition. Each year of scholarship support incurs a year of Federal service obligation. The minimum service obligation is 2 years.

The NHSC places full-time primary health care practitioners in selected federally-designated Health Manpower Shortage Areas of the United States. Virtually all of these practitioners owe service obligations of 2 to 4 years due to their participation in the NHSC Scholarship Program.

If appropriated funds are available, applications for competitive awards for the 1989-90 school year may be limited to students who have participated at their schools in the Federal "Scholarship Program for First-Year Students of Exceptional Financial Need."

The scholarship program is administered by the Bureau of Health Care Delivery and Assistance, Division of Health Services Scholarships. For further information write to: NHSC Scholarships, Parklawn Building, Room 7-29, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443-1650, or for toll-free message tape, call 1-800-638-0824 (except Maryland).

Note: No program funds have been appropriated for the 1989 fiscal year, so the NHSC does not plan any first-time awards for the academic year 1989-90.

f. National Health Service Corps Loan Repayment Program. In return for a 3- or 4-year commitment to a full-time practice at a pre-agreed NHSC or Indian Health Service (IHS) Loan Repayment Service Site in the United States, the Program will pay up to $20,000 a year ($25,000 a year for IHS assignments) toward a participant's a outstanding Government and commercial health professions education loans. (Rates of payment may be reduced for the minimum 2-year practice.) Student applicants must be in their last year of health professions school to be eligible for consideration. United States citizenship is required.

Selection Priorities for 1989—Priority for selection is based on the staffing needs of the NHSC and the IHS for 1989 and 1990. Priority for selection (through September 1989) will be given to the following applicants in the following health disciplines, with further priority given to those with the earliest availability for service.

(1) Physicians (M.D. or D.O.) who have (or will have) completed by start of service the training required to sit for the specialty board examinations in family practice, obstetrics-gynecology, internal medicine, pediatrics, or osteopathic general practice of at least 2 postgraduate years. If funds are available, other medical specialties may be considered, based on the needs of the NHSC and the IHS.

(2) Nurses who have (or will have) completed by start of service accredited master's degree nursing program for Pediatric Nurse Practitioner, Obstetrical Nurse Practitioner, Family Nurse Practitioner, or Nurse-Midwifery. The baccalaureate nursing degree must be from a program accredited by the National League for Nursing. If funds are available, other nurses (baccalaureate-level or above) may be considered, based on the needs of the NHSC and the IHS. For further information about the NHSC Scholarship Program or the NHSC Loan Repayment Program, address an inquiry to: Division of Health Services Scholarships, Room 7-16, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, or telephone during office hours: 1-301-443-1650.

g. Minority Access to Research Careers Program (MARC) Honors Undergraduate Research Training Awards. The Minority Access to Research Careers Program's Honors Undergraduate Research Training Program is designed to increase the number of well-prepared minority students who can compete successfully for entry into graduate programs leading to the Ph.D. in biomedical research. Its goal is also to help develop strong science curricula and research opportunities to prepare students for careers in biomedical research. A formal research experience for the recipient is an essential feature of the program. Summer study and research should be part of the overall training program at outstanding institutions or laboratories selected to enhance and supplement the trainee's formal course work and research training experience. The criteria for selection of trainees includes evidence that the candidate has clear potential to perform at a high level in the biomedical sciences and that the candidate demonstrates a determination to subsequently enter graduate programs leading to the Ph.D. degree. Applicants must be honor students in their third or fourth year of college. The college or university must have an enrollment drawn substantially from ethnic minority groups such as American Indians, Blacks, Hispanics, and Pacific Islanders.

Each school will make awards for stipend and tuition support for five or more students. The award may include travel expenses to one national meeting closely related to a project.

Graduates of this undergraduate program are then eligible to compete for a MARC Predoctoral Fellowship which supports 5 years of training toward either the Ph.D. or M.D./Ph.D. at any high quality graduate institution.

Applications may be filed by January 10, May 10 or September 10. Apply for information or application to: United States Department of Health and Human Services, National Institutes of Health, National Institute of General Medical Sciences, Westwood Building, Room 9A18, Bethesda, Maryland 20892.

3. Other U.S. Department of Health and Human Service Programs are:

a. Commissioned Officer Student Training and Extern Program (COSTEP). COSTEP is a recruiting device for the Commissioned Corps of the Pubic Health Service (PHS) which offers excellent opportunities for students in health-related fields to get maximum benefit during free periods (31-120 days) of the academic year. Students may apply for assignments at any time during the year; however, the majority of students are hired for the summer period. To be eligible a student must have completed a minimum of one year of study in a medical, dental, or veterinary school; or have completed a minimum of two years of a professionally accredited baccalaureate program in the following course of study: dietetics, engineering, nursing, pharmacy, therapy, sanitary science, or medical record administration; or be enrolled in the masters or doctoral program in a health related field other than those mentioned above. The student must expect to return to college as a full-time student in an accredited field of study following completion of the COSTEP assignment. Students must be free of any obligation that would conflict with extended duty in the PHS Commissioned Corps, may not be a member of another uniformed service nor owe a service obligation to another uniformed service, and must meet the qualifications for appointment in the Commissioned Corps. These include being a citizen of the United States, meeting the physical standards of the corps, and being under 44 years of age. Transportation is paid to and from the location of the assignment. For applications, contact: Division of Commissioned Personnel, ATTN: COSTEP, Parklawn Building, Room 4-35, 5600 Fishers Lane, Rockville, MD 20857. Deadline for applications: October 1 for assignments from January through April, February 1 for May through August, and May 1 for September through December. COSTEPs are commissioned as junior assistant health service officers in the Commissioned Corps of the PHS. The pay of a single COSTEP officer is $1,338.90 salary, $268.80 quarters allowance, $119.61 subsistence for a total of $1,726.31 per month. For COSTEP officers with dependents, the quarters allowance is $364.50 for a total of $1,823.01 per month. The quarters and subsistence allowances are not taxable. COSTEPs are eligible for medical and dental care while on duty and receive many of the benefits of commissioned officers. For additional information, you may call the COSTEP office at (301) 443-6324.

b. Professional Nurse Traineeship Program. Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialities requiring advanced training. Traineeships provide a living stipend (not to exceed $6,552) and tuition and fees as set by the participating training institutions. Further information is available from: Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Room 5C26, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857. Students should request information through the Dean of Nursing at their institution. Note: This assistance is only for students studying at the master's or doctoral level.

c. Nursing Student Loan Program. The program is intended to assist students to achieve careers in nursing by providing long-term, low-interest loans to help meet costs of education.

Federal funds for this program are allocated to accredited schools of nursing educa-

tion. These schools are responsible for selecting the recipients of loans for determining the amount of assistance a student requires. Students applying for assistance under this program should apply through the school in which they have been accepted for enrollment or in which they are enrolled.

You are eligible to apply for a Nursing Student Loan if you are a citizen, national, or a lawful permanent resident of the United States or the District of Columbia, the Commonwealths of Puerto Rico or the Mariana Islands, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands and the Federated State of Micronesia; are accepted for enrollment or are enrolled as a full-time or half-time student in a course leading to a diploma in nursing, an associate degree in nursing, a bachelor's degree in nursing or an equivalent degree, or a graduate degree in nursing.

You may borrow $2,500 for an academic year, $4,000 for each of the final two years, or the amount of your financial need, whichever is the lesser. The total amount of a student's loan for all years may not exceed $13,000.

In determining the amount of assistance you may require, the school considers: All financial resources available to you, including other sources of aid, such as scholarships or other repayable loans, and the costs reasonably necessary for attendance at the school.

The interest rate is five percent (5%) for all loans made on or after November 4, 1988. To apply, contact the Director of Student Financial Aid at your school.

4. The U.S. Department of Interior Administers a Program of Indian Tribal Grants and Loans. Over 45 Indian tribes have established their own grant and loan programs to promote higher education for their members. Contacts for tribal assistance should be made through the U.S. Dept. of the Interior, Bureau of Indian Affairs, Washington, D.C. 20240, or through the Tribal Headquarters.

5. Indians Higher Education Grant Program is a program for students who are members of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of an undergraduate or graduate degree; must demonstrate financial need to the institution they are or will be attending. For information, write to: Department of the Interior-BIA, Office of Education Programs, MS 3512, Code 522, 18th & C Street, N.W., Washington, D.C. 20240.

6. The U.S. Information Agency Sponsors: The Fulbright Teacher Exchange Program. Under the Mutual Educational and Cultural Exchange Act, qualified American educators may work in elementary and secondary schools abroad, and, in some instances, institutions of higher education in various countries. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application, proficiency in the language of the host country and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars held in Italy and the Netherlands. Evidence of good health and stability also is required.

Round-trip transportation to some countries for those selected to participate may be provided. A maintenance allowance may also be provided, paid in the currency of the host country, based upon that country's cost of living. For teachers participating in the Exchange Program, the successful applicant's U.S. salary is continued by the participant's own school. Seminar grants may include roundtrip transportation and tuition costs, but for some, the participants are responsible for their own maintenance expenses. Regional interviewing committees conduct preliminary screening of applicants. Annual application deadline date is October 15. Application forms can be obtained from and then submitted to the Teachers Exchange Branch, E/ASX, Room 353, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547.

B. ASSISTANCE FOR UNDERGRADUATES ONLY

AFL-CIO department of education. The AFL-CIO offers a scholarship guide with a wide variety of scholarships to postsecondary institutions including; two and four-year colleges and universities, graduate schools, culinary institutes, musicians training institutes, vocational, technical and nursing schools. Though most scholarships listed in the guide are available to union members and their families, some are available to the general public. Single copies are available without charge for union members only. Copies are $3.00 for all others. Checks should be made payable to the Secretary-Treasurer AFL-CIO and sent to the AFL-CIO Pamphlet Divisions, 815 16th Street, N.W., Washington, D.C. 20006.

Aid Associations for Lutherans (AAL)

1. All-college scholarships—This competition is open to all AAL members who are graduating high school seniors. Students can enroll at any accredited college or university with the intention of completing bachelor degree requirements. Approximately 4,500 students apply annually for the 750 scholarships available in this program. The top 50 students in the competition receive $2,000 renewable awards. the next 200 students receive $500 renewable awards. The next 500 students receive $500, one-year nonrenewable awards. Scholarships funds can be used for tuition and fee, books, supplies and equipment required for courses.

Eligibility—You must have an in-force AAL certificate of membership and insurance or annuity in your name.

You must be of good character and have grades which meet entrance requirements at the institution of your choice.

You must take the Scholastic Aptitute Test (SAT) no later than December and release your scores to code 0433. Failure to release your scores correctly will disqualify you from the competition. Student or school copies are unacceptable. In some instances, ACT scores can be substituted for SAT scores.

Complete the scholarship application by November 30.

2. Vocational/Technical School Scholarship Program—This competition is open to AAL members of any age who are enrolled or who plan to enroll in an accredited vocational/technical institute or two-year college. Students can attend on a full or half-time basis and must pursue an associate degree or vocational diploma. Each year this program has approximately 400 applicants and 100 winners. These scholarship funds can be used for tuition and fees, books, supplies and equipment used for courses.

AAL will award up to 50 renewable scholarships for graduating high school seniors and up to an additional 50 renewable awards for AAL members who graudated from high school or hold a General Equivalency Diploma (GED).

Awards for full-time study are $500 per year, up to a maximum of two years of full-time study or until a degree/diploma is received, whichever occurs first. Awards for half-time study (i.e. one half the normal full-time class load at the institution, usually six credits) are $250 per year, up to a maximum of four half-time years of study or until a degree/diploma is received.

Eligibility—You must have an in-force AAL certificate of membership and insurance or annuity in your own name at the time of application.

You must be a graduating high school senior, high school graduate or have a General Equivalency Diploma (GED).

You must be enrolled or plan to enroll in an accredited vocational/technical institute or a two-year associate degree program on either a full-or half-time basis. Students already enrolled are eligible for the scholarships, but awards are not retroactive.

You must apply by November 30.

3. Lutheran Campus Scholarship Program—This competition is open to AAL members of any age who are enrolled or who plan to enroll at one of the 49 Lutheran colleges, universities or Bible institutes in an undergraduate degree program. Students can attend on a full or half-time basis. About 1,000 AAL members receive scholarships every year. Scholarship funds can be used for tuition and fees, books, supplies and equipment required for courses. Each school's financial aid office determines winners and award amounts, typically from $200 to $1,000 per year.

Eligibility—You must have an AAL in-force certificate of membership and insurance or annuity in your own name at the time of application.

You must be enrolled or plan to enroll at a Lutheran institution on a full- or half-time basis.

You must apply to a participating school.

You must reapply each year. Recipients are selected for only one year.

For more information on any AAL Scholarship, write: AAL Scholarships, 4321 N. Ballard Rd., Appleton, WI 54915-9934.

American Medical Technologists' Scholarship Program offers five scholarships of $250 each to high school graduates interested in pursuing medical technology or medical assisting studies. Awards are based primarily on need, with consideration given to goals, school grades, activities, experience and personal references. Applicants must be enrolled, or contemplate enrolling in a school accredited by the Accrediting Bureau of Health Education Schools (list available by contacting the ABHES, 29089 U.S. 20 West, Elkhart, Indiana 46514), or enrolled or contemplate enrolling in a college, university or junior college medical technology or medical assisting program. April 1 is the filing deadline for applications and supporting documents. Write: AMT, 710 Higgins Road, Park Ridge, IL 60068. Telephone: (312) 823-5169.

The American Society for Metals Foundation for Education and Research sponsors up to 31 $500 undergraduate scholarships and up to three awards of $2,000 for students in metallurgy and materials science who have completed one full year of college, and are citizens of the United States, Canada or Mexico. Selection is based on interest in metallurgy or materials science, motivation, achievement, citizenship, poten-

tial and scholarship. No financial statements are required. In addition, some individual A.S.M. chapters sponsor programs on a local or regional basis. For further information, write: ASM International, Scholarship Selection Committee, Metals Park, OH 44073. Telephone: (216) 338-5151.

The Seth R. Brooks and Corrine H. Brooks Scholarship Fund offers a grant to an undergraduate who is a daughter or son of a Beta Theta Pi who deserves recognition by reason of academic achievement and would be unable to continue studies without financial assistance. Applicants need not be from a campus which has a Beta chapter; male applicants need not be Betas. Sons or daughters of living or deceased Betas are equally eligible. The amount of the 1989-90 award will be approximately $1,000. The complete application must be received by the Founders Fund Scholarship Committee at the Administrative Office no later than June 15. For further information, contact the Beta Theta Pi Administrative Office, 208 East High Street, P.O. Box 6277, Oxford, Ohio 45056. Note: Additional assistance is available through the Beta Theta Pi Founders Fund, including the Founders Fund Scholarships and Tutor-in-Residence Scholarships. Information is available from address above.

The Business and Professional Women's Foundation Scholarships. BPW Foundation offers the following scholarships: The BPW Career Advancement Scholarship, The Clairol Scholarship, and the New York Life Foundation Scholarship for Women in the Health Professions.

In order to be eligible for the scholarships, applicants must: demonstrate critical financial need; be 25 or older (30 or older for the Clairol Scholarship); be U.S. citizens; be officially accepted into a program of study at an accredited U.S. institution; be graduating within 24 months of the time they apply for a scholarship; be receiving a degree or certificate at the conclusion of their studies; be acquiring marketable skills that will increase their economic security; and be entering the work force after they receive their degree or certificate.

BPW scholarships do not cover study at the doctoral level, except for medical and law students. New York Life Foundation scholarships do not cover any study at the doctoral level. BPW scholarships do not cover correspondence courses or short term courses. The application procedure is a two-step process. Applicants must first request a pre-application screening form. This form is available between September 1 and November 31. To receive the pre-application screening form, send your request with a self-addressed business size (#10) stamped envelope to the Scholarship Department, BPW Foundation, 2012 Massachusetts Avenue, NW., Washington, DC 20036 between September 1 and November 31. The pre-application screening form must then be completed and returned to BPW Foundation for review. If the applicant meets all eligibility requirements, an application form will then be mailed. Application forms are mailed between October 1 and December 15. All application materials must be postmarked by February 28. Applicants will be notified by July 10.

The pre-application screening form is only available between September 1 and November 31. Requests for the pre-application screening form received before September 1 or after November 31 will not be accepted.

Club Managers Association of America maintains undergraduate scholarships for students enrolled at colleges and universities offering courses in Hotel, Restaurant and Institutional Management. These scholarships, normally made available to students who have completed at least one year of undergraduate work at a four year school, are awarded on the basis of scholastic ability, financial need and interest in private club management. Write: Club Managers Association of America, 7615 Winterberry Place, Bethesda, MD 20817.

The Education Council of the Graphic Arts Industry, Inc., Council's National Scholarship Trust Fund has awarded scholarships during the past 25 years for studies in printing management, printing technology and graphic arts education. Approximately 75 scholarships are awarded each year. Applications must be filed by January 15. Applications may be requested by writing: 4615 Forbes Avenue, Pittsburgh, PA 15213 ATTN: NSTF, Telephone 412-621-6941.

Educational Communications Scholarship Foundation provides a minimum of 65 awards annually of $1,000 each. Approximately 500 semi-finalists are selected on the basis of aptitude test scores, grade point averages and leadership activities. Semi-finalists are required to write an essay which is evaluated by committee. Some consideration is given for need for financial aid, but this is not a major factor. Applications must be submitted by June 1 and may be obtained in most high school guidance offices or write to: Educational Communications Scholarship Foundation, 721 N. McKinley Road, Lake Forest, IL 60045. Telephone: (312) 295-6650. Please state name, address, grade point average and class year.

The Elks National Foundation is offering college scholarships totaling over $3 million for the academic year 1989-1990. The 1989 Schedule of Awards includes 500 Scholarship awarded in nationwide competition, and 1,298 scholarships allocated on a state-quota basis. Five hundred four-year scholarships are to be awarded to the highest-rated boys and girls in the 1989 competition.

Applications may be made by students in the graduating class of a high school, or its equivalent, who are citizens of the United States of America and reside within the jurisdiction of the B.P.O. Elks of the U.S.A. Scholarship, Leadership and financial need are the criteria by which applicants are judged. Application must be made on an official form furnished by the Elks National Foundation, which will be available at Elks Lodges after November 1. Applications properly executed must be filed not later than January 20 with the Scholarship Chairman or Exalted Ruler or Secretary of the Elks Lodge in whose jurisdiction the applicant resides.

Entomological Society of America. The ESA offers two undergraduate scholarships annually: BioQuip Products a major supplier of entomological equipment, provides a $1,000.00 scholarship, and Iselin and Associates, Inc., a consulting and research company, provides a $500.00 scholarship. Both are awarded in August. The purpose of these scholarships is to promote and encourage student interest in the science of entomology.

To be eligible, you must be enrolled as an undergraduate student majoring in biology, entomology, or related science at a recognized university or college in the United States, Canada, or Mexico. Also, you must have accumulated a minimum of 30 semester hours at the time the award is presented. You will be evaluated primarily on your demonstrated enthusiasm, interest, and achievement in biology, and on academic credentials. Special consideration may be given to students with financial need, although need is not a major criterion for selection of winners.

To apply for the scholarships, please submit the following:

1. Completed Application Form.
2. Current official transcript of college grades.
3. Three letters of recommendation, describing your qualifications for this award. At least one should be from a faculty member at your college or university.
4. Optional: a written statement from school or other knowledgeable official, and/or personal statement, attesting to your financial need. Financial need will be used as a criterion for selection only to distinguish between identically qualified applicants.

For application materials, write: Executive Director, Education and Training Committee, ESA, 9301 Annapolis Rd., Lanham, MD 20706. The deadline is May 31 of each year.

The Foundation of the National Student Nurses' Association offers a number of scholarships each year to students currently enrolled in nursing or pre-nursing programs in state-approved schools of nursing. Amounts normally range from $1000 to $2500. Scholarships are awarded to Nurses for undergraduate studies only, and are based on financial need, academic achievement and a demonstrated commitment to nursing through involvement in nursing student organizations and/or school and community health activities. Requests for applications must be received between September 15 and January 15 each year, with a completed application deadline of February 1. Awards are made in April. For further information and applications, send a self-addressed, stamped legal-size envelope with $.50 postage to: Foundation of the National Student Nurses' Association, 555 West 57th Street, Suite 1325, New York NY 10019. Telephone: (212) 581-2215.

The Harry S. Truman Memorial Scholarship Program, enacted by Public Law 93-642, is authorized to award scholarships, through nationwide competition, to persons who demonstrate outstanding potential for and who plan to pursue a career in public service. Scholarships awarded under this Act shall not exceed four academic years, neither shall they exceed the cost of tuition, fees, books, room and board, or $7,000, whichever is less, for each year of study. Recipients must be college juniors in the initial year of the award. Each state shall be assured at least one recipient each year and the scholarship may apply to any institution of higher education offering courses of study or training to prepare persons for a career in government. The institution's nominations must be forwarded to the Foundation by December 1: Truman Scholarship Foundation, 712 Jackson Place, N.W., Washington, D.C. 20006.

Knights of Columbus "Pro Deo and Pro Patria Scholarship Trust" is for undergraduate scholarships. The Knights of Columbus has an established trust fund which will provide annually $1,000 scholarships to members, to sons and daughters of living or deceased members. The fund will also annually provide two $1,000 scholarships to Columbian Squires. Awards will be made on the basis of academic excellence regardless of need and may be renewed annually subject to satisfactory academic performance. Ten of these scholarships, and two for the Columbian Squire, are placed at The Catho-

lic University of America. Students admitted to the freshman class may apply for these scholarships through the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064. Final filing date of applications is February 1. Ten of these scholarships and two for the Columbian Squire may be used at a Catholic college of student's choice. Final filing date for these applications is March 1. Applications for these scholarships may be obtained from the Director of Scholarship Aid, Knights of Columbus, Supreme Council, Columbus Plaza, P.O. Drawer 1670, New Haven, CT 06507.

National Achievement Scholarship Program for Outstanding Negro Students, a compensatory activity created in 1964, is conducted by the National Merit Scholarship Corporation (NMSC) which also administers the National Merit Scholarship Program (as described in a later entry). All grants to the Achievement Program are specified for the purposes of honoring academically able black students and awarding them college undergraduate scholarships. Currently, some 700 Achievement Scholarships worth nearly $3 million are awarded in each annual competition.

To enter the Achievement Program, black high school students must take the PSAT/NMSQT (which simultaneously makes them participants in the Merit Program), mark a space on their answer sheets requesting consideration in the Achievement Program and meet NMSC eligibility requirements.

About 1,500 of the highest scoring eligible black students are designated Semifinalists in each Achievement Program. To ensure nationwide representation, Semifinalists are named in each of several U.S. geographic regions, proportionate to each region's population of Black Americans.

Semifinals must meet further requirements and advance to Finalist standing in order to continue in the Achievement Scholarship competition. All winners are chosen from the Achievement Program Finalist group. The selection of winners includes an evaluation of each Finalist's academic record and test scores, extracurricular activities and attainments, and the endorsement and recommendation of the student's school.

About 350 of the annual awards are National Achievement $2,000 Scholarships that are single-payment awards. Every Finalist is considered for one of these awards. About 200 are corporate-sponsored four-year Achievement Scholarships for which winners must meet preferential criteria specified by the grantor organization, and are worth between $500 and $8,000 for each of the four college years. About 150 are college-sponsored Achievement Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

The PSAT/NMSQT Student Bulletin gives requirements students must meet to be eligible to participate in the Achievement Program and also lists sponsor organizations that currently provide support for Achievement Scholarships. A copy can often be obtained from the student's high school. Questions should be directed to: National Achievement Scholarship Program for Outstanding Negro Students, One Rotary Center, 1560 Sherman Avenue, Evanston, IL 60201 (312) 866-5100.

National Association of Secondary School Principals sponsors the Century III Leaders Program which provides: 102 $1,500 scholarships (State winners); 102 $500 awards (State alternates; 2 each per state and D.C.); 306, $100 awards (State finalists); 9 $500 awards (National semi-finalists); and one $10,000 national award to high school seniors who are selected by their schools. For information, contact the school principal in early September (in advance of the October 22 deadline).

Also offered are 450 $1,000 National Honor Society Scholarships. See NHS chapter advisor at the school in early January for the February deadline. The newest scholarship program is the Principal's Leadership Award, funded by Herff Jones, Inc., The program awards 150 $1,000 scholarships. See your high school principal in early October (in advance of the December deadline).

National Merit Scholarship Program is a nationwide competition among academically talented high school students for college undergraduate scholarships. The Merit Progran is conducted by National Merit Scholarship Corporation (NMSC), an independent nonprofit organization established in 1955 to administer this annual competition. Over 6,000 Merit Scholarships, valued at about $23 million, have been awarded each year in recent programs. Secondary school students throughout the U.S. enter the competition by taking the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) given by their schools in October. To participate, students must meet published eligibility requirements.

About 15,000 top-scoring students are designated semifinalists in each Merit Program. The highest scorers in each state are named Semifinalists in numbers proportionate to the state's percentage of the National total of graduating high school seniors.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Merit Scholarship competition. All Merit Scholars are chosen from the group of approximately 14,000 Finalists. The selection of winners includes an evaluation of each Finalist's test scores, academic and extracurricular accomplishments and the endorsement and recommendation of the student's school.

Of the annual awards, 1,800 are National Merit $2,000 Scholarships that are single-payment awards allocated to winners on a state representation basis; every Finalist is considered for one of these awards. Over 1,400 are corporate-sponsored Merit Scholarships for which winners must meet preferential criteria specified by the grantor organization providing funding for the award; most of these awards are renewable for up to four years and provide stipends between $500 and $8,000 annually; a few may provide single payments of $2,000. Over 2,900 are college-sponsored, four-year Merit Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

Details concerning eligibility and the Merit Scholarships offered are published annually in the PSAT/NMSQT Student Bulletin, sent to high schools. Questions and requests for additional information should be sent to: NMSC, One Rotary Center, 1560 Sherman Avenue, Evanston, IL 60201 (312) 866-5100.

National 4-H Council. National 4-H Scholarships are offered to encourage 4-H members to continue their education beyond high school.

Who are national 4-H scholarship winners? They are 4-H members who have been judged outstanding, first as county winners, then as state winners and ultimately as national winners.

How are winners selected? Each state determines county and state winners. National winners are selected by a 16-member national 4-H record book judging committee of Agriculture. Each state 4-H office submits duly authorized record books and scholarship application forms for national judging.

Who are national judges? Judges are drawn from each of the four Extension Regions. Each October, they review approximately 1800 record books and scholarship applications. Four judging teams are formed, with each team including one judge from each region. Thus, each state entry in any given program can be reviewed by a judge who does not represent that state or its region.

How are scholarships administered? A scholarship should be applied toward a course of study at an accredited college or university. However, scholarships may be applied toward a course of study at the other approved educational institutions, including trade or technical schools, provided (1) the recipient makes a written request to the county Extension agent, (2) the county Extension agent and the state 4-H leader recommend favorable action and (3) the request from the state 4-H leader is approved by National 4-H Council.

When are scholarship funds granted? Scholarship recipients must request funds through their county Extension agent or state 4-H leader. The state 4-H leader submits to National 4-H Council a Request for Scholarship Form, including evidence that (1) recipient currently is enrolled in college and has completed a quarter or semester with at least a "C" grade average, verified by the college transcript, and (2) the recipient plans to be enrolled in college for the following quarter or semester. If the recipient has not yet entered college, the scholarship will be held by National 4-H Council until the above requirements are met.

Who may apply for national 4-H scholarships? The majority of national 4-H scholarships are awarded to active 4-H members who are between the ages of 14 and 19.

However, some scholarships may be applied for by former 4-H members, if appropriate credentials are submitted through the state 4-H office in the state in which candidates were active 4-H members.

How are scholarship winners in these programs determined? The same national 4-H record book judging committee that determines national and sectional winners in major awards programs reviews scholarship applications. Criteria used to determine winners are similar, but consideration also is given to financial need.

Can an applicant receive more than one scholarship? A candidate will be awarded only one scholarship in a program in which a trip to National 4-H Congress is offered. If a candidate meets eligibility requirements for programs which do not offer such a trip, the candidate can be considered for scholarships available through those programs.

In 1989, a total of 278 educational scholarships will be awarded: 192 in major awards programs; 37 in scholarship programs; and 50 in regional programs. The total value of these scholarships is $313,000.

For further information, write to the county 4-H office, the State 4-H Leader at the State Land-Grant University, or the National 4-H Council, 7100 Connecticut Avenue, Chevy Chase, MD 20815.

The National Science Teachers Association sponsors two student competitions with scholarships as awards:

1. The Space Science Student Involvement Program (co-sponsored with NASA) is an inter-disciplinary program with eight different contests.

Eligibility: Students, grades 6-12, in U.S. public and private schools, including U.S. civil and military overseas schools, Puerto Rico, Guam, and the U.S. outlying territories.

Educational Aid Offered: Top winning secondary students are eligible to receive scholarships ranging from $250 to $3,000. Scholarships may be used toward attendance at any postsecondary educational institution.

Deadline: March 15 of each year. For further information, contact the NSTA's Space, Science, and Technology Programs, 5112 Berwyn Rd., 3rd Floor, College Park, MD 20740; 301/474-0487.

2. The Duracell NSTA Scholarship Competition (managed by NSTA for Duracell); Eligibility: Students, grades 9-12.

Educational aid offered: Students must create and build a working device powered by one or more Duracell batteries.

Scholarship awards include: First place—$10,000 college scholarship; second place—five $3,000 college scholarships; third place—ten $500 college scholarships; fourth place—twenty-five $100 cash prizes. Deadline: Early February each year. For further information, write to: Duracell NSTA Scholarship Competition, National Science Teachers Association, 1742 Connecticut Avenue, N.W., Washington, DC 2009.

Science Talent Search, conducted by Science Service and sponsored by the Westinghouse Electric Corporation and the Westinghouse Foundation, annually offers scholarships for boys and girls in their last year of high school. Awards are based on high school records, national test scores, recommendations of high school teachers, a thousand word report on an independent science research project by the student and interviews by judges of the forty finalists at the Science Talent Institute in Washington, D.C. Awards include 40 scholarships: one $20,000, two $15,000, three $10,000 and four $7,500. The remaining 30 finalists each receive Westinghouse Science Scholarships of $1,000. State Science Talent Searches are conducted currently with the National Competition in 36 states and the District of Columbia. Entry deadline date is December 15. Detailed information is available from Science Service, 1719 N Street, N.W., Washington, D.C. 20036. Telephone: (202) 785-2255.

Soroptimist International of the Americas Youth Citizenship Award of $1,250 per Soroptimist region and a finalist award of $2,000 are offered to high school seniors demonstrating good citizenship qualities. Citizenship qualities include integrity, worth and ability, and encourage youth to develop the highest concepts of patriotism and effective cooperation in home and community affairs. Deadline is December 15. For applications, contact your local Soroptimist club.

The Ted and Peg Serrill Journalism Scholarship is offered annually by the National Newspaper Foundation to a college Junior enrolled full-time in Journalism. The scholarship program is designed to encourage study in the print media field. The scholarships, in the sums of $1,000, $500 and $250, are payable during the Junior year. The student must have at least a B average and a recommendation by the Dean, Director or Department Head of the school in which he/she is enrolled. Deadline is June 13. Write for an application to: Selection Committee, Serrill Scholarship, National Newspaper Foundation, 1627 K Street, N.W., Suite 400, Washington, D.C. 20006. Telephone: (202) 466-7200.

The Westinghouse Educational Foundation sponsors the following awards annually:

1. The Westinghouse Family Scholarship—ten $12,000 and sixty-five $3,000 scholarships. Information on the Westinghouse Family Scholarship may be obtained from the Personnel Relations Office where the student's parent is or was (if deceased, retired or permanently disabled) employed.

2. The Science Talent Search—forty awards. The student should request the science teacher to write to Science Talent Service, 1719 N Street, N.W., Washington, D.C. 20036 to obtain information and application forms.

3. 4-H Electric Program—4-H Club members should contact their local 4-H leader or County Extension Agent for information and application.

4. Bertha Lamme Scholarship—these scholarships are awarded to young women entering engineering as freshmen. For information write: Society of Womens Engineers, United Engineering Center, Room 305, 345 East 47th Street, New York, N.Y. 10017. Telephone: (212) 705-7855.

5. National Achievement Scholarship Program for Outstanding Negro Students—For information, write to: One Rotary Center, 1560 Sherman Avenue, Evanston, IL 60201.

Eligibility for each of these scholarships is limited to students residing in the United States. The Family Scholarship, The Science Talent Search and The Bertha Lamme require that the applicant be in his or her last year of high school; applications must be submitted during the Fall months of the Senior year. Students aged 14 through 19 are eligible for the 4-H Electric Program.

Western Golf Association sponsors the Evans Scholars Foundation, which annually awards approximately 200 four-year scholarships to qualified caddies. Eligibility for Evans Scholarship: (1) Candidates must have completed junior year in high school and rank in upper 25% of class; (2) must have caddied for a minimum of two years at a club participating in this program; and (3) must require financial assistance to attend college. Information is available by writing to Western Golf Association, Golf, IL 60029. Telephone: (312) 724-4600.

C. ASSISTANCE FOR GRADUATES AND UNDERGRADUATES

American Congress, on Surveying and Mapping/American Society for Photogrammetry and Remote Sensing fellowships and scholarships: (1) Wild Heerbrugg Surveying Scholarships—two scholarships ($1,000 each) for students studying surveying at a school with a two- or four-year degree in surveying or a related field; (2) Wild Heerbrugg Photogrammetric Fellowship—a $4,000 award for one graduate student, to be used for study in photogrammetry at a school of the recipient's choice; (3) American Association for Geodetic Surveying Fellowship—a $2,000 award for one graduate student, to be used for study in a program that focuses on geodetic surveying or geodesy at a school of the recipient's choice; (4) Schonstedt Scholarship in Surveying—a $1,500 award for one undergraduate student, to be used for study in surveying by a student who has completed at least 2 years of a 4 year curriculum leading to a degree in surveying; (5) The William A. Fischer Memorial Scholarship—a $1,500 award for graduate study in remote sensing, to be used for studies that address new and innovative uses of remote sensing related to the natural, cultural, or agricultural resources of the Earth; (6) The American Cartographic Association Scholarship—a $1,000 award for full-time students of junior or senior standing. Applicants should be enrolled in a cartography or other mapping science curriculum in a 4-year degree granting institution; (7) The Berntsen Scholarship in Surveying—a $1,500 award for one undergraduate student, to be used for study in surveying in a 4-year degree program of the recipient's choice; (8) The Robert E. Altenhofen Memorial Scholarship—a $500 award for one undergraduate or graduate student, to be used for study in photogrammetry at a school of the recipient's choice; (9) Analytical Surveys Scholarship—a $4,000 award for one undergraduate or graduate student to encourage and assist in pursuing education in photogrammetry; (10) Joseph F. Dracup Scholarship—a $2,000 award for an undergraduate student committed to a career in geodetic surveying; (11) Ta Liang Memorial Award—a $500 award for a graduate student in remote sensing (for research-related travel). Deadline for applications is January 15, except for the Robert E. Altenhofen Memorial Scholarship, which has a deadline of January 1. Request application forms and instructions from: ACSM Scholarships, 210 Little Falls Street, Falls Church, VA 22046.

The American Dental Hygienists' Association Institute for Oral Health offers the following scholarships; (1) Certificate Scholarship Program to students who are in a certificate/associate degree or bachelor's degree dental hygiene program, have completed at least one year in dental hygiene curriculum and have a minimum grade point average of 3.00 (on a 4.00 scale); (2) Baccalaureate Dental Hygiene Scholarship Program to students who have a minimum grade point average of 3.00 (on a 4.00 scale) and can provide evidence of acceptance as a full-time bachelor's degree candidate in an accredited four-year college or university; if a Baccalaureate Degree sought is not in Dental Hygiene, evidence of a Dental Hygiene Certificate or qualification for the Dental Hygiene Certificate within the current academic year must be provided. (3) *Graduate* acceptance as a full-time Master's or Doctoral degree candidate in a university program, graduates of a certified associate dental hygiene program or baccalaureate program, and licensed Dental Hygienists or will receive a bachelor's degree at the end of the current academic year. While being enrolled in a dental hygiene curriculum, must maintain a minimum grade point average of 3.00 (on a 4.00 scale). The maximum scholarship is $1,500. Deadline for applications is May 1. Information and application may be obtained by writing: ADHA Institute, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Dental Hygienists' Association Institute for Oral Health Research Grant Program makes research grant funds available for licensed dental hygienists or students pursuing a dental hygiene degree who submit a completed research and grant application according to the specified guidelines. The purpose is to provide financial assistance to certificate, associate, baccalaureate, master's, doctoral candidates and practicing dental hygienists to implement research. All proposals and applications are due by July 15; Awards customarily range from approximately $1,000 to $5,000 with an

average award of $2,000. Further information and application may be obtained by writing: American Dental Hygienists' Association, Division of Professional Development, Administrative Research Grant Program, 444 Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Geological Institute makes funds available to minority students in the geological sciences to assist them in their studies. This is accomplished through the Minority Participation Program Scholarships. Awards are granted yearly in sums ranging from $500 to $2,000. Those eligible are geoscience majors who are United States citizens and members of one of the following ethnic minority groups that are underrepresented in the geosciences: American Black, Hispanic and Native American (American Indian, Eskimo, Samoan or Hawaiian.) The applicant must be a geoscience major with a good academic record, meet financial need criteria, and be currently enrolled in an accredited institution as either an undergraduate or graduate student. The term "geoscience" is used broadly to include major study in the fields of geology, geophysics, geochemistry, hydrology, oceanography, meteorology and planetary geology. Application deadline is February 1 of each year. Current recipients must reapply for consideration for an additional year. Those interested in applying for a scholarship for a particular academic year should send their request for application forms (which may be duplicated) to the following address as of September when the new applications become available: American Geological Institute, Director of Education, 4220 King Street, Alexandria, Virginia 22302.

The American Institute of Architects. The AIA scholarship program is divided into four programs, each created to meet a different need during the course of an architectural education. Scholarships are provided for undergraduate students entering architecture; students during one of the final two years of the professional degree program; architects wishing to engage in graduate work or independent study; and architects or graduate students wishing to specialize in health facilities design. The Institute considers this support an important investment in the profession's future. Special awards are available to assist minority/disadvantaged students (primarily recent high school graduates) to pursue a career in architecture. For further information write: Director, Education Programs, The American Institute of Architects, 1735 New York Avenue, N.W., Washington, DC 20006.

The American Society of Heating, Refrigeration, Air Conditioning Engineers, Inc. offers grants-in-aid to full-time graduate students of ASHRAE-related technologies to encourage students to continue preparation for service in the industry. An application is made on the student's behalf by a faculty adviser. Up to $6,000 may be awarded during a calendar year. Applications are available from the Manager of Research, American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.

American Society of Medical Technologists (ASMT) Scholarship Program: The scholarship program supports continuing, advanced, undergraduate, and graduate education for students, practitioners, and educators.

Skonie Undergraduate Scholarship-Award $1,000. Established by: The Skonie Corporation. Purpose: To assist students of the profession of clinical laboratory science in pursuing undergraduate studies.

Eligibility: Any student who (1) fulfills requirements for admission or is currently enrolled in a (full time) degree program in clinical laboratory science (medical technology), (2) will enter the senior year within 12 months, and (3) is a citizen or permanent resident of the United States of America.

Many state societies have state scholarship programs for undergraduate students. Please contact the President of the state society for information.

Note: ASMT also offers educational assistance programs for advanced and continuing education. For information on all programs, contract: ASMT, 2021 L Street, N.W., Suite 400, Washington, DC 20036.

Burroughs National Grants/Scholarships. These awards are offered by the Burroughs Corporation (through the Burroughs Grant Award Center) as an incentive to attract qualified graduates as Burroughs employees. The average award is $5,500; to be used for all fields of undergraduate or graduate study. Criteria include high scholastic achievement of most pressing financial need. Students are asked to consider possible employment with Burroughs; future employment with Burroughs need not be assured in order to win an award. To receive a full informational packet, mail a brief, informal note to: Burroughs Grant Award Center, Ehrman Building, NBA #674. 43363 Mission Boulevard, Fremont, CA 94539.

The Dow Jones Newspaper Fund, Inc. is an organization encouraging talented young people to consider careers in journalism. The Journalism Career and Scholarship Guide, published by the Fund, provides information on what to study in college, where to study journalism/mass communications, general information on where jobs are and how to find them. It also lists more than $3 million in financial aid from universities and colleges, newspapers, professional societies and journalism-related organizations for students majoring in journalism/mass communications. Single copies of the Guide are available at no charge to interested individuals. Bulk orders are also available at $2.50 per copy.

The Fund operates three editing internship programs: the Newspaper Editing Intern Program for College Juniors, the Minority Editing Intern Program for College Seniors, and Minority Reporting Intern Program for College Sophomores. The internships offer students the opportunity to earn scholarships after successfully completing a summer of paid employment as copy editors or reporters on daily newspapers. The Fund also sponsors: High School Journalism Workshops for Minorities that are designed to identify minority high school students; the Teacher Fellowship Program for inexperienced high school journalism teachers to attend summer publication workshops; and the Special Awards Program which ends in the naming of the High School Journalism Teacher of the Year. For information on these programs, as well as a copy of the Journalism Career and Scholarship Guide, write the Dow Jones Newspaper Fund, P.O. Box 300, Princeton, N.J. 08543-0300. Telephone: (609) 452-2820.

Educational Foundation of the National Restaurant Association (NRA):

Scholarships—Foundation-administered scholarships are made available for the purpose of providing needed funds for tuition, room and board, books, and other school expenses at more than 500 approved vocational-technical schools, junior/community colleges, and senior colleges and universities. These awards are available for undergraduate studies only.

Educational Foundation-administered scholarships are funded by a number of participating companies. Scholarships are available to full-time students majoring in the areas of foodservice/hospitality management. This includes majors in hotel, restaurant, and institutional management, culinary arts, dietectics, food science and technology, and other foodservice-related curricula including manufacturing and distribution. Scholarships range in value from $750 to one full-tuition award up to $10,000.

Fellowships—Seven H.J. Heinz Company Foundation Graduate Degree Fellowship Awards, 1 for $2,000, 1 for $1,200, and 5 for $1,000, are awarded yearly on a competitive basis to present or previous full-time teachers or administrators enrolled in either a master's or doctoral-degree program to improve skill in teaching or administering foodservice management/culinary arts programs.

The Graduate Degree Fellowship Awards are funded by the H.J. Heinz Company Foundation and administered by The Educational Foundation.

Grants—Up to 25 National Restaurant Association Teacher Work-Study Grant Awards of $2,000 each are awarded yearly on a competitive basis to full-time teachers in and administrators of foodservice management/culinary arts programs.

It is the objective of these grants to provide opportunities for full-time teachers and administrators in "hands-on" work experience in the industry. This experience will enrich and update their knowledge of the industry and increase their capability to relate that knowledge to their students.

The Teacher Work-Study Grant Awards are funded by the National Restaurant Association and administered by The Educational Foundation.

For more information/applications on all award programs, please write or call: Scholarship Coordinator, The Educational Foundation of the National Restaurant Association, 250 S. Wacker Drive, Suite 1400, Chicago, IL 60606 (312) 715-1010.

Institute of Food Technoligists administers fellowships and scholarships to students pursuing a program leading to a degree in the general field of Food Technology or Food Science. During the tenure of a scholarship, winners must be enrolled in an IFT approved U.S. or Canadian educational institution. Graduate fellowship winners may be enrolled in any U.S. or Canadian educational institution that is conducting fundamental research in food science or technology. Awards include 33 freshman and sophomore, and 50 junior and senior scholarships of $500 to $2,000; and 24 graduate Fellowships up to $10,000. A booklet on IFT Scholarship/Fellowship Programs and applications are available after September 15 from IFT Scholarship Department, 221 N. LaSalle St., Suite 300, Chicago, IL 60601 or from Department Head of approved institution. Telephone: (312) 782-8424.

The International Chiropractors Association has two scholarship programs, the Women's Auxiliary and King Koil scholarship programs, which provide funds to student ICA chapters for distribution to student ICA members. ICA also furnishes career information to interested individuals. Upon request, ICA will send a list of chiropractic colleges. Write to the International Chiropractors Association, Career/Scholarship Information, 1110 N. Glebe Road, Suite 1000, Arlington, VA 22201.

The Material Handling Education Foundation, Inc. awards scholarships to students

enrolled in programs of study pre-qualified by the Foundation. Majors in Industrial, Electrical, and Mechanical Engineering and in Computer Science may qualify. The program should include an emphasis in material handling through direct and related courses, or through independent study. To be eligible, students must be: beyond their second year of a Bachelor's program, or beginning graduate study; U.S. citizens and maintaining at least a "B" average. The application deadline is early February; the forms are available *from faculty members at approved institutions.* For general information, you may write: The Material Handling Institute, Inc., 8720 Red Oak Blvd., Suite 201, Charlotte, NC 28217. Telephone: (704) 522-8644.

National Congress of Parents and Teachers does not have a scholarship and loan program at a national level. Some state PTA's have such programs and others are encouraging scholarship grants at council and local levels. Awards are made possible by dues received for memberships, memorial gifts and/or voluntary contributions to PTA's. Most are for teacher training education, but some are for family life education, guidance and counseling instruction, librarianship, teachers of exceptional children and inservice teachers' summer term work. Special fellowships offered. Inquiries should be sent to the inquirer's state PTA office.

National Federation of the Blind. Each year at its national convention in July the National Federation of the Blind gives to legally blind persons pursuing or planning to pursue a full-time postsecondary course of study a broad array of scholarships. The 1989 scholarships include:

1. Ezra Davis Memorial Scholarship; $10,000; endowed by Ezra Davis and given by the American Brotherhood for the Blind, a nonprofit organization which works to assist blind persons. Applicants must be studying (or planning to study) at the postsecondary level; no restriction as to gender, graduate or undergraduate level, or field of study.

2. National Federation of the Blind Merit Scholarship; nineteen to be given; three for $4,000; seven for $2,500; and nine for $1,800. Applicants must be studying (or planning to study) at the postsecondary level; no restriction as to gender, graduate or undergraduate level or field of study.

3. Howard Brown Rickard Scholarship; $2,500. Applicants must be studying (or planning to study) law, medicine, engineering, architecture or the natural sciences; no restriction as to gender or graduate or undergraduate level.

4. Hermoine Grant Calhoun Scholarship; $2,500. Dr. Isabelle Grant endowed this scholarship in memory of her daughter; limited to female students; may be studying (or planning to study) at either graduate or undergraduate level.

5. Frank Walton Horn Memorial Scholarship; $2,500; given by Mr. and Mrs. Charles Barnum, the mother and stepfather of Catherine Horn Randall; no restrictions as to gender, graduate or undergraduate level, or field of study, but preference will be given to those studying architecture or engineering.

6. Francis Urbanek Memorial Scholarship; $2,000; given by Joe Urbanek in memory of his brother Francis, who died in January, 1986, at age eighteen; limited to blind high school graduates entering their freshman year of college.

7. Ellen Setterfield Memorial Scholarship; $2,000; given in memory of Ellen Setterfield by Roy Landstrom; restricted to students at the graduate level in the social sciences.

8. Melva T. Owen Memorial Scholarship; $1,800; given in memory of Melva T. Owen, who was widely known and loved among the blind. She and her husband Charles Owen became acquainted with increasing numbers of blind people through their work in the "Voicespondence" Club. Charles Owen says: "there shall be no limitation as to field of study, except that it shall be directed towards attaining financial independence and shall exclude religion and those seeking only to further general or cultural education."

Criteria: All scholarships are awarded on the basis of academic excellence, service to the community, and financial need.

Membership: The National Federation of the Blind is an organization dedicated to creating opportunity for all blind persons. Recipients of Federation scholarships need not be members of the National Federation of the Blind.

Deadline: Applications for National Federation of the Blind scholarships must be received by March 31 of the year in which the scholarship is to be awarded.

Applications may be obtained from local and state Federation officers or by writing: National Federation of the Blind Scholarship Committee, Grinnel State Bank Building, 2nd Floor, 814 Fourth Avenue, Grinnet, Iowa 50112.

Presbyterian Church Financial Aid Programs. The purpose of the financial aid programs of the Presbyterian Church (U.S.A.) is to help make college and graduate work possible for Presbyterian students who might be handicapped by inadequate financial resources.

These programs are not intended to provide the major portion of educational expenses. They are intended to help make undergraduate and graduate work possible for those who need additional resources to continue their education, either through grants, scholarships or loans.

With one exception, the Samuel Robinson Scholarship, all programs are based on financial need.

Undergraduate Grant Programs

I. National Presbyterian College Scholarships. For superior young people preparing to enter full-time study as incoming freshmen at one of the participating colleges related to the Presbyterian Church (U.S.A.). Applicants must be high school seniors, U.S. citizens or permanent residents, confirming members of the Presbyterian Church (U.S.A.) and take the SAT/ACT no later than November 30th of their senior year in high school. Additional qualifications are listed in the brochure which is available after September 1st. Range of Awards: $500 to $2,000 per academic year depending on demonstrated need and available funds.

II. Student Opportunity Scholarships. Designed to assist racial/ethnic undergraduate students (Asian, Black, Hispanic, Native American) finance their undergraduate education beyond high school. Applicant must be a member of the Presbyterian Church (U.S.A.), a U.S. citizen or permanent resident of the U.S.; must be a high school senior who will be entering college full-time as incoming freshman and must apply to the college for financial aid. Applications are available after January 1st and must be submitted by April 1st of student's senior year in high school. Range of awards: $100 to $1,400 per academic year depending upon demonstrated need/available funds.

III. Native American Education Grants. For Indians, Aleuts and Eskimos pursuing full-time postsecondary education. Must be a U.S. citizen. Must have completed at least one semester of work at an accredited institution of higher education. Must apply to the college for financial aid. Preference will be given to Presbyterian students at the undergraduate level. Range of Awards: $200 to $1,500, depending upon demonstrated need and availability of funds.

IV. Educational Assistance Grant Program. An undergraduate aid program to help cover the cost of purchasing required books and instructional materials for the children of Presbyterian Church (U.S.A.) professional church workers. Applicant must be a full-time undergraduate who is receiving financial aid based upon need and must be a U.S. citizen or permanent resident of the U.S. Students may receive EAP grants for a maximum of two (2) academic years, with amounts varying by term depending on courses being taken and books required. Maximum grant for a full academic year is $300.

V. Samuel Robinson Scholarships. For undergraduate students enrolled in one of the 69 colleges related to the Presbyterian Church (U.S.A.). No one may receive the scholarship more than once. Applicants must successfully recite the answers of the Westminister Shorter Catechism and write a 2,000 word original essay on an assigned topic related to the Shorter Catechism. Amount of Award: $500. For information, inquire at the college financial aid office.

Graduate Grant Programs

I. Presbyterian Study Grants. To assist graduate students who are communicant members of the Presbyterian Church (U.S.A.) in their preparation for professional church occupations. Applicants must: be citizen of the U.S. or have permanent resident status; demonstrate financial need beyond that which they are able to meet through other loans, grants, scholarships, savings and employment; normally be enrolled on a full-time basis; be in good academic standing. Additional conditions of study apply.

II. Racial/Ethnic Leadership Supplemental Grants. Designed to assist racial/ethnic graduate students (Asian, Black, Hispanic, Native American) who are communicant members of the PC (U.S.A.) in preparation for professional church occupations. The student must be: studying for the first professional degree; enrolled as an inquirer with or received as a candidate by a PC (U.S.A.) presbytery for a church occupation; a citizen of the U.S. or have permanent resident status; enrolled at least half-time in a prescribed program of study approved by presbytery and in good academic standing; demonstrate unusual financial need beyond that which he/she is able to meet through other grants, loans, scholarships, savings and employment.

To apply, contact the Financial Aid Officer at the seminary or school of study for information/forms.

III. Native American Seminary Scholarship. To aid Presbyterians who are American Indians, Aleuts and Eskimos in their pursuit of theological education. The student must: be a U.S. citizen or have permanent resident status; demonstrate financial need beyond that which he/she is able to meet through other loans, grants, scholarships, savings and employment; be in good academic standing. Additional conditions of study apply.

Student Loan Fund. Students in all categories; must demonstrate evidence of need-

ing financial help for the necessary expenses of higher education beyond that which they are able to meet through other loans, grants, scholarships, savings and employment; must give satisfactory evidence of financial reliability and must satisfy the Student Loan Fund office that the loan will be repaid in accordance with the conditions specified; must be a U.S. citizen or have permanent resident status.

For more information on all Presbyterian Church Financial Aid Programs, write to: Manager, Financial Aid for Studies, Presbyterian Church (U.S.A.), 100 Witherspoon Street, Louisville, KY 40202-1396.

The Rotary Foundation Scholarships are available to graduate or undergraduate students, journalists, or teachers of the handicapped. Vocational scholarships are also available for artisans, technicians and professionals who have been employed in a technical or professional field for at least 2 years. Freedom From Hunger Scholarships will be granted to students from developing country districts working toward advanced degrees in agricultural studies. Age limit requirements vary with each scholarship. All scholarships are for one academic year in a country other than the recipient's own, and provide for school fees, room and board, round trip airfare between home city and place of study and expenses for limited travel during the year. Applications are due July 1. Contact your local Rotary Club for details.

The Society of Exploration Geophysicists Foundation offers numerous scholarship opportunities to students who intend to pursue a college course directed toward a career in Geophysics. Scholarships ranging from $750 to $1,000 annually are available to students wishing to enter college, already in college and at the graduate level. Applications must be filed prior to March 1. Applications and further information may be secured from the Society's Scholarship Committee, P.O. Box 702740, Tulsa, OK 74170.

The Society of Naval Architects and Marine Engineers annually awards both undergraduate and graduate scholarships to encourage study in naval architecture and marine engineering or closely related fields. All applicants must be citizens of either the United States or Canada:

1. Undergraduate Awards, normally $1,000 each, are to be applied for by contacting one or more of the following schools directly: University of California (Berkeley); University of Michigan (Ann Arbor); Massachusetts Institute of Technology (Cambridge); State University of New York Maritime College (Fort Schuyler); Florida Atlantic University (Boca Raton, FL), and/or University of New Orleans. These are the only schools where undergraduate awards are available.

2. Graduate Awards are in amounts of $1,000 or higher. File with the Society no later than February 1. Applications for graduate awards and information can be obtained by writing to: Mr. Robert G. Mende, Secretary and Executive Director, The Society of Naval Architects and Marine Engineers, 601 Pavonia Avenue, Jersey City, New Jersey 07306. Telephone: (201) 798-4800.

D. ASSISTANCE FOR GRADUATES ONLY

The American Association of University Women Educational Foundation awards approximately 94 fellowships annually, ranging up to $10,000 for pre-doctoral, and up to $20,000 for postdoctoral fellowships. These awards are for women of the United States who have completed all requirements for the doctorate except the writing of the dissertation. Postdoctoral fellowships are awarded to women who hold a doctoral degree and wish to pursue further advanced research. Awards are also made to women for the final year of study in the fields of law, medicine, architecture, and business administration (the MBA degree). These "selected professions" awards are between $5,000 and $7,500. Applications are available after August 1 of each year. Deadlines for application vary from November 15 through February 1. For further information, write to: AAUW Educational Foundation, 2401 Virginia Avenue NW., Washington, DC 20037. Telephone: (202) 728-7603.

The American Osteopathic Association. The Auxiliary to the American Osteopathic Association annually awards scholarships to freshman in the top 20% of their class who will be sophomores in the next school term at accredited colleges of osteopathic medicine. The specific number of awards is determined on consideration of funds available. The awards will be made in August. Recipients are selected without regard to geographical location of home, or choice of osteopathic educational institution.

The Scholarship awards are for $3,000. The scholarship money is paid directly to the college which the student attends and is to be used for the payment of tuition, books, and equipment. Each year the most outstanding winner is automatically awarded the Lawrence W. Mills Scholarship, for $5,000.

Requirements for these scholarships are:

High scholastic standing, determined by class rank (applicant must be in the top 20 percent of freshman class).

Financial need.

Applicant must not be the recipient of any full tuition scholarship.

Good moral character.

Motivation and aptitude toward the osteopathic medical profession.

A personal interview.

To apply, complete the application and return it by the deadline: Must be postmarked by April 15. A passport photograph, suitable for news release, must accompany the application and will not be returned.

For information write: Scholarship Chairman, Auxiliary to the American Osteopathic Association, 142 East Ontario Street, Chicago, IL 60611.

The Daniel and Florence Guggenheim Foundation offers Fellowships each year to approximately 10 young scientists and engineers for graduate study in energy conversion, transportation, jet propulsion, space flight and flight structures. The Fellowships provide stipends ranging up to $8,200 in 1989-90 depending on the level of advancement of the student, plus tuition. They are open to qualified science and engineering students who are residents of the United States or Canada. Students graduating in aerodynamics, fluid mechanics, engineering sciences, physics, physical chemistry, applied physics, applied mathematics, or, aeronautical, mechanical, chemical or civil engineering are sought. The Fellowhips are open to women as well as men. The Fellowships will be used for study at The Daniel and Florence Guggenheim Laboratories at Princeton University (all in Dept of Mechanical and Aerospace Engineering), the Daniel and Florence Guggenheim Jet Propulsion Center at California Institute of Technology and the Daniel and Florence Guggenheim Institute of Flight Structures at Columbia University. Applications and addtitional information should be obtained directly from Princeton, California Institute of Technology or Columbia University.

Dental Laboratory Technology Scholarships are available upon completion of application to the American Fund for Dental Health. These are one-year scholarships ranging from $500 to $600. Upon reapplication, a scholarship may be renewed for a second year by the Selection Committee, if the student satisfactorily completes the first year and funding is available. Deadline date is June 1. For full information, write to: American Fund for Dental Health, Attn: Director of Programs, 211 East Chicago Avenue, Chicago, IL 60611.

Dental Scholarships for Minority Students are available through the American Fund for Dental Health. Students selected under this program may receive up to $2,000 for their first year of dental school. Upon re-application and report of satisfactory progress, a grant for $2,000 may be renewed for the second year of dental studies. A maximum of $4,000 may be paid over a two-year period. To be eligible, students must be U.S. citizens from the following minority groups under-represented in the dental profession—American Indians, Blacks, Mexican-Americans and Puerto Ricans. They must be entering their first year of dental school. Application deadline is May 1. Applications are available from the Student Affairs or Financial Aid Office of the dental school they plan to attend. Write: American Fund for Dental Health, Attn: Director of Programs, 211 E. Chicago Avenue, Chicago, IL 60611.

Foreign Area Programs of the Social Science Research Council and the American Council of Learned Societies offer fellowships for doctoral dissertation research in social science and humanistic fields related to many foreign areas. Since these programs reflect the distinctive needs and character of the area, a general account of terms and conditions cannot be offered here. Inquiries should be directed to Social Science Research Council, Fellowhips and Grants, 605 Third Avenue, New York, NY 10158.

The Foundation of the American College of Healthcare Executives offers a limited number of Foster G. McGaw student loans to assist worthy students to continue their professional education and training for careers in hospital administration. Loans are available to students in graduate programs in hospital or health services administration, accredited by the Accrediting Commission on Education for Health Services Administration. Applicants must be student associates of ACHE, and demonstrate financial need. Applications must be endorsed by the University Program Course Director prior to submission to ACHE's Student Loan Committee. For further information, contact the American College of Healthcare Executives, 840 North Lake Shore Drive, Chicago, IL 60611.

Also offered is the Albert W. Dent Scholarship, designed to provide financial aid for and increase enrollment of minority and physically disabled students in healthcare management graduate programs. For information, write to address above.

The Institute of International Education offers American college graduates approximately 700 scholarships for study in foreign countries, about 500 of which are provided under the Fulbright Program. Over two hundred of the scholarships are financed by various foreign governments, foreign universities and private donors. In most cases, the scholarships provide travel expenses and partial or complete tuition and maintenance for a full academic year. Students now enrolled in colleges or universities should first

consult with their campus Fulbright Program Advisers. Deadline is October 31. Further information and application forms are available from the Institute of International Education, U.S. Student Programs Division, 809 United Nations Plaza, New York, NY 10017, (Telephone: (212) 984-5330), or from any of the Institute's regional offices in Chicago, Denver, Atlanta, Houston and San Francisco.

Kappa Kappa Gamma Fraternity Scholarship Awards. Graduate scholarships are available to members of Kappa Kappa Gamma and to any woman student who is a citizen of the United States or Canada who has completed undergraduate study or will be doing graduate work full-time on a campus with a chapter of Kappa Kappa Gamma. Application forms may be obtained by writing to Fraternity Headquarters, P.O. box 2079, Columbus, Ohio 43216 (Please send a self-addressed, stamped envelope). Application deadline: February 15.

The Knights of Columbus Graduate Fellowships are established at the Catholic University of America, Washington, DC., for work in the fields offered in the Graduate School. The fellowships cover room, board and tuition, and may be renewed annually up to three years.

For these awards, preference is given to members of the Knights of Columbus, to the wife, son, daughter or sister of a member. The member must be in good standing in the Order; if deceased, he must have been in good standing at the time of his death.

These fellowships are administered by the Graduate School of the Catholic University for applicants who have been accepted for graduate work there. Application forms may be obtained from the Director of Financial Aid, Catholic University of America, Washington, DC 20064.

The Knights of Columbus-Bishop Charles P. Greco Graduate Fellowships were established in 1973 for members, their wives, sons and daughters, and for the widow and children of a deceased member. These fellowships are for full-time graduate study leading to a Master's degree in a program designed for the preparation of classroom teachers of mentally retarded children. The fellowship is granted to a candidate at the beginning of the program of study and offers financial assistance for the educational costs at the graduate school up to a maximum of $500 a semester. The grant is renewable each succeeding semester of the program to a maximum of four semesters, upon evidence of satisfactory performance. The deadline is May 1. Application forms may be obtained from the Committee on Fellowships, Knights of Columbus, P.O. Drawer 1670, New Haven, CT 06507.

National Medical Fellowships, Inc., awards schoarships to members of four under-represented minority groups, (Native Americans, American Blacks, Mexican Americans and Mainland Puerto Ricans) who have been accepted by or are attending accredited schools of allopathic and osteopathic medicine in the U.S. Applicants must be U.S. citizens.

NMF Scholarship awards are based on financial need and are awarded to first and second-year medical students. Special merit awards are granted outstanding juniors and seniors.

Applications should be requested from The Scholarship Program, National Medical Fellowships, 254 West 31st Street, 7th Floor, New York, NY 10001. All NMF applications are available in March. The deadline for new applicants is August 30 and for renewal applicants is May 1.

The National Wildlife Federation annually awards a limited number of graduate fellowships of up to $10,000 for study at an accredited college or university in the field of natural resources conservation. Research which is carried out as part of a research program may be considered within this fellowship program. The deadline is November 30. Write to: The Executive Vice President, National Wildlife Federation, Confidential #8, 140 Sixteenth St., N.W., Washington, D.C. 20036-2226.

Nurses' Educational Funds is an organization which grants scholarships to registered nurses pursuing further full-time study through masters or doctoral degree programs. Men and women who are members of any national professional nursing association and who qualify for these awards study in graduate nursing programs accredited by the National League for Nursing in colleges and universities of their choice. Funds are contributed by nurses, business and industrial firms, organizations and individuals. The Board of Directors determines the amount and number of awards each year on the basis of availability of funds and the nature of applications. Deadline for applications is March 1 preceding the academic year for which award is made. Write for additional information to Nurses' Educational Funds, 555 West 57th Street, New York, NY 10019. Telephone: (212) 582-8820 (ext. 513).

Woodrow Wilson National Fellowship Foundation conducts the following programs in higher education:

(1) Mellon Fellowships for Graduate Studies in the Humanities for beginning graduate students who plan careers in college teaching; for more information on Mellon write: P.O. Box 288, Princeton, NJ 08542. (2) Charlotte W. Newcombe Dissertation Fellowships for Ph.D. candidates writing on topics of religious and ethical values in all fields. Application Request Deadline—December of each year. (3) Women's Studies Research Grants for Ph.D. candidates writing their dissertations on a topic concerning women. Application Request Deadline—November of each year. (4) Administrative Fellowships which place holders of M.B.A. and other professional degrees in management positions at developing colleges. (5) Visiting Fellows program which sends professionals to college campuses for a week at a time. Application Request Deadline—November of each year. No fellowships for undergraduate study are available. Applicants interested in the above programs should write for further information to: Woodrow Wilson National Fellowship Foundation, Box 642, Princeton, New Jersey 08542. Also offered: Spencer Dissertation Year Fellowships, for Research Related to Education, for Ph.D. candidates in the social sciences or education; and Rural Policy Fellowships, to expand the number of researchers and policy-makers concerned with rural policy questions in the U.S. For information on both programs, write to P.O. Box 410, Princeton, New Jersey 08542.

E. STUDENT EMPLOYMENT AND COOPERATIVE EDUCATION

Cooperative education is a unique plan of education which integrates classroom study with planned and supervised work experiences. This educational pattern allows students to acquire practical skills as well as to be exposed to the reality of the world beyond the boundaries of the campus, enhancing the self-awareness and direction of the individuals.

One of the great strengths of cooperative education is its flexibility. The basic concept of integrating work experience in an educational curriculum can be applied in many different ways. The administrative details can be designed to blend with the philosophy of the particular educational institution and the needs of the students to be served.

It is called "cooperative education" because it is dependent upon the cooperation between educational institutions and employers to form a total educational program. The interrelated experience and study components are carefully planned and supervised to produce optimum educational results. Through a balanced educational method which combines classroom theory with career-related paid work experience, cooperative education offers numerous advantages to the student, to employers, and to the institutions.

At a time when potential college students cannot afford the increasing costs of higher education, co-op provides a solution. Students are assigned to real jobs for real pay. This is a very significant benefit, since co-op students earn, on an average, $7,000 per year from their co-op assignments. Therefore, cooperative education is a form of higher education that allows students to work in the adult world, gaining realistic experience and a professional résumé by the time they graduate, as well as earning financial benefits to offset their tuition expenses.

To receive a free copy of the Co-op Education Undergraduate Program Directory, write to: The National Commission for Cooperative Education, 360 Huntington Avenue, Boston, Massachusetts 02115.●

JOHN M. ROBERTSON, KENTUCKY SMALL BUSINESS PERSON OF THE YEAR

● Mr. FORD. Mr. President, next week, from May 6 through May 12, we celebrate Small Business Week throughout this country. I rise today to salute the Kentucky Small Business Person of the Year, Mr. John M. Robertson, of Louisville, KY. He will be honored and recognized by the Small Business Administration in Washington next week along with successful entrepreneurs from across the country.

John Robertson is president of Louisville Stoneware Co., a manufacturer and supplier of high quality dinnerware across this country and overseas. In 1970, Mr. Robertson purchased Louisville Stoneware, then a fledgling enterprise with 13 employees. Since that time, the operations of Louisville Stoneware have grown and improved, to the point where its efficient operations now employ more than 100 people full time, as well as several others on a part-time basis during peak seasons. And Louisville Stoneware is also a source of employment and training for many mentally and physically handicapped individuals, giving them the opportunity to provide for themselves and make a positive contribution to our economy and to society.

Mr. President, I believe the growth of Louisville Stoneware represents the

kind of expansion that has been at the core of our Nation's economic growth in recent years—dedicated, sustained efforts under the leadership of hard working, enterprising individuals like John Robertson. His leadership and example have made him a role model for small business persons across Kentucky and throughout the country. And it assures me that small businesses will continue to play a leading role in the economic progress in my State. I rise to pay tribute to John Robertson and all of the other "Small Business Persons of the Year" for their achievements, and wish them much success for the future.●

UNDERSTANDING THE DOMINICAN REPUBLIC

● Mr. CHAFEE. Mr. President, the last several years have brought us the flourishing of democracy throughout the world. In particular, the efforts by our southern neighbors in the Caribbean and Latin America to achieve democracy are quite impressive.

The fostering of democracy has succeeded when accompanied by the development of a viable free enterprise system. It is in the best interest of the United States to encourage such progress, since these nations are formidable trade partners and play an important role in our national security.

One example of a fast-changing neighboring country is the Dominican Republic, a Caribbean nation whose history has been closely linked to the United States since the last century. My State of Rhode Island is blessed with the presence of many new Americans originally from the Dominican Republic. Their hard work and contribution to the improvement of the quality of life in our State is extraordinary, and is testimony to what can be accomplished in a competitive environment.

I would like to submit for the RECORD a short article titled "Understanding the Dominican Republic." It was recently published in Caribbean Studies, the official organ of the Caribbean Studies Organization. This article is authored by a former university professor, Roland Armando Alum, who is a member of the Advisory Committee to the Senate Republican Conference Task Force on Hispanic Affairs. Written during a recent visit to the Hoover Institution at Stanford University, it points out the dilemmas faced by many developing countries whose people wish to continue to follow the path to representative democracy together with a market economy.

The article follows:

[From the Caribbean Studies Newsletter, Winter 1989]

COMMENTARY: UNDERSTANDING THE DOMINICAN REPUBLIC

(By Rolando A. Alum)[1]

In August 1986, Joaquín Balaguer (b. 1909) was sworn in for the fifth time in his life as president of the Dominican Republic (D.R.). The current Dominican polity took shape at the conclusion of the short but fratricidal Civil War of 1965. Since then, and except for occasional reversals, the D.R. has achieved a remarkable stability at par with development—it uneven—in the social and economic spheres.

While every four years there appear small political parties of all imaginable ideologies, the polity has moved toward a system of two major parties alternating in power: the PRSC, Christian Social Reformist Party; and the PRD, Dominican Revolutionary Party. Having consolidated constitutional democracy, the present Balaguer Administratration is sponsoring an anti-corruption campaign, which is accompanied by much drama that has included en masse resignations of government official and indictments against participants in past administrations.

Critics have considered the earlier three-term Balaguer administration (1966–78) a mixed bag. In contrast to his two successors—Guzmán and Jorge, who lived up to their respective pledges and to seek reelection—Balaguer had his own sponsored *Constitution of 1966* soon amended to allow self-succession. Moreover, rampant corruption (which Balaguer claimed halted at his "office doors" but which implicated associates of his), plus police and military heavy-handedness caused popular support to decline by 1978.

In retrospect, his prior consecutive terms may well be labelled, in all fairness, the "Pax Balagueriana." While during his first few years the country was beset by many of the problems found in Central America today—guerrillas, death squads, riots, militarism, a chaotic economy—his last term was more democratic and progressive than many other regimes in the continent at the time. Balaguer managed to bring the country to the liberal-democractic path, after the 31 year-long Trujillo totalitarianism. Ironically, it was the openness which Balaguer fostered that made it possible for the opposition to vote him out in 1978.

Both of the PRD administrations (1978–82–86) turned out to be disappointing in some respects. Repeated hurricanes, increases in energy costs, declines in sugar prices and foreign investments, high inflation, and the international debt added to their difficulties. Moreover, while pursuing policies of austerity, both were plagued by unexpected corruption, nepotism and surprising street riots, all of which seriously affected the populist PRD's Social-Democatic image. Thus was the scenario that made Balaguer's comeback possible in 1986, when he defeated the PRD candidate, Senator Jacobo Majluta.

In his last inauguration speech (1986), Balaguer promised that, "in accordance with the people's clamor," he would launch a campaign to clean up the country's public administration. Such measures have reached even former President Jorge and close PRD associates accused of improper acquisition of wealth.

Indeed, Jorge was living in Atlanta in a sort of pseudo-exile for over a year but was tried and convicted *in absentia*. In late November, he returned to the D.R. and is currently in prison awaiting appeal procedures. Critics, notwithstanding, claim that Balaguer's program may be a smokescreen to discredit PRD presidential candidates, such as the young and charismatic Hatuey de Camps (who is currently the Secretary General of the PRD and a popular legislator).

In spite of his ostensible conservative position, Balaguer expanded—instead of reducing—the already ubiquitous public sector during his previous 12-year administration, a policy that he has continued despite rhetoric to the contrary. The Dominican Executive has extensive powers over the economy to start with as a result of the enterprises which the state inherited from tyrant Trujillo's personal business empire. In fact, ultimately, about half of his jobs in the nation are controlled by the president. Statism of this sort is a temptation for dictatorship of all colors and labels.

Another problem is the question of succession. Balaguer has never allowed any younger heir-apparent to emerge in his camp. The PRSC is the result of the 1986 wedding of his old caudillista Reformist Party with the internationally connected Christian-Social Revolutionary Party. But the latter seems to be receiving the bum-rap out of the merger.

Observers of the Dominican situation note that, paradoxically, Balaguer may be—purposely or unwillingly—promoting the destabilization of the democratic system he himself fostered. If the people lose faith in the political system, and if the economy does not move toward a recovery path before the 1990 elections, the otherwise acclaimed Dominican model may suffer another setback. Long and short term legitimate reforms, and less circus, may be the healthiest answers for that freedom-loving Caribbean country.

APPENDIX

Chronology:

1930–1961: Trujillo's dictatorship.
1961–1966: Brief elected and de facto governments.
1965–1966: Civil War (US and OAS intervention).
1966–70–74–78: Balaguer's three consecutive terms.
1978–82: S.A. Guzman's and S. Jorge's presidencies.
1986–Present: Balaguer.●

[1] Rolando A. Alum is a former CSA Councilor, a specialist on the Dominican Republic, and Administrator of the New Jersey Bureau of Hispanic Enterprise.

MISSOURI UTILITY COMPANY RECEIVES AWARD

● Mr. BOND. Mr. President, I rise today in recognition of the Springfield City Utilities, which recently received the E.F. Scattergood System Achievement Award for 1990. The E.F. Scattergood Award is a national award presented annually to the public power system which provides outstanding service to the community it serves and demonstrates the highest goal of the public power industry.

The honor city utilities has received represents very hard work and dedication on the part of its employees and I know that they will continue the high

standards of performance that brought them this great honor as they continue to serve their customers in southwestern Missouri. To Springfield City Utilities, I extend a hearty congratulations.●

REMARKS OF DR. WILLIAM R. WOOD'S ADDRESS ON SILVICULTURE

● Mr. STEVENS. Mr. President, Dr. William R. Wood addressed the National Silviculture Workshop in Petersburg, AK. He explained how silviculture could apply ideally to the circumstances in the 22 million acre Boreal Forest of interior Alaska. I agree that sustained-yield silviculture techniques should be used in this region to fully amplify the productivity of this forest.

I would like to share Dr. Wood's address to the workshop with my colleagues. His ideas will serve as an additional voice on how silviculture techniques allow us to help forests that otherwise decay. From 1976 to 1980 I called for creation of an interior alaska national forest. I am confident that responsible management of interior forests is right for the region, State, and Nation.

Dr. Wood's perspective on this issue is particularly valuable. He served as president of the University of Alaska, Fairbanks from 1960 to 1973 and is now a devoted volunteer and community leader. He is an outstanding example of one who gives graciously to the community.

Dr. Wood understands Alaska. He has seen interior forests begin to decay and die. He and the entire State are now witnessing further devastation of the forests as they are infested by bark beetles along the middle Yukon and further south on the Kenai Peninsula. Many thousands of acres have already been destroyed. Large parts of the region's forests will be devastated by this plague and then totally lost by fire if we do not develop a plan to responsibly use this resource.

Dr. Wood's vision to combat threats like this is to use silviculture techniques to study forests, cultivate them, and enhance their productivity over the long term. In his speech, he sets out a research plan for interior forests.

I agree with Dr. Wood; a plan to use and enhance this valuable resource is necessary. Not only does it make sense ecologically to use the resource responsibly, but it would create hundreds of jobs and a stable industrial base in interior Alaska. Our best choice for this resource is not to neglect it and let it rot and burn. We must enhance it and make it productive to benefit all.

Dr. William R. Wood would leave a "Legacy of Dreams"—and he expresses that wish in an original poem. I ask to have the transcript of Wm. R. Wood's address to the National Silviculture workshop printed in the RECORD.

The address follows:

NATIONAL SILVICULTURE WORKSHOP JULY 12, 1989, PETERSBURG, AK, PRESENTATION BY DR. WM. R. WOOD, PRESIDENT (EMERITUS), UNIVERSITY OF ALASKA

Challenge, Opportunity, and Obligation

Where has summer gone?
And spring so far before?
Loveliest of trees, the Silver Birch
Shakes its crown of gold;
Wine-red, the low bush berries tease;
"Tomorrow," they say,
"Is time enough for snow
. . . and memories." *Not From Stone.*

For sometime now, season after season, I have been trying to understand the word "silviculture". Three dictionaries agree that "silviculture" is "cultivation of forest trees". Such a definition leaves a lot to one's imagination. I had a sudden recollection of plowing corn as an Illinois farm boy.

Yesterday morning listening to that series of regional presentation—perceptive, highly informative, excellent—I picked up extensions of the definition, including "Harvesting" and "regeneration". These, too, are rather open-ended.

The professional silviculturist these days appears to be engaged in a lot of things: research in a gamut of scientific exploration and adventures of the mind in everything from climate and soils to fertilizers, insects, acid rain, and the hole in the ozone, plus genetics and tree improvement; innovation in applying state-of-the-art technology to harvesting trees and planting trees; crisis conciliation in dealing with special interest extremists—a "now" breed of forest pest protected by law from extermination (I say this realizing today is a "kinder, gentler era".) The professional silviculturist, like the old village schoolmaster causes one to wonder "How one small head can compass all he knows."

Rightly, instructively, the speakers yesterday morning stressed the importance of terminology—the urgent necessity for foresters to have command of a current vocabulary-in-common, as well as familiarity with historical antecedents.

Fine! Elementary. But what of public awareness, comprehension, understanding, acceptance of what forestry professionals and technicians are doing? Any why? There can be no forest management without purpose. Just what are those clearly stated purposes for each micro as well as macro site situation? Why cultivate forest trees? Tell everybody.

"Silviculture", what's that? Some of the public has a vague notion that houses are made of wood sometimes and that somehow paper is made from wood pulp, but they fail to see any real connection of these commodities with growing trees to sustain the supply of essential materials. A forest is where you go for a picnic. Trees? Trees just are—and don't cut one down. That's bad.

The enemy of silviculture is ignorance—and public indifference. No one is telling the story of forestry, of forest management, and its central role in human existence. No one is likely to tell it for you. It's your assignment as professional, dedicated, knowledgeable foresters. It is your Hippocratic oath.

Neither Congress nor State Legislatures are likely to appropriate large sums for publicity or promotion of even a worthy cause such as yours. You will need to be more innovative. Try to make full use of all the free public service time from the press and media that exists in every community. Give up at least half of the staff time talking with one another and go to the chambers of commerce, the service clubs such as Rotary, Kiwanis, Lions, Soroptimists, League of Women Voters, the Scouts, teachers' meetings, city council meetings when citizens comments are on the agenda, and talk to your neighbors. Have something constructive, informative to present and you will be welcomed and applauded—and in time understood for the great contribution you are making.

Most adults have heard of the multiple-use concept and the sustained yield principle, not that they fully grasp either, but try to. Make such practice, concepts, and guidelines real to them in their own community. Some will nod, even applaud with enthusiasm, yet not in full agreement. They will have a reservation, a "NIMBY"—Yes, but "not in my backyard."

Communication with the public must be a high priority item in your everyday workload. Somehow there must be developed a sharper awareness of a fundamental fact of life: Historically all wealth used by man stems from two primary resource utilization activities: Agriculture and Mining. Agriculture, in simple terms is the source of food and fiber; it includes fish, animals, birds, trees, plants, berries, nuts—anything that grows and can be renewed. Mining is the source of tools, equipment, building materials, and much of our energy supply, anything that is not renewable. To each of these, human beings add much value in an infinite variety of ways, but the creation of all new wealth, increasing the base of human wealth, derives directly from Agriculture and Mining. Let the population grow, while the basic supply of wealth is static and inevitably, inexorably the standard of existence deteriorates.

It doesn't make sense to build road blocks for some extraneous purpose or ego-trip in the path of either agriculture or mining. Ill-advised attempts to obstruct, to slow down, to stop, to weaken either basic human activity is merely costly at first, but ultimately destructive of the security and status of mankind. No growth is dying on the vine.

Today's extremists in special interest groups, the political activists, pretend not to know that their advocacy of ultra-extreme positions on issue after issue of their own concoction always drive up the cost of living for each of us, for at the same time it drives down economic production.

Why in action after action are scare tactics used—and embraced by the media egoists and irresponsibles? Why are We, the People so damn gullible? Scare tactics always drive up the cost of producing goods and services for consumers! That's us, We, the People who pay the add-on, Why take extreme punitive action against producers and manufacturers? This is popular with our plethora of attorneys, sad to say. Entrepreneurs, even the giant multi-nationals have no treasure store to be raided; they have only what they get from consumers of their products. That's us, We, the People. Why beat ourselves over the head just to dig more out of our own pockets to pay for what we use—plus the added costs of litigation? It doesn't make sense. Nor does Big Government have any treasure trove to distribute, except for what it gets from us, the consumers of government services and largess.

Taxes are ever unpopular, yet justifiable and essential to maintaining a civilized ex-

istence with a modicum, at least, of order, fairness, justice, balance, and human dignity. For such, together we pay, but why demand government to do what we can best do for ourselves? Why clamor for dependency, when we are a free, proud and independent people?

I say these things to you because you as professional foresters are among those on the front line of defense of a very precious way of life. Historically, the world's most extra-ordinary. In both subtle and not so subtle ways your good work in the interest of improving the human condition is under attack, clearly on the endangered species list.

Yes, sit down and reason together with whatever the opposition, but keep your powder dry. Be on the cautious side, alert and wary in analyzing suggested compromises to sound, science-based positions. Study every proposal or demand in depth. What is its probable long-term impact? Then ask a series of three simple questions, politely, of course:

A. Why do you think or suggest that? (The "Why" question about "What".)

(After the response, if necessary ask . . .)

B. So what?

Then ask the third question,

C. Could you please specify? Name three?

Since among our tormentors, and there are some if only a small percent, there is little truth and less scientific knowledge, the three-questions maneuver is calculated at least to give you a little breathing and thinking time. They could empty the field—and you don't need a lawyer to ask the three questions. If you have one who doesn't know enough to ask them, fire him or her.

For your good cause, advocate and promote. Be assured, Forestry is a good cause . . . research, management, and all else in your professional obligation. It is a fundamental enterprise for the betterment of the human condition.

Just now, far too much time and energy is being absorbed in having to react to sociopolitical pressures from the outside. Don't lose patience, or self-confidence or commitment to basic purpose. Take comfort in the refrain at the end of each stanza of "Deor's Lament", the oldest fragment of Anglo-Saxon verse we have today: "This, too, shall pass away."

Change is continuous and some time must be spent in coping with the present as well as understanding the past. The main thrust, however, must be toward the future. The true professional forester is thinking, projecting plans and concepts at least eighty years ahead. He is both strategist and tactician. Eighty years, that's two generations plus; three would be better, a full century. There is risk in this, but by the nature of their mission professional foresters are calculated risk-takers and not merely nit-pickers on today's bottom line.

If one should dream no more,
Would there any difference be For Those
who do not dream—
Or even those who do?

If one might climb
That lone and awesome,
Rugged, rock-strewn hill
And reach the very top
To Search once more
The far horizon,
What difference would it make?

One never knows
Unless one tries.

Come on! Let's try."—Christmas 1987

What I really wanted to talk about tonight is long range, futuristic if you like—the Boreal Forest of Interior Alaska. In that splendid overview of regional forestry yesterday morning no one bothered to mention more than casually the vast timber lands of the North. Even the outstanding presentation by our Canadian colleague barely mentioned it, although perhaps three-fourths of the Circumpolar Boreal Forest of North America is Canada's. With that big beautiful Douglas Fir in the front yard, why bother with those scrawny black spruce and aspen weeds in a far corner of the backyard? In a sense such limited perception could be a form of hy-grading.

Almost all of the remainder of the Boreal Forest of North America stands along the great river systems of Interior Alaska, the Yukon, the Tanana, the Kuskokwim, and their scores of tributaries. There is a tiny bit elsewhere in the northern Great Lakes area and northern Maine and more in Alaska adjacent to the Interior—in the upper Susitna and Copper River Valleys. Yet ninety percent of the total Boreal Forest of the United States lies between the rugged, majestic Brooks Range to the North and the spectacular Alaska Range, featuring Mt. McKinley, and a dozen or so of somewhat lesser peaks, to the South. The great ranges guard and protect the valleys of the Interior, the great green oasis of Pleistocene times that was surrounded by walls of ice but never glaciated.

The Boreal Forest of Interior Alaska is yet to be recognized for what it is, a great National treasure as well as a prized possession of great value to the State of Alaska and its residents. In its extraordinary diversity of opportunity it offers exceptional economic as well as recreational potential. The Boreal Forest is much, much more than timber harvest. It is a way of life unmatched elsewhere in our land. It shares some of its attractive potential with other Northern regions of the Circumpolar world; especially the Yukon, Northern Alberta, Northern British Columbia and a portion of the Northwest Territories, yet it can lay claim to distinctive advantages of its own, such as strategic location on today's geo-political center stage.

It has been conjectured by some scientists of considerable credibility that extensive and intensive studies of the Boreal Forest of Interior Alaska could likely produce more basic data of future significance for the Nation's well-being than comparable efforts of all of our other National Forest regions combined. I do not boast. Amazingly enough, in fact an astounding reality—there is no National Forest anywhere in the vast Interior of Alaska. There is everything else: National Parks and monuments galore, wildlife refugees, sanctuaries, wild and scenic rivers, wilderness areas, and an assortment of non-descript land withdrawals too numerous to mention.

Interior Alaska has been victimized and exploited by special outside interests. There remains, however, at least twenty-two million acres of timber lands, a good bit of which has been identified as having very good immediate commercial potential. These millions of acres cry out for state-of-the-art Forestry management. There is no such thing in being. The Boreal Forest is so very different that modern practices successful elsewhere can seldom be transferred to it. A whole system of management must be devised, tailor-made for the Boreal Forest of Interior Alaska in all its micro-climatic complexity.

In Russian the term "Taiga" is used for the enormous USSR Northern Forest. Call it "Boreal" or call it "Taiga" yet remember—and this may startle you—remember that the tundra is, indeed, fragile, but the Taiga is tough. It is a survivor with a phenomenal resistance factor and an exceptional capacity to endure and rebound from extraordinary climatic extremes. If the Taiga were not tough, growing things such as trees, would not be there in the first place. Look at the geological story, the palenontological story, the biological story, the climatological story, the ecological history. Fascinating!

The Taiga, our beloved Boreal Forest, must never, never be abused, but it must also be used intelligently or it will degenerate over time, perhaps slowly self-destruct. The key acronymn for the Boreal Forest of the Interior is USE: Utilization, Stabilization, Enhancement. This adds a new dimension to the multiple-use concept and sustained yield principle. This is total utilization of the timberland for the ultimate improvement of the human condition. This is recreation, re-creation, harvesting of wild berries and mushrooms, beekeeping, the gathering of flowers, herbs, roots, bark, fungi—whatever, for herbal-based pharmaceuticals; this is game-ranching, wild life in natural setting, watershed management, range management, as well as surplus timber harvest.

And the primary thrust is to leave everything a little better than we found it. "A man's reach should exceed his grasp, or what's a Heaven for? (Browning)

The Boreal Forest of Interior Alaska may be the only place where the U.S. Forestry Service dare undertake a scenario that will require at least eighty years to stage fully.

A tiny beginning very much worthwhile has been made by the Institute of Northern Forestry operating from the Fairbanks Campus of the University of Alaska. America's premier center for research and advanced studies of the North. Yet the enterprise languishes in a prolonged infancy, meagerly and casually supported, seemingly as an afterthought—much as in the case of the USDA's oldtime curious arrangement known as the sub-unit on Arctic and Tropical Agriculture. I am old enough to remember those good old days of ignortion—benign neglect, if you prefer.

Were I Emperor of the Universe—at my age I dare not aspire to anything less—my first priority would be a gentle but firm directive to the U.S. Secretary of Agriculture and his deputy head of the U.S. Forest Service: Establish the Taiga National Forest, or the Boreal National Forest, in the Interior of Alaska. Then create a long-term research and demonstration program of the best possible timberlands management practice on the total utilization and enhancement principles—tailor-made for the conditions found in the region and for its residents.

Incidentally, if you actively involve the residents of all ages in the planning and thinking, you will likely find a lot of volunteer adult and youth corps type services available for labor intensive activities such as forest training, site preparatiion, seed gathering, propagation and planting. This would provide, also, a splendid opportunity for education and training of youth that would create an understanding to offset future public misunderstanding hazards. It might help also in recruiting a few good men and women for professional and technical careers in the U.S. Forestry Service.

Establish a demonstration plot of at least 600 to 1,000 acres each year for eighty years. This is your field laboratory. Establish a tree improvement program from genetics to greenhouse to plant nursery to the micro-site for planting, testing and all of the associated research activities unfolding.

There is now a Tanana Valley State Forest of nearly two million acres. It has developed an operational plan but because of political entanglements and overlapping jurisdiction among a half dozen administrative agencies each with a separate and competing agenda, nothing at all is happening. Stalemate on the chess board. There is an urge to sweep off the pawns along with most of the top row of folk in the Seats of the Mighty and try to replace the lot with something called vision, leadership, statesmanship—This would certainly be an improvement over the Fraternal Order of Wealth Distributors now on the chess board of governance in Alaska.

Could a National Boreal Forest be created of present Federal withdrawals to match the size of the Tanana Valley State Forest?—So that the Eighty Year Research, Demonstration, Utilization, Enhancement project could get underway on a sound basis in full cooperation with the residents of the area, the State, and the Athabascan Native Corporation, Doyon, Ltd., that privately owns over eleven million acres of the Interior, much of it timberland? Athabascan leadership has stated a lively interest in the wild harvest of timberland resources other than lumber. "We are particularly interested in the possibilities of herbal based pharmaceuticals and natural-habitat game ranching." They also agree with University scientists that the present productivity of the Boreal Forest can be doubled in a much shorter time frame than previously anticipated.

Here is your challenge, your opportunity—your obligation and potential. Co-op! Look North. Think North. Come North and enjoy with me "One More Day of Autumn".

Should there be one more day of autumn,
Let me spend it in the hills,
The windblown hills of Loess,
The golden birch and aspen hills of home.

Let me scuff the sun-drenched leaves
Along the slopes
And climb the crest of Ullrhaven
Where the eagle nests.
Let me stoop once more.

To pluck the wind-red berries
From the sere and brittle
Reindeer moss;
Let me listen to the startled squirrel
Scold the willow grouse
There in graceful glide
Along the rock and brush-strewn slope.

Silence now. A cold crisp breeze.
Pure, clear, clean
As the endless ice-blue sky.
Out of the mauve-rimmed
Edge of twilight, a moving, shifting V,
The last wild geese of summer
South bound from tundra feeding grounds
beyond the Yukon.

The twilight fades;
The leader's poignant call is fainter now.
Between, the ghosts of youth
Drift across the darkening sky.
Unfettered the spirit soars, the mind expands;
The universe is one and I am of it.
This is the perfect moment.
Shall God provide another like it?—Not From Stone
This is the Forest Boreal
This is home.
Come share its joy, its fulfillment with me.

—*Wm. R. Wood.*

JULY 12, 1989.

CHALLENGE OF THE BOREAL FOREST OF INTERIOR ALASKA

(A presentation made to the U.S. Regional Foresters and Directors meeting in Juneau, Alaska, 24-28 July 1988, at noontime on Thursday, 28 July 1988, at Centennial Hall.)

How Small the Place

How small the place
Where I grew up
That once was more than big,
A vast and endless
Spread of space.

Had I stayed put
In this lone place
Would I have shrunk
As much?

Perhaps I have,
For then I seemed to me
As big as big could be,
And growing,
Ever growing.

But now the far horizon
Looms so near at hand
It compacts me,
And I am small,
As small as small can be—
Or somewhat smaller.

—*William Ransom Wood.*

In trying to find my way among all of the intertwined Federal and State agencies that complicate forestry activities in Alaska, I find it helpful to be small, very small. The experience is similar to finding one's way in a huge bowl of spaghetti. Start up the trunk of a study but slippery stalk and you run into road blocks of jurisdiction. . . . National Parks, Bureau of Land Management, Wild and Scenic Rivers, Fish and Game, Wildlife Preserves, and maybe the National War Monuments Commission. You are looking for the Department of Agriculture but you keep running into the Interior Department and the newest kid in the spaghetti bowl, the Environmental Protection Agency. The latter seems to have persuaded the House side of Congress to rewrite the mission of the U.S. Forestry Service on the Tongass, Alaska's great rain forest. That would irritate me. But I am still buried in the bowl.

To see ourselves as others see us can be refreshing. It is also a bit disconcerting to be asked by an eminent stranger, "Oh, yes, you're from Alaska. Now is that a part of Canada? Or is it a separate nation? Or what? Land of perpetual ice and snow and horrible cold, I know, but you say there really are trees in Alaska? Hard to believe! Not in that far-off land up yonder!"

Of Australia we say "Down Under." Alaska as always "Up Yonder" usually "Away off Up Yonder."

Your concern in this Conference, (and Alaska is genuinely pleased and proud to have so distinguished a group meeting here) is likely to be the magnificent trees of the Tongass and the Chugach, Alaska's temperate rain forest. Not quite the tropical rain forest of New Guinea or the Philippines, or Indo-China where I have lived for two years and more, nor yet the tropical rain forests of Colombia, Panama, and Costa Rica where I have visited briefly. A rain forest at 54 to 60 degrees North latitude has always seemed an anomaly to me, at least an unexpected natural phenomenon.

What I want to talk with you about is the Boreal Forest, the tiaga of Interior Alaska. That's not on your chart of direct responsibility, as it clearly should be, except for research—the advancement of knowledge.

Here may I make two suggestions. First, the U.S. Forestry Service is not complete without a Boreal Forest holding. You once tried for five units totalling about sixteen million acres, but that was not included in the Native Land Claims Settlement. Why not try again? The time may be just right. Be agressive here. Get an assignment of a million acres, or two or three or four, from Bureau of Land Management or other Federal holdings in the vast Interior of Alaska.

The thrust could be useful at the bargaining table when ANWR is being discussed, for instance. About 23 million acres of Interior Alaska have been designated as timberlands. That is about the same size as the Tongass and Chugach . . . and likely to be even more significant in the Twenty-first Century and beyond.

The second suggestion is a modest proposal to establish a Cooperative Boreal Forestration Demonstration in the taiga of the Tanana Valley. Let's say 5,000 to 6,000 acres, 8 to 10 sections or about 2,000 to 2,500 hectares, to be planted for each of the next eighty years. That I understand from University scientists is the attainable life cycle for the white spruce. Just now it is about 120 years.

The entire 400,000 to 500,000 acres could be within the Tanana Valley State Forest lands totalling some 1.8 million acres. However, for a true partnership of government, university, and private sector to succeed, some two-fifths to one-half the planting should be on private holdings, especially on lands held by interested native corporations such as Doyon, Ltd. and the village corporations of the Interior.

An expansion of the tree improvement program and the tree orchard program would need to be accomplished as soon as possible. "Enhancement of the habitat" may be a key to use.

For the actual planting I would suggest resident teenage youth during the months of June, July, and August. Accompanying the work assignments would be an education/technical training program on forestry management and utilization. Quite worthwhile on its own merits. This could be the selling point attractive to both the Legislature and the Congress. There are votes in it.

A cadre of professional and technical personnel experienced in Boreal Forest Research and Management will need to be sustained generation after generation. For the long-term proposal to succeed, this is the most important element of all.

With a little one-on-one preliminary discussion with Federal, State, University, and Private Sector persons interested in the potential of the Boreal Forest, I believe a working outline for this long-term developmental task could be assembled rather promptly:

The Boreal Forest, the entire circumpolar Boreal Forest can no longer be left on the back burner, for the circumpolar North today is vitally important to the safety and well-being of the Free World.

The Arctic Basin, not the Mediterranean, not the Atlantic, not the Pacific—it is the Arctic Basin that is the center of geo-political concern among the seats of the mighty.

Once those ultra-sophisticated nuclear-powered and nuclear-armed submarines began prowling beneath the ice-cap of the Arctic Ocean with all of North Asia, North Europe, and North America within easy range, the need to know all that can be

learned about the North became an urgent necessity.

As a player on the international chess board with at least pawn status, the challenge of the Alaska tiaga may be the greatest challenge presently before the U.S. Forestry Service. It is likely to be found the most difficult, complex, and complicated as well. Send your best to Interior Alaska. There is all the Boreal Forest that the United States has. What do we really know about it? How can it be brought into maximum usefulness? Why bother?

Well, there is the matter of creeping geological and geophysical change. There is the matter of "acid rain", the "black hole in the polar ozone", the "greenhouse effect." (Is the dropping of the watertable and the great drought of 1988 in the Mid-West, long the major bread basket of the world, a shot across the bow just to get our attention?)

And always, day and night, the silent, stealthy submarines nuclear-armed, nuclear-powered, playing tag with each other under the Polar seas.

We had better learn fast all we can discover about the North and whatever is there—land, sea, space, and people—and how best to use it for mankind. Just protecting something or everything as it is—simply is not enough—not enough for the continued existence of mankind on the planet Earth.

There is a bit of philosophy referred to in the literature as "The Theory of Idle Resources." In simplest terms this says "Use it or lose it . . . but never abuse it." This was first said, I recall, of our workforce, especially youth, but it has meaning for all natural resources that are renewable. Underutilization accelerates deterioration.

Forests can self-destruct as well as self-renew—self-renew even better with the help of knowledgeable, committed people. When forests destroy themselves, the food base for wildlife is also lost. It takes a great fire, flood or other natural force to start the rejuvenation cycle again. Good forest management techniques in utilization of forest lands is a regenerator better than wildfire.

Many do not understand, or appear not to understand, the basic principle involved here—the necessity of utilization. Many seem naive enough or ignorant enough or indifferent enough to the well-being of others to believe that the Boreal Forest can be preserved just as it is forever. Even the slightest acquaintance with geological history or biological history or climatilogical history should clear up this nonsense.

The U.S. Forest Service understands. Its programs are based realistically in the concept of multiple use. Perhaps it should venture a step beyond toward full use. This embraces the idea of enhancement. Enhance the habitat so that it can produce more of better quality of what it produces naturally. Incidentally, this is the basis of modern game ranching.

One of the multiple uses of the Boreal Forest is the particular potential for the sport-minded as well as for subsistence users. In the "Ballad of Reading Gaol" Oscar Wilde lamented, "and each man kills the thing he loves . . .", I am reminded that the drive of the zealots, the extreme preservation-minded among us is the drive to destroy what they profess to love. Forgive them, Almighty God, they know not what they do!

And they must be countered in every way possible—for their appeal through print and media, especially the media, is incessant, and to the many not disinclined to think beyond the surfaces glitter, the appeal is very, very persuasive. Their growth in numbers in a time of poll-taking that substitutes for deliberation and thoughtful debate in government circles is political dynamite.

To try to defuse some of this with scientific fact, reason, and common sense is just about the number one assignment for all of us, including the U.S. Forestry Service. Whatever you are spending on public information for the people is far too little. Whatever you are doing isn't aggressive enough. It is not just a matter of budget. Give up about two-thirds of the time currently lavished on staff meetings and use that time to let the people know that utilization is a much better word for their security and survival than preservation. Go to their meetings: church, lodge, community service, civic—whatever.

Stand up and remind them that there is no future in distribution of existing wealth. There simply isn't enough to go around to keep everyone in the style he/she would like to become accustomed. Remind them that only through the creation of new wealth has it ever been possible to improve the standard of living of the many:

Remind them that since man emerged in geological time all new wealth has come from just two basic sources: mining (whatever does not renew itself) and agriculture, including forestry, fishing—whatever can be harvested that does renew itself. Man through knowledge and applied technology adds value and enlarges usefulness but new wealth is based on agriculture and mining.

In Alaska as elsewhere it is very difficult to get people to understand this. Their checks come directly from government or indirectly from some industrial enterprise for which they provide a service. Few are in the producing game, or the harvesting game, or even in processing of what has been harvested from growing things or extracted from the earth, sea, or, space. They elect public officials who may understand a bit of the basics but find few votes in acting upon such knowledge.

In Alaska the Project is everything. There has to be an immediate pay-off, a bottom line today—jobs, money to spend right now. The long-range is largely ignored. It lacks appeal. There are no votes in it. So, we have projects. No program, no long-term plan. No policy. Only lawmakers can set State policy under the State Constitution, yet less than five percent of time in session is spent considering policy—the guidelines to constructive action for the common good. The fun and games is distributing the wealth that is. Project by project. No policy, no program, just project.

As one young "lawmaker" told me, "When we appropriate the millions for my project, we will have set State policy on this sort of thing." Impossible!

Decision in our State is made on where and how, often even on who and when rather than upon the logical sequence of what and why.

As long as fur was the major attraction, everything else was forgotten. Then it was gold, then salmon, and now, oil. We boom and bust. Timber has been a tool all along but full utilization of timberlands for the long-term has been largely overlooked—especially the Boreal Forest of Interior Alaska. Historically for thousands of years it has provided subsistence for a very hardy people, the Athabascans. It still does. It has a growing recreational use as well. Both hardwoods and softwoods have been considered marginal for commercial use. We import each year from Canada and elsewhere eighty percent of the lumber and timber products we use.

But a strong Tree Improvement Program could double the potential production by the Mid-Twenty-First Century. Federal, State, University, and Private Sector forestry people have the knowledge and special skills to do this working together as partners—if other agencies so free with answers to questions they do not understand would let the good guys get on the with job rather than maneuvering politically to rewrite their mission.

Consider the Boreal Forest as a whole, not just a collection of trees. The wild harvest other than logging is now underway by Native Corporations—spruce cones, wild berries, mushrooms, fungi, herbs, plants, roots, bark—whatever has value as food, exotic decoration, herbal medicine. The Boreal harvest for a pharmaceutical industry is getting renewed attention. Think of the New England farm with its precious wood lot that made a year around operation possible.

Game ranching, where the thrust is to enhance the habitat so that it will produce more and better quality of what it supports naturally, seems to fit in nicely with modern forestry management techniques and emphasis. Subsistence users have a common interest here with the recreational hunters and fishers—and the tourist photographers.

There is much, much more. Recreation is compatible with the concept of full utilization of Interior Alaska timberlands. Yet it seems that too many of our sports-minded hunters, fishers, boat enthusiasts, skiers, and snowmobilers accept this only for neighbors-over-yonder, never where the area around their own cabin or along the trail or stream they use is involved.

A lot of sitting down and reasoning together will have to take place before full utilization of the Boreal Forest of Interior Alaska can come into being. There can be sensible trade-offs and compromises. It has to happen or there will be no reason for our grandchildren to live in Alaska, or perhaps anywhere else, should the rabid extremist preservation program of self-destruction prevail. The Good Earth won't have much place for people—insects and worms, possibly, but not humans.

There is so much to do in the North. Oh, to be twenty-one instead of eighty-one as I am! For I would leave a legacy, a legacy of dreams.

A LEGACY OF DREAMS

I would leave a legacy of dreams
To bridge the generation gap,
Igniting fires within the mind
Of youth and old alike
Until no Alpha nor Omega shows,
Only the eternal flaming spirit
To light the path of change.

I would leave a legacy of dreams
That here where tundra and tiaga merge
May breed the best,
A stalwart, sturdy race of many roots
Free and fresh and keen
As the great North Wind,
Creating crystal magic
From the natural things at hand.

I would leave a legacy of dreams,
Sculpture a realm of courtesy and respect,
Of joy in doing,
Of pride in workmanship,
Where each might show
And understand compassion.

I would leave a legacy of dreams
That each might know his own,

Yet share and share in peace and amity,
Shunning ever the base, the Godless urge
To do another in.

I would leave a legacy of dreams
For all to seek beyond
The bottom line of NOW
To where the greener grasses grow
So sprightly for tomorrow.

I would leave a legacy of dreams . . .

—William Ransom Wood.●

ILLINOIS IS HOME TO TOP DEBATERS

● Mr. SIMON. Mr. President, the U.S. Senate is regarded as the world's greatest deliberative body. It should be no surprise that many of our colleagues gathered valuable experience for their work here in debate competition at the high school or college levels.

Aristotle called debate the science of strategic thinking. Others have called it an art form. The art and the science of debate have had great influence in steering the course of Western culture since before the birth of Christ. From the days of the Theban statesman Epaminondas in 400 B.C., to Flauvius Honorius, the honorable Roman Emperor of the West in the early 5th century, to the days of the 16th century English philosopher Thomas Hobbes, compelling debate has influenced public policy.

Debate has led to some of the benchmarks of our own history: The Emancipation Proclamation, the Lincoln-Douglas debates, congressional discussions on our entry into the League of Nations, the McCarthy hearings, our involvement in Vietnam, Watergate—the list goes on and on.

And in American higher education, there may not be a more valuable tool in sharpening the minds of young people than debate competition.

In Illinois, we are proud that the Nation's coaches and competitors consider the land of Lincoln as the Nation's mecca for outstanding debate competition. More Illinois high schools have competitive debate programs than in any other State in the Union. At the college level, Southern Illinois University at Carbondale was the first college east of the Mississippi River ever to win the Cross Examination Debate Association national championship. SIU–C, has earned its reputation as a perennial national power on the debate circuit. Other traditional powers in national debate competition include Northwestern University, Wheaton College, Loyola University, and many other fine institutions. Many champion debaters have gone on to outstanding careers in public service, and I am pleased to have a former debate champion, Christopher Ryan, on my staff.

A recent article by the Associated Press showcases one of our State's forensic giants, Illinois State University in Normal.

Mr. President, I ask that the text of this article as it appeared in the Bloomington Pantagraph be printed in full in the RECORD.

The article follows:

LOVE OF LEARNING AND COMMUNICATING INSPIRES TOUGH DEBATERS AT ISU ILLINOIS STYLE

(By Susan Marquardt)

BLOOMINGTON, IL.—Everyone in the crowd of more than 10,000 was standing. Over the sea of red, a roar filled Redbird Arena and backed the Illinois State University basketball team to a conference championship, qualifying it for the NCAA national tournament.

Meanwhile, across campus, about 15 students celebrated a very quiet triumph for ISU's Forensics Union. It had qualifyed for the American Forensics Association's National Debate Tournament and National Individual Tournament.

In contrast to the basketball team, the debaters had captured their victory in front of a meager audience that fell far short of filling the lecture rooms where competition was held.

"We can't fill the arena with people to watch a debate. Even with the final round, we couldn't sell commercial time, and it would be hard to find sponsors," said Robert Chandler, ISU's forensics director.

"But if you gave me a towel, I would chew it at some of these tournaments," Chandler said, contending the competition and rewards the forensics team experiences rival those of any athletic club and at a fraction of the cost.

With an operating budget of about $20,000, mostly from student fees, the ISU forensics union has gunned down some big names since it inception in 1857.

"ISU is consistently ranked as a top 25 program in overall comparison with the 820 colleges and universities in the United States which maintain active competitive forensics programs," Chandler said.

Last fall, the ISU debate team was ranked sixth in the nation.

In early April, at the National Debate Tournament, its top team just missed qualifying for the final elimination round. About a week later, at the National Individual Tournament, three competitors qualified for the finals, and the group as a whole placed seventh out of 123 universities, Chandler said.

Those showings came about a month after ISU's forensics union had captured its fourth consecutive championship at an annual national tournament sponsored by Delta Sigma Rho-Tau Kappa, the Phi Beta Kappa of the college debating world.

While numerous trophies hang on the walls in Stevenson Hall, it is the learning and not the winning that drives the team, said Chandler, who emphasizes that debate teaches students about critical thinking, argumentation, organization, reasoning, use of evidence and data and policy analysis.

"I would hope that we never measure the contributions of an activity like forensics only in terms of how many trophies an individual accumulates on his shelves," Chandler said. "We think this implies misguided priorities. Winning really isn't everything."

For that reason, the team welcomes any undergraduate student in good academic standing who wants to join, regardless of academic major or previous experience. Members include high school standouts recruited and offered partial scholarships to join, as well as students with no speech experience but an interest in trying the activity.

All students are required to attend weekly meetings and work one-on-one with coaches to polish their delivery. Team members compete among themselves for the privilege of traveling to competitions.

Elighie Wilson, who coaches the individual events team, said. "The secret here is that we attract some of the best coaching staff members, faculty and graduate assistants. We attract students who enjoy the activity. It's a family."

Not everyone is pushed to be an outstanding competitor.

"One of the things that you try to do is develop every student to the best of his or her ability. Every student is different and requires something different of me as a coach," Wilson said, explaining that he first learns what a student's goal is and then tries to help the student reach that goal.

"I just want each student to do his or her best," he said. "I always tell students to share the gift. Our motto is to have fun and share the gift of communication."●

OPERATION TOP CAT

●Mr. MCCONNELL. Mr. President, I have periodically inserted statements into the RECORD regarding America's narcotics crises. Today, I'd like to inform my colleagues of Operation Top Cat.

It is no secret that Kentucky's borders have been invaded by crack and cocaine dealers. While newspapers regularly report of the arrest of local street dealers, it is not very often that drug kingpins—top cats—are apprehended. Mr. President, Operation Top Cat not only has a happy ending, but also an important message for all my colleagues.

Earlier this month in Louisville, 31 people were indicted by a Federal grand jury for narcotics trafficking. It is estimated that every 2 or 4 weeks this drug ring brought into the Louisville area as much as 20 kilograms of cocaine, which, Mr. President, has a street value in excess of $2.4 million. No price tag can be placed on the human costs associated with cocaine use and abuse: pain, suffering, and death.

Mr. President, the cocaine trail of this drug ring led to its leader, Carlos Garcia of Miami, FL. I am pleased to inform my colleagues that on April 20, Carlos Garcia was arrested by Florida law enforcement officers. To date, all but 3 of the 31 indicted have been apprehended. Operation Top Cat was a success, and all involved in its execution should be commended for a job well done.

My colleagues should take note, Mr. President, of the deadly cocaine's source. When I say that the borders of Kentucky were invaded, I mean just that—the shipments originated and were apparently directed from Florida. It is common knowledge that the America's southern coastline is a favorite point of entry for Central and

South American drug smugglers. By way of private aircraft and boats, thousands of kilograms of cocaine enter our country.

I would like to leave my colleagues with this one thought, Mr. President. It does not matter if your State is not on America's coastline—like moths attracted to a campfire, the cocaine will find its way across your borders. I fully intend to continue to examine ways to stop the flow of drugs into Kentucky; to stop the flow of drugs into America. Our country's health should be the concern of all the United States.●

FORMER MEMBER OF CONGRESS D.R. MATTHEWS ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, Congress currently enjoys very low public approval. Nothing today is more a target for ridicule and bashing than Congress. Simply, people are unhappy with Congress and are growing increasingly frustrated with a seeming inability to change a bad situation.

From a constituent's standpoint, we are too busy awarding ourselves pay raises, bailing out of scandals and luxuriously traveling abroad to deal with staggering yet persistent national problems like a $3 trillion deficit that carries annual costs alone of $300 billion. Even the pork that Members send home by the carload is beginning to spoil as the public realizes that wasteful spending ends up costing them in the long run, either through greater taxation, or increased Federal deficits.

Consequently it is no surprise that 70 percent of the American people want a term limitation. To those of us who maintain that we have dignity and deserve respect, this overwhelming public mandate is a challenge: we must turn talk into action. I am pleased to say that 13 Senators have met that challenge by cosponsoring Senate Joint Resolution 235, a proposed constitutional amendment to limit terms. Along with Senator DECONCINI and I, Senators PRESSLER, DURENBERGER, GARN, EXON, WALLOP, KASSEBAUM, SYMMS, KOHL, DASCHLE, BURNS, and THURMOND, have heeded public demand.

Mr. President, few Members want to leave Congress. It's a great job. However, if we are to maintain that we are the voice of our constituencies, then we must act immediately on the issue of term limitation.

I ask that a letter I have recently received from D.R. (Billy) Matthews, endorsing term limitation, be printed in the RECORD immediately following my remarks. Mr. Matthews of Florida served in the House from 1953 to 1966.

The letter follows:

Gainesville, FL, March 5, 1990.

Senator GORDON J. HUMPHREY,
U.S. Senate, Washington, DC.

DEAR SENATOR HUMPHREY: Thank you for your letter of February 20, asking me to endorse S.J. Resolution 235, proposing a constitutional amendment to the constitution limiting Congressional terms.

I am delighted to endorse this resolution, and you may cite my name as a former member of Congress supporting this resolution.

Sincerely,

D.R. (BILLY) MATTHEWS,
Member, U.S. House of Representatives, FL, 1953-66.●

KATHY FRENCH'S RETIREMENT FROM PRESCHOOL EDUCATION

● Mr. GRASSLEY. Mr. President, I feel honored, in my position as Senator, to meet leaders of nations, ambassadors, and many other distinguished people. However, just as important to me, are the people I meet who are not so famous but without whom our lives and communities would not be the same. I would like to share with you the life and contributions of one such unsung heroine. Her name is Kathy French and she is from my home State of Iowa.

I recently received a letter from Kathy's daughter, Maribeth Pollard. In her letter, Maribeth shared with me the impressive history of Kathy's commitment and contribution to the education of preschool children of Iowa. I was most impressed, however, by Kathy's reflection of the proverb of giving to others what has been given to you. Kathy, who obtained her G.E.D. only after both her daughters were in college, has given to two generations of Iowa's preschool children the preparations necessary for a lifetime of education.

I would like to share with you and the rest of my colleagues an excerpt from the letter written by Kathy's daughter. I ask the excerpt be inserted at this point in the RECORD.

The excerpt follows:

Kathy French opened Kathy's Nursery School in Maxwell, Iowa in the fall of 1971. She and her husband, Larry (an auto mechanic and lay minister) remodeled an old abandoned house in Maxwell, turning it into a facility that has consistently received exceptional ratings on state inspections. For several years, during the economic crisis in Iowa, Kathy operated the school at a loss in order to continue to provide preschool education for children in the small farming community where no public programs were available. Despite severe economic hardship, Kathy has never received one cent of financial aid from any governmental agency.

Among the 800+ children who have benefited from excellent preschool education were several with severe physical and mental handicaps. Kathy has received state recognition for her work with autistic, deaf and otherwise disadvantaged children. She has served on the state Advisory Board of Day Care and Early Childhood Education and as a consultant for both private and public preschools and day care centers. Quietly arranging for scholarships from small companies and individuals, and, at least, allowing children to attend for free, Kathy has provided high quality education for more than fifty children whose families could not afford to send them to preschool.

Kathy completed high school by obtaining her G.E.D. after both of her daughters were in college. She then worked toward her college degree in early childhood education by attending night classes while still operating the preschool during the day, five days a week. Severe injuries suffered when she was hit by a car prevented her from completing her degree, but she has maintained state certification and has surpassed all of the educational requirements for certification by the state of Iowa. Despite severe arthritis, which would have totally disabled a less courageous person, Kathy has continued to work full time, including summer sessions. Retiring now at age 61, she is a prime example of a woman who has "pulled herself up by her own bootstraps" in order to provide quality service to others.

Having developed a cohesive working relationship with the local and regional public school personnel, Kathy has devoted innumerable hours to consulting with school authorities, kindergarten teachers and families on behalf of children with difficulties and to ensure that her students are adequately prepared for enrollment in the Collins-Maxwell public school system and other schools in the area.

Kathy has trained numerous teaching assistants, always helping them to obtain the continuing education required to maintain state certification. These assistants have typically been lower-income women with limited education. In addition, Kathy has provided tutorial programs, in conjunction with the local high school, to enable high school students to gain experience in early childhood education and to recruit students for careers in education.

With innovative classroom techniques and outstanding field experiences, Kathy has provided the best of preschool education at minimal cost to working-class rural families. Beloved by all of her students, who maintain contact with her throughout their school career, Kathy has now begun to teach her "second generation," children of earlier students who still fondly recall the joy of learning they gained from their preschool days in Kathy's Nursery School.

Mr. GRASSLEY. Now, after almost 20 years of operating her own preschool, Kathy's Nursery School, Kathy is retiring. This Sunday, May 6, 1990, the community of Maxwell, IA, will hold a reception to honor Kathy for her years of dedicated service. I would also like to take the opportunity, on this special occasion, to recognize Kathy's contribution to the State of Iowa and to offer my sincere gratitude for her many years of diligent service. I only hope, Mr. President, that Kathy's life will stand as an example to all of us of the commitment to education necessary for a successful America.●

VICE PRESIDENT QUAYLE ADDRESSES THE WASHINGTON INSTITUTE ON NEAR EAST POLICY ON CHANGING SUPERPOWER RELATIONS AND THE MIDDLE EAST

● Mr. BOSCHWITZ. Mr. President, yesterday the Vice President addressed the closing session of the annual Soref Symposium of the Washington Institute on Near East Policy, held in Washington, DC. The symposium focused on the effect of changing superpower relations on the Middle East and featured remarks by American, Arab, Israeli, and Soviet experts, including, notably, an opening address by former U.S. Permanent Representative to the United Nations, Ambassador Jeane Kirkpatrick.

The Vice President, who was introduced by Max Fisher of the institute's executive board, spelled out actions that the United States must take as we move from a bipolar to a multipolar context in the Middle East: we must continue to pursue the peace process, curb the spread of weapons of mass destruction (including the proliferation of chemical weapons), and find ways to defend ourselves and our allies against missile attacks. He called on Israel to give serious consideration to continuing its effort to develop defensive systems such as the Arrow project, which is part of the SDI program.

Mr. President, I commend the institute, its president, Barbi Weinberg and its executive director, Martin Indyk, for organizing a stimulating conference, and I ask that the program of the symposium, and the Vice President's address, be printed in the RECORD at this point.

The material follows:

[The Washington Institute for Near East Policy]

The Soref Symposium

THE MIDDLE EAST IN AN ERA OF CHANGING SUPERPOWER RELATIONS

(April 29-30, 1990, Sheraton-Carlton Hotel, Washington, DC)

PROGRAM

Sunday, April 29, 1990

Fifth Anniversary Board of Trustees Dinner, Crystal Room

Opening Remarks by Barbi Weinberg, President, The Washington Institute.

Address by Ambassador Jeane Kirkpatrick, Former U.S. Ambassador to the United Nations, "The Middle East in an Era of Changing Superpower Relations."

Monday, April 30, 1990

Session 1: The Superpowers & Regional Conflicts in the Post-Cold War Era

Chair, Mike Stein, Vice President, The Washington Institute.

Richard Haass, Special Assistant to the President & Senior Director for Near East and South Asian Affairs, NSC.

Luncheon Session

Chair, David Steiner, Vice President, The Washington Institute.

Luncheon Address, Congressman Les Aspin, D-Wisconsin, Chairman, House Armed Services Committee.

Concluding Session

Chair, Max Fisher, Executive Committee, The Washington Institute.

Keynote Address, Vice President Dan Quayle, Vice President of the United States.

Session II: The Superpowers and the Middle East

Chair, Fred Lafer, Executive Committee, The Washington Institute.

Vitaly Naumkin, Deputy Director, Institute of Oriental Studies, USSR Academy of Sciences, "Soviet New Thinking and the Middle East."

Michael Mandelbaum, Director of East-West Studies, The Council on Foreign Relations, "Reconceptualizing the U.S. Approach to the Middle East."

Session III: The Impact on Regional Actors of Changes in the Superpower Environment

Chair, Bernard S. White, Executive Committee, The Washington Institute.

Reuven Merhav, Director-General, Israeli Foreign Ministry, "The End of the Cold War: The Impact on Israel."

Ambassador Salah Bassiouny, Director, National Center for Middle East Studies, Egypt, "The End of the Cold War: The Impact on Egypt and the Arab World."

Zalmay Khalilzad, Senior Reseacher, The Rand Corporation, "The End of the Cold War: The Impact on the Gulf."

REMARKS OF VICE PRESIDENT QUAYLE

I am delighted to have this opportunity to address your symposium.

One of the reasons why the Washington Institute for Near East Policy is so widely respected is because it brings together some of the finest minds and strategic thinkers in our nation and in the world. These Visiting Fellows use their time at the Washington Institute to make important contributions to our understanding of the Middle East. Others—perhaps less fortunate—wind up in the State Department, helping to formulate U.S. policy.

In any case, the Washington Institute deserves our gratitude for providing such a congenial atmosphere in which important issues can be examined and discussed.

The topic you have chosen to focus on today—the effects of changing superpower relations on the Middle East—is especially timely and provocative. Timely because superpower relations clearly are changing; and provocative because the consequences of those changes are far from self-evident.

On the one hand, the lessening of tensions between the superpowers—and especially the declining Soviet role in the Third World—can contribute to peace and stability. But on the other hand, the greater independence of Third World countries from superpower rivalries and superpower control can increase tensions and dangers.

This independence—combined with the growing technological sophistication of many Third World nations—poses new threats to our friends and ourselves. In particular, the proliferation of non-conventional weapons—including chemical, biological, and nuclear weapons—could well make several regions of the world increasingly unstable and dangerous.

According to our published estimates, we believe that by the year 2000, at least fifteen developing countries will be producing their own ballistic missiles. Many of these countries are in the Middle East. Although some of the missiles under development are crude and inaccurate, many have capabilities well beyond battle-field range and can strike in a matter of minutes.

Until recently, the probability that ballistic missiles might carry nuclear weapons was the principal focus of U.S. concern. But the recent war between Iran and Iraq suggests that a country with both ballistic missiles and chemical warfare capability might combine the two with devastating effect on civilians.

By breaching the ban against the use of chemical weapons—a ban that has been in existence since the Geneva Protocol of 1925—Iraq, and subsequently Iran, have helped bring the issue of chemical weapons proliferation to the forefront of the U.S. Middle East agenda.

As everyone here knows, concerns about the proliferation of chemical weapons became especially acute earlier this month.

President Saddam Hussein of Iraq, boasting that he had acquired advanced chemical weapons, threatened Israel directly. "We will make the fire eat up half of Israel," he warned, "if it tries to do anything against Iraq." Iraq has also moved launchers for its SCUD-B missiles to western Iraq, closer to Israel's borders.

I believe future historians will see Saddam's "reckless words and actions"—as the Assistant Secretary of State for Near Eastern Affairs, John Kelly, recently characterized them—as the mark of a new strategic era in the Middle East.

In the past, the Arab-Israeli conflict took place within a bipolar strategic context—a context in which the Soviet Union provided the Arab states with many of the weapons with which they attacked Israel, while the United States provided Israel with most of the advanced weapons it needed to defend itself. While this bipolar context sometimes exacerbated regional tensions—as in 1967—it also provided a certain degree of stability, predictability and rationality to the Arab-Israeli conflict.

Today, by contrast, we seem to be moving from a bipolar to multipolar context—a context in which both Israel and some Arab states, such as Iraq, Syria, and Libya, are capable of producing weapons of mass destruction on their own. Therefore, even if Soviet "new thinking" results in new, more responsible behavior, I am afraid the Middle East could well become a much more dangerous place over the next few years.

The acquisition by certain Middle Eastern countries of unconventional weapons, combined with advanced delivery capability, could well change the strategic environment in the region for the worse.

What should we do to cope with these new dangers?

I believe several steps are called for.

First, we must continue to pursue the Arab-Israeli peace process. The United States has repeatedly stated that the objective of the peace process is a comprehensive settlement achieved through negotiations, and based on U.N. Security Council Resolutions 242 and 338.

In our view, these negotiations must involve territory for peace, security and recognition for Israel and all states of the region, and Palestinian political rights.

At the same time, President Saddam's threats remind us that, however, important the Palestinian dimension may be to a resolution of the Arab-Israeli conflict, the conflict between Israel and the Arab states is at least equally important, and must also be addressed.

Moreover, we cannot simply assume that progress on the Palestinian issue automatically leads to progress on the Arab-Israeli issue.

That is why the Bush Administration believes it is so important that key Arab states reach out to Israel and provide the kind of supportive environment so necessary to a viable Israeli-Palestinian dialogue. I might add that the repeal by the United Nations of the Infamous Zionism-is-Racism resolution would also be very helpful in fostering that kind of supportive environment.

Second, I believe that we must redouble our efforts to curb the widening trend to missile and unconventional weapon proliferation in the Middle East.

Our own leadership in the Eight-Nation Missile Technology Control Regime is crucial. Eastablished in April, 1987, the MTCR was designed to limit transfers of technology and equipment that could make a contribution to nuclear-capable missiles.

The Soviet Union has stated that it will observe the MTCR guidelines. China has not accepted the guidelines, but has undertaken to act responsibly in the missile area and not to export medium-range missiles to the Middle East. I urge both the Soviet Union and China, in the strongest possible terms, to exercise restraint in this area.

We will also work to ensure that our allies have responsible export control practices, with tough laws that are enforced rigorously.

Third, we will intensify our own efforts to halt the proliferation of chemical weapons to the Middle East and elsewhere.

One part of this effort entails working out a bilateral agreement on chemical weapons with the Soviet Union. Such an agreement would, among other things, require the United States and the Soviet Union to reduce their chemical weapons stocks to equal low levels.

A second part of this effort has focused on interdiction: working within the 20 nation Australia Group, the U.S. has sought to stop the flow the so-called chemical "precursors" that could contribute to chemical weapons programs of nations that appear intent on acquiring these weapons.

Finally, we believe that the best long-term solution to the problem of use or threat of chemical weapons, and the dangerous proliferation of these weapons, is the achivement at the earliest possible date of a comprehensive, effectively verifiable and truly global ban on all chemical weapons.

But now that some nations are on the way to acquiring a substantial chemical weapons arsenal, and an effective delivery system, we have to look beyond interdiction.

This brings me to my fourth—and final—point: We need to focus not just on interdiction; we need to focus on deterrence and defense against the use of chemical or nuclear weapons by Third World Countries.

Deterring nations that possess chemical weapons means convincing them that the international opprobrium against possessing and brandishing these weapons outweighs any potential benefits.

Unfortunately, the world's record in condemning Iraq's threat to use chemical weapons is not very encouraging.

The United States reacted to President Saddam Hussein's recent threats in the most forthright and unambiguous way: We denounced the threats as "inflammatory, irresponsible and outrageous."

But where was the rest of the world?

Where was the international community, working through its international organizations?

It's time for the international community—led by both superpowers—to take an unequivocal stand against the acquisition and use of chemical weaponry.

Let me be perfectly clear about this: Until the world community is much more outspoken in condemning chemical warfare activities, the prospects for deterring Iraq, and other nations, are dim.

We also need to work more aggressively to defend ourselves and our allies against missile attacks. As I have already said, our efforts to impede the flow of ballistic missile technologies to countries that currently lack such capability is crucial and must continue.

But beyond these "supply side" controls, which are imperfect at best, active strategic defenses are clearly needed to diminish the incentives for acquiring offensive missiles, and thereby deter acquisition on the demand side as well.

We learned this lesson ourselves when our commitment to the development of strategic defenses added a whole new set of negotiating incentives for the Soviet Union during previously stalled talks in Geneva on offensive weapons reductions.

Indeed, we are now hearing new voices in the Soviet media calling for a truly cooperative transition to greater reliance on defense for deterrence. This is precisely what we have been proposing at the Defense and Space Talks in Geneva for years.

If the Soviet leadership hears and heeds these voices of reason, we will see still more movement toward reductions in the offensive arsenals on which we and the Soviets have traditionally relied for deterrence.

Most surprisingly of all, perhaps, we are beginning to hear some new sentiments from long time critics of strategic defense in our own country as well—in response to the threat of missile attacks by Third World nations on the U.S. and its allies. And I predict that you will hear more appreciation of the case for defense against missiles, both at home and abroad, as the ballistic missile threat grows, and as our means to deal with it defensively mature.

This is why is is so important for Congress to fund our strategic defense program at the level the President has requested. And that is also why it is so important for friends like Israel to renew their commitment to defense.

These are not new issues we are discussing. The ballistic missile problem in the Middle East has been a developing trend for a decade.

Indeed, I sponsored legislation four years ago designed to share the workload and the benefits of advanced strategic defenses with our allies—whose exposure to the menacing spread of missiles is far more immediate than our own. I was impressed then, as I am now, with how quickly Israel seized this opportunity.

Israel's Arrow program is a direct product of these policies. Its first phase of technology demonstration, now entering the actual experimentation stage, has proceeded at modest cost and well ahead of schedule.

But as the first phase nears completion, Israeli leaders are faced with a key decision. Should they commit themselves, with our continuing assistance, to the determined pursuit of strategic defense technology? Or should they leave the Arrow program on a more relaxed pace and focus their investment primarily on retaliatory deterrence and passive means of protecting their citizens?

This is an important decision facing the Israeli leadership. You all know my strong bias. I believe strategic defense should be a big part of the deterrence equation for both of us, and I urge the Israelis to integrate such thinking into their plans and doctrines for the near future.

The President and I will do all in our power to help allies like Israel develop the capability to defend themselves against nonconventional as well as conventional weapons.

Pursuing the peace process, strengthening existing non-proliferation regimes, negotiating an effective chemical weapons ban, stemming the dangers of proliferation, and deterring and defending against non-conventional weapons: these are some of the measures that must be taken now.

Of course, even if all these steps are taken, it may prove impossible to put the genie of non-conventional warfare back into the bottle. On the other hand, the great lesson of the revolutionary year of 1989 is that dramatic changes in international affairs are possible.

I believe our decision to develop SDI helped lay the groundwork for these positive changes in East-West relations. I hope a similar pattern can emerge in the Middle East.

One thing is clear: The time to act is now. Thank you.●

THE ANNUAL TERRORISM REPORT

● Mr. BOSCHWITZ. Mr. President, I wish to call the attention of my colleagues to the State Department's annual report, "Patterns of Global Terrorism," which was submitted to the Congress yesterday. This report is prepared by the Office of the Coordinator for Counter-Terrorism pursuant to Public Law 100-204.

The publication reports the good news that there was a steep decline of 38 percent—from 856 in calendar year 1988 to 528 in 1989—in the number of terrorist acts committed worldwide, and also that the number of people killed or wounded by terrorists fell significantly. Deaths from terrorism fell from 638 to 390; the number of people wounded fell from 1,125 to 397.

Credit for the decline in terrorism may be distributed widely, but certainly the leadership of the current and past American administrations must be given quite a bit of that credit. Presidents Reagan and Bush have worked unstintingly to combat terrorism both through direct action—such as our strike against the Libyans—and through diplomatic efforts.

The publication warns, however, that "terrorists retain the potential for resuming a greater level of violence, particularly against the United States." We may expect, for example, violence in the Philippines, in Panama, in the Middle East, and in Europe.

Mr. President, the publication I have referred to is prepared so as to allow a Senator considering policy toward a particular foreign country to look up that country and easily locate information on its policy toward terrorism

and the effects of terrorism on the country in question. With that information we may also engage in an informed dialog with foreign visitors on this vital subject. In other words, we should refer to this report just as we often refer to the State Department's Human Rights or Economic Policy reports as we consider policy toward given foreign states.

I recommend that Senators who have not yet received a copy of this document obtain one from the State Department and keep it available for convenient reference in considering policies with respect to individual countries as well as for its cogent overall analysis of this still-important subject. I commend the Department of State and Ambassador Morris D. Busby, Coordinator for Counter-Terrorism, for the excellent job they have done in the preparation of the report.

I ask that selected portions of the report be printed in the RECORD at this point.

The material follows:

PATTERNS OF GLOBAL TERRORISM: 1989

INTRODUCTION

The year 1989 saw a steep decline in the number of terrorist acts committed worldwide—one of the sharpest yearly drops we have recorded since the advent of modern terrorism in 1968. The number of people killed or wounded by terrorists also fell significantly. This is good news. But terrorism remains a serious problem on the international agenda.

Despite the decreased level of activity, the citizens or property of 74 countries were attacked by terrorists last year. The attacks took place in 60 countries in every region of the globe. Terrorists have the capability to inflict massive casualties, as they did last September when they blew up a French airliner killing all 171 innocent persons aboard. The use of terrorism by new criminal and insurgent groups, such as the "extraditables" in Colombia, is cause for concern.

We cannot become complacent. Terrorism is an ongoing threat in today's world, and we must continue to oppose it vigorously.

U.S. COUNTERTERRORISM POLICY

The US Government has developed a comprehensive strategy to respond to the problem of international terrorism. The first element of our counterterrorism policy is that we do not make concessions of any kind to terrorists. We do not pay ransom, release convicted terrorists from prison, or change our policies to accommodate terrorist demands. Such actions would only lead to more terrorism. And we vigorously encourage other countries to be firm with terrorists, for a solid international front is essential to overall success.

The second element of our strategy is to make state sponsors of terrorism pay a price for their actions. This policy was most graphically demonstrated by the April 1986 bombing raids on terrorist support facilities in Libya. But there are also political, diplomatic and economic actions, public diplomacy, and sanctions—all peaceful measures that can be crafted to discourage states from persisting in their support of terrorism.

Third, the US Government has developed a program of action based on practical measures to bring terrorists to justice, to disrupt their operations, and to destroy their networks. These involve working with our friends and allies to identify, track, apprehend, prosecute, and punish terrorists by using the rule of law. They also include measures designed to protect our citizens abroad by strengthening security and research to develop equipment to prevent terrorist incidents. The final element of our counterterrorism policy is the Department of State's Anti-Terrorism Training Assistance Program (ATA) which gives training in antiterrorism techniques to law enforcement officials around the world. Given our country's strong commitment to human rights, ATA promotes a thorough understanding of the importance of human rights in all aspects of law enforcement. More than 9,000 police and security personnel from 60 countries have participated in this program since its inception.

This strategy has made possible a number of successes. Individually they are modest, but collectively they do suggest that we are gaining ground. The margins between success and failure are thin; they depend greatly on the diligence and persistence of the individuals here and in friendly governments charged with responsibility for intelligence collection, law enforcement, and diplomatic efforts directed against terrorism.

LEGISLATIVE REQUIREMENTS

This report is submitted in compliance with Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988/89 [P.L. 100-204], which requires the Department of State to provide Congress a full and complete annual report on terrorism for those countries and groups meeting the criteria of Section (a)(1) and (2) of the Act.

As required by legislation, the report includes detailed assessments of foreign countries where significant terrorist acts occurred, and countries about which Congress was notified during the preceding five years pursuant to Section 6[j] of the Export Administration Act of 1979 (the so-called terrorism list countries that have repeatedly provided support for international terrorism). In addition, the report includes all relevant information about the previous year's activities of individuals, terrorist groups, or umbrella groups under which such terrorist groups fall, known to be responsible for the kidnaping or death of any American citizen during the preceding five years, and groups known to be financed by "terrorism list" countries.

DEFINITIONS

No one definition of terrorism has gained universal acceptance. For the purposes of this report, however, we have chosen the definition commonly used by the US Government for the past 21 years, which also is widely accepted and one which we have used in previous reports.

Accordingly, we consider "terrorism" to be premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine state agents, usually intended to influence an audience. "International terrorism" is terrorism involving the citizens or territory of more than one country.

NOTE

Adverse mention in this report of individual members of any political, social, ethnic, religious, or national group is not meant to imply that all members of that group are terrorists. Indeed, terrorists represent a small minority of dedicated, often fanatical, individuals in most such groups. It is that small group—and their actions—that is the subject of this report.

Ambassador MORRIS D. BUSHBY,
Office of the Coordinator for Counter-Terrorism.

THE YEAR IN REVIEW

The level of international terrorism worldwide in 1989 declined sharply from that of 1988, dropping by almost 38 percent from 856 incidents in 1988 to 528.[1] The Middle East continued to experience the largest number of incidents of international terrorism, incurring 193 attacks—37 percent of the total worldwide. The proportion of international terrorism connected with the Middle East increases to 45 percent, however, when Middle East spillover attacks into other regions are added. These compare to statistics of 36 percent and 41 percent, respectively, in 1988. With 131 attacks, or 25 percent of the total, Latin America ranked second. Western Europe was third with 96 incidents. With the reduction of Afghan-sponsored attacks in Pakistan, Asia dropped to fourth with 55 incidents. Africa was fifth with 48 attacks. Four international terrorist attacks took place in North America. One incident was recorded in Eastern Europe during the year, although Soviet and East European interests were attacked in other parts of the world.

Several factors were responsible for the major decrease in international terrorism:

The Afghan Government curtailed its terrorist campaign in Pakistan after Soviet troops were withdrawn.

Yasser Arafat's renunciation of terrorism resulted in a sharp decline in operations by groups affiliated with the PLO.

Dissension within the Abu Nidal organization (ANO)—previously one of the most active and deadly terrorist groups—and its focus on Lebanese militia matters decreased the group's operations.

A number of states involved in terrorism, including Libya and Syria, remained wary of getting caught sponsoring terrorists and reduced their support. Iran was a notable exception to the trend.

Partly in response to internal problems and enhanced counterterrorist measures, many terrorist groups focused on building their infrastructure throughout the world to support attacks in the future.

Counterterrorist capabilities continued to improve in most parts of the world, and cooperation among governments increased.

There was only one "spectacular" international terrorist operation in 1989—the bombing of UTA Flight 772 over Niger on 19 September. That attack accounted for 171 deaths, the greatest number associated with a single attack during the year. Investigators have not determined who was responsible. Terrorist "spectaculars" may well be becoming more rare as there seems to be a growing perception among terrorists that they have not achieved their goals with op-

[1] In past years, serious violence by Palestinians against other Palestinians in the Occupied Territories was included as international terrorism in the database of worldwide incidents because Palestinians are considered stateless persons. This resulted in such incidents being treated differently from intra-ethnic violence in other parts of the world. As a result of further review of the nature of intra-Palestinian violence, such violence is no longer included in the US Government's statistical database on international terrorism. This new refinement in the 1989 statistical database ensures its continuing accuracy and reliability. Intra-Palestinian violence, however, remains a serious concern. See inset on the Palestinian uprising. [omitted]

erations such as airline hijackings and that such attacks are increasingly difficult to conduct. Moreover, some of the groups most capable of carrying out such operations have focused their energies elsewhere.

The depiction of the alleged execution of US Marine Corps Col. William R. Higgins on 31 July captured headlines and brought worldwide condemnation of the Iranian-backed terrorists responsible. Elsewhere, narcotraffickers in Colombia are believed responsible for several horrific attacks using terrorist methods to achieve their criminal goals. This likely includes the late November bombing of a domestic Avianca flight out of Bogota in which all 111 on board perished.

The 528 international terrorist incidents recorded in 1989 resulted in 390 victims killed and 397 wounded. Fourteen terrorist were killed and 23 wounded. Reflecting the decline in the number of incidents, this represents a drop from 1988 when 638 victims were killed and 1,125 wounded. In 1988, 22 terrorists were killed and six wounded. The downing of UTA Flight 772 emphasized the continuing growth of casualties in Africa, from a total of 125 killed and 130 wounded in 1988 to 269 killed and 39 wounded in 1989. Asia experienced the most significant decline in casualties with the reduction in the Afghan campaign in Pakistan, dropping from 156 killed and 599 wounded in 1988 to 57 killed and 153 wounded in 1989. International terrorism in the Middle East accounted for 29 persons killed and 111 injured. Twenty-one persons were killed and 73 wounded in Latin America. In Western Europe, there were 14 victims killed and 21 wounded in international terrorists attacks.

The number of terrorist attacks and casualties suffered by the United States declined in 1989 from 1988, but US interests continued to be the most frequently targeted by international terrorists. In 1988, 193 attacks were directed against the United States, compared with 165 in 1989, a decline of 15 percent. Casualties among US citizens also declined, from 192 killed and 40 wounded in 1988 to 16 killed and 19 injured in 1989. The drop reflects, for the most part, the absence of a major incident that caused a large number of casualties, such as the bombing of Pan Am Flight 103 in 1988. The largest share of the attacks, or 64 percent, took place in Latin America, with bombings of oil pipelines partly owned by US companies accounting for most of the incidents. Almost 14 percent of the anti-US incidents took place in Asia, 13 percent in Western Europe, 5 percent in the Middle East, and 1 percent in Africa.

International terrorists attacked the citizens and property of 74 countries in a total of 60 countries. The United States was the most frequently targeted, followed by Israel. With the continuing increase in security for official interests, terrorists again carried out most of the attacks—75 percent of the total worldwide—against businesses, tourists, and other nonofficial targets. Attacks against international organizations and government targets decreased to 19 percent of the total. Attacks on noncombatant military targets increased marginally, to 41 from 38 in 1988; there were 88 in 1987.

The number of attacks by type followed a well-established pattern. Terrorists relied most frequently on bombings (44 percent of the total); arson was second (28 percent). Terrorists used firearms and other types of handheld weapons in 14 percent of the attacks. The incidence of kidnappings declined slightly but occurred in about 5 percent of the attacks. Approximately 44 percent of the kidnappings occurred in Latin America, with 19 percent in the Middle East.

The number of terrorist incidents that could be attributed to state sponsors declined in 1989. Evidence indicated 58 incidents involved state sponsors in 1989, a drop of 67 percent from 1988 when 176 such attacks were noted. The decrease was partly due to the ability of a number of states that have aided terrorist groups to effectively mask their involvement. The greatest portion of the drop resulted from Kabul's apparent curtailment of its bombing campaign in Pakistan following the removal of Soviet military forces. Iran's involvement in terrorism was not detected as frequently in 1989, but we suspect an upturn in its support during the second half of the year reflects a return to a greater pace of operations. Libya and Syria were not directly tied to any attacks in 1989, but they continue to provide various forms of support for several terrorist groups.

The spillover of Middle Eastern terrorism outside that region accounted for 43 attacks in 1989, down from 45 in 1988. The attacks in 1989 resulted in 181 persons killed and 15 wounded. Thirty-one incidents took place in Western Europe. Ten incidents took place in the United Kingdom and mostly were attacks on bookstores and businesses connected with Salman Rushdie's *The Satanic Verses.* Of the remainder, six were in Turkey; four in Pakistan and Belgium, and three in the United States; two each in Austria, France, and the Netherlands; and one each in Afghanistan, Canada, Cyprus, Greece, Italy, Niger, Senegal, Sweden, Thailand, and West Germany.

Despite the decline in international attacks in 1989, terrorists retain the potential for resuming a greater level of violence, particularly against the United States. Terrorists in the Philippines appear more likely to broaden their targeting of US citizens to increase pressure on the United States to withdraw, and rebel soliders may retaliate for US support to the Aquino government during the failed coup attempt in December. In Latin America, US interests in Panama may be targeted by diehard supporters of General Noriega, and other radicals in the region and in other parts of the world may use Washington's military action in Panama as a pretext for stepped-up targeting. Other developments worldwide could spark increased terrorist operations; rivalries among Middle Eastern governments—particularly between Iran and Saudi, Arabia, which has already generated a campaign of violence by Iran—and emerging alliances among Middle Eastern sponsors and groups, such as between Iran and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) and other radical Palestinian groups, are of special concern. Ethnic groups in the Caucasus, Moldavia, and other areas of the Soviet Union may resort to terrorism to achieve their goals, as could some of the numerous factions throughout Eastern Europe. Emigre communities in Western Europe and the United States could be drawn into supporting the violence. West European terrorist groups remain a major threat. Basque and Northern Ireland terrorists are unlikely to reduce the pace of their attacks, and other groups like the Red Army Faction (RAF) in West Germany and the Revolutionary Organization 17 November in Greece, have increased their technical capabilities. In Turkey, domestic problems seem to be fostering an increase of violence by long-dormant groups.●

MEASURE INDEFINITELY POSTPONED—S. 1633

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar No. 248, S. 1633, a bill relating to income verification data of veterans be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES REFERRED TO COMMITTEE

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar Nos. 349 and 350 be referred to the Veterans Affairs Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF H.R. 2514

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2514, a bill requiring the Director of the Federal Retirement Thrift Investment Board to issue certain regulations, and that the bill be referred to the Governmental Affairs Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL ASSISTANCE TO THE SIMON WIESENTHAL CENTER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 522, S. 2300, to authorize appropriations for education programs of the Simon Wiesenthal Center.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 2300) to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, California, for the education programs of the Museum of Tolerance.

AMENDMENT NO. 1573

Mr. MITCHELL. Mr. President, on behalf of Senator KENNEDY, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. KENNEDY, proposes an amendment numbered 1573.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2 line 2 after the word authorized insert the following: ", subject to the availability of appropriations,".

The PRESIDING OFFICER. Is their objection to the amendment? The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 1573) was agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the amended was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The bill (S. 2300) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GENERAL AUTHORITY.

The Secretary of Education is authorized, subject to the availability of appropriations, to pay to the Museum of Tolerance of the Simon Wiesenthal Center, located in Los Angeles, California, the Federal share of the cost of designing and operating education programs concerning the holocaust.

SEC. 2. APPLICATION REQUIRED.

No financial assistance may be provided under this Act unless an application is submitted to the Secretary of Education at such time, in such manner, and containing or accompanied by such information as the Secretary of Education my reasonably require. Each such application shall describe the type and kind of educational materials to be developed and the steps that will be taken to ensure that age appropriate products are available to school districts and institutions of higher education across the country.

SEC. 3. FEDERAL SHARE.

The Federal share of the cost of designing and conducting education programs under this Act shall be 50 percent. The portion of costs not paid by financial assistance provided pursuant to this Act must be paid from sources other than Federal, State, or local government.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000, to carry out the provisions of this Act. Funds appropriated pursuant to this Act shall remain available until expended.

Mr. MITCHELL. I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF EDUCATION DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 294, designating "Department of Education Day," and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 294) to designate May 4, 1990, as "Department of Education Day."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on passage of the joint resolution.

The joint resolution was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 294

Whereas education is a vital national concern and a State and local responsibility fundamental to the progress and security of our Nation;

Whereas a continuing need exists to ensure that all Americans have equal access to educational opportunities that enable all Americans to achieve their fullest potential;

Whereas, on May 4, 1980, the United States Department of Education was created as a Cabinet-level agency to ensure that education issues receive proper attention at the Federal level and to coordinate the education activities of the Federal Government effectively;

Whereas the Department of Education administers important Federal programs to assist elementary, secondary, and postsecondary education; collects data and oversees research and assessment on America's schools and disseminates such information to educators and to the general public; identifies and focuses attention on the main issues and problems in education; enforces Federal statutes that prohibit discrimination in programs and activities receiving Federal funds; and ensures equal access and educational opportunity for all individuals; and

Whereas officials and employees of the Department of Education through dedication, diligence, loyalty, and integrity reflect the highest quality of public service and deserve recognition as the Department of Education celebrates its tenth anniversary: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 4, 1990, is designated as "Department of Education Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 509 and 510, en bloc; that the committee amendments be agreed to en bloc, that the bills, as amended, be deemed read a third time and passed; that the motion to reconsider passage of these bills be laid on the table; and that the title amendment, where appropriate, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPUTER SOFTWARE RENTAL AMENDMENTS ACT

The Senate proceeded to consider the bill (S. 198) to amend title 17, United States Code, the Copyright Act, to protect certain computer programs, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Computer Software Rental Amendments Act of 1989".

SEC. 2. Section 109(b) of title 17, United States Code, is amended by—

(1) amending paragraph (1) to read as follows:

"(b)(1)(A) Notwithstanding the provisions of subsection (a), unless authorized by the owners of copyright in the sound recording or the owner of copyright in a computer program (including any tape, disk, or other medium embodying such program), and in the case of a sound recording in the musical works embodied therein, neither the owner of a particular phonorecord nor any person in possession of a particular copy of a computer program (including any tape, disk, or other medium embodying such program), may, for the purposes of direct or indirect commercial advantage, dispose of, or authorize the disposal of, the possession of that phonorecord or computer program (including any tape, disk, or other medium embodying such program) by rental, lease, or lending, or by any other act or practice in the nature of rental, lease or lending. Nothing in the preceding sentence shall apply to the rental, lease, or lending of a phonorecord for nonprofit purposes by a nonprofit library or nonprofit educational institution.

The transfer of possession of a lawfully made copy of a computer program by a nonprofit educational institution to another nonprofit educational institution or to faculty, staff and students does not constitute rental, lease or lending for direct or indirect commercial purposes under this Act.

"(B) The term 'computer program', for purposes of this subsection, does not include any computer program embodied in electronic circuitry which is contained in, or used in conjunction with, a limited purpose computer designed primarily for playing home video games.";

(2) redesignating paragraphs (2) and (3), as paragraphs (3) and (4), respectively;

(3) inserting between paragraph (1) and paragraph (3), as redesignated herein, the following:

"(2)(A) Nothing in this subsection shall apply to the lending of a computer program by a nonprofit library, providing that each copy of a copyrighted computer program which is lent by such library shall have affixed to the packaging containing the program the following notice:

WARNING: THIS COMPUTER PROGRAM IS PROTECTED UNDER THE COPYRIGHT LAW. MAKING A COPY OF THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER IS PROHIBITED. ANYONE COPYING THIS PROGRAM WITHOUT PERMISSION OF THE COPYRIGHT OWNER MAY BE SUBJECT TO PAYMENT OF UP TO $100,000 DAMAGES AND, IN SOME CASES, IMPRISONMENT FOR UP TO ONE YEAR.

"(B) Three years after the effective date of this paragraph, and at such times subsequently as he or she may deem appropriate, the Register of Copyrights, after consultation with representatives of copyright owners and librarians, shall submit to the Congress a report stating whether the provisions of this paragraph have achieved the intended purpose of maintaining the integrity of the copyright system while providing nonprofit libraries the capability to fulfill their function. Such report shall advise the Congress as to any information or recommendations the Register of Copyrights shall deem necessary to effectuate the purposes of this Act."; and

(4) amending paragraph (4) to read as follows:

"(4) Any person who distributes a phonorecord or a copy of a computer program (including any tape, disk, or other medium embodying such program) in violation of clause (1) is an infringer of copyright under section 501 of this title and is subject to the remedies set forth in sections 502, 503, 504, 505, and 509. Such violation shall not be a criminal offense under section 506 or cause such person to be subject to the criminal penalties set forth in section 2319 of title 18.".

COMPUTER SOFTWARE RENTAL AMENDMENTS ACT OF 1989

Mr. HATCH. Mr. President, I rise in support of the Computer Software Rental Amendments Act.

Last year I introduced S. 198, the Computer Software Rental Amendments Act to address the growing problem of computer software rental. A typical mass market computer software package costs several hundred dollars at retail and requires millions of dollars to develop. If these products can be rented and copied at a mere fraction of the retail cost, the potential for lost sales will almost certainly lead to the collapse of the U.S. software industry.

The overwhelming rationale for renting a computer program is to make an unauthorized copy. Computer software cannot be enjoyed for an evening's entertainment and then returned. To have meaning to a user, the software packages require mastery of complex user manuals, often running hundreds of pages in length. Even after a user has mastered the use of a program, it has little value until he or she adds his or her own data base to the program. The functions of learning how to use a program and utilizing it in connection with one's own data base cannot be accomplished in the few hours or days available under a rental arrangement without copying the program and displacing a legitimate sale of the program.

This legislation would simply prohibit the rental of copyrighted computer software unless the copyright owner has previously granted permission to do so.

Of course, there may be situations in which the owner of copyrighted software may wish to authorize a vendor to make the software available to a potential purchaser in order that the product might be examined prior to making a purchasing decision. Nothing in this legislation prohibits such arrangements. In fact, nothing in the legislation prevents any copyright owner from waiving any or all of the exclusive rights granted under this legislation. Thus, as is currently the case with the exclusive rights granted in section 106 of the Copyright Act, nothing prevents a creator from dedicating his or her work to public domain at any time.

During subcommittee and full committee action on this measure we incorporated changes to address concerns raised by libraries and the educational community. These changes make it clear that the bill would not prohibit the lending of authorized copies of software by nonprofit libraries and nonprofit educational institutions. In addition, members of the committee weighed concerns raised about the rental of video game cartridges and decided not to prohibit their rental given the lack of evidence that these cartridges are being copied.

This legislation, as amended by the committee, is a reasonable response to a problem which threatens to get worse, and I would encourage my colleagues to support its passage.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

USE OF INVENTIONS IN OUTER SPACE

The Senate proceeded to consider the bill (S. 459) to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. INVENTIONS IN OUTER SPACE.

(a) IN GENERAL.—Chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"§ 105. Inventions in outer space

"(a) Any invention made, used or sold in outer space on a space object or component thereof under the jurisdiction or control of the United States shall be considered to be made, used or sold within the United States for the purposes of this title, except with respect to any space object or component thereof that is specifically identified and otherwise provided for by an international agreement to which the United States is a party, or with respect to any space object or component thereof that is carried on the registry of a foreign state in accordance with the Convention on Registration of Objects Launched into Outer Space.

"(b) Any invention made, used or sold in outer space on a space object or component thereof that is carried on the registry of a foreign state in accordance with the Convention on Registration of Objects Launched into Outer Space, shall be considered to be made, used or sold within the United States for the purposes of this title if specifically so agreed in an international agreement between the United States and the state of registry.".

(b) TABLE OF CONTENTS.—The table of sections of chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"105. Inventions in outer space.".

SEC. 2. SPECIAL RULES.

(a) EFFECTIVE DATE.—Subject to subsections (b), (c), and (d) of this section, the amendments made by the first section of this Act shall apply to all United States patents granted before, on, or after the date of enactment of this Act, and to all applications for United States patents pending on or filed on or after such date of enactment.

(b) FINAL DECISIONS.—The amendments made by the first section of this Act shall not affect any final decision made by a court or the Patent and Trademark Office before the date of enactment of this Act with respect to a patent or an application for a patent, if no appeal from such decision is pending and the time for filing an appeal has expired.

(c) PENDING CASES.—The amendments made by the first section of this Act shall not affect the right of any party in any case pending in a court on the date of enactment of this Act to have the party's rights determined on the basis of the substantive law in effect before such date of enactment.

(d) NON-APPLICABILITY.—The amendments made by the first section of this Act shall not apply to any process, machine, article or manufacture, or composition of matter, an embodiment of which was launched prior to the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

The title was amended so as to read: "A bill to amend title 35, United States Code, with respect to the use of inventions in outer space."

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the announcements of the Chair, Senator HUMPHREY be recognized to address the Senate for not to exceed 10 minutes, and that upon the conclusion or yielding back of his time, the Senate stand in recess until 11 a.m. tomorrow, Wednesday, May 2, 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

39-059 O-91-41 (Pt. 6)

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Maryland [Ms. MIKULSKI], from the Committee on Appropriations; the Senator from Oregon [Mr. HATFIELD], from the Committee on Appropriations; the Senator from Arizona [Mr. MCCAIN], from the Committee on Armed Services; and the Senator from Maryland [Mr. SARBANES], at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Senator from Nevada [Mr. REID], from the Committee on Appropriations; the Senator from New York [Mr. D'AMATO], from the Committee on Appropriations; the Senator from Alabama [Mr. SHELBY], from the Committee on Armed Services; and the Senator from Montana [Mr. BURNS], at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Mississippi [Mr. COCHRAN], from the Committee on Appropriations; the Senator from Iowa [Mr. GRASSLEY], from the Committee on Appropriations; the Senator from Colorado [Mr. WIRTH], from the Committee on Armed Services; and the Senator from Arizona [Mr. DECONCINI], at large.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, appoints Lynn M. Burns, of Rhode Island, to the Advisory Commission on Student Financial Assistance, to fill the unexpired term of Dr. Dallas Martin, resigned.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

LITHUANIA

Mr. HUMPHREY. Mr. President, in the last week or 10 days, a growing number of Senators, including Members of the Republican Party, have become openly critical of the administration's failure to respond in any material way to the Soviet bullying of the Republic of Lithuania.

The other day, when reporters raised this criticism from Senators and asked him for his response, the President said, according to the press, something like, "I do not have to respond." Then he referred to his high standing in the Gallup poll.

Mr. President, that is a disappointing response on the part of the President because polls do not define principle. Furthermore, I suggest the polls are beginning to change on this score. Just as more and more Senators of both parties are becoming increasingly critical of the inaction and what they regard to be the unprincipled conduct by this administration with respect to the crisis in Lithuania, I think public opinion is beginning to change.

Indeed, the Senate took yet another even more persuasive step to express its criticism today when it adopted, by a vote of 73 to 24, the resolution sponsored by Senators D'AMATO, BYRD, DECONCINI, MIKULSKI, HELMS, and others, which resolution was intended to discourage the President from submitting to the Senate any United States-Soviet trade agreement or enabling legislation thereto until such time as the Soviet Union has lifted its economic embargo against Lithuania and the Soviet Union has entered into negotiations with the duly elected representatives of the Lithuanian people, with the intended result the Soviet recognition of the independence of the Government of the Republic of Lithuania in an orderly and expeditious manner.

Well, in plain English, Mr. President, by a vote of 73 to 24, the Senate has repudiated the President's policy and has encouraged him not to send this trade agreement—about which the administration boasted just the other day—to the Senate until such time as those two explicit conditions have been met: the economic embargo has been lifted and the Soviet Union has entered into negotiations intended to result in the Soviet recognition of the independence of Lithuania.

I hope the White House is getting the message. I hope this smugness now will be replaced by sumpathy, sympathy for the people of Lithuania. I believe public opinion is beginning to change because while the American people do want to see an improvement in relations between the United States and the Soviet Union, and while the American people know that it is to our benefit when the Soviets reform their system such as we can improve relations, at the same time the American people do not want that change for themselves at just any cost at all, in my opinion. They do not want that advantage if it means violations of important principles; they do not want that advantage for us if it means leaving behind another nation, however small, which is valiantly trying to reassert its independence, as is the case with Lithuania.

The polls do not define principle, and there is something unprincipled about the conduct of United States policy in recent weeks since the Soviets placed their noose around the neck of Lithuania, something decidely unprincipled. Pragmatic, sure. Self-centered, yes, indeed. That is not always bad in the conduct of one's relations with other nations. That is not always bad. But in this case, we have gone too far, to dismiss the Lithuanians' legitimate claims, to ignore their very real plight and the difficulties and the suffering which they are enduring at an increasing level with the passage of every day as this economic strangulation chokes the economic activity in that country to the point of death.

Mr. President, the Soviet Army and the KGB security forces have sealed the periphery of Lithuania, the land borders and the sea ports. Not only that, Mr. President, those same forces, internal to Lithuania, are impeding the flow of rail track, thereby making it virtually impossible for Lithuania to sustain itself economically without even addressing the problem of the oil embargo and the natural gas cutback.

Today we read that there is a medical crisis growing there because, notwithstanding Soviet promises to the contrary, a shortage of medicines is developing.

I think public opinion is going to change, Mr. President, as these accounts of increased suffering, which will surface with increased frequency, reach the ears of the American people over the next couple of weeks; I predict there is going to be a massive change of public opinion. I believe the signs are already beginning to emerge.

I want, in conclusion, to read an editorial published yesterday in the Nashua, NH, Telegraph. I should state, parenthetically, that the Nashua Telegraph is not some kind of rightwing rag. It is not known for being an antiestablishment newspaper.

So I read this editorial, and I hope the White House will begin to take to heart these signs of discomfort and even enbarrassment and shame which Americans increasingly are expressing. It is entitled "Do Not Trust Bush Again."

It looks like Lithuania has gotten the message. No country will come to the Baltic country's defense in its present confrontation with the Soviet Union. Not even the United States, which we all know likes to sound off that there's nothing better on Earth than democracy and freedom.

President Bush last week began by sounding tough on the Soviet Union's plan to make Lithuania knuckle under by shutting off supplies of oil, natural gas and other vital materials to the small republic.

But when the time came to enact trade sanctions against the Soviets in support of Lithuania, Bush did a repeat of his Beijing waltz. He finally declared it was not in the best interest of further U.S.-Soviet Union peace moves to help Lithuania, despite all his earlier sympathetic talk about Lithuania's desire for independence.

He suggested the route for Lithuania was negotiation, when the Lithuanians know that the Soviet Union has stacked the deck

against a quick resolve to this desire for independence. This process will be a long and uncertain one because of the way Mikhail Gorbachev has succeeded in structuring the procedure for a republic's separation in the newly revised Soviet constitution.

So Bush, long on praise of the democratic values, has done it again.

Faced with this rejection, Lithuania has taken the first steps to extricate itself from its present dilemma.

It hasn't come right out and rescinded its vote for independence but it is making overtures to the Soviet Union that some small concessions can be made to foster talks about independence.

What else can Lithuania do? The superpowers have now reached their own accord that the country's independence is secondary to their own national interests.

So much for words of support. So much for a small country's yearning for relief from a half-century of coerced union with the Soviets.

And so much for the United States and its championing of the Lithuanian cause.

Sorry, Lithuania. Don't ever trust those Bush lips again.

While I am criticizing the administration, I also want to add a word of praise. In conclusion, it is my understanding the President has agreed to meet with the Prime Minister of Lithuania when she is in Washington later this week. I likewise want to commend Senator MITCHELL and Senator DOLE, the leadership of the Senate, for arranging a formal opportunity for the Prime Minister to meet with Members of this body likewise later this week. I want to urge the leaders further to invite Mrs. Prunskiene to the floor. She is a member of Parliament. And like members of other legislative bodies, she is entitled to privileges of this floor for an appearance.

I hope the leadership will invite her to the floor as a member of the Parliament of the Republic of Lithuania, a republic which enjoyed a truly democratic election just a few months ago for the first time in a half century. I am sure if the leadership will do that, Members will be more than pleased, indeed honored, to respond with a lusty round of applause and speeches of encouragement. As well they should.

Mr. President, we are on the wrong track in Lithuania. There are some things more precious than advantage to a country. Principle is such a thing more precious. Due regard for the legitimate yearnings for freedom, the lawful yearnings for freedom and independence of the people of Lithuania is another. We are on the wrong course. I urge the President to set things right. I urge the President not, as the Senate urged the President, not to submit any trade agreement between the United States and the Soviet Union to the Senate for consideration until such time as this economic blockade has been lifted and all of the Soviet bullying has been brought to an end.

Mr. President, I thank the Chair and yield the floor.

ORDERS FOR TOMORROW

RECESS UNTIL 11 A.M.; MORNING BUSINESS; RECESS FROM 12 NOON TO 1 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. on Wednesday, May 2; that following the time for two leaders there be a period for morning business, not to extend beyond 12 noon, with Senators permitted to speak therein for up to 5 minutes each. I further ask unanimous consent that the Senate stand in recess from 12 noon to 1:30 p.m. tomorrow to accommodate the party caucus.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, tomorrow at 1:30 p.m. it is my hope that we will be in a position to begin consideration of S. 135, the Hatch Act reform bill.

RECESS UNTIL 11 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 11 a.m. tomorrow morning.

Thereupon, the Senate, at 8 p.m., recessed until Wednesday, May 2, 1990, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, May 1, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we go about our lives doing the necessary work that is before us, we often wonder if there is more than the ordinary tasks that can give meaning and purpose to our lives. Yet always, O gracious God, You have given us opportunities to do justice and mercy, to give aid to the oppressed, to feed the hungry, to shelter the homeless, to lift the burden of the weak, to comfort those that sorrow or are alone, to assist all people with any need. As we go about our daily tasks, may we not lose sight of these opportunities for service, opportunities that truly bring great purpose and fulfillment to each of us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Louisiana [Mr. HAYES] please come forward and lead the House in the Pledge of Allegiance?

Mr. HAYES of Louisiana led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE MISSING BUSH BUDGET

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, should we call the Sergeant at Arms, summon the FBI? Surely this has to be one of the strangest disappearances in this institution, the case of the missing Bush budget?

I did not know anything was wrong until today. I was to meet it here today, the very budget the President submitted some months ago.

But, Mr. Speaker, I learn now that it will not be keeping its promised appointment. Apparently no member of the President's party will offer it, complete with its Medicare cuts, its cuts in infrastructure, its elimination of vital programs.

Yes, I am holding a copy here now, Mr. Speaker, but what a mystery. There are no fingerprints on this budget, no sign that it ever existed. Yet did the President not stand behind me in January and urge adoption of this budget? But there have been no clues, no telltale sign of Presidential lobbying or of Republican Members hotly arguing for it. Did anyone who supported it ever exist, Mr. Speaker?

I am holding, I think, a neutron budget. It eliminates all its supporters while staying intact itself. And the children, Mr. Speaker, are chanting outside:

Where O where has the Bush budget gone?
Where O where can it be?

IMPORTANCE OF AN OPEN RULE

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, when the House considers campaign reform legislation this spring, it must be considered under an open rule.

An open rule is the only way to guarantee the American people a full debate on each of the tough issues involved in campaign reform.

Allowing the Republicans to wrap their proposals together and offer them in a substitute package—which would be voted down by the Democratic majority in the House—is an unacceptable alternative.

That is not a debate, Mr. Speaker, and the American people know it.

Republicans believe that our campaign reform proposals—including banning soft money in Federal elections, disclosing and limiting franking, limiting contributions from outside a candidate's local area, and restoring the income tax credit for in-State individual contributions—would make congressional races more fair.

Mr. Speaker, the American people deserve to know how each of us stands on these individual issues—and they deserve to know who the real reformers are.

NEW REVELATIONS BY CONVICTED HUD AIDE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the soap opera at HUD continues. DuBois Gilliam, a former aide now in jail for taking bribes in exchange for housing contracts, said that HUD awarded grants on the basis of political connection. No kidding.

Gilliam also said that this was the best political machine in American history. He said it gave away millions and millions of dollars to Republican friends. In fact, Gilliam said that Reagan cronies would call, get special preference, and get multimillion-dollar deals because they were connected with the right people.

But when Chairman GONZALEZ, who challenged HUD to try to straighten it out, had a needy project in his area, Sam Pierce said, "If GONZALEZ wants it, absolutely not."

Yet, Mr. Speaker, the biggest UDAG award in American history was given to a city in New Hampshire where the Senator was the guy who killed the UDAG Program, and that UDAG award was for a city where the unemployment rate was less than 2 percent, clearly making it illegal.

I say it is time these Tammany Hall bums go to jail. Thank God for one thing—a Republican by the name of Jack Kemp, a good man, is straightening out a Republican mess. It is high time that we get an answer about why the needy of this country have to be put on the back burner because of heavily connected friends in the White House. Think about it.

A SOFT-MONEY LOOPHOLE IN FEDERAL ELECTION LAWS

(Mr. SMITH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Vermont. Mr. Speaker, should it be illegal for a corporation or labor union to give $1 million to help a candidate for Federal office?

Yes.

But is it illegal? No.

Today, a so-called soft-money loophole in our Nation's election laws allows corporate and union special interests to pour nearly unlimited amounts of money into voter registration and turn-out slush funds.

Another loophole, the so-called building fund, allows unlimited corporate, union, and millionaire special interest gifts to national political parties.

Mr. Speaker, these loopholes must be closed.

Parties should raise money for Federal elections only from individuals in amounts limited by law.

Union workers' dues and corporate profits should not be spent to buy Federal elections.

Individuals, not unions and corporations, should finance congressional elections.

Mr. Speaker, please let this House vote on banning soft money.

THE BUSH BUDGET OR THE "STEALTH" BUDGET

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, word is spreading today that the Republicans have decided not to offer their budget for a vote or even for a discussion. The Bush budget has become the "stealth" budget.

That is too bad, but it is understandable because the Bush budget is out of sync with our times. It has more money for the military than last year and more pain for our seniors, with huge, deep Medicare cuts.

The Democratic budget, with the same deficit reductions, spends 400 percent more on education, 2,000 percent more on medical research, on cancer, heart disease, and Alzheimer's, 1,000 percent more to stop the dreaded AIDS epidemic, and more on the environment and infrastructure.

Mr. Speaker, the Democratic budget is an investment in our country, for a change.

IN SUPPORT OF AN OPEN RULE ON CAMPAIGN FINANCE LEGISLATION

(Mr. EDWARDS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Oklahoma. Mr. Speaker, when the House considers campaign finance reform legislation later in the session, it should be considered under an open rule. All amendments should be made in order, the good, the bad, and the ugly. Only by having all ideas publicly debated and voted on can the House properly work its will on this very important issue.

One of the main goals of reforming campaign laws is to make the process more open, more accessible to all the people, and more sensitive to the concerns and beliefs of the average American. Those same goals should reflect the manner in which the House considers campaign reform legislation.

Procedure, which simply determines who can do what and when, has a tremendous effect on policy. Campaign finance laws, which are essentially guidelines about who can do what and when, are a good illustration of that principle. With that in mind, for reasons of public policy, it's important that the procedure under which we take up this important legislation be free, open, and more sensitive to the concerns of the public. I urge the Rules Committee to report an open rule when campaign finance reform legislation is brought to the House floor.

□ 1210

WHAT A SHOCK!

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, what a shock! The Republican Party comes before the Committee on Rules and asks for an opportunity to offer their President's budget to the House of Representatives and to the American people, to engage this Chamber in debate, but yet today we are told that they got cold feet. The Republican Conference has decided to a person, that not a single one of them will stand up and try to defend President Bush's budget.

"Say it ain't so, BOB," and, when my colleagues look at that budget, they can understand why. That budget calls for increases in military spending when peace is breaking out across the world. Not a single Republican will offer that budget.

"Say it ain't so, NEWT," and, when that budget calls for cuts in medical research and cuts in Medicare, one would think the Republicans would want to be there to defend it, but they will not.

"Say it ain't so, MICKEY." Come on now. Someone on that side of the aisle should ask for unanimous consent to offer President Bush's budget.

Let's see who will stand up for President George Bush's vision of a kinder and gentler America. Surely at least one member of his Party will stand up for the President.

ABORTION STOPS A BEATING HEART

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, on Saturday, hundreds of thousands of Americans rallied here in Washington in defense of human life. It was, in a word, "awesome."

The rally, the largest ever, was a tangible witness of our deep and unshakable conviction in the dignity and sanctity of every human life and was designed to confront the antichild bias of the abortionists.

Mr. Speaker, every abortion stops a beating heart, a child's beating heart.

Mr. Speaker, while it is true that the abortionists cloak their killing in the language of humanitarianism, the fact of the matter is abortion is child abuse, and it exploits women. Children who suffer this abuse are cut and dismembered, and millions have been killed by injection of poison.

Saturday's rally represented mainstream America. Even public opinion polls show that Americans reject abortion on demand, and a nationwide survey by Richard Wirthlin's group in January found that only 11 percent of Americans want abortion to be legal in all circumstances. Wirthlin found that 52 percent of Americans, a majority, chose a position which is prolife; 44 percent, proabortion. Other polls parallel those findings, Mr. Speaker, including the New York Times December 1989 poll which found that 53 percent would legally prohibit most abortions. Moreover, a Boston Globe poll found likewise, that some 72 percent of Americans say abortion should be either prohibited altogether or legal in a very, very limited number of circumstances.

Mr. Speaker, most Members know in their heart that abortion ends a child's life. Legislators should also know that the tide of public opinion is on the side of life as well.

THE DEMOCRATIC BUDGET—A REFLECTION OF OUR CHANGED WORLD

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, there could not be a more clear difference in the priorities between Democrats and Republicans than in the budgets this House will consider today. Unlike the President's budget, the Democratic budget does not merely pay lipservice to the important programs so vital to the Nation and so strongly supported by the American people.

Rather than provide rhetoric about education programs, this budget funds them. In fact, this budget provides over five times the amount of funding for education as President Bush requested.

The Democratic budget rejects the substantial cuts in Medicare called for by President Bush and vehemently opposed by seniors across the country.

The Democratic budget also is a fair budget for all our retirees. Unlike the Bush budget, which would undercut some of our retirees by calling for a freeze in the cost-of-living-adjustment for military and civilian retirees, the Democratic budget assumes a full 4.1-percent cost-of-living adjustment for Social Security and Federal and civilian retirees.

This budget is an investment in the future. We live in a far different world now—one which this Democratic budget reflects.

TIME IS NOW

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, for well over a year now, the public has been waiting for Congress to produce a campaign reform bill. With great hoopla and fanfare, we promise our constituents that we would eliminate the abuses which have become so evident over the past few years.

Yet today we stand here, with another election campaign already well underway, and no sign that the promise is going to be fullfilled. Last year, Republicans in the House proposed a comprehensive package of reforms in campaigns finance law. We submitted these to the Democratic leadership for consideration, knowing that only the Democrats, with their overwhelming majority in this House, could bring this issue to the floor for a vote.

Today, more than 6 months later, we are still waiting for a response. Where, we ask, is the Democratic proposal? What is their plan? Will they ever negotiate? The Democrats have the votes in this House to do anything they want; they also have the responsibility to propose a plan for action. If they have no plan, then they have a responsibility to consider the Republican plan.

Our proposal is innovative and responsive. It would cut PAC contributions by 80 percent—or eliminate PAC's entirely. It would require that a majority of campaign contributions come from local sources. It would ban "soft" money in all races. And it would end the "laundering" of campaign contributions by eliminating leadership PAC's and banning transfers between PAC's. It is a good package, a fair package, and it deserves to brought to a vote.

Mr. Speaker, the public is waiting. When will the Democrats make public their plan for ending the scandals? Or will we see yet another Keating five debacle, this time in the House? The time for action, Mr. Speaker, is now.

BUSH BUDGET—NO SUBSTANCE

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, when President Bush proposed his budget this last January, I was very critical. I felt it involved rhetoric, not substance. Now the other side refuses to engage in even the rhetoric; I think because there is no substance involved.

Mr. Speaker, the fact is the Bush budget calls for a 9 percent real cut in highway funding. The Bush budget calls for 23 percent reduction in budget authority for mass transportation. There are slight reductions for next year's educational budget.

If we are talking about the future, if we are talking about an investment in the future, we are not talking about the Bush budget. That must be why the other side refuses to propose it to this Chamber.

THE LEFT WING'S NOT SO HIDDEN AGENDA FOR EL SALVADOR

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, the mostly liberal Democratic task force looking into the killings of the Jesuit priests in El Salvador has submitted its report castigating the government of El Salvador for not vigorously investigating the possible involvement of high military officials in the murders.

Chairman MOAKLEY has been very fair in pursuing this matter, and there certainly is reason to criticize the Salvadoran judge, Zamora, for sitting on his hands. But it is also important to recognize that there are those in America who will use this partisan report as part of a carefully choreographed, not so hidden agenda to try to destroy the democratically elected government of El Salvador by withdrawing American support.

How ironic that the left in America, which had no trouble supporting a Communist dictatorship in Nicaragua cannot bring themselves to support a conservative democracy in El Salvador. Especially when President Cristiani has made great progress in reining in the military, while the FMLN Communist guerrillas have increased their terrorism, killing hundreds of innocent civilians in recent months.

So, let us put pressure on the Government of El Salvador to solve the brutal slayings of the Jesuits. But let us not fall into the left wing's trap of using this tragedy as an excuse to destroy this fledging democracy, and thereby hand over the country to the FMLN Communist guerrillas.

ELIMINATE THE BOTTLENECK IN RECYCLING

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, today I am introducing legislation to eliminate a bottleneck which is preventing the recycling of the millions of tons of glass, plastic, paper, and metal cans which are filling up our local landfills.

The two bills I have introduced provide for matching grants for communities and others interested in purchasing equipment to sort and prepare solid waste for recycling, and an investment tax credit for businesses interested in purchasing recycling equipment to make their businesses compatible to accept and use recycleable materials.

I am introducing this legislation in order to accelerate investment in recycling equipment. We all know that too much waste is being generated and too little recycling is taking place. Recycling is not keeping pace. It is this low demand for these secondary materials which is creating the bottleneck and makes this legislation necessary.

I urge my colleagues to cosponsor this legislation. Your communities will benefit from its passage as there will be less dependence on landfills and incineration for the disposal of household generated wastes. The private sector will benefit because they will be able to purchase recycling equipment they sorely need in order to modernize and make profitable the recycling process.

□ 1220

CAMPAIGN REFORM FAIRNESS

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, when legislation to reform campaign finance laws is debated in the coming weeks, Members of this body should be given the opportunity to consider this very important legislation freely and openly without the artificial restrictions of a closed or partially closed rule. As the previous speaker made clear, the Republican proposal contains many important initiatives not included in the publicly discussed simplified solution to campaign finance reform, but every bit as important to a real effective comprehensive reform.

Everyone, Republican and Democrat alike, should have the opportunity to offer amendments to improve the legislation and the House should have the chance to accept or reject those ideas.

Fairness demands an open rule so that the House can work its will in the manner the Founding Fathers intended and campaign reform can be something we can be proud of throughout America.

PRESIDENT DOES NOT REALLY WANT HIS BUDGET CONSIDERED

(Mr. SLATTERY asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, President Truman once said, "The buck stops here," and President Nixon in his recent book said that in the final analysis the man at the top must be held responsible.

Today, our President and our Nation's Chief Executive Officer apparently does not even want his budget to be voted on. He apparently does not want to be held accountable for some of the proposals that he is making in his budget.

I have to say that I am absolutely amazed. Could it be that the President does not want the American public to focus on the proposed $5.2 billion cut in Medicare, which would make it virtually impossible for us to deal with some of the unique health care problems we have in rural America, and also in our Nation's inner cities?

Could it also be the President does not want us to focus on his proposed cuts in housing and the cut in the highway funding for this country in spite of the fact that we have an enormous surplus in our Nation's highway trust fund. Apparently he wants to use the surplus to further hide the Nation's deficit?

What about those COLA cuts for some retirees, while other retirees would get their COLA's?

Finally, Mr. Speaker, the President proposed a $1.8 billion cut in agriculture. Could it be that our President doesn't want American farmers to fully understand his proposal. Could it be that he really does not want the American people to focus on his budget so that they truly understand the differences in priorities between the House Budget Committee's proposal and the President's proposal?

Mr. Speaker, I believe that every chief executive officer in this Nation should be held responsible for their budgets, whether it is at the company level, the State level, or the Nation's level. For that reason, Mr. Speaker, I hope we vote on the President's budget today and expose it for what it really is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will make an announcement. Pursuant to the announcement made a few moments ago by the distinguished Speaker of the House, there will be three more Members from the Republican side to deliver 1 minute speeches. There will be two more Members from the Democratic side before scheduled business.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to know if in the future we could let Members know a little in advance when we are going to curtail the number of 1-minute speeches, because many of us have important things we feel should be said and we wait until the end here to give our 1-minute speeches because we are concerned about other speakers, and then at the last minute it is cut off. I think that is improper.

The SPEAKER pro tempore. The Chair would address the gentleman from Indiana by saying the Chair will do its best to advise the majority and minority leadership about the routine on taking 1-minute speeches; so the gentleman's statement will be duly noted.

UN MEMBERSHIP FOR LITHUANIA

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, today's demonstrations at Moscow's May Day rally show that Mr. Gorbachev has got to find a face-saving way to put the crisis in Lithuania behind him.

Here is one way the United States can help him take the first step toward a compromise solution.

The United States should propose U.N. membership for the Republic of Lithuania.

This is not as revolutionary as it seems. Two Soviet republics already belong to the United Nations—Byelorussia and the Ukraine.

U.N. recognition would give Lithuania something it wants—its own independent voice in the international community.

It would give the Soviet Union something it wants—a way to stretch out the break in their relationship.

The Soviet Union will eventually break up. The question is whether it will explode or simply dissolve.

U.N. recognition of Lithuania is one step that can offer Mr. Gorbachev some breathing room and some hope for a smooth and peaceful transition for his empire.

PRESIDENT SHOULD RECOGNIZE LITHUANIAN INDEPENDENCE

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, they soon will begin rationing food in the small country of Lithuania, but this is nothing new for the Lithuanians because, you see, at the end of World War II when the Soviets took over Lithuania they gathered everybody who had a strong belief in God, anybody who had any educational training or any skills, and they executed them. They killed over a third of their population. They put people on trains and shipped them up to the north in the cold and put them out of those trains and let them starve to death and freeze to death.

You can understand their determination for independence and freedom; so, Mr. Speaker, I challenge each one of you to try to do what you can to encourage the President to recognize Lithuania. For the past 50 years every President in this country has never recognized the presence of the Soviet Union in Lithuania until now.

So I challenge you to encourage our President to turn toward freedom and democracy for the Lithuanians and give them the recognition that they deserve.

VOTE YES ON SUPERCONDUCTING SUPER COLLIDER

(Mr. BARTON of Texas asked and was given permission to address the House for one minute.)

Mr. BARTON of Texas. Mr. Speaker, tomorrow the House will debate H.R. 4380, a bill authorizing construction of the superconducting super collider, or SSC. The SSC is a basic high energy physics project. It consists of a 54-mile underground tunnel which is lined with superconducting magnets that accelerate proton beams in opposite directions at the speed of light around a 54-mile tunnel. At certain points these beams are colliding. The scientists hope to study these collisions to understand the basic secrets of matter and energy.

The bill has three main points. It permanently authorizes the project and it should be allowed because it is a multi-year construction project. It has a $5 billion cap on Federal expenditures and it has strong incentives for foreign participation.

Mr. Speaker, I would urge my colleagues tomorrow to vote yes on authorization of H.R. 4380, a bill for the future of this country.

FDIC CHAIRMAN SEIDMAN SHOULD REMAIN IN OFFICE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I am deeply disappointed by reports that President Bush is urging FDIC Chairman Seidman to resign. There are problems with the S&L bailout, but you do not solve these problems by shooting the messenger. Director Seidman has been the messenger.

We need qualified individuals who are forthcoming about the cost of the bailout and less political yes men who are interested in political damage control.

We all recognize the fact that confidence in the administration's handling of this issue is clearly low. While President Bush properly recognizes that problem, his reaction and solution is inappropriate. Director Seidman is not the problem. Mr. Seidman as Director of the SDIC is by law an appointee with an independence and autonomy, as appropriate, sometimes Mr. Seidman has been a discordant or disjunctive note.

Now the President seeks to replace him with someone who will join the chorus of "Don't worry, be happy," a siren song, which will lead this S&L bailout yet closer to the rocks, Mr. Speaker.

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PRESSURE ON TERRORIST STATES SHOULD BE MAINTAINED

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I was disappointed today when I read that President Bush thanked Syria and Iran for their help in getting two American hostages released. Both Syria and Iran are listed as terrorist states in the latest report on terrorist.

In addition, even though they are still a terrorist state, we are about to reestablish diplomatic relations with South Yemen.

Instead of thanking Syria and Iran and recognizing South Yemen, we should keep economic and other pressure on them until they change their policies and release all of the hostages. Thanking them is like thanking a mass murderer for not killing one more.

I understand we are also about to extend most-favored-nation status again to Communist China and the repression there is worse than ever—and its business as usual with the Soviet Union—never mind Lithuania.

Pragmatism will kill liberty and democracy, but I suppose you can always find some rational reason for accommodating tyrants.

PARLIAMENTARY INQUIRY

Mr. LIVINGSTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman will state his parliamentary inquiry.

Mr. LIVINGSTON. Mr. Speaker, a number of us were caught off guard by the ruling of the Chair that certain designated speakers would be able to speak, and then a preliminary number, a preliminarily agreed number, of speakers would be allowed to speak at 1 minute. Then others would not.

Specifically, the gentleman from Missouri [Mr. HANCOCK], the gentleman from Missouri [Mr. EMERSON], the gentleman from Massachusetts [Mr. CONTE], and myself would like to be designated tomorrow on the 1-minute docket, so that we could get our 1-minute speeches in.

The SPEAKER pro tempore. The Chair at this point will not designate for tomorrow, but the Chair will certainly make note of the gentleman's request, on his behalf and on behalf of his colleagues.

The gentleman could make that same request to his leadership, so that the Speaker can be presented that list for tomorrow.

Mr. LIVINGSTON. I thank the Speaker. I would just point out that I was here on time today, and I plan to be here on time tomorrow.

The SPEAKER pro tempore. The Chair appreciates the statement from the gentleman from Louisiana.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, April 30, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 5:05 p.m. on Monday, April 30, 1990 and said to contain a message from the President wherein he transmits a report to the Congress on developments in Panama since the last Presidential report of 10/19/89. Attached are the fact sheet and a copy of the Panamanian Transactions Regulations; Final Rule, as it appeared in the *Federal Register* of 2/1/90.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO PANAMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-183)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of Monday, April 30, 1990, at Page 8795.)

ANNOUNCEMENT OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Rollcall votes on the first three motions, if postponed, will be taken after debate has concluded on those bills: H.R. 4557, H.R. 743, and S. 1485.

DEPARTMENT OF VETERANS AFFAIRS HEALTH PROFESSIONAL COMPENSATION AND LABOR-RELATIONS ACT OF 1990

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4557) to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to revise and improve recruitment and retention of nurses in the Department by providing greater flexibility in the pay system for nurses, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Health Professionals Compensation and Labor-Relations Act of 1990".

TITLE I—PHYSICIANS AND DENTISTS SPECIAL PAY

SEC. 101. REVISION AND REORGANIZATION OF SPECIAL PAY STATUTE.

(a) REDESIGNATION OF SUBCHAPTERS.—Chapter 73 of title 38, United States Code, is amended—

(1) by redesignating subchapters II, III, V, and VI as subchapters V, VI, VII, and VIII, respectively;

(2) by redesignating sections 4121 through 4124 as sections 4151 through 4154, respectively;

(3) by redesignating sections 4131 through 4134 as sections 4161 through 4164, respectively;

(4) by redesignating sections 4151 and 4152 as sections 4171 and 4172, respectively; and

(5) by redesignating sections 4161 through 4168 as sections 4181 through 4188, respectively.

(b) NEW SPECIAL PAY STATUTE.—Such chapter is further amended by inserting

after subchapter I the following new subchapter:

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"§ 4131. Special pay: authority

"(a) In order to recruit and retain highly qualified physicians and dentists in the Veterans Health Services and Research Administration, the Secretary shall provide special pay under this subchapter. Such special pay shall be provided under regulations that the Secretary shall prescribe to carry out this subchapter.

"(b) Special pay may be paid to a physician or dentist under this subchapter only upon the execution of, and for the duration of, a written agreement entered into by the physician or dentist in accordance with section 4132 of this title.

"(c) A physician or dentist serving a period of obligated service pursuant to chapter 76 of this title is not eligible for special pay under this subchapter during the first three years of such obligated service, except that, at the discretion of the Secretary and upon the recommendation of the Chief Medical Director, such a physician or dentist may be paid special pay for full-time status during those three years.

"(d)(1) The Secretary may determine categories of positions applicable to both physicians and dentists in the Department as to which there is no significant recruitment and retention problem. Notwithstanding any other provision of this subchapter, physicians and dentists serving in those positions shall not be eligible for special pay under this subchapter.

"(2) Not later than one year after making any such determination with respect to a category of positions, and each year thereafter that such determination remains in effect, the Secretary shall make a redetermination.

"(3) Any determination under this subsection shall be in accordance with regulations prescribed to carry out this subchapter.

"(e) Special pay may not be paid under this section to a physician or dentist who—

"(1) is employed on less than a half-time or intermittent basis;

"(2) occupies an internship or residency training position; or

"(3) is a reemployed annuitant.

"§ 4132. Special pay: written agreements

"(a) An agreement entered into by a physician or dentist under this subchapter shall cover a period of one year of service in the Veterans Health Services and Research Administration unless the physician or dentist agrees to an agreement for a longer period of service, not to exceed four years. Any such longer period of service shall be for two full years of service, three full years of service, or four full years of service and shall be specified in the agreement. A physician or dentist who has previously entered into such an agreement is eligible to enter into a subsequent agreement unless the physician or dentist has failed to refund to the United States any amount which the physician or dentist is obligated to refund under any such previous agreement.

"(b)(1) An agreement under this subchapter shall provide that if the physician or dentist entering into the agreement voluntarily, or because of misconduct, fails to complete any of the years of service covered by the agreement (measured from the anniversary date of the agreement), the physician or dentist shall refund the total amount of special pay received under the agreement for that year.

"(2) The Secretary may waive (in whole or in part) the requirement for a refund under paragraph (1) in any case if the Secretary determines (in accordance with regulations prescribed under section 4131(b) of this title) that the failure to complete such period of service is necessitated by circumstances beyond the control of the physician or dentist.

"(3) Any such agreement shall specify the terms under which the Department and the physician or dentist may elect to terminate the agreement.

"(c)(1) If a proposed agreement under this subchapter will provide a total amount of special pay (stated on an annual basis) to be provided to a physician or dentist who has previously entered into an agreement under this subchapter (or under section 4118 of this title as in effect before the effective date of the Department of Veterans Affairs Health Professionals Compensation and Labor-Relations Act of 1990) that will exceed the previous amount of special pay provided for the physician or dentist by more than 50 percent, or that will be less than the previous amount of special pay provided for the physician or dentist by more than 25 percent, the proposed agreement shall be promptly submitted to the Secretary. The proposed agreement shall not take effect if it is disapproved by the Secretary within 45 days after the date on which the physician or dentist entered into the proposed agreement.

"(2) For purposes of paragraph (1), the previous amount of special pay provided for a physician or dentist is the total amount of special pay (stated on an annual basis) provided, or to be provided, to the physician or dentist for the most recent year covered by an agreement entered into by the physician or dentist under this subchapter or under section 4118 of this title. In the case of an agreement entered into under section 4118 of this title, incentive pay shall be treated as special pay for purposes of this paragraph.

"(3) The Secretary shall adjust amounts of special pay as necessary for purposes of this subsection to reflect appropriately any change in the status of a physician or dentist (A) from full-time status to part-time status, (B) from part-time status to full-time status, or (C) from one proportion of time spent as a Department employee under part-time status employment to a different proportion.

"§ 4133. Special pay: full-time physicians

"(a) The Secretary shall provide special pay under this subchapter to eligible physicians employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(b) The special pay factors, and the annual rates, applicable to full-time physicians are as follows:

"(1) For full-time status, $9,000.

"(2) For tenure of service within the Veterans Health Services and Research Administration—

"Tenure	Amount	
	Minimum	Maximum
For 2 years but less than 4 years.	$3,000	$6,000
For 4 years but less than 8 years.	6,000	12,000
For 8 years but less than 15 years.	12,000	18,000
For 15 years or more.	15,000	25,000

"(3) For service in a medical specialty with respect to which there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians, an amount not more than $40,000.

"(4)(A) For service in any of the following executive positions, an amount not to exceed the amount applicable to that position as follows:

"Position	Maximum amount
Service Chief (or in a comparable position as determined by the Secretary)	$15,000
Chief of Staff or in an Executive Grade	25,000
Director Grade	25,000.

"(B) For service in any of the following executive positions, the amount applicable to that position as follows:

"Position	Amount
Service Director	$25,000
Assistant Chief Medical Director	30,000
Deputy Assistant Chief Medical Director	30,000
Associate Deputy Chief Medical Director	35,000
Deputy Chief Medical Director	40,000
Chief Medical Director	45,000.

"(5) For specialty or first board certification, $2,000, or for subspecialty or secondary board certification, $2,500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified physicians in a specific category of physicians, an amount of not more than $17,000.

"(c) The Secretary shall exercise the authority provided in this subchapter to provide the maximum amount of special pay under this subchapter to the Chief Medical Director and Deputy Chief Medical Director.

"§ 4134. Special pay: part-time physicians

"(a)(1) The Secretary shall provide special pay under this subchapter to eligible physicians employed on a part-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(2) In the case of each such factor (other than a factor specified in paragraph (4) of subsection (b)), the Secretary shall pay a proportion of the amount that would be applicable to that physician if that physician was employed on a full-time basis, determined by multiplying such amount by the proportion which the physician's part-time employment in the Department bears to full-time employment. However, in the case of part-time employment in a proportion greater than ⅝, the proportion to be used for calculating such special pay shall be ⅝.

"(b) The special pay factors, and the annual rates (subject to subsection (a)(2)), applicable to part-time physicians are as follows:

"(1) For tenure of service within the Veterans Health Services and Research Administration, the years of service, and the minimum and maximum amounts, applicable to

full-time physicians under section 4133(b)(2) of this title.

"(2) For service in a medical specialty with respect to which there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians, an amount not more than the maximum amount applicable to full-time physicians under section 4133(b)(3) of this title.

"(3) For service (A) as a Service Chief (or in a comparable position as determined by the Secretary), or (B) as a Chief of Staff or in an Executive Grade, an amount not more than the maximum amount applicable to that position for full-time physicians under section 4133(b)(4)(A) of this title.

"(4) For specialty or first board certification, $1,500, or for subspecialty or secondary board certification, $1,875.

"(5) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified physicians in a specific category of physicians, an amount not more than the maximum amount applicable to full-time physicians under section 4133(b)(6) of this title.

"§ 4135. Special pay: full-time dentists

"(a) The Secretary shall provide special pay under this subchapter to eligible dentists employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(b) The special pay factors, and the annual rates, applicable to full-time dentists are as follows:

"(1) For full-time status, $3,500.

"(2) For tenure of service within the Veterans Health Services and Research Administration—

"(A) of two years but less than seven years, $800; and

"(B) of seven years or more, $1,600.

"(3) For service in a dental specialty with respect to which there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified dentists, an amount not more than $20,000.

"(4) For service in any of the following executive positions, an amount not to exceed the amount applicable to that position as follows:

"Position	Maximum amount
Service Chief (or in a comparable position as determined by the Secretary)	$5,000
Chief of Staff, Executive Grade, or Director Grade	9,000
Service Director	9,000
Deputy Assistant Chief Medical Director	10,000
Assistant Chief Medical Director	10,000.

"(5) For specialty or first board certification, $2,000, or for subspecialty or secondary board certification, $2,500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, an amount not more than $5,000.

"§ 4136. Special pay: part-time dentists

"(a)(1) The Secretary shall provide special pay under this subchapter to eligible dentists employed on a part-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(2) In the case of each such factor (other than a factor specified in paragraph (4) of subsection (b)), the Secretary shall pay a proportion of the amount that would be applicable to that dentist if that dentist was employed on a full-time basis, determined by multiplying such amount by the proportion which the dentist's part-time employment in the Department bears to full-time employment. However, in the case of part-time employment in a proportion greater than 5/8, the proportion to be used for calculating such special pay shall be 5/8.

"(b) The special pay factors, and the annual rates (subject to subsection (a)(2)), applicable to part-time dentists are as follows:

"(1) For tenure of service within the Veterans Health Services and Research Administration, the years of service, and the minimum and maximum amounts, applicable to full-time dentists under section 4135(b)(2) of this title.

"(2) For service in a dental specialty with respect to which there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified dentists, an amount not more than the maximum amount applicable to full-time dentists under section 4135(b)(3) of this title.

"(3) For service (A) as a Service Chief (or in a comparable position as determined by the Secretary), or (B) as a Chief of Staff or in an Executive Grade, an amount not more than the maximum amount applicable to that position for full-time dentists under section 4135(b)(4) of this title.

"(4) For specialty or first board certification, $1,500, or for subspecialty or secondary board certification, $1,875.

"(5) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, an amount not more than the maximum amount applicable to full-time dentists under section 4135(b)(6) of this title.

"§ 4137. Special pay: general provisions

"(a) A physician who is provided special pay for service in an executive position under paragraph (4)(B) of section 4133(b) of this title may not also be provided scarce specialty special pay under paragraph (3) of that section. A dentist who is provided special pay for service in an executive position under paragraph (4) of section 4135(b) of this title for service as a Service Director, Deputy Assistant Chief Medical Director, or Assistant Chief Medical Director may not also be provided scarce specialty special pay under paragraph (3) of that section.

"(b) The following determinations under this subchapter shall be made under regulations prescribed under section 4131 of this title:

"(1) A determination that there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment or retention of qualified dentists in a dental specialty.

"(2) A determination of the amount of special pay to be paid to a physician or dentist for a factor of special pay for which the applicable rate is specified as a range of amounts.

"(3) A determination of whether there are extraordinary difficulties in a specific geographic location in the recruitment or retention of qualified physicians in a specific category of physicians or in the recruitment or retention of qualified dentists in a specific category of dentists.

"(c) A determination for the purposes of this subchapter that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a medical specialty, or in the recruitment or retention of qualified dentists in a dental specialty, on the basis of the needs of a specific medical facility may only be made upon the request of the director of that facility.

"(d) A physician or dentist may not be provided scarce specialty pay under section 4133(b), 4134(b), 4135(b), or 4136(b) of this title (whichever is applicable) on the basis of the needs of a specific medical facility unless the Secretary also determines that geographic location pay under that section is insufficient to meet the needs of that facility for qualified physicians or dentists, as the case may be.

"(e) Any amount of special pay payable under this subchapter shall be paid in equal installments in accordance with regularly established pay periods.

"(f) Except as otherwise expressly provided by law, special pay may not be provided to a physician or dentist in the Veterans' Health Services and Research Administration for any factor not specified in section 4133, 4134, 4135, or 4136, as applicable, of this title.

"§ 4138. Special pay: coordination with other benefits laws

"(a) Special pay paid under this subchapter shall be in addition to any other pay and allowances to which a physician or dentist is entitled.

"(b) Compensation paid under this subchapter to a full-time employee shall be included in basic pay for purposes of chapter 83 or 84 of title 5 (relating to retirement benefits for Federal employees), as the case may be. However, such compensation paid to a full-time employee may be included in average pay (as defined in section 8331(4) or 8401(3) of such title (as applicable)) only—

"(1) for the purposes of computing disability or survivor benefits under section 8337, 8341(d), 8341(e), 8442(b), 8443, or 8451 of such title; or

"(2) if the employee has completed not less than 15 years of full-time service in the Administration.

"(c) Compensation paid as special pay under this subchapter or under an agreement entered into under section 4118 of this title (as in effect on the day before the effective date of the Department of Veterans Affairs Health Professionals Compensation and Labor-Relations Act of 1990) shall be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

"(d) Compensation paid after September 30, 1980, as special pay under an agreement entered into under section 4118 of this title (as in effect on the day before the effective date of the Department of Veterans Affairs Health Professionals Compensation and Labor-Relations Act of 1990) to a full-time employee shall be included in basic pay for purposes of chapter 83 or 84 of title 5, as the case may be. However, such compensation paid to a full-time employee after such date may be included in average pay (as defined in section 8331(4) or 8401(3) of such title (as applicable)) only—

"(1) for the purposes of computing disability or survivor benefits under section 8337, 8341(d), 8341(e), 8442(b), 8443, or 8451 of such title; or

"(2) if the employee has completed not less than 15 years of full-time service in the Administration (except that, regardless of the length of such employee's service, special pay may not be included in average pay in computing an annuity that commenced before October 1, 1985, and only one-half of any such special pay paid after September 30, 1980, may be included in average pay in computing an annuity that commenced on or after October 1, 1985, but before October 1, 1990).

"(e) Except as provided in subsections (b) and (d), compensation paid as special pay under this subchapter or under section 4118 of this title (as in effect on the day before the effective date of the Department of Veterans Affairs Health Professionals Compensation and Labor-Relations Act of 1990) may not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 or chapter 81, 83, or 84 of title 5, or other benefits related to basic pay.

"§ 4139. Periodic review of pay of physicians and dentists; quadrennial report

"(a) In order to make possible the recruitment and retention of a well-qualified work force of physicians and dentists capable of providing quality care for eligible veterans, it is the policy of Congress to assure that the levels of total pay for physicians and dentists of the Veterans Health Services Administration are fixed at levels reasonably comparable—

"(1) with the levels of total pay of physicians and dentists employed by or serving in other departments and agencies of the Federal Government, and

"(2) with the income of non-Federal physicians and dentists.

"(b)(1) To assist the Congress and the President in carrying out the policy stated in subsection (a), the Secretary shall—

"(A) define the bases for pay distinctions, if any, among various categories of physicians and dentists, including distinctions between physicians and dentists employed by the Department and physicians and dentists employed by other departments and agencies of the Federal Government and between all Federal sector and non-Federal sector physicians and dentists; and

"(B) obtain measures of income from the employment or practice of physicians and dentists in the non-Department sector, including both the Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the amounts of special pay for Department physicians and dentists.

"(2) The Secretary shall submit to the President a report, on such date as the President may designate but not later than December 31, 1992, and once every four years thereafter, recommending appropriate amounts of special pay to carry out the policy set forth in subsection (a) with respect to the pay of Department physicians and dentists. The Secretary shall include in such report, when considered appropriate and necessary by the Secretary, recommendations for modifications of the special pay levels set forth in this subchapter whenever—

"(A) the Department is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists because the incomes of non-Department physicians and dentists performing comparable types of duties are significantly in excess of the levels of total pay (including basic pay and special pay) of Department physicians and dentists, or

"(B) other extraordinary circumstances are such that special pay levels are needed to recruit or retain a sufficient number of well-qualified physicians and dentists.

"(c) The President shall include in the Budget next transmitted to the Congress under section 1105 of title 31 after the submission of each report of the Secretary under subsection (b)(2) recommendations with respect to the exact rates of special pay for physicians and dentists under this subchapter.

"§ 4140. Annual report

"The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the use of the authorities provided in this subchapter. The report shall be submitted each year as part of the budget justification documents submitted by the Secretary in support of the budget of the President submitted pursuant to section 1105 of title 31 that year. Each such report shall include the following:

"(1) A review of the use of the authorities provided in this subchapter (including the Secretary's and Chief Medical Director's actions, findings, recommendations, and other activities under this subchapter) during the preceding fiscal year and the fiscal year during which the report is submitted.

"(2) The Secretary's plans for the use of the authorities provided in this subchapter for the next fiscal year.

"(3) A description of the amounts of special pay paid during the preceding fiscal year, shown by category of pay.

"(4) A list of those geographic areas, and those scarce specialties, for which special pay was paid during the preceding fiscal year, those for which special pay is being paid during the current fiscal year, and those for which special pay is expected to be paid during the next fiscal year, together with a summary of any differences among those three lists.

"(5) The number of physicians and dentists who left employment with the Department during the preceding year and the number who changed from full-time status to part-time status, and the reasons therefor.

"(6) The number of unfilled physician and dentist positions in the Administration and the reasons that each such position is unfilled.".

SEC. 102. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEAL OF SECTION 4118.—Section 4118 of title 38, United States Code, is repealed.

(b) CROSS-REFERENCE AMENDMENTS.—(1) Section 4107 of such title is amended—

(A) in subsection (c), by striking out "section 4118 of this title" and inserting in lieu thereof "subchapter III of this chapter"; and

(B) in subsection (d), by striking out "sections 4118 and 4120 of this title" and inserting in lieu thereof "section 4120 of this title and subchapter III of this chapter".

(2) Section 4120(f) of such title is amended by striking out "section 4118 of this title" and inserting in lieu thereof "subchapter III of this chapter".

(c) TECHNICAL AND CONFORMING AMENDMENTS TO REDESIGNATED SUBCHAPTERS.—Subchapters V, VI, VII, and VIII of chapter 73 of such title (as redesignated by section 101) are amended as follows:

(1) Such subchapters are amended—

(A) by striking out "Administrator" and "Administrator's" each place they appear and inserting in lieu thereof "Secretary" and "Secretary's", respectively;

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department"; and

(C) by striking out "Department of Medicine and Surgery" each place it appears and inserting in lieu thereof "Veterans Health Services and Research Administration".

(2) Sections 4161 and 4163(b) (as redesignated by section 101) are amended by striking out "section 4134" and inserting in lieu thereof "section 4164".

(3) Section 4164 (as redesignated by section 101) is amended—

(A) in subsection (a), by striking out "section 4131", "section 4132", and "section 4133" and inserting in lieu thereof "section 4161", "section 4162", and "section 4163", respectively; and

(B) in subsection (c)—

(i) by striking out "sections 4131, 4132, and 4133" and inserting in lieu thereof "sections 4161, 4162, and 4163"; and

(ii) by striking out "section 4132(b)(2)(C)" and inserting in lieu thereof "section 4162(b)(2)(C)".

(4) Section 4171 (as redesignated by section 101) is amended by striking out "section 4152" in subsections (b)(3) and (d) and inserting in lieu thereof "section 4172".

(5) Section 4172 (as redesignated by section 101) is amended by striking out "section 4151" in subsection (a)(1) and inserting in lieu thereof "section 4171".

(6)(A) Such subchapters are further amended by striking out "of this section" and "of this subsection" each place they appear (other than in subsections (d), (e), and (g) of section 4162 and in section 4163(b), both sections as redesignated by section 101).

(B) Section 4162(f)(2)(B) (as redesignated by section 101) is amended by striking out "of this paragraph".

(7)(A) Sections 629(d) and 653(b) are amended by striking out "4132" and inserting in lieu thereof "4162".

(B) Section 3305(a) is amended by striking out "section 4152(b)" and inserting in lieu thereof "section 4172(b)".

(C) Section 4209(a)(1) is amended by striking out "section 4161" and inserting in lieu thereof "section 4181".

SEC. 103. REIMBURSEMENT OF CONTINUING PROFESSIONAL EDUCATION EXPENSES FOR FULL-TIME BOARD-CERTIFIED PHYSICIANS AND DENTISTS.

(a) IN GENERAL.—(1) Section 4113 of title 38, United States Code, is amended—

(A) by inserting "(a)" at the beginning of the text; and

(B) by adding at the end the following:

"(b) The Secretary shall reimburse any full-time board-certified physician or dentist appointed under section 4104(1) of this title for expenses incurred, up to $1,000 per year, for continuing professional education.".

(2) The heading of such section is amended to read as follows:

"§ 4113. Travel expenses of certain employees; continuing professional education of physicians".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to expenses incurred after September 30, 1990.

SEC. 104. EFFECTIVE DATE AND TRANSITION.

(a) EFFECTIVE DATE.—The amendments made by sections 101 and 102 shall take effect on the later of—

(1) October 1, 1990; or

(2) the date of the enactment of this Act.

(b) SAVINGS PROVISION.—Except as provided in subsection (c), any agreement entered

into under section 4118 of title 38, United States Code, before the effective date specified in subsection (a) shall remain in effect in accordance with its terms and shall be treated for all purposes in accordance with such section as in effect on the day before such effective date.

(c) TRANSITION FOR CERTAIN MULTIYEAR AGREEMENTS.—A physician or dentist who before the effective date specified in subsection (a) entered into an agreement under section 4118 of title 38, United States Code, that covers a period in excess of one year and that will expire more than one year after such effective date may, with the approval of the Secretary of Veterans Affairs, terminate such agreement after such effective date in order to enter into a new agreement under subchapter III of chapter 73 of title 38, United States Code, as added by section 101. Any such termination may take effect only on the anniversary date of the agreement terminated.

(d) PROHIBITION OF RETROACTIVE AGREEMENTS.—An agreement entered into under subchapter III of chapter 73 of title 38, United States Code, as added by section 101, may not provide special pay with respect to a period before the date on which the agreement is entered into.

TITLE II—NURSES PAY GRADES AND PAY ADMINISTRATION

SEC. 201. RESTRUCTURING OF NURSE GRADE LEVELS AND PAY.

(a) NEW GRADES ESTABLISHED.—The Secretary of Veterans Affairs shall restructure the current nurse grades of the Department of Veterans Affairs so as to provide four grade levels for nurses employed by that Department under section 4104(1) of title 38, United States Code. Those grade levels shall be established with the following relationships to the current nurse grades and to pay grades under the General Schedule under title 5, United States Code.

New grades	Current nurse grades	GS grades
1. Entry grade	Junior and associate grades	GS 6–10
2. Intermediate grade	Full and intermediate grades	GS 9–12
3. Senior grade	Senior and chief grades	GS 12–14
4. Director grade	Assistant director and director grades	GS 14–16

(b) CURRENT NURSE GRADES DEFINED.—For purposes of subsection (a), the term "current nurse grades" means the grades in effect on the effective date of this Act for nurses employed by the Department of Veterans Affairs under section 4104(1) of title 38, United States Code.

(c) CONFORMING AMENDMENT.—Section 4107(b) of title 38, United States Code, is amended by striking out the items under the heading "NURSE SCHEDULE" and inserting in lieu thereof the following:

"Entry grade.
"Intermediate grade.
"Senior grade.
"Director grade.".

SEC. 202. PAY STRUCTURE AND ADMINISTRATION FOR NEW NURSE GRADES.

(a) IN GENERAL.—Chapter 73 of title 38, United States Code, as amended by section 101, is further amended by inserting after subchapter III (as added by section 101(b)) the following new subchapter:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PROVIDERS

"§ 4141. Nurses: grades, rates of pay, and administration of pay

"(a) The Secretary shall maintain the four grade levels for nurses employed by the Department under section 4104(1) of this title as specified in the Nurse Schedule in section 4107(b) of this title. Those grade levels shall have the following relationships to pay grades under the General Schedule under title 5:

"Nurse Grades	GS Grades
Entry grade	GS 6–10
Intermediate grade	GS 9–12
Senior grade	GS 12–14
Director grade	GS 14–16

"(b) The rates of basic pay for those nurse grades shall, for each grade, be established pursuant to this section. The minimum and maximum rates of basic pay for each nurse grade shall be the lowest minimum, and the highest maximum, respectively, rate of pay for the General Schedule grades corresponding to that nurse grade.

"(c)(1) The range of basic pay for each nurse grade shall be divided into 20 equal increments, known as 'steps'. Rates of pay within a grade shall be established only as full steps. Any increase within a grade in the rate of basic pay payable to a nurse shall be by one or more of such step increments. The director of each medical center may (subject to this section) determine the standards and criteria for such increases.

"(2) Regulations prescribed under this section shall provide—

"(A) that the rate of basic pay of each nurse of the Department employed under section 4104(1) of this title shall be increased at least one step increment in that nurse's grade not less often than every two years that the nurse holds that grade (unless the Secretary determines that the performance of the nurse during the preceding two years has not been satisfactory); and

"(B) that whenever a nurse is given a new duty assignment which is a promotion, the rate of basic pay of that nurse shall be increased at least one step increment in that nurse's grade.

"(3) A nurse of the Department serving in a head nurse position shall while so serving receive basic pay at a rate two steps above the rate that would otherwise be applicable to the nurse.

"(d) A nurse who is promoted to the next higher nurse grade shall be appointed in that grade at a rate of basic pay that is greater than the rate of basic pay applicable to the nurse in the lower grade.

"(e) Under regulations which the Secretary prescribes for the administration of this section, the director of a medical center of the Department may provide step promotions within a grade, or may pay a cash bonus, to a nurse employed at the medical center who has qualifications, experience, or achievement which the director determines exceed the standards for the nurse's grade. In making such a determination, the director shall consider the following:

"(1) Service with relevant professional committees or groups.

"(2) Service in a responsible office in a professional nursing society.

"(3) Educational attainment (including certification).

"(4) Publication of articles in professional journals.

"(5) Exemplary job performance.

"(6) Other appropriate evidence of professional stature.

"(f)(1) The Secretary shall provide (in regulations prescribed for the administration of this section) that the director of a medical center of the Department, in appointing a person under section 4104(1) of this title as a nurse for employment at that medical center, may appoint that nurse at a rate of basic pay in excess of the minimum rate of basic pay applicable to the grade in which the appointment is made (but not in excess of the maximum rate of basic pay for that grade) without a requirement for prior approval at any higher level of authority within the Department if the director determines that it is necessary to do so in order to obtain the services of nurses employed under section 4104(1) of this title in that nurse grade at that medical center.

"(2) Such a determination may be made by the director of a medical center only in order—

"(A) to provide pay in an amount competitive with the amount of the same type of pay paid to nurses at non-Federal facilities in the same labor market;

"(B) to achieve adequate staffing at the medical center concerned; or

"(C) to recruit nurses with specialized skills, especially nurses with skills which are especially difficult or demanding.

"(3) Whenever the director of a medical center exercises authority under this subsection without prior approval at a higher level of authority within the Department, the director shall—

"(A) document in writing the reasons for employing the nurse concerned at a rate of pay in excess of the minimum rate of basic pay applicable to the grade in which the nurse is appointed (and shall retain that document on file); and

"(B) in the first budget submission of the director prepared after the nurse is employed, include documentation for the need for such increased rates of basic pay.

"(g) A nurse employed under section 4104(1) of this title who (without a break in employment) transfers from one medical center of the Department to another may not be reduced in grade. The rate of basic pay of such a nurse may be established at the new medical center in a manner consistent with the practices at that medical center for a nurse of that grade.".

(b) REPEAL OF LIMITATION ON HOURLY RATE OF OVERTIME PAY.—Section 4107(e)(5) of such title is amended by striking out ", not to exceed" in the first sentence and all that follows through "Nurse Schedule".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 73 of such title is amended—

(1) by striking out the item relating to section 4113 and inserting in lieu thereof the following:

"4113. Travel expenses of certain employees; continuing professional education of physicians.";

(2) by striking out the item relating to section 4118;

(3) by inserting after the item relating to section 4120 the following:

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"4131. Special pay: authority.
"4132. Special pay: written agreements.
"4133. Special pay: full-time physicians.
"4134. Special pay: part-time physicians.
"4135. Special pay: full-time dentists.
"4136. Special pay: part-time dentists.
"4137. Special pay: general provisions.
"4138. Special pay: coordination with other benefits laws.
"4139. Periodic review of pay of physicians and dentists; quadrennial report.
"4140. Annual report.

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PROVIDERS

"4141. Nurses: grades, rates of pay, and administration of pay."; and

(4) by revising the items in such table to conform to the redesignations made by paragraphs (1) through (5) of section 101(a).

SEC. 203. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the later of—
(1) October 1, 1990; or
(2) the date of the enactment of this Act.

TITLE III—LABOR-MANAGEMENT RELATIONS

SEC. 301. COLLECTIVE BARGAINING AND GRIEVANCE PROCEDURES FOR TITLE 38 EMPLOYEES.

(a) IN GENERAL.—Section 4108 of title 38, United States Code, is amended to read as follows:

"§ 4108. Personnel administration; collective bargaining

"(a)(1) Notwithstanding any law, Executive order, or regulation, the Secretary shall prescribe by regulation the hours and conditions of employment and leaves of absence of employees appointed under any provision of this chapter in positions in the Veterans Health Services and Research Administration listed in section 4104(1) of this title.

"(2) Except as otherwise specifically provided in this title, the authority of the Secretary to prescribe regulations under paragraph (1) is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5 (relating to labor-management relations). Such collective bargaining (and any grievance procedures provided under a collective bargaining agreement) in the case of employees described in paragraph (1) may not cover, or have any applicability to, any matter or question concerning, or arising out of, professional conduct or competence.

"(b)(1) For purposes of this section, the term 'professional conduct or competence' means any of the following:
"(A) Direct patient care.
"(B) Clinical competence.
"(C) Professional judgment.
"(D) Peer review.

"(2) An issue of whether a matter or question concerns, or arises out of, professional conduct or competence shall be decided by the Secretary and is not itself subject to collective bargaining and may not be reviewed by any other agency or by any court.

"(3) Any petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving employees described in paragraph (1), or arising out of the applicability of chapter 71 of title 5 to employees in those positions, shall be taken only in the United States Court of Appeals for the District of Columbia Circuit.

"(c)(1) The Secretary may prescribe regulations establishing conditions under which officers and employees of the Administration who are nationally recognized principal investigators in medical research may be permitted to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals for travel and such reasonable subsistence expenses as are approved by the Secretary pursuant to such regulations—

"(A) in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Department; or

"(B) in connection with acceptance of significant awards or with activity related thereto concerned with functions or activities of the Department.

"(2) Any such payment may be retained by such officers and employees to cover the cost of such expenses or shall be deposited to the credit of the appropriation from which the cost of such expenses is paid, as may be provided in such regulations.

"(d)(1) The hours of employment in carrying out responsibilities under this title of any employee who is appointed in the Administration under any provision of this chapter on a full-time basis in a position listed in section 4104(1) of this title (other than an intern or resident appointed pursuant to section 4114 of this title) and who accepts responsibilities for carrying out professional services for remuneration other than those assigned under this title shall consist of not less than 80 hours in a biweekly pay period (as that term is used in section 5504 of title 5). Such a person may not do any of the following:

"(A) Assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Department facility, except in those cases where the person, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed 180 calendar days, which may be extended by the Under Secretary for additional periods not to exceed 180 calendar days each.

"(B) Teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with such person's responsibilities under this title.

"(C) Accept payment under any insurance or assistance program established under title XVIII or XIX of the Social Security Act or under chapter 55 of title 10 for professional services rendered by such person while carrying out such person's responsibilities under this title.

"(D) Accept from any source, with respect to any travel performed by such person in the course of carrying out such person's responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5.

"(E) Request or permit any individual or organization to pay, on such person's behalf for insurance insuring such person against malpractice claims arising in the course of carrying out such person's responsibilities under this title or for such person's dues or similar fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of such person's remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title.

"(F) Perform, in the course of carrying out such person's responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for such person's personal benefit, or both.

"(2) In the case of any fund or account described in paragraph (1)(F) that was established before September 1, 1973—

"(A) the affiliated institution shall submit semiannually an accounting to the Secretary and to the Comptroller General of the United States with respect to such fund or account and shall maintain such fund or account subject to full public disclosure and audit by the Secretary and the Comptroller General for a period of three years or for such longer period as the Secretary shall prescribe, and

"(B) no person in a position specified in paragraph (1)(B) may receive any cash from amounts deposited in such fund or account derived from services performed before that date.

"(3) As used in this subsection:

"(A) The term 'affiliated institution' means a medical school or other institution of higher learning with which the Secretary has a contract or agreement as referred to in section 4112(b) of this title for the training or education of health personnel.

"(B) The term 'remuneration' means the receipt of any amount of monetary benefit from any non-Department source in payment for carrying out any professional responsibilities.

"(e) A person serving as a Chief of Staff of a Department health-care facility shall be appointed on a full-time basis.".

(b) CONFORMING AMENDMENT.—Section 4316(b)(4) of such title is amended by striking out "section 4108(c)(1)" and inserting in lieu thereof "section 4108(d)(3)(A)".

SEC. 302. ADVERSE PERSONNEL ACTIONS.

(a) REFORM OF DISCIPLINARY PROCEDURES FOR SECTION 4104(1) EMPLOYEES.—Chapter 73 of title 38, United States Code, is amended by striking out section 4110 and inserting in lieu thereof the following:

"§ 4110. Adverse actions: section 4104(1) employees

"(a) Whenever the Chief Medical Director (or an official designated by the Chief Medical Director) brings charges based on conduct or performance against a section 4104(1) employee and as a result of those charges an adverse personnel action is taken against the employee, the employee shall have the right to appeal the action.

"(b)(1) If the case involves or includes a question of professional conduct or competence in which a major adverse action was taken, such an appeal shall be made to a Disciplinary Appeals Board under section 4110A of this title.

"(2) In any other case, such an appeal shall be made—

"(A) through Department grievance procedures under section 4110B of this title, in any case that involves or includes a question of professional conduct or competence in which a major adverse action was not taken or in any case of an employee who is not covered by a collective bargaining agreement under chapter 71 of title 5; or

"(B) through grievance procedures provided through collective bargaining under chapter 71 of title 5 or through Department grievance procedures under section 4110B of

this title, as the employee elects, in the case of an employee covered by a collective bargaining agreement under chapter 71 of title 5 that does not involve or include a question of professional conduct or competence.

"(c) For purposes of this section and sections 4110A, 4110B, and 4110C of this title—

"(1) Section 4104(1) employees are employees of the Department employed on a full-time basis under a permanent appointment in a position listed in section 4104(1) of this title (other than interns and residents appointed pursuant to section 4114 of this title).

"(2) A major adverse action is an adverse action which includes any of the following:

"(A) Suspension.

"(B) Transfer.

"(C) Reduction in grade.

"(D) Reduction in basic pay.

"(E) Discharge.

"(3) A question of professional conduct or competence is a question involving any of the following:

"(A) Direct patient care.

"(B) Clinical competence.

"(C) Professional judgment.

"(D) Peer review.

"(d) An issue of whether a matter or question concerns, or arises out of, professional conduct or competence is not itself subject to any grievance procedure provided by law, regulation, or collective bargaining and may not be reviewed by any other agency or by any court.

"(e) Whenever the Secretary proposes to prescribe regulations under this section or section 4110A, 4110B, or 4110C of this title, the Secretary shall publish the proposed regulations in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

"§ 4110A. Major adverse actions involving professional conduct or competence

"(a)(1) Disciplinary Appeals Boards appointed under section 4110C of this title shall have exclusive jurisdiction to review any case—

"(A) which arises out of (or which includes) a question of professional conduct or competence of a section 4104(1) employee; and

"(B) in which a major adverse action was taken.

"(2) The board shall include in its record of decision in any mixed case a statement of the board's exclusive jurisdiction under this subsection and the basis for such exclusive jurisdiction.

"(3) For purposes of paragraph (2), a mixed case is a case that includes both a major adverse action arising out of a question of professional conduct or competence and an adverse action which is not a major adverse action or which does not arise out of a question of professional conduct or competence.

"(b)(1) In any case in which charges are brought against a section 4104(1) employee which arises out of, or includes, a question of professional conduct or competence which could result in a major adverse action, the employee is entitled to the following:

"(A) Advance written notice from the Chief Medical Director or other charging official specifically stating the basis for each charge, the adverse actions that could be taken if the charges are sustained, and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated with respect to each charge.

"(B) An opportunity to present an answer orally and in writing to the Chief Medical Director or other deciding official, who shall be an official higher in rank than the charging official, and to submit affidavits and other documentary evidence in support of the answer.

"(2) In any case described in paragraph (1), the employee is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

"(3)(A) If a proposed adverse action covered by this section is not withdrawn, the deciding official shall render a decision in writing within 21 days of receipt by the deciding official of the employee's answer. The decision shall include a statement of the specific reasons for the decision with respect to each charge. If a major adverse action is imposed, the decision shall state whether any of the charges sustained arose out of a question of professional conduct or competence. If any of the charges are sustained, the notice of the decision to the employee shall include notice of the employee's rights of appeal.

"(B) Notwithstanding the 21-day period specified in subparagraph (A), a proposed adverse action may be held in abeyance if the employee requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973. Any such abeyance of a proposed action may not extend for more than one year.

"(4)(A) The Secretary may require that any answer and submission under paragraph (1)(B) be submitted so as to be received within 30 days of the date of the written notice of the charges, except that the Secretary shall allow the granting of extensions for good cause shown.

"(B) The Secretary shall require that any appeal to a Disciplinary Appeals Board from a decision to impose a major adverse action shall be received within 30 days after the date of service of the written decision on the employee.

"(c)(1) When a Disciplinary Appeals Board convenes to consider an appeal in a case under this section, the board, before proceeding to consider the merits of the appeal, shall determine whether the case is properly before it.

"(2) Upon hearing such an appeal, the board shall, with respect to each charge appealed to the board, sustain the charge, dismiss the charge, or sustain the charge in part and dismiss the charge in part. If the deciding official is sustained (in whole or in part) with respect to any such charge, the board shall—

"(A) approve the action as imposed;

"(B) approve the action with modification, reduction, or exception; or

"(C) reverse the action.

"(3) A board shall afford an employee appealing an adverse action under this section an opportunity for an oral hearing. If such a hearing is held, the board shall provide the employee with a transcript of the hearing.

"(4) The board shall render a decision in any case within 45 days of completion of the hearing, if there is a hearing, and in any event no later than 120 days after the appeal commenced.

"(d)(1) After resolving any question as to whether a matter involves professional conduct or competence, the Secretary shall cause to be executed the decision of the Disciplinary Appeals Board in a timely manner and in any event in not more than 90 days after the decision of the Board is received by the Secretary. Pursuant to the board's decision, the Secretary may order reinstatement, award back pay, and provide such other remedies as the board found appropriate relating directly to the proposed action, including expungement of records relating to the action.

"(2) If the Secretary finds a decision of the board to be clearly contrary to the evidence or unlawful, the Secretary may—

"(A) reverse the decision of the board, or

"(B) reverse the decision of the board and remand the matter to the Board for further consideration.

"(3) If the Secretary finds the decision of the board (while not clearly contrary to the evidence or unlawful) to be not justified by the nature of the charges, the Secretary may mitigate the adverse action imposed.

"(4) The Secretary's execution of a board's decision shall be the final administrative action in the case.

"(e) The Secretary may designate an employee of the Department to represent management in any case before a Disciplinary Appeals Board.

"(f)(1) A section 4104(1) employee adversely affected by a final order or decision of a Disciplinary Appeals Board (as reviewed by the Secretary) may obtain judicial review of the order or decision.

"(2) In any case in which judicial review is sought under this subsection, the court shall review the record and hold unlawful and set aside any agency action, finding, or conclusion found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) obtained without procedures required by law, rule, or regulation having been followed; or

"(C) unsupported by substantial evidence.

"§ 4110B. Other adverse actions

"(a) The Secretary shall prescribe by regulation procedures for the consideration of grievances of section 4104(1) employees arising from adverse personnel actions in which each action taken either—

"(1) is not a major adverse action; or

"(2) does not arise out of a question of professional conduct or competence.

Disciplinary Appeals Boards shall not have jurisdiction to review such matters, other than as part of a mixed case (as defined in section 4110A(a)(3) of this title).

"(b) In the case of an employee who is a member of a collective bargaining unit under chapter 71 of title 5, the employee may seek review of an adverse action described in subsection (a) either under the grievance procedures provided through regulations prescribed under subsection (a) or through grievance procedures determined through collective bargaining, but not under both. The employee shall elect which grievance procedure to follow. Any such election may not be revoked.

"(c) Grievance procedures prescribed under subsection (a) shall include the following:

"(1) A right to formal review by an impartial examiner within the Department of Veterans Affairs, who, in the case of an adverse action arising from a question of professional conduct or competence, shall be selected from the panel designated under section 4110C of this title.

"(2) A right to a prompt report of the findings and recommendations by the impartial examiner.

"(3) A right to a prompt review of the examiner's findings and recommendations by an official of a higher level than the official who proposed the action.

"(d) In any review of an adverse action under the grievance procedures prescribed under subsection (a), the employee is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

"§ 4110C. Disciplinary Appeals Boards

"(a) The Secretary shall from time to time appoint boards to hear appeals of major adverse actions described in section 4110A of this title. Such boards shall be known as Disciplinary Appeals Boards. Each board shall consist of three employees of the Department, each of whom shall be of the same grade as, or be senior in grade to, the employee who is appealing an adverse action. Members of a board shall be appointed from individuals on the panel established under subsection (d).

"(b)(1) In appointing a board for any case, the Secretary shall designate one of the members to be chairman and one of the members to be secretary of the board, each of whom shall have authority to administer oaths.

"(2) Appointment of boards, and the proceedings of such boards, shall be carried out under regulations prescribed by the Secretary. A verbatim record shall be maintained of board hearings.

"(c)(1) Notwithstanding sections 3301 and 4132 of this title, the chairman of a board, upon request of an employee whose case is under consideration by the board (or a representative of that employee) may, in connection with the considerations of the board, review records or information covered by those sections and may authorize the disclosure of such records or information to that employee (or representative) to the extent the board considers appropriate for purposes of the proceedings of the board in that case.

"(2) In any such case the board chairman may direct that measures be taken to protect the personal privacy of individuals whose records are involved. Any person who uses or discloses a record or information covered by this subsection for any purpose other than in connection with the proceedings of the board shall be fined not more than $5,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

"(d)(1) The Secretary shall provide for the periodic designation of employees of the Department who are qualified to serve on Disciplinary Appeals Boards. Those employees shall constitute the panel from which board members in a case are appointed. The Secretary shall provide (without charge) a list of the names of employees on the panel to any person requesting such list.

"(2) The Secretary shall announce periodically, and not less often than annually, that the roster of employees on the panel is available as described in paragraph (1). Such announcement shall be made at Department medical facilities and through publication in the Federal Register. Notice of a name being on the list must be provided at least 30 days before the individual selected may serve on a Board or as a grievance examiner. Employees, employee organizations, and other interested parties may submit comments to the Secretary concerning the suitability for service on the panel of any employee whose name is on the list.

"(3) The Secretary shall provide training in the functions and duties of Disciplinary Appeals Boards and grievance procedures under section 4110B of this title for employees selected to be on the panel.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(1) by striking out the item relating to section 4108 and inserting in lieu thereof the following:

"4108. Personnel administration; collective bargaining."; and

(2) by striking out the item relating to section 4110 and inserting in lieu thereof the following:

"4110. Adverse actions: section 4104(1) employees.
"4110A. Major adverse actions involving professional conduct or competence.
"4110B. Other adverse actions.
"4110C. Disciplinary Appeals Boards.".

SEC. 303. DEADLINE FOR REGULATIONS.

The Secretary of Veterans Affairs shall prescribe regulations under sections 4110, 4110A, 4110B, and 4110C of title 38, United States Code (as amended and added by section 302), not later than 180 days after the date of the enactment of this Act. Such regulations shall be published in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

SEC. 304. PRESERVATION OF EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS AND PENDING ACTIONS.

(a) EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS.—Any determination under chapter 71 of title 5, United States Code, of a collective bargaining unit within the Veterans Health Services and Research Administration of the Department of Veterans Affairs, and any recognition under that chapter of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit of the Department of Veterans Affairs, that is in effect on the date of the enactment of this Act shall not be affected by the amendments made by this Act and shall continue in effect in accordance with the terms of such determination or regulation.

(b) PENDING CASES.—With respect to cases pending on the date of the enactment of this Act, or those cases which are brought before the establishment of either the administrative grievance procedure pursuant to section 4110B or a negotiated grievance procedure established under a collective bargaining agreement, such cases shall proceed in the same manner as they would have if this Act had not been enacted.

TITLE IV—MISCELLANEOUS

SEC. 401. TREATMENT OF VETERANS' MEDICAL CARE ACCOUNT UNDER SEQUESTRATION.

Section 113(b) of title 38, United States Code, is amended by adding at the end the following:

"(3) The following appropriation account: Veterans Health Services and Research Administration, Medical Care (36-0160-0-1-703).".

SEC. 402. AUTHORITY TO CARRY OUT SPECIFIED ADMINISTRATIVE REORGANIZATION.

(a) AUTHORITY.—The Secretary of Veterans Affairs may carry out the administrative reorganization described in subsection (b) without regard to section 210(b)(2) of title 38, United States Code.

(b) REORGANIZATION DESCRIBED.—Subsection (a) applies to the administrative reorganization of regional and district offices of the Veterans Health Services and Research Administration described in the communication to Congress dated January 22, 1990.

SEC. 403. SALARY OF JUDGES OF UNITED STATES COURT OF VETERANS APPEALS.

(a) IN GENERAL.—Subsection (e) of section 4053 of title 38, United States Code, is amended to read as follows:

"(e) The judges of the court shall each receive a salary at the same rate as is received by judges of the United States Court of Military Appeals.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first pay period beginning after the later of—

(1) September 30, 1990, or

(2) the date of the enactment of this Act.

SEC. 404. PREMIUM PAY FOR LICENSED PRACTICAL OR VOCATIONAL NURSES AND NURSE ASSISTANTS.

(a) IN GENERAL.—Section 4107(e) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(11) For purposes of this subsection, an employee of the Veterans Health Services and Research Administration who is a licensed practical or vocational nurse or a nurse assistant shall be treated in the same manner as a registered nurse.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of—

(1) October 1, 1990; or

(2) the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 4557, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in recent months, Members have received thousands of letters from veterans throughout the country complaining about being turned away from VA hospitals and outpatients clinics.

Our committee has received many inquiries from Members of the House urging that more funds be allocated by the Budget and Appropriations Committees for veterans' health care.

As reported, H.R. 4557, would improve the recruitment and retention of doctors, dentists, and nurses by granting local hospital directors and the Secretary of Veterans' Affairs authority to pay higher salaries where needed. The bill would also improve

labor-management relations in the Department of Veterans Affairs.

Mr. Speaker, it is no secret that most veterans' hospitals are having a hard time taking care of veterans who need care, especially those seeking outpatient and long-term care. The VA simply does not have the resources nor the staff to do the job that Congress expects in providing quality care to veterans.

Although the demands for care are greater than ever before, some 20,000 VA hospital beds are closed. Most are closed due to a shortage of doctors, nurses, and other professional health care staff, or, insufficient resources.

A major problem is the inability of the VA to recruit and retain highly qualified physicians and nurses, because VA salaries are not competitive with today's market. Something must be done about it, and this bill is really the step in the right direction.

In some medical specialties, and in specific geographic locations, VA pay lags 33 percent behind comparable private-sector salaries. This means that more and more physicians and nurses are leaving the Department every day, and fewer are joining the VA to make careers working for the Veterans' Administration.

More and more work is being contracted out at a tremendous expense to the taxpayers. What I am saying, Mr. Speaker, is that if we do not have the doctors to do the job, we must contract it out to the private sector. It costs the taxpayers a lot of money. Many physicians are leaving full-time service with the VA. Many senior physicians eligible for retirement will elect to leave the Department at the end of the current fiscal year.

□ 1240

These physicians have years of experience and we really cannot afford to lose any of them. They include 50 percent of the current chiefs of staff and 27 percent of the service chiefs. These are critical positions of leadership in medical centers throughout the country.

It should also be noted, Mr. Speaker, that special pay has not been increased since 1980.

Mr. Speaker, H.R. 4557, as amended, contains several provisions concerning the compensation of medical personnel within the Department of Veterans Affairs [DVA]. The bill would also make improvements to the current labor relations and employee grievance procedures for Departmental medical employees. This bill was reported by our committee unanimously. A detailed explanation is in the committee report so I will only discuss the high points. The various provisions are summarized in a "blue sheet" summary at the table. Specifically, the bill would increase the amount of special pay available to physicians and dentists as well as restructuring the current nurse pay scale. Third, the bill would make necessary changes in the way employee discipline is handled by the DVA. Finally, the bill would exempt DVA medical care from cuts under sequestration under Gramm-Rudman-Hollings.

Mr. Speaker, this bill addresses one of the most compelling problems in the DVA medical care system: attracting and keeping the dedicated, well-trained staff that are the foundation of the DVA's Veterans Health Services and Research Administration. This bill would provide a large part of the solution to the Department's current shortage of medical professionals which is critical to the DVA's efforts to maintain high-quality care to our Nation's veterans.

The problems with recruitment and retention of DVA medical care staff are well known. Our committee's 1988 survey of Department medical centers documented that DVA medical centers are staffed at much lower levels than their community counterparts and that they suffer from unfilled vacancies across all medical professions. H.R. 4557, as amended, would help address these problems with regard to physicians, dentists, and nurses.

The bill would authorize changes in the amounts of special pay for DVA physicians and dentists. As in current law, H.R. 4557 would provide special pay for five characteristics of employment: First, longevity—tenure of service; second, scarce specialty; third, geographic location; fourth, executive medicine; and fifth, board certification.

The reported bill would strengthen the ability of the Department to target specific specialties in certain geographical locations. By increasing the amounts available for these types of special pay and by allowing the local directors the flexibility to pay only what they need to recruit and retain needed physicians and dentists, the result would be less costly and more effective than an across-the-board increase.

In fact, the most significant departure of the bill from current law is the flexibility for local directors to meet unique circumstances both for a particular physician or dentist and for certain categories of such professionals. At the committee's hearing on the recruitment and retention of physicians and dentists, Deputy Secretary Principi testified that the DVA supported the idea of providing the local director with flexibility to make the necessary determinations in hiring needed medical professionals. At that hearing, the committee received additional testimony which documented the many differences among DVA facilties which supports the need for and requires the maximum amount of flexibility at the local managerial level. The committee strongly believes that directors should have the flexibility to use the special pay authority as an incentive or disincentive for DVA employment.

The committee has stated in the report and I want to reiterate our intention that this flexibility not be circumvented or lessened by regulations that are established by the Department. Under current law, the Secretary "may pay no more than" certain amounts for the different special pay factors. These ranges are consistent with, though lower than the ranges in the bill. Departmental regulations in the past, however, have significantly reduced the flexibility of the ranges provided in current law by establishing a fixed amount within the range that must be paid for each special pay category. This uniform regulatory amount takes away the discretion of the local directors. We do not intend for the Department to pay a uniform rate of special pay to all physicians and dentists, but rather to allow the local directors to pay differing amounts to address their different needs.

We believe that there must be greater flexibility in physicians' and dentists' special pay. Now Mr. Speaker, we realize that there are some who are concerned that this increased flexibility will cause salaries to be increased beyond what is needed or would be lower than needed. However, the bill contains safeguards. For example, the bill would provide a check against physicians and dentists acting collusively to pressure a local director to increase all salaries by the maximum amount allowable by requiring Secretarial approval of any increase over 50 percent of the previous year's total amount of special pay. This would provide the Department with the necessary authority to deny unreasonable and unwarranted requests for increased amounts of special pay. Similarly, if the total amount of special pay was reduced by more than 25 percent of the previous year's amount then the Secretary would have to approve it. This prevents the DVA from reducing salaries due to budgetary constraints.

I want to take this opportunity to explain how the committee's emphasis on flexibility relates to the various provisions of the bill.

Current law limits the amount of longevity pay for full-time physicians to a maximum amount of up to $3,000 after 8 years of service and does not provide a minimum amount that must be paid. The amounts available are insufficient and do not provide enough of a retention incentive for DVA physicians considering outside employment opportunities. At the committee's hearing in October 1989, witnesses testified that the Department loses many of its physicians with 4-6

years of experience because their salaries are not competitive with those of their peers in academic medicine and the private sector. H.R. 4557 addresses this problem by increasing both the minimum and maximum amounts of special pay available. By increasing the amount of special pay available, especially in the earlier years, and allowing the facility director the flexibility to meet unique situations, it is the committee's intent to curb the flow of less senior physicians from the DVA and to reward physicians whose experience and seniority contribute significantly toward the high quality of care provided in the DVA medical care system.

Similarly, the bill increases the local director's flexibility to pay scarce specialty pay. Under current law, the CMD must determine which specialties are scarce within the Department. These physicians are then eligible for scarcity pay within a mandated pay range. However, DVA regulations have restricted the flexibility by setting a specific amount that may be paid to each of the scarce specialties. The committee believes that the Department should pay what it takes to recruit physicians in these specialties and no more. We expect that there would be differences in the amounts of special pay offered to physicians within a given specialty simply because in some geographic areas it will cost more to hire a physician in that specialty and conversely, in some areas it will cost less. Paying everyone the same amount is an unwise and ineffective use of limited resources.

The bill would also address the problem of local scarcity. Not all vacancies at a medical center are reflective of a national scarcity; some are unique to specific locations. In these instances, the bill would allow the local directors the option to identify those specialties that are extraordinarily hard to recruit and retain at their facility, but not at the national level. The committee intends that the local director would request authority from the Secretary to pay scarce special pay in these specialties. This authority would be allowed in those instances where geographic special pay was not sufficient to meet the local need to recruit and retain physicians in a locally scarce specialty. Let me state again the importance of retaining the flexibility provided in the bill.

Mr. Speaker, the Department is also facing problems in the recruitment and retention of registered nurses [RN's]. H.R. 4557 contains the same nurse pay provisions that passed the House last year. However, no agreement has been reached yet with the Senate concerning nurses' pay. Since this is such a severe problem, the committee decided again to report out the legislation in the hopes that an agreement will be reached.

For several years, the Committee on Veterans' Affairs has been aware of this growing problem, which was highlighted in a survey conducted by the committee staff. The survey found that some medical centers have shut down wards while others have been unable to open because they simply do not have the necessary nursing staff to operate them. Mr. Speaker, without the proper amounts of nursing personnel, the DVA is hard pressed to meet the growing demand for medical care by our Nation's veterans. In fact, most of those veterans who are not mandated care by law are now being denied care.

This shortage of nurses is endemic in the Nation, but as the largest single medical system in this country, the Department is the most adversely affected. It is impossible for the Department to compete with the private sector for these scarce medical personnel without addressing their greatest point of concern—the inadequacy of salaries authorized under the DVA's current nurse pay system.

H.R. 4557 would revise the current nurse pay system by reducing the number of pay grades from eight to four and would divide each new pay grade into 20 equal steps. The local hospital director could pay at different levels within the ranges in order to best address the needs of the facility. The intent of the committee is to provide local hospital directors with the flexibility to meet local demands and costs of recruiting and retaining nurses. We expect the directors to carefully assess local market conditions before establishing the new pay rates and in no instance would the DVA be the wage leader. The committee intends these changes to provide greater flexibility across the board in the nurse pay system, which is consistent with the committee's intent for physicians and dentists and which will help to alleviate the current recruitment and retention problems.

The committee could have included language explicitly setting out specialties among nurses that for DVA purposes were very difficult to recruit and retain. We decided that such a statutory list would be too rigid and would address only a small portion of the nursing shortage problem. Instead, the committee believes that nurse pay should be addressed in much the same way as physicians and dentists. If a local director is experiencing shortages with certain nursing personnel at the facility then the director could pay more for those nurses. Nothing in the bill precludes a nurse in one specialty area from receiving higher pay than other nurses of similar seniority at the same facility.

This bill would authorize Saturday/Sunday premium pay for licensed practical and vocational nurses [LPN/LVN's] and nurse assistants in order to help recruit and retain these health care professionals. This provision passed the House in the original H.R. 901 but was dropped out in conference with the Senate. Again, due to the severe shortage of nursing personnel within the DVA, the committee has decided again to report this provision. Currently, such pay is discretionary for LPN/LVN's, but under this provision they, as well as nurse assistants, would be treated in the same manner as RN's for purposes of this provision only. It is imperative that the DVA increase its ability to compete for these necessary medical personnel because an increase in such personnel would help relieve some of the burdens placed on the Department's already overworked RN's. This in turn would help in the recruitment and retention of RN's.

Mr. Speaker, this bill also contains several provisions that would authorize collective bargaining and improve disciplinary procedures, including a negotiated grievance process. For many years, the DVA and the unions have litigated over the scope of collective bargaining for health care professionals appointed under title 38. This culminated in the case of Colorado Nurses Association versus Federal Labor Relations Authority in which the courts decided title 38 employees did not have any collective-bargaining rights, a position the Department has never taken. However, the DVA's position has always been that certain areas were exempt from collective bargaining because the VA's Administrator—now Secretary—was granted by law exclusive authority over them. These areas were principally related to patient care and disciplinary actions, and professional peer review. The committee continues to believe that the DVA must have unfettered authority and complete accountability for the care of its patients.

However, the committee and the Department believe that some conditions of employment should be subject to collective bargaining and the provisions found in title 3 of the bill reflect the efforts of the Department and the unions to come to agreement on what areas are grievable and which areas are not. Both sides are pleased with the provisions in title 3 and the committee appreciates the efforts of these and other interested groups and their support of the bill.

Other provisions of the bill would grant a waiver to the requirement that the Department wait until the first day of fiscal year 1991 in order to undertake administrative reorganization of VHSRA regional and district offices. The Congress received a report on the proposed reorganization with the administration's proposed budget for fiscal year 1991. Currently, the DVA spends in excess of $20 million

annually for the administration of its medical programs in the field. The committee believes that the savings projected by the Secretary can be well spent in direct medical care delivery and therefore support the granting of the waiver. The bill would also set the salaries of judges of the Court of Veterans Appeals at the same rate as is received by judges of the U.S. Court of Military Appeals.

Finally, the bill would exempt the DVA's medical care account from any reduction under Gramm-Rudman-Hollings. Mr. Speaker, the DVA's medical care account received a supplemental of $345 million in fiscal year 1989 and the House has passed a supplemental of $50 million for fiscal year 1990, with the Senate having proposed $94 million for fiscal year 1990. However, earlier this year, due to sequestration, the DVA's health care budget was reduced by $158 million.

Now for fiscal year 1991, the House Committee on the Budget has reduced the discretionary spending for DVA medical care by $10 million under the President's budget request. At the same time, the Budget Committee has found the money to increase the President's budget by $2.5 billion for education, except for veterans; $3 billion increase for subsidized housing, while requiring user fees for veterans' housing; $1.5 billion for antidrug abuse; and $1.5 billion over inflation for space and science.

Mr. Speaker, I have received and I know that most Members have received many letters from veterans who are being denied care because the DVA simply does not have the funds to treat them. I believe that the veterans of this country deserve better. In the case of the exemption from Gramm-Rudmam-Hollings we are not asking for more money for the Department; rather we are asking that the DVA be allowed to keep what it has, which based on the recent supplementals is known to be not enough.

Mr. Speaker, let me briefly explain our intent with respect to section 401 of the bill which exempts veterans' medical care from sequestration. The exemption is written as an addition to the list of programs in section 113 of title 38, United States Code, which are not subject to sequestration and which are not even considered in the sequester report prepared by OMB. Under existing law, sequestration applies to the medical care account in two ways. There is an overall cap of 2 percent on the amount which can be taken from medical care through sequestration. However, section 256(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, 2 U.S.C. 906(b), provides that adminstrative expenses incurred by agencies in programs subject to reduction under section 252 of the act, 2 U.S.C. 902, shall be subject to reduction "without regard to any exemption, exception, limitation, or special rule which is otherwise applicable with respect to such program." The effect of this rule can be seen in the Sequestration Report to the President and Congress for fiscal year 1990 prepared by the Office of Management and Budget and dated October 16, 1989. On page a-18 of that report, there are two amounts shown as the sequester amount for Veterans Medical Care. One amount is $45 million and the other amount is $209 million in budget authority, reflecting the 5.3-percent sequester of administrative expenses and the 2-percent sequester of all other funds in this account. If section 401 of this legislation is enacted, it would override the treatment of Federal administrative expenses provided for in section 256(b). Thus, all of the funds appropriated for medical care in a given fiscal year would remain available to provide the medical care to veterans which Congress intended, and no reduction for administrative expenses, which are an integral part of the provision of that care, could be taken.

Mr. Speaker, the committee has heard a lot of testimony from the various nursing organizations both within and outside the Department concerning how overworked and underpaid they are. Yet, they continue to work for the Department. They do so because they are dedicated and loyal employees. They do so because the DVA, despite its problems is still a high-quality health care delivery system. I know that doctors, dentists, nurses, and thousands of other health professionals are also loyal and dedicated. However, we cannot continue to rely on this dedication and loyalty alone. We must make the DVA a real option for medical personnel; and a more competitive salary structure would go a long way toward accomplishing this goal.

Mr. Speaker, this bill is very important to the health of the DVA, in terms of recruiting and retaining the needed medical professionals in order to continue to provide quality medical care. If we learned anything from the savings and loan disaster, it is that ignoring a problem will not make it go away.

Let me close by saying that the CBO estimates the cost of this bill to be approximately $66 million for the next fiscal year. Funds to implement the bill are contained in the budget of the President and in the budget resolution.

Mr. Speaker, I urge my colleagues to support this legislation. I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4557 as the chairman has pointed out, this bill will have a very positive effect on the ability of the Department of Veterans Affairs to recruit and retain essential health care employees.

The Committee on Veterans' Affairs has spent a great deal of time on these important issues and it is my belief that the bill we have before us represents the best, most cost-effective way to go.

I commend the chairman, Mr. MONTGOMERY and my colleague Mr. HAMMERSCHMIDT for their dedication to resolving these issues through the Subcommittee on Hospitals and Health Care.

Mr. Speaker, I recommend favorable passage of H.R. 4557, and I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. ROWLAND], who serves on both our committee and subcommittee, and who has been very helpful. The gentleman from Georgia is a practicing physician and knows about medical care. I certainly appreciate his taking the time today to present these comments.

Mr. ROWLAND of Georgia. Mr. Speaker, as a supporter of the Veterans' Administration health system, I believe Congress should do everything that's fiscally responsible to provide the kind of quality care our veterans and their families deserve.

I'm sure that's something all of us want.

Some have critized the VA health system in recent years. There are bound to be problems when you try to maintain a quality standard of care for a growing number of people on budgets which are being cut. But the system continues to provide care for tens of thousands of our citizens, many of them from low-income circumstances.

Critics and supporters alike can agree the Federal Government should live up to its obligation to provide a quality level of care as long as the system continues to exist. Letting the standard of medical treatment decline is not an option any of us should accept.

This legislation offers a fiscally responsible plan for enabling our VA health centers to provide veterans the kind of decent care the country has promised them.

It's a plan to enhance recruitment and retention of physicians, dentists and nurses in the VA health system. It offers the kind of incentives we need—special pay in areas where recruitment is difficult, and for scarce specialists. It gives VA medical center directors the flexibility to target increases so they can be used to the best advantage of their facilities.

These incentives are essential. Physicians and dentists have not received a raise in nearly 10 years. Another bill is currently moving through Congress to

provide some long-overdue help for VA nurses. But the nursing shortage is acute, and this bill is crucial for nurses as well.

Mr. Speaker, this is legislation I believe we should all support.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL], the ranking member of the Committee on the Budget.

Mr. FRENZEL. Mr. Speaker, this is a fine bill and I have no quarrel with its substance. Yesterday, however, I did send a letter to the Members of the House indicating that I had a complaint about a procedural matter. Since that time I have discussed it with the chairman and ranking member. We are working on the problem and trying to seek another solution. Therefore, I urge Members to vote for the bill, as I intend to do.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member on the subcommittee.

Mr. HAMMERSCHMIDT. Mr. Speaker, as ranking member of the Hospitals and Health Care Subcommittee of the Veterans' Affairs Committee, I am pleased to have joined with Mr. MONTGOMERY, Mr. STUMP and Mr. ROWLAND as an original sponsor of H.R. 4557——

A bill to provide for vital improvements to the pay structure of DVA physicians, dentists and nurses, as well as provide for improved grievance procedures for title 38 employees.

This legislative work represents the combined efforts of both minority and majority members of the Subcommittee on Hospitals and Health Care and once again, I believe we have been successful in putting forth a bill which is truly bipartisan.

This measure will serve as the framework for an improved system of pay to enhance the recruitment and retention efforts of the Department of Veterans Affairs and the many dedicated and essential employees of its health care system.

I want to thank Chairman MONTGOMERY for moving this bill forward in such an expeditious manner.

For too long the employees of the Department and the veterans it serves have felt the monumental burden of staffing shortages. While the committee has always been committed to addressing this issue and has designed and approved a myriad of approaches to ease the Department's difficulties, we have been unable to reach suitable compromise with our counterparts in the Senate.

Under the leadership of our chairman, Mr. MONTGOMERY, and the ranking member, Mr. STUMP, the Veterans' Affairs Committee has taken action on the nurse pay bill, none of which is new. To nurse pay, we have included provisions to address the physician and dentists pay structure and to add collective bargaining and grievance procedures for title 38 employees.

The result is a bill which is comprehensive and innovative and will go a long way toward alleviating some serious and perplexing problems in the VA health care delivery system. Funding to carry these pay measures has already been included in the Veterans' Affairs Committee's report to the Budget Committee and the President has requested funding as well.

I want to thank Mr. MONTGOMERY for his hard work on behalf of the VA's health care employees, and for bringing this bill to the House floor.

Title 4 of this bill contains some miscellaneous provisions including exemption of VA medical programs from sequestration. This provision is the result of many years of underfunding and the habitual need to provide supplemental funds to VA medical care accounts.

I believe this provision is vitally necessary to preservation of the VA health care program. Sequestration of already inadequate funds is a bad way to go about business * * * especially the health care of veterans when so many are relying on a fully operational high quality health care delivery system to meet their health care needs.

Mr. Speaker, I strongly urge the support of my colleagues on H.R. 4557.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the gentleman from Arizona [Mr. STUMP], the ranking member of the committee, as well as the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking minority member on the Subcommittee on Hospitals and Health Care, for their support and for their work on this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. STAGGERS], a member of the Committee on Veterans' Affairs.

Mr. STAGGERS. Mr. Speaker, I rise in strong support of H.R. 4557, the VA health professionals legislation. This legislation is the culmination of a long effort on both sides of the aisle to help to meet the health care needs of our veterans. This legislation will increase the salary for doctors, dentists, and nurses based on length of service, level of responsibility, service in a speciality or a geographic area where recruitment and retention makes hiring difficult.

This legislation helps doctors, dentists, nurses, LPN's, vocational nurses and nursing assistants. It also establishes a requirement, long practiced within the VA system, to deal with employee grievances and collective bargaining over employment conditions. This bill will establish an important precedent by exempting the VA's Health Services and Research Administration [VHSRA] from budget sequestration.

This is very important since veterans treated in our hospitals are suffering from service-connected disabilities and often have no other source for health care other than the VA. This was not the case when sequestration was allowed to impact the VA health care budget in 1985. In 1985 there was no means test for veterans—there is today. Our veterans deserve a system of quality care, not a line about come back some other time and we'll see if your health care needs can be met next year.

Allowing sequestration to occur has led the VA to establish all kinds of ways of rationing health care for veterans. The Congress and its Members have stood in the well of this House for years and urge better care for veterans, here is an opportunity to vote for it.

Mr. Speaker, as I said at the beginning of my remarks, this is a good bill, it is a bill that thousands of brave men and women may thank us for if we have the guts to fight for them here today.

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Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], a member of the Rules Committee.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise in strong support of H.R. 4557, a bill to improve recruitment and retention of Department of Veterans Affairs doctors, dentists, and nurses, primarily through pay increases.

As the former ranking minority member of the full Veterans' Affairs Committee, I follow closely with keen interest the committee's legislation.

My colleagues, SONNY MONTGOMERY, the committee's chairman; BOB STUMP, the full committee's ranking minority member; JOHN PAUL HAMMERSCHMIDT, the Hospitals and Health Care Subcommittee's ranking minority member, and Dr. Roy Rowland, a very valuable member of the committee, introduced this excellent bipartisan legislation and I commend them.

Few of us in this Chamber are unaware of the critical shortage of nurses across the country and of the effect the shortage has had on their compensation.

Also, few of us in this Chamber are unaware of the gross pay inequities in the Federal Government for many professional and scientific personnel, compared to the private sector.

I know of them because the veterans' hospitals at Albany and Castle Point, NY, which serves my district, are having very serious difficulties re-

cruiting and retaining both doctors and nurses. In my judgment, this legislation would be a significant advance in dealing with these problems.

The quality of veterans' health care is directly related to the DVA's ability to attract and keep highly qualified health care professionals, and if we do not take prompt action to make their pay more competitive, we are in effect endorsing second rate health care for veterans. But your vote for H.R. 4557 will be a vote for veterans and for affirming America's obligations to its veterans.

Mr. Speaker, it is unusual to have any opposition to bipartisan veterans' legislation, but I have heard some concerns about a provision of the bill which would exempt from sequestration the veterans' direct medical care account. This account is already limited by Gramm-Rudman to a maximum 2 percent sequester, but the protection has proved inadequate.

Year after year, veterans' health care is being significantly underfunded. So we pass emergency supplementals for veterans' health care. And then when sequestration comes along, we see part of what was added back taken out again. Is it any wonder that the Congress is not held in high esteem by much of the American public? This process does not make good sense and it is time for it to stop.

If we really believe veterans should be one of the highest budget priorities, then let's give them the same protection given dozens of other funding accounts.

I hope every member of the House will support H.R. 4557 and join me in voting "aye."

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today to express strong support for H.R. 4557, the Department of Veterans' Affairs Health Professionals Compensation and Labor Relations Act. It is my pleasure to serve as a member of the House Veterans' Affairs Committee and I am pleased with the chairman's prompt action on this important bill.

In particular, I am pleased that the legislation contains the previously passed provisions contained in H.R. 1199, the Veterans Nurse Pay Act. Across the country, the Department of Veterans Affairs hospital beds have been unavailable as a result of the critical shortage of nurses that threaten the quality of care delivered to our Nation's veterans. This important legislation will greatly assist these hospitals in recruiting and retaining registered nurses by significantly restructuring the nurse pay system. The time is now to act on this matter to ensure that our veterans' hospitals can reopen closed wards.

I would like to again urge my colleagues to support this important legislation in order to ensure that our Nation's veterans receive the quality care which they deserve.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, adequate health care is of critical importance to all Americans and particularly our veterans who are finding it increasingly difficult to obtain needed medical care.

There are many reasons for this gap which currently inhibits our ability to provide acceptable health care services to our veterans. While this legislation will not remedy all of the problems confronting the veterans' health care system, it does alleviate a problem which has jeopardized the quality of care provided by the VA for over a decade: The recruitment and retainment of professional medical staff.

Our veterans served and sacrificed with dignity, courage, and honor. Certainly the least we can offer in return for their unselfish efforts is quality health care to meet their medical needs. This legislation will do just that.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to rise in strong support of H.R. 4557, the Department of Veterans Affairs Health Professional Compensation and Labor Relations Act of 1990, to recruit and retain physicans, dentists and nurses and I commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking minority member, the gentleman from Arizona [Mr. STUMP], for their unceasing efforts to improve veterans' health care.

Recently, the Department of Veterans Affairs has been plagued with problems relating to veterans' health care. The national shortage of nurses has especially effected the DVA, since the salary for DVA nurses has been chronically below the competitive salaries in the private sector.

Mr. Speaker, veterans' health care must not be neglected. There are flaws in the health care programs that need to be corrected. H.R. 4557 attempts to resolve many of the difficulties the DVA has with recruiting and retaining physicians, nurses and dentists.

The bill allows the VA to provide special pay for VA physicians and dentists who have completed obligatory service under the health professionals education assistance program and to those full time employees with tenure.

Special nursing provisions are also included in the bill. A new payment and promotion schedule for VA nurses would be a tremendous aid in attracting professional nurses to work in currently understaffed VA facilities.

Accordingly, Mr. Speaker, I am pleased to rise in support of this measure and I urge my colleagues to support H.R. 4557.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I would like to thank the gentleman that in my opinion is the best friend of the veterans in this House, and that is our chairman, SONNY MONTGOMERY, for his hard work on this bill, as well as the gentleman from Arkansas, Mr. JOHN PAUL HAMMERSCHMIDT, the ranking member on the Subcommittee on Hospitals and Health Care, and also to the staff on both sides. All of this would not have been possible had it not been for them.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, again I want to thank the gentleman from Arizona, Mr. BOB STUMP, for his kind remarks, and also the gentleman from Arkansas, Mr. HAMMERSCHMIDT, and the others who have participated in the debate today. I also want to thank the very able gentleman for New York for his contribution. The gentleman from New York has always been a great advocate for veterans. He is strong in his support of veterans health care. As mentioned by the gentleman from Arizona, we thank the staffs on both sides of the aisle who have done a tremendous job in putting this legislation together.

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This is a must bill, Mr. Speaker. It is a good bill. I certainly hope all Members will support it.

Mrs. ROUKEMA. Mr. Speaker, I strongly support passage of the VA Health Professionals Compensation Act of 1990 (H.R. 4557).

We, as a nation, have a profound obligation to remember those who have served in the cause of freedom and liberty. But our support for the men and women who have selflessly served their country must go beyond providing sticks and mortar. We, and they, must have sufficient support services.

Allow me to present what, regrettably, is a shameful illustration.

Throughout the 1980's, I fought with the Veterans' Administration for the funds to build a desperately needed nursing home for aging and ill veterans. There was no denying the need for this type of facility in northern New Jersey.

Through the cooperative efforts of the Federal and State governments, a beautiful $10 million nursing home was built in Paramus, Bergen County, NJ. Yet today, over 6 months after the final phase of this facility was opened, over 160 of its 350 beds remain unoccupied. At the same time, there exists a lengthy waiting list of needy veterans waiting to get in. Yet, the beds remain empty. The

reason: the State of New Jersey has failed to provide the funding necessary to hire medical staff and purchase equipment for the new wing.

I have asked Gov. James Florio and the leaders of the State legislature to fulfill the State's commitment to make the Paramus Veterans Nursing Home fully operational. However, in an attempt to explore every possible potential source of funding, I have also asked the U.S. Secretary of Veterans Affairs to provide new moneys to hire nursing staff at Paramus.

The legislation we have before us could be very helpful in our efforts. H.R. 4557 is not a total solution for what ails the Paramus Veterans Nursing Home. However, it represents progress.

One of the factors causing the underutilization is the continuing shortage of nurses in New Jersey. This measure will replace the current pay structure for VA nurses allowing medical centers in areas with recruitment and retention problems—such as northern New Jersey—to raise salaries above the limits in current law. It also eliminates the cap on nurse overtime permitting them to receive 150 percent of their basic pay rate and extends weekend premium pay to licensed practical or vacational nurses and nursing assistants.

Mr. Speaker, the Federal Government made a firm commitment to our veterans when it funded construction of this badly needed nursing home. It was a promise made to men and women who served their country selflessly. But to date, it has been a promise unfulfilled. I think you would agree that a nursing home with empty beds is worse than no nursing home at all. It represents a promise made, but not kept.

We owe our veterans more—much more.

Mr. BRENNAN. Mr. Speaker, today I rise in strong support of H.R. 4557, the Department of Veterans Affairs Health Professionals Compensation and Labor Relations Act of 1990.

This important legislation provides much-needed increases in the salary levels of VA physicians, dentists, and, of particular satisfaction to me, of VA nurses. I say nurses because last year I was an original cosponsor of H.R. 1199, a bill introduced by my colleague JOE KENNEDY that passed this House but was not included in a final conference between the Veterans' committees of both Houses. This legislation would make nurses salaries more competitive with the private sector, give local hospital directors greater flexibility in assigning competitive wages, grant nurses more incentives to stay at VA hospitals, and provide them with opportunities for career advancement.

I am pleased that this legislation has been included in H.R. 4557. Across this country, VA medical centers have suffered continuous losses of talented nursing personnel who are forced to leave because they simply can no longer rely on their salaries to make a decent living and retain their professional competitiveness. This legislation will help provide our nurses with the respect and compensation they deserve, and by doing so, help ensure that our Nation's veterans receive the quality care they so richly deserve.

I urge support for H.R. 4557.

Mr. SMITH of New Jersey. Mr. Speaker, as the Nation's largest health care provider, the VA is undeniably an essential component of our country's total health care delivery system. The VA is responsible for the inpatient care of over 70,000 veterans each day—including 10 percent of the AIDS population plus veterans otherwise eligible for Medicaid.

Mr. Speaker, throughout the past few years, we have become increasingly aware that the VA health care system is suffering from inadequate funding. This has had a devastating effect on the system's ability to deliver the caliber of health care I am sure we all think veterans deserve. As hard as it is to believe, veterans actually have been turned away from VA facilities, unable to receive care because of insufficient resources. Many veterans who do receive care first must endure unacceptable inconveniences.

Mr. Speaker, as a member of the Veterans' Affairs Subcommittee on Hospitals and Health Care, I have been working hard with my colleagues to remedy this situation. The subcommittee has concentrated its efforts this year to secure adequate funding for veterans' health care and on measures like H.R. 4557 to ensure that personnel is available to staff VA hospitals and clinics. The implementation of these improvements, however, is contingent upon full funding as requested for fiscal year 1991.

The VA health care budget cannot withstand further cutbacks and certainly should not be subject to sequestration cuts under Gramm-Rudman. Considering the current fiscal climate, Gramm-Rudman is necessary public policy. As we all agreed during initial consideration of the measure, however, there are certain programs which simply cannot afford sequestration. Programs exempt from sequestration are numerous and include Aid to Families with Dependent Children, Medicaid grants, Women, Infants and Children [WIC], and the Supplemental Security Income Program. Mr. Speaker, certainly veterans health care deserves the same protection these programs so appropriately receive.

Mr. Speaker, I urge my colleagues to join me in supporting veterans health care and the policies necessary to make the program workable. Full funding, without the threat of sequestration, is mandatory in order to provide the services veterans deserve.

Mr. SYNAR. Mr. Speaker, I rise in support of the VA Health Professionals Act (H.R. 4557), a bill to increase the salary levels of VA physicians, dentists, and nurses.

The Department of Veterans Affairs runs the largest health care system in the Free World. Across the land are 172 VA hospitals, 200 outpatient clinics, and 137 counseling outreach centers. In that setting, thousands of devoted medical employees, administrative staff, and support personnel are challenged to carry out that arduous task within severe budget restraints which result in a burdensome shortage of staff and supplies.

In testimony submitted to the House Committee on Veterans' Affairs earlier this year, I expressed my concern about the understaffing at our VA Medical Center in Muskogee, OK, and the urgent need to provide adequate resources for the personnel who do such a fine job there under such difficult circumstances.

H.R. 4557 would provide special pay for VA physicians, dentists, and nurses in geographic areas where there are recruitment and retention difficulties; eliminate the cap on nurse overtime pay by permitting them to receive 150 percent of their basic pay rate; and extend weekend premium pay to licensed practical or vocational nurses and nursing assistants.

The Congressional Budget Office estimates enactment of the bill would result in Federal expenditures of $57 million in fiscal year 1992, $103 million in fiscal year 1993, $106 million in fiscal year 1994, and $108 million in fiscal year 1995.

I support those provisions of this legislation and encourage my colleagues to vote for the VA Health Professionals Act.

Mr. Speaker, I must mention that I have reservations about a provision of H.R. 4557 which exempts the entire $12 billion veterans medical care account from Gramm-Rudman sequestration. Veterans programs deserve a special priority in Federal spending legislation. However, that priority should not be expressed by excluding one program from sequestration at the expense of other programs subject to the Gramm-Rudman cuts. Even without this provision, veterans health care programs would be subject to a special rule limiting sequestration cuts in health care programs to 2 percent. Veterans health care is protected under the same 2 percent rule which protects other health programs such as Medicare and Indian health service. Picking off programs one at a time for exemption from Gramm-Rudman is a poor way to make policy. This exemption clearly shows that sequestration is an unsatisfactory substitute for the tough choices necessary for effective deficit reduction through responsible budget legislation.

Mr. RIDGE. Mr. Speaker, I rise today in support of H.R. 4557. I would like to thank Chairman Montgomery for his fine efforts and commitment to the men and women who provide needed care to our Nation's veterans—namely the dentists, doctors and nurses that serve at our VA facilities. As I'm sure we all agree, H.R. 4557 is needed to recruit and retain quality VA medical staffs.

I would like to just briefly touch upon the nursing pay provisions of the bill since I have fully supported my colleague, Congressman KENNEDY, in his endeavor to enact nurse pay incentives legislation. I commend Mr. Kennedy for the work that he has undertaken on nurse pay reform and would like to thank him for the opportunity that he provided to me in the past to be the original cosponsor of H.R. 1199, the Veterans' Nurse Pay Act of 1989. I'm extremely pleased that H.R. 4557 incorporates the language of H.R. 1199. I'm hopeful that with this gesture, the House and Senate can reach an agreement on nurse pay reform and approve this bill during this Congress. Approval of this legislation will send a strong and clear message to VA nurses and other health care professionals—that we value their commitment to veterans' care.

The nurse pay provisions of H.R. 4557 will greatly assist the Veteran's Administration in meeting the need for high quality care. It is not difficult to see how sufficient incentives

could put an end to the overworked-underpaid stigma attached to nursing. In addition, for those areas that suffer from a nursing shortage, this legislation is desparately needed to address the turnover rate and the rising number of unfilled positions. All in all, nurse pay reform is just good policy.

Again, let me thank Chairman MONTGOMERY for his efforts to address not only nurse pay reform but also physician and dentist pay reform. I look forward to passage of this legislation and urge my colleagues to join the House Veterans' Affairs Committee in supporting this important legislation.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4557, as amended.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MAKING IN ORDER ON TODAY ADDITIONAL DEBATE TIME IN THE COMMITTEE OF THE WHOLE ON HOUSE CONCURRENT RESOLUTION 310

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that during the further consideration of House Concurrent Resolution 310 pursuant to House Resolution 382, an additional 30 minutes of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, may be in order in the Committee of the Whole after disposition of the amendments made in order under the rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FRENZEL. Mr. Speaker, reserving the right to object. I yield to the distinguished chairman of the Committee on the Budget to explain the need for the additional time.

Mr. PANETTA. Mr. Speaker, the purpose here is to provide some debate on the final resolution itself that was submitted by the committee. We had thought we would have that opportunity with the President's budget being offered.

We would have had 2 hours' additional debate to then focus on the President's budget and the committee's budget.

It is my understanding that is no longer the case, and for that reason we felt it was important to at least allow for 30 minutes of debate equally divided to focus on the committee resolution.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I simply want to confirm what the gentleman has said.

I had fully intended to offer the Bush budget as an alternative, and it had been made in order by the Rules Committee. I have recently concluded that I will not offer it. That means that we will not have sufficient time to debate the Panetta budget because the Black Caucus deserves its time fully on its budget.

So the Democratic leadership as well as the Republican leadership would like a little extra time. We have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no obection.

NEGOTIATED RULEMAKING ACT OF 1990

Mr. FRANK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 743) to establish a framework for the conduct of negotiated rulemaking by Federal agencies, as amended.

The Clerk read as follows:

H.R. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Negotiated Rulemaking Act of 1990".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Government regulation has increased substantially since the enactment of the Administrative Procedure Act.

(2) Agencies currently use rulemaking procedures that may discourage the affected parties from meeting and communicating with each other, and may cause parties with different interests to assume conflicting and antagonistic positions and to engage in expensive and time-consuming litigation over agency rules.

(3) Adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It also deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties.

(4) Negotiated rulemaking, in which the parties who will be significantly affected by a rule participate in the development of the rule, can provide significant advantages over adversarial rulemaking.

(5) Negotiated rulemaking can increase the acceptability and improve the substance of rules, making it less likely that the affected parties will resist enforcement or challenge such rules in court. It may also shorten the amount of time needed to issue final rules.

(6) Agencies have the authority to establish negotiated rulemaking committees under the laws establishing such agencies and their activities and under the Federal Advisory Committee Act (5 U.S.C. App.). Several agencies have successfully used negotiated rulemaking. The process has not been widely used by other agencies, however, in part because such agencies are unfamiliar with the process or uncertain as to the authority for such rulemaking.

SEC. 3. NEGOTIATED RULEMAKING PROCEDURE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—NEGOTIATED RULEMAKING PROCEDURE

"§ 581. Purpose

"The purpose of this subchapter is to establish a framework for the conduct of negotiated rulemaking, consistent with section 553 of this title, to encourage agencies to use the process when it enhances the informal rulemaking process. Nothing in this subchapter should be construed as an attempt to limit innovation and experimentation with the negotiated rulemaking process or with other innovative rulemaking procedures otherwise authorized by law.

"§ 582. Definitions

"For the purposes of this subchapter, the term—

"(1) 'agency' has the same meaning as in section 551(1) of this title;

"(2) 'consensus' means unanimous concurrence among the interests represented on a negotiated rulemaking committee established under this subchapter, unless such committee—

"(A) agrees to define such term to mean a general but not unanimous concurrence; or

"(B) agrees upon another specified definition;

"(3) 'convener' means a person who impartially assists an agency in determining whether establishment of a negotiated rulemaking committee is feasible and appropriate in a particular rulemaking;

"(4) 'facilitator' means a person who impartially aids in the discussions and negotiations among the members of a negotiated rulemaking committee to develop a proposed rule;

"(5) 'interest' means, with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner;

"(6) 'negotiated rulemaking' means rulemaking through the use of a negotiated rulemaking committee;

"(7) 'negotiated rulemaking committee' or 'committee' means an advisory committee established by an agency in accordance with this subchapter and the Federal Advisory Committee Act to consider and discuss issues for the purpose of reaching a consensus in the development of a proposed rule;

"(8) 'party' has the same meaning as in section 551(3) of this title;

"(9) 'person' has the same meaning as in section 551(2) of this title;

"(10) 'rule' has the same meaning as in section 551(4) of this title; and

"(11) 'rulemaking' means 'rule making' as that term is defined in section 551(5) of this title.

"§ 583. Determination of need for negotiated rulemaking committee

"(a) DETERMINATION OF NEED BY THE AGENCY.—An agency may establish a negotiated rulemaking committee to negotiate and develop a proposed rule, if the head of the agency determines that the use of the negotiated rulemaking procedure is in the public interest. In making such a determination, the head of the agency shall consider whether—

"(1) there is a need for a rule;

"(2) there are a limited number of identifiable interests that will be significantly affected by the rule;

"(3) there is a reasonable likelihood that a committee can be convened with a balanced representation of persons who—

"(A) can adequately represent the interests identified under paragraph (2); and

"(B) are willing to negotiate in good faith to reach a consensus on the proposed rule;

"(4) there is a reasonable likelihood that a committee will reach a consensus on the proposed rule within a fixed period of time;

"(5) the negotiated rulemaking procedure will not unreasonably delay the notice of proposed rulemaking and the issuance of the final rule;

"(6) the agency has adequate resources and is willing to commit such resources, including technical assistance, to the committee; and

"(7) the agency, to the maximum extent possible consistent with the legal obligations of the agency, will use the consensus of the committee with respect to the proposed rule as the basis for the rule proposed by the agency for notice and comment.

"(b) USE OF CONVENERS.—

"(1) PURPOSES OF CONVENERS.—An agency may use the services of a convener to assist the agency in—

"(A) identifying persons who will be significantly affected by a proposed rule; and

"(B) conducting discussions with such persons to identify the issues of concern to such persons, and to ascertain whether the establishment of a negotiated rulemaking committee is feasible and appropriate in the particular rulemaking.

"(2) DUTIES OF CONVENERS.—The convener shall report findings and may make recommendations to the agency. Upon request of the agency, the convener shall ascertain the names of persons who are willing and qualified to represent interests that will be significantly affected by the proposed rule. The report and any recommendations of the convener shall be made available to the public upon request.

"§ 584. Publication of notice; applications for membership on committees

"(a) PUBLICATION OF NOTICE.—If, after considering the report of a convener or conducting its own assessment, an agency decides to establish a negotiated rulemaking committee, the agency shall publish in the Federal Register and, as appropriate, in trade or other specialized publications, a notice which shall include—

"(1) an announcement that the agency intends to establish a negotiated rulemaking committee to negotiate and develop a proposed rule;

"(2) a description of the subject and scope of the rule to be developed, and the issues to be considered;

"(3) a list of the interests which are likely to be significantly affected by the rule;

"(4) a list of the persons proposed to represent such interests and the person or persons proposed to represent the agency;

"(5) a proposed agenda and schedule for completing the work of the committee, including a target date for publication by the agency of a proposed rule for notice and comment;

"(6) a description of administrative support for the committee to be provided by the agency, including technical assistance;

"(7) a solicitation for comments on the proposal to establish the committee, and the proposed membership of the negotiated rulemaking committee; and

"(8) an explanation of how a person may apply or nominate another person for membership on the committee, as provided under subsection (b).

"(b) APPLICATIONS FOR MEMBERSHIP OR COMMITTEE.—Persons who will be significantly affected by a proposed rule and who believe that their interests will not be adequately represented by any person specified in a notice under subsection (a)(4) may apply for, or nominate another person for, membership on the negotiated rulemaking committee to represent such interests with respect to the proposed rule. Each application or nomination shall include—

"(1) the name of the applicant or nominee and a description of the interests such person shall represent;

"(2) evidence that the applicant or nominee is authorized to represent parties related to the interests the person proposes to represent;

"(3) a written commitment that the applicant or nominee shall actively participate in good faith in the development of the rule under consideration; and

"(4) the reasons that the persons specified in the notice under subsection (a)(4) do not adequately represent the interests of the person submitting the application or nomination.

"(c) PERIOD FOR SUBMISSION OF COMMENTS AND APPLICATIONS.—The agency shall provide for a period of at least 30 calendar days for the submission of comments and applications under this section.

"§ 585. Establishment of committee

"(a) ESTABLISHMENT.—

"(1) DETERMINATION TO ESTABLISH COMMITTEE.—If after considering comments and applications submitted under section 584, the agency determines that a negotiated rulemaking committee can adequately represent the interests that will be significantly affected by a proposed rule and that it is feasible and appropriate in the particular rulemaking, the agency may establish a negotiated rulemaking committee. In establishing and administering such a committee, the agency shall comply with the Federal Advisory Committee Act with respect to such committee, except as otherwise provided in this subchapter.

"(2) DETERMINATION NOT TO ESTABLISH COMMITTEE.—If after considering such comments and applications, the agency decides not to establish a negotiated rulemaking committee, the agency shall promptly publish notice of such decision and the reasons therefor in the Federal Register.

"(b) MEMBERSHIP.—The agency shall limit membership on a negotiated rulemaking committee to 25 members, unless the agency head determines that a greater number of members is necessary for the functioning of the committee or to achieve balanced membership. Each committee shall include at least one person representing the agency.

"(c) ADMINISTRATIVE SUPPORT.—The agency shall provide appropriate administrative support to the negotiated rulemaking committee, including technical assistance.

"(d) PARTICIPATION IN PROCEEDINGS.—A recipient of funds under the Legal Services Corporation Act may participate in a negotiated rulemaking proceeding only on behalf of an eligible client under that Act.

"§ 586. Conduct of committee activity

"(a) DUTIES OF COMMITTEE.—Each negotiated rulemaking committee established under this subchapter shall consider the matter proposed by the agency for consideration and shall attempt to reach a consensus concerning a proposed rule with respect to such matter and any other matter the committee determines is relevant to the proposed rule.

"(b) REPRESENTATIVES OF AGENCY ON COMMITTEE.—The person or persons representing the agency on a negotiated rulemaking committee shall participate in the deliberations and activities of the committee with the same rights and responsibilities as other members of the committee, and shall be authorized to fully represent the agency in the discussions and negotiations of the committee.

"(c) SELECTING FACILITATOR.—Notwithstanding section 10(e) of the Federal Advisory Committee Act, an agency may nominate either a person from the Federal Government or a person from outside the Federal Government to serve as a facilitator for the negotiations of the committee, subject to the approval of the committee by consensus. If the committee does not approve the nominee of the agency for facilitator, the agency shall submit a substitute nomination. If a committee does not approve any nominee of the agency for facilitator, the committee shall select by consensus a person to serve as facilitator. A person designated to represent the agency in substantive issues may not serve as facilitator or otherwise chair the committee.

"(d) DUTIES OF FACILITATOR.—A facilitator approved or selected by a negotiated rulemaking committee shall—

"(1) chair the meetings of the committee in an impartial manner;

"(2) impartially assist the members of the committee in conducting discussions and negotiations; and

"(3) manage the keeping of minutes and records as required under section 10(b) and (c) of the Federal Advisory Committee Act, except that any personal notes and materials of the facilitator or of the members of a committee shall not be subject to section 552 of this title.

"(e) COMMITTEE PROCEDURES.—A negotiated rulemaking committee established under this subchapter may adopt procedures for the operation of the committee. No provision of section 553 of this title shall apply to the procedures of a negotiated rulemaking committee.

"(f) REPORT OF COMMITTEE.—If a committee reaches a consensus on a proposed rule, at the conclusion of negotiations the committee shall transmit to the agency that established the committee a report containing the proposed rule. If the committee does not reach a consensus on a proposed rule, the committee may transmit to the agency a report specifying any areas in which the committee reached a consensus. The committee may include in a report any other information, recommendations, or materials that the committee considers appropriate. Any committee member may include as an addendum to the report additional information, recommendations, or materials.

"(g) RECORDS OF COMMITTEE.—In addition to the report required by subsection (f), a committee shall submit to the agency the records required under section 10 (b) and (c) of the Federal Advisory Committee Act.

"§ 587. Termination of committee

"A negotiated rulemaking committee shall terminate upon promulgation of the final rule under consideration, unless the committee's charter contains an earlier termination date or the agency, after consulting the committee, or the committee itself specifies an earlier termination date.

"§ 588. Services, facilities, and payment of committee member expenses

"(a) SERVICES OF CONVENERS AND FACILITATORS.—

"(1) IN GENERAL.—An agency may employ or enter into contracts for the services of an individual or organization to serve as a convener or facilitator for a negotiated rulemaking committee under this subchapter, or may use the services of a Government employee to act as a convener or a facilitator for such a committee.

"(2) DETERMINATION OF CONFLICTING INTERESTS.—An agency shall determine whether a person under consideration to serve as convener or facilitator of a committee under paragraph (1) has any financial or other interest that would preclude such person from serving in an impartial and independent manner.

"(b) SERVICES AND FACILITIES OF OTHER ENTITIES.—For purposes of this subchapter, an agency may use the services and facilities of other Federal agencies and public and private agencies and instrumentalities with the consent of such agencies and instrumentalities, and with or without reimbursement to such agencies and instrumentalities, and may accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31. The Federal Mediation and Conciliation Service may provide services and facilities, with or without reimbursement, to assist agencies under this subchapter, including furnishing conveners, facilitators, and training in negotiated rulemaking.

"(c) EXPENSES OF COMMITTEE MEMBERS.—Members of a negotiated rulemaking committee shall be responsible for their own expenses of participation in such committee, except that an agency may, in accordance with section 7(d) of the Federal Advisory Committee Act, pay for a member's reasonable travel and per diem expenses, expenses to obtain technical assistance, and a reasonable rate of compensation, if—

"(1) such member certifies a lack of adequate financial resources to participate in the committee; and

"(2) the agency determines that such member's participation in the committee is necessary to assure an adequate representation of the member's interest.

"(d) STATUS OF MEMBER AS FEDERAL EMPLOYEE.—A member's receipt of funds under this section or section 589 shall not conclusively determine for purposes of sections 202 through 209 of title 18 whether that member is an employee of the United States Government.

"§ 589. Role of the Administrative Conference of the United States and other entities

"(a) CONSULTATION BY AGENCIES.—An agency may consult with the Administrative Conference of the United States or other public or private individuals or organizations for information and assistance in forming a negotiated rulemaking committee and conducting negotiations on a proposed rule.

"(b) ROSTER OF POTENTIAL CONVENERS AND FACILITATORS.—The Administrative Conference of the United States, in consultation with the Federal Mediation and Conciliation Service, shall maintain a roster of individuals who have acted as or are interested in serving as conveners or facilitators in negotiated rulemaking proceedings. The roster shall include individuals from government agencies and private groups, and shall be made available upon request. Agencies may also use rosters maintained by other public or private individuals or organizations.

"(c) PROCEDURES TO OBTAIN CONVENERS AND FACILITATORS.—

"(1) PROCEDURES.—The Administrative Conference of the United States shall develop procedures which permit agencies to obtain the services of conveners and facilitators on an expedited basis.

"(2) PAYMENT FOR SERVICES.—Payment for the services of conveners or facilitators shall be made by the agency using the services, unless the Chairman of the Administrative Conference agrees to pay for such services under subsection (f).

"(d) COMPILATION OF DATA ON NEGOTIATED RULEMAKING; REPORT TO CONGRESS.—

"(1) COMPILATION OF DATA.—The Administrative Conference of the United States shall compile and maintain data related to negotiated rulemaking and shall act as a clearinghouse to assist agencies and parties participating in negotiated rulemaking proceedings.

"(2) SUBMISSION OF INFORMATION BY AGENCIES.—Each agency engaged in negotiated rulemaking shall provide to the Administrative Conference of the United States a copy of any reports submitted to the agency by negotiated rulemaking committees under section 586 and such additional information as necessary to enable the Administrative Conference of the United States to comply with this subsection.

"(3) REPORTS TO CONGRESS.—The Administrative Conference of the United States shall review and analyze the reports and information received under this subsection and shall transmit a biennial report to the Committee on Governmental Affairs of the Senate and the appropriate committees of the House of Representatives that—

"(A) provides recommendations for effective use by agencies of negotiated rulemaking; and

"(B) describes the nature and amounts of expenditures made by the Administrative Conference of the United States to accomplish the purposes of this subchapter.

"(e) TRAINING IN NEGOTIATED RULEMAKING.—The Administrative Conference of the United States is authorized to provide training in negotiated rulemaking techniques and procedures for personnel of the Federal Government either on a reimbursable or nonreimbursable basis. Such training may be extended to private individuals on a reimbursable basis.

"(f) PAYMENT OF EXPENSES OF AGENCIES.—The Chairman of the Administrative Conference of the United States is authorized to pay, upon request of an agency, all or part of the expenses of establishing a negotiated rulemaking committee and conducting a negotiated rulemaking. Such expenses may include, but are not limited to—

"(1) the costs of conveners and facilitators;

"(2) the expenses of committee members determined by the agency to be eligible for assistance under section 588(c); and

"(3) training costs.

Determinations with respect to payments under this section shall be at the discretion of such Chairman in furthering the use by Federal agencies of negotiated rulemaking.

"(g) USE OF FUNDS OF THE CONFERENCE.—The Administrative Conference of the United States may apply funds received under section 575(c)(12) of this title to carry out the purposes of this subchapter.

"§ 590. Judicial review

"Any agency action relating to establishing, assisting, or terminating a negotiated rulemaking committee under this subchapter shall not be subject to judicial review. Nothing in this section shall bar judicial review of a rule if such judicial review is otherwise provided by law. A rule which is the product of negotiated rulemaking and is subject to judicial review shall not be accorded any greater deference by a court than a rule which is the product of other rulemaking procedures.".

(b) The table of sections at the beginning of chapter 5 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—NEGOTIATED RULEMAKING PROCEDURE

"Sec. 581. Purpose.
"Sec. 582. Definitions.
"Sec. 583. Determination of need for negotiated rulemaking committee.
"Sec. 584. Publication of notice; applications for membership on committees.
"Sec. 585. Establishment of committee.
"Sec. 586. Conduct of committee activity.
"Sec. 587. Termination of committee.
"Sec. 588. Services, facilities, and payment of committee member expenses.
"Sec. 589. Role of the Administrative Conference of the United States and other entities.
"Sec. 590. Judicial review.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

In order to carry out this Act and the amendments made by this Act, there are authorized to be appropriated to the Administrative Conference of the United States, in addition to amounts authorized by section 576 of title 5, United States Code, not in excess of $500,000 for each of the fiscal years 1991, 1992, and 1993.

SEC. 5. SUNSET AND SAVINGS PROVISIONS.

Subchapter IV of title 5, United States Code, as added by section 3 of this Act, and that portion of the table of sections at the beginning of chapter 5 of title 5, United States Code, relating to subchapter IV, are repealed, effective 6 years after the date of the enactment of this Act, except that the provisions of such subchapter shall continue to apply after the date of the repeal with respect to then pending negotiated rulemaking proceedings initiated before the date of repeal which, in the judgment of the agencies which are convening or have convened such proceedings, require such continuation, until such negotiated rulemaking proceedings terminate pursuant to such subchapter.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes, and the gentleman from Florida [Mr. JAMES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill came to us at the initiative of our colleague, the gentleman from Ohio [Mr. PEASE], who has worked very hard on it.

Mr. Speaker, I begin by yielding 3 minutes to the gentleman from Ohio [Mr. PEASE] so that he may explain the bill.

Mr. PEASE. Mr. Speaker, I rise in support of the Negotiated Rulemaking Act of 1990, and I want to begin by

thanking the gentleman from Massachusetts [Mr. FRANK] for his expeditious handling of this bill in his Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary and also thank the ranking minority member, the gentleman from Florida [Mr. JAMES], for his assistance.

This bill has been in the making for several years, Mr. Speaker. I introduced the bill first about 8 years ago, and it has been introduced at every session of Congress since.

Mr. Speaker, I am delighted that it has come to the floor at last. I would note that the bill has already passed the Senate. With our action here today, assuming that we pass it, we should be able to get the bill on the desk of the President rather soon.

The bill is aimed at providing an alternative to the present adversarial rulemaking process by establishing an optional procedure through which interested parties could negotiate a compromise rule.

Under this procedure, an agency would publish a notice in the Federal Register signaling its interest in establishing a negotiated rulemaking committee.

Interested persons would have at least 30 days to comment and to apply for membership on the committee.

If the agency then determines the rulemaking through negotiation is feasible and appropriate, it will establish a committee comprised of representatives of each interested party.

The committee would then be responsible for negotiating a rule that is acceptable to all parties within a fixed period and the services of a facilitator could be employed.

After this process is finished, it would be up to the regulatory agency officials to decide whether or not to adopt the rule as negotiated.

Essentially, Mr. Speaker, to put this matter in its simplest terms, too often in the past, and currently, rules are promulgated by agencies and then those groups that are affected by the rule go into court and challenge it.

We wind up with a long, protracted litigation over the rules.

Under this procedure, which I emphasize would be an optional procedure, we could have an alternative whereby the interested parties could sit down and try to work out their differences to the degree possible in advance.

So that at the end of the process, if they were in general agreement, the agency would then issue the rule, promulgate the rule and we would, hopefully, avoid the litigation which now costs a lot of money and also results in long, protracted proceedings before the rule can finally go into effect.

I think this is a fine additional tool to put at the hands of our Federal agencies, one that should cut down on costly litigation and, hopefully, one which will provide for better rules than we have had in the past.

Mr. JAMES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 743, the Negotiated Rulemaking Act of 1990. As has been stated, Mr. Speaker, the concept behind H.R. 743, Negotiated Rulemaking is not a new one, it has in fact been considered in committees in the Congress several times over the last two Congresses. The bill attempts to bring the private sector and public sector together to work out their differences before the rule is published by our Federal agencies and I think legislation which supports the public and private sector working together under these circumstances is worthwhile.

Mr. Speaker, I think it is important to note that H.R. 743 does not require an agency in the Government to do anything, it simply encourages the use by our Federal agencies of negotiating rulemaking and sets forth guidelines for those agencies to follow if they so choose to do so. We are all aware of the spiraling cost of litigation to the Federal Government; negotiated rulemaking is one attempt to avoid litigation, at least with regard to the establishment of rules by our Federal agencies by bringing the parties to be effected together before the rule is published. As stated earlier, the bill sets forth specific guidelines under which an agency should proceed if it chooses to create and utilize a negotiated rulemaking committee. Those guidelines protect the agency as well as participating parties in the process of negotiating a rule.

I think it is important to point out that section 590 of the bill, entitled Judicial Review, specifically provides that no agency action relating to establishing, assisting, or terminating a Negotiated Rulemaking Committee shall be subject to judicial review. That provision reiterates that this legislation simply encourages our Federal agencies to use negotiated rulemaking when they feel it is appropriate and that the guidelines set forth in the bill are simply to facilitate the use of the Rulemaking Committee and that nothing herein vests extra legal rights in the parties participating in such a process. Would the gentleman from Massachusetts, the subcommittee chairman, concur with me on this point?

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. JAMES. I yield to the chairman of the subcommittee, the gentleman from Massachusetts [Mr. FRANK].

□ 1310

Mr. FRANK. Yes, I concur with the gentleman. The intention here was not to confer any rights or additional rights; it was to codify a process, and there is no intention under this bill nor do I think there is any language which confers new rights of judicial review which did not previously exist.

Mr. JAMES. Yes, that is my clear understanding of what the bill means. In fact, I have so stated in my presentation. That is my belief and my understanding, and I think it is very clear in the bill.

Mr. FRANK. Mr. Speaker, if the gentleman will yield, he, I, and the gentleman from Ohio are the only people in the House who have read the bill, so if we agree, I think that pretty much locks it up.

Mr. JAMES. Mr. Speaker, I hope that is not the case. I know that is not the case. I know my side of the aisle has read it with great interest and concern.

Mr. Speaker, I commend the subcommittee chairman for moving this legislation through committee to the floor. I support the bill and urge my colleagues to support it as well.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 743, as amended.

The question was taken.

Mr. FRANK. Mr. Speaker, I object to the vote that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

QUAD CITIES INTERSTATE METROPOLITAN AUTHORITY COMPACT

Mr. FRANK. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1485) to grant the consent of Congress to the Quad Cities Interstate Metropolitan Authority Compact entered into between the States of Illinois and Iowa.

The Clerk read as follows:

S. 1485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress hereby consents to the Quad Cities Interstate Metropolitan Authority Compact entered into between the States of Illinois and Iowa, which compact is substantially as follows:

ARTICLE 1—SHORT TITLE

This compact may be cited as the "Quad Cities Interstate Metropolitan Authority Compact".

ARTICLE 2—AUTHORIZATION

The states of Illinois and Iowa authorize the creation of the quad cities interstate authority to include the territories of Scott county in the state of Iowa and Rock Island county in the state of Illinois.

ARTICLE 3—PURPOSES

The purposes of the authority are to provide facilities and to foster cooperative efforts, all for the development and public benefit of its territory. This compact shall be liberally interpreted to carry out these purposes.

ARTICLE 4—CREATION

The authority is created when the secretary of State of Iowa certifies to the secretary of state of Illinois that a majority of the electors of Scott county voting on the proposition voted to approve creation of the authority and the secetary of state of Illinois certifies to the secretary of state of Iowa that a majority of the electors of Rock Island county voting on the proposition voted to approve creation of the authority. A referendum approving creation of the authority must be held before January 1, 1993.

ARTICLE 5—BOARD MEMBERS

The authority shall be governed by a board of not more than sixteen members, one-half of whom are residents of Rock Island county, Illinois, and one-half of whom are residents of Scott county, Iowa. Iowa members shall be chosen in the manner and for the terms fixed by the laws of Iowa. Illinois members shall be chosen in the manner and for the terms fixed by the law of Illinois.

ARTICLE 6—BOARD OFFICERS

The board shall elect annually from its members a chairperson, a vice chairperson, a secretary, and other officers it determines necessary.

ARTICLE 7—BOARD OPERATION

The board shall adopt bylaws governing its meetings, fiscal year, election of officers, and other matters of procedure and operation.

ARTICLE 8—BOARD EXPENSES AND COMPENSATION

(a) Members shall be reimbursed for reasonable expenses incurred while carrying out official duties.

(b) Members shall be compensated as authorized by substantially identical laws of the states of Illinois and Iowa.

ARTICLE 9—EMPLOYEES

(a) The board shall hire an executive director, a treasurer, and other employees it determines necessary and shall fix their qualifications, duties, compensation, and terms of employment.

(b) The executive director, treasurer, and other employees shall have no pension benefits or rights of collective bargaining other than those authorized by substantially identical laws of the states of Iowa and Illinois.

ARTICLE 10—GENERAL POWERS

The authority has the following general powers:

(1) To sue and be sued.

(2) To own, operate, manage, or lease facilities within the territory of the authority. "Facility" means an airport, port, wharf, dock, harbor, bridge, tunnel, terminal, industrial park, waste disposal system, mass transit system, parking area, road, recreational area, conservation area, or other project beneficial to the territory of the authority as authorized by substantially identical laws of the states of Iowa and Illinois, together with related or incidental fixtures, equipment, improvements, and real or personal property.

(3) To fix and collect reasonable fees and charges for the use of its facilities.

(4) To own or lease interests in real or personal property.

(5) To accept and receive money, services, property, and other things of value.

(6) To disburse funds for its lawful activities.

(7) To enter into agreements with political subdivisions of the states of Illinois or Iowa or with the United States.

(8) To pledge or mortgage its property.

(9) To perform other functions necessary or incidental to its purposes and powers.

(10) To exercise other powers conferred by substantially identical laws of the states of Iowa and Illinois.

ARTICLE 11—EMINENT DOMAIN

(a) The authority has the power to acquire real property by eminent domain.

(b) Property in the state of Iowa shall be acquired under the laws of the state of Iowa. Property in the state of Illinois shall be acquired under the laws of the state of Illinois.

ARTICLE 12—INDEBTEDNESS

(a) The authority may incur indebtedness subject to debt limits imposed by substantially identical laws of the states of Illinois and Iowa.

(b) Indebtedness of the authority shall not be secured by the full faith and credit or the tax revenues of the state of Iowa or Illinois, or a political subdivision of the state of Iowa or Illinois other than the authority or as otherwise authorized by substantially identical laws of the states of Iowa and Illinois.

(c) Bonds shall be issued only under terms authorized by substantially identical laws of the states of Illinois and Iowa.

ARTICLE 13—TAXES

(a) The authority shall have no independent power to tax.

(b) A political subdivision of the state of Iowa or Illinois shall not impose taxes to find the authority or any of the authority's projects except as specifically authorized by substantially identical laws of the states of Illinois and Iowa.

ARTICLE 14—REPORTS

The authority shall report annually to the governors and legislatures of the states of Iowa and Illinois concerning its facilities, activities, and finances and may make recommendations for state legislation.

ARTICLE 15—PENALTIES

The states of Illinois and Iowa may provide by substantially identical laws for the enforcement of the ordinances of the authority and for penalties for the violation of those ordinances.

ARTICLE 16—SUBSTANTIALLY IDENTICAL LAWS

Substantially identical laws of the states of Iowa and Illinois which are in effect before the authority is created shall apply unless the laws are contrary to or inconsistent with the provisions of this compact. A question of whether the laws of the states of Iowa and Illinois are substantially identical may be determined and enforced by a federal district court.

ARTICLE 17—DISSOLUTION

The authority may be dissolved by independent action of a political subdivision of the state of Iowa or the state of Iowa as authorized by law of the state of Iowa or by independent action of a political subdivision of the state of Illinois or the state of Illinois as authorized by law of the state of Illinois.

ARTICLE 18—SUBJECT TO LAWS AND CONSTITUTIONS

This compact, the enabling laws of the states of Iowa and Illinois, and the authority are subject to the laws and Constitution of the United States and the Constitutions of the states of Illinois and Iowa.

ARTICLE 19—CONSENT OF CONGRESS

The attorneys general of the states of Iowa and Illinois shall jointly seek the consent of the Congress of the United States to enter into or implement this compact if either of them believes the consent of the Congress of the United States is necessary.

ARTICLE 20—BINDING EFFECT

This compact and substantially identical enabling laws are binding on the states of Illinois and Iowa to the full extent allowed without the consent of Congress. If the consent of Congress is necessary, this compact and substantially identical enabling laws are binding on the states of Iowa and Illinois to the full extent when consent is obtained.

ARTICLE 21—SIGNING

This compact shall be signed in duplicate by the speakers of the houses of representatives of the states of Illinois and Iowa. One signed copy shall be filed with the secretary of state of Iowa and the other with the secretary of state of Illinois.

SEC. 2. RESERVATION OF RIGHTS.

The right to alter, amend, or repeal this Act is expressly reserved.

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes and the gentleman from Florida [Mr. JAMES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the constitutional duties of the Congress is to approve compacts between or among the several States. The Subcommittee on Administrative Law is the subcommittee to which those compacts come first.

The States of Iowa and Illinois have arrived at a compact. We have been informed by the Representatives, the gentleman from Iowa [Mr. LEACH], who is with us, and the gentleman from Illinois [Mr. EVANS], who is with us—and they represent the districts affected—that this is a compact which fully reflects the interests of both States. It is supported by people of both States. We had a hearing, we publicized it, and nobody objected. I presume that will continue to be the case.

Mr. Speaker, I reserve the balance of my time.

Mr. JAMES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1485, the Quad Cities Interstate Metropolitan Authority Compact. Pursuant to the Constitution, the Congress has the duty to ratify agreements be-

tween the States. One important prerequisite to our ratification of an interstate compact such as this, is that the State legislatures of the relevant States pass identical legislation to create the interstate compact. This prerequisite has been fulfilled with regard to the compact between Iowa and Illinois and our job here today is simply to confirm that agreement between those States.

I support S. 1485 and urge my colleagues to do likewise.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I would first like to express my appreciation for the courtesy and professional guidance of the distinguished subcommittee chairman, the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Florida [Mr. JAMES], as well as the coauthor, my distinguished colleague from the Illinois side of the Quad Cities, the gentleman from Illinois [Mr. EVANS].

Because the proposed compact is interstate in nature, Congress must act to grant approval for it. This is what the legislation before us would do. It should be stressed, however, that passage of this measure does not in itself establish the compact, but simply allows, following further State legislative action, for a referendum enabling the electors in the counties affected to decide for themselves if establishing it would bring the benefits its supporters attribute to it. It should also be stressed that Congress could not take the step, it is being asked to take today until the Legislatures of both Iowa and Illinois passed identical laws allowing for the enactment of the compact should a majority in the affected counties approve. Both States did so last year.

The action Congress is taking in approving this measure is, in effect, the second of a four-step process. The first was taken by the State legislatures in authorizing the compact. This second step will grant approval of it. Next, the State legislatures must pass identical enabling legislation which sets out its precise scope. Finally, referendums must be held to allow the people in the counties affected to express their will regarding it.

From a congressional perspective, I believe it would be fair to characterize the proposal as noncontroversial. From a local perspective, this is largely but not totally the case. Some residents in the affected area want the compact to be narrower in focus and the authority created to have more limited powers than others. These are issues for the Iowa and Illinois Legislatures to work out in the future and for the communities to approve or disapprove based on State legislative action.

In summary, what is unique about this legislation is, what is unique about the Quad Cities: it is bicounty and bi-State, and, in addition, has been supported—and critiqued—in a bipartisan fashion at all levels of government consideration. Passage, in my judgment, of S. 1485 would represent an innovative step toward streamlining the delivery of government services in this unique Mississippi River community and help promote economic growth for the citizens of the region.

As a Quad Citian, I would like to stress that, while the compact is designed to produce efficiencies in the delivery of a limited number of public services, it symbolizes more than dollars and cents concerns. If passed, the compact would not only signal bistate cooperation but the establishment of a broader community identification. Too often, the remarkable river that divides our community has served as a wedge of irrational governmental separation. Passage of this compact signals a new era, one in which the world's greatest river will help serve to bind rather than separate our citizens and government.

Again, let me express my appreciation to the leaders of the committee of jurisdiction, the gentleman from Massachusetts [Mr. FRANK], the gentleman from Florida [Mr. JAMES], and my good friend, the coauthor of the statute, the gentleman from Illinois [Mr. EVANS].

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just add to what the gentleman from Iowa [Mr. LEACH] said that one of the things I found to be the most unique about the Quad Cities—and he mentioned that they were unique—was that there appeared to be five Quad Cities. But we did not amend the compact for that reason.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, I am pleased to have the opportunity today to speak in support of S. 1485, a bill to grant the consent of Congress for the establishment of a Quad Cities Interstate Metropolitan Authority Compact. S. 1485 is the Senate companion to H.R. 3118, a bill introduced in the House by Representative LEACH and myself and approved by the House Judiciary Committee.

I want to applaud the efforts of Senator SIMON in moving this legislation through the Senate. His leadership in the Senate on behalf of the compact was outstanding.

As you may know, the Quad Cities consist of Rock Island, Moline, and East Moline, IL, and Davenport, IA, separated by the Mississippi River. A compact would allow the Quad Cities to develop a central authority to coordinate the municipal services of this bistate metropolitan area. It would address the needs of the Quad Cities with issues such as solid waste, bridges, mass transit, port development, and airports. The compact will further strengthen our joint economic development efforts that can move the Quad Cities forward and spread opportunity to all the citizens of our area.

Since this would be an interstate compact between Rock Island County in Illinois and Scott County in Iowa, it must, under our Constitution, have the approval of the Congress. After receiving congressional approval, the States of Illinois and Iowa can move forward with the State process. Then, the citizens of Rock Island and Scott Counties can decide for themselves in a referendum whether or not they want a compact.

Again, I appreciate having the opportunity to be here today to speak on behalf of this bill. And, I urge my colleagues to support this legislation that is so important to the Quad Cities.

□ 1320

Mr. JAMES. Mr. Speaker, I yield back the balance of my time.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the Senate bill, S. 1485.

The question was taken.

Mr. FRANK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on the first of two motions to suspend the rules on which further proceedings were postponed earlier today in the order in which those motions were entertained.

The votes will be taken in the following order: H.R. 743, de novo; and S. 1485, by the yeas and nays.

Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device may be taken after the first vote in this series.

NEGOTIATED RULEMAKING ACT OF 1990

The SPEAKER pro tempore. The pending business is the question of

suspending the rules and passing the bill, H.R. 743, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 743, as amended.

The question was taken.

Mr. FRANK. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 411, nays 0, answered "present" 1, not voting 21, as follows:

[Roll No. 86]

YEAS—411

Akaka	Conyers	Gillmor
Alexander	Cooper	Gilman
Anderson	Costello	Gingrich
Andrews	Coughlin	Glickman
Annunzio	Courter	Gonzalez
Anthony	Cox	Goodling
Applegate	Coyne	Gordon
Armey	Craig	Goss
Aspin	Crane	Gradison
Atkins	Crockett	Grandy
AuCoin	Dannemeyer	Gray
Baker	Darden	Green
Ballenger	Davis	Guarini
Barnard	de la Garza	Gunderson
Bartlett	DeFazio	Hall (OH)
Barton	DeLay	Hall (TX)
Bateman	Dellums	Hamilton
Bellenson	Derrick	Hammerschmidt
Bennett	DeWine	Hancock
Bentley	Dickinson	Hansen
Bereuter	Dicks	Harris
Berman	Dingell	Hastert
Bevill	Dixon	Hatcher
Bilbray	Donnelly	Hayes (IL)
Bilirakis	Dorgan (ND)	Hayes (LA)
Bliley	Douglas	Hefley
Boehlert	Downey	Hefner
Bonior	Dreier	Henry
Borski	Duncan	Herger
Bosco	Durbin	Hertel
Boucher	Dwyer	Hiler
Boxer	Dymally	Hoagland
Brennan	Dyson	Hochbrueckner
Brooks	Early	Holloway
Broomfield	Eckart	Hopkins
Browder	Edwards (CA)	Horton
Brown (CA)	Edwards (OK)	Houghton
Brown (CO)	Emerson	Hoyer
Bruce	English	Hubbard
Bryant	Erdreich	Huckaby
Buechner	Espy	Hughes
Bunning	Evans	Hunter
Burton	Fascell	Hutto
Bustamante	Fawell	Hyde
Byron	Fazio	Inhofe
Callahan	Feighan	Jacobs
Campbell (CA)	Fields	James
Campbell (CO)	Flake	Jenkins
Cardin	Flippo	Johnson (CT)
Carper	Foglietta	Johnson (SD)
Carr	Ford (MI)	Johnston
Chandler	Ford (TN)	Jones (GA)
Chapman	Frank	Jones (NC)
Clarke	Frenzel	Jontz
Clay	Frost	Kanjorski
Clement	Gallegly	Kaptur
Clinger	Gallo	Kasich
Coble	Gaydos	Kastenmeier
Coleman (MO)	Gejdenson	Kennedy
Coleman (TX)	Gekas	Kennelly
Combest	Gephardt	Kildee
Condit	Geren	Kleczka
Conte	Gibbons	Kolbe
Kolter	Oberstar	Skeen
Kostmayer	Obey	Skelton
Kyl	Olin	Slattery
LaFalce	Ortiz	Slaughter (NY)
Lagomarsino	Owens (NY)	Slaughter (VA)
Lancaster	Owens (UT)	Smith (IA)
Lantos	Oxley	Smith (NE)
Laughlin	Packard	Smith (TX)
Leach (IA)	Pallone	Smith (VT)
Leath (TX)	Panetta	Smith, Denny (OR)
Lehman (CA)	Parker	Smith, Robert (OR)
Lehman (FL)	Parris	Snowe
Lent	Pashayan	Solarz
Levin (MI)	Patterson	Solomon
Levine (CA)	Paxon	Spence
Lewis (CA)	Payne (NJ)	Spratt
Lewis (GA)	Payne (VA)	Staggers
Lightfoot	Pease	Stallings
Lipinski	Pelosi	Stangeland
Livingston	Penny	Stark
Lloyd	Perkins	Stearns
Long	Petri	Stenholm
Lowery (CA)	Pickett	Stokes
Lowey (NY)	Pickle	Studds
Luken, Thomas	Porter	Stump
Lukens, Donald	Poshard	Sundquist
Machtley	Price	Swift
Madigan	Pursell	Synar
Manton	Quillen	Tallon
Markey	Rangel	Tanner
Marlenee	Ravenel	Tauke
Martin (IL)	Ray	Tauzin
Martin (NY)	Regula	Taylor
Matsui	Rhodes	Thomas (CA)
Mavroules	Richardson	Thomas (GA)
Mazzoli	Ridge	Thomas (WY)
McCandless	Rinaldo	Torres
McCloskey	Roberts	Torricelli
McCollum	Robinson	Towns
McCrery	Roe	Traficant
McCurdy	Rogers	Traxler
McDade	Rohrabacher	Udall
McDermott	Rose	Unsoeld
McEwen	Rostenkowski	Upton
McGrath	Roth	Valentine
McHugh	Roukema	Vander Jagt
McMillan (NC)	Rowland (CT)	Vento
McMillen (MD)	Rowland (GA)	Visclosky
McNulty	Roybal	Volkmer
Meyers	Russo	Vucanovich
Mfume	Sabo	Walgren
Miller (CA)	Saiki	Walker
Miller (OH)	Sangmeister	Walsh
Miller (WA)	Sarpalius	Washington
Mineta	Savage	Watkins
Moakley	Sawyer	Waxman
Molinari	Saxton	Weber
Mollohan	Schaefer	Weiss
Montgomery	Scheuer	Weldon
Moody	Schiff	Wheat
Moorhead	Schneider	Whittaker
Morella	Schroeder	Williams
Morrison (CT)	Schuette	Wilson
Morrison (WA)	Schulze	Wise
Mrazek	Schumer	Wolf
Murphy	Sensenbrenner	Wolpe
Murtha	Serrano	Wyden
Myers	Sharp	Wylie
Nagle	Shaw	Yates
Natcher	Shays	Yatron
Neal (MA)	Shumway	Young (AK)
Neal (NC)	Shuster	Young (FL)
Nielson	Sikorski	
Nowak	Sisisky	
Oakar	Skaggs	

NAYS—0

ANSWERED "PRESENT"—1

Ireland

NOT VOTING—21

Ackerman	Grant	Ros-Lehtinen
Archer	Hawkins	Smith (FL)
Bates	Lewis (FL)	Smith (NJ)
Boggs	Martinez	Smith, Robert (NH)
Collins	Michel	Whitten
Dornan (CA)	Nelson	
Engel	Rahall	
Fish	Ritter	

□ 1344

Messrs. RICHARDSON, WASHINGTON, and THOMAS A. LUKEN changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 303) to establish a framework for the conduct of negotiated rulemaking by Federal agencies, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Negotiated Rulemaking Act of 1989".

FINDINGS

SEC. 2. The Congress finds that—

(1) Government regulation has increased substantially since the enactment of the Administrative Procedure Act.

(2) Agencies currently use rulemaking procedures that may discourage the affected parties from meeting and communicating with each other, and may cause parties with different interests to assume conflicting and antagonistic positions and to engage in expensive and time-consuming litigation over agency rules.

(3) Adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It also deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties.

(4) Negotiated rulemaking, in which the parties who will be significantly affected by a rule participate in the development of the rule, can provide significant advantages over adversarial rulemaking.

(5) Negotiated rulemaking can increase the acceptability and improve the substance of rules, making it less likely that the affected parties will resist enforcement or challenge such rules in court. It may also shorten the amount of time needed to issue final rules.

(6) Agencies have the authority to establish negotiated rulemaking committees under the laws establishing such agencies and their activities and under the Federal Advisory Committee Act (5 U.S.C. App.). Several agencies have successfully used negotiated rulemaking. The process has not been widely used by other agencies, however, in part because such agencies are unfamiliar with the process or uncertain as to the authority for such rulemaking.

NEGOTIATED RULEMAKING PROCEDURE

SEC. 3. (a) Chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER IV—NEGOTIATED RULEMAKING PROCEDURE

"§ 581. Purpose

"The purpose of this subchapter is to establish a framework for the conduct of negotiated rulemaking, consistent with section 553 of this title, to encourage agencies to use the process when it enhances the informal rulemaking process. Nothing in this subchapter should be construed as an attempt to limit innovation and experimentation with the negotiated rulemaking process or with other innovative rulemaking procedures otherwise authorized by law.

"§ 582. Definitions

"For the purposes of this subchapter the term—

"(1) 'agency' has the same meaning as in section 551(1) of this title;

"(2) 'consensus' means unanimous concurrence among the interests represented on a negotiated rulemaking committee established under this subchapter, unless such committee—

"(A) agrees to define such term to mean a general but not unanimous concurrence; or

"(B) agrees upon another specified definition;

"(3) 'convenor' means a person who impartially assists an agency in determining whether establishment of a negotiated rulemaking committee is feasible and appropriate in a particular rulemaking;

"(4) 'facilitator' means a person who impartially aids in the discussions and negotiations among the members of a negotiated rulemaking committee to develop a proposed rule;

"(5) 'interest' means, with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner;

"(6) 'party' has the same meaning as in section 551(3) of this title;

"(7) 'person' has the same meaning as in section 551(2) of this title;

"(8) 'negotiated rulemaking committee' or 'committee' means an advisory committee established by an agency in accordance with this subchapter and the Federal Advisory Committee Act (5 U.S.C. App.) to consider and discuss issues for the purpose of reaching a consensus in the development of a proposed rule;

"(9) 'rule' has the same meaning as in section 551(4) of this title; and

"(10) 'rulemaking' has the same meaning as in section 551(5) of this title.

"§ 583. Determination of need for negotiated rulemaking committee

"(a) An agency may establish a negotiated rulemaking committee to negotiate and develop a proposed rule, if the head of the agency determines that the use of the negotiated rulemaking procedure is in the public interest. In making such a determination, the head of the agency shall consider whether—

"(1) there is a need for a rule;

"(2) there are a limited number of identifiable interests that will be significantly affected by the rule;

"(3) there is a reasonable likelihood that a committee can be convened with a balanced representation of persons who—

"(A) can adequately represent the interests identified under paragraph (2); and

"(B) are willing to negotiate in good faith to reach a consensus on the proposed rule;

"(4) there is a reasonable likelihood that a committee will reach a consensus on the proposed rule within a fixed period of time;

"(5) the negotiated rulemaking procedure will not unreasonably delay the notice of proposed rulemaking and the issuance of the final rule;

"(6) the agency has adequate resources and is willing to commit such resources, including technical assistance, to the committee; and

"(7) the agency, to the maximum extent possible consistent with the legal obligations of the agency, will use the consensus of the committee with respect to the proposed rule as the basis for the rule proposed by the agency for notice and comment.

"(b)(1) An agency may use the services of a convenor to assist the agency in—

"(A) identifying persons who will be significantly affected by a proposed rule; and

"(B) conducting discussions with such persons to identify the issues of concern to such persons, and to ascertain whether the establishment of a negotiated rulemaking committee is feasible and appropriate in the particular rulemaking.

"(2) The convenor shall report findings and may make recommendations to an agency. Upon request of the agency, the convenor shall ascertain the names of persons who are willing and qualified to represent interests that will be significantly affected by the proposed rule. The report of the convenor and any recommendations shall be made available to the public upon request.

"§ 584. Publication of notice

"(a) If, after considering the report of a convenor or conducting an assessment, an agency decides to establish a negotiated rulemaking committee, the agency shall publish in the Federal Register a notice which shall include—

"(1) an announcement that the agency intends to establish a negotiated rulemaking committee to negotiate and develop a proposed rule;

"(2) a description of the subject and scope of the rule to be developed, and the issues to be considered;

"(3) a list of the interests which are likely to be significantly affected by the rule;

"(4) a list of the persons proposed to represent such interests and the person or persons proposed to represent the agency;

"(5) a proposed agenda and schedule for completing the work of the committee, including a target date for publication by the agency of a proposed rule for notice and comment;

"(6) a description of administrative support for the committee to be provided by the agency, including technical assistance;

"(7) a solicitation for comments on the proposal to establish the committee, and the proposed membership of the negotiated rulemaking committee; and

"(8) an explanation of how a person may apply or nominate another person for membership on the committee, as provided under subsection (b).

"(b) Persons who will be significantly affected by a proposed rule and who believe that their interests will not be adequately represented by any person specified in a notice under subsection (a)(4) may apply for, or nominate another person for, membership on the negotiated rulemaking committee to represent such interests with respect to the proposed rule. Each application or nomination shall include—

"(1) the name of the applicant or nominee and a description of the interests such person shall represent;

"(2) evidence that the applicant or nominee is authorized to represent parties related to the interests the person proposes to represent;

"(3) a written commitment that the applicant or nominee shall actively participate in good faith in the development of the rule under consideration; and

"(4) the reasons that the persons specified in the notice under subsection (a)(4) do not adequately represent the interests of the person submitting the application or nomination.

"§ 585. Establishment of committee

"(a) The agency shall provide for a period of at least 30 calendar days for the submission of comments and applications under section 584.

"(b)(1) If after considering comments and applications submitted under section 584, the agency determines that a negotiated rulemaking committee can adequately represent the interests that will be significantly affected by a proposed rule and that it is feasible and appropriate in the particular rulemaking, the agency may establish a negotiated rulemaking committee. In establishing and administering such a committee, the agency shall comply with the Federal Advisory Committee Act (5 U.S.C. App.) with respect to such committee, except as otherwise provided in this subchapter.

"(2) If after considering such comments and applications, the agency decides not to establish a committee, the agency shall promptly publish notice of such decision and the reasons therefor in the Federal Register.

"(c) The agency shall limit membership on a negotiated rulemaking committee to 25 members, unless the agency head determines that a greater number of members is necessary for the functioning of the committee or to achieve balanced membership. Each committee shall include at least one individual representing the agency.

"(d) The agency shall provide appropriate administrative support to the negotiated rulemaking committee, including technical assistance.

"§ 586. Conduct of committee activity

"(a) Each negotiated rulemaking committee established under this subchapter shall consider the matter proposed by the agency for consideration and shall attempt to reach a consensus concerning a proposed rule with respect to such matter and any other matter the committee determines is relevant to the proposed rule.

"(b) The person or persons representing the agency on a negotiated rulemaking committee shall participate in the deliberations and activities of such committee with the same rights and responsibilities as other members of such committee, and shall be authorized to fully represent the agency in the discussions and negotiations of the committee.

"(c)(1) Notwithstanding section 10(e) of the Federal Advisory Committee Act (5 U.S.C. App.), an agency may nominate either a person from the Federal Government or a person from outside the Federal Government to serve as a facilitator for the negotiations of the committee, subject to the approval by consensus of the committee. If the committee does not approve the nominee of the agency for facilitator, the agency shall submit a substitute nomination. If a committee does not approve any

nominee of the agency for facilitator, the committee shall select by consensus a person to serve as facilitator. A person designated to represent the agency in substantive issues may not serve as facilitator or otherwise chair the committee.

"(d) A facilitator approved or selected by a negotiated rulemaking committee shall—

"(1) chair the meetings of the committee in an impartial manner;

"(2) impartially assist the members of the committee in conducting discussions and negotiations; and

"(3) manage the keeping of minutes and records as required under section 10 (b) and (c) of the Federal Advisory Committee Act (5 U.S.C. App.), except that any personal notes and materials of the facilitator or of the members of a committee shall not be subject to section 552 of this title.

"(e) A negotiated rulemaking committee established under this subchapter may adopt procedures for the operation of the committee. No provision of section 553 of this title shall be applicable to the procedures of a committee.

"(f) If a committee reaches a consensus on a proposed rule, at the conclusion of negotiations the committee shall transmit to the agency that established the committee a report containing the proposed rule. If the committee does not reach a consensus on a proposed rule, such committee shall transmit to the agency a report specifying any areas in which the committee reached a consensus. The committee may include in a report any other information, recommendations, or materials that the committee considers appropriate. Any committee member may include as an addendum to the report additional information, recommendations, or materials.

"(g) In addition to the report specified by subsection (f), a committee shall submit to the agency the records required under section 10 (b) and (c) of the Federal Advisory Committee Act (5 U.S.C. App.).

"§ 587. Termination of committee

"A negotiated rulemaking committee shall terminate upon promulgation of the final rule under consideration, unless the committee's charter contains an earlier termination date or the agency, after consulting the committee, or the committee itself specifies an earlier termination date.

"§ 588. Services, facilities, and payment of committee member expenses

"(a)(1) An agency may employ or enter into contracts for the services of an individual or organization to serve as a convenor or facilitator for a committee under this subchapter, or may use the services of a government employee to act as a convenor or a facilitator for a committee.

"(2) An agency shall determine whether a person under consideration to serve as convenor or facilitator of a committee under paragraph (1) has any financial or other interest that would preclude such person from serving in an impartial and independent manner.

"(b) For purposes of this subchapter, an agency may use the services and facilities of other Federal agencies and public and private agencies and instrumentalities with the consent of such agencies and instrumentalities, and with or without reimbursement to such agencies and instrumentalities, and may accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31. The Federal Mediation and Conciliation Service may provide services and facilities, with or without reimbursement, to assist agencies under this subchapter, including furnishing convenors, facilitators, and training in negotiated rulemaking.

"(c) Members of a negotiated rulemaking committee shall be responsible for their own expenses of participation in such committee, except that an agency may, in accordance with section 7(d) of the Federal Advisory Committee Act (5 U.S.C. App.), pay for a member's reasonable travel and per diem expenses, expenses to obtain technical assistance, and a reasonable rate of compensation, if—

"(1) such member certifies a lack of adequate financial resources to participate in the committee; and

"(2) the agency determines that such member's participation in the committee is necessary to assure an adequate representation of the member's interest.

"(d) A member's receipt of funds under this section or section 589 shall not conclusively determine the purposes of sections 202 through 209 of title 18 whether that member is an employee of the United States Government.

"§ 589. Role of the Administrative Conference of the United States

"(a) An agency may consult with the Administrative Conference of the United States or other public or private individuals or organizations for information and assistance in forming a negotiated rulemaking committee and conducting negotiations on a proposed rule.

"(b) The Administrative Conference of the United States, in consultation with the Federal Mediation and Conciliation Service, shall maintain a roster of individuals who have acted as or are interested in serving as convenors or facilitators in negotiated rulemaking proceedings. The roster shall include individuals from government agencies and private groups, and shall be made available upon request. Agencies may also use rosters maintained by other public or private individuals or organizations.

"(c)(1) The Administrative Conference of the United States shall develop procedures which permit agencies to obtain the services of such convenors and facilitators on an expedited basis.

"(2) Payment for convenor or facilitator services shall be made by the agency using the services, unless the Chairman of the Administrative Conference agrees to pay for such services under subsection (f).

"(d)(1) The Administrative Conference of the United States shall compile and maintain data related to negotiated rulemaking and shall act as a clearinghouse to assist agencies and parties participating in negotiated rulemaking procedures.

"(2) Each agency engaged in negotiated rulemaking shall provide to the Administrative Conference of the United States a copy of any reports submitted to the agency by negotiated rulemaking committees under section 586 and such additional information as necessary to enable the Administrative Conference of the United States to comply with this subsection.

"(3) The Administrative Conference of the United States shall review and analyze the reports and information received under this subsection and shall transmit a biennial report to the Governmental Affairs Committee of the Senate and the appropriate committees of the House of Representatives that—

"(A) provides recommendations for effective agency use of negotiated rulemaking; and

"(B) describes the nature and amounts of expenditures made by the Administrative Conference of the United States to accomplish the purposes of this subchapter.

"(e) The Administrative Conference of the United States is authorized to provide training in negotiated rulemaking techniques and procedures for Federal personnel either on a reimbursable or nonreimbursable basis. Such training may be extended to private individuals on a reimbursable basis.

"(f) The Chairman of the Administrative Conference of the United States is authorized to pay, upon request of an agency, all or part of the expenses of establishing a committee and conducting a negotiated rulemaking. Such expenses may include, but are not limited to—

"(1) the costs of convenors and facilitators;

"(2) the expenses of committee members determined by the agency to be eligible for assistance under section 588(c); and

"(3) training costs.

Determinations with respect to payments under this section shall be at the discretion of such Chairman in furthering the use of negotiated rulemaking by Federal agencies.

"(g) The Administrative Conference of the United States may apply funds received under section 575(c)(12) of this title to carry out the purposes of this subchapter.

"§ 590. Judicial review

"Any agency action relating to establishing, assisting, or terminating a negotiated rulemaking committee under this subchapter shall not be subject to judicial review. Nothing in this section shall bar judicial review of a rule which is otherwise provided by law. A rule which is the product of negotiated rulemaking and is subjected to judicial review shall not be accorded any greater deference by a court than a rule which is the product of other rulemaking procedures.".

(b) The table of sections for chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER IV—NEGOTIATED RULEMAKING PROCEDURE

"Sec. 581. Purpose.
"Sec. 582. Definitions.
"Sec. 583. Determination of need for negotiated rulemaking committee.
"Sec. 584. Publication of notice.
"Sec. 585. Establishment of committee.
"Sec. 586. Conduct of committee activity.
"Sec. 587. Termination of committee.
"Sec. 588. Services, facilities, and payment of committee member expenses.
"Sec. 589. Role of the Administrative Conference of the United States.
"Sec. 590. Judicial review.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. To carry out this Act, and notwithstanding section 576 of this title, there are authorized to be appropriated to the Administrative Conference of the United States not in excess of $500,000 for each of the fiscal years 1990, 1991, and 1992.

SUNSET AND SAVINGS PROVISIONS

SEC. 5. (a) Subchapter IV of title 5, United States Code, is repealed, effective 6 years after the date of the enactment of this Act.

(b) That portion of the table of sections relating to subchapter IV for chapter 5 of title 5, United States Code, is repealed, effective 6 years after the date of the enactment of this Act.

(c) Notwithstanding the repeal under this section, the provisions and amendments of this Act shall continue in effect after 6 years after the date of the enactment of this Act with respect to then pending negotiated rulemaking proceedings which, in the judgment of the agencies which are convening or have convened such proceedings, require such continuation, until such negotiated rulemakings terminate pursuant to this Act.

MOTION OFFERED BY MR. FRANK

Mr. FRANK. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FRANK moves to strike out all after the enacting clause of the Senate bill S. 303 and insert in lieu thereof the text of H.R. 743 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 743) was laid on the table.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 743, the bill just passed, and on S. 1485, the bill upon which the House is about to vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

QUAD CITIES INTERSTATE METROPOLITAN AUTHORITY COMPACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1485.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the Senate bill, S. 1485, on which the yeas and nays are ordered.

The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 87]

YEAS—413

Akaka	Durbin	Kennelly
Alexander	Dwyer	Kildee
Anderson	Dymally	Kleczka
Andrews	Dyson	Kolbe
Annunzio	Eckart	Kolter
Anthony	Edwards (CA)	Kostmayer
Applegate	Edwards (OK)	LaFalce
Armey	Emerson	Lagomarsino
Aspin	English	Lancaster
Atkins	Erdreich	Lantos
AuCoin	Espy	Laughlin
Baker	Evans	Leach (IA)
Ballenger	Fascell	Leath (TX)
Barnard	Fawell	Lehman (CA)
Bartlett	Fazio	Lehman (FL)
Barton	Feighan	Lent
Bateman	Fields	Levin (MI)
Bates	Flake	Levine (CA)
Bellenson	Flippo	Lewis (CA)
Bennett	Foglietta	Lewis (GA)
Bentley	Ford (MI)	Lightfoot
Bereuter	Ford (TN)	Lipinski
Berman	Frank	Livingston
Bevill	Frenzel	Lloyd
Bilbray	Frost	Long
Bilirakis	Gallegly	Lowery (CA)
Bliley	Gallo	Lowey (NY)
Boehlert	Gaydos	Luken, Thomas
Bonior	Gejdenson	Lukens, Donald
Borski	Gekas	Machtley
Bosco	Gephardt	Madigan
Boucher	Geren	Manton
Boxer	Gibbons	Markey
Brennan	Gillmor	Marlenee
Brooks	Gilman	Martin (IL)
Broomfield	Gingrich	Martin (NY)
Browder	Glickman	Martinez
Brown (CA)	Gonzalez	Matsui
Brown (CO)	Goodling	Mavroules
Bruce	Gordon	Mazzoli
Bryant	Goss	McCandless
Buechner	Gradison	McCloskey
Bunning	Grandy	McCollum
Burton	Grant	McCrery
Bustamante	Gray	McCurdy
Byron	Green	McDade
Callahan	Guarini	McDermott
Campbell (CA)	Gunderson	McEwen
Campbell (CO)	Hall (OH)	McGrath
Cardin	Hall (TX)	McHugh
Carper	Hamilton	McMillan (NC)
Carr	Hammerschmidt	McMillen (MD)
Chandler	Hancock	McNulty
Chapman	Hansen	Meyers
Clarke	Harris	Mfume
Clay	Hastert	Miller (CA)
Clement	Hatcher	Miller (OH)
Clinger	Hayes (IL)	Miller (WA)
Coble	Hayes (LA)	Mineta
Coleman (MO)	Hefley	Moakley
Coleman (TX)	Hefner	Molinari
Combest	Henry	Mollohan
Condit	Herger	Montgomery
Conte	Hertel	Moody
Conyers	Hiler	Moorhead
Cooper	Hoagland	Morella
Costello	Hochbrueckner	Morrison (CT)
Coughlin	Holloway	Morrison (WA)
Courter	Hopkins	Mrazek
Cox	Horton	Murphy
Coyne	Houghton	Murtha
Craig	Hoyer	Myers
Crane	Hubbard	Nagle
Crockett	Huckaby	Natcher
Dannemeyer	Hughes	Neal (MA)
Darden	Hunter	Neal (NC)
Davis	Hutto	Nielson
de la Garza	Hyde	Nowak
DeFazio	Inhofe	Oakar
DeLay	Ireland	Oberstar
Dellums	Jacobs	Obey
Derrick	James	Olin
DeWine	Jenkins	Ortiz
Dickinson	Johnson (CT)	Owens (NY)
Dicks	Johnson (SD)	Owens (UT)
Dingell	Johnston	Oxley
Dixon	Jones (GA)	Packard
Donnelly	Jones (NC)	Pallone
Dorgan (ND)	Jontz	Panetta
Douglas	Kanjorski	Parker
Downey	Kaptur	Parris
Dreier	Kastenmeier	Pashayan
Duncan	Kennedy	Patterson
Paxon	Schroeder	Tallon
Payne (NJ)	Schuette	Tanner
Payne (VA)	Schulze	Tauke
Pease	Schumer	Tauzin
Pelosi	Sensenbrenner	Taylor
Penny	Serrano	Thomas (CA)
Perkins	Sharp	Thomas (GA)
Petri	Shaw	Thomas (WY)
Pickett	Shays	Torres
Pickle	Shumway	Torricelli
Poshard	Shuster	Towns
Price	Sikorski	Traficant
Pursell	Sisisky	Traxler
Quillen	Skaggs	Udall
Rangel	Skeen	Unsoeld
Ravenel	Skelton	Upton
Ray	Slattery	Valentine
Regula	Slaughter (NY)	Vander Jagt
Rhodes	Slaughter (VA)	Vento
Richardson	Smith (IA)	Visclosky
Ridge	Smith (NE)	Volkmer
Rinaldo	Smith (TX)	Vucanovich
Roberts	Smith (VT)	Walgren
Robinson	Smith, Denny (OR)	Walker
Roe	Smith, Robert (NH)	Walsh
Rogers	Smith, Robert (OR)	Washington
Rohrabacher	Snowe	Watkins
Rose	Solarz	Waxman
Rostenkowski	Solomon	Weber
Roth	Spence	Weiss
Roukema	Spratt	Weldon
Rowland (CT)	Staggers	Wheat
Rowland (GA)	Stallings	Whittaker
Roybal	Stangeland	Whitten
Russo	Stark	Williams
Sabo	Stearns	Wilson
Saiki	Stenholm	Wise
Sangmeister	Stokes	Wolf
Sarpalius	Studds	Wolpe
Savage	Stump	Wyden
Sawyer	Sundquist	Wylie
Saxton	Swift	Yates
Schaefer	Synar	Yatron
Scheuer		Young (AK)
Schiff		Young (FL)
Schneider		

NAYS—0

NOT VOTING—20

Ackerman	Fish	Porter
Archer	Hawkins	Rahall
Boggs	Kasich	Ritter
Collins	Kyl	Ros-Lehtinen
Dornan (CA)	Lewis (FL)	Smith (FL)
Early	Michel	Smith (NJ)
Engel	Nelson	

□ 1353

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE MAY 2 AND 3, 1990

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing and Community Development be permitted to sit tomorrow, May 2, and Thursday, May 3, 1990, for the consideration of H.R. 1180, the Housing and Community Development Act of 1990, while the House is sitting for amendment under the 5-minute rule.

The ranking minority member of the subcommittee, the gentleman from

Ohio [Mr. WYLIE], has been consulted and has agreed to this request.

The SPEAKER pro tempore (Mr. MAZZOLI]. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, it was a little hard to hear over the noise. Did I understand correctly that the gentleman from Texas said that this has been cleared by the ranking minority member of the committee?

Mr. GONZALEZ. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. WALKER. Mr. Speaker, the gentleman from Ohio [Mr. WYLIE] is here, so I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4278

Mr. CHANDLER. Mr. Speaker, I ask unanimous consent that the name of the gentleman from North Carolina [Mr. VALENTINE] be withdrawn as a cosponsor of H.R. 4278, upon his request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I wish the record to show that I was unable to vote on H.R. 743 and S. 1485 because I was giving a brief on the democratic reforms taking place in Nicaragua and throughout the world. H.R. 743, which passed by a vote of 411 yeas to 0 nays, is the Negotiated Rulemaking Act of 1989, which would streamline the rulemaking process used to make Federal rules. Had I been present I would have voted "yea" on H.R. 743. S. 1485, which passed by a vote of 413 yeas to 0 nays, was the Quad Cities Interstate Metropolitan Authority Compact entered into by Iowa and Illinois. I would have voted "yea" on this bill, as well.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1991

The SPEAKER pro tempore. Pursuant to House Resolution 382 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 310).

□ 1358

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the Sate of the Union for the further consideration of the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, with Mr. GRAY in the Chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, April 26, 1990, the amendment offered by the gentleman from California [Mr. DANNEMEYER] had been disposed of.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr Chairman, I offered an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. DELLUMS: Strike all after the resolving clause and insert the following:

SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the "FY '91 Quality of Life Budget".

SEC. 2. FINDINGS.

(a) GOALS.—Congress finds that a nation's values and concern for social and economic justice are measured by the fiscal priorities established in its national budget. This budget demonstrates that the current economic and social crises which beset this Nation are a result of policies and are not a requirement of the Federal budget process. This budget offers a new vision for America, addressing basic human needs and potential. Its centerpiece is an unyielding commitment to our most precious national resource: our children. The FY '91 Quality of Life Budget supports proven social programs and creates new domestic initiatives; provides for a national defense which rejects obsolescent Cold War policies and faces evolving international realities through constructive proposals for weapons and force reductions; and makes substantial progress in budget deficit reduction.

(b) ECONOMIC ASSUMPTIONS.—The Congress states its strong disagreement to the economic forecasts presented by the Office of Management and Budget, but, consistent with current law and for ease of comparative analysis, this budget is calculated using those projections. The FY '91 Quality of Life Budget adopts the Congressional Budget Office projections for the Federal Government's new direct loan obligations, new primary loan guarantee commitments, and Federal credit activity and social security revenue.

(c) UNEMPLOYMENT DIFFERENTIAL.—The Congress rejects estimates of fiscal year 1991 unemployment levels and adopts instead a Humphrey-Hawkins target in compliance with the Full Employment and Balanced Growth Act of 1978. The Congressional Budget Office reports that lost revenues and increased outlays from unemployment yield an unemployment deficit of $40,000,000,000 for every one percent of unemployment. It is calculated that an additional $1,000,000,000 will be realized from the creation of jobs through this budget's unemployment initiatives.

(d) REVENUE.—This budget makes substantial new proposals for generating additional revenue for fiscal year 1991 and for outyear projections. It's first initiative implements requirements that the highest-income taxpayers (taxable income over $208,510 for a family of four) pay the same marginal tax rate as lower income taxpayers (taxable income between $78,350 and $208,510). This policy removes the "bubble" created in the Tax Reform Act of 1986 where high income taxpayers pay a lower marginal rate (28 percent) than lower income taxpayers (33 percent). The second revenue initiative imposes a 10 percent corporate income tax surcharge on the highest-income 10 percent of corporate taxpayers.

(e) DEFICIT.—The FY '91 Quality of Life Budget meets the express requirements of the Balanced Budget and Emergency Deficit Control Act of 1985. The projected fiscal year 1991 Federal deficit is $63,752,000,000, fiscal year 1992 deficit is $24,928,000,000, and with the adoption of this concurrent resolution, the budget in fiscal year 1993 would have a surplus of $5,035,000,000.

SEC. 3. SUMMARY BY FUNCTION.

(a) NATIONAL DEFENSE (050).—(1) This budget provides for significant cuts in the military spending program. Accordingly, it cuts $52,500,000,000 from BA, but adds $5,000,000,000 for toxic cleanup and economic conversion. It cuts $26,900,000,000 from outlays.

(2) It reduces personnel by 10 percent, resulting in $7,800,000,000 in BA savings and $7,500,000,000 in outlay savings in fiscal year 1991.

(3) It reduces the O&M account by 10 percent, resulting in $9,000,000,000 in BA savings and $6,300,000,000 in outlay savings in fiscal year 1991.

(4) It reduces procurement by 25 percent, resulting in $19,400,000,000 in BA savings and $2,800,000,000 in outlay savings in fiscal year 1991.

(5) It reduces RDT&E by 25 percent, resulting in $9,500,000,000 in BA savings and $4,800,000,000 in outlay savings in fiscal year 1991.

(6) It reduces DOE weapons development by 65 percent, resulting in BA savings of $7,000,000,000 and $5,800,000,000 in outlay savings in fiscal year 1991.

(7) It eliminates the B-2, eliminates the 18th Trident submarine, cuts funding for MX and Trident II, reduces attack submarine and guided missile destroyer acquisition, and reduces F-16 and F-18 purchases.

(b) INTERNATIONAL AFFAIRS (150).—(1) The FY '91 Quality of Life Budget provides that United States foreign policy must be shifted away from a primary reliance upon arms sales to one which supports broad development goals throughout the Third World. This investment will help to stabilize world order, leading away from armed conflict.

(2) This budget proposes $1,800,000,000 expansion of International Development and Humanitarian aid—including new initiatives for African and Caribbean development, and expansion of the Public Law 480 food assistance program.

(3) This budget proposes a broad increase in this function, especially for development in Africa and the Caribbean through the Mickey Leland Development Act. The Mickey Leland African and Caribbean Development Act of 1991 includes the following—

(A) the African Famine Recovery and Development Act;

(B) the Caribbean Regional Development Act;

(C) $1,000,000,000 in development assistance for the Development Fund for Africa;

(D) $85,000,000 of the above earmarked for the Southern Africa Development Coordinating Committee (SADCC);

(E) language establishing an AID Mission in Namibia;

(F) $15,000,000 of the above development assistance earmarked for Namibia;

(G) $13,000,000 for the African Development Foundation programs;

(H) $60,000,000 in ESF funds for the Caribbean;

(I) $93,600,000 in development assistance for the Caribbean;

(J) $33,000,000 of the above development assistance earmarked for the Eastern Caribbean and Belize;

(K) $40,000,000 in development assistance for Haiti; and

(L) $39,000,000 in ESF funds for Haiti.

(c) GENERAL SCIENCE, SPACE AND TECHNOLOGY (250).—(1) This budget cuts $4,600,000,000 in BA, resulting in $2,800,000,000 in outlay cuts from NASA military related research and development, which recaptures unnecessary military expenses from the National Defense function.

(2) It recognizes the central role that science and technology play in the development of our society. It is firmly committed to increasing the scientific and technical development of all sectors of the society, in particular minority members who have been largely excluded from the highly technical ranks of our society.

(3) Toward this end, it reprograms half of the NASA cut into the DOE and NSF general science research programs.

(4) In addition, it would incorporate the provisions of H.R. 996, the Congressional Scholarships for Science, Mathematics and Engineering Act.

(d) ENERGY (270).—(1) The FY '91 Quality of Life Budget is principally concerned with the recapture of investment funds in alternative and renewable energy systems, low-income energy support and other programs cut in previous fiscal years.

(2) It allocates $600,000,000 in BA with $478,000,000 in outlays in alternative energy R&D.

(3) It adds $395,000,000 in BA and $224,000,000 in outlays in fiscal year 1991 to energy conservation efforts.

(e) NATURAL RESOURCES AND ENVIRONMENT (300).—(1) The FY '91 Quality of Life Budget is committed to the preservation and enhancement of our environment, including the urban environment.

(2) It adds $1,000,000,000 in BA for pollution control and abatement, which results in $418,000,000 in fiscal year 1991 outlays; $585,000,000 in BA for recreation, which results in $208,000,000 in outlays in fiscal year 1991; supports the funding of urban and community forestry programs, budgeting $5,000,000 for this program (under Public Law 95-313); and funds $5,000,000 for the preliminary development plans for an African-American Heritage Museum on the Federal mall.

(f) AGRICULTURE (350).—(1) This budget would expand by $949,000,000 current proposals for farm income stabilization programs.

(2) It would expand by $235,000,000 current proposals for Temporary Emergency Food Assistance Program and commits.

(3) It would expand by $252,000,000 current proposals for agriculture R&D, focusing on 1890 institutions.

(g) COMMERCE AND HOUSING CREDIT (370).—(1) To reverse the dramatic decline in housing funding that occurred during the 1980s, this budget would invest substantial resources in rural and urban housing construction and development, and provide for the effective operation of the Small Business Administration.

(2) It would spend an additional $1,000,000,000 on the rural housing program, an additional $668,000,000 on elderly and handicapped housing, and an additional $1,300,000,000 on advancement of commerce and assistance to minority and small businesses.

(h) TRANSPORTATION (400).—(1) In recognizing the significant decline in the efficiency of our highway, rail, and air transportation systems, this budget reverses cutbacks in funding over the past decade.

(2) It would spend an additional $1,400,000,000 on ground transportation as follows:

(A) $231,000,000 more in highway aid,

(B) $687,000,000 more on AMTRAK, and

(C) $531,000,000 more for urban mass transit.

(3) It would spend an additional $110,000,000 on air transportation and safety and would raise an additional $350,000,000 in fees to be used for marine safety.

(i) COMMUNITY AND REGIONAL DEVELOPMENT (450).—This budget significantly expands resources for disaster relief and provides an additional $375,000,000 for community development block grants.

(j) EDUCATION, TRAINING, EMPLOYMENT AND SOCIAL SERVICES (500).—(1) Because the education of our children is one of the central elements of Government responsibility, this budget allocates an additional $241,000,000 in elementary, secondary, and vocational education, including funds for adult education, and an additional $784,000,000 on higher education, including increases in grants to students.

(2) It initiates a new child care program, which will cost $1,800,000,000 in fiscal year 1991; a new program for education research and development districts, which will cost $570,000,000 in fiscal year 1991; a new program for high school dropout and drug prevention, which will cost $405,000,000 in fiscal year 1991; a new youth employment program, which will cost $325,000,000 in fiscal year 1991; and a new teacher training program which will cost $34,000,000 in fiscal year 1991.

(k) HEALTH (550).—(1) This budget authorizes $4,600,000,000 and spends $3,800,000,000 over current proposals for health care services, and focuses on prevention and increased funding for AIDS treatment, expansion of available healthcare through MEDICAID, and expanded drug treatment programs.

(2) It would spend an additional $562,000,000 for health research, including additional funds for AIDS research and $306,000,000 on health worker education and training.

(l) MEDICARE (570).—This budget would maintain this function at current services levels.

(m) INCOME SECURITY (INCLUDES SUBSIDIZED HOUSING) (600).—(1) This budget would spend an additional $5,300,000,000 in fiscal year 1991.

(2) It would spend an additional $2,000,000,000 on housing assistance of which $1,000,000,000 is for public housing modernization and $1,000,000,000 is for transitional housing and emergency shelters.

(3) It provides an additional $415,000,000 for child nutrition, $777,000,000 for the WIC program, $343,000,000 for low-income-home energy assistance, and $220,000,000 for the JOBS training program.

(n) SOCIAL SECURITY (650).—The budget would spend an additional $938,000,000 in this function: $792,000,000 on old-age and survivors insurance, and $146,000,000 on disability insurance.

(o) VETERANS BENEFITS AND SERVICES (700).—The FY '91 Quality of Life Budget expands funding for all of the principle functions of the Department of Veterans Affairs, including an additional $620,000,000 in income security, $345,000,000 in medical care, and $178,000,000 in housing.

(p) ADMINISTRATION OF JUSTICE (750).—(1) The FY '91 Quality of Life Budget provides an additional $2,000,000,000 in BA, resulting in $1,000,000,000 in outlays in fiscal year 1991. The increases principally are for law enforcement efforts in the drug interdiction field across the various subfunctions.

(2) It initiates a new program to provide child protective services for children of drug and alcohol-abusing parents.

(q) GENERAL GOVERNMENT (800).—The budget provides for expanded monitoring of Government activity.

(r) NET INTEREST (900).—The budget accepts OMB projections for this function.

(s) ALLOWANCES (920).—This function includes employee health benefit plans and Government mail rates. This budget rejects proposed reform measures in this function.

(t) UNDISTRIBUTED OFFSETTING RECEIPTS (950).—This function includes financial transactions that are deducted from budget authority and outlays. The core items in this function are employer-share of retirement benefits, rents, and royalties from the Outer Continental Shelf, and sale of major assets. This budget accepts general OMB projections for this function.

SEC. 4. THE BUDGET.

The budget for fiscal year 1991 is established, and the appropriate budgetary levels for fiscal years 1992 and 1993 are set forth in sections 5 and 6.

SEC. 5. MAXIMUM DEFICIT AMOUNTS.

The following levels and amounts in this section are set forth for purposes of determining, in accordance with section 301(i) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985, whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution, shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $1,176,100,000,000.
Fiscal year 1992: $1,262,300,000,000.
Fiscal year 1993: $1,337,600,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,371,858,000,000.
Fiscal year 1992: $1,447,740,000,000.
Fiscal year 1993: $1,534,390,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $1,239,862,000,000.
Fiscal year 1992: $1,287,228,000,000.
Fiscal year 1993: $1,342,565,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1991: $63,752,000,000.
Fiscal year 1992: $24,928,000,000.

Fiscal year 1993: −$5,035,000,000.

SEC. 6. RECOMMENDED LEVELS AND AMOUNTS.

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1990, October 1, 1991, and October 1, 1992:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $867,200,000,000.
Fiscal year 1992: $932,600,000,000.
Fiscal year 1993: $995,400,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1991: $60,000,000.
Fiscal year 1992: $159,000,000.
Fiscal year 1993: $200,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1991: $74,600,000,000.
Fiscal year 1992: $79,600,000,000.
Fiscal year 1993: $85,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,026,649,000,000.
Fiscal year 1992: $1,067,710,000,000.
Fiscal year 1993: $1,116,687,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $974,103,000,000.
Fiscal year 1992: $1,003,686,000,000.
Fiscal year 1993: $1,040,711,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1991: $106,903,000,000.
Fiscal year 1992: $71,086,000,000.
Fiscal year 1993: $45,311,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1991: $3,410,000,000.
Fiscal year 1992: $3,667,000,000.
Fiscal year 1993: $3,967,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1990, October 1, 1991, and October 1, 1992, are as follows:

Fiscal year 1991:
(A) New direct loan obligations, $21,100,000,000.
(B) New primary loan guarantee commitments, $103,100,000,000.
Fiscal year 1992:
(A) New direct loan obligations, $17,900,000,000.
(B) New primary loan guarantee commitments, $104,100,000,000.
Fiscal year 1993:
(A) New direct loan obligations, $18,200,000,000.
(B) New primary loan guarantee commitments, $106,800,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new primary loan guarantee commitments for fiscal years 1991 through 1993 for each major functional category are:

(1) National Defense (050):
Fiscal year 1991:
(A) New budget authority, $259,410,000,000.
(B) Outlays, $279,540,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $246,440,000,000.
(B) Outlays, $263,415,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $234,118,000,000.
(B) Outlays, $247,145,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1991:
(A) New budget authority, $21,448,000,000.
(B) Outlays, $19,886,000,000.
(C) New direct loan obligations, $1,903,000,000.
(D) New primary loan guarantee commitments, $6,718,000,000.
Fiscal year 1992:
(A) New budget authority, $23,593,000,000.
(B) Outlays, $21,875,000,000.
(C) New direct loan obligations, $1,980,000,000.
(D) New primary loan guarantee commitments, $6,985,000,000.
Fiscal year 1993:
(A) New budget authority, $25,952,000,000.
(B) Outlays, $24,062,000,000.
(C) New direct loan obligations, $2,059,000,000.
(D) New primary loan guarantee commitments, $7,277,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1991:
(A) New budget authority, $14,502,000,000.
(B) Outlays, $15,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $15,952,000,000.
(B) Outlays, $16,720,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $17,547,000,000.
(B) Outlays, $18,392,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):
Fiscal year 1991:
(A) New budget authority, $5,357,000,000.
(B) Outlays, $4,030,000,000.
(C) New direct loan obligations, $1,982,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $5,893,000,000.
(B) Outlays, $4,433,000,000.
(C) New direct loan obligations, $1,637,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $6,482,000,000.
(B) Outlays, $4,876,000,000.
(C) New direct loan obligations, $1,960,000,000.
(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):
Fiscal year 1991:
(A) New budget authority, $19,197,000,000.
(B) Outlays, $18,828,000,000.
(C) New direct loan obligations, $64,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $21,117,000,000.
(B) Outlays, $20,711,000,000.
(C) New direct loan obligations, $67,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $23,228,000,000.
(B) Outlays, $22,782,000,000.
(C) New direct loan obligations, $70,000,000.
(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):
Fiscal year 1991:
(A) New budget authority, $20,650,000,000.
(B) Outlays, $16,521,000,000.
(C) New direct loan obligations, $9,117,000,000.
(D) New primary loan guarantee commitments, $6,998,000,000.
Fiscal year 1992:
(A) New budget authority, $22,715,000,000.
(B) Outlays, $18,173,000,000.
(C) New direct loan obligations, $8,691,000,000.
(D) New primary loan guarantee commitments, $7,259,000,000.
Fiscal year 1993:
(A) New budget authority, $24,987,000,000.
(B) Outlays, $19,990,000,000.
(C) New direct loan obligations, $8,779,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 1991:
(A) New budget authority, $14,756,000,000.
(B) Outlays, $18,902,000,000.
(C) New direct loan obligations, $6,012,000,000.
(D) New primary loan guarantee commitments, $60,264,000,000.
Fiscal year 1992:
(A) New budget authority, $16,232,000,000.
(B) Outlays, $22,792,000,000.
(C) New direct loan obligations, $3,297,000,000.
(D) New primary loan guarantee commitments, $59,675,000,000.
Fiscal year 1993:
(A) New budget authority, $17,855,000,000.
(B) Outlays, $24,871,000,000.
(C) New direct loan obligations, $3,392,000,000.
(D) New primary loan guarantee commitments, $62,023,000,000.

(8) Transportation (400):
Fiscal year 1991:
(A) New budget authority, $32,653,000,000.
(B) Outlays, $30,968,000,000.
(C) New direct loan obligations, $48,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $35,918,000,000.
(B) Outlays, $34,065,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $39,510,000,000.
(B) Outlays, $37,471,000,000.
(C) New direct loan obligations, $52,000,000.
(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):
Fiscal year 1991:
(A) New budget authority, $9,464,000,000.
(B) Outlays, $8,220,000,000.

(C) New direct loan obligations, $1,134,000,000.
(D) New primary loan guarantee commitments, $403,000,000.
Fiscal year 1992:
(A) New budget authority, $10,410,000,000.
(B) Outlays, $9,022,000,000.
(C) New direct loan obligations, $1,176,000,000.
(D) New primary loan guarantee commitments, $373,000,000.
Fiscal year 1993:
(A) New budget authority, $11,451,000,000.
(B) Outlays, $9,924,000,000.
(C) New direct loan obligations, $1,219,000,000.
(D) New primary loan guarantee commitments, $387,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1991:
(A) New budget authority, $46,309,000,000.
(B) Outlays, $45,226,000,000.
(C) New direct loan obligations, $31,000,000.
(D) New primary loan guarantee commitments, $12,810,000,000.
Fiscal year 1992:
(A) New budget authority, $50,940,000,000.
(B) Outlays, $49,727,000,000.
(C) New direct loan obligations, $32,000,000.
(D) New primary loan guarantee commitments, $13,490,000,000.
Fiscal year 1993:
(A) New budget authority, $56,034,000,000.
(B) Outlays, $54,699,000,000.
(C) New direct loan obligations, $34,000,000.
(D) New primary loan guarantee commitments, $13,845,000,000.
(11) Health (550):
Fiscal year 1991:
(A) New budget authority, $69,366,000,000.
(B) Outlays, $67,543,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $290,000,000.
Fiscal year 1992:
(A) New budget authority, $76,303,000,000.
(B) Outlays, $74,297,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $305,000,000.
Fiscal year 1993:
(A) New budget authority, $83,933,000,000.
(B) Outlays, $81,727,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $322,000,000.
(12) Medicare (570):
Fiscal year 1991:
(A) New budget authority, $125,119,000,000.
(B) Outlays, $104,153,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $137,631,000,000.
(B) Outlays, $114,568,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $151,384,000,000.
(B) Outlays, $125,026,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1991:
(A) New budget authority, $200,537,000,000.
(B) Outlays, $159,000,000,000.
(C) New direct loan obligations, $88,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $220,591,000,000.
(B) Outlays, $174,900,000.
(C) New direct loan obligations, $89,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $242,650,000,000.
(B) Outlays, $192,390,000,000.
(C) New direct loan obligations, $90,000,000.
(D) New primary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1991:
(A) New budget authority, $345,209,000,000.
(B) Outlays, $265,749,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $379,730,000,000.
(B) Outlays, $283,542,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $417,703,000,000.
(B) Outlays, $301,854,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1991:
(A) New budget authority, $32,119,000,000.
(B) Outlays, $31,456,000,000.
(C) New direct loan obligations, $675,000,000.
(D) New primary loan guarantee commitments, $15,650,000,000.
Fiscal year 1992:
(A) New budget authority, $35,331,000,000.
(B) Outlays, $34,602,000,000.
(C) New direct loan obligations, $612,000,000.
(D) New primary loan guarantee commitments, $15,975,000,000.
Fiscal year 1993:
(A) New budget authority, $38,864,000,000.
(B) Outlays, $38,062,000,000.
(C) New direct loan obligations, $566,000,000.
(D) New primary loan guarantee commitments, $16,316,000,000.
(16) Administration of Justice (750):
Fiscal year 1991:
(A) New budget authority, $14,590,000,000.
(B) Outlays, $13,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $16,049,000,000.
(B) Outlays, $14,960,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $17,654,000,000.
(B) Outlays, $16,456,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1991:
(A) New budget authority, $11,771,000,000.
(B) Outlays, $11,606,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $12,948,000,000.
(B) Outlays, $12,767,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $14,243,000,000.
(B) Outlays, $14,043,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1991:
(A) New budget authority, $172,979,000,000.
(B) Outlays, $172,979,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $163,482,000,000.
(B) Outlays, $163,482,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $156,963,000,000.
(B) Outlays, $156,963,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(19) Allowances (920):
Fiscal year 1991:
(A) New budget authority, $0.
(B) Outlays, $63,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, $0.
(B) Outlays, $65,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, $0.
(B) Outlays, $67,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 1991:
(A) New budget authority, −$43,578,000,000.
(B) Outlays, −$43,578,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1992:
(A) New budget authority, −$43,833,000,000.
(B) Outlays, −$44,885,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1993:
(A) New budget authority, −$46,177,000,000.
(B) Outlays, −$46,232,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 1 hour, and a Member opposed will be recognized for 1 hour.

Mr. FRENZEL. Mr. Chairman, I seek designation from the Chairman to be the Member opposed to the amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. FRENZEL] will be recognized as being opposed, and will control 1 hour of the time.

The Chair now recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I stated twice before in the general debate on the budget, this is a significant moment. This is perhaps the most important business this body can engage in, the establishment of our national budget, for how our Nation spends its money is a statement about its priorities, and its priorities in turn are a significant statement about its values.

□ 1400

This is a moment that we come to that is very rare in the career of many elected officials, and that is a moment when we have an opportunity to shape an emerging new consensus. This is an important moment, a moment that we can develop a new budget.

The world is changing, Mr. Chairman, and in some basic and profound ways the world has already changed, so that gives us an opportunity to come here, Mr. Chairman, to the floor of the House of Representatives to engage in the shaping of a new consensus. That is why I stated on two occasions that it makes sense that there be significant budget alternatives presented to this body, and in the process of looking at several different approaches we can develop new consensus that speaks to the world as it is evolving.

Mr. Chairman, in that regard, against the backdrop of those opening remarks, it is with a great deal of pride and pleasure that I introduce the Congressional Black Caucus's quality of life alternative budget for fiscal 1991. In this gentleman's humble opinion, this budget is a coherent, cogent budget, cloaked in competence, cloaked in integrity and cloaked in compassion, a budget that embraces a new vision for America in three ways.

We wrote a budget, Mr. Chairman, that expanded, continued to support present social program initiatives, and even new programs to address the human misery that is the reality of America. Second, we establish a defense policy, a foreign policy, an international affairs budget that speaks to an emerging new reality in the world, not a foreign policy rooted in the obsolete ideas of the cold war. Finally, Mr. Chairman, we wrote a budget that embraced our fiduciary and statutory responsibilities to address the budget deficit by responsible utilization of taxpayer dollars, and by equitably changing the nature of America's tax structure.

Mr. Chairman, with that process we came up with $45.1 billion in new revenue, real dollars, not smoke and mirror moneys, real dollars; $19.8 billion in general revenue; $25.3 billion in budget cuts, for a total of $45.1 billion.

How did we come to the $19.8 billion in general revenue? The President of the United States on a number of occasions stated, "Watch my lips; no new taxes." But in the President's budget submitted for fiscal 1991, in the budget the President used a euphemism called new revenue options to the tune of $13.9 billion. The Congressional Black Caucus looked at the President's list of $13.9 billion, Mr. Chairman, and we said that in good faith we could not accept $5.7 billion of the President's $13.9 billion in new revenue options. For example, we could not support the capital gains initiative for $4.2 billion. So we agreed to accept $8.2 billion of the President's $13.9 billion. So we were honest enough to come public, up front and say what part of the President's revenue package we could support and what part we could not support, so we start with $8.2 billion in revenues.

Mr. Chairman, there are some Americans, by virtue of their wealth and status in our society, who only pay a 28 percent marginal tax rate, while the majority of the American people pay 33 percent and above. We said why should these people pay at 28 percent? So in the spirit of tax equity, we removed the so-called tax bubble. That gave us $4.1 billion additional in revenue.

We looked at who benefited over the last 10 years in the budget in tax benefits. During the Reagan era, corporate America benefited magnificently by these incredible tax gifts. So we looked not at individual American taxpayers but corporate taxpayers, the top 10 percent of the corporations in this country, and we said let us levy a 10 percent surtax on them. That gave us $6.5 billion.

We then looked at the Humphrey-Hawkins legislation and said that if we are able to demonstrate our capacity to lower the unemployment rate by one-tenth of 1 percent, we derive at least $1 billion in new revenue.

So $8.2 billion, $4.1 billion, $6.5 billion and $1 billion adds up to $19.8 billion in general revenue, real money, new money.

We then looked at the ongoing budget. We decided not to engage in draconian cuts in social programs at a time when human misery is being visited upon millions of the American people. We looked at the military budget in an emerging new world. We said we are presently spending at the rate of $306 billion. The President wants to spend at $303 billion. The Congressional Black Caucus said they can live with $279.4 billion. That is one incredible amount of money, Mr. Chairman. So we reduced the President's request by $23.7 billion net. We had really cut $3.2 billion in addition to that, but we took the $3.2 billion and put it back in the budget, one, for economic conversion because we said as we close plants and we close military facilities at the Federal level we ought to assume the responsiblity that if we make a decision in the national interest of offset the economic pain and hardship that is felt by human beings out there in the hinterlands when they are forced to absorb this national commitment. We also felt that based upon our responsibility to turn over to our children a better world environment than the one that was turned over to us that we have a responsibility to clean up the toxic waste.

So the net cut was $23.7 billion. Some people said how can you cut $23.7 billion.

When this gentleman first came to Congress nearly 20 years ago, the 1971 military budget was $73 billion. Ten years late, the last year of the Carter administration, the military budget had doubled to $143 billion. Ten years later the military budget is in excess of $300 billion.

So in the short span of 19-plus years, we have seen our military budget go from $73 billion to $300 billion some odd, an incredible amount of money. If anyone thinks that cutting $23.7 billion is suddenly going to create war in Europe, my question is this: Who is the enemy? We are spending $160 billion per year to maintain America's role in NATO. Where is the enemy?

At best, the Warsaw Pact has been rendered impotent as a military entity, it is nonexistent as a military entity, worst case. What do the West Germans have to fear from the East Germans? They are talking about unification.

If we are spending $160 billion to maintain our role in NATO, and the world has changed, the Berlin Wall has collapsed, Communist governments have collapsed, what makes us think we cannot find some money to save?

Mr. Chairman, $23.7 billion would not suddenly render America impotent. If anyone thinks the Soviet Union is sitting there saying, "Ah ha, they have cut their budget by $23.7 billion, let us attack," why did they not attack when it was $73 billion or $143 billion or $218 billion? There is

nothing sacrosanct about dollars, Mr. Chairman. Our military budget ought to reflect the realities of the world, not some abstract idea.

We look at the military budget and we build it on the basis of worst case scenario, where the probability of war breaking out is 1,000 to 1. But let us look at the worst case scenario in terms of poverty in America. There are 13 million children in America who live in poverty, 10 million blacks who live in poverty, millions of people, blacks, brown, red, yellow, white, who live in poverty in America. Let us look at the worst case scenario in terms of housing. There are millions of America's people living on the streets of America in the wealthiest Nation in the world, and we have hundreds of thousands of people who eat out of garbage cans everyday, worst case scenario; 22 million American people, Mr. Chairman, who are functionally illiterate, worst case scenario; in some urban areas we have a dropout rate in excess of 70 percent, worst case scenario; we have drug problems that are crippling this Nation and destroying our communities and killing our children, worst case scenario; $23.7 billion is not much money to cut. We cut $23.7 billion.

We looked at the science and technology budget and we cut $1.4 billion out of that because we saw research designed to enhance war, not to perpetuate human life. We then cut $200 million in the foreign military credit sales for a total of $25.3 billion; $19.8, $25.3, that comes to $45.1 billion.

□ 1410

How did we apply this money? First we met our fiduciary responsibility. Gramm-Rudman gives us a statutory responsibility to meet at least $64 billion in deficit reduction. The Congressional Black Caucus' budget comes to $63.7 billion in deficit reduction. We have met our statutory responsibility in fiscal 1991.

We introduced this budget as a House concurrent resolution which required us to project our budget calculations into the out years. Very interesting reflection: In fiscal 1992 we are also able to meet our statutory responsibility under Gramm-Rudman, and in fiscal 1993, Mr. Chairman and members of the committee, we in the Congressional Black Caucus are proud to say we give America a $5 billion surplus. We give it back; surplus.

So we have met that responsibility. What do we do with the remainder of the dollars? We took $33 billion above the President's request, $33 billion and put it in nonmilitary issues.

Mr. Chairman and members, we just celebrated Earth Day. We believe that we have a responsibility to preserve the fragile nature of our ecological system, to turn over to our children and to our children's children a planet where you can drink clean water and breathe clean air.

What is the function of a nuclear bomb but to destroy human life? We cut these weapons. We cut them in program design to preserve the integrity of our planet. We gave some time, some money to education, to housing, to an incredible amount of programs that we desperately need to deal with.

$1.5 billion to rural America for agriculture. We did these things. We said if you are going to fight a real war on drugs, it is not just about building jails and hiring more police.

If 100 children walked in here now and said, "Give us treatment," we could not do it. We do not have the facilities. That is a bizarre and absurd notion.

We have to be about the business of saving American children, and our budget ought to reflect that.

So this is what the Congressional Black Caucus' budget has done.

To summarize, we have developed a budget based on competence, based on compassion and based on integrity. We have written a budget that focuses a new vision for America by expanding existing social programs and engaging in new initiatives, by developing a military budget not rooted in the obsolete idea of the cold war but rather of an emerging new reality.

Finally, we assume our fiduciary responsibility to meet our statutory requirements to bring down the deficit and 3 years out give America $5 billion surplus.

Mr. Chairman and members of the committee, I have said to my colleagues, many who have served in this body for nearly 20 years: We have earned the right to present a budget on the floor of the House.

I would say with all due respect I really believe this budget ought to be where the Democratic Party is. This is no way-out budget. This is no off-the-wall budget. We have assumed a tremendous responsibility.

That is where we ought to be. We came today to place ourselves in juxtaposition to the President's budget so that we can have an opportunity to look at the full range of ideas.

So we are here alone, but that is all right. We go forward with pride and with dignity and if Members want to oppose the budget, fine. But let us do it on the basis of your honest belief that you disagree with us intellectually and politically but for no other reason.

With those opening remarks, Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has consumed 15 minutes.

Mr. FRENZEL. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I rise in opposition to the fiscal year 1991 budget amendment of the Congressional Black Caucus. It has two principal flaws. First, the Caucus' substitute budget is far below the President's budget in defense, and below even the Democrats' budget as well. Second, this budget far exceeds the President's budget on new revenues, and includes raising personal income tax rates.

The Black Caucus' budget proposes defense outlays of $279.5 billion in fiscal year 1991, outlays $23.8 billion below the President's budget. Budget authority is slashed even further, to $259.4 billion, a level $47.5 billion below the President's proposed budget.

Despite welcome changes in the international arena, there are still threats to peace and stability in the world which suggest it is too early to dismantle our defenses. The defense spending cuts in the Black Caucus' budget are dangerous. They mean cutting defense by 22 percent in just 3 years. The Panetta budget cuts too deep for most Republicans. The BCB is even worse. While substantial defense savings will be recognized in future years, we must resist the temptation to make large, ill-conceived cuts in the very first year of major global change.

The other major problem with this budget is its revenue proposal of $19.8 billion, $5.9 billion above the Bush budget. This budget raises the marginal income tax rate of individual taxpayers and imposes an income tax surcharge on the top 10 percent of corporate taxpayers. I hate to be picky, but to penalize our most competitive companies, just because they are successful, is a woundreful way to give away all our competitiveness. At a time when there is considerable concern in this House over the competitiveness of U.S. companies in the international market, I find it impossible to support a budget that would impose such a surcharge on corporate taxpayers.

Although the Congressional Black Caucus' budget meets the fiscal year 1991 Gramm-Rudman-Hollings deficit target with a projected deficit of $63.75 billion, it does so through substantial defense cuts and substantial tax increases. For these reasons I oppose this amendment. However, I congratulate the Congressional Black Caucus for a thorough careful and comprehensive job of presenting its budget. It has added a significant demension to the budget debate.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I have never felt more proud than to be here to support the Congressional Black Caucus budget initiative. I thank our chairman, the gentleman from Califor-

nia [Mr. DELLUMS], for the magnificient and eloquent job he has done in presenting it.

For those that find it easy to attack us in what we consider to be a fairer and more kind treatment of taxes, I would suggest that if you compare this to the President's "read my lips" policy, you might find there is far more equity in this than what is being presented to us by the White House.

We of course support the President and Mr. Bennett's initiative in the area of fighting the war against drugs. Whatever success is being had by Mr. Bennett in South America, in Asia, to stop the cocaine and opium from coming into this country, we want to be a part of that support team.

Whatever Mr. Bennett suggests that we do in protecting our borders, we certainly want to be a part of that team as well.

□ 1420

However, when it reaches the point that the solution looks like it means that we have to build bigger jails and shift that responsibility to local and State governments, then we are proud to come forward and say the solution to this problem is not in building the jails, it is there that we have failed. We seek to find a solution in preventing our young people from feeling that in this great republic we do not give them the opportunity to come down and to have the option on the side of being drug free.

We truly believe that we are not going to ask our local and State governments to build $100,000 per cell jails at a cost from $20,000 to $60,000 to keep them in jail, and not be willing to provide recreation facilities, increase education for prevention, and most of all, to get involved in saying that we are going to treat these people before they end up in our emergency wards or before they end up in intensive care at the expense of $1,500 a day, yes; at the expense of $600 a day for hospitalization, yes; at the already hard expense of what we lose in terms of breaking up families and communities. Again, we would rather invest in people rather than jails so that we can have the labor market that is necessary for the United States to be productive, for the United States to be competitive, and for the United States to really get at what we should be doing. That is, reducing the deficit by increasing our ability to compete effectively.

If we take a look at everything that we are talking about in our Congressional Black Caucus budget, we will see that it emphasizes the confidence we have in investing in human beings, in investing in our young people, in our school system, and in our treatment system. It seems to me that we can talk about the death penalty all we want. We are talking about an investment and incentive in creating and extending life.

One of the saddest things that is going on in America today is the explosion of young children being born not only infected sometimes with the AIDS disease, but infants that are wracking in pain because they come into this world addicted to drugs. It seems to me that after this is over, many people would say that we in the Congressional Black Caucus have made a scholarly effort in presenting a budget for Members to consider. However, when we know that what comes to Members is smoke and mirrors from downtown, I hope there will be more courage than just innoculation for our efforts.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. ROGERS], a member of the Committee on the Budget.

Mr. ROGERS. Mr. Chairman, we hear it said on both sides of the aisle these days that it does not matter what kind of a budget resolution we pass in the House, becuase this is only the first stage in a long process whereby negotiations with the White House will result in a compromise. I am sure that is true, that we will eventually get a compromise.

However, what this body passes in the form of the passed budget resolution will have some teeth for the reason that the Committee on Appropriations, following on in the next 2 to 3 weeks, will be required to take the House-passed resolution numbers and divvy them up in what is called the 302(b) allocations to the subcommittee of the Committee on Appropriations, and that will become the mark of the appropriations bills that we are going to be seeing flowing out of this House floor, by law must be done by July 1.

What I am saying to Members is the House-passed budget resolution, whatever we pass, whether it be the Black Caucus resolution or the committee resolution or what have you, the House-passed budget resolution, as we saw last year, has real teeth in it, and your vote on today's budget resolution may come back to haunt Members in one way or the other.

Now, like the gentleman from Minnesota [Mr. FRENZEL], I have no real argument with the Black Caucus proposal. I think it represents a lot of compassion, represents a lot of hard work, and lots of thought. Mainly, it represents, as I have said, compassion for this country, and no one can fault that. I can argue that it takes too much from defense, and I will make that point to my friend—$23.8 billion below the Bush budget on defense outlays, to me, is simply unacceptable.

Let me get back to the point that I wanted to make, mainly, before I sit down, the real main player I think today on the floor is the committee-passed resolution, and when it comes for a vote later in the day, I hope our colleagues will bear in mind what I have said before that your budget resolution we vote on today will be meaningful, it will bind the Committee on Appropriations, and we are going to be seeing on the floor of this House, very soon thereafter, the Subcommittee on Defense appropriations bill for defense for fiscal year 1991. It will reflect the defense number that is included in the resolution that passes the House.

Now, if that is the committee resolution we are going to see, then an appropriations bill on the floor of this body that will come $11.5 billion from outlays, that will represent budget authority cuts of $33.5 billion. Does that mean anything to Members? I am talking plainly to those on the other side of the aisle, now who have been told that this is meaningless, it is only a debating point.

Let me wave before Members four pages of a list from a Department of Defense representing illustrative additional military construction cuts under the committee-passed resolution. Practically every Member of this body will be affected by these enormous, decimating cuts in your Nation's defense, at home. At home. This list is available to all Members. Members can ask the Department of Defense for it. I will be happy to make Members a copy. One that I have, and I am sure other lists are floating around the body, but this is real stuff. These are real cuts. These are real people in the military that will be cut. These are real programs at home in your district that will be cut if the House-passed budget resolution is divvied up, as I am sure it will be by the Committee on Appropriations, and passed into the appropriations bill.

I hope that Members will reflect, very carefully, on the vote they cast when we get to the committee version of the bill, and will bear in mind that this is the real world we are dealing with in this resolution.

Mr. DELLUMS. Mr. Chairman, I yield 6 minutes to the distinguished gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, thank you, I say to the gentleman from California [Mr. DELLUMS] for this opportunity to speak out very clearly on behalf of this quality of life budget, the Black Caucus budget.

I feel this is the budget that comes down on the side of the values of all the American people who have really sacrificed during the eighties when our resources and productivity were drained off for the Cold War. This budget, Mr. Chairman, should be the American agenda for the nineties. This quality of life budget looks at the world as it is now, and it responds accordingly.

□ 1430

This budget begins to pay back to America the cost of the cold war. Margaret Thatcher, who is no dove by any means, has said, "The cold war is over," and the cold war, I say to my friends, was a very costly war for this country.

We sacrificed a great deal to take on the burden of defending our European allies from the Warsaw Pact, and we took on a big burden of defending our ally, Japan.

Let us look at what has happened to the Warsaw Pact in the last year or so. We spent $175 billion a year defending NATO from the Warsaw Pact. That is more than half our military budget. What has happened in Poland? They established the first noncommunist-led government of the Warsaw Pact in August, 1989, with an elected President. The Communists were soundly defeated, the Communist party disbanded.

Romania: The dictatorship is overthrown and new elections promised.

East Germany: Communist government replaced with pro-reform officials. The Berlin Wall crumbles. Reunification plans with West Germany are progressing.

Czechoslovakia: Communist party leaders are dismissed. Dissident playright Havel named President—and on and on.

Hungary: Elections held; Communists defeated.

Bulgaria: Party and state leaders resigned in 1989 and multiparty elections are held.

Thousands of United States nuclear warheads are aimed at these countries, I say to my friends, and we are spending $175 billion a year to defend West Germany from these countries. I think there has to be room to cut just a little bit this year and more in future years from what we have been paying for so many years.

Let us look at Japan. We certainly have spent a great deal defending Japan. How much? Conventional defense of Japan in the Pacific sealanes: $26.1 billion. In every single year we pay that, I say to my friends.

I think it is time, if the Japanese want us to continue this kind of expenditure, that they reimburse us for just some of it, and maybe they do not really need this level of defense anymore, given the changes in the world.

So we have $175 billion to defend NATO from the Warsaw Pact and $26 billion that we pay from our tax dollars to protect Japan, the No. 1 economic power in the world, and this Black Caucus just cuts $16 billion less than we spent this year from next year's budget.

Do we not think there is room for even more cuts than they have made in this budget? I think so.

Now, if that does not convince Members that we have a changing world, I have another chart that I hope will. Sixty of the top 100 defense contractors, as we sit here today, are under investigation for waste, fraud, and abuse by the Defense Department and the inspector general. Everyday we read about outrageous things, cost overruns, cheating, lying, stealing. Do we not think there is room in a $90 billion procurement budget to find a few billion dollars to cut and tell them to shape up? Not even our Democratic budget goes far enough on that.

I say to Secretary of Defense Cheney, "You're a good man. Reform thyself." The only way we will get this done is to look at this chart and cut the money, because otherwise it will not happen. It is too ingrained in our way of life.

Mr. Chairman, the budget before us is a great budget because what it does is it looks at the people who have made the sacrifices in this country, and that is all of us during this period of buildup, and what it says is that we have a new war to win. It is a war of economic competition.

Our previous sacrifices have made us vulnerable, so we need new priorities. We need to invest in our people. We need to invest in deficit reduction, as this budget does. We cannot afford $180 billion a year in interest payments on our debt. We need to invest in education so our kids will become productive. We need to invest in the war on drugs. We need to give every kid who is at risk a mentor to help that child through so that child will be productive. And I think it is un-American, Mr. Chairman, that tonight 100,000 American children will sleep in the street.

Let us talk about what patriotism is about. It is about investing in those children. That is what this budget does.

It also invests in our infrastructure. We are wasting 2 billion hours a year sitting on roads we cannot move on. Every day a bridge collapses.

So this budget is about rebuilding America. It is about reality. It is about a changing world and the needs of our people, and I am very proud to once more support this Black Caucus budget.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I, too want to praise the Black Caucus for coming forward with a budget presentation that reflects the reality of the world as they see it. It is a reality, though that puzzles me to some degree with regard to some of the budget cuts that I am most familiar with, and those do not lie in the area of defense; they lie in the area of function 250, the Space and Science accounts of this Nation.

One of the things that is agreed to by most observers is that if we are to be a nation competing in a world economy and making certain that we are in the forefront of an investment in the future, what we have to do right now is make investments in that future by investing in science in this country, investing in high technology, and investing in programs like the space program.

That is the reason I must say that I am somewhat puzzled, indeed chagrinned and somewhat shocked, that the particular budget we have before us right now slashes the science account, the National Science Foundation, the space account, science education, all those programs, by 20 percent in budget authority over the President's request. That is a very, very major cut. It would mean that programs like "Mission to Planet Earth." a major environmental probe study program would have to be cut, if not eliminated. It would mean that Space Station "Freedom" cannot move forward and give us the new materials processing that we need for our future. It would mean that our attempts to move this Nation toward a Mars and Moon program could not be pursued.

If this was being done in a vacuum, I might understand it, but the fact is that the basis of this priority in the Black Caucus budget is also reflected in the budget given to us by the Democrats in their overall budget presentation, the Panetta budget. In that budget the Democrats slash the President's budget authority request in the science accounts by $1.2 billion in budget authority and $600 million in budget outlays. So they, too, have made a conscious determination that it is not only defense they want to cut, it is science, and it is the investment in the future that we need to create, because we need the new wealth of that future to make certain that we are in the forefront of what has to be done in order to participate in a high-technology world econony.

I am stunned by the numbers of Members who have come to the floor today and suggest that the budgets we have before us today, the Black Caucus budget and the Panetta budget, somehow recognize that reality and that they are in fact in line with what needs to be done for our global economy in the future. They are not. If we are willing to say that one of our priorities is to slash science accounts, the way these budgets do, then I have to say that it is clear you are not willing to make the investments that are necessary for the future.

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I must say that they say they are

making these vague cuts because they are taking it out of the hide of the military, but function 250 does not have any military money in it. They cannot say they are taking that out of military research and development, because that is not where it is.

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentlewoman from California.

Mrs. BOXER. Mr. Chairman, I thank the gentleman for yielding.

The gentleman has lauded the Bush budget for what it does in the science area. Is the gentleman planning to offer the Bush budget to this body today so we can vote on it?

Mr. WALKER. Of course, as the gentlewoman knows, because I am sure she is at least familiar enough with the rule by which it was brought to the floor to know this, this gentleman cannot offer that budget, and no other Member can offer it except the Member designated in the rule.

Mrs. BOXER. Mr. FRENZEL can appoint a designee.

Mr. WALKER. I would say to the gentlewoman that I would have proudly voted for the Bush budget because it does recognize the reality I am talking about. I would have been very glad to come up here and defend the Bush budget, because the Bush budget does the things that are necessary to do instead of putting money——

Mrs. BOXER. Then why does the gentleman not ask Mr. FRENZEL——

Mr. WALKER. I have the time, I say to the gentlewoman, and——

Mrs. BOXER. The gentleman could have been named as the designee.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] has the time.

Mr. WALKER. Mr. Chairman, I wish the gentlewoman would familiarize herself with the rules of the House so she would know that she cannot speak until she is yielded to. I was glad to yield to the gentlewoman.

□ 1440

Now, Mr. Chairman, let me explain where the Democrats do put money in their budget. They slash it out of science. They take it out of the hide of National Science Foundation, out of our space program, but where do they put the money? Well, if my colleagues look at the overall, 5-year budget, they take it out of the science accounts $7.5 billion. The take $214 billion out of defense, and where do they put the money?

Mr. Chairman, they put it into welfare programs. There is a 30-percent increase in welfare programs. They take it out of science, put it into welfare. Now is that what the real priorities of the American people are? The Democratic Party has long been criticized as the party that is too much concentrating on welfare when, in fact, in their budget they prove that.

They also, Mr. Chairman, claim that they are putting the money toward fighting the drug war. When I look at the budget, that is not there—$214 billion out of defense; they give a 1-percent increase over 5 years to the Department of Justice to fight crime and fight drugs. In this year in budget outlays they give absolutely nothing. They slash $7.8 billion from defense and give absolutely nothing in the Panetta budget to increased money for fighting crime and drugs.

So, Mr. Chairman, it is clear that it is not toward crime and drugs that they are aiming their money. It is toward welfare. It is a big, big welfare budget, and, if my colleagues think that the priority of the Nation should be to slash our accounts for handling science in the future and give the money to welfare, then they will love both the Black Caucus budget, and they will love the Panetta budget because that is where we are going.

Mr. Chairman, I do not think those represent the priorities of the American people.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, I deem it a rare privilege to rise in full support of the Dellums/Congressional Black Caucus substitute to House Concurrent Resolution 310, the congressional budget resolution for fiscal year 1991. This substitute budget resolution reflects the basic values of the United States. It facilitates the institutionalizing of democratic values at home and abroad in its concern for peace, harmony, social justice, and for meeting the needs of the underprivileged as the world moves towards a postindustrial, high-technology society.

These laudable aims are scheduled to be accomplished basically by reducing fiscal year 1991 defense funding by $56.4 billion in budget authority and $27.4 billion in outlays below the baseline level. These cuts are in stark contrast to those of the congressional budget resolution where cuts are only $32.8 billion and $11.5 billion, respectively.

The Dellums/CBC substitute resolution, humanely, and in keeping with the tenats of social justice, reallocates much of the defense savings to increased funding for such domestic programs as job training, housing, education, environment, food, and nutrition programs.

This substitute resolution assumes $19.8 billion in increased revenues. This is significantly different from the $13.9 billion assumed in the congressional budget resolution.

It is of significance that this substitute resolution provides for a $1.9 billion expansion of international development and humanitarian aid with emphasis on the sadly neglected needs of African and Caribbean development and increased food assistance programs particularly the Food for Peace Program to alleviate widespread poverty, famine and hunger in Africa for which Congressman Mickey Leland died.

It is, therefore, fitting and appropriate and in keeping with CBC commitment that an amendment was tailormade to accomplish the above is entitled the "Mickey Leland African and Caribbean Development Act of 1991." This legislative provision has also been incorporated into H.R. 4610, the Foreign Assistance Authorization Act of fiscal year 1991.

As the United States sets foreign policy priorities for the post-Cold War 1990's, Africa and the Caribbean keep slipping further behind other regions of the world.

In 1984, excluding food aid, Africa received $667 million in economic assistance from the United States constituting approximately 14 percent of total U.S. foreign economic aid. However, this year, the figure decreased to $575 million or approximately 11 percent of total U.S. foreign economic aid. Moreover, while one non-African nation received about $700 per capita in United States aid, Africa received less than $1 per capita.

The need is, therefore, dire and great for significantly more funding for Africa particularly when 30 of the continent's 51 countries are endeavoring to implement economic reforms to facilitate the building of modern economies.

These events are taking place at a time when France is reducing its role in its African ex-colonies. It is quite clear that the focus and attention of the United States foreign policy thrust and aid are shifting dramatically to Eastern Europe and Central America, particularly Panama and Nicaragua with the continuing neglect of Africa and the Caribbean.

The Mickey Leland African and Caribbean Development Act is structured to increase significantly, foreign assistance to Africa and the Caribbean. For Africa, it would provide $1 billion in development assistance with $15 million earmarked for Namibia and $85 million earmarked for the Southern Africa Development Coordinating Committee [SADCC].

For the Caribbean, the bill authorizes: $60 million in ESF funds for the Caribbean; $93.6 million in development assistance for the Caribbean; as well as $49 million in development assistance and $39 million in ESF funds for Haiti.

Africa, however, in spite of this $1 billion, will still receive the smallest share going to any region of the world with 31 of the 46 countries in Africa

classified as the world's poorest nations. Moreover, for the past decade, Africa has been consistently allocated the smallest portion of United States foreign assistance. Additionally, over the last several years, Africa is seemingly the only continent that has experienced both proportional and absolute cuts in U.S. economic assistance.

It is indeed difficult and well nigh impossible to think functionally about global peace and harmony in what is increasingly becoming a global village, without giving serious consideration to the social and politico-economic needs of the important geopolitical regions of Africa and the Caribbean.

Within this context, therefore, the underlying philosophy of the Dellums/CBC substitute budget resolution, in terms of its programmatic thrust, will be most reflective of the United States as a great and caring nation. This substitute budget epitomises the basic value orientation of a kinder, gentler nation that can safely serve as a model of democracy throughout the global village and is, therefore, richly deserving of the support of all of my colleagues.

With that in mind, Mr. Chairman, I ask all my colleagues to vote for this measure.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I just want to point out to the gentleman from California [Mr. DYMALLY] that there are only two places that he cuts in his budget. One of those is function 50, and one of them is function 250. Function 250 is where the NSF is, and he slashes $3.5 billion out of budget authority in that account so that there is no transfer of defense money to National Science Foundation. In fact, he cuts both of the budgets in this presentation.

Mr. DYMALLY. Mr. Chairman, what we basically looked at was the military-related research activities and shifted that into the historically black colleges and all other NS funds.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DYMALLY. Mr. Chairman, I relinquish the balance of my time.

Mr. WALKER. Mr. Chairman, I just wish the gentleman from California [Mr. DYMALLY] would debate me on the point.

The CHAIRMAN. The time of the gentleman from California [Mr. DYMALLY] has expired.

Mr. DELLUMS. Mr. Chairman, I yield the gentleman from California [Mr. DYMALLY] an additional minute, and would the gentleman yield to me?

Mr. DYMALLY. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, let me simply say to my learned colleague, the gentleman from Pennsylvania [Mr. WALKER], that I know the gentleman studies very hard. However, Mr. Chairman, in this particular instance I am sure the gentleman did not look at the subcategories of function 250 because in the National Science Foundation the Congressional Black Caucus plussed up the President's budget by $900 million, and in the area of DOE general science that the gentleman alluded to we plussed up the President's budget by $509 million. Where we cut was in military related science.

Mr. Chairman, I would simply say that NSA, when it first started out, was a civilian organization. I know the gentleman from Pennsylvania [Mr. WALKER] knows that almost half of the NSA's missions are now militarily related. We cut some money out of that, not out of the programs that my colleague responded to.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. Mr. Chairman, this is on the charts that we have produced.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. Mr. Chairman, I would be happy to yield if I have the time.

The CHAIRMAN. The time is controlled by the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, the gentleman from Minnesota [Mr. FRENZEL] has a great deal of time, and I am sure that he will yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. FRENZEL. Mr. Chairman, I yield an additional minute to the gentleman in the well, the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, that is very, very kind.

Mr. FRENZEL. Mr. Chairman, I yield an additional 2 minutes to the gentleman from California [Mr. DYMALLY].

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I appreciate the gentleman from California [Mr. DYMALLY] yielding to me.

Mr. Chairman, I just want to point out that indeed NASA does spend money that is money from the military. It is money which, however, is reflected in function 50, which is transferred then to NASA. In function 250, handled by our committee and handled by the committee headed by the gentleman from Michigan [Mr. TRAXLER], the subcommittee, that money is purely civilian research money, and it is money that is being slashed by $3.5 billion in budget authority over the President's request in this budget.

That is the problem, that they are taking the money out of the civilian side, and what they do in the subcategories has no meaning here because that will be determined by the Committee on Appropriations when they get their account.

In this particular instance what is happening is that they are taking money out of civilian science.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. DYMALLY. I yield to the chairman of the Congressional Black Caucus, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I listened very carefully to my colleague, the gentleman from Pennsylvania [Mr. WALKER], and I say, "Now you're walking with your legs wide open because you're walking on both sides of the street. If you say that the subfunctions don't count, because ultimately authorization and appropriation would deal with it, then I would suggest the gentleman pulled the leg out from under his own argument. So, how can you argue so diligently about a subfunction when you just said it doesn't count? Either you accept this gentleman's integrity in telling you what we've done in trying to plus up the categories, or the gentleman walks away from his own argument."

Now I have listened very carefully to my colleague.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman from California [Mr. DYMALLY] for yielding because it seems to me that this is exactly what we are debating here.

I say to the gentleman from California [Mr. DELLUMS], "You are only presenting numbers on the House floor. You're not presenting your subcategories. You know that as well as anyone else in the House, and the numbers that you are presenting for function 250, which is what the 302(b) allocation will be to the civilian science accounts, are such that you have slashed $3.5 billion out of their budget authority, which means that will come out of the hide of NASA, NSF and all the rest of the accounts that are the civilian accounts."

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from California.

Mr. DELLUMS. Just one last comment, Mr. Chairman. I am sure we will not resolve this.

I would simply say, Mr. Chairman and Members of the body, that we submitted this budget in the form of a House concurrent resolution, and we met all those responsibilities to articulate specific numbers even in self-functions. That is a matter of record, and the gentleman from Pennsylvania [Mr. WALKER] can take a look at it.

Nine hundred million dollars above the President on National Science Foundation and $509 million above the President on Department of Energy general science.

Mr. Chairman, I rest my case.

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I think, as the dialog we just had shows, the Congressional Black Caucus and my colleagues, the gentleman from California [Mr. DELLUMS] is to be congratulated for the intellectual exercises they have gone through today in bringing their proposed budget substitute to the floor. I think it does this body a service to be able to have debate on some of these substantive issues.

Mr. Chairman, I do not, as I am sure the gentleman from California [Mr. DELLUMS] might suspect, do not support that resolution, but I think it is a good amendment and substitute that deserves consideration. I have asked for this time to speak here this afternoon because the amendment carrying the President's budget proposal is not going to be on the floor, and it is the issue of comparison between the committee's budget resolution and the President's budget submission that I want to talk about.

Mr. Chairman, many accusations have been leveled as to which of the budget proposals—the President's, or this resolution—is more honest.

If honesty is desired, let's be honest in stating that neither of these proposals is an honest attempt to craft a legitimate, workable budget for our country.

The budget resolution under consideration is not honest or real, and frankly, the President's proposal isn't much better.

In fact, this debate isn't even grounded in reality.

Instead of debating the merits of the proposal, and the budget priorities of our Nation, we have spent 2 days debating to achieve a position to negotiate.

This is Congress in the "Twilight Zone!"

And if you think the House of Representatives has fallen down on the job, we should consider what is happening in the Senate.

Instead of setting priorities and needs, the Senate is working from the other end, auctioning off acceptable deficit numbers. When they are able to reach agreement on a final number, only then will they consider plugging in program numbers.

It is time both sides get down to business, and get serious about what this budget needs to accomplish.

We need a budget that focuses on the needs of this Nation: The need to be competitive in the world, to address social concerns at home, to provide for security into the future, to react to changing global realities, and to deal with underlying economic concerns.

We need flexibility and strength of a coherent fiscal and economic policy that will allow the United States to continue to be a leader in the world.

We need leadership not only abroad, but at home.

Leadership to stop the cycle of game-playing to set us back on course for strength in the next century.

We need to debate a budget resolution that sets our priorities, and provides the means to meet them.

At the same time, we must be willing to reform or eliminate programs that are no longer priorities, or whose usefulness has been outlived.

Instead, the only priority apparent in this debate is the priority of politicians concerned with slipping something through—applying another band-aid—to get us by until the next election.

President Bush was elected partly on the belief that more cooperation between the White House and Congress was needed.

The American people expect new leadership and new priorities, not the same old stalemate, and tinkering around the edges that has become the nightly news staple.

Instead of taking on challenges we are fleeing from them. But this doesn't have to continue.

I urge my colleagues to reject this budget resolution and send a message: Send a message to the leadership in this body and the Senate that we want substance and results; send a message to the President that we want courage, cooperation, and leadership; and finally send a message to America that Congress is ready to roll up its sleeves and get down to work.

□ 1450

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, perhaps even more than other years, this year's budget offered by our distinguished colleague, the gentleman from California [Mr. DELLUMS] on behalf of the Congressional Black Caucus represents the future.

I believe that the Congressional Black Caucus budget clearly represents changes in our Nation's budget priorities that will occur in the next few years. This budget responds to our Nation's new military posture and begins to address a series of domestic problems that have for far too long gone unattended. It is a very real, rational, compassionate and just budget.

Mr. Chairman, perhaps even more than other years, this year's budget offered by our distinguished colleague [Mr. DELLUMS] on behalf of the Congressional Black Caucus represents the future. I believe that the Black Caucus budget clearly represents the changes in our Nation's budget priorities that will occur in the next few years. This budget responds to our Nation's new military posture, and begins to address a series of domestic problems that have for too long gone unattended.

Moreover, this budget is a just budget. A rational budget. A compassionate budget. A realistic budget.

The Black Caucus has offered a budget of which Congress can be proud. It makes realistic and practical cuts in military spending. More than any other proposal before us, the Black Caucus budget makes large new investments in the areas of education, housing, health care, and the environment. Further, as in past years, the Black Caucus budget reduces the deficit by more than any other alternative. Through a practical and fair combination of cuts in military spending and revenue increases, this budget would dramatically reduce the budget deficit. The Black Caucus budget would, if enacted, finally break through the political log jam which has prevented a comprehensive solution to our budget crisis. This budget would bring the budget into balance by fiscal year 1993.

The Dellums alternative recognizes that not only are our spending priorities askew, but so are our tax policies. Increasing revenues will be a part of any comprehensive solution to the deficit problem. Revenues must be raised, however, without penalizing lower and middle income Americans. They are the people who have suffered disproportionately as a result of the Reagan tax and spending policies. The tax burden has shifted dramatically away from those who are most able to pay and onto those least able to do so. The Black Caucus budget would raise revenues to help balance the budget by bringing back to the Tax Code a degree of fairness that was lost during the Reagan years.

One of the speakers on the other side of the aisle said some minutes ago that this budget creates problems for every Member who has any kind of defense establishment in his or her district and that therefore it should be defeated. Quite the contrary, what this budget does is to provide a challenge and an opportunity to every single one of us to look at the real national security needs of this country and not to distort those needs by spending money on wasteful, needless, redundant, unnecessary projects.

The fact is that no matter how many Panamas or Perus the Defense Department or the Bush administration dreams up, they cannot possibly come with the same kind of economic cost or consequence that a projected invasion of Western Europe by the Soviet Union would have cost.

Therefore, it seems to me that it is absolutely essential that we start providing for the American people and American communities the kind of retraining and reorientation help that will be of real substance and support to them, rather than the kind of rhetoric which says that you cannot close a single plant anyplace, you cannot

close down a single base anyplace, you cannot take a single person out of the Armed Forces anyplace, and that even when the threat disappears you still have the communities to spend $300 billion a year on in order to save jobs. The way to save jobs is to create civilian jobs, and this budget does that.

While this budget cuts almost $27 billion from military spending as proposed by the Bush administration, it restores $3 billion for the purposes of beginning a full scale, comprehensive program of economic conversion.

This budget recognizes that the Federal Government has an obligation to help workers and communities who will be affected by military spending reductions in the coming years. The $3 billion provided for this purpose would be used for income support, training assistance, and relocation assistance for affected employees. It could also be used as planning grants for communities who are vulnerable to a reduction in military spending.

Taken together, this program would help communities avoid the serious economic dislocation that occurs alongside a military program cancellation or cutback. In addition, it would give workers a chance to learn skills that will make them more employable in the civilian sector of the economy. Through this process, we can use vital resources for the purpose of revitalizing our economy, rebuilding our Nation's infrastructure, and make many of our industries more competitive internationally.

I urge my colleagues to support the Dellums substitute.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, I rise today in support of the Congressional Black Caucus alternative budget for fiscal year 1991. The CBC alternative budget provides for a secure national defense and realizes a significant peace dividend to help pay for neglected domestic needs such as education, housing, health care, and public infrastructure.

In the preamble of our Constitution, we as elected officials are charged to "provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Our posterity—that is our future generations—our children.

But what about promoting the general welfare?

In the last decade, our Federal budget has more than provided for the common defense with the massive buildup of our military. However, as Americans we have failed in our charge to promote the general welfare and secure the blessings of liberty for our Nation's children. Currently, the poorest segment of our society is our children—those who we expect to keep our Nation great into the 21st century. One in five children under age 18 is poor.

But the poorest segment of all is children under 6. In 1987, 5 million children under age 6 lived in families with incomes below the Federal poverty level. In other words, nearly one in four children under age 6 were poor that year.

Minority children under 6 are much more likely to be poor than white children under 6. Nearly one in two young black children are poor, and more than two out of five Hispanic young children are poor. Poor children are more likely than nonpoor children to struggle in school and eventually drop out.

We are raising generations of poor minority children in the midst of what Time magazine has called "The Browning of America." By the year 2000, one in three Americans will be a minority. By the year 2020, African-Americans, Latinos, Asian-Americans, and Native Americans together will become the majority of students in the United States. At the same time, the United States is facing a shortage of trained scientific workers with advanced degrees.

We know that we need educated workers for an increasingly knowledge-intensive economy. The pool we will have to draw from for those workers is those who are poorer, and less educated. They are the poor children of today.

I am pleased to inform my colleagues that the New Jersey State Assembly led by the pro tem speaker, assemblyman Willie Brown, approved a resolution yesterday endorsing the Congressional Black Caucus budget. The resolution praises our budget plan as a blueprint of monetary and social responsibility that offers an optional vision for the country.

Mr. Chairman, the Congressional Black Caucus alternative budget seeks to shift the balance in our Federal budget from weapons for a war we may never fight to people who have tangible human needs. The CBC budget is fair, and it is the only one we can all support. Therefore, I strongly urge my colleagues to vote in favor of the Congressional Black Caucus budget resolution.

□ 1500

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, this Congressional Black Caucus quality-of-life budget could easily be called a commonsense budget. This is a very profound document that is very practical. It was prepared by people who are quite creative, but on the other hand, one does not have to be a genius to understand this budget. It makes a very simple statement.

Mr. Chairman, it debunks some myths that are being deliberately promulgated to frighten the American people. We have demonstrated in the Congressional Black Caucus quality-of-life budget that one can make military cuts of great substance. We can cut deeply and we can cut immediately without endangering the economy of the Nation in any way, without displacing large numbers of workers.

We cut first in the defenses for Europe. For years I have been able to understand why we have insisted on spending billions of dollars for the defense of Europe and Japan. Germany and Japan are two of our major competitors in the economic arena. They are able to take care of themselves. Yet, we have been spending more than $150 billion a year to defend these areas that could defend themselves and are using the resources that they do not put into their own defense to bolster their own economies and to be more competitive with us in their products.

This has been a silly adventure. I assume that somebody in the military-industrial complex profits from it and is making a lot of money, because it has gone on and on.

We can immediately cut the budget without jeopardizing our internal economy by cutting the vast amounts of money that are allocated for the defense of Germany and Japan. We can immediately create a peace dividend that can be used for much more productive purposes, for example, education.

Mr. Chairman, I am primarily concerned about education, and education should be the concern of every American. The best defense, our major national-security initiative, should be in the area of defense; brainpower is the power that we need. Brainpower is what we need to revamp our economy. Brainpower is what we need to compete with our competitors in the economic arena, and two of those are the competitors I just mentioned.

A large amount of money is put into education in Germany and Japan. A large emphasis is placed on education. Teachers are given a status by raising their salaries to levels of doctors and dentists in the places like Japan.

We should move our resources in the areas that are important for the last decade of this century and for the 21st century to come.

The President has initiated a new education initiative with six goals, but he does not propose in his budget to put any money behind it. We have gone so far as to increase the budget for education by $4.2 billion. Most of that $4.2 billion would go to programs which are not at all controversial.

Head Start is not controversial. All experts agree that Head Start is a good program.

Presently Head Start is funded to take care of only 20 percent of the children who are eligible. The other 80 percent we propose to take care of in this budget.

Chapter 1 has been a great success, and nobody quarrels about the success of chapter 1. We are proposing to fully fund chapter 1.

These are simple matters. One does not have to be genius to understand it. There is no controversy among experts.

I wish my colleagues would adopt a different attitude toward his budget. It is a commonsense budget that they can go back to their constituency and defend. It is a budget that they can use to offer something new and productive to their constituents.

I hope we can get people to break out of the usual cocoon of thinking and vote for a budget that makes sense, a budget that will turn our priorities around and give back to the American people what has been taken so long in a silly military strategy defending countries that can pay for their own defense.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I am happy to come here in the well to stand as have many of my colleagues in very strong support of the Congressional Black Caucus' fiscal 1991 quality-of-life budget.

It offers something that has not been spoken of quite a bit here today, and that is that it offers vision for this Nation. It addresses real human needs and real human potential. It does so by supporting proven social plans and creating new initiatives by providing a national defense that is based on the international evolving realities of our world and not based on the obsolescent cold war policies that have for so long dictated our budget priorities, and by making substantive progress in budget reductions through true fiscal responsibility.

The interesting point is that the centerpiece of this alternative budget is, and remains, an unyielding commitment to our most precious resource, our children.

I have not come to talk about specifics and to debate category and subcategory funding levels. The chairman of the caucus, the gentleman from California [Mr. DELLUMS], has done that adequately.

I have come, rather, and instead, to talk about the common sense of this budget and to remind us that it still does some basic things here in this House. The CBC budget still differs from the Bush budget, as it did with previous Reagan budgets, and it does so in three different ways.

First of all, it rejects the domestic cuts that are proposed by the President. Second, yes, it does reduce military spending, and, third, it raises new revenue by eliminating the unfair tax rate that is enjoyed by so many of our wealthy citizens.

More importantly, Mr. Chairman, it is a move in the direction of common sense, and it allows us once and for all to step up to the plate and to do what we came here to do.

I would say to the chairman and remind myself that I did not come to this Congress to preside over a Nation in bankruptcy with no resources in its great vaults of compassion, unable to summon its own courage, with no will to dare to be different, and in the process to dare to make a difference, with checks that have been deposited in the great coffers of commitment that continue to come back marked "insufficient funds."

A few will remember what we say here this afternoon, but all will remember what we do.

We oftentimes find ourselves speaking in glowing terms about the great precepts of this Nation and what we stand for and what makes us proud. Yet, there are those who are saying, "I cannot hear what you say, because I see what you do." What you do essentially is to turn your back on the neediest and to fail to have the vision to move all of us into a new era.

I would ask my colleagues to look honestly at this budget and to ask the very basic question: Are we prepared to do something of substance that is, yes, a daring step in the right direction?

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from California for yielding me this time.

I must say that I think this is a very important day.

Mr. Chairman, we have heard so much rhetoric in this country about the "T" word for taxes. What the gentleman from California and the Black Caucus are bringing to this caucus is the "P" word on priorities. They are talking about what is this country's priority. We do not need to raise taxes if we can change our priorities.

I think if we take some of our current priorities and break them out on what we spend on a per-day basis, we begin to understand why this budget is so important.

Right now, the average taxpayer spends $15.2 million a day just for the B–2 bomber program. They only spend about $700,000 a day for the entire substance abuse and prevention program.

I think the average American would certainly think substance abuse and prevention is a whole lot more important than the B–2 bomber. This is a lot of what this budget does. It says that for our future getting substance abuse and prevention under control is much more important than building this plane that we do not know what we are going to do with.

If we again look at some other statistics, on a day-by-day basis, we are only spending about $440,000 federally to deal with the homeless. Again, I think an awful lot of people think that maybe we ought to be more concerned about the homeless and less concerned about maintaining the B–2 bomber and many other such programs. Now, people say how can you do this? Well, you can do it very easily. This is what this budget has done. It has converted priorities without a tax rise into all sorts of important educational programs, and to all sorts of things that are really going to have to do with the future, with the quality of life and all of that.

□ 1510

I have another way that one can save a lot of money. I remind you the Black Caucus budget just gives numbers. We have come up with a different concept for how we base our troops. It is called dual basing, the idea being you base American troops in the United States and you give them a dual assignment overseas, but with the entire family, the infrastructure and the organization in the United States, you save so much money, this whole budget works without laying people off.

Not only that, then when they are sent to their dual base, only the service member goes to that assignment. You then are practicing air and sealift, which is terribly important. You have maximum mobility. Right now where we have all sorts of people forward based, they are not even permitted to exercise, because those countries do not allow them to exercise, do not allow them to do close air support, or anything else. So they are really already dual based.

There are many ideas to save money. This is a good one, and I think we ought to really deal with our priorities.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, over the last few minutes we have heard again a lot of discussion about this particular budget as a budget which has vision, which deals in education, that deals in forward thinking, and all of those nice things. We have heard a lot of talk that we are doing this by cutting the defense budget.

I want to make it clear that in addition to cutting the defense budget, that this budget slashes by 20 percent the President's request in budget authority for the science accounts of this Nation.

Those science accounts pay for programs such as global warming, the research that we need in order to deal with this major environmental disaster. One of the major increases in the President's science budget was in that account.

It deals with alternative energies, of finding ways to use hydrogen, finding ways to use other kinds of fuels to make certain that we deal with our environmental problems.

It deals with science education and all of the things that we need to build up our science base in this country.

It deals with agricultural research to find ways of handling all of the crops and the livestock that we need in the future.

It deals with supercomputer networking to assure that we are competitive with other nations.

It deals with advanced technology development, to make certain we are building the new products that will be needed for the economy of the future.

It deals with Mission to Planet Earth, the ability to look down at Earth and figure out what is going on with our environment and trying to figure out a way to avoid an ecological disaster.

It deals with the Moon-Mars mission, a forward-looking kind of mission that will pay back enormously to this mission in new scientific kinds of achievements.

So that when this budget that we have before us and when the Panetta budget that is to come later slashes the science accounts of this Nation, it has an immediate impact. These are not budgets that can be said to be forward-looking. These are budgets that take us back.

There was an economist that won a Nobel Prize just within the last couple of years, did so because he pointed out that what we develop in terms of technology is what pays off in terms of jobs in the future. That was his premise. It is a premise that I think most of us agree with.

When you slash the research and development accounts of this Nation, as you do in this budget and as you do in the Panetta budget, you disastrously impact on our ability to be a viable economy in the future. That is a shame. And I am sorry that this budget and the Panetta budget are brought to us with major cuts in function 250, the science and space accounts of the country.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute. Mr. Chairman, first of all, I respect my distinguished colleagues from Pennsylvania. And as I have said on more than one occasion, the debate on the budget is too important to engage in hyperbole.

This gentleman sent a staff person over to you just 10 or 15 minutes ago to walk through in very specific terms exactly what we did in the budget. I would suggest that we do not do each other any great service when we attempt to overstate.

The gentleman has a set of politics; then articulate them. But do not attribute unto us ideas, thoughts, that are not there.

We sent a staff person over in good faith to say to you exactly what we have done. Mr. Chairman, members of the committee, it does not take a very bright person to understand that in this budget the Congressional Black Caucus has taken an incredible step to assist in educating the American people, and it does not serve us well, Mr. Chairman, to engage in that kind of overstatement and hyperbole. In fact, it is disingenuous to even interpret the caucus in that fashion.

Mr. Chairman, I am happy to yield whatever time I have to my colleague.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding. It seems to me that I have a perfect right to reflect upon the numbers that are in your budget.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

Mr. FRENZEL. Mr. Chairman, I yield the gentleman from California [Mr. DELLUMS] 2 minutes.

Mr. DELLUMS. Mr. Chairman, let me say to the gentleman from Minnesota [Mr. FRENZEL] that this is not coming off our time. The gentleman will be recognized at the appropriate points. But I think it is important for us to engage Members.

Mr. Chairman, I yield briefly to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I would hope that the gentleman from California [Mr. DELLUMS] would not say that it is disingenuous to debate the details of this budget. The gentleman did send a staff person over and we talked about it. I fundamentally disagreed with where you took the money out of the science accounts. When it was explained to me, it turns out that you probably did not take into account the fact that there are Defense Department transfers to take care of the spending that is in your budget that you have now cut out of the civilian R&D. That is a major mistake, in my estimation.

Mr. DELLUMS. Mr. Chairman, if I might reclaim my time at this point, let me just say to my colleague that we stated our point not challenging your right. The beauty of debating on the floor of this Congress is you can stand up and say what it is you choose to say. But all this gentleman is saying is deal with us from a position of mutual respect. If we are saying to you that that is not our function, that was not in any way the direction or the thrust of what we attempted to do, then the gentleman ought to let it lie.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I will be happy to yield.

Mr. WALKER. I am sure that the gentleman's intention was not to do that. The problem is that the functional way in which it happens in your budget is you take $3.5 billion out of budget authority for science, and that will have the kinds of results I am talking about.

Mr. DELLUMS. Mr. Chairman, if I might reclaim my time, on that point we simply have an intellectual disagreement, Mr. Chairman.

Mr. WALKER. Well, that is fine.

Mr. DELLUMS. We just disagree.

Mr. WALKER. But it is not disingenuous then to have an intellectual disagreement, and we do have an intellectual disagreement.

Mr. DELLUMS. If you do not challenge motives, then you just have an intellectual disagreement.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. CONYERS].

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. Mr. Chairman, today I rise in strong support of the amendment offered by my good friend from California, the Congressional Black Caucus "quality of life" budget.

As a body, the House of Representatives spends more time and energy on drafting and passing the annual Federal budget than on any other activity. The American people elect us to draft and pass a budget that reflects the priorities of our people and the needs of our Nation. And it is our responsibility to represent the views of our people as best we can.

The American people support the principles in this budget. The American people want us to spend more on child care, health care, and education, not on the Stealth bomber. The American people want us to expand housing assistance for low-income families and anti-drug programs, not the "star wars" strategic defense initiative.

The American people know that every dollar we spend on our children and people who want to improve themselves is a dollar wisely spent. The money we spend on these Americans today is money that we will save for years to come.

But what return will we get on an investment in a Stealth bomber that may never be able to achieve its mission? What return will we get on an investment in weapons designed to destroy human lives, instead of tools meant to improve human lives?

Until recently, there was understandable motivation behind higher levels of defense spending. But given the recent changes in the world, this body could not justify continuing

the high levels of defense spending given the needs of the American people today.

Mr. Chairman, this year we have witnessed revolutions and the dawning of a new age when peace is not an impossible dream. This year, we must again take the lead in crafting the direction of mankind, a course that America has helped plot for over 200 years. We must take the lead in fighting for peace and all the benefits that peace will bring.

The challenge of fighting for peace is almost as great as the restraint that practicing peace requires. But we must be courageous in our efforts to advance the causes this Nation stands for: liberty, freedom, and opportunity.

Mr. Chairman, this year let the House of Representatives signal a new day for America's people, because that is what this amendment represents. The quality of life budget is a budget for the citizens of this Nation who want to build a stronger America, and it is a budget that we who recognize that a stronger America means an economically more competitive America will support.

The key to national security in the 1990's does not lie in the Stealth bomber nor the MX missile. Only economic power can safeguard our future and the future of our children. By reinvesting in the education of our youth, the health care of our people, and the training of our workers, we can achieve the economic strength we will need in the 1990's.

This substitute budget is not only the direction we ought to take in the future; it is the path we should take today. This substitute is one we should enact at the beginning of this decade and we should maintain its principles throughout the 1990's.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. CONYERS. Mr. Chairman, reclaiming my time, there are several ways that one can mischaracterize this budget. The one earlier that I heard was that this was a budget for welfare, that it would help swell the rolls of welfare and the moneys that go to that. I am happy that I am not hearing that right now.

Another way then is to find a technicality, for example in a particular account, and then attribute a mischaracterization of what will happen from it.

But for this to be coming from the gentleman from Pennsylvania [Mr. WALKER] strikes me as a very interesting position, since the gentleman was the one, when I just recently brought up the bill to create a Cabinet for environmental protection, was the one that was in total opposition because it spent too much money.

The new gentleman from Pennsylvania [Mr. WALKER] is a gentleman who now comes to us with deep concerns about the environment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I will yield at some point. I cannot yield, as a matter of fact. I only have 2 minutes.

Mr. WALKER. Well, the gentleman mentioned my name. I thought maybe he would yield.

Mr. CONYERS. I know, but you will get plenty of time.

Mr. FRENZEL. Mr. Chairman, I yield to the distinguished gentleman in the well, the gentleman from Michigan [Mr. CONYERS], 2 additional minutes.

Mr. CONYERS. Mr. Chairman, I am not going to yield right now, no. What I want to say to you, sir, is that this is not the way to proceed. We voted and supported every environmental concern that you recite, and still do. You challenged it. I do not know what your ultimate position was, but you were clearly unsupportive of raising this to a Cabinet level. So I come here with some surprise.

Mr. WALKER. That is not true. Will the gentleman yield?

Mr. CONYERS. And I find that this is now your concern.

Mr. Chairman, I now yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

That is not true. I supported the Hastert approach, for instance, of raising it to a Cabinet level. But I think that we ought to spend money on real environmental research and real environmental action and not on environmental bureaucracy. And the gentleman's bill it seemed to me was overloaded with bureaucracy.

Mr. CONYERS. Thank you. That explains that. I do not think that too many people are going to be concerned about one person's new found concern about the environment, but to challenge a budget that creates jobs, redistributes resources, alleviates suffering of the poorest among us, improves education, deals with housing, deals with health care, helps fight the drug epidemic on all fronts, that to me is incredible.

□ 1520

I am hoping that we will keep hope alive, we will keep hope alive for Americans who would support the Congressional Black Caucus budget and realize one thing, because the one thing we count is who is joining us in this fight every year, a fight that is for all Americans.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. HOYER.]

Mr. HOYER. Mr. Chairman, I appreciate the gentleman yielding me this time, and I rise in support of the Congressional Black Caucus budget. It is a real budget, it is a quality of life budget, it speaks to the needs of this country and it makes choices.

Unfortunately, we are not going to have a vote, I understand, on the President's budget. I do not know why we do not want to make choices on behalf of the President. Apparently there are no members of the President's party who want to offer his budget on the floor, and that is a lamentable fact that speaks to the leadership of this Nation.

My experience over the last 10 years is that we have not been playing for real with respect to the budgets that we have received in this Congress—10 years, Mr. Speaker, is long enough; 10 years, indeed, is far too long. We must finally in this country begin to make tough choices, not just read lips, but make choices. We must begin to choose among the alternatives.

The CBC quality of life budget is, as it has been in the past, an exercise in making tough choices. I want to say that I intend to vote for the Democractic budget committee's budget as well. It too makes choices. I think it is an excellent document. I am proud of both documents.

The CBC alternative budget raises $20 billion in revenue. We need that revenue.

Campaign against me. Let the world know that STENY HOYER on the floor of the House said we need to feed hungry children, we need to help homeless people, we need to educate the young people of this country, we need to invest in our infrastructure, we need to invest the wealth of this Nation in the future of this Nation.

The Congressional Black Caucus imposes a surcharge on the top corporate taxpayers in our country. We ought to do that. The CBC alternative also eliminates the bubble. We ought to do that, because it permits taxpayers with the highest incomes to pay Federal income tax at a lower rate.

Tough choices, tough choices that will help finance new and proven programs that enhance the quality of life for ordinary Americans; no voodoo economic, no smoke, no mirrors, no 30-second sound bites and cute campaign slogans, no more delay, just tough choices.

We may argue about some of the particulars. Is the cut in the defense budget too large? I happen to believe it is.

Will we again hear the White House chorus singing the old worn out tune about "tax and spend Democrats," as opposed to "borrow and spend Republicans"? If I had the unenviable responsibility of drafting the budget, some of my choices may not be the choices that you would make. But the gentleman from California [Mr. DELLUMS] and the CBC are offering today a budget that is clearly on the right track. It is a good step forward. It speaks to the priorities we should set in America. Let us support it.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I again rise to express my full

support for the passage of the Congressional Black Caucus' "quality of life" budget, which we are considering today as an amendment in the nature of a substitute to House Concurrent Resolution 310, the congressional budget resolution for fiscal year 1991.

I rise also to encourage that my colleagues take a very close review of this alternative budget. We, here in the House of Representatives, are always full of rhetoric. We talk about the needs of children and families—everyone is in support, we talk about the needs of the elderly—everyone jumps on the bandwagon, and we talk about eradicating poverty—everyone signs on as cosponsors. I want to know why it is then so difficult to back up the rhetoric with strong support for a budget which reflects more clearly the values which the majority of our country hold.

The "quality of life" budget enhances the proven social service programs, while creating new initiatives especially in job training and education. The proposal most importantly modifies Tax Codes, ensuring fiscal responsibilities to encourage deficit reduction efforts. Finally, the CBC budget promotes appropriate reductions in the military by eliminating unnecessary missile programs like the MX and Midgetman.

The CBC budget is fiscally sound, programmatically sensible, and morally right. It is a budget which shows that spending for crucial social programs can be maintained and increased where needed, while our national security does not have to be compromised. Most importantly, this alternative budget shows us that deficits can be reduced to the mandated levels under the Gramm-Rudman-Hollings law. In fact, the CBC budget creates a $5.3 billion surplus in fiscal year 1993.

As you make your decision today whether or not to support this proposal, please know that this is not a black budget, it is a human budget—that is designed to reach out to those that are in need of some attention in this great Nation of ours. I have always held the position that sending our money to foreign countries in an attempt to spread democracy throughout the world is wrong. I implore you to support this budget today so that democracy can be spread right here in these United States to those who are being neglected, to those who are victims of poverty, to those with no health insurance, to those who cannot access an education, to those who are hungry, and to those who are homeless.

In closing I want to thank my chairman, RON DELLUMS, along with my colleagues of the CBC for again answering the call of the people, and accepting the responsibility of drafting this very important document. I encourage all of my colleagues, particularly those persons of conscience here in the Congress, to vote for the passage of the CBC fiscal year 1991 "quality of life" budget.

Mr. DELLUMS. Mr. Chairman, I thank my colleague, the gentleman from Illinois.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I thank our colleague from California who has played an enormously important role in trying to lead this House and educate this country as to the proper allocation of resources, because that is what we are dealing with today.

I envy my colleagues on the other side. They have the perfect political position: nothing whatsoever to defend. By acknowledging that a budget is too hard, they have made their rhetorical job easier. I think they have made their political job harder, but that is where we are.

We now have the budget that has tough choices, and any budget that comes forward, given the deficit, is going to have tough choices. The quality of life budget carefully put forward, it seems to me, does a better job of meeting the constraints than any other.

We, of course, understand that we are talking about a budget which, for example, mandates cuts in certain programs, but does not by its terms compel those cuts. It deals in broad categories. It defers, as this House has always deferred, to the expertise of the substantive committees. No budget dictates the specifics. The budgets do allocate resources, none having done nearly as good a job as this one.

We have had, fortunately, in the man who has been leading the debate here on behalf of the CBC and the quality of life budget, the gentleman from California [Mr. DELLUMS], a senior member of the Armed Services Committee who has the advantage of having been proven correct in a number of areas. I know there are Members who say that they do not like to say, "I told you so." Mr. Chairman, I think that is not true.

□ 1530

I think everybody likes to say "I told you so."

Mr. Chairman, I think that is not true. I think everybody likes to say "I told you so." I have personally found it is one of the few pleasures that improves with age.

The gentleman from California and others are entitled to say that now.

Mr. Chairman, this budget makes a radical statement that Hungary, Poland, Czechoslovakia, Bulgaria, East Germany are not going to invade France. That alone saves a large amount of money. Now that may be controversial. If the President's budget had been presented by the Republicans, we would have had a chance to defend France against Hungary, Poland, Czechoslovakia, East Germany, and Bulgaria. But in the absence of that budget, we are going to have to accept the fact that that is not coming.

We had the Secretary of Defense come and say, "By the way, all those B–2 bombers I said I needed, I don't need as many." He violated his own precept, which is, "If you don't want to afford a weapons system, get rid of it, don't stretch it out, pull it up, shake it down, and cost us more money."

This is a budget which begins to address real human needs. We here as representatives of a great country have as our obligation building a strong America. This is a budget that does more to build a strong America than does any other before us because it recognizes the victories we have gained in the military area. It recognizes that freedom has come to Eastern Europe, that it is the Soviet Union which is on the defensive.

I understand many of us are critical of what they are doing in Lithuania. But a country that finds itself at military swords points with an entity that it has long felt was an internal part of itself is hardly, by that reasoning, a stronger enemy. This is a country in serious difficulty.

Even Outer Mongolia has not opted, apparently, for greater democracy. We can probably save $400 or $500 on that alone.

This is a budget which says primarily that the military expenditures of past years are unnecessary in that degree. It leaves us with a military that will be stronger than any in the world. No one can argue that this would leave us vulnerable in any area where our national interest needs to be protected. Instead it frees up resources to meet those needs in housing, in child care. No one, again, can deny that there is a great need.

What this does is it takes President Bush's admirable rhetoric from the 1988 campaign and it makes an honest campaign out of it.

It puts some flesh on those bones. It in fact provides for education and for the environment and for housing and for other areas where the President said he wanted to be helped.

In taxation, it is a relatively small amount over the President. Let us not forget that the President calls for increased taxes in the teens. This calls for somewhat more and in a more progressive way.

But again I want to say Members are entitled under this to vote for this budget as a declaration of allocation of resources and then decide in finding $6 billion more than the President wants in new taxes, how they would do it. I think that the kind of progressive

taxation this talks about is quite admirable. But I recognize that we would have it wide open before us.

The fundamental issue here is the allocation of resources. No budget does it as well, and I congratulate its authors.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I take this time to pay tribute to my friend from California [Mr. DELLUMS] and to the work of the Black Caucus for the serious effort that they put into this alternative budget, for the work that they have done, for their willingness to show courage and to provide directions.

I think the greatest satisfaction in this institution, is when an idea becomes reality. That is what is happening today because the Black Caucus, time and time again in the past few years, has argued how important it is not to just simply continue to increase defense spending and to continue to undermine our nondefense areas and our social needs, but instead to begin to find a better balance between our security needs abroad and our security needs within this country.

Time and time again they have been willing to offer those kinds of budgets, sometimes never knowing just how many votes they might or might not have.

But in doing that, they have provided direction and they have provided guidance and they have been willing to show specifics on taxes, on entitlements, on defense, on investments within our own society. Time has now caught up with these ideas. Changes in the world are taking place, and it is clear that the transition in the world is now reflected in the work that we must do.

Even the President talks about a kinder and gentler society.

So the gentleman from California [Mr. DELLUMS], has helped influence his direction and he has most certainly influenced the direction of the Committee on the Budget in the resolution that we bring here.

I am committed out of loyalty to the work of the committee because they worked hard to develop the package that is here. But it does reflect the transition that needs to take place from a cold war economy to a peacetime economy.

I will be loyal to the work of the committee because I think it provides for the gradual change that needs to take place in our society. But in doing that, I also want to pay tribute to the leadership the gentleman from California has provided because he has indeed lighted the path for the committee and for this Nation.

Mr. FRENZEL. Mr. Chairman, in recognition of the outstanding work of the Congressional Black Caucus and its chairman the gentleman from Califorinia, [Mr. DELLUMS], the Republican side is proud to yield to him, in acknowledgement of his work but not in affirmation of its result, 10 minutes.

The CHAIRMAN pro tempore (Mr. MFUME). The gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman from Minnesota.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania, [Mr. GRAY].

The CHAIRMAN pro tempore. Without objection, the gentleman from Pennsylvania [Mr. GRAY] is recognized for 3 minutes.

There was no objection.

Mr. GRAY. Mr. Chairman, we come once again to debate the priorities of our Nation. Where will we make our investments? What will be our values? As one prominent book says, "Where a person's treasure is there will be their heart."

The same thing is true not only of individuals but also of societies. Where we invest our resources tell more about us than all of the rhetoric and all of the reading of our collective lips.

So today, as we are drawing to a conclusion the decisions as to where we will place our values, our direction and our treasure, in fiscal 1991, I rise in support of the Congressional Black Caucus budget and the work that has been presented by its distinguished chairman, the gentleman from California [Mr. DELLUMS].

I do so because I believe that fundamentally we must look forward, not look back, not maintain the past. The President's budget is a maintenance of the past. It is "let's keep things just the way they are."

If you believe that is what is good for America, then you ought to vote for the President's budget. Unfortunately no one wants to present the President's budget for a vote.

However, if you believe that we ought to change priorities because of changing world circumstances, that perhaps we do not need 75 B-2 bombers at a $1 billion per copy, and that perhaps we need to invest more money in education so that we can have a literate, productive work force to compete with the economic giants in the Pacific and in Europe and in the 1990's and on into the 21st century, then you will want a different direction.

If you believe that star wars are more important than star students, if you believe that we ought to be concerned about continuing the weapons systems of the past rather than investing in the infrastructure, then you will stay where you are; you will say "No" to the Congressional Black Caucus; you will say "No" to the Democratic budget as well.

However, I do not think that is where America is. I think most Americans recognize that the world has changed a great deal and that we need to look forward to the future and to look forward to the future we need to invest in the infrastructure, and the Congressional Black Caucus budget does that to the tune of $3 billion more than the President.

We need to fight the war on drugs and crimes. The Congressional Black Caucus puts nearly $1 billion more into law enforcement than this law-and-order administration.

The Congressional Black Caucus says that we ought to do more with regard to health care. So instead of cutting Medicare by $5 billion from our seniors, it puts $5 billion back and goes above that by $500 million to cover additional people in need and in education.

It does not call a summit. It does not set goals. It does not call a summit and set goals and have meaningless rhetoric. It does not have only a 2-percent increase in education for fiscal year 1991 like the President's budget. If we are going to meet the goals of a literate society, let Members put the resources there. So the Congressional Black Caucus budget is $4.2 billion above the President in education.

Mr. Chairman, where is America? Does America want 75 B-2's at $1 billion a copy, or does America want more resources to educate its people and build roads, build bridges, and put people to work? That is what it is about. That is why I am proud to support the substitute offered by the gentleman from California.

The CHAIRMAN pro tempore (Mr. MFUME). The gentleman from California [Mr. DELLUMS] has 7 minutes remaining.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DELLUMS].

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] now has 10 minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

The CHAIRMAN pro tempore. Without objection, the gentleman from Missouri [Mr. CLAY] is recognized for such time as he may consume.

There was no objection.

Mr. CLAY. Mr. Chairman, I rise in support of the quality of life budget resolution.

Mr. Chairman, I rise in support of the Congressional Black Caucus' quality of life budget for fiscal year 1991. This budget alternative would reduce the defense budget authority by approximately $42 billion and use this peace dividend for housing, health care, food and nutrition, education and training, environmen-

tal protection, veterans services and antidrug abuse programs.

Today we are facing a critical test of our national resolve. We have entered an era of diminishing superpower aggression and cannot justify the expenditure of billions and billions of dollars on a defense program that's not needed. Mr. Speaker, this Congress must recognize that changing political conditions throughout the world have created a unique opportunity for us to reorder our financial resources to meet the human needs of our society.

The quality of life budget is the only budget alternative which seeks to create a more compassionate America. As we watch the Soviet Union and its allies abandoning communism and adopting democracy, we must put our own democratic house in order.

We have a moral obligation to acknowledge that the future of our great Nation is jeopardized by the dwindling ranks of our middle class. A rapidly growing number of American children live in poverty and an ever increasing number of homeless Americans have little hope of overcoming the economic enslavement of poverty. Our public education system is overrun with problems and our children are finishing school without the life skills necessary to become contributing members of our society. We cannot continue to ignore the desperate social conditions which are responsible for the economic enslavement of a growing half of the American people and which threaten the future strength, stability and prosperity of our great Nation.

Mr. Chairman, I envision a society where the hungry are fed, the homeless are housed and the sick are treated. That's not too much to ask of a government that can spend $200 billion to protect the embezzlers of megabucks from our savings and loan companies and its not too much to ask of a government that spends $500 million for one airplane and a billion and half dollars for a telescope to explore outer space.

Right now we have the opportunity and the resources to provide life support assistance to the helpless, the denied and the deprived. Right now, the debate is about what we are going to do with the "peace dividend."

We have a historic opportunity to reorder our Federal budget priorities and to address the desperate social problems which divide our society into those who have a decent quality of life and those who have no hope of a decent standard of living.

Mr. Chairman, we must seize this opportunity to reaffirm the traditional values of moral leadership. Government, after providing for the general welfare and the national defense exists to do for the people what the people cannot do for themselves. The quality of life budget provides us with the framework to establish policies that guarantee every family an opportunity to live in a decent home and a decent neighborhood. It would establish programs to educate every child to the fullest extent of his or her potential and it would create, through economic policies, jobs for all individuals.

Mr. Chairman, I believe most in this Congress share a vision of a better society and I believe the quality of life budget offers the opportunity to make our dream of a better America a reality. I urge my colleagues to overcome the fear of change, the chaos and the paranoia permeating the Halls of Congress—we must seize the dividend of peace to restore the spirit of America by ensuring that all citizens have equal access to the basic necessities of human life.

I urge my colleagues to vote in support of the Congressional Black Caucus' quality of life budget proposal.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of my time.

First, let me thank the distinguished gentleman on the other side of the aisle for his generosity. I am deeply appreciative. It gives me an opportunity to close the debate. Let me also thank the distinguished chairman of the committee, my friend from California [Mr. PANETTA], for his very kind and generous remarks. I appreciate both of these gentlemen's integrity and their courage in their convictions. Let me finally thank all of my colleagues who assisted in presenting the Congressional Black Caucus budget to this Nation.

In closing and bringing the debate to an end, let me make a few observations. Mr. Chairman, we indicated in our opening remarks that this budget is framed in competence, framed in compassion, and framed in integrity. Mr. Chairman, no Member here has questioned the competence of the Congressional Black Caucus' budget. As a matter of fact, a number of our colleagues on both sides of the aisle, irrespective of political ideology, complimented the competence of the Congressional Black Caucus' budget. Mr. Chairman, no one has challenged the compassion of the Congressional Black Caucus' budget. As a matter of fact, a number of our colleagues on the other side of the aisle spoke eloquently to the compassion of the Congressional Black Caucus' budget.

We have said this is not a black budget, though we recognize that pain and human misery is acutely felt in the black condition in people who are intelligent people. We recognize it is not exclusive of the black condition. Human pain and human misery cuts across all the lines that divide people in this country—black, brown, yellow, red, and white. This budget, as a human budget, is a national budget that embraces the realities of this Nation.

Finally, in that regard, no Member has questioned the integrity of the Congressional Black Caucus' budget. Where people have challenged has been on our analysis on the substantive issues. Even there, only on the fringe, only on the fringe. Mr. Chairman, no Member has said we should not expand the social programs and create new initiatives. It is just some people lack the courage and the will to do it.

Mr. Chairman, with respect to fashioning a new foreign/military policy, not rooted in the obsolete ideas of the cold war, but rather the emerging new realities, the Congressional Black Caucus has the courage to do just that. No one really wants to question that. But those who did said that "We think that the Black Caucus' budget does not address the real world." I wrote that down because I wanted to comment to it. The real world, Mr. Chairman, we will talk about. The real world, the Berlin Wall no longer exists. The real world, Communist governments crumbled in Eastern Europe. The real world, East Germany and West Germany are uniting. The real world, Warsaw Pact impotence, if not nonexistent as a military entity. The real world, all these things happened not because of B–2s and MX's and Trident submarines and Midgetmen, but happened because of the power of ideas, people's commitment to take charge of their destiny, people's desire to move beyond tyranny that had nothing to do with this madness. Mr. Chairman, that is the real world. The real world, American people in my humble opinion want peace, want nuclear disarmament. In the real world, American people know we do not need 132 B–2 bombers, $91 billion means 132 were not sacrosanct.

Think about this, Mr. Chairman: if every person thinks we are never going to use nuclear weapons, the B–2 bomber is Stealth, that means we cannot see it. If we cannot see it, and we do not want to use it, why not tell the Russians we built 132? Hell, if we can, not see it, nobody knows if we are lying, and we can take the money and go on and build America.

The real world, Mr. Chairman, the real world: MX missiles and Midgetmen, "The United States will be vulnerable to Soviet attack by the mid to late 1980's." Here we are in the 1990's, and we have not been attacked by the Soviet Union, have no mobile missile system, land-based, so it is crazy to assume that if the Soviet Union is having the tattoo without it, that some kind of way they will tattoo onto building it. But what do we do once we build, go to the table, go to the brink, back from the brink of disaster? We do not get the millions we wasted.

Real world, hundreds of our children are dying in every major metropolitan city in this country because of drugs and violence related to it. In the real world, we are not fighting drugs. In the real world, 13 million children live in poverty in America. What does it say about a nation that is more committed to building smart nuclear bombs than evolving an intellectual, smart generation of young people? What does it say, Mr. Chairman, in the real world, about a nation that is not committed to providing our young children resources from the fragile stage of the beginnings of life? The

real world, there are 10 million black Americans living in poverty, millions of white persons living in poverty, millions of brown Americans, red Americans living in poverty. In the real world, there are millions of people living on the streets in America. We ought to be ashamed of ourselves. The wealthiest Nation, in a nation where we spend $300 billion a year, we can ride home and see people eating out of garbage cans. I cry, Mr. Chairman, every time I see it, because in the real world, I feel pain. I did not come here as an IBM machine. I came here to fight, to fight to change the reality.

I have been saying to Members for 20 years, "the Russians are not coming, the Russians are not coming, the Russians are not coming." But I made a mistake. A few weeks ago they came—not in the spirit of war and violence, but in the framework of peace, and the desire to exchange ideas. Why do we need to build all these weapon systems? We just celebrated Earth Day. Now we want to build more bombs that have no other function but to destroy human life on this planet? What does it say about a nation that threatens its own children with nuclear war, threatens its children with tragic priorities while we march off trying to challenge some abstract enemy that is there trying to feed their minds and feed their people?

Then we hear the Secretary of Defense saying the Director of the Central Intelligence Agency is wrong because he said that what is happening in Eastern Europe and in the Soviet Union is irreversible. It sets logic on its head, when the Secretary of Defense gets angry at an objective analysis of the threat of the world, who is having problems selling a $300 billion military budget to Congress, which means it is about politics.

Mr. Chairman, in the real world there is pain. There is a need to change in the real world, Mr. Chairman. We have a few moments. Maybe that little 5, 10, or 15 minutes that Andy Warhol said that we "have on center stage," this Congress has that few moments when we can redirect the priorities of this Nation. Millions of Americans and people need it. We think American people care we tax the wealthy? Do we think American people care if we cut some of the military budget? I think not. I think the American people do want Members to engage in new priorities. They want their children educated, want affordable housing, because oxymoron—something is wrong. If we don't know what oxymoron means, it is a phrase that connotes apparent contradiction. I used to use rightwing intellectuals as my example of oxymoron, but now I use "affordable housing," because in America, the children cannot afford it. Kids are living at home, people living together, people living on the street. But we are busy marching off, building B-2's. There is something wrong in our society when we can find money to house the MX but cannot find money to house children, to house people in America. This budget is no flaming extreme budget.

□ 1550

We have been saying for 20 years that the world is changing. You wrote us off as the radical extremists of the 1970's. Then we were the ultraprogressive liberals of the 1980's. Well, we are here to tell you we are mainstream America in the 1990's, but not because we changed. The world has changed.

And I will say to my colleagues we have to change. No one really engaged us in debate here. People complimented us, patted us on the head and said, "You did a great job." Well, if we did, the proof of the pudding is in the eating.

Vote for it. We do not need your rhetoric. Vote for it because it is real. We do not need your rhetoric. Vote for it because America needs it. We do not need your rhetoric.

Yes, we did a competent job because we went about it competently. Yes, we did a compassionate job because we went about it caring about people. And, yes, we are not surrendering this Nation because anybody who thinks that a $279 billion military budget in some way is a surrender of America is living in an absurd world. I do not see the Soviet Union running across the central path of Europe. I do not see them coming to the United States, because they know what we know. We are all crazy enough to put these triggers under certain circumstances that would annihilate human life on this planet.

Our future does not lie in technology and nuclear weapon capability but in our commitment to peace and in our commitment to human beings.

Finally, Mr. Chairman, I have been here almost 20 years, and I have said on more than one occasion that I believe our responsibility is to the future. I am concerned about a world I will never see, the world of the children, the world of the future, the world of the tomorrows. Too many of us in this body are concerned about the world of today and the world of the next election. I am concerned about turning over the world to my children and my children's children. That is the world I want to see. That is the world that is included in this budget.

Mr. Chairman, I say to the Members, dignify us. Dignify America. Dignify the work we have done. Vote for the Congressional Black Caucus budget. Vote for an investment in America and an investment in the future of this country and the future of the world.

Mr. SCHEUER. Mr. Chairman, time and events have placed our colleague, RON DELLUMS, in an environment where he appears a true moderate, if not actually a conservative, in the context of recent events that have taken place in Europe. The Baltic States are rushing, not walking, to the nearest exit. The Communist States of Eastern and Central Europe have abandoned communism and are opting for multi-party democracy in a domino effect, the likes of which no one could have imagined a year ago. The Warsaw Pact has absolutely disappeared from the firmament as a practical matter. And even in the Soviet Union there are ominous rumblings of independence coming from the Ukraine.

Mr. Chairman, LEE HAMILTON and I chaired a long hearing of the Joint Economic Committee last week with three experts on the Soviet Union who testified that the Soviet Union has commenced what they described as a free-fall depression. Literally, they told us the Soviet economy is falling apart. They predict widespread famine. They predict violent consumer demonstrations for food and other basic consumer products. Mr. Gorbachev's prospects of holding the very basic fabric of life together, the very basic essentials of an orderly society together, seem questionable. All of his efforts and those around him must be, it seems to me, devoted to avoiding these stark, harsh predictions made by two distinguished Soviets, one of whom is a Member of their Parliament, who also joined in predicting violent demonstrations for the basic necessities of human life. The suggestion, with the Soviet economy and society balanced at the edge of a precipice, that at this point in time Mr. Gorbachev and his generals could conceivably contemplate a major nuclear confrontation with the United States is utter fantasy.

We do have a security problem, Mr. Chairman. Our security problem is kids who can't read, write, and count; workers who are functionally illiterate and not very productive; a society that is far from competitive with our main competition in Europe and Asia; a society that spends 50 percent more on health care than any of the other industrialized democracies, yet still ranks 19th in infant mortality. We still exclude 37 million Americans from the health-care system. We still fail to provide senior citizens with long-term care and catastrophic care. A society where the infrastructure—roads, bridges, tunnels, sewer systems, water systems—are falling to pieces before our eyes.

Mr. Chairman, these are the problems the Soviets are looking forward to; this is not what our great Country should look forward to. The Black Caucus Budget is a reasonable first step in reordering our priorities so as to direct our resources where they belong in rebuilding our country and establishing the quality of life we deserve.

I commend my colleague, RON DELLUMS, whose proposals may have seemed outlandish and "outleftish" in past years, but this year seem to me to be eminently practical, doable, and appropriate. Indeed, to continue the bloated level of military expenditures that the administration budget calls for—including $5.5 billion for the B-2 bomber, $4.7 billion for star wars, $2.2 billion for rail-mobile MX missiles,

$1.75 billion for the Trident II missile and $1.4 billion for yet another unneeded Trident Submarine—to me is the height of absurdity and an outrageous squandering of precious resources that are desperately need in the civilian sector of our society.

Mr. DIXON. Mr. Chairman, I rise today in enthusiastic support of Mr. DELLUMS' substitute amendment to the congressional budget resolution for fiscal year 1991 House Concurrent Resolution 310. I am proud to join my colleagues in the Congressional Black Caucus in endorsing this amendment.

When Ronald Reagan first addressed the Congress in 1981, he challenged those who opposed the impending policies of Reaganomics to devise an alternative which offers a greater chance of balancing the budget, stimulating the creation of jobs and reducing inflation. The CBC has responded annually with sound, innovative budget proposals which address the needs of this Nation with pragmatism, compassion and integrity. This year is no exception. Like its predecessors, the alternative budget proposal fashioned by Mr. DELLUMS and the CBC for fiscal year 1991 offers sensible and humane alternatives to the skewed fiscal priorities that have heaped pain and neglect upon our Nation's most vulnerable and disadvantaged citizens over the past decade.

The Dellums amendment proceeds from the belief that a major reordering of priorities must occur if the United States is truly to emerge a kinder and gentler nation in the 1990's. The substitute recognizes that recent developments in Eastern Europe and within the Soviet Union have dramatically altered the geopolitical landscape and warrant serious reconsideration of current military spending levels. It further recognizes that these long-awaited changes present our Nation with a tremendous opportunity to revitalize critical domestic programs which have withered during a decade of rampant defense overspending.

Accordingly, the Dellums substitute proposes $23.7 billion more in defense spending cuts than the Bush budget. This peace dividend is part of $45.1 billion in total revenues to go toward reducing the deficit and breathing new life into non-military programs of benefit to middle- and low-income Americans. Nearly $20 billion will be raised through progressive new revenue measures designed to restore equity to America's tax structure. The Dellums substitute proposes temporary tax increases for the wealthiest individual and corporate taxpayers, the primary beneficiaries of Reagan era tax reform.

This combination of defense savings and progressive revenue measures allows the CBC to commit $33.2 billion more than the Bush budget for nonmilitary spending, while still achieving greater deficit-reduction than the Bush budget. The substitute meets Graham-Rudman requirements for fiscal years 1991 and 1992 and produces a surplus in fiscal year 1993.

The CBC calls for a halt to the continued Reagan/Bush assault on Medicare, rejecting the Bush administration's proposed $5.5 billion in Medicare funding reductions. Moreover, the CBC supports the recommendations of the Pepper Commission and calls for the creation of a national health policy which provides full health coverage for the 37 million Americans who lack insurance and which addresses the needs of minorities, the poor, and other underserved groups.

The Dellums amendment increases support for education and job-training training programs, including Head Start and programs for education of the handicapped. It supports the creation of youth-incentive, employment, dropout prevention, and anti-gang violence programs, and increases funding for sorely needed programs in drug education and treatment.

The CBC provides funds for the expansion of the supply of permanent, affordable low- and moderate-income housing, and preserves Federal support for public housing rehabilitation and construction. It increases funding for agriculture, energy conservation and the development of alternative and renewable energy sources; and provides increased assistance to emerging democracies in Europe, Africa and the Caribbean, including enactment of the Mickey Leland African and Caribbean Development Act.

Mr. Chairman, no single document offers a more candid statement of our national priorities and values than the Federal budget. For 10 years, the Federal budget has manifested an obsession with military spending and production that defies rational justification. For 10 years, our Nation's wealthiest individuals and corporations have reaped the benefits of targeted tax rate reductions. For 10 years, we have watched the inevitable consequences of these policies materialize in the form of massive deficits and the deterioration of domestic programs. And, for 10 years, the disadvantaged of this Nation have paid the price.

America can no longer afford to spend huge sums of money on unnecessary weapons and to indulge the whims of the wealthy at the expense of those who lack adequate food, housing, clothing, and opportunities for quality education and employment. It is imperative that our Nation seize this momentous opportunity to set its priorities straight. I submit that the Dellums amendment offers a sensible and feasible plan for doing so, and that it deserves the careful consideration and support of this body.

Mr. STOKES. Mr. Chairman, the amendment we have before us today is the Congressional Black Caucus' alternative to President Bush's proposed fiscal year 1991 budget. This alternative budget would emphasize large reductions in Defense budget authority and meet the Gramm-Rudman-Hollings deficit target of $64 billion in 1991. While the CBC had hoped that the Bush administration would discontinue the inequitable budget policies of its predecessor, the administration's proposed fiscal year 1991 budget would increase military spending by $7 billion while calling for well over $20 billion in social program reductions. Therefore, the CBC crafted its own budget plan.

The resolution proposed by the House Budget Committee is a vast improvement over the President's budget. However, the members of the Congressional Black Caucus feel that it is possible to find additional funds for critical domestic programs. The CBC alternative budget would realize a peace dividend by reducing the military budget by 7.8 percent in outlays and 15.5 percent budget authority from the fiscal year 1990 level. It also raises new revenues through tax equity measures, which would eliminate the unfair tax rate enjoyed by those with the very highest incomes. Under the CBC budget, we can begin to redirect our Nation's priorities toward preparing our citizens for the 21st century.

We must recognize this country will be ill prepared to enter the 21st century if millions of our children are in poor health, or cannot read or write well enough to function in our increasingly high-tech world, or they have fallen victims to drug abuse. In the year 2000, one-third of the new entrants to our work force will be minorities. We are not currently meeting the health and educational needs of minorities and the disadvantaged. If we expect to remain a competitive force in the global economy, we cannot ignore what will soon be one-third of our Nation. These are the truly important challenges our national budget must focus upon.

The alternative budget focuses on these major objectives: expanding educational and training opportunities for disadvantaged, minority, and handicapped persons; providing full health coverage to all Americans; renewing the Nation's commitment to providing income, housing, and food for low-income Americans; fully funding urban, rural, and area development programs to combat economic displacement; and supporting full funding of the Social Security Program, rejecting any effort to limit COLA's to retirees and disabled persons. This alternative budget calls for substantially more funding than does the President's budget in the areas of education, housing, health, training and food assistance, all of which represent the central focus of the CBC.

In addition to providing full funding for critical existing programs, such as Head Start and education for the handicapped, the alternative budget would also support a number of initiatives that would improve the quality of life for millions of Americans. The alternative budget that we are presenting here, consistent with the Pepper Commission recommendations, rejects the notion that the Nation has insufficient resources to meet the health needs of its citizens and calls for the creation of a national health policy focused on prevention and improvement of the Nation's well-being. Our alternative also supports a major new initiative to create educational research and development districts and an intensive education extension program for at risk students. These are just a few examples of programs the CBC would like to see funded in fiscal year 1991.

My colleagues and I have heard from many of our constituents who demand to see greater priority given to important domestic programs. I am sure that many of you have heard from your constituents as well. I urge you to vote for the budget that would provide the highest quality of life for our citizens. Vote for the CBC alternative budget.

Mr. DELLUMS. Mr. Chairman, I yield back the balance of my time.

Mr. FRENZEL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 90, noes 334, not voting 9, as follows:

[Roll No. 88]

AYES—90

Akaka	Hoyer	Perkins
Atkins	Jacobs	Rangel
AuCoin	Johnson (SD)	Roybal
Bates	Jontz	Sabo
Berman	Kastenmeier	Savage
Boggs	Kennedy	Sawyer
Boxer	Kildee	Scheuer
Brown (CA)	Kostmayer	Schroeder
Clay	Lehman (CA)	Schumer
Conyers	Lehman (FL)	Serrano
Coyne	Levine (CA)	Sikorski
Crockett	Lewis (GA)	Slaughter (NY)
DeFazio	Lowey (NY)	Solarz
Dellums	Markey	Stark
Dixon	Martinez	Stokes
Durbin	Matsui	Studds
Dymally	McDermott	Torres
Early	Mfume	Towns
Edwards (CA)	Miller (CA)	Traficant
Espy	Mineta	Traxler
Evans	Moakley	Udall
Flake	Moody	Vento
Foglietta	Nagle	Walgren
Ford (MI)	Neal (MA)	Washington
Ford (TN)	Nowak	Waxman
Frank	Oakar	Weiss
Gonzalez	Oberstar	Wheat
Gray	Owens (NY)	Williams
Hawkins	Payne (NJ)	Wyden
Hayes (IL)	Pelosi	Yates

NOES—334

Alexander	Chapman	Flippo
Anderson	Clarke	Frenzel
Andrews	Clement	Frost
Annunzio	Clinger	Gallegly
Anthony	Coble	Gallo
Applegate	Coleman (MO)	Gaydos
Archer	Coleman (TX)	Gejdenson
Armey	Combest	Gekas
Aspin	Condit	Gephardt
Baker	Conte	Geren
Ballenger	Cooper	Gibbons
Barnard	Costello	Gillmor
Bartlett	Coughlin	Gilman
Barton	Courter	Gingrich
Bateman	Cox	Glickman
Bellenson	Craig	Goodling
Bennett	Crane	Gordon
Bentley	Dannemeyer	Goss
Bereuter	Darden	Gradison
Bevill	Davis	Grandy
Bilbray	de la Garza	Grant
Bilirakis	DeLay	Green
Billey	Derrick	Guarini
Boehlert	DeWine	Gunderson
Bonior	Dickinson	Hall (OH)
Borski	Dicks	Hall (TX)
Bosco	Donnelly	Hamilton
Boucher	Dorgan (ND)	Hammerschmidt
Brennan	Dornan (CA)	Hancock
Brooks	Douglas	Hansen
Broomfield	Downey	Harris
Browder	Dreier	Hastert
Brown (CO)	Duncan	Hatcher
Bruce	Dwyer	Hayes (LA)
Bryant	Dyson	Hefley
Buechner	Eckart	Hefner
Bunning	Edwards (OK)	Henry
Burton	Emerson	Herger
Bustamante	Engel	Hertel
Byron	English	Hiler
Callahan	Erdreich	Hoagland
Campbell (CA)	Fascell	Hochbrueckner
Campbell (CO)	Fawell	Holloway
Cardin	Fazio	Hopkins
Carper	Feighan	Horton
Carr	Fields	Houghton
Chandler	Fish	Hubbard
Huckaby	Morella	Shays
Hughes	Morrison (CT)	Shumway
Hunter	Morrison (WA)	Shuster
Hutto	Mrazek	Sisisky
Hyde	Murphy	Skaggs
Inhofe	Murtha	Skeen
Ireland	Myers	Skelton
James	Natcher	Slattery
Jenkins	Neal (NC)	Slaughter (VA)
Johnson (CT)	Nielson	Smith (IA)
Johnston	Obey	Smith (NE)
Jones (GA)	Olin	Smith (NJ)
Jones (NC)	Ortiz	Smith (TX)
Kanjorski	Owens (UT)	Smith (VT)
Kaptur	Oxley	Smith, Denny (OR)
Kasich	Packard	
Kennelly	Pallone	Smith, Robert (NH)
Kleczka	Panetta	
Kolbe	Parker	Smith, Robert (OR)
Kolter	Parris	
Kyl	Pashayan	Snowe
LaFalce	Patterson	Solomon
Lagomarsino	Paxon	Spence
Lancaster	Payne (VA)	Spratt
Lantos	Pease	Staggers
Laughlin	Penny	Stallings
Leach (IA)	Petri	Stangeland
Lent	Pickett	Stearns
Levin (MI)	Pickle	Stenholm
Lewis (CA)	Porter	Stump
Lightfoot	Poshard	Sundquist
Lipinski	Price	Swift
Livingston	Pursell	Synar
Lloyd	Quillen	Tallon
Long	Ravenel	Tanner
Lowery (CA)	Ray	Tauke
Luken, Thomas	Regula	Tauzin
Lukens, Donald	Rhodes	Taylor
Machtley	Richardson	Thomas (CA)
Madigan	Ridge	Thomas (GA)
Manton	Rinaldo	Thomas (WY)
Marlenee	Roberts	Torricelli
Martin (IL)	Robinson	Unsoeld
Martin (NY)	Roe	Upton
Mavroules	Rogers	Valentine
Mazzoli	Rohrabacher	Vander Jagt
McCandless	Ros-Lehtinen	Visclosky
McCloskey	Rose	Volkmer
McCollum	Rostenkowski	Vucanovich
McCrery	Roth	Walker
McCurdy	Roukema	Walsh
McDade	Rowland (CT)	Watkins
McEwen	Rowland (GA)	Weber
McGrath	Russo	Weldon
McHugh	Saiki	Whittaker
McMillan (NC)	Sangmeister	Whitten
McMillen (MD)	Sarpalius	Wilson
McNulty	Saxton	Wise
Meyers	Schaefer	Wolf
Michel	Schiff	Wolpe
Miller (OH)	Schneider	Wylie
Miller (WA)	Schuette	Yatron
Molinari	Schulze	Young (AK)
Mollohan	Sensenbrenner	Young (FL)
Montgomery	Sharp	
Moorhead	Shaw	

NOT VOTING—9

Ackerman	Leath (TX)	Rahall
Collins	Lewis (FL)	Ritter
Dingell	Nelson	Smith (FL)

□ 1615

Mr. COLEMAN of Missouri and Mr. VOLKMER changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from Minnesota [Mr. FRENZEL] has announced he would not offer the fourth amendment.

Pursuant to the order of the House of earlier today, the gentleman from California [Mr. PANETTA] will be recognized for 15 minutes and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 15 minutes of general debate.

The Chair recognizes the gentleman from California [Mr. PANETTA].

□ 1620

Mr. SCHUMER. Mr. Chairman, I ask unanimous consent that the Frenzel amendment, the Bush budget, be placed on the floor so that we all might have an opportunity to vote on it.

Mr. Chairman, I think this is an important issue. The President has submitted a budget to us. At the very least, he deserves to be heard, and if none of my colleagues on the other side of the aisle will offer it, I would like to offer it simply so that we might get a referendum and see where that budget lies. Maybe it is a better budget than our budget. Members of this House will see.

Mr. Chairman, I ask unanimous consent to have the opportunity to offer that budget simply as a way to measure how much support the budget has on both sides of the aisle.

The CHAIRMAN. The Chair would inform the gentleman from New York [Mr. SCHUMER] that the Chair cannot entertain such a request in the Committee of the Whole. It would be inappropriate to do so. It would constitute a change in the rule, House Resolution 382, previously adopted by the House.

The gentleman from California is, therefore, recognized.

Mr. SCHUMER. I thank the Chair.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. JENKINS] for the purposes of a colloquy.

Mr. JENKINS. Mr. Chairman, I appreciate the chairman recognizing me for this colloquy.

As the chairman knows, I have supported a reduction in the tax on capital gains.

Is it my understanding that this could be accomplished within the framework of this Budget Committee resolution? Am I correct?

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I am happy to yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, the gentleman is correct.

As usual, with regard to the tax segment of the budget resolution, neither the resolution nor the report makes any specific recommendations about how the tax committee should respond to the revenue-reconciliation instructions.

With respect to a capital gains tax cut, there is no specific language either favoring it or opposing it.

The committee intends that the revenue-reconciliation target be a net target. Legislation that includes some revenue-reducing provisions is consistent with the reconciliation instruc-

tions as long as, on balance, the legislation raises the necessary revenue.

Mr. JENKINS. I thank the chairman.

Mr. PANETTA. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA], chairman of the Defense Appropriations Subcommittee.

Mr. MURTHA. Mr. Chairman, I just want to talk a few minutes about the process and what we are trying to do here.

I have been meeting with the gentleman from California [Mr. PANETTA] and the gentleman from Pennsylvania [Mr. GRAY] and the gentleman from Missouri [Mr. GEPHARDT] and a number of other Members for the last couple of months. What we tried to address is the changed threat in the entire Nation, and the budget that we confront because of that changed threat.

What am I talking about now? The major thing that we tried to look at was the change in Europe. Obviously a substantial portion of our budget was directed toward sustainability in Europe. We had to have 10 divisions in Europe in 10 days. Since that has changed so dramatically, we are now talking about all kinds of warning time in Europe before we need to mobilize.

We believe the threat has changed so substantially that we could call up the Reserves and the Guard in times of a national emergency in order to take care of any sustainability. The threat has changed so dramatically that we could mobilize the Reserves and Guard and get them to Europe in the time that is necessary in order to deflect any conventional attack.

Where is the threat then? The threat then is in the Middle East and in the oilfields of the Middle East. We are going to need a substantial-size Navy. We are going to need transportation to get our forces to Europe and to the Middle East.

We also have to worry about Korea. We have to worry about the Pacific. The thrust of the budget, as I see it this next year, will be to reduce the size of forces in the Pacific and in Europe.

I can see that in the next year we could reduce the forces in Europe by at least 100,000 troops. I am not sure that we would want to do that unilaterally. I am convinced that we would want to do that unilaterally. I am convinced that we will not be able to mark up a bill until July.

It is necessary for us to have some sort of agreement from the White House. We are really talking about a starting point. We are talking about a strong strategic deterrent, a credible deterrent. We are talking about a reduced size in our number of troops and civilians in the Defense Department.

I have been talking to Secretary Cheney trying to get him to reduce the number of people in the Pentagon, some of the administrative people over there in the Pentagon, and we are going to take advantage of the management review that Secretary Atwood has worked so hard on. So there are tremendous savings with this build-down.

I certainly do not foresee what a lot of people consider a peace dividend this year, or if there is a dividend, it will be a dividend that is directed toward no new taxes this year, but I do see with the cut in budget authority down the road, substantial savings that will be able to be redirected at infrastructure problems.

Some of the weapons systems are going to have to be scrubbed very hard. We are going to have to look at each one of the weapons systems that we have available to us and decide which ones of these strategic weapons and tactical weapons are necessary in order to support the threat, and if the threat continues to diminish as it has, we will have to make decisions as that time changes.

I am convinced that this is the starting point for this budget, and this is the key question.

Senator NUNN and I sat down, and we met for 2 hours. He and I worked out a model budget. We actually had cut more from his model than the one that I cut from. We came up with a figure that is less than the budget that is being presented by the chairman, the gentleman from California [Mr. PANETTA], but we see in the end that we are now at the starting point of a budget resolution.

It will have to go to the Senate. It will be negotiated, and we will have the leeway to pass a budget under the changed threat that we face in Europe and the changed threat that we face throughout the world.

We will have to meet the terrorism and the possibility of terrorism and Third World action and instability in the Middle East. That is what I see as meeting the threat that faces the United States which means that we can reduce our conventional forces substantially. We have to evaluate which of the strategic forces and tactical forces have to be funded.

I would urge everybody in this House to vote for the start of the process, because the public is well aware of the changes that need to be made in this budget in order to change the thrust and to take advantage of the changed situation and the changed threat throughout the rest of the world.

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the distinguished vice chairman of the Committee on Armed Services, the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, members of the committee, it is very seldom that I find myself at variance with the very distinguished gentleman who preceded me in the well, especially on matters of defense. He and I have worked together many years trying to fashion budgets, trying to fashion a defense bill that we feel is necessary, imperative actually, so that we might have a strong defense in this country.

However, I have to part company with him on this budget. Everybody recognizes that the world situation has changed. Everybody has recognized the diminished and decreasing threat that we see coming from Europe. Everybody recognizes, I am sure, that we must accordingly readjust our thinking and our spending toward our defense posture.

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Mr. Chairman, I agree with this. The question is what would be the correct amount of budget for this year? I cannot believe that an additional cut of over $10 billion of outlays is in the best interests of our country, that it is doable, that it would not cause irrevocable harm in our defense posture.

In order to arrive at a savings of over $10 billion in outlays, that means we will have to cut over $20 billion, closer to $25 billion, in budget authority. If we are going to have to take that dramatic cut in this budget, after Secretary Cheney has already cut it 2 percent, if we have to take this additional cut, where is it going to come from? There are many things we need to be aware of that would result from such a dramatic cut.

Last year we set in motion and created a Base Closure Commission. They came back with a recommendation of some 48 bases to be closed that this House approved, and we are in the process of doing that.

This year Secretary Cheney has sent over a list of some 61, as I recall, additional proposed closings that he would suggest and we will probably start working on next year. This is on top of those that have already been identified by the Commission.

Now we are told that the Navy has come out with an additional list hitting most of the bases that are included in the home portings. So we are looking at additional closures of bases. We are looking at ports that will be closed on the Gulf Coast. You have a serious impact in New York, on Staten Island, and Washington. These are things that will inevitably come if we have to take these tremendous cuts.

Look at the weapons systems that will be affected. Every strategic system. If we took out every one of these strategic systems, it still would not meet the targets that would have to be met under this budget proposal.

I know these weapons systems do not mean something to everybody. They mean something to most of us

here. The advanced technical fighter, the ATF, and SDI, so-called star wars, if you eliminate both of those, if you eliminated the MX Program, both Midgetman and Rail-Garrison, if you eliminated the SSN submarine, nuclear submarines that are presently planned to be built, they still would not reach the targets that this budget would require us to meet.

It means an early out for over 100,000 people that are presently in uniform, people that have made a contract with us in good faith. We have an all-volunteer service. They are going to be forced out or will be denied promotions that they are entitled to.

We have just approved the transfer of $500 million to Panama out of the defense budget. We have just approved $200 million more to Nicaragua out of the defense budget. We have approved some $150 million more than that for the relocation of Jewish emigrants out of the defense budget. All of these are already done even before we get to this budget.

Mr. Chairman, I am saying to the members of this committee that I do not think they recognize the importance of what we are doing here, or the impact of what we are doing here. If we are going to have to find approximately $25 billion more to take out of the defense budget, it is just not there. It is going to cause irreparable harm. It is unworkable.

Mr. Chairman, I would urge my colleagues to vote against this budget.

Mr. PANETTA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I rise in strong support of House Concurrent Resolution 310, the budget resolution for fiscal year 1991. I commend Chairman PANETTA for his fine leadership in crafting a budget that protects America's economic integrity and begins to rebuild America for the 21st century.

The budget resolution, unlike the Bush administration budget, provides a 5-year plan to fully balance the budget wtihout relying on the Social Security trust fund to mask the true dimensions of the Federal deficit. The budget plan results in $497 billion in gross deficit reduction and $382 billion in net deficit reduction between 1991 and 1995. Net deficit reduction is greater than that in the President's budget in each year. The budget resolution's plan to operate under a pay as you go system will result in interest rates dropping as the Government reduces borrowing huge sums of money from private domestic and foreign sources to finance its spending. A sufficient pool of capital will be released to the private sector to stimulate investment and advance productivity.

The reordering of priorities within this budget ceiling to invest in technology and the people to apply and advance that technology lays the foundation to rebuild America's economic competitiveness. The budget resolution's investments in economic competitiveness and adjustment initiative invests $2.8 billion more than the President's budget in programs to rebuild the competitiveness of the U.S. economy in cooperation with the private sector. Where the President's budget tears down, the budget resolution rebuilds.

The Federal Government's investment in basic and applied research and development is increased, particularly in new technologies that can be commercially applied—in manufacturing, in medicine and health research, and other industries of the future. Expanded trade and export opportunities for U.S. businesses are supported in this budget. Resources are also targeted to people and communities adjusting to economic dislocation. Education and retraining are emphasized, especially for laid-off and dislocated workers. The Government's commitment to math and science education at the elementary and university levels is deepened with the additional funds contained in this budget.

The budget resolution's investment in people is reflected in the $800 million increase above the baseline for the Job Training Partnership Act, the Community Development Block Grant Program, the Economic Development Administration, the Farmers Home Administration, and Vocational Education. These funds will be used to rebuild the lives of individuals and communities coping with economic dislocation. The funds will help dislocated workers adjust to the global nature of today's economy and educate a new generation of workers who have the knowledge and skills to further America's leadership in the international marketplace. The Bush budget, in stark contrast, provides $2.1 billion less than the budget resolution—$351 million less than the baseline—for these programs. Where the Bush budget tears down, the budget resolution rebuilds:

The budget resolution contains a $300 million increase above the baseline to assist dislocated workers through the Job Training Partnership Act. This increase will assist approximately 170,000 dislocated workers who are stripped of their jobs and do not possess skills that are transferable to another occupation. The Bush budget requests $302 million less than the baseline—and $600 million less than the budget resolution contains—for dislocated workers. Rather than trying to rebuild the lives of dislocated workers so that they can again contribute to society in a productive manner, the President leaves them high and dry.

The budget resolution increases funding for important vocational education programs by $140 million over the baseline. This increase will be used for the Tech Prep Program and will result in the training of thousands of additional technicians. The budget resolution contains $169 million more than the President's budget for vocational education programs.

The budget resolution's investment in individuals is augmented with initiatives that alleviate the domino effect experienced by entire communities when plants or industries shut down or relocate offshore. The $200 million increase above the baseline for the Community Development Block Grant will be used to assist communities in finding alternative uses for existing industrial facilities, making infrastructure improvements, and carrying out other economic development projects to create new job bases for low- and middle-income workers. Funding for the Economic Development Administration is increased by $77 million above the baseline to assist communities threatened by sudden and severe economic dislocation. The Budget Committee recognizes the need to provide timely and adequate resources to assist communities such as those affected last year by Hurricane Hugo and the Loma Prieta earthquake. Apparently President Bush thought the Federal Government's response last year was more than sufficient as his budget cuts the Economic Development Administation's budget to $26 million below the baseline. The budget resolution also increases funding for rural development programs so that the Farmers Home Administration can provide grants and loans to communities to improve facilities, expand industrial development, and initiate water and waste disposal programs. Again, the President cuts assistance to needy communities to the tune of $76 million below the baseline for rural development programs.

The budget resolution recognizes the importance of educating tomorrow's work force in the areas of math and science. The resolution increases the National Science Foundation budget by $215 million above the baseline next year and doubles its budget over the next 5 years for investment in basic research and the scientific personnel infrastructure of the Nation. Part of the increase for the National Science Foundation reflects the committee's belief that science engineering education program investments are needed to raise the ability of our population to cope successfully with our new national economic challenges. Funding for the Department of Education math and science education programs are also increased in the budget resolution.

The budget resolution recognizes that the Nation's budget and trade deficits are inextricably linked. Although elimination of the budget deficit will lead to a lowering of the trade deficit, the Government must also enforce its trade laws to eliminate other nations' unfair trade practices and create export opportunities for U.S. businesses. The budget resolution enhances export opportunities through a $125 million increase over the baseline for Eximbank's direct loan program and a $125 million increase over the baseline for Eximbank loan guarantees to assist businesses in tapping new markets in Central and Eastern Europe. The President's budget makes no special provision for the Eximbank to target funds for the newly emerging democracies in Central and Eastern Europe struggling to make the transition to market economies. Although President Bush certainly was eager to see the governments in Central and Eastern Europe fall, he has not followed through with initiatives that involve our private sector in rebuilding their fragile economies. Further, the budget resolution contains $7 million above the baseline for the foreign commercial service. Until the United States adequately staffs its foreign embassies in Japan and other important trading nations, domestic industry will be unable to penetrate markets, expand United States exports, and forge new trading relationships.

The budget resolution reflects the committee's belief that national security is synony-

mous with economic security. It also recognizes the synergy between reliable modern defense technologies and an industrial base that is up-to-date and technologically innovative. The committee supports research into generic technologies that will ensure defense-preparedness and simultaneously rebuild and strengthen the manufacturing and high technology industrial base on which our economy depends. The Bush budget continues to pour increases into the military budget but refuses to acknowledge the great potential for commercialization of defense technology.

The budget resolution provides $281 million more than the President's budget in Function 050 for Defense Advanced Research Projects Agency [DARPA], including $100 million for Sematech, the collaborative semiconductor research and development initiative, $25 million for the National Center for Manufacturing Sciences, and a $20 million increase for high resolution information systems research. As the threat to our national defense lessens, it is imperative that the Department of Defense invest in dual use technologies. Investing now in dual use technologies will ease the economic dislocation that will be the inevitable result of downsizing the defense budget. The administration's defense budget request, coupled with the recent decision to remove Craig Fields as the Director of DARPA, illustrates the President's inability to envision a new world outlook which emphasizes economic, rather than military, competitiveness.

The budget resolution also invests in technology development and transfer programs that are administered outside of the Defense Department. The resolution contains $76 million above the baseline, $51 million more than the President's budget, for the National Institute of Standards and Technology. The advanced technology program, within the National Institute of Standards and Technology, will receive an increase of $37 million above the baseline. An additional $2 million is provided for the technology extension service, a program the President proposed to eliminate. The technology extension service will give businesses access to a cooperative Federal-State network of information which will allow efficient dissemination of technology. The resolution also contains $11 million beyond the baseline for research support centers. Each region of the Nation will ultimately have a resource center for technology tailored to meet the needs of industries operating within it. In addition to these increases, the budget resolution provides $75 million in loan guarantees so that the Small Business Administration can target technology development loans to small businesses.

Where the Bush budget tears down the manufacturing base of our Nation, ignores the plight of displaced workers and struggling communities, and fails to shift its emphasis from military preparedness to economic security, the budget resolution invests in initiatives to rebuild America. The resolution's investments in economic competitiveness and adjustment initiative lays out a path for America to follow to invest in people and technology in order to regain America's economic sovereignty and meet the challenges of the 21st century.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I rise today in support of the budget resolution as prepared by my distinguished colleagues on the Budget Committee. They have done an excellent job of responding to the budget crisis facing this country. This resolution puts us on a path towards a real balanced budget by fiscal year 1996, and it does a much better job of addressing urgent domestic needs than the President's budget proposal did.

But in all honesty, Mr. Chairman, I must say that while this resolution makes tremendous strides over the President's proposal and sets a positive course for the future, it does not squarely address the pressing needs to our country. The huge Federal deficit continues to keep real interest rates high and the amount of capital available to American businesses low. Mr. Speaker, the time has come to say to the President, "Read our lips—no new borrowing." While the President talks of economic growth and no new taxes, taxpayers are paying indirectly for an unwise if not potentially disastrious fiscal policy. As the national debt goes shooting past the $3 trillion mark, the interest Americans pay on their mortgages, their credit cards, and their car loans remains ridiculously high.

In addition, the President's concern for the capital available for private investment suddenly disappears when the conversation turns from tax breaks to Federal borrowing. We are doing this country a great disservice if we do not admit that the greatest competitive advantage that Japanese and other foreign companies have is that their governments haven't borrowed every last dime that should be available for investment. What does this mean? It means that a decade of deficit spending is depriving American companies of investment capital, American workers of new opportunities, and the American economy of the growth that it should be experiencing. There is no free lunch, and now there is quite a tab to pay.

The budget resolution before us is a good first step towards the fiscal conservative notion of paying your bills, a departure from the recent ideological conservative notion of leaving them for future generations. It, unlike the President's budget, recognizes that our national security is being endangered, rather than enhanced, by wasteful and excessive defense spending. The budget resolution calls for responsible limits on defense spending, now and in the future. This aspect is one of the budget's strong points, although I am concerned that the first year reductions will prove to be difficult to achieve.

Another positive aspect of this budget resolution is a provision to restore the meaning of the term trust fund as it applies to the Social Security system. Right now we are spending that surplus on other things, along with surpluses in the aviation and highway trust funds, because neither we nor the President has had the courage to face up to the deficit. We know that these funds are needed for the purposes they were collected—our roads and bridges are falling apart, our air traffic control system is overwhelmed, and Social Security offices do not have enough employees to adequately administer the program—but these facts have not stopped the diversion of trust fund monies for other uses.

Senior citizens will be better off under the committee's proposal, since it cuts Medicare by $4 billion less than the President proposes. However, even the $1.7 billion in the committee resolution may be too high, and I am concerned about hospitals who have repeatedly seen their Medicare funds slashed.

In addition to these concerns, I have reservations about other provisions in the resolution. We know that the economic assumptions used in this budget were overly optimistic even when the President included them in his budget proposal back in February. The President's office of smoke and mirrors, alias the Office of Management and Budget, has criticized the Budget Committee for using these assumptions since the recent economic trends have indicated that the deficit will be significantly larger than forecast. In OMB's fit of courage and responsibility, however, they somehow forgot to supply Congress with a proposal as to how they would adjust the President's budget to make up for the increased deficit.

In addition to optimistic economic assumptions, the Budget Committee also borrowed the optimistic revenue/user fee figures from the President's budget. Although this resolution does not contain specifics on some of these counts, the President's budget includes many questionable revenue sources. For example, I do not expect a Coast Guard user fee to be passed to begin with, and even if it is, I doubt it will raise $200 million in real money.

Finally, while I firmly support aid to emerging democracies in Eastern Europe and Central America, I feel strongly that we must cut spending in other areas to provide such aid. The $1.3 billion increase in foreign assistance provided for in this budget seems high at a time when we appear to be headed toward another Gramm-Rudman sequestration.

As anyone can see, this resolution is far from perfect. However, it is a better budget than the President's proposal, and one that puts us on the right course. Without Presidential leadership and/or a bit more honesty from the Office of Management and Budget, it is probably the best budget anyone could have produced. I hope that the administration will be a little more realistic about our economy in the future and join us in working out the details of a budget that addresses this country's needs while staying within the Gramm-Rudman limits on the deficit.

Mr. SYNAR. Mr. Chairman, today I plan to support the fiscal year 1991 budget resolution. While the resolution is not a perfect solution to all budget issues, it begins to redistribute national resources from military spending to domestic priorities while maintaining U.S. national security interests. Most important, the resolution diagrams a complete budget plan for the future. Over 5 years, the budget achieves deficit reduction of $487 billion and

does so without using the Social Security surplus. The amount of deficit reduction for 1991 is even more than that proposed by President Bush.

My major concern with the budget resolution is that it accepts the economic forecasts of the administration. While I am concerned that the prospects for economic growth are overly optimistic, I am willing to go along with the Office of Management and Budget [OMB] assumptions for 1 year as the OMB is mandated by law to determine the 1991 deficit reduction. I am happy to see that the more realistic assumptions of the Congressional Budget Office are used in the following 3 years.

This budget resolution does go a long way toward a "pay-as-you-go" approach to budgeting. On a long-term basis, the budget moves toward removing the Social Security trust fund from the deficit calculations. I have endorsed legislation both to return to "pay-as-you-go" and to repeal Gramm-Rudman. The resolution moves toward that goal by reducing the budget and accounting tricks so common in past years.

The resolution does contain major program cuts, but they are implemented in a more equitable fashion than those proposed in the administration's budget. In light of the dissolution of the Warsaw Pact and the greatly diminished Soviet threat, defense spending is reduced gradually, with approximately $18.6 billion cuts in budget authority. Medicare is cut $1.7 billion as compared to $5.5 billion under the President's budget. Other savings in mandatory and entitlement programs will save $3.8 billion. There are increases in other domestic initiatives which will go a long way toward repairing the damage done over the past 10 years and to rebuilding the social infractructure of society. Finally, the resolution includes full cost of living adjustments [COLA's] for Federal, civilian military retirees and employees, which are not included in the President's budget.

Finally, the budget assumes that there will be increases in Government revenues of $13.9 billion, the same amount proposed by the President. The resolution leaves these revenue measures to the Ways and Means Committee, where I am convinced they can be implemented. My "Fire Sale" bill addresses the failure of the administration to collect the appropriate market value in selling or leasing Federal assets. According to conservative estimates, between $5–10 billion could be collected simply be implementing good business practices in this area.

Although I did not support the Congressional Black Caucus' [CBC] quality of life budget, I want to commend the CBC for it's work on attempting to reorder our budget priorities. It is my hope that, with continued improvement in United States-Soviet relations, including the ratification of a START agreement, the priorities of the CBC budget will become a reality in the near future.

Mr. HAWKINS. I rise today in support of House Concurrent Resolution 310, the budget resolution for fiscal year 1991. This budget provides $3.5 billion in budget authority for education programs above the fiscal year 1990 level; it increases funding for Head Start by $600 million above the baseline; assumes full funding of the House-passed discretionary child care program, as well as other increases.

The increase in education funding represents real growth of 12 percent as compared with the administrative's increase of 2 percent. The committee's resolution provides five times the growth assumed by the administration.

These increases represent a substantial change in direction from the budgets of the previous decade when domestic discretionary programs were squeezed in a misguided attempt to produce deficit reduction. This resolution reflects the realization that to prosper, we must invest.

I wish the committee had been able to do more to undo the damage done to education and training programs over the last 10 years. That budget tries to balance competing interests and I understand that, after 10 year of neglect, all committees feel shortchanged. I am confident that we will do better in future years.

Finally, I note that the budget resolution is a blueprint and that, after all is said and done, equally difficult decisions must be made by the Appropriations Committee. In this regard, I look forward to working closely with Chairman NATCHER, Chairman WHITTEN, and Mr. CONTE to produce increases in the appropriations arena that meet or exceed those assumed in the Budget Resolution.

In the meantime, I want to thank Mr. KILDEE, and Mr. GOODLING for their tireless efforts on behalf of the Education and Labor Committee, as well as Chairman PANETTA and the other members of the Budget Committee who worked so hard to fund education and training programs more adequately.

Mr. KYL. Mr. Chairman, I rise in opposition to the committee budget.

I also have to agree with the decision by our colleague from Minnesota, BILL FRENZEL, not to offer the President's budget for consideration on the House floor today.

It is with some reluctance that I agree with that decision because there are many good things in the President's budget: it provides adequate funding for the national defense, funds a number of important new environmental initiatives, devotes substantial new money toward the drug war, and provides for capital gains reform to name a few.

On the other hand, I think it takes too much money from Medicare, and I do not support the proposed COLA freeze for military and Federal retirees. Moreover, it is based on economic assumptions that are so rosy that the deficit will not be anywhere near the limit established by Gramm-Rudman-Hollings for the year. The Congressional Budget Office has already estimated that the administration's budget will result in a deficit more than twice as high as the $61 billion deficit the administration originally projected.

By the same token, and despite all of the criticism, the committee budget uses the same rosy economic assumptions and some of the same questionable savings that the administration used to put its budget together. The committee slashes defense and will undermine the quality of U.S. forces in terms of people, weapons, training, and readiness.

The committee budget relies on substantial tax increases, a total of $117 billion in higher taxes over 5 years compared to the President's proposed $41.7 billion. Tax increases under either plan will not result in a lower budget deficit. If history is any guide, tax increases will actually lead to more spending and a higher budget deficit. Since World War II, Congress has spent $1.58 for every dollar it has raised.

Mr. Chairman, neither the President's budget nor the committee budget is acceptable. Neither will produce the desired result—the result required by law by Gramm-Rudman-Hollings. I think the time has come for the Congress and the President to convene a budget summit and negotiate an alternative that will make significant reductions in spending. It is time to put an end to the gamesmanship, the smoke and mirrors, and partisanship and get serious.

I urge my colleagues to reject the committee alternative and force both sides to the bargaining table.

Mr. GREEN. Mr. Chairman, today I rise in opposition to House Concurrent Resolution 310, the concurrent resolution on the budget for fiscal year 1991. The proposal is fraught with fudged and unrealistic economic assumptions that fail to address honestly deficit reduction. Once again, the Budget Committee has neglected its constitutional and traditional responsibility with regard to budget matters, a responsibility that is greater than that of the President and the Senate.

Article 1, section 7 of the Constitution provides: "All bills for raising revenue shall originate in the House of Representatives * * *." While there is no similar constitutional provision as to appropriations bills, traditionally those too have originated in the House.

The Federalist Papers do not explicitly explain the constitutional decision, but it is not hard to divine from them the reason. The Continental Congress did not have the authority to write tax laws under the Articles of Confederation; all it could do under article VIII was levy charges on the State legislatures. Thus in 1787 a controversial feature of the new Constitution was the granting of taxing power to the Federal Government. Hamilton, Jay, and Madison devote seven of their Federalist Papers to it.

Small wonder then that the power to initiate such legislation was granted to the legislative House whose Members were under "the restraint of frequent elections * * * They will be compelled to anticipate the moment when their power is to cease, when their exercise of it is to be reviewed, and when they must descend to the level from which they were raised; there forever to remain unless the faithful discharge of their trust shall have established their title to a renewal of it." (Federalist Paper No. 56.)

As we can see, the House, and the Budget Committee in particular, have both a constitutional and traditional responsibility with regard to budgetary matters, a responsibility that is far greater than that of the President and the Senate. Disappointingly, after criticizing the President's budget for using economic assumptions that are overly optimistic, the Budget Committee adopted a resolution that contrives the identical, overly optimistic, assumptions. Although the budget resolution assumes total deficit reduction of $36.9 billion,

more than $14 billion, or 39 percent, is widely considered to be false and unattainable. The Budget Committee should not use phony economic assumptions even if the President did, and certainly not when the White House has now repudiated them.

Unfortunately, the budget resolution before the House today fails to address honestly and adequately the priority of deficit reduction. The budget resolution does not achieve the fiscal year 1991 Gramm-Rudman-Hollings deficit target of $64 billion nor does it lead to a balanced budget by fiscal year 1993. It falls almost $20 billion short of the $56 to $60 billion necessary to meet this year's deficit target.

Any office holder may sympathize with the desire to avoid unpopular actions, but surrendering the House's constitutional and traditional prerogatives is far too high a price to pay. The Budget Committee has abdicated its fiscal responsibility, and the House must not follow suit. Let us reverse that course to craft a responsible budget that speaks to the needs of the American people and works not only to reduce, but eliminate, our deficit.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise today in reluctant support for the budget resolution that has been brought to the floor by our colleagues on the Budget Committee. I commend the committee for crafting a budget that represents an enormous improvement over the alternative budget submitted by President Bush. As a Member who is extremely concerned that we move in the direction of meaningful budget deficit reduction while at the same time enhancing the priorities of our elderly, veterans, and rural Americans, there can be no doubt that the Budget Committee's proposal is vastly superior to the White House proposal.

The committee proposal before us today includes a 5-year budget reconciliation, thereby lessening what has been the past temptation to include provisions in budget reconciliation that save money in the first year but actually add to the deficit in the outyears. The Social Security Trust Fund has been excluded from the calculation of the budget deficit, a move which is essential in order to protect the integrity of the Social Security system.

The gradual shift in defense spending that has been proposed will allow us to gauge international developments while investing in America's future through increased budget assistance for education, housing, law enforcement, research, Head Start, and transportation infrastructure improvements. Far better funding for veterans and for community development is provided for in this budget.

There are two areas, however, where I continue to have special concerns. The committee proposes an $800-million reduction for agricultural programs for fiscal 1991 and $8.6 billion in budget reductions over the next 5 years. This is certainly better than the other alternative I face: President Bush's budget would provide $1.5 billion less than the committee budget for 1991 alone. Nonetheless, I do not believe that any cuts in the ag budget, particularly in the area of crop price supports, is justifiable. Our farmers would rather prosper from good market prices than from Government support, but so long as the policy of this Government is to drive down the market price of grain, we have a corresponding obligation to provide for a decent level of income protection for family farmers. I believe that higher nonrecourse loan rates would result in better market prices and less reliance on Government payments;, however, if that goal cannot be accomplished, fundamental fairness requires that target price levels be raised to cover increasing costs of production for family farmers. While the committee's cuts in ag spending are far preferable than President Bush's proposal, they do make it extremely difficult, if not impossible, for those of us on the House Agriculture Committee to craft a 1990 farm bill which adequately protects farm income.

My second particular concern lies in the area of Medicare funding. The committee proposal will result in the increases in Medicare spending falling about $1.7 billion short of covering inflation. This is certainly superior to the Bush administration's proposal for a $5.5-billion shortfall, but it still should be recognized as less than adequate.

I appreciate that this budget resolution is merely a starting point, and that numerous changes will be made as the budget progresses through the Senate and perhaps through a budget summit conference with the White House. There is much to applaud in this budget, but there also remain serious deficiencies. I am today supporting the committee budget as the clearly superior alternative of the choices before me, but I will continue to work with our colleagues, Republican and Democrat, to better perfect a budget which significantly reduces the Federal deficit while enhancing the interests of family farmers and Medicare providers.

Mr. DORGAN of North Dakota. Mr. Chairman, I rise today to state that I will be voting for the Budget Committee's fiscal year 1991 budget resolution and against the Congressional Black Caucus budget.

While there are many good things contained in the CBC budget, our No. 1 priority is dealing with the Federal budget deficit plaguing our Nation's economy. The CBC transfers cuts in the defense budget and increases in Federal revenues to support increased domestic spending. I concur with several of these reductions, given a diminished Soviet threat and an increased allied ability to shoulder more mutual defense costs. Nonmilitary programs have faced more than their fair share of budget slashing during the past decade, so I would prefer to see the budgets for many of these valuable human service programs sustained. But the use of Social Security trust funds to support the deficit projections in the CBC budget—as well as in the committee's proposal—makes the deficit look lower than it really is. It's time to put our fiscal affairs back on track. We need real deficit reduction as a priority.

The Budget Committee package is certainly more realistic than President Bush's proposal. The recommendations reverse the last 10 years of domestic spending reductions and reorder budget priorities to reflect the changing world situation.

Nevertheless, I think that there could be a better balance in the committee budget package in meeting the legitimate needs of society. It especially falls short in agriculture. Less than 1 percent of the budget is devoted to support our family farmers. I will work in the weeks and months ahead, both during the reconciliation process and the farm bill negotiations, to transfer funding to get this up to 1 percent. At that level, we would be able to provide decent price supports for farmers. That's critical to the future of family farming.

Additionally, the Budget Committee recommendations and the substitutes that have been offered during the fiscal year 1991 budget debate fudge on the question of Social Security surpluses. All of these budget proposals use Social Security trust fund savings to help reduce the Federal budget. These proposed budget packages may claim to bring the Federal deficit within the $64 billion Gramm-Rudman budget deficit target, but the reality of the situation is much different. Using the Social Security trust funds to offset the true budget deficit is simply budget gimmickry.

I intend to continue pushing for my proposal to move the Social Security trust funds off-budget completely and irrevocably during the budget reconciliation debate. This illusion must be halted.

Mr. HOUGHTON. Mr. Chairman, I had intended to support the President's budget. I felt that although it has more than its share of inadequacies, the Bush budget was a position from which to start. Furthermore, the Chief Executive of our country must become more involved—have a piece of his skin in the process—if we are to make serious progress toward developing a realistic budget for fiscal year 1991. So supporting the President and bringing the administration positively into the negotiations seemed to move us as a nation in the right direction.

Evidently, this is not to be. I cannot control the legislative agenda so I will have to vote as I see best on the proposals which are offered.

Suffice it to say that a so-called summit of heavy-hitting leaders of both Houses and the administration is a must, and for only one reason. To date, any budget proposal which has been dished up for us to analyze falls far short of the numbers required to meet the law Congress passed years ago—not only to discipline itself, but to eliminate the deficit.

The hour has come. The estimates and actual deficit figures are so far apart today that no amount of jiggling and sharp pencil work will do any longer. We are where we had not wanted to be, but where we have been headed for too long.

So as one small voice in the House Chamber let me say this: No matter what budget gets the most votes at the end of today, the heavy work by our leaders is still to come—and I stand ready to help in any way I am able to put this process on the right track and achieve a budget which will let us sleep better at night.

Mr. BERMAN. Mr. Chairman, I rise today in support of the House budget resolution. I compliment the chairman, LEON PANETTA, for the long and hard work that he has put in to get us here today. He went the last mile to produce a budget which addresses urgent unmet needs at home and recognizes the dynamic changes occurring around the world. It rejects the "define the problem, smother them with platitudes, but offer no resources" ap-

proach taken by the administration. It's a good budget that starts us down the path of reshaping the future of our country, and it deserves our support.

The President's defense budget falls far short of being a credible plan and appears to be nothing more than a negotiating position. Its negligible cuts do not reflect the reality taking place in the Soviet Union and the rest of Eastern Europe—economic and political events have passed it by.

The House budget offers a more realistic defense plan for meeting our Nation's national security needs and the dramatic changes taking place around the world. It reduces defense spending by 25 percent in real terms over the next 5 years. Senator NUNN, one of the most respected spokesmen in the Congress on defense matters, has said that our funding levels for defense fall "within the range of responsibility."

I also strongly support the generous funding increases for education, health, and science research, child care, and the environment in the House budget. I am hopeful that the increases provided for these critical programs are only the beginning of what will be a long-term investment in the human and natural resources of our country.

In the few minutes that I have, I would like to spend most of it on the international affairs component of the budget—specifically on why the House budget for foreign aid is significantly better than the administration's request.

Since 1985, U.S. foreign aid spending has declined by over $4 billion, from $19 billion to just under $15 billion—in real terms by almost a third. The poorest regions of the world, principally Africa, have seen drastic declines in United States assistance. After decades of clear world leadership, the United States has now fallen behind other developed countries in foreign aid spending. The Japanese and West Germans, among others, have surpassed us in terms of development aid as a percentage of GNP—at the expense of our political and economic influence worldwide. The Japanese have become the largest aid donors in a number of key African countries, specifically Kenya, Nigeria, Zambia, and Ghana.

The administration's fiscal year 1991 budget does little to reverse these trends, or to seize the historic moment in our Nation's foreign affairs. While the administration has requested a significant increase overall for the funding of international affairs, the bulk of this increase would go for payment of U.N. arrearages and rebuilding the Moscow Embassy—programs which have nothing to do with our foreign assistance programs.

Of the administration's overall total request, $15.4 billion has been requested for direct foreign aid. This, in my judgment, is woefully inadequate considering the increasing needs worldwide. For instance, only $300 million has been requested for aid to Eastern Europe—no more than will have been spent in direct aid in fiscal year 1990. Surely, the transformation of communism to capitalism and totalitarianism to democracy is worthy of more American resources.

The House budget resolution does recognize the dramatic changes in Eastern Europe, as well as other unprecedented worldwide demands and provides sufficient resources to address them. It reverses declining foreign aid budgets of recent years and rejects the "forsake our old friends for our new friends" approach originally advanced by Senator DOLE to cut accounts within the existing foreign aid budget to fund increasing demands around the world.

For Eastern Europe, the budget provides $550 million in new direct aid and credits. The new direct aid portion includes funding for development assistance, economic support funds, and funds for the startup of the European Bank for Reconstruction and Development. The package also provides $125 million in new direct loans and $125 million in new guaranteed loans which will help U.S. firms more effectively compete for market share in the emerging markets of Eastern Europe.

The Eastern European package demonstrates that American foreign assistance in the nineties will go beyond promoting democracy and stability in the world. It will be used as a strategic policy tool by the Federal Government to assist U.S. firms in their effort to gain markets in the emerging democracies of Eastern Europe and around the world. Western European and Pacific Rim countries have been providing enormous resources to businesses in their countries for years. The United States must be engaged in the world if we are to compete with them economically.

The budget also provides for major new initiatives in Africa, $250 million; the Caribbean, $150 million; and Nicaragua, $200 million. It fully funds all commitments to the Philippines. The resolution also provides for a $220 million counternarcotics initiative for the Andes countries, and boosts refugee funding by $41 million. Finally, it makes no reduction in the level of aid for Israel and Egypt, and provides for $400 million in credit authority for housing loans guarantees for Israel.

Mr. Chairman, we must change our notion of national security for the decade ahead. The events of the past 10 years, and particularly of 1989, provide historic opportunities to foster freedom, peace, and political stability in a dramatically changing world. The committee's budget assumes vital assistance increases to the poorest regions of the world, and to fragile democracies. It targets the root economic causes of international conflict to make our post cold-war world more stable and secure.

In our $5 trillion economy, I believe that the United States, in this historic moment, can and must provide substantially more in foreign aid than we have done in past years. This budget does so in the context of obvious fiscal constraints, and I strongly urge my colleagues to support its adoption.

Mr. BRENNAN. Mr. Chairman, I rise today in support of House Concurrent Resolution 310, the House budget resolution. I want to commend Chairman PANETTA and my colleagues on the House Budget Committee for their efforts to bring this measure to the floor.

This budget plan supports a number of domestic initiatives that make a difference in the lives of many Americans. The plan expands Head Start, provides increased support for basic education programs, housing assistance, AIDS research, and veterans health care. This budget plans for expanded Medicaid coverage for pregnant women and infants, our frail elderly as well as our mentally retarded citizens, and provides for full cost-of-living adjustments for Federal and military retirees.

The Budget Committee's proposal fully supports environmental quality by adequately funding the important Superfund Program. The resolution makes room to assist in the adjustment of those citizens displaced by international economic competition and the change from a cold war to a peacetime economy. This budget addresses the infrastructural needs of our country that have suffered for the past decade. Finally, as a member of the House Select Committee on Narcotics Abuse and Control I am pleased to support the solid commitment made by the Budget Committee to law enforcement, treatment, and education programs designed to fight the war against illegal drugs and the horrors of addiction that it creates.

This budget resolution presents a realistic 5-year plan for our Nation's defense. With the changing dynamics of the world scene, it is becoming clear that soon the productivity of our work force will say more about our role in the world than the size of our Army. This budget takes the lead in transforming our economy from one meant to fight the cold war to one designed to meet the challenges of the international marketplace. This budget plan does not take a meatax approach to our Nation's military, but rather seeks savings in future years when expensive and dubious weapons programs, such as the B–2 bomber, are terminated. Clearly the changes we have witnessed over the past year indicate a decline in the threat to our Nation and therefore spending can be reduced proportionately.

Mr. Chairman, this budget is certainly not perfect, but it offers leadership where there has been none. In my 3 years in this body I have yet to see real Presidential leadership in perhaps the greatest crisis facing this Nation—the budget deficit. Last year President Bush failed to propose a budget blueprint for meaningful deficit reduction. This year the President again fails to offer the Nation leadership in this important issue. We need to have purposeful dialog between the President and Congress on a course for deficit reduction.

This budget could be altered, but it is an honest proposal. It does not seek radical cuts in spending but rather a balanced approach to reducing the deficit along with reinvesting in America to meet many long-neglected needs. I look forward to when Congress can produce a budget without accounting gimmicks, without the use of trust funds, and without the threat of mindless across-the-board budget cuts hanging over its head.

This budget will initiate a course for curbing our enormous Federal deficit. We must return our country to fiscal sanity. This Nation has too many needs and too many challenges to be left adrift without long-term budget planning. I look forward to continued dialog to achieve budget savings and urge my colleagues to join me in support of the budget resolution.

Mrs. LLOYD. Mr. Chairman. I rise in support of the budget resolution put forth by the House Budget Committee.

This is a comprehensive, fiscally responsible package fashioned to maintain a strong national security, eliminate the budget deficit, increase national savings and private investment. I believe it will move our country toward fiscal responsibility in a timely manner. In order to accomplish these goals, the Congress and the administration will need to work together to make tough choices and I am confident that we will be able to do so. Through hard work and bipartisanship we can eliminate budget deficits and strengthen our economic leadership in the world. I view the package before us today as a good starting point toward meeting those objectives.

I have always believed that the United States must do what is necessary to guarantee its security. Events of the past 6 months have dramatically transformed the threat confronting the United States. For example, 1 year ago intelligence analysts and defense planners assumed that the United States and its NATO allies would have only 10 days warning time in advance of a Soviet attack. Today those intelligence estimates have been revised to 30 to 44 days. CIA Director William Webster has also testified that the Warsaw Pact is, for all intents and purposes, defunct and that the Soviets could not rely on assistance from their Eastern allies in an attack against the West.

Given these changes in the threat, it is appropriate to spend less on a defense. However, we must resist the temptation to slash haphazardly at the defense budget simply because it makes an inviting target. A rational, planned drawdown in the context of an integrated security policy must guide our action on defense spending cuts.

For fiscal year 1991, the resolution calls for approximately $36 billion in net deficit reduction, thereby meeting the Gramm-Rudman deficit limit of $64 billion for fiscal year 1991. It seeks to balance the Federal budget by the year 1995 without using the Social Security surplus to mask the true size of the deficit. This is particularly important because I have supported efforts for some time to see that Federal budget estimates are calculated as accurately as possible. This resolution also includes instructions directing various committees to report legislation producing significant savings in each of the next 5 years, in order to help ensure that this year's deficit reduction legislation focuses on permanent savings rather than temporary solutions.

The American people are deeply concerned over the Federal budget deficit and they want decisive action. Enactment of this resolution will chart a clear course for further, substantive deficit reduction while meeting the pressing needs which exist for such national priorities as quality education, affordable housing, a clean environment, health care, economic development, job creation, the war against drugs, and seeing that our senior citizens receive the full benefits they have worked so hard for all their lives.

Throughout my years in the Congress I have worked to encourage restraint in the growth of Federal spending and I have pushed for realistic and responsible Federal budgets. I believe this legislation meets that criteria.

I urge my colleagues to join with me in supporting the passage of House Concurrent Resolution 310.

Mr. LEHMAN of California. Mr. Chairman, I would like to take this opportunity to voice my support for the congressional budget resolution for fiscal year 1991. I would also like to commend Chairman PANETTA and the Budget Committee members for their tremendous work in bringing this resolution to the floor.

This year's budget resolution goes a long way in laying out a blueprint for this country's future. With the changing nature of the world around us, it is important to realize that priorities of yesterday can no longer be the priorities of today. We must begin to focus on gradually converting our economy from a defense-based economy to a peace-based economy. Education, health care, housing, job training, antidrug programs, safe infrastructure, clean air and water, and space and science research must be the priorities of the future. We simply do not need and cannot afford the strategic defense initiative, the B–2 bomber, or any other costly and extravagant program.

The budget resolution—through a 5-year budget plan—will direct one-half of defense cuts to domestic priorities and the other half will go toward reducing the overall budget deficit. On the revenue side, the budget resolution adopts exactly the same numbers as President Bush's budget by assuming $13.9 billion in revenues. Instead of relying on the overly optimistic economic assumptions that are used in the President's budget, the budget resolution relies on Congressional Budget Office economic statistics which are more realistic. And in another victory for truth in budgeting, the Social Security trust fund is excluded from deficit calculations so that by 1995 a balanced budget is achieved without counting the Social Security trust fund surpluses.

Mr. Chairman, what we have here is a democratic budget which keeps its promises to the American public. The President in his budget proposed deep cuts in Medicare of $5.5 billion, no cost-of-living adjustments [COLA's] for Federal and military retirees, cuts in subsidized housing, and a decrease in infrastructure repair funds. We cannot tolerate a budget that neglects the basic needs of the average American. The congressional budget resolution, on the other hand, increases funding for education programs five times more than the President's budget, trims Medicare payments to physicians, grants full COLA's to Federal and military retirees, and increases funding for infrastructure repair.

This budget resolution represents a solid first step in achieving long-term deficit reduction while also gradually shifting resources from defense to high-priority domestic programs. There is no doubt that we have many difficult choices and decisions ahead of us. Our economic situation is not at all rosy and it requires leadership and consensus from both the administration and the Congress. I support this budget resolution as a way of beginning the many steps it will take to attain a better America.

Mr. VENTO. Mr. Chairman, I rise in support of the budget resolutions before us today and the reordering of national priorities which it represents.

Our task today is to choose a budget plan which reflects our national values and priorities. Budget choices go to the heart of our responsibility as legislators. It is the time when we put the flesh and bones on the vision we have for American's future. The decisions we make aren't easy, and by their nature they aren't supposed to be. Making tough decisions about which programs to cut and what programs to increase is what we come here for.

This year the choices we make are even more important than in previous years. The crumbling of the Berlin Wall, the blooming of democracy in Eastern Europe, and the lessening of tensions between the superpowers are remarkable changes which have significant implications for our Nation. These changes have given us an opportunity to reduce defense spending and make investments in the important domestic programs in the areas of housing, education, child care, and the war on drugs.

Mr. Chairman, we have heard a lot of debate about the peace dividend in recent months. We argue among ourselves about what the peace dividend is, when we will get it, and what we are going to do with it when we get it. Well, the peace dividend just doesn't happen, Congress must make it happen. The committee budget before us today is a good start on the process, although the substantial yet prudent cuts in defense which I support will not occur for several years.

Under the committee resolution, defense spending for fiscal year 1991 would be cut by $32.8 billion in budget authority and $11.5 billion in outlays below the baseline level that represents the amounts needed to keep pace with inflation. Compared to the spending levels for fiscal year 1990, with no adjustment for inflation, budget authority would be reduced by $18.6 billion in authority and $1.3 billion in outlays.

Mr. Chairman, I sincerely congratulate Chairman PANETTA and the members of the Budget Committee for their efforts in reporting these defense spending reductions to the House. They represent the beginning of what may prove to be the first substantial reductions in defense spending since the unprecedented $2 trillion defense buildup during the Reagan-Bush administration between 1981 and 1989.

While actual outlays would be reduced only modestly during the next fiscal year, by fiscal year 1995 outlay would be more substantial. This budget takes a much more realistic look at our strategic and conventional defense requirements over the next several years.

Recently, Defense Secretary Cheney has proposed an additional round of new cuts in defense spending. This "Johnny-come-lately" approach is really a subterfuge to conceal the implausibility of basically continuing to support a cold war strategy in a vastly different era. While the Berlin Wall has crumbled and dictators have tumbled, the Bush administration's defense spending blueprint resembles the nervous cat who constantly chases his shadow.

Over the next 5 years, the committee budget shifts over $100 billion from military

spending to domestic and international programs. Cuts proposed by the Bush administration in child nutrition, mass transit, the community services block grant, and housing are rejected. In addition, the administration's plan to freeze the cost-of-living adjustment for military and civilian retirees is rejected.

The budget resolution makes major investments in America's future by funding programs which will give us true national security: job training, infrastructure, the war on drugs, and health care. Funding for compensatory education, Pell grants, and worker retraining will be increased. In addition, funds have been included to accommodate the recently passed comprehensive child care bill. I am also pleased that funding for housing programs is increased.

The committee budget is more compassionate in addressing America's health care needs than the administration's plan. It rejects the $3.5 billion in Medicare cuts and it provides significant funding for Medicaid Programs to serve pregnant women and infants in poverty. The resolution provides $8.65 billion for the National Institutes for Health, a full $750 billion over the President's plan. Finally, the plan provides an increase of $1 billion over current spending for veteran's medical care to support an additional 2,837 full-time medical personnel.

The budget before us today is not just a good plan because of the priorities it sets, it also is fiscally sound. The budget meets targets set by the deficit reduction law and achieves a balanced budget by fiscal year 1993. In addition, the budget balances the budget for the first time without including the Social Security trust fund in the calculations of the Nation's budget deficit. The long-term effects of a budget practice that allows for the misuse of the Social Security trust fund should be of deep concern to everyone. Slowly, but surely, we are jeopardizing the financial integrity of our most successful and most efficiently funded social program. As long as we continue to base deficit reduction targets upon figures artificially lowered with the surpluses in the trust fund, we can never truthfully address our serious deficit problem.

While I am voting for the committee budget resolution, I also am supporting the Congressional Black Caucus quality of life budget. The caucus has produced an outstanding amendment which really puts urgent priorities into perspective. This is especially true with respect to defense spending. Indeed, the proposed cuts for programs such as the strategic defense initiatives, the MX missile, nuclear submarines, and the B–2 bomber are justifiable. The qualified of life budget makes even greater investments in important domestic programs and addresses real human needs.

Mr. Chairman, we must begin to address the human deficit which has been neglected over the past 10 years. I urge my colleagues to support both the quality of life amendment and the committee budget resolution to make strides toward that goal of reducing both the fiscal deficit and human deficit.

Mr. WEISS. Mr. Chairman, I commend the chairman and the Budget Committee for their diligence and commitment to formulating a responsible and fair budget resolution which reflects the dramatic changes internationally and responds to important human and social needs at home.

No one can deny that a new reality exists in world affairs. These changes must be reflected in our Nation's budget priorities. In particular, it simply cannot be argued that military spending should remain at the extraordinarily high levels of the Reagan years.

The budget presented by the committee, in sharp contrast to that of the administration, recognizes that military spending can come down significantly in the next several years without compromising our national security. Further, the savings from this reduction in defense spending must be applied to a combination of deficit reduction and new investments in the areas of health care, education, infrastructure, job training, and other important areas of social spending.

The fundamental principles which govern the President's approach to budgeting are flawed. This administration continues to believe that it can achieve a more balanced budget without cutting defense spending and without raising any new revenue. By this logic, all spending reductions would come from cutting social programs, many of which were slashed by the Reagan administration.

The Democratic budget realizes the first installment of the much-discussed peace dividend. While some have argued that the peace dividend does not exist, this budget shows that it does in fact exist, and further, illustrates that it exists to the extent that policymakers have the will to cut military spending.

Many of us in Congress believe that defense spending can be cut further in the short run than it has been in the committee budget. I am one of those Members. A large peace dividend is not only possible, it is a crucial component of any effort to reindustrialize our economy. Major investments in human and capital resources will not be possible without deeper cuts in military spending. I commend the long-range cuts in military spending represented in the committee budget, however, I do believe it would be possible to responsibly cut more sooner.

Despite this, the committee budget contains several important new spending initiatives. This budget increases aid to education by $2.5 billion. It increases funds for subsidized housing programs. It includes new funding for child care. It increases funding for antidrug abuse programs by $1.5 billion. Further, the budget includes significant increases for Head Start, food stamps, environmental programs, and Medicaid. Finally, this budget allows for increases of over $700 million for AIDS research and treatment programs, with $104 million of that increase targeted for pediatric AIDS Programs.

I would like to commend Chairman Panetta for including in his budget substantial increases in a variety of programs that are to be targeted for the purposes of helping communities and individuals who will be affected by cutbacks in defense programs. I testified before the budget Committee earlier this year and talked at that time about the need for money to begin a program of economic conversion and adjustment. I am grateful to Chairman Panetta for recognizing this need and including funding for this purpose in this budget.

This budget includes increases in worker dislocation programs, the community development block grant program [CDBG], the Economic Development Administration [EDA], rural development programs, and civilian high technology transfer programs. These increases will help communities plan for the transition from military oriented economies to civilian ones.

No matter what defense spending number is agreed to today, it is clear that billions of defense dollars will not be spent that many workers and communities have anticipated. In future years, this need will increase. I have sponsored legislation, H.R. 101, the Defense Economic Adjustment Act, which would help alleviate the worker dislocation and economic hardship that will coincide with defense cuts. I am hopeful that legislation of this type will be considered on the House floor in the near future.

Today, I will support the resolution offered by the Budget Committee. In difficult circumstances, this budget represents a new direction. I hope we continue down this path in years to come.

Mr. OBERSTAR. Mr. Chairman, today we debate the 1991 budget resolution. As a member of both the Budget Committee and the Committee on Public Works and Transportation, I would like to address what this budget means for our Nation's transportation system and infrastructure.

AVIATION

Mr. Chairman, our airport and airway systems are now inadequate to handle the demands they face. Airline passenger traffic has increased from 276 million passengers in 1978 to 475 million in 1988. By the year 2000, FAA estimates that traffic will increase to 820 million passengers.

Last year, American air travelers were forced to endure more than 117 million hours of delay. Those delays were not trivial—they cost air travelers and the economy some $5 billion.

We must move ahead with a program to improve airport capacity or face a future of airborne gridlock.

The House budget resolution contains $8.5 billion in budget authority for the four major aviation programs: operations, facilities and equipment, Airport Improvement grants, and research.

The Airport Improvement Program [AIP] is most notable here, for this is the major source of funds for the expansion of existing airports and the construction of new airports to alleviate air traffic congestion and expand capacity. This is the program that will help our air transportation system handle those 820 million passengers 10 years from now.

To his credit, President Bush has proposed an increase in funding for this program—the first such request to come from the White House in 10 years. This is evidence that the administration grasps the serious airport capacity situation we face, and is willing to do something about it. The House budget resolution is identical to the Presdent's request for AIP, but assumes obligations to the full authorized level—an additional $300 million.

Mr. Chairman, we are sitting on a $7.6 billion surplus in the Aviation Trust Fund. This

money has been collected over years from airline passengers in the form of a ticket tax. When the tax was enacted, we promised those passengers that their money would go to building airports and improving the national air transportation system to make it easier and safer for them to travel. However, as we allowed that surplus to accumulate and the air transportation system to deteriorate, we have reneged on that promise.

The President and his advisers have come up with a dandy way out of this dilemma: "Let us impose a new tax on the traveling public," they say. "Let us explain to them that it is necessary to maintain and improve the air transport system." In other words, let us again make them the same promise we have broken.

The House Budget Committee recommends we live up to our original promise. Our plan for funding airport improvements and the other aviation functions calls for drawing down that trust fund surplus and eliminating that surplus by 1995. Unlike the administration plan, this will allow us to make the necessary improvements with no new taxes.

HIGHWAYS

Mr. Chairman, we also have an $11 billion surplus in the Highway Trust Fund. We must also live up to our promise and put those dollars to work. The Budget Committee's recommendation would draw down that surplus down to $5 billion—just above the minimum reserve level of $3 billion—over the next 5 years. By contrast, President Bush's budget proposal would allow the surplus to grow to $19 billion in the same period.

The Budget Committee is recommending an obligation ceiling of $13.3 billion for the Federal-aid highway program in 1991, an increase of $1.1 billion over the fiscal year 1990 ceiling. In addition, the committee recommends that ceiling increase to $18.85 billion by 1995. In contrast, the administration would freeze these obligations at $12.0 billion—below the fiscal year 1990 level—for the entire period.

EDA

Mr. Chairman, the Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC] are lifelines of hope to those parts of our Nation most devastated by the economic downturns of the 1980's. These two agencies provide the stimuli that generate new industry where the factories have closed, and new jobs where the mines have gone silent.

The administration's budgets of the past 10 years have consistently eliminated funding for these two programs. This year is no exception. However, the House budget resolution keeps hope alive by proposing $300 million for EDA and another $154 million for ARC.

Mr. Chairman, this budget resolution is an investment in our future. We face a world of increasing international competition. If we are to compete with Europe and the Far East, we must maintain and improve our transportation system and infrastructure.

Unfortunately, Mr. Chairman, we are falling badly behind. Our country ranks 55th in the world in capital investment. Japan spends five times as much as we do on its infrastructure needs.

Sixty percent of our highways and 41 percent of our bridges are badly in need of repair.

Traffic congestion has increased over 50 percent in the last 10 years. Here in Washington and other major urban areas, we are wasting 2 billion hours of time each year due to traffic tieups. In the next 10 years traffic delays will cost us $50 billion in lost wages and wasted fuel.

Many of our urban water systems are over 100 years old and are wasting precious water as they wait to be replaced.

The last major airport built in this country is 16 years old, and new ones planned for Denver, Chicago, and elsewhere are several years from reality.

Mr. Chairman, San Francisco's longshoreman-philosopher Eric Hoffer said "the success of a modern society is likely to be reflected in the quality of its maintenance."

Show Hoffer a failed political system and he'll show you failed water systems, clogged sewers, and congested highways and airways.

Let us not allow Hoffer's brilliant insight to become the epitaph for our generation.

Mr. WYDEN. Mr. Chairman, I rise in support of the budget resolution proposed by the House Budget Committee.

Under the resolution, programs which have suffered under a decade of neglect—such as Medicaid, WIC, and food stamps—are given a much-needed injection of funding.

On April 16, I met in my home district with the Family Services Committee of the North-Northeast Economic Development task force, who issued recommendations to reduce infant mortality and improve the quality of life for low-income residents in north-northeast Portland.

In Multnomah County each year, nearly 100 babies will die before their first birthday. Twenty percent of the women in north-northeast Portland do not receive adequate prenatal care—that's double the statewide average. The lack of affordable and accessible prenatal care is the primary reason for this tragic situation.

For a country that spends nearly $600 billion annually on health care, it's inexcusable that infants are dying because pregnant women can't get basic medical attention.

Who are these women? According to the report, about half are Hispanic, black or American Indian. One-third have less than a seventh grade education. Most suffer from poor nutrition, live with fragmented families in crowded living conditions, lack employment opportunities, and have limited transportation.

Prenatal care is one of the best values in health care today. The Institute of Medicine estimates that for every dollar spent on prenatal care, $3.38 is saved on future medical costs.

Just $400 in prenatal care can make the difference between a normal, healthy baby and a baby who needs hundreds of thousands of dollars of medical care. Good prenatal care reduces the number of children who will suffer from disabilities such as cerebral palsy, mental retardation, and epilepsy.

This budget resolution provides an increase of $285 million for Medicaid, the Federal/State program which provides medical care to the poor. This increase will extend medical care to 223,000 pregnant women by expanding Medicaid to those with incomes at or below 185 percent of the poverty level.

In addition, 2.5 million poor children ages 6 through 17 who currently lack health insurance will be able to qualify for Medicaid under this budget resolution.

This budget resolution proposes immediate hunger relief for poor families with a $300 million increase to the Food Stamp Program in 1991, followed by a $4.7 billion increase over the next 5 years. As a result of this increase, more hungry children will get the nourishment they need in order to become strong, healthy adults.

In addition, this budget resolution calls for a $150 million increase in 1991 with a $2.25 billion increase over 5 years in WIC, the Supplemental Food Program for Women, Infants and Children. The WIC Program is a key program in combating infant mortality and in promoting child health. Often, a pregnant woman's first contact with prenatal health care is in a local WIC clinic.

This budget resolution also provides a $93 million increase in the Alcohol, Drug Abuse and Mental Health block grant. The number of drug addicted babies born in Oregon has skyrocketed in recent years. Currently, there is a dire need for perinatal substance abuse treatment in Oregon where the waiting lists for such programs can run as high as 4 years.

According to the National Commission to Prevent Infant Mortality, infants born to women who use illegal drugs while pregnant are much more likely to be born prematurely, have low birthweight, and congenital defects. Many of these babies suffer from painful drug withdrawal and developmental and learning disabilities. Mothers who use drugs during pregnancy also put their babies at greater risk for Sudden Infant Death Syndrome [SIDS].

All of these programs are essential for putting an end to the shameful tragedy of infant mortality in my State and throughout the rest of the Nation. This budget resolution represents a humane and practical expansion of these programs.

These are not the only reasons I am supporting the House Budget Committee's alternative to the budget proposed by President Bush. The committee's budget resolution proposed defense spending that reflects the post-Cold War realities. It also envisions a $444 million increase in funding for veterans' hospital and medical care. This crucial addition will allow the Veterans' Administration to hire another 2,837 full-time medical care personnel, including another 808 nurses and 132 physicians.

I urge my colleagues to join me in voting for the committee resolution.

Ms. LONG. Mr. Chairman, I reluctantly rise in opposition to the budget resolution. There are many good provisions in the measure that I do support in and of themselves. However, the nemesis that continues to haunt bills brought before the House has shown its head in the budget resolution. That nemesis is taxes.

As the Congress continues to consider legislation which includes new calls for taxes, it reminds me of the anecdote of the Member of Congress who said during the course of a speech, "And now people, I want to tax your memory." Another Member of Congress who

was present muttered, "Good heavens, why haven't we thought of that before?"

The budget resolution includes a provision calling upon the Committee on Ways and Means to report legislation to raise $13.9 billion in revenues in the next fiscal year alone. This figure is identical to the revenue increase called for by President Bush. Furthermore, the resolution calls on several House committees to report legislation to raise $1.4 billion in fiscal year 1991 by increasing user fees.

I made a promise to the people of my congressional district not to support new taxes. I intend to keep that promise, and that is why I cannot, in good conscience, support the budget resolution today.

Mr. Chairman, at this time I would like to make another point with regard to new taxes. You know, I was not the first person to make that "no new taxes" promise. Although, sometimes I question whether everyone who made that promise has kept his word. But what really concerns me is that we seem to be slipping taxes into many substantive measures brought before the House which otherwise would receive my support.

For example, I had to oppose the child care legislation. Why did we have to include in the measures—both H.R. 3 and the Stenholm substitute—provisions to increase taxes for families currently using the Earned Income Tax Credit [EITC]? And even more confusing is why we had to turn the 3 percent telephone excise tax, which was due to expire this year, into a permanent tax. I think it is a reasonable question that should be asked: Why include a telephone tax on a child care bill?

But it is not only that one piece of legislation. Last year, when we considered an amendment with regard to the capital gains tax cut, the rule provided for an alternative to be offered by the majority leader, Mr. GEPHARDT. The Gephardt measure was a good solid proposal which included provisions which would assist families with the education of their children and the buying of a home. But, the Gephardt measure also contained a tax increase. Ultimately, I opposed a very thoughtful proposal all due to this seemingly continual effort to include taxes in legislation.

Mr. Chairman, I do not want my colleagues to think that this is a complaint waged against Members of either party. It is a concern that both parties should be alerted to.

For example, the President himself in his budget document calls for increased taxes, and the President himself supported the Stenholm measure on child care which included new taxes.

So, as I stated before, I reluctantly rise in opposition to the budget resolution. The measure crafted by the Budget Committee is a substantive piece of work and I congratulate the Members of that committee. The Budget Committee budget resolution is a far better budget blueprint than the President's proposal. It is also a far better proposal than any of the alternative plans that have been considered during debate on this bill.

Mr. FAZIO. Mr. Chairman, I rise today in strong support of House Concurrent Resolution 310, the fiscal year 1991 budget resolution. Chairman LEON PANETTA and the budget committee should be commended for their outstanding effort in putting together this budget.

The Democratic budget is a responsible budget which addresses the needs and priorities of this Nation. It restores funding for many important domestic programs, many of which were significantly underfunded and in some cases, nearly decimated during the years of the Reagan administration. It also reflects the changing realities we face as we transform from a cold war economy to a peacetime economy, and reasserts our international leadership well into the next century.

While the administration's budgets over the past decade have left behind a legacy of tremendous debt and unmet needs for our society, the Democratic budget responsibly reduces the deficit, identifies clear priorities and provides the funds to meet them. In fact, there could not be a clearer difference in the priorities between Democrats and Republicans than in the budgets that this House will consider today.

For example, unlike the President's budget, the Democratic budget does not merely pay lipservice to the important programs so vital to the Nation and so strongly supported by the American people. Rather than provide rhetoric about education programs, this budget funds them. In fact, the Democratic budget provides over five times the amount of funding for education as President Bush requested.

This budget also rejects the substantial cuts in Medicare called for by President Bush and vehemently opposed by seniors across the country. The $5.2 billion Medicare cut proposed by the president would have been a back-door cut in health care for so many of our seniors dependent on Medicare for their medical care.

This budget is also fair for all of our retirees. Unlike the Bush administration's budget, which undercut some of our retirees by calling for a freeze in the cost-of-living adjustment [COLA] for military and civilian retirees, the Democrats provide a full 4.1-percent COLA for Social Security and Federal and civilian retirees.

The Democrats also reject the President's cuts to our Nation's infrastructure, which had already been substantially neglected during the Reagan administration. In contrast, the Democratic budget provides $1.3 billion over the President's budget for vital highway funding.

House Concurrent Resolution 310 also rejects the massive spending cuts proposed by the administration in such important programs as child nutrition, EPA grants, rural housing loans, Amtrak, mass transit, Community Services Block Grant, housing and juvenile justice.

Instead, the Democratic budget provides for critical investment in several key areas—economic competitiveness an assistance for workers affected by defense changes; programs for children, including Head Start and child care; programs for critical research for the future, including NASA, the National Science Foundation and the National Institutes of Health; health, nutrition and housing programs such as Medicaid, AIDS research, prevention and treatment, Food Stamps, WIC and subsidized and rural housing; antidrug and anticrime programs; restoration of the Nation's infrastructure and preservation of the environment; and, investments in democracy and development abroad, including aid to emerging democracies in Eastern Europe.

Finally, this budget is fiscally responsible in that it meets the Gramm-Rudman deficit target and removes Social Security from the deficit calculation.

The Democrat's budget is an investment in the future. It commits the resources that are necessary to maintain the United States as a world leader well into the next century and provides a clear direction of where we want to take this Nation. We live in a far different world now—one which this Democratic budget correctly reflects. I urge my colleagues to support this budget.

Mr. MATSUI. Mr. Chairman, I cannot in good conscience support the budget resolution that we have under consideration today. I am not going to vote against it because we have put too much or too little money into defense. I am not going to vote against it because we did or did not include enough money for important social programs.

Today I will be voting against the budget resolution because I think that by approving this budget we are avoiding making tough decisions on the future of our Nation's economic health.

There are a lot of good things in this budget resolution. For example, I think the funding increases for expanding Medicaid, extending Head Start to cover more children and to provide year-round programs, and AIDS research and treatment are all steps in the right direction.

While these funding increases, along with a decreased reliance on defense spending, all bode well for the future of our Nation and our citizens, our economic health will remain in danger unless we take some serious steps toward deficit reduction.

The real Federal budget deficit is now over $200 billion. How can we go home and face our constituents and tell them we are cutting the deficit when $74 billion of these so-called savings are coming from the Social Security trust funds, trust funds that were created so we will be able to pay Social Security benefits to today's work force when they retire.

The public will soon catch on to the games we play to make it appear that we have reached our deficit reduction target. I am sorry to have to vote against the budget resolution today. But I cannot in good faith vote for a budget that does not honestly address this Nation's financial situation.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the budget resolution for fiscal year 1991 as reported by the committee. I want to qualify my support for this budget, however, on at least two points. First, I have a serious problem with the vagueness of the revenue targets in this budget. As a member of the Committee on Appropriations, I am very aware that the cuts ordered by sequestration earlier in this fiscal year came out of our hides. The Committee on Appropriations has done its part in keeping spending down to agreed upon levels. We know that we can't control entitlements very effectively. In fact, this budget recognizes that situation—it calls for large savings from entitlement reforms. But the resolution says more broadly that we will

ask the authorizing committees of the Congress to find an additional $13.9 billion in new revenues by September 30. It gives us the target, but no ammunition.

The total of $13.9 billion in new revenues is the figure proposed by OMB Director Richard Darman. It is a hollow number. This House does not have the luxury that the President seems to think he has—namely to make speeches saying "read my lips." I have said repeatedly that the Congress is inherently not very good at providing leadership on the broadest policy issues we face as a nation. We are better at solving problems than in offering direction and vision. But we are not getting that leadership from this administration. To a certain degree, we are conspiring with OMB and the White House on the question of taxes. We all know that the reconciliation bill we will vote on later this year will contain new taxes—of course it will.

The second thing that troubles me about this budget is what it proposes to take from Medicare. The resolution is obviously a great improvement on the administration's proposal to cut $5.2 billion in Medicare, but where are we going to find even the $1.7 billion in savings recommended here? Each year for as long as I can remember, we have been raiding Medicare to pay our bills. If what we get in the fall is a package which tightens the screws on the elderly—and which says that they will have to forego eligibility for medicines or specified medical procedures—then I will not be able to support it, no matter how well intentioned the Ways and Means Committee may have been.

Having said this, I still intend to vote for the committee-reported budget. Given the complete lack of any sense of responsibility on the part of the White House and the minority party to produce any meaningful alternatives on our fiscal priorities, this may indeed be the best we can do at this time. I believe in the general emphases this budget offers. I believe that the defense number, while on the low side, puts us in a good position for negotiations with the other body on conference. Unlike the budget submitted by the executive branch, it keeps faith with retirees and veterans by including full cost of living adjustments, or COLA's. I believe it also puts us where we ought to be in rejecting the cuts proposed by President Bush for the Community Development Block Grant Program. I also believe it goes beyond the tentative recommendations made by this administration, as we need to, in providing support for the emerging democracies around the world. This is not a perfect product by any means, but it deserves our support.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, on many occasions in the last 11 years that I have had the privilege of serving in this body I have stood in the well on budget day and offered substitutes, amendments, differing versions of the budget that is being considered. But today I do not do so. I stand in the well today to urge the support of this House, both sides of the aisle, for the budget that is before us. I do so because it is incumbent upon the House of Representatives to live up to our title, Representatives of the people, and deal with the fiscal responsibilities of this country.

Now, others among us, the gentleman from Ohio [Mr. KASICH], the gentleman from California [Mr. DANNEMEYER], the gentleman from California [Mr. DELLUMS], have offered substitutes, of which most of us have voted no.

The President offered a budget earlier this year, which he is supposed to do, and we are not even going to get an opportunity to vote upon it, because no one is proposing that we vote on the President's budget. But yet we hear criticism from members of the President's party of the Democratic budget.

Now, it seems to me that it is now time for us to fish or cut bait. If you are going to criticize, you must offer something better. And so far no one has offered anything better than what the gentleman from California [Mr. PANETTA] and the Democrats on the Committee on the Budget have offered. And when one looks at it, it is not that bad.

If you live in rural America, as I do, take a look at what we do for Medicare and what we do for rural hospitals. That one issue alone is a high priority to me in my area.

Now, we can criticize and we can pick and we can choose, and it will all be valid. But I think it is extremely important for us as the House of Representatives at this point in time to make the system work, to set a budget, to pass a budget, and to begin the negotiating process that is going to be so necessary if we are going to deal with the real problem of this century, a fiscal deficit that is much larger than anybody is talking about. But unless we are prepared to stand today and to vote for something, how are we going to explain to our constituencies at home that we are against everything that anybody offered, from the President on down?

Mr. Chairman, I guess I have got about as good a reputation as being against things as anybody else in this body. But I have taken a good hard look this year, and I could not come up with an alternative that I could offer that could get the votes, any more than the President or anyone else. Take a good hard look at the effort of the gentleman from California [Mr. PANETTA].

Mr. HUCKABY. Mr. Chairman, would the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, would the gentleman from Texas [Mr. STENHOLM] agree that this budget does actually cut more and does close the gap more than any other budget before the House in recent years?

Mr. STENHOLM. Mr. Chairman, reclaiming my time, exactly. That is exactly the absolute fact of the proposal that we have before us. I commend the gentleman from Louisiana [Mr. HUCKABY], who serves on the Committee on the Budget, for his work. I know the gentleman was not totally happy. Nobody is going to be totally happy with anything we do. But if you simply vote no, how are you going to explain to those that suggest this is such a failure? Where is the President's budget? Where is it? If we are going to vote on a proposal from the other side of the aisle, where is the proposal? I voted for the Kasich amendment. I voted for the Dannemeyer amendment. Where are the votes for something? Can we run this country by being against everything that comes down the pike? Can we run our country that way? I think the answer is no. Vote for the House Democratic budget today.

□ 1640

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia [Mr. GINGRICH], the minority whip.

Mr. GINGRICH. Mr. Chairman, the distinguished gentleman from Texas [Mr. STENHOLM] just suggested that the only two alternatives here are to vote yes or to somehow have the legislative process come to a halt.

Let me say there are many occasions in this House when saying to a committee you tried hard, you did the best you could, it is not quite good enough, go back to committee and work a little harder is a legitimate thing to say. There are many occasions in this House when we serve the American people far better by being willing to be tough-minded about what is being presented.

When people look at public opinion polls and they see Congress dramatically below the President in approval/disapproval, when people look at 61 percent of the country favoring a limitation on terms for incumbents and say why is that true, they ought to look at today's budget, and they ought to look at the debate which is being established around this budget as though the budget itself did not exist, that this is a press release for a summit. But we have conservatives who get on the Democratic side and say that it does not matter, vote yes because we have to vote yes on something, or liberals saying it does not matter, vote yes, because we have to vote yes for something, but in fact this is a legitimate budget, at least in theory.

What does it do? It offers over three times as much taxes as the President over the next 5 years, over three times as big a tax increase. It offers a substantially bigger welfare state than

the President, subtantially bigger. And then magically it cures the problem by declaring the world safe and unilaterally disarming and gutting defense.

This is not a hard budget to arrive at. This is the Dukakis platform. This is the Mondale platform. This is the Carter Presidency. This is the McGovern movement. This is an easy budget for somebody to understand. There is nothing new here.

All one has to do is say boy, I am really mad about Lithuania and I will prove it, I am going to gut the Navy. Or boy, I am really upset with Bush for being too soft on Gorbachev, and I will prove it and unilaterally discharge strategic weapons. Boy, I am going to be really tough with the Russians and send them a really powerful signal, I am going to give their military the biggest gift in cutting defense than they have been able to get in the last 10 years.

What will happen here in the House? It is very simple and it is very straightforward. Member after Member will go back home and say I do not know why Dick Cheney is going to cut our military base, because I am opposed to closing our military base. Or I do not know why Dick Cheney is trying to close down our particular assembly line or our particular factory, because I am opposed to closing that. And, "Oh, do you mean my vote when we set the 302(b)," and I assume the Democrats in the House actually intend to follow this budget, "you mean my vote had a relationship to this? You mean when I voted to gut defense that meant my factory, that meant my military base? Oh, gee, I can't understand why you would think that my vote mattered."

I just want to say to my colleagues it is not going to be that simple. They cannot have it both ways. If we are going to cut defense spending and raise taxes, and have a bigger welfare state, folks are going to begin to figure out that maybe the Congress has an impact on what happens.

Let me carry it a stage further. There are men and women sacrificing today to serve their country. They are all over the world. They are the people who contained the Soviet Empire. They are the people who did so brilliantly in Panama. They are the people who saved the students in Grenada. What are they seeing when they read the various and sundry newspapers that explain to the military personnel? They see the Democrats and Congress once again melting down defense. They see once again that Democrats do not care about what happens to their families, they do not care about what happens to their schools, they do not care about what happens to their future, and so we are capriciously being told today let us vote for a dramatic, radical cut in the budget authority, and then pretend that it does not mean anything.

But all over the world in the next week if this budget passes, young men and women will be making a decision, a decision not to reenlist, a decision not to trust the U.S. Government, a decision not to stay in the services. Why? Because this Congress will have reverted to a policy of weakness, to a policy of radical disarmament, and to a policy of gutting the budget.

So my final word to my friends in the Democratic Party is simply I know you have been told you ought to vote for this to keep the process going, as though we had a process here. I know you have been told it really will not matter because later on something magic will happen.

I just want to suggest when they come back later on and explain why their weapons system ought to be funded, when they come back later on and explain why their military base ought to be kept open, that today's vote is going to be a very, very powerful argument for saying wait a minute, you want a lot less, and maybe you are going to get a lot less, and when you get a lot less do not go home and tell the folks you did not know it was coming because we are trying to tell you today. This budget relates directly to defense spending, and defense spending relates directly to all of those particular things that you claim you want but you do not want to vote for.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I have served for 6 years on the Budget Committee and I have been around here during the last administration and 2 years of this administration, and to my knowledge there are about 35 votes or so that have been cast in 10 years for the administration's budget.

If Members do not like this budget, where is their budget? At least this is something. It talks about Medicare and it talks about a lot of other things.

You have offered nothing except a lecture to this House, to some of the Members who have been here as long as you have, Mr. Minority Leader.

And I will go home and defend this budget, just as I did for 10 straight years, the Democratic budget. If you have something better, you still have time, and nobody on this side will object to a unanimous consent request for you to offer the administration's budget.

Mr. FRENZEL. Mr. Chairman, I yield 2 minutes to the distinguished minority leader, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I just want to say that the gentleman from North Carolina has made an honorable statement, and I have no problem with it. I think any Member who wants to go home and say yes, I voted for this budget; yes, I understood it had three times as much taxes as Bush; and yes, I understood it cut defense and I voted for it because in my judgment this was the best we could do. I think that is an honorable position, and I am glad the gentleman said it.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, the gentleman has offered nothing, absolutely, and you cannot beat something with nothing. You have offered nothing. Do you have a budget? You have a budget that you will not offer, and we will give you unanimous consent to offer it.

Mr. GINGRICH. I will reclaim my time to say to the gentleman very simply, as anyone knows who has been reading the newspapers, the budget the President sent up in January is in fact in the process of changing. It would have been ludicrous, given what Secretary Cheney said last week, to have brought that budget to the floor in its current form, and none of the Members believe that the numbers in January are the numbers that will come to the floor today.

I am quite comfortable with our position. We do not run the House, we do not set the legislative agenda, and it is the Democratic Party's job to bring it to the floor.

Mr. PANETTA. Mr. Chairman, I yield myself 4½ minutes.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, just a moment ago we were all treated to a statement by the minority whip that the Democratic budget has three times the amount of taxes as George Bush's budget. Three times zero is zero, because we understood the read-my-lips President did not have any taxes. So three times that zero that the President claims to have must be no taxes.

I thank the gentleman for yielding.

Mr. PANETTA. Mr. Chairman, we arrive at the conclusion of the debate on the budget a little faster than anyone would have hoped, very frankly, because we did provide a rule in which the President's budget was to be offered, and it would have permitted a 2-hour debate on the President's budget and comparisons to the committee budget. But neither the gentleman from Minnesota [Mr. FRENZEL] nor any other Republican in the leadership was willing to offer the President's budget.

But perhaps the absence of the President's budget speaks louder than

even offering the President's budget and having a vote on the President's budget. The failure even to offer the President's budget makes clear that the President offers no choices that are acceptable to either a majority of Democrats or a majority of Republicans.

□ 1650

The fact is that the test of a budget is not what it says it does nor even its author. It is whether or not you get a majority of votes on the floor of the House and in the Congress. That is the ultimate test of the success or failure of any budget.

According to that test, the President's budget is a failure. The failure to offer the budget by the President also makes clear how tough it is to develop a budget that balances the priorities, that recognizes that we have to provide new directions for this country and that tries to achieve a majority vote on the floor of the House.

Ask the Democrats on the Committee on the Budget what 4 weeks of agonizing we had to go through in order to develop a budget resolution and bring it to the floor. Ask BILL FRENZEL and the Republicans who tried to develop options and now offer nothing what it means to try to develop that kind of balanced approach.

The fact is there are clear choices, recognizing the fact that there is no agreement between the White House and the Congress. The fact is that we are not going to force a freeze on cost-of-living indexes or retirees, military retirees, veterans, or civil servants, the way the President's budget calls for because our budget recognizes the equity of providing a full cost-of-living adjustment to those retirees. We are not going to cut the cost-of-living pay adjustment of our military personnel or our civil servants, as recommended by the President's budget, because we think they are entitled to full pay for the duty that they perform.

We are not going to cut deeply into Medicare, as the President's budget recommended, a $5.2 billion cut in Medicare. We are not going to cut deeply into the farm programs the way the President's budget recommended, or on child nutrition.

We are not going to take the approach, as was done during the 1980's, of bleeding the domestic programs in order to pay for increases in defense. That must end. That is what our budget does.

The President's budget does not recognize those realities. The committee budget does.

Finally, the failure to offer the President's budget on this floor shows how important it is that the House not run from its responsibility to govern, the way the minority has by not offering the President's budget.

I recognize that some prefer to make no choice at all. I recognize that there are some who would rather have a summit make that decision, or have a budget produced by immaculate conception so they do not have to have any responsibility for what goes into a budget. I recognize that. Because these decisions are tough.

But remember that last year, when we did the summit, there were many here who said, "We don't want those decisions made by a summit. We want to make those decisions." That is essentially what we have done here. We have made the decisions.

We have the opportunity now to make the choices. To govern is to choose, not to cop out.

The budget here provides for a transition from a Cold War economy to a peacetime economy, and that is what we need to do for the future. I ask you to exert that leadership for the future.

Mr. RUSSO. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Illinois [Mr. RUSSO].

Mr. RUSSO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the reason the Republicans will not offer the President's budget—and they have the only opportunity to do that because the rule grants it to only them and not to the Democrats—is because they raised defense spending $7 billion and they cut Medicare programs $5.5 billion and they cannot take the heat of the vote in clear daylight. That is why they will not offer the budget of the President.

The CHAIRMAN. The gentleman from Minnesota [Mr. FRENZEL] has 5 minutes remaining.

Mr. FRENZEL. Mr. Chairman, I yield my undistinguished self 5 minutes.

Mr. Chairman, first of all, we on this side do not want a fist fight with anybody today. We have tried through the exercise of comity and good judgment and courtesy to help in the process, to not slow it up at any point. We recognize that what we do today is what I would call the quarter finals. We do not get to the finals until we get to the summit where the decisions are made jointly. No matter how much this House would like to exercise its own will, it is not going to be able to do that.

And for those who are sorry that they do not have a chance to vote for or against the President's budget, I must take full responsibility for that.

Last week we found out, had finally confirmed to us, that the economic conditions have outrun both the Panetta budget, which uses the President's assumptions, and the President's budget by a small factor of 20 billions of dollars. So we are looking at a deficit reduction requirement or a sequester probability not of $36 billion but perhaps a figure in the mid-50's.

With that, it seemed to me pretty ridiculous to allow Members to delude themselves into thinking that they could get away with the minimum sacrifice called for under either of those budgets and still fulfill the requirements of Gramm-Rudman.

Therefore, I determined not to offer this budget.

Am I a sissy? Maybe.

I offered the Bush budget in committee. Our committee members were not afraid to vote on it. I might also suggest that I almost offered the Rostenkowski budget and most of the committee members looked a little uncomfortable. But I did not.

But it is going to require a sacrifice in those proportions.

We are going to have to stop eating cream puffs and begin biting bullets if we are going to get anywhere.

On the Republican side we have tried for summitry since February. We believe that that is where the final judgments are going to be made, and we expect them to be made then.

We agree that political and economic events have outrun both of these budgets, and we believe that we can only rationally decide this game at the summit with the President, with Members of both Houses making some kind of agreement.

Therefore, we believe that this debate is irrelevant and that it is somewhat counterproductive in that it is going to establish the basis for the 302's that are going to be voted out of our appropriations committee which are likely to get us all in trouble because the military numbers are going to be lower than the final agreements, and all of the other numbers, with the possible exception of space and science, are going to be higher than we are going to be able to agree on at the summit.

So I think we are in some respects perhaps not using our time well here.

Now if the Democratic leadership insists on passing its budget, God bless them. It is the law that they should do it, and that is their business.

If we do not, without pouring any unnecessary ashes on that budget, choose to join them, I think they should respect that too.

Somebody over there said leadership requires a vote on the Bush budget. In our judgment, leadership requires meeting with the President 2 months ago when we should have begun the process so that we could get somewhere.

Now with respect to the Panetta budget, I do not want to heap any trash upon it. The committee worked hard and the chairman worked hard, and they tried to deliver a budget. It is not our cup of tea. I think the whole world should know that. We do not believe in raising over 5 years three times as much tax money as the Presi-

dent suggested. We do not believe in cutting the military quite as vigorously as the Democrats want to.

We do not believe in increasing domestic discretionary spending, particularly when you call it new spending but it is increased spending on old programs.

Finally, I must classify the budget as what I would call an undisciplined Democratic budget. It is one that raises taxes, it raises domestic spending. So if you believe that America is under-taxed, you should vote for the Panetta budget. If you believe that we are underspent, vote for the Panetta budget. If on the other hand you think we ought to be going to the summit to make some rational judgments jointly, then I think, with me, you will want to vote against it.

Mr. Chairman, I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield the balance of my time to the distinguished Speaker of the House, the gentleman from Washington [Mr. FOLEY].

□ 1700

Mr. FOLEY. The Speaker, having listened to this debate, I share, I think, the frustration of some of the Members, perhaps on both sides of the aisle.

We had expected, indeed it was provided in the rule, that there would be an opportunity to debate and vote on the President's budget. The gentleman from Minnesota [Mr. FRENZEL] a man I admire as much as any Member I have served with, and whose integrity, ability, and commitment to this House are respected by all Members, has just spoken to explain the circumstances by which the President's budget is not being offered.

The fact of the matter is that at any time the President wished to send an amended budget to the House, I would have personally been in support of having that made in order. In fact, I think it is fair to say that we have accommodated Republican desires to have budget substitutes made in order. Just as the gentleman from Ohio, Mr. KASICH's, and the gentleman from California, Mr. DANNEMEYER's, were, other budgets would have been given consideration.

The President is not just another Member, not just another voice. He is the Chief Executive of this Nation who, as such has a responsibility under the Budget Act to submit a budget to the Congress. Without belaboring the point I will tell the House that it is my view that in the future, whatever the circumstances of party or office, the President's budget, when submitted to the Congress, or any revised version of it submitted by him, should on an automatic basis and regardless of being offered or proposed by either side, be the subject of a vote in the House.

I think that if the President of the United States were to submit a budget to Congress, and we would not even do him the courtesy of voting on it, he would have extremely valid grounds for complaint against this House. In this instance, however, it has been decided, for various reasons, not to even offer the President's budget. Under the circumstances I think it is a bit unrealistic to sit and offer comparisons between a budget that has not been offered and will not be offered here, and one that the Committee on the Budget has reported to the House.

It is not a perfect budget. I do not think it is possible to ever devise a perfect, absolute line-by-line budget that satisfies every Member of the House of Representatives. But I want to commend the Committee on the Budget and its distinguished chairman for bringing forth a resolution that provides, for the first time, a broad-gauge look at the future of our country, for approaching the problems of both deficit and investment in our future, for making the hard and important choices necessary for our country. In addition the resolution not only begins the process of discussion with the Senate but also, of engaging the President, at a later date in the final decision as to how we should go forward.

We have an obligation in the House of Representatives, because the process and the effort begins here, to move forward today, to make those decisions, to reach those conclusions, and to set a course for the country. The events of the last 9 months have changed the world. They have set forth a new opportunity for the people of this country. After 40 years of bipartisan effort, in supporting the values of economic and political freedom, we now have an opportunity to turn some of those resources and attention we have devoted to that purpose to making the problems that face our country at home more the center of our concern. That is what this budget does. It makes investment in our children, our education, our infrastructure, our industrial competitiveness, and other key areas of national concern.

Members can be proud to vote for this budget. But most of all, we would be derelict in our responsibility if we do not set forth today the agenda that this Congress and this country require to take a new course, to follow new challenges, to grapple with new achievements, and to seize the important opportunities presented us. We, in the latter part of the century, are still the best hope in the world for political and economic liberty. We established that tradition 200 years ago. It is American ideals that are exciting the world today, American government that is a model of the world today. Let Members in this House show that we can make our traditions real, that we can help our people solve their problems, that we can march—not drift—into the next century, which, like this century, we have an obligation to give the name "America"—American in background, American in principle, American in achievement.

I hope all Members of the House can vote for this budget. I know that that will not happen, but I ask the Members on my side of the aisle to give it the overwhelming vote of our membership, and say that we will be true to our responsibilities.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GRAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the U.S. Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, pursuant to House Resolution 382, he reported the concurrent resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the concurrent resolution.

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent now that we are in the Whole House, having heard your eloquent words, and the words of the gentleman from Georgia who seemed to feel that there was no alternative, I ask unanimous consent that the Presidential motion be allowed to be debated and voted upon. The President, has submitted a budget to Members. It is quite different than this budget, and the burden of leadership is not just on the President. It is not just on this side of the aisle. It is on the whole House. Instead of criticizing the carping, I would ask my colleagues to permit this unanimous consent and allow the President's budget to be submitted for a debate.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Mr. Speaker, reserving the right to object, after that speech, I am afraid beyond what the unanimous-consent request was, I am confused.

Mr. SCHUMER. Mr. Speaker, I will be happy to explain it again, and again, and again, and again.

Mr. WALKER. Mr. Speaker, that is fine if the gentleman is asking that the President's budget, by unanimous consent, be brought to the floor.

Mr. SCHUMER. I am asking that the Frenzel motion, including 2 hours of debate on the President's budget,

which was in order in the rule, except that Mr. FRENZEL does not wish to offer it, I would ask that this House be given a chance to vote yes or no on the Bush budget, instead of just criticism of this budget. We saw what the other alternative was.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I ask the gentleman whether or not he is willing to amend the request to also allow the Rostenkowski budget as a part of the that request?

Mr. SCHUMER. Mr. Speaker, I am sure the gentleman can make whatever request he wants, but the Frenzel budget was made in order by the rule, and at the last minute was pulled back. It is quite different than the Rostenkowski request. I do not know what request he is speaking of, because here we have an amendment on the floor that was ready, voted on, and was pulled back at the last minute.

The SPEAKER. The gentleman from Pennsylvania [Mr. WALKER] has reserved the right to object and is engaged in a colloquy. That gentleman has the time.

Mr. WALKER. Mr. Speaker, I thank the gentleman for being loud if not enlightening, and I object.

The SPEAKER. The gentleman from Pennsylvania [Mr. WALKER] objects. The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 208, not voting 7, as follows:

[Roll No. 89]

YEAS—218

Akaka	Cooper	Frost
Anderson	Costello	Gaydos
Andrews	Coyne	Gejdenson
Annunzio	Crockett	Gephardt
Anthony	Darden	Geren
Aspin	de la Garza	Gibbons
Atkins	DeFazio	Glickman
AuCoin	Dellums	Gonzalez
Bates	Derrick	Gordon
Bellenson	Dicks	Gray
Berman	Dingell	Guarini
Bevill	Dixon	Hall (OH)
Bilbray	Donnelly	Harris
Boggs	Dorgan (ND)	Hatcher
Bonior	Downey	Hawkins
Borski	Durbin	Hayes (IL)
Bosco	Dwyer	Hayes (LA)
Boucher	Dymally	Hefner
Boxer	Dyson	Hertel
Brennan	Early	Hoagland
Brooks	Eckart	Hochbrueckner
Brown (CA)	Edwards (CA)	Hoyer
Bruce	Engel	Hubbard
Bryant	Erdreich	Huckaby
Bustamante	Espy	Hughes
Campbell (CO)	Evans	Jenkins
Cardin	Fascell	Johnson (SD)
Carper	Fazio	Johnston
Clarke	Feighan	Jones (GA)
Clay	Flake	Jones (NC)
Clement	Flippo	Jontz
Coleman (TX)	Foglietta	Kanjorski
Condit	Ford (MI)	Kaptur
Conyers	Frank	Kastenmeier
Kennedy	Neal (MA)	Slattery
Kennelly	Neal (NC)	Slaughter (NY)
Kildee	Nelson	Smith (IA)
Kleczka	Nowak	Solarz
Kolter	Oakar	Spratt
Kostmayer	Oberstar	Staggers
Lancaster	Obey	Stallings
Lantos	Olin	Stark
Lehman (CA)	Owens (NY)	Stenholm
Lehman (FL)	Pallone	Stokes
Levin (MI)	Panetta	Studds
Levine (CA)	Parker	Swift
Lewis (GA)	Payne (NJ)	Synar
Lipinski	Payne (VA)	Tanner
Lloyd	Pease	Thomas (GA)
Lowey (NY)	Pelosi	Torres
Luken, Thomas	Penny	Torricelli
Manton	Perkins	Towns
Markey	Pickle	Traficant
Martinez	Poshard	Traxler
Mavroules	Price	Udall
Mazzoli	Rangel	Unsoeld
McCloskey	Richardson	Valentine
McDermott	Roe	Vento
McMillen (MD)	Rose	Visclosky
McNulty	Rostenkowski	Volkmer
Mfume	Rowland (GA)	Walgren
Miller (CA)	Roybal	Washington
Mineta	Russo	Waxman
Moakley	Sabo	Weiss
Mollohan	Sangmeister	Wheat
Montgomery	Savage	Whitten
Moody	Sawyer	Williams
Morrison (CT)	Scheuer	Wise
Mrazek	Schroeder	Wolpe
Murphy	Schumer	Wyden
Murtha	Serrano	Yates
Nagle	Sikorski	Yatron
Natcher	Skaggs	

NAYS—208

Alexander	Gallegly	Martin (NY)
Applegate	Gallo	Matsui
Archer	Gekas	McCandless
Armey	Gillmor	McCollum
Baker	Gilman	McCrery
Ballenger	Gingrich	McCurdy
Barnard	Goodling	McDade
Bartlett	Goss	McEwen
Barton	Gradison	McGrath
Bateman	Grandy	McHugh
Bennett	Grant	McMillan (NC)
Bentley	Green	Meyers
Bereuter	Gunderson	Miller (OH)
Bilirakis	Hall (TX)	Miller (WA)
Bliley	Hamilton	Molinari
Boehlert	Hammerschmidt	Moorhead
Broomfield	Hancock	Morella
Browder	Hansen	Morrison (WA)
Brown (CO)	Hastert	Myers
Buechner	Hefley	Nielson
Bunning	Henry	Ortiz
Burton	Herger	Owens (UT)
Byron	Hiler	Oxley
Callahan	Holloway	Packard
Campbell (CA)	Hopkins	Parris
Carr	Horton	Pashayan
Chandler	Houghton	Patterson
Chapman	Hunter	Paxon
Clinger	Hutto	Petri
Coble	Hyde	Pickett
Coleman (MO)	Inhofe	Porter
Combest	Ireland	Pursell
Conte	Jacobs	Quillen
Coughlin	James	Ravenel
Courter	Johnson (CT)	Ray
Cox	Kasich	Regula
Craig	Kolbe	Rhodes
Crane	Kyl	Ridge
Dannemeyer	LaFalce	Rinaldo
Davis	Lagomarsino	Ritter
DeLay	Laughlin	Roberts
DeWine	Leach (IA)	Robinson
Dickinson	Leath (TX)	Rogers
Dornan (CA)	Lent	Rohrabacher
Douglas	Lewis (CA)	Ros-Lehtinen
Dreier	Lightfoot	Roth
Duncan	Livingston	Roukema
Edwards (OK)	Long	Rowland (CT)
Emerson	Lowery (CA)	Saiki
English	Lukens, Donald	Sarpalius
Fawell	Machtley	Saxton
Fields	Madigan	Schaefer
Fish	Marlenee	Schiff
Frenzel	Martin (IL)	Schneider
Schuette	Smith, Robert (NH)	Upton
Schulze	Smith, Robert (OR)	Vander Jagt
Sensenbrenner	Snowe	Vucanovich
Sharp	Solomon	Walker
Shaw	Spence	Walsh
Shays	Stangeland	Watkins
Shumway	Stearns	Weber
Shuster	Stump	Weldon
Sisisky	Sundquist	Whittaker
Skeen	Tallon	Wilson
Skelton	Tauke	Wolf
Slaughter (VA)	Tauzin	Wylie
Smith (NE)	Taylor	Young (AK)
Smith (NJ)	Thomas (CA)	Young (FL)
Smith (TX)	Thomas (WY)	
Smith (VT)		
Smith, Denny (OR)		

NOT VOTING—7

Ackerman	Lewis (FL)	Smith (FL)
Collins	Michel	
Ford (TN)	Rahall	

□ 1728

The Clerk announced the following pairs:

On this vote:

Mr. Ackerman for, with Mr. Michel against.

Mrs. Collins for, with Mr. Lewis of Florida against.

Mr. TALLON changed his vote from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "nay" on rollcall No. 88 and "aye" on rollcalls No. 86 and No. 87.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, today, I had the privilege of escorting the First Lady, Barbara Bush, through Connors' Nursery, a wonderful project in my district. Connors' Nursery is the only nursery in the country that will provide long-term care for those unfortunate children afflicted with AIDS. Naturally, I was extremely proud to escort Mrs. Bush through this facility.

However, due to this wonderful opportunity, I could not participate in today's House proceedings. Therefore, I missed four votes.

Had I been here, I would have voted "yes" on H.R. 743, the negotiated rulemaking procedures, and I would also have voted "yes" on S. 1485, the Quad Cities Interstate Compact.

The House also considered House Concurrent Resolution 310, the 1991 budget resolution. Had I been here, I would have voted against the Congressional Black Caucus substitute amendment, and "no" on final passage of House Concurrent Resolution 310.

Mr. Speaker, as my voting record clearly indicates, I always make the utmost effort to vote in this House. However, today I felt it very important to show the First Lady the beauty of Connors' Nursery.

TRIBUTE TO HON. BILL FRENZEL

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Speaker, I seek recognition to alert the House that the gentleman from Minnesota [Mr. FRENZEL] has argued his last budget. Democrats and Republicans will always differ on issues, but competence should be recognized.

I ask the House to acknowledge many contributions from my friend, the gentleman from Minnesota [Mr. FRENZEL].

[Applause, the Members rising.]

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE CONCURRENT RESOLUTION 310, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1991

Mr. PANETTA. I ask unanimous consent that in the engrossment of House Concurrent Resolution 310, the clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in passing the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Concurrent Resolution 310, the concurrent resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT OF POSSIBLE RULES COMMITTEE ACTION ON H.R. 4636, SUPPLEMENTAL ASSISTANCE FOR EMERGING DEMOCRACIES ACT OF FISCAL YEAR 1990

Mr. MOAKLEY. Mr. Speaker, I want to inform Members of possible Rules Committee action on H.R. 4636, the Supplemental Assistance for Emerging Democracies Act of Fiscal Year 1990. The committee is scheduled to take testimony on H.R. 4636 on Thursday, May 3, 1990 at 1:30 p.m.

Members should be aware that in light of the urgency of this bill, the Rules Committee is contemplating granting a rule that might limit the offering of amendments. Therefore, all Members who have amendments to the bill should submit those amendments, together with an explanatory statement, to the Rules Committee by 6 p.m., Thursday, May 3, room H-312, in the Capitol.

Again, the Rules Committee is scheduled to take testimony on H.R. 4636 at 1:30 p.m. on Thursday, May 3, 1990, with amendments to be submitted to the committee by 6 p.m. that same day.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4038

Mr. LAGOMARSINO. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 4038. My name was inadvertently added to this measure.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING ADDITIONAL COSPONSORS TO H.R. 2585

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that, pursuant to clause 4 of rule XXII, cosponsors may be added to the bill, H.R. 2585, and I present the list:

Representatives CAMPBELL of California, BEILENSON, KENNEDY, ROWLAND of Connecticut, RINALDO, SLAUGHTER of New York, GUARINI, BOXER, MILLER of Washington, ACKERMAN, NEAL of Massachusetts, ROYBAL, and Goss.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3978

Mr. TANNER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3978.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule 1, the Chair announces that he will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Rollcall votes, if postponed, will be taken on Wednesday, May 2, 1990.

VIRGINIA D. SMITH ANIMAL HEALTH RESEARCH LABORATORY

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3048) to designate the Agricultural Research Service, U.S. Department of Agriculture, animal health research building in Clay Center, NE, as the "Virginia D. Smith Animal Health Research Laboratory."

The Clerk read as follows:

H.R. 3048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Research Service, United States Department of Agriculture, animal health research building located at the Roman L. Hruska United States Meat Animal Research Center in Clay Center, Nebraska, is hereby designated as the "Virginia D. Smith Animal Health Research Laboratory". Any reference to the Laboratory in a rule, document, record, or other paper of the United States shall be considered to be a reference to the "Virginia D. Smith Animal Health Research Laboratory".

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I reserve my time, and the gentleman from Kansas may proceed on his time.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

The purpose of this legislation is simple. We are all aware of the upcoming retirement of Congresswoman VIRGINIA SMITH, one of Agriculture's staunchest supporters. To honor her many contributions to farm country and her hard work and dedication to agriculture in her position on the House Appropriations Committee's Agriculture Subcommittee, I introduced legislation last year to name an animal research building at the Clay Center, NE, animal health research facility as the Virginia D. Smith Animal Health Research Laboratory.

This legislation is cosponsored by nearly 60 Members, including all members of the House Agriculture Committee, as well as several Appropriations Committee colleagues and other Members of the House. Just as important, during these times of extreme budget pressures, this bill requires no budget outlays.

I urge my colleagues to support this tribute to a good friend of agriculture.

Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I thank the gentleman from Kansas for yielding me this time.

I am very proud to be a cosponsor of the legislation to honor our colleague, the gentlewoman from Nebraska [Mrs. SMITH] by naming a research facility after her.

VIRGINIA SMITH's name is synonymous with agricultural research. She has been a tremendous advocate of research over the time of her career here in the Congress. This is a very fitting way to pay tribute to her.

I want to associate myself with the remarks of the gentleman from Kansas and to take this opportunity to urge all my colleagues to support this very worthwhile designation of an agricultural research facility in the name of our dear colleague, VIRGINIA SMITH.

Mr. ROBERTS. Mr. Speaker, I thank my friend and colleague for his contribution.

Mr. Speaker, as I have indicated, every member of the Agriculture Committee has cosponsored this bill.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I am delighted to yield to the gentleman from Mississippi, chairman of the Committee on Appropriations.

Mr. WHITTEN. Mr. Speaker, I join with my colleagues in their fine statements about my friend and colleague, VIRGINIA SMITH.

VIRGINIA, a most able, effective and gracious Member of Congress and our Committee on Appropriations, has been on our Committee on Appropriations since 1977. For years she has been ranking member on our Appropriations Subcommittee on Agriculture. Always present, always for all sections of our Nation, her contributions to the welfare of our country and its people, she leaves a record of public service that will be hard for any Member to attain. It has been my privilege to serve on this subcommittee with VIRGINIA as well as that on Energy and Water Development—Public Works.

Present and future generations will profit from VIRGINIA's service. It is most fitting that this laboratory carry VIRGINIA's name.

We wish for her the best of everything, and again, I deeply appreciate the years when we have worked together for all of our Nation.

Mr. ROBERTS. Mr. Speaker, I thank the chairman for his contribution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Let me add to what our colleagues have already said, that this is a well-earned designation by a gentlewoman who has not only contributed to her family, but to her country, both in the outside world and in the Government.

□ 1740

I am very happy that we are able to do this at a time when she might be able to enjoy the designation of the naming of this building in her name. I do not know of anyone I have enjoyed working with more than with the distinguished gentlewoman from Nebraska. She has contributed immensely to American agriculture, to world agriculture, and it is, indeed, appropriate that her name be linked to something agriculture.

Mr. Speaker, I ask my colleagues to unanimously adopt this resolution, for all of us have some yearning for recognition at some point for our contributions.

Indeed, I think that I do not know that this humble lady would have that yearning herself, but I think it behooves us, having been the recipients of her contributions, to afford her this designation, and knowing full well that she has done something worthy to be remembered by.

This building in her name will be her statue, will be her remembrance, and will be our thank you to this distinguished lady.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I am happy to yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, having come to the Congress with this distinguished lady, I want to compliment the gentleman and the ranking member and others for honoring her in this manner. She has served with all of us for the last 16 years and has provided an outstanding service not only to her constituents but to all farmers throughout the United States and all consumers of those things that farmers produce.

I compliment the gentleman very much. We are honoring an outstanding American.

Mr. DE LA GARZA. I thank the gentleman.

Mr. Speaker, we are a better people. We are a better country because a lady named VIRGINIA D. SMITH came our way.

Mr. WALSH. Mr. Speaker, I rise in support of H.R. 3048, designating the Virginia D. Smith Animal Health Research Laboratory in her home State of Nebraska.

Since coming to Congress last year and joining the Committee on Agriculture, VIRGINIA has been of tremendous support and assistance in understanding the process of agricultural appropriations. Her keen knowledge and advice has helped me in drafting amendments for the upcoming farm bill.

VIRGINIA and I have also worked on a rural agricultural caucus and her guidance here has also been most beneficial.

An animal research laboratory in her name is only a small token of the appreciation we can show our colleague for the many years of her fine work.

VIRGINIA's retirement will be a loss for all of us. I join my colleagues in wishing her well in her future endeavors. It has been an honor to work with VIRGINIA and I encourage my colleagues to support this bill.

Mr. CONTE. Mr. Speaker, it is a true pleasure to have this opportunity to honor my very dear friend VIRGINIA SMITH. I do not think there is a finer, more loyal, nor more concerned friend of this country's farmers and ranchers than VIRGINIA SMITH. Since she first came to Congress 16 years ago, VIRGINIA has fought for the interests of rural America, promoted the values and ethics of America's heartland, and served her constituents with a vigor and commitment that continues to astound.

I have had the good fortune to work with VIRGINIA for the past 14 years on the Appropriations Committee, and I have watched her put her wealth of experience to work for her district, her State, and her country. The Meat Animal Research Center is a wonderful example of the contributions that VIRGINIA SMITH has made. She has made it the premier livestock research facility in the Nation. The new veterinarian training school begun at the center is a direct result of VIRGINIA's work. Research, education, constituent service—VIRGINIA has brought it all together at the center. So I think it is fitting that she be honored and recognized for her work there. I am proud that we are naming the center's animal health research laboratory after VIRGINIA. She truly deserves the honor.

Mr. Speaker, I feel privileged to have worked with VIRGINIA these past 16 years, and I look forward to working with her over the last months of the 101st Congress. She is a first-class lady and a first-class Congresswoman, and I am going to miss her when she departs at the end of this session.

I want to thank PAT ROBERTS for his great job in honoring VIRGINIA in this way, and I think I can speak for everyone when I say that not only does Nebraska love VIRGINIA, but so do we all.

Mr. BEREUTER. Mr. Speaker, I rise in strong support of H.R. 3048, to designate the animal health research facility operated by the U.S. Department of Agriculture's Agricultural Research Service in Clay Center, NE, as the Virginia D. Smith Animal Health Research Laboratory. My distinguished colleague from Nebraska has provided exceptional service to the people of the Third District of Nebraska for eight terms, and this Member has had the pleasure of serving with her for all but two of those terms. The research facility at Clay Center is one of the finest animal science research facilities in the United States, providing invaluable information for livestock producers throughout the United States, as well as Nebraska. My colleague has worked hard and effectively to support agricultural research at this important facility, therefore, it is especially fitting that it be renamed in her honor.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRICELLI). The question is on the

motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 3048.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3048, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

BOUNDARY CHANGE AT GETTYSBURG NATIONAL MILITARY PARK IN PENNSYLVANIA

Mr. VENTO. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 3248) to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

(a) LANDS INCLUDED IN THE PARK.—In furtherance of the purposes of the Act entitled "An Act to establish a national military park at Gettysburg, Pennsylvania", approved February 11, 1895 (16 U.S.C. 430g et seq.), the Gettysburg National Military Park (hereafter in this Act referred to as the "park") shall hereafter comprise the lands and interests in lands within the boundary generally depicted as "Park Boundary" on the map entitled "Gettysburg National Military Park Boundary Map", numbered NPS 305/80034-B, and dated March 1990, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.

(b) LANDS EXCLUDED FROM THE PARK.—Lands and interests in lands outside of the boundary so depicted as "Park Boundary" on the map referred to in subsection (a) are hereby excluded from the park and shall be disposed of in accordance with the provisions of section 2(c).

SEC. 2. ACQUISITION AND DISPOSAL OF LANDS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to acquire lands and interests in lands within the park by donation, purchase with donated or appropriated funds, exchange, or otherwise. In acquiring lands and interests in lands under this Act, the Secretary shall acquire the minimum Federal interests necessary to achieve the objectives identified for specific areas and the park.

(b) AUTHORITY TO CONVEY FREEHOLD AND LEASEHOLD INTERESTS WITHIN PARK.—The Secretary may convey lands and interests in lands within the park authorized in accordance with subsection (a) of the Act of July 15, 1968 (16 U.S.C. 4601-22), except that, notwithstanding subsection (d) of that section, the net proceeds from any such conveyance may be used, subject to appropriations, to acquire lands and interests within the park.

(c) CONVEYANCE OF LANDS EXCLUDED FROM PARK.—(1) The Secretary is authorized, in accordance with applicable existing law, to exchange Federal Lands and interests excluded from the park pursuant to section 1(b) for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after the date of enactment of this Act, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but any such conveyance shall be at not less than the fair market value of the land or interest, as determined by the Secretary.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the park and the Gettysburg Battlefield Historic District (hereafter in this Act referred to as the "historic district"). Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION TO PENNSYLVANIA.—With respect to any lands over which the United States exercises exclusive or concurrent legislative jurisdiction and which are excluded from the park pursuant to section 1(b), the Secretary may relinquish to the State of Pennsylvania such exclusive or concurrent legislative jurisdiction by filing with the Governor a notice of relinquishment to take effect upon acceptance thereof, unless otherwise provided by the laws of the State.

SEC. 3. AGREEMENTS WITH RESPECT TO MONUMENTS AND TABLETS LOCATED OUTSIDE PARK BOUNDARY.

The Secretary is authorized to enter into agreements with the owners of property in proximity to but outside the boundary of the park on which historic monuments and tablets commemorating the Battle of Gettysburg have been erected on or beofre January 1, 1990. The Secretary may make funds available, subject to appropriations, for the maintenance, protection, and interpretation of such monuments and tablets pursuant to such agreements. In addition, within the area depicted as the "Gettysburg Battlefield Historic District" on the map referred to in section 1(a), or in proximity thereto, the Secretary may, with the consent of the owner, acquire, by donation, purchase, or exchange, lands and interests comprising such monuments and tablets together with lands and interests necessary to provide adequate public access thereto.

SEC. 4. CONSERVATION WITHIN GETTYSBURG BATTLEFIELD HISTORIC DISTRICT.

(a) ENCOURAGEMENT OF CONSERVATION.—The Secretary shall take appropriate action to encourage conservation of the historic district by landowners, local governments, organizations, and businesses.

(b) PRIORITIZATION OF GRANTS.—Within the historic district, the Secretary shall give priority in making grants under section 101(d), and in providing technical assistance, information, and advice under section 101(h), of the National Historic Preservation Act (16 U.S.C. 470a (d), (h)) to those programs and activities in the historic district that will assure development and use of natural and cultural resources in a manner that is consistent with the conservation and maintenance of the district's historic character.

(c) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to assist local governments in cooperative efforts which complement the values of the park and the historic district and to help landowners prepare individual property plans which meet landowner and conservation objectives in the historic district.

(d) REIMBURSEMENT OF PLANNING COSTS.—The Secretary, under such terms and conditions as the Secretary may prescribe and at the request of any local or county government within the historic district, shall provide matching reimbursements for up to 50 percent of the planning costs incurred by such government in the development of comprehensive plans and land use guidelines which are consistent with conserving the historic character of the historic district. Reimbursements may only be provided under this subsection to the extent or in such amounts as are provided in appropriation Acts.

(e) ACCEPTANCE OF EASEMENT DONATIONS.—The Secretary, upon recommendation from the Director of the National Park Service, in consultation with the Advisory Commission established under section 5, is authorized to accept donations of conservation easements on land located within the historic district.

(f) FEDERAL CONSISTENCY.—(1) Any Federal or federally assisted activity or undertaking in the historic district, shall be consistent to the maximum extent possible with the purposes of the preservation of the historic district, including its rural, agricultural, and town elements, and shall also comply with the National Historic Preservation Act and other applicable laws.

(2) The head of any Federal agency (hereafter in this subsection referred to as the "agency") having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in the historic district, and the head of any Federal agency having authority to license or permit any undertaking in such area, shall at the earliest feasible date prepare a detailed analysis of any proposed action and submit it to the Secretary.

(3) The Secretary shall review the analysis and consult with the agency. If after such review and consultation, the Secretary finds that the proposed action is not consistent with the purposes identified in ths subsection, the agency shall not proceed with the action until after a justification for the action has been submitted to the appropriate committees of Congress with adequate time allowed for Congressional comment. Such justification shall include the following elements: the anticipated effects on the historic and commemorative character of the historic district, the social and economic necessity for the proposed action, all possible alternatives to the proposed action, the comparative benefits of proposed alternative actions; and the mitigation measures outlined in the proposed action.

SEC. 5. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Gettysburg National Military

Park Advisory Commission (hereafter in this Act referred to as the "Advisory Commission"). The Advisory Commission shall be composed of 11 members, as follows:

(1) One member representing each of the local governments from the four townships surrounding the park and the Borough of Gettysburg, appointed by the Secretary.

(2) One member representing the Adams County, Pennsylvania government, appointed by the Secretary.

(3) One member representing the State Historic Preservation Office of the State of Pennsylvania, appointed by the Secretary.

(4) Two members who are residents of Adams County and who are knowledgeable about the park and its resources, appointed by the Secretary, one of whom shall own land or interests in land within the park boundary.

(5) One member with expertise in local historic preservation, appointed by the Secretary.

(6) The Director of the National Park Service or his designee, ex officio.

Members shall be appointed for staggered terms of three years, as designated by the Secretary at the time of the initial appointments. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Advisory Commission shall designate one of its members as Chairperson. Six members of the Advisory Commission shall constitute a quorum.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Advisory Commission to coordinate the management of the park and the historic district with local jurisdictions.

(c) MEETINGS.—The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) EXPENSES.—Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson.

(e) CHARTER.—The provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to this Advisory Commission.

SEC. 6. INTERPRETATION.

In administering the park, the Secretary shall take such action as is necessary and appropriate to interpret, for the benefit of visitors to the park and the general public, the Battle of Gettysburg in the larger context of the Civil War and American history, including the causes and consequences of the Civil War and including the effects of the war on all the American people.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3248, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, located on part of the Gettysburg Battlefield are the remains of a small farm, the Granite Farm. John and Catherine Slyder, the owners of this farm, left shortly before the Battle of Gettysburg. After the devastation that occurred in their frontyard, they never returned to their home which is now part of the park. Their home had become a field hospital; their barnyard a graveyard. The story of that family and that farm is intrinsic to the story of the Civil War, a war fought not overseas but here, in our wheat fields, peach orchards, and backyards. The Civil War continues to fascinate and to perplex us. It haunts us even as we try to understand its meaning today.

Shortly after the Battle of Gettysburg in July 1863, the high water mark of the Confederacy, President Lincoln shared his sense of that battle and those who fought in it in his "Gettysburg Address." A few months later, veterans of the battle sought to preserve their battlefield. In 1895, the battlefield was established as a park. Since that time, millions of Americans have visited it, and, hopefully, have gained insights into their Nation's history.

Ironically, this same battlefield has never had a legislated boundary. Today, Mr. Speaker, we seek to provide this park with such a boundary. By so doing, we will give this park greater protection as well. H.R. 3248, introduced by Congressman GOODLING and cosponsored by our colleague PETER KOSTMAYER, establishes a boundary for Gettysburg National Military Park. This legislation results from Congress' directive 2 years ago to the National Park Service to prepare a boundary study and to recommend a legislated boundary.

I want to thank both Congressman KOSTMAYER and Congressman GOODLING, and their staffs, for their good efforts to find an appropriate and balanced approach to the protection of these resources. Their cooperation has been essential in this legislation. Mr. Speaker, the committee adopted an amendment to H.R. 3248 which makes some minor changes in the park boundary. It now references the Gettysburg Battlefield Historic District as the basis for additional protection for the battlefield area. The historic district, first established in 1973, preserves various historic resources and complements those located within the park's boundaries.

As amended, H.R. 3248 strongly promotes and encourages conservation within the historic district, directing priority to grants in the Gettysburg Historic District under the historic preservation fund to those activities that help protect its historic character, provides for technical assistance and for the partial reimbursement of planning costs, and authorizes the acceptance of easement donations. It directs consistency in Federal actions and establishes an advisory commission to coordinate the management of the park and historic district with the local jurisdictions. The bill directs the park's interpretation to place this battle in the larger context of the Civil War and American history, and authorizes appropriations.

The bill directs the National Park Service to acquire the least interest in land that will sufficiently protect the resources for which they were designated and that will provide the highest cost benefit to taxpayers. Where easements are effective in protecting the resources, they should be used. Where fee simple acquisition provides the better benefit and cost effectiveness to protect the resources, it should be used. The National Park Service needs flexibility to employ different resource protection strategies to ensure appropriate resource protection and to achieve a balance between past and present.

Mr. Speaker, I endorse this legislation because I believe that it will help protect the historic resources of the Gettysburg National Military Park and the Gettysburg Battlefield Historic District for us and for future generations. We need to remember both those who fought in the battle and those whose lives were so profoundly affected by it, as the Slyder family was affected. And we need to use parks such as Gettysburg to better understand who we are as Americans today.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3248, a bill which would establish a legislated boundary and provide other protection measures for Gettysburg National Historical Park.

This bill would expand the existing, 3,900-acre park area by adding 1,900

acres. Such a significant park expansion proposal on the immediate outskirts of the town of Gettysburg had great potential for being highly controversial. However, the outstanding work of the National Park Service in conducting the congressionally mandated boundary study and the close communication maintained between Mr. GOODLING and his constituents has enabled the subcommittee to develop a very good bill.

The NPS Boundary Study was not only professionally done, but contained a thorough analysis of the interests which are needed in order to protect the resources of this park. In fact, of the 1,900 acres proposed for addition in this measure, the NPS study recommends that only 175 acres needs to be acquired in fee. This approach for minimizing fee acquisition is recognized both in the language of the bill, and in the report language which specifically cites the NPS study. I believe this acquisition approach was a key factor in securing agreement for park expansion and that this agreement should be implemented to the fullest extent possible.

I would like to recognize the efforts of the chairman for his leadership on this measure both in the addition of important park protection measures and in resisting a number of proposals for further additions to the park which were not substantiated by information supplied by the NPS.

Mr. Speaker, this bill represents a comprehensive approach to protecting an important portion of our national heritage and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KOSTMAYER], a member of the committee and one of the principal architects of the measure before us.

Mr. KOSTMAYER. Mr. Speaker, I want to first commend the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], for his hard work on this important piece of legislation, and his able staff, and also I want to commend my distinguished colleague and very good friend, the gentleman from Pennsylvania [Mr. GOODLING], who has labored long and hard to reach a compromise acceptable to the people he represents with such distinction, those people lucky enough to be represented by him who live in the 19th District of Pennsylvania.

Mr. Speaker, as the gentleman from Minnesota [Mr. VENTO] has said, this enlarges the Gettysburg National Park. It adds a little bit over 2,000 acres to the Gettysburg National Park, and during the consideration by the subcommittee of the gentleman from Minnesota [Mr. VENTO] of the legislation, I authored a substitute which the gentleman from Minnesota [Mr. VENTO] offered which added an additional 3 acres or about an additional 175 acres.

□ 1750

But, Mr. Speaker, that is not what I want to talk about in the few minutes I have this evening. I want to mention two other provisions of this bill which I think are precedent setting and which I think are terribly important.

The first is the Federal constituency provision. Mr. Speaker, the Federal constituency provision simply says that any Federal activity or federally permitted or licensed activity to take place in the battlefield setting, and that is the area surrounding the park itself, Mr. Speaker, must be consistent with the preservation of the historic district, including its rural, agricultural, and town elements.

What that means, Mr. Speaker, is that any Federal agency that wants to engage in that kind of an activity in the area surrounding the battlefield itself must submit under the law a detailed analysis to the Secretary of the Interior, who is required by law to review that plan and consult with the appropriate agency.

After the Secretary of the Interior reviews that plan, he must determine whether or not it is consistent or inconsistent with the battlefield setting and with the rural, agricultural, and town setting of the battlefield setting itself. If the Secretary finds that the plan is inconsistent, he can, under the law, indeed he must, under the law, direct the agency to submit the plan to the appropriate committees of the Congress. In the House that would be the Committee on the Interior, and in the Senate it would be the Senate Committee on Energy. Those committees under the law would have adequate time to consider the proposal and the proposal could not proceed unless those committees of the Congress had released it.

The second provision directs the Secretary at his discretion to reimburse up to 50 percent of the cost to local and county governments for the development of comprehensive plans and land use guidelines consistent with conserving the historic character of the battlefield setting.

That is to say that in the gentleman's district from Pennsylvania, rural townships which cannot afford to develop a comprehensive zoning plan, townships in rural Pennsylvania which cannot afford to develop a comprehensive land use plan, can get reimbursed to the extent of 50 percent by the Federal Government if they will develop those plans, and we hope they will.

Let me say finally, Mr. Speaker, I think these two provisions are important. They are fine provisions, as far as they go. In my judgment, they do not go nearly far enough.

The sad truth of the matter is, Mr. Speaker, that under the bill the House considers this evening private landowners owning land in the battlefield setting can sell to private developers to build condominiums, hotdog stands, shopping centers, hard on the battlefield border itself. I think that is an appalling situation. Mr. Speaker, I think if we suggested that condominiums or shopping centers or hotdog stands were to be built on the beaches at Normandy, that the people of that country would be appalled.

I am appalled that this Congress would allow this situation to exist. It exists, Mr. Speaker, not because Mr. VENTO and others have not tried to correct it. Lord knows they have. It exists because we are consumed with this notion of "It is my property, by God I can do anything I want with it."

I believe that those who own property in the battlefield setting should be compensated fully for that property, and I believe that it should be purchased by the Federal Government. No one is suggesting that anyone should have their property taken. That is unfair. But to allow a McDonald's, to allow a shopping plaza, to allow a condominium exactly on the border of the Gettysburg Battlefield, is in my view sacrilegious. It is as wrong as it can be. I hope the time will come when the people of this country will rise up and urge the Congress to change this situation.

So this is a good law. It is good as far as it goes. I thank the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Minnesota [Mr. VENTO] for the great job they have done. I only wish it went further.

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield such time as he may consume to the primary author of the legislation, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I wish to express my enthusiasm at seeing this bill before us on the House floor today. And I am especially pleased to see it come in a bipartisan fashion.

Representing my constituents on this matter is not always easy, Mr. Speaker. While Adams County residents recognize the value of this park to the local economy as well as the battlefield's place in our Nation's history, they have strongly held convictions about individual property rights and frugal government spending. This is made more complex by the shrinking effect the growth of the park has had on the local tax base. I, personally, share the dual concerns of my constituents.

The bill before us today meets these challenges quite well. First, it will add nearly 2,000 acres to the park, while also dropping several unneeded parcels of land. I see this as the final boundary for Gettysburg, and the battlefield will now be protected and presented extremely well for posterity.

The legislation is based upon a National Park Service boundary study which calls for the use of scenic easements as the predominant land protection method in the new boundary area. The use of this strategy will meet all goals: park protection, retention of ownership by current landowners, and tax base preservation.

Equally, H.R. 3248 continues efforts initiated by the Park Service in the boundary study to work with local citizens on park issues. The House version of the boundary bill creates an 11 member advisory board which will consult with the Park Service in the future. In addition, local governments will be able to gain assistance with their planning efforts as long as those efforts concur with the purposes of the park.

Finally, the bill recognizes the already existant Gettysburg Battlefield Historic District. The Park Service may accept the donation of scenic easements to the park within this area surrounding the battlefield proper.

I would like to thank the chairman of the subcommittee, the ranking member, and my colleague from Pennsylvania, Mr. KOSTMAYER, for their diligent efforts on this legislation. The chairman is to be commended for his determination to forge a bipartisan bill and I think our final product is the better for it. I hope he will pass my personal thanks as well as to the fine Interior Committee staff for their tireless efforts.

Mr. Speaker, I certainly want to commend the former park superintendent, Mr. Keuhn, and his staff. When they started this procedure I had all sorts of fears. I expected an uproar in the area, and I am pleased to say because of the manner in which the former park superintendent handled this and those who worked with him and for him, we had no such problems.

Mr. Speaker, again I want to compliment all of them, and I urge my colleagues to support this legislation.

Mr. VENTO. Mr. Speaker, would the gentleman yield?

Mr. GOODLING. I would be happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I appreciate the cooperation of the gentleman from Pennsylvania [Mr. GOODLING]. I want to commend him. I know this has not been an easy process for him, representing the local area, but I think it is a real milestone in terms of this famous and historic park.

Obviously, I have some of the same trepidations expressed by my colleague from Pennsylvania [Mr. KOSTMAYER], with regard to what might happen in and around that park. But I am confident that with the type of direction and focus that is placed here, that we also have reason to be optimistic that that scenario that is painted with hamburger and hotdog stands all over the historic districts will not happen, because the local governments we think with the technical assistance and planning that will be and is possible with this legislation, will obviously not have that type of development occur. They obviously have a responsibility.

Finally, with any type of park, with any type of resource, cultural or natural, there is the interface between that resource and private land. We just have to find a means to provide a basis where they come together where we find the compatibility and adjustments made on that side of the boundary where we have the private lands. I hope that is accommodated.

Mr. Speaker, I also appreciate the recognition of the gentleman from Pennsylvania [Mr. GOODLING] of the professional work done by Superintendent Keuhn, who is now retired and has returned home to Minnesota to my congressional district. I will convey to him the kind comments for his effort made by the gentleman from Pennsylvania [Mr. GOODLING]. I am pleased to have him as a constituent and that he has served in this capacity.

Mr. GOODLING. Mr. Speaker, I think this is an example of how to work with the local constituency. Mr. Keuhn and others did a very good job, including the committee, who went up and visited the area.

□ 1800

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRICELLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3248, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. ROE. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to reconvene at noon tomorrow, May 2, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

INDIANA DUNES NATIONAL LAKESHORE ACCESS AND ENHANCEMENT ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3209) to modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indiana Dunes National Lakeshore Access and Enhancement Act".

SEC. 2. BOUNDARIES.

The first section of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u), is amended by striking out "October 1986, and numbered 626-80, 033-B" and inserting in lieu thereof "March 1990, and numbered 80,038A".

SEC. 3. ROAD RIGHT-OF-WAYS.

The Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. et seq.) is amended by adding at the end the following new section:

"SEC. 25. (a) Within 180 days after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report identifying road rights-of-way within the boundaries of the lakeshore that are proposed to be relinquished, as well as any actions taken to date to effectuate the relinquishment of such rights-of-way and a summary of any impediments there may be to each relinquishment. The Secretary shall take such action as he deems necessary to notify Federal, State, and local transportation authorities of road rights-of-way so identified.

"(b) The Secretary is authorized to reimburse the appropriate political subdivision for reasonable administrative costs associated with vacating each road right-of-way within the boundaries of the lakeshore."

SEC. 4. RIVER CORRIDORS AND WETLAND STUDIES AND PLANS.

Section 2 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u-1) is amended by adding the following new subsection at the end thereof:

"(c)(1) Within two years following the date of enactment of this subsection, the Secretary shall complete a protection plan for the areas identified as Unit VIII-A, 'Little Calumet River Corridor' and VIII-B 'Salt Creek Corridor' on the map referred to in the first section of this Act. The plan shall include, but shall not be limited to, a determination of the lands, waters and interests therein to be acquired to provide for

the protection of these riverine and wetland systems. The plan shall also include provisions for public access for the purposes of fishing, canoeing, hiking and other public activities consistent with continued wetland and resource protection.

"(2) Within two years following the date of enactment of this subsection, the Secretary shall complete a study of the Deep River Corridor. The area to be studied shall include (A) the segment from the abandoned Chesapeake and Ohio Railroad right-of-way south of the existing Deep River County Park to the confluence of Deep River, (B) that portion of the Little Calumet River from Lake Michigan west to Martin Luther King Drive in Gary, Indiana, and (C) the Lake George Segment of the Deep River Corridor, including an area known as the Hobart Prairie Grove on the northwest side of Lake George. The study shall include an inventory of the area's natural, cultural and recreational values and features; recommendations for the provisions of the public access for the purposes of fishing, canoeing, hiking and other public activities; and a determination of the lands, waters and interest therein recommended to provide for the protection of the resources in the corridor, including recommendations regarding the State, local, or Federal agencies or jurisdictions recommended to administer these lands and interests in lands.

"(3) Within two years following the date of enactment of this subsection, the Secretary shall complete a study of the Beverly Shores wetlands. The study shall include an inventory and description of all wetlands identified by the United States Fish and Wildlife Service on National Wetlands Inventory maps in the town of Beverly Shores currently outside the boundaries of the lakeshore and shall make recommendations on means to protect these wetlands and adjoining wetlands within the lakeshore. The recommendations may include recommendations for the acquisition of such lands or interests in lands as are necessary to ensure protection of the resource. In making any recommendations for acquisition, the Secretary shall give full consideration to the protection already afforded wetlands in the community of Beverly Shores by the Nontidal Wetland Protection Ordinance of the town of Beverly Shores.

"(4) Within one year following the date of enactment of this subsection, the Secretary shall complete a study of Union Station, which is located directly adjacent to the western boundary of the lakeshore. In conducting such study, the Secretary shall examine the feasibility of United States ownership of Union Station and shall include in the study a structural analysis and feasibility study of the possible uses of the structure, including renovation as a multi-use facility

"(5) The Secretary shall submit the results of the plans and studies prepared under this subsection to the Committee on the Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate.".

SEC. 5. IMPROVED PROPERTY; RETENTION OF RIGHTS.

(a) ADDITIONAL AREAS.—The table in section 4 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u-3) is amended to read as follows:

"Property within boundaries of map	Construction began before
Dated March 1990, No. 80,038A	August 1, 1989
Dated October 1986, No. 626–80,033–B	February 1, 1986
Dated December 1980, No. 626–91014	January 1, 1981
Dated September 1976, No. 626–91007	February 1, 1973
Dated September 1966, No. LNPNE–1008–ID	January 4, 1965".

(b) RETENTION OF RIGHTS.—Section 5(a) of such Act (16 U.S.C. 460u-4) is amended—

(1) in paragraph (2)(B), by striking "subparagraph (A)" and inserting "subparagraph (A)(ii)"; and

(2) by adding at the end the following:

"(3)(A) In the case of improved property included within the boundaries of the lakeshore after August 1, 1989, which was not included within such boundaries before that date, any individual who is an owner of record of such property as of that date may retain a right of use and occupancy of such improved property for noncommercial residential purposes for a term ending at either of the following:

"(i) A fixed term not to exceed September 30, 2010, or such lesser fixed term as such owner may elect at the time of acquisition.

"(ii) A term ending at the death of such owner or of the owner's spouse.

The owner or owners shall elect the term to be reserved.

"(B) The provisions of subparagraph (A)(ii) shall apply only to improved property owned by an individual who (i) was an owner of record of the property as of August 1, 1989, (ii) had attained the age of majority as of that date, and (iii) made a bona fide written offer not later than July 1, 1994, to sell such property to the Secretary.".

(c) CLERICAL AMENDMENT.—Section 5(a)(1) of such Act is amended by striking the period after "626-91014" and inserting a comma.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

The first sentence of section 9 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u-8) is amended by striking out "lands and interests in lands" and all that follows through "development:" and inserting in lieu thereof "lands and interests in lands nor more than $27,500,000 for development:".

SEC. 7. COOPERATIVE AGREEMENT.

The Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u and following) is amended by adding the following new section at the end thereof:

"SEC. 26. COOPERATIVE AGREEMENT.

"In furtherance of the purposes of this Act, the Secretary is authorized to enter into a cooperative agreement with the city of Gary, Indiana, pursuant to which the Secretary may provide technical assistance in interpretation, planning, and resource management for programs and developments in the city of Gary's Marquette Park and Lake Street Beach.".

SEC. 8. UNIT I-M.

The Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u and following) is amended by adding the following new section at the end thereof:

"SEC. 27. UNIT I-M AND UNIT VII-D.

"(a) Unit I-M.—Before acquiring lands or interests in lands in Unit I-M (as designated on the map referred to in the first section of this Act), the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to State Road 49 and the reconstruction and relocation of the interchange with State Road 49 and U.S. 20 so that the acquisition by the Secretary of lands or interests in lands in Unit I-M shall not interfere with planned improvements to such interchange and State Road 49 in the area.

"(b) Unit VII-D.—Before acquiring any lands or interest in lands in Unit VII-D (as designated on the map referred to in the first section of this Act) the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to Old Hobart Road and reconstruction and relocation of the intersection of Old Hobart Road and State Road 51 so that the acquisition by the Secretary of lands or interests in lands in Unit VII-D will not interfere with planned improvements to such interchange and Old Hobart Road in the areas.".

SEC. 9. CRESCENT DUNES.

Section 12 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u-12) is amended to read as follows:

"SEC. 12. The Secretary is authorized to acquire the area on the map referred to in the first section of this Act as area III-B.".

SEC. 10. GREENBELT.

Section 18 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u-12) is amended—

(1) by inserting "(a)" after "SEC. 18."; and

(2) by adding at the end the following:

"(b) The Secretary shall enter into a memorandum of agreement with Northern India Public Service Company (hereafter in this section referred to as NIPSCO) which shall provide for the following with respect to the area referred to as Unit II-A on the map referenced in the first section of this Act:

"(1) NIPSCO will provide the National Park Service with access through the Greenbelt and across the dike for purposes of a public hiking trail.

"(2) The National Park Service shall continue to have rights of assessment, resource management, and interpretation of the Greenbelt area.

"(3) NIPSCO will continue to preserve the Greenbelt in its natural state. If NIPSCO utilizes the Greenbelt temporarily for projects involving pollution mitigation or construction on its adjacent facilities, it will continue to restore the utilized area to its natural state.

"(4) NIPSCO will notify the National Park Service, the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate if NIPSCO proposes a different use for this property. No changes in the use of the property will take place for three years following such notification.".

SEC. 11. VISITOR CENTER.

In order to commemorate the vision, dedication, and work of Dorothy Buell in saving the Indiana Dunes, the National Park Service visitor center at the Indiana Dunes Na-

tional Lakeshore is hereby designated as the "Dorothy Buell Memorial Visitor Center".

SEC. 12. AUTHORIZATION.

Section 9 of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u-9) is amended—

(1) by inserting "(a)" after "SEC. 9."; and

(2) by inserting at the end the following:

"(b) Except for the limitations provided in subsection (a) for development, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.".

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3209, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3209, introduced by our colleague Representative PETER VISCLOSKY, amends the act establishing the Indiana Dunes National Lakeshore to modify the boundaries of the National Lakeshore, make adjustments in the authorization of appropriations and authorize a cooperative agreement and several studies and plans.

Indiana Dunes National Lakeshore was born out of compromise and has been a creature of further compromises since its establishment. The legislative proposal before us today is no different in that regard. The Committee on Interior and Insular affairs was presented with some thorny issues. Given this park's close proximity to a major population and industrial center and its patchwork of surrounding land uses it is not surprising that new issues arise or that attempts are made to reopen old matters.

H.R. 3209, as amended, provides what I believe is a clear, consistent and workable policy regarding the resource and administrative issues of the National Lakeshore that were brought before the Interior Committee. The addition of certain lands to the park boundary, made by H.R. 3209, will enhance park resources, improve access and promote efficient management while minimizing potential conflicts with adjacent landowners. Further, the studies and plans directed to be prepared by the legislation will provide us with information by which we can monitor resource and administrative issues addressed by the bill.

Mr. Speaker, H.R. 3209, as amended, reflects the resource needs of the area, the management needs of the National Park Service and the interests of the local communities. Indiana Dunes is a unique and varied resource that has generated significant interest and appreciation from the public. I want to commend the gentleman from Indiana, [Mr. VISCLOSKY], who represents the area in question, for his advocacy of this park unit and its diverse constituency. In my experience, Indiana Dunes legislation has never been an easy matter. The legislative policy embodied in H.R. 3209, as amended, is a credit to the parties involved. I also must commend Representative JONTZ for his interest and advocacy for this measure before the House.

I support the legislation and recommend its passage by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3209, a bill to amend the boundaries of Indiana Dunes National Lakeshore. This important urban park area provides needed recreational opportunities for millions of people who reside in the Northern Illinois/Northern Indiana/Southern Michigan area.

I would like to recognize the efforts of the gentleman from the first district of Indiana [Mr. VISCLOSKY], for all his work on this bill. Mr. Speaker, his intimate knowledge of the Lakeshore and willingness openly discuss the controversial aspects of this bill with members on both sides of the aisle have contributed heavily to the success of this effort.

This bill represents the fourth boundary modification at this park area in the last 14 years. It would add approximately 2000 acres to the existing 14,000-acre Lakeshore. About ¾ of this land is contained in two river corridors which have received only cursory studies to date. This lack of information regarding the proposed additions, especially the river corridors, was cited by the administration as one of their primary reasons for opposing the bill. Further, based on the studies of other areas for potential inclusion in the Lakeshore which are directed by this bill, additional legislation to amend the boundary of this unit in the near future appear likely.

It is clear from this record that Indiana Dunes National Lakeshore would benefit from a comprehensive boundary study rather than the piecemeal approach which has been pursued in the past. Development of objective boundary modification criteria have recently been advocated in a bill introduced by the chairman of the National Parks and Public Lands Subcommittee, and I commend him for advancing that proposal especially as it has been amended in cooperation with the minority.

Despite these concerns, because the bill does resolve a number of important management issues, it is a worthy one and I urge my colleagues to join me in supporting its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. VISCLOSKY], a member of the committee.

Mr. VISCLOSKY. Mr. Speaker, I must take this opportunity to thank Chairman VENTO, Congressman LAGOMARSINO and the other members of the Committee on Interior for their assistance with H.R. 3209. It has been a bill not without controversy and has occupied much of their time over the past several months. I also extend my gratitude to the staff of the Subcommittee on National Parks and Public Lands, particularly Richard Healy and Steve Hodap, for their invaluable assistance as well as Diane Newberg of my staff.

I began to formulate H.R. 3209 in December of 1988 out of concern for the growing demands placed on the Indiana Dunes National Lakeshore. Throughout the process, I have maintained the goals of increasing access to the National Lakeshore and enhancing the recreational opportunities it offers the public. I believe that the result of this extended effort is a proposal that reflects those purposes.

During the past decade, tremendous changes have occurred in Northwest Indiana due to the restructuring of its preeminent industry, steel. The public officials and citizens of Northwest Indiana have been reviewing options for maintaining and improving the economic vitality of the region.

Throughout these often harsh times, the Indiana Dunes National Lakeshore has remained a constant source of serene beauty and recreation. This urban national park weaves through small communities, the urban center of Gary, neighbors two massive steel mills and three electric generating stations. Approximately 8 million people live within easy commuting distance of the park. It provides beaches, picnic areas, trails for biking and hiking, seasonal festivals and educational facilities for park visitors. Throughout the years, the Lakeshore has been an anchor for the quality of life in Northwest Indiana.

As the park is being called upon to meet new demands created by the re-

gion's and Nation's changing atmosphere, many new challenges and pressures have resulted. Park visitorship grew from 264,000 in 1977 to 1,791,902 in 1989. All signs indicate that this trend will continue. As visitor demand grows, internal and external challenges on the park grow. These challenges must be met.

While my legislatiion does call for some land acquisition, I believe it has been kept to a minimum. Each parcel has been proposed for a specific purpose, be it campground development recreation, additional parking facilities, handicapped access, green corridors or necessary preservation. I would like to briefly describe the various parcels and provisions of the bill and explan my reasons for their inclusion.

LAND PARCELS

Area III-G: The Beverly Shores addition, includes the rights-of-way of Broadway and Beverly Drive as well as a small parcel of land along the northeast side of Broadway near the beach.

The General Management Plan [GMP] of the National Lakeshore presumed that the remainder of the Beverly Shores island would be acquired. The GMP proposed utilization of Broadway within the island as an access route to the beach. It also presumed the use of Beverly Drive as a park access road. Since Beverly Shores has not been added to the National Lakeshore, portions of Broadway and Beverly Drive cannot be controlled in any way by the National Park Service.

In order to ensure that the National Park Service can protect the right of the public to access via these public rights-of-way, I have proposed that they be included within the boundaries of the National Lakeshore.

The small parcel along Broadway will allow for a small scale parking lot to alleviate pressure at the park's beach facility on Lake Front Drive.

Area II-M: The campground addition would add 64 acres to the East Unit Campground, which is scheduled for construction in 1990. The parcel, which holds many natural features including sand dunes and a shallow pond, will provide needed space for campground facilities including a proposed campground amphitheater. It will also provide a buffer zone between the campground and surrounding areas.

It is my intention that the flat disturbed plat at the southwestern corner of U.S. 20 and Brown Road be developed as a shuttle service staging area providing transporation for campers to the several local beaches.

Area II-N: The U.S. 20 completion has been included for the purpose of improving the integrity of park boundaries and to provide an uninterrupted greenbelt area in this area of the park along U.S. 20.

Area III-B: Language regarding Crescent Dune would remove all restrictions in existing language of the law that prevent the National Park Service from acquiring this 33-acre tract. The inclusion of Crescent Dune will free it from its decade-long court battle and place it firmly within the public domain. Instead of continued profit by attorneys, the public will profit by access to the land.

Area II-L: The Porter Beach addition is a small 3-acre parcel which features one of the only sections of available shoreline where the slope of the land will permit beach access for physically handicapped persons. I am concerned that the National Lakeshore has no such access point at this time.

The flat, disturbed area at the northern end of this parcel will provide space for additional parking, a restroom facility and small concession stand.

Inclusion will also allow the National Lakeshore to relocate a road which protrudes onto the beach resulting in erosion problems. The National Lakeshore could relocate this road south away from the beach, thereby increasing lakefront access and safety.

Area I-M: The State road 49 corridor addition, is often referred to as the most frequently used entrance and exit to the State and national parks. In an effort to maintain the attractive and natural status of this entrance, a 33-acre corridor surrounding the area is designated for acquisition in H.R. 3209.

While I am concerned that this area not fall prey to incompatible development, it is not my intention that its inclusion hinder actions by the Indiana Department of Highways to improve and reconstruct the interchange of State road 49 and U.S. 20. This antiquated interchange desperately needs attention which may have minor effects on the parcel. H.R. 3209 includes language to allow for necessary construction.

Areas VIII-A and VIII-B: Approximately 22 miles of river corridor along the Little Calumet River and Salt Creek will be incorporated into the park boundary. These areas are significant as some of the last remnants of a preindustrial Northwest Indiana environment and are locally important as salmon spawning areas vital to northern Lake Michigan fisheries. The National Park Service will examine the recreational possibilities of the rivers, including nature and bike trail development, canoeing, and fishing.

The Little Calumet River corridor will provide a direct connection between one of the Lakeshore's most valuable natural areas—the Blue Heron Rookery—and the rest of the park. At the present time, the rookery is isolated from the National Lakeshore. By including this corridor within the boundaries of the Lakeshore, the National Park Service will be able to more effectively manage this natural resource.

It is my intention that the Salt Creek corridor, which was initiated under the 1986 legislation, now be completed. Riddled with wetlands and beautiful terrain, preservation of this corridor is essential.

Area I-L: The Old University of Chicago property, is strategically located and will be advantageous to the Lakeshore for purposes of both preservation and increasing options for connecting the east and west units of the park.

The 13-acre parcel contains a small gravel road immediately across U.S. 12 and in line with the entrance to Ogden Dunes. This disturbed roadway will allow the National Park Service to develop a new entrance to the Tolleston Dune unit and provide for a trail system in the future.

Area IIV-D: The Calumet Prairie addition, is a 173-acre plat, 140 acres of which are currently managed by the Indiana Department of Natural Resources. The prairie contains a high quality example of wet sand prairie, unlike any found within the Lakeshore's current boundaries. The prairie provides a habitat for several rare plant and animal species.

The significant stretch of Little Calumet riverbank within the parcel will be a great asset to the National Lakeshore. This addition will provide new recreational opportunities including fishing and conoeing.

Gary Parcels: I am pleased that after years of impasse, parcels within the city of Gary have been included in the legislation. I congratulate Mayor Barnes on his support for the addition of the Inland Woods area in Miller. This 200-acre area includes the Woodlake Dune Savannah which has been identified by the Indiana Department of Natural Resources as environmentally unique in our State. The Fadell property, a 45-acre dune ridge north of Rt. 20 in Miller, will be preserved. This parcel is currently threatened by sand mining. Also to be included is a small parcel along County Line Road where the National Park Service will be making improvements to an entrance road.

Area VI-B: the Gaylord Butterfly addition, provides a habitat unlike any other in either the National Lakeshore or the Indiana State Park system. This 173-acre dry sand prairie is home to several unusual plants and rare butterflies. The Little Blue Stem and Indiana grasses, Blazing Stars and Sweet Fern provide food for several butterflies found at no other location in Indiana. These species include the Karner Blue Butterfly, currently under consideration for Federal listing as a threatened species, the Silvery Blue Butterfly, the Byssus Skipper Butterfly, and the Regal Frittillary,

which has been proposed for Federal listing as a threatened species.

While the Gaylord Butterfly parcel is proposed for inclusion in the Indiana Dunes National Lakeshore, in the future the parcel will be transferred over to the State of Indiana Department of Natural Resources in exchange for the State's Little Calumet Prairie property.

MANAGEMENT STUDIES

LITTLE CALUMET-DEEP RIVER CORRIDOR STUDY

This study, to be performed by the National Park Service, will compile an inventory of the natural, cultural, and recreational values of the corridor. It will give specific recommendations for improving public access, fishing, canoeing and hiking within the corridor. The study will also recommend the most appropriate government agency or agencies to administer these areas.

BEVERLY SHORES WETLANDS STUDY

Many individuals and groups have called for the inclusion of the Beverly Shores' wetlands in the National Lakeshore. I do not oppose such inclusion, however, in a spirit of compromise with the town board, which opposes annexation, H.R. 3209 mandates a study of the wetlands and their relationship to the park.

The unspoiled wetlands of Beverly Shores are contiguous to the boundaries of the National Lakeshore. These marshes, public and private, are a delicate remnant of a vast grand marsh that once stretched unbroken from Michigan City to northern Lake County.

The study proposed in H.R. 3209 requires the National Park Service to examine these wetlands and recommend management options to Congress—keeping fully in mind the protections afforded wetlands in the Beverly Shores' National Wetland Protection Ordinance.

STUDY OF UNION STATION IN GARY

The National Park Service is to complete a study of the old Union Station in Gary. The study is to encompass a structural analysis of the station and a feasibility report of the possible uses of the structure.

COOPERATIVE AGREEMENTS

COOPERATIVE AGREEMENT WITH THE CITY OF GARY

The purpose of the proposed cooperative agreement between the National Park Service and the city of Gary is twofold. One purpose is to take pressure off of the National Lakeshore's nearby West Beach which suffers from overcrowding during the summer months. The other purpose is to provide technical assistance for capital improvements at Lake Street Beach and Marquette Park.

Marequette Park and Lake Street Beach are designed to handle much larger crowds than West Beach and other areas of the National Lakeshore. By providing this assistance, Gary's lakefront usage can be more fully realized and the Park Service can more effectively accomplish its mission to preserve and protect its natural areas.

COOPERATIVE AGREEMENT WITH THE NORTHERN INDIANA PUBLIC SERVICE COMPANY (NIPSCO)

One issue which has been unresolved for decades is the NIPSCO Greenbelt. I have always believed that acquisition of the Greenbelt was unnecessary for preservation. Provisions of H.R. 3209 ensure that NIPSCO will continue to preserve the Greenbelt in its natural state and, at the same time, allow the National Park Service to continue to manage the natural resources of the land. Trails now open to park visitor will remain open—preservation and continued access at no cost to the taxpayer.

MISCELLANEOUS PROVISIONS

RETENTION OF RIGHTS

H.R. 3209 provides two options for homeowners whose lands are placed within the National Lakeshore after August 1, 1989. The generous nature of the options rise from the fact that the parcels where homeowners are present are not essential for park management or immediate access.

The first option will permit the homeowner to enter into a leaseback agreement with the National Park Service to retain noncommercial use of their home through 2010.

The second option would allow the homeowner to enter into a life estate ageement with the National Park Service to retain the noncommercial use of their home until both the primary owner and his or her spouse die.

THE DOROTHY BUELL MEMORIAL VISITOR CENTER

In commemoration and celebration of Dorothy Buell, founder and first president of the Save the Dunes Council, this legislation would rename the Lakeshore's visitor center in her honor. Ms. Buell dedicated her life to preserving the natural beauty of Indiana's Lakeshore. She worked diligently for years to ensure that the Indiana Dunes National Lakeshore was established and played a crucial role in the establishment of the National Lakeshore in 1966. Upon his retirement, Illinois Senator Paul Douglas called Dorothy and the Save the Dunes Council, "One of the most unselfish groups of men and women, it has been my pleasure to know."

INCREASE TO THE NATIONAL LAKESHORE DEVELOPMENT CEILING

Of the $20 million development ceiling authorized by Congress, $7 million remains. When fiscal year 1990 appropriated projects, for which appropriations have been made, are completed, only $5 million will remain. This authorization for a $7.5 million increase will ensure that funds for future National Lakeshore improvements can be appropriated by Congress.

ROAD RIGHTS-OF-WAY

Abandoned roadways located within the park's boundaries have been causing problems for some time. In terms of preservation, the unused roads spoil the natural characteristics of the landscape. However, they also pose management problems. Young people have been found drinking and "parking" on the secluded roadways which are difficult to monitor. Illegal dumping has also been a problem.

Under existing law, the Federal Government cannot purchase this publicly owned property. This deters local governments from reverting the right-of-way to the park. As written, this provision would permit the National Park Service to reimburse the affected local government for the cost of transferring the rights-of-way of abandoned roads located within the boundaries of the National Lakeshore. It is my hope that reimbursement will spur the donation of these lands to the National Lakeshore.

In conclusion, I reiterate the need for increased public access to the Indiana Dunes National Lakeshore. This need has been documented in a 1989 report issued by the Indiana Department of Natural Resources. The report states that "only 3 percent of [Indiana] is in public ownership, so that only a small percentage of land in each region is available for outdoor recreation * * *. Recreation opportunities are fewer in both the industrial north and the rich agricultural central parts of the state where most of the population resides." We must make the most of the public lands we do have.

The Indiana Dunes National Lakeshore Access and Enhancement Act represents the best policy for this national park. It offers visitors a vast array of new opportunities and provides the park with additional room to maneuver. Now is the time to accept the challenges faced by this national park. For, as the National Lakeshore has improved the lives of national visitors and local residents, so too must we continue to improve the Lakeshore.

I urge my colleagues to support H.R. 3209.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. JONTZ], an active participant in this debate.

Mr. JONTZ. Mr. Speaker, I rise today to express my full support for H.R. 3209, the Indiana Dunes National Lakeshore Access and Enhancement Act. I want to commend my colleague and neighbor, Representative PETER VISCLOSKY, for his leadership and initiative on this issue. His hard work on behalf of our National Lakeshore Park has resulted in improved facilities and expanded opportunities for our con-

stituents and for the thousands of Americans who visit this beautiful park annually. H.R. 3209 will further extend and improve the park, and Mr. VISCLOSKY deserves the credit for this important achievement.

I also want to commend Chairman VENTO for his leadership and expertise in crafting the bill which is before us today. The chairman's patience and insight has been invaluable in guiding this piece of legislation through its more difficult days.

Mr. VISCLOSKY has addressed many of the significant improvements that H.R. 3209 will make to the National Lakeshore, so I will not spend time reiterating them. What I wish to address is the section of the bill which extends the Lakeshore Park into Indiana's Fifth Congressional District, the Salt Creek River corridor.

The Salt Creek corridor will extend the park along the creek southward about 7 miles from the point where it now enters the park. This corridor consists of wetlands and other undeveloped riverine environments and provides habitat for such game fish as steelhead trout and coho salmon. The extension of the park upstream along Salt Creek is intended to preserve these wetland environments.

The Salt Creek corridor, along with the Little Calumet River corridor also included in the bill, help to complete the inclusion within park boundaries of the ecological and geological systems which contribute to the uniqueness of the Indiana Dunes.

My professional training is in geology, and as a geologist I am particularly interested in the Salt Creek corridor because it provides insight into the geological history of the park. Unlike the other watersheds presently in the park, which generally run in an east-west direction, Salt Creek flows south to north. The present topography of northwest Indiana is the result of its being the terminal point of the Wisconsonian Glacier some 16,000 years ago. The terminal moraine formed by the glacier, the Valparaiso Moraine, once formed the southern shore of what is now Lake Michigan. Over the intervening centuries, the lake has gradually receded from the moraine leaving a series of aging dune ridges. The Salt Creek corridor slices through these formations and provides a cross-sectional view of the Lakeshore's geologic history unlike any other available in the park.

For these reasons I believe that the inclusion of the Salt Creek corridor is an especially important feature of H.R. 3209.

There has been some controversy over the intentions of Congress concerning the inclusion of the Salt Creek corridor in regard to the acquisition of private property and private homes. It is my understanding, confirmed with discussions with Congressman VISCLOSKY and Chairman VENTO as well as with the Park Service, that the intention of the legislation to acquire from the present property owners only such property rights to the riverine and wetland areas associated with Salt Creek as are necessary to protect and preserve the national values of these areas and no more. Such rights may but will not necessarily extend to acquisition by fee simple. It is not Congress' intention to acquire any developed property along either the Salt Creek or Little Calumet River corridors, and I will insist that this direction is followed by the Park Service as it implements this legislation.

Again, Mr. Speaker, I want to commend Chairman VENTO, Representative VISCLOSKY, and all the members of the Subcommittee on National Parks and Public Lands for their diligent work in bringing before us this important bill. The expansions and improvements to the Indiana Dunes National Lakeshore for which this bill provides will prove to be wonderful assets to our system of national parks.

I would also like to ask for the chairman's assistance in addressing an area of concern which came to my attention after this legislation was reported by the Interior Committee. I am specifically concerned about some areas along the Salt Creek corridor that have been included in this legislation which are not necessary for the park. It is my desire to preserve the important natural values of the Salt Creek corridor, but at the same time, avoid potential land-use conflicts on adjacent property.

I hope the chairman can assist me in the legislative process to review and rectify this matter.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. JONTZ. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I will review this matter based on the new information the gentleman made available to me after the Interior Committee reported H.R. 3209. If adjustments in the boundaries of the Salt Creek corridor are necessary, I will assist the gentleman in addressing this matter as the legislation is further considered in the legislative process.

Mr. JONTZ. Reclaiming my time, I thank the chairman for his assistance, and again commend the chairman and my colleague from Indiana [Mr. VISCLOSKY] for the work they have done.

Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. JONTZ. I am happy to yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, I thank the gentleman for yielding. I too want to compliment the chairman of the committee and the gentleman from Indiana, Mr. VISCLOSKY and Mr. JONTZ, for the work all of them have done in trying to come up with a bill that would be appropriate to expand the Indiana Dunes National Lakeshore. It truly is one of the real wonders of the world.

So often our colleagues will talk about seeing dunes in different areas, and occasionally they will come out and visit the Indiana Dunes or maybe the dunes in southern Michigan, and they get a real appreciation for what sand is and what dunes are. I think that the job particularly that the gentleman from the first district, Mr. VISCLOSKY, has done is to be commended, and I certainly want to associate myself with his remarks earlier, and urge my colleagues to support passage of this bill.

Mr. JONTZ. I thank the gentleman from Indiana's third district, my neighbor, for his comments in support of the legislation.

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Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRICELLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3209, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ESTABLISHING GRAND ISLAND NATIONAL RECREATION AREA IN MICHIGAN

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1472) to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 1, line 9, strike out ", botany".

Page 5, line 6, after "shall" insert ", as a condition of acquisition,".

Page 5, line 23, after "children" insert ", stepchildren,".

Page 7, lines 10 and 11, strike out "the date of enactment of this Act" and insert "January 1, 1990".

Page 7, line 16, strike out "The" and insert "Subject to the provisions of subsection 3(b)(8) and subsection (b) of this section, the".

Page 7, line 21, after "Act" insert ": *Provided*, That the Secretary may not acquire any privately owned lands within the national recreation area other than with the consent of the owner so long as the owner agrees to the restrictions contained in subsection (b)(1) of this section and grants the

Secretary a right of first refusal as provided in subsection (b)(2) of this section.

Page 8, line 7, strike out "historically consistent" and insert "architecturally compatible".

Page 9, line 4, after "adopted)," insert "stepchildren,".

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I reserve the right to object in order to inquire of the chairman, are these Senate amendments the technical corrections to the text of the House-passed bill which we discussed?

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is the Grand Island bill. The request is to concur in the Senate amendments to the bill on the Grand Island Recreation Area in Michigan. Yes; the Senate amendments make some noncontroversial and technical amendments. I am unaware of any objection to them.

Mr. KILDEE. Mr. Speaker, I am pleased to rise in strong support of H.R. 1472, a bill I introduced in the House of Representatives, along with 15 of my colleagues from Michigan.

I would like to thank the chairman of the subcommittee for his work in bringing this bill to fruition. I have had the pleasure to serve with Mr. VENTO on the House Interior Committee for 8 years. Over this time, Mr. VENTO has established himself as a leader in protecting our Nation's precious natural resources, and I want to thank him for all he has done to protect the beautiful resources in my home State of Michigan.

Mr. Speaker, H.R. 1472 will establish the Grand Island National Recreation Area and authorize the U.S. Forest Service to manage its natural and cultural resources. Located in Lake Superior in the Upper Peninsula of Michigan, this 13,000-acre island is one of the most beautiful parcels of land in our State. Grand Island is home to a diversity of fragile flora and fauna that clearly warrant Federal protection. The island contains the largest beaver-formed lake in North America, and is host to many endangered plant and wildlife species.

H.R. 1472 is designed to help the Forest Service better manage the resources of Grand Island. This legislation provides guidance to the Forest Service on many critical management issues, such as timber management, occupancy permits, and private development on the island. I believe that this bill is fair, and it represents the interests of all the involved parties.

Mr. Speaker, as I mentioned earlier, H.R. 1472 is designed to clarify certain management practices by the U.S. Forest Service in the management of Grand Island. When this bill first passed the House of Representatives, I included a statement on the House floor that addressed a few of the issues in the bill. First, it is the intent of the Congress that there will be no commercial timber harvesting on Grand Island. Rather, timber management shall be used only for the specific purposes listed in the bill; including the enhancement of public recreation, scenic quality, and the protection and enhancement of threatened, endangered, or sensitive species. In addition, it is intended that those individuals who currently own homes on Grand Island will be granted occupancy and use permits by the U.S. Forest Service. As long as the users of such permits are in compliance with the conditions of the permit, the permits will automatically be renewed by the U.S. Forest Service. I urge my colleagues to support this legislation so we can protect and preserve this beautiful island for generations to come.

Mr. LAGOMARSINO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1472 and the Senate amendments thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

EXTENDING CERTAIN EXCEPTIONS FOR FEDERAL AND MILITARY RETIREES EMPLOYED FOR THE 1990 CENSUS

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4637) to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and miltiary retirees may serve as temporary employees, in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits.

The Clerk read as follows:

H.R. 4637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF LIMITATION.

(a) IN GENERAL.—Public Law 101-86 (13 U.S.C. 23 note) is amended by striking section 4.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Sections 2(b) and 3(b) of Public Law 101-86 are each amended—

(A) by striking paragraph (2);

(B) in paragraph (1) by striking "(1)", and by striking "; and" and inserting a period; and

(C) by striking "section—" and inserting "section" and running in thereafer the text of paragraph (1) (as amended by subparagraph (B)).

(2) Public Law 101-86 is amended by redesignating section 5 as section 4.

SEC. 2. PRIOR SERVICE IN EXCESS OF 6 MONTHS NOT AFFECTED

Nothing in this Act shall be considered to make an exemption under section 2 or 3 of Public Law 101-86 applicable to any service performed before the date of enactment of this Act which was in excess of that allowable under section 4 of Public Law 101-86 (as then in effect).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. RIDGE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 4637, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House legislation that will assist the Census Bureau in maintaining a qualified temporary work force through the remainder of census operations.

I am grateful for the support and assistance of my committee colleagues in this effort.

Last week, the Census Bureau began the enormous task of visiting 37 million households that did not return census questionnaires by mail. This is a task some 70 percent greater than it was in the last census. It will take an estimated 260,000 temporary enumerators to complete this activity. It poses substantial operational difficulty.

Under a law passed by Congress last August, Federal, postal, and military retirees can work for the Census Bureau for up to 6 months without a loss in pay or retirement benefits. However, after 6 months, they are subject to a dollar-for-dollar reduction in benefits.

Many Federal and military retirees began working in key census positions when district offices opened last fall. Nearly 5 percent of the temporary employees nationwide are Federal and military retirees. In some districts, 30

percent of the work force is comprised of these highly valued employees.

Retirees who already have worked for 6 months now are faced with a difficult decision: Whether to stop in midcount or to continue working without compensation. The loss of these managers and supervisors would be extremely disruptive to the Bureau's field operations.

H.R. 4637 will help the Bureau meet its unexpectedly high recruitment and productivity goals by eliminating the 6-month limitation. Retirees will be able to continue in their positions as long as they are needed. The authority for the exemption expires on December 31, 1990.

At this critical juncture in the conduct of the census, the extended exemption authorized by H.R. 4637 will greatly benefit the Bureau's efforts to complete the census in a timely and accurate manner. I urge my colleagues to support this important measure today.

Mr. Speaker, I reserve the balance of my time.

Mr. RIDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4637, and thank my good friend and the chairman of the Subcommittee on Census and Population, Mr. SAWYER, for expeditiously handling this legislation.

H.R. 4637 amends Public Law 101-86 to extend the 6-month earnings exemption for temporary census employment for Federal, Postal, and military retirees. This bill will prevent reduction in annuities through the calendar year for these individuals.

Since the mail response rate fell far below the Bureau's projected 70 percent, an additional 56,000 enumerators must be hired to compensate for the increase in number of households that will be visited for followup. Extending Public Law 101-86 increases significantly the pool of qualified applicants available for employment with the Census. These retirees have experience in Government service and bring with them a wealth of administrative and technical skills, as well as a knowledge of and commitment to public service.

The practical effect of H.R. 4637 would allow many top- and mid-level managers and enumerators to continue in their current positions. With the Census Bureau's current recruiting difficulties, the anticipated reduced productivity, and extended field operations, H.R. 4637 would serve as a vehicle to enhance the quality of the Census work force.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, I rise to congratulate the gentleman from Ohio [Mr. SAWYER] and the ranking member on the subcommittee, the gentleman from Pennsylvania [Mr. RIDGE].

Mr. Speaker, I rise to congratulate the gentleman from Ohio [Mr. SAWYER] and congratulate him on bringing this legislation. It is very necessary. It facilitates the ability of the Census to hire folks who are obviously very capable, skilled people who but for this legislation would not be able to continue to serve the Census Bureau in this way.

As a Representative from a jurisdiction which has a large number of folks who fall into this category because obviously, first of all, the Census Bureau itself falls within the Fourth and Fifth Districts of Maryland but also because we have a large number of employees who work in related offices as well.

So I congratulate the chairman for this legislation and believe it will facilitate the work that the Census Bureau is undergoing now, under difficult circumstances at best.

If I might just transgress another second, the gentlelady from Illinois, and say that there has been some criticism of the Census Bureau. I want to say very frankly, Mr. Speaker, that the President in his inaugural address said that the State of the Union is in many respects up to each and every one of us. That is the issue of personal responsibility.

I would hope that every American would take upon himself or herself the personal responsibility of assuring that the Census Bureau can in fact do its job because without the personal responsibility of every citizen of our country they cannot do their job.

So we need to urge the citizens of America to participate, cooperate and facilitate.

Mr. SAWYER. Mr. Speaker, I thank the gentleman for his kindly and thoughtful comments. His points are well taken, and I am pleased to associate myself with his remarks.

Mr. Speaker, I reserve the balance of my time.

Mr. RIDGE. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 4637 and commend the distinguished chairman of the Subcommittee on Census and Population, the gentleman from Ohio [Mr. SAWYER], and the vice chairman, the gentleman from Pennsylvania [Mr. RIDGE], for bringing this legislation, which is critical to the operations of the 1990 census, to the House floor today. H.R. 4637 will enhance the Census Bureau's ability to retain and attract a quality work force in order to complete the 1990 census.

Mr. Speaker, I am certain that the Members of this body are fully aware of the difficulties the Census Bureau has been experiencing with the mail questionnaires. As a result of the slow rate of response, it will be necessary for the Bureau to conduct a more extensive field operation than initially anticipated.

H.R. 4637 will allow many military, postal, and federal retirees currently employed with the Census Bureau to continue working without any offset to their annuities. This bill is imperative for the Bureau to conduct its operations smoothly and efficiently. By extending the period for earnings exemption through the calendar year, disruption to the current census work force will be averted, as well as increasing the pool of qualified applicant available for census employment.

The 1990 census is the largest and most complex ever undertaken. Data collected in the 1990 census will be used to determine the political, social, and economic realities for our Nation for the next 10 years. We must be willing to work with the Census Bureau and to do whatever is necessary to secure a complete and accurate count. We cannot allow the quality of data to be placed in jeopardy.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4637, and in supporting all the efforts of the census in the coming months.

□ 1820

Mr. SAWYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RIDGE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRICELLI). The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 4637.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZATION TO SUBMIT NAME OF MEMBER AS COSPONSOR ON H.R. 2273

Mr. HOYER. Mr. Speaker, I ask unanimous consent that I may be authorized to sign and submit requests to add the name of the following Member to the list of cosponsors on H.R. 2273:

Pursuant to clause 4 of rule XXII of the Rules of the House of Representatives, the following sponsor is hereby added to H.R. 2273: Romano L. Mazzoli of Kentucky.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AWARDING A CONGRESSIONAL GOLD MEDAL TO LAURANCE SPELMAN ROCKEFELLER

Mr. LEHMAN of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1853) to award a congressional gold medal to Laurance Spelman Rockefeller.

The Clerk read as follows:

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assumbled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) Laurance Spelman Rockefeller followed in the tradition of his father, John D. Rockefeller, Jr., by enlarging and enhancing the National Park System of the United States, including the donation of five thousand acres on the Island of St. John for the Virgin Islands National Park;

(2) Laurance Spelman Rockefeller was appointed by President Dwight D. Eisenhower as chairman of the Outdoor Recreation Resources Review Commission, and his work led to the establishment of the Bureau of Outdoor Recreation, the Land and Water Conservation Fund, the Wilderness Act, the National System of Scenic Rivers, and other landmark conservation programs;

(3) Laurance Spelman Rockefeller was appointed by President Lyndon B. Johnson as Chairman of the 1965 White House Conference on Natural Beauty, and his recommendations brought the concept of natural beauty to urban areas, led to the Highway Beautification Act, and increased State and local awareness of environmental issues;

(4) Laurance Spelman Rockefeller collaborated with Lady Bird Johnson in her quest to beautify the United States and the Capital, and assisted her in the creation of the Lyndon Baines Johnson Memorial Grove in Washington, District of Columbia;

(5) Laurance Spelman Rockefeller served President Richard M. Nixon and President Gerald R. Ford as chairman of Presidential advisory committees on environmental quality, and served on other Federal advisory groups, including the Public Land Law Review Commission and the National Park Foundation;

(6) Laurance Spelman Rockefeller served as a member of the New York State Council of Parks for thirty years and, as its chairman, expanded and modernized the State park system through an innovative bond program which was replicated across the Nation;

(7) Laurance Spelman Rockefeller served as a principal advisor on environmental matters to his brother, Governor Nelson A. Rockefeller of New York, and helped to develop the Adirondack Park Agency, the Hudson River Valley Commission, the first State water pollution bond issues, and the first comprehensive State environmental and conservation agency;

(8) Laurance Spelman Rockefeller served as a member and President of the Palisades Interstate Park Commission for forty years and made major donations to expand the Palisades Interstate Park System;

(9) Laurance Spelman Rockefeller contributed to the environmental quality of New York City through his efforts on behalf of the New York Zoological Society and the Bronx Zoo, the New York Aquarium, Central Park, and other parks in the city;

(10) Laurance Spelman Rockefeller, as a parttime resident of Woodstock, Vermont, has contributed to the environmental aesthetics of that community through promotion of the placement of power lines underground, the initiation of watershed planning, and the preservation and display of historic properties and objects;

(11) Laurance Spelman Rockefeller has been the long-time guiding force in three significant private conservation organizations: Jackson Hole Preserve, Incorporated, which has preserved park land in the Grand Tetons of Wyoming, the Virgin Islands, and the Hudson Valley; the American Conservation Association, which has provided support and encouragement for innovative government and private conservation programs; and Historic Hudson Valley, Incorporated, which has preserved outstanding historic properties of the Hudson Valley for public use;

(12) Laurance Spelman Rockefeller has played an important role in creating or leading other private conservation organizations, including Resources for the Future, the National Recreation and Park Association, and the Conservation Foundation; and

(13) Laurance Spelman Rockefeller, in addition to his extraordinary contributions to the environment in the United States, is one of the leaders in the fight against cancer with more than forty years of dedicated work and benefactions to the Memorial Sloan-Kettering Cancer Center.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Laurance Spelman Rockefeller in recognition of his leadership on behalf of natural resource conservation and historic preservation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $25,000 to carry out this section.

SEC. 3. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 2 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act shall be considered national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, S. 1853, authorizes the minting of a congressional gold medal to be awarded to Mr. Laurance Spelman Rockefeller, and bronze duplicates of the medal to be made available to the American public. The bill authorizes an appropriation not to exceed $25,000 to carry out this act, which shall be reimbursed by sales of the medal resulting at no net cost to the Government.

The subcommittee passed, without amendment and by unanimous consent, the House version of the bill, H.R. 3625. The Senate version of the bill, S. 1853, was passed on March 26, 1990, with one minor amendment correcting a drafting error. Other than that one change, the House and the Senate bills are identical. We are considering the Senate bill here today in order to expedite the legislative process so that the Mint shall have adequate time to prepare and produce the medal.

Mr. Rockefeller's contributions as a conservationist are truly extraordinary. Mr. Rockefeller has dedicated a lifetime promoting and giving to our national and State parks, helping to preserve for future generations some of our Nation's most treasured assets. He is primarily responsible for the enlargement of the Palisades Interstate Park System. As President Eisenhower's appointment to chair the Outdoor Recreational Resources Commission, his leadership led to the establishment of the Bureau of Outdoor Recreation, the Land and Water Conservation Fund, the Wilderness Act, the National Wild and Scenic Rivers System and other important conservation efforts.

Mr. Rockefeller has served in official capacity as an environmental adviser to four Presidents, long before the environment was a popular issue. His personal generosity and his indefatigable environmental concerns are well-known and well-documented. He is certainly deserving of this award.

I want to thank the gentleman from Arizona [Mr. UDALL], chairman of the Committee on the Interior, for his leadership on this legislation, and to acknowledge the very hard work done in acquiring the 218 cosponsors that we require in the Committee on Banking, Finance and Urban Affairs for commemorative medal legislation.

Mr. Speaker, this is a noncontroversial bill that has bipartisan support. The bill was reported by our committee without dissent. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of a congressional gold medal to Laurance Spelman Rockefeller. We are recognizing Laurance Rockefeller's achievements today as an environmentalist and a humanitarian. He has dedicated over 40 years of his life to environmental and health care causes. He is the type of individual truly deserving of congressional recognition.

I would like to commend Mr. UDALL for the fine work he did on the House version of this bill. He has complied with all of the Consumer Affairs and Coinage Subcommittee rules and we appreciate those efforts.

The bill we are taking up today is the Senate bill, S. 1853. S. 1853 is virtually identical to the House bill, H.R. 3625. The language of the bills is standard language for national medal legislation we have used in the past.

Section 1 of the bill describes at great length the truly remarkable achievements of Laurance Rockefeller over the course of his lifetime.

Section 2 authorizes the medal and requires that the design and inscriptions represented on the medal shall be selected by the Secretary of the Treasury.

Section 3 authorizes duplicates of the medal to be minted at no net cost to the Government.

Section 4 designates the medals as national medals.

I am pleased that we can take up the Senate bill today and send this legislation directly to the President. I urge my colleagues to support S. 1853.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, as an original cosponsor of H.R. 3625, which is similar to S. 1853, awarding a congressional gold medal to Laurance Spelman Rockefeller, I am pleased to rise in strong support of this important legislation and I thank the gentleman from California [Mr. LEHMAN], and gentleman from Indiana [Mr. HILER] of the Banking and Finance Subcommittee for bringing this measure to us. I would like to thank the other original cosponsors of this legislation, Mr. UDALL, Mr. FISH, Mr. GONZALEZ, Mr. PICKLE, Mr. PAXON, and Mrs. BOGGS, as well as the distinguished Speaker of the House, the distinguished minority leader, and the majority leader, for their assistance in bringing this legislation to the floor.

Laurance Rockefeller is universally recognized as a monumental founder of the cause for environmental preservation. When the history books are written, Mr. Rockefeller will be remembered for his major role in fostering a new era of environmental concern in the United States. He has served with several administrations beginning with President Eisenhower and concluding with President Ford, but his contributions to our Nation's environmental movement continue and go far beyond his governmental service.

Mr. Rockefeller first served under President Eisenhower as Chairman of the Outdoor Recreation Resources Review Commission which led to the establishment of the Bureau of Outdoor Recreation, the Land and Water Conservation Fund, and the National System of Scenic Rivers. In 1965, Laurance Rockefeller was appointed by President Johnson to chair the White House Conference on Natural Beauty. This conference led to the establishment of several landmark programs including the Highway Beautification Act as well as other initiatives to promote State and local awareness of environmental issues. In addition, he collaborated closely with Lady Bird Johnson to promote the beautification of our Nation's Capital.

As an adviser to his brother, the late Gov. Nelson A. Rockefeller of New York, Laurance Rockefeller helped to develop the Adriondack Park Agency, and the Hudson River Valley Commission. As a representative of that region in New York, I fondly remember Laurance Rockefeller as the father of our local environmental conservation movement, and indeed he helped to establish the first comprehensive State environmental and conservation agency in our home State of New York.

Finally, Mr. Rockefeller has served as chairman of the Presidential Advisory Committees on Environmental Quality under both President Nixon and President Ford. In addition to his legendary efforts on environmental matters, Mr. Rockefeller has devoted more than 40 years of his insight, wisdom, benefactions, and tireless assistance to the Memorial Sloan-Kettering Cancer Center.

H.R. 3625 instructs the Department of the Treasury to strike a gold medal of suitable design and authorizes $25,000 for this purpose. As we approach Laurance Rockefeller's 80th birthday, I feel confident that enactment of H.R. 3625 will mark an appropriate way for the Congress to celebrate the birth and contributions of this environmental hero. I urge my colleagues to support this important legislation awarding Laurance Rockefeller with a congressional gold medal.

□ 1830

Mr. LEHMAN of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HILER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, I would just make an inquiry of my friend, the gentleman from California, and of the ranking member of the subcommittee. First of all, I join the gentleman as a member of that subcommittee certainly in strong support of this legislation. But on the day we reported out this piece of legislation with the overwhelming bipartisan support of the committee, I think there were one or two other pieces of legislation, including a commemorative coin for the USO. I was wondering if I might inquire as to the status of that particular commemorative legislation.

Mr. LEHMAN of California. Mr. Speaker, if the gentleman will yield, to my knowledge, that legislation is in the full committee.

Mr. RIDGE. That one is going to the full committee?

Mr. LEHMAN of California. Yes.

Mr. RIDGE. I might make a private inquiry of the gentleman.

Mr. LEHMAN of California. Mr. Speaker, let me say that this gentleman does not have any control over that process.

Mr. RIDGE. Mr. Speaker, I thank the gentleman, and I appreciate his response.

Mr. DE LUGO. Mr. Speaker, I rise in support of H.R. 3625, of which I am a cosponsor. This bill pays tribute to one of the pillars of our society, Mr. Laurance Spelman Rockefeller, by awarding him a Congressional gold medal for his outstanding work in the areas of historic and natural resource preservation.

On behalf of the Governor and the people of the U.S. Virgin Islands, I would like to extend my heartfelt thanks and appreciation to Laurance Rockefeller. His generous gift of 5,000 acres in the 1950's formed the heart of our national park on the island of St. John. Due to Laurance Rockefeller's donation and foresight, millions of Virgin Islands residents and visitors are able to enjoy one of the most beautiful park lands in the world, and this incomparable scenery will be preserved for generations to come.

Mr. PICKLE. Mr. Speaker, before us today is a special bill to recognize one of America's greatest conservationists. Laurance Rockefeller, by word and deed, has greatly advanced the causes of conservation and historic preservation throughout the United States. Often acting alone, almost a solitary voice in the wilderness, he has promoted land conservation and helped to set aside natural wilderness areas long before it became popular on the national agenda.

Laurance Rockefeller's contributions have played a major role in fostering a new era of environmental concern in the United States. He has served with five administrations beginning with President Eisenhower and concluding with President Ford.

He was first appointed Chairman of the Outdoor Recreation Resources Review Commission under President Eisenhower. His leadership of that Commission resulted in the establishment of the Bureau of Outdoor Recreation, the Land and Water Conservation Fund, the

Wilderness Act, the National System of Scenic Rivers as well as other important conservation programs.

In 1965 his chairmanship of President Lyndon B. Johnson's White House Conference on Natural Beauty brought about many programs that we possibly take for granted today. The Highway Beautification Act is a specific example. In addition, he collaborated with Lady Bird Johnson to promote the beautification of this Nation and it's Capitol.

In more recent time, Laurance Rockefeller has worked closely with Lady Bird Johnson in the promotion of the National Wildflower Center. His personal contributions in cash and time have been marvelous. You may also recall he was instrumental in advancing the designation of the LBJ Memorial Grove here in Washington.

Mr. Speaker, the action the Congress takes today is proper and fitting, and this recognition is long overdue. This congressional gold medal will recognize his contribution and lifelong dedication to the conservation and wise use of America's natural resources and the preservation of its historic recourses.

Mr. UDALL. Mr. Speaker, on this day when we take up legislation to award a congressional gold medal to Laurance Rockefeller, the words of Lady Bird Johnson come to mind. She recently said, "Among the legions of us who are aware of Laurance's love for and contributions to our country, you'll find no voice filled with more gratitude, praise and deeply-held esteem than mine." It would be difficult to to any better than Mrs. Johnson when attempting to describe my admiration for Laurance and what he has accomplished in the fields of conservation and the environment.

Laurance Rockefeller's contributions have played a major role in fostering a new era of environmental concern in the United States. He has served with administrations beginning with President Eisenhower and concluding with President Ford.

It was apparent from the start that Mr. Rockefeller's path would leave in its wake some indisputably landmark programs. His first Presidential appointment was chairman of the Outdoor Recreation Resources Review Commission under President Eisenhower. His leadership on this Commission resulted in the establishment of the Bureau of Outdoor Recreation, the Land and Water Conservation Fund, the Wilderness Act, the National System of Scenic Rivers, as well as other important conservation programs.

In 1965, his chairmanship of President Johnson's White House Conference on Natural Beauty brought about programs that we possibly take for granted today. He was responsible for the Highway Beautification Act, as well as other rural and urban beautification projects. In addition, he collaborated with Lady Bird Johnson to promote the beautification of this Nation and its Capital.

The United States might be a vastly different place if Laurance Rockefeller chose a different cause. Mr. Rockefeller 's acts of philanthropy with respect to the preservation and conservation of public lands are numerous. To name just two, he donated over 5,000 acres on the island of St. John for the Virgin Island National Park, as well as a sizeable acreage for Grand Teton National Park.

Moreover, Laurance Rockefeller's contributions go beyond the environment. He has been one of the foremost leaders in the fight against cancer through more than 40 years of dedicated work and benefactions to the Memorial Sloan-Kettering Cancer Center.

Mr. Speaker, the congressional gold medal has been awarded in the past to groups and individuals in a multitude of endeavors, yet we have never given one in recognition of achievements in the field of conservation and historic preservation. It is high time that someone in this field is honored, and I cannot think of anyone more deserving than Laurance Spelman Rockefeller.

Mr. FISH. Mr. Speaker, it is my pleasure to rise today in support of H.R. 3625, and to pay tribute to a man most deserving of a congressional gold medal—Laurance Spelman Rockefeller.

Long before the first Earth Day in 1970, Laurance Rockefeller's contributions played a major role in fostering a new era of environmental concern in the United States. Throughout the Eisenhower, Johnson, Nixon, and Ford administrations, Mr. Rockefeller spearheaded efforts to preserve national and State parks. He was instrumental in the establishment of numerous invaluable park system programs in New York State, including park land in my district, the historic Hudson Valley.

Following in the tradition of his grandfather and father, Laurance Rockefeller's dedicated leadership and generous financial support have made him a world leader in the protection and preservation of our environment. Mr. Rockefeller is uniquely qualified to be the first recipient of this award in the field of natural resources conservation and historic preservation—and I join 232 of my colleagues in saying there is no one more deserving.

Mr. HILER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRICELLI). The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the Senate bill, S. 1853.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEHMAN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on S. 1853, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FAA CIVIL PENALTY ASSESSMENT DEMONSTRATION PROGRAM EXTENSION

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2533) to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstation program, and for other purposes.

The Clerk read as follows:

S. 2533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 905(d)(4) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1475(d)(4)) is amended by striking "28 month" and inserting in lieu thereof "31-month".

(b) The amendment made by subsection (a) shall be effective as of April 30, 1990.

SEC. 2. Section 511 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2210) is amended by adding at the end the following new subsection:

"(g) USE OF AIRPORT GENERATED REVENUES IN HAWAII.—

"(1) GENERAL RULE.—Notwithstanding the limitation on the use of revenues generated by airports contained in subsection (a)(12) of this section, the State of Hawaii may use for eligible transportation projects revenues generated on the sale at off-airport locations in the State of duty-free merchandise under a contract between the State and a duty-free sales enterprise.

"(2) LIMITATIONS.—

"(A) APPLICABILITY PERIOD.—This subsection only applies to revenues generated after the date of enactment of this subsection and before December 31, 1994, on sales referred to in paragraph (1) and to amounts in the Airport Revenue Fund of the State of Hawaii which are attributable to revenues generated before the date of enactment of this subsection on such sales.

"(B) COVERAGE OF AIRPORT CAPITAL AND OPERATING COSTS.—The State of Hawaii may use under paragraph (1) revenues generated on sales referred to in paragraph (1) in a fiscal year of the State only if the amount of such revenues, when added to the amount of funds received in such year by the State for airport capital and operating costs from all other sources (including revenues, unrestricted cash on hand, and Federal funds made available under this Act for expenditure at such airports), exceeds 150 percent of the projected airport capital and operating costs for such year.

"(C) ANNUAL CAP.—The Amount of revenues generated on sales referred to in paragraph (1) in a fiscal year of the State of Hawaii which the State may use under paragraph (1) may not exceed the amount of the excess determined under subparagraph (B) for such year.

"(D) AGGREGATE CAP.—The maximum amount of revenues which the State of Hawaii may use under paragraph (1) may not exceed $250,000,000 in the aggregate.

"(E) REDUCTION DUE TO LANDING FEE INCREASE.—If any fee levied or collected by an airport operated by the State of Hawaii for a rental charge, landing fee, or other service charge from an aircraft operator for the use of airport facilities is increased in the period beginning on the date of enactment of this subsection and ending December 31, 1994, by a percentage which is greater than the percentage change in the Consumer Price

Index of All Urban Consumers for Honolulu, Hawaii, published by the Bureau of Labor Statistics of the Department of Labor in such period and if, as a result of such fee increase, there is an increase in the revenues derived from such fee, the $250,000,000 limit established by subparagraph (D) shall be reduced by the amount of the projected increase in such revenues in such period less any portion of such increase which is attributable to changes in such Index in such period.

"(F) DETERMINATION OF COSTS AND PROJECTED INCREASES IN REVENUES.—The State of Hawaii shall determine capital and operating costs and revenues under subparagraph (B) and the amount of projected increases in revenues from fee increases referred to in subparagraph (E). Determinations shall be submitted by the State to the Secretary for approval. A determination shall be treated as approved by the Secretary unless the Secretary disapproves such determination on or before the 30th day after the State submits such determination to the Secretary.

"(G) ELIGIBILITY FOR DISCRETIONARY GRANTS.—The State of Hawaii shall not be eligible for a grant under section 507(c) in any fiscal year in which the State uses under paragraph (1) revenues generated on sales referred to in paragraph (1). If the State receives a grant in a fiscal year in which the State as a result of this subparagraph is not eligible to receive a grant, the State shall repay all amounts received by the State under such grant to the Secretary for deposit in the discretionary fund established under section 507(c).

"(3) PERIOD OF USE.—Revenues generated on sales referred to in paragraph (1) in the period of applicability set forth in paragraph (2)(A) may be used under paragraph (1) in any fiscal year of the State, including a fiscal year of the State beginning after December 31, 1994.

"(4) DEFINITIONS.—In this subsection, the following apply:

"(A) AIRPORT CAPITAL AND OPERATING COSTS.—The term 'airport capital and operating costs' means costs incurred by the State of Hawaii for operation of all airports operated by such State and costs for debt service incurred by such State in connection with capital projects for such airports, including interest and amortization of principal costs.

"(B) DUTY-FREE SALES ENTERPRISE; DUTY-FREE MERCHANDISE.—The terms 'duty-free sales enterprise' and 'duty-free merchandise' have the meaning such terms have under section 555(b) of the Tariff Act of 1930 (19 U.S.C. 1555(b)).

"(C) ELIGIBLE TRANSPORTATION PROJECT.—The term 'eligible transportation project' means a project for construction or reconstruction of a highway on a Federal-aid system which will facilitate access to an airport and which is located within 10 miles by road of such airport.

"(D) FEDERAL-AID SYSTEM; HIGHWAY.—The terms 'Federal aid system' and 'highway' have the meaning such terms have under section 101 of title 23, United States Code.".

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill now before us extends for 3 months the authority of the Federal Aviation Administration to assess civil penalties in small cases. In addition, it includes a compromise on legislation previously passed by both Houses to allow the state of Hawaii to fund highway construction with revenues generated by a duty-free shop associated with the Honolulu Airport.

Civil penalties for violations of FAA regulations are an important part of FAA's program for ensuring aviation safety. In 1987, FAA was given authority for a 2-year demonstration program allowing FAA to assess civil penalties in cases involving penalties of less than $50,000. Previously, penalties in those cases were assessed by the courts. In support of the demonstration program, FAA pointed out that in these small cases it was difficult to persuade a U.S. attorney to take a case to a U.S. district court and that, in any event, these types of cases were not an efficient use of the time of U.S. attorneys of the courts.

Unfortunately, in implementing the demonstration program, FAA adopted procedural regulations without following the Adminsitrative Procedure Act requirements of notice and comment. In addition, the regulations themselves were severely criticized as being unfair to defendants.

Late in the last congressional session, legislation was enacted extending the program through April 30—yesterday—to give the FAA an opportunity to improve its procedural regulations. FAA has been highly responsive and last week issued rulemaking proposals which, when finally adopted, will meet the major objections which have been raised.

In the short time since FAA's recent rulemaking, it has not been possible to get an agreement with the other body on a long-term extension of the program. A 3-month extension should give us the time needed to develop and pass legislation dealing with the program on a more permanent basis.

While technically the program expired yesterday, the bill establishes an effective date of April 30. This will ensure that when it is enacted, FAA will have authority to continue the more than 4,000 civil penalty cases now under way. The effective date will also permit FAA to assess penalties for violations occurring between April 30 and the date the bill is signed.

The provision on Hawaii duty-free revenues is a compromise on legislation which has been previously passed by both Houses. Before outlining it, however, I do want to commend and pay special tribute to Mr. AKAKA. It was through his efforts that the Hawaii provision of this bill has reached the floor today. Countless hours were spent crafting this, and without his skillful negotiating, none of this would have been possible.

Mr. Speaker, under current law, all revenues generated by an airport, including revenues generated by a duty-free shop associated with an airport, must be spent on the airport. The State of Hawaii has asked for a limited exception to this requirement to permit it to spend duty-free shop revenues for the construction of highways which will facilitate access to an airport.

We are willing to support this exception because of unique circumstances in Hawaii. Hawaii is almost totally dependent on air service for transportation between the islands, and between Hawaii and the rest of the United States. Because of this situation, we do not regard the pending legislation as a precedent for allowing revenues generated by airports in other States to be spent off the airport.

The pending legislation also contains several conditions designed to ensure that the revenues involved will be spent for purposes related to the airport and that revenues will not be used off the airport until airport needs have been met. Under the conditions in the bill, duty-free revenues may be spent for nonairport purposes only when the airport has generated enough revenues to cover 150 percent of its operating and capital costs. The bill further provides that the use of duty-free revenues for highway construction is limited to a 5-year period and that there is an overall cap of $250 million on use of revenues off the airport. The cap on total spending is reduced if the airport raises landing fees beyond the rate of increase in the Consumer Price Index.

The bill further provides that, in any year in which the airport uses duty-free revenues for off-airport purposes, the airport may not receive a discretionary grant under the Airport Improvement Program. Finally, the bill provides that the only purpose for which duty-free revenues may be spent off the airport is to construct highways which are located within 10 miles of the airport and which will facilitate access to the airport.

With these conditions, we believe that the legislation is a reasonable approach to unique circumstances in the State of Hawaii.

In sum, S. 2533 will promote aviation safety by continuing civil penalties. It also represents a good compromise on the Hawaii issue. Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been explained, the FAA's Civil Penalty demonstration program expired at the end of April. I rise in support of S. 2533, to extend the program for an additional 90 days.

By way of background, the Civil Penalty Demonstration Program was established in 1987 to give FAA an enhanced ability to bring enforcement actions against carriers, pilots, and airports found to have violated Federal regulations.

Prior to demonstration program, the FAA had to rely completely on the U.S. attorney's office to prosecute all contested charges. As Members can appreciate, if the charges carried relatively small fines or penalties, the U.S. attorney was not inclined to pursue these cases, given the press of other business.

Consequently, the FAA's ability to enforce its regulations was seriously undermined. Individuals charged with violations knew that if they challenged the FAA, chances were very good that they would not be taken to court.

The Civil Penalties Demonstration Program remedied this flaw. It gave the FAA the ability to impose small civil penalties administratively without having to go through a U.S. attorney.

The FAA's management of their new responsibilities has not been without severe criticism, however. Nearly all aviation user groups have argued that the regulations developed to charge, adjudicate and assess violations lacked essential fairness.

The FAA has attempted to address these criticisms. Within the last 2 weeks, through rulemaking the FAA significantly amended their rules of procedure, and they've done so in such a fashion that most user groups are now satisfied with the program.

Nevertheless, Members of the House and Senate have continued to express a desire to hold hearings on the civil penalty program with the possibility that amendments be offered. Under this legislation, their rights will be preserved. By extending the program for 90 days, Congress must revisit this issue before the end of July or the program will lapse.

A second feature of S. 2533 allows the State of Hawaii to retain excess earnings from its off-airport duty-free shop and use these funds to finance highway projects. Current law requires all earnings from duty-fee shops to be spent on airport operations. Hawaii's duty-free shops earn extraordinary profits, largely from visitors arriving from Pacific rim nations. Hawaii faces an unusual dilemma of being unable to spend all of their revenues on legitimate airport projects. Rather than allow these funds to sit idle, up to $250 million will now be put to use in needed highway projects.

S. 2533 gives Hawaii the authority to divert excess earnings for Federal-aid highway projects. The bill conditions these funds to insure that airport projects do not suffer at the expense of highways, and further, this exception is one-time only, with a 5-year limitation.

I want to emphasize to Members that Hawaii presents a very unique set of circumstances—from its heavy reliance on tourism to its self-contained system of roads and highways—that are not shared by other U.S. airports having duty-free shops. I believe Hawaii merits this exception.

Mr. Speaker, I support this legislation and encourage all Members to support it as well.

Mr. VALENTINE. Mr. Speaker, it is my understanding that in the 4 months since our last extension of the civil penalty assessment demonstration program, the FAA has agreed to make needed improvements in the program. However much I would like to think that these improvements resulted from the concerns that I and other Members of Congress have expressed regarding the FAA's skirting of due process procedures, in reality, these changes are coming about because a U.S. court of appeals recently ruled that the FAA had improperly adopted rules to establish this civil penalty assessment program.

In other words the court had to step in and stop what these people were doing. And what were they doing with this Civil Penalties Assessment Demonstration Program? One of the things they were doing at the FAA chief counsel's office was to see to it that the final judge and the prosecutor were all there in the same office. Under this new system the person who is charged with a violation has the right to appeal to a DOT low judge who conducts a hearing. This is a waste of time because if the FAA loses, there is a final appeal—where—to the FAA final decisionmaker. The FAA prosecutes and the FAA makes the final decision.

No one disagrees with the goal of enhancing aviation safety. I believe that the FAA should have every tool it needs to ensure safety for the flying public. But I continue to have deep reservations about aspects of the FAA's enforcement procedures.

At a hearing last year before the House Aviation Subcommittee, I criticized the FAA for supporting an enforcement program that allows the prosecutor to also be the judge and the jury. Such a system is a gross violation of the basic principles and spirit of American jurisprudence.

How the FAA has implemented this program up to now is not due process. And due process will not be served until the FAA agrees to separate the roles of prosecutor and judge.

I hope that with the extension of this civil penalty program for an additional 3 months, the Congress will again take a close look at the FAA's enforcement procedures and take steps, if necessary, to ensure that the tenets of due process are being served.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE], a very valued member of the Subcommittee on Aviation.

Mr. INHOFE. Mr. Speaker, I think a lot of things have already been said about this issue before us, but I think that the ranking member said it very clearly, that perhaps an exception to the rule is justified in the State of Hawaii.

Mr. Speaker, I have had a chance to talk to the gentlewoman from Hawaii [Mrs. SAIKI], and she explains to us that there is a very unique situation.

My concern about this has been the foot in the door, the fact that it may be something that is justified in one case, one isolated case, and yet that is the foot in the door that many Members of this body would like to be able to use to jar some of the money out of its designed purpose for expansion and improvements of airports and airways and into some other area, and I think that with this it has been said several times.

This is the only exception. That is an understanding that we can have, several of us, and still support this issue.

It had been my original intent to oppose this. I have an extensive background in general aviation. I have been concerned for quite some time about the idea of this civil penalty program.

The gentleman from North Carolina [Mr. VALENTINE] said it very well when he said that we should have an independent judicial review, and there are a lot of Members here who have backgrounds in the judiciary, which I do not, who made this very clear.

However, Mr. Speaker, I would say this: that perhaps somebody, such as the NTSB, would be a more appropriate body to have this power.

I would like to say also that I speak for several Members of the House in saying that this would be the last extension, this 90-day extension of the civil penalty program, as it is in place right now, that we will support, and I am talking about several members of this Subcommittee on Aviation who share this feeling. We were told toward the end of the last session that the extension that we had at that time until April 30, would be the last one.

So, Mr. Speaker, I think this is a good time to serve notice on behalf of a number of members of the Subcommittee on Aviation that we do not want any more extensions, and we want to have this system in place

where the judicial process would be a more fair process.

Mr. ANDERSON. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Speaker, I want to thank the gentleman from California [Mr. ANDERSON], the chairman, and the gentleman from Minnesota [Mr. OBERSTAR], the subcommittee chairman, the ranking members, the gentleman from Pennsylvania [Mr. CLINGER], and the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for their efforts on this bill.

Mr. Speaker, this bill is very important to the transportation superstructure of Hawaii, and I appreciate all this committee has done to fashion the bill and to bring it to the floor.

My colleagues, as we debate this bill today, the Hawaii State Legislature is in the closing days of their legislative session. Our counterparts in Hawaii are awaiting word of the passage of this bill so that they can consider legislation of their own and bring this session to a close. They have spent many months hammering out a rapid transit proposal, and this bill will ensure that the State's airports and surrounding highways will not be overlooked. Tourism is what drives Hawaii's economy, and that is why this bill is very, very important.

As a consequence of this legislation, Mr. Speaker, we can undertake improvements for a highway system which will provide more convenient access to the State's airports, a vital link with the outside world. Hawaii has experienced a tremendous increase in foreign visitors, the majority of whom patronize duty-free shops. The State receives substantial fees from duty-free sales, but until now these revenues could only be used within the confines of the airport. With this bill, the State will be able to invest up to $250 million in much-needed improvements that will benefit everyone who uses our airports, whether they be in business, business travelers, or vacationers or State residents.

□ 1850

Because Hawaii has become such a popular destination point, we now expect that airports on three of our islands, Maui, Kauai, and the Big Island, will be granted status as international airports.

In addition to the civil penalties component of the bill, this legislation will permit the State of Hawaii to use funds from sales generated by duty-free shops for badly needed highway construction projects. The reason why the bill contains this authority is that the sales generated by duty-free shops, and consequently the revenues that accrue to the State from such sales, are of such magnitude that it makes it impossible for the State to spend these funds solely on airport facilities.

There are a number of rather stringent restrictions associated with the special authority contained in this bill. First, although the bill grants the State the authority to use duty-free revenues for highway construction, the State must first maintain in reserve an amount equal to 150 percent of the capital and operating costs of the airport system.

Second, the duty-free revenues in excess of this 150-percent threshold may only be spent on highway improvements within 10 miles of an airport.

Third, the measure caps the total amount that can be utilized for highway construction at $250 million.

And fourth, the Hawaii provision will expire on December 31, 1994.

Even with these restrictions, we expect that Hawaii will enjoy up to $250 million in highway improvements that will enhance access to our airports.

This will open the opportunity for direct international flights to our neighbor islands. Highway projects to improve access to those airports must be undertaken now so that travelers and residents will not be inconvenienced by this influx.

Mr. Speaker, I support this bill and ask my colleagues to pass this bill.

Mr. CLINGER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. SAIKI].

Mrs. SAIKI. Mr. Speaker, I do support this legislation. I think that it is a great idea to allow Hawaii to be able to use surplus funds from the airport fund, which are really from the duty-free facilities in Hawaii.

However, while I am going to support the bill, I do have one concern about this legislation. It was my understanding early on that the bill would allow the use of these funds, not just for highways, but also for the rapid transit project planned for Honolulu. I believe this would make a great deal of sense, since the rapid transit project would also link the airport to urban areas, and would facilitate access to the airport.

Furthermore, the State legislature in Hawaii is currently struggling over an expansion to struggle with the funding for the rapid transit project for Honolulu. Certainly these funds would make it much easier for them to face up to the fact that 70 percent of the moneys must come from Hawaii, and these duty-free moneys certainly are generating out of Hawaii.

So I feel strongly that if this money were available to be used for rapid transit projects, it would tremendously assist those of us in the State; however, I understand that this intent was already included in the House version of the measure before it went over to the Senate that mass transit was included.

I really cannot understand how the process broke down so that we have the legislation before us today that does not include the words "mass transit." I think the intent was there. Something happened.

Since the gentleman from Hawaii [Mr. AKAKA] was a negotiator, I wanted to hear from the gentleman since he understands about the transit project; I wanted to hear from him and he understands the necessity for the rapid transit project. I yield to the gentleman from Hawaii [Mr. AKAKA] to explain to us why mass transit is not included.

Mr. AKAKA. Mr. Speaker, will the gentlewoman yield?

Mrs. SAIKI. I yield to the gentleman from Hawaii.

Mr. AKAKA. Mr. Speaker, I thank the gentlewoman for yielding to me.

This bill, as you see, came from the Senate and it is the Senate bill that we are taking up here and not the House bill.

The Senate bill does not include mass transit.

I would tell the gentlewoman from Hawaii that part of the reason why it was not included was that I felt personally it was moot, moot because UMTA requires that funds that are used for mass transit must be committed and dedicated funds, and funds that will come from this source are not dedicated and committed. Therefore, it does not meet the requirements.

Mrs. SAIKI. Mr. Speaker, I thank the gentleman for answering part of the question. I was not asking whether these funds could be used as a dedicated source to fund the rapid transit system. I am saying, however, that the plans on the books do allow for the rapid transit system to be hooked up to the airport. Therefore, there is this access that has to be funded. Therefore, if the $250 million were available for that, it would certainly be a help to getting the rapid transit project on the books; so this money would have been helpful. The gentleman would have to agree with that, I am sure.

The gentleman does say this bill originated in the Senate and that is what we are voting on today. My understanding is that, shall we say, the very intelligent and concerned House Public Works Committee, of which the gentleman is a member, did consider this at one time, and as it went into negotiations it may have been dropped at the urging of someone that I do not really understand or know about. I thought maybe the gentleman could clarify that.

Mr. AKAKA. Mr. Speaker, if the gentlewoman will yield further, the mass transit inclusion, as I pointed out, would have been moot because of the fact that UMTA required a stable, dedicated and committed source,

which this does not bring about at all. So therefore, the mass transit could not be added on to this bill.

Mrs. SAIKI. Mr. Speaker, I thank the gentleman.

I would like to say, Mr. Speaker, that I do support the bill even without the mass transit language. I would certainly have preferred it. I introduced a bill to cause this to be in effect, but under the rules as we have it in the House, I will not be able to do so, but I would like to have it on RECORD that the moneys would have been very helpful to Honolulu to be used for a rapid transit system in conjunction with the highway system that is already on the books.

Mr. CLINGER. Mr. Speaker, the gentlewoman was correct that the committee leadership was agreeable to making mass transit projects eligible for funding at the suggestion of the proponents of the legislation.

However, those representing Hawaii desired legislative language which would have included transportation projects in addition to mass transit and highways.

The Hawaii negotiators did not want to reference mass transit specifically. Since the House negotiators wanted to be precise, the proposal was rejected and the Hawaii negotiators withdrew their proposal.

Mr. ANDERSON. Mr. Speaker, I was going to ask somebody to yield, but I think I have some time.

I just wanted to read briefly the bill that we did pass last time through the House on November 20, 1989.

□ 1900

It says,

Notwithstanding the limitations on the use of revenues generated by airports contained in subsection (a)(12) of this section, the State of Hawaii may use for highway construction which would facilitate access to airports revenue generated on the sale of all airport locations in the State of duty-free merchandise under a contract between the State and a duty-free sales enterprise.

That is what we passed last time.

We also discussed, and this was what we felt: This bill establishes an exception to the general rule in the airport grant program, and airports receiving grants must agree to spend all of their revenue for the operation or capital development of the airport, and because this is an exception, we wanted to keep it as narrow as possible, and for this reason we only allowed duty-free revenues to be used for highways, and, too, those would improve access to the airport. It was our understanding that Hawaii plans highway construction of $500 million or more on roads within 10 miles of the airport which are eligible under the bill, and this is more than double the $250 million which the bill would allow Hawaii to spend.

For this reason we felt there was no need to also make mass transit eligible at the time we took it up.

Mr. OBERSTAR. Mr. Speaker, the Senate bill now before us extends for 3 months the authority of the Federal Aviation Administration to assess civil penalties in small cases. The Senate bill also includes a compromise on legislation we previously passed dealing with the use of revenues generated by a duty-free shop associated with the airport in Honolulu.

Civil penalties are an important tool in ensuring aviation safety. Under current law, the FAA's civil penalty authority expired on April 30. The brief 3-month extension provided by the Senate bill will avoid a disruption of the 4,000 pending civil penalty cases, and will give us an opportunity to consider fully legislation to continue the program on a longer term basis. I would note that FAA has recently proposed new procedural regulations for the program and that these proposed regulations meet the objections which had been raised about the fairness of the original regulations for the program.

The Senate bill also includes a compromise on legislation previously passed by both the House and the Senate to allow the State of Hawaii a limited exception from the general requirement in the airport grant program that all revenues generated by an airport must be spent for airport purposes. This limited exception in the Senate bill will permit the State of Hawaii to spend excess revenues generated by a duty-free shop in Honolulu for the construction of highways to facilitate access to Hawaii's airports. It should be clearly understood that this provision does not involve Federal funds but merely deals with how Hawaii can use revenues generated by a duty-free shop.

We believe that the limited exception permitted by the Senate bill is warranted by unique circumstances in the State of Hawaii. Unlike other States Hawaii is totally surrounded by water and uniquely dependent on air service. This unique circumstance warrants allowing Hawaii to use some of the excess revenues generated by its duty-free shop for the construction of highways which will facilitate access to its airports.

Mr. Speaker, I believe that the legislation now before us is in the public interest and should be adopted by the House.

Mr. LIGHTFOOT. Mr. Speaker, I rise in support of S. 2533, to extend the Federal Aviation Administration's [FAA] Civil Penalty Demonstration Program for an additional 3 months.

The civil penalty demonstration program is an important safety tool in the hands of the FAA. Although the program has experienced some shortcomings, Congress would be sending the wrong message on safety if we were to allow the program to expire.

A 3-month extension is necessary to correct one last problem. The civil penalty program, as currently constructed, gives FAA the option of "forum shopping" cases involving airmen violations. This is wrong, it isn't fair, and it should be corrected. In cases involving airmen violations, the FAA should have the option of deciding whether to take action on an airmen's certificate or levy a fine. The FAA should not decide what type of action to take based on which appeals process, whether through the Department of Transportation or the National Transportation Safety Board [NTSB], gives FAA a better result. This is what the current civil penalty program allows.

Only Congress can act to make sure the appeals process for airmen violations is heard by the same agency. I look forward in the next 3 months to another hearing on the civil penalty demonstration program and the opportunity to offer language that will transfer the adjudicatory function in airmen's cases to the National Transportation Safety Board.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLINGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and pass the Senate bill, S. 2533.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2533, the Senate bill just passed.

The SPEAKER pro tempore (Mr. TORRICELLI). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING PRINTING OF JOINT COMMITTEE PRINT ENTITLED "MEDICAL ALERT"

Mr. BATES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 282) authorizing the printing of the joint committee print entitled "Medical Alert" as a House document.

The Clerk read as follows:

H. RES. 282

Resolved, That the joint committee print entitled "Medical Alert", dated October 2, 1989, shall be printed as a House document. In addition to the usual number, 3,000 copies of the document shall be printed for the use of the Joint Economic Committee.

The SPEAKER pro tempore (Mr. TORRICELLI). Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. BATES] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BATES].

Mr. BATES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 282, to authorize an additional printing of "Medical Alert," the Joint Economic Committee staff report summarizing a series of

nine hearings on "The Future of Health Care in America," held by the Subcommittee on Education and Health, and chaired by our colleague from New York [Mr. SCHEUER].

There is no more pressing issue facing this Nation than the mounting cost of health care. We spend an enormous 12 percent of our gross national product on health care, 50 percent more than any other developed nation. Yet, 37 million Americans still lack health insurance.

The recent report of the Pepper Commission, outlining a plan for universal health coverage, was a giant step in the right direction. Combined with the recommendations in "Medical Alert," we now have a prescription for expanding medical coverage while reining in health care costs. Currently, we are the only developed nation besides South Africa that does not provide universal access to medical care.

Due to widespread interest in "Medical Alert," the committee staff has distributed all except a handful of the 1,000 copies which were originally produced. In addition to responding to additional requests for the report, the committee is planning to send out copies to leaders in the public health field who may find this report to be a valuable resource.

This resolution, introduced by Mr. HAMILTON and Mr. SCHEUER, would provide the committee with 3,000 copies, which should meet foreseeable demand. Printing the report as a House document, rather than a committee reprint, would make it available through the House and Senate documents rooms as well as the Federal depository libraries.

I place in the RECORD a copy of a recent article from the Washington Post, outlining the report's findings and their relevance for a national health care plan.

[From the Washington Post, Mar. 25, 1990]

FUNDING THE PEPPER PLAN WITHOUT NEW TAXES

(By James H. Scheuer)

This month, almost two years after it was mandated by Congress, the Bipartisan "Pepper" Commission on Comprehensive Health Care, chaired by Sen. Jay Rockefeller (D-W. Va.), released its report—with a resounding thud.

"It is a non-starter," said one panel member. "It is legislatively dead."

The reason for the cool reception of this bold and courageous report was its estimate of a daunting $66.2 billion annual federal price tag for universal health coverage and long-term care for the elderly—without any concrete recommendations on how to pay for it. Critics have accused the administration of killing the plan, by vetoing any suggestion that taxes be increased to foot the bill.

But we should address one simple reality: we can fully fund all of its proposals without raising a penny of new taxes. How? By squeezing the waste and fat out of America's chaotic health-care system, which would free more than enough funds to pay for the Pepper plan.

In the last Congress, I chaired nine days of hearings in the Joint Economic Committee on how to get a handle on our escalating health-care costs. Witnesses testified that one-fifth to one-quarter of all U.S. health-care spending is wasted—on excessive paperwork, duplicative services and unwarranted procedures, including unnecessary operations, prescription drugs, X-rays and other tests.

According to Joseph Califano, former secretary of Health, Education and Welfare, "about 25 percent of that $550 billion spen[t in 1988] on health care is wasted." This year's health bill will be more than $600 billion, meaning we will waste about $150 billion, or more than twice the amount necessary to fund the Pepper program fully.

Immediate steps can and should be taken to eliminate the waste:

Institute Standards of Care—Americans undergo coronary bypass surgery four times as often as Western Europeans, despite the fact that in most cases there is no increase in life expectancy beyond what could be achieved less expensively by alternative procedures. The price tag for this one set of unnecessary surgeries, at $25,000 an operation, exceeds $5 billion annually. To eliminate such procedures, doctors need rational treatment guidelines based on "outcomes research." A doctor should not perform a procedure, and an insurance company should not pay for it, unless guidelines based on scientific studies suggest it will be beneficial.

Rationalize Malpractice.—Skyrocketing malpractice rates have increased the cost of health care. Physicians pass the costs of insurance to their patients. From 1983 to 1985, malpractice premiums nearly doubled, from $2.5 billion to $4.7 billion.

Fear of lawsuits has spurred physicians to engage in "defensive medicine." They prescribe numerous tests and procedures simply to reduce their risk of being found negligent in a court of law. In a recent American Medical Association poll, 70 percent of physicians admitted to practicing defensive medicine, estimated to add $10.6 billion to annual medical costs.

Modifying our malpractice systems, perhaps requiring unanimous jury verdicts or establishing a standardized formula for court awards, could reduce these costs significantly. Alternately, we could abandon our entire method of malpractice adjudication in favor of a system of administrative boards, utilizing medication and arbitration to reach out-of-court settlements or incorporating a "no-fault" insurance philosophy.

Standardize Costs and Procedures.—Americans pay an average 20 percent surcharge on medical care, totaling tens of billions of dollars, just to handle paperwork, according to Prof. Uwe Reinhardt, a Princeton health economist. As a first step to standardizing health-service costs and payment procedures, the federal government should institute a truly uniform "fee schedule" for Medicare, which would set an example for private insurers.

The United States spends an enormous 12 percent of GNP on health care—more than any of the other industrialized nations in the Organization for Economic Cooperation and Development. Yet, we are eighth in life expectancy, and a disgraceful 20th in infant mortality.

Our system is the envy of the world for America's affluent, who can afford our top doctors and hospitals. But our poor, elderly and working men and women without insurance either forgo medical treatment or wind up clogging hospital emergency rooms for treatment of routine maladies, at extraordinary expense to society.

The Pepper Commission plan would go on a long way toward rectifying this situation by providing cradle-to-grave health care for every needy American. Before we discard the plan as a "non-starter," we should take a hard look at creative ways to fund it—without raising taxes—by using money now being wasted.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. BATES. I am happy to yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I want to say, as a member of the Committee on House Administration, that I compliment the gentleman for pushing for the printing of this very important document, and as someone who has authored the national health universal coverage and long-term care bill, 4253, I want to thank the gentleman for mentioning that our country is the only industrialized country that does not have access to health insurance for all of its citizens with the exception of South Africa.

We certainly should be ashamed of ourselves that 77 million Americans have little or no insurance. These are working Americans who have little or no insurance, and hopefully the publication that makes people more aware of the problem and gives people more of a will to do something about it will assist in passing legislation to make that the right, national insurance the right, of each and every person in our country.

Mr. Speaker, I thank the gentleman for yielding, and certainly support the resolution.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 282, authorizing the printing of the joint committee printed entitled "Medical Alert" as a House document.

Originally printed October 2, 1989, at 1,000 copies the requests for this valuable document covering a range of topics from health care costs and trends to the role of modern technology, from the health-care needs of the elderly to ethical and legal problems faced by doctors throughout America have almost exceeded the original supply; and requests continue to pour in. In addition to filling these requests, the Joint Economic Committee plans to send copies to those leaders in the public health field who may find this report of particular interest and beneficence. With an additional 3,000 copies, made available through the House and Senate document rooms as well as the Federal depository libraries, these demands can be adequately met.

Mr. Speaker, House Resolution 282 is legislation that deserves our full

support. With a relatively modest increase in funding, Medical Alert can continue to serve our citizens by offering the leaders of the medical and health-care professions with the most updated information on areas affecting the quality and accessibility of their services. I urge my colleagues to support this bill and help us continue to spread the information and ideas contained in "Medical Alert."

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BATES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. BATES] that the House suspend the rules and agree to the resolution (H. Res. 282).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 282, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JEWISH HERITAGE WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate joint resolution (S.J. Res. 241) to designate the week of May 6 through 13, 1990, as "Jewish Heritage Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I would like to use the time under this reservation simply to yield to the gentleman from New York [Mr. GILMAN], who is the chief sponsor of this joint resolution.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolution 501 and its Senate companion measure, Senate Joint Resolution 241, both of which commemorate May 6-13, 1990, as Jewish Heritage Week. As sponsor of the House measure with my colleague from New York, Mr. SCHEUER, I would like to thank the many cosponsors of this bill for their support.

Jewish Heritage Week has become an annual part of the American-Jewish year. It notes important dates on the Jewish calendar that take place during the spring, such as the festival of Passover, commemorating the passage to freedom of the Israelites from bondage in Egypt. On its heels, just a few days ago, numerous ceremonies around this country were conducted in memory of the 6 million innocent Jewish victims of the Nazi Holocaust.

I was especially pleased that this year, the keynote speaker at the Days of Remembrance ceremony in our Capitol Rotunda was the Honorable Jack Kemp, Secretary of HUD, who, prior to his assuming that position, was one of the strongest supporters of Jewish Heritage Week in this body.

Jewish Heritage Week also marks the 42d year of the independence of the State of Israel. As the sole, stable democracy in the Middle East, the United States has strongly continued to support Israel in her ongoing struggle for survival.

This year, Mr. Speaker, Jewish Heritage Week takes on added significance. For the first time in recent memory, there are many thousands of Soviet Jews emigrating to Israel from the Union of Soviet Socialist Republics.

These men, women, and children have been denied the opportunity to explore and learn about their Jewish heritage. All that many of them know are a few words of Yiddish gleaned from a grandparent. They know precious little about their background, only that being Jewish in the Soviet Union meant being persecuted. Others persisted in efforts to learn Hebrew and Jewish customs, despite the fact that until recently this was patently illegal.

For them, this year's commemoration of Jewish Heritage Week means the freedom to be Jewish, without official repercussions from the state, and the freedom to grow and learn. It is therefore with great pleasure that I invite our colleague's support for the adoption of this legislation, so that Jewish Heritage Week can be viewed by all as something that has the official sanction of the American Government. As substantive proof of our everlasting commitment to freedom and religious expression.

Mr. SCHEUER. Mr. Speaker, I rise in support of the bill before us, House Joint Resolution 501, Jewish Heritage Week, introduced by myself and my distinguished colleague from New York [Mr. GILMAN].

Mr. Speaker, for over 200 years, this country has thrived on a richness of cultural diversity, a richness that has torn other countries apart, but has served to make America a strong, cohesive, democratic nation—a beacon of freedom, a bastion of liberty for the world.

Multitudes of people have flocked to the shores of this country because they heard that this was a land where they would be free to be different—free to participate in the marketplace of ideas. In this environment, many of these cultures have prospered and made contributions of immense proportions.

Mr. Speaker, by designating May 6 to 13 as Jewish Heritage Week, this House seeks to celebrate and to honor the contributions of one such culture. Jewish history, culture, and traditions—Jewish heritage—is inextricably linked with the American experience.

Since the birth of America—but especially at the turn of the last century and before and after World War II—Jews have fled oppression in Europe and elsewhere for the hope of freedom in the United States. That hope has been fulfilled, and the American-Jewish community has flourished, both within itself and as an integrated part of our Nation.

This year, the theme of Jewish Heritage Week is "American-Jewish Women of Valor."

American-Jewish women have served at the frontiers of American history. From the day the first Jewish settlers arrived in 1654, through the Revolutionary War, and into the frontiers of space, American-Jewish women have played vital roles.

They have led battles for social equality:

Ernestine Rose—a leader of the women's suffrage movement and

Gloria Steinem—feminist leader and author.

They are leaders in the media:

Ellen Goodman—Pulitzer Prize winning columnist,

Katherine Meyer Graham—Chairman of the Board of the Washington Post, and

Barbara Walters—television journalist.

They are our Government leaders:

Nita Lowey—U.S. Congresswoman,

Barbara Boxer—U.S. Congresswoman,

Madelin Kunin—Governor of Vermont, and

Clair Shulman—New York borough president in Queens, NY.

They are writers, poets, musicians, and actresses:

Cynthia Ozick—novelist,

Emma Lazarus—poet,

Gertrude Stein—author,

Maxine Kumin—Pulitzer Prize winning poet,

Beverly Sills—opera singer,

Carly Simon—singer,

Barbara Streisand—singer,

Lauren Bacall—actress,

Debra Winger—actress, and

Wendy Wasserstein—playwright.

They are scientists:

Rosalyn Yalow—Nobel Laureatte,

Mathilde Krim—AIDS researcher, and

Ellen Baker—astronaut.

And some, like *Challenger* astronaut Judith Resnick, have served with the ultimate loyalty to our Nation, paying the highest price.

These names are a mere sampling from the honor role of American-Jewish women.

I urge my colleagues to support this resolution, to recognize the achievements and contributions of the American-Jewish woman, to commemorate and celebrate Jewish heritage, and—in so doing—to celebrate the diversity that is the glory of all Americans.

□ 1910

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BATES). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 241

Whereas May 10, 1990, marks the forty-second anniversary of the founding of the State of Israel;

Whereas the months of April, May, and June contain events of major significance in the Jewish calendar, including Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in this Nation contributes to the unity of this Nation; and

Whereas understanding among ethnic groups in this Nation may be fostered further through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jewish people to this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 6, 1990 through May 13, 1990, is designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies, activities, and programs.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DRINKING WATER WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 230) to designate the period commencing on May 6, 1990, and ending on May 12, 1990, as "National Drinking Water Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, under my reservation I simply want to acknowledge the work of the gentleman from New Jersey [Mr. ROE], the chief sponsor of this joint resolution, and I yield to my friend and colleague, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. RIDGE] and rise to also acknowledge the work of the gentleman from New Jersey [Mr. ROE], and thank him for his effort and cite from the statement that the gentleman would have delivered had he been able to be here this afternoon, the fact that it is easy to take clean drinking water from the tap for granted, but we need to recognize that the only way we can continue to have clean, safe drinking water as a nation is to have wise planning and cautious monitoring. We have made gigantic leaps in building an infrastructure which makes water virtually available anywhere for people where they live or travel. But maintaining a water supply and the means to transport it is a continous process.

The effort that the sponsor of this worthwhile undertaking today has made to share the importance of that kind of investment that we make as a nation is important, and I thank the gentleman for his effort.

Mr. ROE. Mr. Speaker, I want first of all to thank the distinguished gentleman from Ohio [Mr. SAWYER], the chairman of the Subcommittee on Census and Population, and its ranking minority member, the gentleman from Pennsylvania [Mr. RIDGE]. I also thank my good friend BILL FORD, who is chairman of the full Post Office and Civil Service Committee. As original sponsor of House Joint Resolution 460, the House companion resolution, I am here today to strongly support the passage of Senate Joint Resolution 230, which declares the week of May 6, 1990 through May 12, 1990, as "National Drinking Water Week." With the dates marking the celebration about to begin, we have the opportunity today to reaffirm our commitment to the protection of something we have all grown to take for granted: safe, clean water we can drink and use.

It is easy to take having clean water from the tap for granted. But we need to realize that the only way we can continue to have safe, clean drinking water as a nation is with wise planning and cautious monitoring. During National Drinking Water Week, I anticipate numerous scheduled activities and programs to educate the public in water conservation and to highlight the need to continue efforts begun under the Federal Safe Drinking Water Act.

Thousands of toxic sites still threaten aquifers and rivers throughout our Nation. Pesticides, dioxin, and radon have been found in our ground water, and lead has raised concern in several of our cities. We are not merely talking about water to drink. What we are talking about is water that is safe to use. Water that is free of contaminants, free of carcinogens, water which we may drink free of fear. The name of this resolution should actually be "National Safe Drinking Water Week." That is what we are really talking about.

We have made gigantic leaps in building an infrastructure which makes water available virtually anywhere people live or travel to, but maintaining a water supply and the means to transport it is a continual process. Unfortunately, it is easy to take water from the tap for granted, but this need not be so. It can take a single act of nature or man to shock us into the horrible realization that safe drinking water will not continue to remain available.

Several national groups, including the American Water Works Association and the National Water Alliance, have joined in the support of this legislation and also hope to use this event to educate the public in water conservation and pollution.

Every year our demand for water increases and the available supply becomes more restricted. Pollution taints much of that supply, and in the last several years nature has been increasingly short in replenishing our reserves. The National Drinking Water Week is being set aside in the hope of making people more aware and more appreciative of this vital commodity which is essential to life. I want to thank all my colleagues who supported this measure and who realize the significance of our water resources. I believe this resolution is a fitting way to carry on our commitment to the environment, a commitment that was restated with the observance of the 20th anniversary of Earth Day. We must continue to work to ensure the preservation of water.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 230

Whereas water itself is God-given, and the drinking water that flows dependably through our household taps results from the dedication of the men and women who operate the public water systems of collection, storage, treatment, testing, and distribution that insures that drinking water is available, affordable, and of unquestionable quality:

Whereas the advances in health effects research and water analysis and treatment technologies, in conjunction with the Safe Drinking Water Act Amendments of 1986 (Public Law 99-339), could create major changes in the production and distribution of drinking water;

Whereas this substance, which the public uses with confidence in so many productive ways, is without doubt the single most important product in the world and a significant issue of the future:

Whereas the public expects high-quality drinking water to always be there when needed; and

Whereas the public continues to increase its demand for drinking water of unquestionable quality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 6, 1990, and ending on May 12, 1990, is designated as "National Drinking Water Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies, activities, and programs designed to enhance public awareness of drinking water issues and public recognition of the difference that drinking water makes to the health, safety, and quality of the life we enjoy.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a

motion to reconsider was laid on the table.

BE KIND TO ANIMALS AND NATIONAL PET WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 236) designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I simply reserve the right to object to acknowledge the work of the gentleman from New Jersey [Mr. GUARINI], the chief sponsor of this joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 236

Whereas 1990 marks the 75th anniversary of the American Humane Association's "Be Kind to Animals Week" and the 10th anniversary of "National Pet Week", sponsored by the American Veterinary Medical Association, the Auxiliary to the American Veterinary Medical Association, and the American Animal Hospital Association;

Whereas animals and pets give companionship and pleasure in daily living, share the homes of nearly 50,000,000 individuals or families in the United States, and provide special benefits to elderly persons and children;

Whereas the people of the United States have a firm commitment to promote responsible care of animals and pets and guard against cruel and irresponsible treatment;

Whereas teaching kindness and respect for all living animals through education in schools and communities is essential to the basic values of a humane and civilized society;

Whereas the people of the United States are grateful to the veterinary medical profession for providing preventive and emergency medical care and assistance to animals, spaying and neutering animals to combat overpopulation, and contributing to the education of animal owners; and

Whereas the people of the United States are indebted to animal protection organizations, State humane organizations, and local animal care and control agencies for promoting respect for animals and pets, educating children about humane attitudes, and caring for lost, unwanted, abused, and abandoned animals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 6 through 12, 1990, is designated as "Be Kind to Animals and National Pet Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL TRAUMA AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 224) to designate the month of May 1990, as "National Trauma Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the work of my friend and colleague, the gentleman from Wisconsin [Mr. GUNDERSON], the chief cosponsor.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 224

Whereas more than eight million individuals in the United States suffer traumatic injury each year;

Whereas traumatic injury is the leading cause of death of individuals less than forty-four years of age in the United States;

Whereas every individual is a potential victim of traumatic injury;

Whereas traumatic injury often occurs without warning;

Whereas traumatic injury frequently renders its victims incapable of caring for themselves;

Whereas past inattention to the causes and effects of trauma has led to the inclusion of trauma among the most neglected medical conditions;

Whereas the people of the United States spend more than $110,000,000,000 on the problem of trauma;

Whereas the problem of trauma can be remedied only by prevention and treatment through emergency medical services and trauma systems; and

Whereas the people of the United States must be educated in the prevention and treatment of trauma and in the proper and effective use of emergency medical systems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1990 is designated as "National Trauma Awareness Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE 25TH ANNIVERSARY OF HEAD START

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 490) commemorating May 18, 1990, as the 25th anniversary of Head Start, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I simply do so to acknowledge the work of the gentleman from Michigan [Mr. KILDEE], the chief sponsor of this joint resolution.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I want to thank my colleague and subcommittee chairman on the Human Resources Subcommittee of the Education and Labor Committee, DALE KILDEE, for doing the work necessary to introduce this resolution. As many of my colleagues know, Chairman KILDEE is the most dedicated and effective advocate for the Head Start Program we have in Congress.

The Education and Labor Committee, under Mr. KILDEE's leadership, recently reauthorized Head Start, which currently serves approximately 450,000 American children. This is only about one-fifth of the children eligible to participate in Head Start, and the reauthorization which the committee completed today will increase Head Start funding with the goal of including every eligible child in a Head Start Program.

It is fitting that we commemorate the 25th anniversary of the Head Start Program.

Head Start is of great and proven efficacy in helping disadvantaged children enter school on equal footing with their more advantaged peers.

Children who have attended Head Start are held back less, are absent less, and need fewer placements in special education.

Just as important, children in Head Start have fewer cases of anemia, more immunizations, better nutrition and, in general, better health than their peers.

Head Start is one of the best investments this country can make in the future.

We know that for every $1 invested in quality preschool education, such as Head Start, we save more than $4.75

that would have been spent later on for special education, public assistance, and the costs of crime.

Children who attend Head Start are more likely to become the literate, educated, and employed adults America will depend on in the future.

So I commend Mr. KILDEE for bringing the important occasion of the 25th anniversary of Head Start to the attention of all of our colleagues, and look forward to working with him over the next 25 years on behalf of this important program.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

Mr. KILDEE. Mr. Speaker, I introduced House Joint Resolution 490 on February 27, 1990. Like the Head Start Program it honors, this resolution has received a great deal of bipartisan support.

May 18, 1990, marks the 25th anniversary of Head Start. House Joint Resolution 490, calls for the celebration of this important milestone. Project Head Start was launched in 1965 as part of the war on poverty to help ensure that economically disadvantaged children began school on an equal basis with their more advantaged peers. At the time Head Start was a pioneer in a unique approach to helping children, emphasizing strong parental involvement and comprehensive service delivery. This approach is reflected in the program's broad set of objectives. These include working to improve children's health; aiding their emotional, social, and motivational development; improving and expanding their ability to think, reason and speak clearly; and helping children and their families to gain greater confidence.

From President Johnson to President Bush this program has provided a head start experience to more than 11 million economically disadvantaged children. This resolution recognizes the important contributions of Head Start parents, teachers and volunteers during the past 25 years. These are the true heroes of the success of this vital program.

It is appropriate that this legislation come before the House today as the full Education and Labor Committee reported H.R. 4151, the Head Start reauthorization legislation, this morning. While House Joint Resolution 490 celebrates the past 25 years of success, the reauthorization builds on that success and provides a sound foundation for the children and families who will participate in the Head Start Program during the next 25 years. It would set authorizations at levels which would enable all eligible 3 and 4 year olds to participate within 4 years while maintaining and improving the quality of the program.

I urge my colleagues to support this resolution.

Mr. TORRES. Mr. Speaker, it is my pleasure today to pay tribute to one of the most successful legacies of President Lyndon B. Johnson's "war on poverty," the Head Start Program. To celebrate this special milestone, the Los Angeles Early Childhood Federation of Teachers, American Federation of Teachers Local 1475, AFL–CIO, is sponsoring a special 25th anniversary dinner on Friday, May 11, 1990.

Project Head Start was launched in 1965 as an 8-week summer program by the Office of Economic Opportunity. It was designed to help families break the cycle of poverty by providing preschool children with a comprehensive program to meet their emotional, social, health, nutritional, and psychological needs. Over the years, Head Start evolved into an 8-month program and has been enthusiastically received by educators, child development specialists, community leaders, and parents across the Nation. Last year in California, Head Start served 35,835 preschoolers and 450,000 nationwide. Since its inception, the Head Start Program has served over 10.9 million low-income children and their families.

Head Start is a well-established and successful Federal program that remains innovative in its methods and philosophy. The program has made a significant impact on communities and early childhood programs by focusing attention on the importance of early childhood development, especially the first 5 years of life. The program has been a leader in nationwide efforts to improve the cognitive abilities of young children.

Mr. Speaker, on Friday May 11, 1990, the Los Angeles Early Childhood Federation of Teachers, American Federation of Teachers Local 1475, AFL–CIO, is sponsoring a special 25th anniversary dinner honoring Head Start and the Plaza de la Raza Head Start State Pre-School. I ask my colleagues to join me in saluting Project Head Start, particularly the Plaza de la Raza Head Start State Pre-School which for 25 years has worked toward "Building America's Future."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 490

Whereas on May 18, 1965, President Lyndon B. Johnson announced the launching of the Head Start program;

Whereas Head Start has provided comprehensive services, including health, education, and social services, and parent involvement opportunities to more than 11,000,000 children and their families since 1965;

Whereas Head Start helped to ensure that children are prepared to succeed in school and become productive adults;

Whereas Head Start has been a pioneer in developing successful approaches for meeting the needs of young children and strengthening early childhood development programs;

Whereas Head Start has been a model for involving handicapped children and now more than 13 percent of Head Start participants are handicapped chidren;

Whereas Head Start now serves more than 450,000 children in every State, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and the Pacific Territories, and in Native American and migrant programs throughout the country;

Whereas Head Start provides children with a learning environment and varied experiences that help them develop socially, intellectually, physically, and emotionally in a manner appropriate to their age and stage of development;

Whereas Head Start maximizes the strengths and unique experiences of each child;

Whereas Head Start guarantees that children receive medical and dental screening and follow-up treatment, including necessary immunizations;

Whereas Head Start helps children become physically capable of learning by providing adequate meals and snacks to help meet their daily nutritional needs;

Whereas Head Start directly includes parents in decisionmaking for the program's planning and operation;

Whereas for every five children enrolled, more than four Head Start parents are providing a volunteer service;

Whereas more than 30 percent of Head Start staff members are parents of current or former Head Start children;

Whereas members of the Head Start staff have shown a high degree of dedication to children and families across the country;

Whereas Head Start has been widely recognized by the business community, policymakers, and child development experts as an important investment in the future of our country, one that should be made for all eligible children; and

Whereas the Congress supports Head Start's goal of ensuring the availability of comprehensive services to all eligible children: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 18, 1990, is hereby commemorated as the 25th anniversary of Head Start, and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 241, on Senate Joint Resolution 230, Senate Joint Resolution 236, Senate Joint Resolution 224, and House Joint Resolution 490, the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISTRICT OF COLUMBIA 1991 BUDGET REQUEST AND 1990 BUDGET SUPPLEMENTAL REQUESTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-186)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Commit-

tee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1992 Budget request and 1990 Budget supplemental requests.

The District's general fund 1991 operating budget request is $3,214 million. Total 1991 Federal payments anticipated in the District's budget are $450 million. The District's 1990 general fund budget supplemental request contains $111 million in cost increases and $131 million in budget authority rescissions, for a net decrease of $20 million. This transmittal does not affect the Federal budget.

There are three District budget issues to which I would direct your attention. First, I encourage you to continue the abortion funding policy that the Congress established in the District's 1989 and 1990 appropriations laws, which prohibit use of both Federal and local funds for abortions.

Second, the 1991 Budget proposes to modify and make permanent the 1990 pilot project that requires the District of Columbia to charge Federal establishments directly for water and sewer services. Inappropriate charges and excessive usage have been eliminated through this pilot project. As a result, Federal appropriations under the pilot program for water and sewer services for 1990 will be roughly $4 million (or about 12 percent) lower than under the old, lump-sum payment system.

Third, I ask that the Congress reinstate the President's apportionment authority over the Federal payment to the District of Columbia. Directing immediate disbursement of the Federal payment at the start of the fiscal year increases Treasury's cost of borrowing. Further, the Congress very clearly did not intend to exempt this payment from sequestration in the original Gramm-Rudman-Hollings Act as current law permits.

GEORGE BUSH.

THE WHITE HOUSE, *May 1, 1990.*

REPORT CONCERNING NATIONAL EMERGENCY WITH RESPECT TO NICARAGUA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-187)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments since my last report of October 25, 1989, concerning the national emergency with respect to Nicaragua that was declared in Executive Order No. 12513 on May 1, 1985. This report also provides final information on total Administration expenses directly incurred in exercise of emergency authorities pursuant to that order from May 1, 1985, through my termination of the national emergency on March 13, 1990. Executive Order No. 12513 prohibited: (1) all imports into the United States of goods and services of Nicaraguan origin; (2) all exports from the United States of goods destined for Nicaragua except those destined for the organized democratic resistance; (3) Nicaraguan air carriers from engaging in air transportation to or from points in the United States; and (4) vessels of Nicaraguan registry from entering United States ports. On March 13, 1990, in Executive Order No. 12707, 55 *Fed. Reg.* 9707 (March 14, 1990), I terminated the emergency declared with respect to Nicaragua and lifted the economic sanctions imposed on that country, in response to the successful completion of a democratic presidential election in Nicaragua.

1. The declaration of emergency was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* ("IEEPA"), the National Emergencies Act, 50 U.S.C. 1601 *et seq.* ("NEA"), chapter 12 of title 50 of the United States Code (50 U.S.C. 191 *et seq.*), and section 301 of title 3 of the United States Code. The termination of emergency and removal of sanctions were made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including those just noted. This report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c).

2. The Office of Foreign Assets Control ("FAC") of the Department of the Treasury issued the Nicaraguan Trade Control Regulations implementing the prohibitions in Executive Order No. 12513, effective May 7, 1985, 50 *Fed. Reg.* 19890 (May 10, 1985).

3. Since my report of October 25, 1989, fewer than 20 applications for licenses have been received by FAC with respect to Nicaragua, and the majority of these applications have been granted. Of the licenses issued in this period, some authorized exports for humanitarian purposes, covering donated articles beyond the scope of the exceptions to the export ban. Certain licenses authorized the export of equipment to *La Prensa*, the major opposition publication in Nicaragua, as well as to other opposition press groups. A license was also issued to the Free Trade Union Institute of the AFL-CIO to export equipment and supplies to the Nicaraguan Confederation of Trade Union Unity in Managua for use during the elections that were held on February 25, 1990, in Nicaragua. Our licensing action was taken pursuant to Public Law 101-119, which was enacted by the Congress to provide assistance for free and fair elections in Nicaragua.

4. Since my last report, several cases have been referred to the FAC civil penalties division for civil penalty actions. The companies in question are based in the United States and engaged in unauthorized exports to Nicaragua from the United States. We expect at least four of these exporting companies to be assessed penalties.

In addition to cases currently under civil penalty consideration, there are approximately 34 companies under active investigation by the U.S. Customs Service. These cases involve unauthorized importation and/or exportation of goods between the United States and Nicaragua.

5. The U.S. Government expects to have greatly improved relations with Nicaragua now that the new Nicaraguan government has taken office, particularly in light of President Chamorro's commitment to democratization and to a free market economy. For these reasons, I terminated the national emergency with respect to Nicaragua on March 13, 1990.

6. The expenses incurred by the Federal Government in the period from November 1, 1989, through May 1, 1990, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to Nicaragua are estimated at $119,667.48, all of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Customs Service, as well as in FAC and the Office of the General Counsel), with expenses also incurred by the Department of State and the National Security Council.

7. For the full period of the national emergency with respect to Nicaragua (May 1, 1985, through March 13, 1990), the total expenditures of the Federal Government directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency are estimated at $1,309,783.48, all of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Departments of State and the Treasury, and the National Security Council.

8. The February 25, 1990, democratic election in Nicaragua ended the unusual and extraordinary threat to the national security and foreign policy of the United States previously posed by the policies and actions of the Sandi-

nista government in that country, and led to my termination of the national emergency to deal with that threat. Accordingly, this is the last periodic report that will be submitted pursuant to 50 U.S.C. 1703(c). This report also constitutes the last semiannual report and the final report on Administration expenditures required pursuant to 50 U.S.C. 1641(c).

GEORGE BUSH.

THE WHITE HOUSE, *May 1, 1990.*

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GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from Florida [Mr. BENNETT].

The SPEAKER pro tempore (Mr. BATES). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

ANSWERS TO FREQUENTLY ASKED QUESTIONS ABOUT THE AMERICANS WITH DISABILITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT. Mr. Speaker, the Senate has passed, and three House committees have completed, consideration of the Americans with Disabilities Act [ADA], H.R. 2273 and S. 933. The Committee on the Judiciary is the only House committee in which consideration is pending. Below are answers to frequent questions raised by business persons:

DEFINITIONS

Question. What are the 900 classes of disabilities covered by the ADA?

The ADA does not cover 900 classes of disability. The ADA includes a functional rather than a medical definition of disability. An individual with a disability is one who—has, has a record of, or is regarded as having—a physical or mental impairment that substantially limits a major life activity. (Sec. 3(2)[1]) This is the identical definition that has been in disability discrimination law for Federal contractors since 1973.

In order to be covered under the ADA an individual must meet this definition and be qualified for the job in question. The ADA defines "a qualified individual with a disability" as one who, with or without reasonable accommodation, can perform the essential functions of the job. (Sec. 101(7))

An employer is expected to provide reasonable accommodation (Sec. 101(8)) to such an individual if it would not be an "undue hardship." "Undue hardship" is defined as "an action requiring significant difficulty or expense." (Sec. 101(9))

An employer is allowed to establish qualification standards that may include a requirement that an individual with a contagious disease or infection not pose a direct threat to the health and safety of others in the workplace. (Sec. 103(b))

An employer is allowed to set alcohol and drug free workplace policies. (Sec. 104(c)) An individual who is using illegal drugs would not be protected under the ADA.

An applicant or employee covered under the ADA, if he or she sued, would have to charge and the Equal Employment Opportunity Commission or court would have to find, that an adverse employer action was because of the applicant's or employee's disability as defined by the ADA.

Thus, in layman terms a person is protected by the ADA, if he or she has an impairment that substantially limits a major life activity, is otherwise qualified for the position, does not require a reasonable accommodation that would be a significant expense to the employer, does not have a contagious disease that is a direct threat to others, and is not using illegal drugs or drinking alcohol on the job.

Q. What does the term "undue hardship" mean? Would hiring a reader at $6.00 per hour to accommodate a $5.00 per hour blind clerk be considered an undue hardship?

The hypothetical posed would clearly be an undue hardship, assuming the question is a continuous "reading" requirement. On the other hand, hiring a $6.00 per hour reader for one hour per year would not be an undue hardship.

The factors to be considered in determining whether an action would be an "undue hardship" (defined as an action requiring significant difficulty or expense) are both the financial resources of the site and the resources of the parent company. Both factors would be involved in a reasonable test. Within this context, the overall size of the business; the number, type, and location of its facilities; and the type of operation, including the composition and structure of the work force, would also be considered. Since 1973, the essential judgement in determining an undue hardship has been determining what is "reasonable." The ADA would not change that. (Sec. 101(9)(B))

Q. What is meant by "readily achievable?" Is the cost of an accommodation measured in relation to the financial resources of the commercial enterprise (parent company) or of the particular establishment (store or facility)?

In terms of the question posed, both the resources of the parent company and the specific facility would be considered.

"Readily achievable" means "easily accomplishable and able to be carried out with little difficulty or expense." It is a lesser standard than "undue hardship."

In determining whether an action is "readily achievable," factors to be considered include: the overall size of the business with respect to the number of its employees; the number, type, and location of its facilities; the overall financial resources of the business and the financial resources of that facility; the type of operations maintained by the company, including functions of work force, geographic separateness and administrative relationship to each other. (Sec. 301(5))

Q. If an able-bodied employee who is about to be terminated for cause, claims a relationship with a disabled individual, can he or she claim discrimination by association and be protected by the ADA?

Given the hypothetical posed, the terminating employee would have to prove that the employer knew of the association and was terminating the employee because of that association, and not because he or she was otherwise qualified. (Sec. 102(b)(4))

EXAMINATIONS, ALCOHOL, AND DRUGS

Q. What pre-employment tests are permitted or prohibited by the ADA? (physicials? drug tests?)

The ADA allows employers to require medical examinations after a conditional offer of employment. (Sec. 102(c)(3))

In the ADA, drug testing is not considered a medical examination. Employers may test for use of illegal drugs at any point prior to and after employment. (Sec. 104(d))

Q. Must an employer hire or continue to employ a worker who is in a drug or alcohol rehabilitation program?

The ADA would require an employer to hire or continue to employ a qualified individual if that individual is not using illegal drugs. (Sec. 104(b)) Such protection is not provided for alcoholics.

Under the ADA the employer is allowed to set alcohol and drug free workplace policies that include: prohibiting the use of alcohol or illegal drugs at the work place by all employees; requiring that employees shall not be under the influence of alcohol or illegal drugs at the work place; and holding a drug user or alcoholic to the same qualification standards for employment or job performance and behavior as others, even if any unsatisfactory performance or behavior is related to drug use or alcoholism. (Sec. 104(c))

Q. What kind of medical monitoring is permitted or prohibited by the ADA?

As currently written, the ADA would prohibit medical monitoring such as that associated with corporate wellness programs. The Judiciary Committee version of the ADA to be marked up may remove this prohibition. (Sec. 102(c)(2)(A))

ACCOMMODATION AND ACCESS

Q. If the employee lounge or rest room is on a lower or upper floor, must an employer provide an equal facility on the main floor for a mobility-impaired employee?

Only if the cost is not significant and thus is not an undue hardship. Options like reallocating the use of space and moving furniture or redesignating who could use a rest room (male, female) on the floor on which the disabled employee worked, likely would not be an "undue hardship." Constructing an entirely new rest room likely would be an "undue hardship."

Q. Must all the aisles in a store be widened to accommodate wheelchairs?

No. The ADA does not require that aisles be widened. It does require access to shopping services, if making such services accessible is readily achievable; that is, "easily accomplishable and able to be carried out without much difficulty or expense." Thus, widening aisles is one way of providing access, but there are others: reorganizing the placement of frequently purchased items at the front or front end of aisles; making customer assistants willing to retrieve items for those with disabilities; taking phone orders for mailing or pick up at curb side; and providing catalogs and flyers.

ALTERATIONS

Q. Must all sales and checkout areas be retrofitted to accommodate disabled employees or disabled customers? What retrofits are required?

The work areas would not have to be retrofitted. Only "reasonable accommodations" would be required to the extent that such

[1] Section number references are to the version of the ADA reported out by Education and Labor.

accommodations would not be an "undue hardship"; that is, not a significant difficulty or expense.

For disabled customers, the removal of barriers must be "readily achievable"; this is, "easily accomplishable without much difficulty or expense." (Sec. 302(b)(2)(A))

Q. If a store is damaged by vandalism or theft, will the repairs trigger a "major structural alteration?" What are the responsibilities in such a situation?

The term "major structural alteration" was deleted in the version of the ADA reported out by the Committee on Education and Labor. The Committee added that accessibility-related alterations are not required if the costs are "disproportionate to the overall alterations in terms of cost and scope." This provision also specifically excludes the installation of elevators in building of less than three stories or having less than 3,000 feet per story. This exclusion does not apply to a shopping center, shopping mall, or professional office of a health care provider. (Sec. 302(b)(2)(A)(vi))

Q. If a store is moved to a temporary location following a hurricane, fire, or other natural disaster, must the temporary worksite be fully accessible during renovation of the primary location?

If employment were involved, then the "undue hardship" standard, "significant difficulty or expense," would apply. If public accommodations were involved, then the "readily achievable" standard, "easily accomplishable and able to be carried out without much difficulty or expense," would apply.

Q. If a two-floor store has a basement where merchandise is stored, must an elevator be installed?

No, it would not be required for an existing building unless building an elevator could be easily accomplishable and could be carried out without too much difficulty or expense. In the case of new construction or renovation, installation of an elevator would be required if it is three stories or more, or is a shopping mall, or an office of a health care provider.

DAMAGES

Q. What "monetary damages" can be assessed in the event of a successful charge of discrimination in public accommodations?

None, except in a lawsuit brought by the Attorney General involving pattern and practice. The Attorney General must specifically request such damages. These damages do not include punitive damages. (Sec. 308(b)(2) (A) and (B), and (4))

H.R. 4700, THE CENTRAL VALLEY PROJECT FISH AND WILDLIFE RESTORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO], is recognized for 5 minutes.

Mr. FAZIO. Mr. Speaker, I am proud to be an original cosponsor of legislation introduced today by my neighbor in California, Representative GEORGE MILLER, to begin a comprehensive program to restore the fish and waterfowl populations of California's Central Valley. Mr. MILLER's H.R. 4700 can be viewed as an enlargement on a concept embodied in H.R. 3613 by another of my neighbors, Representative DOUG BOSCO. This bill would implement a plan developed under the auspices of the State of California to restore the Sacramento River's salmon fishery. I cosponsored that bill and continue to support it.

Both of these bills are necessary. H.R. 3613 focuses directly on one major problem and would authorize definite measures to solve it. H.R. 4700 takes a broader, longer term look at what should be done to restore to the Central Valley something approaching the numbers of fish and waterfowl that once abounded there. Some of the elements of Mr. MILLER's larger package can be defined fairly clearly now. In particular, his bill includes the Upper Sacramento River Fishery Restoration Plan, and would maximize the potential of existing waterfowl refuges. Other elements of the program are more remotely understood. Their outlines, costs and benefits still need to be defined. The bill itself recognizes this fact by authorizing a series of studies and directing that the administration return to Congress with proposals to solve these longer range problems.

It is important that Congress move quickly to implement those aspects of the fish and waterfowl restoration program which are clearly enough defined to obtain political consensus on. It is also important to distinguish between those measures which can be implemented now and those which need to be defined for congressional authorization in a year or two.

Lastly, it is important to recognize that a division of responsibilities and costs which might be appropriate for the near term elements of the program may not continue to be appropriate for the measures to be proposed following submittal of the Interior Secretary's plans several years from now. For instance, while the Federal Central Valley Project has had a major impact on the fish and wildlife habitats of the Central Valley, it has been by no means the only impact on the Central Valley. The State, local districts, and individuals have also had their effects, as has spreading urbanization and human development of all sorts, particularly on wetlands in the Bay and at the junctures of historic water routes. A tendency might exist to hold the CVP or elements within the CVP responsible for more than their share of the problem simply because the CVP is readily identifiable and because it is available for Congress to use as a tool. We should resist that tendency.

I know Mr. MILLER is aware of these considerations and of the concerns which have been prevalent in California over the last several years as this general issue has risen in the public debate. His legislation as introduced gives every indication that he is proposing a vehicle for agreement and solutions. California is ready for agreement and solution. I look forward to working actively with him to facilitate them.

THE 42D ANNIVERSARY OF THE STATE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, 42 years ago, at midnight on May 14–15, 1948, the 5th and 6th days of Iyar 5708, under the Jewish calendar, a little over one half million Jews, driven by a vision and a desire to create a Jewish homeland, declared their independence.

This creation of the State of Israel represented the outcome of centuries of struggle and suffering for Jews in their quest to obtain political and religious freedom, and today, Israel remains the beacon of hope for hundreds of thousands of Jews who are finally being allowed to leave the Soviet Union, after years of tyranny and religious persecution at the hands of the communists.

During the past 42 years, Israel has survived and endured. It has perserved through its fight for independence and through further incursions in 1956, 1967 and 1973, by hostile Arab neighbors, who refused to recognize Israel's right to exist. After each encounter and each act of Arab aggression, Israel renewed its search for peace. Israel continues in this elusive objective on the difficult road to peace.

Although today Israel may be struggling internally over how to achieve lasting peace in the Middle East, and political parties may differ as to which may be the best approach to achieve this objective, most of the Arab world is intent on destroying this tiny nation. While the Arab community is still deadlocked over whether it should ever make peace with Israel at all, Israel remains committed to living in peace with these same Arab neighbors.

Mr. Speaker, on the 42d anniversary of Israeli independence, I am glad to join with the citizens of the State of Israel, and their many friends in the 11th Congressional District of Illinois, which I am honored to represent, and throughout the world, who are celebrating this milestone in the history of the Jewish people. May this year bring us closer to achieving a lasting peace in the Middle East, so that Israel may continue to grow and prosper.

LEGISLATION TO CLOSE THE STRATEGIC HOME PORT AT STATEN ISLAND, NY, AND STOP FURTHER CONSTRUCTION AT OTHER NEW STRATEGIC HOME PORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BENNETT] is recognized for 5 minutes.

Mr. BENNETT. Mr. Speaker, I am pleased to join today with my colleague, Congresswoman PATRICIA SCHROEDER, to introduce a bill to close the new Navy homeport under construction in Staten Island, NY, and to put on hold all construction at the five other new homeports.

The Seapower Subcommittee of the House Armed Services Committee held a joint hearing on April 24, 1990 with the Military Installations Subcommittee chaired by Congresswoman SCHROEDER. At that hearing, the General Accounting Office testified that it was their firm recommendation that "We believe the expenditure of additional funds on new homeports should be curtailed until the Navy decides exactly what it needs."

Our subcommittee also heard the Mayor of New York, David Dinkins, testify persuasively that New York does not want and cannot

afford a new homeport at Staten Island. Eleven of the 14 members of the New York City Congressional delegation and 16 members of the New York City Council urged us to close the base.

Our bill will implement the recommendations of the General Accounting Office and will close the homeport in New York. New homeports may have made sense when we were heading for a 600-ship Navy. However, today we have a force of 550 ships, and that number will likely decline. We need a thorough review of the Navy's future force structure and basing needs. Until such a review is completed and considered by Congress, our bill is the only reasonable and prudent step to take at this time.

Mrs. SCHROEDER. Mr. Speaker, today Representative CHARLES BENNETT and I are introducing legislation to close the strategic homeport at Staten Island, NY, and to stop all further construction at the other five new strategic homeports. I was an opponent of the original strategic homeporting scheme when Navy Secretary John Lehman first proposed it. I did not find the rationales convincing and I found the cost exorbitant.

Now, 5 years later, instead of looking at 600 ships in the Navy, we are looking at 420. And, the General Accounting Office told us in 1986 that there would be no homeless ships even with no new homeports. Obviously, the cost of adding an additional ship to the ports at San Diego, Norfolk, or Jacksonville has got to be far cheaper than building a whole new port at Staten Island, Everett, or Ingleside.

Representative BENNETT's subcommittee on seapower and my military construction subcommittee held a joint hearing on strategic homeporting last week. The Mayor of New York, David Dinkins, testified that New York did not want the homeport in Staten Island. So, we decided to follow his recommendation and propose the closure of that facility in this bill. The General Accounting Office testified that the Navy did not know what ships would go to which ports. GAO recommended that we place a moratorium on further construction of the homeports, pending the Navy's review of its ship assignments. We followed GAO's suggestion as well.

Yesterday, Secretary Cheney extended the moratorium on most military construction and announced that construction at four of the six homeports would be candidates for rescission. Our bill goes further and proposes that work be stopped at all six homeports. Attached please find a copy of our joint letter to Secretary Cheney asking him to immediately freeze construction at all six homeports.

I would expect that this legislation will be the subject of debate on the defense authorization bill. I would hope that this legislation will be included on that bill.

BREAST CANCER AWARENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. MARTIN] is recognized for 60 minutes.

Mrs. MARTIN of Illinois. Mr. Speaker, a few months ago at a mini-reunion with several women friends of mine, one of our group talked about her breast cancer discovered a week after a clean mammogram. Another friend of mine in Washington, younger than I, is currently recovering from a mastectomy and is now undergoing chemotherapy.

I thought I knew a bit about breast cancer and mammography, but these friends made me aware of just how little I know. For many women and for many men it is a subject of almost embarrassment. But the reality is that breast cancer now attacks 1 out of 9 women, an increase in frequency, and perhaps our daughters will face an even greater number. We have to know more. If women Members of Congress and men Members of Congress do not know, then maybe that is true for too many others of our constituents and friends, so this special order is an attempt by the women and men of Congress to talk in realistic terms as human beings to other human beings in the hope that one person will hear and her life will be saved.

Many of my colleagues are joining me today to focus on a matter of life and death: breast cancer and the importance of early detection. We want to talk about this disease openly to women and men in the hope that what we discuss today will make a difference in the way women address their health needs. What I have read and heard about breast cancer scares me. Breast cancer will strike 1 of 10 women this year, and it will claim the lives of more than 40,000 women.

Scientists don't know yet what causes breast cancer, but they do know some of the factors which may increase a woman's chance of developing the disease. Women at greatest risk are those over 50, women who have a family history of breast cancer, and women who have never had children or who had their first child after age 30. But every woman carries with her the risk of breast cancer. In fact, roughly 75 percent of the women who get this disease have no known risk factors.

As frightening as these statistics are, there is good news. Even though breast cancer is one of the most common cancers among women, if it is detected early, women do not have to die. Too few women, however, recognize the significant role they themselves can play in detecting breast cancer early.

Combined with mammography, regular, monthly breast self-examination is the best known method of early detection, yet only 25 percent of American women do self-examination. It takes only a few minutes, and the benefits cannot be overestimated. According to the National Cancer Institute, 85 to 95 percent of women whose breast cancer is detected early will be free from the disease 5 years later. What's even better news is that most will be free from cancer for the rest of their li ɔs.

Although 90 percent of all breast lumps are discovered by women themselves, tumors that won't be felt for 2 years can be detected through mammography. Studies show, however, that while a majority of women in the 40 and over age group have heard of mammograms, only 37 percent ever had a mammogram. For whatever reason, lack of knowledge, fear, expense, or inconvenience, less than 20 percent of women over 50 are getting mammograms on schedule. Yet, the death rate from breast cancer could be reduced by 30 percent if every woman at risk had a mammogram.

The best defense against breast cancer is information. Every woman at some time in her life will experience a lump in her breast. Finding one would scare any woman, and the thought of having cancer certainly would be overwhelming. But not all lumps are cancerous; in fact, 8 of 10 are benign. The important thing is to see a physician immediately. No woman should allow fear or embarrassment to stop her. Too many women will wait too long and face death.

Every 13 minutes, a woman dies from breast cancer. Women can change this statistic by taking advantage of early detection and mammography. Don't allow yourself or those whom you love to put it off any longer.

Mr. Speaker, at this point in my remarks, I would like to have inserted in the RECORD the courageous story of Cathie and Chris Warner's battle against breast cancer.

BREAST CANCER—CATHIE AND CHRIS WARNER'S STORY: MAY 1, 1990

We are CAthie Bennett-Warner and Chris Warner. You know us—a typical young married couple, thirty-something, and parents of a seven week old baby.

We also have breast cancer. This is our story so far.

This is also a story of a disease that is expanding rapidly in its attack on women aged twenty-five to forty. This spread is so rapid that breast cancer should be labeled the "Killer Epidemic of the 1990s" in the same way AIDS was the scourge of the 1980s.

Cathie was near the end of pregnancy, about to have her first baby. Ours is late parenthood; Cathie has barely reached thirty-five, the age when the American Cancer Society recommends women get their first mammograms. However, she had a breast exam when she first got pregnant, and was waiting until the end of pregnancy before scheduling her first mammogram.

Suddenly, on a Friday night, Cathie noticed a fair-sized lump in her left breast while doing a self-exam. We were scared, but felt sure that it was only a clogged milk duct or benign cyst, each of which is a common, non-cancerous symptom of late pregnancy. Cathie had no history of breast cancer in her family, no family history of cancer generally. Nor was Cathie a smoker or in any other of the high-risk categories for cancer. However, Chris impressed upon Cathie the importance of getting the lump biopsied as soon as possible, based on his own personal experience watching his mother go through breast cancer ten years earlier.

The next week, Cathie asked a friend for a referral to a breast specialist, a surgeon named Peter Richards. In between baby showers and full fifty-hour work week as Director of U.S. Senator Pete Wilson's Northern California office in San Francisco, Cathie saw Dr. Richards, who performed a needle aspiration on the lump. We still fully expected that the diagnosis would be related to the pregnancy and benign. That Friday, a week after finding the lump, Cathie was told by Dr. Richards that the lab reports on the lump were inconclusive,

and that therefore he recommended a biopsy for the following Monday. Our nervousness increased over the weekend, but we still expected the biopsy would be fine. Cathie was more nervous about the biopsy surgery itself than about the diagnosis. At this point she was only three weeks from her due date for the baby.

Monday Dr. Richards performed the biopsy on Cathie, removing a 2.5 cm lump from her left breast. Cathie was under a local rather than general anesthetic, in order to spare the baby any risk.

Tuesday afternoon, we met Dr. Richards at his office, and he told us the bad news: Cathie had breast cancer.

Dr. Richards told us the options for treatment (a mastectomy with no follow-up radiation therapy, or a lumpectomy with follow-up radiation), the statistics (80 percent survivability for 5 years following surgery if the tumor had not spread to the lymph nodes), and the tests still to be performed (a hormone receptor test to determine the cancer's responsiveness to hormone therapy, and pathology of the lymph nodes following the surgery to determine the potential for spread of the cancer via the lymph system through the body).

But there was one thing Dr. Richards did not and could not tell us: That there is a cure for cancer, or that there was any guarantee that Cathie would live. These two simple facts—that there is not yet a cure for breast cancer, and that there is no doctor who can promise that you, the individual cancer patient, will live—are the two simple facts that have forever changed our lives, just as they change the lives of every cancer patient and their family.

The next few days were a blur, lived half in purposeful panic, half in desperate tears. Even though physically burdened by her near-term pregnancy, Cathie began organizing her initial battle against the cancer. At first, the tears and unbelievability of it all overwhelmed us. After all, breast cancer is supposed to be a middle or old aged women's disease, not a young woman's disease isn't it? And in the early days, we swung from the confidence that we had "caught it in time," to the abject terror that it had surely infected Cathie's lymph nodes because it seemed to have grown so fast during the pregnancy.

We also learned the first question the breast cancer patient learns never to ask herself: "Why me?"

In those first few days, however, we crammed an incredible amount of information into our brains about breast cancer. For example, we learned what we had already generally known, but never particularly worried about—that early diagnosis is the key to survival. We also learned that breast cancer is no longer the disease of middle-aged women—it is now one of the major killers of women in their thirties, especially women who have children late, who are childless or who have taken contraceptives for many years.

We also learned the most shocking statistic of all: One in ten women alive today in America will have breast cancer sometime during their lives. One in ten! The sheer magnitude numbs you—look around a roomful of your nearest and dearest friends: if there are twenty couples in the room, at least two will experience breast cancer. Or on another level, consider that twelve and a half million U.S. citizens, 5 percent of the total population of 250 million, will face breast cancer in their lifetime.

Finally, we learned that, unlike most cancers, the risk of women getting breast cancer appears to be increasing, not decreasing. The one in ten risk today was in fact only one in eleven only a decade ago. Now, researchers expect that some of the increased risks are simply due to earlier detection and reporting, but nonetheless the fact is that breast cancer is becoming the major killer of young and middle aged women in the '90's.

The second realization we came to in those first days was almost as shocking as the diagnosis itself. We learned that in treating breast cancer, there is no obvious treatment. Instead, there are options, and with the options comes the harrowing responsibility on the patient and her family to educate themselves in order to make an informed choice about treatment. This is where the numerous resources of the cancer support community, such as the American Cancer Society's "Reach for Recovery" program, become so crucial.

In our case, the treatment choices were complicated by Cathie's pregnancy. However, even without the pregnancy, we would have done what the American Cancer Society and the medical community now uniformly recommend—get a second opinion on every major treatment issue raised by your doctor. This is exactly what we did.

Because Dr. Richards was associated with Children's Hospital in San Francisco, we were referred by a friend for our second opinion to the breast cancer specialists at the University of California at San Francisco Medical Center. There we talked to Dr. Robert Warren of the surgical oncology faculty, and he in turn referred us to Dr. Francine Halberg, a radiation therapist. Finally, based on conversations with friends and family across the country, we learned that a chemotherapy expert with an excellent national reputation, Dr. Bryan Lewis, had recently left UCSF Med Center to work for Kaiser Permanente in San Francisco. Even though our health plan did not cover Kaiser Permanente, we eventually paid in cash to get an excellent consultation with Dr. Lewis.

Throughout the frantic process of getting first, second and even third opinions before choosing our preferred treatment, we kept reminding ourselves that even at the cutting edge of cancer treatment, it is vital that the patient be willing to learn something from each and every consultation with a doctor, even if the information initially appears to be outside that doctor's area of expertise. This is because it is essential that the patient "get up to speed" very quickly, in order to make an educated choice for her treatment. Thus, even when we ran into conflicting opinions from the doctors we consulted, we still were able to add a little bit more on "the state of the art" in breast cancer treatment to our rapidly expanding knowledge on treatment.

We also quickly put together our team of doctors at Childrens Hospital. Besides Dr. Richards, we talked to Dr. Sim Cantrill, a radiation therapist, and Dr. Richard Cohen, a medical oncologist and also chief of staff of the hospital. Even after talking with each of these doctors, and even though they were extremely responsive to our initial needs, we nonetheless did something that sounded so obvious that it is hard to believe so many breast cancer patients fail to do it: We checked out each doctor with several references, patients and other doctors alike. Not only did this confirm whether our choices in doctors were correct or not, it also helped us get to know the doctors as human beings engaged in the ever-sensitive, ever-complex "doctor-patient relationship."

Finally, thanks to our good friend Debbie Hardy who specializes in health issues here in Washington at Capital Associates, we were able to talk with research experts regarding treatment options and various investigative trials going on under the sponsorship of the National Cancer Institute for breast cancers of Cathie's type. This was invaluable, because several of the breast cancer treatment protocols today, especially those using adjuvant chemotherapy in lymphnode negative patients, were only being used in clinical trials at the National Cancer Institute a few short years ago. Obviously, our goal in talking to the National Cancer Institute researchers was to determine if there were any innovative chemotherapy or immunotherapy treatments undergoing trials that might not be the protocol today, but very easily could become the preferred treatment a few years from now.

You see, a breast cancer patient really only gets one shot at avoiding recurrence in another part of her body. If the treatment we are undertaking now does not work, we will not get a second chance because the cancer will have spread elsewhere, requiring different and far more radical treatment.

After getting all our second and third opinions, after checking and double checking every doctor's reputation, after educating ourselves through every book and every magazine article we could get our hands on, and after reviewing the excellent literature the American Cancer Society provides, we were able to make what we believe to be the smartest, most innovative choice for treatment available.

After carefully considering all the medical opinions which now say that a lumpectomy plus radiation therapy is as successful in treating breast cancer as a mastectomy without the radiation, Cathie chose to have a modified mastectomy. We made this choice not out of any prodding by our surgeon, but because we just did not want to face the risk of recurrence of the tumor in the same breast a few months or few years down the road when we still had a young baby at home. In addition, we found that breast reconstruction has now progressed to the point where a modified mastectomy may actually make cosmetic surgery more easy to perform than a lumpectomy.

We had our baby boy on March 13, 1990, and Cathie had her modified mastectomy less than a week later. Although the surgery indicated the tumor had been larger than we had originally expected (4 cm, not 2.5 cm), we received the wonderful news that we were "lymph node negative"—that is, the tumor had not spread to Cathie's lymph nodes. However, the newest protocol for breast cancer treatment is "adjuvant chemotherapy," that is, going through chemotherapy as an extra insurance against recurrence even if your lymph nodes are free of the disease.

Therefore, on April 19, 1990, Cathie went in to Dr. Cohen's office for her first chemotherapy injection. The hardest part about chemotherapy, especially where your lymph nodes are negative, is undergoing the side effects of these miraculous but ultimately toxic drugs for up to six months while under treatment. These side effects range from nausea and fatigue to hair loss, permanent sterility and potential heart damage. For many breast cancer patients, believing that you are sick enough to go through all these side effects when you have no outward manifestation of being sick, is the highest psychological hurdle to clear in the efforts to heal yourself.

In our case, Cathie will go through six months of chemotherapy, and we are steering ourselves to endure at least some, if not all, the side effects. The most immediate change in our lifestyle under "chemo" is that once every two or three weeks, for two days after she gets her injection, Cathie will probably feel sick as a dog. As a result, we will be scheduling our professional and personal lives to account for this regular bout of side effects that we psychologically know are not the symptoms of our disease, but in fact the symptoms of a potential cure.

It is during the chemotherapy stage that we intend to take advantage of the many community support groups and resources made available by the American Cancer Society and other groups. Cathie has already attended the first meeting of a support group of five women, most her age, who are going through breast cancer. There are literally dozens of other women in our immediate personal and professional lives whom we are learning are going through or already have gone through breast cancer. It is this silver lining in the cloud of the "one in ten" statistic that helps Cathie most: the knowledge that she is not alone in fighting this battle, and in fact will have a chance to help and support many of the women who come after her.

It is also during this chemotherapy stage that our employers will need to be the most understanding. At the time of the initial shock when breast cancer is diagnosed, a woman's employer is probably most willing to give her the time off to go through the necessary surgery. However, it is during later chemotherapy that the employer needs to recognize the lifestyle changes the woman is going through. This is because, for several weeks at a time, the patient will not feel any side effects of the drugs and may appear perfectly normal. However, in the first few days or week following the chemotherapy injection, the woman may be totally or partially incapacitated and unable to perform her job. Most of all, even during this period when the woman is physically 100 percent, she is still going through the mental hell of a recently diagnosed cancer patient who has also had major surgery on a part of her anatomy on which society places high cosmetic value.

We are lucky, in that Cathie's employer, U.S. Sen. Pete Wilson, is one of the most understanding men we have ever met and is also one of the nation's political leaders on health care issues. Chris' employer, Pacific Gas and Electric Company, is also extremely progressive and sophisticated in implementing counseling for employees with long-term health problems.

It is much too early for us to tell you how our story will end. Other recovering breast cancer patients tell us we will value every milestone, such as birthdays, anniversaries and especially the date five years from the end of our chemotherapy when we can be officially included in the group of statistical survivors.

But in the cold light of day, we know we can never tell the ending of our story, because we are really part of a much larger story, the race to find a cure for breast cancer. We are a very personal part of that race, because we know our own odds of survival will depend in part upon advances in cancer research and treatment uncovered and made available over the next five to ten years.

You see, another stark reality of breast cancer and the chemotherapy used to treat it, is that cancer cells tend to build up immunity to the drugs used to treat them. Thus, it is essential that the research go forward as rapidly as possible to find the new drugs, the new therapies, the new combinations of surgery and chemicals which can replace the existing drugs and treatments which may not be effective a second time around for Cathie and other women with breast cancer. This is doubly critical for young women of Cathie's age, who measure their lives not in five year survival rates, but in seeing their baby sons and daughters grow up to adulthood twenty, thirty years from now.

Today, Cathie Bennett-Warner and Chris Warner are among the lucky families with breast cancer. By catching the disease early, before it had spread to her lymph nodes or elsewhere, Cathie intends to emerge from her chemotherapy cured of cancer, even though the doctors will never grace her with that evaluation.

But we also intend to emerge from chemotherapy as part of a new women's movement of the 1990s—a movement whose goal is to wipe out breast cancer as a killer of women by the end of our sons and daughters' generation. We will achieve this goal through education and support of early mammograms and diagnosis for women all over America, and through support in Congress and the private sector for the research funding necessary to obtain the wonder drugs and treatments that can wipe out the disease once and for all.

One good place to start is with the FY 1991 National Cancer Institute budget. In 1990, 150,000 American women will be diagnosed with breast cancer, and 44,000 American women will die of the disease. Yet the National Cancer Institute funding for all cancer research—not just breast cancer—is $1.7 billion for FY 1991, compared to $800 million for AIDS research. Even if it were assumed that breast cancer research amounts to 25 percent of all cancer research, the National Cancer Institute budget should be increased *530 percent to over $9 billion per year*, just to be on the same footing as AIDS research!

Over the next few months and years, Congress and the American public will be hearing more of our story, and the story of the millions of other women with breast cancer. We sincerely hope that our story will be heard, and our call for action answered.

To begin this very special order, I yield to the gentlewoman from Ohio, MS. MARY ROSE OAKAR.

Ms. OAKAR. Mr. Speaker, I thank the gentlewoman. I want to thank my colleague for having this special order, because it is time that we rallied together, as many of us have over the years, to really call attention to a disease that is a crisis in our country. I want to compliment you, LYNN, and BARBARA VUCANOVICH who has introduced some very fine legislation, and others who have been outspoken on this issue, and my colleagues who are here.

We have reached a crisis. One out of nine women will find this year that they have breast cancer; 43,000 women will die of breast cancer this year. It is not interesting that during the Vietnam war era when we lost 57,000 men and women, which is so tragic, during that same period we lost 330,000 women and men to breast cancer. In 1961, 1 out of 20 women were diagnosed with breast cancer. Today it is 1 in 9.

So it is a crisis in this country, and the statistics go on and on.

It was in 1984 that I was asked by a woman from Maryland that I did not know very well at the time, Rose Kushner, to do something about it. I was interested in doing something about it because, like just about every family in this country, my sister had breast cancer, and God love her, she might be watching tonight, she is doing fine, very healthy, and so on. But we were frightened by that disease, and it was a woman named Rose Kushner from Maryland who took the fear I think out of discussing that disease among other people. Nancy Brinker and others have been terrific in calling attention to his terrible disease. And what she tried to do was to make us aware that we ought to do something about it in Congress.

So the Select Committee on Aging, led by Senator Claude Pepper, had the first hearing I think ever in this Congress on breast cancer and the problem of breast cancer.

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It is interesting that this year alone we had a colleague of ours who had his wife die of breast cancer. Another colleague just the other day, I was riding the subway with, said, "My wife has breast cancer." As a matter of fact, with the exception of this First Lady, all the past four First Ladies have had some kind of surgery related to breast cancer.

So what else do we have to say in this country? This is an epidemic.

The tragedy is that we have not done enough to make people aware of the problem. Women and their families ought not to be afraid of self-examination because we know one thing: If you catch breast cancer at an early stage, you are very likely, the person is very likely to live a productive and full life and really arrest the disease.

As a matter of fact, if a person engages in self-examination and then can get an annual mammogram after the age of 35 or 40, chances are very likely, even if they find a small cancerous tumor, the fact is that it will save a lot of money and save a lot of lives.

When we find breast cancer at an early stage with a mammogram associated with it, it costs less than $10,000; when it is at a later stage it costs $65,000 to $125,000.

And the person is probably going to lose his or her life.

So we are trying to do something to call attention to this crisis.

Mr. Speaker, I am dismayed, absolutely dismayed that in the catastrophic bill, when we had a conference committee related to that bill, they could have saved the mammo-

gram coverage that was put in that bill and did not, and we were forced to vote up or down on a bill that included mammogram coverage. I think it is outrageous that in this Congress we cannot even pass a bill that is part of the preventive medicine, to have Medicare or Medicaid coverage for mammograms.

That is the least we ought to be doing.

Mr. Speaker, I have a bill, H.R. 3854, named after Rose Kushner that relates to this. BARBARA VUCANOVICH has a bill, and I am sure she will want to tell you about it; but it does not matter whose bill it is. We just want that bill passed.

We also feel strongly, I feel strongly that we do not do enough research in the area of breast cancer.

It is interesting to me that there is a strange bias against female-dominated diseases when in fact these diseases affect every person's family. This is a family issue, not just a woman's issue.

So we wonder why it is. Why is it that the budget just passed, which I supported, has a recommendation to increase AIDS research by $750 million, which I support? I am all for increasing aid for a disease that affects, we think, 1 out of 1,000 people. Now remember this is not 1 out of 9, this is 1 out of 1,000 people. It has all this terrific national attention. And it should, because they consider and I consider 1 out of 1,000 an epidemic.

But why is it that we can increase that area of research and we cannot increase in any proportion whatsoever the research for breast cancer? There is a bias against doing research there. So we are trying to get, I am trying to get a bill passed that would add an additional $25 million to target breast cancer research.

We feel that what we really want is to have every child in this country immunized against this type of disease, indeed all cancers.

Finally, we want women to be informed. We want women to know what their options are.

My sister had a lumpectomy. In my city of Cleveland, Dr. Kahlia and others revolutionized the way women are treated by saying, "Well, maybe you don't need all that surgery, maybe you can have other options."

So we also have a bill that would involve informed decisionmaking, just requiring the doctor to tell the woman what her options are. That can be done by simply giving out the NIH pamphlet, which is a terrific pamphlet explaining these kinds of elements.

Mr. Speaker, the Select Committee on Aging is having a hearing on May 16 on the whole subject of breast cancer. I am just terrifically thrilled that Marilyn Quayle, the Second Lady of our country, has come out and spoken out about this disease which killed her mother.

I think it is wonderful that she would come to these hearings to bring the public to the realization they should have with respect to this disease.

There is some very important research that needs to be done. I just want to close with these several areas very quickly.

We need to find out what has happened to the women, like my sister and others, who took DES when they were pregnant with their children. That was during the 1950's and the 1960's that they were taking that to prevent miscarriages. What happens to the children of DES mothers?

Well, we had a chance to do that study, but that kind of grant was not funded, for example.

What about diet? What is the relationship between alcohol and breast cancer? That particular grant was not funded.

What about hormonal imbalances? What effect does that have on cancers like breast cancer?

Those kinds of grants have not been funded. Why? Because there is only $17 million as compared to $1.6 billion in AIDS research.

I am not saying we should not do AIDS. I am all for it. I support it. I would like to do more.

But I will be darned, if you will pardon my expression, if we should not be doing the same type of research that affects each and every family, just about, in this country.

So we have reached a crisis, and I am delighted to participate in this special order, and I hope that this kind of activity will cause an outrage on the part of women and their families that this Congress is not doing more and this administration is not doing more on this issue.

Mr. Speaker, I thank the gentlewoman for yielding.

Mrs. MARTIN of Illinois. Mr. Speaker, I thank the gentlewoman from Ohio for her testimony and wish her family and her sister well, whether she is listening or not. And I think she will be very grateful.

I would like to yield to the gentleman from Florida [Mr. BILIRAKIS].

As the gentlewoman from Ohio said, this is an issue that may directly affect women but it is a part of all of us, our families, men and women alike.

Mr. BILIRAKIS. I thank the gentlewoman from Illinois [Mrs. MARTIN] and the gentlewoman from Nevada [Mrs. VUCANOVICH] for their great work in this area.

Mr. Speaker, I am honored to participate in this important special order. According to the American Cancer Society, breast cancer claimed the lives of 43,000 women in 1989. However, there are many women who are alive today because of the fact that their breast cancer was detected early and that they followed up with appropriate medical treatment. In some cases, these women have become volunteers for programs encouraging former cancer patients to provide support to persons currently undergoing treatment for breast cancer.

I wanted to take this time to share with my colleagues the personal experiences of three special women who bring a message of hope to all of us. All were diagnosed as having breast cancer, and through appropriate treatment they have been able to continue on with their lives.

During the week of her 28th birthday, Stephanie Dannemiller celebrated her third wedding anniversary. She was also diagnosed as having breast cancer. Two years later, she is pregnant with her second child who is due in September, teaching full time and attending school part time. Stephanie attributes her recovery to having a strong faith in God and maintaining a positive mental attitude. She is also active in a hospital support group and serves on a committee that is planning the first Northern Virginia Breast Cancer Conference. This conference, which will be held on June 9, will feature our Second Lady, Marilyn Quayle, as the the keynote speaker.

Stephanie believes it is important to educate all women as to the alternatives available once a diagnosis of breast cancer has been made. These decisions involve all phases of the illness including surgery, treatment, and the support groups that are available.

At age 34, Pat Edmundson also was diagnosed as having breast cancer. Through early diagnosis she, too, was able to receive medical treatment—and 13 years later she is living a full life. She is the mother of four children and will soon become a grandmother for the first time. She is a volunteer with the American Cancer Society's Reach to Recovery Program, a support group organized to provide support to new breast cancer patients.

When Pat visits new patients, she stresses the importance of a positive attitude to them. She tells them not to dwell on the disease itself. Pat has become grateful for every day and believes it is important that everyone know that breast cancer does not pick and choose—it affects everyone.

Five years ago, Pat Gonzales discovered a lump in her breast and was told by her doctor "to watch it." However, she pushed for the doctor to send her to a surgeon who confirmed her worst fears—the tumor was malignant. During her treatment, Pat suffered complications after the initial surgery. She also had 6 months of chemotherapy which caused her to lose her hair and become quite sick. Remarkably, she only missed 9 weeks of work throughout her illness. One year later, Pat discovered lumps in her other breast and in June 1986, she had her

right breast removed and both breasts reconstructed.

Pat attributes her recovery to maintaining a positive attitude and keeping as busy as possible. She, also, will be a grandmother for the first time in a few months and continues to work full time. Pat has learned to appreciate every aspect of life and urges women to "remember that it is your body and your life and if there is something there, do something about it."

Pat wants to be an example to other people and shares her story with others to give them hope. She visits new cancer patients and believes that her visits have a strong impact because she has been through the experience herself.

All three of these women feel it is important to share their message of hope with others. They also believe it is important to educate all Americans about breast cancer through families and communities. By encouraging all women to have regular checkups and asking their doctor questions, more lives will be saved.

I believe it is important to provide this opportunity to all women, and that is why I am an original cosponsor of H.R. 4222, the Breast and Cervical Cancer Mortality Prevention Act of 1990. This legislation would establish a new public health program to provide preventive health screening and referral services for low-income women for breast cancer.

It is an important first step in providing appropriate care for breast cancer to all women. Again, I appreciate the opportunity to particiate in this important special order and hope that our continued awareness will save more and more lives each year.

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Mrs. MARTIN of Illinois. Mr. Speaker, I thank the gentleman again for the stories of the three women.

I yield to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, let me first of all thank my two colleagues, the gentlewoman from Illinois [Mrs. MARTIN] and the gentlewoman from Nevada [Mrs. VUCANOVICH] for taking the special order.

Let me discuss very quickly that we all like to talk about our home districts. I had an opportunity on Saturday to join with the Vice President's wife, Marilyn Quayle, as she opened the Regional Cancer Therapy Center in Frederick. This center is a joint project of the Frederick Memorial Hospital, the National Cancer Institute at Fort Dietrick in Maryland, and Georgetown University. This new facility houses radiation and chemotherapy programs, as well as experimental studies of attacking cancer. It is the only cancer center of its kind in the country. I am very honored to have it in my district.

It is interesting to note that Dr. Greg Rausch, the director of medical oncology there, has been very innovative, working together not only with the Federal Government and the National Cancer Institute, but also with the local government, and also with the private sector in the case of Georgetown Unviversity.

Mrs. Quayle said something that I think we all need to reflect on. She said, "We need to make men aware of breast cancer. We need to make sure that men insist that their wives, their daughters, their mothers have mammographs." It is not just the women in this country, it is also up to the men to make sure that their loved ones are protected.

The president of this center, one of the top national cancer research specialists, will be able to work very closely together, with my community, and I am very fortunate to have that.

In 1990, about 150,000 women will be diagnosed with breast cancer. One, a close friend of mine who just last week was diagnosed and has already had her mastectomy, tomorrow will be one of those numbers. Mammograms, combined with self-examinations, is the very best known methods of early detection. As we have seen by the statistics, and we all read our statistics, early detection of breast cancer is 90-percent curable. If every woman at risk had a mammogram, the cancer deaths could be reduced by at least 30 percent.

On October 11, 1989, the wife of the Vice President addressed a luncheon of the Susan Komen Foundation in Dallas, TX. She has become a leading light in that arena. The Hyde Center at Georgetown University is a leader in this arena. I am hoping that the Regional Cancer Therapy Center in Frederick is going to be another one of these areas that is going to be a leader. Their breast cancer detection, diagnosis, and treatment pamphlet is outstanding. It is easy to read. It is easy to understand.

For those that are afraid to ask somebody else, it is all here in a small book. Just take the time to read it.

Mrs. MARTIN of Illinois. Mr. Speaker, I can say this as it is going out, if any person has any questions or wants any of these booklets, they can address to the U.S. Capitol for any Member heard, and we will try to get that information to your home. I assure viewers of that.

Mr. Speaker, I yield to the gentlewoman from Hawaii [Mrs. SAIKI].

Mrs. SAIKI. Mr. Speaker, when I first received word of this special order on breast cancer I thought that it would be a good opportunity to educate the male Members of the House on the disease of breast cancer. After all, I assumed that my female colleagues are all well aware of the facts on breast cancer.

But as I began to prepare my remarks and thought about my own personal situation I realized that I needed to address my remarks to everyone.

Like many women, I consider myself to be well informed on the topic of breast cancer. I can probably quote chapter and verse the warning signs of breast cancer. I know the importance of monthly self check-ups, yearly mammograms, and what changes I need to make in my life in order to decrease the chances of getting breast cancer.

Yet, knowing all these facts did not mean I put that knowledge to good use. You may have seen a television commercial on breast cancer in which many women insist that they just don't have the time for a mammogram. Every time I see that commercial I feel a little twinge of guilt. Because for too many years, I was one of those women. I knew that I should have a mammogram, I knew the risks of not having one done but, I continued to delay, because I mistakenly believed I was too busy.

I was lucky. When I finally did have my first mammogram, the results were fine. I now take the time to have a mammogram yearly.

Mr. Chairman, not every woman is as fortunate as I. There are too many women who put off having the necessary tests and lose their lives as a result.

Sadly, the Native Hawaiian women of my State of Hawaii account for many of these women lost to breast cancer. Hawaiian women have the highest incidence of breast cancer than any other ethnic group in the United States. This year alone, 125 Native Hawaiian women will die of breast cancer.

Mr. Speaker, it is my sincere hope that enough progress will be made in the field of breast cancer research so that next year's report on the health of Native Hawaiian women will not be filled with statistics of death but, rather, stories of survival and recovery. And, it is also my hope that all women will take the time to do a self breast exam and schedule a mammogram.

I add my thanks to the gentlewoman from Illinois [Mrs. MARTIN] for announcing this special order.

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Mrs. MARTIN of Illinois. Mr. Speaker, I thank the gentlewoman from Hawaii [Mrs. SAIKI].

I think everybody learns from all of us. That is what it is supposed to be about.

Mr. Speaker, I yeld to my colleague on the Rules Committee, the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Speaker, I thank the gentlewoman for

yielding, and I do want to thank her for taking out this special order.

Mr. Speaker, I join my colleagues this evening to discuss an issue of significance to the women of America—I am pleased to see Members of Congress speaking out on behalf of American women; but I am angry because after decades of having the technology to detect breast cancer early enough to save the woman's life, breast cancer still kills one woman every 13 minutes.

In January, women everywhere lost one of their most outspoken, most committed advocates. When Rose Kushner succumbed to breast cancer, she left us with a torch to carry. Tonight we gather on the floor of the House of Representatives to accept that torch.

Several critical pieces of legislation currently pending in the House would carry on Rose Kushner's legacy by educating the public about the ravages of breast cancer and giving women the opportunity to survive breast cancer by making available to all women in this country—regardless of age or income—the life-saving mammography screening.

Tonight I reiterate my unequivocal support for these initiatives and urge each of my colleagues to do so.

When the Pap test for cervical cancer was first introduced in 1933, by the Preventive Medicine Institute/Strang Clinic—formerly called the Kate DePew, Strang Clinic—in New York City, the procedure was not often used. It took a great deal of education of both doctors and patients before its use became commonplace. Now, almost 40 years later, we are finally at the point where doctors will insist on regular Pap screening for their patients. More than two generations of women have been educated about the importance of the Pap test, and yet, the life-saving mammogram remains an under-utilized tool in the fight against cancer fatalities.

In each of our districts, across the country, local efforts to fight breast cancer deserve recognition and encouragement. One woman at a time, these clinics and support groups work to overcome the fear and anxiety which often prevent the early detection of breast cancer.

In my own district, the Center for the Early Detection of Breast Cancer at the University of Rochester and the Breast Care Center of Women's HealthSource at Highland Hospital are committed to the fight against breast cancer fatalities and offer the women of the greater Rochester, NY, area comprehensive breast health care and education.

The Center at the University of Rochester is the only facility in the country to offer free mammography to all women, helping to make Rochester one of the "Ten Healthiest Cities in America" according to a 1988 survey by Health magazine.

Education and screening are only half the battle against breast cancer. The other is research. The same clinic which was dedicated in 1933 by Eleanor Roosevelt to facilitate the cervical cancer research of Dr. Papanicolaou is working today to prevent breast cancer. The Preventive Medicine Institute/Strang Clinic has established the National High Risk Registry to target research and educational and screening services to women at high risk of developing breast cancer.

I am proud to serve as the National spokesperson for the National HIgh Risk Registry. This ambitious and exciting research project by the strang Clinic seeks to identify and ultimately reverse the mechanisms of breast cancer. The registry enrolls women at risk of breast cancer based on a significant family history of the disease. DNA analyses of these women and their family members could uncover the link between breast cancer and genetics, paving the way for the development of effective prevention and even a cure.

The Strang Clinic, in cooperation with the University of Rochester and Highland Hospital, is planning to establish its Registry nation-wide, beginning with a pilot project in the 30th District of New York. Women in the Rochester, NY area will have a unique opportunity to participate in this exciting project which combines breast care education, screening, and counseling with innovative genetic research. This comprehensive attack on breast cancer will serve not only the women of upstate New York, but will advance breast cancer research to the benefit of women worldwide.

While it is true that as a woman gets older, her chance of developing breast cancer increases, statistics show that women as young as 30 are at significant risk, especially if they have a family history of breast cancer. Studies at the Strang Clinic show that 15 percent of American women will have at least one close relative with breast cancer. For these women—and we must remember here that we are talking about 15 percent of the entire American female population—their own chance of developing breast cancer doubles. For women who have two close relatives with breast cancer, the risk is five times greater.

Mr. Speaker, a whole segment of American women who, without knowing it, are just waiting for breast cancer to develop. We already know that by the time breast cancer has developed to where it can be felt at casual touch, it is too late. And while one might guess that high-risk women would be most likely to have regular screening mammograms, this just is not the case.

Studies of a large group of high-risk women at the Strang Clinic show that 50 percent of this highest-risk group did not have a mammogram in almost 2 years from their initial baseline screening. Twenty-two percent never had a followup mammogram at all.

Fear, anxiety, and the cost of the examination were cited as the major reasons these women did not take advantage of mammography screening.

Congress must act on the legislation introduced in order to break down each of these barriers and to allow all women access to the cancer screening services which have been proven to save lives.

We have a responsibility to make sure that every women knows about her risk of developing breast or cervical cancer and knows, as well, about the simple steps she can take to survive or even prevent these cancers. Only then we will be fully armed to combat these killers.

Mrs. MARTIN of New York. Mr. Speaker, what the gentlewoman says is absolutely true.

Mr. Speaker, I yield to the gentlewoman from Maine [Ms. SNOWE], whose interest in this field is one of long standing.

Ms. SNOWE. Mr. Speaker, I thank the gentlewoman for yielding, and I would like to express my appreciation to my friend and colleague, the gentlewoman from Illinois [Mrs. MARTIN], for organizing this special order on this very personal and difficult subject of breast cancer.

It is important, as everyone has said here this evening, that our message be heard so that American women may know how crucial it is that preventive measures be taken to stop the spread of breast cancer as a deadly disease.

I think most Members in this Chamber know someone who is a victim of this devastating disease, as many have indicated, be it a mother, a sister, a daughter, a friend, or a colleague. My own mother died at the age of 39 from breast cancer, and that has placed me in the high risk category of getting the disease. So for that reason I do have my annual screenings. Coincidentally, I had one yesterday, and everything was fine.

But I also had a chance to talk to the radiologist, and I asked her a number of questions about the number of women who come in to have their annual screenings. She indicated to me that what was interesting about it is that many of the women who are having this screening are insisting upon it. It is not because the doctor is recommending it. And the fact of the matter is that if we look at the statistics that have been released by the National Cancer Institute, they indicate that the main reasons women give for not having a mammograph are: No. 1, no need, or, secondly, their

doctors never recommended one. They go on to say that only 50 percent of primary care physicians have ever referred an asymptomic female patient for a mammogram.

So we realize that we have an awful lot more to do in this country in not only making men and women aware of the necessity of self-examination and mammograms, but also educating our primary care physicians and nurses and everyone in the health care arena of the necessity and the importance of these kinds of tests.

The radiologists expressed surprise that in one case the doctor had told the patient, "Oh, wait another 5 years." That is deadly advice. For women who are approaching their forties, they should have a baseline by the end of their thirties, depending on their family histories and other high risk categories. You may have one mammogram every year between 40 and 50, or every other year, but one certainly annually after the age of 50.

We also recognize that the mammogram and self-examination is the most effective method of detecting breast cancer early, and as others have indicated here this evening, not only does that make it a much greater chance for a woman to save her breasts but also it reduces the mortality rate by 30 percent. Leading medical organizations recommend that women begin their periodic mammography screenings at the age of 40. And yet what have we seen? Only 37 percent of women over 40 have ever had a mammogram, and only 17 percent have had one in the past year.

There are several legislative remedies that have been introduced in Congress. In fact, there is one package of four bills that has been introduced by the gentlewoman from Nevada [Mrs. VUCANOVICH], and this contains initiatives that will give access to affordability of mammograms through the Medicaid and Medicare program.

□ 2000

In addition, Mr. Speaker, many of my female colleagues have cosponsored legislation offered by the gentleman from California [Mr. WAXMAN] calling for the establishment of a program of grants for the prevention and control of breast and cervical cancer. GAO recently concluded in a report to Congress on screening mammography, and it turned out that Medicare coverage for screening mammography would bring a life-saving tool to a large population of women at risk of developing breast cancer. The Congresswomen's caucus will shortly be introducing a package of women's health initiatives. We will include in the issues concerning research and funding for issues concerning breast cancer. The fact is I believe that we must increase funding for ongoing research into the relationship between estrogen and breast cancer. The National Institute of Child Health and Human Development is in the process of developing a study called the steroid hormones and reproductive cancers. This project will identify women who may be at potential risk of breast cancer from use of oral contraceptives or hormone replacement therapy.

Mr. Speaker, studies have been conducted on estrogen contained in oral contraceptives and their relationship to breast cancer. However, these studies, mostly performed in Europe, have released inconclusive evidence, so funding for this project, which is of necessity, by the Congress would help to allay the fears of American women who are shunning contraceptives because of a void in medical technology.

Mr. Speaker, we have also asked for a study. The gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from California [Mr. WAXMAN] and I have asked for a study by the GAO concerning the quality of research on women's health conducted at the National Institutes of Health. We find that only 13 percent of their annual budget is devoted to research related to women's issues and women's health, and, therefore, we think we need to do more in that area, and in addition to requesting such a study, I will be introducing legislation to establish an office for women's health research in the National Institutes of Health so that it will coordinate women's health research among the various institutes, establish a network to track research and clinical trials affecting women and initiate a study into establishing an obstetrics and gynecology department at the National Institutes of Health.

Mr. Speaker, I would say one final comment. We need to realize, not only that this is a devastating illness to a number of American women; we also, it is devastating to find out, know that this is the No. 1 cancer killer of women between the ages of 35 and 54, and I think that that is an astonishing figure when one considers the impact on the women in this country, and I know that many have mentioned the figure of one out of nine in 1990 will be affected by breast cancer. But here we are. In 1960 it was 1 out of 20 women were diagnosed with breast cancer, and now it has gotten progressivley worse. We see 30 years later that it is now projected one out of nine.

So, Mr. Speaker, I hope that women heed, and our male colleagues and the women who may be listening this evening will heed our call and do what is necessary to prevent this deadly disease, and again I want to thank the gentlewoman from Illinois [Mrs. MARTIN] for offering this opportunity to discuss this issue.

Mrs. MARTIN of Illinois. Mr. Speaker, I thank the gentlewoman from Maine [Ms. SNOWE], and I yield to the gentleman from California [Mr. Bosco].

Mr. BOSCO. Mr. Speaker, I thank the gentlewoman from Illinois [Mrs. MARTIN], and I want to also thank the gentlewoman from Nevada [Mrs. VUCANOVICH]. I think they have done a great service to the American women of this country by starting the process now, that I hope will continue, of drawing Congress' attention to this terrible epidemic.

Mr. Speaker, all of us who come from families who have experienced the trauma and tragedy of breast cancer know that it is not a matter only of women's concern, but for their children, their husbands, their fathers, their brothers and, indeed, all who know and love them, and yet we have not tried hard enough here in the Congress. If we had, it would be hopeful that we could come forward with a cure for this terrible disease.

However, Mr. Speaker, there is a little bit of hope, as has been mentioned, and that is that breast cancer, if detected early enough, does not need to be fatal. In fact, 90 to 95 percent of those who detect breast cancer early enough will survive to lead happy, productive, and healthy lives.

However, Mr. Speaker, if the tumor is allowed to grow, if it affects the lymph glands, a woman's rate of survival is substantially less. That is what we all want to prevent.

Yet the Congress has failed to do anything significant in this entire field.

Given the fact that fatality can be prevented, the fact that much human suffering and financial costs can be avoided, we do not cover mammography under Medicare or Medicaid. We do not require private insurers to cover it. Nor have we done anything to insure the quality, and dependability and the advancement of mammography technology. I feel that Congress has to act in all three of these fields.

Second, in the field of research we are close to being a complete failure. Of all the research projects that the National Cancer Institute believes can be productive, that are promising, that are worthwhile projects, not only the ones that are brought forward, but all the ones that are worthwhile, we only fund one out of five of those programs.

Can my colleagues believe that one of nine women will suffer from breast cancer, and yet we are only trying in one out of five instances to find the solutions, to find the cure, for this disease? I think that is shameful.

Mr. Speaker, this has also had a terrible effect on researchers because the pay for research is low, the cost of going though graduate school and/or medical school is $60,000, $70,000, $80,000, and the probability of being able to get one's grant funded, even if

it is worthwhile, is one out of five or less. Most of the best and the brightest are not even going into breast cancer or cancer research.

I think we can take steps to reverse that in the Congress. We have to fund 100 percent of the worthwhile studies and scientific experiments, and I hope, if we do that, then in a year or two, or a short period of time, we can report to the women of America and their families breakthroughs in this tragic and far-reaching disease.

Mrs. MARTIN of Illinois. Mr. Speaker, I thank the gentleman from California [Mr. Bosco].

Mr. Speaker, I yield to the gentlewoman from Florida [Ms. ROS-LEHTINEN], and I think it is especially important because, although the incidence among caucasian women is higher, and I should add this because our colleague, the gentlewoman from Illinois [Mrs. COLLINS] wanted to be here tonight, and illness prevented her from being so, but the incidence for death and fatality among black American women and Hispanic women is higher, and so that is an even more difficult statistic for all of us to meet.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentlewoman from Illinois [Mrs. MARTIN] for spearheading this very worthwhile effort to bring this very serious issue to the forefront of our Nation's agenda, and the words that the gentlewoman from Illinois spoke about, the incidence of breast cancer and how it affects minority women, is exactly the point that I wish to address in my brief remarks tonight.

Mr. Speaker, I would like to call special attention and make a special appeal to all minority women, blacks, and Hispanics, who may be listening to us tonight. This is a significant segment of our population and an important one because they may very well be the ones who do not get diagnosed at the early stages of breast cancer, and, as the gentlewoman from Illinois [Mrs. MARTIN] pointed out, although the incident rates for black women is lower than those for white women, the mortality rate for black women is, in fact, higher. It is 6.2 percent higher than those rates for white women. Also, the 5-year relative survival rate for black women is dramatically lower.

Mr. Speaker, why are these rates so bad? Why are they so dangerous for minority women? Well, it is because many times these women may wait too long to get the problem checked out, and consequently the diagnosis for breast cancer comes at the later stage of the disease, and this translates into a tragic loss of valuable contributors to our society. Black women and Hispanic women have traditionally played a very important role in their family structure in their community, and, therefore, their loss is felt especially in their families. It is felt emotionally, it is felt spiritually, and it is felt economically in our community as well.

As we have noted previously in tonight's special order, the top three reasons that women give for not getting a mammogram are that these women may see no problem whatsoever and no need for the screening. Second, their doctor did not recommend it; or, third of all, these women put the mammographs off because of their busy schedule.

□ 2010

We need to do more as a society to encourage all women, but especially black and Hispanic women, to seek medical screening and to get the treatment at the early stages of cancer. We need to bring down the cost and encourage doctors to refer more minority women for mammograms.

Mr. Speaker, I thank the gentlewoman from Illinois for having this special order tonight.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, I want to thank the gentlewoman from Illinois and the gentlewoman from Nevada for organizing this special order tonight.

I might say that I really think it is a shame that I give this presentation, rather than my wife who is in the gallery tonight, because 13 years ago Joyce did undergo breast cancer surgery. She had a mastectomy.

I have to tell you that our two children today have a mother and I have a wife and a companion because Joyce self-examined. She pushed her physician to continue looking for a problem which the doctor described earlier did not think was there, she was too young to have breast cancer. She had a mammogram and then surgery followed.

Today, 13 years later after the trauma, the terror of that experience for all of us, but especially for her, Joyce is an active volunteer and in reaching a recovery of the American Cancer Society. For the last 13 years I have accompanied her to talk to doctors and those in hospitals. She has also worked with many, many other patients to carry to them the hope and the promise of recovery which she personified.

Now, I know from reading and Joyce tells me from her experience that women are very often fearful of finding something and because of that they do not look. They are fearful of disfigurement from breast cancer surgery. There is a tendency on their part, as there is with people fearful of any other disease, to deny the likelihood that breast cancer could be a factor. Joyce would tell those women, "Don't do that. Don't wait. Do self-examine. Do have a mammogram and to push your doctor to follow up on suspicions and to see if there is not a problem."

Now, that is the best I can do to tell you what she would tell you. Let me tell you what I would say. I have today a beautiful companion, a wonderful wife, and it is kind of a delicate subject. I asked Lynn, "How do you say she is still physically attractive?" And she said, "Just say it." And she is.

Mrs. MARTIN of Illinois. Lucky wife, lucky husband. I think that is very nice.

Mr. Speaker, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I also would like to thank the gentlewoman from Illinois for allowing me to speak at this time, and share with my other colleagues my concern.

Mr. Speaker, I am also a cosponsor of H.R. 3285, a bill to amend the Social Security Act to require State Medicaid plans to provide coverage of mammography screening.

Introduced by our distinguished colleague and friend from Nevada, BARBARA VUCANOVICH, this bill would attack a disease that is the leading cancer killer of women ages 35 to 54—breast cancer.

The rate of breast cancer has increased dramatically over the past two decades. In 1990 1 of 9 women were diagnosed and more than 40,000 women died of it. That is one death every 13 minutes! Thirty years ago, 1 in 20 women were diagnosed.

Congresswoman VUCANOVICH's bill is critical in our attempt to fight this dreaded disease. Mammography, combined with self breast examination, is the best known method of detecting breast cancer. Cancers may be detected by mammography up to 2 years before they can be felt.

Studies show that if every woman at risk had a mammogram, the breast cancer death could be reduced by 30 percent. The survival rate for breast cancer victims is dramatically increased when the disease is detected in its early stages.

What is particularly frustrating and sad is less than 20 percent of women who should be getting annual mammograms are getting them. Since there is no known cure for breast cancer, early detection by routine screening mammograms is the best course of action. Without early screening, treatment options include modified radical mastectomies and lumpectomies combined with chemotherapy.

Mr. Speaker, I urge all of our colleagues in the House of Representatives to cosponsor H.R. 3285. By making mammography screening more accessible, this bill will save lives.

Mrs. MARTIN of Illinois. Mr. Speaker, I thank the gentleman from Florida.

I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I would like to commend the distinguished woman from Illinois [Mrs. MARTIN] for the key role that she has played in bringing the issue of breast cancer to the forefront of this debate tonight, and also joined by the gentlewoman from Nevada [Mrs. VUCANOVICH] who has been a victim herself.

Mr. Speaker, the figures concerned in this disease are really phenomenal. They have been quoted here tonight, but I think we need to repeat them and repeat them namely, that the American Cancer Society estimates that before the end of this year approximately 150,000 women will develop cancer of the breast, while another 44,000 will die from it. This is a disease that does cross all racial and economic lines and strikes adult women of all ages. There is really no limit on age, all those aged 50 and above are in the higher risk category.

We cannot emphasize too much, Mr. Speaker, but this also is a disease that in many instances can be detected and cured if it is caught early enough, and that is really the key. That is one of the reasons why the gentlewoman from Nevada [Mrs. VUCANOVICH] has House Concurrent Resolution 197 in the House that calls for the sense of Congress to state that all States should require health insurance providers to cover mammograph screening under their policies. It also asks the National Cancer Institute to develop screening standards.

Through proper therapy, usually involving radiation treatment or hormone manipulation, survival rates for affected women are dramatically increased. Again, we cannot emphasize that too much, Mr. Speaker.

Simply stated, these successes are dependent upon one key element, and that key element, of course, is early detection. Unfortunately, this part of the equation has always presented itself as an enormous hurdle, as has already been outlined here tonight, a hurdle that we can jump through a combination of proper screening techniques and increased education campaign.

Congress has made many attempts to find a solution to help those unfortunate women who are stricken by this type of cancer, but we still are searching for the best answer.

Mr. Speaker, the least that the women of America can expect from us is the opportunity for good health. The last few decades have seen a dramatic increase in the breast cancer survival rate and we must make efforts to continue to increase survival rates. To do any less is not good enough.

Again, I want to congratulate and commend the gentlewoman from Illinois for pulling this together.

Mrs. MARTIN of Illinois. Mr. Speaker, I thank my friend, the gentlewoman from Maryland, but the real thanks go to American women. All of us are getting more and more aware, and that is what this is all about. American men also know they must support us in our efforts.

Joining me tonight, and the real purpose of this, too, is not just statistics, as important as they are, but to make people feel there is a human element here that is perhaps best given by someone who has had the experience, as much as no one would want that of having suffered from breast cancer, and not just surviving, but glowingly, still giving to her State and Nation.

So I yield to the extraordinary gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I certainly appreciate the comments my friend, Congresswoman LYNN MARTIN has made. I really appreciate her organizing this opportunity for Members of Congress to talk candidly about breast cancer and what we can do to increase the odds for survival. Everyone has talked about the fact that I have had an experience with breast cancer myself. I came to the Congress, I was elected in 1982 and I came in 1983. Shortly after I came I went to our clinic downstairs to establish a health record and when the doctor examined me, he said, "Did you know that you have a lump in your breast?"

I said, "No, I didn't."

He said, "Well, we better get a mammogram."

And I have to tell you, I was 61 years old when I was elected. I thought I was an intelligent woman. I did not even know what a mammogram was. I think that is kind of shocking, and I hope that is not happening to other women, and I hope there are other women watching as we talk tonight. In any event, I did find out what a mammogram was. It is a very simple x-ray to detect early cancer, to see if there is a lump and if it is a problem.

To make a long story short, I had a mammogram. It was detected that I did have cancer. I had a biopsy, and shortly after, although I was given the opportunity to have other alternatives, I did choose to have a modified radical mastectomy. That is 7 years ago, and I am very happy to say that it saved my life.

I do not believe that a woman should have to become a Member of Congress to hear that she needs routine mammography screening over the age of 35 or 40.

And frankly, until physicians become better educated about this issue, we cannot wait until we are told by our doctors.

Breast cancer must become an increasingly political issue, and I think we're right to make it a political issue which crosses party lines.

My late friend, Rose Kushner, right up until her death this year, committed herself to raising awareness on the need for more funding and attention for breast cancer, and the rights of breast cancer patients to be informed of their surgical options.

It is through her tireless efforts that women are aware of informed consent and alternative surgeries like lumpectomies today.

My colleagues Congresswomen CARDISS COLLINS, MARY ROSE OAKAR, and BARBARA KENNELLY were powerful influences in getting screening mammography added to Medicare coverage in the 100th Congress.

When we lost this benefit following the repeal of the Catastrophic Care Act, we have all worked to try to restore this important benefit.

I would like to tell you about my approach, and to thank the many cosponsors of my legislation, some of whom are part of this special order.

H.R. 3285: A bill that would apply the same language as the statutory language in Medicare, regarding routine screening mammography for women, to Medicaid.

At the present time coverage of mammography screening is discretionary, covered by some States and not others. This bill would provide a mechanism to address poor and medically underserved women who would not otherwise be able to pay for mammography screening.

There is a critical need to address the higher rate of breast cancer mortality among poor and minority women, who may not carry private insurance.

The incidence of breast cancer among black women in lower, but the breast cancer fatalities are higher.

H.R. 3701, which I introduced along with Congresswoman COLLINS: A bill that would reinstate the mammography benefits struck by the repeal of the Catastrophic Act, and make annual screening mammography available for women over the age of 64 who are eligible for Medicare.

Repeal of the Catastrophic Care Act removed all screening mammography benefits from Medicare. Prior to that, women over age 64 would have been eligible for screening every 2 years, beginning in January 1990. Medicare-eligible women between 50 and 64 would have been able to receive annual mammography screening, although incidence of breast cancer markedly increases with age. If the mammography benefits are reinstated, it is better public policy to fund annual screening for the age groups at highest risk.

House Concurrent Resolution 197: A resolution urging State legislatures to pass legislation mandating mammography coverage for all third-party carriers licensed by the States.

At the present time 26 State legislatures have passed some type of legislation affecting third-party coverage

for mammography, and legislation is pending in many others.

This resolution would emphasize the importance of these efforts in State legislatures.

At the same time it will underscore Congress' commitment to urge the private sector to assist in making mammography screening available and affordable for women nationwide.

Congress tends to respond to squeaky wheels, and women around the country need to become more vocal.

They need to tell their Members of Congress about their concern for making mammograms affordable and available, and for getting more Federal funding allocated to breast cancer research.

Today's special order represents a new beginning.

I am committed to continuing this effort in the House of Representatives until mammography is affordable, accepted, and commonplace.

Until there is a cure, the early detection is the only way to turn breast cancer from a death sentence into a disease which women can survive and to go on to live long and productive lives.

We have lost too wonderful women. For the sake of their families, their friends, and those whom they inspired, this is a battle we must win.

□ 2020

Mrs. MARTIN of Illinois. Mr. Speaker, I would like to thank my colleague and the doctor that said, "We are going to make sure you have a mammography, BARBARA VUCANOVICH," because that made a difference.

A couple of fast things. June 16, I think, there is a race for the cure here in Washington, DC, and in Illinois in Peoria, there is the Saturday before Mother's Day a race for the cure, too. I say this because all around the country there are ways that other people can be involved.

Very quickly let me just say this: it is not easy to talk about this. BARBARA and I have talked about coming from generations where one did not even really say the word "breast" and certainly in talking about cancer.

Very quickly, here is what happens when one gets a mammography, because we really do not have a lot of mammograms, and people do not know. You are nude in the upper portion of your body, but you are totally private. It does not hurt. It is not invasive. There is some pressure on the breasts, but I must tell everyone, and maybe this sounds funny coming from a Member of Congress, but pain is not my idea of a good time. I just am not great about that stuff. And it is not bad.

I now do have them on a regular basis. It is very fast, and really I cannot say, even I who like to complain, cannot even say it hurts. It makes the difference.

Until we get a cure, that early detection is going to be the answer for all of you hearing or listening or all of you who have a friend or a sister or love someone who is a woman who has not had a mammogram. That has to be your single best way until we find a cure so that 150,000 women who will be diagnosed can be diagnosed early enough so they can join us when we find the cure for breast cancer.

Mr. Speaker, I thank you for your interest this evening, too.

Mr. MICHEL. Mr. Speaker, I want to thank my colleagues, LYNN MARTIN and BARBARA VUCANOVICH, for giving me an opportunity to express my views on this very important subject.

Breast cancer will have a dramatic impact on all Americans at some point in their lives. Though this disease threatens only the lives of women, it affects everyone in our society. We are all acquainted with personal stories of great courage in the face of death caused by breast cancer. Today, we challenge America to become more aware of the prevalence of breast cancer, and better educated on the necessity for early detection.

There are many ways to raise public awareness of breast cancer, one of which is to participate in the "Race for the Cure." This race will take place across the country, including here in Washington, DC, on June 16, and in my home district in Peoria on May 12, and is devoted to finding a cure for breast cancer. Participants can run or walk the 5 kilometer or 1 mile course, and a large turnout would certainly help increase public awareness of this terrible disease.

Steps can also be taken for the early detection of breast cancer. In fact, if every woman followed the current guidelines for annual mammographies, deaths caused by breast cancer could be reduced by 30 percent.

One survey, though, showed that 62 percent of the women contacted saw no need to get a mammogram. One television advertisement shows a few women giving all kinds of excuses why they haven't had a mammogram. This demonstrates a common ambivalence which brings to mind another popular slogan, "Just Do it."

I am speaking on this subject because breast cancer is a family issue, and should be treated as such. Greater awareness for both men and women about the nature of breast cancer can only have a positive effect. Families, not just women, should participate in events like the "Race for the Cure." Families should seek to become better educated about the benefits of early detection, and about the necessity for mammograms. Families should do these things because breast cancer strikes the unit, and not just the individual.

More than 40,000 women will die of breast cancer this year. With greater awareness and better education, that number can be significantly reduced. I urge my colleagues and all concerned Americans to take part in the battle against breast cancer, by participating in the "Race for the Cure," by getting a mammogram, or by encouraging a loved one to get a mammogram. Just Do It.

Ms. PELOSI. Mr. Speaker, I would like to read part of a letter that was sent to the Susan G. Komen Foundation in Dallas, TX. The Komen Foundation raises funds for breast cancer research. The letter reads:

DECEMBER 12, 1988.

DEAR MRS. BRINKER: I was diagnosed as having breast cancer July 1986.

Six weeks of radiation to breast area, once a day with weekends off: April, May, June, 1987. The cancer within a matter of three months or so (with no chemo) had spread to my lungs. I was given a bone marrow transplant in December 1987. My bone marrow was beat on pretty bad; my counts seemed to be on a roller coaster for a while.

I have two children: one six years old and one three years old. I am thirty-four years old and ready to be healed.

The reason I am writing is to see if you might have anything that might help or cure me, I have no insurance and no way to pay for treatments.

Please write or call and let me know one way or the other. Thank you for your consideration in this matter.

Unfortunately, this young woman lost her life to breast cancer. Breast cancer knows no socioeconomic boundaries—it can strike anyone—your mother, sister, grandmother, aunt or best friend—rich or poor.

Breast cancer is the leading cancer killer of women ages 35–54, and in the year 2000, 51 percent of the women in the country will be in the 35–54 age group.

Early detection is the key to saving a life from breast cancer. Women should have a yearly mammogram—which is an x ray of the breast tissue, as well as self examination to detect suspicious growths. Currently, 60 percent of the women over the age of 40 have never had a mammogram and it is predicted that the mortality rate due to breast cancer would decrease by 30 percent if every woman who should be screened did get a mammogram.

I understand that many women may not be able to afford to see a doctor for a yearly checkup; that is why Congress is currently working on legislation to include Medicare coverage for mammography screening.

Breast cancer, as all cancer is very frightening. Because not enough people know how to prevent it and not enough people are talking about breast cancer; early detection, mammography, and self examination must constantly be discussed until everyone understands the ultimate importance of these key survival procedures.

I believe it is important that people are aware of a woman and a friend to every women with breast cancer—her name is Rose Kushner. Rose Kushner, author of the book, "Why Me? What Every Woman Should Know About Breast Cancer," and through her personal experience with breast cancer was influential in changing the way breast cancer was treated; from one step radical surgery to a more conservative two-step surgery. Many of her suggestions and changes were first rejected by doctors, but are now standard practice. When she died, she was still fighting to require health insurance companies to cover mammograms. She is indeed missed by all and I am certain would be pleased that Congress

was speaking openly today about breast cancer.

I would like to take this opportunity to thank my colleagues, Congresswoman LYNN MARTIN and Congresswoman BARBARA VUCANOVICH, for arranging this special order and giving all of us, not just the women members, an opportunity to focus on the importance and seriousness of breast cancer.

Mr. MOAKLEY. Mr. Speaker. I am very pleased to be here today to participate in this most important special order on breast cancer. I thank Mrs. MARTIN and Mrs. VUCANOVICH for giving Members an opportunity to speak on this issue and hopefully to share with viewers some of the important facts about this most serious disease. Unfortunately there is no known cure for breast cancer. However, early diagnosis and treatment are the keys to lessening the incidence and severity of breast cancer. We must reach more people with this message.

Breast cancer is the second leading cause of cancer deaths in women. In women aged 34 to 54, it is the leading cancer killer. In 1989 alone, over 40,000 died of breast cancer. Another frightening aspect of breast cancer is that it has increased so dramatically in the past 30 years. In 1960, 1 in 20 women were diagnosed with breast cancer, in 1989, 1 in 10. The American Cancer Society predicts that this year over 150,000 women will be diagnosed with breast cancer. Although the risk of breast cancer is increased for those with a family history of the disease, over three-fourths of those who get breast cancer have no known risk factors.

However, there is a positive side to this otherwise negative issue. The detection and treatment for breast cancer has improved tremendously in the past decade. Early detection and localization of the cancer can greatly improve an individual's chances of survival—in the earliest stages survival rates for a 5-year period are as high as 90 percent. The most effective method of detection of early stage breast cancer is through mammography. Specialists estimate that if women followed the recommended guidelines for screening through mammograms, breast cancer deaths would be reduced by nearly one-third. Unfortunately, however, fewer than 20 percent of women over age 40, have had mammograms in the past year and—even more disturbing—60 percent of women over 40 have never had a mammogram. For many of these women the reasons for lack of this important test are the absence of a physician referral, the high cost of this screening, fear of radiation risk, and the attitude that they simply don't need a mammogram unless there are symptoms of breast cancer.

A nationwide survey of physicians conducted in 1984, found that only 11 percent of those questioned followed the American Cancer Society's guidelines for mammography testing. Fewer than half ever referred a woman for a mammogram unless specific symptoms of breast cancer were found. Fortunately this trend is reversing and more physicians now recommend routine mammograms to their patients. Several nationwide efforts, including Breast Cancer Awareness Month in October, are working to increase physician and public awareness and education on the incidence of breast cancer and the critical need for regular mammography screening and physical examinations.

The radiation risk from a mammogram is extremely low thanks to improved, modern equipment. It is estimated that the radiation from a mammogram is less than a standard dental x ray. According to the American Cancer Society, the risk "if it exists at all—is minimal."

The cost continues to be a major barrier to many women, particularly those with low and moderate incomes and those with no medical insurance. The average cost for this screening is between $100 and $150 but can run as high as $250. Insurance coverage for mammographies is becoming more common and legislation is pending in the House of Representatives which would extend this coverage to Medicare. Unfortunately, however, those without insurance coverage or financial resources are simply not likely to be screened for breast cancer. There must be a way for these individuals to have access to affordable mammography services. Not only to prevent the tragedy of breast cancer, but to save the thousands of dollars that it costs to treat this disease if it is not detected in its early stages.

I am hopeful that continued public awareness and understanding of breast cancer will lead to an increase in routine mammogram screening and self-examination. We have come so far technically in the treatment of this disease, but all the research in the world will not help those who are not diagnosed in time to stop the spread of breast cancer. It is up to all of us to share our knowledge on this issue and encourage women to be tested for breast cancer as part of a regular health checkup program.

Mr. BROWN of Colorado. Mr. Speaker, I join my colleagues in expressing my deep concern about breast cancer in our country. I commend Representatives MARTIN and OAKAR for organizing this special order.

During the last 20 years, the incidence of this potentially fatal disease has increased from 1 woman in 15 to 1 woman in 10.

Early detection is key to controlling this illness. Educating women of all ages in the techniques of self-examination is very important. The American College of Obstetricians and Gynecologists [ACOG] also recommends that women obtain their first mammogram at age 35.

Hopefully with early detection, the devastating effects of breast cancer will decrease for future generations of women.

Mr. CLINGER. I am pleased to be able to join with so many of my distinguished colleagues this evening to focus attention on breast cancer. I want to thank Representatives MARTIN and VUCANOVICH for organizing this special order, both of you are to be commended.

One of the most worthwhile things we can do in Congress is use our positions to highlight and dramatize issues and problems which affect our constituents. This evening, we are assembled to discuss a cancer which affects so many women—we've heard the figure for 1989 that 1 out of 10 women were diagnosed with breast cancer, and 40,000 women died of breast cancer in 1989—yet very few women over 40, only 17 percent, had a mammogram in the past year. Coupled with the fact that the incidences of breast cancer have increased over the past two decades, it is clear that we need to make more women aware of the things they can do to recognize the warning signals of breast cancer and realize the different treatments which are available.

The key words in breast cancer diagnosis are early and annually. The survival rate for breast cancer victims is dramatically higher when the disease is detected in its early stages. And women who receive mammograms at least annually are much more likely to have the tumor diagnosed in its early stages.

Mammography, combined with breast self-examination, is the best known method of early detection. Cancers may be detected up to 2 years before they can be felt. Detection of breast cancer at an early stage strongly influences the success of treatment.

Research shows that aggressive screening programs for women over 50 can reduce breast cancer mortality by 30 percent. The National Cancer Institute screening guidelines state that all women should be encouraged to do monthly breast self-examinations, physicians should do a breast examination during a woman's routine checkup and beginning at age 40, all women should be encouraged to have a mammogram every 1 to 2 years until age 50, when it should be done annually.

What is so frustrating about this cancer is that the detection techniques are very effective, yet few utilize them. Several studies have indicated that the reasons given by women for not having a mammogram are "no need" and lack of physician support or referral.

Recognizing that the general public lacks adequate knowledge about this cancer, several organizations like the American Cancer Society offer educational programs which encourage consumers and physicians to use mammography and physical exams for early detection of breast cancer.

In addition, I would encourage Members and staff and employees of the House of Representatives to participate in the "Breast Cancer Awareness/Race for the Cure," a 5-kilometer run to be held for the first time in Washington, DC, on Saturday, June 16. For those who do not wish to run, there is the option of a 1-mile run/walk. Money raised by the race will be donated to a local, low-cost mammography project, the Nina Hyde Center for Breast Cancer Research and the Susan G. Komen Foundation.

In closing, I want to again thank the organizers of this very special order, Representatives MARTIN and VUCANOVICH. By heightening awareness of breast cancer, I think we can encourage women to have a mammogram done annually. I also hope that Congress will enact Representative VUCANOVICH's bill to include mammography screening for Medicare patients. Hopefully, our efforts here tonight will increase the public's awareness of this serious health problem. Thank you for listening.

Mr. WAXMAN. Mr. Speaker, I am pleased to participate today in this special order on breast cancer awareness.

The prevention of mortality from breast cancer is not an arcane issue. Breast cancer

will affect almost every American—personally or because of the illness of a friend or a loved one. One out of ten American women will develop this disease during her lifetime. And this year alone, 43,000 women in this country will die of it.

Nor is this a hopeless issue. While there is much left to learn, we already know how to screen for breast cancer, how to detect it, and how to treat it effectively in its early stages. With existing technology, breast cancer deaths can be reduced by one-third.

But all of this technology is of no value if it is unused, and the sad truth is that few doctors recommend mammograms, and fewer women have them. Part of this problem results from a lack of knowledge. Part of it results from lack of accessible and affordable services.

To help address these problems, two pieces of legislation have been introduced in the House with strong bipartisan support.

The first, H.R. 4222, the "Breast and Cervical Cancer Mortality Prevention Act of 1990," is now pending before the Subcommittee on Health and Environment. The purpose of this legislation, Mr. Speaker, is to establish a new Public Health Service grants program to provide preventive health screening and referral services for low-income women for breast and cervical cancer. In the case of breast cancer, these services would include both a physical examination of the breasts and a mammography. In addition to the screening services, H.R. 4222 would provide support for both public education programs and inservice training for health care providers. Grants to support these activities would be awarded directly to the States. For fiscal year 1991, $50 million would be authorized to carry out these efforts. Identical legislation, S. 2283, has been introduced by Senators MIKULSKI and KASSEBAUM in the Senate.

The second proposal, H.R. 3880, the "Medicare Benefit Improvements Act of 1990," would provide Medicare coverage for—among other benefits—preventive mammography screening services. Such services would be covered for both elderly and disabled Medicare beneficiaries. For women 65 years of age and over, exams would be available every 2 years.

Last Monday, Mr. Speaker, the Health and Environment Subcommittee held hearings on H.R. 4222. Our first witness was Marilyn Tucker Quayle, the wife of the Vice President. Mrs. Quayle—whose own mother died of breast cancer at the age of 56—spoke eloquently and forcefully about the need to promote public education on breast cancer and about the need for preventive mammography services. She came before the subcommittee "to delcare all-out war against the tragedy of breast cancer" and to urge all Americans—women and their families alike—to take appropriate preventive health measures to help get the job done.

The two bills I have described today, Mr. Speaker, will also help get the job done. And I would urge all Members to support them and to work with me and their other cosponsors on their early enactment.

We, in the Federal Government, have waited far too long to begin to address this pressing health care problem. The tools have been at hand and public health and medical experts alike have been pushing for action, but the Federal Government has been slow to respond. I believe we are now ready to move forward and to make breast cancer mortality prevention among our Nation's top health priorities.

Breast cancer is an issue of awareness, of education—of both women and their doctors—of financing, and of will. It's time to put these in action today so we can save women's lives tomorrow.

Mr. MOAKLEY. Mr. Speaker, I am very pleased to be here today to participate in this most important special order on breast cancer. I thank Mrs. MARTIN and Mrs. VUCANOVICH for giving Members an opportunity to speak on this issue and hopefully to share with viewers some of the important facts about this most serious disease. Unfortunately there is no known cure for breast cancer. However, early diagnosis and treatment are the keys to lessening the incidence and severity of breast cancer. We must reach more people with this message.

Breast cancer is the second leading cause of cancer deaths in women. In women aged 34 to 54, it is the leading cancer killer. In 1989 alone, over 40,000 women died of breast cancer. Another frightening aspect of breast cancer is that it has increased so dramatically in the past 30 years. In 1960, 1 in 20 women were diagnosed with breast cancer, in 1989, 1 in 10. The American Cancer Society predicts that this year over 150,000 women will be diagnosed with breast cancer. Although the risk of breast cancer is increased for those with a family history of the disease, over three-fourths of those who get breast cancer have no known risk factors.

However, there is a positive side to this otherwise negative issue. The detection and treatment for breast cancer has improved tremendously in the past decade. Early detection and localization of the cancer can greatly improve an individual's chances of survival—in the earliest stages survival rates for a 5-year period are as high as 90 percent. The most effective method of detection of early stage breast cancer is through mammaography. Specialists estimate that if women followed the recommended guidelines for screening through mammographs, breast cancer deaths would be reduced by nearly one third. Unfortuately, however, fewer than 20 percent of women over age 40 have had mammograms in the past year and—even more disturbing—60 percent of women over 40 have never had a mammogram. For many of these women the reasons for lack of this important test are the absence of a physician referral, the high cost of this screening, fear of radiation risk, and the attitude that they simply don't need a mammogram unless there are symptoms of breast cancer.

A nationwide survey of physicians conducted in 1984, found that only 11 percent of those questioned followed the American Cancer Society's guidelines for mammography testing. Fewer than half ever referred a woman for a mammogram unless specific symptoms of breast cancer were found. Fortunately this trend is reversing and more physicians now recommend routine mammograms to their patients. Several nationwide efforts, including Breast Cancer Awareness Month in October, are working to increase physician and public awareness and education on the incidence of breast cancer and the critical need for regular mammography screening and physical examinations.

The radiation risk from a mammogram is extremely low thanks to improved, modern equipment. It is estimated that the radiation from a mammogram is less than a standard dental x ray. According to the American Cancer Society, the risk "if it exists at all—is minimal."

The cost continues to be a major barrier to many women, particularly those with low and moderate incomes and those with no medical insurance. The average cost for this screening is between $100 and $150 but can run as high as $250. Insurance coverage for mammographies is becoming more common and legislation is pending in the House of Representatives which would extend this coverage to Medicare. Unfortunately, however, those without insurance coverage or financial resources are simply not likely to be screened for breast cancer. There must be a way for these individuals to have access to affordable mammography services. Not only to prevent the tragedy of breast cancer, but to save the thousands of dollars that it costs to treat this disease if it is not detected in its early stages.

I am hopeful that continued public awareness and understanding of breast cancer will lead to an increase in routine mammogram screening and self-examination. We have come so far technically in the treatment of this disease, but all the research in the world will not help those who are not diagnosed in time to stop the spread of breast cancer. It is up to all of us to share our knowledge on this issue and encourage women to be tested for breast cancer as part of a regular health check-up program.

Mr. DINGELL. Mr. Speaker, in 1989 alone, more than 40,000 women died of breast cancer. In 1990, more than 150,000 women will be diagnosed as having this disease. Breast cancer is the leading cancer killer of women between the ages of 35 and 54. Because the survival rate for breast cancer patients is dramatically increased when the disease is detected early, it is imperative that women be made aware of the risks, and of how to detect the presence of the disease and of how they can fight breast cancer.

Mammography is the best known method of early detection. Cancers may be detected by mammography up to 2 years before they can be felt. If every woman at risk had a mammogram regularly, breast cancer deaths could be reduced by 30 percent. Less than 20 percent of women who should be getting annual mammograms are getting them. Women should understand how easy and safe it is to get a mammogram. The procedure is quick, relatively painless, and the radiation levels are less than a mouth x ray.

There is no known cure for breast cancer, but early detection by routine screening and mammograms would substantially reduce cancer deaths. This is a national issue affecting women, their spouses, parents, and children. It is essential that breast cancer prevention and detection become a public issue as

well as an individual responsibility. In this way, we will make progress against this tragic and deadly disease.

Mr. SCHULZE. Mr. Speaker, I thank the gentlelady from Illinois and my other colleagues for holding this special order tonight. This is a truly worthy cause and I want to express my appreciation to LYNN MARTIN for her caring leadership on this issue and many other issues before the Congress.

Mr. Speaker, fellow Members of the House, it is particularly difficult, but very necessary, that I join you tonight in discussing breast cancer. You see, my wife Nancy died less than 75 days ago from this dreaded disease. I know that she is watching now and wants me to be here. I'm here for you, Nancy. Not that this is comfortable. It is not. It's probably the most difficult thing I've ever done. But I know you want Americans everywhere to realize we must join together to do more to fight and defeat breast cancer.

Breast cancer is killing women around the world at an alarming rate. Today 1 in 10 women in America will be diagnosed with breast cancer. The American Cancer Society estimates that 143,000 women in the United States will develop breast cancer this year and 43,000 will die from it—43,000 deaths.This is a holocaust against the women of America and it must be stopped.

Having been by Nancy's side during her last months of life, as she fought the cancer, I can only tell you how horrible this disease is. My wife was an outgoing and beautiful woman, and she dedicated her life to our family, friends, and country. She was the last person on Earth who deserved to die of cancer. But she is gone now. With the billions we spend on medical research, we couldn't save her. It may take billions more before we find a cure, but we will.

God did not intend to see us helpless against this killer disease. We will fight and win. We must, to save those 43,000 lives which are lost every year. I urge Americans to realize that each individual in our Nation is part of the war on breast cancer. In our lifetimes, we will all be affected. There are many ways to help fight this battle.

First, we must encourage women, especially those over 35, to have mammography examinations followed by self-examinations. I have cointroduced legislation, H.R. 4109, to provide Medicare coverage for mammography screening for women over 35.

Second, we can all chip in to raise the money necessary to find a cure for cancer. Whether we walk or run in charity events, such as the Washington race for the cure on June 16, or simply contribute to the Cancer Research Fund of our choice, we help in the fight to beat breast cancer.

Third, we can watch our diets and intake of cancer causing substances, including tobacco. Americans can encourage family members to quit smoking. We can make a difference, especially with family members, in encouraging healthy lifestyles.

Finally, although there are many more things we can do to fight breast cancer, we can spread the word about this dreaded disease to our friends and neighbors. It's not a pleasant subject, but it may save lives discussing it.

Mr. Speaker, since Nancy died on February 16, the response from our friends and families has touched my heart. Thousands of letters and cards have poured in and the Nancy Schulze Memorial Cancer Fund has received over $20,000 in contributions. I want to thank all of those who expressed their love for Nancy.

I'm sure that Nancy is with us tonight. And that she is selflessly hoping that our words will move some to find a cure in the near future for breast cancer. I know that she would have sacrificed her life to find such a cure for others. If in some way this could happen, if her life and legacy can lead any one person to work or contribute to this cause, then that one action may lead to a cure.

Nancy's life was dedicated to helping others. I hope and pray that someone, any one of us, will dedicate enough energy to find a cure for cancer. A cure so that 43,000 women in each future year will be saved, and thousands of sons, daughters, and husbands with them, spared.

Mr. Speaker, we must find a cure for breast cancer.

Mrs. UNSOELD. Mr. Speaker, in 1990, some 44,000 American women will die of breast cancer, some 800 of them in my own State of Washington. Among cancer sites, breast cancer is the second highest killer among women, with only lung cancer killing more.

While the death rate from uterine cancer has decreased some 70 percent over the past 40 years—largely due to Pap smears and regular checkups—breast cancer deaths per capita have remained virtually unchanged. Unfortunately, the improvement in the 5-year survival rate for women with breast cancer over the last few decades has been offset by an increased incidence of this cancer.

We must all accept some responsibility for our own healthcare. The 5-year survival rate for localized breast cancer is now an impressive 90 percent. However, if the cancer has spread, that survival rate falls to only 60 percent. Mammography, combined with self breast examination, is the best known method of early detection—providing the important opportunity to discover breast cancer before it has spread. Mammography screenings are quick, safe, and involve little, if no, discomfort. If every woman at risk had a mammogram, breast cancer deaths would be reduced by 30 percent.

The American Cancer Society recommends the monthly practice of breast self-examination by women 20 years of age and older. The society recommends a mammogram every year for asymptomatic women age 50 and over, and a baseline mammogram for women aged 35 to 39. Asymptomatic women 40 to 49 should have a mammography every 1 to 2 years. In addition, a professional physical examination of the breast is recommended every 3 years for women 20 to 40, and every year for those over 40.

I am pleased to report that my State of Washington has recently joined with some 30 other States in requiring health insurance policies sold in the State to provide coverage for screening and diagnostic mammmography services. Such services will now be covered in Washington State so long as they were recommended by the patient's physician or advanced registered nurse practitioner.

I would now hope that Congress will soon move to provide screening coverage for the millions of older women in America who count on Medicare as their primary source of health care insurance. It has been estimated that extending biennial mammography screening for Medicare beneficiaries could save some 4,000 lives per year, not to mention thousands more who would have breast cancer discovered earlier than might otherwise be the case, thereby making their treatment less debilitating.

We all hope that it will not be too far in the future that advances in medical technology will permit us to significantly cut the number of women dying each year from breast cancer. However, until those technologies are discovered, women must take advantage of the very important tools we have available today in terms of self-examination and mammography screenings. Our good health demands it.

Mr. MCGRATH. Mr. Speaker, I would like to avail myself of the opportunity to call attention to a most important issue, breast cancer. This disease strikes 1 of every 10 women in the United States and will kill more than 40,000 women this year. The reassuring news, however, is that women can survive if breast cancer is detected early.

Mammography screenings and monthly self breast exams are two techniques which can lead to early detection of breast cancer.

More than one-third of breast cancer cases are currently diagnosed in women over age 65. Breast cancer is the most common form of cancer in women. Its causes are largely unknown and its incidence is increasing at approximately 1 percent annually. Age is the most significant risk factor, with incidence increasing dramatically after age 40. Because of this risk, guidelines endorsed and promoted by the National Cancer Institute and 10 national medical organizations recommend annual mammography screening after age 50.

Despite treatment advances, the mortality rate from breast cancer has not changed in the United States for the past 60 years. Large scale studies have demonstrated that older women die from the disease at a disproportionately high rate. The American Cancer Society has reported that more than three-quarters of breast cancer deaths are of women over age 54.

Survival data for older minority women is even more discouraging. Incidence of breast cancer is highest among white women, yet the 5-year survival rate among black women diagnosed with breast cancer is significantly lower: 62 percent as compared with 75 percent for white women, according to the American Cancer Society.

Economic factors play a powerful role in a woman's decision to have a mammogram. I believe that extending coverage which makes mammography more affordable will help motivate the Medicare population to go for screening. The Medicare population is principally persons with fixed and limited incomes, facing skyrocketing health care costs. I am a proud cosponsor of H.R. 3880, the Medicare Benefits Improvements Act of 1990. H.R. 3880 would provide Medicare coverage for mam-

mography screening for aged and disabled Medicare beneficiaries. Medicare coverage for mammography screenings would cover biennial screenings for women ages 65 and older, a baseline screening for women between the ages of 35 and 40, biennial screening for women between ages 40 and 49, annual screenings for high risk women between the ages of 40 and 49 and for all women between ages of 50 and 65.

Education is necessary and valuable, and the National Cancer Institute's efforts concerning breast cancer have been commendable. Many women seem to have gotten the word that there is good news about breast cancer, and that routine screening is the most effective way to assure their continued good health. I believe that screening should be available to all American women. I am devoted to helping deliver the preventive health care that women need and deserve in order to combat destructive diseases such as breast cancer.

Mr. Speaker, as a public servant elected to serve the needs of our citizens, I urge women across the Nation to undergo routine screening in order to deterct breast cancer in its early stages. Until a cure is found early detection by routine screening mammograms is the best course of action.

Mr. FAZIO. Mr. Speaker, I commend my colleagues for holding this special order today to draw attention to breast cancer and the need for preventive measures to combat this disease.

Unfortunately, the rate of breast cancer is increasing at alarming rates. In 1960, 1 of 20 women were diagnosed with breast cancer. Today, breast cancer strikes 1 in every 10 women in the United States and will kill more than 40,000 women this year.

Despite these grim statistics, women can survive breast cancer if it is detected early enough. Routine screening mammograms offers women a chance for early detection of breast cancer. In fact, cancers may be detected by mammography up to 2 years before they can be felt. Unfortunately, however, less than 20 percent of women who should be getting annual mammograms are getting them. Yet if every women at risk had a mammogram, the breast cancer death rate could be reduced by 30 percent.

Cost can be a factor in whether or not an individual has a mammogram, especially for older women who are most at risk. Consequently, legislation is pending in the House, which I am cosponsoring, which will provide annual screening mammography for all women under Medicare. This will ensure access to potentially life-saving mammograms for women who otherwise would not have access. Cancer prevention should be part of our national health policy and providing assistance for mammography testing under Medicare should be included.

Mrs. MEYERS of Kansas. Mr. Speaker, I want to thank the gentlewoman from Illinois and the gentlewoman from Nevada for organizing this special order.

We all know people—friends or family—who have had breast cancer. We all have stories with tragic endings—or with happier endings, thanks to early detection and intervention.

But we will all be repeating the same message tonight. And it cannot be repeated often enough.

In sum, the message is this: until there is a cure, early detection and treatment is the only protection women have against breast cancer.

The message is not meant to frighten women, but to increase awareness about breast cancer and to drive home the importance of preventive measures.

According to the American Cancer Society, 150,900 women will be diagnosed with breast cancer in 1990—one every 5 minutes.

In 1990, an estimated 1,600 Kansas women will be diagnosed with breast cancer.

Until this disease can be cured, the only way women can protect themselves is through early detection and prompt treatment.

Women should follow these guidelines recommended by the American Cancer Society: first, a breast exam should be performed by a doctor at a regular health checkup.

Second, women over the age of 20 should examine their own breasts once a month.

And third, women 35 to 39 should have a baseline mammogram every year. Women 40 to 49 should have a mammogram every 1 to 2 years. Women 50 and over should have a mammogram every year.

Women at special risk—those with a family history of breast cancer, who first give birth after age 30, who never give birth, who are obese—should consult with their physician to develop a personalized prevention strategy.

I cannot emphasize enough the importance of having a mammogram.

Mammography can reveal cancers too small to be detected by even the most experienced examiner. The earlier the cancer is detected, the greater the chances for survival.

In addition, if a breast lump is found, mammography can help a physician determine if there are other lesions too small to be felt.

If every woman who should be screened had a mammogram, the breast cancer death rate could be reduced by 30 percent.

So please, if you haven't been performing monthly breast self-examinations, start now.

If you haven't had a mammogram, especially if you are at special risk, make an appointment.

And if your physician has not discussed breast cancer prevention measures wtih you, ask about it.

It could save your life.

Mr. ROE. Mr. Speaker, I want to join my distinguished colleagues, Representatives LYNN MARTIN and BARBARA VUCANOVICH, in this special order about the threat of breast cancer in America today.

Let us first not make the mistake of thinking that breast cancer is solely a woman's issue. This is a national issue. Breast cancer will kill more than 40,000 women across the country this year. The trauma of breast cancer afflicts whole families. It has touched my own extended family.

The current statistics show a worsening trend. The rate of breast cancer has increased dramatically over the past two decades. There is no known cure for this dreaded disease; there is only treatment. And the success of that treatment is heavily dependent on early detection.

At this point, there are two weapons against breast cancer. The first is public education to the danger of the disease and the criticality of its early discovery. The second is a continued research effort in the quest of a future cure.

Education can save the lives of our mothers, wives, sisters, and colleagues. However, this educational outreach should begin in the high school health curriculum so that the younger generation has an early warning signal to the dangers of the disease and an awareness of various detection methods.

Of the research effort, I can say emphatically as chairman of the Science, Space, and Technology Committee, that scientific research of all kinds pays big dividends for our society. The fruits of research have made our lives healthier, safer, and happier over the long-term. I have no doubt that medical research will someday find a cure for cancer.

In the meantime we must remain educated and alert. I want to commend my colleagues for initiating this special order and I am proud to take part in it.

Mrs. MORELLA. Mr. Speaker, today I join with many of my colleagues to participate in this special order on breast cancer. There are few of us in this room who have not been touched by this killer. Indeed, the recent death of the very gifted and talented Nancy Schulze, wife of our colleague DICK SCHULZE, reminds us that those statistics we read are people, not merely numbers. But even these statistics are alarming. One that I find particularly startling is that 60 percent of women over the age of 40 have never had a mammogram, even though mammography, combined with self breast examination, is the best known method of early detection. In addition, in 1989, one out of every 10 women was diagnosed with breast cancer.

My own awareness of the prevalance and impact of the disease was heightened through my interactions with a very special woman. Many of you may have heard of Rose Kushner, who died this past January. She was a compassionate, tireless, and extremely effective advocate for breast cancer patients. Many women who have had breast cancer may have benefited from her advocacy without ever knowing it. Rose was instrumental in the initiation of the two-step procedure, in which a woman is first told the results of her biopsy before any decisions are made about the treatment. This procedure is now the norm throughout the world. She participated in organizing the National Institutes of Health Consensus Conference on Breast Cancer, and founded the National Breast Cancer Advisory Center. She also organized Breastpac, a political advocacy and lobbying organization. Rose wrote many books and articles on breast cancer, and was scheduled to receive an award this month from the Society of Surgical Oncology for "outstanding contributions to the fight against cancer." Her husband, Harvey, and her family will accept it in her name.

In the words of Nancy Brinker, of the Susan G. Komen Foundation, "Rose Kushner lit the candle in the darkness, and now it is up to us to carry on the fight." It is my hope that through our presence here, our actions in Congress and our personal dedication, we present a united front for increased aware-

ness, education, funding, and research to combat breast cancer.

Ms. MOLINARI. Mr. Speaker, for all the tasks that we as legislators will be called on to perform, today's mission is perhaps the most difficult for us all.

Usually, we debate priorities in theory and quantify our objectives and agendas from a political perspective.

Most about which we will discuss professionally, we will never know personally—until this moment.

Few of us, as Americans, can hear the word "cancer" and not have our bodies immediately ache with the painful, lonesome memories of a person we lost to this insidious disease. Most of us can count on two hands the loved ones who lost this dreadful battle.

My grandmother, Sue Reigi, died 2 years ago from cancer. A cancer that invaded her body 20 years before in her breast.

There was undoubtedly no more difficult time in my life. The reality of her dying was compounded by my frustrated feelings of hopelessness and helplessness. There was nothing I could do to stop the devastation.

And while all the love in your heart cannot save a person's life, today's information and technology can.

Breast exams and mammography can now detect what was not too long ago hidden.

Treatment and after-care programs have seen the 5-year survival rate rise from 78 percent in 1940 to 90 percent today.

The problem compounding the fear of exploring this particular health threat is the embarassment and the stigma that we attach to this disease.

Its pervasiveness and encouraging treatment rate are underemphasized because it is largely a women's disease.

So I am proud today to join a group of women who will use the U.S. Congress to address this issue for all the women in America, especially for Sue Reigi.

Mr. SCHEUER. Mr. Speaker, the United States is spending $650 billion this year on health care, but just a fraction of that money on prevention and research. Today, we have a perfect example before us of the miracle of prevention.

Mr. Speaker, more than 40,000 women died of breast cancer in 1989. This year, 150,000 will be diagnosed with some form of the disease. And the incidence of this disease has doubled over the past two decades. At the current rate, 1 of every 10 women eventually will come down with breast cancer.

Mr. Speaker, I have appeared before the House several times to promote the value of preventive medicine. Since there is no cure for breast cancer, prevention is our best weapon. Early detection of breast cancer saves thousands of lives, but it could save thousands more. The 75 percent of women who get the disease have no known risk factor, so it is imperative that every woman routinely perform self-examination and routinely receive mammograms.

Mr. Speaker, this is not solely a woman's disease, because it affects all of us; it is a family disease. The plain truth is that early detection is the best weapon we have until we can find a cure. Simply put, the earlier a growth is detected, the greater the chances of survival. Self-examination is essential, but it is not enough. Mammograms can detect a growth up to 2 years before a lump can be felt. And mammographs expose a woman to less radiation than a dental x ray.

As always, education is our greatest ally. I commend my colleagues for calling attention to this life-saving matter.

GENERAL LEAVE

Mrs. MARTIN of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order on breast cancer this evening.

The SPEAKER pro tempore (Mr. BATES). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

PROGRAMMED TO FAIL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman Maryland [Mr. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, Americans have been excited about the changes in Europe with the possibility of some new democracies emerging. And there is great hope for the growing structural changes within the Soviet Empire. These changes have sparked a number of articles about what we can do with our defense dollars and just what this means to the United States.

In all of this, it appears to me we have forgotten the old military expression "fighting a rear guard action." In a time of tightened resources, with no real knowledge of possible future needs, we should be looking to the strengthening of our own defense industrial base because alliances are shifting all over the world.

We must be ever more vigilant of what Defense Secretary Frank Carlucci stated in 1988 in Defense News. He was quoted as saying that the declining defense industrial base is "at present a dark cloud on the strategic horizon." We are worse off now than when he issued that challenge.

Our defense industry is being overtaken by foreign interests, Government rulings on "Buy America" bypassed in Government agencies and antitrust agreements reached offshore by foreign companies implemented inside this country to the detriment of U.S. companies.

One current U.S. law depended upon by our industries has proven to be not supportive of a strong industrial base and, is programmed to fail, is the current method under the licensing procedures for technology transfer.

The final decision on whether a product is strategic depends on getting three agencies to agree. Knowing government and human nature as I do, that takes some doing.

In this licensing procedure the Department of Defense is left in an advisory capacity as to whether a sale fits DOD regulations and rules. DOD may or may not be asked to weigh in the process. The decision on whether or not a product has commercial or defense applications is made by the Commerce Department and in the case of munitions, the State Department makes that judgment. The enforcer in this procedure is the Treasury Department.

This process can take quite some time and is in contrast with what the Japanese can do. Although there is constant competition between the Foreign Ministry and MITI [the Ministry of Internal Trade and Industry]—MITI can still wheel and turn on a strategic decision within 36 to 48 hours on a matter affecting Japanese industry.

In contrast, our system shifts. One minute Commerce is in charge, the next time the State Department is in charge, but the prime agency, the Department of Defense has only an advisory capacity in the decision. I don't know if this is lack of interest on the part of the Defense Department or not. The important point is—it allows national security considerations to fall in front of industry lobbying. There is something very wrong with this procedure and philosophy of doing business.

We have a real problem when you have the licensing arrangement working in such a defused manner, involving a number of agencies. Then if it is combined with Exon-Florio, the means with which to appeal the system for the sale of strategic companies to foreign entities—you come up with chaos. We cannot through default, through interagency jockeying for power or by chance, continue to give away our next generation of technology, and that is what we are doing with this present arrangement.

The intention may be good, but there is no way to know when a company is up for sale, and then the process itself is cumbersome. A strategic company for sale is not automatically reported to the Department of Commerce or any other department. You would think it would be, but it isn't. Often the sale is discovered by word-of-mouth, or someone happens to call a congressional office.

Again the same agencies, Defense, Commerce, State, and Treasury are involved in this process.

One agency can call for a hearing on the sale of a company, but then, it takes three agencies to agree to stop the sale. It is difficult to know just how these companies have performed.

According to recent House testimony by the State Department, one of their major concerns is whether a foreign

company has a bad track record. If not, then why should there be any concern? The only foreign company, of which I am aware, where there would be a public record of wrong doing is the court action against Hitachi for trying to purchase IBM technology from National Semi-Conductor salesmen.

But, I do not understand this to be the intent of Exon-Florio. It was not to establish criteria for foreign purchasers, it was to establish criteria for the national security of the United States. This could include whether the company was a single remaining United States source of strategic materials as in the case of the loss of Union Carbide's silica production facility to a Japanese company.

It could encompass antitrust implications as in the recent Nippon Mining purchases of Gould and part ownership of Timet, a titanium sponge process. It should certainly consider the implications of the loss or transfer of strategic technology as in the Timet purchase where titanium sponge technology used in DOD top-secret applications now is available to a foreign company. Timet supplies over 50 percent of the Department of Defense requirements for titanium and its technology has direct application in aerospace development, a field targeted by Japan.

We should be concerned about the licensing procedures and the sale of our strategic companies to foreign companies for several reasons.

One was pointed out in a Johns Hopkins study on "Foreign Ownership of U.S. Defense Companies." It stated the effect of foreign "acquisitions can and have been used by foreigners to drive out competitors. Such behavior has special long-term negative consequences for American defense preparedness. Similarly, foreign acquisitions that result in consolidations of manufacturing facilities could adversely affect the U.S. defense industrial base."

Many American companies are disappearing due to mergers and acquisitions by foreign companies. Today, 4 out of the top 20 defense electronics companies are foreign, plus there is 1 American firm with a large foreign component. The surprise to me is that the fourth largest on the list is the French giant, Thomson CSF. When we sell a U.S. company then the technology becomes defused and we no longer have it.

Efficient use of our defense dollars is another reason for concern. It was reported in Defense News:

In the early 1980's, international contracting was virtually a one-way street, with $9 in business given to U.S. contractors for every $1 awarded to foreign contracts. By the late 1980's that had changed. Now, the auditors estimate, there is $2 in business awarded to U.S. contractors for every $1 in business awarded to a foreign contractor, making the need for scrutiny of other countries' cost estimates more critical.

Foreign firms are billing the Pentagon for unallowed contract costs that American firms cannot do. This is a loss efficient government spending and certainly a loss to the taxpayers.

□ 2030

Again, Mr. Speaker, we need to point out that when a dollar is spent in the United States, 42 cents of that dollar goes to taxes. It goes to local taxes, to State taxes, and to Federal taxes of all kinds. When that dollar is spent overseas, not a penny of that goes into taxes for any level of government in the United States of America.

A recent article in Defense News stated:

Foreign companies contracting with the Department of Defense routinely charge the U.S. Government for entertainment, bad debt repayments, and other expenses that might have U.S. contractors banned from selling to the government, U.S. auditors say.

It went on, according to the Defense Department auditors that,

Despite memorandums of understanding between the United States and Canada, the United Kingdom, the Netherlands, the Federal Republic of Germany and France, these kinds of costs were rarely detected because the host country refused or ignored the agreement, usually claiming its own laws were supreme.

This is absolutely maddening. DOD auditors are reporting that foreign nations ignore our laws, but they are allowed to continue bidding against American firms who would be under the jail for such tactics. It is strange to me that Thomson CSF—owned completely by the government of France—was one of the companies featured in this audit. Now remember, it also has been reported to have received the fourth highest amount of money from the Department of Defense in the last year.

There is a lot more to be concerned about than the loss of profit and jobs for American workers. It is the growing appearance of a double standard in this Government working against U.S. firms.

In late 1987 Robert Reich wrote about the "two kinds of vulnerability—military and economic" in our dependence on microelectronics from foreign sources. In this case it was the Japanese. He cited a National Security Council report [NSC] that is more than thought provoking. It stirred genuine concern for me when I read it.

The NSC report stated:

By the turn of the century, microelectronics will certainly have major direct effects upon the performance of industries which will directly account for perhaps a quarter of GNP, and which have powerful effects upon military capabilities, economy-wide productivity, and living standards. These include automobiles, industrial automation, computer systems, defense and aerospace products, telecommunications, and many consumer goods * * * If the United States loses competitive advantage in these industries, its productivity, living standards, and growth will suffer severely. Moreover, these industries are dominated by a few nations and firms, so that competitive advantage brings significant economic profits and political influence. Thus if the United States becomes a net importer and a technically inferior producer, it would also become a less independent, less influential, and less secure nation.

This certainly is an ominous statement. It certainly appears to be the way for the rising power of foreign economies over the American economy. And, it definitely is the way to lose jobs.

Now that NSC report is something to think about when we talk about the process to approve the sale of strategic companies or strategic products. We need a process instead of what amounts to a catch-as-catch-can system of keeping the DOD in an advisory capacity on decisions.

We need some leverage in the process and some quid pro quo for these transactions. I realize this will be dificult to attain, since the President agreed in the recent Japanese trade agreements to use the Exon-Florio bill only as a last resort in the sale of a strategic company. It may be difficult, but we must be vigilant not to lose our technology.

We must have a sophisticated method with a reliable knowledge base to process a strategic sale. Careful thought must be given to how this system is changed and what power we leave in the hands of the regulation writers. Firm guidance, and one that favors the United States must be given in changing this process.

Mr. Speaker, the system we have now is programmed to fail and does not favor the American people, our economy in the long term, nor our businesses. It is time to protect our defense industrial base and to put our defense and other strategic dollars to good use. The American people expect it from us—and so do I.

TRIBUTE TO LEO L. BALDUCCI, JR., SENATE PAGE SCHOOL TEACHER AND ADMINISTRATOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 5 mintues.

Mr. MOAKLEY. Mr. Speaker, it is with great sadness that I learned of the passing this Saturday of a dear member of our Capitol Hill community. Leo L. Balducci, Jr., has been teaching English to our Capitol pages since 1976, and has been program director of the Senate Page School since 1984.

Leo was a native of Washington and is a graduate of Archbishop Carroll High School. He earned a bachelor's degree in English and a master's degree in educational psychology

from the Catholic University here in Washington.

Leo began his career in 1959 at McKinley Technical High School in Washington, DC, where he taught English for 17 years, eventually serving as co-chairman of the English department and as sponsor of the school's award-winning yearbook. During his years at McKinley, Leo's commitment to the education of his students received much deserved public recognition on a number of occasions. In 1966, the D.C. Junior Chamber of Commerce named him "Outstanding Young Educator." Four years later, the members of the school's National Honor Society selected him as "Teacher of the Year." And in 1974 he was chosen by a national organization as an "Outstanding Secondary Educator of America."

As distinguished as his career may appear from the biographical information which I have already outlined, as one who has had the honor to know Leo since 1976, I can state that it is only the tip of the proverbial iceberg. The real story of Leo Balducci can only be told by his friends, his family and his students—many of whom considered him to be both a friend and family. One of his former students, a 1978 graduate of the Capitol Page School, told me yesterday,

"Most everyone can point to one of their teachers as their favorite, as one who had an impact on their life in some way or another. Leo was much more than that to me and, in fact, to most of the other students at CPS. He was a surrogate father, best friend, mentor, counselor, analyst and, of course, teacher to me and many others. As high school-age children working as Capitol Pages and living away from home for the first time, we needed those support mechanisms from time to time, and Leo was always there—anytime—all of the time. Perhaps it is unfair to others in the field of education, but Leo Balducci is my definition of a great teacher. He will always be a part of my life."

Mr. Speaker, that says it all. Leo's total commitment to quality education and a quality environment shows clearly in the total commitment of his students and former students to Leo Balducci. He has served the Congress well over the past 14 years. We, as an institution, are grateful for his service, and as individuals will dearly miss him.

Our heartfelt condolences go out to Leo's wife, Margaret; his two young children, Joseph and Maria; his father, Leo, Sr.; and his two sisters, Nina and Joan. We share in the sorrow of his death; but we also share in the joy of his life.

LEO L. BALDUCCI JR.—TEACHER AND ADMINISTRATOR

Leo L. Balducci Jr., 52, an English teacher for the past 30 years who also had been program director of the Senate Page School since 1984 died, of cancer April 28 at the Washington Adventist Hospital. He lived in New Carrollton.

He began his career in the D.C. public schools in 1959 at McKinley Technical High School. In 1976, he transferred to the Capitol Page School, where he taught until becoming Senate Page School director.

Mr. Balducci was a native of Washington and graduate of Archbishop Carroll High School. At Catholic University, he received a bachelor's degree in English and a master's degree in educational psychology.

He was a member of St. Mary's Catholic Church in Landover. He was a past president of the Holy Name Society at Holy Rosary Catholic Church in Washington.

Survivors include his wife, Margaret Kelley Balducci, and two children, Joseph and Maria Balducci, all of New Carrollton; his father, Leo Sr., of Hyattsville; and two sisters, Nina Brown of Alexandria and Joan Balducci of Hyattsville.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SMITH of Florida (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. ACKERMAN (at the request of Mr. GEPHARDT), for May 1, May 2, and May 3, on account of official business.

Mrs. COLLINS (at the request of Mr. GEPHARDT), for May 1, May 2, and May 3, on account of personal injury.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BARTLETT) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 60 minutes each day, on May 8 and May 16.

Mr. BARTLETT, for 5 minutes, today.

(The following Members (at the request of Ms. OAKAR) to revise and extend their remarks and include extraneous material:)

Mr. FAZIO, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BENNETT, for 5 minutes, today.

Mr. OWENS of New York, for 60 minutes each day, on May 7, 8, 9, 10, 14, 15, 16, 17, 18, 21, 22, 23, and 24.

(The following Member (at the request of Mrs. BENTLEY) to revise and extend his remarks and include extraneous material:)

Mr. MOAKLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WEISS, immediately before vote on House Concurrent Resolution 310, in House, today.

(The following Members (at the request of Mr. BARTLETT) and to include extraneous matter:)

Mr. LENT.
Mr. OXLEY.
Mr. WEBER.
Mr. LAGOMARSINO in three instances.
Mr. SUNDQUIST.
Mr. CONTE.
Mr. DONALD E. "BUZ" LUKENS.
Mrs. BENTLEY.
Mr. GREEN.
Mr. GOSS.
Mr. SENSENBRENNER.
Mr. MACHTLEY in three instances.
Mr. ROWLAND of Connecticut.
Mr. BROOMFIELD.
Mr. KYL in two instances.
Mr. BUECHNER.
Mr. FISH in two instances.
Ms. ROS-LEHTINEN in two instances.
Mr. GINGRICH.
Mr. LEWIS of Florida.

(The following Members (at the request of Ms. OAKAR and to include extraneous matter:)

Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. DE LA GARZA in 10 instances.
Mr. STARK in five instances.
Ms. OAKAR.
Mr. ROE.
Mr. FALEOMAVAEGA.
Mr. PENNY.
Mr. ATKINS.
Mr. FAUNTROY.
Mr. DOWNEY.
Mr. FUSTER.
Mr. BOSCO.
Mr. BILBRAY.
Mr. DE LUGO.
Mr. DONNELLY.
Mr. KANJORSKI.
Mr. LANTOS in two instances.
Mr. WOLPE.
Mrs. SCHROEDER.
Mr. SCHUMER.
Mr. BRYANT.
Mr. HAWKINS.
Mr. ERDREICH.
Mr. JACOBS.
Mr. MAZZOLI in two instances.
Mr. WAXMAN.
Mr. LEVINE of California.
Mr. MILLER of California.
Mr. MURPHY.
Mr. DARDEN.
Mr. FAZIO.
Mr. UDALL.
Mr. DYSON.

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, May 2, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3093. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1990, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-184); to the Committee on Appropriations and ordered to be printed.

3094. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 11th report on applications for delays of notice and customer challenges under provisions of the Right to Financial

Privacy Act of 1978, pursuant to 12 U.S.C. 3421; to the Committee on Banking, Finance and Urban Affairs.

3095. A letter from the Chairman, U.S. National Commission on Libraries and Information Science, transmitting the 18th annual report of the activities of the Commission covering the period October 1, 1988, through September 30, 1989, pursuant to 20 U.S.C. 1504; to the Committee on Education and Labor.

3096. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report, "Patterns of Global Terrorism: 1989," the third of the annual country reports on terrorism, pursuant to 22 U.S.C. 2656f; to the Committee on Foreign Affairs.

3097. A letter from the Chairman, Federal Trade Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1989, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

3098. A letter from the Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure prescribed by the Court, pursuant to 28 U.S.C. 2072 (H. Doc. No. 101-185); to the Committee on the Judiciary and ordered to be printed.

3099. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during calendar year 1989, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

3100. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to reform the Federal pay system, and for other purposes; to the Committee on Post Office and Civil Service.

3101. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a supplement to his fourth annual report stating that one of the studies, Brevard County, FL, did have funds appropriated in fiscal year 1988 and therefore does not meet the criterion in section 710, and should be deleted from the list, pursuant to 33 U.S.C. 2264; to the Committee on Public Works and Transportation.

3102. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to authorize the Secretary of Veterans Affairs to enter into enhanced-use agreements with respect to designated VA facilities and to direct the disposal of such designated facilities by special disposition; to the Committee on Veterans' Affairs.

3103. A letter from the Secretary of Health and Human Services, transmitting a copy of a report entitled, "Tier III Agency Drug-Free Workplace Plans," and appendices thereto, pursuant to Public Law 100-71, section 503 (101 Stat. 391, 468-471); jointly, to the Committees on Post Office and Civil Service and Appropriations.

3104. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report on the nondisclosure of safeguards information for the quarter ending March 31, 1990, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

3105. A letter from the Secretary of Energy, transmitting a comprehensive report describing the project entitled, "Low NO_x/SO_x Burner Retrofit for Utility Cyclone Boilers," proposed by TransAlta Resources Investment Corp.; jointly, to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

3106. A letter from the Secretary of Energy, transmitting a comprehensive report describing the project entitled, "Demonstration of Selective Catalytic Reduction (SCR) Technology for Control of Nitrogen Oxide (NO_x) Emissions from High-Sulfur-Coal-Fired Boilers," proposed by Southern Co. Services; jointly, to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

3107. A letter from the Secretary of Energy, transmitting a comprehensive report describing the project entitled, "Development of the Coal Quality Expert," proposed by Combustion Engineering, Inc., and CQ Inc.; jointly, to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3248. A bill to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes; with an amendment (Rept. 101-467). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3209. A bill to modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes; with an amendent (Rept. 101-468). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3058. A bill to provide for the exchange of certain Federal coal leases from the Alton Coal Field in the State of Utah for other Federal coal leases in that State; with an amendent (Rept. 101-469). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 4636. A bill to authorize supplemental economic assistance for fiscal year 1990 to support democracy in Panama and Nicaragua, and for other purposes. (Rept. 101-470, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HANCOCK (for himself, Mr. EMERSON, Mr. LIVINGSTON, Mr. TAUZIN, Mr. HYDE, Mr. STENHOLM, Mr. ARMEY, Mr. BURTON of Indiana, Mr. COLEMAN of Missouri, Mr. COX, Mr. CRAIG, Mr. CRANE, Mr. DANNEMEYER, Mr. DELAY, Mr. DOUGLAS, Mr. DUNCAN, Mr. HALL of Texas, Mr. HASTERT, Mr. HERGER, Mr. HOLLOWAY, Mr. HUBBARD, Mr. INHOFE, Mr. KYL, Mr. LAUGHLIN, Mr. PARKER, Mr. PICKETT, Mr. ROHRABACHER, Mr. SCHUETTE, Mr. SHAW, Mr. SMITH of New Hampshire, Mr. STEARNS, Mr. TANNER, Mr. THOMAS of Wyoming, and Mr. WALKER):

H.R. 4683. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mrs. SCHROEDER, and Mr. PICKETT):

H.R. 4684. A bill to direct the Secretary of the Navy to close the strategic homeport at Staten Island, NY, and to provide a moratorium, pending a reassessment, of the Strategic Homeporting Program of the Department of the Navy; to the Committee on Armed Services.

By Mr. BLAZ (by request):

H.R. 4685. A bill to provide for the temporary duty-free treatment of certain sweaters manufactured in the Commonwealth of the Northern Mariana Islands ; to the Committee on Ways and Means.

By Mr. BOSCO (for himself, Mrs. BOXER, and Ms. PELOSI):

H.R. 4686. A bill to require that State-licensed pilot operate vessels carrying oil or hazardous material in certain bays; to the Committee on Merchant Marine and Fisheries.

By Mr. CONDIT (for himself, Mr. LEHMAN of California):

H.R. 4687. A bill to amend the Wild and Scenic River Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. Levine of California (for himself, Mr. BRYANT, Mr. SMITH of Florida, Mr. FAZIO, Mr. MRAZEK, and Mr. SANGMEISTER):

H.R. 4688. A bill to protect the rights of victims of crime, establish a Federal victims' bill of rights for children, and improve the response of the criminal justice system and related agencies to incidents of child abuse; to the Committee on the Judiciary.

By Mr. PEASE (for himself, and Mr. FRENZEL):

H.R. 4689. A bill to implement the National Customs Automation Program and otherwise improve the administration of the customs laws; to the Committee on Ways and Means.

By Mr. PENNY:

H.R. 4690. A bill to amend the Higher Education Act of 1965 to permit the deferral of payments on students loans during professional internships, regardless of duration; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 4691. A bill to provide for the minting and circulation of $1 coins, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROE:

H.R. 4692. A bill to suspend temporarily the duty on butyl methoxydibenzoylmethane; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 4693. A bill to temporarily suspend the duty on metal oxide varistors; to the Committee on Ways and Means.

By Mr. SHAW (for himself and Mr. IRELAND):

H.R. 4694. A bill to amend the Internal Revenue Code of 1986 to treat all siblings as one shareholder for purposes of determining whether a corporation may elect to be an S corporation; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 4695. A bill to establish an Office of Global Change Information; to the Committee on Foreign Affairs.

By Mr. STOKES:

H.R. 4696. A bill to extend until January 1, 1994, the existing temporary suspension of duty on tungsten ores; to the Committee on Ways and Means.

By Mr. VOLKMER:

H.R. 4697. A bill to amend the Solid Waste Disposal Act to authorize the Administrator of the Environmental Protection Agency to provide grants for the purchase of recycling equipment; to the Committee on Energy and Commerce.

H.R. 4698. A bill to amend the Internal Revenue Code of 1986 to provide a 25-percent investment tax credit for recycling equipment; to the Committee on Ways and Means.

H.R. 4699. A bill to restore 10-year averaging and capital gains treatment for lump sum distributions from qualified pension plans; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. LEWIS of Georgia, Mr. CONTE, Mr. STARK, Mr. EDWARDS of California, Mr. FUSTER, Mr. MURPHY, Mr. RAHALL, Mr. MARKEY, Ms. PELOSI, Mr. RICHARDSON, Mr. BONIOR, Mr. BLAZ, Mr. ROSE, Mr. WAXMAN, Mr. BENNETT, Mr. LANTOS, Mr. DE LUGO, Mr. FALEOMAVAEGA, Mr. JONTZ, Mr. OWENS of Utah, Mr. BEILENSON, Ms. SCHNEIDER, Mr. UDALL, Mrs. BOXER, Mr. DARDEN, Mr. BERMAN, Mr. DELLUMS, Mr. BATES, Mr. DEFAZIO, Mr. LANCASTER, Mr. SOLARZ, Mr. PALLONE, Mr. KOSTMAYER, Mr. VENTO, Mr. GEJDENSON, Mr. MCDERMOTT, Mr. WILSON, Mr. CLARKE, Mr. JOHNSON of South Dakota, Mrs. COLLINS, Mr. BROWN of California, Mr. ROYBAL, Mr. DINGELL, Mr. KASTENMEIER, Mr. FAUNTROY, Mr. NOWAK, Mr. POSHARD, Mr. MINETA, Ms. OAKAR, Mr. TORRES, Mr. BILBRAY, and Mr. FAZIO):

H.R. 4700. A bill to provide for the restoration of fish and wildlife and their habitat impacted by the Central Valley Project, and for other purposes; jointly, to the Committees on Interior and Insular affairs and Merchant Marine and Fisheries.

By Mr. WAXMAN:

H.R. 4701. A bill to amend the Public Health Service Act with respect to providing financial assistance for certain trauma-care centers operating in geographic areas with a significant incidence of violence arising from the abuse of drugs; to the Committee on Energy and Commerce.

By Mr. HASTERT (for himself, Mrs. MARTIN of Illinois, Mr. HANCOCK, Mr. DOUGLAS, Mr. HYDE, Mr. ROHRABACHER, Mr. SCHUETTE, Mr. WEBER, Mr. MCEWEN, Mr. CRAIG, Mr. BUECHNER, Mr. HUNTER, Mr. DONALD E. LUKENS, Mr. PETRI, Mr. GALLEGLY, Mr. HORTON, Mr. LENT, Mr. RAVENEL, Mr. LIGHTFOOT, Mr. MACHTLEY, Mr. ROTH, Mr. SMITH of Texas, Mr. SPENCE, Mr. TAUKE, Mr. ROBERTS, Mr. DORNAN of California, Mr. SUNDQUIST, and Mr. SHUMWAY):

H.J. Res. 558. Joint resolution designating May 5, 1990, as "National Tax Freedom Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON (for himself, Mr. STANGELAND, Mr. BURTON of Indiana, Mr. MCGRATH, Mr. MCCRERY, Mr. SISISKY, Mr. YOUNG of Alaska, Mr. MYERS of Indiana, Mr. MORRISON of Washington, Mr. WELDON, Mr. HANSEN, Mr. LIVINGSTON, Mr. ROGERS, Mr. HUCKABY, Mr. MCCOLLUM, Mr. PARKER, Mr. BLAZ, Mr. HOLLOWAY, Mr. WILSON, Mr. RAVENEL, Mr. EMERSON, Mr. STUMP, Ms. SLAUGHTER of New York, Mr. HUNTER, Mr. LENT, Mr. LEATH of Texas, Mr. RHODES, Mr. SCHUETTE, Mr. SMITH of New Jersey, Mr. MILLER of Ohio, Mr. SCHAEFER, Ms. MOLINARI, Mr. DENNY SMITH, Mr. HARRIS, Mr. FIELDS, Mr. TAUZIN, Mr. SAXTON, Mr. PAXON, Mr. IRELAND, Mr. INHOFE, Mr. MADIGAN, Mr. MCEWEN, Mr. GALLO, Mrs. VUCANOVICH, Mr. BARNARD, Mr. BENNETT, Mr. ARMEY, Mr. LAGOMARSINO, Mr. DANNEMEYER, Mr. HAMMERSCHMIDT, Mr. PACKARD, Mr. TRAFICANT, Mrs. BENTLEY, Mr. HANCOCK, Mrs. SMITH of Nebraska, Mr. ROWLAND of Georgia, Mr. MCNULTY, Mr. SLAUGHTER of Virginia, Mr. MURPHY, Mr. GALLEGLY, Mr. DONALD E. LUKENS, Mr. GOSS, Mr. BROOMFIELD, Mr. SKEEN, Mr. HUBBARD, Mr. ROTH, Mr. HYDE, Mr. MARLENEE, Mr. YOUNG of Florida, Mr. BEREUTER, Mr. NIELSON of Utah, Mr. ROWLAND of Connecticut, Mr. SMITH of New Hampshire, Mr. FISH, Mr. SPENCE, Mr. CRAIG, Mr. QUILLEN, Mr. DORNAN of California, Mr. SUNDQUIST, Mr. GRANT, Mr. COURTER, Mr. COMBEST, Mr. WALSH, Mr. SENSENBRENNER, Mr. STEARNS, Mr. COBLE, and Mr. HASTERT):

H.J. Res. 559. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of physical desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. BONIOR:

H. Con. Res. 317. Concurrent resolution expressing the sense of Congress that the Social Security trust funds should be removed from deficit calculations; to the Committee on Government Operations.

By Mr. MURPHY:

H. Con. Res. 318. Concurrent resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII,

378. The SPEAKER presented a memorial of the Senate of the State of Minnesota, relative to restoration and preservation of the Civilian Conservation Corps buildings; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TRAFICANT introduced a bill (H.R. 4702) for the relief of Andrew Susce; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 200: Ms. SCHNEIDER.

H.R. 201: Mr. SCHAEFER and Mr. MANTON.

H.R. 220: Mr. ROYBAL, Mr. WYDEN, Ms. SCHNEIDER, and Mr. BORSKI.

H.R. 290: Mr. CONDIT.

H.R. 496: Mr. CROCKETT and Mr. BILBRAY.

H.R. 581: Mr. SIKORSKI, Mr. DURBIN, Mr. WILLIAMS, Mr. CLAY, Mr. BEVILL, Mr. OWENS of New York, Mr. ENGEL, Mr. FLAKE, Mr. MOODY, and Mr. FORD of Michigan.

H.R. 665: Mr. SMITH of New Jersey.

H.R. 929: Mr. COSTELLO, Mr. OWENS of New York, and Mr. COYNE.

H.R. 931: Mr. JACOBS.

H.R. 993: Mr. MAZZOLI.

H.R. 1095: Mr. CROCKETT, Mr. JONES of North Carolina, and Mrs. PATTERSON.

H.R. 1140: Mr. NEAL of North Carolina.

H.R. 1180: Ms. SLAUGHTER of New York and Mr. KOSTMAYER.

H.R. 1292: Mr. FISH.

H.R. 1317: Mr. TORRICELLI, Mr. PORTER, Mr. GLICKMAN, and Mr. POSHARD.

H.R. 1490: Mr. JOHNSTON of Florida, Mr. BATES, and Mr. CROCKETT.

H.R. 1730: Mr. TALLON, Mr. CONDIT, Mr. BOSCO, and Mr. MARTINEZ.

H.R. 1883: Mr. PANETTA.

H.R. 1995: Mr. TRAXLER.

H.R. 2098: Mr. HUTTO, Mr. GRAY, Mr. SENSENBRENNER, Mrs. PATTERSON, Mr. PERKINS, Mr. TOWNS, Mr. TORRES, and Mr. DONALD E. LUKENS.

H.R. 2168: Mr. MOAKLEY and Mr. LEVINE of California.

H.R. 2273: Mr. MAZZOLI.

H.R. 2319: Mr. TAUKE, Mr. GRAY, Mr. TRAFICANT, and Mrs. SCHROEDER.

H.R. 2353: Mr. MOODY.

H.R. 2418: Mr. LEWIS of Georgia.

H.R. 2584: Mr. SMITH of Florida and Mr. FAWELL.

H.R. 2585: Mr. CAMPBELL of California, Mr. BEILENSON, Mr. KENNEDY, Mr. ROWLAND of Connecticut, Mr. RINALDO, Ms. SLAUGHTER of New York, Mr. GUARINI, Mrs. BOXER, Mr. MILLER of Washington, Mr. ACKERMAN, Mr. NEAL of Massachusetts, Mr. ROYBAL, and Mr. GOSS.

H.R. 2718: Mr. DELLUMS.

H.R. 2800: Mr. GLICKMAN, Mr. EVANS, and Mr. SPENCE.

H.R. 3004: Mr. DOUGLAS, Mr. DURBIN, Mr. MINETA, and Mr. RAHALL.

H.R. 3048: Mr. JOHNSON of South Dakota.

H.R. 3167: Mr. SISISKY.

H.R. 3271: Mr. SCHUETTE.

H.R. 3446: Mr. HUGHES.

H.R. 3512: Mr. HUCKABY.

H.R. 3537: Mr. MCMILLEN of Maryland, Mr. ESPY, and Mr. DAVIS.

H.R. 3616: Mr. RHODES, Mr. UDALL, Mr. ORTIZ, and Mr. DONALD E. LUKENS.

H.R. 3654: Mr. SUNDQUIST.

H.R. 3732: Mr. NIELSON of Utah, Mr. FOGLIETTA, Mr. THOMAS of Georgia, Mr. EVANS, Mr. SKAGGS, Mr. ROBINSON, Mr. SAXTON, Mr. BATES, Mr. MYERS of Indiana, Mr. LEHMAN of Florida, Mr. WOLF, Mr. APPLEGATE, Mr. TORRICELLI, Mr. ROHRABACHER, Mr. OXLEY, Mr. JONES of North Carolina, and Mr. GINGRICH.

H.R. 3815: Mr. TAUKE.

H.R. 3817: Mr. ATKINS.

H.R. 3859: Mr. LEWIS of Georgia.

H.R. 3864: Ms. KAPTUR.

H.R. 3880: Ms. LONG, Mr. GRANDY, Mr. KOLTER, and Mr. MANTON.

H.R. 3889: Mr. LAGOMARSINO, Mr. JAMES, Mr. LIPINSKI, and Mrs. UNSOELD.

H.R. 3914: Mr. KILDEE, Mr. EMERSON, Mr. AUCOIN, Mr. MILLER of Washington, Mr. TAUKE, Mr. LEACH of Iowa, Mr. DURBIN, Ms. LONG, Mr. PAXON, Mr. DONALD E. LUKENS, Mr. YATES, Mr. THOMAS A. LUKEN, Mr. SHUMWAY, Mr. RIDGE, Mr. SPENCE, Mr. PO-

SHARD, Mr. SIKORSKI, Mr. MCHUGH, Mr. ROTH, Mr. PEASE, Mr. STARK, Mr. CROCKETT, Mr. JAMES, Mr. TAYLOR, Mr. DEWINE, Mr. ROWLAND of Connecticut, and Mr. LIGHTFOOT.

H.R. 3929: Mr. DYSON.

H.R. 3936: Mr. SIKORSKI, Mr. DYSON, Mr. MARTINEZ, Mr. FROST, Mr. EVANS, Mr. CARDIN, Mr. UDALL, Mr. RUSSO, Mr. DONNELLY, Mr. DICKS, Mr. YATRON, Mr. WOLPE, Mr. MCNULTY, Mr. PEASE, and Mr. STUDDS.

H.R. 3954: Mr. SKELTON, Mr. MOAKLEY, Mr. FAUNTROY, Mr. KOSTMAYER, Mr. NEAL of Massachusetts, Mr. ROE, Mr. DE LUGO, Mrs. COLLINS, Mr. MADIGAN, Mr. REGULA, Mr. EVANS, Mr. HORTON, Ms. KAPTUR, Mrs. MORELLA, Mr. UPTON, Mr. HERTEL, Mr. LAGOMARSINO, Mr. BUSTAMANTE, Mr. NEAL of North Carolina, Mr. ATKINS, Mr. GILMAN, Mrs. TOWNS, Mr. POSHARD, Mr. LEWIS of California, Mr. APPLEGATE, Mr. PANETTA, Mr. DORGAN of North Dakota, Mr. OBERSTAR, Mr. RANGEL, Mr. PORTER, Mr. HYDE, Mr. SMITH of New Jersey, Mr. BEREUTER, Mr. WAXMAN, Mr. HOUGHTON, Mr. RAY, Mr. GEJDENSON, Mr. WEBER, and Mr. PURSELL.

H.R. 3957: Mr. BLILEY.

H.R. 3978: Mr. FALEOMAVAEGA and Mr. DERRICK.

H.R. 3984: Ms. ROS-LEHTINEN, Mr. HOCHBRUECKNER, Mr. HERTEL, Mr. IRELAND, Mr. WALSH, Mr. HORTON, Mr. SMITH of Florida, Mrs. SAIKI, Mr. EVANS, Mr. LEWIS of Florida, Mr. BUSTAMANTE, Mr. FISH, Mr. ATKINS, Mr. LIPINSKI, Mr. FAUNTROY, and Mr. OWENS of New York.

H.R. 3986: Mr. FAWELL, Mr. ROWLAND of Connecticut, Mr. JONES of Georgia, Mr. MCCLOSKEY, Mr. RIDGE, Mr. SHUMWAY, Mr. HAMMERSCHMIDT, Mr. MACHTLEY, Mr. FALEOMAVAEGA, Mrs. MORELLA, Mr. SISISKY, Mr. KOLBE, Mr. BOEHLERT, Ms. LONG, Mr. PAYNE of Virginia, Mr. JOHNSON of South Dakota, Ms. SNOWE, Mr. MCMILLEN of Maryland, Mr. SMITH of New Hampshire, Mr. DOUGLAS, Mr. LEATH of Texas, Mr. LEVIN of Michigan, Mr. SCHIFF, Mr. CLARKE, Mr. KOLTER, Mr. CLEMENT, Mr. HALL of Texas, Mr. DEWINE, Mr. PAXON, Mr. UPTON, Mr. KENNEDY, Mr. BROWN of California, Mr. PORTER, Mr. GEREN, Mr. BRENNAN, Mr. SPRATT, Mr. CALLAHAN, Mr. OXLEY, Mr. VALENTINE, Mr. ENGEL, Mr. MCNULTY, Mr. QUILLEN, Mr. DE LA GARZA, Mr. BOUCHER, Mr. BAKER, Mr. CLINGER, Mr. FOGLIETTA, Mr. WHITTEN, Mrs. LLOYD, Mr. MURTHA, Mr. SABO, Mr. DICKINSON, and Mr. STANGELAND.

H.R. 4002: Mr. EMERSON.

H.R. 4003: Mr. BATES, Mr. LAGOMARSINO, and Mr. SABO.

H.R. 4038: Mr. ATKINS, Mr. CRAIG, Mr. DELLUMS, Mr. HORTON, Mr. HUGHES, Mr. LOWERY of California, Mr. LENT, Mr. LEWIS of Georgia, Mr. MACHTLEY, and Mr. NIELSON of Utah.

H.R. 4042: Mrs. COLLINS, Mr. BARNARD, and Mr. OWENS of Utah.

H.R. 4050: Ms. PELOSI, Mr. WISE, Mr. SHAYS, Mr. FAUNTROY, Mr. OWENS of New York, Mr. STARK, Mr. FRANK, Mrs. COLLINS, Mr. FROST, Ms. KAPTUR, Mr. VENTO, Mr. KOLTER, Mr. FAZIO, Mr. ATKINS, Mr. TOWNS, Mr. MCDERMOTT, Mr. MORRISON of Connecticut, Mr. OWENS of Utah, Mr. MOODY, and Mr. CROCKETT.

H.R. 4121: Mr. HANCOCK, Mr. SPENCE, Mr. BOUCHER, and Mr. DUNCAN.

H.R. 4147: Mr. MACHTLEY.

H.R. 4201: Mr. WEISS.

H.R. 4224: Mrs. COLLINS, Mr. FAUNTROY, Ms. KAPTUR, Mr. KOLTER, Mr. MANTON, Mr. MOAKLEY, Mr. POSHARD, Mr. SAWYER, Mr. STARK, Mr. TORRES, and Mr. WYDEN.

H.R. 4250: Mr. UDALL, Mr. ESPY, Mr. RANGEL, and Mr. FOGLIETTA.

H.R. 4252: Mr. OXLEY.

H.R. 4253: Mr. DONNELLY and Mr. SAVAGE.

H.R. 4280: Mr. GIBBONS.

H.R. 4310: Mr. SMITH of Florida, Mr. WALGREN, Mr. HUGHES, Mr. TORRES, Mr. FORD of Michigan, Mr. ECKART, and Mr. KENNEDY.

H.R. 4363: Mr. LANCASTER.

H.R. 4383: Mr. ATKINS, Mr. SISISKY, Mr. MRAZEK, Mr. BATEMAN, Mr. WILSON, and Mr. MAVROULES.

H.R. 4390: Mr. EDWARDS of California, Mr. SMITH of New Hampshire, Mr. APPLEGATE, Mr. STEARNS, Mr. EVANS, Mr. PAXON, Mr. PENNY, Mr. STAGGERS, Mr. JONES of Georgia, Ms. LONG, Mr. GEREN, Mr. HOCHBRUECKNER, Mr. WYLIE, Mr. JAMES, Mr. HEFNER, Mr. JENKINS, Mr. RICHARDSON, and Mr. BROWDER.

H.R. 4392: Mr. HUGHES and Mr. TOWNS.

H.R. 4424: Mr. BEVILL and Mr. MILLER of Ohio.

H.R. 4460: Mr. FAUNTROY Mr. LIPINSKI, Mr. HUBBARD, Mr. MILLER of Ohio, and Mr. REGULA.

H.R. 4481: Mr. HEFNER Mr. GRANDY, Mr. ANTHONY, Mr. MARLENEE, Mr. COMBEST, and Mr. DURBIN.

H.R. 4483: Mr. GRANDY, Mrs. UNSOELD, Mr. PRICE, Mr. DURBIN, Mr. BOEHLERT, Mr. COMBEST, and Mr. MARLENEE.

H.R. 4484: Mr. MURPLY and Mr. FAUNTROY.

H.R. 4494: Mr. LANCASTER, Mr. DREIER of California, Mr. FAZIO, Mr. BOEHLERT, Mr. BARNARD, Mrs. COLLINS, Mr. TORRES, Mr. CHAPMAN, Mr. KYL, and Mr. NOWAK.

H.R. 4508: Mr. PETRI, Mr. BEREUTER, Mr. LAGOMARSINO, Mr. GALLO, Mr. SCHUETTE, Mr. SUNDQUIST, Mr. HORTON, and Mr. WALSH.

H.R. 4548: Mr. FAUNTROY and Ms. KAPTUR.

H.R. 4555: Mr. EVANS.

H.R. 4564: Mr. LIVINGSTON and Mr. WEBER.

H.R. 4574: Mr. BONIOR, Mr. FAUNTROY, Mr. TOWNS, Mr. FUSTER, Mr. MATSUI, Mr. ATKINS, and Mr. POSHARD.

H.R. 4594: Mr. LENT and Mr. NOWAK.

H.R. 4637: Mr. FISH.

H.R. 4641: Mrs. UNSOELD and Mr. DORNAN of California.

H.J. Res. 127: Mr. STUMP.

H.J. Res. 374: Mr. FRANK, Mr. RINALDO, and Mr. MURTHA.

H.J. Res. 427: Mr. BOUCHER, Mr. PORTER, and Mr. RUSSO.

H.J. Res. 436: Mr. BOEHLERT.

H.J. Res. 458: Mr. ASPIN, Mr. ATKINS, Mr. AUCOIN, Mr. BAKER, Mr. BALLENGER, Mr. BARNARD, Mr. BARTLETT, Mr. BATES, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHLERT, Mrs. BOGGS, Mr. BORSKI, Mr. BOSCO, Mr. BOUCHER, Mrs. BOXER, Mr. BRENNAN, Mr. BROWDER, Mr. BROWN of Colorado, Mr. BRUCE, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CARDIN, Mr. CARPER, Mr. CHANDLER, Mr. CLAY, Mr. CONDIT, Mr. COOPER, Mr. COUGHLIN, Mr. COURTER, Mr. CRAIG, Mr. CROCKETT, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAVIS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DERRICK, Mr. DEWINE, Mr. DIXON, Mr. DORNAN of California, Mr. DOUGLAS, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYSON, Mr. EMERSON, Mr. ENGEL, Mr. EVANS, Mr. FASCELL, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FISH, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUSTER, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. GEREN, Mr. GILMAN, Mr. GINGRICH, Mr. GORDON, Mr. GRANT, Mr. GUNDERSON, Mr. HAMILTON, Mr. HANSEN, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HAYES of Louisiana, Mr. HERGER, Mr. HOPKINS, Mr. HORTON, Mr. HOYER, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. HYDE, Mr. INHOFE, Mr. IRELAND, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. JONTZ, Mr. KASICH, Mr. KASTENMEIER, Mr. KENNEDY, Mr. KILDEE, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mrs. LLOYD, Mr. MACHTLEY, Mr. MADIGAN, Mr. MANTON, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Mr. MCDERMOTT, Mr. MCEWEN, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MOLLOHAN, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. NAGLE, Mr. NATCHER, Mr. NEAL of North Carolina, Mr. NEAL of Massachusetts, Mr. NELSON of Florida, Mr. NOWAK, Ms. OAKAR, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PICKETT, Mr. PORTER, Mr. PRICE, Mr. PURSELL, Mr. QUILLEN, Mr. RAHALL, Mr. RAVENEL, Mr. RAY, Mr. REGULA, Mr. RHODES, Mr. RICHARDSON, Mr. ROGERS, Mr. ROYBAL, Mr. SABO, Mrs. SAIKI, Mr. SARPALIUS, Mr. SAVAGE, Mr. SAXTON, Mr. SCHEUER, Mr. SCHUETTE, Mr. SERRANO, Mr. SHAYS, Mr. SHUMWAY, Mr. SKAGGS, Mr. SKELTON, Mr. SLATTERY, Mr. SMITH of Florida, Mr. ROBERT F. SMITH, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STALLINGS, Mr. STENHOLM, Mr. TALLON, Mr. TANNER, Mr. TAUKE, Mr. THOMAS of California, Mr. THOMAS of Georgia, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mrs. UNSOELD, Mr. UPTON, Mr. VANDER JAGT, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WALSH, Mr. WATKINS, Mr. WAXMAN, Mr. WHEAT, Mr. WHITTEN, Mr. WILSON, Mr. WISE, Mr. WOLPE, Mr. WYDEN, Mr. YATES, Mr. YATRON, Mr. YOUNG of Florida, Mr. GOODLING, Mr. PANETTA, and Ms. MOLINARI.

H.J. Res. 459: Mr. BRENNAN, Mr. MONTGOMERY, and Mr. LEWIS of Georgia.

H.J. Res. 463: Mr. PAYNE of New Jersey, Mr. MARTINEZ, Mr. NEAL of North Carolina, Mr. PAYNE of Virginia, Mr. ENGEL, and Mr. LENT.

H.J. Res. 464: Mr. FAZIO.

H.J. Res. 467: Mrs. BOXER, Mr. COURTER, Mr. CARDIN, and Mr. ENGLISH.

H.J. Res. 501: Mr. DIXON, Mr. DURBIN, Mr. ESPY, Mr. BOUCHER, Mr. OWENS of Utah, Mr. MINETA, Mr. CHANDLER, Mr. BOEHLERT, Mr. YOUNG of Florida, Mr. UPTON, Mr. SMITH of New Jersey, Mr. MOODY, Mr. TAYLOR, Mr. KENNEDY, Mrs. LLOYD, Mr. EDWARDS of Oklahoma, Mr. EVANS, Mr. FUSTER, Mr. GRANT, Mr. HAYES of Illinois, Mr. COURTER, Mr. FISH, Mr. JONES of North Carolina, Mr. PAYNE of New Jersey, Mr. RITTER, Mr. MCMILLEN of Maryland, Mr. DE LUGO, Mr. DORGAN of North Dakota, Mr. JONES of Georgia, Mr. FAWELL, Mr. DONALD E. LUKENS, Mrs. VUCANOVICH, Mr. TANNER, Mr. SIKORSKI, Mr. SANGMEISER, Mr. ASPIN, Mr. YATRON, Mr. SAWYER, Mr. PAXON, Mr. SCHIFF, Mr. VALENTINE, Mr. SERRANO, Mr. RAHALL, Mr. MURPHY, Mr. GALLO, Ms. OAKAR, Mr. NEAL of North Carolina, Mr. MARTIN of New York, Mr. IRELAND, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. DOWNEY, Mr. LIPINSKI, Ms. SLAUGHTER of New York, Mr. CLAY, Mr. DUNCAN, Mr. DYMALLY, Mr. DELLUMS, Mr. HEFNER, Mr. HENRY, Mr. HALL of Ohio, Mr. WYDEN, Mr. TALLON, Mr. STAGGERS, Mr. SKAGGS, Mr. PICKLE, Mr. HUNTER, Mr. TORRES, Mr. WASHINGTON, Mr. MILLER of California, Mr. FORD of Michigan,

Mr. BENNETT, Mr. HAMMERSCHMIDT, and Mr. SMITH of Vermont.

H.J. Res. 517: Mr. ANDERSON, Mr. ANNUNZIO, Mr. BAKER, Mr. BARTLETT, Mrs. BENTLEY, Mr. BERMAN, Mr. BILIRAKIS, Mr. BLILEY, Mr. BORSKI, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. BURTON of Indiana, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CARPER, Mr. CHAPMAN, Mr. CLINGER, Mr. COBLE, Mr. COLEMAN of Missouri, Mr. CONTE, Mr. CONYERS, Mr. COURTER, Mr. DAVIS, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKINSON, Mr. DICKS, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. EARLY, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FRENZEL, Mr. FROST, Mr. FUSTER, Mr. GALLO, Mr. GEKAS, Mr. GINGRICH, Mr. GONZALEZ, Mr. GRANDY, Mr. GRANT, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mr. HAMILTON, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HILER, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUBBARD, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. IRELAND, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY, Mr. KILDEE, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LIVINGSTON, Mrs. LLOYD, Mr. LOWERY of California, Mr. THOMAS A. LUKEN, Mr. MCNULTY, Mr. MACHTLEY, Mr. MANTON, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MONTGOMERY, Mr. MRAZEK, Mr. NEAL of North Carolina, Mr. NELSON of Florida, Mr. ORTIZ, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PORTER, Mr. PURSELL, Mr. QUILLEN, Mr. RAVENEL, Mr. RHODES, Mr. RINALDO, Mr. ROBERTS, Mr. ROE, Mr. ROGERS, Mr. ROTH, Mr. ROYBAL, Mr. SAVAGE, Mr. SERRANO, Mr. SKELTON, Mr. SLATTERY, Mr. DENNY SMITH, Mr. SOLOMON, Mr. SPENCE, Mr. STAGGERS, Mr. STALLINGS, Mr. STANGELAND, Mr. TALLON, Mr. UPTON, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEBER, Mr. WEISS, Mr. WOLF, Mr. YATRON, Mr. THOMAS of Georgia, Mr. MICHEL, Mr. COUGHLIN, Mr. FAWELL, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCEWEN, Mr. MCGRATH, Mr. MCMILLAN of North Carolina, Mr. PRICE, Mr. SHAW, Mr. ROBERT F. SMITH, Mr. STUDDS, Mr. BOSCO, Mr. RITTER, Mr. ROBINSON, Mr. SABO, Mr. SAWYER, Mr. SCHUETTE, Mr. FORD of Michigan, Mrs. MARTIN of Illinois, Mr. MAVROULES, and Mr. VANDER JAGT.

H.J. Res. 519: Mr. WOLF and Mr. ROBERTS.

H.J. Res. 523: Mr. UPTON.

H.J. Res. 531: Mr. FAZIO, Mr. PAYNE of New Jersey, Mr. DWYER of New Jersey, Mr. RAHALL, Mr. HORTON, Mr. FAWELL, Mr. HERTEL, and Mr. WALSH.

H.J. Res. 540: Mr. JACOBS, Mr. OWENS of Utah, Mr. BILIRAKIS, Mr. YATRON, Mr. HOCHBRUECKNER, Mr. MONTGOMERY, Mr. SOLOMON, Mr. DARDEN, Mr. FAWELL, Mr. SPRATT, Mr. BORSKI, Mr. SOLARZ, Mr. MCEWEN, Mr. FISH, Mr. MCDERMOTT, and Mr. WALGREN.

H.J. Res. 551: Mr. DAVIS, Mr. ACKERMAN, Mr. FRENZEL, Mr. WOLF, Mr. SPENCE, and Mr. FAUNTROY.

H. Con. Res. 5: Mrs. BOXER.

H. Con. Res. 252: Mr. STARK, Mr. PEASE, Mr. SIKORSKI, Mr. STANGELAND, Mr. POSHARD, Mr. SPENCE, Mr. SHUMWAY, Mr. THOMAS A. LUKEN, Mr. LEATH of Texas, and Mr. KILDEE.

H. Con. Res. 264: Mr. DONNELLY and Mr. GOODLING.

H.Con. Res. 276: Mr. DONNELLY, Mr. GRANT, Mr. WHITTEN, Mr. GUARINI, Mr. COLEMAN of Texas, Mr. PAYNE of Virginia, Mr. MATSUI, Mr. BEVILL, Mr. PAXON, Mr. ROWLAND of Connecticut, Mr. KLECZKA, Mr. LENT, Mr. YATES, Mr. BROWN of Colorado, Mr. SERRANO, Mr. MILLER of California, Mr. MARTINEZ, Mr. ANNUNZIO, Mr. DONALD E. LUKENS, Mr. DURBIN, Mr. WALSH, Mr. ANDREWS, Mr. OWENS of Utah, Mr. MARTIN of New York, Mr. MAVROULES, Mr. INHOFE, Mr. RANGEL, Mr. KOLTER, and Mr. MCDERMOTT.

H. Con. Res. 280: Mr. KILDEE, Mr. HORTON, Mr. HERTEL, Mr. PARKER, Mr. ACKERMAN, Mr. GINGRICH, Mr. SKAGGS, Mr. BORSKI, Mr. CARDIN, and Mrs. UNSOELD.

H. Res. 240: Mr. COURTER and Mr. YATRON.

H. Res. 349: Mr. KOLTER, Mr. ATKINS, Mr. MAZZOLI, and Mr. BEREUTER.

H. Res. 376: Mr. SENSENBRENNER, Mr. BURTON of Indiana, Mr. ROWLAND of Connecticut, Mr. COX, Mr. SOLOMON, Mr. LAGOMARSINO, Mr. RITTER, Mr. SCHUETTE, Mr. PALLONE, Mr. MARTINEZ, Mr. HORTON, and Mr. CRANE.

H. Res. 380: Mr. HYDE, Mr. VALENTINE, Mr. PORTER, and Mr. ATKINS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3978: Mr. TANNER.

H.R. 4038: Mr. LAGOMARSINO.

H.R. 4278: Mr. VALENTINE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4380

By Mr. DYMALLY:

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

SEC. 304. (a) FEDERAL FUNDING.—The Secretary of Energy shall, to the fullest extent possible, ensure that at least 10 per centum of Federal funding for the development, construction, and operation of the Superconducting Super Collider be made available to business concerns of other organizations owned or controlled by socially and economically disadvantaged individuals, historically black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans, and minority institution (as defined by the Secretary of Education pursuant to the General Education Provision Act (20 USC 1221 et seq.) For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

(b) OTHER PARTICIPATION.—The Secretary of Energy shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a) in the development, construction, and operation of the Superconducting Super Collider by socially and economically disadvantaged individuals and economically disadvantaged women.

By Mr. SENSENBRENNER:

—Page 14, lines 8 through 18, strike paragraph (2).

—Page 14, line 19, redesignate paragraph (3) as paragraph (2).

EXTENSIONS OF REMARKS

CONGRESSMAN BEN CARDIN: GREAT ADDITION TO THE WAYS AND MEANS COMMITTEE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. STARK. Mr. Speaker, Congressman BEN CARDIN's recent appointment to the Ways and Means Committee has also been a gain for the Health Subcommittee, because of the Congressman's deep interest in improving health care for all Americans.

I recently enjoyed reading the April 3, 1990, Baltimore Sun piece entitled, "Cardin genial, but he grabs hard issues." From his work on the Health Subcommittee, it is clear that the article accurately reflects a hard-working, brilliant Representative.

The article follows:

CARDIN GENIAL, BUT HE GRABS HARD ISSUES

(By Tom Bowman)

One Friday night each month, a group of men assembles deep in the Baltimore area with a deck of cards and some poker chips etched with the letters "BLC."

The initials stand for Benjamin L. Cardin, D-Md.-3rd, who jokes that no matter what cards are dealt, he'll go home with all the chips.

"He does anyway; he's the best card player," says Baltimore County Sheriff J. Edward Malone, a player in the game that began in the early 1970s. "You can't read him. You can't read whether he's got it or he's bluffing."

In politics, Mr. Cardin often seems to walk off with all the chips. In Annapolis in 1979, he became the youngest speaker of the House of Delegates at the age of 35. A decade later on Capitol Hill, his star has been on the rise through a combination of reputation, skills and his recent elevation to the powerful Ways and Means Committee.

Along the way he also has been hard to read at times, more complex than his genial demeanor would reveal.

Laid back and shy—almost compulsively nice—he is a devoted family man whose tender talk with his wife on a car phone can make aides blush. A successful politician, he seems removed from the egocentric tendencies of many colleagues: his long career has been marked by inclusion and compromise.

Yet he was not shy about wielding power in Annapolis to push through a bill or gavel a recalcitrant lawmaker. And today, at times frustrated by the slow pace in Washington, he longs for the return of a strong House speaker.

Quietly driven, Mr. Cardin zealously pursued his Ways and Means seat even before he was sworn in. He "cracks the whip" for more briefing material, said a former aide. When he picks up a book he can never read a few pages: he must finish a chapter.

"We used to call him Dr. Jekyll and Mr. Hyde," recalled his wife Myrna, with a chuckle." "It's kind of a paradox; he's not the typical politician."

But Representative Steny H. Hoyer, D-Md.-5th, who served as Senate president in Annapolis shortly before Mr. Cardin ran the House, sees in his close friend an astute politician, who combines intellect and hard work with an "intuitive feel for what motivates people."

The man who once "ran the state," in the words of a Maryland legislator, settles into a chair in his office above North Baltimore's East Belvedere Avenue. Short and husky, with wispy gray hair and a wide smile, he is as approachable as the corner grocer.

"I try to be myself. I don't try to put on a show," said the congressman, a bit defensively. "I enjoy all aspects of political life."

Politics is in his genes. Both his father, Meyer, and uncle Maurice were elected to the House of Delegates and created a political organization in the Forest Park-Ashburton area.

The younger Cardin hoisted campaign signs as a toddler and held office as a schoolboy. "Theodore McKeldin [the former governor and Baltimore mayor] was at my bar mitzvah. He'd be at our house and would talk politics all the time," he recalled. "My father would talk politics all the time."

As a young married couple, Ben and Myrna Cardin considered moving out of Baltimore into the new apartments rising along Liberty Road. But Meyer Cardin, political patriarch, cautioned against the move. "He said, 'You should stay in the city you might want to go into politics,' " Myrna Cardin recalled.

The 22-year-old law student was elected to the House of Delegates from the Cardin stronghold in 1966.

Mr. Cardin set out to prove himself, not to overcome a notion of family favoritism, he said, but to rise to the strong tradition of 5th District lawmakers. "I had to feel worthy of the seat," he said.

Arriving in Annapolis, Mr. Cardin developed a reputation as an intense—if somewhat bland—legislator. He evolved from his family's backroom politics of patronage and organization into a legislator who found his niche "in substantive issues rather than politics for politics' sake."

Prince George's District Judge Gerard F. Devlin, then a fellow House member, remembers a legislative retreat in Ocean City with this new delegate from Baltimore. "Everybody was on the beach and Ben was preparing a report," he recalled adding with a laugh, "I think he took his tie off."

"I prefer to work on a bill than to try to win favor from my colleagues from being a social person," Mr. Cardin said.

The nose-to-the-grindstone style also has served him well two decades later in Washington, where he is viewed by colleagues and staffers as a "nuts and bolts" legislator.

Fellow lawmakers point to his work on national bills—such as reparations for Japanese-American internees during World War II—and to local concerns such as money for cleanup of toxic chemicals in Baltimore's harbor.

"He's a very professional legislator with an attention to detail, a quality lacking in some people," said Representative James A. Hayes, D-La., a former colleague on the Public Works Committee.

In December, Mr. Cardin finally realized his dream of a seat on the Ways and Means Committee, one of the Hill's most powerful panels, with a policy reach that extends to Social Security and health care, trade and taxes.

He came out swinging early. In a heated exchange with Richard G. Darman, director of the Office of Management and Budget, Mr. Cardin sharply questioned the Bush administration's plans to cut the capital gains tax.

"He asks thoughtful questions, he digs beneath the surface," said Representative Sander M. Levin, D-Mich., a fellow Ways and Means member. "He's already making a mark."

"It really is a perfect match for what I want to do," said Mr. Cardin, who plans to concentrate on perhaps the two thorniest issues in Washington: the budget deficit and health care.

In January he called for removal of the Social Security trust fund from the budget calculations and for reduction of the deficit with a mixture of new taxes and spending cuts.

Many question the political will for such a move. Representative Byron L. Dorgan, D-N.D., recently told his Ways and Means colleagues that using Social Security surpluses was "fundamentally dishonest" but politically necessary since Democrats "don't want to make choices either."

"Dealing with the deficit probably will not be a popular thing to do because it means increasing taxes and/or reducing spending," concedes Mr. Cardin. "We're elected to do just the opposite."

Similar difficulties surround health policy.

"I was very much in favor of the catastrophic health care program," said Mr. Cardin, referring to the law that was scrapped by Congress last fall after outraged senior citizens objected to bearing all the costs for the program. Mr. Cardin—who caught some heat from constituents—vainly pushed a plan that would have reduced the Medicare premiums through increased tobacco taxes.

The congressman lapses into a lengthy discussion of health care issues. ("That turns him on," said his wife.) He chats about costs and policies in other countries. Facts and figures spill out: The federal role. The private role. He's on a roll.

"Why not let people under 65 buy Medicare?" he finally asks. "I would favor the development of a national program provided that we allow private insurers to write similar policies to compete with the federal government."

Ben Cardin often seems absorbed in the intricacies of legislation. But in his district, the politician shifts toward the practical, working his constituents like the ward heelers from the political heyday of his Cardin elders.

A recent night found two dozen South Baltimore voters seated in folding chairs in the sparse basement of a Methodist church.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Before them is the man they elected with 73 percent of the vote.

"Ben's a good man," said George Jones, past president of the Beechfield Community Association, lighting up a cigarette and gesturing toward the speaker. "I think he works for his people."

The congressman receives high marks for his constituents' services, which involves more than helping with Social Security checks, said observers, who note that Mr. Cardin has organized mock legislatures where high school seniors draft bills. "It goes beyond the mundane to the visionary," said Baltimore City Councilman Anthony J. Ambridge, D-2nd.

Dressed in a gray suit and a paisley tie, Ben Cardin comes off like an earnest night-school professor. He chats about legislation, throws in some lame jokes and then tries to perk up the crowd using the Socratic method.

"How does the deficit affect us?"

They are young and old, black and white, residents of a "quilt" district that stretches from blue-collar Little Italy to middle-class Columbia. The 3rd District also is highly organized, with myriad political clubs and associations, each with assorted factions.

The congressman lacks a club but forges an alliance with this political polyglot. Still, true to his roots, he has "several thousand" people he can call on for money or political grunt work. "They've been extremely responsive," he said.

Mr. Cardin has had only token opposition since his decision to run for the seat in 1986 when Barbara A. Mikulski, then a representative, launched a successful U.S. Senate bid.

More formidable candidates—state Sen. John A. Pica Jr., D-Baltimore, and former Baltimore County Executive Theodore G. Venetoulis—decided against the race, given Mr. Cardin's stature and also his strong support. The latest federal election report shows Mr. Cardin led Maryland delegation in fundraising, pulling in $235,000 in the last six months.

Ben Cardin's quick rise to influence in Washington raises the inevitable questions about his future course.

Some political observers believe that if a U.S. Senate seat should open up, Mr. Cardin would be the first to announce his candidacy. This congressional district was the base of Ms. Mikulski and also the state's other U.S. Senator, Democrat Paul S. Sarbanes.

The congressman brushes aside such talk. But the poker player in him knows what to do when the cards are dealt.

"If opportunities present themselves," he said, "I'll be prepared to make quick decisions."

REMEMBERING THE HOLOCAUST

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. WEBER. Mr. Speaker, last week our former colleague, Jack Kemp, Secretary of the Department of Housing and Urban Development, addressed the annual National Civic Commemoration of the Days of Remembrance. This ceremony pays tribute to the memory of the 6 million victims of the Nazi Holocaust and is organized by the U.S. Holocaust Memorial Council.

I commend Jack Kemp's remarks to my colleagues. He underscores for all of us the importance of remembering this dark chapter in history and calls on us to honor the victims by supporting the "orphaned child," the State of Israel. At a time of continued tension in the Mideast and the prospect of wider emigration of Jews from the Soviet Union, this speech will help us put our current policies in the appropriate context.

REMARKS BY SECRETARY JACK KEMP

This annual observance of the "days of remembrance" of the Nazi Holocaust and the historically unprecedented, and unparalleled destruction of a thousand-year-old civilization, that of European Jewry, serves many purposes. It revives our memories. It honors the victims. It informs the young and it is vital to our understanding, not only of Jewish history, but to Jewish survival as well.

A few years ago at a small Passover Seder with Elie and Marian Wiesel and family friends of ours in Miami, FL, my wife and I learned what Jewish children have been learning for centuries about slavery and suffering, about struggle, and the exodus, out of the hands of Pharaoh's Egypt.

President Bush said on the eve of this years Passover celebration, that it has special significance because he said, "A great march of freedom is underway for Soviet Jewry, and this year many thousands will celebrate the Seder with their families in Israel. For these people, and for their brethren waiting to emigrate, "next year in Jerusalem" is becoming a promise fulfilled."

The Passover Haggadah specifically instructs Jews to instruct their children about the redemption from Egypt. Memory and remembrance means a fidelity to the truth of history and at this Holocaust Memorial we recommit ourselves—Jews and Christian alike—to the integrity of memory and to the truth of history. Thus this day, as Elie Wiesel pointed out recently, can be both sad and hopeful. And it puts us all in a correct frame of mind for contemplating the awful insights, the warnings and lessons that emerge from this particular moment in history that we recall and remember this day.

Why is there a holocaust memorial in Washington? There were no concentration camps here; but I believe no location for the U.S. Holocaust Museum could be more appropriate than within the site of our memorials to Thomas Jefferson, George Washington, and Abraham Lincoln.

What an exciting moment in history it is to know that these founders of our precious democratic institutions are being quoted in every language and in every corner of the world. President Bush called it the Revolution of 1989; perhaps it's but the Revolution of 1776, but not yet completed.

This memorial and this day of remembrance teaches equally important lessons, some of which are unpleasant but others so necessary to keeping our pledge, "Never Again!" This day whets our appetite for the true brotherhood of man. We yearn as did the Prophet Isaiah for the days of which, "They shall beat their swords into plowshares and their spears into pruninghooks."

To think about and remember the Holocaust makes us sick of violence and war, but makes clear that good men and women, when threatened by aggressors and tyrants, may at times have no alternative to defending themselves than by force of arms.

As Elie Weisel reminded us at the first Holocaust Memorial, "indifference to evil is evil." Would that it were always possible to compromise and split our differences with enemies and adversaries—but we are reminded that Neville Chamberlain and Eduard Daladier came to learn at Munich in September of 1938 that not every enemy can be appeased. Not every conflict can just be negotiated away.

The Holocaust presents Jews with particularly painful and unpleasant lessons. It has, in particular, taught them that there were more people around the world willing to eulogize them than were there to raise a hand to save them when they were attacked by Nazis. It has taught Jews that there are more people willing to apologize to them for the past than are willing to stand by them when they are attacked by anti-Semites, vilified at the UN, and blasphemed with a resolution equating Zionism with the evil of racism. The victims cry out for that resolution to be repealed now!

Holocaust commemorations always culminate in the exhortation, "Never Again!" But it is vital that we remind ourselves that this is not just a plea. It is not just a declaration somehow aimed at would-be perpetrators urging them not to repeat the crime; rather it is our solemn and sacred pledge, our profession of personal resolve to prevent a new Holocaust. But as important as it is to take this pledge, I believe it is a profound mistake to see that pledge as the only meaning of the Holocaust.

In fact, to see it that way is in my view a great disservice to the memories of those who died and to the lives of those who survived. The Holocaust was not only an historical event. It was after all a specific event unleashed against a particular people at an absolute moment in time, and in a specific place. Besides the untold suffering of millions, the utter destruction of a thousand-year-old civilization, but of European Jewry, nazism destroyed not only a people, but a culture, a language, a way of life, and a millennium of memories.

It is true that Zionism predates the Holocaust, but in the broader historical sense the State of Israel is the successor, the orphaned child, of that great, now-destroyed civilization of European Jewry. Much of the culture, the way of life, as well as many individual survivors of European Jewry have taken new root and new hope in Israel, and while the Holocaust tragically decreed that not only would Europe be Jewry's past, it also decreed that Israel would be Jewry's future.

Thus the best way to honor the memory of that destroyed Jewish past is by cherishing, protecting, and nurturing its future as embodied by the rebirth of Israel.

It is not enough to mourn the parent unless we give succor and support to the orphaned child. Indeed it diminishes the memory of the vanished parent to do anything less.

Criticism of the State of Israel, is not in and of itself an act of anti-Semitism, nor is it necessarily an act of anti-Zionism. Those who would hector and abuse, those who would play politics with its very survival, those who would criticize it according to standards that no other country in the world is subjected to, are doing more than being unjust to one country. They are betraying the memory of a murdered people whose culture and civilization, whose hopes and dreams, whose sons and daughters have found their home at last in Israel.

It is not too much to say then, that when a Middle East tyrant threatens genocide by poison gas warfare against Israel, and proposed to turn into the last gas chamber, he

is declaring himself prepared to finish the work of the Holocaust.

The lesson of this day, in this sacred place, at this moment in history, is that we must protect and defend what has come to take its place in Jewish and world history, the resurrected Jewish state of Israel.

I believe that helping Israel resist tyrants and tyranny and to resist others who would threaten to compromise and weaken the Jewish state, is, the best way to honor the victims of the Holocaust.

BOSTON HARBOR FUNDING

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. ATKINS. Mr. Speaker, in the 1988 presidential campaign then-Vice President George Bush traveled to Boston and called Boston Harbor a national disgrace. Now, as holder of our highest national office, he has ignored this problem by failing to commit Federal resources to the $6.1 billion Boston Harbor cleanup effort.

Last year, Congress appropriated $20 million to ignite the cleanup and ease water and sewer bill rate shock for Greater Boston residents. In his fiscal year 1991 budget request, the President deleted those funds, and ignored the $39 million left from a 1987 congressional authorization. The citizens of Massachusetts are doing their part by accepting water and sewer rate hikes of close to 300 percent in the last 4 years, and the Massachusetts Legislature has done its part by creating a $1.4 billion revolving loan fund to pay for wastewater treatment improvements. Sadly, our environmental President, who exploited a tragic situation for his own personal gain, sits on the sidelines and does nothing.

With your permission, Mr. Speaker, I would like to submit a statement delivered today by Massachusetts State Representative R. Emmet Hayes before the Appropriations Subcommittee on VA, HUD and Independent Agencies, which oversees the Environmental Protection Agency's budget. Representative Hayes has shown remarkable leadership on this crucial environmental issue by sponsoring the legislation that created the State's revolving loan fund. His statement eloquently summarizes the daunting task facing the citizens of Massachusetts and the progress that has been made so far.

STATEMENT BY ROBERT EMMET HAYES, MASSACHUSETTS STATE REPRESENTATIVE, CHAIRMAN, COMMITTEE ON FEDERAL FINANCIAL ASSISTANCE

Good afternoon, my name is Robert Emmet Hayes. I am a State Representative from the 7th Plymouth District in Massachusetts and I serve as House Chairman of the Committee on Federal Financial Assistance. I am here today to urge your support for the appropriation of $39 million for the Boston Harbor Clean-up effort and the full-funding of $2.4 billion for the Federal Clean Water Act authorization.

Boston Harbor encompasses an area of 50 square miles. It houses the largest population concentration of any area of the Massachusetts coast line, and is New England's largest seaport. For more than 350 years, Massachusetts has drawn its strength and its sense of character from its seacoast, with Boston Harbor as a focal point.

The sense of history in the Harbor is strong: In its waters the U.S.S. Constitution is docked; through its waters colonists were supplied with raw materials which nurtured the spirit of American independence. In a real sense, Boston Harbor has played a significant role in two presidential elections. A Tea Party there helped make George Washington our first president. Sewage there helped make George Bush our 41st president.

Candidate Bush was certainly correct when he called Boston Harbor's water filthy. Boston Harbor has accurately been labeled the dirtiest harbor in America and the public health implications are frightening.

Eighty-two percent of flounder and other fin-fish in the harbor are diseased; twenty-three percent have visible tumors. High levels of cancer-causing PCB's have been found in lobster tamale. Half of the harbor's 4,700 acres of shellfish beds are closed permanently—all of them are closed after it rains. Even those clams which can be harvested must undergo a purification process. Swimmers entering the waters of urban beaches are at risk for infections—not to mention the questionable aesthetics. But what was not mentioned during the Presidential campaign, however, was what is being done in response. The Massachusetts Water Resources Authority, the agency created by the Massachusetts legislature in 1985 to clean Boston Harbor, is undertaking the design and construction of $6.1 billion worth of new wastewater treatment facilities to end the pollution of Boston Harbor. The program, which is under a federal court order, is well underway and most agree on schedule. It is a complex, expensive and challenging program of men, machinery and plumbing and I might add, controversial. As complex and challenging as the engineering and construction may be, the biggest challenge facing the MWRA and the 2.5 million users of its system is how to pay for it.

The MWRA is making a strong effort to draw upon its own resources to meet this challenge. In the last four years, water and sewer rates have increased 272 percent. The average family of four is currently paying just under $400 per year in user fees. The rates by the mid 1990's are anticipated to be in excess of $800; and by the turn of the century, ratepayers could be facing bills of $1200 of $1400 per year. In addition, the MWRA to date has issued over $1.1 billion in bonds. The most recent issue, 836 million, was put to market in January of this year.

There have been other efforts to meet the funding challenge of the Boston Harbor Clean-Up at the state level. The Massachusetts state legislature unanimously passed, and the governor recently signed legislation which I am proud to say I sponsored. This legislation will bring some measure of rate-relief not only to MWRA users, but all communities in the Commonwealth facing similar projects. The bill, Chapter 275 of the Acts of 1989, will allow cities and towns to be able to tap into a $1.4 billion revolving loan fund to help pay for water and sewer improvements. This new law is the culmination of a two-year campaign to come to grips with billions in federal water and sewer mandates in Massachusetts.

Chapter 275 will:

Establish a $1.4 billion trust fund to provide financial assistance to cities and towns for water and sewer projects.

Award assistance to municipalities based on financial and environmental criteria, with a maximum subsidy of 75 percent.

Create a $20 million watershed-protection grants program.

Create a $200 million revolving loan fund for water treatment facilities.

Allow cities and towns to participate in a state bonding pool so as to reduce the debt costs of building water and sewer facilities.

However, even with the increased user fees, maxmium share of state bond and revolving loan funds, additional federal funds are critical to prevent intolerable rate increases—increases that amount to devastating rate shock.

When it passed the Clean Water Act in 1972, the federal government began a federal-state partnership which would result in the transformation of the nation's water resources. Under this historic program, over $40 billion has been authorized to help fund over 15,000 projects. Rivers like the Cuyahoga, the Hudson, and your own Potomac, are being reclaimed for future generations. But make no mistake about it, there is much more to be done. EPA's own needs survey estimates that over $80 billion worth of work remains to be done.

In recognition of the Boston Harbor crisis, Congress authorized $100 million in the 1987 reauthorization of the Clean Water Act. To date, $61 million has already been appropriated and put to work on vital harbor projects such as:

Site preparation for the new treatment plant—$25 million

Marine borings for the effluent outfall tunnel—$17 million

Design of the cross harbor conveyance tunnel—$19 million

Congress has already made an investment in the future of the Harbor. MWRA anticipates spending the balance of $39 million for the construction of the conveyance tunnel which will transmit wastewater from the South System, under the Harbor, for treatment at the new Deer Island plant. Thus allowing the de-commissioning of the facility at Nut Island. This antiquated plant currently treats the sewage from 20 communities west and south of Boston. Though Boston Harbor gets all the attention, the problems do not end with the Harbor. The South Essex Sewer District, which receives and treats water from 5 communities north of Boston, is under a consent decree to build a secondary treatment plant. The water quality problems in New Bedford Harbor are so serious, parts of it are designated super fund sites. Many cities and towns through-out the Commonwealth are faced with massive capital expenditures to fix and in many cases replace aging sewer pipes. For these reasons alone, it is imperative that Congress appropriate the full $2.4 billion authorized for next fiscal year.

The harsh realities of the federal budget deficit are well known and I realize how strapped the budget allocation for your subcommittee is. As a state legislator, I understand the importance of the housing issue; as a state legislator, I have consistently supported each veteran's program that has come to the floor of the Massachusetts house. As an American, I look with pride, as you do, at our space accomplishments. But I can think of no better investment the government can make than investing in the environment in which we live. The interest in our recent commemoration of Earth Day indicates the public concern with a clean and healthy earth. I urge you to include in the budget $39 million for the Boston Harbor

Clean-Up and to fully fund at $2.4 billion for the fiscal year authorization of the Federal Clean Water Act.

Thank you for your consideration.

COOPERATIVE TRANSITION TO STRATEGIC DEFENSES

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. KYL. Mr. Speaker, when President Reagan introduced America to the opportunity of defense against ballistic missiles and led the way with the formation of the SDI Program, his critics went into high gear. SDI, they said, would never work and would destabilize deterrence if it did.

Well, 7 years of solid technical progress have routed the "it will never work" crowd. Yes, it will work, and innovative concepts like brilliant pebbles can be on the President's desk for a decision during his first term.

Now it is time to underscore that strategic defenses will be stabilizing. The fact is that survivable and effective defenses would strengthen deterrence and reduce the risk of war by significantly complicating the planning and execution of a first strike with strategic offensive forces. Moreover, a cooperative transition to deterrence which includes nonnuclear defenses would complement stabilizing reductions of strategic offensive weapons in the START Treaty.

And despite the noise level from Moscow on SDI, greater stability means greater security for Soviet people, too. All the better if the move can be made cooperatively.

A cooperative transition is precisely what the United States is proposing in the Geneva Defense and Space Talks. Our proposals would require 3 years of serious discussion with the Soviets on specific measures for a cooperative transition prior to either party's future deployment of advanced defenses beyond current ABM Treaty limits. Another key feature of the U.S. proposal is predictability, that is, confidence-building, measures to avert future technological surprises by opening for both sides an early wide window into the other's activities in the field of strategic ballistic missile defense.

Mr. Speaker, President Bush has a forward-looking approach in the Defense and Space Talks. On April 19, Ambassador Dave Smith, our D&S negotiator, provided a succinct overview of the talks to the Geneva Conference on Disarmament. I commend his statement to my colleagues:

STATEMENT BY AMBASSADOR DAVID J. SMITH, CHIEF U.S. NEGOTIATOR FOR THE DEFENSE AND SPACE TALKS

I

Mr. President, I appreciate this opportunity to share with the Conference on Disarmament our perspectives on the Defense and Space negotiations. My predecessor, Ambassador Cooper, spoke with you last August. Since then several positive developments have occurred, although key areas of disagreement remain.

Throughout the five-year history of the Defense and Space Talks the United States has had a consistent objective. We seek to facilitate a cooperative transition to a more stable deterrence which relies increasingly on nonnuclear defenses against strategic ballistic missiles, should they prove feasible. Today's strategic balance relies almost exclusively on nuclear offensive weapons. Advances in nonnuclear technologies now make it likely that greater reliance on advanced defenses can be combined with stabilizing reductions in strategic offenses to reduce further the risk of war.

To achieve these goals, the United States has a forward-looking approach in the Defense and Space Talks. We seek to assure full testing rights for advanced defensive technologies, as allowed in the 1972 Anti-Ballistic Missile, or ARM Treaty. We seek to free space-based ABM radars and their substitutes from outdated ABM Treaty limits. U.S. proposals would require serious and thorough discussions with Soviet Union on specific measures for a cooperative transition prior to either Party's future deployment of advanced defenses beyond current ABM Treaty limits. U.S. proposals would also assure deployment rights after those talks. Finally, the United States seeks, through predictability—that is, confidence-building—measures, to avert future technological surprises by encouraging greater openness in both sides' activities in the field of strategic ballistic missile defense.

II

The centerpiece of the U.S. approach is our proposed Defense and Space Treaty, aimed at facilitating a cooperative transition. The U.S. draft, updated last December, retains key understandings reached at the 1987 Washington Summit and takes into account the outcome of the September 1989 Wyoming meeting of Secretary Baker and Foreign Minister Shevardnadze. At that session the Soviet Union dropped its demand for agreement on a period of nonwithdrawal from the ABM Treaty. The Soviet Union also dropped its linkage between signature and implementation of a START Treaty and reaching a new agreement on Defense and Space. The United States welcomed this step.

The U.S. draft Treaty provides for procedures whereby either Party may declare its intent to deploy strategic defenses by giving notice and proposing specific measures for implementing a cooperative transition. The Parties would be required to conduct three years of intensive discussions of the proposed specific measures and the implications for strategic stability. Subsequently, unless agreed otherwise, if a Party decided to commence deployments beyond those allowed by the ABM Treaty, it would have to give a further six months' notice.

This proposed mechanism offers a more stable path for deploying advanced defenses than the current alternative, which is to exercise the supreme interest withdrawal provision of the ABM Treaty. The ABM Treaty permits a Party to withdraw and deploy after only six months' notice. Our proposed new mechanism would help ensure a meaningful and timely dialogue on how to achieve a stable, cooperative transition.

The revised U.S. draft Treaty also reflects the full rights of the Parties under the ABM Treaty to develop and test advanced space-based ABM systems and components. To build confidence and prevent misperceptions about such testing, the United States offered a Space Testing Assurance in October 1988. It assures the Soviet Union that U.S. space-based ABM testing which is permitted by the ABM Treaty could not constitute a prohibited deployment of defenses. The United States pledged that only from a limited number of ABM Test Satellites would it conduct testing of a component of an ABM system based on other physical principles and capable of substituting for an ABM interceptor missile. Such testing would be to counter a strategic ballistic mssile or its elements in flight trajectory. The number of U.S. ABM Test Satellites in orbit simultaneously will not exceed a number well short of that associated with any realistic deployed capability. To build confidence further, the United States has proposed as a predictability measure notifications for launches, tests, changes of orbits, and deorbits of ABM Test Satellites.

The United States has also proposed that both sides be permitted to develop, test, or deploy space-based ABM radars and their substitutes without restriction. This would avoid future definitional and verification problems likely to arise because of advancing space-based technology, and it would encourage the evolution of stabilizing space-based sensors.

Another major concept in the U.S. draft Treaty is ensuring predictability in the development of the U.S.-Soviet strategic relationship in order to reduce the risk of nuclear war. This objective was agreed at the 1987 Washington Summit. In 1988 the United States proposed predictability measures to implement this objective. These measures include annual exchanges of programmatic data, meetings of experts, briefings, visits to laboratories, and observations of tests in the field of strategic ballistic missile defense. These measures would be carried out on a voluntary, reciprocal, and comparable basis. Their purpose is to create a better understanding of each side's ballistic missile defense activities as early as the research stage—years before the appearance of advanced defenses in the field.

At the Wyoming ministerial, Secretary of State Baker began an effort to see whether the areas of agreement on predictability measures could be expanded to become a point of mutual advantage. To stimulate our Soviet colleagues' understanding of the U.S. predictability measure for "visits to laboratories," Secretary Baker offered a first-hand, practical demonstration. He invited a group of Soviet experts to visit two U.S. laboratories conducting SDI research. The visit took place last December and was very successful. Ambassador Youri Nazarkin, who led the group, described the visit as a useful confidence-building measure. The Soviet experts received briefings, saw hardware first-hand, and had an opportunity to ask numerous questions of U.S. scientists conducting the research. The visit was designed both to foster transparency and to stimulate the negotiations on predictability measures. Subsequent to the visit, we were pleased when the Soviet Union accepted the concept of visits to laboratories as a predictability measure.

At the meeting between Secretary Baker and Foreign Minister Shevardnadze in Washington earlier this month, the United States proposed that the two sides agree on predictability measures in the form of a free-standing agreement—not linked to the ABM Treaty. The U.S. draft agreement calls on the Parties to implement the predictability measures outlined above.

To illustrate how such an agreement might work and to inform our negotiations, last month in Geneva the United States proposed reciprocal pilot implementation of the U.S. predictability measures for a single project on each side. The U.S. chose as its

project the Infrared Background Signature Survey. We have asked the Soviet Union to select a Soviet project for pilot implementation. The U.S. idea is that the sides should conduct a "try-out" before implementing the free-standing predictability agreement. In this respect the initiative is similar to "try-outs" in other negotiations—the Joint Verification Experiment in the U.S.-Soviet Nuclear Testing Talks, the Verification and Stability Measures in the START negotiations, and the Bilateral Data Exchange and Verification Experiment in the U.S.-Soviet chemical weapons bilateral discussions.

There has been recent and important progress on predictability measures. The sides agree that they should expand and strengthen it. On the remaining issues in our negotiations, much remains to be done to achieve a Defense and Space Treaty that provides for greater stability in the years ahead as new technologies open the way for reducing the threat posed by ballistic missiles. Attaining this goal would contribute to greater security for the entire international community, and be the first cooperative transition in the history of U.S.-Soviet strategic relations.

III

Having spoken about our diplomatic efforts to achieve a cooperative transition to greater reliance on strategic ballistic missile defenses, I thought it would be useful to discuss briefly the U.S. commitment to such defenses and the contributions they could make. On February 7 at the Lawrence Livermore National Laboratory, President Bush stated, "in the 1990s, strategic defense makes much more sense than ever before. . . ." He added later that day in San Francisco, "Let's be clear: This purely defensive concept doesn't threaten a single person anywhere in the world. God forbid, if it ever had to be used, it would be used against missiles, not against people."

The President's emphasis on the value of defenses is best understood in terms of how they can contribute to international security for the balance of this century and into the next. There are four main reasons why effective defenses can bring about a safer world.

First, preventing nuclear war must remain a fundamental goal. Survivable and effective strategic defenses would strengthen deterrance and reduce the risk of war by significantly complicating the planning and execution of a first strike with strategic offensive forces.

Second, as the United States and the Soviet Union reduce substantially their strategic offensive arms, advanced defenses can play a growing role in ensuring against the consequences of potential abrogation, breakout, and cheating in connection with such reductions.

Third, new threats are emerging against which effective nonnuclear defenses can provide substantial protection. As more countries develop ballistic missiles, along with chemical, biological, and nuclear weapons, threats to the international community will increase.

Fourth, effective defenses can provide protection against accidental or unauthorized launches of ballistic missiles. If such a catastrophic event were ever to occur, the value of defenses in human lives saved would be incalculable.

Taking into account these purposes and their relevance now, the United States is determined to preserve the option to develop and deploy effective, advanced defenses when they are ready, at a measured pace and in a cooperative way. This is our goal in the Defense and Space Talks.

IV

Mr. President, it has been an honor to appear before the Conference on Disarmament today. I wish you the best for the successful conclusion of the Spring Session, and I hope to have the opportunity to address this body again in the future.

LAWRENCE LIVERMORE NATIONAL LABORATORY DEVELOPS NEW TECHNOLOGY TO DETERMINE STRUCTURAL SAFETY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. STARK. Mr. Speaker, one of the Nation's most advanced research laboratories, the Lawrence Livermore National Laboratory [LLNL], which is in California's Ninth Congressional District, has created another important breakthrough that can help save thousands of lives and billions of dollars in years to come.

LLNL has created a supercomputer program which can draw and test the safety of buildings and other structures. It can test the safety of designs on everything from cars, to airplanes, to bridges, to buildings, to defense products. It can find safety problems in structures without having to spend time and money building miniature replicas which could only be used for one particular design. It is a fast, versatile, and comprehensive way to find safety problems in structures.

Computer simulations of structures can be very useful, but this advanced technology is currently being used mainly for defense products. This technology should be given the funding necessary to expand it into a national program that evaluates nondefense designs, particularly in the areas susceptible to earthquakes.

For a further explanation, LLNL has prepared a more detailed analysis:

COMPUTER SIMULATION OF THE BEHAVIOR OF LARGE STRUCTURAL SYSTEMS

BACKGROUND

After a structure is designed, but before it is constructed, it is necessary to evaluate the adequacy of the design and make required changes in order to arrive at an economical and safe structure. One possible means of evaluating a structural design would be to construct a scale model of the proposed structure. Loads could then be applied to the scale model and the displacements and stresses in the structure measured. In reality, construction of scale models is generally not feasible due to the cost of model construction and instrumentation. In addition, each time design changes are made a new model would have to be constructed.

In lieu of a scale model, engineers use computer models to evaluate the structural design. In place of the "glue and sticks" of physical scale model, a computer model uses mathematical equations which describe the behavior of the structure. The computer model can be used to determine the stresses and displacements in the structure and design changes can rapidly be incorporated in this model. The computer can also be used to generate pictures of the structure which visually show how the structure will respond to applied loads. As an example, a computer model of a ten story building, which was generated on the LLNL computer system, is shown in Figure 1. One could envision this structure as a scale model which resides in the memory of the computer rather than in actual physical form.

[Figures not reproducible in the RECORD.]

The use of large scale, fast supercomputers has revolutionized the structural design process. As part of this modern process, a computer model is constructed for virtually all complex structural systems ranging from airplanes to bridges to buildings. The computer aided design process allows a rigorous check of the safety of the structural design as well as an economical optimization of the design.

Over the past 15 to 20 years the Mechanical Engineering Department at Lawrence Livermore National Laboratory has developed numerical analysis software tools (a systematic set of instructions which direct the computer to perform a desired task) for performing computer simulations of the response of large structures to static and dynamic loads. The primary application of the tools which have been developed has been in the area of design and performance verification of defense systems structures. The computer tools developed at Livermore have also been obtained by industry through the LLNL technology transfer program and pressed into use in the design of automobiles and aerospace structures.

We believe there is still an untapped potential benefit to be derived from bringing the computer software tools and unmatched supercomputer capabilities at LLNL to bear on non-defense problems. The unique computer simulation capabilities at LLNL allow a level of detail in the structural modeling which is unattainable with the resources typically available at universities and in industry. In addition, LLNL has extensive graphical generation tools which can be used to produce detailed visualizations, and thus enhance understanding, of complicated phenomenon (see enclosed film for example).

TRANSPORTATION STRUCTURES INITIATIVE

It is generally acknowledged that much of the transportation infrastructure in the United States is becoming antiquated. It has been estimated that of the approximately 600,000 bridges in the United States 40% of these bridges are substandard in their structural integrity. Typical types of problems that these structures suffer from are cracks, corrosion defects, soil settlement, and other unknown damage. In addition, many of these structures were designed and built in an era in which very limited knowledge of earthquake phenomenon was available. Consequently, many of these critical transportation structures may pose a significant risk to public safety. Unfortunately, there has simply not been funding or resources available to perform detailed investigations of the adequacy of critical transportation structures. The failure of the Nimitz freeway, the Bay Bridge and numerous other structures during the Loma Prieta earthquake clearly illustrated that many of California's most critical structures are not ready to withstand a more severe seismic event (e.g. a magnitude 7+ earthquake on the Hayward fault).

After the recent Loma Prieta earthquake, LLNL Directors instructed the Engineering Department at LLNL to help in post earthquake studies as a public service to the state of California. Engineering management de-

cided that one way in which the Engineering Department could make a significant positive contribution was to make LLNL computer simulation capabilities and experienced engineering analysts available to researchers and organizations studying the performance and retrofit of critical structures. Currently LLNL is providing support to the California Department of Transportation post Loma Pierta earthquake studies. One group at LLNL is working in conjunction with a research team from the University of California at Berkeley in a study of an elevated structure (I-80 to I-580 connector) which was significantly damaged in the Loma Prieta earthquake. In this study LLNL is constructing very detailed models of the structure (the LLNL computer model of this structure is shown in Figure 2) which will be used to help understand how the structure behaves during an earthquake. One outcome of this study will be an estimation of the performance of this structure for a larger earthquake which might occur in the future (e.g. a large Hayward fault earthquake). For example, Figure 3 shows a "snapshot in time" of the dynamic response of the bridge to the Loma Prieta earthquake. This figure was taken from a single frame of the enclosed film which was generated on the LLNL computer system. The film shows a simulation of the dynamic response of the structure to actual Loma Prieta earthquake ground motion that was measured at the Oakland wharf.

Another LLNL team is studying column retrofits which may potentially be used on some of the older double deck reinforced concrete structures which are similar in design to the collapsed Nimitz freeway structure. Computer simulations of potential retrofits can be used as a predictive tool to evaluate alternate designs and narrow the range of choices prior to full scale testing of the retrofits. In other words, there are several proposed "fixes" for the various structures damaged in California and the use of LLNL's finite element codes and powerful computers provides a very effective and efficient means of evaluating these fixes and to choose the most economical as well as structurally sound option.

In addition to the aforementioned analytical computer methods, engineers at LLNL also have a demonstrated ability to experimentally evaluate the dynamic behavior of large civil structures. This is accomplished via a technology known as Modal Analysis. Briefly this process is to use some form of excitation (e.g., a hydraulic or electromagnetic shaker) to set the structure in motion. This motion is very small but still detectable using sensitive accelerometers which are placed at strategic locations on the structure. The data from the accelerometers (called time history signals) are then processed using sophisticated mathematical analysis on the computer to determine the natural frequencies and energy dissipation (damping) of the structure. In addition, it is also possible to obtain the mode shapes of the structure or, that is to say, the unique shapes that the structure assumes when vibrating at each of its natural frequencies. When properly interpreted this information is invaluable in assessing the structural integrity of the structure. It is also very useful to the computer simulation engineers in determining the accuracy of their models. This technology, coupled with other non-destructive techniques, is an excellent methodology for detecting damage (cracks, corrosion, soil failure, etc.) in substandard structures of interest.

SUMMARY

As a result of the Loma Prieta earthquake, much of our non-defense work has focused on California structures. However, the problem of decaying infrastructure is national in scope and we believe that a contribution could be made by LLNL at the national level. Engineers at LLNL are very enthusiastic about the possibility of utilizing their talents and LLNL tools to address non-defense problems important to the economic well being of both California and the nation.

In the past LLNL has not sought technical work in this area and consequently we have not developed the appropriate national contacts or funding sources. We are extremely interested in pursuing contributions which LLNL can make to this technology and would appreciate any assistance and direction that Congressman Stark can provide.

OSHA CRIMINAL SANCTIONS REFORM ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. LANTOS. Mr. Speaker, on February 21, Senator METZENBAUM and I introduced companion bills to strengthen criminal sanctions for those employers who willfully and negligently violate Federal health and safety laws at the worksite.

Today, Senator METZENBAUM who chairs the Senate Labor Subcommittee held the first hearing on this legislation (S. 2154 and H.R. 4050). At this time, I would like to include my remarks presented at that hearing for the RECORD and a statement by my colleague ROBERT WISE of West Virginia in support of the bill.

STATEMENT OF HON. TOM LANTOS

Legislation before the Subcommittee today is the result of the efforts of its Chairman, many concerned Members, and hearings in both Chambers on the use and nonuse of current criminal sanctions in the law—the Occupational Safety and Health Act (the OSH Act)—for those who willfully and negligently fail to maintain a safe worksite. Some occupations are dangerous. Some are made more dangerous by the scofflaw attitude of those who own or manage companies and wish to squeeze a higher profit from their business or postpone safety expenditures, even if it means allowing life-threatening and dangerous worksites. I do not believe most businesses choose this course of action. But for those who do, management stands a greater chance of winning Lotto America than of facing criminal charges before a Federal judge under the OSH Act.

Legislation before the Subcommittee today would encourage Federal-OSHA to prosecute cases of employers whose willful and negligent actions result in a worker's death, or serious injury.

This Subcommittee's Chairman and I introduced the OSHA Criminal Penalty Reform Act on February 21. The bill evolved, in part, as a result of hearings held in 1988 by the Employment and Housing Subcommittee of the full Government Operations Committee which I chair. Our hearings and a subsequent report detailed the limited scope of OSHA criminal prosecutions—even in the face of unbelievable and avoidable tragedies at worksites which seemed like Dante's inner circles of Hell. At the time of my Subcommittee hearings, only 14 criminal cases had been referred from OSHA to the Justice Department in its 18-year history. The Subcommittee report entitled "Getting Away With Murder in the Workplace: OSHA's Nonuse of Criminal Penalties for Safety Violations," was unanimously approved and included recommendations to beef up criminal sanctions to encourage their use by the Federal government.

Things have improved only marginally since then. There have been two prison sentences imposed under the OSH Act—both within the last eight months and both involving only a few weeks jail time.

The penalty for removing a tag from a mattress is higher than penalties for allowing worksite conditions which kill workers and seems to be as much or more of a deterrent than provisions in the OSH Act. Most employers in violation of the OSH Act face civil, not criminal penalties and those are too often considered a cost of doing business. Even several highly publicized multimillion dollar fines assessed by OSHA in the last year are equivalent to a few one minute commercials during the Super Bowl. For those employers facing criminal charges, the potential prison time is so low that someone duplicating a rental video might spend five times longer in jail than a manager whose willful and negligent actions result in a worker's death.

When it comes to prosecuting employers for ignoring the OSH Act, we have gone from almost a complete standstill to a snails' pace. And that is progress. But it is not enough for those millions of workers who may risk their life just going to work.

To encourge criminal prosecutions under the OSH Act, the OSHA Criminal Penalty Reform Act would dramatically increase prison sentences for those employers found guilty of willful and negligent violations of OSHA regulations when there is a resulting fatality. Two additional categories of criminal violations are added to the OSH Act through this bill—violations of the OSH Act which cause serious bodily injury and violations which recklessly endanger a worker's health and life.

The bill also clarifies existing law by referring to increased fines for criminal violations which are available to OSHA through the Sentencing Reform Act.

The need for these changes have been made clear.

During my Subcommittee's hearing, testimony was presented which showed that one reason there were so few criminal prosecutions under the OSH Act was the paltry penalties compared to the time and effort needed by the U.S. Department of Justice to pursue a case. When priorities are developed at Justice—a case with a maximum of $10,000 and one year takes on less urgency than many other cases with high fines and significant jail time. Yet for those workers who risk their lives at some worksites every day, their priorities are very different and very clear.

Another problem the bill addresses was highlighted at my Subcommittee hearing. For those workers severely and permanently injured because of OSHA violations at the worksite, an employer may face civil penalties only. In one instance, a worker was exposed to liquid mercury which caused comprehensive and irreversible brain damage. The employers had the untrained worker

handling mercury in an unventilated basement with no safety equipment provided. That worker will spend the rest of his life in a severely impaired condition—but the employer under the OSH Act is liable for a civil fine only.

This specific case illustrates the third and last section of the proposed legislation. The bill clearly states that the OSH Act does NOT preempt state and local law. The mercury case, for example, is moving through the courts of New York as a criminal case pressed under State law. If OSHA cannot or will not pursue blatant criminal violations of its own Act—then the states should be given an unequivocal green light to use their own laws and resources to pursue worksite offenses under traditional state police powers. Reiteration of the intent of Congress not to preempt state and local police powers adds an extra and important layer to enforcement of worksite health and safety laws.

The OSHA Criminal Penalty Reform Act is simple, just and long overdue. Support for the proposed Act is widespread, and includes a general letter of support from the Office of the U.S. Attorney General. I commend this Subcommittee and its Chairman from recognizing the importance of creating tough criminal sanctions within the OSH Act and the need for widening its scope.

STATEMENT OF HON. BOB WISE

Today I join with my colleague Mr. Lantos to co-sponsor legislation which will increase the penalties for violations of the Occupational Safety and Health Act (OSHA) when an employee dies as a result of violations of OSHA standards. It will also add to the Act's criminal provisions violations for willful actions which result in serious injury and reckless endangerment of human life.

Annually, 7,000–11,000 workers are killed on the job and thousands more die from the long-term effects of occupational illnesses. Since enactment of the Occupational Safety and Health Act of 1970, more than 100,000 workers have lost their lives because of unsafe working conditions. These statistics translate into the disruption of families and economic hardship when mothers, fathers, sons and daughters die at the workplace.

The Government Operations Committee has documented the dismal record for prosecutions under this statute. By enacting this legislation we will remove one of the causes for this poor record. But legislative change is not enough. The Departments of Labor and Justice must give priority attention to the development and prosecution of these cases.

The Department of Labor does not refer very many cases to the Department of Justice and of those which are referred, most are declined for prosecution. It takes no genius to understand that over time there will be little incentive for OSHA investigators to spend the time required to develop cases to be referred to Justice for prosecution.

Accordingly last September, as Chairman of the Government Information, Justice and Agriculture Subcommittee, I urged the Attorney General to focus attention on this important issue. I recommended that he make clear to U.S. Attorneys throughout the country the importance of the prosecution of OSHA cases and review the cases which have been referred to Justice to determine the reasons for declinations. If problems are found, I urged him to take the necessary corrective action.

Giving serious attention to this project is one way that the Attorney General could give meaning to President Bush's Labor Day message. Last fall President Bush paid homage to America's working men and women by giving thanks for the "rights and freedoms our system of government ensures," including "freedom from health and safety hazards in the workplace." Holding people accountable for actions that result in death to innocent workers is an important way to insure that there is in fact freedom from health and safety hazards in the workplace.

Because there are only a handful of cases involved, the project would not require very much time, but it would be time well spent. Data obtained from the Department of Justice regarding the handling of six cases which were pending for 2½ to 3 years at the Department suggest that there may be some administrative problems which could be corrected. For example, in one case there was a five month delay between referral to main Justice and referral to the U.S. Attorney. The decision to decline the case was made 22 months later. Are there undue processing delays which mean that by the time a decision can be made the case is unattractive for prosecution? Could direct referrals or eliminating review steps speed up the process and make it more effective? Is there inadequate preparation of the cases in the first place? Do prosecutors need to be involved with the development of the case earlier in the process? If the Department would identify the types of problems which would make prosecution difficult, it could work with OSHA to correct the defects.

I recognize that prosecution of drug cases is a national priority, that the workload is growing and prosecutors must spend a lot of time on these cases. But it is important that our concern about drugs in our society does not intrude on effective implementation of this important regulatory statute. We can do a better job of preventing the loss of life from avoidable work place accidents. I look forward to hearing how the Department of Justice addresses these problems and anticipate that a stronger law OSHA statute will encourage more aggressive action on the part of the enforcement agencies.

STATEHOOD FOR HAWAII IS NOT THE SAME AS STATEHOOD FOR PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. FUSTER. Mr. Speaker, I rise again to point out to my colleagues significant articles and other observations about an issue which they will soon have to confront: the matter of a congressionally sanctioned political status plebiscite in Puerto Rico between the choices of statehood, independence or an enhancement of the existing commonwealth status. As you know, Mr. Speaker, I favor the latter option, because commonwealth status has proven itself to be in the best interests of Puerto Rico and the United States ever since it was created by Congress in 1952.

I of course have great respect for the institution of statehood itself but it is just not the best choice for Puerto Rico, given our economic and cultural-linguistic differences with the United States. Even the Congressional Budget Office, in a report issued this month in connection with pending plebiscite legislation in the Senate, outlined the almost prohibitive costs of statehood.

But some pro-statehood advocates in Puerto Rico are telling the people that statehood would result in a bonanza of benefits to them from the U.S. Treasury and are thus creating a "land of milk and honey" expectation level. For them, statehood would be the panacea for all the problems of Puerto Rico. They are doing this in the face of the CBO report. Their allies in the United States should set the record straight for them and warn Puerto Ricans of the very things the CBO report points out.

To that end, Mr. Speaker, I would like to share with my colleagues today a remarkably perceptive, no-nonsense column in the San Juan Star by Alex Maldonado. He is a former editor of two daily newspapers in Puerto Rico and a former Nieman fellow at Harvard. I hope my colleagues will carefully reflect upon the truths in Alex Maldonado's column, entitled "Hawaii vs. Puerto Rico," which appeared in the April 15, 1990, edition of the San Juan Star.

HAWAII VS PUERTO RICO

On July 29, 1989, here in Puerto Rico, a Cuban by the name of Javier Sotomayor leaped to a height of eight feet. A world record for the high jump.

Sotomayer has, of course, two arms and two legs.

Does this mean that since you and I also have two arms and two legs, if we really want to, we also can jump eight feet? Of course not. This is ridiculous. Even dumb.

This is exactly the kind of false logic that the Puerto Rican people are subjected to in our so-called political status debate. Forget economic reality, we are told, we can be what we want to be.

The latest example is the New Progressive Party reaction to the Congressional Budget Office report that includes a chilling description of the economic effect of statehood: a considerable reduction in industrial investment, a significant reduction in our economic growth and a huge increase in unemployment.

The NPP leadership, accompanied by economists, held a press conference last Wednesday to denounce the study. Its fundamental argument is this:

All the 50 states are much richer than Puerto Rico. There are states as small in size as Puerto Rico. Therefore, if Puerto Rico became a state, it must become as rich as the other 50 states.

Acting NPP president, Rep. Zaida "Cucusa" Hernández said:

"Not a single state has become bankrupt or has suffered an economic disaster upon being admitted into the union. On the contrary, absolutely all the territories that opted for statehood, including Hawaii, improved their respective economies, raising the standard of living of their citizens to among the highest in the world."

The last thing that the statehooders should do is to compare Pureto Rico to Hawaii. As a previous CBO report (Sept. 6, 1989) points out, when Hawaii became a state in 1959, its per capita income at current prices was $9,562. This was much higher than the U.S. per capita income of $8,882. Puerto Rico's per capita income in 1987, the report continues, was $5,300 com-

pared to the U.S. per capita income of $16,931.

But the real point is that when Hawaii became a state, it was and had been an incorporated territory. That is, it had been under all U.S. tax laws. Its higher per capita income had been achieved under U.S. taxation.

So there was no need to analyze, and indeed agonize, over the economic impact of statehood. Statehood meant political, not economic, restructuring. Unlike Puerto Rico, there was no need to make endless studies and projections as to the effect of losing tax exemption, losing Section 936, no need to make an extremely difficult exploration into the unknown waters of attempting to predict the effect of almost totally restructing the Hawaii economy.

There are many more reasons why it's so dangerous to use Hawaii as an example. Hawaii is twice as big as Puerto Rico and back in 1959 it had less than a fourth of our population. Its economy is dependent on tourism, government spending and agriculture. Manufacturing is relatively insignificant and mostly related to its agricultural products. Less than a fifth of the population is native Hawaiian or part-Hawaiian. Historically, Hawaii's problem has not been unemployment, but a lack of workers English is the language.

Studying Hawaii, in fact, becomes a good case study that demonstrates why the CBO report is right, why statehood would have a disastrous effect on the Puerto Rican economy.

As we all know, it takes contrast to see things clearly. Back in 1966, my newspaper sent me to Hawaii for an extended visit. It dramatized the enormous economic difficulties in making Puerto Rico a state.

I vividly recall Hawaiian business people expressing amazement that we in Puerto Rico did not understand the economics of statehood. When I asked the president of the Hawaiian Manufacturers Association why there was so little industry there, he looked at me as if I had asked a really dumb question:

"You, from Puerto Rico, must know the answer better than anyone else. We don't have federal tax exemption to attract industry as you do. Why in the world would anyone come out here to manufacture anything if the costs are so much higher and thus the profits much less than in the United States or elsewhere?"

Yet statehooders insist on making this deadly comparison. False logic Puerto Rico is an island. Hawaii is made up of islands. Therefore islands that become states must prosper as much as Hawaii.

The thrust of the NPP attack on the CBO report is that it omits the tangible benefit of stability. The CBO report, one leader said, "does not quantify the number of industries and businesses that the stability of statehood will bring to the state of Puerto Rico."

Again, false logic. Yes, political stability is an important factor in industrial investment. But its like the air we breath. We need air to live, but we don't live on air. Investors need stability, but investors don't live on stability. They live, or die, on the return on investment on profits.

There's also a false premise here. Puerto Rico now offers investors total stability, the stability of U.S. citizenship. Puerto Rico and Hawaii prove the point that when you offer stability and profits, you attract industrial investment. If you have the first but not the second, you don't attract.

But let's get back to analogy. This fall more than 20,000 men and women will gather in Staten Island to run the New York Marathon. The idea is to run about 26½ miles and to get into beautiful Central Park in little over two hours.

These men and women will have two arms and two legs.

Come on! Sign up! If you, too, have two arms and two legs, don't tell me you can't do it!

RESTORE UNITED STATES CONTACTS WITH NEW ZEALAND

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. FALEOMAVAEGA. Mr. Speaker, I want to share with my colleagues an article written by the distinguished chairman of the House Foreign Affairs Subcommittee on Asia-Pacific, Mr. STEPHEN SOLARZ of New York. I believe the article has merit and it is time the administration should change its policy toward New Zealand, that is, we should maintain top-level diplomatic relations with New Zealand despite our differences of opinion on the nuclear issue. I believe also Mr. SOLARZ' arguments are reasonable and the State Department should change the policy now.

Mr. Speaker, I enclose Mr. SOLARZ' article for your consideration:

[From The Christian Science Monitor, Feb. 8, 1990]

RESTORE UNITED STATES CONTACTS WITH NEW ZEALAND

(By Stephen J. Solarz)

While Deputy Secretary of State Lawrence Eagleburger and National Security Advisor Brent Scowcroft were toasting the butchers of Beijing in December, senior US officials would not meet with a visiting emissary of New Zealand, a staunch defender of democratic values. The irony could not have been lost on New Zeland Foreign Minister Russell Marshall, who had arrived in New York for a United Nations meeting.

One doesn't know whether to laugh or cry at this inconsistency. But what occurred in December is indicative of a deplorable double standard in American foreign policy. Neither President Bush nor Secretary of State James Baker were deterred, for instance, from meeting with President Mobutu Sese Seko of Zaire during a recent visit to the US, despite his government's systemic corruption, misappropriation of development aid, and arrest and torture of political opponents. Meanwhile, New Zealand Prime Minister Geoffrey Palmer was in New York for the session of the UN General Assembly. Senior US officials—who could have used the Palmer visit to discuss the conflict in Cambodia and prospects for democratization in the South Pacific—would not see him.

This bizarre state of affairs results from a US decision, implemented in August 1986, to refuse New Zealand officials access to US defense and foreign policymakers above the level of assistant secretary, in response to New Zealand's refusal to cooperate with the US policy on port access for US military aircraft and vessels. In particular, the US objected to New Zealand's policy of approving entry of foreign military aircraft and ships only if the New Zealand government is satisfied that ships are not nuclear-powered and that neither planes nor ships carry nuclear weapons.

Compliance with New Zealand's policy would have been inconsistent with the US policy of neither confirming nor denying the presence or absence of nuclear weapons on board US military aircraft or vessels. The Reagan administration also suspended its defense obligations to New Zealand under the 1951 ANZUS Treaty and terminated defense and intelligence cooperation arrangements.

These measures were an appropriate US response to New Zealand's anti-nuclear policy. No one could expect the US to guarantee the security of an island nation whose waters our ships are not permitted to enter. The US does not have two navies—nuclear and nonnuclear—but only one integrated naval force, and New Zealand's policy simply made continued military cooperation impractical. Moreover, our "neither-confirm-nor-deny" policy is an essential component of our global nuclear deterrent. Had we acquiesced in New Zealand's decision we would have encouraged similar demands from other US allies, such as Japan.

While limiting military and intelligence cooperation makes sense, continuing the ban on high-level contacts does not. Whatever the initial justification for the suspension of such contacts, the passage of time has made the prohibition unfair and unwise. Not only has the ban led to embarrassing incongruities, it has also encouraged confusion, resentment, and anti-Americanism in New Zealand.

The willingness of senior US officials to meet with officials of regimes whose practices we abhor while refusing to meet with senior officials from Wellington threatens to strengthen those elements in New Zealand who would like to drive a wedge between our two countries. This is particularly unfortunate, as New Zealand has long been one of our closest friends and strongest supporters.

New Zealand's soldiers have fought with the US in four wars in this century. New Zealand was one of three Pacific Basin countries (along with Australia and Japan) to vote against the recent UN resolution deploring the US intervention in Panama. And as it supports fledgling democracies in the South Pacific, it also promotes respect for human rights and the rule of law worldwide.

While reasonable people can argue over the wisdom of high-level contacts with officials responsible for the slaughter of their own citizens, it is ludicrous to claim that a legitimate disagreement over nuclear policy provides justification for a prolonged diplomatic snub.

It is time for high-level foreign policy officials from our two countries to speak with one another again. Instead of continuing to sulk, the US should renew its relationship with New Zealand, recognizing that our common commitment to democracy and shared history of struggle and sacrifice is far more significant than whatever differences we have over nuclear policy.

SMUGGLING MASS DEATH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. STARK. Mr. Speaker, I rise today to bring attention to a report, entitled "Nuclear Exports: The Challenge of Control", recently printed by the Carnegie Endowment for International Peace. The report, released by the nuclear nonproliferation project of the endowment, found that nuclear smuggling similar to the situation recently discovered in Iraq has been an essential factor in Third World nuclear weapon programs. The nations in the report are those same nations which have not signed the Nuclear Non-Proliferation Treaty. The following excerpt about Pakistan illustrates the truly urgent need to enact my legislation, H.R. 4454, H.R. 4455, and H.R. 4456:

Since the late 1970s, Pakistan has relied heavily on covertly obtained technology and equipment to build its uranium enrichment facility at Kahuta, which apparently began producing weapons-grade uranium in 1986. As of mid-1988, information available publicly indicated that Pakistan has obtained clandestine assistance for the facility—and for an expansion of its enrichment capabilities either at Kahuta or at a second enrichment plant possibly under construction in the town of Golra—from firms in Canada, Great Britain, the Netherlands, Switzerland, and the United States. The assistance included: design technology for the gas centrifuges that are the heart of the Kahuta plant; essential electronic components and measuring equipment; special "maraging" steel for the construction of the centrifuges; and vacuum pumps and other equipment for handling uranium hexafluoride gas within the facility, some of which hardware was specifically designed to handle weapons-grade material. In addition, between 1977 and 1980, with the help of a West German businessman, who was subsequently convicted for the smuggling operation, Pakistan obtained an entire installation for converting natural uranium into uranium hexafluoride, the form of uranium processed in uranium enrichment plants. The facility was built near Dera Ghazi Khan.

During 1989, investigations in West Germany uncovered yet another major Pakistani smuggling network, involving two firms in the Federal Republic, Neue Technologien GmbH (NTG) and a subsidiary it established to mask its participation, Physikalische-Technische Beratung (PTB). Between 1983 and 1987, these firms reportedly assisted Pakistan's uranium enrichment efforts by providing specialized containers for the transport and storage of uranium hexafluoride and 130 metric tons of aluminum for use as centrifuge housings. (A metric tons is equal to 2,200 pounds, or 1.1 short tons.) Apparently, these were to be used in conjunction with Pakistan's expansion of its uranium enrichment capability.

In addition, NTG and PTB provided critically important assistance to a new phase of the Pakistani nuclear weapons effort, the production of tritium for advanced nuclear weapons. According to various press accounts, NTG or PTB provided Pakistan with test quantities of tritium gas, a tritium purification and storage plant, tritium precursor materials, the design for a reactor that could be used for tritium production, and material and equipment for fabricating fuel for that reactor, including special American-made welding lasers. Some of these items, like the uranium hexafluoride containers, were apparently exported from West Germany without the appropriate licenses, and in early 1990, several NTG/PTB employees were indicted for these acts. In other cases, however, involving principally "dual-use" items, the firms were able to obtain the necessary approvals from export-oriented West German licensing authorities by glossing over the strategic importance of the items involved and using dummy corporations as recipients—a practice that repeatedly succeeded despite frequent warnings by the United States to Bonn of the true purpose behind these transfers.

Pakistan is also thought to have received assistance in completing the "New Labs" plutonium extraction plant, near Rawalpindi. The unsafeguarded plant is not known to have begun operating. (All of Pakistan's plutonium-bearing spent nuclear fuel is subject to IAEA inspection and could not be processed at the New Labs facility unless the latter were also placed under the IAEA system, at least temporarily, a step Pakistan has not taken.)

In sum, six ongoing Pakistani nuclear projects depended critically upon materiél or design information clandestinely obtained from the advanced nuclear supplier countries: the original Kahuta enrichment plant; the Dera Ghazi Khan uranium hexafluoride plant; a major expansion of Pakistan's enrichment capability; the possible construction of a secret reactor for the production of tritium; a tritium purification plant; and various material and equipment needed for the manufacture of nuclear weapons.

MOTHER'S DAY TRIBUTE: EMS CLINIC IN DENVER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mrs. SCHROEDER. Mr. Speaker, as Mother's Day approaches, I can think of no more fitting testimonial than the story of Dyan Humphries' successful fight to establish America's first EMS clinic in Denver, CO. Ms. Humphries began her struggle when she learned her mother had been stricken by EMS, a blood disorder caused by L-tryptophan, a nonprescription drug used as a dietary supplement or sleeping aid. I would like to share with my colleagues the moving account of Ms. Humphries' achievement, which was published last month in the Denver Business Journal.

[From the Denver Business Journal, Apr. 23, 1990]

ONE WOMAN'S TIRELESS QUEST WINS CLINIC FOR EMS VICTIMS

(By L. Wayne Hicks)

The nation's first clinic devoted to researching the painful and sometimes fatal eosinophilia-myalgia syndrome will open in Denver this June with funding from the world's leading supplier of the dietary aid blamed for the blood disorder.

"You're watching another American Cancer Society get off the ground," said Dyan Humphries, founder and executive director of Eosinophilia-Myalgia Syndrome Foundation Inc. and daughter of one of Colorado's first diagnosed cases of EMS.

Since last November, a period Humphries now refers to as "way back in the Dark Ages," the Denver woman has driven herself to learn everything known about EMS and teach others about the disorder. An extremely energetic woman, she scarcely seems to stop for a breath when talking about EMS or plans for the clinic.

Humphries will fly to Washington, D.C., April 22 for a meeting the following Tuesday with officials of Showa Denko K.K., a Tokyo-based petrochemical company that supplied 80 percent of the world market for L-tryptophan, the non-prescription drug believed to cause EMS. The U.S. Food and Drug Administration recalled the drug last November.

Sold through health food stores and supermarkets for 20 years, L-tryptophan is a naturally occurring amino acid used in tablet and capsule form as a dietary supplement or sleeping aid.

Next week's meeting will determine how large Showa Denko's grant will be, but the amount discussed since Humphries first contacted the company last month is $20 million.

"They have agreed to help her," said Alan Wachter, a Washington public relations executive representing Showa Denko. "The extent of the help has not been determined. They haven't met yet."

The disorder is characterized by severe muscle and joint pain as well as flulike symptoms. It draws its name from the aches known as myalgia and the abnormal increase in a type of white blood cell known as eosinophils.

Since the FDA's warning in November about the suspected link between L-tryptophan and EMS, the number of cases reported to the federal Centers for Disease Control has grown to 1,463 from 287. The number of deaths has jumped to 21 from one. In Colorado, 44 cases have been reported.

Although a containment in the manufacturing process of L-tryptophan originally was thought to be causing the outbreak of EMS, an intensive search so far has failed to find anything.

No single batch of L-tryptophan or any one manufacturer's product has been tied to the EMS outbreak, although an Oregon woman who blames her EMS on ingestion of Showa Denko's product has sued the Japanese company for $20 million.

"At this point, Showo Denko could not have picked a more appropriate moment to step in and help," Humphries said. "They have the opportunity to create so much good press for themselves."

Showa Denko, with 5,000 employees, last year reported revenues of $5 billion and net income of $144 million.

Humphries began gathering information on EMS when her mother was diagnosed last November, but the disorder was so new there was little to learn. She intensified her research, drawing from a network of physicians with whom she made contact and started the foundation in December to share what she had discovered.

The foundation plans to open a clinic at the Colorado Neurological Institute when the institute moves into new offices at Swedish Medical Center in June. Early plans called for an EMS patient to be examined by specialists in two different fields at the same time, so the patient could avoid repeat trips to the clinic.

"We will bring in as many people as necessary," said Humphries, who is running the foundation from a drafting table at her home. "What we need is aggressive research. That's where we need the bucks."

Plans for the clinic have grown with Showa Denko's announced intent to contribute to its operation. Although the exact operations of the clinic won't be decided until Showa Denko makes its contribution, the preliminary idea calls for the addition of specialists in more fields, as well as counselors and physical therapists to help EMS patients mentally and physically.

"Kind of like one-stop shopping," said Dr. Neil Rosenberg, director of the neurotoxicology, neuroimmunology and neuromuscular programs at the institute.

Already examining EMS patients on his own, Rosenberg will be joined by specialists in other fields once the clinic opens.

"The big question is whether we are going to see a huge increase in the number of cases," he said. "We may be just seeing the tip of the iceberg now."

Rosenberg believes Humphries' plan to add counselors to the clinic is a good one.

"We need someone involved in the clinic to give counseling because people with any chronic disease need counseling, coping skills," he said.

The clinic also must serve as a research center into the cause of EMS and explore possible treatments of the mysterious disorder.

"Even the doctors at this point are not all that educated about it," Rosenberg said.

Rosenberg began seeing EMS patients last month and met Humphries when he made a house call to her mother's home. Humphries' mother, Gloria Smith of Littleton, took daily doses of L-tryptophan for years before becoming sick last October with what she thought was the flu. Smith responded by increasing her dosage of L-tryptophan.

EMS has left her a quadraplegic.

"It has so weakened her body that she is unable to lift her arms, lift her legs," Humphries said. "We don't know if she'll ever be able to function again, if she'll ever be able to walk again."

Although her mother's diagnosis originally propelled Humphries into learning about EMS, her interest in finding a cure now is more widespread. Humphries spends several hours a night leafing through a battered spiral notebook containing the names of EMS victims, as she calls them, and talking to them all across the country.

"I have a real vested interest," Humphries said. "And it's not just for my mom anymore. It's 1,400 others."

NAMING OF MARSHALL ISLANDS SENATOR JETON ANJAIN TO THE ENVIRONMENTAL HALL OF FAME

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. DE LUGO. Mr. Speaker, in honor of the recent celebration of the 20th anniversary of Earth Day, Rolling Stone magazine has named Senator Jeton Anjain of the Marshall Islands to its Environmental Hall of Fame as 1 of 25 people and organizations who have made outstanding contributions to the environment over the last 20 years.

Senator Anjain was selected because of his leadership in the struggle to get the U.S. Government to live up to responsibilities to the people of Rongelap atoll, whom he represents. These responsibilities came about when out Nation's huge "Bravo" thermonuclear test in 1954 irradiated the atoll. Rongelap was then a part of the Territory of the Pacific Islands which the United States administered in trust for the United Nations.

Because the Insular and International Affairs Subcommittee, which I chair, has jurisdiction over Marshall Islands matters, I can personally attest to the effectiveness and dedication of Senator Anjain's commitment to improving the environment of his people's homeland and the treatment of people subjected to nuclear faliout.

His efforts are not only improving the quality of life of all of the Marshallese people adversely affected by U.S. nuclear testing; but also of people everywhere who have ever had problems with radiation.

Senator Anjain has been persistent and creative over the years in fighting wrong and bureaucratic decisions within the U.S. Department of Energy related to his people's concerns about their health and the safety of their atoll. His example is a model of responsible leadership in attacking difficult environmental problems.

For the benefit of all Members, I would like to insert in the RECORD at this point a copy of the press release Rolling Stone issued April 12 regarding its selection of Senator Anjain.

[From the Rolling Stone Magazine, Apr. 12, 1990]

[Press Release]

Statement by Howard Kohn, an editor at Rolling Stone, accompanying the announcement of Senator Anjain's selection to the Rolling Stone Environmental Hall of Fame:

"The individuals and organizations we have selected were considered to be the foremost environmental leaders world-wide of the last 20 years. These are leaders who have come to the forefront of the environmental debate since the first 'Earth Day' in April of 1970. Each in his or her own right has a record of long-term accomplishment.

"Many individuals and organizations with good intentions and significant accomplishments were considered. However, those we selected stood out from all others because of their unique dedication and the special sacrifice each in his or her own right has made. Those we honor have taken that extra step, gone that extra mile, or pushed themselves to the limits in order to achieve the particular justice each has sought. Significant to each of the 25 individuals and organizations selected is the fact that they have each dedicated their lives and their existence, year after year after year, to a better life for those they represent.

"Moreover, those finally chosen were people who history has shown to have been correct, however unpopular their stands might have been initially. Time and history have vindicated each respectively. These are people who were ahead of their time, whether their actions were on a local, national or international level.

"In honoring Senator Anjain, what impressed us more than anything about his leadership were the parallels we saw to another greater leader of an earlier time, Mahatma Gandhi of India. When it would have been so much easier for Senator Anjain to do just about anything else, he challenged a powerful foreign government by taking an unpopular stand on behalf of his people and at considerable personal and political risk.

"The 1985 move into exile by the Rongelap People was made in the face of considerable opposition. It was a courageous act of faith. Only recently has that move come to be viewed by others, including key members of the U.S. Congress, as justified.

"The People of Rongelap have expressed a desire no different from anyone else—that they and their children be allowed to live in an environment free from contamination. Their determination, as evidenced by their move away from their ancestral homeland, is an inspiration for all of us. For this reason, in honoring Senator Anjain, we honor too the Rongelap People.

"It is significant too that notwithstanding having asked the ultimate sacrifice of his people, Senator Anjain remains loved and revered throughout the Marshall Islands.

"Senator Anjain is clearly a leader of principal, integrity and courage. His dedication to his people and to the truth commands all of us to salute him in his efforts."

SHOW TO SUPPORT DEMOCRACY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. LAGOMARSINO. Mr. Speaker, my colleague and good friend, the vice chairman of the House Foreign Affairs Committee, BILL BROOMFIELD has written a compelling analysis about the failure of the Congress to support in a timely fashion democracy in the Western Hemisphere.

After years of debate and after authorizing hundreds of millions of dollars in an effort to promote democracy in Nicaragua and Panama, the Congress is now in peril of missing the opportunity to secure the objective it has so long sought.

The new democratic governments in Nicaragua and Panama desperately need economic assistance now to prevent the collapse of their economies and the survival of their fledgling administrations. The Congress, after years of saying we should be sending economic assistance instead of military assistance, has the chance to do that very thing, and it is wasting time.

Congressman BROOMFIELD assesses this problem clearing in his commentary published in the Washington Times on April 24, 1990. I urge my colleagues to give his thoughts their most serious consideration.

[From the Washington Times, Apr. 24, 1990]

SLOW TO SUPPORT DEMOCRACY

(By William S. Broomfield)

For years, congressional Democrats have argued that we should "give peace a chance" in Central America, that U.S. aid should support peaceful democratic change, not continued warfare. Now, with the birth of democracy in Panama and Nicaragua, congressional Democrats are suddenly timid about being the midwives for political liberty and free enterprise.

One year ago, Nicaragua and Panama were firmly in the grip of dictators determined to maintain their power. The prospects for democracy were bleak. Twelve months later, a freshly elected government is in power in Panama and one will take office tomorrow in Nicaragua. But the victories for freedom in Nicaragua and Panama will be lasting only if we now act boldly to "give democracy a chance."

Central America was the focus of the most divisive foreign policy debate in the United States since the Vietnam War. The last decade saw vicious partisan struggle in the United States and bitter civil war in Nicaragua. Thousands of Nicaraguans died fighting for their freedom. Ultimately, the heroic efforts of Nicaragua's democrats—with strong international support—decisively repudiated the Sandinista dictatorship.

In Panama, after years of narcomilitarism and dictatorial rule, Operation Just Cause—with strong support of the Panamanian people—achieved the liberation of that country. In the process, 23 young Americans paid the ultimate price for freedom in Panama. The prospects for peace and democracy in Nicaragua and Panama have never been greater.

What has the U.S. response been? At a time when some are accusing President Bush of all sorts of timidity, lack of vision and poll watching, he developed a comprehensive answer to events in Central America. Mr. Bush lifted economic sanctions on Panama and Nicaragua. In January, the president requested a $542 million aid package designed to jump start the once-vigorous Panamanian economy. Immediately after the election of Violeta Chamorro, Mr. Bush requested $300 million for U.S. assistance to help rebuild Nicaragua and set a target date of April 5 for action by Congress on the aid package. Unfortunately, the rapid response of the president was not matched by Congress.

While Congress quickly approved $42 million in emergency aid for Panama, the majority of assistance to strengthen these emerging democracies in our hemisphere languishes. Despite all the political—and human—blood spilling over Central America in the last decade, congressional Democrats cannot bring themselves to work for the kinds of policies they claim to support; instead, they have resorted to neo-isolationism and inaction.

The president's aid request is fully funded by the transfer of existing resources from the Department of Defense. The president's package addresses long-term U.S. interests in Central America by laying the foundation for the institutionalization of democracy—if Congress will act. But aid for Panama and Nicaragua has not been approved because Congress is playing "politics as usual"—and in so doing is placing the future of democracy in our hemisphere at risk.

Action in the House was delayed, first by jurisdictional disputes and then by Democrats sensing an opportunity to fight yesterday's battle by restricting U.S. aid to El Salvador. Finally, on April 3 the House overwhelmingly passed the supplemental appropriations bill—but only after adding more than $1.2 billion in domestic goodies.

The Senate passed authorizing legislation but took no action on appropriating funds before the Eastern recess—and evidently does not plan to act soon. The Senate chairman of a key subcommittee recently said that Panama and Nicaragua are of "slight economic, security and foreign policy importance to U.S. national interests." One wonders if he has heard of the Panama Canal.

A number of Senate Democrats have said assistance to Eastern Europe should have a higher priority than aid to Panama and Nicaragua—despite the more than $700 million Congress has already approved for Eastern Europe, despite the $1 billion or more in aid that is curretly under consideration and despite the uncertain and unsettled conditions in many Eastern European states.

One powerful senator reportedly wants to divert funds to help workers dislocated by clean air legislation. And most disturbing, Senate Majority Leader George Mitchell has announced that he wants to delay Senate action until the administration submits a "meaningful long-term foreign aid plan."

Aid for Eastern Europe, human rights in El Salvador, displaced workers and foreign aid strategy all deserve serious attention by Congress. However, they do not deserve to be used as roadblocks in the way of democratization in Panama and Nicaragua. Let's quit playing political games with the future of the Panamanian and Nicaraguan people. Let's see a real and immediate "peace dividend" by financing the democratization of Panama and Nicaragua from savings in the defense budget.

Thousands of Nicaraguan freedom fighters want to lay down their guns permanently. The planting season approaches in Nicaragua with the country desperately short of seeds, fertilizer and agricultural equipment. In Panama, hopes for self-sufficiency grow dimmer by the day as economic recovery remains on hold. Continued inaction by Congress only guarantees an anti-American backlash.

Nicaragua has seen an opportunity for freedom stolen by the Sandinistas in 1979. Panama has seen a bright future hijacked by Manuel Noriega and narcotics traffickers. These nations need our help and deserve our help. The longer Congress vacillates, the more certain it becomes that historic opportunities will again be lost.

WILLIAM P. GRIFFIN RETIRES AFTER 36 YEARS OF SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mr. William P. Griffin who is retiring after 36 years of service to the school children of our area, with 30 of this 36 years having been given to the children of the San Lorenzo Unified School District in California's Ninth Congressional District.

Mr. Griffin began his career with the San Lorenzo School District in 1963 when he became assistant principal at Marina High School. He then served as both assistant principal and principal at San Lorenzo High School before coming to the District Office as director of pupil personnel. In 1984, he became assistant superintendent for educational service.

Mr. Speaker, I want to commend Mr. Griffin for his dedication to our children and to wish him well in his retirement. I have no doubt that he was an inspiration to many of the young individuals that he came in contact with. He will be sorely missed by the school district.

CONGRATULATIONS TO MAYFIELD ELEMENTARY

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, President Bush's 1,000 points continue to shine. After 50 years, Mayfield Elementary School in Middletown, OH, is still the center and pride of its community. This year marks the school's golden anniversary. It is not often you find a school where parents send their children to the same school they attended—in the same classrooms, and with the teachers, principals, and the same spirit of excellence that has marked this school from its inception in 1939.

I congratulate the dedicated staff and principals who have served at Mayfield over the years, and the parents who have worked to make the school a success. Mayfield has had great principals, three of whom account for 47 years of Mayfield's history—Ralph Mull, George Court, and Jess Wilson. I especially wish to honor Mr. Wilson who is retiring this year after 12 years with the school. I know the school will miss him.

Congratulations to Mayfield Elementary of Middletown, OH, on your golden anniversary. Mayfield—a point of light, of which we can all be proud.

MAYFIELD CELEBRATES 50TH YEAR

(By Phyllis Cox)

Mayfield Elementary is marking its golden anniversary year, still the center and pride of its community.

It is unusual today to find a city school where families send their children to the same classrooms and teachers they had when they went to school. But that is the case at Mayfield.

The school, built at the end of the Depression, has had a tradition of long-serving dedicated principals and other staff members. Only four principals have served during the school's 50-year span and three of these—Ralph Mull, George Crout and Jess Wilson—account for 47 of those years.

Mayfield also has a reputation for strong parental support for schools—a distinction that many credit to the leadership of the present as well as former principals.

"It's the parents' school," says Wilson, who at 50 is retiring this year after 12 years as principal at Mayfield.

"We welcome parents here," he says. "We want them to visit classes, have lunch here. Parents are the school."

SCHOOL OPENS IN 1939

Mayfield began its life under the Lemon Township school system. It was not part of the Middletown City School District until 1954, when the city and township schools consolidated.

It opened in October 1939, amid the "baby farms" of the then relatively new Mayfield subdivision, according to a history written by Crout and Wilson for the school's anniversary. It originally served eight grades.

Roses Mull, widow of the school's first principal, recalls the community's pride in its new asset.

"The community was so happy to have the school," she says in a recent interview. "It was a small community that never had a

school before. . . . When the school opened, the community was very proud of itself. The community wanted to be a fine place because it had a good school. . . . Something good happens to a community when they have a school and a church."

Families in Mayfield had been sending their children to Amanda School, which at the time had swelled to an enrollment of about 1,000 students. The new school was built as a Public Works Administration project with matching funds provided by a $90,000 bond issue passed by voters in 1937.

When the new Colonial-style building opened at the corner of Burbank and Lamberton streets, children in Mayfield could now walk to school.

"Mayfield was like a little town in those days," explains Crout, who was a teacher at the school during its first few years. It had two groceries, a volunteer fire department, a couple of churches, some filling stations and later a hardware store.

"It was largely a self-contained community, and the social life revolved around the school," he says.

Former music teacher Ada Louise Weishaar, who collaborated with Crout on a school song, recalls the operettas and music programs presented at the school in an era when entertainment was not a quick flick of a TV dial away. The school even had its own 32-member orchestra.

School sports events—baseball and particularly basketball—held a prominent place in the community. Basketball is still an important after-school activity.

Kenny Gibson, president of the PTO, supervises a basketball program that plays matches against teams in the Cincinnati area. About 100 students participate and use the Mayfield gym to practice nearly every weekday night. Cheerleaders, Brownies, Girl Scouts, Boy Scouts and Cub Scouts also use the school for meetings, and the playground is someplace where neighborhood children can go for some recreation and good old-fashioned fun.

Wilson "wants the school to be used," Gibson says.

Mull had that same philosophy during the 21 years he was principal there.

"If anyone in Mayfield needed a place to hold a meeting, he always said to accommodate them," Mrs. Mull says.

PROUD PARENTS

Mayfield has a reputation for parents who are proud of their school and are willing to work for it.

"The parents were interested in education, and they wanted their children to mind," remembers Crout, who succeeded Mull as principal in 1961 and served there until his retirement in 1975.

"Those are strict parents, family-oriented," says school board member Fred Finney, who was president of the Mayfield PTO in 1967 and 1968. "They're proud parents. Anything their kids do, they're proud of it."

The school is known for the strongest PTO in the city school district. Wilson says he only needs to make five or six calls to have 100 parents show up to help for a project.

"We have many dedicated parents who have spent numerous hours at the school," Wilson says. "I have many good memories of what parents have done."

In recent years, the PTO has purchased 20 computers for the school, as well as playground equipment and equipment for the gym. In addition, funds are used to recognize students and for class trips and other enrichment opportunities.

The PTO's annual cookie sale has been said to be the largest in southwest Ohio.

"A lot of PTO's draw 25 to 30 people," Finney says. "At Mayfield there are usually well over 100 in attendance."

Involvement in the PTO is almost a family affair for some Mayfield residents. Former PTO president Scott Messinger was the second generation in his family to head the organization; his father, Paul, was a president in the 1960s.

Tom Webb, who joined the faculty in 1941 as a teacher and a coach, recalls that the school had a strong PTO in its early years, too.

"Large numbers went to the PTO meetings. Parents were very much interested in their children, and that made it a good school," he says.

Pride in the school also extends to the building which has recently been spruced up with some new landscaping.

Gibson says there is very little vandalism at the school. Unlike playgrounds at many schools, no broken glass litters the ground because young people know their younger brothers and sisters play there.

Webb remembers that it was a well-built "beautiful school" when it opened with nicely finished woodwork and wooden doors. Over the years there have been some additions, including a west wing in 1954 with a second story added during the 1965–66 school year. But such care was taken to match the brick to the original building that today few differences can be seen in the construction.

But memory can change details about the building as Diane Hileman learned when she returned to teach at the school after having been away since the fifth grade. "When I first came back, I remembered the hill in the hallway," she says. "Well, the hill was not a hill anymore."

Hileman returned to teach at the school where two of her former teachers—Phyllis Barnthouse and Linda Lethgo—still teach. "The first day I taught here, it was so strange seeing you guys after having you in class," she tells them during a recent interview.

Lethgo is the senior teacher at the school, having taught at Mayfield 28 years. But Barnthouse is close behind with 27 years. Both are now seeing students in their clsssrooms, some of whom are the children of former students.

"Mayfield's really unique; it's like a family," Lethgo says.

NO PRINCIPAL BETTER

Like Hileman, school cafeteria worker Beth Rose also returned to work at the school where she graduated from the sixth grade in a white dress and her first pair of heels. She has also sent her two sons to Mayfield.

Why is Mayfield's pull so strong?

"The teachers have a lot to do with it," she says, "And there's no principal better."

The school is known for a dedicated faculty who have stayed with the school for years and years. Mayfield has the lowest turnover in staff, Finney says.

Geneva Wells taught at the school 33 years until she retired in 1984. She and her husband, Clifton, who worked as a custodian at the school are also observing their 50th anniversary this year.

Mayfield is the only school in Middletown where Wells taught. She had the chance to go to Creekview with Mull when he was named prinicpal there, "But Mr. Crout asked me to stay," she says.

Crout was always "for the children," she says. "If any needed books or pencils, he always supplied them with it." He also greeted the children in their classrooms each morning, a practice that Wilson has continued.

Mayfield residents say that what truly makes the school exceptional is its principal.

"That's the key," Gibson says. "You're just as good as your leader."

Wilson is a well-known sight at Mayfield, standing outside the school every morning and afternoon, greeting parents as they leave or pick up their children.

Gibson says Wilson relates well both to the kids and to the parents. "They know he cares," he says.

Mrs. Mull says Wilson has the same feeling about the community that her husband had when he was principal there.

"Ralph was always concerned about the school and the families and the total community," Mrs. Mull recalls. "For the principal, a community is like seeing one of your own children growing up.

"He always believes that children were good students when their parents were interested in school," she says. "He believes in a triangle of school, parents and children."

Similarly, Wilson says children benefit when everything comes together in a circle.

"The school is not the whole circle," he says. "It's school and after-school recreation and PTO."

"We're really going to miss him," Barnhouse says of Wilson. "It's going to be hard to fill his shoes."

EX-STUDENTS INVITED TO RETURN

Mayfield Elementary is inviting former students, staff members and community residents to come back to school to help celebrate the school's 50th-year anniversary.

Anniversary luncheons are planned at the school April 27 and May 4.

Sixth-graders who have been versed in the school's history will greet visitors to the building from 10 to 11:30 a.m. each of these two days. They will conduct tours of the building and help serve the luncheon which will be prepared by the Manchester Technical Center food service classes. A musical program in the gym will follow the luncheons.

Both days are also planned as "spirit days" at Mayfield. Students and staff will participate in "Green and White Day" April 27 and "Dress in '40s Outfits Day" May 4.

The school's annual lawn fete is planned May 12.

Principal Hess Wilson and former principal George Crout have written a short history of Mayfield Elementary School. An edition of 1,200 copies has been printed and will be available at the school.

Several displays, including many old photographs from the school's early years, will be on display. Student art work will also be on view for the celebration.

Wilson said activities are under way to involve all students in the celebration. Classroom exercises focusing on the school's history have been developed; and former faculty members, administrators and students are coming to classrooms to talk about the "school days of yore."

SO LONG, MR. WILSON—"IT'S GOING TO BE TOUGH TO REPLACE A GUY WHO'S BECOME AN INSTITUTION," SAYS EASTRIDGE

(By Phyllis Cox)

Principal Jess Wilson's office at Mayfield Elementary School is a cluttered room, but a visitor can tell at a glance that its occupant is an active man with many interests.

On the walls are photos of some of the antique cars he has restored over the years, needlepoint pictures, a large quilt made for him by the school's Girl Scouts and a smaller one by the first-grade Daisies. There is a recent gift of a watercolor of the 50-year-old school by local artist W.B. Rehse, and on a table a sculpture of a cowboy brings to mind Wilson's boyhood in Elk City, Okla. Family photos hang on the wall to the left of his desk and on the other side is a portrait of J. Edgar Hoover, a remembrance from his years with the FBI.

But Wilson draws attention to a child's drawing on paper that shows the imprint of little hands. "Now, that is probably something only a mother could love, but this little person wanted me to have it," he says.

"The children give me these, and I tell them I'll put them up in my office. And then they'll come look for it. It's important to them," he says. He points to a three-paneled louvered screen at the office door. "I just keep this here because it makes a good place to display their drawings."

Wilson, 50, is retiring at the end of this school year, after serving as an educator in the Middletown City School District for 27 years. He has spent 12 of those years as principal at Mayfield where the staff members and parents say they hate to see him leave. But he says it is time to do something different, although he plans to remain in Middletown.

"Jess has a unique style of leadership," Superintendent Harry Eastridge says. "He seems to have a down-home flavor in dealing with parents. He's great at the public relations part. He has almost a sixth sense of what parents want to see for their child. . . .

"It's going to be tough to replace a guy who's become an institution."

School board member Fred Finney, who was president of the Mayfield PTO in the late 1960's, says Wilson is probably "the top elementary principal in southwest Ohio" in terms of motivating students and staff. He says he has raised the academic level of the school " from mediocre to outstanding."

But Wilson gives credit to the school's teachers for the success of a program which tests all students in grades 2-6 to identify "trouble areas" where more instruction is needed. Average test scores were a half-year behind grade level before the program; three years later, students' scores improved to at grade level or above.

Wilson is a familiar sight at Mayfield beginning each day outside the building greeting parents as they drop off their children. At the school day's close, he again takes up his post outside the school, watching out for his students.

"I can meet more people on the street than I can in my office," he says.

"I enjoy getting to meet the parents. That's so much a part of the job, a big part of my job—to know the parents and for them to know me."

The vigilance of his FBI training is evident as he describes how far in each direction he can see from the school.

"I know just about 95 percent of the parents," he says, explaining he makes a point of meeting any strangers at the school. They usually turn out to be a grandparent of some other relative who has been asked by parents to drive a child home.

"I try to look after the kids like I would my own, in the same way I would want my own daughter looked after," he says.

Wilson and his wife, Hilda, who works as a secretary at Vail Middle School, have three children. Their daughter, Carla, named Ohio Junior Miss in 1988, is now a student majoring in telecommunications at the University of Kentucky. Their twin sons, Rodney and Robert, are multihandicapped and reside at Doty House where Wilson visits them every day.

Having two handicapped children has taught Wilson "a lot of patience," he says, and it has also helped him to understand parents of other children with handicaps.

"It's taught me a lot of patience with kids—to be patient working with little people, listening to them, hearing them out."

Coming to Middletown to teach was something of a fluke for Wilson. He had been working with the FBI, first in Washington and then in Oklahoma City for about three years. But in 1963, he began thinking about a career move. One of his friends got a packet of information from a teachers' placement bureau, and Middletown was one of the school systems described in it.

"It sounded nice from what was in the material," he says. "So I left the FBI and came here." He and his wife arrived in a car towing a U-Haul trailer with all their possessions. He says he thought at the time teaching was something he'd try for a while. He says he's leaving now before he started getting grandchildren of his first students.

Wilson taught at Sherman School for four years, and then was principal at Spring Hill for one year before returning to Sherman as principal. He was transferred to Mayfield in 1978.

Helping families in the community has been part of his job as principal. Wilson says there isn't a week that goes by that he doesn't refer someone to one of the United Way agencies. He also suggests families in trouble consult a clergyman if they attend church.

He is reticent about his religion, saying simply: "We've always been active in church." But back in his office, he keeps a large Bible on a table opposite his desk.

"I found it in a closet at Sherman School," he explains. It had been given to Sherman by the Daughters of America in 1915. He kept it in his office there and then brought it with him to Mayfield.

Wilson also serves as a go-between to help families in need. Businesses that want to help a family at Thanksgiving or Christmas contact him, and then he makes the arrangements being careful not to hurt anyone's pride.

"Some are a little proud, but if you say, 'Can I help you?' they generally will. . . . I appreciate their feelings and privacy, and I don't want to ever embarrass anyone," he says. It takes a few years to build up a relationship with a community like that, he says. "But they know I'm interested in their children."

PTO President Kenny Gibson says Wilson "relates to kids on all levels" and he relates to parents as well.

"I've never heard anyone say: 'he doesn't like me' or 'he's picking on me.'" Gibson says.

"He's good at what he does. You can't replace him. It's going to be hard to find another guy just like him."

But Wilson says his successor can look forward to a lot of support from the community.

"Whoever it is, they'll certainly be behind the person," he says.

In parting, he points out some more of the children's drawings. A heart still up from Valentine's Day is signed: "I love you, Mr. Wilson."

"Things like that I'd miss if I weren't around little people," he says.

ATTORNEY GENERAL COMMENDS DALLAS POLICE DETECTIVE TRULY HOLMES

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. BRYANT. Mr. Speaker, U.S. Attorney General Dick Thornburgh recently commended Dallas Police Department Detective Truly Holmes for his assistance in the investigation and prosecution of "skinheads" for racial violence and vandalism in Dallas.

As one who fully shares the concern of the U.S. Department of Justice, the Dallas Police Department the Dallas County District Attorney's Office, and numerous citizens' groups about the increasing incidence of hate crimes, racial and religion-related violence in Dallas and other major cities, I want to share with my colleagues General Thornburgh's letter of commendation to Detective Holmes.

And, of course, I add my own sincere appreciation to Detective Truly Holmes for his vigorous pursuit of justice in these cases, which are so important in helping to stop these detestable acts of violence and vandalism.

Attorney General Thornburgh wrote the following letter to Detective Truly:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, April 5, 1990.

Detective TRULY HOLMES,
Dallas Police Department, 2014 Main Street, Room 506, Dallas, TX

DEAR DETECTIVE HOLMES: I wish to commend you for your outstanding efforts during the course of the investigation and trial of *United States* v. *Sean Tarrant, et al.*, a joint local and federal prosecution of acts of racial violence and vandalism by Dallas skinheads.

The Department attorneys who prosecuted the case have informed me of the exceptional investigative work you contributed during the initial investigation on this case, its lengthy grand jury investigation and its ultimate trial. Your tenacity in locating witnesses, your sophisticated interviewing techniques and your willingness to perform any service needed by the prosecution quickly were invaluable.

Acts of racial and religious hatred, such as those disclosed by the evidence in this case, are simply intolerable in a free society. That was the message of this prosecution and your efforts were its cornerstone.

It is always a privilege to have law enforcement officers like yourself on our prosecution team. On behalf of the entire De-

partment of Justice, I congratulate and thank you for your fine work.

Sincerely,

DICK THORNBURGH,
Attorney General.

STEMMING THE TIDE OF ANTI-SEMITISM IN THE SOVIET UNION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. MAZZOLI. Mr. Speaker, over the past several months, we have witnessed incredible changes in the Soviet Union. I hope President Gorbachev is successful with perestroika—restructuring the Soviet Union's political and social framework—and with glasnost—freedom of expression and enhanced civil rights. I feel it is in the United States' best interest for the Gorbachev program to succeed.

But, there is one disquieting development clouding these positive maneuvers. It is the appalling and totally unacceptable re-emergence of anti-Semitic attitudes among certain nationalist groups in the Soviet Union.

The U.S.S.R. has an unhappy history when it comes to relations with the Jewish community, and Mr. Gorbachev's silence on recent events—while that does not establish that he condones them—does worsen the problem.

Among the more notorious Russian nationalist organizations advocating ill will toward Soviet Jews is Pamyat. Pamyat is the Russian word for memory. Pamyat is using the new era of openness and freedom of expression as a springboard to revive old and discredited theories which are not even worthy of recital here. Suffice it to say, Mr. Speaker, that Pamyat blames many of the U.S.S.R.'s and the world's ills on Jewish people.

While Pamyat is the most notable of the nationalist groups—reviving after a long quiescence under communism—there are other groups spreading virulent and dangerous rhetoric about Jews in the U.S.S.R.

A recent New York Times magazine cover story by Bill Keller detailed the wide range of nationalist activity in the Russian Republic.

I am proud to be a cosponsor of House Concurrent Resolution 264, which calls on President Bush to urge President Gorbachev to publicly condemn the growth of anti-Semitism in the Soviet Union and to adopt any measures to protect Jewish citizens in the Soviet Union from harassment and persecution from nationalist groups such as Pamyat. I hope this resolution passes swiftly.

Mr. Speaker, the Soviet Government should act now to ensure the protection of Soviet Jews and the safe departure of any Jewish citizen who may wish to emigrate to another land.

At this point in the RECORD, I insert the New York Times magazine cover story of January 28, 1990, entitled, "Russian Nationalists: Yearning for an Iron Hand."

[From the New York Times Magazine, Jan. 28, 1990]

RUSSIAN NATIONALISTS: YEARNING FOR AN IRON HAND

(By Bill Keller)

The Revolution Day Parade in the western Siberian city of Tyumen has dwindled in recent years from a two-hour spectacle to a perfunctory 45-minute exercise, reflecting the collapse of the Communist faith. Last Nov. 7 the Tyumen city fathers, desperate to boost their ratings, agreed, to permit a small show of disent.

The parade began, as usual, with the local army regiment marching stiff-legged past the reviewing stands on Lenin Plaza, where the Communist gentry of Tyumen stood swaddled in woolens and fur against the first bite of the Siberian winter. Then came worker delegations from the brick factory and the motor works and the Oil and Gas Ministry, all tugging balloons and banners and responding with desultory "oorahs" to chants from the loudspeakers mounted above the square.

Near the end, the dissenters strutted into view, led by a pudgy and intense 30-year-old named Aleksandr P. Repetov. Reaching the square, they hoisted their banners high and slowed their pace to give spectators time to decipher the near white lettering on their placards.

"Russia, Russia, save yourself!" exhorted one banner, fluttering in the icy wind alongside an icon of St. George the Dragon Slayer, a popular saint of Old Russia.

"They need great upheavals, but we need a Great Russia!" proclaimed another, echoing a famous appeal uttered by the czarist minister Peter Stolypin in 1907, against the radicals then threatening the czar's government, and now directed against the radicals surrounding President Gorbachev. Then came this sonorous echo of czarist Russia: "For the faith, the people and the Fatherland!"

Repetov and his followers belong to a group called Fatherland, bent on saving ethnic Russian culture and values from the Communist melting pot. To them, Nov. 7—the anniversary of the Russian Revolution—is a day of infamy, marking the moment when Russian history was stopped brutally in its course and the Communists began their systematic extermination of Russian culture, the Russian church, the Russian soul.

Their presence here on this anniversary of the Communist state was not just an ironic protest, however, but a small sign of an intriguing political flirtation now going on between Russian nationalists and the conservative wing of the Communist Party, two forces that suddenly find themselves driven together by a common danger: Mikhail S. Gorbachev. More and more often during the past year, the children of the czar have found themselves marching alongside the children of Lenin.

In this era of glasnost, similar groups with names such as Fidelity or Renewal or Memory or Fatherland have sprouted in cities across the vast area of the Soviet Union inhabited by ethnic Russians. These groups are usually tight-knit and avowedly apolitical, devoting themselves to the preservation of churches and old buildings, combating drunkeness, or reviving Russian choral folk singing.

In fact, they are a political rear guard. While much of the Soviet bloc seems to be lunging toward Western freedoms, the Russian nationalists—or Russian patriots, as they prefer to be called—deplore the chaos of Western-style democracy and the materialism of Western markets. They pine for a romanticized, patriarchal Russia.

"Let other countries surpass us in the technology of computer production," said Mikhail F. Antonov, an economist and leading Russian nationalist ideologue. "But only we can provide an answer to the question: Why? For whose sake? We are the only legitimate heirs to the great, spiritual Russian culture. The saving of the world will come from Soviet Russia."

The Russian patriots are a disparate lot, ranging from the more paranoid factions of the Pamyat (Memory) society, whose members wear paramilitary-style black T-shirts or army greatcoats, to the cultural elite of the official Russian Writers' Union, now embroiled in a passionate fight about whether to exclude the Leningrad chapter for supposedly being dominated by Jews. Nationalists provide much of the passion of the growing environmental movement in Russia, and have largely taken control of the officially sponsored temperance organizations and cultural societies.

The nationalist spirit burns with new intensity, too, in the Russian Orthodox Church, where some dissident priests are trying to revive the fundamentals of Russian faith smothered by decades of secular, Communist state dogma.

So far, the Russian patriots are too divided, too indecisive about their own priorities, too ill at ease in the ways of politics, to be considered a formidable political force. At at time when ethnic politics has inflamed the Soviet Union, it sometimes seems there are more committed nationalists among the 4.6 million Soviet Armenians, now mobilizing for civil war against their neighbors in Azerbaijan, or the 3 million Lithuanians coolly charting their exit from the Soviet Union, than among the 145 million Russians. But Russian nationalism appeals to a deep conservative streak in the Russian psychology, a yearning for order and a distaste for individual ambition. And with the failure of Communism, it is the most potent ideology on sale.

Among ethnic Russians what is going on now is a frantic search, first for a coherent Russian faith and then for the political means to execute it. What results from this search will be more than an academic question, for the Russians are both the dominant nationality in the Soviet Union and the most imposing obstacle to Gorbachev's campaign of modernization.

Westerners often think of the whole Soviet patchwork as "Russia," a mistake that is as offensive to a Russian nationalist as it is to a colonized Latvian or Georgian. Uzbekistan and Lithuania may be Soviet, but they are not Russian. Indeed, a devout Russian nationalist even wonders about parts of Russia itself. A Siberian, for example, will tell you that Leningrad is too "cosmopolitan" to be truly Russian, and that Moscow, now the capital of world Communism, has been profaned.

Geographically, Russia is the largest Soviet republic, the heart of an empire enlarged in this century by acquisitions from Eastern Europe and Muslim Central Asia.

Ethnically, Russians are the largest Slavic race, kin to the Ukrainians, Byelorussians, Poles and Czechs. But Russian blood has been diluted since the Mongol invasions, and the Russian language has become the lingua franca of the empire rather than a badge of identity.

The Russian patriots consider themselves not the perpetrators of Communism, but its

most punished victims. To them, the Communists are the villains who assassinated their monarch, who raped their precious villages and birch-forested tundra with some of the most heedless industrialization ever inflicted on any patch of earth. Under Communism, the traumas of crash urbanization, overcrowed housing, women entering the work force and easy abortion so reduced the Russians' birthrate that, according to the 1989 census, they have fallen to a bare 50.8 percent majority of the Soviet Union's population.

"Fifty-eight percent of Russian families have only one child," laments Sergei V. Vasilyev, a young Russian from Tyumen who has taken up the patriots' cause in the Congress of People's Deputies. "After another generation, we'll have nothing but costumes in museums."

The nationalists see a Russian countryside that has languished in poverty while Communist leaders colonized Central Asia and Eastern Europe; today they watch as Soviet leaders desperate for capital sell the Russian birthright—timber, oil, natural gas—to foreign bidders, and buy, in absurd exchange, meat from France, potatoes from China, wheat from the United States.

Under Communism, the Russian Orthodox Church, so central to the sense of what it means to be Russian, was humilitated, its houses of worship transformed into "museums of atheism" or smashed to the ground by wrecking balls, its hierarchy vetted and corrupted by the K.G.B.

In Tyumen, Aleksandr Repetov of Fatherland took me on a tour of the former Ilyinsky Church, a 19th-century Russian Orthdox Church that was gutted during the late 1940's and fitted inside with a vodka factory. As bemused vodka bottlers looked on, Repetov and I climbed to the cupola, where galvanized tanks of vodka drain down to a bottling machine that snakes through what used to be the nave. On the vaulted ceiling, a few splashes of gold paint remain. (One of Fatherland's Revolution Day slogans called for relocating the bottling plant—to Communist Party headquarters.)

This is what the Communists have done. And now, as the patriots see it, Gorbachev is allowing new currents of permissiveness and Western materialism to corrupt what remains of Russia's long-suffering spirit.

"The Revolution brought people to the fore who destroyed Russia," says Valentin Rasputin, a writer whose novels of Russian village life have made him a leading ideologist of Russian nationalism. "In the same way, this revolution—perestroika—is bringing forth figures who, willingly or not, are promoting the destruction of stability, and of the country."

Amid this continuing destruction, the Russian patriots feel themselves misunderstood. Either the word "Russian" is used as shorthand for the entire polyglot citizenry of the Soviet Union, and thus for the acts of aggression committed under the banner of Communism or, when the word is used correctly to describe a distinct people, that people is often caricatured as bellicose, superstitious, servile, lazy and anti-Semitic.

The most influential Russian manifesto of recent times is Igor Shafarevich's "Russophobia," a bitterly defensive tract serialized in the monthly magazine of the Russian Writers' Union, "Our Contemporary," a bible of the Russian patriots. Xerox copies have been distributed like scriptural tracts across Russia.

With bitter eloquence, Shafarevich describes the Russian-hater's stereotype of the Russian: "A slave psychology, the absence of a sense of personal dignity, intolerance toward the opinions of others, a groveling mixture of spite, envy and the worship of authority.

"Since olden days, the Russians have loved strong and cruel authority, and have loved its very cruelty, throughout history they tended to slavishly submit to force. Even now, authority and a 'nostalgia for a master' dominates in the psyche of the nation . . . but the Russians are incapable of understanding the cause of their misfortunes. Regarding everything foreign with suspicion and hostility, they tend to accuse anyone at all of their trouble: the Tatars, the Greeks, the Germans, the Jews . . . anyone but themselves."

As Estonians, Lithuanians, Georgians and others have built their own nationalist movements and demanded greater independence from Moscow, the Russians who live in those republics have had to endure deliberate snubs, which have in turn helped galvanize Russian assertiveness. In Estonia and Moldavia, the Russian minorities have staged strikes to protest local language and voting laws aimed primarily at limiting the influence of Russian "occupiers" and "immigrants."

"The self-awareness of Russia is growing," Rasputin said, sitting in the bright, snow-filtered daylight at the Irkutsk Writers' Union. "Strange as it may seem, our republics have helped us with this: the Baltic republics, Armenia, Azerbaijan and others. When self-awareness started growing among these small peoples, accompanied to a certain extent by the growth of Russophobia, it helped—or rather, it helps—us Russians too, to become aware of ourselves and to define our place in history."

Maybe, suggests Rasputin, not entirely facetiously, it is time for Russia to think of seceding from the Soviet Union. Get away from the ingrates. Preserve the integrity of Russia.

The crude caricature of the Russian, of course, leaves much unexplained. The greatness of Russian literature and music, the moral courage of an Aleksandr I. Solzhenitsyn or an Andrei D. Sakharov, or even the work ethic of a Gorbachev do not fit neatly into this Russian stereotype. But it also has elements of truth, and one is the Russian inclination to blame someone else. Self-pity is the life-juice of Russian patriotism. In their self-pity, the Russian nationalists look for culprits and they usually find the scapegoats of history: the Jews.

Russian nationalists never tire of reciting the names of Jews who played critical roles in the Bolshevik Revolution and in Stalin's terror. In Russian nationalist demonology, the belief that Lenin had a Jewish grandfather, that Jews (who had suffered heavy persecution under the czar) predominated in the Bolshevik Party, and of course, that Marxism itself was the eponymous product of a German Jew, make the Jews as a race responsible for the interruption of Russian history. That Jews were themselves cruelly victimized in Stalin's purges is overshadowed by the fact that Lazar M. Kaganovich, a Jew, helped mastermind the violence. Some Russian nationalists, in fact, are inclined to exonerate Stalin on the fantastic grounds that he was manipulated by the Jews around him.

It is not just the weird paramilitary order, Pamyat, that is obsessed by the Jews. In conversations with educated, cultured Russians who would never be caught dead wearing a black T-shirt, in the pages of official magazines and newspapers favored by the nationalists, and in debates at the Russian Writers' Union, "the Jewish question" looms large. And with the coming of glasnost, discussion of it has become much less inhibited.

"I think today the Jews here should feel responsible for the sin of having carried out the Revolution, and for the shape that it took," Valentin Rasputin, who had been chosen a member of the Congress of People's Deputies, told me in November. "They should feel responsible for the terror. For the terror that existed during the Revolution and especially after the Revolution. They played a large role, and their guilt is great. Both for the killing of God, and for that."

The killing of God? Well, Rasputin said, that is an ancient sin, and no Jew today can be held responsible for the crucifixion of Christ. But the crimes of Communism are not so quickly forgiven.

"In this country, those are Jewish sins," Rasputin went on. "Because many Jewish leaders took part in the terror, in the repression of the kulaks, of the peasants, and so on. The ideology was produced by Jews. But to make them answer for it and to say that we won't be able to coexist, is the wrong approach. We can't make all Jews emigrate, and it's not necessary, either, because they are the brains we need. And I think the two nations, Russians and Jews, have merged to such an extent that separation would be painful—painful for the Russian nation, too. With all their faults and merits, they need each other, because on the one hand it makes for a kind of spiritual competition, and on the other hand it spurs the Russian people out of their lethargy."

Shafarevich, in his tract, blames Jews for promulgating the current wave of Russophobia. Not surprisingly, many Russian nationalists see Jewish influence behind Gorbachev's reforms, and delight in searching out evidence of Jewish ancestry in the family trees of prominent Westernizing radicals. In Irkutsk, I heard locals complain about the prominence of Jewish Soviet émigrés on the Russian-language Voice of America.

"We need to protect the independence of Russia, and to do that we need to limit the influence of these forces," says Aleksandr Turik, the leader of Fidelity, another patriotic group, based in Irkutsk.

At the Russian Federation Writers' Union meeting in mid-November, one of the stormiest disputes was over which of two rival Leningrad chapters to recognize—the established chapter, whose 430 members included a high proportion of Jews, or a breakway faction of 80 Russian nationalists.

"How many Russian writers, the legitimate sons of the Russian land, native Russians, will moan under the heel of the oppressor, the usurpers," shouted the writer Tatyana Glushkova in defense of the Leningrad Russians, whom she imagined "begging and pleading like Palestinian children. We are obliged to help our brothers of the same blood, for they are in need."

The affection for Palestinians notwithstanding, the Russian patriots' distaste for Jews is rivaled by their horror of the Islamic peoples who populate the republics south of Russia. The Russians talk about their fertile neighbors as both a Yellow Peril and a White Man's Burden.

Other Russians, including many who are deeply devoted to Russian culture, find the incessant preoccupation with Jews and Muslims embarrassing or frightening.

"We cannot live in peace until we ourselves stop raising these artificial barriers," said Sergei Zalygin, the avuncular editor in chief of the country's leading literary monthly, Novy Mir (New World). Zalygin is close friends with many of the Russian nationalist writers, but he has refused to open his magazine to what he considers destructive polemics, and he does his best to avoid the nationalist quarrel.

What the Russian nationalists want is to resume the history broken off in 1917.

Most of them do not advocate restoration of the monarchy, though they would probably agree with Rasputin that if revolution had not intervened Russia would have evolved into a constitutional monarchy, and would be better off today. (Many, like Rasputin, also believe that the last Czar, Nicholas II, and his family should be canonized as saints in the Russian Orthodox Church.)

But if a return to monarchy is impractical, neither do the nationalists have much use for Western-style democracy. They want order, stability, an end to permissiveness. Gorbachev, Rasputin says, is a capable man, but "he's completely confused. He doesn't know what move to make in order to lead the country out of this dead end." He paused, and a smile flickered across his lips. "A dead end which he brought us to in the first place."

Perhaps if Gorbachev had introduced freedom gradually, Rasputin says . . . "Instead, he threw everything at the people all at once. Just like when the czar used to throw money at the crowds during the carnival. The people would scramble, and there would be a lot of victims. The same thing happened here with perestroika."

"We need more use of troops to stabilize the situation, and thereafter stricter laws on public morality," he says. "We need to forbid the propaganda of repugnant things." Sex in the movies, rock-and-roll on television, ridicule of authority, pointless consumerism—these are the poisons of Western thinking.

Gorbachev has won over some of the Russian patriots by allowing them greater license to speak and publish, and by loosening official controls on the church. But on the whole they believe Gorbachev and those around him are leading Russia into an imitation of the bourgeois West, egged on by new Russophobes and Westernizers.

"The light at the end of their tunnel is capitalism," declares Sergei Vasilyev, the deputy from Tyumen.

Russian nationalists are against free markets, wealthy entrepreneurs and free trade zones that they believe will make Russia a colony of multinational corporations. They are against "the video layer culture."

"Material values are of secondary significance," says Rasputin. "We should have what we need, we should be well fed, we should not feel the lack of essential goods. But to bathe in luxury leads to nothing. . . . Russia should not live in poverty, but in moderation. It's difficult to restore spiritual values now, Russia being as poor as it is. But we need moderation. Wealth leads to the decrease of spiritual values."

During the last year, the Russian nationalists have tried to convert their wounded feelings into a political strength, so far with little success. The few candidates who ran openly Russian nationalist campaigns in elections last March, such as the novelist Yuri Bondarev in Volgograd, were soundly defeated. (Rasputin did not face the voters, but was elected to one of the seats reserved for the Writers' union.)

In October, Vasilyev managed to assemble 51 Russian deputies in Tyumen to discuss a legislative program aimed at the special problems of Russia: promoting the language and culture, establishing a separate Russian Academy of Sciences and state television committee, demanding a greater share of the national budget for Russia. Only 28 of those who came signed the document, not a formidable force in a congress of 2,250 members.

The fact remains, however, that the Russian nationalists offer a potent ideology to a people who long for something to believe in. They also appeal to that darker side of human nature, the yearning for someone to blame.

But Russia itself is too sprawling and diverse to be easily united, as conquerors have discovered over the centuries.

Moreover, the ascetic message of the Russian nationalists has not caught on with a materialistic younger generation, which, unlike its parents, does not remember a time when things were worse. Some young people have drifted to the Orthodox Church, others wear the black T-shirts of Pamyat. One of Leningrad's biggest young television heartthrobs, Aleksandr Nevzorov, anchor of the sensational nightly news digest "600 Seconds," sports a Russian flag on the lapel of his leather jacket and tells interviewers he reveres the monarchy. But this is all dwarfed by the fascination with the West. The new icons of the Russian young are Heineken beer cans and flip-top cigarette boxes.

The nationalists are also handicapped by their inexperience at politics, especially at the new, quasi-democratic politics Gorbachev has allowed.

"The Russian people could put forward marshals and thinkers," said Rasputin, "but they were least of all capable of putting forward politicians. This is probably related to the delayed development of democracy in Russia." Rasputin and Vasilyev, both members of the People's Congress, said they felt ill at ease in a forum they find too Western.

"I'm a deputy, I take part in the Congress, but it's foreign to me," Rasputin confessed. "These people are foreign to me. It's not my business to deal with legal matters, laws, which laws are going to work, which aren't . . . I'm afraid there's a lot I don't understand, and which I never will understand, because for me, the most important law is the law on decency and justice. Like it used to be among the people: according to God's law or not, just or injust."

During the past year, Russian patriots have begun cultivating support in three important constituencies.

One is the military. Several prominent nationalist leaders have ties to the military and are given favorable attention in military publications. Nationalist groups have increasingly included in their declarations a call for strengthening the military and police.

"The ring of American bases around our country has not weakened," warned the 28 deputies who gathered in Tyumen. They expressed "serious concern over the attempts to discredit the army, and the decline of superpower patriotism among our youth."

The campaign has not yet produced any conspicuous results, perhaps, says Vasilyev, because the military has been subservient to the Communist Party since Stalin liquidated the officer corps in the 1930's.

"The army could be a guarantor of stability," the young deputy said wistfully, as we drank tea in his Tyumen apartment. "But the young officers are demoralized by bad living conditions, and the old officers are afraid."

A more promising target is the working class. There have been efforts to merge Russian nationalism with a kind of blue-collar populism, a combustible combination if anybody finds the right spark. Russians are disproportionately represented among the machinists and truck drivers of the Soviet society, and many are frightened that Mr. Gorbachev's program will leave them behind.

"Someone wants us to be Americans, or maybe Japanese," said a machinist at a Leningrad tractor factory last summer, explaining why he was sometimes drawn to Pamyat rallies at Rumyantsev Garden. "But we are Russians, and we must look out for each other."

Russian nationalism is evident in a new alliance of blue-collar groups, the United Workers' Fronts, which held its founding congress last September in the Ural Mountains industrial center of Sverdlovsk. This group joined with an array of nationalist clubs to form a United Council of Russia, which has attempted to find common ground among Russian nationalists, disgruntled blue-collar workers and party functionaries.

"They are too Marxist for our taste," said Aleksandr Turik of the Irkutsk patriotic group Fidelity. "But they actively oppose our opponents. We have serious differences with them, but we all understand that we are involved in the same business."

The third target of nationalist interest, and the most astonishing, is the Communist Party. This would be, perhaps, the ultimate marriage of convenience. The party apparatchiks, endangered by democracy, are desperately searching for an ideology that might win them a popular base, and some kind of national Communism might be the ticket.

In November, the Leningrad Party leader sponsored a rally of bused-in party workers where speaker after speaker railed against "millionaires" and Westernizers, an orgy of populism with Russian nationalist overtones. In December, a plenum of Communist leaders in Moscow voted to start a separate party bureau for the Russian republic, a concession to nationalists. The Russian patriots in turn are looking for an institution that will give form to their faith. If the Communist Party drops its ban on religious believers and its "internationalist" slogans—both entirely possible—many Russian nationalists would feel at home.

"The party should be reborn on a patriotic, national basis," said Turik.

"I don't feel any love for the party," said Rasputin, a non-Communist. "I understand perfectly well the harm it did to the people and to the country. . . . But I think that in the present conditions, when everything is shifting, and when there's a rebellion against the past going on everywhere, when people completely disregard the past, I think we have no other way out than to reconcile ourselves with this party and to let it restore a certain stability. . . .

"It seems to me," Rasputin went on, "that the situation in our country is so dangerous now that if we change the party, or even if we permit more than one party, it will only lead to greater danger. We need unification, even if it's based on this party. And then we'll be able to move on."

Vasilyev, a party member, agrees. Only 28, he has been a career functionary in the Communist Youth League, and he thinks

the Russian patriots can pick up useful organizational skills.

"It is easier to reform the party than to replace it," he said.

When Alla Latynina, literary critic for the Literary Gazette, hears that kind of talk, it sends a chill up her spine.

She is one of a growing number of Russian intellectuals who are trying to find a liberal alternative to the Russian patriotic movement. They agree that the Revolution interrupted Russia's progress toward civilization, but disagree about where to resume that history. They are searching for a centrist position, combining the political and economic experience of Western civilization with what is humane in the Russian tradition.

"We have a different history, and different roots," Latynina said during a conversation in her living room, which is decorated with her husband's collection of Russian folk toys. "Despite all my affection for the Western world, I understand that we will never become France. In order to do that, 200 years of parliamentary work are needed. And we haven't done that. But I think we can become a state, a society with liberal economic models, a society where we can breathe freely and where our freedom is not denied."

The West, and the radical Westernizers here, tend to think of Russia's past as exclusively one of tyranny and serfdom. It is true that Russia never developed a property-owning middle class, the institutions of parliamentary democracy or a well-established rule of law. But as S. Frederick Starr, president of Oberlin College and an insightful observer of Soviet affairs, has pointed out, Russia does have a fragile, liberal countertradition dating back to the early 18th century, when Peter the Great exposed young Russians to Western ideas.

"When The Moscow News in 1799 conducted a poll to determine the most significant figures of the waning century," Starr wrote in The New Republic, "George Washington and the American Founders headed the list."

Before the Communists seized power, the land reform of 1906 had given land to peasants, and the czars had encouraged a flourishing private industry and foreign trade. Russia at the beginning of this century, Starr points out, was beginning down a path that Western democracies had followed earlier, toward political and economic pluralism and the rule of law. The strength of these impulses is evident in the brutal force that both Lenin and Stalin used to suppress them. And even after that suppression, the yearning for Western civilization and markets lived on her in underground publications and the shadow economy.

Today, magazines like Novy Mir are conducting an intensive search for a more humane Russian tradition, reviving the work of pre-Revolutionary philosophers like Nikolai Berdyaev, who argued for a synthesis of Western and Slavic values, and recounting the experience of Russian capitalism at the turn of the century.

"Maybe the slogan 'Workers of the World, Unite' seemed romantic at the beginning of the workers' movement," said Latynina, "but I feel closer to those of our historic figures who never got caught up in this romantic notion of creating the kingdom of labor, but who saw that all this would end in disgrace. They knew this experiment would not be successful, they knew that one can't build a society on hatred and on unleashed elemental passions."

Latynian's nightmare is that an opportunistic clique within the Communist Party, seeking new elemental passions to exploit, will seize on Russian nationalism—giving form to the raw emotion. As it becomes clear that Western-style democracy and markets will not instantly raise Russia from its economic slough, demogogues will find a wider audience.

An outsider who has watched the birth pangs of democracy here can only hope Latynina is wrong. But given how late the West recognized the political strength of the National Socialists in 1930's Germany or the Islamic Fundamentalists in 1970's Iran, it would be foolish to write off the Russian nationalists.

STATEMENT ON RELIEF FOR HIGH MEDICARE HOSPITALS

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. GOSS. Mr. Speaker, southwest Florida has many characteristics that place it first in the record books. But one of our distinctions is not necessarily something to be proud of—it's sort of a double-edged sword.

Florida 13 has more high Medicare hospitals than any other district in the country—and that means that problems with the Medicare system are causing big problems for our area.

Our hospitals concentrate on the elderly—and so they end up serving a disproportionately high percentage of Medicare beneficiaries.

These hospitals are performing an invaluable service to our communities—but they are being squeezed from every direction. The Medicare system is already on shaky ground—and there are some who predict an earthquake ahead.

Many of our hospitals are operating in the red—some have been forced to shut down altogether. Why? Because the Medicare Program isn't addressing the needs of a hospital where Medicare beneficiaries account for 65 percent of the patients.

Mr. Speaker, it's time we revamped the Medicare payment system to reflect reality. These hospitals are operating in the trenches of the health care battle—we can't afford to leave them as stranded casualties.

E. CLAUDE GARDNER'S RETIREMENT

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. SUNDQUIST. Mr. Speaker, in a few short weeks, Freed-Hardeman University in Henderson, TN will mark the retirement of its president and leading booster, Dr. E. Claude Gardner.

I am proud to call Dr. Gardner my friend and proud to call attention to this House the record of achievement he has built at Freed-Hardeman.

Claude Gardner began teaching at the school 41 years ago. In 1969, when he became its president, Freed-Hardeman was a 2-year junior college, serving 758 students in 12 buildings. Today, Freed-Hardeman University is a fully accredited 4-year school, with a master's program, serving almost 1,200, students on a modern campus of 32 buildings. These great strides forward are due in no small part to Claude Gardner's vision, effort and enthusiasm.

For almost 21 years, President's Gardner's stewardship and Christian example have made a difference for good at Freed-Hardeman, as well as in Henderson and surrounding Chester County. Claude Gardner's involvement and spirit are evident in the local chamber of commerce and Rotary Club, which he helped establish.

On June 1, Claude Gardner will retire from the presidency of the proud university he has done so much to build, but that will not be the end of his service or influence there. He will become the school's first chancellor, and in that capacity, he will no doubt continue to influence for good the preparation and training of yet another generation.

His tenure at Freed-Hardeman has been one of uncommon accomplishment. His record will be the yardstick against which those of his successors will be judged.

TRIBUTE TO THE HONORABLE ROBERT F. WAGNER

BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. GREEN. Mr. Speaker, I should like to bring the attention of my colleagues to an event which will mark the 80th birthday of the Honorable Robert F. Wagner, one of the country's most distinguished public servants.

On Tuesday, May 15, Mr. Wagner's birthday will be marked by the naming of Robert F. Wagner Graduate School of Public Service at New York University. In addition, that celebration will be the occasion to present to the Honorable Ronald Reagan and Nancy Reagan, and Ambassadors Walter and Leonore Annenberg, the first Wagner Medals for Public Service. The extraordinary career of Bob Wagner could only be acknowledged in an extraordinary way, reflecting his lifelong dedication to the public good.

On that occasion, I should like to extend my best wishes to Robert Wagner for a healthy and happy birthday.

CONGRATULATING THE 1990 SMITH ACADEMY FALCON CHAMPIONSHIP BASKETBALL TEAM

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. CONTE. Mr. Speaker, it is my great honor to extend my congratulations to the Smith Academy Basketball Team of Hatfield, MA. On March 17, the Smith Academy Fal-

cons crowned their undefeated 25–0 season by beating Mission High School of Boston, to win the Massachusetts Division III Men's Championship.

Mr. Speaker, winning a State championship is no small feat for a team from western Massachusetts. It is often the case of David slaying Goliath when one of western teams heads east for State tournaments. This is why the accomplishment of the Falcons is all the greater.

In the championship game, the Falcons displayed all of the spirit and poise that it takes to make a great championship team. At half time, the Falcons trailed Missions High by a point. I don't know what Coaches Robert Pelis and Perry Messer told their troops at the half, but perhaps it was a mixture of Gen. George Patton and Red Auerbach. Whatever it was, it worked. In the second half, the underdog Falcons, led by point guard Luke Ryan and 1,000 career point scorer Jim Smiarowski, rallied and triumphed by a 10 point margin at the final buzzer. This is a team of diverse, multitalented players and all of them contributed to their teams ultimate victory. Jim Smiarowski, Luke Ryan, Brian Hurley, Herb Guyette, Sean O'Connell, Marc Mulherin, Kyle Cahill, Amit Patel, Travis Daniels, Mike Strong, Mike Theberge, and Bill Skorupski are all champions today. In the trenches, the squad was ably assisted by managers Jim Lavallee Tracy Banasieski, and Katie Flavin.

Basketball is, at times, a magical game. This season, the greatest magic was at Smith Academy. And so, Mr. Speaker, I join all of Hatfield, Hampshire County, and western Massachusetts in congratulating the Smith Academy Falcons—State Champions!

SANDINISTAS GIVE MILLIONS IN STATE ASSETS TO FOLLOWERS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. LAGOMARSINO. Mr. Speaker, I would like to call to the attention of my colleagues an article in the Los Angeles Times which appeared April 25, 1990. The report describes the policy of the outgoing Sandinista regime in Nicaragua to turn over millions of dollars in state assets to government officials and party followers. The state-sponsored grand larceny carried out by the Sandinistas practically guarantees that the succeeding Chamorro government will lack the resources to govern effectively and efficiently.

SANDINISTAS GIVE MILLIONS IN STATE ASSETS TO FOLLOWERS

(By Richard Boudreaux)

MANAGUA, NICARAGUA.—Since losing the Nicaraguan election two months ago, the Sandinista revolutionaries who leave office today have given away millions of dollars in state-owned land, houses, cattle, vehicles, boats, radio stations and building materials to members of their own party, according to government workers and members of the incoming administration.

Aides to President-elect Violeta Barrios de Chamorro, after transition talks with Sandinista officials in each governmental agency, expressed alarm this week over what they called a systematic looting of public assets—and official moves to conceal it.

They said the losses could slow their efforts to revive an economy crippled by years of war with the Contras and Sandinista mismanagement.

"We are about to inherit the shell of a government," said Guillermo Quant, a Chamorro aide. "Until we look at the books, we won't know how thin the shell is."

Sandinista authorities have defended some giveaways, such as cars and houses, as legitimate rewards for revolutionary service, and they claim to have collected token payments for some property. But other cases involve mysterious pilfering and accusations of embezzlement.

In one case documented by Chamorro aides, three container ships and two tankers of the government-owned shipping fleet have disappeared and turned up for sale in New York. Also missing, neighboring farmers say, are 7,000 of the 17,000 head of cattle on a state-owned ranch.

Employees report that an entire resort—five bungalows in the Masaya Volcano national park—was dismantled and trucked away under army guard one night.

Big-time thievery has hit little towns like Diria, southeast of Managua, where 3,000 slabs of cement for a new cemetery wall and all 12 sewing machines at the sewing cooperative vanished, residents said.

"President Daniel Ortega is blaming the state of the economy on North American aggression, but in these last few weeks the aggression is more direct—it's from the Sandinistas themselves," said Salvador Murillo, a Tourism Ministry employee. "They're telling their people that they will soon be out of work, so it's time to grab everything they can."

The Sandinistas have denied some of the more blatant stealing of which they are accused. But they declined in recent meetings with Chamorro's transition teams to hand over the inventories, balance sheets and bank records of any government entity until the last day.

Jaime Icabalceta, a coordinator of the transition teams, said that the Sandinistas apparently sold cheaply or gave away most of the state's collective farms in recent weeks, along with most of the late-model vehicles assigned to government ministries. Some ministries are turning over fewer than five cars.

In southernmost Rivas province, he said, six of the 10 sprawling cattle collectives were privatized. One was given to the Sandinista army and another to Ivan Garcia, outgoing director of the state television network.

An irony of the situation is that the Sandinistas, after a decade of commitment to a fairly centralized economy, have suddenly embraced Chamorro's free-market principles. They are preempting her promise to sell most of the state's property—acquiring many of the goods themselves at bargain prices and undercutting her government's ability to raise cash.

"They are sucking the state dry to set up their own companies," said an American businessman. "They are creating a corporate state within a state."

Cars have been a hot topic of discussion in government agencies during the lame-duck period. At the Internal Commerce Ministry, 15 section heads already assigned cars got to keep them without charge, and 12 other Sandinista activists applied for the privilege of buying five other cars for $30 each, an employee said.

Some ministries even bought new cars just to sell them at huge discounts to loyal employees. Casa Pellas, a major importer, reported selling about 160 new Japanese cars, trucks and jeeps in March and April—double the pre-election rate. The government bought most of them.

When the opposition newspaper La Prensa reported that a state transport firm had given 12 trucks at no cost to Sandinista employees, company director Guileobaldo Lacayo defended the practice.

"It wouldn't be fair to let these trucks end up in the hands of people who never contributed to this enterprise," he said.

Aides to Chamorro, the first Nicaraguan opposition leader to assume office in a peaceful transition, say the looting is worse than in 1979, when the Sandinistas deposed dictator Anastasio Somoza and inherited a sacked, virtually bankrupt economy.

"When Somoza fell, people took advantage of the chaos and power vacuum to steal little things—refrigerators, television sets, sound equipment, furniture, food, clothes," said Vice President-elect Virgilio Godoy. "This time, there is an appearance of normality, but the looting is hidden and much bigger in scale. This time it is ordered and directed by the government."

Sandinista Vice President Sergio Ramirez and other officials have made strong statements denying such charges. But Ramirez admitted that a law passed last month by the Sandinista-dominated National Assembly had aroused suspicion. The law declared government officials immune from any crimes committed up to the time they leave office. Godoy called it "the first law in history to sanction looting in advance."

Another law passed last month gave Sandinistas title to homes confiscated over the past decade. Since then, Sandinista military officers have moved into a complex of 40 state-owned homes vacated by Cuban military advisers who were withdrawn from Nicaragua.

"An officer with several stripes on his uniform came to see this house where the Cubans lived," said a maid dismissed by the new owners. "The officer told this other man that he liked the house but would have problems because it had only one garage space and he drives two cars."

The high-level scramble for homes and cars appears to have fostered a now-or-never atmosphere in Managua, as the poor also try to improve their status. Thousands of homeless people have invaded empty lots and built shacks in the hope that the new government will not chase them out. Sandinista-led labor unions have staged eight strikes against government agencies in the past week, some of them winning 100% wage increases.

Alcides Altamirano, 29, the Sandinista Youth leader in the city of Granada, is doing well for himself in this atmosphere. The house and car assigned him by the government four years ago have just been given to him at no cost. A few days ago, he seized a plot near Managua's Roberto Huembes market, along with other squatters, and is building a new house with concrete slabs he says he acquired cheaply from "a contact" in the Construction Ministry. He expects to sell the other house for $2,500.

So blatant is the looting from the ministries, says Altamirano, that he feels his actions are within the limits of ethical behavior.

"Some of those taking advantage of this situation were never Sandinistas," he said. "They are technocrats, opportunists

who called themselves Sandinistas to rise to high positions."

Fearing theft or sabotage by their Sandinistas bosses, employees have shut down the Ruben Dario National Theater until the new government takes possession.

According to an agreement between the incoming and outgoing governments, all state property is to be accounted for and handed over, a process that started Monday. But when Chamorro's media aides called on Arnulfo Urratia, president of a state corporation that owned 17 of the country's 35 radio stations, he announced that the corporation had been dissolved.

Fourteen of the stations, it turned out, had been turned over to local governments that will not change hands until May 10, and two had been sold, one for $5,000. The other, Radio Primerisima, had been given free to a cooperative of its Sandinistas workers, headed by Urrutia himself.

"After 10 years, we have a right to keep this," he told Chamorro's aides.

The 34 fishing boats of a state shrimp-fishing cooperative in Bluefields, on the Caribbean coast, met a similar fate. The cooperative—with its boats—was turned into a private entity, run by its Sandinista founder.

La Prensa declared last week that "de-capitalizers of the state" will be "condemned as common criminals" after the new controller general audits govenment agencies. It added a *caveat emptor:* Anyone buying goods stolen from the government runs the risk of losing them, no money back.

But the new administration is divided over how much can be done to receover the booty. Prosecuting so many Sandinistas, Godoy said, would be "uncomfortable," and in many cases impossible, given the likelihood that incriminating records are being destroyed.

As Chamorro's aides debated the issue, thieves struck the state-owned country club where the new president is to receive visiting heads of state tonight. They stole paintings, refrigerators and furniture. Workers there blamed the club's Sandinista management.

THE CALIFORNIA FISH AND WILDLIFE RESTORATION ACT OF 1990

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. MILLER of California. Mr. Speaker, 2 weeks ago, the world celebrated Earth Day. There was a great outpouring of sentiment for changing policies that destroy our air, our water, and endanger the future of life on this planet.

Really cleaning up the environment is going to take more than sentiment.

Today, I am introducing legislation that will initiate the most dramatic effort ever to restore the fisheries, wetlands, and wildlife of California—with firm goals, tough timetables, and a sharing of the burden.

I am pleased to say that the bill already enjoys substantial support. Fifty-one Members of the House have joined as original cosponsors of the California Fish and Wildlife Restoration Act of 1990. The bill is also supported by all of the major California and national conservation organizations.

I intend to move this bill. My Subcommittee on Water, Power, and Offshore Energy Resources will hold the first hearing on May 15 in Washington, DC.

My bill complements an important piece of legislation by Assemblymen Phil Isenberg and Bill Baker that is already moving through the California State Legislature. The Isenberg-Baker plan would protect and restore wetlands and to ensure that the State does its part to implement the North American waterfowl management plan.

These bills, one Federal, the others at the State level, share the same urgency.

For decades, the State and Federal governments have committed ecological genocide on the fish and wildlife in California. The repercussions have been felt up and down the Pacific flyway. The repercussions have been felt by commercial fishermen and by all of the people who go out on the weekends to fish with their children. The repercussions have been felt by virtually everyone who enjoys hunting, fishing, birdwatching, or just experiencing the natural environment.

Every year, more and more wildlife habitat has been dammed, drained, plowed under, paved over, reclaimed, and poisoned. Salmon, steelhead, and striped bass have declined by 80 to 90 percent. One run of salmon is on the threatened species list. Duck populations have dropped by 50 percent, reaching a record low last year.

We have wiped out 95 percent of all the wetlands of the Central Valley.

And the State's economy, as well as its ecology, are gravely endangered.

We used to have massive fish runs and busy canneries lining the Sacramento River in the delta, employing our citizens and generating a tremendous amount of economic activity. But no more. Today, billions of dollars in boating, duck clubs, commercial fishing, aquatic recreation, and related business are jeopardized by the current state of affairs.

We cannot allow these integral parts of the California economy to go the way of the old sardine canneries.

Some will point the finger of blame at the farmers, or the developers, or the urban areas. The fact is—we all share the blame. We have all enjoyed the prosperity that has come from the use, and the abuse, of our State's natural resources. And now, our State's future is endangered by our excesses.

The time has come for us to give something back to the State of California—and that is a sound ecological future. We have to leave California better than we found it.

The bill I am introducing is tough, but fair.

It requires the Secretary of the Interior to double the salmon and steelhead population by the year 2000 by implementing the upper Sacramento fisheries and riparian habitat management plan, and by protecting and restoring the anadromous fish in the lower Sacramento, the bay and delta, and the San Joaquin River.

It also requires the Secretary to implement the North American waterfowl management plan in the Central Valley, including an obligation to provide water needed by the refuges for the protection of wildlife.

We will all have to recognize that this urgent task cannot be accomplished quickly, easily, or cheaply. We're going to take all those promises of sacrifice and individual participation from Earth Day, and ask everyone to pay their fair share.

Our bill is funded jointly by the Federal Government, by the State, and by the Central Valley project water and power users. Central Valley project water rates are already far below comparable State and nonproject rates. Water users will meet their obligations by means of a $1 an acre-foot surcharge.

In addition, the Western Area Power Administration will issue bonds to pay for the fish and wildlife restoration prescribed by this bill.

We in California have enjoyed the benefits of cheap water and cheap power for decades. But there has been a price to that consumption. I believe the people of the State will be willing to share equitably in the effort to restore California for future generations to enjoy.

And that is the goal and the message of this bill. This legislation offers an opportunity for disparate, and sometimes adversarial, portions of our State to come together to accomplish a common goal: The restoration of our wetlands and our fish and wildlife resources.

Working together—environmentalist and hunter, farmer and urban resident, developer and preservationist—this bill can be a reality and our common goals of restoring the environment of California can be achieved.

Mr. Speaker, we have a unique opportunity and a great responsibility to protect our natural heritage.

I urge my colleagues to join me in this effort.

SUPPORTING REPRESENTATIVE GEPHARDT AND A NEW VISIONARY FOREIGN POLICY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. MAZZOLI. Mr. Speaker, I rise in support of Majority Leader DICK GEPHARDT'S call for a new and visionary U.S. foreign policy.

I was recently in Poland where I met with Solidarity leader Lech Walesa and other Solidarity officials. Lech Walesa had a vision in 1979 of a Poland free of Communist rule. Despite having to operate underground for years, Walesa's perseverance and courage proved successful. We now are beginning to see the results—all because Walesa had a vision.

DICK GEPHARDT is not calling for something radical in America's foreign policy. He is only advocating an open debate by those charged with the responsibility of addressing a changing world structure. This means the administration and the Congress.

So far about all our colleague, Representative GEPHARDT, has gotten in return for requesting a national debate on foreign policy is a lot of loose talk from his detractors and even some verbal abuse.

For my part, I applaud the majority leader for his courage in broaching this subject, and the graceful way he handled the resulting criticism.

Whether the administration likes it or not, DICK is right. The debate has to take place.

With the prospects improving for freedom and democracy in Eastern Europe and Central America—and with racial equality not a too distant dream in South Africa—America cannot afford to embrace all the old models of foreign policy. To remain the global leader, we must find new solutions to these new opportunities and new challenges.

Mr. Speaker, I do not necessarily agree with every initiative the majority leader espoused in his speech. But, his serious comments deserve no less serious a response from us, his colleagues in Congress, from the administration, and from the people of America.

TRIBUTE TO RETIRING CITY PAYROLL CLERK

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. MACHTLEY. Mr. Speaker, today I rise to honor a dedicated public servant, Mrs. Therese R. Gadoury, of Woonsocket, RI. Mrs. Gadoury recently retired after working 17 years as the city's payroll clerk. Her hard work and achievements stand as a shining example for other citizens.

Mrs. Gadoury didn't just work with numbers, she made a deep impression upon those who were blessed to work with her; her integrity and tenderness of spirit is noticed by all. Most fortunate of all is her family. A loving mother, Mrs. Gadoury has raised seven children.

I commend Mrs. Gadoury for all her accomplishments. I wish her all the best for a happy, healthy and enjoyable retirement and may she continue to bless all those who are fortunate enough to know her.

A TRIBUTE TO THE LATE RABBI ERWIN ZIMET

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. FISH. Mr. Speaker, when the spiritual leader of Temple Beth-El in Poughkeepsie, Rabbi Erwin Zimet, passed away last December, the Hudson Valley region lost an irreplaceable treasure.

Rabbi Zimet was a native of Berlin, Germany, and came to this country in the midst of the Nazi Holocaust against the Jews. Arrested one night with his father in 1938, he was sent to the Polish border, where he and his dad waited 3 days and nights in the snow, without food or shelter.

In America, Rabbi Zimet tirelessly devoted himself to his new duties as rabbi, first in New York City, and then in Poughkeepsie, where he arrived in 1946. He was an exceptional spiritual leader, visiting members of his congregation in hospitals, nursing homes and their houses.

But Rabbi Zimet's contributions extended far beyond his pastoral duties. He marched for civil rights in Selma, AL. He wrote letters urging a national holiday for Martin Luther King. Under his leadership, the Interfaith Council sponsored Vietnamese boat people in the country in 1980. He also served on the Dutchess Council of Human Rights and the City of Poughkeepsie Commission on Human Rights. He devoted countless hours to high schools, colleges and correctional facilities. He was always eager to help others.

In light of all these accomplishments on behalf of his county and country, the Anti-Defamation League of B'nai B'rith of Poughkeepsie will posthumously present its Lifetime Achievement Award to Rabbi Zimet's family on May 5. No individual is more deserving of this honor. I commend the Anti-Defamation League of B'nai B'rith for its excellent choice.

CUSTOMS INFORMED COMPLIANCE AND AUTOMATION ACT OF 1990

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. PEASE. Mr. Speaker, together with my colleague, Mr. FRENZEL, I am introducing the Customs Informed Compliance and Automation Act of 1990. This bill would strengthen the U.S. Customs Service's role as a trade facilitator.

In today's competitive business environment, imports, and exports play an increasingly important and often strategic role in bottom line performance. Delays in meeting delivery dates, either inbound or outbound, can wreak havoc on carefully planned production schedules, sales projects, and pricing strategies.

The Ways and Means Oversight Subcommittee, which my colleague, Mr. PICKLE, chairs, ably documented these delays and other mishaps in its report "Abuses and Mismanagement in U.S. Customs Service Commercial Operations."

The Joint Industry Group, a coalition of trade associations and U.S. businesses and the chief proponent of this bill, argues persuasively that the issue of Customs Commercial Operations should not be framed as a choice between moving commerce and enforcing the law. Rather, the issue is more correctly one of facilitating compliance with the law.

An effective compliance program has three elements:

First, importers and exporters need to know and be able to find out what the laws are. If necessary, they also need to have their questions answered regarding the treatment of new articles of commerce.

Second, importers and exporters need some measure of certainty that the law and interpretations of it will not be changed suddenly without due notice and opportunity for comment.

Third, importers and exporters expect the Customs Service to facilitate international trade, while at the same time ensuring that the laws are adequately enforced.

In recent years, many in the business community have grown concerned about the trend in Customs to focus on the third element of compliance to the exclusion of the first two. Catching problems at the Nation's ports is certainly good for making headlines, but it is only part of Customs' responsibility.

We believe that improving the ability of importers and exporters to comply fully with the law—before shipments reach the ports—will improve compliance rates and make it much easier to detect those who willfully commit fraud.

I urge my colleagues to give serious consideration to this bill.

PEASE-FRENZEL CUSTOMS BILL INTRODUCED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. FRENZEL. Mr. Speaker, today Mr. PEASE and I have introduced H.R. 4689, which provides some needed reforms in our Customs laws. The overall goals of the Pease-Frenzel bill is to facilitate trade by reducing some of the obstacles which Customs has erected over the past years. Some may argue that we have a new Commissioner of Customs who has nudged the Service back in the proper direction and that therefore there is no need for many of these changes. However, because of some of our past experiences, I believe it is very important to make these changes, most of which are merely clarifications of congressional intent, rather than to leave interpretation of the law up to the whims of future Commissioners.

Most of these changes are designed to protect the business community. For instance, we give importers more opportunity to comment on and to appeal Customs rulings. We also give them more information on audits conducted on their business practices. It would accredit private testing labs and provide a more fair transition to Customs' automation program. The ability to make prior disclosures of Customs violations is clarified to avoid the current situation whereby some companies feel they are discouraged from making prior disclosures.

There are some more controversial areas of the bill which are important to me and should be important sections of whatever Customs bill the Ways and Means Committee reports. One is clarification of seizure authority the congressional intent of which, in my judgment has been grossly misinterpreted by the Customs Service. The Congress did give the Service additional seizure authority under 19 U.S.C. 1595(a)(c) of the code, but only in instances where drugs were suspected in the shipment. Customs has been using this authority in many other cases, when it has plenty of authority to pursue violations of Customs laws under 19 U.S.C. 1592. H.R. 4689 would clarify that 1595(a)(c) seizure authority does not apply to civil penalties under 1592. While I would admit that Customs has made a lot of progress and no longer seizes nearly everything in sight, I would feel much more comfortable to have this clarification codified. A change as major as this one that conflicted with original congressional intent should have been a legislated change, not an arbitrary one

by Customs. I was personally involved with the drug bill legislation which made the 1595(a)(c) change, and I distinctly recall Customs officials ensuring that this added authority would never be used for a case normally pursued under 1592.

Another controversial issue is the Customs regulation implemented last year which redefined the definition of fraud in order to make findings of fraud much easier. This was a very controversial change which should also have been legislated. The Pease-Frenzel bill would restore the definition to its original form, as used throughout the entire legal system.

One other change which I strongly support is the limit on detentions of merchandise to 5 days unless Customs gives a detailed account of why merchandise should be held beyond that period along with an estimate of how long the detention will be. We have all heard the horror stories of imports or exports being detained for months with no explanation. Most of the detentions were released without any charges. If a detention is necessary, Customs should not be shy about sharing its reasons with the company involved. This is another area where Customs will say they have cleaned up their act. They have, somewhat, but this does not mean that those companies that have future detentions should not receive some protection.

Mr. Speaker, I am pleased that the Trade Subcommittee of the Ways and Means Committee has begun hearings on a Customs reform bill. It is needed, and I am hopeful that all of the elements of the Pease-Frenzel bill will be incorporated into a final bill.

"LAW DAY, U.S.A."

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. ROWLAND of Connecticut. Mr. Speaker, I would like to take this opportunity to join many law professionals around the country in recognizing today as "Law Day, U.S.A." I am proud to know that many judges and officials from my home town of Waterbury, CT, have gathered to celebrate this event.

Law Day is more than a day to recognize the achievements of all law professionals. Whether advising the elderly or encouraging local students to pursue the study of law, the members of the Waterbury Bar Association are taking this day to work with the citizens of Waterbury so they may better understand the law. Their volunteer efforts on this day will not soon be forgotten.

I am proud to have this opportunity to praise the men and women who make up our legal system and am particularly honored to salute the Waterbury Bar Association for their recognition of Law Day.

A TRIBUTE TO DR. DENNIS J. MURRAY OF POUGHKEEPSIE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. FISH. Mr. Speaker, on Saturday, May 5, the Anti-Defamation League of B'nai B'rith will present Dr. Dennis J. Murray, president of Marist College in Poughkeepsie, with its Americanism Award. Dennis Murray is most deserving of this honor.

During Mr. Murray's 10 years as president, enrollment at Marist has nearly doubled and the school has become one of the most technologically advanced liberal arts colleges in the country.

Education is Dr. Murray's life. He has served on the American Council on Education's Commission on International Education and is a board member of the Commission on Independent Colleges and Universities. His tireless efforts to promote Marist regionally and nationally earned him an award from the Council for the Advancement and Support of Education in 1986.

Dr. Murray is a native Californian, but when he came to New York he put his heart and soul into making Poughkeepsie a better place to live. He has served on the boards of the United Way, the American Heart Association, and Vassar Brothers Hospital. He also is a member of the Board of the Bank of New York/Dutchess Division, the Franklin and Eleanor Roosevelt Institute, and a director of the McAnn Foundation.

One of his most noteworthy causes has been battling bigotry and promoting fairness to Jewish-Americans through his work with the Anti-Defamation League.

For these and many other solid contributions in education and to his community, the Anti-Defamation League and Poughkeepsie are proud to honor Dr. Murray with this distinguished award.

DEAF AWARENESS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. LAGOMARSINO. Mr. Speaker, last year this body passed legislation commemorating the achievements of hearing impaired individuals and designating the week of March 11 through March 19, 1990, as Deaf Awareness Week. I was honored to be a cosponsor of that legislation, House Joint Resolution 140, and today I am honored to call the attention of the House to the celebration of Deaf Awareness Month in California during the month of May, which starts today.

I might note that we in California may often be late, but we are always more elaborate. Adding a special dimension to this month's celebration is the fact that in the city of Ventura, CA, we will be kicking off the campaign for deaf awareness with a barbecue at Ventura Marina Park, under the auspices of the Tri County Office of the Greater Los Angeles Council on Deafness [GLAD], chaired by Scott Ellison.

Mr. Speaker, it's a little-appreciated fact that 20 million Americans suffer hearing disabilities, and that 1 out of every 10 people in California are hearing impaired. Because deafness is an "invisible" disability, deaf pecple often face barriers which can be alleviated by increased community awareness and understanding. The aim of Deaf Awareness Month is to help remove those barriers through education of the general public and also to take note of the many achievements of hearing impaired individuals and to encourage others to realize their full potential.

Mr. Speaker, it is my privilege to take note and participate in the activities of Deaf Awareness Month in Ventura and to extent to hearing impaired people and their families the best wishes of the House of Representatives of the U.S. Congress.

RECOGNITION OF JASON AND SUSIE DITTELMAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Jason and Susie Dittelman, of East Greenwich, RI, who have been chosen as the 1990 Small Business Persons of the Year by the East Greenwich Chamber of Commerce. Jason and Susie were selected for their outstanding entrepreneurial spirit as well as for their generous community service.

Jason and Susie First opened their business in 1976. East Greenwich Photo began as a very small business, with Jason and Susie as the only employees. Through their hard work and enthusiasm, Jason and Susie made East Greenwich Photo expand and grow from its humble beginnings into a thriving store with a staff of over 20 employees. They have also expanded their goods and services for their customers over the last 15 years. Jason and Susie now have their own film processing lab and custom frame shop. They also carry a full line of cameras and accessories, VCR's, FAX's, and cellular telephones.

Their entrepreneurial spirit and activities are certainly impressive yet equally impressive are their activities outside of their bussiness. Jason and Susie raised two children during these years and have contributed countless hours to their community. East Greenwich Photo sponsors a Little League team each year. They also donate photo materials to a local camp for their photography classes. Jason serves as a member of the board of directors of the East Greenwich Chamber of Commerce as well as the East Greenwich Rotary Club. Susie does all the photography for the East Greenwich Chamber of Commerce at no charge. Their largest charity is the Rhode Island Special Olympics for whom they do photography for free.

It is with great pleasure that I salute Jason and Susie Dittelman for their outstanding entrepreneurial and civic spirit. Their contributions to their community not only in dollars but also in time and commitment are a tribute to their love of their community. I wish them, their family, and their business continued prosperity in the future.

TO SAVE A WORLD WAR II MEMORIAL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, today in Miami all eyes can rest upon a beautiful memorial which honors those who bravely served and died in World War II. This memorial, which stands erect in Bayfront Park, acts as a remainder that many residents of the city of Miami paid the ultimate price for our democracy today. Look closely and you can see the pain and sacrifice which built this memorial. As you observe the memorial, you might see the coins collected for it so that our children and grandchildren will remember or sorrowful past of an entire world at war. Look today, because the World War II Memorial might be gone tomorrow.

Recently, an article in the Miami Herald profiled the World War II Memorial in Bayfront Park. The article, written by Howard Kleinberg, detailed the conflict which is surrounding the memorial. Currently, two different proposals to renovate Bayfront Park are under consideration by the Miami City Commission. Although neither proposal includes plans to preserve the memorial, the Miami City Commission should be inspired to rethink the renovation plan proposals. It is my hope that the Miami City Commission will save this integral part of our history. I congratulate the commission for allocating $10,000 toward this purpose.

There is no justification for destroying this important reminder of sacrifice. The memory of numerous young men and women who gallantly gave their lives for us should not be buried amidst the changing face of Miami. The permanent tribute to freedom and democracy through the World War II Memorial should remain eternal.

SPECIAL VOLUNTEERS IN CRIMINAL JUSTICE

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. DARDEN. Mr. Speaker, in the State of Georgia the citizens themselves are playing an active role in the criminal justice system. More than 2,000 citizen volunteers devote their free time to assist correctional officers in program for criminal offenders. We are well aware of the problems confronting our courts and prisons; overcrowded dockets and prisons are stretching our resources and our patience.

But in the great spirit of serving and volunteerism, many Georgians are willing to offer their skills, time, and compassion to assist in prison programs. Instead of giving up on those incarcerated, these citizen volunteers are encouraging inmates to not give up, and the volunteers are showing by their example that people do care. This week Gov. Joe Frank Harris will honor selected volunteers for their contributions, and I join the Governor and Department of Corrections Commissioner Bobby Whitworth in expressing my appreciation and respect for the efforts of these volunteers.

This year's honorees are as follows:

Bob Blackwell, Bill Bennett, Ernest Conyers, Joyce Cook, Hub Doyle, Richard Allen Elliott, Sr., Barbara Gifford, Charles Lewis Hood, Michael Irwin, Wray Kessel, Dot Pinkerton, Clarence Braxton "Brock" Pound, Jr., Gene and Kay Shephard, and Benay Tavett.

I commend these individuals for their commitment to volunteerism, and I hope that their example will be an inspiration for the individuals who benefit most from their efforts.

SUPPORT BETTER TRAINING FOR INDUSTRIAL TRUCK OPERATORS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. MURPHY. Mr. Speaker, today I have introduced a concurrent resolution which calls on the Occupational Safety and Health Administration [OSHA] of the Department of Labor to act on an important matter that has been pending before them for far too long. As you may be aware, a petition was filed in March 1988, with OSHA to amend existing Federal regulations requiring training and certification for operators of powered industrial trucks. This petition seeks a clarification of the current regulations by specifically outlining the elements of an adequate training program for operators of these vehicles.

While I laud OSHA for what I hope has been a long and very careful study and analysis of this petition, I must now demand that they finally take action. Both the President and the Secretary of Labor have made better training and education of the American workforce a priority during their tenures in office. This petition provides them with an excellent opportunity to implement their policy goals. Yet, this matter has done nothing but languish in the Department of Labor's bureaucratic maze.

The value of a thorough training program cannot be underestimated. A properly trained employee will contribute to the reduction of job-related accidents and in the end make the workplace safer and more productive for everyone. I believe that my resolution provides benefits both to operators as well as those ultimately charged with the costs of job site accidents.

For these reasons I have introduced this concurrent resolution. I ask that you join with me today and support this measure because ignoring proper work training puts our future at risk.

BIRMINGHAM POST-HERALD RECOGNIZES ALABAMA'S TOP ACADEMIC STUDENTS

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. ERDREICH. Mr. Speaker, as the United States works to maintain its role as an international leader, there is broad consensus that our educational system is a key to our future. We seek to attain greater excellence in education. One thing we must do is expect more from our students and recognize the achievements our students are attaining. Such an effort is going on in my State of Alabama.

A newspaper in my district, the Birmingham Post-Herald, sponsored a program that recognizes the top-notch high school seniors in Alabama. Students were nominated from seven all-State team districts across the State. Based on their academic and personal achievements, ten students were selected from those outstanding students and named to the 1990 Alabama All-State Academic Team. Judges representing seven education associations selected the top ten students.

The Post-Herald honored the all-State academic team, and the 60 regional winners, at a noon luncheon on Saturday, April 21, 1990. These students have been offered scholarships by Auburn University, Birmingham-Southern College, Jacksonville State University, Samford University, Troy State University, the University of Alabama, the University of Alabama at Birmingham, and the University of South Alabama.

While these are extraordinary students, to be sure, they are also young people who enjoy leisure-time activities, like most teenagers. As noted in the article in the Birmingham Post-Herald written by Michaelle Chapman, "Their top-notch grades and scores on college entrance tests show they are brains, but members of the 1990 Alabama All-State Academic Team do not think of themselves as bookworms. In fact, the 10 high school seniors—an elite group of students chosen for their academic and personal achievements—are involved in all kinds of extracurricular activities and have a long list of very ordinary hobbies."

The seniors named to the 1990 Alabama All-State Academic Team include Claire Elizabeth Cates, Greenville High; Risa Kaufman, Central East High, Tuscaloosa; Sandor Lehoczky, Virgil I. Grissom High, Huntsville; Trace Michelle Lynn, Albertville High; Kenneth F. Ostrom, West Limestone High, Lester; Donna Jane Shaw, Carroll High, Ozark; Shreyas S. Vasanawala, LAMP/Lanier High, Montgomery; Stephen Richard Welford, Theodore High; and Anna Yoo, Auburn High. I have saved the last member of the 1990 Alabama All-State Academic Team for last, because he is from my own district. His name is Anuj K. Dua, a senior at Vestavia Hills High, and all of us in Jefferson County are particularly proud of him and his outstanding academic record.

I would also like to mention the names of all of the students from Jefferson County who were nominated for the all-State academic team. They are all outstanding students, and are most deserving of our highest recognition and praise. They include Erica Battle, Wenonah; Craig Brasher, Mortimer Jordan; Meredith Buchanan, Huffman; Scott Carter, McAdory; Stacey Clark, Leeds; Reginald Clay, Gardendale; Dawn Davis, Bessemer Academy; Sheneen Garland, Shades Mountain Christian; Kimberly Hager, Shades Valley; Callie Hallmark, Warrior; Angie Harris, Holy Family; Raquel Hicks, West End; Kia Holyfield, Parker; Monica Hood, Fairfield; Kevin Hughes, Corner; Gregory Lawson, Oak Grove; Cheyanta Lee, Ensley Magnet; Gerald Marbury, Phillips; Jennifer Mathews, Ramsay Alternative; Jason Morris, John Carroll; Kristy Murray, Fultondale; Denina Parker, Carver; Chad Plumb, West Birmingham Christian; Daniel Reynolds, Jess Lanier; Paul Roberts, Midfield; Steven Shearer, Pleasant Grover; and Richard Ware, Hueytown.

It gives us all great hope when we see young people who realize the value of a good education and its direct effect not only on the outcome of their own future, but also, on the future of our Nation. I commend the Birmingham Post-Herald for recognizing Alabama's high school academic scholars, and congratulate these young people, whom I am certain will all have a bright future indeed.

JOHN BEN SHEPPERD: ATTORNEY GENERAL OF TEXAS

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. PICKLE. Mr. Speaker, on March 8, 1990, Texas lost a leading citizen. The Honorable John Ben Shepperd, former Texas attorney general, secretary of state, political, and civic leader, died at the age of 74 after a battle with cancer.

As John Ben's eulogist, Mr. Glenn Biggs, of San Antonio, said, "If Texas had a royal family, John Ben would be king. He was a royal catalyst bringing about better schools, brighter economic rewards, and cultural enhancement. He was the classic constructor of good."

John Ben's legal, business, and political career spanned the State. He was a native of Gladewater in deep east Texas but lived and worked in the far west Texas oilfield town of Odessa for over 30 years. His interests and projects affected all 254 Texas counties.

He chaired the Texas Historical Survey Committee in the early 1960's and was responsible for the legislation which created local historical commissions throughout the State. John Ben initiated the roadside historical marking program which attracts so much attention along Texas roadsides. He loved history and passionately cared that future generations should understand their roots in order to appreciate the American legacy of democracy and heroism.

John Ben also chaired the Texas Industrial Commission and revamped that agency to work with local chambers of commerce in order to attract industrial diversification at a time when most Texans were convinced oil and cattle would never fail.

His influence was national. He had the ear of Presidents, Governors, and Members of Congress. He first became known from coast to coast for his leadership in the U.S. Jaycees. After organizing his local chapter in Gladewater while still in high school, John Ben went on to serve as president of the Texas organization. In 1947, he was elected national president of what was then known as the U.S. Junior Chamber of Commerce. He made and nurtured many lasting friendships, political allies, and business associates during his travels as national Jaycees president. He transformed a fledgling social organization for young men into a dynamic, vital group of concerned citizens whose leadership reaches into State legislative chambers, the Supreme Court, and Congress.

John Ben was named one of the Ten Outstanding Young Men of America in 1949 along with former President Gerald Ford. He also served as the president of the National Association of Attorney Generals in 1956.

I first met John Ben when we were both students at the University of Texas in Austin where he attended undergraduate and law school. Our friendship deepened during the heady days of President Lyndon B. Johnson's campaigns. John Ben was a loyal supporter and adviser to the President. His grassroots organizational skills and true affection for every Texas citizen were invaluable.

John Ben's political and people skills could have led him to be Governor of Texas or to a seat in Congress. But after serving two terms as attorney general from 1953 to 1957 he decided to leave public office because he felt he could be more effective in public service as a private citizen. He answered the calls of seven Governors and four U.S. Presidents and devoted his time, energy, and considerable talents to a variety of causes including education, tourism, beautification, and industrial development.

He was never too busy to help a friend or to serve a cause in which he believed. And John Ben's devotion to a cause was not in name only. He wrote thousands of letters, called at all hours of the early morning with brainstorms, held hundreds of meetings and traveled extensively giving speeches to promote his projects.

Texas Gov. William P. Clements, Jr., called John Ben "one of the most committed public servants Texas have ever known." Although John Ben was a lifelong and vocal Democrat, the Governor twice appointed him to the Texas Library and Archives Commission, on which he served at the time of his death.

As an elected official, John Ben's energies and ethical conduct were legendary. He was first appointed to state office by Gov. Allan Shivers in 1950 when he became secretary of state. Two terms as attorney general followed and were spectacularly active. He fought the corruption of south Texas' infamous spoils system, leading to literally hundreds of indictments against Duval County Judge George Parr and other school and county officials. During the Texas Veterans Land scandals of 1955 and 1956, John Ben successfully investigated and prosecuted Land Commissioner Bascom Giles, who spent several years in prison for misusing his public office. It was during Giles' trial that John Ben was threatened with a bullet in the back of the head. John Ben persisted—although with a bodyguard of Texas Rangers.

When John Ben left public office he became general counsel for Odessa Natural Gasoline Co., which evolved into the cornerstone of the West Texas petrochemical industry, El Paso Products Co. For over 30 years, John Ben was spokesman for the industry and for all West Texas entrepreneurs. He organized and served as president of the consortium West Texas Chamber. Under his tenure the Chamber first began hosting the Texas delegation to an annual dinner complete with home-grown beef, Texas trinkets for our spouses, and entertaining sing-alongs of favorite patriotic and spiritual songs.

John Ben was affectionately known as "the General" because he was never afraid to take charge but always encouraged and offered others the opportunity to take credit. He was the founder of many organizations to enhance leadership opportunities for young people. I have already mentioned his involvement in the Jaycees. He was also instrumental in starting the YMCA's Youth in Government Program and continually supported the American Legion's Girls and Boys State. He was a leading adviser in the creation of the Texas Lyceum and the inspiration for the John Ben Shepperd Forum on Public Leadership. He is credited for carrying the political ball for three decades to create and sustain the University of Texas of the Permian Basin in Odessa.

John Ben was a thoughtful and creative man. He did more listening than talking. His philosophy was to move ahead. If an idea is worth doing, it was John Ben's approach to do it today, not tomorrow or next year.

To honor John Ben Shepperd is not to honor one great accomplishment, but to honor

the perseverance of a lifetime. His life is a blueprint for anyone interested in being a success in public service, whether in or out of political office. He was a man of great political strength because he always placed the interests of the community, the State, and the Nation above personal aggrandisement and conscience above convenience. He is symbolic of the "can-do" spirit of Texas, the visionary who always finds a way to surmount problems.

John Ben loved his family, his friends, his State, and his country. He was an advocate of free enterprise, good government, individual self worth, and democracy.

Mr. Speaker, I have lost one of the best friends I have ever had. Our friendship goes back to early University of Texas days where we first met and we have remained steadfast friends all these years. John Ben and his wife Mamie and a group of dear friends have kept together closely for nearly 50 years, and we cherish every moment of that time.

We will not forget and our State and Nation will not forget the great contributions of this outstanding public servant.

THE ARMENIAN RESOLUTION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. HORTONT. Mr. Speaker, I rise to praise our colleagues in the Senate and here in the House for their prudence in declining to endorse through legislation the allegation that Armenians were victims of a genocide in the Ottoman Empire 75 years ago.

I know that some have seen the Armenian resolution as a symbolic gesture of sensitivity to the suffering 75 year ago of the forebears of Armenian-American citizens. But this resolution, we have come to learn, is not a merely sombolic gesture of sympathy devoid of practical consequences.

We know that citizens of our ally, Turkey, citizens of all walks of life there, regard such a resolution as a gratuitous insult to a country and people that regard themselves with much justification as loyal and steadfast friends of the United States.

Eminent American historians tell us that enactment of such a resolution risks the legislating of faulty history. They have publicly declared and I quote "* * * much more remains to be discovered before historians will be able to precisely sort out responsibility between warring and innocent, and to identify the causes for the events which resulted in the death or removal of large numbers of the eastern Anatolian population, Christian and Muslim alike.

The Congress of the United States ought not to render judgments on controversial historical interpretations of events three generations ago in a remote area of a faraway land that now is one of our most steadfast and reliable allies. We must not allow compassion for descendants of one groups of victims to cause us to mistakenly and unjustly jeopardize relations with one of our most important allies, the Republic of Turkey.

MANY SMALL TOWNS ARE FLOURISHING

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. OXLEY. Mr. Speaker, we in Ohio have always been proud of our small town tradition, and I'm proud that two communities in the Fourth Congressional District have earned high ratings in the recently published book, "The Rating Guide to Life in America's Small Cities," by G. Scott Thompson. My hometown, Findley, was first of 15 Ohio micropolitans rated in the book. I am also privileged to represent Sidney, which was ranked 12th.

It is perhaps one of the best-kept secrets that many small towns are flourishing. They are able to develop their economic potential while working to preserve their history. Even in these modern times, the advantages of America's small cities provide what many people want; good schools, low crime rates, reasonable cost of living, abundant recreation and outdoor life, and professional opportunity. The town square is alive and well in my district and in many other areas of Ohio, and I'm grateful to the book's author for highlighting the fact that small cities exemplify much of what is great about America.

WHERE THE BUSH BUDGET TEARS DOWN, THE BUDGET RESOLUTION REBUILDS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Ms. KAPTUR. Mr. Speaker, I rise in strong support of House Concurrent Resolution 310, the budget resolution for fiscal year 1991. I commend Chairman PANETTA for his fine leadership in crafting a budget that protects America's economic integrity and begins to rebuild America for the 21st century.

The budget resolution, unlike the Bush administration budget, provides a 5-year plan to fully balance the budget without relying on the Social Security trust fund to mask the true dimensions of the Federal deficit. The budget plan results in $497 billion in gross deficit reduction and $382 billion in net deficit reduction between 1991 and 1995. Net deficit reduction is greater than that in the President's budget in each year. The budget resolution's plan to operate under a pay-as-you-go system will result in interest rates dropping as the Government reduces borrowing huge sums of money from private domestic and foreign sources to finance its spending. A sufficient pool of capital will be released to the private sector to stimulate investment and advance productivity.

The reordering of priorities within this budget ceiling to invest in technology and the people to apply and advance that technology lays the foundation to rebuild America's economic competitiveness. The budget resolution's "Investments in Economic Competitiveness and Adjustment" initiative invests $2.8 billion more than the President's budget in programs to rebuild the competitiveness of the U.S. economy in cooperation with the private sector. Where the President's budget tears down, the budget resolution rebuilds.

The Federal Government's investment in basic and applied research and development is increased, particularly in new technologies that can be commercially applied—in manufacturing, in medicine and health research, and other industries of the future. Expanded trade and export opportunities for U.S. businesses are supported in this budget. Resources are also targeted to people and communities adjusting to economic dislocation. Education and retraining are emphasized, especially for laid-off and dislocated workers. The Government's commitment to math and science education at the elementary and university levels is deepened with the additional funds contained in this budget.

The budget resolution's investment in people is reflected in the $800 million increase above the baseline for the Job Training Partnership Act, the Community Development Block Grant Program, the Economic Development Administration, the Farmers Home Administration, and vocational education. These funds will be used to rebuild the lives of individuals and communities coping with economic dislocation. The funds will help dislocated workers adjust to the global nature of today's economy and educate a new generation of workers who have the knowledge and skills to further America's leadership in the international marketplace. The Bush budget, in stark contrast provides $2.1 billion less than the budget resolution—$351 million less than the baseline—for these programs. Where the Bush budget tears down, the budget resolution rebuilds:

The budget resolution contains a $300 million increase above the baseline to assist dislocated workers through the Job Training Partnership Act. This increase will assist approximately 170,000 dislocated workers who are stripped of their jobs and do not possess skills that are transferable to another occupation. The Bush budget requests $302 million less than the baseline—and $600 million less than the budget resolution contains—for dislocated workers. Rather than trying to rebuild the lives of dislocated workers so that they can again contribute to society in a productive manner, the President leaves them high and dry.

The budget resolution increases funding for important vocational education programs by $140 million over the baseline. This increase will be used for the Tech Prep Program and will result in the training of thousands of additional technicians. The budget resolution contains $169 million more than the President's budget for vocational education programs.

The budget resolution's investment in individuals is augmented with initiatives that alleviate the domino effect experienced by entire communities when plants or industries shut down or relocate offshore. The $200 million increase above the baseline for the Community Development Block Grant Program will be used to assist communities in finding alternative uses for existing industrial facilities, making infrastructure improvements, and carrying out other economic development

projects to create new job bases for low- and middle-income workers. Funding for the Economic Development Administration is increased by $77 million above the baseline to assist communities threatened by sudden and severe economic dislocation. The Budget Committee recognizes the need to provide timely and adequate resources to assist communities such as those affected last year by Hurricane Hugo and the Loma Prieta earthquake. Apparently President Bush thought the Federal Government's response last year was more than sufficient as his budget cuts the Economic Development Administration's budget to $26 million below the baseline. The budget resolution also increases funding for rural development programs so that the Farmers Home Administration can provide grants and loans to communities to improve facilities, expand industrial development, and initiate water and waste disposal programs. Again, the President cuts assistance to needy communities to the tune of $76 million below the baseline for rural development programs.

The budget resolution recognizes the importance of educating tomorrow's work force in the areas of math and science. The resolution increases the National Science Foundation budget by $215 million above the baseline next year and doubles its budget over the next 5 years for investment in basic research and the scientific personnel infrastructure of the Nation. Part of the increase for the National Science Foundation reflects the committee's belief that science engineering education program investments are needed to raise the ability of our population to cope successfully with our new national economic challenges. Funding for Department of Education math and science education programs are also increased in the budget resolution.

The budget resolution recognizes that the Nation's budget and trade deficits are inextricably linked. Although elimination of the budget deficit will lead to a lowering of the trade deficit, the Government must also enforce its trade laws to eliminate other nations' unfair trade practices and create export opportunities for U.S. businesses. The budget resolution enhances export opportunities through a $125 million increase over the baseline for Eximbank's direct loan program and a $125 million increase over the baseline for Eximbank loan guarantees to assist businesses in tapping new markets in central and Eastern Europe. The President's budget makes no special provision for the Eximbank to target funds for the newly emerging democracies in central and Eastern Europe struggling to make the transition to market economies. Although President Bush certainly was eager to see the governments in central and Eastern Europe fall, he has not followed through with initiatives that involve our private sector in rebuilding their fragile economies. Further, the budget resolution contains $7 million above the baseline for the Foreign Commercial Service. Until the United States adequately staffs its foreign embassies in Japan and other important trading nations, domestic industry will be unable to penetrate markets, expand United States exports, and forge new trading relationships.

The budget resolution reflects the committee's belief that national security is synonymous with economic security. It also recognizes the synergy between reliable modern defense technologies and an industrial base that is up to date and technologically innovative. The committee supports research into generic technologies that will ensure defense-preparedness and simultaneously rebuild and strengthen the manufacturing and high-technology industrial base on which our economy depends. The Bush budget continues to pour increases into the military budget but refuses to acknowledge the great potential for commercialization of defense technology.

The budget resolution provides $281 million more than the President's budget in Function 050 for Defense Advanced Research Projects Agency [DARPA], including $100 million for SEMATECH, the collaborative semiconductor research and development initiative, $25 million for the National Center for Manufacturing Sciences, and a $20 million increase for high resolution information systems research. As the threat to our national defense lessens, it is imperative that the Department of Defense invest in dual use technologies. Investing now in dual use technologies will ease the economic dislocation that will be the inevitable result of downsizing the defense budget. The administration's defense budget request, coupled with the recent decision to remove Craig Fields as the Director of DARPA, illustrates the President's inability to envision a new world outlook which emphasizes economic, rather than military, competitiveness.

The budget resolution also invests in technology development and transfer programs that are administered outside of the Defense Department. The resolution contains $76 million above the baseline, $51 million more than the President's budget, for the National Institute of Standards and Technology. The Advanced Technology Program, within the National Institute of Standards and Technology, will receive an increase of $37 million above the baseline. An additional $2 million is provided for the Technology Extension Service, a program the President proposed to eliminate. The Technology Extension Service will give businesses access to a cooperative Federal-State network of information which will allow efficient dissemination of technology. The resolution also contains $11 million beyond the baseline for research support centers. Each region of the Nation will ultimately have a resource center for technology tailored to meet the needs of the industries operating within it. In addition to these increases, the budget resolution provides $75 million in loan guarantees so that the Small Business Administration can target technology development loans to small businesses.

Where the Bush budget tears down the manufacturing base of our Nation, ignores the plight of displaced workers and struggling communities, and fails to shift its emphasis from military expenditures to economic security, the budget resolution invests in initiatives to rebuild America. The resolution's "Investments in Economic Competitiveness and Adjustment" initiative lays out a path for America to follow to invest in people and technology in order to regain America's economic sovereignty and meet the challenges of the 21st century.

THE SECRET DISCHARGE PETITION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. GINGRICH. Mr. Speaker, this editorial appeared in the Wall Street Journal last Wednesday. I feel this editorial is well worth my colleague's time as it correctly portrays how we as Members unfairly protect ourselves by keeping the discharge petition a secret.

[From the Wall Street Journal, Apr. 25, 1990]

HOUSE GAG RULE

The same congressional leaders who in the name of open government demand more and more access to executive-branch documents—even including Ronald Reagan's personal diaries—are the protectors of a secret list that prevents the American people from knowing where their representatives really stand. A lone Member has now decided to risk the anger of the House leadership by ripping away the veil of secrecy.

In the 1950s and 1960s, autocratic House committee chairmen routinely bottled up civil-rights bills and refused to let them come to a floor vote. Today, popular bills ranging from amendments to balance the budget and ban flag desecration are routinely buried in committee because the liberal House leadership opposes them and wants to avoid votes that could be used against incumbents.

There is only one real way a majority of Members can bring legislation to the House floor if it is blocked in committee: They must produce a discharge petition. If 218 Members—a House majority—sign a discharge petition, the relevant committee must either vote out the bill or agree to a floor vote. However, only 19 of 347 discharge petitions have succeeded.

This is because the list of Members who have signed a petition is kept secret—until the required 218 sign. Only Members can view the list, and then only briefly to make certain their name is on it.

They must first go to the Clerk's desk in the House chamber. They are handed a statement signed by the Clerk and Speaker informing them that disclosing the names of signers, or the number of names, is "strictly prohibited under the precedents of the House." The sole precedent is an arbitrary 1931 prohibition by Speaker John Nance Garner that was never made part of official House rules.

This restriction has made it easy for Speakers to squash discharge petitions. Whenever the list comes close to 218 names, the Speaker routinely pressures Members to drop off. The list's secrecy allows them to conceal their timidity from the voters.

Rep. Chuck Douglas, a former New Hampshire Supreme Court Justice, says the petition's secrecy is in direct conflict with honest and open government. "This covert list allows Members the best of two political worlds," he told us. "They can publicly support a measure, like protecting the flag, while quietly withholding their names from the petition that would accomplish that."

He notes that during last year's popular effort to repeal Section 89 of the tax code, 309 of the 435 House Members signed on to a repeal bill, but less than half that number

signed the discharge petition, largely to avoid angering House leaders.

Mr. Douglas has decided to break up this cozy protection for hypocrites. He has just filed a discharge petition to force a vote on his amendment to ban flag desecration. While he is obliged to not reveal the names of signers, he has announced he will disclose the names of any Members who claim to have signed the petition but did *not* actually do so.

He plans to do the same with a second discharge petition to force a vote on a balanced-budget amendment. It has 246 cosponsors, but Judiciary Committee Chairman Jack Brooks refuses to release it. Rep. Douglas expects a lot of pressure from his colleagues to back down, but he has no intention of budging.

The secret discharge petition is only the latest example of how House Rules—or in this case merely a precedent—are used to shield Members from accountability. We tried to request documents on the history of the discharge petition's secrecy by using the Freedom of Information Act, but were informed that Congress has exempted itself from that law as well.

TRIBUTE TO THE BAR ASSOCIATION OF METROPOLITAN ST. LOUIS

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. BUECHNER. Mr. Speaker, I rise today in tribute to an organization whose purpose is to safeguard the legal system that our forefathers worked so hard to develop. On May 4, 1990, the Bar Association of Metropolitan St. Louis will celebrate Law Day and will inaugurate its new officers. I am pleased to have this opportunity to salute this outstanding organization of which I am proud to be a member.

One of the most vital principles in the practice of law was dramatically reminded to me in the movie "The Verdict". Paul Newman, who plays an attorney partially disillusioned with the law, tells us that "the courts do not represent justice * * * they represent the chance at justice." In that simple statement, Newman expresses, quite poignantly, the importance of attorneys to our system of justice. Justice does not spontaneously happen; the best of laws is meaningless by itself. The American legal system is only as good or as bad, as effective or as ineffective, and as pure or as corrupt as the men and women who comprise it. Thus we see the importance of organizations like the Bar Association of Metropolitan St. Louis whose primary purpose is to ensure the quality of that system and guarantee to everyone that "chance at justice."

Evidence of this commitment is the bar association's "Justice for All" program which seeks to provide the chance for justice to those who might not otherwise be able to afford legal representation. Under this program, the largest law firms in St. Louis volunteer attorneys for pro-bono work for a certain number of hours per week. Although these firms could quite easily direct these efforts toward more lucrative pursuits, the membership of the bar association recognizes the fact that everyone has a right to qualified advocacy when it is needed.

Probably the most admirable aspect of this program, however, is its recognition of the fact that the greatest defense against inequities are people who have the courage to try to make a change on a personal level. Inasmuch as I feel that such altruism and community-mindedness merit commendation, I have nominated the "Justice for All" Program for one of President Bush's "Point of Light Awards" which have been established to recognize exactly such initiatives. Due to a backlog of nominations, no decision has yet been reached on this nomination; however I am confident that the Bush administration will recognize the value of this initiative and mark it as an example for other cities and bar associations to follow. Quoting President Bush himself in a statement last February, "This program illustrates a growing awareness of the fact that any definition of a successful life—in particlar, a successful professional career—must include service to others. The program shows how we * * * can use our skills and resources to help needy members of our communities."

Mr. Speaker, there are many attributes of the St. Louis bar which are to be commended; the above is but one. As a former active member, I know that the metropolitan bar and its membership will continue to work for the betterment of the legal system which they serve. On the occasion of "Law Day 1990," I ask this assembly to join me in saluting the Bar Association of Metropolitan St. Louis for its efforts to provide justice for all.

REGISTERED NURSES AT STATEVILLE CORRECTIONAL CENTER

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. SANGMEISTER. Mr. Speaker, it is with great pride that I rise today to salute the work of the registered nurses at the Stateville Correctional Center in Joliet, IL. These individuals provide high-quality nursing care to about 3,000 inmates and staff at the maximum security adult penitentiary. I am impressed by the professionalism which these nurses demonstrate in working under circumstances and conditions which at times may be extremely unfavorable.

I would like to submit to the RECORD a list of the names of the nursing staff at the Stateville Correctional Center.

Deng Baronia, Mary Beth Engel, Armella Frankowski, Sue Gurley, Laura Healy, Mary Ann Korwin, Jan Leibold, Michelle McGann, Barbara Miller, Mary Patterson, Karen Stanford, and Nancy Zlogar.

I know my colleagues will want to join me in congratulating this outstanding group of professionals for their compassion and dedication to the care of others.

TRAUMA CENTERS: A NECESSARY PARTNER IN THE WAR ON DRUGS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. WAXMAN. Mr. Speaker, today I am pleased to introduce H.R. 4701, the Trauma-Care Center Revitalization Act of 1990. The purpose of the act is to help stop the closure of trauma centers due to increases in drug related violence.

Trauma centers—like their MASH predecessors in the Korean and Vietnam wars—are on the front lines of the drug war. The violence of the illicit drug culture is increasing. The number of trauma patients suffering penetrating trauma—generally gun and knife wounds—is also increasing. The responsibility for providing medical care to these patients, including many law enforcement officers, falls on the Nation's trauma-care centers.

In recent years trauma centers have experienced an increase in uncompensated medical costs because a growing number of patients injured by the drug war are unable to pay for care. As a result, many trauma centers have been placed in financial jeopardy. Many private hospitals have withdrawn from trauma center systems. Many public hospitals—particularly those accepting increasing numbers of trauma patients after the withdrawal of private hospitals—are approaching a stage of medical collapse.

Indeed, in the past 2 years, trauma centers have closed in Chicago, Miami, Philadelphia, Houston, and Los Angeles.

While the President's National Drug Strategy did not address the important role trauma centers play in the drug war, it is a simple fact that drug-related violence is a major factor in the decline of trauma care nationwide.

The closing of trauma centers is a serious threat to any community. When a trauma center closes, its lifesaving services are denied to all patients. Victims include law enforcement officers wounded in the line of duty. They include the thousands injured in automobile accidents—a risk each of us, our families and constituents face daily.

Mr. Speaker, if we are to effectively wage a war on drugs, we dare not allow the Nation's trauma-care system to fail.

Hearings on H.R. 4701 will be held by the Subcommittee on Health and the Environment on Friday, May 4, 1990.

Mr. Speaker, funding for this program should be made a part of the fiscal year 1991 National Drug Abuse Control appropriation.

I submit a copy of H.R. 4701 to be printed in the RECORD at this point.

H.R. 4701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trauma-Care Center Revitalization Act of 1990".

SEC. 2. ESTABLISHMENT OF PROGRAM OF GRANTS.

Subpart I part D of the Public Health Service Act (42 U.S.C. 254b et seq.) is

amended by adding at the end the following new section:

"SEC. 330A. GRANTS WITH RESPECT TO UNCOMPENSATED COSTS OF TRAUMA-CARE CENTERS OPERATING IN AREAS SEVERELY IMPACTED BY DRUG-RELATED VIOLENCE.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing financial assistance for the operating expenses of trauma-care centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence arising from the abuse of drugs. Grants under this subsection may be made only to such trauma-care centers.

"(b) MINIMUM QUALIFICATIONS OF TRAUMA-CARE CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING PENETRATION WOUNDS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma-care center unless the population of patients that has been served by the center for the period specified in subparagraph (B) includes a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma-care center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA-CARE SYSTEM SUBJECT TO CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless—

"(A) the trauma-care center involved is located in a State or political subdivision that—

"(i) has established a system for providing comprehensive medical care to victims of trauma in the geographic area involved; and

"(ii) has adopted guidelines for the designation of trauma-care centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons and by the American College of Emergency Physicians; and

"(B) the trauma-care center is a participant in the system.

"(c) PRIORITIES IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give priority to any application made by a trauma-care center that—

"(1) for the purpose specified in subsection (a), will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of such assistance provided under any Federal program requiring non-Federal contributions; or

"(2) with respect to the trauma-care system described in subsection (b)(2)(A)—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma-care center in the area permanently ceasing participation in the system as of a date occurring during the period specified in subsection (b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to participate in the system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"(d) COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA-CARE SYSTEM.—The Secretary may not make a grant under subsection (a) unless the trauma-care center involved agrees that—

"(1) with respect to the trauma-care system described in subsection (b)(2)(A), the center will continue participation in the system throughout the 3-year period beginning on the date that the center first receives assistance under the grant; and

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center pursuant to subsection (a); and

"(B) an amount representing interest on the amount specified in subparagraph (A).

"(e) APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(f) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma-care center receives payments under subsection (a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $150,000,000 for fiscal year 1991, $200,000,000 for fiscal year 1992, and $300,000,000 for fiscal year 1993."

THE SENSITIVE WRITING OF DAN CARPENTER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. JACOBS. Mr. Speaker, I place in the RECORD Dan Carpenter's April 12 Indianapolis Star column.

It is typical of his sensitive writing. And it speaks for almost all of us.

HIS DAYS WERE NUMBERED; HIS FRIENDS WERE COUNTLESS

The sky against the awesome spires of Second Presbyterian Church was bright blue at 8:30 Wednesday morning, but the wind was nasty and the worst was yet to come.

"I should have worn two pairs of socks," Nancy Fleek lamented, doing an involuntary impression of the Michael Jackson moonwalk in her spring sandals.

Already, she and her friend Charlene Wiley had been on the go for two hours. They'd caught the bus from their neighborhood on the Eastside and barely made the Downtown transfer to this Northside palace of worship where Ryan White would be sent to his rest.

"He would have laughed," Charlene said, "to see two girls running after the Metro bus to get here."

She spoke as if she knew him personally, through she had never met the frail teenager with the mirthful features who became an international champion for AIDS patients.

"In God's way, I think we're all his brothers and sisters," she said. And it wasn't just a ceremonial cliche; it was real familiarity, and so many others among the hundreds who came to say goodbye seemed to feel it was well.

"We've been with him ever since he first found out he had AIDS," Nancy Fleek said. "He had such courage in keeping up the fight. He didn't dwell on death. Anybody who can do that is real special."

Nancy shares a birthday with Ryan—Dec. 6. She plays Nintendo, as he did. She considers herself his friend, like thousands of others who knew him only through television, newspapers or letters.

Like Jay Jackson, just a few months older than Ryan at 19, who drove all night from Chattanooga, Tenn., to see him Wednesday for the first time after writing him for many months.

Like white-haired Noma Goodman, who clutched a reporter's arm and said, "Ever since he got sick, the first thing I'd do was pick up the paper and see how he was doing."

Like Eric Lewis and Beth Lindsay, who stood in line for the morning visitation, clutching roses and fighting back tears.

"He was such an inspiration," Lewis said. "I think he opened a lot of minds."

For some, the unmet friend did more than that.

Andy Wall and Philip Hinds arrived at Second Presbyterian Church with family members and friends, wearing buttons calling for tolerance for AIDS patients. They know AIDS firsthand.

"When I was first diagnosed, my doctor said to look around for inspiration," Wall said. "I did, and I saw Ryan."

Wall is 24 and was diagnosed in 1988. Hinds is 23 and was diagnosed in 1986. They have been friends since third grade. They get depressed. They have suffered bigotry. They wonder if some of the celebrities who drew a horde of photographers to Indianapolis really care about Ryan White or his anonymous survivors, those who live with an incurable and despised illness.

"Ryan has helped a lot," said Hinds, thin and pale in his black overcoat. "I don't think we'll find someone to carry his torch."

The early arrivals, the friends who came before Michael Jackson and Barbara Bush and most of the news media, got to see Ryan, decked out in denim jacket and mirror sunglasses under a soaring stained-glass image of the risen Christ.

But the afternoon funeral, unlike the morning visitation, filled the vast church quickly, leaving hundreds in the cold and intermittent rain with the waiting limousines, deprived of the chilling choir music and Elton John's simple song of tribute at the piano.

Nancy Fleek and Charlene Wiley, just about the earliest arrivals, failed to beat the rock concert-style crush at the church door and ended up soaked after all those hours.

"I almost got in," Nancy said matter-of-factly. "But I got shoved out. It could have been better-organized."

She was still doing dance steps, this time trying to see who was in which departing car.

"Michael and Jeanne are in the first limo behind the hearse," Charlene told her excitedly.

"You can't see a thing through that tinted glass," Nancy said.

Oh, Lord, Was it truly Michael Jackson, superstar, and Jeanne White, Ryan's mother, friends among friends?

U.N. MEMBERSHIP FOR LITHUANIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. BROOMFIELD. Mr. Speaker, this morning during the 1-minutes I suggested that the United States should advocate and support the inclusion of Lithuania in the United Nations. The United Nations already includes two Soviet republics among its members, Byelorussia and the Ukraine. Including Lithuania as a full member would be totally consistent with the existing situation and difficult for the Soviet Union to argue against.

Doing this would allow the Soviet Union and the Government of Lithuania ample time to negotiate Lithuania's eventual secession, while giving Lithuania its own independent voice in the international community. U.N. membership would fulfill Lithuania's long cherished desire to speak for itself and could open the door to a peaceful transition out of the Soviet Union.

In an effort to flesh out this proposal, I would like to include the following information on the U.N. membership process. This material is taken from "Charter of the United Nations: Commentary and Documents" by Leland Goodrich, Edward Hambro, and Anne Patricia Simons (1969).

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Process of Admission: The Roles of the Security Council and General Assembly

In requiring that an applicant for membership in the United Nations must be approved by both the General Assembly and the Security Council, the Charter departs from the League Covenant, under which admission of new members was a function of the Assembly alone. At San Francisco, there was considerable support for continuing the League system. On the other hand, it was emphasized that the primary purpose of the Charter was "to provide security against a repetition" of World War II, and that therefore "the Security Council should assume the initial responsibility of suggesting new participating states."

An application for membership is submitted to the Secretary-General and must contain "in a formal instrument" a declaration accepting the obligations contained in the Charter. In accordance with the Provisional Rules of Procedure of the Council, the letter of application is placed upon the provisional agenda and the Council decides whether or not to consider it. The Rules state that, unless the Council decides otherwise, the application is to be referred to the Committee on the Admission of New Members, a body composed of all the members of the Council. The Committee is charged with examining the applications and reporting to the Council thereon. It may, if it so desires, require information from the applicants. For several years, applications have been discussed directly by the Council without reference to Committee.

After the members of the Council and invited members (if any) have expressed their views, the Council customarily proceeds to vote upon a simple draft resolution stating that the Council has "examined the application" and "recommends to the General Assembly" that the applicant "be admitted to membership in the United Nations." The concurring votes of the permanent members of the Council are required for the adoption of the resolution. If the application is approved, the Council's recommendation, together with a "complete record of the discussion," is forwarded to the Assembly. If the Council does not recommend the applicant for admission, or if it postpones consideration of the application, it is required to submit a "special report" to the Assembly, together with a complete record of the discussion. Under this rule, the Council is required to make its recommendations well in advance of an Assembly session. It is not always possible for the Council to do so, since its actions are to some extent dependent upon the timing of the submission of applications. Generally, when an application has been received after an Assembly session has started, the Council has considered the application, and has submitted its recommendation to the Assembly as quickly as possible.

During the first ten years a large number of applications failed to receive the necessary majority support in the Security Council or the necessary unanimous support of the permanent members. The situation was seriously aggravated by the position that the Soviet Union adopted in making its support of certain applications conditional upon the "simultaneous" admission of candidates that had Soviet, but not Western, backing.

The search for ways to end the deadlock that developed over admission of new members took various forms. Efforts were made to minimize or circumvent the role of the Security Council. Australia introduced suggestions in both the Council and the General Assembly emphasizing the primary and final responsibility of the Assembly on membership questions. Australia had played a leading part in the efforts at San Francisco to restrict the Council's role by proposing that the Council be associated with the process only in the case of the admission of ex-enemy states, but was not more successful in the United Nations than at San Francisco in securing acceptances of its suggestions.

Argentina put forward an even more radical thesis concerning the process of admission. While conceding that the Charter gives the Council the power to recommend admission of new members, the Argentine position was that the Assembly should proceed to decide on applications regardless of the Council's action. When asked by the Assembly for an advisory opinion on this matter, the International Court rejected this interpretation:

"The admission of a State to membership in the United Nations, pursuant to paragraph 2 of Article 4 of the Charter, cannot be effected by a decision of the General Assembly when the Security Council has made no recommendation for admission by reason of the candidate failing to obtain the requisite majority or of the negative vote of a permanent Member upon a resolution so to recommend."

The second line of attack was against the use of the veto in the Security Council on membership questions. Apprehension about the use of the veto in this connection had been voiced at the San Francisco Conference. Some Council members have contended that the veto should not be considered applicable to the admission of new members, and the Assembly itself has recommended that the decision should be made by any seven members of the Council. These efforts were unsuccessful, as were the Assembly's related efforts to put pressure on the Security Council by adopting various resolutions concerning those applications that had failed, for one reason or another, to get approval by the Council.

In these resolutions the General Assembly adopted several different approaches: it requested the Council to reexamine pending applications and, in the cases of those applicants barred because of the Soviet veto, it adopted resolutions declaring that in the Assembly's judgment they fully met the conditions set forth in Article 4(1), and should therefore be admitted to membership. On two occasions, as mentioned, the Assembly sought the advice of the International Court. Subsequently, it established a "special" committee to make a detailed study of the question.

With the failure of attemts to put pressure on the Council, efforts were made to find some acceptable compromise solution. The Assembly itself established a "committee of good offices" to consult with the members of the Council with the object of "exploring the possibilities of reaching an understanding which might facilitate the admission of new members." Finally, at the tenth session of the Assembly in 1955, agreement was reached on the "simultaneous admission" of applicants with Soviet and Western backing.

TRIBUTE TO ORLANDO G. MARTINEZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me great pleasure to stand before my colleagues today and call their attention to an exceptional individual in my congressional district. Orlando G Martinez, who emigrated from Cuba in 1960, has been selected as chairman of the Hispanic Council. With a long list of community service achievements, it is no wonder that Mr. Martinez is so deserving of this position.

Orlando Martinez led the successful 1989 Festival of Americas as its committee chairman. He has been on the Hispanic Heritage Council since 1986 serving on several committees, as well as a standing officer. His driving spirit and poise brought about a thriving Festival of the Americas.

Mr. Martinez' goals are reflected in the continued emphasis on growth of such programs as the Discovery of America Day at Bayfront Park in Miami, FL. Mr. Martinez also assists the council as a liaison to the Quincentennial Committee for the 1992 celebration of Columbus' discovery of the New World.

Throughout his career, Mr. Martinez has been active in civic affairs, including the Kiwanis Club of Miami Latin, the Latin Chamber of Commerce, the World Safety Organization, the Advisory Committee of the Florida Department of Highway Safety and Motor Vehicles, and the Central Florida Safety Council.

Congratulations to an active and caring citizen, Mr. Orlando Martinez.

A TRIBUTE TO ROBERT M. PHELPS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. LENT. Mr. Speaker, as students who must wend our way through the system of formal education, there is usually one teacher who stands out as having made a meaningful difference in our lives. Mr. Robert Phelps, a teacher with the Bellmore-Merrick school system for over 38 years, is just such a teacher. On May 29, his colleagues in the school district and the members of the community will recognize his outstanding contributions to the field of education with a special dinner in his honor.

This is a genuine outpouring of appreciation for his many years of dedicated service to the young people of the Bellmore-Merrick community. With that in mind, I'd like to take a moment to add my own words of thanks for his commitment to excellence in education and personal involvement in the lives of his students.

Mr. Phelps has been a physical education teacher with the school district since 1953. Working with the students in a variety of sports activities, he has a unique opportunity to instill the highly valued principles that build good character and good citizens.

Competitive sports teaches children some important lessons, such as how each individual contributes to the team's success, to have courage and confidence in one's abilities, the desire to do one's utmost best. Graciousness in victory and determination despite defeat are the essence of good sportsmanship. All these lessons stand young people in good stead throughout their lives and enable them to become leaders in their communities.

Mr. Phelps has also been actively involved in promoting countless school and community service programs. For his tireless efforts and selfless donation of time and energy, he was recently presented the Parent-Teachers' Association [PTA] Founders Day award.

Clearly, throughout his career, Mr. Phelps has touched the lives of many, providing inspiration, and serving as mentor and friend. And, although he is now retiring, I imagine that Mr. Phelps will remain a vital force throughout the Bellmore-Merrick community. I join with his colleagues and friends in wishing him much happiness and offering my sincere thanks for his contributions to education and the welfare of Bellmore-Merrick's citizens.

VICTIMS OF CHILD ABUSE ACT OF 1990

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. LEVINE of California. Mr. Speaker, I rise today to introduce the victims of child abuse bill of 1990. My legislation will help provide better protection for America's abused children.

With court dockets bursting with child abuse cases, and the number of children reported abused up 200 percent in the last decade and climbing, it is urgent that the United States find better ways to provide adequate protection for our children in the justice system.

Today, unfortunately, the criminal justice system too often fails to provide the support and protection necessary, and refuses to recognize the special needs of children. Too frequently, the child is revictimized by the trial itself.

My legislation strikes a careful balance between a defendant's rights and a child victim's needs.

The legislation is based on two central principles that underpin the child abuse court protection debate.

First, that children do indeed have special needs as victim witnesses. Only basic changes in our court systems can address those needs. Those changes should be codified in a child victims' bill of rights, which comprises a significant portion of my legislation.

Second, that there is a lot of good, innovative training being done across the country, but there just aren't enough resources to train all of the judges, prosecutors, and social workers adequately. For example, one reputable study found that from 1985–87, in a cross-section of States, there was a 55-percent increase in reported abuse cases, but only a 2-percent boost in resources to deal with them.

To meet this gap, my bill proposes a carefully targeted $30 million increase in spending to better prepare all court and other personnel involved in investigating and prosecuting abuse cases.

Other critical provisions in the victims of child abuse bill include:

Establish grants to fund multidisciplinary programs. Multidisciplinary programs bring together local law enforcement, criminal, justice, social service, health and other agencies to coordinate child abuse investigation, prosecution, treatment, and counseling services. By conducting joint interviews at a central site, such teams often spare the child the trauma of retelling the abuse story. My own district, Santa Monica, currently has one of the most successful sites of this kind in the Nation. Stuart House which should serve as a model for the rest of the country.

Guardian ad litem. Guarantee children the right to have a guardian appointed by the court to protect the best interest of the child.

Two-Way closed circuit TV. Under the appropriate circumstances, children should be allowed to testify from a separate room than the defendant, encouraging greater reliability in their testimony. To protect both the child and the defendant's presumption of innocence, an order for two-way testimony should only be allowed when the child's ability to testify or expected trauma can be linked directly to the behavior and presence of the defendant.

Videotaped deposition. Like President Reagan, children, should be allowed to give their testimony—in a normal court setting—in advance of the trial and have it recorded for later use.

Age appropriate questions. With a child witness, the court should take special care to protect the witness from harassment—such as the unnecessary repetition of questions—and ensure that questions are stated in a form which is appropriate to the age of the witness.

Competency. Children should be presumed to be competent witnesses—as they currently are under Federal law—and their age alone should not be considered a compelling reason to hold a hearing to judge their competency.

Courtroom closure. If the court determines that a child would suffer serious pyschological harm or an inability to communicate from testifying in an open courtroom, the court should exclude everyone from the room, including the media, who do not have a direct interest in the case.

As a package, these proposals are an important first step down the road to meaningful reform of our criminal justice system.

It is only in recent history that we have begun to take the charges of abused children seriously; we must continue that process and build-in more flexibility for the system to respond to the unique needs of our children.

We must make sure the justice system isn't stacked against our kids from the start, that through the trial, they do not become victims once again. Once again, I urge my colleagues to support this critical legislation.

CONGRESSWOMAN HELEN DELICH BENTLEY HONORS CLARISSE B. MECHANIC

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mrs. BENTLEY. Mr. Speaker, on Wednesday, May 2, 1990, I will have the honor and privilege to attend a testimonial dinner for Mrs. Clarisse Mechanic. A longtime friend of mine, I have come to know Clarisse Mechanic is a lady of high ideals and uncompromising integrity.

The long list of achievements and activities to which Clarisse Mechanic has selflessly given are so numerous that we should all be envious. As manager of the Blue Barron Orchestra, Mrs. Mechanic was active in scheduling Army and Navy hospitals, embarkations, USO's, war bond drives, and a variety of other charitable organizations. Later as president of the Ford's Theater in Baltimore, she worked to establish a place of permanent residence

for the fine arts in Baltimore. Currently, Mrs. Mechanic is involved with the Charles Center Theater Complex which houses the Morris A. Mechanic Theater and continues to enrich the lives of Marylanders through the fine arts.

Perhaps one of her proudest achievements was the contribution of the Morris A. Mechanic Maternity Floor to the Johns Hopkins Hospital. However, her community involvement doesn't stop there.

As a member of the executive board for the Boy Scouts of America and Girl Scouts of America–Baltimore Chapter, Mrs. Mechanic has taken a vested interest in the young people of Baltimore. Clarisse is also chairperson, Fund Raising Project for the American Cancer Society, director, International Board of Children to Children's Hospital, advisory chairperson for Cystic Fibrosis, and chairperson of the Benefit Advisory Committee for Sheppard Pratt Hospital to name only a few. Mrs. Mechanic also has the distinction of being the first woman member of the Advertising Club of Baltimore. Indeed, it is literally impossible to list the number of organizations and charities to which Mrs. Mechanic devotes her time and energy.

I know of very few persons, who have given so much of themselves to benefit others. For this reason it is with great respect and admiration that I commend Clarisse on her outstanding sense of civic responsibility and awareness.

Through her hard work and dedication, Mrs. Mechanic has not only made Baltimore a better community, but she has made this a better Nation as well. Clarisse Mechanic is truly a remarkable person and always shall serve as an example for others to follow. At the end of each and every day we all should ask ourselves what we did to benefit another person. Whether it be a simple smile and hello to a passerby or as demanding as working with a charity to bring hope and compassion to the less fortunate, we should all end our day with the question of what we did today to make the world a bit better for someone else. Clarisse Mechanic personifies this belief as she clearly is someone who recognizes the beneficial impact that one person can have on others.

Unfortunately, every day we focus our attention upon the misdeeds of a few. Yet, rarely do we hear of the hard work and dedication of those who have recognized their potential worth to society. If everyone tried to do a good deed daily as the Boy Scouts emphasize, and the recipient of that good deed returns that good deed with one of their own, then possibilities of spreading good will become limitless. It is far too easy to become cynical, but the optimistic and spirited must fight a growing battle against apathy and pessimism.

Mr. Speaker, my fellow colleagues, it is with great admiration that I commend Mrs. Clarisse Mechanic for her commitment and devotion to her community, her fellow man, and her Nation. Her fortitude of character and selfless devotion is truly remarkable.

MEMORIAL SERVICE FOR NELL CODDING—APRIL 26, 1990

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. BOSCO. Mr. Speaker, this week the spacecraft *Discovery* launched into outer space a giant telescope that will give us a view of our world and the reaches beyond that we've never seen before. Far above the limits and limitations of our atmosphere, it will vastly increase our vision, expand our horizons, enrich our minds and our lives.

There are people who do this same thing. Who rise above the limits that confine most of us and whose vision expands the lives of all. Today we commemorate the life of one of these extraordinary people—a person whose life shaped our lives, whose spirit helped mold the community she loved.

I last saw Nell in her hospital room. Her eyes were bright and clear and her wit as sharp as ever. While I've always known better than to say anything about her smoking, I did express surprise that she had successfully smuggled a pack into a hospital room and warned her about getting too close to the oxygen machine. A sluff of the hand told me a Member of Congress would have no more chance of affecting her thinking on the subject than a school child.

Only a few weeks before, Nell had held forth in true style at her splendid new home in Palm Springs. Friends came from near and far, people she and Hugh hadn't seen for years, friends from Nevada, Eureka, Santa Rosa. This was a spectacular, happy event for Nell, and she was in rare form. She was surrounded by many of the people she loved—her employees, her business associates, her friends, her family, her husband. And amidst the sparkle, and the glamor and the drinks of course the stories. Nell and Hugh the storytellers. Moving effortlessly through time and events—some of the stories heard before but told so well you could hear them a thousand times again.

Nell held court at a small table in the corner. I've noticed that she always liked tables, especially the luncheon table. This was her domain. This is where she met with her friends and cronies—this is where the stories were told.

Now we are deep in the jungles of India with Nell and Hugh in a tree—a stalking Bengal tiger a few inches below Nell's dangling feet. Now we are building a church from bare land to steeple—all in one day, with enough time left for a late afternoon wedding. Now we are secretly tunneling under Farmers Lane at night to connect a whole subdivision to the city sewer line.

Those were not the days of safari tourmobiles and impeccable tourists crossing the Masi Mara plain in air-conditioned comfort. Those were the days of white-knuckle, single engine flights into remote jungle airstrips. The days of machetes and tents, of real guns, real animals, real danger.

Nor was the Codding's half of Santa Rosa built with EIS's and EIR's and general plans and specific area studies. These houses went up fast and they went up affordable and real people raised real families in them and still do.

These were the days stories were made of, and those stories are what Nell was made of. They were earned stories, stories of business and intrigue and adventure. Like a kid at the soda fountain with a milkshake—our straws will be dipped into those stories and we'll draw on them deeply, each in our own lives, for years to come.

While Nell's skill as a businesswoman is legendary, she was above all a woman of abiding grace, "never say no," generosity, and unmatchable wit. While much has been made over the years on how Hugh differed from Nell and what each contributed to their material success—to me they seemed cast of the same mold—and as Nell so well put it were "one hell of a team." Romantics, risk-takers and doers, they entertained each other throughout life. Nell said, "Hugh is the most entertaining man I have ever known." One can only marvel at the ability to accomplish so much for so long as a team and still ceaselessly entertain each other.

Nell was a builder. She built homes, offices, shopping centers. And builder of people, too. She took people under her wing—often young women who would relish her asides, her quick and accurate ability to size up people and events. She adored her grandchildren Tara, Lisa, and Lois. She loved her employees and felt it was they who made her and not the other way around. She was inseparable from her dear friend, Judy Allen, who helped make her last weeks the joyful, friend-filled ones that they were. To these people and to David and Nell's sisters Edna and Molly, we share your grief and pray for you during this time of grief. And to Hugh—an entire community, one you helped so much to build—opens its heart and its arms.

Everyone who loves our Redwood Empire knows that the small communities that dot our coast and inland valleys each has a heart and soul. Created by the truly great builders who have gone before. I have had the privilege to know some of these people. Bill Grader the fisherman, Spud McNamara the lumberman, Jack Shea the lawyer, Nell Codding the businesswoman. Their passage marks our passage. Their spirit becomes our spirit. Yesterday the mothership Discovery parted with her precious cargo and each took a separate course in space. And so it is that we part with our beloved friend, our leader, our storyteller. But like the telescope, Nell's vision will continue to expand our lives. Her image, though far away, will always be clear and strong in our hearts.

PENNY INTRODUCES STUDENT LOAN DEFERMENT LEGISLATION

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. PENNY. Mr. Speaker, I have today introduced legislation to permit the deferral of payments on federally insured student loans during professional internships and residencies, regardless of duration.

This legislation is necessitated by changes made last year as part of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101-239) in the deferment provisions of title IV of the Higher Education Act. That legislation prohibited medical residents from being classified as students for the purpose of deferment of their loan repayment. As of January 1, 1990, medical residents and other students engaged in professional internships or residencies will be eligible for deferment of Stafford, SLS, and Perkins loans for a period of only 2 years. While a mandated forbearance provision was agreed to in the Reconciliation Act that will allow a borrower the privilege of delaying repayment and capitalizing the added interest costs, medical internships and residencies can typically last for 3 to 7 years. Under current law, once a borrower has exhausted his or her deferment and forbearance, repayment must begin. On a modest stipend, the average doctor in training cannot afford a loan payment of $600 or more per month.

The growing debt burden of professional students, particularly medical doctors, has reached unprecedented levels. Eighty-one percent of 1989 graduates of medical school were indebted; the average debt of these graduates amounted to $42,374; 29 percent of this graduating class had debts in excess of $50,000. Ninety-five percent of 1989 graduates of osteopathic medical schools were indebted; the average debt of these graduates was approximately $67,000; 64 percent of the 1989 graduating class had debts in excess of $50,000 and 20 percent had debts exceeding $100,000. Finally, 89 percent of 1989 graduates fo dental schools were indebted; the average debt of these graduates was $43,300; 32 percent of this graduating class had debts in excess of $50,000.

Furthermore, the educational indebtedness levels of underrepresented minority graduates are even greater than they are among indebted graduates as a whole. The average debt of 1988 underrepresented minority medical school graduates was $44,897—$6,408 above the mean for all indebted graduates that year.

The legislation I offer today will insure that a borrower can defer repayment for the duration of the internship/ residency training period. Without this grant of deferment, I fear many medical students will opt for specialties with short residency periods or forgo additional training. This view is shared by the American Medical Association and the Association of American Medical Colleges and both endorse this bill.

Representing a rural area I am concerned that many medical students who might otherwise relocate to rural America will instead opt for higher paying residencies in urban areas unless the current limited deferment period is extended. Many small cities across the country cannot even attract a single doctor. Many rural hospitals cannot find physicians in certain specialties. Unless we change current law, an already significant rural health crisis will be exacerbated.

Mr. Speaker, this legislation is modest and needed. I urge you and my other colleagues to study the bill, which is reprinted below, and to join me as a sponsor.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the interest subsidy provided borrowers of title IV loans during periods of internship or residency is critical to the borrower's ability to complete his or her educational program;

(2) a number of professional degree programs have an essential postgraduate training component that can last from one to seven or more years;

(3) health professions programs, in particular, require periods of postgraduate training for reasons relating to qualification to practice, licensure, specialty certification, or access to hospital privileges;

(4) the educational indebtedness of graduates of professional degree programs has reached unprecedented levels;

(5) the educational indebtedness levels of underrepresented minority graduates are even greater than they are among indebted graduates as a whole;

(6) given the level of financial support provided to borrowers in postgraduate training programs (primarily through stipends), debt levels such as these can make loan repayment obligations extremely difficult to meet;

(7) growing debt burdens may discourage pursuit of advanced training, adversely affect career choice, create financial barriers to practicing in remote locations, and exacerbate minority underrepresentation in certain professions; and

(8) many health professional graduates who are committed to caring for underserved community find this career path infeasible in light of their enormous debt burdens and the inability to defer their loan payments throughout the period of residency training.

(b) PURPOSE.—It is the purpose of this Act—

(1) to permit the deferral of payments on student loans throughout the duration of post-graduate internships and residency programs; and

(2) to ensure that loan repayment obligations are not acting as a disincentive to advanced training and adversely affecting career choice and service to the poor and underserved by temporarily alleviating loan repayment requirements for borrowers serving in internship and residency programs.

SEC. 2. AMENDMENTS.

(a) GSL PROGRAM.—Section 428(b)(1)(M)(vii) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)(vii)) is amended by striking "not in excess of two years".

(b) FISL PROGRAM.—Section 427(a)(2)(C)(vii) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)(vii)) is amended by striking "not in excess of two years".

(c) NDSL PROGRAM.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended by striking out the following: "The period during which repayment may be deferred by reason of clause (vi) shall not exceed 2 years."

SEC. 3. EFFECTIVE DATE.

The amendments made by section 1 of this Act shall apply on or after the date of enactment of this Act with respect to loans made under the Higher Education Act of 1965 before, on, or after that date.

TRIBUTE TO DR. JUDYLYNN MITCHELL

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. DYSON. Mr. Speaker, I rise today to pay tribute to one of the distinguished residents of Maryland's First Congressional District, Dr. Judylynn Mitchell. A resident of Salisbury, MD, she has over 15 years of experience as an educator. Dr. Mitchell is an active member of her community, participating in several civic and church organizations. She has written three theatrical productions and over 50 articles on African American history. Her literary works are also featured in the Association for the Study of African Life and History 1989-1990 Kit, published by the Associated Publishers, Inc. Dr. Mitchell is also listed in "Who's Who Among Black Americans." A resident of Salisbury, with her husband, Fred, she also has two children, a daughter, Cortni, and a son, Frederick.

McDonald's recent "Salute to Famous Black Americans," was developed by Dr. Mitchell. McDonald's Restaurants recently carried this salute to black leaders on placemats in its restaurant chain.

Mr. Speaker, in February, we paid special tribute to the contributions of many great African Americans. However, as my colleagues and I know, there is no single day or month or even year in which we can adequately recognize all of the achievements of great Americans. Today I am honored to share with all of my colleagues a tribute to African Americans, written by Dr. Mitchell.

Nationwide and across all geographical boundaries, our country has joined together to celebrate African American History Month.

The first observance of this historical tradition was in 1926, when Dr. Carter C. Goodwon, father of African American History, established Negro History Week. In 1976, during the bicentennial, the observance was nationalized as a month-long event. During this month, individuals reflected and actively participated in events at universities, schools, churches, sororities, fraternities, and within the political-government framework to commemorate those individuals who have made—and are making—the world a better place to live.

With pride, Americans will agree that our country is the greatest in the world. Great because of its citizens. Throughout the historical and societal changes our country has experienced or is currently experiencing, African Americans have been positive contributors to the building and shaping of our Nation. These Americans have significantly been, and remain, an integral part of the artistic, social, economical, educational, and political development of our society.

Our American heritage is rich because of the knowledge, tenacity, productivity, and creative accomplishments that this important group continues to make. A few of these individuals are listed below:

AFRICAN AMERICAN AND CONTRIBUTION

Frederick Douglass: Orator, Diplomat, Abolitionist.

Harriet Tubman: Leader of the Underground Railroad.

Garrett Morgan: Inventor of the automatic traffic light and gas mask.

Benjamin Banneker: Astronomer and Mathematician.

Jan Matzeliger: Inventor of shoe lasting machine.

Sojourner Truth: Human rights adviser and Abolitionist.

Nat Love: Cowboy and western pioneer.

Martin Luther King, Jr.: Nobel Peace Prize recipient and Civil Rights leader.

Mr. Speaker, during our official celebration of Black History Month and throughout our history, we must continue to strive for peace and harmony. I join Dr. Mitchell and the American people in their salute to the outstanding achievements and contributions of African Americans.

MINIMUM WAGE RISE DOESN'T GO FAR ENOUGH

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. HAWKINS. Mr. Speaker, according to the provisions of the Fair Labor Standards Amendments of 1989, the Federal minimum wage was raised from $3.35 per hour to $3.80 per hour on April 1 of this year. There are many benefits to increasing the Federal minimum wage. It will restore purchasing power of the wage floor, putting needed money into the hands of low wage workers and into the economy. It will increase incentives to work and actually reduce the deficit. However much misinformation persists about the effects of a minimum wage increase. One assumption is that for minimum wage workers living in poverty, the increase will be offset by decreases in food stamps. This is simply not true. The following is a letter to the Editor that appeared in the Washington Post on April 14. The authors of this letter are Robert Greenstein and Isaac Shapiro who are, respectively, director and senior budget analysis, Center on Budget and Policy Priorities. It addresses one of the false assumptions of the minimum wage increase very effectively.

A copy of the letter follows:

MINIMUM WAGE RISE DOESN'T GO FAR ENOUGH

To the Editor:

The headline "Rise in Minimum Wage Offers Minimum Joy" (front page, March 29) was close to the mark in describing the effects of the April 1 increase in the minimum wage, but one part of your analysis should be re-examined. You suggest that, for minimum-wage workers living in poverty, the increase will be offset by a decrease in food stamps. This conclusion misses two points about the food-stamp program:

(1) Food-stamp benefits are reduced by only a fraction of any increase in earnings. For every additional dollar earned, food-stamp benefits are reduced 24 cents to 36 cents. Most of the increased earnings from a minimum-wage increase will end in the pockets of minimum-wage workers, even if they receive food stamps.

(2) Only 37 percent of eligible low-income working households receive food stamps. Various reasons explain why so many working-poor households do not receive food-stamp benefits, including lack of information on the program and concern about the stigma of receiving benefits. The point remains that for most of the working poor, the increase in earnings will not be offset by a reduction in food-stamp benefits, since they do not receive such benefits.

The real reason the rise in the minimum wage will provide only minimum joy is the modesty of the increase. The two-step increase, following more than nine years when the minimum wage remained unchanged, will make up less than half of the ground that the wage floor lost to inflation. The minimum wage of $3.80 an hour in 1990 is 25 percent below its average value in the 1970's, after adjusting for inflation. Even when the second and final step to $4.25 an hour occurs in 1991, the wage floor will fall 20 percent short of its average purchasing power in the 1970's.

ROBERT GREENSTEIN,
ISAAC SHAPIRO,
Washington, April 3, 1990.

OLDER AMERICANS MONTH

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. DOWNEY. Mr. Speaker, each year, the month of May is designated by the President as "Older Americans Month," a month set aside to honor the millions of senior citizens residing in our Nation. Throughout May, each State undertakes programs and activities to honor the elderly, and to reaffirm our Nation's commitment to improving the quality of life for this special segment of our population.

As the chairman of the House Select Committee on Aging's Subcommittee on Human Services which has oversight responsibility over the Older Americans Act, I join in saluting our Nation's seniors. The success that the Older Americans Act has enjoyed for the past 25 years is largely due to the thousands of individuals who make up what is known as the aging network—the State and area agencies on aging, the service providers, the medical professionals, the academic segment, the care-givers, the employers, the volunteers and all those who strive each day to keep our elderly citizens independent. These individuals work tirelessly on often strained budgets to provide a variety of services to their constituencies.

Besides the many activities that have been planned around the United States to celebrate Older Americans Month, I think it would be a fitting tribute to all the older Americans of our Nation if President Bush would finally make the call for a 1991 White House conference on aging. Since June of 1989, I along with many of my colleagues on both sides of the aisle, have been urging the President to call the conference, as authorized by Public Law 100–175, the Older Americans Act Amendments of 1987.

President Bush is the only President to delay calling such a conference this long. We were somewhat heartened by the fact that the administration included in its fiscal year 1991 HHS budget $1 million for a White House conference on aging under title IV of the Older Americans Act.

However, the continued delay in announcing the conference hardly sends a message of hope to our Nation's aged, and certainly does not indicate that aging issues will be a priority in the 21st Century. Time is running out, and if a successful and effective Conference is to be held next year, planning must begin immediately. Some States have already begun the process individually, but there is need for national leadership.

A White House conference on aging will provide an important opportunity to bring together people from all walks of life and begin the work on a national aging agenda. The aging population is growing at a rapid pace; we desperately need an opportunity to forge an agenda. The graying of America will continue well into the next century with the aging of the baby boom generation. Federal officials must have a much more active dialogue with gerontologists, activists, and the grass roots so that it can have a better understanding of the concerns and the needs of older Americans, and so that older Americans can have a better understanding of the constraints on public policy in the decades ahead. The 1991 White House conference on aging would be a perfect setting for this dialog, and I must, once again, urge its announcement.

In addition, I would like to urge my colleagues to celebrate Older Americans Month by cosponsoring my resolution, House Concurrent Resolution 276, which celebrates the 25th anniversary of the Older Americans Act. The Older Americans Act has been amended 12 times since it was first enacted in 1965, and has stood the test of time. The next reauthorization is scheduled for 1991, and the Subcommittee on Human Services has been working hard in anticipation of this event. The Older Americans Act is a success story that continues to bring dignity and independence to America's seniors who are in the greatest social and economic need by providing them with special support services. My resolution, which honors not only those who receive the services mandated by the Older Americans Act, but those who provide them, has approximately 135 cosponsors. Senator DAVID PRYOR, chairman of the Senate Special Committee on Aging, has introduced an identical resolution, Senate Concurrent Resolution 99.

We have come a long way in improving the lives of older Americans. As we return to our Congressional districts during the month of May to attend events planned to honor our own senior citizens, we must commit ourselves not to forget about them during the rest of the year. We still have a long way to go. We must work together to ensure that the older Americans of our great country receive the care and attention they deserve.

SUMMARY OF 1989 TAX RETURN DATA

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. DOWNEY. Mr. Speaker, I am once again making a summary of my income tax return public because I believe that Federal officeholders should be forthcoming about the sources of their income. Therefore, I ask that the following summary be printed in the official record of the day's proceedings:

Hon. Thomas J. Downey

Summary of 1989 Tax Return Data

Salary—U.S. House of Representatives	$89,500
Less: Contributions to Sec. 401(k) Plan	(4,475)
Salary—U.S. Senate Disbursing Office (Mrs. Downey)	20,820
Interest Income	432
Dividend Income	619
New York State Tax Refund	955
Taxable Portion of IRA Distributions	5,544
Rental and Partnership Losses (after Application of Passive Loss Limitations)	(3,672)
Net Capital Loss	(240)
Business Income—Honoraria (Gross)	36,700
Total Income	146,183
Less: Contributions to Keogh Retirement Plan	(4,787)
Adjusted Gross Income	141,396
Itemized Deductions:	
Taxes	11,543
Interest Expense (after 20% phase-out for personal interest)	21,498
Contributions	15,389
Miscellaneous Deductions (after 2% AGI Limitation)	4,349
Total Itemized Deductions	52,779
Subtotal	88,617
Less: Personal Exemptions	8,000
1989 Taxable Income	80,617
Federal Income Tax	18,838
Tax on Early Withdrawal of IRA	554
Total Federal Tax	19,392
New York State/New York City Nonresident Earnings Income Tax	6,688
Illinois Income Tax	70
New Jersey Income Tax	39

RAIL TRANSPORT OF HAZARDOUS MATERIALS IN FRA REGION 2

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. COYNE. Mr. Speaker, today I am releasing a new report from the General Accounting Office that contains disturbing information for everyone who lives and works in the mid-Atlantic region.

This report is called Railroad Safety: More FRA Oversight Needed to Ensure Rail Safety in Region 2.

I requested the GAO to examine how well the Federal Railroad Administration is regulating rail transport of hazardous materials in our part of the country. This report is the result.

Its findings indicate that FRA enforcement in Region 2—an area that includes six States and the District of Columbia—is wholly inadequate.

Let me give three examples.

The FRA is supposed to inspect shippers of hazardous materials, and the railroads themselves. One of its most important duties in this area is keeping close watch on these "inspection points," as they are called.

But the GAO found that in FRA Region 2, there are not even any complete, up-to-date lists of these inspection points. As a result, 70 percent of them were not inspected in 1987 and 1988.

Moreover, FRA Region 2 does not require shippers of hazardous materials to register. Thus, its inspectors may never identify some rail-related sites that handle hazardous materials.

Second, the GAO discovered that the FRA relies on the rail industry to enforce its own speed rules. As long as a track is maintained to its standard, the FRA's inspectors will not issue a speed violation.

One result is that even when a hazardous materials accident in my State was the result of excess speed—when a train was going 60 miles per hour on a curved track with a 40 miles-per-hour limit—FRA Region 2 issued no violation.

Why? Because the track was not defective.

Third, there are far too few personnel assigned to inspect hazardous materials. Indeed, as of March, FRA Region 2 had only six hazardous materials inspectors to cover Pennsylvania, Delaware, Maryland, Ohio, Virginia, West Virginia, and the District of Columbia. This area includes 22,000 railroad route miles.

The GAO report suggests a series of reforms to beef up the Hazardous-Materials Inspection Program in FRA Region 2. Among the more important are increasing the number of inspectors in the region, and changing policy so that the FRA will issue speed violations when speed limits have not been observed.

I believe that the GAO recommendations are well-taken, and I urge Transportation Secretary Skinner to implement them.

It is true that some of the GAO suggestions would cost relatively small amounts of money. In a time of budget constraints, some may say we cannot afford such safety measures.

But when we consider how serious this problem is, and when we realize the great risk that we run with the lax program we have now, I would suggest that we have no prudent alternative. We should act before it is too late.

WHAT BEING AMERICAN MEANS TO HILARY WILLIAMS

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. BRENNAN. Mr. Speaker, I rise today in recognition of Hiliary Williams, an 11-year-old attending Yarmouth Intermediate School in Yarmouth, ME, who is this year's eastern region winner of the Immigration and Naturalization Service's 1990 National Poster Contest. Last Friday, Hilary's entry took third place nationally at a ceremony held for the regional winners at the Department of Justice.

The INS contest in which Hilary participated calls the attention of young people to an American experience which ancestors of most of us share, whether those ancestors arrived in the 1630's or the 1930's, whether they were escaping religious or ethnic persecution or seeking economic prosperity in the "Land of Opportunity."

Hiliary's colorful entry showcases this immigrant experience. Though I am unable to show you her artwork, I would like to share with you the content of the 50-word essay she submitted to accompany her poster. The theme of the contest was "What Being an American Means to Me":

I am free, yet I belong. I am like others because I am equal, but I am one of a kind. Whether I am a leader or a follower, whether I am rich or poor, it doesn't make a difference—I am still an American with rights and opportunities.

I applaud Hilary Williams for her talent and eloquence, and I congratulate her on the recognition she received last week here in Washington.

A TRIBUTE TO DR. BETTYE COLLIER-THOMAS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. FAUNTROY. Mr. Speaker, it is with great pleasure that I offer my warmest appreciation to a gifted administrator, historian and "worker of miracles."

Through these last years, I have had the privilege of working with Dr. Collier-Thomas as we, together, guided legislation through the Congress of the United States that designated the Mary McLeod Bethune Council House a national historic site in 1982. Then began the struggle to make the Congress keep its commitment to provide even a token funding of this important historic site and its irreplaceable collections.

Today, the Bethune Museum and Archives is one of the most significant archival collections documenting the long-neglected history of black women and the black family. Because of her untiring and gifted work, future generations will have the opportunity to learn about their remarkable past. A nationally and internationally recognized site for archival re-

search in this field, the collections are, in themselves, a tribute to Dr. Collier-Thomas' determination and powers of persuasion.

I congratulate Dr. Collier-Thomas upon her new, challenging posts at Temple University in Philadelphia. It is their gain—and our loss.

We will always remember her talented endeavors on behalf of the Bethune Museum and Archives, and my warmest personal wishes go with her.

A CONGRESSIONAL SALUTE TO ELMAR J. BAXTER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to, and acknowledge my deep respect for, Elmar J. Baxter. On Wednesday, May 2, 1990, after a long maritime career, he will be honored for this retirement at the Spruce Goose Dome. This occasion gives me the distinct pleasure to pay tribute to an institution in the southern California maritime industry.

A native Californian, Elmar Baxter graduated from the U.S. Merchant Marine Academy at Kings Point, and sailed as a deck officer before launching a successful newspaper career. In 1969, he was public relations account executive for Princess Cruises before being named west coast Editor of Travel Weekly. Elmar first joined the harbor department in 1970, as public relations director. Five years later, after a restructuring of the department, his position was changed to communications officer.

Elmar Baxter's years of diligent and competent work have led to numerous honors for the Port of Long Beach. Since he joined the harbor department 20 years ago, Long Beach has been selected several times by the American Association of Port Authorities as having the most effective overall communications program of any U.S. port. His work on port publications has also won many awards for excellence. Such excellence led to his selection as the Long Beach Harbor Department's Employee of the Year in 1989, an honor he well deserved.

Elmar's service is not just limited to his employment with the port. He has also been a member of the World Trade Week publicity committee and served as its chairman three times. He is an honorary member of the Long Beach Port Ambassadors and the Propeller Club, and is port adviser to the Long Beach International Seafarers Center. Clearly, his absence will be strongly felt within the maritime community.

And so Mr. Speaker, I pay tribute to Elmar J. Baxter, a legend in the southern California maritime industry. And while he is leaving the harbor staff, I know he is not leaving the maritime community. As Shakespear once wrote, he will travel on to "unpathed waters, undreamed shores." In his honor, my wife, Lee, joins me in extending our congratulations on his retirement. We wish his wife of 43 years, Jeanne, and their two children, Ken and Jamie, all the best in the years ahead.

IN HONOR OF STANLEY H. KAPLAN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. SCHUMER. Mr. Speaker, it is with great pleasure that I rise today to honor Stanley H. Kaplan, the founder and chief executive officer of the Stanley H. Kaplan Educational Center, Ltd. Mr. Kaplan's personal love for teaching has allowed him to build a test preparation organization which recently celebrated its 50th anniversary. I learned first hand of Mr. Kaplan's dedication when I worked as a tutor for the Kaplan organization in Brooklyn.

The Stanley H. Kaplan Educational Organization has helped more than 1,500,000 students reach their academic and career goals. The Kaplan Organization prepares students for more than 30 standardized admissions and licensure tests, which include the SAT [Scholastic Aptitude Test] and ACT [American College Testing Program Assessment] for entrance into college, the LSAT [Law School Admissions Test], MCAT [Medical College Admissions Test], GMAT [Graduate Management Admissions Test], the GRE [Graduate Record Exam], and other graduate admissions exams, and professional licensure exams, including the bar review, national medical boards, the nursing licensure exam, and others, in addition to self-improvement courses, like speed reading.

Stanley H. Kaplan invented test preparation. Through Mr. Kaplan's dedication to education, individuals are encouraged to reach their full potential and strive for excellence. Because of his commitment, people need no longer fear the standardized exam. Mr. Kaplan's programs have helped to ease the anxiety that so many students feel when confronted with their admissions tests.

Mr. Kaplan's commitment to education goes beyond test preparation. His scholarship programs and grants have made it possible for underprivileged students to enter college and the professions. One such program is the Double Discovery Center, run through Columbia University. This program helps talented high school students from disadvantaged backgrounds to succeed in school, attend college and choose a career. Many of these economically disadvantaged youngsters now attend some of the Nation's finest colleges and universities including City University of New York, Stanford, Yale, State University of New York, Cornell, and Columbia.

Together with his wife, Rita, Mr. Kaplan has founded the Rita and Stanley H. Kaplan Cancer Center at New York University Medical Center, where he is also a member of the board of trustees. Through their generous contributions, they have made possible the Rita and Stanley H. Kaplan House, a residential treatment center of the Jewish Board of Family and Children's Services. Mr. Kaplan also serves on the council of Overseers and in the domestic affairs assembly of the UJA—Federation of Jewish Philanthropies and on the board of the Roundabout Theatre.

I am honored to recognize one of Brooklyn's own native sons, Mr. Stanley H. Kaplan as the Stanley H. Kaplan Organization enters its 50th year of success. His contributions to our community and to the Nation have earned our deepest gratitude.

KILDEE HONORS HAROLD BEST

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a man who has served his community with unceasing dedication for the past 30 years, Mr. Harold E. Best.

Mr. Best was born in Metamora, MI, on March 6, 1925. He grew up on a farm in Metamora, and he was active with the 4–H Club and the Boy Scouts of America, where he was awarded the coveted Eagle Scout Award. He married his wife Kathryn in 1947, and they have four children. In 1959, when his father passed away, Mr. Best took over the operation of the family farm, and he continues to be a dairy farmer to this day. He is a past president and active member for 35 years of the Metamora Lions Club, where he has attained life membership. In addition, Mr. Best is a member of the local Masonic Lodge.

In addition to running a dairy farm and being a dedicated family man, Mr. Best has spent countless hours helping others through his participation in town and county public service roles. Mr. Best started out by serving with distinction on the Metamora Township board and on the Lapeer County Road Commission. He also served on the Metamora Township Zoning Board of Appeals, the board of directors of the Lapeer Area Ambulance Service, and the board of directors of the Oxford Cooperative Elevator in Oxford, MI, where he currently holds the office of president. It is as supervisor of Metamora Township that Mr. Best has served with the greatest distinction. Beginning his term of office as trustee of Metamora Township in 1959, he was appointed supervisor in 1960 to fulfill the term of office of the prior supervisor. He then successfully ran for the post of supervisor, and has held that post continually until his retirement on February 1, 1990. I have always had a high degree of respect for the position of supervisor for it is at this level of government that one truly sees first-hand the problems affecting our constituents.

Mr. Speaker, it is with great respect and admiration that I rise to pay tribute to Mr. Best. Through his selfless dedication to helping those around him in his various posts, he has made Metamora Township a more enjoyable place to live. I commend Mr. Best for his many years of hard work, and I hope that he will continue to be active in his community in the coming years. It is with pride that I commend Mr. Best for a job well done, and on behalf of myself and everyone else in my district whose lives he has affected, I thank Mr. Best for everything that he has done. Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. Harold E. Best.

COMMEMORATING DR. ROBERT C. MAXSON, PRESIDENT OF THE UNIVERSITY OF NEVADA, LAS VEGAS

HON. JAMES. H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. BILBRAY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the 1990 recipient of the American Jewish Committee's Institute of Human Relations Award, Dr. Robert C. Maxson. This prestigious award will be presented to Bob at a dinner in his honor on Sunday, May 6, 1990 at Caesars Palace. I have known Bob for many years and he is truly deserving of this honor.

Dr. Bob Maxson is clearly one of the most influential and recognized civic leaders in Nevada. His efforts on behalf of our southern Nevada community have resulted in significant improvements in the quality of all Nevadans lives.

Bob assumed his duties as president of the University of Nevada, Las Vegas, on August 1, 1984. Before coming to UNLV, he served as the senior vice president for academic affairs at the University of Houston. In that capacity, he was the chief academic officer of the 45,000 student university.

Bob earned his doctorate from Mississippi State University in 1970. He has written two college textbooks which together have been adopted in approximately 100 universities. He also has written numerous articles which have been published in scholarly journals.

In addition to his professional accomplishments, Bob is involved in numerous civic activities in Las Vegas and serves on the board of directors of such organizations as the Nevada Allied Arts Council, National Conference of Christians and Jews, Nevada Special Olympics, American Cancer Society, and the Las Vegas Symphony. He also serves on the executive committee of the Nevada Development Authority and on the board of directors of Valley Bank of Nevada and Freeport McMoRan Gold.

The American Jewish Committee's Institute of Human Relations Award was first presented in 1977. It is awarded annually to business and civic leaders whose contributions have enhanced the community, advanced intergroup understanding and promoted the cause of human rights. I am honored to have this opportunity to extend my sincerest congratulations to Bob on receiving this well-deserved award.

Mr. Speaker, I urge my colleagues to join me today in commending Dr. Bob Maxson for his distinguished leadership in civic and community endeavors. His contributions to the State of Nevada have earned him recognition as an outstanding member of the Las Vegas community.

IN MEMORY OF JUDGE ROBERT VANCE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. STARK. Mr. Speaker, I rise in strong support of H.R. 3961, a bill to rename the existing Birmingham Federal building after Judge Robert Vance.

Judge Vance, as you all know, died senselessly when a mail bomb exploded in his home last November. His death symbolized the long road our country still has to follow to become a more compassionate, more reasonable, and gentler society. For some unexplained reason, someone, somewhere out there felt that sending death through the mail would send a signal to America. Such a cowardly act shocked our Nation, but in an ironic way reminded each of us of the potential day-to-day dangers involved in public service.

I did not know Judge Vance, but I did know of his reputation. He was one of those rare individuals who was held in high regard by those who knew him, and those who wished to know him. Bob Vance loved his family, loved public service, and loved his country. Bob Vance had so many strongly felt convictions and beliefs, working everyday to move Alabama and the Nation in the right direction. His values were concrete, and he was willing to voice them, even when they weren't universally popular. That, my colleagues, is the meaning of true leadership.

America needed Bob Vance, will miss Bob Vance, and must always remember Bob Vance and what he stood for. By taking this small step in renaming this office in his honor, I hope that his memory will never be forgotten.

Please support H.R. 3961.

GENEVIEVE U. GILMORE

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. WOLPE. Mr. Speaker, I want to pay special tribute to a constituent of mine, Ms. Genevieve U. Gilmore, who recently passed away. On May 7, 1990, the Kalamazoo YWCA will recognize the life of Genevieve Gilmore and her countless contributions to Kalamazoo and the YWCA, which she served for years as a member of the board of trustees.

Genevieve chose to dedicate both her time and resources with the YWCA to those deserving and less fortunate. She inspired members of her own family to join her endeavors, particularly her daughter, Martha Gilmore Parfet, who is currently serving as honorary chairwoman of the YWCA's Opportunity 2000 campaign, and her granddaughter, Sally Parfet Williams, who is past president of the YWCA and involved in the founding of the Opportunity 2000 campaign.

Genevieve's support allowed the YWCA to better aid victims of domestic and sexual assault and to offer quality child care programs. It is because of efforts such as these, as well as the inspirational guidance Genevieve provided to many women and their families in the community, that the Kalamazoo YWCA has honored her by designating its most prestigious award, the volunteer leadership award, in her name.

I feel privileged to have had Genevieve U. Gilmore as a constituent in my congressional district and commend the YWCA for bestowing upon her this posthumous honor recognizing her extraordinary leadership as a YWCA volunteer.

SPECIAL RECOGNITION OF A DISTINGUISHED GENTLEMAN

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. DONNELLY. Mr. Speaker, I rise today to extend special recognition to one of my constituents, Baron Hugo. This tribute was written by Mr. Morris Freedman, and appeared in the Milton Record-Transcript on Thursday, November 20, 1980.

Born with a musical beat 77 years ago, Baron Hugo, Milton and New England's living legend of the "Golden Age of Jazz and the Big Band Era" is still keeping feet tapping and dancing with his music, and his dixieland band.

"Tennessee Waltz, Always, Viennese Waltz, In the Mood, And I Love You So" as well as "Harlem Nocturne, One O'Clock Jump and Basin Street Blues" were the favorite songs of the thousands who heard the Baron Hugo Orchestra at the Totem Pole Ballroom in Newton.

The white-and-dyed-hair set, known as "The Stardust Generation," fondly recalls when dancing meant holding your partner around the waist, it was proper then, the closeness was decided on by the dancers. Many a romance began and was nourished to the music of The Baron at the Totem Pole, enhanced by the dimmed lights and sweet words of endearment whispered and heard.

The strains of his music were also heard throughout the years at the vaudeville theaters, on boat and moonlight cruises, Symphony Hall, the World Series at Braves Field in 1947, while hundreds of wedding receptions where made more meaningful by his tuneful presence.

The Baron's philosophy concerning music covers many aspects. He feels that all children should be introduced to music at an early age, and be encouraged to sing or play a musical instrument. To the younger set: "Enjoy the best of life, and make the most of it!" On retirement: "Retirement? Never! Music has never been work to me, so why retire from something you enjoy doing?"

His greatest desire has been to make people happy through his music, be it dancing or listening, a goal he set out to fulfill at an early age and hasn't stopped reaching for.

Shakespeare said it all: "If music be the food of love, play on!" Play on, Baron, play on!

POLISH UNION OF THE U.S.A. CELEBRATES 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Polish Union of the United States of America, located in Wilkes-Barre, PA. The Polish Union of the U.S.A. is a fraternal benefit organization and is celebrating its 100th anniversary this year.

The Polish Union was established on August 27, 1890, in St. Paul, MN, at the site of a flourishing Polish colony. In reaction to the large number of Polish immigrants who came to this country in search of freedom and opportunity, Monsignor Dominic Majer, a distinguished Roman Catholic prelate, established the Polish Union of the U.S.A. Monsignor Majer recognized the need for a national organization to help these people hurdle the obstacles they confronted as they came to America. The Polish Union attempted to help native Poles overcome the language barrier, protect them from unscrupulous strangers, provide them with adequate insurance benefits, orient them to the cultural differences, and preserve both their ancient Catholic faith and the culture and heritage of Poland.

In 1893, the Polish Union had 3,000 members. By 1896, the organization decided to move its national headquarters closer to the Atlantic coast to more effectively serve the Polish immigrants as they arrived in this country. The headquarters were moved to Buffalo, NY until 1906, then they were moved to Wilkes-Barre, PA.

Monsignor Majer and the other founders built the Polish Union on high principles and standards. The Polish Union established its constitution at a convention in 1933, held in Wilkes-Barre. The Polish Union still adheres to the goals established in 1933. The Union is dedicated to the following purposes as outlined in its constitution:

1. The collection and maintenance of funds for the issuance of death certificates to its members, for aid in accidental injury, or in disease, and for the aid in old age.
2. The collection and maintenance of funds for national and educational purposes, and such other funds as the convention of the Polish Union shall, from time to time, establish.
3. To strive for the moral, religious, and material development of the people of Polish descent living in America.
4. The commemoration of national anniversaries.
5. To instill love and loyalty for the United States of America.
6. To develop in the youth love and honor for the Polish people; respect for and obedience to the principles and teachings of the Roman Catholic Church; and at the same time to assist in bringing them up as good and useful citizens of the United States.

The Polish Union of the U.S.A. is working, as it has in the past, to serve the community. The organization conducts numerous cultural, civic, and family projects, including essay contests; coloring contests for youngsters; polka dance classes for all ages; bowling leagues; golf tournaments; self and social improvement classes; debutante balls; Christmas and Easter holiday parties for children; Easter egg coloring classes; holiday custom socials for the young and old; Polish language classes; bus trips; family day; fraternal youth frolic; and cooking classes.

In addition, the Polish Union has a scholarship aid program, an archive and library for the promotion of Polish ethnic studies among high school and college students. They provide students with information on how to obtain scholarships and graduate school grants, how to participate in summer school courses in Poland, and information on becoming enrolled in medical school programs abroad. The Union also offers a modern life insurance plan at an economical cost. They support civic, charitable, and patriotic movements, both local and national, and aid in genealogical studies.

Mr. Speaker, there are approximately 12,000,000 Polish Americans in the United States today. It is with great pride, as a Polish-American, that I ask my colleagues in the House of Representatives to join me in honoring and congratulating the Polish Union of the United States of America as they celebrate their 100th anniversary.

CONGRESSIONAL TRIBUTE TO LA VOCE ITALIANA AND ITS PUBLISHER, CESARINA EARL, OF TOTOWA, NJ, AND THE LATE EMILIO AND MARY AUGUSTO

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. ROE. Mr. Speaker, for nearly six decades, we in the Eighth Congressional District of New Jersey and, indeed, in the entire New Jersey-New York-Pennsylvania region, have been indeed fortunate to be served by one of the Nation's truly outstanding newspapers, La Voce Italiana—the Italian Voice.

This outstanding publication, which was established 58 years ago by the late Emilio Augusto, and his late wife, Mary Crapelli Augusto—gifted people who were true visionaries—has had its great tradition carried on by their daughter, Mrs. Cesarina Earl, who has run this great publication for the past 8 years.

Mr. Speaker, on Sunday, May 6, 1990, this great tradition of the Augusto family and their tremendous contributions to the Italian community of the greater New Jersey-New York-Pennsylvania area, and to all communities, for that matter, will be celebrated with a dinner at the Brownstone House in Paterson, NJ.

I know that just as Mrs. Cesarina Earl will be there in person, so will the inspiring presence of her late parents be there in spirit. And I know this event will be a great source of pride, not only to Mrs. Earl, but to her family; her devoted husband, Eugene O. Earl; her children, Douglas A. Earl and her daughter, Adrienne E. Earl.

Mr. Speaker, the late Emilio Augusto and Mary Crapelli Augusto came to America in the 1920's and, like so many immigrants, dreamed of a better life. They both worked hard to make that dream come true. Mary and Emilio, who had worked together for an Italian newspaper in New York in the late 1920's, were married in 1932. They decided to begin their own newspaper in Paterson, an Italian-American weekly which they called "La Voce Italiana"—the Italian Voice—and in the past 58 years their efforts and the efforts of their daughter have produced one of the most important and respected publications anywhere.

They worked hard together to make the paper a huge success. Emilio worked the presses while Mary sold advertising. Through their work Emilio and Mary Augusto became well known and highly respected in the city of Paterson. In 1947, Mary Augusto became the first woman to run for the office of mayor of Paterson.

After the death of her mother in 1982, and with her father in failing health, Cesarina Earl assumed duties as editor and publisher of the Italian Voice and has carried on the great traditions begun by her parents.

Mrs. Earl herself is a product of Paterson and has made great contributions to her community. She attended Paterson schools and graduated Seton Hall University in 1965 with a BA degree in history. She has furthered her education, taking coursework in library and information science at Caldwell College, Rutgers University, Seton Hall University, and the University of California at Santa Barbara. She holds New Jersey certification as a school librarian/education media specialist and as a professional librarian.

Mr. Speaker, Cesarina Earl has served the children of New Jersey through her fine work at the Paterson Free Public Library, the North Bergen Free Public Library, and at the Horace Mann Elementary School No. 9 in North Bergen. Along with her work both as a librarian and with the Italian Voice, Mrs. Earl has, throughout her life, been extremely active in professional and civic organizations.

She is a member of the New Jersey Educational Media Association, the New Jersey Library Association, the Bergen County School Media Association, the Passaic County School Media Association—which she founded in 1980, the Society of School Librarians International, the ZONTA Club of the Paterson area, the National Organization of Italian-American Women, the National Italian American Foundation, the Coalition of Italo-American Associations, the Association of New Jersey Professional Women, the Women of the Moose—Seaside Chapter No. 1248, the Italian Heritage Association of North Jersey, the American Italian Cultural Roundtable of New York, the Executive Committee of the Festa Italiana State Arts Center Heritage Festivals, Inc., the Horace Mann School PTA, the Working Press Association of New Jersey, and SIAMO. Mrs. Earl is also a member of St. Michael the Archangel Roman Catholic Church of Paterson.

Among her numerous honors and awards, Cesarina Earl has received a certificate from the New Jersey Educational Media Association for her research; a plaque from Passaic County Community College for her continuing contribution to the Italo-American Community of North Jersey, and the Faith in Paterson

Award from the Greater Paterson Chamber of Commerce in 1984.

Mr. Speaker, I appreciate this opportunity to present a brief profile of Mrs. Cesarina Earl and her late parents. Truly, in the work they have done, as civic leaders and as visionaries publishing La Voce Italiana, they have made their community, their State, our Nation, and the world a better place to live.

FINANCIAL STATEMENT OF F. JAMES SENSENBRENNER

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1990

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1990, a matter of public record. I have filed similar statements for each of the 11 preceding years I have served in the Congress.

ASSETS

Real property	Value
Single family residence at 609 Fort Williams Parkway, City of Alexandria, VA, at assessed valuation. (Assessed at $647,100.00. Ratio of assessed to market value—100%.) (Encumbered)	$647,100.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, WI, at assessor's estimated market value. (Unencumbered.)	69,400.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, WI at 25/44ths of assessor's estimated market value of $261,800.00 (Unencumbered)	148,750.00
Total real property	865,250.00

PERSONAL PROPERTY, COMMON AND PREFERRED STOCKS

Number of shares		Value
338	Firstar Corp., at $29.75	$10,055.50
450.225	American Telephone & Telegraph, at $42.00	18,909.45
558	Idaho Power Corp., at $26.875	14,996.25
22	Ogden Projects Corp., at $23.75	522.50
450	First Interstate Bancorp., at $34.00	15,300.00
139.604	American Information Technologies, at $59.875	8,358.79
92.098	Bell Atlantic Corp., at $94.375	8,691.75
208.052	Bell South Corp., at $54.50	11,338.83
94.385	NYNEX, Inc., at $81.625	7,704.18
148	Pacific Telesis, Inc., at $46.50	6,822.00
143.814	Southwest Bell, Inc., at $56.50	8,125.49

PERSONAL PROPERTY, COMMON AND PREFERRED STOCKS—Continued

Number of shares		Value
94.601	US West, Inc., $73.875	6,988.65
613.370	Tenneco Corp., at $66.875	41,019.12
580	Nevada Power Co., at $22.25	12,905.00
838	Newell Corp., at $24.625	20,635.75
720	General Mills, Inc., at $73.625	53,010.00
800	Kellogg Corp., at $61.125	48,900.00
2,000	Dunn & Bradstreet, Inc., at $45.125	90,250.00
1,000	Halliburton Co., at $45.375	45,375.00
18,576	Kimberly-Clark Corp., $64.625	1,200,474.00
500	Minnesota Mining & Manufacturing, at $81.375	40,687.50
100	Rank Organisation ADR, at $13.00	1,300.00
2,132	Exxon Corp., at $46.125	98,338.50
1,162	Amoco Corp., at $53.50	62,167.00
1,080	Eastman Kodak Co., at $39.125	42,255.00
1,075	General Electric Co., at $64.25	69,068.75
408	General Motors Corp., at $45.875	18,717.00
20	General Motors Corp., Series H, at $22.875	457.50
5,213	Merck & Co., Inc., at $69.50	362,303.50
476	Warner Lambert Co., at $104.75	49,861.00
700	Continental Corp., at $30.375	21,262.50
200	Sears Roebuck & Co., at $39.25	7,850.00
910	Ogden Corp., at $25.875	23,546.25
455	OMI Corp., at $11.25	5,118.75
418	International Business Machines, at $106.125	44,360.25
26	Sandusky Voting Trust, at $70.00	1,820.00
711	Monsanto Corp., at $107.375	76,343.63
450	E.I. du Pont de Nemours Corp., at $38.375	17,268.75
450	Houston Industries, Inc., at $33.375	15,018.75
525	Pacific Gas & Electric, Inc., at $21.875	11,484.38
512	Wisconsin Energy Corp., at $28.50	14,592.00
900	Abbott Laboratories, Inc., at $65.75	59,175.00
1,410	Banc One Corp., at $26.375	37,188.75
127	Premark International, Inc., at $27.50	3,492.50
100	Unjsys, Inc., preferred at $35.75	3,575.00
333	Benton County Mining Co., at no value	Nil
	Total common and preferred stocks	2,717,694.62

LIFE INSURANCE POLICIES

Face amount		Cash surrender value
$12,000	Northwestern Mutual No. 4378000	$18,467.80
30,000	Northwestern Mutual No. 4574061	44,024.18
10,000	Massachusetts Mutual No.4116575	4,099.37
100,000	Massachusetts Mutual No. 4228344	77,100.91
25,000	Old Line Life Insurance Co. No.515950	19,404.18
	Total Life insurance policies	163,096.44

BANK AND SAVINGS & LOAN ACCOUNTS

	Amount
Bank One, Milwaukee, N.A., checking account No. 0046–2366	$899.85
Bank One, Milwaukee, N.A., preferred savings account No. 4158–8070	84,714.01
Bank One, Milwaukee, N.A., savings account No. 497–525	610.31
Federated Financial Savings & Loan of Butler, WI, savings account No. 2–0033296	1,245.11

BANK AND SAVINGS & LOAN ACCOUNTS—Continued

	Amount
Sergeant at Arms, U.S. House of Representatives, checking account No. 748	493.19
Burke & Herbert Bank of Alexandria, VA, checking account No. 601–301–5	1,300.69
Valley Bank, N.A. of Hartland, WI, checking account No. 03056664–06	1,423.38
Valley Bank, N.A. of Hartland, WI, savings account No. 03056544–11	516.31
Federated Financial Savings & Loan of Butler, WI, individual retirement accounts	27,363.32
Total bank and savings & loan accounts	118,566.17
Miscellaneous	
1985 Pontiac 6000 automobile (at Blue Book trade-in value)	5,050.00
Office furniture and equipment (estimated)	1,000.00
Furniture, clothing and personal property (estimated)	105,000.00
Stamp collection (estimated)	25,000.00
Interest in Wisconsin Retirement Fund	35,301.52
Deposits in Congressional Retirement Fund	58,275.65
Value of deposits in Federal Thrift Savings Plan	16,115.44
Traveler's checks	6,850.00
Total miscellaneous	252,592.61
Total assets	4,117,199.84
Liabilities	
Sovran Mortgage Co. of Richmond, VA (amount due on mortgage on Alexandria, VA, residence) loan No. 564377	183,044.64
Miscellaneous charge accounts (estimated)	2,000.00
Total liabilities	185,044.64
Net worth	3,932,155.20
Statement of 1989 taxes paid	
Federal income tax	47,550.00
Wisconsin income tax	14,220.00
Menomonee Falls, WI, property tax	1,995.37
Chenequa, WI, property tax	7,064.13
Alexandria, VA, property tax	6,887.10

I further declare that I am trustee of a trust established under the will of my late father, F. James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner III and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of our minor sons and are also custodians of accounts established for the benefit of each son under the Uniform Gifts to Minors Act.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other State or foreign country.